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Title 3—The President

EXECUTIVE ORDER 11663

Creating an Emergency Board To Investigate Disputes Between the Carriers Represented by the National Railway Labor Conference and Certain of Their Employees

WHEREAS, disputes exist between the carriers represented by the National Railway Labor Conference designated in lists attached hereto and made a part hereof, and certain of their employees represented by the Sheet Metal Workers' International Association, a labor organization; and

WHEREAS, these disputes have not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, these disputes, in the judgment of the National Mediation Board, threaten substantially to interrupt interstate commerce to a degree such as to deprive sections of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a board, of three members, to be appointed by me, to investigate these disputes. No member of the board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The Board shall report its finding to the President with respect to these disputes within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the carriers represented by the National Railway Labor Conference, or by their employees, in the conditions out of which the disputes arose.

Richard Nixon

THE WHITE HOUSE,
March 31, 1972.

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SOUTHEASTERN RAILROADS

Alabama, Tennessee and Northern Railroad
Atlanta and West Point Rail Road—The Western Railway of Alabama
Atlanta Joint Terminals
Central of Georgia Railway
Clinchfield Railroad
Georgia Railroad
Gulf, Mobile and Ohio Railroad
Illinois Central Railroad, including Paducah and Illinois Railroad and Chicago and Illinois Western Railroad
Jacksonville Terminal Company
Kentucky & Indiana Terminal Railroad
Louisville and Nashville Railroad
New Orleans Public Belt Railroad
Norfolk and Portsmouth Belt Line Railroad
Norfolk Southern Railway
Richmond, Fredericksburg and Potomac Railroad
St. Louis-San Francisco Railway
Seaboard Coast Line Railroad
Southern Railway
Alabama Great Southern Railroad
Cincinnati, New Orleans and Texas Pacific Railway
Georgia Southern and Florida Railway
New Orleans Terminal Company
St. Johns River Terminal Company

WESTERN RAILROADS

Alameda Belt Line
Alton & Southern Railway
Atchison, Topeka and Santa Fe Railway
Belt Railway Company of Chicago
Burlington Northern, Inc.
Camas Prairie Railroad
Chicago & Eastern Illinois Railroad
Chicago & Illinois Midland Railway
Chicago and North Western Railway
Chicago and Western Indiana Railroad
Chicago, Milwaukee, St. Paul and Pacific Railroad
Chicago, Rock Island and Pacific Railroad
Chicago, West Pullman & Southern Railroad
Colorado and Southern Railway
Chicago and Wyoming Railway
Denver and Rio Grande Western Railroad
Duluth, Missabe and Iron Range Railway
Duluth, Winnipeg and Pacific Railway
Elgin, Joliet & Eastern Railway
Fort Worth and Denver Railway
Galveston, Houston and Henderson Railroad
Houston Belt & Terminal Railway
Illinois Northern Railway
Illinois Terminal Railroad
Joint Texas Division of CRI&P—FW&D Railways
Kansas City Southern Railway
Kansas City Terminal Railway
Louisiana & Arkansas Railway
Manufacturers Railway
Missouri-Kansas-Texas Railroad
Missouri Pacific Railroad
Missouri-Illinois Railroad
New Orleans Union Passenger Terminal
Norfolk and Western Railway (Lines of former Wabash RR.)
Northwestern Pacific Railroad
Oakland Terminal Railway
Peoria and Pekin Union Railway
Portland Terminal Railroad
Sacramento Northern Railway
St. Louis Southwestern Railway
San Diego & Arizona Eastern Railway
Soo Line Railroad
Southern Pacific Transportation Company (Pacific Lines and Texas and Louisiana Lines)

Terminal Railroad Association of St. Louis
Texas and Pacific Railway
Texas Mexican Railway
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans
Toledo, Peoria and Western Railroad
Union Pacific Railroad
Western Pacific Railroad

EASTERN RAILROADS

Ann Arbor Railroad
Baltimore and Ohio Railroad
Baltimore and Ohio Chicago Terminal Railroad
Bangor and Aroostook Railroad
Bessemer and Lake Erie Railroad
Boston and Maine Corporation
Canadian Pacific Railway
Central Railroad Company of New Jersey
New York and Long Branch Railroad
Central Vermont Railway, Inc.
Chesapeake and Ohio Railway
Chicago River and Indiana Railroad
Cincinnati Union Terminal Company
Cleveland Union Terminals
Delaware and Hudson Railway
Detroit and Toledo Shore Line Railroad
Erie Lackawanna Railway
Grand Trunk Western Railroad
Indiana Harbor Belt Railroad
Lehigh and New England Railway
Lehigh Valley Railroad
Maine Central Railroad
Portland Terminal Company
Monongahela Railway
Monon Railroad
Montour Railroad
Newburgh and South Shore Railway
New York, Susquehanna and Western Railroad
Norfolk and Western Railway
Penn Central Transportation Company
Pennsylvania-Reading Seashore Lines
Pittsburgh and Lake Erie Railroad
Lake Erie and Eastern Railroad
Reading Company
Staten Island Rapid Transit Railway
Washington Terminal Company
Western Maryland Railway

[FR Doc.72-5191 Filed 3-31-72; 11:47 am]

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EXECUTIVE ORDER 11664

Creating an Emergency Board To Investigate a Dispute Between the Penn Central Transportation Company and Certain of Its Employees

WHEREAS, a dispute exists between the Penn Central Transportation Company and certain of its employees represented by the United Transportation Union, a labor organization; and

WHEREAS, this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS, this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by Section 10 of the Railway Labor Act, as amended (45 U.S.C. 160), I hereby create a Board of three members, to be appointed by me, to investigate this dispute. No member of the Board shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier.

The Board shall report its findings to the President with respect to the dispute within thirty days from the date of this order.

As provided by Section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the Board has made its report to the President, no change, except by agreement, shall be made by the Penn Central Transportation Company, or by its employees, in the conditions out of which the dispute arose.

Richard Nixon

THE WHITE HOUSE,
March 31, 1972.

[FR Doc.72-5192 Filed 3-31-72; 11:47 am]

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Rules and Regulations

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

CFR CHECKLIST

1972 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1972. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1972):

Title		Price
4		$.55
6	(Rev. March 1, 1972)	.75
7	Parts:	
	52	3.25
	1060–1119	1.75
10		1.75
11	[Reserved]	
13		1.25
16	Part 150–end	2.00
18	Parts 1–149	2.00
21	Part 300–end	.60
22		1.75
23		.55
25		1.75
26	Parts:	
	1 (§§ 1.301–1.400)	1.00
	1 (§§ 1.401–1.500)	1.50
	1 (§§ 1.641–1.850)	1.75
	1 (§§ 1.851–1.1200)	2.00
	30–39	1.50
	40–169	2.00
	500–599	1.75
	600–end	.60
27		.45
32	Parts:	
	400–589	2.50
	700–799	3.50
	1000–1399	.75
	1600–end	1.00
33	Part 200–end	1.75
34	[Reserved]	
37		.70
41	Chapters 1–2	2.75
43	Parts:	
	1–999	1.50
	1000–end	2.75
44		.35
46	Parts:	
	150–199	2.75
	200–end	3.00
49	Parts:	
	1–99	.60
	1200–1299	3.00
	1300–end	1.25

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 301—RENT STABILIZATION

Rent Controlled Units; Furnishing of Information to Price Commission

The purpose of this amendment to § 301.106(c) of the Regulations of the Price Commission is to change the date in § 301.106(c)(1) for the furnishing of certain information by agencies or instrumentalities administering a rent control program under § 301.106, and the date in § 301.106(c)(3) for furnishing supplemental information. As currently in effect, subparagraph (1) requires each such agency or instrumentality to furnish to the Price Commission a full description of its methods of rent control and a copy of its laws, regulations, and procedures, before February 1, 1972. It has been determined that it was not possible for all agencies or instrumentalities to comply with that date so it is being extended until April 15, 1972.

In addition, subparagraph (3), is amended by adding the words "beginning with the quarter ending on March 31, 1972" to clarify the beginning quarter for the supplemental reporting of aggregate percentage rent increases for controlled units.

Because the purpose of this amendment is to provide immediate guidance and information as to the rent stabilization program, and Price Commission procedures with respect thereto, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing subparagraphs (1) and (3) of § 301.106(c) of Title 6 of the Code of Federal Regulations are amended to read as follows, effective February 1, 1972:

§ 301.106 Rent controlled units.

• • • • •

(c) *Instructions to governmental authorities.* • • •

(1) Before April 15, 1972, furnish the Price Commission a full description of its methods of rent control, and a copy of each of its laws, regulations, and procedures by which that control is implemented;

• • • • •

(3) Report to the Price Commission, within 30 days after the end of each calendar quarter, beginning with the quarter ending on March 31, 1972, on the aggregate percentage rent increases for controlled units under its jurisdiction during that quarter.

• • • • •

Issued in Washington, D.C., on March 30, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

[FR Doc.72-5130 Filed 3-31-72;8:50 am]

Chapter IV—Internal Revenue Service

PART 401—PROCEDURAL RULES RELATING TO ECONOMIC STABILIZATION MATTERS

Miscellaneous Amendments

In order to clarify the Internal Revenue Service procedural rules relating to economic stabilization, miscellaneous amendments are made to 6 CFR Part 401 as follows:

PARAGRAPH 1. Section 401.2 is amended by adding alphabetically definitions for "National Office" and "Office of the Chief Counsel," and by revising the definitions of "Person aggrieved" and "Request for a determination" to read as follows:

§ 401.2 Definitions and terms.

• • • • •

"National Office" means the Office of the Assistant Commissioner of Internal Revenue (Stabilization).

• • • • •

"Office of the Chief Counsel" means the Office of the Chief Counsel for the Internal Revenue Service located in Washington, D.C.

• • • • •

"Person aggrieved" means:

(1) A person with a substantial pecuniary interest in the denial of a requested action,

(2) An employee whose wage or salary is subject to a pay adjustment, or his representative, or

(3) A person whose request for an exemption has been denied by a district director.

• • • • •

"Request for a determination" means a written inquiry by a person as to the application to him of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission in respect of a completed or proposed act or transaction. Thus, such a request may be a request for an interpretation or ruling, an application for an exception or exemption, or a pay challenge.

• • • • •

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PAR. 2. Section 401.4 is amended to read as follows:

§ 401.4 **Computation of time.**

Except as otherwise provided by law, in computing any period of time prescribed or allowed by this part for the performance of any act, the day of the act, event, or default on which the designated period of time begins to run shall not be counted. Additionally, if the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

PAR. 3. Section 401.101 is amended by revising paragraphs (a) and (f), and by adding a new paragraph (g) to read as follows:

§ 401.101 **Instructions to applicants.**

(a) Each request for a determination must be submitted in writing to the appropriate district director and contain a complete statement of all relevant facts relating to the act or transaction. Such facts include names, addresses, and identifying numbers of all affected parties (if reasonably ascertainable); a full and precise statement of the business reasons for the act or transaction (where appropriate); and a carefully detailed description of the act or transaction. In addition, true copies of all contracts, agreements, leases, instruments, and other documents involved must be submitted with the request. However, relevant facts reflected in documents submitted must be included in the statement and not merely incorporated by reference, and must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. The request must contain a statement whether, to the best of the knowledge of the applicant or his representative, the identical issue is being considered by any field office of the Service (or other Governmental agency) in connection with a possible violation of economic stabilization regulations or guidelines by the person who is the subject of the requested determination. The request must also contain a statement as to whether the applicant or his representative has filed an application for an exception or exemption, or if a pay challenge has been filed with respect to the subject matter of the requested determination. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted.

• • • • • •

(f) It is the practice of the Service to process requests for determinations in regular order and as expeditiously as possible. Compliance with a request for consideration of a particular matter ahead of its regular order, or by a specified time, tends to delay the disposition of other matters. Requests for processing ahead of the regular order, made in writing in a separate letter submitted with the request or subsequent thereto and showing clear need for such treatment will be given consideration as the particular circumstances warrant. However, no assurance can be given that any request for determination will be processed by the time requested. For example, the scheduling of a closing date for transaction or a meeting of the board of directors or shareholders of a corporation without due regard to the time it may take to obtain such a determination will not be deemed sufficient reason for handling a request ahead of its regular order. Neither will the possible effect of fluctuation in the market price of goods or commodities on a transaction be deemed sufficient reason for handling a request out of order. Requests by telegram will be treated in the same manner as requests by letter. Determinations ordinarily will not be issued by telegram.

(g) A request for a ruling or interpretation which includes, or could be construed to include, an application for an exception, exemption, or a pay challenge will nonetheless be treated solely as a request for a ruling or interpretation, as appropriate, and processed as such.

PAR. 4. Section 401.205 is amended by revising paragraphs (a)(3), (b)(1) and (3), (c), (d), (e), and (g)(1) to read as follows:

§ 401.205 **Practices and policies with respect to interpretations and rulings.**

(a) *Circumstances under which the Office of the Chief Counsel issues rulings.* • • •

(3) An application has been made for an exception or exemption, or a pay challenge has been filed with respect to the subject matter of the requested determination.

(b) *Circumstances under which district directors issue interpretations.* • • •

(1) An application has been made for an exception or exemption, or a pay challenge has been filed with respect to the subject matter of the requested determination,

• • • • • •

(3) The issue involved has been the subject of a recent court decision adverse to the Government, and the question of following the decision or further litigating the matter has not been resolved.

(c) *Discretionary authority to issue rulings and interpretations.* There are certain areas where, because of the sensitive nature of the problem involved, or for other reasons, the Office of the Chief Counsel and the Service will not issue rulings or interpretations. The Office of the Chief Counsel and the Service may decline to issue rulings or interpretations whenever warranted by the facts or circumstances of a particular case. District Directors may, when it is deemed appropriate and in the best interest of the Service and the public, issue information letters calling attention to well-established principles of the regulations and guidelines promulgated by the Cost of Living Council, Pay Board, and Price Commission.

(d) *Reference of matters to district offices.* The National Office will not entertain direct requests for interpretations and will forward such requests received for action to the appropriate district office. The Office of the Chief Counsel, except in unusual circumstances will not entertain direct requests for rulings, and will forward such requests received for action to the appropriate district office.

(e) *Review of determinations.* Interpretations are not generally reviewed by the National Office or Office of the Chief Counsel as they merely inform an applicant of a position previously established by regulations or guidelines, or in a ruling or court decision. If an applicant believes that an interpretation is in error, he may appeal under the provisions of §§ 401.601 through 401.605 if he qualifies. An applicant who does not qualify under § 401.601 may request a review of the interpretation by the district director who issued the interpretation. An applicant for a ruling will be notified that he may seek a reconsideration or may file an appeal with respect to the ruling issued to him if he believes such ruling is in error.

• • • • • •

(g) *Oral advice.* (1) Rulings or interpretations are not issued upon oral requests. Furthermore, officials and employees of the National Office and Office of the Chief Counsel will not discuss a substantive issue with an applicant or his representative. This should not be construed as preventing an applicant or his representative from inquiring whether the Service will rule on a particular question. The Service will discuss questions relating to procedures for submitting a request for an interpretation or ruling.

• • • • • •

PAR. 5. Section 401.303 is amended to read as follows:

§ 401.303 **Instructions to applicants.**

(a) *In general.* A request for an exception or exemption must be clearly designated as such. Any request for an exception or exemption included in a request for an interpretation or ruling shall be processed solely as a request for an interpretation or ruling, as appropriate. The provisions of § 401.101, relating to instructions applicable to requests for determinations, are generally applicable to requests for exception or exemption.

(b) *Special instructions.* A request for an exception or exemption shall present evidence sufficient to establish—

(1) That the application of economic stabilization regulations and guidelines will result in serious hardship or gross inequity,

(2) That the request is not designed as part of a plan to avoid the intent and purpose of the Act, and

(3) That, in the case of request for exception pursuant to § 301.109 of this title, the lessees have been notified of such request in the manner prescribed in such section.

Requests for exception will not be processed if they are based on a proposed wage agreement.

PAR. 6. Section 401.404 is amended by revising paragraph (a) to read as follows:

§ 401.404 **Instructions to applicants.**

(a) *In general.* A pay challenge must be clearly designated as such. Any pay challenge included in a request for an interpretation or ruling shall be processed solely as a request for an interpretation or ruling, as appropriate. The provisions of § 401.101, relating to instructions applicable to request for determinations, are generally applicable to a pay challenge.

• • • • • •

PAR. 7. Section 401.502 is amended by revising paragraph (b) to read as follows:

§ 401.502 **Violations.**

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(b) *Investigative procedure.* A person who is issued a notice of violation will be given an opportunity to explain his position with respect to the alleged violation prior to the submission of the case by the district director to a U.S. attorney unless compelling reasons exist to the contrary. (See § 401.5 for rules relating to service.) The principal (the person to whom the notice was issued) will be granted an interview if he makes a request to the appropriate district director within 2 days after the date of receipt of the notice of violation. The interview will be held within a reasonable time after the receipt by the district director of the request for an interview, but in no event more than 5 days after the receipt of such request. At this interview, the principal may have counsel present and will be informed, by a general oral statement, of the features of his case which are alleged to show a violation of economic stabilization regulations and guidelines and, at the same time, there will be made available to the principal sufficient facts, figures, and legal analysis to acquaint him with the nature, basis, and other essential elements of the alleged violation. The principal may not make an appeal pursuant to the provisions of Subpart G of this part.

• • • • • •

PAR. 8. The heading of Subpart G is revised to read as follows:

Subpart G—Appeals and Reconsiderations

PAR. 9. Immediately preceding § 401.601 a center heading is added to read as follows:

APPEALS

PAR. 10. Section 401.601 is revised to read as follows:

§ 401.601 **Right to appeal.**

Any person who is—

(a) A person aggrieved (as defined in § 401.2), except a person aggrieved by a ruling, or

(b) Subject to any provision of an interpretation,

may appeal in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the interpretation was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not make an appeal pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation issued to him. Any appeal filed by or on behalf of a person not subject to the provision protested, or otherwise not in accordance with this subpart, may be rejected by the appropriate district director. See § 401.502(b) for the appeal procedure applicable in the case of a principal.

PAR. 11. Section 401.602 is amended by revising paragraph (b) to read as follows:

§ 401.602 **Time and place for filing appeal.**

• • • • • •

(b) The issuance of the interpretation referred to in such section with the district director whose office processed the appellant's request for determination with respect to which such interpretation was issued.

PAR. 12. Section 401.603 is amended by revising paragraph (b) to read as follows:

§ 401.603 **Contents of appeal.**

• • • • • •

(b) A copy of the interpretation,

• • • • • •

PAR. 13. Section 401.604 is amended by revising paragraph (c) to read as follows:

§ 401.604 **Action by district conferee on appeal.**

• • • • • •

(c) Notice of any such action taken by the district conferee shall promptly be issued to the appellant. In any case in which an appeal has been denied in whole or in part, the appellant shall be advised by such notice that he may file an appeal with the Cost of Living Council, Pay Board, or Price Commission in accordance with the provisions of §§ 105.20 through 105.28 of this title, §§ 205.20 through 205.28 of this title, or §§ 305.20 through 305.28 of this title, respectively.

• • • • • •

PAR. 14. Section 401.605 is revised to read as follows:

§ 401.605 **Effect of decision upon appeal.**

A decision of a district conferee pursuant to § 401.604 shall be binding on all Service personnel and may only be reversed, upon appeal, by the Cost of Living Council, Pay Board, or Price Commission as appropriate, pursuant to the provisions of this title or by a final court decision.

PAR. 15. Immediately following § 401.605 the following new sections and a center heading are added to Subpart G of 6 CFR Part 401 to read as follows:

RECONSIDERATIONS

§ 401.606 **Right to reconsideration.**

Any person who is—

(a) A person aggrieved (as defined in § 401.2) by a ruling, or

(b) Subject to any provision of a ruling,

may request a reconsideration of a ruling issued by the Office of the Chief Counsel (Stabilization Division) on or after April 1, 1972, in the manner set forth in this subpart. A person is, for the purposes of paragraph (b) of this section, subject to such a provision only if the ruling was issued to him, the action is adverse to him, and he has a substantial pecuniary interest. A principal referred to in paragraph (b) of § 401.502 may not make a request for reconsideration pursuant to the provisions of this subpart with respect to the subject matter of the notice of violation issued to him. Any request for reconsideration filed by or on behalf of a person not subject to the provision protested, or otherwise not in accordance with this subpart, may be rejected by the Office of the Chief Counsel (Stabilization Division). See § 401.502(b) for the appeal procedure applicable in the case of a principal.

§ 401.607 **Time and place for filing request for reconsideration.**

Any request for reconsideration referred to in § 401.606 shall be filed within 10 days of the issuance of the ruling referred to in such section with the Office of the Chief Counsel for the Internal Revenue Service, Attention: Director, Stabilization Division, CC:S:A, Washington, D.C. 20224.

§ 401.608 **Contents of the request.**

Every request for reconsideration shall set forth:

(a) The name, address, and identifying number of the person seeking the reconsideration,

(b) A copy of the ruling,

(c) A clear and concise statement of all objections raised by the person seeking the reconsideration against the provision or provisions objected to, and

(d) Whether or not a conference is desired.

The person seeking the reconsideration must also include with his request a statement of his views as to the affect of economic stabilization regulations and guidelines upon the subject act or transaction and furnish a statement of relevant authorities to support such views.

§ 401.609 **Action by Office of the Chief Counsel on Reconsideration.**

The Office of the Chief Counsel (Stabilization Division) shall process and decide a request for reconsideration pursuant to the procedural rules of this section:

(a) Within a reasonable time after the filing of any request for reconsideration in accordance with this subpart, but in no event more than 10 days after such filing, the Stabilization Division shall:

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(1) Grant or deny such request in whole or in part,

(2) Advise the person seeking a reconsideration in writing that, in accordance with the established procedures, a decision will be delayed, or

(3) If a conference has been requested and granted, issue a notice of the date it is to be held (see § 401.701).

(b) Where a conference on a request for reconsideration has been granted, the Stabilization Division shall, within 10 days after such conference, grant or deny such request in whole or in part.

(c) Notice of any such action taken by the Stabilization Division shall promptly be issued to the person seeking a reconsideration. In any case in which a request has been denied in whole or in part, the person seeking a reconsideration shall be advised by such notice that he may file an appeal with the Cost of Living Council, Pay Board, or Price Commission in accordance with the provisions of §§ 105.20 through 105.28 of this title, §§ 205.20 through 205.28 of this title, or §§ 305.20 through 305.28 of this title, respectively.

For purposes of this title, the denial of a request for reconsideration in whole or in part by the Stabilization Division pursuant to this section shall be considered a final action by the Internal Revenue Service.

§ 401.610 Effect of a ruling by the Stabilization Division.

A ruling issued by the Stabilization Division or a decision of the Stabilization Division pursuant to § 401.609 shall be binding on all Service personnel and may only be reversed, upon appeal, by the Cost of Living Council, Pay Board, or Price Commission, as appropriate, pursuant to the provisions of this title or by a final court decision.

§ 401.611 Copy of appeal required when appeals are taken to the Council, Board, or Commission.

Any person qualified under § 401.606 to request a reconsideration may file an appeal with the Cost of Living Council, Pay Board, or Price Commission without seeking a reconsideration or after his request for reconsideration is denied in whole or in part. If an appeal is filed without the seeking of a reconsideration, the right to such reconsideration is forfeited. A copy of the appeal shall be sent to the Office of the Chief Counsel for the Internal Revenue Service, Attention: Director, Stabilization Division, CC:S:A, Washington, D.C. 20224.

Because of the need for immediate guidance from the Internal Revenue Service with respect to the subject matter of this regulation, it is found impracticable to issue such regulation with notice and public procedure thereon under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of section 553(d) of such title.

(Economic Stabilization Act of 1970 as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; Executive Order No. 11640 [37 F.R. 1213, January 27, 1972], Cost of Living Council Order No. 8 [37 F.R. 2727, February 4, 1972], Pay Board Order No. 4 [37 F.R. 3792, February 19, 1972], Price Commission Order No. 2 [37 F.R. 3212, February 12, 1972])

JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

LEE H. HENKEL, JR.,
Acting Chief Counsel for the Internal Revenue Service.

[FR Doc.72-4996 Filed 3-31-72;8:47 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

Miscellaneous Amendments

Under authority contained in the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056) the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59).

Statement of considerations. On February 5, 1972, a rule making proposal was published in the FEDERAL REGISTER (37 F.R. 2775) setting forth proposed miscellaneous amendments to the eggs and egg products inspection regulations which govern the program created by the Egg Products Inspection Act. The purpose of the proposed amendments was to clarify certain sections of the regulations and provide more specific information for persons affected by the Act and make some changes in the facility requirements and operating procedures for egg products plants.

An additional rule making proposal concerning labeling requirements when water is added to egg products was published on February 12, 1972, in the FEDERAL REGISTER (37 F.R. 3187).

Except as further stated herein, the bases and considerations stated in the above notices of rule making are adopted and made a part hereof.

Twenty comments were received on the two proposals, 14 of which were from affected persons in the egg and egg products industry, four were from trade organizations, and two were from other interested persons.

There were several comments in opposition to the proposed requirements for a separate refuse room for egg products plants on the basis that this would be unnecessary when refuse is regularly removed from the plant. However, unless refuse is confined to a specific closed room, it is difficult to maintain sanitation and control odors. Both a refuse room and a prompt disposal system for such refuse are fundamental and necessary to the production of wholesome egg products.

A number of constructive comments were received suggesting clarification of certain of the proposed amendments. Because of the merit of these suggestions they have been incorporated in the following changes in the proposed miscellaneous amendments published February 5:

1. Section 59.500(o) would require refuse rooms to be completely enclosed without doorways opening into breaking or processing rooms. There is no objection to such rooms opening into the transfer room since there is no exposed product in this room and most refuse material would move directly from the transfer room to the refuse room. This section has been reworded to make it clear that transfer rooms are not considered processing rooms.

2. A number of comments were received from egg producers who are not under official supervision who ship inedible shell eggs to drying plants where the product is processed for industrial use or for animal food. They contend that coloring the eggs or decharacterizing them as required in § 59.720 produces an undesirable dried product for animal use. If adequate controls can be maintained on the shipment and receipt of this product, coloring the shells or decharacterization would not be necessary. Whether adequate controls can be maintained would be determined on an individual basis. Accordingly, § 59.720(a)(3) has been changed to permit procedures other than those listed when approved by the Administrator for handling eggs to be processed for industrial use or for animal food.

Provision for shipping nondenatured or nondecharacterized egg product under Government seal had been proposed in § 59.720, but was inadvertently omitted from § 59.504(c). The provision has been added to § 59.504(c).

3. Section 59.506(c) was interpreted by many industry people to mean that special exhaust systems or vents would be required in all cases to remove steam, vapors, or odors originating from the shell egg washing equipment. In some cases, the main exhaust system for the room in which this washing equipment is located takes care of the problem without the need of special systems for the washing equipment. This section has been reworded to clear up the misunderstanding.

4. Section 59.522(aa)(2) would require the pipelines and pumping systems for pumping egg liquid directly from breaking machines to be cleaned or flushed approximately every 4 hours or as often as needed to maintain them in a sanitary condition.

After consideration of comments, it appears that the 4-hour requirement is unnecessarily restrictive for pipelines since they are a closed system and not as vulnerable to contamination as other equipment. Therefore, the section has been reworded to require pipelines to be cleaned or flushed "as often as necessary to maintain them in a sanitary condition."

5. In § 59.720(a)(4) reference was only made to restricted eggs without specifying the type of eggs involved in the coloring or decharacterizing requirements. Clarification has been made to indicate that this section refers to loss and inedible eggs.

Also in § 59.720(a)(4), provision has been made to ship lots of eggs directly to breaking plants when they contain edible eggs and a significant percent of blood or meat spots, but no other types of loss and inedible eggs. Such lots of eggs would be labeled "Spots—For Processing Only in Official Egg Products Plants." These eggs contain a high percentage of wholesome salvageable product. The labeling provision makes it possible to avoid recandling the product in shell egg plants and to efficiently utilize this product in official egg products plants by processing it in a special manner.

With respect to the proposal on labeling when water is added to egg products published in the FEDERAL REGISTER on February 12 amending § 59.720(c)(1) in the proposal published February 5, the comments reflected some confusion as to whether dried eggs were involved and whether water added to ingredients to be added to egg products was covered in the proposal. Accordingly, this section is clarified to indicate that it applies only to liquid and frozen eggs, and the water indicated on the label includes that added to the ingredient of an egg product (in excess of the normal water content of that ingredient). A few other minor changes are made solely for the sake of clarity.

The amendments are as follows:

1. In § 59.5 definition of "Egg," subparagraph (3), "Dirty egg" is amended to read:

§ 59.5 Terms defined.

* * * * *

"Egg" * * *

(3) "Dirty egg" or "Dirties" means an egg(s) that has a shell that is unbroken and has adhering dirt, foreign material, or prominent stains.

* * * * *

2. Section 59.40 is amended to read:

§ 59.40 Continuous inspection not provided.

Continuous inspection shall not be provided under this part at any plant for the processing of any egg products which are not intended for use as human food, but such articles prior to their offer for sale or transportation in commerce shall be denatured or decharacterized unless shipped under seal as authorized in section 504(c) and 720(a), and identified as prescribed by the regulations in this part to prevent their use for human food. Periodic inspections shall be made of such operations and records to assure compliance with the Act and the regulations in this part.

3. In § 59.45, paragraph (a) is amended to read:

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation in commerce, any eggs or egg products which are not intended for use as human food, unless they are denatured or decharacterized, unless shipped under seal as authorized in section 504(c) and 720(a) and identified as required by the regulations in this part.

* * * * *

4. In § 59.128, paragraph (b) is amended to read:

§ 59.128 Holiday inspection service.

* * * * *

(b) The term "holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code. Information on legal holidays may be obtained from the supervisor.

5. In § 59.160, paragraphs (d)(1) and (2) and (e) are amended and new subparagraphs (3) and (4) are added to paragraph (f) to read:

§ 59.160 Refusal, suspension, or withdrawal of service.

* * * * *

(d)(1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b)(2) and (3) of the Federal Water Pollution Control Act, as amended (84 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Administrator of the Environmental Protection Agency to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request). Further, upon receipt of an application for inspection and a certification as required by subsection 21(b) of the Federal Water Pollution Control Act, the Administrator (as defined in § 59.5) is required by subparagraph (2) of said subsection to notify the Administrator of the Environmental Protection Agency for proceedings in accordance with that subsection. No grant of inspection can be made until the requirements of said subparagraph (2) have been met.

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such plant on that date. In the case of any activity which will affect water quality, but for which there are no applicable water quality standards, no certification is required prior to a grant of inspection, but such grant will be conditioned upon a requirement of compliance with the purposes of the Federal Water Pollution Control Act as provided in subsection 21(b)(9) of said Act.

(e) Inspection may also be suspended, revoked, or terminated as provided in section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466, et seq. and Public Law 91-224).

(f) *Suspension of plant approval and withdrawal of service.* * * *

(3) The operator shall be notified of the withdrawal action and the reasons therefor and afforded an opportunity to present his views informally prior to the effective date of such withdrawal, and upon written request, he shall be afforded an opportunity for a hearing in accordance with the applicable rules of practice (Part 50 of this chapter), with respect to the merits or validity of the withdrawal, but such a suspension or other withdrawal shall continue in effect pending the outcome of any such hearing unless otherwise ordered by the Administrator.

(4) In any case where inspection service is suspended under this paragraph (f), such service, after appropriate corrective action is taken, will be restored immediately, or as soon thereafter as an inspector can be made available. In any case where inspection service is withdrawn for a specified period under this paragraph (f), the person concerned may, after said specified period has expired, apply for inspection service as provided in §§ 59.140 through 59.146.

6. Section 59.200 is amended to read:

§ 59.200 Records and related requirements.

(a) Persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in commerce, or holding such articles so received, and all egg handlers, including hatcheries, shall maintain records showing, for a period of 2 years, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of an authorized representative of the Secretary, permit him, at reasonable times, to have access to and to copy all such records.

(b) Production records by categories of eggs such as graded eggs, nest-run eggs, dirties, checks, leakers, loss, inedible, etc., bills of sale, inventories, receipts, shipments, shippers, receivers, dates of shipment and receipt, carrier names, etc., as determined by the Administrator, shall be maintained by all shell egg handlers and egg processing operations, except that, (1) producers who ship all of their production as nest-run eggs without segregation need only to maintain records indicating the amount of shell eggs shipped, date of shipment, and the receivers' name and address, and (2) official egg products plants which use all shell eggs received

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and do not reship any shell eggs need only to maintain records indicating the amount of eggs received, date received, and the name and address of the shipper.

7. Section 59.240 is amended to read:

§ 59.240 Detaining product.

Whenever any eggs or egg products subject to the Act are found by any authorized representative of the Secretary upon any premises, and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of the Act or the regulations in this part, or that they are in any other way in violation of the Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations in this part, such articles may be detained by such representative for a period not to exceed 20 days, as more fully provided in section 19 of the Act. A detention tag or other similar device shall be used to identify detained product, and the custodian or owner shall be given a written notice of such detention. Only authorized representatives of the Secretary shall affix or remove detention identification. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of the Act, the regulations in this part, or other laws.

8. Section 59.411 is amended to read:

§ 59.411 Requirement of formulas and approval of labels for use in official egg products plants.

(a) No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless it is approved by the Administrator in accordance with paragraph (b) of this section. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with the regulations in this part, the Egg Products Inspection Act, the Federal Food, Drug, and Cosmetic Act, and the Fair Packaging and Labeling Act. The finished copies or samples or such label must be submitted to the Administrator for approval. Copies of each label submitted for approval shall be accompanied by:

(1) A statement showing by their common or usual names the kinds and percentages of the ingredients comprising the egg product in the form in which it is to be used (i.e., liquid or dried). Approximate percentages (range) may be given in cases where the percentages may vary from time to time.

(2) When required, scientific data demonstrating that the substance or mixture is safe and effective for its intended use and does not promote deception or cause the product to be otherwise adulterated or misbranded.

(c) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions. When water (excluding that used to reconstitute dehydrated ingredients back to their normal composition) is added to a liquid or frozen egg product or to an ingredient of such products (in excess of the normal water content of that ingredient), the total amount of water added, including the water content of any cellulose or vegetable gums used, shall be expressed as a percentage of the total product volume in the ingredient statement on the label. This subparagraph (1) is effective September 1, 1972;

(2) The name, address, and ZIP code of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs or the egg product produced from such shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs," "Frozen whole chicken and turkey eggs." Egg products labeled without qualifying words as to the type of shell egg used in the product shall be produced only from the edible shell egg of the domesticated chicken or the egg product produced from such shell eggs.

(d) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

(e) If the Administrator has reason to believe that the statement on formulation shows the product to be adulterated or misbranded or that any labeling, or the size or form of any container in use or proposed for use in respect to egg products at any official plant is false or misleading in any way, he may direct that such use be withheld unless the labeling or container is modified in such a manner as he may prescribe so that it will not be false or misleading, and/or the formulation of the product is altered in such a manner that he may prescribe so that it is not adulterated or would not cause misbranding. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial on a form approved by the Administrator. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing by filing with the Administrator within 10 days after receiving the notice of denial, a written application for a hearing setting forth specifically, the errors alleged to have been made by the Administrator in denying approval of the label. The use of the label shall be withheld pending hearing and final determination by the Administrator if the Administrator so directs. Hearings held pursuant to this subsection shall be presided at by the Administrator. The applicant shall be given the opportunity to present evidence both oral and written in support of his allegation that the Administrator erred in denying approval of the label. The notice of denial together with all other available data and information used as a basis for such denial shall be considered part of the record. The Administrator may take official notice of such matters as are judicially noticed by the Courts of the United States and of any other matter of technical, scientific, or commercial fact of established character. The Administrator shall make his final determination with respect to the matter upon the basis of evidence before him. Such determination shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

9. In § 59.500, a new paragraph (o) is added to read:

§ 59.500 Plant requirements.

. . . . . .

(o) Refuse rooms shall be provided for the accumulation and storage of shells, trash, and other refuse. They shall be separate rooms completely enclosed without doorways opening into breaking rooms or rooms where egg products or packaging materials are handled or stored and have concrete floors with approved drains, facilities for cleaning, and an approved exhaust system vented to the outside.

10. In § 59.504 paragraphs (c) and (o) (3) (iii) are amended and a new paragraph (q) is added to read, respectively:

§ 59.504 General operating procedures.

. . . . . .

(c) All loss and inedible eggs or egg products shall be placed in a container clearly labeled inedible and containing an approved denaturant or decharacterant such as FD&C blue, black, or green colors, meat or bone meal, or any other substance, as approved by the Administrator, that will accomplish the purposes of this section. Shell eggs shall be crushed and the substance shall be dispersed through the product in amounts sufficient to give the product a distinctive appearance or odor. Notwithstanding the foregoing, and upon permission of the inspector, the applicant may hold inedible product in containers clearly labeled inedible which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labled, segregated, and inventory controls are maintained. In addition, product shipped from the official plant for industrial use or animal food need not be denatured or decharacterized if it is shipped under Government seal and is received by an inspector or grader as defined in this part.

. . . . . .

(o) . . .

(3) . . .

(iii) The applicant shall acknowledge receipt of each shipment by indicating on the reverse side of the USDA certificate, "The quantity of nonpasteurized egg product stated on this certificate was received at ----------," the blank being filled in with the name and address of the receiving company and the date and signature of the person completing the form. The certificate shall be returned to the USDA inspector at the origin plant.

. . . . . .

(q) All liquid and solid waste material in the official plant shall be disposed of in a manner approved by the Administrator to prevent product contamination and in accordance with acceptable environmental protection practices.

11. In § 59.506, paragraph (c) is amended to read:

§ 59.506 Candling and transfer-room facilities and equipment.

. . . . . .

(c) An approved exhaust system shall be provided for the continuous removal directly to the outside of any steam, vapors, odors, or dust in the room. The room shall be maintained at reasonable working temperatures during operations.

. . . . . .

12. In § 59.520, paragraph (i) is amended to read:

§ 59.520 Breaking room facilities.

. . . . . .

(i) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closed packaging systems.

13. In § 59.522, paragraph (aa) (2) is amended to read:

§ 59.522 Breaking room operations.

. . . . . .

(aa) . . .

(2) Systems for pumping egg liquid directly from egg breaking machines shall be of approved sanitary design and construction, and designed to minimize the entrance of shells into the system and be disconnected when inedible eggs are encountered. The pipelines of the pumping system shall be cleaned or flushed as often as needed to maintain them in a sanitary condition, and they shall be cleaned and sanitized at the end of each shift. Other pumping system equipment shall be cleaned and sanitized approximately every 4 hours or as often as needed to maintain it in a sanitary condition. All liquid egg pumped directly from egg breaking machines shall be reexamined, except as otherwise prescribed and approved by the Administrator.

. . . . . .

14. Section 59.690 is amended to read:

§ 59.690 Persons required to register.

Shell egg handlers, except for producer-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., retail stores, households, restaurants, institutions, food manufacturers, etc.), and hatcheries, prior to July 1, 1972, are required to register with the U.S. Department of Agriculture by furnishing their name, place of business, and such other information as is requested on forms provided by and/or available from the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form. Persons as those listed above who establish businesses after July 1, 1972, will be required to register before they start operations.

15. In § 59.720, paragraph (a) is amended to read:

§ 59.720 Disposition of restricted eggs.

(a) Eggs classified as checks, dirties, incubator rejects, inedibles, leakers, or loss shall be disposed of by one of the following methods at point and time of segregation:

(1) Checks and dirties may be shipped directly or indirectly to an official egg products plant for segregation and processing when labeled in accordance with § 59.800. Inedibles and loss eggs shall not be intermingled in the same containers with checks and dirties.

(2) By destruction in a manner approved by the Administrator, such as crushing and denaturing or decharacterizing in accordance with § 59.504(c) and identifying the product as "Inedible Egg Product—Not To Be Used As Human Food."

(3) Processing for industrial use or for animal food. Such product shall be denatured or decharacterized in accordance with § 59.504(c) and identified as provided in §§ 59.840 and 59.860, or handled in accordance with other procedures approved by the Administrator. Notwithstanding the foregoing, product which was produced under official supervision and transported for industrial use or animal food need not be denatured or decharacterized if it is shipped under Government seal and received by an inspector or grader as defined in this part.

(4) By coloring the shells of loss and inedible eggs with a sufficient amount of FD&C color to give a distinct appearance, or applying a substance that will penetrate the shell and decharacterize the egg meat. Except that, lots of eggs containing significant percentages of blood or meat spots, but no other types of loss or inedible eggs, may be shipped directly to official egg products plants, provided they are conspicuously labeled "Spots—For Processing Only In Official Egg Products Plants."

(5) Incubator rejects shall be broken or crushed and denatured or decharacterized in accordance with § 59.504(c) and labeled as required in §§ 59.840 and 59.860.

. . . . . .

16. Section 59.800 is amended to read:

§ 59.800 Identification of restricted eggs.

The shipping container of restricted eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—For Processing Only In An Official USDA Egg Products Plant," for checks or dirties, or "Restricted Eggs—Not To Be Used As Human Food," for inedibles, loss, and incubator rejects, or "Restricted Eggs—To Be Regraded" for graded eggs which contain more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. The size of the letters of the identification wording shall be as required in § 59.860.

17. Section 59.860 is amended to read:

§ 59.860 Identification wording.

The letters of the identification wording shall be legible and conspicuous.

18. In § 59.905, paragraph (a) is amended to read:

§ 59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.

(a) No containers of restricted eggs other than checks or dirties shall be imported into the United States. The shipping containers of such eggs shall be identified with the name, address, and country of origin of the exporter, and the quality of the eggs (e.g., checks, or dirties) preceded by the word "Imported" or the statement "Imported Restricted Eggs—For Processing Only In An Official USDA Plant," or "Restricted Eggs—Not To Be Used As Human Food." Such identification shall be legible and conspicuous.

. . . . . .

19. In § 59.930, paragraph (d) is amended to read:

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§ 59.930 **Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.**

• • • • •

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the U.S. Department of Agriculture, except customs officers or inspectors, or as provided in paragraph (f) of this section.

• • • • •

20. In § 59.945, paragraph (a) is amended to read:

§ 59.945 **Foreign eggs and egg products offered for importation; reporting of findings to customs; handling of products refused entry.**

(a) Inspectors shall report their findings to the collector of customs at the port where products are offered for entry, and shall request the collector to refuse entry to eggs or egg products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with the regulations in this part. Unless such products are exported by the consignee within a time specified by the collector of customs (usually 30 days), the consignee shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the District Director of Customs.

• • • • •

21. Section 59.960 is amended to read:

§ 59.960 **Small importations for consignee's personal use, display, or laboratory analysis.**

Any eggs or egg products which are offered for importation, exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and does not contain any substance not permitted by the Act or regulations, may be admitted into the United States without a foreign inspection certificate. Such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part: *Provided*, That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution. The amount of such product imported shall not exceed 30-dozen shell eggs, 30 pounds of liquid or frozen eggs, or 50 pounds of dried egg products, unless otherwise authorized by the Administrator.

Issued at Washington, D.C., this 28th day of March 1972, to become effective July 1, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5004 Filed 3-31-72;8:46 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On March 15, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5391) regarding proposed expenses and the related rate of assessment for the period November 1, 1971, through October 31, 1972, and carryover of unexpended funds from the period November 1, 1970, through October 31, 1971, pursuant to the marketing agreement as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.211 **Expenses and rate of assessment.**

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1971, through October 31, 1972, will amount to $243,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.013 per carton of Valencia oranges.

(c) *Reserve.* Unexpended funds, in excess of expenses incurred during the fiscal year ended October 31, 1971, in the amount of $15,000 are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1971, and said rate of assessment will automatically apply to all such oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 28, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-5003 Filed 3-31-72;8:46 am]

[Lemon. Reg. 527]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.827 **Lemon Regulation 527.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 2, 1972, through April 8, 1972, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 29, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-5090 Filed 3-31-72;8:50 am]

[Orange Reg. 2]

PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 914.302 **Orange Regulation 2.**

(a) *Findings.* (1) Pursuant to the marketing agreement and this part (Order No. 914), regulating the handling of oranges grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Interior Orange Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from the current market situation which reflects a continued weakness in prices for Florida Interior oranges, and a strong threat that shipments during next week, in the absence of regulations, would be in excess of the market demand. Such excess shipments would most likely further depress prices for Florida Interior oranges, which at the end of February 1972, were only 76 percent of parity. The need for the regulation is also based on the prospective marketing conditions. The present market is slow and there are no indications of an improvement in the demand. Thus, a regulation is needed to prevent excessive shipments during the week of April 3 through April 9, 1972.

(3) There is not sufficient time to give preliminary notice and engage in public rule-making procedure because (i) volume shipments of Florida Interior District oranges are currently regulated pursuant to Orange Regulation 1 (37 F.R. 6179) and determinations as to the need for, and extent of, continued regulation of volume shipments of such oranges must await the availability of information on the demand for such fruit, (ii) information on the current and prospective market conditions during the period April 3 through April 9, 1972, could not be fully evaluated before March 28, 1972, and (iii) shipments likely to be made in the absence of regulations, and the amount of oranges needed to satisfy the market demand for the period April 3 through April 9, 1972, could not be anticipated at an earlier date.

(4) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 28, 1972.

(b) *Order.* (1) The quantity of oranges grown in the Interior District which may be handled during the period April 3 through April 9, 1972, is hereby fixed at 187,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "oranges," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 30, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-5126 Filed 3-31-72;8:50 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER H—TRAINING

[General Order 97, Rev., Amdt. 10]

PART 310—MERCHANT MARINE TRAINING

Subpart C—Admission and Training of Cadets at the United States Merchant Marine Academy

TRAINING ON SUBSIDIZED VESSELS

Effective upon the date of publication in the FEDERAL REGISTER (4–1–72), § 310.58 of this subpart is amended by changing the first sentence of paragraph (c) thereof to read as follows:

§ 310.58 **Training on subsidized vessels.**

• • • • •

(c) *Pay.* Cadets, while attached to merchant vessels, shall receive pay at the rate of $265.35 per month from their steamship company employers. • • •

(Sec. 204, 49 Stat. 1897, as amended; 46 U.S.C. 1114)

Dated: March 23, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-4981 Filed 3-31-72;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–59, Amdt. 24]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation of Authority to Director, Bureau of Operating Rights, to Waive Charter Regulations in Certain Cases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of March 1972.

The Director, Bureau of Operating Rights, presently has delegated authority to waive certain sections of Parts 378 and 378a of the Board's Special Regulations.[1] The past year has brought a marked increase in requests for waivers of various other portions of the Board's charter regulations.

We have determined to delegate to the Director, Bureau of Operating Rights, the authority to grant or deny such requests in cases where there is established Board precedent for such action. Additionally, we have determined to delegate to the Director, Bureau of Operating Rights, specific authority to waive the procedural filing time requirements of Part 373.[2]

Since the amendment provided for herein is a rule of agency organization, the Board finds that notice and public procedure are unnecessary and the rule may be made effective immediately.

In consideration of the foregoing, the Board hereby amends § 385.13 of the Organization Regulations (14 CFR Part 385), effective March 28, 1972, by revising paragraph (v) (2) and adding a new

[1] Section 385.13(v).

[2] The Director already has delegated authority to waive the procedural filing requirements of §§ 378.10 and 378a.10.

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paragraph (cc), the section as amended to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

• • • • •

(v) With respect to • • •

(2) Grant or deny waivers of the respective filing time requirements of Parts 373, 378, and 378a of this chapter.

• • • • •

(cc) Grant or deny requests for waiver of Parts 207, 208, 212, 214, 373, 378, and 378a of this chapter, where grant or denial of the request is in accordance with established Board precedent.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989; 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-5027 Filed 3-31-72;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2161]

PART 13—PROHIBITED TRADE PRACTICES

Cosmaw, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–225 Personnel or staff: 13.15–265 Service; § 13.-225 *Services.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1553 *Services;* Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Cosmaw, Inc., Omaha, Nebr., Docket No. C-2161, March 1, 1972]

In the Matter of Cosmaw, Inc., a Corporation, and Waldo E. Brown, Individually and as an Officer of said Corporation, and Lloyd C. McCord, Individually and as a Manager of said Corporation

Consent order requiring an Omaha, Nebr., corporation allegedly operating social clubs for single, divorced and/or widowed persons to cease misrepresenting that such social clubs are in actual operation, that such clubs operate 7 nights a week, that they offer dancing, cards, ping-pong, bowling and other recreational activities, that prospective members will help form the clubs' boards of directors, that any portion of the monies paid to the clubs is tax-free, failing to give notice that payment notes may be sold, and failing to include in contracts a provision for cancellation within 3 days. Respondents are also required to give notice to customers that they are not licensed to do business in Missouri or Kansas and that no social club was ever opened in Kansas City.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That Cosmaw, Inc., a corporation, and its officers, and Waldo E. Brown, individually and as an officer of said corporation, and Lloyd C. McCord, individually and as a manager of said corporation, and respondents' agents, representatives, salesmen, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, and sale of social club memberships or other services or products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents operate or will operate any social club or any other type of business, unless such club or business is actually in operation and offering all services prior to the actual advertisement, solicitation, and or/sale of memberships in said club or business.

2. Representing, directly or by implication, that respondents have conducted any survey concerning the demand for the memberships or services of their social clubs.

3. Representing, directly or by implication, that respondents' social clubs are open seven (7) nights a week, or for any other period of time, other than the actual hours of operation of such clubs.

4. Representing, directly or by implication, that respondents' social clubs offer dancing, singing, billiards, cards, ping-pong, TV, and a cash bar and food, unless such be the fact.

5. Representing, directly or by implication, that respondents' social clubs provide courses of instruction in dancing, bridge, public speaking, art, drama, and investment clubs.

6. Representing, directly or by implication, that respondents' social clubs offer group activities consisting of bowling, dinner parties, swimming, theatre, picnics, and group vacations.

7. Representing, directly or by implication, that the board of directors of respondents' social clubs are made up of doctors, clergymen, bankers, attorneys, and/or members of any other profession not actually represented on the board of directors.

8. Representing, directly or by implication, that any of respondents' members are designated "charter members" and help to form an advisory board, which governs the operation of respondents' social clubs.

9. Representing, directly or by implication, that the membership in respondents' social clubs is limited as to age group or in any other manner.

10. Representing, directly or by implication, that prospective members for respondents' social clubs are carefully screened and their personal references checked.

11. Representing, directly or by implication, that any portion of monies paid to respondents is sales tax, unless such money is remitted to the proper taxing authority.

12. Representing, directly or by implication, that respondents' memberships in its social clubs are constituted of an equal number of men and women.

13. Representing, directly or by implication, that respondents' memberships may be transferred and/or sold.

14. Representing, directly or by implication, that respondents and/or their memberships contribute to or sponsor any charitable organization.

15. Failing to incorporate the following statement on the face of all contracts, notes, or other evidence of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

16. Assigning, selling or otherwise transferring respondents' notes, contracts or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract or other documents evidencing the indebtedness.

17. Contracting for any sale, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of consummation of the transaction.

18. Failing to refund immediately all monies to customers who have requested contract cancellation in writing within three (3) days from the execution thereof:

Provided, That the prohibitions contained in sections 15 through 18 above shall not apply in those instances when respondents do not own an interest in the business in question, or formulate, direct, control and/or manage its business acts and practices.

II. *It is further ordered,* That respondents, Cosmaw, Inc., a corporation, and its officers, and Waldo E. Brown, individually and as an officer of said corporation, and Lloyd C. McCord, individually and as a manager of said corporation, trading under said corporate name or trading or doing business under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the consumer credit sale of memberships or services, or any other products or services, as "credit sale" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), forthwith cease and desist from:

1. Failing to disclose the annual percentage rate, where and when required by Regulation Z to be used, to the nearest quarter of one (1%) percent, in accordance with § 226.5(b)(1) of Regulation Z.

2. Failing to disclose accurately the sum of the payments scheduled to repay the indebtedness and to describe that sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

3. Failing to disclose the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, and further failing to disclose the amount or method of computation of any charge that may be deducted from the amount of any rebate to be credited to the obligation or refunded to the customer, as required by § 226.8(b)(7) of Regulation Z.

4. Failing to use the term "cash price" to designate the cash price of the property or service which is the subject of the transaction, as required by § 226.8(c)(1) of Regulation Z.

5. Failing to disclose the amount of any downpayment in money as the "cash downpayment," using that term, as required by § 226.8(c)(2) of Regulation Z.

6. Failing to disclose the difference between the cash price and the cash downpayment, using the term "unpaid balance of cash price," as required by § 226.8(c)(3) of Regulation Z.

7. Failing to disclose accurately the amount financed or failing to describe that amount as the "amount financed," as required by § 226.8(c)(7) of Regulation Z.

8. Failing to disclose the finance charge accurately, computed in accordance with § 226.4 of Regulation Z, as required by § 226.8(c)(8)(i) of Regulation Z.

9. Failing to disclose accurately the amount of the deferred payment price or failing to describe that amount as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

It is further ordered, That each and every customer who purchased a membership from Cosmaw, Inc., in the Metropolitan Kansas City Area be notified in writing that:

1. Cosmaw, Inc., is a Nebraska corporation, and is not authorized to do business in the States of Missouri and Kansas.

2. The retail time contracts and promissory notes executed in the States of Missouri and Kansas are not enforceable.

3. Educational Credit Bureau is not a holder in due course as concerns those retail time contracts and promissory notes assigned to it by respondents. Educational Credit Bureau had knowledge or reason to know that Cosmaw, Inc., was a foreign corporation and that the Cosmaw, Inc., social club was not open and never did open for business at 3217 Broadway, Kansas City, MO.

It is further ordered, That respondents provide each and every person who purchased a membership in the Kansas City metropolitan area a true and correct copy of this cease and desist order.

It is further ordered, That respondents, Waldo E. Brown and Lloyd C. McCord, not engage in the promotion, advertisement, solicitation, and/or sale of any type of membership, until such time as full restitution of all monies has been made to those persons who purchased a Cosmaw, Inc., membership in the Cosmaw club, which was to have been operated at 3217 Broadway, Kansas City MO.

It is further ordered, That respondents, Waldo E. Brown and Lloyd C. McCord, shall not act as an officer or director, or become an agent or employee of any corporation or partnership or other form of business engaged in the promotion, advertisement, or solicitation, and/or sale of any type of membership, until such time as full restitution of all monies has been made to each and every person who purchased a membership in Cosmaw, Inc., club, which was to be operated at 3217 Broadway, Kansas City, MO.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation, or any of them, which may affect compliance obligations arising out of this order.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all of their present and future personnel, engaged in the offering for sale, or sale of memberships, services, or any other products or services, or in the consummation of any extension of consumer credit in connection with said sales transactions, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

Issued: March 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5032 Filed 3-31-72;8:49 am]

[Docket No. C-2162]

PART 13—PROHIBITED TRADE PRACTICES

H&R Block, Inc.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.185 *Refunds, repairs, and replacements;* § 13.225 *Services.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1725 *Refunds.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, H&R Block, Inc., Kansas City, Mo., Docket No. C-2162, Mar. 1, 1972]

In the Matter of H&R Block, Inc., a Corporation

Consent order requiring a Kansas City, Mo., firm offering income tax preparation and other services to cease misrepresenting the terms and conditions of any guarantee, that respondent will reimburse customer for any addition he may have to make to his initial tax payment, that respondent will not assume liability for any additional taxes assessed, using information obtained from customer's tax data for purposes other than the tax return, and where respondent intends to transfer such information, to obtain customer's signature releasing the information.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent H&R Block, Inc., a corporation, and its officers, and respondent's employees, agents, representatives, or successors and assigns, directly or through any corporate or other device, in connection with the preparation of income tax returns or the compilation of customer mailing lists, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any guarantee without clearly and conspicuously disclosing the terms, conditions, and limitations of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

2. Representing, directly or by implication, that respondent will reimburse its customers for any payments the customer may be required to make in addition to his initial tax payment, in instances where such additional payments result from an error by respondent in the preparation of the tax return: *Provided, however,* Nothing herein shall prevent truthful representations that respondent will reimburse its customers for interest or penalty payments resulting from respondent's error.

3. Failing to disclose, clearly and conspicuously, whenever respondent makes any representation, directly or by implication, as to its responsibility for, or obligation resulting from, errors attributable to respondent in the preparation of tax returns, that respondent will not assume the liability for additional taxes assessed against the taxpayer.

4. Representing, directly or by implication, that respondent will provide legal representation to customers whose tax returns may be audited; or misrepresenting, in any manner, the type or manner of assistance provided by respondent to customers whose returns may be audited.

5. Using any information concerning any customer of respondent, including

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the name and/or address of the customer, obtained as a result of the preparation of the customer's tax return for any purpose which is not essential or necessary to the preparation of said tax return, without clearly and conspicuously disclosing to the customer, prior to the obtaining of any information relative to the preparation of the tax return, that respondent intends to use the information for purposes other than the preparation of the customer's return, the exact information which will be used, the particular use which will be made of such information, and a description of the parties or entities to whom the information will be made available: *Provided, however,* That nothing herein shall prohibit respondent from using names and addresses only of customers for the purpose of communication with such customers solely concerning respondent's income tax preparation business.

6. Failing to provide each customer in instances where the information described in paragraph 5 hereof will be used for any purpose other than the preparation of the tax return, with a form to be signed by the customer prior to the obtaining of any such information clearly stating that respondent intends to use the information for purposes other than the preparation of the return, the exact information to be used, the particular use to be made of such information, a description of the parties or entities to whom the information will be made available, and a statement that the customer consents to the use of such information.

It is further ordered, That:

(a) Respondent herein deliver a copy of this decision and order to each of its present and future franchisees and any other persons, partnerships, or corporations authorized by respondent to engage in the commercial preparation of income tax returns.

(b) Respondent in paragraph (a) above that respondent is obligated by the terms of this order to notify the Commission of persons who continue on their own the deceptive practices prohibited by this order.

(c) Respondent, in its continuing business dealings with each said person described in paragraph (a), take note of any failure to observe the requirements of this order and advise the Federal Trade Commission of such failure.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, send a letter to the last known address of each of its customers and the customers of its franchisees for the most recent past year, clearly and accurately explaining (1) the terms, conditions, and limitations of respondent's policy regarding its responsibility for, or obligation resulting from errors attributable to respondent in the preparation of tax returns; and (2) the type or manner of assistance provided by respondent to customers whose returns may be audited.

It is further ordered, That respondent herein shall notify the Commission at least 30 days prior to any proposed change in the structure of the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the respondent corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: March 1, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5033 Filed 3-31-72;8:49 am]

[Docket No. 8771 c]

PART 13—PROHIBITED TRADE PRACTICES

Skylark Originals, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* 13.155–40 Exaggerated as regular and customary; § 13.225 *Services;* §13.240 *Special or limited offers.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices.* Subpart—Securing orders by deception: § 13.2170 Securing orders by deception.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Skylark Originals, Inc., et al., Asbury Park, N.J. Docket No. 8771, Mar. 9, 1972]

In the Matter of Skylark Originals, Inc., a Corporation, and Daniel Freedman and Beverly Freedman, Individually and as Officers of Said Corporation

Order requiring an Asbury Park, N.J., corporation selling ladies' clothing and wigs to cease misrepresenting the prices at which their merchandise has been sold and the savings available to purchasers, failing to make refunds on merchandise guaranteed, failing to maintain an adequate supply of merchandise advertised, and failing to make deliveries of products within time specified by respondents.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Skylark Originals, Inc., a corporation, and its officers, trading under its own name or under the name Patti Fashions or any other trade name or names, and Daniel L. Freedman and Beverly Freedman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of ladies' clothing, wigs, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the abbreviation "Reg." or the word "regular" or any other abbreviation, word, term, or expression of similar import or meaning to refer to any amount which is in excess of the price at which such merchandise has been sold or offered for sale in good faith by the respondents for a reasonably substantial period of time in the recent, regular course of their business; or misrepresenting, in any manner, the price at which such merchandise has been sold or offered for sale by the respondents.

2. Falsely representing, in any manner, that savings are available to purchasers or prospective purchasers of respondents' merchandise; or misrepresenting, in any manner, the savings or amount of savings available to purchasers or prospective purchasers of respondents' merchandise.

3. Failing to maintain adequate records (a) which disclose the facts upon which any savings claims, including representations as to former prices and similar representations of the type described in paragraphs 1 and 2 of this order are based, and (b) from which the validity of such claims and representations can be determined.

4. Failing, when request is made pursuant to a guarantee of satisfaction or of full refund and in accordance with the terms of such guarantee, to refund the purchase price of merchandise together with all charges paid by purchasers in connection with such purchase voluntarily and within the time specified in respondents' advertisements, or if no time is specified, within a reasonable time not to exceed 30 days from the date of receipt of the returned merchandise.

5. Failing to fulfill promptly all of respondents' obligations and requirements under the terms set forth in, or represented directly or by implication to be contained in, any guarantee in connection with the sale of said products.

6. Representing, directly or by implication, that any product or service is guaranteed, unless:

(1) The nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed, and

(2) The guarantor does in fact perform all of the actual and represented obligations under the terms of the guarantee.

7. Advertising for sale merchandise of a stated style, model, material, or color or other stated features or characteristics unless respondents have made arrangements to obtain, and to maintain, sufficient merchandise as so represented and described to fill all reasonably anticipated orders of such merchandise.

8. Representing, directly or by implication, that any offer is limited in time or in any other manner unless any represented limitation or restriction is actually imposed and in good faith adhered to.

9. Failing to make deliveries of products within the period of time specified by respondents or, if no time is specified, within a reasonable time, not to exceed 30 days from the date of receipt of the order: *Provided, however,* That where an order for merchandise cannot be immediately filled for reasons beyond respondents' control, respondents shall promptly notify the prospective purchaser of such fact, stating the anticipated date of delivery and giving him the option of an immediate refund.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission within thirty (30) days after any change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the hearing examiner's initial decision as modified herein be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 9, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5034 Filed 3-31-72;8:49 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72-91]

PART 153—ANTIDUMPING

Diamond Tips for Phonograph Needles from the United Kingdom

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that diamond tips for phonograph needles from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of November 20, 1971 (36 F.R. 22188, F.R. Doc. 71-17090).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission reponsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on February 17, 1972, it notified the Secretary of the Treasury that an industry in the United States is being or is likely to be injured, or prevented from being established, by reason of the importation of diamond tips for phonograph needles from the United Kingdom, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of February 24, 1972 (37 F.R. 3932, F.R. Doc. 72-2688).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to diamond tips for phonograph needles from the United Kingdom.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Diamond tips for phonograph needles.	United Kingdom.	72-91

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES, *Assistant Secretary of the Treasury.*

MARCH 22, 1972.

[FR Doc.72-5042 Filed 3-31-72;8:49 am]

Title 22—FOREIGN RELATIONS

Chapter VI—U.S. Arms Control and Disarmament Agency

PART 602—AVAILABILITY OF RECORDS

PART 603—STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Part 602 of Chapter VI of Title 22 of the Code of Federal Regulations is amended as follows:

1. The table of contents is amended as follows:

Subpart A—Communications and Reference Service Center

Sec.
602.10 Records in the Agency's Communications and Reference Service Center.

2. The title of Subpart A is revised to read as follows:

Subpart A—Communications and Reference Service Center

3. In § 602.2, paragraph (a) is revised to read as follows:

§ 602.2 Places where and methods whereby records may be inspected, copies obtained or requests made.

(a) Any person desiring records relative to arms control and disarmament matters in which the U.S. Arms Control and Disarmament Agency has been or is engaged, should apply in person between the hours of 9 a.m. and 5 p.m. on weekdays (holidays excluded) at the ACDA Communications and Reference Service Center in the Agency headquarters, Department of State Building, 320 21st Street NW., in Washington, DC, or write to the Chief, Communications and Reference Service Center at Agency headquarters if the petitioner is a resident of the United States. The request should specifically identify the document requested. An index identifying all records available to any person shall be kept on file at the Communications and Reference Service Center. Copies of this index may be obtained by writing to the Chief, Communications and Reference Service Center.

. . . . . .

4. Section 602.5 is revised to read as follows:

§ 602.5 Copies of records.

Copies of records shall be produced as promptly as possible upon payment of the search and copying fees specified in the schedule set forth in Subpart B of this part. The Chief, Communications and Reference Service Center, is authorized to limit petitioners to one copy of each requested record when he finds that there exists an extraordinary demand for the number of available copies or for the Center's copying services.

5. In § 602.6, paragraph (a) is revised to read as follows:

§ 602.6 Written requests.

. . . . . .

(a) Address his request to:

Chief, Communications and Reference Service Center, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451.

. . . . . .

6. The introductory text of § 602.10 is amended to read as follows:

§ 602.10 Records in the Agency's Communications and Reference Service Center.

The Communications and Reference Service Center shall contain, or shall have available, to the extent not authorized to be withheld, the following works or classes of information:

. . . . . .

7. Section 602.11 is revised to read as follows:

§ 602.11 Inspection of records.

Copies of records available to the public may be inspected by a petitioner in the Communications and Reference Service Center during the business hours stated in § 602.2. Copies of records made available for inspection may not be removed by any petitioner from the Center.

8. Section 602.22 is revised to read as follows:

§ 602.22 Certification.

Certification of each record as a true copy by the Chief, Communications and Reference Service Center $0.75.

9. In § 602.23 paragraph (a) is revised, paragraph (b) is revoked, and the first word of paragraph (c) is corrected to read "Printed." As amended, § 602.23 reads as follows:

§ 602.23 Printed research reports.

(a) (1) $0.50 per copy of each report up to 50 pages.

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(2) $1 per copy of each report up to 100 pages.

(3) $2 per copy of each report up to 300 pages.

(4) $4 per copy of each report over 300 pages.

(b) [Revoked]

(c) Printed research reports which are not published by the Government Printing Office are available in limited supply. The schedule of fees for such printed research reports will remain in effect until the supply of copies in stock is exhausted; thereafter reports will be copied at the expense of the petitioner in accordance with the fee schedule established for copying services.

10. Section 602.25 is revised to read as follows:

§ 602.25 Records printed by contractors.

Charges, if any, for records printed by contractors or grantees will be set forth on the fee schedule of any index of available records, or will be determined by the Chief, Communications and Reference Service Center, in response to a request.

11. The introductory text of § 602.40 is amended to read as follows:

§ 602.40 Exemptions.

No record shall be withheld from inspection or copying unless it may be withheld by the Agency under the authority of the Act, or is specifically authorized to be withheld under an order issued by a court of competent jurisdiction. The following list contains examples of records which may be witheld from the public by the Chief, Communications and Reference Service Center.

* * * * *

12. In § 602.45, paragraph (b) is revised to read as follows:

§ 602.45 Review of decision to withhold a record.

* * * * *

(b) Written denial of record by the Chief, Communications and Reference Service Center, shall be considered a denial upon which administrative review may be requested.

Part 603 of Chapter VI of Title 22 of the Code of Federal Regulations is amended as follows:

1. The table of contents is amended as follows:

Sec.

603.10 Office of the Director.
603.11 Office of the Executive Director.
603.12 Office of the General Counsel.
603.13 Office of Public Affairs.
603.14 Economic Affairs Bureau.
603.15 International Relations Bureau.
603.16 Science and Technology Bureau.
603.17 Weapons Evaluation and Control Bureau.
603.18 General Advisory Committee.
603.19 [Revoked]
603.20 [Revoked]
603.21 [Revoked]

2. In § 603.2, paragraph (b) is revised to read as follows:

§ 603.2 Purpose and scope.

* * * * *

(b) The Agency works at the highest level of the U.S. Government, and under the direction of the Secretary of State, conducts U.S. participation in international arms control and disarmament negotiations. It does not normally hand down decisions or engage in regulations affecting the general public, since its functions are principally in the advisory or diplomatic areas, as noted above. A significant body of the research conducted in the Agency or by contract or interagency agreement is unclassified and will be made available to the public pursuant to the Freedom of Information Act. The reports embodying such research as well as those agency publications which may affect the general public will be made available in the Agency's Communications and Reference Service Center. Members of the public will be afforded the opportunity to inspect and to obtain copies of such material.

3. Section 603.10 is revised to read as follows:

§ 603.10 Office of the Director.

(a) The Director of the U.S. Arms Control and Disarmament Agency is the principal adviser to the President and the Secretary of State on arms control and disarmament matters. Under the direction of the Secretary of State, he has primary responsibility within the Government for formulation of policy recommendations and for operations in such matters. He is responsible for the executive direction and coordination of all activities of the Agency and relations with the Congress on them.

(b) The Deputy Director assists the Director in carrying out his responsibilities and acts for and exercises the powers of the Director during his absence.

(c) The Special Assistant to the Director is responsible for such projects as may be assigned by the Director including interagency and White House liaison. He acts also as Executive Secretary of the Agency and is responsible for direction and coordination of staff work for the Director and Deputy Director.

(d) The Counselor of the Agency is responsible for such special projects essential to the formulation of arms control and disarmament policy as may be assigned by the Director.

(e) The Special Assistant for Plans to the Deputy Director serves as a focal point for encouraging, monitoring, and integrating Agency formulation of basic policies and forward planning.

(f) The Intelligence Adviser, under the Deputy Director, serves as central point of contact for the Agency with departments and agencies within the intelligence community.

4. Section 603.11 is revised to read as follows:

§ 603.11 Office of the Executive Director.

Under the direction of the Executive Director, this Office has responsibility for managing all administrative activities of the Agency including budget, personnel, contracting, security, general services, management analyses, information and records services, and development or issuance of regulations. It maintains liaison on and coordinates these matters outside the Agency. The Office provides management advice to the Director on achieving program and budgetary objectives and the resolving of organizational questions, and participates in the formulation of Agency-wide arms control policies, such as those bearing on research and field testing projects. The Office directs the management aspects of arms control and disarmament negotiations with other countries in proportion to the role of the Agency in such matters.

5. Section 603.12 is revised to read as follows:

§ 603.12 Office of the General Counsel.

(a) Under the direction of the General Counsel, the Office is responsible for all legal matters concerning the Agency. It is responsible for all questions of domestic and international law and treaty affairs; participates in the preparation, implementation, interpretation and revision of arms control and disarmament agreements; and is responsible for legal research in the Agency.

(b) The Office has primary responsibility for congressional matters (except budgetary operations), including authorizing and other legislation. It handles the legal aspects of Agency policy, regulations and operations related to personnel, security, patents, contracts, procurement, fiscal and all other administrative affairs; and, also provides legal representation for the Agency with other Government departments and agencies, foreign governments, and contractors.

6. Section 603.13 is revised to read as follows:

§ 603.13 Office of Public Affairs.

(a) Under the direction of the Public Affairs Adviser, this Office carries out the Agency's responsibility for the dissemination and coordination of public information concerning arms control and disarmament. It is responsible for liaison with the world press, both in Washington and at international conferences. It also initiates, or prepares in response to requests, press guidance and materials related to arms control and disarmament.

(b) The Office of Public Affairs responds to requests from the public for information, documentation, speakers and conference participation, and prepares publications, including the Agency's Annual Report to Congress.

7. Section 603.14 is revised to read as follows:

§ 603.14 Economic Affairs Bureau.

This Bureau is responsible for developing policy recommendations regarding the multilateral control of conventional arms transfers and limitations on military expenditures. It assesses the domestic economic impact of reductions in defense spending incident to arms control and disarmament agreements or related actions. The Bureau also assures that arms control factors are taken into account in policy decisions relating to U.S. arms transfers. It compiles data on worldwide arms transfers and military expenditures. In addition, the Bureau supports Agency activities by developing historical analyses on topics related to arms control and disarmament and by publishing documentary compilations in this field. Assisting the Bureau in its work is an advisory board of distinguished social scientists.

8. Section 603.15 is revised to read as follows:

§ 603.15 International Relations Bureau.

The Bureau is responsible for translating U.S. disarmament policies into action at the conference table and in the United Nations. It manages most multilateral international negotiations and serves as the primary source of political advisers assigned to these and to the U.N. General Assembly. The Bureau also participates in the development of policies and positions in the field of arms control and prepares instructions for U.S. negotiators both at international conferences and for bilateral and regional arms control and disarmament discussions.

9. Section 603.16 is revised to read as follows:

§ 603.16 Science and Technology Bureau.

(a) This Bureau is responsible for scientific and technological aspects of arms control policies and operations, particularly those related to advanced strategic offensive and defensive weapon systems.

(b) In addition to investigating measures to limit existing advanced weapons and their delivery systems, the Bureau also seeks ways to curb the proliferation of these weapons and delivery systems to additional countries.

(c) The Bureau has the primary responsibility for the preparation, evaluation, and support of strategic arms limitations proposals. In addition, the Bureau is responsible for the research and policy recommendations on verification requirements and techniques for arms control and disarmament matters including the application of these techniques to strategic arms limitation proposals.

10. Section 603.17 is revised to read as follows:

§ 603.17 Weapons Evaluation and Control Bureau.

The primary function of this Bureau is the evaluation of the impact of possible arms control measures on a range of United States and allied military and national security interests, including such subjects as force structures and deployments, strategic concepts, and strategic and tactical weapons systems. Other functions include the evaluation of the arms control implications of the military postures of the United States and its allies, and the U.S.S.R. and its allies; the development and evaluation of systems and techniques for verifying certain arms control measures and participation in planning of, preparation for, and operation of inspection and control systems which may become part of U.S. arms control and disarmament activities.

11. Section 603.18 is revised to read as follows:

§ 603.18 General Advisory Committee.

The General Advisory Committee is an independent advisory body of 15 members appointed by the President by and with the advice and consent of the Senate to advise the President, the Secretary of State, and the Director of ACDA respecting matters affecting arms control, disarmament and world peace. To perform this function the Committee has access to information at all levels of security and invites the testimony of senior officials in the executive branch, as well as such other experts as it deems appropriate, on the major political and strategic issues related to arms control. The Committee is required by law to meet four times annually, but in practice is convened more frequently by the Chairman. The Committee conveys its advice to the President and its other advisees directly or in writing.

§ 603.19 [Revoked]

12. Section 603.19 is revoked.

§ 603.20 [Revoked]

13. Section 603.20 is revoked.

§ 603.21 [Revoked]

14. Section 603.21 is revoked.

Effective date. This amendment shall become effective on the date of its publication in the FEDERAL REGISTER (4-1-72).

The foregoing amendments to Parts 602 and 603 are approved.

Dated: March 24, 1972.

PHILIP J. FARLEY,
Acting Director.

[FR Doc.72-4901 Filed 3-31-72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter VI—Office of Assistant Secretary for Community Planning and Management, Department of Housing and Urban Development

[Docket No. R-72-164]

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

Part 600 of Title 24 of the Code of Federal Regulations was published in effective form in the FEDERAL REGISTER on February 4, 1972 (37 F.R. 2665), to provide requirements and guidelines for filing a Comprehensive Planning Assistance grant application. Opportunity was provided for interested persons to submit written comments or suggestions with respect to the regulations. Comments and suggestions received are currently under consideration. In the meantime, there are certain changes the Department desires to make. The substantive changes are as follows:

Section 600.69(b) is new. It reflects departmental policy to assist only one areawide planning agency in each metropolitan and nonmetropolitan planning jurisdiction. Items formerly numbered (b) and (c) are renumbered (c) and (d).

Part of § 600.90(f) and the entire § 600.90(g) of the February 4, 1972, publication are deleted since they deal with matters outside the scope of the regulation.

Minor corrections are made in §§ 600.65, 600.95, 600.100, 600.105, 600.128, and 600.170.

For the reasons stated at the time Part 600 was first published comment and public procedure on this amendment would be impracticable and contrary to the public interest and good cause exists for making the amendment effective upon publication.

Accordingly, Part 600 is amended to read as follows:

Subpart A—General Information

Sec.

600.1 Purpose.
600.5 Scope of comprehensive planning.
600.10 Financial support.
600.15 Staff and consultant services.
600.20 Inservice training.
600.25 Who may be assisted.
600.30 Legal status and authority.
600.35 Assistance to States for statewide planning.
600.36 Assistance to States for assistance and services to localities.
600.37 Provision of planning assistance to localities by areawide planning organizations.
600.40 Grants for areawide planning and management assistance.
600.45 Assistance to large cities.
600.50 Planning and management assistance for other applicants.
600.55 Eligible activities all assisted agencies.
600.58 Ineligible activities.

Subpart B—Special Requirements

600.60 Purpose.
600.65 Environmental considerations.
600.70 Required housing element.
600.75 Equal opportunity requirements.
600.80 Citizen involvement.

Subpart C—Procedural Requirements

600.85 Purpose.
600.90 Steps for application submission, negotiation and approval.
600.95 Applications by States.
600.100 The application package.
600.105 Overall Program Design.

Subpart D—State Procedural for Local Planning and Management Service

600.110 Purpose.
600.115 State Overall Program Design.
600.120 Summary of local planning and management assistance procedures.
600.125 Design of the State program for localities.
600.128 Considerations in State assistance to localities.
600.130 Negotiations with HUD.
600.135 State agency review and evaluation.

Subpart E—Evaluation and Coordination Procedures

600.140 Purpose.
600.145 Evaluation and review.
600.150 Coordination and intergovernmental review procedures.
600.160 OMB Circular A-95 coordination procedures.
600.170 Overall Program Design review.

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AUTHORITY: The provisions of this Part 600 issued under sec. 701, Housing Act of 1954, 68 Stat. 640; 40 U.S.C. 461; Secretary's delegation of authority published at 36 F.R. 5004, effective Mar. 8, 1971.

Subpart A—General Information

§ 600.1 Purpose.

The purpose of this subpart is to set forth provisions of general applicability with respect to the regulations in this part. Such provisions relate to (a) encouraging State, local, and areawide officials to improve executive planning, decisionmaking, and management capability and to establish and improve their staffs and techniques; (b) encouraging community planning and management as a continuous process; and (c) assisting State and local governments and areawide agencies to solve problems, realize opportunities, and formulate and implement policies related to community development and growth for urban and rural areas.

§ 600.5 Scope of comprehensive planning.

For the purpose of the regulations in this part, "comprehensive planning" means a continuing process whereby State and local governments and areawide planning organizations formulate and coordinate community strategies and management decisions. It spans the broad range of governmental activities, services, and investments for which assisted governments are responsive. Through comprehensive planning and management, chief executives are able to identify problems and opportunities, determine development objectives, analyze alternate solutions, prepare implementation programs, and evaluate performance in meeting these objectives.

§ 600.10 Financial support.

Comprehensive planning assistance grants shall not exceed two-thirds of the total cost of eligible activities, except in certain circumstances when the grant may cover up to three-fourths of the costs.

(a) Three-fourths grants may be made when the applicant or recipient is:

(1) Located in a redevelopment area or economic development district designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965;

(2) Located in a local development district, certified under title IV of the Public Works and Economic Development Act of 1965;

(3) A federally impacted area where there has been at least a 5 percent decrease in employment over a 2-year period attributable to reduction in Federal activity;

(4) Any regional commission established by the Appalachian Regional Development Act of 1965 or under the Public Works and Economic Development Act of 1965; or

(5) Any governmental agency or organization of public officials for planning activities that are necessary to the development of planning for States, regions, or other multijurisdictional areas whose development has significance for purposes of national growth and urban development objectives and which otherwise meets the tests of 701(j) of the Housing Act of 1954, as amended.

(b) Non-Federal share: The non-Federal share of the total cost of assisted activities may be provided in the form of cash and/or services from the applicant, or from other non-Federal sources.

§ 600.15 Staff and consultant services.

(a) *Planning staff services.* To be eligible for assistance, the applicant and each areawide planning agency recipient must demonstrate that it has a staff of sufficient size nad professional competence to effectively discharge the program for which assistance is sought. The planning agency must establish, and periodically update, standards for the recruitment and retention of professional personnel consonant with or superior to State or local merit or civil service system standards. The standards established shall be subject to HUD approval.

(b) *Provision of consulting services.* Staff capability may be supplemented through consulting services by other public agencies (State, areawide, local), by instrumentalities of State and local governments (such as universities, municipal leagues, and county officer associations), and by private contractors and consulting firms.

§ 600.20 Inservice training.

Applicants may engage in inservice training to increase the level of knowledge and skills of their staff.

(a) *Eligible trainees.* Eligible trainees are limited to members of staffs of eligible applicants.

(b) *Maximum costs.* Except for work-study programs, the total cost of an inservice training program shall not exceed 5 percent of the agency's total grant under the Comprehensive Planning Assistance Program for any 1 year.

§ 600.25 Who may be assisted.

Currently, grants are authorized to the following:

(a) States, for statewide planning and management;

(b) States, for local planning and management assistance to counties, cities, and municipalities, groups of adjacent communities having a total population of less than 50,000, Indian reservations, disaster areas, federally impacted areas, and metropolitan and nonmetropolitan areawide planning organization;

(c) Metropolitan and regional agencies involved in comprehensive planning and management. Also, district agencies which are organizations composed of public officials representative of political jurisdictions within the district.

(d) Cities within metropolitan areas, having populations of 50,000 or more; and

(e) Other applicants, including interstate regional planning commissions, tribal planning councils, disaster areas, federally impacted areas, local development districts, and economic development districts, including cities, other municipalities and counties located within economic development districts.

§ 600.30 Legal status and authority.

Applicants must:

(a) Be authorized by State law or interstate compact or other agreement to perform the comprehensive planning work for which the grant is requested;

(b) Have authority to receive and expend Federal and other funds, and to contract with Federal and other units of government, private concerns, or individuals for performance of planning work and services; and

(c) Assure HUD that the non-Federal share of the program cost will be provided.

§ 600.35 Assistance to States for statewide planning.

Eligible applicants for Comprehensive Planning Assistance for statewide planning and management are:

(a) The Office of the Governor (the preferred applicant); or

(b) The State agency designated by the Governor or by State law, provided applications are endorsed by the Governor.

§ 600.36 Assistance to States for assistance and services to localities.

Eligible applicants for Comprehensive Planning Assistance and services are:

(a) *For assistance and services to localities.* (1) The Office of the Governor; or

(2) The State agency designated by State law (or the Governor) for the provision of comprehensive planning and management services to local governments and for the administration of Comprehensive Planning Assistance grant funds. Where feasible, this should be the same State agency designated for statewide planning. Eligible local recipients are:

(i) Cities and other municipalities having populations of less than 50,000 according to the latest decennial census. The planning area must include, at the minimum, the entire geographic area of the general local government, plus any contiguous territory over which the local government has authority for planning purposes.

(ii) Counties of any population size. In this case, the minimum planning area must include the unincorporated areas over which the county government has statutory or other authority for planning purposes. Assistance to a county having a population of over 50,000 within a metropolitan area, will be made only if planning for such a county is coordinated with planning for the metropolitan area of which it is a part and with prior HUD approval.

(iii) Any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census. The group's planning jurisdiction must be the entire area having such problems. Insofar as feasible, the boundaries of the planning area must conform to the jurisdictional boundaries

of the general local governments comprising the group.

(iv) General purpose local governments, regardless of population size, in redevelopment areas or Economic Development Districts designated by the Secretary of Commerce under title IV of the Public Works and Economic Development Act of 1965; Local Development Districts in accordance with the Appalachian Regional Development Act of 1965.

(v) Metropolitan and nonmetropolitan areawide planning organizations.

(vi) Indian reservations, disaster areas, and federally impacted areas.

(b) *For State community development services.* The State agency designated by State law or the Governor is responsible for conducting community development services. The services should be based on a multidisciplinary staff of specialists in the State planning agency, other State agencies or instrumentalities, and, where appropriate, include consultant support.

§ 600.37 Provision of planning assistance to localities by areawide planning organizations.

Metropolitan and nonmetropolitan areawide planning organizations, with the approval of the State agency (or Governor of the State), may also provide local planning and management assistance to any of the recipients listed in § 600.36(a) (other than the federally impacted areas) within the respective areawide planning jurisdictions.

§ 600.40 Grants for areawide planning and management assistance.

(a) Eligible applicants: Areawide planning organizations include metropolitan planning agencies and nonmetropolitan district agencies. These agencies may be:

(1) Organizations of public officials representative of the political jurisdictions within the metropolitan area, region, or district. Among such organizations are councils of government, joint city-county planning commissions, multijurisdictional or regional planning agencies, economic development districts, and local planning districts;

(2) Agencies under State law or by interlocal agreement responsible for comprehensive planning; or

(3) States authorized by State law to perform areawide planning.

(b) HUD will assist only one areawide planning agency in each metropolitan and nonmetropolitan planning jurisdiction. An exception may be made when State-enabling legislation does not permit the formation of a single areawide planning organization for a multistate planning area.

(c) Areawide planning requirements:

(1) Planning area jurisdiction is determined by consideration of the following factors:

(i) The planning area jurisdiction for a metropolitan area should include the Standard Metropolitan Statistical Area (SMSA) plus any contiguous county or counties now urbanized or likely to become urbanized in the foreseable future. Where feasible, contiguous SMSA's should be included in the same metropolitan areawide planning jurisdiction. Where the State has established substate planning and devlopment areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(ii) The planning area jurisdiction for a nonmetropolitan area must include one or more counties and one or more other units of general local government, but may not include any portion of any SMSA. Where the State has established sub-State planning and development areas, or districts, the boundaries of proposed areawide planning jurisdictions should conform to the State-designated areas.

(2) Areawide planning organizations must meet the HUD areawide planning requirements in accordance with HUD 6415 Issuance Series.

(d) Application submission: Metropolitan planning agencies and nonmetropolitan organizations of local elected officials may apply directly to the appropriate HUD office for Comprehensive Planning Assistance. Nonmetropolitan areawide planning agencies which are not organizations of local elected officials, shall apply to the eligible State agency. HUD prefers that all nonmetropolitan agencies apply through the eligible State agency so that the State may coordinate and package programs, thereby eliminating duplication of effort and inefficiencies in processing.

§ 600.45 Assistance to large cities.

On behalf of a city within a metropolitan area, and having a population of 50,000 or more, eligible applicants are:

(a) The Office of the Chief Executive (i.e., the Mayor), the preferred applicant; or

(b) The agency designated by the chief executive, provided applications are endorsed by the chief executive.

§ 600.50 Planning and management assistance for other applicants.

Planning and management assistance may also be provided for the following:

(a) *Interstate regional commissions.* Interstate regional commissions, established under the Appalachian Regional Development Act of 1965 or the Public Works and Economic Development Act of 1965, are eligible for Comprehensive Planning Assistance. However, the Department is prohibited from funding Interstate Commissions.

(b) *Indian reservations*—(1) *Intent.* To provide financial assistance to conduct planning programs for Indian Reservations.

(2) *Eligible applicants.* (i) State agencies: State planning agencies are eligible to apply on behalf of tribal councils in order to provide planning services.

(ii) Areawide planning organizations: Areawide planning organizations are eligible applicants if the State has formally delegated them responsible for the administration of such planning assistance.

(iii) With the approval of the Secretary of Interior, State multitribal organizations representing more than 50 percent of the reservations within a State which have been delegated authority by member organizations to conduct planning activities on their behalf.

(iv) Tribal planning councils or other tribal bodies which may apply through the eligible State agency or directly to HUD.

(3) *Financial support.* Funds and services of the Bureau of Indian Affairs or of any other Federal agency are not eligible as a portion of the non-Federal share of cost of the assisted planning program.

(c) *Federally-impacted areas.* (1) Intent: To provide financial assistance to federally-impacted areas to plan adjustments occasioned by Federal impacts upon the economic, social, physical, and governmental structure occasioned by

(i) Rapid urbanization due to the establishment of rapid and substantial expansion of a Federal installation, or for areas where rapid urbanization is expected to result on land developed or to be developed as a new community under title VII of the Housing and Urban Development Act of 1970.

(ii) Substantial reduction in employment opportunities as the result of:

(*a*) The closing (in whole or in part) of a Federal installation, or

(*b*) A decline in the volume of government orders for the procurement of articles or materials produced or manufactured in the area.

The actual or foreseen change in employment over a 2-year period must be at least 5 percent of the preimpact level.

(2) Eligible applicants shall be official governmental planning agencies.

(d) *Disaster areas.* (1) Comprehensive Planning Assistance may provide financial assistance to plan for the recovery from disaster. Any city, other municipality or county which is designated by the President as a "major disaster area" in accordance with the Disaster Relief Act of 1970 may apply for assistance. HUD prefers that such areas apply through the eligible State agency,

(2) Eligible applicants are official governmental planning agencies with planning responsibility for jurisdictions in the disaster area.

(3) Application submittal: Applications shall be submitted within 180 days after an area is designated by the President as a disaster area.

(4) Coordination: All applications submitted for Comprehensive Planning Assistance disaster relief must be reviewed and commented upon by the designated State disaster relief agency, if such an agency exists, as prescribed in section 206 of the Federal Disaster Relief Act of 1970. Also, any assisted planning work leading to short range actions for recovery from the disaster should be coordinated with the State between State planning agencies and State disaster relief agencies.

§ 600.55 Eligible activities: all assisted agencies.

Applicants, as a part of their assisted Comprehensive Planning work, may:

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(a) Support and strengthen State and local government chief executive management capability including:

(1) Improving the chief executive's ability to establish goals, objectives and policies, allocate resources, evaluate programs for achieving objectives, devise methods for obtaining effective public participation in policy decisions and assess program performance;

(2) Modernizing State and local governmental institutions and areawide structures to address community development issues and to provide more responsive service delivery systems;

(3) Improving governmental systems and operations;

(4) Analyzing, recommending and evaluating fiscal policies and arrangements for providing governmental services and facilities; and

(5) Establishing a framework for coordinating intergovernmental planning and development activities and public and private development.

(b) Conduct general community and/or statewide planning and programming with respect to:

(1) Development of human, economic and natural resources;

(2) Community development, growth, and revitalization policies, including land use planning and identification of growth areas, new community development sites and areas of critical environmental concern where development should be restricted;

(3) Housing, transportation, the environment, public facilities and services, health, education, and employment; and

(4) Historic preservation.

(c) Conduct housing work program activities with respect to:

(1) Current and projected population and housing characteristics of neighborhoods, communities, and other subareas of the planning jurisdiction;

(2) Income levels of families in the jurisdiction and its parts;

(3) The location and structural and other qualities of existing housing;

(4) The level and quality of housing-related public services presently available to all racial, ethnic, and socio-economic groups;

(5) Special problems of minority groups in securing adequate housing;

(6) Obstacles to the provision of adequate housing for all groups and citizens, including obstacles in regulations, building codes and zoning regulations, inspection practices, public services, private sector production capability, and housing sales and rental practices;

(7) The availability of sites for various types of housing for all people, especially low and moderate income persons, and the adequacy of sites relative to employment, education, transportation, commercial facilities, and other public services, and to suburbs and central cities;

(8) The capacity of governmental agencies and private organizations for implementing housing action plans, and the adequacy of laws and public policy to stimulate needed housing production;

(9) The impact of current and proposed housing projects on patterns of racial concentration;

(10) The extent to which current and proposed housing projects of varying income levels are distributed throughout the planning area;

(11) The Federal, State and local programs which might be utilized to meet the planning area's housing needs; and

(12) Plans for the promotion of market aggregation.

(d) Delineate areawide planning jurisdictions or substate planning jurisdictions.

(e) Provide technical assistance to State and local governments and areawide agencies, including technical assistance to establish and improve planning staffs and techniques on a substate basis.

(f) Support State Community Development Services including but not limited to:

(1) Direct technical assistance to local or areawide officials on problems of community development;

(2) Advice on pending development decisions;

(3) Professional studies concerning local development problems, objectives, alternatives, and priorities, and organization and administrative processes;

(4) Preparation of technical guides and manuals dealing with the planning, programing, or management of public services, facilities, and resources; or suggesting new approaches to concerns such as housing, community relations, or capital improvement programing.

(g) Meet and carry out other HUD programs and procedures such as:

(1) Workable Program planning;

(2) All HUD and other Federal planning requirements;

(3) New Community planning;

(4) Preparation of water resources and flood plain management measures to meet the standards for eligibility under the National Flood Insurance Program; and

(5) Support for Federal urban growth and development objectives, as provided in section 701(j) of the Housing and Urban Development Act of 1954, as amended.

§ 600.58 Ineligible activities: all assisted agencies.

Applicants, as part of their assisted Comprehensive Planning work, may not include the following:

(a) Project design and engineering;

(b) Routine administration not directly connected to the grant;

(c) Political activities; and

(d) Assistance to businesses in relocating to the detriment of communities where businesses currently are located and assistance to subcontractors in acquiring business customarily performed by other subcontractors.

Subpart B—Special Requirements

§ 600.60 Purpose.

The purpose of this subpart is to describe special requirements that applicants must comply with to receive Comprehensive Planning Assistance.

§ 600.65 Environmental considerations.

HUD requires that planning activities funded under the Comprehensive Planning Assistance Program be conducted in full accord with the policies and provisions of the National Environmental Policy Act of 1969 (Public Law 91–190).

(a) *Environmental goals.* The environmental goals of the Comprehensive Planning Assistance Program are to:

(1) Improve and conserve the quality of the air, water and earth resources for the benefit of present and future generations in the planning and shaping of man-made environments;

(2) Assure that environmental concern and awareness becomes an integral part of the comprehensive planning process, since comprehensive planning is a major means for accomplishing community development on a sound environmental basis; and

(3) Achieve those goals set forth in the National Environmental Policy Act of 1969 (section 101), some of which are:

(i) "• • • assure for all Americans safe, healthful, productive and aesthetically and culturally pleasing surroundings;

(ii) "• • • Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iii) "• • • Achieve a balance between population and resource use which permit high standards of living and a wide sharing of life's amenities."

(b) *Inclusion of environmental planning in the comprehensive planning process.* Each applicant in the developmental planning aspects of its assisted comprehensive planning work should:

(1) Identify salient elements of the natural and the man-made environments, their interrelationships, and major problems and/or opportunities they present for community development;

(2) Assess those environmental factors which will:

(i) Minimize or prevent undue damage, unwise use, or unwarranted preempting of natural resources and opportunities;

(ii) Recognize and make prudent allowance for major latent environmental dangers or risks (e.g. floods, mud slides, earthquakes, air and water pollution); and

(iii) Foster the human benefits obtainable from use of the natural environment by wise use of the opportunities available (e.g. use of natural drainage systems for park and recreational areas); and

(3) Seek, under the above policies and goals, to:

(i) Avoid adverse environmental impacts on neighborhood or community areas through the planning and careful location and development of community facilities;

(ii) Provide environmental amenities to all areas being planned for, and access to such amenities; and

(iii) Equalize the impact and burden of community change and development on living areas, rather than concentrate them in areas where "sites are cheap"; and

(4) Incorporate State environmental policies and standards, particularly those developed in response to Federal law regarding protection on air and water quality and control and abatement of noise.

(c) *Environmental assessment.* Each applicant shall prepare an environmental assessment when the assisted work program will result in developmental plans or policies for land use, major community facilities, major utility systems, major transportation systems or the protection of natural areas (estuaries, coastal zones, etc.). The assessment, which shall not be written as a justification for any proposed project, program, task or policy, must:

(1) Include the following:

(i) A summary or abstract of the proposed plan(s) or policies;

(ii) The environmental impact (beneficial as well as adverse) of the proposed plan(s) or policies, if they are carried out;

(iii) Any adverse environmental effects which cannot be avoided should the proposed plan(s) or policies be implemented;

(iv) Alternatives to the proposed plan(s) or policies and an analysis of those alternatives;

(v) The relationship, under the proposed plan(s) or policies, between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(vi) Any irreversible and irretrievable commitments of resources which would be involved if the proposed plan(s) or policies should be implemented; and

(vii) A statement setting forth applicable Federal, State and local environmental controls;

(2) Be appended to the resulting proposed plan and accompany the plan through all deliberatons leading to approval and subsequent amendment; and

(3) Be available to the public on a timely basis, including availability before public hearings regarding the plan.

§ 600.70 Required housing element.

(a) Section 701(a) of the Housing Act of 1954 provides that:

> Planning carried out with assistance under this section shall also include a housing element as a part of the preparation of comprehensive land use plans, and this consideration of the housing needs and land use requirements for housing in each comprehensive plan shall take into account all available evidence of the assumptions and statistical bases upon which the projection of zoning, community facilities, and population growth is based, so that the housing needs of both the region and the local communities studied in the planning will be adequately covered in terms of existing and prospective in-migrant population growth.

(b) HUD requires that each assisted State, areawide agency and large city (over 50,000 population) include a housing work program in its Overall Program Design and that each local planning assistance recipient include a housing element in its comprehensive land use plan. The housing element or program must be coordinated with the other planning and management activities identified in the work program.

(c) The housing goals of the Comprehensive Planning Assistance Program are requirements and include the following:

(1) To assure that housing concerns and needs become an integral part of the community planning and management process;

(2) To eliminate effects of past discrimination in housing based on race, color, religion, or national origin and to provide safeguards for the future;

(3) To develop housing growth policies which would insure the provision of an adequate supply of housing, a variety of housing types, and proximity of housing to jobs and daily activities; and

(4) To provide a decent residential environment throughout the planning area by insuring that all housing receives a proper and equitable delivery of public facilities and services.

(d) Each agency's housing work program must be included as a part of its Overall Program Design. The housing work program must be coordinated with the other planning and management activities identified in the agency's annual work program.

(e) The housing work program shall analyze the existing housing market in terms of supply and demand by user group. The work program shall further identify:

(1) Needs met by private market;

(2) Needs met with public assistance; and

(3) Needs not being met.

(f) The housing work program shall:

(1) Identify and analyze the need, problems and opportunities for the construction, conservation and rehabilitation of all housing of the planning jurisdiction;

(2) Define strategies and specific steps by which housing needs, and its related public services and facilities, can be met through responsive governmental programs and private action;

(3) Establish housing planning, programing and technical services where there are none; and

(4) Be coordinated with and build upon the housing efforts of other public and private agencies having housing programs and coordinated with all units of government within the planning area.

(g) The housing work program, including any zoning and subdivision legislation prepared or revised using Comprehensive Planning Assistance, must promote equal housing opportunity.

§ 600.75 Equal opportunity requirements.

(a) All planning assisted under the Comprehensive Assistance Program is subject to the provisions of:

(1) Title VI of the Civil Rights Act of 1964, which provides that no person on the grounds of race, color or national origin shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) Title VIII of the Civil Rights Act of 1968, which provides that it is the policy of the United States to provide, within constitutional limitations, fair housing throughout the United States, and requires the Secretary of HUD to administer the Department's programs and activities in a manner affirmatively to further the policies of Title VIII.

(3) The Equal Employment Opportunity clause contained in Part II—Terms and Conditions, Comprehensive Planning Grant Agreement, which provides that the grantee "shall not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin" and will take affirmative action to ensure equal opportunity in its employment practices.

(b) Each applicant must:

(1) Submit in its application package, a Statement of Assurance of Compliance with title VI, HUD Form 41901.

(2) Indicate in the Overall Program Design those work activities which will contribute to correcting the effects of past discrimination and the manner in which they will do so, and describe how those work activities that relate to the provision of opportunities, services and facilities will benefit residents of the planning area on a nondiscriminatory basis.

(3) Comply with Equal Employment Opportunity Requirements in accordance with HUD's Notice of Grant Award and Guide Form of Contract for Personal Services (see Comprehensive Planning Assistance Handbook–II, CPM 6042.1A). Each applicant and recipient must take affirmative action for equal employment opportunity.

(c) States providing planning and management services to local governments and areawide planning organizations shall obtain from them similar assurance of compliance with equal opportunity requirements and, on a continuing basis, evaluate their performance in fulfilling the conditions of such assurance.

§ 600.80 Citizen involvement.

(a) HUD requires citizen involvement in programs assisted under the Comprehensive Planning Assistance Program. Specific techniques for securing citizen involvement are not imposed, but all applicants are responsible for:

(1) Ensuring that comprehensive planning is responsive to the needs of citizens within the planning jurisdiction;

(2) Reporting on the various means employed to ensure that assisted activities are responsive to the citizens; and

(3) Selecting means of obtaining citizen involvement that can be evaluated according to the following performance criteria in paragraph (b) of this section.

(4) Including a Statement of Citizen Involvement in each Progress Report

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called for by HUD. Such statement shall identify specific activities undertaken to meet the criteria in paragraph (b) of this section and shall show the relation between the activities and the basic objectives of the applicant's Overall Program Design.

(b) The following criteria will be used to measure the citizen involvement required by paragraph (a) of this section:

(1) *Extent of interaction and involvement.* Meaningful and effective communication works both ways: Citizens, in addition to being informed, should be able to respond. They should have the opportunity to help initiate and implement plans, as well as react to proposals. Communication and interaction between citizens and the grantee should be continuous.

(2) *Access to the decision making process.* The grantee should provide citizens with clear and direct access to the decision making process. Citizens should be involved when goals, objectives, priorities, and policies are formulated. They should help develop methods of communication that are effective in reaching people. Meeting places and times should be widely publicized on a regular basis.

(3) *Improving communication techniques.* Effective communication produces information that is readily available, timely, and easily understood by citizens. All grantee's information pertaining to the activity (except when the disclosure of such information would be a breach of public trust) should be available to citizens upon request. Information should be provided on a continuous basis and sufficiently in advance of public decisions to permit a thorough citizen review of the proposals and an opportunity to react. Grantees should relate technical data and other professional material to the average neighborhood resident so that he understands the impact of public programs, available options, and alternative decisions. When the lack of technical resources is a barrier to effective citizen involvement, the planning agency should provide citizens with technical assistance to enable them to make knowledgeable decisions.

Subpart C—Procedural Requirements

§ 600.85 Purpose.

This subpart sets forth the procedures required of agencies requesting a Comprehensive Planning Assistance grant.

§ 600.90 Steps for application submission, negotiation and approval.

The following are the basic steps in the process of submitting application proposals:

(a) Notification of the appropriate HUD Area Office Director of the intention to submit an application for Comprehensive Planning Assistance. This notification procedure refers primarily to agencies applying for the first time.

(b) Notification of the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A-95. Submission of a copy of a draft Overall Program Design to other agencies for coordination purposes is required by § 600.150.

(c) Submission of a preliminary application upon request to the appropriate HUD Area Office. This should be accomplished well in advance of expiration of any current grant.

(d) Holding a negotiation conference with HUD officials. The chief executive (i.e. Governor, mayor, or city or county executive) or the highest officer on the areawide policy body shall be represented at the negotiation conference.

(e) Resubmission of the application with changes as agreed upon following the negotiation with HUD officials.

(f) Receipt of approval of applications and notifications from HUD of the grant award.

§ 600.95 Applications by States.

States are required to submit a single application (Overall Program Design) including statewide planning, nonmetropolitan assistance, and local planning and management services. Grant assistance shall cover a 12-month work period. States may request separate grants based upon one Overall Program Design, but there must be only one grant recipient per State even though there may be more than one grant. The grant shall be made to the Governor's office or designee, who shall be the single responsible party to HUD for the total grant. Assistance to prepare an Overall Program Design may be given to an applicant applying for the first time. This assistance is given as a special exception to the regular annual grant system.

§ 600.100 The application package.

Applicants must use a standard application package in applying for Comprehensive Planning Assistance. The application package includes:

(a) A letter formally requesting grant assistance which should identify the grant amount being requested and any changes affecting the legal status of the applicant since its last application. The letter shall be signed by the chief elected official (governor, mayor, city or county executive) or, in the case of areawide planning organizations, be signed by the highest policy officer or be accompanied by a resolution from the governing body.

(b) An Overall Program Design which includes the annual work to be assisted. (See § 600.105.) The following are required to prepare a brief and concise Overall Program Design:

(1) States.

(2) Areawide planning organizations, including both metropolitan and nonmetropolitan planning organizations.

(3) Cities having a population of 50,000 or more.

(c) An annual work program summary which identifies the objectives of the proposed program and which summarizes, by objective, the cost of work involved in pursuing each objective.

(d) An annual grant budget which shall be the basis for fiscal audit of the grant.

(e) Applicants may be requested to provide more information regarding such items as legal status, geographic area, etc., as deemed necessary by HUD. This will generally only apply to agencies applying for the first time. Supporting documentation need not be submitted with each application package except where changes have occurred and, then, only the changes need be submitted.

(f) A brief statement of the applicant's organizational characteristics, including policy board composition and representation for areawide planning organizations as described in the HUD 6415 Issuance Series. Also included should be the agency's staffing profile by type, number and racial composition of staff positions, authorized and filled, and by salary range for each.

(g) A copy of all A-95 review comments (and any other review comments) received regarding the proposed Overall Program Design.

(h) A signed copy of "Assurance of Compliance with Department of Housing and Urban Development Regulations under title VI of the Civil Rights Act of 1964." (HUD Form 41901).

§ 600.105 Overall Program Design.

Each applicant shall prepare a concise Overall Program Design (OPD) which shall be the major part of its application. The Overall Program Design is a multiyear work program statement which focuses on specific objectives to be achieved by the applicant. The OPD covers a minimum of 3 years and must be annually updated. The OPD includes all major planning and management objectives to be undertaken by the applicant, not merely those assisted by HUD and provides the applicant and HUD with a base line for evaluation of performance.

(a) *Format.* The following program format provides for the presentation of the applicant's problems, opportunities, goals, and achievable objectives. This format is prescribed unless the HUD Area Office approves a different work format which yields essentially the same data outlined below.

(1) *Program categories.* Each program category, which represents a general planning and management activity, shall include:

(i) The title and reference number of the program category (e.g., 100.0 Growth and Development or 200.0 Executive Management).

NOTE: A separate program category for general administration may be included in the Overall Program Design;

(ii) A brief description of the program category's key issues, problems and opportunities; and

(iii) A brief statement of program category goals.

(2) *Program subcategories.* Each program subcategory, which represents a specific objective, shall include:

(i) The title and reference number of the program subcategory (e.g., 101.0 Land Use or 201.0 Policy and Program Development);

(ii) A brief statement of specific or measurable program objectives to be achieved in addressing issues, problems, and opportunities;

(iii) A brief identification of major work elements to be conducted in achieving objectives of the first work year of the Overall Program Design. To the extent possible, this would include deliverable and products and anticipated results of work;

(iv) Estimated cost by work year for each subcategory. Anticipated sources of funding should also be identified; and

(v) Estimated manpower costs and manmonths for the first work year. This should be identified by in-house staff, other public agency and consultant.

(b) *Related data.* The following shall be included with each Overall Program Design:

(1) A bar chart identifying a time schedule for completing subcategories over the time period covered by the Overall Program Design;

(2) A brief statement which describes how the applicant will coordinate its work with related work being performed by other agencies; and

(3) A brief description of how the applicant will communicate and interact with citizens through its planning process.

Subpart D—State Procedures for Local Planning and Management Services

§ 600.110 Purpose.

This subpart sets forth procedural requirements by which States submit Overall Program Designs for statewide planning and assistance and services for localities and nonmetropolitan planning areas.

§ 600.115 State Overall Program Design.

State Overall Program Design must be presented in the format defined in Subpart C of this part, or in an approved substitute format. A State OPD must include the following:

(a) A statewide planning and management section that identifies statewide planning and management objectives to be achieved.

(b) A local planning and management services section that reflects local issues and identifies a strategy to achieve goals and objectives for local services. This strategy shall include how the State agency will select, monitor, and evaluate the local communities and agencies to be assisted. This section shall include all services to local governments, including State Community Development Services; and

(c) A nonmetropolitan areawide planning section that identifies a strategy of goals and achievable objectives for assisting nonmetropolitan planning areas. This strategy shall include how the State agency will select, monitor and evaluate nonmetropolitan areawide programs to be assisted or serviced.

§ 600.120 Summary of local planning and management assistance procedures.

The following describes procedures which States must employ for managing local planning and management assistance. It is HUD's intent to give States major responsibility and discretion for administering a program of local planning and management services, with flexibility as to the selection of services and the recipients to be assisted. The annual grant will support a State program of planning and management services responsive to the key problems of local governments. HUD's main concern will be with the State's planning and management program, rather than with specific activities undertaken on behalf of individual recipients.

(a) *Application submission.* After the HUD Office has identified a bench mark grant figure, the State agency may submit an application, based on which a single total amount of assistance for local planning and management services will be negotiated.

(b) *Grant coverage.* The grant amount for local assistance normally will be included in the State annual grant and will appear as a single subtotal in the annual grant budget (Form HUD-6703, Revised). A separate grant covering local assistance and services may be requested, provided a single OPD covering statewide planning and local assistance and services is presented to HUD.

(c) *Eligible recipients.* Eligible recipients request Community Planning and Management Assistance from the State agency at times and in the manner established by the State. Unless otherwise prohibited by State law, services should be made available to the locality's chief executive official. Such officials, or their designees, should be the locally responsible party and should have agreed on the manner in which services are provided.

(d) *Expenditure of funds.* The grant will be available to the State agency only for the duration of the project period.

(e) *Commitment of funds.* After receiving from HUD the formal notification of grant approval, the State agency may commit and/or expend funds effective with the beginning of the project period and without further HUD concurrence.

§ 600.125 Design of the State program for localities.

The State's planning and management services program shall be set forth in its Overall Program Design and shall:

(a) Describe the objectives of the State's planning and management services program. In establishing these objectives, due consideration should be given to the general goals of the Community Planning and Management Assistance Program as stated in § 600.5.

(b) Identify the criteria to be used in establishing priorities among localities requesting planning and management services (and for determining the particular mix of planning and management services to individual localities).

(c) Describe the procedures to be followed in assisting localities.

(d) Provide for the accomplishment of paragraphs (a) through (c) of this section and of § 600.128 with the cooperation of the locality. State Community Development Services may be employed as the vehicle for making the determinations and accomplishing the work involved in making them.

§ 600.128 Considerations in State assistance to localities.

In determining the nature and extent of assistance to be provided to any locality, the local work program shall with the cooperation of the elected officials of the locality:

(a) Identify and analyze their key issues, pressing problems, needs, priorities, opportunities, and objectives;

(b) Identify the public and private organizations, agencies and programs at the various levels of government having an impact on the localities, problems, issues, etc.;

(c) Evaluate their previous planning efforts and progress;

(d) Identify their housing problems and the status of their housing planning efforts, including housing opportunities for all income groups;

(e) Identify their environmental problems;

(f) Meet workable program, relocation, and similar planning requirements, if desirable or advantageous to an assisted locality;

(g) Secure other local background data as necessary for dealing adequately with their issues, problems and opportunities; and

(h) Evaluate the localities fulfillment of the conditions of the Statement of Assurance consistent with § 600.75.

§ 600.130 Negotiations with HUD.

State negotiations with HUD will focus on:

(a) Relevance of the proposed program to specific statewide objectives and critical problems of local recipients;

(b) Past State agency performance in managing the program, and achieving objectives;

(c) Recipient performance and progress; and

(d) State capability for providing a variety of planning assistance and services.

§ 600.135 State agency review and evaluation.

The State agency must review the planning activities of recipient areas on a continuing basis. The following specific items must be reviewed:

(a) The quality of the local planning work performed;

(b) The timeliness of the work performance;

(c) The recipients' coordination efforts;

(d) The quality of the citizen involvement in the planning effort;

(e) The value of the planning work in improving the chief executive's management capability; and

(f) The recipient's compliance with Equal Opportunities Requirements.

Subpart E—Evaluation and Coordination Procedures

§ 600.140 Purpose.

This subpart sets forth procedures required to assure the evaluation of programs and the coordination of assisted planning among agencies and governmental levels which may enhance or be affected by such planning.

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§ 600.145 Evaluation and review.

Certain evaluation and review procedures are established.

(a) *Evaluation.* Required monitoring and reporting activities are defined in Chapter A of HUD Handbook CPM 6042.1A "Comprehensive Planning Assistance Handbook II" (July 1971). With the Annual Program Completion Report described therein and required to be submitted, applicants must include a brief evaluation statement that relates the following:

(1) Agency progress in meeting the Overall Program Design objectives;

(2) Changes or impacts resulting from the agency's assisted work on the social, physical, environmental, and governmental aspects of the planning jurisdiction; and

(3) Outstanding achievements, such as new governmental policies and public and private actions taken resulting from the agency's work.

(b) *HUD review of agency evaluation.* HUD review of evaluations made by assisted applicants will be reported and discussed at the time of negotiations concerning new applications. This review will cover prior work and proposed work as presented in a new application. The review will cover:

(1) The quality of work performed;

(2) The quality of proposed updating in the Overall Program Design and applicant objectives;

(3) The technical competence of applicant staff and consultants in completing previous work and in relation to proposed work;

(4) The adequacy of the applicant's administrative, fiscal and accounting procedures; and

(5) For States, the applicant's ability to identify and respond to needs of communities, to schedule and complete work in timely fashion and to maintain effective management of local assistance and services.

§ 600.150 Coordination and intergovernmental review procedures.

The following procedures required by §§ 600.160 and 600.170 are established to assure intergovernmental coordination and review of planning and management programs proposed for assistance.

§ 600.160 OMB Circular A–95 coordination procedures.

In accordance with HUD procedures set forth in HUD Handbook CPM O4.1A, "Comprehensive Planning Assistance: Requirements and Guidelines for a Grant", and Office of Management and Budget Circular A–95 guidelines and procedures, established pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, and Title IV of the Intergovernmental Cooperation Act of 1968, planning agencies must notify the State, regional or metropolitan clearinghouse of the intent to submit an applicant for HUD Comprehensive Planning Assistance.

(a) The application notification will include a summary description of the work to be funded containing the following information:

(1) The identity of the applicant agency;

(2) The geographic location of the project to be assisted;

(3) A brief description of the work to be funded under the grant;

(4) The Federal program and agency under which assistance will be sought; and

(5) The estimated date by which time the applicant expects to formally file an application.

(b) When a State's applicant for Comprehensive Planning Assistance is not the designated State clearinghouse, the applicant agency shall notify the clearinghouse agency of its intention to submit an application.

(c) Interstate Regional Commissions submitting applications for a HUD Comprehensive Planning Assistance grant shall notify the Governors' and/or the designated State clearinghouse(s) of their intent to apply to HUD.

(d) Applicants must notify the appropriate State, regional, and metropolitan clearinghouses well in advance of the HUD negotiations conference. In no instance will applications be processed without having fulfilled the A–95 requirements.

§ 600.170 Overall Program Design review.

(a) In addition to the A–95 review, referred to in § 600.160, assisted agencies should submit a draft copy of the Overall Program Design to agencies likely to be asked to implement portions of the plans and programs or to agencies whose activities are likely to be substantially affected by the plans and programs; and to State, areawide, local, and Federal agencies and private agencies expected to contribute cash or services to the planning effort.

(b) Each nonmetropolitan areawide planning organization must submit a copy of its Overall Program Design to the chairman of the State Rural Development Committee of the U.S. Department of Agriculture, in accordance with agreed upon procedures between the State planning agency and the State rural development committee.

(c) Each areawide planning organization designated as an economic development district (EDD) or adjacent to an EDD must submit a copy of its Overall Program Design to the regional office of the Economic Development Administration, U.S. Department of Commerce.

(d) Each areawide planning organization designated as a local development district (LDD) must submit a copy of its Overall Program Design to the central office of the Appalachian Regional Commission.

(e) Coordination between areawide planning organization and large cities. Executive bodies of areawide planning organizations and the chief executive officials of cities over 50,000 population within the areawide jurisdiction must exchange draft Overall Program Designs for comment by the reciprocating office. Referral by the applicant areawide organization to the city executive and by applicant cities to their areawide organization is required in any case.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (4–1–72).

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

[FR Doc.72–5036 Filed 3–31–72;8:49 am]

Chapter IX—Office of Interstate Land Sales Registration, Department of Housing and Urban Development

[Docket No. R–72–149]

PART 1710—LAND REGISTRATION

Miscellaneous Amendments

On January 27, 1972, Land Registration regulations were published in the FEDERAL REGISTER (37 F.R. 1302–1317). A correction to § 1710.105 was published in the FEDERAL REGISTER on February 5, 1972 (37 F.R. 2768). Several additional mistakes are corrected by this amendment and some minor clarification changes are made. A change in § 1710.130 has been made to clarify the fact that State filings made on or after the effective date of the regulations shall be made in accordance therewith; State filings in effect prior to January 27, 1972, are not affected until amendment or consolidation. The preamble to the regulations failed to mention the elimination of the requirements for submitting two copies of the Statement of Record and the Property Report previously required by §§ 1710.20 and 1710.105, and two copies of the Statement of Record filed with and approved by appropriate State agencies previously required pursuant to § 1710.120. Under the regulations, only one copy of any such submission must be filed.

Since this amendment is solely for the purpose of correction and clarification, notice and public procedure upon this amendment are not required and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

Part 1710, of Chapter IX of Title 24 of the Code of Federal Regulations which was published in the FEDERAL REGISTER at 37 F.R. 1302–1317 on Thursday, January 27, 1972, is amended as follows:

§ 1710.2 [Amended]

1. In § 1710.2 change the Zip Code "20411" to read "20410".

2. Section 1710.10 is corrected to read as follows:

§ 1710.10 Statutory exemptions.

The requirements of this part shall not apply to:

• • • • • •

(i) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business.

The foregoing exemptions are available where the particular factual circumstances of the sale or lease meet the express requirements of the exemption provision. No formal written decision is required, but an exemption advisory opinion pursuant to § 1710.15 may be obtained if desired.

3. The following corrections are made in § 1710.11:

a. In paragraph (a) correct the word "chapter" to read "part".

b. In paragraph (a)(2), change the words "on the lot" to read "on-the-lot".

c. In paragraph (b), everything following the last sentence of subparagraph (2) is deleted and a new subparagraph (3) is added so that paragraph (b) (2) and (3) reads as follows:

§ 1710.11 Statutory exemptions—determination required.

• • • • • •

(b) • • •

(2) If the developer has relied upon the provisions of paragraph (c)(1) of this section to establish the time of sale, he shall file with each acknowledged statement and affirmation a copy of the applicable contract of sale.

(3) All documents required to be submitted by this section shall be bound in alphabetical order and indexed by purchaser's surname. Each bound volume shall contain only such documents as are applicable to a single subdivision and shall be identified on the outer cover by the name and location of the subdivision and the number assigned by OILSR to such subdivision. Upon demand by the Secretary, made at any time during the calendar year, the developer shall, without delay, file copies of such acknowledged statements, affirmations, and applicable contracts as the Secretary may specify.

• • • • • •

d. In paragraph (c)(2) of § 1710.11, change the word "encumbarnces" to read "encumbrances".

4. The following amendments are made in § 1710.14:

a. In the second sentence of paragraph (a)(1)(iv) the word "conclusively" is deleted.

b. In paragraph (b), subparagraph (1) is revised to read as follows:

§ 1710.14 Regulatory exemptions—exemption order required—limited offering.

• • • • • •

(b) • • •

(1) File a partial Statement of Record—request for exemption in accordance with § 1710.125. The partial Statement of Record shall not operate as registration under the Act.

• • • • • •

c. In paragraph (b)(3)(ii) change the word "metohds" to read "methods".

5. In § 1710.15, paragraph (b) is redesignated paragraph (c) and a new paragraph (b) is added, to read as follows:

§ 1710.15 Exemption advisory opinions.

• • • • • •

(b) *Partial Statement of Record.* Any opinion request shall be accompanied by a partial Statement of Record as prescribed in § 1710.125. The partial Statement of Record shall not operate as registration under the Act.

• • • • • •

6. Section 1710.17 is amended to read as follows:

§ 1710.17 Concurrent submission—request for exemption/Statement of Record.

A request for an exemption order pursuant to § 1710.14 or for an exemption advisory opinion pursuant to § 1710.15 may be accompanied by the submission of a complete Statement of Record filed in accordance with the procedures described in paragraphs (a) and (b) of this section.

(a) A developer who wishes to begin to offer or to sell lots in a subdivision may submit in connection with a request for an exemption order or for an exemption advisory opinion a complete Statement of Record (§ 1710.20). Such request shall not affect the date upon which the Statement of Record shall become effective.

(b) If a Statement of Record has become effective prior to the issuance of an exemption order or of an exemption advisory opinion of the Secretary to the effect that the method of disposition is exempt, the developer shall elect within 30 days of the date of such order or opinion whether he intends to rely upon such order or opinion or intends for the Statement of Record to remain in effect. Unless the developer informs the Secretary to the contrary, the Statement of Record shall be deemed ineffective and permanently withdrawn, and it will be presumed that the developer intends to rely upon the order or opinion of the Secretary. Thereafter, the developer shall not represent to a purchaser that:

(1) The subdivision has been registered with the Secretary,

(2) The Statement of Record is in effect, or

(3) The Secretary has accepted any Property Report or similar information given to a purchaser.

If the developer does not intend to rely on the exemption order or on the exemption advisory opinion and so notifies the Secretary of his election within 30 days of the date of such order or opinion, he shall not thereafter represent to a purchaser that his method of sale, lease, or other disposition is exempt from the Act.

7. Paragraph (b) of § 1710.27 is revised to read as follows:

§ 1710.27 State filings—consolidations and amendments.

• • • • • •

(b) *Requirement for amendment.* The Statement of Record and Property Report shall be amended within 15 days of the date on which the developer knows or should have known that there has been a material change.

• • • • • •

8. Paragraph (g)(1) of § 1710.35 is revised to read as follows:

§ 1710.35 Payment of fees.

• • • • • •

(g) • • •

(1) When the developer files a concurrent submission—request for exemption/Statement of Record—pursuant to § 1710.17, the fee required by paragraphs (b) through (e) of this section shall be submitted. If the Secretary advises or orders that the offering is exempt under § 1710.10, § 1710.13, or § 1710.14 and the developer does not notify the Secretary within 30 days thereafter that he intends for the Statement of Record to remain in effect, the Secretary will refund the submitted fee except for $100. If the developer notifies the Secretary that he intends for the Statement of Record to remain in effect or if the request for exemption is denied the fee required by this paragraph will be retained.

• • • • • •

§ 1710.45 [Amended]

9. In the second sentence of paragraph (b)(1) of § 1710.45, the phrase "issue and order" is changed to read "issue an order".

10. The following corrections are made in § 1710.105:

a. In Part I.D., "Supporting documentation:", delete lines 1 and 2 thereunder.

b. In Part X.D.1., a new line is added after c., to read as follows:

d. ----------

c. In the portion of § 1710.105 which is designated as "Instructions for Completion of Statement of Record", the following corrections are made:

i. In the next to the last paragraph preceding "Part I. Administrative Information", the word "therefore" is changed to read "therefor."

ii. In Part I.B.4. delete "2" following "D.".

iii. In Part VII.C.3., the word "with" is changed to read "within".

d. The part of § 1710.105 which is designated as "Instructions for Completion of Statement of Record", Part VII.C.1. is amended to read as follows:

§ 1710.105 Statement of Record—format and instructions.

• • • • • •

INSTRUCTIONS FOR COMPLETION OF STATEMENT OF RECORD

• • • • • •

PART VII. ACCESS, NEARBY COMMUNITIES, ROAD SYSTEM WITHIN THE SUBDIVISION

• • • • • •

C. Supporting documentation.

1. If the developer is to complete access routes, submit a copy of any contracts and a copy of any bonds or escrow agreements to guarantee completion thereof. If the access routes are to be completed by the local government submit a copy of a letter from the local authorities setting forth the plan for completion of access routes and maintenance thereof.

• • • • • •

11. The following amendments are made in § 1710.110:

a. Paragraph 8.(c) is revised to read as follows:

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§ 1710.110 **Property Report and lease addendum—format instructions.**

• • • • •

8.(c) List all permissible uses of the property based upon local zoning ordinances.

• • • • •

b. In paragraph 15.(a) the word "had" is corrected to read "and".

c. In paragraph 18. delete the comma after the word "land".

d. The word "Requirements" in that portion designated as "Additional Requirements for Property Report" is corrected to read "Requirements".

e. In paragraph e. following "Additional Requirements for Property Report", the numeral "10" is corrected to read "2"; the word "Ten" is corrected to read "Two".

§ 1710.120 [Amended]

12. The following corrections are made in § 1710.120:

a. In paragraph "D. Supporting documentation:", following "Administrative Information", delete lines 1 and 2.

b. In "SEC. II.C.", the word "asknowledges" in the phrase "and (2) asknowledges by his signature" is corrected to read "acknowledges".

§ 1710.125 [Amended]

13. In the introductory paragraph of § 1710.125, "§ 1710.17(b)" is corrected to read "§ 1710.15".

14. In § 1710.130, the last sentence is revised to read as follows:

§ 1710.130 **Effective date.**

• • • All State filings, amendments and consolidations made on or after January 27, 1972, shall comply with these regulations.

(Sec. 7(d), Department of Housing and Urban Development Act, 79 Stat. 670, 42 U.S.C. 3535(d); sec. 1419, 82 Stat. 598, 15 U.S.C. 1718; Secretary's delegation of authority published at 37 F.R 5071)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (4–1–72).

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.72–5035 Filed 3–30–72;8:51 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

VETERANS' PENSIONS AND DEATH BENEFITS

These regulatory changes implement the provisions of Public Law 92–197 (85 Stat. 660) and Public Law 92–198 (85 Stat. 663), effective January 1, 1972, which provide increases in monthly rates and other entitlement liberalizations for veterans' pension and death benefits for widows, children and parents.

1. In § 3.2, paragraph (h) is amended to read as follows:

§ 3.2 **Periods of war.**

• • • • •

(h) *Mexican border period.* May 9, 1916 through April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders thereof, or in the waters adjacent thereto. (38 U.S.C. 101(30); Public Law 92–198, 85 Stat. 663)

2. In § 3.3, paragraphs (c) and (d)(3) are amended to read as follows:

§ 3.3 **Pension.**

• • • • •

(c) *Disability pension; Mexican border period, and later war periods.* Basic entitlement exists if the veteran:

(1) Served 90 days or more in either the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era, or served an aggregate of 90 days or more in separate periods of service during the same or, effective July 21, 1961, during different war periods, including service during the Spanish-American War (38 U.S.C. 521(g); Public Law 92–198, 85 Stat. 663); or

(2) Was discharged or released from such service before having served the stated 90 days for a disability service connected without benefit of presumptive provisions of law, or at the time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability; and

(3) Is permanently and totally disabled from non-service-connected disability not due to his own willful misconduct or vicious habits, or by reason of having attained the age of 65 years. (38 U.S.C. 502, 521)

(d) *Death pension.* • • •

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c) (1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement exists under the provisions of this subparagraph, effective January 1, 1971, for the widow or child of a deceased veteran of the Mexican border period. (38 U.S.C. 541, 542)

3. In § 3.4, paragraph (c) is amended to read as follows:

§ 3.4 **Compensation.**

• • • • •

(c) *Death compensation.* Basic entitlement exists for a widow, child or children, and dependent parent or parents if:

(1) The veteran died before January 1, 1957; or

(2) The veteran died on or after May 1, 1957, and before January 1, 1972, if at the time of death a policy of U.S. Government Life Insurance or National Service Life Insurance was in effect under waiver of premiums under 38 U.S.C. 724 unless the waiver was granted under the first proviso of section 622(a) of the National Service Life Insurance Act of 1940, and the veteran died before his return to military jurisdiction or within 120 days thereafter. (38 U.S.C. 321, 341, former 417(a); Public Law 92–197, 85 Stat. 660) (See § 3.5(d) as to Public Health Service.)

• • • • •

4. In § 3.5, paragraphs (b)(3), (c), and (e)(3) are amended to read as follows:

§ 3.5 **Dependency and indemnity compensation.**

• • • • •

(b) *Entitlement.* Basic entitlement for a widow, child or children, and parent or parents of a veteran exists, if:

• • • • •

(3) Death occurred on or after May 1, 1957, and before January 1, 1972, and the claimant had been ineligible to receive dependency and indemnity compensation because of the exception in subparagraph (1) of this paragraph. In such case dependency and indemnity compensation is payable upon election. (38 U.S.C. 410, 416, 417, Public Law 92–197, 85 Stat. 660)

(c) *Exclusiveness of remedy.* No person eligible for dependency and indemnity compensation by reason of a death occurring on or after January 1, 1957, shall be eligible by reason of such death for death pension or compensation under any other law administered by the Veterans Administration. (38 U.S.C. 417)

• • • • •

(e) *Widow's rate.* • • •

(3) If there is a widow with one or more children under the age of 18 (including a child not in the widow's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by $22 for each child. (38 U.S.C. 411(b); Public Law 92–197, 85 Stat. 660)

5. Section 3.17 is revised to read as follows:

§ 3.17 **Disability and death pension; Mexican border period and later war periods.**

In computing the 90 days' service required by § 3.3(c), there will be included active service which began before and extended into the Mexican border period or ended during World War I, or began or ended during World War II, the Korean conflict or the Vietnam era, if such service was continuous. Service during different war periods may be combined with service during any other war period to meet the 90 days' service requirement. (38 U.S.C. 521; Public Law 92–198, 85 Stat. 663)

6. In § 3.251(a), subparagraph (1) is amended to read as follows:

§ 3.251 **Income of parents; dependency and indemnity compensation.**

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose annual income exceeds the following limitations:

(i) $2,300 ($2,600 effective January 1, 1972), one parent alone;

(ii) $2,300 ($2,600 effective January 1, 1972), separately, two parents not living together;

(iii) $3,500 ($3,800 effective January 1, 1972), combined income, two parents living together or remarried parent living with spouse;

(iv) Where there is only one parent, and the parent has remarried and is living with his spouse, dependency and indemnity compensation will be paid to him under either the formula in 38 U.S.C. 415(b)(1) or the formula in 38 U.S.C. 415(d), whichever will provide the greater monthly rate of dependency and indemnity compensation. The total combined annual income of the parent and his spouse will be counted. (38 U.S.C. 415; Public Law 92–197, 85 Stat. 660)

• • • • •

7. In § 3.252, paragraphs (a) and (b) are amended and subparagraph (4) is added to paragraph (e) so that the added and amended material reads as follows:

§ 3.252 **Annual income; pension; Mexican border period—and later war periods.**

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect on June 30, 1960, is protected under § 3,956, pension is not payable to an unmarried veteran, or to a widow without a child, or to or on account of a child, whose annual income exceeds $1,900 ($2,200 effective January 1, 1972); or to a married veteran or a veteran with a child, or to a widow with a child whose annual income exceeds $3,200 ($3,500 effective January 1, 1972).

(b) *Annual income and net worth limitation; Public Law 86–211.* Pension is not payable to an unmarried veteran, or to a widow without a child, whose annual income exceeds $2,300 ($2,600 effective January 1, 1972), or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds $2,000; or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds $3,500 ($3,800 effective January 1, 1972); or to a veteran, widow or child if it is reasonable that some part of the claimant's estate be consumed for his maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income, as provided in § 3.262(b). (38 U.S.C. 521, 541, 542, and 543)

• • • • •

(e) *Widow with a child.* • • •

(4) *Alternative rate.* Whenever the monthly pension rate payable to the widow under the formula in 38 U.S.C. 541(c) is less than the rate payable for one child under section 542 if the widow were not entitled, the widow will be paid the child's rate. (38 U.S.C. 541(c), 542; Public Law 92–198, 85 Stat. 663)

8. In § 3.260, paragraph (g) is added to read as follows:

§ 3.260 **Computation of income.**

• • • • •

(g) *Fractions of dollars.* In computing a claimant's annual income a fraction of a dollar will be disregarded for the purpose of determining entitlement to monthly payments of pension and dependency and indemnity compensation. (38 U.S.C. 415(g)(2); 503(b); Public Law 92–197, 85 Stat. 660; Public Law 92–198, 85 Stat. 663)

9. In § 3.261(b), subparagraph (1) is amended to read as follows:

§ 3.261 **Character of income; exclusions and estates.**

The following factors will be considered in determining whether a claimant meets the requirements of §§ 3.250, 3.251, and 3.252 with reference to dependency, income limitations and corpus of estate:

• • • • •

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension—protected (veterans, widows and children)	Pension—Public Law 86–211 (veterans, widows and children)	See
(b) *Deduction of amounts paid by claimant:*					
(i) Unusual medical expenses.	Not authorized.	Authorized....	Not authorized.	Authorized....	§ 3.262(b)(2), § 3.262(i), § 3.262(l).
...	...	...	...	...	...

10. In § 3.262, paragraphs (b)(2), (e)(4), (i), (k)(5) and (6), (l), (m), and (n) are amended to read as follows:

§ 3.262 **Evaluation of income.**

• • • • •

(b) *Income of spouse.* Income of the spouse will be determined under the rules applicable to income of the claimant.

• • • • •

(2) *Veterans.* The separate income of the spouse of a disabled veteran who is entitled to pension under laws in effect on June 30, 1960, will not be considered. Where pension is payable under Public Law 86–211 (73 Stat. 432), to a veteran who is living with a spouse there will be included as income of the veteran all income of the spouse in excess of whichever is the greater, $1,200 or the total earned income of the spouse, which is reasonably available to or for the veteran, unless hardship to the veteran would result. The presumption that inclusion of such income is available to the veteran and would not work a hardship on him may be rebutted by evidence of unavailability or of expenses beyond the usual family requirements. (38 U.S.C. 521(f))

• • • • •

(e) *Retirement benefits; general.* • • •

(4) *Dependency and indemnity compensation.* Except as provided in this subparagraph, effective January 1, 1967, in determining income for dependency and indemnity compensation purposes, 10 percent of the retirement payments received by a deceased veteran's parent or by the parent's spouse will be excluded. The remaining 90 percent will be considered income as received. Where a parent was receiving or entitled to receive dependency and indemnity compensation and retirement benefits based on his own employment on December 31, 1966, the retirement payments will not be considered income until the amount of the claimant's personal contribution (as distinguished from amounts contributed by the employer) has been received. Thereafter the 10 percent exclusion will apply. (38 U.S.C. 415(g), 503(a)(6); sec. 7(b), Public Law 89–730)

• • • • •

(i) *Compensation (civilian) for injury or death.* (1) Compensation paid by the Bureau of Employees' Compensation, Department of Labor (of the United States), or by Social Security Administration, or by Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, or damages collected because of personal injury or death, less medical, legal, or other expenses incident to the injury or death, or the collection or recovery of such moneys will be considered income as received, except as provided in subparagraph (2) of this paragraph. The criteria of paragraph (l) of this section are for application as to all medical expenditures after such award or settlement. (Public Law 92–198, 85 Stat. 663)

(2) For pension, effective October 7, 1966, and for dependency and indemnity compensation effective January 1, 1967 if payments based on permanent and total disability or death are received from the Bureau of Employees' Compensation, Social Security Administration or Railroad Retirement Board, or pursuant to any workmen's compensation or employer's liability statute, there will be excluded 10 percent of the payments received after deduction of medical, legal, and other expenses as authorized by subparagraph (1) of this paragraph. The 10 percent exclusion does not apply to damages collected incident to a tort suit under other than an employer's liability law of the United States or a political subdivision of the United States, or to determinations of dependency for compensation purposes.

• • • • •

(k) *Property.* • • •

(5) *Sale of property; Public Law 86–211 and dependency and indemnity compensation.* For pension under Public Law 86–211 (73 Stat. 432) and for dependency and indemnity compensation, profit from the sale of real or personal property other than in the course of a business

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will not be considered income. This applies to property acquired either before or after the date of entitlement. Any amounts received in excess of the sales price will be counted as income. Where payments are received in installments, principal and interest will not be counted separately. For pension, this provision is effective January 1, 1965; for dependency and indemnity compensation, January 1, 1967. (38 U.S.C. 503(a)(10); 38 U.S.C. 415(g))

(6) *Payments on mortgages on real property; Public Law 86–211.* Effective January 1, 1971, for the purposes of Public Law 86–211 (73 Stat. 432), an amount equaling any prepayments made by a veteran or widow on a mortgage or similar type security instrument in existence at the death of veteran or spouse on real property which prior to the death was the principal residence of the veteran and spouse will be excluded from consideration as income if such payment was made after the death and prior to the close of the year succeeding the year of death. (38 U.S.C. 503(a)(14).)

(l) *Unusual medical expenses.* Within the provisions of subparagraphs (1) through (4) of this paragraph there will be excluded from the amount of the claimant's annual income any unreimbursed amounts which have been paid within the calendar year for unusual medical expenses regardless of the year the indebtedness was incurred. The term "unusual" means "excessive". It does not describe the nature of a medical condition but rather the amount expended for medical treatment in relationship to the claimant's resources available for sustaining a reasonable mode of life. Unreimbursed expenditures which exceed 5 percent of the claimant's reported annual income will be considered unusual. Health, accident, sickness and hospitalization insurance premiums will be included as medical expenses in determining whether the claimant's unreimbursed medical expenses meet the criterion for "unusual." A claimant's statement as to amounts expended for medical expenses ordinarily will be accepted unless the circumstances create doubt as to its credibility. An estimate based on a clear and reasonable expectation that unusual medical expenditure will be realized may be accepted for the purpose of authorizing prospective payments of benefits subject to necessary adjustment in the award upon receipt of an amended estimate or after the end of the calendar year upon receipt of an income questionnaire.

(1) *Veterans.* For the purpose of Public Law 86–211 (73 Stat. 432), there will be excluded unreimbursed amounts paid by the veteran for unusual medical expenses of himself, his spouse, his children, his parents, and other of his relatives in the ascending as well as descending class whom he is under a moral or legal obligation to support and who are members or constructively members of his household.

(2) *Widows.* For the purposes of Public Law 86–211 (73 Stat. 432), there will be excluded unreimbursed amounts paid by the widow for the unusual medical expenses of herself, the veteran's children, and other of her relatives in the ascending as well as descending class whom she is under a moral and legal obligation to support and who are members or constructively members of her household.

(3) *Children.* For the purposes of Public Law 86–211 (73 Stat. 432), there will be excluded unreimbursed amounts paid by a child for the unusual medical expenses of himself, his parent, and his brothers and sisters.

(4) *Parents.* For dependency and indemnity compensation purposes there will be excluded unreimbursed amounts paid by the parent for the unusual medical expenses of himself, his spouse, and other of his relatives in the ascending as well as the descending class whom he is under a moral or legal obligation to support and who are members or constructively members of his household. If the combined annual income of the parent and his spouse is the basis for dependency and indemnity compensation the exclusion is applicable to the combined annual income and extends to the unusual unreimbursed medical expenses of the spouse's relatives in the ascending as well as descending order whom she is under moral or legal obligation to support and who are members or constructively members of the household. (38 U.S.C. 415(g)(3); 503(c); 521(f); Public Law 92–198, 85 Stat. 663)

(m) *Veteran's final expenses; pension.* In claims for pension under Public Law 86–211 (73 Stat. 432), there will be excluded, as provided in paragraph (p) of this section:

(1) From the income of a widow, amounts equal to amounts she, as wife, paid for the expenses of the veteran's last illness;

(2) From the income of a widow, or of a child of a deceased veteran where there is no widow, amounts equal to amounts paid by the widow or child for the veteran's just debts, for the expenses of his last illness, and for the expenses of his burial to the extent such expenses are not reimbursed by the Veterans' Administration. (38 U.S.C. 503(a)(7))

(n) *Final expenses of veteran's spouse or child; pension.* In claims for pension under Public Law 86–211 (73 Stat. 432), there will be excluded, as provided in paragraph (p) of this section:

(1) From the income of a veteran, amounts equal to amounts paid by him for the last illness and burial of his deceased spouse or child; and

(2) From the income of a wife or widow, amounts equal to amounts paid by her as wife or widow of the deceased veteran for the last illness and burial of a child of such veteran. (38 U.S.C. 503(a)(9))

11. In § 3.351, paragraphs (a) and (c) are amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Indian War veterans (38 U.S.C. 511); Spanish-American War veterans (38 U.S.C. 512); and for veterans of the Mexican border period, World War I, World War II, the Korean conflict or the Vietnam era (38 U.S.C. 521). Additional pensions for widows in need of regular aid and attendance is provided for widows of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in Mexican border period service, World War I, World War II or the Korean conflict (38 U.S.C. 544). Additional dependency and indemnity compensation and death compensation for widows and for parents in need of regular aid and attendance is provided for widows and for parents of veterans of all periods of service. (38 U.S.C. 322(b), 411(c), 415(h); Public Law 92–197, 85 Stat. 660)

• • • • • •

(c) *Aid and attendance; criteria.* The veteran, widow, or parent will be considered in need of regular aid and attendance if he or she:

(1) Is blind or so nearly blind as to have corrected visual acuity of 5/200 or less, both eyes, or concentric contraction of the visual field to 5° or less; or

(2) Is a patient in a nursing home on account of mental or physical incapacity; or

(3) Establishes a factual need for aid and attendance under the criteria set forth in § 3.352(a). (38 U.S.C. 502(b); Public Law 92–197, 85 Stat. 660)

• • • • • •

12. Section 3.404 is added to read as follows:

§ 3.404 Parents.

Awards of additional amounts of compensation and dependency and indemnity compensation based on the parent's need for regular aid and attendance will be effective date of receipt of claim or date entitlement arose, whichever is the later. (See also § 3.400(c)(2)) Where the parent is provided hospital, institutional or domiciliary care at Veterans Administration expense, the effective date will be date of departure therefrom. (Public Law 92–197, 85 Stat. 660)

13. In § 3.450, paragraph (c) is amended to read as follows:

§ 3.450 General.

• • • • • •

(c) The amount payable for any child or children in the widow's custody will be added to the widow's share and any amounts payable for children not in her custody will be deducted from her award.

• • • • • •

14. In § 3.500, paragraphs (g) and (n) are amended to read as follows:

§ 3.500 General.

The effective date of a rating which results in the reduction or discontinuance of an award will be in accordance with the facts found except as provided in § 3.105. The effective date of reduction or discontinuance of an award of pension, compensation, or dependency and indemnity compensation for a payee or dependent will be the earliest of the dates stated in these paragraphs unless otherwise provided. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit. (38 U.S.C. 3012(b))

• • • • • •

(g) *Death (38 U.S.C. 3012(a), (b); Public Law 92–198, 85 Stat. 663).*—(1) *Payee.* Last day of month before death.

(2) *Dependent of payee (includes apportionee).* Last day of the calendar year in which death occurred.

(3) *Veteran receiving retirement pay.* Date of death.

• • • • • •

(n) *Marriage (or remarriage) (38 U.S.C. 101(3), 3012(b); Public Law 92–198, 85 Stat. 663).*—(1) *Payee.* Last day of month before marriage.

(2) *Dependent of payee (includes apportionee).* Last day of the calendar year in which marriage occurred.

(3) *Inferred marriage of child.* As provided in subparagraph (1) or (2) of this paragraph.

(4) *Conduct of widow.* Last day of month before inception of relationship.

• • • • • •

15. In § 3.501, paragraph (d) is amended to read as follows:

§ 3.501 Veterans.

The effective date of discontinuance of pension or compensation to or for a veteran will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

• • • • • •

(d) *Divorce (38 U.S.C. 3012(b)(2); Public Law 92–198, 85 Stat. 663).* Last day of the calendar year in which divorce occurred.

• • • • • •

16. In § 3.502, paragraph (a) is amended to read as follows:

§ 3.502 Widows.

The effective date of discontinuance of pension, compensation, or dependency and indemnity compensation to or for a widow will be the earliest of the dates stated in this section. Where an award is reduced, the reduced rate will be payable the day following the date of discontinuance of the greater benefit.

(a) *Additional allowance of dependency and indemnity compensation for children (38 U.S.C. 3012(b), Public Law 92–198, 85 Stat. 663; § 3.5(e)(3)).* Day preceding child's 18th birthday or last day of calendar year in which child's marriage occurred (see § 3.500(n)(2) and (3)), whichever is earlier.

• • • • • •

17. Section 3.504 is added to read as follows:

§ 3.504 Parents; aid and attendance.

The effective date of discontinuance of an increased award because of the parent's need for aid and attendance will be the day of last payment if need for aid and attendance has ceased. If hospitalized at Veterans Administration expense as a veteran the date will be specified in § 3.552(b)(1) or (3). (Public Law 92–197, 85 Stat. 660)

18. In § 3.660, paragraph (a) is amended to read as follows:

§ 3.660 Dependency, income and estate.

(a) *Reduction or discontinuance.*—(1) *General.* A veteran, widow, or child who is receiving pension, or a parent who is receiving compensation of dependency and indemnity compensation must notify the Veterans Administration of any material change or expected change in his income or other circumstances which would affect his entitlement to receive, or the rate of, the benefit being paid. Such notice must be furnished when he acquires knowledge that he will begin to receive additional income at a rate which if continued will cause his income to exceed the income limitation or increment applicable to the rate of the benefit being paid or when his marital or dependency status changes. In pension claims subject to § 3.252(b) and in compensation claims subject to § 3.250(a)(2), notice must be furnished of any material increase in corpus of the estate or net worth.

(2) *Contingency.* Where reduction or discontinuance of a running award is required because of an increase in income, which increase could not reasonably have been anticipated based on the amount actually received from that source the year before, or because of an increase in corpus of estate or net worth or because dependency of a parent ceased or became dependency ceased due to the dependent's marriage, divorce or death the award will be reduced or discontinued effective the last day of the calendar year in which the increase occurred or dependency ceased. (38 U.S.C. 3012; Public Law 92–198, 85 Stat. 663)

(3) *Overpayments.* Overpayments created by retroactive discontinuance of benefits will be subject to recovery if not waived. Where dependency and indemnity compensation was being paid to two parents living together, an overpayment will be established on the award to each parent.

• • • • • •

19. In § 3.702, paragraph (a) is amended to read as follows:

§ 3.702 Dependency and indemnity compensation.

(a) *Right to elect.* A person who is eligible for death compensation and who has entitlement to dependency and indemnity compensation pursuant to the provisions of § 3.5(b)(2) or (3) may receive dependency and indemnity compensation upon the filing of a claim. The claim of such a person for service-connected death benefits shall be considered a claim for dependency and indemnity compensation subject to confirmation by the claimant. Payments may be authorized as of the date of entitlement provided the claim is filed within a reasonable period (not to exceed 120 days) before that date. The effective date of payment is controlled by the provisions of § 3.400(c)(3).

• • • • • •

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective January 1, 1972.

Approved: March 24, 1972.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.72–5012 Filed 3–31–72;8:47 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36

APPROVAL CRITERIA FOR "AERO CLUBS"

These regulatory changes supply less restrictive approval criteria for the so-called "AERO Clubs" which are flying clubs considered to be governmental instrumentalities.

1. In § 21.4150, paragraph (f) is added to read as follows:

§ 21.4150 Designation.

• • • • • •

(f) Approval of a course of education offered by any agency or instrumentality of the Federal Government shall be under the authority of the Administrator. (38 U.S.C. 1772(b).)

2. In § 21.4151, paragraph (b) is amended to read as follows:

§ 21.4151 Cooperation.

• • • • • •

(b) State approving agencies are responsible for inspecting and supervising schools within the borders of their respective States and for determining those courses which may be approved for the enrollment of veterans and eligible persons. They are also responsible for ascertaining whether a school at all times complies with its established standards relating to the course or courses which have been approved. Under agreement with the Veterans Administration they will also be responsible for rendering services and obtaining information necessary for the Administrator's approval or disapproval under chapters 34 and 35 of courses of education offered by any agency or instrumentality of the Federal Government within the borders of their respective States. (38 U.S.C. 1772, 1773)

• • • • • •

3. In § 21.4202(c), subparagraph (3) is added to read as follows:

§ 21.4202 Overcharges; restrictions on enrollments.

• • • • • •

(c) *Restrictions—proprietary schools.*

• • •

(3) Flying clubs established, organized, and operated pursuant to regulations of a military department of the Armed Forces as "nonappropriated sundry fund

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activities" are Government instrumentalities and are not proprietary schools within the scope of this paragraph.

4. In § 21.4251(a), subparagraph (1) is amended to read as follows:

§ 21.4251 Period of operation of course.

(a) *General.* A course offered by a school other than a job training establishment will be appropriate for the enrollment of a veteran or eligible person only if it has been in operation for 2 years or more immediately prior to the date of enrollment of such person, except that this provision does not apply to:

(1) Any course to be pursued in a public or other tax-supported educational institution including the flying clubs which are the subject of § 21.4202(c)(3) and any course of the nature contemplated under provisions of § 21.4235(a)(1) which is to be pursued at an institution operated by the Department of Defense;

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: March 28, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-5011 Filed 3-31-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

These changes are necessary to implement Federal Procurement Regulation Subpart 1-12.11, Listing of Employment Openings.

1. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005, *Standard FPR clauses not included in § 9-7.5004*, a new, § 9-7.5005-23, *Listing of employment openings*, is added as follows:

§ 9-7.5005 Standard FPR clauses not included in § 9-7.5004.

§ 9-7.5005-23 Listing of employment openings.

See FPR 1-12.1102-2.

2. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-2, *Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities)*, a new paragraph is added as follows:

§ 9-16.5002-2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).

* * * * *

(43) Listing of employment openings—FPR 1-12.1102-2.

3. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-4, *Outline of a cost-plus-a-fixed-fee construction contract*, a new Article XXXVII, *Listing of employment openings*, is added as follows:

§ 9-16.5002-4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

Article XXXVII—Listing of Employment openings. Insert contract clause set forth in FPR 1-12.1102-2:

In witness whereof, the parties hereto have executed this contract as of the day and year above written:

UNITED STATES OF AMERICA
By _____
_____
(Title)

UNITED STATES ATOMIC ENERGY COMMISSION
_____
(Contractor)
By _____
_____
(Title)

I, _____, certify that I
(Attester)
am the _____ of the
(Title)
Contractor named in this contract; that _____ who signed this
(Signatory)
contract on behalf of said Contractor was then _____ of said Contractor; that this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____

4. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-5, *Outline of a cost-plus-a-fixed-fee architect-engineer contract*, a new Article XL, *Listing of Employment Openings*, is added as follows:

§ 9-16.5002-5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XL—Listing of employment openings. Insert contract clause set forth in FPR 1-12.1102-2:

In witness whereof, the parties hereto have executed this Contract as of the day and year above written:

UNITED STATES OF AMERICA
By _____
_____
(Title)

UNITED STATES ATOMIC ENERGY COMMISSION
_____
(Contractor)
By _____
_____
(Title)

I, _____, certify that I
(Attestor)
am the _____ of the
(Title)
Contractor named under this contract; that _____ who signed this
(Signatory)
contract on behalf of said Contractor was then _____ of said Contractor; that this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____

5. In Subpart 9-16.50, Contract Outlines, § 9-16.5002-8, *Outline of special research support agreement with educational institutions*, Articles B-XXVIII through XXX are revised as follows:

§ 9-16.5002-8 Outline of special research support agreement with educational institutions.

* * * * *

ARTICLE B-XXVIII—LISTING OF EMPLOYMENT OPENINGS

Insert the clause set forth in FPR 1-12.1102-2.

ARTICLE B-XXIX—DETERMINATION OF SUPPORT COSTS

(a) The term "Support Cost" as used in this contract means the Commission's share[1] of the sum of costs incurred by the Contractor for items included under Article A-II(a) of Appendix A which are in furtherance of the work hereunder, which are incurred in accordance with the provisions of this contract, and which are reported to the AEC in accordance with (b) below. The term "Cumulative Support Cost" as used in this contract means the total of the Support Cost incurred during the initial contract period plus any extension periods of the contract.

(b) Within 3 months after the end of each contract period set forth in Appendix A, and within 3 months after the termination or expiration of the total period of performance, the Contractor shall furnish a certified statement, executed by an official of the Contractor and also signed by the principal investigator, showing the Contractor's cost, and evidencing its performance under the contract, during the contract term just completed. The statement shall show all costs incurred during the pertinent contract term set forth in Appendix A for items under Article A-II(a) of Appendix A, including the Contractor's share, if any, of such costs, and show the extent of the Contractor's contribution of items listed under Article A-II(b)(1) of Appendix A. Costs included in the certified statement may include the following: Expenditures of cash; the cost of material and supplies transferred from stores inventory; and the amount due the Contractor for indirect costs in accordance with the rate and factor or factors shown in Appendix A of the contract for the pertinent contract period. The costs for the pertinent contract period shall be consistent with the principles of the Bureau of the Budget Circular A-21, as constituted on the effective commencement date of said period. The certified statement shall be in the form set forth in Appendix C.

(c) The Contractor understands that the Commission expects to rely on this certified statement for determining the Support Cost for the pertinent contract period. With respect to any period in which proportionate costsharing is applicable, the Support Cost for the pertinent period will be determined by applying the percentage figure included in Article A-III for the pertinent period, to the certified cost of items included under Article A-II(a) incurred during the pertinent contract period. All charges to the AEC shall be subject to the approval requirements of this contract. The Contractor is expected to maintain auditable records as contemplated by Article B-II(c) to substantiate the costs incurred for items under Article A-II(a) and to show the extent of the Contractor's contribution of items listed under Article A-II(b)(1).

[1] In those cases in which there is no proportionate sharing of costs, the Commission's "share" will be 100 percent. With respect to any period in which proportionate cost-sharing is applicable pursuant to Article A-III, it is understood that the Support Cost for that specified period will equal the stipulated percent of the sum of costs incurred by the Contractor during the stated period for items under A-II(a) of Appendix A, not to exceed 110 percent of the estimated Support Cost set forth in Article A-III for that contract period except as otherwise approved by the AEC.

ARTICLE B-XXX—ADDITIONAL APPROVALS

(a) In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

(1) Acquisition of:

(i) An item of equipment, not itemized in Appendix A, involving an acquisition cost in excess of $1,000 or 2 percent of the total estimated cost specified in A-III of Appendix A, whichever is greater, unless such equipment is merely a different model of an item listed in Appendix A. (When plant and equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds be used only for acquiring the equipment designated in Article V, unless prior AEC approval has been obtained.)

(ii) Any equipment not itemized in Appendix A, the acquisition cost of which will cause the equipment dollar level shown in Article A-II(a) of Appendix A to be increased by $500 or more. (If plant and equipment funds are provided for the acquisition of equipment, with title to be vested in the Government, the total cost of such equipment acquisitions shall not exceed the amount budgeted for such equipment unless prior AEC approval has been obtained.)

(2) Purchase of any general-purpose equipment, such as office furniture or air conditioning, not specifically provided for in Appendix A, except that purchased without cost to the Commission.

(3) Incurring costs during the pertinent contract period set forth in Appendix A, for items set forth in Article A-II(a), in excess of 110 percent of the estimated cost specified in Article A-III for the pertinent contract period; charges to the Commission for any such costs incurred with the approval of the Commission shall also be subject to the limitations of Article III.

(4) A change of the principal investigator, or continuation of the research work without direction by an approved principal investigator. The principal investigator may increase or decrease the amount of effort which he devotes to the project without obtaining Commission approval; however, the principal investigator shall consult with the appropriate AEC Headquarters program representatives if he plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in Article A-I. The purpose of such consultation will be to determine what effect, if any, the anticipated change will have on the research work.

(b) No change in the phenomenon or phenomena under study, i.e., broad category of the research under this contract, shall be made without the specific written approval of the Commission; ordinarily, such changes, if approved by the Commission, will be accomplished through a new contract or a mutually agreed-to modification. The Contractor may change the specific objectvies in the research work described in this contract, provided it gives the Commission prompt notification of such changes; and the Contractor may continue to follow the new objectives while the Commission determines whether it wishes to continue the program under the changed approach.

APPENDIX C

U.S. ATOMIC ENERGY COMMISSION

Statement of Costs

1. Name and address of Contractor: _____

2. Contract number: _____

3. Beginning and ending date of pertinent contract period: _____

4. Costs incurred during the pertinent contract period. [List only those costs which are to be reimbursed by the AEC or proportionately shared by the parties in accordance with Article A-II(a) and Article A-III.]

Cost categories[1]	*Amount*
a. *Salaries and wages.* [List personnel included in Article A-II(a) of Appendix A in same detail as shown in the Contractor's payroll distribution or time and attendance records.]	$_____
b. *Supplies and materials.* (Show in same detail as in Appendix A.)	_____
c. *Equipment.* [List separately the cost of each piece of equipment separately listed in Appendix A to the contract or for which separate approval was obtained from AEC.]	_____
d. *Publications*	_____
e. *Travel*	_____
f. *Other.* [List separately each type of cost included in this category.]	_____
g. *Total direct expenditures*	_____
h. *Indirect charges.* (Indirect percent and expenditures to which percent is applied.)	_____
5. *Total costs* for items under Article A-II(a) for pertinent contract period	_____
6. *Support cost* for the pertinent contract period set forth in Appendix A, as defined in Article B-XXVII of the contract, chargeable to AEC for the pertinent contract period (percent of total costs using percent shown in Article A-III of Appendix A for pertinent period of contract)	_____
7. *Cumulative support cost* (support cost under this statement plus support cost for previous period of the contract)	_____
8. *Accumulated support ceiling* in Article III of the contract	_____
9. Provide information regarding contribution by the contractor of items listed in Article A-II(b) of Appendix A during pertinent contract period. State the extent of the Contractor's actual contribution; the measure of such contributions should be in the same terms as the Contractor's commitment under Article A-II(b), e.g., time, dollar, etc	_____

[1] The listing of categories should be consistent with the itemization in Appendix A.

I hereby certify that this report is true and correct to the best of my knowledge and belief and that the costs listed herein were incurred in connection with the performance of the research provided for under this contract and in accordance with the terms and conditions set forth therein.

_____
(Name and title of principal investigator)

_____ _____
(Signature) (Date)

_____
(Name and title of business officer)

_____ _____
(Signature) (Date)

In Subpart 9-16.50, Contract Outlines, § 9-16.5002-9, *Outline of cost-type contract for research and development with educational institutions*, a new article, B-45—Listing of Employment Openings, is added as follows:

§ 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B-45—LISTING OF EMPLOYMENT OPENINGS

Insert the clause set forth in FPR 1-12.1102-2.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (4-1-72).

Dated at Germantown, Md., this 27th day of March 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.72-5031 Filed 3-31-72;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19261; FCC 72-274]

EXPANDED NONVOICE COMMUNICATION TECHNIQUES

Report and order. In the matter of amendment of Parts 89, 91, and 93 of our rules to provide for expanded nonvoice communication techniques including radioteleprinter, radio-facsimile and ambulance telemetering, Docket No. 19261.

1. On June 21, 1971, the Commission issued a notice of proposed rule making in the above entitled matter which was published in the FEDERAL REGISTER on June 25, 1971 (36 F.R. 12114). Comments and reply comments in response to the notice were submitted by some 60 parties.[1] Each of the comments has been carefully considered and the major points raised will be discussed herein.

[1] Appendix A contains a listing of all the parties who submitted comments; filed as part of the original document.

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2. Major rule amendments related to expansion of opportunities to utilize rapidly developing techniques in nonvoice radio communications in the land mobile radio services were proposed in this proceeding as follows:

(a) Radioteleprinter and facsimile transmissions would be permitted, under the interim rules adopted in Docket 18108, (First Report and Order Adopted August 13, 1969, FCC 69–893), in all private land mobile radio services governed by Parts 89, 91, and 93 where frequency coordination is required. This includes the Public Safety Services, except the Special Emergency Radio Service, all of the Land Transportation Services, and the Industrial Radio Services, except for the Business Radio Service with respect to operations below 450 MHz, and except for the Industrial Radiolocation Service.

(b) Two of the frequency pairs, previously reserved for possible radioteleprinter use[1] in the 460–470 MHz band, would be allocated to the Police Radio Service in the largest 20 cities, for development and operation of digital systems for information retrieval and other similar purposes.

(c) Allocation of five single mobile-only frequencies, again out of the 10 pairs previously reserved for possible radioteleprinter use, would be made available to the Special Emergency Radio Service for telemetry transmission of biomedical information, such as electrocardiogram readings from an ambulance to a hospital; consideration to be given also to possible allocation of the paired base frequencies for hospital to ambulance communications in connection with telemetry operations.

(d) Two pairs of 460 MHz frequencies, which are already allocated in the Fire Radio Service, would be redesignated primarily for ambulance telemetering and secondarily for other ambulance operations.

3. The comments supported the basic purposes of these proposals and for the reasons given below they are adopted, but with a number of modifications, particularly with respect to the proposals relating to ambulance telemetry operations, as discussed in the following paragraphs.

RADIOTELEPRINTER AND RADIOFACSIMILE

4. Radioteleprinter is presently permitted in the Fire, Police, and Railroad Radio Services and operational experience with this technique has convinced the Commission it would be feasible for all coordinated services and should be encouraged. In addition, we proposed to permit in all frequency coordinated services the transmission of facsimile because new developments and increased interest in this technique indicates it could also prove to be a valuable communications tool. The interim rule provisions proposed would permit licensing base stations, but not mobile units, to transmit in radioteleprinter and radiofacsimile modes in accordance with the following general standards:

(a) Base stations must be geographically frequency coordinated with existing cochannel voice systems within 75 miles for single-frequency systems and within 35 miles for two-frequency systems. (New voice systems would not be afforded protection from these operations);

(b) Applications must show manufacturer's identification for equipment or give a detailed system and data description;

(c) Transmitters type-accepted for use of F–3 emission may, under certain conditions, be utilized also for these nonvoice operations;

(d) Frequencies will not be assigned exclusively for these emissions;

(e) Station identification for these operations must be by voice.

5. While the comments supported these basic proposals, exceptions to the specific rules outlined above were requested. The American Petroleum Institute (API) urged that new voice operations should be given priority over established teleprinter or facsimile operations since "voice emissions will continue to be used to provide for the bulk of mobile communications in the Petroleum Radio Service for the foreseeable future." However, this would deny the nonvoice licensee a reasonable measure of protection for his investment and operations to which the Commission believes he is entitled. New voice systems, therefore, will have to tolerate interference on frequencies occupied by radioteleprinter or radiofacsimile, but we expect that the coordination process will prevent conflicts in this respect.

6. Salem, Va., objects to the geographic frequency coordination requirement, which it contends is too stringent and could preclude transmission of a facsimile "all points bulletin" on a common police frequency if one licensee did not provide clearance. We recognize that this could cause problems in certain areas of the country and we are hopeful that experience gained under our interim rules will provide needed data of the extent to which nonvoice techniques involving radioteleprinter and radiofacsimile are compatible with land mobile voice systems for possible future relaxation of this type of requirement. For the present, however, the mileage separation standards are considered necessary to effective sharing by nonvoice and voice systems of the limited number of available frequencies and this factor requires primary consideration in the rules.

7. Salem also requested, together with Raytheon, that teleprinter and facsimile operations be permitted from mobile units as well as from base stations. Salem argues that it foresees the development of a "mobile crime lab of photographs, sketches, diagrams, or other such information as would then be rebroadcast from the base station for the immediate use of field officers." Raytheon contends that "vehicle-to-base links * * * will permit greater spectrum utilization by creating the potential for utilizing more advanced communications techniques which have been and are in the process of development and test by industry." While both of these arguments have merit, the Commission believes that greater expansion than that proposed for teleprinter and facsimile operations is premature and should be delayed until there has been an opportunity for proper evaluation of systems in operation. This is the primary reason that the rule changes proposed for these systems are to be on an interim basis. Moreover, this does not prevent issuance of developmental authorizations for testing of additional methods for using nonvoice techniques and requests for a limited number of such authorizations will be considered on a case-by-case basis when it is demonstrated that an organized program has been planned looking towards the development of technical and operational factors along with a time table indicating the period of operation required to permit the required data to be acquired.

460 MHz FREQUENCIES FOR POLICE

8. The second major rule change proposed would allocate the frequency pairs 462.950/462.975 MHz (base-mobile) and 467.950/467.975 MHz (mobile only) to the Police Radio Service. These frequencies are taken from the radioteleprinter reservation and would be assignable in the 20 largest cities to be used for a wider application of nonvoice purposes, other than telemetry, telecommand, and automatic vehicle location.[2] They may also be utilized for radiotelephony, but only on a secondary basis to nonvoice operations.

9. As noted, the comments generally supported this proposed allocation and urged its adoption. The Electronics Industries Association (EIA) comment reflects the consensus in observing that the allocation "will permit police systems to be developed and optimized without the constraints of an integrated voice/nonvoice system and should encourage rapid development of such systems." A few parties, while agreeing with the need for additional frequencies for the nonvoice police operations, felt that the required channels should be dedicated from land mobile frequency pools which have been established to share the lower seven UHF–TV channels (Docket 18261). They argue that this will allow the reserved radioteleprinter frequencies to be assigned in other radio services for other purposes—for example, in the Special Emergency Radio Service for medical emergencies. However, requests to permit special uses on the "shared" UHF–TV frequencies were considered in Docket 18261 as discussed in the second report and order (36 F.R. 12477 July 1, 1971), and will not be further considered herein.

10. The Commission's proposal to limit use of these allocations to the 20 largest cities was contested. A number of parties maintained that many small communities are developing nonvoice systems which should be accommodated on these frequencies. The Commission disagrees and believes that critical need for these frequencies exists in the major cities which encounter frequency congestion difficulties that preclude "same-channel" development of nonvoice systems, rather than in small communities where the message handling rate is much reduced and appears to afford the ability to establish effective integrated voice/nonvoice systems. Additionally, extending availability of these two frequency pairs to unlimited users and areas would present practical and perhaps insurmountable coordination problems to prevent cochannel interference. These problems are not involved in the 20 cities proposed since there is sufficient geographic separation between them to permit ready coordination and to minimize such interference. For these reasons, we are retaining the proposed provision that the use of these frequencies be confined to the larger cities. At the same time, there is justification and latitude for enlarging upon the group of 20 cities. Study of locations of the next 10 largest cities indicates that they can also utilize the 460 MHz frequencies without likelihood of cochannel interference. We are, therefore, modifying the proposed rule to include the Nation's largest 30 cities.[4]

11. A problem noted by International Business Machines Corp. (IBM) concerns station identification. IBM contends that "interrupting base station data transmissions in high speed high volume nonvoice systems to meet the station identification requirements of § 89.-153 will be inefficient and burdensome." The Commission agrees and since only the readily identifiable 30 largest cities can operate on these frequencies, an exception to present station identification requirements is being provided for these licensees. They are advised, however, that this exception may be withdrawn as part of rule changes the Commission anticipates proposing for automatic station identification requirements in the land mobile services.

12. IBM also recommends, in the interest of minimizing the necessity for extensive investment in new equipment, that we allow transmitters type-accepted for voice emission to be used also for nonvoice operations to cover systems authorized on the new 460 MHz police frequencies. A provision of this nature is already included in the interim rules for radioteleprinter and radiofacsimile operations and we find that a similar provision should be adopted for the new frequencies.

BIOMEDICAL TELEMETRY SYSTEMS

13. The remaining group of rule amendments proposed in this proceeding provides for regular licensing of ambulance biomedical telemetry systems. The Commission has been aware of the importance of this radio technique to the efforts of the medical community to improve prehospitalization treatment for cardiac patients, accident victims, and others for whom emergency care is necessary. However, the rules contemplate voice operation primarily, and telemetering is generally not permitted on land mobile frequencies. In addition, these operations require the continuous carrier mode of transmission, as well as protection from interference from other systems. As a result, present medical telemetry systems are authorized on a developmental basis to produce data in actual operational environments concerning the need for, and feasibility of, such installations. Developmental telemetry systems have been authorized in both the 150 and 450 MHz bands where they have demonstrated their practicality and their significant potential for advancement to the life saving function of medical facilities. An important example has been the telemetering of electrocardiograms of heart attack victims to enable hospital-based physicians to provide instructions for administering effective preliminary emergency care. Similarly, telemetry is being employed for treatment of accident victims and the U.S. Department of Health, Education, and Welfare (HEW) concludes in its comments:

> It is reasonable to expect that biomedical telemetry used by an effective emergency medical service can help reduce this tragic loss because existing technology can provide the means for professional medical supervision of patient management by paramedical personnel on site and in transit to an emergency medical care facility.

14. In view of these advantages, the proposals would authorize biomedical telemetering systems on a regular basis in the Special Emergency and Fire Radio Services. The major feature of our original proposals is provision for 460 MHz mobile frequencies primarily for telemetry transmissions and secondarily for radiotelephony associated with the telemetry operation.[5] Five of the frequencies were to be allocated in Special Emergency Radio Service and are taken from the reserved radioteleprinter pool previously discussed. Base frequencies "paired" with these five frequencies were not proposed to be allocated but the Commission asked for comments as to whether they are needed to permit direct hospital to ambulance instructions. Two other mobile frequencies were intended primarily for Fire Radio Service Telemetry operations. Base station frequencies paired to these two frequencies were additionally proposed to be made available in the Fire Radio Service in the expectation that they would be utilized primarily for central dispatching of ambulances, both municipal and private, in connection with area-wide communications plans. Development of these plans, while not a requirement, was encouraged by the Commission in its notice for coordinated use of the seven 460 MHz mobile frequencies.

15. While, as noted, the comments essentially supported these basic proposals for telemetry operations, some parties wanted to go further to provide a new "Medical Radio Service" that would cover radio communication requirements of all medical personnel and facilities. HEW summarizes this position:

> * * * the Department of Health, Education, and Welfare feels that development of an effective nationwide emergency medical service is urgent if the nation is to meet its responsibilities to the sick and injured. The radio communications requirements for this emergency service should be met under a single set of rules and regulations affording the same priority and protection now available to the Police and Fire Radio Services. This can probably best be accomplished by establishing an Emergency Medical Service under Part 89 of the FCC rules and regulations.

However, the merits of a separate service concept and this recommendation are matters beyond the scope of this proceeding and will not be considered herein.

16. Most of the comments agreed that telemetry systems could effectively operate in the 460 MHz band. A few parties sought separate frequencies in the 150 MHz band for these operations instead of, or at least in addition to, the 460 MHz allocations. The argument was that this would permit utilization of their present equipment and tie-in with their regular base station operations for necessary communications related to telemetering activities. The Commission recognizes that these advantages exist for licensees, as do certain economic advantages and technical advantages including more favorable propagation characteristics in the 150 MHz band. The difficulty is that there is not a sufficient number of 150 MHz frequencies available for exclusive telemetry operations. Nor did the comments in this regard produce a reasonable solution. Most suggested that we permit licensees the option to use the hospital frequency 155.34 MHz for telemetry systems. But sharing of a single frequency in a given community would not, in our view, serve to meet anticipated emergency telemetering requirements. Further, the Commission believes that permitting telemetry in different bands would preclude development of coordinated operations which we considered desirable for the most effective

[1] The reservation consists of 10 two-frequency channels reserved for possible radioteleprinter use in Docket 13847 (Second Report and Order, 11 FCC 2nd 648; 1963); see also notice of inquiry, Docket 18108 (33 F.R. 5323; 1968).

[2] One important use, described in our notice, is two-way digital communications for rapid access by police mobile units to central computer records; the data response could include visual display in the vehicle by radioteleprinter, radiofacsimile, or cathode ray tube.

[4] Appendix B lists these cities as taken from the 1970 Federal Census; filed as part of the original document.

[5] In the Business Radio Service, the frequency band 216–220 MHz can be used for mobile telemetering but these frequencies are only available on a shared basis with U.S. Government operations and specific frequencies may not be available over a wide area. Consideration was also given to use of 150 MHz frequencies, but these channels must be shared for a number of other important voice and nonvoice uses and are not available to accommodate the telemetry function, as more fully discussed in paragraph 17, infra.

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frequency utilization. In the final analysis, the Commission concludes, as did the majority of the comments, that 460 MHz allocations afford the best possible compromise. Frequencies in this band are already being utilized for successful developmental telemetry operations with minimal problems and we see no reason why similar results would not be experienced by regular systems with the added benefit that extended operations should contribute to development of improved equipment and operating methods for this technique. Accordingly, we are finalizing the proposals to provide for biomedical telemetry operations in the 450–470 MHz band.[6]

17. There was also concern in a few comments with the number of 460 MHz channels being provided. Los Angeles County called the proposed allocation for seven mobile frequencies "completely inadequate," claiming "it requires a minimum of 10 duplex channels which includes one for adjacent Orange County." This is in accord with the County's plan for each of its hospitals to have a separate frequency for its ambulance telemetry system. The county adds that it anticipated growth "in the future which would require frequencies in addition to the ten which we have requested."

18. The Commission is not unaware of the unusual problems faced by Los Angeles County, the original petitioner in this proceeding (RM–1712), and other densely populated communitiees in providing communication systems for their areas. In the notice, we commented concerning Los Angeles' showing for additional channels, as follows:

> While the number of frequencies, two pairs and five singles, is less than petitioner seeks, we believe that the number proposed will provide an adequate accommodation for biomedical telemetry based on a coordinated area approach.

The Commission feels that this remains the valid approach for the county. Even if it were not impractical within the present frequency complement to afford capability as requested by Los Angeles, greater operating advantage appears to lie in a "block" assignment method which can be utilized under a communication plan developed for the entire area served by the County. Rather than one frequency for each of its hospitals, this would provide multiple-channel capability which should be far more dependable for meeting emergency telemetry requirements. For these reasons, the Commission is adhering to the proposed number of frequencies being provided for ambulance telemetry transmissions.

19. Los Angeles' request for duplex capability for medical telemetry systems is an entirely different matter. The Commission discussed this problem in its notice and stated:

> If requested, we will designate base station frequencies from the pool which was formally reserved for radioteleprinters only. If this occurs, we would anticipate that dispatching would not be permitted thereon in order to insure channel availability for instructions to ambulances in response to telemetered patient data.

Los Angeles now confirms this need:

> During the 2 years that the Los Angeles County pilot program has been operational numerous instances have been documented to substantiate the importance of duplex operation whereby cardiac data is supplemented by voice consultation between the paramedic team and the cardiological team at the hospital.

Dr. Gary J. Anderson of Indiana University supports this view, which is also shared in a number of comments, and notes "the designation of frequencies for this purpose is necessary and places the expertise of the physician into the ambulance." Also, the Connecticut Advisory Committee on Emergency Medical Services reviews the difficulties associated with the alternatives to use of paired 460 MHz base frequencies:

> We strongly recommend that base station frequencies be assigned in such a fashion as to permit duplex operation between ambulances and hospitals. The medical necessity is obvious since telemetry without appropriate voice response and action is relatively useless. As presently proposed, the voice transmission would require using frequencies in another band which contains these inherent problems: (1) Transmission in two bands with different propagation characteristics, (2) the two bands are subject to different types of user traffic conditions, and (3) unnecessary duplication of costs.

20. The Commission agrees that paired base station frequencies are warranted to complement Special Emergency mobile telemetry communications. Accordingly, we are allocating five paired 460 MHz base/mobile frequencies to be available for base station operations in the Special Emergency Radio Service, in this application, for instructions concerning the telemetry function from hospitals or other medical-care facilities to field personnel, and not for central dispatching purposes or other hospital activities.

21. Nevertheless, we recognize the need for frequencies in the same frequency range for dispatching purposes to obviate the need for an ambulance to be equipped with two radio systems, one for dispatching and one for telemetry and telemetry-related communications. Accordingly, we are revising our original proposal so as to accommodate this objective. We will make available for dispatching purposes the two pairs of frequencies now allocated in the Fire Radio Service, namely 460.525/465.525 and 460.550/465.550 MHz, which we had proposed for telemetry functions in that service, to permit central dispatching of telemetry equipped ambulances by municipal as well as by nongovernmental entities. The base station frequencies in these pairs, i.e. 460,525 and 460.550 MHz, will be made available in addition to the Fire Radio Service in the Local Government and in the Special Emergency Radio Services. However, since ambulance operations (whether municipal or private) may be accommodated in the Special Emergency Radio Service, all of the seven mobile frequencies, including 465.525 and 465.550 MHz, would be allocated to the Special Emergency Radio Service only. The latter two frequencies will be authorized primarily for mobile unit response to dispatch operations and secondarily, on a showing of need, for mobile telemetry. This approach, we believe, would facilitate the licensing process and the establishment of coordinated area-wide dispatch and telemetry communications plans. In effect, therefore, the two frequency pairs mentioned above will complement the telemetry operations in the Special Emergency Radio Service in the 460 MHz band, and by providing an incentive for participation in a plan calling for cooperative area-wide use of telemetry channels, they will contribute to making the limited number of frequencies available that much more effective.

22. Another group of frequencies which we indicated in our notice might also be allocated, is four 3-watt Business Radio frequencies in the 450 MHz band. Comments were solicited concerning the need for these frequencies for low-power portable telemetering to the hospital from a patient, prior to his being placed in an ambulance, by means of automatic retransmission in the ambulance (mobile/mobile-relay). These frequencies may be required when communicating directly from patients to hospitals cannot be regularly accomplished on portable equipment in the 460 MHz band. The comments concurred that provision should be made for these operations, but most raised objections to reallocation and use of the four 450 MHz Business Radio frequencies. National Association of Business and Educational Radio (NABER), for example, listed a significant amount of licensed Business Radio Service operation on these frequencies which would have to be relocated to accommodate telemetry and contended that there is "no place for dislocated licensees to go." NABER, EIA, and others noted technical problems and objected to "a frequency separation from the mobile transmit frequency of some 11 MHz," when 5 MHz separation is the established standard for land mobile operations. Some supporting comments also raised problems. Hewlett-Packard Co. argued that "such allocation would limit these frequencies to undesirably low total user time in a region of the spectrum which is destined to become much more actively used in the near future"; Connecticut and Dr. Fred B. Vogt, of the University of Texas, maintained that it is "more logical" to allocate these frequencies as "input frequencies for repeaters" rather than just for ambulance relay.

23. This is not to say there was no unqualified support for these allocations as this too was reflected in some comments. Nevertheless, the Commission believes that the difficulties noted are significant and are going to require further study, following greater development of telemetry systems, before informed analysis can be made for this allocation matter. We have determined, therefore, that another method for accommodating mobile/mobile-relay portable telemetry requirements should be adopted, at least temporarily. A suggestion from the American College of Cardiology and EIA to permit these operations on the five base station frequencies which we are allocating to the Special Emergency Radio Service appears to provide a partial answer, although, here too, there are apparent problems. For example, there is the interference potential of cochannel base station transmissions upon a portable telemetry signal and, also, there is the policy against encouraging mobile operations on base frequencies. Further, use of base frequencies for low-power mobile operation makes more difficult the passing of instructions from a hospital to the ambulance crew since duplex operation will not be possible during this phase of the system operation. However, on balance, the Commission feels, that in the interest of maximum spectrum utilization, these portable operations on base-designated frequencies are a reasonable compromise and will afford a solution for meeting this supplemental telemetry communication requirement in some systems. Provisions to this effect, therefore, are being provided.

24. To summarize the rule changes being adopted for ambulance to hospital biomedical telemetry systems, the Commission is providing seven base-mobile frequency pairs in the 460 MHz band for these operations as follows:

Base and mobile:	*Service and purpose*
460.525 460.550	Fire, local government, Special Emergency for dispatching.
463.000 463.025 463.050 463.075 463.100	Special Emergency for telemetry-related voice, and portable telemetry.
Mobile only:	
465.525 465.550	Special Emergency for dispatch-response and telemetry.
468.000 468.025 468.050 468.075 468.100	Special Emergency for telemetry and telemetry-related voice.

Thus, all of these frequencies are available in the Special Emergency Radio Service. The mobile frequencies are primarily assignable for telemetry transmissions, but supplemental voice operations related to the telemetry activity may also be conducted on mobile frequencies. The five base-designated frequencies 463.000 through 463.100 MHz are assignable for hospital to vehicle voice communications regarding the telemetry activity. They may also be used to accommodate the need for portable telemetering from patients before they can be placed into ambulances to telemeter from the patients through ambulance radios to a hospital (portable to mobile/mobile-relay). The two base-designated frequencies 460.525 and 460.550 MHz are assignable only for central dispatching of ambulance telemetry systems under an area-wide communication plan for coordinated use of telemetry frequencies. They may be assigned in the Special Emergency and Local Government Radio Services, in addition to the Fire Radio Service, for this purpose. (No other 460 MHz frequency is available for dispatching ambulance telemetry systems.) The two mobile-only frequencies, 465.525 and 465.550 MHz, are also available under an area-wide communication plan for central dispatching which will also permit their use for telemetry when they are needed for the latter purpose. These communications plans may incorporate a single licensee dispatching multiple telemetry systems, or a group of licensees operating independent or shared telemetry systems, or both. The object is to encourage and maximize the most effective use of the limited number of frequencies available for these purposes in a given area.

CONCLUSION

25. In consideration of the foregoing, the Commission finds that adoption of the proposed rule changes as modified herein, to extend radioteleprinter and radiofacsimile operations in the land mobile radio services to allocate two 460 MHz frequency pairs to the Police Radio Service for nonvoice operations, and to provide frequencies and standards for the operation of biomedical telemetry systems in Fire, Local Government, and Special Emergency Radio Services, serve the public interest, convenience, and necessity and should contribute to greater efficiency and effectiveness of nonvoice operations in the Land Mobile Services.

26. Accordingly, pursuant to authority contained in sections (4) (i) and 303(r) of the Communications Act of 1934, as amended: *It is ordered*, That, effective May 9, 1972, Parts 89, 91, and 93 of the Commission's rules are amended as shown in the attached Appendix C. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 23, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[7]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX C

Part 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

1. Section 89.122 and headnote are amended to read as follows:

§ 89.122 Interim provisions for operation of radioteleprinters and radiofacsimile devices.

These provisions authorize F2, F4, or F9 (audio frequency tone phase shift) emissions for radioteleprinter, radiofacsimile, or audio passband radiotelephony multiplexed with radioteleprinter or radiofacsimile, respectively, for base station use (other than on mobile only frequencies) in the Local Government, Police, Fire, Highway Maintenance, and Forestry-Conservation Radio Services, subject to the following conditions:

(a) Information is submitted with an application to establish that minimum separation between a proposed radioteleprinter or radiofacsimile base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for a single frequency mode of operation or 35 miles for a two frequency mode of operation, or, where this minimum mileage separation cannot be achieved, agreement to the use of F2, F4, or F9 emission has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and there is interference with voice operations, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating the interference. New licensees of voice operations will be expected to share equally any frequency occupied by established radioteleprinter or radiofacsimile operations.

(b) The application lists the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed, or, in lieu thereof, contains a detailed technical description of the system and emitted data language.

(c) The requirements in this part applicable to use of F3 emission are also applicable to use of F2, F4, or F9 emission for radioteleprinters and radiofacsimile transmissions.

(d) The station identification required by § 89.153 must be given by voice.

(e) Frequencies will not be assigned exclusively for F2 or F4 emission for radioteleprinter or radiofacsimile.

(f) Transmitters type accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided, for each of these emissions, the keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter of F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

2. In § 89.259, paragraph (d) and the table in paragraph (f) are amended and a new subparagraph (g) (13) is added to read as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

* * * * *

(d) Normally, no more than two frequencies will be assigned unless a request therefor is adequately supported by a satisfactory showing of need, provided that request for operation on the frequency 39.06 MHz will be approved upon satisfactory showing of a need even

[6] We will continue to license presently authorized developmental medical telemetry systems in other frequency bands for a maximum of two additional 1-year license terms to permit an adequate opportunity to convert the operations to frequencies in the 460–470 MHz band.

[7] Commissioners Robert E. Lee and Johnson absent.

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though the licensee already has been assigned two other frequencies or provided that an applicant who obtains authorization to operate on the frequency 39.06 MHz shall still be allowed to request and obtain two other frequency assignments in this service. Further, assignment of additional frequencies in the 460 MHz band may be authorized to dispatch biomedical telemetry operations in accordance with paragraph (g) (13) of this section.

• • • • •

(f) • • •

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
460.525	Base and mobile	13
460.550	do	13
• • •	• • •	• • •

(g) • • •

(13) This frequency may be assigned, without regard to the coordination requirements of § 89.15(b) to dispatch ambulances and personnel operating biomedical telemetry units authorized in the Special Emergency Radio Service under an area-wide radio communications plan. This frequency is also available for this purpose in the Fire and Special Emergency Radio Services.

• • • • •

3. In § 89.309, the table in paragraph (g) is amended, and a new subparagraph (h) (5) is added to read as follows:

§ 89.309 Frequencies available to the Police Radio Service.

• • • • •

(g) • • •

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
462.050	Base and mobile	5
462.975	do	5
• • •	• • •	• • •
467.050	Mobile only	2,5
467.975	do	2,5
• • •	• • •	• • •

(5) This frequency is available for assignment, without regard to the coordination requirements of § 89.15(b), in the largest 30 cities in the United States (1970 Federal Census) for the development and operation of nonvoice systems. F2, F4, or F9 emission will be authorized for use of this frequency, except that telemetry, telecommand, or automatic vehicle location systems may not be operated. F3 emission may also be authorized when required to supplement nonvoice operation. Transmitters type-accepted under this part for use of F3 emission may also be used for nonvoice operation on this frequency, provided that the audio keying signal is passed through the low pass audio frequency filter required in the transmitter for F3 emission, and provided further that the transmitter is so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission. Operation on this frequency is exempted from the station identification requirements of § 89.153.

• • • • •

4. In § 89.359, paragraphs (c) and (f) table are amended, and a new subparagraph (g) (10) is added to read as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

(c) Normally no more than two frequencies will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need. One such need specifically contemplated herein is for the assignment of an additional frequency or frequencies for common intracounty, intrafire district, or intrastate fire coordination operations; the frequency or frequencies requested must be in accord with an approved frequency utilization plan, for the area involved, on file with the Commission. Another need contemplated herein is for assignment of additional frequencies in the 460 MHz band to dispatch biomedical telemetry operations in accordance with paragraph (g) (10) of this section.

• • • • •

(f) • • •

Frequency or band	Class of station(s)	Limitations
MHz		
• • •	• • •	• • •
460.525	Base and mobile	10
460.550	do	10
• • •	• • •	• • •

(g) • • •

• • • • •

(10) This frequency may be assigned, without regard to the coordination requirements of § 89.15(b) to dispatch ambulances and personnel operating biomedical telemetry units authorized in the Special Emergency Radio Service under an area-wide radio communications plan. This frequency is also available for this purpose in the Local Government and Special Emergency Radio Services.

• • • • •

5. In § 89.525, paragraphs (c) and (e) table are amended, new subparagraphs (f) (1), (2), (4), (5), (8), and (11) are added, and paragraph (g) is deleted and designated [Reserved] to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

• • • • •

(c) The operation of mobile systems in the Special Emergency Radio Service will be restricted to the use of only one frequency; providing that (1) an additional frequency may be authorized when mobile relay stations are authorized pursuant to paragraph (h) of this section; and (2) one or more additional frequencies in the 460 MHz band may be assigned, as needed, for bio-medical telemetry operations in accordance with paragraph (f) (2), (4), (5), and (8) of this section.

• • • • •

(e) • • •

Frequency or band	Class of station(s)	Limitations
• • •	• • •	• • •
460.525	Base and mobile	1, 2
460.550	do	1, 2
463.000	do	1, 4
463.025	do	1, 4
463.050	do	1, 4
463.075	do	1, 4
463.100	do	1, 4
465.525	Mobile only	1, 8
465.550	do	1, 8
468.000	do	1, 5, 11
468.025	do	1, 5, 11
468.050	do	1, 5, 11
468.075	do	1, 5, 11
468.100	do	1, 5, 11

(f) • • •

(1) For two-frequency systems, separation between base and mobile transmit frequencies is 5 MHz.

(2) This frequency may be assigned to disptach ambulances and personnel operating biomedical telemetry units in this service under an area-wide radio communications plan. This frequency is also available for this purpose in the Fire and Local Government Radio Services.

• • • • •

(4) This frequency is available for assignment to hospitals under § 89.503 for communication with medical-care vehicles and personnel equipped with biomedical telemetry capability. Use of this frequency is further authorized for telemetry or voice tranmissions from a portable telemetering unit to an ambulance for automatic retransmission (mobile/relay) from a patient to a hospital or other medical-care facility. When using telemetry emission, the continuous carrier mode of operation is authorized for this frequency.

(5) This frequency is available for assignment to operate mobile biomedical telemetry units in ambulances and other medical-care vehicles, or when hand-carried by medical personnel. F2 and F9 emission may be authorized; F3 emission may also be authorized on a secondary basis when required for the telemetering activity. When using telemetry emission, the continuous carrier mode of operation is authorized for this frequency.

• • • • •

(8) This frequency may be assigned primarily for mobile dispatch response by ambulances and personnel operating biomedical telemetry units in this service under an area-wide radio communications plan involving central dispatching on the associated base-mobile frequency 460.525 or 460.550 MHz. When authorized for this dispatch response purpose, this frequency may be used on a secondary basis for the purposes and in the manner set forth in subparagraphs (1), (5), and (11) of this paragraph.

• • • • •

(11) Mobile stations authorized to operate on this frequency may be used to extend the range of transmission between portable telemetering units and hospitals or other medical-care facilities. Each mobile station used for this purpose shall be so designed and installed that it will be activated only by means of a continuous tone device, the absence of which will deactivate the mobile transmitter. The continuous tone device is not required when the mobile station is equipped with a switch that must be activated to change the mobile unit to the automatic mode.

• • • • •

(g) [Reserved]

• • • • •

PART 91—INDUSTRIAL RADIO SERVICES

1. New § 91.113 is added to read as follows:

§ 91.113 Interim provisions for operation of radioteleprinters and radiofacsimile devices.

These provisions authorize F2, F4, or F9 (audio frequency tone shift or tone passband radiotelephone multiplexed with radioteleprinted or radiofacsimile, respectively) for base station use (other than on mobile-only or on paging only frequencies) in the radio services in this part, other than the Industrial Radiolocation Service. In the Business Radio Service the authority extends only to those frequencies subject to the coordination requirements set forth in the § 91.8 of the rules. These provisions are subject to the following conditions:

(a) Information is submitted with an application to establish that minimum separation between a proposed radioteleprinter or radiofacsimile base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for a single frequency mode of operation or 35 miles for a two frequency mode of operation or, where this minimum mileage separation cannot be achieved, agreement to the use of F2, F4, or F9 emission has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and there is interference with voice operations, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating the interference. New licensees of voice operations will be expected to share equally any frequency occupied by established radioteleprinter or radiofacsimile operations.

(b) The application lists the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed, or, in lieu thereof, contains a detailed technical description of the system and emitted data language.

(c) The requirements in this part applicable to use of F3 emission are also applicable to use of F2, F4, or F9 emission for radioteleprinters and radiofacsimile transmissions.

(d) The station identification required by § 91.152 must be given by voice.

(e) Frequencies will not be assigned exclusively for F2 or F4 emission for radioteleprinter or radiofacsimile.

(f) Transmitters type-accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided, for each of these emissions, the keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

PART 93—LAND TRANSPORTATION RADIO SERVICES

1. Section 93.113 and headnote are amended to read as follows:

§ 93.113 Interim provisions for operation of radioteleprinters and radiofacsimile devices.

These provisions authorize F2, F4, or F9 (audio frequency tone shift or tone phase shift) emissions for radioteleprinter, radiofacsimile, or audio passband radiotelephony multiplexed with radioteleprinter or radiofacsimile, respectively, for base station use (other than on mobile frequencies) in the radio services covered by this part subject to the following conditions:

(a) Information is submitted with an application to establish that minimum separation between a proposed radioteleprinter or radiofacsimile base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for a single frequency mode of operation or 35 miles for a two-frequency mode of operation, or, where this minimum mileage separation cannot be achieved, agreement to the use of F2, F4, or F9 emission has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and there is interference with voice operations, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating the interference. New licensees of voice operations will be expected to share equally any frequency occupied by established radioteleprinter or radiofacsimile operations.

(b) The application lists the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed, or, in lieu thereof, contains a detailed technical description of the system and emitted data language.

(c) The requirements in this part applicable to use of F3 emission are also applicable to use of F2, F4, or F9 emission for radioteleprinters and radiofacsimile transmissions.

(d) The station identification required by § 93.152 must be given by voice.

(e) Frequencies will not be assigned exclusively for F2 or F4 emission for radioteleprinter or radiofacsimile.

(f) Transmitters type-accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided for each of these emissions, the keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

[FR Doc.72-4966 Filed 3-31-72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-1-72).

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, S. Dak., 57551 is permitted only on the Little White River Recreational Area, and the portion of Cedar Creek Dam No. 1 that is within the refuge, and Cedar Creek Dams Nos. 2 and 3, which are designated by signs as open to fishing. These open areas comprising a total of 165 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the Little White River Recreational Area extends from March 24, 1972 through December 31, 1972, inclusive; daylight hours only.

(2) The open season for sport fishing on the Cedar Creek Dams Nos. 1, 2, and 3 extends from May 15, 1972 through December 31, 1972, inclusive; daylight hours only.

(3) The use of motorized vehicles on ice is prohibited.

(4) The use of boats on the Cedar Creek Dams Nos. 1, 2, and 3 is prohibited.

(5) The use of live minnows on the Cedar Creek Dams Nos. 1, 2, and 3 is prohibited.

(6) Opening and closing dates on Cedar Creek Dams will be subject to road conditions, wildlife nesting requirements, and availability of fish.

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife Refuge areas generally which are set forth in Title 50, Part 33, and are effective through December 31, 1972.

VICTOR M. HALL,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, South Dakota.

MARCH 24, 1972.

[FR Doc.72-5016 Filed 3-31-72;8:47 am]

V 37-64 APR 1 72 XUM

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Controlled Foreign Corporations Not Availed of To Reduce Taxes

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 1, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 1, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 954(b)(4) of the Internal Revenue Code of 1954, relating to exception for foreign corporations not availed of to reduce taxes, to section 909 of the Tax Reform Act of 1969 (83 Stat. 718), such regulations are amended as follows:

PARAGRAPH 1. Section 1.954 is amended by revising section 954(b)(4) and the historical note to read as follows:

§ 1.954 Statutory provisions; foreign base company income.

SEC. 954. *Foreign base company income.* • • •

(b) *Exclusions and special rules.* • • •

(4) *Exception for foreign corporations not availed of to reduce taxes.* For purposes of subsection (a), foreign base company income does not include any item of income received by a controlled foreign corporation if it is established to the satisfaction of the Secretary or his delegate that neither—

(A) The creation or organization of such controlled foreign corporation under the laws of the foreign country in which it is incorporated (or, in the case of a controlled foreign corporation which is an acquired corporation, the acquisition of such corporation created or organized under the laws of the foreign country in which it is incorporated), nor

(B) The effecting of the transaction giving rise to such income through the controlled foreign corporation,

has as one of its significant purposes a substantial reduction of income, war profits, or excess profits or similar taxes.

• • • • •

[Sec. 954 as added by sec. 12(a), Rev. Act 1962 (76 Stat. 1006); as amended by sec. 909, Tax Reform Act 1969 (83 Stat. 718)]

PAR. 2. Section 1.954–1(b) is amended by revising the heading and subdivision (i) of subparagraph (3) and by adding a new subparagraph (4). These amended and added provisions read as follows:

§ 1.954–1 Foreign base company income.

• • • • •

(b) *Exclusions from foreign base company income.* • • •

(3) *Income of controlled foreign corporations not availed of to substantially reduce income or similar taxes; taxable years ending on or before October 9, 1969*—(i) *General rule.* Foreign base company income does not include any item of gross income if it is established to the satisfaction of the district director that the creation or organization of the controlled foreign corporation receiving such item of gross income does not have the effect of substantially reducing income, war profits, excess profits, or similar taxes with respect to such item. See section 954(b)(4). For taxable years ending after October 9, 1969, see also subparagraph (4) of this paragraph.

• • • • •

(4) *Income of controlled foreign corporations not availed of to substantially reduce income or similar taxes; taxable years ending after October 9, 1969*—(i) *General rule.* Foreign base company income of a controlled foreign corporation for any taxable year ending after October 9, 1969, does not include any item of gross income received or accrued by such corporation during such year if it is established that both (*a*) the creation or organization of such corporation under the laws of the foreign country or possession of the United States in which it incorporated, and (*b*) the effecting through such corporation of the transaction which gives rise to such income did not have as a significant purpose a substantial reduction of income, war profits, excess profits, or similar taxes. If the controlled foreign corporation receives or accrues an item of income in respect of which there has been no substantial reduction for the taxable year of income, war profits, excess profits, or similar taxes, it may, without reference to (*a*) or (*b*) of this subdivision, be excluded from foreign base company income under section 954(b)(4) and this subparagraph. On the other hand, if the controlled foreign corporation receives or accrues an item of income in respect of which there has been a substantial reduction for the taxable year of income, war profits, excess profits, or similar taxes, it may not be excluded from foreign base company income under section 954(b)(4) and this subparagraph if there is a failure to satisfy the requirements of either (*a*) or (*b*) of this subdivision. If it is established that the creation or organization of such corporation under the laws of the foreign country or possession of the United States in which it is incorporated did not have as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes, then only that income may be excluded for the taxable year in respect of which it is established that the effecting through such corporation of the transaction giving rise to such income did not have as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes. If with respect to the U.S. shareholder the foreign corporation became a controlled foreign corporation by reason of the acquisition of its stock, rather than by reason of its creation or organization under the laws of the foreign country or possession of the United States in which it is incorporated, it must be established, for purposes of (*a*) of this subdivision, that the acquisition of such corporation did not have as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes.

(ii) *Substantial reduction of income taxes.* For purposes of this subparagraph, a determination as to whether there has been a substantial reduction of income, war profits,, excess profits, or similar taxes with respect to an—

(*a*) Item of foreign personal holding company income described in § 1.954–2 shall be made by applying the principles of subparagraph (3)(ii) of this paragraph, or

(*b*) Item of foreign base company sales income described in § 1.954–3 or an item of foreign base company services income described in § 1.954–4 shall be made by applying the principles of subparagraph (3) (iii) and (iv) of this paragraph.

For illustrations of cases in which for purposes of this subparagraph it may be determined whether or not there has been a substantial reduction of income, war profits, excess profits, or similar taxes with respect to an item of income, see the examples in subparagraph (3)(viii) of this paragraph.

(iii) *Significant purpose defined.* For purposes of this subparagraph, to be significant a purpose must be important, but it is not necessary that it be the principal purpose or the purpose of first importance.

(iv) *Application of significant purpose test.* For purposes of determining whether the creation or organization of a controlled foreign corporation in a particular foreign country or possession of the United States, or whether the acquisition of a controlled foreign corporation in that country or possession, or whether the effecting of the income-producing transaction through that corporation had as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes, all the facts and circumstances involved will be taken into account. Among the factors to be considered are the various purposes for the action; the type of business carried on or to be carried on, by the controlled foreign corporation; the classes of income derived, or to be derived, by such corporation; the frequency with which the particular item of income is derived; the effective rate of tax imposed on such income; the place in which the income-producing transaction occurs or the source of such income; and the location of the persons purchasing the corporation's goods or services. Generally, if the income-producing activity carried on by a controlled foreign corporation takes place within the foreign country or possession of the United States in which the corporation is created or organized, the creation or organization of the corporation in that country or possession will not be considered to have as a significant purpose a substantial reduction of income, war profits, excess profits, or similar taxes.

(v) *Manner of demonstrating lack of tax reduction purpose.* It is the U.S. shareholder's responsibility, in accordance with § 1.964–3 and paragraph (d)(6) of § 1.964–4, to provide the district director with books or records sufficient to verify the gross income excluded from foreign base company income under section 954(b)(4) and this subparagraph. However, if the U.S. shareholder of a controlled foreign corporation desires to establish in respect of a proposed transaction that neither the creation or organization (or acquisition) of such corporation under the laws of the foreign country or possession of the United States in which it is incorporated nor the effecting through such corporation of the transaction giving rise to an item or items of income has as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes, he may forward a statement setting forth sufficient facts and circumstances to the Commissioner of Internal Revenue, Attention: Income Tax Division, Washington, D.C. 20224, for a ruling. Where the Commissioner determines that a ruling is appropriate, a letter setting forth the Commissioner's determination will be mailed to the taxpayer. If the Commissioner determines that, upon the basis of the facts presented, the exclusion of section 954(b)(4) and this subparagraph applies to the income involved, the taxpayer should retain a copy of the Commissioner's letter as authority for excluding such income from foreign base company income for the taxable year.

(vi) *Other applicable rules.* The principles of subparagraph (3)(vi) of this paragraph, relating to effect of the exclusion under section 954(b)(4) upon other amounts, and subparagraph (3)(vii) of this paragraph, relating to a branch treated as a separate wholly owned subsidiary corporation, apply for purposes of this subparagraph.

(vii) *Illustration.* The application of this subparagraph may be illustrated by the following example:

Example. A controlled foreign corporation is incorporated under the laws of a foreign country. In the past the controlled foreign corporation has organized a number of other corporations in that country to operate radio and television stations there. The purpose of establishing these other corporations was to form a centrally managed radio and television network. The controlled foreign corporation's stock interest in these other corporations ranges from 10 percent to 100 percent. By reason of its stock interests and for other financial or technical reasons, the controlled foreign corporation has exercised effective practical control over the other corporations. The controlled foreign corporation also has conducted several businesses in the foreign country for a number of years which are related to the communications network it has been attempting to establish. In 1969, the communications agency of the foreign country changes its policy and rules that foreign corporations may not own more than 10 percent of the stock of local communications corporations. Since the controlled foreign corporation is more than 50 percent owned by U.S. persons, it is treated by the communications agency of the foreign country as being subject to this new rule. Because of this policy change, the controlled foreign corporation sells all its shares of stock in the radio and television corporations in the foreign country and realizes capital gains on the sales which are not taxed by the foreign country. Under this subparagraph, these gains are excluded from foreign base company income, since the controlled foreign corporation was organized in the foreign country to actively engage in business in that country and because the acquisition and the sale of the stock of the radio and television corporations by the controlled foreign corporation (rather than by its parent corporation or an affiliated corporation) did not have as one of its significant purposes a substantial reduction of income or similar taxes.

• • • • •

PAR. 3. Section 1.964–4 is amended by revising paragraph (d)(6) to read as follows:

§ 1.964–4 Verification of certain classes of income.

• • • • •

(d) *Foreign base company income and exclusions therefrom.* • • •

(6) *Income on which taxes are not substantially reduced.* The gross income excluded from foreign base company income under section 954(b)(4) and paragraph (b)(3) or (4) of § 1.954–1 in the case of a controlled foreign corporation not availed of to substantially reduce income taxes, the income or similar taxes incurred with respect thereto, and all other factors necessary to verify the application of such exclusion.

• • • • •

[FR Doc.72-5047 Filed 3-31-72;8:49 am]

[26 CFR Part 301]

PROCEDURES AND ADMINISTRATION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol, Tobacco, and Firearms Division, Internal Revenue Service, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director, Alcohol, Tobacco, and Firearms Division, within the 30-day period. In such a case, a pubic hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to (1) conform the regulations to changes in law, (2) provide that the regional counsel shall authorize or sanction forfeiture proceedings, (3) provide for certain functions to be performed by Directors of Service Centers, (4) reflect recent organizational changes, and (5) make other conforming and editorial changes, the regulations in 26 CFR Part 301 are amended as follows:

PARAGRAPH 1. Paragraph (b) of § 301.6091–1, subparagraph (2) of paragraph (a) of § 301.6402–2, and paragraph (c) of § 301.6404–1, and §§ 301.7321–1, 301.7322–1, 301.7328–1, 301.7601–1, and 301.7622–1, are amended by changing "assistant regional commissioner (alcohol and tobacco tax)", wherever it appears, to read "assistant regional commisstoner (alcohol, tobacco and firearms)".

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PAR. 2. Paragraph (b) of § 301.6091 is revised to reflect changes made in section 6091, I.R.C., by Public Law 89–713. As amended, § 301.6091(b) reads as follows:

§ 301.6091 Statutory provisions; place for filing returns or other documents.

* * * * *

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Persons other than corporations.*

(A) *General rule.* Except as provided in subparagraph (B), a return (other than a corporation return) shall be made to the Secretary or his delegate—

(i) in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or

(ii) at a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) persons who have no legal residence or principal place of business in any internal revenue district,

(ii) citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons,

shall be made at such place as the Secretary or his delegate may by regulations designate.

(2) *Corporations.*

(A) *General rule.* Except as provided in subparagraph (B), a return of a corporation shall be made to the Secretary or his delegate—

(i) in the internal revenue district in which is located the principal place of business or principal office or agency of the corporation, or

(ii) at a service center serving the internal revenue district referred to in clause (i),

as the Secretary or his delegate may by regulations designate.

(B) *Exception.* Returns of—

(i) corporations which have no principal place of business or principal office or agency in any internal revenue district,

(ii) corporations which claim the benefits of section 922 (relating to special deduction for Western Hemisphere trade corporations), section 931 (relating to income from sources within possessions of the United States), or section 941 (relating to the special deduction for China Trade Act corporations), and

(iii) foreign corporations

shall be made at such place as the Secretary or his delegate may by regulations designate.

(3) *Estate tax returns.* Returns of estate tax required under section 6018 shall be made to the Secretary or his delegate in the internal revenue district in which was the domicile of the decedent at the time of his death or, if there was no such domicile in an internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

(4) *Hand-carried returns.* Notwithstanding paragraph (1) or (2), a return to which paragraph (1)(A) or (2)(A) would apply, but for this paragraph, which is made to the Secretary or his delegate by hand carrying shall, under regulations prescribed by the Secretary or his delegate, be made in the internal revenue district referred to in paragraph (1)(A)(i) or (2)(A)(i), as the case may be.

(5) ***Exceptional cases.*** Notwithstanding paragraph (1), (2), (3), or (4) of this subsection, the Secretary or his delegate may permit a return to be filed in any internal revenue district, and may require the return of any officer or employee of the Treasury Department to be filed in any internal revenue district selected by the Secretary or his delegate.

[Sec. 6091 as amended by sec. 1(a), Public Law 89–713 (80 Stat. 1107)]

PAR. 3. Subparagraph (3) of paragraph (a) of § 301.6311–1 is amended to conform to recent organizational changes and to delete an obsolete reference. As amended, § 301.6311–1(a)(3) reads as follows:

§ 301.6311–1 Payment by check or money order.

(a) *Authority to receive* * * *

(3) *Payment of tax on distilled spirits, wine, beer, cigars, or cigarettes; proprietor in default.* Where a check or money order tendered in payment for taxes on distilled spirits, wines, beer, or rectified products (imposed under chapter 51 of the Code), or cigars or cigarettes (imposed under chapter 52 of the Code) is not paid on presentment, or where a taxpayer is otherwise in default in payment of such taxes, any remittance for such taxes made during the period of such default, and until the assistant regional commissioner (alcohol, tobacco, and firearms) finds that the revenue will not be jeopardized by the acceptance of personal checks (if acceptable to the district director under subparagraph (1) of this paragraph), shall be in cash, or shall be in the form of a certified, cashier's, or treasurer's check, drawn on any bank or trust company incorporated under the laws of the United States, or under the laws of any State or possession of the United States, or a money order as described in subparagraph (1) of this paragraph.

* * * * *

PAR. 4. Section 301.6423–1 is amended to reflect changes in law made by Public Law 89–44. As amended, § 301.6423–1 reads as follows:

§ 301.6423–1 Conditions to allowance in the case of alcohol and tobacco taxes.

For regulations under section 6423, see Part 170 of this chapter, relating to distilled spirits, wine, and beer; and Part 296 of this chapter, relating to cigars, cigarettes, and cigarette papers and tubes.

PAR. 5. In § 301.6653, subparagraph (1) of paragraph (c), and paragraph (d) are amended to reflect changes in law made by Public Law 91–172, and the statutory citation is updated. As amended, § 301.6653(c)(1), § 301.6653(d), and the statutory citation read as follows:

§ 301.6653 Statutory provisions; failure to pay tax.

* * * * *

(c) *Definition of underpayment.* * * *

(1) *Income, estate, gift, and chapter 42 taxes.* In the case of a tax to which section 6211 (relating to income, estate, gift, and chapter 42 taxes) is applicable, a deficiency as defined in that section (except that, for this purpose, the tax shown on a return referred to in section 6211(a)(1)(A) shall be taken into account only if such return was filed on or before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing), and

* * * * *

(d) *No delinquency penalty if fraud asscssed.* If any penalty is assessed under subsection (b) (relating to fraud) for an underpayment of tax which is required to be shown on a return, no penalty under section 6651 (relating to failure to file such return or pay tax) shall be assessed with respect to the same underpayment.

* * * * *

[Sec. 6653 as amended by sec. 86, Technical Amendments Act 1958 (72 Stat. 1665); secs. 101(j)(50) and 943(c)(6), Public Law 91–172 (83 Stat. 531, 729)]

PAR. 6. Section 301.6805–1 is amended by reflecting changes resulting from the transfer of functions from offices of district directors to service centers and by deleting subparagraph (3) of paragraph (a). As amended, § 301.6805–1 reads as follows:

§ 301.6805–1 Redemption of stamps.

(a) *Authorization.* (1) Upon receipt of satisfactory evidence of the facts by the district director or director of the service center, he may make allowance for or redeem stamps issued under the authority of any internal revenue law if—

(i) The stamps have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or

(ii) The owner of the stamps has no use therefor.

(2) If a stamp has been in use for any period of time, it may not be redeemed under section 6805. Similarly, no allowance shall be made for stamps which have been lost or stolen.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof. Claims for the redemption of or allowance for stamps shall be made on Form 843 and filed with the district director or director of the service center within three years from the date of the purchase of the stamps from the Government. The stamps for which redemption or allowance is claimed shall be submitted with the claim. If the stamps are destroyed or damaged to the extent that they cannot be presented for redemption or allowance, proof satisfactory to the district director or director of the service center that they have been destroyed or so damaged must accompany the claim before allowance or redemption shall be made. In any case where the actual date of purchase of the stamps from the Government cannot be established, it must be definitely shown in the claim whether they were so purchased within three years prior to the date of filing of the claim.

(c) *Time for filing claims.* No claim for the redemption of, or allowance for, stamps shall be allowed under this section unless presented within 3 years after the purchase of such stamps from the Government.

(d) *Finality of decisions.* The findings of fact in and the decision of the district director or director of the service center upon the merits of any claim presented under or authorized by this section, shall in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

PAR. 7. Section 301.6806–1 is amended by conforming it with changes made in section 6806, I.R.C., by Public Laws 89–44 and 90–618. As amended, § 301.6806–1 reads as follows:

§ 301.6806–1 Posting occupational tax stamps.

For provisions relating to the posting of specific stamps used with respect to a particular tax, other than a special tax under subchapter B of chapter 35, subchapter B of chapter 36, or subtitle E, see the regulations relating to such tax. For penalties for failure to post occupational tax stamps, see section 7273.

PAR. 8. Section 301.7210 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C. As amended, § 301.7210 reads as follows:

§ 301.7210 Statutory provisions; failure to obey summons.

SEC. 7210. *Failure to obey summons.* Any person who, being duly summoned to appear to testify, or to appear and produce books, accounts, records, memoranda, or other papers, as required under sections 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), 7602, 7603, and 7604(b), neglects to appear or to produce such books, accounts, records, memoranda, or other papers, shall, upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with costs of prosecution.

[Sec. 7210 as amended by sec. 4(h), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(3), Highway Revenue Act 1956 (70 Stat. 396); sec. 202(c)(4), Public Law 89–44 (79 Stat. 139); sec. 207(d)(9), Public Law 91–258 (84 Stat. 249)]

PAR. 9. Section 301.7326 is amended by conforming the section with changes made in section 7326, I.R.C., by Public Laws 89–44 and 91–513; and paragraph (c) of § 301.7326–1 is amended by deleting a reference of § 177.102 and by inserting in lieu thereof a reference to § 178.166. As amended, §§ 301.7326 and 301.7326–1(c) read as follows:

§ 301.7326 Statutory provisions; disposal of forfeited or abandoned property in special cases.

SEC. 7326. *Disposal of forfeited or abandoned property in special cases.*—(a) *Coin-operated gaming devices.* Any coin-operated gaming device as defined in section 4462 upon which a tax is imposed by section 4461 and which has been forfeited under any provision of this title shall be destroyed, or otherwise disposed of, in such manner as may be prescribed by the Secretary or his delegate.

(b) [Repealed]

(c) *Firearms.* For provisions relating to disposal of forfeited firearms, see section 5862(b).

[Sec. 7326 as amended by sec. 204(13), Excise Tax Technical Changes Act 1958 (72 Stat. 1429); sec. 601(j), Public Law 89–44 (79 Stat. 155); sec. 1102(f), Public Law 91–513 (84 Stat. 1292)]

§ 301.7326–1 Disposal of forfeited or abandoned property in special cases.

* * * * *

(c) *Firearms.* For regulations relating to the disposal of forfeited firearms or ammunition, see § 178.166 of this chapter (Commerce in Firearms and Ammunition), and § 179.182 of this chapter (Machine Guns, Destructive Devices, and Certain Other Firearms).

PAR. 10. Paragraph (a) of § 301.7401–1 is amended to reflect an organizational change. As amended, § 301.7401–1(a) reads as follows:

§ 301.7401–1 Authorization.

(a) *In general.* No civil action for the collection or recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner (or the Director, Alcohol, Tobacco, and Firearms Division, with respect to the provisions of subtitle E of the Code), or the Chief Counsel for the Internal Revenue Service or his delegate authorizes or sanctions the proceedings and the Attorney General or his delegate directs that the action be commenced.

* * * * *

PAR. 11. In § 301.7602–1, paragraphs (b) and (c) are amended by including references to sections 6424(d)(2) and 6427(e)(2), I.R.C., and by updating the title in subparagraph (3) of paragraph (c). As amended, § 301.7602–1 (b) and (c) read as follows:

§ 301.7602–1 Examination of books and witnesses.

* * * * *

(b) *Summons.* For the purposes described in paragraph (a) of this section the officers and employees of the Internal Revenue Service designated in paragraph (c) of this section are authorized to summon the person liable for tax or required to perform the act, or any officer or employee of such person, or any person having possession, custody, or care of books of accounts containing entries relating to the business of the person liable for tax or required to perform the act, or any other person deemed proper, to appear before a designated officer or employee of the Internal Revenue Service at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry. The officers and employees designated in paragraph (c) of this section may designate any other employee of the Internal Revenue Service as the individual before whom a person summoned pursuant to section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall appear. Any such other employee, when so designated in a summons, is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records, or other data produced in compliance with the summons. The authority to issue a summons may not be redelegated.

(c) *Persons who may issue summons.* The following officers and employees of the Internal Revenue Service are authorized to issue a summons pursuant to section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602—

(1) Regional commissioners and district directors.

(2) Inspection: Assistant Commissioner; director and assistant directors, Internal Security Division; regional inspectors; and all internal security inspectors.

(3) Alcohol, Tobacco, and Firearms: Assistant regional commissioners.

(4) Intelligence: Director; assistant director; assistant regional commissioners; executive assistants to assistant regional commissioner; chiefs, Review and Conference Staff; reviewer-conferees; chiefs and assistant chiefs of divisions, branches, and sections; group supervisors; and special agents of the national regional and district offices.

(5) International Operations: Director; assistant director; chiefs of divisions, branches, and groups; special agents; internal revenue agents; estate tax examiners, revenue service representatives; and assistant revenue service representatives.

(6) Collection: Chiefs and assistant chiefs of divisions; chiefs and assistant chiefs of the Delinquent Accounts and Returns Branches; group supervisors; and revenue officers.

(7) Audit: Chiefs of divisions and branches; group supervisors; internal revenue agents; and estate tax examiners.

PAR. 12. Section 301.7603 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C. As amended, § 301.7603 reads as follows:

§ 301.7603 Statutory provisions; service of summons.

SEC. 7603. *Service of summons.* A summons issued under sections 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall be served by the Secretary or his delegate, by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode; and the certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

[Sec. 7603 as amended by sec. 4(1), Act of Apr. 2, 1956 (Public Law 466, 84th Cong., 70 Stat. 91); sec. 208(d)(4), Highway Revenue Act 1956 (70 Stat. 396); sec. 202(c)(4), Public Law 89–44 (79 Stat. 139); sec. 207(d)(9), Public Law 91–258 (84 Stat. 249)]

PAR. 13. Section 301.7603–1 is amended to include a reference to sections 6424(d)(2) and 6427(e)(2), I.R.C., and to reflect changes in organization and position titles. As amended § 301.7603–1 reads as follows:

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§ 301.7603–1 Service of summons.

(a) *In general.* A summons issued under section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602 shall be served by an attested copy delivered in hand to the person to whom it is directed, or left at his last and usual place of abode. The certificate of service signed by the person serving the summons shall be evidence of the facts it states on the hearing of an application for the enforcement of the summons. When the summons requires the production of books, papers, records, or other data, it shall be sufficient if such books, papers, records, or other data are described with reasonable certainty.

(b) *Persons who may serve summons.* The following officers and employees of the Internal Revenue Service are authorized to serve a summons issued under section 6420(e)(2), 6421(f)(2), 6424(d)(2), 6427(e)(2), or 7602—

(1) The officers and employees designated in paragraph (c) of § 301.7602–1, and

(2) Alcohol, Tobacco, and Firearms: Chiefs; assistant chiefs; chief special investigators; special investigators; area supervisors; chief inspectors; and inspectors.

The authority to serve a summons may be redelegated only by the Assistant Commissioner (Inspection), regional commissioners, assistant regional commissioners (alcohol, tobacco and firearms), district directors, and the Director of International Operations to officers and employees under their jurisdiction.

PAR. 14. Section 301.7608–1 is amended to reflect changes in position titles. As amended, § 301.7608–1 reads as follows:

§ 301.7608–1 Authority of internal revenue enforcement officers.

Any special investigator, agent, or other internal revenue officer by whatever term designated, whom the Commissioner, Assistant Commissioner (Compliance), Director, Alcohol, Tobacco, and Firearms Division, regional commissioner, or assistant regional commissioner (alcohol, tobacco, and firearms) charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of subtitle E of the Code or any other law of the United States pertaining to the commodities subject to tax under such subtitle for the enforcement of which such officers are responsible, may perform the functions provided in section 7608.

PAR. 15. Paragraph (g) of § 301.7623–1 is amended to refer to the current designation of this Division and of certain officers and employees. As amended, § 301.7623–1(g) reads as follows:

§ 301.7623–1 Rewards for information relating to violations of internal revenue laws.

• • • • •

(g) *Claims involving Alcohol, Tobacco, and Firearms Division.* Rewards for information leading to the detection and punishment of persons guilty of violating the internal revenue laws administered by the Alcohol, Tobacco, and Firearms Division shall be handled consistently with the provisions of this section, except that—

(1) Assistant regional commissioners (alcohol, tobacco, and firearms), under the direction and supervision of the regional commissioners, shall perform all functions delegated to district directors by these regulations, and

(2) The Director, Alcohol, Tobacco, and Firearms Division, Washington, D.C. 20224, shall perform all functions delegated to the Director, Intelligence Division, Washington, D.C. 20224, by these regulations.

PAR. 16. In § 301.7652, paragraph (a)(3) is amended to conform it to changes made in section 7652, I.R.C., by Public Law 89–44, and the statutory citation at the end of § 301.7652 is amended. As amended, § 301.7652(a)(3) and the statutory citation read as follows:

§ 301.7652 Statutory provisions; shipments to the United States.

SEC. 7652. Shipments to the United States—(a) *Puerto Rico*—(1) *Rate of tax.*

• • •

(3) *Deposit of internal revenue collections.* All taxes collected under the internal revenue laws of the United States on articles produced in Puerto Rico and transported to the United States (less the estimated amount necessary for payment of refunds and drawbacks), or consumed in the island, shall be covered into the treasury of Puerto Rico.

• • • • •

[Sec. 7652 as amended by sec 204 (17), (18), Excise Tax Technical Changes Act 1958 (72 Stat. 1430); sec. 808(b)(3), Public Law 89–44 (79 Stat. 164)]

PAR. 17. Section 301.7652–1 is amended to delete references to tobacco materials and tobacco products. As amended, § 301.7652–1 reads as follows:

§ 301.7652–1 Shipments to the United States.

For regulations under section 7652, see Part 179 of this chapter, relating to machineguns, destructive devices, and certain other firearms; Part 250 of this chapter, relating to liquors and articles from Puerto Rico and the Virgin Islands; and Part 275 of this chapter, relating to cigars, cigarettes, and cigarette papers and tubes.

PAR. 18. Section 301.7653–1 is amended to delete references to tobacco materials and tobacco products. As amended, § 301.7653–1 reads as follows:

§ 301.7653–1 Shipments from the United States.

For regulations under section 7653, see Part 179 of this chapter, relating to machineguns, destructive devices, and certain other firearms; Part 196 of this chapter, relating to stills; Part 252 of this chapter, relating to exportation of liquors; and Part 290 of this chapter, relating to exportation of cigars, cigarettes, and cigarette papers and tubes.

PAR. 19. Paragraph (f) of § 301.9000–1 is amended to include reference to tobacco and explosives cases and to conform it to provisions of 26 CFR 601.702(d)(12). As amended, § 301.9000–1(f) reads as follows:

§ 301.9000–1 Procedure to be followed by officers and employees of the Internal Revenue Service upon receipt of a request or demand for disclosure of internal revenue records or information.

• • • • •

(f) *State liquor, tobacco, firearms, or explosives cases.* Assistant regional commissioners (alcohol, tobacco, and firearms) or the Director, Alcohol, Tobacco, and Firearms Division, may, in the interest of Federal and State law enforcement, upon receipt of demands or requests of State authorities, and at the expense of the State, authorize special investigators and other employees under their supervision to attend trials and administrative hearings in liquor, tobacco, firearms, or explosives cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities: *Provided*, That such production or testimony will not divulge information contrary to section 7213 of the Code, nor divulge information subject to the restrictions in section 5848. See also 18 U.S.C. 1905.

• • • • •

[FR Doc.72–5041 Filed 3–31–72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

RIGHTS-OF-WAY OVER INDIAN LANDS

Tenure of Approved Right-of-Way Grants

MARCH 24, 1972.

Notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to revise § 161.18 of Part 161, Subchapter O, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in 5 U.S.C. 301; in the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328).

The purpose of the amendment is to revise 25 CFR 161.18 by providing individual property owners, especially those acquiring homesite properties under various Federal housing programs, the privilege of acquiring access roads to homesite properties in perpetuity.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Director, Economic Development, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

As revised, 25 CFR 161.18 will read as follows:

§ 161.18 Tenure of approved right-of-way grants.

All rights-of-way granted under the regulations in this Part 161 shall be in the nature of easements for the periods stated in the conveyance instrument. Except as otherwise determined by the Secretary and stated in the conveyance instrument, rights-of-way granted under the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328), for railroads, telephone lines, telegraph lines, public roads and highways, access roads to homesite properties, public sanitary and storm sewer lines including sewage disposal and treatment plants, water control and use projects (including but not limited to dams, reservoirs, flowage easements, ditches, and canals), oil, gas, and public utility water pipelines (including pumping stations and appurtenant facilities), electric power projects, generating plants, switchyards, electric transmission and distribution lines (including poles, towers, and appurtenant facilities), and for service roads and trails essential to any of the aforestated use purposes, may be without limitation as to term of years; whereas, rights-of-way for all other purposes shall be for a period of not to exceed 50 years, as determined by the Secretary and stated in the conveyance instrument.

JOHN O. CROW,
Deputy Commissioner.

[FR Doc.72–4992 Filed 3–31–72;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Modification of Grade Requirements

Notice is hereby given of a proposal to amend § 987.203(b)(2) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; and 37 F.R. 5282) so that restricted dates for products meet the minimum standards of quality prescribed in § 987.202 instead of the additional grade requirements in § 987.203(b)(2). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the California Date Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after publication of this notice in the FEDERAL REGISTER. All written submissions pursuant to the notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 987.203(b) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; 37 F.R. 5282) by revising subparagraph (2) as follows:

§ 987.203 Additonal grade regulations.

• • • • • •

(b) • • •

(2) *Restricted dates to be disposed of in other approved outlets.* Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 as products shall meet the minimum standards of quality set forth in § 987.202. Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 by export to Mexico shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates, as aforesaid: *Provided*, That Deglet Noor dates shall score (i) not less than 24 points for the factor of absence of defects, except that dates damaged by broken skin, by mashing, and by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor, and (ii) not less than 29 points for the factor of character.

Dated: March 28, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–5005 Filed 3–31–72;8:46 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Proposed Termination of Existing Authorization for Export of Field-Run Dates to Certain Countries

Notice is hereby given of a proposal to terminate the existing authorization for exports of field-run Deglet Noor dates to France and Belgium. The authorization is effective pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 987.156 of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 36 F.R. 23137; 37 F.R. 1159; and 37 F.R. 5282) by revoking paragraph (b).

Dated: March 28, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–5006 Filed 3–31–72;8:46 am]

[7 CFR Part 1046]

MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rule making was issued by the Deputy Administrator, Regulatory Programs, on March 16, 1972, with respect to proposed suspension of a certain provision of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. Interested persons were invited to submit views, data, or arguments to the Hearing Clerk not later than March 24, 1972, in connection with the proposed suspension.

The provision in § 1046.51(b) proposed to be suspended reads, "and for the months of April through August such price less 10 cents." Suspension of this language from the order would have maintained the Class II price, during the April–August period, at the price paid for manufacturing grade milk by plants in Minnesota and Wisconsin.

On the basis of all facts available to the Department, including written views, data, and arguments submitted by interested parties, it is concluded that suspension of this provision would not be appropriate at this time.

It is hereby found and determined that the proposed suspension should not be effectuated and that the proceeding begun in this matter on March 16, 1972, should be and is hereby terminated.

Signed at Washington, D.C., on March 29, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72–5039 Filed 3–31–72;8:46 am]

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[9 CFR Part 322]

EXPORT OF MEAT PRODUCTS FOR CONSIGNEE'S OWN USE

Proposed Clearance of Vessels and Exceptions to Prohibition of Transportation Without Certificate

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering amending § 322.4 of the Meat Inspection Regulations (9 CFR 322.4) as indicated below, pursuant to the authority contained in section 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 621).

Statement of considerations. It is proposed to set a specific limit on the amount of federally inspected meat and meat food products which may be exported for the personal use of the consignee without requiring an official export certificate. The proposed amendment to § 322.4 of the regulations would provide for stricter enforcement of the Federal Meat Inspection Act by identifying a definite amount which may be exported without such certification. The amendment would also clarify the fact that § 322.4 is not meant to apply to inedible product that is denatured or otherwise identified as required by the regulations to deter its use as human food and that is eligible for exportation under other provisions of the regulations.

Section 322.4 would be amended to read as follows:

§ 322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any products, unless and until an official export certificate covering the same has been issued and delivered as provided in this part; except in the case of inspected and passed ship stores and not more than 50 pounds of inspected and passed product for the exclusive personal use of the consignee and not for sale or distribution, and except for exempted product eligible for exportation under the provisions of the Act and the regulations in this subchapter and inedible product that is not capable of use as human food and is eligible for exportation under other provisions of said regulations.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)). Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on March 28, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5007 Filed 3-31-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 71-53(a)]

CORROSIVE LIQUIDS

Supplemental Notice of Proposed Rule Making

In the Friday, June 11, 1971, issue of the FEDERAL REGISTER (36 F.R. 11302), the Coast Guard published a notice of proposed rule making (CGD 71-53(a)) to amend § 146.23. In the Wednesday, August 18, 1971, issue of the FEDERAL REGISTER (36 F.R. 15762) the Coast Guard issued a supplement to that notice to clarify the packaging requirements for the new article "Corrosive solids, n.o.s.".

This document is an additional supplement to the original notice and is being issued to clarify the stowage and segregation that will be given this new commodity. The Coast Guard feels it is in the public interest to issue this supplement and to permit the public an additional opportunity to participate in the rule making procedure.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address, identify the notice (CGD 71-53(a)), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on May 24, 1972, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. It is requested that anyone desiring to attend the hearing notify the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590.

The Commandant will evaluate all communications received before May 31, 1972, and take final action of this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing it is proposed that the new article "Corrosive solid n.o.s." be permitted on all vessels except passenger vessels and the stowage be "on deck protected and on deck under cover." It is also proposed that the segregation requirements be the same as for corrosive liquids in general.

(R.S. 4472, as amended, R.S. 4417a, as amended, sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: March 27, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-5010 Filed 3-31-72;8:46 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 204]

[Reg. D]

RESERVES OF MEMBER BANKS

Computation and Requirements

The Board of Governors proposes to adopt a system of reserve requirements against the demand deposits of all member banks based on the amount of such deposits held by a member bank.

The purpose of the proposal is to adopt a more equitable system of reserve requirements. Under it, reserve percentages would be based on a member bank's deposits without regard to the location of the bank.

The proposal is not intended to signal any change in monetary policy. The net anticipated effect of the proposal, if adopted, would be an overall reduction in reserve requirements. The effect of the resulting increase in funds available for use by member banks would be substantially offset by adoption of the Board's proposed amendment to Regulation J, also announced today. It is intended that Federal Reserve open market operations would be adapted as needed, when the proposals are put into effect, to neutralize the effects on monetary policy.

An integral part of the proposal is a redefinition of the term "reserve city." Such redefinition is essential to eliminate major inequities in the present system of reserve requirements under which several large "country" banks are required to maintain less reserves than competitor reserve city banks with comparable size and characteristics.

Under the proposal, a city would become a reserve city automatically as the net demand deposits of a member bank with its head office located in that city rise above $400 million. Unless a Federal Reserve office is located in that city, it would cease to be a reserve city if no member bank headquartered in the city has average net demand deposits of that amount. The amount of reserves that a bank having deposits of $400 million or less would not be affected by the bank being located in a city that is classified as a reserve city. Permission to carry reduced reserves would be extended to all banks located in a reserve city having deposits of $400 million or less.

Normally the Board does not offer proposed changes in reserve requirement percentages for public comment (See § 262.2(e) of the Board's rules of procedure.) However, because of the basic structural nature of this proposal, the Board believes that comment by the public can be helpful. Accordingly, to aid in the consideration by the Board of this matter, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

To implement its proposal, the Board proposes to amend Regulation D (12 CFR Part 204) in the following respects:

1. Section 204.2(a) (2) and (3) would be amended to read as follows:

§ 204.2 Computation of reserves.

(a) *Amounts of reserves to be maintained.* • • •

(2) A member bank in a reserve city is deemed to have a character of business similar to banks outside of reserve cities whenever it has average net demand deposit balances of $400 million or less for the second computation period preceding the current reserve maintenance period. The Board grants permission to any such bank or banks to maintain for the current period the reserve balances that are in effect for member banks not located in reserve cities. Such permission and any other permission granted by the Board to maintain reduced reserves is automatically suspended for the current reserve maintenance period with respect to any member bank in a reserve city that has average net demand deposit balances of more than $400 million for the second computation period preceding the current reserve maintenance period. Any such bank shall maintain for the current period the reserve balances in effect for banks located in reserve cities.

(3) For the purposes of this part, each city having a Federal Reserve office is a reserve city. In addition, any city, town, village, or other community, whether or not incorporated, is a reserve city for a reserve computation period if it contains a head office of any member bank that had average daily net demand deposit balances of more than $400 million for the second computation period preceding the current reserve maintenance period.

• • • • •

2. Section 204.5(a) (1)(iii) and (2)(iii) would be amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

• • • • •

(iii) (*a*) Eight percent of its net demand deposits if its aggregate net demand deposits are $2 million or less, (*b*) $160,000 plus 10 percent of its net demand deposits in excess of $2 million if its aggregate net demand deposits are in excess of $2 million but less than $10 million, or (*c*) $960,000 plus 13 percent of its net demand deposits in excess of $10 million.

(2) If a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

• • • • •

(iii) $51,660,000 plus 17½ percent of its net demand deposits in excess of $400 million.

• • • • •

§§ 204.51—204.57 [Revoked]

3. Sections 204.51 through 204.57 would be revoked.

(12 U.S.C. 248(1) and 461)

By order of the Board of Governors, March 20, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4998 Filed 3-31-72;8:46 am]

[12 CFR Part 210]

[Reg. J]

COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Payment of Cash Items Upon Presentment

The Board of Governors proposes to amend its Regulation J to require banks—member and nonmember—to pay cash items presented by a Federal Reserve Bank on the day of presentment in funds available to the Reserve Bank on that day. The Board anticipates that payment will be by debit to an account on the books of a Reserve Bank.

The proposal is designed to provide an arrangement for immediate payment of checks presented by Federal Reserve offices and to promote earlier availability of funds to depositors. At present, commercial banks in zones of immediate payment in and around cities with a Federal Reserve office, a clearing house, or in areas served by Regional Check Processing Centers are paying checks on the day of presentment, while other banks make actual payment on the day following receipt of the checks.

The Reserve Banks follow the practice of presenting checks to paying banks early in the day, often before the opening of business. Until the mid-1960's many banks outside Federal Reserve cities paid for these checks by drawing and dispatching a draft on the day of receipt of the checks. Remittance drafts were usually not received and collected until the following day, resulting in a deferment of payment.

In recent years the use of modern accounting and communications systems has led to payment of checks on the day of presentment. Roughly 80 percent of the total amount of payments by paying banks on checks presented by Reserve Banks is through direct charges to reserve accounts. Now it is feasible to make universal the practice of paying in immediately available funds on the day of presentment.

In addition to being a major transitional step toward a more fully automated payments mechanism, the Board's proposal has three immediate goals:

First, requiring payment on the day of presentment will eliminate the long-standing inequities that operate to the disadvantage of banks located in Federal Reserve office cities or in cities served by clearing houses. Until now, banks located outside of these cities have had an additional day to invest funds owed to the collecting bank.

Second, checks drawn on country banks located in the same Federal Reserve territory as depositing banks will be collected a day earlier. Federal Reserve Banks will amend their operating circulars to provide that such amounts will also be credited to depositing banks a day earlier. The Board expects that, in many cases, the depositing member bank will make the credit received from its Reserve Bank available to its depositor at an earlier time than under present practice.

Finally, for checks drawn on country banks located in other Federal Reserve territories, a major component of Federal Reserve float will be eliminated. Federal Reserve float is the equivalent of an interest free advance. It arises when the collecting bank is given credit on checks for which the Federal Reserve Bank has not received payment. Adoption of the Board's proposal would eliminate approximately 60 percent ($2 billion) of Federal Reserve float.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

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To implement its proposal, the Board is considering amending Regulation J as follows:

1. Section 210.9(a) would be amended to read:

§ 210.9 Remittance and payment.

(a) (1) *Cash item.* A paying bank becomes accountable for the amount of each cash item received by it from or through a Federal Reserve Bank at the close of the paying bank's banking day on which the cash item was so received [1] if it retains such item after the close of such banking day, unless, prior to such time, it pays or remits for the item as herein provided. Payment or remittance therefor shall be effected on such day of receipt by:

(i) Debit to an account on the books of a Federal Reserve Bank; or

(ii) Payment in cash; or

(iii) In the discretion of the Federal Reserve Bank, any other form of payment or remittance:

Provided, That the proceeds of any such payment or remittance in any form herein stated shall be available to the Federal Reserve Bank not later than the close of the banking day for such Federal Reserve Bank on the day on which such item was so received by the paying bank. If the banking day on which an item is received by a paying bank is not a banking day for the Federal Reserve Bank from which the item was received, any payment or remittance made hereunder shall be effected on the banking day of both such Federal Reserve Bank and such paying bank next following the day of receipt of such item.

(2) *Noncash item.* A Federal Reserve Bank may require the paying bank or collecting bank to which it has presented, sent, or forwarded any noncash item pursuant to § 210.7 to pay or remit for such item in cash, but is authorized, in its discretion, to permit such paying bank or collecting bank to authorize or cause payment or remittance therefor to be made by a debit to an account on the books of such Federal Reserve Bank or to pay or remit therefor in any of the following which is in a form acceptable to such Federal Reserve Bank: Bank draft, transfer of funds or bank credit, or any other form of payment or remittance authorized by applicable State law.

(3) *Nonbank payor.* A Federal Reserve Bank may require the nonbank payor to which it has presented any cash item or noncash item pursuant to § 210.7 to pay therefor in cash, but is authorized, in its discretion, to permit such nonbank payor to pay therefor in any of the following which is in a form acceptable to such Federal Reserve Bank: Cashier's check, certified check, or other bank draft or obligation.

* * * * *

2. Section 210.12(a) would read:

§ 210.12 Return of cash items.

(a) A paying bank that receives a cash item from or through a Federal Reserve Bank, otherwise than for immediate payment over the counter, and that pays or remits for such item as provided in § 210.9(a) shall have the right to recover any payment or remittance so made if, before it has finally paid the item, it returns the item before midnight of its banking day next following the banking day of receipt or takes such other action to recover such payment or remittance within such time and by such means as may be provided by applicable State law: *Provided,* That the foregoing provisions shall not extend, nor shall the time herein provided for return be extended by, the time for return of unpaid items fixed by the rules and practices of any clearing house through which the item was presented or fixed by the provisions of any special collection agreement pursuant to which it was presented.

* * * * *

(12 U.S.C. 248 (i) and (o) and 342)

By order of the Board of Governors, March 20, 1972.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-4999 Filed 3-31-72;8:46 am]

[1] A cash item received by a paying bank shall be deemed to have been received by the bank on its next banking day if the item is received under one of the following circumstances: (1) On a day other than a banking day for it, or (2) on a banking day for it, but (a) after its regular banking hours, or (b) after a "cutoff hour" established by it in accordance with applicable State law, or (c) during afternoon or evening periods when it is open for limited functions only.

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1606, 1608, 1670]

PUBLIC INFORMATION

Notice of Proposed Rule Making

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.), and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 U.S.C. App., sections 451 et seq.).

The proposed Part 1608 consists chiefly of the text formerly appearing in the sections of Part 1606 which are being revoked.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

PART 1606—GENERAL ADMINISTRATION

§§ 1606.31, 1606.32, 1606.34, 1606.35, 1606.37–1606.42, 1606.55–1606.63 [Revoked]

Section 1606.31 *What records confidential,* is revoked.

Section 1606.32 *Availability and use of confidential records and information,* is revoked.

Section 1606.34 *Waiver of confidential nature of information,* is revoked.

Section 1606.35 *Subpena of records,* is revoked.

Section 1606.37 *Disclosure or furnishing of information relating to physical or mental condition,* is revoked.

Section 1606.38 *"Disclose," "furnish," and "examine" defined,* is revoked.

Section 1606.39 *Searching or handling records,* is revoked.

Section 1606.40 *Furnishing lists of registrants,* is revoked.

Section 1606.41 *Addresses of registrants,* is revoked.

Section 1606.42 *Disclosing information to former employers,* is revoked.

Section 1606.55 *Information to be made available,* is revoked.

Section 1606.56 *General policy,* is revoked.

Section 1606.57 *Service charges for information,* is revoked.

Section 1606.58 *Places where information may be obtained,* is revoked.

Section 1606.59 *Time for obtaining information,* is revoked.

Section 1606.60 *Identification of information requested,* is revoked.

Section 1606.61 *Public information policy,* is revoked.

Section 1606.62 *Requests for names, addresses, and personal data concerning board members, government appeal agents, advisors and other officials,* is revoked.

Section 1606.63 *Demands of courts or other authorities for records or information protected by these regulations,* is revoked.

PART 1608—PUBLIC INFORMATION

Part 1608 (formerly entitled "Payment for Personal Services") is amended to read as follows:

§ 1608.1 Public information policy.

In addition to the policies relative to the disclosure of information when requested by a member of the public, the Selective Service System has a positive public information policy under which information is brought to the attention of the public. Under this policy, the Selective Service System brings to the public, through news releases, pamphlets, educational material for distribution to high schools, and other documents, information concerning important events, the application of the Military Selective Service Act, Selective Service Regulations, and the functions of the Selective Service System.

§ 1608.2 General policy on disclosure of information.

(a) Title 5, United States Code section 552 provides in part that each agency of the Federal Government shall make available for public inspection and copying statements of policy and interpretations which have been adopted by the agency and have not been published in the FEDERAL REGISTER as well as administrative staff manuals and instructions to staff that affect a member of the public. The aforementioned section also provides in part that each agency of the Federal Government, on request for identifiable records make in accordance with published rules stating the time, place, fees to the extent authorized by statute, and procedures to be followed, shall make the records available to any person.

(b) It is the general policy of the Selective Service System to make information available to the public even though it has been published in the FEDERAL REGISTER unless the disclosure thereof would constitute a clearly unwarranted invasion of personal privacy or is prohibited under law or Executive order or relates to internal memoranda, letters or other documents the disclosure of which would interfere with the functions of the Selective Service System. The Director of Selective Service reserves the right to make exceptions to the general policy in a particular instance giving due weight to the right of the public to know and the interests of the individual or individuals involved.

(c) The records in a registrant's file and the information contained in such records shall be confidential.

(d) Technical instructions pertaining to automatic data processing, memoranda, correspondence, opinions, data, staff studies, information received in confidence, and similar documentary material prepared for the purpose of internal comunication within the Selective Service System or between the Selective Service System and other organizations or persons generally are not information available to the public.

§ 1608.3 Availability and use of information in registrants' files.

(a) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by, the following persons, namely:

(1) The registrant, or any person having written authority dated and signed by the registrant: *Provided,* That, whenever the time of the expiration of such authority is not specified therein, no information shall be disclosed, furnished, or examined under that authority after the expiration of a period of 1 year from its date.

(2) The legal representative of a deceased or incompetent registrant.

(3) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System.

(4) Any other agency, official, or employee, or class or group of officials or employees of the United States or any State or subdivision thereof upon written request in individual cases, but only when and to the extent specifically authorized in writing by the State Director of Selective Service or the Director of Selective Service.

(b) Information contained in records in a registrant's file may be disclosed or furnished to, or examined by a U.S. attorney and his duly authorized representatives, including agents of the Federal Bureau of Investigation, whenever the registrant has been reported to the U.S. attorney as a violator for prosecution for violating the Military Selective Service Act or the rules, regulations, or directions made pursuant thereto.

(c) Notwithstanding any other provisions of the regulations in this part, information contained in any record in a registrant's file may be disclosed or furnished to, or examined by, any person having specific written authority from the Director of Selective Service. No person shall use any information so disclosed, furnished, or examined for any purpose other than that designated in such written authority.

(d) No information shall be disclosed or furnished to, or examined by, any person under the provisions of this section, until such person has been properly identified as entitled to obtain such information.

(e) Where a registrant has been indicted under the Military Selective Service Act and must defend himself in a criminal prosecution, or where a registrant submits to induction and thereafter brings habeas corpus proceedings to test the validity of his induction, it is the policy of the Selective Service System to furnish, to him or to any person he may designate, one copy of his selective service file free of charge. Any other registrant may secure a copy of his file upon payment of the fees prescribed in § 1608.12(b).

§ 1608.4 Waiver of confidential nature of information on registrants' files.

The making or filing by or on behalf of a registrant of a claim or action for damages against the Government or any person, based on acts in the performance of which the record of a registrant or any part thereof was compiled, or the institution of any action against the Government or any representative thereof by or on behalf of a registrant involving his classification, selection, or induction, shall constitute a waiver of the confidential nature of all selective service records of such registrant, and, in addition, all such records shall be produced in response to the subpena or summons of the tribunal in which such claim or action is pending.

§ 1608.5 Subpena of records.

(a) In the prosecution of a registrant or any other person for a violation of the Military Selective Service Act, the Selective Service Regulations, any orders or directions made pursuant to such act or regulations, or for perjury, all records of the registrant shall be produced in response to the subpena or summons of the court in which such production or proceeding is pending. Any officer or employee of the Selective Service System who produces the records of a registrant in court shall be considered the custodian of such records for the purpose of this section.

(b) Except as provided in paragraph (a) of this section, no officer or employee of the Selective Service System shall produce a registrant's file, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpena or summons of any court without the consent, in writing, of the registrant concerned, or of the Director of Selective Service.

(c) Whenever, under the provisions of this section, a registrant's file, or any part thereof, is produced as evidence in the proceedings of any court, such file shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original file, to substitute a copy of the file with the court.

§ 1608.6 Disclosure or furnishing of information relating to physical or mental condition of registrants.

Information relating to the physical or mental condition of a registrant may only be disclosed or furnished to the appropriate civil authorities by a medical advisor to the State Director of Selective Service or a medical advisor to the local board where he is required by law to report diseases or defects.

§ 1608.7 "Disclose," "furnish," and "examine" defined.

When used in this part, the following words with regard to the records of, or information as to, any registrant shall have the meaning ascribed to them as follows:

(a) "Disclose" shall mean a verbal or written statement concerning any such record or information.

(b) "Furnish" shall mean providing in substance or verbatim a copy of any such record or information.

(c) "Examine" shall mean a visual inspection and examination of any such record or information at the office of the local board or appeal board as the case may be.

§ 1608.8 Searching or handling records.

Except as specifically provided in the regulations in this part or by written authority of the Director of Selective Service, no person shall be entitled to search or handle any record.

§ 1608.9 Furnishing lists of registrants.

Lists of registrants may be prepared and posted or furnished only as provided in the regulations in this part or in accordance with written instructions from the Director of Selective Service.

§ 1608.10 Addresses of registrants.

The addresses of registrants are confidential information.

§ 1608.11 Disclosing information to former employers of registrants.

A State Director of Selective Service may disclose to the former employer of a registrant who is serving in or who

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has been discharged from the armed forces whether the registrant has or has not been discharged and, if discharged, the date thereof, upon reasonable proof that the registrant left a position in the employ of the person requesting such information in order to serve in the armed forces.

§ 1608.12 Available information.

(a) Upon request current documents specifically identified as being printed for free distribution to the general public will be furnished without charge. Each individual requesting such documents shall be entitled to only one copy of each document.

(b)(1) For processed copies of File Folder (SSS Form 101) or other identifiable records or documents prepared on Selective Service System equipment, the requester will pay 25 cents per page.

(2) For copies of File Folder (SSS Form 101) or other identifiable records or documents reproduced by a private concern the requester will assume the expense of copying. The Selective Service System employee's time to monitor the reproduction, computed from the time of his departure until his return to his post, will be charged by the Selective Service System to the requester at the rate of $1 per quarter-hour after the first quarter-hour. (See § 1608.3(e) for circumstances when file folder will be furnished registrants without charge.)

(3) Copies will not be released to any requester until these fees are paid in full by money order payable to the Selective Service System.

(4) Copying of records as prescribed by this section is a service provided to registrants and members of the public. Except as provided in § 1608.3(e), the Director may without notice suspend this service at any Selective Service site if its continuation would impede the effective operation of the office located at the site.

(c) Copies of Selective Service Regulations (this Chapter XVI) and the Registrants Processing Manual are offered for sale and may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

(d) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State, or at the Office of Public Information, National Headquarters, Selective Service System.

(e) Each local board maintains a Classification Record (SSS Form 102), which contains the name, selective service number, and the current and past classifications for each person registered with that board. This record is open to inspection by the public.

(f)(1) In accordance with Federal Personnel Manual Letter 294–1, March 17, 1966, issued by the Civil Service Commission, the names, position titles, grades, salaries, and duty stations of employees of the Selective Service System are public information.

(2) The names of board members and advisors to registrants will be posted in an area available to the public at each board office to which such personnel are assigned.

(3) In accordance with the reasoning of Federal Personnel Manual Letter 711–8, August 2, 1967, issued by the Civil Service Commission, the home addresses and other personal data concerning the officials designated in subparagraph (2) of this paragraph will not be released unless the person to whom the data relates consents to such release or the board chairman determines in writing, after consultation with the person to whom the data relates, that disclosure would not harm such person, and would not constitute a clearly unwarranted invasion of his personal privacy.

§ 1608.13 Places where information may be obtained.

(a) The information contained in a registrant's selective service file is confidential, and may be revealed only upon strict compliance with the provisions of § 1608.3. Requests for information concerning a registrant shall be addressed to the local board where he is registered.

(b) Requests for information concerning the national administration of the Military Selective Service Act shall be addressed to the Office of Public Information, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435.

(c) Requests for information concerning the administration of the Military Selective Service Act within a particular State shall be addressed to the State Director of Selective Service involved. Addresses of the offices of the State Directors of Selective Service are as follows:

State	Address
Alabama	Room 818, Aronov Building, 474 South Court Street, Montgomery, AL 36104.
Alaska	Room 248, Federal Building, 619 Fourth Avenue, Anchorage, AK 99501.
Arizona	Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.
Arkansas	Federal Office Building, 700 West Capitol, Little Rock, AR 72201.
California	Federal Building, 801 I Street, Sacramento, CA 95814.
Canal Zone	Post Office Box 2014, Balboa Heights, CZ (200–A Administration Building).
Colorado	Building 53, Room B 2906, Denver Federal Center, Post Office Box 25206, Denver, CO 80225.
Connecticut	Post Office Box 1558, Hartford, CT 06101.
Delaware	Prices Corner, 3202 Kirkwood Highway, Wilmington, DE 19808.
District of Columbia.	441 G Street NW., Washington, DC 20001.
Florida	19 McMillan Street, Post Office Box 1988, St. Augustine, FL 32084.
Georgia	901 West Peachtree Street NE., Atlanta, GA 30309.
Guam	Post Office Box 3036, Agana, GU 96910. (RICalvo Building, Second Floor, Hernan Cortes Avenue and Soledad Drive.)
Hawaii	Post Office Box 4006, Honolulu, HI 96813. (Hawaiian Life Building, Fifth Floor, 1311 Kapiolani Boulevard, Honolulu, HI 96813.)
Idaho	550 West Fort Street, Room 480, Federal Building, Boise, ID 83702.
Illinois	405 East Washington Street, Springfield, IL 62701.
Indiana	Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.
Iowa	Building 68, Fort Des Moines, Des Moines, IA 50315.
Kansas	New England Building, Suite 320, 503 Kansas Avenue, Topeka, KS 66603.
Kentucky	220 Steele Street, Frankfort, KY 40601.
Louisiana	Building 601–5–A, 4400 Dauphine Street, New Orleans, LA 70140.
Maine	Federal Building, 40 Western Avenue, Augusta, ME 04330.
Maryland	31 Hopkins Plaza, Room 1119, Baltimore, MD 21201.
Massachusetts	John Fitzgerald Kennedy Federal Building, Room 2312, Government Center, Boston, Mass. 02203.
Michigan	Post Office Box 626, Lansing, MI 48903. (Arnold Building, 1120 East May Street, Lansing, MI.)
Minnesota	Room 1503, Post Office and Customhouse, 180 East Kellogg Boulevard, St. Paul, MN 55101.
Mississippi	Cameron-Walker Building, 4785 Interstate 55 North, Jackson, MS 39206.
Missouri	411 Madison Street, Jefferson City, MO 65101.
Montana	Post Office Box 1183, Helena, MT 59601. (616 Helena Avenue, Helena, MT.)
Nebraska	941 O Street, Lincoln, NE 68508.
Nevada	1511 North Carson Street, Carson City, NV 89701.
New Hampshire.	55 Pleasant Street, Room 337, Post Office Box 427, Concord, NH 03301.
New Jersey	402 East State Street, Trenton, NJ 08608.
New Mexico	Post Office Box 5175, Santa Fe NM 87501. (The New Mexico National Guard Complex, 2600 Cerillos Road.)
New York State.	Federal Building, 441 Broadway, Albany, NY 12207.
New York City.	Federal Building, Room 2337, 26 Federal Plaza, New York, NY 10007.
North Carolina.	310 New Bern Avenue, Post Office Box 26008, Room 448, Raleigh, NC 27611.

State	Address
North Dakota	Federal Building, Post Office Box 1417, Bismarck, ND 58501.
Ohio	85 Marconi Boulevard, Columbus, OH 43215.
Oklahoma	417 Post Office Courthouse Building, Oklahoma City, Okla. 73102.
Oregon	355 Belmont Street NE., Salem, OR 97301.
Pennsylvania	Post Office Box 1266, 228 Walnut Street, Harrisburg, PA 17106.
Puerto Rico	398 Fernandez Juncos Avenue, San Juan, PR 00906.
Rhode Island	1 Washington Avenue, Providence, RI 02905.
South Carolina	1801 Assembly Street, Columbia, SC 29201.
South Dakota	Annex Box 3105, Rapid City, SD 57701.
Tennessee	Room 500, 1717 West End Building, Nashville, TN 37203.
Texas	Room G161 Federal Building, 300 East Eighth Street, Austin, TX 78701.
Utah	333 South Second East, Salt Lake City, UT 84111.
Vermont	Federal Building, Post Office Box 308, Montpelier, VT 05602.
Virginia	400 North Eighth Street, Richmond, VA 23240.
Virgin Islands	Post Office Box 360, Charlotte Amalie, St. Thomas, VI 00801.
Washington	Post Office Box 5247, Tacoma, WA 98405. (Washington National Guard Armory, South 10th and Yakima.)
West Virginia	Federal Office Building, Charleston, W. Va. 25301.
Wisconsin	Post Office Box 2157, 1220 Capitol Court, Madison, WI 53701.
Wyoming	308 West 21st Street, Cheyenne, WY 82001.

§ 1608.14 Rules governing the obtaining of information.

(a) A request for information under this part must be made orally or in writing during business hours at the appropriate selective service office. When information to be furnished is not readily available, the employee responsible for obtaining the information shall advise the requester how and where it may be obtained.

(b) Although the time period allowed for inspection of identifiable documents and registrants' files must be sufficient to allow hand copying, the activity should not interfere with the daily business activities of the selective service office. Accordingly, the selective service employee handling the request for information or inspection should arrange for inspection of selective service files and documents during specified hours of the business week.

(c) Any person entitled under the provisions of this part to examine any record or information shall be permitted to copy it by hand, to photograph it or to copy it by using portable copying equipment so long as the use of such equipment does not disrupt the normal operations of the office.

§ 1608.15 Identification of information requested.

(a) Any person who requests information under these regulations shall provide a reasonably specific description of the information sought so that it may be located without undue search or inquiry. Information that is not identified by a reasonably specific description is not an identifiable record, and the request for that information may be declined.

(b) If the description is insufficient, the employee processing the request will notify the requester and, to the extent possible, indicate the additional information required. Every reasonable effort shall be made to assist a requester in the identification and location of the record or records sought. Records will not be withheld merely because it is difficult to find them.

(c) When a request is received at an office not having charge of the records, it shall promptly forward the request to the proper office and notify the requester of the action taken.

§ 1608.16 Review of denials of requests for information.

(a) Complaints concerning possible abuse of discretion granted selective service employees under this section or failure to respond to inquiries or denial of information shall be directed to the State director in the case of State headquarters or local board employees and to the Director in the case of National Headquarters employees.

(b) A requester whose request for information or documents has not been satisfied pursuant to paragraph (a) of this section may petition the General Counsel, Selective Service System, National Headquarters, 1724 F Street NW., Washington, DC 20435, for appropriate action on the request. The General Counsel's decision shall be the final action of the Selective Service System.

§ 1608.17 Demands of courts or other authorities for records or information protected by these regulations.

(a) Authority to release records or information the disclosure of which is prohibited or restricted by the regulations in this part, including personal information bearing on the qualifications of an official to serve in the position he occupies, is reserved to the Director of Selective Service. A request, demand or order to produce such information (hereafter "demand") will not be honored by an employee of the System without prior approval of the Director.

(1) Whenever such demand is made upon an employee of the System by or through a court or other authority, he will immediately notify the Regional Counsel responsible for the U.S. District in which the issuing court or other authority is located.

(2) The Regional Counsel shall without delay notify the appropriate U.S. attorney and immediately request instructions from the Director of Selective Service through the Office of the General Counsel, National Headquarters, Selective Service System.

(3) If response to the demand is required before instructions from the Director of Selective Service are received, the Regional Counsel responsible for responding shall request the appropriate U.S. attorney to represent the selective service employee before the court or other authority, shall cause the court or other authority to be furnished a copy of this section and § 1608.12(f), and shall cause it to be informed that the demand has been or is being, as the case may be, referred for the prompt consideration of the Director of Selective Service. The Regional Counsel should respectfully request the court or other authority to stay the demand pending receipt of instructions from the Director of Selective Service.

(b) If the court or other authority declines to stay the effect of the demand, or rules that the demand must be complied with regardless of the instructions from the Director of Selective Service, the Regional Counsel will advise the employee to respectfully decline to comply with the demand citing United States ex rel. Touhy v. Ragan, 340 U.S.C. 462 (1951).

PART 1670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

Part 1670 is revoked.

CURTIS W. TARR,
Director.

MARCH 29, 1972.

[FR Doc.72-5023 Filed 3-31-72;8:48 am]

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Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[DES 72-47]

PROPOSED OUTER CONTINENTAL SHELF OIL AND GAS LEASE SALE OFFSHORE EASTERN LOUISIANA

Environmental Impact Statement

MARCH 31, 1972.

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a draft environmental impact statement relating to a proposed Outer Continental Shelf general oil and gas lease sale. The environmental statement considers 78 tracts of Outer Continental Shelf lands which have been identified for oil and gas leasing potential. All 78 tracts are located in the Gulf of Mexico offshore eastern Louisiana.

Reading copies of the draft environmental impact statement are available in Room 5643 of the Interior Building in Washington, and in BLM's New Orleans office. Copies may be obtained for $2 by writing the Director, Bureau of Land Management (130), U.S. Department of the Interior, Washington, D.C. 20240, or the Manager, BLM Outer Continental Shelf Office, Post Office Box 53226, New Orleans, LA 70153.

Anyone wishing to comment on the draft environmental statement should submit his comments in writing within 45 days to:

Director, Bureau of Land Management (310), U.S. Department of Interior, Washington, D.C. 20240.

After all comments have been received and analyzed, a final environmental statement will be prepared.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

[FR Doc.72-5108 Filed 3-31-72;8:50 am]

Office of the Secretary

[DES 72-46]

MASTER PLAN FOR WHITE SANDS NATIONAL MONUMENT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the draft master plan for White Sands National Monument located within Dona Ana and Otero Counties, N. Mex. Written comments on the statement are invited and will be accepted for 30 days from the date of this notice except where time extensions are granted upon request in accordance with Council on Environmental Quality Guidelines of April 23, 1971. Comments should be addressed Superintendent, White Sands National Monument, shown below.

The master plan provides in a conceptual manner for the overall management and development of the monument and related to considerations given to the study of potential wilderness land designation within the monument. A public hearing on the wilderness study was announced in the FEDERAL REGISTER of February 1, 1972, and information packets were made available at that time. This environmental statement should be considered in light of those information packets.

Copies of this environmental statement are available from or for inspection at the following locations: Southwest Regional Office, National Park Service, Old Santa Fe Trail, Post Office Box 728, Santa Fe, NM 87501; and from White Sands National Monument, Post Office Box 458, Alamogordo, NM 88310.

Dated: March 29, 1972.

W. W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72-5078 Filed 3-31-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MESQUITE CONTROL PROGRAM

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Mesquite Control Program on the Coronado National Forest in Tucson, Ariz., USDA-FS-DES(Adm) 72-28.

The environmental statement concerns a proposed spray program on 2,175 acres of mesquite located all on the Nogales Ranger District in six separate locations in Pima and Santa Cruz Counties, State of Arizona.

This draft environmental statement was filed with CEQ on March 27, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Southwestern Region, Federal Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

Coronado National Forest, 130 South Scott, Tucson, AZ 85702.

A limited number of single copies are available upon request to Clyde Doran, Forest Supervisor, U.S. Forest Service, Box 551, Tucson, Ariz. 85702.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Clyde Doran, U.S. Forest Service, Coronado National Forest, Box 551, Tucson, Ariz. 85702. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

MARCH 27, 1972.

[FR Doc.72-5008 Filed 3-31-72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[Docket No. R-72-106]

ADVERTISING GUIDELINES FOR FAIR HOUSING

Notice of Statement of Policy

In order to facilitate and promote compliance with the requirements of Title VIII of the Civil Rights Act of 1968, and particularly section 804(c) thereof (42 U.S.C. 3601, 3604(c)) regarding notices, statements or advertisements, the Department of Housing and Urban Development has prepared guidelines to indicate graphic and written references that are appropriate for the preparation, publication, and general use of advertising matter with respect to the sale or rental of a dwelling as defined by the Act.

Notice of a proposed statement of policy was published in the FEDERAL REGISTER on May 21, 1971 (36 F.R. 9266). Comments were received from 26 interested persons and organizations and consideration has been given to each comment.

Several comments observed that the proposed policy statement was at times unnecessarily limited to the field of newspaper advertising. In response to the comments, the policy statement has been revised in several places to clarify that the guidelines apply to advertisements in all media, including, e.g., television and radio, as well as to advertising agencies and other persons who use advertising.

Several organizations suggested additional catchwords connoting a discriminatory effect for inclusion in section A-3. That section has been expanded to include several additional terms which may have a discriminatory effect when used in a discriminatory context.

In response to other comments, section A-6 has been revised to clarify how directional references could be employed in a discriminatory context with an ethnically, as well as a racially, discriminatory effect. Also, section A-7 has been added relating specifically to designation of religious, ethnic or racial facilities to identify an area or neighborhood.

A number of comments indicated that human models or Equal Opportunity advertisements can and have been used selectively to promote the development of racially exclusive communities. A new section C-4 has been added in order to meet this specific problem. The previous human models section has been clarified by revision and reorganization in the new section C, in light of comments which indicated confusion or uncertainty surrounding the use of human models.

In response to publishers' comments, Table I has been simplified and references to minimum type sizes limited to a recommendation that the type should be bold display face and no smaller than eight points.

A number of organizations suggested the inclusion of a publisher's notice to appear with real estate advertising. A suggested notice has been included as Table III, in lieu of the provision in the proposed guidelines for direct notification to all firms or persons using the advertising services of a publisher. This provision was removed in light of objections that such notification would be unworkable or would impose great hardship since a large volume of real estate advertising is placed by a great number of persons on a nonrecurring basis.

Finally, a number of minor editorial or organizational changes have been made in order to clarify or simplify the advertising guidelines.

Several organizations suggested that the guidelines make specific reference to the roles of other enforcement agencies, including the Department of Justice and local agencies. These comments suggested that the guidelines specify that they do not alter or affect conciliation agreements or court orders obtained by these agencies, as well as by the Department. Such a disclaimer appears to be unnecessary, since there is nothing in the guidelines to indicate an intent to alter or affect agreements or orders obtained by the Department and other agencies.

This document is issued pursuant to section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

The statement of Policy reads as follows:

PUBLICATION GUIDELINES FOR COMPLIANCE WITH TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968

POLICY STATEMENT

Section 804(c) of title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling (any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure, or portion thereof) that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation or discrimination.

These advertising guidelines are being issued for the purpose of assisting all advertising media, advertising agencies, and all other persons who use advertising to make, print, or publish or cause to be made, printed, or published any classified or display advertisement with respect to the sale or rental of a dwelling by the owner or his agent, in compliance with the requirements of title VIII.

Conformance with these guidelines will be considered in evaluating compliance with title VIII in connection with investigations by the Assistant Secretary of advertising practices and policies under the title.

A. *The use of words, phrases, sentences and visual aids which have a discriminatory effect.* The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory intent. Their use should therefore be avoided in order to eliminate their discriminatory effect. In considering a complaint under title VIII, the Assistant Secretary will normally consider the use of these and comparable words, phrases, symbols, and forms to indicate possible violation of the title and to establish a need for seeking resolution of the complaint, if it is apparent from the context of the usage that discrimination within the meaning of the Title is likely to result.

1. *Words descriptive of dwelling, landlord, and tenant.* White private home, Colored home, Jewish home.

2. *Words indicative of race, color, religion, or national origin.* Negro, Hispano, Mexican, Indian, Oriental, Black, White, WASP, Hebrew, Irish, Italian, European, etc.

3. *Catch words.* Restricted, ghetto, disadvantaged. Also, words such as private, integrated, traditional, "board approval" or "membership approved" if used in a discriminatory context.

4. *Symbols or logotypes.* Symbols or logotypes which imply or suggest race, color, religion, or national origin.

5. *Colloquialisms.* Locally accepted words or phrases which imply or suggest race, color, religion, or national origin.

6. *Directions to the real estate for sale or rent (use of maps or written instructions).* References to real estate location made in terms of racially or ethnically significant landmarks such as an existing Black development (signal to Blacks) or an existing development known for its exclusion of minorities (signal to Whites). Specific directions given from a racially or ethnically significant area.

7. *Area (location) description.* Use of religious, ethnic, or racial facilities to describe an area, neighborhood, or location.

B. *Selective use of advertising media or content with discriminatory effect.* The selective use of advertising in various media and with respect to various housing developments or sites can lead to discriminatory results and may indicate a violation of title VIII.

1. *Selective geographic impact.* Such selective use may involve the strategic placement of billboards, brochure advertisements distributed within a limited geographic area by hand or in the mail, or advertising in particular geographic coverage editions of major metropolitan newspapers, or in local newspapers which are mainly advertising vehicles for reaching a particular segment of the community, or in displays or announcements only in selected sales offices.

2. *Selective use of equal opportunity slogan or logo.* Such selective use may involve using the equal opportunity slogan or logo in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.

3. *Selective use of human models.* Such selective advertising may also involve the use of human models primarily in media that cater to one racial or ethnic segment of the population that is not balanced by a complementary advertising campaign that is directed at other groups, or the use by a developer of racially mixed models to advertise one of the developments and not others.

C. *Policy and practices guidelines.* The following guidelines are offered as suggested methods of assuring equal opportunity in real estate advertising:

1. *Guidelines for use of logotype, statement, or slogan.* All advertising of residential real estate for sale or rent can contain an Equal Housing Opportunity logotype, statement or slogan as a means of educating the homeseeking public that the property is available to all persons regardless of race, color, religion, or national origin. Table I (see appendix) indicates suggested sizes for the use of the logotype. In all space advertising which is less than 4 column inches of a page in size, the Equal Housing Opportunity slogan should be used. The advertisement may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, or national origin. Alternatively, 3-5 percent of the advertisement copy may be devoted to a statement of the equal housing opportunity policy of the owner or agent. Table 2 (see appendix) contains copies of the suggested Equal Housing Opportunity logotype, statement and slogan.

2. *Guidelines for use of human models.* Human models in photographs, drawings, or other graphic techniques may be used to indicate racial inclusiveness. If models are used in display advertising campaigns, the models should be clearly definable as reasonably representing both majority and minority groups in the metropolitan area. Models, if used, should indicate to the general public that the housing is open to all without regard to race, color, religion, or national origin, and is not for the exclusive use of one such group.

3. *Guidelines for notification of Fair Housing Policy.* (a) *Employees.* All publishers of advertisements, advertising agencies, and firms engaged in the sale or rental of real estate should provide a printed copy of their nondiscriminatory policy to each employee and officer.

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(b) *Clients.* All publishers of advertisements and advertising agencies should post a copy of their nondiscrimination policy in a conspicuous place wherever persons come to place advertising and should have copies available for all firms and persons using their advertising services.

(c) *Publisher's notice.* All publishers are encouraged to publish at the beginning of the real estate advertising section a notice such as that appearing in Table 3 (see appendix).

Effective date. This statement of policy shall be effective May 1, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

APPENDIX

The following three tables may serve as a guide for the use of the Equal Housing Opportunity logotype, statement, slogan, and publisher's notice for display advertising:

TABLE I

A simple formula can guide the real estate advertiser in using the Equal Housing Opportunity logotype, statement, or slogan. If other logotypes are used in the advertisement, then the Equal Housing Opportunity logotype should be of a size equal to the largest of the other logotypes; if no other logotypes are used, then the following guidelines can be used. In all instances, the type should be bold display face and no smaller than 8 points.

Approximate size of advertisement	*Size of Logotype in inches*
½ page or larger	2 x 2.
⅛ page up to ½ page	1 x 1.
4 column inches to ⅛ page	½ x ½.
Less than 4 column inches	(1).

[1] Do not use.

TABLE II.—ILLUSTRATIONS OF LOGOTYPE, STATEMENT, AND SLOGAN

Equal Housing Opportunity logotype.

EQUAL HOUSING OPPORTUNITY

Equal Housing Opportunity statement:
We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion or national origin.

Equal Housing Opportunity slogan:
"Equal Housing Opportunity."

TABLE III—ILLUSTRATION OF PUBLISHER'S NOTICE

Publisher's notice:
All real estate advertised in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination."

This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.

[FR Doc.72-4983 Filed 3-31-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-269]

DUKE POWER CO.

Notice of Availability of Final Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission ("the Commission") in 10 CFR Part 50, Appendix D, notice is hereby given that a Final Detailed Statement (entitled "Final Environmental Statement Related to Operation of Oconee Nuclear Station Units 1, 2, and 3 Duke Power Company") on the environmental considerations related to the proposed issuance of an operating license for the Oconee Nuclear Station, Unit No. 1 located on the Company's site located in eastern Oconee County, approximately 8 miles northeast of Seneca, S.C., has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and at the Oconee County Library, 201 South Spring Street, Walhalla, S.C. The Final Detailed Statement is also being made available to the public at the Office of the Governor, State Planning and Grants Division, Wade Hampton Office Building, Columbia, S.C. 29201, and at the South Carolina Appalachian Regional Planning and Development Commission, Post Office Box 4184, 11 Regency Hills Drive, Greenville, SC 29608.

Although the applicant's report and the Commission's Final Detailed Statement on environmental considerations deal with Units 1, 2, and 3 of the Oconee Nuclear Station, the subject statement is only final with respect to Unit 1. A further opportunity will be afforded to interested persons to submit comments with respect to environmental matters concerning Units 2 and 3.

A notice was published in the FEDERAL REGISTER on December 21, 1971 (36 F.R. 24128), concerning the availability of the Duke Power Co's. Environmental Report dated July 1970, and Supplement and Revision 1 thereto dated October 1971, and November 2, 1971, respectively (collectively called "the report"). The report was analyzed by the Commission's Division of Radiological and Environmental Protection and a Notice of Availability of the Commission's Draft Detailed Statement dated December 14, 1971, was published in the FEDERAL REGISTER on December 21, 1971 (36 FR 24126). Copies of comments received on the Draft Detailed Statement were placed in the above designated document rooms for public inspection.

Single copies of the Commission's Final Detailed Statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 29th day of March 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-5093 Filed 3-31-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23941]

AIR HAITI, S.A.

Notice of Postponement of Hearing

Application for amendment of foreign air carrier permit to authorize New York service.

Notice is hereby given that the hearing in the above-entitled matter is postponed from April 4, 1972 (37 F.R. 5971, March 23, 1972), to April 7, 1972, at 10 a.m., local time, in Room 502, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., March 28, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.72-5026 Filed 3-31-72;8:48 am]

[Docket No. 23450]

CROSS CANADA FLIGHTS, LTD., AND OTTAWA AERO SERVICES, LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit Transfer

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 21, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 14, 1972.

Dated at Washington, D.C., March 29, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-5025 Filed 3-31-72;8:48 am]

[Docket No. 23333; Order 72-3-85]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Agents

Issued under delegated authority March 27, 1972.

Agreement adopted by the traffic conferences of the International Air Transport Association relating to reduced fares for cargo agents, Docket 23333, Agreement CAB 22968.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between air carriers, foreign air carriers, and other air carriers embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would have the effect of continuing through August 31, 1972, the past basis upon which the number of reduced-fare tickets are allocated to cargo agents, i.e. two tickets at a 75-percent discount per agency location per year. This basis was to have expired February 29, 1972, and been replaced with new provisions on which the Board deferred action in Order 72-1-52 of January 17, 1972.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 22968, are adverse to the public interest or in violation of the Act:

IATA RESOLUTIONS

100(Mail 894)203a and 203d.
200(Mail 131)203a and 203d.
300(Mail 373)203a and 203d.
JT12(Mail 785)203a and 203d.
JT23(Mail 295)203a and 203d.
JT31(Mail 212)203a and 203d.
JT123(Mail 684)203a and 203d.

Accordingly, it is ordered, That:

Action on Agreement CAB 22968 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5028 Filed 3-31-72;8:48 am]

[Docket No. 23333; Order 72-3-86]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of March 1972.

Agreements adopted by the traffic conferences of the International Air Transport Association relating to cargo rate matters, Docket 23333, Agreement CAB 22429, R-7 and R-8; Agreement CAB 22460, R-69 and R-70.

By Order 71-12-33, dated December 8, 1971, and issued under delegated authority, action was deferred on agreements adopted by the carrier members of the International Air Transport Association (IATA). The agreements propose to revalidate and make certain amendments to resolutions governing the procedures and standard IATA formats of air waybills/consignment notes. A period of 10 days was initially granted in which interested persons and parties might submit petitions in support of or in opposition to actions proposed by that order; however, such period was extended through January 31, 1972,[1] at the request of IATA, which filed on behalf of Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA).

In a joint petition filed,[2] January 31, 1972, Pan American and TWA object to the proposed disapproval, in air transportation as defined by the Federal Aviation Act of 1958, of provisions relating to the documentation of international route charges on air waybills/consignment notes, including the addition of a space or "box" on the formats in which to enter such charges. Board review is, therefore, requested by the petitioners who claim that since the Board previously disapproved application of international route charges in air transportation,[2] the "box" would be completed only in the case of shipments not moving in air transportation. On this basis, the petitioners suggest that the Board might appropriately disclaim jurisdiction, or approve the agreement. It is contended that approval of the agreement will not result in any adverse public interest consequences, since the carriers consider such agreement will have a "miniscule effect" in connection with shipments moving to and from the United States.

In any event, the petitioning carriers argue against the contemplated disapproval of a form they desire for worldwide use. They assert that Board disapproval would result in unreasonable expense to carriers by requiring the maintenance of two sets of forms—one for use in air transportation and another for shipments not involving air transportation. Moreover, it is argued that disapproval by the Board could result in "an inadvertent error or honest misrepresentation of what 'is in air transportation'" being construed as a carrier violation of Board rulings, IATA resolutions, or possibly antitrust laws by the use of the incorrect form.

Lastly, it is urged that if the Board still requires disapproval, that the Board do so only with respect to air waybills/consignment notes issued in the United States, its territories, and possessions; or to provide air carriers the option of indicating on any worldwide shipping document that includes a "box" for international route charges that such charges do not apply to or from the United States, its territories and possessions.

Upon consideration of the matter raised by Pan American and TWA, the Board is unable to conclude that the public interest warrants unqualified approval of the agreements or that it is in a position to disclaim jurisdiction. The air waybill/consignment note formats, as revised, are intended for worldwide application, which includes international cargo shipments moving in air transportation. In the light of the earlier Board disapproval in air transportation of international route charges, our interest at this juncture centers around the possible confusion which might be occasioned by the added element of a "box," designated specifically for the entry of such charges. We recognize the advantages which will stem from worldwide use of the form and find that the public interest considerations will be met if the carriers indicate on their shipping documents that international route charges do not apply to or from the United States, its territories and possessions. Therefore, our approval herein is conditioned accordingly.

No petitions have been received in regard to other matters falling within the terms of Order 71-12-33, supra: Namely, the proposed limited approval through August 12, 1972, and subject to condition, of the revalidation (as further amended) of the resolutions governing air waybills/consignment notes. We will therefore finalize herein these tentative conclusions contained in that order.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act, provided that approval thereof is subject to the conditions hereinafter ordered:

Agreement CAB	*IATA resolutions*
22429:	
R-7	103(CTPC)600j
	203(CTPC)600j
	303(CTPC)600j
R-8	103(CTPC)600k
	203(CTPC)600k
	303(CTPC)600k

[1] Order 71-12-144, dated Dec. 30, 1971.
[2] Board Order 71-9-43, dated Sept. 9, 1971.

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Agreement CAB 22460	IATA No.	Title	Application
R–69	609	Manual Air Waybill/Consignment Note (AWB) (Revalidating and Amending).	1; 2; 3.
R–70	609k	Transmittable Air Waybill/Consignment Note (Revalidating and Amending).	1; 2; 3.

Accordingly, it is ordered, That:

1. The petition of Pan American World Airways, Inc., and Trans World Airlines, Inc., is granted to the extent ordered below; and

2. Agreements CAB 22429, R–7 and R–8, and CAB 22460, R–69 and R–70, be and hereby are approved: *Provided,* That:

(a) In the event that air waybill/consignment note formats provide a designed space in which international route charges are to be noted, appropriate and adequate reference shall be made, on each copy or page containing such a space, to the effect that international route charges do not apply to or from the United States, its territories and possessions;

(b) Provisions for the inclusion of industrial diamonds and cultured pearls as valuable cargo shall not become effective in air transportation to/from the United States/the District of Columbia/the Commonwealth of Puerto Rico unless and until the Board approves similar provisions incorporated in the basic resolution (Resolution 595) governing the rating of such valuable cargo in said area of air transportation; and

(d) Approval in air transportation, as defined by the Act, shall be limited through August 12, 1972.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72–5029 Filed 3–31–72;8:48 am]

[Docket No. 23846; Order 72–3–90]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority, March 28, 1972.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fares, Docket 23486, Agreement CAB 22982.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would amend an existing resolution governing economy-class excursion fares within the Western Hemisphere by the inclusion of a specified fare reflecting new direct service between Mazatlan and Denver. The fare, established at $155 round-trip, would be available for 5/14-day excursion travel between April 6 and November 30, 1972, on flights departing Monday through Friday, only.

Pursuant to authority duly delegated by the Board, it is not found, on a tentative basis, that Resolution 100(Mail 892) 070, which is incorporated in Agreement CAB 22982, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22982 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days from the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc. 72–5080 Filed 3–31–72;8:48 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MAURITIUS

Entry or Withdrawal From Warehouse for Consumption

MARCH 29, 1972.

On November 2, 1971, there was published in the FEDERAL REGISTER (36 F.R. 21008), a letter dated October 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs establishing a level of restraint for cotton textile products in Category 39, produced or manufactured in Mauritius, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning August 25, 1971.

Recently, discussions were held between the Governments of the United States and Mauritius whereby the U.S. Government agreed to increase the aforesaid level of restraint from 21,680 dozen pairs to 30,000 dozen pairs for the current 12-month period. The U.S. Government further agreed that, should the Government of Mauritius request, the aforesaid level would be further increased up to an amount equivalent to the level of restraint which would be applicable for the second 12-month period.

In such an event, it was mutually agreed that cotton textile products so entered during the current 12-month period will be charged against the level of restaint which would be applicable for the second 12-month period, and that the level for that period will be correspondingly reduced. The Government of Mauritius has made such a request.

There is published below a letter of March 29, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, amending the earlier letter dated October 23, 1971, thereby implementing the request of the Government of Mauritius.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MARCH 29, 1972.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on October 23, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee, regarding imports into the United States of cotton textile products in Category 39, produced or manufactured in Mauritius.

The first paragraph of the directive of October 23, 1971, is amended to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning August 25, 1971, and extending through August 24, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 39, produced or manufactured in Mauritius, in excess of a level of restraint for the period of 61,500 dozen pairs."

The actions taken with respect to the Government of Mauritius and with respect to imports of cotton textiles and cotton textile products from Mauritius have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72–5021 Filed 3–31–72;8:47 am]

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEOA	Oaxaca, Oax. N. 17°02'46", W. 96°43'03".	5D/0.25N	ND-178.5	U	III	431	120	328
XETJ	Torreon, Coah. N. 25°36'18", W. 103°28'17".	1D/0.25N	ND-175	U	III	361	120	361
XEVX	Colima, Col. N. 18°12'02", W. 103°13'07".	1D/0.25N	ND-175	U	III	394	90	381
		686 kHz						
XEAV	Guadalajara, Jal. N. 20°40'34", W. 103°23'12".	10D/1N	ND-176	U	III	354	120	354
XEDZ	Cordoba, Ver. N. 18°52'34", W. 96°55'52".	1D/0.45N	ND-170	U	III	354	120	354
XEFI	Chihuahua, Chih. N. 28°38'00", W. 106°07'00".	5D/0.25N	ND-184	U	III	427	90	427
XEHH	Cd. Victoria, Tams. N. 23°41'06", W. 99°07'51".	1D/0.15N	ND-175	U	III	341	120	361
XEMU	Piedras Negras, Coah. N. 28°41'36", W. 100°32'46".	5D/0.25N	ND-175	U	III	322	90	425
XEUE	Tuxtla Gutierrez, Chis. N. 16°45'20", W. 93°06'40".	1D/0.2N	ND-176	U	III	394	120	328
		680 kHz						
XEE	Durango, Dgo. N. 24°00'01", W. 104°38'44".	1D/0.15N	ND-101	U	III	427	120	577
XEFD	Rio Bravo, Tams. N. 25°58'36", W. 98°03'15".	5D/0.25N	ND-175	U	III	338	90	381
XEHQ	Hermosillo, Son. N. 29°05'35", W. 110°54'35".	1.5	ND-175	U	III	335	90	417
XEPH	Mexico, D.F. N. 19°24'00", W. 99°06'23".	5	ND-176	U	III	377	120	335
		690 kHz						
XEBB	Acapulco, Gro. N. 16°50'29", W. 99°54'43".	5D/1N	ND-177	U	III	410	120	295
XEDN	Torreon, Coah. N. 25°36'00", W. 103°26'00".	1	ND-183.5	U	III	335	120	410
XEMN	Monterrey, N.L. N. 25°36'35", W. 100°18'00".	0.5	ND-175	D	III	371	90	361
XERJ	Matamoros, Tams. (TO: 1320 N. 25°32'30", W. 103°15'00").	5D/1N	DA-2	U	III			
XEWZ	Guanajuato, Gto. N. 21°01'02", W. 101°15'15".	0.25	ND-176	U	III	348	120	348
XEZ	Merida, Yuc. N. 21°00'05", W. 89°37'10".	2	ND-175	U	III	328	120	345
		690 kHz						
XEBX	Salinas, Coah. N. 27°03'34", W. 101°07'23".	3D/0.85N	ND-101	U	III	410	250	410
XECV	Cd. Valles, S.L.P. N. 21°59'04", W. 99°00'58".	1D/0.25N	ND-175	U	III	325	120	345
XEFL	Fresnillo, Zac. N. 23°10'32", W. 102°51'30".	1D/0.15N	ND-175	U	III	404	90	328
XEGS	Guasave, Sin. N. 25°34'17", W. 108°27'00".	1D/0.8D	ND-181	U	III	404	90	404
XEJA	Jalapa, Ver. N. 19°31'33", W. 96°51'52".	1D/0.5N	ND-175	U	III	371	90	351
XEKZ	Tampico, Tams. N. 22°13'36", W. 98°13'51".	1D/0.5N	ND-183	U	III	404	120	328
XEUF	Uruapan, Mich. N. 19°25'02", W. 102°01'00".	6D/1N	ND-181	U	III	268	120	404
		690 kHz						
XEACM	Villahermosa, Tab. N. 17°59'09", W. 92°55'45".	1D/0.1N	ND-103	U	III	427	120	427
XEBU	Chihuahua, Chih., N. 28°39'00", W. 106°05'00".	5D/0.25N	ND-185	U	III	345	120	394
XECK	Durango, Dgo., N. 24°01'35", W. 104°38'41".	1D/0.1N	ND-183	U	III	410	120	328
XEGH	Rio Bravo, Tams. (under construction).	0.25	ND	D	III			
XENK	Mexico, D.F., N. 19°29'00", W. 99°08'00".	10D/5N	ND-178.5	U	III	300	110	377
XFOO	Toluc, Nayr., N. 21°30'10", W. 104°52'23".	1D/0.25N	ND-175	U	III	318	120	335
		690 kHz						
XEACA	Acapulco, Gro., N. 16°50'30", W. 99°50'43".	5D/0.25N	ND-175	U	III	312	130	328
XEFR	Monterrey, N.L., N. 25°41'06", W. 100°14'33" (TO: 5D/1N,ND, U).	10	DA-2 ND-181	U	III	341	90	390

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST STATIONS OF UNITED MEXICAN STATES

Official List of Notified Assignments

Official list of notified assignments of standard broadcast stations of the United Mexican States, December 31, 1971, listed by frequency. Recapitulative list based on the recommendations of the North American Regional Broadcasting Agreement Engineering meeting, January 30, 1941, as modified in accordance with the agreements between the United Mexican States and the United States of America of January 29, 1957, and December 11, 1968, concerning broadcasting in the standard broadcast band, and notifications made up to and including Notification List Number 265 dated June 16, 1971.

ABBREVIATIONS

Hz.....Hertz.
kHz.....Kilohertz.
w.....Watt.
kw.....Kilowatt.
mV/m.....Millivolts/meter.
U.....Unlimited time (day and night).
D.....Daytime operation only.
N.....Nighttime operation.
ND.....Omnidirectional antenna.
DA.....Directional antenna.
DA–1.....Directional antenna: Digit indicates the same pattern but not necessarily the same power day and night.
DA–2.....Directional antenna: Digit indicates different patterns day and night with either the same or different power day and night.
DA–N.....Directional antenna: "N" indicates directional antenna for nighttime only; omnidirectional day.
DA–D.....Directional antenna: "D" indicates directional antenna for day operation.
PO.....Present operation.
Vide.....See assignment on.

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		640 kHz						
XEWA	San Luis Potosí, S.L.P. N. 22°08'10", W. 100°55'10".	150	ND-229	U	I-A	857	180	
		550 kHz						
XEACD	Acapulco, Gro. (under construction).	0.5D/0.25N	ND	U				
XEKI	Jalisco, Jal. N. 19°31'37", W. 99°06'03".	1D/0.26N	ND-180	U	III	391	120	446
XEPI	Cd. Chihuhemoc, Chih. N. 28°24'28", W. 106°51'13".	0.5D/0.15N	ND-175	U	III	367	120	367
XEQW	Merida, Yuc., N. 20°59'00", W. 89°38'00".	2D/0.2N	ND-180	U	III	323	120	443
XEUC	Tehuantepec, Oax. N. 16°19'10", W. 95°15'07".	1D/0.25N	ND-178	U	III	336	90	446
		670 kHz						
XEOG	Mexico, D.F., N. 19°23'30", W. 99°08'00" (TO: 0.75D/1N, DA-2).	1	ND-175	U	III	335	90	410
XEHA	Tecate, B.C. (under construction).	0.25	ND	U	III			
XEYO	Huatabampo, Son. (under construction).	1D/0.5N	ND	U	III			
		670 kHz						
XEBJB	Monterrey, N.L., N. 25°41'52", W. 100°15'04" (TO: 5D/0.1N).	5D/0.25N	ND-179	U	III	430	120	295
XELQ	Morelia, Mich., N. 19°42'10", W. 101°11'30".	1	ND-175	U	III	361	120	361
XENZ	Culiacan, Sin., N. 24°53'33", W. 107°24'50".	1D/0.25N	ND-176.5	U	III	328	120	394

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Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEFU	Coxamalopan, Ver., N. 18°20'37", W. 95°47'49".	5D/0.75N	ND-183	U	III	315	120	394
XEFX	Guaymas, Son., N. 27°55'25", W. 110°54'32".	0.25	ND-175	U	III	322	120	322
XEID	Cananea, Son. (under construction).	5	ND	D	III			
XEJB	Guadalajara, Jal. (educational).	0.5	ND-173.5	U	III	256	120	361
XETK	Mazatlan, Sin., N. 23°11'55", W. 106°25'20".	1D/0.25N	ND-175	U	III	312	120	328
XETS	Tapachula, Chis., N. 14°54'18", W. 92°15'56".	1D/0.5N	ND-175	U	III	289	120	345
		640 kHz						
XEWM	San Cristobal las Casas, Chis., N. 16°44'53", W. 92°38'45".	0.25	ND-175	D	II	377	90	322
		650 kHz						
XEEJ	Puerto Vallarta, Jal., N. 20°36'25", W. 105°16'00".	0.25	ND-175	D	II	354	90	328
XETNT	Los Moebis, Sin., N. 25°47'00", W. 109°00'00".	0.5	ND-175	D	II	354	90	328
XEZM	Zamora, Mich., N. 19°59'14", W. 102°11'12".	5	ND-182	D	II	367	120	328
		660 kHz						
XEACB	Cd. Delicias, Chih., (under construction).	0.5	ND-175	D	II	322	90	345
XENB	Macuspana, Tab. (under construction).	1	ND-175	D	II	322	90	345
XERPM	Mexico, D.F., N. 19°29'13", W. 99°02'33" (PO: 10-D/5-N, DA-N).	50D/5N	DA-N-190	U	II	374	120	374
XEYG	Matias Romero, Oax., N. 16°53'59", W. 95°01'40".	0.25	ND-150	D	II	186	120	223
		670 kHz						
XEIS	Cd. Guzman, Jal., N. 19°43'13", W. 103°27'53".	1	ND-190	D	II	369	120	369
XETOR	Matomoros, Coah., N. 25°31'00", W. 103°14'00".	1	ND-175	D	II	262	120	308
		680 kHz						
XEFJ	Texistlan, Pue., N. 19°50'28", W. 97°21'36".	1D/0.1N	ND-177	U	II	282	90	361
XEFO	Chihuahua, Chih., N. 28°40'00", W. 106°06'20".	1	ND-183.5	D	II	285	120	361
XEKC	Oaxaca, Oax. (under construction).	5D/1N	DA-2	U	II			
XEKQ	Tepachula, Chis., N. 14°54'49", W. 92°15'32".	5D/0.5N	ND-187	U	II	369	120	361
XELG	Leon, Gto., N. 21°07'28", W. 101°41'01".	10D/5N	DA-N-190	U	II			
XELV	Hermosillo, Son. (under construction).	0.25	ND	D	II			
XENF	Tepic, Nay. (under construction).	0.25	ND	D	II			
XEORO	Guasave, Sin., N. 25°33'25", W. 108°28'15" (PO: 0.5 kw.).	1	ND-175	D	II	318	90	341
		690 kHz						
XETRAN	Progreso, Yuc. (under construction).	50	DA-1	U	II			
XEN	Mexico, D.F., N. 19°20'35", W. 99°08'23".	20D/5N	ND-175	U	II	358	95	312
XERG	Monterrey, N.L., N. 25°40'11", W. 100°15'21".	0.5D/0.2N	ND-177	U	II	285	90	354
XETRA	Tijuana, B.C., N. 32°25'15", W. 117°05'30".	50	DA-2	U	I-B			
		700 kHz						
XEAR	Zapopan, Jal., N. 20°43'32", W. 103°23'09".	1	ND-175	D	II	333	120	303
XETN	Moroleon, Gto. (under construction).	0.25	ND	D	II			
XEVC	Cordoba, Ver., N. 18°51'20", W. 96°55'52".	0.5	ND-175	D	II	328	120	312
	Cd. Valles, S.L.P. (under construction).	1	ND	D	II			
		710 kHz						
XEBL	Culiacan, Sin., N. 24°48'35", W. 107°24'30".	5D/0.25N	ND-190	U	II	348	120	348
XEKU	Acapulco, Gro., N. 16°51'20", W. 99°53'06".	0.5D/0.15N	ND-175	U	II	292	90	320
XEMP	Mexico, D.F., N. 19°23'20", W. 99°00'59".	1D/0.5N	ND-175	U	II	282	240	292
XEON	Tuxtla, Gutierrez, Chis., N. 16°45'30", W. 93°00'45".	2D/1N	ND-197	U	II	427	120	345
XEPQ	Muzquiz, Coah., N. 27°54'00", W. 101°30'00".	1D/0.1N	ND-175	U	II	295	90	320
XEPS	Emalme, Son., N. 27°57'44", W. 110°48'33".	1D/0.25N	ND-164	U	II	262	90	262
XERK	Tepic, Nay., N. 21°31'27", W. 104°55'09".	1D/0.175N	ND-175	U	II	285	120	285
XERL	Colima, Col., N. 19°14'27", W. 103°42'47".	1D/0.2N	ND-175	U	II	308	90	305
XERPO	Oaxaca, Oax., N. 17°03'46", W. 96°43'21" (PO: 0.5D/0.1N).	1D/0.1N	ND-175	U	II	295	90	315
	None							
		780 kHz						
		750 kHz						
XEX	Mexico, D.F., N. 19°15'00", W. 99°05'00".	500	DA-225	U	I-A	614	200	656
	None							
		740 kH						
	do	*760 kHz*						
		700 kHz						
XEABC	Los Reyes, Mex., N. 19°22'04", W. 98°51'03" (PO: 5kw. ND, D).	20D/10N	DA-2-197	U	II	394	120	394
XEDGO	Durango, Dgo., N. 24°02'26", W. 104°36'18".	1	ND-177.5	D	II	269	90	315
XEEQ	San Luis Potosi, S.L.P., N. 22°09'05", W. 100°58'15".	0.25	ND-175	D	II	266	90	323
XEZZ	Tonala, Jal., N. 20°37'15", W. 103°16'30".	5	ND-179	D	II	299	90	312
		770 kHz						
XEGK	Tamazunchale, S.L.P. (under construction).	1	ND	D	II			
XEHB	San Francisco del Oro, Chih., N. 26°53'13", W. 105°53'04".	0.5	ND-184	D	II	262	120	318
XEML	Apatzingan, Mich., N. 19°02'54", W. 102° 19'20" (PO: 0.25 kw., ND, D).	1	ND-175	D	II	322	140	230
		780 kHz						
XEZN	Celaya, Gto. (under construction).	0.25	ND	D	II			
		790 kHz						
XEBI	Aguascallentes, Ags, N. 21°52'49", W. 102°17'42".	1D/0.25N	ND-175	U	III	236	100	299
XEFE	Nuevo Laredo, Tams, N. 27°29'46", W. 99°30'03".	1D/0.5N	ND-190	U	III	312	410	499
XEGZ	Cd. Lerdo, Dgo., N. 25°32'30", W. 103°31'12".	0.25	ND-188	U	III	295	120	312
XELN	Linares, N.L., N. 24°52'21", W. 99°33'22".	1	ND-175	D	III	295	90	262
XENT	La Paz, Terr. B.C., N. 24°09'50", W. 110°18'56".	5D/0.75N	ND-190	U	III	312	120	328
XERC	Mexico, D.F., N. 19°24'20", W. 99°07'25".	10D/1N	ND-189	U	III	302	120	302
XERPC	Chihuahua, Chih., N. 28°41'00", W. 106°04'27.5".	5D/0.4N	ND-185	U	III	295	120	295
XESU	Mexicali, B.C., N. 32°37'00", W. 115°30'32".	0.5	ND-182	D	III	233	120	328
XEVA	Villahermosa, Tab., N. 17°58'52", W. 92°55'22".	5D/0.2N	ND-175	U	III	210	120	312

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		800 kHz						
XEAN	Ocotlan, Jal., N. 20°20'00", W. 102°45'00".	1	ND-179	D	II	262	90	308
XEMMM	Tijuana, B.C., N. 32°30'45", W. 117°01'06".	0.5	ND-175	D	II	256	120	256
XELO	Cd. Juarez, Chih., N. 31°44'15.8", W. 106°29'08.5".	150	ND-225	U	I-A	499	180	427
		810 kHz						
XEFW	Tampico, Tams., N. 22°13'08", W. 97°51'07".	50	DA-N ND-190	U	II	304	120	304
XEHT	Huamantla, Tlax., N. 19°18'49", W. 98°55'42".	0.5	ND-179	D	II	276	90	295
XEOE	Tapachula, Chis., N. 14°54'34", W. 92°15'39".	1D/0.15N	ND-175	U	II	246	90	292
XERI	Reynosa, Tams., N. 26°05'27", W. 98°16'20".	0.25	ND-175	D	II	246	90	295
XERSV	Cd. Obregon, Son., N. 27°30'50", W. 109°56'26" (PO: 5 kw., D, ND).	5D/0.25N	DA-N ND-190	U	II			
XEUX	Tuxpan, Nay., N. 21°58'43", W. 105°20'30".	5	ND-177	D	II	299	90	262
XEYM	Morelia, Mich., (under construction).	1	ND	D	II			
		830 kHz						
XEBA	Guadalajara, Jal., N. 20°43'20", W. 103°18'29".	1	ND-177	D	II	289	120	230
XEKG	Fortin de las Flores, Ver., N. 18°40'27", W. 96°50'14".	1	ND-188	D	II	295	120	295
XESB	Santa Barbara, Chih., N. 26°48'50", W. 105°48'40".	0.75	ND-183	D	II	240	120	295
		850 kHz						
XELA	Mexico, D.F., N. 19°20'02", W. 99°07'58" (PO: 10D/5N, DA, N).	10D/5N	DA-N ND-181	U	II	307	110	197-295
XEVQ	Navolato, Sin., N. 24°45'25", W. 107°39'31".	1	ND-184	D	II	297	90	297
XEFG	Celaya, Gto., N. 20°30'53", W. 100°49'10".	1	ND-176	D	II	246	120	246
XEMY	Cd. Mante, Tams., N. 22°48'54", W. 99°50'45".	0.5	ND-176	D	II	246	120	246
		860 kHz						
XEM	Chihuahua, Chih., N. 28°40'30", W. 106°07'30".	5	ND-174	D	II	256	90	256
XEMIA	Tlaquepaque, Jal., N. 20°34'35", W. 103°20'05" (PO: Chapala, Jal.).	1	ND-175	D	II	256	90	262
XETQ	Orizaba, Ver., N. 18°50'40", W. 97°05'57" (PO: 10 kw., DA-N).	100D/50N	DA-N-225	U	I-B	525	120	295
XEUS	Hermosillo, Son., N. 29°05'03", W. 110°57'54".	1	ND-191	D	II	295	120	501
XEZF	Mexicali, B.C., N. 32°39'12", W. 115°28'30".	0.25	ND-177	D	II	246	120	249
XEZR	Zaragoza, Coah., N. 28°29'00", W. 100°54'00".	1	ND-188	D	II	286	120	286
		860 kHz						
XEAL	Manzanillo, Col., N. 19°02'00", W. 104°19'30".	1	ND-176	D	II	262	90	253
XEDU	Durango, Dgo., N. 24°01'40", W. 104°39'20".	1D/0.5N	ND-181	U	II	249	90	328
XEMO	Tijuana, B.C., N. 32°30'48", W. 117°01'08".	5	ND-209	U	II	430	120	286
XENL	Monterrey, N.L., N. 25°40'11", W. 100°18'20".	5D/2N	DA-N ND-190	U	II	289	120	289
XENW	Culiacan, Sin., N. 24°49'03", W. 107°18'28".	1D/0.25N	ND-181	U	II	256	120	256
XERPN	Cd. Juarez, Chih., N. 31°42'18", W. 106°30'05".	1D/0.5N	DA-N ND-190	U	II			
XETW	Tamiico, Tams., N. 22°13'00", W. 97°51'19".	0.5	ND-175	U	II	259	90	259
XEUN	Mexico, D.F., N. 19°28'57", W. 99°14'40".	45D/25N	DA-2	U	II			
XEZR	Zaragoza, Coah., N. 28°29'00", W. 100°54'00".	0.25N	DA-N	N	II			
XEZX	Tenosique, Tab., N. 17°28'45", W. 91°25'33".	1D/0.15N	ND-175	U	II	197	120	262
		870 kHz						
XEACF	Irapuato, Gto. (under construction).	1	DA-D	D	II			
XELY	Morelia, Mich., N. 10°42'12", W. 101°07'12".	1	ND-230	D	II	538	120	305
XENH	Escuinapa, Sin., N. 22°50'10", W. 105°42'17".	1	ND-175	D	II	256	90	256
		880 kHz						
XEEM	Rio Verde, S.L.P., N. 21°55'52", W. 99°59'58".	1	ND-175	D	II	249	90	249
XETZ	Tequila, Jal., N. 20°50'00", W. 103°43'00".	1	ND-181	D	II	266	90	271
	None							
		890 kHz						
		900 kHz						
XEW	Mexico, D.F., N. 19°19'00", W. 99°07'00".	250	ND-225	U	I-A	499	180	492
		910 kHz						
XEAO	Mexicali, B.C., N. 32°38'34", W. 115°30'23".	0.25	ND-175	U	II	203	120	203
XEHO	Cd. Obregon, Son., N. 27°28'30", W. 109°58'00".	1D/0.25N	ND-175	U	II	221	90	221
		920 kHz						
XEBH	Hermosillo, Son., N. 27°05'30", W. 110°56'10".	5D/1N	ND-194.5	U	III	302	120	279
XEBM	San Luis Potosi, S.L.P., N. 22°09'08", W. 101°07'09".	5D/1N	ND-183	U	III	242	100	262
XECQ	Culiacan, Sin., N. 24°51'24", W. 107°23'47".	1D/0.1N	ND-177	U	III	246	120	197
XEHC	Ensenada, B.C., N. 31°51'10", W. 116°38'09" (PO: 0.5D/0.2N).	2.5D/0.2N	ND-175	U	III	213	120	225
XELT	Guadalajara, Jal., N. 20°40'37", W. 103°23'15".	1D/0.25N	ND-190	U	III	267	120	267
XEMJ	Piedras Negras, Coah., N. 28°42'26", W. 100°30'57".	1D/0.25N	ND-192.5	U	III	302	120	262
XECK	Monterrey, N.L., N. 25°40'47", W. 100°17'28".	1D/0.25N	ND-240.5	U	III	558	120	325
XEOP	Villa Frontera, Coah., N. 26°55'30", W. 101°26'50".	0.25D/0.2N	ND-175	U	III	226	90	246
XEQD	Chihuahua, Chih., N. 28°38'14", W. 106°06'04" (PO: 1 kw., D).	1D/0.1N	ND-190	U	III	267	120	295
XETAA	Torreon, Coah., N. 25°23'34", W. 103°23'49" (PO: 0.5 kw., DD, 2 kw., N).	1D/0.2N	ND-175	U	III	230	120	213
XEVV	Chiapa de Corzo, Chis., N. 16°42'05" W., 92°55'11".	5D/0.25N	ND-201	U	III	348	120	348
		930 kHz						
XEU	Veracruz, Ver., N. 19°10'41", W. 96°08'59". (PO: 0.5 kw., U).	5D/1N	ND-190	U	III	266	120	266
		940 kHz						
XEQ	Mexico, D.F. N. 19°15'00", W. 99°05'00" (PO: 50 kw., U).	150D/50N	ND-253.5	U	I-B	574	180	525
XERKS	Reynosa, Tams., N. 26°02'30", W. 98°17'15".	0.2	ND-190	D	II	262	120	262
XEWV	Mexicali, B.C., N. 32°37'23", W. 115°30'06".	1	ND-188	D	II	256	120	256
		950 kHz						
XEFA	Chihuahua, Chih., N. 28°41'15", W. 106°01'20".	0.5D/0.25N	ND-175	U	III	233	90	233
XEGM	Tijuana, B.C., N. 32°25'30", W. 117°05'20" (PO: 2.5 kw., ND, U).	10D/5N	DA-2 ND-190	U	III	259	120	259
XEMAB	Cd. del Carmen, Camp. (under construction).	0.25	ND	U	III			
XEORF	El Fuerte, Sin., N. 26°25'30", W. 108°38'51".	1D/0.5N	ND-190	U	III	259	120	259

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XERN	Montemorelos, N.L., N. 25°11'24", W. 99°51'15".	1D	ND-175	D	III	246	90	203
XEYJ	Nueva Rosita, Coah., N. 27°58'23", W. 101°14'45".	1D/0.1N	ND-191	U	III	264	120	264
		960 kHz						
XECC	Cd. Camargo, Chih., N. 27°41'49", W. 105°10'09".	0.25D/0.1N	ND-175	U	III	195	90	262
XECS	Manzanillo, Col., N. 19°02'51", W. 104°19'47".	1D/0.2N	ND-175	U	III	154	120	256
XECZ	San Luis Potosi, S.L.P., N. 22°09'10", W. 100°58'48".	0.5D/0.25N	ND-175	U	III	194	90	256
XEGB	Coatzacoalcos, Ver., N. 18°08'15", W. 94°26'16".	1D/0.5N	ND-175	U	III	215	90	236
XEHK	Guadalajara, Jal., N. 20°41'00", W. 103°20'30".	1D/0.25N	ND-175	U	III	256	90	195
XEIQ	Cd. Obregon, Son., N. 27°28'30", W. 109°58'00". (PO: 0.75D/0.5N).	1D/0.5N	ND-175	U	III	256	90	164-246
XEK	Nuevo Laredo, Tams., N. 27°29'46", W. 99°30'09".	2D/1N	ND-184	U	III	256	90	256
XEKS	Saltillo, Coah., N. 25°25'32", W. 100°59'57".	0.5D/0.1N	ND-182	U	III	256	90	240
XEMM	Morelia, Mich., N. 19°42'14", W. 101°11'28".	0.5D/0.2N	ND-175	U	III	236	90	226
XEOZ	Jalapa, Ver., N. 19°30'54", W. 96°52'42".	1D/0.25N	ND-178	U	III	236	90	236
XEROO	Chetumal, Q. Roo., N. 18°31'39", W. 88°17'56".	1D/0.5N	ND-175	U	III	221	90	246
XEUQ	Zihuatanejo, Gro., N. 17°39'00", W. 101°35'01".	1D/0.25N	ND-183	U	III	237	120	237
		970 kHz						
XEBJ	Cd. Victoria, Tams., N. 23°45'08", W. 99°08'40".	1D/0.2N	ND-178	U	III	233	90	233
XECJ	Apatzingan, Mich., N. 19°05'25", W. 102°15'25" (PO: 1D/0.25N).	5D/0.25N	ND-196	U	III	335	90	256
XEDF	Mexico, D.F., N. 19°29'30", W. 99°09'28".	10D/5N	DA-N ND-D-201	U	III			
XEEZ	Caborca, Son., N. 30°43'00", W. 112°05'00".	0.25D/0.1N	ND-175	U	III	223	90	227
XEJ	Cd. Juarez, Chih., N. 31°44'23", W. 106°28'41".	10D/5N	ND-178	U	III	236	90	236
XEMH	Merida, Yuc., N. 20°58'32", W. 89°36'42".	1D/0.1N	ND-184	U	III	253	90	253
XEO	Matamoros, Tams., N. 25°52'03", W. 97°30'24".	1	ND-180	U	III	253	120	203
XEOW	Mazatlan, Sin., N. 23°17'01", W. 106°28'09".	1D/0.25N	ND-187	U	III	246	120	246
XEQX	Monclova, Coah., N. 26°55'28", W. 101°26'29".	0.5D/0.15N	ND-175	U	III	197	90	253
XEUG	Guanajuato, Gto., N. 21°01'01", W. 101°15'20".	0.5	ND-175	D	III	246	90	213
XEVT	Villahermosa, Tab., N. 17°59'15", W. 92°55'00".	5D/0.4N	ND-206	U	III	394	90	328
		980 kHz						
XEFQ	Cananea, Son., N. 30°57'23", W. 110°17'28".	0.5	ND-175	U	III	218	120	201
XEKE	Navojoa, Son., N. 27°04'52", W. 109°27'13".	1D/0.25N	ND-188	U	III	241	120	246
XELC	La Piedad, Mich., N. 20°21'29", W. 101°53'21".	5D/0.2N	ND-184	U	III	249	90	295
XENR	Nueva Rosita, Coah., N. 27°55'15", W. 101°14'26" (PO: 1D/0.5N).	5D/0.5N	ND-183.5	U	III	246	90	262
XEOT	San Pedro de las Colonias, Coah. (under construction).	0.5	ND	U	III			
XEQG	Queretaro, Qro., N. 20°27'00", W. 100°24'00".	1D/0.15N	DA-D ND-190	U	III			
XEQO	Cosamaloapan, Ver. (under construction).	5	DA-N	U	III			
XETU	Tampico, Tams., N. 22°13'00", W. 97°51'19".	10D/1N	DA-D ND-190	U	III			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEXT	Tepic, Nay., N. 21°30'20", W. 104°48'30".	1	ND-190	U	III	249	120	249
		990 kHz						
XEBC	Cd. Guzman, Jal., N. 19°42'15", W. 103°24'00".	1D/0.1N	ND-187	U	II	230	180	246
XECL	Mexicali, B.C., N. 32°37'48", W. 115°30'06".	5	ND-189	U	II	246	120	249
XEER	Cd. Cuauhtemoc, Chih., N. 28°24'42", W. 106°51'00" (PO: 0.5D/0.2N).	1D/0.2N	ND-176	U	II	251	100	148-246
XEHZ	La Paz, Terr., B.C., N. 24°05'26", W. 110°20'00".	1D/0.25N	ND-188	U	II	236	120	253
XEOL	Tezuitlan, Pue., N. 19°48'28", W. 97°21'32".	0.5D/0.1N	ND-175	U	II	249	90	222
XET	Monterrey, N.L., N. 25°44'00.2", W. 100°14'42.2".	50D	DA-N ND-198	U	II	308	180	246
XETG	Tuxtla Gutierrez, Chis. (under construction).	10	DA-N	U	II			
XEUM	Valladolid, Yuc. (under construction).	0.25	ND	U	II			
		1000 kHz						
XEFV	Cd. Juarez, Chih., N. 31°44'17.4", W. 106°25'55.9".	1	ND-193	D	II	284	120	233
XEOY	Mexico, D.F., N. 19°23'15", W. 99°17'15". (PO: 10 kw., ND, U). Rio Bravo, Tams. (under construction).	50	DA-N-225	U	I-B	448	120	246
		0.25	ND	D	II			
		1010 kHz						
XEDX	Ensenada, B.C., N. 31°52'48", W. 116°36'09".	0.5D/0.25N	ND-175	U	II	197	120	207
XEEB	Esperanza, Son., N. 27°33'29", W. 109°56'15".	0.25	ND-175	U	II	194	90	236
XEFM	Veracruz, Ver., N. 19°06'30", W. 96°08'30". (operation suspended June 25, 1969).	1D/0.2N	ND-175	U	II	230	90	190
XEHL	Guadalajara, Jal., N. 20°40'27", W. 103°23'15".	10D/5N	ND-187	U	II	243	120	230
XEKD	Cd. Acuna, Coah., N. 29°18'14", W. 100°55'36".	0.5D/0.25N	ND-180	U	II	220	90	246
XETX	Nueva Casas Grandes, Chih. N., 30°21'55", W. 107°58'42".	1D/0.25N	ND-175	U	II	225	90	213
XEVK	Torreon, Coah., N. 25°32'18" N. 103°27'55".	5D/0.1N	ND-175	U	II	197	100	225
XEWS	Culiacan, Sin., N. 24°48'36", W. 107°25'35".	5D/0.25N	ND-175	U	II	210	120	236
XEXN	Ures, Son., N. 29°26'30", W. 110°23'00".	0.5D/0.2N	ND-190	U	II	243	120	243
		1020 kHz						
XEBR	Macuspana, Tab. (under construction).	1D/0.1N	ND	U	II			
XEXL	Patzcuaro, Mich., N. 19°30'56", W. 101°30'31".	1	ND-188	D	II	295	120	197
		1050kHz						
XELJ	Lagos de Moreno, Jal., N. 21°21'00", W. 101°55'18" (PO: 0.25 kw., ND, D).	1	ND-176	D	II	207	90	187
XEQR	Mexico, D.F., N. 19°31'15", W. 99°13'14".	10D/1N	ND-200	U	II	308	120	295
XEVR	Ixtlan del Rio, Nay., (under construction).	0.25D	ND	D	II			
		1040 kHz						
XECX	Tala, Jal., (under construction).	0.25	ND	D	II			
XEGR	Coatepec, Ver., N. 19°28'50", W. 96°55'09".	1	ND-188.5	D	II	230	120	246
		1050 kHz						
XED	Mexicali, B.C., N. 32°27'20", W. 115°30'54".	10D/1N	DA-1 ND-190	U	II			

NOTICES

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEBN	Nogales, Son. (under construction).	1	ND	D	II			
XEZL	Jalapa, Ver., N. 19°31'32", W. 96°59'52" (PO: 10 kw., D).	10	DA-N ND-180	U	II	218	120	197
		1140 kHz						
XEMR	Monterrey, N.L., N. 25°45'40", W. 100°15'17" (PO: 10 kw., DA-N).	50	DA-N ND-D-225	U	I-B			
XETE	Tehuacan, Pue., N. 18°28'17", W. 97°23'30".	1	ND-175	D	II	194	90	194
XEXF	Leon, Gto., N. 21°08'50", W. 101°43'25" (PO: Romita, Gto.).	5	ND-184	D	II	230	90	220
		1150 kHz						
XEAD	Guadalajara, Jal., N. 20°40'37", W. 103°20'22".	1D/0.125N	ND-175	U	III	197	90	180
XEBF	San Pedro de las Colonias, Coah., N. 25°45'20", W. 103°00'15".	1D/0.25N	ND-190	U	III	216	120	216
XEJP	Mexico, D.F., N. 19°30'15", W. 99°04'56".	10	DA-N ND-190	U	III			
XEJS	Hidalgo, del Parral, Chih., N. 26°56'12", W. 105°39'31" (PO: 0.5 kw., ND, U).	1D/0.5N	ND-175	U	III	187	90	198
XERM	Mexicali, B.C., N. 32°38'07", W. 115°29'13".	1D/0.5N	ND-175	D	III	214	90	176
XERRF	Merida, Yuc., N. 21°00'00.7", W. 89° 36'36.5" (PO: 0.5D/0.35N)	1D/0.35N	ND-177	U	III	197	90	197
XERTM	Macuspana, Tab., N. 17°44'45", W. 92°35'39".	1D/0.125N	ND-187	U	III	230	90	295
XESO	Cd. Obregon, Son. (under construction)	5D/0.3N	ND	U	III			
XEWY	Alamo, Ver. (under construction).	1	ND	D	III			
XEXP	Tuxtepec, Oax., N. 18°05'22", W. 96°07'12".	0.5	ND-175	D	III	192	90	192
XEXZ	Zacatecas, Zac., N. 22°46'33", W. 102°35'10".	1D/0.2N	ND-186	U	III	187	120	213
		1160 kHz						
XEBE	Perote, Ver., N. 19°37'12", W. 97°14'24".	0.25	ND-190	D	II	212	120	212
XEGI	Tamazunchale, S.L.P., N. 21°17'30", W. 98°45'30". (under construction).	0.5	ND-190	D	II	212	120	212
XEWI	Uruapan, Mich., N. 19°25'10", W. 102°02'00".	1	ND-175	D	II	197	120	161
XEVW	Acambaro, Gto., N. 20°12'00", W. 100°35'00".	1	ND-175	D	II	238	90	157
		1170 kHz						
XECD	Puebla, Pue., N. 19°03'30", W. 98°11'37". (PO: 0.35 kw., ND, U).	1D/0.35N	ND-175	U	II	169	120	177
XEGV	Caborca, Son. (under construction).	0.25	ND	D	II			
XELP	La Piedad, Mich., N. 20°20'17", W. 102°01'38". (PO: 0.25 kw., ND, D).	0.25D/0.1N	ND-175	U	II	157	90	210
XERT	Reynosa, Tams., N. 26°02'30", W. 98°13'15". (PO: 1 kw.-D).	5	ND-229	D	II	394	120	361
XEQV	Arcelia, Gro. (under construction).	50	DA-2	U	II			
XEUVA	Aguascalientes, Ags. (under construction).	1	ND	D	II			
XEZS	Coatzacoalcos, Ver., N. 18°08'27", W. 94°25'31".	0.5D/0.25N	ND-175	U	II	197	90	172
		1180 kHz						
XEFR	Mexico, D.F., N. 19°25'43", W. 99°07'02". (PO: 1D/0.25N, ND, U).	1	ND-175	U	II	208	90	171
XEXS	San Francisco del Rincon, Gto., N. 21°00'00", W. 101°45'00".	0.5	ND	D	II	232	90	207

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEYV	Huatusco, Ver., N. 19°09'07", W. 96°57'20".	1	ND-175	D	II	119	120	192
		1190 kHz						
XECT	Monterrey, N.L. (under construction).	0.5	ND	D	II			
XEDO	Jojutla, Mor., N. 18°36'42", W. 99°10'51".	1	ND-190	D	II	210	120	210
XEGJ	Arriaga, Chis. (under construction).	0.25	ND	D	II			
XEMBC	Mexicali, B.C., N. 32°40'07", W. 115°27'50".	0.25	ND-175	D	II	203	90	174
XEPK	Pachuca, Hgo., N. 20°07'41", W. 98°43'59".	0.5	ND-190	D	II	208	120	208
XEPZ	Cd. Juarez, Chih., N. 31°42'21", W. 106°28'04.5".	1	ND-175	D	II	190	90	182
XESOL	Cd. Hidalgo, Mich., N. 19°48'00", W. 100°34'16".	0.5	ND-175	D	II	215	90	164
XEVN	Nogales, Son. (under construction).	0.5	ND	D	II			
XEWK	Guadalajara, Jal., N. 20°41'30", W. 103°20'15". (PO: 50D/10N, ND, U).	50	DA-N ND-225	U	I-B	348	120	492
	Cd. Madero, Tams., N. 22°15'02", W. 97°50'13" (under construction).	0.5	ND-175	D	II	207	90	169
		1200 kHz						
XEPW	Poza Rica, Ver., N. 20°31'30", W. 97°27'15".	0.25	ND-175	D	II	197	90	177
XEZI	Zacapu, Mich., N. 19°50'05", W. 101°43'30".	1	ND-175	D	II	208	90	167
		1210 kHz						
	None.	*1220 kHz*						
XEB	Mexico, D.F., N. 19°19'45", W. 99°09'38".	100	ND-248	U	I-A	433	180	202
		1230 kHz						
XESCT	Ensenada, B.C., (under construction).	1D/0.25N	ND-190	U	IV	200	120	200
		1240 kHz						
XEBN	Cd. Delicias, Chih., N. 28°11'27", W. 105°30'12".	1D/0.25	ND-166	U	IV	156	120	131
XEBQ	Guaymas, Son. N. 27°55'30", W. 110°50'20".	1D/0.25	ND-188	U	IV	187	140	197
XECE	Oaxaca, Oax. N. 17°03'49", W. 96°44'10".	0.5D/0.25N	ND-177	U	IV	161	90	197
XECG	Nogales, Son. N. 31°19'10", W. 110°58'15".	0.25	ND-190	U	IV	199	120	199
XEIF	San Blas, Sin. (under construction).	1D/0.25	ND	U	IV			
XEIZ	Monterrey, N.L., N. 26°40'11", W. 100°18'27" (PN; Villa de Guadalupe, N.L.)	0.5D/0.25N	ND-181	U	IV	190	70	190
XEID	Autlan de Navarro, Jal. N. 19°45'12", W. 104°22'26".	1D/0.1N	ND-180	U	IV	190	120	164
XELM	Tuxtla Gutierrez, Chis. N. 16°45'20", W. 93°06'46".	1D/0.25	ND-237	U	IV	328	120	328
XEMQ	Merida, Yuc. N. 20°56'45", W. 89°36'10".	1D/0.25	ND-181	U	IV	164	120	180
XENG	Huauchinango, Pue. N. 20°10'50", W. 98°02'45".	1D/0.2N	ND-180	U	IV	197	90	180
XEOV	Orizaba, Ver. N. 18°50'30", W. 97°06'00".	0.25D/0.175N	ND-156	U	IV	138	90	131
XERPA	Morelia, Mich., N. 19°42'16", W. 101°11'30".	0.5	ND-174	D	IV	197	120	118
XERZ	Leon, Gto., N. 21°07'20", W. 101°41'00".	1D/0.25N	ND-186	U	IV	197	120	180
XES	Tampico, Tams., N. 22°13'05", W. 97°50'45".	1D/0.25N	ND-190	U	IV	197	180	197
XESI	Santiago Ixcuintla, Nay., N. 21°49'05", W. 105°11'14". (PO: 0.3, ND, U).	1D/0.3N	ND-190	U	IV	199	120	197
XETC	Torreon, Coah., N. 25°32'18", W. 103°27'55" (PO: 0.25, ND, U).	0.5D/0.25N	ND-161	U	IV	131	120	131
XEVM	Piedras Negras, Coah., N. 28°42'25", W. 100°31'02".	0.25D/0.2N	ND-155	U	IV	131	90	131
XEWG	Cd. Juarez, Chih., N. 31°43'53", W. 106°27'11".	0.25	ND-162	U	IV	148	90	148
		1250 kHz						
XEAT	Hidalgo del Parral, Chih., N. 26°56'04", W. 105°39'58".	0.25	ND-175	U	III	207	90	157
XEDK	Guadalajara, Jal., N. 20°38'53", W. 103°19'22" (PO: 1 kw., ND, U).	5D/1N	ND-180	U	III	197	90	180
XEDL	Hermosillo, Son., N. 28°04'28", W. 110°57'39".	1D/0.5N	ND-175	U	III	118	120	197
XEJX	Queretaro, Qro., N. 20°35'35", W. 100°23'12".	1D/0.1N	ND-188	U	III	183	120	394
XEMG	Arriaga, Chis., N. 16°14'00", W. 93°53'45" (PO: 0.5D/0.25N).	1D/0.25N	ND-190	U	III	197	120	207
XEPI	Tixtla, Gro., N. 17°33'50", W. 99°26'10".	1D/0.1N	ND-190	U	III	197	120	197
XESC	Sabinas, Coah. (under construction).	1	ND	D	III			
XESJ	Saltillo, Coah., N. 25°28'17", W. 100°59'45".	1D/0.5N	ND-189	U	III	230	90	197
XETF	Veracruz, Ver., N. 19°11'24", W. 96°08'07" (N PO: 0.5 kw., ND, U).	1D/0.5N	ND-175	U	III	193	90	166
XETO	Chetumal, Q. Roo., (under construction).	0.25	ND	U	III			
XEZT	Puebla, Pue., N. 19°02'30", W. 98°11'52".	0.25	ND-175	D	III	177	90	177
		1260 kHz						
XEDW	Minatitlan, Ver., N. 17°58'48", W. 94°31'15" (PO: 0.25 kw., ND, U).	1D/0.25N	ND-175	U	III	190	90	164
XEL	Mexico, D.F., N. 19°23'07", W. 99°07'16".	10D/1N	ND-185	U	III	203	90	194
XEMF	Monclova, Coah., N. 26°55'25", W. 101°26'21" (PO: 0.25 kw., ND, U).	1D/0.25N	ND-184	U	III	197	90	197
XEOG	Ojinaga, Chih., N. 29°33'18", W. 104°24'07".	1D/0.15N	ND-177	U	III	197	90	164
XER	Linares, N.L., N. 24°52'21", W. 99°33'22".	1D/0.25N	ND-189	U	III	190	120	197
XESIN	Culiacan, Sin., N. 24°48'40", W. 107°23'30" (under construction).	5D/0.5N	ND-190	U	III	195	120	195
XEXR	Cd. Valles, S.L.P., N. 21°58'30", W. 99°00'01".	1	ND-225	D	III	356	120	210
XEZH	Salamanca, Gto., N. 20°35'31", W. 101°12'57".	0.5	ND-190	D	III	197	120	197
		1270 kHz						
XEAX	Oaxaca, Oax., N. 17°04'36", W. 96°42'07".	5D/0.5N	ND-225	U	III	377	90	189
XEAZ	Tijuana, B.C., N. 32°32'20", W. 117°02'40".	0.5	ND-175	U	III	194	90	159
XEGL	Navojoa, Son., N. 27°04'52", W. 109°27'15".	1D/0.5N	ND-190	U	III	194	120	194
XEHD	Durango, Dgo (under construction).	0.25	ND	D	III			
XEMW	San Luis Rio Colorado, Son., N. 32°29'45", W. 114°43'29" (PO: 0.25 kw., ND, D).	1	ND-184	D	III	205	120	164
XENX	Mazatlan, Sin., N. 23°11'55", W. 106°26'20".	1D/0.25N	ND-175	U	III	246	90	121
XENY	Nogales, Son., N. 31°19'20", W. 110°56'55". (PO: 0.25 kw., ND, U).	1D/0.25N	ND-181	U	III	187	90	187
XECH	Cd. Comargo, Chih., (under construction).	1D/0.15N	ND-175	U	III	174	90	174
XEPV	Papantla, Ver., N. 20°27'00", W. 97°19'00".	1D/0.25N	ND-190	U	III	197	120	194
XEQH	Ixmiquilpan, Hgo., (under construction).	1D/0.1N	ND	U	III			
XERPL	Leon, Gto., N. 21°06'43", W. 101°41'28" (PO: 0.5D/0.15N, ND, U).	1D/0.15N	DA-D ND-190	U	III			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XERRT	Cd. Madero, Tams., N. 22°14'30", W. 97°50'10".	0.25D/0.2N	ND-177	U	III	207	120	138
XEWN	Gomez, Palacio, Dgo., N. 25°33'08.8", W. 103°29'22.5".	0.5D/0.15N	ND-175	U	III	194	90	159
XEXC	Taxco, Gro., N. 18°33'17", W. 99°36'00" (Ver. 1480 kHz).	0.25D/0.1N	ND-175	U	III	174	90	174
XEYUC	Merida, Yuc., N. 20°58'17", W. 89°36'57" (under construction).	1D	ND-190	U	III	194	120	194
XEZU	Zacapu, Mich., N. 19°48'14", W. 101°47'10" (PO: 0.5D/0.25N).	1D/0.25N	ND-175	U	III	174	90	174
		1280 kHz						
XEAG	Cordoba, Ver., N. 18°53'02", W. 96°56'52".	1	ND-190	U	III	192	120	192
XEANA	Caborca, Son. (PN: Santa Ana, Son.) (under construction).	0.5	ND	D	III			
XEAW	Monterrey, N.L., N. 25°40'23", W. 100°16'26".	5D/0.5N	ND-184	U	III	192	90	197
XEBW	Chihuahua, Chih., N. 28°36'07", W. 106°04'39"	1D/0.6N	ND-175	U	III	192	90	157
XECAM	Campeche, Camp., N. 19°50'44", W. 90°37'12"	0.5D/0.2N	ND-175	U	III	164	90	177
XEHS	Los Mochis, Sin., N. 25°48'00", W. 108°57'06"	0.25	ND-182	U	III	174	120	174
XEKY	Huixtla, Chis., N. 15°08'50", W. 92°29'00".	1D/0.1N	ND-175	U	III	157	90	182
XELK	Zacatecas, Zac., N. 22°46'30", W. 102°34'45" (PO: 0.25 kw., ND, U).	5D/0.25N	ND-181.5	U	III	187	90	184
XEQP	Guadalajara, Jal., N. 20°43'34", W. 103°21'55".	1D/0.25N	ND-175	U	III	164	90	177
XESQ	San Miguel Allende, Gto., N. 20°54'52", W. 100° 44'47"	0.5D/0.25N	ND-175	U	III	159	90	185
XEUU	Colima, Col. (under construction).	0.25	ND	U	III			
		1290 kHz						
XEAP	Cd. Obregon, Son., N. 27°29'55", W. 109°54'13"	1D/0.1N	ND-175	U	III	174	100	167
XEDA	Mexico, D.F., N. 19°22'17", W. 99°08'24"	1	ND-192	U	III	203	180	191
XEDB	Tonala, Chis., N. 16°05'47", W. 93°45'34" (PO: 0.25 kw., ND, U).	1D/0.25N	ND-178.5	U	III	197	90	164
XEIX	Jiquilpan, Mich., N. 19°59'31", W. 102°43'16".	1	ND-192	D	III	203	120	197
XEIY	Rio Verde, S.L.P., N. 21°55'52", W. 99°59'58".	0.25	ND-175	D	III	249	90	115
XERE	Salvatierra, Gto., N. 20°13'10", W. 100°52'45".	0.25	N-180	D	III	192	100	164
XETII	Palizada, Camp., N. 18°17'05", W. 92°04'48".	0.25D/0.1N	ND-175	U	III	164	90	176
XEABA	Nueva Rosita, Coah., N. 28°00'11", W. 100°18'27" (PN; Villa de Guadalupe, N.L.)	*1300 k Hz* 1D/0.1N	ND-175	U	III	139	90	189
XEGA	San Andres Tuxrla, Ver. (under construction).	0.5	ND	U	III			
XEHU	Martinez de la Torre, Ver., N. 20°03'05", W. 97°00'03" (PO: 0.5D/0.1N, ND, U).	5D/0.1N	DA-D ND-194	U	III	210	120	210
XEJL	Guamuchil, Sin., N 25°27'20", W. 108°	1D/0.25N	ND-186	U	III	177	120	181
XEKW	Morelia, Mich., N. 19°42'11", W. 101°07'12".	0.5	ND-175	U	III	171	90	171
XELE	Tampico, Tams. N. 22°15'34", W. 98°52'14".	1D/0.15N	ND-175	U	III	171	90	171
XEP	Cd. Juarez, Chih., N. 31°44'18", W. 106°29'12".	1D/0.5N	ND-179	U	III	194	90	164
XESW	Cd. Madera, Chih., N. 29°11'08", W. 108°10'15".	1	ND-186	D	III	184	90	184
XEXW	Nogales, Son., N. 31°20'17", W. 110°58'25' (PO: 1D/0.1N, ND).	5D/0.1N	ND-230	U	III	361	120	184
XEXV	San Francisco del Rincon, Gto. (under construction).	1	ND	D	III			
		1510 kHz						
XEAM	Matamoros, Tams., N. 25°59'45", W. 97°30'19".	1D/0.25N	ND-188.5	U	III	179	120	197
XEBP	Torreon, Coah, N.25°38'43", W. 103°28'17" (PO: 5D/0.25N, ND, U).	10D/0.25N	ND-203	U	III	262	120	262
XEC	Tijuana, B.C. N. 32°30'54", W. 117°01'13".	0.25	ND-190	U	III	187	120	187
XEFH	Agua Prieta, Son., N. 31°17'35", W. 109°32'02" (PO: 1 kw., ND, D).	1D/0.1N	ND-184	U	III	187	90	187
XEHIT	Puebla, Pue., N. 19°02'59", W. 98°11'55".	0.25D/0.1N	ND-175	U	III	154	120	157
XEHJ	Petatlan, Gro., N. 17°32'08", W. 101°17'00".	0.25	ND-175	U	III	187	90	154
XEHV	Veracruz, Ver. N. 19°11'59", W. 96°08'19".	1	ND-182	U	III	174	90	187
XEPO	San Luis Potosi, S.L.P., N. 22°09'18", W. 100°58'00".	0.5D/0.25N	ND-184	U	III	187	90	197
XERU	Chihuahua, Chih., N. 28°29'40", W. 106°04'42".	1D/0.25N	ND-180	U	III	180	90	180
XETAP	Tapachula, Chis. (under construction).	1	ND	D	III			
XETIA	Guadalajara, Jal., N. 20°43'20", W. 103°15'29". (PO: 250 W ND, U).	1D/0.25N	ND-205	U	III	289	90	262
XEVB	Villa de Juarez, N.L., N. 25°39'00", W. 100°05'30" (under construction).	1D/0.25N	ND-185	U	III	184	120	172
XEYE	La Paz, B.C. (under construction).	0.5	ND	U	II			
		1520 kHz						
XEAI	Mexico, D.F., N. 19°24'05", W. 99°05'03" (PO: 5D/1N, ND).	10D/1N	ND-186	U	III	171	120	184
XECY	Huejutla, Hgo., N. 21°27'49", W. 98°25'14".	1D/0.25N	ND-190	U	III	186	120	186
XEJZ	Cd. Jimenez, Chih., N. 27°07'52", W. 104°55'24" (PO: 0.5D/0.25N).	1D/0.25N	ND-185	U	III	190	90	361
XENI	Nueva Italia, Mich., N. 19°01'15", W. 102°06'03".	1D/0.25N	ND-189	U	III	197	120	177
XERJ	Mazatlan, Sin., N. 23°11'55", W. 106°26'20" (See 600 kHz).	5D/0.5N	ND-175	U	III	161	120	172
XERQ	Montemorelos, N.L. (under construction).	1D/0.1N	ND	U	III			
XENP	Ocotlan, Jal. (under construction).	0.5D/0.2N	ND	U	III			
XESR	Santa Rosalia, B.C. (under construction).	0.5	ND	U	III			
XESY	Magdalena, Son. (under construction).	0.2	ND	U	III			
XEUH	Tuxtepec, Oax., N. 96°06'50.5", W. 18°05'24.47".	1D/0.1N	ND-190	U	III	187	120	187
XEUI	Comitan, Chis., N. 16°16'24", W. 92°04'30".	1D/0.5N	ND-178	U	III	186	90	164
		1530 kHz						
XEAH	Juchitan, Oax., N. 16°26'33", W. 95°01'30".	0.5	ND-175	U	III	157	90	175
XEAJ	Saltillo, Coah., N. 25°25'00", W. 101°00'00".	0.5D/0.1N	ND-175	U	III	164	90	167
XEBO	Irapuato, Gto., N. 20°40'31", W. 101°20'54" (PO: 1 kw., DA-N, U).	5D/1N	DA-N ND-184	U	III			
XEFC	Merida, Yuc., N. 21°00'00.7", W. 36°36'36.5".	1	ND-188	U	III	199	90	197
XERP	Cd. Madero, Tams., N. 22°16'24", W. 92°50'21" (PO: 1D/0.1N, ND, U).	10D/0.1N	DA-D ND-190	U	III	185	120	187
XEUAS	Culiacan, Sin. (under construction).	5D/1N	DA-N	U	III			

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Call letters	Location	Power kw	Antenna radiation mv/m/kw	Sched-ule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEJL	Tehuantepec, Oax. (under construction).	2.5D/0.35N *1590 kHz*	U	III				
XEOH	Ixtepusa, Tamps.	1	ND-187	U	III	194	90	177
XEQC	Montalva, Oaxaca, N. Mexico.	1D/0.25N	ND-193	U	III	200	120	200
XERW	Puerto Penasco, Son. (under construction).	0.5	ND	D	III			
XEFL	Leon, (16 N. 21°07'12.2"W. 101°26'38.3".	1D/0.25N	ND-189	U	III	177	120	175
XEFY	Tixpan, Yuc.	5D/1N	ND-194	U	III	197	120	197
XEXY	Peoxtan, Col. N. 19°57'18", W. 103°43'00".	5D/0.5N	ND-190	U	III	177	120	194
XEAS	Chihuahua, Chih.	1D/0.5N	ND	D	III			
XEXH	Mixtepusala, Hgo. (under construction).	0.1	ND	D	III			
XEXV	Tecoman, Col. N. 18°54'03", W. 103°52'49".	1D/0.5N	ND	D	III			
XEXL	Chihuahua, Chih.	5D/0.5N	ND-193	U	III	197	120	218
XEXM	Nuevo Laredo, Tams.	1	ND-175	U	III	169	120	167
XEXP	Ojinaga, Chih. (under construction).	1D/0.1N	ND	D	III			
XEXK	Salitrillo, Coah.	5D/0.5N	ND-173	U	III	164	90	177
XEXE	El Dorado, Sin., N. 25°09'17", W. 107°22'42".	0.25D/0.15N	ND-185	U	IV	177	90	177
XEXD	Hidalgo del Parral, Chih.	1D/0.2N	ND-186	U	IV	154	120	177
XEI	Morelia, Mich., N. 19°42'13", W. 101°07'09".	1D/0.25N	ND-188	U	IV	191	120	157
XEXH	Fernandez, Zac., N. 24°57'27", W. 102°52'25".	0.5D/0.25N	ND-180	U	IV	109	90	109
XEXJ	Acapulco, Gro., N. 16°51'07", W. 99°53'18".	0.5D/0.25N	ND-172	U	IV	203	100	112
XEXL	Acapulco, Gro. N. 16°51'07", W. 99°53'18".	0.5D/0.25N	ND-170	U	IV	164	90	164
XEXR	Linares, N.L. (under construction).	0.25D/0.1N	ND	U	IV			
XEFN	Hermosillo, Son., N. 29°04'49", W. 110°57'36.5".	0.25D/0.2N	ND-204	U	IV	244	120	244
XEFF	Ensenada, B.C., N. 31°52'40", W. 116°37'45".	0.2	ND-172	U	IV	176	120	118
XEFP	Veracruz, Ver. (under construction).	0.26	ND	U	IV			
XEQI	Tamazula, Jal., N. 19°40'00", W. 103°16'00".	1D/0.1N	ND-190	U	IV	176	120	176
XERVY	Motiba, Tlax., N. 19°49'00", W. 98°38'00".	1D/0.25N	ND-186	U	IV	167	120	167
XESG	Navojoa, Son. (under construction).	0.5D/0.2N	ND	U	IV			
XESH	Sabinas Hidalgo, N.L., N. 26°30'00", W. 100°09'00".	1D/0.25N	ND-237	U	IV	343	120	343
XEXO	Tampico, Tams.	1D/0.25N	ND-186	U	IV	177	90	197
XEXU1	Ozuma, Oax., N. 17°03'49", W. 96°41'03".	0.25D/0.2N	ND-160	U	IV	128	90	128
XEXT	Ixtepan de la Sal, Mex.	0.25	ND-150	U	IV	108	90	118
XEXA	Nuevo Laredo, Tams.	*1410 kHz* 1D/0.25N	ND-234	U	III	341	120	328
XEHB	Saltillo, Coah.	1D/0.25N	ND-249	U	III	377	240	345
XEXP	San Juan del Rio, Qro., N. 20°23'15", W. 100°00'00".	0.5D/0.2N	ND-162	U	IV	128	100	128
XEWU	Matehuala, S.L.P., N. 23°38'51", W. 100°38'37".	0.25D/0.2N	ND-171	U	IV	148	90	148
XEXI	Ixtepan de la Sal, Mex. N. 18°01'03", W. 99°41'09".	0.25	ND-150	U	IV	108	90	108
XEXS	Matamoros, Tams.	*1410 kHz* 1D/0.25N	ND-234	U	III	341	120	328
XEHB	Saltillo, Coah.	1D/0.25N	ND-249	U	III	377	240	345
XEXO	Cd. Acuña, Tams. (under construction).	0.1	ND	D	III			
XEXH	Mixtepusala, Hgo. (under construction).	1D/0.5N	ND	D	III			
XEXV	Peoxtan, Col. N. 18°54'03", W. 103°52'49".	5D/0.5N	ND	D	III			
XEXC	Chihuahua, Chih.	5D/1N	ND-193	U	III	197	120	197
XEXB	Tuxpan, Ver.	1D/0.5N	ND-190	U	III	177	120	194
XEXY	El Grullo, Jal., N. 19°48'36", W. 104°19'30".	1D/0.1N	ND	U	III	182	120	182
XEQR	Mexico, D.F., N. 19°24'00", W. 98°58'00".	1	ND-190	U	III	182	190	182
XEXH	Tetecon, Coah., N. 25°32'30", W. 100°53'45".	5D/0.5N	ND-193	U	III	197	120	218
XEXM	Nuevo, Son., N. 31°19'04", W. 109°36'42".	1	ND-175	U	III	197	90	161
XEXS	Matehuala, Chis. (under construction).	0.5	ND	D	III			
XEZD	Cd. Guzmán, Tams., N. 26°18'06", W. 98°18'10".	0.25	ND-178	U	III	177	90	164

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Sched-ule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEUZ	Matutue de la Torre, Ver., N. 20°03'58", W. 97°02'36".	1D/0.1N	ND-187.5	U	III	206	90	213
XEWQ	Montalva, Coah., N. 26°54'14", W. 101°26'06".	1D/0.25N *1540 kHz*	ND-193	U	III	200	120	200
XEAA	Mexicali, B.C., N. 32°36'45", W. 115°26'39"	1D/0.25N	ND-175	U	IV	184	90	161
XEBBC	Cd. del Carmen, Camp. (PO: 0.25, ND, 1).	0.25	ND	U	IV			
XEBK	Nuevo Laredo, Tams., N. 27°29'42", W. 99°30'00".	0.25	ND-159	U	IV	148	90	115
XEBX	Tuxpan, Ver., N. 20°56'29", W. 97°24'45".	0.25	ND-173	U	IV	148	90	148
XECI	Acapulco, (Gro., N. 16°50'09", W. 99°53'29".	1D/0.25N	ND-183.5	U	IV	131	90	131
XECK	Matehla, Mich., N. 19°42'39", W. 101°06'28".	0.25	ND-164.5	U	IV	131	120	131
XECW	Los Mochis, Sin., N. 25°46'15", W. 108°56'07".	1D/0.2N	ND-190	U	IV	184	180	184
XEDH	Cd. Acuna, Coah., N. 29°40'34", W. 100°53'51".	1D/0.25N	ND-174.5	U	IV	164	90	164
XEDET	Guadalupe, Jal., N. 20°40'03", W. 103°23'04".	1D/0.25N	ND-235	U	IV	344	120	187
XEJC	Guerrasca, Mor., N. 18°47'52", W. 99°14'13".	0.5D/0.25N	ND-162.5	U	IV	138	90	138
XEJK	Cd. Delicias, Chih., N. 28°11'19", W. 105°30'05".	1D/0.25N	ND-178	U	IV	148	90	187
XEKP	Ojinaga, Chih. (under construction).	1D/0.1N	ND	U	IV			
XEJU	Cd. Serdan, Pue., N. 18°59'10", W. 97°22'44".	0.25	ND-189	U	IV	180	120	180
XEMA	Frenillo, Zac., N. 23°10'32", W. 102°53'37".	1D/0.25N	ND-187	U	IV	171	120	184
XEMT	Matamoros, Tams., N. 25°52'03", W. 97°30'24".	1D/0.25N	ND-198	U	IV	244	90	262
XEMV	Monterrey, N.L., N. 26°40'11", W. 100°18'36".	1D/0.25N *1530 kHz* (PO: 0.25 kw., ND, U).	ND-362	U	IV	433	90	295
XEMX	Coatzacoalcos, Ver., N. 18°08'38", W. 94°24'36".	1D/0.25N	ND-176	U	IV	139	90	180
XEMON	Montemorelos, N.L. (under construction).	0.25	ND-167	U	IV	148	90	148
XEPA	Puebla, Pue., N. 18°23'16", W. 98°13'30".	5D/1N	DA-N	U	III			197
XEPJ	Tlanquepaque, Jal., N. 20°34'30", W. 103°20'05".	1D/0.5N (PO: 5D/0.25N, ND, U).	ND-175	U	III	180	90	148
XEPLU	Dumango, Dgo. (under construction).	1D/0.1N	ND	U	III			
XEPOU	Cd. Obregon, Son.	10D/5N	DA-N	U	III			
XEOO	Mexico, D.F., N. 19°23'53", W. 99°07'30".	*1580 kHz* 5	ND-182	U	III	236	403	46-174
XEFAC	Silvestre, (16., N. 26°12'06", W. 100°52'36".	1	ND-180	D	III	180	120	143
XEGW	Cd. Victoria, Tams.	5D/0.15N	ND-194	U	III	300	120	197
XEKT	Tecate, B.C., N. 32°34'00", W. 116°37'00".	0.25D/0.1N	ND-158	U	III	169	120	167
XEKV	Villahermosa, Tab.	1D/0.5N	ND-175	U	III	161	90	161
XENSM	La Paz, B.C. (under construction).	0.25	ND	U	III			
XEHS	Guamuchil, Sin., N. 25°47'40", W. 107°56'47".	0.5D/0.25N	ND-192	U	III	187	120	180
XEZW	Cd. Hidalgo, Chis. (under construction).	1D/0.25N	ND	U	III			
XEXH	Cosamaloapan, Ver.	1	DA-N	U	III			
XEXS	Matehuala, Chis. (under construction).	0.5	ND	D	III			
XEZD	Cd. Guzmán, Tams., N. 26°18'06", W. 98°18'10".	0.25	ND-178	U	III	177	90	164

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Sched-ule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEKA	Ameca, Jal., N. 20°42'00", W. 105°30'00".	5D/0.15N	ND-302	U	III	230	120	230
XERCM	Cd. Victoria, Tams. (under construction).	1	ND	D	III			
XEFAB	Villahermosa, Tab.	1D/0.5N	ND-175	U	III	157	90	157
XEXD	Fernando L. Madero, Coah. (under construction).	1D/0.1N	ND	U	III			
XEEW	Matamoros, Tams.	*1490 kHz* 5D/0.2SN	DA-2	U	III			
XEF	Cd. Juarez, Chih., N. 31°43'46", W. 106°28'20".	5D/0.5N	ND-215	U	III	302	90	246-348
XEGF	Gutierrez Zamora, Ver., N. 20°27'28", W. 97°01'30".	0.5D/0.1N	ND-215	U	III	328	90	164
XEH	Monterrey, N.L., N. 25°40'01", W. 100°18'30".	1	ND-190	U	III	176	120	174
XEJV	Jaltipan, Ver., N. 17°47'47", W. 94°44'00".	1D/0.25N	ND-176	U	III	166	90	166
XEKD	Ixchuva, Hgo., N. 20°07'18", W. 98°43'24".	0.25N/0.15N	ND-176	U	III	138	90	124
XEUP	Tehuacan, Pue., N. 18°28'09", W. 97°27'16".	0.5D/0.25N	ND-175	U	III	169	114	128
XEWE	Tampaolo, Gto., N. 20°41'52", W. 101°23'01".	10D/0.125N	ND-190	U	III	176	120	213
XEWF	Guanuxeno, Mor., N. 18°53'09", W. 98°59'00".	(PO: 5D/0.125N). 0.25	ND-176	U	III	164	90	180
XEWJ	Tehuacan, Pue., N. 18°28'09", W. 97°24'00".	1D/0.25N	ND-185.5	U	III	178	120	164
XEWP	Sayula, Jal., N. 19°52'00", W. 103°36'30".	0.5	ND-176	D	III	148	120	164
XEXX	Tijuana, B.C., N. 32°31'03", W. 117°02'00".	2	ND-207	U	III	223	120	286
XEIA	Allende, Coah., N. 28°20'00", W. 100°53'00".	*1490 kHz* 1D/0.25N	ND	U	III			
XEIG	Ixtaltepec, Oax. (under construction).	1D/0.1N	ND-189	U	III	197	90	197
XELL	Veracruz, Ver., N. 19°09'59", W. 96°08'42".	5D/0.25N	ND-189	U	III	177	120	164
XEOX	Cd. Obregon, Son., N. 27°29'35", W. 109°56'00".	5D/0.5N	ND-214	U	III	296	90	296
XERAC	Campeche, Camp., N. 19°50'47", W. 90°32'14".	0.25	ND-176	U	III	103	120	172
XETT	Montemorelos, N.L. (under construction).	0.5	ND-184	D	III	172	90	172
XETUN	San Luis Potosi, S.L.P., N. 22°08'30", W. 100°58'38".	1D/0.1N	ND	U	III	1	ND	172
XEWD	Villahermosa, Tams. (Cd. Miguel Aleman, Tams., N. 26°23'37", W. 99°05'10".	1D/0.25N	ND-184	U	III	172	90	172
XECA	Ixtepec, Oax. (PO: 1840 kHz).	*1440 kHz* 1D/0.2N	ND	U	III			
XEKA	Cd. Camargo, Chih.	5D/1N	ND	U	III			
XEBH	Tapachula, Chis. (under construction).	0.25	ND	D	III			
XEEK	Cheran, Mich. (under construction).	1	ND	D	III			
XEHE	Zapotlanejo, Jal. (PO: construction).	*1460 kHz* 0.5D/0.1N	ND	U	III			
XEHM	Heseltio, Sin., N. 25°03'49", W. 108°03'43".	0.25	ND-216	U	III	300	90	180
XEXL	Mexico, D.F., N. 19°24'10", W. 99°09'36".	5D/1N	ND-184	U	III	171	90	171
XESBJ	Villa Constitution, Tex. (La Barca, Chih. (under construction).	1D/0.15N	ND-190	U	III	171	120	171
XEXW	Mexico, D.F., N. 19°24'00", W. 99°09'36".	1D/0.2SN *1410 kHz*	ND-234	U	III	341	120	328
XEXB	Mexico, D.F., N. 19°24'00", W. 99°09'36".	5D/1N	ND-249	U	III	377	240	345
XEKP	Sabinas Hidalgo, N.L., N. 26°30'00", W. 100°09'00".	1D/0.5N	ND-190	U	III	124	120	124

NOTICES

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		1450 kHz						
XECB	San Luis Rio Colorado, Son., N. 32°28'48", W. 114°46'24".	0.25	ND-186	U	IV	148	120	169
XECM	Cd. Mante, Tams., N. 22°48'45", W. 98°56'45".	1D/0.25N	ND-186	U	IV	157	120	164
XEDJ	Magdalena, Son., N. 30°35'10", W. 110°00'20".	0.25D/0.1N	ND-183	U	IV	164	90	230
XEFK	Torreon, Coah. (under construction).	1D/0.25N	ND	U	IV			
XEGC	Sahuayo, Mich., N. 20°04'00", W. 102°43'00".	1D/0.25N	ND-184	U	IV	170	90	170
XEIN	Cintalapa, Chis. (under construction).	1D/0.2N	ND	U	IV			
XEJD	Poza Rica, Ver., N. 20°29'37", W. 97°24'45".	1D/0.25N	ND-200	U	IV	216	120	216
XEJM	Monterrey, N.L., N. 25°39'29", W. 100°19'30".	0.5D/0.25N	ND-170	U	IV	171	90	102
XEJTF	Zacoalco, Jal., N. 20°13'14", W. 103°34'20".	0.25	ND-175	U	IV	161	90	148
XEKM	Minatitlan, Ver., N. 17°57'52", W. 94°31'56" (PO: 0.25 kw., ND, U).	0.5N/0.25N	ND-178	U	IV	144	90	171
XENA	Queretaro, Qro., N. 20°35'35", W. 100°23'12".	1D/0.5N	ND-193	U	IV	183	120	197
XEPP	Orizaba, Ver., N. 18°50'57", W. 97°07'05". (PO: 0.25, ND, U).	1D/0.25N	ND-190	U	IV	171	120	180
XEPY	Merida, Yuc., N. 20°58'30", W. 89°37'20".	0.25	ND-174	U	IV	161	90	151
XEQU	Ojinaga, Chih. (under construction).	1D/0.25N	ND	U	IV			
XESS	Ensenada, B.C., N. 31°52'50", W. 116°36'20" (PO: 0.25D/0.2N).	1D/0.2N	ND-183	U	IV	169	90	164
XETD	Tecuala, Nay., N. 22°24'11", W. 105°27'32".	0.25	ND-160	U	IV	115	90	115
XEVH	Valle Hermoso, Tams., N. 25°48'45", W. 97°49'30".	1D/0.25N	ND-191.5	U	IV	177	120	177
XEXD	Atlixco, Pue., N. 18°54'34", W. 98°26'22".	0.5D/0.25N	ND-176	U	IV	157	90	157
XEYZ	Aguascalientes, Ags., N. 21°52'55", W. 102°18'19".	0.1	ND-150	U	IV	102	90	102
XEZC	Rio Grande, Zac., N. 23°52'30", W. 103°02'00".	0.25	ND-173.5	U	IV	154	90	148
		1460 kHz						
XEHE	Atotonilco el Alto, Jal., N. 20°32'30", W. 102°30'50" (see 1404 kHz).	0.25	ND-180.5	D	III	160	90	160
XEHX	Cd. Obregon, Son., N. 27°29'35", W. 109°58'00".	1D/0.25N	ND-192	U	III	179	120	179
XEJH	Jalapa, Ver. (under construction).	0.5	ND	D	III			
XEJT	Altamira, Tams., N. 22°30'40", W. 97°55'47" (PO: 1 kw., ND, U).	5D/1N	DA-D ND-190	U	III	169	120	197
XELX	Zitacuaro, Mich., N. 19°26'21" W. 100°20'20".	10	DA-N	U	III			
XEPD	Nueva Rosita, Coah. (under construction).	1	ND	D	III			
XEUJ	Cd. del Carmen, Camp. (under construction).	0.25	ND	U	III			
XEXQ	San Luis Potosi, S.L.P., N. 22°09'10", W. 100°58'15".	0.25	ND-175	U	III	164	90	143
XEYC	Cd. Juarez, Chih., N. 31°44'45", W. 106°26'28".	1	ND-222	U	III	315	90	184
		1470 kHz						
XEACE	Mazatlan, Sin. (under construction).	1	ND	D	III			
XEAY	Parras, Coah. (under construction).	1D/0.25N	ND	U	III			
XEBBC	Tijuana, B.C. N. 32°28'58", W. 116°56'30".	5	ND-208	U	III	246	120	167
XECU	Los Mochis, Sin., N. 25°44'20", W. 109°02'43".	0.25	ND-184	U	III	167	90	167
XEDS	Colima, Col. N. 19°14'27", W. 103°42'47".	1D/0.2N	ND-202	U	III	223	120	223
XEHI	Cd. Miguel Aleman, Tams. N. 26°20'20", W. 99°05'55".	1D/0.25N	ND-196.5	U	III	197	120	1643-21
XELOM	Loma Bonita, Oax. (under construction).	5	DA-N	U	III			
XEND	Durango, Dgo. N. 24°02'52" W. 104°39'20".	0.35	ND-175	U	III	148	100	151
XEQS	Fresnillo, Zac. (under construction).	1	ND	D	III			
XESM	Mexico, D.F. N. 19°20'05", W. 99°05'23".	10D/5N	ND-192	U	III	180	120	164
XEYA	Irapuato, Gto. N. 20°42'04", W. 101°20'24".	1	ND-196	D	III	228	120	194
		1480 kHz						
XECA	Cd. Ixtepec, Oax. N. 16°33'30", W. 95°07'50". (see 1430 kHz).	5D/0.25N	ND-175	U	III	148	90	153
XEGX	San Luis de la Paz, Gto. N. 21°17'00", W. 100°32'00".	0.5D/0.1N	ND-188	U	III	164	120	164
XEHM	Cd. Delicias, Chih. N. 28°11'00", W. 105°27'30".	1	ND-191.5	D	III	174	120	174
XEMC	Salvatierra, Gto., (under construction).	0.25	ND	D	III			
XEMCA	Cd. Morelos, B.C., (under construction).	0.5D/0.1N	ND	U	III			
XENS	Navojoa, Son., N. 27°04'12", W. 109°27'30" (PO: 0.5 kw., ND, D).	1	DA-N ND-175	U	III	150	90	150
XEOU	Huajuapan de Leon, Oax., N. 17°48'22", W. 97°47'10".	0.5	ND-178	D	III	138	90	167
XEPR	Poza Rica, Ver., N. 20°29'37", W. 97°24'55".	10D/0.5N	ND-201	U	III	216	120	216
XETKR	Villa de Guadalupe, N.L., N. 25°43'00", W. 100°19'00".	1D/0.5N	ND-180	U	III	243	90	100
XEXC	Taxco, Gro., (PO: 1270 kHz).	1D/0.125N	ND	U	III			
XEXU	Villa Frontera, Coah., (under construction).	1	ND	D	III			
XEZJ	Zapopan, Jal., N. 20°40'34", W. 103°23'12".	0.25D/0.2N	ND	U	III	150	90	150
		1490 kHz						
XEAQ	Agua Prieta, Son., N. 31°17'35", W. 109°32'28".	1D/0.25N	ND-172	U	IV	180	90	115
XECH	Toluca, Mex., N. 19°17'25", W. 99°39'37".	0.25	ND-170	U	IV	157	90	125
XECJC	Cd. Juarez, Chih., (under construction).	1D/0.25N	ND	U	IV			
XEDG	Chihuahua, Chih., (under construction).	1D/0.25N	ND	U	IV			
XEDR	Guaymas, Son., N. 27°55'18", W. 110°58'02".	1D/0.25N	ND-188	U	IV	156	120	164
XEED	Ameca, Jal., N. 20°31'00", W. 104°03'00".	1D/0.25N	ND-180	U	IV	156	120	138
XEFF	Matehuala, S.L.P., N. 23°38'41", W. 100°38'26".	1D/0.25N	ND-170	U	IV	102	90	164
XEGG	Cd. Mante, Tams. (under construction).	0.25D/0.1N	ND	U	IV			
XEGT	Zamora, Mich., N. 19°59'14", W. 102°15'12".	1D/0.25N	ND-250	U	IV	358	120	328
XEIB	Todos Santos, B.C. (under construction).	0.25	ND	U	IV			
XEJR	Hidalgo del Parral, Chih. (under construction).	1D/0.2N	ND	U	IV			
XEKN	Huetamo, Mich., N. 18°34'36", W. 100°53'06".	0.25	ND-160.5	U	IV	118	120	102
XEME	Merida, Yuc. (under construction).	1D/0.5N	ND	U	IV			
XEMK	Huixtla, Chis., N. 15°09'12", W. 97°27'27".	0.5D/0.2N	ND-166	U	IV	118	100	131
XEMS	Matamoros, Tams. N. 25°52'43", W. 97°31'09".	1D/0.25N	ND-186.5	U	IV	177	90	177
XERO	Aguascalientes, Ags. N. 21°52'49", W. 102°18'05".	0.25	ND-172.5	U	IV	141	90	125
XESK	Ruiz, Nay., N. 21°59'45", W. 105°02'30".	0.25D/0.2N	ND-180	U	IV	157	120	139
XEVP	Guasave, Sin. (under construction).	0.5D/0.2N	ND	U	IV			

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
XEVZ	Acayucan, Ver. N. 17°56'30", W. 94°56'05".	0.25D/0.2N	ND-155.5	U	IV	98	90	119
XEXE	Queretaro, Qro. N. 20°35'24", W. 100°22'48".	1D/0.2N	ND-175.5	U	IV	148	90	148
XEYT	Teocelo, Ver. N. 19°23'05", W. 96°57'45".	0.25D/0.1N	ND-172.5	U	IV	141	90	125
XEZV	Puebla, Pue. (under construction).	0.25	ND	U	IV			
		1500 kHz						
XEEP	Ensenada, B.C. (under construction).	0.5	ND	D	II			
XEFL	Guanajuato, Gto., N. 21°00'32", W. 101°15'43" (under construction).	0.25	ND-173	D	II	131	120	131
XEJQ	Parras de la Fuente, Coah., N. 25°37'35", W. 102°09'00".	0.25	ND-167	D	II	177	90	98
XERH	Mexico, D.F., N. 19°23'41", W. 99°07'59".	20	DA-N	U	II			
XEUV	Villahermosa, Tab. (under construction).	0.25	ND	U	II			
		1510 kHz						
XEJPM	Cardel, Ver. (under construction).	0.5	ND	D	II			
XEKI	Villa de Seris, Son. (under construction).	0.25	ND	D	II			
XELW	Cd. Guzman, Jal., N. 19°42'13", W. 103°27'53".	0.5	ND-175	D	II	111	90	135
XEOF	Cortazar, Gto., N. 20°30'48", W. 100°59'55".	0.25	ND-181	D	II	157	120	140
XEQI	Monterrey, N.L. (under construction).	0.5	ND	D	II			
XEYQ	Fresnillo, Zac. (under construction).	1	ND	D	II			
		1520 kHz						
XEACC	Cd. Camargo, Chih. (under construction).	1	ND	D	II			
XAETP	Tehuacan, Pue. (under construction).	0.25	ND	U	II			
XEEG	Panzacola, Tlax., N. 19°08'30", W. 98°12'00".	0.5	DA-D	D	II			
XEEH	San Luis Rio Colorado, Son. (under construction).	1	ND	D	II			
XEVO	San Rafael, Ver., N. 20°11'42", W. 96°51'58".	0.25	ND-175	D	II	138	90	136
XEVU	Mazatlan, Sin. (under construction).	0.5	ND	D	II			
XEVUC	Villa Union, Coah. (under construction).	1	ND	D	II			
XEYP	El Limon, Tams., N. 22°50'00", W. 99°00'00".	1	ND-191	D	II	164	120	167
XEZQ	Huimanguillo, Tab., N. 17°51'45", W. 93°28'37".	1D/0.1N	ND-187	U	II	148	120	162
		1530 kHz						
XEEF	Compostela, Nay. (under construction).	1	ND	D	II			
XESD	Silao, Gto., N. 20°56'40", W. 101°25'59".	1D/0.1N	ND-170	U	II	141	90	129
XEUR	Texcoco, Mex., N. 19°25'45", W. 98°56'57".	5	DA-1	U	II			
XEXY	Altamirano, Gro., N. 18°18'36", W. 100°40'45".	0.5	ND-193	D	II	177	120	161
		1540 kHz						
XENC	Celaya, Gto., N. 20°31'15", W. 100°39'59".	1D/0.25N	ND-190	U	II	157	120	160
XENJ	San Juan de los Lagos, Jal., N. 21°15'00", W. 102°19'21".	1	ND-175	D	II	121	90	159
XEQN	Hermosillo, Son. (under construction).	5	ND	U	II			
XEVF	Villa Flores, Chis., N. 16°13'12", W. 93°15'00".	0.5	ND-191	D	II	197	90	159
		1550 kHz						
XEBG	Tijuana, B.C., N. 32°30'45", W. 117°01'06".	1	ND-202	U	II	213	120	213
XEDV	El Oro, Mex., N. 19°49'33", W. 100°08'01".	0.25	ND-181	D	II	148	90	159
XENU	Nuevo Laredo, Tams., N. 27°30'28", W. 99°32'55" (PO: 5 kw., D, ND).	50D/1N	DA-N ND-184	U	II	159	90	164
XEXB	Jalapa, Ver (under construction).	10	ND	I-B				
		1560 kHz						
XEDD	Montemorelos, N.L. (under construction).	0.5	ND	D	II			
XEJPV	Zaragoza, Chih., N. 27°27'40", W. 105°48'35".	1	ND-192.5	D	II	174	120	157
XEOEC	Panzacola, Tlax. (under construction).	1	DA-D	D	II			
XEQZ	Cd. Cuauhtemoc, Chih. (under construction).	5D/2N	ND	U	II			
XERX	Salamanca, Gto., N. 20°34'03", W. 101°13'00".	1D/0.25N	ND-182	U	II	148	90	164
XESE	Champoton, Camp. N. 19°21'00", W. 90°42'50".	5	ND-190	D	II	158	120	158
XEVIP	San Rafael Chamapa, Mex., N. 19°30'00", W. 99°13'03".	10	DA-N	U	II			
		1570 kHz						
XERF	Cd. Acuna, Coah., N. 29°13'55", W. 100°53'07".	250	ND-246	U	I-A	331	120	328
		1580 kHz						
XEAF	Apaseo el Grande, Gto. (under construction).	1	ND	D	II			
XEDM	Hermosillo, Son., N. 28°02'32", W. 110°57'00".	50	ND-223	U	II	277	180	156
XEGOL	Campeche, Camp. (under construction).	0.25D/0.15N	ND	U	II			
XELI	Chilpancingo, Gro., N. 17°32'09.7" W. 99°29'23.6"	1D/0.25N	ND-190	U	II	157	120	150
XENQ	Tulancingo, Hgo., N. 20°05'15", W. 98°24'18".	5D/0.5N	ND-184	U	II	156	90	164
XEQL	Zamora, Mich., N. 19°59'11", W. 102°16'12".	1D/0.1N	ND-192.5	U	II	167	120	164
XEUY	Las Choapas, Ver. (under construction).	0.25D/0.1N	ND	U	II			
		1590 kHz						
XEMB	Monterrey, N.L. (under construction).	5	DA-N	U	III			
XEART	Zacatepec, Mor. (under construction).	1	DA-2	U	III			
XEBZ	Meoqui, Chih., N. 28°16'36", W. 105°20'16".	1	ND-192	D	III	164	120	216
XEKC	Mexicali, B.C. (under construction).	10	ND	D	III			
XENMB	Valladolid, Yuc. (under construction).	10	ND	D	III			
XEPT	Misantla, Ver., N. 19°56'02", W. 96°54'24".	1D/0.1N	ND-179	U	III	131	90	164
XEVOZ	Mexico, D.F., N. 19°23'05", W. 99°17'09".	10D/5N	ND-175	U	III	125	90	149
	Ensenada, B.C. (under construction).	1	ND	U	III			

XUM

Call letters	Location	Power kw	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Number of radials	Length (feet)
		1600 kHz						
XEACG	Acapulco, Gro. (under construction).	0.5	ND	U	III			
XEAE	Cd. Acuna, Coah., N. 29°18'20", W. 100°55'40".	5	ND-191	U	III	184	90	154
XEAK	Acambaro, Gto. (under construction).	0.5D/0.2N	ND	U	III			
XEPE	Nogales, Son. (under construction).	1	ND	D	III			
XEQA	Autlan de Navarro, Jal. (under construction).	1	ND	D	III			
XEQT	Veracruz, Ver., N. 19°11'12", W. 96°08'06.6".	0.25	ND-175	U	III	154	90	126
XERCP	Purueparo, Mich. (under construction).	0.2	ND	D	III			
XERTP	San Martin Texmelucan, Pue., N. 19°16'59", W. 98°25'50".	0.5	ND-175	D	III	138	90	138
XEZA	Topolobampo, Sin. (under construction).	1D/0.2N	ND	U	III			
XEZK	Tepatitlan, Jal., N. 20°50'37", W. 102°42'10".	1D/0.25N	ND-182	U	III	154	120	131

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-4754 Filed 3-31-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-226]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MARCH 24, 1972.

Take notice that on March 17, 1972, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to exchange natural gas with Phillips Petroleum Co. (Phillips) and to operate existing facilities in order to effectuate such exchange, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange gas with Phillips in accordance with an exchange agreement entered into between applicant and Phillips on February 15, 1972. Under this agreement, Phillips will commence delivering to applicant sometime prior to May 1, 1972, up to 10,000 Mcf of gas per day (but not more than a total volume of 1,000,000 Mcf) at an existing point of interconnection between the facilities of applicant and Phillips at the Chocolate Bayou Plant, Brazoria County, Tex. Deliveries from Phillips to applicant will cease May 1, 1972. Applicant will redeliver thermally equivalent volumes to Phillips during the period June through September 1972 at the Chocolate Bayou delivery point.

Applicant states that the proposed exchange will be beneficial to it in that it will enable applicant to secure additional volumes of gas needed to meet system requirements during the current heating season.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4993 Filed 3-31-72;8:45 am]

[Project 2197]

YADKIN, INC.

Notice of Application for Change in Land Rights

MARCH 24, 1972.

Public notice is hereby given that application for approval of the conveyance of project property to Duke Power Co., for use as a right-of-way for construction of transmission lines, has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Yadkin, Inc. (correspondence to Leboeuf, Lamb, Leiby, and McRae, attorneys for Yadkin, Inc., 1 Chase Manhattan Plaza, New York, NY 10005), in Project No. 2197, located on the lower stretch of the Yadkin—Pee Dee River, in Stanly, Montgomery, Davidson, and Rowan Counties, N.C. The project land to be conveyed is in Rowan and Davidson Counties, near the cities of Salisbury, Lexington, Kannapolis, High Point, and Thomasville.

The application seeks Commission approval of a proposed conveyance of a 200-foot wide right-of-way for construction of transmission lines. There would be 10 reservoir crossings in the reservoir headwaters of the High Rock Development (Project No. 2197), ranging in length from 45 to 1,150 feet. Applicant proposes to convey 10 strips of land, totalling 4,392 feet in length, and all within the project boundary which is the 624-foot (M.S.L.) contour.

Duke Power Co.'s construction on the right-of-way would be portions of its proposed 85-mile long McGuire to Pleasant Garden 500 kv. transmission line. No towers or structures would be located within the project boundaries and only the transmission lines would be over project lands and waters. The lines would have a minimum vertical clearance over project waters of 49.5 feet.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-4994 Filed 3-31-72;8:45 am]

[Project 2411–Virginia]

DAN RIVER, INC.

Notice of Availability of Environmental Statement for Inspection

MARCH 30, 1972.

Notice is hereby given that on December 7, 1971, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for major license filed pursuant to the Federal Power Act for the constructed Schoolfield Project No. 2411, located on the Dan River in the city of Danville, Va.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project is a run-of-river development consisting of a low concrete gravity dam topped by flashboards, creating a pond extending about 3,000 feet upstream, and an intake structure integral with a powerhouse having an installed capacity of 5,300 kw.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from April 7, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5155 Filed 3-31-72;10:10 am]

[Docket No. E–7716]

IOWA-ILLINOIS GAS & ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

MARCH 30, 1972.

Take notice that Iowa-Illinois Gas & Electric Co. on March 13, 1972, tendered for filing proposed changes in its electric service rates to the Sherrard Power System, Orion, Ill. The proposed changes would increase by $169,974 the annual revenues from sales and service to Sherrard Power System. The proposed rate change is described in the company's transmitted letter as follows:

The demand rate steps on Original Sheet 1 were increased by 30 cents, 20 cents, and 20 cents per kilowatt, respectively. The energy steps on Original Sheet 1A were increased by 0.09 cent and 0.06 cent per kilowatt-hour, respectively. These rate revisions, together with the cancellation of the 3 percent gross receipts discount per Original Sheet 2, increase revenue about 15.8 percent for the 1971 test period. No substantive changes were made on Original Sheet 1B.

Since the present rate to Sherrard Power System was established in 1966 and subsequently reduced in 1967, our operating income related to our property has declined to a level which provides an inadequate return. Despite our efforts to combat increasing costs, the return is inadequate to permit the financing required to continue the expenditures that must be made to properly serve the growing needs of our customers.

It is essential in the interest of preserving the financial integrity of the Company that its revenues and operating income be adequate to meet the operating expenses necessary to provide good electric service and to attract the additional capital required. We believe that the proposed increase in rates is reasonable and necessary to accomplish this result.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing have been served on the parties of interest.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5154 Filed 3-31-72;10:10 am]

[Project 2545]

WASHINGTON WATER POWER CO.

Notice of Availability of Environmental Statement for Inspection

MARCH 30, 1972.

Notice is hereby given that on March 31, 1972, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by The Washington Water Power Co. for constructed hydroelectric Spokane River Project No. 2545.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project, which consists of the Upper Falls, the Monroe Street, the Nine Mile and the Long Lake developments having installed capacities of 10 mw., 7.2 mw., 12 mw., and 70 mw., respectively, is located in the city of Spokane and in Spokane, Stevens, and Lincoln Counties, Wash., on the Spokane River. The application was amended to provide for the reconstruction of the Monroe Street Plant prior to opening of the Spokane International Exposition of 1974.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from March 31, 1972. The Commission will consider all response to the statement.

KENNETH P. PLUMB,
Secretary.

[FR Doc.72-5156 Filed 3-31-72;10:10 am]

FEDERAL RESERVE SYSTEM

FIRST COMMERCIAL BANKS, INC.

Acquisition of Bank

First Commercial Banks, Inc., Albany, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Kingston Trust Co., Kingston, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 21, 1972.

Board of Governors of the Federal Reserve System, March 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5013 Filed 3-31-72;8:47 am]

SUBURBAN BANCORPORATION

Formation of One-Bank Holding Company

Suburban Bancorporation, Hyattsville, Md., has applied for the Board's approval

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under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by merger to Suburban Trust Company, Hyattsville, Md. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than April 21, 1972.

Board of Governors of the Federal Reserve System, March 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5015 Filed 3-31-72;8:47 am]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Mo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of Manufacturers and Mechanics Bank, Kansas City, Mo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 21, 1972.

Board of Governors of the Federal Reserve System, March 28, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5014 Filed 3-31-72;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

WASHINGTON

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on March 24, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Washington from heavy rains and flooding, beginning about February 13, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Washington. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Creath A. Tooley, Regional Director, OEP Region 10, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Washington to have been adversely affected by this declared major disaster:

The Counties of:

King. Thurston.
Pierce.

Dated: March 29, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-4997 Filed 3-31-72;8:45 am]

PRICE COMMISSION

QUARTERLY REPORTS BY INSURERS

Postponement of Time for Filing

Section 300.20(h) of the regulations of the Price Commission requires each insurer that had annual revenues of $50 million or more during the calendar year preceding any rate increase proposed by it to file a quarterly report with the Price Commission at the time the insurer normally releases its quarterly reports, but not later than 45 days after the end of the quarter, of each rate increase by it during that quarter that affects $250,000 or more in aggregate annualized premiums under the existing rate. The report is required to be made on a form prescribed by the Price Commission.

The required form is in the process of development but may not be ready for use by the time the reports are due. Therefore the Price Commission is temporarily postponing the due date for such reports until the forms have been distributed. Notice will be published when they are available so that the required reports may be made. The Commission emphasizes that this action is a postponement of the due date and not a cancellation of the requirement.

Issued in Washington, D.C., on March 30, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

[FR Doc.72-5131 Filed 3-31-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5176]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Short-Term Notes in and Exception From Competitive Bidding Requirements

MARCH 27, 1972.

Notice is hereby given that the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, DE 19807 (Columbia), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) thereof and Rule 50(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Columbia requests that the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the issue and sale of short-term notes, be increased through May 31, 1973, from 5 percent to approximately 16 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding up to $195 million principal amount of proposed short-term notes, consisting of bank notes and commercial paper. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, for other miscellaneous inventories and for other short-term seasonal requirements, in accordance with the terms of another filing with this Commission (File No. 70-5176).

Columbia proposes to issue and sell, from time to time, short-term notes in the form of commercial paper and notes to banks, in an aggregate amount not exceeding $195 million at any one time outstanding.

It is Columbia's intention to issue and sell commercial paper to one or more dealers therein, and continue to do so as long as the effective interest rate is less than the effective interest cost which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility, commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such effective interest cost on bank borrowings.

The commercial paper will be in the form of promissory notes with maturities not to exceed 270 days, and will not be prepayable prior to maturity. The actual maturities will be determined by market conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $1 million, and will be sold at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for prime commercial paper of the particular maturity.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of one-eighth of 1 percent per annum less than the discount rate to Columbia. The reoffering will be made to not more than an aggregate of 200 customers of the dealers, such customers to be identified and designated in lists (nonpublic) prepared in advance. No additions will be made to the customer lists, which will consist of institutional investors. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the applicable dealer, pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in its specified group of customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. In support of this request, Columbia states that the proposed commercial paper notes will have a maturity of 9 months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications.

Columbia proposes that up to $85 million of the aforesaid commercial paper will be converted into inventory bank loans on or before November 1, 1972, and Columbia intends to secure credit lines from a group of 31 banks in a maximum aggregate amount of $85 million, borrowings thereunder to be repaid at or before the maturity date thereof, May 1, 1973, with cash generated from operations. The bank loans will bear interest at the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Co. of New York, and will be prepayable, in whole or in part, at any time without penalty.

It is stated that although banks have not required that Columbia maintain minimum compensating balances, it has been a policy of Columbia to maintain bank balances which on an annual basis are somewhat in excess of 20 percent of its average annual loans. On this basis, the effective cost of the bank borrowings (based on the current prime rate of 4¾ percent) would be 5.94 percent per annum.

The proposed transactions represent interim financing of the Columbia System's requirements. Columbia states that, subject to market conditions, it expects to sell $160 million of long-term securities later in 1972; this would be the subject of a future filing or filings with the Commission.

The fees and expenses to be paid by Columbia in connection with the proposed transactions are estimated at $2,800. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5018 Filed 3-31-72;8:47 am]

[File No. 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

MARCH 27, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. on March 27, 1972, through April 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5017 Filed 3-31-72;8:47 am]

[File No. 7-4118]

JEANNETTE CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 27, 1972.

In the matter of application of the Philadelphia-Baltimore-Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Jeannette Corp., File No. 7-4118.

Upon receipt of a request, on or before April 11, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5019 Filed 3-31-72;8:47 am]

SELECTIVE SERVICE SYSTEM

ORGANIZATION AND SOURCES OF INFORMATION

Pursuant to 5 U.S.C. 552 the following description of the central and field organization of the Selective Service System, the established places at which the public may obtain information, and the general course and methods by which its functions are channeled and determined is published for the guidance of the public.

Creation and authority. The Selective Service System was established by the Military Selective Service Act (62 Stat. 604 as amended; 50 U.S.C. App. 451-471).

The Military Selective Service Act requires the registration of male citizens of the United States and all other male persons except certain alien nonimmigrants and alien medical, dental, or allied specialists who are in the United States who are between the ages

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of 18 and 26 years. (Alien medical, dental, or allied specialists are liable to register until age 35 years.) The act imposes liability for training and service in the Armed Forces upon registrants who are between the ages of 18 years and 6 months and 26 years except that aliens are not liable for training and service until they have remainded in the United States for more than 1 year. Some persons who have been deferred remain liable for training and service until age 35. Persons in a medical, dental, or allied specialist category who enter the United States after age 26 are liable for training and service until age 35. Conscientious objectors who are found to be opposed to any service in the Armed Forces are required to perform civilian work in lieu of induction into the Armed Forces.

The President is authorized prior to July 1, 1973, to select and induct into the Armed Forces not more than 140,000 persons as may be required to maintain the strengths of the forces in the fiscal year ending June 30, 1973, and also to provide for the selection and induction into the Armed Forces of persons qualified in needed medical, dental, or allied specialist categories pursuant to special requisitions submitted by the Secretary of Defense.

The act exempts members of the active Armed Forces and foreign diplomatic and consular personnel from registration and liability for training and service. Likewise exempted are categories of aliens, as specified by the President, who are not admitted to the United States for permanent residence. Other exemptions or deferments from training and service are provided by the act, and the President is authorized to provide, by rules and regulations, for deferments involving occupations, some kinds of study, dependency and fitness.

The President by Executive Order 11623 has delegated to the Director of Selective Service authority, subject to certain restrictions, to issue regulations to carry out the Military Selective Service Act.

Pursuant to the provisions of section 672(a) of title 10 of the United States Code (72 Stat. 1440), the Director of Selective Service determines the availability of members of the Standby Reserve of the Armed Forces for order to active duty in time of war or national emergency declared by Congress.

Purpose. The purpose of the Selective Service System is to supply the Armed Forces manpower adequate to insure the security of the United States, with concomitant regard for the maintenance of an effective national economy.

ORGANIZATION AND ACTIVITIES

Director of Selective Service. The Selective Service System is headed by the Director of Selective Service, who is appointed by the President with the consent of the Senate. The Director is responsible directly to the President for carrying out the functions of the System. The Director decides appeals from the determinations of appeal boards as to the availability of members of the Standby Reserve for order to active duty.

National Headquarters. The National Headquarters functions under the supervision of the Director and assists him. The operations of the Selective Service System are largely decentralized.

State headquarters. Each State headquarters is headed by a State director of Selective Service, who is appointed by the Director in the name of the President upon recommendation of the Governor. The State director is responsible for carrying out the functions of the Selective Service System within his area of jurisdiction. He is responsible to the Director of Selective Service for the coordination and supervision of the activities of the local boards, appeal boards, and other selective service agencies under its jurisdiction.

Local boards. At least one local board has been established in each county or political subdivision corresponding thereto except where, upon recommendation of the respective Governors, intercounty local boards have been established for areas not exceeding five counties. A local board consists of three or more civilian members, residents of a county in the local board area, who are appointed by the President upon recommendation of the Governor and serve without compensation. A special local board, with jurisdiction over all persons registered who do not have a place of residence within the United States has been established in the District of Columbia.

Each local board has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from, training and service of all men registered in, or subject to registration in, the local board area. The decisions of a local board are final, except where an appeal to an appeal board is authorized and is taken. Each local board is responsible for the registration, examination, classification, selection, delivery to the Armed Forces for induction, ordering to perform civilian work in lieu of induction, and maintenance of the records of men who are required to register and who are within its area of jurisdiction.

Appeal boards. Appeal boards have been established for each Federal judicial district in each of the States and in Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Members of appeal boards are civilians resident in the appeal board area and are appointed by the President upon recommendation of the Governor and serve without compensation. The functions of an appeal board are to decide anew the cases of registrants and members of the Standby Reserve appealed to it.

National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists. The National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists is located at National Headquarters. The members of this committee are appointed by the President. The functions of the National Committee are to advise the Director of Selective Service and to coordinate the work of State and local volunteer advisory committees established to cooperate with the National Committee, with respect to the availability of needed medical, dental, and allied specialists categories of persons for service in the Armed Forces. The National Committee is independent of the Selective Service System.

SOURCES OF INFORMATION

Publications. The following are examples of Selective Service publications available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402: Registrants Processing Manual, and Curriculum Guide to the Draft. Selective Service Regulations appear in Chapter XVI of Title 32, Code of Federal Regulations.

The following are available from the Public Information Office, Selective Service System: Perspective on the Draft; Hardship Deferment; Conscientious Objector; It's Your Choice; Lottery and Class 1–H; The Draft; Past, Present and Future; Doctors Draft; and Aliens.

Employment. Inquiries and application should be directed to the Director, Selective Service System, Attention: AP, 1724 F Street NW., Washington, DC 20435.

Procurement. Inquiries should be directed to Director, Selective Service System, Attention: AAPB, 1724 F Street NW., Washington, DC 20435.

For further information including names of State Directors and addresses of State Headquarters, contact the Office of Public Information, Selective Service System, 1724 F Street NW., Washington, DC 20435.

Approved: March 29, 1972.

CURTIS W. TARR,
Director of Selective Service.

[FR Doc.72-5024 Filed 3-31-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 29, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-F-11170, Hyman Freightways, Inc.—Control—Tri-D Truck Line, Inc., continued to May 1, 1972, at St. Paul, Minn., in a hearing room to be later designated.

MC-F-11364, Snyder Bros. Motor Freight, Inc.—Control—Bush Van Lines, Inc., and MC 120659 Sub 2, Bush Van Lines, Inc., assigned April 17, 1972, MC 14702 Sub 35, Ohio Fast Freight, Inc., assigned April 24, 1972, and MC 128273 Sub 107, Midwestern Express, Inc., assigned April 19, 1972, will be held in Room 4 State Office Building, 65 South Front Street, Columbus, OH.

FD 26747, Baltimore & Ohio Railroad Co. Abandonment between National Road and Shawnee, in Licking and Perry Counties, Ohio, now assigned April 27, 1972, at Newark, Ohio, will be held in Chamber of Commerce Room, Masonic Temple Building, 36 West Church Street.

MC 133436 Sub 14, Dudden Elevator, Inc., assigned for hearing May 3, 1972, at Chicago, Ill., in a hearing room to be later designated.

FD 27022, The Colorado & Wyoming Railway Co. Construction and operation, Pueblo County, Colo., now being assigned hearing May 8, 1972, at Pueblo, Colo., in a hearing room to be later designated.

MC 112822 Sub 199, Bray Lines, Inc., now being assigned continued hearing May 4, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 61592 Sub 216, Jenkins Truck Line, Inc., now assigned May 3, 1972, at Chicago, Ill., is postponed indefinitely.

MC-C-7276, Manhattan Transit Co.-V-National Ski Tours, Inc., et al., now assigned for continued hearing May 8, 1972, at Washington, D.C., postponed to May 17, 1972, same time and place.

MC 16088 Sub 54, Floyd & Beasley Transfer Co., Inc., MC 35320 Sub 127, T.I.M.E.-DC, Inc., MC 41432 Sub 116, East Texas Motor Freight Lines, Inc., MC 61788 Sub 28, Georgia-Florida-Alabama Transportation Co., MC 65697 Sub 46, Theatres Service Co., MC 105881 Sub 46, M R & R Trucking Co., and MC 113528 Sub 19, Mercury Freight Lines, Inc., now being assigned for continued hearing May 15, 1972, in Room 556, Federal Office Building, 275 Peachtree Street NE., Atlanta, Ga.

MC 101186 Sub 11, Arledge Transfer, Inc., now being assigned hearing May 8, 1972, at Des Moines, Iowa, in a hearing room to be later designated.

MC 1977 Sub 14, Northwest Transport Service, Inc., now being assigned hearing May 8, 1972, at Denver, Colo., in a hearing room to be later designated.

MC 135602, Road Hog, Inc., now being assigned hearing May 8, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 15770 Sub 3, Calore Freight System, Inc., now being assigned hearing May 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125066 Sub 10, M. I. Loker and Pauline Loker—Extension—New York Route, now being assigned hearing May 15, 1972, at Erie, Pa., in a hearing room to be later designated.

MC 99902 Sub 4, Dave's Motor Transportation, Inc., now being assigned hearing May 31, 1972, at Boston, Mass., in a hearing room to be later designated.

MC 129038 Sub 7, Tri-State Coach Lines, Inc., now being assigned hearing June 21, 1972, at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5043 Filed 3-31-72;8:49 am]

[Rev. S.O. 994; ICC Order 67]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Central Railroad Company of New Jersey, Robert D. Timpany, trustee, is unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J.

It is ordered, That:

(a) Rerouting traffic: The Central Railroad Company of New Jersey, Robert D. Timpany, trustees, being unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J., this railroad and its connections are hereby authorized to reroute or divert such traffic by substituting the Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, trustees, for the Central Railroad of New Jersey for movement over that line in the State of Pennsylvania and/or to and from those stations of the Central Railroad Company of New Jersey, Robert D. Timpany, trustee, located in the State of Pennsylvania. No other changes in routing shall be made unless authorized by the shipper; or, if the shipment was originally unrouted, unless authorized by the origin carrier. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(c) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(d) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Effective date: This order shall become effective at 12:01 a.m., April 1, 1972.

(f) Expiration date: This order shall expire at 11:59 p.m., May 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 24, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-5046 Filed 3-31-72;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 29, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42386—*Iron or steel angles and bars to specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-308), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to specified points in Texas.

Grounds for relief—Barge-truck competition, market competition, and rate relationship.

Tariff—Supplement 282 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on April 26, 1972.

FSA No. 42388—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 657), for interested rail carriers. Rates on cups or tumblers, cooling boxes or chests, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other States not subject to the same competition.

Tariff—Supplement 136 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on May 2, 1972.

FSA No. 42390—*Hominy feed from and to points in southern and southwestern territories.* Filed by Southwestern Freight Bureau, agent (No. B-298), for interested rail carriers. Rates on hominy feed, in carloads, as described in the application, from and to points in southern, southwestern, and western trunkline territories.

Grounds for relief—Rate relationship.

Tariffs—Supplement 89 to Southwestern Freight Bureau, agent, tariff ICC 4901, and seven other schedules named in the application. Rates are published to become effective on May 3, 1972.

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FSA No. 42391—*General commodities between rail stations in New Jersey and ports in Japan.* Filed by Sea-Land Service, Inc. (No. 61), for itself, and interested rail carriers. Rates on general commodities, from rail stations in New Jersey, to ports in Japan.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff 201, ICC No. 72. Rates are published to become effective on April 21, 1972.

AGGREGATE OF INTERMEDIATES

FSA No. 42387—*Iron or steel angles and bars to specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-309), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to specified points in Texas.

Grounds for relief—Maintenance of depressed rates published to meet water and market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 282 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on April 26, 1972.

FSA No. 42389—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 656), for interested rail carriers. Rates on petroleum coke or petroleum coke breeze, salt cake, cups or tumblers, and cooling boxes or chests, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplements 135 and 136 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on May 2, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5044 Filed 3-31-72;8:49 am]

[Notice 38]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 29, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73610. By application filed March 20, 1972, AIRPORT LIMOUSINE SERVICE, INC., Building No. 56, Newark Airport, Newark, N.J., seeks temporary authority to lease the operating rights of N.J. & N.Y. AIRPORT LIMOUSINE, INC., 230 Main Street, Fort Lee, NJ 07024, under section 210a(b). The transfer to Airport Limousine Service, Inc., of the operating rights of N.J. & N.Y. AIRPORT LIMOUSINE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5045 Filed 3-31-72;8:49 am]

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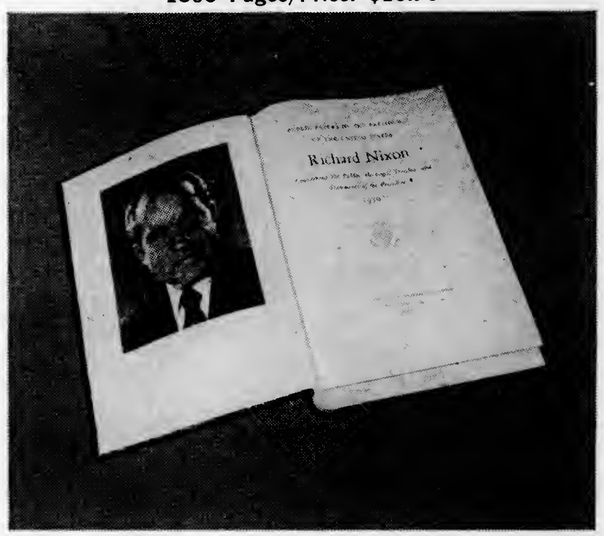
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federal register

TUESDAY, APRIL 4, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 65
PART I
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Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Reg. 69, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade limitations on fresh shipments of Temple oranges is consistent with the external appearance and available supply of such fruit in the production area and the current and prospective demand for such fruit by fresh market outlets. The recommended grade regulation is necessary to insure a continuous supply of good quality fruit to consumers and to improve overall returns to producers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple oranges grown in Florida.

Order. The provisions of paragraph (a)(5) of § 905.536 (Orange Regulation 69; 36 F.R. 20215, 22054, 22666, 23353, 23617, 23575, 25401; 37 F.R. 2660, 5813) are amended to read as follows:

§ 905.536 Orange Regulation 69.

(a) • • •

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 2.

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 30, 1972, to become effective March 31, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–5127 Filed 4–3–72;8:51 am]

[Tangerine Reg. 42, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive size limitations on fresh shipments of tangerines is consistent with the available supply of and current and prospective demand for such smaller sizes of tangerines by fresh market outlets. The amendment is necessary to provide a supply of tangerines to consumers and to improve overall returns to producers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of tangerines grown in Florida.

Order. In § 905.537 (Tangerine Regulation 42; 36 F.R. 20215, 22054, 22667, 23354, 24111) paragraph (a)(2) is amended to read as follows:

§ 905.537 Tangerine Regulation 42.

(a) • • •

(2) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{2}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Tangerines.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, March 30, 1972, to become effective March 31, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–5128 Filed 4–3–72;8:51 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Disposition of Other Than Free Dates

Notice was published in the February 29, 1972, issue of the FEDERAL REGISTER (37 F.R. 4196) regarding a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR Part 987.100–987.174; 36 F.R. 23137; 37 F.R. 1159; 37 F.R. 5282) to authorize the exportation to groups of countries of restricted and other marketable dates certified as meeting the minimum grade requirements for restricted dates for further processing. The proposal was pursuant to § 987.55 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was based on a unanimous recommendation of the California Date Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the

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proposal; one such submission was received from the California Date Administrative Committee.

Section 987.55 authorizes, among other things, the Committee, with the approval of the Secretary, to establish by country or groups of countries such special grade requirements for any variety of restricted dates for export as are deemed essential to the promotion of orderly marketing and facilitate sales of such dates in export. That section also provides for the exportation of dates other than restricted dates (i.e., other marketable dates) if they meet the applicable requirements for export.

Currently, dates for further processing may be exported only to France and Belgium. However, processors in other countries have expressed interest in importing such dates. Date processing firms are located in the date producing countries of Morocco, Algeria, Tunisia, Libya, Egypt, and Sudan, and in the date consuming countries of Spain, West Germany, Italy, Greece, as well as France and Belgium.

To promote orderly marketing and facilitate export sales of dates meeting the applicable grade requirements for restricted dates for further processing, two groups of countries should be established. One group is to consist of the known date processing and producing countries in North Africa: Morocco, Algeria, Tunisia, Libya, Egypt, and Sudan. The other group is to consist of the known processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, and Greece. Additional processing countries in these areas should be designated by the Commitee, with the approval of the Secretary, as they become known and be added to the appropriate list.

It was proposed in the notice that the grade requirements prescribed in § 987.203(b)(2) for dates for further processing be applied to dates exported to those groups of countries. However, in its comments, the Committee stated that the higher grade requirements prescribed in § 987.203(b)(1) for dates for further processing should be applied to such dates. The Committee's recommendation is adopted.

Adoption of the Committee's recommendation requires insertion of a reference to § 987.155(a)(5) in § 987.203(b)(1) to make it clear that the grade requirements currently prescribed therein for certain dates for further processing for export to approved or particular countries are also applicable to the groups of countries prescribed in § 987.155(a)(5).

After consideration of all relevant matter presented, including that in the notice, the recommendation of the Committee and the written comments received from it pursuant to the notice, and other available information, it is hereby found that amendment of Subpart—Administrative Rules and Regulations establishing the two groups of countries, as hereinafter set forth, for export of restricted and other marketable dates certified as meeting the applicable grade requirements of § 987.203(b)(1) for further processing, is deemed essential to the promotion of orderly marketing and facilitate sales of such dates in export.

It is, therefore, ordered, That Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 36 F.R. 23137; 37 F.R. 1159; and 37 F.R. 5282) and Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; and 37 F.R. 5282) be amended as follows:

1. In § 987.155(a)(1) "or (5)" is added immediately after "subparagraph (2)".

2. A new subparagraph (5) is added to paragraph (a) of § 987.155 reading as follows:

§ 987.155 Disposition of restricted and other marketable dates by export or diversion.

(a) • • •

(5) Restricted and other marketable dates certified as meeting the then current grade requirements in § 987.203(b)(1) for restricted dates for further processing may be exported (i) to the following designated date producing and processing countries of North Africa: Morocco, Algeria, Tunisia, Libya, Egypt, and Sudan, and (ii) to the following designated date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, and Greece. Additional such date producing and processing and date processing and consuming countries may from time to time be similarly designated, after which such certified dates may be exported to such countries.

• • • • •

§ 987.203 [Amended]

3. In § 987.203(b)(1), delete the "and" between "§ 987.155(a)(1) and (2)", insert a comma after "(a)(1)" and insert "and (5)" after "(2)".

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions by permitting exportation of dates for further processing to additional countries; (2) processors in foreign countries have expressed interest in importing such dates, and the California date industry should be afforded opportunity to supply such dates as soon as requests therefor are received; (3) handlers are aware of this interest, are prepared to export such dates immediately, and require no additional time for preparation; and (4) no useful purpose would be served by postponing the effective time of this action.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 30, 1972, to become effective upon publication in the FEDERAL REGISTER (4–4–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72–5091 Filed 4–3–72;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg., 1971-Crop Wheat Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971-Crop Wheat Loan and Purchase Program

SUPPORT RATES, PREMIUMS AND DISCOUNTS

The regulations issued by the Commodity Credit Corporation, published at 36 F.R. 11714, containing regulations for the loan and purchase program applicable to the 1971 crop of wheat are amended to include wheat grading Ergoty which contains less than 5 percent ergot as eligible for warehouse storage loans with appropriate discounts for such quality of wheat. Significant quantities of 1971-crop wheat produced in some areas are grading "Ergoty". Without this relaxation of eligibility requirements, many producers who would otherwise be eligible for warehouse loans on wheat would be denied the advantages of the loan program. In view of this and the fact that loans are currently being made on 1971-crop wheat, it is hereby found and determined that compliance with the notice of proposed rule making procedure provided for in the Statement of Policy issued by the Secretary on July 20, 1971 (36 F.R. 13804), is impracticable and contrary to the public interest. Therefore, this amendment is being issued without following the proposed rule making procedure and will be effective on filing with the Office of the Federal Register.

This amendment to the regulations is as follows:

In § 1421.489, paragraph (b)(2), the following is added at the end of subdivision (ii):

Notwithstanding the provisions of paragraph (b)(4) of § 1421.461, wheat grading Ergoty which contains less than 5 percent of ergot will be eligible for a warehouse storage loan provided the wheat otherwise meets the eligibility requirements of § 1421.461. The following discounts shall apply:

Ergot content (percent)	*Discount (cents per bushel)*
0.31–0.40	1
0.41–0.50	2
0.51–0.60	3
0.61–0.70	4
0.71–0.80	5
0.81–0.90	6
0.91–1.00	7
1.01–4.99	10

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, 1054; 15 U.S.C. 714c, 7 U.S.C. 1441, 1421)

Effective date: Upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on March 28, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72–5133 Filed 4–3–72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–EA–22, Amdt. 39–1429]

PART 39—AIRWORTHINESS DIRECTIVES

Consolidated Aeronautic Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lake- and Colonial-type airplanes.

There has been a report of an inflight failure of a rod-end bearing on an LA–4 type airplane causing a loss of flap control. Because of the similarity of parts the foregoing deficiency can also exist on Colonial Aircraft. Thus an airworthiness directive is being issued to require a repetitive inspection and replacement when necessary.

Since the foregoing affects air safety, expeditious adoption of the amendment is required. Thus notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In view of the foregoing, the amendment is herewith made effective upon publication in the FEDERAL REGISTER (4–4–72).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

CONSOLIDATED AERONAUTICS. Applies to Colonial Model C–1, C–2, and Lake Model LA–4, LA–4A, LA–4P, and LA–4–200 airplanes certificated in all categories, incorporating Flap Actuator Pushrod Assembly, Lake Aircraft Corporation P/N 2–7811–7.

Compliance required as indicated.

To prevent hazards in flight as a result of the failure of the rod-end bearing, P/N HM–5C, connected to the flap pushrod, P/N 2–7811–21, accomplish the following:

(a) Within the next 15 hours in service after the effective date of this AD, unless already accomplished within the last 10 hours in service, and at intervals thereafter not to exceed 25 hours in service from the last inspection:

Remove the rod-end bearing P/N HM–5C at the forward end of the flap pushrod:

(1) Visually inspect the rod-end bearing for corrosion and for freedom of motion of the ball. Lubricate the ball before reinstalling the rod end.

(2) With at least a 10-power glass, inspect the threaded portion of P/N HM–5C for cracks.

(b) Corroded, cracked, and binding parts must be replaced before further flight with parts inspected in accordance with this directive or with equivalent parts.

(c) When P/N HM–5C or an equivalent part is installed, the repetitive inspection specified in paragraph (a) may be discontinued.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the repetitive inspection interval specified in this AD. Equivalent parts must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. [Lake Aircraft Division, Consolidated Aeronautics, Service Letter No. 39 pertains to this subject.]

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on March 23, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72–5052 Filed 4–3–72;8:45 am]

[Airspace Docket No. 72–EA–26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J., Transition Area (37 F.R. 2308).

Due to a recent cancellation of instrument approach and departure procedures to Red Bank Airport, Red Bank, N.J., there is no further need for portions of the subject transition area.

Since the foregoing is less restrictive in nature and imposes no burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (4–4–72), as follows:

Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to amend the Wrightstown, N.J., 700-foot-floor transition area by deleting, "Within a 5-mile radius of Red Bank Airport (latitude 40°19'45" N., longitude 74°04'45" W.); within 3 miles north and 5 miles south of the Colts Neck VOR 255° and 075° radials extending from 5 miles east to 10 miles west of the VOR;" from the description.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72–5053 Filed 4–3–72;8:45 am]

[Airspace Docket No. 72–EA–30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Revocation of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to revoke the Dublin, Va., Control Zone (37 F.R. 1359).

As of April 13, 1972, weather reporting service will no longer be available for the control zone. In view of the foregoing, it will be necessary to revoke the control zone.

Since the foregoing is a revocation of a rule and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the proposed regulation is hereby adotped, effective 2200 G.m.t. April 12, 1972, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to revoke the Dublin, Va., control zone.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 17, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72–5054 Filed 4–3–72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C–2165]

PART 13—PROHIBITED TRADE PRACTICES

Gregory & Goldberg, Inc., and Harry Goldberg

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Gregory & Goldberg, Inc., et al., New York, N.Y., Docket No. C–2165, Mar. 6, 1972]

In the Matter of Gregory & Goldberg, Inc., a Corporation, and Harry Goldberg, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer and seller of women's apparel, including feather fabrics, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

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The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Gregory & Goldberg, Inc., a corporation, and its officers, and Harry Goldberg, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling or offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported, in commerce, or selling or delivering after a sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale any product made of fabric or related material which has been shipped or received in commerce, as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended, or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the feather fabric which gave rise to this complaint of the flammable nature of said feather fabric and effect recall of said feather fabric from such customers.

It is further ordered, That the respondents herein either process the feather fabric which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said feather fabric.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the fabrics which gave rise to the complaint, (2) the amount of said fabrics in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said fabrics and effect the recall of said fabrics and of the results thereof, (4) any disposition of said fabrics since April 1, 1970, and (5) any action taken or proposed to be taken to bring said fabrics into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said fabrics, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 6, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5081 Filed 4-3-72;8:48 am]

[Docket No. C-2166]

PART 13—PROHIBITED TRADE PRACTICES

Orr's of Bethlehem, Inc.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Orr's of Bethlehem, Inc., Bethlehem, Pa., Docket No. C-2166, Mar. 6, 1972]

In the Matter of Orr's of Bethlehem, Inc., a Corporation

Consent order requiring a Bethlehem, Pa., seller and distributor of ladies', men's and children's wearing apparel and accessories, including women's fake fur coats, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondent Orr's of Bethlehem, Inc., a corporation, its successors and assigns, its officers and respondents' representatives, agents, and employees:

It is ordered, That the respondent Orr's of Bethlehem, Inc., a corporation, its successors and assigns, its officers and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling, or offering for sale, any product made of fabric or related material which has been shipped or received in commerce, as "commerce," "product," "fabric" or "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulations continued in effect, issued, or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondent notify all of its stores to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect recall of said products from such stores and, if identified, their customers.

It is further ordered, That the respondent either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products and of results thereof, (4) any disposition of said products since October 30, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combination thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Upon request of the Commission the respondent shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: March 6, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5082 Filed 4-3-72;8:48 am]

[Docket No. C-2167]

PART 13—PROHIBITED TRADE PRACTICES

F. W. Woolworth Co.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-30 Flammable Fabrics Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.* Subpart—Misbranding or mislabeling: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717, 67 Stat. 111, as amended; 15 U.S.C. 45, 70, 1191) [Cease and desist order, F. W. Woolworth Co., New York, N.Y., Docket No. C-2167, Mar. 6, 1972]

In the Matter of F. W. Woolworth Co., a Corporation

Consent order requiring a New York City seller and distributor of textile fiber products and flammable fabrics, including ladies' pajamas, to cease violating the Textile Fiber Products Identification Act and the Flammable Fabrics Act by misbranding its textile fiber products and importing and selling any fabric which fails to conform to the standards of the Flammable Fabrics Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent F. W. Woolworth Co., a corporation, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any ladies' pajamas; or any product, fabric, or related material, imported by or manufactured under the control or direction of F. W. Woolworth Co., as the terms "commerce", "product", "fabric", or "related material" are defined in the Flammable Fabrics Act, as amended; or any other product, fabric, or related material, the manufacturer of which has not furnished a guaranty under section 8(a) of the Flammable Fabrics Act, as amended; and which ladies' pajamas, products, fabrics, or related material fail to conform to an applicable standard or regulation, issued, amended, or continued in effect under the provisions of the aforesaid Act; *Provided, however*, Nothing herein shall accord to the respondent immunity from any subsequent proceedings under section 3, 6(a), or 6(b) of the Flammable Fabrics Act, as amended. Further, nothing herein shall limit the authority of the Commission to extend the terms of the order to products, fabrics, or related materials presently excluded from this order in any subsequent proceeding against the respondent.

It is further ordered, That respondent notify all of its customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondent herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondent herein shall, within ten (10) days after service upon it of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since April 16, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondent has in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof, in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Upon request of the Commission the respondent shall submit samples of not less than 1 square yard in size of any product, fabric, or related material.

It is further ordered, That respondent F. W. Woolworth Co., a corporation and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from misbranding textile fiber products by failing to affix labels to each such product showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued: March 6, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5083 Filed 4-3-72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Tomato Catsup, Tomato Puree, and Tomato Paste; Confirmation of Effective Date of Order To Provide for Use of an Acidified Break Process

In the matter of amending the definitions and standards of identity of tomato catsup, tomato puree, and tomato paste (21 CFR 53.10, 53.20, and 53.30)

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to provide for the use of an acidified break process:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for a hearing were filed to the order in the above-identified matter published in the FEDERAL REGISTER of December 30, 1971 (36 F.R. 25223). Accordingly, the amendment promulgated by that order became effective February 28, 1972.

Dated: March 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5110 Filed 4–3–72;8:50 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FERMENTATION-DERIVED, MILK-CLOTTING ENZYME

Two petitions were filed proposing that the food additives regulation for safe use of fermentation-derived, milk-clotting enzymes in making cheese (21 CFR 121.1199) be amended to extend it to enzyme preparations derived from *Mucor miehei*. One of the petitions (FAP 1A2655) was filed by Wallerstein Laboratories, Division of Travenol Laboratories, Morton Grove, Ill. The other petition (FAP 2A2712) was filed by Novo Enzyme Corp., Mamaroneck, N.Y. Since a single amendment of the regulation is responsive to both petitions they are being approved together.

The Commissioner of Food and Drugs, having evaluated the data in both of the above-identified petitions, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use in cheese production of milk-clotting enzyme preparations derived from *Mucor miehei* by pure-culture fermentation processes.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1199 is amended in paragraph (a) by adding a new subparagraph as follows:

§ 121.1199 Fermentation-derived, milk-clotting enzyme.

• • • • • •

(a) • • •

(4) *Mucor miehei* Cooney et Emerson classified as follows: Class, Phycomycetes; subclass, Zygomycetes; order, Mucorales; family, Mucoraceae; genus, *Mucor;* species, *miehei;* variety, Cooney et Emerson.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4–4–72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 27, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5109 Filed 4–3–72;8:50 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Coumaphos

The Commissioner of Food and Drugs has evaluated a new animal drug application (45–287V) filed by Chemagro Corp., Hawthorne Road, Post Office Box 4913, Kansas City, Mo. 64120, proposing an amendment to the regulations to provide for use of Coumaphos Crumbles for the control of gastrointestinal roundworms in cattle. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding the following new section:

§ 135c.65 Coumaphos crumbles.

(a) *Chemical name.* O,O-Diethyl O-3-chloro-4-methyl-2-oxo-2H-1-benzopyran-7-yl-phosphorothioate.

(b) *Specifications.* Coumaphos Crumbles contain 0.32 percent coumaphos.

(c) *Sponsor.* See code No. 007 in § 135.501(c) of this chapter.

(d) *Special considerations.* Adequate directions and warnings for use must be given and shall include a statement that coumaphos is a cholinesterase inhibitor and that animals being treated with coumaphos should not be exposed during or within a few days before or after treatment with any other cholinesterase inhibiting drugs, insecticides, pesticides, or chemicals.

(e) *Related tolerances.* See 40 CFR 180.189.

(f) *Conditions of use.* It is used as a top dressing on the daily feed ration of cattle for the control of gastrointestinal roundworms (*Haemonchus* spp., *Ostertagia* spp., *Cooperia* spp., *Nematodirus* spp., and *Trichostrongylus* spp.). It is administered at the rate of 1 ounce of coumaphos crumbles per 100 pounds of body weight per day for six consecutive days. Should conditions warrant, treatment should be repeated at 30 day intervals. Not to be fed to cattle less than 3 months old. Not to be fed to sick animals or animals under stress such as those just shipped, dehorned, castrated, or weaned within the previous 3 weeks. Not to be used in conjunction with oral drenches or with feeds containing phenothiazine.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER. (4–4–72)

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 24, 1972.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72–5112 Filed 4–3–72;8:50 am]

PART 165—HABIT-FORMING DRUGS

Revocation of Exemption of Paregoric From Prescription Requirements

In the FEDERAL REGISTER of October 20, 1971 (36 F.R. 20306), a notice was published proposing to remove the exemption of paregoric, a camphorated tincture of opium, and other opium-containing combinations from the prescription dispensing requirements of section 503(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act under § 165.5(a)(1) of the habit-forming drug regulations (21 CFR 165.5(a)(1)).

Comments came from six different sources and were varied. The American Pharmaceutical Association, two pharmaceutical manufacturers, and a private individual opposed the proposal. A law enforcement agency and a State pharmaceutical association favored the proposal.

The following comments were made in opposition to the proposal:

1. Paregoric has served as a low-cost, readily-available, and legitimate home remedy for many years. Prescription dispensing of the drug would make it more expensive for the consumer.

2. The decision to place paregoric in prescription status should be left to the discretion of the individual States.

3. The proposed action should be revised so as not to apply to paregoric-containing combination drugs having lower levels of opium. These drugs have a limited potential for abuse and are adequately regulated by their classification in Schedule V of the Comprehensive Drug Abuse Prevention and Control Act of 1970. The Department of Justice's Bureau of Narcotics and Dangerous Drugs shares this opinion.

The following comments were made in favor of the proposal:

(1) The revocation will provide for better enforcement of the Controlled Substances Act of 1970 by eliminating problems encountered within States where paregoric is not subject to prescription dispensing.

(2) The revocation will provide for better enforcement of the Controlled Substances Act of 1970 by eliminating the problems experienced by the practicing pharmacists because of differing policies toward paregoric in adjacent States.

(3) In addition to the documented abuse by addicts, experience among law enforcement agencies indicates that paregoric may be used by "neophyte addicts" as a bridge leading to abuse of the so-called "hard" narcotics such as heroin and cocaine.

The Commissioner of Food and Drugs has considered the comments and finds that paregoric should be restricted to prescription sale. Because of the documented abuse potential of paregoric, neither long-standing availability nor price should serve as criteria for continuing its over-the-counter status. Further, the Commissioner finds that, in view of the limited potential for abuse of the paregoric-containing combinations which have lower levels of opium and are provided for in Schedule V of the Comprehensive Drug Abuse Prevention and Control Act of 1970, such preparations need not be restricted to prescription sale.

Accordingly, the Commissioner of Food and Drugs concludes that it is in the public interest for paregoric and other products containing more than 100 milligrams of opium per 100 milliliters or per 100 grams to be restricted to prescription sale. Therefore they must be labeled with the statement, "Caution: Federal law prohibits dispensing without prescription," as required by section 503(b)(4) of the Federal Food, Drug, and Cosmetic Act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(a) and (f), 503(b), 701(a), 52 Stat. 1050–52 as amended, 1055; 21 U.S.C. 352(a) and (f), 353(b), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), § 165.5 is amended by revising paragraph (a)(1) to read as follows:

§ 165.5 Exemption of certain habit-forming drugs from prescription requirements.

• • • • • •

(a) • • •

(1) Pharmaceutical preparations containing not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

• • • • • •

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER.

(Secs. 502(a) and (f), 503(b), 701(a), 52 Stat. 1050–52 as amended, 1055; 21 U.S.C. 352(a) and (f), 353(b), 371(a))

Dated: March 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5111 Filed 4–3–72;8:50 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 2—PUBLIC USE AND RECREATION

Possession and Use of Drugs and Alcohol

On page 1365 of the FEDERAL REGISTER of January 28, 1972, there was published a notice of proposed rule making to amend Title 36 of the Code of Federal Regulations by addition of § 2.37 containing regulations governing use and possession of drugs in areas of the National Park System, and to amend existing National Park Service regulations in § 2.16 concerning intoxication and possession of alcohol by minors.

The effect of the amendments is to prohibit possession and delivery of certain drugs in park areas and to transfer regulations concerning drug incapacitation from § 2.16 to the new § 2.37. Slight changes in wording were made in § 2.16.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. No comments have been received and therefore the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective 30 days after publication of this notice in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; as amended; 16 U.S.C. 3)

Dated: March 27, 1972.

RAYMOND L. FREEMAN,
Acting Director, National Park Service.

Section 2.16(a) is amended to read as follows:

§ 2.16 Intoxication; possession of alcohol by minors.

(a) Presence in a park area when under the influence of alcohol, to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area is prohibited.

• • • • • •

Section 2.37 is added to read as follows:

§ 2.37 Possession and delivery of controlled substances: Incapacitation.

(a) *Definitions.* (1) The term "controlled substance" means a drug or other substance, or immediate precursor, included in Schedules I, II, III, IV, or V of Part B of the Controlled Substance Act (title 21, United States Code, section 812) or any drug or substance added to these schedules pursuant to the terms of the Act.

(2) The term "practitioner" means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted by the United States or the jurisdiction in which he practices to distribute or possess a controlled substance in the course of professional practice.

(3) The term "delivery" means the actual, attempted or constructive transfer of a controlled substance, whether or not there exists an agency relationship.

(b) *Offenses.* (1) The delivery of any controlled substance is prohibited, provided that distribution by a practitioner in accordance with applicable law is permitted.

(2) The possession of a controlled substance is prohibited unless such substance was obtained by the possessor directly, or pursuant to a valid prescription or order, from a practitioner acting in the course of his professional practice, or except as otherwise authorized by applicable law.

(3) Presence in a park area when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of a park area, is prohibited.

[FR Doc.72–5085 Filed 4–3–72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PROCUREMENT

Miscellaneous Amendments to Chapter

These amendments involve matters relating to agency management and to contracts and include rules interpreting and implementing existing regulations of other Federal agencies which are not subject to the notice and public procedure requirements for rule making under 5 U.S.C. 553. It is in the public interest that these provisions be made effective immediately. Accordingly, in accordance with the Secretary's Statement of Policy (36 F.R. 13804) it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest.

(Executive Order 11246, as amended; 26 U.S.C. 50)

PART 4–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

1. Section 4–4.5099 is amended by adding paragraph (d) as follows:

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§ 4–4.5099 Visual services.

* * * * *

(d) *Microform Retrieval Equipment Guide.* As a guide for determining equipment selection and other general information concerning the uses of microfilm retrieval equipment, agencies may obtain from GSA supply depots the Microform Retrieval Equipment Guide. Ordering information is shown below.

Stock No.	Title
7610–181–7579	Microform Retrieval Equipment Guide

PART 4–12—LABOR

1. Section 4–12.805–5 is amended by revising paragraph (c) and adding paragraph (d) as follows:

§ 4–12.805–5 Compliance reviews.

* * * * *

(c) The following information shall be prepared by each agency for all active construction contracts exceeding $10,000 (except FHA need not report single dwelling construction and REA shall submit loan announcements and annual statistical reports in lieu of these requirements) and submitted in duplicate to the Contract and Supply Management Staff, Office of Plant and Operations, by January 20 for the 6-month period July 1 through December 31, and by July 20 for the 6-month period January 1 through June 30 of each fiscal year:

(1) Name of agency;

(2) Contract number;

(3) Description and location of project;

(4) Names and address of contractor(s);

(5) Amount of contract and date of award;

(6) Percent of completion.

(d) The Federal agency awarding or administering a federally involved construction contract in a "Hometown" or "Imposed" plan area has the responsibility of ensuring that the contractors and subcontractors are informed of their contractual obligations under Executive Order 11246, as amended. Compliance reviews are the responsibility of the Department as stated in paragraph (a) of this section. However, agencies shall take measures to provide assistance in the programs for equal employment opportunity in the construction industry. The following are construction compliance review procedures applicable to "Hometown" and "Imposed" plan areas as listed in § 4–12.810 and Part 4–52 of this chapter:

(1) *General*—(i) *Purpose.* The construction compliance review is to determine whether the contractor and all covered subcontractors are in compliance with the Executive Order.

(ii) *General method.* The time needed for a compliance review will vary according to the size of the project. There will be two important phases in each review. In phase one, taking place before the site visit, the Compliance Officer will analyze the personnel, personnel policies, practices and programs of the prime and subcontractors to determine problem areas, if any. In the second phase, the Compliance Officer will conduct site visits and prepare a detailed compliance review report.

(iii) *Site visits.* Site visits shall be scheduled in accordance with the type of construction project that is being accomplished. The projected construction flow system (PERT Chart) for major projects, which is developed by most prime contractors, will provide information as to where the project will be at various phases. An agency's engineering office can also predict anticipated progress. The site visits for building construction should be scheduled approximately as follows:

Time of visit	Percent of completion
1st	10–15 percent (Or the period when the foundation is being poured and structure is about to rise out of the excavation).
2d	45–55 percent (Or the period when the structure is going up and the framing work is underway).
3d	70–80 percent (Or the period just before the finishing work begins).

Timing of site visits for other projects, such as roads and bridges, should be based upon the principle expressed above.

(2) *Phase 1 of the review.* Most actions during this phase will be accomplished by the Compliance Officer. Thirty days prior to each site visit, the Compliance Officer shall notify the prime contractor of a visit and request a meeting space be reserved on the day of the visit at the home office or at the job site. The Contracting Officer shall be notified in a similar manner. The Contracting Officer shall also be furnished information relative to the affirmative action progress of the prime contractor and subcontractors.

(3) *Phase 2 of the review.* The Compliance Officer shall accomplish the following during each initial site visit:

(i) Inform contractor and subcontractors of the objective of the visit.

(ii) Inform the contractor how he will be advised of the results and what action may be required of him and his subcontractors.

(iii) Discussion of actual workings of the contractor's hiring practices.

(iv) The Compliance Officer shall make a physical tour of the construction site to determine whether or not EEO posters are properly displayed and physical facilities are integrated and to substantiate data by a head count and employee interview.

(v) Determination of employee job category, upgrading opportunities, and how employees were placed on the job shall be accomplished.

Subsequent reviews will involve checking on the progress of contractor's minority manpower utilization goals contained in the plan and a review of progress made concerning any deficiencies noted in the initial review.

2. Section 4–12.810(d) is revised to read as follows:

§ 4–12.810 Affirmative action compliance program.

* * * * *

(d) Bid conditions for all nonexempt Federal and federally assisted construction contracts. "Hometown" and "Imposed" plans contain bid conditions that set forth affirmative action and equal employment opportunity requirements that are to be included in all invitation for bids for use in connection with nonexempt Federal and federally assisted construction contracts located in the plan areas. Nonexempt Federal and federally assisted construction contracts are those estimated to exceed $10,000 for "Hometown" plans and $500,000 for "Imposed" plans. The bid conditions for "Imposed" plans are listed in Part 4–52 of this chapter. The following is a listing of "Hometown" plans:

(1) *Alameda.* Alameda County, Calif.

(2) *Arizona.* State of Arizona.

(3) *Boston.* Cities of Arlington, Boston, Belmont, Brookline, Burlington, Cambridge, Canton, Chelsea, Dedham, Everett, Malden, Medford, Melrose, Milton, Norwood, Reading, Revere, Sommerville, Stoneham, Wakefield, Westwood, Winthrop, Winchester, Woburn, and the Islands of Boston Harbor, Mass.

(4) *Buffalo.* Erie County and Buffalo, N.Y.

(5) *Cincinnati.* Ohio counties of Clermont, Hamilton, and Warren and in the Kentucky counties of Boone, Campbell, Kenton, and Dearborn.

(6) *Cleveland.* Cuyahoga, Carroll, Medina, Ashtabula, Erie, Geauga, Huron, Lake, Lorain, Seneca, Sandusky, Coshocton, Harrison, Holmes, Tuscarawas, Wayne, Ashland, Crawford, and Ottawa Counties, Ohio.

(7) *Contra Costa.* Contra Costa County, Calif.

(8) *Dayton.* Greene, Miami, Montgomery, and Preble Counties, Ohio.

(9) *Delaware.* State of Delaware.

(10) *Denver.* Adams, Boulder, Jefferson, Arapahoe, and Denver Counties, Colo.

(11) *Detroit.* Wayne, Oakland, and Macomb Counties, Mich.

(12) *El Paso.* El Paso County, Tex.

(13) *Evansville.* Vanderburgh County, Ind.

(14) *Fresno.* Fresno, Madera, Kings, and Tulare Counties, Calif.

(15) *Indianapolis.* Marion County, Ind.

(16) *Kansas City.* Clay, Platte, Jackson, Bates, Carroll, Lafayette, Ray, Johnson, Henry, and Cass Counties, Mo.; and Wyandotte, Johnson, and Miami Counties, Kans.

(17) *Little Rock.* Pulaski County, Ark.

(18) *Los Angeles.* Los Angeles County, Calif.

(19) *Monterey.* Monterey County, Calif.

(20) *Nashville.* City of Nashville, Tenn.

(21) *New Bedford.* New Bedford, Dartmouth, Fairhaven, Acushnett, Rochester, Marion, Mettapoisett, Wareham, Barnstable, Duke, and Nantucket Counties, Mass.

(22) *New Haven.* Includes the following cities and towns in Connecticut: Woodbridge, Guilford, Clinton, Bethany, Madison, Killingworth, New Haven, Cheshire, Chester, North Haven, Wallingford, East Haven, Hamden, North Branford, West Haven, Branford, Durham, and Orange.

(23) *New Orleans.* Orleans, Jefferson, St. Bernard, St. Tammany, St. Charles, St. John, Lafourche, Plaquemines, Washington, Terrebonne, Tangipahoa, Livingston, and St. James Parishes, La.

(24) *North Bay.* Solano, Napa, Lake, Marin, Sonoma, and Mendocino Counties, Calif.

(25) *Pittsburgh.* Allegheny County, Pa.

(26) *Rhode Island.* State of Rhode Island.

(27) *Rochester.* Area of jurisdiction of the Allied Building Trades Council of Rochester, New York, and vicinity in Monroe, Livingston, Wayne, and Ontario Counties.

(28) *San Mateo.* San Mateo County, Calif.

(29) *Santa Clara.* Santa Clara County, Calif.

(30) *Santa Cruz.* Santa Cruz County, Calif.

(31) *Seattle.* King County, Wash.

(32) *Spokane.* This area includes the following counties: Washington counties: Spokane, Whitman, Lincoln, Adams, Stevens, Pend Oreille, Columbia, Garfield, Asotin, and Ferry and in connection with Indian employment, Okanogan and parts of any other counties included in reservations incorporating portions of the above area; Idaho counties: Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, Lewis, and Idaho, and in connection with Indian employment, any other territory included in reservations, part of which are in the above counties.

(i) All bidders must comply with the bid conditions contained in the invitation to be considered responsible bidders and hence eligible for the award. Part I of the bid conditions applies to those trades covered by the applicable "Hometown" plan. Part II of the bid conditions contains the requirement for submission of the affirmative action plan for those trades not covered by the "Hometown" plan.

(ii) Bid conditions for these plans will not be distributed to the agencies because some of the plans are being amended and agency distribution would necessitate frequent updatings. Agencies should request copies of the bid conditions for the listed "Hometown" plans, as needed from the Contracts and Supply Management Staff, Office of Plant and Operations, Washington, D.C. 20250.

PART 4–16—PROCUREMENT FORMS

1. The table of contents for Part 4–16 is amended as follows:

a. The following entries are deleted:

Sec.
4–16.950–375 Form AD–375: Invitation, bid and award (Supply—under $10,000). [Deleted]
4–16.950–376 Form AD–376: Invitation, bid, and award (Service). [Deleted]
4–16.950–384 Form AD–384: Instructions to contractors. [Deleted]

b. The following entry is revised to read as follows:

Sec.
4–16.950–425 Form AD–425: Instructions to contractors.

2. Section 4–16.150 is revised to read as follows:

§ 4–16.150 Invitation, bid, and award.

The Standard Form 33 shall be used for supply contracts when procured by formal advertising.

3. Section 4–16.500 is revised to read as follows:

§ 4–16.500 Invitation, bid, and award (Service).

The forms prescribed in §§ 1–16.101 and 1–16.201 of this title shall be utilized for advertised and negotiated nonpersonal service contracts (other than construction).

Effective date. Upon publication in the FEDERAL REGISTER (4–4–72).

Done at Washington, D.C., this 30th day of March 1972.

T. M. BALDAUF,
Director of Plant and Operations.

[FR Doc.72–5134 Filed 4–3–72;8:52 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72–249]

PART 0—COMMISSION ORGANIZATION

Executive Advisory Council

Order. In the matter of amendment of § 0.6 to expand organizational scope of Executive Advisory Council.

1. The Executive Advisory Council was established to provide a mechanism through which the principal operating staff units in the Commission could more effectively carry out their program responsibility. Experience with and accomplishments through the use of the Council to date convince the Commission that the organizational scope of the Council should be expanded.

2. The amendments set forth in the appendix to this order relate to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 553, do not apply, and amendments can be effective immediately. Authority for the amendment is set out in 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended.

3. In view of the foregoing: *It is ordered,* Effective April 7, 1972, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.6 is revised to read as follows:

§ 0.6 Executive Advisory Council.

The Executive Advisory Council provides a forum for the interchange of information and ideas among the Commission's principal staff components. The Council coordinates Commission programs and activities; analyzes problems and issues of concern to the members of the Council; and develops recommendations for action by the Chairman and the Commission. The membership is composed of the head of each principal staff unit in the Commission.

[FR Doc.72–5064 Filed 4–3–72;8:46 am]

[FCC 72–271]

PART 0—COMMISSION ORGANIZATION

Chairman; Authority To Perform Contractual Services

Order. In the matter of amendment of § 0.211.

1. The amendment set forth below incorporates in Subpart B of Part 0 of the Commission's rules delegated authority to perform contractual services for the Commission.

2. Heretofore the delegation for contractual services has not been included in Subpart B of Part 0 of the Commission's rules. This is because the function pertains primarily to the internal affairs of the Commission. In view of the expansion of the Commission's contracting activity and the resultant public involvement, it now appears to be in the public interest to include the delegation for this activity in the Commission's published Delegations of Authority.

3. Authority for the amendment set out below is contained in 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended. As the amendment relates to matters of internal Commission organization and procedure, the prior notice and public procedure provisions of 5 U.S.C. 553 do not apply.

4. In view of the foregoing: *It is ordered,* Effective April 7, 1972, that Part 0 of the rules and regulations is amended as set forth below.

[1] Commissioners Robert E. Lee and Johnson absent.

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(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION[3]
[SEAL] BEN F. WAPLE,
Secretary.

Part O of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.211(e) is added to read as follows:

§ 0.211 Chairman.

* * * * *

(e) To act as Contracting Officer for the Commission and to designate appropriate subordinate officials to act as Contracting Officer for the Commission.

[FR Doc.72-5063 Filed 4-3-72;8:46 am]

[Docket No. 18893; FCC 72-263]

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTION SERVICES

Showing of Sports Events on Over-the-Air Subscription Television or by Cablecasting

Report and order. In the matter of amendment of §§ 73.643(b)(2) and 74.1121(a)(2) of the Commission's rules and regulations Pertaining to the Showing of Sports Events on over-the-air Subscription Television or by Cablecasting,[1] Docket No. 18893.

1. The Commission has before it comments and reply comments filed in response to a notice of proposed rule making released in this docket on July 1, 1970, 35 F.R. 11040, which proposed to amend the rules as indicated in the caption above.[2] Before evaluating the comments, the following information, paraphrasing the notice, is presented to set the proposed amendments in perspective.

BACKGROUND

2. In a Fourth Report and Order in Docket No. 11279, the Commission established an over-the-air subscription television service (STV). "Subscription Television," 15 FCC 2d 466 (1968). This action was affirmed in subsequent court proceedings. "National Association of Theatre Owners, et al. v. FCC," 420 F. 2d 194 (D.C. Cir. 1969), cert. denied, 397 U.S. 922 (1970). Among the rules adopted to govern the new service were the so-called antisiphoning rules, 47 CFR § 73.643(b)(1)–(3) (1969). It had been argued that if STV were established, it would outbid conventional TV for programs and that viewers would then have to pay for what they previously were able to see without direct charge. The antisiphoning rules are designed to prevent this.

3. More specifically, they are intended to prevent siphoning of three kinds of programs from conventional TV-feature films, series-type programs with interconnected plot or substantially the same cast of principal characters, and sports events—by prohibiting (with various exceptions) their showing on STV. The Commission was of the view that some competition between conventional TV and STV might result in improved and more varied fare both for STV viewers and for those who continue to rely on conventional TV, and for this reason did not adopt rules to protect against siphoning of every kind of programing appearing on conventional TV. However, since the aforementioned three kinds constitute a substantial part of what is shown on conventional television, the protection is considerable.

4. In a Memorandum Opinion and Order in Docket No. 18937, released July 1, 1970, CATV, 23 FCC 2d 825 (1970), the antisiphoning rules governing STV were extended to apply to cablecasting[5] which is accompanied by a per-program or per-channel fee, because the Commission believed that such cablecasting is akin to STV and presents the same threat of program siphoning. The rules were not made applicable to cablecasting that is unaccompanied by such fees since it does not appear to pose a significant threat of siphoning and the development of such service would be inhibited by them.

5. The instant proceeding deals with proposed amendment of the antisiphoning rules concerning the showing of sports events over STV or by cablecasting, as set forth in the notice. However, the present report and order is limited to the proposed amendment of the rule concerning the showing of sports events on STV, and consideration will only be given to comments filed herein insofar as they pertain to that subject.[6] The present sports rule for STV—§ 73.643(b)(2)—reads as follows:

> Sports events shall not be broadcast which have been televised live on a nonsubscription, regular basis in the community during the 2 years preceding their proposed subscription broadcast: *Provided, however,* That if the last regular occurrence of a specific event (e.g., summer Olympic games) was more than 2 years before the proposed showing on subscription television in a community, and the event was at that time televised on conventional television in that community, it shall not be broadcast on a subscription basis.
>
> NOTE 1: In determining whether a sports event has been televised in a community on a nonsubscription basis, only commercial television broadcast stations which place a Grade A contour over the entire community will be considered. Such stations need not necessarily be licensed to serve that community.
>
> NOTE 2: The manner in which this subparagraph will be administered and in which "sports," "sports events," and "televised live on a nonsubscription regular basis" will be construed is explained in paragraphs 288–305 of the Fourth Report and Order in Docket No. 11279, 15 F.C.C. 2d 466.

6. The rationale of the rule is that by prohibiting the STV operator from showing sports events that have been regularly shown in his community over conventional television during the past 2 years, STV will not compete with conventional television for them and they will continue to be shown over the latter medium. However, sports events that have not been available on conventional TV during that period, such as "blacked-out" home games of professional football teams, could, under the rule, be shown over STV.

7. Doubts about the efficacy of the sports rule as a siphoning preventive were expressed prior to the adoption of the rule in the STV proceeding and also in Congressional STV hearings held after its adoption. "Hearings Before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce", 91st Cong., 1st Sess. Serial No. 91–37, at, e.g., 25–29, 55, 118–119, 247–254, 303–347, 369–380 (1969). The doubts arise from the belief that the owner of TV rights to a sports event might be willing to withhold the event from conventional TV for a period of 2 years in order to make it eligible, under the rules, for showing over STV thereafter at a greater profit.[8] In adopting the rule, the Commission observed that such rules would be avoided because of the adverse publicity that would redound to the detriment of those engaging in such practices. It also announced that it had no intention of creating new markets for owners of TV rights to sports events, and that it would keep the operation of the rule under close scrutiny and take necessary action if undesired developments occurred. It indicated that such action might include amending the rule to provide a 5-year standard instead of a 2-year standard (on the theory that owners of TV rights might not wish to withhold sports events from conventional TV for a period of 5 years in order to show the events subsequently on STV because the loss of revenue would be too great).

THE PROPOSAL

8. In the notice of proposed rule making we noted the concern over the efficacy of the sports rule that had been expressed at the aforementioned Congressional hearings. We also observed that this concern was mirrored in H.R. 16418, reported out of the Committee on Interstate and Foreign Commerce of the House of Representatives on May 19, 1970, H.R. Rept. No. 91–1110, 91st Cong., 2d Sess., which was then awaiting action on the floor of the House. Among other things, that bill proposed to amend the Communications Act to provide that sports events could not be broadcast over STV if they had been televised on a regular basis in the community on conventional TV during any period in the 5 years preceding their proposed STV broadcast.

9. The notice stated that the Congressional hearings had furnished helpful information about the sports rule and that on further consideration we thought it would be in the public interest to amend the rule to make it more effective in precluding possible sports siphoning. We acknowledged the fact that if the proposed legislation were passed it would override Commission rules on the subject, but that if it were not passed, the Commission rules would naturally prevail and the new proposal, if adopted, should serve to remove all uncertainty about siphoning of sports events. The second session of the 91st Congress adjourned without passing the bill and we are today adopting an amended sports antisiphoning rule for STV.[9]

10. In the notice, we proposed the following 5-year rule to govern the showing of sports events over STV:

> Sports events may not be broadcast (live) if such events have been televised live on a nonsubscription, regular basis in the community during any one year in the 5 years preceding their proposed subscription broadcast.

The proposal also stated that Note 1 and Note 2 of the present sports rule (paragraph 5 supra) would be carried over as a part of the new rule. In addition to comments on the basic proposal, comments were specifically invited as to possible modifications in the concepts of paragraphs 288–305 referred to in Note 2. (Those paragraphs constitute the "legislative history" of the sports rule.)

DISCUSSION OF COMMENTS

11. All parties support the proposed change from a 2-year to a 5-year standard.[7] Having considered the matter carefully, we are of the view that such a change will serve the public interest by more effectively preventing siphoning, and we are amending the sports rule accordingly. However, some parties, although approving the change, point to deficiencies in our proposal which they believe should be rectified.

12. Delayed showing by STV. One such deficiency, mentioned by ABC, Fitzgerald, MST, and NAB, is that the proposed rule states that sports events "may not be broadcast over STV (live)" if such events have been televised live on a nonsubscription, regular basis over conventional TV. The word "(live)" does not appear in the present rule. It is urged that introducing this word in the proposed rule is potentially destructive of the Commission's objective since it would permit evasion of the regulatory prohibition by using the expedient of taping a sports event and then showing it on STV an hour or so later, or perhaps 5 or 10 seconds later—an "instant replay." Since they would not be live, it is argued, such delayed showings would be outside the purview of the rule. On the other hand, we are told, the present rule does not contain the word "(live)" and therefore would prohibit such delayed showings.

13. We think the point is well taken and that the proscription of the proposed rule should not be limited to live showings over STV but should extend to replays as well. It is clear, for example, that instant replays could siphon sporting events just as surely as live showing of those events could. Thus, as MST states, the entire World Series could be put on instant replay over STV under the proposed rules regardless of the fact that this event had in the past been regularly shown over conventional television.

14. However, to omit the word "(live)" from the rule, thereby leaving the rule, in this respect, exactly as it now is, presents another problem. So phrased, the rule would prohibit, as it presently does, all delayed showings. This means that if an event had been regularly shown over conventional TV, STV could not show it on instant replay 1 or 2 seconds later, or at any other time—even a week or a month later. We believe that such a rule is too broad, for it must be borne in mind that the purpose of the rule is to prevent siphoning of sports events that have been regularly shown live over conventional TV. It is in the nature of many sports events (World Series, Super Bowl, etc.) that they have allure largely because of their timeliness. Though they may hold some interest for viewers if not shown at the moment they occur or very shortly thereafter, it is likely that permitting them to be shown on STV at a considerable remove in time from the actual occurrence of the events would not result in their being siphoned from conventional TV. It is possible that, for some reason, an STV operator might, on occasion, wish to show "old" sports events. We see no reason why he should not be allowed to do so.

15. If it is conceded that some delayed showings should be prohibited and some should not, the question then resolves itself into where to draw the line. Clearly instant replays should be prohibited. What about a half-hour delay? An hour delay? A 20-hour delay? Any such decision must, to some extent, be arbitrary. We are of the view that prohibiting delayed STV showing of a sports event on the same day that the event occurs, and permitting delayed STV showing thereafter, is a reasonable standard, and the rule we adopt today reflects this view. The rule, of course, also prohibits live showing over STV.

16. Delayed showing by conventional TV. ABC, Fitzgerald, and MST point to another deficiency. The rule as it now exists and as proposed protects against the siphoning to STV of sports events that have been regularly shown live over conventional television. Paragraph 305 of the Fourth Report and Order stated:

> * * * (I)t is our belief that only sports events that are broadcast live should be afforded protection, and the rule reflects this view. It appears unlikely that STV would wish, or be able, to sell taped sports programs. To the extent that they should do so, we believe that this sort of programming should be open to competition between the two TV services. This means, then, the showing of such a program as ABC's Wide World of Sports consisting, generally, of taped sports events would not prevent the showing of similar programs on STV.

The aforementioned parties suggest that we consider giving antisiphoning protection not only to sports events that are shown live over conventional TV, but also to those which that medium shows on a delayed basis.

17. ABC, for example, urges that antisiphoning protection be extended to sports events that are presented on conventional TV as brief tape delays if the event carried is not necessarily timely. At a minimum, it argues, certain events that occasion even shorter delays arising from coast-to-coast or international time differences, in order to accommodate the viewing habits of the public, should be protected. Finally, ABC believes that conventional TV programs like the "Wide World of Sports" (in which tapes are generally shown after a relatively long delay) present, in whole or in substantial part sports events that are otherwise not available and that they develop an audience for certain sports events that should not be taken away by STV. In this connection, it avers that taped sports programs and events otherwise not covered often provide a basic program ingredient for independent UHF stations.

18. Like ABC, MST mentions that the rule does not prevent siphoning of sports programing such as "Wide World of

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[3] Commissioner Bartley not participating; Commissioners Robert E. Lee and Johnson absent.

[1] Section 73.643(b)(2) governs the showing of sports events on over-the-air subscription television. Section 74.1121(a)(2) governs cablecasting. This document only amends the former section (see paragraph 5 infra).

[2] Comments were filed by: American Broadcasting Co. (ABC); Association of Maximum Service Telecasters, Inc. (MST); John R. Fitzgerald (Fitzgerald); National Association of Broadcasters (NAB); National Broadcasting Co., Inc. (NBC); National Cable Television Association, Inc. (NCTA); Vue-Metrics, Inc. (Vue-Metrics); and Zenith Radio Corp., and Teco, Inc. (Zenith-Teco). Reply comments were filed by: ABC; MST; Teleglobe Pay-TV System, Inc. (Teleglobe); and Lawrence M. Turet (Turet).

[5] Commission rules define "cablecasting" as "television programing distributed on a CATV system which has been originated by the CATV operator or by another entity, exclusive of television broadcast signals distributed on the system." 47 CFR 74.1001(1) (1969).

[6] Materials in the comments that pertains to the sports rule for cablecasting will be given consideration at a later date.

[8] Actually, under the present rule, the event would only have to be withheld for 1 year in order to be eligible for STV showing. Note 2 of the rule provides that the meaning of "televised live on a nonsubscription regular basis" will be construed in accordance with what is said in paragraphs 288–305 of the Fourth Report and Order in Docket No. 11279. These paragraphs state that sports events must have been shown over conventional TV in a community during each of the 2 years preceding proposed STV showing in order to be considered as having been broadcast on a regular basis during the 2-year period. Thus, if the event appeared on conventional TV during one of the 2 years but not the other, it would be eligible for showing on STV.

[9] Substantially the same bill has been introduced in the 92d Cong., 1st Sess., as H.R. 670. If that bill is passed, it will, of course, supersede the rule adopted by the Commission.

[7] NCTA opposed a 5-year standard, but since its comments were directed entirely to cablecasting, they are not considered herein. See Note 4 supra.

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Sports," and adds that antisiphoning protection is likewise not given to delayed play-by-play broadcasts of regular games. It, too, states that since such programing can be of importance in the development and survival of independent UHF stations the subject should be reconsidered.

19. Fitzgerald points out that the antisiphoning rule does not prevent the siphoning of tape-delayed programs and gives a specific example in New York City. He states that out-of-town games of the New York Rangers and the New York Knickerbockers are presented over conventional TV in New York on a half-hour or 1-hour videotape delayed basis. He mentions that for most viewers the results are virtually like live broadcasts. (Since the results are not known when the viewer tunes in, he says, the situation is not like ABC's "Wide World of Sports".) Mr. Fitzgerald suggests that protection should be given to such events by defining the word "live" as a telecast that is simultaneous with the actual occurrence of the event, or that is shown within a certain number of hours (less than 24) of its occurrence, or that is shown on delayed tape while the event is still in progress.

20. We agree to some extent with the foregoing arguments that events shown on a delayed basis on conventional television should be given antisiphoning protection. Thus, we think it clear that protection should be given in the type of situation mentioned by Fitzgerald where the delayed viewing of the event is virtually like viewing it live.[8] On the other hand, where the delay is substantial, as it often is in the case of the "Wide World of Sports," we still believe that the programing should be open to STV as well as to conventional TV. As with the matter dealt with in the preceding section, the question is where to draw the line. The rules adopted herein contain what appears to be a reasonable standard—that of affording antisiphoning protection to sports events that have been given delayed showing on conventional television on the same day that the events occurred. Coupling this with what has been said heretofore, what we do today means that if sports events were regularly televised[9] live or on a same-day delayed basis on conventional TV in a community during any one year of the 5 years preceding proposed subscription showing, the event may not be shown on STV, either live or on a same-day delayed basis in that community.[10]

[8] At the time that he filed his comments, the situation as to broadcast of Knickerbocker and Ranger games was as Fitzgerald described it. Since then (commencing in October 1970), those events have been carried live by the New York TV station. However, this does not detract from the validity of his argument concerning tape-delayed broadcasts in general.

[9] For the meaning of the term "regularly televised," see paragraphs 34–35 infra.

[10] As to the argument that tape-delayed sports events often provide a basic program ingredient of UHF stations and can be of importance to their development and survival, we think that this rule would have no adverse impact on UHF.

21. Sports programs consisting of both live and delayed showings by STV: ABC urges that sports events on conventional television that are presented live within a program such as "Wide World of Sports," that generally consists of tape-delayed broadcasts, should be extended antisiphoning protection. We see no reason why this should not be, and the rule will be construed to give protection both to live and to same-day delayed portions of such programs.

22. Other deficiencies in the proposal: In addition to arguments aimed at the foregoing fundamental shortcomings of the proposed rule, some arguments on lesser points are made. Thus, MST avers that the Olympics are broadcast only every 4 years and some other events—championship boxing matches, for example—may occur on less than an annual basis. Because of this, it is stated, such events would not have to be withheld from conventional TV too often, even under the proposed 5-year rule, to become available for showing on STV. Consequently, MST says, the new rule will offer little deterrent to the siphoning of events of this type.

23. We do not find these arguments persuasive. Whereas, for example, the televising rights of professional team games remain relatively constant over the years and those having such rights might conceivably withhold events from conventional TV in order to show them on STV thereafter, the televising rights to boxing matches may shift with changing fighters. Hence, in the case of boxing there would be no incentive to withhold. Instead, the motivation would be to take whatever revenues might be available at the time of a fight, for the opportunity to obtain STV revenues at a later date is not assured.

24. In the case of the Olympic games, even though the TV rights might be in the same hands over the years, it would seem more likely that there would be an incentive to obtain the immediate revenues at hand rather than withhold a conventional TV showing for the purpose of being able to use STV for subsequent Olympic games. Nevertheless, since we are tightening the sports rule with regard to events that usually occur annually, we are not averse to tightening it for the Olympics as well. Accordingly, the rule is being amended to provide that if the games appeared on conventional TV 1 year out of the 10 years immediately preceding proposed STV showing, they may not be shown on the latter medium. This provision will also be applied to any other events which regularly recur at intervals of more than a year.

25. MST also views as a loophole the fact that—according to paragraph 302 of the "legislative history" of the sports rule—if a conventional TV station has regularly broadcast some but not all of the home games of a local major league baseball team, STV may supplement this by showing additional home games. For example, if the conventional TV station had shown, on the average, five home games a season, STV in the community may show all but five. MST is of the opinion that "sports entrepreneurs could simply refuse to offer the games or could price them beyond the reach of free television and might be strongly motivated to do so in order to enhance the value to STV • • • of the games which they were transmitting."

26. Along the same vein, NBC states that the rule is not entirely adequate for it would be relatively simple for teams, such as professional football teams, whose "away" games are now carried on conventional TV and whose home games are not, to permit the showing of the home games on STV for a period of 5 years (while, presumably, still broadcasting the "away" games on conventional TV) and then to cease using conventional TV entirely—without jeopardizing a cent of current income.

27. In response to the foregoing suggested shortcomings of the rule, we repeat what we said in the Fourth Report and Order in Docket No. 11279. It is not our intent to create new markets for owners of television rights of sports events, and we shall observe the operation of the rule and take appropriate action to deal with any undesired developments. Thus, for example, if during one or more of the 5 years preceding proposed STV showing, some home games (e.g., on the average of five games per season) of a local major league baseball team have been shown on conventional TV, then under the rules STV could broadcast additional home games. If it should be called to our attention that the owners of TV rights to such events are refusing to offer "home" games to conventional TV or are pricing the events out of reach of that medium, we would take a close look at the matter. If our examination thereof revealed that the allegations were true, then STV would be precluded from showing those events.

28. We find unconvincing the NBC argument that teams would show home games over STV while continuing to show "away" games over conventional TV for 5 years and then discard conventional TV altogether. That they may use STV for home games not previously shown is clear under our rules. That they might simultaneously continue to use conventional TV for the "away" games is also clear, as is the fact that by doing this there would be no loss of current income. In fact there would be an increase of income since what formerly was income only from the "away" games would be supplemented by income from home games. But we do not understand why the teams would, after 5 years, decide to drop conventional TV altogether and give up the revenues from that medium for "away" games, for they could not then be shown over STV unless they were withheld for a period of 5 years.

29. Vue-Metrics, an applicant for an STV authorization for Philadelphia, poses a problem and suggests a modification of our proposed rule to meet it. The problem concerns situations in which a sports event is carried on conventional TV in a community for the first time. As examples, it mentions a new football bowl game, the regular season games of a professional soccer team, or the finals of a high school basketball championship. Vue-Metrics states that if the events were shown 1 year and were not thereafter presented on conventional TV because they did not provide a large enough share of the audience to attract advertisers, then, under the Commission's proposed rule, they could not be shown on STV until 5 years had elapsed even though there might be enough public interest to make the presentation of such events viable over STV.

30. To correct this anomaly, Vue-Metrics suggests that the Commission's proposed 5-year rule be amended to read as follows:

> Sports events may not be broadcast (live over STV) if such events, having been televised on a non-subscription, regular basis in the community during a period of two years or more, have been withheld from conventional television in the community, for any reason, for a period of less than five years prior to the proposed subscription broadcast.[11]

Vue-Metrics states that virtually all sports events that have been seen on conventional TV to date have been broadcast for 2 successive years or more and have proved to be commercially viable on conventional TV. Such programs, it states, could not be shown on STV, under its proposed amendment, unless they were withheld for 5 years. However, in the case of sports events that have proved to be commercial failures in their first showing over conventional TV, the events could, under the Vue-Metrics proposal, be shown the next year over STV.

31. In its reply comments, MST opposes the Vue-Metrics suggestion on two grounds. First, it states that there has been no showing that the problem posed is likely to be serious or widespread. Second, MST avers that siphoning can occur if the owner of TV rights to sports events refuses to permit their showing on conventional TV stations or if he prices the events outside the reach of such stations. It goes on to say that the latter would not be a "withholding" of the event under the Vue-Metrics proposal, and the event therefore could be shown on STV immediately. Without dwelling on the technicality of what constitutes a "withholding," we reject the Vue-Metrics proposal on the grounds that the hypothetical situation which the proposal would handle might, as MST suggests, not be serious or widespread, and on the relatively rare occasions when it might occur, the matter may be dealt with on a waiver basis on a showing that advertising support for the program on conventional TV is unavailable.

32. "Legislative history" of the sports rule—general. The notice stated that Note 2 (as well as Note 1) of the present sports rule would be carried over and made a part of the new rule (see paragraphs 5 and 10 supra). It pointed out that this meant that paragraphs 288–305 of the Fourth Report and Order in Docket No. 11279 (constituting the "legislative history" of the sports rule) would continue to be used as the basis for administering and construing the rule although some of the material therein would not be pertinent. Comments suggesting possible modifications or deletions of the concepts of the legislative history were invited.

[11] The context in which the suggestion is made in the Vue-Metrics comments appears to indicate that "during a period of 2 years or more" means that the sports events were televised for 2 successive years or more.

33. We reaffirm here our statement that the aforementioned legislative history will be used as a basis for administering and construing the new sports rule. However, the concepts in the legislative history are modified as indicated in the following paragraphs in order to take into account our changing from a 2-year sports rule, and recent developments in sports.

34. "Legislative history"—showing on a regular basis: Under the present rule and the legislative history, sports events are classified as "specific" or "nonspecific," and the latter are divided into well-defined categories. (This classification is discussed in detail in the Fourth Report and Order and will not be explained here.) Most specific events are of the type that recur on a periodic basis, usually annually, such as the World Series, the Super Bowl, Rose Bowl, Kentucky Derby, or the U.S. Open Golf Tournament. Some specific events, such as heavyweight title boxing matches, do not occur on a periodic basis. Nonspecific events usually occur on a yearly basis, such as football, baseball, or basketball games played during the regular seasons for those sports.

35. The present rule provides that sports events may not be shown on STV in a community if they were shown live over conventional TV in that community on a regular basis during the 2-year period immediately preceding proposed STV showing. A specific event that recurs on a yearly basis is considered to have been regularly shown over conventional TV during that 2-year period if it was shown in each year of that period. If the event was conventionally televised in a community during only 1 of the 2 years immediately preceding the proposed STV showing, it is not considered as having been regularly shown on conventional TV and may be shown on STV there.

36. Specific events that do not recur on a periodic basis, such as heavyweight title boxing matches, are considered to have been broadcast in a community on a regular basis over conventional TV during the 2-year period if all such fights occurring in that period were broadcast on that medium. If some were so broadcast and some were not (e.g. some might have been shown only over closed circuit TV), then the fights are not considered to have been broadcast on a regular basis for the 2-year period and they may be shown on STV in the community.

37. As to nonspecific events, the matter of regular showing is dealt with on a category-by-category basis. Thus, if a substantial number of events in a category have been televised over conventional TV in a community within each of the 2 years immediately preceding proposed STV showing, the category is considered to have been shown on a regular basis during the 2-year period and may not be shown there on STV. However, if during one of the 2 years a less than substantial number of events in the category have been shown over conventional TV in the community, the category is considered not to have been regularly shown and may be transmitted over STV there.

38. The new rule adopted today proscribes STV showing in a community (live or on a same-day delayed basis) of events that have been regularly shown on conventional TV in the community (live or on a same-day delayed basis) during any one year in the 5 years immediately preceding proposed STV showing there. The immediately following paragraphs spell out how this new rule will be applied. These paragraphs do not cover every conceivable situation that might arise, for to do so is perhaps impossible. However, the setting forth and discussion of some of the fundamental problems in administering the rule will, it is hoped, give guidance in the solving of other problems that may occur.

39. Under the rule adopted today, the term "any one year" does not mean "any one calendar year." Rather, it means any of the 1-year periods counting back from the date of proposed STV showing. Thus, if a proposed STV showing is June 15, 1972, the first 1-year period is from June 15, 1971, through June 14, 1972, the next 1-year period is from June 15, 1970, through June 14, 1971, and so on. Under the new rule, any category of nonspecific event, such as professional baseball games played during the regular season, will be considered to have been regularly shown on conventional TV in a community if during any one of the 5 years immediately preceding a proposed STV showing of the events in the community a substantial number of the events were shown on conventional TV there. However, if during each of the 5 years preceding proposed STV showing none or a less than substantial number of the events were shown on conventional TV in the community, then STV showing there would be permitted.

40. As to specific events that recur on an irregular basis, such as heavyweight title boxing matches, if in any year of the 5 years immediately preceding proposed STV showing in a community, one or more such events occurred and all of them were shown on conventional TV in the community during that year, the event will be considered to have been regularly shown on conventional TV in the community for that year, and STV showing there will be prohibited. However, if there is no year in the 5-year period during which all of the occurrences of such events in the year were shown on conventional TV in the community (e.g., none of those that occurred were on conventional TV, or some were on conventional TV and some were on closed circuit TV), then the event will be considered as not having been regularly shown in any one year of the 5-year period and STV showing in the community may take place.

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41. The method in which the rule will be applied to specific events that recur on a periodic basis (usually yearly) will be slightly different from the method used for nonspecific events and for irregularly recurring specific events outlined above. The following example illustrates the special problem that exists for periodic recurring events, and is followed by our solution to that problem. The most recent Super Bowl was played on January 16, 1972. It was, of course, widely shown on conventional TV stations throughout the country. Let us assume that the event is withheld from conventional TV in 1973, 1974, 1975, and 1976, and that it is scheduled to be played on January 18, 1977. Let us further assume that a party proposes to show the 1977 Super Bowl on January 18, 1977, over STV in a community and that the event was shown over conventional TV in that community on January 16, 1972. Counting back 5 years from January 18, 1977, brings one to January 18, 1972. Under a straightforward application of the rule, since the event was not shown on conventional TV in the community during any one of the 5 years immediately preceding the proposed STV showing there on January 18, 1977, it could be shown in that community on STC in 1977. On the other hand, had the 1977 event been scheduled to be played on January 5, 1977, a straightforward application of the rule would have prevented the 1977 STV showing in that community since the 5-year period preceding the proposed STV showing would have extended back to January 5, 1972, and the January 16, 1972 game would thus have been televised on conventional TV during that period.

42. We do not believe that the determination of whether a periodic recurring specific event of the type mentioned in our example may be shown on STV should hinge on the fortuitous circumstance that the event will occur on a varying date that does or does not bring the event within the straightforward application of the rule.[12] To us, the important thing in such cases is that an event has occurred periodically at intervals of approximately 1 year and that it has or has not been shown on conventional TV one or more of the five times that it occurred immediately before the proposed STV showing. Therefore, for such recurring specific events, if the proposed STV showing in a community has been immediately preceded by five successive occurrences of the event, which occurrences have not been shown on conventional TV in the community, then STV may show the event in that community although a straightforward application of the rule might preclude such showing. This means that in the Super Bowl example above, the event could not be shown on STV whether scheduled for January 5 or January 18, 1977.

43. Attention is invited to the fact that in the discussion above we have been careful to tie the conventional and STV showing to a specific community. In other words, sports events may generally be shown nationally, but not be shown on conventional TV in some communities. It is the fact that the event was or was not regularly shown in a community during any one of the 5 years preceding proposed STV showing there that is determinative. Whether it was so shown in other communities during that period is of no import, for the underlying rationale of the rule is that STV is to serve as a supplement to conventional TV in a community, and sports events that were regularly shown to that community on conventional TV are not to be siphoned to STV there.

44. "Legislative history"—new sports events. As previously stated, under the present rule, STV showing of sports events in a community is barred if they have been carried there on a nonsubscription regular basis during the 2 years immediately preceding the proposed STV showing. If they have not been so carried, they may be shown on STV there. The rule and the legislative history do not attempt to look into the question of why there was no conventional showing in the community. The mere fact that there has been no such showing is sufficient to all STV carriage.

45. Comments filed in the present proceeding have led us to the conclusion that the rule which we adopt today should distinguish between events that were not shown on conventional TV in a community simply because the events did not exist and those events that were in existence but were not carried on conventional TV in the community for any of a number of reasons (e.g., lack of community interest or advertiser support, a team's blackout policy prohibiting carriage of home games of a professional football team that the station would have liked to carry). Under the rule adopted today, events of the latter kind fall within the regular 5-year provisions previously stated; thus, for example, STV may carry professional football home games (if the team will permit this) that were previously blacked out and hence not shown locally on conventional TV during any one of the preceding 5 years, or high school basketball games not conventionally shown in the community during any one of the preceding 5 years because of lack of advertiser support.

46. In contrast with the aforementioned types of events which STV may carry if the 5-year provision of the rule is met, are events that STV proposes to carry that never existed before. These are of two kinds: (1) New events that are the result of restructuring of an existing sport, and (2) new events that are not the result of restructuring of an existing sport. An example of the former type of event is the Super Bowl which did not exist until 5 years ago when the first such event occurred in 1967. Suppose that STV had been operational and full blown at that time and that the 2-year sports rule had been in effect (actually, it was adopted in 1968 and became effective in 1969). Under that rule, STV could have shown the Super Bowl in 1967 since it would not have been shown on conventional TV during the 2 preceding years.

47. The example of the Super Bowl is not an isolated one. There are other examples, in both professional football and baseball, of new sports events which were the result of restructuring of existing sports. Prior to 1969 when the 2-year sports rule became effective, teams in each of the two major leagues played regular games during the baseball season and compiled a percentage record for their total games played. At the end of the season, the teams having the highest percentage in each league met in the World Series. If, on rare occasions, two teams were tied for a league title, a playoff occurred. The sports rule and the legislative history took into account this pattern of events that had existed for many years, and provided that regular season games would be viewed as nonspecific events, the World Series, as a specific event, and an occasional playoff for a league title, as a specific event.

48. In 1969, after the adoption of the sports rule, the leagues were restructured into two divisions each, and the World Series was preceded by division playoffs in each league (between the high percentage teams of each division) with the playoff winners in each league competing in the World Series. The division playoffs, as new events not previously shown on conventional TV, would have been eligible for STV showing. However, no STV operations were in existence, and the playoffs have been broadcast for the past 3 years in much the same manner as the World Series—each game of the playoff was broadcast and there was no blackout of the playoff game in the community where it was played.

9. In professional football, aside from the Super Bowl, other new events, resulting from restructuring, have also appeared. In 1970 the merger of the American and the National Football Leagues was completed with a resulting National Football League consisting of an American Conference and a National Conference. Each conference consists of three divisions. At the end of the season, the three divisional champions and a fourth team engaged in playoffs and the two victorious teams meet for the conference title.[13] The two conference champions meet in the Super Bowl.

50. ABC and NBC argue that the Commission should consider means for insuring against the possibility that sports entrepreneurs will revise the structures of their sports so as to "phase out" events now protected against siphoning and introduce new events that would not be so protected and hence would be eligible for STV showing. NBC urges that for the first 5 years of any new event STV be prohibited from carrying that event. This, it is argued, will favor the showing of the new events on conventional TV and allow that service to continue its expansion of sports service, and will inhibit the restructuring of sports events for the purpose of making them eligible for pay TV.

51. ABC states that the present sports rule tends to freeze conventional TV sports coverage at its present level. It argues that in recent years conventional TV has constantly expanded coverage of previously broadcast sports events and has added new events, and urges that the chance for such expanded availability of sports events should not be diminished. ABC suggests that, at a minimum, some form of notice and related procedure should be established so that interested parties would be in a position to seek a Commission ruling prior to the initial showing of a new event by STV. (It also urges that similar procedures be established to handle disputes over whether events have been regularly televised over conventional TV prior to their showing on STV.[14]) The suggestion implies, without specifically stating, that if the Commission were to find that there was a restructuring with the intent to make the new events available to STV, then it would rule that the events could not be shown immediately on STV.

52. The intent of the sports rule is to prevent siphoning of sports programing presently carried on conventional TV. Any phasing out of present events and introducing of new events for the specific purpose of showing the new events on STV would run directly counter to the intent of the rule and would not be condoned. It will be recalled that a cornerstone of our decision to establish STV as a regular service was that it could provide a beneficial supplement to the programing available on conventional TV. We are of the view that unless we devise rules to prevent it, there is a real likelihood that conventional TV sports telecasting as we know it may be undermined, as the comments suggest, and rendered minimal, so that STV would not be providing a beneficial supplement to, but, rather, a substitute for conventional TV sportscasting.

53. As mentioned above, NBC and ABC each suggest a way of handling this problem. NBC would have us adopt a rule that would "guarantee" to conventional TV for 5 years any new sports event by not permitting the showing of such an event over STV for such a period. The ABC alternative would provide for a form of notice and related procedures for new events so that the Commission could rule on whether a restructuring with intent to transfer events to STV had occurred. The ABC proposal is fraught with difficulties that would make its administration unwieldy. We are faced with the fact that sports are restructured and new events introduced for reasons entirely apart from the desire to gain revenues from STV. Witness, for example, the recent restructuring of major league baseball and professional football. It might prove to be a very difficult and time-consuming task to determine whether a restructuring was for the purpose of achieving STV showings. On the other hand, a rule based on the NBC proposal would be clear and easy to administer, and we are therefore writing into the sports rule a provision that new events that are the result of restructuring of an existing sport will be available to conventional TV and unavailable to STV until 5 years after their first occurrence.

54. To avoid confusion over this provision governing news sports events which are the result of restructuring, we shall elaborate on how it would operate. During the first 5 years after such a new event first occurred, it could only be shown on conventional TV, and would be barred from STV showing. Thereafter, whether the event could or could not be shown on STV in a community would depend on whether it had been shown there on conventional TV during the 5-year "protected period."[15] If it had not been shown at all during that period, it would be permitted on STV in the sixth year. If it had been shown on a nonsubscription regular basis (as discussed above) during any one year of the 5-year "protected period," then it would be barred from STV showing in the sixth year. In other words, after the 5-year "protected period," the regular 5-year rule would become applicable. And it would be applicable not only to proposed STV showings in the sixth year but to proposed STV showings thereafter. Thus, if it were not proposed to be shown on STV in the sixth year, but were proposed in the seventh year of the event, one would look to the 5 years immediately preceding the proposed STV showing (one of which years would be in the "unprotected period" and four of which would be in the "protected period") to see if the general 5-year rule barred STV showings.

55. In paragraph 46, supra, we stated that there are two kinds of new sports events—those that are the result of restructuring of an existing sport and those that are not the result of restructuring. The foregoing discussion has been limited to the former, and the rule affording a 5-year protected period, just described, applies only to the former.

56. As mentioned, however, there are new events that could arise for reasons other than restructuring of an existing sport. For example, a group of entrepreneurs conceivably might decide to form a National Cricket League and have regular games during a "cricket season" culminating in a championship game or series of games. Similarly, an American Jai Alai League might be founded with regular seasonal games and a championship game or series. New events of this kind will not fall within the purview of the "5-year protected period" rule. Instead, when such new events develop, we shall examine the situation existing at that time and determine, in the light of the existing circumstances, whether they will be permitted to be shown on STV. This method is consistent with our statement in the Fourth Report and Order (paragraph 304) in which we stated that we would face developing situations as they arise.

57. Finally, attention is invited to paragraphs 29–31, supra. Consistent with the discussion in those paragraphs, if a new sports event (whether or not it resulted from restructuring of an existing sport) were introduced and regularly shown on conventional TV during, say, the first and/or second year of its occurrence and then dropped by that medium thereafter because of lack of advertiser support, and if an STV operator wished thereafter to show it, we would consider granting a waiver of the general 5-year rule or the "5-year protected period" rule, as appropriate, on a proper showing that the event could not be sold to conventional TV.

ORDERS

58. Authority for the rule amendments adopted herein is contained in sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

59. *Accordingly, it is ordered,* That the rules contained below are adopted, effective May 9, 1972: *It is further ordered,* That this proceeding is terminated.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309; 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309)

Adopted: March 23, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[16]

[SEAL] BEN F. WAPLE,
Secretary.

1. Section 73.643(b)(2) of the Commission rules and regulations is amended to read as follows:

§ 73.643 General operating requirements.

. . . . . .

(b) Subscription television broadcast programs shall comply with the following requirements:

. . . . . .

(2) Sports events shall not be broadcast live or on a same-day delayed basis which have been televised live, or same-day delayed, on a nonsubscription, regular basis in the community during any 1

[12] It is not inconceivable, of course, that the holders of TV rights to a periodically recurring specific event might intentionally schedule it on a date that would place it outside the proscription of the rule. Our treatment of periodically recurring specific events, however, takes care of both fortuitous and intentional variations of dates.

[13] In administering the sports rule, professional baseball division playoffs, and professional football division playoffs and conference title games, will be dealt with as specific events. Concerning playoffs, in some sports, that are not viewed as specific events, see paragraph 297 of the legislative history in the Fourth Report and Order.

[14] We see no present need for such procedures.

[15] "Protected period," as used herein, means the first 5 years after a new event first occurs during which it may not be shown on STV.

[16] Commissioner Bartley dissenting and issuing a statement which is filed as part of the original document. Commissioners Robert E. Lee and Johnson absent.

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year in the 5 years preceding their proposed subscription broadcast. If a regularly recurring event takes place at intervales of more than 1 year (e.g., summer Olympic games), the aforementioned proscription shall be 1 year in the preceding 10 years, rather than 1 year in the preceding 5 years. Moreover, new sports events that result from the restructuring of existing sports shall not be broadcast on a subscription basis until 5 years after their first occurrence; thereafter, subscription showing will be governed by the provisions of the first sentence of this subparagraph. Determinations as to whether new sports events that are not the result of the restructing of existing sports may be shown on a subscription basis will be made by the Commission as such new events occur.

NOTE 1: In determining whether a sports event has been televised in a community on a nonsubscription basis, only commercial television broadcast stations which place a Grade A contour over the entire community will be considered. Such atations need not necessarily be licensed to serve that community.

NOTE 2: The manner in which this subparagraph will be administered and in which "sports," "sports events," "New sports events," and "televised on a nonsubscription, regular basis" will be construed is explained in paragraphs 288–305 of the fourth report and order in Docket No. 11279, 15 FCC 2d 466, as modified by paragraphs 32–57 of the report and order in Docket No. 18893, ------ FCC 2d -------.

. . . . . .

[FR Doc.72-5065 Filed 4-3-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1488]

[GSM–4, Rev. II]

EXPORT CREDIT SALES PROGRAM

Financing of Export Sales of Agricultural Commodities From Private Stocks

Pursuant to the authority contained in section 5(f), 62 Stat. 1072 and section 4, 80 Stat. 1538, the Commodity Credit Corporation proposes to amend paragraphs A.1. of Supplements I and II to GSM–4, Revision II, Regulations Covering Export Financing of Sales of Agricultural Commodities under the CCC Export Credit Sales Program.

Interested persons may submit written comments, suggestions, or objections related to the proposed amendments to Director, CCC Credit Sales Division, Export Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than 30 days following the publication of this notice in the FEDERAL REGISTER. The comments, suggestions, or objections will be open to public inspection during this 30-day period at the office of the Director from 8:15 a.m. to 4:45 p.m. (local time) of each business day (7 CFR 1.27 (b)).

1. The amendment of paragraph A.1. of Supplement I redefines "port value" by increasing the financing limits for beef breeding animals under the CCC Export Credit Sales Program. As amended, paragraph A.1. of Supplement I to GSM–4, Revision II, will read as follows:

1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c.i.f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, $1,350 each or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $2,750 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $750 each or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $1,100 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, an average, for the sale, of $500 each or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $700 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. The amendment of paragraph A.1. of Supplement II redefines "port value" by increasing the financing limits for dairy breeding animals under the CCC Export Credit Sales Program. As amended, paragraph A.1. of Supplement II to GSM–4, Revision II, will read as follows:

1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c.i.f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $2,000 each for registered bulls which have an acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $3,500 if such animal has a superior performance index as set out in paragraph D.2. of Exhibit II; (b) $900 each for registered females which have an acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $1,500 if such animal has a superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $1,750 each for registered mature cows which have a superior performance index as set out in paragraph D.3. of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Commercial Credit and Barter, $925 each for nonregistered mature cows which have a superior performance index as set out in paragraph D.3. of Exhibit I; or (e) $750 average for the sale of nonregistered females, other than mature cows with a superior performance index, if each such animal has an acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1. and the contract price for individual registered animals or nonregistered mature cows with a superior performance index, or the average contract price for nonregistered females, other than mature cows with a superior performance index, shall not be included as a part of the port value.

Signed at Washington, D.C., on March 28, 1972.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

[FR Doc.72-5132 Filed 4-3-72;8:52 am]

Consumer and Marketing Service

[7 CFR Part 1201]

TYPE 62 SHADE-GROWN, CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Proposed Expenses and Rate of Assessment for 1972–73 Fiscal Period

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 shade-grown, cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1973.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1973.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to the notice will be made available for public

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inspection at the office of the Hearing Clerk during official hours of business.

Done at Washington, D.C., this 30th day of March 1972.

JACK THOMASON,
Director, Tobacco Division, Consumer and Marketing Service.

[FR Doc.72-5129 Filed 4-3-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-CE-7]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Moberly, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Omar Bradley Airport, Moberly, Mo. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Moberly, Mo.

In consideration of the foregoing, the Federal Aviation Administration proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

MOBERLY, MO.

That airspace extending upwards from 700 feet above the surface within a 6.5-statute-mile radius of the Omar N. Bradley Airport (latitude 39°27'50" N., longitude 92°25'40" W.) and 3 miles either side of the 317° bearing from the airport extending from the 6.5-mile radius to 8 miles northwest, and that airspace extending upwards from 1,200 feet above the surface 9.5 miles southwest and 5 miles northeast of the 317° bearing from the airport extending from the airport to 18.5 miles northwest and 6.5 miles southeast.

This amendment is propsed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 9, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-5055 Filed 4-3-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-CE-8]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area as Mason City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

New public use instrument approach procedures have been developed for the Mason City Municipal Airport, Mason City, Iowa. Accordingly, it is necessary to alter the Mason City transition area to adequately protect aircraft executing the new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

MASON CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Mason City Municipal Airport (latitude 43°09'25" N., longitude 93°19'54" W.); within 5 miles each side of the Mason City VORTAC 002° radial, extending from the 9-mile radius area to 24½ miles north of the VORTAC; and within 4½ miles west and 9½ miles east of the Mason City VORTAC 182° and 002° radials, extending from 5 miles north to 24½ miles south of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of Mason City VORTAC; and within 4½ miles east and 10 miles west of the Mason City VORTAC 002° radial, extending from the 24-mile radius area to 34½ miles north of the VORTAC, excluding the portion which overlies the Albert Lea, Minn., transition area and Charles City, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 9, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-5056 Filed 4-3-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Middletown, N.Y., Transition Area (37 F.R. 2240).

A new NDB-A instrument approach procedure has been developed for Randall Airport, Middletown, N.Y., which requires alteration of the transition area to contain IFR arrivals and departures at Randall Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Middletown, N.Y., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Middletown, N.Y., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center 41°25'54" N., 74°23'40" W., of Randall Airport, Middletown, N.Y., and within 2 miles each side of the Huguenot, N.Y., VORTAC 082° radial, extending from the 7-mile-radius area to the VORTAC, excluding the portion that coincides with the Newburgh, N.Y., 700-foot-floor transition area. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[F.R. Doc. 72-5057; Filed, 4-3-72; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-28]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Meadville, Pa., Transition Area (37 F.R. 2238).

A revision of the VOR instrument approach procedure for Port Meadville Airport, Meadville, Pa., requires alteration of the Meadville, Pa., 700-foot-floor transition area to protect IFR arrivals and departures at Port Meadville Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Meadville, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Meadville, Pa., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 41°37'37" N., 80°12'51" W., of Port Meadville Airport, Meadville, Pa.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-5058 Filed 4-3-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-29]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Gaithersburg, Md., Transition Area (37 F.R. 2199).

A revision of the NDB instrument approach procedure for Montgomery County Airport, Gaithersburg, Md., requires alteration of the transition area to protect IFR arrivals and departures at Montgomery County Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Gaithersburg, Md., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Gaithersburg, Md., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center 39°09'54" N., 77°10'00" W. of Montgomery County Airport, Gaithersburg, Md., and within 3 miles each side of the 008° bearing from the Gaithersburg, Md., RBN 39°10'06" N., 77°09'42" W., extending from the 8.5-mile-radius area to 8.5 miles north of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 21, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-5059 Filed 4-3-72;8:46 am]

Hazardous Materials Regulations Board

[49 CFR Parts 171, 173, 178]

[Docket No. HM-99; Notice 72-3]

TRANSPORTATION OF HAZARDOUS MATERIALS

Specifications 3AX, 3AAX, and 3T Cylinders

The Hazardous Materials Regulations Board is considering amendments to §§ 171.7, 173.34, 173.301, 173.302, and 173.304, and addition of a new § 178.45, to provide for the shipment of certain gases in large cylinders or tubes mounted on a motor vehicle.

These proposed changes are based on several outstanding permits and two petitions for rule change from the Compressed Gas Association, Inc. Nineteen shippers, including most major gas suppliers, are involved in the special permits which have been outstanding for up to 4 years. Consequently, the Board has evaluated considerable experience data. It has found that, without exception, all reports have cited satisfactory experience, without loss of any product.

Although not specifically covered by petitions, the Board specified several special conditions of transportation in the permits and is proposing them in this rule making action. These special conditions are covered essentially by the proposed new paragraph (l) to § 173.301.

Also covered by this notice are matters relating to manufacturer's registration

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and method of maintaining cylinder reports. However, the purposes of the Board regarding these new items have been the subject of similar rule making actions in Dockets HM-27 and HM-69, and, therefore, are not discussed specifically in this docket.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 178 would be amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7 paragraphs (c) (13) and (d) (8) would be added to read as follows:

§ 171.7 Matter incorporated by reference.

• • • • • •

(c) • • •

(13) Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(d) • • •

(8) U.S. Department of Commerce, National Bureau of Standards Handbook H 28 (1957)—Part II is titled, "Screw-Thread Standards for Federal Services 1957", December 1966 edition.

PART 173—SHIPPERS

§ 173.34 [Amended]

(A) In § 173.34 paragraph (e) Table, the following would be added as the ninth entry: "3T----------5/3 times service pressure------5".

(B) In § 173.301 paragraph (h) Table would be amended by adding, "DOT-3AX" and "DOT-3AAX" as the fifth and eighth entries respectively in the first column and "DOT-3T" as the third entry in the second column; paragraph (d) (1) would be amended; paragraph (l) would be added to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.[1]

• • • • •

(d) • • •

(1) Manifolding is authorized for containers of the following gases: argon, air, carbon dioxide, helium, neon, nitrogen, nitrous oxide, or oxygen provided that each container is individually equipped with safety relief devices as required by § 173.34(d) or § 173.315(l).

• • • • •

(l) Specifications 3AX, 3AAX, and 3T cylinders are authorized for transportation only when horizontally mounted on a motor vehicle and when valves and safety devices are protected, as follows:

(1) Each cylinder must be fixed at the rear end of each vehicle with provisions for thermal expansion at the forward attachment to the vehicle;

(2) The valve and safety relief device protective structure must be sufficiently strong to withstand a force equal to twice the weight involved with a safety factor of four, based on the ultimate strength of the material used; and

(3) Each discharge for a safety relief device on a cylinder containing a flammable gas must be upward and unobstructed.

(C) In § 173.302, paragraph (a) (3), the introductory text of paragraph (c), (c) (3) Table, and paragraph (f) would be amended to read as follows:

§ 173.302 Charging of cylinders with non liquefied compressed gases.

(a) • • •

(3) Specification 3AX, 3AAX, or 3T (§§ 178.36, 178.37, 178.45 of this chapter) cylinders are authorized only for the following non liquefied gases: air, argon, carbon monoxide, ethane, ethylene, helium, hydrogen, methane, neon, nitrogen, or oxygen, except that specification 3T is not authorized for hydrogen.

• • • • • •

(c) *Special filling limits for Specifications 3A, 3AX, 3AA, 3AAX, and 3T cylinders.* Specifications 3A, 3AX, 3AA, 3AAX, and 3T (§§ 178.36, 178.37, 178.45 of this chapter) cylinders may be charged with compressed gases, other than liquefied, dissolved, poisonous, or flammable gases to a pressure 10 percent in excess of their marked service pressure, provided:

• • • • • •

(3) • • • .

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in §§173.34 (a), (b), 173.301(j) (see notes following table)
(change)	*Percent*	
Carbon dioxide, liquefied (see Notes 3, 4, 7, and 8).	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.
Carbon dioxide-nitrous oxide mixture (see Notes 7 and 8).	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT 3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.
Ethane (see Notes 8 and 9)	35.8	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-39.
Do	36.8	DOT-3A2000; DOT-3AX2000; DOT-3AA2000; DOT-3AAX2000; DOT-3T2000; DOT-39.
Ethylene (see Notes 8 and 9)	31.0	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-39.
Do	32.5	DOT-3A2000; DOT-3AX2000; DOT-3AA2000; DOT-3AAX2000; DOT-3T2000; DOT-39.
Do	35.5	DOT-3A2400; DOT-3AX2400; DOT-3AA2400; DOT-3AAX2400; DOT-3T2400; DOT-39.
Nitrous oxide (see Notes 7 and 8)	68	DOT-3A1800; DOT-3AX1800; DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.

• • • • • •

(f) *Carbon monoxide.* Carbon monoxide must be shipped in a specification 3A, 3AX, 3AA, 3AAX, 3, 3E, or 3T (§§ 178.36, 178.37, 178.42, 178.45) cylinder having a minimum service pressure of 1,800 p.s.i.g. The pressure in the cylinder must not exceed 1,000 p.s.i.g. at 70° F. except that if the gas is dry and sulfur free, a cylinder may be charged to five-sixths the cylinder service pressure or 2,000 p.s.i.g., whichever is the lesser.

(D) In § 173.304 paragraph (a) (2) the table would be amended as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) • • •

(2) • • •

Type of steel	Average wall stress limitation	Maximum wall stress limitation
(add)		
Steel of analysis and heat treatment specified in Spec. DOT-3T----------	87,000	94,000

• • • • • •

PART 178—SHIPPING CONTAINER SPECIFICATIONS

(A) In Part 178 Table of Contents, § 178.45 would be added to read as follows:

Sec.

178.45 Specification 3T; seamless steel cylinder.

(B) Section 178.45 would be added to read as follows:

§ 178.45 Specification 3T; seamless steel cylinder.

§ 178.45–1 Compliance.

Each cylinder must meet the applicable requirements of § 173.24 of this chapter.

§ 178.45–2 Type, size, and service pressure.

(a) *Type.* Each cylinder must be of seamless construction with integrally formed heads concave to pressure at both ends. The inside head shape must be hemispherical, ellipsoidal in which the major axis is two times the minor axis, or a dished shape falling within these two limits. Permanent closures formed by spinning are prohibited.

(b) *Size.* The minimum water capacity is 1,000 pounds.

(c) *Service pressure.* The minimum service pressure is 1,800 p.s.i.

§ 178.45–3 Inspection by whom and where.

Inspection of each cylinder must be performed by a competent and disinterested inspector, acceptable to the Bureau of Explosives. Chemical analyses and tests must be performed within the limits of the United States.

[1] Requirements covering cylinders are also applicable to spherical pressure vessels.

§ 178.45–4 Duties of the inspector.

(a) The inspector must determine that all materials are in compliance with the requirements of this specification.

(b) The inspector must verify compliance with the requirements of § 178.45–5 by making a chemical analysis or obtaining a certified chemical analysis from the material manufacturer for each heat of material. If an analysis is not provided by the material manufacturer, a sample from each heat must be analyzed.

(c) The inspector must determine that each cylinder is made and marked in compliance with this specification by:

(1) Complete internal and external inspection;

(2) Verification of proper heat treatment;

(3) Selection of samples to be tested;

(4) Witnessing all tests;

(5) Verification of threads by gage; and

(6) Preparation of required report.

§ 178.45–5 Material, steel.

(a) Only open hearth, basic oxygen, or electric furnace process steel of uniform quality is authorized. The steel analysis must conform to the following:

ANALYSES TOLERANCES

Element (percent)	Ladle analysis	Check analysis Under	Check analysis Over
Carbon	0.35–0.50	0.03	0.04
Manganese	0.75–1.05	0.04	0.04
Phosphorus (max)	0.035	-------	0.01
Sulfur (max)	0.04	-------	0.01
Silicon	0.15–0.35	0.02	0.03
Chromium	0.80–1.15	0.05	0.05
Molybdenum	0.15–0.25	0.02	0.02

(b) A heat of steel made under these specifications, the ladle analysis of which is slightly out of the specified range, is acceptable if satisfactory in all other respects. However, the check analysis tolerances shown in the above table may not be exceeded except as approved by the Department.

(c) Material with seams, cracks, laminations, or other injurious defects is not permitted.

(d) Material used must be identified by any suitable method.

§ 178.45–6 Manufacture.

(a) General manufacturing requirements are as follows:

(1) Dirt and scale must be removed prior to inspection and processing.

(2) Surface finish must be uniform and reasonably smooth.

(3) Inside surfaces must be clean, dry, and free of loose particles.

(4) No defect of any kind is permitted if it is likely to weaken a finished cylinder.

(b) If the cylinder surface is not originally free from the defects described in paragraph (a) of this section, the surface may be machined or otherwise treated to eliminate these defects provided the minimum wall thickness is maintained.

(c) Welding or brazing on a cylinder is not permitted.

§ 178.45–7 Wall thickness.

(a) The minimum wall thickness must be such that the wall stress at the minimum specified test pressure does not exceed 67 percent of the minimum tensile strength of the steel as determined by the physical tests required in §§ 178.45–14 and 178.45–15. A wall stress of more than 90,500 p.s.i. is not permitted. The minimum wall thickness for any cylinder may not be less than 0.225 inch.

(b) Calculation of the stress for cylinders must be made by the following formula:

$$S=\frac{P\,(1.3D^2+0.4d^2)}{D^2-d^2}$$

where:

S=Wall stress in pounds per square inch;
P=Minimum test pressure, at least 5/3 service pressure;
D=Outside diameter in inches;
d=Inside diameter in inches.

(c) Each cylinder must meet the following additional requirements which assumes a cylinder horizontally supported at its two ends and uniformly loaded over its entire length. This load consists of the weight per inch of length of the straight cylindrical portion filled with water compressed to the specified test pressure. The wall thickness must be increased when necessary to meet this additional requirement.

(1) The sum of two times the maximum tensile stress in the bottom fibers due to bending (see subdivision (i) of this subparagraph), plus the maximum tensile stress in the same fibers due to hydrostatic testing (see subdivision (ii) of this subparagraph) may not exceed 80 percent of the minimum yield strength of the steel at this maximum stress.

(i) The following formula must be used to calculate the maximum tensile stress due to bending:

$$S=\frac{Mc}{I}$$

where:

S=Tensile stress in pounds per square inch;
M=Bending moment in inch-pounds $\left(\frac{wl^2}{8}\right)$;
I=Moment of inertia—0.04909 (D^4-d^4) in inches fourth;
c=Radius $\left(\frac{D}{2}\right)$ of cylinder in inches;
w=Weight per inch of cylinder filled with water;
l=Length of cylinder in inches;
D=Outside diameter in inches;
d=Inside diameter in inches.

(ii) The following formula must be used to calculate the maximum longitudinal tensile stress due to hydrostatic test pressure:

$$S=\frac{A_1P}{A_2}$$

where:

S=Tensile stress in pounds per square inch;
A_1=Internal area in cross section of cylinder in square inches;
P=Hydrostatic test pressure in pounds per square inch;
A_2=Area of metal in cross section of cylinder in square inches.

§ 178.45–8 Heat treatment.

(a) Each completed cylinder must be uniformly and properly heat treated prior to testing, as follows:

(1) Each cylinder must be heated and held at the proper temperature for at least 1 hour per inch of thickness based on the maximum thickness of the cylinder and then quenched in a suitable liquid medium having a cooling rate not in excess of 80 percent of water. The steel temperature on quenching must be that recommended for the steel analysis, but it must never exceed 1,750° F.

(2) After quenching, each cylinder must be reheated to a temperature below the transformation range but not less than 1,050° F., and must be held at this temperature for at least 1 hour per inch of thickness based on the maximum thickness of the cylinder. Each cylinder must then be cooled under conditions recommended for the steel.

§ 178.45–9 Openings.

(a) Openings are permitted on heads only.

(b) The size of any centered opening in a head may not exceed one-half the outside diameter of the cylinder.

(c) Openings in a head must have ligaments between openings of at least three times the average of their hole diameter. No off-center opening may exceed 2.625 inches in diameter.

(d) All openings must be circular.

(e) All openings must be threaded. Threads must be in compliance with the following:

(1) Each thread must be clean cut, even, without any checks, and to gage.

(2) Taper threads, when used, must be the American Standard Pipe thread (NPT) type and must be in compliance with the requirements of NBS Handbook H–28, Part II, section VII.

(3) Taper threads conforming to National Gas Taper thread (NGT) standards must be in compliance with the requirements of NBS Handbook H–28, Part II, sections VII and IX.

(4) Straight threads conforming with National Gas Straight thread (NGS) standards are authorized. These threads must be in compliance with the requirements of NBS Handbook H–28, Part II, sections VII and IX.

§ 178.45–10 Safety devices and protection for valves, safety devices, and other connections.

Safety devices and protection arrangements for valves, safety devices, and other connections must be in compliance with § 173.34(d) of this chapter. See also § 173.301(l) of this chapter.

§ 178.45–11 Hydrostatic test.

(a) Each cylinder must be tested at an internal pressure by the water jacket method or other suitable method. The testing apparatus must be operated in a

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manner that will obtain accurate data. Any pressure gage used must permit reading to an accuracy of 1 percent. Any expansion gage used must permit reading of the total expansion to an accuracy of 1 percent.

(b) Any internal pressure applied to the cylinder after heat treatment and before the official test may not exceed 90 percent of the test pressure.

(c) The pressure must be maintained sufficiently long to assure complete expansion of the cylinder. In no case may the pressure be held less than 30 seconds.

(d) If, due to failure of the test apparatus, the required test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 p.s.i., whichever is the lower.

(e) Permanent volumetric expansion of the cylinder may not exceed 10 percent of its total volumetric expansion at the required test pressure.

(f) Each cylinder must be tested to at least 5/3 times its service pressure.

§ 178.45–12 Ultrasonic examination.

After the hydrostatic test, the cylindrical section of each vessel must be examined in accordance with ASTM Standard A–388–67 using the angle beam technique. The equipment used must be calibrated to detect a notch equal to 5 percent of the design minimum wall thickness. Any discontinuity indication greater than that produced by the 5 percent notch shall be cause for rejection of the cylinder unless the discontinuity is repaired within the requirements of this specification.

§ 178.45–13 Basic requirements for tension and Charpy impact tests.

(a) When the cylinders are heat treated in a batch furnace, two tension specimens and three Charpy impact specimens must be tested from one of the cylinders or a test ring from each batch. The lot size represented by these tests may not exceed 200 cylinders.

(b) When the cylinders are heat treated in a continuous furnace, two tension specimens and three Charpy impact specimens must be tested from one of the cylinders or a test ring from each 4 hours or less of production. However, in no case may a test lot based on this production period exceed 200 cylinders.

(c) Each specimen for the tension and Charpy impact tests must be taken from the side wall of a cylinder or from a ring which has been heat treated with the finished cylinders of which the specimens must be representative. The axis of the specimens must be parallel to the axis of the cylinder. Each cylinder or ring specimen for test must be of the same diameter, thickness, and metal as the finished cylinders they represent. A test ring must be at least 24 inches long with ends covered during the heat treatment process so as to simulate the heat treatment process of the finished cylinders it represents.

(d) A test cylinder or test ring need represent only one of the heats in a furnace batch provided the other heats in the batch have previously been tested and have passed the tests and that such tests do not represent more than 200 cylinders from any one heat.

(e) The test results must conform to the requirements specified in §§ 178.45–14 and 178.45–15.

(f) When the test results do not conform to the requirements specified, the cylinders represented by the tests may be reheat treated and the tests repeated. Paragraph (e) of this section applies to any retesting.

§ 178.45–14 Basic conditions for acceptable physical testing.

(a) The following criteria must be followed to obtain acceptable physical test results:

(1) Each tension specimen must have a gage length of 2 inches with a width not exceeding 1½ inches. Except for the grip ends, the specimen may not be flattened. The grip ends may be flattened to within 1 inch of each end of the reduced section.

(2) A specimen may not be heated after heat treatment specified in § 178.45–8.

(3) The yield strength in tension must be the stress corresponding to a permanent strain of 0.2 percent of the gage length.

(i) This yield strength must be determined by the "offset" method or the "extension under load" method described in ASTM Standard E8–69.

(ii) For the "extension under load" method, the total strain (or extension under load) corresponding to the stress at which the 0.2 percent permanent strain occurs may be determined with sufficient accuracy by calculating the elastic extension of the gage length under appropriate load and adding thereto 0.2 percent of the gage length. Elastic extension calculations must be based on an elastic modulus of 30 million. However, when the degree of accuracy of this method is questionable, the entire stress-strain diagram must be plotted and the yield strength determined from the 0.2 percent offset.

(iii) For the purpose of strain measurement, the initial strain must be set with the specimen under a stress of 12,000 p.s.i. and the strain indicator reading set at the calculated corresponding strain.

(iv) The crosshead speed of the testing machine may not exceed one-eighth inch per minute during the determination of yield strength.

(4) Each impact specimen must be Charpy V-notch type size 10 mm x 10 mm taken in accordance with paragraph 11 of ASTM Standard A–333–67. When a reduced size specimen is used, it must be the largest size obtainable.

§ 178.45–15 Acceptable physical test results.

(a) Results of physical tests must conform to the following:

(1) The tensile strength may not exceed 155,000 p.s.i.

(2) The elongation must be at least 16 percent for a 2-inch gage length.

(3) The Charpy V-notch impact properties for the three impact specimens, which must be tested at 0° F., may not be less than the values shown below:

Size of specimen (mm)	Average value for acceptance 3 specimens	Minimum value 1 specimen only of the 3
	Foot pounds	*Foot pounds*
10.0 x 10.0	25	20
10.0 x 7.5	21	17
10.0 x 5.0	17	14

(4) After the final heat treatment, each vessel must be hardness tested on the cylindrical section. The tensile strength equivalent of the hardness number obtained may not be more than 165,000 p.s.i. (R_c 36). When the result of a hardness test exceeds the maximum permitted, two or more retests may be made; however, the hardness number obtained in each retest may not exceed the maximum permitted.

§ 178.45–16 Rejected cylinders.

(a) Reheat treatment is authorized. However, each reheat treated cylinder must subsequently pass all the prescribed tests.

(b) Repair by welding is not authorized.

§ 178.45–17 Markings.

(a) Marking must be done by stamping into the metal of the cylinder. All markings must be legible and located on a shoulder.

(b) Required markings are as follows:

(1) DOT–3T, followed by the service pressure (for example: DOT–3T1800);

(2) A serial number;

(3) The registration number of the manufacturer (M ****);

(4) The inspector's official mark near the serial number;

(5) The tare weight in pounds; and

(6) The date of the test (for example 5–72 for May 1972), so placed that dates of subsequent tests may be easily added.

(c) Markings must be at least one-half inch high.

(d) The markings prescribed by paragraphs (b) (1), (2), and (3) of this section must be displayed one immediately below the previous one as follows:

DOT–3T1800
1234
M 6789

(e) No person may mark any cylinder with the specification identification "DOT–3T" unless (1) it was manufactured in compliance with the requirements of this section and (2) its manufacturer has a registration number (M ****) from the Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

§ 178.45–18 Inspector's report.

(a) The inspector's report must be retained indefinitely by the manufacturer as long as DOT–3T cylinders are authorized for use by these regulations and a copy must be supplied the purchaser and owner of each cylinder. Upon sale by the original purchaser or owner, a copy of the report must be furnished the buyer. The manufacturer and owner must keep all reports available for examination upon request by representatives of the Department.

(b) Each report must be legible, and contain at least the following information:

INSPECTION REPORT COVERING THE MANUFACTURE OF SPECIFICATION DOT–3T CYLINDERS

The cylinders covered by this report were manufactured for _____ located at _____ They were manufactured by _____ located at _____ The cylinders are _____ inches in diameter (OD), _____ inches in length, and have a minimum wall thickness of _____ inches. The calculated stress is _____ p.s.i. under a test pressure of _____ p.s.i. The marks stamped into the shoulder of the cylinder are:

Specification DOT– _____;
Serial Nos. _____ to _____ inclusive;
Inspector's mark _____;
DOT registration number M_____;
Tare weight _____;
Test date _____;
Other marks (if any) _____

These cylinders were made by process of _____. The cylinders were heat treated by the process of _____. The metal used was identified by the following _____ (heat-purchase order) numbers _____. The metal used was verified as to chemical analysis as shown in the "Record of Chemical Analysis of Metal" attached hereto. The heat numbers _____ (were–were not) _____ marked on the metal.

All material was inspected visually and by ultrasonic means and all that was accepted was found free of injurious defects which might significantly affect the strength of the cylinder. The processes of manufacture and heat treatment of cylinders were observed and found satisfactory.

The cylinder walls and outside diameter were measured and the calculated stress for the cylinder design covered herein was verified.

Hydrostatic test, physical tests of the material, and other tests as prescribed in specification DOT–3T were made in the presence of the inspector. All materials, tests results, and cylinders accepted were found to be in compliance with the requirements of that specification and records therefor are attached hereto.

I hereby certify that all these cylinders proved satisfactory in every way and are in compliance with the requirements of Department of Transportation Specification 3T.

Inspector's name _____ (Print)
Signed _____ (Inspector)
Inspector's employer _____ (Name and address)
Place _____
Date _____
(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	Chemical analysis						
				C	P	S	Si	Mn	Cr	Mo

The analyses were made by _____ (Signed) _____
Inspector's name _____ (Print)
Inspector's employer _____ (Name and address)
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive. Size _____ inches outside diameter by _____ inches long made by _____ Company for _____ Company.

Test No.	Cylinders represented by test (serial nos.)	Yield strength at 0.2 percent offset (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 2 inches)	Reduction of area (percent)	Charpy V-notch	
						Average value for 3 specimens	Minimum value for one specimen

Signed _____
Inspector's name _____ (Print)
Inspector's employer _____ (Name and address)
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive. Size _____ inches outside diameter by _____ inches long made by _____ Company for _____ Company.

Serial Nos. of cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) [1]	Permanent expansion (cubic centimeters) [1]	Percent ratio of permanent expansion to total expansion [1]	Tare weight (pounds) [2]	Volumetric capacity

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic date, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] State whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

(Signed) _____
Inspector's name _____ (Print)
Inspector's employer _____ (Name and address)

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Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before July 11, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on March 28, 1972.

WILLIAM K. BYRD,
Acting Chairman, Hazardous Materials Regulations Board.

[FR Doc.72-5009 Filed 4-3-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 81, 87, 89, 91, 93]

[Docket No. 19484; FCC 72-272]

SAFETY AND SPECIAL RADIO SERVICES

Applications or Petitions To Deny Applications

In the matter of amendment of Parts 1, 81, 87, 89, 91, and 93 of the Commission's rules relating to the time in which applications, and amendments thereto, or petitions to deny applications, may be filed in the Safety and Special Radio Services Docket No. 19484.

1. Notice of proposed rule making in the above-captioned matter is hereby given.

2. We propose to establish cutoff dates in our rules for the filing of mutually exclusive applications, major amendments thereto, and petitions to deny applications in the Safety and Special Radio Services of which public notice is required by section 309(b) of the Communications Act. The proposed changes are consonant with cutoff rules now applicable in the Broadcast and Common Carrier Services. The proposed cutoff rules will apply, generally, to applications for fixed microwave stations, industrial radio positioning stations for which frequencies are assigned on an exclusive basis, aeronautical advisory, en route, fixed and airborne control stations; and for maritime public coast stations. The cutoff times proposed are reasonable related to the time when the applications would normally be reached for processing by the Commission's staff. In substance, the proposed rules will require:

a. Applications that are mutually exclusive with an application already on file will be accepted for filing only if the later application is filed either (i) by the close of business 1 business day before the date of the Commission's order which first designated for hearing the first prior application or applications with which such application is in conflict, or (ii) within 60 days after the date of the public notice[1] listing the first prior filed application with which the subsequently filed application is in conflict, as having been accepted for filing, whichever date is earlier;

b. That a petition to deny an application may be filed no later than 30 days after the date of the public notice listing the application, or substantial amendment to the application, as having been accepted for filing.

c. Substantial amendments to mutually exclusive applications, and amendments, which will improve the applicant's position in any comparative hearing or which will change the issues in any hearing will be accepted if filed within 30 days after public notice is given of the filing of the mutually exclusive applications.

d. Amendments (those described in para. c above) to applications against which petitions to deny have been filed will be accepted if filed within 30 days of the filing of the first petition to deny.

3. It is to be noted, that the proposed cutoff dates set forth in the Rule Sections as amended, for filing a mutually exclusive application are stated in the alternative, whichever is earlier; (1) the close of business one business day before the Commission's designation order, or (2) within 60 days from the date of the public notice listing the first application for filing. Thus, the date fixed by the public notice is no guarantee that an application will be entitled to consideration with listed applications if filed by the end of the 60-day period, but rather that date is the last possible filing date for comparative consideration only if the earlier application has not been designated for hearing by that time.

4. It is also noted, that according to the language and intent of these sections as amended, the consolidation rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications. Thus, if application B is timely filed for consideration with application A, and application C is not timely filed for consideration with application A, application C will not be consolidated in the hearing on applicatiohs A and B though it was timely filed as to B, unless of course, application C is mutually exclusive with application B only.

5. The proposed amendments to the rules, as set forth below, are issued pursuant to the authority contained in sections 4(i), 303(r), and 309(d)(1) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 9, 1972, and reply comments on or before May 19, 1972. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its main offices in Washington, D.C.

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 1.227(b) (2) and (3) is amended to read as follows:

§ 1.227 Consolidations.

* * * * *

(b) * * *

(2) In cases of applications filed in the Safety and Special Radio Services, any application that is mutually exclusive with another application or applications will be consolidated for hearing with such other application or applications only if the later application in question is substantially complete and tendered for filing by whichever date is earlier: (i) Not later than the close of business 1 business day before the Commission adopted an order which first designated for hearing the prior application or applications with which such application is in conflict; or (ii) within 60 days after the date of public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change (i.e., substantial change as defined by § 1.962(c) will, for the purpose of this section, be considered to be a newly filed application.

(3) In common carrier cases, other than Public Coast stations in the Maritime Mobile Services which are provided for in subparagraph (2) of this paragraph and except those involving Domestic Public Radio Service any application that is mutually exclusive with another previously filed application will

[1] During the course of each week a public notice is issued listing, inter alia, certain applications, for which public notice is required by section 309(b) of the Communications Act, accepted for filing in the Safety and Special Radio Services, and applications requesting major amendment to applications previously subject to public notice.

[1] Commissioners Robert E. Lee and Johnson absent.

be considered with such prior filed application only if the later filed application is substantially complete and tendered for filing prior to the close of business on the day preceding the day the earlier filed application is designated for hearing. In the Domestic Public Radio Services no application will be consolidated for hearing as mutually exclusive with a previously filed application or applications unless such application, or such application as amended so as to constitute a major change therein as defined in § 21.33 of this chapter, is substantially completed and tendered for filing by whichever date is earlier: (i) The close of business 1 business day preceding the day on which the Commission designates the earlier filed application for hearing; or (ii) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will, for the purpose of this section, be considered to be a newly filed application. Where major changes which do not relate to the mutually exclusive aspect of a proceeding are warranted, or in the case of multiple mutually exclusive issues where the warranted major changes serve to resolve one or more of the issues but do not relate to the mutually exclusive aspect of the proceeding, such changes or amendments will not serve to alter the existing mutually exclusive status so long as new conflicts are not created.

* * * * *

2. In § 1.918, paragraph (b) is amended, a new paragraph (c) is added and the existing paragraph (c) is redesignated paragraph (d), to read as follows:

§ 1.918 Amendment of applications.

* * * * *

(b) Any application may be amended as a matter of right prior to the grant of such application by filing the appropriate number of copies of the amendments in question duly executed: *Provided, however,* That when an application is mutually exclusive with another application, or when a petition to deny such an application has been filed, an application to amend the application substantially, as defined in § 1.962(c) of this chapter, or in a way that would improve the applicant's position in any comparative hearing, or to change the issues in any hearing, must be filed not later than 30 days after the filing at the Commission of the petition to deny such application or, in the case of mutually exclusive applications, within 30 days of the public notice of the filing of the mutually exclusive application. If a petition to deny has been filed, or the application is mutually exclusive with another application, the amendment shall be served on the petitioner, or the other applicant, as the case may be.

(c) An application to amend an application after it has been designated for hearing will be considered only upon written petition addressed to the hearing examiner and served upon the parties of record, and will be granted only for good cause shown. A petition which requests a substantial change or to change the applicant's position, or the issues, in a hearing, must be accompanied by a signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition for amendment. If consideration has been promised, or received, the statement shall set forth in full detail all the relevant facts with sufficient itemization of the consideration to enable the examiner to determine to what extent, if any, that the consideration represents only the reasonable costs of prosecuting the petitioner's application.

* * * * *

3. Section 1.962(g) of the rules is amended to read as follows:

§ 1.962 Public notice of acceptance for filing; petitions to deny application of specified categories.

* * * * *

(g) Any party in interest may file with the Commission a petition to deny any application, whether as filed originally or as subsequently amended by a substantial amendment as defined in paragraph (c) of this section, subject to the provisions of this section, no later than 30 days after the date of the public notice listing the application, or substantial amendment to the application, as having been accepted for filing. A petitioner shall serve a copy of such petition on the applicant. A petition shall contain specific allegations of fact sufficient to show that the petitioner is a party in interest and that a grant of the application would be prima facie inconsistent with the public interest, convenience, and necessity. Such allegations of fact, except for those of which official notice may be taken, shall be supported by affidavit of a person or persons with personal knowledge thereof.

* * * * *

§§ 81.28, 87.39, 89.69, 91.61, 93.61 [Amended]

4. Sections 81.28(b), 87.39(b), 89.69 (a), 91.61(a), 93.61(a) are amended identically to read as follows:

Any application, except for mutually exclusive applications or those against which a petition to deny has been filed, may be amended as a matter of right at any time prior to the time the application is granted or designated for hearing. Each amendment to an application shall be signed and submitted in the same manner as required for the original application. The procedures for amending applications mutually exclusive under this part, applications against which a petition to deny has been filed, and applications designated for hearing are set forth in § 1.918 of this chapter.

[FR Doc.72-5068 Filed 4-3-72;8:47 am]

[47 CFR Part 73]

[Docket No. 19483; FCC 72-265]

FM BROADCAST STATIONS IN SODDY-DAISY, TENN.

Proposed Table of Assignments

In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations (Soddy-Daisy, Tenn.), Docket No. 19483, RM-1810.

1. Notice is hereby given concerning the amendment of the FM Table of Assignments (§ 73.202 of the rules) to add a first channel for Soddy-Daisy, Tenn.

2. Petitioner, Robert Allen Mayer, requests the assignment of Channel 272A to Soddy-Daisy, Tenn., which are located in Hamilton County, northeast of Chattanooga. Both are within the Chattanooga Standard Metropolitan Statistical Area. According to the petition the proposed assignment could be made without disturbing any existing assignments and without having any significant preclusionary effect.

3. In support of the proposed assignment, petitioner contends that the communities, which have a combined population of 7,569,[1] lack local nighttime radio service. Such service as they have (principally from Chattanooga) is said to be unattentive to the particular needs of these communities. Petitioner is licensee of WPJD-AM a daytime-only station in Daisy, Tenn.

4. From our study of the petition it appears that the proposed assignment would not have a significant preclusionary effect and could be made consistent with our rules and without disturbing any existing assignments. For these reasons we believe that the proposal to serve this area merits consideration. There is another matter however, which bears upon this situation. In a notice of proposed rule making in Docket 19160, we proposed, and have since adopted, a Class A assignment for Red Bank-White Oak, Tenn. Like Soddy-Daisy, these communities are located in Hamilton County and in the Chattanooga SMSA, close enough to Soddy-Daisy so a station using the new assignment would provide 1.0 mv/m or better service to Red Bank-White Oak. From currently available information it appears that the proposed Red Bank-White Oak assignment would provide 1 mv/m service to Soddy-Daisy. Although both assignments could be made, petitioner and others desiring to comment, should address themselves to the need for an additional assignment in this area in view of our recent action. Finally, commenting parties should address themselves to the question of whether it would be appropriate to assign the channel on a hyphenated basis rather than to either community separately if it appears that an additional assignment in the area is warranted.

5. Cutoff procedure. As in other recent FM rule making proceedings, the following procedures will govern:

[1] 1970 Census. The petition also points out that the Soddy-Daisy joint Civil Division has a 1970 population of 10,918.

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(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with any of the proposals in this notice, they will be considered as comments in the proceedings, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

6. In view of the foregoing, and pursuant to authority found in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as concerns the communities below:

City	Channel No.	
	Present	Proposed
Soddy-Daisy, Tenn.		272A

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before May 9, 1972, and reply comments on or before May 19, 1972. All submissions by parties to this proceeding or persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-5066 Filed 4-3-72;8:46 am]

[47 CFR Part 73]

[Docket No. 19401]

FM BROADCAST STATIONS IN CERTAIN CITIES IN IOWA, WEST VIRGINIA, AND FLORIDA

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Hampton, Pella, Cedar Rapids, and Charles City, Iowa; Keyser, W. Va.; Crystal River and Gainesville, Fla.), Docket No. 19401, RM-1750, RM-1756, RM-1757, RM-1777, RM-1790, RM-1829.

1. The further notice of proposed rule making in the above-entitled proceeding was adopted on February 9, 1972, released February 14, 1972, and published in the FEDERAL REGISTER on February 17, 1972, 37 F.R. 3548. The dates for filing comments and reply comments are presently March 24, 1972 and April 5, 1972, respectively.

2. On March 23, 1972, Tri-County Broadcasters, Inc. (Tri-County), licensee of Stations WTRS and WTRS-FM, Dunnellon, Fla., by its attorney, filed a request for an extension of time to and including April 7, 1972, in which to file comments. Counsel states that Tri-County desires to participate in this proceeding but due to the short time of its operation of the Dunnellon stations additional time is needed in order to allow it to make a showing in the public interest.

3. We are of the view that the requested extension of time is warranted and would serve the public interest: *Accordingly, it is ordered*, That the time for filing comments in the above docket, RM-1757, RM-1777, and RM-1790 only, is extended to and including April 7, 1972, and for the filing of reply comments to and including April 19, 1972.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: March 24, 1972.

Released: March 28, 1972.

[SEAL] ROBERT J. RAWSON, *Deputy Chief, Broadcast Bureau.*

[FR Doc.72-5069 Filed 4-3-72;8:47 am]

[47 CFR Part 73]

[Docket No. 19116; FCC 72-268]

FM BROADCAST STATIONS IN CERTAIN CITIES IN MAINE, NEW HAMPSHIRE AND NEW YORK

Memorandum Opinion and Order Terminating Proceeding

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations. (Skowhegan, Augusta, Westbrook, and South Paris, Maine; Plymouth and Dover, N.H.; Waterbury, Vt.; and Plattsburgh, N.Y.) Docket No. 19116, RM-1442, RM-1464.

1. The Commission here considers petitions for reconsideration of the report and order in this proceeding which made certain changes, while denying others, in the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations), adopted November 10, 1971, and released November 12, 1971, 32 FCC 2d 549. The petitions were filed by Lakes Region Broadcasting Corp. (Lakes Region), WIRY, Inc. (WIRY), and Oxford Hills Radio Communications, Inc., licensee of WNWY-FM, Norway, Maine. The latter petition dealing only with reimbursement was voluntarily dismissed; see paragraph 14, below. Lakes Region also filed a petition for stay which we are denying; see paragraph 3, below. Lakes Region's petition for reconsideration was opposed by Kennebec Valley Broadcasting, Inc., licensee of Station WGHM-FM, Skowhegan, Maine (Kennebec Valley) and Eastminster Broadcasting Corp., licensee of FM Station WDNH, Dover, N.H. (Eastminster). The petition of WIRY is opposed by Kennebec Valley and partially by Lakes Region; WIRY filed a reply to Kennebec Valley's opposition. Lakes Region filed replies to the oppositions of Kennebec Valley and Eastminster.

2. The proceeding in brief involved proposals for Class C assignments at Skowhegan, Maine, proposed by Kennebec Valley (RM-1442), and at Plymouth, N.H., proposed by Lakes Region (RM-1464), which were in conflict and thus considered together because of the adjacent mileage separation shortage between the Channel 286 assignment at Skowhegan proposed by Kennebec Valley and Channel 287 which Lakes Region proposed to substitute for Channel 248 for Station WDNH, Dover, N.H., with Channel 248 being allocated to Plymouth, N.H. There were other concomitant changes. In general, Kennebec Valley's proposal was adopted while Lakes Region's proposal and counterproposal were not. WIRY, Inc., licensee of Class IV AM Station WIRY at Plattsburgh,[1] became a party because of its petition to assign Channel 281 or 287 at Plattsburgh and its having filed comments in this proceeding to comply with the "cut off" procedure in FM rule making proceedings. Its proposal for Channel 281 might have conflicted with the alternative Channel 281 substitute for Augusta, Maine, to which the Report and Order assigned Channel 294 (although the Canadian authorities have been requested to reconsider the Channel 282 alternative; see paragraph 15 of the report and order, 32 FCC 2d at 556). The Channel 287 proposal conflicted with that of Green Mountain Radio Associates to assign that channel to Rutland, Vt., and was linked to the principal proceeding because of Lakes Region's proposed substitute for Station WDNH; the Rutland proposal was withdrawn (see paragraph 8 of the report and order, 32 FCC 2d at 552). We denied both of WIRY's proposals because each seriously violated minimum mileage separations of the Working Arrangement of 1963 under the Canadian-United States FM Agreement of 1947.

3. We first discuss Lakes Region's petition for stay, which was opposed by Kennebec Valley and Eastminster. We did

[3] Commissioners Robert E. Lee and Johnson absent.

[1] Other aural facilities at Plattsburgh are Stations WEAV (Class III, unlimited time) and WEAV-FM, licensed to Plattsburgh Broadcasting Co., and daytime AM Station WKDR, licensed to Metro Group Broadcasting Co.

not act on the stay separately because of Lakes Region's failure to establish a right to one under classic criteria, see "Capitol Broadcasting Company, Inc.," 1 F.C.C. 2d 376 (1965); "WHDH, Inc., 20 R.R. 410a (1960); and "Saratoga-Bradentown Florida Television Co., Inc," 29 FCC 2d 520 (1971). To the extent that Lakes Region was specifically concerned with adherence to the schedule(s) in Paragraphs 18 and 19 of the report and order for Stations WGHM-FM (Kennebec Valley) and WNWY-FM to agree to channel changes and file technical data, these steps were meaningless without further Commission action. Indeed, Station WNWY-FM requested leave to defer compliance with paragraph 19; see paragraph 14 below. Further, Kennebec Valley had already filed its assent to the change and it was about to file the technical data, and we felt that we could defer denial until acting on Lakes Region's petition for reconsideration, since such acts alone could not prejudice Lakes Region's petition for reconsideration.

4. We now discuss WIRY's petition for reconsideration. WIRY, aware of the mileage separation shortages to Canadian channel assignments, endeavored to show that Plattsburgh, on the basis of population (18,715 according to the 1970 Census [2]), is entitled to an additional FM channel. FM Channel 260 already is assigned to that community; it is occupied by Station WEAV-FM, and there are other aural services including Class IV AM Station WIRY, licensed to the petitioner (see footnote 1). As WIRY states in the petition for reconsideration, the short-spacings referred to in fn. 6 of the report and order (32 FCC 2d at 553) were noted by it, and WIRY proposed limited radiation toward Canada (a Class A facility). The Channel 287 alternative, which also conflicted with Lakes Region's proposal for Dover, N.H., was not deemed technically feasible even with the proposed suppressed radiation because of great shortages of mileage separations to the three Canadian channels involved. With suppression in radiation, Channel 281 would have meet Class A spacings to two Canadian channels and the other two were within the 5-mile tolerance permitted under the FM agreements with Canada; however, we are especially concerned with the wide angle of suppression required to the Canadian border and the concomitant limitation on radiation in the opposite direction brought about by the 15 decibel restriction in maximum to minimum radiation in § 73.316(c). Thus, a station on Channel 281 at Plattsburgh could never effectively operate as a Class C channel domestically where it would be necessary to maintain Class C separations, and there would be a large preclusion area to the south of Plattsburgh where Channel 281 might be allocated. If Channel 281 were assigned to Plattsburgh, there would be a substantial area where allocation of Channel 280A would be precluded irrespective of Canadian FM channel assignments. In sum, in our judgment, assignment of Channel 281 to Plattsburgh would be a highly inefficient allocation in the circumstances as concerns our domestic situation, considering the mandate of Section 307(b) of the Communications Act of 1934, as amended, about a fair, efficient, and equitable distribution of radio service among the States and communities.

5. In its petition for reconsideration, WIRY now proposes terrain shielding in the direction of Canada. More specifically, WIRY suggests the allocation of Channel 281 to Plattsburgh but at a selected transmitter site which would protect the Canadian allocations by utilizing natural obstacles; the specific example is a site west of Plattsburgh which in the direction of St. Jerome, Quebec, to whose Channel 280B there is a mileage separation shortage, an antenna with a center of radiation of 500 feet above ground is 223 feet below average terrain. WIRY's engineer further states that similar shielding would be obtained at other sites. This is a novel approach, for in the FM service we have not recognized terrain shielding for allocation purposes along the United States-Canadian border as well for domestic purposes. This concept is not specifically contemplated by our accord with Canada. However, this aside, and as pointed out above, allocation of Channel 261 to Plattsburgh would be inefficient.

6. We now turn to Lakes Region's petition for reconsideration. Its main argument is that its counterproposal should have been adopted. As to the principal commmunities involved, it states that Class C channels could be assigned to Skowhegan (Channel 277), Plymouth (Channel 248), and Dover (substitute Channel 287 for 248). Lakes Region contends that the report and order in some respects is based on errors of fact and law and fails to consider critical public interest factors. We disagree and adhere to the views expressed in the Report and Order. Lakes Region's petition for reconsideration viewed in its proper light mainly is a reargument of contentions considered and rejected by the Commission. Contrary to this party's contentions the report and order was not based on misconception of fact or law.[3]

7. Lakes Region's argument that Plymouth is entitled to a Class C channel was predicated on two separate grounds. The predominant one was that such an allocation would provide a first or second "in-state" service to large areas in New Hampshire. As stated in the report and order (paragraph 11, 32 FCC 2d at 554), Lakes Region erroneously assumes that Station WWMT-FM (Channel 235, Mount Washington, N.H.) is not a New Hampshire assignment. This novel argument of "in-state" service, we rejected on the broader ground that Lakes Region failed to show unserved and underserved areas under the "Roanoke Rapids and Goldsboro, North Carolina," 9 FCC 2d 672 (1967), case as the touchstone of fair, efficient, and equitable service in the circumstances as required by section 307(b) of the Communications Act of 1934, as amended. This point was made earlier in the notice of proposed rule making (paragraph 10(c)). Lakes Region contends that it also argued that Plymouth needed a Class C channel because of terrain and service to dispersed populations. There is no doubt that the "Roanoke Rapids" case doctrine applies in the latter respect and, despite Lakes Region's contrary contention, we found that no showing was made that a Class C channel would provide service to unserved areas.[4] This aside, allocation of Channel 248 to Plymouth, N.H.—the only possible Class C channel that could be assigned under mileage criteria—depended on a suitable substitute channel for Station WDNH, Dover, N.H., being available. (That station could not continue to operate on Channel 248, if that channel were to be allocated to Plymouth.) The proposed substitution of Channel 287 in lieu of 248 at Dover was limited not only by the proposed assignment of Channel 286 to Skowhegan but by a cochannel Station WPJB-FM, Providence, R.I. Footnote 5 of the notice of proposed rule making stated that Lakes Region's suggested waiver of the separation rules would not be considered and that no convincing argument had been made why we should derogate from the integrity of the separation rules. In its petition for reconsideration, Lakes Region suggests another course of action restricting Station WDNH on Channel 287 at its present site with a maximum antenna height of 300 feet (its actual height is 292 feet) thus affording Station WPJB-FM what Lakes Region characterizes as "equivalent distance protection", and, should Station WDNH in the future seek to operate as a maximum Class B facility, it could remove the restriction by selecting a new site. It is essential to this concept that the Commission adopt Lakes Region's counterproposal which includes allocation of Channel 277 at Skowhegan and concomitant changes elsewhere. These include the substitution of Channel 295 for Station WMOU-FM, Berlin, N.H.

[2] The seat and largest city of Clinton County (with a population of 72,934). Plattsburgh is about 22 miles from the Canadian border.

[3] In fact, Lakes Region's assertions are the ones not free from factual error. For example, it states that Plymouth is comparable in size to Rumford. According to the 1970 Census, Plymouth has a population of 4,225 (a 31.6 percent growth since 1960), and that of Rumford is 9,363 (a 6.4 percent loss since 1960). The higher percentages of increase and loss relied on by Lakes Region are for Plymouth Compact (38.5 percent) and Rumford Compact (14.3 percent decrease), whose respective populations are 8,109 and 6,198. At another point, Lakes Region says that the Commission in discussing preclusion at Athol and Orange, Mass., no mention was made of service from stations at Keene, N.H., and Fitchburg and Worcester, Mass. Paragraph 9(d) of the notice of proposed rule making said: "Athol and Orange * * * received service from stations * * * fairly close by such as Keene * * * Fitchburg and Worcester * * *".

[4] There is a minimal underserved area. Lakes Region estimates this to be 600 square miles.

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(Channel 279), which in turn requires the substitution of Channel 284 for 298 at Lewiston, Maine.

8. In our report and order, we rejected the counterproposal because proposed Channel 295 at Berlin would be short spaced to Channel 295B at Three Rivers, Quebec. We also referred to the note to § 73.207(a) (IF taboo) as limiting the proposed assignment of Channel 284 at Lewiston. As to the short spacing between Berlin and Three Rivers, Quebec, Lakes Region contends that the Three Rivers assignment was not in existence until 8 months after Lakes Region submitted its counterproposal. Here, reliance is placed on the filing of comments on February 26, 1971, and the first announcement about the Three Rivers allocation not appearing in the FEDERAL REGISTER until October 20, 1971 (36 F.R. 20316–7).

9. In fact, under the Canada-United States FM Agreement of 1947 and the Working Arrangement of 1963, the channel change for Three Rivers was agreed to in January 1970, a little more than 1 year before Lakes Region's counterproposal. Although the Commission from time to time issues a "public notice" and the FEDERAL REGISTER, when the Commission submits such data, publishes an up-dated Table A of the Working Agreement, neither step is one required by the 1947 Agreement or 1963 Working Arrangement, any law, or Commission Rule or Regulation. Indeed, any such information is cumulative and recapitulates information furnished by the Department of Communications of Canada. Lakes Region, however, was not without recourse to ascertain whether its counterproposal conflicted with a Canadian assignment, for, under §§ 0.451 and 0.455 of the Commission's rules, interested persons are entitled to have such data made available. Despite the short-spacing to Three Rivers, Lakes Region focuses on other benefits which could accrue from the substitution of Channel 295 for Channel 279 for Station WMOU–FM at Berlin because this would eliminate the 55-mile short-spacing[8] to Station WKNE–FM (Channel 279), Keene, N.H., and the 19.1 mile short-spacing to Channel 278A at Granby, Quebec. In the reply to the opposition of Kennebec Valley to its petition for reconsideration, Lakes Region states that there is another 23-mile short-spacing from Station WMOU–FM to Channel 280 at Rochester, N.H., that would be obviated and so 97 miles of short-spacing would be reduced to 32.8 miles. The additional mileage includes: 2.9 miles from the Berlin reference point to Station WKXR–FM, Exeter, N.H. (Channel 296A); 1.4 miles between the proposed Channel 277 at Skowhegan and its cochannel at Fredericton, New Brunswick, Canada; and the 4.5 miles short-spacing between Stations WDNH (the proposed Channel 287) and WPJB–FM.

[8] Our engineering study shows this to be 50 miles.

10. Lakes Region makes two different arguments about Channel 284. First it proposes that both Lewiston's channels be classified as B's (Station WCOU–FM, Channel 230, already is, because its transmitter site is located in Zone I; see § 73.207(b)). Lakes Region says that by so doing, there would be no loss of existing service, there would be no injury to any operating FM, and this would allow the assignment of additional channels in the New England area where FM is in very short supply. As a precedent, Lakes Region says that this rationale prompted changing the FM channels at Rutland, Vt., from Class C to B. We do not agree. We read the first report and order in Docket No. 18801, adopted May 13, 1970 (FCC 70–502), as saying that the reason for changing the class of FM channels at Rutland was that the channel assignments were made on the basis of the community being in Zone I while in fact in Zone II. Since neither channel would meet minimum mileage separations as Class C channels and no Class C assignment could be made to Rutland, the Rutland channels were designated as Class B as an "exceptional departure" from basing classification on location and the "reclassification" was a formal recognition of the inadvertent designation. This is not a precedent for Lewiston.

11. In its reply to the opposition of Kennebec Valley of its petition for reconsideration, Lakes Regions states that § 73.205(a) of the rules makes all Lewiston channels Class B, for in delineating Zone I, when a city is astride the lines demarcating Zone I, the channels are Class B's. At least this is the interpretation that Lakes Region would give the last sentence of that paragraph, which reads:

> When any of the above lines pass through a city, the city shall be considered to be located in Zone I.

On the other hand, § 73.207(b) says:

> The zone in which the transmitter of an FM station is located or proposed to be located determines the applicable rules with respect to minimum required spacings.

If the latter controls, quite clearly, Channel 284 would have to be west of Lewiston in Zone II, which raises a question of principal city coverage, for the required IF taboo spacing of C to B is 25 miles. It should be noted that the Commission in adding the Note to § 73.207(b) said that "(t)he problem (which the Note deals with) will be considered on a case-by-case basis". (5 R.R. 2d 1679, 1680 (1965).) Insofar as the apparent conflict between §§ 73.205(a) and 73.207(b), we tend toward the view that the latter is controlling, and thus we are faced with Lakes Region's strained interpretation of the "Rutland" proceeding as precedent. Kennebec Valley observed in its reply comments that the proposed Channel 284 assignment to Lewiston would be short-spaced to adjacent channels at Fitchburg (5 miles to Station WFMP) and Gloucester (1 mile to WVCA–FM), if the proposed Lewiston Channel 284 is classified as a C rather than as a B.

12. There is no question in our mind that in Lakes Region's own words its counterproposal is "sui generis" (Petition for Reconsideration, p. 19). We address ourselves first to Lakes Region's counterproposal as concerns Skowhegan and Berlin. Both Station WMOU–FM at Berlin and Station WKNE at Keene were authorized stations preexisting the current FM table of assignments. Thus, to point to elimination of the vast mileage shortage between these stations as some special result of Lakes Region's proposal is beside the point. If it were deemed advantageous to have done so, this shortage could have been eliminated in 1963 when the FM table of assignments was adopted. For whatever reason, it was deemed best to leave that situation remain as it is. This aside, to make reallocations on the basis of minimizing shortages rather than serving some other public interest, convenience, and necessity, consideration is not sufficient. This sort of pragmatic approach would be placing emphasis on nonconsequential facts. Moreover, in order to eliminate a single 19.1 mile shortage, we would have to propose two shortages totaling 26.4 miles—25 miles between Three Rivers, Quebec, and Berlin, and a 1.4 mile shortage between Skowhegan and Fredericton, New Brunswick. Considering generally the situation in the northeastern United States along the Canadian border, we feel that it would be better not to establish two short spacings to Canada.

13. Indeed, we need not even reach consideration of the international aspect discussed above, if we give full consideration to the implications of Lakes Region's proposal for Dover. It appears that what Lakes Region is saying is that if Station WDNH remains at present power and height (and limited to 300 (feet), we should allow a cochannel short spacing of 4.5 miles because Station WPJB–FM in effect is receiving equivalent protection and should Station WDNH want to increase height and power it could with a different transmitter site (and for which reason Lakes Region proposes the allocation of Channel 277 to Skowhegan and the concomitant changes at Berlin and Lewiston). This is all posited on Lakes Region's having clearly demonstrated that the public interest, convenience, and necessity would be served by the allocation of a Class C channel to Plymouth, N.H.; of all of its arguments, the most persuasive is the subsidiary one that a Class C channel would be appropriate because of terrain but Lakes Region has never made a full showing in this respect but rather has urged the unprecedented theory that there would be "in-state service" to unserved and underserved areas. In the latter respect, the only showing is based on service from New Hampshire stations—contrary to the "Roanoke Rapids" case—and on the assumption that Station WWMT–FM is not a New Hampshire station. Further, to accomplish this objective, Lakes Region would permit 4.5 miles cochannel short spacing despite our clearly indicating that for allocation purposes we must adhere to the integrity of mileage separations. Even assuming that the short spacing between Stations WDNH and WPJB–FM is only an accommodation to allow the former to continue its present operation, Lakes Region would have us make further changes which would increase the number and amount of short spacings to Canadian allocations. To do so would clearly be antithetical to the needs and exigencies of the situation.

14. As noted above, Oxford Hills, licensee of Station WNWY–FM, withdrew its petition for reconsideration. This was accomplished by an Agreement with Kennebec Valley filed with the Commission February 15, 1972. Oxford Hills also requested that the agreement "constitute • • • (1) notification to the Commission of WNWY–FM's acceptance of the modification of license • • • (2) that such notification be treated as compliance with paragraph 19(a) of the Report; and • • • (3) a request that the date for submitting the (technical) information called for by paragraph 19(b) of the report and order be extended until 30 days after WGHM–FM commences construction of its Channel 286 facilities on Sugarloaf Mountain." In the latter respect, Stations WGHM–FM and WNWY–FM agreed that the former give the latter legal and engineering assistance and advice. Since compliance with paragraph 19 is not crucial to our report and order, we accept the late filing by Station WNWY–FM to the change of its channel. Nor does the anticipated delay in filing technical data have any serious impact.

15. Accordingly, and for the reasons stated, the petitions for reconsideration of WIRY, Inc. and Lakes Region Broadcasting Corp. are denied. Lakes Region's petition for stay also is denied. The request for late filing (and actual late filing) of acquiescence to channel change by Oxford Hills Radio Communications, Inc. is granted; and its request for leave to comply with paragraph 19(b) of the report and order is granted:

16. *It is ordered*, That this proceeding is terminated.

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[9]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–5070 Filed 4–3–72;8:47 am]

[9] Commissioners Robert E. Lee and Johnson absent.

[47 CFR Part 91]

[Docket No. 19478; FCC 72–250]

BUSINESS RADIO SERVICE

Medical Telemetry and Other Low-Power Uses on Offset Frequencies

Notice of inquiry and proposed rule making. In the matter of amendment of Part 91 of the Commission's rules to permit medical telemetry and other low-power uses on offset frequencies in the Business Radio Service, Docket No. 19478, RM–1842.

1. The Commission has under consideration expanded utilization of the Business Radio Service "offset" frequencies in the 450–470 MHz band which are 12.5 kHz removed from regularly assignable mobile frequencies. The "offset" frequencies became available as a result of action in Docket 13847 (33 F.R. 3114) in order to meet a "requirement for low-power multiple frequency operation within the confines of manufacturing plants". There are currently approximately 125 of these frequencies and use is limited to low-power (3 watts or less) operation within "an industrial complex".

2. Additional low-power communications uses have rapidly developed which the Commission feels could also be accommodated on these "offset" frequencies. Examples are intra-building communication in office complexes, biological research telemetry and physiological parameter telemetry in hospitals. The subject frequencies are particularly well-suited for operations of these types since user density on the frequencies will be quite low, and the likelihood of interference is remote and would not increase with additional loading due to the low output power utilized. Further, they would complement frequencies provided in other bands for bio-medical telemetry under Part 15 of the rules.[1]

3. One of the new uses which we have under consideration for these frequencies is described in a petition filed by Hewlett-Packard requesting amendment of the rules to permit operation of low-power, portable, medical telemetry systems for monitoring cardiac patients. The medical transmitters are worn by and continuously monitor cardiac patients in coronary care units, relaying pertinent data to a nearby receiver. Consequently, the equipment requires a unique carrier frequency for each patient continuously monitored. Hewlett-Packard describes the problems:

> In these medical telemetry applications, the patient of a coronary unit must remain near emergency assistance equipment and is thus ambulatory over a limited region of a few hundred feet or, at most, over only the immediate grounds of the hospital. In this respect, such mobile transmitters as are carried about by telemetered patients, are confined to operation within the region of a hospital. And the low-power levels of these medical telemetry units (typically several milliwatts) assure that spurious emissions are negligibly low a short distance away from the limited operating region within the hospital.

4. To support its request, petitioner states that operation on low-power frequencies is necessary to minimize the likelihood of interference to these telemetry units. However, although frequencies regularly designated for low-power operation (3 watts or less) in the Business Radio Service are well suited for the use of medical telemetry equipment, there is an insufficient number to supply the need for each transmitter to have a separate discrete frequency. For these reasons and the growing need for large medical telemetry systems, Hewlett-Packard has requested the use of the numerous low-power, offset frequencies in the 450–470 MHz band.

5. As noted, these offset frequencies are separated by 12.5 kHz from mobile frequencies in the Business Radio Service, and their use is restricted to low-power mobile operation where the area of operation is limited to the confines of an industrial complex. Hewlett-Packard states "[i]n view of the similarities between operations of low-power mobile transmitters within the confines of hospitals and industrial complexes, there appears to be no reason for distinguishing between these business entities for purposes of operation on the split frequencies between 450 MHz and 470 MHz".

6. Utilization of these telemetry devices in hospitals appears to the Commission to be an important medical advancement and accommodation for such use should be maximized to the extent possible. Consequently, we propose to amend the rules as recommended by the petitioner, to permit operation of low-power medical telemetry units on the frequencies as requested. The proposed amendment would permit one-way, non-voice, low-power (100 mw) telemetry within the confines of a hospital complex, or medical or convalescent center, on any frequency 12.5 kHz removed from a mobile frequency in the Business Radio Service 450–470 MHz band.[2] Since the output of the telemetry unit is nominal the possibility of harmful interference to adjacent channel users is negligible. Also, offset operation adjacent to regular mobile frequencies involves minimal interference potential to hospital telemetry since it normally requires a coincidence of factors before a problem develops (i.e., a mobile unit transmitting particularly close to a hospital on a channel adjacent to the particular offset frequency being used). Additionally, since most medical telemetry operation will be in a hospital, interference is further reduced by shielding characteristics of the building structure. Nevertheless, comments are requested concerning the effect of interference upon medical telemetry operations.

7. The Commission believes that there are other valuable uses to which these frequencies can be put which will not reduce the effectiveness of industrial complex uses or the medical telemetry uses being proposed. Therefore, in addition to the above proposal, comments are also solicited as to the possibility of extending the use of these frequencies to other areas. Interested parties are spe-

[1] Report and order, released Mar. 13, 1972, Docket 19231, 75068, 37 F.R. 5497, FCC 72–217.

[2] If this amendment is adopted, transmitters could operate in the continuous carrier transmit mode in accordance with § 91.555.

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cifically requested to consider the following questions:

(1) What operational requirements exist for allowing uses other than those located in hospital or industrial complexes?

(2) Is the 100-milliwatt power specified for hospital telemetry sufficient for successful operation in similar environments for different purposes, i.e., paging in office buildings, medical and scientific research, etc.

(3) What limitations, other than power, should be placed on these frequencies?

(4) What interference factors exist either to or from operation on these offset frequencies?

8. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before May 9, 1972, and reply comments on or before May 19, 1972. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNCATIONS COMMSSION,[a]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5067 Filed 4-3-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Releases Nos. 34-9546, IC-7087]

ADJOURNMENT OF SHAREHOLDERS' MEETING AND SOLICITATION OF ADDITIONAL PROXIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of Rule 20a-4 (17 CFR 270.20a-4) under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-1 et seq.), to prohibit, except under certain circumstances, the adjournment of a meeting of shareholders of any investment company registered under the Act and any additional solicitation of proxies to be used at a reconvened meeting of shareholders.

The Commission has been concerned with recent practices whereby investment company shareholder meetings have been repeatedly adjourned, notwithstanding the presence of a quorum under State law, in an effort to gain sufficient additional votes to carry certain proposals.

The proposed rule is designed to prohibit the adjournment of a meeting of shareholders at which is present in person or by proxy a quorum under State or applicable law or corporate charter or other instrument pursuant to such law, for the purpose of soliciting additional proxies in the event that there are insufficient votes cast to approve pursuant to the Act a proposal recommended by management. However, the rule would also preclude an adjournment intended to affect a vote pertaining to a shareholder proposal. The rule would not limit adjournments where less than the aforesaid number of voting securities were present.

The Commission recognizes that certain unusual circumstances may warrant or necessitate adjournments and additional solicitations despite the presence of a quorum. Although the Commission would not anticipate that many such situations would arise, where, for example, a material factual change has occurred so as to render the proxy soliciting material misleading, an adjournment would be necessary and not within the intent of the rule's prohibition.

The proposed rule would be adopted pursuant to sections 20(a) and 38(a) of the Act (15 U.S.C. 80a-20(a), 80a-37(a)). Section 20(a) states that it is unlawful for any person by use of the mails or any means or instrumentality of interstate commerce or otherwise, to solicit or to permit the use of his name to solicit any proxy or consent or authorization in respect of any security of which a registered investment company is the issuer in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. Section 38(a) states, in part, that the Commission shall have the authority from time to time to make, issue, and amend such rules and regulations as are necessary or appropriate to the exercise of the powers conferred upon the Commission elsewhere in the Act.

Additionally, Rule 20a-1 would be amended to incorporate a reference to Rule 20a-4.

The text of the proposed Commission action is as follows:

Commission action. The Commission proposes to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations as indicated below.

I. Section 270.20a-1 is proposed to be amended by deleting, in the first sentence of paragraph (a), the words "§§ 270.20a-2 and 270.20a-3" and inserting in lieu thereof the words "§§ 270.20a-2, 270.20a-3 and 270.20a-4". As proposed to be amended § 270.20a-1 would read as follows:

§ 270.20a-1 Solicitation of proxies, consents and authorizations.

(a) No person shall solicit or permit the use of his name to solicit any proxy consent or authorization in respect of any security of which a registered investment company is the issuer, except upon compliance with §§ 270.20a-2, 270.20a-3 and 270.20a-4 and all rules and regulations adopted pursuant to section 14(a) of the Securities Exchange Act of 1934 that would be applicable to such solicitation if it were made in respect of a security registered on a national securities exchange. Unless the solicitation is made in respect of a security registered on a national securities exchange, none of the soliciting material need be filed with such exchange.

(b) If the solicitation is made by or on behalf of the management of the investment company, then the investment adviser or any prospective investment adviser and any affiliated person thereof as to whom information is required in the solicitation shall upon request of the investment company promptly transmit to the investment company all information necessary to enable the management of such company to comply with the rules and regulations applicable to such solicitation. If the solicitation is made by any person other than the management of the investment company, on behalf of and with the consent of the investment adviser or prospective investment adviser, then the investment adviser or prospective investment adviser and any affiliated person thereof as to whom information is required in the solicitation shall upon request of the person making the solicitation promptly transmit to such person all information necessary to enable such person to comply with the rules and regulations applicable to the solicitation.

II. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is proposed to be amended by adding a new § 270.20a-4 reading as follows:

§ 270.20a-4 Prohibition against adjournment of certain meetings of shareholders.

No meeting of shareholders of any registered investment company which relates to a proposal requiring shareholder approval shall be adjourned if there is present at such meeting, in person or by proxy, a quorum under state or applicable law or corporate charter or other instrument pursuant to such law.

All interested persons are invited to submit their written views and comments on the proposed rule to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before May 19, 1972. All communication to the Secretary in this regard should refer to File No. S7-434, and will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

MARCH 31, 1972.

[FR Doc.72-5118 Filed 4-3-72;8:51 am]

[a] Commissioners Robert E. Lee and Johnson absent; Commissioner Wiley concurring in the result.

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 251]

CONSTRUCTION-DIFFERENTIAL SUBSIDY

Notice of Proposed Rule Making

Pursuant to section 204, Merchant Marine Act, 1936, as amended (46 U.S.C. 1114) and in accordance with the provisions of section 3(a)(3), Administrative Procedure Act, 5 U.S.C. 552, (a)(1)D, notice is hereby given that the Maritime Subsidy Board is contemplating the adoption of regulations to be followed in connection with the granting and administration of construction-differential subsidy under title V of the Merchant Marine Act, 1936.

Accordingly, it is proposed that the present provisions of Title 46, Code of Federal Regulations will be revoked and the regulations following this notice will be codified therein.

While the subsidy program is exempt from the requirements of section 4, Administrative Procedure Act, 5 U.S.C. 553, the Board invites interested parties to submit any written views on the proposed regulations for consideration by the Board, in triplicate, by the close of business on May 9, 1972.

Dated: March 30, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

PART 251—CONSTRUCTION-DIFFERENTIAL SUBSIDY

Sec.
- 251.1 Purpose.
- 251.2 Definitions.
- 251.3 Statement of policy.
- 251.4 Persons eligible to apply for construction-differential subsidy.
- 251.5 Construction, reconstruction, reconditioning.
- 251.6 Statutory limitations on amount of construction-differential subsidy for construction, reconstruction or reconditioning.
- 251.7 Design work, engineering inspection and review, and plan approval.
- 251.8 Change orders.
- 251.9 Determination of construction-differential subsidy.
- 251.10 Procedure for filing construction-differential subsidy applications.
- 251.11 Methods of paying construction-differential subsidy.
- 251.12 Construction - differential subsidy standard forms of contract.
- 251.13 Domestic preference.
- 251.14 Contract clauses applicable to all shipyards constructing, reconstructing, or reconditioning vessels with construction-differential subsidy aid.
- 251.15 Contract administration, standard form contracts.
- 251.16 Documentation.
- 251.17 Sale, transfer or charter.
- 251.18 Scope of permissible domestic trading.
- 251.19 National defense features.
- 251.20 Audit.
- 251.21 Government liability and Government monetary obligations.
- 251.22 Allocation of work among U.S. shipyards.
- 251.23 Sources of vessel design.
- 251.35 Prospective application of regulations.

AUTHORITY: The provisions of this Part 251 issued under sec. 204(b), 49 Stat. 1987, as amended, 46 U.S.C. 1114(b), unless otherwise noted.

§ 251.1 Purpose.

The purpose of this part is to prescribe rules and regulations to carry out the provisions of title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1151–1161), as it relates to construction-differential subsidy.

§ 251.2 Definitions.

(a) *Act.* The word "Act" shall mean the Merchant Marine Act, 1936, as amended.

(b) *Administration.* The word "Administration" shall mean the Maritime Administration of the U.S. Department of Commerce.

(c) *Board.* The word "Board" shall mean the Maritime Subsidy Board, which has been delegated and assigned the function of performing certain duties under title V of the Act, pursuant to Department of Commerce Organization Orders 10–8 (October 21, 1970), as amended, and 25–2 (September 28, 1971), as amended.

(d) *Citizen of the United States.* For purposes of construction-differential subsidy, the words "citizen of the United States" shall include persons, corporations, partnerships, or associations, but only if they are citizens of the United States within the meaning of section 2 of the Shipping Act, 1916, as amended (46 U.S.C. 802).

(e) *Cost of construction or cost of constructing, reconstructing or reconditioning.* The terms "cost of construction" or "cost of constructing, reconstructing, or reconditioning" shall mean the contract price plus the purchaser's cost of design work, plan approval, and inspections, if applicable.

(f) *Construction contract.* The term "construction contract" shall mean the contract between the purchaser and the contractor for the construction, reconstruction, or reconditioning of an eligible vessel, as indicated in § 251.12.

(g) *Construction-differential subsidy.* The term "construction-differential subsidy" shall mean the excess of the bid or negotiated price of constructing, reconstructing, or reconditioning a vessel in a shipyard of the United States (excluding the cost of any features incorporated in the vessel for national defense uses, which shall be paid by the Secretary in addition to the construction-differential subsidy), over the fair and reasonable estimated cost, as determined by the Secretary, for constructing, reconstructing, or reconditioning that type vessel under similar plans and specifications (excluding national defense features as above provided) in a foreign shipbuilding center which is deemed by the Secretary to furnish a fair and representative example for determining the estimated foreign cost of similar construction, reconstruction, or reconditioning.

(h) *Contract price.* The term "contract price" shall mean the total amount paid to the contractor for constructing, reconstructing, or reconditioning an eligible vessel (i.e., the applicant's foreign cost plus the Board's construction-differential subsidy cost), but shall not include the cost of national defense features.

(i) *Contractor.* The term "contractor" shall apply to a shipyard of the United States which enters into a construction contract with a ship purchaser.

(j) *Eligible vessel.* For purposes of this part, the term "eligible vessel" shall mean a vessel which will engage in the foreign commerce of the United States. The term "eligible vessel" as used in this part is not to be confused with the term "eligible vessel" as used in section 607 of the Act.

(k) *Exceptional cases.* The term "exceptional cases" shall mean those instances when the Secretary determines that construction-differential subsidy may be allowed for the reconstruction or reconditioning of an existing vessel.

(l) *Foreign commerce of the United States.* The term "foreign commerce of the United States" shall mean the following:

(1) The carriage of cargo loaded in the United States, its territories, or possessions, or the District of Columbia, and discharged in a foreign country, or cargo loaded in a foreign country and discharged in the United States, its territories, or possessions, or the District of Columbia, and

(2) In the case of a liquid and/or dry bulk cargo vessel, the carriage of cargo as authorized by Part 278 of this chapter.

(m) *Purchaser or proposed ship purchaser.* The terms "purchaser" or "proposed ship purchaser" shall mean a citizen of the United States who enters into, or proposes to enter into, a construction contract for the construction, reconstruction, or reconditioning of an eligible vessel with a shipyard of the United States.

(n) *Secretary.* The term "Secretary" shall include the Secretary of Commerce, the Assistant Secretary of Commerce for Maritime Affairs, and all other officials of the Maritime Administration

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authorized from time to time to perform the duties and functions of the Assistant Secretary of Commerce for Maritime Affairs, and

(o) *United States.* The term "United States" shall mean the United States, its territories or possessions, or the District of Columbia.

§ 251.3 Statement of policy.

(a) *General.* No application for construction-differential subsidy shall be approved by the Board unless it also makes the following determinations:

(1) The plans and specifications call for a vessel which will meet the requirements of the foreign commerce of the United States, will aid in the promotion and development of such commerce, and be suitable for use by the United Statee for national defense or military purposes in time of war or national emergency (this determination shall not be made unless the Secretary of the Navy first certifies that such vessel shall be suitable for economical and speedy conversion into a naval or military auxiliary, or otherwise be suitable for use by the U.S. Government in time of war or national emergency);

(2) The purchaser, shipyard (if the shipyard is to own the vessel), and any lessee or bareboat charterer possesses the ability, experience, financial resources, and other qualifications necessary for the operation and maintenance of the proposed new vessel; and

(3) The granting of the aid applied for is reasonably calculated to carry out effectively the purposes and policy of the Act.

(b) *Criteria to be employed by Board—vessel selection.* The Board will allocate Federal financial assistance for the construction, reconstruction, or reconditioning of an eligible vessel so as to give priority to those proposals which, having met all the requirements of title V of the Act, and this Part 251, will in the Board's opinion utilize such assistance to accomplish the following objectives:

(1) Reduction of construction-differential subsidy to the applicable percentages set forth in section 502(b) of the Act and § 251.6, or to lower percentages;

(2) Reduction or elimination of operating-differential subsidy;

(3) Provision of vessels to meet the economic needs of the United States;

(4) Provision of vessels suitable for emergency ocean transportation; and

(5) Production of ships of high transport capability and productivity.

In determining the productivity of a proposed vessel or vessels, the Board may take into consideration the following factors:

(i) Cubic and/or deadweight capacity and speed;

(ii) Proposed cargo handling equipment and techniques for transfer of cargo in and out of vessels and to and from inland points. In this respect, the Board may require an applicant to supplement his application by setting forth the estimated rate of loading and discharge of cargo, as well as the adaptability of the proposed vessel to integrated systems of transportation embracing both ocean and overland transportation; and

(iii) Estimated revenue and costs of operation.

§ 251.4 Persons eligible to apply for construction-differential subsidy.

Any citizen of the United States or any shipyard of the United States shall be eligible to apply for construction-differential subsidy.

§ 251.5 Construction, reconstruction, reconditioning.

In addition to the items indicated in §§ 251.7 and 251.8 the following types of work shall be eligible for construction-differential subsidy.

(a) *Construction.* The cost of constructing an eligible vessel.

(b) *Reconstruction or reconditioning.* The cost of reconstructing or reconditioning an eligible vessel: *Provided, however,* That construction-differential subsidy for reconstructing or reconditioning an eligible vessel shall be granted only in exceptional cases, as determined by the Board. Such determinations may be made when reconstruction or reconditioning is necessary to make a vessel suitable for operation, or continued operation, in the foreign commerce of the United States (e.g., the jumboizing of a container vessel to increase the container capacity) but only when the Board determines that the proposed reconstruction or reconditioning is consistent with the criteria outlined in § 251.3.

§ 251.6 Statutory limitations on amount of construction-differential subsidy for construction, reconstruction or reconditioning.

(a) *General.* The amount of construction-differential subsidy allowable under § 251.5 shall not exceed fifty (50) percent of the cost of constructing, reconstructing or reconditioning an eligible vessel in a shipyard of the United States (exclusive of national defense features), subject, however, to the additional limitations outlined in paragraphs (b) through (e) of this section.

(b) *Negotiated price contracts.* (1) An applicant may enter into a negotiated price contract with a shipyard of the United States: *Provided,* That the amount of construction-differential subsidy in such instances shall not exceed the following percentages of domestic cost:

(i) Forty-three (43) percent in fiscal year 1972, and

(ii) Forty-one (41) percent in fiscal year 1973

(2) If the applicant proposes to enter into a negotiated price contract with a shipyard of the United States, the following conditions shall also apply:

(i) The proposed purchaser and the shipyard must submit backup cost details and evidence (see § 251.10(d) that the negotiated price is fair and reasonable, and

(ii) The Secretary must determine that the negotiated price is fair and reasonable before construction-differential may be granted.

(3) The award of construction-differential subsidy, pursuant to this paragraph (b) shall be implemented by means of the two contracts indicated in § 251.12 (b) and (c) (use of the contract indicated in paragraph (a) is optional), and the method of paying construction-differential subsidy shall be as indicated in § 251.11(d).

(4) The Secretary's authority to accept negotiated price contracts expires June 30, 1973.

(c) *Shipyard applications.* If the applicant is a shipyard of the United States, its application shall be treated as though it were an application for a negotiated price contract and shall be subject to the limitations indicated in paragraph (b) of this section.

(d) *Competitively bid contracts.* (1) A contract for the construction, reconstruction, or reconditioning of an eligible vessel may be awarded on a competitive bid basis, and in such instances the contract shall be awarded to the lowest bidder, unless otherwise authorized by section 502(f) of the Act, or as below indicated, *Provided,* That the Secretary first determines that the price is fair and reasonable, and *Further provided,* That the award does not result in the payment of construction-differential subsidy which exceeds the following percentages of domestic cost:

(i) Forty-three (43) percent in fiscal year 1972;

(ii) Forty-one (41) percent in fiscal year 1973;

(iii) Thirty-nine (39) percent in fiscal year 1974;

(iv) Thirty-seven (37) percent in fiscal year 1975;

(v) Thirty-five (35) percent in fiscal year 1976 and thereafter.

(2) If the low bid reflects a price which the Secretary determines is not fair and reasonable, the Secretary may negotiate [1] with the low bidder for the purpose of reducing the low bidder's price to a fair and reasonable level. The Secretary may negotiate only with the low bidder if his bid (before negotiation with the Secretary) would have resulted in an amount of construction-differential subsidy that did not exceed the applicable percentage set out in the above subparagraph.

(3) If the low bid reflects a contract price which the Secretary determines is not fair and reasonable and if the low bid also would have resulted in an amount of construction-differential subsidy that exceeds the applicable percentage as set out above, the Secretary may negotiate with any of the bidders, whether or not such bidder was the lowest bidder, and notwithstanding the provisions of section 505 of the Act with respect to competitive bidding, for the purpose of reducing the contract price to a fair and reasonable level: *Provided,* That—

(i) The Secretary first determines that a fair and reasonable price and the applicable percentage cannot be met in a subsequent invitation for bids, and that the national commitment to the ship construction program may not otherwise be continued,

(ii) The resulting contract price is the lowest which can be obtained, and

(iii) The resulting payment of construction-differential subsidy is reduced to the applicable percentage, or as close thereto as possible, or less, but in no event in excess of fifty (50) percent.

(4) If the low bid reflects a price which the Secretary determines is fair and reasonable but would have resulted in an amount of construction-differential subsidy that exceeds the applicable percentage as set out above, the Secretary may negotiate with any of the bidders in accordance with all applicable provisions of subparagraph (3) of this paragraph.

(5) The Secretary shall notify the Commission on American Shipbuilding (established pursuant to section 41, Merchant Marine Act of 1970 [Public Law 91-469; 84 Stat. 1037]) in the event contracts are entered into pursuant to subparagraphs (3) and (4) of this paragraph.[1]

(6) The award of construction-differential subsidy, pursuant to this paragraph (d) shall be implemented by means of the three contracts indicated in § 251.12, and the method of paying construction-differential subsidy shall be as indicated in § 251.11(d).

(e) *Fiscal year.* As used in this section, the term "fiscal year" means the Administration's fiscal year, for accounting purposes, whose term begins July 1 of one calendar year and ends June 30 of the next calendar year.

§ 251.7 Design work, engineering inspection and review, and plan approval.

(a) Design work, engineering inspection and review, and plan approval (together with related travel, reproduction, communication, equipment, and other related items of expense) costs incurred by the purchaser in constructing an eligible vessel shall be eligible for construction-differential subsidy, whether the applicant finds it necessary to procure these services from his own employees or from an outside source: *Provided,* That the amount of construction-differential subsidy as to such costs shall be limited by the applicable fiscal year percentage indicated in § 251.6, and further limited as follows:

(1) Administrative overhead shall not be included as a subsidized item.

(2) A purchaser's engineering expense for inspection, covering the construction of an eligible vessel, shall be entitled to subsidization. Three hundred fifty thousand dollars of such costs shall be entitled to subsidization if the contract is completed within 24 months after it was entered into. An additional $30,000 of such costs per month shall be entitled to subsidization for each month beyond the 24 month and until the contract is completed. However, there shall be a corresponding $30,000 reduction for each month that start of shipyard fabrication is deferred more than 12 months. For example, the maximum amount of this type of cost which may be subsidized, on a contract to be completed in 36 months, would be $710,000. During fiscal year 1973, therefore, the amount of subsidy on this item would be 41 percent of $710,000.

(3) Post contract award engineering costs incurred by a purchaser for engineering review and plan approval of a newly constructed vessel will be limited for subsidy purposes to 2 percent of the contract price per vessel: *Provided,* That the contract price per vessel does not exceed $25 million, plus an additional one half percent of the contract price per vessel in excess of this amount.

(4) The percentage figures in the two immediately preceding subparagraphs may be adjusted downward to take into account features including, but not limited to, standardized design, successive flights of ships in the same yard, or successive flights of ships in different yards.

(b) The costs indicated in paragraph (a) of this section shall also be entitled to subsidization in the event an eligible vessel is reconstructed or reconditioned, except that the limitations on such costs shall be determined on an individual basis.

(c) Notwithstanding any of the foregoing limitations on subsidy, the Board will in exceptional cases authorize additional subsidy for design work, engineering inspection and review, and plan approval costs for new ship concepts or individual ship features whose economic justification lie in the possibility of future major advances in ship construction or operation and which in the Board's judgment may lead to greater efficiency and economy.

§ 251.8 Change orders.

(a) Construction-differential subsidy may be allowed for change orders in the following circumstances:

(1) When it can be demonstrated with reasonable certainty that the net effect of such changes will decrease the amount of construction-differential subsidy and/or operating-differential subsidy projected over the life of the vessel, or

(2) When it can be demonstrated with reasonable certainty that the change order will produce a return to the owner that justifies the added investment, or

(3) When it becomes necessary to correct a substantial design defect which will materially reduce the economic life or value of the unchanged vessel, or

(4) When it becomes necessary to comply with a change in the requirement of a regulatory body which becomes effective after 30 days preceding bid opening or agreement on a negotiated price, or

(5) When it becomes necessary to comply with any new law or rule, the promulgation of which renders it illegal to own or operate the unchanged vessel.

(b) In considering changes under paragraph (a) (1) and (2) of this section, consideration may be given to what the work would have cost if it had been included in the bidding specification.

(c) The procedure for the payment of construction-differential subsidy as to change orders in standard form contracts is outlined in § 251.15.

(d) The percentage of construction-differential subsidy allowed for change orders shall not exceed the percentage awarded by the Board, pursuant to the provisions of § 251.6, for the original contract work affected by the change orders.

(e) Any changes desired by the applicant, which do not qualify for subsidy under this section, shall be for the applicant's own account.

(f) Changes which would violate the requirements of any regulatory body or alter the general dimensions and/or characteristics of a vessel must be presented to the Board for prior approval, whether or not subsidization is sought for such change orders.

§ 251.9 Determination of construction-differential subsidy.

(a) *Purpose.* The purpose of this section is to prescribe regulations governing determination of the amount of construction-differential subsidy payable for construction, reconstruction; or reconditioning of a vessel or vessels under title V of the Act.

(b) *Establishment of vessel types.* (1) For purpose of this section, the Secretary shall from time to time establish specific categories of vessels. Each vessel category shall encompass vessels of one specific genus (e.g., liquid bulk carriers, dry bulk carriers, barge-carrying ships, containerships, etc.), one general design (e.g., oil tanker; ore-bulk-oil carrier; LNG vessel; etc.), and a size or range of sizes (e.g., 40,000–80,000 d.w.t.; 100,000–150,000 M³, etc.): *Provided,* That where a range of sizes is used in any category, the vessels within that range shall be sufficiently similar to justify treatment as equivalents for construction-differential subsidy purposes.

(2) Each category established in accordance with subparagraph (1) of this paragraph shall be referred to as a "vessel type."

(c) *Determination of construction-differential subsidy rates by vessel type.* (1) The Secretary shall, as soon as practicable after establishment of a vessel type, determine the set of construction-differential subsidy rates applicable to all vessels within that vessel type. The set of construction-differential subsidy rates for the vessel type shall be determined as follows:

[1] The Secretary's authority to "negotiate" a contract is not to be confused with the term "negotiated price contract" as used in paragraph (b) of this section between an applicant and the shipyard.

[1] The Commission on American Shipbuilding is required, not later than 6 months after such notification, to submit a report to Congress.

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(i) The Secretary shall select one vessel within the type as a reasonable representative of all vessels within the type. Such vessel shall be referred to as the "representative vessel";

(ii) The Secretary shall determine the fair and reasonable estimated cost of constructing, reconstructing, or reconditioning such representative vessel (exclusive of national defense features) under similar plans and specifications in a representative foreign shipbuilding center (as defined in section 502(b) of the Act): *Provided*, That the estimated foreign cost shall be determined for one vessel, each of two vessels, each of three vessels and so on up to the maximum number of vessels of that type which the Secretary deems might practically be built as a single flight;

(iii) The Secretary shall determine the fair and reasonable estimated cost of constructing, reconstructing, or reconditioning such representative vessel (exclusive of national defense features) under similar plans and specifications in the United States: *Provided*, That the estimated domestic cost shall be determined for one vessel, each of two vessels, each of three vessels and so on up to the maximum number of vessels of that type which the Secretary deems might practically, be built as a single flight;

(iv) The Secretary shall subtract from the estimated domestic costs for one vessel, each of two vessels, each of three vessels, etc., the corresponding estimated foreign costs. Each difference so determined shall be divided by the corresponding estimated domestic cost to determine the percentage that each difference bears to the corresponding estimated domestic cost.

(2) The set of percentages so found shall constitute the set of construction-differential subsidy rates applicable to all vessels within the vessel type from which representative vessel was selected.

(3) The Secretary shall recompute the set of construction-differential subsidy rates applicable to each vessel type annually unless, in the opinion of the Secretary, there has been a significant change in shipbuilding market conditions sufficient to justify recomputation prior to the scheduled annual date.

(4) The Secretary shall publish notice of his intention to compute or recompute the set of construction-differential subsidy rates for each vessel type and shall give interested persons, including but not limited to shipyards and shipowners and associations thereof, an opportunity to file written statements.

(5) As soon as practicable after computation or recomputation the Secretary shall publish in the FEDERAL REGISTER the set of construction-differential subsidy rates applicable to each vessel type established. Interested persons, including but not limited to shipyards and shipowners and associations thereof, shall be given an opportunity to file written comments on the construction-differential subsidy rates so published. Notice of adoption of final construction-differential subsidy rates shall be published in the FEDERAL REGISTER after the opportunity for comment has expired.

(d) *Application of construction-differential subsidy rates to specific vessels within an established vessel type.* (1) Any vessel or vessels which a qualified applicant proposes to construct, reconstruct, or recondition under title V of the Act, which satisfy all requirements under that title, and which fall within a vessel type established by the Secretary, shall be eligible for construction-differential subsidy at the construction-differential subsidy rates established by the Secretary for that vessel type under paragraph (c) of this section and in effect at the time the applicant's application for construction-differential subsidy is granted or such other time as the Secretary, in his discretion, deems appropriate.

(2) The number of vessels proposed in an appropriate application to be constructed, reconstructed, or reconditioned shall determine the specific construction-differential subsidy rate within the pertinent set of construction-differential subsidy rates which will apply, i.e., a one vessel application will qualify for the one vessel construction-differential subsidy rate, a two vessel application for the two vessel construction-differential subsidy rate and so on: *Provided*, That where more than one application is filed and the vessels encompassed by such applications are to be constructed as one flight of vessels in the same shipyard, the number of vessels in all such applications combined shall determine the applicable construction-differential subsidy rate within the pertinent set of rates.

(3) Where an application calls for construction, reconstruction, or reconditioning of a vessel or vessels and the applicable construction-differential subsidy rate, determined in accordance with paragraph (d)(2) of this section, exceeds the applicable fiscal year ceiling rate established by section 502(b) of the Act, as set out in § 251.6, the application will not be granted unless the applicant affirmatively demonstrates the existence of extraordinary circumstances sufficient, in the Secretary's opinion, to justify:

(i) Payment of construction-differential subsidy at a rate in excess of the applicable fiscal year ceiling rate, but not in excess of fifty (50) percent, or

(ii) Treatment of the application as equivalent in price to an application for a greater number of vessels, the applicable construction-differential subsidy rate for which (determined in accordance with paragraph (d)(2) of this section) does not exceed the applicable fiscal year ceiling rate.

(4) The dollar amount of construction-differential subsidy payable upon the granting of a proper application shall be the applicable construction-differential subsidy rate, determined in accordance with this paragraph (d), times the actual domestic price stated in the application and found by the Secretary, where appropriate, to be fair and reasonable.

(e) *Payment of construction-differential subsidy for specific vessels not within an established vessel type.* (1) Any vessel or vessels which a qualified applicant proposes to construct, reconstruct, or recondition under title V of the Act, which satisfy all requirements under that title, but which do not fall within a type established by the Secretary or fall within an established vessel type for which a set of construction-differential subsidy rates has not been established by the Secretary, shall be eligible for construction-differential subsidy equal to the excess of the bid or fair and reasonable negotiated price of the shipyard constructing, reconstructing, or reconditioning the proposed vessel or vessels over the fair and reasonable estimated cost, as determined by the Secretary, of constructing, reconstructing, or reconditioning that vessel (exclusive of national defense features) in a representative foreign shipbuilding center (as defined in section 502(b) of the Act). The Secretary shall publish notice of his intention to compute such estimated foreign cost and shall give interested persons, including but not limited to shipyards and shipowners and associations thereof, an opportunity to file written statements.

(2) Where an application for construction, reconstruction, or reconditioning of a vessel or vessels and the applicable construction-differential subsidy rate, determined in accordance with paragraph (e)(1) of this section, exceeds the applicable fiscal year ceiling rate established by section 502(b) of the Act, as set out in § 251.6, the application will not be granted unless the applicant affirmatively demonstrates the existence of extraordinary circumstances sufficient, in the Secretary's opinion, to justify payment of construction-differential subsidy at a rate in excess of the applicable fiscal year ceiling rate but not to exceed fifty (50) percent.

(f) *Example.* (1) Under paragraph (b) of this section, the following vessel type might be established:

Genus: Liquid Bulk Carriers.
General design: Ore/Bulk/Oil Carrier.
Size range: 70,000–100,000 dwt.

(2) Under paragraph (c) of this section, the following set of CDS rates might be established for new vessel construction (all numbers are hypothetical):

(i) Representative vessel: Liquid Bulk Carrier, Ore/Bulk/Oil Carrier, 80,500 dwt.

(ii) Estimated foreign cost (constructed in Japan):

(a) Each of 1	$19,000,000
(b) Each of 2	17,000,000
(c) Each of 3	16,600,000
(d) Each of 4	16,400,000
(e) Each of 5	16,200,000
(f) Each of 6	16,150,000

(iii) Estimated domestic cost:

(a) Each of 1	$34,000,000
(b) Each of 2	30,000,000
(c) Each of 3	29,000,000
(d) Each of 4	28,500,000
(e) Each of 5	28,000,000
(f) Each of 6	27,500,000

(iv) CDS percentages:

(a) Each of 1:

$$\frac{15,000,000}{34,000,000}=44.1\%$$

(b) Each of 2:

$$\frac{13,000,000}{30,000,000}=43.4\%$$

(c) Each of 3:

$$\frac{12,400,000}{29,000,000}=42.8\%$$

(d) Each of 4:

$$\frac{12,100,000}{28,500,000}=42.5\%$$

(e) Each of 5:

$$\frac{11,800,000}{28,000,000}=42.2\%$$

(f) Each of 6:

$$\frac{11,350,000}{27,500,000}=42.0\%$$

The percentages listed in paragraph (f)(2)(iv) of this section would constitute the set of construction-differential subsidy percentages applicable to all vessels falling within the vessel type listed in paragraph (f)(1) of this section.

(3) Under subparagraph (2)(iv) of this paragraph, an applicant seeking to construct three OBO's falling within the vessel type would be eligible to receive a construction-differential subsidy rate of 42.8 percent. Assuming that the set of construction-differential subsidy rates in the above example was applicable during fiscal year 1972, when the section 502(b) fiscal year ceiling rate is 43 percent (see § 251.6), the application could be granted, as provided in subparagraph (2)(iv)(c) of this paragraph, without a showing of extraordinary circumstances. The construction-differential subsidy payable for construction of the three OBO's would be 42.8 percent of the bid or fair and reasonable negotiated price listed in the application. If, for example, the application called for construction of three OBO's, 90,000 dwt, at a negotiated price of $32 million per vessel, the construction-differential payable (if the application meets all requirements of title V and is granted) would be 42.8 percent of $32 million or $13,696,000.

(4) Under subparagraph (2)(iv) of this paragraph, an applicant seeking to construct two OBO's falling within the vessel type would be eligible to receive a construction-differential subsidy rate of 43.4 percent. If the fiscal year 1972 ceiling rate of 43 percent is in effect, however, paragraph (d)(3) of this section would bar the granting of the application absent a showing of extraordinary circumstances sufficient to justify the 43.4 percent rate or a showing that the contract price for the two vessels proposed in the application was in fact equivalent to, say, a three ship price, in which case the 42.8 percent each of three rate could, at the Secretary's discretion, be applied.

§ 251.10 Procedure for filing construction-differential subsidy applications.

(a) *Form.* Applications for construction-differential subsidy to aid in the construction of a new vessel or the reconstruction or reconditioning of an existing vessel shall be filed on Form —— in accordance with the instructions annexed thereto.

(b) *General requirements.* (1) Applications shall be submitted in triplicate original with 12 conformed copies. Each of the applications shall be completed by the insertion of appropriate and full information as indicated on the form; shall be executed by a duly authorized official of the applicant; and shall be accompanied by an Affidavit of U.S. Citizenship in accordance with Part 355 of this title, unless (with the concurrence of the Secretary) reference is made to an affidavit or report of U.S. citizenship previously filed. Items or parts of items which are inapplicable may, however, be omitted, with a notation as to their inapplicability. The applicant may incorporate by specific reference information previously furnished the Board, provided that such information so incorporated shall have been furnished at least in triplicate and is readily available in the files of the Administration. If any information called for by an applicable item is not furnished, an explanation of the omission shall be given. The applicant may furnish such relevant information as it may desire, in addition to that specified in the form.

(2) Any additional information called for by the Board from time to time (e.g., see § 251.3(b)(5)(ii)) shall be furnished by amending the application. Each amendment to an application shall be filed in the same manner as the application with the same number of originals and conformed copies as indicated in the preceding subparagraph. Each amendment shall be numbered and dated and shall make specific references to the application being amended. Without any specific request from the Board, the applicant shall file from time to time any amendments necessary to keep all information contained or furnished in connection with a pending application current and correct.

(3) In the event a concurrent application for aid under sections 507, 510, or 601, or under title XI of the Act is being submitted, the applicant may incorporate in its construction-differential subsidy application by specific reference any information contained in such contemporary application.

(4) Detailed contract plans and specifications shall be submitted with the construction-differential subsidy application. To facilitate application processing it is recommended that the specifications conform to those in Standard Specification for Cargo Ship Construction by section and article to the maximum extent possible. (Copies of this publication may be obtained from the National Technical Information Service, Springfield, Va. 22151, by ordering Stock No. PB 177493 at a price of $9 per copy.) These specifications shall include, where applicable, value engineered features as described in the Administration's Value Engineering Information Letters. (These letters may be obtained without charge from the chief, Office of Ship Construction, Maritime Administration, Department of Commerce, Washington, D.C. 20235.)

(c) *Plan submission.* (1) When the applicant proposes the construction of a new vessel whose design has never been approved as part of a construction-differential subsidy application, he should first submit a preliminary design study consisting of a table of characteristics, preliminary arrangement and profile plans, and cost estimates. If the Board approves in principle such fundamental matters as speed, cargo capacity, etc., the applicant should then proceed with the submission of the actual preliminary design. If the Board later approves the application and the Secretary of the Navy certifies as to the national defense value of the vessel (see § 251.3(a)(1)) the applicant should then proceed with the submission of the contract plans and specifications, as required for the award of a shipyard contact, in accordance with the provisions of this section.

(2) When the applicant proposes the reconstruction or reconditioning of an existing vessel, the procedure outlined in the immediately preceding subparagraph should be followed.

(d) *Additional information to be supplied.* (1) When the applicant proposes to enter into a negotiated price contract for the construction, reconstruction, or reconditioning of an eligible vessel (§ 251.6(b)), the following material, where applicable, shall be submitted with application:

(i) A copy of all of the detailed estimate backup sheets upon which the proposed price is based;

(ii) A full set of contract plans, guidance plans, and specifications;

(iii) A statement of the proposed performance time and vessel delivery sequence. In this connection, advice should be given if changed conditions of performance would result in any reduction in cost;

(iv) A breakdown of vessel weights in usual administration form, if possible. However, the shipyard form will be accepted;

(v) A set of all vendor and subcontractor price quotations obtained by the shipyard for all shipbuilding materials, supplies, or equipment in excess of $25,000 per ship;

(vi) Labor rates for both engineering and production labor, including support computations for the determination of such average rate. Copies of union agreements, historical actual cost labor data, as well as projected labor cost should be included also;

(vii) Estimated reduction in labor hours and material requirements for repeat ships;

(viii) Overhead rate as projected for this construction, historical data for overhead cost experienced in the past along with justification for rate proposed for such contract. Write off of any proposed new facility shall be included separately; and

(ix) Profit rates included for each multiple of vessels to be constructed.

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(2) When the applicant is a shipyard, the same information as outlined in the immediately preceding subparagraph shall be submitted.

(e) *Mailing address.* All applications, including supplementary material, shall be submitted to the Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20235.

(f) *Government response.* The Secretary, upon receipt of an application or bid, will proceed to determine in reasonableness by relying on all or a combination of the following:

(1) Complete and thorough review and assessment of all facets of the applicant's detailed estimate supporting the proposed contract;

(2) Independent Administration estimate of the reasonable cost of construction;

(3) Solicitation of quotations from suppliers of shipbuilding materials, supplies, or equipment;

(4) Assessment of the magnitude of domestic shipbuilding activity as a guide to market conditions and competitiveness of the pricing;

(5) Comparison of material pricing and labor rates against data from Government sources (Bureau of Labor Statistics, etc.);

(6) Relationship of the proposed pricing to the contract prices for other current vessel construction;

(7) Factors bearing upon pricing such as material and labor escalation, financing, terms of payment, performance time, delivery sequence, etc.

§ 251.11 Methods of paying construction-differential subsidy.

(a) *Shipyard applicants.* If the applicant is a shipyard, the Board may pay the shipyard construction-differential subsidy, in an amount and for the items authorized by these regulations, and in a manner further provided for by contract between the Board and the shipyard.

(b) *Vessel construction other than for shipyard applicants.* In such instances, the Board may adopt either of the methods outlined in paragraphs (c) and (d) of this section.

(c) *Section 502(a) of the Act.* (1) The Board may enter into a contract with a shipyard, pursuant to which the Board shall undertake for the Government's account the entire cost, including national defense features, of constructing the vessel.

(2) Simultaneously, the Board shall enter into a contract with the applicant in which the applicant shall agree to purchase the vessel from the Board.

(3) The applicant's price shall be the Board's cost of constructing the vessel, less construction-differential subsidy and the cost of national defense features.

(4) Before he takes possession, the applicant shall have made cash payments to the Board of not less than twenty-five (25) percent of the price at which the vessel is sold to him. These cash payments shall be made at the time and in the same proportion (i.e., not less than twenty-five (25) percent) as the Government's payments to the shipyard become due.

(5) The balance of such purchase price shall be paid by the applicant, within 25 years after delivery of the vessel and not to exceed 25 equal annual installments, the first of which shall be payable 1 year after the delivery of the vessel by the Secretary to the applicant.

(6) The applicant shall pay, not less frequently than annually, interest on those portions of the Secretary's payments as made to the shipbuilder which are chargeable to the applicant's portion of the price of the vessel (after deduction of the purchaser's cash payments) at a rate not less than—

(i) A rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of one per centum, plus

(ii) An allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs.

(7) The standard form contracts referred to in § 251.12 (b) and (c), may be used in this type of financing, with appropriate modifications where necessary.

(d) *Section 504 of the Act.* (1) In this method, the Board's payments to the shipyard shall be limited to construction-differential subsidy and the cost of national defense features.

(2) The standard form contracts referred to in § 251.12 (b) and (c), shall be used in this type of financing if a purchaser enters into a negotiated price contract with a shipyard of the United States pursuant to § 251.6(b).

(3) The standard form contracts referred to in § 251.12 (a), (b), and (c), shall be used in this type of financing if a purchaser enters into a competitively bid contract with a shipyard of the United States pursuant to § 251.6(d).

(e) *Vessel reconstruction or reconditioning.* If the applicant is a shipowner who applies for construction-differential subsidy for reconstruction or reconditioning of his vessel, the procedure outlines in paragraph (d) of this section shall be followed—i.e., the method shall be in accord with section 504 of the Act.

§ 251.12 Construction-differential subsidy standard forms of contract.

An award of construction-differential subsidy shall be implemented by the execution of a "construction contract" between the proposed purchaser (or shipowner) and the contractor, a contract between the proposed purchaser (or shipowner) and the Board, and a contract between the Board and the contractor. In the case of competitive bid procurement, the following three contract forms shall be used:

(a) "Contract MA/MSB—between the contractor and the purchaser," adopted by the Board, 1972;

(b) "Contract MA/MSB—between the Board and the purchaser," adopted by the Board, 1972.

(c) "Contract MA/MSB—between the Board and the contractor," adopted by the Board, 1972.

In the case of negotiated price procurement, only those forms listed in paragraphs (b) and (c) of this section shall be required provided only that the negotiated contract entered into by the contractor and the purchaser does not impair the right of the Board under contract forms in paragraphs (b) and (c) of this section and provided that the Board shall have the right to ask for modification of a contract clause which the Board determines has an unreasonable impact on price. Copies of contract forms in paragraphs (a)–(c) of this section may be obtained from the Secretary, Maritime Administration, Washington, D.C. 20235.

§ 251.13 Domestic preference.

(a) In all construction, reconstruction, or reconditioning undertaken with the assistance of construction-differential subsidy, only articles, materials, and supplies of the growth, production, or manufacture of the United States (see section 401(h), Tariff Act of 1930, as amended, 19 U.S.C. 1401(h), for a definition of the term "United States" as used in this section) shall be employed.

(b) This requirement may be waived by the Board if the Board determines that—

(1) Such articles, materials, or supplies are customarily not manufactured in the United States, or

(2) The domestic cost of such articles, materials, or supplies is more than twice the foreign costs, or

(3) With respect to other than major components of the hull, superstructure, and any material used in the construction thereof, this domestic preference requirement will unreasonably delay the construction, reconstruction, or reconditioning of an eligible vessel.

(c) The Board will not consider a waiver under paragraph (b) (1) or (2) of this section unless the request for such waiver is accompanied by a concise explanation. In the case of paragraph (b)(3) of this section, such request shall be accompanied by the following:

(1) An erection schedule showing the latest dates the material or equipment for which a waiver is sought is required in order not to delay completion of the work beyond a reasonable delivery date,

(2) A procurement schedule showing the earliest dates the material or equipment, for which a waiver is sought, can be placed,

(3) Any technical information which the Board may require in order to make its determination,

(4) Evidence (e.g., letters from vendors or other indications) that all qualified U.S. suppliers, without regard for price, cannot meet the latest required delivery dates, when ordered on the earliest practical date, and

(5) The proposed foreign vendor's agreement to deliver the material or equipment to the U.S. shipyard on or before the latest required delivery date.

(d) If the Board waives the domestic preference requirements provided above, the Board, where it determines that the estimated domestic cost exceeds the estimated foreign cost, will reduce the construction-differential subsidy by an amount equal to the construction-differential subsidy rate times the estimated domestic cost (as determined by the Board) of the equipment or material to be purchased foreign.

(e) If the Board does not waive this domestic preference requirement, and a shipyard fails to abide by the provisions of section 505 of the Act, the Board, pursuant to the provisions of Subpart 1–1.6 of Title 41 of the Code of Federal Regulations, may debar that shipyard.

§ 251.14 Contract clauses applicable to all shipyards constructing, reconstructing, or reconditioning vessels with construction-differential subsidy aid.

All agreements between the Board and a shipyard of the United States for the award of construction-differential subsidy relating to the construction, reconstruction, or reconditioning of an eligible vessel, and all agreements between such shipyards and their subcontractors, materialmen, and suppliers shall be subject to the following contract clauses:

(a) Domestic preference (see § 251.13),

(b) Contingent fees (see 41 CFR 1–1.5),

(c) Assignment of claims (see 41 CFR 1–30.703),

(d) Officials not to benefit or be employed (see 41 CFR 1–7.101–19),

(e) Anti-kickback provisions (see 40 U.S.C. 874),

(f) Overtime compensation (see 41 CFR 1–12.4),

(g) Convict labor (see 41 CFR 1–12.2),

(h) Equal employment opportunity (see 41 CFR 1–12.803–2),

(i) Minority business (see 41 CFR 1–1.13),

(j) Small business concerns (see 41 CFR 1–1.7),

(k) Renegotiation Act of 1951 (U.S.C. App. 1211, et seq.), and

(l) A clause permitting audit of a shipyard's books and records (to the extent examination of a shipyard's books and records is authorized by § 251.20), and

(m) Any other contract clause which the Board deems necessary.

§ 251.15 Contract administration, standard form contracts.

(a) *Progress payments.* (1) The Board shall make to the contractor periodic progress payments of the Board's portion of the contract price. These progress payments shall coincide with the purchaser's progress payments to the contractor.

(2) The Board shall make to the contractor periodic progress payments of the cost of national defense features.

(3) Progress payments will be measured by the percentage of work completed, as attested by representatives of the Board, the purchaser, and the contractor. However, at no time prior to delivery of each vessel shall cumulative progress payments made by the Board and the purchaser exceed the recorded book cost of each such vessel incurred by the contractor in the performance of the contract work, plus five (5) percent of such cost.

(4) The balance of the Board's portion of the contract price and the balance of the cost of national defense features as to each of the vessels shall be payable by the Board at delivery.

(5) The balance of the purchaser's portion of the contract price shall be paid in accordance with the provisions of the construction contract.

(6) The representatives indicated in the preceding paragraph will, on such terms and conditions as the Board prescribes, include as part of the value of the work performed, work performed by any subcontractor on materials, machinery, or equipment to be installed in the vessel although not yet delivered, if the title to such materials, machinery, or equipment included as part of the value of the work done on the vessel shall have vested in the contractor, subject, however, to the subcontractor agreeing to bear the risk of the loss of such materials, machinery, or equipment until delivered to the contractor, and further provided that all amounts in respect of any such subcontractor's work shall have been paid.

(7) The Board shall make no payments, except on bills, vouchers, or invoices submitted in such number or form and executed and attested in such manner as shall be prescribed by the Board.

(b) *Progress payments, as affected by change orders on items other than national defense features.* (1) In the event the Board elects to subsidize a change, resulting in an increase in the contract price, the Board's grant of subsidy and the level of the Board's progress payments shall be increased accordingly and shall reflect the percentage of subsidization which the Board has awarded on the change.

(2) In the event the Board elects not to subsidize a change resulting in an increase in the contract price, the increase in the level of progress payments shall be for the sole account of the purchaser.

(3) In the event the Board has not yet decided whether to subisdize a change resulting in an increase in the contract price, any increase in the level of progress payments shall be for the sole account of the purchaser until such time as the Board arrives at its decision. If the Board later elects to subsidize the change, the increase in the level of the Board's progress payments, for which the purchaser shall have made payment to the contractor pursuant to the provisions of the preceding sentence, shall be remitted directly to the purchaser by the Board.

(4) In the event a change results in a decrease in the cost of the contract work, the Board's grant of subsidy and the Board's obligation to make progress payments shall be decreased accordingly in the remaining payments.

(5) The Board shall have the right to determine for subsidy purposes whether any change by the purchaser regarding performance of the contract work, which is accepted by the contractor as a no-cost change, results in a decrease in the cost of the contract work. If the Board determines that any such change does result in a decrease in the cost of the construction work, the Board's grant of subsidy and the Board's obligation to make progress payments shall be decreased accordingly.

(6) In the event that an increase or decrease in the contract price due to a change is not finally determined prior to delivery of the vessel to which the increased or decrease applies, appropriate adjustment shall be made promptly upon final determination of the increase or decrease.

(c) *Progress payments, as affected by change orders on national defense features.* (1) One hundred ten (110) percent of the net increase in the estimated cost of the contract work resulting from the change cost estimates approved by the Board shall be added to the cost of national defense features and the level of the Board's progress payments as to national defense features shall be increased accordingly.

(2) In the event of a net decrease in the estimated cost of the contract work resulting from the change cost estimates approved by the Board, the cost of national defense features and the level of the Board's progress payments as to such items will be decreased accordingly.

(d) *Change orders*—(1) *General.* No change in the contract work under the construction contract shall be aided with subsidy unless the purchaser notifies the Board in writing of its intention to request for subsidy for the change. The purchaser shall submit its request for subsidy to the Board within the time period established in the contract between the purchaser and the Board. At the same time, the purchaser or the contractor shall submit the following:

(i) The contractor's—

(*a*) Detailed estimate of the major components of the cost of such change, including labor, materials, engineering, and overhead,

(*b*) Estimate of the effect on weight, moments, and centers,

(*c*) Estimate of delay in delivery of the vessel,

(*d*) Description of any completed work eliminated or modified and any acquired materials which would not be used, and

(*e*) Detailed estimate as to the increase, or decrease, in the cost of the contract work, as well as

(ii) Any agreement between the purchaser and the contractor as to the cost and delay attributable to the change.

(2) *National defense features.* Within 30 days (or such longer period as the Board may approve) after receipt of the Board's written direction of a change in the national defense features, the contractor shall submit to the Board its

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detailed estimate of the net increase or decrease in the cost of contract work and the probable delay, if any, in delivery of any of the vessels to result from such change. The contractor's estimate shall include the major components of the cost of the change, including labor, materials, engineering, overhead, and the effect on the scheduling of other work in the contractor's yard or other commitments of the yard then pending. The purchaser shall be invited to comment on the contractor's estimate. The Board shall review the estimate and the purchaser's comments, if any, along with any other cost data available to the Board and shall determine the amount of any net increase or decrease in the estimated cost of the contract work. The Board may at the same time determine the delay in the delivery of the vessels to result from said change or may determine to make such delay determination without prejudice to the rights of the contractor after the vessels are delivered.

§ 251.16 Documentation.

(a) Each vessel constructed with the assistance of construction-differential subsidy, other than vessels capable for use as liquid bulk carriers, shall remain documented under the laws of the United States for not less than 25 years from the date of delivery by the contractor to the purchaser or so long as there is outstanding a preferred ship mortgage from the purchaser insured under title XI of the Act, whichever is the longer period, subject, however, to the provisions of section 611 of the Act.

(b) Each vessel constructed with the assistance of construction-differential subsidy, capable of use as a liquid bulk carrier, shall remain documented under the laws of the United States for not less than 25 years from the date of delivery by the contractor to the purchaser or so long as there is outstanding a preferred ship mortgage from the purchaser insured under title XI of the Act, whichever is the longer period, subject, however, to the provisions of section 611 of the Act.

(c) In the event a vessel is reconstructed or reconditioned with the assistance of construction-differential subsidy, the period during which the vessel shall remain documented under the laws of the United States shall be determined by the Board on an ad hoc basis prior to the award of subsidy.

§ 251.17 Sale, transfer, or charter.

(a) No vessel constructed, reconstructed, or reconditioned with the assistance of construction-differential subsidy shall be sold or transferred during the period within which it must also remain documented under the laws of the United States, without the prior written approval of the Board, nor shall such vessel be leased, bareboat chartered or time chartered, if such time charter extends for more than 10 years, without Board approval.

(b) The findings under sections 501 (a), 502, and 504 of the Act with respect to an applicant's ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain the vessel shall be the basis for the Board's approval or disapproval under paragraph (a) of this section.

(c) A sale, transfer lease, or charter of any vessel by a purchaser shall not release the purchaser from any of its obligations to the Board or the contractor unless the Board approves such sale, transfer, lease, or charter and agrees to release the purchaser: *Provided, however,* That the following shall be conditions precedent to the operative effect of any Board approval:

(1) The agreement of the proposed purchaser or transferee to be bound by all the provisions of the purchaser's contract with the Board, and

(2) The inclusion in any bill of sale or document of transfer of all the restrictions which run with title of the vessel.

§ 251.18 Scope of permissible domestic trading.

(a) *Purpose.* The purpose of this section is to prescribe regulations pursuant to section 506 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1156) governing the extent to which vessels on which a construction-differential subsidy has been paid, may engage in domestic trade and establishing the conditions applicable in the event of such trade.

(b) *Definitions.* For the purpose of this section the following definitions are applicable:

(1) *Foreign trade.* "Foreign trade" shall mean both United States Export-Import Foreign Commerce and Foreign-to-Foreign Commerce as defined in Part 278 of this chapter. Nothing in this part shall be construed to affect any obligations under Part 278 of this chapter.

(2) *Gross revenue.* "Gross revenue derived from the domestic trade" in any year shall mean total revenues received for the carriage of all cargo in the domestic trade discharged during that year; "gross revenue derived from the entire voyages completed" in any year shall mean total revenues received from all voyages terminated during that year. "Gross revenue derived from the domestic trade" shall hereinafter be referred to as "domestic gross revenue." "Gross revenue derived from the entire voyages completed" shall hereinafter be referred to as "total gross revenue."

(3) *Round-the-world voyage.* "Round-the-world voyage" shall mean a voyage originating at a U.S. port moving outbound to a foreign port or ports and then moving inbound to the originating port (or another U.S. port on the same coast), where the outbound and inbound movements constitute circumnavigation of the earth.

(4) *Round voyage.* "Round voyage" shall mean a voyage originating at a U.S. port moving outbound to a foreign port or ports and then moving inbound to the originating port (or another U.S. port on the same coast) where the outbound and inbound movements do not constitute circumnavigation of the earth.

(5) *United States.* "United States" shall mean the United States, its territories or possessions (including the Commonwealth of Puerto Rico) or the District of Columbia.

(6) *Atlantic coast.* "Atlantic coast" shall mean the eastern coast and gulf coast of the contiguous 48 States.

(7) *West coast.* "West coast" shall mean the western coast of the contiguous 48 States and the coast of Alaska.

(8) *Domestic trade.* "Domestic trade" shall mean trade between ports in the United States.

(9) *Intercoastal trade.* "Intercoastal trade" shall mean trade by water between ports on the Atlantic coast and ports on the west coast by way of the Panama Canal or the Straits of Magellan.

(10) *Intercoastal port.* "Intercoastal port" is a port involved in intercoastal trade as defined in subparagraph (9) of this paragraph.

(11) *Island territory.* "Island territory" shall mean any island which has the status of a U.S. territory and any island that has the status of a U.S. commonwealth (e.g., Puerto Rico).

(12) *Island possession.* "Island possession" shall mean any island which has the status of a U.S. possession.

(13) *Year.* "Year" shall mean an annual period and not a calendar year.

(14) *Annual period.* "Annual period" shall mean 365 days (or 366 days if appropriate).

(c) *Scope of permissible domestic trade.* (1) Except as provided in paragraph (g) of this section, vessels for which a construction-differential subsidy has been paid shall be operated—

(i) Exclusively in foreign trade, or

(ii) On a round-the-world voyage, which includes intercoastal ports of the United States, or

(iii) On a round voyage from the west coast of the United States to a European port or ports which include intercoastal ports of the United States, or

(iv) On a round voyage from the Atlantic coast of the United States to the Orient which includes intercoastal ports of the United States, or

(v) On a voyage in foreign trade (defined above) on which the vessel may stop at the State of Hawaii, or an island possession or island territory of the United States, or

(vi) On a combination of subdivisions (ii) and (v), or (iii) and (v), or (iv) and (v) of this subparagraph.

(2) The domestic trade permitted within the statutorily enumerated voyages referred to in subparagraph (1) of this paragraph shall as to subparagraph (1) (ii), (iii), and (iv) of this paragraph, be limited to intercoastal trade, as to subparagraph (1) (v) of this paragraph be limited to stops at the State of Hawaii or an island possession or island territory of the United States, provided the stop at the State of Hawaii or an island possession or island territory is an intermediate stop in foreign trade, and as to subparagraph (1) (vi) of this paragraph be limited to intercoastal trade and stops at the State of Hawaii or an island possession or island territory of the United States.

(d) *Computation of proportional repayment of subsidy pursuant to the first sentence of section 506 of the Act.* (1) If a vessel subsidized with construction-differential subsidy is operated in any of the permissible domestic services enumerated in paragraph (c) of this section, the owner shall pay annually to the Board that proportion of one-twenty-fifth, or one-twentieth,[1] of the construction-differential subsidy paid for such vessel as the gross revenue derived from the domestic trade bears to the gross revenue derived from the entire voyages completed during the preceding year.

(2) To compute the subsidy payback due to the Board, an owner shall determine the ratio of the domestic gross revenue for a completed annual period and the total gross revenue for the same annual period. The owner shall then take one-twenty-fifth (1/25th) or one-twentieth (1/20th)[2] of the total amount of construction-differential subsidy paid for such vessel and multiply that amount by the ratio of domestic gross revenue to total gross revenue. The amount so computed shall be paid to the Board within 120 days of the end of the completed annual period unless the Board grants a written request for an extension of time. The computation formula for subsidy payback may be stated as follows:

FORMULA

$$\frac{D}{T}\times\frac{S}{25}=A$$

FORMULA SYMBOLS EXPLAINED

D=Domestic gross revenue for annual period.
T=Total gross revenue for annual period.
S=Total CDS paid on vessel.
25=25 years, or statutory life of the vessel.[3]
A=Amount of subsidy payback.

(3) For subsidy payback purposes, the owner's first annual period shall commence with delivery of the vessel.

(4) In the event that the economic life of a vessel is extended pursuant to § 251.16(c) as a result of reconstruction or reconditioning, the computation of subsidy payback shall, commencing after the effective date of the extension, be based upon a subsidy amortization ratio whose denominator is the sum of the remaining years of economic life on the date of completion of reconstruction or reconditioning plus the number of years in the extension and whose numerator is the sum of the unamortized subsidy (if any) for the original construction plus the subsidy paid for the reconstruction or reconditioning.

(e) *Interest charge on subsidy payback.* The owner shall pay, in addition to the proportional repayment of subsidy, interest on the amount of the repayment, at a rate determined by the Board, taking into consideration the current average market yield on outstanding marketable obligations of the United States in effect at the time of delivery of the vessel. Such interest shall be computed from the first day on which the vessel was delivered until the date of repayment of subsidy.

(f) *Filing statement.* (1) Within 120 days from the termination of an annual period, the owner of a vessel subject to this part shall submit to the Secretary of the Board a report stating the domestic gross revenues earned by that vessel during the annual period, the total gross revenues earned by that vessel during the annual period and the amount of subsidy payback due for that period computed in accordance with paragraph (d) of this section. The owner's report shall be accompanied by payment of the amount which the report shows is due for the annual period plus interest due in accordance with paragraph (e) of this section.

(2) The owner's report and the repayment of subsidy and interest accompanying the report in accordance with the immediately preceding subparagraph shall be subject to approval and verification by the Board.

(g) *Special emergency domestic service pursuant to the second sentence of section 506 of the Act.* (1) No vessel subsidized with construction-differential subsidy shall engage in domestic trade other than that enumerated in paragraph (c) of this section without the prior written consent of the Board. The Board may grant written consent to the temporary transfer of such a vessel to domestic trade other than the enumerated domestic services for periods not exceeding 6 months in any year whenever the Board may determine that such transfer is necessary or appropriate to carry out the purposes of the Act or necessary for emergency purposes and will not result in unfair competition to any person, firm, or corporation operating in the domestic noncontiguous, coastal, or intercoastal service. Such an application shall include the following:

(i) The nature of proposed service,

(ii) All facts demonstrating emergency criteria,

(iii) The requested duration of such emergency service,

(iv) The names of other operators, if any, serving the same route, and

(v) Any other pertinent information thereto.

(2) *Consent procedure.* Application for written consent as specified in subparagraph (1) of this paragraph shall be made to the Secretary of the Maritime Subsidy Board, Washington, D.C. 20235 and timely notice of such application, circumstances permitting, shall be published in the FEDERAL REGISTER. Every person, firm or corporation having any interest in such application shall be permitted to submit written statements of position as to the propriety of the particular request for consent. No hearing shall be granted except under those circumstances in which the Board in its discretion determines a hearing to be necessary. All determinations of the Board shall constitute final administrative action: *Provided,* That if the Secretary of Commerce undertakes to review a determination of the Board, the Secretary's review decision shall constitute final administrative action.

(3) *Subsidy payback.* Subsidy payback pursuant to the second sentence of section 506, shall be an amount which bears the same proportion to the construction-differential subsidy paid by the Board as such temporary period bears to the entire economic life of the vessel.[1] A computation formula for CDS payback pursuant to the second sentence of section 506 of the Act is as follows:

FORMULA

$$\frac{P}{365}\times\frac{S}{(EL)}=A$$

FORMULA SYMBOLS EXPLAINED

P=Period of time consent is given for temporary transfer to domestic service.
365=Three hundred sixty-five day annual period (or a 366 day annual period if appropriate).
S=Total subsidy paid on the vessel.
EL=Economic life of the vessel (25 years for dry bulk carriers and 20 years for liquid bulk carriers).
A=Amount of subsidy payback.

(4) *Interest charge.* Where Board consent is given to the owner of a vessel subsidized with construction-differential subsidy to transfer the vessel to temporary domestic service, the owner shall pay in addition to the required repayment of subsidy, interest at a rate determined by the Board, taking into consideration the current average market yield on outstanding maketable obligations of the United States in effect at the time of the delivery of the vessel. Such interest shall be computed from the first day on which the vessel was delivered until the date of repayment of subsidy.

(h) *Failure to comply with regulations.* The failure in any year of an owner of a vessel, on which construction-differential subsidy has been paid, to comply with the requirements of this part shall disqualify the owner or any parent, subsidiary, affiliated or related corporation or person from operating any vessel upon which construction-differential subsidy has been paid in any domestic trade for a period of 2 years from the date the failure to comply is established by the Board unless the Board shall in its discretion, determine that the failure to comply was excusable.

(i) *Transfer of ownership.* The restrictions on domestic trading of a vessel set forth in this section shall run with title to the vessel and shall not be altered in any way by a transfer of ownership of the vessel. If an owner's compliance with the restrictions set forth in this part in the year of transfer has been rendered impossible by the acts or omissions of a prior owner, the owner shall be excused from the provisions of paragraph (h) of this section for that year, provided that the owner operates for the remainder of the year exclusively in foreign commerce. The prior owner whose acts or omissions rendered compliance with the restrictions in this part impossible shall be subject to the provisions of paragraph (h) of this section.

[1] In the case of liquid bulk carriers, the statutory life shall be 20 years. (See § 251.16.)
[2] *Ibid.*

[1] Ibid.

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§ 251.19 National defense features.

The Secretary of the Navy may require certain national defense features, which will be paid for by the Board and not the applicant, to be incorporated in a vessel built with construction-differential subsidy assistance. (See § 251.15 for contract administration as affecting national defense features.) If during the statutory life of such vessel the owner utilizes a national defense feature in the commercial operation of the vessel, a proportional repayment of its foreign cost shall be made to the Board.

§ 251.20 Audit.

(a) *Contractor or shipyard.* (1) The books, files, and other records of a contractor or shipyard and of any holding, subsidiary, affiliated or associated company which contain information pertinent to a construction contract or a contract between a shipyard and the Board shall, until the expiration of 3 years after final payment, be subject to inspection and audit by representatives of the Board.

(2) In accord with section 502 of the Act, the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment, have access to, and the right to examine, any pertinent books, documents, papers, and records.

(b) *Purchaser or shipowner.* If, pursuant to the provisions of § 251.7 a purchaser or shipowner is awarded construction-differential subsidy for the cost of design work, plan approval, etc., such costs shall be subject to audit by representatives of the Board for a period of 3 years following final payment.

(c) For purposes of this section, the term "final payment" shall mean final resolution or settlement of all claims, rights, and liabilities, disputes, lawsuits, or other proceedings arising under the contracts between the contractor or shipyard and the Board, or the purchaser or shipowner and the Board.

(d) For purposes of this section, the term "contractor or shipyard" shall include all subcontractors related to the performance of any contract applicable to this Part 251.

(e) Each contractor shall include in its subcontracts the provisions of this section.

§ 251.21 Government liability and Government monetary obligations.

(a) In the event an Administration design is used for the construction, reconstruction, or reconditioning of any vessel, neither the Administration, nor the Board, nor any other instrumentality of the U.S. Government shall be liable for any defect in such design.

(b) Except as provided in the contracts between the Board and the purchaser or the contractor, the grant of construction-differential subsidy and payment for national defense features shall be the exclusive monetary obligations of the U.S. Government and the Board under this Part 251. Neither a purchaser nor a contractor shall have any recourse, under this Part 251, for the consequences of Government priorities, the acts of civil, naval, or military authorities, or other acts or omissions of the U.S. Government, acting in its sovereign capacity.

§ 251.22 Allocation of work among U.S. shipyards.

The construction, reconstruction, or reconditioning of any eligible vessel under title V of the Act may be allocated to any shipyard or shipyards of the United States, to the extent such allocation is authorized by section 502(f) of the Act.

§ 251.23 Sources of vessel design.

Designs with respect to the construction, reconstruction, or reconditioning of any vessel under this Part 251 may include those developed by—

(a) The proposed ship purchaser,

(b) The shipyard, or

(c) Subject to § 251.21, the Administration.

§ 251.35 Prospective application of regulations.

The regulations set forth in this part shall apply prospectively from the date of approval by the Board.

[FR Doc.72-5135 Filed 4-3-72;8:52 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-92]

PERSONS DEEMED NONRESIDENTS

Exemptions From Duties and Taxes on Imported Merchandise

MARCH 27, 1972.

There is set forth below the operative portion of a ruling issued March 20, 1972. This ruling clarifies the exemptions from Customs duties and internal revenue taxes on imported merchandise which may be granted persons arriving in the United States who are deemed to be nonresidents under the provisions of § 10.16 (c) of the Customs regulations (19 CFR 10.16(c)). The ruling also describes procedures applicable to the processing of persons claiming this status. The Customs regulations will be amended to incorporate this clarification.

[SEAL] LEONARD LEHMAN,
Assistant Commissioner,
Office of Regulations and Rulings.

The Bureau has determined that a person who would otherwise be considered a "returning resident of the United States" may be classified as a "nonresident" upon entering the United States for a short visit before returning abroad, pursuant to § 10.16(c), Customs regulations. The traveler claiming this status may import articles free of duty and internal revenue taxes under the provisions of items 812.10, 812.20, 812.25 and 812.30, Tariff Schedules of the United States (TSUS), upon the condition that he will, except for gifts imported under item 812.25, and articles consumed during his visit, export all such articles upon his departure from the United States. The assertion of this status by the traveler will, of course, deny him any privileges afforded returning residents of the United States under items 813.10–813.40, TSUS.

Furthermore, where the Customs officer receiving the traveler's baggage declaration decides that protection of the revenue dictates such a course, such an arriving traveler will be required to list imported articles of substantial value, in duplicate, on an appropriate form designated by the Customs officer, and to note thereon the expected duration of his visit. He must present one copy of the form to the inspecting officer, who will initial both copies. The duplicate copy will be retained by the traveler and presented to a Customs officer at the time the traveler departs the United States at the end of his visit.

Should any traveler who temporarily enters merchandise as a nonresident under the provisions of section 10.16(c), Customs regulations, find that his circumstances have changed and that he will not return abroad, whether or not he has been required to list his importations, in duplicate, he must immediately report this information to the District Director of Customs at the port of his entry. The District Director will advise the traveler of the amount of duty and taxes due.

[FR Doc.72-5099 Filed 4-3-72;8:49 am]

[T.D. 72-88]

TOMATO PRODUCTS FROM GREECE

Countervailing Duties

Correction

In F.R. Doc. 72-4819 appearing at page 6360 in the issue for Tuesday, March 28, 1972, the heading reading "Tomato Producers From Greece" should read "Tomato Products from Greece", as set forth above.

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and

tions of crimes punishable by imprisonment for a term exceeding 1 year.

Anderson, James Edward, Jr., Box 242, Blackwell, OK, convicted on April 26, 1962, in the District Court of Kay County, Okla.

Babcock, Dennis H., 310 North Second Street, Apt. 1, Springfield, OR, convicted on February 23, 1966, in the Circuit Court of the State of Oregon for the County of Lane.

Bilquist, Walter R., R.R. 1, Abrams, Wis., convicted on July 16, 1969, in the Brown County Court, Branch No. 4, Green Bay, Wis.

Brown, Larry Julian, 2210 Burbank Street, Dallas, TX, convicted on December 20, 1968, in the District Court of Dallas County, Tex.

Collias, John Frank, 1051 Charest, Pontiac, MI, convicted on November 30, 1951, in the Circuit Court for the county of Oakland, State of Michigan.

Daniels, Montie D., 3303 Delano Street, Midland, TX, convicted on February 6, 1958, and on September 21, 1961, in the District Court, 142d Judicial District, Midland County, Tex.

Dohler, Arthur A., Jr., 8515 Willow Oak Road, Baltimore, MD, convicted on July 16, 1956, in the Fullerton Magistrate Court, Baltimore County, Md.

Gordon, Orville Raymond, Jr., 1486 Bayview, Blaine, WA, convicted on December 22, 1967, in the Superior Court of the State of Washington in and for King County, Seattle, Wash.

Hilliard, DeWayne L., 823 Fourth Street, Story City, IA, convicted on June 13, 1962, in the U.S. District Court, Northern Judicial District of Iowa, Sioux City, Iowa.

Jackson, Otis Clarence, 6325 Le Grand Street, Detroit, MI, convicted on June 12, 1950, in the Wayne County Circuit Court, Detroit, Mich.

Komiak, Peter, 15 Briarcliff Drive, North Merrick, NY, convicted on January 27, 1964, in the Nassau County Court, State of New York.

Lee, William E., Sr., 2336 Tyler Street, Detroit, MI, convicted on August 17, 1926, at Quarter Sessions Court, Fayette County, Pa.

Lewandowski, Edward, 8621 Mount Elliott, Detroit, MI, convicted on April 24, 1951, in the Recorder's Court for the city of Detroit, county of Wayne, State of Michigan.

Lilley, Mont, 19112 Alpenglow Lane, Brookeville, MD, convicted on March 29, 1962, Rockville Court, Rockville, Md.; and on May 3, 1962, in the U.S. Court for the District of Columbia.

Modich, Anton Robert, Box 414, Keewatin, MN, convicted on August 1, 1968, in the Ninth Judicial District Court, Grand Rapids, Minn.

Mullican, John Robert, Jr., 13620 Drake Drive, Rockville, MD, convicted on July 27, 1953, in general Court-Martial, Camp Gordon, Ga.

Palmer, Richard Lee, Route 2, Box 62, Hixton, WI, convicted on April 26, 1968, in Branch One County Court, Waupaca County, Waupaca, Wis.

Payne, William Arthur, 3114 Magnolia, St. Louis, MO, convicted on January 14, 1943, in the Circuit Court for the county of Phelps in the State of Missouri.

Sanders, Michael E., 11415 Manchester Street, Kansas City, MO, convicted on February 12, 1960, in the U.S. District Court for the Western District of Missouri.

Schryver, George Donald, 625 Delaware Avenue, Kingston, NY, convicted on June 27, 1950, in the Ulster County Court, Kingston, N.Y.

Strommer, Donald John, 3520 North 20th Street, Milwaukee, WI, convicted on May 12, 1960, in the Muncipal Court, city and county of Milwaukee, Wis.

Williams, Gene E., Route 1, Box 37, Ringgold, VA, convicted on September 11, 1967, in the U.S. District Court for the Western District of Virginia.

Wolfe, Duane Allen, 1010 Monroe Street, Wausau, WI, convicted on May 19, 1970, in the Marathon County Court, Branch No. 2, Wausau, Wis.

Yates, Phillip Harris, Sr., Box 204, Keswick, VA, convicted on December 9, 1968, in the U.S. District Court, Charlottesville, Va.

Zuckerman, Abie, Wild Life Aquarium Pet Shop, 1829 Mott Avenue, Far Rockaway, NY, convicted on March 10, 1958, in the Kings County Court, State of New York.

Zultowski, Stanley J., 317 Madison Avenue, Bridgeport, CT, convicted on January 12, 1940, in the Fairfield County Superior Court, Bridgeport, Conn.

Signed at Washington, D.C., this 27th day of March, 1972.

[SEAL] REX D. DAVIS,
Director, Alcohol,
Tobacco and Firearms Division.

[FR Doc.72-5100 Filed 4-3-72;8:49 am]

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DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, or Corrections

By notice in the FEDERAL REGISTER of March 15, 1972, Part II, there was published a list of the properties included in the National Register of Historic Places through Feb. 1, 1972 (37 F.R. 5428). This list has been amended by a notice in the FEDERAL REGISTER of March 7 (pp. 4923–24). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the Register since March 7:

ALASKA

Fairbanks North Star Borough

Fairbanks, *George C. Thomas Memorial Library*, 901 1st Avenue.

Greater Sitka Borough

Sitka, *Alaska Native Brotherhood Hall, Sitka Camp No. 1*, Katlean Street.
Sitka, *Sheldon Jackson Museum*, Lincoln Street.

Kodiak Island Borough

Kodiak Island, *Three Saints Bay Archeological Site*, north of Cape Kasiak, T. 35 S., R. 27 W.

Southeastern District

Metlakatla, *Duncan, Father William, House*, Fifth Avenue and Atkinson Street.
Yakutat vicinity, *New Russia Archeological Site*, southwest of Yakutat on Phipps Peninsula.

ARKANSAS

Lee County (also in Monroe and Phillips Counties)

Blackton vicinity, *Louisiana Purchase Survey Marker*, southeast of Blackton at the corner of the three counties.

Monroe County

Louisiana Purchase Survey Marker (see Lee County).

Phillips County

Louisiana Purchase Survey Marker (see Lee County).

Washington County

Fayetteville, *Washington County Courthouse*, College Avenue and East Center Street.

CALIFORNIA

Amador County

Jackson, *Amador County Hospital Building*, 810 Court Street.

Butte County

Chico vicinity, *Patrick, William G., Home*, 3 miles southeast of Chico off U.S. 99 E.

Calaveras County

San Andreas, *Calaveras County Courthouse*, Main Street.
San Andreas, *Thorn House*, 87 East St. Charles Street.

Lake County

Clearlake Oaks vicinity, *Patwin Indian Site*, 6 miles northwest of Clearlake Oaks.

Los Angeles County

Los Angeles, *Domiciliary No. 9, Veterans Administration Center*, Dewey Avenue.

Mendocino County

Pine Grove vicinity, *Point Cabrillo Site*, 0.75 mile west of Pine Grove and California 1.

Napa County

St. Helena, *Rhine House*, 2000 Main Street.

San Francisco County

San Francisco, *McElroy Octagon House*, 2645 Gough Street.

Santa Clara County

Morgan Hill vicinity, *Poverty Flat Site*, west of Morgan Hill in Henry Williard Coe State Park.
Palo Alto, *Squire, John Adam, House*, 900 University Avenue.

Tulare County

Allensworth, *Allensworth Historic District*.

CONNECTICUT

Hartford County

East Granby, *Viets' Tavern*, Newgate Road.

Litchfield County

Woodbury, *Woodbury Historic District No. 2*, both sides of Main Street from the Woodbury-Southbury town line to Middle Quarter.

Middlesex County

Chester, *Old Town Hall (Second Congregational Meetinghouse)*, on the green between Liberty Street and Goose Hill Road.

New Haven County

Southbury, *Bullet Hill School*, west side of Main Street at the intersection of Seymour Road.

New London County

Norwich, *Huntington, Colonel Joshua, House*, 11 Huntington Lane.

Tolland County

Mansfield, *Mansfield Center Historic District*, Storrs Road.

DELAWARE

New Castle County

Newark, *England House (Red Mill Farm)*, 81 Red Mill Road.

Sussex County

Lewes, *DeVries Palisade*, Pilottown Road at DeVries Monument.

FLORIDA

Franklin County

Sumatra vicinity, *Fort Gadsden Historic Memorial*, 6 miles southwest of Sumatra.

Nassau County

Fernandina Beach vicinity, *Fort Clinch*, 3 miles north of Fernandina Beach on Florida A1A.

GEORGIA

Bibb County

Macon, *Central City Park Bandstand*, Central City Park.
Macon, *Monroe Street Apartments*, 641–661 Monroe Street.

Clayton County

Jonesboro, *Stately Oaks*, Tara Boulevard.

Coweta County

Newnan vicinity, *Gordon-Banks House*, U.S. 29 south of Newnan.

Muscogee County

Columbus, *Rankin House*, 1440 Second Avenue.

Richmond County

Augusta, *Old Medical College Building*, corner of Telfair and Sixth Streets.
Augusta, *Sacred Heart Catholic Church*, northwest corner of Greene and 13th Streets.

IDAHO

Lemhi County

Salmon vicinity, *Fort Lemhi (Salmon River Mission)*, about 18 miles southeast of Salmon.

KANSAS

Douglas County

Lawrence, *Blood, Colonel James, House*, 1015 Tennessee.
Lawrence, *Old West Lawrence Historic District*, bounded approximately by Tennessee, Eighth, Indiana, and Sixth.

Ellis County

Ellis, *Chrysler, Walter P., House*, 104 West 10th Street.

Ellsworth County

Kanopolis, *Fort Harker Guardhouse*, corner of Wyoming and Ohio Streets.

Ford County

Dodge City, *Mueller-Schmidt House*, 112 East Vine.

Franklin County

Ottawa, *Dietrich Cabin*, Main and Fifth Streets.

Kiowa County

Greensburg, *Greensburg Well*, Sycamore Street.

Leavenworth County

Leavenworth, *Brewer, David J., House*, 403 Fifth Avenue.

Logan County

Russell Springs, *Old Logan County Courthouse*, Main Street.

Lyon County

Hartford, *Hartford Collegiate Institute*, southwest corner of Plumb and College Avenues.

McPherson County

Lindsborg, *Smoky Valley Roller Mill*, Mill Street.

Marshall County

Blue Rapids vicinity, *Alcove Springs*, 4 miles north of Blue Rapids on secondary roads.

Ness County

Ness City, *Ness County Bank*, Main Street and Pennsylvania Avenue.

KENTUCKY

Warren County

Bowling Green, *Riverview (Hobson House)*, Hobson Grove Park, Main Street.

MAINE

Cumberland County

Portland, *Clapp, Charles Q., House*, 97 Spring Street.
Portland, *Park Street Row*, 88–114 Park Street.
Portland, *Woodman Building*, 133–141 Middle Street.

Franklin County

West Farmington vicinity, *Little Red Schoolhouse*, south of West Farmington on Wilton Road.

Lincoln County

Wiscasset, *Scott, George, House (Octagon House)*, Federal Street.

Penobscot County

Bangor, *Bangor House*, 174 Main Street.

Sagadahoc County

Richmond, *Southard Block*, 25 Front Street.

MARYLAND

Anne Arundel County

Annapolis, *Paca House and Garden*, 186 Prince George Street.

MASSACHUSETTS

Barnstable County

Provincetown, *First Universalist Church*, 236 Commercial Street.

Berkshire County

Lanesborough, *St. Luke's Episcopal Church*, U.S. 7.
South Lee, *Merrell Tavern*, Massachusetts 102.

Franklin County

Buckland, *Griswold, Major Joseph, House*, Upper Street.

Plymouth County

Plymouth, *Old County Courthouse*, corner of Leyden and Market Streets.

Suffolk County

Boston, *Crowninshield House*, 164 Marlborough Street.
Boston, *First Baptist Church (Brattle Square Church)*, Commonwealth Avenue and Clarendon Street.
Boston, *Trinity Rectory*, northeast corner of Clarendon and Newbury Streets.

Worcester County

Northborough, *Northborough Town Hall*, northeast corner of West Main and Blake Streets.

MINNESOTA

Brown County

New Ulm, *Kiesling House*, 220 North Minnesota Street.

Ramsey County

St. Paul, *Minnesota State Capitol*, Aurora between Cedar and Park.

MISSOURI

Atchison County

Watson vicinity, *The Gibbs Site*, 4 miles northeast of Watson.

Dent County

Salem, *Dent County Courthouse*, Main and Fourth Streets.

Jackson County

Kansas City, *Coates House Hotel*, 1005 Broadway.

Saline County

Arrow Rock, *Arrow Rock Tavern*, Main Street.

NEVADA

Churchill County

Austin vicinity, *Cold Springs Station*, 51 miles west of Austin on U.S. 50.
Fallon vicinity, *Grimes Point*, 12 miles southeast of Fallon on U.S. 50.

White Pine County

Ely vicinity, *Fort Schellbourne*, 43 miles north of Ely via U.S. 93 and east 3 miles on Nevada 2.

NEW YORK

New York County

New York, *Blackwell House*, Welfare Island.

NORTH DAKOTA

Benson County

Bismarck, *Camp Hancock Site*, 101 Main Avenue.

OHIO

Clark County

Enon, *Enon Mound*, Mound Street.

Franklin County

Columbus, *Wyandotte Building*, 21 West Broad Street.

Greene County

Cedarville vicinity, *Pollock Works*, west of Cedarville off U.S. 42.
Fairborn vicinity, *Wright-Patterson Air Force Base Mound*, Area B, P Street between Seventh and Eighth Streets.

Lucas County

Toledo, *Old Central Post Office*, 13th Street between Madison and Jefferson Avenues.
Toledo, *Philipps, Henry, House*, 220 Columbia.
Toledo, *Pythian Castle (Bleckner Music Company)*, 801 Jefferson Avenue.
Toledo, *St. Patrick's Catholic Church*, 13th Street and Avondale Avenue.
Toledo, *Toledo City Market (city of Toledo Service Building)*, 237 South Erie Street.
Toledo, *Toledo News-Bee Building*, 604 Jackson Street.

Ottawa County,

Mineyahta-on-the-Bay, *War of 1812 Battle Site*, East Bay Shore Road, 1 mile west of the junction with T–142.

Ross County

Bourneville vicinity, *Spruce Hill Works*, east of Bourneville at Spruce Hill.

OKLAHOMA

Woodward County

Fort Supply, *Fort Supply Historic District*, NE¼ sec. 9, T. 24 N., R. 22 W.

RHODE ISLAND

Newport County

Newport, *House*, 295 Thames Street.
Newport, *Rogers, Joseph, House*, 37 Touro Street.
Newport, *White Horse Tavern*, 26 Marlborough Street.

Providence County

Berkeley, *Berkeley Mill Village*. Bounded by properties on both sides of Martin Street and Mendon Road on the northeast and northwest, by the railroad on the southwest, and the cemetery on the southeast.

Washington County

Wickford vicinity, *Smith's Castle*, north of Wickford on the Post Road.

SOUTH CAROLINA

Charleston County

Charleston vicinity, *Fenwick Hall*, on John's Island approximately 10 miles south of Charleston.

Fairfield County

Winnsboro, *Rural Point (Robertson House)*, Old Camden Road.

Jasper County

Robertville, *Robertville Baptist Church*, intersection of U.S. 321 and County Route 26.

Marlboro County

Bennettsville, *Jennings-Brown House*, 121 South Marlboro Street.

Richland County

Columbia, *Lorick-Baker House*, 1727 Hampton Street.
Columbia, *Wilson, Thomas Woodrow, Boyhood Home*, 1705 Hampton Street.

TENNESSEE

Davidson County

Donelson, *Two Rivers (David H. McGavock House)*, McGavock Pike.
Nashville, *Gymnasium, Vanderbilt University*, southwest corner of West End and 23d Avenues.
Nashville, *The Parthenon*, Centennial Park.
Nashville, *Second Avenue Commercial District*, Second Avenue North between Brandon Street and Broadway.

Franklin County

Huntland vicinity, *Falls Mill*, 1 mile off U.S. 64.

Williamson County

Franklin, *St. Paul's Episcopal Church*, 510 Main Street.

TEXAS

Bexar County

San Antonio, *Mission San Francisco de la Espada*, Espada Road.
San Antonio, *Mission San Juan Capistrano*, Mission Road.

Cameron County

Port Isabel vicinity, *Garcia Pasture Site*, Loma del Mesquite about 2 miles south-southwest of Port Isabel.

Concho County

Paint Rock vicinity, *Paint Rock Indian Pictograph Site*, 1 mile northwest of Paint Rock off U.S. 83.

El Paso County

El Paso, *Old Fort Bliss*, 1800 block Doniphan Street; property between Doniphan Street and the Rio Grande, north of Franklin Canal.

Oldham County

Adrian vicinity, *Rocky Dell*, 9 miles northwest of Adrian and 2.7 miles north of U.S. 40.

Travis County

Austin, *Hardeman House*, 401 East 16th Street.

UTAH

Cache County

Logan, *Old Main, Utah State University*, Utah State University campus.

Washington County

Rockville, *Deseret Telegraph and Post Office*, Utah 15.

Wayne County

Fruita, *Fruita Schoolhouse*, Utah 24.
Green River vicinity, *Horseshoe (Barrier) Canyon Pictograph Panels*, 43 miles south of Green River secs. 17, 19, T. 27 S., R. 16 E.

VIRGINIA

Albermarle County

Cismont vicinity, *Castle Hill*, 0.8 mile northwest of Route 231, 2 miles northeast of the intersection with Route 600.

Arlington County

Arlington, *The Glebe*, 4527 North 17th Street.

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Goochland County

Pemberton vicinity, *Howard's Neck*, 1 mile northwest of Pemberton.

Hampton (independent city)

Herbert House, east end of Marina Road on Hampton Creek.

Loudoun County

Middleburg vicinity, *Welbourne*, 0.1 mile south of Route 743, 1.2 miles northwest of its intersection with Route 6111.

Lunenburg County

Lunenburg
Lunenburg Courthouse Historic District, 0.2 mile west and north of the intersection of Routes 40 and 49; and 0.4 mile east and south of the intersection of Routes 40 and 675.

Prince William County

The Plains vicinity, *Beverley Mill (Chapman Mill)*, north side of the intersection of Routes 600 and 55.

Richmond (independent city)

Barrett House, 15 South Fifth Street.

Broad Street Station, Broad and Robinson Streets.

Confederate Memorial Chapel, 2900 Grove Avenue.

Crozet House (Curtis Carter House), 100 East Main Street.

Staunton (independent city)

Sears House, Sears Hill Road in Woodrow Wilson City Park.

WASHINGTON

Clallam County

Olympic Peninsula, *Tatoosh Island*, northwest of Cape Flattery.

Douglas County

East Wenatchee vicinity, *Pangborn-Herndon Memorial*, 8 miles northeast of East Wenatchee.

King County

Seattle, *Assay Office*, 613 Ninth Avenue.
Seattle, *Colman Building*, 811 First Avenue.
Seattle, *Park Department, Division of Playgrounds*, 301 Terry Avenue.
Seattle, snagboat *W. T. Preston*, Lake Washington Ship Canal, Hiram Chittenden Locks.
Seattle, *Ward Home*, 1427 Boren Avenue.

Klickitat County

The Dalles vicinity, *Wishram Indian Village Site*, 5 miles northeast of The Dalles.

Okanogan County

Winthrop vicinity, *Parson Smith Tree*, 40 miles north of Winthrop on the Canadian border.

Whatcom County

Bellingham, *Gamwell House*, 1001 16th Street.

WEST VIRGINIA

Greenbrier County

Lewisburg, *Old Stone Church (Presbyterian)*, Church and Foster Streets.
Lewisburg, *Supreme Court Library Building (Greenbrier County Library and Museum)*, U.S. 60 west and Courtney Drive.

Lewis County

Jackson Mill vicinity, *Jackson's Mill*, east of Jackson Mill on Route 1 (Route 12).

WISCONSIN

Dane County

Madison, *Bradley, Harold C., House*, 106 North Prospect Avenue.
Madison, *State Historical Society of Wisconsin*, 816 State Street.

Grant County

Platteville, *Mitchell-Roundtree House*, Jewett and Lancaster Streets.

Jefferson County

Watertown, *First Kindergarten*, 919 Charles Street.

Lafayette County

New Diggings, *St. Augustine Church*, just off County Route W.

Milwaukee County

Milwaukee, *Church, Benjamin, House*, Parkway Drive, Estabrook Park.
Wauwatosa, *Damon House*, 2107 North Wauwatosa Avenue.

Walworth County

Elkhorn, *Webster, Joseph P., House*, 9 East Rockwell Street.

Waukesha County

Delafield, *Hawks Inn*, 426 Wells Street.
Delafield, *St. John Chrysostom Church*, 1111 Genesee Street.
Nashotah vicinity, *Chapel of St. Mary the Virgin*, 1 mile south and 1 mile west of Nashotsh on Nasotah House Road.

WYOMING

Albany County

Laramie, *Ivinson Mansion and Grounds*, lots 1–8, block 178.

ROBERT M. UTLEY,
Acting Director, Office of Archeology and Historic Preservation.

[FR Doc.72-5079 Filed 4-3-72;8:48 am]

Office of the Secretary

[INT FES 72-6]

AUTHORIZED MOUNTAIN PARK PROJECT, OKLAHOMA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the authorized Mountain Park project, Oklahoma.

The environmental statement concerns a water project for the purpose of furnishing municipal and industrial water supplies for the cities of Altus, Snyder, and Frederick, Okla.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone (202) 343–4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone (303) 234–3007.
Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H–4377, Amarillo, Tex. 79101, telephone (606) 376–2408.
Oklahoma City Development Office, Bureau of Reclamation, Post Office Box 495, Federal Office Building, Oklahoma City, Okla. 73101 telephone (405) 231–4515.

Single copies of the statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Oklahoma City Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: March 27, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-5084 Filed 4-3-72;8:48 am]

[DES 72-49]

PROPOSED STRIP MINED AREA RECLAMATION AND RECREATION CENTER DEVELOPMENT PROJECT; LACKAWANNA COUNTY, PA.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Mines, Department of the Interior, has prepared a draft environmental statement concerning the conduct of a strip mined area reclamation project as part of an overall public recreation area/anthracite museum-mine tour complex development program coordinated by Lackawanna County, Pa. Written comments are invited for a period of 30 days after publication of this notice.

The proposed project will eliminate the scars of past surface coal mining activities on 125 acres of county owned land located within the adjoining communities of Scranton and Taylor, Pa. The Bureau of Mines will cooperate in finalization of the park land-use plan, fill coal strip mine pits with material from adjoining spoil banks, grade the park area to stable rolling contours, plant reclaimed and graded areas, and reconstruct and seal the channel of Lucky Run Creek which flows across the park area.

Single copies of the draft statement are available from:

Director, Bureau of Mines, Room 4614, Department of the Interior, Washington, D.C. 20240.
Chief, Environmental Affairs Field Office, Veterans Building, 19 North Main Street, Wilkes-Barre, PA 18701.

In requesting this document, please refer to the statement number above.

Dated: March 30, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-5203 Filed 4-3-72;8:53 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COOPERATIVE 1972 GYPSY MOTH SUPPRESSION AND REGULATORY PROGRAM

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Cooperative 1972 Gypsy Moth Suppression and Regulatory Program, USDA–FS–FES (Adm) 72–16.

The environmental statement concerns a suppression effort using carbaryl on about 200,000 acres to assist cooperating States in Pennsylvania, New Jersey, and New York in preventing defoliation of hardwoods and to protect forest and forest-related resources from imminent damage by the gypsy moth.

This final environmental statement was filed with CEQ on March 27, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, 1621 North Kent Street, Rosslyn Plaza, Room 1205–B, Arlington, VA 22209.
USDA, Forest Service, 6816 Market Street, Room 207, Upper Darby, PA 19082.
U.S. Department of Agriculture, Animal and Plant Health Service, Administration Building, Room 302–E, 12th Street and Independence Avenue, SW., Washington, DC 20250.

A limited number of single copies are available upon request to Edward P. Cliff, Chief, U.S. Forest Service, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20250.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

LAWRENCE M. WHITFIELD,
Acting Deputy Chief, Forest Service.

MARCH 30, 1972.

[FR Doc.72-5092 Filed 4-3-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CELANESE FIBERS MARKETING CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2773) has been filed by Celanese Fibers Marketing Co., Post Office Box 1414, Charlotte, NC 28201 proposing that § 121.2536 *Filters, resin-bonded* (21 CFR 121.2536) be amended to provide for the safe use of polyethylene terephthalate fibers in the manufacture of resin-bonded filters.

Dated: March 24, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5060 Filed 4-3-72;8:46 am]

[DESI 9036]

OXYTETRACYCLINE HYDROCHLORIDE AND POLYMYXIN B SULFATE VAGINAL TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Terramycin Vaginal Tablets with Polymyxin B Sulfate, containing oxytetracycline hydrochloride and polymyxin B sulfate; Pfizer, Inc., 235 East 42d Street, New York, N.Y. 10017 (NDA 61–009).

The Food and Drug Administration concludes that oxytetracycline hydrochloride with polymyxin B sulfate vaginal tablets are effective for the indications described in the labeling conditions in this announcement.

Preparations containing oxytetracycline and polymyxin B sulfate are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. Within 60 days following publication of this announcement in the FEDERAL REGISTER drugs in the dosage form described above for which certification or release is requested should contain labeling information in accord with this reevaluation of the drug published in this announcement.

The above-named firm and any other holders of applications approved for a drug of the kind described above are requested to submit within 60 days following publication of this announcement in the FEDERAL REGISTER, amendments to their antibiotic applications to provide for revised labeling. Such labeling should comply with all requirements of the Act and regulations, bear adequate information for safe and effective use of the drug, and be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section of the labeling should be as follows:

INDICATIONS

For use in the treatment of acute or chronic vaginitis due to one or more susceptible bacterial organisms.

The Food and Drug Administration concludes that the above drug is possibly effective for use in trichomonas vaginitis; prophylaxis before vaginal surgery; and following cauterization of the cervix. Batches of the drugs which bear labeling with the indications evaluated as possibly effective and are otherwise in accord with the labeling conditions herein will be accepted for release or certification by the Food and Drug Administration for a period of 6 months from the publication date of this announcement to allow any applicant to obtain and submit data to provide substantial evidence of effectiveness of the drug for use in a condition for which it has been evaluated as possibly effective.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drug will no longer be eligible for release or certification when labeled with those indications.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwaded in response to this announcement should be identified with the reference number DESI 9036, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number, if known): Division of Anti-Infective Drug Products (BD–140), Office of Scientific Evaluation, Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 23, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5062 Filed 4-3-72;8:46 am]

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[DESI 11659; Docket No. FDC-D-289; NDA 11-659]

PREPARATION CONTAINING STERILE UREA AND INVERT SUGAR INJECTION

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for intravenous use:

Urevert containing sterile urea and invert sugar injection; Travenol Laboratories, Inc., 6301 Lincoln Avenue, Morton Grove, IL 60053 (NDA 11-659).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Thirty percent (w/w) urea solutions are effective for use in the reduction of intracranial or intraocular pressure and in the control of cerebral edema.

2. Four percent urea solutions lack substantial evidence of effectiveness for use in the management of edema associated with surgery, trauma, or burns and for the prevention of postoperative sodium retention.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Such preparations are in a form suitable for intravenous use.

2. *Labeling conditions.* a. The label bears the statement: "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

INDICATIONS

When administered as a 30 percent solution, this preparation is indicated for the reduction of intracranial pressure (in the control of cerebral edema) and of intraocular pressure.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1)(i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and/or all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph A.2 of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented, in accord with this notice, to delete such indications. Any related drug for human use, not the subject of an approved new drug application, offered for the indications for which substantial evidence of effectiveness is lacking, may be affected by this action.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from the labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing, together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 11659, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.
Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD-67), Bureau of Drugs.
Request for a hearing (identify with docket number): Hearing Clerk; Office of General Counsel (GC-1), Room 6-88, Parklawn Building.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 20, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5061 Filed 4-3-72;8:46 am]

[Docket No. FDC-D-274; NADA 11-388V]

BARNES-HIND PHARMACEUTICALS, INC.

Prednisolone Injection Veterinary; Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

Barnes-Hind Pharmaceuticals, Inc., 895 Kifer Road, Sunnyvale, Calif. 94086, the holder of NADA No. 11-388V for the product Prednisolone Injection Veterinary filed a written appearance requesting an opportunity for a hearing. However, said appearance was not supported by well-organized and full-factual analysis of clinical and other investigational data to support their opposition to the grounds for said notice. Therefore, the firm's request for a hearing is denied.

The Commissioner of Food and Drugs, based on his evaluation of information before him with respect to said drug finds that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling. Accordingly, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 11-388V including all amendments and supplements thereto is hereby withdrawn effective on the date of publication of this document (4-4-72).

Dated: March 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5107 Filed 4-3-72;8:50 am]

OVER-THE-COUNTER ANTIMICROBIAL INGREDIENTS IN DRUG PRODUCTS

Safety and Efficacy Review; Request for Data and Information

A notice was published in the FEDERAL REGISTER, January 7, 1972 (37 F.R. 235), inviting submission of data by interested parties on over-the-counter antibacterial ingredients (excluding mercurials, antibiotics, and methyl, ethyl, or propyl alcohols) in drug products for repeated daily human use. The notice was corrected on January 26, 1972 (37 F.R. 1182). The Commissioner of Food and Drugs has concluded that the scope of the panel should be expanded; therefore the notice as corrected is replaced by the following (responses to the prior "antibacterial" notice will be considered as responses submitted to this notice):

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice of proposed rule making outlining procedures and explaining the purpose for this review was published in the FEDERAL REGISTER of January 5, 1972.

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for these categories of antimicrobial-containing products for which drug claims are made, we are inviting published and unpublished data and other information pertinent to all active ingredients utilized as antimicrobial components of such products. (This includes soaps, surgical scrubs, skin washes, skin cleansers, and first aid preparations. Excluded at this time, but to be considered at a later date, are OTC drug products containing antimicrobial agents, offered for treatment or prophylaxis of specific disorders such as seborrhea, dandruff, acne, athletes foot, and vaginitis.)

FDA is aware that the following active ingredients are used in such products:

Bis-phenols (Hexachlorophene).
Phenolic Compounds.
Salicylanilides (Tribromsalan).
Salicylic Acid.
Quaternary Ammonium Compounds.
Carbanilides (Triclorcarban, Cloflucarban).
Iodophors.
Iodine.
Irgasans.

Interested parties are also invited to submit data on any other active antimicrobial ingredients which they may wish to be considered.

The FDA is aware that safety data on these ingredients is available as a result of testing related to nondrug products (such as cosmetics, economic poisons, coatings, and other products). In vitro and in vivo data on the antimicrobial effectiveness of such ingredients is also available from these other sources. All interested parties are encouraged to submit, at this time, all available safety and antimicrobial effectiveness data for these antimicrobial ingredients, so that the conclusions reached will reflect the best information available.

This panel is not charged with reviewing the safety or effectiveness of the use of antimicrobial ingredients in nondrug products such as cosmetics (e.g. deodorants), economic poisons, wall coatings, air filters, and other common uses. However, the conclusions of the panel with respect to these ingredients for drug use may be utilized by the Food and Drug Administration in determining whether their use in cosmetics and hazardous household products can continue to be justified, and the Environmental Protection Agency may similarly use this information in reviewing their continued use in economic poisons. Thus, although the report and monograph prepared by this panel will cover only OTC drug use, the conclusions may well have a direct and substantial impact on all uses of antimicrobial ingredients in consumer products.

To be considered, eight copies of the data and/or views must be submitted in the following format:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling.
II. A statement of the complete quantitative composition of the drug.
III. Animal safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
IV. Human safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports (not testimonial reports).

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

Data should be submitted to: Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD-106), 5600 Fishers Lane, Rockville, Md. 20852. These data shall be submitted wtihin 30 days from date of this publication.

Voluntary submission of data pursuant to this request or any other form of cooperation with the Food and Drug Administration with respect to the OTC drug review does not constitute agreement with the legality of the procedure or the resulting monograph. Any person submitting data or information or otherwise cooperating with the review retains the right to challenge at any time any

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aspect of the procedure or monograph on any legal ground.

Dated: March 24, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-5105 Filed 4-3-72;8:50 am]

[Docket No. FDC-D-274; NADA 2-923V, 6-521V]

U.S.V. PHARMACEUTICAL CORP.

Pervinal and Aquasol A Parenteral Veterinary; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

U.S.V. Pharmaceutical Corp., 1 Scarsdale Road, Tuckahoe, NY 10707 the holder of NADA No. 2-923V for the product Pervinal and NADA No. 6-521V for the product Aquasol A Parenteral Veterinary, filed a written appearance requesting an opportunity for a hearing. However, said written appearance was not supported by well-organized and full-factual analysis of clinical and other investigational data to support their opposition to the grounds for said notice. Therefore, the firm's request for a hearing is denied.

The Commissioner of Food and Drugs, based on his evaluation of information before him with respect to said drugs finds that there is a lack of substantial evidence that the drugs will have the effect they purport and are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. Accordingly, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 2-923V and NADA No. 6-521V including all amendments and supplements thereto is hereby withdrawn effective on the date of publication of this document (4-4-72).

Dated: March 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5106 Filed 4-3-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-64N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of livesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 7, 1971, to February 24, 1972 (List No. 6-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160-164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

SIGNALS, DISTRESS, COMBINATION FLARE AND SMOKE, HAND, FOR MERCHANT VESSELS

Approval No. 160.023/4/0, signal distress, combination flare and smoke, hand-held, Propellex's drawing Model 13, Revision A dated October 7, 1969, manufactured by Propellex Company, Post Office Box 387, Edwardsville, IL 62025, effective February 23, 1972.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/39/0, container for emergency provisions, dwg. No. 313 dated January 31, 1972, and Specification No. 313C dated January 31, 1972, manufactured by Globe Equipment Corp., 257 Water Street, Brooklyn, NY 11201, effective February 18, 1972.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/150/3, mechanical davit, steel straight boom sheath screw, Type B-47; approved for a maximum working load of 9,450 pounds per set (4,725 pounds per arm) using not less than 2-part falls; identified by general arrangement dwg. 80049, Rev. C dated January 15, 1969, and drawing list dated January 17, 1972, manufactured by Welin Davit and Boat Division, Lake Shore, Inc., Iron Mountain, Mich. 49801, formerly Welin Davit Division of Lane Marine Technology, Inc., effective February 10, 1972. (It supersedes Approval No. 160.032/150/2 dated April 17, 1970 to show change of name and address of manufacturer and minor drawing revisions.)

LIFEBOATS

Approval No. 160.035/338/2, 28' x 9' x 3.96' aluminum, oar-propelled lifeboat, 59-person capacity, identified by general arrangement dwg. No. 28-1E Rev. E dated February 9, 1972, alternate aluminum interior, 46 CFR 160.035-13(c) Marking. Weights: Wood Interior: Condition "A"=3,120 pounds; Condition "B"=13,901 pounds, Aluminum Interior: Condition "A"=3,055 pounds; Condition "B"=13,836 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 18, 1972. (It reinstates and supersedes Approval No. 160.035/338/1 terminated September 24, 1970.)

Approval No. 160.035/444/1, 28' x 9' x 3.96' aluminum, hand-propelled lifeboat, 59-person capacity, identified by general arrangement dwg. No. 28-1F Rev. D dated February 10, 1972, alternate aluminum interior, 46 CFR 160.035-13(c) Marking. Weights: Wood Interior: Condition "A"=3,450 pounds; Condition "B"=14,195 pounds, Aluminum Interior: Condition "A"=3,660 pounds; Condition "B"=14,405 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 22, 1972. (It reinstates and supersedes Approval No. 160.035/444/0 terminated September 24, 1970.)

Approval No. 160.035/449/2, 26' x 9' x 3.83' aluminum, motor-propelled lifeboat without radio cabin or searchlight (Class 1), 48-person capacity, identified by general arrangement dwg. No. 26-15 Rev. D dated November 20, 1969, or motor-propelled lifeboat with a searchlight and without radio cabin (Class 2), identified by general arrangement dwg. No. 26-18 dated October 16, 1969, to be fitted with Rottmer Type S-1 Release Gear 160.033/39/3 or Rottmer Type B-1 Release Gear 160.033/52/0, 46 CFR 160.035-13(c) Marking. Weights: Class 1 Condition "A"=3,765 pounds; Condition "B"=12,881 pounds, Class 2 Condition "A"=3,765 pounds; Condition "B"=13,050 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 15, 1972. (It reinstates and supersedes Approval No. 160.035/449/0 terminated December 8, 1971 in error.)

Approval No. 160.035/466/0, 30' x 10' x 4.33' steel, hand-propelled lifeboat, 78-person capacity, identified by general arrangement dwg. No. 30-6 Rev. A dated December 22, 1971, 46 CFR 160.035-13(c) Marking. Weights: Condition "A"=5,660 pounds; Condition "B"=19,799 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 15, 1972.

Approval No. 160.035/467/0, 30' x 10' x 4.33' steel, motor-propelled lifeboat, without radio or searchlight (Class 1), 74-person capacity, identified by general arrangement dwg. No. 30-7, Rev. A dated December 15, 1971, 46 CFR 160.035-13 (c) Marking. Weights: Condition "A"=6,825 pounds; Condition "B"=20,631 pounds, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 14, 1972.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/82/0, 30-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and B. F. Goodrich dwg. No. 12988, revision 3 dated January 13, 1960, manufactured by Goodenow Manufacturing Co., 1301 West 18th Street, Erie, PA 16501, effective February 24, 1972.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/78/0, Type 91, pressure vacuum relief valves, made of ASTM-A-216 Grade WCB, in 2", 3", 4", and 6" sizes, for a maximum pressure of 50 p.s.i.g., as shown on the drawings listed below, Type 93, pilot valve, made of ASTM A-107, Grade C1018, as per dwg. Nos. 3-0569 dated July 8, 1967, and 3-0566 dated June 16, 1967, manufactured by Anderson, Greenwood & Co., 5425 South Rice Avenue, Houston, TX 77036, effective December 7, 1971. (It supersedes Approval No. 162.018/78/0 dated November 8, 1971, to show minor changes.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/142/0, "Nadisco" fibrous glass cloth faced incombustible fibrous glass thermal insulation board, identical to that described in National Bureau of Standards Test Report No. FR3767 dated July 6, 1971, approved in a density of 4 pounds per cubic foot and a thickness of 1 inch, manufactured by Jamestown Fiberglass, Inc., 140 Blackstone Avenue, Jamestown, NY 14701, effective February 14, 1972.

Dated: March 29, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-5102 Filed 4-3-72;8:49 am]

[CGD 72-63N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 2, 1972, to February 18, 1972 (List No. 5-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160-164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYS, LIFE, RING, CORK, OR BALSA WOOD FOR MERCHANT VESSELS AND MOTORBOATS

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, Approvals Nos. 160.009/11/0 and 160.009/13/0 expired and were terminated effective February 17, 1972.

BUOYANT APPARATUS FOR MERCHANT VESSELS

The Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, no longer manufactures certain buoyant apparatus and Approvals Nos. 160.010/59/1 and 160.010/60/1 were therefore terminated effective February 2, 1972.

DECK COVERINGS FOR MERCHANT VESSELS

The Thos. Moulding Floor Co., Inc., 2519 West Peterson, Chicago, IL 60645, no longer manufactures certain deck coverings and Approval No. 164.006/15/0 was therefore terminated February 18, 1972.

Dated: March 29, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72-5101 Filed 4-3-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Extending Facility Operating License Expiration Date

Consolidated Edison Co. of New York, Inc., having filed a request dated March 9, 1972, for extension of the expiration date of Facility Operating License No. DRP-26 which authorizes fuel loading and subcritical testing of the Indian Point Nuclear Generating Unit No. 2, located in the town of Buchanan, Westchester County, N.Y.; and

Good cause having been shown in the application for this extension pursuant to Part 50 of the Commission's regulations in 10 CFR: *It is hereby ordered,* That the expiration date of Facility Operating License No. DRP-26 is extended from April 19, 1972, to July 19, 1972.

Dated at Bethesda, Md., this 24th day of March 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-5048 Filed 4-3-72;8:45 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Order Extending Provisional Construction Permit Completion Date

By Amendment No. 23 dated March 2, 1972, General Electric Co. requested an extension of the latest completion date specified in Provisional Construction Permit No. CPCSF-3. The permit authorizes General Electric Co. to construct an irradiated fuel reprocessing plant, known as the Midwest Fuel Recovery Plant, at the company's site in Grundy County, Ill.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered,* That the latest completion date specified in Provisional Construction Permit No. CPCSF-3 is extended from April 1, 1972 to April 1, 1973.

Dated at Bethesda, Md., this 28th day of March 1972.

For the Atomic Energy Commission.

S. H. SMILEY,
Director, Division of Materials Licensing.

[FR Doc.72-5080 Filed 4-3-72;8:48 am]

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER AND LIGHT CO.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board, in or in the vicinity of Dade County, Fla., to consider the application filed under section 104b. of the Act by the Florida Power and Light Co. (applicant) for facility operating licenses which would authorize the operation of the pressurized water reactors (facility), identified as Turkey Point Nuclear Generating Unit No. 3 and Unit No. 4 at steady-state power levels up to a maximum of 2,200 megawatts thermal each, at the applicant's site in Dade County, Fla.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic

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Energy Commission (Commission). Notice of the Licensing Board's membership will be published in the FEDERAL REGISTER.

Construction of the facility was authorized by Provisional Construction Permits Nos. CPPR–27 and CPPR–28 issued by the Commission on April 27, 1967, following a public hearing.

A notice of consideration of issuance of an operating license for the facility was published by the Commission on October 30, 1971 (36 F.R. 20906). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the issuance of a license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, Rules of Practice. A petition for leave to intervene was thereafter filed by Paul Siegel, a resident of the city of Miami. Answers to the petition were filed by the applicant and by the Atomic Energy Commission's regulatory staff.

As set forth in a memorandum and order on this matter dated March 30, 1972, the Commission has determined that a public hearing will be held and that Paul Seigel should be admitted as a party to the proceeding.

As to the matters to be considered in the ensuing proceeding the Commission's memorandum and order provided that the issue for hearing consideration will by the steam line safety valve header failure incident referred to in paragraph 5b. of the petition, as refined through appropriate prehearing procedure.

Depending on the resolution of those matters, authorization for issuance of the license may be granted or denied, or the license may be authorized as appropriately conditioned. An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50, dealt with hereinafter):

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

A prehearing conference will be held by the Board at a date and place to be set by it to consider pertinent matters in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, including section 11 of appendix A. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The Commission has issued revised regulations for the implementation in its licensing proceedings of the National Environmental Policy Act of 1969 (NEPA), Appendix D to 10 CFR Part 50. The instant proceeding is covered by section D.1 of said appendix D (the notice of opportunity for hearing was issued prior to October 31, 1971, but the requirements of sections A.1 through 9 of that appendix have not been completed for this application). In accordance with the provisions of section D.1, the Board will proceed expeditiously with consideration of the hearing issue (as appropriately defined) set forth above pending compliance with the requirements specified in said appendix D.

While the matter of the full power operating license is pending before the Board, the applicant may make a motion in writing pursuant to § 50.57(c) of 10 CFR Part 50 for an operating license authorizing low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility), and further operations short of full power operation.[1] The Board, in accordance with section D.2 of said appendix D, may grant the motion upon a finding that the proposed licensing action will not have a significant, adverse impact on the quality of the environment and upon satisfaction of the requirements of § 50.57(c) of 10 CFR Part 50. In addition, under section D.2, the Board may grant a motion, pursuant to § 50.57(c) of 10 CFR Part 50, upon satisfaction of the requirements of that paragraph, after consideration and balancing of the following factors:

(a) Whether it is likely that limited operation during the prospective review period will give rise to a significant, adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification or termination of the limited license result from the ongoing NEPA environmental review.

(b) Whether limited operation during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

Operation beyond twenty percent (20%) of full power will not be authorized except on specific approval of the Commission, upon the Commission's finding that there exists an emergency situation or other situation requiring such operation in the public interest.

Prior to taking any action on a motion pursuant to § 50.57(c) of 10 CFR Part 50 which any party opposes, the Board shall, with respect to the contested activity sought to be authorized, make findings on the hearing issue (as appropriately refined) specified above, and determine whether the proposed licensing action will have a significant, adverse impact on the quality of the environment or make findings on the factors specified in the paragraph preceding the one above, as appropriate, in the form of an initial decision. The licensing action will be taken by the Director of Regulation only after appropriate findings are made on items 1 through 6 above. If the license is one which requires the specific approval of the Commission, the Board will certify directly to the Commission for determination, without ruling thereon, the matter of whether operation beyond 20 percent (20%) of full power should be authorized.

Any license issued pursuant to the foregoing will be without prejudice to subsequent licensing action which may be taken by the Commission with regard to the environmental aspects of the facility, and any license issued will be conditioned to that effect.

As they become available, the application, the proposed operating license, the applicant's summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the Safety Evaluation by the Commission's regulatory staff, the applicant's Environmental Report, the AEC's Detailed Statement on Environmental Considerations, and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Lily Lawrence Bow Public Library, 212 Northwest, First Avenue, Homestead, FL 33030, for inspection by members of the public between the hours of 10 a.m. to 8 p.m. on Monday and 10 a.m. to 5:30 p.m. on Tuesday through Saturday. Copies of the proposed operating license, the ACRS report, the regulatory staff's Safety Evaluation, the applicant's Environmental Report, and the Commission's Detailed Statement on Environmental Considerations may be obtained, to the extent extra copies are available, by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed either a petition for leave to intervene or a request for a hearing as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's Rules of Practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's Rules of Practice, must be filed by the parties to the proceeding (other than the regulatory staff) not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's Rules of Practice, an original and 20 copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's Rules of Practice, and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and vice chairman and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, the University of Virginia, as this third member.

Dated at Germantown, Md., this 30th day of March 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72–5212 Filed 4–3–72;8:53 am]

[1] The applicant's answer, filed on Feb. 24, 1972, included an application for authority to load fuel in Turkey Point Unit No. 3 and to conduct certain testing and other limited operations of that unit.

[Dockets Nos. 50–400—50–403]

CAROLINA POWER AND LIGHT CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report" submitted by the Carolina Power and Light Co. is being placed in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Wake County Public Library, 104 Fayetteville Street, Raleigh, NC 27601. The report is also being made available at the Clearinghouse and Information Center, Post Office Box 1351, Raleigh, NC 27602, and the Research Triangle Regional Planning Commission, Post Office Box 12255, Research Triangle Park, NC 27709.

This report discusses environmental considerations related to the proposed construction of the Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4, located in Wake and Chatham Counties, N.C., and supersedes the environmental report submitted on September 7, 1971.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of March 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–5113 Filed 4–3–72;8:50 am]

[Dockets Nos. 50–338, 50–339, 50–404, 50–405]

VIRGINIA ELECTRIC & POWER CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in appendix D to 10 CFR Part 50, notice is hereby given that the "Applicant's Environmental Report Supplement, Volumes 1 and 2," for the North Anna Power Station, Units 1, 2, 3, and 4, submitted by the Virginia Electric & Power Co., has been placed in the Commission's Public Document Room at 1717 H Street, NW., Washington, DC 20545, and in the Office of the Executive Secretary of the Board of Supervisors, Louisa County Courthouse, Louisa, Va. 23093.

The report is also being made available at the Virginia Division of Planning and Community Affairs, 1010 James Madison Building, Richmond, VA 23219.

This report discusses environmental considerations related to the proposed operation of the North Anna Power Station, Units 1 and 2, and the proposed construction of Units 3 and 4, located in Louisa County, Va. This report supersedes the environmental report submitted on June 17, 1970, and the supplemental letter of September 29, 1970.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 29th day of March 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–5114 Filed 4–3–72;8:50 am]

[Docket No. 50–271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Appointment of Alternate Appeal Board Chairman

The Commission has delegated its authority and review function in this proceeding to the Atomic Safety and Licensing Appeal Board, consisting of the Chairman and Vice-Chairman of the Appeal Board (Algie A. Wells, Esq., and

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Dr. John H. Buck) and a third member (Dr. Lawrence R. Quarles) designated by the Commission. By memorandum dated March 17, 1972, the Chairman has disqualified himself from participation in this proceeding.

Accordingly, in accordance with § 2.787 of the rules of practice, the Commission has designated Sidney G. Kingsley, Esq., as Chairman of the Appeal Board for purposes of the above-captioned proceeding.

It is so ordered, by the Commission.

Dated at Germantown, Md., this 29th day of March 1972.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-5094 Filed 4-3-72;8:49 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Canceling Session and Convening Evidentiary Hearing

The Atomic Safety and Licensing Board has undertaken consultation with the attorneys for the parties actively participating in the evidentiary sessions respecting their readiness to proceed with the presentation or cross-examination of evidence at the session which has been contemplated for April 10, 1972, in Brattleboro, Vt. The parties reported that arrangements were under consideration regarding the preparation of evidence, that additional time was needed in some respects, and that in general the parties are endeavoring to develop means which will expedite the proceedings. All attorneys are agreed that April 10 does not appear to be a feasible date for convening the proceeding and that the next session is suggested to extend for 3 weeks of continuous hearing commencing on May 30, 1972. No objection was made by any attorney to this proposed schedule.

The Atomic Safety and Licensing Board, after a consideration of these representations from the attorneys, concludes that good cause has been shown to omit the April 10 session, that this proceeding will be expedited by permitting complete preparation of the proposed evidence, and that the next session of hearings should convene on May 30, 1972.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the proposed April 10, 1972, session of hearings in this proceeding is canceled, and take notice that the next session of evidentiary hearings in this proceeding shall convene at 2:30 p.m. on Tuesday, May 30, 1972, in Brattleboro, Vt., at a location therein to be designated later by order.

Issued: March 30, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-5141 Filed 4-3-72;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24124]

GUYANA AIRWAYS CORP.

Notice of Prehearing Conference and Hearing Regarding Georgetown, Guyana-Miami, Florida, Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 18, 1972, at 10 a.m., local time, in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Milton H. Shapiro.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 11, 1972.

Dated at Washington, D.C., March 30, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-5121 Filed 4-3-72;8:51 am]

AIR WEST

Order Granting Motion for Immediate Hearing and Consolidating Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1972. Application of Hughes Air Corp. doing business as Air West, Docket 24052, for amendment of its certificate of public convenience and necessity for route 76 so as to delete Baker, Oreg., and Ontario, Oreg./Payette, Idaho; Application of Hughes Air Corp. doing business as Air West, Docket 23827, for amendment of its certificate of public convenience and necessity for route 76 to delete Roseburg, Oreg.

On December 10, 1971, Hughes Air Corp. doing business as Air West (Air West), filed an application (Docket 24052) requesting that its certificate of public convenience and necessity for route 76 to be amended so as to delete Baker, Oreg., and Ontario, Oreg./Payette, Idaho. On December 13, 1971, Air West filed a motion requesting an immediate hearing on its application.

In support of its motion, Air West states, inter alia, that Baker and Ontario/Payette are among the least productive airline cities in the United States, averaging 1.2 and 0.7 daily enplaned passengers respectively in 1970; that despite the provision of varied service patterns over the last 25 years in an attempt to maximize traffic, Air West has never enplaned more than three passengers per day at Baker and 3.3 at Ontario/Payette; that its present service pattern to Baker and Ontario/Payette involves an annual subsidy need of $209,000 [1]; and that service to the cities has not been examined since 1963 when the Board found that the subsidy need to serve Baker would not exceed $10,000 per year and that service to Ontario was costing $2,400 annually.

On February 17, 1972, the Public Utility Commissioner for the State of Oregon filed a motion seeking consolation of Air West's application to delete Baker and Ontario/Payette for simultaneous consideration with its pending application in Docket 23827 to delete Roseburg, Oreg. The latter case was set down for hearing by Order 71-12-68, December 16, 1971, and is presently awaiting Prehearing Conference. No answers to the motion of either Air West or the Public Utility Commissioner have been filed.

Upon consideration of the pleadings and all the relevant facts, we have decided that Air West's motion for an immediate hearing meets the criteria set forth in § 399.60 of the Board's policy statements and, accordingly, the motion will be granted. In addition, we find that consolidation of the three deletion applications is warranted in view of the facts that the PUC has urged that consolidation will facilitate its ability to participate in the proceedings; that no party has objected to consolidation; and that the points involved are located in a single state and two of them are served on the same flights. In these circumstances, we find that consolidation will be conducive to the proper dispatch of the Board's business and to the ends of justice and will not unduly delay the proceedings. Accordingly, we will grant the motion to consolidate Air West's applications in Dockets 24052 and 23827 for consideration in a single proceeding.

Accordingly, it is ordered, That:

1. Air West's motion for immediate hearing on its application in Docket 24052 be and it hereby is granted;

2. The application set for hearing herein shall be consolidated for contemporaneous consideration with the application set for hearing in Docket 23827, and shall be heard before an Examiner of the Board at a time and place hereinafter to be designated;

3. Applications, motions to consolidate, and motions or petitions for modification or reconsideration of this order shall be filed no later than 20 days after the date of service of this order, and answers to such pleadings shall be filed no later than 10 days thereafter; and

4. A copy of this order shall be served upon Hughes Air Corp. doing business as Air West, United Air Lines, Western Air Lines, Frontier Airlines, American Airlines, Continental Air Lines, Braniff International Airways, Eastern Air Lines, Northwest Airlines, Pan American World Airways, the Civil Executive Offices of Baker, Ontario, and Roseburg, Oreg., and Payette, Idaho; the Airport Managers at Roseburg, Baker, and Ontario/Payette, the Governors of Oregon and Idaho, D. F. O'Scannlan, Public Utility Commissioner of Oregon; the Idaho Public Utilities Commission, and the State Aviation Commission of Oregon and Idaho.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5122 Filed 4-3-72;8:51 am]

[1] Air West presently serves Baker and Ontario/Payette on one F-27 round trip 5 days a week. The itinerary of the flight is Baker-Ontario/Payette-Boise-Idaho Falls-Pocatello. Air West estimates that the different service pattern (to Pasco and Portland) which it provided Baker and Ontario/Payette in 1971 resulted in an annual subsidy need of $230,000. The latter service pattern generated more traffic than the present service to Boise.

[Docket No. 24359; Order 72-3-97]

NORTHEAST AIRLINES, INC.

Order of Investigation and Suspension Regarding Midweek Excursion Fares to Florida

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1972.

By tariff revisions [1] marked to become effective April 3 and 25, 1972, Northeast Airlines, Inc. (Northeast) proposes to establish new midweek excursion fares between certain northeastern points and Florida. The fares would replace existing southbound-only weekday 7-21 day fares applicable to Florida from the same northeastern points on Tuesday, Wednesday, and Thursday. Present weekday fares would remain in effect on Monday and on Friday and the somewhat higher weekend 7-21 day fares would remain unchanged. The midweek excursion fares are priced at the level of present weekend excursion fares [2]—all points (except those in New England north of Boston) are common fared at $92.59 during the periods of April 10 through June 30, and September 1 through December 15, and at $101.85 during the peak months of July and August. Minimum-stay requirements are to be reduced from 7 days to the first Tuesday after departure from point of origin, while the 21-day maximum is retained. Children's fares applicable to the new midweek fares have been extended to apply to children 12 through 17 years of age when accompanied by two adult-fare-paying passengers. The fare is 50 percent of the midweek fare for the first child and 25 percent for additional children.

In support of its proposal, Northeast alleges that Monday and Friday have become unquestionably peak days due largely to the introduction of the southbound weekend excursion fare. As a consequence, Northeast claims it is unable to accommodate demand at desirable departure times, while during the midweek it has capacity enough for three times the traffic it carries. The midweek fares are intended to divert some traffic from the peak travel days thereby freeing high demand space which can be sold at a premium, and also to generate new traffic.

National Airlines, Inc. (National) has filed a complaint against the proposal requesting suspension and investigation. [3] National alleges that the present low weekend fare level would virtually supplant the normal individual coach fare (since it would be available 4 days of the week); that the weekend peaking problem was caused by the weekend excursion fares and the proper solution would be modification of that fare rather than expansion of such low-level fares to additional days of the week; that the proposal is contrary to the Board's policy as set forth in Order 72-2-62 concerning peak season fares to Florida proposed by United; and that the children's fares result in ludicrously low yields which are uneconomic.

In answer to the complaint, Northeast contends that it is not introducing a 40-percent discount but is merely increasing the existing discount by 7 percent, while imposing significant new travel restrictions which it believes justify the small additional discount. Northeast alleges that it is incorrect to assume that the weekend fare level would be less profitable during the midweek since it has more available capacity then than during the weekend; and that the proposal will free weekend capacity to accommodate higher-fare traffic. Regarding the allegation that the children's fares would be uneconomic, Northeast alleges that there is no time in the foreseeable future when its normal midweek capacity will be outstripped by demand.

Upon consideration of all relevant matters, the Board finds those portions of the proposal which provide for a 50-percent discount from the adult midweek fare for one child 12 through 17, and for a 75-percent discount for additional children through 17 years of age may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful. We further conclude that this portion of the tariff in question should be suspended pending investigation.

Except for the children's fare provisions the proposal appears to constitute a reasonable attempt to alleviate a demonstrated peaking problem which we believe warrants experimentation during the off season Florida period. As Northeast alleges, the fares should both stimulate travel on the midweek days when sufficient capacity is available, and reduce the severity of weekend peaks, thereby permitting the sale of high demand weekend space at higher fares. Moreover, we note that the proposed fares are not significantly lower than those now in effect during midweek. However, we will expect the carriers offering these fares to bear the risk of the experiment, and we will also expect the carriers to maintain records of traffic, revenues, and expenses sufficient for a full evaluation of profit impact. These reports will be submitted no later than January 15, 1973.

The expanded children's fares, on the other hand, result in substantially greater discounts for family travel. For example, the fares for a family of four in the New York-Miami market would be 40 percent below regular family fares, and the overall yield for the family would be less than 3 cents a mile. Discounts for a family of five would approximate 50 percent of regular family fares, and in some markets the overall yield approaches 2 cents a mile. Notwithstanding that the fares would apply on off-peak days of the week, we believe they may be unreasonably and should not be permitted to become effective without investigation. We also question the soundness of providing discounts from an already substantially discounted fare of the magnitude here proposed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions in "Exception 1" and "Exception 2" to Rule 4.(B) on 1st Revised Page 6 of Eastern Air Lines, Inc.'s, CAB No. 375, in "Exception 1" and "Exception 2" to Rule 4.(B) on 1st and 2nd Revised Pages 5 of National Airlines, Inc.'s, CAB No. 153, and in "Exception 1" and "Exception 2" to Rule 4.(B) on 1st Revised Page 2-A of Northeast Airlines, Inc.'s CAB No. 136, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions.

2. Pending hearing and decision by the Board, "Exception 1" and "Exception 2" to Rule 4.(B) on 1st Revised Page 6 of Eastern Air Lines, Inc.'s, CAB No. 375, "Exception 1" and "Exception 2" to Rule 4.(B) on 1st and 2d Revised Pages 5 of National Airlines, Inc.'s, CAB No. 153, and "Exception 1" and "Exception 2" to Rule 4.(B) on 1st Revised Page 2-A of Northeast Airlines, Inc.'s, CAB No. 136 are suspended and their use deferred to and including July 1, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24263 and 24308 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon

[1] Northeast Airlines, Inc., Tariff CAB No. 136.

[2] Weekend excursion fares from northeast points to Florida and return over the same weekend.

[3] National has also filed a defensive tariff, as has Eastern, and Delta has filed a complaint in support of the National complaint.

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Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are hereby made parties to this proceeding.

This order will be filed in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-5124 Filed 4-3-72;8:51 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality March 20–24, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388–7803.

ANIMAL AND PLANT HEALTH SERVICE

Final March 17

Imported Fire Ant Cooperative Federal-State Control and Regulatory Program. Proposed aerial treatment of 20 million acres in the South and Southwest with 1.7 grams of mirex per acre, in order to control the imported fire ant. The lasting effects of the pesticide are not fully known. It is slow to break down, and its residue is easily absorbed by biological organisms. Comments made by DOC, EPA, and HEW. (ELR Order No. 3051, 103 pages) (NTIS Order No. PB–205 344–F)

AGRICULTURAL RESEARCH SERVICE

Draft March 10

Agricultural Research Center, Beltsville, Md. Approximately 1,200 tons of digested sewage sludge will be utilized on 4 acres of soil to evaluate its use as a soil amendment. (ELR Order No. 3050, 13 pages) (NTIS Order No. PB–207 544–D)

FOREST SERVICE

Draft March 9

Sinulaw National Forest, Oreg. The proposed use of the herbicides 2, 4–D, 2, 4, 5–T, Amitrole–T, Atrazine, Picoloram, and Dicamba to control specific types of vegetation. Some nontarget plants will be destroyed. (ELR Order No. 2081, 32 pages) (NTIS Order No. PB–207 465–D)

Draft March 17

Pelican Butte Winter Sports Development, Klamath County, Oreg. Proposed development of a comprehensive winter sports complex. Clearing the area will affect soil, water, and visual resources. Increase in resident and transitory population will occur, with related impact. (ELR Order No. 3088, 15 pages) (NTIS Order No. PB–207 570–D)

[4] Members Minetti and Murphy filed a partial dissenting statement which is filed as part of the original document.

Tonto Working Circle, Tonto National Forest, Ariz. A proposal to allow timber cutting on the Tonto Working Circle. Dust, smoke, and fire hazards will increase with the cutting. (ELR Order No. 3090, 33 pages) (NTIS Order No. PB–207 564–D)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, March 16

Alma and Cassville Stations, Buffalo County, Wis. A proposed REA loan of $11,320,000 to the Dairyland Power Cooperative to finance air pollution reducing plant modifications. The installation would minimize fly ash emissions. (ELR Order No. 3091, 199 pages) (NTIS Order No. PB–207 560–D)

Draft March 20

El Paso, Elbert, and Lincoln Counties, Colo. An application by Tri-State Generation and Transmission Association, Inc., for a loan of $3,708,600 from REA, in order to construct 80 miles of 230 kv. transmission line from Midway to Limon, including a substation at Limon. The line will cause a visual intrusion upon the landscape. (ELR Order No. 4022, 60 pages) (NTIS Order No. PB–207 587–D)

Cochise and Pima Counties, Ariz. Proposed change of purpose for $5,409,028 of prior loaned REA funds to construct 73 miles of 230 kv. transmission line and 16 miles of 115 kv. line. The lines will be an intrusion upon the landscape. (ELR Order No. 4023, 60 pages) (NTIS Order No. PB–207 573–D)

SOIL CONSERVATION SERVICE

Draft March 16

Coushatta, Red River Parish, La. Proposed construction of 7.8 miles of flood prevention channels, with appurtenant structures. Approximately 20 acres of woodland will be lost. (ELR Order No. 4003, 15 pages) (NTIS Order No. PB–207 575–D)

ATOMIC ENERGY COMMISSION

Contact: For Nonregulatory Matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545, (202) 973–5391.

For Regulatory Matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, (202) 973–7531.

Draft March 17

Morris, Grundy County, Ill. The proposed issuance of an operating permit to the General Electric Co. for the operation of the Midwest Fuel Recovery Plant. The plant will recover uranium, plutonium, and neptunium from irradiated nuclear fuels. It has a capacity of 300 tons of enriched uranium oxide fuel per year. There is potential for detrimental effects from released fluoxide; this will require monthly testing. (ELR Order No. 3053, 83 pages) (NTIS Order No. PB–207 549–D)

Draft March 22

Colorado, Utah, and N. Mex. Proposed leasing of 25,000 acres of AEC controlled land along the Uravan Mineral Belt to private industries. The purpose of the action is to encourage maximum recovery of the remaining resources of uranium and vanadium in the area. (ELR Order No. 4011, 130 pages) (NTIS Order No. PB–207 582–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, (202) OX 5–2889.

Draft March 3

Sonic Booms. A study of the environmental impact of supersonic flight. Adverse effects discussed are: cumulative physiological-psychological effect on animal life; annoyance and startle effects; and damage to structures. (ELR Order No. 2085, 31 pages) (NTIS Order No. PB–207 467–D)

Draft March 14

Over the Horizon (OTH) Radar System. The CONUS OTH–B System is an over the horizon backscatter radar which uses ionospheric refraction techniques to illuminate targets beyond the optical horizons. Two sites are proposed, one to be located in Maine, the other in the state of Washington. Adverse environmental effects include: radiation hazards to personnel and wildlife within 180' of the antenna, and to those wearing cardiac pacemakers within 5100' of the antenna; emission of diesel exhaust fumes from a 6MW standby power plant; noise pollution; and clearing of foliage from 600 acres at each site. (ELR Order No. 4017, 72 pages) (NTIS Order No. PB–207 572–D)

DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4–4269.

Draft March 13

Fort Peck, Mont. Proposed high explosive cratering experiments, known collectively as DIAMOND ORE. Phases II B and II C of DIAMOND ORE, planned for the fall of 1972 and the summer of 1973, respectively, use chemical high explosives (HE) to simulate nuclear energy source cratering. Craters produced by the explosions will vary in depth from 25' to 30', and in radius from 52' to 62'. Present plans call for backfilling and reseeding the cratered area. (ELR Order No. 3021, 55 pages) (NTIS Order No. PB–207 472–D)

DEFENSE SUPPLY AGENCY

Draft March 8

The subject of the statement is the procurement of coal by the Defense Supply Agency for military and Federal Government activities in the United States. Underground and/or surface mining operations in the following states are considered: Alabama, Alaska, Colorado, Illinois, Indiana, Kentucky, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Utah, Virginia, West Virginia, and Wyoming. (ELR Order No. 2088, 61 pages) (NTIS Order No. PB–207 469–D)

DEPARTMENT OF ARMY

Corps of Engineers

Contract: Francis X. Kelly, Assistant for Conservation Liaison, Public Affairs Office, Office, Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, (202) 693–6346.

Draft March 8

Wells County, Ind. Removal and burning of two log jams on the Salamonie River. The purpose of the action is to control possible flood conditions. (ELR Order No. 2083, 9 pages) (NTIS Order No. PB–207 453–D)

Draft, March 6

Chicago River, Cook County, Ill. Clearing a 12 mile length of the North Bend of the Chicago River of debris. (ELR Order No. 2087, 11 pages) (NTIS Order No. PB–207 464–D)

Draft March 13

Rouge River Flood Control Project, Wayne County, Mich. Enlargement, realignment, and paving of the mainstream of the Rouge River, from the Detroit-Dearborn city limits to Michigan Avenue in Dearborn, a distance of 5.8 miles. The natural river bottom will be replaced by concrete pavement; an existing greenbelt will be permanently lost; and reduced water levels could alter upstream flora. (ELR Order No. 2089, 24 pages) (NTIS Order No. PB–207 451–D)

Draft March 15

New Melones Lake, Stanislaus River, Calif. Proposed contruction of New Melones Dam, a 625' high rockfill structure which will create New Melones Lake, a multipurpose (flood control, irrigation, power generation, recreation, reservoir and downstream fisheries, and water quality control) lake with a gross pool surface area of 12,500 acres. The powerplant will have an installed capacity of 300,000 kw. Approximately 22,700 acres of land will be required by the project; numerous historical and Indian sites, as well as significant wildlife habitat, will be inundated; and whitewater stretches of the Stanislaus River will be lost. (ELR Order No. 3041, 124 pages) (NTIS Order No. PB–207 435–D)

Draft March 14

Obion and Forked Deer Rivers, Tenn. and Ky. Proposed concrete lining of channels on Harris Fork Creek and South Fulton Branch; enlargement of channels from South Fulton to the junction with North Fork, Obion River (a distance of 10 miles), for flood control, Timberland and wildlife habitat will be lost. (ELR Order No. 3078, 48 pages) (NTIS Order No. PB–207 557–D)

Susquehanna River Basin, Pa. Raising of 22,400' of levee, 1065' of steel sheet-pile wall, installing of 1930' of new sheet pile wall, and providing rip rap. Increased sediment loads from run-off will result from the project, as well as adverse visual effects. (ELR Order No. 3081, 36 pages) (NTIS Order No. PB–207 567–D)

Draft March 20

Lower Columbia River, Oreg. and Wash. Construction of bank protection walks along channels in the flood plain of the Columbia River. Loss of shoreline habitat and scenic value will occur. (ELR Order No. 3085, 33 pages) (NTIS Order No. PB–207 562–D)

Draft March 17

Hampton Harbor, N.H. Proposed maintenance dredging of the channel and anchorage basin. Short-term damage to marine life will result. (ELR Order No. 3086, 12 pages) (NTIS Order No. PB–207 563–D)

Andrews River, Mass. Proposed maintenance dredging of the channel and anchorage basin. Short-term damage to marine life will result. (ELR Order No. 3087, 9 pages) (NTIS Order No. PB–207 561–D)

St. Catherine Sound, Md. Maintenance dredging of the Wicomico River Channel and St. Catherine Sound. Temporary damage to marine life will occur. (ELR Order No. 3089, 12 pages) (NTIS Order No. PB–207 565–D)

Draft March 20

Treasure Island, Dunklin County, Mo. Construction of a 150 cfs pumping plant to augment a 25 cfs pumping plant now serving a leveed area. (ELR Order No. 4002, 13 pages) (NTIS Order No. PB–207 576–D)

Draft, March 17

Bullocks Point Cove, R.I. Maintenance dredging of channels, mooring and turning basins. Temporary damage to marine life will result. (ELR Order No. 4004, 10 pages) (NTIS Order No. PB–207 574–D)

Draft, March 15

Phoenix, Maricopa County, Ariz. Construction of a detention basin and associated channel works, for flood control. (ELR Order No. 4005, 15 pages) (NTIS Order No. PB–207 580–D)

Draft, March 17

Guilford Harbor, Conn. Maintenance dredging of two channels and an anchorage basin in Guilford Harbor. Temporary damage to marine life will occur. (ELR Order No. 4007, 10 pages) (NTIS Order No. PB–207 578–D)

Final, March 15

Crescent City Harbor, Del Norte County, Calif. Proposed construction of a 20' deep inner harbor, 200' wide at the entrance and extending north a distance of 325'; and a 400' extension of the inner harbor breakwater. Dredging and blasting will cause destruction of marine life. Comments made by USDA, DOC, EPA, DOI, NOAA, state agencies and concerned citizens. (ELR Order No. 3056, 48 pages) (NTIS Order No. PB–204 380–F)

Lake Forest, Lake County, Ill. Replacement of 30' of permeable steel sheet piling grain by an impermeable 110' section and the extension of a second section by 140'. The purpose of the project is prevention of beach erosion. Comments made by USDA, USCG, EPA, DOI, state and local agencies. (ELR Order No. 3057, 29 pages) (NTIS Order No. PB–204 663–F)

Desmoines River, Jackson, Minn. Proposed construction of earthen levees, concrete floodwalls, closure structures, ponding area, and modification of sanitary and storm sewer system. The purpose of the action is flood control. Approximately 25 acres of land will be lost to the project. Comments made by EPA, DOI, State and local agencies. (ELR Order No. 3059, 29 pages) (NTIS Order No. PB–198 726–F)

Final, March 17

Fort Scott Lake, Marmaton River, Kans. Construction of a multipurpose (flood control, water quality control, water supply, recreation, and wildlife enhancement) lake. The lake will inundate 5,000 acres, eliminate 25 miles of river, tributary streams and wildlife habitat; displace 395 people and one town. Comments made by USDA, EPA, DOI, State and local agencies. (ELR Order No. 3064, 37 pages) (NTIS Order No. PB–201 520–F)

Final, March 15

Gulf Intercoastal Waterway, Tex. Proposed relocation of two portions of the authorized shallow-draft navigation project in Matagorda and Corpus Christi Bays. Dredeging and filling will destroy marine life, wildlife, and their habitats. Comments made by USDA, EPA, DOI, NOAA, State, local, and regional agencies. (ELR Order No. 3071, 58 pages) (NTIS Order No. PB–198 927–F).

Final March 17

Chowan River, N.C., and Blackwater River, Va. Construction of three cutoff channels to control flooding. Twenty-eight acres will be inundated and other acreage will be covered with spoil. Comments made by EPA, DOI, and state agencies. (ELR Order No. 3084, 23 pages) (NTIS Order No. PB–206 258–F)

Final March 22

Panama City Harbor, Fla. Proposed dredging and deepening of harbor. Marine ecosystems will be lost (including 400 acres of bay bottom, and 60 acres of land will be covered by dredge spoils. Comments made by DOC, EPA, HEW, DOI, DOT, and one State agency. (ELR Order No. 4027, 38 pages) (NTIS Order No. PB–200 196–F)

DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350, (202) 697–0892.

Final March 22

Norfolk Station, Norfolk, Va. Proposed acquistion of 508 acres of railroad yard facilities at Sewell's Point. Naval facilities will be constructed on the site. Comments made by EPA, DOI, and state agencies. (ELR Order No. 4014, 16 pages) (NTIS Order No. PB–201 855–F)

Draft March 16

Bethany Beach Regional Wastewater Treatment Plant, Sussex County, Del. Proposed construction of a sewerage project to serve Bethany Beach. Wastewater effluent will be discharged into the Assawoman Canal. At issue is the extent to which completion of the project will affect development of seasonal homes. (ELR Order No. 3070, 99 pages) (NTIS Order No. PB–207 542–D)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G. Street NW., Washington, DC 20426, (202) 386–6084.

Draft March 8

Project No. 176, San Diego County, Calif. Proposed approval of a renewal operating license for Escondido Mutual Water Co.'s Lake Wohlford Project. The project consists of a combination rock and hydraulic fill dam, a 224 acre reservoir, and the Rincon and Bear Valley powerhouses, with a total installed capacity of 760 kw. (ELR Order No. 3010, 89 pages) (NTIS Order No. PB–207 457–D)

Draft March 17

Project No. 1218, Dougherty and Lee Counties, Ga. Proposed approval of a renewal operating license to the Georgia Power Co. for its Flint River Project. The project consists of 2 dams, a connecting dike, a 3-generator powerhouse, a reservoir, and appurtenant facilities. (ELR Order No. 3077, 46 pages) (NTIS Order No. PB–207 555–D)

Draft March 16

Project No. 1888, Dauphin, Lancaster, and York Counties, Pa. Proposed approval for a renewal operating license to the York Haven Power Co. The project consists of a main dam across the Susquehanna River, a secondary dam, a headrace, a 3½ mile long reservoir, and a powerhouse containing 20 generators with a total (combined) capacity of 19,620 kw. (ELR Order No. 3082, 41 pages) (NTIS Order No. PB–207 566–D)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343–6416.

Final March 20

Trans-Alaska Pipeline, Alaska. Application from Alyeska Pipeline Service Co. for a 48-inch oil pipeline right-of-way across Federal lands in Alaska between a point south of Prudhoe Bay on the North Slope

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and Port Valdez, a port on the south coast. The company would design, construct, operate, and maintain the 789-mile long pipeline system. Impact would result from construction, operation, and maintenance, and would occur on abiotic, biotic, and socio-economic components of the human environment far beyond the relatively small part of Alaska which would be occupied by the pipeline system and oil field. The statement includes six volumes, with three supplemental volumes on the economic and security aspects of the pipeline. Titles are as follows: Volume I, "Introduction and Summary;" Volume II, "Environmental Setting of the Proposed Trans-Alaska Pipeline;" Volume III, "Environmental Setting Between Port Valdez, Alaska, and West Coast Ports;" Volume IV, "Evaluation of Environmental Impact;" Volume V, "Alternatives to the Proposed Action" and Volume VI, "Other Sections and Attachments." (ELR Order No. 4034) (NTIS Orders Nos. Volume I–VI, PB–206 921–1 to PB–206 921–6, respectively; or PB–206 921–Set; supplemental material, Volumes I–III, PB–205 744, PB–205 745, and PB–207 254, respectively)

BUREAU OF MINES

Draft March 15

Federal Mine Health and Safety Academy, Beckley, W. Va. Proposed construction of a 600 student, multibuilding facility. The school would train mine inspectors to help administer the Federal Coal Mine Health and Safety Act of 1969. (ELR Order No. 3074, 34 pages) (NTIS Order No. PB–207 543–D)

BUREAU OF RECLAMATION

Draft March 7

Lake Havasu, Ariz. Construction of the Havasu Intake Channel and Pumping Plant, and the Buckskin Mountains Tunnel. The pumping plant will house six 500 c.f.s. pumps, which will pump water from Lake Havasu through two 13-foot-diameter pipes 3,000' up the hillside to the tunnel inlet portal. These facilities are part of the Central Arizona Project. (ELR Order No. 3009, 24 pages) (NTIS Order No. PB–207 454–D)

Draft March 10

Lake Berryessa, Napa County, Calif. A proposed management plan for the development of Lake Berryessa as a recreational area. (ELR Order No. 3083, 116 pages) (NTIS Order No. PB–207 554–D)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft March 16

Green Lake National Fish Hatchery, Hancock County, Maine. Construction of a fish hatchery for the propagation of Atlantic Salmon to help restore the species in New England waters. (ELR Order No. 3075, 45 pages) (NTIS Order No. PB–207 541–D)

NATIONAL PARK SERVICE

Draft, March 15

City of Refuge National Historical Park, Hononau Bay, Hawaii. Proposed master plan for management of the Park, which will serve as a center for preservation of Hawaiian culture of the Kona Coast. Approximately 50 people may be displaced by the action. (ELR Order No. 4021, 79 pages) (NTIS Order No. PB–207 583–D)

NATIONAL SCIENCE FOUNDATION

Contact: William J. Hoff, General Counsel, Washington, D.C. 20550.

Final March 15

National Hail Research Experiment. A proposed 5-year series of experiments (beginning in the summer of 1972) which will involve silver iodide seeding of hail cells. The purpose of the project is the development and testing of techniques for modifying hailstorms to suppress the formation of hail and damaging size. The test area, a 50 mile square, is centered on the Pawnee National Grasslands, in northeastern Colorado. Comments made by USDA, AEC, DOD, EPA, DOI, NASA, DOT, and concerned citizens. (ELR Order No. 3052, 21 pages) (NTIS Order No. PB–207 539–F)

POSTAL SERVICE

Contact: James J. Wilson, Assistant General Counsel, Contracts and Property Division, Washington, D.C. 20260.

Draft March 13

United States Post Office, Honolulu, Hawaii. Construction of a one-story general industrial-type building with a two-story office wing. Auxiliary construction consists of parking areas, paved maneuvering areas, an underpass, and all necessary utilities and landscaping. Facility will occupy about 400,000 gross sq. ft. (ELR Order No. 3025, 20 pages) (NTIS Order No. PB–207 470–D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser[1], Director, Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, (202) 462–4357.

FEDERAL AVIATION AGENCY

Draft March 15

Holly Springs, Marshall County, Miss. Request for Federal financial assistance to acquire 83 acres and construct a 3200' x 60' runway, a taxiway, an apron, and an access road. (ELR Order No. 3060, 15 pages) (NTIS Order No. PB–207 540–D)

Thomson-McDuffie Airport, McDuffie County, Ga. Request for Federal funds in order to expand existing facilities to accommodate 70 percent of turbojet powered aircraft of less than 60,000 lbs. Eleven acres of land will be lost to the project. (ELR Order No. 3062, 41 pages) (NTIS Order No. PB–207 245–D)

Final March 16

Sitka, Alaska. Construction of runway extension; relocation of REIL and VASI, etc. Comments made by Army COE, USCG, DOC, EPA, State and local agencies. (ELR Order No. 3066, 26 pages) (NTIS Order No. PB–205 193–F)

Aniak Airport, Aniak, Alaska. Reconstruction and/or extension of existing facilities, including runway, apron, lighting, and access road. Comments made by Army COE, HEW, DOI, NOAA, and State agencies. (ELR Order No. 3067, 22 pages) (NTIS Order No. PB–205 332–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft March 7

Pike County, Ky. Reconstruction of 3.55 miles of U.S. 119, from a two to a four-lane highway. A permanent loss of 185 acres, and the displacement of 77 residences and 21 businesses will result. (ELR Order No. 2062, 24 pages) NTIS Order No. PB–207 471–D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

Draft March 9

F–05–1, (------), Wise County, Va. Reconstruction of alternate State Route 58 from three to four lanes for a total distance of 2.771 miles. The project will disrupt the ecological balance of a stream system and remove a portion of a school playground. (ELR Order No. 3004, 31 pages) (NTIS Order No. PB–207 458–D)

Legislative Route 1142, Centre County, Pa. Construction of L.S. 1142, a four-lane limited access highway, for a distance of 7.4 miles. The loss of an unspecified amount of farmland and number of homes will result; two streams will be crossed by the project. (ELR Order No. 3005, 24 pages) (NTIS Order No. PB–207 459–D)

Draft March 8

Project S–275–H, Elmore County, Ala. Reconstruction of Alabama State Route 14, with both two- and four-lane sections, for a distance of approximately 17 miles. Approximately 528 acres of land, 18 residences and one business will be lost to the project. (ELR Order No. 3006, 19 pages) (NTIS Order No. PB–207 456–D)

Draft March 2

Grand Forks, N. Dak. Reconstruction of Fifth Street North for a distance of 11 city blocks. One business and an unspecified amount of land will be required for right-of-way. A 4(f) statement is included for park land. (ELR Order No. 3007, 14 pages) (NTIS Order No. PB–207 461–D)

Draft March 13

Project S–1755–A, Montgomery County, Ala. Construction of a four-lane divided highway for a total distance of 2.3 miles and total cost of $5 million. Fifty acres of land will be required by the project; 90 families and 10 businesses will be displaced. (ELR Order No. 3022, 17 pages) (NTIS Order No. PB–207 438–D)

Draft March 10

Vernon, Tolland, and Willington, Conn. Reconstruction of a section of Interstate Route 86, widening the paved area by 30 percent to 50 percent. Nine families and two businesses will be displaced. A 4(f) statement attached refers to encroachment upon the Nipmuck State Forest. (ELR Order No. 3023, 166 pages) (NTIS Order No. PB–207 452–D)

Draft March 14

Route 25, Dunklin County, Mo. Construction of two 12-foot lanes of highway in two unconnected sections with a total length of 2.6 miles. Approximately 47 acres and one residence will be lost to the project. (ELR Order No. 3029, 20 pages) (NTIS Order No. PB–207 413–D)

State Route 525, Snohomish County, Wash. Relocation and reconstruction of State Route 525, a four-lane highway with auxiliary lanes and full access control. Thirty-nine families will be displaced and an unspecified amount of land lost. (ELR Order No. 3030, 23 pages) (NTIS Order No. PB–207 412–D)

Project I–17–2(44), Yavapai County, Ariz. Construction of a section of four-lane Interstate Route 17, a controlled access highway, for a total distance of 6.78 miles. (ELR Order No. 3033, 18 pages) (NTIS Order No. PB–207 411–D)

Draft March 13

F.A.P. 21, Cumberland County, Ky. Relocation and reconstruction of Corridor "J", a section of the Appalachian Development Highway System, for a total of 6.4 miles. The project is of two-lane initial and four-lane ultimate construction. Approximately 250 acres will be lost to the project; 23 residents and two businesses will be displaced. (ELR Order No. 3037, 26 pages) (NTIS Order No. PB–207 416–D)

Draft March 14

I–94, Hennepin County, Minn. Construction of a new 2.63 mile section of I–94 and reconstruction of a smaller, existent section in Minneapolis and Brooklyn Center. The total length of the project is 4.4 miles. A 4(f) statement is included due to encroachment upon two local parks. An unspecified number of homes and business will be lost to the project. (ELR Order No. 3040, 51 pages) (NTIS Order No. PB–207 414–D)

Draft March 10

Project S–0953(1), Douglas Island, Alaska. Proposed construction of a 5.3-mile road to provide access to the recreational area in the Fish Creek Basin. A 4(f) statement is included as all land involved is park land. (ELR Order No. 3042, 69 pages) (NTIS Order No. PB–207 436–D)

Draft March 9

F.A.S. Route 119, Cook County, Ill. Construction of a four-lane highway and bridge project with a total length of 3,700'. The project is being built to replace three existing bridges. A 4(f) statement is included due to encroachment upon wooded park area. (ELR Order No. 3047, 108 pages) (NTIS Order No. PB–207 434–D)

Draft March 20

Route I–44, St. Louis, Mo. Proposed reconstruction of 1.1 miles of I–44 from six to eight lanes. An unspecified number of homes and one school will be lost to the project. (ELR Order No. 4012, 32 pages) (NTIS Order No PB–207 585–D)

Routes J and M, Reynolds County, Mo. Proposed construction of 6.7 miles of two-lane roadway. Eighty acres of land will be lost to the project. A 4(f) statement is required as some of the land is in a State park. (ELR Order No. 4013, 28 pages) (NTIS Order No. PB–207 586–D)

Final March 1

Rome, Oneida County, N.Y. Proposed construction of several miles of arterial highway in the city of Rome. Approximately 3800' of the Mohawk River will be rechanneled by the project; 43 residences, two farms, five businesses, and one church will be lost. Comments made by EPA, DOI, State and local agencies. (ELR Order No. 2075, 50 pages) (NTIS Order No. PB–199 258–F)

Final March 9

U.S. 17, Georgetown County, S.C. Reconstruction of 6.8 miles of U.S. 17, from two to four lanes. Five businesses and one residence will be lost to the project. Comments made by HUD. (ELR Order No. 2090, 15 pages) (NTIS Order No. PB–207 463–F)

Buncombe and Madison Counties, N.C. Proposed construction of a new four-lane highway between Weaverville and Marshall, a total distance of 8.8 miles. Eighteen families will be displaced by the project, and an unspecified amount of woodland lost. Comments made by USDA, Army COE, DOC, EPA, GSA, DOI, OEO, TVA, State and local agencies. (ELR Order No. 2091, 51 pages) (NTIS Order No. PB–199 616–F)

Project No. F–010–1 (19), Volusia County, Fla. Reconstruction of 10.4 miles of U.S. 92, from two to four lanes. An unspecified amount of marsh and woodland will be lost to the project. Comments made by USDA, DOC, EPA, HUD, DOI, and State agencies. (ELR Order No. 2092, 62 pages) (NTIS Order No. PB–200 769–F)

Cass County, Ill. Reconstruction of F.A. Route 48 for a total distance of 1.5 miles. Comments made by USDA, DOC, EPA, HUD, DOI, and State agencies. (ELR Order No. 2095, 34 pages) (NTIS Order No. PB–202 084–F)

Project S–43 (------), Amherst County, Va. Proposed reconstruction of 2.061 miles of Route 622. Four families will be displaced by the project. Comments made by EPA, DOI, and State agencies. (ELR Order No. 2096, 39 pages) (NTIS Order No. PB–202 316–F)

Project I–27–7, Lubbock County, Tex. Reconstruction of 8.45 miles of U.S. 87. Five residences and five businesses will be displaced as a result of the project. Comments made by USDA, Army COE, HEW, HUD, and DOT. (ELR Order No. 2097, 27 pages) (NTIS Order No. PB–201 709–F)

Project S–346(1), Whitley County, Ky. Construction of a bridge and approaches; the total length of the project is 0.16 mile. Seven residences and 2 acres of land will be lost to the project. Comments made by USDA, EPA, DOI, TVA, and State agencies. (ELR Order No. 2098, 27 pages) NTIS Order No. PB–202 430–F)

Project PIN 13320.00, Franklin and Essex Counties, N.Y. Proposed reconstruction of 0.55 mile of highway. A 4(f) statement is attached, as the project is located in the Adirondack Park. Comments made by DOI. (ELR Order No. 2099, 81 pages) (NTIS Order No. PB–200 802–F)

Project F–055–1 (------), Robertson County, Tenn. Proposed construction of 7.68 miles of two-lane highway. An unspecified amount of land and number of residences will be lost to the project. Comments made by USDA, Army COE, DOI, TVA, State and local agencies. (ELR Order No. 3000, 78 pages) (NTIS Order No. PB–207 468–F)

Project APD–127(30), Pike County, Ky. Proposed reconstruction of 4.95 miles of U.S. 23, a four-lane highway. Approximately 380 acres of land will be lost to the project. Comments made by USDA, DOC, EPA, HUD, DOI, State and local agencies. (ELR Order No. 3002, 44 pages) (NTIS Order No. PB–202 002–F)

State Route 5, Chester and Madison Counties, Tenn. Construction of a four-lane highway to provide a continuous facility from Henderson to Jackson. Six creeks will be crossed, 16 houses and 1 business and an unspecified amount of land will be lost as a result of the action. Comments made by USDA, Army COE, DOI, TVA, DOT, and State and local agencies. (ELR Order No. 3012, 51 pages) (NTIS Order No. PB–207 433–F)

U.S. 69, Angelina County, Tex. Reconstruction of U.S. 69 from two to four lanes for a distance of 4 miles. Two families will be displaced by the project and sections of nine front lawns lost. Comments made by USDA, EPA, and State and local agencies. (ELR Order No. 3013, 18 pages) (NTIS Order No. PB–199 863–F)

Project F–1081, Galveston County, Tex. Reconstruction of existing two-lane State Highway 146 to a six-lane limited access highway, and construction of a new bridge. The total length of the project is 4.9 miles. An unspecified amount of land will be lost to the project. Comments made by USDA, EPA, HEW, DOT, State and local agencies. (ELR Order No. 3014, 30 pages) (NTIS Order No. PB–200 758–F)

Project S 0260(1), Dane County, Wis. Proposed reconstruction of County Trunk Highway "D" for a total length of 6.08 miles. An unspecified amount of land will be lost to the project. Comments made by USDA, EPA, HUD, DOI, DOT, State and local agencies. (ELR Order No. 3015, 33 pages) (NTIS Order No. PB–202 657–F)

Project F–03–2 (------), Winnebago County, Wis. Proposed reconstruction of U.S. 41 to limited access freeway standards. An unspecified number of residences and amount of land will be lost to the project. Comments made by USDA, EPA, HEW, HUD, DOI, and State agencies. (ELR Order No. 3016, 29 pages) (NTIS Order No. PB–200 940–F)

Final, March 21

Project RS–96(4), Woodbridge, Conn. Proposed reconstruction of a 0.85-mile section of Route 69. Comments made by USDA, Army COE, EPA, DOI, State and local agencies. (ELR Order No. 3093, 61 pages) (NTIS Order No. PB–201 528–F)

Project No. F–061–1(6), Fairbanks, Alaska. Proposed construction of a four-lane limited access highway in urban Fairbanks, from Gaffney Road to Farmer's Loop Road. An unspecified number of residences will be displaced. A 4(f) statement is required for park land which would be taken by the project. (ELR Order No. 3094, 156 pages) (NTIS Order No. PB–202 141–F)

I–90–1, King County, Wash. Reconstruction of State Route 90 from four to six lanes, for a distance of 4.06 miles. Comments made by USDA, Army COE, EPA, HUD, State, and local agencies. (ELR Order No. 3095, 76 pages) (NTIS Order No. PB–204 167–F)

Project I–459–4(1), Jefferson County, Ala. Construction of Highway I–459 for a total distance of 23.4 miles. The highway will displace 768 persons and four businesses. Comments made by USDA, Army COE, DOC, HUD, DOI, State, and local agencies. (ELR Order No. 3096, 48 pages) (NTIS Order No. PB–201 233–F)

Project F–20 (36), Douglas County, Nebr. Reconstruction of a 0.9-mile section of U.S. 6 in Omaha. One residence and an unspecified number of businesses will be displaced by the project. Comments made by USDA, EPA, DOI, State, and local agencies. (ELR Order No. 3097, 25 pages) (NTIS Order No. PB–201 857–F)

Crile Appalachia Access Road, Washington, Pa. Proposed construction of a 1,300' access road to serve an industrial park. Comments made by EPA, DOI, State, and local agencies. (ELR Order No. 3098, 31 pages) (NTIS Order No. PB–202 298–F)

Project S 10(9), Wayne County, Ky. Reconstruction of a new section of Kentucky 90, a four-lane highway, for approximately 4 miles. Approximately 95 acres will be lost to the project and 18 residences displaced. Comments made by AEC, Army COE, DOI, TVA, State, and local agencies. (ELR Order No. 3099, 45 pages) (NTIS Order No. PB–199 573–F)

Route 460, Prince Edward County, Va. Construction of 8.4 miles of two-lane highway and 15 bridges. An unspecified amount of land will be lost to the project. Comments made by EPA, DOI, and State agencies. (ELR Order No. 4000, 31 pages) (NTIS Order No. PB–207 558–F)

Project F–07–1, Henry County, Va. Construction of 18.06 miles of four-lane highway to bypass Martinsville. Approximately 230 individuals will be displaced, along with seven businesses; an unspecified amount of land will be lost. Comments made by USDA, HUD, DOI, and State agencies. (ELR Order No. 4001, 48 pages) (NTIS Order No. PB–200 322–F)

Final March 22

Power Highway, Coos County, Oreg. Proposed reconstruction of 19 miles of two-lane highway. Comments made by EPA, DOI, and State agencies. (ELR Order No. 4015, 21 pages) (NTIS Order No. PB–207 588–F)

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State Route 169, King County, Wash. Reconstruction of 1.50 miles of two-lane State Route 169. The displacement of three homes and two businesses will result. Comments made by USDA, Army COE, EPA, HUD, State and local agencies. (ELR Order No. 4016, 44 pages) (NTIS Order No. PB-201 858-F)

Project F-125 (------), Davies County, Ky. Proposed widening of 1.56 miles of highway. Comments made by EPA, DOI, TVA, and State agencies. (ELR Order No. 4018, 23 pages) (NTIS Order No. PB-202 178-F)

S-9102(8) St. Mary's County, Md. Proposed widening of Maryland Route 235, for a distance of 1.392 miles. Comments made by USDA, HUD, State, and local agencies. (ELR Order No. 4019, 16 pages) (NTIS Order No. PB-200 760-F)

Project S-079(1), Northway, Alaska. Construction of 7.6 miles of two-lane highway. Comments made by DOI and State agencies. (ELR Order No. 4020, 32 pages) (NTIS Order No. PB-203 108-F)

COAST GUARD

Contact: D.B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street, S.W., Washington, DC 20591, (202) 426-9573.

Final March 14

U.S. Coast Guard Reserve Training Center, Yorktown, Va. Proposed reconstruction of an access road and construction of family housing. Comments made by USDA, DOI, DOT, and the State of Virginia. (ELR Order No. 3058, 14 pages) (NTIS Order No. PB-204 163-F)

U.S. WATER RESOURCES COUNCIL

Contact: W. Don Maughan, U.S. Water Resources Council, 2120 L Street NW., Washington, DC 20037, (202) 254-6406.

Draft March 13

Genesee River Basin, N.Y. The statement is a study of the problems and needs of the river basin, with proposed projects and programs. Structural projects proposed by the plan include construction of 16 upland reservoirs; 10 reservoirs in the Ontario Lake Plain; the Canaseraga multipurpose project; and the Stannard multipurpose reservoir. (ELR Order No. 3024, 22 pages) (NTIS Order No. PB-207 437-D)

Draft March 10

Big Muddy River Basin, Ill. The statement is a study of the problems and needs of the river basin, with proposed projects and programs. Structural projects proposed by the plan include construction of 10 reservoirs. Significant Indian cultural remains are located in the basin. (ELR Order No. 3036, 20 pages) (NTIS Order No. PB-207 415-D)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-5089 Filed 4-3-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19480-19482; FCC 72-282]

A-W BROADCASTING CO., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Gary Acker and Billy Wolfe, doing business as A-W Broadcasting Co., Springfield, Mo., Requests: 1550 kc., 500 w., Day, Docket No. 19480, File No. BP-18,321; Charles Burton, Paul L. Bradshaw, Don Burrell, Jerry Carter, and Joseph H. Pyle, doing business as Queen City Broadcasting Co., Springfield, Mo., Requests: 1550 kc., 1 kw., Day, Docket No. 19481, File No. BP-18,460; William B. Neal (KQYX), Joplin, Mo., Has: 1560 kc., 250 w., Day, Requests: 1560 kc., 10 kw., DA, Day, Docket No. 19482, File No. BP-18,480; for construction permits.

1. The Commission has before it for consideration the above mutually exclusive applications.

2. A "Suburban" [1] issue is required with respect to A-W Broadcasting Co. Although it recently amended the community survey portion of its application, A-W has not fully compiled with the "Primer." [2] No demographic data was submitted. Since the applicant did not make a community analysis, we cannot conclude that its contacts with community leaders reflect the composition of the Springfield area. Moreover, the survey conducted of the general public appears to be a mere solicitation of programing tastes, and not an inquiry into the problems, needs, and interests of the area. Accordingly, the applicant will be provided an opportunity to demonstrate its responsiveness to the community in hearing.

3. For the following reasons, the Commission does not find A-W financially qualified to operate its proposed station. The applicant projects first-year construction and operation costs to be $31,968, itemized as follows: Equipment (first-year payments under lease-purchase agreement), $5,648; land, $3,000; building, $1,000; miscellaneous, $5,000; and working capital, $16,500. To cover these expenditures, A-W proposes to use cash on hand of $6,000, a manufacturer's lease-purchase agreement, and the sale of business property and negotiable first mortgages. However, since the applicant has not substantiated the values attributed to or the marketability of the business property and mortgages relied upon, we cannot conclude A-W is financially qualified. Finally, when measured against similar operations manned by six employees, the applicant's estimate of $16,500 for first-year operating expenses appears inordinately low. This amount does not appear sufficient to cover wages, much less the other ordinary and reasonable expenses needed to operate a radio station.

4. Subsequent to the filing of this application, Gary Acker, a partner in A-W Broadcasting Co., acquired Shelby County Broadcasting Co., licensee of WTNN, Millington, Tenn. Acker's acquisition of another station is a significant matter which could have an effect on the outcome of this proceeding. However, A-W has not amended its application as required by § 1.65 of the Commission's rules. Therefore, an issue will be included to determine whether the applicant failed to perform the responsibilities of continuing accuracy and completeness of information furnished in a pending application as required by § 1.65 of the rules.

5. We also conclude that a "Suburban" issue must be included as to Queen City. The applicant's demographic breakdown of Springfield shows that several important economic and social groups exist in the community. These identifiable factions, however, are not reflected in the contacts the applicant made with community leaders. Since it appears that the applicant has not established a dialog with all the significant groups known to exist in the community, further inquiry into the survey is required in hearing. Moreover, Queen City's proposed program format contains several inconsistencies. The most recent amendment, tendered in response to a Commission letter informing the applicant of the defects in its ascertainment survey, lists 16 programs totaling at least 10.6 hours per week which the applicant proposes to broadcast to meet the problems, needs, and interests of the community. However, section IV-A, part III of its application allots only 5 hours per week of broadcast time for public affairs matters. We believe this discrepancy must also be examined in hearing.

6. When originally filed, Queen City's financial plan did not show the applicant possessing sufficient liquid assets to meet its proposed first-year construction and operating costs. Subsequent thereto it amended the financial section. In an effort to match the funds needed to the funds available, the applicant merely reduced the amount allocated for operating expenses. Now, Queen City projects its first-year costs to be $34,805, as follows: Down payment on equipment, $4,177; first-year payments on equipment, with interest, $4,929; land, $600; building, $1,500; miscellaneous, $2,500; and working capital, $21,099. To meet these expenses, Queen City relies upon a manufacturer's letter of credit, existing capital of $2,665, and new capital of $32,000, for a total of $34,665. Moreover, we believe a station operating 84 hours per week by seven employees would require more for salaries than the $14,300 projected by the applicant. Thus, a question obtains whether the applicant's estimates are reasonable. Since the liquid assets available to the applicant still do not match the proposed expenses, and a question has been raised as to the reasonableness of the applicant's proposed costs, a financial issue must be included as to Queen City.

7. Joplin is located approximately 70 miles west of Springfield, Mo. Due to the distance involved, an increase in the power of KQYX would result in only a slight overlap of service areas. Thus, as between the Joplin and Springfield proposals, the section 307(b) issue will be determinative. In the event it is determined that one of the proposals for Springfield is to be preferred, it will be necessary, on a comparative basis, to determine which of the two applicants is better qualified.

[1] Suburban Broadcasters, 20 RR 951 (1961).

[2] Primer on Ascertainment of Community Problems by Broadcast Applicants, 36 F.R. 4092, 27 FCC 2d 650 (1970).

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the Springfield proposals and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

(2) To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of station KQYX and the availability of other primary aural service (1 mv/m or greater in the case of FM) to such areas and populations.

(3) To determine the efforts made by A-W Broadcasting Co. and Queen City Broadcasting Co. to ascertain the community needs and interests of the area to be served and the means by which the applicants propose to meet those needs and interests.

(4) To determine with respect to the application of A-W Broadcasting Co.:

(a) The basis for the estimate of the first-year's operating expense and whether such estimate is reasonable;

(b) Whether the applicant has sufficient liquid assets to finance construction and operation of the proposed station; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

(5) To determine whether A-W Broadcasting Co. has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial and significant changes as required by § 1.65, and, if not, the effect of such noncompliance on its basic and/or comparative qualifications to be a Commission licensee.

(6) To determine with respect to the application of Queen City Broadcasting Co.:

(a) The basis for the estimate of the first-year's operating expenses and whether such estimate is reasonable;

(b) Whether the applicant has sufficient liquid assets to finance construction and operation of the proposed station; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b), above, the applicant is financially qualified.

(7) To determine the amount of time to be devoted by Queen City Broadcasting Co. to the various program categories and whether part III of section IV-A of the application form accurately reflects the applicant's proposed programing.

(8) To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

(9) To determine, in the event it is concluded that a choice between the applications should not be based on considerations relating to section 307(b), which of the proposed Springfield operations would, on a comparative basis, better serve the public interest.

(10) To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

10. *It is further ordered,* That, in the event of a grant of any of the applications the construction permit shall include the following condition:

Permittee shall assume responsibility for the installation and adjustment of filter circuits or other equipment in the antenna system of the proposed operation and any existing station which may be necessary to prevent adverse effects due to internal cross-modulation and reradiation.

11. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

12. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: March 23, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5073 Filed 4-3-72;8:47 am]

[Docket No. 19479; FCC 72-255]

MEADVILLE MASTER ANTENNA, INC.

Memorandum Opinion and Order Instituting a Hearing

In regard Meadville Master Antenna, Inc., Meadville, Pa., request for waiver of § 74.1103 of the Commission's rules, Docket No. 19470, File No. SR-76177.

1. This proceding involves a petition for waiver of the program exclusivity provision of § 74.1103 of the Commission's rules. The proceeding comes before the Commission as a result of the United States Court Appeals for the Third Circuit's action setting aside the Commission's May 6, 1969, Memorandum Opinion and Order and remanding the case to the Commission "Meadville Master Antenna, Inc. v. F.C.C. and U.S.A.", 443 F. 2d 282 (3d Cir. 1971). The Court's opinion fully sets forth the history of procedings before the Commission and the allegations and counterclaims of the parties.

2. In its opinion (Slip Op., p. 6), the Court stated that Meadville Master Antenna, Inc.,

Contends that waiver of the nonduplication rule is justified because the signal strength of WICU-TV is such that its predicted contour does not in fact encompass large sections of the community and is in fact equal to or inferior to that of WFMJ-TV[1] and because the quality of both black and white and color signals of WICU-TV is substantially inferior to that of WFMJ-TV.[2]

The hearing is instituted to take further evidence on these questions. All pleadings comprising the record in this case before the Court of Appeals are hereby made part of the record on hearing. It is believed that the formal taking of further evidnce, coupled with an in-depth analysis by an examiner, will enable the Commission to more fully "set forth its conclusions and the reasons for them" as requested by the Court.[3]

3. The point from which the examiner is to begin his inquiry is that Lamb Communications, Inc., licensee of WICU-TV, has met its burden of establishing the applicability of the nonduplication protection provision "by establishing the predicted contours of the stations and the manner in which the CATV system has failed to provide nonduplication protection." (Slip Op., pp. 6-7.) No party contested this finding before the Court. Meadville Master Antenna, Inc., has met its initial burden of going forward by submission of engineering data to put in question the actual contour and quality of the WICU-TV signal, therefore requiring the initiation of this hearing.

4. The public interest requires that the hearing process be conducted as expeditiously as possible. The examiner is so directed and shall issue his initial decision as promptly as possible after the conclusion of the hearing.

Accordingly, it is ordered, That the request for waiver herein is designated for hearing, at a time and place to be specified in a subsequent order, on the following issues:

[3] Commissioners Robert E. Lee and Johnson absent.

[1] This language is in part derived from the Commission's statement in its Second Report and Order, 2 FCC 2d 725, 753, n. 40 (1966), that "carriage will not be required where a sufficient showing is made that a predicted signal is not in fact present in the county, or that a good signal is not obtainable because of technical deficiencies on the part of the station."

[2] See 2 FCC 2d at 751, par. 62.

[3] Various requests and objections, subsequent to the handing down of the Court's opinion, for on-site inspection of MMA's head-end facilities by WICU-TV engineers accompanied by Commission engineers are now moot since any engineering evidence deemed necessary will be determined by the hearing examiner.

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(1) To determine (a) whether the community served by Meadville Master Antenna, Inc., is encompassed in whole or in part by the actual Grade B contour of WICU–TV, and (b) whether the actual signal contour of WFMJ–TV has the same or higher priority, in terms of the priorities established by § 74.1103 [New § 76.91 effective March 31, 1972] of the Commission's Rules, compared with the actual signal of WICU–TV.

(2) To determine whether the technical quality of WICU–TV's black-and-white signal reception in the community served by Meadville Master Antenna, Inc., is substantially inferior to that of WFMJ–TV.

(3) To determine whether the technical quality of WICU–TV's color signal reception in the community served by Meadville Master Antenna, Inc., is substantially inferior to that of WFMJ–TV.

(4) To determine whether, in light of the evidence adduced on the above issues, a grant of the request for waiver would be consistent with the public interest.

It is further ordered, That Lamb Communications, Inc., licensee of Station WICU–TV, and Chief, Cable Television Bureau, are made parties to the hearing.

It is further ordered, That Meadville Master Antenna, Inc., (a) proceed with the initial presentation of evidence on issues (1), (2), and (3), and (b) has the burden of proof on issues (1), (2), and (3), and the burden of establishing under issue (4) that a grant of its request for waiver would serve the public interest, convenience, and necessity.

It is further ordered, That to avail themselves of the opportunity to be heard, Meadville Master Antenna, Inc., and Lamb Communications, Inc., pursuant to § 1.221(e) of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That all pleadings comprising the record in this case before the Court of Appeals shall be made part of the record on hearing.

It is further ordered, That the examiner shall conduct the hearing expeditiously and issue an initial decision as promptly as possible, in accordance with paragraph 4, supra.

It is further ordered, That the Secretary of the Commission shall send copies of this order by certified mail to the parties to the case.

Adopted: March 23, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION [4]
BEN F. WAPLE,
Secretary

[FR Doc.72-5074 Filed 4-3-72;8:47 am]

[4] Commissioner Bartley dissenting and issuing a statement, which is filed as part of the original document, and Commissioners Robert E. Lee and Johnson absent.

[Docket No. 18759–18761; FCC 72R–79]

RKO GENERAL, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of RKO General, Inc. (WNAC–TV), Boston, Mass., for renewal of broadcast license, Docket No. 18759, File No. BRCT–63; Community Broadcasting of Boston, Inc., Boston, Mass., Docket No. 18760, File No. BPCT–4198; The Dudley Station Corp., Boston, Mass., for construction permit for new television broadcast station, Docket No. 18761, File No. BPCT–4277.

1. The above-captioned applications were designated for consolidated hearing by Commission Order, FCC 69–1335, released December 11, 1969, 34 F.R. 19852, 20 FCC 2d 846.[1] The Commission specified various issues, including a financial qualifications issue against The Dudley Station Corp. (Dudley) inquiring into its overall costs and sources of financing. The Board now has before it a petition to enlarge issues, filed on February 3, 1972, by Community Broadcasting of Boston, Inc. (Community) [2] which seeks the inclusion of a § 1.65 issue,[3] a misrepresentation issue and an issue to determine whether Bertram M. Lee, President of Dudley, is engaged in "profiteering" from the prosecution of the application.

2. Dudley, on December 30, 1971, filed a petition to amend its application and tendered an amendment which would include a new letter of credit from RCA to finance equipment valued at $2,600,000; letters of credit and supporting documents from four banks and five individuals which in total purport to advance credit to Durley in the amount of $5,488,000.00; and a Statement Concerning Issuance and Subscription for Class B Stock in The Dudley Station Corp., and other material showing that the following shares of Class B stock had been issued or subscribed:

	Issued		Subscribed	
	No. shares	Cost	No. shares	Cost
Henry M. Morgan [4]	4 000	$30,000	0	0
Jerome B. Wiesner	2,000	15,000	0	0
Ruth Batson	240	1,800	0	0
Henry W. Kendall	1,600	20,000	0	0
Anne Peretz	1,200	15,000	400	$5,000
Harry Levine [4]	1,200	15,000	400	5,000

[4] Counsel's transmittal letter dated Dec. 30, 1971, showed that Morgan subscribed to 5,600 shares with 5,200 issued and 400 to be subsequently issued. The "Statement Concerning Issuance and Subscription of Class B Stock in Dudley Station Corporation" submitted with the amendment showed only 4,000 shares issued to Morgan and no outstanding subscription. The SEC Prospectus showed Morgan owning 5,200 shares of Class B common and asserts that Dr. Morgan has subscribed to 1 unit and that 1,200 shares of that unit have been issued.

[4] The "Statement Concerning Issuance and Subscription for Class B Stock in The Dudley Station Corporation" submitted as part of the amendment has no listing for Levine as either owning or subscribed to stock. However, the transmittal letter shows Levine as having subscribed to 1,600 shares, 1,200 issued and 400 yet to be issued. Also, the information concerning shareholders, required by FCC Form 301, includes information as to Levine with 1,200 shares of Class B issued and 400 shares yet to be issued.

The amendment also states that Dudley has filed a Form 1–A–Notification Under Regulation A and an offering circular with the Securities Exchange Commission which looks toward the sale of 11 additional units of Class B nonvoting common stock in Dudley, each unit to consist of 1,600 shares and to be sold at $20,000 per unit. The amendment also tendered information with respect to stockholders required by section II of FCC Form 301 as to Mortimer B. Zuckerman, Henry W. Kendall, Harry Levine and Anne L. Peretz. Community contends that based on information contained in Dudley's amendment and the material submitted to the SEC, referred to in the amendment and supplied to the Commission by letter of December 27, 1971, the issues it requests should be added in the instant proceeding.

THE § 1.65 ISSUE

3. More particularly with respect to the requested section 1.65 issue, Community contends that Dudley's failure to report its bank loan commitments and certain bank loans already executed, the first of which was dated December 3, 1969, within 30 days from the date the commitment was received by Dudley is a violation of § 7.65 of the Commission's rules. Community also contends that Dudley's failure to report: the sale of 4,000 shares of Class B stock at $7.50 per share for $30,000 prior to December 31, 1969; the sale of 2,240 additional shares of Class B stock at $7.50 per share for $16,800 [5] prior to December 31, 1970; and the subscription of an additional 3,200 shares of Class B stock at $12.50 per share for $40,000, constitutes a further violation of § 1.65 of the Commission's rules.[7] Community also notes that the above-described transaction brought four

[1] This proceeding was redesignated for hearing, incorporating the original designation Order by reference and affording all applicants 30 days from publication to amend their applications by Commission Order, FCC 72–145, released Feb. 24, 1972, 37 F.R. 4382, ------ FCC 2d ------.

[2] The Board also has before it: (a) Comments, filed Feb. 23, 1972, by the Broadcast Bureau; (b) opposition, filed Feb. 23, 1972, by The Dudley Station Corp.; and (c) replies to (a) and (b), filed Mar. 1, 1972, by Community Broadcasting of Boston, Inc.

[3] Section 1.65 of the Commission's rules reads in pertinent part as follows:

Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate * * *.

[5] Apparently the figure $56,800 was erroneously used by Dudley in its Statement of Cash Receipts and Disbursements when reporting this sale. Note 2 to the statement reports the sale of 2,240 shares of Class B stock at $7.50. The receipts from such sale would be $16,800.

new stockholders into the company. Community argues that Dudley's failure to comply with § 1.65 of the Commission's rules as described above raises serious questions as to that applicant's qualifications to be a station licensee which must be resolved in the hearing process.

4. In opposition to the requested § 1.65 issue, Dudley takes the position that it had no obligation to report its bank loan commitment letters at this stage of the proceeding since it did not purport to make a specific showing of its financial qualifications in its application and a general issue with respect to its financial qualifications was included in the proceeding; it only submitted the commitment letters well before the hearing date to apprise the Commission and the parties of the material on which Dudley intends to rely at the hearing. As to the sale of Class B stock, Dudley contends that it had no obligation to report those transactions since the shares involved were nonvoting stock and had no effect on the control of the applicant corporation. Moreover, Community contends that since the amendments relate to basic qualifications, not matters for comparative consideration, Community cannot possibly be prejudiced by their disclosure well in advance of the hearing.

5. The Review Board agrees with Dudley and with the Broadcast Bureau that Dudley's failure to report the loan commitments does not constitute an adequate basis for addition of a § 1.65 issue. Dudley did not detail its financial plan in its application. Consequently, an issue concerning its financial qualifications was included in the proceeding. It would have been required to do no more until it presented evidence of its financial qualifications at the hearing. Instead, Dudley chose to amend its application to put the Commission and the parties on notice of the matters which it would rely on at the hearing. The failure to provide this information earlier cannot be the basis for an issue against Dudley. "Cf. WPIX, Inc. (WPIX)," FCC 72R–29, __ FCC 2d __, released February 7, 1972. The Class B stock sales present a different problem. FCC Form 301, Application for Authority to Construct a New Broadcast Station or Make Changes In An Existing Broadcast Station, in section II requires extensive information concerning the shareholders of a corporate applicant. In this case Dudley supplied the required information as to those shareholders of record at the time the application was filed. However, the applicant neglected to advise the Commission of subsequent sales of Class B common stock as soon thereafter as possible and in any event not later than 30 days after the sale of stock or execution of the subscription contract. We cannot accept Dudley's argument that since the sale of Class B shares did not have any bearing on the control of the corporation, which by the charter is vested in the owners of Class A stock, it had no obligation to report the sale of Class B stock. On the contrary, Form 301 makes no distinction as to class of stockholders; it requires the pertinent information as to all stockholders where there are 20 or less shareholders in the corporation. Information with respect to the Class B stockholder is then clearly required by Form 301, and it is "significant information" within the scope of § 1.65 of the rules. Failure of Dudley to promptly report such information raises questions as to its qualifications to be a station licensee. Nevertheless, in the circumstances before us there is no evidence of intent to withhold pertinent information. Dudley did voluntarily come forward with an appropriate amendment supplying all of the necessary information, albeit not timely filed; and there has apparently been only one violation of the rule. The Board does not believe that this incident should reflect on the applicant's basic qualifications. Therefore, an issue will be specified inquiring into this matter and its effect on Dudley's comparative qualifications.

MISREPRESENTATION ISSUE

6. Community contends that certain statements made by Dudley in an "offering circular" submitted to the SEC and subsequently transmitted to the Commission by Dudley constitute misrepresentation. Community first points to the following statement by Dudley: "Among the three applicants (RKO, Community, Dudley) only the Company (Dudley) has stated its intention to have as many as three of its directors involved on a full-time basis in the operation of the station," and contends that since exhibits on this matter have not yet been exchanged Dudley's statement must be regarded as intentional misrepresentation. Community also notes that in the same offering circular Dudley identifies Thomas J. White, a building contractor, as Community's president and David C. Mugar as a supermarket executive. In fact, petitioner alleges, White is not president of Community and Mugar is not a supermarket executive. Community concedes, however, that both of these statements were deleted from the offering circular before it was published. Community also contends that Dudley's detailed financial proposal at page 10 of its offering circular is inconsistent with its declaration of intent to engage in experimentation in local programming and devotion of "substantial resources to community activity, to sponsor and supervise community workshops, regional festivals, conferences, talent hunts and other related activities." In its reply to the opposition on this point, Community notes that Dudley's financial projections anticipate earnings before taxes of $1,622,000 for the first year, $2,499,400 for the second year, $3,538,500 for the third year while projected production expenses are $826,500 during the first year, $982,600 for the second and $964,000 for the third year. The disproportionate relationship between increased income and increased production expenses, Community argues, refutes Dudley's claim concerning its proposed "experimentation to local programming, etc." and warrants a misrepresentation issue. Community also notes that in its amendment of December 2, 1969, Dudley states that within 2 weeks it expected to have a credit commitment letter with respect to its proposed Ampex antenna and that, although many months have passed, Dudley has not come forth with such a letter.

7. Considering all of Community's allegations, even as amplified by its reply, we find no basis for the addition of a misrepresentation issue. The first Dudley statement upon which Community relies is in fact technically accurate. At the time the statement was made Dudley was the only applicant which had "stated its intention [to the Commission] to have as many as three of its directors involved on a full-time basis in the operation of the station." The second alleged misrepresentation involves a transposition of the offices held by Mr. White and Mr. Mugar. David Mugar is in fact president of Community and Mr. David Mugar is the son of Stephen Mugar, the founder of Star Supermarket grocery chain.[8] While Dudley's characterization of David Mugar is not entirely accurate it is of no significance in the context of this proceeding. Moreover, both of the foregoing statements were deleted from the "offering circular" before it was published. Community's third contention is based on no solid factual allegations and the Board will not presume to draw the inferences from Dudley's income and production expense projection which would be necessary to support the addition of a misrepresentation issue. Nor can we regard Dudley's failure to come forward with the Ampex credit letter as warranting such an issue. While the absence of such a letter may have a bearing on Dudley's financial qualifications, Dudley's failure to produce such a letter before going to hearing is no indication of bad faith.

PROFITEERING ISSUE

8. Community notes that Bertram Lee appears to be the primary promoter of Dudley; that he owns 46.7 percent of the Class A voting stock for which he paid a total of $1,600 at $2.50 per share; that as of August 31, 1971, $126,800 [9] had been reiceived from sale of Class B stock, none of which was purchased by Lee; that $131,433 in loans had been received but none of the money was lent by Lee and

[7] In paragraphs five and six of its petition, Community catalogues at some length what it regards as deficiencies in the several loan commitments submitted by Dudley. While these matters may eventually be pertinent to a resolution of the existing financial qualifications issue they have no bearing on the issues requested in Community's petition.

[8] In its reply, Community notes that D. Mugar has never been an executive of Star Supermarket and S. Mugar sold his interest in that company in 1964.

[9] This figure appears to be the function of a $40,000 error as to the value of Class B shares sold in 1970. (See footnote 6, supra.) The correct figure appears to be $86,800.

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that each share of Lee's stock acquired at $2.50 per share had increased in value with the sale of each share of Class B stock at $7.50 or $12.50 per share. Community also asserts that $59,362 was expended for management fees during this period, that Dudley owes Mr. Lee's company $13,096 and that there was $52,134 in other disbursements. Community concludes that a large portion of Dudley's total expenditure went to Lee and that because at the same time his shares have increased in value he has been engaged in something it calls "profiteering."[10]

9. Assuming that all of Community's factual allegations concerning Mr. Lee's relationship with Dudley are true, we find no evidence of profiteering or other wrongdoing. Moreover, in its opposition, Dudley alleges that any funds which Lee has received from Dudley, were authorized by the Board of Directors as compensation for his services. This allegation is supported by a corporate resolution. Furthermore, the corporate minutes of April 7, 1969, authorize the president of the corporation to hire such additional clerical help, not to exceed $500 per month, as might be necessary to conduct the affairs of the corporation. Copies of both of these documents were supplied to Community in response to discovery proceedings in March of 1970. In these circumstances, the Board finds no basis for inclusion of an issue to determine whether Bertram Lee has been engaged in profiteering in the prosecution of Dudley's application for a television station in Boston.

10. *It is therefore ordered*, That the petition to enlarge issues in the above-captioned proceeding, filed February 3, 1972, by Community Broadcasting of Boston, Inc. is granted to the extent that the issues in this proceeding are enlarged as follows and is denied in all other respects;

To ascertain the facts with respect to the Dudley Station Corp.'s failure to promptly notify the Commission of changes in its stockholders, as required by § 1.65 of the Commission's rules, and the effect of such failure on The Dudley Station Corp's. comparative qualifications to be the licensee of a television station.

Adopted: March 27, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION[11]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5072 Filed 4-3-72;8:47 am]

[10] The word profiteer is defined in Websters New World Dictionary of the American Language, College Edition, as "a person who makes excessive profits by taking advantage of a shortage of supply to charge unreasonably high prices". Community explains its meaning in its reply by stating that Mr. Lee's activities with respect to Dudley are analogous to those of a C.P. holder, who, having sold the C.P., retains an interest in the CP disproportionate to his obligation to make future contributions and thus raises a trafficking issue.

[11] Board Member Berkemeyer dissenting in part and issuing a statement which is filed as part of the original document.

[Docket No. 19154; FCC 72-284]

FORMULATION OF POLICIES RELATING TO BROADCAST RENEWAL APPLICANT STEMMING FROM COMPARATIVE HEARING PROCESS

Order Regarding Oral Argument En Banc

1. On February 23, 1971, the Commission issued its Notice of Inquiry in this proceeding, and on August 20, 1971, following the issuance of the Court's decision in Citizens Communications Center v. FCC, —— U.S. App. D.C. – —, 447 F. 2d 1021 (1971), the Commission issued its Further Notice. The comments and reply comments have now been received. In light of the nature of the issues in this important and far-ranging inquiry, the Commission believes it desirable to afford interested persons an opportunity to make oral presentations.

2. Persons wishing to be heard should submit notices of appearance within 5 days of the release of this order. Parties with a common viewpoint are urged to select a single spokesman in order to avoid unnecessary duplication of arguments; arguments may be made by non-lawyers as well as lawyers representing clients. The Commission, by further order, will specify the order of appearance of the participating parties; it will also announce the amount of time allocated to each participant.

3. The issues have been pointed up in the notice, further notice, and the comments received. The proposals of the Commission are contained in the February 23 Notice. Persons addressing those proposals should be prepared to state specifically their differences, if any, and the alternative approach which they believe would better serve the public interest. Finally, further action in Docket 19153 will await the oral proceedings here, in Docket No. 19260 (the overall fairness inquiry), and in Docket 19142 (children's programing inquiry).

4. *Accordingly, it is ordered*, That oral argument will be held before the Commission en banc at its offices in Washington, D.C., beginning at 10 a.m. on May 4, 1972. Persons desiring to participate in the oral argument shall file a notice of appearance within 5 days of the date of release of this order.

Adopted: March 23, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5075 Filed 4-3-72;8:47 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

MARCH 29, 1972.

Pursuant to the Commission's action of March 15, 1972, waiving the "freeze" criteria of § 1.571 of its rules and accepting the following application, it will be considered as ready and available for processing May 12, 1972.

BP-19042 KLLR, Walker, Minn.
Edward P. de la Hunt, Jr.
Has: 1600 kc., 500 w., Day.
Req: 1600 kc., 1 kw., Day.

Pursuant to §§ 1.227(b)(1), 1.591(b) and Note 2 to § 1.571 of the Commission's rules,[1] an application, in order to be considered with the above application must be in direct conflict with said application, substantially complete and tendered for filing at the offices of the Commission by the close of business on May 11, 1972.

The attention of any party in interest desiring to file pleadings concerning this application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: March 28, 1972.

Released: March 29, 1972.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5077 Filed 4-3-72;8:47 am]

[FCC 72-241]

STATION KUTV, SALT LAKE CITY, UTAH

Memorandum Opinion and Order Regarding "Prime Time" Waiver

In the matter of request by Station KUTV, Salt Lake City, Utah, for waiver of the "prime time access rule" (§ 73.658(k)) for Saturdays in March.

1. The Commission here considers a "Petition for Partial Reconsideration" filed on March 6, 1972, by KUTV, Inc., the licensee of Television Station KUTV, Salt Lake City, Utah (NBC affiliated), seeking reversal of that portion of our action of February 16, 1972 (FCC 72-166), which denied its request for waiver of the "prime time access rule" for Saturdays, March 11, 18, and 25, 1972, in connection with NBC movies which will run over 2 hours (generally 2½ hours). In this action, we granted its request for the three previous Saturdays in February and March, largely on the basis that KUTV serves as an NBC "feed" to some 11 other mountain zone stations in smaller markets and we did not wish to disrupt these arrangements on short notice; otherwise we held that grant of the waiver under the circumstances was not warranted, and denied the request for the remainder of March.

2. KUTV now seeks reversal of the latter part of the decision, and grant of waiver for the remaining three Saturdays in March. It advances a number of arguments in support of its position, including: (1) The unique problems of

[1] Commissioners Robert E. Lee and Johnson absent.

[1] See Report and Order released July 18, 1968, FCC 68-739, Interim Criteria to Govern Acceptance of Standard Broadcast Applications, 33 F.R. 10343, 13 RR 2d 1667.

mountain zone stations in the "top 50 markets" as long as their prime hours remain 7 to 11, since they must present, during the latter part of their prime time network, material which in the rest of the United States falls outside of prime time (such as the movie overruns involved here); (2) the small number of homes in the three "top 50" markets which are in the mountain zone, less than 3 percent of the total U.S. "top 50" homes, so that there will assertedly be no appreciable impact on fulfillment of the objectives of the prime time access rule; (3) the asserted difficulty and undesirability of any course of action which would comply with the rule, including canceling one NBC program ("The Bold Ones") early in the evening, or running it after the movie (to which the network and advertisers would likely not agree, since half of it would be outside of prime time), or running the movie later (so that the overrun would fall outside of prime time in Salt Lake City) which would mean canceling KUTV's regular late evening news, and, in any event, having to replace some attractive NBC programing, on rather short notice, with nonnetwork material from its supply, all of which has been shown repeatedly in prime time in the market previously.

3. Of perhaps more significance, statements supporting KUTV's petition were filed by four of the 11 mountain zone stations to which it feeds NBC programs (those in Billings and Great Falls, Mont., Idaho Falls, Idaho, and Casper, Wyo.). These stations urge that reduction of NBC programing resulting from strict application of the rule would mean loss of desirable and accustomed NBC programs to their viewers, and thus disruption of viewing habits. For some of these stations, KUTV is the only source of NBC material except film prints. It is asserted that the resulting loss of NBC programs would require finding expensive and inferior replacements, would affect a total audience (for these stations) substantially greater than KUTV's own audience in the Salt Lake City area and thus would in effect be applying the "prime time access rule" far outside of its intended area, and would therefore be difficult to explain to viewers.

CONCLUSIONS

4. On further consideration, we are of the view that this matter should be reconsidered and our earlier decision reversed insofar as it denied the last half of KUTV's request. We are herein granting the petition for reconsideration and the waivers. Essentially, our decision is based on another look at three circumstances prevailing, which, taken together, lead us to the conclusion that the public interest would be better served by grant of waiver than by reiterated denial. These are: (1) The fact that the "prime time access rule" is not yet in full effect anyhow, since stations may still (until October 1972) fill the cleared time with off-network material and feature films recently shown in the market, and thus the impact on availability of valuable time to new, independent program sources is less than even the relatively small impact which it might have in future seasons; (2) the fact that we intend to resolve these problems very shortly through rule making looking toward a change in the rules as to what is "prime time" in the mountain zone, so that, as KUTV says, these situations are but temporary; and (3) the position of KUTV in "feeding" NBC programs to other stations, in small markets, and the resulting disruption which would occur in the service to audiences lying well outside of the ambit of large-city stations which are the subject of the rule. In view of all these considerations, it appears that the disadvantages from denial of waiver are overshadowed by the benefits which would result.

5. However, we emphasize that this decision is based on all three circumstances mentioned. When one or more of them are absent or different in the future, denial of a similar request might well be required. For example, in connection with the "feed" function mentioned, as we have observed in other connections, it is appropriate only to a very limited extent to base regulation in the broadcast area on the function which stations sometimes serve in point-to-point communications, as sources of programs for other stations. When the rule is in full effect, and whatever change is necessary to resolve the particular mountain zone problems has been made, it does not appear that this consideration in itself would be grounds for further waiver.

6. In view of the foregoing: *It is ordered*, That:

(a) The "Petition for Partial Reconsideration" filed by KUTV, Inc. on March 6, 1972, is granted; and

(b) Waiver of § 73.658(k) is granted to Station KUTV, Salt Lake City, Utah, to present up to 3½ hours of NBC programs on the nights of March 11, March 18, and March 25, 1972, only.

Adopted: March 15, 1972.

Released: March 28, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5071 Filed 4-3-72;8:47 am]

[1] Commissioner Johnson dissenting.

FEDERAL-HOME LOAN BANK BOARD

[H.C. 120]

8.8 CORP. AND OAK CLIFF SAVINGS & LOAN ASSOCIATION

Notice of Receipt of Application for Permission To Acquire Control of Mutual Savings Institution

MARCH 30, 1972.

Notice is hereby given that the Federal Savings & Loan Insurance Corp. has received an application from the 8.8 Corporation, Dallas, Tex., a multiple savings and loan holding company which is controlled by the Oak Cliff Savings & Loan Association, Dallas, Tex., for approval of acquisition of control of the Mutual Savings Institution, Austin, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of Oak Cliff Savings & Loan Association for stock of the Mutual Savings Institution. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72 5104 Filed 4-3-72;8:49 am]

FEDERAL MARITIME COMMISSION

CANADIAN GULF LINE OF FLORIDA, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Wesley W. Kurtz, Assistant to the President, Port Everglades Terminal Co., Port Everglades Station, Port Lauderdale, FL 33316.

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Agreement No. T-2592, between Canadian Gulf Line of Florida, Inc.; Gulfstream Shipping Corp.; Harrington & Co., Inc.; Port Everglades Terminal Co.; Shaw Co. (a division of Luckenbach Steamship Co., Inc.); and Strachan Shipping Co., provides for the creation of an association to be known as Port Everglades Freight Handlers (PEFH) to govern the parties' operations at Port Everglades, Fla. The agreement provides for the parties to: (1) Agree upon and establish rates and charges for freight handling and all services, facilities, rates, and charges incidental thereto; (2) agree upon and establish tariffs, tariff amendments, and supplements; (3) make rules and regulations relating to freight handling and all services, facilities, rates, and charges incidental thereto; and (4) keep such records and statistics as may be required by the parties or deemed helpful to their interest. Port Everglades Freight Handlers will file with the Commission all tariffs, rates, charges, classifications, rules, regulations, and changes thereto adopted pursuant to the agreement. All changes in the PEFH tariff will become effective after 30 days' notice to the public, unless good cause exists for a change on shorter notice. Admission to PEFH is open to any company holding a valid Port Everglades freight handling license upon a majority vote of the members of the PEFH.

Dated: March 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5095 Filed 4-3-72;8:49 am]

PORT OF HOUSTON AUTHORITY AND TERMINAL SERVICES HOUSTON, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Robert Eikel, Esq., Eikel & Davey, 1442 Esperson Building, Houston, Tex. 77002.

Agreement No. T-2445-1, between the Port of Houston Authority (Port) and Terminal Services Houston, Inc. (TSH), amends the basic agreement which provides for the lease to TSH of a public container marshaling yard. Under the terms of the amendment, Port will lease to TSH a container crane for operation on a nondiscriminatory basis in accordance with established practices and priorities in the Port of Houston, subject to the direction and assignment of the Port. Rates to be charged the public for hire of the crane will be published in the Port's applicable tariff.

Dated: March 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5097 Filed 4-3-72;8:49 am]

PORT OF OAKLAND AND SEATRAIN TERMINALS OF CALIFORNIA, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La. and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T-2605, between the Port of Oakland (Port) and Seatrain Terminals of California, Inc. (Seatrain), provides for the nonexclusive preferential assignment to Seatrain of three parcels of land (aggregating 15.6507 acres) adjoining the facility leased to Seatrain by the Port under Agreement No. T-2480. The primary uses of the facility are the (1) docking, mooring, and berthing of Seatrain vessels; (2) docking, mooring, and berthing of any other vessels (including barges) when cargo moving over the facility to or from such vessels is either transferred to such vessels from Seatrain vessels or is transferred to Seatrain vessels from such other vessels; (3) receipt, handling, loading, unloading, storage, and delivery of cargo and containers; (4) operation and maintenance of container facilities and warehouses; and (5) uses incidental to any of the above functions. Secondary use of the premises is to cover all use in connection with vessels and cargo not included in the above definition of primary use, and is granted to the Port and its designees to the extent that it does not interfere with Seatrain's operations. Seatrain is also granted the right to permit the limited secondary use of the premises by its designees, provided that all dockage, wharfage, wharf demurrage, wharf storage, and crane rental charges (terminal charges) in accordance with the Port's Tariff will accrue to the Port. The agreement provides that all terminal charges received from secondary users will be apportioned equally between the Port and Seatrain, with Seatrain's portion to be deposited in the principal and interest fund established under FMC Agreement No. T-2480, such amount to be applied to reduce the annual base rental paid by Seatrain to the Port pursuant to the terms of Agreement No. T-2480. Initial monthly land rental is $10,028.37 and will increase to $12,953.17 upon addition of Parcel B to the assigned premises. In addition, improvement rentals shall commence upon the completion of improvements to the premises and shall be based upon the total cost for the improvements. Seatrain will also reimburse the Port for the cost of maintenance and maintenance dredging performed by the Port. The land rental for the facility is to be increased by a sum equal to 12½ percent of the land rentals during the preceding 5-year period at the end of the fifth, 10th, 20th, 25th years of the agreement's term. As improvements to the facility, the Port is to construct a 200-foot section of wharf with utilities and crane rails, dredge a 110-foot-wide berth adjacent to the wharf, and install fencing, paving, utilities, yard lighting, and striping.

Dated: March 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5096 Filed 4-3-72;8:49 am]

ZIM ISRAEL CO., LTD., AND INTERNATIONAL TRANSPORTATION SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

K. Abe, President, International Transportation Service, Inc., 1281 Pier J Avenue, Long Beach, CA 90802.

Agreement No. T-2615, between Zim Israel Navigation Co., Ltd. (Zim) and International Transportation Service, Inc. (ITC), is a Container Stevedoring and Terminal Freight Station Service Agreement whereby ITC will perform stevedoring and terminal services for Zim in accordance with rates which are agreed to by the parties and filed with the Federal Maritime Commission. The services to be performed by ITC are set forth in the agreement.

Dated: March 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5098 Filed 4-3-72;8:49 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01466---	Common Brothers (Management), Ltd.: Caribbean Progress.
01479---	General Shipping Co., Ltd.: General Aguinaldo. General Lim.
01755---	Hugo Stinnes Zweigniederlassung Hamburg: Schirokko. Volta Vision.
01892---	Michigan Tankers, Inc.: Detroit.
01894---	Aktiebolaget Svenska Amerika Linien: Mont Royal.
02039---	Gryf Deep Sea Fishing Co., Szczecin, Poland: Hainiak.
02210---	American Mail Line, Ltd.: Philippine Mail.
02330---	Oriental Shipping Corp.: Midas Rhein. Midas Seine. Oriental Empire. Caspian Trader. Oriental Titan. Midas Apollo.
02520---	Northern Petroleum and Bulk Freighters, Ltd.: Tyne Bridge.
02548---	Compania Maritima San Basilio S.A.: Eurytion. Eurysthenes. Eurypylus.
02719---	Berwick Bay Transportation Co., Inc.: Bill Lueck.
02975---	Venture Shipping (Managers), Ltd.: Peace Venture. Grace Venture.
03128---	Global Seas, Inc.: Tichi.
03129---	Orion Navigation Corp.: First Lady.
03158---	Aquarius Navigation Corp.: Taktikos.
03169---	Libra Navigation Corp.: Kontiki.
03397---	Hilmar Reksten: Arrian. Hadrian.
03399---	Audun Reksten Rederi A/S: Arapride.
03415---	Ghiyoda Kisen K.K.: Papyrus Maru.
03422---	Daiwa Kaiun Kabushiki Kaisha: Tacoma Maru.
03434---	Hoko Suisan K.K.: Ebisu Maru. Shintoku Maru No. 26.
03436---	Iino Kaiun K.K.: Toho Maru.
03453---	Kyosei Kisen Kabushiki Kaisha: Seikou Maru.
03475---	Nissho Kisen K.K.: Nichio Maru. Nichiju Maru.
03480---	Osaka Senpaku K.K.: Akagisan Maru.
03489---	Sanwa Shosen K.K.: Oji Maru.
03518---	Tokyo Senpaku K.K.: Tjirebon Maru. Kyoto Maru. Djakarta Maru. Bandung Maru. Nagoya Maru. Surabaya Maru. Semarang Maru.
03561---	Skibsaktieselskapet "Solvang": Concordia Fjell.
03674---	City Ice and Fuel of Point Pleasant, Inc.: OR-134.
03692---	Marmac Corp.: Sinclair-8.
04091---	H, R & W Marine Corp.: IPS-209. MCD-1041. SF-11.
04173---	Foss Launch & Tug Co.: Henry Foss.
04183---	Vita Food Products Inc., Aleutian King Crab: Vita.
04433---	Allied Chemical Corp.: MG23. MG24.
04601---	American Tunaboat Association: Saratoga. Elizabeth C.J. Courageous.
04624---	Ketchikan Pulp Co.: KP-10.
04625---	American Commercial Lines, Inc.: Wilbur Mills. Chem 402.
04770---	Texaco Panama Inc.: Texaco Darien.
05004---	Flowers Transportation, Inc.: Magnolia.
05046---	Magnolia Marine Transport Co.: MM-8. MM-7.
05100---	Coral Petroleum Co., Ltd.: Esso Centam.
05405---	Linea Amazonica S.A.: Atahualpa.
05471---	Belcher Oil Co.: Ceco 2501.
05630---	Newport News Shipbuilding & Dry Dock Co.: Narrows No. 1. Narrows No. 2.
05740---	Fina France: Fina-Canada.
05754---	A. E. Sorensen A/S: Elin S. Renate S.
06013---	Osaka Asahi Kaiun Kabushiki Kaisha: Nanyo Maru.
06042---	Luzon Stevedoring Corp.: Stanford. Viking. L-1906.
06053---	Nissen & Co. KG.: Cap Breton.
06172---	Mercandia Chartering, Copenhagen: Merc Maris. Merc Enterprise.
06248---	Commercial Corp. "Sovrybflot": Shantar. Yantar.
06346---	Celomar Compania Naviera S.A. of Panama: Athena.
06358---	Zeta Fishing Co., Inc.: Eileen M.
06369---	Spartan Endeavour Shipping Co., Ltd.: Tachys.
06370---	Pisces Navigation Corp.: Tekton.

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Certificate No.	Owner/operator and vessels
06371	Aires Navigation Corp.: Tropis.
06372	Achernar Navigation Corp.: Techni.
06472	Taiheiyo Kisen Kaisha, Ltd.: Shinryu Maru.
06499	Koshin Kaiun K.K.: Kosei Maru.
06522	Alioth Navigation Corp.: Pola N.
06523	Acamar Navigation Corp.: Despina N.
06524	Aldebaran Navigation Corp.: Trias.
06526	Bellatrix Navigation Corp.: Angelica.
06527	Eltanin Navigation Corp.: Sandra N.
06529	Capella Navigation Corp.: Mersinidi.
06530	Markab Navigation Corp.: Maria K.
06531	Denebola Navigation Corp.: Semira.
06610	N.J. Vardinoyannis: Vardis V.
06643	Terminal Installations Inc. at Monrovia (Liberia): Installer I.
06653	Franz Scheidbauer: Murtal.
06654	Nelson Shipping: Inntal.
06655	Friederick Glatz Ohg: Donautal.
06670	Swiftsure Towing Co. Ltd.: Forest Prince.
06701	Mary C Transportation Co.: Trinity. Curtis Jr. Hirim King.
06702	Jean D. Towing Co.: Shasta. Rainier. Shavano.
06708	Cia Fuji De Navegacion S.A.: Tachibana.
06716	Golden Agiogalusena Steamship, Inc.: Golden Chariot.
06733	Western Sealanes Corp.: Pythia.
06749	Antares Ocean Transport, Ltd.: M/T Maraki.
06755	Tonin Shipping Corp.: Tonin.
06757	Adelais Maritime Co., Ltd.: Aegis Dignity.:
06758	Avlon Shipping Co., Lt.: Aegis Myth.
06761	Sinclair Memphis Marine Service, Inc.: Sinclair-St. Louis. Sinclair 17. Sinclair 9. Sinclair 16. Arco 7.
06762	Voyager, Inc.: M/V Voyager.
06767	Northsea Shipping Co., Ltd.: Arietta Livanos.
06772	Nagasaki-Ken: Chosui-Maru.
06773	Kaga Gyogyo: Kaijin Maru No. 28.
06775	Whitco (Marine Services) Ltd.: Gladiola. Orchidea. Orange. Lapland. Glasgow Clipper. Edinburgh Clipper.
06783	Jacob Compania Naviera S.A.: Barbadinos.
06784	R.M.P. Liberia, Inc.: M/Y Pegasus II.
06785	Universal Enterprise, Inc.: Oriental Ace. Oriental Charger. Oriental Destiny.
06786	Incalca Compania Armadora S.A.: Orestia.
06802	Wealth Carriers, Inc.: Wealth Venture.
06803	Quintessence Navigation S.A.: Quintessence.
06805	Spartan Pride Shipping Co., Ltd.: Aris.
06806	Korea Marine Transport Co., Ltd.: Pagoda.
06807	Compania Maritima Laconia, Ltd.: Spartan Lady.
06808	Eternity Carriers, Inc.: Nego Venture.
06809	Liberian Achilles Transports, Inc.: Asia Lark.
06826	Ajita-Prefectural Government: Funakawa-Maru.
06834	Hongkong Steamship Co., Ltd.: Sea Pioneer.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5115 Filed 4-3-72;8:50 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Acquisition of Bank

Affiliated Bankshares of Colorado, Inc., Boulder, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of University National Bank of Fort Collins, Fort Collins, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 21, 1972.

Board of Governors of the Federal Reserve System, March 29, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5049 Filed 4-3-72;8:45 am]

UB FINANCIAL CORP.

Order Approving Retention of H. S. Pickrell Co.

UB Financial Corp., Phoenix, Ariz., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to retain all of the voting shares of H. S. Pickrell Co., Phoenix, Ariz. Said shares were purchased by applicant in May 1970, and under the provisions of section 4(a)(2) of the Act may not be retained beyond December 31, 1980, without prior Board approval. Notice of the application affording opportunity for interested persons to submit comments and views was duly published. Time for filing comments and views has expired and none have been received.

Applicant owns the United Bank of Arizona (Bank), Phoenix, the sixth largest bank in Arizona. Bank's total deposits of $130.6 million represent 3.4 percent of all commercial bank deposits in the State.[1] Bank is engaged in the business of originating mortgage loans for its own account, consisting primarily of conventional residential mortgages and shorter term commercial mortgages. In 1970, Bank originated $231 thousand in conventional single-family residential loans, and $3.7 million in commercial real estate loans. Its mortgage servicing portfolio of $12.7 million represented the total volume of real estate loans serviced for its own account. Bank does not service loans for others.

H. S. Pickrell Co. is engaged in the business of originating and servicing mortgage loans through its head office in Phoenix and one branch located in Tucson, Ariz. In 1969, its last full year of operation as an independent mortgage company, it originated $10.5 million in residential mortgages (all FHA or VA loans). In 1970, this volume increased to $14.6 million. Its commercial loan originations have fluctuated between $8.1 million in 1968; $3.8 million in 1969; and $17 million in 1970. H. S. Pickrell Co.'s total mortgage originations in the Phoenix area in 1970 accounted for 3.2 percent of all mortgages recorded in the Phoenix market, while those of applicant accounted for less than 0.4 percent. Based upon a mortgage servicing portfolio of $125 million,[2] H. S. Pickrell Co. ranks as the 167th largest mortgage banking company in the country.

The Board concludes that applicant's proposed retention of H. S. Pickrell Co. would have no adverse effects on competition, as neither institution has more than a minor share of the mortgage banking business in any local market in Arizona, or in the State as a whole. Nor is there anything in the record to indicate that the proposed retention would lead to an undue concentration of resources, conflicts of interests, or unsound banking practices. To the contrary, it appears that the public would benefit from the strengthening of H. S. Pickrell Co. through the continuance of its enhanced ability to offer larger lines of credit to its customers, and to compete more effectively with the larger financial institutions in the State. These public benefits clearly outweigh any possible adverse effects on competition.

In addition to engaging in the activity of mortgage banking, applicant seeks permission to retain H. S. Pickrell Co. for the purpose of: (1) Engaging in the purchase and sale of land, and (2) acting as a joint venturer in real estate development. It appears that H. S. Pickrell is not currently engaged in any real estate joint ventures but in June 1971, it purchased 19 acres of land, which it subsequently subdivided and improved and has contracted to sell to an independent builder. Such land development activity was not then and is not now permissible for bank holding companies. The Board is of the opinion that the activities of purchasing and selling of land or participating as a joint venturer in real estate development are not so closely related to banking as to be a proper incident thereto, and that insofar as the application pertains to these activities, it should be denied.

Based upon the foregoing and other considerations reflected in the record, the application is approved provided that H. S. Pickrell Co. shall not engage in the activities of purchasing and selling land or participating in real estate joint ventures. This approval is subject further to the Board's authority is to require reports by and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] March 28, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5117 Filed 4-3-72;8:51 am]

[1] Deposit data as of June 30, 1971.
[2] Servicing portfolio as of June 30, 1971.

SECURITIES AND EXCHANGE COMMISSION

[70-5176]

COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Intrasystem Financing

MARCH 27, 1972.

Notice is hereby given that the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, DE 19807 (Columbia), a registered holding company, and its above-named wholly owned subsidiary companies (hereinafter referred to as "Columbia of W. Va.", "Columbia of Ky.", "Columbia of Va.", "Columbia of Ohio", "Ohio Valley", "Preston", "Columbia of Pa.", "Columbia Transmission", "Columbia of N.Y.", "Columbia of Md.", "Hydrocarbon", "Columbia LNG", "Coal Gasification", "Columbia Gulf", "Columbia Development", and "Development Canada") have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration which is summarized below, for a complete statement of the proposed transactions.

The subsidiary companies propose to issue and sell, and Columbia proposes to acquire, prior to April 1, 1973 (a) unsecured installment notes not in excess of the respective amounts set forth below and (b) common stock, at the par value, in the respective amounts set forth below. Columbia also proposes to advance on open account to certain of the subsidiary companies, from time to time during 1972, up to the respective amounts set forth below:

	Advances	Common stock	Installment notes
Columbia of W. Va.	$3,100,000	$10,000,000	$2,400,000
Columbia of Ky.	2,400,000	----------	1,225,000
Columbia of Va.	600,000	----------	475,000
Columbia LNG	----------	19,300,000	23,600,000
Development Canada	----------	24,100,000	----------
Hydrocarbon	----------	----------	350,000
Columbia Transmission	53,700,000	20,500,000	19,500,000
Columbia of Ohio	19,000,000	----------	7,650,000
Ohio Valley	1,000,000	493,200	----------
Preston	----------	1,000,000	----------
Columbia of Pa.	4,400,000	----------	5,800,000
Columbia of N.Y.	500,000	----------	1,700,000
Columbia of Md.	300,000	----------	100,000
Columbia Gulf	----------	----------	6,000,000
Columbia Development	----------	29,000,000	21,500,000
Coal Gasification	----------	6,500,000	----------
Total	85,000,000	110,893,200	90,300,000

The subsidiary companies will use the proceeds from the issue and sale of their notes and common stock to finance a part of their respective construction programs, which, in the aggregate, are estimated for 1972 to require expenditures of $260,083,200. The proceeds of the open account advances will be used by the subsidiary companies to finance the purchase of Winter Service gas, current inventories and other short-term seasonal purposes.

The installment notes will be acquired no later than March 31, 1973, will be dated when issued, will, except in the case of Columbia LNG, be payable in twenty-five (25) equal annual installments on May 31, of each of the years 1974–98, inclusive, and may be prepaid at any time, in whole or in part, without premium. The Installment Notes issued by Columbia LNG for financing the Green Springs, Ohio, reformed gas facility, in the amount of $16 million will be due in ten (10) equal annual installments on April 1st of each of the years 1975 to 1984, inclusive. Columbia LNG Installment Notes for the Cove Point, Md., storage and regasification facility, in the amount of $7,600,000, will be due in twenty (20) equal annual installments on October 1st of each of the years 1977 to 1996, inclusive. Interest on all of the notes will accrue from the date of issue and is to be paid semiannually on the unpaid principal balance. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures prior to the issuance of said notes, decreased by an amount necessary in order that the interest rate be a multiple of one-tenth of 1 percent.

The proposed open account advances will be made by Columbia from time to time during 1972 and will be paid by the subsidiary companies in three equal installments on February 23, March 23, and April 25, 1973. The open account advances will initially bear interest at the prime commercial bank rate in effect from time to time at Morgan Guaranty Trust Company of New York. The interest charges will be adjusted, after the storage financing period, to the effective interest cost Columbia achieves on its short-term borrowing for this purpose.

The expenses to be paid by Columbia and by the subsidiary companies in connection with the proposed transactions are estimated at $8,520, including legal fees of $600.

The application-declaration states that the following State commissions have jurisdiction over certain of the proposed transactions: The Pennsylvania Public Utility Commission, the Public Service Commission of West Virginia, the Public Utilities Commission of Ohio, the State Corporation Commission of Virginia, the Kentucky Public Service Commission, and the New York Public Service Commission. It is also stated that the orders of said commissions will be filed with this Commission by amendment. No other State commission and no Federal commission, other than this Commission, is stated to have jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Maisel.

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For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5020 Filed 4-3-72;8:45 am]

[70-5178]

POTOMAC EDISON CO., ET AL.

Notice of Proposed Increase in Authorized Capital Stock and Issue and Sale of Common Stock by Subsidiary Companies, and Acquisition and Pledge Thereof by Holding Company

MARCH 29, 1972.

Notice is hereby given that the Potomac Edison Co., Downsville Pike, Hagerstown, Md. 21740 (Potomac Edison), an electric utility company and a registered holding company, and its subsidiary companies, the Potomac Edison, Company of Pennsylvania (PE-Pa.), the Potomac Edison Company of Virginia (PE-Va.), and the Potomac Edison Company of West Virginia (PE-W. Va.), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 44 promulgated thereunder as applicable to the proposed transactions. Potomac Edison is a subsidiary company of Allegheny Power System, Inc., also a registered holding company. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

PE-Pa. proposes to amend its charter to increase the authorized shares of its capital stock by the number shown below; PE-Pa., PE-Va., and PE-W. Va. (Subsidiary Companies) propose to issue and sell additional shares of their authorized and unissued capital stocks; and Potomac Edison proposes to acquire such shares, in each case in the amounts and for the consideration shown below:

Subsidiary company and title of issue	Proposed increase in authorized shares	Proposed issuance of shares	Cash consideration
PE-Pa.: Capital stock, no par, stated value $5 per share	160,000	240,000	$1,200,000
PE-Va.: Common stock, par value $100 per share	17,000	1,700,000	
PE-W. Va.: Common stock, par value $100 per share	7,000	700,000	

The application-declaration states that funds derived from the proposed issuance and sale of capital stock will be used by each of the Subsidiary Companies to finance necesary property additions and improvements. Construction expenditures for 1972 are estimated to be $2,041,000 for PE-Pa., $3,140,000 for PE-Va., and $2,362,000 for PE-W. Va.

Potomac Edison now owns all the outstanding shares of capital stock of each of the Subsidiary Companies, and such shares are pledged under the Indenture of Potomac Edison dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The filing states that the additional shares proposed to be acquired by Potomac Edison will be issued by the Subsidiary Companies from time to time as necessary prior to December 31, 1972, and on issuance will be pledged by Potomac Edison under said indenture in accordance with the requirements thereof.

The application-declaration states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of the stock of PE-Pa.; the State Corporation Commission of Virginia has jurisdiction over the issuance and acquisition of the stock of PE-Va.; and the Public Service Commission of West Virginia has or asserts jurisdiction over the acquisition of the stocks of the Subsidiary Companies. Appropriate orders of these Commissions are to be filed by amendment. The fees and expenses to be incurred in connection with the proposed transactions are estimated to be $4,300, including legal fees of $300.

Notice is further given that any interested person may, not later than April 20, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5119 Filed 4-3-72;8:51 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

MARCH 29, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 19 (a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 30, 1972 through April 8, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5120 Filed 4-3-72;8:51 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.4-1 (Region II) for Disaster No. 890]

MANAGER, BUFFALO BRANCH OFFICE

Redelegation of Authority

I. Pursuant to the authority delegated to the District Director by Delegation of Authority No. 4.4 (Revision No. 1) 36 F.R. 7291, the following authority is hereby redelegated to the positions as indicated herein for purposes of Class B Disaster No. 890 resulting from flooding in West Seneca, Erie County and Sunset Bay Area of Chautauqua County, N.Y.

A. Manager, Buffalo Branch Office to decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (I) $10,000 per household for repairs or replacement of the home and/or not to exceed an additional $5,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $15,000 for a single disaster on home loans; and (II) $25,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan.

II. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guaranty of the following amount: $25,000.

III. The authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

IV. The authority delegated herein may not be redelegated.

Effective date: March 23, 1972.

J. WILSON HARRISON,
District Director,
Syracuse District Director.

[FR Doc. 72-5088 Filed 4-3-72;8:48 am]

[Declaration of Disaster Loan Area 893; Class B]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1972, because of the effects of a certain disaster, damage resulted to homes located in Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons whose property situated in the town of Mahomet, Ill., suffered damage or destruction resulting from a hail and windstorm occurring on March 12, 1972.

OFFICE

Small Business Administration Branch Office, Ridgely Building, Room 816, 502 East Monroe Street, Springfield, IL 62701.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1972.

Dated: March 22, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-5087 Filed 4-3-72;8:48 am]

[Declaration of Disaster Loan Area 892; Class B]

NEW HAMPSHIRE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1972, because of the effects of certain disasters damage resulted to business property located in the State of New Hampshire;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the town of Rochester, N.H., suffered damage or destruction resulting from fire on March 9, 1972.

OFFICE

Small Business Administration District Office, 55 Pleasant Street, Concord, NH 03301.

2. A temporary office will be established in the Mayor's Office Council Chamber, Rochester, N.H.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1972.

Dated: March 22, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-5086 Filed 4-3-72;8:48 am]

[Declaration of Disaster Loan Area 891; Class B]

NORTH DAKOTA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1972, because of the effects of a certain disaster, damage resulted to homes located in North Dakota;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons whose property situated in the county of Mercer, N.D., suffered damage or destruction resulting from floods occurring during the week of March 13, 1972.

OFFICE

Small Business Administration District Office, Federal Office Building, Room 218, 635 Second Avenue North, Fargo, ND 58102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1972.

Dated: March 20, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-5050 Filed 4-3-72;8:45 am]

TARIFF COMMISSION

[337-L-49]

ELECTRONIC PIANOS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on March 6, 1972, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by the Wurlitzer Co. of Chicago, Ill., alleging unfair methods of competition and unfair acts in the importation and sale of electronic pianos embraced within the claims of U.S. Patents Nos. 3,038,363; 2,942,512; 2,949,053; 3,154,997, owned by the complainant. Electrokey, Inc., Rhythm Band, Inc., and Tommy Moore of 1212 East Lancaster, Fort Worth, Tex., and the Chicago Musical Instrument Co. of 7373 West Cicero, Lincolnwood, Ill., have been named as importers of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436, and at the New York Office of the Tariff Commission located in room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than May 1, 1972. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: March 30, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-5123 Filed 4-3-72;8:51 am]

[TEA-W-137]

KAYSER-ROTH CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Kayser-Roth Corp., Burlington,

V 37-65 APR 4 72 XUM

N.C., the U.S. Tariff Commission, on March 29, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with panty hose (of the types provided for in item No. 382.78 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company, or an appropriate subdivision thereof.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in room 437 of the Customhouse.

Issued: March 30, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-5125 Filed 4-3-72;8:51 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATE AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 621 (36 F.R. 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

C & J Manufacturing Co., Eastman, Ga.; 1-22-72 to 1-21-73 (boys' shirts).

Collinwood Manufacturing Co., Collinwood, Tenn.; 1-19-72 to 1-18-73 (women's and men's washable service garments).

Corbin, Ltd., Huntington, W. Va.; 1-22-72 to 1-21-73 (men's trousers).

Donlin Sportswear, Inc., New Tazewell, Tenn.; 1-27-72 to 1-26-73. (men's sport shirts).

East Salem Manufacturing Co., Mifflintown, Pa.; 12-28-71 to 12-27-72. (women's blouses).

Edric Manufacturing Corp., Columbia, Tenn.; 12-30-71 to 12-29-72 (men's shirts).

Edward Hyman Co., Hazlehurst, Miss.; 1-27-72 to 1-26-73 (men's work shirts, coveralls, and pants).

Flushing Shirt Manufacturing Co., Inc., Grantsville, Md.; 1-11-72 to 1-10-73 (men's shirts).

Fordham-Bardell Shirt Corp., Livingston, Tenn.; 12-31-71 to 12-30-72 (men's shirts).

Garan, Inc., Starkville, Miss.; 1-3-72 to 1-2-73 (juveniles' knit shirts and infants' wear).

Guntown Slacks, Inc., Guntown, Miss.; 1-12-72 to 1-11-73 (men's and boys' slacks).

Henry I. Siegel Co., Inc., Trezevant, Tenn.; 12-26-71 to 12-25-72 (men's and boys' pants).

Johnsonville Manufacturing Co., Johnsonville, S.C.; 1-21-72 to 1-20-73 (ladies' jeans).

L & H Shirt Co., Cochran, Ga.; 1-22-72 to 1-21-73 (boys' shirts).

The H. D. Lee Co., Inc., Boaz, Ala.; 1-3-72 to 1-2-73 (men's and boys' pants and work clothing).

Marcus Manufacturing Co., Nowata, Okla.; 1-18-72 to 1-17-73 (men's slacks).

Oshkosh B'Gosh, Inc., Columbia, Ky.; 1-22-72 to 1-11-73 (men's and boys' work clothing).

Princess Kent, Inc., Fort Kent, Maine; 1-15-72 to 1-14-73; 10 learners (children's nightwear).

Publix Tenn Corp., Huntingdon, Tenn.; 1-12-72 to 1-11-73 (men's and boys' shirts).

Punxy Sportswear Co., Inc., Punxsutawney, Pa.; 12-22-71 to 12-21-72 (misses' and women's slacks and blouses).

Richfield Manufacturing Co., Richfield, Pa.; 12-28-71 to 12-27-72 (men's and boys' dress and sport shirts).

Ridgely Manufacturing Co., Inc., Ridgely, Tenn.; 1-11-72 to 1-10-73 (men's car coats and field jackets).

Royal Manufacturing Co., Inc., Sandersville, Ga.; 12-26-71 to 12-25-72 (women's blouses and children's shirts).

Salant & Salant, Lawrenceburg, Tenn.; 1-20-72 to 1-19-73 (men's and boys' shirts and jackets).

Salant & Salant, Loretto, Tenn.; 1-20-72 to 1-19-73 (men's and boys' pants).

Salant & Salant, Parsons, Tenn.; 1-16-72 to 1-15-73 (men's pants).

Stein-Way Clothing Co., Inc., Johnson City, Tenn.; 12-21-71 to 12-20-72 (men's and boys' trousers and ahorts).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; 1-5-72 to 1-4-73; 10 learners (men's and boys' work and sport pants).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; 1-14-72 to 1-13-73; 10 learners (men's and boys' pants and work shirts).

Stitchcraft, Inc., Athens, Ga.; 1-25-72 to 1-24-73; 10 learners (ladies' dresses)

Vernon Manufacturing Co., Inc., Vernon, Tex.; 12-31-71 to 12-30-72 (men's and boys' trousers and shorts).

Warner's, Marianna, Fla.; 12-28-71 to 12-27-72 (women's corsets and brassieres).

Warner's, Moultrie, Ga.; 1-5-72 to 1-4-73 (women's corsets and brassieres).

Wilker Bros. Co., Inc., McKenzie, Tenn.; 1-17-72 to 1-16-73 (men's and boys' pajamas).

The following plant expansion certificates were issued authorizing the number of learners indicated.

Coatesville Garment Co., Coatesville, Pa.; 1-12-72 to 7-11-72; 5 learners, (ladies' dresses and pants suits).

Eudora Garment Corp., Eudora, Ark.; 1-6-72 to 7-5-72; 100 learners (washable service apparel and work clothing).

Kellwood Co., Grenada, Miss.; 12-28-71 to 6-27-72; 50 learners (boys' jeans).

Kellwood Co., Frederick, Okla.; 1-3-72 to 7-2-72; 50 learners (boys' jeans).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; 1-22-72 to 1-21-73; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Monte Glove Co., Pheba, Miss.; 1-14-72 to 1-13-73; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Danville Knitting Mills, Danville, Va.; 1-4-72 to 1-3-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (boys' seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.30 to 522.35, as amended).

Sylvester Textile Corp., Sylvester, Ga.; 1-20-72 to 1-19-73; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' lingerie, sleepwear, and loungewear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 24th day of March 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72-5116 Filed 4-3-72;8:50 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 30, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 55429, Air-Freight Trucking Service, Inc., and MC 66101 Sub 1, Aft Services, Inc., now being assigned hearing June 8, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 107515 Sub 764, Refrigerated Transport Co., Inc., now being assigned hearing June 6, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 117940 Sub 59, Nationwide Carriers, Inc., now being assigned hearing June 5, 1972, at New York, N.Y., in a hearing room to be later designated.

FD 26950, Baltimore & Ohio Railroad Co., abandonment portion of its Midvale Branch, between Monroe and Midvale, in Randolph and Barbour Counties, W. Va., now being assigned hearing June 12, 1972, at Elkins, W. Va., in a hearing room to be later designated.

I & S No. 8707, Refrigeration Provisions, Florida East Coast Railway now being assigned hearing May 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 26904, Seaboard Coast Line Railroad Co., abandonment between Garland and Hanover, in Sampson, Pender, and New Hanover Counties, N.C., now being assigned hearing June 12, 1972, at Wilmington, N.C., in a hearing room to be later designated.

MC 123613 Sub 9, Claremont Motor Lines, Inc., now being assigned hearing June 14, 1972, at Charlotte, N.C., in a hearing room to be later designated.

MC 44053 Sub 6, Towne Services Household Goods Transportation Co., Inc., now being assigned hearing June 12, 1972, at Dallas, Tex., in a hearing room to be later designated.

NO. 35085, Edward S. Watts et al., V-Missouri-Kansas-Texas Railroad Co., now being assigned hearing June 19, 1972, at Dallas, Tex., in a hearing room to be later designated.

FD 13273 Sub 2, in the matter of the application of E. Spencer Miller under section 20a(12) of the Interstate Commerce Act, now being assigned hearing June 19, 1972, at Portland, Maine, in a hearing room to be later designated.

FD 26564, Penn Central Transportation Co. (George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirts, Trustees) abandonment southbridge branch between West Dudley and Southbridge, Worcester County, Mass., now being assigned hearing June 12, 1972, at Southbridge, Mass., in a hearing room to be later designated.

MC-F-11292, Trans-World Movers, Inc.—Purchase (Portion)—R. M. Ormes Transportation, Inc., now being assigned hearing June 16, 1972, at Boston, Mass., in a hearing room to be later designated.

MC-C-7377, J. J. Sullivan The Mover, Inc.—Revocation of Certificate now being assigned hearing June 14, 1972, at Boston, Mass., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-5139 Filed 4-3-72;8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 30, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42392—*Beet or cane sugar from points in Montana and WTL territories.* Filed by Western Trunk Line Committee, Agent (No. A-2661), for interested rail carriers. Rates on sugar, beet or cane, dry, in bulk, in carloads, as described in the application, from points in Montana and western trunkline territories, to points in Illinois, Indiana, Missouri, and Wisconsin.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplement 126 to Western Trunk Line Committee, agent, tariff ICC A-4481, and two other schedules named in the application. Rates are published to become effective on May 3, 1972.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5140 Filed 4-3-72;8:52 am]

[Notice 46]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 29, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC 20793 (Sub-No. 45 TA), filed March 15, 1972. Applicant: WAGNER TRUCKING COMPANY, INC., Monmouth Road, Jobstown, NJ 08014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building block*, from Trenton, N.J., to Boston, Mass., and points within the commercial zone of Boston, for 150 days. Supporting shipper: Glazed Products, Inc., Post Office Box 2731, Trenton, NJ 08607. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 74195 (Sub-No. 4 TA), filed March 16, 1972. Applicant: YOUNG AND HAY TRANSPORTING COMPANY, Route No. 3, Post Office Box No. 58, Worthington, MN 56187. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NB 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconut and pineapple*, (1) from Council Bluffs, Iowa to points in Nebraska, North Dakota, South Dakota, Minnesota, and Iowa; (2) from Inver Grove, Minn., to points in Minnesota, Wisconsin, North Dakota, and South Dakota; and (3) from Denver, Colo., to points in Colorado, Nebraska, South Dakota, and Wisconsin. Restriction: Restricted to traffic moving in chassis-mounted containers having a prior or subsequent movement by rail, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York, NY 10001. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 106674 (Sub-No. 88 TA), filed March 15, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from (1) Huntington, Ind., to points in Michigan and Ohio; and (2) from Crawfordsville, Ind., to points in Illinois, Michigan, and Ohio, for 180 days. Supporting shipper: Occidental Chemical Co., 4671 Southwest Freeway, Post Office Box 1185, Houston, TX 77001. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 126118 (Sub-No. 14 TA), filed March 16, 1972. Applicant: GEORGE M. HILL, doing business as HILL TRUCKING COMPANY, Route No. 7, Johnson City, Tenn. 37601. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, TN 37660. Authority sought to operate as a *common*

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carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to Johnson City and Cookeville, Tenn., for 180 days. NOTE: Applicant does not intend to tack authority here applied for to other authority held by it as indicated on the application. Supporting shippers: Boggs Distributing Co., 400 Steel Street, Johnson City, Tenn.; Whitson Distributing Co., Cookeville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 126196 (Sub-No. 7 TA), filed March 15, 1972. Applicant: LUVERNE S. CHRISTENSEN, doing business as CHRISTENSEN TRUCK LINE, 230 East Second, Box 325, Redwood Falls, MN 56283. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry, in bulk, from Minneapolis, St. Paul, Maplewood, Red Rock, Savage, and Pine Bend, Minn., to points in Iowa and Wisconsin, for 180 days. Supporting Shipper: Midland Cooperatives, Inc., Interstate 694 at Main Street NE., Minneapolis, Minn. 55421. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 128355 (Sub-No. 10 TA), filed March 20, 1972. Applicant: HURLIMAN TRUCKING COMPANY, Post Office Box 17204, Portland, OR 97127. Applicant's representative: John R. Hamlett, 2200 Erie County Savings Bank Building, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as described in section A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 76 (except commodities in bulk in tank vehicles), from Denison, Des Moines, Fort Dodge, Glenwood, Iowa Falls, Sioux City, Sioux Center, Waterloo, and Spencer, Iowa; Omaha and West Point, Nebr., under a contract wih W. M. Tynan & Co., New York, N.Y., for 180 days. Supporting shipper: W. M. Tynan & Co., 76 Ninth Avenue, New York, NY 10011. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 128575 (Sub-No. 7 TA), filed March 15, 1972. Applicant: GOLDEN WEST TRUCKING CO., 12780 Southwest Prince Albert Street, Tigard, OR 97223. Applicant's representative: M. C. Risser, 1410 Southwest Morrison, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood beams, trusses and arches, plywood, groundwood sheets, lumber, timbers, fabricated or not fabricated, and necessary connecting hardware items*, (1) from points in Lane County, Oreg., to points in Washington; and (2) from Snohomish, Lewis, Cowlitz, Skamania, and Clark Counties, Wash., to points in Oregon, for 180 days. Supporting shipper: Al Disdero Lumber Co., 2855 Southeast 15th Avenue, Post Office Box 42247, Portland, Oreg. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg.

No. MC 134665 (Sub-No. 4 TA), filed March 20, 1972. Applicant: DWAYNE C. ATKINS, doing business as ATKINS TRUCKING, Post Office Box 4, Tea, SD 57064. Applicant's representative: Charles J. Kimball, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients*, from points in Cass County, Nebr., Hennepin and Goodhue Counties, Minn., and Woodbury, Webster, Floyd, Hardin, and Linn Counties, Iowa; to the plantsite and storage facilities of Zip Feed Mills, Inc., at or near Huron, S. Dak., for 180 days. Supporting shipper: Zip Feed Mills, Inc., 304 East Eighth, Sioux Falls, SD 57102, Vernon Nordsy, vice president. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 136008 (Sub-No. 2 TA), filed March 15, 1972. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, NE., Ardmore, OK 73401. Applicant's representative: Dale Brown (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed gypsum rock*, in bulk, from the Harrison Gypsum Co., plantsite near Cement, Okla., to Fort Worth and Dallas, Tex., and points within a 5-mile radius thereof, for 180 days. Supporting shipper: M. T. Power, General Traffic Manager, Portland Cement Co., 4400 Republic National Bank Tower, Post Office Box 324, Dallas, Tex. 75221. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136464 (Sub-No. 1 TA), filed March 20, 1972. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, NC 28052. Applicant's representative: Philip R. Hedrick, Eighth Floor, City National Bank Building, Charlotte, NC 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slide fasteners* (zippers) finished and/or semifinished; *slide fastener parts; miscellaneous materials, supplies or equipment* necessary for the manufacture, sale and distribution of slide fasteners; *sewing thread* on spools, cotton and/or nylon; and *binding, braid, lace, ribbon, tape, webbing* in packaged units of less than 24 continuous yards, under a continuing contract with Talon Division of Textron, for 180 days. Supporting shipper: Talon, Division of Textron, Meadville, Pa. 16335. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 136511 TA, filed March 20, 1972. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, Post Office Box 48, Big Island, VA 24526. Applicant's representative: Frank B. Hand, Jr., The Union Trust Building, 740 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, as described in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Stanleytown, Va., and West End, N.C., to points in Arizona and California, for 180 days. Supporting shipper: Stanley Furniture Co., Stanleytown, Va. 24168. Send protests to: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, VA 24011.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-5138 Filed 4-3-72;8:52 am]

[Notice 39-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 30, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73605. By application filed March 27, 1972, FREDERICK DOUGLAS HOLMES, doing business as HARFORD MOTOR COACH CO., 2739-41 Greenmount Avenue, Baltimore, MD, seeks temporary authority to lease the operating rights of HARFORD MOTOR COACH, INC., also of Baltimore, Md., under section 210a(b). The transfer to FREDERICK DOUGLAS HOLMES, doing business as HARFORD MOTOR COACH CO., of the operating rights of HARFORD MOTOR COACH, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-5136 Filed 4-3-72;8:52 am]

[Notice 39-B]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 30, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73611. By application filed March 1, 1972, GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, IA 52501, seeks temporary authority to lease the operating rights of INTERCITY EXPRESS, INC., Post Office Box 1055, Fort Dodge, IA 50501, under section 210a(b). The transfer to GALE B. ALEXANDER, of the operating rights of INTERCITY EXPRESS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-5137 Filed 4-3-72;8:52 am]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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federal register

TUESDAY, APRIL 4, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 65

PART II

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

Regulations affecting
Federal Register

■

OFFICE OF THE FEDERAL REGISTER

Incorporation by Reference

No. 65—Pt. II——1

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ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

[1 CFR Ch. I]

REGULATIONS AFFECTING FEDERAL REGISTER, AND SPECIAL EDITIONS THEREOF

Notice of Proposed Rule Making

The Administrative Committee of the Federal Register is considering a complete revision of its regulations. The proposed revision contains several significant substantive changes as well as a complete restatement and reorganization of the present regulations.

The organization of the regulations in the proposed revision would be such that those regulations of most interest to the general public would be stated first, followed by the regulations primarily directed to Federal agencies. In the revision an effort has been made to state each regulation in clear simple terms. A number of provisions have been dropped as unnecessary or surplus. To assist reviewers, each section in the proposed revision is followed by a bracketed indication of the source for the requirements of that section. Thus for example proposed § 2.0 is based on present § 1.0. In addition, a complete distribution table is set forth at the end of the document to facilitate finding the revision of any present requirement.

The most significant proposed substantive changes are:

(1) Sections 5.6 and 17.2(b) would change the publication dates of the Saturday FEDERAL REGISTER to Monday and of issues which under present procedures would carry a holiday dateline to the day after the holiday. Thus, a FEDERAL REGISTER would be published on each official Federal work day. This would not affect the present work procedures of the Office of the Federal Register or of the Government Printing Office. However, it would eliminate the confusion that frequently arises because of the existence of a Saturday and holiday FEDERAL REGISTER and the absence of a Monday FEDERAL REGISTER and a FEDERAL REGISTER for a work day following a holiday. More importantly, it will make time periods as measured from publication dates more meaningful, particularly for documents published in a Monday issue. In the past the FEDERAL REGISTER usually received on Monday carried a Saturday date and thus 2 days were already lost for any time period measured from the publication date. It is rare today for interested persons to obtain the FEDERAL REGISTER on Saturday whereas when the present schedule was established most Government and business offices were open at least part time on Saturday.

(2) Section 7.5 would liberalize the policy for having a document published as a separate Part of the FEDERAL REGISTER where a substantial number of copies of the document are required. This practice has proved so popular as a time and money-saver that requests for "Part II's" have steadily increased. It appears that a separate Part can frequently be justified even if the document is less than the 16 FEDERAL REGISTER pages that has been the minimum specified in the Committee's regulations. Proposed § 7.5 eliminates any such minimum and also the references to "Part II" since at times it has been necessary to have "Part III's" to satisfy the number of requests for separate Parts.

(3) Section 8.3(b) would change the cutoff date for the annual CFR so that all documents filed with the Office of the Federal Register on or before December 31 would be reflected in the CFR revised as of the following January first. At present the requirement for publication in the FEDERAL REGISTER before January first causes an annual work increase at the Office of the Federal Register and at the Government Printing Office that becomes increasingly burdensome each year. The Administrative Committee has also considered changing the annual CFR update to a staggered system. Each CFR volume would be updated at least once a year as at present but all volumes would not be updated as of January first. This would significantly shorten the time lag between the annual cutoff date for a volume and the publication of the revised volume. If the Committee decides to convert to such a staggered publication then the cutoff date provisions of § 8.3 would be revised accordingly.

(4) Section 16.1(b) would require that before designating a liaison officer an agency must submit the name of the person it intends to designate, and a short statement of that person's qualifications to the Director of the Federal Register. This will enable the Director to review a proposed appointment and to consult with the appointing agency, if necessary, to insure that each liaison officer is in the best position to serve the interests of his agency, the Office of the Federal Register, and the public they both serve.

(5) Section 18.12 would require that each notice of proposed rule making document submitted for filing and publication "contain a clear preamble statement that discusses the substance of the proposed rules and the major issues involved"; and that each final rule document "contain a concise general preamble statement that discusses the basis and purpose thereof." As was indicated in the preamble to the amendment to 1 CFR Ch. I prescribing the "highlights" requirement (36 F.R. 5203) the Administrative Committee believes that in adopting the original Administrative Procedure Act in 1946 it was the intent of the Congress that rule making documents contain such statements. The Committee urged each Federal agency submitting documents for publication in the FEDERAL REGISTER to review its rule making program to insure that each document is written in the clearest possible manner, and that each document include an adequate preamble explanation of the significance of the action taken or being proposed. While some improvement has been noted since then, the Committee now believes that further efforts in this direction are warranted. Under the proposed revision, the Director of the Federal Register would be authorized to return to the issuing agencies each document submitted for publication that does not meet the stated requirements.

(6) Section 18.13 would make clear the status of a document revoked by the issuing agency after it has been submitted to the Office of the Federal Register and filed for public inspection but before it is published. Once a document is filed for public inspection it remains on file with the Office of the Federal Register even if revoked by a subsequent document. However, when the rescinding document is received in time neither would be published.

(7) During the time that the "highlights" listing has appeared in the FEDERAL REGISTER a number of agencies have questioned the usefulness of listing relevant dates in the highlights listing. It is argued that any person interested in the subject matter of the highlight entry would consult the actual document. Many documents contain several relevant dates and if any dates are included in a highlight entry it is misleading not to include all. The Administrative Committee believes that inclusion of relevant dates in highlights entries has some merit. However, the Committee recognizes the validity of the above-referenced comments and is interested in the opinions of FEDERAL REGISTER users as to whether relevant dates should continue to be included in the highlights listings.

(8) Since present Part 7 is a codification of sections 1–6 of Executive Order 11030 and Executive Order 11354, proposed Part 19 is merely a republication without change of present Part 7.

(9) Proposed Part 20 spells out more clearly the requirements for preparation and transmittal of material submitted for publication in the U.S. Government Organization Manual. A new section (20.5) would make the "sources of information" listings which were introduced in the 1971/72 edition of the Manual a permanent feature and would require each agency to furnish the necessary information for these listings.

(10) Since present Part 20—Incorporation by Reference—is a regulation of the Director of the Federal Register rather than of the Administrative Committee its revision is not proposed to be included in Chapter I. Rather, it is proposed that a new Chapter II—Office of the Federal Register—be established and that the regulations governing incorporation by reference be included in a proposed Part 51. Several proposed substantive changes in the existing incorporation by reference regulations are described in a separate document published in this issue of the FEDERAL REGISTER at page 6817.

Interested persons are requested to comment on the proposed new regulations of the Administrative Committee by submitting their comments to the Secretary, Administrative Committee, Office of the Federal Register, NARS, Washington, D.C. 20408. All comments received by June 5, 1972, will be considered.

By order of the Administrative Committee of the Federal Register.

FRED J. EMERY,
Secretary.

Title 1—GENERAL PROVISIONS

Chapter I—Administrative Committee of the Federal Register

SUBCHAPTER A—GENERAL

PART 1—DEFINITIONS

§ 1.1 Definitions.

As used in this chapter, unless the context requires otherwise—

"Administrative Committee" means the Administrative Committee of the Federal Register established under section 1506 of title 44, United States Code;

"Agency" means each authority, whether or not within or subject to review by another agency, of the United States, other than the Congress, the courts, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States;

"Document" includes any Presidential proclamation or Executive order, and any rule, regulation, order, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by an agency;

"Document having general applicability and legal effect" means any document issued under proper authority prescribing a penalty or course of conduct, conferring a right, privilege, authority, or immunity, or imposing an obligation, and relevant or applicable to the general public, members of a class, or persons in a locality, as distinguished from named individuals or organizations; and

"Regulation" and "rule" have the same meaning.

(44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189)

[Based on Part 40–40.2, 40.4, 40.6, 40.7, 40.10, 40.11, 40.12, 40.13, 40.14, 40.15, and 40.16 are omitted as unnecessary or executed in text]

PART 2—GENERAL INFORMATION

Sec.
2.1 Scope and purpose.
2.2 Administrative Committee of the Federal Register.
2.3 Office of the Federal Register; location; office hours.
2.4 General authority of Director.
2.5 Publication of statutes, regulations, and related documents.
2.6 Unrestricted use.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 2.1 Scope and purpose.

(a) This chapter sets forth the policies, procedures, and delegations under which the Administrative Committee of the Federal Register carries out its general responsibilities under Chapter 15 of Title 44, United States Code.

(b) A primary purpose of this chapter is to inform the public of the nature and uses of Federal Register publications.

[Based on 1.0]

§ 2.2 Administrative Committee of the Federal Register.

(a) The Administrative Committee of the Federal Register is established by section 1506 of Title 44, United States Code.

(b) The Committee consists of—

(1) The Archivist, or Acting Archivist, of the United States, who is the Chairman;

(2) An officer of the Department of Justice designated by the Attorney General; and

(3) The Public Printer or Acting Public Printer.

(c) The Director of the Federal Register is the Secretary of the Committee.

(d) Any material required by law to be filed with the Committee, and any correspondence, inquiries, or other material intended for the Committee or which relate to Federal Register publications shall be sent to the Director of the Office of the Federal Register.

[Based on 1.1 and 2.1]

§ 2.3 Office of the Federal Register; location; office hours.

(a) The Office of the Federal Register is a component of the National Archives and Records Service of the General Services Administration.

(b) The Office is located at 633 Indiana Avenue NW., Washington, D.C.

(c) The mailing address is: Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

(d) Office hours are 8:45 a.m. to 5:15 p.m., Monday through Friday, except for official Federal holidays.

[Based on 1.2]

§ 2.4 General authority of Director.

The Director of the Federal Register is delegated authority to administer generally this chapter, the related provisions of Chapter 15 of Title 44, United States Code, and the pertinent provisions of statutes and regulations contemplated by section 1505 of Title 44, United States Code.

[Based on 1.3]

§ 2.5 Publication of statutes, regulations, and related documents.

(a) The Director of the Federal Register is responsible for the central filing of the original acts enacted by Congress and the original documents containing the Executive orders, proclamations, other Presidential documents, regulations, and notices of proposed rule making and other notices, submitted to the Director by officials of the Executive branch of the Federal Government.

(b) Based on the acts and documents filed under paragraph (a) of this section, the Office of the Federal Register publishes the "slip laws," the "United States Statutes at Large," the daily FEDERAL REGISTER, and the "Code of Federal Regulations."

(c) Based on source materials that are officially related to the acts and documents filed under paragraph (a) of this section, the Office also publishes the "United States Government Organization Manual," the "Public Papers of the Presidents of the United States," and the "Weekly Compilation of Presidential Documents."

[Based on 1.4]

§ 2.6 Unrestricted use.

Any person may reproduce or republish, without restriction, any material appearing in any regular or special edition of the FEDERAL REGISTER.

[Based on 10.5 and 30.3]

PART 3—SERVICES TO THE PUBLIC

Sec.
3.1 Information services.
3.2 Public inspection of documents.
3.3 Reproductions and certified copies of acts and documents.
3.4 Availability of Federal Register publications.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 3.1 Information services.

Except in cases where the time required would be excessive, information concerning the publications described in § 2.5 of this chapter and the original acts and documents filed with the Office of the Federal Register is provided by the staff of that Office. However, the staff may not summarize or interpret substantive text of any act or document.

[Based on 2.2]

§ 3.2 Public inspection of documents.

(a) Current documents filed with the Office of the Federal Register pursuant to law are available for public inspection in Room 405, 633 Indiana Avenue NW., Washington, D.C., during the Office of the Federal Register office hours. There are no formal inspection procedures or requirements.

(b) The Director of the Federal Register shall cause each document received by the office to be filed for public inspection not later than the working day preceding the publication day for that document.

(c) The Director shall cause to be placed on the original and certified copies of each document a notation of the day and hour when it was filed and made available for public inspection.

(d) Manual, typewritten, or other copies of excerpts may be made at the inspection desk.

[Based on 2.3 and 12.3]

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§ 3.3 Reproductions and certified copies of acts and documents.

The regulations for the public use of records in the National Archives (41 CFR Part 105–61) govern the furnishing of reproductions of acts and documents and certificates of authentication for them. Section 105–61.108 of those regulations provides for the advance payment of appropriate fees for reproduction services and for certifying reproductions.

[Based on 2.4]

§ 3.4 Availability of Federal Register publications.

(a) The publications described in § 2.5 of this chapter are published by the Government Printing Office and are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They are not available for free distribution to the public.

(b) Federal Register publications are available through subscription, as follows:

(1) *Slip laws.* See section 709 of Title 44, United States Code.

(2) *U.S. Statutes at Large.* See section 728 of Title 44, United States Code.

(3) *Federal Register.* Daily issues are furnished to subscribers on a monthly or yearly basis, at a price determined by the Administrative Committee and paid in advance to the Superintendent of Documents. Limited quantities of current or recent copies may be obtained from the Superintendent of Documents at a price determined by him.

(4) *Code of Federal Regulations.* Subscription services on a yearly basis to the volumes comprising the Code, and individual copies thereof, are sold by the Superintendent of Documents at prices determined by him, under the general direction of the Administrative Committee.

(5) *U.S. Government Organization Manual.* Placed on sale by the Superintendent of Documents at a price determined by him, under the general direction of the Administrative Committee.

(6) *Public Papers of the Presidents of the United States.* Annual volumes are placed on sale by the Superintendent of Documents at a price determined by him, under the general direction of the Administrative Committee.

(7) *Weekly Compilation of Presidential Documents.* Placed on sale by the Superintendent of Documents at a price determined by him, under the general direction of the Administrative Committee.

[Based on 1.5, 2.5, 15.10, 15.11, 30.16, 30.17, 31.28, 32.22, and 32.50]

SUBCHAPTER B—THE FEDERAL REGISTER

PART 5—GENERAL

Sec.
5.1 Publication policy.
5.2 Documents required to be filed and published.
5.3 Publication of other documents.
5.4 Publication not authorized.
5.5 Supplement to the Code of Federal Regulations.
5.6 Daily publication.
5.7 Delivery and mailing.
5.8 Form of citation.
5.9 Categories of documents.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 5.1 Publication policy.

(a) Pursuant to Chapter 15 of Title 44, United States Code, and this chapter, the Director of the Federal Register shall publish a serial publication called the "FEDERAL REGISTER" to contain the following:

(1) Executive orders, proclamations, and other Presidential documents.

(2) Documents required to be published therein by law.

(3) Documents accepted for publication under § 5.3.

(b) Each document required or authorized to be filed for publication shall be published in the FEDERAL REGISTER as promptly as possible, within limitations imposed by considerations of accuracy, usability, and reasonable costs.

(c) In prescribing regulations governing headings, preambles, effective dates, authority citations, and similar matters of form, the Administrative Committee does not intend to affect the validity of any document that is filed and published under law.

[Based on 10.1]

§ 5.2 Documents required to be filed and published.

(a) The following documents are required to be filed with the Office of the Federal Register and published in the FEDERAL REGISTER:

(1) Presidential proclamations and Executive orders in the numbered series, and each other document that the President submits for publication or orders to be published.

(2) Each document or class of documents required to be published by act of Congress.

(3) Each document, issued under proper authority, that prescribes a penalty, imposes an obligation or duty, or confers a right, privilege, or immunity, and that is relevant or applicable to the general public, members of a class, or persons in a named locality, as distinguished from named individuals or organizations.

(b) Each document covered by paragraph (a)(3) of this section is hereby determined to have general applicability and legal effect.

(c) The Director of the Federal Register may not accept any document for filing and publication unless it is the official action of the agency concerned. Chapter 15 of Title 44, United States Code, does not authorize or require the filing and publication of other papers from an agency.

[Based on 11.1, 11.2, 11.3, and 11.22]

§ 5.3 Publication of other documents.

Whenever the Director of the Federal Register considers that publication of a document not covered by § 5.2 would be in the public interest, he may allow that document to be filed with the Office of the Federal Register and published in the FEDERAL REGISTER.

[Based on 11.5]

§ 5.4 Publication not authorized.

(a) Chapter 15 of Title 44, United States Code, does not apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

(b) Chapter 15 of Title 44, United States Code, prohibits the publication in the FEDERAL REGISTER of comments or news items.

[Based on 11.20 and 11.21]

§ 5.5 Supplement to the Code of Federal Regulations.

The FEDERAL REGISTER serves as a daily supplement to the Code of Federal Regulations. Each document that is subject to codification and published in a daily issue shall be keyed to the Code of Federal Regulations.

[Based on 10.3 and 30.6]

§ 5.6 Daily publication.

There shall be an edition of the FEDERAL REGISTER for each official Federal working day.

[Based on 10.2]

§ 5.7 Delivery and mailing.

The Government Printing Office shall distribute the FEDERAL REGISTER by delivery or by deposit at a post office at or before 9 a.m. on the publication day.

[Based on 15.1]

§ 5.8 Form of citation.

Without prejudice to any other form of citation, FEDERAL REGISTER material may be cited by volume and page number, and the short form "FR" may be used for "FEDERAL REGISTER". For example, "35 FR 3456" refers to material beginning on page 3456 of volume 35 of the daily issues.

[Based on 10.4]

§ 5.9 Categories of documents.

Each document published in the FEDERAL REGISTER shall be placed under one of the following categories, as indicated:

(a) *The President.* Containing each Executive order or Presidential proclamation, and each other Presidential document that the President submits for publication or orders to be published.

(b) *Rules and regulations.* Containing each document subject to codification, except those covered by paragraph (a) of this section.

(c) *Proposed rule making.* Containing each notice of proposed rule making submitted pursuant to section 553 of Title 5, United States Code, or any other law, and each notice of a similar nature voluntarily submitted by an issuing agency.

(d) *Notices.* Containing miscellaneous documents not covered by paragraph (a), (b), or (c) of this section, such as notices of hearings that are not included under proposed rule making documents and documents accepted for publication on the basis of public interest.

[Based on 13.1, 13.2, 13.3, 13.4, and 13.5]

PART 6—INDEXES AND ANCILLARIES

Sec.
6.1 Index to daily issues.
6.2 Analytical subject indexes.
6.3 Daily lists of parts affected.
6.4 Monthly list of sections affected.
6.5 Index-digests and guides.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 6.1 Index to daily issues.

Each daily issue of the FEDERAL REGISTER shall be appropriately indexed under the names of the issuing agencies.

[Based on 14.1]

§ 6.2 Analytical subject indexes.

Analytical subject indexes covering the contents of the FEDERAL REGISTER shall be published as currently as practicable, and shall be cumulated and separately published at least once each calendar year.

[Based on 14.2]

§ 6.3 Daily lists of parts affected.

(a) Each daily issue of the FEDERAL REGISTER shall carry a numerical list of the parts of the Code of Federal Regulations specifically affected by documents published in that issue.

(b) Beginning with the second issue of each month, each daily issue shall also carry a cumulated list of the parts affected by documents published during that month.

[Based on 14.5]

§ 6.4 Monthly lists of sections affected.

A monthly list of sections of the Code of Federal Regulations affected shall be separately published on a cumulative basis during each calendar year. The list shall identify the sections of the Code specifically affected by documents published in the FEDERAL REGISTER during the period it covers.

[Based on 14.6]

§ 6.5 Index-digests and guides.

(a) The Director of the Federal Register may cause to be prepared and published, yearly or at other intervals as necessary to keep them current and useful, index-digests and similar guides, based on laws, Presidential documents, regulations, and notice materials published by the Office and which serve a need of users of the FEDERAL REGISTER.

(b) Each digest and guide is considered to be a special edition of the FEDERAL REGISTER whenever the public need requires special imposition or special binding in substantial numbers.

[Based on 14.9]

PART 7—DISTRIBUTION WITHIN FEDERAL GOVERNMENT

Sec.
7.1 Members of Congress.
7.2 The Judiciary.
7.3 Executive agencies.
7.4 Requisitions for quantity overruns of specific issues.
7.5 Requisitions for quantity overruns of separate Part II issues.
7.6 Extra copies.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 7.1 Members of Congress.

Each Senator and each Member of the House of Representatives is entitled to not more than 5 copies of each daily issue of the FEDERAL REGISTER, without charge.

[Based on 15.3]

§ 7.2 The Judiciary.

(a) *The Supreme Court.* The Supreme Court is entitled to the number of copies of each daily issue of the FEDERAL REGISTER that it needs for official use, without charge.

(b) *Other courts.* Each other constitutional or legislative court of the United States is entitled to the number of copies of each daily issue of the FEDERAL REGISTER that it needs for official use, without charge, based on a written authorization submitted to the Director of the Federal Register by the Director of the Administrative Office of the U.S. Courts specifying the number needed.

[Based on 15.4]

§ 7.3 Executive agencies.

(a) Each Federal executive agency is entitled to the number of copies of each daily issue of the FEDERAL REGISTER that it needs for official use, without charge.

(b) The person in each agency concerned who is authorized under §§ 16.1 and 16.4 of this chapter to list the officers and employees of that agency who need the FEDERAL REGISTER for daily use shall send a written request to the Director of the Federal Register for placement of the names of those officers and employees on the mailing list.

[Based on 15.5]

§ 7.4 Requisitions for quantity overruns of specific issues.

(a) To meet its needs for special distribution of the FEDERAL REGISTER in substantial quantity, any agency may request an overrun of a specific issue.

(b) An advance printing and binding requisition on Standard Form 1 must be submitted by the agency directly to the Government Printing Office, to be received not later than 12 noon on the day before publication.

[Based on 15.6]

§ 7.5 Requisitions for quantity overruns of separate Part issues.

(a) Whenever it is determined by the Director of the Federal Register to be in the public interest, one or more documents may be published as a separate Part (e.g., Part II, Part III) of the FEDERAL REGISTER.

(b) Advance arrangements for this service must be made with the Office of the Federal Register.

(c) Any agency may request an overrun of such a separate Part by submitting an advance printing and binding requisition on Standard Form 1 directly to the Government Printing Office, to be received not later than 12 noon on the working day before the publication date.

[Based on 15.7]

§ 7.6 Extra copies.

An agency may order limited quantities of extra copies of a specific issue of the FEDERAL REGISTER, for official use, from the Superintendent of Documents, to be paid for by that agency.

[Based on 15.8]

SUBCHAPTER C—SPECIAL EDITIONS OF THE FEDERAL REGISTER

PART 8—CODE OF FEDERAL REGULATIONS

Sec.
8.1 Policy.
8.2 Orderly development.
8.3 Periodic updating.
8.4 Indexes.
8.5 Ancillaries.
8.6 General format and binding.
8.7 Agency cooperation.
8.8 Official distribution.
8.9 Form of citation.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 8.1 Policy.

(a) Pursuant to Chapter 15 of Title 44, United States Code, the Director of the Federal Register shall publish periodically a special edition of the FEDERAL REGISTER to present a compact and practical code called the "Code of Federal Regulations", to contain each Federal regulation of general applicability and current or future effect.

(b) The Administrative Committee intends that every practical means be used to keep the Code as current and readily usable as possible, within limitations imposed by dependability and reasonable costs.

[Based on 30.1]

§ 8.2 Orderly development.

To assure orderly development of the Code of Federal Regulations along practical lines, the Director of the Federal Register may establish new titles in the Code and rearrange existing titles and subordinate assignments. However, before taking an action under this section, the Director shall consult with each agency directly affected by the proposed change.

[Based on 30.4]

§ 8.3 Periodic updating.

(a) Criteria: Each book of the Code shall be updated at least once each calendar year. If no change in its contents has occurred during the year, a simple notation to that effect may serve as the supplement for that year. More frequent updating of any unit of the Code may be made whenever the Director of the Federal Register determines that the content of the unit has been substantially superseded or otherwise determines that such action would be consistent with the intent and purpose of the Administrative Committee as stated in § 8.1.

(b) Each document affecting the Code of Federal Regulations received from an

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agency and filed by the Office of the Federal Register on or before December 31 of that year will be published in the appropriate title of the Code for the following year.

[Based on 30.9]

§ 8.4 Indexes.

A subject index to the entire Code shall be annually revised and separately published. An agency-prepared index for any individual book may be published with the approval of the Director of the Federal Register.

[Based on 30.9]

§ 8.5 Ancillaries.

The Code shall provide, among others, the following-described finding aids:

(a) *Parallel tables of statutory authority and rules.* In Title 2 of the Code of Federal Regulations or at such other place as the Director of the Federal Register considers appropriate, numerical lists of all sections of the current edition of the United States Code (except section 301 of Title 5) which are cited by issuing agencies as rule making authority for currently effective regulations in the Code of Federal Regulations. The lists shall be arranged in the order of the titles and sections of the United States Code with parallel citations to the pertinent titles and sections of the Code of Federal Regulations.

(b) *Parallel tables of Presidential documents and agency rules.* In Title 3 of the Code of Federal Regulations, or at such other place as the Director of the Federal Register considers appropriate, tables of proclamations, Executive orders, and similar Presidential documents which are codified, cited as authority, quoted, cited in text, or included or referred to in currently effective regulations as published in the Code of Federal Regulations.

(c) *List of sections affected.* Following the text of each book or cumulative supplement, a numerical list of sections which are affected by documents published in the FEDERAL REGISTER. (A separate volume, "List of Sections Affected, 1949–1963" lists all sections of the Code which have been affected by documents published during the period January 1, 1949 to December 31, 1963.) Listings shall refer to FEDERAL REGISTER pages and shall be designed to enable the user of the Code to assure himself of the precise text that was in effect on a given date in the period covered.

[Based on 30.10]

§ 8.6 General format and binding.

The Director of the Federal Register shall provide for the binding of the Code into as many separate books as are indicated by the needs of users and compatible with the facilities of the Government Printing Office.

[Based on 30.5]

§ 8.7 Agency cooperation.

Each agency shall cooperate in keeping publication of the Code current by complying promptly with deadlines set by the Director of the Federal Register and the Public Printer.

[Based on 30.11]

§ 8.8 Official distribution.

(a) The Code shall be distributed to the following, without charge:

(1) *Congress.* To each committee of the Senate and House of Representatives in the quantity needed for official use, upon the written authorization of the committee chairman or his delegate, to the Director of the Federal Register.

(2) *Supreme Court.* To the Supreme Court in the quantity needed for official use.

(3) *Other courts.* To other constitutional and legislative courts of the United States, in the quantity needed for official use, upon the written authorization of the Director of the Administrative Office of the U.S. Courts to the Director of the Federal Register.

(4) *Executive agencies.* To officials, libraries, and major organizational units of the executive agencies in the quantity needed for official use, upon the written authorization of the authorizing officer or his alternate designated under § 16.1 of this chapter.

(b) Legislative, judicial, and executive agencies of the Federal Government may obtain selected units of the Code, as needed in substantial quantity for special distribution, by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

[Based on 30.12, 30.13, 30.14, and 30.15]

§ 8.9 Form of citation.

The Code of Federal Regulations may be cited by title and section, and the short form "CFR" may be used for "Code of Federal Regulations." For example, "1 CFR 10.2" refers to Title 1, Code of Federal Regulations, Part 10, section 2.

[Based on 30.2]

PART 9—U.S. GOVERNMENT ORGANIZATION MANUAL

Sec.
9.1 Publication required.
9.2 Scope.
9.3 Distribution to Government agencies.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 9.1 Publication required.

The Director of the Federal Register shall separately publish annually or at times designated by the Administrative Committee of the Federal Register a special edition of the FEDERAL REGISTER called the "United States Government Organization Manual" or any other title that the Administrative Committee of the Federal Register considers appropriate. The Director of the Federal Register may issue special supplements to the Manual when he considers such supplementation to be in the public interest.

[Based on 31.1 and 31.2]

§ 9.2 Scope.

(a) The Manual shall contain appropriate information about the Executive, Legislative, and Judicial branches of the Federal Government, which for the major Executive agencies shall include—

(1) Descriptions of the agency's public purposes, programs and functions;

(2) Established places and methods whereby the public may obtain information and make submittals or requests; and

(3) Lists of officials heading major operating units.

(b) Brief information about quasi-official agencies and supplemental information that in the opinion of the Director of the Federal Register is of enough public interest to warrant inclusion shall also be published in the Manual.

[Based on 31.6, 31.7, and 31.8]

§ 9.3 Distribution to Government agencies.

(a) The Manual shall be distributed to the following, in the quantities indicated, without charge:

(1) *Members of Congress.* Each Senator and each Member of the House of Representatives shall be furnished two copies, and is entitled to not more than 10 additional copies upon his written authorization to the Director of the Federal Register.

(2) *Congressional committees.* Each committee is entitled to the quantity needed for official use, upon the written request of the chairman of the committee, or his delegate, to the Director, for placement on the mailing list.

(3) *Supreme Court.* The Supreme Court is entitled to 18 copies.

(4) *Other courts.* Each other constitutional or legislative court is entitled to one copy, upon the written authorization of the Director of the Administrative Office of the U.S. Courts to the Director of the Federal Register.

(5) *Executive agencies.* The head of each executive agency and each liaison officer designated under § 16.1 or § 20.1 of this chapter is entitled to one copy.

(b) Legislative, judicial, and executive agencies of the Federal Government may obtain additional copies of the Manual, at cost, for official use by submission, before the press run, of a printing and binding requisition to the Government Printing Office on Standard Form 1. After the press run, each request for extra copies of the Manual must be addressed to the Superintendent of Documents, to be paid for by the agency or official making the request.

[Based on 31.21, 31.22, 31.23, 31.24, 31.25, and 31.26]

PART 10—PRESIDENTIAL PAPERS

Subpart A—Annual Volumes

Sec.
10.1 Publication required.
10.2 Coverage of prior years.
10.3 Scope and sources.
10.4 Format, indexes, and ancillaries.
10.5 Distribution to Government agencies.
10.6 Extra copies.

Subpart B—Weekly Compilation

10.10 Publication required.
10.11 Format and indexes.
10.12 Distribution to Government agencies.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

Subpart A—Annual Volumes

§ 10.1 Publication required.

The Director of the Federal Register shall publish, at the end of each calendar year, a special edition of the FEDERAL REGISTER called the "Public Papers of the Presidents of the United States." Unless the amount of material requires otherwise, each volume shall cover one calendar year.

[Based on 32.1]

§ 10.2 Coverage of prior years.

After consulting with the National Historical Publications Commission on the need therefor, the Administrative Committee may authorize the publication of volumes of papers of the Presidents covering specified years before 1957.

[Based on 32.2]

§ 10.3 Scope and sources.

(a) The basic text of each volume shall consist of oral statements by the President or of writings subscribed by him, and selected from—

(1) Communications to the Congress;
(2) Public addresses;
(3) Transcripts of news conferences;
(4) Public letters;
(5) Messages to heads of State;
(6) Statements released on miscellaneous subjects; and
(7) Formal executive documents promulgated in accordance with law.

(b) In general, ancillary text, notes, and tables shall be derived from official sources.

[Based on 32.10 and 32.11]

§ 10.4 Format, indexes, and ancillaries.

(a) Each annual volume, divided into books whenever appropriate, shall be separately published in the binding and style that the Administrative Committee considers suitable to the dignity of the Office of the President of the United States.

(b) Each volume shall be appropriately indexed and contain appropriate ancillary information respecting significant Presidential documents not printed in full text.

[Based on 32.3]

§ 10.5 Distribution to Government agencies.

(a) The Public Papers of the Presidents of the United States shall be distributed to the following, in the quantities indicated, without charge:

(1) *Members of Congress.* Each Senator and each Member of the House of Representatives is entitled to one copy of each annual volume published during his term of office, upon his written request to the Director of the Federal Register.

(2) *Supreme Court.* The Supreme Court is entitled to 12 copies of each annual volume.

(3) *Executive agencies.* The head of each executive agency is entitled to one copy of each annual volume upon application to the Director.

(b) Legislative, judicial, and executive agencies of the Federal Government may obtain copies of the annual volumes, at cost, for official use, by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

[Based on 32.15, 32.16, 32.17, and 32.18]

§ 10.6 Extra copies.

Each request for extra copies of the annual volumes must be addressed to the Superintendent of Documents, to be paid for by the agency or official making the request.

[Based on 32.19]

Subpart B—Weekly Compilation

§ 10.10 Publication required.

The Director of the Federal Register shall publish a special edition of the FEDERAL REGISTER called the "Weekly Compilation of Presidential Documents."

[Based on 32.30]

§ 10.11 Format and indexes.

(a) The Weekly Compilation shall be published in the binding and style that the Administrative Committee considers suitable for public and official use.

(b) The Director of the Federal Register shall provide indexes and any other finding aids that he considers appropriate for effective use.

[Based on 32.31]

§ 10.12 Distribution to Government agencies.

(a) The Weekly Compilation shall be distributed regularly to Members of the Senate and House of Representatives and to officials of the legislative, judicial, and executive branches of the Federal Government in the quantities needed for official use.

(b) Requests for copies shall be made in writing by the authorizing officer to the Director of the Federal Register.

(c) Special needs for selected issues in substantial quantity shall be filled by the timely submission of a printing and binding requisition to the Government Printing Office on Standard Form 1.

[Based on 32.40]

SUBCHAPTER D—PREPARATION, TRANSMITTAL, AND PROCESSING OF DOCUMENTS

PART 15—SERVICES TO FEDERAL AGENCIES

Subpart A—General

Sec.
15.1 Cooperation.
15.2 Information services.
15.3 Staff assistance.
15.4 Reproduction of certified copies of acts and documents.
15.5 Official subscriptions and requisitions of Federal Register publications.

Subpart B—Special Assistance

15.10 Information on drafting and publication.

Subpart C—Supplemental Printing and Editorial Services

15.15 Purpose.
15.16 Use of Federal Register standing type.
15.17 Special editorial service.
15.18 Supplemental loose-leaf services.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

Subpart A—General

§ 15.1 Cooperation.

The Director of the Federal Register shall assist each agency in complying with the pertinent publication laws to assure efficient public service in promulgating administrative documents having the effect of legal notice or of law.

[Based on 3.1]

§ 15.2 Information services.

The Director of the Federal Register shall provide for the answering of each appropriate inquiry presented in person, by telephone, or in writing. Each written communication and each matter involving classified material or the Administrative Committee shall be sent to the Director, Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

[Based on 3.2]

§ 15.3 Staff assistance.

The staff of the Office of the Federal Register shall provide informal assistance and advice to officials of the various agencies with respect to general or specific programs of regulatory drafting, procedures, and promulgation practices.

[Based on 3.4]

§ 15.4 Reproduction of certified copies of acts and documents.

The Director of the Federal Register shall furnish to requesting agencies, without charge, reproductions or certified copies of original acts and documents filed with that Office that are needed for official use. However, in a case involving voluminous material or numerous copies, the requesting agency may be required to reimburse the cost of reproduction.

[Based on 3.5]

§ 15.5 Official subscriptions and requisitions of Federal Register publications.

The following governs the availability of Federal Register publications for official use.

(a) *Slip laws.* Single copies may be obtained from the House or Senate Document Room, U.S. Congress. Quantity overruns of any slip law may be obtained by the timely submission of a requisition to the Government Printing Office on Standard Form 1.

(b) *U.S. Statutes at Large.* Written requests should be directed to the Joint Committee on Printing, United States Capitol, Washington, D.C. 20510. General provisions relating to the distribution of the U.S. Statutes at Large are set forth in section 728 of Title 44, United States Code.

(c) *Federal Register.* See §§ 7.1 to 7.6 of this chapter.

(d) *Code of Federal Regulations.* See § 8.8 of this chapter.

(e) *U.S. Government Organization Manual.* See § 9.3 of this chapter.

(f) *Public Papers of the Presidents of the United States.* See §§ 10.5 and 10.6 of this chapter.

(g) *Weekly Compilation of Presidential Documents.* See § 10.12 of this chapter.

[Based on 3.6]

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Subpart B—Special Assistance

§ 15.10 Information on drafting and publication.

The Director of the Federal Register may prepare, and distribute to agencies, information and instructions designed to promote effective compliance with the purposes of Chapter 15 of Title 44, United States Code, sections 553–554 of Title 5, United States Code, related statutes, and this chapter. The Director may also develop and conduct programs of technical instruction.

[Based on 3.10 and 3.11]

Subpart C—Supplemental Printing and Editorial Services

§ 15.15 Purpose.

The Director of the Federal Register may provide special services to agencies to promote efficiency and economy through the use of printing and editorial facilities developed in editing and publishing Federal Register publications.

[Based on 3.15]

§ 15.16 Use of Federal Register standing type.

Type used in printing the FEDERAL REGISTER is available for reuse by agencies in making reprints, on their own requisition, by submitting a printing and binding requisition on Standard Form 1 to the Office of the Federal Register for forwarding to the Government Printing Office.

[Based on 3.16]

§ 15.17 Special editorial service.

Upon written request by an appropriate agency official, the staff of the Office of the Federal Register may compile and collate Code units, as of a given date, to assist an issuing agency to prepare a document for publication in the FEDERAL REGISTER.

[Based on 3.18]

§ 15.18 Supplemental loose-leaf services.

The Director of the Federal Register may cooperate with agencies in developing supplemental loose-leaf services for special items in which the need would justify the cost.

[Based on 3.19]

PART 16—AGENCY REPRESENTATIVES

Sec.
16.1 Designation.
16.2 Liaison duties.
16.3 Certifying duties.
16.4 Authorizing duties.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 16.1 Designation.

(a) Each agency shall designate, from its officers or employees, persons to serve in the following capacities with relation to the Office of the Federal Register:

(1) A liaison officer and an alternate.

(2) A certifying officer and an alternate.

(3) An authorizing officer and an alternate.

The same person may be designated to serve in one or more of these positions.

(b) Before designating its liaison officer, each agency shall send the name of the person it intends to designate, and a short statement of that person's qualifications, to the Director of the Federal Register.

(c) Each agency shall notify the Director of the name, title, address, and telephone number of each person it designates under this section and shall promptly notify the Director of any changes.

[Based on 4.1 and 4.2]

§ 16.2 Liaison duties.

Each liaison officer shall—

(a) Represent his agency in all matters relating to the submission of documents to the Office of the Federal Register, and respecting general compliance with this chapter;

(b) Be responsible for the effective distribution and use within his agency of FEDERAL REGISTER information on document drafting and publication assistance authorized by § 15.10 of this chapter; and

(c) Promote his agency's participation in the technical instruction authorized by § 15.10 of this chapter.

[Based on 4.3]

§ 16.3 Certifying duties.

The certifying officer is responsible for attaching the required number of true copies of each original document submitted by his agency to the Office of the Federal Register and for making the certification required by §§ 18.5 and 18.6 of this chapter.

[Based on 4.4]

§ 16.4 Authorizing duties.

The authorizing officer is responsible for furnishing, to the Director of the Federal Register, a current mailing list of officers or employees of his agency who are authorized to receive the FEDERAL REGISTER, the Code of Federal Regulations, and the Weekly Compilation of Presidential Documents for official use.

[Based on 4.5]

PART 17—PUBLICATION SCHEDULES

Sec.
17.1 Receipt and processing.

REGULAR SCHEDULE

17.2 Procedure and timing for regular schedule.

EMERGENCY SCHEDULE

17.3 Criteria for emergency schedule.
17.4 Procedure and timing for emergency schedule.
17.5 Transmittal from distant points.

DEFERRED SCHEDULE

17.6 Criteria.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 17.1 Receipt and processing.

Unless special arrangements are made with the Director of the Federal Register, the Office of the Federal Register receives documents only during official working hours. Upon receipt, each document shall be held for confidential processing until it is filed for public inspection.

[Based on 12.2]

REGULAR SCHEDULE

§ 17.2 Procedure and timing for regular schedule.

(a) Each document received shall be assigned to the regular schedule unless the issuing agency makes special arrangements otherwise. Receipt of a document in the ordinary course of business is considered to be a request for publication on the regular schedule.

(b) The regular schedule for publication is as follows:

Received	Filed	Published
Monday	Wednesday	Thursday.
Tuesday	Thursday	Friday.
Wednesday	Friday	Monday.
Thursday	Monday	Tuesday.
Friday	Tuesday	Wednesday.

[Based on 12.11 and 12.12]

EMERGENCY SCHEDULE

§ 17.3 Criteria for emergency schedule.

The emergency schedule is designed to provide the fastest possible publication of a document involving the prevention, alleviation, control, or relief of an emergency situation.

[Based on 12.6 (first sentence)]

§ 17.4 Procedure and timing for emergency schedule.

(a) Each agency requesting publication on the emergency schedule shall briefly describe the emergency and the benefits to be attributed to immediate publication in the FEDERAL REGISTER. The request shall be made by letter if time permits.

(b) The Director of the Federal Register shall assign a document to the emergency schedule whenever he concurs with a request for that action and it is feasible. The Director shall confirm the assignment as soon as possible.

(c) Each document assigned to the emergency schedule shall be published as soon as possible.

[Based on 12.5, 12.6 (less first sentence), and 12.7]

§ 17.5 Transmittal from distant points.

The text of a document assigned to the emergency schedule may be transmitted from a distant field installation to the Washington Office of the agency concerned by telecommunication. A certified transcription of the text may be filed in advance of receipt of the original document. The agency must file the original document at the earliest possible time. In such a case, the publication date is based on receipt of the certified transcribed copies by the Office of the Federal Register.

[Based on 12.8]

DEFERRED SCHEDULE

§ 17.6 Criteria.

A document may be assigned to the deferred schedule under the following conditions:

(a) There are technical problems, unusual tabulations, or illustrations, or the document is of such size as to require extraordinary processing time.

(b) The agency concerned requests a deferred publication date.

[Based on 12.15, 12.16, and 12.17]

PART 18—PREPARATION AND TRANSMITTAL OF DOCUMENTS GENERALLY

Sec.
18.1 Original and copies required.
18.2 Prohibition on combined documents.
18.3 Submission of documents and letters of transmittal.
18.4 Form of document.
18.5 Certified copies.
18.6 Form of certification.
18.7 Signature.
18.8 Seal.
18.9 Style.
18.10 Illustrations and tabular material.
18.11 Forms.
18.12 Minimum requirements for documents.
18.13 Withdrawal of filed documents.
18.14 Correction of errors in documents.
18.15 Correction of errors in printing.
18.16 Highlights; submission of summary statements.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 18.1 Original and copies required.

(a) Except as provided in § 19.2 of this subchapter for Executive orders and proclamations, each agency submitting a document to be filed and published in the FEDERAL REGISTER shall send an original and two duplicate originals or certified copies. However, if the document is printed or processed on both sides, the agency shall send, in addition to the original, three duplicate originals or certified copies.

(b) In the case of a document issued outside of the District of Columbia, an agency may submit certified text in place of the original. However, it must replace the certified text with the original document as soon as practicable for filing as required by Chapter 15 of Title 44, United States Code.

[Based on 16.1]

§ 18.2 Prohibition on combined documents.

The Director of the Federal Register may not accept a document for filing and publication if it combines material that must appear under more than one category in the FEDERAL REGISTER. For example, a document may not contain both rule making and notice of proposed rule making material.

[New section added]

§ 18.3 Submission of documents and letters of transmittal.

(a) Each document authorized or required by law to be filed with the Office of the Federal Register, published in the FEDERAL REGISTER, or filed with the Administrative Committee shall be sent to the Director of the Federal Register.

(b) Except for cases involving special handling or treatment, there is no need for a letter of transmittal for a document submitted for filing and FEDERAL REGISTER publication.

[Based on 3.3 and 16.2]

§ 18.4 Form of document.

(a) Except as provided in paragraph (b) of this section, to be eligible for filing and publication in the FEDERAL REGISTER, a document must be typewritten on white bond paper approximately 8 by 10½ inches in size, double spaced, with a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch.

(b) A printed or processed document may be accepted for filing and publication if it is suitable as an archival original. However, a photostatic copy may not be accepted as an original document.

(c) A document in the form of a letter may not be accepted for filing or publication in the rules and regulations, proposed rule making, or notices sections of the FEDERAL REGISTER.

[Based on 16.3, 16.4, and 16.5]

§ 18.5 Certified copies.

(a) The certified copies or duplicate originals of each document must be attached to the original. Each copy or duplicate must be entirely clear and legible.

(b) Copies of a typewritten original may be the first two carbon copies of the ribbon original, positive photostats on paper with a matte surface, or electrostatic copies.

(c) Publication dates are determined at the time when clear and legible copies are received.

[Based on 16.6]

§ 18.6 Form of certification.

Each copy of each document submitted for filing and publication, except a Presidential document or a duplicate original, must be certified substantially as follows:

(Certified to be a true copy of the original)

signed by a certifying officer designated under § 16.1 of this chapter.

[Based on 16.7]

§ 18.7 Signature.

The original and each duplicate original document must be signed in ink, with the name and title of the official signing the document typed or stamped beneath his signature. Initialed or impressed signatures may not be accepted.

[Based on 16.8]

§ 18.8 Seal.

Use of a seal on an original document or certified copy is optional with the issuing agency.

[Based on 16.9]

§ 18.9 Style.

Each agency submitting a document for filing and publication shall prepare it in accordance with the following:

(a) Punctuation, capitalization, spelling, and other matters of style must conform, in general, to the current edition of the U.S. Government Printing Office Style Manual.

(b) The spelling of geographic names must conform to the decisions of the Board on Geographic Names, established by section 2 of the act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(c) Descriptions of land must conform, so far as practicable, to the current edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations" prepared by the Bureau of Land Management, Department of the Interior.

[Based on 16.15, 16.16, and 16.17]

§ 18.10 Illustrations and tabular material.

(a) An original drawing, or a clear reproduction, of each map, chart, graph, or other illustration that is found to be a necessary part of a document to be filed and published may be accepted only after submission to the Director of the Federal Register at least 6 working days before the date on which publication is desired.

(b) A clear and legible reproduction of the original illustration, approximately 8 by 10½ inches, shall be included in the original document and each certified copy.

(c) Tabular material consisting of more than two typewritten pages that is to be a part of a document to be filed and published shall be submitted to the Director at least 6 working days before the date on which publication is desired.

[Based on 16.20]

§ 18.11 Forms.

Except when considered necessary by the Director of the Federal Register, tabulated blank forms for applications, registrations, reports, contracts, and similar items, and the instructions for preparing the forms, may not be published in full. In place thereof, the agency concerned shall submit for publication a simple statement describing the purpose and use of each form and stating the places at which copies may be obtained.

[Based on 16.21]

§ 18.12 Minimum requirements for documents.

Each document shall—

(a) In the case of a notice of proposed rule making, contain a clear preamble statement that discusses the substance of the proposed rules and the major issues involved;

(b) In the case of a rule or regulation, contain a concise general preamble statement that discusses the basis and purpose thereof and, where the rule was preceded by a notice of proposed rule making, that also discusses the disposition of the significant comments received; and

(c) Otherwise substantially conform to the requirements of this chapter.

The Director of the Federal Register may return to the issuing agency any document submitted for filing and publication that does not comply with this section.

[New section added]

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§ 18.13 Withdrawal of filed documents.

A document that has been filed with the Office of the Federal Register and placed on public inspection as required by this chapter, may be withdrawn from publication by the submitting agency only by a timely written instrument revoking that document, signed by the issuing officer or an officer of his agency superior to him. Both the original and the revoking document shall remain on file.

[New section added]

§ 18.14 Correction of errors in documents.

After a document has been filed for public inspection and publication, a substantive error in the text may be corrected only by the filing of another document effecting the correction.

[Based on 11.10]

§ 18.15 Correction of errors in printing.

Typographical or clerical errors made in the printing of the FEDERAL REGISTER shall be corrected by insertion of an appropriate notation or a reprinting in the FEDERAL REGISTER published without further agency documentation, if the Director of the Federal Register determines that—

(a) The error would tend to confuse or mislead the reader; or

(b) The error would affect text subject to codification.

[Based on 11.11]

§ 18.16 Highlights; submission of summary statements.

(a) Except as provided in paragraph (b) of this section, each agency which submits a document for publication in the FEDERAL REGISTER shall furnish with the document two copies of a descriptive catchword or phrase and a brief statement that:

(1) Names the agency issuing the document; and

(2) Summarizes the principal subject of the document.

The language of the summary statement submitted under this section and the headings required by Parts 17 and 22 of this chapter may be the same whenever appropriate. The following are examples of the kinds of statements intended by this requirement:

DETERGENTS—Proposed FTC labeling and advertising requirements for synthetic detergents.

COAL MINE SAFETY—Interior Department procedures to assess civil penalties for violations.

(b) A summary statement need not be submitted with a document that is making nonsubstantive changes that are corrective or editorial in nature. The Director of the Federal Register may grant additional exceptions to the requirements of this section. The Director shall publish once each month in the FEDERAL REGISTER a list of the classes of documents exempted under this section during the preceding month, stating the agency involved and the document or class of documents.

(c) Selected summary statements submitted under this section shall be included in a highlights listing which will be printed in a prominent place in the daily FEDERAL REGISTER. The Director shall exercise final editorial control over the wording of each summary statement and make the final determination as to its inclusion in the highlights listing.

(d) Neither failure to submit a summary statement under this section, nor failure to print such a statement in the highlights listing in the FEDERAL REGISTER affects the legal status of a document printed in the FEDERAL REGISTER. Highlights listings printed in the FEDERAL REGISTER are intended solely to serve as an aid to readers and the wording of a listed item is not intended to interpret the language of the document. FEDERAL REGISTER readers should continue to use the Table of Contents to identify the documents published in each issue and the text of a document to determine its legal effect.

[Based on 16.25]

PART 19—EXECUTIVE ORDERS AND PRESIDENTIAL PROCLAMATIONS

Sec.
19.1 Form.
19.2 Routing and approval of drafts.
19.3 Routing and certification of originals and copies.
19.4 Proclamations calling for the observance of special days or events.
19.5 Proclamations of treaties excluded.
19.6 Definition.

NOTE: The provisions of this Part 19 derived from sections 1 to 6 of Executive Order 11030, 27 FR 5847, 3 CFR 1959–1963 Comp., p. 610, and E.O. 11354, 32 FR 7695, 1966–1970 Comp., p. 652.

§ 19.1 Form.

Proposed Executive orders and proclamations shall be prepared in accordance with the following requirements:

(a) The order or proclamation shall be given a suitable title.

(b) The order or proclamation shall contain a citation of the authority under which it is issued.

(c) Punctuation, capitalization, spelling, and other matters of style shall, in general, conform to the most recent edition of the U.S. Government Printing Office Style Manual.

(d) The spelling of geographic names shall conform to the decisions of the Board on Geographic Names, established by section 2 of the act of July 25, 1947, 61 Stat. 456 (43 U.S.C. 364a).

(e) Descriptions of tracts of land shall conform, so far as practicable, to the most recent edition of the "Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations," prepared by the Bureau of Land Management, Department of the Interior.

(f) Proposed Executive orders and proclamations shall be typewritten on paper approximately 8 x 13 inches, shall have a left-hand margin of approximately 1½ inches and a right-hand margin of approximately 1 inch, and shall be double-spaced except that quotations, tabulations, and descriptions of land may be single-spaced.

(g) Proclamations issued by the President shall conclude with the following-described recitation:

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, in the year of our Lord _____, and of the Independence of the United States of America the _____.

§ 19.2 Routing and approval of drafts.

(a) A proposed Executive order or proclamation shall first be submitted, with seven copies thereof, to the Director of the Office of Management and Budget, together with a letter, signed by the head or other properly authorized officer of the originating Federal agency, explaining the nature, purpose, background, and effect of the proposed Executive order or proclamation and its relationship, if any, to pertinent laws and other Executive orders or proclamations.

(b) If the Director of the Office of Management and Budget approves the proposed Executive order or proclamation, he shall transmit it to the Attorney General for his consideration as to both form and legality.

(c) If the Attorney General approves the proposed Executive order or proclamation, he shall transmit it to the Director of the Office of the Federal Register, National Archives and Records Service, General Services Administration: *Provided*, That in cases involving sufficient urgency the Attorney General may transmit it directly to the President: *And provided further*, That the authority vested in the Attorney General by this section may be delegated by him, in whole or in part, to the Deputy Attorney General, Solicitor General, or to such Assistant Attorney General as he may designate.

(d) After determining that the proposed Executive order or proclamation conforms to the requirements of § 19.1 and is free from typographical or clerical error, the Director of the Office of the Federal Register shall transmit it and three copies thereof to the President.

(e) If the proposed Executive order or proclamation is disapproved by the Director of the Office of Management and Budget or by the Attorney General, it shall not thereafter be presented to the President unless it is accompanied by a statement of the reasons for such disapproval.

§ 19.3 Routing and certification of originals and copies.

(a) If the order or proclamation is signed by the President, the original and two copies shall be forwarded to the Director of the Federal Register for publication in the FEDERAL REGISTER.

(b) The Office of the Federal Register shall cause to be placed upon the copies of all Executive orders and proclamations forwarded as provided in paragraph (a) of this section the following notation, to be signed by the Director or by some person authorized by him to sign such notation: "Certified to be a true copy of the original."

§ 19.4 Proclamations calling for the observance of special days or events.

Except as may be otherwise provided by law, responsibility for the preparation and presentation of proposed proclamations calling for the observance of special days, or other periods of time, or events, shall be assigned by the Director of the Office of Management and Budget to such agencies as he may consider appropriate. Such proposed proclamations shall be submitted to the Director at least 60 days before the date of the specified observance.

§ 19.5 Proclamations of treaties excluded.

Consonant with the provisions of Chapter 15 of Title 5 of the United States Code (44 U.S.C. 1511), nothing in these regulations shall be construed to apply to treaties, conventions, protocols, or other international agreements, or proclamations thereof by the President.

§ 19.6 Definition.

The term "Presidential proclamations and Executive orders," as used in Chapter 15 of Title 5 of the United States Code (44 U.S.C. 1505(a)), shall, except as the President or his representative may hereafter otherwise direct, be deemed to include such attachments thereto as are referred to in the respective proclamations or orders.

PART 20—HANDLING OF U.S. GOVERNMENT ORGANIZATION MANUAL STATEMENTS

Sec.
20.1 Liaison officers.
20.2 Preparation of agency statements.
20.3 Organization.
20.4 Description of program activities.
20.5 Sources of information.
20.6 Form, style, arrangement, and apportionment of space.
20.7 Deadline dates.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

§ 20.1 Liaison officers.

Each of the following shall appoint an officer to maintain liaison with the Office on matters relating to the Manual:

(a) Agencies of the legislative and judicial branches.

(b) Executive agencies that do not have a liaison officer designated under § 16.1 of this chapter or who wish to appoint a liaison officer for Manual matters other than the one designated under such § 16.1.

(c) Quasi-official agencies represented in the Manual.

(d) Any other agency that the Director believes should be included in the Manual.

Each liaison officer will insure his agency's compliance with Part 9 of this chapter and this Part 20.

[Based on 31.11 and 31.12]

§ 20.2 Preparation of agency statements.

In accordance with schedules established under § 20.7 each agency shall submit for publication in the Manual an official draft of the information required by § 9.2 of this chapter and this Part 20.

[Based in part on 31.16 and 31.17]

§ 20.3 Organization.

(a) Information about lines of authority and organization may be reflected in a chart if the chart clearly delineates the agency's organizational structure. Charts must be submitted in duplicate in the form of clear prints suitable for photographing. Charts should be prepared so as to be perfectly legible when reduced to the size of a Manual page. Charts that do not meet this requirement will not be included in the Manual.

(b) Listings of heads of operating units should be arranged wherever possible to reflect relationships between units.

(c) Verbal descriptions of organization that duplicate information conveyed by charts or by lists of officials will not be published in the Manual.

[Based in part on 31.16 with new material added]

§ 20.4 Description of program activities.

Descriptions should state clearly the public purposes that the agency serves, and the programs that carry out those purposes. Detailed descriptions of the responsibilities of individuals will not be accepted for publication in the Manual.

[New section added]

§ 20.5 Sources of information.

Pertinent sources of information useful to the public, in areas of public interest such as employment, consumer activities, contracts, services to small business, and other topics involving public participation must be provided with each agency statement. These sources of information shall plainly identify the places at which the public may obtain information or make submittals or requests.

[New section added]

§ 20.6 Form, style, arrangement and apportionment of space.

The form, style, and arrangement of agency statements and other material included in the Manual and the apportionment of space therein shall be determined by the Director of the Federal Register. The U.S. Government Printing Office Style Manual is the applicable reference work in determining style.

[Based in part on 31.19]

§ 20.7 Deadline dates.

The Manual is published on a schedule that insures the information in it is available to the public on a timely basis. Therefore, agencies must comply with the deadline dates established by the Director of the Federal Register for transmittal of statements and charts and for the verification of proofs. Failure to do so may result in publication of an outdated statement or the omission of important material, thus depriving members of the public of information they have a right to expect in a particular edition of the Manual.

[New section added]

PART 21—PREPARATION OF DOCUMENTS SUBJECT TO CODIFICATION

Subpart A—General

Sec.
21.1 Drafting.
21.2 [Reserved]
21.3 [Reserved]
21.4 Descriptions of organization.
21.5 Separate documents for each title and chapter amended.
21.6 Notice of expiration of codified material.

CODE STRUCTURE

21.7 Titles and subtitles.
21.8 Chapters and subchapters.
21.9 Parts, subparts, and undesignated center heads.
21.10 Sections.

NUMBERING

21.11 Divisions of the Code of Federal Regulations.
21.12 Reservation of numbers.
21.13 Addition of new units between existing units.
21.14 Keying to agency numbering systems.
21.15 Statements of policy and interpretations.

HEADINGS

21.16 Required Code headings.
21.17 Additional captions.
21.18 Tables of contents.
21.19 Composition of part headings.

AMENDMENTS

21.20 General requirements.

REFERENCES

21.21 General requirements.
21.22 References between or within titles.
21.23 Parallel citations of Code and FEDERAL REGISTER.
21.24 References to 1938 Edition of Code.

EFFECTIVE DATE STATEMENT

21.30 General.

Subpart B—Citations of Authority

21.40 General requirements.
21.41 Agency responsibility.
21.42 Exceptions.

PLACEMENT

21.43 Coverage.
21.44 Documents involving various amendments.
21.45 Nonstatutory authority.

FORM

21.51 General.
21.52 Statutory materials.
21.53 Nonstatutory materials.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

Subpart A—General

§ 21.1 Drafting.

(a) Each agency that prepares a document that is subject to codification shall draft it as an amendment to the Code of Federal Regulations, in accordance with this subchapter, before submitting it to the Office of the Federal Register.

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(b) The agency shall place a promulgation statement in the document precisely describing the relationship of the new provisions to the Code.

[Based on 17.1]

§§ 21.2, 21.3 [Reserved]

§ 21.4 Descriptions of organization.

The Director of the Federal Register may designate documents submitted under section 552(a)(1)(A) of Title 5, United States Code, as "documents subject to codification" under special agreement with the issuing agency. The agreement must be in writing, signed by the head of the agency, or his designee, and stating that—

(a) Publication in the Code is necessary or desirable for the effective discharge of the agency's functions or activities; and

(b) Publication in the Code may be discontinued by the Administrative Committee for failure of the agency to keep publication current.

[Based on 17.2]

§ 21.5 Separate documents for each title and chapter amended.

Whenever an agency is taking an action that will amend more than one title, or more than one chapter, of the Code of Federal Regulations, it shall prepare a separate document for each title and each chapter that is to be amended.

[New section added]

§ 21.6 Notice of expiration of codified material.

(a) Whenever a document subject to codification expires after a specified period by its own terms or by law, the issuing agency shall submit a notification by document for publication in the FEDERAL REGISTER.

(b) If the preparation of the document is not practicable, the agency shall send a timely notice, in writing, to the Director of the Federal Register, stating that the document is no longer in effect, citing the pertinent terms.

[Based on 11.7]

CODE STRUCTURE

§ 21.7 Titles and subtitles.

(a) The major divisions of the Code are titles, each of which brings together broadly related Government functions.

(b) Subtitles may be used to distinguish between materials emanating from an overall agency and the material issued by its various components. Subtitles may also be used to group chapters within a title.

[Based on 17.4 and 17.8]

§ 21.8 Chapters and subchapters.

(a) The normal divisions of a title are chapters, assigned to the various agencies within a title descriptive of the subject matter covered by the agencies' regulations.

(b) Subchapters may be used to group related parts within a chapter.

[Based on 17.5 and 17.9]

§ 21.9 Parts, subparts, and undesignated center heads.

(a) The normal divisions of a chapter are parts, consisting of a unified body of regulations applying to a specific function of an issuing agency or devoted to specific subject matter under the control of that agency.

(b) Subparts or undesignated center heads may be used to group related sections within a part. Undesignated center heads may also be used to group sections within a subpart.

[Based on 17.6 and 17.10]

§ 21.10 Sections.

(a) The normal divisions of a part are sections. Sections are the basic units of the Code.

(b) When internal division is necessary, a section may be divided into paragraphs, and paragraphs may be further subdivided using the lettering indicated in § 21.11.

[Based on 17.7 and 17.16 (first 18 words)]

NUMBERING

§ 21.11 Divisions of the Code of Federal Regulations.

(a) Titles are numbered consecutively in Arabic throughout the Code.

(b) Subtitles are lettered consecutively in capitals throughout the title.

(c) Chapters are numbered consecutively in Roman capitals throughout each title.

(d) Subchapters are lettered consecutively in capitals throughout the chapter.

(e) Parts are numbered in Arabic throughout each title.

(f) Subparts may be lettered in capitals or be undesignated.

(g) Sections are numbered in Arabic throughout each part. A section number includes the number of the part followed by a decimal point and the number of the section. For example, the section number for section 15 of Part 21 is "§ 21.15".

(h) The lettering for divisions of a section is as follows:

Division	Illustrative lettering
Paragraph	(a), (b), etc.
Further subdivision of a paragraph.	(1), (2), etc. (i), (ii), etc. (A), (B), etc. (*I*), (2), etc. (i), (ii), etc.

[Based on 17.12, 17.13, 17.14, 17.15, 17.16 (less first 18 words), and 17.17]

§ 21.12 Reservation of numbers.

In a case where related parts or related sections are grouped under a heading, numbers shall be reserved at the end of each group to allow for expansion.

[Based on 17.18]

§ 21.13 Addition of new units between existing units.

(a) Whenever it is necessary to introduce a new part or section between existing consecutive parts or sections, the new part or section shall be designated by the addition of a lower case letter to the number of the preceding part or section. For example, a part inserted between Parts 31 and 32 is numbered "31a", and a section inserted between § 31.1 and § 31.2 is numbered "§ 31.1a".

(b) Whenever it is necessary to insert a paragraph between existing consecutive paragraphs, and revision of the entire paragraph is not desired, the new paragraph shall be designated by the addition of a hyphen and an Arabic number to the letter designating the preceding paragraph. For example, a paragraph inserted between paragraph (a) and (b) is designated "(a–1)".

[Based on 17.20]

§ 21.14 Keying to agency numbering systems.

The Director of the Federal Register may allow the keying of section numbers to correspond to a particular numbering system used by an agency only when, in his opinion, the keying will benefit both that agency and the public.

[Based on 17.22]

§ 21.15 Statements of policy and interpretations.

(a) Whenever a statement of general policy or an interpretation, submitted pursuant to section 552(a)(1)(D) of Title 5, United States Code, applies to an entire part, it shall be included in or appended to that part.

(b) Whenever a statement of general policy or an interpretation applies to a specific section it shall be appended to that section.

(c) Statements of policy and interpretations that are broader in scope than those covered by paragraphs (a) and (b) of this section shall be assigned to a part or group of parts within the chapter affected.

[Based on 17.23]

HEADINGS

§ 21.16 Required Code headings.

(a) The title, chapter, and part headings, in that order, shall be set forth in full on separate lines at the beginning of each document. Subtitle, subchapter, and subpart headings shall, if applicable, also be set forth.

(b) Each section shall have a brief descriptive heading, preceding the text, on a separate line.

[Based on 17.26]

§ 21.17 Additional captions.

(a) For the purpose of publication in the FEDERAL REGISTER, a brief caption more specifically describing the scope of a document constituting a partial amendment of the material in a part shall be provided immediately below the part heading.

(b) An agency that uses regulation numbers or other identifying symbols shall place them in brackets centered immediately above the part heading.

[Based on 17.27]

§ 21.18 Tables of contents.

A table of contents shall be used at the beginning of the part whenever a new part is introduced, an existing part is completely revised, or a group of sections is revised or added and set forth as a subpart or otherwise separately grouped under a center head. The table shall follow the part heading and precede the text of the regulations in that part. It shall also list the headings for the subparts, undesignated center headings, and sections in the part.

[Based on 17.28]

§ 21.19 Composition of part headings.

Each part heading shall indicate briefly the general subject matter of the part. Phrases such as "Regulations under the Act of July 28, 1955" or other expressions that are not descriptive of the subject matter may not be used. Introductory expressions such as "Regulations governing" and "Rules applicable to" may not be used.

[Based on 17.29]

AMENDMENTS

§ 21.20 General requirements.

(a) Each amendatory document shall include a statement of the nature and extent of the changes made.

(b) The number and heading of each section amended shall be set forth in full on a separate line.

[Based on 17.32]

REFERENCES

§ 21.21 General requirements.

(a) Each reference to the Code of Federal Regulations shall be in terms of the specific titles, chapters, parts, sections, and paragraphs involved. Ambiguous references such as "herein", "above", "below", and similar expressions may not be used.

(b) Each document that contains a reference to material published in the Code shall include the Code citation as a part of the reference.

[Based on 17.34]

§ 21.22 References between or within titles.

Unless the meaning is otherwise precisely expressed and an undue or awkward repetition would result, the following references shall be used:

(a) *Between titles.* When reference is made to material codified in a title other than that in which the reference occurs, the short form of citation shall be used. For example, a reference within Title 41 to § 2.4 of Title 1 is "1 CFR 2.4".

(b) *Within titles.* When reference is made to material codified in the same title, the following forms shall be used, as appropriate:

Chapter ------ of this title.
Part ------ of this title.
§ ------ of this title.

(c) *Within chapters.* When reference is made to material codified in the same chapter, the following forms shall be used, as appropriate:

Part ------ of this chapter.
§ ------ of this chapter.

(d) *Within sections.* When reference is made to material codified in the same section, the following forms shall be used, as appropriate:

Paragraph (------) of this section.

[Based on 17.36]

§ 21.23 Parallel citations of Code and Federal Register.

For parallel reference, the Code of Federal Regulations and the FEDERAL REGISTER may be cited in the following forms, as appropriate:

------ CFR ------ (------ FR ------).
§ ------ of this chapter (------ FR ------).

[Based on 17.37]

§ 21.24 References to 1938 edition of Code.

When reference is made to material codified in the 1938 edition of the Code of Federal Regulations, or a supplement thereto, the following forms may be used, as appropriate:

------ CFR, 1938 Ed., ------.
------ CFR, 1943, Cum. Supp., ------.
------ CFR, 1946 Supp., ------.

[Based on 17.38]

EFFECTIVE DATE STATEMENT

§ 21.30 General.

Each document subject to codification shall include a clear statement as to the date or dates upon which its contents become effective.

[Based on 17.41]

Subpart B—Citations of Authority

§ 21.40 General requirements.

(a) Each section in a document subject to codification shall include, or be covered by, a complete citation of the authority under which the section is issued, including—

(1) General or specific authority delegated by statute; and

(2) Executive delegations, if any, necessary to link the statutory authority to the issuing agency.

[Based on 17.45]

§ 21.41 Agency responsibility.

(a) Each issuing agency is responsible for the accuracy and integrity of the citations of authority in the documents it issues.

(b) Each issuing agency shall formally amend the citations of authority in its codified material to reflect any changes therein.

[Based on 17.46]

§ 21.42 Exceptions.

The Director of the Federal Register may make exceptions to the requirements of this subpart relating to placement and form of citations of authority in any case in which he determines that strict application would impair the practical use of the citations.

[Based on 17.47]

PLACEMENT

§ 21.43 Coverage.

(a) *Single section.* Authority covering a single section shall be cited in parentheses on a separate line immediately following the text of the section. For example:

(Sec. 5, Pub. L. 89–670, 80 Stat. 935 (49 U.S.C. 1654))

(b) *Blanket coverage.* Authority covering two or more consecutive sections shall be cited following the word "AUTHORITY" and placed as a text note immediately preceding the first section of the group. For example:

AUTHORITY: Sec. 5, Pub. L. 89–670, 80 Stat. 935 (49 U.S.C. 1654).

(c) *Combined blanket and separate coverage.* Whenever individual sections within a group covered by a blanket citation reflect additional authority, a combined form shall be used. For example:

AUTHORITY: Sec. 5, Pub. L. 89–670, 80 Stat. 935 (49 U.S.C. 1654), unless otherwise noted.

(d) *Combined blanket coverage.* Whenever a group of two or more consecutive sections within a broader group covered by a blanket citation reflects the same additional authority, a combined blanket citation shall be used. For example:

AUTHORITY: Sec. 5, Pub. L. 89–670, 80 Stat. 935 (49 U.S.C. 1654). §§ 7.1 to 7.11 also issued under sec. 313, Pub. L. 85–726, 72 Stat. 752 (49 U.S.C. 1354).

[Based on 17.50, 17.51, 17.52, and 17.53]

§ 21.44 Documents involving various amendments.

(a) Whenever a document prescribes several amendments issued under common authority, the citation to that authority shall be placed in parentheses on a separate line after the last amendment.

(b) Whenever a document prescribes several amendments issued under varying authorities, each amendment shall be followed by the appropriate citation in parentheses on a separate line.

[Based on 17.54]

§ 21.45 Nonstatutory authority.

Citation to a document as authority shall be placed after the statutory citations. For example:

AUTHORITY: Sec. 9, Pub. L. 89–670, 80 Stat. 944 (49 U.S.C. 1657). E.O. 11222, 30 FR 6469, 3 CFR 1965 Comp.

[Based on 17.55]

FORM

§ 21.51 General.

(a) Formal citations of authority shall be in the shortest form compatible with

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positive identification and ready reference.

(b) The Office of the Federal Register shall assist agencies in developing model citations.

[Based on 17.60]

§ 21.52 Statutory materials.

(a) *Public laws.* Citations to current public laws shall include reference to the volume and page of the U.S. Statutes at Large to which they have been assigned. For example:

Sec. 5, Pub. L. 89–670, 80 Stat. 935 (49 U.S.C. 1654)

(b) *U.S. Statutes at Large.* Citations to the U.S. Statutes at Large shall refer to section, page, and volume. The page number should refer to the page on which the section cited begins. If the cited material is contained in a title of the United States Code that has not been positively enacted, the parallel United States Code citation shall also be given. For example:

Sec. 5, Pub. L. 89–670, 80 Stat. 935 (49 U.S.C. 1654); sec. 313, Pub. L. 85–726, 72 Stat. 752 (49 U.S.C. 1354)

(c) *Positive law titles of the United States Code.* Citations to titles of the United States Code that have been enacted into positive law (such as 1, 5, 10, etc.) shall be cited as follows, without public law or U.S. Statutes at Large citation:

10 U.S.C. 501.

[Based on 17.61]

§ 21.53 Nonstatutory materials.

Nonstatutory documents shall be cited by document designation and by FEDERAL REGISTER volume and page, followed, if possible, by the parallel citation to the Code of Federal Regulations. For example:

Special Civil Air Reg. SR–422A, 28 FR 6703, 14 CFR Part 4b. E.O. 11130, 28 FR 12789; 3 CFR 1959–63 Comp.

[Based on 17.62]

PART 22—PREPARATION OF NOTICES AND RULE MAKING PROPOSALS

NOTICES IN GENERAL

Sec.
22.1 Name of issuing agency and subdivision.
22.2 Authority citation.

NOTICES OF PROPOSED RULE MAKING

22.5 General requirements.
22.6 Code designation.
22.7 Codification.

AUTHORITY: 44 U.S.C. 1506; sec. 6, E.O. 10530, 19 FR 2709; 3 CFR 1954–1958 Comp. p. 189.

NOTICES IN GENERAL

§ 22.1 Name of issuing agency and subdivision.

(a) The name of the agency issuing a notice shall be placed at the beginning of the document.

(b) Whenever a specific bureau, service, or similar unit within an agency issues a notice, the name of that bureau, service, or unit shall be placed on a separate line below the name of the agency.

(c) An agency that uses file numbers, docket numbers, or similar identifying symbols shall place them in brackets immediately below the other headings required by this section.

(d) A suitable short title identifying the subject shall be provided beginning on a separate line immediately after the other required caption or captions. Whenever appropriate, an additional brief caption indicating the nature of the document shall be used.

[Based on 18.2, 18.3, 18.4, and 18.5]

§ 22.2 Authority citation.

The authority under which an agency issues a notice shall be cited in narrative form within text or in parentheses on a separate line following text.

[Based on 18.6]

NOTICES OF PROPOSED RULE MAKING

§ 22.5 General requirements.

Each notice of proposed rule making required by section 553 of title 5, United States Code, or any other statute, and any similar notice voluntarily issued by an agency shall include a statement of—

(a) The time, place, and nature of public rule making proceedings; and

(b) Reference to the authority under which the regulatory action is proposed.

[Based on 18.10]

§ 22.6 Code designation.

The area of the Code of Federal Regulations directly affected by a proposed regulatory action shall be identified by placing the appropriate CFR citation in brackets immediately below the name of the issuing agency. For example:

[1 CFR Part 22]

[Based on 18.11]

§ 22.7 Codification.

Any part of a notice of proposed rule making document that contains the full text of a proposed regulation shall also conform to the pertinent provisions of Part 21 of this chapter.

[Based on 18.12]

DISTRIBUTION TABLE

Current section	Revised section	Current section	Revised section
1.0	2.1	3.4	15.3
1.1	2.2	3.5	15.4
1.2	2.3	3.6	15.5
1.3	2.4	3.10	15.10
1.4	2.5	3.11	15.10
1.5	3.4	3.15	15.15
2.1	2.2	3.16	15.16
2.2	3.1	3.17	Surplus
2.3	3.2	3.18	15.17
2.4	3.3	3.19	15.18
2.5	3.4	4.1	16.1
3.1	15.1	4.2	16.1
3.2	15.2	4.3	16.2
3.3	15.2	4.4	16.3

DISTRIBUTION TABLE—Continued

Current section	Revised section	Current section	Revised section
4.5	16.4	17.36	21.22
7.1	19.1	17.37	21.23
7.2	19.2	17.38	24.24
7.3	19.3	17.41	21.39
7.4	19.4	17.45	21.40
7.5	19.5	17.46	21.41
7.6	19.6	17.47	21.42
10.1	5.1	17.50	21.43
10.2	5.6	17.51	21.43
10.3	5.5	17.52	21.43
10.4	5.8	17.53	21.43
10.5	2.6	17.54	21.44
11.1	5.2	17.55	21.45
11.2	5.2	17.60	21.51
11.3	5.2	17.61	21.52
11.5	5.3	17.62	21.53
11.7	21.5	18.1	Surplus
11.10	18.14	18.2	22.1
11.11	18.15	18.3	22.1
11.20	5.4	18.4	22.1
11.21	5.4	18.5	22.1
11.22	5.2	18.6	22.2
12.1	Surplus	18.10	22.5
12.2	17.1	18.11	22.6
12.3	3.2	18.12	22.7
12.5	17.4	Part 20	To be published in a separate document.
12.6	17.3, 17.4		
12.7	17.4		
12.8	17.5		
12.11	17.2	30.1	8.1
12.12	17.2	30.2	8.9
12.15	17.6	30.3	2.6
12.16	17.6	30.4	8.2
12.17	17.6	30.5	8.6
13.1	5.9	30.6	8.5
13.2	5.9	30.7	8.3
13.3	5.9	30.8	Surplus
13.4	5.9	30.9	8.4
13.5	5.9	30.10	8.5
14.1	6.1	30.11	8.7
14.2	6.2	30.12	8.8
14.5	6.3	30.13	8.8
14.6	6.4	30.14	8.8
14.9	5.5	30.15	8.8
15.1	5.7	30.16	3.4
15.3	7.1	30.17	3.4
15.4	7.2	31.1	9.1
15.5	7.3	31.2	9.1
15.6	7.4	31.6	9.2
15.7	7.5	31.7	9.2
15.8	7.6	31.8	9.2
15.10	3.4	31.11	20.1
15.11	3.4	31.12	20.1
16.1	18.1	31.16	20.2, 20.3
16.2	18.3	31.17	20.2
16.3	18.4	31.18	Unnecessary
16.4	18.4	31.19	20.6
16.5	18.4	31.21	9.3
16.6	18.5	31.22	9.3
16.7	18.6	31.23	9.3
16.8	18.7	31.24	9.3
16.9	18.8	31.25	9.3
16.15	18.9	31.26	9.3
16.16	18.9	31.28	3.4
16.17	18.9	32.1	10.1
16.20	18.10	32.2	10.2
16.21	18.11	32.3	10.4
16.25	18.16	32.10	10.3
17.1	21.1	32.11	10.3
17.2	21.4	32.15	10.5
17.3	21.3	32.16	10.5
17.4	21.7	32.17	10.5
17.5	21.8	32.18	10.5
17.6	21.9	32.19	10.6
17.7	21.10	32.22	3.4
17.8	21.7	32.30	10.10
17.9	21.8	32.31	10.11
17.10	21.9	32.40	10.12
17.12	21.11	32.50	3.4
17.13	21.11	40.1	1.1
17.14	21.11	40.2	Executed
17.15	21.11	40.3	Executed
17.16	21.10, 21.11	40.4	Unnecessary
17.17	21.11	40.5	1.1
17.18	21.12	40.6	Executed
17.20	21.12	40.7	Executed
17.21	Unnecessary	40.8	1.1
17.22	21.14	40.9	1.1
17.23	21.15	40.10	Unnecessary
17.26	21.16	40.11	Executed
17.27	21.17	40.12	Executed
17.28	21.18	40.13	Unnecessary
17.29	21.19	40.14	Executed
17.32	21.20	40.15	Executed
17.34	21.21	40.16	Executed
17.35	Surplus		

[FR Doc.72–5215 Filed 4–3–72;8:54 am]

OFFICE OF THE FEDERAL REGISTER

[1 CFR Ch. II]

INCORPORATION BY REFERENCE

Notice of Proposed Rule Making

The Director of the Federal Register is considering amending the regulations concerning the "incorporation by reference" of certain documents in the FEDERAL REGISTER. The present regulations governing incorporation by reference are contained in Part 20 of Chapter I of Title 1 of the Code of Federal Regulations. By a separate document published in this issue of the FEDERAL REGISTER, the Administrative Committee of the Federal Register is proposing a general revision of its regulations. Since present Part 20 is a regulation of the Director of the Federal Register (sec. 5 U.S.C. 552(a)) rather than of the Administrative Committee, it is proposed to transfer its requirements to a new Part 51 in a new Chapter II—Office of the Federal Register.

For the most part, proposed Part 51 is merely a renumbering with minor revisions of present Part 20. However, several significant changes are proposed, as follows:

(1) It is proposed that present paragraph (c) of § 20.4 (proposed § 51.3) be deleted. This paragraph now attempts to make a distinction between the "legal promulgation of a document in the FEDERAL REGISTER" and the use of "incorporation by reference within a document." It is generally agreed that incorporation by reference, if overused, could eventually result in emasculation of the Code of Federal Regulations. Thus, there is a legitimate reason for rejecting many proposed incorporations that could be considered "promulgation by reference." On the other hand, there may be cases, such as the postal service procurement regulations (see 36 F.R. 23217) where the public interest is better served by avoiding the publication in the FEDERAL REGISTER/CFR system of detailed regulations aimed at a fairly small class of persons who may be adequately served by a separate publication. Furthermore, there is no really clear line between "promulgation by reference" and "incorporation by reference" as is demonstrated by an examination of the incorporations that have previously been approved under Part 20. Deletion of present § 20.4(c) would not be an invitation to extensive use of incorporation by reference. The Director of the Federal Register would continue to examine each case on its merits and would approve only those where the incorporation would appear to serve the public interest.

(2) A new § 51.5 is proposed to require the filing of copies of all material that is approved for incorporation by reference (including copies of each amendment or revision) with the Office of the Federal Register. This new requirement is proposed for at least two reasons. First, it will permit the Office of the Federal Register to maintain a complete historical file of all material that is approved for incorporation by reference. Secondly, it will ensure that the intent of the original Federal Register Act (44 U.S.C. 1501–1511) concerning the filing of regulatory material is carried out. It has been argued by some in the past that a reading of 44 U.S.C. 1503, together with 5 U.S.C. 552(a), in fact already requires such a filing.

(3) Paragraph (c) of proposed § 51.8 contains new material not presently in Part 20. This proposed paragraph makes it clear that future amendments or revisions of a document that is incorporated by reference cannot automatically be included without further publication in the FEDERAL REGISTER. Automatic inclusion of future amendments or revisions to a document incorporated by reference is considered inappropriate for several reasons. For one, it could in many instances amount to an unlawful delegation of legislative authority to a private organization. Secondly, in cases where the proposed rule making requirements of 5 U.S.C. 553 apply, automatic inclusion of changes to an incorporated document would violate these requirements since the public would have no opportunity to comment thereon.

(4) Paragraph (c) of § 51.10 also contains new material not presently in Part 20. This paragraph is intended to clarify the status of any incorporation by reference that is included in a regulatory document without the approval of the Director of the Federal Register and that is inadvertently published in the FEDERAL REGISTER. The staff of the Office of the Federal Register makes every effort to prevent the publication of unapproved incorporations by reference. However, because of the constantly increasing number of documents processed daily, it is possible for one to slip through the editing process.

Interested persons are invited to comment on the proposed new regulations governing incorporation by reference by submitting their comments to the Director of the Federal Register, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408. All comments received by June 5, 1972 will be considered.

FRED J. EMERY,
Director of the Federal Register.

Chapter II—Office of the Federal Register

PART 51—INCORPORATION BY REFERENCE

GENERAL

Sec.
51.1 Policy.
51.2 Matter eligible.
51.3 Distinctions.
51.4 Elements on which approval may be based.
51.5 Filing.

DRAFTING STANDARDS

51.6 Language of incorporation.
51.7 Identification and description.
51.8 Statement of availability.

PUBLICATION PROCEDURES

Sec.
51.10 Advance consultation.
51.11 Letter transmitting final document.
51.12 Stamp of approval.

AUTHORITY: 5 U.S.C. 552(a).

GENERAL

§ 51.1 Policy.

(a) Section 552(a) of Title 5, United States Code, provides, in part, that "matter reasonably available to the class of persons affected thereby is deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register".

(b) The Director will strictly interpret the language quoted in paragraph (a) of this section to provide fairness and uniformity in administrative proceedings involving publication in the FEDERAL REGISTER.

(c) The Director will interpret and apply the language quoted in paragraph (a) of this section with full regard to the significance of related instruments governing publication in the FEDERAL REGISTER and the Code of Federal Regulations. Related instruments include—

(1) Subchapter II of Chapter 5 of Title 5, United States Code;

(2) Chapter 15 of Title 44, United States Code;

(3) Chapter I of this title; and

(4) Special statutory provisions, listed in appendix B to Chapter I of this title, that require publication in the FEDERAL REGISTER.

(d) The Director will assume that the language quoted in paragraph (a) of this section is—

(1) Designed to cover the limited purposes of section 552(a) of Title 5, United States Code;

(2) Intended to benefit both the Federal Government and the members of the classes affected by reducing the volume of matter printed in the FEDERAL REGISTER; and

(3) Not intended to detract from the legal or practical attributes of the system established under the basic instruments listed in paragraph (c) of this section.

[Based on 20.1 and 20.2]

§ 51.2 Matter eligible.

To be eligible for incorporation by reference, under section 552(a) of Title 5, United States Code, in a document to be published in the FEDERAL REGISTER, material must conform to the policy stated in § 51.1 and be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to the members of the class that would be affected by the publication.

[Based on 20.3]

§ 51.3 Distinctions.

(a) *Ordinary references.* For the purposes of this part, informational references and cross references that do not purport to incorporate outside matter within a FEDERAL REGISTER document are not considered to be legal incorporations

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by reference under section 552(a) of Title 5, United States Code.

(b) *Regulations governing availability of agency issuances.* Regulations governing the availability of agency issuances are not considered to be legal incorporation by reference under section 552(a) of Title 5, United States Code.

[Based on 20.4]

§ 51.4 Elements on which approval may be based.

The Director of the Federal Register will approve an incorporation by reference only when the following considerations are favorable and reasonably stable:

(a) The matter is eligible.

(b) Incorporation will substantially reduce the volume of material published in the FEDERAL REGISTER.

(c) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.

(d) The incorporating document is drafted and submitted for publication in accordance with this part.

[Based on 20.5]

§ 51.5 Filing.

Copies of material approved for incorporation by reference including copies of all amendments or revisions to that material, shall be filed with the Office of the Federal Register.

DRAFTING STANDARDS

§ 51.6 Language of incorporation.

(a) The language incorporating material by reference shall be as precise and complete as possible.

(b) The words expressing the incorporation shall make it clear that the incorporation by reference is intended and completed by the document in which it appears.

[Based on 20.10]

§ 51.7 Identification and description.

(a) Each incorporation by reference shall include an identification and subject description of the matter incorporated, in terms as precise and useful as practicable within the limits of reasonable brevity.

(b) Titles, dates, editions, numbers, authors, and publishers shall be stated whenever they would contribute to clear identification.

(c) A brief subject description shall be included to inform the user of his potential need to obtain the matter incorporated.

[Based on 20.11]

§ 51.8 Statement of availability.

(a) *Information.* Each incorporation by reference shall include a statement covering the availability of the material incorporated, including current information as to where and how copies of it may be examined and be readily obtained with maximum convenience to the user.

(b) *Official showing.* Inclusion of the statement required by paragraph (a) of this section constitutes an official showing by the issuing agency that the material incorporated is, in fact, reasonably available to the class of persons affected.

(c) *Future amendments or revisions.* In any case in which incorporated material will be subject to change, the statement required by paragraph (a) of this section shall set forth that information. However, the incorporation of material in a FEDERAL REGISTER document by reference is limited to the material as it exists on the effective date of the document. Future amendments or revisions of material incorporated by reference are not included. They may be added as they become available, or at any later time, by the issuance of an amendatory document. Separate approval of the Director of the incorporation of each amendment whose original incorporation was approved need not be obtained if all other requirements of this part are met.

[Based on 20.12 plus new material]

PUBLICATION PROCEDURES

§ 51.10 Advance consultation.

(a) To avoid delay, each issuing agency shall consult in advance with the Director of the Federal Register regarding the approval of any specific incorporation by reference. The consultation should take place at least 10 working days before the proposed date of submission of the document.

(b) After completion of the consultation, the Director will notify the agency of his decision, at least 5 working days before the proposed date of submission of the document.

(c) If a document containing an incorporation by reference is published without the specific approval of the Director, the agency concerned must re-present the document for specific approval and republication.

[Based on 20.20 and 20.21]

§ 51.11 Letter transmitting final document.

Each agency submitting a document under this part shall send with it a letter of transmittal covering the matter of incorporation by reference and referring specifically to the advance consultation.

[Based on 20.22]

§ 51.12 Stamp of approval.

(a) Whenever the Director of the Federal Register accepts a document under this part it will be stamped with a statement substantially as follows:

Incorporation by reference provisions approved by the Director of the Federal Register ----------
(date)

(b) The language of the stamped statement will be printed in the FEDERAL REGISTER as a part of the document.

[Based on 20.23]

[FR Doc.72-5216 Filed 4-3-72;8:54 am]

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(Part II begins on page 6911)

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Title 3—The President

PROCLAMATION 4120

Cancer Control Month, 1972

By the President of the United States of America

A Proclamation

America is now committed to an all-out attempt to find a means of controlling cancer.

Last December I signed the National Cancer Act of 1971, a landmark piece of legislation authorizing new Federal support for cancer research over the next three years. This will be a massive effort, perhaps the largest attack against a single disease in the history of man.

Medical breakthroughs cannot be bought or forced. But the two out of every three American families who are touched by cancer now have the assurance that everything that *can* be done by Government *will* be done to control this brutal killer.

As a means of giving continued emphasis to the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the month of April 1972 as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag to issue similar proclamations.

To give new emphasis to this serious problem, and to encourage the determination of the American people to meet it, I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during this appointed time in public reaffirmation of our Nation's strong commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-5344 Filed 4-4-72; 12:33 pm]

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Rules and Regulations

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS AND CLASSIFICATION OF ECONOMIC UNITS

Miscellaneous Amendments

Part 101—Coverage, Exemptions and Classification of Economic Units was added to a new title 6 and a new chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was amended and republished on January 27, 1972 (37 F.R. 1237), and further amended on February 4, 1972 (37 F.R. 3913), March 9, 1972 (37 F.R. 5043), and March 18, 1972 (37 F.R. 5700).

Subpart A is amended in § 101.2 to reflect a Council decision that, in determining the classification of price category firms under Subpart B of this part, the definition of "annual sales or revenues" does not includes the gross receipts of wholly owned foreign subsidiaries, if those gross receipts are generated primarily from foreign sources. The Council's decision was based on the fact that such revenues are related to the economies of other countries and do not have a direct impact on the U.S. domestic economy.

Section 101.34(b), Subpart D is amended to make clear that the previous exemption of tuition fees for private nonprofit, educational organizations does not generally include fees and charges for medical services or price adjustments for unrelated business activities.

Subpart D is also amended in § 101.34 (d) to reflect the Council's decision to exempt rates and other charges in foreign air transportation. The Council recognized that most international air rates are set by international agreement which reflect considerations beyond those related exclusively to the domestic U.S. economy; and that except for a few minor instances, international air rates are reviewed and subject to some control by the Civil Aeronautics Board.

Subpart D is also amended to add a paragraph (k) to § 101.34 to reflect a Council decision to exempt fees and charges imposed by Indian Tribal Councils. The Council's decision was based on the fact that the functions of Indian Tribal Councils which include the power to tax, license and operate schools, are similar to the functions of State and local governments whose fees and charges are in a large part exempt. The Council also considered that the economic activities of certain Indian Tribal Councils are subject to budgetary controls by the Federal Government.

Because the purpose of these regulations is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council decisions, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendmends. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

These amendments shall become effective when filed with the Office of the Federal Register.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

Part 101 Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart A is revised and amended in § 101.2 to read as follows:

§ 101.2 Definitions.

* * * * * *

"Annual sales or revenues" means the total gross receipts of a firm during its most recent fiscal year from whatever source derived, except that it does not include the gross receipts of wholly owned foreign subsidiaries which derive their revenue primarily from transactions with foreign firms.

* * * * * *

2. Subpart D is revised and amended in § 101.34 (b) and (d), and § 101.34(k) is added to read as follows:

§ 101.34 Certain price adjustments.

* * * * * *

(b) *Tuition fees of private nonprofit educational organizations.* Tuition fees and other charges by private schools, colleges, and universities not operated for profit; except that: (1) Fees and charges resulting in income which is subject to tax under Part III of Subchapter F of the Internal Revenue Code of 1954, as amended, as unrelated business taxable income and (2) medical fees and charges, other than a health service fee levied on all students as a condition of enrollment, are not exempt under the provisions of this section.

* * * * * *

(d) *Exports, imports, ocean shipping rates, and foreign air transportation.* * * *

(4) All rates, fares, and charges for foreign air transportation (as defined by the Federal Aviation Act, 49 U.S.C. 1301 (21)) which are set forth in tariffs filed with the Civil Aeronautics Board or which are established or approved by the Civil Aeronautics Board.

* * * * * *

(k) *Fees and charges imposed by Indian Tribal Councils.* Price adjustments, including rent adjustments, for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, commodity, or similar thing of value or utility, performed, furnished, sold, leased, provided, granted, prepared, issued, or transferred by any Indian Tribal Council which is formally recognized by a State or the Federal Government are exempt whether or not all or part of a particular transaction takes place on or off Indian Tribal lands.

[FR Doc.72-5256 Filed 3-31-72;5:27 pm]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Insurance Rates Established by States and by Rating Bureaus

The purpose of this amendment to § 300.20 *Insurers* of Part 300 of the regulations of the Price Commission is to provide a procedure for the elimination of duplicate prenotifications and quarterly reports data filed under that section.

Under the amendment rating bureaus would, when delegated that authority by insurers, be allowed to prenotify on behalf of their member and subscriber firms. Firms covered by such a prenotification proecdure will need only to submit a copy of the delegation to the Commission.

In addition, States which set rates that may be charged for a particular line of insurance could themselves submit a certificate of compliance with § 300.20. Individual prenotifiers would then submit a letter stating that they intend to use the State set rates.

Insurers required to report quarterly will list those rate increases which have been prenotified by either themselves or another person. Complete data submission will still be required for rate increases not previously approved.

Because the purpose of this amendment is to provide immediate guidance and information as to the price stabilization rules in effect for insurers, and because it is procedural in nature, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost

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of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, § 300.20 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective March 31, 1972.

Issued in Washington, D.C., on March 31, 1972.

C. JACKSON GRAYSON, Jr.,
Chairman, Price Commission.

Section 300.20 of Part 300 of Title 6 CFR is amended as follows:

1. Paragraph (a) is amended by inserting the following new definition after the definition of the word "Rate":

"Rating bureau" means a person who makes, files, or submits insurance rates applicable to or on behalf of or advisory for more than one insurer.

2. Paragraphs (d), (f), (g), and (h) are revised to read as follows:

§ 300.20 Insurers.

* * * * *

(d) Prenotification:

(1) Each prenotifier, or rating bureau acting for a prenotifier, shall file a written notice with the Price Commission and the appropriate State regulatory agency of each State to which the rate increase is applicable (or the State of domicile or delivery of the master policy for experience rated or group contracts applicable to a multi-State risk) of each proposed rate increase which affects, on a prenotifier by prenotifier basis, $1 million or more in aggregate annualized premiums under the existing rate. Each person submitting a notice under this section shall certify to the Price Commission and the State regulatory authority that the proposed increase conforms to paragraphs (b) and (c) of this section. The certification must be signed by the chief executive officer of the prenotifier or by an individual to whom he has delegated that authority. A copy of the delegation must be filed with the Price Commission.

(2) In any State in which rates are established by a State regulatory agency, that agency may submit the data required by paragraph (j) of this section and certify to the Price Commission that the rate increases are in compliance with paragraphs (b) and (c) of this section. An insurer using those State rates needs only to prenotify and report quarterly to the Price Commission that it is using those rates, without submitting the data required by paragraph (j) of this section.

* * * * *

(f) Self-certification: Whenever a prenotifier, or a rating bureau acting for a prenotifier, cannot obtain a certification of a rate increase from a State regulatory agency in accordance with paragraph (e) of this section because—

(1) The State concerned has not agreed to furnish certifications under that paragraph; or

(2) The State regulatory agency did not act upon the filing within the period required under that paragraph;

The prenotifier or rating bureau shall immediately notify the Price Commission that it cannot obtain the certification and may request the Commission to act upon the certification filed with it under paragraph (d) of this section.

(g) Price Commission actions: With respect to any rate increase certified by a State regulatory agency under paragraphs (d)(2) or (e) of this section, or self-certified by a prenotifier or a rating bureau acting for a prenotifier under paragraph (f) of this section, the Price Commission may take any of the following actions during the period after receiving the certification or self-certification and before the end of the thirtieth day after the date the prenotifier or rating bureau filed under paragraph (d) of this section:

(1) Require the insurer to furnish additional information regarding the increase;

(2) Delay the effective date of the increase pending further Commission action;

(3) Suspend all or part of the effect of the increase, pending further action by the Price Commission or by the regulatory agency; or

(4) Limit, refuse, rescind, reduce, or modify the increase.

If the Price Commission does not act upon a request under this paragraph before the end of the period prescribed for its review in this paragraph, the increase may go into effect without Commission action. However, in any case in which that period would otherwise end on a Saturday, Sunday, or Federal holiday, it will end at the close of the next succeeding workday.

(h) Reporting: Each insurer that had annual revenues of $50 million or more during the calendar year preceding any rate increase proposed by it shall file a quarterly report with the Price Commission, at the time it normally releases its quarterly reports but in any event not more than 45 days after the end of the quarter, of each rate increase by it during that quarter that effects $250,000 or more in aggregate annualized premiums under the existing rate. However, with respect to a rate increase that has been prenotified by a prenotifier, or by a rating bureau acting for insurers, the report need not include the date required by paragraph (j) of this section, but must list the rate increase, the name of the prenotifier or rating bureau, date of prenotification, line of insurance, State or States affected, and aggregate annualized premium affected. In addition, each insurer that had annual revenues of $50 million or more during the calendar year 1971 shall, not more than 90 days after the end of its last fiscal quarter ending before January 1, 1972, file a report with the Price Commission of each rate increase made by it during that quarter that affects $250,000 or more in aggregate annualized premiums under the existing rate. Each report under this section shall be made on a form prescribed by the Commission and shall contain the information required by that form.

* * * * *

[FR Doc.72-5217 Filed 4-4-72;8:54 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—United States Standards for Grades of Green Asparagus for Processing [1]

On page 3642 of the FEDERAL REGISTER of February 18, 1972, there was published a notice of proposed rule making to revise these grade standards by providing tolerances for defects and off-size; a requirement providing a minimum amount of green color, unless otherwise specified, in the U.S. No. 2 grade; and, definitions of serious damage by certain defects. The title of the standard was changed to bring it in line with the current format for titles and the format of the standards was changed in the interest of clarity and readability.

These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the grade standards. The U.S. Standards for Grades of Green Asparagus for Canning or Freezing have been in effect since December 22, 1937. They were published in the FEDERAL REGISTER in June 1967 for the purpose of codification.

The absence of tolerances made it impractical to apply the standards to a lot required to meet the requirements of one grade. For this reason, in August 1971, USDA's Consumer and Marketing Service prepared and submitted to the asparagus industry a draft for study to consider revision of the standards outlining proposed changes. Following this, the proposed revision was published in the FEDERAL REGISTER under notice of proposed rule making. Interested persons were given until March 15, 1972, to submit written data, views, or arguments

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

regarding the proposal. Several comments were received dealings with changes not proposed by this revision. However, no objections were made to the changes proposed.

The addition of tolerances will allow for certification of lots of asparagus which must meet the requirements of one specified grade. Without tolerances, a shipment would have to be 100 percent free from scorable defects to meet the requirements. Also included in the revision are the following: The format of the standards is changed and other changes in arrangement and wording are made in the interest of clarity and readability; A requirement is added to the U.S. No. 2 grade providing that unless otherwise specified each spear shall have green color extending at least 3 inches below the tip; definitions for serious damage by broken tips, spreading tips and beetle eggs are added; and, the title is changed from U.S. Standards for Grades of Green Asparagus for Canning or Freezing to U.S. Standards for Grades of Green Asparagus for Processing, which is in line with the current format for titles.

The proposed revised standards are hereby adopted without change and are set forth below.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1972 packing season for Asparagus for Processing is well underway and it is in the interest of the public and the industry that this revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this revision on the part of members of the Asparagus industry or of others.

Accordingly this revision shall become effective upon publication in the FEDERAL REGISTER (4–5–72), and will thereupon supersede the U.S. Standards for Grades of Green Asparagus for Canning or Freezing which have been in effect since December 22, 1937. (7 CFR 51.4075–51.4085)

Dated: March 28, 1972.

G. R. GRANGE,
Acting Administrator.

GRADES

Sec.
51.4075 U.S. No. 1.
51.4076 U.S. No. 2.

CULLS

51.4077 Culls.

BUTT

51.4078 Butt.

APPLICATION OF STANDARDS

51.4079 Application of standards.

DIAMETER CLASSIFICATION

51.4080 Diameter classification.

DEFINITIONS

51.4081 Fresh.
51.4082 Fairly well formed.
51.4083 Damage.
51.4084 Green color.
51.4085 Serious damage.

METRIC CONVERSION TABLE

51.4086 Metric Conversion Table.

AUTHORITY: The provisions of this subpart issued under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

GRADES

§ 51.4075 U.S. No. 1.

"U.S. No. 1" consists of spears of asparagus which meet the following requirements:

(a) Basic requirements:
(1) Fresh; and,
(2) Fairly well formed.
(b) Free from:
(1) Decay; and,
(2) Broken tips.
(c) Free from damage caused by:
(1) Doubles;
(2) Spreading tips;
(3) Knife cuts;
(4) Broken butts;
(5) Hail;
(6) Freezing;
(7) Dirt;
(8) Disease;
(9) Beetles or other insects; or,
(10) Mechanical, or other means.
(d) Size: Unless otherwise specified, each spear shall meet the following requirements:
(1) *For diameter.* Not less than one-fourth inch.
(2) *For length.* Not more than 7½ inches.
(e) Color: Unless otherwise specified, the spear shall have green color extending at least 4½ inches below the tip. There shall be no restrictions regarding the amount of white color permitted on a spear unless agreed upon by the processor and grower. (See § 51.4078.)
(f) For tolerances see "Application of Standards" § 51.4079.

§ 51.4076 U.S. No. 2.

"U.S. No. 2" consists of spears of asparagus which meet the following requirements:

(a) Basic requirements:
(1) Fresh.
(b) Free from:
(1) Decay.
(c) Free from damage caused by:
(1) Dirt.
(d) Free from serious damage caused by:
(1) Disease;
(2) Beetles or other insects; or,
(3) Mechanical, or other means.
(e) Size. Unless otherwise specified, each spear shall be not more than 7½ inches in length.
(f) Color. Unless otherwise specified, the spear shall have green color extending at least 3 inches below the tip. There shall be no restrictions regarding the amount of white color permitted on a spear unless agreed upon by the processor and grower. (See § 51.4078.)
(g) For tolerances see "Application of Standards" § 51.4079.

CULLS

§ 51.4077 Culls.

"Culls" are spears of asparagus which do not meet the requirements of either of the foregoing grades. Length of spear in excess of that specified in the lowest grade upon which a contract is based and any amount of white in excess of that which may be specified for that grade shall be considered as a "Butt".

BUTT

§ 51.4078 Butt.

That part of a spear that is in excess of the maximum length specified shall be classed as a butt; and if a contract between canner and grower restricts the amount of white on a spear, the white in excess of the amount specified shall also be classified as a butt; and in either case the remaining portion of the spear shall be considered as meeting the grade requirements in regard to these factors.

APPLICATION OF STANDARDS

§ 51.4079 Application of standards.

In the application of these standards to determine the percentage of U.S. No. 1 and U.S. No. 2 quality, culls, butts, and off-size in a lot, tolerances shall not apply.

(a) *Tolerances.* When lot of asparagus is required to meet a specified grade, the following tolerances, by weight, shall apply:

(1) *For defects.* 10 percent for spears in any lot which fail to meet the requirements of the grade other than for butts and off-size: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for spears affected by decay.

(2) *For butts.* 5 percent.

(3) *For off-size.* 10 percent, including not more than 5 percent for spears smaller than any specified minimum diameter.

DIAMETER CLASSIFICATION

§ 51.4080 Diameter classification.

(a) The following terms are provided for describing the diameter of the spears:

(1) *Small.* One-fourth inch to less than three-eighths inch in diameter.

(2) *Medium.* Three-eighths inch to less than five-eighths inch in diameter.

(3) *Large.* Five-eighths inch or larger in diameter.

(b) The diameter shall be the greatest thickness of the spear measured at a point 5 inches from the tip, except that spears which are less than 5 inches in length shall be measured at the base of the spear.

DEFINITIONS

§ 51.4081 Fresh.

"Fresh" means not wilted, limp or flabby.

§ 51.4082 Fairly well formed.

"Fairly well formed" means the spear is not badly flattened, crooked, or otherwise so badly deformed that its processing quality is materially affected.

§ 51.4083 Damage.

"Damage" means any defect which detracts from the processing quality of the portion of the spear that extends a distance of 4½ inches from the tip, or which materially detracts from the canning or freezing quality of the remaining portion of the spear exclusive of the

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butt. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Doubles which detract from the appearance of that portion of the spear that extends a distance of 4½ inches from the tip. Doubles which occur on the remaining portion of the spear shall not be regarded as damage.

(b) Spreading tips, when the tips are so spread or branched that the appearance is appreciably injured. Tips which have a "seedy" appearance shall be considered damaged.

(c) Dirt or sand which is so imbedded in the tip that it cannot be removed in the ordinary process of washing.

(d) Beetle eggs or holes which affect the portion of the spear that extends a distance of 4½ inches from the tip, or which materially detract from the processing quality of the remaining portion of the spear exclusive of the butt.

§ 51.4084 Green color

"Green color" means any shade or tinge of green color or purple color which will blanch green. The amount of green color shall be determined by measuring the distance from the extreme tip to the lowest point at which any shade of green color completely encircles the spear.

§ 51.4085 Serious damage.

"Serious damage" means any defect which seriously detracts from the processing quality of that part of the spear not classed as a butt. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Broken tips when three or more segments are missing from the tip or when the extreme tip is missing and the broken end is not at least fairly well concealed by lower scales.

(b) Spreading tips when the tip branches are more than three-quarter inch in length or when extending out from the spear.

(c) Beetle eggs when more than six eggs are present on the spear providing that not more than three eggs are present within a distance of 4½ inches below the tip.

METRIC CONVERSION TABLE

§ 51.4086 Metric Conversion Table.

Inches:	*Millimeters (mm.)*
⅛ equals	3.2
¼ equals	6.4
⅜ equals	9.5
½ equals	12.7
⅝ equals	15.9
¾ equals	19.1
1 equals	25.4
2 equals	50.8
3 equals	76.2
4 equals	101.6
4½ equals	114.3
5 equals	127.0
7½ equals	190.5
10 equals	254.0

[FR Doc.72-5218 Filed 4-4-72;8:54 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—1972-Crop Honey Loan and Purchase Program

On February 5, 1972, notice of proposed rule making regarding loan and purchase rates for 1972-crop honey, and detailed operating provisions to carry out the 1972 honey loan program were published in the FEDERAL REGISTER (37 F.R. 2775). Twenty-six responses were received from interested individual farmers, farm organizations and other interested parties. Most responses recommended an increase in loan and purchase rates. After considerations of all responses, it has been determined that the loan and purchase rates along with other operating procedures will remain the same as for the 1971 program. The Honey Price Support Regulations for 1970 and Subsequent Crops (35 F.R. 11773), as amended, which contain regulations of a general nature with respect to loan and purchase operations, are supplemented for the 1972 crop of honey as herein stated. The material previously appearing in this subpart in §§ 1434.40 through 1434.44 remains in full force and effect as to the crops to which it was applicable.

Subpart—1972-Crop Honey Loan and Purchase Program

Sec.
1434.40 Purpose.
1434.41 Availability.
1434.42 Maturity of loans.
1434.43 Loan and purchase rates.
1434.44 Discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U.S.C. 714c, U.S.C. 1446, 1421.

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1970 and Subsequent Crops, (b) the Cooperative Marketing Association-Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to loans and purchases for 1972-crop honey.

§ 1434.41 Availability.

(a) *Loans.* Producers must request a loan on 1972-crop eligible honey on or before March 31, 1973.

(b) *Purchases.* Producers desiring to offer eligible honey not under loan for purchase must complete a Purchase Agreement at the county ASCS office on or before June 30, 1973.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on June 30, 1973.

§ 1434.43 Loan and purchase rates.

(a) *Table and nontable honey.* The rate for the quantity of 1972-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color: Table honey:	*Cents per pound*
1 White and lighter	14.8
2 Extra Light amber	13.8
3 Light amber	12.8
4 Other table honey	10.8
Nontable honey	10.8

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the loan and purchase rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the loan and purchase rate for nontable honey.

(d) *Substandard.* The rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) *Defects.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

Substandard account of:	*Discount (cents per pound)*
Defects	2

(b) *Moisture.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent):	*Discount (cents per pound)*
18.5	0.0
19.0	0.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

(c) *Commingled storage.* The loan and purchase rate for a lot of honey tendered for loan or purchase by CCC while stored commingled in a warehouse, or delivered to a warehouse in bulk in satisfaction of a farm storage loan, shall be adjusted by the following discount:

	Discount (cents per pound)
Bulk commingled	1.5

Effective date: Upon publication in the FEDERAL REGISTER (4-5-72).

Signed at Washington, D.C., March 27, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 72-5200 Filed 4-4-72;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Credit on Mutual Fund Shares

Section 220.125 is added to Part 220 as follows:

§ 220.125 Extending, maintaining or arranging credit on mutual fund shares having portfolio of exempted securities.

(a) The Board of Governors has been asked whether a broker or dealer may extend, maintain, or arrange for credit in a special bond account subject to § 220.4 (i) on collateral consisting of shares of registered open-end investment companies whose portfolios are made up entirely or in part of exempted securities.

(b) The term "exempted securities" is defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. sec. 78c(a)(12)) and generally includes federal, state, and municipal securities. Such securities are eligible as collateral for extensions of credit in § 220.4(i) and are entitled to good faith loan value in an account carried pursuant to that section, under § 220.8(b).

(c) This Part 220 (Regulation T) provides that brokers and dealers may not extend, maintain, or arrange for credit to purchase any securities unless the collateral for such credit consists of exempted securities or securities that are registered on a national securities exchange or appear on the Board's OTC Margin List. Shares in registered open-end investment companies are not "exempted" securities, irrespective of the composition of the portfolio of the company, nor are they registered on national securities exchanges, or included on the OTC Margin List. Accordingly, such shares do not have loan value for purposes of this Part 220, nor may brokers or dealers extend credit against such shares to purchase or carry any securities under § 220.4(i).

(d) The above-stated opinion is in conformity with the Board's views expressed previously in its interpretations announced in 1952 Bulletin 1105 (§ 220.109) and 1955 Bulletin 267 (§ 220.112) to the effect that brokers or dealers are prohibited from arranging credit to purchase unlisted shares issued by open-end investment companies.

(Interprets and applies 15 U.S.C. 78g)

By order of the Board of Governors, March 28, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5206 Filed 4-4-72;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-WE-5-AD; Amdt. 39-1428]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Airplanes

There have been reports of failures of the landing gear alternate extension actuators on Boeing Model 747 airplanes that could result in an inoperable landing gear after an additional failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a functional check inspection of the landing gear alternate extension actuators in accordance with Boeing Service Bulletin 747-32-2118 or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region, until modified in accordance with Boeing Service Bulletin 747-32-2118. The agency has determined that inspection intervals must be established by an AD rule to minimize possible failures.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 747 airplanes, listed in Boeing Service Bulletin 747-32-2118, dated December 20, 1971, or later FAA-approved revisions except the Model 747-131.

Compliance required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished within the last 400 hours' time in service, and thereafter at intervals not to exceed 500 hours' time in service from the last inspection, until modified per Boeing Service Bulletin 747-32-2118, dated December 20, 1971, or later FAA-approved revisions.

To detect failed landing gear alternate extension actuators, accomplish the following:

Inspect landing gear alternate extension actuators in accordance with Boeing Service Bulletin 747-32-2118, dated December 20, 1971, or later FAA-approved revisions, until modified in accordance with Boeing Service Bulletin 747-32-2118, dated December 20, 1971, or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective April 7, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 27, 1972.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.72-5157 Filed 4-4-72;8:46 am]

[Docket No. 72-EA-10; Amdt. 39-1427]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to revoke AD 71-26-4 and issue a superseding airworthiness directive applicable to certain Hartzell propellers.

Subsequent to the issuance of AD 71-26-4 there has been a report of an additional cracked T10173 blade with complete failure imminent. In view of the foregoing AD 71-26-4 has been completely revised to include a change in compliance time, a dye penetrant inspection and changes in serial numbers to be affected. Thus a new airworthiness directive is being issued so as to supersede AD 71-26-4.

Since the foregoing deficiency can exist in other blades of similar type design, expeditious adoption of the amendment is required. Therefore, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to revoke AD 71-26-4 and issue a new airworthiness directive as follows:

HARTZELL. Applies to all models of Hartzell T10173 (—) and T10176 (—) type blades including serial numbers listed below installed on Hartzell HC-B3TN-2, HC-B3TN-3, HC-B3TN-5, HC-B3TF-7, and HC-B4TN-3 series propellers used on United Aircraft of Canada PT6A—, AiResearch TPE331— and Allison 250-B type engines.

Blade Serial Numbers. All serial numbers without prefix letters, all serial numbers prefixed with letter "A" and all serial numbers

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with prefix letter "B" up to serial No. B85887, except for the following serial numbers:

A97324	B63327	B80805	B82883
A97352	B63354	B80908	B82891
A98330	B63431	B80911	B82894
B38602	B63441	B80988	B82895
B39183	B69570	B82181	B82898
B39356	B71482	B82182	B82900
B40809	B71483	B82215	B82902
B40828	B75009	B82565	B82905
B41002	B75037	B82566	B82908
B41387	B75322	B82577	B84129
B41886	B76844	B82579	B84168
B41893	B76847	B82586	B84169
B44241	B76865	B82595	B84187
B44343	B78383	B82598	B84192
B49153	B78386	B82599	B84193
B53160	B78428	B82603	B84222
B53246	B79430	B82607	B84227
B53249	B79435	B82685	B84230
B53264	B79454	B82694	B84243
B63036	B80547	B82699	B84245
B63039	B80548	B82706	B84254
B63122	B80553	B82710	B84294
B63127	B80698	B82711	
B63131	B80715	B82876	
B63294	B80717	B82878	

Compliance required as indicated, unless already accomplished.

A. To prevent propellor blade failures, accomplish the following:

1. Propellers with a total of 1400 or more hours in service, inspect in accordance with paragraph (A) (5) within the next 100 hours in service after the effective date of this directive. If no cracks are found, shot peen propeller blade balance hole and service in accordance with Hartzell Bulletin No. 97, dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

2. Propellers with less than 1400 total hours in service, inspect in accordance with paragraph (A) (5) prior to the accumulation of 1500 total hours in service. If no cracks are found, shot peen propeller blade balance hole and service in accordance with Hartzell Bulletin No. 97, dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region.

3. Propellers whose total hours in service are unknown will be assumed to have a total of 1400 hours minimum and thus fall within the requirements for inspection and shot peening in accordance with paragraph (A) (1).

4. Propellers whose total time in service is unknown, inspect each blade for cracks by dye penetrant method or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Eastern Region, in the area of 2 to 6 inches outboard of the blade clamp (excluding the de-icers), within the next 15 hours' time in service after the effective date of this directive. Reinspect every 15 hours' time in service from last inspection until the inspection and shot peening requirements in accordance with paragraph (A) (1) are accomplished. If a cracked blade is found, remove and replace propeller before further flight with a propeller having blades to which this AD does not apply or have been inspected and altered in accordance with this directive.

5. Remove propeller from the aircraft and remove blades from hub. If lead wool is installed in balance hole, remove in accordance with Hartzell Bulletin No. 97 dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region. Inspect interior surfaces of balance hole for cracks in accordance with Hartzell Bulletin No. 97, Appendix "B", dated 1 December 1971, or equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Eastern Region. Replace any cracked blades before flight with blades to which this AD does not apply or which have been inspected and altered in accordance with this directive.

B. Propeller blade retirement for Beech 99 and A99 type aircraft. This applies only to blades affected by this directive.

1. Within 1500 hours' time in service after accomplishment of the inspection and shot peening requirements in accordance with paragraph (A) (1), remove the propeller(s) from the aircraft. Remove the blades from the hub, and replace with T10173—Category II type blades in accordance with instructions in Hartzell Overhaul Manual 118. Replaced blades must be retired from any further service in aircraft.

2. Propellers which have not been inspected and shot peened in accordance with paragraph (A) (2) as of the effective date of this directive may comply with the blade replacement requirements of paragraph (B) (1), in lieu of compliance with the requirements in paragraph (A) (2). (Hartzell Letter to Propeller Repair Stations dated 21 January 1972 pertains to this subject.)

This amendment is effective April 11, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 28, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-5159 Filed 4-4-72;8:46 am]

[Docket No. 72-EA-21; Amdt. 39-1426]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 68-7-4.

Subsequent to the issuance of AD 68-7-4 the service history of the Piper PA 23-250 type aircraft to which the AD applies demonstrated that the inspection of the engine mount tubes aft of the firewall was difficult because the tubes were not readily accessible and further that no deficiencies were observed when inspected. Thus AD 68-7-4 will be relaxed to confine inspections to the tubes forward of the firewall.

Since the foregoing is relaxatory, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend AD 68-7-4 as follows:

Delete in paragraph b. the phrase "the mount for cracks at all joints" and insert in lieu thereof "the engine mount tubes forward of the firewall for cracks."

This amendment is effective April 11, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 27, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-5160 Filed 4-4-72;8:46 am]

[Airspace Docket No. 71-SO-186]

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On February 8, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2847) stating that the Federal Aviation Administration was considering amendments to Part 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the Camp Lejune/Croatan National Forest/Cherry Point area, and in the coastal region adjacent to Beaufort and Lake Waccamaw, N.C., to be utilized for a short period to accommodate a joint military training exercise.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

1. Section 73.53 (37 F.R. 2365) is amended by adding the following:

a. Name: R-5309A Exotic Dancer V—Joint Military Exercise.

Location: Camp Lejeune, N.C.

Boundaries: Beginning at a point on the northwest boundary of Restricted Area R-5306A at lat. 35°23'15" N., long. 76°34'40" W.; thence southwest along the boundary of R-5306A to lat. 35°02'00" N., long. 76°58'15" W.; thence clockwise along the boundary of the New Bern control zone to lat. 35°02'00" N., long. 77°09'00" W.; to lat. 35°15'00" N., long. 77°30'00" W.; to lat. 35°32'30" N., long. 77°09'30" W.; thence to point of beginning.

Designated altitudes: 7,000 to 17,000 feet MSL.

Time of designation: Continuous, May 15, 1972, through May 25, 1972.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

b. Name: R-5309B Exotic Dancer V—Joint Military Exercise.

Location: Camp Lejeune, N.C.

Boundaries: Beginning at a point on the northwest boundary of Restricted Area R-5306A at lat. 35°02'00" N., long. 76°58'15" W.; thence southwest and southeast along the boundary of R-5306A, R-5306B, and R-5306C to lat. 34°30'20" N., long. 77°15'50" W.; thence southwest along the boundary of Warning Area W-122 to lat. 34°17'45" N., long. 77°37'50" W.; to lat. 34°35'30" N., long. 77°42'30" W.; to lat. 34°37'30" N., long. 77°50'00" W.; to lat. 34°55'00" N., long. 77°49'30" W.; to lat. 35°15'00" N., long. 77°30'00" W.; to lat. 35°02'00" N., long. 77°09'00" W.; thence counterclockwise along the boundary of the New Bern control zone to point of beginning; excluding the airspace at and below 4,000 feet MSL within the Jacksonville, N.C., control zone and transition area (8.5-statute-mile radius of New River MCAS, lat. 34°42'25" N., long. 77°26'35" W.; and 8.5-statute-mile radius and extensions of Albert Ellis, N.C., Airport, lat. 34°49'49" N., long. 77°36'42" W.); excluding that airspace from 1,000 to and including 4,000 feet MSL within 4 nautical miles either side of Fayetteville, N.C. VORTAC 102°M(98°T) radial, extending from the Jacksonville transition area westward to the restricted area boundary.

Designated altitudes: Surface to 17,000 feet MSL.

Time of designation: Continuous, May 15, 1972, through May 25, 1972.

Controlling agency: Federal Aviation Administration, Washington ARTCC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

c. Name: R-5309C Exotic Dancer V—Joint Military Exercise.

Location: Camp Lejeune, N.C.

Boundaries: Beginning at a point on the southeast boundary of Restricted Area R-5306A at lat. 34°43'40" N., long. 76°46'30" W.; to lat. 34°37'45" N., long. 76°40'00" W., thence west along the boundary of Warning Area W-122 to lat. 34°37'30" N., long. 76°56'20" W.; to lat. 34°41'50" N., long. 76°56'20" W.; thence along the boundary of R-5306A to point of beginning.

Designated altitudes: Surface to FL 350.

Time of designation: Continuous, May 15, 1972, through May 25, 1972.

Controlling agency: Federal Aviation Administration, Washington, ARTC Center.

Using agency: U.S. Atlantic Command, Norfolk, Va.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 30, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-5158 Filed 4-4-72;8:46 am]

[Docket No. 11822; Amdt. 804]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective May 4, 1972.

Clarksburg, W. Va.—Benedum Airport; VOR Runway 3, Amdt. 7; Revised.
Columbus, Ga.—Columbus Metropolitan Airport; VOR-A, Amdt. 14; Revised.
Lima, Ohio—Allen County Airport; VOR Runway 27, Amdt. 8; Revised.
Meridian, Miss.—Akin Airport; VOR Runway 4, Amdt. 1; Revised.
Sheridan, Wyo.—Sheridan County Airport; VOR Runway 13, Amdt. 3; Revised.
Columbia-Mount Pleasant, Tenn.—Maury County Airport; VOR/DME-A, Original; Established.
Sheridan, Wyo.—Sheridan County Airport; VOR/DME Runway 31, Amdt. 2; Revised.
Tangier, Va.—Tangier Island Airport; VOR/DME Runway 1, Amdt. 1; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following SDF-LOC-LDA SIAP's effective May 4, 1972.

Columbus, Ga.—Columbus Metropolitan Airport; LOC (BC) Runway 23, Amdt. 4; Revised.
Huntington, W. Va.—Tri-State (Walker-Long Field); LOC (BC) Runway 30, Amdt. 6; Revised.

3. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective May 4, 1972.

Clarksburg, W. Va.—Benedum Airport; NDB Runway 21, Original; Established.
Columbus, Ga.—Columbus Metropolitan Airport; NDB Runway 5, Amdt. 20; Revised.
Huntington, W. Va.—Tri-State (Walker-Long Field); NDB Runway 12, Amdt. 9; Revised.
Lima, Ohio—Lima Airport; NDB Runway 9, Amdt. 2; Revised.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; NDB-A, Amdt. 1; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective, May 4, 1972.

Clarksburg, W. Va.—Benedum Airport; ILS Runway 21, Original; Established.
Columbus, Ga.—Columbus Metropolitan Airport; ILS Runway 5, Amdt. 15; Revised.
Huntington, W. Va.—Tri-State (Walker-Long Field); ILS Runway 12, Amdt., 1; Revised.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; ILS Runway 7, Amdt. 16; Revised.
Santa Barbara, Calif.—Santa Barbara Municipal Airport; ILS/DMS Runway 7, Amdt. 1; Revised.
Washington, D.C.—Dulles International Airport; ILS Runway 1R, Amdt. 10; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective May 4, 1972.

Columbus, Ga.—Columbus Metropolitan Airport; Radar-1, Amdt. 1; Revised.

6. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective May 4, 1972.

Santa Barbara, Calif.—Santa Barbara Municipal Airport; RNAV-A, Amdt. 2; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on March 28, 1972.

WILLIAM G. SHREVE, Jr.,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-5051 Filed 4-4-72;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2163]

PART 13—PROHIBITED TRADE PRACTICES

Canaveral International Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Canaveral International Corp. et al., Miami, Fla., Docket No. C-2163, March 2, 1972]

In the Matter of Canaveral International Corp., a Corporation, Baker Mobile Homes, Inc., a Corporation, Colonial Coach Estates, Inc., a Florida Corporation, and Colonial Coach Estates, Inc., a Georgia Corporation

Consent order requiring a Miami, Fla., seller and distributor of mobile homes

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and other associated respondents to cease violating the Truth in Lending Act by failing to disclose to customers the annual finance charge, the total payments, the method of computing penalty charges, the cash price, the unpaid balance of cash price, the deferred payment price, the cash downpayment, and other disclosures required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Canaveral International Corp., a corporation, Baker Mobile Homes, Inc., a corporation, Colonial Coach Estates, Inc., a Florida corporation, and Colonial Coach Estates, Inc., a Georgia corporation, their successors and assigns, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90–321, 15 U.S.C. 1601 et seq.) do forthwith cease and desist from:

1. Failing to provide customers with the following consumer credit cost disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z in the manner, form and amount required by §§ 226.6 and 226.8 of Regulation Z:

a. The finance charge expressed as an annual percentage rate.

b. The "total of payments."

c. The amount, or method of computing the amount, of any default, delinquency, or similar charges payable in the event of late payments.

d. A description of the penalty charge that may be imposed by respondents or their assignee for prepayment of the principal of the obligation with an explanation of the method of computation of such penalty and the conditions under which it may be imposed.

e. An identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation.

f. The "cash price."

g. The "unpaid balance of cash price."

h. All other charges which are included in the amount financed but which are not part of the finance charge.

i. The "unpaid balance" and "amount financed."

j. The "finance charge."

k. The "deferred payment price."

2. Failing to clearly and conspicuously disclose the type of security interest acquired in connection with their credit sales and the property to which the security interest relates as required by §§ 226.6(a) and 226.8(b)(5) of Regulation Z.

3. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with their credit sales, as required by § 226.8(c)(2) of Regulation Z.

4. Failing to use the term "trade-in" to describe the downpayment in property made in connection with their credit sales, as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "total downpayment" to describe the sum of the cash "downpayment" and "trade-in" as required by § 226.8(c)(2) of Regulation Z.

6. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the respondents, such as dissolution, assignment, or sale resulting in the emergence of any successor corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 2, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5152 Filed 4-4-72;8:46 am]

[Docket No. 2164]

PART 13—PROHIBITED TRADE PRACTICES

O & P Motors, Inc., and Patricia V. Olsen

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73–72 Truth in Lending Act; § 13.155 *Prices:* 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623–95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, O & P Motors, Inc., et al., Jacksonville, Fla., Docket No. C-2164, March 2, 1972]

In the Matter of O & P Motors, Inc., a Corporation, and Patricia V. Olsen, Individually and as an Officer of said Corporation

Consent order requiring a Jacksonville, Fla., seller and distributor of used automobiles to cease violating the Truth in Lending Act in its consumer credit transactions by failing to disclose the cash price, cash downpayment, trade-in, total downpayment, unpaid balance of cash price, amount financed, annual percentage rate, and other terms required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents O & P Motors, Inc., a corporation, its successors and assigns, and its officers, and Patricia V. Olsen, individually and as an officer of said corporation, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "cash price" to describe the price at which respondents offer in the regular course of business to sell for cash the automobiles which are the subject of the credit sale, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "trade-in" to describe the downpayment in property made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

4. Failing to use the term "total downpayment" to describe the sum of the "cash downpayment" and "trade-in" as required by § 226.8(c)(2) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment as required by § 226.8(c)(3) of Regulation Z.

6. Failing to use the term "amount financed" to describe the amount of credit extended, as required by § 226.8(c)(7) of Regulation Z.

7. Failing to use the term "finance charge" to describe the sum of all charges required by § 226.4 of Regulation Z to be included therein, as required by § 226.8(c)(8)(i) of Regulation Z.

8. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price", as required by § 226.8(c)(8)(ii) of Regulation Z.

9. Failing to disclose the "annual percentage rate" determined in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

10. Failing to disclose the number of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

11. Failing to use the term "total of payments" to describe the sum of payments scheduled to repay the indebtedness as required by § 226.8(b)(3) of Regulation Z.

12. Failing to describe the type of security interest retained or acquired as required by § 226.8(b)(5) of Regulation Z.

13. Stating, in any advertisement, that no downpayment can be arranged when in truth and in fact respondents do require downpayments and do not customarily arrange for a credit sale with no downpayment, thereby violating § 226.10(a)(1) of Regulation Z.

14. Stating, in any advertisement, the amount of the downpayment required and the amount of monthly installment payments which can be arranged in connection with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) thereof:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

15. Failing in any consumer credit transaction or advertising to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel or respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution; assignment or sale, resulting in the emergence of a successor corporation; the creation or dissolution of subsidiaries; or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 2, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5153 Filed 4-4-72;8:46 am]

PART 423—CARE LABELING OF TEXTILE WEARING APPAREL

Delegation of Authority To Act Upon Requests for Exemptions

§ 423.2 **Exemptions.**

(a) *Delegation of authority to grant or deny.* Pursuant to section 1 of Reorganization Plan No. 4 of 1961, authority to grant or deny requests for exemptions filed pursuant to § 423.1 is delegated, without power or redelegation, to the Director of the Bureau of Consumer Protection, subject to discretionary Commission review.

(b) *Procedure.* The Director of the Bureau of Consumer Protection will, by letter to the applicant, grant or deny each request for exemption, with a brief statement of the reason for any denial. The letter will be placed upon the public record. Within five (5) days after the letter is placed upon the record, computed in accordance with the Commission's rules, the Commission may place the matter upon its own docket for review, and may set aside the Director's decision and grant or deny the request for exemption. Also, within five (5) days following a decision by the Director on such a request, the applicant or any person who would be adversely affected may file with the Secretary a request for review and reversal thereof by the Commission. The Commission, in its discretion, may grant or deny the request, and will by letter notify the applicant and any such person of its decision, with a brief statement of the reason for any denial, and place the letter on the public record. If the Commission does not place the Director's decision upon its own docket for review, or if no timely request for review is filed, the Director's decision shall, upon the expiration of the 5-day period, become the action of the Commission.

By direction of the Commission dated March 14, 1972.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc. 72-5190 Filed 4-4-72;8:49 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Wind River Indian Irrigation Project, Wyo.

On page 3060 of the FEDERAL REGISTER of February 11, 1972, there was published a notice of intention to amend § 221.95 *Charges*, of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Wind River Indian Irrigation Project, Wyo. The purpose of the amendment is to establish the assessment rate of 1972, and thereafter until further notice.

A 30-day period was prescribed for the public to have the opportunity to participate in the rule making process and submit written comments, suggestions or objections. On page 5625 of the FEDERAL REGISTER of March 17, 1972, there was published a notice of extension of 14 days correcting the 30-day period to 44 days. We have reviewed and considered all submitted protests and comments. Information does not indicate facts which would materially change the recommended charges.

The proposed amendment is hereby adopted without change as set forth below.

Section 221.95 is amended to read as follows:

§ 221.95 **Charges.**

In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U.S.C. 385; 45 Stat. 210, 25 U.S.C. 387), the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyo., for the calendar year 1972, and subsequent years until further notice, are hereby fixed at $4.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $3.20 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

CLYDE W. HOBBS, *Superintendent.*

[FR Doc.72-5184 Filed 4-4-72;8:48 am]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1604—GUIDELINES ON DISCRIMINATION BECAUSE OF SEX

By virtue of the authority vested in it by section 713(b) of title VII of the

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Civil Rights Act of 1964, 42 U.S.C., section 2000e–12, 78 Stat. 265, the Equal Employment Opportunity Commission hereby revises Title 29, Chapter XIV, Part 1604 of the Code of Federal Regulations.

These Guidelines on Discrimination Because of Sex supersede and enlarge upon the Guidelines on Discrimination Because of Sex, issued by the Equal Employment Opportunity Commission on December 2, 1965, and all amendments thereto. Because the material herein is interpretive in nature, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation, and delay in effective date are inapplicable. The Guidelines shall be applicable to charges and cases presently pending or hereafter filed with the Commission.

Sec.
1604.1 General principles.
1604.2 Sex as a bona fide occupational qualification.
1604.3 Separate lines of progression and seniority systems.
1604.4 Discrimination against married women.
1604.5 Job opportunities advertising.
1604.6 Employment agencies.
1604.7 Pre-employment inquiries as to sex.
1604.8 Relationship of Title VII to the Equal Pay Act.
1604.9 Fringe benefits.
1604.10 Employment policies relating to pregnancy and childbirth.

AUTHORITY: The provisions of this Part 1604 issued under sec. 713(b), 78 Stat. 265, 42 U.S.C. sec. 2000e–12.

§ 1604.1 General principles.

(a) References to "employer" or "employers" in this Part 1604 state principles that are applicable not only to employers but also to labor organizations and to employment agencies insofar as their action or inaction may adversely affect employment opportunities.

(b) To the extent that the views expressed in prior Commission pronouncements are inconsistent with the views expressed herein, such prior views are hereby overruled.

(c) The Commission will continue to consider particular problems relating to sex discrimination on a case-by-case basis.

§ 1604.2 Sex as a bona fide occupational qualification.

(a) The Commission believes that the bona fide occupational qualification exception as to sex should be interpreted narrowly. Labels—"Men's jobs" and "Women's jobs"—tend to deny employment opportunities unnecessarily to one sex or the other.

(1) The Commission will find that the following situations do not warrant the application of the bona fide occupational qualification exception:

(i) The refusal to hire a woman because of her sex based on assumptions of the comparative employment characteristics of women in general. For example, the assumption that the turnover rate among women is higher than among men.

(ii) The refusal to hire an individual based on sterotyped characterizations of the sexes. Such steretoypes include, for example, that men are less capable of assembling intricate equipment; that women are less capable of aggressive salesmanship. The principle of nondiscrimination requires that individuals be considered on the basis of individual capacities and not on the basis of any characteristics generally attributed to the group.

(iii) The refusal to hire an individual because of the preferences of coworkers, the employer, clients or customers except as covered specifically in subparagraph (2) of this paragraph.

(2) Where it is necessary for the purpose of authenticity or genuineness, the Commission will consider sex to be a bona fide occupational qualification, e.g., an actor or actress.

(b) Effect of sex-oriented State employment legislation.

(1) Many States have enacted laws or promulgated administrative regulations with respect to the employment of females. Among these laws are those which prohibit or limit the employment of females, e.g., the employment of females in certain occupations, in jobs requiring the lifting or carrying of weights exceeding certain prescribed limits, during certain hours of the night, for more than a specified number of hours per day or per week, and for certain periods of time before and after childbirth. The Commission has found that such laws and regulations do not take into account the capacities, preferences, and abilities of individual females and, therefore, discriminate on the basis of sex. The Commission has concluded that such laws and regulations conflict with and are superseded by title VII of the Civil Rights Act of 1964. Accordingly, such laws will not be considered a defense to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupational qualification exception.

(2) The Commission has concluded that State laws and regulations which discriminate on the basis of sex with regard to the employment of minors are in conflict with and are superseded by title VII to the extent that such laws are more restrictive for one sex. Accordingly, restrictions on the employment of minors of one sex over and above those imposed on minors of the other sex will not be considered a defense to an otherwise established unlawful employment practice or as a basis for the application of the bona fide occupational qualification exception.

(3) A number of States require that minimum wage and premium pay for overtime be provided for female employees. An employer will be deemed to have engaged in an unlawful employment practice if:

(i) It refuses to hire or otherwise adversely affects the employment opportunities of female applicants or employees in order to avoid the payment of minimum wages or overtime pay required by State law; or

(ii) It does not provide the same benefits for male employees.

(4) As to other kinds of sex-oriented State employment laws, such as those requiring special rest and meal periods or physical facilities for women, provision of these benefits to one sex only will be a violation of title VII. An employer will be deemed to have engaged in an unlawful employment practice if:

(i) It refuses to hire or otherwise adversely affects the employment opportunities of female applicants or employees in order to avoid the provision of such benefits; or

(ii) It does not provide the same benefits for male employees. If the employer can prove that business necessity precludes providing these benefits to both men and women, then the State law is in conflict with and superseded by tile VII as to this employer. In this situation, the employer shall not provide such benefits to members of either sex.

(5) Some States require that separate restrooms be provided for employees of each sex. An employer will be deemed to have engaged in an unlawful employment practice if it refuses to hire or otherwise adversely affects the employment opportunities of applicants or employees in order to avoid the provision of such restrooms for persons of that sex.

§ 1604.3 Separate lines of progression and seniority systems.

(a) It is an unlawful employment practice to classify a job as "male" or "female" or to maintain separate lines of progression or separate seniority lists based on sex where this would adversely affect any employee unless sex is a bona fide occupational qualification for that job. Accordingly, employment practices are unlawful which arbitrarily classify jobs so that:

(1) A female is prohibited from applying for a job labeled "male," or for a job in a "male" line of progression; and vice versa.

(2) A male scheduled for layoff is prohibited from displacing a less senior female on a "female" seniority list; and vice versa.

(b) A Seniority system or line of progression which distinguishes between "light" and "heavy" jobs constitutes an unlawful employment practice if it operates as a disguised form of classification by sex, or creates unreasonable obstacles to the advancement by members of either sex into jobs which members of that sex would reasonably be expected to perform.

§ 1604.4 Discrimination against married women.

(a) The Commission has determined that an employer's rule which forbids or restricts the employment of married women and which is not applicable to married men is a discrimination based on sex prohibited by title VII of the Civil Rights Act. It does not seem to us relevant that the rule is not directed against all females, but only against married females, for so long as sex is a factor in the application of the rule, such application involves a discrimination based on sex.

(b) It may be that under certain circumstances, such a rule could be justified within the meaning of section 703 (e)(1) of title VII. We express no opinion on this question at this time except to point out that sex as a bona fide occupational qualification must be justified in terms of the peculiar requirements of the particular job and not on the basis of a general principle such as the desirability of spreading work.

§ 1604.5 Job opportunities advertising.

It is a violation of title VII for a help-wanted advertisement to indicate a preference, limitation, specification, or discrimination based on sex unless sex is a bona fide occupational qualification for the particular job involved. The placement of an advertisement in columns classified by publishers on the basis of sex, such as columns headed "Male" or "Female," will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

§ 1604.6 Employment agencies.

(a) Section 703(b) of the Civil Rights Act specifically states that it shall be unlawful for an employment agency to discriminate against any individual because of sex. The Commission has determined that private employment agencies which deal exclusively with one sex are engaged in an unlawful employment practice, except to the extent that such agencies limit their services to furnishing employees for particular jobs for which sex is a bona fide occupational qualification.

(b) An employment agency that receives a job order containing an unlawful sex specification will share responsibility with the employer placing the job order if the agency fills the order knowing that the sex specification is not based upon a bona fide occupational qualification. However, an employment agency will not be deemed to be in violation of the law, regardless of the determination as to the employer, if the agency does not have reason to believe that the employer's claim of bona fide occupations qualification is without substance and the agency makes and maintains a written record available to the Commission of each such job order. Such record shall include the name of the employer, the description of the job and the basis for the employer's claim of bona fide occupational qualification.

(c) It is the responsibility of employment agencies to keep informed of opinions and decisions of the Commission on sex discrimination.

§ 1604.7 Pre-employment inquiries as to sex.

A pre-employment inquiry may ask "Male ----------, Female ----------"; or "Mr. Mrs. Miss," provided that the inquiry is made in good faith for a nondiscriminatory purpose. Any pre-employment inquiry in connection with prospective employment which expresses directly or indirectly any limitation, specification, or discrimination as to sex shall be unlawful unless based upon a bona fide occupational qualification.

§ 1604.8 Relationship of Title VII to the Equal Pay Act.

(a) The employee coverage of the prohibitions against discrimination based on sex contained in title VII is coextensive with that of the other prohibitions contained in title VII and is not limited by section 703(h) to those employees covered by the Fair Labor Standards Act.

(b) By virtue of section 703(h), a defense based on the Equal Pay Act may be raised in a proceeding under title VII.

(c) Where such a defense is raised the Commission will give appropriate consideration to the interpretations of the Administrator, Wage and Hour Division, Department of Labor, but will not be bound thereby.

§ 1604.9 Fringe benefits.

(a) "Fringe benefits," as used herein, includes medical, hospital, accident, life insurance and retirement benefits; profit-sharing and bonus plans; leave; and other terms, conditions, and privileges of employment.

(b) It shall be an unlawful employment practice for an employer to discriminate between men and women with regard to fringe benefits.

(c) Where an employer conditions benefits available to employees and their spouses and families on whether the employee is the "head of the household" or "principal wage earner" in the family unit, the benefits tend to be available only to male employees and their families. Due to the fact that such conditioning discriminatorily affects the rights of women employees, and that "head of household" or "principal wage earner" status bears no relationship to job performance, benefits which are so conditioned will be found a prima facie violation of the prohibitions against sex discrimination contained in the Act.

(d) It shall be an unlawful employment practice for an employer to make available benefits for the wives and families of male employees where the same benefits are not made available for the husbands and families of female employees; or to make available benefits for the wives of male employees which are not made available for female employees; or to make available benefits to the husbands of female employees which are not made available for male employees. An example of such an unlawful employment practice is a situation in which wives of male employees receive maternity benefits while female employees receive no such benefits.

(e) It shall not be a defense under title VIII to a charge of sex discrimination in benefits that the cost of such benefits is greater with respect to one sex than the other.

(f) It shall be an unlawful employment practice for an employer to have a pension or retirement plan which establishes different optional or compulsory retirement ages based on sex, or which differentiates in benefits on the basis of sex. A statement of the General Counsel of September 13, 1968, providing for a phasing out of differentials with regard to optional retirement age for certain incumbent employees is hereby withdrawn.

§ 1604.10 Employment policies relating to pregnancy and childbirth.

(a) A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy is in prima facie violation of title VII.

(b) Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are, for all job-related purposes, temporary disabilities and should be treated as such under any health or temporary disability insurance or sick leave plan available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

(c) Where the termination of an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such a termination violates the Act if it has a disparate impact on employees of one sex and is not justified by business necessity.

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER (4–5–72).

Signed at Washington, D.C., this the 31st day of March 1972.

WILLIAM H. BROWN III,
Chairman.

[FR Doc.72–5213 Filed 3–31–72;4:30 pm]

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1926—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Rollover Protective Structures and Overhead Protection; Access Roadways and Grades

Background. This proceeding was commenced by notice published in the FEDERAL REGISTER on October 29, 1971 (36 F.R. 20772). The notice invited interested persons to submit data, views, and arguments concerning: (1) Proposed standards for rollover protective structures and overhead protection on designated types of equipment used in construction work, and (2) a proposed amendment of § 1518.602(a)(3), relating to access roadways and grades. The proposal largely reflected the recommendations of the Advisory Committee on Construction Safety and Health.

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The regulations to which the changes were proposed have application under the Construction Safety Act (40 U.S.C. 333) and the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.).

The notice of proposed rule making invited interested persons to submit data, views, and arguments concerning the proposed changes, both orally and in writing. Written data, views, and arguments were received. Oral data, views, and arguments were received by Hearing Examiner Rhea M. Burrow during an informal hearing held on December 13 and 14, 1971. At the request of several participants, Hearing Examiner Burrow also received additional data, views, and arguments concerning the proposal after the hearing was adjourned on December 14.

The certified record of the proceeding, including the written comments received from interested persons, was submitted to the Advisory Committee on Construction Safety and Health for its review and advice pursuant to 29 CFR 1911.18. The Advisory Committee has considered the proposed revisions and has submitted its recommendations to the Assistant Secretary of Labor for Occupational Safety and Health for decision.

The major issues before me are:

1. When these rules for new equipment should become effective;

2. Whether the rules should apply to machines manufactured before July 1, 1969;

3. The type of rollover protective device appropriate for agricultural and industrial tractors used in construction;

4. The extent to which the rules would apply to agricultural and industrial tractors used in construction.

There are other issues in the proceeding, as to which I have accepted the expert reasoning of the Advisory Committee, the members of which were appointed upon the basis of their professional and technical experience in the construction safety and health field. (See section 107(e) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) concerning the statutory qualifications of members of the Advisory Committee.)

Where substantive changes from the proposals have been made, they have been in response to comments which were regarded as persuasive. When substantive changes from the proposals have been requested but have not been made, the decision is based in large part on the contrary recommendations of the Advisory Committee and on the intrinsic appropriateness of the standards, as adopted, to assure safe and healthful places of employment.

The record shows that numerous operators of earthmoving equipment have been killed and injured because the machines which they were operating rolled over. Thus, there is a need for rollover protective structures (ROPS) which will protect the operators from this hazard.

The major issues are discussed below.

1. *Effective date for new equipment.* The notice of proposed rulemaking would have required that machines manufactured on or after July 1, 1972, must be equipped with rollover protective structures. Comments indicated that a period of between 6 and 9 months was needed by manufacturers to adjust to the new standard. The adjustment time, it was stated, would have to run from the date of final promulgation of the rules. However, this matter has been under discussion since July 1971 and interested persons have, since that time, had adequate notice of the action proposed to be taken. In addition, the notice of proposed rulemaking, issued October 29, 1971, specifically mentioned the date of July 1, 1971. I find that a period in excess of 90 days is necessary to insure familiarization with the standard and adjustment to its terms. No shorter period is considered feasible. However, I further find that a period of less than 6 months is reasonable and appropriate for new equipment. Thus, the effective date for the new equipment standard is set at September 1, 1972.

2. *Machines manufactured before July 1, 1969.* Under the notice of proposed rulemaking, machines manufactured before July 1, 1969, would have to be fitted with rollover protective structures no later than July 1, 1975.

Numerous comments stated that the imposition of such a requirement was unreasonable because of: (a) Unavailability of the necessary devices and, (b) impracticability of the proposed rules with respect to existing machines.

A decision on this subject requires some analysis of the problems of bringing existing machines into compliance with the standards. This process, which is frequently referred to as "retrofit" or "retrofitting", has been significantly affected by the absence of comprehensive rules, national in scope, requiring ROPS on earthmoving equipment used in construction. Thus, firms which specialize in manufacturing and supplying ROPS to the industry probably have the capacity, in many instances, to expand their operations once these rules are promulgated. Too, other firms may well enter the field, thus increasing the availability of ROPS. On the other hand, there is substantial evidence in the record that the number of ROPS currently available is too small, compared to the projected demand, to be overcome even by a multifold increase in present capacity.

The question of the impracticability and unfeasibility of fitting older machines raises more serious questions. The assertion has been made that older machines, because of structural design, will be unable to withstand the stress factors which would be required. Moreover, it is contended that the fitting of such machines according to the specific requirements, as proposed, is difficult, if not impossible, because the strength of each individual machine frame cannot be measured with assurance or precision after sustained heavy use.

It is somewhat difficult to evaluate these contentions. Previous experience with fitting older machines cannot be fully relied on, because such experience has been limited in scope. For example, when the U.S. Army Corps of Engineers required rollover protection in its construction contracts, contractors frequently made arrangements to borrow equipment which already met the corps' requirements, rather than making the necessary adjustments to their own machines. This type of borrowing of equipment is not a feasible alternative under the rules promulgated in this document, because all employers covered by the Williams-Steiger Act who are engaged in construction are affected by these rules. Thus, there is insufficient evidence of the capacity of various machines to sustain the stresses which would be required.

The suggested alternatives to setting a fixed minimum date by which all machines must come into compliance are: (a) To issue a rule exempting all machines manufactured before July 1, 1969; (b) to reserve this particular matter for further study to analyze the progress of employers, and of the construction industry as a whole, with fitting existing machines to meet the standards.

I find that the only reasonable alternative is to institute a more intensive review of the question of the practicality and feasibility of fitting machines manufactured before July 1, 1969. This review will include, and benefit from, an analysis of the progress which is made in the fitting of machines manufactured between July 1, 1969, and September 1, 1972. On the basis of the review, the reasonableness of a schedule for fitting older machines could then be satisfactorily determined. This review will commence immediately and will monitor the effectiveness with which the construction industry responds to the "retrofit" schedule promulgated today for existing machines manufactured since July 1, 1969. Depending on the results of this review, a new rule making proceeeding would be initiated under section 6(b) of the Williams-Steiger Act. The rule making proceeding would consider the question of what specific minimum compliance dates should be set for machines manufactured before July 1, 1969.

Accordingly, § 1926.1000(c)(v) is revised to read as follows: "Machines manufactured before July 1, 1969: Reserved pending further study, development and review."

Where a standard has been reserved or where its effective date has been delayed, the working conditions involved would nonetheless be subject to the requirements of section 5(a)(1) of the Act. Thus, although an employer would not be required to meet the specific requirements of the standard, he would be subject to citation and proposed penalty if he failed to provide his employees with employment and a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm. It is not possible in the absence of specific facts to catalog the application of section 5(a)(1) in situations where the machines involved are operated without rollover protective structure. The particular facts may involve such things as the speed of the machine, the nature of the soil, the grade on which the machine is being used, the risk of falling objects, the training of the operator, etc. However, consistent with the policy of OSHA, no citation or proposed penalty will be issued under section 5(a)(1) except for serious violations. Moreover, in setting abatement requirements where citations are issued, OSHA would not necessarily require action by an employer to meet the specific requirements in the standards; the employer would be required only to make changes, such as modification in the method of operation of the machines, as are necessary to eliminate recognized hazards that are likely to cause death or serious physical harm to employees.

3. *ROPS for agricultural and industrial tractors used in construction.* Under the October 29 proposal, wheel-type agricultural and industrial tractors used in construction would have had to be equipped with ROPS consisting of "four or more uprights."

The purpose of requiring four uprights (as opposed to requiring one or more uprights) was to insure that adequate overhead protection would be provided on such machines, since the proposed overhead protection requirements could only be applied to machines with four or more uprights. However, the evidence at the hearing tended to show that ROPS of two-post design have proved satisfactory on agricultural and industrial tractors, and that the imposition of a requirement for a four-post ROPS would create unreasonable and inappropriate demands on users of such equipment.

The record demonstrates that overhead protection is needed in site-clearing operations. Section 1926.604 already requires this type of protection. Employees engaged in such operations will be protected from overhead hazards by the operation of § 1926.604.

Therefore, I find that the need for mandatory standards for rollover protection is more urgent than the need for mandatory standards for overhead protection in all construction activities on the machines in question. Accordingly, the proposed rules for overhead protection on agricultural and industrial tractors used in construction are made optional (except, of course, that § 1926.604 still applies with respect to site clearing). Rollover protective structures are required on such machines (see §§ 1926.1000 through 1926.1002).

4. *Coverage of agricultural and industrial tractors used in construction.* Under the October 29 proposal, all agricultural and industrial tractors used in construction would have been affected by the new subpart. Interested persons brought out that the Society of Automotive Engineers (SAE) standards, which are the source of the proposed rules, only apply to such vehicles of more than 20 engine horsepower. I have determined that the suggested change should be made because adequate ROPS standards do not exist for such machines of less than 20 engine horsepower and because the hazard of rollover is minimal on such machines compared to the rollover hazard on machines of more than 20 engine horsepower. The change will also result in a desired consistency between the rules as promulgated and the SAE standards.

The rules as promulgated clarify the relationship to the rules of existing machines which meet the current ROPS requirements of the U.S. Army Corps of Engineers, the State of California, and the Bureau of Reclamation, U.S. Department of the Interior. The differences between such current governmental requirements and the rules promulgated in this document are minor, and the record shows that such other governmental rules have protected the safety and health of operators. Accordingly, existing machines which are in compliance with the current ROPS requirements (in effect as of the date of publication of this document in the FEDERAL REGISTER) of the U.S. Army Corps of Engineers, the State of California, and the Bureau of Reclamation, U.S. Department of the Interior, shall be deemed to meet the requirements of the rules published herein.

The Advisory Committee has recommended that I promulgate several newly issued standards of the Society of Automotive Engineers dealing with rollover protection. The standards in question are:

SAE J320b Minimum performance criteria for rollover protective structures for prime movers;

SAE J394a Rollover protective structures for wheeled front end loaders and wheeled dozers;

SAE J395a Minimum performance criteria for rollover protective structures for track type tractors and track type front end loaders;

SAE J396a Minimum performance criteria for rollover protective structures for motor graders;

SAE J397a Critical zone for laboratory evaluation of rollover protective structures (ROPS) and falling object protective structures (FOPS) of construction and industrial vehicles.

These standards would, it is suggested, update the standards published today. In the near future, I intend to initiate action to implement the committee's recommendation.

In § 1926.602(a)(3), the word "designed" is deleted to avoid redundancy and to achieve greater precision.

In view of the foregoing, I hereby adopt the following changes in Part 1926 of Title 29, Code of Federal Regulations.

1. Part 1926 is amended by adding a new Subpart W, to read as set forth below:

Subpart W—Rollover Protective Structures; Overhead Protection

Sec.

1926.1000 Rollover protective structures (ROPS) for material handling equipment.

1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.

1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.

1926.1003 Overhead protection for operators of agricultural and industrial tractors.

AUTHORITY: The provisions of this Subpart W issued under sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87-581, 76 Stat. 357; sec. 6(b), 84 Stat. 1593; 29 U.S.C. 655, 40 U.S.C. 333.

§ 1926.1000 Rollover protective structures (ROPS) for material handling equipment.

(a) *Coverage.* (1) This section applies to the following types of material handling equipment: To all rubber-tired, self-propelled scrapers, rubber-tired front-end loaders, rubber-tired dozers, wheel-type agricultural and industrial tractors, crawler tractors, crawler-type loaders, and motor graders, with or without attachments, that are used in construction work. This requirement does not apply to sideboom pipelaying tractors.

(2) The promulgation of specific standards for rollover protective structures for compactors and rubber-tired skid-steer equipment is reserved pending consideration of standards currently being developed.

(b) *Equipment manufactured on or after September 1, 1972.* Material handling machinery described in paragraph (a) of this section and manufactured on or after September 1, 1972, shall be equipped with rollover protective structures which meet the minimum performance standards prescribed in §§ 1926.1001 and 1926.1002, as applicable.

(c) *Equipment manufactured before September 1, 1972.* (1) All material handling equipment described in paragraph (a) of this section and manufactured or placed in service (owned or operated by the employer) prior to September 1, 1972, shall be fitted with rollover protective structures no later than the dates listed below:

(i) Machines manufactured on or after January 1, 1972, shall be fitted no later than April 1, 1973.

(ii) Machines manufactured between July 1, 1971, and December 31, 1971, shall be fitted no later than July 1, 1973.

(iii) Machines manufactured between July 1, 1970, and June 30, 1971, shall be fitted no later than January 1, 1974.

(iv) Machines manufactured between July 1, 1969, and June 30, 1970, shall be fitted no later than July 1, 1974.

(v) Machines manufactured before July 1, 1969: Reserved pending further study, development, and review.

(2) Rollover protective structures and supporting attachment shall meet the minimum performance criteria detailed in §§ 1926.1001 and 1926.1002, as applicable or shall be designed, fabricated, and installed in a manner which will support, based on the ultimate strength of the metal, at least two times the weight of the prime mover applied at the point of impact.

(i) The design objective shall be to minimize the likelihood of a complete overturn and thereby minimize the possibility of the operator being crushed as a result of a rollover or upset.

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(ii) The design shall provide a vertical clearance of at least 52 inches from the work deck to the ROPS at the point of ingress or egress.

(d) *Remounting.* ROPS removed for any reason, shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(e) *Labeling.* Each ROPS shall have the following information permanently affixed to the structure:

(1) Manufacturer or . fabricator's name and address;

(2) ROPS model number, if any;

(3) Machine make, model, or series number that the structure is designed to fit.

(f) *Machines meeting certain existing governmental requirements.* Any machine in use, equipped with rollover protective structures, shall be deemed in compliance with this section if it meets the rollover protective structure requirements of the State of California, the U.S. Army Corps of Engineers, or the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972. The requirements in effect are:

(1) State of California: Construction Safety Orders, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code, § 6312, State of California.

(2) U.S. Army Corps of Engineers: General Safety Requirements, EM–385–1–1 (March 1967).

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971).

§ 1926.1001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.

(a) *General.* This section prescribes minimum performance criteria for rollover protective structures (ROPS) for rubber-tired self-propelled scrapers; rubber-tired front-end loaders and rubber-tired dozers; crawler tractors, and crawler-type loaders, and motor graders. The vehicle and ROPS as a system shall have the structural characteristics prescribed in paragraph (f) of this section for each type of machine described in this paragraph.

(b) The static laboratory test prescribed herein will determine the adequacy of the structures used to protect the operator under the following conditions:

(1) For rubber-tired self-propelled scrapers, rubber-tired front-end loaders, and rubber-tired dozers: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 30° maximum.

(2) For motor graders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to 360° down a slope of 30° maximum.

(3) For crawler tractors and crawler-type loaders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 45°.

(c) *Facilities and apparatus.* (1) The following material is necessary:

(i) Material, equipment, and tiedown means adequate to insure that the ROPS and its vehicle frame absorb the applied energy.

(ii) Equipment necessary to measure and apply loads to the ROPS. Adequate means to measure deflections and lengths should also be provided.

(iii) Recommended, but not mandatory, types of test setups are illustrated in Figure W–1 for all types of equipment to which this section applies; and in Figure W–2 for rubber-tired self-propelled scrapers; Figure W–3 for rubber-tired front-end loaders, rubber-tired dozers, and motor graders; and Figure W–4 for crawler tractors and crawler-type loaders.

(2) Table W–1 contains a listing of the required apparatus for all types of equipment described in paragraph (a) of this section.

TABLE W–1

Means to measure	*Accuracy*
Deflection of ROPS, inches.	±5% of deflection measured.
Vehicle weight, pounds.	±5% of the weight measured.
Force applied to frame, pounds.	±5% of force measured.
Dimensions of critical zone, inches.	±0.5 in.

(d) *Vehicle condition.* The ROPS to be tested must be attached to the vehicle structure in the same manner as it will be attached during vehicle use. A totally assembled vehicle is not required. However, the vehicle structure and frame which support the ROPS must represent the actual vehicle installation. All normally detachable windows, panels, or nonstructural fittings shall be removed so that they do not contribute to the strength of the ROPS.

(e) *Test procedure.* The test procedure shall include the following, in the sequence indicated:

(1) Energy absorbing capabilities of ROPS shall be verified when loaded laterally by incrementally applying a distributed load to the longitudinal outside top member of the ROPS, as shown in Figure W–1, W–2, or W–3, as applicable. The distributed load must be applied so as to result in approximately uniform deflection of the ROPS. The load increments should correspond with approximately 0.5 in. ROPS deflection increment in the direction of the load application, measured at the ROPS top edge. Should the operator's seat be offcenter, the load shall be applied on the offcenter side. For each applied load increment, the total load (lb.) versus corresponding deflection (in.) shall be plotted, and the area under the load-deflection curve shall be calculated. This area is equal to the energy (in.-lb.) absorbed by the ROPS. For a typical load-deflection curve and calculation method, see Figure W–5.

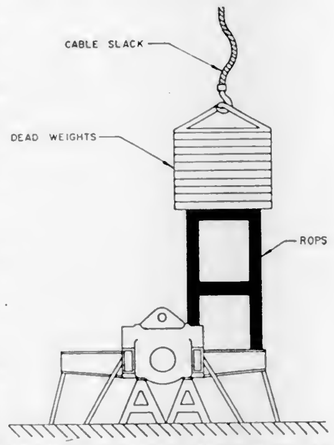


FIGURE W–1—Vertical loading setup for all types of equipment described in § 1518.1001(a).

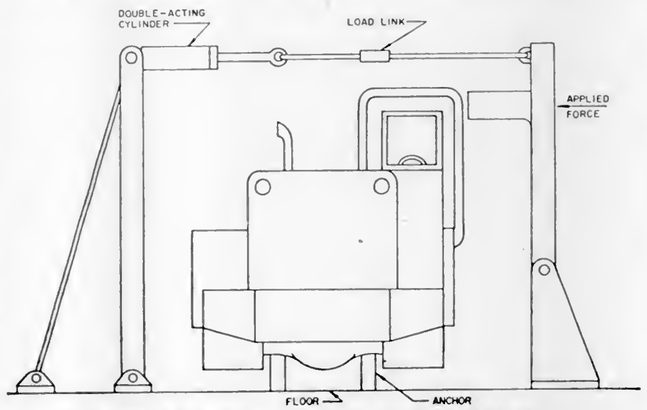


FIGURE W–2—Test setup for rubber-tired self-propelled scrapers.

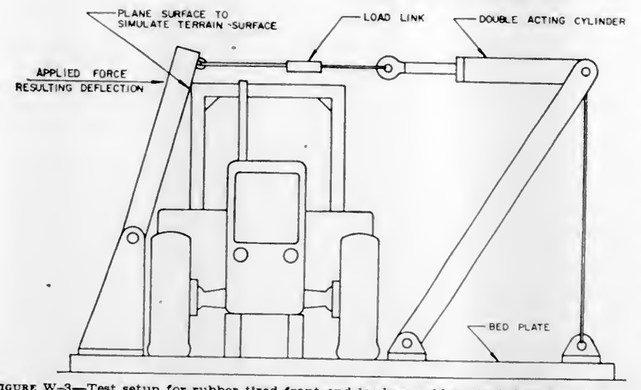


FIGURE W–3—Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

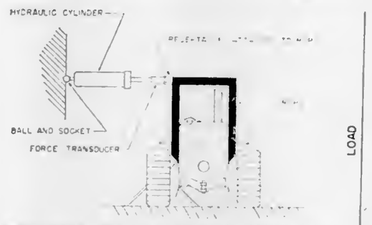


FIGURE W–4—Side-loading setup for crawler tractors and crawler loaders.

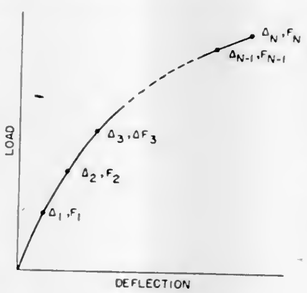
(2) To cover the possibility of the vehicle coming to rest on its top, the support capability shall be verified by applying a distributed vertical load to the top of the ROPS so as to result in approximately uniform deflection (see Figure W–1). The load magnitude is specified in paragraph (f)(2)(iii) of this section.

(3) The low temperature impact strength of the material used in the ROPS shall be verified by suitable material tests or material certification (see paragraph (f)(2)(iv) of this section).

(f) *Performance requirements.*—(1) *General performance requirements.* (i) No repairs or straightening of any member shall be carried out between each prescribed test.

(ii) During each test, no part of the ROPS shall enter the critical zone as detailed in SAE J397 (1969). Deformation of the ROPS shall not allow the plane of the ground to enter this zone.

(2) *Specific performance requirements.* (i) The energy requirement for purposes of meeting the requirements of paragraph (e)(1) of this section is to be determined by referring to the plot of the energy versus weight of vehicle (see Figure W–6 for rubber-tired self-propelled scrapers; Figure W–7 for rubber-tired front-end loaders and rubber-tired dozers; Figure W–8 for crawler tractors and crawler-type loaders; and Figure W–9 for motor graders. For purposes of this section, force and weight are measured as pounds (lb.); energy (U) is measured as inch-pounds.



Δ - TOTAL DEFLECTION
F - FORCE APPLIED

$$\text{AREA} = \frac{\Delta_1 F_1}{2} + (\Delta_2 - \Delta_1)\frac{F_1 + F_2}{2} + (\Delta_3 - \Delta_2)\frac{F_2 + F_3}{2} + \cdots + (\Delta_N - \Delta_{N-1})\frac{F_{N-1} + F_N}{2}$$

FIGURE W–5—Determination of energy area under force deflection curve for all types of ROPS equipment defined in § 1926.1001.

Incremental loading shall be continued until the ROPS has absorbed the amount of energy and the minimum applied load specified under paragraph (f) of this section has been reached or surpassed.

FIGURE W–6—Energy absorbed versus vehicle weight.

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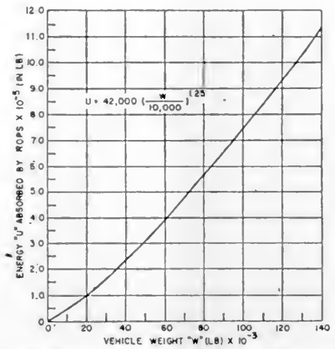


FIGURE W–7—Energy absorbed versus vehicle weight.

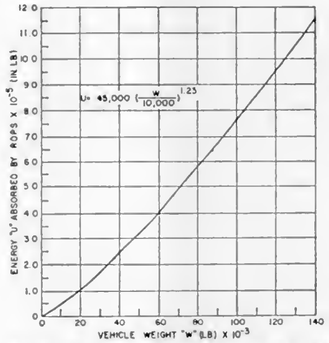


FIGURE W–8—Energy absorbed versus vehicle weight.

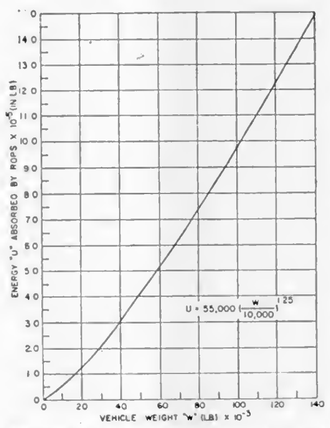


FIGURE W–9—Energy absorbed Versus Vehicle Weight.

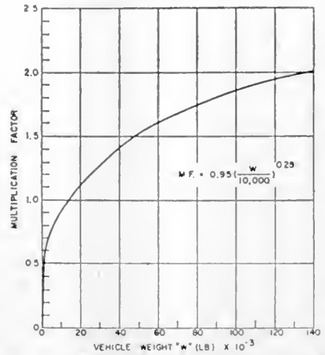


FIGURE W–10—Minimum horizontal load factor for self-propelled scrapers.

(ii) The applied load must attain at least a value which is determined by multiplying the vehicle weight by the corresponding factor shown in Figure W–10 for rubber-tired self-propelled scrapers; in Figure W–11 for rubber-tired front-end loaders and rubber-tired dozers; in Figure W–12 for crawler tractors and crawler-type loaders; and in Figure W–13 for motor graders.

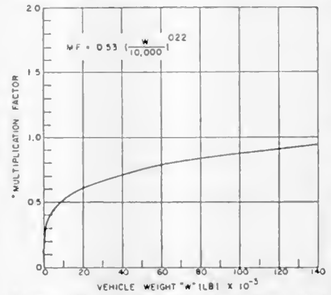


FIGURE W–11—Minimum horizontal load factor for rubber-tired loaders and dozers.

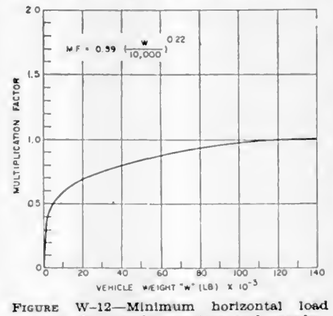


FIGURE W–12—Minimum horizontal load factor for crawler tractors and crawler-type loaders.

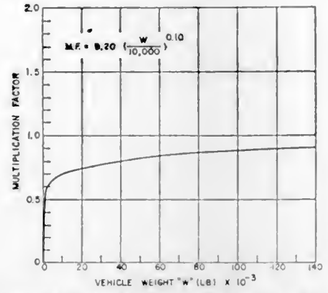


FIGURE W–13—Minimum horizontal load factor for motor graders.

(iii) The load magnitude for purposes of compliance with paragraph (e)(2) of this section is equal to the vehicle weight. The test of load magnitude shall only be made after the requirements of subparagraph (2)(i) of this paragraph are met.

(iv) Material used in the ROPS must have the capability of performing at zero degrees Fahrenheit, or exhibit Charpy V notch impact strength of 8 foot-pounds at minus 20° Fahrenheit. This is a standard Charpy specimen as described in American Society of Testing and Materials A 370, Methods and Definitions for Mechanical Testing of Steel Products (available at each Regional Office of the Occupational Safety and Health Administration). The purpose of this requirement is to reduce the tendency of brittle fracture associated with dynamic loading, low temperature operation, and stress raisers which cannot be entirely avoided on welded structures.

(g) *Definitions.* For purposes of this section, "vehicle weight" means the manufacturer's maximum weight of the prime mover for rubber-tired self-propelled scrapers. For other types of equipment to which this section applies, "vehicle weight" means the manufacturer's maximum recommended weight of the vehicle plus the heaviest attachment.

(h) *Source of standard.* This standard is derived from, and restates, the following Society of Automotive Engineers Recommended Practices: SAE J320a, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired, Self-Propelled Scrapers; SAE J394, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front End Loaders and Rubber-Tired Dozers; SAE J395, Minimum Performance Criteria for Roll-Over Protective Structure for Crawler Tractors and Crawler-Type Loaders; and SAE J396, Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders. These recommended practices shall be resorted to in the event that questions of interpretation arise. The recommended practices appear in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1926.1002 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in construction.

(a) *General.* (1) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel type agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of §§ 1026.1001 and 1926.1003 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(2) The protective frame which is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure W–14.

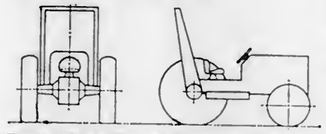


FIGURE W–14—Typical frame configuration.

(3) If an overhead weather shield is attached to the protective frame, it may be in place during tests: *Provided,* That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of paragraph (i) of this section.

(4) For overhead protection requirements, see § 1926.1003.

(5) If protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168 (July 1970), Protective Enclosures, Test Procedures, and Performance Requirements. This standard appears in the 1971 SAE Handbook and may be examined in each Regional Office of the Occupational Safety and Health Administration.

(b) *Applicability.* The requirements of this section apply to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in construction work. See paragraph (j) of this section for definitions of agricultural tractors and industrial tractors.

(c) *Performance requirements.* (1) Either a laboratory test or a field test is required in order to determine the performance requirements set forth in subdivision (i) of this subparagraph.

(2) A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(3) A field upset test, if used, shall be conducted under reasonably controlled conditions, both rearward and sideways, to verify the effectiveness of the protective frame under actual dynamic conditions.

(d) *Test procedures—general.* (1) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(2) A new protective frame and mounting connections of the same design shall be used for each test procedure.

(3) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(4) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(5) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(6) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications in accordance with § 1926.1001 (f)(2)(iv).

(e) *Test procedure for vehicle overturn*—(1) *Vehicle weight.* The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(2) Agricultural tractors shall be tested at the weight set forth in subparagraph (1) of this paragraph.

(3) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in subparagraph (1) of this paragraph.

(4) The test shall be conducted on a dry, firm soil bank as illustrated in Figure W–15. The soil in the impact area shall have an average cone index in the 0–6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recommendation ASAE R313, Soil Cone Penetrometer (available in each Regional Office of the Occupational Safety and Health Administration). The path of travel of the vehicle shall be 12°±2° to the top edge of the bank.

(5) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure W–15 to assist in tipping the vehicle.

(6) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

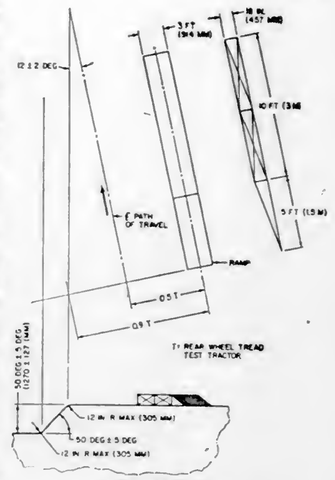


FIGURE W–15.

(7) *Vehicle Overturn Test—Sideways and Rearward.* (i) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subparagraph (5) of this paragraph to induce sideways overturn.

(ii) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3–5 m.p.h. (4.8–8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

(f) *Other test procedures.* When the field upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in paragraph (g) or (h) of this section, shall be made.

(g) *Static test*—(1) *Test conditions.* (i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figures W–16, W–17, and W–18.

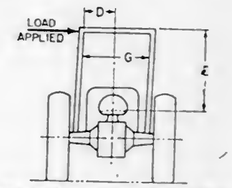


FIGURE W–16—Side load application.

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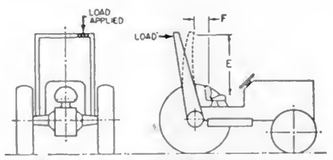


FIGURE W–17—Rear load application.

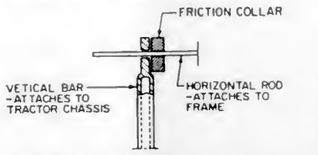


FIGURE W–18—Method of measuring instantaneous deflection.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see paragraph (j)(3) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(2) *Test procedure.* (i) The side load application shall be at the upper extremity of the frame upright at a 90° angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure W–16. "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(*a*) The strain energy absorbed by the frame is equal to the required input energy (E_{I_F}) or

(*b*) Deflection of the frame exceeds the allowable deflection, or

(*c*) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L–D diagram, as shown by means of a typical example in Figure W–19, shall be constructed, using the data obtained in accordance with subdivision (i) of this subparagraph.

(iii) The modified L_m–D_m diagram shall be constructed according to subdivision (ii) of this subparagraph and according to Figure W–20. The strain energy absorbed by the frame (E_a) shall then be determined.

(iv) E_{I_F}, FER, and FSB shall be calculated.

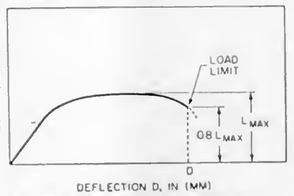


FIGURE W–19—Typical L–D diagram.

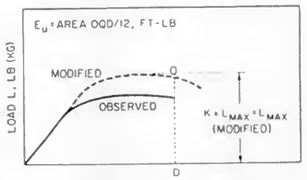


FIGURE W–20—Typical modified L_m–D_m diagram.

(h) *Dynamic test*—(1) *Test conditions.* (i) The protective frame and tractor shall meet the requirements of paragraphs (e) (2) or (3) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in. (686+ or −25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18–22 ft. (5.5–6.7 m.) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Figure W–21.)

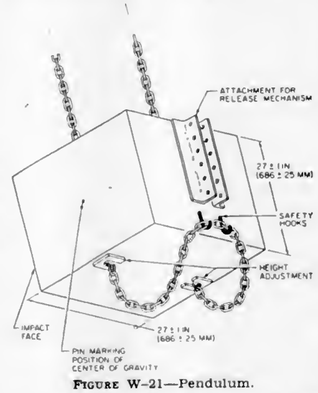


FIGURE W–21—Pendulum.

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5–0.63 in. (12.5–16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°–30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure W–22.)

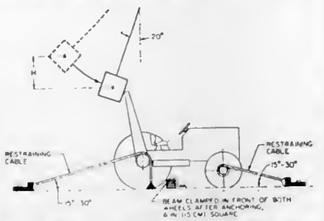


FIGURE W–22—Method of impact from rear.

(iv) The wheel tread setting shall comply with the requirements of paragraph (e)(6) of this section. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the tire manufacturer. With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6–8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 x 6 in. (15 x 15 cm.) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim, it is at an angle of 25°–40° to the horizontal. It shall have a length 20–25 times its depth and a width two to three times its depth. (See Figures W–22 and W–23.)

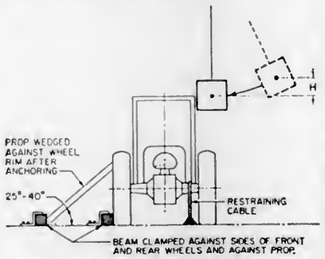


FIGURE W–23—Method of impact from side.

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure W–23.

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(2) *Test procedure*—(i) *General.* The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in paragraph (j)(3) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) *Impact at rear.* The tractor shall be properly restrained according to subparagraphs (1) (iii) and (iv) of this paragraph. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure W–22. The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) *Impact at side.* The block and restraining shall conform to subparagraphs (1) (iii) and (iv) of this paragraph. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(i) *Performance requirements*—(1) *General.* (i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures W–16 and W–17 as follows:

D=2 in. (51 mm.) inside of frame upright to vertical centerline of seat.
E=30 in. (762 mm.).
F=Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure W–17.
G=24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit in accordance with § 1926.1001(f)(2)(iv).

(2) *Vehicle overturn performance requirements.* The requirements of this paragraph (i) must be met in both side and rear overturns.

(3) *Static test performance requirements.* Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this paragraph (i). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K–1 in both side and rear loadings.

(4) *Dynamic test performance requirements.* Design factors shall be incorporated in each design to withstand the overturn test prescribed in this paragraph (i). The structural requirements will be generally met if the dimensions in this paragraph (i) are adhered to in both side and rear loads.

(j) *Definitions applicable to this section.* (1) SAE J333a, Operator Protection for Wheel-Type Agricultural and Industrial Tractors (July 1970) defines "agricultural tractor" as a "wheel-type vehicle of more than 20 engine horsepower designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this Part 1926 applies only to construction work, the following definition of "agricultural tractor" is adopted for purposes of this subpart: "Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, used in construction work, which is designed to furnish the power to pull, propel, or drive implements.

(2) "Industrial tractor" means that class of wheeled type tractor of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in § 1926.1001), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(3) The following symbols, terms, and explanations apply to this section:

E_{I_F}=Energy input to be absorbed during side loading. $E_{I_F}=723+0.4$ W ft.-lb. ($E'_{I_F}=100+0.12$ W', m.-kg.).

E_{I_F}=Energy input to be absorbed during rear loading. $E_{I_F}=0.47$ W ft.-lb. ($E'_{I_F}=0.14$ W', m.-kg.).

W=Tractor weight as prescribed in § 1926.1002 (e)(1) and (e)(3), in lb. (W', kg.).

L=Static load, lb. (kg.).

D=Deflection under L, in. (mm.).

L-D=Static load-deflection diagram.

L_m-D_m=Modified static load-deflection diagram (Figure W–20). To account for increase in strength due to increase in strain rate, raise L in plastic range to L x K.

K=Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010–1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., Structural Design for Dynamic Loads (1959), p. 3.

L_{max}=Maximum observed static load.

Load Limit=Point on L–D curve where observed static load is 0.8 L_{max} (refer to Figure W–19).

E_a=Strain energy absorbed by the frame, ft.-lb. (m.-kg.) area under L_m-D_m curve.

FER=Factor of energy ratio, FER=E_a/E_{I_F}; also=E_a/E_{I_F}.

P_s=Maximum observed force in mounting connection under static load, L, lb. (kg.).

FSB=Design margin for mounting connection FSB=$(P_s/P_s)-1$.

H=Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. (H', mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows: H=4.92 +0.00190 W or (H'=125+0.107 W') (Figure W–24).

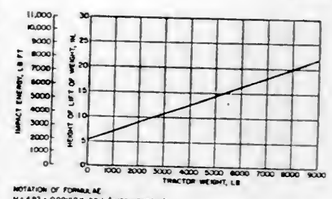


FIGURE W–24—Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.

(k) *Source of standard.* The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard shall be resorted to in the event that questions of interpretation arise. The standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

§ 1926.1003 Overhead protection for operators of agricultural and industrial tractors.

(a) *General*—(1) *Purpose.* When overhead protection is provided on wheel-type agricultural and industrial tractors, the overhead protection shall be designed and installed according to the requirements contained in this section. The provisions of § 1926.1001 for rubber-tired dozers and rubber-tired loaders may be used in lieu of the standards contained in this section. The purpose of the standard is to minimize the possibility of operator injury resulting from overhead hazards such as flying and falling objects, and at the same time to minimize the possibility of operator injury from the cover itself in the event of accidental upset.

(2) *Applicability.* This standard applies to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in construction work. See § 1926.1002 (b) and (j). In the case of machines to which § 1926.604 (relating to site clearing) also applies, the overhead protection may be either the type of protection provided in § 1926.604 or the type of protection provided by this section.

(b) *Overhead protection.* When overhead protection is installed on wheel-type agricultural or industrial tractors used in construction work, it shall meet the requirements of this paragraph. The overhead protection may be constructed of a solid material. If grid or mesh is used, the largest permissible opening shall be such that the maximum circle which can be inscribed between the elements of the grid or mesh is 1.5 in. (38 mm.) in diameter. The overhead protection shall not be installed in such a way as to become a hazard in the case of upset.

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(c) *Test procedures—general.* (1) The requirements of § 1926.1002 (d), (e), and (f) shall be met.

(2) Static and dynamic rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(3) The static and dynamic side load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.² (1,032 cm.²) normal to the direction of load application. The direction of load application is the same as in § 1926.1002 (g) and (h). To simulate the characteristics of the structure during an upset, the center of load application may be located from a point 24 in. (610 mm.) (K) forward to 12 in. (305 mm.) (K) forward to 12 in. (305 mm.) (L) rearward of the front of the seat backrest to best utilize the structural strength. See Figure W–25.

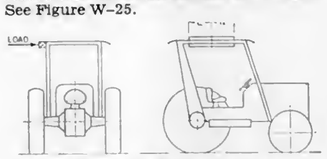


FIGURE W–25—Location for side load.

(d) *Drop test procedures.* (1) The same frame shall be subjected to the drop test following either the static or dynamic test.

(2) A solid steel sphere or material of equivalent spherical dimension weighing 100 lb. (45.4 kg.) shall be dropped once from a height 10 ft. (3,048 mm.) above the overhead cover.

(3) The point of impact shall be on the overhead cover at a point within the zone of protection as shown in Figure W–26, which is furthest removed from major structural members.

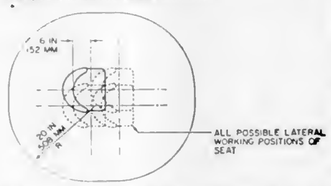


FIGURE W–26—Zone of protection for drop test.

(e) *Crush test procedure.* (1) The same frame shall be subjected to the crush test following the drop test and static or dynamic test.

(2) The test load shall be applied as shown in Figure W–27 with the seat positioned as specified in § 1926.1002(d)(4). Loading cylinders shall be pivotally mounted at both ends. Loads applied by each cylinder shall be equal within 2 percent, and the sum of the loads of the two cylinders shall be two times the tractor weight as set forth in § 1926.1002(e)(1). The maximum width of the beam illustrated in Figure W–27 shall be 6 in. (152 mm.).

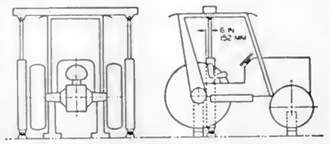


FIGURE W–27—Method of load application for crush test.

(f) *Performance requirements*—(1) *General.* The performance requirements set forth in § 1926.1002(l) (2), (3), and (4) shall be met.

(2) *Drop test performance requirements.* (i) Instantaneous deformation due to impact of the sphere shall not enter the protected zone as illustrated in Figures W–25, W–26, and W–28.

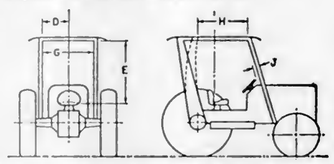


FIGURE W–28—Protected zone during crush and drop tests.

(ii) In addition to the dimensions set forth in § 1926.1002(l)(1)(i), the following dimensions apply to Figure W–28:

H=17.5 in. (444 mm.)
J=2 in. (50.8 mm.) measured from the outer periphery of the steering wheel.

(3) *Crush test performance requirements.* The protected zone as described in Figure W–28 must not be violated.

(g) *Source of standard.* This standard is derived from, and restates, the portions of Society of Automotive Engineers Standard J167 which pertain to overhead protection requirements. The full title of the SAE standard is: Protective Frame with Overhead Protection—Test Procedures and Performance Requirements. The SAE standard shall be resorted to in the event that questions of interpretation arise. The SAE standard appears in the 1971 SAE Handbook, which may be examined in each of the Regional Offices of the Occupational Safety and Health Administration.

2. Section 1926.602 is amended to read as follows:

§ 1926.602 Material handling equipment.

(a) • • •

(3) *Access roadways and grades.* (i) No employer shall move or cause to be moved construction equipment or vehicles upon any access roadway or grade unless the access roadway or grade is constructed and maintained to accommodate safely the movement of the equipment and vehicles involved.

(ii) Every emergency access ramp and berm used by an employer shall be constructed to restrain and control runaway vehicles.

• • • • •

(6) *Rollover protective structures (ROPS).* See Subpart W of this part for requirements for rollover protective structures and overhead protection.

• • • • •

Effective dates. The amendments to § 1926.602 shall become effective 30 days from publication of this document in the FEDERAL REGISTER. Effective dates for Subpart W are specifically set forth therein.

(Sec. 1, 83 Stat. 96, 97, adding sec. 107 to Public Law 87–581, 76 Stat. 357; sec. 6(b), 84 Stat. 1593; 29 U.S.C. 655, 40 U.S.C. 333)

Signed at Washington, D.C. this 28th day of March 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72–4973 Filed 4–4–72;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71–47b]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

North River, Mass.

This amendment adds regulations for the Union Street drawbridge and revises the regulations for the Route 3A drawbridge across the North River to require that the draws open on signal if at least 4 hours' notice has been given from May 1 through October 31 and at least 24 hours' notice has been given from November 1 through April 30. This amendment was circulated as a public notice dated October 6, 1971, by the Commander, First Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71–47a) on October 9, 1971 (36 F.R. 19703).

Thirty-seven letters and a petition with 225 signatures were received concerning this proposal. The petition and 20 letters supported this amendment on the grounds that the North River should be open along its entire length to large recreational craft.

Seventeen letters opposed these regulations on several grounds. Most writers opposed the regulations because opening the Union Street drawbridge would enable large recreational craft to use the waterway which they feel will pollute the river, cause the erosion of the river's banks by wake action and harm the marshes. Several writers felt that the North River should be preserved for small boats, canoes, and towboats. A few writers also objected to the regulations on the grounds that the North River is not suitable for navigation by large recreational craft above the Union Street bridge due to the existence of large rocks

in the waterway. In addition several writers objected to the expense of maintaining and operating the drawbridges. The Massachusetts Department of Natural Resources, Division of Conservation Services, however, has taken the position that these regulations would not have any deleterious long range effects on the North River and its wetlands.

The Coast Guard feels that there is significant public demand, as reflected in the petition and letters, to require these bridges to operate in accordance with regulations in this document. These regulations are intended to protect the public right to free and unobstructed navigation on the navigable waters of the United States. At a time when recreational boating is growing throughout the country, it is imperative that the Coast Guard assure that historical navigable waters, such as the North River, be available to all vessels capable of using them. These regulations make the North River available to the recreational boatman upon reasonable notice. In addition, it should make boating on the river safer, since vessels will be able to pass the bridges at high tide and avoid the strong currents that develop when the tide is ebbing.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.77 to read as follows:

§ 117.77 North River, Mass.; bridges at Route 3A and Union Street.

(a) From May 1 through October 31 the draws shall open on signal if at least 4 hours' notice has been given.

(b) From November 1 through April 30 the draws shall open on signal if at least 24 hours' notice has been given.

(c) The owner of or agency controlling each bridge shall post a notice of the contents of this section in such a manner that it can be easily read from an approaching vessel on both the upstream and downstream sides of the bridges. This notice shall state how advance notice should be given.

(d) The operating machinery of the draws shall be maintained in serviceable condition and the draws opened and closed at least every 3 months to make certain that the machinery will function properly for satisfactory operation.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4) (36 F.R. 19160))

Effective date. This revision shall become effective on May 1, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72–5210 Filed 4–4–72;8:50 am]

[CGFR 71–163a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sinepuxent Bay, Md.

This amendment changes the regulations for the U.S. 50 highway bridge across Sinepuxent Bay, Ocean City, Md., to permit additional closed periods during the tourist season. This amendment was circulated as a public notice dated January 5, 1972, by the Commander, 5th Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71–163) on December 29, 1971 (36 F.R. 25162). Two replies were received. One supported this change. The other had no objection.

Accordingly, Part 117 of Title 33, of the Code of Federal Regulations is amended by revising § 117.245(f)(16) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

• • • • •

(f) • • •

(16) Sinepuxent Bay, Ocean City, Md., U.S. Route 50 bridge. The draw shall open on signal, except that:

(i) From October 1 through April 30 at least 3 hours' notice is required from 6 p.m. to 6 a.m. and

(ii) From May through September 15, from 9 a.m. to 10 p.m. the draw shall open at 25 minutes after and 55 minutes after the hour for a maximum of 5 minutes to permit accumulated vessels to pass.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on May 5, 1972.

Dated: March 30, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72–5211 Filed 4–4–72;8:50 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Class II Dental Treatment

Section 17.123a is revised to read as follows:

§ 17.123a Eligibility for class II dental treatment without rating action.

When an application has been made for class II dental treatment under § 17.123(b), the applicant may be deemed eligible and dental treatment authorized on a one-time completion basis without rating action if:

(a) The examination to determine the need for dental care has been accomplished within 14 months after date of discharge or release unless delayed through no fault of the veteran, and sound dental judgment warrants a conclusion the condition originated in or was aggravated during service and the condition existed at the time of discharge or release from active service, and

(b) The treatment will not involve replacement of a missing tooth noted at the time of Veterans Administration examination except:

(1) In conjunction with authorized extraction replacement, or

(2) When a determination can be made on the basis of sound professional judgment that a tooth was extracted or lost on active duty.

(c) Individuals whose entire tour of duty consisted of active or inactive duty for training shall not be eligible for treatment under this section.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: March 29, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72–5229 Filed 4–4–72;8:51 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2-Chloro-1-(2,4,5-Trichlorophenyl) Vinyl Dimethyl Phosphate

A petition (PP 1F1090) was filed by the Shell Chemical Co., Suite 1103, 1700 K Street NW., Washington, D.C. 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the insecticide 2-chloro-1-(2,4,5 - trichlorophenyl) vinyl dimethyl phosphate in the raw agricultural commodity milk at 0.02 part per million resulting from direct application of the insecticide to cattle and to the ceilings and walls of dairy barns. Subsequently, the petitioner amended the petition by proposing a tolerance of 0.5 part per million for residues of this insecticide in milk fat reflecting negligible residues of 0.02 part per million in milk.

Part 120, chapter I, title 21, was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, chapter III, title 21 was redesignated Part 180 and transferred to sub-

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chapter E, chapter I, title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is being established.

2. The tolerance on whole milk is not required as the residue is concentrated in the milk fat for which a tolerance of 0.5 part per million is being established.

3. Established tolerances for residues of this insecticide in the meat, fat, and meat byproducts of cattle will be adequate to cover residues resulting from the proposed uses on dairy cattle.

4. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.252 is amended by revising the paragraph "0.5 part per million * * *", as follows:

§ 180.252 2-Chloro-1-(2,4,5-trichlorophenyl)vinyl dimethyl phosphate; tolerances for residues.

* * * * * *

0.5 part per million in milk fat (reflecting negligible residues in whole milk) and the meat and meat byproducts of cattle.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4–5–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5143 Filed 4–4–72;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

m-(1-Methylbutyl)phenyl Methylcarbamate and m-(1-Ethylpropyl) phenyl Methylcarbamate

A petition (PP 2F1190) was filed by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of an insecticide that is a mixture of 75 percent *m*-(1-methylbutyl) phenyl methylcarbamate and 25 percent *m*-(1-ethylpropyl) phenyl methylcarbamate in or on the raw agricultural commodities rice and rice straw at 0.05 part per million.

Part 120, chapter I, title 21 was redesignated Part 420 and transferred to chapter III (36 F.R. 424). Subsequently, Part 420, chapter III, title 21 was redesignated Part 180 and transferred to subchapter E, chapter I, title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. The proposed usage is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry. The usage is in the category specified in § 180.6(a)(3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.255 is revised in both the heading and text to read as follows:

§ 180.255 *m*-(1-Methylbutyl)phenyl methylcarbamate and *m*-(1-ethylpropyl)phenyl methylcarbamate; tolerances for residues.

Tolerances are established for negligible residues of an insecticide that is a mixture consisting of 75 percent *m*-(1-methylbutyl) phenyl methylcarbamate and 25 percent *m*-(1-ethylpropyl) phenyl methylcarbamate in or on the raw agricultural commodities corn grain, fresh corn including sweet corn (kernels plus cob with husk removed), corn fodder and forage, rice, and rice straw at 0.05 part per million (such tolerances to cover residues of both components).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4–5–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5144 Filed 4–4–72;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-(2-Methyl-4-Chlorophenoxy) Butyric Acid

A petition (PP 1F1051) was filed by Rhodia Inc., Chipman Division, 120 Jersey Avenue, New Brunswick, NJ 08903, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide 4-(2-methyl-4-chlorophenoxy) butyric acid in or on the raw agricultural commodity peas with pods at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance on pea pods since it is understood that the term "peas" includes pods.

Part 120, chapter I, title 21 was redesignated Part 420 and transferred to chapter III (36 F.R. 424). Subsequently, Part 420, chapter III, title 21 was redesignated Part 180 and transferred to subchapter E, chapter I, title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. The proposed use is not reasonably expected to result in residues of the herbicide in eggs, meat, milk, and poultry. The use is classified in the category specified in § 180.6(a)(3).

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), the following new section is added to Part 180, Subpart C, as follows:

§ 180.318 4-(2-Methyl-4-chlorophenoxy) butyric acid; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide 4-(2-methyl-4-chlorophenoxy) butyric acid in or on the raw agricultural commodity peas.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4–5–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 29, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5142 Filed 4–4–72;8:45 am]

PART 180—TOLERANCES AND EXEMPTION FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

α-(o,p-Dinonylphenyl)-omega-Hydroxypoly (oxyethylene) and Mixtures of Corresponding Mono- and Dihydrogen Phosphate Esters

A petition (PP 1F1128) was filed by GAF Corp., 140 West 51st Street, New York, NY 10020, in accordance with provisions of the Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for residues of the following surfactants when used as inert ingredients in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest.

1. α-(o,p-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of dinonylphenol (the nonyl group is a propylene trimer isomer) with an average of 4–14 moles of ethylene oxide.

2. Mixtures of corresponding mono- and dihydrogen phosphate esters.

Part 120, chapter I, title 21 was redesignated Part 420 and transferred to chapter III (36 F.R. 424). Subsequently, Part 420, chapter III, title 21 was redesignated Part 180 and transferred to subchapter E, chapter I, title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the compounds are useful for the purpose for which exemptions from tolerance are being established and that the exemptions established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by alphabetically inserting two new items in the table in paragraph (c), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
α-(o,p-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of dinonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 moles of ethylene oxide.		Surfactants, related adjuvants of surfactants.
α-(o,p-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium, and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 moles.		Do.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing with be adversely affected by the order and specify with partcularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4–5–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5145 Filed 4–4–72;8:45 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 177—FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Special Allowances

Subparagraph (3) of § 177.4(c), *Special allowances*, which deals with the payment to lenders of the allowances authorized by section 2 of the "Emergency Insured Student Loan Act of 1969" (Public Law 91–95) is amended to provide for the payment of such an allowance for the period January 1, 1972, through March 31, 1972, inclusive.

As so amended § 177.4 reads as follows:

§ 177.4 Payment of interest benefits, administrative cost allowances and special allowance.

* * * * * *

(c) *Special allowances.* * * *

(3) Special allowances are authorized to be paid as follows:

* * * * * *

(xi) For the period January 1, 1972, through March 31, 1972, inclusive, a special allowance is authorized to be paid in an amount equal to the rate of three fourths of 1 percent per annum of the average unpaid balance of disbursed principal of eligible loans.

(Sec. 2, 83 Stat. 141)

Dated: March 31, 1972.

PETER P. MUIRHEAD,
Acting Commissioner of Education.

Approved: April 4, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72–5318 Filed 4–4–72;9:36 am]

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Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases 33-5237, 34-9548, 35-17514, 40-7091, AS-123]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 251—INTERPRETATIVE RELEASES RELATING TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Standing Audit Committees Composed of Outside Directors

As far back as 1917, it was urged that auditors in the United States should be appointed or selected by the stockholders in accordance with the practice in Great Britain and in Canada, and that State laws or company bylaws "should contain a provision for an independent report on the affairs of the company by an auditor appointed by the stockholders."[1]

Following the McKesson-Robbins investigation, in 1940 the Commission advocated the adoption of a program for: (1) Current election of auditors at the annual meeting of stockholders; (2) nomination of auditors and arranging the details of the audit by a committee of nonofficer members of the board of directors; (3) addressing of the auditors' certificate, report or opinion to the stockholders; (4) mandatory attendance by auditors at the annual meetings of stockholders at which the audit report is presented; and (5) mandatory submission by auditors of a report on the amount of work done and of the reasons for noncompletion in situations where audit engagements are not completed. The stress of the program was on the responsibility of auditors to public investors.[2]

More recently others have supported these suggestions. In 1967, the executive committee of the American Institute of Certified Public Accountants recommended that standing audit committees of outside directors should nominate auditors for the annual audits of publicly owned companies and should discuss the audit work with the auditors appointed to perform the audit. The Institute considered that such standing audit committees "• • • can be a constructive force in the overall review of internal controls and financial structure, and give added assurance to stockholders as to the objectivity of corporate financial statements."[3]

A 1970 study has concluded that "[t]he potential for usefulness of corporate audit committees, • • • sufficiently exceeds the possibilities for disturbance that we strongly recommend that all companies with significant nonmanagement shareholder interests consider carefully the desirability of establishing an audit committee • • •."[4]

The Commission has a statutory duty to satisfy itself that the consolidated financial statements filed with it by publicly owned companies of increasingly sophisticated and interlocking affiliations satisfy the requirements of Rules 2-02 (b) and (c) of Regulation S-X (17 CFR 210.2-02 (b) and (c)) and/or Instruction 5 to Item 6 of Form S-1 (17 CFR 239.11), as appropriate. To this end, the Commission, in the light of the foregoing historical recital, endorses the establishment by all publicly held companies of audit committees composed of outside directors and urges the business and financial communities and all shareholders of such publicly held companies to lend their full and continuing support of the effective implementation of the above-cited recommendations in order to assist in affording the greatest possible protection to investors who rely upon such financial statements.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MARCH 23, 1972.

[FR Doc.72-5209 Filed 4-4-72;8:50 am]

[Release 34-9545]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Operation of Clearing and Settling System for Securities by National Securities Association

On November 4, 1971, in Securities Exchange Act Release No. 9380 and the FEDERAL REGISTER for November 10, 1971 at 36 F.R. 21525, the Securities and Exchange Commission published a proposal to adopt Rule 15Aj-3 (17 CFR 240.15Aj-3) under the Securities Exchange Act of 1934 (the Act). The Commission has received one comment letter. It has considered the comments and suggestions contained therein and has adopted the rule as stated below effective May 8, 1972.

The rule prescribes certain requirements applicable to a national association of securities dealers which establishes and operates facilities for clearing and settling securities transactions,[1] including the requirement that the applicable rules of the association incorporate as guides to interpretation and application certain public interest standards set forth in the Act and also that such rules of the association provide fair procedures for consideration of requests for or refusals of access to such system by customers, issuers, brokers and dealers. The rule also provides for the Commission review of adverse action by the association with respect to such requests for or refusals of access.[2]

Pursuant to section 15A(j) of the Act the NASD has submitted to the Commission amendments to its bylaws and a new schedule thereunder which, among other things, would provide complaint and hearing procedures for aggrieved persons who may be adversely affected by NCC action. The NASD has also submitted to the Commission pursuant to that section rules which, among other things, provide standards regarding who may obtain access to the system and the applicable rates to be charged those who clear through the system; standards for the inclusion or exclusion of securities from the system; standards for deleting securities from the list of cleared securities (i.e., those securities qualified for clearance through the system), and for exclusion of those who clear through the system for failure to comply with applicable regulatory standards. In accordance with section 15A(j), the Commission has not disapproved these amendments and rules. The Commission also has determined that these provisions would be consistent with Rule 15Aj-3.

Rule 15Aj-3 and its statutory basis. The rule relates specifically to the Commission's function to make sure that rules of a national securities association, among other things, "are designed to • • • remove impediments to and perfect the mechanism of a free and open market; and are not designed to permit unfair discrimination between customers or issuers, or brokers or dealers."

As stated in Release No. 9380, discharge of this function in the context of reviewing rules of an association (or its subsidiary) governing the operation of and access to a system of clearing and settling securities transactions is a novel problem in the administration of section 15A. The Commission, however, dealt with a similar problem when the Association proposed to establish the NASDAQ system, its system for providing automated quotations to members and the investing public. See Securities Exchange Act Release No. 8470 of December 16, 1968 and the FEDERAL REGISTER for December 24, 1968 at 33 F.R. 19167, announcing the adoption of Rule 15Aj-2 (17 CFR 240.15Aj-2). As the Commission indicated at that time, existing rules of the NASD (other than those of an organizational or procedural character) relate primarily to standards of business conduct or to conditions of membership. Apart from the possibility that the Commission may disapprove rules of this type which are on their face unlawful and/or in violation of the standards of the Act, the statute spells out a procedure whereby persons aggrieved as a result of the application of rules of conduct or rules limiting membership may have appropriate consideration of their grievance within the association and on review by the Commission. Rule 15Aj-3 provides a similar procedure where application of a rule of a national securities association or its subsidiary denies access to a facility for clearing and settling transactions which is maintained by the collective action of the association. The requirement of a fair and orderly procedure for consideration of specific access requests and grievance appears to the Commission essential to assure that such rules conform, in their actual operation, to the statutory requirements.

Commission action. The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and more particularly sections 15A and 23(a) thereof, and deeming it in the public interest and for the protection of investors, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.15Aj-3 as set forth below, effective May 8, 1972.

§ 240.15Aj-3 Rules for a national securities association relating to a facility for clearing and/or settling securities transactions.

(a) Any national securities association which directly or indirectly adopts, or proposes to adopt, any rules providing for or regulating a system for the clearance and/or settlement of securities transactions shall incorporate in such rules a provision to the effect that insofar as such rules prescribe the conditions of access to such system, such rules shall be applied and interpreted in accordance with the standards of paragraph (b)(8) of section 15A of the Act, including the requirement that rules of such an association shall be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and not to permit unfair discrimination between customers or issuers, or brokers or dealers; and to assure that any disciplinary action pursuant to such rules shall not be excessive or oppressive, having due regard to the public interest.

(b) Such rules shall also provide a fair and orderly procedure with respect to the determination of whether any customer or issuer or broker or dealer may be excluded or limited in respect of requested access to such system including provisions:

(1) For notice of an opportunity to be heard upon the specific grounds for exclusion or limitation which are under consideration;

(2) That a record shall be kept; and

(3) That the determination shall set forth the specific grounds upon which the exclusion or limitation is based.

(c) In the event of any such exclusion or limitation, such action shall be subject to review by the Commission, on its own motion, or upon application by any person aggrieved thereby filed within 30 days after such action has been taken or within such longer period as the Commission may determine. In any proceeding for such review, if the Commission, after appropriate notice and opportunity for hearing, and upon consideration of the record before the association and such other evidence as it may deem relevant, determines that the specific grounds on which such action is based exist in fact and are in accord with the applicable rules of the association (including the provisions thereof required to be included by paragraph (a) of this section), the Commission shall by order dismiss the proceeding. Otherwise, the Commission shall by order set aside the action of the association and require the association to accord the aggrieved person access to such system or to take such other action as may be appropriate, subject to such terms and conditions as the Commission determines to be in accordance with the public interest and consistent with the rules of such association.

(Sec. 15A(j), 52 Stat. 1070, 15 U.S.C. 78o-3 (j); sec. 23(a), 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MARCH 29, 1972.

[FR Doc.72-5228 Filed 4-4-72;8:54 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Occupational Safety and Health is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4-5-72), subparagraph (22) of paragraph (a) of § 213.3315 is amended as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(22) Two Special Assistants to the Assistant Secretary for Occupational Safety and Health.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-5189 Filed 4-4-72;8:49 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 of Schedule C is amended to reflect the consolidation of the Office of Special Programs, the Planning and Review Committee, and the Private Sector Division of the Office of Congressional and Public Affairs into the new Office of the Associate Director for Program Review. This section is also amended to show that the following positions are no longer excepted under Schedule C: Two Special Assistants and One Confidential Staff Assistant to the Chairman, Planning and Review Committee (interdepartmental activities).

Effective on publication in the FEDERAL REGISTER (4-5-72), § 213.3373 is amended by revoking subparagraphs (11), (20), (25), (26), and (28) of paragraph (a); amending the headnote and subparagraph (1) of paragraph (d); adding subparagraphs (7), (8), (9), and (10) to paragraph (d); and revoking subparagraph (9) of paragraph (e) as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* • • •

(11) [Revoked]

• • • • • •

(20) [Revoked]

• • • • • •

(25) [Revoked]

(26) [Revoked]

• • • • • •

(28) [Revoked]

• • • • • •

(d) *Office of the Associate Director for Program Review.* (1) One Confidential Assistant to the Associate Director.

• • • • • •

(7) One Confidential Secretary to the Associate Director.

(8) Two Planning and Review Advisors to the Associate Director.

(9) Chief, Private Resources Division.

(10) Two Confidential Secretaries to the Associate Director (interdepartmental activities).

[1] John Thomas Madden, Accounting Practice and Auditing: Modern Business Texts, Vol. 21 (New York: Alexander Hamilton Institute, 1917, pp. 248-9).

[2] Accounting Series Release No. 19, December 5, 1940. (17 CFR Part 211; 11 F.R. 10918)

[3] "AICPA Executive Committee Statement on Audit Committees of Boards of Directors," Journal of Accountancy, Vol. 124 (Sept. 1967), p. 10.

[4] R. K. Mautz and F. L. Neumann, Corporate Audit Committees (Urbana, Ill.: Bureau of Economic and Business Research, University of Illinois, 1970), p. 96.

[1] While the rule is applicable to action that may be taken by any securities association registered under section 15A of the Act, it has been adopted in light of the National Association of Securities Dealers, Inc.'s (NASD) establishment of the National Clearing Corp. (NCC) as a wholly owned subsidiary to provide a nationwide system to clear and settle over-the-counter transactions in securities and the NCC's and NASD's proposals to adopt rules governing the operation of and access to such a system.

[2] This rule of the Commission applies only to a system for clearance and or settlement of securities transactions set up directly or indirectly under rules of a national securities association.

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(e) *Office of the Assistant Director for Congressional and Public Affairs.* • • •
(9) [Revoked]

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-5188 Filed 4-4-72;8:49 am]

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that one additional position of Private Secretary in the Office of the Military Assistant to the President is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–5–72), subparagraph (8) of paragraph (a) of § 213.3309 is amended as set out below.

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* • • •

(8) Two Private Secretaries in the Office of the Military Assistant to the President.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-5319 Filed 4-4-72;9:41 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-440; Order 451]

PART 35—FILING OF RATE SCHEDULES

PART 154—RATE SCHEDULES AND TARIFFS

Price Stabilization Criteria

MARCH 29, 1972.

On August 18, 1971, this Commission issued its Order No. 437 (36 F.R. 16902) stating that it was the general policy of the Federal Power Commission to implement the Economic Stabilization Act of 1970 as amended and Executive Order No. 11615 insofar as those laws pertain to the Commission's regulatory jurisdiction under the Natural Gas Act (52 Stat. 821, et seq. as amended), the Federal Power Act (41 Stat. 1063 et seq. as amended), and all other statutes vesting legislative authority in the Commission, including such regulatory definitions, orders, exceptions, and exemptions, as may be issued by the President or the Cost of Living Council.

On November 6, 1971, the Commission amended its original statement of policy in Order No. 437–A (36 F.R. 22367). The Commission reaffirmed its statement of policy promulgated in Order No. 437, took note of Executive Order No. 11627, and amendments to the regulations governing implementation of the Economic Stabilization Act of 1970, as amended. The Commission also noted that the objectives of the Economic Stabilization Act of 1970 are consistent with regulatory standards enunciated by Congress in the Federal Power Act and the Natural Gas Act. Specifically the objectives were stated to be consistent with the statutory standards which require the Commission among other things, to determine whether the rates established or proposed to be established by public utility and natural gas companies are just and reasonable. The Commission further stated that in discharging these statutory responsibilities through the regulatory process the Commission's regulatory purposes are consonant with objectives and purposes of the Economic Stabilization Act of 1970.

On March 17, 1972, the Price Commission amended Part 101—Coverage, Exemption and Classification of Economic Units, to Chapter I—Cost of Living Council, in Title 6—Economic Stabilization of the Code of Federal Regulations; Chapter II—Pay Board and Part 201—Stabilization of Wages and Salaries, to Title 6 of the Code of Federal Regulations; and Chapter III—Price Commission and Part 300—Price and Rent Stabilization to Title 6 of the Code of Federal Regulations, all set out in 37 F.R. 5701, March 18, 1972. Among other things these amendments add a new § 300.16a and call upon individual regulatory agencies to promulgate their own rules for implementing the Price Stabilization Act in accordance with the criteria set forth in that section.

The Commission will therefore amend its regulations under both the Federal Power Act and the Natural Gas Act to require that all applications for rate increases shall be accompanied by a special Price Stabilization Exhibit. This exhibit shall contain all of the necessary information by the applicant to demonstrate that the applicant's filing is in compliance with the intent and purposes of the Economic Stabilization Act of 1970, as amended, Executive Order Nos. 11615, 11627 and with the criteria also set out in the amendments to the Commission's regulations as hereinafter ordered. The exhibit and related testimony so filed, and any rebuttal thereto will be a part of the case and will be considered by the Commission in its overall determination as to whether the rate increase should or should not be granted.

The Commission finds:

(1) It is appropriate and in the public interest to establish criteria for the purpose of considering whether jurisdictional rate increases are consistent with the Economic Stabilization Act of 1970, as amended, and Executive Orders 11615 and 11627.

(2) The requirements of 5 U.S.C. 553 (b) for notice and hearing do not apply to this order.

(3) In addition, the provisions of 5 U.S.C. 553 do not apply because notice and public procedure are impracticable and contrary to the public interest in light of the regulations promulgated by the Price Commission at 6 CFR Part 101 pursuant to the Economic Stabilization Act of 1970 as amended.

Pursuant to sections 202, 205, 206, 301, 304, 307, and 309 of the Federal Power Act (49 Stat. 848, 851, 852, 854, 855, 856, 858; 16 U.S.C. 824a, 824b, 824e, 825, 825c, 825f, 825h) and sections 4, 5, 7, 8, 10, 14, and 16 of the Natural Gas Act (76 Stat. 72; 52 Stat. 823, 824, 825, 826, 828, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717c, 717d, 717f(d), 717f(c), 717f(e), 717f(f), 717f(h), 717g, 717i, 717m, 717o) the Commission orders:

(A) Section 154.63(f) Part 154 Subchapter E—Chapter I, Title 18 of the Code of Federal Regulations as amended by adding Statement Q as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

• • • • • •

(f) • • •

Statement Q—Price Stabilization Exhibit.

(a) All applications for rate increases shall be accompanied by a special Price Stabilization Exhibit. This exhibit shall contain all of the necessary information by the applicant to demonstrate that the applicant's filing is in compliance with the intent and purposes of the Economic Stabilization Act of 1970, as amended, Executive Order Nos. 11615, 11627 and with the criteria as hereinafter set out in (b) or with the special circumstances set forth in (c).

(b) These criteria are as follows:

(1) The increase is cost justified and does not reflect future inflationary expectations.

(2) The increase is the minimum required to assure continued, adequate, and safe service or to provide for necessary expansion to meet future requirements.

(3) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and will not impair the credit of the applicant.

(4) The increase does not reflect labor costs in excess of those allowed by Price Commission policies.

(5) The increase takes into account expected and obtainable productivity gains as determined under Price Commission policies.

(c) There are special circumstances which make the price increase in conformity with the Economic Stabilization Program although it does not meet any or all of the foregoing criteria. In making determinations under this subdivision, the Commission shall consider the following:

(1) The criteria set forth in (b) to the extent applicable.

(2) The past and current ratios of the utility's debt capital to the sum of its debt and equity capital and of the applicant's earnings to fixed charges available to pay those charges.

(3) Any financial data which relates to whether the applicant is entitled to a higher return on capital now than it was in the past.

(4) Direct and indirect labor costs, adjusted to reflect productivity gains, as determined by Commission policies; taxes; costs of materials and supplies; discretionary costs; whether any costs incurred or expected to be incurred are in excess of those allowed by Commission policies; and a comparison of all these costs and cost-related item between the current period and recent periods in the past.

(5) Any other factors which are relevant to the goals of the Economic Stabilization Program.

(d) Justification for price increases in conformity with the above criteria shall not be required for price increases resulting from the pass-through of special allowable costs including taxes (except income tax), purchased gas costs, and fuel cost. However, the criteria shall apply to labor cost unless otherwise specified by this Commission.

(e) The requirements for this exhibit shall not apply to any applicant's price increase where the rate base-cost of service criteria are not the basis for assessing a price increase under the terms of the Natural Gas Act and the rules, regulations, and orders promulgated thereunder.

(f) Under existing Commission regulations and applicable law, rate increases for producers of natural gas are determined on an area basis utilizing, inter alia, composite cost data after investigation and study of the various gas producing areas. This practice was established by Area Rate Proceeding, Docket No. AR 61–1, et al, Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 309 U.S. 747 (1968). Small producers will not be required to file the exhibit since they are regulated under Order No. 428 (36 F.R. 5598, March 18, 1971) and its amendments and will be monitored for Price Stabilization purposes by using reports submitted pursuant to Order No. 428 as amended and § 154.104 of the Commission's regulations under the Natural Gas Act which requires filing of annual statements. Moreover, area maximum rates determined in conformity with the Natural Gas Act and intended to balance all interests are constitutionally permissible according to the U.S. Supreme Court. Ibid. Since the Commission will take into consideration the relationship between establishing an area ceiling and national economic stabilization goals in setting area rates, and because of the Price Commission Regulations, § 300.16a(d)(5), the requirements for filing the Price Stabilization Exhibit shall not apply to producers of natural gas. Staff shall develop Price Stabilization data on a composite basis in all area rate cases commenced on or before June 1, 1972.

(B) Section 35.13(b)(4)(iv), Part 35—Filings of Rate Schedules, of Subchapter B—Regulations under the Federal Power Act, as amended, of Chapter I of Title 18 of the Code of Federal Regulations is amended by adding Statement P as follows:

§ 35.13 Filing of changes in rate schedules.

• • • • • •

(b) • • •
(4) • • •
(iv) • • •

Statement P—Price Stabilization Exhibit.

(a) All applications for rate increases shall be accompanied by a special Price Stabilization Exhibit. This exhibit shall contain all of the necessary information by the applicant to demonstrate that the applicant's filing is in compliance with the intent and purposes of the Economic Stabilization Act of 1970, as amended, Executive Order Nos. 11615, 11627 and with the criteria as hereinafter set out in (b) or with the special circumstances set forth in (c).

(b) These criteria are as follows:

(1) The increase is cost justified and does not reflect future inflationary expectations.

(2) The increase is the minimum required to assure continued, adequate, and safe service or to provide for necessary expansion to meet future requirements.

(3) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and will not impair the credit of the applicant.

(4) The increase does not reflect labor costs in excess of those allowed by Price Commission policies.

(5) The increase takes into account expected and obtainable productivity gains as determined under Price Commission policies.

(c) There are special circumstances which make the price increase in conformity with the Economic Stabilization Program although it does not meet any or all of the foregoing criteria. In making determinations under this subdivision, the Commission shall consider the following:

(1) The criteria set forth in (b) to the extent applicable.

(2) The past and current ratios of the utility's debt capital to the sum of its debt and equity capital and of the applicant's earnings to fixed charges available to pay those charges.

(3) Any financial data which relates to whether the applicant is entitled to a higher return on capital now than it was in the past.

(4) Direct and indirect labor costs, adjusted to reflect productivity gains as determined by Commission policies; taxes; costs of materials and supplies; discretionary costs; whether any costs incurred or expected to be incurred are in excess of those allowed by Commission policies; and a comparison of all these costs and cost-related items between the current period and recent periods in the past.

(5) Any other factors which are relevant to the goals of the Economic Stabilization Program.

(d) Justification for price increases in conformity with the above criteria shall not be required for price increases resulting from the pass-through of special allowable costs including taxes (except income tax), purchased gas costs, and fuel cost. However, the criteria shall apply to labor cost unless otherwise specified by this Commission.

(e) The requirements for this exhibit shall not apply to any applicant's price increase where the rate base-cost of service criteria are not the basis for assessing a price increase under the terms of the Natural Gas Act and the rules, regulations, and orders promulgated thereunder.

(C) This order shall become effective 30 working days after issuance or upon the issuance of the Price Commission certificate of compliance, whichever first occurs, and shall terminate automatically when the price stabilization program is appropriately terminated by Executive order or Act of Congress.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5233 Filed 4-4-72;8:52 am]

[1] Commissioner Carver's concurring statement filed as part of the original document.

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Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 47]

PERISHABLE AGRICULTURAL COMMODITIES

Rules of Practice

Notice is hereby given that the U.S. Department of Agriculture is considering amending the rules of practice (7 CFR Part 47) issued pursuant to authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531 et seq., as amended; 7 U.S.C. 499a et seq.).

The Perishable Agricultural Commodities Act, 1930 (46 Stat. 531 et seq., as amended; 7 U.S.C. 499a et seq.), was amended by an act of Congress dated February 15, 1972 (Public Law 92–231), to provide that the Secretary shall order any commission merchant, dealer, or broker who is the losing party to pay the prevailing party, as reparation or additional reparation, reasonable fees and expenses incurred in connection with any oral reparation hearing. The purpose of the proposed amendment to the rules of practice is to provide procedures for the claiming of fees and expenses and adjudication of such claims.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment of the rules of practice should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 15th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. Amend 7 CFR 47.19 by changing the number of paragraph (d) to paragraph (e).

2. Amend 7 CFR 47.19 by adding the following new paragraph (d) and amending paragraph (e) to read as follows:

§ 47.19 Post-hearing procedure before the examiner.

* * * * *

(d) *Claim for award of fees and expenses*—(1) *Filing.* Prior to the close of the hearing, or within 20 days thereafter, each party may file with the examiner a claim for the award of the fees and expenses which he incurred in connection with the oral hearing. No award of fees and expenses to the prevailing party and against the losing party shall be made unless a claim therefor has been filed, and failure to file a claim within the time allowed shall constitute a waiver thereof.

(2) *Fees and expenses which may be awarded to prevailing party.* Pursuant to section 7(a) of the act, the term "fees and expenses," as used herein is limited to: (i) Reasonable fees of an attorney or authorized representative for appearance at the hearing and for the taking of depositions necessary for introduction at the hearing; (ii) fees and mileage for necessary witnesses at the rates provided for witnesses in the courts of the United States; (iii) fees for the notarizing of a deposition and its reduction to writing; (iv) fees for serving subpoenas; and (v) other fees and expenses necessarily incurred in connection with the oral hearing. Fees and expenses which are not considered to be reasonable or necessarily incurred in connection with the oral hearing will not be awarded.

(3) *Form of claim.* A claim for fees and expenses shall be in the form of a written itemized statement of the fees and expenses claimed, which shall include an explanation of how each item was computed, to which there shall be attached an affidavit, made by the party or his authorized attorney or agent having knowledge of the facts, that each such item is correct and has been necessarily incurred in connection with the oral hearing in the proceeding and that the services for which fees are claimed were actually and necessarily performed.

(4) *Service of claim.* A copy of each such claim filed shall be served by the examiner on the other party or parties to the proceeding.

(5) *Objections to claim.* Within 10 days after being served with a copy of a claim for fees and expenses, the party so served may file with the examiner written objections to the allowance of any or all of the items claimed. If evidence is offered in support of an objection it must be in affidavit form. A copy of any such objections shall be served by the examiner on the other party or parties.

(6) *Reply to objections to claim.* A claimant who is served with a copy of objections to his claim may, within 10 days after such service, file with the examiner a reply to such objections. If evidence is offered in support of a reply it must be in affidavit form. A copy of any such reply shall be served by the examiner on the other party or parties.

(7) *Further inquiry by examiner.* Whenever it is deemed desirable or necessary for the proper disposition of a claim, the examiner may request statements as to specific matters from either or both parties. Any statements so furnished shall be served by the examiner on the other party.

(8) *Number of copies.* All documents or papers authorized by this paragraph to be filed with the examiner shall be filed in triplicate: *Provided,* That, where there are more than two parties to the proceeding an additional copy shall be filed for each additional party.

(e) *The examiner's report.* The examiner, with the assistance and collaboration of such employees of the Department as may be assigned for the purpose, and within a reasonable time after the filing of the transcript with the hearing clerk, as provided in paragraph (a) of this section, or within a reasonable time after the termination of the period allowed for the filing of the submissions of the parties allowed by this section, shall prepare, upon the basis of the evidence received at the hearing and with due consideration of submissions of the parties filed pursuant to paragraph (d) of this section, his report. Such report shall be filed with the hearing clerk and shall be prepared in the form of a final order for the signature of the Secretary, but shall not be served upon the parties, unless and until it shall have been signed by the Secretary, as hereinafter provided.

(Sec. 15, 46 Stat. 537, as amended; 7 U.S.C. 499o)

Done at Washington, D.C., this 3d day of April 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-5299 Filed 4-4-72;8:54 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

Consumer and Marketing Service

[7 CFR Part 51]

SAWDUST PACK GRAPES

Proposed Termination of Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the termination of U.S. Standards for Sawdust Pack Grapes (7 CFR 51.2150—51.2178). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than April 15, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public review during official hours of business (7 CFR 1.27(b)).

Statement of considerations leading to the proposed termination of the grade standards. The U.S. Standards for Sawdust Pack Grapes were issued in August 1928. They were last revised in October 1953, and amended in October 1962. Sawdust pack grapes are a premium pack designed for long storage and overseas shipment. The standards supplemented the table grape standards. In May 1971, the table grape standards were revised and at that time provisions for certification of grapes for export were incorporated. It was the intention of the Department of Agriculture to terminate the sawdust pack standards at that time. However, several shippers stated that termination then would cause undue hardship and financial loss due to the fact that they had on hand a stock of containers marked "U.S. No. 1 Sawdust Pack". It was believed that one season would be sufficient to allow for disposal of the containers on hand. As there was no duplication of grade designations between the two standards, this request for additional time was considered reasonable.

The 1972 shipping season will begin in May and it is the Department's belief, concurred in by grape industry representatives recently consulted, that it is in the best interest of the industry to terminate the sawdust pack standards. This will eliminate any chance of error or confusion on the part of members of the industry.

Therefore, it is proposed that the U.S. Standards for Sawdust Pack Grapes (European or Vinifera type) (7 CFR 51.2150—51.2178) be terminated effective May 1, 1972.

Dated: March 31, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5246 Filed 4-4-72;8:54 am]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

[7 CFR Part 911]

[Docket No. AO–267–A6]

LIMES GROWN IN FLORIDA

Decision and Referendum Order With Respect to Proposed Further Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Homestead, Fla., on November 10, 11, and 12, 1971, after notice thereof published in the FEDERAL REGISTER (36 F.R. 20610), on proposed further amendment of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on February 25, 1972, with the Hearing Clerk, U.S. Department of Agriculture. The notice of the filing of such recommended decisions, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 72–3153; 37 F.R. 4345), on March 2, 1972. No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 72–3153; 37 F.R. 4345), are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Further amendment of the marketing agreement and order. Annexed hereto and made a part hereof are documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Limes Grown in Florida," and "Order Amending the Order, as Amended, Regulating the Handling of Limes Grown in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1971, through March 31, 1972 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, within the production area (as defined in 7 CFR Part 911), in the production of limes for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of such limes.

Minard F. Miller, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, P.O. Box 9, Lakeland, Fla. 33802, is hereby designated referendum agent of the Secretary of Agriculture to conduct said referendum.

The procedure applicable to such referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts, Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR 900.400 et seq.).

The ballots used in such referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the office of the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250.

Ballots to be cast in each referendum, and other necessary forms and instructions, may be obtained from the referendum agent or any appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order as further amended by the annexed order which will be published with this decision.

Dated: March 31, 1972.

RICHARD E. LYNG,
Acting Secretary.

Order [1] amending the order, as amended, regulating the handling of limes grown in Florida

§ 911.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Homestead, Fla., on November 10, 11, and 12, 1971, upon proposed amendments to the amended marketing agreement and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of limes grown in the designated production area in the same

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements to orders have been met.

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manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as amended and as hereby further amended, that makes necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended, as follows:

1. The title of § 911.10 *Handle* and that part of the first sentence of the section preceding (a) are amended to read, respectively, as follows:

§ 911.10 Handle or ship.

"Handle" is synonymous with "ship" and means to sell, consign, deliver, or transport limes within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: • • •

2. Section 911.30 *Procedure* is amended by revising paragraph (a) and adding a new paragraph (c) to read, respectively, as follows:

§ 911.30 Procedure.

(a) Except as provided in paragraph (c) of this section, six members of the committee, including alternates acting for members, shall constitute a quorum and any decision, recommendation or other action of the committee shall require not less than five concurring votes including one by a handler member or an alternate acting as such.

• • • • •

(c) For any recommendation of the committee pursuant to § 911.53 as to the total quantity of limes deemed advisable to be handled during any week immediately following two or more continuous weeks of regulation pursuant to § 911.54 nine members of the committee, including alternates acting for members, shall constitute a quorum and nine concuring votes shall be required. The quorum and voting requirements specified in this paragraph shall not apply to recommendations pursuant to § 911.53 to increase the quantity that may be handled during the applicable week or pursuant to § 911.54 to terminate or suspend a regulation.

3. Sections 911.50 through 911.56 are redesignated and amended as indicated:

a. Section 911.50 *Marketing policy* is redesignated as § 911.46 and amended by revising the introductory sentence and paragraph (d) to read, respectively, as follows:

§ 911.46 Marketing policy.

Each fiscal year prior to making any recommendation pursuant to § 911.47 or § 911.53, the committee shall submit to the Secretary a report setting forth its marketing policy for such fiscal year.

• • • • •

(d) The expected shipments of limes produced in the production area and in other areas including foreign competing areas, together with a schedule of estimated weekly shipments of limes during such fiscal year;

• • • • •

b. Section 911.51 *Recommendations for regulation* is redesignated as § 911.47 and in paragraph (a) of such section "§ 911.52" is changed to "§ 911.48".

c. Section 911.52 *Issuance of regulations* is redesignated as § 911.48.

d. Section 911.53 *Modification, suspension, or termination of regulations* is redesignated as § 911.49 and in paragraph (a) of such section "§ 911.52" is changed to "§ 911.48".

e. Section 911.54 *Exemption certificate* is redesignated as § 911.50 and in the first sentence of such section "§ 911.52" is changed to "§ 911.48".

f. Section 911.55 *Inspection and certification* is redesignated as § 911.51 and in the first sentence of such section "§ 911.52" is changed to "§ 911.48".

g. Section 911.56 *Limes not subject to regulations* is redesignated as § 911.52 and is amended by revising the text therein preceding paragraph (b) to read as follows:

§ 911.52 Limes not subject to regulations.

Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 911.41, 911.48, 911.51, and 911.54 through 911.58, and the regulation issued thereunder, handle limes (a) for consumption by charitable institutions; • • •

• • • • •

4. The following new sections are added immediately following § 911.52:

§ 911.53 Recommendation for volume regulation.

(a) The committee may, during any week, recommend to the Secretary the total quantity of limes which it deems advisable to be handled during the succeeding week: *Provided,* That such volume regulation shall not be recommended for any week except during the 18-week regulatory period beginning with the week preceding the first full week in May: *Provided, further,* That no such regulation shall be recommended after such regulations have been in effect for an aggregate of eight (8) weeks during the aforesaid period.

(b) In making its recommendations, the committee shall give due consideration to the following factors:

(1) Market prices for limes;

(2) Supply of limes en route to principal markets;

(3) Supply, maturity, and condition of limes in the production area;

(4) Market prices and supplies of fruits from competitive producing areas, including foreign competing areas, and supplies of other competitive fruits;

(5) Trend and level in consumer income; and

(6) Other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 911.54, has fixed the quantity of limes which may be handled, the committee may recommend to the Secretary that such quantity be increased for such week. Each such recommendation, together with the committee's reason for such recommendation, shall be submitted promptly to the Secretary.

§ 911.54 Issuance of volume regulations.

Whenever the Secretary finds, from the recommendation and information submitted by the commitee, or from other available information, that to limit the quantity of limes which may be handled during a specified week of a regulatory period will tend to effectuate the declared policy of the act, he shall fix such quantity: *Provided,* That such regulations during a regulatory period shall not in the aggregate limit the volume of lime shipments for more than eight (8) weeks. The quantity so fixed for any week, may be increased by the Secretary at any time during such week. Such regulations may, as authorized by the act, be made effective irrespective of whether the season average price of limes is in excess of the parity price. The Secretary may upon the recommendation of the committee, or upon other available information, terminate or suspend any regulation pursuant to this section at any time.

§ 911.55 Prorate bases.

(a) Each person who desires to handle limes shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 911.56.

(b) Such application shall be substantiated in such manner and shall be supported by such information as the committee may require.

(c) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(d) Each week during the regulatory period when volume regulation is likely to be recommended for the following week, the committee shall compute a prorate base for each handler who has made application in accordance with the provisions of this section. The prorate base for each such handler shall be computed by adding together the handler's shipments of limes in the current season and his shipments in the immediately preceding seasons, if any, within the representative period, in which he shipped limes and dividing such total by a divisor computed by adding together the number of weeks elapsed in the current season and 18 weeks for each of such immediately preceding seasons within the representative period in which the handler shipped limes. For purposes of this section "representative period" means the two preceding seasons together with the current season; the term "season" means the 18-week period beginning with the week preceding the first full week in May of any fiscal year; and the term "current season" means the period beginning with the week preceding the first full week in May of the current fiscal year through the fourth full week preceding the week of regulation: *Provided,* That when official shipping records are available to the committee he said "current season" shall extend through the third full week preceding the week of regulation.

§ 911.56 Allotments.

Whenever the Secretary has fixed the quantity of limes which may be handled during any week, the committee shall calculate the quantity of limes which may be handled during such week by each person who has applied for a prorate base and for whom such a base was computed by the committee. Such quantity shall be the allotment of such person and shall be that portion of the total quantity fixed by the Secretary which, expressed in terms of percent, is equal to the percentage that such applicant's prorate base is of the aggregate of the prorate bases of all such applicants. The committee shall give reasonable notice in writing to each person of the allotment computed for him pursuant to this section.

§ 911.57 Overshipments.

During any week for which the Secretary has fixed the total quantity of limes which may be handled, any person who has received an allotment including any handler who received zero allotment computed pursuant to §§ 911.55 and 911.56 may handle, in addition to the total allotment available to him, an amount of limes equivalent to 10 percent of such total allotment or 50 bushels, whichever is the greater.

§ 911.58 Undershipments.

If any person handles during any week a quantity of limes, covered by a regulation issued pursuant to § 911.54, in an amount less than the total allotment available to him for such week, he may handle, during the next week, only, a quantity of limes, in addition to that permitted by the allotment available to him for such week, equivalent to such undershipment or 50 percent of the allotment issued to him for the week during which the undershipment was made, whichever is the lesser: *Provided,* That the committee, with the approval of the Secretary, may increase or decrease such percentage.

§ 911.59 Allotment loans and transfers.

(a) A person to whom an allotment has been issued for a particular week may lend or transfer all or part of such allotment to other persons to whom allotments also have been issued.

(b) Loaned or transferred allotment may be used only during the particular week for which issued.

(c) Each party to any loan or transfer, shall, prior to the handling of any limes covered by a loan or transferred allotment, notify the committee of the loan or transfer including the applicable dates, if any, of repayment.

(d) If no volume regulation is in effect in the week when a loan repayment is due the repayment requirement shall be deemed canceled.

(e) Any handler to whom an allotment has been issued and who desires to be a party to any such loan or transfer arrangement, may communicate such information to the committee. As a service to handlers, the committee shall act as a clearinghouse of such information and make it available to all such handlers upon request. However, as required by paragraph (c) of this section each party to any such loan or transfer shall, prior to the handling of any limes covered by the loan or transferred allotment, notify the committee of the loan or transfer, including the applicable dates, if any, of repayment.

[FR Doc.72-5201 Filed 4-4-72;8:50 am]

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given to the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), hereinafter referred to collectively as the "order," regulating the handling of tomatoes grown in the Florida production area. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. A public hearing was held during the 5-week period October 4–November 4, 1971 in Orlando, Fla., pursuant to a notice thereof published in the FEDERAL REGISTER on April 28, 1971 (36 F.R. 7969) and as amended on August 25, 1971 (36 F.R. 16677).

The purpose of the hearing was to collect evidence with which to reevaluate the basis and method for regulating the handling of Florida tomatoes differently for different stages of maturity. Such authority, now provided in § 966.52, has been used on several occasions in past years to impose different minimum size limitations on shipments of Florida grown mature green tomatoes than those imposed on tomatoes of more advanced maturity. As required by § 608e–1 of the act, identical minimum size limitations were imposed on imported tomatoes.

The regulations imposed under the order have been recommended by the Florida Tomato Committee and supported by the Florida tomato industry. However, importers of Mexican tomatoes and others have opposed such regulations, both in views filed under rule making proceedings and in the courts. On March 19, 1971, the U.S. Court of Appeals for the District of Columbia recommended that a hearing should be provided for on "novel and crucial" issues.

This hearing was held in response to the Court's ruling. All interested parties were given an opportunity to present pertinent evidence on the material issues.

Sixteen witnesses appeared including representatives of the Florida tomato industry and the Florida Tomato Committee, an importer of Mexican tomatoes, a tomato repacker, and a retailer. Staff members of the University of Florida and private consulting firms, an expert witness from the U.S. Department of Agriculture, and two representatives of consumer organizations also testified.

The testimony amounted to 4,238 pages. In addition 116 exhibits were identified or received in evidence.

Material issues. The material issues on the record of the hearing are as follows:

(1) The basis for regulating tomato shipments differently by maturity. Involved in this issue are the following matters relating to tomato production, harvesting, and handling in Florida:

(a) Season and scope of production;
(b) Classes of producers;
(c) Cultural practices;
(d) Vine ripe production;
(e) Mature green production;
(f) Districts;
(g) Packinghouse operations;
(h) Controlled atmosphere ripening;
(i) Machine harvesting;
(j) Tomato growth and size characteristics;

(2) The effect of regulating tomato shipments differently by maturity on

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Florida producers and others involved in the production and marketing of winter season tomatoes; and

(3) Whether § 966.51 *Recommendations for regulation*, should be amended to specify the factors to be considered in developing and recommending regulations.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) The basis for regulating tomato shipments differently by maturity.

(a) *Season and scope of production.* Planting of tomatoes in Florida usually begins in midsummer and is active through the fall and early winter. Most acreage is direct seeded, although in some parts of the State growers transplant seedlings. The latter practice is more prevalent in the more northerly areas of Florida where the production season is shorter due to a cooler climate.

Annual production varies considerably from year to year, reflecting the vagaries of weather. But the long-term trend has been downward. Shipments during the 1970–71 marketing season of 13.3 million 40-pound cartons were 27 percent above those in 1969–70, but 12 percent below the average of the three preceding seasons.

Harvest of Florida's fresh tomato crop typically gets underway in late October and continues well into the following June. During the five most recent seasons (1966–67 through 1970–71), an average of 22 percent of the total seasonal shipments occurred in October through December, 33 percent were made during the months January through March, and 45 percent from April to the end of the season.

Throughout each of the five aforementioned seasons, Florida shipped both "mature green" and "vine ripe" tomatoes. These terms refer to the stage of maturity of the tomatoes at the time of inspection. A "mature green" tomato is one that is mature as defined by U.S. Standards for Fresh Tomatoes and the skin of which is completely green in color. The U.S. Standards definition of mature is "that the contents of two or more seed cavities have developed a jelly-like consistency and the seeds are well-developed."

A "vine ripe" tomato is also mature but the skin color has reached at least the breaker stage. Breaker means that there is a definite change in color from green to a tannish yellow, pink, or red on not more than 10 percent of the surface. In appearance, such a tomato is green with just a touch of yellow or pink, usually at the blossom end of the tomato.

Under the marketing order, the maturity of Florida tomatoes, including color as an indication of the degree of maturity, is officially determined at the packinghouse where tomatoes are inspected by the Federal-State Inspection Service. Such inspection is compulsory when a marketing order regulation is in effect requiring all shipments meet a specified size or grade and to provide a basis for collecting assessments needed to operate a marketing order program. Inspection is commonly used even when a market order program is not operating as a means of identifying the composition of particular lots being traded.

(b) *Classes of producers.* The terms vine ripe and mature green also are used to describe tomato growers in Florida in the sense that such terms indicate the particular maturity of tomatoes predominantly produced and harvested by such growers. Every grower when he plants an individual field has a basic intent to harvest tomatoes from that field as either mature green or vine ripe. His plans are influenced by many factors including type of soil, climate, the prospective supply of labor while the crop is growing and at harvest, and the packinghouse facilities that will be available to handle his harvested tomatoes.

The record shows that most growers specialize in harvesting just one maturity although a few persons have tomato operations so organized as to produce and harvest both vine ripe and mature green tomatoes. The record also shows that all fresh tomato growers, whether specialists or not, may at some time harvest both mature green and vine ripe tomatoes from their fields. As shown later herein, this results primarily from practical considerations in commercial harvesting practices.

(c) *Cultural practices.* The initial activities of preparing the soil and planting the tomato seed or seedlings are essentially the same for both maturities. But the vines usually are handled differently and harvesting practices for a vine ripe tomato operation vary greatly compared with one in which tomatoes are picked primarily mature green.

As the tomato vines grow they are either left on the ground or "staked". In staking tomatoes, the vines are tied to stakes or may be supported by a trellis-like system constructed of strings tied to stakes set at intervals in the row, and their growth is directed upward. The staked vines, unlike ground grown, are pruned and grow taller. They produce larger tomato fruit and a greater total quantity than ground grown vines and, because the tomatoes do not touch the ground, the incidence of disease is reduced.

Tomatoes, in both stake and ground culture, grow larger and mature earlier at the lower part of the vine. The quantity and size of the fruit progressively decreases toward the top of the vine.

(d) *Vine ripe production.* Tomatoes intended to be harvested as vine ripes are "staked". Such staking results in the tomato fruit being more accessable to the pickers and because, unlike ground grown, the vine does not have to be picked up and turned to expose the fruit, there is less damage to the vine than otherwise would result from the frequent harvesting required in a vine ripe operation. Vine ripe fields in Florida generally are picked every other day and all tomatoes showing "color" are picked. The frequent picking schedule is necessary in order to pick the vine ripes as close as possible to the breaker stage, i.e., when the fruit is almost entirely or predominately green. Tomatoes which are picked mature green or as breakers usually have a firm internal texture and a relatively tough surface. If left on the vine a "breaker" could turn red within a few days. As the fruit turns pink and then red, it becomes progressively softer and less able to withstand the frequent handling involved in a commercial tomato harvest, packing, and marketing operation without suffering bruising and other deterioration.

Harvesting of a vine ripe tomato field may continue for several months. However, as the vines get older and yields decline, the vine ripe grower may decide that continued harvest of the field would be uneconomical. Under such circumstances, he will pick both vine ripe and mature green tomatoes as he cleans out the field.

The record shows that the relative importance of "true" vine ripe tomato producers in Florida has been declining in terms of numbers of growers and the volume of their production. However, such producers harvest tomatoes during most of the season, and account for a significantly large portion of the tomato production in several districts of the production area in Florida.

(e) *Mature green production.* In a mature green tomato harvest operation, most fields are picked twice, but occasionally a third picking will be made if the condition of the remaining crop is suitable for such harvest and the market is relatively strong.

As the time for first picking of a mature green field nears, the grower must assess the progress of the tomato crop and decide whether enough fruit are sufficiently mature to warrant sending in a picking crew. The producer considers various external characteristics of his tomatoes which he can associate by experience with adequate maturity. He may squeeze the fruit to gauge its firmness. Some tomatoes may be cut—if the seeds give way before the edge of the knife and are not cut, the tomato is mature. Another common test is the amount of "colored" (vine ripe) tomatoes in the field. Usually a grower will pick only "vine ripe" tomatoes at first, and may do this several times until he decides that there are sufficient mature tomatoes in a field to warrant the initial full scale harvest. Then he has his crew pick every mature tomato. While most of the tomatoes will be mature green, some will have reached the breaker (vine ripe) stage.

The second and occasional third pickings occur at 7- to 10-day intervals. Within these intervals, tomatoes left on vines continue to grow in size and increase in maturity. Some vine ripe tomatoes are included in every subsequent mature green picking and constitute a significant economic commodity to the grower. The proportion of vine ripes included in each harvest of mature greens varies, primarily because of the effects of weather on the growth of the tomatoes. During unusually warm weather, the amount of vine ripes in a picking might

be above average if the harvest crews were unable to keep up with the crop; i.e. the tomatoes would grow unusually fast during the normal time interval between harvests. One witness testified that on occasion vine ripes account for up to 20 percent of the production from his basically mature green harvest operation. Conversely, when temperatures are low, the overall growth of tomatoes is slowed and the incidence of vine ripes in a second or third picking of mature greens may be relatively low.

Because of its more advanced stage of maturity, a vine ripe tomato is more tender than a mature green tomato and therefore usually requires special handling. When a mature green tomato grower makes the preliminary harvests of vine ripes, small containers may be used in the field to avoid pressure bruising. But when the full scale picking occurs, all tomatoes usually are placed in 60- to 90-pound field crates, and in some areas in pallet boxes which hold much larger amounts.

The largest portion of mature green tomatoes is produced on vines which lie on the ground. However, some tomatoes to be harvested mature green also may be staked. This practice is increasing in those areas of Florida where soil structure is suitable for the use of stakes. Staking of mature green fields is more expensive than allowing the vine to stay on the ground, but as with vine ripe culture, it results in less vine damage and better yields. In contrast to a staked vine ripe operation wherein tomatoes are picked at frequent intervals over several months, the staked mature green field is harvested only two or three times. Although the mature green harvest operation theoretically could be changed to a vine ripe operation, this would be impractical because a sharp increase in labor would be required, and as will be shown later, the harvest operation must be geared to the capacity of the packinghouse which will handle the tomatoes.

(f) *Districts.* The types of cultural systems used by Florida growers are related in part to soil and climatic factors, and vary by District within the State. District 1 is comprised of Dade County and is the southern-most tomato producing area in the State. Although a few people grow a small amount of vine ripe tomatoes on a trellis or hydroponically, all large tomato operations in the District are organized for mature green production. In this District, mature green tomatoes are harvested from vines on the ground, planted in soil composed of crushed coral rock. Stakes are not used since it is impracticable to drive them into the underlying coral. Harvest of the Dade County mature green crop usually begins in mid-November and continues into the following May. During the 1970–71 season, 164 million pounds of tomatoes were shipped from District 1, of which 93 percent were mature greens and 7 percent were vine ripe.

District 2 is in the Southeastern corner of the Florida peninsula and includes the Counties of Brevard, Broward, Glades, Indian River, Martin, Osceola, Okeechobee, Palm Beach, and St. Lucie. Tomato production is concentrated in sandy soils along the Atlantic Coast. Vine ripe culture is dominant in the more southern coastal area where the Gulf Stream moderates winter temperatures. Harvest begins in November and terminates during the following spring. The last shipments during the 1970–71 season from Pompano, the center of the area's vine ripe production and marketing, were reported on May 28, 1971. About 93 percent of the total seasonal shipments of 63 million pounds from the district's south coastal area were tomatoes of vine ripe maturity.

Mature green "ground" production is the prevalent practice in the more northerly Fort Pierce area of District 2; tomatoes there are grown for both fall and spring season harvest. For the entire 1970–71 marketing season, shipments reported from the Fort Pierce shipping point amounted to 96 million pounds, of which 96 percent were mature green.

District 3 is in the Southwestern corner of the peninsula, including the Counties of Charlotte, Collier, Hendry, Lee, and Monroe. Tomato growers in this District use all three basic types of culture—vine ripe and mature greens on stakes and mature greens on the ground. Vine ripe production is concentrated on lands close to the ocean, while green tomato operations are inland. Harvest is continuous from November into the following June, with seasonally heaviest shipments typically occurring in December and May. Shipments amounted to 115 million pounds in 1970–71; about 80 percent were mature green.

District 4 is on the west coast of Florida and includes the Counties of De Soto, Hardee, Highlands, Hillsborough, Manatee, Pinellas, Polk, and Sarasota. Tomato production is concentrated in the Manatee-Ruskin-Wauchula area, which is southeast of Tampa. Virtually all tomatoes are grown on stakes for harvest as mature greens. The 1970–71 tomato shipments from this area totaled 124 million pounds, 92 percent being mature green. Shipments begin in late October or early November and continue until frosts occur, usually during the first half of December. Spring crop harvest usually starts in April and runs into June.

Each of the Districts have unique characteristics with regard to tomato production and marketing. Nevertheless, producers in the various Districts are growing the same commodity in about the same manner as their neighbors, harvesting and handling their tomatoes in essentially the same way albeit at different stages of maturity, and selling them in the same market, often at the same time. The result is a continuous flow to market of both mature green and vine ripe tomatoes throughout Florida's November–June season. During the 1970–71 marketing season Florida's shipments totalled 562 million pounds, of which 81 percent were mature green and 19 percent were vine ripe.

(g) *Packinghouse operations.* Vine ripe and mature green tomatoes are not only harvested differently, they also are handled differently.

Tomatoes harvested in a vine ripe operation are hauled from the field to a packinghouse where they are washed, waxed, mechanically segregated by size using sizing belts, and graded. They are then segregated by color so they can be placed in highly stratified packs such as 5 x 6 pinks, 5 x 6 light pinks, and 5 x 6 breakers. While many of the packinghouse operations have been mechanized, the color separation process depends upon the human eye and hand, resulting in relatively large labor requirements for a vine ripe packing operation. Most vine ripes are packed in 20-pound cartons, but special containers which provide additional protection for the product also are used. Some operators will individually wrap vine ripes to provide cushioning for the tomato during transportation and marketing.

Tomatoes picked during a mature green harvest go through essentially the same process. They are hauled in field boxes to the packinghouse where they are first sorted to remove those with "color." Tomatoes showing color move to a "pink" machine on which they are handled as indicated above for the tomatoes from a vine ripe operation.

The sorted out mature green tomatoes go to a "green" machine whereon they are segregated by size, graded, and jumble packed in cardboard containers. Since there is no need for a color separation, labor requirements are much less to operate a green than a pink-machine. A 40-pound carton is the most common container for mature greens but smaller containers are becoming more popular.

Although essentially the same type of machinery is used to process vine ripe and mature green tomatoes, the organization and speed of operation is different. Since vine ripes are segregated by size and then color, they must be sorted an additional time than is the case for mature greens. Belts run slower for vine ripes than mature green in order to reduce bruising of the more tender vine ripes, and to facilitate visual color selection.

A typical tomato packinghouse is equipped to specialize in the handling of a particular maturity, but as noted some have secondary machinery so that both mature green and vine ripe tomatoes can be graded and packed. This specialization in packinghouse equipment is directly associated with the harvesting practices of the producers whose tomatoes are graded in such houses. Thus, in District 4 where virtually all tomatoes are produced to be harvested as mature greens, the bulk of the machinery in the packinghouse is designed to handle mature greens but each house will have a small "pink" machine for use in grading the vine ripe tomatoes that are picked incidental to mature green harvest. This specialization reduces the grower's flexibility in harvesting tomatoes with regard to the maturity at which such tomatoes may be picked. A basically mature green grower must time his harvests so that the incidence of vine ripes does not ex-

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ceed the capacity of the vine ripe machine in the packinghouse handling his primarily mature green tomatoes. Otherwise his vine ripes will have to be left in the field or, if picked, dumped at the packinghouse.

Due to the additional handling required for vine ripe tomatoes—encompassing more labor, and different machinery and packages—the costs of such handling and preparation for market are substantially higher than those incurred for mature green tomatoes. Data in the record show that packing and selling costs run about 25 percent higher for vine ripes. When harvest charges are taken into account, the total cost of picking, packing, and selling tomatoes during the 1970–71 season averaged 4.6 cents per pound for mature greens as compared with 7.2 cents per pound for vine ripes.

The sized, graded, and packaged tomatoes usually are loaded directly on trucks or rail cars for transporting to market although when supplies are relatively large some may be held in the packinghouse for a day or more until sold. During periods of warm weather, refrigeration is commonly used both in the packinghouse and during transportation to maintain quality and retard ripening.

(h) *Controlled atmosphere ripening.* As a tomato ripens, it emits ethylene gas and the rate of emission increases as the fruit approaches a fully ripe condition. The introduction of additional ethylene into closed tomato ripening rooms under controlled conditions merely hastens the ripening process, with the further result of having the tomatoes all ripen at a uniform rate. The increasing use of smaller containers for mature green tomatoes is associated with the practice of gassing tomatoes. In this process, mature greens are placed in a room in which humidity and temperature are controlled. Ethylene gas is injected into the room and the tomatoes remain there for a day or two until the desired color appears. Since the tomatoes in the room tend to ripen uniformly, packinghouse operators can pack mature green tomatoes in 20- or 30-pound cartons, ripen them in a controlled atmosphere room and ship them direct to retail outlets, thus bypassing the repacking (ripening) operation in the terminal market.

Industry witnesses testified that the introduction of additional ethylene is not detrimental to a tomato. On the contrary, in their opinion the process hastens maturity and actually improves the quality of the product ultimately available to the consumer because there is less damage to tomatoes as compared with that which occurs during the repeated handling required for ordinary ripening. By the latter method, a lot of tomatoes often may be sorted several times over a period of days by the repacker as he attempts to obtain tomatoes of uniform color in the package he sends to the retail outlets.

(i) *Machine harvesting.* Because of rising wage rates and a decline in the supply and quality of field labor, efforts are being made to develop a method or system by which fresh tomatoes can be effectively harvested by machines. The two major parts of such a system are a mechanical harvester that will operate efficiently under various soil conditions in Florida, and a tomato variety with sufficient strength to withstand the buffeting that occurs during harvest and which ripens with a high degree of uniformity. The latter characteristic is essential since each field will be machine picked only once; the plant will be severed from its roots, thus terminating further production.

The record shows that the machine harvesting system now in the testing stage is primarily a mature green operation. A witness testified to his belief that when the use of such a system becomes widespread and general, Florida growers will continue to harvest and market both mature green and vine ripe tomatoes. It is expected that they will continue to use the amount of "color" in the field as an indication of maturity, hand-picking the "color" one or more times until the field of tomatoes reaches the stage of maturity which justifies complete harvest by machine. Even then, it is anticipated that there will be vine ripe tomatoes among the machine harvested crop. And because of differences in production schedules of the various growers, at any given time throughout a season some growers probably will be hand picking only vine ripe tomatoes while others will be machine harvesting predominantly mature green tomatoes. Thus, both vine ripe and mature green tomatoes will be marketed simultaneously.

(j) *Tomato growth and size characteristics.* A tomato becomes "mature green" as many as 21 days before it reaches the so-called breaker stage, at which stage it is commonly considered to be "vine ripe". During that interval or maturation period of up to 21 days, the tomato continues to increase in size and weight according to the testimony of industry witnesses based upon their many years of experience in producing tomatoes. These witnesses differed however in their judgment as to the extent of such increases.

Research on the extent of growth during the maturation period is limited. The U.S. Department of Agriculture has published two documents, which were placed in evidence, containing material which relates to this matter. The more recent publication dealt with a study performed in Mississippi in the late 1930's. The author reported a substantial gain of 12 percent in tomato size took place during the last 4 days prior to breaking and becoming vine ripe. However, he did not discuss his method of analysis and it is impossible to determine whether the observed size increase related to diameter, volume or some other measure.

The other publication described a research project undertaken shortly after World War I. The research was performed in northern Virginia and southern Florida with a tomato variety which has not been used for many years. Average growth in Virginia during the usual period of maturation amounted to about a fifth of an inch, whereas the experiment in Florida showed a gain of slightly over one-third of an inch. The tomatoes in Florida were grown under weather conditions of extreme stress which may have been responsible for the erratic growth pattern observed, comprised of an especially large increase during the 7-day period beginning 21 days before breaking and becoming vine ripe, and a small increase thereafter. Nevertheless, the growth pattern observed in this experiment suggests that there was a significant increase in size during the 21-day period of maturation.

The differences in tomato-growth rates during maturation, as measured in these USDA research projects and as testified to by various witnesses, are indicative of the variation in growth that may occur because of differences in such factors as cultural practices, varieties, type of soil, and season of production, and to the influence of short-run changes in weather.

The relative sizes of vine ripe and mature green tomatoes—of varieties now commonly used and as harvested over many weeks during a recent winter season—can be ascertained from shipment data compiled by the Florida Tomato Committee.

Each season since reactivation of the marketing order in 1968, the Florida Tomato Committee has reported, by grade and size, all shipments regulated under the marketing order. During the first two seasons these data gave some indication of the general size relationship among tomatoes of different maturities, but the data were not complete because only interstate shipments were regulated and therefore recorded. The quantity and size composition of Florida tomatoes that moved to market within the State were unknown.

In addition, the Florida shipment data for those seasons (1968–69 and 1969–70) provided no insight into the quantity of saleable tomatoes which were not marketed. When total supplies of tomatoes are larger than market demand, prices are depressed and some of the smaller and less valuable tomatoes are not shipped. During such periods of low prices, many small mature green tomatoes are abandoned in the fields or dumped at the packinghouse. Similarly, even though all vine ripe tomatoes are usually picked and moved from the fields because of cultural requirements, economic factors generally result in small vine ripes also not being shipped when the market is saturated with larger tomatoes. In addition, during significant portions of these two marketing seasons, regulations were in effect which restricted shipment of certain of the smaller sizes of tomatoes.

The deficiency in statistical data relating to tomato sizes was relieved in the 1970–71 marketing season. During that season, marketing order regulations limiting the sizes of tomatoes that could be shipped were imposed only briefly near the end of the season. But regulations requiring inspection of intrastate as well as interstate shipments were in effect all season. Therefore all shipments of Florida tomatoes, whether marketed within

or without the State, were inspected and recorded. Further, for an extended number of weeks during the main portion of the season, the market for tomatoes was unsually strong. During that period virtually every marketable tomato was picked, shipped, and recorded. The combination of (1) mandatory inspection of all shipments, (2) intensive harvest of all marketable tomatoes, and (3) only brief imposition of size requirements resulted in a detailed picture of the size and grade composition of the 1970–71 tomato crop in Florida.

The shipment data indicate that tomato sizes vary between districts in Florida, and that, overall, tomato sizes change during the season. While this variation may result from a number of factors, the primary causes are differences in cultural practices, changing weather conditions, and the general stage of harvest. Thus tomatoes produced using a ground cultural system may be smaller than those which are staked; extended periods of temperatures which are too low or too high will reduce size; and tomato sizes tend to decrease in the late stage of harvest, whether in a particular field or for a whole district.

Despite these variations in the general size of tomatoes, in every district and all through the season, vine ripe tomatoes averaged larger than mature green tomatoes. As indicated in the following table, a significantly larger portion of vine ripes shipped were 6 x 6 size or larger compared with mature greens. Conversely, the proportion of the vine ripes in the smaller sizes was much less than was the case for mature greens. These basic relationships prevailed in all Florida producing districts, regardless of whether the district harvested its tomatoes predominantly mature green or vine ripe.

PERCENTAGE DISTRIBUTION OF SHIPMENTS OF FLORIDA TOMATOES, BY SIZE AND DISTRICT, 1970/71 SEASON

District	6 x 6 and larger [1]		6 x 7 and smaller	
	Vine ripe	Mature green	Vine ripe	Mature green
	Percent			
1	56	38	44	62
2	83	53	17	47
3	80	55	20	45
4	75	60	25	40
State	79	50	21	50

[1] A 6 x 6 size tomato must be over $2^{17}/_{32}$ inches and no more than $2^{23}/_{32}$ inches in diameter according to Florida tomato marketing order size classifications. A 6 x 7 size tomato must be over $2^{9}/_{32}$ inches and no more than $2^{17}/_{32}$ inches in diameter.

Tomato size relationships between maturities during the months of strong markets and high prices in the 1970–71 season were particularly significant. Prices for tomatoes were especially high during much of the winter and early spring of 1971 because of tight supplies due to weather damage in both Florida and Mexico. Over the 15 consecutive week period—from mid-January through April, 1971—shipping point prices for 85 percent U.S. No. 1 6 x 6 size mature green tomatoes averaged 27 cents per pound which was about 60 percent above the average price of a year earlier.

This sustained period of very high prices—the strongest market in many years—resulted in virtually every saleable tomato being picked and marketed. The proportions of the tomatoes shipped, by size categories, during this period were as shown in the following table. In every size category 6 x 6 and larger, the proportion of vine ripes substantially exceeded the proportion of mature greens.

FLORIDA TOMATOES, DISTRIBUTION OF SHIPMENTS BY SIZE CATEGORIES, MID-JANUARY THROUGH APRIL, 1971

Size	Vine ripe	Mature green
	Percent	*Percent*
4 x 4	[1] 1.9	0
4 x 5	3.2	0
5 x 5	8.8	.1
5 x 6	22.4	8.6
6 x 6	33.1	30.3
6 x 7	18.0	35.6
7 x 7	5.2	18.4
7 x 8	1.4	7.0

[1] Includes less than 0.1 percent of size 3 x 4 vine ripes.

Thus, not only did vine ripe tomatoes clearly average larger than mature green tomatoes, but a regulation providing for withholding mature greens $2^{9}/_{32}$ inches and smaller in size (7 x 8) and vine ripes $2^{5}/_{32}$ inches and smaller (7 x 7 and 7 x 8) would have resulted in near equality of withholding between the two maturities during that time span. About 6.6 percent of the vine ripes would have been withheld compared with 7 percent of the mature greens.

Likewise a regulation providing for withholding mature greens $2^{9}/_{32}$ inches and smaller in size (7 x 7 and 7 x 8) and vine ripes $2^{17}/_{32}$ inches and smaller (6 x 7, 7 x 7, and 7 x 8) would have provided proportionate withholding—24.6 percent vine ripes and 25.4 percent mature greens—of the two maturities in that period.

On the other hand, prices for 85 percent U.S. No. 1 6 x 6 size mature green tomatoes during November-December 1970, and May–June 1971, were about 17 cents per pound. Although vine ripe tomato sizes also averaged larger than mature green sizes during these periods, the quantities of each maturity in the smaller size classifications were relatively small, reflecting the impact of nonmarketing. This was mostly due to the economic influence of low prices although regulations prohibited the shipment of the 7 x 7 size in both maturities in late May and June.

The size relationship among mature green and vine ripe tomatoes also is apparent from a comparison of average diameters of the two maturities. For each size category of Florida tomatoes, the average diameter was weighted by shipments of that size to compute a weighted average diameter for all tomatoes of each maturity. The average diameter for all vine ripe tomatoes during the mid-January through April period was 2.764 inches which is equivalent to about $2^{25}/_{32}$ inches. This was a little more than one size larger than the 2.488 or $2^{15}/_{16}$ inches average diameter of all mature green tomatoes.

From these findings based on the record evidence, it is concluded that vine ripe tomatoes average larger than mature greens. This fact, together with the fact that all tomato growers, including mature green growers, harvest various portions of their crops at the vine ripe stage of maturity, is of substantial significance when considering the regulation of tomato shipments.

Because of the average size difference of the two maturities, a single minimum size requirement imposed on shipments of both vine ripe and mature green Florida tomatoes under normal conditions would require growers predominantly harvesting tomatoes at the mature green stage to withhold a disproportionately larger share of their crops from market as compared to those harvesting primarily at the vine ripe stage. Similarly as between growers who harvest both mature greens and vine ripes from their fields, the grower with the greater volume of vine ripes would be able to market a greater proportion of his crop. A regulation based on maturity, i.e., requiring larger minimum sizes for vine ripe tomatoes than mature green tomatoes, has the effect of achieving a proportionate sharing of withholding of both maturities.

(2) *The effect of regulating shipments differently by maturity on Florida producers and others involved in the production and marketing of winter season tomatoes:* Tomato growers space the planting of their crop so that there will be a steady flow of their commodity to market beginning several months later. But the vagaries of weather cause erratic growth which results in distorted harvest schedules. And growers sometimes misjudge market demand, and plant too many acres. The result, as the record shows, is an occasional oversupply of tomatoes available for market, which depresses prices to producers.

Numerous witnesses representing both the Florida and Mexican tomato industries agreed that some method was needed to cope with these periodic surplus supplies. Some thought promotional efforts would be most productive. One mentioned that the Mexican government has imposed minimum size and grade requirements on its shipments a number of times in recent seasons when prices on the U.S. market became depressed. A few had no specific suggestions. The Florida industry representatives testified to their belief that the approach used in past seasons was a proper way to balance tomato supplies with demand on the U.S. market. It is their position that requiring different minimum sizes for different maturities is an effective way to tailor the supply to demand and at the same time tend to equate the burden of withholding as between mature green and vine ripe tomatoes.

Shipments of Florida's tomatoes begin in November and continue into the following June. Distribution is nationwide and some are exported to Canada.

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Throughout its marketing season and in each of the receiving markets, Florida tomatoes compete in varying degrees with tomatoes from other sources. Typically, they compete with small amounts of tomatoes from other States in early November and again very late in the spring, and hothouse tomatoes are available in light volume throughout Florida's marketing season. However, the greatest competition is with tomatoes from Mexico which have sharply increased in U.S. markets in recent years. Ten years ago, during the 1960–61 season, tomato imports from Mexico accounted for 20 percent of the U.S. winter market supply. During the November 1970–June 1971 marketing season, imported Mexican tomatoes accounted for about 45 percent of the total supply marketed in the United States.

When regulations have been considered, the U.S. market supply in nearly all instances has been comprised primarily of the crop in Florida about to be harvested and shipped, and the then current imports from Mexico. Various reports concerning acreage, growing conditions and current yields provided detailed information about the potential supply in Florida, and packout data showed the size and grade of Florida's tomatoes currently being marketed.

Current information regarding Mexican supplies is restricted to data compiled by the National Union of Horticultural Producers, a Mexican growers association, which shows by size and maturity the quantity of tomatoes crossing the border at Nogales, Ariz. These data account for about 90 percent of the total quantity of Mexican tomatoes crossing the U.S. border destined for markets in the United States and Canada.

With the potential supply identified in total and classified by size, that supply can then be related to estimated demand to determine the extent of withholding which may be necessary to maintain a reasonable level of returns to growers. Thus, if the potential supply exceeds demand by 10 percent and tomatoes of the smaller, less valuable sizes (those which return the least to the producer) account for a 10th of the supply, restrictions can be imposed which preclude such tomatoes from shipment.

This method of regulating shipments, which has been recommended by the Florida Tomato Committee, was subjected to intensive examination during the hearing. Special attention focused on the issue of whether regulations requiring larger minimum sizes for vine ripes than mature greens discriminated against tomatoes produced in other countries, particularly Mexico.

Mexico has been exporting tomatoes to the United States since the early part of this century, but the volume of such exports was relatively small until the early 1960's when a concerted effort was made to expand the export-oriented industry on the west coast. Vast irrigation systems were developed and there was an influx of capital and production skills. With an abundant supply of low cost labor also available, Mexican producers reduced the scope of their mature green tomato operations and concentrated on developing a vine ripe tomato production system. Although most of their tomatoes are harvested at the vine ripe stage of maturity, mature green production is still common, and supplies of this maturity are exported throughout the season.

West Mexican tomato production and export sales have risen steadily and sharply. Exports to the United States during the November 1970–June 1971 marketing season, at 570 million pounds, were more than 300 percent of those a decade earlier. The increase in exports was particularly sharp during the late 1960's even though import regulations were imposed on several occasions following reactivation of the Florida Tomato Marketing Order for the 1968–69 marketing season. The 570 million pounds exported in the 1970–71 season were 63 percent above such exports during the 1967–68 season, just prior to the reactivation of marketing order regulations. One witness estimated that West Mexico's tomato crop now far exceeds output in Florida with production in the 1970–71 season of nearly a billion pounds being about 65 percent above that in Florida.

Published detailed information is not available as to the composition of the Mexican tomato crop by size and quality. Witnesses who surveyed the Mexican producing area at various times testified however that it is little different from that in Florida. Mexican tomato growers use the same varieties, produce and harvest at the same time of year, and use the same cultural methods used by growers in Florida. Grading, packing, and tomato transportation facilities in Mexico also match the most modern in the United States.

The main difference in production is that Florida harvests 80 percent of its tomatoes at the mature green stage of maturity whereas Mexico harvests most of its tomatoes as vine ripes. It has been contended that because of this difference, a regulation requiring larger minimum sizes for vine ripes than mature greens discriminated against Mexican tomatoes. However, inasmuch as vine ripe tomatoes average larger in size than mature greens, the burden of withholding under such regulations should fall evenly on the mature green and vine ripe tomatoes in both areas. On the other hand, a regulation making a single minimum size restriction applicable to both mature green and vine ripe tomatoes would result in a proportionately smaller withholding of vine ripes as compared to mature greens, regardless of the location of production.

When examining the impact of a regulation, it is appropriate to examine its effect on Florida growers and Mexican growers, and also on the importers of Mexican tomatoes.

At the producer level, the hearing evidence indicates that burden of withholding falls more heavily on Florida growers than on growers in Mexico. This is true because Florida tomatoes withheld under marketing order regulations are nearly totally restricted from any fresh market outlet. In addition to the ban on sales in U.S. markets, exports of the restricted sizes to Canada are precluded because of reciprocal regulations imposed by that country. (Whenever shipments of U.S. fruits and vegetables are limited by a marketing order regulation, Canada prohibits the import from the United States of the restricted item. However, such items produced in other countries including Mexico still are permitted to enter Canada.) The only alternative outlets for affected Florida tomatoes are in Caribbean countries, which usually look to the United States as a market for their own tomatoes rather than as a source of supply.

Mexican tomatoes which cannot be shipped to the U.S. market because of marketing order regulations can be shipped to other countries such as Canada, or to consumers in Mexico. Although the Mexican domestic market is a secondary outlet for those tomatoes produced on the West Coast of Mexico, sales to this outlet are economically valuable. According to industry witnesses, average prices received for Mexican tomatoes shipped to Mexican markets have been as low as 8 pesos and as high as 60 pesos per 60 pounds, with the market considered good at a range of 20 to 25 pesos ($1.60 to $2). The record shows that average production and harvesting costs would be covered at 8 pesos, and a price of 20 pesos would exceed average production, harvesting and packing costs by approximately 50 percent.

The marketing of West Mexican tomatoes differs from practices in Florida in that the Mexican industry segregates its total marketable supply according to market outlets. The industry selectively grades its tomatoes with the result that annually only about 60 percent of their total production is exported to the United States, Canada, or elsewhere and the remainder is available to markets in Mexico. It is the West Mexican practice of selecting the tomatoes to be exported that may cause the proportion of their exports to the U.S. market affected by an import regulation to differ from the proportionate effect of a regulation on Florida or Mexican growers, i.e., an import regulation applies only to the segment of the Mexican crop selected for export whereas the regulation is applied to the total crop in Florida. This does not necessarily mean proportionately more Mexican tomatoes would be banned from the U.S. market as compared with Florida. As will be shown later herein, the proportionate effect upon imports might be smaller.

Most of the Mexican tomatoes imported into the United States are handled by importers located in Nogales, Ariz. The importers are middlemen in the marketing chain whose main function is to facilitate the entry of the tomatoes and arrange for the sale of such tomatoes to U.S. buyers. For these services, they receive a commission of 7.5 to 10 percent of gross sales, although on large sales a fixed fee may be charged. Some of the importers participate in

Mexican tomato production through various joint venture arrangements.

An import regulation imposed pursuant to a marketing order regulation would result in some reduction in volume from that which otherwise might be handled by importers. This would not necessarily result in reduced income to importers however.

The commission merchant, whether an importer at the border or a broker in the terminal market, who received a percentage of the sales dollars, might receive more than otherwise would prevail without a shipment regulation. Record evidence on recent research on tomato price and quantity relationships suggests that total revenue from sales of tomatoes can be increased substantially by the removal of smaller sizes from the market when total supplies are heavy. As stated in Exhibit 10 ("Supplying U.S. Markets with Fresh Winter Produce"), "—removal of 7 x 7 and 7 x 8 vine ripes from marketings would have increased the average price of the remainder of the supply (vine ripes and mature greens) by 12 percent, although only about a 2-percent increase in price would have offset the loss in revenue from not marketing these sizes."

The quantitative effect of minimum size requirements upon growers and importers can be determined using data available for the 1970–71 season. It has already been shown that a regulation providing for withholding mature green tomatoes $2^{9}/_{32}$ inches and smaller in size (7 x 7 and 7 x 8) and vine ripe tomatoes $2^{17}/_{32}$ inches and smaller (6 x 7, 7 x 7, and 7 x 8) during a representative period in the 1970–71 season would have resulted in near equality of withholding between the two maturities in Florida. Such a regulation would have precluded the shipment of 25.4 percent of Florida's mature greens and 24.6 percent of Florida's vine ripes.

During this period, Mexican authorities prohibited the export of 7 x 7 and smaller size tomatoes. However, 80.2 million pounds of 6 x 7 size vine ripe tomatoes and 6.5 million pounds of 6 x 7 size mature greens moved north across the Mexican-United States border. If an import regulation had been in effect (based upon the aforementioned 2-size requirement in Florida), the shipments of mature green tomatoes would have been unaffected. The 80.2 million pounds of vine ripes, which represented 24 percent of the total crossings of this maturity, would have been excluded. However, a portion of the 80.2 million pounds were destined for sale in Canada and therefore unaffected by the U.S. import requirements. Thus, the percentage of vine ripes ultimately excluded would have been something less than 24 percent.

In summary, imposition of the type of regulation advocated by the Florida Tomato Committee during the aforementioned period would have resulted in the dumping of about 25 percent of Florida's production, and the exclusion from the U.S. market of something less than 24 percent of the tomatoes from Mexico. Any Mexican tomatoes so excluded would have been available for sale in Mexican markets, Canada, or elsewhere.

The fundamental reason for requiring different minimum sizes for different maturities is to equalize the proportionate burden of withholding among Florida producers. It was speculated that some growers in Florida might be able to minimize the impact of withholding on them by switching from harvesting their tomatoes vine ripe to harvesting them mature green. For example, this might have enabled them to pick and market 6 x 7 size tomatoes during portions of the 1968–69 and 1969–70 marketing seasons when regulations precluded shipments of 6 x 7 vine ripes but permitted shipment of mature green tomatoes of the same size.

It has been shown that when a Florida grower plants a field to tomatoes, he has a basic intent as to the maturity of the tomatoes he will harvest from that field. Further, differences in harvesting and packing methods restrict the freedom of such a grower to vary the maturity of tomatoes to be harvested from a field. To a limited degree, however, it is possible to switch from picking tomatoes vine ripe to picking them mature green. Whether this occurs depends upon the producer's evaluation of potential total economic returns.

When he changes from picking vine ripe to picking mature green, the producer sacrifices volume—size and weight—inasmuch as mature green tomatoes average smaller than vine ripes and weigh less. In some instances, such a sacrifice may be the best alternative. For example, if freezing weather is imminent, a vine ripe producer might harvest all the tomatoes possible (whether vine ripe or mature green) before everything is lost. Also, a prospective labor shortage which would preclude continuing harvest later in the season also might induce a vine ripe producer to finish off his field by picking it mature green.

Witnesses testified that a marketing order minimum size regulation would not in itself be an incentive to switch maturities because such a change would increase the likelihood of economic loss. For by switching from vine ripe to mature green, the producer would be reducing the volume that could be harvested from a field and concentrating his sales of that smaller volume of less valuable sizes of tomatoes on a depressed market (which would be the impetus for marketing order regulations in the first place). The alternative would be to continue to pick tomatoes vine ripe, harvest a larger total volume of the more valuable larger sizes, and hopefully benefit from higher prices as the market improves due to the effect of the marketing order regulations.

Another option reviewed would be to continue the vine ripe operation but also pick all 6 x 7 size tomatoes mature green. Representatives of both the Florida and Mexican industries agreed that this would be impractical. It would be necessary to pick the whole crop green or else employ more people to pick the 6 x 7 greens. And since the 6 x 7 mature greens would be at various stages of maturity (i.e. from 1 to as many as 21 days away from changing color and becoming vine ripe), some would have grown much larger before turning color. Therefore, picking 6 x 7 tomatoes at the mature green stage would not be practicable to offset any loss occasioned by the prohibition of shipment of 6 x 7 vine ripe tomatoes because of the loss in potential size, weight and value of the tomatoes so harvested.

A third consideration relating to "switching" was whether, because of differences in the time and place of inspection, a Florida vine ripe grower who changed to picking his tomatoes mature green would have an advantage over his counterpart in Mexico who also changed to picking tomatoes mature green.

Florida tomatoes generally are inspected and certified as to grade, size, or maturity on the same day they are harvested although during the peak of the season some may not be so handled and inspected until the following day. Mexican tomatoes exported are inspected by U.S. inspectors at the United States-Mexican border, usually at the request of the importers who use the certification as to the composition of the shipment for trading purposes. When import regulations are in effect, the inspection is necessary to determine whether the shipment complies with such regulations and is therefore permitted to enter the United States.

It was contended that because it takes about 18 hours to transport Mexican tomatoes 600 miles from the main growing area to the U.S. border, it would be impractical to switch to picking tomatoes mature green since such tomatoes might advance to the vine ripe stage of maturity by the time they reached the border and were inspected. This contention suggests that under import regulations such as imposed in past years (permitting entry of 6 x 7 mature greens but precluding entry of 6 x 7 vine ripes) a 6 x 7-size Mexican tomato picked at the mature green stage could therefore not be marketed in the United States. The suggested advantage to Florida growers is that a 6 x 7-size Florida tomato picked mature green probably could be marketed when such regulations were in effect since inspection and certification would take place relatively soon after harvest and before the tomato reached the breaker stage.

Record evidence indicates that such an inequity would not occur. It is a common practice to cool Mexican tomatoes after harvest to remove field heat and retard ripening. Also, packinghouse and transportation facilities—which includes refrigeration equipment—are the same or better than such facilities in the United States. Thus, it is physically practicable to harvest and export Mexican tomatoes to the United States at the mature green stage of maturity. As has been shown, in recent years, Mexican mature green tomatoes regularly have moved north across the Mexican-United States border in substantial volume throughout each marketing season even

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during periods of regulation. And for many years prior to the development of the vine ripe industry in the early 1960's, almost all Mexican tomatoes exported were mature green in maturity.

Even though some Mexican tomatoes are harvested and exported at the mature green stage of maturity, it is unlikely that there would be an incentive for producers generally to switch from picking their tomatoes as vine ripes to picking them mature green because of an import regulation imposed under 608e–1 of the Act. For in Mexico as in Florida, a producer making such a change would be sacrificing size and weight inasmuch as mature green tomatoes average smaller than vine ripes. It has been shown that picking 6 x 7 tomatoes at the mature green stage would not be practicable to offset any loss occasioned by the prohibition of export of 6 x 7 vine ripe tomatoes because of the loss in potential size, weight, and value of the tomatoes so harvested.

Evidence regarding the effect of shipment regulations such as advocated by the Florida tomato industry upon consumer interests is generally inconclusive. It was suggested that the overall nutritional value of tomatoes marketed would be reduced by imposing regulations such as those issued in past seasons because proportionately more vine ripe tomatoes than mature green tomatoes would be withheld from shipment. Further, it was assumed that vine ripe tomatoes are more nutritional than mature greens. As shown earlier herein, the type of regulation recommended by the Florida Tomato Committee does not result in disproportionate withholding between the two maturities. With regard to the relative nutritional values, there is no evidence of substantial differences between vine ripe and mature green tomatoes.

Several publications relating to various aspects of tomato quality were offered in evidence by counsel for Mexican tomato importers but not accepted by the Hearing Examiner on the grounds that they contained either outdated or immaterial evidence. These exhibits—Nos. 102, 103, 104, and 105—dealt with research performed generally in the 1920's or earlier on various nutritional characteristics of tomatoes of different maturities such as vitamins A and C values, starch content, acidity, and sugar/acid ratios. They showed for example that mature green tomatoes have a higher starch content and are more acid than those which are vine ripened. Further, some researchers said that acidity decreases as a tomato ripens while others found that the pattern is one of decreasing acidity through the pink stage and an increase thereafter. The ratio of sugar to acid is much lower in mature green tomatoes when fully ripened compared with those that fully ripen on the vine. Pink or fully ripe tomatoes scored much higher on Vitamin A values compared with mature green fruit. On the other hand, the difference between such pinks, ripes, and mature greens was relatively minor with regard to vitamin C, which is the nutrient of greatest importance in tomatoes. Although these analyses concern quality attributes of tomatoes in general, their applicability to the present matter is dubious since the tomatoes were of a different variety than those presently used and the fully ripe tomatoes used in most of the research were much more advanced in maturity than the commercially grown "vine ripe" tomato presently marketed during the winter. As noted earlier herein, the winter "vine ripe" tomatoes are picked at a very early stage of maturity.

They are primarily green in color with a tinge of yellow, pink, or red color on 10 percent or less of the surface. Therefore, the Hearing Examiner's rulings relating to these submissions are upheld.

Some witnesses questioned the desirability of using ethylene gas in the handling of tomatoes. However, as has been shown, witnesses with many years of experience in marketing tomatoes believe that the use of additional ethylene, a gas emitted by the tomato itself, to hasten ripening results in a superior product in the retail store.

Consumers preferences for tomatoes have been examined on several occasions in the past by various researchers. Among the observations noted in the record were that consumers were aware of grade and size differences when they are making comparisons among large tomatoes such as 5 x 6's and 6 x 6's. Thus, a U.S. No. 1 5 x 6 size tomato is definitely superior to all other smaller and lower graded tomatoes. However, grade and size differences among smaller tomatoes such as 7 x 8, 7 x 7, and 6 x 7 are not significant to consumers.

Witnesses who produce or sell primarily vine ripe tomatoes said such tomatoes are the best, and that they probably could distinguish between vine ripe and mature green tomatoes placed before them even when both had been fully ripened. Florida producers and handlers testified that their largest chainstore buyers preferred mature greens. These witnesses also believed that it is virtually impossible for consumers to detect any material difference in appearance, texture, or taste between fully ripened mature green and vine ripe tomatoes.

The most recent survey of buyers' attitudes was that performed by the Department in its analysis of competitive aspects of fresh vegetable marketing, "Supplying U.S. Markets with Fresh Winter Produce," which is exhibit 10 in the record. It was found that wholesalers in both Chicago and New York City ranked tomatoes from Florida (mostly harvested mature green) in first place while those from Mexico (mostly harvested vine ripe) tied with California for second. Middlemen customers of wholesalers in Chicago ranked California ahead of Florida, Texas, and Mexico in that order, but Florida held first place among wholesalers' customers in New York City.

Restrictions on shipments of the smaller sizes of tomatoes also were believed by some to be responsible for high retail prices for this commodity in recent seasons. However, the record shows that short supplies due to weather damage in both Florida and Mexico were largely responsible for high prices for tomatoes during much of the 1970–71 marketing season. Regulations affecting shipments were imposed only briefly during late May and the first half of June 1971. Supplies were similarly reduced by weather influences for many weeks during the 1969–70 marketing season, and the shipment of smaller sizes of tomatoes was precluded significantly by marketing order regulation only at the end of the season, beginning in late April 1970.

Although periods of high retail prices have occurred in recent years, prices received by Florida producers have not been unduly enhanced over those which prevailed during seasons prior to reactivation of the marketing order. Using parity relationships as a measure, such prices have in fact been somewhat less favorable to Florida producers than in earlier years. The average return to Florida producers for tomatoes was 99 percent of parity in 1968–69, 85 percent in 1969–70, and 87 percent in 1970–71. During the 5-year period 1963–64 through 1967–68, prices received by Florida producers averaged 91 percent of parity.

At the hearing a witness for the importers of Mexican tomatoes suggested that U.S. foreign policy and trade policy with regard to Mexico must be considered by the Secretary when promulgating and issuing regulations on tomatoes and, specifically, that the Secretary should avoid restrictions which might conflict with Article XI of the General Agreement on Tariffs and Trade (GATT) which provides with certain exceptions, for the general elimination of quantitative restrictions on imports.

GATT is a multilateral agreement of the United States and other countries relating to trade between the signatory countries and is concerned primarily with nondiscriminatory treatment, duties, and quantitative restrictions on commodities traded between such countries. GATT is not an enactment of Congress but rather an executive agreement entered into by the President under authority of section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351). GATT is binding solely upon the countries that are signatories to the agreement. Mexico is not a signatory to GATT and, therefore the terms, conditions, prohibitions, and principles of GATT do not apply to that country.

It was, however, argued by a witness at the hearing that the provisions of Article XI of GATT have been made applicable to imports into the United States from Mexico by virtue of the Most-Favored-Nation Principle contained in section 251 of the Trade Expansion Act of 1962 (19 U.S.C. 1881). This section provides that "any duty or other import restriction or duty-free treatment" proclaimed in carrying out trade agreements under section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), or title II of the Trade Expansion Act of 1962 (19 U.S.C. 1821–1888) shall apply to products of all foreign countries, with

certain exceptions. The provisions of Article XI of GATT, stating the principles to be followed with respect to the elimination of quantitative restrictions on imports, are not "any duty or other import restriction or duty-free treatment" referred to in section 251. Furthermore, neither GATT nor the provisions of Article XI thereof have ever been proclaimed by the President of the United States in carrying out a trade agreement. Therefore, the provisions of Article XI have not been made applicable by virtue of the Most-Favored-Nation Principle to the importation of articles from Mexico into the United States.

Mexico, not being a signatory to GATT, would derive benefit therefrom under the Most-Favored-Nation Principle only to the extent that the tariff concessions granted by the United States under GATT are extended to the products of other countries. While duties on the importation of tomatoes have been proclaimed in carrying out trade agreements under the provisions of law referred to in the Most-Favored-Nation Principle, such duties are unrelated to the grade, size, quality, or maturity restrictions which are made applicable to imports of tomatoes by operation of section 608e–1. Further, the grade, size, quality, or maturity restrictions under section 608e–1 are not made operative by Presidential proclamation but rather are statutorily mandated by Congress by requiring the Secretary to issue the restrictions whenever such restrictions are applied to domestic shipments under a marketing order regulation.

Accordingly, Article XI of GATT is not applicable to the section 608e–1 import restrictions applicable to imports from Mexico. In any event, even if Article XI of GATT were applicable to imports of tomatoes from Mexico, the section 608e–1 restrictions would be authorized under the exceptions provided in paragraph 2 of Article XI.

It was contended during the hearing that tomato shipment regulations requiring larger minimum sizes for vine ripe tomatoes than mature green tomatoes were inappropriate and discriminatory, and therefore the authority to so regulate should be deleted from the Florida tomato marketing order and preference be given instead to regulating shipments by a combination of grade and a single minimum size or by grade alone. However, as the record evidence shows, the method used in recent years—i.e., to require different minimum sizes for different maturities—is appropriate and is nondiscriminatory to others involved in the marketing and consumption of tomatoes.

Since the marketing order presently contains authority to regulate by maturity, including different size limitations for mature green tomatoes than for those of a greater maturity, it is concluded that such authority should be retained in the Florida tomato marketing order and that no amendatory action is necessary.

(3) Whether § 969.51 *Recommendations for regulation* should be amended to specify the factors to be considered in developing and recommending regulations:

The proposal in the notice of hearing to amend § 966.51 of the marketing order was as follows:

(a) The committee may recommend regulations to the Secretary pursuant to § 966.52 after consideration of the factors specified in paragraph (b) of this section.

(b) In making its recommendations the committee shall give due consideration to the following factors:

(1) Market prices for tomatoes by maturity, grades, and sizes for production area tomatoes and tomatoes from competing areas;

(2) Estimated supplies within the production area and from competing sources, by maturity, grades, and sizes;

(3) Estimated effect on shipments, assuming alternative maturity, grade, or size requirements, or combinations thereof; and

(4) Any other relevant factors which may influence tomato marketing or prices.

(c) Each recommendation for regulations as are provided for in § 966.52, together with the committee's reasons and supporting data or other material for such recommendation, shall be promptly submitted to the Secretary.

The record shows that the factors and considerations as proposed are virtually the same as those already being used by the Florida Tomato Committee. As has been discussed, a shipment regulation is intended to correct a depressed price situation or to prevent a depressed situation from occurring when it appears that the supply of tomatoes in relation to market demand will be excessive. There was general agreement among witnesses that, barring substantial crop changes because of weather, supply, and market conditions can be estimated accurately for approximately 2 weeks and reliable projections are possible for up to 4 weeks. Projections beyond 4 weeks tend to be less reliable. There also was general agreement that a shipment regulation should be issued promptly if it is to accomplish its intended purpose.

In developing a regulation for recommendation to the Secretary, the committee examines all the pertinent data and information relating to the current and prospective supply and price situation. Voluminous data and information concerning tomato production and marketing are published periodically by the Department and by the various State Departments of Agriculture in conjunction with the Department. Since these are official publications, this information is readily available to all interested persons. The typical information in these publications includes tomato prices on a daily basis; supply and market trends on a daily and weekly basis, and summaries of the supply and marketing conditions in past seasons. Detailed information on Florida's production indicates the acreage planted in tomatoes and the time at which such plantings were made; the acres already harvested, those still in production and the number of times picked; and the effects of weather on quality and size of the tomatoes.

Additional data compiled weekly by the committee show shipments by district from Florida by grade, size, and maturity. Information regarding Mexican tomatoes is restricted to data on the size and maturity of tomato shipments crossing the border into the United States at Nogales. These represent about 90 percent of the border crossings and are furnished the committee by the Mexican National Union of Horticultural Producers. The Florida shipment and Mexican export data are regularly exchanged between the two producer groups.

Proposed regulations are developed during committee meetings open to all interested persons. The record shows that representatives of importers of Mexican tomatoes attended virtually all committee meetings in the last two marketing seasons and were accorded the opportunity to participate therein. A representative of the Secretary also attends. In addition to having the above mentioned material available at such meetings, the committee receives the observations of its fieldman and individual growers and handlers to further aid in evaluating the supply. To the extent possible the committee also obtains such observations from growers, importers, and handlers of Mexican tomatoes on the current and prospective status of the Mexican tomato crop.

Utilizing the above information, the committee then develops a proposed regulation designed to withhold a sufficient supply from market to correct the prospective supply-demand imbalance. This recommended regulation together with supporting information explaining the economic justification is then submitted to the Secretary for action thereon. The committee noted that the Secretary apparently considered this a practical method of operating, and did not object to the noticed proposal.

Several witnesses of the West Mexico Vegetable Distributors Association endorsed the concept in the proposal of factual analysis of current and prospective supply-price relationships for tomatoes and regulations needed to correct any imbalance. However, these witnesses in commenting on the proposal, emphasized considering the probable producer price resulting from the regulation and its relationship to parity and also the effect of such regulations on the various segments of the industry such as repackers, wholesalers, and retailers in the various areas of the country as well as its effect on importers of tomatoes and on consumers. Section 602 of the Act requires the Secretary to take into account the relationship of producer prices with parity. As to the other matters, they are inherent in the factors and considerations discussed elsewhere herein relating to developing, recommending, and issuing a regulation.

A witness for the importers contended that the Florida Tomato Committee had acted in the past to develop regulations which would discriminate against tomato imports from Mexico, and that

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inadequate or erroneous information occasionally had been provided the Secretary in support of its recommendations. Therefore, it was proposed that an opportunity for a hearing be provided so they could confront and contest the data and views presented to the Secretary by the committee and others.

It was further proposed that there be provision for maintaining a public file with the Hearing Clerk in Washington, which would contain all the data and information submitted by the committee to the Secretary relating to the proposed regulation as well as submissions of any other interested persons. This material would also be subject to cross-examination during the proposed hearings.

The witness recommended that all segments of society throughout the country who were interested in or affected by the tomato regulation be afforded the opportunity to participate in such a hearing. Such segments of society were identified as tomato growers, packinghouse operators, repackers, brokers, importers, commission merchants, wholesalers, chain store operators, consumers and any others interested in the regulation. However, the witness recognized that such a hearing must be held and completed within a relatively short time in order for the proposed regulation to accomplish its intended purpose. In this regard, it was suggested that the Secretary omit publishing a notice of the hearing in the FEDERAL REGISTER but instead notify all such interested segments of society of the hearing by telephone or telegram.

He proposed that it was necessary or desirable for the Secretary to set the hearing within a matter of 3 or 4 days after the committee submitted its recommendation for regulation to the Secretary, and indicated that this would allow sufficient time for interested persons throughout the country to prepare for their presentation at the hearing and to travel from all parts of the country. The importer witness further recommended that the Secretary should arbitrarily restrict or cut short cross-examination of any witness in the event it appeared that the hearing would run more than 1 or 2 days. It was further recommended that if there was extreme urgency for the regulation, the hearing procedure could be omitted.

The importer witness then recommended that if a tomato shipment regulation is issued, the Secretary provide a fully detailed analysis of the basis for the regulation based upon all the data, views, and arguments submitted to him whether presented written or at the hearing. In his opinion, this analysis could be done in 1 or 2 days after the hearing.

The requirements of the Administrative Procedure Act encompass virtually all of the procedures recommended by the witness for the importers. After the committee's recommendation for regulation has been submitted to the Secretary, the procedure under which a regulation is issued is governed by section 553 of the Administrative Procedure Act (5 U.S.C. 553) which provides:

(b) General notice of proposed rule making shall be published in the FEDERAL REGISTER, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include:

(1) a statement of the time, place, and nature of public rule making proceedings;

(2) reference to the legal authority under which the rule is proposed; and

(3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.

Except when notice or hearing is required by statute, this subsection does not apply—

(A) * * *

(B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(c) After notice required by this section, the agency shall give interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation. After consideration of the relevant matter presented, the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose.

(d) The required publication or service of a substantive rule shall be made not less than 30 days before its effective date, except:

(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

(2) interpretative rules and statements of policy; or

(3) as otherwise provided by the agency for good cause found and published with the rule.

(e) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

The Secretary in applying these procedures to marketing order regulations issues a notice of the proposed regulation and provides an opportunity for the public to submit written data, views, and arguments on the proposed regulation. As to those who would be directly regulated by the proposed regulation such as Florida growers, shippers and importers of Mexican tomatoes, such persons, as noted heretofore, have access to essentially the same information utilized by the Florida Tomato Committee in developing and recommending a regulation to the Secretary. Further, all persons who will be affected by the regulation are in a position to evaluate the effect of the proposed regulation on them by virtue of the terms of the regulation itself. Thus, all interested persons can furnish to the Secretary for his analysis any information or argument supporting their position as to the need for and type of regulation to be made effective. This of course is what is contemplated by the Administrative Procedure Act i.e., that the Secretary be provided and take into account the data, views, and arguments submitted by all interested persons in arriving at his determination.

In issuing a regulation the Secretary is required to provide a statement in support of the basis and purpose of the regulation. Here again, this comports with the recommendation that the Secretary provide a detailed analysis of the data supporting the regulation.

The Administrative Procedure Act has taken into account the fact that there may be instances where it is "impracticable, unnecessary or contrary to the public interest" to go through the notice and public rule making procedure. Under conditions where the issuance or modification of a regulation required prompt and expedited action thereon, the Secretary has issued such regulations without the notice and rulemaking procedure.

The Administrative Procedure Act requires that the Secretary give any interested person the right to petition for the "issuance, amendment, or repeal" of the regulation. Thus, in the event an interested person disagrees with the regulation issued by the Secretary or the reasons supporting the regulation, whether issued after rule making or under the expedited procedure, he has the further opportunity to request that such regulations be reviewed by the Secretary.

Further, the Administrative Procedure Act provides all interested persons the opportunity to participate in rule making "through the submission of written data, views, or arguments with or without opportunity for oral presentation." Accordingly, in the event there are circumstances in which a hearing is appropriate, the Administrative Procedure Act provides that option to the Secretary. However, it should be noted that if novel or crucial issues again develop which would warrant a hearing they would be more appropriately handled through the hearing procedure provided by section 608c of the act for consideration of an amendment of the marketing order itself.

The record shows that the factors and considerations in the noticed proposal are virtually the same as those already being used by the committee in developing regulations. Further, such factors and considerations are essentially encompassed by §§ 966.50 and 966.51 relating to establishing a marketing policy and recommending regulations which provide as follows:

§ 966.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 965.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 966.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 966.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

It is contemplated that the committee and the Secretary will continue to utilize such factors and considerations in developing, recommending, and issuing regulations. Accordingly, it is unnecessary to amend the marketing order as proposed in the notice of hearing.

Rulings on proposed findings and conclusions. The Hearing Examiner fixed December 23, 1971, as the time within which interested parties were to file briefs with respect to the matters involved in the hearing. Briefs were filed by the following: Counsel for the West Mexican Vegetable Distributors Association of Nogales, Ariz.; counsel for the Florida Tomato industry; and counsel on behalf of various consumer organizations.

In their brief, counsel for the West Mexican Distributors Association objected to the Hearing Examiner's ruling excluding from evidence certain testimony and exhibits offered by them at the hearing.

The direct testimony of Dr. Schnittker was offered in the form of a written statement and marked exhibit 101 for identification and offered in evidence. Portions of such testimony-exhibit were not received in evidence by the Examiner. A review of the record reveals that Dr. Schnittker was the last witness of the hearing and that one of the basic reasons for excluding such material was that the testimony-exhibit characterized, analyzed, and offered conclusions on the testimony and evidence which, in most part, made up the hearing record up to the time of his appearance as a witness and was in the form of a brief which appropriately should be filed after the close of the hearing. In addition to his general ruling that the testimony-exhibit was a brief rather than testimony, the Hearing Examiner further ruled on the excluded portions of the testimony-exhibit paragraph by paragraph and indicated additional bases for excluding specific portions of the material. Based on a review of the record and the bases of the rulings of the Hearing Examiner on the excluded portions of the testimony-exhibit, such rulings are sustained.

Certain affidavits submitted by the importer organization were not received by the Hearing Examiner. These were marked exhibits 111, 112, 113, 114, 115, and 116 for identification. These affidavits were excluded on the basis that there was no opportunity for cross-examination of the affiants on the matters contained therein.

Objection was made to the Hearing Examiner's ruling excluding affidavits marked for identification as exhibits 107, 108, 109, and 110 on the grounds that these affidavits had been submitted and received in the Holm v. Hardin court proceeding and, therefore, should also be received in this proceeding. The Hearing Examiner ruled out these affidavits because there was no opportunity for cross-examination by interested persons in this proceeding. Further, with regard to the affidavit of Richard M. Fairbanks, exhibit 107, it did not contain facts of his independent knowledge but was merely his analysis of various documents, records and depositions involved in the court proceeding. As to his rulings on the affidavits, the Examiner also noted that the rules of practice had been amended specifically to eliminate the authority to receive affidavits in these proceedings. Objection was also made of the failure of the Hearing Examiner to receive in evidence documents marked for identification as exhibits 81 and 82. These were the depositions of Floyd F. Hedlund and Harold Willis, which were again part of the record of the Holm v. Hardin case. These depositions were also excluded on the ground that the deponents were not available for cross-examination by interested parties at this proceeding. Based on a review of the record and the rulings of the Hearing Examiner on each of the matters involved, such rulings are sustained.

Counsel for the West Mexican Vegetable Distributors Association made the further contention that the Hearing Examiner was predisposed in favor of the Florida growers. A review of the record however reveals that the Hearing Examiner conducted the hearing in a fair and impartial manner and that each of the persons appearing at the hearing had a full and complete opportunity to participate therein in accordance with the applicable rules of practice governing such proceedings.

Every point in the briefs was carefully considered along with record evidence in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with findings and conclusions contained herein, requests to make such findings or to reach such conclusions are denied on the basis of facts found and stated in connection with this decision.

Summary findings and conclusions. Upon the basis of the evidence introduced at such hearing, the record thereof, and for the reasons stated, it is found and concluded that: The authority presently contained in section 966.52 of the Florida tomato marketing order which authorizes the regulation of shipments differently by maturities should be retained. Further, the procedures now provided for in the order as to Committee recommendations for regulations are proper and adequate; no significant purpose would be served by amending the order to further delineate these criteria. Accordingly, it is concluded that no amendatory action is necessary as a result of this proceeding, and this proceeding should be terminated.

Copies of this notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be there inspected.

Dated: March 31, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-5220 Filed 4-4-72;8:51 am]

Rural Electrification Administration

[7 CFR Part 1701]

ELECTRIC BORROWERS

Manual for Preservation of Records

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue revised REA Bulletin 180–2, Manual for Preservation of Borrowers' Records (Electric).

Persons interested in the provisions of revised REA Bulletin 180–2 may submit written data, views, or comments to the Director, Borrowers' Financial Management Division, Room 4307, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Borrowers' Financial Management Division, during regular business hours.

A copy of the proposed REA Bulletin 180–2 may be secured in person or by written request from the Director, Borrowers' Financial Management Division.

A summary of the changes in REA requirements included in the proposed bulletin is as follows:

REA BULLETIN 180–2

REA Bulletin 180–2, Manual for Preservation of Borrowers' Records (Electric) was issued in March 1957. Since that time, significant changes have been made by the electric utility industry in the length of accepted retention periods and in methods of keeping records for future use which need to be recognized.

The primary changes incorporated in the proposed revision of REA Bulletin 180–2 are as follows:

1. REA has adopted generally as its Manual for Preservation of Borrowers' Records (Electric) the Federal Power Commission's 1972 Regulations to Govern the Preservation of Records of Public Utilities and Licensees. That manual is supplemented by REA requirements for the retention of "Financial Requirement and Expenditure" reports as well as consumer accounts where patronage capital has not been allocated.

2. In accordance with the provisions of the new FPC Manual various media forms of the "originals" of records to be retained are made acceptable including paper and card stock, tape, microforms, microfilm and metallic recording data strips.

3. In accordance with the provisions of the new FPC Manual, retention periods for certain types of records are revised. Provision is also made for the retention of new types of records such as nuclear production records.

Dated: March 31, 1972.

JAMES N. MYERS,
Assistant Administrator-
Electric.

[FR Doc.72-5248 Filed 4-4-72;8:53 am]

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[7 CFR Part 1701]

TELEPHONE BORROWERS

Policies and Requirements for Headquarters Facilities

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 320–5, "Headquarters Facilities for Telephone Borrowers." On issuance of the revised REA Bulletin, Appendix A of Part 1701 will be amended accordingly.

Persons interested in this revision of the policies and requirements prescribed by REA for such headquarters facilities may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Room 1355, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular office hours.

The text of the proposed revision of REA Bulletin 320–5 is as follows. A copy of proposed REA Bulletin 320–5 and Appendix A to the bulletin will be furnished on request to the Director, Telephone Operations and Standards Division.

REA BULLETIN 320–5

HEADQUARTERS FACILITIES FOR TELEPHONE BORROWERS

I. *Purpose.* To set forth REA policy and procedure concerning loans for and construction of headquarters facilities for telephone borrowers, including the provisions of Public Laws 90–480 and 91–596 as they relate to buildings financed with Federal Funds.

II. *General.* A. The term "headquarters facilities," or a headquarters building project means a commercial office building, warehouse, garage, or a combination of these facilities which are required to make the project suitable for providing communication services to the public.

B. The borrower and its architect are responsible for determining the size and style of building, and for selecting the materials to be used in its construction consistent with the needs of the system and the environment of the community in which it is to be located.

C. The borrower is responsible for determining whether to purchase, remodel, or construct the facilities consistent with REA requirements and prudent management principles. REA assistance may be requested in these matters.

III. *Policy.* A. Generally, loans to finance headquarters facilities may be made on the same terms and conditions as loans for other telephone plant.

B. Headquarters facilities should be planned to meet economically the future requirements of the proposed system. The site should be large enough for possible future expansion. Discretion should be exercised to assure that unnecessary features and unduly high investment are avoided. Plans and specifications for the building should be such that the facilities can be constructed within the amount provided in the loan budget. Borrowers may be required to provide any excess in construction costs from non-loan funds.

IV. *Preloan requirements for headquarters buildings.* The following supporting data shall be submitted as part of the area coverage design of the system or with the loan application which includes funds for headquarters facilities:

A. An estimate of the cost of the project, including equipment, other than switching equipment, all site development and other essential or desirable work on the property. If purchasing existing facilities, report the purchase price of the property showing the land value as a separate item, remodeling costs, and architectural services. Appendix B provides a suggested work sheet for estimating the cost of headquarters facilities.

B. Preliminary plans including a plot plan, locating building(s) thereon, and a floor plan. If remodeling is proposed, show existing and new floor plan, or a combined plan fully illustrating the work proposed.

C. A statement as follows: "The facilities described in this application will be designed and constructed to comply with the minimum standards contained in the American National Standards No. A117.1–1961, to insure that the facilities will be made accessible to and usable by the physically handicapped as required by Public Law 90–480. The following portions of the project need not be made accessible to, or usable by the public or the physically handicapped because of their intended use (insert 'none' or describe fully with the other supporting data)."

V. *Borrowers' considerations.* Before submission of the plans and specifications, the borrower should obtain necessary forms, bulletins, etc., from REA, and:

A. Obtain the services of a competent architect as set forth in REA Bulletin 342–1, "Architectural Services for Telephone Borrowers." Use REA Form 165, "Architectural Services Contract."

B. Refer to REA Bulletin 344–1, "Methods of Purchasing Materials and Equipment for use on Systems of Telephone Borrowers" for the applicable type of procedure.

C. Refer to REA Bulletin 387–1, "Preparation of Plans and Specifications for Construction of Telephone Borrowers' Buildings."

D. Use REA Form 257, "Contract to Construct Buildings."

VI. *REA construction requirements and procedures.* A. Following approval of the loan for headquarters facilities (or the determination of the availability of nonloan funds for such purpose), the borrower should inform the architect of the amount of funds available for construction of the facilities and any other information needed by the architect.

B. The design and construction of the headquarters facilities must comply with all applicable laws and regulations, including:

1. Public Law 90–480, an Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped. See Appendix "A", and paragraph V, "C" of this bulletin.

2. Public Law 91–596, the "Occupational Safety and Health Act of 1970." The Department of Labor has the responsibility for issuing rules and regulations pertaining to the Act, including occupational safety and health standards which are either national consensus standards or established Federal standards. These are published in the FEDERAL REGISTER, when issued, and codified in the Code of Federal Regulations under title 29.

C. Submit three copies of the final plans and specifications to REA for approval. A cost estimate prepared by the architect should accompany the plans.

D. After approval of plans and specifications and bids, submit three copies of the construction contract to REA for approval.

E. The approval of title to real estate is a prerequisite to REA's advance of loan funds and approval of the construction contract. See REA Bulletin 380–1, "Right-of-Way and Title Procedures, Telephone."

F. Consult REA Bulletin 387–3, "Final Documents Required to Close Out Construction of Buildings."

Dated: March 30, 1972.

DAVID A. HAMIL,
Administrator.

[FR Doc.72-5247 Filed 4-4-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

FIREWORKS DEVICES

Classification As Banned Hazardous Substance

A. The National Society for the Prevention of Blindness, 79 Madison Avenue, New York, NY 10016, filed an objection and requested a hearing in response to the order published in the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7415), that classified certain fireworks devices as "banned hazardous substances" (21 CFR 191.9(a)(3)) within the meaning of section 2(q)(1)(B) of the Federal Hazardous Substances Act. The objector was not opposed to the order as written, but rather requested that its scope be expanded.

On June 26, 1970, notice was published in the FEDERAL REGISTER (35 F.R. 10451) denying the objector's request for a hearing on the grounds that granting a hearing was not in the public interest because it would stay the effective date of the order, thus hindering the efficient enforcement of the act during the Fourth-of-July season. The notice stated that the objection would be treated as a petition to amend the regulations.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(q)(1)(B), (2), 74 Stat. 374, as amended 80 Stat. 1304–05; 15 U.S.C. 1261) and the Federal Food, Drug, and Cosmetic Act (sec. 701(e), 52 Stat. 1055, as amended; 21 U.S.C. 371(e)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that a petition has been filed by the National Society for the Prevention of Blindness proposing the amendment of 21 CFR 191.9(a)(3) to ban "all fireworks in keeping with the National Fire Protection Association model fireworks law" (except those intended for use solely for bona fide crop protection purposes as provided in 21 CFR 191.9(a)(3)(i) through (iv)) and, further, to expand the recordkeeping requirement of 21 CFR 191.9(a)(3)(iv) from 3 to 10 years.

Grounds given in support of the petition are:

1. The scope of 21 CFR 191.9(a)(3) "is not broad enough to protect public interest and children in particular";

2. The "labeling of cartons, shipping containers, wrappers and the items per se of all fireworks are inadequate to protect purchasers, users and innocent bystanders, all foreseeable victims";

3. The 3-year requirement "is an inadequate time for record preservation and a minimum of 10 years is necessary in that (1) eye injuries may not manifest themselves before that time (2) ingredients may need to be ascertained for treatment and diagnosis and a premature destruction of records may preclude this (3) identification for civil and criminal litigation will be made difficult if not impossible."

In support of these contentions, petitioner relies on statistical data contained in "Fireworks Incidents in the United States during 1969", published by the National Fire Protection Association, Boston, Mass., and the "1969 Annual Report National Society for the Prevention of Blindness, Inc."

B. The Commissioner has insufficient information to support the proposal of the National Society for the Prevention of Blindness. Publication of the proposal provides an opportunity for interested persons to submit appropriate data. In the interim, the Commissioner has obtained information from investigations and other sources which indicate that the exemption in 21 CFR 191.9(a)(3) permitting certain fireworks devices to be used for bona fide crop protection purposes is being grossly abused by some manufacturers and distributors to make fireworks available to the public for general use and that such fireworks have caused most of the firework deaths and serious injuries investigated by the Food and Drug Administration. Accordingly, the Commissioner finds that the degree or nature of the hazard involved in the presence or use of such devices in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping them out of channels of interstate commerce.

Therefore, pursuant to the aforementioned statutory provisions and delegated authority, the Commissioner proposes that § 191.9(a)(3) be revised to read as follows:

§ 191.9 Banned hazardous substances.

(a) • • •

(3) Fireworks devices intended to produce audible effects (including but not limited to cherry bombs, M–80 salutes, silver salutes, and other large firecrackers, aerial bombs, and other fireworks designed to produce audible effects, and including kits and components intended to produce such fireworks) if the audible effect is produced by a charge of more than 2 grains of pyrotechnic composition.

• • • • • •

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding these proposals. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5272 Filed 4-4-72;8:54 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 171]

[CGD 72-55 PH]

DEFECT NOTIFICATION

Notice of Proposed Rule Making

The Coast Guard is considering issuing new regulations which apply to the manufacturers of boats and associated equipment and supplement section 15 of the Federal Boat Safety Act of 1971 (85 Stat. 219), Notification of Defects; Repair or Replacement. Interested persons are invited to submit written statements regarding the proposal to the U.S. Coast Guard (CMC/82), 400 Seventh Street, SW., Washington, DC 20590. Statements should identify the public docket number, CGD 72–55 PH, and the name and address of the person. Where appropriate, comments should be directed to specific sections of the proposal. Statements should include data, views, or arguments supporting any recommended change or objection to the proposal.

The Coast Guard will hold an informal public hearing on May 3, 1972, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Any person desiring to make an oral presentation at this hearing should notify the Executive Secretary, Marine Safety Council, Room 8234, U.S. Coast Guard (CMC), 400 Seventh Street, SW., Washington, DC 20590. (Phone—202–426–1477.)

The presiding officer at the hearing may apportion the time of persons making presentations in an equitable manner, question participants as to their statements and terminate or shorten the presentation of any party when, in the opinion of the presiding officer, such presentation is repetitive or is not relevant to the purpose of the hearing. Participants are encouraged to submit written statements.

All communications received on or before May 11, 1972, will be fully considered and evaluated before final action is taken on this proposal. Copies of written statements submitted by the public in response to this proposal and a tape recording of the public hearing will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, DC. Copies of written statements will be furnished interested persons upon requst to U.S. Coast Guard (CMC/82), Washington, D.C. 20590 in accordance with the payment provisions of 49 CFR 7.81.

This proposal may be changed in light of comments received.

Section 15 of the Act applies to manufacturers of boats and manufacturers of such associated equipment as is prescribed by regulation or order. Section 15(f) states that application of the section to items or classes of "associated equipment" must be made on determination that the application is reasonable, appropriate, and in furtherance of the purposes of the Act. The Coast Guard considers that the following items should be prescribed as "associated equipment."

(a) Outboard engines.
(b) Inboard engines.
(c) Stern drive units.

Outboard engines are sold, for the most part, as distinct major units separately from any particular boat model or type. They are mechanically complex and provide the primary motive power and steering for a boat on which they are installed. Inboard engines are also produced, for the most part, independently from any particular boat model or type. While most inboard-powered boats are delivered with the engine installed, there are often several options and there are a significant number of engines marketed for replacement units. These engines provide the motive power of the boat.

Stern drive units are marketed much the same as inboard engines and provide power transmission and steering control. Each of these items is mechanically complex and a defect in design or manufacture can cause loss of power or control and endanger the occupants of the boat and others. Therefore, proposed § 171.03 (d) would define associated equipment as outboard engines, inboard engines, and stern drive units. Additional items of associated equipment will be the subject of future rule making.

Proposed §§ 171.05 and 171.11 prescribe time periods for meeting notification requirements of section 15 of the Act.

Proposed §§ 171.13 and 171.15 would require reports to the Commandant to assist the Coast Guard in evaluating (1) the severity of the defect, (2) the effectiveness of the manufacturer in notifying first purchasers, subsequent purchasers, dealers, and distributors to which the defective product may have been transferred or sold, and (3) the measures taken by the manufacturer to correct the defect. The initial report to the Coast Guard required by § 171.13 would be made at the same time the notification is given to first and subsequent purchasers, dealers, and distributors. Since some of this detailed information might not be available, paragraph (b) would allow the manufacturer to delay submission of the information required in the report if he

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explains why it is not submitted and estimates when it will be available.

Notifications made according to section 15(c) must contain "* * * a clear description of such defect or failure to comply, an evaluation of the hazard related thereto, a statement of the measures to be taken to correct such defect or failure to comply, and an undertaking by the manufacturer to take such measures at his sole cost and expense." To assure that there is a "clear description" of the defect, proposed § 171.09 would require that the notification contain the make and model year (if appropriate), the inclusive dates of manufacture (month and year), and any other data necessary to describe the products that may be affected by the defect.

The Boating Safety Advisory Council, established pursuant to section 33 of the Act, was consulted regarding this major boating safety matter. The advice and comments of the Council have been considered in drafting these proposed regulations.

In consideration of the foregoing, it is proposed that a new Part 171 be added to Title 33 of the Code of Federal Regulations to read as follows:

PART 171—DEFECT NOTIFICATION

Sec.

171.01 Purpose.
171.03 Definitions.
171.05 Manufacturer discovered defects.
171.07 Notice given by "more expeditious means."
171.09 Contents of notification.
171.11 Defects determined by the Commandant.
171.13 Initial report to the Commandant.
171.15 Followup report.
171.17 Penalties.
171.19 Address of Commandant.

AUTHORITY: The provisions of this Part 171 issued under sections 14 and 15 of the Federal Boat Safety Act of 1971 (Public Law 92–75, 85 Stat. 213, 218, 229 (Aug. 10, 1971)); 49 CFR 1.46(0)(1).

§ 171.01 Purpose.

This part prescribes rules to implement section 15 of the Federal Boat Safety Act of 1971 governing the notification of defects in boats and associated equipment.

§ 171.03 Definitions.

(a) "Act" means the Federal Boat Safety Act of 1971.

(b) "Manufacturer" means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(3) The importation into the United States for sale of boats, associated equipment, or components thereof.

(c) "Boat" means any vessel—

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(d) "Associated equipment" means an—

(1) Inboard engine,
(2) Outboard engine, or
(3) Stern drive unit

as shipped, transferred, or sold from the place of manufacture and includes all attached parts and accessories.

§ 171.05 Manufacturer discovered defects.

Each manufacturer who is required to furnish a notice of a defect or failure to comply with a standard prescribed pursuant to section 5 of the Act by section 15(a) of the Act shall furnish that notice within 30 days after he discovers or acquires information of the defect or failure to comply.

§ 171.07 Notice given by "more expeditious means."

Each manufacturer who gives the notice required by section 15 of the Act by more expeditious means than certified mail must give such notice in writing.

§ 171.09 Contents of notification.

Each notice required by section 15(a) of the Act must include the following additional information:

(a) The name and address of the manufacturer.

(b) Identifying classifications including the make, model year, if appropriate, the inclusive dates (month and year) of the manufacture, and any other data necessary to describe the boats or associated equipment that may be affected.

§ 171.11 Defects determined by the Commandant.

A manufacturer who is informed by the Commandant under section 15(e) of the Act that a boat or associated equipment contains a defect relating to safety or failure to comply with a standard prescribed pursuant to section 5 of the Act shall, within 30 days of receipt of the information—

(a) Furnish the notification described in section 15(c) of the Act to the persons designated in section 15(b) of the Act, or

(b) Present his views to the Commandant by certified mail to establish that there is no defect relating to safety or failure of compliance.

§ 171.13 Initial report to the Commandant.

(a) When a manufacturer gives a notification required by section 15 of the Act, he shall concurrently send to the Commandant by certified mail—

(1) A true or representative copy of each notice, bulletin, and other communication that he has given to the persons required to be notified under section 15(b) of the Act;

(2) The total number of boats or associated equipment potentially affected by the defect or failure to comply with a standard prescribed pursuant to section 5 of the Act; and

(3) If discovered or determined by the manufacturer, a chronology of all principal events upon which the determination is based.

(b) A manufacturer may submit an item required by paragraph (a) of this section that is not available at the time of submission to the Commandant when it becomes available if the manufacturer explains why it was not submitted within the time required and estimates when it will become available.

§ 171.15 Followup report.

(a) Each manufacturer who makes an initial report required by § 171.13 shall submit a followup report to the Commandant by certified mail within 60 days after the initial report. The followup report must contain at least the following information:

(1) A positive identification of the initial report;

(2) The number of units in which the defect was discovered as of the date of the followup report;

(3) The number of units in which corrective action has been completed as of the date of the followup report;

(4) The number of first purchasers not notified because of an out-of-date name or address, or both; and

(5) An updating of the information required by § 171.13.

(b) Each manufacturer shall submit any additional followup reports requested by the Commandant.

§ 171.17 Penalties.

(a) Each manufacturer who fails to furnish a notification as required by section 15(a) of the Act or fails to exercise reasonable diligence in fulfilling the undertaking given pursuant to section 15(c) of the Act is subject to the penalties prescribed by section 35(a) of the Act.

(b) Each manufacturer who fails to comply with any other provision of section 15 of the Act or the regulations in this part is subject to the penalties prescribed by section 35(b) of the Act.

§ 171.19 Address of Commandant.

Each report and communication sent to the Coast Guard required by this part must be submitted to:

U.S. Coast Guard (BBC/62), 400 Seventh Street SW., Washington, DC 20590.

This proposal is made under the authority of the Federal Boat Safety Act of 1971 (Public Law 92–75, 85 Stat. 213 (Aug. 10, 1971)); 49 CFR 1.46(0)(1) (36 F.R. 19593).

Dated: March 30, 1972.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.72-5103 Filed 4-4-72;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]

[Docket No. HM–100; Notice 72–4]

TRANSPORTATION OF HAZARDOUS MATERIALS

Ethylene Oxide; Opening in Tank Car Heads

The Hazardous Materials Regulations Board is considering amendment of §§ 173.124, 179.102, 179.201, and 179.202 of the Department's Hazardous Materials Regulations to authorize the shipment of ethylene oxide in insulated portable tanks and to upgrade the specifications of tank cars authorized for ethylene oxide. In addition, the Board proposes to remove authorization for the use of certain other tank cars in this service.

The Board has received petitions to make these changes to the regulations. Support for the petition to permit ethylene oxide to be transported in specially modified Specification 51 portable tanks is based on favorable experience data reported to the Board on shipments moving since 1964 under special permit.

The proposed changes for tank cars are based on recommendations by the Manufacturing Chemists Association, Inc. Its petition indicates that the present ethylene oxide tank car specifications warrant revisions for improved safety performance, that some currently authorized tanks cars for this service are obsolete, and that others are inadequate for safe rail transportation.

The Board believes that the adoption of this proposal would provide greater safety in the transportation of ethylene oxide. Also, the Board requests advice on the need for continuing the authorization for "Openings in tank heads to facilitate application of lining" which is found in § 173.124(a)(5) and numerous other sections such as §§ 173.119(a)(12), (e)(2), and (f)(3), 173.314(c) Note 16, 173.354(a)(4), 179.102–12, 179.102–17, 179.102–20, 179.102–6(a)(3), 179.202–1, and 179.202–18. The Board believes that this is an obsolete requirement and is no longer needed.

The Board is developing improved identification requirements for tank cars containing certain hazardous materials such as ethylene oxide. As part of this development, the Board will propose changes to the present marking requirements for tank cars in a separate notice. Any changes resulting from that notice of proposed rule making would be reflected in those sections dealing with marking of ethylene oxide tank cars.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 179 as follows:

PART 173—SHIPPERS

In § 173.124 paragraph (a), paragraph (a)(5) would be amended, Note 1 would be canceled, and paragraph (a)(6) would be added; paragraph (b) would be canceled as follows:

§ 173.124 Ethylene oxide.

(a) * * *

(5) Specification 105A100W or 111A-100W4 (§§ 179.100, 179.200 of this chapter) tank car. Each 105A***W series tank car must be equipped with a 75 p.s.i.g. safety valve and must be stenciled 105A100W. Each tank car must be stenciled, in letters not less than 1½ inches high, "Ethylene Oxide Only" near the car specification number. Outage of each tank must be sufficient to prevent the tank from becoming entirely filled with liquid at 105° F. Each tank, loaded or empty, must be padded with dry nitrogen or other suitable dry inert gas charged to a pressure of 35 to 60 p.s.i.g. at 70° F. The gas must be free of impurities which may cause the ethylene oxide to rearrange chemically or polymerize violently. See §§ 179.102–12 and 179.202–18 of this chapter for special requirements for tank cars authorized for ethylene oxide.

NOTE 1 [Canceled]

(6) Specification 51 (§ 178.245 of this chapter) portable tank. Each tank, loaded or empty, must be padded with dry nitrogen or other suitable dry inert gas charged to a pressure of 35 to 60 p.s.i.g. at 70° F. The gas must be free of impurities which may cause the ethylene oxide to rearrange chemically or polymerize violently. Each tank must be constructed to be in compliance with the following requirements:

(i) The tank must be insulated with mineral wool or glass fiber of sufficient thickness so that the thermal conductance at 60° F. is not more than 0.075 B.t.u. per hour, per square foot, per degree Fahrenheit temperature differential.

(ii) The insulating material of the tank must be protected by a steel jacket having a minimum thickness of 14 gage. This jacket must be applied to prevent moisture from coming in contact with the insulation.

(iii) Each tank must be equipped with a safety relief valve or frangible disc, meeting the requirements of § 173.315 of this chapter, set to relieve at 75 p.s.i.g.

(iv) Filling must be such that the tank will not be liquid full below 185° F.

(v) Copper, silver, mercury, magnesium, or their alloys may not be used in any part of the tank or appurtenances if that part or appurtenance is normally in contact with ethylene oxide liquid or vapor.

(vi) Each tank must be equipped with a thermometer well.

(vii) Gaskets made of Teflon or interwoven stainless steel and Teflon are required.

(viii) The capacity of the tank may not exceed 300 gallons.

(b) [Canceled]

PART 179—SPECIFICATIONS FOR TANK CARS

(A) Section 179.102–12 would be amended to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102–12 Ethylene oxide.

(a) Each tank car used to transport ethylene oxide must be constructed to be in compliance with the following special requirements:

(1) The tank must be constructed in accordance with the DOT–105A * * * W Specification, and its jacket stenciled "DOT–105A100W" and "Ethylene Oxide Only." "Ethylene Oxide Only" must appear on both sides of the tank and in letters not less than 1½ inches high.

(2) Each safety relief valve must be in compliance with the requirements specified in the DOT–105A100W tank car specification. Each safety relief valve must have its discharge piped to the top of the manway bonnet assembly. Vapor exit from the assembly must be provided through a full opening weather cap located directly above the safety valve vent pipe. Compliance with this provision is required after (*effective date of amendment*) except that tank cars which are not in compliance and were built before (*effective date of amendment*) must be in compliance by (*1 year following effective date*).

(3) Copper, silver, mercury, magnesium, or their alloys may not be used in any part of the tank or appurtenances if that part or appurtenance is normally in contact with ethylene oxide liquid or vapor.

(4) Interior pipes of liquid discharge valves, vapor lines, gaging devices (when the device provides a means for passage of the lading from the interior to the exterior of the tank) and sampling lines must be equipped with excess flow valves of an approved design.

(5) Each tank must be equipped with a thermometer well.

(6) Each tank must be insulated with glass fiber except tank cars built before (effective date of amendment) are authorized in this service when insulated with cork.

(7) The manway protective housing and cover must be insulated with glass fiber or other material that will provide protection against heat deterioration of the valves and any resilient material contained within the housing. Compliance with this provision is required after (effective date of amendment) except that tank cars which are not in compliance and were built before (effective date of amendment) must be in compliance by (1 year following effective date).

(8) Gaskets made of Teflon or interwoven stainless steel and Teflon are required.

(B) In § 179.201–1 paragraph (a) table, footnote 2 would be added and reference thereto would replace § 173.314 (c) as the seventh entry in the column headed 111A100W4:

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§ 179.201 **Individual specification requirements applicable to nonpressure tank car tanks.**

§ 179.201–1 **Individual specification requirements.**

(a) • • •

[1] See § 173.314(c) of this chapter for compressed gases and § 173.116 of this chapter for flammable liquids, unless otherwise specified in Part 173, Subpart C.

• • • • •

(C) Section 179.202–18 would be amended to read as follows:

§ 179.202 **Special commodity requirements for nonpressure tank car tanks.**

§ 179.202–18 **Ethylene oxide.**

(a) Each tank car used to transport ethylene oxide must be constructed to be in compliance with the following special requirements:

(1) The tank must be constructed in accordance with the DOT–111A100W4 specification and its jacket stenciled on both sides "ETHYLENE OXIDE ONLY" in letters not less than 1½ inches high.

(2) The safety relief valve, if not located on the manway nozzle, must be protected by an approved and insulated protective housing. Each safety relief valve must have its discharge piped to the top of the manway bonnet assembly or protective housing. Vapor exit from the manway bonnet assembly or protective housing must be provided through a full opening weather cap located directly above the safety valve vent pipe. Compliance with this provision is required after (effective date of amendment) except that tank cars which are not in compliance and were built before (effective date of amendment) must be in compliance by (1 year following effective date).

(3) Copper, silver, mercury, magnesium, or their alloys may not be used in any part of the tank or appurtenances if that part or appurtenance is normally in contact with ethylene oxide liquid or vapor.

(4) Interior pipes of liquid discharge valves, vapor lines, gaging devices (when the device provides a means for passage of the lading from the interior to the exterior of the tank) and sampling lines must be equipped with excess flow valves of an approved design.

(5) Each tank must be equipped with a thermometer well.

(6) Each tank must be insulated with glass fiber except tank cars built before (effective date of amendment) are authorized in this service when insulated with cork.

(7) Manway nozzle, cover plate, and protective housing must be in compliance with the requirements of section 179.100–12. The manway protective housing and cover must be insulated with glass fiber or other material that will provide protection against heat deterioration of the valves and any resilient material contained within the housing. Compliance with this provision is mandatory after (effective date of the amendment) except that tank cars which are not in compliance and were built before (effective date of amendment) must be in compliance by (1 year following effective date).

(8) Gaskets made of Teflon or interwoven stainless steel and Teflon are required.

(9) Vacuum relief valves are prohibited.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, D.C. 20590. Communications received on or before July 18, 1972, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on March 31, 1972.

W. J. BURNS,
Chairman, Hazardous Materials Regulations Board.

[FR Doc.72–5254 Filed 4–4–72;8:54 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

THIABENDAZOLE

Proposed Fungicide Tolerance

Dr. C. C. Compton, Coordinator Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of Oregon and Washington submitted a petition (PP 1E1151), proposing establishment of a tolerance for residues of the fungicide thiabendazole ((2-(4-thiazolyl) benzimidazole)) in or on Hubbard squash at 1 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the tolerance is proposed.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The proposed tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 180.242 be amended by inserting a new paragraph after the paragraph "2 parts per million • • •," as follows:

§ 180.242 **Thiabendazole; tolerances for residues.**

• • • • •

1 part per million in or on Hubbard squash.

• • • • •

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5146 Filed 4–4–72;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R–439]

COMPREHENSIVE REPORTING OF LEASE RENTAL CHARGES

Notice of Proposed Rule Making

MARCH 30, 1972.

Pursuant to 5 U.S.C. 553, sections 301, 304, and 309 of the Federal Power Act (49 Stat. 854, 855–856, 858–859; 16 U.C.S. 825, 825c, 825h) and sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to revise for the reporting year 1972:

A. Schedule page 421 of FPC Form No. 1, annual report for electric utilities, licensees and others (Class A and Class B) prescribed by § 141.1.

B. Schedule page 533 of FPC Form No. 2, annual report for natural gas companies (Class A and Class B) prescribed by § 260.1.

The schedule page 421, entitled rents charged of FPC Form No. 1, and schedule page 533, entitled rents charged of FPC Form No. 2, are being proposed for revision to provide the Commission with more comprehensive information than is presently being reported in connection with leases.

The present schedules were designed at a time when leases were generally applicable only to contracts for the use of vehicles, ADP equipment and segments of facilities leased from other utilities. Over the past few years the number and amounts of these lease agreements have increased considerably and have been broadened to cover the lease of gas turbines, nuclear fuel, pollution control structures and equipment, and other major items.

It is necessary and desirable that the Commission obtain reasonably comprehensive information on provisions of all lease agreements of $25,000 or more.

The proposed revisions to FPC Form No. 1 would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304, and 309 (49 Stat. 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h).

The proposed revisions to FPC Form No. 2 would be issued under authority granted the Federal Power Commission under the Natural Gas Act, as amended, particularly sections 8, 10 and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o).

Accordingly, effective for the reporting year 1972, it is proposed to revise:

(A) Schedule page 421, currently entitled rents charged, of FPC Form No. 1, annual report for electric utilities, licensees and others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment A hereto.[1]

(B) Schedule page 533, currently entitled rents charged, of FPC Form No. 2, annual report for natural gas companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachment B hereto.[1]

(C) Paragraph (d) of § 141.1 in Part 141, Subchapter D of Chapter I, Title 18 of the Code of Federal Regulations, as follows:

1. Delete schedule titled "Rents Charged" and substitute therefore schedule titled "Lease Rentals Charged" so that it will read:

§ 141.1 **Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).**

• • • • •

(d) This annual report contains the following schedules:

• • • • •

Lease Rentals Charged.

• • • • •

(D) Paragraph (c) of § 260.1 in Part 260, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations, as follows:

1. Delete schedule titled "Rents Charged" and substitute therefore schedule titled "Lease Rentals Charged" so that it will read:

§ 260.1 **Form No. 2, Annual report for natural gas companies (Class A and Class B).**

• • • • •

(c) This annual report contains the following schedules:

• • • • •

Lease Rentals Charged.

• • • • •

[1] Attachments A and B, filed as part of the original document.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than May 15, 1972, data, views, comments or suggestions in writing concerning the revisions to the annual report forms proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report forms pursuant to 44 U.S.C. 3501–3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The Staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5235 Filed 4–4–72;8:52 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 741]

INSURANCE

Certified Statements and Premiums

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes additions to Part 741 (12 CFR Part 741) by adding § 741.5 as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed additions to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than May 12, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 29, 1972.

§ 741.5 **Insurance fee statements.**

(a) On or before January 31 of each insurance (calendar) year, each federally insured credit union which became insured prior to the beginning of that year shall file with the Administrator a certified statement showing the total amount of the member accounts in the credit union at the close of the preceding insurance (calendar) year and the amount of the premium charge for insurance due to the fund for that year, as computed under Title II, section 202(c)(1) of the Federal Credit Union Act. The certified statements required to be filed with the Administrator pursuant to this section shall be in such form and shall set forth such supporting information as the Administrator shall require. The Insurance Fee Statement, Form NCUA–1308, has been designated as the authorized statement required in this section. Copies of Form NCUA–1308 can be obtained from the National Credit Union Administration office in Washington, D.C., or any regional National Credit Union Administration office.

(b) Each credit union which was in existence prior to October 19, 1970, and which becomes federally insured after January 1 of any insurance (calendar) year shall file with the Administrator a certified statement to provide supporting information similar to that outlined in paragraph (a) of this section and the amount of the premium charge for insurance due to the fund for that year, as computed under Title II, section 202(c)(2) of the Federal Credit Union Act, no later than 30 days after the date on which the credit union receives the Certificate of Insurance issued to it under section 201 of the Federal Credit Union Act. The Insurance Fee Statement, Form NCUA–1307, has been designated as the authorized statement required in this section. Copies of Form NCUA–1307 can be obtained from the National Credit Union Administration office in Washington, D.C., or any regional National Credit Union Administration office.

(c) Each credit union which is chartered after October 19, 1970, and which becomes federally insured in the insurance (calendar) year in which it is chartered shall file with the Administrator a certified statement to provide supporting information similar to that outlined in paragraph (a) of this section and the amount of the premium charge for insurance due to the fund for that year, as computed under Title II, section 202(c)(3) of the Federal Credit Union Act, no later than January 31 of the insurance (calendar) year following the year in which the credit union was chartered. The Insurance Fee Statement, Form NCUA–1309, has been designated as the authorized statement required in this section. Copies of Form NCUA–1309 can be obtained from the National Credit Union Administrtion office in Washington, D.C., or from any National Credit Union Administration regional office.

(d) Each such statement shall be certified by the president of the credit union, or by any officer of the credit union designated by its board of directors, that to the best of his knowledge and belief the statement is true, correct, and complete.

[FR Doc.72–5186 Filed 4–4–72;8:49 am]

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Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 27, 1972.

Notice is hereby given that effective May 15, 1972, the following protraction diagram, approved December 20, 1971, is officially filed and of record in the Riverside District and Land Office. In accordance with title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

CALIFORNIA PROTRACTION DIAGRAM NO. 22
(REVISED)

T. 13 S., R. 20 E.,
  Secs. 1 to 15, inclusive;
  Secs. 17 to 35, inclusive.
T. 13 S., R. 21 E.,
  Secs. 1 to 15, inclusive;
  Secs. 17 to 35, inclusive.
T. 14 S., R. 20 E.,
  Secs. 1 to 35, inclusive.
T. 14 S., R. 21 E.,
  Sec. 26, NW¼, S½;
  Sec. 27, NE¼, S½;
  Sec. 28, S½;
  Sec. 29, NW¼, S½;
  Sec. 30, NE¼, S½;
  Secs. 31 to 35, inclusive.
T. 15 S., R. 21 E.,
  Sec. 2, W½;
  Secs. 3 to 10, inclusive;
  Sec. 17, excluding mineral surveys;
  Sec. 18;
  Secs. 19 to 21, inclusive, excluding mineral surveys;
  Sec. 22;
  Sec. 23, W½;
  Sec. 27;
  Sec. 28, N½, SE¼;
  Sec. 29, W½;
  Sec. 30;
  Sec. 31, N½;
  Sec. 32, NW¼;
  Sec. 33, NE¼;
  Sec. 34, N½;
  Secs. 37, 38 and 39.

Copies of this diagram are for sale at two dollars ($2.00) each by the Survey and Records Office, Bureau of Land Management, Federal Office Building, Room E–2841, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

DELMAR D. VAIL,
Manager.

[FR Doc.72–5176 Filed 4–4–72;8:48 am]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 27, 1972.

Notice is hereby given that effective May 15, 1972, the following protraction diagram, approved December 20, 1971, is officially filed and of record in the Riverside District and Land Office. In accordance with title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

SAN BERNARDINO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 103

San Miguel Island

T. 1 S., R. 33 W.,
  Secs. 19 and 20;
  Secs. 29 to 34, inclusive.
T. 1 S., R. 34 W.,
  Sec. 11;
  Secs. 25 to 28, inclusive;
  Secs. 31 to 36, inclusive.
T. 2 S., R. 33 W.,
  Secs. 2 to 10, inclusive.
T. 2 S., R. 34 W.,
  Secs. 1 to 5, inclusive;
  Sec. 12.

Prince Island

T. 1 S., R. 33 W.,
  Sec. 28.

Copies of this diagram are for sale at two dollars ($2.00) each by the Survey and Records Office, Bureau of Land Management, Federal Office Building, Room E–2841, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

DELMAR D. VAIL,
Manager.

[FR Doc.72–5177 Filed 4–4–72;8:48 am]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 27, 1972.

Notice is hereby given that effective May 15, 1972, the following protraction diagram, approved December 20, 1971, is officially filed and of record in the Riverside District and Land Office. In accordance with title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

SAN BERNARDINO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 136

San Nicolas Island

T. 10 S., R. 25 W.,
  Secs. 30 to 34, inclusive.
T. 10 S., R. 26 W.,
  Secs. 23 to 28, inclusive;
  Secs. 33 to 36, inclusive.
T. 11 S., R. 25 W.,
  Secs. 2 to 12, inclusive;
  Secs. 14 to 18, inclusive.
T. 11 S., R. 26 W.,
  Secs. 1 to 4, inclusive;
  Secs. 10 to 13, inclusive.

Copies of this diagram are for sale at two dollars ($2.00) each by the Survey and Records Office, Bureau of Land Management, Federal Office Building, Room E–2841, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

DELMAR D. VAIL,
Manager.

[FR Doc.72–5178 Filed 4–4–72;8:48 am]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 27, 1972.

Notice is hereby given that effective May 15, 1972, the following protraction diagram, approved December 20, 1971, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

SAN BERNARDINO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 179

Anacapa Island

T. 2 S., R. 24 W.,
  Secs. 7 to 11, inclusive;
  Secs. 16 to 18, inclusive.
T. 2 S., R. 25 W.,
  Sec. 12.

Santa Barbara Island

T. 8 S., R. 21 W.,
  Sec. 11;
  Secs. 14 and 15;
  Secs. 22 and 23.

Copies of this diagram are for sale at two dollars ($2) each by the Survey and Records Office, Bureau of Land Management, Federal Office Building, Room E–2841, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

DELMAR D. VAIL,
Manager.

[FR Doc.72–5179 Filed 4–4–72;8:48 am]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 27, 1972.

Notice is hereby given that effective May 15, 1972, the following protraction diagram, approved December 20, 1971, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

SAN BERNARDINO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 180

T. 11 N., R. 1 W.,
  Sec. 18, SW¼;
  Sec. 19, NW¼.

Copies of this diagram are for sale at two dollars ($2) each by the Survey and Records Office, Bureau of Land Management, Federal Office Building, Room E–2841, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

DELMAR D. VAIL,
Manager.

[FR Doc.72–5180 Filed 4–4–72;8:48 am]

CALIFORNIA

Notice of Filing of California State Protraction Diagram

MARCH 27, 1972.

Notice is hereby given that effective May 15, 1972, the following protraction diagram, approved December 20, 1971, is officially filed and of record in the Riverside District and Land Office. In accordance with Title 43, Code of Federal Regulations, this protraction will become the basic record for describing the land for all authorized purposes at and after 10 a.m. on the above effective date. Until this date and time, the diagram has been placed in the open files and is available to the public for information only.

SAN BERNARDINO MERIDIAN, CALIFORNIA

CALIFORNIA PROTRACTION DIAGRAM NO. 181

T. 13 S., R. 18 E.,
  Secs. 1 to 15, inclusive;
  Secs. 17 to 35, inclusive.
T. 13 S., R. 19 E.,
  Secs. 1 to 15, inclusive;
  Secs. 17 to 35, inclusive.
T. 14 S., R. 19 E.,
  Secs. 1 to 15, inclusive;
  Secs. 17 to 35, inclusive.

Copies of this diagram are for sale at two dollars ($2) each by the Survey and Records Office, Bureau of Land Management, Federal Office Building, Room E–2841, Sacramento, Calif. 95825, and the District and Land Office, Bureau of Land Management, 1414 University Avenue, Post Office Box 723, Riverside, CA 92502.

DELMAR D. VAIL,
Manager.

[FR Doc.72–5181 Filed 4–4–72;8:48 am]

[Serial I–4874]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 28, 1972.

The Bureau of Sport Fisheries and Wildlife has filed an application, Serial No. I–4874 for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for management of migrating birds and other wildlife as a part of the Deer Flat National Wildlife Refuge.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398, Federal Building 550 West Fort Street, Boise, Idaho 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Sport Fisheries and Wildlife.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 11 N., R. 3E.,
  Sec. 3, lot 7;
  Sec. 10, unsurveyed island lying in E½SE¼;
  Sec. 15, unsurveyed island lying in SE¼SE¼, unsurveyed island lying in sections 14 and 15, unsurveyed island lying in sections 15 and 22.

The areas described aggregate approximately 8.2 acres in Valley County.

RICHARD H. PETRIE,
Chief,
Division of Technical Services.

[FR Doc.72–5185 Filed 4–4–72;8:48 am]

National Park Service

[Order 5]

SUPERINTENDENTS ET AL., MIDWEST REGION

Delegation of Authority

Correction

In F.R. Doc. 72–4631 appearing at page 6324 in the issue for Tuesday, March 28, 1972, subparagraph (2) of paragraph (h) in section 1 should read as follows: "(2) Superintendents, Grade GS–13—in excess of $50,000".

Office of the Secretary

[FES 72–7]

BONNEVILLE POWER ADMINISTRATION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a final statement which discusses environmental considerations relating to BPA's projected program for fiscal year 1973.

Copies of the final environmental statement are available for review in the library of the headquarter's office of BPA, 1002 NE. Holladay Street, Portland, Oreg. 97208; the Washington, D.C. Office in the Interior Building, Room 5600; or in the following Area and District Offices: Idaho Falls, Idaho; Portland, Oreg.; Seattle, Wash.; Spokane, Wash.; Walla Walla, Wash.; Eugene, Oreg.; Kalispell, Mont.; and Wenatchee, Wash.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151, and enclosing $3. Please refer to the statement number above.

W. W. LYONS,
Deputy Assistant
Secretary of the Interior.

MARCH 29, 1972.

[FR Doc.72–5182 Filed 4–4–72;8:48 am]

[INT DES 72–45]

CIBOLO PROJECT, TEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental state-

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ment on a proposed water supply project designed to furnish a municipal and industrial water supply for the cities of Kenedy, Karnes City and San Antonio, Tex.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, TX 79101, Telephone (806) 376-2408.

Austin Development Office, Bureau of Reclamation, Post Office Box 1946, Federal Building, Austin, TX 78767, Telephone (512) 397-5641.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Austin Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: March 27, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-5183 Filed 4-4-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Cairo, Ill., Grain Inspection Point

Statement of considerations. On February 3, 1972, there was published in the FEDERAL REGISTER (37 F.R. 2599) a notice announcing (1) a proposed transfer of the designation to operate the official grain inspection agency, as defined in section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)), at Cairo, Ill., and (2) the application by J. R. Simpson, Cairo, Ill., for designation to operate the official grain inspection agency. Inspection agencies, members of the grain trade, and other interested parties were given until March 6, 1972, to submit written data, views, or arguments with respect to the proposed transfer and to make application for designation.

Comments were received from eight members of the grain trade recommending that J. R. Simpson be designated to operate the official grain inspection agency at Cairo. No applications for designation were received other than the application from J. R. Simpson, and no adverse comments were received.

After due consideration of all submissions made pursuant to the notice of February 3, 1972, and all other relevant matters, and pursuant to the authority contained in sections 3(m) and 7(f) of the U.S. Grain Standards Act (7 U.S.C. 75(m) and 79(f)), the designation as the official grain inspection agency at Cairo, Ill., is hereby transferred from the Woodson-Tenent Laboratories, Inc., to J. R. Simpson.

Effective date. This notice shall become effective 60 days after publication in the FEDERAL REGISTER.

Done in Washington, D.C., on March 30, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5219 Filed 4-4-72;8:51 am]

Forest Service

MOUNT ASHLAND CHAIRLIFT NO. 2

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Mount Ashland Chairlift No. 2 in Oregon, USDA-FS-DES(Adm) 72-27.

The environmental statement concerns a proposal to construct one additional chairlift at Mount Ashland to enlarge the existing winter sports facility.

This draft environmental statement was filed with CEQ on March 30, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, OR 97208.

Rogue River National Forest, Supervisor's Office, Federal Building, Medford, Oreg. 97501.

A limited number of single copies are available upon request to Rexford A. Resler, Regional Forester, Post Office Box 3623, Portland, Oreg. 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Rexford A. Resler, U.S. Forest Service, Post Office Box 3623, Portland, OR 97208. Comments must be received within 50 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

LAWRENCE M. WHITFIELD,
Acting Deputy Chief, Forest Service.

MARCH 30, 1972.

[FR Doc.72-5249 Filed 4-4-72;8:53 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

Second Quarterly Estimates

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following second quarterly estimates are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1972 is 1,240.0 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year 1972, is 1,042.4 million pounds.

Since the estimated quantity of imports continues to exceed 110 percent of the estimated quantity prescribed by section 2(a) of the Act, under the Act limitations for the calendar year 1972 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed but may be suspended. Such limitations were imposed by Proclamation 4114 of March 9, 1972, and were suspended during the balance of the calendar year 1972, unless because of changed circumstances further action under the Act becomes necessary.

Done at Washington, D.C., this 30th day of March 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72-5193 Filed 3-31-72;12:06 pm]

DEPARTMENT OF COMMERCE

Office of Import Programs

IOWA STATE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00345-90-46070. Applicant: Iowa State University, Ames Laboratory, Ames, Iowa 50010. Article: Scanning electron microscope, Model S-4. Manufacturer: Cambridge Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used in conjunction with basic research studies on metal, ceramic, and semiconductor materials. Surface morphology of specimens will be examined using secondary electron, back scattering, and specimen current modes. The article will also be used to measure the crystallographic orientation of plates and needles having dimensions down to 0.5 micrometers in such materials as martensites, bainites, eutectoids, eutectics, dendrites and solid solution precipitates by means of selected area channelling patterns. Application received by Commissioner of Customs: January 27, 1972.

Docket No. 72-00344-33-46040. Applicant: National Institutes of Health, NAID/LVD, 9000 Rockville Pike, Bethesda, MD 20014. Article: Electron microscope, Model JEM 100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used for research aimed at a better understanding of multivirus (virus-helper virus)—host cell interaction of the adenovirus associated viruses, as well as other members of the parvovirus group. Further, studies of the nucleic acids by electron microscopy of these viruses as well as other viruses such as the adeno-SV40 hybrids and members of the leucosis group, will also be conducted. Studies already in progress on the polypeptides of these viruses will be subjected to further study in the electron microscope from ultrastructural and immunological aspects. Application received by Commissioner of Customs: January 27, 1972.

Docket No. 72-00346-00-46040. Applicant: Cedars-Sinai Medical Center, 4833 Fountain Avenue, Los Angeles, CA 90029. Article: High contrast, wide field observation attachment, JEM-ACW. Manufacture: JEOL Ltd., Japan. Intended use of article: The article is intended to be used as an accessory to an existing electron microscope to provide high contrast, distortion free, superwide images in the following projects:

1. Reconstruction of heart muscle cells in dogs as well as the retina in fish.

2. Distortion free observation of glomeruli from renal biopsies under low magnification.

Application received by Commissioner of Customs: January 27, 1972.

Docket No. 72-00347-01-77040. Applicant: University of Utah, Purchasing Department, Building 40, Salt Lake City, Utah 84112. Article: Mass spectrometer, Model MS 30. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the analysis and characterization of gaseous, liquid, and solid materials both alone and in connection with gas chromatographic and liquid chromatographic analysis of the compounds. The article will also be used for educational purposes to train personnel in analytical mass spectroscopy in the following areas:

1. Structural studies which include reaction products and intermediates, correlation studies, and natural products.

2. Analysis of drug metabolites, stable isotopic studies of biosynthesis, stable isotope studies of organic and inorganic reactions, membrane composition, complex lipids and complex mixtures.

Application received by Commissioner of Customs: January 27, 1972.

Docket No. 72-00348-33-46070. Applicant: Duke University, Erwin Road, Durham, N.C. 27706. Article: Scanning electron microscope, Model JSM-S1. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article is intended to be used by undergraduates, graduates, postdoctoral fellows and faculty for instructional purpose in ecology-limnology, biosystematics and cell physiology as well as general biology and cytology. The article will also be used for research in paleoecology of African lake sediments, evolutionary diversification of plants and calcification mechanism in marine organisms. Application received by Commissioner of Customs: January 27, 1972.

Docket No. 72-00349-75-77000. Applicant: Department of Commerce—NOAA, Experimental Meteorology Laboratory, Post Office Box 8044, University of Miami Branch, Coral Gables, Fla. 33124. Article: Distrometer, Type RD-69. Manufacturer: Marc Wiebel, Switzerland. Intended use of article: The article will be used in cloud seeding (rain making) research to measure the distribution in time and space of raindrop sizes. This information in conjunction with known details of the seeding procedures, will tell the percentage of water droplets of different sizes, the time required for the growth of the water droplets, the density of the various sized droplets per unit area and the duration of both the drop growth and the total rainfall. Finally, together with rainfall collecting instruments, it will give the total rainfall for the individual experiment periods. The article will also be used in the training of graduate students in Meteorology. Application received by Commissioner of Customs: January 28, 1972.

Docket No. 72-00350-33-09300. Applicant: University of Michigan, Medical Science Building II, Room 5614, Ann Arbor, Mich. 48104. Article: Vibrogen cell mill, M586621. Manufacturer: Max Planck Institute for Biochemistry, West Germany. Intended use of article: The article is intended to be used to prepare cell-free extracts of microorganisms for the specific purpose of isolating and studying intracellular enzymes. Application received by Commissioner of Customs: January 28, 1972.

Docket No. 72-00351-33-46500. Applicant: North Carolina Department of Mental Health, Research Division, Embryology Laboratory, Station B, Box 7532, Raleigh, N.C. 27611. Article: Ultramicrotome, Model OmU2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to examine spinal cord and chicken embryonic tissues in developmental studies of the growing nervous system, specifically the formation of synapses. Application received by Commissioner of Customs: January 28, 1972.

Docket No. 72-00352-33-46500. Applicant: University of Pennsylvania, School of Medicine, Department of Anatomy, 36th Spruce Streets, Philadelphia, PA 19104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to prepare ultrathin serial sections of brain tissues in research investigations to discover the patterns of connection between neurons in the central nervous system. The article will also be used in training graduate students who are learning to conduct these types of research. Application received by Commissioner of Customs: January 28, 1972.

Docket No. 72-00353-33-46500. Applicant: Los Angeles County, University of Southern California Medical Center, Women's Hospital, Room 1L23, 1200 North State Street, Los Angeles, CA 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to obtain ultrathin sections of male and female reproductive tissues, fertilized eggs and embryonic specimens for the purpose of obtaining ultrastructural information with the electron microscope. The objectives to be pursued in the investigations will include the ultrastructural description of reproductive tissues, the determination of ultrastructural effects from contraceptive methods, the study of fertilized eggs, the examination of sperm, and the study of early embryonic development. Application received by Commissioner of Customs: January 28, 1972.

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Docket No. 72–00354–33–46595. Applicant: Mount Sinai Hospital, Madison Avenue and 100th Street, New York, N.Y. 10029. Article: Pyramitome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studying the morphology of the lens in the developing chick embryo. Of primary interest is the capsule, anterior, equatorial posterior and nucleous of the lens and their relationship to each other. The project will involve the measurement of lens capsule thickness as a function of time during development, with respect to location in the lens and also the relationship of various intracellular organelles in relation to their special location within the lens as a function of time. Application received by Commissioner of Customs: January 28, 1972.

Docket No. 72–00355–01–77030. Applicant: The University of Georgia, Department of Medicinal Chemistry, School of Pharmacy, Athens, Ga. 30601. Article: NMR Spectrometer, Model R–20A. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in research correlating biologic activity of organic compounds to physical-chemical properties. Specific acid and base catalyzed proton exchange kinetic constants and the energies of activation of N–H compounds are being studied. The effect on proton exchange kinetics due to complexation of carbamate esters and amides with nucleotides, and soluble proteins will be studied to make subtle and meaningful correlations between the delta G of binding and protolysis data. The article will also be used in a graduate course titled Advanced Pharmaceutical Analysis and in an undergraduate course in Pharmaceutic Drug Analysis. Application received by Commissioner of Customs: February 1, 1972.

Docket No. 72–00356–33–28500. Applicant: University of Texas Medical School at San Antonio, 7703 Floyd Curl Drive, San Antonio, TX 78229. Article: Cell electrophoresis apparatus, Model Mark II. Manufacturer: Ranks Brothers, United Kingdom. Intended use of article: The article is intended to be used to study the effects of a variety of chemicals which act on the surface of the Ehrlich ascites cancer cell. Its use will permit an assessment of the subtle alterations in electric charge density associated with the components forming the cell surface. These alterations will be reflected as changes in the rate of migration of the cancer cells when subjected to an electrical field. Application received by Commissioner of Customs: February 1, 1972.

Docket No. 72–00357–33–46040. Applicant: College of Medicine & Dentistry of New Jersey, New Jersey Medical School, Department of Anatomy, 100 Bergen Street, Newark, NJ 07103. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article will be used for the following research projects:

1. The effects of chronic administration of DDT in fish livers.

2. Ultrastructural aspects of development of the peripheral nervous system of telcost fishes.

3. Investigations on growth and differentiation of tissues during amphibian development.

4. The synaptic organization of selected regions of the central nervous system of mammals.

The article will also be used in courses in electron microscopy, experimental electron microscopy, and microscopic anatomy of cells and tissues to train students in the techniques of electron microscopy. Application received by Commissioner of Customs: February 1, 1972.

Docket No. 72–00358–33–46040. Applicant: Brookhaven National Laboratory, Associated University, Inc., Upton, Long Island, N.Y. 11973. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to obtain micrographs of the fine structure of cells, cell components, and macromolecules. Studies will be made from sections of plastic embedded biological material, isolated cell components, replicas of freeze-fractured cells, and isolated macromolecules in three-dimensional analysis of cellular structure, macromolecules and their aggregates. Application received by Commissioner of Customs: February 1, 1972.

Docket No. 72–00359–33–40600. Applicant: Florida State University, Department of Physics, Tallahassee, Fla. 32306. Article: Axial extraction penning source. Manufacturer: Amersfoort, The Netherlands. Intended use of article: The article is intended to be used for the efficient production of negative ions of a variety of elements. These negative ion beams will be injected into the Tandem Accelerator where they will be energized and focused into useful beams for heavy ion nuclear physics research. In addition the article will be used in the physics courses PSC 599 and PSC 699 for the training and qualification of students to work as physicists in basic research and technology. Application received by Commissioner of Customs: February 1, 1972.

Docket No. 72–00360–33–46040. Applicant: Harbor General Hospital, 1000 West Carson Street, Torrance, CA 90506. Article: Electron microscope, Model HU–11E. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to study (a) isolated spermatozoa and ova and the fertilization process of humans and animals; (b) biopsies of kidneys, livers, brains, muscles, skin, and bone marrows of patients affected by a variety of diseases; and (c) developing organs of embryos from mouse, rabbit, and woman. The investigations are aimed at obtaining a better understanding of the various aspects of the fertilization process and of the lesions produced by diseases on a variety of organs. The article will also be used for educational purposes in the training of Pathology interns and residents and post-doctoral fellows in reproductive biology. Application received by Commissioner of Customs: February 1, 1972.

Docket No. 72–00361–33–46040. Applicant: University of Minnesota, Minneapolis, Minn. 55455. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article will be used in experiments designed to study the ultrastructure of the cell membrane before and after various enzyme and extraction procedures designed to remove specific proteins and nucleoproteins. Application received by Commissioner of Customs: February 3, 1972.

Docket No. 72–00362–33–68300. Applicant: State University of New York at Buffalo, The Research Foundation, 1807 Elmwood Avenue, Buffalo, NY 14207. Article: Microperfusion pump. Manufacturer: Wolfgang Hampel, West Germany. Intended use of article: The article will be used in a laboratory of kidney physiology to inject and perfuse individual kidney tubules in the rat with ultramicro volumes of fluid. The problems under investigation are designed to elucidate normal kidney function as well as changes seen with experimental kidney disease. Application received by Commissioner of Customs: February 3, 1972.

Docket No. 72–00363–33–46040. Applicant: University of Chicago, Department of Pathology, Division of Surgical Pathology, 950 East 59th Street, Chicago, IL 60637. Article: Electron microscope, Model EM–201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for post doctoral training an dresearch on ultrastructure of human cancer, particularly tumors of the hematopoietic tissues. Specifically, the instrument will be used for research on human tissue removed during surgery and for the study of experimental animal tissues. Ongoing projects include:

(a) A corrolative light and electron microscopic study of human lymphomas and leukemias;

(b) A fine resolution study for localization of ferritin labelled antibodies, and for radioisotope labelled incorporation studies of mucopolysaccharide and protein synthesis; and

(c) A fine resolution study for the three dimensional reconstruction of consecutively serial sectioned cells of various, light microscopically not further identifiable human malignant tumors, and three dimensional study of subcellular components of muscle cells in human myopathies. Application received by Commissioner of Customs: February 3, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–5194 Filed 4–4–72;8:49 am]

NEW YORK UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles; Correction

The following notice of application as published in Volume 37, Number 47 (pages 5067–68) of the FEDERAL REGISTER, Thursday, March 9, 1972, pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) is hereby amended to read: Article: Ultramicrotome, Model LKB 8800A instead of Article: Ultramicrotome, Model LKN 8800A.

Docket No. 72–00293–33–46500. Applicant: Veterans Administration Hospital, 800 Stadium Road, Columbia, MO 65201. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for three dimensional sectioning of human bone marrow and soft tissue tumors in connection with diagnosis and therapy of selected human neoplasms. The article will also be used in the training of physicians for specialties in laboratory medicine including interpretation and preparation of material for electron microscopy. Application received by Commissioner of Customs: December 23, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–5199 Filed 4–4–72;8:49 am]

TEMPLE UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 71–00439–33–46040. Applicant: Temple University Medical School, 3400 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for a study of the cross-linkages in the filaments of the pigment synthesizing organelle of the melanocyte; for a project involving the localization of isoproterenol to specific organelles in the cells of the salivary gland; and for an investigation to identify element copper in the enzyme tyrosinase.

Comments: Comments have been received from one domestic manufacturer, Forgflo Corporation (Forgflo), which alleges, inter alia, that its Model Paragon is "of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used."

Decision: Application approved. No domestic manufacturer was both able and willing to produce an instrument or apparatus within the United States of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, and have it available without unreasonable delay to the applicant at the time the application for the foreign article was received. (March 11, 1971.)

Reasons: The Department of Health, Education, and Welfare (HEW) advises in a memorandum dated July 9, 1971 that the study of cross-linkages in filaments of pigment synthesizing organelles of the melanocyte, in which there is evidence that failure of cross-linkage in these filaments is characteristic of malignant melanoma cells, will "require the optimum in resolution. • • •" Therefore the resolution limit, i.e., the resolving capability is a pertinent specification within the meaning of § 701.2(n) of the regulations.

Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability. The foreign article has a specified resolving capability of three angstroms. Comparable electron microscopes are produced in the United States by only one manufacturer, Forgflo. Forgflo has published specifications for two electron microscopes, i.e., the Model EMU–4C and the Paragon. The EMU–4C has a specified resolving capability of five angstroms, while the Paragon, according to its printed specifications, has a resolving capability of two angstroms. Accordingly, the EMU–4C is not of equivalent scientific value to the foreign article for the purposes that the foreign article is intended to be used.

The "Paragon" is an instrument that is customarily produced on order. Section 701.2(j) of the regulations defines produced on order as follows:

> Produced on order means an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonable delay to the applicant.

Section 701.11(b) of the regulations provides as to availability of such instruments:

> An instrument, apparatus, or accessory shall be considered as being manufactured in the United States if it is customarily produced for stock, produced on order, or custom-made within the United States. In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category • • •.

As to the Forgflo Model "Paragon", we note that: (1) The Department of Commerce knows of no instance wherein Forgflo demonstarted that it had produced an instrument conforming to the printed specifications of the Paragon. (2) Although the design of the Paragon apparently had been completed as of the date of the comments, the component parts were not. And further, the instrument had not reached, in performance, its design specifications. (3) Forgflo's published material relating to the Paragon did not include information on delivery and Forgflo has never been able to provide the Department of Commerce with a firm delivery date. (4) Although Forgflo has accepted orders for the Paragon, delivery has been set back and Forgflo has not been able to deliver a single Paragon to this date.

Accordingly, we find that at the time the application for duty-free entry of the foreign article was received, no domestic manufacturer was both able and willing to make available to the applicant an instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, within the meaning of § 701.11(b) of the regulations.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–5198 Filed 4–4–72;8:49 am]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00461–33–46040. Applicant: University of Cincinnati, College of Medicine, Department of Surgery, Eden and Bethesda Avenues, Cincinnati, OH 45219. Article: Electron microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in a research program concerned with the nature and causes of surgical infections complicating trauma, the factors related to bacterial infection which alter and impair the process of wound healing, and the diagnosis and control of cancer. The electron microscope will also be used in the research education of pre- and postdoctoral fellows, interns and residents in the Department of Surgery.

Comments: Comments have been received from one domestic manufacturer, Forgflo Corp. (Forgflo), which alleges, inter alia, that its Model EMU–4C and Paragon instruments are "of equivalent scientific value to the instrument for which duty-free entry has been requested for the purposes stated in the application for which the instrument is intended to be used."

Decision: Application approved. No domestic manufacturer was both able and willing to produce an instrument or apparatus within the United States of equivalent scientific value to the foreign

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article, for such purposes as the article is intended to be used, and have it available without unreasonable delay to the applicant at the time the application for the foreign article was received. (March 25, 1971.)

Reasons: The Department of Health, Education, and Welfare (HEW) advises in a memorandum dated August 20, 1971 that, in the applicant's studies on control of infections following surgery, significant studies will involve examination of fine structural components of bacterial specimens at high resolution with negative staining for which "the best resolution available * * * will be needed." Therefore the resolution limit, i.e., the resolving capability is a pertinent specification within the meaning of section 701.2(n) of the regulations.

Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability. The foreign article has a specified resolving capability of 3 angstroms. Comparable electron microscopes are produced in the United States by only one manufacturer, Forgflo. Forgflo has published specifications for two electron microscopes, i.e., the Model EMU–4C and the Paragon. The EMU–4C has a specified resolving capability of 5 angstroms, while the Paragon, according to its printed specifications, has a resolving capability of 2 angstroms. Accordingly, the EMU–4C is not of equivalent scientific value to the foreign article for the purposes that the foreign article is intended to be used.

The "Paragon" is an instrument that is customarily produced on order. Section 701.2(j) of the regulations defines produced on order as follows:

"Produced on order" means an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonable delay to the applicant.

Section 701.11(b) of the regulations provides as to availability of such instruments:

An instrument, apparatus, or accessory shall be considered as being manufactured in the United States if it is customarily produced for stock, produced on order, or custom-made within the United States. In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus or accessory and have it available without unreasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, appartus, or accessories of the same general category * * *.

As to the Forgflo Model "Paragon", we note that: (1) The Department of Commerce knows of no instance wherein Forgflo demonstrated that it had produced an instrument conforming to the printed specifications of the Paragon. (2) Although the design of the Paragon apparently had been completed as of the date of the comments, the component parts were not. And further, the instrument had not reached, in performance, its design specifications. (3) Forgflo's published material relating to the Paragon did not include information on delivery and Forgflo has never been able to provide the Department of Commerce with a firm delivery date. (4) Although Forgflo has accepted orders for the Paragon, delivery has been set back, and Forgflo has not been able to deliver a single Paragon to this date.

Accordingly, we find that at the time the application for duty-free entry of the foreign article was received, no domestic manufacturer was both able and willing to make available to the applicant an instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, within the meaning of § 701.11(b) of the regulations.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5195 Filed 4-4-72;8:49 am]

UNIVERSITY OF MARYLAND

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897), and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00414–33–46040. Applicant: University of Maryland, College Park, Md. 20740. Article: Electron Microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the study of the ultrastructure and assembly of myofibrils, myofilaments, and microtubles in dividing and differentiating chickembryo muscle cells grown in tissue culture; and to study isolated molecules of messenger RNA, DNA, and RNA–DNA hybrids from embryonic and adult muscle cells, Also electron miscroscopy will be taught in zoology courses.

Comments: Comments have been received from one domestic manufacturer, Forgflo Corporation (Forgflo), which alleges, inter alia, that its Model "Paragon" electron microscope is "superior to the instrument for which the applicant is applying for tariff relief, for the purposes stated in the application for which the instrument is intended to be used."

Decision: Application approved. No domestic manufacturer was both able and willing to produce an instrument or apparatus within the United States of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, and have it available without unreasonable delay to the applicant at the time the application for the foreign article was received. (February 23, 1971.)

Reasons: The Department of Health, Education, and Welfare (HEW) advises in a memorandum dated June 30, 1971, that the studies of the ultrastructure of muscle fibrils and microtubles and of isolated molecules of mRNA, DNA, and RNA–DNA hybrids will "require * * * the best resolution available." Therefore the resolution limit, i.e., the resolving capability is a pertinent specification within the meaning of § 701.2(n) of the regulations. Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability. The foreign article has a specified resolving capability of 3 angstroms. Comparable electron microscopes are produced in the United States by only one manufacturer, Frogflo. Frogflo has published specifications for two electron microscopes, i.e., the Model EMU–4C and the Paragon. The EMU–4C has a specified resolving capability of 5 angstroms, while the Paragon, according to its printed specifications, has a resolving capability of 2 angstroms. Accordingly, the EMU–4C is not of equivalent scientific value to the foreign article for the purposes that the foreign article is intended to be used.

The "Paragon" is an instrument that is customarily produced on order. Section 701.2(j) of the regulations defines produced on order as follows:

Produced on order means an instrument, apparatus, or accessory which a manufacturer lists in a current catalog and is able and willing to produce and have available without unreasonable delay to the applicant.

Section 701.11(b) of the regulations provides as to availability of such instruments:

An instrument, apparatus, or accessory shall be considered as being manufactured in the United States if it is customarily produced for stock, produced on order, or custom-made within the United States. In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus or accessory and have it available without reasonable delay to the applicant the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category * * *.

As to the Forgflo Model "Paragon", we note that: (1) The Department of Commerce knows of no instance wherein Forgflo demonstrated that it had produced an instrument conforming to the printed specifications of the Paragon. (2) Although the design of the Paragon apparently had been completed as of the date of the comments, the component parts were not. And further, the instrument had not reached, in performance, its design specifications. (3) Forgflo's published material relating to the Paragon did not include information on delivery and Forgflo has never been able to provide the Department of Commerce with a firm delivery date. (4) Although Forgflo has accepted orders for the Paragon, delivery has been set back and Forgflo has not been able to deliver a single Paragon to this date.

Accordingly, we find that at the time the application for duty-free entry of the foreign article was received, no domestic manufacturer was both able and willing to make available to the applicant an instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, within the meaning of § 701.11(b) of the regulations.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5196 Filed 4-4-72;8:49 am]

UNIVERSITY OF MIAMI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71–00521–33–46040. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Electron microscope Model EM 300. Manufacturer: Philips Electronics NVD, the Netherlands. Intended use of article: The article will be used at the Department of Physiology and Biophysics of the Medical School for studies on cell junctions in normal and cancerous tissues. Research concerns the structural aspects of cellular communication in normal cells and the structural alterations in cancer cells.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope manufactured by the Forgflo Corporation. The Model EMU–4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated September 3, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5197 Filed 4-4-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

The following statement supersedes all previous material issued in Part 6 (Office of Education) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare pertaining to Part 6–C, Delegations of Authority, Part 6–D, Reservation of Authority, and Part 6–E, Redelegation of Authority.

2–C *Delegations of authority.* Except as noted below and as provided in Part 1 (Office of the Secretary) and section 2–D of this Statement (Reservation of Authority), the Commissioner of Education shall exercise the functions vested in or delegated to the Secretary, the Department of Health, Education, and Welfare, the Commissioner, or the Office of Education by or under the following:

1. Establishment of Federal agency, Reorganization Plan No. 1, dated July 1, 1939, and Reorganization Plan No. 1, dated April 11, 1953; derived from the Acts of March 2, 1867, and July 20, 1868 (20 U.S.C. 1).

2. Establishment of and assistance to land-grant colleges and universities (Morrill Acts and special legislation in lieu thereof), except that authority to certify funds is reserved to the Secretary (Act of July 2, 1862; Act of August 30, 1890, as amended; and Act of June 29, 1935 (7 U.S.C. 301–329)).

3. Availability of library facilities (Joint Resolution No. 8, 52d Congress, approved April 12, 1892, as amended) (20 U.S.C. 91).

4. Inspection of Howard University (section 8 of Public Law 70–634, approved December 13, 1928, as amended) (20 U.S.C. 123).

5. Membership on District of Columbia Commission on Licensure (section 4 of Public Law 70–831, approved February 27, 1929, as amended) (2 District of Columbia Code 103).

6. Agreement with Housing and Home Finance Agency under title IV of the Housing Act of 1950 regarding college housing loans (Public Law 81–475, approved April 20, 1950, as amended) (12 U.S.C. 1749a(c)(2)).

7. Future Farmers of America (Public Law 81–740, approved August 30, 1950) (36 U.S.C. 271–291).

8. School construction in areas affected by Federal activities and in disaster relief areas (Public Law 81–815, approved Sept. 23, 1950, as amended) (20 U.S.C. 631–647).

9. Financial assistance for local educational agencies in areas affected by Federal activities and in disaster relief areas (Public Law 81–874, approved September 30, 1950, as amended) (20 U.S.C. 236–241–1, 242–244).

10. Immigration and Nationality Act—approval of schools for aliens under student visas (Public Law 82–414, approved June 27, 1952, as amended) (8 U.S.C. 1101(a)(15)(F)).

11. Veterans Readjustment Benefits Act of 1966—approval of accrediting agencies and membership on advisory committee (Public Law 89–358, approved March 3, 1966) (38 U.S.C. 1775, 1782–1783, 1786, 1788, 1790).

12. Consultation with National Science Foundation on study of effects on educational institutions of Federal contracts and grants for scientific research and development (Excutive Order 10521 of March 17, 1954, as amended by Executive Order 10807 of March 3, 1959).

13. National Defense Education Act of 1958, including functions of the Secretary under section 1001(d) to study Federal programs in higher education, after initial contact has been made by the Secretary with the heads of departments and agencies concerned; and excepting the functions of the Secretary under sections 761(a) (Public Law 85–864, approved September 2, 1958, as amended) (20 U.S.C. 401–602).

14. Membership on Board of Trustees of the John F. Kennedy Center for the Performing Arts (Public Law 85–874, approved September 2, 1958, as amended).

15. Science Clubs (Public Law 85–875, approved September 2, 1958) (20 U.S.C. 2 note).

16. Education of the Handicapped Act except the functions of the Secretary under sections 604 and 653 (Public Law 91–230, title VI, approved April 13, 1970) (20 U.S.C. 1401–1461).

17. Preparation of national emergency plans and development of preparedness programs covering education functions and educational institutions (Executive Order 11490 of Oct. 28, 1969, Part II, section 1107, and those portions of Part 30, sections 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, and 3010 which pertain to education).

18. Manpower Development and Training Act of 1962, except the responsibility for overall policy direction of the program, for coordination of program policies with those of related programs within the Department and with other departments and agencies, and the functions of the Secretary under sections 232 and 233 (Public Law 87–415, approved March 15, 1962, as amended) (42 U.S.C. 2571–2623).

19. Cooperative Research Act, except the functions of the Secretary under section 2(c) relating to the transfer of funds to other Federal agencies and section 2(e) (Public Law 83–531, approved July 26, 1954, as amended) (20 U.S.C. 331–332b).

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20. Library Services and Construction Act, except the functions of the Secretary under section 502 (Public Law 84–597, approved June 19, 1956, as amended) (20 U.S.C. 351–358).

21. Grants for construction of educational broadcasting facilities under title III, part IV of the Communications Act of 1934, except the functions of the Secretary under sections 392–395 (Public Law 87–477, approved May 1, 1962, as amended) (47 U.S.C. 701–756).

22. Cuban refugee educational assistance programs, as assigned by the Commissioner of Welfare, under the Migration and Refugee Assistance Act of 1962 (Public Law 87–510, approved June 28, 1962, as amended) (22 U.S.C. 2601–2605).

23. Approval of recognized bodies for accrediting schools of medicine, dentistry, optometry, osteopathy, pharmacy, podiatry, nursing, and public health, membership on National Advisory Council on Education for Health Professions and the National Advisory Council on Nurse Training under the Public Health Service Act (Public Law 88–120, approved September 24, 1963, as amended, sections 721, 725, 841(a)(1), and 843(f)) (42 U.S.C. 293a(b)(1), et. seq.).

24. Higher Education Facilities Act of 1963, except the functions of the Secretary under section 306(b) to set limitations of general applicability respecting the amount of the annual interest grant or the amount on which such grant is based. (Public Law 88–204, approved December 16, 1963, as amended) (20 U.S.C. 701–757).

25. Vocational Education Act of 1963, except the functions of the Secretary under section 104(a)(2)(B) (Public Law 88–210, approved December 18, 1963, as amended) (20 U.S.C. 1241–1391).

26. Presidential Scholars (Executive Order 11155 of May 23, 1964).

27. Assistance in desegregation of public schools under title IV of the Civil Rights Act of 1964 (Public Law 88–352, approved July 2, 1964) (32 U.S.C. 2000 c–2000c–9).

28. Extension to the Trust Territory of the Pacific Islands of any program or of assistance under any program administered by the Commissioner of Education, except financial assistance under a grant-in-aid program (Public Law 88–487, approved August 22, 1964) (48 U.S.C. 1681).

29. Membership on and assistance to President's Commission on White House Fellowships (Executive Order 11183 of October 6, 1964).

30. Coordination of Federal education programs under Executive Order 11185 of October 16, 1964, as amended by Executive Order 11260 of December 15, 1965, and as amended by Executive Order 11410 of May 6, 1968, except the functions of the Secretary thereunder.

31. Financial assistance for follow through under the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 30, 1964, as amended) (42 U.S.C. 2809(a)(2), 2971).

32. Vocational education facilities and supplements to certain grant-in-aid programs administered by the Commissioner of Education—Appalachian Regional Development Act of 1965 (Public Law 89–4, approved March 9, 1965, as amended) (40 U.S.C. App. 211, 214).

33. Elementary and Secondary Education Act of 1965, except the functions of the Secretary under sections 103(d), 309(b), and 708 (Public Law 89–10, approved April 11, 1965, as amended) (20 U.S.C. 241 a–m, 242–44, 821–887b).

34. Membership on the Federal Council on the Arts and Humanities and grants and loans for improving instructions in the humanities and arts under the National Foundation on the Arts and Humanities Act of 1965 (Public Law 89–209, approved September 29, 1965, as amended) (20 U.S.C. 958).

35. Higher Education Act of 1965, except the functions of the Secretary under section 205(a), section 303(a) and section 502 (Public Law 89–329, approved November 8, 1965, as amended) (20 U.S.C. 1001–1144; 42 U.S.C. 2751–2756).

36. Adult Education Act of 1966, except the functions of the Secretary under section 310 (Public Law 89–750, title III, approved November 3, 1966) (20 U.S.C. 1201–1211).

37. General Education Provisions Act, except the functions of the Secretary under sections 402(b), 404, and 424(b), and except for those evaluation funds which are received in any fiscal year for use at the initiative and direction of the Assistant Secretary for Planning and Evaluation; and except authority which is reserved to the Secretary to approve regulations, establish such advisory committees as he may deem appropriate, and appoint members thereof (Public Law 90–247, title IV, approved January 2, 1968, as amended) (20 U.S.C. 1221–1223g).

38. The agreements made with the Department of State in connection with educational aspects of international education exchange and international technical cooperation programs under:

a. Agricultural Trade Development and Assistance Act of 1954 (Public Law 83–480, approved July 10, 1954, as amended) (7 U.S.C. Ch. 41).

b. Foreign Assistance Act of 1961 (Public Law 87–195, approved September 4, 1961, as amended) (22 U.S.C. Ch. 32).

c. Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87–256, approved September 21, 1961, as amended) (22 U.S.C. Ch. 33).

39. Mutual Educational and Cultural Exchange Act of 1961, section 102(b)(6), to the extent provided in section 4 of Executive Order 11034 of June 25, 1962 (Public Law 87–256, approved September 21, 1961, as amended) (22 U.S.C. 2451).

40. Emergency Insured Student Loan Act of 1969, except the functions of the Secretary under section 2 (Public Law 91–95, approved October 22, 1969) (20 U.S.C. 1078a).

41. Assistance to desegregating local educational agencies under the Emergency School Assistance Program, for which appropriations were made by Public Law 91–980, including that portion of the program carried out under title II of the Economic Opportunity Act of 1964 (pursuant to authority delegated to the Secretary), except authority delegated to the Secretary under section 242 of that Act.

42. The Environmental Education Act, except the functions of the Secretary under section 3(c)(1) and section 4 thereof (Public Law 91–516, approved October 30, 1970) (20 U.S.C. 1531–1536).

43. Provision of administrative support under the National Commission on Libraries and Information Science Act, section 3(b). (Public Law 91–345, approved July 20, 1970) (20 U.S.C. 1502).

44. The Drug Abuse Education Act of 1970, except the functions of the Secretary under section 5 thereof (Public Law 91–527, approved December 3, 1970) (21 U.S.C. 1001–1007).

2–D *Reservation of authority.* No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without the Commissioner's prior consultation and discussion with the Secretary. Regulations shall be approved by the Secretary in all instances in which authority for issuances has not been specifically delegated.

2–E *Redelegation of authority.* Authority contained in section 2–C except the making of regulations, may, to the extent permitted by law, be delegated or redelegated by the Commissioner of Education to such officials of the Office of Education as he may deem appropriate.

Dated: March 30, 1972.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.72–5255 Filed 4–4–72;8:54 am]

DEPARTMENT OF TRANSPORTATION

National Transportation Safety Board

[Docket No. SS–R/H–6]

HIGHWAY-GRADE CROSSING ACCIDENT NEAR CONGERS, N.Y.

Notice of Investigation Hearing

In the matter of the investigation of the highway-grade crossing accident involving a Penn Central freight train and a Rockland County schoolbus near Congers, N.Y., on March 24, 1972.

Notice is hereby given that a Highway/Grade Crossing Accident Investigation Hearing on the above matter will be held commencing at 9 a.m., e.s.t., on Tuesday, April 11, 1972, in the Ripples Banquet Hall, 60 Phillips Hill Road, New City, N.Y.

Dated this 3d day of April 1972.

LOUIS M. THAYER,
Chairman, Board of Inquiry.

[FR Doc.72–5320 Filed 4–4–72;9:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24091]

CARIBBEAN AIR TRANSPORT CORP., INC.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Caraibische Lucht Transport MIJ. N.V. (Caribbean Air Transport Comp. Inc.), Netherlands Antilles-New York, Houston, points in Florida and Puerto Rico, foreign air carrier permit, Docket 24091.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 3, 1972, at 10 a.m., local time, in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Arthur S. Present.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 21, 1972.

Dated at Washington, D.C., March 30, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–5251 Filed 4–4–72;8:53 am]

[Docket No. 24353]

NORTHEAST U.S.–PUERTO RICO/VIRGIN ISLANDS

Notice of Prehearing Conference Regarding Fare Increases

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 25, 1972, at 10 a.m., local time, in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Robert M. Johnson.

In order to facilitate the conduct of the conference parties are instructed to submit to the examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before April 12, 1972, and the other parties on or before April 19, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., March 31, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–5252 Filed 4–4–72;8:53 am]

[Docket No. 24342]

VENEZOLANA INTERNACIONAL DE AVIACION, S.A. (VIASA)

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Amendment of foreign air carrier permit; Venezuela–San Juan, New York, Miami, Houston, Washington, D.C., service, Docket 24342.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 21, 1972, at 10 a.m., local time, in room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner E. Robert Seaver.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 14, 1972.

Dated at Washington, D.C., March 30, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–5253 Filed 4–4–72;8:53 am]

COST OF LIVING COUNCIL

[Order No. 9]

SECRETARY OF THE TREASURY

Delegation of Authority To Deny Certain Requests for Exemptions

Pursuant to the Economic Stabilization Act of 1970, as amended (hereinafter referred to as the Act) and the authority delegated to the Cost of Living Council by Executive Order No. 11640, it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury (hereinafter referred to as the Secretary), subject to the general policy guidance of and coordination with the Cost of Living Council (hereinafter referred to as the Council) and in accordance with the general policy of the Act, authority to deny exemption requests that are the same as or substantially the same as exemptions considered and denied by the Council insofar as such requests are based upon the same or substantially the same reasons considered and rejected by the Council.

2. All executive departments and agencies shall furnish such necessary assistance to the Secretary as may be authorized by law.

3. The Secretary may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in carrying out the functions delegated by this order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

By direction of the Council.

JAMES W. MCLANE,
Deputy Director.

[FR Doc.72–5257 Filed 3–31–72;5:27 pm]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1245) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodities cucurbits at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is that of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food Chemistry", vol. 16, pp. 554–557 (July–August, 1968).

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5147 Filed 4–4–72;8:45 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1246) has been filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodities nectarines and peaches at 5 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a modification of the method of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food

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Chemistry," vol. 16, pp. 554–7 (1968), using a flame photometric detector instead of a sulfur microcoulometric detector.

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5148 Filed 4–4–72;8:45 am]

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1247) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide methomyl (*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodities pea vines at 10 parts per million and peas at 5 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is that of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food Chemistry," vol. 16, pp. 554–557 (July–August 1968).

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5149 Filed 4–4–72;8:45 am]

MOBIL CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1250) has been filed by Mobile Chemical Co., Industrial Chemicals Division, Post Office Box 677, Richmond, VA 23208, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the insecticide *0*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities brussels sprouts and cabbage at 0.02 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure with microcoulometric detection.

Dated: March 30, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5150 Filed 4–4–72;8:45 am]

0,0 - DIETHYL S - (2 - CHLORO - 1 - PHTHALIMIDOETHYL) PHOSPHORODITHIOATE

Notice of Extension and Renewal of Temporary Tolerances

Hercules Inc., Wilmington, Del. 19899, was granted a temporary tolerance for residues of the insecticide *0,0*-diethyl *S*-(2-chloro-1-phthalimidoethyl) phosphorodithioate and its oxygen analog *0,0*-diethyl *S*-(2-chloro-1-phthalimidoethyl) phosphorothioate in or on citrus fruits at 1.5 parts per million on July 1, 1969 (notice was published in the FEDERAL REGISTER of July 9, 1969 (34 F.R. 11326)). The temporary tolerance was later extended to July 1, 1971 (notice was published in the FEDERAL REGISTER of September 30, 1970 (35 F.R. 15254)). The firm also was granted a temporary tolerance for residues of this insecticide and its oxygen analog in or on pecans at 0.01 part per million on March 15, 1971 (notice was published in the FEDERAL REGISTER of March 18, 1971 (36 F.R. 5254)).

The firm has requested a 1-year extension of the temporary tolerance on pecans at 0.01 part per million and a 1-year renewal of the temporary tolerance on citrus at a new level of 2.5 parts per million to obtain additional experimental data. It is concluded that such extension and renewal will protect the public health. The tolerance on pecans at the present level (0.01 part per million) is therefore extended, and the tolerance on citrus for the fresh fruit market only is renewed at the new level (2.5 parts per million). A condition under which the extension and renewal are granted is that the insecticide will be used in accordance with the temporary permits which are being issued concurrently by the Environmental Protection Agency and which provide for distribution under the Hercules Inc. name.

As extended, the temporary tolerance on pecans expires March 15, 1973. As renewed, the temporary tolerance on citrus expires March 15, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: March 29, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–5151 Filed 4–4–72;8:46 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED STATE NONMEMBER BANKS

Statement of Policy and Guidelines for "Leeway Investments"

The Federal Deposit Insurance Corporation feels that some of its examination policies may be inhibiting insured State banks not members of the Federal Reserve System from investing in the securities of corporations who are engaged in providing capital to minority business enterprises, securities of foreign governments, or the securities of corporations whose objectives and purposes are primarily of a civic or community nature or seem socially desirable to the bank's board of directors but whose risk as a bank investment may seem greater than normal. These policies include criticism by examiners of investments by banks in equity securities or other securities not of group I or "investment grade."

It has been suggested that these constraints have in some instances inhibited banks from participating effectively in the broad social movements that have taken place in the United States during the past decade. Indeed, Congress has enacted laws authorizing programs for community rehabilitation, low and moderate income housing, and many other social objectives, and the support and participation of the financial community has been solicited to achieve those goals. In this vein, the Urban Affairs Committee of the American Bankers Association has recently sponsored the formation of Minbanc Capital Corporation, a closed-end investment company whose primary objective is to make capital funds available to qualifying minority owned banks and whose capital stock has been offered exclusively to ABA member banks. Other similar corporations, such as "Mesbics," have also been recently suggested to facilitate the flow of capital to minority business enterprises.

By encouraging insured banks to restrict their investments to "investment" grade securities, the corporation has perhaps also inhibited some banks from acquiring debt securities of alleged merit, which technically fall short of "investment" grade quality by conventional standards of liquidity and other measurable qualitative factors. Such a situation might arise with respect to debt securities associated with community rehabilitation or development corporations which, while lacking the qualitative elements of "investment" grade securities, are regarded by knowledgeable bankers as "tolerable" risks to depository financial institutions on a restricted and controlled basis. Similar circumstances may prevail in the case of securities of a foreign government, particularly among the new emerging nations, which not only suffer from liquidity imperfections arising from limitations on transfer and exchange rate fluctuations, but also qualitatively because of the absence of a reliable past record of debt performance and financial stability and an uncertain political climate.

The corporation does not wish to impede those banks that feel a strong sense of responsibility from providing limited financial assistance under the circumstances described. Accordingly, the board of directors is adjusting the corporation's examination policies to enable those insured State nonmember banks that so desire to invest in equity or capital debt securities falling within broad categories such as those discussed without fear of criticism by the corporation or its examiners, subject to the following conditions:

(1) That such investments are allowed for State nonmember banks by applicable State law;[1]

(2) That they are not in conflict with the Voluntary Foreign Credit Restraint guidelines promulgated by the Board of Governors of the Federal Reserve System;

(3) That the aggregate total of all such investments not exceed the amount authorized by applicable State law or 10 percent of the bank's combined capital stock and surplus,[2] whichever is less;

(4) That all such investments have been approved by the bank's board of directors as "leeway investments" and are so identified on the bank's general or subsidiary ledger records.

Within the parameters outlined above, the acquisition of "leeway investments" will not be subject to criticism by corporation examiners, and in the absence of default or bankruptcy will be permitted to be carried on the bank's books at amortized acquisition cost.

Interested persons are given 45 days to submit written comments, suggestions or objections concerning this proposed policy statement. Address all such correspondence to:

Office of the Chairman, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

By order of the Board of Directors, March 31, 1972.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[FR Doc.72–5250 Filed 4–4–72;8:54 am]

[1] The word "State" means any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands.

[2] Surplus means that segment of the bank's capital structure duly established as "surplus" by action of the board of directors and so captioned on the bank's books.

FEDERAL MARITIME COMMISSION

DET BERGENSKE DAMPSKIBSSELSKAB

Order of Revocation of Certificates of Financial Responsibility

Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P–52 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C–1,033.

Whereas, Det Bergenske Dampskibsselskab (Bergen Line), c/o Bergen Line, 505 Fifth Avenue, New York, NY 10017, has ceased to operate the passenger vessel "Meteor":

It is ordered, That Certificate (Performance) No. P–52 and Certificate (Casualty) No. C–1,033 covering the "Meteor" be and are hereby revoked effective March 28, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–5205 Filed 4–4–72;8:50 am]

FRED F. NOONAN CO., INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Paul A. Dezurick, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. T–2610, between Fred F. Noonan Co., Inc. (Noonan), Pasha Truckaway Corp. (Pasha), and Canal Industrial Park, Inc. (CIP), sets forth the basis for (1) the assignment to CIP by Noonan and Pasha of the "Southside Premises" located at Richmond, Calif.; (2) the lease to CIP by Noonan and Pasha of the existing improvements to the Southside Premises; and (3) the preferential assignment to Noonan by CIP of portions of the "Northside Premises" originally leased to Pasha by the Surplus Property Authority of the city of Richmond, but subsequently assigned to CIP by Pasha pursuant to the terms of FMC Agreement No. T–2427. It is the parties' intent that the combined effect of the implementation of the three basic provisions of Agreement No. T–2610 will be CIP's operation of the Southside Premises (formerly leased to Noonan and Pasha) in conjunction with its operations at the Northside Premises, with Noonan performing agency and clerking services for CIP's combined operation of both the Northside and Southside Premises.

Agreement No. T–2610–A implements the first basic provision of Agreement No. T–2610, the assignment to CIP of Noonan and Pasha's right, title, and interest in (1) the Southside Premises, consisting of 16.67 acres of land (exclusive of improvements); and (2) a contract with Parr-Richmond Terminal Co. (FMC Agreement No. T–2332, determined not to be subject to section 15) relating to the receipt and free-time storage of automobiles delivered at Parr-Richmond Terminal facilities. Canal Industrial Park, Inc. assumes all obligations of Noonan and Pasha under Agreement No. T–2332, and will be compensated directly by Parr-Richmond on the same basis as the assignors were compensated.

Agreement No. T–2610–B implements the second basic provision of Agreement No. T–2610, the lease to CIP by Noonan and Pasha of the existing improvements to the Southside Premises assigned to CIP by Noonan and Pasha under Agreement No. T–2610–A. The lease is for a term of 8 years and 4 months. As compensation, Noonan is to receive 50 percent of the net income received by CIP from its operation of the Southside Premises, to a maximum of $35,000 during the terms of the lease of improvements, and Pasha is to receive $1 annually.

Agreement No. T–2610–C implements the third basic provision of Agreement No. T–2610, the preferential assignment to Noonan by CIP of portions of the Northside and Southside Premises with CIP retaining secondary and temporary assignment rights. Agreement No. T–2610 provides that Noonan will have no right to collect wharfage and dockage fees on the Northside facilities.

Dated: March 31, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–5204 Filed 4–4–72;8:50 am]

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FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY DISTRIBUTION-TECHNICAL ADVISORY COMMITTEE AND DISTRIBUTION-TECHNICAL ADVISORY TASK FORCE-GENERAL

Order Designating Member; Correction

MARCH 21, 1972.

In the order designating a member of the National Gas Survey Distribution-Technical Advisory Committee and Distribution-Technical Advisory Task Force-General, issued March 16, 1972, and published in the FEDERAL REGISTER, March 23, 1972 (37 F.R. 5974): Change paragraph "1. Membership." to read:

Mrs. Eunice P. Howe (Chairman, President's Consumer Advisory Council and former Assistant Attorney General, Commonwealth of Massachusetts).

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5188 Filed 4-4-72;8:47 am]

[Docket No. RI72-182, etc.]

AMERADA HESS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MARCH 17, 1972.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued February 23, 1972 and published in the FEDERAL REGISTER March 7, 1972 (37 F.R. 4932): Appendix "A", Docket No. RI72-183, Koch Industries, Inc., under column headed "Respondent" change "Koch Industries, Inc." to "Koch Development Company," opposite Rate Schedule No. 1.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5189 Filed 4-4-72;8:47 am]

[Docket No. CP72-227]

CAPROCK PIPELINE CO.

Notice of Application

MARCH 28, 1972.

Take notice that on March 21, 1972, Caprock Pipeline Co. (applicant), Post Office Box 2542, Amarillo, Tex. 79105, filed in Docket No. CP72-227 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition from Pioneer Natural Gas Co. (Pioneer), and operation of certain gas gathering facilities, the construction and operation of minor interconnecting facilities with Northern Natural Gas Co. (Norhtern) and the operation of certain existing facilities for the transportation of natural gas for Pioneer in Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to acquire Pioneer's field gathering system in the West Wellman Field, Terry County, Tex., at a net book cost of $51,886; to gather Pioneer's gas for a gathering charge of 1 cent per Mcf at 14.65 p.s.i.a.; to deliver the gas at two points on the gathering system to Northern, which will redeliver it to applicant at a point of interconnection with applicant's existing Gaines County, Tex., facilities; and to transport the gas for Pioneer from the point of redelivery by Northern to El Paso Natural Gas Co.'s Plains Compressor Station in Yoakum County, Tex., at a charge of one-half cent per Mcf at 14.65 p.s.i.a. Applicant also proposes to construct certain minor interconnecting facilities at the point where it will receive the West Wellman Field gas from Northern in Gaines County, Tex.

Applicant states that the purpose of the proposed transportation service is to supply needed natural gas to Pioneer's West Texas distribution system, supplied by El Paso Natural Gas Company downstream of its Plains Compressor Station. Pioneer has advised applicant that its customers presently receiving gas from the West Wellman Field can be served from other sources of supply. Applicant estimates that the maximum volume of West Wellman Field gas to be transported will be 5,000 Mcf per day.

Applicant plans to finance the acquisition of the gathering facilities from the proceeds of a note in the amount of $50,000 to Pioneer, with the balance from cash on hand. Applicant estimates the cost of the proposed new interconnection facilities at $1,179, which it plans to finance from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5161 Filed 4-4-72;8:46 am]

[Project 785]

CONSUMERS POWER CO.

Notice of Application for Approval of Exhibit R (Recreational Use Plan) for Constructed Project

MARCH 27, 1972.

Public notice is hereby given that application for approval of an Exhibit R has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Consumers Power Co. (Correspondence to Mr. P. A. Perry, Secretary, Consumers Power Co., 212 West Michigan Avenue, Jackson, MI 49201) as part of the license for the Calkins Bridge Project No. 785, located on the Kalamazoo River, near the city of Allegan, in Allegan County, Mich.

The project reservoir is presently used primarily for sightseeing, boating, and canoeing, and limited fishing. Due to the abundance of other lakes and ponds near the project the poor water quality within the project reservoir, and the small amount of fee-owned lands within the project boundary, the recreational use of project lands and waters is limited.

Recreation facilities located outside the project boundary, but with access to the project reservoir, include two areas owned and maintained by the Michigan State Department of Natural Resources: One is the Lakeview Campground with ten tent or trailer campsites, a picnic area with tables and grills, sanitary facilities, and a boat launch area; the other is an improved boat launching site with two ramps, sanitary facilities, and parking facilities for 36 cars and boat trailers and for 73 cars. Access to the reservoir is also available at (1) a Highway turnout with a sheltered well and an unimproved boat launching site; (2) Echo Point Park, located in the Allegan State Game Area, which includes a picnic area with 10 tables, grills, and an improved boat ramp; and (3) Indian Shores Park, a private park for the use of Indian Shores Subdivision residents, which includes a well, picnic area with tables and grills, a playground area, and an improved boat ramp.

Licensee's development plans include constructing a boat launch ramp on fee-owned lands, improving access to the launch site and issuing recreational leases to the city of Allegan for development of a 12 acre recreational park and to the Boy Scout Area Council for use of an island in the project reservoir.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5162 Filed 4-4-72;8:46 am]

[Docket No. RP71-13, etc.]

EL PASO NATURAL GAS CO.

Notice of Motion for Further Modification of Order Permitting Tracking Increases in Purchased Gas Costs

MARCH 27, 1972.

Take notice that El Paso Natural Gas Co. (El Paso), on March 13, 1972, filed in Docket No. RP71-13 a motion for further modification of the Commission's order, issued October 30, 1970, as amended by order issued July 30, 1971, insofar as it gives El Paso authority to file rate increases and decreases to reflect increases or decreases in the cost of purchased gas for its Southern Division System.

El Paso seeks further modification of the order issued October 30, 1970, as amended, so as to permit it to track the increase in cost of gas purchased on an intrastate basis and utilized as fuel in El Paso's plants and stations situated on its Southern Division System. El Paso states that in light of the fact that it is unable to acquire, on a jurisdictional basis, new supplies in the Permian Basin area in meaningful quantities and the increasingly effective competition in west Texas from intrastate pipeline purchasers, El Paso has undertaken an intrastate project, as more fully described in its motion, which it hopes will provide intrastate supplies and thereby preserve interstate supplies for the use and benefit of customers served by its interstate Southern Division System. El Paso says that in addition to the distribution, export and direct sale uses of the intrastate supplies in the city of El Paso, Tex., and surrounding area, it anticipates that these supplies will be utilized for fuel in plants and stations physically situated on El Paso's interstate system in Texas and that, in its motion, it seeks only authority necessary to track the increased cost of the intrastate gas utilized as fuel at those locations.

Copies of the motion were served on all parties in Docket No. RP71-13 and RP71-14, all jurisdictional and nonjurisdictional customers of El Paso's Southern Division System and interested State regulatory commissions.

Answers or comments relating to the motion may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 11, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5163 Filed 4-4-72;8:46 am]

[Docket No. CP72-230]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

MARCH 28, 1972.

Take notice that on March 22, 1972, Florida Gas Transmission Co. (applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP72-230 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction and installation, during the 12-month period commencing July 1, 1972, and operation of certain natural gas-purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in producing areas generally coextensive with its system and in maintaining its currently committed supplies of natural gas.

The total cost of the facilities proposed herein will not exceed $7 million, with no single onshore project to exceed $1 million and no single offshore project to exceed $1,750,000. Applicant states that these costs will be financed from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5164 Filed 4-4-72;8:47 am]

[Docket No. CS71-232]

R. W. LANGE

Notice of Petition of Waiver of Regulations

MARCH 28, 1972.

Take notice that by letter filed March 21, 1972, R. W. Lange, Post Office Box 1034, Garden City, KS 67846, small producer certificate holder in Docket No. CS71-232, requests that the Commission waive in part paragraph (c) of § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under his small producer certificate from reserves acquired in place from Petroleum, Inc., a large producer.

Section 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Mr. Lange states that he has acquired the Hoskinson No. 1 well from Petroleum, Inc., that the well is marginal, and that Petroleum, Inc., proposed to plug and abandon the well.

Mr. Lang's letter is being construed as a petition for waiver of Commission regulations under paragraph (b) of § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7(b)). Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than April 21, 1972, views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5166 Filed 4-4-72;8:47 am]

[Project 2692—North Carolina]

NANTAHALA POWER AND LIGHT CO.

Notice of Availability of Environmental Statement for Inspection

MARCH 28, 1972.

Notice is hereby given that on March 29, 1972, as required by § 2.81(b)

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of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application filed pursuant to the Federal Power Act by Nantahala Power and Light Co. for a major license for Nantahala Project No. 2692.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, D.C. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project consists of (1) a dam (1,042 feet long and 250 feet high), (2) a reservoir (surface area of 1,605 acres), (3) a 5.6 mile long pressure conduit, (4) two diversion dams (one 109 feet long and 16 feet high and the other 115 feet long and 16 feet high), (5) conduits (totaling approximately 3 miles) connecting to the main conduit, and (6) a powerhouse with installed capacity of 43,200 kw.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from March 29, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5173 Filed 4–4–72;8:47 am]

[Docket No. CP72–217]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

MARCH 27, 1972.

Take notice that on March 6, 1972, Natural Gas Pipeline Co. of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72–217 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities required to operate its pipeline facilities at authorized levels of delivery capacity, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the winter season deliverability of its existing gas supply is inadequate to support operation of its pipeline at authorized levels of capacity. To assure continued deliveries to existing customers, Applicant proposes to increase the peak day withdrawal capacity of its Sayre Storage Field in Beckham County, Okla., to 300,000 Mcf; to increase the capacity of its pipeline between its Sayre Storage Field and its Compressor Station No. 111 in Hutchinson County, Tex., in order to effectuate transportation of the increased daily withdrawal quantities from Sayre Storage; to increase the peak day and seasonal capacity of its storage fields in Iowa and Illinois by 75,000 Mcf and 7,500,000 Mcf, respectively; to increase the capacity of its main transmission system between its Iowa Storage Fields and Joliet, Ill., in order to effectuate transportation of the increased daily withdrawal quantities therefrom; and to utilize additional storage service in the amounts of 45,000 Mcf peak day and 4,500,000 Mcf seasonally which Applicant has contracted for with Michigan Wisconsin Pipe Line Co.

To effect the proposal herein, applicant proposes the construction and operation of:

(1) 13,000 additional compressor horsepower, approximately 0.4 mile of 10-inch gathering pipeline, five injection-withdrawal wells, purification and other miscellaneous facilities at its Sayre Storage Field in Beckham County, Okla.;

(2) 3,000 additional horsepower at Compressor Station No. 111, in Hutchinson County, Tex., 3,000 additional horsepower at Compressor Station No. 154, in Gray County, Tex., and approximately 15.78 miles of 26-inch pipeline partially looping its existing pipeline between its Sayre Storage Field and Compressor Station No. 111;

(3) Modification of one existing compressor unit, additional cushion gas and other miscellaneous facilities at Applicant's Cairo Mt. Simon Storage Field in Louisa County, Iowa;

(4) Nineteen injection - withdrawal wells, recompletion of an existing St. Peter reservoir well as a Mt. Simon well, approximately 0.5 mile of 8-inch gathering pipeline, additional cushion gas, and other miscellaneous facilities at Applicant's Columbus City Mt. Simon Storage Field in Louisa County, Iowa;

(5) Two injection-withdrawal wells, approximately 0.57 mile of 12-inch and 8-inch gathering pipelines, 2,000 additional horsepower at its Compressor Station No. 201, additional cushion gas, and other miscellaneous facilities at Applicant's Herscher Northwest Storage Field in Kankakee County, Ill.;

(6) 2,000 additional horsepower, approximately 0.89 mile of 8-inch and 6-inch gathering pipelines, additional cushion gas, and other miscellaneous facilities at Applicant's Loudon Storage Field in Fayette County, Ill.;

(7) Approximately 20.72 miles of 36-inch pipeline partially looping its existing pipeline between the Iowa storage fields and Joliet, Ill.

In addition to the preceding proposal, applicant requests that the inventory limitations on its storage fields imposed as conditions to certificate authorization heretobefore issued be increased to levels as follows:

	Mcf
Sayre Storage Field, Beckham County, Okla.	84,000,000
Cairo Mt. Simon Storage Field, Louisa County, Iowa	15,000,000
Herscher Northwest Storage Field, Kankakee County, Ill.	12,000,000
Loudon Storage Field, Fayette County, Ill.	47,000,000
Columbus City Mt. Simon Storage Field, Louisa County, Iowa	10,000,000

Applicant states that the cost of the facilities to be constructed, inclusive of additional cushion gas, is $20,727,000. Applicant plans to finance said costs with funds to be obtained through interim and permanent financing.

Any person desiring to be heard or to make protest with reference to said application should on or before April 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5165 Filed 4–4–72;8:47 am]

[Project 2533–Minnesota]

NORTHWEST PAPER CO.

Notice of Availability of Environmental Statement for Inspection

MARCH 28, 1972.

Notice is hereby given that on March 31, 1972, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed by The Northwest Paper Co. for the Brainerd Project No. 2533–Minnesota.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, D.C. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The existing project consists of: (1) A dam about 400 feet long and 30 feet high incorporating the powerhouse; (2) a spillway containing two 85-foot wide by 7-foot high Bascule gates and a 20-foot wide tainter gate; (3) a 14-mile long reservoir with an area of several thousand acres; (4) a powerhouse forming part of the dam and containing five generators with a total capacity of 3,342 kw; (5) a substation with three 2400/480 transformers; and (6) appurtenant facilities.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from March 31, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5174 Filed 4–4–72;8:47 am]

[Docket No. RI72–196]

SHELL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 28, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI72–196..	Shell Oil Co.	2	10	Natural Gas Pipeline Co. of America (Clayton Field, Live Oak County, Tex., District No. 2).	$62,389	3–1–72	.....	4–2–72	15.4536	24.0	

*The pressure base is 14.65 p.s.i.a.

The question presented here is whether the subject gas is entitled to an area rate of 19 cents, which is the rate established in Opinion No. 595 for gas sold under contracts dated prior to October 1, 1968, or an area rate of 24 cents which applies to contracts dated on or after October 1, 1968. As justification for the proposed 24 cents rate, Shell states that the gas to be delivered after April 1, 1972, was never covered by the July 15, 1950, contract and was in fact specifically declared to be surplus gas which Shell could have sold at any time. The proposed increase should be suspended for one day from the proposed effective date of April 1, 1972, pending determination as to whether the gas involved herein is entitled to the new or old gas price.

CERTIFICATE OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by "Area Rate Proceeding, Docket No. AR61–1, et al.," Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in "Permian Basin Area Rate Case," 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1 day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1 day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435). In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72–5170 Filed 4–4–72;8:47 am]

[Project 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Notice of Application for Change in Land Rights

MARCH 27, 1972.

Public notice is hereby given that application for approval of the conveyance of 409.7 acres of project land to Oakland Hunt Club to use for private hunting has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by South Carolina Public Service Authority (Correspondence to Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, Santee-Cooper, Moncks Cor-

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ner, S.C. 29461) in Project No. 199, located on the Santee and the Cooper Rivers, in Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter Counties, S.C. The project lands to be conveyed are in Eutaw Parish and First St. Johns Parish, Berkeley County, S.C.

The application seeks Commission approval of a proposed conveyance of 409.7 acres of project land to Oakland Hunt Club to be used for private bird hunting, consisting of 203 acres known as Willow Grove Plantation located on the eastern side of the Cooper River in First St. Johns Parish, and 206.7 acres which are a portion of licensee's 1,163.7-acre Bluefield Plantation Tract in Eutaw Parish. In exchange for the receipt of the above tracts, Oakland Hunt Club would convey to licensee 409.7 acres of its own land for nonproject purposes.

The instrument of conveyance would retain licensee's right to use the land for project purposes and include the covenant pursuant to paragraph C of Order 313. No construction is planned on the lands; however, the land will be cleared in selected areas to allow the planting of cover crops.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1972, file with the Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5167 Filed 4-4-72;8:47 am]

[Project 120]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Availability of Environmental Statement for Inspection

MARCH 28, 1972.

Notice is hereby given that on August 21, 1970, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for a new major license filed pursuant to the Federal Power Act for constructed Big Creek No. 3 Project No. 120.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, D.C. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

This statement discusses the environmental impact of Big Creek No. 3 Project located in Fresno, Madera, Tulare, Kern, and Los Angeles Counties, Calif. The project consists of a dam with a concrete spillway; a reservoir; an unlined diversion tunnel; four penstocks; and a powerhouse containing a total installed capacity of 107,100 kw. The project has been in operation since 1923.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from March 27, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5175 Filed 4-4-72;8:48 am]

[Docket No. CP72-229]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 30, 1972.

Take notice that on March 22, 1972, Cities Service Gas Co. (Applicant), Post Office Box 25128, Oklahoma City, Okla. 73125, filed in Docket No. CP72-229 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of certain natural gas compressor facilities in Newton County, Mo., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under the terms of Arkansas Louisiana Gas Co.'s (Arkla) proposed curtailment plan submitted in Docket No. RP71-122, Arkla proposes to reduce deliveries of natural gas to Applicant at a point near Jane, Mo., from a daily maximum volume of 133,000 Mcf to 55,020 Mcf, which, applicant says, is an insufficient volume of natural gas to enable it to serve the peak day firm requirements of its customers in the Springfield, Mo., area. On November 30, 1971, the Commission granted applicant interim relief by directing Arkla to deliver volumes of natural gas up to 75,000 Mcf per day whenever it was necessary to protect firm gas service to applicant's customers east of its Saginaw Compressor Station, with the condition that applicant take all necessary steps to alleviate the capacity problem on its pipeline before the next heating season.

Applicant seeks authorization to install and operate an additional 2,000 horsepower compressor unit at its Saginaw Compressor Station near Joplin, Newton County, Mo., in order to enable it to compress sufficient supplemental volumes of natural gas from its Southern Trunk and Quapaw pipelines into its Springfield 16-inch pipeline to serve the peak day firm requirements of its customers east of the Saginaw Compressor Station during the 1972-73 heating season.

Applicant estimates the total cost of the proposed facilities at $900,000, which it plans to finance from treasury cash.

Applicant states that the instant application is filed without modifying or prejudicing its position in the proceeding in Docket No. RP71-122.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5230 Filed 4-4-72;8:52 am]

[Docket No. R-338]

MOBIL OIL CORP. ET AL.

Order Denying Applications for Rehearing

MARCH 30, 1972.

Mobil Oil Corp. (Mobil) on February 29, 1972, and Amoco Production Co. (Amoco) and the Public Service Commission for the State of New York (New York Commission) on March 1, 1972, filed timely applications for rehearing of the Commission's Order No. 449 issued January 31, 1972, in the above-entitled proceeding. Order No. 449 added a new § 2.71 to the Commission's General Policy and Interpretations under the Natural Gas Act providing that when pipeline companies transport liquids and liquefiable hydrocarbons from producing areas to processing plants for removal of such hydrocarbons, the contractual consideration to be received by the pipeline companies for such transportation will be the amount set forth in the parties' contracts unless the specified contractual consideration is less than 2 cents per hundred miles for liquefiable hydrocarbons and 20 cents per barrel for liquids, in which case the aforesaid minimum charges will apply.

Examination of the 15 specifications of alleged error in Mobil's application reveals that they are repetitive in nature and therefore can be summarized under seven primary contentions. Mobil first argues that the Commission erred in establishing the charges allocable to the transportation of liquids and liquefiable hydrocarbons in an "informal" rulemaking proceeding without requiring a trial-type hearing, including presentation of witnesses with right of cross-examination, issuance of an intermediate decision, and the filing of briefs. Mobil claims that the Commission's use of "informal" rulemaking has resulted (a) in denial to it of due process because of its inability to test the accuracy of the data relied upon by the Commission, (b) in consideration by the Commission of transportation costs apart from its section 7 certificate proceedings, and (c) in production of incomplete findings of facts which are not supported by substantial evidence.

Mobil cites a number of inapposite court decisions in support of its first contention, including City of Chicago v. F.P.C., ------ F. 2d ------ (D.C. Cir. No. 23,740 decided Dec. 2, 1971). The court's discussion of rulemaking proceedings in City of Chicago shows that the Commission correctly employed an informal rulemaking approach in this proceeding. The court there (slip op. p. 21) pointed out that section 16 of the Natural Gas Act gives the Commission broad power to prescribe such rules and regulations as it may find necessary or appropriate in carrying out the provisions of the Act. The court noted that when the Commission employs section 16, the Natural Gas Act does not specify the procedures to be used, but that the Administrative Procedure Act, particularly in section 4, sets forth the minimum requirements which the Commission must meet before exercising its power under section 16 of the Gas Act (slip op. p. 22). While the Commission may resort to full evidentiary hearings under section 4 of the Administrative Procedure Act, it may also find in its discretion that the minimum procedures of providing only for the "* * * submission of written data, views or arguments with or without opportunity for oral presentation" are sufficient for the acquisition of the information which will enable the Commission to carry out effectively the provisions of the Gas Act. The court concluded that (slip op. p. 23):

> * * * The ability to choose with relative freedom the procedure it will use to acquire relevant information gives the Commission power to realistically tailor the proceedings to fit the issues before it, the information it needs to illuminate those issues and the manner of presentation which, in its judgment, will bring before it the relevant information in the most efficient manner.

The informal procedure utilized by the Commission in this proceeding permitted Mobil and all other interested parties to file comments and to participate in two conferences. The comments and facts thereby obtained constituted sufficient bases for the Commission's promulgation of § 2.71 by issuance of Order No. 449 and the procedures employed did not deny Mobil due process under the Natural Gas and Administrative Procedure Acts.

The cost of transporting the producers' liquids and liquefiables is an inappropriate matter for consideration in Mobil's section 7 proceedings. The issues in such cases are related to the usual considerations of demonstrating existence of markets, proving adequate gas reserves, and showing that the level of the proposed initial price is in the public interest. In initial certificate cases the producer is estimating the volumes of gas and liquids which will be produced and the pipeline purchaser is uncertain of the exact location of facilities and of their ultimate costs. Only after the pipeline company's facilities have been constructed and production has commenced does the pipeline company know for certain what its actual costs for moving liquids and liquefiables are. The variables which have to be considered in ascertaining the exact cost of transporting the producers' liquids and liquefiables were among the reasons for the Commission's conclusion that a general rule for application to all producers could properly be determined only in a rulemaking proceeding on the basis of generalized industry costs, rather than by means of the impractical and time-consuming trial-type hearings sought to be instituted by Mobil.[1]

Mobil's second contention is that the pipeline cost data relied on by the Commission are inflated because they were taken from pipeline rate filings which have been subjected to contested proceedings resulting in disallowance of some of the costs originally claimed. In support of that argument Mobil refers to the fact that some of the data relied on by the Commission related to the costs claimed by four pipeline companies which subsequently agreed to make rate reductions accepting decreased rates of return and other cost reductions below those reflected in the data distributed at the conferences held in this proceeding. The short answer to that argument is that pipeline costs, exclusive of allowing increases in rates to track escalations in cost of purchased gas, have continued to rise above the level of the costs reflected in the data on which the Commission relied in determining charges in this proceeding.

There is no validity to Mobil's claims that the Commission relied on data reflecting inflated costs which have been reduced in contested rate proceedings because the cost of debt has continued to rise and pipeline companies have not encountered any decreases in operating and maintenance costs which would in any way support an argument that the cost data distributed in this proceeding are inflated above the actual costs being incurred by the pipeline companies. Not only have the costs risen considerably above those reflected in the studies distributed in this proceeding, but the scarcity of gas supplies has resulted in reduced sales volumes in some cases so that the unit cost of transporting gas would be slightly higher than the studies shown in this proceeding even if costs had not continued to rise.

Mobil's third contention is that the Commission violated § 1.18(e) of its rules of practice and procedure by relying on data which were offered by the pipeline companies as a settlement of the issues in the proceeding. Mobil points to paragraph one on page two of the minutes of the conference held on October 15, 1970, as support for the foregoing argument. That paragraph simply notes that the pipeline companies' position might be different from the one stated at the conference if their offer of settlement should be rejected. Mobil's third contention is untenable for at least five reasons. First, § 1.18(e) provides that offers of settlement are privileged and that such offers cannot be used in evidence against the person who made the offer. Since Mobil did not make the offer, it cannot complain because data submitted by the pipeline companies were used. Second, the pipeline companies only stated that their "position" might be different if their offer were rejected, not that they would argue that the data they had presented were incorrect. Third, the data submitted by the pipeline companies were taken from the Commission's public files and could be used in any event regardless of whether the pipeline companies' settlement offer was ever accepted. Fourth, the pipeline companies' settlement offer was accepted by the majority of the producers and other parties and approved by the Commission in Opinion No. 598 issued July 16, 1971, 46 FPC —, in Area Rate Proceeding, et al. (Southern Louisiana Area), Docket Nos.

[1] The court in City of Chicago v. F.P.C., 385 F.2d 629 (D.C. Cir. 1967), pointed out the danger inherent in case-by-case adjudications when it stated at p. 644 "* * * The continued expressions of courts and commentators stressing the desirability of generalized approaches to generalized problems does not betoken a desire to meddle with administrative details and techniques, but rather an uneasiness lest an excessively individuated approach may be a seed bed that is too favorable to the rank weed of discrimination."

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AR61–2, et al. Fifth, not one of the pipeline companies which offered the data relied on by the Commission has filed an application for rehearing of Order No. 449 or objected to the Commission's reliance on the data they distributed at the conference.

The fourth error alleged by Mobil is that the Natural Gas Act does not give the Commission authority to assert jurisdiction over the transportation of liquid hydrocarbons. The Supreme Court in Permian Basin Area Rate Cases, 390 U.S. 747 (1968), at p. 820, n. 111, affirmed the Commission's assertion of jurisdiction over the total raw stream of casinghead gas which includes entrained liquids. In The Jupiter Corp. v. F. P. C., 424 F.2d 783, 792 (D.C. Cir. 1969), cert. denied, 397 U.S. 937 (1970), the court referred to a similar assertion of jurisdiction in The Jupiter Corporation, 39 FPC 954 (1968), but stated that it did not need to reach Jupiter's contentions to the effect that the Commission had taken a different position in the rulemaking notice issued in this proceeding in that the Commission was proposing to allocate out of the pipeline companies' cost of service the costs related to transporting liquid hydrocarbons. The court stated that it did not need to resolve those points in the Jupiter case because certain court proceedings related to Jupiter's contractual right to charge for liquid transportation had not yet been concluded.

Pipeline companies are providing a service in moving the producers' liquid hydrocarbons to processing plants. If the Commission does not fix minimum charges for such services, gas consumers will continue to pay costs related primarily to transporting the producers' liquid hydrocarbons. The Commission sees no essential difference between establishing a minimum rate to be charged for transporting actual liquids which are transported along with the raw gas stream and fixing a minimum charge for transporting liquefiable hydrocarbons which can be removed from the raw gas stream only by using sophisticated equipment. In reaching the foregoing conclusions the Commission is not implying that it has jurisdiction over the construction and operation of pipelines to transport hydrocarbons solely in liquid form. In Order No. 449 the Commission has asserted only such jurisdiction as is required to make certain that the producers pay their fair share of the cost of transporting their liquid hydrocarbons through interstate pipeline facilities subject to the Commission's jurisdiction.

Mobil's fifth alleged error is that the Commission improperly allowed the pipeline companies to increase their rates without requiring them to comply with section 4 of the Act. The import of Mobil's argument regarding section 4 is not clear. Pipeline companies are allowed to charge rates which recover a just and reasonable rate of return on their investments and reimburse them for the costs associated with operating and maintaining their facilities. The pipeline companies will not be able to increase their rates to their resale customers as a result of the Commission's Order No. 449 since that order only requires the producers to pay a portion of the costs which the pipeline companies are presently recouping through rates being charged their customers. The revenues to be obtained from producers will therefore either forestall the filing of new rate increase proposals or serve as a basis for a reduction in rates below those presently being charged. On the other hand, if Mobil is only contending that the Commission cannot fix in a rulemaking proceeding charges applicable to transportation of liquid hydrocarbons, then its argument regarding section 4 merely merges with the first contention considered above, i.e., the question of whether the Commission can fix a charge in a rulemaking proceeding without first holding a trial-type hearing.

Mobil's sixth point is that the Commission did not consider critical differences in load factors, distances, cost incurrence, etc., in fixing the charges specified in § 2.71 and thereby imposed discriminatory and unduly preferential high charges on short-haul transportation. Questions regarding load factors, distances, sizes of pipelines, etc., were discussed at length in Order No. 449, particularly at pages 6 to 10. Since the Order provides for the payment of a charge per mile of haul, the charge cannot possibly impose an excessively high charge on short-haul transportation of liquefiable hydrocarbons. While the charge for liquids is a flat minimum charge of 20 cents per barrel, that amount cannot be excessive for liquids because of the impedance to dry gas transportation caused by injection of actual liquids into a given dry-gas pipeline. Additionally, when it is considered that the producer does not have to invest in liquid storage facilities as is necessary with alternative hauling by barge or other mode of transportation, a charge of 20 cents per barrel is certainly not unreasonably high from the producer's viewpoint.

Mobil's seventh and final contention is that the Commission relied on data which was not distributed at the conference held on October 15, 1971. The only cost data employed other than those included in the pipeline companies' studies distributed at the conference were Transwestern Pipeline Co.'s transmission costs which were used only for the purpose of showing that its transportation costs were in line with costs of the other three major interstate pipeline purchasers in the Permian Basin area. Those costs were taken from Transwestern's rate filing in Docket No. RP70–19 which is available to the public for examination. As the court pointed out in the recent City of Chicago case supra. " * * * Frequently, statistics, scientific reports and studies will be amenable to various interpretations and effective regulation requires that the Commission bring to bear the full range of its knowledge, garnered from whatever source, in making the interpretation on which it bases important policy decisions" (slip op. pp. 29–30). The only other reference to matters outside the record in this proceeding was to Commission decisions which indicated various ranges of charges for transportation services similar to those involved in this proceeding. Those citations were used only for comparison purposes and were not the factual data on which the Commission relied in fixing the minimum charges for transportation of liquid hydrocarbons. The Commission's reference to Red Snapper Pipe Line Company's charges for transporting natural gas and liquid hydrocarbons surely cannot be prejudicial to Mobil since it was one of Red Snapper's stockholders (38 FPC at 734, n. 47) and must know that Red Snapper's proposed charges were greater than those fixed by the Commission in Order No. 449.

Amoco's application first makes a legal argument to the effect that the Commission erred in fixing rates for transportation of liquid hydrocarbons without providing for a trial-type hearing. That argument has already been considered above and rejected in connection with Mobil's identical contentions. Amoco also asks the Commission to revoke Order No. 449 and then clarify in the order providing for a trial-type hearing whether § 2.71 should be interpreted to require Amoco to pay for the transportation of impurities, such as water and carbon dioxide, which are extracted from the raw gas stream in the producers' processing plants. There is nothing in any of the parties' comments or in the minutes of the conferences, or in the studies distributed by the pipeline companies indicating that producers are expected to pay for the transportation of impurities such as water and carbon dioxide. Section 2.71 clearly refers only to the transportation of liquids and liquefiable hydrocarbons and indicates that the transportation charges are applicable only to liquid hydrocarbons.

Amoco claims that § 2.71 could also be read as requiring producers to pay a charge for transporting liquid hydrocarbons in connection with gas being sold at contract prices which are below the area rates for such gas. Amoco is correct in assuming that § 2.71 should be so interpreted because the producers have had their liquid hydrocarbons transported at no cost to them up to the issuance of Order No. 449, except in a few instances where their sales contracts provided for such transportation reimbursement to the pipeline purchasers. It was the producers' failure to pay such costs which made it necessary to add the last sentence to § 2.71 indicating that the price producers are charging pipeline companies for natural gas will not be reduced if they pay at least the minimum transportation charges provided for in § 2.71.

Amoco further claims that it will be very difficult to compute the distance each well is from the processing plant and to determine the liquefiable hydrocarbon shrinkage volume for each well. After Order No. 449 has been revoked and a new hearing has been held to fix lawful rates, Amoco asks that a conference be held to determine an average charge to be applied to volumes transported from all wells. Inasmuch as the Commission has not agreed to revoke Order No. 449, it appears premature for Amoco to request a conference on that basis at this time. In any event, Amoco has not shown any need to convene a conference because the producers and the pipeline companies already know the distance each well is from the processing plants as they had to ascertain those distances before they could purchase and install the necessary pipelines. The producers also have to determine the hydrocarbon content of the raw gas stream for their own accounting purposes. Consequently, applying the charges specified in § 2.71 should give rise to no administrative problems which cannot easily be solved by the producers and their pipeline purchasers in the course of their usual business procedures. Nonetheless, Amoco is free to renew its request for a conference if its request is not conditioned upon revocation of Order No. 449 and if it and its pipeline purchasers actually encounter problems when they begin to apply the charges specified in § 2.71.

The New York Commission's application makes only one contention and that is that the transportation rates fixed by Order No. 449 are too low. The New York Commission points to a transportation charge of 3.3 cents per Mcf made by Tidal Transmission Co., to the charge of 4 cents per Mcf made by Texas Eastern Transmission Corporation for transporting gas through its offshore facilities, and to a similar charge made by Michigan Wisconsin Pipe Line Co. for transporting gas for Texas Gas Transmission Corp. The New York Commission concludes from such rates that the charges provided for by Order No. 449 should be at least 4 cents per Mcf per hundred miles for liquefiable hydrocarbons and 40 cents per barrel for liquids, and asks that the Commission on rehearing increase the transportation rates accordingly.

The Commission explained at some length in Order No. 449 that the transportation rates to be established would have to be applicable for all situations and should not be excessive for the producers or require consumers to continue paying costs for transporting producers' liquefiable hydrocarbons and liquids. The Commission recognized that some services, particularly those rendered by using the newest high-cost facilities, might involve costs justifying rates in excess of those fixed in Order No. 449. The Commission also noted that services provided by a given pipeline company would have a lower unit cost when production was at its height in a particular producing area than at subsequent times when production had declined and load factors were reduced. The Commission also pointed out that the producers were providing a service to the pipeline companies in removing certain impurities from the raw gas stream. In light of all these considerations, the Commission found that charges of 2 cents per Mcf per hundred miles and 20 cents per barrel for liquefiable hydrocarbons and liquids, respectively, were in the public interest and fair to both the producers and consumers. The Commission is still of the opinion that the charges set forth in § 2.71 are appropriate. Therefore, the New York Commission's request that the charges be increased must be denied.

The Commission finds. The assignments of error and grounds for rehearing set forth in the applications for rehearing of Mobil, Amoco, and the New York Commission present no new facts or principles of law which were not considered by the Commission when it issued its Order No. 449 or which, having now been considered, warrant any change or modification of said Order.

The Commission orders. The application for rehearing filed February 29, 1972, by Mobil Oil Corp., and the applications for rehearing filed March 1, 1972, by Amoco Production Co. and the Public Service Commission for the State of New York are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–5236 Filed 4–4–72;8:52 am]

[Dockets Nos. RP71–6, RP71–57, RP72–1]

TENNESSEE GAS PIPELINE CO.

Notice of Extension of Time and Postponement of Hearing

MARCH 29, 1972.

Notice is hereby given that the procedural dates prescribed by the order issued December 23, 1971, and modified by notices issued January 13, 1972, February 15, 1972, and March 8, 1972, are further modified, as follows:

1. The time within which parties shall serve their prepared direct testimony and exhibits is extended to and including April 28, 1972. The time within which any rebuttal evidence by Tennessee shall be served is extended to and including May 19, 1972.

2. Cross-examination of the evidence shall commence on May 30, 1972.

By direction of the Commission.[1]

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–5231 Filed 4–4–72;8:52 am]

[Project 2545]

WASHINGTON WATER POWER CO.

Notice of Amendment of Application for Major License

MARCH 29, 1972.

Public notice is hereby given that amendment of application for major license has been filed under the Federal Power Act (17 U.S.C. 791a–825r) by Washington Water Power Company (correspondence to R. D. Yoemans, Secretary, the Washington Water Power Company, Post Office Box 1445, Spokane, Wash. 99210), for its proposed Monroe Street plant of project No. 2545, located on the Spokane River, in Spokane, Stevens, and Lincoln Counties, Wash., near the cities of Spokane, Nine Mile Falls, and Reardan.

This amendment modifies applicant's application for major license (filed August 30, 1965) as it relates to the Monroe Street plant of project No. 2545.

The Monroe Street plant presently consists of: (1) An overflow rock-fill timber-crib dam with crest elevation 1,806 feet (m.s.l.); (2) a concrete and stone masonry headgate dam; (3) a 5-acre pond; (4) three 10-foot diameter steel penstocks; and (5) a powerhouse containing five generating units with a total installed capacity of 7,200 kw.

Applicant proposes to reconstruct the existing Monroe Street plant so that it would consist of: (1) A concrete gravity overflow dam about 240 feet long with a crest elevation 1,806 feet (m.s.l.); (2) a concrete intake structure at the left abutment of the dam; (3) a 5-acre pond; (4) one 14-foot diameter steel and reinforced concrete penstock about 420 feet long; (5) a remodeled powerhouse containing five generating units with an installed capacity of 7200 kw. (three turbines would be replaced); and (6) appurtenant facilities.

The reconstruction of the Monroe Street plant, which is estimated to cost $1,565,000, is scheduled to be completed prior to spring 1974. Applicant states that the above changes are necessary because the present project works are not consistent with the city of Spokane's plan for development of the river in conjunction with the International Ecological Exposition planned for the summer of 1974 (EXPO 74), and because the present dam has been damaged by past floods and should be replaced before failure occurs.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1972, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceedings. Persons wishing to become parties to a proceeding must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–5232 Filed 4–4–72;8:52 am]

[Docket No. RI72–168, etc.]

WESTERN OIL & MINERALS CORP.

Order Providing for Hearing and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund; Correction

MARCH 23, 1972.

Western Oil & Minerals Corp., Docket No. RI72–168 et al., Amoco Production Co., Docket No. RI72–170.

[1] Chairman Nassikas and Commissioner Moody dissenting.

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In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued January 28, 1972 and published in the FEDERAL REGISTER February 5, 1972 (37 F.R. 2815): Appendix "A" Docket No. RI72–170, Amoco Production Co., under column headed "Date Suspended Until" change "3–5–73" to "3–5–72", opposite Docket No. RI72–170, Rate Schedule No. 195, Amoco Production Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5234 Filed 4–4–72;8:52 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F–142]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Department of Defense in a proceeding involving the establishment of policy for the creation of a domestic communications satellite system in the United States.

2. *Effective date.* This regulation is effective March 29, 1972.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Department of Defense before the Federal Communications Commission in a proceeding (Docket No. 16495) involving the establishment of policy for the creation of a domestic communications satellite system in the United States.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: March 29, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72–5237 Filed 4–4–72;8:52 am]

FEDERAL RESERVE SYSTEM

TWIN GATES CORP.

Acquisition of Bank

Twin Gates Corp., Wilmington, Del., a registered bank holding company, has applied for the Board's approval under section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)) to exchange 22.48 percent of the outstanding voting shares of City National Bank of Detroit, Detroit, Mich., for 22.48 percent of the outstanding shares of Northern States Financial Corp., Detroit, Mich., a proposed bank holding company.

On February 8, 1972, notice was published in the FEDERAL REGISTER (37 F.R. 2858) of the receipt of the application of Northern States Financial Corp. for Board approval to become a bank holding company through the acquisition of 80 percent or more of the voting shares of City National Bank of Detroit, and the acquisition of the indirect control of 13.2 percent of the voting shares of the National Bank of Rochester, Rochester, Mich. As an incident to Northern States Financial Corp.'s proposal, Twin Gates Corp. would exchange the shares that it now owns in City National Bank of Detroit for shares of Northern States Financial Corp.; the present application is for the Board's approval of the exchange of such shares. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 19, 1972.

Board of Governors of the Federal Reserve System, March 30, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72–5207 Filed 4–4–72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[812–3134]

E. F. HUTTON TAX-EXEMPT FUND

Notice of Filing of Application for Exemption

MARCH 30, 1972.

In the matter of E. F. Hutton Tax-Exempt Fund (National Series 1, 2, 3, and 4, California Series 1, 2, and 3, New York Series 1 and 2 and all subsequent national and State series similarly or otherwise titled), c/o E. F. Hutton & Co., Inc., One Battery Park Plaza, New York, N.Y. 10004, (812–3134).

Notice is hereby given that E. F. Hutton Tax-Exempt Fund (National Series 1, 2, 3, and 4, California Series 1, 2, and 3, New York Series 1 and 2 and all subsequent national and State series similarly or otherwise titled) (Applicant), registered under the Investment Company Act of 1940 (Act) as unit investment trusts (and including potential future such trusts), has filed an application pursuant to section 6(c) of the Act for an order exempting the secondary market operations of Applicant's sponsor from the provisions of Rule 22c–1. The sponsor seeks to follow the practice of valuing Applicant's units, for repurchase and resale in the secondary market, once a week on the last business day of the week, as of 3:30 p.m., effective for all transactions made during the following week. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations contained therein which are summarized below.

Applicant is composed of various series, each of which is an unmanaged fund, with a portfolio consisting of tax-exempt municipal bonds. E. F. Hutton & Co., Inc., acts as sponsor for each series (Sponsor). No additions may be made to the portfolio of bonds of any series after the date of deposit of the bonds by the Sponsor and the number of units in a series may not be increased. The units are distributed by the Sponsor during the initial offering period at a 4 percent sales charge. The pricing procedures during such period comply with the requirements of Rule 22c–1.

The Sponsor also maintains a secondary market for the units by offering to repurchase them from holders at a price based on the aggregate "asked" side evaluation of the underlying bonds ("offering side of evaluation"). This value, according to the application, may be expected to exceed the redemption price (bid side evaluation) by at least $10 per unit. In addition, the Sponsor resells such units with a 4 percent sales charge. The Sponsor seeks to have both the repurchase and resale price based on the unit evaluation of the preceding Friday made by an independent evaluator.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies may be sold, redeemed or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant asserts that the pricing by the Sponsor in the secondary market in no way affects the assets of the fund, and that the public unit holders benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that the Sponsor has undertaken to adopt a procedure whereby the evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the evaluator cannot state that the current bid side evaluation is not equal to or not higher than the previous Friday's price, the Sponsor will order a full evaluation. In case of resale, if the evaluator cannot state that the previous Friday's price is no more than one-half point ($5 on a unit representing $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. Finally, the Sponsor has agreed to waive that portion of its annual $0.275 per $1,000 unit fee not required to pay for evaluations under a weekly pricing system.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 20, 1972, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of its interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5208 Filed 4–4–72;8:50 am]

[812–3150]

AMERICAN GENERAL BOND FUND, INC.

Notice of Filing of Application for Exemption

MARCH 30, 1972.

Notice is hereby given that American General Bond Fund, Inc., 280 Park Avenue, New York, NY 10017, (Applicant), a closed-end, diversified, management company registered under the Investment Company Act of 1940 (Act) has filed an application for an order pursuant to section 6(c) of the Act declaring that Mr. Milford A. Viser shall not be deemed an interested person of Applicant as that term is defined under section 2(a)(19) of the Act solely by reason of his status as an honorary director of the Mutual Benefit Life Insurance Company (Mutual Benefit). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Mr. Vieser, a director of Applicant is a consultant as well as an honorary director of Mutual Benefit, a mutual life insurance company. Mutual Benefit has a wholly-owned subsidiary, Mutual Benefit Financial Service Company (FISCO), which is registered as a broker-dealer under the Securities Exchange Act of 1934.

Applicant states that FISCO sells only variable annuities, and does not deal in debt securities, to which, by its investment restrictions, Applicant's investments are limited. Applicant further states that FISCO does no business with American General Insurance Company (American) which is the parent company of Applicant's investment adviser, with Channing Company, Inc., which is Applicant's underwriter, or with any other subsidiary of American or with any of the Channing Funds, and no business is anticipated between these parties in the future.

Section 2(a)(19) of the Act, in pertinent part, defines an interested person of an investment company as any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include any director or employee of such other person.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that Mr. Vieser should not be deemed an "interested person" of Applicant because his affiliation with Mutual Benefit does not and will not impair his independence in acting on behalf of Applicant and its stockholders, and the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than April 20, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 72–5223 Filed 4–4–72;8:51 am]

[70–5173]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Shares of Common Stock

MARCH 30, 1972.

Notice is hereby given that General Public Utilities Corporation, 80 Pine Street, New York, NY 10005 (GPU), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to offer up to 3,440,000 authorized but unissued shares of its common stock (additional common stock) for subscription by the holders of its outstanding shares of common stock on the basis of one share of additional common stock for each ten (10) shares of common stock held on the record date of May 4, 1972, or such later date as GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's board of directors on the record date, will be not more than the closing price of GPU common stock on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire May 26, 1972, unless the record date should be later than May 4, 1972, in which event the expiration date will be specified by amendment. The offering of the common stock will not be underwritten.

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Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 10 shares, but not in exact multiples thereof, may purchase, at the subscription price, one extra share of additional common stock. A stockholder with less than 10 shares of common stock will be entitled to purchase, at the subscription price, one full share of additional common stock. In addition, each holder who exercises such warrant or warrants in full will be given the privilege of subscribing, subject to allotment, at the same subscription price, for shares of additional common stock not subscribed to pursuant to rights. GPU intends to take such action as is appropriate on its part to effect the admission of the warrants to dealing on the New York Stock Exchange. A commercial bank will be used as subscription agent in connection with the rights offering. GPU proposes to utilize the services of securities dealers in soliciting the exercise by the initial record holders of original issue warrants of the subscription privileges represented thereby and in disposing of the shares of additional common stock available to GPU for such disposition. GPU will pay compensation to the securities dealers, in an amount to be determined by the GPU board of directors at a later time and to be supplied by amendment, for the successful solicitation of the exercise of original issue warrants by the initial record holders thereof and in connection with the purchase of additional common stock by such dealers from GPU. The fee payable with respect to any single beneficial owner will not exceed $250.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights. Any of such warrants as to which no instructions have been received before the close of business on the second business day preceding the expiration date of the warrants will be sold for cash, and the pro rata portions of such proceeds will be delivered to, or held for 2 years for the account of, such stockholders, after which such proceeds will become the property of GPU.

In connection with the rights offering, GPU may effect stabilization transactions in its common stock or warrants up to a maximum net long position equivalent to 300,000 shares.

During the 45 business days following the subscription period, GPU may make shares available for purchase by participating dealers. The price (before deduction of dealer fees) fixed by GPU shall be not less than the subscription price and shall in no event be below 90 percent of the last sale price on the New York Stock Exchange immediately preceding the time when such GPU sale price is fixed.

GPU will utilize the net proceeds realized from the sale of the common stock for additional investments in its subsidiary companies or to pay a portion of its promissory notes then outstanding, the proceeds of which have been or will be used for such investments.

Fees and expenses to be incurred by GPU are estimated at $650,000, including legal fees of $39,000, accounting fees of $21,000, and subscription agent charges of $397,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 21, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5224 Filed 4-4-72;8:51 am]

[812-2844]

MANUFACTURERS VARIABLE ACCOUNT I AND MANUFACTURERS LIFE INSURANCE CO.

Notice of Filing of Application for Order Permitting Registration

MARCH 30, 1972.

Notice is hereby given that The Manufacturers Life Insurance Co. (Manufacturers), mutual life insurance company organized under the laws of Canada, and Manufacturers Variable Account I, 200 Bloom Street East, Toronto, Ontario, Canada (Account I), a separate account established by Manufacturers under the provisions of the Canadian and British Insurance Companies Act, have filed an application for an order pursuant to section 7(d) of the Investment Company Act of 1940 (Act) permitting Manufacturers to register Account I as a unit investment trust under the Act and to make a public offering of its variable annuity contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Manufacturers conducts the business of life, personal accident and business insurance in Canada, the District of Columbia, Puerto Rico, the Virgin Islands, all States of the United States except New York, and many other areas throughout the world. The application states that Manufacturers is the second largest life insurance company in Canada and among the twenty largest on the North American Continent when measured by assets. A substantial portion of Manufacturers' business arises from its operations in the United States. Manufacturers wishes to enter the variable annuity field in the United States. Account I is designed to serve as the facility for the issuance of tax qualified variable annuity contracts (contracts) to be sold by Manufacturers exclusively in the United States. An order of the Commission is necessary to permit the sale of such contracts in the United States because section 7(d) of the Act provides that no investment company, unless organized or otherwise created under the laws of the United States or of a State, and no depositor or trustee of or underwriter for such a company not so organized or created shall make use of the mails or any means or instrumentality of interstate commerce, directly or indirectly, to offer for sale, sell, or deliver after sale, in connection with a public offering, any security of which such company is the issuer. The Commission is authorized, however, upon application by an investment company organized or otherwise created under the laws of a foreign country, to issue a conditional or unconditional order permitting such company to register under the Act and to make a public offering of its securities by use of the mails and means or instrumentalities of interstate commerce if the Commission finds that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such an order is consistent with the public interest and the protection of investors.

All assets of the Account will be invested in shares of an open-end management investment company (Fund) to be incorporated in Delaware and which along with its shares will be registered with the Commission. Investment advice will be furnished to the Fund by its adviser, ManEquity Management Co., a wholly owned subsidiary of Manufacturers incorporated in the State of Colorado, with its principal office in Denver, Colo. The adviser is registered as an investment adviser under the Investment Advisers Act of 1940. The Fund's Board of Directors will supervise investment decisions for the Fund based on such investment advice, and must comply with the objections and policies of the Fund and with restrictions required under Canadian law for insurance company separate accounts. It is contemplated that the adviser will not use the personnel and services of Manufacturers in implementing its responsibilities under the investment advisory agreement. However, certain directors and nonoperational officers of the adviser may be officers or employees of Manufacturers.

Sales of the contracts will be made only by associated persons of registered broker-dealers who are also members of the NASD. Such persons will also be insurance agents of or brokers for Manufacturers who are qualified under applicable State law to sell variable annuities. The principal underwriter will be ManEquity, Inc., a wholly owned subsidiary of ManEquity Management Co. The underwriter, a Colorado corporation, has its principal office in Denver, Colo., and is a registered broker-dealer and a member of the NASD.

At the state level, Manufacturers will be subject to the same regulation with respect to its variable annuity operations as would a United States company engaged in such operations, with the one exception—that as an alien insurance company, it is required to maintain its Account I assets with a U.S. depository in order to conform to the deposit requirements of the Insurance Code of the State of Michigan which serves as Manufacturers "state of entry" required under insurance laws for doing business in the United States. To comply with Michigan deposit requirements, Manufacturers will establish, under a new trust agreement, a separate trust for the protection of owners and beneficiaries of contracts issued by Account I. This trust, which will be in the United States, will hold all of the assets of the Account I.

Manufacturers and Account I have requested an order from the Commission allowing Manufacturers to register Account I on certain terms and conditions. Among other things these terms and conditions require:

(1) That the assets of Account I be maintained in trust in the United States in a bank which (a) is trustee for such trust, (b) is a bank within the meaning of section 2(a)(5) of the Act, and (c) meets the qualifications set forth in section 26(a)(1) of the Act.

(2) That an agent in the United States be designated by Manufacturers, its directors and certain of its officers to accept service of process in connection with matters relating to Account I and that Manufacturers and certain of its officers and directors consent that any suit, action or proceeding concerning such matters before the Commission, or any appropriate court of the United States, may be commenced by the service of process upon such agent;

(3) That copies of books and records of Account I be furnished the Commission, at its request, in the United States, and that auditors or inspectors for the Commission be given free access to such books and records at the principal office of Manufacturers in Toronto, Ontario, Canada; and

(4) That an accountant be appointed for Account I who is qualified to act as an independent public accountant under the Act and the rules thereunder, and who maintains a permanent office and place of business in the United States.

Manufacturers and Account I have also agreed that jurisdiction of the Commission is reserved to suspend or revoke the requested order in whole or in part if:

(a) Manufacturers or Account I, or Account I's custodian or underwriter, or the Fund of the Fund's investment, adviser shall have failed to comply with the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Act of 1933, the Securities Exchange Act of 1934, or any applicable Rules, Regulations or Orders of the Commission thereunder; or

(b) Any of the representations, undertakings, and agreements contained in or contemplated by the application shall not have been complied with; or

(c) Any change has occurred in the laws of the Dominion of Canada, or any subdivision thereof, creating an inconsistency with the protection of investors afforded by the representations, undertakings, and agreements contained in or contemplated by the application, and

(d) The Commission finds, after notice and opportunity for hearing, that suspension or revocation of the order requested herein is in the public interest and is necessary for the protection of investors.

Notice is further given that any interested person may, not later than April 19, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5227 Filed 4-4-72;8:51 am]

[812-3042]

PENN MUTUAL LIFE INSURANCE CO. AND PENN MUTUAL VARIABLE ANNUITY ACCOUNT II

Notice of Application for Exemption

MARCH 30, 1972.

Notice is hereby given that The Penn Mutual Life Insurance Co. (Penn Mutual), a mutual life insurance company organized under the laws of Pennsylvania, and Penn Mutual Variable Annuity Account II, 530 Walnut Street, Philadelphia, PA 19105 (Account II), a separate account of Penn Mutual registered as a unit investment trust under the Investment Company Act of 1940 (Act), (collectively called the "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants, to the extent noted below, from the provisions of sections 22(d), 26(a), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Account II was established by Penn Mutual in connection with the proposed sale of three types of individual variable annuity contracts (Contracts). The Contracts proposed to be issued by Penn Mutual are (1) periodic purchase payment deferred contracts; (2) single purchase payment deferred contracts; and (3) single purchase payment immediate contracts. Under the periodic purchase payment and single purchase payment deferred contracts, net purchase payments are allocated for accumulation on a fixed or variable basis to provide either fixed or variable annuities or a combination of both. Under single purchase payment immediate contracts, there is no accumulation period and only variable benefits are provided.

Net purchase payments that are to be accumulated on a variable basis, and funds allocated to provide variable benefits under the Contracts, are invested through Account II in shares of Penn Mutual Equity Fund, Inc. ("Fund"), a registered open-end management investment company incorporated in Delaware. The value of interests in Account II, before or after annuity benefits become payable, will vary to reflect investment performances of Fund shares.

Under Pennsylvania insurance law, the assets of Account II are owned by Penn Mutual and not held in trust by Penn Mutual. However, the income, gains, or losses, realized or unrealized, of Account II are credited to or charged against Account II in accordance with the Contracts, and without regard to other income, gains or losses of Penn Mutual. In addition, the assets held in Account II

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may not be chargeable with liabilities arising out of any other business that might be conducted by Penn Mutual.

Applicants request exemption from the following provisions of the Act to the extent stated below:

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security to the public except at a public offering price described in the prospectus.

Applicants request exemption from the provisions of section 22(d) to permit dividends received under the Contracts during any accumulation period to be applied to the purchase of additional variable accumulation units in Account II without the imposition of charges for sales expenses. Any dividends on the Contracts resulting from divisible surplus will be declared on a uniform and nondiscriminatory basis according to each class of the Contracts.

Applicants also request an exemption from section 22(d) to permit the transfer to Account II of amounts accumulated on a fixed basis contract when: (1) All or part of a surrender or death benefit under a periodic purchase payment or a single purchase payment deferred contract is used to provide a variable annuity; (2) on the annuity date, all or part of the value of the fixed accumulation account under a periodic purchase payment or a single purchase payment deferred contract is used to provide a variable annuity; and (3) all or part of a surrender benefit, death benefit, or annuity benefit under a contract is used to provide a fixed settlement option without life contingencies, and thereafter all or part of the remaining value of the fixed settlement option is used by the payee thereof to provide a variable annuity. Applicants intend to allow the transfer of such amounts without the imposition of a sales charge since the payments giving rise to such amounts will have already been subject to sales charges equal to those which would have been imposed had such payments originally been paid into Account II.

An exemption from section 22(d) is also requested to permit amounts accumulated under other Penn Mutual life insurance, endowment, and fixed annuity contracts to be transferred to Account II for the purchase of any contract offered by Account II. From the amounts transferred, Penn Mutual proposes to deduct a charge of 1¼ percent for sales expenses and ¾ percent for administrative expenses. Applicants represent that these reduced charges will not result in unfair discrimination among contract owners since they will only be applicable to amounts arising under other Penn Mutual contracts with respect to which sales and administrative expense charges have previously been levied.

With respect to periodic purchase payment contracts purchased with amounts transferred from at least 1 year old Penn Mutual life insurance, endowment, or fixed annuity contracts, applicants also request exemption from section 22(d) to permit charges for sales and administrative expenses on periodic purchase payments made subsequent to the initial purchase to be at the rate applicable to second or later year payments on the periodic payment contracts. The periodic purchase payment contracts provide for a sales and administrative expense deduction of 15 percent with respect to purchase payments made in the first contract year and 7 percent with respect to payments made thereafter. Applicants submit that the application of the second year charges in the circumstances described will not be unfairly discriminatory since persons who become contract owners upon transfer from other Penn Mutual life insurance, endowment, or fixed annuity contracts will already have paid a first year sales and administrative expense charge.

Applicants request exemption from the provisions of sections 26(a) and 27(c)(2) which, as here pertinent, provide that periodic payment plan certificates of a unit investment trust may not be sold unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank as trustee or custodian, and are held under an agreement of custodianship. Such agreement must provide, in part, that: (i) The custodian bank shall have possession of all property of the unit investment trust and shall segregate and hold the same in trust; (ii) that the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) that the custodian may collect fees from the income and, if necessary, from the corpus of the unit investment trust for services performed and reimbursement of expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services normally performed by the custodian. Applicants state that a custodianship or trusteeship of the assets of Account II is unnecessary because the assets of the account will only consist of shares of the Fund which will be issued under an open account arrangement without the use of stock certificates. Applicants also state that Penn Mutual will operate as a regulated insurance company subject to the extensive supervision and control of the Pennsylvania Insurance Commission, and that such control and supervision will provide assurance against misfeasance and afford the essential protection of a trusteeship.

Applicants assert further that under Pennsylvania law neither Account II nor Penn Mutual may abrogate its obligation under the Contracts. Therefore, the dangers against which sections 26(a) and 27(c)(2) are directed are not present.

Penn Mutual and Account II have consented that any order granting the requested exemption from sections 26(a) and 27(c)(2) may be subject to the conditions that: (1) Any charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purpose; and (2) the payment of sums and charges out of the assets of Account II shall not be deemed to be exempted from regulation by the Commission by reason of the order.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than April 20, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to Delegated Authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5225 Filed 4–4–72;8:51 am]

[812–3113]

PENN MUTUAL EQUITY FUND, INC.

Notice of Application for Exemption

MARCH 30, 1972.

Notice is hereby given that Penn Mutual Equity Fund, Inc., 530 Walnut Street, Philadelphia, Pa. 19105 ("Applicant"), an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for an order of exemption from the provisions of section 15(b) of the Act to the extent necessary to permit Applicant's shares to be sold without an underwriting contract. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Shares of the Applicant are offered only to the Penn Mutual Life Insurance Co. ("Penn Mutual"), and separate accounts of Penn Mutual, at a price equal to the net asset value per share. The Applicant is currently selling its shares only to Penn Mutual Variable Annuity Account I, a separate account of Penn Mutual that is registered under the Act as a unit investment trust. Applicant proposes to sell its shares to Penn Mutual Variable Annuity Account II ("Account II"), a separate account of Penn Mutual that is also registered under the Act as a unit investment trust. All net purchase payments under variable annuity contracts issued by Penn Mutual which are allocated to Account II will be invested in shares of the Applicant. Applicant has no present intention of offering its shares directly to the public.

Section 15(b) provides that no principal underwriter for a registered open-end investment company may offer for sale or sell any security of which such company is the issuer except pursuant to a written contract with such company.

Applicant contends that while Penn Mutual may be deemed an underwriter of the shares of the Applicant within the meaning of the Act, there is no function to be served by an underwriting contract.

Accordingly, Applicant requests an exemption from the provisions of section 15(b) to the extent necessary to permit sales of shares of the Applicant to Account II without a written underwriting contract complying with section 15(b) so long as the shares of Applicant are not offered directly to the public.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and Rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than April 20, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5226 Filed 4–4–72;8:51 am]

SMALL BUSINESS ADMINISTRATION

[License No. 07/10–0040]

FIRST AMERICAN CAPITAL CORP.

Notice of Surrender of License to Operate as Small Business Investment Company

Notice is hereby given that First American Capital Corporation (First American), Suite 200, American Building, Cedar Rapids, Iowa 52401, has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR 107.105 (1971)), surrendered its license to operate as a small business investment company (SBIC).

First American was incorporated on March 24, 1961, under the laws of the State of Oklahoma to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license number 10–0040 by the Small Business Administration (SBA) on June 19, 1961. With the approval of SBA, First American, on September 29, 1969, was acquired by Iowa Growth Investment Company (Iowa Growth), Suite 200, American Building, Cedar Rapids, Iowa 52401, an Oklahoma SBIC. First American has operated as a wholly owned subsidiary of Iowa Growth pending its dissolution which has now been completed.

Under the authority vested by the Act and the regulations promulgated thereunder, the voluntary surrender of the license of First American is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: March 28, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72–5222 Filed 4–4–72;8:51 am]

[License No. 02/02–5291]

PUERTO RICAN FORUM CAPITAL CORP.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On November 18, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 22028), stating that the Puerto Rican Forum Capital Corp., 156 Fifth Avenue, New York, NY 10010, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business December 3, 1971, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02–5291 to the Puerto Rican Forum Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: March 29, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72–5221 Filed 4–4–72;8:51 am]

TARIFF COMMISSION

[337–25]

PANTY HOSE

Notice of Findings and Recommendation

Upon completion of its investigation (337–25) under section 337 of the Tariff Act of 1930, in response to a complaint of Tights, Inc., the Commission finds violation of section 337(a) of the Tariff Act of 1930 by unfair methods of competition and unfair acts in the importation and sale of panty hose manufactured in accordance with the claim of U.S. Patent No. Re. 25,360 owned by complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Accordingly, the Commission recommends that, in accordance with section 337(e) of the Tariff Act of 1930, the President direct the Secretary of the Treasury to instruct customs officers to exclude from entry into the United States panty hose manufactured in accordance with the claim of U.S. Patent No. Re. 25,360 until expiration of the patent, except where the importation is made under license of the registered owner of said patent.

Under the statute (19 U.S.C. 1377(c)) a rehearing before the Commission may be requested. In accordance with § 201.14 of the Commission's rules of practice and procedure (19 CFR 201.14) a motion for

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a rehearing may be granted for good cause shown. Any such motion for a rehearing must be in writing and filed with the Secretary of the U.S. Tariff Commission, Washington, D.C. 20436, within twenty (20) days after publication of this notice. The motion must state clearly the grounds which are relied upon for the granting of a rehearing and must be accompanied by 19 true copies.

Issued: March 31, 1972.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-5187 Filed 4-4-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

MARCH 31, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106120 Sub 3, Badger Coaches, Inc., now being assigned hearing June 7, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC-F-11200, MC 59583 Sub 131, Mason & Dixon Lines—Purchase—Econ Lines, now being assigned hearing June 12, 1972, at Chicago, Ill., in a hearing room to be designated later.

MC 11290, MC 98913 Sub 3, Gordons Transports—Control—J. B. Reed Motor Express, now being assigned hearing June 19, 1972, at Chicago, Ill.

MC 119857 Sub 9, George Transit Line, Inc., now being assigned hearing June 15, 1972, at Chicago, Ill., in a hearing room to be designated later.

No. 35407, Increased rates and charges by Matson Navigation, No. 35407, Sub 1; increased rates and charges, Seatrain Lines, Calif., No. 35407 Sub 2; increased rates and charges, Matson Navigation Co., No. 35407 Sub 3; increased rates and charges, Matson Navigation Co., No. 35407 Sub 4; increased rates and charges, Seatrain Lines, Calif., No. 35407 Sub 5; lumber and related commodities, West Coast to Hawaii, and No. 35407 Sub 6; various commodities, between California and Hawaii, now being assigned hearing July 10, 1972, at San Francisco, Calif., in a hearing room to be later designated.

MC-F-11043, Colonial Motor Freight Line, Inc.—Control—Griggs Trucking Co., now being assigned hearing May 24, 1972, at Columbia, S.C., in a hearing room to be later designated.

MC-C-7566, W. T. Mayfield Sons Trucking Co., Inc.—Investigation and revocation of certificates, now being assigned hearing May 16, 1972, at Atlanta, Ga., in a hearing room to be later designated.

MC-C-7715, Mangum Trucking Company, Inc.—Investigation and revocation of certificates, now being assigned hearing May 22, 1972, at Atlanta, Ga., in a hearing room to be later designated.

MC 106644 Sub 130, Superior Trucking Company, Inc., now being assigned hearing May 23, 1972, at Atlanta, Ga., in a hearing room to be later designated.

MC 135606, Inman Transport, Inc., now being assigned hearing May 15, 1972, at Atlanta, Ga., in a hearing room to be later designated.

MC 136136, Arnold J. Kellos, d.b.a. A. J. Kellos Construction Co., now being assigned hearing May 17, 1972, at Atlanta, Ga., in a hearing room to be later designated.

MC 65475 Sub 9, Jetco, Inc., now assigned May 22, 1972, at Washington, D.C., is canceled and application dismissed.

MC 120526 Sub 2, Griggs Trucking Co., now being assigned hearing May 24, 1972, at Columbia, S.C., in a hearing room to be later designated.

MC 103435 Sub 216, United-Buckingham Freight Lines, Inc., now being assigned hearing June 15, 1972, at Billings, Mont., in a hearing room to be later designated.

MC 109533 Sub 44, Overnite Transportation, now being assigned hearing July 11, 1972, in the Ramada Inn, Broadway and Route 4, Lexington, Ky.

MC-C-7405, William E. Hesselgrave, d.b.a. Pudget Sound Tours, and George V. Hesselgrave, d.b.a. Bellingham-Ferndale Stages, investigation of operations, now assigned April 25, 1972; MC 135987 Sub 1, Carbol Trailways, Ltd., now assigned April 24, 1972, and MC 136189, George V. Hesselgrave, d.b.a. Hesselgrave Charter Service, now assigned April 25, 1972, and No. 35474, Pacific Paper Products, Inc.-V-Garrett Freightlines, Inc., et al., now assigned April 26, 1972, at Seattle, Wash., will be held in Room 4054, Federal Office Bldg., 909 1st Ave., Seattle, Wash.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5243 Filed 4-4-72;8:53 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 31, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 42393—*Paper and Paper Articles from Keltys, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-305), for interested rail carriers. Rates on paper and paper articles, in carloads, as described in the application, from Keltys, Tex., to points in southern and eastern territories; also returned shipments of newsprint paper winding cores in the reverse direction.

Grounds for relief—Market competition.

Tariffs—Supplements 61, 60, and 41 to Southwestern Freight Bureau, Agent, tariffs ICC 4781, 4657, and 4891, respectively.

Rates are published to become effective on May 7, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 72-5242 Filed 4-4-72;8:53 am]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 31, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Deviation No. 14), CONTINENTAL SOUTHERN LINES, INC., Post Office Box 8435, Jackson, MS 39204, filed March 21, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Jackson, Miss., over Interstate Highway 55 to junction Interstate Highway 10, thence over Interstate Highway 10 to New Orleans, La., (2) from Jackson, Miss., over Interstate Highway 55 to junction U.S. Highway 51 (about 8 miles south of Pontchatoula, La.), thence over U.S. Highway 51 to junction Interstate Highway 10 (near LaPlace, La.), thence over Interstate Highway 10 to New Orleans, La., and (3) from junction Interstate Highway 55 and U.S. Highway 190, over U.S. Highway 190 to junction access roads on the north end of the Lake Pontchartrain Causeway, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Mendenhall, Miss., over Mississippi Highway 13 to Columbia, Miss., thence over Mississippi Highway 24 to junction Mississippi Highway 35, thence over Mississippi Highway 35 via Jamestown and Sandy Hook, Miss., to the Mississippi-Louisiana State line, thence over Louisiana 21 to Bush, La., thence over Louisiana Highway 484 to Talisheek, La., thence over Louisiana Highway 58 to Pearl River, La., thence over U.S. Highway 11 to junction U.S. Highway 90, thence over U.S. Highway 90 to New Orleans, La., (2) from Gulfport, Miss., over U.S. Highway 49 to Jackson, Miss., thence over U.S. Highway 51 via Grenada, Miss., to Memphis, Tenn., and (3) from New Orleans, La., over access roads to Lake Pontchartrain Causeway, thence over Lake Pontchartrain Causeway to access roads on the north end thereof, thence over access roads to junction U.S. Highway 190 near Mandeville, La., thence over U.S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to a point about 2 miles from Bush, La., thence over unnumbered highway to Bush, La., and return over the same routes.

No. MC 29957 (Deviation No. 15), CONTINENTAL SOUTHERN LINES, INC., Post Office Box 8435, Jackson, Miss. 39204, filed March 21, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Memphis, Tenn., over Interstate Highway 55 to St. Louis, Mo., with the following access routes: (a) From junction Interstate Highway 55 and Business Route U.S. Highway 61, about 5 miles south of Cape Girardeau, Mo., over Business Route U.S. Highway 61 to Cape Girardeau, Mo., (b) from junction Interstate Highway 55 and Business Route U.S. Highway 61, about 6 miles north of Cape Girardeau, Mo., over Business Route U.S. Highway 61 to Cape Girardeau, Mo., and (c) from junction Interstate Highways 55 and 57, near Sikeston, Mo., over Interstate Highway 57 to Cairo, Ill., and (2) from Memphis, Tenn., over Interstate Highway 55 to junction U.S. Highway 61 (near Holland, Mo.), thence over U.S. Highway 61 to junction Interstate Highway 55 (near Hayte, Mo.), thence over Interstate Highway 55 to junction U.S. Highway 61 (near Jackson, Mo.), thence over U.S. Highway 61 to junction Interstate Highway 55 (near Brewer, Mo.), thence over Interstate Highway 55 to St. Louis, Mo., with the following access routes:

(a) From junction Interstate Highway 55 and Business Route U.S. Highway 61, about 5 miles south of Cape Girardeau, Mo., over Business Route U.S. Highway 61 to Cape Girardeau, Mo., (b) from junction Interstate Highway 55 and Business Route U.S. Highway 61, about 6 miles north of Cape Girardeau, Mo., over Business Route U.S. Highway 61 to Cape Girardeau, Mo., and (c) from junction Interstate Highway 55 and Interstate Highway 57, over Interstate Highway 57 to junction U.S. Highway 60, thence over U.S. Highway 60 to Cairo, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Memphis, Tenn., over U.S. Highway 64 to junction Tennessee Highway 100, thence over Tennessee Highway 100 to junction Tennessee Highway 18, thence over Tennessee Highway 18 to junction U.S. Highway 45, thence over U.S. Highway 45 to Jackson, Tenn., thence over U.S. Highway 45 to junction U.S. Highway 45E, thence over U.S. Highway 45E to junction U.S. Highway 51, thence over U.S. Highway 51 to Cairo, Ill., thence over Illinois Highway 3 to East St. Louis, Ill., thence over Eads Bridge to St. Louis, Mo., (also from Cape Girardeau, Mo., over Missouri Highway 74 to and across the Mississippi River to Illinois Highway 146), thence over Illinois Highway 146 to junction Illinois Highway 3, and (2) from Red Bud, Ill., over Illinois Highway 159 to Belleville, Ill., thence over U.S. Highway 460 to East St. Louis, Ill., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5239 Filed 4-4-72;8:52 am]

[Notice 25]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 31, 1972.

The following publications are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 47142 (Sub-No. 106) (Republication), filed March 12, 1970, published in the FEDERAL REGISTER issues of April 9, 1970, and December 15, 1971, and republished this issue. Applicant: C. I. WHITTEN TRANSFER CO., a corporation, 4417 Earl Court, Huntington, WV 25705. Applicant's representative: Joseph G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. An order of the Commission, Division 1, acting as an Appellate Division, dated February 25, 1972, and served March 8, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) commodities bearing a security classification by the U.S. Government, and (2) weapons, ammunition, and drugs which are designated sensitive by the U.S. Government between points in Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted against the transportation of shipments weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day. Restriction: The authority granted herein above shall be limited in point of time, to a period expiring 5 years from date of issue of the certificate herein. Because it is possible that other parties, who have relied upon the notice of the grants of authority as published, may have an interest in and would be prejudiced by the lack of proper notice of the authorities granted herein, a notice of the authorities granted herein will be published in the FEDERAL REGISTER and issuance of certificate in these proceedings will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in these proceedings setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 109397 (Sub-No. 177) (Republication), filed September 2, 1969, published in the FEDERAL REGISTER issue of October 2, 1969, and November 10, 1971, and republished this issue. Applicant: TRI-STATE TRANSIT CO., a Corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representatives: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112, and Frank Hand, 740 15th Street NW., Washington, DC 20005. An order of the Commission, Division 1, acting as an Appellate Division, dated February 25, 1972, and served March 8, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) commodities bearing a security classification by the U.S. Government, and (2) weapons, ammunition, and drugs which are designated sensitive by the U.S. Government, between points in the United States (except Alaska and Hawaii), restricted against the transportation of shipments weighing in the aggregate more than 5,000 pounds from one consignor to one consignee on any one day; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That the grant of authority herein, and applicant's existing authority that it duplicates shall be construed as conferring only a single operating right. The authority granted herein shall be limited in point of time, to a period expiring 5 years from the date of issuance of the certificate herein. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of

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the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file and appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124692 (Sub-No. 60) (Republication), filed March 20, 1969, published in the FEDERAL REGISTER issues of April 24, 1969, and June 19, 1969, and republished this issue. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. A report and order of the Commission, Division 1, acting as an Appellate Division, Decided March 2, 1972, and served March 14, 1972, finds, that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of iron and steel articles, from the plantsite of CF&I Steel Corp., at Pueblo, Colo., to points in Idaho, Montana, Oregon, and Washington, restricted against the transportation of oilfield commodities as defined in Mercer Extension-Oil Field Commodities, 74 MCC 459 (1946); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be granted subject to the condition that said findings shall be subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted, and conditioned upon the filing by applicant with this Commission, pursuant to section 217 of the Interstate Commerce Act, of appropriate new and revised tariffs in compliance with the requirements established in Restrictions on Service by Motor Common Carriers, 111 MCC 151 (1970), as described above: The report and order further finds that the certificate authorizing the above operations should be conditioned also upon applicant's acceptance of and compliance with the following conditions:

(1) That the authority granted herein shall be limited in point of time to a period expiring 3 years from the date of the certificate; that at the close of each full year for a period of 3 years after the date of the issuance of the certificate herein, applicant shall file with the Commission's Bureau of Economics a "Performance Report" shall, among other things, identify and describe with respect to origin, volume, and destination (a) the truckload, and (b) the less-than-truckload traffic transported by it under the authority granted herein. (2) That within 3 months prior to the expiration of the 3-year term, applicant, if it so desires, shall file with the Commission (with copies to be served upon the protestants in this proceeding), a petition for permanent extension of the certificate issued herein, accompanied by a brief but detailed summary of the material contained in the two prior "Performance Reports" as well as other matter considered pertinent by applicant with respect to whether the authority granted should at that time be extended permanently. (3) That jurisdiction will be retained in order that the Commission may delete, modify, or impose such further terms, conditions, and limitations as the Commission in the future may find necessary to insure that applicant's operations comport with its obligation to serve the general public within the limits of its facilities, at its published rates, without discrimination. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 125403 (Sub-No. 6) (Republication), filed April 13, 1970, published in the FEDERAL REGISTER, issues of May 14, 1970, and May 28, 1970, and June 25, 1970, and republished this issue. Applicant: S. T. L. TRANSPORT, INC., 1000 Jeferson Road, Post Office Box 9796, Rochester, NY 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. A report and order of the Commission, Division 1, decided March 1, 1972, and served March 14, 1972, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, over irregular routes, of canned foodstuffs from Phelps, Shortsville, and Gorham, N.Y., and the plantsites and storage facilities of Comstock-Greenwood Foods, Inc., a division of Borden, Inc., at Rushville and Waterloo, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; restricted to the transportation of traffic originating at the named origin points and destined to points in the named destination States; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that a certificate authorizing such operation should be granted subject to the condition below, and subject to the further condition that the certificate shall be limited, in point of time, to a period expiring 3 years from its date of issue. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC FF-52 (Notice of Filing of Petition for Modification of Permit), filed March 20, 1972. Petitioner: WESTRANSCO FREIGHT COMPANY, a corporation, 501 South Anderson Street, Los Angeles, CA 90033. Petitioner's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Petitioner holds authority in FF-52, the part here pertinent, to operate, in interstate commerce, as a freight forwarder of commodities generally, "• • • (2) from all points in the United States east of and including Minnesota, Iowa, Missouri, Arkansas, and Louisiana to points in all States west thereof, other than North Dakota and Texas, and to points in Louisiana and Florida, not including, however, any traffic destined to points in the Province of British Columbia and on Vancouver Island, Canada; • • •" By the instant petition, petitioner requests the Commission to modify its Sixth Amended Permit and Order so as to delete from numbered (2) of the operating authority set forth therein the following restriction: "• • • (2) • • • not including, however, any traffic destined to points in the Province of British Columbia and on Vancouver Island, Canada; • • •" Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 4781 (Notice of Filing of Petition for Reopening for Further Hearing), filed February 14, 1972. Petitioner: DON PAFFILE, doing business as, PAFFILE TRUCK LINES, Lewiston, Idaho. Petitioner's representative: Donald P. Paffile, Lewiston, Idaho. Petitioner holds authority in certificate No. MC-117304 (Sub-No. 8) issued July 30, 1963, authorizing, as pertinent, the transportation (A) of machinery, mining equipment, mining supplies, mine ores except coal, and building materials, between points in Montana on and east of a line beginning at Monida Pass, Mont., and extending northerly to the boundary of the United States and Canada, near Babb, Mont., on the one hand, and, on the other, points in Montana, Idaho, Oregon, and Washington, restricted to the transportation of the above-specified commodities where either the origin or destination or both is a mine or mining camp; and (B) of heavy machinery, mining equipment, supplies and mine ores not including coal, between points in Idaho, Washington, Oregon, and that part of Montana west of a line extending in a northerly direction from Monida Pass, Mont., to the boundary of the United States and Canada near Babb, Mont. Petitioner acquired this authority by purchase from Ernest George Smith in No. MC-FC-65489, by order entered April 30, 1963. The authority included in part (B) above was originally contained in certificate No. MC-4781, issued February 27, 1972, and the authority included in part (A) above was originally contained in certificate No. MC-4781 (Sub-No. 1), issued January 27, 1940. Both certificates were intended to reflect operations performed by the original owner prior to 1935.

Petitioner indicates that while the authority in part (A) is confined to mining supplies, part (B) is not so confined, and that the authority to transport "supplies" in part (B) authorizes the transportation of supplies of a general nature. Petitioner states that the original owner of the certificates indicated that he had been transporting groceries, hardware, and general supplies under part (B), and, upon purchasing such rights, petitioner continued this practice. Petitioner's operations were questioned by the Commission in No. MC-C-4706 and No. MC-C-4706 (Sub-No. 1), and by order served February 25, 1969, in No. MC-C-4706 (Sub-No. 1) Division 1 found that the term "supplies" as contained in part (B) above, is limited by the modifier "mining," and that accordingly petitioner could not transport under its authority anything other than supplies intended to be used in furtherance of a mining endeavor. By this petition, petitioner seeks to reopen the proceeding in No. MC-4781 for an interpretation as to actual meaning of the authority in part (B) above at the time such authority was originally issued. Petitioner contends that its authority should be amended to reflect such operations. Any interested person desiring to participate and to be heard in the matter may file an original and six copies of his written representations, views, or arguments in support of or against the petition, within 30 days of this publication in the FEDERAL REGISTER.

No. MC 30226 (Sub-No. 5 and Sub-No. 8) (Notice of Filing of Petition To Add a Shipper), filed March 23, 1972. Petitioner: HOWELL TRUCKING COMPANY, INC., Jersey City, N.J. Petitioner's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Petitioner holds Permit MC 30226 Sub 5, issued March 16, 1961, which authorizes the following transportation, over irregular routes: *Frozen foods and foods, other than frozen,* in vehicles equipped with mechanical refrigeration, from New York, N.Y., and Jersey City, N.J., to points in New Jersey, Fairfield County, Conn., and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Ulster, and Westchester Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Restriction: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted against transporting the above-specified commodities in bulk, in tank or hopper-type vehicles. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: The Great Atlantic and Pacific Tea Co., Inc., of New York, N.Y., Gristede Bros., Inc., of New York, N.Y. Petitioner also holds Permit No. MC 30226 (Sub-No. 8) dated June 24, 1966, which authorizes the following transportation, over irregular routes: *Returned shipments of foods,* in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank and hopper-type vehicles). From points in New Jersey, Fairfield County, Conn., and Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Ulster, and Westchester Counties, N.Y., to New York, N.Y., and Jersey City, N.J., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: The Great Atlantic and Pacific Tea Co., Inc., of New York, N.Y., Gristede Bros., Inc., of New York, N.Y. Under said two (2) permits, petitioner is authorized to serve 2 named shippers: The Great Atlantic and Pacific Tea Co., Inc., and Gristede Bros., Inc. By this petition, petitioner seeks to add the name of Anderson Clayton & Co. of Dallas, Tex., as an additional contracting shipper for whom service may be performed under the above number permits. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 38478 (Notice of Filing of Petition To Correct and Clarify Certificate), filed March 6, 1972. Petitioner: FRANK RUMSEY AND BERNARD RUMSEY, a partnership, doing business as RUMSEY TRANSFER COMPANY, Wheatland, Wyo. Petitioner's representative: Robert S. Stauffer, 3539 Boston, Cheyenne, WY 82001. Petitioner holds a certificate in MC 38478 issued to them on May 22, 1961, pursuant to MC-FC 63402, authorizing the transportation of general commodities, with the usual exceptions, among other things, from Denver, Colo., to Chugwater, Wyo., over specified regular routes, serving specified intermediate and off-route points. Petition sets forth that the original certificate issued to their predecessor read: "Between Denver, Colo., and Chugwater, Wyo." By the instant petition, petitioners seek to correct and clarify said certificate. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 85255 (Sub-No. 31), Notice of Filing of Petition for Removal of Plantsite Restriction), filed March 9, 1972. Petitioner: PUGET SOUND TRUCK LINES, INC., Pier 62, Seattle, WA 98101. Petitioner's representative: Clyde H. MacIver (same address as above). Petitioner holds authority in No. MC 85255 (Sub-No. 31) as follows: Irregular routes: *Metal cans, combination metal and fiberboard cans, and can parts,* from the plantsites and storage facilities of the Continental Can Co., Inc., and the American Can Co. at Portland, Oreg., to points in that part of Washington in and west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, with no transportation for compensation on return except as otherwise authorized. From the plantsites and storage facilities of the Continental Can Co., Inc., and the American Can Co. in that part of Washington in and west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties, to Portland, Oreg., with no transportation for compensation on return except as otherwise authorized. From the plantsites and storage facilities of the Continental Can Co. and the American Can Co. at Seattle, Wash., to Astoria, Oreg., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner requests that the Commission (1) determine that the plantsite restriction imposed is serving no useful purpose and (2) modify the territorial description therein to read as follows: "Between Portland, Oreg., and points in Washington in and west of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties; and from Seattle, Wash., to Astoria, Oreg." Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115846 (Sub-No. 2) (Notice of Filing of Petition To Amend Permit by Adding Two Points), filed February 28, 1972. Petitioner: CRIST TRUCKING, INC., 511 Union Avenue, Mt. Vernon, NY 12550. Petitioner's representatives: Martin Werner and Norman Weiss, 2 West 45th Street, New York, NY 10036. Petitioner holds a permit in No. MC 115846 (Sub-No. 2), authorizing it to perform the following transportation, under contract with Coca Cola Bottling Co., of New York, Inc., of New York, N.Y.: *Carbonated beverages,* in containers, and *empty containers, advertising material, supplies and equipment* used in the manufacture and distribution of carbonated beverages, between New York, Newburgh, Monticello, Poughkeepsie, Westhampton, Jericho, and Tuckahoe, N.Y., Bridgeport and Stamford, Conn., and Jersey City, Trenton, Paterson, Bridgewater Township (Somerset County), Asbury Park, and the sites of the plants of the Coca Cola Bottling Co., of New York, Inc., at Newark, N.J. By the instant petition, petitioner requests the Commission to amend its permit so as to add Elmsford, N.Y., and New Haven, Conn., to the list of points in New York, New Jersey, and Connecticut which petitioner may serve for its one customer. Any interested per-

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son desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128320 and No. MC 128320 (Sub-No. 4), (Notice of Filing of Petition To Modify Permits by Adding a Contracting Shipper), filed March 13, 1972. Petitioner: ART QUIRING, Coin, Iowa. Petitioner's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Petitioner holds authority in MC 128320, to conduct operations as a motor contract carrier, over irregular routes, transporting: Foodstuffs, and exempt agricultural commodities, as defined in section 203(b)(6) of the Interstate Commerce Act, in mixed loads with foodstuffs, from points in Washington, Oregon, California, and Idaho, to points in Iowa, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Hoxie Institutional Wholesale Co. of Des Moines, Iowa. In *MC–129320 (Sub-No. 4)*, over irregular routes, transporting: Paper tissue, paper napkins, paper towels, wax paper, paper bags, and wrapping paper, from the storage facilities of Crown Zellerbach Paper Co., at or near Portland, Oreg., to points in Iowa, under a continuing contract, or contracts, with Hoxie Institutional Wholesale Co., of Waterloo, Iowa. By the instant petition, petitioner, seeks to add Hawkeye Wholesale Grocery Co., Inc., Iowa City, Iowa, as an additional contract shipper on the two specified permits. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11252. (Correction of amendment) (IML FREIGHT, INC.—PURCHASE (PORTION)—MICHIGAN EXPRESS, INC.), published in the March 15, 1972, issue of the FEDERAL REGISTER on page 5419. By petition filed March 2, 1972, request is made for leave to amend prior application to include additional operating rights to be purchased, (1) between Detroit, and Mount Clemens, Mich., serving all intermediate points, and (2) between Benton Harbor and Detroit, Mich., over Interstate Highway 94 (formerly U.S. Highway 12) serving no intermediate points, serving off-route points along U.S. Highway 31 from junction Interstate Highway 94 to Michigan Highway 89 over U.S. Highway 31, thence over Michigan Highway 89 to Fennville, Mich., thence in a southerly direction over county roads through Grand Junction, Bangor and Hartford, Mich., to junction Interstate 94; also serving Lansing, Mich., over U.S. Highway 127 from junction Interstate Highway 94; also serving Flint, Mich. over U.S. Highway 23 from junction Interstate Highway 94.

No. MC–F–11498. Authority sought for control and merger by COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174, of the operating rights and property of HUGHES TRUCK-A-WAY, INC., 1331 "B" Street, Hayward, CA 94543, and for acquisition by AMERICAN COMMERCIAL LINES, INC., 2919 Allen Parkway, Houston, TX 77019, and in turn by TEXAS GAS TRANSMISSION CORPORATION, 3800 Frederica Street, Owensboro, KY 42301, of control of such rights and property through the transaction. Applicants' attorneys and representatives: Bertram S. Silver, 140 Montgomery Street, San Francisco, CA 94104, Jack C. Goodman, 39 South La Salle Street, Chicago, IL 60603, Craig McAtee, 601 California Street, San Francisco, CA 94108, Charles R. Herrick, 10701 Middlebelt Road, Romulus, MI 48174, Richard C. Young, Post Office Box 1160, Owensboro, KY 42301, and Robert O. Koch, 3800 Frederica Street, Owensboro, KY 42301. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC–96780 Sub–1, covering the transportation of commodities, as a common carrier, in interstate commerce, within the State of California. COMMERCIAL CARRIERS, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–43038 Sub–450, is a matter directly related.

No. MC–F–11499. Authority sought for control and merger by YELLOW FREIGHT SYSTEM, INC., 92d Street, at State Line Road, Kansas City, Mo. 64114, of the operating rights and property of MIDSOUTH TRANSPORTS, INC., 1046 Arkansas, Memphis, TN 38102, and for acquisition by GEORGE E. POWELL, 801 W. 64th Terrace, Kansas City, MO 64113, and GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, MO 64113, of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, and A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Operating rights sought to be controlled and merged: Under certificates of registration in Dockets Nos. MC–99467 (Sub–No. 1) and MC–99467 (Sub–No. 4), covering the transportation of property and general commodities, as a common carrier, in interstate commerce, within the State of Tennessee. YELLOW FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, Ohio, Minnesota, Iowa, Nebraska, Colorado, Tennessee, Georgia, Arizona, California, New Mexico, South Carolina, Wyoming, Utah, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, New Jersey, Nevada, Louisiana, Delaware, New York, Massachusetts, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC–112713 (Sub–No. 141) is a matter directly related.

No. MC–F–11500. Authority sought for merger into NORMAN TRANSPORTATION LINES, INC., 6201 Lee Road, Maple Heights (Cleveland), OH 44137, of the operating rights and property of THE KEYSTONE TRANSPORTATION COMPANY, also of Maple Heights (Cleveland), Ohio 44137, and for acquisition by NORMAN JOSEPH, AMELIA M. MORAN, BEDIE N. JOSEPH, all of 435 Delaware Avenue, Buffalo, NY 14202, and MORTIMER A. SULLIVAN, 530 Walbridge Building, 43 Court Street, Buffalo, NY 14202, of control of such rights and property through the transaction. Applicants' representative: John H. Baker, 435 Delaware Avenue, Buffalo, NY 14202. Operating rights sought to be merged: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between points and places in a defined area in Pennsylvania and Ohio, between points and places in the above-specified territory, on the one hand, and, on the other, Akron and Cleveland, Ohio, and Pittsburgh, Pa. NORMAN TRANSPORTATION LINES, INC., is authorized to operate as a *contract carrier* in New York, Ohio, and Pennsylvania. Application has been filed for temporary authority under section 210a(b). NOTE: Pursuant to order dated November 23, 1945 in MC–F–2823 transferee acquired control of transferor.

No. MC–F–11501. Authority sought for purchase by AUBREY FREIGHT LINES, INC., 625 Grove Street, Elizabeth, NJ 07202, of the operating rights of WHITEHALL TRANSPORT, INC., 1200 Main Street, Post Office Box 387. Whitehall, WI 54773, and for acquisition by MURIEL D. MURRAY, 625 Grove Street, Elizabeth, NJ 07202, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Operating rights sought to be transferred: *Meat, meat products, and meat byproducts*, and etc., as a *contract carrier*, over irregular routes, from Whitehall and Eau Claire, Wis., and St. Paul and Minneapolis, Minn., to points in Kentucky, Pennsylvania, New York, New Jersey, Virginia, West Virginia, Maryland, Delaware, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, from Whitehall and Eau Claire, Wis., to points

in Minnesota, with restrictions, from Whitehall and Eau Claire, Wis., to points in Illinois, Indiana, Iowa, Michigan, Nebraska, and Ohio, from Milwaukee, Wis., to points in Maryland, Michigan, New Jersey, Ohio, Pennsylvania, and the District of Columbia, with restriction; groceries and dairy products (except in bulk), from certain specified points in Wisconsin, to points in New York, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Maine, and the District of Columbia; *animal feed, whey*, and *powdered milk and dried milk solids*, from ports and storage facilities in New Jersey, New York, N.Y., and Charleston, S.C., to points in Minnesota and Wisconsin, with restrictions. Vendee is authorized to operate as a *common carrier* in Illinois, Pennsylvania, Maryland, New Jersey, New York, Massachusetts, Connecticut, and the District of Columbia, and as a *contract carrier* in New York, New Jersey, Connecticut, Pennsylvania, Ohio, Illinois, Michigan, Utah, Wisconsin, Maryland, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11502. Authority sought for control by HOLMES FREIGHT LINES, INC., 7878 I Street, Omaha, NE 68127, of (1) BYERS TRANSPORTATION COMPANY, INC., and (2) COMMERCIAL FREIGHT LINES, INC., both of 4200 Gardner Avenue, Kansas City, MO 64120, and for acquisition by THOMAS FULKERSON, and K. SUSAN EDMUNDS, both of Omaha, Nebr. 68127, of control of BYERS TRANSPORTATION COMPANY, INC., and COMMERCIAL FREIGHT LINES, INC., through the acquisition by HOLMES FREIGHT LINES, INC. Applicants' attorneys: Donald L. Stern, 530 Univac Building, Omaha, NE 68106, and Richard K. Andrews, 1500 Commerce Bank Building, Kansas City, MO 64106. Operating rights sought to be controlled: (1) General commodities with usual exceptions, as a *common carrier* over regular routes, between Kansas City, Mo., and St. Joseph Mo., serving the intermediate and off-route points of Lansing, Leavenworth, and Atchinson, Kans., and points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, between Kansas City, Kans., and East St. Louis, Ill., serving intermediate and off-route points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, and points in the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission, without restriction and the off-route points of Belleville and Alton, Ill., restricted to truckload lots only, between Kansas City, Mo., and Lake City, Mo., serving intermediate and off-route points within 2 miles of Lake City, between junction U.S. Highway 40 and Missouri Highway 7, and Lake City, Mo., serving intermediate and off-route points within 2 miles of Lake City, between Wentzville, and St. Louis, Mo., serving the intermediate and off-route points of Wendon Springs, Mo., and points within 2 miles of Weldon Springs, between East St. Louis, Ill., and St. Joseph, Mo., between Maryville, Mo., and Omaha, Nebr., serving no intermediate points, between Sheridan and St. Joseph, Mo., serving all intermediate points between Maryville and Sheridan, Mo., including Maryville and serving the off-route points of Conception Junction, Clyde, Conception, Rosendale, and Rea, Mo.;

Lubricating oils, greases, gasoline, naphtha, furniture polish, rubber tires, insecticide liquid, batteries, wax, candies, empty drums, tanks, barrels, and signs, between Quincy, Ill., and Browning, Mo.; *used empty containers* for fresh meat and packinghouse products, from Booneville, Mo., to Kansas City, Kans.; *petroleum products*, in containers, *soap, cleaning compounds, fresh meat, and packinghouse products*, in truckload lots, over irregular routes; from Kansas City, Kans., to points in Missouri; *paint, varnish, and painters' supplies*, in truckload lots, from Kansas City, Mo., to certain specified points in Kansas; *paper and paper articles*, in truckload lots, from St. Joseph, Mo., to certain specified points in Kansas; *general commodities*, with usual exceptions, between points in Clay, Jackson, and Platte Counties, Mo., and Douglas, Johnson, Leavenworth, and Wyandotte Counties, Kans.; between points in that part of Nodaway, Gentry, and Worth Counties, Mo., on and east of U.S. Highway 71 and on west of U.S. Highway 169, on the one hand, and, on the other, Omaha, Nebr., Council Bluffs and Des Moines, Iowa, Kansas City, Kans., Kansas City, Mo., and those points in that part of Iowa on and south of U.S. Highway 34 and on and west of U.S. Highway 169, with restriction;

Meats, meat products, and meat byproducts and *articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities, in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Illinois, Iowa, Kansas, Missouri, and Nebraska, with restriction; and (2) *general commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Nebraska, Illinois, Missouri, Iowa, Kansas, Oklahoma, Indiana, Colorado, Wisconsin, Arkansas, and Minnesota, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–84511 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. HOLMES FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Iowa, Illinois, and Nebraska. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11503. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, MA 02748, of the operating rights and property of CHAPIN MOTOR FREIGHT, INC., West Main Street Road, Malone, N.Y. 12953, and for acquisition by GEORGE VIGEANT, also of South Dartmouth, Mass. 02748, of control of such rights and property through the purchase. Applicants' attorneys: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043, and Cornelius J. Carey, 19 West Main Street, Malone, NY 12953. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–98036 Sub 2, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in Massachusetts, Maine, New Hampshire, New York, New Jersey, Connecticut, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b). NOTE: MC–106051 Sub 46, is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72–5240 Filed 4–4–72;8:53 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 31, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Tennessee Docket No. MC 2668 (Sub-No. 5), filed March 8, 1972. Applicant: HOHENWALD TRUCK LINES, INC., Columbia Highway, Hohenwald, Tenn. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, Classes A and B ex-

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plosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Route 1: Between Linden, Tenn., and Memphis, Tenn., serving no intermediate points: From Linden over Tennessee Highway 20 to its junction with Law Road; thence over Law Road to its junction with Interstate Highway 40; thence over Interstate Highway 40 to Memphis and return over the same route. Route 2: Between Buffalo, Tenn., and Memphis, Tenn., serving no intermediate points: From Buffalo over Interstate Highway 40 to Memphis, and return over the same route. Applicant proposes to utilize the above sought authority in conjunction with all of its present authority and seeks corresponding interstate authority. Restriction: Restricted against the handling of any traffic moving between any point in Davidson County, Tenn., and Memphis, Tenn. Both instrastate and interstate authority sought.

HEARING: April 20, 1972 at 9:30 a.m., at the Commission's Court Room, C–1–110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

California Docket No. 53212, filed March 17, 1972. Applicant: ALCO TRANSPORTATION CO., 1603 Chapin Road, Montebello, CA 90640. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, CA 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (A) *general commodities,* except: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A. (2) Automobiles, trucks and buses, viz: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses and bus chassis. (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (8) Logs.

(B) Between: (1) All points and places in the Los Angeles Basin territory as described in Exhibit "A" hereto attached. (2) All points and places in the Los Angeles Basin territory, on the one hand, and, on the other hand, San Diego territory, as described in Exhibit "A", via Interstate 5, with service to all intermediate points and all points on and within 10 miles laterally of said highways between the Los Angeles Basin territory and the San Diego territory, inclusive. (3) All points and places in the Los Angeles Basin territory, on the one hand, and, on the other hand, the San Diego Territory via Interstate 15, with service to all intermediate points and all points on and within 10 miles laterally of said highway between Los Angeles Basin territory and the San Diego territory, inclusive. (4) All points and places in San Diego territory. (5) All points and places as set forth in subparagraph 3 above, on the one hand, and, on the other hand, points and places in the San Francisco territory, as described in Exhibit "B" hereto attached, via U.S. Highways 101, Interstate 5, 15, and 580, U.S. Highway 50, State Highways 1, 99, 120, and 280, with service to all intermediate points south of San Luis Obispo and Bakersfield, inclusive, and all points on and within 10 miles laterally of said highways south of San Luis Obispo and Bakersfield, inclusive. (6) All points and places in the Los Angeles Basin territory, on the one hand, and, on the other hand, Mojave, via Interstate 5 and State Highway 14, serving all intermediate points on and within 10 miles laterally of said highways between Mojave and said Los Angeles Basin territory, inclusive, and (7) all points and places in the Los Angeles Basin territory on the one hand, and, on the other hand, Barstow, via Interstate 15, serving all intermediate points on and within 10 miles laterally of said highways between Barstow and said Los Angeles Basin territory, inclusive.

Applicant proposes to establish through routes and joint rates between any and all points described in subparagraphs 2, 3, 5, 6, and 7, inclusive and between any and all points presently authorized to be served. Exhibit "A" *Description—Los Angeles Basin territory.* Los Angeles Basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60;

Southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. San Diego territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80;

Thence southeasterly to Jamul on State Highway No. 94; thence due south to the international boundary line, west to the Pacific Ocean and north along the coast to point of beginning. Exhibit "B" San Francisco territory includes all the city of San Jose and that area embraced by the following boundary. Beginning at the point of San Francisco-San Mateo boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero

Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101; to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue;

Northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5441 (Sub-No. 1) (Correction) filed February 22, 1972, published in the FEDERAL REGISTER issue of March 8, 1972, and republished in part as corrected this issue. Applicant: NASHVILLE-CLARKSVILLE EXPRESS, INC., Post Office Box 986, Clarksville, Tenn. 37040. Applicant's representative: Clarence Evans, 18th Floor, Third National Bank Building, Nashville, TN 37219. NOTE: The sole purpose of this partial republication is to add "all of the foregoing routes to be tacked with applicant's existing authority," which was erroneously omitted in the previous publication. The rest of the application remains as previously published.

Florida Docket No. 72138–CCT filed March 16, 1972. Applicant: GATOR FREIGHTWAYS, INC., 2175 Commonwealth Avenue, Jacksonville, FL 32209. Applicant's representative: J. E. Allen, Post Office Box 1086, Jacksonville, FL 32201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* between Jacksonville, Fla., over U.S. Highway 90 to Pensacola, serving as a motor common carrier the intermediate points of Madison and points within 10 miles thereof: Tallahassee and points within 25 miles thereof; Marianna and points within 10 miles thereof; and points within 25 miles of Pensacola. All points so described being limited to service wholly within the State of Florida. In addition to the authority above described, applicant seeks authority between Tallahassee and Pensacola, from Tallahassee over Florida State Highway 20 to the junction of Florida Highway 20 and U.S. Highway 231; thence over U.S. Highway 231 to Panama City; thence over U.S. Highway 98 to Pensacola, serving the intermediate points of Panama City and 25 miles thereof and Fort Walton Beach and 10 miles thereof. All points so designated being restricted to points within the State of Florida and authority is sought for the territory herein described for intrastate and interstate commerce.

HEARING: 9:30 a.m., Monday, May 1, 1972, at Florida Public Service Commission District Office, room 100, 2255 Phyllis Street, Jacksonville, FL. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, 700 South Adams Street, Tallahassee, FL 32304 and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5238 Filed 4–4–72;8:52 am]

[Notice 39]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73502. By order of March 24, 1972, the Motor Carrier Board approved the transfer to The Portsmouth Trucking Co., a corporation, Youngstown, Ohio 44501, of the operating rights in permit No. MC–124847, issued June 12, 1968, to William T. Kiser, Olive Hill, Ky. 41164, authorizing the transportation of limestone, from Olive Hill, and Carter City, Ky., and points within 10 miles of each, to points in specified counties in both Ohio and Kentucky; slag, from Ashland, Ky., to specified counties in Ohio and West Virginia; and sand and gravel, from Haverhill, Ohio, and points within 2 miles thereof, to points in Carter, Boyd, and Greenup Counties, Ky., Paul F. Beery and Boyd B. Ferris, 88 East Broad Street, Columbus, OH 43215, attorneys for applicants.

No. MC–FC–73538. By order of March 23, 1972, the Motor Carrier Board approved the transfer to Warren Transportation Co., a corporation, Hayward, Calif. 94543, of certificate of registration No. MC–121472 (Sub-No. 1) issued June 3, 1965, to E. Guy Warren, doing business as Warren Transportation Co., Hayward, Calif. 94543, evidencing a right to engage in the transportation in interstate commerce corresponding in scope to certificate of public convenience and necessity granted in Decisions Nos. 45417, 45792, 50499, 53170, and 57964, dated March 6, and June 5, 1971, August 31, 1954, May 28, 1958, and February 3, 1959, respectively, issued by the Public Utilities Commission of California. Marvin Handler, Handler, Baker & Greene, attorney for applicants, 405 Montgomery Street, San Francisco, CA 94104.

No. MC–FC–73552. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Henry's Transportation, Inc., 30 Village Street, Millis, MA 02054 of Certificate of Registration No. MC–58428 (Sub-No. 1) issued October 30, 1963, to Henry J. Lewandowski, doing business as Henry's Transportation, Millis, Mass. 02054, evidencing a right to engage in transportation in intrastate commerce as described in State Certificate No. 6162 issued July 6, 1944, by the Public Utilities Commission of Massachusetts.

No. MC–FC–73575. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Trans Eastern Vans, Inc., Brooklyn, N.Y., of the operating rights set forth in certificate No. MC–113021, issued November 25, 1960, to Nick's Moving & Storage Co., Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods as defined by the Commission, between New York, N.Y., and points in Nassau and Suffolk

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Counties, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts. Morris Honig, 150 Broadway, New York, NY 10038, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5241 Filed 4-4-72;8:53 am]

[Rev. S.O. 994; ICC Order 57, Amdt. 7]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 57 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees), and good cause appearing therefor:

It is ordered, That:

ICC Order No. 57 be, and it is hereby, amended by substiuting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 29, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-5245 Filed 4-4-72;8:53 am]

POOLE TRUCK LINE, INC.

Notice of Petition for Declaratory Order

MARCH 31, 1972.

No. MC-C-7739 (Notice of Filing of Petition for Issuance of a Declaratory Order), filed March 13, 1972. Petitioner: POOLE TRUCK LINE, INC., Evergreen, Ala. Petitioner's representative: Robert E. Tate, Post Office Drawer 500, Evergreen, AL 36401. Petitioner requests issuance of a declaratory order as to whether laminated wood flooring may be transported under certificates of public convenience and necessity authorizing the transportation of lumber. Petitioner submits that the question arises because of differences of opinion on the part of various motor carriers and certain personnel of the Interstate Commerce Commission concerning the scope of the commodity description "lumber." Petitioner has been transporting laminated flooring under its "lumber" authority from and to various points, and claims to have knowledge that its competitors have also been transporting laminated flooring under "lumber" authority either in competition with petitioner or from origins petitioner does not serve. Petitioner contends that laminated wood flooring, like plywood and residential flooring should be considered to be "lumber."

Any interested person desiring to participate and to be heard in this matter may file an original and six copies of his written representations, views, or arguments, in support of or against the petition, within 30 days of this publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5244 Filed 4-4-72;8:53 am]

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federal register

WEDNESDAY, APRIL 5, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 66

PART II

DEPARTMENT OF THE TREASURY

Monetary Offices

■

Financial Recordkeeping and Reporting of Currency and Foreign Transactions

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Title 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 102—INSTRUCTIONS RELATING TO REPORTS OF CURRENCY TRANSACTIONS

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

On June 10, 1971, a notice of proposed rule making to implement the provisions of titles I and II of Public Law 91-508 (84 Stat. 1114 et seq.), was published in the FEDERAL REGISTER (36 F.R. 11208 (1971)). In accordance with the notice, interested parties were afforded an opportunity to submit written comments.

After consideration of all such relevant matters as were presented by interested parties regarding the rules proposed, the regulations set forth below have been adopted.

[SEAL] SAMUEL R. PIERCE, Jr.,
General Counsel.

EUGENE T. ROSSIDES,
Assistant Secretary.

Part 102 is repealed effective July 1, 1972.

Part 103 is added to Title 31 CFR as follows:

Subpart A—Definitions

Sec.
103.11 Meaning of terms.

Subpart B—Reports Required To Be Made

103.21 Determination by the Secretary.
103.22 Reports of currency transactions.
103.23 Reports of transportation of currency or monetary instruments.
103.24 Reports of foreign financial accounts.
103.25 Filing of reports.
103.26 Identification required.

Subpart C—Records Required To Be Maintained

103.31 Determination by the Secretary.
103.32 Records to be made and retained by persons having financial interests in foreign financial accounts.
103.33 Records to be made and retained by financial institutions.
103.34 Additional records to be made and retained by banks.
103.35 Additional records to be made and retained by brokers and dealers in securities.
103.36 Nature of records and retention period.
103.37 Person outside the United States.

Subpart D—General Provisions

103.41 Dollars as including foreign currency.
103.42 Photographic or other reproductions of Government obligations.
103.43 Availability of information.
103.44 Disclosure.
103.45 Exceptions, exemptions, modifications, and reports.
103.46 Enforcement.
103.47 Civil penalty.
103.48 Forfeiture of currency or monetary instruments.
103.49 Criminal penalty.
103.50 Enforcement authority with respect to transportation of currency or monetary instruments.

AUTHORITY: The provisions of this Part 103 issued under sec. 21 of the Federal Deposit Insurance Act, 84 Stat. 1114, 12 U.S.C. 1829b; 84 Stat. 1116, 12 U.S.C. 1951-1959; and the Currency and Foreign Transactions Reporting Act, 84 Stat. 1118, 31 U.S.C. 1051-1122.

Subpart A—Definitions

§ 103.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section.

Bank. (a) Each agency, branch or office within the United States of any person doing business in one or more of the capacities listed below:

(1) A commercial bank or trust company organized under the laws of any State or of the United States;

(2) A private bank;

(3) A savings and loan association or a building and loan association organized under the laws of any State or of the United States;

(4) An insured institution as defined in section 401 of the National Housing Act;

(5) A savings bank, industrial bank or other thrift institution;

(6) A credit union organized under the laws of any State or of the United States; and

(7) Any other organization chartered under the banking laws of any State and subject to the supervision of the bank supervisory authorities of a State.

(b) Each agent, agency, branch or office within the United States of a foreign bank.

Broker or dealer in securities. A broker or dealer in securities, registered or required to be registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934.

Currency. The coin and currency of the United States or of any other country, which circulate in and are customarily used and accepted as money in the country in which issued. It includes U.S. silver certificates, U.S. notes and Federal Reserve notes, but does not include bank checks or other negotiable instruments not customarily accepted as money.

Domestic. When used herein, refers to the doing of business within the United States, and limits the applicability of the provision where it appears to the performance by such institutions or agencies of functions within the United States.

Financial institution. Each agency, branch or office within the United States of any person doing business in one or more of the capacities listed below:

(1) A bank;

(2) A broker or dealer in securities;

(3) A person who engages as a business in dealing in or exchanging currency as, for example, a dealer in foreign exchange or a person engaged primarily in the cashing of checks;

(4) A person who engages as a business in the issuing, selling or redeeming of travelers' checks, money orders, or similar instruments, except one who does so as a selling agent exclusively or as an incidental part of another business;

(5) An operator of a credit card system which issues, or authorizes the issuance of, credit cards that may be used for the acquisition of monetary instruments, goods, or services outside the United States.

(6) A licensed transmitter of funds, or other person engaged in the business of transmitting funds abroad for others.

Foreign bank. A bank organized under foreign law, or an agency, branch or office located outside the United States of a bank. The term does not include an agent, agency, branch or office within the United States of a bank organized under foreign law.

Investment security. An instrument which:

(1) Is issued in bearer or registered form;

(2) Is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment;

(3) Is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(4) Evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

Monetary instruments. Coin or currency of the United States or of any other country, travelers' checks, money orders, investment securities in bearer form or otherwise in such form that title thereto passes upon delivery, and negotiable instruments (except warehouse receipts or bills of lading) in bearer form or otherwise in such form that title thereto passes upon delivery. The term does not include bank checks made payable to the order of a named person which have not been endorsed or which bear restrictive endorsements.

Person. An individual, a corporation, a partnership, a trust or estate, a joint stock company, an association, a syndicate, joint venture, or other unincorporated organization or group, and all entities cognizable as legal personalities.

Secretary. The Secretary of the Treasury or any person duly authorized by the Secretary to perform the function mentioned.

Transaction in currency. A transaction involving the physical transfer of currency from one person to another. A transaction which is a transfer of funds by means of bank check, bank draft, wire transfer, or other written order, and which does not include the physical transfer of currency is not a transaction in currency within the meaning of this part.

United States. The various States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

Subpart B—Reports Required To Be Made

§ 103.21 Determination by the Secretary.

The Secretary hereby determines that the reports required by this subpart have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

§ 103.22 Reports of currency transactions.

(a) Each financial institution shall file a report of each deposit, withdrawal, exchange of currency or other payment or transfer, by, through, or to such financial institution, which involves a transaction in currency of more than $10,000.[1]

(b) Except as otherwise directed in writing by the Secretary, this section shall not (1) require reports of transactions with Federal Reserve Banks or Federal Home Loan Banks; (2) require reports of transactions solely with, or originated by, financial institutions or foreign banks; or (3) require a bank to report transactions with an established customer maintaining a deposit relationship with the bank, in amounts which the bank may reasonably conclude do not exceed amounts commensurate with the customary conduct of the business, industry or profession of the customer concerned. A report listing such customers who engage in transactions which are not reported because of the exemption contained in this paragraph shall be made to the Secretary upon demand therefor made by him.

§ 103.23 Reports of transportation of currency or monetary instruments.

(a) Each person who physically transports, mails, or ships, or causes to be physically transported, mailed or shipped, currency or other monetary instruments in an aggregate amount exceeding $5,000 on any one occasion from the United States to any place outside the United States, or into the United States from any place outside the United States, shall make a report thereof.[2] A person is deemed to have caused such transportation, mailing or shipping when he aids, abets, counsels, commands, procures or requests it to be done by a financial institution or any other person. A transfer of funds through normal banking procedures which does not involve the physical transportation of currency or monetary instruments is not required to be reported by this section.

(b) Each person who receives in the United States currency or other monetary instruments in an aggregate amount exceeding $5,000 on any one occasion which have been transported, mailed, or shipped to such person from any place outside the United States with respect to which a report has not been filed under paragraph (a) of this section, whether or not required to be filed thereunder, shall make a report thereof, stating the amount, the date of receipt, the form of monetary instruments, and the person from whom received.

(c) This section shall not require reports by (1) a Federal Reserve bank, (2) a bank, a foreign bank, or a broker or dealer in securities, in respect to currency or other monetary instruments mailed or shipped through the postal service or by common carrier, (3) a person who is not a citizen or resident of the United States in respect to currency or other monetary instruments mailed or shipped from abroad to a bank or broker or dealer in securities through the postal service or by common carrier, (4) a common carrier of passengers in respect to currency or other monetary instruments in the possession of its passengers, (5) a common carrier of goods in respect to shipments of currency or monetary instruments not declared to be such by the shipper, (6) a travelers' check issuer or its agent in respect to the transportation of travelers' checks prior to their delivery to selling agents for eventual sale to the public, nor by (7) a person engaged as a business in the transportation of currency, monetary instruments and other commercial papers with respect to the transportation of currency or other monetary instruments overland between established offices of banks or brokers or dealers in securities and foreign banks.

(d) This section does not require that more than one report be filed covering a particular transportation, mailing or shipping of currency or other monetary instruments with respect to which a complete and truthful report has been filed by a person. However, no person required by paragraph (a) or (b) of this section to file a report shall be excused from liability for failure to do so if, in fact, a complete and truthful report has not been filed.

§ 103.24 Reports of foreign financial accounts.

Each person subject to the jurisdiction of the United States (except a foreign subsidiary of a U.S. person) having a financial interest in, or signature or other authority over, a bank, securities or other financial account in a foreign country shall report such relationship as required on his Federal income tax return for each year in which such relationship exists, and shall provide such information concerning each such account as shall be specified in a special tax form to be filed by such persons.

§ 103.25 Filing of reports.

(a) Reports required to be filed by the first paragraph of § 103.22 shall be filed on or before the 45th day following that on which the reported transactions occur. They shall be filed with the Commissioner of Internal Revenue on forms to be prescribed by him, with the approval of the Secretary. All information called for in such forms shall be furnished.

(b) Reports required to be filed by § 103.23(a) shall be filed at the time of entry into the United States or at the time of departure, mailing or shipping from the United States, unless otherwise directed or permitted by the Commissioner of Customs. They shall be filed with the Customs officer in charge at any Customs port of entry or departure, or as otherwise permitted or directed by the Commissioner of Customs. If the currency or other monetary instruments with respect to which a report is required do not accompany a person entering or departing from the United States, such reports may be filed by mail on or before the date of entry, departure, mailing or shipping, with the Commissioner of Customs, Attention: Currency Transportation Reports, Washington, D.C. 20226. They shall be on forms to be prescribed by the Secretary and all information called for in such forms shall be furnished.

(c) Reports required to be filed by § 103.23(b) shall be filed with the Commissioner of Customs within 30 days after receipt of the currency or other monetary instruments. They may be filed with the Customs officer in charge at any port of entry or departure, or by mail addressed to the Commissioner of Customs, Attention: Currency Transportation Reports, Washington, D.C. 20226. They shall be on forms to be prescribed by the Secretary and all information called for in such forms shall be furnished.

(d) Forms to be used in making the reports required by §§ 103.22 and 103.23 may be obtained from any Internal Revenue office; in addition, forms to be used in making the reports required by § 103.23 may be obtained from any office of the Bureau of Customs.

§ 103.26 Identification required.

Before effecting any transaction with respect to which a report is required under the first paragraph of § 103.22, a financial institution shall verify and record the identity, and record the account number on its books or the social security or taxpayer identification number, if any, of a person with whom or for whose account such transaction is to be effected. Verification of identity for a customer of the financial institution depositing or withdrawing funds may be by reference to his account or other number on the books of the institution. Verification of identity in any other case may be by examination, for example, of a driver's license, passport, alien identification card, or other appropriate document normally acceptable as a means of identification.

Subpart C—Records Required To Be Maintained

§ 103.31 Determination by the Secretary.

The Secretary hereby determines that the records required to be kept by this subpart have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

[1] Forms filed as part of the original document.

[2] Forms filed as part of the original document.

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§ 103.32 Records to be made and retained by persons having financial interests in foreign financial accounts.

Records of accounts required by § 103.24 to be reported on a Federal income tax return shall be retained by each person having a financial interest in any such account. Such records shall contain the name in which each such account is maintained, the number or other designation of such account, the name and address of the foreign bank or other person with whom such account is maintained, the type of such account, and the maximum value of each such account during the reporting period. Such records shall be retained for a period of 5 years and shall be kept at all times available for inspection as authorized by law. In the computation of the period of 5 years, there shall be disregarded any period beginning with a date on which the taxpayer is indicted or information instituted on account of the filing of a false or fraudulent Federal income tax return or failing to file a Federal income tax return, and ending with the date on which final disposition is made of the criminal proceeding.

§ 103.33 Records to be made and retained by financial institutions.

Each financial institution shall retain either the original or a microfilm or other copy or reproduction of each of the following:

(a) A record of each extension of credit in an amount in excess of $5,000, except an extension of credit secured by an interest in real property, which record shall contain the name and address of the person to whom the extension of credit is made, the amount thereof, the nature or purpose thereof, and the date thereof;

(b) A record of each advice, request, or instruction received regarding a transaction which results in the transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account, or place outside the United States;

(c) A record of each advice, request, or instruction given to another financial institution or other person located within or without the United States, regarding a transaction intended to result in the transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account or place outside the United States;

§ 103.34 Additional records to be made and retained by banks.

(a) With respect to each deposit or share account opened with a bank after June 30, 1972, by a person residing or doing business in the United States or a citizen of the United States, such bank shall secure and maintain a record of the taxpayer identification number of the person maintaining the account; or in the case of an account of one or more individuals, such bank shall secure and maintain a record of the social security number of an individual having a financial interest in that account.

(b) Each bank shall, in addition, retain either the original or a microfilm or other copy or reproduction of each of the following:

(1) Each document granting signature authority over each deposit or share account;

(2) Each statement, ledger card or other record on each deposit or share account, showing each transaction in, or with respect to, that account;

(3) Each check, clean draft, or money order drawn on the bank or issued and payable by it, except those drawn on accounts which can be expected to have drawn on them an average of at least 100 checks per month over the calendar year or on each occasion on which such checks are issued, and which are (i) dividend checks, (ii) payroll checks, (iii) employee benefit checks, (iv) insurance claim checks, (v) medical benefit checks, (vi) checks drawn on governmental agency accounts, (vii) checks drawn by brokers or dealers in securities, (viii) checks drawn on fiduciary accounts, (ix) checks drawn on other financial institutions, or (x) pension or annuity checks;

(4) Each item other than bank charges or periodic charges made pursuant to agreement with the customer, comprising a debit to a customer's deposit or share account, not required to be kept, and not specifically exempted, under subparagraph (3) of this paragraph;

(5) Each item, including checks, drafts, or transfers of credit, of more than $10,000 remitted or transferred to a person, account or place outside the United States;

(6) A record of each remittance or transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit, of more than $10,000 to a person, account or place outside the United States;

(7) Each check or draft in an amount in excess of $10,000 drawn on or issued by a foreign bank, purchased, received for credit or collection, or otherwise acquired by the bank;

(8) Each item, including checks, drafts or transfers of credit, of more than $10,000 received directly and not through a domestic financial institution, by letter, cable or any other means, from a person, account or place outside the United States;

(9) A record of each receipt of currency, other monetary instruments, checks, or investment securities, and of each transfer of funds or credit, of more than $10,000 received on any one occasion directly and not through a domestic financial institution, from a person, account or place outside the United States; and

(10) Records prepared or received by a bank in the ordinary course of business, which would be needed to reconstruct a demand deposit account and to trace a check deposited in such account through its domestic processing system or to supply a description of a deposited check. This subparagraph shall be applicable only with respect to demand deposits.

§ 103.35 Additional records to be made and retained by brokers and dealers in securities.

(a) With respect to each brokerage account opened with a broker or dealer in securities after June 30, 1972, by a person residing or doing business in the United States or a citizen of the United States, such broker or dealer shall secure and maintain a record of the taxpayer identification number of the person maintaining the account; or in the case of an account of one or more individuals, such broker or dealer shall secure and maintain a record of the social security number of an individual having a financial interest in that account.

(b) Every broker or dealer in securities shall, in addition, retain either the original or a microfilm or other copy or reproduction of each of the following:

(1) Each document granting signature or trading authority over each customer's account;

(2) Each record described in § 240.-17a–3(a) (1), (2), (3), (5), (6), (7), (8), and (9) of Title 17, Code of Federal Regulations;

(3) A record of each remittance or transfer of funds, or of currency, checks, other monetary instruments, investment securities, or credit, of more than $10,000 to a person, account or place outside the United States;

(4) A record of each receipt of currency, other monetary instruments, checks, or investment securities and of each transfer of funds or credit, of more than $10,000 received on any one occasion directly and not through a domestic financial institution, from any person, account or place outside the United States.

§ 103.36 Nature of records and retention period.

(a) Wherever it is required that there be retained either the original of a microfilm or other copy or reproduction of a check, draft, monetary instrument, investment security, or other similar instrument, there shall be retained a copy of both front and back of each such instrument or document, except that no copy need be retained of the back of any instrument or document which is entirely blank or which contains only standardized printed information, a copy of which is on file.

(b) Records required by this subpart to be retained by financial institutions may be those made in the ordinary course of business by a financial institution. If no record is made in the ordinary course of business of any transaction with respect to which records are required to be retained by this subpart, then such a record shall be prepared in writing by the financial institution.

(c) Records which are required by § 103.34(b)(10) to be retained by banks shall be retained for a period of 2 years. All other records which are required by this subpart to be retained by financial institutions shall be retained for a period of 5 years. All such records shall be filed or stored in such a way as to be accessible within a reasonable period of time, taking into consideration the nature of the record, and the amount of time expired since the record was made.

§ 103.37 Person outside the United States.

For the purposes of this subpart, a remittance or transfer of funds, or of currency, other monetary instruments, checks, investment securities, or credit to the domestic account of a person whose address is known by the person making the remittance or transfer, to be outside the United States, shall be deemed to be a remittance or transfer to a person outside the United States, except that, unless otherwise directed by the Secretary, this section shall not apply to a transaction on the books of a domestic financial institution involving the account of a customer of such institution whose address is within approximately 50 miles of the location of the institution, or who is known to be temporarily outside the United States.

Subpart D—General Provisions

§ 103.41 Dollars as including foreign currency.

Wherever in this part an amount is stated in dollars, it shall be deemed to mean also the equivalent amount in any foreign currency.

§ 103.42 Photographic or other reproductions of Government obligations.

Nothing herein contained shall require or authorize the microfilming or other reproduction of

(a) Currency or other obligation or security of the United States as defined in 18 U.S.C. 8, or

(b) Any obligation or other security of any foreign government,

the reproduction of which is prohibited by law.

§ 103.43 Availability of information.

The Secretary may make any information set forth in any reports received pursuant to this part available to any other department or agency of the United States upon the request of the head of such department or agency, made in writing and stating the particular information desired, the criminal, tax, or regulatory investigation or proceeding in connection with which the information is sought, and the official need therefor.

§ 103.44 Disclosure.

All reports required under this part and all records of such reports are specifically exempted from disclosure under section 552 of title 5, United States Code.

§ 103.45 Exceptions, exemptions, modifications, and reports.

(a) The Secretary, in his sole discretion, may by written order or authorization make exceptions to, grant exemptions from, impose additional record-keeping or reporting requirements authorized by statute, or otherwise modify, the requirements of this part. Such exceptions, exemptions, requirements or modifications may be conditional or unconditional, may apply to particular persons or to classes of persons, and may apply to particular transactions or classes of transactions. They shall, however, be applicable only as expressly stated in the order or authorization, and they shall be revocable in the sole discretion of the Secretary.

(b) The Secretary shall have authority to further define all terms used herein.

§ 103.46 Enforcement.

(a) Responsibility for assuring compliance with the requirements of this part is delegated as follows:

(1) To the Comptroller of the Currency, with respect to national banks and banks in the District of Columbia;

(2) To the Board of Governors of the Federal Reserve System, with respect to State bank members of the Federal Reserve System;

(3) To the Federal Home Loan Bank Board, with respect to insured building and loan associations, insured savings and loan associations, and insured institutions as defined in section 401 of the National Housing Act;

(4) To the Administrator of the National Credit Union Administration, with respect to Federal credit unions;

(5) To the Federal Deposit Insurance Corporation, with respect to all other banks except agents of foreign banks which agents are not supervised by State or Federal bank supervisory authorities;

(6) To the Securities and Exchange Commission, with respect to brokers and dealers in securities;

(7) To the Commissioner of Customs with respect to §§ 103.23 and 103.48;

(8) To the Commissioner of Internal Revenue except as otherwise specified in this section.

(b) Overall responsibility for coordinating the procedures and efforts of the agencies listed herein and assuring compliance with this part, is delegated to the Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations). Periodic reports shall be made by each such agency to the Assistant Secretary, with copies to the General Counsel of the Treasury Department and to the Commissioner of Internal Revenue.

§ 103.47 Civil penalty.

(a) For any willful violation of any requirement of this part, the Secretary may assess upon any domestic financial institution, and upon any partner, director, officer or employee thereof who willfully participates in the violation, a civil penalty not exceeding $1,000.

(b) For any failure to file a report required under § 103.23 or for filing such a report containing any material omission or misstatement, the Secretary may assess a civil penalty up to the amount of the currency or monetary instruments transported, mailed or shipped, less any amount forfeited under § 103.48.

§ 103.48 Forfeiture of currency or monetary instruments.

Any currency or other monetary instruments which are in the process of any transportation with respect to which a report is required under § 103.23 are subject to seizure and forfeiture to the United States if such report has not been filed as required in § 103.25, or contains material omissions or misstatements. The Secretary may, in his sole discretion, remit or mitigate any such forfeiture in whole or in part upon such terms and conditions as he deems reasonable.

§ 103.49 Criminal penalty.

(a) Any person who willfully violates any provision of this part may, upon conviction thereof, be fined not more than $1,000 or be imprisoned not more than 1 year, or both. Such person may in addition, if the violation is of any provision authorized by title I of Public Law 91–508 and if the violation is committed in furtherance of the commission of any violation of Federal law punishable by imprisonment for more than 1 year, be fined not more than $10,000 or be imprisoned not more than 5 years, or both.

(b) Any person who willfully violates any provision of title II of Public Law 91–508, or of this part authorized thereby, where the violation is either

(1) Committed in furtherance of the commission of any other violation of Federal law, or

(2) Committed as part of a pattern of illegal activity involving transactions exceeding $100,000 in any 12-month period, may, upon conviction thereof, be fined not more than $500,000 or be imprisoned not more than 5 years, or both.

(c) Any person who knowingly makes any false, fictitious or fraudulent statement or representation in any report required by this part may, upon conviction thereof, be fined not more than $10,000 or be imprisoned not more than 5 years, or both.

§ 103.50 Enforcement authority with respect to transportation of currency or monetary instruments.

(a) If the Secretary has reason to believe that currency or monetary instruments are in the process of transportation and with respect to which a report required under § 103.23 has not been filed or contains material omissions or misstatements, he may apply to any court of competent jurisdiction for a search warrant. Upon a showing of probable cause, the court may issue a warrant authorizing the search of any or all of the following:

(1) One or more designated persons.

(2) One or more designated or described places or premises.

(3) One or more designated or described letters, parcels, packages, or other physical objects.

(4) One or more designated or described vehicles. Any application for a search warrant pursuant to this section shall be accompanied by allegations of fact supporting the application.

(b) This section is not in derogation of the authority of the Secretary under any other law or regulation.

Effective date. This part shall become effective July 1, 1972.

[FR Doc.72–5171 Filed 4–4–72;8:47 am]

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federal register

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WASHINGTON, D.C.
Volume 37 ■ Number 67
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Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 263]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.563 Navel Orange Regulation 263.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 4, 1972.

(b) *Order.* (1) The respective quantities of naval oranges grown in Arizona and designated part of California which may be handled during the period April 7, 1972, through April 13, 1972, are hereby fixed as follows:

(i) District 1: 913,000 cartons;
(ii) District 2: 187,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 5, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-5389 Filed 4-5-72;11:27 am]

[Valencia Orange Reg. 385]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.685 Valencia Orange Regulation 385.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 4, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 7, 1972, through April 13, 1972, are hereby fixed as follows:

(i) District 1: 1,484 cartons;
(ii) District 2: 14,316 cartons;
(iii) District 3: 154,000 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 5, 1972.

ARTHUR E. BROWNE,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.72-5390 Filed 4-5-72;11:27 am]

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Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 131]

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Central Arizona marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5302) concerning a proposed termination of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In the introductory text of § 1131.51 (a), the provision "and shall be increased or decreased by a 'supply-demand adjustment' of not more than 50 cents computed as follows:";

2. Subparagraphs (1) and (2) of § 1131.51(a).

STATEMENT OF CONSIDERATION

The termination would eliminate the supply-demand adjustment provisions that are now a part of the Class I price formula in this order. These provisions adjust the order's Class I price according to changes in receipts of producer milk relative to Class I utilization in the market. An order effective June 4, 1968 (33 F.R. 8266) suspended the supply-demand adjustment provisions for an indefinite period.

The termination of these provisions was requested by the United Dairymen of Arizona to effectuate the declared policy of the Act. The cooperative association stated that the supply-demand adjustment provisions have been inoperative for more than 3 years indicating that the provisions are no longer needed in the order.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This termination is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that continuation of the supply-demand adjustment provisions in the order will not effectuate the declared policy of the Act;

(b) This termination order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this termination.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER (4–6–72).

Signed at Washington, D.C., on March 31, 1972.

RICHARD LYNG,
Acting Secretary.

[FR Doc.72–5284 Filed 4–5–72;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 327—IMPORTED PRODUCTS

Eligibility of Trust Territory of the Pacific Islands for Importation of Meat Products Into U.S.

On January 25, 1972, there was published in the FEDERAL REGISTER (37 F.R. 16) a notice of a proposal to amend § 327.2 of the Federal Meat Inspection Regulations (9 CFR Part 327), to change paragraph (b) of that section to include the words "Trust Territory of the Pacific Islands" in alphabetical order in the list of countries specified therein from which certain products (meat, meat food products, and meat byproducts) may be imported into the United States as provided in said regulations.

After due consideration of all relevant matters in connection with the notice of proposed rule making and under the authority of the Federal Meat Inspection Act (34 Stat. 1260, as amended, 21 U.S.C. 601 et seq.), paragraph (b) of § 327.2 is hereby amended to read as follows:

§ 327.2 Eligibility of foreign countries for importation of product into the United States.

* * * * *

(b) It has been determined that product of cattle, sheep, swine, and goats from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists as provided in Part 94 of this title, is eligible under the regulations in this subchapter for importation into the United States after inspection and marking as required by the applicable provisions of this part.

Argentina.	Ireland (Eire).
Australia.	Italy.
Austria.	Japan.
Belgium.	Luxembourg.
Brazil.	Mexico.
Bulgaria.	Netherlands.
Canada.	New Zealand.
Colombia.	Nicaragua.
Costa Rica.	Northern Ireland.
Czechoslovakia.	Norway.
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France.	Spain.
Germany (Federal Republic).	Sweden.
Guatemala.	Switzerland.
Haiti.	Trust Territory of the Pacific Islands.
Honduras.	Uruguay.
Hungary.	Venezuela.
Iceland.	Yugoslavia.

* * * * *

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended, 36 F.R. 13169)

The foregoing amendment shall become effective 30 days following publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., on March 31, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–5283 Filed 4–5–72;8:47 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 115—SURETY BOND GUARANTEE

On December 9, 1971, a notice was published in the FEDERAL REGISTER of proposed rule making for the establishment of regulations to govern Small Business Administration's authority to guarantee bid, payment or performance bonds issued by qualified sureties.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These regulations shall be effective as of February 8, 1972.

THOMAS S. KLEPPE,
Administrator.

Sec.
115.1 Statutory provisions.
115.2 Policy.
115.3 Definitions.
115.4 Eligibility.
115.5 Procedure for surety bond guarantee assistance.

Sec.
115.6 Guarantee agreement.
115.7 Processing fee and guarantee fee.
115.8 Approval or decline of applications.

AUTHORITY: The provisions of this Part 115 issued under Title IV—Part B, of the Small Business Investment Act of 1958, 84 Stat. 1812; 15 U.S.C. 694a, 694b.

§ 115.1 Statutory provisions.

TITLE IV—PART B—SURETY BOND GUARANTEES

DEFINITIONS

SEC. 410. As used in this part—

(1) The term "bid bond" means a bond conditioned upon the bidder on a contract entering into the contract, if he receives the award thereof, and furnishing the prescribed payment bond and performance bond.

(2) The term "payment bond" means a bond conditioned upon the payment by the principal of money to persons under contract with him.

(3) The term "performance bond" means a bond conditioned upon the completion by the principal of a contract in accordance with its terms.

(4) The term "surety" means the person who, (A) under the terms of a bid bond, undertakes to pay a sum of money to the obligee in the event the principal breaches the conditions of the bond, (B) under the terms of a performance bond, undertakes to incur the cost of fulfilling the terms of a contract in the event the principal breaches the conditions of the contract, or (C) under the terms of a payment bond, undertakes to make payment to all persons supplying labor and material in the prosecution of the work provided for in the contract if the principal fails to make prompt payment.

(5) The term "obligee" means (A) in the case of a bid bond, the person requesting bids for the performance of a contract, or (B) in the case of a payment bond or performance bond, the person who has contracted with a principal for the completion of the contract and to whom the obligation of the surety runs in the event of a breach by the principal of the conditions of a payment bond or performance bond.

(6) The term "principal" means (A) in the case of a bid bond, a person bidding for the award of a contract, or (B) the person primarily liable to complete a contract for the obligee, or to make payments to other persons in respect of such contract, and for whose performance of his obligation the surety is bound under the terms of a payment or performance bond. A principal may be a prime contractor or a subcontractor.

(7) The term "prime contractor" means the person with whom the obligee has contracted to perform the contract.

(8) The term "subcontractor" means a person who has contracted with a prime contractor or with another subcontractor to perform a contract.

AUTHORITY OF THE ADMINISTRATION

SEC. 411. (a) The Administration may, in consultation with the Secretary of Housing and Urban Development and upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss, as hereinafter provided, as the result of the breach of the terms of a bid bond, payment bond, or performance bond by a principal on any contract up to $500,000 in amount, subject to the following conditions:

(1) The person who would be the principal of the bond is a small business concern.

(2) The bond is required in order for such person to bid on a contract or to serve as a prime contractor or subcontractor thereon.

(3) Such person is not able to obtain such bond on reasonable terms and conditions without a guarantee under this section.

(4) The Administration determines that there is a reasonable expectation that such person will perform the covenants and conditions of the contract with respect to which the bond is required.

(5) The contract meets requirements established by the Administration for feasibility of successful completion and reasonableness of cost.

(6) The terms and conditions of any bond guaranteed under the authority of this part are reasonable in light of the risks involved and the extent of the surety's participation.

(b) Any contract of guarantee under this section shall obligate the Administration to pay to the surety a sum not to exceed 90 per centum of the loss incurred by the surety in fulfilling the terms of his contract as the result of the breach by the principal of the terms of a bid bond, performance bond, or payment bond.

(c) The Administration shall fix a uniform annual fee which it deems reasonable and necessary for any guarantee issued under this section, to be payable at such time and under such conditions as may be determined by the Administration. Such fee shall be subject to periodic review in order that the lowest fee that experience under the program shows to be justified will be placed into effect. The Administration shall also fix such uniform fees for the processing of applications for guarantees under this section as it determines are reasonable and necessary to pay administrative expenses incurred in connection therewith. Any contract of guarantee under this section shall obligate the surety to pay the Administration such portions of the bond fee as the Administration determines to be reasonable in the light of the relative risks and costs involved.

(d) The provisions of section 402 shall apply in the Administration of this section.

§ 115.2 Policy.

It is the intent of Congress to strengthen the competitive free enterprise system by assisting qualified small business concerns to obtain certain bid, payment or performance bonds that are otherwise not obtainable by authorizing the Small Business Administration to guarantee surety companies up to 90 percent of their losses incurred by reason of the breach of certain surety bonds executed on behalf of such small business concerns on contracts up to $500,000 in amount.

§ 115.3 Definitions.

(a) "Administration" shall mean the Small Business Administration.

(b) "Administrator" shall mean the Administrator of the Small Business Administration.

(c) "SBA" means the Small Business Administration.

(d) "Small business concern" means a concern which would qualify as a small business under § 121.3–14 of this chapter.

(e) "Surety" means a corporation with a Certificate of Authority from the Secretary of the Treasury under sections 6 to 13 of title 6 of the United States Code, or as otherwise qualified by the Small Business Administration.

§ 115.4 Eligibility.

In order to be eligible for a surety bond guarantee, the applicant must:

(a) Qualify as a small business under § 121.3–14 of this chapter.

(b) Operate or propose operation of a business in conformity with Part 120—Loan Policy, of this chapter.

(c) Represent that a bond is required in order to bid on a contract or to serve as a prime contractor or subcontractor thereon.

(d) Represent that a bond is not obtainable on reasonable terms and conditions without SBA's bond guarantee assistance.

§ 115.5 Procedure for surety bond guarantee assistance.

(a) An application for surety bond guarantee assistance shall be made on the appropriate SBA forms and shall include any additional information required in supporting schedules and forms. The application shall be submitted to an appropriate surety company agent in triplicate, plus all other supporting material. Except for the District of Columbia, the agent will forward one copy of the same to the SBA District Office and Regional Office serving the area in which the applicant is located, and one copy to the surety company. In the District of Columbia Standard Metropolitan Statistical Area, the agent will forward one copy of the same to the SBA District Office and one copy to the SBA Central Office.

§ 115.6 Guarantee agreement.

Any agreement by SBA to guarantee a surety company shall provide that:

(a) Surety shall represent that such bond or bonds when executed by it as to terms and conditions will be in accord with those executed by professional sureties for that type of contract for which such bond or bonds are required to be furnished by principal.

(b) Surety shall affirm that without the SBA guarantee to surety it will not issue any of said bonds to principal.

(c) That the term "loss" shall mean any and all liability, damages, court costs, counsel fees, charges and expenses of whatever kind or nature which the surety shall or may at any time, sustain or incur by reason, or in consequence, of having executed the bond or bonds guaranteed by SBA.

(d) Unless otherwise agreed, surety shall take charge of all claim matters arising under said bonds; determine its liability and the amount thereof; compromise, settle or defend any claim or suit; and, take such action as it deems necessary to minimize loss.

(e) Surety shall pay SBA 10 percent of its bond(s) premium for and in consideration of SBA's agreement to guarantee the bid, payment or performance bond contemplated by this agreement. It is further agreed by SBA and surety that surety will pay SBA an additional like percentage of the additional premiums on any increase in contract price and SBA will make a like percentage refund on any premium reductions resulting from a reduction in the contract price. Where SBA or surety's share of any additional premium increase or decrease is five dollars ($5.00) or less, there shall be no adjustment.

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§ 115.7 Processing fee and guarantee fees.

(a) The applicant small business concern shall pay to SBA an annual processing fee in the amount of five dollars ($5.00).

(b) The applicant small business concern shall pay to SBA a guarantee fee of 0.2 percent of the contract price, not to exceed five hundred dollars ($500), said fee to be paid only by the applicant ultimately obtaining the contract.

(c) The Surety Company shall pay to SBA a guarantee fee of 10 percent of its bond premium.

§ 115.8 Approval or decline of applications.

(a) No application for bond guarantee assistance shall be approved unless the following determinations have been made by SBA:

(1) That there is a reasonable expectation that the applicant will perform the covenants and conditions of the contract with respect to which a bond is required;

(2) That the contract meets requirements established by SBA for feasibility of successful completion and reasonableness of cost;

(3) That the terms and conditions of any bond guaranteed under the authority of this legislation are reasonable in light of the risks involved and the extent of the surety's participation.

[FR Doc.72-5300 Filed 4-5-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-WE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3764) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Prescott, Ariz., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendments are hereby adopted subject to the following change.

1. Add the following to the 700 foot portion of the transition area "• • • and within 3 miles each side of the Prescott VORTAC 319° radial extending from the 10.5-mile radius area to 8.5 miles northwest of the VORTAC;"

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 27, 1972.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.171 (37 F.R. 2056) the description of the Prescott, Ariz., control zone is amended to read as follows:

PRESCOTT, ARIZ.

Within a 6-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 122°25'15" W.).

In § 71.181 (37 F.R. 2143) the description of the Prescott, Ariz., transition area is amended to read as follows:

PRESCOTT, ARIZ.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Prescott Municipal Airport (latitude 34°39'10" N., longitude 122°25'15" W.) "• • • and within 3 miles each side of the Prescott VORTAC 319° radial extending from the 10.5-mile radius area to 8.5 miles northwest of the VORTAC;" that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Prescott VORTAC extending clockwise from a line 5 miles south of and parallel to the Prescott VORTAC 252° radial to a line 5 miles west of and parallel to the Prescott VORTAC 159° radial and within a 14-mile radius of Prescott VORTAC, extending clockwise from a line 5 miles west of and parallel to the Prescott VORTAC 159° radial to a line 5 miles south of and parallel to the Prescott 252° radial.

[FR Doc.72-5277 Filed 4-5-72;8:46 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-727; Amdt. 3]

PART 250—PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Filing of Rules and Statements With Chief, Passenger and Cargo Rates Division, Bureau of Economics

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of April 1972.

Part 250 (Priority Rules, Denied Boarding Compensation Tariffs and Reports of Unaccommodated Passengers) provides, inter alia, that all air carriers, except helicopter carriers and intra-Alaska carriers, certificated by the Board pursuant to paragraph (1) or (2) of section 401(d) of the Act, shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight, and shall furnish to affected passengers a written explanation of denied boarding compensation.

First. Section 250.3, which requires that carriers file with the Board two copies of their priority rules, does not specify where such priority rules should be filed. We have determined that priority rules should be filed with the Chief, Passenger and Cargo Rates Division, Bureau of Economics, and we are amending § 250.3 accordingly.

Second. Section 250.9 requires a carrier to file with the Director, Bureau of Operating Rights, a written statement explaining denied boarding compensation. Moreover, § 250.9 permits a carrier to use a statement of its own making, rather than the text set forth therein, if it obtains the Board's prior approval; and the Board's authority thereunder has been delegated by § 385.13(u) to the Director, Bureau of Operating Rights. We have now determined to designate the Chief, Passenger and Cargo Rates Division of the Bureau of Economics, instead of the Director, Bureau of Operating Rights, as the official with whom statements under § 250.9 are to be filed, and to whom to delegate our authority to approve or disapprove statements containing language varying from the text prescribed therein. In accordance with said determination, we are amending § 250.9, and concurrently amending Part 385.[1]

Since this amendment is a rule of internal agency organization and procedure, notice and public procedure are not required, and the rule may be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 250 of its Economic Regulations (14 CFR Part 250), effective April 7, 1972, to read as follows:

1. Amend § 250.3 to read as follows:

§ 250.3 Priority rules.

Every carrier shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight. Every carrier shall file with the Chief, Passenger and Cargo Rates Division, Bureau of Economics, two copies of such rules and criteria, including that portion of its company manual instructing employees on the order of boarding priorities in case of an oversold flight. Such rules and criteria shall not make, give or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

2. Amend § 250.9 to read, in part, as follows:

§ 250.9 Written explanation of denied boarding compensation.

Every carrier shall furnish passengers who are denied boarding on flights on which they hold confirmed reserved space, immediately after the denied boarding occurs, a written statement explaining the terms, conditions and limitations of the denied boarding compensation provided by this part. Each carrier shall, prior to furnishing passengers with such written statement or any revision thereof, file three copies of such statement, or revision, with the Chief, Passenger and Cargo Rates Division, Bureau of Economics. The language of the statement, or revision, to be filed must have the prior approval of the Board, unless the wording thereof is as prescribed hereinbelow.

• • • • •

(Secs. 102, 204(a), 403, 404, 411, 416(a), Federal Aviation Act of 1958, as amended, 72 Stat. 240, 743, 758, 760, 769, 771; 49 U.S.C. 1302, 1324, 1373, 1374, 1381, 1386; secs. 3, 4, Administrative Procedure Act, 81 Stat. 54, 80 Stat. 383; 5 U.S.C. 552, 553)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5303 Filed 4-5-72;8:49 am]

[1] OR-60 adopted April 3, 1972.

(u) [Reserved]

• • • • • •

2. Amend § 385.14 by adding paragraph (j) to read as follows:

§ 385.14 Delegation to the Chief, Passenger and Cargo Rates Division, Bureau of Economics.

The Board hereby delegates to the Chief, Passenger and Cargo Rates Division, Bureau of Economics, the authority to:

• • • • • •

(j) Approve or disapprove written statements filed by air carriers pursuant to § 250.9 of this chapter (Economic Regulations) explaining the terms, conditions, and limitations of denied boarding compensation provided by Part 250 of this chapter.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324; Reorg. Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5304 Filed 4-5-72;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2697) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use, as set forth below, of polyamine-epichlorohydrin resin as a wet strength agent and/or retention aid in the manufacture of paper and paperboard for food-contact use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526 is amended in paragraph (a)(5) by adding alphabetically a new item to the list of substances, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • • •

(a) • • •

(5) • • •

List of substances	*Limitations*
• • •	• • •
Polyamine - epichlorohydrin resin produced by the reaction of bis (hexamethylene) triamine and higher homologues with epichlorophydrin such that the finished resin has a nitrogen content of 7.4–8.9 percent and chlorine content of 18–21 percent on a dry basis, and a minimum viscosity in 20 percent by weight aqueous solution of 30 centipoises at 25° C., as determined by Brookfield HAT model viscometer using a No. 1H spindle at 50 r.p.m. (or equivalent method).	For use only as a wet - strength agent and/or retention aid employed prior to the sheet-forming operation in the manufacture of paper and paperboard, and used at a level not to exceed 1 percent by weight of dry paper and paperboard fibers.
• • •	• • •

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4-6-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 30, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5290 Filed 4-5-72;8:48 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Gentamicin Sulfate, Betamethasone Valerate

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-821V) filed by Schering Corp., 86 Orange Street, Bloomfield, NJ 07003, proposing the safe and effective use of a combination drug containing gentamicin sulfate and betamethasone valerate for

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the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.22 Gentamicin sulfate, betamethasone valerate otic solution.

(a) *Specifications.* Each cubic centimeter of solution contains gentamicin sulfate equivalent to 3 milligrams of gentamicin base and betamethasone valerate equivalent to 1 milligram of betamethasone alcohol.

(b) *Sponsor.* See code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used or intended for use in dogs for the treatment of acute and chronic otitis externa caused by bacteria sensitive to gentamicin.

(2) It is used by instillation of 3 to 8 drops of solution into the ear canal twice daily for 7 to 14 days. Duration of treatment will depend upon the severity of the condition and the response obtained. The duration of treatment and/or frequency of the dosage may be reduced but care should be taken not to discontinue therapy prematurely. The external ear and ear canal should be properly cleaned and dried before treatment. Remove foreign material, debris, crusted exudates, etc., with suitable nonirritating solutions. Excessive hair should be clipped from the treatment area of the external ear.

(3) If hypersensitivity to any of the components occurs treatment with this product should be discontinued and appropriate therapy instituted. Concomitant use with other drugs known to induce ototoxicity is not recommended. This preparation should not be used in conditions where corticosteroids are contraindicated. Do not administer parenteral corticosteroids during treatment with this drug. The antibiotic sensitivity of the pathogenic organism should be determined prior to use of this preparation.

(4) For use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–6–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 28, 1972.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc.72–5291 Filed 4–5–72;8:48 am]

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETIVE REGULATIONS

Fee for Gas Chromatography Test

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 146 is amended in § 146.8(b)(1) by revising the chargeable fee for the gas chromatography test to read as follows:

§ 146.8 Fees.

* * *

(b) * * *

(1) * * *

Test	*Chargeable fee per test*
* * *	* * *
Gas chromatography	18
* * *	* * *

* * * * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–6–72).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: March 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5292 Filed 4–5–72;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71–107a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Willamette River, Oreg.

This amendment changes the regulations for the Oregon State Highway Department across the Willamette River, mile 132.1 at Corvallis to require that the draw open on signal if at least 7 days notice has been given. Further, the draw need not open on Saturdays, Sundays, and legal holidays. This amendment was circulated as a public notice dated 26 October 1971 by the Commander, Thirteenth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71–107) on October 14, 1971 (36 F.R. 19981). Six comments were received, four had no objection to the proposal. One objection was withdrawn after clarifying information had been given to the objector. One objected to the 6-month period, stating that this was not reasonable. In a subsequent meeting between the bridge owners and the objector it was agreed that 7 days notice would be adequate, this change is incorporated in this amendment. Another change in the proposed amendment is in the name of this bridge because this was transferred from county to state ownership. This amendment was originally proposed to be included in § 117.755 however these regulations more appropriately are codified under § 117.759b(f)(7).

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (7) of paragraph (f) of § 117.759b to read as follows:

§ 117.759b Drawbridges in the State of Oregon where constant attendance is not required.

* * * * *

(f) * * *

(7) *Oregon State Highway Department bridge, Van Buren Street, Corvallis.* The draw shall open on signal if at least 7 days' notice has been given, however, the draw need not open on Saturdays, Sundays, and legal holidays.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on May 8, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

MARCH 31, 1972.

[FR Doc.72–5289 Filed 4–5–72;8:47 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 946]

[AO–200–A1]

IRISH POTATOES GROWN IN STATE OF WASHINGTON

Decision With Respect to Proposed Amendment of Marketing Agreement and Order; Referendum Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Quincy, Wash., October 28, 1971, pursuant to notice thereof published in the September 24, 1971, issue of the FEDERAL REGISTER (36 F.R. 18956), upon a proposed amendment of Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946) hereinafter referred to collectively as the "order," regulating the handling of Irish potatoes grown in the State of Washington.

Based on evidence adduced at the hearing and the record thereof, the Deputy Administrator, Consumer and Marketing Service, on February 29, 1972, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision (including a proposed amendment of the order) which was published in the FEDERAL REGISTER March 3, 1972 (37 F.R. 4444). It offered opportunity to file written exceptions thereto until March 23, 1972. None was filed.

Material issues, findings, and conclusions. The material issues, findings, and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 72–3241; 37 F.R. 4444), are hereby approved and adopted as the material issues, findings, and conclusions of this decision as if set forth in full herein.

Amendment of the Marketing Agreement and Order. Annexed hereto, and made a part hereof are two documents entitled, respectively, "Marketing Agreement as Amended Regulating the Handling of Irish Potatoes Grown in the State of Washington" and "Order Amending the Order Regulating the Handling of Irish Potatoes Grown in the State of Washington" which have been decided upon as the detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who during the period April 16, 1971, through April 15, 1972 (which is hereby determined to be the representative period for the purpose of such referendum) have been engaged within the production area as defined in the order annexed to this decision and referendum order, in the production of potatoes for market, to determine whether such producers approve or favor the issuance of the annexed amendatory order. William C. Knope and John C. Rhine of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agriculture Marketing Agreement Act of 1937, as Amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

A copy of the aforesaid annexed order and of the aforesaid referendum procedure may be examined in the Northwest Marketing Field Office, U.S. Department of Agriculture, 1218 Southwest Washington Street, Portland, OR 97205.

It is hereby ordered, That this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the order as amended by the annexed order which will be published with this decision.

Dated: March 31, 1972.

RICHARD E. LYNG,
Acting Secretary.

Order[1] *Amending the order regulating the handling of Irish potatoes grown in the State of Washington*

§ 946.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary, and in addition to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein (for prior findings and determinations see 14 F.R. 5860):

(a) Findings upon the basis of the hearing record: Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Quincy, Wash., on October 28, 1971, upon a proposed amendment of Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946) regulating the handling of Irish potatoes grown in the State of Washington. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as hereby amended, regulates the handling of potatoes grown in the State of Washington in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing order upon which hearings have been held;

(3) The order, as hereby amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of potatoes the production area covered by the order, as hereby amended, which require different terms applicable to different parts of such area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *It is therefore ordered,* That, on and after the effective date hereof, all handling of potatoes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order as hereby amended, as follows:

1. Section 946.6 is revised to read as follows:

§ 946.6 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

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owned by another person) who handles potatoes or causes potatoes to be handled.

2. Section 946.7 is revised to read as follows:

§ 946.7 Handle.

"Handle" is synonymous with "ship" and means to transport, sell, or in any other way to place potatoes grown in the State of Washington, or cause such potatoes to be placed, in the current of commerce within the production area or between the production area and any point outside thereof, or from any point in the adjoining States of Oregon and Idaho to any other point: *Provided*, That, the definition of "handle" shall not include the transportation of ungraded potatoes within the production area for the purpose of having such potatoes prepared for market, or stored, except that the committee may impose safeguards pursuant to § 946.55 with respect to such potatoes.

3. Section 946.9 is revised to read as follows:

§ 946.9 Fiscal period.

"Fiscal period" means the period beginning on July 1 of each year and ending June 30 of the following year, or such other period as the Secretary may establish pursuant to recommendation of the committee.

§§ 946.13, 946.14, and 946.15 [Deleted]

4. Sections 946.13, 946.14, and 946.15 are deleted.

5. Section 946.16 is renumbered as § 946.13 and revised to read as follows:

§ 946.13 Grade and size.

"Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes as defined and set forth in:

(a) The U.S. Standards for Potatoes issued by the U.S. Department of Agriculture (§§ 51.1540 to 51.1566 of this title), or amendments thereto or modifications thereof, or variations based thereon;

(b) U.S. Standards for Grades of Potatoes for Processing as issued by the U.S. Department of Agriculture (§§ 51.3410 to 51.3424 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(c) U.S. Standards for Grades of Peeled Potatoes (§§ 52.2421 to 52.2433 of this title), or amendments thereto or modifications thereof, or variations based thereon; and

(d) State of Washington Standards for Potatoes issued by the State of Washington Director of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon.

6. Section 946.14 is added to read as follows:

§ 946.14 Grading.

"Grading" is synonymous with "preparing for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

7. Section 946.17 is renumbered as § 946.15 and revised to read as follows:

§ 946.15 Export.

"Export" means shipment of potatoes beyond the boundaries of the 48 contiguous States of the United States, or the District of Columbia.

§ 946.16 [Renumbered]

8. Section 946.18 is renumbered as § 946.16.

9. Paragraph (a) of § 946.25 is amended to read as follows:

§ 946.25 Selection.

(a) Persons selected as committee members or alternates to represent producers shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district.

* * * * *

10. Paragraph (a) of § 946.27 is amended to read as follows:

§ 946.27 Term of office.

(a) The term of office of committee members and alternates shall be for 3 years beginning on the 1st day of July and continuing until their successors are selected and have qualified: *Provided, however*, That the terms of office of the initial committee under the amended order shall be determined by the Secretary so that the terms of office of one-third of the initial members and alternates shall be for 1 year, one-third for 2 years, and one-third for 3 years.

* * * * *

11. Section 946.30 is revised to read as follows:

§ 946.30 Expenses and compensation.

Committee members and their respective alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart. In addition, they may receive reasonable compensation at a rate recommended by the committee and approved by the Secretary.

12. Section 946.32 is revised to read as follows:

§ 946.32 Nomination.

The Secretary may select the members of the State of Washington Potato Committee and their respective alternates from nominations which may be made in the following manner, or from among such other qualified persons:

(a) A meeting or meetings of producers and handlers shall be held by the committee in each district for which nominees are to be selected not later than May 1 of each year to designate nominees for members and alternates to the committee; or the committee may conduct nominations by mail in a manner recommended by the committee and approved by the Secretary; and, in arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of other existing organizations;

(b) At least one nominee shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following July 1;

(c) The names of nominees shall be supplied to the Secretary in such manner and form as he may prescribe, not later than June 1 of each year, or by such other date as may be specified by the Secretary;

(d) Only producers may participate in designating producer nominees, and only handlers may participate in designating handler nominees. Any person who operates in more than one district or is engaged in producing and handling potatoes, shall elect the classification (i.e., producer or handler), and the district within which he desires to participate in designating nominees;

(e) Regardless of the number of districts in which a person produces or handles potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote; and

(f) If nominations are not made within the time and in the manner specified in this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 946.33 [Deleted]

13. Section 946.33 is deleted.

§ 946.34 [Renumbered]

14. Section 946.34 is renumbered as § 946.33.

15. Section 946.40 is revised to read as follows:

§ 946.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning, and for such other purposes as the Secretary, pursuant to this subpart, determines to be appropriate. The committee shall submit to the Secretary a budget for each fiscal period, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such fiscal period.

16. Section 946.41 is revised to read as follows:

§ 946.41 Assessments.

Each handler shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each fiscal period. Each handler's pro rata share shall be the rate of assessment per hundredweight fixed by the Secretary times the quantity of potatoes which he handles as the first handler thereof. At any time during or after

a fiscal period, the Secretary may increase the rate of assessment as necessary to cover authorized expenses. Such increase shall be applicable to all potatoes handled during the given fiscal period. The payment of expenses for the maintenance and functioning of the committee may be required during periods when no regulations are in effect. If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge, or both, at rates prescribed by the committee with the approval of the Secretary.

17. Section 946.42 is revised to read as follows:

§ 946.42 Accounting.

(a) *Excess funds.* At the end of a fiscal period, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately two fiscal periods' operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 946.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount of assessments he paid in excess of his pro rata share of the actual expenses of the committee and the addition, if any, to the operating reserve.

(b) *Accounting of funds upon termination of order.* Any money collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

18. Section 946.46 is renumbered as § 946.50 and revised to read as follows:

§ 946.50 Marketing policy.

(a) Prior to each marketing season, the committee shall consider and prepare a policy statement for the marketing of potatoes. In developing its marketing policy, the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations, the committee shall give appropriate considerations to the following:

(1) Market prices of potatoes, including prices by grade, size, quality, and maturity in different packs of fresh potatoes and of the various forms of processed potatoes;

(2) Supplies of potatoes by grade, size, quality, and maturity in the production area and in other production areas, of fresh potatoes, and the supplies of various forms of processed potatoes;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) In the event it becomes advisable to deviate from such marketing policy because of changed supply and demand conditions, the committee shall formulate a revised marketing policy statement in accordance with the appropriate considerations in paragraph (a) of this section.

(c) The committee shall submit a report to the Secretary setting forth such marketing policy. Notice of each such marketing policy and any revision thereof shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be available for examination at the committee office to all interested parties.

19. Section 946.47 is renumbered as § 946.51 and revised to read as follows:

§ 946.51 Recommendation for regulation.

The committee shall recommend to the Secretary regulations, or amendments, modifications, suspension, or termination thereof, whenever it finds that such regulations as provided in § 946.52 are in accordance with the marketing policy established pursuant to § 946.50 and that such regulations will tend to effectuate the declared policy of the act.

20. Section 946.48 is renumbered as § 946.52 and revised to read as follows:

§ 946.52 Issuance of regulations.

(a) The Secretary shall limit the shipment of potatoes as set forth in this subpart whenever he finds from the recommendation and information submitted by the committee, or from other available information, that it would tend to effectuate the declared policy of the act:

(1) To regulate, in any or all portions of the production area the handling of particular grades, sizes, qualities or maturity of any or all varieties of potatoes during any period;

(2) To regulate the handling of particular grades, sizes, qualities or maturities of any or all varieties of potatoes, or for any combination of the foregoing during any period in the States of Oregon and Idaho which have been shipped from the production area to specified locations therein for grading or storage pursuant to § 946.54;

(3) To regulate the handling of particular grades, sizes, qualities or maturities of any or all varieties differently for: Different portions of the production area, different uses or outlets, different packs or for any combination of the foregoing, during any period;

(4) To regulate the handling of potatoes by establishing in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

21. Section 946.49 is renumbered as § 946.53 and revised to read as follows:

§ 946.53 Minimum quantities.

The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to this part.

22. Section 946.50 is renumbered as § 946.54 and revised to read as follows:

§ 946.54 Shipments for specified purposes.

(a) Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate any or all regulations issued pursuant to this part in order to facilitate shipments of potatoes for the following purposes:

(1) Livestock feed;
(2) Charity;
(3) Export;
(4) Seed;
(5) Prepeeling;
(6) Such other purposes as may be specified by the committee with the approval of the Secretary; and
(7) Grading or storing between the districts within the production area or to and within specified locations in the adjoining States of Idaho and Oregon.

(b) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

23. Section 946.55 is added to read as follows:

§ 946.55 Safeguards.

(a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 946.54 from entering channels of trade and other outlets for other than the specific purposes authorized therefor, and the transportation of potatoes for grading and storing to points outside the production area.

(b) Safeguards provided by this section may include, but shall not be limited to, requirements that handlers:

(1) Shall obtain the inspection required by § 946.60 or pay the assessment provided by § 946.41, or both, in connection with the potato shipments effected in accordance with § 946.54, and

(2) shall obtain a special purpose certificate from the committee for shipments of potatoes effected or to be effected under provisions of § 946.54.

(c) The committee, with the approval of the Secretary, shall prescribe rules

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governing the issuance and the contents of the special purpose certificate.

(d) The committee may rescind, or deny to any handler the special purpose certificate if proof satisfactory to the committee is obtained that potatoes shipped by him for the purpose stated in § 946.54 were handled contrary to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications for such certificates, the number of such applications denied, and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary.

24. Section 946.53 is renumbered as § 946.60 and paragraph (a) is amended to read as follows:

§ 946.60 Inspection and certification.

(a) During any period in which the Secretary regulates the shipment of potatoes pursuant to the provisions of this subpart, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State inspection service or such other inspection service as the Secretary shall designate. The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section in circumstances under which such requirements would create an undue hardship on growers or shippers: *Provided*, That all such shipments shall comply with all regulations in effect: *And provided further*, That proper safeguards to assure compliance are adopted.

* * * * *

§§ 946.56, 946.57, 946.58, and 946.59 [Deleted]

25. Sections 946.56, 946.57, 946.58, and 946.59 are deleted.

26. Section 946.70 is revised to read as follows:

§ 946.70 Reports and records.

(a) Upon the request of the committee, with the approval of the Secretary, every handler shall furnish to the committee in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its duties under this subpart.

(b) Each handler shall establish and maintain for at least 2 succeeding years such records and documents with respect to potatoes received and potatoes disposed of by him as will substantiate the required reports.

(c) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by handlers, the Secretary and the committee through its duly authorized employees, shall have access to such records.

(d) All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data for information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular handler from whom received, shall be treated as confidential, and the reports and all information obtained from records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary, or his authorized agents. Compilations of general reports from data and information submitted by handlers is authorized subject to the prohibition of disclosure of individual handlers' identity or operations.

[FR Doc.72-5285 Filed 4-5-72;8:47 am]

Farmers Home Administration

[7 CFR Part 1861]

[FHA Instruction 451.5]

SERVICING OF COMMUNITY PROGRAM LOANS AND GRANTS

Proposed Policies, Authorizations and Procedures

Notice is hereby given that the Farmers Home Administration has under consideration a proposed new Subpart F, "Servicing of Community Program Loans and Grants," which prescribes the policies, authorizations, and procedures for servicing association loans.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, the new Subpart F will read as follows:

Sec.
1861.81 Purpose.
1861.82 Loan servicing.
1861.83 Sale or exchange of security property.
1861.84 Liquidation of security.
1861.85 Transfer of security and assumption of loans.
1861.86 Voluntary conveyance of security to FHA.
1861.87 Foreclosure.
1861.88 Mergers.
1861.89 Special provisions applicable to Economic Opportunity (EO) Cooperative loans.
1861.90 Care, management, and disposal of acquired property.
1861.91 Water and waste disposal systems which have become part of an urban area.
1861.92 Determining present market value.
1861.93 Development grants.
1861.94 Comprehensive planning grants.
1861.95 Servicing planning advances.
1861.96 Additional State Director's authorizations.
1861.97 Payment in full.
1861.98 State requirements.
1861.99 Redelegation of authority.
1861.100 Reports and recommendations.
1861.101 Servicing public bodies.

AUTHORITY: The provisions of this Subpart F issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 602, 78 Stat. 526, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529; Order of Dir., OEO, 29 F.R. 14764.

Subpart F—Servicing of Community Program Loans and Grants

§ 1861.81 Purpose.

This subpart prescribes the policies, authorizations, and procedures for servicing the following: Community water and waste disposal system loans and grants, comprehensive water and sewer planning grants, loans for grazing and other shift-in-land use projects, community recreation facility loans, community irrigation and drainage loans, watershed loans and advances, resource conservation and development loans, economic opportunity cooperative loans, loans to Indian tribes and tribal corporations, and loans to timber development organizations. Servicing will be directed toward assisting the borrower to meet the objectives of the loan, repaying loans on schedule, complying with agreements, and protecting the Farmers Home Administration's (FHA's) financial interest.

§ 1861.82 Loan servicing.

(a) *Regular payments.* Regular payments are: All payments other than extra payments and refunds; revenue from mineral lease bonuses and delay rentals; proceeds from the sale of timber harvested on a selective cutting basis that does not deplete the Government's security; proceeds from the sale of gravel, rock, fill dirt, or sand when such sale does not reduce the value of the Government's security; and similar transactions which do not reduce the value of the Government's security.

(1) *Order of application.* Regular payments will be applied to accounts in accordance with § 1861.5(a) except as otherwise established by the note or bond.

(b) *Extra payments.* Extra payments are those derived from: the sale of basic chattel or real estate security, including rental or lease of real estate security of a depreciating or depleting nature; mineral royalties and timber other than referred to in paragraph (a)(1) of this section; cash proceeds of real property insurance as provided in § 1806.5(b) of this chapter; and a refund of unused loan funds.

(1) *Application.* Extra payments will be applied in accordance with § 1861.5 (b) except where otherwise established in accordance with the note or bond.

(c) *Collections.* Collections will be processed in accordance with Part 1862 of this chapter.

(d) *Actions by FHA for account of borrower including advances for protection of security or lien.* (1) Property insurance will be serviced in accordance with Part 1806 of this chapter in real estate mortgage cases and in accordance with the loan agreement in other cases.

(2) Borrower's real property taxes will be serviced in accordance with Part 1863 of this chapter. If State statutes permit a personal property tax lien to have priority over FHA's lien, personal property taxes will be serviced in accordance with §§ 1863.3 and 1863.4 of this chapter.

(3) The State Director is authorized to approve vouchers to pay costs, other than taxes and insurance, necessary to protect FHA's interest. Vouchers will be prepared using standard Form 1034, "Public Voucher for Purchases and Services Other Than Personal," in an original and two copies. The name and address of the party to whom payment is due will be inserted in the heading. The amount of the vouchered items will be inserted in the appropriate spaces. The notation inserted in the space for description of the services will include the purpose of the payment, the location and a simple description of the property, the name and case number of the borrower, and the fact that the amount will be charged to the borrower's account. A sample notation could be as follows:

For payment of water rights of real property in (community), (State), (case No.), (loan type code) for the period of July 15, 1971, through August 1971 to be charged to the borrower's loan account.

(4) After the voucher has been approved by the State Director, the original with any attached reports will be sent to the Finance Office, St. Louis, Mo. One copy will be held in the borrower's county office loan docket, and one copy will be given to the borrower.

(i) After the voucher has been processed in the Finance Office, a U.S. Treasury check will be issued to the appropriate payee and mailed to the State Director for delivery. The purpose of the payment will be stated on each check. Any amount advanced will be entered as a recoverable charge on the borrower's account in the Finance Office. The advance will bear interest at the rate specified in the most recent debt instrument under which the advance is authorized to be made. After the check is issued, Form FHA 451–26, "Transaction Record," will be prepared by the Finance Office and sent to the appropriate county office, showing the amount of the recoverable charge and the applicable rate of interest.

(e) *Subordination of security—(1) Request for subordination.* When a borrower requests FHA to subordinate a security instrument so that another creditor or lender can refinance, extend, reamortize, or increase the amount of a prior lien, or place a lien ahead of the FHA lien, it will submit a written request. This request should contain the purpose of the subordination, exact amount of money or property involved, description of security property to be subordinated, type of security instrument, name, address, line of business, and other general information pertaining to the party in favor of which subordination will be given, and other pertinent information which will be of assistance in determining need for subordination. The State Director is authorized to execute subordination on Form FHA 440–2, "Subordination by the Government," provided all the following requirements and conditions are met:

(i) The amount of the subordination does not exceed the State Director's loan approval authorization as set forth in Part 1810, Subpart B of this chapter.

(ii) The borrower is unable to refinance the FHA mortgage on terms which it can reasonably be expected to meet.

(iii) The transaction will either further the objectives for which the FHA loan was made or improve the borrower's debt-paying ability and, in either case, result in the FHA debt being adequately or no less well secured.

(iv) The terms and conditions of the prior lien will be such that the borrower can reasonably be expected to meet them as well as all other debts.

(v) Any proposed development work will be planned and performed in accordance with Subpart A of Part 1823 of this chapter or in a manner directed by the creditor which reasonably attains the objectives of Subpart A of Part 1823 of this chapter.

(vi) In case of land purchase, the FHA will obtain a mortgage on such purchased land.

(vii) When the transaction involves more than $1,000 and the State Director considers it necessary, a present market value appraisal report will be obtained. However, a current appraisal report need not be obtained if there is an appraisal report not over 2 years old in the file which will permit the proper determination as to the present market value of the total property after the transaction.

(viii) The subordination is for a specific amount.

(ix) All contracts, pay estimates, and change orders will be reviewed and approved by the FHA State Director.

(x) The proposed action will not so change the nature of the borrower's activities as to make it ineligible for FHA loan assistance.

(2) *Processing.* All subordinations pertaining to other than chattel liens will be closed in accordance with instructions from the Office of the General Counsel (OGC). When national office approval is required or the State Director desires advice pertaining to a requested subordination, the borrower's loan docket together with a current operating budget, financial statement, copy of proposed lien, appraisal report, borrower's written request, OGC opinion, and other necessary supporting information, will be sent to the national office.

(f) *Loan reamortization.* (1) The State Director is authorized to approve reamortization of loans for borrowers having a delinquency which cannot be brought current within 1 year while maintaining a reasonable reserve when all of the following conditions exist:

(i) The debt(s) to be reamortized does not exceed the State Director's loan approval authorization.

(ii) The borrower has demonstrated for at least 1 year by actual performance or has presented a budget which clearly indicates that it is able to meet the proposed payment schedule.

(iii) There is no extension of the final maturity date.

(2) Proposals for reamortization exceeding the limits set in subparagraph (1) of this paragraph, and those evidenced by notes which are not delinquent may be reamortized with prior approval of the national office. Requests for such reamortization will be forwarded to the national office along with the loan docket, a current budget and financial statement, and the State Director's statement of essential facts and recommendation.

(3) Processing will be handled as follows:

(i) Borrowers other than public bodies requesting reamortization will complete Form FHA 451–30, "Reamortization Agreement." All of the note, including principal and interest, will be reamortized. Reamortization will be accomplished through the use of a new note unless the OGC recommends that the terms of the existing note be modified through the use of Form FHA 451–30, or if that is legally inadequate through the use of other appropriate form.

(ii) Public body borrowers may effect reamortization by any procedure which in the opinion of their counsel and OGC is legally permissible under State law and acceptable to the State Director. Appendix 3 of Part 1823, Subpart A of this chapter would not apply to the new bonds.

(4) The properly executed new instrument(s) or endorsement, as appropriate, will be forwarded to the Finance Office together with the original existing note or bond attached thereto. The copy of the new note or bond or endorsement will be retained by the Finance Office until the account is paid in full or otherwise satisfied.

(g) *Consent to borrower's granting lease of security—(1) State Director's consent.* The State Director may consent to the leasing of all or a portion of security property, when:

(i) The lease will not adversely affect the repayment of the loan or the Government's rights under the security instrument.

(ii) Leasing is not an alternative to, or means of, delaying liquidation action.

(iii) The lease and use of any proceeds from such lease will further the objectives of the loan.

(iv) Rental income is assigned to FHA in an amount sufficient to make regular payments on the loan, and operate and maintain the facility, unless such payments are otherwise adequately assured.

(v) The lease is advantageous to the borrower and is not to the Government's disadvantage.

(vi) If foreclosure action has been approved and the case has been submitted to OGC, consent to lease and use of proceeds will be granted only with the concurrence of the OGC.

(vii) The lease shall not exceed a 1-year period. The property may not be under lease more than 2 consecutive years without authorization from the national office.

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(2) *Mineral leases.* The State Director, unless liquidation is pending, is authorized to approve mineral leases when:

(i) The lessee agrees in the lease or elsewhere, or is liable without any agreement, to pay adequate compensation for any damage to the real estate surface and improvements. Damage compensation will be assigned to FHA by the use of Form FHA 443–16, "Assignment of Income from Real Estate Security," or other appropriate instrument, or to the prior lienholder.

(ii) Royalty payments are adequate and are assigned to FHA on Form FHA 443–16.

(iii) All or a portion of delay rentals and bonus payments may be assigned on Form FHA 443–16 if needed for protection of the Government's interests.

(iv) The lease, subordination, or consent form is acceptable to the OGC.

(3) *Processing.* When FHA's consent to a lease is required, the borrower will complete and submit Form FHA 465–1, "Application for Partial Release, Subordination, or Consent." This form will show the terms of the proposed lease and will specify the use of proceeds including any proceeds to be released to the borrower. When another lienholder's mortgage requires consent to lease, his consent will be obtained. When the approval of the national office is required or if the State Director wishes a lease transaction reviewed prior to approval, he will forward the loan docket, a copy of the proposed lease, and any other pertinent information along with his recommendations to the national office.

(h) *Membership liability.* As a loan approval requirement, some borrowers may have special agreements with members for the purchase of shares of stock or for the payment of a pro rata share of the loan in event of default, or they may have in their corporate instruments authority to make special assessments in such event. Such agreements may be referred to as individual liability agreements and may be assigned to and held by the FHA as additional security for the loan. In other cases the borrower's note may be endorsed by individuals. Such liability instruments will be serviced in a manner indicated by their contents so as to adequately protect the interest of the FHA.

(i) *Other security.* Other security such as collateral assignments, water stock certificates, notices of lienholder interest (Bureau of Land Management grazing permits), and waivers of grazing privileges (Forest Service grazing permits), will be serviced so as to protect the interest of FHA, and pursuant to any special servicing actions developed by the State Director with the assistance of the OGC. Evidence of such security will be filed in the loan docket in the county office. A notation will be made on Form FHA 405–10, "Management System Card—Association," showing necessary servicing action.

(j) *Correcting errors in security instruments.* Land, buildings, or chattels included in the mortgage through mutual mistake when substantiated by the factual situation may be released from the mortgage by the State Director. The release is contingent on the State Director with the advice of the OGC determining that a mutual error existed at the time such property was included in the Government's mortgage.

§ 1861.83 Sale or exchange of security property.

(a) *Authority.* Approval to a cash sale of a portion of the borrower's assets or an exchange of security property may be given when the approving official determines:

(1) The consideration is adequate.

(2) The release will not prevent carrying out the purpose of the loan.

(3) The remaining property is adequate security for the loan, or the transaction will not adversely effect FHA's security position.

(4) The proceeds are used for one or more of the following purposes:

(i) To pay on FHA debts in accordance with paragraphs (a) and (b) of § 1861.82, on debts secured by a prior lien, and on debts secured by a subsequent lien if it is to FHA's advantage.

(ii) To purchase or to acquire through exchange property more suitable to the borrower's needs, provided the FHA secured debt will be as well secured after the transaction as before.

(iii) To develop or enlarge the facility provided that such action is necessary to improve the borrower's debt-paying ability, place his operation on a more sound basis, or otherwise further the objectives of the loan.

(5) The FHA liens are not released until receipt of the appropriate sale proceeds for application on the Government's claim. In any State in which it is necessary to obtain the insured note from the lender to present to the recorder before a release of a portion of the land from the mortgage, the borrower must pay any cost for postage and insurance of the note while in transit. The county supervisor will advise the borrower when it requests a partial release that it must pay such costs. If the borrower is unable to pay the costs from personal funds, they may be deducted from the sale proceeds. The amount of the charge will be based on the statement of actual cost furnishd by the insured lender.

(b) *Processing.* When a borrower requests permission to sell or exchange a portion of FHA's-security property, Form FHA 465–1, will be completed for real estate, or Form FHA 462–2, "Statement of Conditions on Which Lien Will be Released," will be completed for chattels. The county supervisor will forward Form FHA 465–1 or Form FHA 462–2, an appraisal report, as appropriate, the county office docket, his recommendation, and all other pertinent information to the State Director.

(c) *Releasing security*—(1) *Chattel security.* The county supervisor is authorized to satisfy or terminate chattel security instruments when paragraph (a) of this section and § 1871.8 of this chapter have been complied with. Satisfaction or termination of chattel security instruments will be accomplished in accordance with § 1871.13 of this chapter. Partial releases may be made by using Form FHA 460–1, "Partial Release," or Form FHA 460–6, "Partial Release (UCC States)." Form FHA 460–4, "Satisfaction," will be used when a debt has been paid in full or satisfied by debt settlement action.

(2) *Real estate.* Subject to paragraph (a) of this section, the State Director is authorized to consent to disposition of part of an interest in real estate security by approving Form FHA 465–1. Upon request for such consent, the county supervisor will forward Form FHA 465–1, the borrower's loan file, and any other pertinent information to the State Director. Partial release of real estate security may be made by use of Form FHA 460–1 or any other form approved by OGC. Form FHA 460–4 will be used when a debt has been paid in full or satisfied by debt settlement action.

(d) *Release of liability.* (1) When the FHA debt is paid in full from the sale of proceeds, the borrower will be released from liability by use of Form FHA 465–8, "Release from Personal Liability."

(2) When sale proceeds are not sufficient to pay the FHA debt in full and all security property has been disposed of, the remaining debt will be accelerated and the case reclassified to collection-only.

§ 1861.84 Liquidation of security.

When the county supervisor believes that continued servicing will not accomplish the objectives of the loan he will complete the form, "Report on Association Problem Case (Association-Type Projects)," available in all FHA offices, and submit it along with the county office file to the State office. If the State Director determines the account should be liquidated he will encourage the borrower to voluntarily sell the property and remit the proceeds to FHA. He will give the borrower a specified period of time not to exceed 180 days to accomplish such action. If the voluntary sale cannot be accomplished the loan will be liquidated in accordance with § 1861.85, 1861.86, or 1861.87.

§ 1861.85 Transfer of security and assumption of loans.

(a) *General.* Transfer and assumption may be approved subject to the following conditions:

(1) Transfers to eligible applicants will receive preference over transfers to ineligible applicants, provided recovery to FHA from the sale price is not less than it would be if the transfer were to an ineligible applicant.

(2) The present borrower is unable or unwilling to accomplish the objectives of the loan and the transfer will be to the Government's advantage.

(3) If the debt(s) exceeds the present market value of the security, the transferee will assume an amount at least equal to the present market value.

(4) If the FHA debt is less than the present market value, the transferee will assume an amount at least equal to the debt owed the FHA.

(5) The transfer will not adversely affect the FHA program in the area.

(6) FHA concurs in the plans for disposition of funds in the transferor's debt service, reserve and operation, and maintenance account.

(7) The county committee recommends the transfer.

(b) *Transfers to eligible applicants.* (1) The State Director is authorized to approve transfers of security property to and assumptions of FHA debts by transferees who would be eligible for the type of loan being transferred.

(2) If the interest rate or terms of the loan are changed, Form FHA 460–5, "Assumption Agreement (New Terms)," will be executed by the transferee. The new repayment period may not exceed the repayment period for a new loan of the type involved. If the current interest rate for such loans is higher than the rate specified in the note(s) being assumed, the current rate will apply except in cases of transfers from nonpublic to public bodies and mergers.

(3) If the full debt is assumed and the same interest rate and terms prevail, Form FHA 460–9, "Assumption Agreement (Same Terms—Eligible Transferee)," will be executed by the transferee.

(4) A loan for which the transferee is eligible may be made in connection with a transfer subject to the policies and procedures governing the kind of loan being made.

(5) If the transferor is to receive a payment for its equity, the total FHA debt must be assumed.

(6) Release of liability will be considered in accordance with the following:

(i) When all FHA security is transferred to an eligible applicant and the total outstanding debt is assumed, it will be the policy to release the transferor from liability.

(ii) In those cases where the transfer is for less than the full amount of the FHA debt, the transferor may be released from liability provided the State Director determines that the transferor has no reasonable debt-paying ability considering its assets and income at the time of the transfer and the county committee certifies that the transferor has cooperated in good faith, used due diligence to maintain the security property against loss, and has otherwise fulfilled the covenants incident to the loan to the best of its ability. If the county committee recommends a release of liability, such recommendation will be made on Form FHA 440–2, "County Committee Certification or Recommendation," in the blank space following item 10 similar to the following:

———, in our opinion does not have reasonable debt-paying ability to pay the balance of the debt not assumed after considering its assets and income at the time of the transfer. Transferors have cooperated in good faith, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to the loan to the best of its ability. Therefore, we recommend that the transferor be released of personal liability upon the transferee's assumption of that portion of the indebtedness equal to the present market value of the security.

(c) *Transfers to ineligible applicants.* Transfer of an FHA loan to an ineligible applicant is considered only when needed as a method for servicing problem cases in which objectives of the original loan cannot be realized but not for providing a means by which members can obtain an equity, and not as a method of providing a source of credit for purchasers. The State Director is authorized to approve a transfer of indebtedness to and assumption of the loan by an applicant who does not meet the eligibility requirements for the kind of loan being assumed when the transferee will make a downpayment of at least 20 percent of the amount of the debt to be assumed and the remaining balance is scheduled for repayment in not to exceed five equal annual installments with interest to the transferee at the rate set forth in Part 1810, Subpart A of this chapter, plus .125 percent at the time of transfer approval and in accordance with the following:

(1) Transferees must have the ability to pay the FHA debt in accordance with the assumption agreement and the legal capacity to enter into the contract. The applicant will submit a complete financial statement using Form FHA 442–12, "Financial Statement," or similar form. This information should be supplemented by a credit report from an independent source such as Dunn and Bradstreet or verified by an independent certified public accountant. When the transferee is a new corporation, consideration will be given to obtaining individual liability agreements from its members.

(2) Form FHA 465–5, "Transfer of Real Estate Security," modified as appropriate, will be executed by the transferee.

(3) This subpart does not preclude the transferor from receiving equity payments when the full amount of the FHA debt is assumed. However, such equity payments will not be made on more favorable terms than those on which the balance of the FHA debt will be paid.

(4) In cases involving transfers to ineligible applicants for the full amount of the FHA debt, the State Director may release the transferor from liability.

(d) *Submission to the national office.* All proposed transfers involving the following will be submitted to the national office for review and approval authorization:

(1) Those to be made on more liberal rates and terms than is set forth in paragraph (c) of this section. There will be no release of liability in connection with transfers involving a repayment period in excess of 5 years.

(2) Those proposing a cash downpayment to the present borrower in an amount which exceeds actual sales expenses.

(3) Water and waste disposal loans representing indebtedness for projects financed in part by FHA development grants.

(e) *Processing transfers.* (1) Form FHA 465–5, will be completed to reflect the agreement between the transferor and the transferee. The form will be prepared so as to show agreements on items such as the prorating of taxes and insurance, title, legal and filing fees, equity and method of payment, and other appropriate items.

(2) The effective date of the transfer will be the actual date the transfer is closed. This is the date on which Form FHA 460–5 or FHA 460–9 is signed. In connection with the use of either form, the unpaid principal balance and the accrued interest will be shown in table 1 and the accrued interest will be computed from Form FHA 451–26, or Form FHA 451–11, "Statement of Account," or Form 451–25, "Status of Account." If Form FHA 460–9 is used, the transferee will be informed of the amount of principal and interest owed as shown on the latest Transaction Record or Statement of Account. He will also be advised as to the amount that would be required to place the account on schedule as of the previous installment due date and any amounts that must be paid to bring any payments up to date. If Form FHA 460–5 is used, he should be advised of the amount needed to be on schedule by the next installment due date.

(3) The transferor will convey title of all assets to the transferee, unless other arrangements are agreed upon by all parties concerned, including FHA.

(4) There must be no lien judgment or other claims of parties other than FHA against the security being transferred unless the transferee is willing to accept such claims and the FHA approving official determines that such claims will not affect the transferee's ability to repay FHA's debt, meet all operating and maintenance costs, and to maintain the required reserves. The written consent of any other lienor will be obtained where required.

(5) The county supervisor will forward the loan docket to the State office including forms and documents listed in instructions available in all FHA offices.

(6) If the transfer is not within the State Director's approval authority, the State Director will forward the loan docket along with his recommendation to OGC for review and comments. Upon receipt of OGC's comments, the State Director will forward the complete file along with his recommendation to the national office. The form, "Report on Association Problem Case (Association-Type Projects)," available in all FHA offices, will be used to record the borrower's present situation and will be forwarded with the docket.

(7) If an insured loan is involved, the Finance Office will have the insured note assigned to the fund when the Assumption Agreement changes the terms of note or bond.

(8) The transferee will obtain insurance in accordance with the requirements for the outstanding loan(s) involved unless the approval official requires additional insurance as a condition of approval. If insurance is required, it may be obtained either by transfer of the existing coverage by the transferor or by acquisition of a new policy by the transferee. When the full amount of the FHA debt is being assumed and an amount

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has been advanced for insurance premiums or any other purposes the transfer will not be completed until the Finance Office has charged the advance to the transferor's account.

(9) The parties to the transfer will be responsible for obtaining the legal services necessary to accomplish the transfer. Transfer closing will be accomplished in accordance with OGC's instructions.

(10) When the transferee will be an eligible applicant, any development funds not to be refunded remaining in the transferor's supervised bank account will be transferred to the transferee's supervised bank account simultaneously with the closing of the transfer for use in completing planned development. All funds remaining in the supervised bank account will be refunded to FHA as a condition of transfer to an ineligible applicant.

(f) *Debt assumption or release from personal liability.* In each case where the full amount of the debt is assumed, or a release from personal liability is otherwise approved under this subpart, and all of the security is being transferred, Forms FHA 460–5, FHA 460–9, FHA 451–1, "Receipt for Payment," and FHA 465–8 will be completed and executed simultaneously with the closing of the transaction. The original of Forms FHA 460–5 or FHA 460–9 (including a signed copy for insured loan), Form FHA 451–1 when applicable, and a signed copy of Form FHA 465–8 will be transmitted immediately to the Finance Office. If a loan is involved, Form FHA 440–3, "Record of Actions," also will be sent to the Finance Office.

(g) *Transfer not completed.* If for any reason the transfer is not completed after approval, the Finance Office will be notified to resume servicing the account in the name of the transferor.

§ 1861.86 Voluntary conveyance of security to FHA.

(a) *General.* Voluntary conveyance should be considered only after the borrower has exhausted all reasonable efforts to liquidate the loan either through sale of its property or transfer and assumption.

(1) The State Director, subject to the policies outlined in this paragraph, is authorized to approve a voluntary conveyance with or without release of liability when the present market values of the property to be conveyed to the Government does not exceed $250,000.

(2) The borrower will complete and properly execute Form FHA 465–4, "Offer to Convey Security." A warranty deed using a State-approved form or a deed meeting the requirements of § 1807.2(e) (2) of this chapter and approved by OGC will be required and, whenever possible, completed and signed simultaneously with Form FHA 465–4; however, it will not be recorded until closing of the transaction. Any water rights not fully conveyed in the deed, any necessary assignments or transfers of water stock or membership certificates, or other water right title documents required will be obtained simultaneously with the execution of Form FHA 465–4 whenever possible, and in no case later than the closing of the transaction. Proposed bill of sale listing personal property items will be included.

(3) When the borrower's offer provides for less than full satisfaction of the account but is equal to the present market value of the security less any liens that are to remain outstanding, the State Director may accept the offer subject to the conditions outlined in Form FHA 465–4. If the offer provides for full satisfaction of all FHA debts, it may be accepted provided the value of the security less any liens to remain outstanding is sufficient to satisfy the FHA debt. If the offer to convey in full satisfaction of FHA debts is not acceptable, it will be returned to the county supervisor who will attempt to obtain an offer which will convey the security for its value as determined by the FHA.

(4) When an insured loan not held by the insurance fund is involved and the State Director decides to accept the offer to convey, he will request the Director, Finance Office, to have the insured loan assigned to the Agriculture Credit Insurance Fund (ACIF).

(5) Any funds remaining in the borrower's debt service, reserve or operation and maintenance accounts will be paid to FHA prior to closing the conveyance.

(6) Any funds remaining in the supervised bank account will be applied as a refund prior to assembling the voluntary conveyance docket.

(7) When a prior lien(s) exists, such lien(s) will be paid by standard Form 1034 only if it is determined that a substantially greater recovery on the Government's investment can be obtained from the sale of the real estate without the lien(s) than could be otherwise obtained, or the property is suitable for sale to an eligible applicant subject to the terms of the prior lien(s) and the holder of the prior lien(s), where his permission is necessary, will not agree for the Government to acquire the property and resell it subject to his lien(s). If the property is acquired subject to prior lien(s), any required payments on the prior lien(s) may be made while title of the property is held by the Government. All junior liens on the property except taxes and assessments which are or will become a lien on the property must be satisfied by the borrower without FHA assistance, unless in special circumstances it is clearly advantageous to FHA to make advances for the payment of such liens.

(b) *Release of liability.* Release of liability will be in accordance with the following:

(1) When the present market value of the security being conveyed less the amount of the prior lien(s) is equal to or exceeds the total FHA debt, it will be the policy to release the borrower from liability.

(2) When the present market value of the security is less than the total FHA debt, the State Director will determine whether the borrower is to be released from liability. This determination will be based upon the reasonable debt-paying ability of the borrower and recommendation of the county committee. In arriving at a determination of the reasonable debt-paying ability of the borrower, the State Director will consider its assets and income at the time of the proposed conveyance. If the county committee recommends a release of liability, a recommendation similar to the following will be recorded on Form FHA 440–2 in the blank space after item No. 10:

In our opinion (Name of Borrower(s)) has no reasonable debt-paying ability taking into consideration its assets and income at the time of the conveyance. The borrower has cooperated in good faith, used due diligence to maintain the security property against loss, and otherwise fulfilled the covenants incident to the loan to the best of its ability. Therefore, we recommend that the borrower be released from personal liability for any balance due on the secured indebtedness upon conveyance of the property to the Government.

(c) *Processing*—(1) *Docket submission.* When the State Director determines that voluntary conveyance to FHA is appropriate, he will instruct the county supervisor to assemble a voluntary conveyance docket and submit it to the State office along with the borrower's county office case folder(s).

(2) *Amount.* If the amount to be conveyed is more than $250,000, the voluntary conveyance docket and other pertinent information along with the State Director's recommendation will be submitted to the national office for review and authorization to approve.

(3) *Voluntary conveyance docket.* The voluntary conveyance docket will include the forms and documents listed in instructions available in all FHA offices.

(4) *Taxes.* When Form FHA 465–4 is submitted to the State Director, standard Form 1034 will be attached thereto for the payment of any taxes and assessments which are a lien or will become a lien on the property, or water assessments, or charges to protect the right to receive water, which are due and payable and which the borrower is not required to pay by the terms of Form FHA 465–4.

(5) *Title examination and closing instructions.* When a decision to accept the borrower's offer is made, title examination will be accomplished in accordance with advice of OGC. Title defects and encumbrances will be removed by the borrower except those recited in the FHA mortgage or subsequently approved by the FHA. When title defects and encumbrances have been removed, the voluntary conveyance docket including the title examination information will be submitted to OGC for review and issuance of closing instructions. The State Director's transmittal memorandum will include information as to items of expense incident to conveyance of title which have been paid by the FHA but are not shown on the statement of account, items of expense which are to be paid by the FHA, a statement as to whether the account is to be fully satisfied, and a request for preparation of necessary legal instruments not required to be prepared by the borrower's attorney.

(6) *Closing of conveyance.* The conveyance transaction will be closed in accordance with closing instructions issued by OGC. Expenses incident to closing the transaction to be paid by FHA will be handled in accordance with prescribed requirements. After the transaction is closed, all appropriate items will be returned to OGC for review. After OGC determines that the transaction has been properly closed, all documents will be returned to the State Director together with the advice as to the date when title to the properly was vested in the Government. A copy of OGC's memorandum to the State Director will be forwarded to the Finance Office. Property insurance will be handled in accordance with § 1806.4(b)(3) of this chapter. All other insurance such as personal liability or workmen's compensation will be canceled. Ordinarily, the fidelity bond coverage will also be dropped. However, in individual cases such as when a caretaker will continue to operate the facility and will be handling a substantial amount of revenue, the State Director may require continuance of fidelity bond coverage.

(7) *Credit of value of property on indebtedness.* The credit to be allowed on the account will be either the value of the security to be conveyed less the amount of any prior liens as determined by a present market value appraisal, or the total amount of the indebtedness owed on the account after all expense items referred to in subparagraph (6) of this paragraph have been charged thereto, whichever is less. After the transaction is closed and the amount of the credit to be allowed on the account is determined by the State Director, Form FHA 465–6, "Advice of Mortgaged Real Estate Acquired," and where applicable, Form FHA 465–8 will be completed and transmitted to the Finance Office by the State Director. The county supervisor will inventory and appraise personal property and submit list of items to the Finance Office.

(8) *Satisfied account.* The Finance Office will stamp the borrower's note "satisfied by surrender of security and release from liability" when the account is fully satisfied or the borrower is released from personal liability for any deficiency. The Finance Office will forward the stamped note to the county supervisor for delivery to the borrower.

(9) *Unsatisfied account.* When the account is not fully satisfied by surrender of the security and the borrower is not released from personal liability, the State Director will reclassify the account as collection-only by submitting Forms FHA 404–1, "Case Reclassification," FHA 450–10, "Advice of Borrower's Change of Address or Name," and FHA 465–6 to the Finance Office. He will accelerate the unpaid indebtedness by written notice to the borrower with a copy to the Finance Office. The Finance Office will retain the note(s) and send the county office a current Form FHA 451–11. Upon receipt of Form FHA 451–11, the county supervisor will reconcile the loan record card with the statement of account and service the loan as collection-only in accordance with Subpart A of this part.

§ 1861.87 Foreclosure.

Foreclosure action will be initiated when liquidation has been decided upon and all reasonable attempts to liquidate the loan through voluntary sale, transfer, or voluntary conveyance have been exhausted, and a substantial net recovery can be obtained on the FHA account(s).

(a) *National office authorization.* Foreclosure will not be initiated without prior authorization of the national office. The State Director will forward the docket, a report completed in accordance with the form, "Report on Association Problem Case (Association-Type Projects)," a statement of essential facts, and his recommendation to the national office requesting authority to proceed with foreclosure.

(b) *Processing foreclosure.* Upon receipt of national office authorization, the State Director will forward the docket to OGC requesting necessary instructions. The State Director, with the assistance of OGC, will be guided by the following:

(1) *Prior lienholders.* Prior lienholders will be provided an opportunity to institute the foreclosure proceedings with the FHA taking the action necessary to protect the interest of the Government. If the prior lienholder is unable or unwilling to foreclose, FHA will institute foreclosure proceedings, subject to the prior lien. Whether foreclosure of the FHA mortgage will be subject to the prior lien will depend upon such factors as the State law, the action or inaction of the prior lienholder, the condition of the prior lien account, and the amount of the prior lien debt in relation to the FHA debt. When a prior lien foreclosure sale is to be held, the State Director will immediately forward the docket, a copy of the OGC's opinion, a statement of all facts essential to a decision, and his recommendations to the national office for a review and advice as to further handling.

(2) *Existing leases or other agreements.* If the foreclosure is made subject to a lease or other agreement in which the lessor's interest is acquired by FHA through the foreclosure sale, the original or a copy of the lease will be submitted to the Finance Office along with Form FHA 465–6 for processing. Any oral lease in effect at the time the Government acquires the property will be reduced to writing in a form approved by the State Director with the concurrence of OGC, and its execution by the lessee will be obtained if possible. The lessee will be notified in writing that the Government has acquired the lessor's rights under the lease and directed to remit all payments to the county office. Payments to FHA under a lease which by its terms were due and payable prior to the date of the foreclosure sale will be applied first on any deficiency claim resulting from the foreclosure and then on any other FHA claim against the borrower. Any surplus remaining will be remitted to the borrower. Payments due and payable to the FHA after the date of acquisition pursuant to foreclosure will be collected and forwarded to the Finance Office as miscellaneous income. Receipts for collection made in accordance with this paragraph will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leased to (name of lessee)." After a foreclosure sale is held, if a redemption period is involved and the borrower has possession of the property during such period or a right to lease proceeds during the redemption period, a lease will not be obtained by the Government or be sent to the Finance Office until the redemption period has expired and the Government has a right to such proceeds.

(3) *FHA debt acceleration.* Unpaid FHA debts will be accelerated unless OGC advises such action is unnecessary. Form FHA 455–21, "Notice for Acceleration and Demand for Payment," may be used as a guide for preparing the notice. After issuance of the acceleration notice, account and security servicing actions, including payment of insurance and taxes, debt acceleration will be taken only with the advice of OGC. Expenses incident to the foreclosure action which are approved by OGC for payment by FHA will be paid in accordance with prescribed requirements available in all FHA offices. If the OGC advises that a credit to the borrower's account or a standard form 1034 will not be acceptable for payment of the FHA bid, the State Director will obtain a check from the Finance Office for making the payment. Standard Form 1034 will be used for this purpose.

(4) *Obtaining notes from Finance Office.* For a direct loan or an insured loan held in ACIF, the State Director will request the Finance Office to send the original or conformed copy of the note to the county office. For an insured loan not held in ACIF, the State Director will request the Finance Office to have the loan assigned to the ACIF in accordance with Part 1873 of this chapter, and provide him with the original or conformed copy of the note.

(5) *Certified statements of account.* Form FHA 451–10, "Request for Statement of Account," will be forwarded to the Finance Office to obtain a statement of account for each account to be included in the foreclosure and to request the Finance Office not to issue any statements of account to the borrower until further notice.

(6) *Funds remaining in supervised bank account.* The State Director will prepare an order to the appropriate bank for withdrawal of any funds remaining in the supervised bank account. These funds will be applied as an extra payment.

(7) *Title evidence.* OGC will inform the State Director regarding title evidence requirements.

(8) *Title defects.* Ordinarily, no curative action will be taken with respect to title defects before foreclosure sale. However, where for special reason the State

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Director, with the advice of OGC, determines it would be in the best interest of FHA to cure certain defects before the foreclosure sale, the State Director may authorize the necessary curative action.

(9) *Deficiency judgments.* If it appears that the recovery to FHA from a sale by foreclosure will be insufficient to fully satisfy the FHA debt, the foreclosure action does not automatically result in a deficiency judgment, and if there are other assets from which recovery can likely be made, a deficiency judgment will be obtained if legally permissible. When a judgment is obtained, the account will be classified as a judgment case and the county supervisor will send Form FHA 455–20, "Notice of Judgment," to the Finance Office and the account will be serviced in accordance with § 1871.35(d) of this chapter. When action to obtain a deficiency judgment is pending at the time Form FHA 465–6 is sent to the Finance Office, the fact that it is pending will be indicated on Form FHA 465–6. When a deficiency judgment is not obtained, the borrower will be classified as collection-only, if appropriate, and Forms FHA 404–1 and FHA 450–10 will be sent immediately to the Finance Office and the account will be serviced accordingly.

(10) *Bidding.* The State Director will establish the maximum amount of the FHA bid and he or an employee designated by him is authorized to bid on behalf of the FHA. The FHA employee will make only one bid which will be for the authorized maximum bid. Such bid will be the estimated resale value of the security or gross investment, whichever is less.

(i) The estimated resale value means the amount for which the FHA could expect to resell the property in its present condition, on terms of 20 percent down with the balance payable in five equal annual installments with interest calculated in accordance with § 1861.85(c) and subject to any prior liens that will remain outstanding after the foreclosure sale. In establishing the estimated resale value, the State Director will consider the effect that any outstanding mineral rights, easements, other interest, or title defects will have on the resale of the property, and any other pertinent information affecting or indicating the resale price including an appraisal report showing present market value.

(ii) Gross investment means the total amount of the FHA debt plus all advances to be made by the FHA and charged to the mortgage debt before the foreclosure sale, plus the amount of any prior liens or other costs which the OGC advises must be paid from proceeds of the foreclosure sale.

(11) *Report on sale.* Immediately after a foreclosure sale the State Director will furnish OGC a report giving complete information relative to the sale, including a copy of Form FHA 465–6. The OGC will provide a final opinion regarding the foreclosure including any necessary additional instructions. If the FHA is the successful bidder at the foreclosure sale, Form FHA 465–6 will be completed and forwarded to the Finance Office by the county supervisor as soon as all information necessary for completion of the form is available without waiting for the final opinion of OGC. The Finance Office will be advised by memorandum of the date the Government actually acquires title to the property if different from the date of the foreclosure sale and any other pertinent information relating to redemption rights. The form will be dated the date of the sale.

(12) *Cancellation of foreclosure action.* When the State Director determines that foreclosure is unnecessary, he with the concurrence of OGC will notify the Finance Office and the county supervisor. The loan account will be reinstated. Any expenses incurred prior to cancellation of foreclosure action will be paid by the borrower.

(13) *Additional information.* The county supervisor will complete Form FHA 455–22, "Information for Litigation," as additional information when legal action is recommended which will involve the U.S. Attorney.

§ 1861.88 Mergers.

(a) *General.* State Directors are authorized to approve mergers or consolidations (which are herein referred to as mergers) when the resulting association will be eligible for an FHA loan and assumes all liabilities and acquires all assets of the merged borrowers. Mergers may be accomplished when:

(1) The merger is in the best interest of the Government and the merging borrower.

(2) The resulting borrower can meet all required operating and maintenance expenses, debt repayment, and maintain required reserves.

(3) All security property can be legally transferred to the resulting borrower.

(4) The membership of each organization involved is made aware of the proposed merger and a majority of the members of each is in favor of the proposal.

(5) If the merger involves assumption of less than the full amount of the debt and the merging borrower (transferor) is to be released of liability, the county committee recommendation must contain the statement contained in § 1861.85 (b) (6) (iii).

(6) The merger will not result in an outstanding FHA debt in excess of $4 million less the amount of any grants advanced to the merging borrowers.

(b) *Partial assumption.* Mergers which will involve assumption of less than the full amount of the FHA debt will be submitted to the national office along with the loan docket, comments of the OGC, and the State Director's recommendations for review and approval authorization.

(c) *Release of liability.* When all of the assets and liabilities of a merged borrower have been assumed by the resulting body, it will be the policy to release the merged borrower from liability.

(d) *Processing.* (1) When reamortization of one or more notes is being proposed in connection with the merger, § 1861.82 (f) will be followed.

(2) Forms FHA 460–5 and 460–9 will be executed as applicable by the resulting body.

(3) A loan for which the resulting body is eligible may be made in connection with a merger subject to the policies and procedures governing the kind of loan being made.

(4) The closing date of the merger will be the actual date the documents are prepared and the merger is effective.

(5) The county supervisor will submit the county office docket and other necessary forms and documents to the State Director for approval.

(e) *Insured loan.* If an insured loan is involved, the Finance Office will have the insured note assigned to the ACIF if the assumption agreement will change the terms of the note.

(f) *Merger not completed.* If for any reason the merger is not completed after the statement of the account has been received, the Finance Office will be notified to resume servicing the account in the names of the existing borrowers.

§ 1861.89 Special provisions applicable to Economic Opportunity (EO) cooperative loans.

(a) *Withdrawal of member and transfer to and assumption by new members of unincorporated cooperatives.* (1) Withdrawal of a member who is no longer utilizing the services of an association and transfer of his interest in the association to a new member who will assume the entire unpaid balance of the indebtedness of the withdrawing member may be permitted, provided the remaining members agree to accept the new member, and the transfer will not adversely affect the collection of the loan. The county supervisor will submit to the State office the county office file and the following:

(i) Form FHA 460–9, executed by the proposed new member.

(ii) County supervisor's statement of the current amount of the indebtedness involved.

(iii) A description and statement of the value of the security property.

(iv) Form FHA 442–15, "Membership Survey for Cooperative Association," for the proposed new member.

(v) A memorandum to justify the transaction.

(vi) Form FHA 440–2.

(vii) Form FHA 450–12, "Bill of Sale (Transfer by Withdrawing Member)," executed by the withdrawing member.

(viii) The form, "Agreement for New Member (With or Without Withdrawing Member)," as executed by the remaining members of the association, the proposed new member and the withdrawing member.

(2) If after review of the above information the State Director determines that the proposed new member is an eligible applicant and that there is justification for the transfer, he may approve the transfer and assumption by executing Form FHA 460–9.

(3) Upon completion of the above actions, the State Director may release the outgoing member from personal liability. Form FHA 465–8 will be used for this purpose.

(4) Form FHA 460–9 and if applicable, Form FHA 465–8 should be forwarded immediately to the Finance Office by memorandum with the advice that these forms are intended only to establish liability for a new member and to release an old member from liability.

(b) *Withdrawal of members from unincorporated cooperatives.*—(1) *Withdrawal when new member not available.* Withdrawal of a member who is no longer utilizing the services of an association may be permitted even though a new member is not available, provided:

(i) The State Director determines that:

(*a*) The remaining members have sufficient need for the property, and

(*b*) The withdrawal of the member will not adversely affect the collection of the loan.

(ii) The remaining members obtain from the outgoing member an agreement conveying the outgoing member's interest in the cooperative property to them. They may also wish to agree to protect the outgoing member against liability on the debt owed to FHA as well as any other debts. The form, "Agreement for Withdrawal of Member (Without New Member)," available in all FHA offices, may be used by the cooperative for the preparation of such agreement. The agreement will be between the withdrawing member and the remaining members of the cooperative, and FHA will not be a party to it. Upon execution of such an agreement, the State Director may release the outgoing member from personal liability. Form FHA 465–8 will be used for this purpose.

(iii) Form FHA 465–8 should be forwarded immediately to the Finance Office by memorandum with the advice that the form is intended only to release a withdrawing member from liability.

(c) *Addition of new members (no withdrawing member or transfer involved) for both incorporated and unincorporated cooperatives.* (1) A new member may be admitted to the association even though there is no withdrawing member, provided:

(i) The members of the association agree to accept the proposed new member, and

(ii) The State Director determines that the association owns adequate facilities to provide service to the new member.

(2) The county supervisor will submit to the State office the county office file and the following:

(i) Form FHA 460–9 executed by the proposed new member.

(ii) County supervisor's statement of the current amount of the indebtedness involved.

(iii) A description and statement of the value of the security property.

(iv) Form FHA 442–15 for the proposed new member.

(v) A memorandum to justify the transaction.

(vi) Form FHA 440–2.

(vii) The form, "Agreement for New Member (With or Without Withdrawing Member)," available in all FHA offices, as executed by the members of the association and the proposed new member.

(3) If after review of the above information the State Director determines that the proposed new member is an eligible applicant and that there is justification for the transaction, he may approve the transaction by executing Form FHA 460–9.

(4) Form FHA 460–9 should be forwarded immediately to the Finance Office by memorandum with the advice that the form is intended only to establish liability for a new member.

(d) *Deceased members of unincorporated associations.* Paragraph 10 of Form FHA 442–24, "Operating Agreement," provides that in case of the death of any member, the heirs or personal representative of the deceased member shall take his place in the association; this provision also covers sale of the decedent's interest in the association in case such sale is necessary for the payment of the debts of the estate.

(1) If the widow or other heirs do not wish to continue membership in the association, the remaining members may be permitted to continue to operate the property provided it is determined that FHA's financial interest will not be jeopardized. The remaining members should obtain from the deceased member's estate an agreement conveying the estate's interest in the cooperative property to them. They may wish to agree to protect the estate against liability on the debt to FHA as well as any other debts of the cooperative. If an agreement is obtained transferring the estate's interest in the cooperative property to the remaining members, and if such agreement protects the estate against liability on the debt to FHA, the State Director may release the outgoing member from personal liability. Form FHA 465–8 will be used for this purpose and should be forwarded immediately to the Finance Office by memorandum with the advice that the form is intended only to release the deceased member's estate interest from liability.

(2) The requirement of § 1871.39(f) of this chapter will be followed.

(e) *Action which affects individual members of unincorporated EO cooperative security.* The borrower will be expected to protect his own interest in condemnation, trespass, quiet title, and other cases affecting the security. The county supervisor will immediately furnish the complete facts concerning any action taken against individual members of unincorporated cooperatives to the State Director together with the county office case file.

§ 1861.90 Care, management, and disposal of acquired property.

Property acquired by FHA will be handled in accordance with Subpart C of Part 1872 of this chapter.

§ 1861.91 Water and waste disposal systems which have become part of an urban area.

(a) Water and/or waste disposal systems serving what were formerly rural areas but have now become a part of an urban area due to the growth of an urban community will be serviced as follows:

(1) If it is not practical for the urban community to immediately purchase the facility by paying FHA's debt in full or accept a transfer of the debt on an ineligible applicant basis, and if both the borrower and the urban community desire that the urban community operate and maintain the borrower facilities, the FHA borrower may, with prior approval of the national office, enter into a lease-purchase type arrangement with the urban community which will include:

(i) The urban community agreeing to:

(*a*) Assume responsibility for operation and maintenance of the facility, subject to nondiscrimination requirements and other requirements, to be specified in the agreement between the parties, which are applicable to the borrower, and

(*b*) Pay the association annually an amount necessary to enable it to meet all its obligations including reserve account requirements.

(ii) The FHA borrower agreeing to:

(*a*) Retain its corporate existence until FHA has been paid in full, and if the parties desire;

(*b*) Convey title of the facility to the urban community when the FHA debt has been paid in full.

(2) The State Director, with advice and guidance of OGC, will review the proposed agreement drafted by the borrower or the urban community. This draft agreement with the docket, any additional pertinent information, the State Director's recommendation, and OGC's comments will be forwarded to the national office for review and approval authorization.

§ 1861.92 Determining present market value.

(a) The value of security to be subordinated, sold, transferred, voluntarily conveyed, or foreclosed under this subpart will be determined by the State Director as follows:

(1) Where real estate and/or chattels are being disposed of which represent a relatively small portion of the total value of the security property, the State Director will determine that they are being disposed of at a reasonable price. He may require a current appraisal report.

(2) Where real estate or chattels are being disposed of represent a relatively large portion of the total value of the security property, the sale price will be at least the present market value.

(3) The State Director will require a current appraisal report completed in accordance with Subpart A of Part 1809 of this chapter.

§ 1861.93 Development grants.

In any case where it appears that the terms of the grant agreement may have been violated, the State Director will forward the docket to OGC for review and comments. After receipt of OGC's comments, the State Director will forward the docket, a copy of OGC's comments, and a statement of essential facts

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along with his recommendations to the national office.

§ 1861.94 Comprehensive planning grants.

Servicing problems with comprehensive planning grant recipients will be reviewed by the State Director with advice of OGC. The State Director will forward the grant docket, a copy of OGC's comments, and a statement of essential facts along with his recommendations to the national office.

§ 1861.95 Servicing planning advances.

Obligations incurred by recipients of planning advances may be declared nonreimbursable by the Administrator when the planned facility is not to be constructed, and the borrower does not have, nor can be reasonably expected to raise, the funds to repay such advances. In such cases the State Director will forward to the national office the following:

(a) A statement of essential facts including reasons why the borrower cannot repay the advance and his recommendation regarding declaration of all or part of the advance as nonreimbursable, and

(1) In the case involving the failure to locate an adequate water supply, copies of all well logs, survey reports, and other pertinent material supporting his recommendation, or

(2) In the case where the advance was based on particularly distressed economic conditions, the loan docket will be submitted. No commitment will be made to the borrower concerning cancellation of any obligations until written authorization has been received from the national office.

(b) In all cases where advances are not paid in full, plans, reports, well logs, and all other data assembled during investigation financed by the advance will be delivered to the county supervisor by the borrower.

§ 1861.96 Additional State Director's authorizations.

(a) State Directors are authorized to perform the following functions when they determine that such action likely will promote the loan or grant purposes without jeopardizing collectability of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectability of the loan:

(1) Approve requests for permission to make changes in rules and regulations of associations, whether included in bylaws or resolutions or ordinances, including changes in rate schedules and fees.

(2) Approve association incurring additional indebtedness.

(3) Renew existing security instruments.

(4) Approve, with the concurrence of OGC, changes in a borrower's legal organization including revisions of articles of incorporation or charter and bylaws.

(5) Approve the extension or expansion of facilities and services.

(6) Require additional security when existing security is inadequate and the loan or security instruments obligate the borrower to give additional security, or in cases where the loan is in default and additional security is acceptable in lieu of other servicing actions.

(7) Release from mortgages securing Rural Renewal (RN) loan properties being sold by the borrower, provided the notes and mortgages given by the purchaser to the borrower are equal to the present market value and are assigned and pledged to the FHA and any money payable to the borrower is applied as an extra payment on the RN loan.

(b) All proposed servicing actions which the State Director is not authorized by this subpart to approve will be referred to the national office.

§ 1861.97 Payment in full.

Payment in full of a loan will be handled in accordance with Part 1866 of this chapter. The county supervisor will notify the bonding company in writing that the Government no longer has an interest in the fidelity bond and will release the FHA's interest in insurance policies in accordance with the applicable provisions of Part 1806 of this chapter. The county supervisor will release the FHA's interest in any other security in the manner prescribed by the State Director.

§ 1861.98 State requirements.

State requirements will be prepared with the advice and guidance of OGC, as necessary, to carry out this subpart. Each State requirement will include any and all particular information necessary to comply with appropriate State laws and regulations.

§ 1861.99 Redelegation of authority.

The State Director is authorized to redelegate in writing to the chief, community programs any authority to the State Director in this subpart.

§ 1861.100 Reports and recommendations.

Reports for association problem cases referred to in this subpart on certain forms available in all FHA offices, may have to be modified to provide for corporate execution, if appropriate, rather than the individual execution for which they were designed.

§ 1861.101 Servicing public bodies.

Servicing actions involving public bodies will be processed insofar as feasible in accordance with the other provisions of this subpart. The State Director is authorized to vary from such provisions to any extent that he with the advice and concurrence of OGC, determines reasonably appropriate to accomplish the servicing action.

Dated: March 31, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-5286 Filed 4-5-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

NUTRITION LABELING

Proposed Criteria for Food Label Information Panel

Correction

In F.R. Doc. 72-4948 appearing at page 6493 in the issue of Thursday, March 30, 1972, in § 1.16(a) the word "must" in the second line should read "may".

[21 CFR Part 121]

AMINO ACIDS IN FOOD FOR HUMAN CONSUMPTION

Proposed Conditions of Safe Use in Food and Deletion From GRAS List

The Food and Drug Administration is conducting a comprehensive study of the individual substances listed in § 121.101 *Substances that are generally recognized as safe* of the food additive regulations (21 CFR 121.101).

In the FEDERAL REGISTER of June 25, 1971 (36 F.R. 12093), criteria were promulgated by which substances henceforth are to be judged for possible classification as generally recognized as safe (GRAS). Section 121.3(c) thereof provides that substances intended for human consumption for which limitations are necessary to assure safe use are not eligible for GRAS status. Accordingly, such substances must be removed from the existing GRAS list (21 CFR 121.101).

A number of amino acids are listed in § 121.101(d)(5) under "Nutrients and/or Dietary Supplements" as GRAS without further limitation. As provided in § 121.3(b), the mere natural presence of an amino acid in unprocessed foods in free or combined (as protein) form does not qualify it as safe for addition in a pure form as a component of a formulated or processed food. A risk to health exists when a free amino acid produces toxic or other adverse effects. A potential risk to health also exists when a free amino acid is added at a level that produces an "unbalanced" protein (one used inefficiently for growth), or that produces an amino acid-imbalanced diet, which affects the body's quantitative need for an amino acid.

Experimental animal studies have shown that the adverse effects of these imbalances are suboptimal food intake, growth retardation, and degeneration of certain organs which can lead to the animal's early death. Excessive intakes of most of the nutritionally essential amino acids (for example, histidine and methionine) and several of the nutritionally nonessential amino acids (for example, tyrosine and glycine) will produce undesirable biochemical and pathological effects in animals. This indicates a potential health risk for man if use is not limited.

The individual amino acids in whole egg protein are in such quantity and proportion that they comprise an ideal pattern for high quality protein. The content of a specific amino acid in this protein is exceptionally uniform when expressed as percent of the protein. It is therefore reasonable to conclude that the limit for safe addition of an amino acid to a food should be the difference between the amount of that amino acid present in whole egg protein (expressed as the percent of the total protein) and the amount present in the original protein to which the amino is being added. It is reasonable to conclude also that such addition of one or more amino acids is justifiable only to provide significant improvement in the nutritional quality of the original protein.

Accordingly, the Commissioner of Food and Drugs concludes:

(1) That the amino acids for nutritive purposes listed in § 121.101(d)(5) for human use should be revoked,

(2) That since the D-forms of these amino acids (except for methionine) are not metabolized as efficiently as the L-forms and the conversion of the D- to the L-form takes place only to a limited extent in the body, the safety of the D-forms is uncertain, thus limiting positive action to the L-forms (except for methionine);

(3) That a new food additive regulation ($121.1002 proposed below) should be established prescribing limitations for the safe and nutritionally significant use in human food of amino acids of specified stereochemical configuration for nutritive purposes only;

(4) That the addition of amino acids for nutritive purposes should be limited to those situations where the original protein has a protein efficiency ratio (PER) of less than 2.50, the addition of the additive(s) results in a PER of 2.50 or more for the finished food, and each individual additive included results in an increase of 0.25 or more in the PER;

(5) That exceptions can be made to the requirement of a PER of 2.50 or more for the finished food proposed in paragraph (c)(3) of § 121.1002. The Food and Drug Administration will consider petitions submitted by any interested person requesting this exception. Such petitions must include scientific data which establish the specific nutritional value (relative to human requirements) of protein in finished foods with PER values of less than 2.50 in which the biological quality of the original protein has been improved by adding an amino acid(s) in accord with all the other provisions of the proposed section.

(6) That, in lieu of requiring specific food additive approval for each use of an amino acid proposed below in order to show that it will significantly improve the biological quality of the protein, § 121.1002 should provide that it will be sufficient for the necessary test information to be retained in the user's files and to be made available upon request by representatives of FDA;

(7) That individual uses of the same or other amino acids for technological purposes other than nutritive will be authorized only by separate actions based on food additive petitions submitted to FDA; and

(8) That this action does not cover the inclusion of amino acids in foods which do not contain original intact protein; such uses will be the subject of separate actions.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784, 1787; 21 U.S.C. 321(s), 348(d), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended:

1. By revoking from § 121.101(d)(5) all amino acids for use in food for humans.

2. By adding to Subpart D a new section as follows:

§ 121.1002 Amino acids.

The food additive amino acids may be safely added as nutrients to intact protein-containing foods that are considered significant dietary protein sources in accordance with the following conditions:

(a) The food additive consists of one or more of the following individual amino acids in the free, hydrochloride salt, hydrated, or anhydrous form:

L-Alanine.
L-Arginine.
L-Aspartic acid.
L-Cysteine.
L-Cystine.
L-Glutamic acid.
Glycine.
L-Histidine.
L-Isoleucine.
L-Leucine.
L-Lysine.
DL-Methionine.
L-Methionine.
L-Phenylalanine.
L-Proline.
L-Serine.
L-Threonine.
L-Tryptophan.
L-Tyrosine.
L-Valine.

(b) The food additive meets the following specifications:

(1) As found in "Food Chemicals Codex," National Academy of Sciences-National Research Council (NAS–NRC) Publication No. 1406, First Edition (1966), and supplements thereto for the following:

L-Cystine.
L-Glutamic acid.
Glycine.
L-Leucine.
L-Lysine.
DL-Methionine.
L-Methionine.
L-Tyrosine.

(2) As found in "Specifications and Criteria for Biochemical Compounds," NAS–NRC Publication No. 1344, Second Edition (1967), for the following:

L-Alanine.
L-Arginine.
L-Aspartic acid.
L-Cysteine.
L-Histidine.
L-Isoleucine.
L-Phenylalanine.
L-Proline.
L-Serine.
L-Threonine.
L-Tryptophan.
L-Valine.

(c) The additive(s) is used or intended for use to significantly improve the biological quality of the original protein in intact protein-containing foods that are considered significant dietary protein sources, provided that:

(1) A reasonable daily adult intake of the finished food furnishes at least 6.5 grams of intact protein (based upon 10 percent of the daily allowance for the "reference" adult male recommended by the Food and Nutrition Board of the NAS–NRC ("Recommended Dietary Allowances," NAS–NRC Publication No. 1694, Seventh Edition (1968)).

(2) The original protein has a protein efficiency ratio (PER) of less than 2.50 (as determined by the method specified in paragraph (d) of this section).

(3) The additive(s) results in a PER of 2.50 or more for the finished food (as determined by the method specified in paragraph (d) of this section), unless an exception to this limitation has been authorized based on adequate data submitted in a petition. The Food and Drug Administration will consider petitions submitted by any interested person requesting such exceptions. Petitions must include scientific data establishing the specific nutritional value (relative to human requirements) of protein in finished foods with PER values of less than 2.50 in which the biological quality of the original protein has been improved by the addition of an amino acid(s) in accord with all of the other provisions of this section. When exceptions are granted, this section will be amended to indicate the approved exemptions from this limitation.

(4) Each additive results individually in an increase of 0.25 or more in the PER (as determined by the method described in paragraph (d) of this section). This increase must be substantiated by a statistically significant difference of at least a probability (P) value of less than 0.05.

(5) The amount of the additive added plus the amount naturally present in free and combined (as protein) form does not exceed the following levels of amino acids expressed as percent by weight of the total protein of the finished food:

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	Percent by weight of total protein (expressed as free amino acid)
L-Alanine	6.1
L-Arginine	6.6
L-Aspartic acid	7.0
L-Cystine (including L-cysteine)	2.3
L-Glutamic acid	12.4
Glycine	3.5
L-Histidine	2.4
L-Isoleucine	6.6
L-Leucine	8.8
L-Lysine	6.4
L- and DL-Methionine	3.1
L-Phenylalanine	5.8
L-Proline	4.2
L-Serine	8.4
L-Threonine	5.0
L-Tryptophan	1.6
L-Tyrosine	4.3
L-Valine	7.4

(d) Compliance with the limitations concerning PER under paragraph (c) of this section shall be determined by the method described in sections 39.166–39.170, "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Edition, 1970, if applicable, or if not applicable, then by appropriate animal feeding tests. If more than one amino acid is added, it will be necessary that the tests be designed to demonstrate that each added amino acid is required to significantly improve the biological quality of the protein as described in paragraph (c) of this section. Each manufacturer or person employing the additive(s) under the provisions of this section shall keep and maintain, throughout the period of his use of the additive(s) and for a minimum of 3 years thereafter, records of the tests required by this paragraph and shall make such records available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration, or any other officer or employee acting on behalf of the Secretary of Health, Education, or Welfare and shall permit such officer or employee to inspect and copy such records and to make such inventories of stock as he deems necessary and otherwise to check the correctness of such records.

(e) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The name of the amino acid(s) contained therein, including the specific optical and chemical forms.

(2) The amounts of each amino acid contained in any mixture.

(3) Adequate directions for use to provide a finished food meeting the limitations prescribed by paragraph (c) of this section.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 28, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-5273 Filed 4-5-72;8:46 am]

[21 CFR Part 130]

METHADONE

Proposed Special Requirements for Use

Methadone has been under investigation for use in the maintenance treatment of narcotic addicts for approximately 9 years. For the past 2 years, interest in this use has grown steadily and intensely. In the FEDERAL REGISTER of April 2, 1971 (36 F.R. 6075), the Food and Drug Administration published § 130.44 (21 CFR 130.44) which established guidelines for investigating the use of methadone in maintenance treatment, for assuring the availability of valid data on such use, and for protecting the community from the hazards of diversion and abuse of methadone. These guidelines were developed in cooperation with the National Institute of Mental Health (NIMH) and the Bureau of Narcotics and Dangerous Drugs (BNDD), Department of Justice. To date the Food and Drug Administration and the Bureau of Narcotics and Dangerous Drugs have approved a substantial number of individual treatment units for use of methadone in treating addiction.

In addition to being used for investigational purposes, methadone has been prescribed by individual physicians and has been dispensed in medical institutions both for heroin detoxification and for maintenance therapy. It is not possible to determine how widespread the use of methadone for maintenance therapy has been outside investigational new drug plans, but there is evidence that this use is substantial.

The Food and Drug Administration, in cooperation with the National Institute of Mental Health and the Special Action Office for Drug Abuse Prevention, is undertaking an intensive inspection program to ascertain that existing programs operating under investigational new drug status (IND) meet the requirements of § 130.44. Within the immediate future, each program will be visited by an inspection team. Programs will be allowed to continue to operate if they meet the existing requirements of § 130.44. However, in addition, the proposed special requirements contained in this notice are being encompassed by the inspection in anticipation of improved requirements to be in effect in the future. To reduce the potential for diversion and misuses methadone is also being withdrawn systematically from pharmacies that are not dispensing it solely as part of approved treatment programs using methadone.

The use of methadone presents difficult and unique questions of medical judgment, law enforcement, and public policy that have not previously been encountered with other new drugs. Methadone presently represents the only drug for which there is substantial evidence of effectiveness in the treatment of heroin addiction. Although the short-term use of the drug has been shown to be relatively safe from a toxicity standpoint, more information is necessary on the toxicity of long-term use. Balancing the benefits against the risks, the Food and Drug Administration and numerous professional groups, advisory committees, and experts with whom it has consulted have concluded that the drug should be made available for all addicts who consent to use it in approved treatment programs. Retention of the drug solely on an investigational status appears to be no longer warranted.

At the same time, concern has been expressed that the usual form of NDA (new drug application) approval could lead to greater diversion or misuse of the drug, since it permits unrestricted distribution and allows physicians to use wide discretion in prescribing the drug. It has been suggested that the investigational status of the drug should be retained both to obtain additional toxicity data and as a control mechanism, at least until greater experience is obtained in reducing the potential dangers of diversion and medical misuse. The FDA recognizes these dangers and agrees that strong control must be maintained over the distribution and use of the drug. Since it is an opiod the potential for abuse is greater than for other drugs permitted for widespread medical use. The Food and Drug Administration could not conclude that it is safe if it cannot be properly controlled and would be required to disapprove its use. Some diversion and misuse will inevitably result from the availability of any drug, but it is particularly important that strong controls be available for methadone because of its known addicting potential. Finally, some have pointed out that it is premature to move completely from IND to NDA status because more information has yet to be obtained. The Commissioner concurs that unlimited approval of an NDA for methadone would not be appropriate at this time.

To provide the strongest possible control over the distribution and use of methadone, the Commissioner has concluded that both the IND and NDA control mechanisms should be utilized together with the authority granted under the Comprehensive Drug Abuse Control Act of 1970. Like an NDA, the drug will be available for treatment in all cases where there is medical justification. Like an IND controlled drug, there will be a permanent record showing the pattern of distribution of the drug because the institutions using the drug and the physicians and pharmacists operating in cooperation with the institution will be required to register all use of the drug. It will permit the Food and Drug Administration to withdraw methadone from its present unqualified approval status in pharmacies for detoxification, analgesic, and antitussive purposes. Thus, a new closed system of distribution will be established, under which any diversion or misuse can immediately be stopped at the source of supply. At the same time the drug will be available for use without all the IND restrictions for all addicts for whom it is medically justified.

The Commissioner recognizes that this is a novel form of control designed to reflect the unique problems posed by this drug. It has not previously been necessary to utilize IND and the NDA procedures concurrently in order to assure the safe and effective use of a new drug. Because of the seriousness of the medical and social problems associated with heroin addiction and because methadone is the only drug available for the treatment of heroin addiction, the Commissioner has concluded that it is no longer feasible to retain methadone solely for investigational use. It is therefore appropriate to add the special requirements set forth in this proposal in order to permit the drug to be available wherever medical opinion concludes that it should be used in the treatment of heroin addiction.

The Commissioner feels that the mandate in section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 can be appropriately applied to determining the conditions under which methadone may be safely used in treating narcotic addicts. This section requires the Secretary of Health, Education, and Welfare • • • after consultation with the Attorney General and with national organizations representative of persons with knowledge and experience in the treatment of narcotic addicts, to determine the appropriate methods of professional practice in the medical treatment of narcotic addiction. • • • The Secretary has delegated the authority to make this determination to the Commissioner of Food and Drugs.

In carrying out the requirements of the Comprehensive Drug Abuse Prevention and Control Act, the Commissioner has widely consulted and maintained close communications with the medical profession regarding use of methadone. Among those associations or groups consulted are the American Medical Association's Council on Mental Health, the National Research Council's Committee on Problems of Drug Dependence, the American Psychiatric Association's Commission on Drug Abuse, a task force of the American Society of Pharmacology and Experimental Therapeutics, the Joint Food and Drug Administration/National Institutes of Mental Health Psychotomimetic Advisory Committee, the FDA Drug Abuse Advisory Committee, the Special Action Office of the White House, and the National Institute of Mental Health. The consensus is strong among medical experts and the Food and Drug Administration that currently available evidence on the safety and effectiveness of methadone is sufficient to permit its use for the maintenance treatment of narcotic addiction as proposed in this notice.

On the basis of the above considerations, the Commissioner of Food and Drugs, after consultation with the associations and groups listed above and the Bureau of Narcotics and Dangerous Drugs, and with the endorsement of the Special Action Office of the White House, proposes that the special requirements set out in this notice be imposed upon the use of methadone. These new controls should not interfere with the availability of methadone in the treatment of severe pain or for detoxification of hospitalized addicts. Methadone for the treatment of severe pain on either an inpatient or outpatient basis will be available from hospital pharmacies.

It is proposed that patients under 18 not be admitted to a treatment program using methadone until additional study is completed to determine whether methadone may be safely and effectively used in their treatment. Such additional study must be conducted pursuant to all the requirements of the usual investigational new drug plan. This will mean that juveniles will be excluded from virtually all ongoing treatment programs using methadone except investigational programs with an IND approval. Comment is solicited as to whether the benefits of completing additional studies outweigh the risks of excluding these patients from treatment programs at this time with the likely result that they will continue to use injected heroin.

Under this proposal, the distribution of the drug is limited to treatment programs using methadone and to hospital pharmacies approved by the Food and Drug Administration. Requests for approval of programs received by FDA will be sent to BNDD for any comment it may have prior to FDA approval. BNDD may inspect any such program or may furnish FDA any relevant information from its files. FDA will give great weight to any information, comments, or recommendation received from BNDD in determining whether approval should be granted or, once granted, should be revoked. Methadone will no longer be permitted for antitussive use as the benefits of methadone for this use do not outweigh the risk involved from unsafe and ineffective use.

The Food and Drug Administration believes that State health or mental health authorities are essential to adequately controlling methadone, to assuring that the need for a methadone program exists, and to establishing criteria and guidance for rehabilitation efforts. Approval of a program by the State health or mental health authority designated under the provisions of section 314(d) of the Public Health Service Act or by his designee will be a part of approval of the treatment programs using methadone by FDA. The Food and Drug Administration will contact each State to establish the necessary channels of communication and to establish procedure for the implementation of the program, and will provide information upon request.

Section 130.44 *Conditions for investigational use of methadone for maintenance programs for narcotic addicts* (21 CFR 130.44) will continue in effect until a final order is issued after consideration of the comments submitted on this proposal. To increase control over methadone and to improve patient care prior to the finalization of this proposal, however, the guidelines in § 130.44 will be enforced as a requirement for a methadone maintenance investigational program. Any IND that varies in any material respect from the protocol in § 130.44 will require justification.

The following additional provisions will be required of all methadone maintenance investigational programs during the time between the publication of this proposal and its final promulgation:

1. Only oral dosage forms of methadone formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion will be provided patients for unsupervised use under approved programs.

2. The selection of patients is to be carried out in accordance with the requirements of item V, B, of the form "Application for Approval of Treatment Program Using Methadone" which appears in proposed § 130.48(b)(2)(i).

3. Dosage for detoxification and maintenance is to be in accordance with the requirements of item VIII, A, of the form "Application for Approval of Treatment Program Using Methadone" which appears in proposed § 130.48(b)(2)(i).

4. The recordkeeping requirements are to be in accordance with the information requested in the form "Annual Report for Treatment Program Using Methadone" which appears in proposed § 130.48(b)(2)(iii).

5. All patients in the methadone investigational program are to be given careful consideration for discontinuance of methadone in accordance with item VIII, D, of the form "Application for Approval of Treatment Program Using Methadone" which appears in proposed § 130.48(b)(2)(i).

6. Distribution of methadone will be restricted to direct shipments to approved investigational programs and hospital pharmacies, unless an alternative method of distribution is approved by FDA after consultation with BNDD.

The above stated provisions will be required of all new and ongoing methadone investigational programs within 30 days of the date of publication of this notice. An amended "Notice of Claimed Investigational Exemption for Methadone for Use in the Maintenance Treatment of Narcotic Addicts" shall be submitted by all ongoing programs and by new programs. These amended forms may be obtained from the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052–58 as amended, 1055; 21 U.S.C. 355, 371(a)) and the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241; 42 U.S.C. 257a) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that § 130.48 be amended by adding a new paragraph (b), as follows:

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§ 130.48 Drugs that are subjects of approved new drug applications and that require special studies, records, and reports.

* * * * *

(b) *Methadone.* Methadone is an approved drug for marketing as an analgesic and for the detoxification and treatment of narcotic addicts. Methadone has been under investigation for a number of years for use as an oral substitute for heroin in the maintenance treatment of narcotic addicts. The nature of the use of methadone in maintenance treatment is such that the drug may be used for long periods of time. Further chronic toxicity studies are needed to establish the safety of long-term use. In view of the usefulness of methadone and the tremendous social problems associated with the narcotics problem, the Commissioner of Food and Drugs finds that it is not in the public interest to withhold the drug from the market until further long-term studies have been completed. In view of problems of abuse and misuse associated with the widespread availability of methadone, adequate controls are essential for the safe use of the drug. The drug should nevertheless continue to be available for treatment of severe pain in patients where no substitute therapy is suitable. In view of these considerations, the Commissioner of Food and Drugs has concluded that it is essential to the public interest to prescribe detailed conditions for safe and effective use of methadone. Methadone maintenance treatment will be permitted under both the IND and NDA control mechanisms established in the statute and regulations. These conditions of use are intended to assure that the required studies for assessing the safety of the long-term administration are performed, to monitor records and determine that required reports are maintained, to maintain close control over distribution and availability of the drug, and to detail responsibilities for such control:

(1) The following conditions must be met in order for methadone to be used for maintenance and detoxification in connection with a treatment program using methadone:

(i) The drug is limited to oral dosage forms formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion.

(ii) The manufacturers of methadone will develop additional data from chronic animal toxicity studies in which the drug is administered orally at high doses to dogs or monkeys for 1 year and rats for 18 months or mice for 2 years. Observations will include effects on behavior, growth, food and water consumption, blood and urine chemistry, hematological systems, cardiovascular and respiratory systems. Postmortem examinations will include complete gross and histopathological examinations. Reproduction studies following the FDA 1966 guidelines will be performed.

(iii) Further chronic clinical studies with particular attention to the toxicity of methadone in the hematopoietic, cardiovascular, endocrine, hepatic, and immunological systems will be performed under federally sponsored programs.

(iv) Reports of studies will be submitted pursuant to § 130.13.

(v) At the end of each year after the date of approval, representatives of the Food and Drug Administration, the applicant, appropriate experts, and, if necessary, the investigator(s) will meet to determine whether or not clinical studies should be continued.

(vi) Shipments of the drug are restricted to direct shipments by the holders of approved or investigational new drug applications for methadone to approved treatment programs using methadone. Alternative methods of distribution may be used if they are approved by FDA after consultation with the Bureau of Narcotics and Dangerous Drugs. These treatment programs using methadone must have been reviewed by the appropriate State health or mental health authority designated pursuant to section 314(d) of the Public Health Service Act, or his designee, and notification of the program's approval must have been received from the Food and Drug Administration. Prior to such notification, applications for treatment programs using methadone shall be reviewed by FDA and shall be sent by FDA to BNDD for any information, comments, or recommendations it may have.

(2) A treatment program using methadone shall be approved by FDA if all of the following conditions are met:

(i) The person assuming responsibility for the program must complete, sign, and file in triplicate with the Food and Drug Administration a Form FD ------, "Application for Approval of Treatment Program Using Methadone" as follows:

Form FD ------ —Application for Approval of Treatment Program Using Methadone

Name of other identification of program ----
Address ----------

COMMISSIONER,
Food and Drug Administration,
Bureau of Drugs (BD–22),
Rockville, Md. 20852.

DEAR SIR: As the person (program director) responsible for this program, I submit this request for approval of a treatment program using methadone to provide maintenance treatment and detoxification for narcotic addicts. I understand that failure to abide by the requirements described below are a violation of the law and may result in revocation of approval of my application, seizure of my drug supply, an injunction, and criminal prosecution.

I. Attached is evidence to indicate approval of the program by the State authority designated pursuant to section 314(d) of the Public Health Service Act (or his designee).

II. Attached is the name, complete address, and a summary of the scientific training and experience of each physician and all other professional personnel having major responsibilities for the program and rehabilitative efforts and a signed Form FD ------, "Medical Responsibility Statement for Treatment Program Using Methadone" for every licensed practitioner authorized to prescribe, dispense, or administer methadone under the program. (Copies of the required form are obtainable from this agency at the same address to which this application is mailed.)

III. Attached is the name, address, and description of each hospital, institution, clinical laboratory facility, or other facility available to provide the necessary services. The program must have ready access to a comprehensive range of medical and rehabilitative services. These shall be described and shall comply with any guidelines established by Federal or State authorities.

IV. Attached is a statement of the approximate number of addicts to be included in the program.

V. The following minimal treatment standards will be used:

A. Attached is a statement which will be given to the addicts to inform them about the program. Participation in the program should be voluntary.

B. Care will be exercised in the selection of patients to prevent the possibility of admitting a person who has not been dependent upon heroin or other morphine-like drugs and thereby creating de novo a state of dependence upon methadone. The mere use of an opiate, even if periodic or intermittent, cannot be equated with drug dependence. Admission to the program will be dependent upon a history of physiological dependence on one or more opiate drugs (which will be recorded in the applicant's medical record) and evidence of current physiological dependence on opiates as demonstrated by the results of urinalysis and signs of opiate withdrawal. It is highly unlikely that an individual would be currently dependent on opiates without a positive urinalysis for opiates and/or without demonstrating at least the early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilatation, and piloerection) during the initial period of abstinence. Other positive evidence of use can be obtained by noting the presence of needle tracks and by obtaining additional history from relatives and friends. The withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection requires inpatient observations.

C. An exception to the requirement for evidence of current physiological dependence on opiates will be allowed under exceptional circumstances. For example, methadone treatment may be initiated for an individual with a history of opiate addiction a short time prior to or upon release from a stay of 1 month or longer in a penal or chronic care institution. In these circumstances, the reasons for this exception, appropriate descriptions of the facilities, procedures, and qualifications of the personnel of the institution or other appropriate justification will be sent to the Food and Drug Administration at the time of filing this application or with the Annual Report.

D. Additional study is necessary to determine whether methadone may be safely and effectively used in the treatment of patients under 18. No such patients will be admitted to a treatment program using methadone unless prior approval of a Form FD 1571, "Notice of Claimed Investigational Exemption for a New Drug," has been obtained. Such approval will be granted only for a controlled clinical study and not for an ongoing treatment program.

VI. I agree that an admission evaluation and record will be made and maintained for each patient upon admission to the program and will consist of the following:

A. Personal, history including age, sex, educational level, employment history, criminal history, and past history of drug abuse of all types;

B. Medical history and history of psychiatric illness and current legal problems, if any; and

C. Physical examination results.

VII. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone maintenance program in order to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. To prevent such multiple enrollments, I will participate in whatever local, regional, or national patient identification system exists or is developed. Except in an emergency situation, methadone shall not be provided to a patient who is known to be currently receiving the drug from any other treatment program using methadone. Except as provided in item XV of this form, information that would identify the patient will be kept confidential pursuant to section 303 of the Public Health Service Act and will not be divulged in any civil, criminal, administrative, legislative, or other proceedings conducted by Federal, State, or local authorities.

VIII. The following minimal procedures will be used for ongoing care:

A. Dosage and administration for detoxification and maintenance:

1. The methadone will be administered in oral form.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedule indicated below is recommended but should be varied depending upon clinical judgment. Initially, a single oral dose of 15–20 milligrams of methadone will often be sufficient. Additional methadone can be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone, it may be necessary to exceed these levels. With the exception of such patients, 40 milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued for 2 to 3 days and then the amount of methadone can be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or, at most, in 2-day intervals. However, the amount of intake must always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and causes little discomfort. When the total dosage has decreased to 20 milligrams per day, the dose can be reduced by 50 percent per day without producing significant discomfort. If a patient complains of undue distress, phenothiazine may be used in lieu of increasing the methadone dose. In ambulatory patients, a somewhat slower schedule may be needed.

In any event, if methadone is administered for more than 3 weeks, the procedure will be considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to that of methadone maintenance even though the goal and intent may be eventual total withdrawal:

3. In maintenance treatment the initial dosage of methadone should control the abstinenece symptoms that follow withdrawal of heroin but should not be so great as to cause marked sedation or respiratory depression. It is important that the initial dosage be adjusted to the narcotic tolerance of the new patient. If such a patient has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams orally for the first dose and another 20 milligrams 4 to 8 hours later or 40 milligrams in a single oral dose. If he enters treatment with little or no narcotic tolerance (e.g., if he has recently been released from jail or other confinement), the initial dosage can be one half these quantities. When there is any doubt, a smaller dose can be used initially. Then the patient should be kept under observation, and, if symptoms of abstinence are distressing, 10-milligram doses may be repeated as needed. Subsequently the dosage can be adjusted individually as tolerated and required with a maintenance level of approximately 40 to 100 milligrams daily. Occasionally, higher dosage levels may be required but must be justified in the medical record.

4. The methadone will be dispensed by a practitioner licensed by law to administer drugs and administered by him or under close supervision. For maintenance, initially (the first several weeks), the subject will receive the medication under observation daily, or at least 6 days a week. For detoxification, the drug will be administered daily under close observation. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a clinic may be incompatible with gainful employment, education, and responsible homemaking. Therefore, in maintenance treatment, after demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in his rehabilitation, the patient may be permitted to reduce to twice weekly the times when he must receive the drug under observation. The rest of the time he may administer the drug himself, but no more than a 3-day supply will routinely be allowed in his possession. However, the requirement that the drug always be administered under supervision will be relaxed only in the following instances: (a) If the patient is responsibly employed on a regular and full-time basis, or (b) if the patient is a full-time student in a recognized institution of learning and is regularly in attendance and performing satisfactorily, or (c) if the patient is a part-time employee and part-time student and otherwise meets the criteria set forth in (a) and (b) above, or (d) if the patient is directly responsible, as a parent or as one in *loco parentis*, for the day-to-day welfare of one or more children under the age of 10 and customary observed medication intake would cause such a child or children to be without adequate supervision. Additional medication may also be provided in exceptional circumstances such as illness, family crises, or necessary travel when hardship would result from requiring the customary observed medication intake for such specific period as may be in question. In such circumstances the reasons for providing additional medication will be recorded.

B. In maintenance treatment, a urinalysis will be performed at least once a week for morphine and any other drug clinically indicated. Patients with take-home privileges for methadone should also be tested weekly for methadone. Urine specimens will be collected under direct observation. It is recommended but not required that patients be followed for other drug and alcohol abuse.

C. An adequate clinical record will be maintained for each patient. This record will contain the date of each visit, the results of each urinalysis, a detailed account of any adverse reactions, any significant physical or psychological disability, and other relevant aspects of the treatment programs. If a patient misses appointments for 2 weeks or more without notifying the program, the episode of care will be considered terminated, and this will be noted on his clinical record. If he returns for care, he will be readmitted and his record will be reopened.

D. All patients in the maintenance program will be given careful consideration for discontinuance of methadone after social rehabilitation has been maintained for a reasonable period of time. The patient will be given sufficient information regarding the methadone maintenance technique, so that he can elect to pursue the goal of eventually withdrawing from methadone and becoming drug-free.

IX. A report on Form FD ------, "Annual Report for Treatment Program Using Methadone" will be submitted to the Food and Drug Administration by January 30 of each year. (Copies of the form are available from this agency at the same address to which this application is mailed.)

X. To prevent diversion into illicit channels, adequate security will be maintained over stocks of methadone and over the manner in which it is distributed, as required by the Bureau of Narcotics and Dangerous Drugs.

XI. Accurate records traceable to patients will be maintained showing dates, quantity, and batch or code marks of the drug used. These records should be retained for a period of 3 years.

XII. In a maintenance program, the program director may establish satellite operations for treatment and dispensing of medication but will obtain and submit to FDA a signed FD ------, "Medical Responsibility Statement for Treatment Program Using Methadone," for every such operation. Only after patients have been stabilized at their optimal dosage level may they be referred to the satellite operations for obtaining medication and other treatment including any appropriate rehabilitative services. Subsequent to such referral, the program director will retain continuing responsibility for the patient's care, and the patient must be periodically checked at the primary facility of the program. No satellite operation will provide care for more than 10 patients at any one time, unless the program director has justified an increase and obtained approval from the State authority.

XIII. All representations in this application are currently accurate, and no changes will be made in the program until they have been approved by the Food and Drug Administration.

XIV. If the program or any individual under the program is disapproved, the program director will recall the methadone from the disapproved sources and return the drug to the manufacturer.

XV. Inspections of this program may be undertaken by the State authority and the Food and Drug Administration. The identity of the patient will be kept confidential except when the patient or his legal representative consents to the release of such information, when it is necessary to make followup investigations on adverse effect information related to the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records pursuant to proceedings to revoke approval of the program.

Signature: ----------
(Program Director)

(ii) The following completed and signed form referred to in items II and XII of Form FD ------ is submitted in duplicate to the Food and Drug Administration:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD ------—Medical Responsibility Statement for Treatment Program Using Methadone

(To be completed by the individual responsible for the dispensing of medication in

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each facility and every physician working in an approved program, whether ultimately responsible for dispensing medication or not.)

Name of practitioner licensed by law to administer drugs _____
Name of program or program director _____
Program address _____
Date _____

The undersigned _____ agrees to assume responsibility for the prescribing and administering of methadone under the above identified program and to abide by the standards for maintenance treatment and detoxification.

The name of each patient treated at a satellite facility and the frequency of visits will be registered with the program director. An annual report (Form FD _____), "Annual Report for Methadone Maintenance Programs" will be submitted to the program director for submission to FDA. The patient must always report to the same satellite operation unless prior approval is obtained from the program director for treatment at another satellite operation.

I. The following minimal treatment standards will be used:

A. A program statement will be given to the addicts to inform them about the program. Participation in the program should be voluntary.

B. Care will be exercised in the selection of patients to prevent the possibility of admitting a person who has not been dependent upon heroin or other morphine-like drugs and thereby creating de novo a state of dependence upon methadone. The mere use of an opiate, even if it is periodic or intermittent, cannot be equated with drug dependence. Admission to the program will depend upon a history of physiological dependence on one or more opiate drugs (which will be recorded in the applicant's medical record) and evidence of current physiological dependence on opiates as demonstrated by the results of urinalysis and signs of opiate withdrawal. It is highly unlikely that an individual would be currently dependent on opiates without a positive urinalysis for opiates and/or without demonstrating at least the early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilatation, and piloerection) during the initial period of abstinence. Other positive evidence of use can be obtained by noting the presence of needle tracks and by obtaining additional history from relatives and friends. The withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection requires inpatient observation.

C. An exception to the requirement for evidence of current physiological dependence on opiates will be allowed under exceptional circumstances. For example, methadone treatment may be initiated for an individual with a history of opiate addiction a short time prior to or upon release from a stay of 1 month or longer in a penal or chronic care institution. In these circumstances, the reasons for this exception, appropriate descriptions of the facilities, procedures, and qualifications of the personnel of the institution or other appropriate justification will be sent to the Food and Drug Administration at the time of filing this form or with the annual report.

D. Additional study is necessary to determine whether methadone may be safely and effectively used in the treatment of patients under 18. No such patients will be admitted to a treatment program using methadone unless prior approval of Form FD 1571, "Notice of Claimed Investigational Exemption for a New Drug," has been obtained. Such approval will be granted only for a controlled clinical study and not for an ongoing treatment program.

II. I agree that an admission evaluation and record will be made and maintained for each patient upon admission to the program and will consist of the following:

A. Personal history including age, sex, educational level, employment history, criminal history, and past history of drug abuse of all types;

B. Medical history and history of psychiatric illness and current legal problems, if any; and

C. Physical examination results.

III. The following minimal procedures will be used for on-going care;

A. Dosage and administration for detoxification and maintenance:

1. The methadone will be administered in oral form.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedule indicated below is recommended but should be varied depending upon clinical judgment. Initially, a single oral dose of 15–20 milligrams of methadone will often be sufficient. Additional methadone can be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone it may be necessary to exceed these levels. With the exception of such patients, 40 milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued for 2 to 3 days and then the amount of methadone can be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or, at most, in 2-day intervals. However, the amount of intake must always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and causes little discomfort. When the total dosage has decreased to 20 milligrams per day, the dose can be reduced by 50 percent per day without producing significant discomfort. If a patient complains of undue distress, phenothiazine may be used in lieu of increasing the methadone dose. In ambulatory patients, a somewhat slower schedule may be needed.

In any event, if methadone is administered for more than 3 weeks, the procedure will be considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to that of methadone maintenance even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment, the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of heroin but should not be so great as to cause marked sedation or respiratory depression. It is important that the initial dosage be adjusted to the narcotic tolerance of the new patient. If such a patient has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams orally for the first dose and another 20 milligrams 4 to 8 hours later or 40 milligrams in a single oral does. If he enters treatment with little or no narcotic tolerance (e.g., if he has recently been released from jail or other confinement), the initial dosage can be one half these quantities. When there is any doubt, a smaller dose can be used initially. Then the patient should be kept under observation, and, if symptoms of abstinence are distressing, the administration of 10-milligram doses may be repeated as needed. Subsequently the dosage can be adjusted individually as tolerated and required with a maintenance level of approximately 40 to 100 milligrams daily. Occasionally, higher dosage levels may be required but must be justified in the medical record.

4. The methadone will be dispensed by a practitioner licensed by law to administer drugs and administered by him or under close supervision. For maintenance, initially (the first several weeks) the subject will receive the medication under observation daily, or at least 6 days a week. For detoxification, the drug will be administered daily under close observation. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a clinic may be incompatible with gainful employment, education, and responsible homemaking. Therefore, in maintenance treatment, after demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in his rehabilitation, the patient may be permitted to reduce to twice weekly the times when he must receive the drug under observation. The rest of the time he may administer the drug himself, but no more than a 3-day supply will routinely be allowed in his possession. However, the requirement that the drug always be administered under supervision will be relaxed only in the following instances: (a) If the patient is responsibly employed on a regular and full-time basis, or (b) if the patient is a full-time student in a recognized institution of learning and is regularly in attendance and performing satisfactorily, or (c) if the patient is a part-time employee and/or part-time student and otherwise meets the criteria set forth in (a) and (b) above, or (d) if the patient is directly responsible, as a parent or as one in *loco parentis*, for the day-to-day welfare of one or more children under the age of 10 and customary observed medication intake would cause such a child or children to be without adequate supervision. Additional medication may also be provided in exceptional circumstances such as illness, family crisis, or necessary travel when hardship would result from requiring the customary observed medication intake for such specific period as may be in question. In such circumstances the reasons for providing additional medication will be recorded.

B. In maintenance treatment, a urinalysis will be performed at least once a week for morphine and any other drug clinically indicated. Patients with take-home privileges for methadone should also be tested weekly for methadone. Urine specimens will be collected under direct observation. It is recommended but not required that patients be followed for other drug and alcohol abuse.

C. An adequate clinical record will be maintained for each patient. This record will contain the date of each visit, the results of each urinalysis, a detailed account of any adverse reactions, any significant physical or psychological disability, and other relevant aspects of the treatment program. If a patient misses appointments for 2 weeks or more without notifying the program, the episode of care will be considered terminated, and this will be noted on his clinical record. If he returns for care, he will be readmitted and his record will be reopened.

D. All patients in the maintenance program will be given careful consideration for discontinuance of methadone maintenance after social rehabilitation has been maintained for a reasonable period of time. The patient will be given sufficient information regarding the methadone maintenance technique, so that he can elect to pursue the goal of eventually withdrawing from methadone and becoming drug-free.

IV. To prevent diversion into illicit channels, adequate security will be maintained over stocks of methadone under my control and over the manner in which it is distributed, as required by the Bureau of Narcotics and Dangerous Drugs.

V. All representations in this application are currently accurate, and no changes will be made in the program until they have been approved by the program director and the Food and Drug Administration.

VI. If I am disqualified, I agree to return any remaining stock of methadone to the parent program.

VII. Inspections of this program may be undertaken by the State authority and the Food and Drug Administration. The identity of the patient will be kept confidential except when the patient or his legal representative consents to the release of such information, when it is necessary to make followup investigations on adverse effect information related to the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records pursuant to proceedings to revoke approval of the program.

Signature: _____
(Participating physician)

(iii) The following completed and signed form refered to in item IX of Form FD _____, "Application for Approval of Methadone Program," is submitted in duplicate in accordance with the instructions in item IX.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD _____—Annual Report for Treatment Program Using Methadone

This form is to be completed in duplicate for each calendar year. One copy is to be sent to the Food and Drug Administration and one copy to the State authority on or before January 30.

1. Name of other identification of program _____
Address _____

Number of satellite units _____ (Attach a list showing address and person responsible for each unit).

2. Total Treatment Capacity _____

3. Drug Forms Dispensed:

Amount of each formulation dispensed (in grams) during the year:

Formulation	*Amount*
a. _____	_____
b. _____	_____
c. _____	_____

4. Number of individuals who applied to the program but were not admitted or given admission evaluation _____

5. Census of Patients Maintained on Methadone:

a. Number under care at the beginning of the year being reported _____

Of those in treatment at the beginning of the year:

(1) Number continuously under care through the year being reported (still under care) _____

(2) Number discharged or transferred to other types of programs and not readmitted _____

(3) Number discharged or transferred to other types of programs and readmitted (still under care) _____

(4) Number discharged and readmitted (no longer under care) _____

b. Number admitted to care during year—not previously treated in this program:

(1) Number still under care at the end of the year _____

(2) Number discharged or transferred to other types of programs and not readmitted _____

(3) Number discharged or transferred to other types of programs and readmitted (still under care) _____

(4) Number discharged and readmitted (no longer under care) _____

c. Number admitted to care during the year—previously treated in this program prior to the past year:

(1) Number still under care at the end of the year _____

(2) Number discharged or transferred to other types of programs and not readmitted _____

(3) Number discharged and transferred to other types of programs and readmitted (still under care) _____

(4) Number discharged and readmitted (no longer under care) _____

6. Demographic and treatment characteristics of patients under care at the end of the year being reported:

a. Give the number of males and females in each age category:

Age	*Sex*	
	Male	*Female*
Under 18	_____	_____
18–20	_____	_____
21–25	_____	_____
26–35	_____	_____
36–45	_____	_____
46+	_____	_____

b. For the year being reported, give the number of patients who have been under continuous care for the following periods of time:

Under three months	_____
3 months to one year	_____
One to two years	_____
Two to five years	_____
Over five years	_____

c. Total number of individuals treated to date _____

d. For the year being reported, give the number of patients stabilized at each dosage level:

Daily dosage, mgm.	*No. of patients*
Under 40	_____
40–59	_____
60–79	_____
80–99	_____
100–119	_____
120–160	_____
Over 160	_____

e. For the year being reported, give the number of patients in the past 8 weeks who have fallen in the following categories:

	No. of Patients
No positive urinalysis for opiates for 2 months or more	_____
Occasional positive urinalysis for opiates (monthly or less)	_____
Frequent positive urinalysis for opiates (more than once per month; still dependent)	_____
In program for less than 2 months	_____

7. Give the number of patients having significant adverse reactions, particularly reactions related to hematopoietic, cardiovascular, endocrine, and immunological functions (attach a completed copy of Form FD–1639 "Drug Experience Report" for each incident; forms obtainable from the Food and Drug Administration):

Type of reaction	*No. of patients*
_____	_____
_____	_____
_____	_____

8. Give the number of patients who have died while under methadone care (attach a completed copy of Form FD–1639 "Drug Experience Report" for each incident; forms obtainable from the Food and Drug Administration):

	No. of patients
a. Definitely methadone-related	_____
b. Not methadone-related	_____

Signature: _____
Program Director

3. Within 60 days after receipt of an application for a treatment program using methadone, the applicant will receive notification of approval or refusal.

4. Refusal or revocation of a program approval.

(i) Refusal or revocation of approval of a program may be proposed to the Commissioner of Food and Drugs by the Director of the FDA Bureau of Drugs, on his own initiative or at the request of representatives of the Bureau of Narcotics and Dangerous Drugs or the designated State authority.

(ii) Before presenting such a proposal to the Commissioner, the Director of the Bureau of Drugs or his representative will notify the program applicant of the proposed action and the reasons therefor and will offer him an opportunity to explain the matters in question in an informal conference and/or in writing. If an explanation is offered by the applicant but not accepted by the Bureau of Drugs and if the hearing is requested within 10 days after receipt of notification that the explanation is unacceptable, the Commissioner will provide the program applicant an opportunity for an informal hearing on the question of whether the applicant should be entitled to receive methadone for use in a treatment program. Representatives of the State authority and/or BNDD may participate in the conference with the Bureau official or with the Commissioner.

(iii) The Commissioner will evaluate all available information, including any explanation or assurance presented by the program applicant. If he finds that the program applicant has failed to submit adequate assurance that the conditions for receiving methadone for use in a program will be met or that the program applicant has repeatedly or deliberately failed to comply with the conditions for receiving methadone for treatment of addicts or that the applicant has deliberately submitted false information to the Food and Drug Administration, the Commissioner will notify the program applicant, the appropriate State officials, BNDD, and all other appropriate persons that the program applicant is not entitled to receive methadone for treatment of narcotic addicts.

(iv) If a program applicant has had a program application refused or revoked, such refusal or revocation may be reversed when the Commissioner determines that the applicant has presented adequate assurance that he will employ such drugs solely in compliance with the requirements for a methadone program.

5. Program directors will be allowed 3 months from the final promulgation of this paragraph in order to obtain the necessary approvals and establish procedures for adhering to these conditions. During this interim period the State authority may permit one or more hospitals in areas of the State without approved programs to dispense methadone for the detoxification and maintenance treatment of narcotic addicts. The holders of approved new drug applications will be notified by the Food and Drug

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Administration that methadone can be distributed to these hospital pharmacies after the State authority has so informed FDA.

6. Conditions for approving the use of methadone in analgesia and in hospitalized patients in detoxification.

(i) The drug is in oral or parenteral form.

(ii) Transportation is restricted to direct shipments to hospitals which have submitted a notification (FD ------ "Application for approval of Methadone Program,") to the Food and Drug Administration that they wish to receive the drug. The Food and Drug Administration will provide methadone manufacturers with the names of the hospitals that have submitted signed Forms FD ------, "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification".

(iii) For a hospital to receive shipments of methadone for use as an analgesic and for detoxification, a responsible hospital official must complete, sign, and file in triplicate with the Food and Drug Administration a Form FD ------, "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification," as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD- ------

Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification

Name of Hospital----------
Address ----------

COMMISSIONER,
Food and Drug Administration,
Bureau of Drugs (BD–22),
Rockville, Md. 20852.

DEAR SIR: I submit this notice of intent to receive supplies of methadone to be used for analgesia and detoxification. I understand that the failure to abide by the requirements described below may result in discontinuance of shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

1. The name of the individual (pharmacist) responsible for receiving and securing supplies of methadone is ----------

2. There are ------ beds in the hospital. (Give the number.)

3. A general description of the hospital and nature of patient care undertaken is attached.

4. The anticipated quantity of supply needed per year is ----------

5. Adequate security will be maintained over stocks of methadone to prevent diversion into illicit channels. All stocks will be secured in a locked cabinet or safe.

6. Methadone will be dispensed for detoxification of hospitalized patients only and for analgesia in severe pain for hospitalized and outpatients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to methadone maintenance. Such treatment can be undertaken only by approved methadone maintenance programs. This does not preclude the maintenance of an addict who is hospitalized for treatment for medical conditions other than addiction and whose enrollment in a specific maintenance program has been verified by the hospital.

7. Prior to filling a physician's prescription for methadone for outpatients, I will obtain from the physician a statement indicating that all such prescriptions will be limited to use for analgesia in severe pain and his agreement to maintain records to substantiate such use. These records will be available in the hospital or made available at the request of the hospital administrator.

On January 30 of each year, the hospital will report to the Food and Drug Administration the names of all physicians who prescribed methadone for analgesia on an outpatient basis during the previous year.

8. Prescriptions will not be filled if they are written by a physician who has not submitted the required commitment to the hospital.

9. Accurate records are maintained showing dates, quantity, and batch or code marks of the drug used. The records are to be retained for a period of 3 years.

10. The Food and Drug Administration may inspect the supplies or use of the drug. The identity of the patient will be kept confidential except when the patient or his legal representative consents to the release of such information, when it is necessary to make followup investigations on adverse effect information related to the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records pursuant to proceedings to revoke approval of the hospital.

Signature: ----------
(Hospital Official)

Interested persons may, within 90 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 3, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72–5297 Filed 4–5–72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 82]

[CGD 72–67P]

CALCASIEU CHANNEL, LA., SABINE PASS, TEX. AND VENTURA MARINA, CALIF.

Boundary Lines of Inland Waters

The Coast Guard is considering amending the lines of demarcation for inland waters at Calcasieu Channel, La., Sabine Pass, Tex., and Ventura Marina, Calif. This amendment is being proposed to bring the line of demarcation descriptions into conformance with recent changes to aids to navigation in the affected locations.

Calcasieu Channel Lighted Whistle Buoy 1 has been discontinued in connection with the deepening and extension of the channel. Therefore, it is proposed to use Calcasieu Channel Lighted Whistle Buoy 20 in the boundary description. This proposed change moves the line of demarcation at Calcasieu Channel 500 yards to seaward.

Sabine Pass Lighted Whistle Buoy 1 has been discontinued in connection with the deepening and extension of the channel. Therefore, it is proposed to use Sabine Bank Channel Lighted Bell Buoy 18 in the boundary description. This proposed change moves the line of demarcation 900 yards seaward.

Because of a detached, offshore breakwater, Ventura Marina presents an unusual harbor entrance not clearly described by the general rules for boundary lines for inland waters (33 CFR 82.2). The proposed regulation provides a specific line of demarcation at the entrance to Ventura Marina.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters, Room 8234, 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should include his name and address and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Executive Secretary, Marine Safety Council.

All comments received before May 8, 1972, will be considered before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 82 be amended by revising §§ 82.103, and 82.106 and adding § 82.144 to read as follows:

§ 82.103 Mississippi Passes, La., to Sabine Pass, Tex.

A line drawn from a point 5.1 miles, 107° true, from Pass a Loutre Abandoned Lighthouse to South Pass Lighted Whistle Buoy 2; thence to southwest Pass Entrance Midchannel Lighted Whistle Buoy; thence to Ship Shoal Daybeacon; thence to Calcasieu Channel Lighted Whistle Buoy 20; thence to Sabine Bank Channel Lighted Bell Buoy 18.

§ 82.106 Sabine Pass, Tex., to Galveston, Tex.

A line drawn from Sabine Bank Channel Lighted Bell Buoy 18 to Galveston Bay Entrance Channel Lighted Whistle Buoy 1.

§ 82.144 Ventura Marina.

(a) A line drawn from the south end of the detached breakwater to Ventura Marina Light 4.

(b) A line drawn 080° true from the north end of the detached breakwater to shore.

(Sec. 2, 28 Stat. 672, as amended, sec. 6(b)(1), 80 Stat. 938; 33 U.S.C. 151, 49 U.S.C. 1655(b); 49 CFR 1.46(b))

Dated: March 31, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–5366 Filed 4–5–72;8:47 am]

[46 CFR Part 177]

[OGD 72–68P]

HULL STRUCTURE

Notice of Proposed Rule Making

The Coast Guard is considering amending the small passenger vessel (under 100 gross tons) regulations to require fire retardant fibrous glass reinforced plastic (FRP) construction for all FRP vessels built or certified after the date of promulgation of this rule. Currently certificated FRP vessels would be allowed to continue in service.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Coast Guard (CMC), Room 8234, 400 Seventh Street SW., Washington, DC 20590. Each person submitting comments should identify the notice number, CGD 72–68P, any specific wording recommended, reasons for any recommended change, and the name, address and organization, if any, of the commentator. All comments received by May 8, 1972, will be fully considered and evaluated before final action is taken on this proposal.

Copies of all written communications received will be available for examination in Room 8234, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after May 8, 1972. The proposal contained in this document may be changed in the light of the comments received.

In the February 24, 1971 issue of the FEDERAL REGISTER (36 F.R. 3425), the Coast Guard published a notice of proposed rule making to amend the navigation and vessel inspection regulations. Included in the notice, and in the Merchant Marine Council Public Hearing Agenda, March 29, 1971 (CG–249), was Item PH 9–71, which proposed amendments to 46 CFR 177.10–1(c).

The Coast Guard held a public hearing on March 29, 1971 in Washington, D.C., on the amendments proposed in the notice. Interested persons were given the opportunity to submit comments both before and at the public hearing and to make oral comments concerning all the proposed amendments at the public hearing. Extension of time to submit written comments on the proposals was granted by a notice published in the April 10, 1971, issue of the FEDERAL REGISTER (36 F.R. 6902).

Eleven written comments were received on Item PH 9–71. In general, the comments evidenced confusion regarding the implementation and application of the proposed amendment. In order to eliminate possible sources of confusion, the original proposal is hereby withdrawn, and a new amendment is now being proposed.

The original proposal would have added paragraph (c) to 46 CFR 177.10–1 to require fibrous glass reinforced plastic constructed hulls of vessels regulated by Subchapter T to be of materials acceptable to the Officer in Charge, Marine Inspection, and to require resins used in general construction to be of a fire retardant type.

The proposal in this document would amend § 177.10–5 of Title 46, Code of Federal Regulations to require that each hull, structural bulkhead, deck, or deckhouse made of fibrous glass reinforced plastic on vessels that carry 150 passengers or less must be constructed with fire retardant resins, laminates of which meet military specification MIL–R–21607, except those vessels that were certificated on the date of promulgation of the rule and in continuous service under the certificate of inspection will be permitted to operate so long as they conform to maintenance requirements.

The Coast Guard has found that vessels of fibrous glass reinforced plastic that are constructed with resins that are not fire retardant do not have sufficient protection against fires. The proposal in this document is made to minimize such hazards on small passenger-carrying vessels constructed of fibrous glass reinforced plastic. In order not to create an undue burden on owners of existing vessels not constructed with this material, certification for carriage of 150 passengers or less would be permitted until approximately 6 months after promulgation of this rule.

In consideration of the foregoing, it is proposed to amend § 177.10–5 by adding paragraphs (a–1) and (a–2) to read as follows:

§ 177.10–5 Fire protection.

• • • • •

(a–1) Except for a vessel complying with the requirements contained in paragraph (a–2) of this section, each hull, structural bulkhead, deck or deckhouse made of fibrous glass reinforced plastic on each vessel that carries 150 passengers or less must be constructed with fire retardant resins, laminates of which have been demonstrated to meet military specification MIL–R–21607 after a 1-year exposure to weather. Military specification MIL–R–21607 may be obtained from the Commanding Officer, Naval Supply Depot, 5801 Tabor Avenue, Philadelphia, PA 19120.

(a–2) Each hull, structural bulkhead, deck or deckhouse made of fibrous reinforced plastic on a vessel that carries 150 passengers or less, that was certificated on (date to be inserted will be 6 months after date of promulgation of the rule), and that has a valid certificate of inspection on the date of reinspection, may continue in service. Any repairs must be as follows:

(1) Minor repairs and alterations must be made to the same standard as the original construction or a higher standard; and

(2) Major alterations and conversions must comply with the requirements of this subpart.

• • • • •

This proposal is made under the authority of R.S. 4405, as amended (46 U.S.C. 375), section 3, 70 Stat. 152 (46 U.S.C. 390b), R.S. 4462, as amended (46 U.SC 416), section 6(b)(1), 80 Stat 937 (46 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

Dated: March 31, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–5287 Filed 4–5–72;8:47 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–SO–26]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tallassee, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Tallassee transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Tallassee Municipal Airport (lat. 32°29'00" N., long. 85°53'00" W.); within 2 miles each side of Tuskegee VOR 270° radial, extending from the VOR to 19 miles west of the VOR.

The proposed designation is required to provide controlled airspace protection for IFR operations at Tallassee Municipal Airport. Prescribed instrument approach procedures to this airport, utilizing the Tuskegee VOR, are proposed in conjunction with the designation of this transition area.

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This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 28, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-5278 Filed 4-5-72;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM-50-2]

EFFLUENTS FROM LIGHT-WATER-COOLED NUCLEAR REACTORS

Rescheduling of Hearing

The hearing previously scheduled for Wednesday, April 5 (37 F.R. 6408), at 10 a.m., has been rescheduled to convene on Monday, April 10, at 10 a.m., in Room 500, Woodmont Building, Bethesda, Md. Matters scheduled for the April 5 hearing, as specified in the order of March 22, 1972, will be taken up at the April 10 hearing.

Dated this 31st day of March 1972, at Washington, D.C.

Ordered by the Hearing Board.

ALGIE A. WELLS,
Chairman.

[FR Doc.72-5280 Filed 4-5-72;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72-95]

CERTAIN STEEL CORES

Designation as Instruments of International Traffic

MARCH 30, 1972.

It has been established to the satisfaction of the Bureau that steel cores, 14 feet 6 inches in length by 11¼ inches in diameter and weighing 410 pounds, used for the transportation of felt paper, are substantial, suitable for and capable of repeated use, and used in significant numbers in international traffic.

Under the authority of § 10.41a(a)(1), Customs Regulations (19 CFR 10.41a(a)(1)), I hereby designate the above-described steel cores as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These cores may be released under the procedures provided for in § 10.41a, Customs Regulations.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.72-5295 Filed 4-5-72;8:48 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Sacramento Area Office Redelegation Order 1, Amdt. 3]

SUPERINTENDENTS AND AREA FIELD REPRESENTATIVE

Name Changes in Field Offices and Their Heads

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

This delegation is issued under the authority delegated to the Commissioner of Indian Affairs from the Secretary of the Interior in section 25 of Secretarial Order 2508 (10 BIAM 2.1) and redelegated by the Commissioner to the Area Directors in 10 BIAM 3.

The Sacramento Area Office Redelegation Order 1 was published on page 14036 of the September 4, 1969 FEDERAL REGISTER (34 F.R. 14036) and subsequently amended on page 4142 of the March 5, 1970, FEDERAL REGISTER (35 F.R. 4142) and page 23258 of the December 7, 1971, FEDERAL REGISTER (36 F.R. 23258). Sacramento Area Office Redelegation Order 1 is being amended to reflect a recent change in the names of the field offices and their heads.

As amended, Sacramento Area Office Redelegation Order 1 is further amended as follows:

1. In the heading, "Area Field Representative and Director of Palm Springs, Sacramento Area Office" is changed to read "Superintendents and Area Field Representative, Sacramento Area Office".
2. In section 1.2, "Area Field Representative, Director" is changed to read "Superintendent, Area Field Representative".
3. In section 1.3, "Area Field Representative and Director" is changed to read "Superintendent and Area Field Representative".
4. In the heading and text of Part 2, "Area Field Representatives and Director of Palm Springs" is changed to read "Superintendents and Area Field Representative, Palm Springs Area Field Office".
5. In sections 2.5(b) and 3.1, "Director of the Palm Springs Office" and "Director, Palm Springs Office" are changed to read "Area Field Representative, Palm Springs Area Field Office".
6. In sections 2.5(c) and 2.50, "Area Field Representative, Hoopa Area Field Office" is changed to read "Superintendent, Hoopa Agency".
7. In section 2.5(d), "Area Field Representative, Riverside Area Field Office" is changed to read "Superintendent, Southern California Agency" and "Riverside Area Field Office" is changed to read "Southern California Agency".

The effective date of this delegation will be the date of signature by the Area Director.

WILLIAM E. FINALE,
Area Director.

MARCH 24, 1972.

Approved: March 30, 1972.

JOHN O. CROW,
Deputy Commissioner of Indian Affairs.

[FR Doc.72-5274 Filed 4-5-72;8:46 am]

Bureau of Land Management

[Sacramento 075930]

CALIFORNIA

Order Providing for Opening of Lands

MARCH 28, 1972.

In accordance with the authority redelegated to me by the State Director, California State Office, Bureau of Land Management, effective January 12, 1972 (37 F.R. 491), it is ordered as follows:

1. Pursuant to publication of Notice (36 F.R. 19343, October 2, 1971) the U.S. Geological Survey canceled Power Site Classification No. 144 of May 15, 1926; Power Site Classification No. 185 of July 14, 1927 (as interpreted January 17, 1936); and Power Site Classification No. 290 of January 17, 1936, to the extent that they affect the following described land:

MOUNT DIABLO MERIDIAN, CALIFORNIA

POWER SITE CLASSIFICATION 144

T. 20 S., R. 30 E.,
Sec. 22, SE¼;
Sec. 23, SW¼SW¼ and SE¼SE¼;
Sec. 24, S½S½;
Sec. 25, N½N½;
Sec. 26, NE¼, NE¼NW¼, S½NW¼, NE¼SW¼, and N½SE¼.
T. 20 S., R. 31 E.,
Sec. 19, lot 4;
Sec. 29, SW¼SW¼;
Sec. 30, lots 1 and 2, W½NE¼, NE¼NW¼, and SE¼;
Sec. 31, NE¼NE¼;
Sec. 32, W½.

POWER SITE CLASSIFICATION 185

T. 17 S., R. 29 E.,
Sec. 2, lot 9;
Sec. 3, lots 5 to 9, inclusive;
Sec. 4, SW¼NW¼ and NE¼SE¼;
Sec. 13, lot 1 and NW¼SW¼;
Sec. 15, N½SW¼ and NW¼SE¼;
Sec. 24, NE¼NW¼ and SE¼SE¼.
T. 18 S., R. 29 E.,
Sec. 13, NW¼SW¼;
Sec. 14, NE¼SE¼ and S½SE¼;
Sec. 15, SW¼SW¼ and SE¼SE¼;
Sec. 16, SW¼ and SE¼SE¼;
Sec. 22, N½NW¼;
Sec. 23, W½NE¼ and S½NW¼.

POWER SITE CLASSIFICATION 290

T. 17 S., R. 29 E.,
Sec. 38, lot 2, NE¼, and E½SE¼;
Sec. 39, lots 1 to 6, inclusive; SW¼NE¼, S½NW¼, and NW¼SE¼;
Sec. 40, lot 1 and SE¼NE¼.

The areas described, including public lands, nonpublic lands, and lands within the Sequoia National Forest aggregate approximately 3,517 acres.

The State of California has waived its preference right of application for highway rights-of-way or material sites afforded it by section 24 of the Federal Power Act of June 10, 1920.

2. At 10 a.m., on May 8, 1972, the public lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on May 8, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m., on May 8, 1972, the national forest lands shall be open to such forms of disposition as may by law be made of such lands.

3. The public lands have been and will continue to be open to applications and offers under the mineral leasing laws,

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and to location under the U.S. mining laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72-5296 Filed 4-5-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

OFFICE OF THE DEPUTY ADMINISTRATOR FOR PLANT PROTECTION AND QUARANTINE ET AL.

Delegation of Authority

By order 37 F.R. 6327 effective April 2, 1972, the Secretary of Agriculture established the Animal and Plant Health Inspection Service in the Department of Agriculture and vested in the Assistant Secretary for Marketing and Consumer Services certain functions and responsibilities relating to the animal and plant health activities of the Animal and Plant Health Service and the meat and poultry inspection activities of the Consumer and Marketing Service, including the functions prescribed in the provisions in Title 7, Code of Federal Regulations, Chapter I, Parts 54, 70, and 81, and Chapter III and in Title 9, Code of Federal Regulations, Chapters I and III.

By order 37 F.R. 6505 effective April 2, 1972, the Assistant Secretary for Marketing and Consumer Services delegated on a temporary basis, to the Administrator, Animal and Plant Health Inspection Service, the functions and responsibilities vested in the said Assistant Secretary relating to animal and plant health activities and meat and poultry inspection activities.

For the purpose of providing for the orderly exercise of the functions and responsibilities so delegated, including administration of the provisions in the aforesaid chapters of the Code of Federal Regulations, pending further organizational structuring in the Animal and Plant Health Inspection Service, authority is hereby delegated on a temporary basis to all persons in or organizationally under the following components of the Animal and Plant Health Service and the Consumer and Marketing Service which were transferred to the Administrator, Animal and Plant Health Inspection Service, to continue to perform the functions heretofore performed by them as members of such components, including functions under aforesaid chapters:

Office of the Deputy Administrator for Plant Protection and Quarrantine, Animal and Plant Health Service.

Office of the Deputy Administrator for Veterinary Services, Animal and Plant Health Service.

Office of the Deputy Administrator for Meat and Poultry Inspection, Consumer and Marketing Service.

This delegation shall also apply to the successors in office of such persons. All actions heretofore taken by such persons or their successors in accordance with delegations are hereby ratified.

This action shall become effective April 2, 1972.

Done in Washington, D.C., this 2d day of April 1972.

F. J. MULHERN,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-5281 Filed 4-5-72;8:47 am]

Commodity Credit Corporation

BARLEY LOAN PROGRAMS

Notice of Voluntary Early Delivery Provisions for Farm Stored Barley Loans

Notwithstanding the provisions of § 1421.23(g) and 1421.537(c) of 7 CFR Part 1421, producers who have outstanding farm stored Commodity Credit Corporation loans from the 1968, 1969, 1970, and 1971 crops of barley will be permitted to make voluntary early delivery of such barley and receive storage payments for the balance of the 1971-72 storage period on resealed crops of farm stored barley and will be charged with no storage deductions with respect to 1971 crop farm stored barley delivered prior to the loan maturity date.

Since this notice implements the announcement made by press release on February 18, 1972, in view of the urgency for informing producers of the voluntary early delivery option, compliance with the notice of proposed rule making and public participation procedure would be impracticable and contrary to the public interest. Therefore, this notice is issued without compliance with such procedure.

Signed at Washington, D.C., on March 30, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-5282 Filed 4-5-72;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. B-537]

DAVID A. CARLSON

Notice of Loan Application

MARCH 29, 1972.

David A. Carlson, Minturn, Maine 04659, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new fiberglass vessel, about 30-foot length, to engage in the fishery for lobsters, shrimp, and scallops.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above-entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-5275 Filed 4-5-72;8:46 am]

[Docket No. G-526]

AYLMER GORDON GRAY, JR.

Notice of Loan Application

MARCH 29, 1972.

Aylmer Gordon Gray, Jr., 2807 Broome Lane, Beaufort, S.C. 29902, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 73-foot length, to engage in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

PHILIP M. ROEDEL,
Director.

[FR Doc.72-5276 Filed 4-5-72;8:46 am]

Office of Import Programs

CHILDREN'S HOSPITAL MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00577-33-46040. Applicant: The Children's Hospital Medical Center, 300 Longwood Avenue, Boston, MA 02115. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic, The Netherlands. Intended use of article: The article will be used for a project concerning a study of congenital heart disease that involves the examination of embryonic hearts and the embryonic cardiac connective tissue. Another area of research concerns electron microscope examination of connective tissue, particularly calcified tissue (bone and tooth).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 30, 1971 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc. 72-5263 Filed 4-5-72;8:45 am]

DEPARTMENT OF AGRICULTURE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(c).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00517-33-46040. Applicant: U.S. Department of Agriculture, ARS Plant Science Research Division, Plant Virology Laboratory, Plant Industry Stations, Beltsville, Md. 20705. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: This article will be used for research aimed at improving the freeze-etching and related techniques of preparing biological specimens for electron microscopy and studying the molecular morphology of viruses and other pathogens, both within the infected cells and isolated form. Application received by Commissioner of Customs: April 29, 1971. Advice submitted by Department of Health, Education, and Welfare on: September 3, 1971.

Docket No. 72-00020-33-46040. Applicant: University of Pennsylvania, Biology Department, 27th and Hamilton Walk, Philadelphia, PA 19104. Article: Electron microscope, Model JEM-100B and accessories. Manufacturer: Japan Electron Optics Laboratory, Ltd., Japan. Intended use of article: The article will be used in research studies of the membrane systems in muscle cells and in an educational course teaching the electron microscope. Application received by Commissioner of Customs July 9, 1971. Advice submitted by Department of Health, Education, and Welfare on January 14, 1972.

Docket No. 72-00035-33-46040. Applicant: Duke University Medical Center, Department of Pathology, Post Office Box 3712, Durham, N.C. 27710. Article: Electron microscope, Model JEM-100B. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used in research to determine the ultrastructure of a number of biological materials notably various cell membranes, especially those of heart muscle; and of viruses, in order to correlate these anatomical observations with functional biological phenomenon. The article will also be used in teaching medical students a course in ultrastructural and molecular pathology and in training residents, postdoctoral fellows and graduate students in electron microscopy. Application received by Commissioner of Customs July 19, 1971. Advice submitted by Department of Health, Education, and Welfare on January 28, 1972.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.0 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-5262 Filed 4-5-72;8:45 am]

GEORGETOWN UNIVERSITY SCHOOL OF MEDICINE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00055-33-46500. Applicant: Georgetown University School of Medicine, 3900 Reservoir Road NW., Washington, DC 20007. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of materials of a diverse biological nature; mainly mammalian tissues derived from human biopsy specimens and various experimental laboratory animals in the various

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research projects to be performed. In addition, the article will be used to instruct beginning graduate students in the principles of ultramicrotomy and electron microscopy and to provide an opportunity to gain essential laboratory experience. Application received by Commissioner of Customs: July 26, 1971. Advice submitted by Department of Health, Education, and Welfare on February 11, 1972.

Docket No. 72-00056-33-46500. Applicant: West Virginia University, Department of Anatomy, Room 4052 BSB, Medical Center, Morgantown, W. Va. 26506. Article: Ultramicrotome, Model LKB Produkter AB, Sweden. Intended use of article: The article will be used in the preparation of tissues for a variety of projects which include:

1. An ultrastructural comparison of human basal cell carcinomas of different etiologies;

2. An electron microscopic study of developing mechanotransducers in certain insects;

3. An electron microscopic study of developing teeth in frogs;

4. An electron microscopic study of coal dust deposition in the lungs of mice;

5. An electron microscopic study of microtubule development in a variety of tissues; and

6. An ultrastructural study of calcification in developing Amphibia. Application received by Commissioner of Customs, July 26, 1971. Advice submitted by Department of Health, Education, and Welfare on February 11, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorval, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section."

In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5261 Filed 4-5-72;8:45 am]

MOUNT SINAI HOSPITAL ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00561-33-46040. Applicant: The Mount Sinai Hospital, University Circle, Cleveland, Ohio 44106. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for the training of graduate students and postdoctorates in the techniques and application of electron microscopy. M.D.'s and Ph. D.'s whose major interest is to obtain results as rapidly and as simply as possible will use the electron microscope as a tool to accomplish their projects. Detailed projects concern ultrastructure of pathology calcified tissues and localization of tritiated parathyroid hormone in bone. Application received by Commissioner of Customs May 19, 1971. Advice submitted by Department of Health, Education, and Welfare on December 17, 1971.

Docket No. 71-00619-33-46040. Applicant: VA Hospital No. 614, 1030 Jefferson Avenue, Memphis, TN 38104. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used in an intensive research program underway to identify an enzyme produced by basal cell epithelioma important to the cure of this the most common skin cancer; investigation of various keratinizing tissues of the skin such as hair and nail; and train residents in electron microscopy. Application received by Commissioner of Customs June 28, 1971. Advice submitted by Department of Health, Education, and Welfare on December 30, 1971.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.0 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5264 Filed 4-5-72;8:45 am]

NEW YORK STATE OFFICE OF GENERAL SERVICES

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article, pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00072-33-46040. Applicant: New York State Office of General Services, Alfred E. Smith State Office Building, Albany, N.Y. 12225. Article: Electron microscope, Model EM-7. Manufacturer: Associated Electronic Industries, United Kingdom. Intended use of article: The article will be used for a wide range of biological and medical studies; including the examination of living cells, whole and component parts, normal and abnormal; and whole microorganisms including bacteria and viruses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 1200 kilovolts. The most closely comparable domestic instrument is the Model EMU-4C manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C has a specified maximum accelerating voltage of 100 kilovolts.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 16, 1972, that the higher accelerating voltage provides proportionately greater penetrating power and, consequently, higher resolution for a specimen of a given thickness. HEW further advises that due to the nature of the material on which research will be conducted with the use of the foreign article, relatively thick specimens must be used in the experiments and, therefore, the higher accelerating voltage of the foreign article is a pertinent characteristic. For these reasons, we find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument being manufactured in the United States, which is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5265 Filed 4-5-72;8:45 am]

NEW YORK UNIVERSITY MEDICAL CENTER ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00506-33-46040. Applicant: New York University Medical Center, 560 First Avenue, New York, NY 10016. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used for high resolution electron micrography of biologically important macromolecules to measure the size and shape (stained or unstained) by ultrathin support films. DNA studies will be made and the enzymes to be studied will include those involved in fatty acid biosynthesis and in protein biosynthesis such as ribosomal particles. Application received by Commissioner of Customs April 20, 1971. Advice submitted by Department of Health, Education, and Welfare on August 27, 1971.

Docket No. 72-00065-33-46040. Applicant: The University of Iowa, Iowa City, Iowa 52240. Article: Electron microscope, Model Elmiskop 101 and accessories. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article will be used to study biological tissue specimens removed from mammalian reproductive tracts and certain portions of the central nervous system in investigations directed toward a better understanding of the mechanism of action of contraceptive devices and drugs. These investigations are related to a multidisciplinary approach to the problem of interference with implementation of the fertilized ovum, and employment of existing drugs to enhance the effect of current contraceptive measures, as well as possible design of new and different contraceptive drugs. The article will also be used in a lecture and laboratory course covering all aspects of electron microscopy. Application received by Commissioner of Customs July 29, 1971. Advice submitted by Department of Health, Education, and Welfare on February 11, 1972.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C has a specified resolving capability of five angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5259 Filed 4-5-72;8:45 am]

SOUTHWEST MISSOURI STATE COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00078-33-46040. Applicant: Southwest Missouri State College, 901 South National Springfield, MO 65802. Article: Electron microscope, Model HU-11F. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in various research projects which include:

1. Direct and indirect study of noncrystalline biomolecules;

2. Ultrastructural study of light-induced changes in tomato pitch cells;

3. Significance of the different properties of various plant peroxidases as marker proteins in protein tracer studies;

4. A study on the development or more specified enzyme localizations at the ultrastructural level; and

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5. Origin, transport, and deposition of induced peroxidase protein in plant cell walls.

The article will also be used in teaching a course, "Methods in Electron Microscopy" to graduate students.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 18, 1972 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5266 Filed 4-5-72;8:46 am]

STATE UNIVERSITY OF NEW YORK AT ALBANY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00496-33-46500. Applicant: State University of New York, at Albany, Department of Biological Sciences, Albany, N.Y. 12203. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produckter A.B., Sweden. Intended use of article: The article will be used in a study of the reticulopodia of allogromia and cell movement systems; the ultrastructure of closely identified tips of growing pollen tubes; and the ultrastructure and physiology of the accoustic receptor of the noctuid moth.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00665-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 27, 1971 that cutting speeds higher than those available on the MT-2B are pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5267 Filed 4-5-72;8:46 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

In the notice of consolidated decision on applications for Duty-Free Entry of scientific articles appearing at page 6328 in the FEDERAL REGISTER of Tuesday, March 28, 1972, the following docket should be deleted.

Docket No. 71-00067-01-77040. Applicant: University of Wyoming, Department of Chemistry, Box 3838 University Station, Laramie, WY 82070. Article: Mass Spectrometer, Model CH-5. Date of denial without prejudice to resubmission: October 21, 1971.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5258 Filed 4-5-72;8:45 am]

STATE UNIVERSITY OF NEW YORK AT STONY BROOK ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00054-99-46040. Applicant: State University of New York at Stony Brook, Stony Brook, N.Y. 11790. Article: Electron microscope, HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to instruct students, residents and fellows in the principles of electron microscopy. Application received by Commissioner of Customs July 26, 1971. Advice submitted by Department of Health, Education, and Welfare on February 11, 1972.

Docket No. 72-00060-99-46040. Applicant: Mankato State College, Mankato, Minn. 56001. Article: Electron microscope, HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used investigating mammalian sperm surfaces and surface reactions using ruthenium red staining techniques, in investigating the effect of various hormones in the fine structure of the caput epidiymus, and in investigating centrifugally prepared cell fractions employed in metabolism studies of selected insecticides. The article will also be used to train students in the operation and use of the electron microscope as a part of courses of zoology, botany, and microbiology. Application received by Commissioner of Customs July 29, 1971. Advice submitted by Department of Health, Education, and Welfare on February 11, 1972.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5260 Filed 4-5-72;8:45 am]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00077-33-43780. Applicant: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. Article: Laryngo-Synchronstrobescope K33. Manufacturer: Rolf Timcke, West Germany. Intended use of article: The article will be used to teach medical students, interns, and residents the anatomic and physiologic action of the vocal cords and the voice box.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an integrated system for controlled examination of vocal cord mechanics coupled with microphonic sensing over a broad range of frequency and intensity. In addition the article provides stopped-action type photography or observation synchronized by phase detection of sound waves, in manual or automatic modes. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 18, 1972, that the characteristics described above are pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that it knows of no domestic manufacturer that provides an integrated device having the pertinent specifications of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5269 Filed 4-5-72;8:46 am]

UNIVERSITY OF IOWA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00057-33-20700. Applicant: University of Iowa, Iowa City, Iowa 52240. Article: Distansense, proximity probe. Manufacturer: Beta Engineering Co., Israel. Intended use of article: The article will be used in research studies of patients with disease of the right hemisphere who show a specific deficit in controlling movements under a condition in which they have to depend on "muscle sense" rather than vision for guidance. This research will be replication and extension of a study of impaired utilization of kinesthetic feedback in the right hemispheric lesion done by an Israeli neurologist.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is tailor-made to a particular type of research which the applicant is trying to confirm and extend and is essentially the same instrument used by the original investigator. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 11, 1972, that the use of an instrument which is, as nearly as possible, the same instrument used initially is pertinent to the applicant's intended purposes. HEW further advises that it knows of no scientifically equivalent domestic instrument for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5270 Filed 4-5-72;8:46 am]

UNIVERSITY OF WASHINGTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00508-33-46040. Applicant: University of Washington, Dental School, Department of Oral Biology, B-122-HSB-RD-50, Seattle, Wash. 98105. Article: Electron microscope, Model EM 801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used for the study of the formation of the byssus attachment apparatus in bivalves and the complex interaction of three cell types of the synthesis, secretion and polymerization of extraorganismal collagen. Another

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project involves the changes in mammalian exocrine glands resulting from malnutrition and undernutrition.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a specimen holder capable of taking 2 centimeters of serial sections. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by Forgflo Corp. (Forgflo). We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 27, 1971, that the specimen holder capacity of 2 centimeters of serial sections of the article is pertinent to the applicant's research studies. HEW further advises that the EMU-4C does not have an equivalent specimen holder.

We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5271 Filed 4-5-72;8:46 am]

YALE UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00354-33-46040. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, CT 06520. Article: Electron miscroscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used for research combining cytochemistry and electron microscopy, inquiring into the relationship of biochemical activity to the fine structural elements of cells. Investigations concern the fine structural localization of enzymes, lipoprotein lipase, hormone sensitive lipase, and synthesized gold ligands adenosine monophosphate. Application received by Commissioner of Customs January 18, 1971. Advice submitted by Department of Health, Education, and Welfare on November 19, 1971.

Docket No. 71-00554-33-46040. Applicant: Philadelphia General Hospital, 34th Street and Civic Center Boulevard, Philadelphia, PA 19104. Article: Electron microscope, Model HU-11E. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to study the biosynthesis and degradation of collagen, the major protein found in tissues such as skin, bone, and small blood vessels. Sections of tissues and cells which are either synthesizing or degrading collagen will be examined by the electron microscope. Also molecules such as emzymes which are involved in either the biosynthesis or degradation of collagen will be examined. Application received by Commissioner of Customs May 18, 1971. Advice submitted by Department of Health, Education, and Welfare on September 23, 1971.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU-4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5268 Filed 4-5-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-453]

BEECHAM-MASSENGILL PHARMACEUTICALS

Certain Drug Products Containing Neomycin Sulfate and Polymyxin B Sulfate; Notice of Drugs Deemed Adulterated

An announcement concerning the products, (1) Swinex, (2) Daribiotic Liquid, (3) Daribiotic Boloids, and (4) Daribiotic Soluble Powder marketed by Beecham-Massengill Pharmaceuticals, Division of Beecham Inc. (formerly the S. E. Massingill Co.), Bristol, Tenn. 37620, was published in the FEDERAL REGISTER of August 12, 1970 (35 F.R. 12789, DESI 9928V). The announcement set forth the findings of the Food and Drug Administration following review of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group.

Said announcement provided the manufacturer and all interested persons a 6-month period in which to submit new animal drug applications. Beecham-Massengill Pharmaceuticals has not submitted new animal drug applications for the above products. However, they advised the Commissioner of Food and Drugs that Daribiotic Soluble Powder has been discontinued.

Based on the foregoing and the information before him, the Commissioner concludes that the above named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act in that they are not the subject of approved new animal drug applications pursuant to section 512 of the act. Therefore, notice is given to Beecham - Massengill Pharmaceuticals, and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act, and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501(a)(5), 512, 52 Stat. 1049 as amended, 82 Stat. 343-51; 21 U.S.C. 351(a)(5), 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: March 30, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5294 Filed 4-5-72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket 24353; Order 72-3-94]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension of Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of March 1972.

By tariff revisions marked to become effective April 1, 1972, American Airlines, Inc. (American)[1] Eastern Air Lines, Inc. (Eastern),[2] and Pan American World Airways, Inc (Pan American)[3] propose to increase their fares between northeastern U.S.-gateway points, on the one hand, and Puerto Rico and the U.S. Virgin Islands, on the other hand, by approximately 9 percent.

Earlier this year the carriers proposed essentially the same increases. By Order 72-1-85 dated January 24, 1972, the Board rejected those filings since in its opinion, the carriers had not adequately demonstrated that the proposed increases were within the stabilization guidelines or otherwise consistent with the purposes of the Economic Stabilization Act of 1970. The Board indicated that any refiling of the fare proposals must be accompanied by data specifically enumerated in that order.

The carriers have accompanied their present filings with additional material which consists primarily of future year forecasts, with and without the proposed fare increases, and certain other data required by the Board's economic regulation 723 necessary for the Board to certify the increases to the Price Commission. All carriers submitted forecasts based upon a 65-percent load factor (66.7-percent load factor in the case of Eastern) in the San Juan market rather than the aggregate 58.2 percent experienced in the year ended September 1971.

American's estimate indicates that with an adjusted load factor of 65 percent, it would earn a 7.8-percent return on investment with the requested fare increase, and a 3.6-percent return without the increase. The estimated return for its Virgin Islands operation would be a negative 9.4 percent even with the proposed increase. American further alleges that its forecast assumes no increase in 1971 unit costs, and that it reflects a downward adjustment of 3 percent in the wages and salaries of ground personnel to reflect increased productivity associated with the use of wide-bodied equipment. Since only known contracted increases are included, the carrier alleges that its forecast is in effect unrealistic, and that cost increases which it will incur in 1972 but were not included would add at least $1 million to forecast expenses.

Eastern estimates that its return on investment for the future year will be 8.07 percent with the proposed increase and a capacity adjustment which would result in a 66.8-percent load factor. Eastern alleges that without a fare increase (but also with a 66.8-percent load factor) its future year return would be 4.98 percent—woefully inadequate to meet future needs.

Pan American indicates that the proposed increases are clearly justified by cost considerations since present revenues are far below actual costs, and that the increases will serve to offset some but not all of its present loss. The fare increase will allegedly not enable Pan American to achieve even a minimum return on investment. Its forecast is alleged to reflect only cost increases actually experienced or known contractual increases, and to include a potential improvement in productivity estimated at 10 percent on all salaries and related payroll expenses, excluding cockpit and cabin crews.

The Commonwealth of Puerto Rico (Commonwealth) and the Government of the U.S. Virgin Island (Virgin Islands) have filed complaints against the proposals requesting their suspension and investigation. The Virgin Islands indicates that it fully agrees with the arguments and economic data advanced by the Commonwealth and requests that it be associated with those comments. Otherwise, its complaint is limited to the allegations that the economy of the Virgin Islands is dependent upon tourism and that the proposed increases would have an adverse impact.

The Commonwealth alleges that, at load factors the carriers agreed are attainable during capacity discussions in February 1972, profits for northeast U.S.-Puerto Rico operations would be more than adequate at current fares. It further contends that the nature of the San Juan market (high density turnaround service) justifies a higher load factor than the 65 percent used by the carriers in their forecasts, and that the Board's 1963 decision in the Puerto Rico Third-Class Fares case (30 CAB 244, 266-67) requires use of a 75-percent load factor for rate-making purposes.

With respect to the individual forecasts, the Commonwealth alleges that Pan American's overall results are so far out of line that it cannot be considered a rate-making carrier in the market, and notes in particular that Pan American's indirect costs are substantially higher than those of either American and Eastern. The Commonwealth alleges that American's forecast revenues are at odds with its earlier submission, and that its passenger service and general and administrative expenses should be adjusted downward to reflect Latin American Division unit costs rather than system unit costs. When these adjustments are made, it is claimed that American's profit would exceed $9 million annually-more than a fair return.

The Commonwealth alleges that Eastern's forecast should be adjusted to reflect a 75-percent load factor, and that if this were done its profit would be $10,255,000, representing a return on investment of 10.8 percent. It further states that there are substantial discrepancies between Eastern's unit costs and the lower unit costs projected by American. Finally, the Commonwealth alleges that the proposed increases are inconsistent with the Price Commission's goal of holding price increases to 2.5 percent per year, and that price increases totaling 27 percent in less than 3 years are clearly inflationary, excessive, and unnecessary.

In answer to the complaints, the three carriers contend that there was no agreement, individually or collectively, during the capacity discussions that an annual load factor of 75 percent is attainable. At one point in the discussions a 66-percent load factor (which approximates the current break-even point) was used as a starting point from which to begin discussion, but they emphasize that in no way did this mean that the carriers arrived at any agreement that 66 percent was reasonably attainable, and certainly not 75 percent. The carriers assert that the 75-percent load factor found reasonable in a 9-year-old case (Puerto Rico Third-Class Fares) has little or no validity today. Eastern notes that forecast break-even load factor is 66.8 percent, while at domestic fare levels it would be 43 percent. It questions the Commonwealth's position which would require the carriers to conduct Puerto Rican operations at an overall fare level, which results in a break-even load factor 55 percent higher than would be experienced at the domestic fare level.

With respect to the individual forecasts, American asserts that it used its experienced passenger mile yield for mainland-Puerto Rico operations, as reflected in reports on file with the Board. With respect to its expense forecast, American asserts that, had it used its Latin American Division unit costs as suggested by the Commonwealth, its forecast costs would be $2.8 million higher than estimated.

Pan American contends that its operating expenses per available ton mile are not out of line with other carriers, and that it has experienced a steady reduction in cost per available ton mile over the last 3 years. It alleges that one of the primary reasons it is not faring as well as other carriers is that its operating revenue per revenue ton mile is far less, on a system basis, than that obtained by such carriers as American, Eastern, TWA, and United; that a large proportion of its services are in very low yield areas; and that it does not have the benefit of an extensive domestic network enjoying much higher-yield levels.

Eastern states that even by the Commonwealth's own calculations it would not achieve its allowable return operating at a 75-percent load factor, a level which it believes is totally unreasonable. It further asserts that the focus of a comparison between it and American should be on the basis of the cost of carrying passengers, and that the relevant units for measurement are therefore available and revenue passenger miles, not ton

[1] Revisions to American Airlines, Inc., Tariff CAB No. 244.

[2] Revisions to International Air Traffic Tariff CAB No. 326.

[3] Revisions to International Air Traffic Tariff Corp., Agent, Tariffs CAB No. 334 and CAB No. 404.

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miles which it claims place inappropriate emphasis on the B-747 belly cargo capacity. When compared on a seat mile basis, Eastern alleges that its costs are quite similar to American's.

With respect to price stabilization criteria, the carriers claim that the proposed increases will increase system revenues by less than 1 percent, that even with a 9-percent increase they will be unable to recover all costs (including the cost of capital) in the forecast year, and that the increase is the minimum required to assure safe and adequate service and attain the profit margin needed to attract capital at reasonable costs.

In our opinion the carriers have demonstrated a need for some revenue increase in their northeast U.S.-Puerto Rico/Virgin Islands services. We have carefully reviewed the carriers' respective forecasts and conclude that those of American and Eastern are substantially reliable from a cost standpoint,[4] and that the fares proposed are cost based. We have also carefully analyzed the contentions of the various parties, as well as the traffic-flow data in the San Juan market available to us. This market is characterized by an extreme directional imbalance in traffic flow as indicated in Appendix C and also by wide seasonal fluctuations. While daytime services in low traffic months appear fairly equally utilized in both directions (albeit at load factors below 50 percent), night services show a disparity of between 10- and 15-percentage points in favor of southbound flights. By way of contrast, during the month of December 1971 southbound services both day and night showed load factors for the three carriers generally ranging between 75 and 85 percent. On the other hand, load factors on return northbound day services were from 20- to 40-percentage points lower, and from 37- to 50-percentage points lower in night services. For these reasons, we believe the average annual load factor of 65 percent (somewhat higher for Eastern) relied upon by the carriers in developing their forecasts is appropriate at this time for rate-making purposes in the San Juan market. On this basis, American and Eastern forecast returns on investment of 6.1 percent and 8.1 percent, respectively, and Pan American would remain in a loss position.

Nevertheless, we are not persuaded that the full 9-percent across-the-board increase requested is warranted pending investigation. It is our belief that the fare structure which has evolved in the Puerto Rican market and its impact upon traffic flows raise a broad question as to the economics of the services now provided which should be fully explored in an evidentiary hearing. While the instant proposal deals only with fares between points in the northeast United States, on the one hand, and Puerto Rico/Virgin Islands, on the other hand, we believe all fares between the U.S. mainland and Puerto Rico and the Virgin Islands warrant investigation since there is clearly an interrelationship between the fares in all markets. Moreover, the question of the proper construction of fares to interior U.S. points has posed problems in recent years.

In the interim, we will permit the carriers to increase, as proposed, both night third-class and night first-class fares in the New York-San Juan market and to increase their various excursion fares in all markets in the amounts proposed. However, in view of the problems with the proposed fare structure, we have decided to suspend the remaining fare increases. In reaching this determination we have also taken into account the rather sudden and strong resurgence in traffic growth which has occurred generally in recent months and which could materially alter the profit picture in this market. Moreover, we are concerned with the fact that the present proposal would compound with the two fare increases permitted in 1969 to total over 27 percent in less than 3 years.

The present night third-class fares in the New York-San Juan market are $57 and $61 for midweek and weekend travel respectively, and yield between 3.5 and 3.8 cents. The carriers propose to increase the midweek night fare by $5 to $62, and the weekend night fare by $6 to $67. By way of comparison application of the domestic coach formula to the New York-San Juan market, assuming night coach fares at 80 percent of day coach, would result in a night coach fare of $83.33.

It is also important to bear in mind that approximately 50 percent of third-class travel is in night service, far more than is the case domestically. This would appear, in our opinion, to raise a very real question whether a fare structure which has resulted in carriage of almost half the traffic on extremely low yield, so-called "off-peak," services is economically sound, particularly since it seems also to have accentuated the directional peaking problem.[5] Today, the spread between night and daytime third-class fares is $14 (midweek) and $15 (weekend) one way. By permitting the carriers to increase the night fares, the spread will be reduced to $9 one-way, which we believe will bring the respective fare levels more in line with the cost and relative value of the services.

The Price Commission has issued regulations governing price increases by regulated enterprises.[6] These regulations require inter alia that the regulatory agency certify certain information to the Commission in connection with the increases the agency approves[7] and also certify that certain criteria established by the Commission are met.[8] The former includes such information as a comparison of the new and former prices, the percentage increase, the amount of increased revenues expected, and the effect on the company's profits. The latter criteria are that the increase is cost-based and does not reflect future inflationary expectations, the increase is the minimum required to assure continued service, and provide earnings needed to attract capital at reasonable cost and maintain credit.

On the basis of the information furnished by the carriers, otherwise available to the Board, and discussed earlier in this order, the Board certifies as follows:

1. The increases permitted to become effective pending investigation amount to approximately 9 percent of present first class and third class night fares in the New York-San Juan market, and various excursion fares in all northeast United States-Puerto Rico/Virgin Islands markets. Examples of the new and prior fares are set forth in Appendix D.[8a]

2. Based on traffic volume estimated for a future year[9] the increased fares are forecast to raise American's revenues by $1.7 million, Eastern's revenues by $1.8 million and Pan American's revenues by $1.5 million or an average of 3.2 percent for American, 2.4 percent for Eastern, and 2.4 percent for Pan American. For the three carriers combined, the estimated increase in revenues approximates 2.7 percent. In relation to system operations, the increases are estimated to amount to less than one quarter of one percent.

3. Without an increase, none of the three carriers would realize a profit margin (net income after interest and taxes as a percent of revenues). With the increase permitted herein, Eastern will realize a profit margin of 1.2 percent, while American and Pan American will still not realize a profit margin.

4. The increased fares permitted herein are forecast to increase return (income before interest expense and after taxes) on investment for northeast U.S.-Puerto Rico/Virgin Islands operations from 1.8 percent without an increase to 3.3 percent, or an increase of 1.5 percentage points for American, and from 5.0 percent without an increase to 6.2 percent, or an increase of 1.2 percentage points for Eastern. Pan American would realize no return before or after the increase permitted. The increase is expected to effect a change of less than one-tenth of one percent on system return on investment for all three carriers. All forecast data assumes at least a 65 percent load factor in the San Juan market.

5. There is sufficient evidence before us in connection with these increases to enable the Board to conclude that:

a. the increase is cost based and does not reflect inflationary expectations;

b. the increase is the minimum required to assure continued, adequate and safe service, and to provide for necessary expansion to meet future requirements; and

c. the increase is the minimum required to avoid impairment of the carriers' credit in the short term pending full investigation of the Puerto Rico/Virgin Islands fare structure.

In view of the above, and upon consideration of all relevant matters, the Board has determined that passenger fares between the U.S. mainland, on the one hand, and Puerto Rico and the U.S. Virgin Islands, on the other hand, may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that, except to the extent indicated above, the proposals contained in the instant tariff filings should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix F[10] and Appendix G[10] hereto, and rules, regulations, or practices affecting such fares and provisions, including subsequent revisions and reissues thereof, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful maximum and/or minimum fares and the lawful provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix F hereto are suspended and their use deferred to and including June 29, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Docket 24175, Docket 24300, and Docket 24301 are hereby dismissed;

4. The investigation ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed on the aforesaid tariffs and served upon American Airlines, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc., the Commonwealth of Puerto Rico, and the Government of the U.S. Virgin Islands, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11] [12]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5805 Filed 4-5-72;8:49 am]

[Docket 21866-9; Order 72-3-113]

EASTERN AIR LINES, INC.

Order of Suspension Concerning Revised Application of Night Coach Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of March 1972.

By tariff revisions[1] effective April 2 and 16, 1972, Eastern Air Lines, Inc. (Eastern) proposes to revise the application of deluxe night coach and night coach fares in certain markets by adding the following exceptions to the usual hourly parameters (10 p.m. and 3:59 a.m.) for night coach service.

1. Flights from Atlanta to Houston, Louisville, New York, Orlando, Philadelphia, and Tampa will be scheduled to depart between 10 p.m. and 6:45 a.m.

2. Flights from St. Louis to Atlanta will be scheduled to depart between 9 p.m. and 3:59 a.m.

3. Flights from Baltimore to Miami will be scheduled to depart between 9 p.m. and 3:59 a.m.

4. Flights from New York to Orlando and Tampa will also be scheduled to depart between 4 a.m. and 6:30 a.m.

In addition, Eastern proposes that night coach fares would apply in the Houston-Columbus, Ohio market on flights departing Houston between the hours of 10 p.m. and 6:27 a.m., and departing the intermediate point Atlanta between the hours of 6:28 a.m. and 9:50 a.m., or the intermediate point Charlotte between the hours of 6:28 a.m. and 11:05 a.m.

In support of the proposed 6:45 a.m. exception for selected Atlanta markets, Eastern alleges that it is presently operating at a disadvantage in these markets and contends that the proposed night coach service will equalize its competitive position while at the same time offering the public savings afforded by lower night coach fares. Eastern submitted a comparison of its contemplated early-morning flights in these markets with flights now operated by Delta at night coach fares out of Atlanta, which indicates that its flights are scheduled to depart within 30 minutes before or after Delta's flights.

The carrier contends that the exception relating to St. Louis is necessary to provide through night coach service from St. Louis to the many destinations available via connection at the Atlanta night coach complex, and that the 9 p.m. departure is dictated by the difference in time zones between St. Louis and Atlanta.

In support of the exception relating to the Baltimore-Washington-Miami service, Eastern alleges that in view of the 10 p.m. departure curfew in effect at National Airport, it cannot schedule this flight at a later hour. Accordingly, Eastern is requesting an exception for Baltimore so that the entire flight can be designated as night coach service.

Lastly, Eastern alleges that it proposes to provide a 6:30 a.m. departure in the New York-Orlando/Tampa market on an experimental basis to determine the generative effect of scheduling a low-fare flight at this early hour of the morning. The carrier states that the earliest flights in the market currently depart at 7:45 a.m.; and that since the New York-Orlando/Tampa market is primarily a vacation market the 6:30 a.m. departure is certainly off-peak. It is contended that by establishing a flight at this hour a family making a one- or two-day excursion will have a maximum amount of time at their final destination, and that a price incentive is necessary to induce people to travel at this early hour.

Delta Air Lines, Inc. (Delta) has filed a complaint[2] requesting that the proposal be suspended and investigated, the essential thrust of which is that the exceptions violate the Board's off-peak coach policy, that they might spread in domino fashion to other markets, and that the exceptions would seriously disrupt the existing fare structure. Delta alleges that the Board's present night coach policy provides that night coach fares shall apply to flights originating between the hours of 10 p.m. and 3:59 a.m., or to later departures on continuing segments of flights that originate within these time parameters; that Delta's exceptions which Eastern cites in support of its proposal are departures on continuing segments of flights that originated at points other than Atlanta between the 10 p.m.-3:59 a.m. period, and thereby are in full accord with the Board's present policy; and that Eastern's proposed exceptions would apply to originating flights and are thus not consistent with the present night coach parameters.

Delta alleges that it has carefully nurtured and developed night coach traffic over the years at considerable expense, and has spent a great deal of time solving various scheduling problems in an attempt to comply with the Board's policy that the hour of origination governs the designation of a flight as night coach. The complainant contends that, on the other hand, Eastern now intends to "siphon-off" this traffic without bothering with schedule complexities, by

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[4] Pan American's costs appear to be significantly out of line with American and Eastern, particularly in certain functional expense categories. However, it is to be expected that Pan American's problems are temporary and that on-going programs will restore it to a more favorable earnings position. In these circumstances we need not give much weight to Pan American's relatively unfavorable earnings, but rather will rely primarily on the results of American and Eastern in our evaluation of the proposals before us.

[5] We are similarly concerned with the carriers' current rules which permit departures at night coach fares as late as 7:30 a.m. We are not convinced that departures at this time are consistent with the objectives of night services, as opposed to creating an unnecessary dilution in revenues.

[6] 37 F.R. 652, Jan. 14, 1972; 37 F.R. 5701, Mar. 18, 1972.

[7] Section 300.16(e).

[8] Section 300.16(d).

[8a] Filed as part of the original document.

[9] Calendar year 1972 for American, and the year ended Mar. 31, 1973 for Eastern and Pan American.

[10] Filed as part of the original document.

[11] Appendices A, B, C, and E, filed as part of the original document.

[12] Partial dissenting opinion of Member Minetti, filed as part of the original document.

[1] Revisions to Airline Tariff Publishers, Inc., Agent C.A.B. No. 136.

[2] Northeast Airlines, Inc. (Northeast) has filed an answer supporting Delta's complaint.

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proposing to tailor the Board's policy to fit its flight origination times.

In answer to the complaint, Eastern alleges with respect to the Atlanta proposal that Delta is incorrect in its claim that, since Delta's night coach flights comply with Board policy, Eastern is not at a competitive disadvantage by being required to charge a fare 20 percent higher for flights departing at approximately the same time in the same markets. Eastern also contends that a flight designation should not be of any decisional significance in evaluating Eastern's proposal—the fact that Delta gives the same flight number to a 3 a.m. departure at New Orleans and a 6:21 a.m. departure at Atlanta does not distinguish Eastern's originating departure at the same time from Atlanta in any meaningful way.

Eastern states that Delta itself feels that passenger originations at the hours Eastern has proposed at Atlanta are off-peak, or it would have converted the flights to normal day fares when they passed through Atlanta. Eastern also contends that Delta's attempt to raise the spectre of a wholesale alteration in off-peak fare service if Eastern is allowed to meet Delta's fares is erroneous, and that it was Delta, not Eastern, which introduced these fares at these times in these Atlanta markets.

With respect to the New York-Orlando/Tampa market, Eastern alleges that the proposed 6:30 a.m. departure is off-peak, and that scheduling an early morning departure from New York allows Eastern to increase its equipment utilization and position an aircraft at Orlando for a prime time northbound departure without the need for ferrying. Eastern alleges that its proposed Baltimore exception would serve as precedent only for the proposition that a carrier may operate a flight from Friendship or Dulles through National at off-peak fares if the departure from National is within the normal off-peak departure hours.

Upon consideration of the tariff proposals, the complaint, the answers thereto, and other relevant matters, the Board finds that the proposals to provide night coach services in the New York-Orlando/Tampa markets as late as 6:30 a.m., in the Houston-Columbus market as late as 6:27 a.m., and the Baltimore-Miami market as early as 9 p.m. may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be suspended. The Board finds that on the basis of the facts and information before us, the complaint does not set forth sufficient facts to warrant suspension of the 6:45 a.m. exception proposed in selected Atlanta markets, and the 9 p.m. exception in the St. Louis-Atlanta market, and the request therefore will be denied. The proposals are already under investigation in the Domestic Passenger-Fare Investigation, Docket 21866-9.[3]

We recognize that the proposed 6:45 a.m. exception applicable to selected Atlanta markets is a departure from the Board's present night coach policy which is under investigation in the ongoing investigation in Docket 21866-9. Nevertheless, in the circumstances which result from use of Atlanta as a hub for connecting night coach service, we do not believe Eastern should be required to charge higher fares than Delta on flights with approximately the same departure times and itineraries, merely because its early morning departures originate in Atlanta. It is the departure time which is of interest to the passenger boarding at Atlanta, not the technicality of where the flight originates. The proposed 9 p.m. exception for St. Louis departures is for the purpose of making connections with flights out of Atlanta after midnight, and the Board has previously permitted similar exceptions for this purpose. Moreover, we note that TWA, the only carrier providing competitive through service between St. Louis and Atlanta, did not file a complaint against Eastern's proposal.

Turning to the 6:30 a.m. departure in the New York-Orlando/Tampa markets, Eastern's justification appears to be couched essentially in terms of its desire to generate family travel rather than achieving the customary objectives stemming from provision of night coach service. The carrier has not supplied the type of supporting information which should properly accompany a promotional fare proposal, particularly since a plethora of promotional fares are already available in these markets. For these reasons, and since we believe that this proposed exception has the potential for spreading to other markets, we conclude that it should not be permitted without investigation.[4]

We will suspend the proposed 9 p.m. night coach departure at Baltimore, since, as worded, this provision would permit a much broader departure from the night coach policy than Eastern has justified or allegedly desires at this time. The exception is apparently intended to enable a flight to depart the origin point Baltimore early enough to depart the intermediate point Washington prior to the 10 p.m. curfew at the latter airport. However, the exception as proposed would permit any flight departing Baltimore at 9 p.m. (including nonstops) to be designated as night coach, and Eastern has in no way attempted to demonstrate that such departures would be off-peak.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, "Exception 7" and "Exception 8" to the Application of Fare Class FN and Fare Class YN appearing on 23d revised page 305 and the addition of Houston and the provisions in connection therewith in Table 1 on 23d revised page 306 of Airline Tariff Publishers, Inc., Agent CAB No. 136 are suspended and their use deferred to and including June 30, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint in Docket 24309 is hereby dismissed; and

3. Copies of this order be filed with the aforesaid tariffs and be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5306 Filed 4-5-72;8:49 am]

[Docket 23486; Order 72-3-112]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order To Show Cause and Order Approving Agreement Relating to Charters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of March 1972.

There has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended, and Part 261 of the Board's Economic Regulations, an agreement among various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) adopted at meetings recently held in Miami and Geneva, and assigned the above designated CAB agreement number. The agreement relates to IATA Resolution 045 governing passenger charters for various areas.[1] The resolutions are proposed for effectiveness April 1, 1972.[2] The effect of the resolutions would be to revalidate the IATA Charter Resolution for most areas of the world through March 31, 1973, with minor amendments.

The amendments proposed would alter the provision concerning the maximum size of membership of a chartering group by raising it from 20,000 members to 50,000 members except with respect to charters originating in Scandinavia, which would remain at 20,000 members.

For the reasons hereinafter set forth, the Board has decided to approve the above resolutions through June 30, 1972, subject to conditions similar to those applied when the IATA Charter Resolution was last revalidated (Order 71-2-5, adopted February 1, 1971),[3] and to afford interested parties an opportunity to show cause by May 1, 1972, why the agreements embodying the IATA Charter Resolution should not be disapproved after June 30, 1972 insofar as they apply to air transportation to or from the United States.[4]

The Board is mindful of the incompatibility of the new and evolving charter concepts and the essentially unchanging character of the IATA Charter Resolution with its many charter limiting provisions. This incompatibility raises a basic question as to whether the present charter agreement, or in fact any charter agreement between IATA members, continues to serve a useful regulatory purpose. It is on this question that we especially seek the comments of interested parties.

The Board has not been satisfied with the disparity between its charter rules and the charter rules agreed to by the members of IATA. The IATA agreement is in some respects more restrictive than the Board's rules, and in other respects more liberal. To the extent the IATA Resolution is more restrictive than the Board's rules, it prevents the public from taking advantage of charter services to the same extent as the Board has found to be required in the public interest, and limits the IATA carriers in their competition for the mass air transportation market. To the extent the IATA carriers have agreed to rules that are more liberal than the Board's rules, the Board has historically conditioned its approval of the Resolution to preclude such operations in air transportation. Since the Board extended its charter rules to cover both on-route and off-route charter operations by both U.S. and foreign scheduled carriers, there may be no valid basis for having two sets of differing charter regulations, one by the U.S. Government and one by certain air carriers. We note that certain IATA carriers appear to be so disenchanted with their Charter Resolution as to set up subsidiary companies to engage in charter operations, thus, in effect, circumventing the requirements of 045.

For the foregoing reasons, the Board tentatively finds that the IATA Charter Resolution is adverse to the public interest. However, the Board recognizes that the resolution has been in effect, and has been approved by the Board, for many years, and that it would be appropriate to afford interested parties an opportunity to show cause why we should not make our tentative finding final. In order that interested parties may have sufficient time to prepare their comments, and the Board may have time to consider the comments, we will approve the subject resolutions through June 30, 1972. The Board therefore finds that these resolutions, as conditioned, will not be adverse to the public interest or in violation of the Act, and should be approved through June 30, 1972.

Accordingly, it is ordered:

1. That resolutions R-35, R-69, R-147 (insofar as it relates to Resolution 045), R-199, R-259, and R-298, all filed as part of Agreement CAB 22863, be and they hereby are approved, subject to the conditions stated in the Appendix hereto,[5] and provided that the Board's approval shall be limited to the period ending June 30, 1972, insofar as such resolutions relate to air transportation, as defined in the Act.

2. That interested parties are hereby directed to show cause why the IATA Charter Resolution (045) should not be disapproved to the extent that the resolution relates to air transportation, as defined in the Act, after June 30, 1972;

3. That such comments shall be filed in this docket on or before May 1, 1972;[6] and

4. That this order shall be served on all holders of foreign air carrier permits or certificates of public convenience and necessity, and upon the Departments of Justice, State, and Transportation.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5307 Filed 4-5-72;8:49 am]

[Docket 23486; Order 72-3-107]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Agreements on Fare Matters

Issued under delegated authority March 30, 1972.

By Order 72-3-35, dated March 13, 1972, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA). The subject resolutions, which are a part of those adopted at January 1972 meetings in Geneva for application on Mid-Atlantic routes, involve administrative, technical, and procedural matters and do not affect basic fare levels.

In deferring action on the subject resolutions, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72-3-35 will herein be made final.

Accordingly, it is ordered, That the subject portions of Agreement CAB 22863 be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5308 Filed 4-5-72;8:49 am]

[Docket 23486; Order 72-3-108]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Agreements on Fare Matters

Issued under delegated authority March 30, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by mail vote.

The agreement relates to the sale in foreign currencies of winter group inclusive tour (GIT) fares[1] during the month of April.[2] It provides that the carrier exchange rates to be used in converting from basic fare levels, which are specified in U.S. dollars, shall be those which prevailed on December 20, 1971, rather than those slated to become effective on April 1, 1972, with respect to most worldwide fares. The latter reflect general currency adjustments necessitated by the devaluation of the U.S. dollar and the resulting revaluation of foreign currencies. Inasmuch as the basic dollar fare levels for winter GIT travel during the 1-month extended period of validity are not slated to be adjusted upward on April 1 as in the case of other transatlantic fares, the application of new currency conversion rates in the absence of the instant agreement would result in lower fare levels in foreign currencies relative to those in U.S. dollars.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolutions JT12 (Mail 790) 084 p. and JT12 (Mail 790) 084 pp., which are incorporated in Agreement CAB 22990, are adverse to the public interest or in violation of the Act.

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[1] We are also suspending the proposed Houston exception (providing for 6:27 a.m. departures) since there appears in fact, to be no competitive necessity involved. Eastern has indicated that it will withdraw the proposal on this basis.

[2] R-35 was to have been effective Feb. 1, 1972.

[3] Our action herein is without prejudice to our final decision in Docket 21866-9.

[1] R-147 is IATA Standard Revalidation Resolution 002, and so our action herein is only insofar as it concerns IATA Resolution 045.

[2] The resolutions presently before us cover all areas except TC2 (Europe) and JT123 (North Atlantic). Agreement has not been reached in TC2 (Europe). Since the IATA Charter Resolution as it applies to JT123 (North Atlantic) has been approved until Mar. 31, 1973, we would propose to withdraw that approval effective July 1, 1972.

[3] The language of the conditions has been changed somewhat to eliminate redundancy. Also, the condition on one-way passengers and intermingling has been revised to conform to changes in the Board's charter rules effected since the IATA Charter Resolution was last approved.

[4] The resolutions presently before us cover all areas except TC2 (Europe) and JT123 (North Atlantic). Agreement has not been reached in TC2 (Europe). Since the IATA Charter Resolution as it applies to JT123 (North Atlantic) has been approved until Mar. 31, 1973, we would propose to withdraw that approval effective July 1, 1972.

[5] Filed as a part of the original document.

[6] Twelve (12) copies of such comments shall be filed.

[1] As approved by the Board in Order 72-1-17 (dated Jan. 7, 1972) for 7/8-day travel to/from Europe and 9/16-day travel to/from Africa by 10 or more passengers.

[2] By Order 72-3-58 of Mar. 17, 1972, the Board approved carrier provisions to extend, through Apr. 30, 1972, the availability of current winter GIT fare levels to passengers. These were initially scheduled to expire on Mar. 31, 1972.

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Accordingly, it is ordered, That action on Agreement CAB 22990 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days from the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5309 Filed 4-5-72;8:49 am]

[Docket No. 24024]

PIAIR LTD.

Notice of Postponement of Hearing Regarding Foreign Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in this proceeding, set for April 10, 1972 (37 F.R. 4928, March 7, 1972), is indefinitely postponed.

Dated at Washington, D.C., March 31, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-5310 Filed 4-5-72;8:49 am]

CIVIL SERVICE COMMISSION

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Correction

In F.R. Doc. 72-4285 appearing on page 5766 in the issue of Tuesday, March 21, 1972, the word "Army" in the fourth line should read "Arms".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16495]

DOMESTIC COMMUNICATIONS SATELLITE SERVICE [1]

Applications Accepted for Filing

MARCH 28, 1972.

The following amendments to pending applications for domestic satellite facilities are accepted for filing for consideration in Docket No. 16495 in accordance with the procedures specified in previous public notices (FCC 70-953; FCC 71-174; FCC Public Notice 65963, issued on April 13, 1971; and FCC Public Notice 69147, issued on June 15, 1971):

The following amendments to the applications listed below are hereby accepted for filing:

File No.	Applicant	Amendments
11-DSE(R)-P-71 through 18-DSE (R)-P-71.	Teleprompter Corp. et al.	This amendment reflects changes in the Board of Directors of Teleprompter Corp. (Details are contained in amendments, January 19, 1972, to applications of Teleprompter Transmission of Kansas, Inc., for renewal of license of Stations KTQ 85 et al.
19-DSS-P-71.	Fairchild Industries.	This amendment revises the frequency and polarization plan; decreases the sensitivity of the satellite receivers; increases power from the earth stations (from 73 dBW per 34 MHz channel to 85 dBW, resulting from an increase in power output from 12 W nominal to 190 W.); and a change in orbit location of one space station from 115° to 100° and of the reserved orbit location from 124° to 96° W. longitude.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5313 Filed 4-5-72;8:50 am]

[Docket Nos. 15461, etc.; FCC 72R-83]

CHAPMAN RADIO AND TELEVISION CO. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of William A. Chapman and, George K. Chapman, d/b/a, Chapman Radio and Television Company, Homewood, Ala., Docket No. 15461, File No. BPCT-3282; Alabama Television, Inc., Birmingham, Ala., Docket No. 16760, File No. BPCT-3706; Birmingham Broadcasting Company, Birmingham, Ala., for construction permit for new television broadcast station, Docket No. 16761, File No. BPCT-3707; Birmingham Television Corporation (WBMG), Birmingham, Ala., for modification of construction permit, Docket No. 16758, File No. BPCT-3663.

1. This proceeding involves the applications of Chapman Radio and Television Company (Chapman), Alabama Television, Inc. (Alabama Television), (BBC), and Birmingham Television Corporation (WBMG), for authorization to construct a new UHF television broadcast station.[1] Hearing Examiner David I. Kraushaar released a Supplemental Initial Decision,[2] FCC 71D-20, on April 27, 1971, in which he concluded that grant of Alabama Television's application was warranted since it had demonstrated its superior comparative qualifications in the initial hearing in this proceeding and that nothing adduced during the remand hearing affected this original determination.[3] Exceptions and briefs in support thereof were filed by the parties.[4 5] Subsequently, on May 21, 1971, BBC and WBMG filed a joint petition to enlarge issues and reopen the record and for prompt action on this joint petition.[6 7] Petitioners seek the addition of the following issues against Alabama Television:

[1] The amendments submitted by each applicant are grouped together rather than listed separately under "Space Stations" and "Earth Stations."

[1] Chapman, Alabama Television and BBC are mutually exclusive applicants seeking authorization to construct a new UHF television broadcast station; WBMG, the fourth applicant and permittee of Station WBMG (TV), Channel 42, in Birmingham, seeks modification of its construction permit to specify operation on the same channel. With the exception of Chapman which proposes to operate its facility in Homewood, Ala., each of the applicants has specified Birmingham, Ala., as its station location.

[2] The following is a brief recitation of the history of this proceeding. The proceeding was designated for hearing by Order, FCC 66-636, released July 20, 1966. On Aug. 30, 1968, Hearing Examiner David I. Kraushaar released an Initial Decision (19 FCC 2d 185, 14 RR 2d 6), recommending a grant of the application of Alabama Television under the comparative issue. The Review Board, after oral argument on exceptions, affirmed the Examiner's ultimate resolution of the proceeding (19 FCC 2d 157, 17 RR 2d 60, reconsideration denied 20 FCC 2d 556, 17 RR 2d 1028). By Order, FCC 70-744, 24 FCC 2d 282, released July 13, 1970, the Commission, inter alia, granted a petition for enlargement of issues filed by BBC and dismissed petitions for review pending before it as moot. The proceeding was thus remanded to the Hearing Examiner for the preparation of a Supplemental Initial Decision under misrepresentation and equal opportunity employment requirement issues with respect to Alabama Television, and a comparative efforts issue; subsequently, a § 1.65 issue was specified against BBC.

[3] The Hearing Examiner favorably resolved the outstanding issues concerning lack of candor and equal opportunity employment requirements specified against Alabama Television.

[4] The following pleadings were filed: (1) Exceptions, filed June 24, 1971, by Chapman; (2) exceptions, brief in support thereof and request for oral argument, filed June 24, 1971, by BBC; (3) exceptions, brief in support thereof and request for oral argument, filed June 29, 1971, by WBMG; (4) brief in reply to exceptions of (a) WBMG, filed July 19, 1971, (b) Chapman, filed July 6, 1971, and (c) BBC, filed July 6, 1971, by Alabama Television; and (5) Broadcast Bureau's reply to exceptions, filed July 8, 1971.

[5] Oral argument was held before a panel of the Review Board on Jan. 25, 1972.

[6] BBC and WBMG also filed a joint petition for institution of inquiry pursuant to section 403 of the Communications Act of 1934, as amended, and for other relief with the Commission. The Commission, by Order, FCC 72-34, released Jan. 14, 1972, dismissed the request for institution of a section 403 inquiry and denied alternate relief, which would have directed the Review Board to reopen the record and enlarge the issues in the proceeding, stating: "• • • the full sweep of this adjudicatory proceeding now awaits action by the Review Board, and it, therefore, is in a better position at this juncture to assess the contentions advanced before it in support of the petition to enlarge issues and reopen the record • • •."

[7] Other related pleadings before the Board for consideration are: (a) Opposition, filed June 3, 1971, by Alabama Television; (b) Broadcast Bureau's opposition, filed June 3, 1971; (c) supplement to petition, filed Feb. 10, 1972, by BBC and WBMG; (d) supplemental opposition, filed Feb. 23, 1972, by Alabama Television; and (e) joint reply to supplemental opposition, filed Mar. 10, 1972, by BBC and WBMG.

1. To determine, in light of all the facts and circumstances surrounding the Complaint of the U.S. Attorney General, whether George J. Mitnick and Joseph Engel and consequently Alabama Television, Inc., are qualified to own and operate a television broadcasting station in Birmingham, Ala.

2. To determine, in light of the actions in Federal Courts charging Civil Rights violations against 3 of Alabama Television, Inc.'s principals, the history of civil rights compliance of all companies of Alabama's Directors in their own businesses, and whether the facts there deduced impeach the Equal Employment Program, only recently adopted, which is the subject of Issue 3 added by the Commission.

The Review Board will reopen the record and enlarge the issues in order to determine the significance of the civil judgment which has been entered against two of Alabama Television's principals.[8] In addition to the adduction of evidence under the newly-framed issue, the Board is of the view that remand is compelled in order to insure a full and true disclosure of the facts with respect to the equal opportunity employment issue. In this connection, the Board will also consider those exceptions of BBC and WBMG which directly relate to the disposition of that issue.

2. BBC and WBMG allege that, as of the time the joint petition was filed, three of Alabama Television's principals, representing more than one-third ownership in the applicant, have been charged with violating the civil rights of persons of the Negro race.[9] The joint petitioners note that the most recent incident, involving two additional Alabama Television principals and directors, is a complaint instituted by the U.S. Justice Department, which alleges that Mitnick and Engel, among others, violated Title VIII of the Civil Rights Act of 1968.[10] The existence of this complaint and the subsequent judgment warrant the addition of an issue inquiring into the character qualifications of Alabama Television, BBC and WBMG assert. Further, in light of this additional incident, petitioners contend, it is important to allay any doubts as to the sincerity or willingness of Alabama Television's principals to practice nondiscrimination in accordance with the Commission's equal employment opportunity requirements. As a means to this end, BBC and WBMG request a specific issue inquiring into the past business practices of the applicants' principals.

3. A specific issue is required, petitioners suggest, since their efforts to elicit this information under the equal employment opportunities issue have been frustrated by the Hearing Examiner's evidentiary rulings. Initially, BBC and WBMG relate, the Examiner ruled (in response to their request that he permit examination of the hiring policies of all companies owned by Alabama Television principals) that only the employment practices of companies of principals who will be integrated into the day-to-day operations of the station are relevant for purposes of discovery.[11] Thereafter, petitioners point out, in response to two further pretrial requests for information from Alabama Television by BBC,[12] the Examiner reaffirmed this position and ruled that the applicant had adequately responded in an opposition pleading and in its objections and conditional answers to the request for admission of facts (FCC 70M-1499, released November 3, 1971); thus, petitioners complain, with the exception of information relating to the hiring policies of the Birmingham Trust National Bank, they received only partial information with respect to two Alabama Television principals. Subsequently, BBC and WBMG continue, they made an informal request to Alabama Television to make its Board of Directors available for cross-examination; but only two directors, John S. Jemison and Paul Aiken, were produced. Even in this regard, however, examination was unduly restricted, petitioners contend, since objections to the line of questioning with respect to these directors were repeatedly sustained during the hearing (citing Tr. 5588-92).

4. In their exceptions, BBC and WBMG argue that the Hearing Examiner foreclosed the adduction of relevant and material evidence under the equal opportunity employment issue. They assert that the Examiner not only unduly limited the scope of information deemed relevant for purposes of discovery, but that he adhered to the same constrictive standard with respect to the scope of cross-examination he would permit during the hearing.

5. In opposition, Alabama Television argues that an independent Commission inquiry into the facts and circumstances surrounding the complaint would be inappropriate until the case is fully and finally decided by the Federal courts.[13] In any event, the applicant contends, an adverse determination in that case would have no bearing upon the qualifications of Alabama Television, because Mitnick and Engel play only a passive role in the apartment operation and, similarly, neither director will be integrated into the day-to-day operation of the proposed station. In a supplementary pleading, Alabama Television notes that although the district court found the defendants guilty of civil rights violations, it specifically found that Engel and Mitnick were "in the nature of silent partners" in the apartment operation and further that "defendants Engel and Mitnick did not participate in business decisions in the operation of the apartment." Thus, Alabama Television argues, its character qualifications should not be drawn into question because of an innocent violation of civil rights legislation. With respect to the second requested issue, Alabama Television contends that there is nothing in the record which would indicate any insincerity or unwillingness to comply with the equal employment requirements on the part of Engel and Mitnick in light of the affidavits in which both principals affirm their personal support for the principle of equal employment and their unqualified endorsement of the applicants' affirmative action employment program.

6. Noting that the joint petition may suffer from some technical deficiencies,[14] the Broadcast Bureau nevertheless expresses the view that the allegations contained in the civil complaint are of a very serious nature and, accordingly, raise questions which could affect the qualifications of Alabama Television to be a Commission licensee. Therefore, the Bureau concludes that it would not be in the public interest to grant the application of Alabama Television until after the outcome of the court proceeding. Accordingly, the Bureau recommends that the Review Board withhold its decision until the civil action is resolved (citing "Grayson Television Company, Inc.," FCC 67-1094, released October 4, 1967). Similarly, the Bureau argues that since the second requested issue is also based in part on the existence of the

[8] The predicate for the joint petition was the filing of a civil complaint against two of Alabama Television's principals (J. George Mitnick and Joseph Engel) and others for alleged violations of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. section 3610 et seq. An adverse judgment was entered in that proceeding on Jan. 27, 1972, by the U.S. Court for the Southern District of Alabama, Southern Division. Subsequently, a notice of appeal was filed with the U.S. Court of Appeals for the Fifth Circuit on behalf of the defendants.

[9] The first instance of this nature was discussed in a memorandum opinion and order, FCC 70-744, 24 FCC 2d 282, released July 13, 1970, in which the Commission refused to add a character qualifications issue against Alabama Television because of the conduct of its president, 16.2 percent stockholder and director, John S. Jemison. Mr. Jemison is the controlling stockholder and owner of Elmwood Cemetery which refused, on racial grounds, to inter a young Negro soldier who had died in Vietnam. A lawsuit was instituted by the soldier's family. Thereupon judgment was entered for the plaintiffs (Terry v. Elmwood, No. 69-490, U.S. District Court for the Northern District of Alabama, Southern Division). The Commission noted that Mr. Jemison had taken affirmative action to expedite resolution of the controversy and that the restrictive covenants constituted extenuating circumstances for the conduct charged. Moreover, the Commission found that Mr. Jemison would not be involved in the day-to-day operation of the station, and that no question had been raised as to the qualifications of the principals of Alabama Television who will be responsible for its management and the making of policy decision.

[10] Specifically, the complaint alleges that Mitnick and Engel, among others, because of racial considerations discriminated against persons in the rental of apartments in an apartment building owned by them.

[11] Citing Tr. 5124-5125; 5129-5130.

[12] BBC filed a petition for production of information and documents and a request for admission of facts.

[13] Citing Report on Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR Part 3, 91:495 (1951).

[14] Specifically, the Bureau points out that the petitioners waited at least 42 days after learning of the existence of the complaint before filing the joint petition; additionally, the Bureau questions whether or not the allegations contained in the complaint are sufficiently particular to satisfy Commission requirements.

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civil rights complaint, Review Board action should be withheld until the resolution of the court action.

7. The Commission can grant an application for a broadcast authorization only upon finding that the "public interest, convenience, and necessity" would be served by a grant. In making this determination, the Commission has long held that certain violations of law are appropriate considerations in determining whether an applicant possesses the requisite qualifications to be a licensee. See "Uniform Policy," supra. Although the question of whether the violation is of sufficient importance to reflect on an applicant's qualifications depends upon various circumstances, violations of certain laws, such as antitrust violations, have been singled out as being so directly related to an applicant's fitness that such violations ordinarily must be considered. The Board is of the view that violations of civil rights legislation demand similar scrutiny.[15] As stated in "notice of proposed rule making to require broadcast licensees to show nondiscrimination in their employment practices," supra, "it follows that the Commission should take into account allegations raising substantial questions whether an applicant has violated, or is in violation of, the Civil Rights Act or a pertinent State law in this field." Accordingly, if a violation has been established, as it has in this case on the Federal district court level, this clearly raises a question as to the applicant's qualifications to be a broadcast licensee. The Review Board will therefore add an issue inquiring into the significance of the civil judgment in the evaluation of the qualifications of Alabama Television. However, since the judgment is pending on appeal, the Board is of the view that the inquiry under this issue should be withheld pending a full and final determination by the Federal courts.

8. In addition to the foregoing, further hearing is required under the existing equal opportunity employment issue. In the Board's view, an inquiry into the civil rights compliance of the companies owned by Alabama Television's directors[16] is encompassed within the issue. Thus, while we are not convinced that alleged past discriminatory conduct is dispositive of the question of an applicant's "willingness"[17] to pursue a nondiscriminatory hiring policy or to operate in the public interest, we believe that such conduct constitutes clear cause for exploration by the Commission in the form of a more searching scrutiny of the applicant in this important respect.[18] In this connection, the Board is of the opinion that the Eaxminer's restriction of the scope of evidence deprived the other applicants of their right to a full and true disclosure of the facts under the equal opportunity employment issue. As correctly noted by the joint petitioners, the Examiner not only unduly limited the scope of information deemed relevant for purposes of discovery, but he also adhered to that same constrictive standard with respect to the scope of cross-examination he would permit during the hearing.[19] Thus, further hearing is also required under this issue in order to remedy a deficient record.

9. In view of the foregoing, the Review Board will reopen the record and remand the proceeding to the Hearing Examiner for further hearing.[20] The Examiner is instructed to conduct further hearing under the equal opportunity employment issue and the issues added herein,[21] and prepare a further Supplemental Initial Decision re-evaluating his findings and conclusions under the equal opportunity employment issue, the additional issues, and to the extent necessary, the standard comparative issue.

10. *Accordingly, it is ordered,* That the joint petition to enlarge issues and reopen the record and prayer for prompt action on this joint petition, filed May 21, 1971, by Birmingham Broadcasting Company and Birmingham Television Corporation (WBMG), is granted to the extent indicated herein, and is denied in all other respects; and

11. *It is further ordered,* That the issues in this proceeding are enlarged to include the following:

1. To determine the facts and circumstances surrounding the civil suit filed by the United States Attorney General against Joseph Engel, George J. Mitnick, and three other named defendants, under Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601, et seq.,

2. To determine the effect, if any, of the evidence adduced pursuant to the foregoing issue on the basic or comparative qualifications of Alabama Television, Inc.

and

12. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Birmingham Broadcasting Company and Birmingham Television Corporation (WBMG), and the burden of proof under these issues shall be on Alabama Television, Inc.

13. *It is further ordered,* That the record in this proceeding is reopened and that this proceeding is remanded to the Examiner for further hearing on the equal opportunity employment issue in addition to the above-specified issues.

Adopted: March 28, 1972.

Released: March 31, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5311 Filed 4-5-72;8:40 am]

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[15] In this connection, the Commission stated in Notice of Proposed Rule Making to Require Broadcast Licensees to Show Nondiscrimination in Their Employment Practices, FCC 68-702, 13 FCC 2d 766, that its concern with such violations is twofold. One aspect is its concern with the National policy against discrimination in hiring. The other consideration is that since broadcasting is an important mass media form which makes use of the airwaves belonging to the public, an applicant must obtain a Federal license under a public interest standard and must operate in the public interest.

[16] We disagree with the Hearing Examiner's ruling that past business practices of principals are relevant only if such principals are integrated into the day-to-day operation of the station. The business practices of directors who control the applicant and who will be responsible for making policy decisions are also relevant to the issue. Accordingly, aside from its independent significance, the civil proceeding instituted against, inter alia, Mitnick and Engel is relevant to the resolution of the equal opportunity employment issue.

[17] When adding this issue, the Commission indicated that its concern was broader in scope and significance than mere assurances on the part of Alabama Television that it would comply with the Commission's requirements. The Commission stated:

Finally, we deem it appropriate to delve into the matter of Alabama Television's employment policies. In light of the cemetery incident (and particularly Alabama Television's possible misrepresentations concerning the incident) and Alabama Television's apparent failure to contact members of minority groups with regard to community needs, we are concerned about Alabama Television's willingness to practice equal-opportunity employment.

[18] It should be noted in this regard that even where no violation of a specific statute is established or alleged, specific allegations may raise serious public interest issues warranting a full hearing. (See Uniform Policy, par. 15 at 91:499; National Broadcasting Co. v. United States, 319 U.S. 190; Mansfield Journal Co. v. F.C.C., 180 F2d. 28 (CADC)); and Notice of Proposed Rule making, supra.

[19] Recognizing that the right of cross-examination is not unlimited and that the presiding officer, of necessity, must make an initial determination as to whether or not cross-examination is being pressed to unreasonable lengths, the Board is of the opinion that the Examiner was not warranted in foreclosing cross-examination necessary to the development of a full and meaningful record. See section 7(c) of the Administrative Procedure Act, 5 USC section 1006(c); Jupiter Associates, Inc., 6 FCC 2d 13, 8 RR 2d 1254 (1966); NLRB v. Miami Coca-Cola Bottling Company, 360 F 2d. 569 (5th Cir. 1966); Chapman Radio and Television, Inc., 6 FCC 2d 768, 9 RR 2d 595 (1967).

[20] Cf. Babcom, Inc., 31 FCC 2d 425, 22 RR 2d 828 (1971).

[21] The hearing under the new issues must, of course, await the outcome of the civil suit now under appeal. Although the further hearing under the equal opportunity employment issue may commence earlier, it cannot be completed until the suit is resolved, since the suit may be relevant to the resolution of the equal opportunity employment issue.

[Docket Nos. 18711, 18712; FCC 72R-88]

WPIX, INC., AND FORUM COMMUNICATIONS, INC.

Memorandum Opinion and Order Enlarging Issues

In regard applications of WPIX, Inc. (WPIX), New York, N.Y., for renewal of broadcast license, Docket No. 18711, File No. BRCT-98; Forum Communications, Inc., New York, N.Y., for construction permit for new television broadcast station, Docket No. 18712, File No. BPCT-4249.

1. This proceeding involves the mutually exclusive applications of WPIX, Inc. (WPIX), seeking renewal of its television broadcast license at New York, N.Y., and Forum Communications, Inc. (Forum), requesting a construction permit for a similar facility at New York. The applications were designated for hearing on various issues by Commission Order, released October 28, 1969 (FCC 69-1162, 20 FCC 2d 298, 17 RR 2d 782).[1] Presently before the Review Board is a petition to enlarge issues, filed December 13, 1971, by WPIX, which requests the addition of a "Suburban" issue against Forum.[2]

2. In its petition, WPIX questions the efforts Forum has made to ascertain the community needs and interests of the area and the means by which Forum intends to meet those needs and interests. Specifically, WPIX argues that Forum's ascertainment efforts are deficient in the following particulars: (1) Loss of supporting records for interviews summarized in Forum's application as filed on May 22, 1969; (2) failure to determine the composition and distinctive attributes of the community; (3) no information concerning the number of interviews conducted with black or Puerto Rican leaders or with other representatives of racial, ethnic, and poverty groups; (4) lack of involvement of Forum's principals in the interviews; (5) the use of professional research organizations to conduct interviews of community leaders; (6) lack of survey of the general public; and (7) failure of the questionnaires to elicit views concerning community needs and interests. WPIX then argues that even though the Commission found that Forum had complied with contemporaneous survey requirements[3] the Board should enlarge the issues as requested because the deficiencies in Forum's survey efforts were not revealed until "cross-examination of Forum's principals at the hearing" (November 29, 1971, through December 7, 1971). Furthermore, WPIX argues, Forum's ascertainment efforts must be judged by the "Primer's"[4] new standards and are therefore patently deficient.

3. In its opposition, Forum initially argues that WPIX's petition is untimely under § 1.229 of the Commission's rules, because no new information was produced at the hearings commencing on November 29, 1971, which would warrant an ascertainment issue against Forum. Forum goes on, however, to attempt to demonstrate that its ascertainment efforts are adequate, whether judged by standards pertaining at the time the Forum application was filed or under the "Primer" standards. In reference to the loss of supporting records for the interviews it conducted, Forum concedes the loss but contends that since no real question has been raised as to whether the interviews were in fact properly conducted and abstracted the loss does not detract from the efforts Forum has made. Further, Forum notes, the originals were available for more than 2 years, or until the summer of 1971. Referring to the composition and attributes of the community, Forum argues that it "did indeed conduct an exhaustive demographic study * * *" and goes on to list various reference works utilized. In regard to Forum's principals' involvement in the interviews, Forum contends that it designated a "full-time management-level employee" (Mrs. Theodora Sklover)[5] to work directly with Forum's President to coordinate and develop its continuing community ascertainment efforts. In reference to the use of professional research organizations to gather survey information, Forum contends that such use is allowable if, as here, it is done in conjunction with extensive personal consultations with community leaders and the public by an applicant's management-level employees (citing Alvin L. Korngold, 27 FCC 2d 222, 20 RR 2d 1244 (1971)). In reference to WPIX's criticism of the questionnaires used by Forum during its interviews, Forum contends that the "major purpose" of the questionnaires was to "pin-point the needs and interests of the community leader's organization and then to determine whether these needs and interests were being adequately served * * *" Forum also points to the interviews by Mrs. Sklover and the professional research organization with respect to the alleged deficiencies regarding the survey of the general public.

4. The Broadcast Bureau, in its opposition to WPIX's petition, argues that WPIX's petition is grossly untimely and good cause has not been shown for its untimeliness.[6] In reference to the loss of supporting records by Forum, the Bureau contends that it would be pointless at this late date to conclude that such loss flaws the entire survey. Overall, the Broadcast Bureau expresses the view that it is satisfied that Forum's opposition and attached affidavits "have demonstrated compliance with the Commission's ascertainment requirements as codified by the Primer." WPIX, in its reply to the oppositions, reiterates the points raised in its initial petition and argues that the documents referred to by Forum's opposition do not adequately answer the questions raised in the petition to enlarge. Specifically, argues WPIX, Forum's opposition does not resolve deficiencies in the areas of: (1) Consultation with a true cross-section of community leaders; (2) a valid survey of the general public; and (3) derivation of information concerning community problems.

5. The Board will grant petitioner's request for a "Suburban" issue. In our view, although there is no one deficiency in Forum's survey which would, standing alone, necessitate addition of an issue, the cumulative effect of the apparent deficiencies in Forum's ascertainment efforts is sufficient to raise a substantial question as to whether or not Forum has complied with the "Primer's" requirements.[6] First, Forum concedes violation of the "Primer" by the loss of supporting records. In reference to Forum's determination of the composition and attributes of the community, the Board points out that the "Primer" (Q. & A. 10) states that even if the applicant shows consultations with a wide variety of groups it is "still required to submit a showing in support of its determination of the composition of the community. The purpose * * * is to inform the applicant and the Commission what groups comprise the community." It appears that no formal demographic study was made by Forum and only FCC documents were initially relied upon (Tr. 12006-10). Similarly, Forum has nowhere shown that it prepared an adequate summary of the applicable data or that its determination is based upon anything more than generalities and estimates. Forum has simply supplied no concrete information on which a determination of the composition of the community can be based. The "Primer" (Q. & A. 4) also requires an applicant to consult with the "leaders of the significant groups in the community" and this specifically includes racial and ethnic groups. Yet, Forum has not established an adequate breakdown of these groups, other than the general heading of "minority interests," and Forum does not show, for example, how many blacks and/or Puerto Ricans have been interviewed. Another "Primer" requirement is that consultations with community leaders must be conducted by principals or management-level employees and not by a professional research or survey service ("Primer" Q. & A. 11(a) and 12). It appears that Forum's actions in this regard may not be

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[1] The Commission recently redesignated this proceeding for hearing (FCC 72-144, released Feb. 24, 1972); as a result, the instant petition will be regarded as having been timely filed.

[2] Also before the Board are the following related pleadings: (a) Opposition, filed Jan. 13, 1972, by Forum; (b) opposition, filed Jan. 20, 1972, by the Broadcast Bureau; (c) reply, filed Feb. 1, 1972, by WPIX; (d) motion for leave to file rejoinder and rejoinder to WPIX's reply to oppositions, filed Feb. 4, 1972, by Forum; (e) response to motion for leave to file rejoinder, filed Feb. 10, 1972, by WPIX. Forum requests leave to file rejoinder, (d) above, because WPIX's reply allegedly "contains a number of distortions of fact" and "also raises one new matter." The Review Board will deny Forum's request. The alleged "distortions of fact" are not sufficiently serious to permit a response and, also, WPIX's reply will be treated as if it is "limited to matters raised within the oppositions," as required by Commission § 1.45(b).

[3] WPIX, Inc., 20 FCC 2d 298, 17 RR 2d 782 (1969).

[4] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971), hereinafter referred to as Primer.

[5] Because this is no longer a valid argument (see footnote 1, supra) the Board will not discuss it further.

[6] The Board notes that the Primer explicitly applies to all applications for "construction permits for new broadcast stations" (Primer, Q. & A. 1), and applicants were given 90 days to amend their applications if they believed it necessary. Primer, paragraph 79. See Harry D. Stephenson and Robert E. Stephenson, FCC 72R-31, ------ FCC 2d ------, released Feb. 8, 1972.

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totally satisfactory. First, the designation of Mrs. Theodora Sklover as a "management-level employee" is questionable in the present circumstances. The employment of a consultant to aid in an applicant's survey efforts is not sufficient, standing alone, to qualify the consultant as a "management-level employee." A showing should be made that a dialog can be established and maintained between the community and the decisionmaking personnel of the applicant. Another area that the Board believes raises a serious question of Forum's compliance with "Primer" requirements (Q. & A. 4) involves the adequacy of Forum's survey of the general public. One of Forum's principals stated that Forum did not undertake a full-dress survey of the general public (Tr. 12036–39). In fact, the only efforts to survey the general public apparently consists of four "focused group interviews" and four "Forum Forums," which were part of a "disproportionate, stratified sampling approach" recommended by a professional research organization. Overall, it appears that no more than 200 people were involved. The Board is unable to find on the basis of the pleading that such a sampling complies with the requirement for a survey of the general public. Cf. "The Tuscarawas Broadcasting Company," FCC 72–213, ____ FCC 2d ____, released March 15, 1972. Finally, the Board has reviewed the questionnaires used by Forum in conducting its surveys and it appears that there may be serious deficiencies. The questions used do not specifically elicit the views of the person interviewed concerning community needs and interests or community problems ("Primer" Q. & A. 3 and 18). Instead, the questions asked during the interviews sought information concerning: (1) The "principal activities" or "major concerns and interests" of the interviewee's organization; (2) whether the programing of existing New York stations adequately served the needs and interests of that organization; and (3) the ways in which Forum's station can stay in closer contact with the community or contribute to serving the needs and interests of the leader's organization. Such questions and information are only peripherally related to the basic purpose of ascertaining what the person consulted believes to be the problems of the "community." Indeed, the determination of community problems and how the applicant proposes to meet them are the basic purpose of the "Primer" as a whole and strict compliance in this regard is essential. In view of the foregoing, the Board believes that an evidentiary exploration of Forum's efforts to ascertain community needs is warranted.

7. *Accordingly, it is ordered,* That the motion for leave to file rejoinder, filed February 4, 1972, by Forum Communications, Inc., is denied; that the rejoinder and the response thereto, filed February 10, 1972, by WPIX, Inc., are dismissed; that the petition to enlarge issues, filed December 13, 1971, by WPIX, Inc., is granted; and that the issues in this proceeding, are enlarged to include the following:

To determine the efforts made by Forum Communications, Inc., to ascertain the community needs and interests of the area to be served and the means by which it proposes to meet those needs and interests.

8. *It is further ordered,* That the burdens of proceeding with the introduction of evidence and proof under the issue added herein, shall be on Forum Communications, Inc.

Adopted: March 29, 1972.

Released: March 31, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[†]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-5312 Filed 4-5-72;8:49 am]

[FCC 72-252]

CERTAIN PUBLIC AND LIMITED COAST CLASSES I AND II RADIOTELEPHONE STATIONS

Memorandum Opinion and Order Regarding Waivers

In the matter of waiver of §§ 81.132, 81.304, and 81.360 of the Commission's rules to permit certain Public and Limited Coast Classes I and II Radiotelephone Stations to continue the use of double sideband (DSB) emissions on the medium and/or high frequency bands after January 1, 1972.

1. The Commission has received waiver requests from certain Public and Limited Coast Classes I and II Radiotelephone Station licensees requesting waiver of the Commission's rules to permit their continued use of double sideband (DSB) emissions on the medium and/or high frequency bands after January 1, 1972. These classes of coast stations provide regional service or service up to several thousand miles, to ships on medium and high maritime frequencies. Public and Limited Classes I and II Radiotelephone Stations, except in Alaska or on inland waters other than the Great Lakes or the Mississippi River, are authorized pursuant to §§ 81.132, 81.304, 81.360 and 81.361 of our rules to emit only single sideband (SSB) on the medium and high frequency bands commencing January 1, 1972.

2. The waiver requests here under consideration concern coast stations subject to the above-mentioned SSB emission requirements. Such requirements for the medium frequencies were contained in a first report and order released June 16, 1970, in Docket No. 18307 and for the high frequencies in a third report and order released December 22, 1969, in Docket No. 18271. For discussion purposes the requests have been grouped below according to reasons given for the requests.

3. The first group of waiver requests for public coast stations are based upon the asserted present unavailability of suitable new SSB equipment and/or a lack of time in which to convert presently used DSB equipment to SSB operation. The licensees indicate that specially designed SSB equipment is on order and/or in the process of construction. In this connection the American Telephone and Telegraph Co. states that for the Bell System, which operates most of the stations in this group, development of suitable SSB equipment, contracted for in August 1970, has been delayed because of unanticipated circuit design problems. The company states that (a) only the prototype level has been achieved with field trials expected to commence in April or May 1972; (b) manufacture and delivery of the first unit is expected in the third quarter of 1972 and installation and operation of this initial unit should be completed in the fourth quarter of 1972; and (c) total Bell System conversion to SSB will be effectuated by December 31, 1973. The Commission licensing records indicate that many of the Bell System receiving and transmitting locations are separated and therefore this may require transmitters and receivers that are not integrated into a single piece of electronic equipment such as the units now generally available on the commercial market.

4. The Hawaiian Telephone Co. requests a delay because, like Bell, it has experienced a delay in delivery of station equipment that is specially designed to provide the best possible service to the public during "the difficult period when a multimode capability is required".

5. A request by General Telephone of Florida is also included in this group because of equipment delivery delays. The company states that on October 29, 1971, it completed all acts necessary for it, as assignee, to assume control of its station from a previous licensee, and since that date has been negotiating for new SSB equipment with the same firm that is supplying the Bell System and with an additional firm.

6. An additional request from a licensee in this group has been received from Great Lakes Marine Radio, Inc., which states that it needs additional time to design, develop, and obtain Commission type acceptance of SSB equipment that will be superior to any now available on the market. The applicant states that the station is equipped to receive SSB transmissions and that there will be no degradation of service during the extension period since to its knowledge there are only two vessels on the Great Lakes equipped with SSB radio equipment and they believe these are for experimental purposes only. All of the licensees and pertinent information concerning the stations in this first group are attached hereto as Annex A.

7. Another group of requests for waivers until, in some cases, 1977, are from public coast station licensees generally who state that they have petitioned, or intend to petition, the Commission for permission to discontinue operation of Class I or II (medium and high frequency) public coast facilities and they are reluctant to undergo the financial expense of conversion to SSB. The licensees assert, essentially, that in some cases conversion to VHF operations or complete termination of service is contemplated, and revenues from medium and high frequency operations are not sufficient to justify the expenditure of the considerable amounts of money required to convert to SSB operations for the relatively short interim period. A list of all licensees and pertinent information concerning the stations involved in this group are attacher hereto as Annex B.

8. Another waiver request received is for Public Coast Class II–B Station, call sign WMI, with a transmitter location at Lorain, Ohio. The licensee of that station, Lorain Electronics Corp., states it is disadvantaged by the decrease in Great Lakes shipping in the last 20 years and has already petitioned to discontinue service at two of its three public coast stations and is uncertain at this time whether to petition to discontinue service at WMI, its third location. The company seeks waiver until January 1, 1974, at the latest, to either petition to discontinue service at the third location or to become operational with SSB equipment.

9. In addition to the above waiver requests the city of San Diego, Calif., licensee of Limited Coast Class II–B Station, call sign KWD, at San Diego, Calif. requests a waiver to permit DSB operation until September 1, 1972. The city states that through administrative oversight it failed to budget funds for SSB operation, but states an intention to become operational with SSB equipment as soon as administratively possible.

10. A request is also on file by Central Radio Telegraph Co. which operates station WLC at Rogers City, Mich., for a waiver of the SSB rule requirements, based on somewhat different reasons. In addition to equipment availability problems, this licensee states that it has not yet been conclusively decided whether the maritime communications system adopted for general use on the Great Lakes will consist of only VHF operations, or whether it will also include continued operation in the medium and high frequency bands. The company asserts that it would be unreasonable to require coast stations to install SSB equipment now if only VHF operation is ultimately adopted for use on the Great Lakes and the company requests a waiver of the SSB requirements until January 1, 1974, by which time the question should be decided, and its equipment problems resolved.

11. Finally, RCA Global Communications Inc. requests similar rule waivers for reasons different than any of those described above. The company is the licensee of Public Coast Class I–B Station, call sign KQM at Kahuku, Hawaii and has joined in an application on file for consent to assignment to Radiocall, Inc., and requests waiver until approval by the Commission of its application or 60 days after denial to allow time to petition to discontinue the service or to install SSB equipment. Action on this application may be delayed because of oppositions on file by several parties which raise questions as to whether the grant of the application would serve the public interest.

12. We believe the requests for rule waivers to allow continued double sideband operation, for a limited period of time, of public coast stations by licensees who foresee possible early discontinuation of service is equitable and reasonable. To require a licensee to purchase new station equipment that would be used for only a relatively short period of time, substantially less than its normal usable life, could impose an unreasonable financial hardship on a licensee and would be contrary to the public interest. We, therefore, will grant these requests, not until 1977 as requested by some licensees, but only until final Commission action on any petition for discontinuation of service that may be filed and provided that such petitions are filed not later than January 1, 1973. We consider this a reasonable time for the licensees to study and assess current developments in the field of maritime public radiocommunications, as the developments affect them, and reach a business judgment as to whether to request Commission permission to discontinue service. Additionally, this will allow licensees the time necessary to compile the information needed by us to determine whether the public interest would be served by permitting them to discontinue operation of their Class I or II stations.

13. With respect to the requests for rule waivers so that double sideband station operations can be continued by licensees who assert that suitable equipment is not available, or that budgetary or administrative obstacles must be overcome, we are not entirely persuaded that the rule waivers for these licensees are justified. These licensees have been on international notice since the final action of the World Administrative Radio Conference in Geneva, Switzerland in 1967, and on national notice from the dates of the release of our notices of proposed rule making in Docket Nos. 18307 and 18271 on September 12, 1968, and August 8, 1968, respectively, to implement portions of the international agreements, that eventual single sideband operations in the maritime services was to be expected. On the basis of the information furnished us by these licensees in their requests for rule waiver, we are not convinced that they began early enough to cope with any equipment, budgetary or administrative problems peculiar to them in meeting the January 1, 1972 deadline for converting to SSB operations. Further, to grant these rule waiver requests would delay us in reaching our objective, described in several recent rule making proceedings, of better service and alleviating congestion on the medium and high maritime frequencies. Also the continued DSB operation of these stations may be a detriment to some ships that are now operating with SSB station equipment. We note, however, notwithstanding the long period of advance notice described above, these licensees do not yet have the necessary SSB station equipment and it appears, therefore, that we have no practicable course of action other than to grant the requests. To deny the requests for temporary continued use of DSB operations pending development and installation of SSB equipment would not provide a practical solution to the problem nor would it apparently result in any earlier SSB public correspondence service by the stations involved in these requests. Therefore, with some reluctance, and mindful of the above-described possible undesirable consequences, we will grant the requested rule waivers so that additional time will be available to the subject licensees to acquire and install the equipment needed to come into compliance with our SSB rule provisions. We also agree with the licensee of station WLC at Rogers City, Mich., that a waiver is warranted for the reasons furnished. This will allow the licensee time to determine the action that is appropriate in its case in view of the unresolved question of the extent to which VHF will be used on the Great Lakes.

14. *Accordingly, it is ordered,* That the licensees listed in Annex A attached hereto, are granted waivers of §§ 81.132 and 81.304 of the rules until the date requested by each licensee as shown on Annex A, so that the station may continue to operate with double sideband emissions until that date, or until the installation of SSB station equipment, whichever is sooner.

15. *It is further ordered,* That the city of San Diego, Calif. as licensee of Limited Coast Station KWD is granted a waiver of the provisions of §§ 81.132 and 81.360 concerning SSB operations so that it may continue to operate with double sideband emissions until September 1, 1972, or until the installation of SSB station equipment, whichever is sooner.

16. *It is further ordered,* That the licensees of the Class I or II Public Coast Stations shown in Annex B attached hereto and Lorain Electronics for its station WMI at Lorain, Ohio are granted waivers of the SSB provisions of §§ 81.132 and 81.304 of the rules pending the filing of an application for discontinuation of Class I or II Public Coast station service and until final action by the Commission on such an application; provided that the application is filed not later than January 1, 1973.

17. *It is further ordered,* That Central Radio Telegraph Co. is granted a waiver of the SSB provisions of §§ 81.132 and 81.304 of the rules until January 1, 1974, with respect to the operation of station WLC at Rogers City, Mich.

18. *It is further ordered,* That RCA Global Communications is granted a waiver of the SSB provisions of §§ 81.132 and 81.304 until final Commission action

[†] Board Member Nelson dissenting and voting to deny for the reasons advanced by the Bureau.

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on the pending application for assignment of license of Public Coast Station KQM. In event the application is disapproved, RCA Global Communications is hereby granted an additional 60 days waiver thereafter to either install SSB station equipment, or, alternatively, to request permission to discontinue Class I station service in which case, an additional waiver is granted until the Commission acts on such a request providing the request is filed within the 60 day period. In event the pending application for consent to assignment is granted, a 60 day SSB rule waiver is hereby granted to Radiocall, Inc., to allow time to acquire and install necessary SSB station equipment.

Adopted: March 23, 1972.

Released: March 30, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[1] Commissioners Robert E. Lee and Johnson absent; Commissioner H. Rex Lee concurring in the result.

ANNEX A

Licensee	Call sign	Class of station	Transmitter(s) location(s)	Frequency band(s) involved	Waiver requested until—
Southern Bell Telephone	WNJ	Public II B	Jacksonville, Fla	Medium	Jan. 1, 1974.
Pacific Telephone	KOU	do	San Pedro, Calif	do	Do.
Do	KOE	do	Eureka, Calif	do	Do.
Do	KLH	do	Point Reyes, Calif[1]	do	Do.
Southern Bell Telephone	WJO	do	Sullivan's Island, S.C	do	Do.
Do	WDR	do	Miami, Fla	do	Do.
South Central Bell	WAK	do	New Orleans, La	do	Do.
American Telephone	WAQ	do	Ocean Gate, N.J	do	Do.
New England Telephone	WOU	do	Marshfield, Mass	do	Do.
Southwestern Bell	KCC	do	Corpus Christi, Tex	do	Do.
Do	KQP	do	Galveston, Tex	do	Do.
Chesapeake & Potomac Telephone.	WAE	do	Point Harbor, N.C	do	Do.
Do	WGB	do	Virginia Beach, Va	do	Do.
New York Telephone	WOX	do	New York, N.Y	do	Do.
Hawaiian Telephone Co	KBP	do	Honolulu, Hawaii	do	July 1, 1972.
General Telephone	WFA	do	Madiera Beach, Fla., Indian Rocks, Fla.	do	Jan. 1, 1973.
Great Lakes Marine	WBL	Public I ABL	Martinsville, N.Y	Medium and high.	Do.

[1] Pacific Telephone also requested a waiver for its station transmitter located at Pittsburg, Calif. The waiver for that transmitter is not needed and is therefore moot in view of the Commission's change to § 81.304 (c) and (d) effective Dec. 14, 1971 (Order released 12-6-71 FCC 71-1211) which permits Class II-B coast stations operating on certain inland waters to continue to use double sideband until Jan. 1, 1977.

ANNEX B

Licensee	Call sign	Class of station	Transmitter(s) location(s)	Frequency band(s) involved	Waiver requested until—
Illinois Bell	WAY	Public II BL	Lake Bluff, Ill., Chicago, Ill.	Medium and high	No definite date specified.
Diamond State Telephone	WEH	do	New Castle, Del	Medium	Jan. 1, 1977.
Do	WLF	do	Bodkin Point, Md	do	Do.
Michigan Bell	WFR	do	Detroit, Mich., Grosse Isle, Mich.	do	Do.
Do	WFS	do	Detroit, Mich	do	Do.
Do	WFV	do	Port Huron, Mich	do	Do.
Lorain Electronics	WAD	do	Port Washington, Wis	Medium and high.	Do.
Do	WAS	do	Duluth, Minn	do	Do.
Maryland Port Authority	WMH	Public I AB	Dundalk, Md	Medium	No definite date specified.

[FR Doc.72-5076 Filed 4-5-72;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-143]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 21, 1972.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-6	Oct. 21, 1965	Delegation of Authority to Secretary of Defense—Regulatory Proceeding.
F-42	Feb. 24, 1969	Do.
F-80	Dec. 1, 1970	Do.
F-83	Feb. 1, 1971	Do.
F-92	Mar. 12, 1971	Do.
F-108	June 18, 1971	Do.

Dated: March 30, 1972.

ROD KREGER, *Acting Administrator of General Services.*

[FR Doc.72-5279 Filed 4-5-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 894; Class B]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1972, because of the effects of certain disasters damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Houston, Tex., suffered damage or destruction resulting from floods occurring on March 20 and 21, 1972.

OFFICE

Small Business Administration District Office, Niels Esperon Building, Room 1210, Houston, Tex. 77002.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1972.

Dated: March 23, 1972.

CLAUDE ALEXANDER, *Assistant Administrator for Administration and Operations.*

[FR Doc.72-5301 Filed 4-5-72;8:48 am]

[Declaration of Disaster Loan Area 895; Class B]

WASHINGTON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of February and March 1972, because of the effects of a certain disaster, damage resulted to homes and business property located in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Thurston, Pierce, and King Counties, Wash., suffered damage or destruction resulting from floods and mud slides occurring from February 13 through March 10, 1972.

OFFICE

Small Business Administration Regional Office, 5th Floor, Dexter-Horton Building, 710 Second Avenue, Seattle, Wash. 98104.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1972.

Dated: March 27, 1972.

CLAUDE ALEXANDER, *Assistant Administrator for Administration and Operations.*

[FR Doc.72-5302 Filed 4-5-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 3, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134060 Sub 6, Davinder Freightways, Ltd., continued to April 11, 1972, at the Edgewater Inn, Pier 67, Seattle, Wash.

MC 117940 Sub 71, Nationwide Carriers, Inc., now assigned April 19, 1972, at St. Paul, Minn., postponed indefinitely.

MC 95540 Sub 825, Watkins Motor Lines, Inc., now assigned April 20, 1972, at Denver, Colo., postponed indefinitely.

MC 135772, Barrett Transfer & Storage Co., now assigned April 24, 1972, at Seattle, Wash., cancelled and reassigned to April 24, 1972, Sixth Floor, Highway License Bldg., 12th and Franklin St., Olympia, Wash.

FD 26615, City of Wheeling, W. Va. Abandonment Baltimore & Ohio Railroad Tracks, Wheeling, Ohio County, W. Va., and FD 26674, City of Wheeling, W. Va. Abandonment of Operations Penn Central Transportation Company Tracks, Wheeling, Ohio County, W. Va., now assigned April 24, 1972, at Wheeling, W. Va., postponed to July 24, 1972, in Civil Service Room, New Post Office Building, 2501 Chapline Street, Wheeling, W. Va.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5315 Filed 4-5-72;8:50 am]

[Notice 40]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73032. By order of March 28, 1972, Division 3, acting as an Appellate Division, approved the transfer to J. E. Lammert Transfer, Inc., Grand Island, Nebr., of the operating rights in certificates Nos. MC-111722 (Corrected) and MC-111722 (Sub-No. 3) issued August 7, 1961, and November 16, 1964, to Chester C. Chittenden, doing business as Chet's Truck Line, Ottumwa, Iowa, authorizing the transportation of general commodities, with usual exceptions, between Ottumwa, Iowa, on the one hand, and, on the other, specified points in Illinois and Indiana, and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, except hides and commodities in bulk, from Ottumwa, Iowa, to Elk Grove Village and Addison, Ill. Charles J. Kimball, 605 South 14th Street, Lincoln, NE 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5316 Filed 4-5-72;8:50 am]

[Notice 26]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 31, 1972.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 200 (Sub-No. 252), filed February 22, 1972. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, MO 64106, also 100 West 10th Street, Wilmington, DE 64142. Applicant's representative: Rodger J. Walsh, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, MO 64106.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Connecticut, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia (restricted to traffic originating at Marshall, Mo., and destined to points in the named States). NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 7832 (Sub-No. 16), filed March 8, 1972. Applicant: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a partnership, doing business as, SUPER M FOODS DELIVERY, 411A North Wood Avenue, Linden, NJ 07036. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocer, department stores, and food business houses (except commodities in bulk), and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), between points in New Jersey, Pennsylvania, Maryland, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Delaware, Virginia, and Washington, D.C. Restriction: The proposed service to be limited to a service under contract with Food Fair Stores, Inc. of Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 10223 (Sub-No. 4) (Amendment), filed January 18, 1971, published FEDERAL REGISTER issue of February 19, 1971, under MC 105809 Sub 14, and republished as amended this issue. Applicant: ROBERT E. MACK, SOPHIE R. MACK, ESTELLE M. FUNK, CAROL BROWN, AND THERESA R. MOLLOY, a partnership, doing business as, MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, PA 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by hardware stores, from points in Connecticut, Maine, Massachusetts, New Hampshire, New York (except points in the New York, N.Y. commercial zone as defined by the Commission), Rhode Island, Vermont, Virginia, and West Virginia to the warehouse of Cotter & Co. at Philadelphia, Pa., restricted against the transportation of commodities in bulk. NOTE: Applicant also conducts operations as a motor contract carrier in No. MC 105809. The purpose of this republication is to show that applicant now seeks to conduct operations as a motor common carrier rather than as a contract carrier, and also to delete certain states. Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Philadelphia, Pa.

No. MC 10761 (Sub-No. 261), filed February 22, 1972. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, and Rhode Island, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Philadelphia, Pa., or Washington, D.C.

No. MC 16961 (Sub-No. 4), filed March 9, 1972. Applicant: HUTCHINS TRUCKING COMPANY, a corporation, 1000 Congress Street, Portland, ME 04102. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, MA 02187. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses; *empty containers*, returned or rejected merchandise on return, from Northboro, Mass., to Portland, Bangor, Lewiston, Lincoln, Fairfield, Waterville, and Raymond, Maine and Rochester, N.H., under continuing contracts with Columbia Markets and Giguere's Supermarkets. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 28060 (Sub-No. 21), filed March 8, 1972. Applicant: WILLERS, INC., 1400 North Cliff Avenue, Sioux Falls, SD 57101. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and/or storage facilities of Tony Downs Food Co., at or near St. James, Madelia, and Butterfield, Minn., and Estherville, Iowa, to points in Iowa, South Dakota, Wisconsin, North Dakota, Nebraska, Kansas, Missouri, and Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 29886 (Sub-No. 280), filed March 1, 1972. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, IN 46621. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pollution control equipment and accessories*, from Roanoke, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35469 (Sub-No. 43), filed March 1, 1972. Applicant: MODERN TRANSFER CO., INC., 1300 Hanover Avenue, Allentown, PA 18001. Applicant's representative: P. F. Gilligan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, Maryland, Ohio, Virginia, and West Virginia, and the District of Columbia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa., Philadelphia, Pa., or Washington, D.C.

No. MC 32882 (Sub-No. 66), filed February 28, 1972. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* articles as described in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, appendix V (61 M.C.C. 276), (1) between points in Colorado, Utah, and Wyoming, on the one hand, and, on the other, points in Oregon and Washington and (2) between points in Oregon and Washington, on the one hand, and on the other, points in Idaho and Montana. NOTE: Applicant states that the requested authority could be tacked with its present Sub 60 if granted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 41432 (Sub-No. 120), filed March 1, 1972. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Implement, tool, hardware, and houseware handles*, from Diboll, Tex., to points in Alabama, Arizona, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Mexico, Ohio, Oklahoma, Tennessee, Utah, Wisconsin, and West Virginia. NOTE: Applicant states that the requested authority will tack with regular route authority but such is not proposed. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 46421 (Sub-No. 11), filed March 2, 1972. Applicant: ESCRO STORAGE & CARTAGE, INC., 360 Dingens Street, Buffalo, NY 14206. Applicant's representative: Herbert M. Canter, 345 South Warren Street, Syracuse, NY 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), from Buffalo, N.Y., to point in Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, and Wyoming Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, Syracuse, or New York, N.Y., or Washington, D.C.

No. MC 48221 (Sub-No. 3), filed March 3, 1972. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 2501 O Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Colorado, Illinois, Indiana, Kansas, Michigan, Nebraska, Ohio, and Utah, restricted to traffic originating at Marshall, Mo., and destined to points in the name destination States. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 51146 (Sub-No. 245) (Clarification), filed December 6, 1971, published in the FEDERAL REGISTER issues of January 6, 1972 and February 10, 1972, and republished as clarified this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: D. F. Martin, Post Office Box 2298, Green Bay, WI 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers or converters of cellulose materials and products, plastic materials and products, paper and paper products (except commodities in bulk), between the plantsites and storage facilities of Will Ross, Inc., located at various points throughout the United States, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from points in the United States (except Alaska and Hawaii) to the plant and storage facilities of Will Ross, Inc., restricted to traffic originating at and destined to the named plant and storage facilities. NOTE: Common control may be involved. The purpose of this republication is to show the location of Will Ross, Inc. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 52709 (Sub-No. 317), filed March 9, 1972. Applicant: RINGSBY TRUCK LINES, INC., 5773 South Prince Street, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia (restricted to traffic originating at Marshall, Mo., destined to points in the named States). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 53965 (Sub-No. 80) (Clarification), filed December 27, 1971, published in the FEDERAL REGISTER issue of February 3, 1972, and republished as amended, this issue. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Elkhart, Ulysses, Syracuse, Tribune, Sharon Springs, and Goodland, Kans., and points in that part of Colorado east of the Continental Divide. NOTE: Applicant states that it intends to tack with presently held authority to serve points in Kansas, Oklahoma, and Texas, also to provide service from and to points in Nebraska and that portion of Missouri which lies within the Kansas City, Kans.-Mo. commercial zone. The purpose of this republication is to include additional tacking information. If a hearing is deemed necessary, applicant requests it be held at Salina and Garden City, Kans.

No. MC 56679 (Sub-No. 64), filed March 2, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight), between Atlanta and Tennga, Ga., over U.S. Highway 41 to Cartersville, Ga., thence U.S. Highway 411 to Tennga, Ga., and return over the same route, serving all intermediate points on U.S. Highway 411 between Cartersville and Tennga, Ga. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 60430 (Sub-No. 20), filed February 29, 1972. Applicant: FRIEDMAN'S EXPRESS, INC., 220 Conyngham Avenue, Wilkes Barre, PA 18702. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, and those injurious or contaminating to other lading), between New York, N.Y., on the one hand, and, on the other, points in Suffolk County, N.Y. Restriction: The authority sought is restricted to shipments having origin or destination at points in Pennsylvania, east of U.S. Highway 11 and north of the Pennsylvania Turnpike, except points in Lackawanna and Luzerne Counties, Pa. NOTE: Applicant states it will tack at New York, N.Y. with existing authority. If a hearing is deemed necessary, applicant requests it be held at Scranton, Pa., and New York, N.Y.

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No. MC 64423 (Sub-No. 1), filed March 1, 1972. Applicant: FREY'S MOTOR EXPRESS, INC., Fox Farm Road, Route 1, Phillipsburg, N.J. 08865. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa. to points in New Jersey and New York, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 65697 (Sub-No. 47), filed February 22, 1972. Applicant: THEATRES SERVICE COMPANY, a corporation, 830 Willoughby Way NE., Post Office Box 1695, Atlanta, GA 30312. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having an immediately prior or immediately subsequent movement by air, serving Andalusia and Moulton, Ala., and Calhoun Falls, S.C., as off-route points in connection with otherwise authorized regular route authority and (2) *automobile parts, accessories and related articles*, between Atlanta, Ga., and Calhoun Falls, S.C.: From Atlanta, Ga., over U.S. Highway 29 or 78 to Athens, Ga., thence over Georgia Highway 72 and South Carolina Highway 72 to Calhoun Falls, S.C., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 69695 (Sub-No. 13), filed March 7, 1972. Applicant: RAY L. BRANDT TRUCKING CO., a corporation, 460 West Philadelphia Street, York, PA 17404. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from the facilities of Agway, Inc., in Spring Garden Township, York County, Pa., to Wilmington, Del. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 74321 (Sub-No. 56), filed March 9, 1972. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dust collectors and component parts*, from the plantsite and warehouse facilities of Flex-Kleen Corp. at Chicago, Ill., and Libertyville, Ill., and the plantsite of Bloomer Fiske, Inc., at Chicago, Ill., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 83539 (Sub-No. 332), filed March 6, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and/or plastic tubing*, with or without plastic fittings for same, from Houston, Tex., to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 88845 (Sub-No. 10), filed February 22, 1972. Applicant: PARCEL DELIVERY SERVICE, INC., 600 Belleville Turnpike, Kearny, N.J. 07032. Applicant's representative: Robert DeKroyft, 23 Branford Place, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, toilet preparations, medicines, cosmetics, pencils, crayons, books, pens, candy, synthetic rubber clothing, wearing apparel, chemicals, salesmen's samples, gelatin capsules, condition powders, regulators or tonics, animal or poultry feed supplements*, not frozen without or containing antibiotics or vitamins; *weed killing compounds, petroleum jelly, plastic articles, paper boxes, soap, dental plate cleaning, dry razor blades, razors, hair dryers, disinfectants, deodorant, buffing and polishing compounds, cleaning, scouring, and washing compounds, starch, and textile softeners*, in packages or containers not exceeding 36 inches in length, girth, or width and not exceeding 100 pounds per piece, from points in Kearny, Edison, Clifton, Hammonton, Secacus, and Belleville Counties, N.J., and Hillsborough Township, Somerset County, N.J., to points in Orange, Rockland, and Suffolk Counties, N.Y., under contract with Beecham Products Co., Clifton, N.J.; the Gillette Co., Andover, Mass.; International Playtex Corp., Dover, Del.; the Andrew Jergens Co., Belleville, N.J.: Eli Lilly & Co., Indianapolis, Ind.; Lehn and Fink Products, Montvale, N.J.; the Gillette Co., Personal Care Division, Andover, Mass.; Russell Stover Candies, Kansas City, Mo.; Revlon, Inc., Edison, N.J.; Sterling Drug Co., New York, N.Y.; Venus Esterbrook Corp., Lewisburg, Tenn., Vick Chemical Co., Philadelphia, Pa., and Whitehall Laboratories, New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 95304 (Sub-No. 15), filed December 30, 1971. Applicant: NORTHERN NECK TRANSFER, INC., Post Office Box 345, Montross, VA 22520. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, between points in Westmoreland County, Va., on the one hand, and, on the other, points in that portion of Virginia on and east of a line extending from the West Virginia-Virginia State line over U.S. Highway 11 to its junction with U.S. Highway 220, at or near Roanoke, Va., and thence over U.S. Highway 220 to its junction with Virginia-North Carolina State line south of Martinsville; (2) *Lumber* used in the manufacturing of pallets, skids, boxes, crates, and furniture from points in that portion of Virginia on and east of U.S. Highway 15, extending between the Virginia-Maryland State line on the north, and the Virginia-North Carolina State line on the south, to points in Maryland, Pennsylvania, New York, New Jersey, Delaware, North Carolina, and the District of Columbia, and (3) *Lumber treated poles and piling*, from Warsaw, Va., to points in Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and Rhode Island. NOTE: Applicant states it has no authority with which the authority applied for in paragraph (2) could or would be tacked, however, applicant intends to tack the two separate grants of authority at Montross, Va., a point in the commonly authorized service area of Westmoreland County, Va., at which point its present general office and terminal is located, so as to provide service between points in the above-specified portion of Virginia involved in this application, on the one hand, and, on the other, points in Maryland, Delaware, Pennsylvania, New Jersey, and New York. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 95540 (Sub-No. 837), filed March 3, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Morehead City, N.C., to points in Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 95540 (Sub-No. 836), filed March 3, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen bakery products*, from Battle Creek, Mich., to points in Kentucky, Tennessee, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95540 (Sub-No. 838), filed March 3, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Etowah and Port Rayon, Tenn., to points in California. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 840), filed March 3, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson, Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the above named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 97397 (Sub-No. 11) (Amendment), filed December 15, 1971, published in the FEDERAL REGISTER issue of January 13, 1972, and republished as amended, this issue. Applicant: MARVIN M. BARKLEY, doing business as, BARKLEY TRUCK LINES, 604 Fourth Street SW., Watertown, SD 57201. Applicant's representative: Irving A. Hinderaker, 25 First Avenue SW., Watertown, SD 57201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A, B, C, and D of Appendix I to the *report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and pelts); and (2) *foodstuffs*, when transported in the same vehicle with products described in (1) above, from Huron, S. Dak., to points in Beadle, Campbell, Day, Faulk, Hand, Kingsbury, Potter, Sully, Brookings, Clark, Deuel, Grant, Hughes, Marshall, Roberts, Walworth, Brown, Codington, Edmunds, Hamlin, Hyde, McPherson, and Spink Counties, S. Dak., restricted to traffic having a prior out-of-State movement by rail or motor carrier. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls or Pierre, S. Dak.

No. MC 99107 (Sub-No. 7), filed February 23, 1972. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 390, Boonville, IN 47601. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving strip minesite of Amax Coal Co., a Division of American Metal Climax, Inc., located approximately 4 miles north and 2 miles east of Stevenson, Ind. (Warwick County), as an off-route point in connection with carrier's regular route operations between Dale and Evansville, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 99776 (Sub-No. 9), filed March 1, 1972. Applicant: BUCKNER TRUCKING, INC., 8802 Liberty Road, Houston, TX 77028. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, and wood products*, from points in Ashley, Bradley, Drew, and Union Counties, Ark., and points in Louisiana, to points in Texas, Oklahoma, Kansas, Missouri, Arkansas, Mississippi, Tennessee, and Alabama. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 103993 (Sub-No. 696), filed March 8, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Knox County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103993 (Sub-No. 697), filed March 8, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's repersentative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, on undercarriages, from points in Hamilton County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103993 (Sub-No. 698), filed March 8, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Boulder County, Colo. (except Boulder, Colo.), to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 104004 (Sub-No. 187), filed March 2, 1972. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, NY 10017. Applicant's repersentative: John P. Tynan, 69–20 Fresh Pond Road, Ridgewood, NY 11227. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Virginia, and West Virginia, restricted to traffic originating at named origins and destined to points in named territory. NOTE: Common control may be involved. No duplicate authority sought, and applicant requests that any certificate issued be construed as not to grant more than one right to operate. If

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a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 105501 (Sub-No. 6), filed February 14, 1972. Applicant: TERMINAL WAREHOUSE COMPANY, a corporation, 498 First Street NW., New Brighton, MN 55112. Applicant's representative: Will S. Tomljanovich, Post Office Box 3434, St. Paul, MN 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Paper and paper products, woodpulp and products produced or distributed by manufacturers or converters of paper and paper products;* (b) *equipment, materials and supplies* used in the manufacture or distribution of commodities named in (a) above, (except commodities which because of size or weight require the use of special equipment, and except commodities in bulk), between International Falls, Minn., and points on the international boundary between the United States and Canada located in Minnesota and North Dakota, on the one hand, and, on the other, points in the United States located on and east of the western border of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *paper and paper products and products produced or distributed by manufacturers or converters of paper and paper products*, from plants and warehouse or storage facilities utilized by Boise Cascade Corp. at Minneapolis and St. Paul, Minn., to points in the United States located on and east of the western border of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 105813 (Sub-No. 184), filed March 6, 1972. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. James, Madelia, and Butterfield, Minn., and Estherville, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107295 (Sub-No. 607), filed March 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and prefinished plywood panels*, from Wilmington, N.C., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 107295 (Sub-No. 608), filed March 3, 1972. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Mack Stephenson, Post Office Box 146, Farmer City, IL 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, and plastic tubing and fittings therefor*, from Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 108053 (Sub-No. 113), filed March 6, 1972. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Freemont, NE 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, .1) from points in Idaho, Oregon, Washington, and Utah to points in Minnesota, Wisconsin, Indiana, Michigan, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and the District of Columbia; and (2) from points in California to points in Missouri (except Kansas City and St. Joseph), Minnesota, north of U.S. Highway 16; Wisconsin, north of Wisconsin Highway 11; Illinois, south of U.S. Highway 30; Indiana, south of U.S. Highway 30; Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108375 (Sub-No. 32), filed March 3, 1972. Applicant: LeROY L. WADE & SON, INC., 10550 I Street, PO Box 27053, Omaha, NE 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, in truckaway service, (1) from points in Kansas, to Omaha, Nebr., and (2) from Omaha, Nebr., to points in Kansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 108411 (Sub-No. 5) (Correction), filed February 14, 1972, published in the FEDERAL REGISTER issue of March 16, 1972, and republished as corrected, this issue. Applicant: STEARLY'S MOTOR FREIGHT, INC., Box B. Collegeville, PA 19426. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. NOTE: The purpose of this partial republication is to show the correct docket number assigned thereto as MC 108411 (Sub-No. 5) in lieu of MC 18411 (Sub-No. 5) incorrectly shown in the previous publication. The rest of the publication remains the same.

No. MC 108884 (Sub-No. 21), filed March 3, 1972. Applicant: ROGERS TRANSFER, INC., Route 46, Post Office Box 175, Great Meadows, NJ 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Pennsylvania on and east of U.S. Highway 219 to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and to points in Nebraska, Colorado, Utah, Nevada, California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 109397 (Sub-No. 266), filed February 28, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Turbines, steam condensers, feed water heaters, weldments and heat exchangers;* (2) *parts of the commodities in* (1) above, and (3) *iron and steel castings and forgings*, between points in Chester Eddystone, Essington and Philadelphia, Pa.; Wilmington, Del.; Charlotte, N.C.; Sunnyvale and Marlboro, Calif.; Austin, Tex., and Tulsa, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its Sub No. 195 on size or weight commodities, but indicates that it has no present intention to tack and, therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 110098 (Sub-No. 124) (Correction), filed February 17, 1972, published in the FEDERAL REGISTER issue of March 23, 1972, and corrected and republished as corrected, this issue. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, Post Office Box 20380, San Antonio, TX 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides); (2) *foodstuffs;* (3) *foods;* and (4) *commodities*, the transportation of which is partially exempt pursuant to the provisions of section 203(b)(6) of the Interstate Commerce Act, when moving in the same vehicle and at the same time with the commodities described in 1, 2, and 3 above, restricted against the transportation of commodities in bulk, from points in Texas, to points in Arkansas, Colorado, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Ohio, Michigan, Wisconsin, Minnesota, South Dakota, North Dakota, Montana, Wyoming, and Texas. NOTE: Applicant states that the requested authority can be tacked with its Sub-Nos. 13 and 53, over Texas, to serve all States from California, Arizona, and New Mexico. No duplicating authority is sought. The purpose of this republication is to include the territorial description which was inadvertently omitted from the previous publication. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Dallas, Tex.

No. MC 111045 (Sub-No. 92), filed March 3, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426 also 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Montgomery, Ala., to points in Georgia, Florida, Louisiana, Mississippi, and Arkansas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 111103 (Sub-No. 39), filed February 22, 1972. Applicant: PROTECTIVE MOTOR SERVICE COMPANY, INC., 725–27 South Broad Street, Philadelphia, PA 19147. Applicant's representatives: John M. Delany, 2 Nevada Drive, Lake Success, NY 11040, and Russell S. Bernard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Coral Gables, Fla., on the one hand, and, on the other, Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Boston, Mass., Buffalo and West Point, N.Y., Charlotte, N.C., Chicago, Ill., Cincinnati and Cleveland, Ohio, Culpeper and Richmond, Va., El Paso, Houston, and San Antonio, Tex., Denver, Colo., Detroit, Mich., Fort Knox and Louisville, Ky., Helena, Mont., Kansas City and St. Louis, Mo., Little Rock, Ark., Los Angeles and San Francisco, Calif., Memphis and Nashville, Tenn., Minneapolis, Minn., New Orleans, La., Oklahoma City, Okla., Omaha, Nebr., Philadelphia and Pittsburgh, Pa., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., and Washington, D.C., under contract with General Services Administration. NOTE: Applicant has common carrier authority under MC 133698 Sub 2, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 112822 (Sub-No. 228), filed March 10, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts as described in section A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at or near Marshall, Mo., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; and (2) *fats and oils and blends and products thereof*, in bulk, from the plantsite and or storage facilities utilized by Wilson Certified Foods, Inc., at or near Marshall, Mo., to points in Illinois, Oklahoma, Texas, Louisiana, Iowa, Kansas, Missouri, Arkansas, Tennessee, Nebraska, Kentucky, and Wisconsin, restricted to traffic originating at or near Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 112989 (Sub-No. 22), filed March 1, 1972. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 688, Coos Bay, OR 97420. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, 100 SW. Market Street, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction material*, from points in Santa Clara, Alameda, and Contra Costa Counties, Calif., to points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 451), filed March 2, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Mail: Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and household pet cages, and aquarium accessories, supplies and equipment, materials, and supplies* used in the manufacture of aquariums and household pet cages, between Berkeley, Calif., and Brooklyn, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Denver, Colo.

No. MC 113908 (Sub-No. 223), filed March 13, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Box 3180 G.S., Springfield, MO 65804. Applicant's representative: Le Roy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from (1) points in Michigan, Pennsylvania, New York, Arkansas, Washington, and Texas to points in Florida; and (2) from points in Florida and Texas to points in Michigan, Pennsylvania, New York, Arkansas, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114019 (Sub-No. 231), filed March 3, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. James, Madelia, and Butterfield, Minn., and Estherville, Iowa, to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 358), filed March 9, 1972. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from St. James, Madelia, and Butterfield, Minn., and Estherville, Iowa, to points in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. NOTE: Applicant states that the

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requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 117), filed March 2, 1972. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, Cedar Rapids, IA 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and dairy products* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115092 (Sub-No. 18), filed March 8, 1972. Applicant: WEISS TRUCKING, INC., Post Office Box O, Vernal, UT 84078. Applicant's representative: Jack Kier (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese and cheese products, imitation cheese or cheese products, and specialties, and related equipment and supplies* when moving with cheese and cheese products, from Logan, Utah, to points in Arizona, California, Nevada, Idaho, New Mexico, Oregon, Washington, Montana, Wyoming, and Colorado; and (2) *returned and rejected shipments* on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Salt Lake City, Utah.

No. MC 115491 (Sub-No. 124), filed March 1, 1972. Applicant: COMMERCIAL CARRIER CORPORATION, 502 East Bridgers Avenue, Post Office Drawer 67, Auburndale, FL 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic feed supplements*, in bulk in bags, from Plant City, Fla., to points in Florida. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 115523 (Sub-No. 167), filed February 17, 1972. Applicant: CLARK TANK LINES COMPANY, a corporation, 1450 Beck Street, Salt Lake City, UT 84110. Applicant's representative: H. D. Stratford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk (1) from the plantsite of Utah-Idaho Sugar Co. near Idaho Falls, Idaho, to points in Washington, and (2) *potash*, from the plantsite of Kaiser Aluminum and Chemical Co. near Wendover, Utah to points in Idaho. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 115705 (Sub-No. 2), filed February 3, 1972. Applicant: ERNEST LaBUMBARD, Route 1, Gladstone, Mich. 49837. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Fort Wayne, Ind. to the facilities of Douglas Distributing Co. at or near Sault Ste. Marie, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 115826 (Sub-No. 240), filed March 6, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088 T.A., Denver, CO 80217. Applicant's representative: Robert E. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles* distributed by meat packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, *and frozen food*, from El Paso, Tex., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 116763 (Sub-No. 220), filed February 28, 1972. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Animal feed, including advertising material*, from Sebring, Ohio, to points in the United States, in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana (except Ohio), and (2) *ingredients, materials and supplies* used in the manufacturing, packaging, and distribution of animal feed, from points in the United States east of U.S. Highway 85 (except Ohio), to Sebring, Ohio. NOTE: Applicant states tacking possibilities may exist, but does not presently intend to tack. No duplicating authority held or sought. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 116859 (Sub-No. 12), filed March 6, 1972. Applicant: CLARK TRANSFER, INC., 829 North 29th Street, Philadelphia, PA 19130. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture films and articles associated with the exhibition of motion pictures*, between points in Camden County, N.J., on the one hand, and, on the other, points in Delaware, Maryland, New York, Pennsylvania, Virginia, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 117068 (Sub-No. 18), filed February 24, 1972. Applicant: MIDWEST HARVESTORE TRANSPORT, INC., 2118 17th Avenue NW., Rochester, MN 55901. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Seat cabs and parts thereof*, from Rochester, Minn., to Benton Harbor, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 117613 (Sub-No. 7), filed February 24, 1972. Applicant: DONALD M. BOWMAN, JR., 5 North Clifton Drive, Williamsport, MD 21795. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Building materials and supplies, and materials and supplies* used in the manufacture, packaging, and distribution thereof (except commodities in bulk, and commodities which because of size or weight require the use of special equipment); and *tan bark, and marble chips*, from Gibbsboro, N.J., to points in Pennsylvania, Maryland, Delaware, West Virginia, Virginia, Ohio, and the District of Columbia, under a contract or continuing contract with G. and W. H. Corson, Inc.; (b) *tan bark* from Williamsport, Md., to points in New Jersey, Rhode Island, Maryland, West Virginia, Illinois, New York, Vermont, Delaware, Ohio, Mississippi, Pennsylvania, Virgina, Indiana, and the District of Columbia, under contracts or continuing contracts with G. and W. H. Corson, Inc., and W. D. Byron & Sons, Inc., Williamsport, Md.; and (c) *green salted cattle hides and brine cured cattle hides* from points in Ohio, Indiana, Illinois, and Pennsylvania to Williamsport, Md., under a contract or continuing contract with W. D. Byron & Sons, Inc., Williamsport, Md. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 132), filed March 2, 1972. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, Post Office Box 417, Sioux City, IA 51102. Applicant's representative: A. J. Swanson, Post Office Box 417, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Minnesota, Mississippi, North Dakota, Oklahoma, South Dakota, and Texas, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 118159 (Sub-No. 121), filed March 1, 1972. Applicant: EVERETT LOWRANCE, INC., 1925 National Plaza, Post Office Box 10216, Tulsa, OK 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed urea, fertilizer, and fertilizer materials* dry in bags, from Omaha, and Nebraska City, Nebr., to points in South Dakota, Minnesota, Wisconsin, Iowa, Missouri, and Kansas. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 118610 (Sub-No. 15) (Clarification), filed December 20, 1971, published in the FEDERAL REGISTER issue of February 3, 1972, and republished as clarified, this issue. Applicant: L & B EXPRESS, INC., Post Office Box 281, Owensboro, KY 42301. Applicant's representative: Fred F. Bradley, Courthouse, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles; tubing; plastic, steel and soil pipe; tanks; plumbing goods and supplies; hand tools; power tools; and building materials*, between Bowling Green, Ky., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Wisconsin, West Virginia, Minnesota, Michigan, Tennessee, Georgia, Alabama, Mississippi, Arkansas, Florida, Missouri, Iowa, Texas, Louisiana, Pennsylvania, New Jersey, and New York. NOTE: Applicant states it will tack if feasible or possible with authority only in MC 118610. The purpose of this republication is to place the correct punctuation marks throughout the commodity description. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 118859 (Sub-No. 7), filed March 6, 1972. Applicant: BULLOCK TRUCKING COMPANY, INC., No. 6 Produce Market, Thomasville, Ga. 31792. Applicant's representative: Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poles, posts, pilings and cross-arms*, treated and untreated, from the plantsites of Escambia Treating Co., located at or near Brunswick and Camilla, Ga., to points in Alabama, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119765 (Sub-No. 28), filed March 1, 1972. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, IA 51521. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Illinois, Indiana, Kansas, Missouri, Nebraska, and Wisconsin, restricted to traffic originating at Marshall, Mo. and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 119767 (Sub-No. 282), filed March 6, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, I–94 and County Highway C, Bristol, WI, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge, Post Office Box 188, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned or prepared (except commodities in bulk), from Munster, Ind., to points in Illinois, Kentucky, and points in Ohio, on and west of a line beginning at Sandusky, Ohio, and extending south along Ohio Highway 4 to Marion, Ohio, and thence south along U.S. Highway 23 to Portsmouth, Ohio, and Davenport and Dubuque, Iowa. Restriction: Restricted to the transportation of shipments originating at Munster, Ind., and destined to the above-named destinations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119918 (Sub-No. 7), filed March 9, 1972. Applicant: C & H FREIGHTWAYS, 402 West Watkins Road, Post Office Box 20465, Phoenix, AZ 85036. Applicant's representative: Thomas E. James, Post Office Box 5976, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions*, from Phoenix, Ariz., to points in California. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 120981 (Sub-No. 13), filed March 1, 1972. Applicant: BESTWAY EXPRESS, INC., 415 Fifth Avenue, South, Nashville, TN 37202. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission and those requiring special equipment) (1) between Cincinnati, Ohio and the plantsites of American Greetings Corp., Penn Ventilator Co., Inc., and Sellers Engineering Co., at or near Danville, Ky.; from Cincinnati, Ohio, over Interstate Highway 75 to Lexington, Ky., thence over U.S. Highway 68 to Harrodsburg, Ky., thence over U.S. Highway 127 to Danville, Ky., and return over the same route, serving no intermediate points; and (2) between Lexington, Ky., and the plantsites of American Greetings Corp., Penn Ventilator Co., Inc., and Sellers Engineering Co., at or near Danville, Ky.; from Lexington, Ky., over U.S. Highway 60 to junction Blue Grass Parkway, thence over Blue Grass Parkway to junction with U.S. Highway 127, thence over U.S. Highway 127 to Danville, Ky., and return over the same route, serving no intermediate points, for the purpose of joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Frankfort or Louisville, Ky.

No. MC 123260 (Sub-No. 2), filed March 6, 1972. Applicant: L. E. COX, doing business as PMC COMPANY, 227 West Depot Street, Greenville, TN 37743. Applicant's representative: Jimmy Gray Cutshaw, Post Office Box 713, Greenville, TN. Authority sought to operate as a *contract carrier*, by motor vehicle, over

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irregular routes, transporting: *Peppers and greens*, in cans, *barrels and plastic pails*, from Limestone, Tenn., to points in Alabama, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and the District of Columbia, and (2) the return of products owned by Moody Dunbar, Inc., said products being *ingredients used in the canning of peppers and greens* that are needed to supplement the plant at Limestone, Tenn., along with *cans, barrels and plastic pails* in which the products are packed, from points in the United States (excluding Alaska and Hawaii), to Limestone, Tenn., under contract with Moody Dunbar, Inc., Limestone, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Knoxville or Nashville, Tenn.

No. MC 123805 (Sub-No. 8), filed February 22, 1972. Applicant: G. H. LOMAX, Rural Route No. 1, Hannibal, MO 63401. Applicant's representative: Thomas P. Rose, Jefferson Building, Post Office Box 205, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Basic oxygen furnace dust*, from Granite City, Ill., to the plantsite and facilities of Dundee Cement, Co. at or near Clarksville, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jefferson City or St. Louis, Mo.

No. MC 123905 (Sub-No. 13), filed March 7, 1972. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, MS 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry health products*, in containers and feeders and *advertising matter and premiums* when moving in the same vehicle with the previous commodities, from Decatur, Ill., to points in Mississippi, under contract with A. E. Staley Manufacturing Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Jackson, Miss.

No. MC 124078 (Sub-No. 515), filed March 1, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core compounds, petroleum, and petroleum products*, in bulk, from Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked via points in Kentucky to points in Tennessee; chemicals to points in Iowa, Nebraska, North Dakota, Kansas, Missouri, Wyoming, Colorado; and anhydrous ammonia to points in Missouri, Kansas, Nebraska, Pennsylvania, and West Virginia. However, no tacking is intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124078 (Sub-No. 516), filed March 9, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, (1) from the plantsite of Marquette Cement Manufacturing Co. at or near Catskill, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont and (2) from the plantsite of Medusa Portland Cement Co. at Clinchfield, Ga., to points in Tennessee. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 209), filed March 6, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, between points in the United States on and east of U.S. Highway 75, on the one hand, and, on the other, points in the United States west of U.S. Highway 75 (except Alaska and Hawaii). Restriction: The authority sought herein, to the extent applicant's present authority is duplicated, shall not be construed as conferring more than one operating right severable by sale or otherwise. NOTE: Applicant states tacking possibilities exist with Sub-Nos. 18, 26, 109, 112, 124, 133, 139, 143, and 150, at numerous points, but submits tacking would not be necessary due to scope of instant application. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Omaha, Nebr., and San Francisco, Calif.

No. MC 124489 (Sub-No. 7), filed March 6, 1972. Applicant: NIELSON BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building material* (except commodities in bulk), from the plantsite of the Logan-Long Co. at Chicago, Ill., to Hobart, Ind., under contract with the Logan-Long Co. NOTE: Applicant holds common carrier authority under MC 70577, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124813 (Sub-No. 92), filed March 6, 1972. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite and foundry molding sand treating compound*, from the plantsites of American Colloid Co. at Belle Fourche, S. Dak., and Upton, Wyo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 118468 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125708 (Sub-No. 127), filed March 13, 1972. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Kansas City, Kans., and Willow Springs, Mo., to Grand Rapids, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 126278 (Sub-No. 5), filed March 9, 1972. Applicant: FRIGIDWAY CARTAGE CO., a corporation, 4500 West 44th Place, Chicago, IL. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Chicago, Ill., to points in Indiana, Illinois, Wisconsin, Iowa, Minnesota, and Michigan. (Restrictions: (1) restricted to the transportation of traffic moving in chassis mounted containers and (2) restricted to the transportation of traffic having an immediately prior or subsequent movement by rail). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126372 (Sub-No. 10), filed March 13, 1972. Applicant: SUREFINE

TRANSPORTATION COMPANY, a corporation, 1925 East Vernon Avenue, Los Angeles, CA 90058. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and commercial, institutional, store, and kitchen equipment, and fixtures*, between points in Utah, on the one hand, and, on the other, points in California, Colorado, Idaho, Nevada, Oregon, Washington, Wyoming, Arizona, New Mexico, Texas, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 126517 (Sub-No. 2), filed March 2, 1972. Applicant: RED RIVER TRANSFER & STORAGE, INC., Box 1384, 925 First Avenue North, Grand Forks, ND 58201. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Montana, South Dakota, North Dakota, and Minnesota. Restrictions: The service authorized herein, is subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 126715 (Sub-No. 5), filed January 31, 1972. Applicant: TRANSPORT SERVICE, a corporation, 6395 Southeast Alberta Street, Portland, OR 97206. Applicant's representative: John G. McLaughlin, 100 Southwest Market Street, 726 Blue Cross Building, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oil, and fuel oil* when used as road oil, from Coos County, Oreg., to points in Siskiyou and Del Norte Counties, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 126899 (Sub-No. 52), filed March 1, 1972. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Post Office Box 3051, Paducah, KY 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in drums and packages, *tires, batteries, and automotive accessories*, from Chicago, Ill., to points in Kentucky and points in Benton, Crockett, Dyer, Henry, Humphries, Montgomery, Stewart, Carroll, Dickson, Gibson, Houston, Lake, Obion, and Weakley Counties, Tenn., and *empty drums and barrels*, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Atlanta, Ga.

No. MC 127019 (Sub-No. 7), filed February 22, 1972. Applicant: LaRUE LAMB, doing business as LaRUE LAMB TRUCKING, Myton, Utah 84052. Applicant's representative: Stuart L. Poelman, Seventh Floor Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gilsonite* (natural asphaltum), in bulk, from points in Duchesne and Uintah Counties, Utah, to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127777 (Sub-No. 16), filed March 10, 1972. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Shawano, Lincoln, Vilas, and Forest Counties, Wis., to all points in the United States (except Hawaii) and (2) *Kitchen display trailers*, equipped with hitchball connector and designed to be drawn by passenger automobiles, in initial movements, for display or exhibition purposes only, beginning and ending at Laona, Wis., and extending to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128712 (Sub-No. 2), filed March 13, 1972. Applicant: TED OWENS, 910 Macauley Avenue, Rice Lake, WI 54868. Applicant's representative: Gary L. Bakke, 103 North Knowles Avenue, New Richmond, WI 54017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods and wooden pallets*, between Lakeland, Minn., on the one hand, and, on the other, Frederic, Cumberland, Holman, and Columbus, Wis., under contract with Stokely-Van Camp, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128866 (Sub-No. 34), filed March 2, 1972. Applicant: B & B TRUCKING, INC., Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, 1815 H Street NW. No. 512, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, for the account of Penny Plate, Inc., from Cherry Hill, N.J., and Searcy, Ark., to the plantsites of Merico, Inc., Fort Wayne, Ala.; Charles Freihofer Baker Co., Albany, N.Y., Bama Pie Co., Tulsa, Okla., and Tennessee Foods, Inc., Rossville, Tenn., under contract with Penny Plate, Inc., Cherry Hill, N.J. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133095 (Sub-No. 25), filed March 1, 1972. Applicant: TEXAS CONTINENTAL EXPRESS, INC., Post Office Box 434, Euless, TX 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from points in New York, New Jersey, Michigan, Illinois, Kentucky, Indiana, Tennessee, and Pennsylvania to points in Colorado, Arkansas, Oklahoma, Louisiana, New Mexico and those in Texas east of U.S. Highway 277. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 133106 (Sub-No. 17) (Correction), filed January 11, 1972, published FEDERAL REGISTER issue of February 10, 1972, and republished as corrected this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East Eighth Street, Post Office Box 1358, Liberal, KS 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. NOTE: The purpose of this republication is to reflect the operations as a *contract carrier* in lieu of *common carrier*, shown erroneously in previous publication. The rest of the application remains the same.

No. MC 134477 (Sub-No. 19), filed March 10, 1972. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from Mason City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a

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hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 134922 (Sub-No. 27), filed March 1, 1972. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard, lard substitutes, animal oil and shortening, vegetable oils and shortenings, and blends of, animal oils, animal shortenings, vegetable oils, and vegetable shortenings* (except commodities in bulk), from Helena, Ark., to points in Alabama, Georgia, Tennessee, Mississippi, Kentucky, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135364 (Sub-No. 3), filed March 6, 1972. Applicant: MORWALL TRUCKING, INC., Route 502, Daleville, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating, cooling and/or air conditioning machinery and accessories and/or related parts;* loose, unpackaged, on skids, or packaged, from the facilities of Trane Co., located in Lackawanna County, Pa., to points in Connecticut and Virginia, under contract with the Trane Co. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135705 (Sub-No. 2), filed February 29, 1972. Applicant: LELAND D. MELROSE, doing business as MELROSE TRUCKING COMPANY, Raderville Route, Box 6360, Casper, Wyo. 82601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk having a prior movement via railroad, from railroad terminals or sidings in Wyoming to points in Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Butte, Mont.

No. MC 136200 (Sub-No. 1), filed March 6, 1972. Applicant: ACE VAN & STORAGE COMPANY, a corporation, 170 Sixth Avenue, San Diego, CA 92101. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between points in San Diego County, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 136239 (Amendment), filed November 23, 1971, published in the FEDERAL REGISTER issue of December 30, 1971, and republished as amended, this issue. Applicant: COASTAL TRUCKING COMPANY, a corporation, Post Office Box 1256, Bell Point Street, Brunswick, GA 31520. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* when mixed with seafood, from the plantsite and storage facilities of Sea Pak, a division of W. R. Grace & Co., at or near Brunswick, St. Simons Island, and Savannah, Ga., to points in Florida, South Carolina, North Carolina, Virginia, New York, Maryland, Delaware, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, Ohio, Tennessee, Kentucky, West Virginia, Alabama, Indiana, and the District of Columbia, and (2) *pizza* from the plantsite and storage facilities of Sea Pak, a division of W. R. Grace & Co., at or near Fredonia, Jamestown, and Buffalo, N.Y., to points in Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, Ohio, Tennessee, Kentucky, West Virginia, Alabama, Indiana, and the District of Columbia, under contract with Sea Pak, a division of W. R. Grace & Co. NOTE: The purpose of this republication is to redescribe the commodity and territorial scope of the application. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Savannah, Ga.

No. MC 136249 (Sub-No. 2) (Amendment), filed December 10, 1971, published in the FEDERAL REGISTER issue of January 20, 1972, and republished in part, as amended, this issue. Applicant: JAMES R. GALBRAITH, JR., Rural Route 1, Box 123, Camanche, Iowa 52730. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. NOTE: The sole purpose of this partial republication is to amend the commodity description under item (b) to *empty used containers* in lieu of *cooperage* (empties returned), as shown in the original notice. The rest of the application remains as previously published.

No. MC 136453 (Sub-No. 1), filed March 6, 1972. Applicant: MARTIN TRANSIT, INC., Route No. 2, Rock Falls, Ill. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, pelts and pieces thereof and commodities in bulk), from Sterling, Ill., to points in Ohio, Pennsylvania, New York, New Jersey, Connecticut, Maine, Massachusetts, Maryland, Virginia, West Virginia, Tennessee, Kentucky, North Carolina, South Carolina, Michigan, Wisconsin, Minnesota and the District of Columbia, under contract with Armour Food Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136463, filed March 3, 1972. Applicant: DST INDUSTRIES, INC., 34364 Goddard Road, Romulus, MI 48174. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prototype vehicles and modified production vehicles*, not intended for sale to the public, between Dearborn and Romulus, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Ford Motor Co. and its subsidiaries. NOTE: The instant application is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 136474 (Sub-No. 2), filed March 6, 1972. Applicant: ALLIED DELIVERY AND INSTALLATION, INC., Old Hickory Boulevard, Nashville, Tenn. 37027. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, sold by retail establishments, including the setting up, installation, and related accessorial and incidental services. Restriction: Restricted to merchandise sold at retail by retail establishments, destined to customers in home deliveries, from Nashville, Tenn., to points in Allen, Barren, Christian, Logan, Simpson, Todd, Trigg, and Warren Counties, Ky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 136486, filed February 24, 1972. Applicant: M. BRAXTON BARBOUR, doing business as BRACK BARBOUR WRECKER SERVICE, 3320 North Boulevard, Raleigh, NC. Applicant's representative. Allen W. Brown, 707–8 Lawyers Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used motor vehicles*, driveaway or truck-away wrecker service, between points in Washington, D.C.; New York, N.Y.; New Jersey, Pennsylvania, Maryland, Delaware, Virginia, South Carolina, Georgia, Florida, and North Carolina. NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh or Durham, N.C.

No. MC 136487, filed February 23, 1972. Applicant: S S T INCORPORATED, 1200 West Main Street, Griffith, IN 46319. Applicant's representative: Sylvia L. Terpstra, 1211 West Main Street, Griffith, IN 46319. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel products and articles*, between points in Randolph, Henry, Hancock, Marion, John, Shelby, Morgan, Owen, and Vigo Counties, Ind., and points in Rock, Henry, Knox, Fulton, Mason, Menard, Logan, Macon, Moultrie, Coles, and Clark Counties, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 136496, filed February 23, 1972. Applicant: ALLEN F. SEESHOLTZ, Rural Delivery No. 2, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and components, parts and accessories for lamps, and materials, supplies and equipment* used or useful in the manufacture, assembly, distribution or installation of lamps, between Berwick, Pa., and Long Beach, Calif., under contract with Fulton Manufacturing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136502, filed March 13, 1972. Applicant: HARRY G. JOCKERS, doing business as CITY WIDE TOWING, 2306 Crestline Loop, North Las Vegas, NV 89030. Applicant's representative: Norman Ty Hilbrecht, 717 South Third Street, Las Vegas, NV 89101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, by use of towing vehicles, by means of crane, hoist, towbar, tow line, or dolley, from points in Arizona, California, Colorado, Nevada, and Utah, on the one hand, and, on the other, points in Arizona, California, Colorado, Nevada, and Utah, under contract with Garrett Freight Line, Milne and Cashman Truck Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Las Vegas, Nev.

No. MC 136505, filed March 6, 1972. Applicant: R. O. BARBER, INC., Rural Route No 1, Box 392, Franklin, Ind. 46131. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal parts, finished* such as are manufactured, sold, and distributed by Arvin Industries, Inc., from plants, warehouses, and storage facilities of Arvin Industries, Inc., at North Vernon, Seymour, Columbus, Greenwood, Franklin, Greenfield, and Indianapolis, Ind., to points in Cook and Du Page Counties, Ill., restricted to traffic originating at said named origin points; and (2) *supplies, materials, equipment, and machinery*, used or useful in the manufacturing, shipping and distribution of metal parts, from points in Cook, and Du Page Counties, Ill., to the plants, warehouses, and storage facilities of Arvin Industries, Inc., at North Vernon, Seymour, Columbus, Greenwood, Franklin, Greenfield, and Indianapolis, Ind., restricted to traffic destined to said destination points named herein. Restriction: Restricted to operations performed under a continuing contract or contracts with Arvin Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 136509, filed March 7, 1972. Applicant: JAMES R. COLELLO, INC., 174 Plain Street, Millis, MA 02054. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silica products*, in bulk, from Stonington, Conn., to points in Masachusetts, under contract with Bird & Son, Inc., and GAF Corp. NOTE: If a hearing is deemed neccessary, applicant requests it be held at Washington, D.C., or Boston, Mass.

MOTOR CARRIER OF PASSENGERS

No. MC 13300 (Sub-No. 88), filed February 17, 1972. Applicant: CAROLINA COACH COMPANY, a corporation, 1201 South Blount St., Post Office Box 1591, Raleigh, NC 27602. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) Between Richmond, Va., and junction Interstate Highway 95 and U.S. Highway 301 approximately 11 miles south of Petersburg, Va., serving all intermediate points: From Richmond over Interstate Highway 95 to junction U.S. Highway 301 approximately 11 miles south of Petersburg, and return over the same route; and (2) Between junction Interstate Highway 95 and U.S. Highway 301 approximately 3 miles north of Emporia, Va., and Battleboro, N.C., serving all intermediate points: From junction Interstate Highway 95 and U.S. Highway 301 approximately 3 miles north of Emporia over Interstate Highway 95 to junction Interstate Highway 95 access route near Gold Rock, N.C., and thence over Interstate Highway 95 access route to Battleboro, and return over the same route. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116260 (Sub-No. 5), filed March 6, 1972. Applicant: PASHA TRUCKAWAY, 1308 Canal Boulevard, Richmond, CA 94804. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passenger mootr vehicles; motor vehicles used for transporting freight, including driving tractors for freight carrying vehicles; motorcycles and motorcycles sidecars; hearses; buses; passenger, house or sleep trailers; vehicles*, other than motor vehicles, designed for the transportation of freight for use with a motor vehicle; *cabs and bodies of the above described vehicles; motor vehicles chassis; mobile searchlights; mobile generators, parts, spare parts or extra parts of the above described vehicles* when accompanying the shipment of the vehicle to which it belongs or for which it is intended; *auto show paraphanalia, equipment and accompanying advertising matter*, (1) between the California-Oregon State line north of Smith River, Calif., and United States-Mexico border at San Ysidro, Calif., serving all intermediate points: From the California-Oregon State line over U.S. Highway 101 to junction Interstate Highway 5, thence over Interstate Highway 5 to the United States-Mexico border; also over U.S. Highway 101 to junction California Highway 1 near Oxnard, thence over California Highway 1 (formerly U.S. Highway 101 Alternate), to junction California Highway 2, thence over California Highway 2 (formerly U.S. Highway 101 Alternate) to junction U.S. Highway 101, thence as described above to the United States-Mexico border:

Also from the California-Oregon State line as described above to junction U.S. Highway 101 and U.S. Highway 101 By-Pass Route near Woodland Hills, thence over U.S. Highway 101 By-Pass Route to junction U.S. Highway 101, thence as described above to the U.S. Mexico border; (2) between the California-Oregon State line near Hilts, Calif., and the United States-Mexico border south of Calexico, Calif., serving all intermediate points: From the California-Oregon State line over Interstate Highway 5 to Sacramento, Calif., (also from the California-Oregon State line over Interstate Highway 5 to Red Bluff, Calif.), thence over California Highway 99 to Yuba City, Calif., thence over California Highway 20 (formerly U.S. Highway 99E to Marysville, Calif., thence over California Highway 65 (formerly U.S. Highway 99E) to junction Interstate Highway 80, thence over Interstate Highway 80 to Sacramento, Calif.), thence over U.S. Highway 50 to Stockton, Calif., thence over California Highway 99 to junction Interstate Highway 5 near Wheeler Ridge, Calif., thence over Interstate Highway 5 to junction Interstate Highway 10 (formerly U.S. Highway 99), thence over Interstate Highway 10 near Coachella, Calif., thence over California Highway 86 (formerly U.S. Highway 99), thence over California Highway 86 to junction California Highway 111, thence over California Highway 111 to the California-Mexico border and return over the same route; (3) between the California-Oregon State line north of Dorris, Calif., and Weed, Calif., serving all intermediate points:

From the California-Oregon State line over U.S. Highway 97 to Weed and return over the same route; (4) between the California-Oregon State line at New Pine Creek, Calif., and the California-Nevada State line south of Hallelujah

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Junction, Calif., serving all intermediate points: From the California-Oregon State line over U.S. Highway 395 to the California-Nevada State line and return over the same route; (5) between the California-Nevada State line north of Coleville, Calif., and the United States-Mexico border at San Diego, Calif., serving all intermediate points: From the California-Nevada State line over U.S. Highway 395 to San Diego and return over the same route; (6) between junction Interstate Highway 5 and California Highway 89 2 miles south of Mcunt Shasta City, Calif., and junction California Highway 89 and California Highway 88 near Woodfords, Calif., serving all intermediate points: From junction Interstate 5 and California Highway 89 over California Highway 89 to junction California Highways 88 and 89 and return over the same route; (7) between Sattley and Mariposa, Calif., serving all intermediate points: From Sattley over California Highway 49 to Mariposa and return over the same route; (8) between the California-Nevada State line north of Amargosa, Calif., and junction Interstate Highway 15 and California Highway 127 near Baker, Calif., serving all intermediate points: From the California-Nevada State line over California Highway 127 to junction Interstate Highway 15 and return over the same route; (9) between junction U.S. Highway 101 and California Highway 299 and Alturas, Calif., serving all intermediate points:

From junction U.S. Highway 101 and California Highway 299 over California Highway 299 to Alturas and return over the same route; (10) between the California-Nevada State line near Floriston, Calif., and San Francisco, Calif., serving all intermediate points: From the California-Nevada State line over Interstate Highway 80 and return over the same route; (11) between junction U.S. Highway 395 and California Highway 136 2 miles south of Lone Pine, Calif., and Death Valley Junction (Amargosa), Calif., serving all intermediate points: From junction U.S. Highway 395 and California Highway 136 over California Highway 126 to junction California Highway 190, thence over California Highway 190 to Death Valley Junction and return over the same route; (12) between junction California Highway 1 and California Highway 4 near Marro Bay, Calif., and the California-Nevada State line north of Wheaton Springs, Calif., serving all intermediate points: From junction California Highway 1 and California Highway 41 over California Highway 41 to junction California Highway 46, thence over California Highway 46 to junction California Highway 99, thence over California Highway 99 to junction California Highway 58, thence over California Highway 58 to junction Interstate Highway 15, thence over Interstate Highway 15 to the California-Nevada border and return over the same route; (13) between Santa Monica, Calif., and the California-Arizona State line, serving all intermediate points:

From Santa Monica over U.S. Highway 66 to the California-Arizona State line and return over the same route; (14) between Los Angeles, Calif., and the California-Arizona State line, serving all interminate points: From Los Angeles over California Highway 60 to junction Interstate Highway 10 near Beaumont, thence over Interstate Highway 10 to the California-Arizona State line and return over the same route; and (15) between San Diego, Calif., and the California-Arizona State line, serving all intermediate points: From San Diego over U.S. Highway 80 to the California-Arizona State line and return over the same route. Service is authorized at all other points in California as off-route points in connection with the above described routes. Applicant presently holds authority as set forth above under a certificate of registration. By the instant application it seeks to convert such certificate of registration to a certificate of public convenience and necessity. In addition to the above, applicant also seeks an additional route, which reads as follows: Between Sacramento, Calif., and Johnstonville, Calif., serving no intermediate points and serving the termini for purposes of joinder only: From Sacramento, Calif., over Interstate Highway 80 to Reno, Nev., thence over U.S. Highway 395 to Johnstonville and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136510, filed March 8, 1972. Applicant: OVER-LAND COACH LINES, INC., 6243 Clearview Street, Philadelphia, PA 19138. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Camden, N.J., and Philadelphia, Pa., and extending to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130125 (Sub-No. 1), filed March 8, 1972. Applicant: DOROTHY H. GOUGH, doing business as, GOUGH TOURS, Post Office Box 5827, Winston-Salem, NC 27103. Applicant's representative: Carl D. Downing, 2412 Wachovia Building, Winston-Salem, NC 27101. For a license (BMC-5) to engage in operation as a *broker* at Winston-Salem, N.C., in arranging for transportation in interstate or foreign commerce of *passengers and their baggage*, in groups, on escorted tours, beginning and ending at points in Guilford, Rockingham, Surry, and Stokes Counties, N.C., and extending to points in the United States, including Alaska, but excluding Hawaii.

No. MC 130167, filed March 9, 1972. Applicant: VAN C. DULING TRAVEL, 1223 "M" Street, Radisson-Cornhusker Hotel, Lincoln, NE 68508. For a license (BMC-5) to engage in operations as a *broker* at Lincoln, Nebr., in arranging for transportation by motor vehicle, in interstate or foreign commerce of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Nebraska and extending to points in the continental United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 31675 (Sub-No. 19), filed March 8, 1972. Applicant: NORTHERN FREIGHT LINES, INC., 324 North College Street, Post Office Box 1067, Charlotte, NC 28201. Applicant's representative: Stewart E. Fulk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Central Motor Lines, Inc., located at or near the junction of South Carolina Highway 14 and Interstate Highway 85 in Greenville County, S.C., as an off-route point in connection with otherwise authorized service at Greenville, S.C. NOTE: Common control may be involved. Applicant states the basis for the instant application is operating savings rather than shipper need for new service. Applicant is controlled by Central Motor Lines, Inc., and interchange is now effected at Greenville, S.C. Purpose is to allow interchange at and use of Central's terminal located 2.6 miles outside the Greenville, S.C. commercial zone.

No. MC 136276 (Sub-No. 1) (Amendment), filed December 27, 1971, published in the FEDERAL REGISTER issue of February 3, 1972, and republished as amended, this issue. Applicant: TRIPLE T TRANSPORTATION, INC., Route No. 1, Vincennes, IN 47591. Applicant's representative: Thomas F. Quinn, 715 First Federal Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid anhydrous ammonia and nitrogen fertilizer solutions* in bulk, in tank vehicles; and *dry fertilizer materials in bulk*, (a) from West Henderson, Ky., to points in Illinois and Indiana, (b) from U.S. Industrial Chemical Co. plant near Tuscola, Ill., to points in Indiana and Kentucky; and (c) from the Agrico Chemical Co. plant near Mt. Vernon, Ind., to points in Illinois and Kentucky; and (2) *anhydrous ammonia*, liquid, in bulk, in tank vehicles, from the Central Nitrogen plant in Vigo County, Ind., to points in Illinois and Kentucky. All transportation furnished will be under contracts or continuing contracts with Willchemco, Inc., of Tulsa, Okla., and Cominco American, Inc., of Spokane, Wash. NOTE: The purpose of this republication is to redescribe the authority sought.

No. MC 136503, filed March 6, 1972. Applicant: COMMON MARKET DISTRIBUTING CORPORATION, 335 West

Elwood, Phoenix, AZ 85030. Applicant's representative: Donald E. Fernaays, 4114 A North 20th Street, Phoenix, AZ 85016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and steel, scrap aluminum, iron and steel ingots, aluminum ingots*, from points in California, Nevada, Utah, and Arizona to the plantsite of Castings, Inc., Grand Junction, Colo.

APPLICATION FOR FILING A POSTAL CERTIFICATE

Interstate Commerce Commission, No. MC-137013 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed February 25, 1972. Applicant: CHARLES WEST JR. TRUCKING CO., INC., 24 Catherine Avenue, Saddle Brook, NJ 07662. Applicant's representative: Ivan Frank Kardos, 948 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004.

By application filed February 25, 1972, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *mail* in the following territory: (1) Between Bergenfield and Jersey City, N.J., serving the intermediate points of Englewood Annex, Teaneck, Palisades Park, Ridgefield, NY Metro Trk Fac (North Bergen) and NJTT (Pref); (2) Between Hackensack and Paramus, N.J., serving the intermediate points of Rochelle Park, Little Ferry, and Saddle Brook; (3) Between Dover (Morris County) and Newark, N.J., serving the intermediate points of Parsippany, Summit, Springfield, and Whippany; (4) Between Hackensack and Jersey City, N.J., serving the intermediate points of Rutherland, Newark, and East Rutherland; (5) Between Hackensack, N.J., and Suffern, N.Y., serving the intermmediate points of Paterson and Summit; (6) Between Paterson and West Milford, N.J., serving the intermediate points of Wayne, Pequannock, Pompton Plains, Pompton Lakes, Haskell, Wanaque, Ringwood, and Hewitt; (7) Between Hackensack and Montvale, N.J., serving the intermediate points of New Milford, River Edge, Oradell, Emerson, Westwood, Hillsdale, and Park Ridge; and (8) Between Paterson, N.J., and New York, N.Y., serving the intermediate point of Hackensack, N.J.

Applicant states that it desires to have authority to operate between all points listed in (1) through (8) above, and all points in New York and New Jersey, and that the request is based upon the asserted right of the U.S. Postal Service to extend terminii under its mail transportation contracts. Appended to the application are copies of eight postal contracts held by applicant which were in effect on July 1, 1971, the critical "grandfather" date: Route No. 07661 (formerly Route No. 33245) relating to service between Bergenfield and Jersey City, N.J.; Route No. 07630 (formerly Route No. 33142) relating to service between Hackensack and Paramus, N.J.; Route No. 07811 relating to service between Dover and Newark, N.J.; Route No. 07611 (formerly Route No. 33255) relating to service between Hackensack, Newark and Jersey City, N.J.; Route No. 07610 (formerly Route 33238) relating to service between Hackensack, Paterson, and Summit, N.J., and Suffern, N.Y.; Route No. 07431 relating to service between Paterson and West Milford, N.J.; Route No. 07631 (formerly Route No. 33143) relating to service between Hackensack and Montvale; Route No. 07410 relating to service between Paterson, N.J., and New York, N.Y.

Any interested person desiring to participate may file with the Commission an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-5214 Filed 4-5-72;8:45 am]

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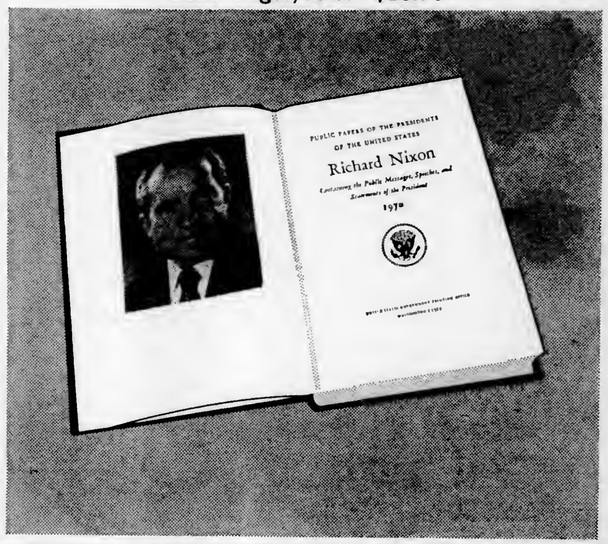
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Chapter III—Animal and Plant Health Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mexican Fruit Fly

Pursuant to sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), Notice of Quarantine No. 64 relating to the Mexican fruit fly and regulations supplemental to said quarantine (7 CFR 301.64, 301.64–1, 301.64–2, 301.64–3 et seq.), are hereby revised to read as follows:

QUARANTINE AND REGULATIONS

Sec.
301.64 Quarantine; restriction on interstate movement of specified regulated articles.
301.64–1 Definitions.
301.64–2 Authorization to designate regulated areas and suppressive or generally infested areas; and provide exemptions from certification, permit, or other requirements.
301.64–3 Conditions governing the interstate movement of regulated articles from quarantined States.
301.64–4 Issuance and cancellation of certificates and permits.
301.64–5 Compliance agreements; and cancellation thereof.
301.64–6 Assembly and inspection of regulated articles.
301.64–7 Attachment and disposition of certificates or permits.
301.64–8 Inspection and disposal of regulated articles and pests.
301.64–9 Movement of live Mexican fruit flies.
301.64–10 Nonliability of the Department.

AUTHORITY: The provisions of this subpart issued under secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 36 F.R. 20707.

§ 301.64 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Pursuant to the provisions of section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture heretofore determined, after public hearing, that it was necessary to quarantine the State of Texas in order to prevent the spread of the Mexican fruit fly, a dangerous insect injurious to fruits and not theretofore widely prevalent or distributed within and throughout the United States, and accordingly quarantined said State. Under the authority of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the Secretary hereby continues such quarantine in effect with respect to the interstate movement from the quarantined State of the articles described in paragraph (b) of this section, issues the regulations in this subpart governing such movement and gives notice of said quarantine and regulations.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State, any of the following articles (defined in § 301.64–1(n) as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Mangoes; sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus Casimiroa and all other fruits commonly called sapotas or sapotes);

(2) Peaches, guavas, apples, pears, plums, quinces, apricots;

(3) Ciruelas;

(4) Mameys;

(5) Fruits of species of the genus Sargentia;

(6) Avocados;

(7) All citrus fruits except lemons and sour limes;

(8) Any other products, articles, or means of conveyance of any character whatsoever, not covered by subparagraphs (1) through (7) of this paragraph, when it is determined by an inspector that they present a hazard of spread of the Mexican fruit fly and the person in possession thereof has been so notified.

§ 301.64–1 Definitions.

Terms used in the singular form in this subpart shall be deemed to import the plural, and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed respectively to mean:

(a) *Certificate.* A document issued or authorized to be issued under this subpart by an inspector to allow the interstate movement of regulated articles to any destination.

(b) *Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.

(c) *Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

(d) *Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.64–2.

(e) *Host fruits.* Fruits susceptible to infestation by the Mexican fruit fly as specified in § 301.64(b).

(f) *Infestation.* The presence of the Mexican fruit fly or the existence of circumstances that make it reasonable to believe that the Mexican fruit fly is present.

(g) *Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

(h) *Interstate.* From any State into or through any other State.

(i) *Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertifiable regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

(j) *Mexican fruit fly.* The insect known as the Mexican fruit fly (*Anastrepha ludens* (Loew)) in any stage of development.

(k) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

(l) *Person.* And individual, corporation, company, society, or association, or other organized group of any of the foregoing.

(m) *Plant Protection and Quarantine Programs.* The organizational unit within the Animal Plant and Health Service delegated responsibility for enforcing provisions of the Plant Quarantine Act and Plant Pest Act, and regulations promulgated thereunder.

(n) *Regulated area.* Any quarantined State, or any portion thereof, listed as a regulated area in § 301.64–2a or otherwise designated as a regulated area in accordance with § 301.64–2(a).

(o) *Regulated articles.* Any articles as described in § 301.64(b).

(p) *Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certifiable under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

(q) *Scientific permit.* A document issued by the Deputy Administrator to

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allow the interstate movement to a specified destination of regulated articles for scientific purposes.

(r) *State.* Any State, territory, or district of the United States, including Puerto Rico.

(s) *Suppressive area.* That portion of a regulated area where eradication of infestation is undertaken as an objective, as designated under § 301.64–2(a).

(t) *Treatment manual.* The provisions currently contained in the "Manual of Administratively Authorized Procedures to be Used Under the Mexican Fruit Fly Quarantine" and the "Fumigation Procedures Manual."[1]

§ 301.64–2 Authorization to designate regulated areas and suppressive or generally infested areas; and provide exemptions from certification, permit, or other requirements.

(a) *Regulated areas and suppressive or generally infested areas.* (1) The Deputy Administrator shall list as a regulated area in a supplemental regulation designated as § 301.64–2a, each quarantined State; or portion thereof in which the Mexican fruit fly has been found, or in which there is reason to believe that Mexican fruit fly is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the supplemental regulation, may divide any regulated area into a suppressive area or a generally infested area in accordance with the definitions thereof in §301.64–1. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(i) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(ii) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Mexican fruit fly.

(2) The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area, and a suppressive or generally infested area, in accordance with criteria specified in subparagraph (1) of this paragraph for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of this designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.64–2a if a basis then exists for their designation.

(b) *Exemption from certification, permit, or other requirements.* The Deputy Administrator may, in a supplemental regulation designated as § 301.64–2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he may prescribe, if he finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

§ 301.64–3 Conditions governing the interstate movement of regulated articles from quarantined State.[2]

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) With certificate or permit issued and attached in accordance with §§ 301.64–4 and 301.64–7, if moved:

(1) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas; or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of spread of the Mexican fruit fly and the person in possession thereof has been so notified; or

(5) Through or reshipped from any regulated area when such movement is not authorized under paragraph (b)(5) of this section; or

(b) Without certificate or permit, if moved:

(1) From any generally infested area or any suppressive area, when the provisions of § 301.64–2b exempt such articles from certification and permit requirements; or

(2) From a generally infested area to a contiguous generally infested area; or

(3) From a suppressive area to a contiguous generally infested area; or

(4) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the Mexican fruit fly exists; or

(5) Through or reshipped from any generally infested area or suppressive area if the articles originated outside the regulated areas and if the point of origin of the articles is clearly indicated, their identity has been maintained, and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

(c) From any area outside the regulated areas, if moved:

(1) With a certificate or permit attached; or

(2) Without a certificate or permit, if:

(i) The regulated articles are exempt from certification and permit requirement under the provisions of § 301.64–2b; or

(ii) The point of origin of such movement is clearly indicated on the articles or shipping document which accompanies the articles and if the movement is not made through any regulated area.

§ 301.64–4 Issuance and cancellation of certificates and permits.

(a) Certificates may be issued for any regulated articles by an inspector if he determines that they are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles and:

(1) Have originated in noninfested premises in a regulated area and have not been exposed to infestation while within the regulated areas; or

(2) Upon examination, have been found to be free of infestation; or

(3) Have been treated to destroy infestation in accordance with the treatment manual; or

(4) Have been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby.

(b) Limited permits may be issued by an inspector to allow interstate movement of regulated articles not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing, or for treatment in accordance with the treatment manual, when, upon evaluation of the circumstances involved, he determines that such movement will not result in the spread of the Mexican fruit fly and requirements of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow the interstate movement (for other than scientific purposes) of regulated articles to any destination permitted under all applicable Federal domestic plant quarantines if such articles are not eligible for certification under all such quarantines but would otherwise qualify for certification under this subpart.

(d) Scientific permits to allow the interstate movement of regulated articles may be issued by the Deputy Administrator under such conditions as may be prescribed in each specific case by the Deputy Administrator.

(e) Certificate, limited permit, and restricted destination permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles provided such person is operating under a compliance agreement; and any such person may be authorized by an inspector to reproduce such forms on shipping containers or otherwise. Any such person may execute and issue the certificate forms, or reproductions of such forms, for the interstate movement of regulated articles from the premises of such person identified in the compliance agreement if such person has treated such regulated articles to destroy infestation in accordance with the treatment manual, and if such regulated articles are eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such articles. Any such person may execute and issue the limited permit forms, or reproduction of such forms, for interstate movement of regulated articles to specified destinations when the inspector has made the determinations specified in paragraph (b) of this section. Any such person may execute and issue the restricted destination permit forms, or reproductions of such forms, for the interstate movement of regulated articles not eligible for certification under all Federal domestic plant quarantines applicable to such articles, under the conditions specified in paragraph (c) of this section.

(f) Any certificate or permit which has been issued or authorized may be withdrawn by the inspector or the Deputy Administrator if he determines that the holder thereof has not complied with any condition for the use of such document imposed by this subpart. Prior to such withdrawal, the holder of the certificate or permit shall be notified of the proposed action and the reason therefor and afforded reasonable opportunity to present his views thereon.

§ 301.64–5 Compliance agreement, and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of such articles under this subpart. Compliance agreement forms may be obtained from the Deputy Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement whenever he finds, after notice and reasonable opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement.

§ 301.64–6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.64–4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such manner as the inspector designates to facilitate inspection.

§ 301.64–7 Attachment and disposition of certificates and permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificate or permit shall be securely attached to the outside of the container in which such articles are moved, except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit, or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.64–8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and Mexican fruit flies as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 105 of the Plant Pest Act (7 U.S.C. 150dd), in accordance with instructions issued by the Deputy Administrator.

§ 301.64–9 Movement of live Mexican fruit flies.

Regulations requiring a permit for, and otherwise governing the movement of live Mexican fruit flies in interstate or foreign commerce are contained in the Federal Plant Pest Regulations in Part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

§ 301.64–10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

The Mexican fruit fly quarantine and regulations are revised to make appropriate changes brought about by the reorganization of the Agricultural Research Service and to make other changes that had been incorporated into other Federal domestic plant quarantines. The responsibility for enforcement of Federal domestic plant quarantines been transferred from Agricultural Research Service to Animal and Plant Health Service. The regulations have been revised to permit the Deputy Administrator or an inspector to designate generally infested and suppressive areas, and § 301.64–4 was amended to restrict the issuance of certificates by a holder of a compliance agreement to the issuance of certificates based on compliance with treatment and other requirements. Various other changes are also made.

In some respects the revision of the quarantine makes more stringent requirements than presently applied and it should be made effective promptly in order to prevent the spread of the Mexican fruit fly and to be of maximum benefit to the noninfested States.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that the notice of rule making and other public procedures with respect to the revision are impracticable and unnecessary, and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER. This revision will become effective upon publication in the FEDERAL REGISTER (4–7–72), and shall supersede quarantine § 301.64, effective July 14, 1965 (30 F.R. 8821) (7–14–64).

Done at Washington, D.C., this 3d day of April 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72–5337 Filed 4–6–72;8:46 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mexican Fruit Fly

REGULATED AREAS; SUPPRESSIVE AND GENERALLY INFESTED AREAS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.64–2 of the Mexican Fruit Fly Quarantine regulations, 7 CFR 301.64–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.64–2a, is hereby amended to read as follows:

§ 301.64–2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as the Mexican fruit fly regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

TEXAS

(1) *Generally infested areas.* Counties of Brooks, Cameron, Dimmit, Hidalgo, Jim Hogg, La Salle, Starr, Webb, Willacy, and Zapata, and that portion of Jim Wells County lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 281 intersect.

(2) *Suppressive areas.* None.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 36 F.R. 20707; 7 CFR 301.64–2)

This amendment shall become effective upon publication in the FEDERAL REGISTER (4–7–72).

The Deputy Administrator of the Animal and Plant Health Service has determined that infestations of the Mexican fruit fly exist or are likely to exist in the civil divisions and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator has further determined that the quarantined State, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than

[1] Pamphlets containing such provisions are available upon request to the Associate Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, or from an inspector.

[2] Requirements under all other applicable Federal domestic plant quarantines must also be met.

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the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the Mexican fruit fly. Therefore, such civil divisions and parts of civil divisions listed above are designated as Mexican fruit fly regulated areas.

This amendment adds to the regulated areas all of the following previously nonregulated counties: Jim Hogg and Zapata in Texas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the Mexican fruit fly and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of April 1972.

LEO G. K. IVERSON,
Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-5338 Filed 4-6-72;8:46 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mexican Fruit Fly

EXEMPTIONS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.64–2 of the Mexican Fruit Fly Quarantine regulations (7 CFR 301.64–2, as amended), a supplemental regulation granting exemption from specified requirements of the regulations is hereby issued to appear in 7 CFR 301.64–2b as set forth below. The Deputy Administrator of Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided therein.

§ 301.64–2b Exemptions.[1]

All host fruits may be moved under limited permit without compliance with the provisions of § 301.64–4(b) requiring limited handling, utilization or processing or treatment, and without any determinations by an inspector as prescribed in § 301.64–4(b), if they are moved to any destination except the following: Arizona; California; Florida; Hawaii; Jefferson, Orleans, Plaquemines, St. Bernard, and St. Charles Parishes in Louisiana; Puerto Rico; Guam; and the Virgin Islands of the United States.

This exemption shall become effective upon publication in the FEDERAL REGISTER (4–7–72), when it shall supersede the exemption in 7 CFR 301.64a which became effective July 1, 1970.

The purpose of this revision is to exempt for the entire year host fruits shipped under limited permits from certain restrictions heretofore applicable to shipments to noncitrus producing areas of the United States. Previous requirements based on survey results and specified dates are no longer deemed necessary to prevent the interstate spread of the Mexican fruit fly. Therefore, this document relieves restrictions and should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions being relieved. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this document are impracticable and unnecessary and this action may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of April 1972.

LEO G. K. IVERSON,
Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-5339 Filed 4-6-72;8:47 am]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt 1]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair (1971–73)

PAYMENT AND DEDUCTION RATES FOR 1971 MARKETING YEAR

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for mohair (36 F.R. 5577) are amended as follows:

1. Section 1468.8 is amended by inserting the letter "(a)" immediately preceding the text of that section and adding the following new paragraph (b):

§ 1468.8 Rate of payment.

• • • • •

(b) The national average price received by producers for mohair marketed during the 1971 marketing year was 30.1 cents a pound, grease basis, which was 50.1 cents a pound below the price support level of 80.2 cents for that year. Therefore, the rate of payment for the 1971 marketing year is 166.4 percent.

2. Section 1468.17 is amended by inserting the letter "(a)" immediately preceding the text of that section and adding the following new paragraph (b):

§ 1468.17 Deductions for promotion.

• • • • •

(b) For the 1971 marketing year, a deduction will be made from each payment at the rate of 1.5 cents a pound of mohair, grease basis. Those funds will be used to finance advertising and sales promotion programs approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended)

Effective date. This amendment shall become effective on the date of publication in the FEDERAL REGISTER (4–7–72). The payment rate announced by this amendment is in accordance with the formula published March 25, 1971, in § 1468.8 (36 F.R. 5578). The deduction rate is specified in the agreement between the Mohair Council of America, Inc., and the Secretary of Agriculture approved by producers in a referendum held April 19 through 30, 1971 (36 F.R. 5146, 13168). Since there is no latitude for varying rates, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of mohair during 1971. It is, therefore, found that compliance with the notice of proposed rule making and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 3, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-5340 Filed 4-6-72;8:47 am]

[Amdt. 2]

PART 1472—WOOL

Subpart—Payment Program for Shorn Wool and Unshorn Lambs (Pulled Wool) (1971–73)

PAYMENT AND DEDUCTION RATES FOR 1971 MARKETING YEAR

The regulations issued by Commodity Credit Credit Corp. containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for the 1971, 1972, and 1973 marketing years, as amended (36 F.R. 3884, 6561, 8136), are further amended as follows:

1. Section 1472.1305 is amended by adding the following new paragraph (c):

§ 1472.1305 Price support payments.

• • • • •

(c) *1971 marketing year.* The national average price received by producers for shorn wool marketed during the 1971 marketing year was 19.4 cents a pound, grease basis, which was 52.6 cents a pound below the price support level of 72 cents for that year. Therefore, the rate of payment for the 1971 marketing year is 271.1 percent.

2. Section 1472.1321 is amended by adding the following new paragraph (c):

§ 1472.1321 Price support payments.

• • • • •

(c) *1971 marketing year.* The rate of payment on unshorn lambs sold during the 1971 marketing year is $2.10 per hundredweight of live lambs based on a difference of 52.6 cents a pound between the price support level of 72 cents and the national average price of 19.4 cents a pound received by producers for shorn wool during the 1971 marketing year (§ 1472.1305(c)).

3. Section 1472.1346 is amended by inserting the letter "(a)" immediately preceding the text of that section and adding the following new paragraph (b):

§ 1472.1346 Deductions for promotion.

• • • • •

(b) For the 1971 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs, as announced in the Department's press release issued August 16, 1971. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070, sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended, secs. 401–403, 72 Stat. 994–995, sec. 151, 75 Stat. 306, sec. 201, 79 Stat. 1188, 82 Stat. 996, sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended)

Effective date. This amendment shall become effective upon the date of publication in the FEDERAL REGISTER (4–7–72). The payment rates announced by this amendment are in accordance with the formulas published March 2, 1971, in §§ 1472.1305(b) (36 F.R. 3885) and 1472.1321(b) (36 F.R. 3887). The reduction rates are specified in the agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture approved by producers in a referendum held June 7 through 18, 1971 (36 F.R. 8337, 15764). Since there is no latitude for varying rates, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1971. It is, therefore, found that compliance with the notice of proposed rule making and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 3, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-5341 Filed 4-6-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SW-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Stillwater, Okla., transition area.

On November 12, 1970, the Oklahoma transition area was designated as follows: "That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Oklahoma, excluding the portion within R–5601A," as was described in Airspace Docket No. 70–SW–43.

Simultaneously, the 1,200-foot portions of the existing Alva, Bartlesville, Guymon, Lawton, Oklahoma City, and Ponca City, Okla., transition areas were revoked. Additional amendments were also made as necessary to be compatible with corresponding changes of 1,200-foot transition areas in other States bordering Oklahoma.

It was subsequently pointed out that the 1,200-foot portion of the Stillwater, Okla., transition area was never revoked and reference to the 1,200-foot portion of the Stillwater, Okla., transition area is still contained in the airspace description.

Even though the 1,200-foot portion of the Stillwater, Okla., transition area was not indicated on aeronautical charts, since it was incorporated and included in the State of Oklahoma, 1,200-foot transition area, it is appropriate to amend the Stillwater, Okla., transition area and provide an accurate and current airspace description. This is accomplished by deletion of all reference to the Stillwater, Okla., 1,200-foot portion of the transition area.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Stillwater, Okla., transition area is amended to read:

STILLWATER, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Searcy Field, Stillwater, Okla., latitude 36°09'31" N., longitude 97°05'08" W.; and within 2 miles each side of the Stillwater VOR 005° radial extending from the 6-mile radius area to 8 miles north of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 30, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-5328 Filed 4-6-72;8:46 am]

[Docket No. 11200; Amdts. 91–96, 97–808]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Helicopter Procedures

Correction

In F.R. Doc. 72–4634 appearing at page 6286 in the issue of Tuesday, March 28, 1972, the first line of the Note in § 97.35, which now refers to "§ 97.34", should refer to "§ 97.35".

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Blanket approval for Construction of Certain Vessels for Foreign Account

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs, acting pursuant to section 37, Shipping Act, 1916, as amended, (46 U.S.C. 835) has granted approval for the construction of the following types of vessels for foreign account: "Vessels not primarily designed for the carriage of cargo, but for use in exploration and drilling for oil, gas and other minerals at underwater locations."

Henceforth, and until such time as this approval provision may be rescinded, it will not be necessary for a U.S. shipbuilder to seek prior approval of the Maritime Administration before entering into a contract, agreement, or understanding to construct such vessels within the United States for, or to be delivered to, a person not a citizen of the United States.

This approval is subject to the following limitations. First, the approval does not extend to existing vessels owned by citizens of the United States or the last documentation of which was under the laws of the United States. Secondly, the approval is subject to the provisions of § 221.6 in the event of a transaction involving nationals of Country Group countries X, Y, and Z, as defined therein. Third, this approval provision will be rescinded, if national security requirements so necessitate.

Therefore, notice is hereby given that effective immediately § 221.5 to Title 46, Chapter II, Code of Federal Regulations is amended to read as follows:

§ 221.5 Types of vessels approved by § 221.4.

The following types of vessels are approved by § 221.4:

(a) Undocumented vessels designated and fabricated specifically for recreational or commercial use, whether constructed or to be constructed when possessing all of the following characteristics:

(1) Having an overall length of 65 feet or less;

(2) Designed or equipped for propulsion by an engine or engines of the reciprocating type, totaling 600 horsepower (manufacturer's rated horsepower) or less;

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(3) Designed for a full load displacement of less than 45 tons. (For the purposes of this order, it will be presumed that a vessel of less than 55 feet in length will have a displacement less than 45 tons. For vessels between 55 feet and 65 feet in length, the owner must supply to the appropriate Customs officer at the port of departure (i) a certificate of the builder as to the displacement tonnage of the vessel, or (ii) a certificate of a naval architect as to the displacement tonnage of the vessel, or (iii) a certificate of the owner as to the key dimensions of the vessel (length, beam, and draft));

(4) Not of hydrofoil design;

(5) Not equipped with any navigational apparatus of the kinds or types requiring a validated license from the Bureau of International Commerce; and

(6) Not equipped with any munitions items of the kinds or types requiring a validated license from the State Department.

(b) Vessels not primarily designed for the carriage of cargo, but for use in exploration and drilling for oil, gas, and other minerals at underwater locations: *Provided*, That the provisions of this paragraph (b) shall apply only to paragraph (c) of § 221.4.

Dated: March 30, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary,
Maritime Administration.

[FR Doc.72-5369 Filed 4-6-72;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Metoserpate Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (32-738V) filed by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 08902, proposing the safe and effective use of metoserpate hydrochloride as an aid in control of hysteria in chickens. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.17(d) is amended by adding a new item 2 in the table as follows:

§ 135c.17 Metoserpate hydrochloride.

. . . . . .

(d) *Conditions of use.* It is used as follows:

IN DRINKING WATER

Amount	Limitations	Indications for use
. . .	. . .	. . .
2. Metoserpate hydrochloride.	2 to 4 milligrams per 2.2 pounds of body weight.	To be used as a treatment for replacement chickens up to 16 weeks of age; usual drinking water should be withheld prior to treatment to provide adequate consumption of medicated drinking water; the drug should be administered at a dosage level of 4 milligrams per 2.2 pounds of body weight followed by 2 treatments at 4 day intervals of 2 milligrams per 2.2 pounds of body weight; not for use in laying chickens; chickens slaughtered within 72 hours following treatment must not be used for food.	As an aid in control of hysteria.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-7-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 28, 1972.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.72-5293 Filed 4-6-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 5A of Title 41 of the Code of Federal Regulations is amended as follows:

PART 5A-1—GENERAL

The table of contents of Part 5A-1 is amended to delete §§ 5A-1.310, 5A-1.310-6, and 5A-1.310-7 and to add new §§ 5A-1.606-52 and 5A-1.701-8, new Subpart 5A-1.12, and §§ 5A-1.1205 and 5A-1.1205-3, as follows:

Sec.
5A-1.606-52 Investigations.
5A-1.701-8 Class set-asides for small business concerns.

Subpart 5A-1.12—Responsible Prospective Contractors

Sec.
5A-1.1205 Determination of responsibility.
5A-1.1205-3 Information regarding responsibility.

Subpart 5A-1.3—General Policies

Subpart 5A-1.3 is amended to delete §§ 5A-1.310, 5A-1.310-6, and 5A-1.310-7.

Subpart 5A-1.6—Debarred, Suspended, and Ineligible Bidders

1. Section 5A-1.606-51 is revised to read as follows:

§ 5A-1.606-51 Debarment by other agencies.

Unless otherwise directed by the Assistant Commissioner for Procurement, or the Assistant Commissioner for Automated Data Management Services, or higher authority, GSA debarment action shall not be initiated solely on the basis of a debarment by another agency if the debarment by GSA would not become effective at least 90 days prior to the termination date of the debarment by the other agency. However, in such cases, the Office of Audits and Investigations, OAD, shall be requested to include the name of the firm or individual on the Review List of Bidders.

2. Section 5A-1.606-52 is added, as follows:

§ 5A-1.606-52 Investigations.

When an FSS contracting activity forwards to the Office of Audits and Investigations, OAD, a request for an investigation, pursuant to § 5-1.606-52, a copy of such request shall be transmitted to the Assistant Commissioner for Procurement or the Assistant Commissioner for Automated Data Management Services, as applicable.

Subpart 5A-1.7—Small Business Concerns

1. Section 5A-1.701-8 is added as follows:

§ 5A-1.701-8 Class set-asides for small business concerns.

(a) *Clarification of class set-aside definition.* In further explanation of § 1-1.705-3(b), a class set-aside may consist of an item, a group of related items under an FSC class, or a whole FSC class when restricted to small business on a continuing, as distinct from a one-time, basis. Under this definition, a single item or a group of items, even though constituting only a small portion of an FSC class, restricted to small business on a continuing basis is defined as a class set-aside.

(b) *Determining the set-aside status of an item.* The fact that an item, group of items, or a class is the subject of a class set-aside, and presumptively will be set aside on the next procurement, does not mean that it is automatically set aside without consideration of events which may have occurred since the last procurement. The contracting officer must determine if intervening events have changed the situation so that it is no longer in the best interest of the Government to make a particular set-aside (either individual or class set-aside). When the conclusion is reached that a set-aside should be dissolved, it must be accomplished in accordance with § 1-1.706-3(b) and considered only as a one-time dissolution if feasible.

(c) *Class set-aside determination.* Small business class set-asides will normally be made on a unilateral basis by the contracting officer and documented in accordance with § 5-1.706-50(b), using the format set forth therein. It should be noted that § 5-1.706-50 requires that such determinations must be reviewed annually.

(d) *Circulating information of newly established class set-asides.* In the interest of increasing class set-asides, each buying office establishing or dissolving a class set-aside shall circulate this information to all other buying offices.

(e) *Reporting class set-asides.* All procurement offices shall take necessary measures to insure that class set-aside data included in management reports will be in accordance with the definition provided in § 1-1.701-8 and paragraph (a) of this section.

3. Section 5A-1.703-2(c)(2) is revised as follows:

§ 5A-1.703-2 Protest regarding small business status.

. . . . . .

(c) . . .

(2) When submitting GSA Form 353, Plant Facilities Report (see § 5A-1.1205-3), enter the following in block two of the form "Being considered for preferential award as a small business concern" and request information as to (i) the firm's number of employees, and (ii) evidence of apparent affiliation relationships such as joint occupancy of premises.

. . . . . .

4. Section 5A-1.708 is revised as follows:

§ 5A-1.708 Certificate of competency program.

Procedures for submission to SBA of documentation in support of determinations of nonresponsibility of small business concerns for reasons other than lack of capacity or credit, and required subsequent actions, are prescribed in § 1-1.708-2(a)(5). The "head of the procuring activity," for actions required by the cited FPR section, normally shall be the Regional Director, FSS, in the regional offices and the cognizant Assistant Commissioner in the Central Office. However, in cases where the contracting officer disagrees with the SBA position (§ 1-1.708-2(a)(5)(v)), the "head of the procuring activity," for purposes of resolution of the differing views, shall be the cognizant Assistant Commissioner. In these instances, the case shall be submitted to the cognizant Assistant Commissioner, through channels, for final decision prior to award.

Subpart 5A-1.12 with new §§ 5A-1.1205 and 5A-1.1205-3 are added as follows:

Subpart 5A-1.12—Responsible Prospective Contractors

§ 5A-1.1205 Determination of responsibility.

(a) See Subpart 1-1.12 and § 5-1.310.

(b) Where a contractor will be required to meet estimated or stated peak monthly requirements, consideration shall be given, in making determinations of responsibility, to the bidder's ability to meet such peaks, rather than his ability to meet the average monthly requirements.

(c) While poor past performance can form the basis for a finding of nonresponsibility, it should be emphasized that poor performance usually is a symptom of some other difficulty such as lack of capacity, integrity, perseverance, etc., and the basic cause of the poor performance must be determined. It is also important to bear in mind that when poor performance is the basis for a finding of nonresponsibility, such poor performance must have been experienced in the relatively recent past. Emphasis should not be placed on poor performance which occurred during periods so remote in time as to bear little relationship to the bidders current capabilities or willingness to perform. Where there have been repeated instances of poor performance on the part of a contractor, debarment pursuant to §§ 1-1.604 and 5-1.604-1 should be recommended through appropriate channels.

(d) After determination of nonresponsibility, the letter of rejection shall be issued promptly to the bidder. A letter to the Office of Audits and Investigations, OAD, transmitting a copy of the determination shall then be prepared for the signature of the Regional Director, FSS, or the Director, Procurement Operations Division, as appropriate. Copies of the letter and determination shall be distributed to each other FSS buying activity for informational purposes. If the basis for rejection includes lack of financial responsibility, copies shall be furnished to the appropriate finance activity.

§ 5A-1.1205-3 Information regarding responsibility.

(a) A responsibility determination may be made without obtaining a plant facilities report if the contracting officer is reasonably satisfied that the prospective contractor has the facilities and capacity to perform the proposed contract, considering the dollar value thereof and any critical aspects involved in the procurement. However, if the contracting officer needs additional information in order to eliminate any doubt he may have in this regard, a plant facilities report shall be requested as provided in paragraph (b), below. In the case of procurements or relatively large dollar value, or procurements which warrant special attention for other reasons (e.g., a special or critical item not previously produced by the prospective contractor), a current plant facilities report shall be requested.

(b) Requests for a plant facilities evaluation shall be made on GSA Form 353, Plant Facilities Report. The buying activity making the request shall complete section I of GSA Form 353. Where there is a special reason for making the request, it should be stated in block six of the form. Any pertinent information on past performance or otherwise in the possession of the buying activity which would be helpful to the quality control activity in making its evaluation should be noted in block five of the form.

(1) In the case of requests initiated in the Central Office, the original and two copies of the GSA Form 353 shall be forwarded to the Central Office Quality Control Division with the following:

(i) Three copies of the invitation for bids;

(ii) Three copies of all pertinent information submitted by the bidder in his bid, including the bidder's offered delivery of shipping time and, where applicable, the bidder's indicated monthly production capacity or supply potential. (In lieu of extracting such information from the bid, copies of the bid or of pertinent pages thereof may be furnished, if the latter method is more practical);

(iii) Any pertinent correspondence between GSA and the bidder; and

(iv) Any other information the buying activity has which should be considered by the regional Quality Control Division in making the evaluation.

(2) In the case of requests initiated in a regional buying activity, the original and a copy of the GSA Form 353 together with two copies of each of the documents and information described in (i) through (iv) of paragraph (b)(1), above, shall be sent to the Quality Control Division in the GSA region in which the prospective supplier's plant is located. The second copy of the GSA Form 353 and of each of the documents and information described above shall be forwarded to the Central Office Quality Control Division.

(3) If award is made to a bidder despite an unfavorable plant facilities report, a letter notice of the action taken and the reason for it shall be sent promptly to the appropriate Quality Control Division as indicated below:

(i) In the case of an award made by the Central Office, the letter shall be sent to the Central Office Quality Control Division with a copy to the regional Quality Control Division which made the "no award" recommendation.

(ii) In the case of an award made by a regional buying activity, the letter shall be sent to the regional Quality Control Division which made the "no award" recommendation with a copy to the Central Office Quality Control Division.

Subpart 5A-1.50—Reports

Sections 5A-1.5079-4(c)(3)(i)(B) and 5A-1.5079-4(c)(3)(ii)(B) are revised as follows:

§ 5A-1.5079-4 Instructions.

. . . . . .

(c) . . .
(3) . . .
(i) . . .

(b) Enter in column (b) the total dollar value of usage during the report year of each schedule and schedule part listed in column (a). Data should agree with that reported on the buying operations report, line 6.

. . . . . .

(ii) . . .

(b) Enter in column (b) the reported or estimated value of usage during the

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report year of each type of service (or supplies) listed in column (a). This should agree with data submitted on line 9 of the buying operations report.

* * * * *

PART 5A–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A–2.2—Solicitation of Bids

Section 5A–2.202–4 is amended to provide appropriate citation, as follows:

§ 5A–2.202–4 Bid samples.

* * * * *

(g) If the bid sample has been found to conform to all of the characteristics listed in the solicitation, but found deficient with respect to one or more of the unlisted characteristics, a plant facilities report shall be requested as provided in § 5A–1.1205–3. A copy of the sample evaluation report shall be attached to the GSA Form 353 which shall include a request that special attention be given to the prospective contractor's ability (notwithstanding the deficiencies noted with respect to the characteristics not listed in the solicitation which were evaluated) to produce supplies fully conforming to applicable specifications. For example, can the noted deficiencies be corrected by fairly simple production or process control adjustments, or would expensive and time-consuming retooling be involved? The plant facilities report shall include a specific statement regarding the prospective contractor's ability or inability to correct each noted deficiency in objective characteristics as well as an overall appraisal of his capability.

* * * * *

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended to include the following revised entry:

Sec.
5A–16.950–457 GSA Form 457, FSS Publications Mailing List Application.

NOTE: A copy of the form listed in § 5A–16.950–457 is filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective 30 days after the date shown below.

Dated: March 23, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72–5350 Filed 4–6–72;8:47 am]

AVAILABILITY FOR INSPECTION AND TESTING AND DELIVERY AND FEDERAL SUPPLY SCHEDULES SELECTED FOR SOURCE INSPECTION

Chapter 5A of Title 41 of the Code of Federal Regulations is amended to read as follows:

PART 5A–7—CONTRACT CLAUSES

Subpart 5A–7.1—Fixed-Price Supply Contractors

Section 5A–7.101–77 is revised as follows:

§ 5A–7.101–77 Availability for inspection and testing and delivery.

The following clause may be used in definite quantity or requirements type solicitations when lengthy testing is involved and the time required for completion of such tests cannot be predetermined, at the discretion of the contracting officer. Paragraph (c) of the clause shall be included therein only when the requirements are small and the proposed award is less than the dollar limitation established for source inspection.

AVAILABILITY FOR INSPECTION AND TESTING AND DELIVERY [1]

(a) The Government requires that supplies listed herein be made available for inspection and testing within _____ days after receipt of (notice of award) (order) and be (delivered) (shipped) to destination within _____ days after notice of approval and release by the appropriate Government inspection representative.

(b) If the Contractor fails to make the supplies available for inspection and testing within the number of days after receipt of (notice of award) (order) specified above, or fails to make (delivery) (shipment) to destination within the number of days after notice of approval and release by the Government inspection representative, the Contractor shall be deemed to have failed to make delivery within the purview of Article 11(a) (1) of the General Provisions, Standard Form 32.

(c) In the event the point of inspection is changed to destination (delivery at) (shipment to) destination is required within _____ days after receipt of (notice of award) (order).

[1] Where availability for shipment is to be used, substitute "Shipment" for "Delivery."

PART 5A–73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A–73.1—Production and Maintenance

The table of contents of Part 5A–73 is amended to add the following new entry:

Sec.
5A–73.123–6 Federal Supply Schedules selected for source inspection.

Subpart 5A–73.1 is amended to add a new § 5A–73.123–6 as follows:

§ 5A–73.123–6 Federal Supply Schedules selected for source inspection.

(a) The Office of Standards and Quality Control determines which Federal Supply Schedules are to be selected for origin inspection, quality control, and assigned contract administration assistance by the Quality Control Division. The list is prepared by the Office of Standards and Quality Control and the current edition is set forth in § 5A–76.317.

(b) Contracting officers involved shall include the following clause in each Federal Supply Schedule solicitation selected for origin inspection, quality control, and assigned contract administration assistance.

ORIGIN INSPECTION

Clause number 5(a) of GSA Form 1424, GSA Supplemental Provisions, applies to this solicitation. Offerors shall furnish the following information to indicate where the supplies will be available for inspection:

Item No.	Name of manufacturing plant or other facility	Address (including county)

(c) Promptly after the award of each Federal Supply Schedule contract the contracting officer shall furnish:

(1) Each regional Chief Quality Control Division, having cognizance under the contract, with two sets of contract information, each set securely stapled together, and consisting of (i) two copies of the solicitation and (ii) two copies of the front page of GSA Form 1535, Request for Approval of Awards, and/or pertinent pages of the Federal Supply Schedule contract which are necessary for source inspection purposes, for each inspection point.

NOTE: In this regard, in performing the above function, contracting officers shall carefully review the front page of each GSA Form 1535 and each page of the contract to insure that complete information needed for quality control, source inspection, and contract administration is provided.

(2) The Quality Control Division, Central Office, with one set only of contract information as described in (1) above.

Where the inspection point(s) is different than the production point, the contracting officer shall include such information on the front page of the GSA Form 1535.

PART 5A–76—EXHIBITS

The table of contents of Part 5A–76 is amended to add the following entry:

Sec.
5A–76.317 Federal Supply Schedules selected for source inspection.

§ 5A–76.317 Federal Supply Schedules selected for source inspection.

NOTE: The new exhibit identified in § 5A–76.317 is filed as part of the original document. Copies may be obtained from the General Services Administration (FPP), Washington, D.C. 20406.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. This regulation is effective 30 days after the date shown below.

Dated: March 28, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72–5375 Filed 4–6–72;8:50 am]

Chapter 9—Atomic Energy Commission

PART 9–53—NUMBERING AND DISTRIBUTION OF CONTRACTS AND ORDERS

Subpart 9–53.100—Contracts

Subpart 9–53.200—Orders

CONTRACT PREFIXES AND PURCHASE ORDER SYMBOL ASSIGNMENTS

These changes are being made to reflect recent organizational changes and to update the regulations with respect to contract prefix and purchase order symbol assignments.

1. In Subpart 9–53.100, Contracts, § 9–53.106, *Assigned contract prefixes,* is revised as follows:

§ 9–53.106 Assigned contract prefixes.

Prefixes for AEC contract numbers for the various field installations and headquarters divisions are set forth below:

ACTIVE OFFICES

	Contract prefix
Field installations:	
San Francisco	AT(04–3)–
Grand Junction	AT(05–1)–
Idaho Falls	AT(10–1)–
Chicago	AT(11–1)–
Paducah	AT(15–1)–
Kansas City	AT(23–1)–
Nevada	AT(26–1)–
New Brunswick	AT(28–1)–
Los Alamos	AT(29–1)–
Albuquerque	AT(29–2)–
Brookhaven	AT(30–2)–
Schenectady	AT(30–3)–
Dayton	AT(33–1)–
Portsmouth	AT(33–2)–
Pittsburgh	AT(36–1)–
Savannah River	AT(38–1)–
Oak Ridge	AT(40–1)–
Richland	AT(45–1)–
Puerto Rico	AT(51–1)–
Headquarters:	
Headquarters Services	AT(49–1)–
General Manager	AT(49–2)–
Military Application	AT(49–8)–
Production and Materials Management	AT(49–4)–
Reactor Development and Technology	AT(49–5)–
Biology and Medicine	AT(49–7)–
Physical Research	AT(49–8)–
Personnel	AT(49–13)–
International Programs	AT(49–14)–
Space Nuclear Systems	AT(49–15)–
Management Information and Telecommunications Systems	AT(49–17)–
Contracts	AT(49–18)–
Applied Technology	AT(49–19)–
Controlled Thermonuclear Research	AT(49–20)–
Office of Information Services	AT(49–21)–
Waste Management and Transportation	AT(49–22)–
Nuclear Materials Security	AT(49–23)–
Headquarters:	
Joint AEC/NASA Space Nuclear System Office	SNSO–
Joint AEC/NASA Space Nuclear Systems Office—Nevada	SNSN–

INACTIVE OFFICES

Field installations:	
Los Angeles	AT(04–1)–
Berkeley	AT(04–2)–
Canoga Park	AT(04–4)–
Rocky Flats	AT(05–2)–
Hartford	AT(06–1)–
Wilmington	AT(07–1)–
Spoon River	AT(11–2)–
Iowa (Burlington)	AT(13–1)–
Ames	AT(13–2)–
Detroit	AT(20–1)–
Centerline	AT(20–2)–
St. Louis	AT(23–2)–
Princeton	AT(28–2)–
Sandia	AT(29–2)–
New York	AT(30–1)–
Lockland	AT(33–3)–
Fernald	AT(33–4)–
Pantex	AT(41–1)–
Milwaukee	AT(47–1)–
Eniwetok	AT(50–1)–
Headquarters:	
Raw Materials	AT(49–6)–
Special Projects	AT(49–9)–
Labor Relations	AT(49–10)–
Isotopes Development	AT(49–11)–
Technical Information	AT(49–12)–
Peaceful Nuclear Explosives	AT(49–16)–
Space Nuclear Propulsion	SNP–

2. In Subpart 9–53.200, Orders, § 9–53.202, *Procurement office symbols,* is revised as follows:

§ 9–53.202 Procurement office symbols.

The symbols assigned for the purpose of identifying AEC procurement offices on purchase orders issued by them are set forth as follows:

Procurement office:	Order prefix
Albuquerque	AL–
Brookhaven	CH–
Chicago	BH–
Dayton	DA–
Grand Junction	GJ–
Idaho Falls	ID–
Kansas City	KC–
Los Alamos	LS–
New Brunswick	NB–
Nevada	NV–
Oak Ridge	OR–
Paducah	PD–
Portsmouth	PM–
Pittsburgh	PN–
Puerto Rico	PR–
Richland	RL–
San Francisco	SF–
Savannah River	SR–
Headquarters Services	WA–

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (4–7–72).

Dated at Germantown, Md., this 3d day of April 1972.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.72–5322 Filed 4–6–72;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 51b—GRANTS FOR COMMUNICABLE DISEASE CONTROL

Section 317 of the Public Health Service Act (42 U.S.C. 247b) authorizes the Secretary of Health, Education, and Welfare to make grants to State and local health agencies for the support of Communicable Disease Control programs of national significance.

The following are regulations applicable to grants for such purposes.

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Part 51b which relates solely to grants pursuant to section 317 of the Public Health Service Act because, for good cause it has been found, that such notice, public participation, and delay would be contrary to the public interest in light of the need to provide adequate lead time for the development of project proposals, the need for the orderly and efficient consideration of such proposals, the prudent utilization of available funds and the limited time period within which available funds must be obligated.

Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, reviews, and arguments relating to the regulations may be presented in writing, in triplicate, to David J. Sencer, M.D., Director, Center for Disease Control, Room 214, 1600 Clifton Road NE., Atlanta, GA 30333. All comments received in response to this publication will be available for public inspection in the above-named office on weekdays between 9 a.m. and 4:30 p.m. (except on holidays). All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (4–7–72).

Dated: March 23, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: April 4, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Sec.
51b.1 Applicability.
51b.2 Definitions.
51b.3 Eligibility.
51b.4 Application for grant.
51b.5 Project requirements.
51b.6 Grant evaluation and award.
51b.7 Grant payments.
51b.8 Use of project funds.
51b.9 Civil rights.
51b.10 Confidentiality.

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Sec.
51b.11 Inventions or discoveries.
51b.12 Publications and copyright.
51b.13 Grantee accountability.
51b.14 Records, reports, inspection, and audit.
51b.15 Additional conditions.
51b.16 Early termination and withholding of payments.
51b.17 Voluntary participation.

AUTHORITY: The provisions of this Part 51b issued under sec. 215, 58 Stat. 690; 42 U.S.C. 216. Sec. 317, 84 Stat. 988; 42 USC 247b, as amended

§ 51b.1 Applicability.

These regulations are applicable to the award of grants under section 317 of the Public Health Service Act (42 U.S.C. 247b) for the support of communicable disease control programs.

§ 51b.2 Definitions.

As used in these regulations:

(a) "Act" means the Public Health Service Act.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State" means one of the 50 States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

(d) "Communicable disease control program or project" means a program or project which is designed and conducted so as to contribute to national protection against tuberculosis, venereal disease, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough or other communicable diseases which are transmitted from State to State, are amenable to reduction, and which are determined by the Secretary on the recommendation of the National Advisory Health Council to be of national significance.

§ 51b.3 Eligibility.

(a) *Eligible applicant.* Any State, or with the approval of the appropriate State Health authority, any political subdivision or instrumentality of a State, is eligible for a grant award under these regulations.

(b) *Eligible projects.* Grants pursuant to section 317 of the Act and these regulations may be made to eligible applicants for the purpose of meeting the cost of communicable disease control programs, including studies to determine the communicable disease control needs of communities and the means of best meeting those needs.

§ 51b.4 Application for grant.

(a) An application for a grant under these regulations shall be submitted to the Secretary at such time and in such form as the Secretary may prescribe.[1] The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of these regulations, including a description of the nature and extent of the problems to be met, the environment in which the project will function, and the relationship of the applicant to the community, the medical societies, and voluntary health agencies in the area to be served. The application shall also contain a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by these regulations and any additional conditions of the grant.

§ 51b.5 Project requirements.

An approvable project must provide:

(a) A plan to initiate and maintain surveillance of the communicable diseases with respect to which funds are granted, which will include, among other things, morbidity and mortality reporting, surveys, and case and laboratory investigation.

(b) Unless for good cause otherwise shown, coordination with other relevant federally assisted programs.

(c) Unless for good cause otherwise shown, arrangements for utilization of facilities of public and private hospital outpatient clinics.

(d) Assurance that the project will be conducted in a manner calculated to preserve human dignity and maximize acceptability and utilization of services.

(e) Assurance that services will be made available without regard to creed, age, sex, or marital status unless otherwise medically indicated (see also § 51b.9).

(f) Assurance that no person will be denied service by reason of his inability to pay therefor: *Provided, however,* That to the extent that payment for services under the project will be made by a third party (including a Government agency) which is authorized or is under a legal obligation to pay such charge, effort will be made to obtain such third party payment. If charges are to be made for services under the project, such charges must be in accordance with a schedule submitted and approved as part of the project plan.

(g) Assurance that funds granted will be used to supplement and not supplant State or local funds available for communicable disease control programs.

(h) Priority in the delivery of services to population groups having the highest incidence and prevalence of communicable diseases.

§ 51b.6 Grant evaluation and award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to cover part of the cost of communicable disease control projects to those applicants whose projects he determines will, in his judgment, best promote the purposes of the Act taking into account:

(1) The relative extent of the problems relating to one or more of the communicable diseases to which these regulations are applicable,

(2) The levels of performance in preventing and controlling such diseases,

(3) The general quality of the project's plan in accordance with the project requirements set forth in § 51b.5 and in particular the extent to which the project renders services to groups having the highest incidence and prevalence of communicable diseases,

(4) The comments and recommendations of the State comprehensive health planning agency, and

(5) The capacity of the applicant to make prompt and effective use of Federal funds.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as hospital per diem rates or fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount equal to the total cost as found necessary by the Secretary for the carrying out of the project. In determining the grantee's share of project costs (in accordance with Chapter 1–400 of the Department of Health, Education, and Welfare Grants Administration Manual[2]), costs for which Federal grants for other sources have been or may be claimed or received or costs used to match other Federal grants except as may be otherwise provided by law, or costs to be met from the Federal share of grant related income (except as may be permitted by Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual) may not be included.

(c) Except as may otherwise be provided by these regulations, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in Chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate applications periodically at such times and in such form as the Secretary may direct.

§ 51b.7 Grant payments.

(a) The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

(b) The Secretary, at the request of a recipient of a grant under these regulations, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents), or equipment furnished to such recipient and by the amount of the pay, allowances, traveling expenses, and any other costs in connection with the detail of an officer or employee to the recipient when the furnishing of such supplies or equipment, or of the detail of such officer or employee (as the case may be), is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under these regulations is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based, but such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of these regulations, be deemed to have been paid to such agency.

§ 51b.8 Use of project funds.

(a) Any funds granted pursuant to these regulations may be expended solely for carrying out the approved project in accordance with section 317 of the Act, these regulations, and except as otherwise provided herein, the cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.

(b) Project funds under these regulations may be used to conduct studies to determine the communicable disease control needs of communities and the means of best meeting such needs.

(c) Project funds under these regulations may not be used for performing diagnostic tests, maintaining central registries, and for providing diagnostic and treatment facilities unless the applicant establishes to the satisfaction of the Secretary that funds for such services are necessary for the proper conduct of the project and are otherwise unavailable.

(d) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 51b.9 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under these regulations, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 51b.10 Confidentiality.

Each grant award is subject to the condition that all information obtained by the personnel of the project from participants in the project related to their examination, care, and treatment, shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 51b.11 Inventions or discoveries.

Any grant award pursuant to § 51b.6 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 51b.12 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under these regulations, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 51b.13 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of these regulations: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in these regulations the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in Chapter 1–40–50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other communicable disease control programs.* Equipment may be used, without adjustment of accounts, on other grant supported projects (whether or not federally supported) within the scope of section 317 of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization, or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall

[1] Applications and instructions may be obtained from the Regional Health Director of the Health Services and Mental Health Administration at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted.

[2] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894–523.

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apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of Chapter 1-410-50B of the Department of Health, Education, and Welfare Grants Administration Manual may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in these regulations, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1-420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for material on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraph (c)(1) of this section;

(iv) Any other settlements required pursuant to paragraph (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

§ 51b.14 Records, reports, inspection, and audit.

(a) *Records and reports.* Each grant awarded pursuant to these regulations shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant under these regulations shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under these regulations shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of records relating to the use of grant funds.

§ 51b.15 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 51b.16 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this part, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 51b.17 Voluntary participation.

Nothing in these regulations shall be construed to require any State or any political subdivision or instrumentality of a State to have a communicable disease control or vaccination program which would require any person who objects to such treatment to be treated or to have any child or ward of his treated.

[FR Doc.72-5351 Filed 4-6-72;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-7-72).

§ 33.5 Special Regulations; sport fishing, for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wis., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn., 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 15, 1972 through September 15, 1972, inclusive.

(2) The use of boats is not permitted.

(3) Fishing during daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1972.

ROBERT S. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wis.

MARCH 28, 1972.

[FR Doc.72-5347 Filed 4-6-72;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Notice of Proposed Changes in Customs Region V

MARCH 31, 1972.

In order to provide better Customs service in the New Orleans, La., Customs district, it is proposed to establish a Customs port of entry at Vicksburg, Miss.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR ch. 11), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Vicksburg, Miss., is hereby proposed as a port of entry in the New Orleans, La., district (Region V).

The proposed geographical limits of the port of Vicksburg shall include all of Warren County, Miss., and Madison Parish, La.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20226. To insure consideration of such communications, they must be received in the Bureau not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with section 103.3 (b) of the Customs Regulations (19 CFR 103.3(b)), at the Bureau of Customs, Division of Regulations, Washington, D.C., during regular business hours.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5388 Filed 4-6-72;8:50 am]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Distributions to Shareholders by Insurance Companies

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 8, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 8, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 815 of the Internal Revenue Code to reflect amendments made by sections 2 and 4, Act of September 2, 1964 (Public Law 88-571, 78 Stat. 857), section 4, Act of December 27, 1967 (Public Law 90-225, 81 Stat. 733), and section 907(b) of the Tax Reform Act of 1969 (83 Stat. 715) such regulations are amended as follows below. These amended regulations do not reflect the amendment made by section 3(a), Act of September 2, 1964 (Public Law 88-571, 78 Stat. 857).

PARAGRAPH 1. Section 1.815 is amended by revising sections 815 (a), (b), (2)(A) (ii), and (f), by adding new section 815(g), and by revising the historical note. These amended provisions read as follows:

§ 1.815 Statutory provisions; life insurance companies; distributions to shareholders.

Sec. 815. *Distribution to shareholders*—(a) *General rule.* For purposes of this section and section 802(b)(3), any distribution to shareholders after December 31, 1958, shall be treated as made—

(1) First out of the shareholders surplus account, to the extent thereof,

(2) Then out of the policyholders surplus account, to the extent thereof, and

(3) Finally out of other accounts.

(b) *Shareholders surplus account.* • • •

(2) *Additions to account.* • • •

(A) • • •

(ii) In the case of a taxable year beginning after December 31, 1958, the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss, reduced (in the case of a taxable year beginning after December 31, 1961) by the amount referred to in clause (i).

• • • • • •

(f) *Distribution defined.* For purposes of this section, the term "distribution" includes any distribution in redemption of stock or in partial or complete liquidation of the corporation, but does not include—

(1) Any distribution made by the corporation in its stock or in rights to acquire its stock;

(2) Except for purposes of subsection (a) (3) and subsection (e)(2)(B), any distribution in redemption of stock issued before 1958 which at all times on or after the date of issuance and on and before the date of redemption is limited as to dividends and is callable, at the option of the issuer, at a price not in excess of 105 percent of the sum of the issue price and the amount of any contribution to surplus made by the original purchaser at the time of his purchase;

(3) Any distribution after December 31, 1963, of the stock of a controlled corporation to which section 355 applies, if such controlled corporation is an insurance company subject to the tax imposed by section 831 and if—

(A) Control was acquired prior to January 1, 1958, or

(B) Control has been acquired after December 31, 1957—

(i) In a transaction qualifying as a reorganization under section 368(a)(1)(B), if the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the controlled corporation, or

(ii) Solely in exchange for stock of the distributing corporation which stock is immediately exchanged by the controlled corporation in a transaction qualifying as a reorganization under section 368(a)(1)(A) or (C), if the controlled corporation has at all times since its organization been wholly owned by the distributing corporation and the distributing corporation has at all times since December 31, 1957, owned stock representing not less than 50 percent of the total combined voting power of all classes of stock entitled to vote, and not less than 50 percent of the value of all classes of stock, of the corporation the assets of which have been transferred to the controlled corporation in section 368(a)(1) (A) or (C) reorganization;

(4) Any distribution after December 31, 1966, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is in control (within the meaning of section 368(c)) of both the distributing corporation and such controlled corporation and if such controlled corporation is a life insurance company of which the distributing corporation has been in control at all times since December 31, 1957; or

(5) Any distribution after December 31, 1968, of the stock of a controlled corporation to which section 355 applies, if such distribution is made to a corporation which immediately after the distribution is the owner of all of the stock of all classes of both the distributing corporation and such controlled corporation and if, immediately before the

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distribution, the distributing corporation had been the owner of all of the stock of all classes of such controlled corporation at all times since December 31, 1957.

Paragraphs (3), (4), and (5) shall not apply to that portion of the distribution of stock of the controlled corporation equal to the increase in the aggregate adjusted basis of such stock after December 31, 1957, except to the extent such increase results from an acquisition of stock in the controlled corporation in a transaction described in paragraph (3)(B). If any part of the increase in the aggregate adjusted basis of stock of the controlled corporation after December 31, 1957, results from the transfer (other than as part of a transaction described in paragraph (3)(B)) by the distributing corporation to the controlled corporation of property which has a fair market value in excess of its adjusted basis at the time of the transfer, paragraphs (3), (4), and (5) also shall not apply to that portion of the distribution equal to such excess.

(g) *Certain distributions related to former subsidiaries.* If subsection (f)(5) applied to the distribution by a life insurance company of the stock of a corporation which was a controlled corporation—

(1) Any distribution by such corporation to its shareholders (after the date of the distribution of its stock by the life insurance company), and

(2) Any disposition of the stock of such corporation by the distributee corporation, shall, for purposes of this section, be treated as a distribution to its shareholders by such life insurance company, until the amounts so treated equal the amount of the distribution of such stock which by reason of subsection (f)(5) was not included as a distribution for purposes of this section.

[Sec. 815 as added by sec. 2, Life Insurance Company Income Tax Act of 1959 (73 Stat. 129); amended by sec. 3, Act of October 10, 1962 (Public Law 87-790, 76 Stat. 808); sec. 3(b), Act of October 23, 1962 (Public Law 87-858, 76 Stat. 1136); secs. 2 and 4, Act of September 2, 1964 (Public Law 88-571, 78 Stat. 857); sec. 4, Act of December 27, 1967 (Public Law 90-225, 81 Stat. 733); sec. 907(b), Tax Reform Act, 1969 (83 Stat. 715)]

PAR. 2. Paragraph (c)(1) of § 1.815-2 is amended to read as follows:

§ 1.815-2 Distributions to shareholders.

• • • • • •

(c) *Distributions to shareholders defined.* (1) Except as otherwise provided in section 815(f) and subparagraph (2) of this paragraph, the term "distribution", as used in section 815(a) and paragraph (b) of this section, means any distribution of property made by a life insurance company to its shareholders. For purposes of the preceding sentence, the term "property" means any property (including money, securities, and indebtedness to the company) other than stock, or rights to acquire stock, in the company making the distribution. Thus, for example, the term includes a distribution which is considered a dividend under section 316, but is not limited to the extent that such distribution must be made out of the accumulated or current earnings and profits of the company making the distribution. For example, except as otherwise provided in section 815(f) and subparagraph (2) of this paragraph, there is a distribution within the meaning of this paragraph in any case in which a corporation acquires the stock of a shareholder in exchange for property in a redemption treated as a distribution in exchange for stock under section 302(a) or treated as a distribution of property under section 302(d). For special rules relating to distributions to shareholders in acquisition of stock pursuant to a plan of mutualization, see section 815(e) and paragraph (e) of § 1.815-6.

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[FR Doc.72-5373 Filed 4-6-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1820]

LANDS AND MINERALS APPLICATIONS IN CALIFORNIA

Places for Execution and Filing of Forms

The purpose of this proposed amendment is to improve the efficiency of administering the public land laws and improving service to the public in regard to filing and processing public lands and minerals applications and cases in California. The proposed amendment would provide for the filing of all such applications in the Sacramento land office in furtherance of a proposal to transfer to Sacramento the responsibilities for receiving and adjudicating applications and cases now filed and processed in Riverside. Service to the public in California would be improved and expedited by having centralized filing and adjudication for the State. Uncertainty and wasted effort and time by the public as to where to file or whom to contact would be eliminated. The need for redirecting correspondence and applications to a second officer would be eliminated. All other public land States except Alaska have centralized filing and adjudication of lands and minerals applications.

The proposed amendment would also change the address of the Colorado Land Office which has been moved to a new location and would specifically identify the Fairbanks Land Office.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until 30 days.

A public meeting will be held during the period for receiving public comments and prior to publication of final rule making, in Riverside, Calif., at a time and location specified and made public by the State Director, California of the Bureau of Land Management.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Section 1821.2-1 of Subpart 1821, Title 43 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (a), (b), and (c) are redesignated as (b), (c), and (d), respectively.

2. A new paragraph (a) is added to read as follows:

§ 1821.2-1 Office hours of land offices; place for filing.

(a) As used in Subchapters A, B, and C: (1) "Land offices" are the offices of the Bureau of Land Management in which applications for rights and privileges under Subchapters B and C of this title must be filed. (2) The "Washington office" of the Bureau of Land Management is headquarters for the Bureau and is located in the Interior Building, Washington, D.C. 20240. (3) "Manager" is the official in charge of a land office.

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3. In the list of Land offices in new paragraph (d),

(i) The name "Fairbanks District and Land Office" is changed to read "Fairbanks Land Office",

(ii) The reference to the "Riverside District and Land Office", its address, and area of jurisdiction is deleted in its entirety.

(iii) The area of jurisdiction of the Sacramento Land Office is changed from "Northern California" to "California".

(iv) The address of the Colorado Land Office is changed from "Federal Building, 1961 Stout Street" to "Colorado State Bank Building, 1600 Broadway".

(v) Footnote 2 and the diagram of California designated as "Footnote 2" is deleted.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 4, 1972.

[FR Doc.72-5407 Filed 4-6-72;8:50 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 606, 670, 675, 677, 678]

[Administrative Order 623]

INDUSTRY COMMITTEES FOR VARIOUS INDUSTRIES IN PUERTO RICO

Change in Dates of Investigation and Hearing

Administrative Order No. 622, 36 F.R. 19037, provided for the appointment of industry committees for various defined industries in Puerto Rico, including Industry Committees Nos. 110-A and 110-B, and gave notice of dates for investigations and hearings.

At the request of interested parties and pursuant to the authority given me under section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004) and 29 CFR Part 511, the dates of investigations and hearings of Industry Committees Nos. 110-A and 110-B set forth in section 3(c) of Administrative Order 622 are changed, as follows:

Industry Committee No. 110-A will meet in executive session to commence its investigation at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, May 15, 1972. Following this hearing, Industry Committee No. 110-B will immediately convene to conduct its investigation and hold its hearing.

Any interested persons wishing to participate in a hearing shall file prehearing statements by May 5, 1972, in accordance with the procedures outlined in 36 F.R. 19037.

Signed at Washington, D.C., this 30th day of March 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-5365 Filed 4-6-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Parts 71, 72]

TURTLES, TORTOISES, TERRAPINS

Prohibition of Importation; Bacteriological Testing and Certification for Interstate Shipment

The Administrator of the Health Services and Mental Health Administration with the approval of the Secretary, and the Commissioner of Food and Drugs propose to amend Parts 71 and 72 respectively of Title 42, Code of Federal Regulations, as set forth below in order to: (1) Provide a general prohibition on the importation of small pet turtles, tortoises, terrapins, and other members of the order Testudinata and (2) set bacteriological standards for such animals in interstate shipments.

Epidemiological investigations have shown that small pet turtles are a particularly significant source and reservoir of bacteria of the genus *Salmonella* and bacteria of the genus *Arizona* affecting humans. On the basis of results of these investigations, it is estimated that each year in the United States, 280,000 human cases of salmonellosis are turtle-associated. Most of these cases occur in children. While few fatalities are thought to be associated with infection acquired from turtles, the *Salmonella* and *Arizona* bacteria typically produce an acute febrile gastroenteritis (abdominal pain, nausea, fever, diarrhea) which may require hospitalization. There are also reports of associated meningitis and brain abscesses.

Each year an estimated 15,000,000 small turtles are sold as pets in the United States. Approximately 90 percent of turtles sold as pets are produced on commercial turtle farms or captured in the wild in the United States. The remaining 800,000 to 1,500,000 turtles are imported following their capture in the wild.

Turtles and their relatives are particularly well adapted hosts for *Salmonella* and *Arizona* bacteria. Characteristically, infection does not produce any apparent disease, but it may persist for long periods of time, if not for the life of the turtle. Contaminated breeding and holding environments, the practice of feeding turtles salmonella-contaminated animal offal, and transovarial transmission (infection of the egg) all serve to perpetuate the transmission cycle.

Repeated bacteriological examination of turtles collected at breeding farms, at the time of importation, and in trade consistently reveal the ubiquitous distribution of *Salmonella* and *Arizona* bacteria associated with turtles.

Considerations of public health compel: (1) Imposition of a general prohibition on the importation of small turtles and (2) provision for both the bacteriological testing and the certification of freedom from infectious diseases for small turtles shipped in interstate commerce. However, importation of small turtles and interstate shipment of uncertified small turtles for bona fide scientific purpose, or for use in educational institutions, and for exhibition, under circumstances such that the numbers of turtles are limited and the turtles are handled and maintained under conditions that minimize risks to the public health, will be permitted.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703; 42 U.S.C. 264) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) and to the Administrator of the Health Services and Mental Health Administration (33 F.R. 15963), it is proposed that Parts 71 and 72 be amended as follows:

1. In Part 71, a new Subpart J-2 to be placed immediately after Subpart J-1 is proposed, as follows:

Subpart J-2—Importation of Turtles, Tortoises, Terrapins

Sec.
71.171 Definitions.
71.172 Importation; general prohibition.
71.173 Importation for scientific, educational, exhibition, or other purposes.
71.174 Application for permits.
71.175 Issuance of permits; criteria.
71.176 Penalties.

AUTHORITY: The provisions of this Subpart J issued under sec. 361, 58 Stat. 703; 42 U.S.C. 264.

§ 71.171 Definitions.

As used in this subpart:

(a) "Turtles includes all animals commonly known as turtles, tortoises, terrapins and all other animals of the Order *Testudinata*, Class *Reptilia* except marine species (Families *Dermochelidae* and *Cheloniidae*).

(b) "Director" means the Director, Center for Disease Control, Health Services, and Mental Health Administration, Department of Health, Education, and Welfare, Atlanta, Ga. 30333.

§ 71.172 Importation; general prohibition.

Except as otherwise provided in this subpart, viable turtle eggs and live turtles with a carapace length of less than 6 inches may not be imported into the United States.

§ 71.173 Importation for scientific, education, exhibition or other purposes.

Viable turtle eggs and live turtles, intended for bona fide scientific or education purposes or for exhibitions, may be imported into the United States when accompanied by a permit issued by the Director.

§ 71.174 Application for permits.

Application for permits to import viable turtle eggs and live turtles for the purposes set forth in § 71.173 shall be made by letter to the Director, and shall contain, identify, or describe the name and address of the applicant, the number of specimens and the common and scientific names of each species to be imported, the holding facilities; the intended use of the turtles following their importation, the precautions to be undertaken to prevent infection of members of the public with bacteria of the *Salmonella* and *Arizona* genera and such other information and assurances as the Director may deem necessary to protect the public health.

§ 71.175 Issuance of permits; criteria.

A permit may be issued upon a determination that the holder of the permit will isolate or otherwise confine the turtles and will take such other precautions as may be determined by the Director to be necessary to avoid infection of members of the public with salmonellosis or another communicable disease and on condition that the holder of the permit will provide such reports as may be required by the Director to protect the public health.

§ 71.176 Penalties.

Any person violating any provision of this subpart shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, as provided in section 368 of the Public Health Service Act (42 U.S.C. 271).

2. In Part 72, the following new section is proposed:

§ 72.26 Turtles.

(a) Definitions. As used in this section, the term "turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the Order *Testudinata*, Class *Reptilia* except marine species (Families *Dermachelidae* and *Cheloniidae*).

(b) Interstate shipment; general prohibition. Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 6 inches shall not be transported or offered for transportation in interstate traffic or sold or offered for sale after shipment in interstate commerce, unless the shipment is accompanied by a certificate issued by the State health department of the State of origin certifying

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that each shipment of turtles is free of bacteria of the *Salmonella* and *Arizona* genera.

(c) Certification; test procedures. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued by the State health department on the basis of the examination of 60 turtles or 60 turtle eggs from each shipment, regardless of the size of the shipment. The examination shall be conducted in a laboratory licensed in microbiology pursuant to section 353 of the Public Health Service Act and shall utilize the following procedure adapted from "Official Methods of Analyses of the Association of Official Analytical Chemists," 11th edition, sections 41.024–41.040, pages 845–852:

(1) Place five turtles in each of 12 sterile glass containers with a capacity of 1,000 milliliters.

(2) Add 50 milliliters of sterile distilled water to each of the containers of turtles.

(3) Cover the container with sterile aluminum foil and hold the turtles in the containers at room temperature (25° C.) for 72 hours.

(4) Do not remove the foil cover or add food, water, or other materials to the container during the holding period.

(5) After 72 hours remove the turtles from the containers using a sterile forcep.

(6) Place 1 milliliter of the residual water from each of the 12 beakers into 10 milliliters of tetrathionate broth (with iodine and brilliant green) and incubate for 24 hours at 37° C.

(7) After 24 hours incubation, subculture each of the 12 tetrathionate enrichment cultures to Brilliant Green agar and complete isolation and identification according to methods specified in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, sections 41.024–41.040, pages 845–852.

(8) In the examination of turtle eggs, rinse 60 eggs with sterile distilled water to remove visible extraneous matter from the shells. Place the 60 cleansed eggs into a sterile blender cup. Replace blender lid and homogenize eggs for 2 minutes at low speed. Transfer 1 milliliter of the blended egg material into 10 milliliters of tetrathionate broth, and proceed as in subparagraphs (6) and (7) of this paragraph.

(9) Upon completion of the laboratory examination, the examining laboratory shall submit a report to the State Health Officer, or his delegated representative. The laboratory report shall specify the name and address of the producer or shipper (consignee) and of the consignor, the number and species of turtles intended for interstate shipment, and the results of the examination, and it shall be signed by the examining microbiologist or director of the examining laboratory. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued if, to the satisfaction of the State health department, the laboratory examination has been performed according to the procedure specified in this section, and all specimens examined were free of bacteria of the *Salmonella* and *Arizona* genera.

(d) Interstate shipment for scientific, education, exhibition or other purposes. Viable turtle eggs and live turtles, intended for bona fide scientific or education purposes or for exhibitions are exempted from this regulation.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 31, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: April 4, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Dated: March 31, 1972.

CHARLES C. EDWARDS,
Commissioner, Food and Drug Administration.

[FR Doc.72–5415 Filed 4–6–72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–SW–19]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Rocksprings, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

ROCKSPRINGS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Edwards County Airport (latitude 29°56'30" N., longitude 100°10'30" W.) and within 1.5 miles each side of the Rocksprings VORTAC 105° radial (115° magnetic radial) extending from the 5-mile radius area to the Rocksprings VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Edwards County Airport, Rocksprings, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 30, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72–5330 Filed 4–6–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–SW–20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Llano, Tex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Forth Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

LLANO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Llano Municipal Airport (latitude 30°46'30" N., longitude 98°39'30" W.) and within 2 miles each side of the Llano VOR TAC 100° radial (091° magnetic radial) extending from the 5-mile radius area to the Llano VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Llano Municipal Airport, Llano, Tex.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on March 30, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72–5329 Filed 4–6–72;8:46 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 104, 105, 141, 201, 204, 205, 260]

[Docket No. R–424]

UNIFORM SYSTEM OF ACCOUNTS AND CERTAIN FORMS

Notice of Further Extension of Time

APRIL 3, 1972.

Accounting for premium, discount and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes.

On March 28, 1972, the American Gas Association and the Independent Natural Gas Association of America filed requests for a 90-day extension of time within which to file comments in the above-designated matter.

Notice is hereby given that the time is further extended to and including July 3, 1972, within which any interested person may submit data, views, comments or suggestions, in writing, concerning the notice of proposed rulemaking issued August 6, 1971, in the above-designated matter.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5362 Filed 4–6–72;8:48 am]

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Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DRYCLEANING MACHINERY FROM WEST GERMANY

Withholding of Appraisement Notice

Information was received on March 12, 1971, that drycleaning machinery from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of May 28, 1971, on page 9788. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the exporter's sales price (section 204 of the Act; 19 U.S.C. 163) of drycleaning machinery from West Germany is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. Information currently before the Bureau tends to indicate that the probable basis of comparison will be between exporter's sales price and home market price of such merchandise.

Preliminary analysis suggests that exporter's sales price will probably be calculated by deducting from the f.o.b. New York, N.Y., price the following; Distributor's discount, selling expenses, customs brokerage charge, ocean freight, marine insurance, freight to warehouse in United States, U.S. duty, and foreign inland shipping charge. Appropriate additions probably will also be made for taxes rebated or not collected by reason of exportation.

It appears that home market price will be based on an exfactory price with deductions made for cash discount and distributor's commission. Adjustments probably will be made for warranty cost, start-up cost, inspection cost and differences in packing, as appropriate.

Using the above criteria, there are reasonable grounds to believe or suspect that exporter's sales price will be lower than home market price.

Customs officers are being directed to withhold appraisement of drycleaning machinery from West Germany in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (4–7–72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: March 29, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5364 Filed 4-6-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Alaska Power Administration

ENVIRONMENTAL STATEMENTS

Issuance of Procedures for Preparation

Notice is hereby given of the publication of procedures of the Alaska Power Administration to implement the policy and directives of section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 852, January 1, 1970); section 2(f) of Executive Order 11514 (March 5, 1970); the guidelines issued by the Council on Environmental Quality (36 F.R. 7724, April 23, 1971); the Office of Management and Budget Bulletin No. 72–6 (September 14, 1971).

The procedures are set forth below.

ROBERT W. WARD,
Administrator.

APRIL 1, 1972.

PROCEDURES FOR ENVIRONMENTAL STATEMENTS UNDER SECTION 102(2)(C) OF NATIONAL ENVIRONMENTAL POLICY ACT

Purpose. These procedures will be followed by the Alaska Power Administration in the preparation of environmental statements in compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190) and section 2(f) of Executive Order 11514. In all instances, the guidelines of the Council on Environmental Quality, dated April 23, 1971, subsequent guidelines by the Council, and the instructions of the Interior Department Manual, Part 516, will be followed. These procedures are in effect as of April 1, 1972, and they supersede the previous edition dated October 20, 1971.

Authority. The Departmental Manual, 516 DM 2.4F, provides that the Administrator shall:

(1) Identify those actions requiring environmental statements and consult with the Assistant Secretary—Program Policy for guidance and direction;

(2) Designate those officials responsible for preparing such statements;

(3) Transmit the proposed draft and final environmental statements through the Assistant Secretary for Water and Power Resources to the Assistant Secretary—Program Policy;

(4) Prepare formal procedures implementing Departmental Instructions (516 DM 2) and identifying the role of the environmental statement in the review and decision-making process of Alaska Power Administration.

The Departmental Manual, 516 DM 2.4G, provides that officials responsible for preparing environmental statements shall:

(1) Obtain the information needed for the preparation of environmental statements;

(2) Consult with appropriate bureaus and offices; other Federal agencies; and other appropriate sources of special environmental expertise not available within the Alaska Power Administration;

(3) Prepare proposed draft environmental statements and insure that they fully consider and reflect the information obtained;

(4) Transmit copies of draft environmental statements, as cleared by the Assistant Secretary—Program Policy, to Federal agencies with jurisdiction by law or special environmental expertise, to State and local agencies authorized to develop or enforce environmental standards, and to private organizations with an expressed or known interest in the proposal;

(5) Give public notice of the availability of draft environmental statements and invite comments;

(6) Consult with all bureaus and offices and other Federal agencies submitting comments, where appropriate;

(7) Prepare proposed final environmental statements and insure that all relevant comments are considered therein;

(8) Transmit copies of final environmental statements, as cleared by the Assistant Secretary—Program Policy, to all bureaus and offices; other Federal, State, and local agencies; and private organizations from whom comments were solicited and received.

Determination of major actions requiring environmental statements. The criteria in 516 DM 2.5 require no elaboration.

The Administrator will make the determination to proceed with preparation of environmental statements. The Division Officers will identify actions within their program areas which may require environmental statements and make appropriate recommendations to the Administrator. This will include a program schedule for environmental statements in order to insure adequate lead time. This will be keyed to the annual cycle of program and budget documents.

All programs and actions will be assessed for environmental impact.

(1) The following types of activities will generally require environmental statements:

(a) Reports intended as a basis for Congressional authorization of water and related projects;

(b) Major modification or extension of existing projects, such as new transmission lines or major relocation of lines.

(2) The following types of activities will rarely require environmental statements:

(a) Routine operation and maintenance activities;

(b) Minor replacements and relocations;

(c) Power marketing contracts;

(d) Reconnaissance-type investigations reports.

(3) All other programs and activities shall be individually assessed by Division Officers and recommendations for determinations made to the Administrator.

Officials responsible for preparing statements. Upon determining that an environmental statement is needed, the Administrator will assign responsibility for preparation of the statement. The assignment will include responsibility for the various steps in preparing the statement and coordination within the Alaska Power Administration.

Procedures for obtaining information for draft environmental statements. Such information requirements will be determined as a normal part of programming and scheduling project reports or other actions requiring environmental statements.

The designated official will first determine the types and availability of information needed and whether new studies are required to provide the information. Such determination will be based on consultations with appropriate Federal, State, and local agencies and will be considered in scheduling the environmental statement.

Preparation and circulation of draft statements and consultation with other agencies. The format and content of the environmental statement will be responsive to 516 DM 2.6, "Content of Environmental Statements."

During preparation of the draft statement, the designated official will solicit informal comments and viewpoints from those individuals, offices, and agencies that have special knowledge or expertise regarding environmental impact of the proposed action. Inputs and comments received at this stage are for the purpose of technical assistance in preparing the draft statement and shall be considered informal.

The determination of those to be consulted during preparation of the draft statement will be based on the input and assistance needed to prepare draft statements that are fully responsive to the law.

Draft environmental statements will be processed by Alaska Power Administration headquarters as follows:

(1) Fifteen copies of the draft statement, accompanied by a notice of availability, will be transmitted through the Assistant Secretary for Water and Power Resources to the Assistant Secretary—Program Policy. (516 DM 2.9F provides that the Assistant Secretary—Program Policy shall clear the statement, transmit the statement to Council on Environmental Quality, handle FEDERAL REGISTER notification and notify Alaska Power Administration of these actions.)

(2) After the draft statement is cleared, Alaska Power Administration will make formal distributions to reviewing entities as follows:

(a) At least one copy will be circulated to all Departmental bureaus and offices which have jurisdiction by law or special environmental expertise pertinent to the proposed action.

(b) Section 7 and Appendix II of the CEQ Guidelines will be used to determine those Federal and Federal-State agencies from which consultations and comments are to be solicited. Formal draft statements will be sent to the appropriate offices indicated in Appendix III of the CEQ Guidelines for official agency review and comment. Periods for reply are specified in 516 DM 2.7B.

(c) Alternative procedures are available for obtaining State and local agency review and comment as specified in 516 DM 2.7C.

(3) A complete and accurate log shall be kept of all commente received on draft environmental statements and all review comments on draft environmental statements shall be available to the public on request.

Preparation and processing of final statement. The final statement will take into account the views and comments received on the formal draft statement. It will detail the extent, if any, that recommendations of concerned agencies and individuals could not be accommodated.

In addition to appropriate environmental assessments, evaluations, or reports prepared by applicants or consultants, attachments to final environmental statements shall include all written responses from:

(1) Bureaus and offices with delegated jurisdiction or special environmental expertise;

(2) Other Federal agencies with jurisdiction by law or special environmental expertise;

(3) State and local agencies which are authorized to develop and enforce environmental standards;

(4) Responsible private organizations and associations which represent the opinions of wider groups concerning the proposed action of its environmental impact;

(5) Recognized experts.

Final environmental statements will be processed by Alaska Power Administration headquarters as follows:

(1) Fifteen copies of the statement, accompanied by a notice of availability, will be transmitted through the Assistant Secretary for Water and Power Resources to the Assistant Secretary—Program Policy. (516 DM 2.9F provides that the Assistant Secretary—Program Policy shall endorse the statement, transmit it to CEQ, and handle Federal Register notification.)

(2) After the final statement is endorsed, APA will distribute the statement to all bureaus, offices, agencies, and organizations from whom comments were received.

Public participation. Guidelines for providing timely information to the public and providing draft statements to the public in advance of public hearings are set out in 516 DM 2.8. Draft and final environmental statements, including comments received thereon, will be made available to the public at the following locations:

(1) The Department of the Interior Office of Communications;

(2) The Alaska Power Administration headquarters;

(3) The State of Alaska Division of Planning and Research, Office of the Governor, or such other location designated by the Governor;

(4) One or more local public meeting places in the immediate vicinity of the proposed action, if appropriate.

In addition to the FEDERAL REGISTER publication, notice of availability of statements and of hearings will be given by advertisements in newspapers having general circulation in the affected areas.

A complete record of any hearings, draft and final environmental statements, and all comments received shall be made available for public inspection at APA headquarters.

[FR Doc.72-5324 Filed 4-6-72;8:46 am]

Geological Survey

[Power Site Cancellation 300]

GILA RIVER BASIN, ARIZ.

Power Site Cancellation

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 26 of March 25, 1922, as interpreted September 20, 1924, is hereby canceled to the extent that it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 3 S., R. 13 E.,
Sec. 24, W½SW¼ and SE¼SW¼;
Sec. 25, E½W½.
T. 4 S., R. 13 E.,
Sec. 1, lot 1.
T. 4 S., R. 14 E.,
Sec. 8, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 17, NE¼NE¼;
Sec. 21, N½NE¼, SE¼NE¼, and NE¼SE¼;
Sec. 22, SW¼NW¼, W½SW¼, and SE¼SW¼;
Sec. 26, NW¼SW¼ and SE¼SW¼;
Sec. 27, W½NE¼, SE¼NE¼, NE¼NW¼, and NE¼SE¼.
T. 5 S., R. 14 E.,
Sec. 1, lot 4, SW¼NE¼, S½NW¼, and N½SE¼;
Sec. 2, lot 1.
T. 5 S., R. 15 E.,
Sec. 6, lots 6 and 7, SE¼SW¼, and SW¼SE¼;
Sec. 7, N½NE¼;
Sec. 8, S½NE¼ and E½NW¼;
Sec. 9, SW¼NE¼ and S½NW¼.

All portions of the above-described lands lying within 50 feet of the centerline of the transmission line, permit for which was issued by the First Assistant Secretary of the Interior August 1, 1921, to the Ray Consolidated Copper Co.

The area described aggregates 151 acres.

Dated: March 31, 1972.

W. A. RADLINSKI,
Acting Director.

[FR Doc.72-5348 Filed 4-6-72;8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 117]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through December 31, 1971, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

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Flag of Registry and Name of Ship	Gross tonnage
Total—all flags (192 ships)	1,454,610
Cypriot (101 ships)	806,361
Aegis Banner	9,024
Aegis Eternity	8,814
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aegis Strength	9,306
Aftadelfos	8,138
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Alda	7,292
Alfa	7,388
Alitric	7,564
Alma	6,585
Alpa	9,159
Amarilla	8,959
Anemone	7,168
Annunciation Day	8,047
Antigoni	3,174
Arendal	7,265
Areti	8,406
Arion	3,570
Amar	7,307
Arosa	7,233
Artigas	5,841
Aurora	8,380
Azalea	9,506
*Baracoa	9,242
Begonia	6,576
Byron	8,720
Calypso (tanker)	12,883
Camelia	8,111
Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
Cleopatra	8,079
Costiana	7,199
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
**Eftyhia (trips to Cuba—Greek)	9,854
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T	9,646
Giannis	7,490
Goodluck	6,952
Happy Land	9,080
Herodemos	7,356
Ilena (previous trips to Cuba—Lebanese)	5,925
Iris	8,479
Johnny	9,689
June	9,357
Katerina (previous trips to Cuba—Lebanese)	9,357
Kimon	5,686
Kitsa	9,519
Kypros	7,001
Lena	7,029
Maco Telecity	10,570
*Magnolia	7,178
Marco	7,622
Master George	7,334
May	8,853
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
**Newheath (trips to Cuba—British)	7,643
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Pantazis Caias	9,618
Patricia	6,998
Petunia	7,843
Platres	7,244
Protoapostolos	8,130
Protoklitos	6,154
Ravens	8,036
Reifens	8,071
*Rothens	8,113
Salvia	8,522
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030
Stavros T	10,407
Successor	11,471
Suerte	7,267
*Telenikis	12,303
Theoskepasti	6,618
Thios Costas (previous trips to Cuba—Somali)	7,258
Torenia	8,077
Venturer	9,000
Venus	9,777
Zaira	8,032
Zinia	7,114
British (27 ships)	221,098
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Cheung Chau	8,566
Coral Islands	9,060
East Sea	9,079
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
Golden Bridge	7,897
Ho Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Ivory Islands	9,718
Kinross	5,388
Magister	2,239
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Venice	8,611
Yunglutaton	5,414
Polish (20 ships)	143,332
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Dziadz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Piast	3,184
Rejowiec	3,401
Transportowiec	10,854
Italian (6 ships)	58,231
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Francesco	9,284
San Nicola	12,451
Santa Lucia	9,278
Somalia	3,692
Somali (9 ships)	70,047
**Atlas (trip to Cuba—Finnish)	3,916
Ber Sea	8,369
Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
Marbella	8,409
Nebula (previous trips to Cuba—British)	8,907
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
**Eastglory (trips to Cuba—British)	8,995
**Jollity (trips to Cuba—British)	8,819
Yugoslav (8 ships)	56,740
Agrum	2,449
Bar	8,776
Cetinje	8,220
Nikaic	10,067
Piva	7,519
Plod	8,657
Tara	7,411
Ulcinj	8,602
Greek (6 ships)	37,120
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
*Ariadne	6,487
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntaville—British)	9,486
French (4 ships)	10,466
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
Nelle	2,874
Lebanese (2 ships)	11,583
Antonis	6,259
Astir	5,324
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (1 ship)	6,935
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Finnish (1 ship)	4,779
Someri	4,779
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (1 ship)	3,214
Marrakech	3,214
Pakistani (1 ship)	8,708
**Maulabakah (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	8,196
Tong Ho	8,196

See footnotes at end of document.

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.*

a. Since last report:

Flag of registry:	Number of ships
Probitas (Italian)	8,150
Athenian (Cypriot)	9,943
Troyan (Cypriot)	10,392

b. Previous reports:

Flag of registry (total)	138
British	49
Cypriot	6
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9

See footnotes at end of document.

SEC. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

Flag of registry:	Number of ships
Liberia	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	1
Spanish	6
Swedish	1
Yugoslav	2

Flag of registry:	Gross tonnage
Kounistra (Cypriot)	7,199
Huta Florian (Polish)	7,258

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	28
Cypriot	51
Finnish	5
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	36
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	8
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	7
Total	170

SEC. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through December 31, 1971.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971 Jan.–June	1971 July–Sept.	1971 Oct.–Dec.	Total
British	133	180	126	101	78	62	45	53	14	2	2	796
Cypriot		1	17	27	42	68	115	199	100	36	37	642
Lebanese	64	91	58	25	16	16	4	1				275
Greek	99	27	23	27	29	7				1		213
Italian	16	20	24	11	11	10	15	13	7	1	1	129
Yugoslav	12	11	15	10	14	9	6	7	4	2	3	93
French	8	8	9	10	10	4	2	5	1		1	59
Finnish	1	4	8	11	12	8	2	1				44
Spanish	9	17										26
Norwegian	14	10										24
Moroccan	9	13	1									23
Maltese		2	6	1	4	8	1	2				24
Somalia					2	11	7	4	3	2	1	30
Netherlands		4	2									6
Sweden	3	3										6
Kuwaiti		2	1									3
Israeli			2									2
Japanese	1					1						2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Singapore										1		1
Subtotal	371	394	290	224	218	204	197	285	129	45	45	2,402
Polish	18	16	12	10	11	7	2	3	2		2	83
Grand total	389	410	302	234	229	211	199	288	131	45	47	2,485

NOTE: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 116.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

Dated: March 21, 1972.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary, Maritime Administration.

[FR Doc.72-5370 Filed 4-6-72;8:49 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License and Issuance of Facility Operating License

On March 16, 1971, a notice of AEC consideration of issuance of facility operating licenses for possession and operation of the Quad-Cities Nuclear Power Station Units 1 and 2 was published in the FEDERAL REGISTER (36 F.R. 5008). That notice proposed the issuance of facility operating licenses to Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. for possession, use and operation of the Quad-Cities Nuclear Power Station Units 1 and 2 (both being single cycle, boiling water reactors located in Rock Island County, Ill.) at steady State power levels up to 2,511 megawatts (thermal) for each unit.

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Construction of Unit No. 1 having been substantially completed in accordance with Construction Permit No. CPPR–23 and the provisions of Commission regulations, facility operating license No. DPR–29 was issued October 1, 1971, for operation of Unit No. 1 at power levels up to 25 megawatts (thermal) for fuel loading and low power testing.

Further Commission action on the licensing of both Unit 1 and Unit 2 was delayed as a result of litigation brought by the Attorney General of Illinois and the Isaak Walton League, et al. (U.S. District Court for the District of Columbia Civil Actions Nos. 2207–71 and 2208–71).

The Commonwealth Edison Co. and the parties in the suit reached an agreement on March 27, 1972, and the litigation has been dismissed permitting the licensing action taken by the Commission described in this notice.

Accordingly, no request for a hearing by the applicants or petition for leave to intervene by any interested person having been filed following publication on March 16, 1971, of the notice of AEC consideration of issuance of facility operating licenses, the Commission has issued Amendment No. 2 to facility operating license No. DPR–29 for Unit No. 1 and has issued facility operating license No. DPR–30 for Unit No. 2 to Commonwealth Edison Co. and Iowa-Illinois Gas and Electric Co. The license amendment and the license, effective as of the date of issuance, authorize Commonwealth Edison Co. (acting for itself and Iowa-Illinois Gas and Electric Co.) to possess, use and operate the Quad-Cities Nuclear Power Station Units 1 and 2 each at power levels up to 502 megawatts (thermal), 20 percent of each Unit's rated power, in accordance with the Technical Specifications issued for Unit 1 dated October 1, 1971 and the licenses. Both licenses will expire June 1, 1972, unless extended for good cause shown or upon earlier issuance of a superseding licensing action.

The Commission has inspected the Quad-Cities Nuclear Power Station and has determined that Unit 1 and Unit 2 have been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit Nos. CPPR–23 and CPPR–24. The licensees have submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Director of Regulation has made the findings set forth in the amendment and the license and has concluded that the application for construction permits and facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter I, and the issuance of the license amendment and license will not be inimical to the common defense and security or to the health and safety of the public.

For further information concerning these actions, see copies of the following items which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and at the Moline Public Library at 504 17th Street, Moline, IL 61265: (1) Amendment No. 2 to Facility Operating License No. DPR–29, (2) Facility Operating License No. DPR–30, (3) the Technical Specifications for Quad-Cities Station Units 1 and 2, (4) Commonwealth Edison Co.'s letters dated October 12, 1971, October 28, 1971, and November 10, 1971, (5) the Division of Reactor Licensing's Safety Evaluation for the Quad-Cities Station Units 1 and 2 dated August 25, 1971, (6) the report of the Advisory Committee on Reactor Safeguards on the Quad-Cities Station Units 1 and 2 dated March 9, 1971, (7) the Discussion and Conclusions pursuant to Appendix D of 10 CFR Part 50, Supporting the Issuance of Licenses, for 20 percent operation of Units 1 and 2 dated January 24, 1972, and Supplement No. 1 thereto dated March 31, 1972, and (8) the Commission's Draft Detailed Statement of Environmental Considerations dated March 6, 1972 (published in F.R. March 9, 1972, 37 F.R. 5073). A copy of each of the above items, except for item (4), may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 31st day of March 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72–5355 Filed 4–6–72;8:48 am]

[Dockets Nos. 50–329, 50–330]

CONSUMERS POWER CO.

Notice of Availability of Final Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Final Statement on Environmental Considerations by the Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Related to Construction of the Midland Plant, Units 1 and 2," is being placed in the following locations where it will be available for inspection by members of the public: the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545, and in the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, MI 48640. The report is also being made available at the Office of Planning Coordination, Executive Office of the Governor, Lewis Cass Building, Lansing, Mich. 48913.

The notice of availability of the Draft Detailed Statement for the Midland Plant and request for comments from interested persons was published in the FEDERAL REGISTER on January 11, 1972, 36 F.R. 410. The comments received from Federal, State, local officials and interested members of the public have been included as appendices to the Final Statement.

Single copies of the statement may be obtained by writing the Director, Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 31st day of March 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–5321 Filed 4–6–72;8:45 am]

STATE OF NEVADA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority.

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nevada for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A narrative, prepared by the State of Nevada and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Nevada regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Md., this 27th day of March 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEVADA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nevada is authorized under Nevada Revised Statutes 459.060 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nevada certified on March 9, 1972, that the State of Nevada (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on July 1, 1972, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at ----------, State of Nevada, in triplicate, this ------ day of ----------, 1972.

For the U.S. Atomic Energy Commission.

For the State of Nevada.

MIKE O'CALLAGHAN, *Governor.*

FOREWORD

The State of Nevada, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is ever committed to the protection of public health and safety, the Nevada State Legislature enacted the Nuclear Affairs Act.

This Act, and supplemental legislation, provides the legal structure for a comprehensive radiological health and regulatory program compatible with that of the U.S. Atomic Energy Commission and that of those States who have entered into agreement with the Commission.

The Act authorizes the Governor, on behalf of the State, to enter into an agreement with the Federal Government providing for discontinuance of certain responsibilities of the Federal Government relating to ionizing radiation and the assumption of such responsibilities by the State. The Act also designates the Nevada State Board of Health as the radiation control agency for the State.

The following narrative relates the history, current practices, proposed activities, capabilities, and resources of the State in the field of radiological health.

HISTORY

1931 The State Legislature passed a law prohibiting the use of X-rays for the treatment of the scalp or for the removal of surplus hair by cosmetologists (NRS 644.470).

1950–60 One State employee attended a U.S. Atomic Energy Commission sponsored Health Physics Course at Oak Ridge, Tenn.

A laboratory radiation counter was purchased for the purpose of determining background levels from selected stations within the State.

A course for Radiological Defense Instructors was given to personnel from State, county, and city organizations by State Health Division personnel.

A law was passed in 1960 preventing the operation or maintenance of any shoe-fitting device using fluoroscopic or radiation principles (NRS 202.245).

1961–62 During this period, a medical and dental X-ray survey of diagnostic X-ray machines in the State was conducted. This survey, which was voluntary and performed only in those installations requesting it, was accomplished by teams composed of U.S. Public Health Service and State Health Division personnel. The primary objectives of the survey were to check collimation and filtration of the X-ray units and make recommendations where necessary.

Regulations governing the manufacture, use, storage, handling, transportation and disposal of ionizing radiation producing devices and materials were prepared for and adopted by the Nevada State Board of Health in January 1962. The regulations provided standards to assure minimum exposure to personnel handling or working with ionizing radiation producing devices and materials and to the general public.

Acquisition of Federal land near Beatty, Nev. was authorized for lease to Nuclear Engineering Co. as a low-level, solid radioactive waste burial site.

The first phase of a program to establish a Radiological Defense Organization for the

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Nevada Civil Defense Agency was also completed during this period. This phase entailed training of Highway Department and Highway Patrol personnel as radiation monitors in the event of nuclear war. All Highway Maintenance Stations, Highway District Headquarters, Highway Patrol Stations, and approximately half of the Highway Patrol vehicles were supplied with radiation monitoring instruments.

1963–64 During this period, training and refresher courses for radiological monitors for the Civil Defense Agency were continued. Most of this training was directed at State employees. Establishment of 167 radiological fallout monitoring stations provided with 1,000 radiation detection instruments was completed. Maintenance of the radiation detection instruments was improved by the acquisition of Federal funds for a maintenance shop and technicians' salaries.

In 1963, the State Radiation Control Act was adopted for the control of ionizing radiation within the State, and enabling the State to enter into an agreement with the Federal Government to assume responsibilities relating to sources of ionizing radiation previously the responsibility of the Federal Government (NRS 459.010 to 459.160, inclusive).

Two employees attended a U.S. Atomic Energy Commission orientation class for agreement States and two employees attended a U.S. Public Health Service course on gamma spectroscopy during this period.

A voluntary resurvey of medical diagnostic X-ray units was made during June and July, 1964 by U.S. Public Health Service teams.

1965–66 State personnel surveyed all new or relocated X-ray machines. In the 2-year period, 123 new or relocated X-ray tubes in medical and dental facilities were inspected.

Participation in U.S. Public Health Service environmental programs included collecting representative portions of meals served at the State Children's Home in Carson City for analysis by the Southwest Radiological Health Laboratory at Las Vegas. Analysis for fission product residue was performed to determine the contribution of diets to radionuclide body burden for the general public. All of the milk sheds in the State were sampled monthly for a similar analysis.

1969–70 In 1969, the text of the Western Interstate Nuclear Compact was enacted into law (NRS 459.200 to 459.240, inclusive). The Compact provides for a cooperative effort in nuclear and related fields to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

The State Superintendent of Public Instruction and all county supervisors were apprized of the hazards involved due to the use of cold cathode gas discharge tubes.

State personnel accompanied U.S. Atomic Energy Commission compliance inspectors on inspections of AEC-licensed facilities within the State during this biennium, as they have on many previous occasions.

1971 In 1971, legislation was passed controlling air pollution and water pollution (respectively, NRS 445.401 to 445.601, inclusive; and NRS 445.130 to 445.385, inclusive). The Commission of Environmental Protection was created by this legislation as the controlling agency for air and water pollution.

PRESENT PROGRAM

Two full-time radiation control specialists were hired by the State in September, 1971, to implement the radiation control program. Their major efforts up to this time have been the preparation of radiation control regulations, activities to enable the State to become an agreement State with the U.S. Atomic Energy Commission, participation in several lengthy training courses sponsored by the U.S. Atomic Energy Commission and the Environmental Protection Agency, and on-the-job training.

SCOPE OF ACTIVITIES

The radiation control program encompasses the regulatory program associated with licensing of radioactive materials and registration of radiation producing machines, environmental surveillance, and response to emergency situations involving sources of radiation.

Within the State of Nevada, there are an estimated 388 X-ray machines: 188 dental units; 200 medical units, fluoroscopic and diagnostic; and six reported for industrial radiography. The number of U.S. Atomic Energy Commission Licenses within the State of Nevada in effect January 1, 1972, reported using radium sources is eight: Four medical, three industrial and one institutional. There are an estimated five particle accelerators being used, with two accelerators to begin routine operation in the latter part of 1972.

There are few installations which may necessitate environmental surveillance activities. A research reactor is operable at the University of Nevada, Reno; a commercial burial site for low-level radioactive waste is located at Beatty, Nev.; and the Nevada Test Site.

STATUTORY AUTHORITY

The following Nevada Revised Statutes (NRS) provide for the Governor to enter into an agreement with the U.S. Atomic Energy Commission, administrative procedures, authority to promulgate regulations, enforcement of regulations, administration of public health, special prohibited uses of ionizing radiation, and mutual aid in the event of nuclear incident.

NRS 459.010–459.160, inclusive, "State Radiation Control." This statute provides for Federal-State agreements concerning the responsibility for control of sources of ionizing radiation, designates the State Board of Health as the State radiation control agency, and provides the basis for radiation control.

NRS 459.200. "Western Interstate Nuclear Compact." Article VI of this statute provides for mutual aid between party States in the event of a nuclear incident.

NRS 233B. "Nevada Administrative Procedures Act." This Act establishes minimum procedural requirements for regulation-making and adjudication procedures of all agencies of the executive department of the State government and for judicial review of both functions. The provisions of the law are intended to supplement statutes applicable to specific agencies.

NRS 439. "Administration of Public Health." 439.130 requires the State Health Officer to enforce all laws and regulations pertaining to public health and empowers him to enter upon and inspect any public or private property in the State in the course of his work, and authorizes subordinates to act in his place and stead.

439.150 declares that the State Board of Health be supreme in all health matters except administrative matters and that it shall have supervision over the work of the State Health Officer.

439.200 declares that the State Board of Health shall have the power to adopt, promulgate, amend and enforce reasonable rules and regulations consistent with law and that such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations enacted inconsistent therewith.

NRS 202.245, states that no person may operate or maintain any shoe-fitting device or shoe-fitting machine which uses fluoroscopic, X-ray, or radiation principles.

NRS 644.470, prohibits the use of any X-ray machine by cosmetologists in the treatment of the scalp or in the removal of surplus hair.

NRS 445.130 to 445.385, inclusive, provides for the control of water pollution within the State.

NRS 445.401 to 445.601, inclusive, provides for the control of air pollution within the State.

PROCEDURES AND POLICIES

LICENSING AND REGISTRATION

The Bureau of Environmental Health, Division of Health, is charged with the responsibility of operating the radiation control program for the Nevada State Board of Health. The program shall regulate and control the usage of all sources of ionizing radiation within the State including radium and accelerator produced nuclides, X-ray generating machines, and particle accelerators. Registration is required for the use of X-ray machines and particle accelerators, and licensing is required for the use of radioactive materials.

The licensing program shall be essentially the same as that presently utilized by the U.S. Atomic Energy Commission and shall use criteria established by the U.S. Atomic Energy Commission. The Chief of the Bureau of Environmental Health and key staff members will evaluate each radioactive material license application, and perform prelicensing visits if deemed necessary. The U.S. Atomic Energy Commission shall be consulted concerning the nonroutine medical uses of radioactive material, and for any circumstance which indicates that advice and guidance concerning the application of radiation or radioactive material is required. Upon approval, specific licenses shall be endorsed by the State Health Officer or his duly authorized representatives for the Nevada State Board of Health.

INSPECTION

Qualified staff personnel shall conduct inspections of licensees' and registrants' facilities to assure compliance with the regulations and to evaluate the adequacy of radiation protection programs. Inspection shall be either by pre-arrangement or on an unscheduled basis during working hours.

Licensees' and registrants' facilities shall be inspected on a priority basis determined by the classification of use, degree of hazard, previous violations, training, and experience of the user and other relevant factors. The initial planned inspection frequencies are as follows:

Category	Anticipated inspection frequency (months)
Industrial radiography	12
Operations involving waste disposal	6
Broad licenses, industrial, medical, or academic	12
Other specific licenses, industrial, medical or academic	12–24
X-ray, medical, industrial, or academic	12–24

The above inspection frequencies are subject to change due to circumstances and experience. At the start of an inspection, personal contact at management level will be made whenever possible. At the completion of each inspection, the inspector will confer with licensee management to discuss the results of his inspection, presenting oral recommendations or suggestions as required and answering questions concerning the regulatory program.

A comprehensive written report concerning each inspection shall be prepared by the inspector and reviewed by qualified Bureau of Environmental Health personnel.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions shall be determined through inspections and evaluations of inspection reports. Licensees and registrants shall be informed of the results of all inspections, orally at the time of inspection and by letter or notice from the Agency.

When items of minor noncompliance are found and the licensee or registrant agrees at the time of inspection to correct them promptly, no further action shall be taken by the inspection Agency, except that the licensee or registrant shall receive a letter from the Agency stating the items of noncompliance, and that these items shall be checked at the next scheduled inspection.

When items of major noncompliance are found, the licensee or registrant shall be informed orally at the time of inspection and subsequently by letter of the items of noncompliance and he shall be required to reply in writing within a stated time as to the corrective action taken and the completion date or anticipated completion date of the corrective action. Assurance that the corrective action has been taken shall be determined by a followup inspection or at the time of the next regularly scheduled inspection, as circumstances warrant.

A license, upon request of a licensee, may be amended to be consistent with the Act or regulations or to meet changing conditions in operations. The Agency may amend, suspend, or revoke a license in the event of continual refusal of the licensee to comply with the terms and conditions of the license, the Act, or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may without notice or hearing issue a regulation or order noting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not willing to observe the provisions of the Act or regulations issued thereunder. After these actions, the licensee has a right to a hearing.

A court order directing a person to comply, or enjoining such practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been offered.

The Agency shall endeavor to gain compliance by cooperative and educational methods. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, shall the full weight of legal procedure normally be employed.

EFFECTIVE DATE OF LICENSE TRANSFER AND RECIPROCITY

Any person who, on the effective date of the agreement with the U.S. Atomic Energy Commission, possesses a license issued by the U.S. Atomic Energy Commission shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such a license or on the date of expiration specified in the Federal license, whichever is earlier. The Nuclear Affairs Act enacted by the Nevada Legislature and the Rules and Regulations promulgated by the Nevada State Board of Health pursuant to the above legislation provides for recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States.

RADIOLOGICAL EMERGENCY CAPABILITY

The State of Nevada Emergency Procedures Manual and Nevada Revised Statute 459.120 designates the Department of Health, Welfare, and Rehabilitation and the Nevada State Board of Health, respectively, as the responsible agencies in the event of an accident involving radioactive materials. It will be the responsibility of the Bureau of Environmental Health to respond for these agencies in such an emergency.

Notification of an emergency may be by a State licensee or by the Nevada State Highway Patrol, local enforcement agencies, or local fire departments through the Atomic Energy Commission. Nevada State Highway Patrol, local enforcement agencies, and local fire departments have, during various training courses, received cards and posters listing the telephone numbers of the Atomic Energy Commission.

Bureau of Environmental Health personnel shall respond either as the emergency response team or as the agency responsible for public health and safety. The nature of the response may vary from an office evaluation and advisement of controls to on-the-site evaluation, radiation, and radioactivity measurements, establishment of controls, and coordination of support agencies.

Upon request, the State Civil Defense and Disaster Agency shall coordinate the transportation of Bureau personnel to the site of the incident, the installation of a communication network, and the supply of any power and heavy duty equipment needed. For any transportation or communications not provided, the Bureau will depend on commercial and other State organizations.

The State of Nevada is a member of the Western Interstate Nuclear Compact. Should circumstances warrant during the course of a radiological incident, member States of the Compact shall be requested to provide assistance to the State according to the mutual aid feature of the Compact.

The Bureau of Environmental Health will make a request to the Environmental Protection Agency, Western Environmental Research Laboratory, for any radioanalysis required beyond the capability of the Bureau's laboratory instrumenation.

Future plans for emergency situations include a review and revision of existing radiological emergency procedures reflecting the enlarged staff, the acquisition of any special radiation detection instrumentation which may be required, the formation of a radiological emergency team and the preparation of radiological emergency kits which will be available for immediate use.

ORGANIZATION AND STAFF

The State Board of Health is designated as the radiation control agency for the State by the Radiation Control Act and is authorized to carry out the provisions of the Act. The State Division of Health is responsible for the radiation control program for the Board of Health, with implementation of the program performed by the Bureau of Environmental Health. The State Health Officer functions as the head of the Division of Health, and as Secretary to the Board of Health. The Radiological Control Section is under the Chief, Bureau of Environmental Health, who reports to the State Health Officer. These relationships are illustrated in Chart 1 of the Appendix.

The two radiation control specialists in the Radiological Control Section shall devote full time to the radiation control program for licensing and registration functions, inspection of licensed and registered facilities, response to emergency situations, and to all other radiation control activities within the State over which the State Board of Health has authority. This section shall maintain all records pertinent to the radiation control program including those which will permit the U.S. Atomic Energy Commission to evaluate the status of the program with regard to its compatibility with those of other agreement States, and that of the Commission. The Chief and the Assistant Chief of the Bureau shall participate in licensing and registration functions to provide greater manpower depth to the small Radiological Control Section.

The Commission of Environmental Protection is the agency responsible for the control of air and water pollution within the State. However, the regulations promulgated by the Commission will not conflict with those of the Board of Health for radiation control. The Bureau of Environmental Health is designated as the advisory and implementing agency for the Commission, and the Chief, Bureau of Environmental Health is the Control Officer for the Commission. The relationship between the Board and the Commission is illustrated in Chart 2 of the Appendix.

Position titles, education, and experience of Bureau of Environmental Health personnel directly involved in the activities of the radiological health program are listed below. Replacements for these personnel, if required, shall be recruited as soon as possible. The level of experience, education, and training shall be that required by the position descriptions contained in the Appendix.

ERNEST G. GREGORY—*Chief, Bureau of Environmental Health*

Education

University of Nevada—B.S. Civil Engineering; 1951.

Other Training

USPHS—Basic Radiological Health; 2 weeks.
USPHS—Gamma Spectroscopy; 2 weeks.

Experience

1965–Present Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1956–65 Public Health Engineer, Bureau of Environmental Health, Nevada State Health Division. Principal area of responsibility was in water pollution control. From 1958 to 1963 served as the Civil Defense Radiological Office for the State, which included the training of Civil Defense radiation monitors and radiation monitor instructors. Held a byproduct material license for Civil Defense Model CDV–784–786 radioactive sources.

1952–56 Right-of-way Agent, Nevada State Highway Department.

1951–52 Hydrologist, U.S. Bureau of Reclamation.

Miscellaneous

Registered Professional Engineer:
Wendell D. McCurry—Assistant Chief, Bureau of Environmental Health.

Education

Murray State Agricultural College—A.S. Engineering; 1959–61.
Oklahoma State University—B.S. Civil Engineering; 1963.
Oklahoma State University—M.S. Public Health and Sanitary Engineering; 1965.
University of Florida—Post Graduate work in Environmental Engineering and Radiological Health; 1964–66.

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Other Training

USPHS—Occupational Health Course; 2 weeks.
AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
USPHS—Medical X-ray Protection; 2 weeks.

Experience

1970–Present Assistant Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1966–70 Public Health Engineer II, Nevada State Health Division. Duties very similar to present position.

Miscellaneous

Registered Professional Engineer:
William C. Horton—Radiation Control Specialist III.

Education

University of New Mexico—B.S. Geology; 1953.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
EPA—Medical X-ray Protection; 2 weeks.
USPHS—Basic Radiological Health; 2 weeks.
Picker X-ray Corp.—Isotopes and X-rays for Industrial Radiography; 1 week.
Defense Atomic Support Agency and Reynolds Electrical and Engineering Company—Emergency Radiation Team Training; 1 week each course.
AEC—Ten-week Health Physics course beginning April 3, 1972.

Experience

1971–Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1967–71 Supervisor of Environmental Monitoring, Battelle Northwest, Richland, Washington. Primarily responsible for implementing the overall environmental surveillance program at Hanford. Supervised radiation monitors taking samples and performing radiation and contamination surveys in the environs. Assisted in program planning, analytical result evaluation, and program coordination. Provided liaison with analytical laboratories.

1959–67 Engineer, ACFI, Inc., Albuquerque, New Mexico. Had primary responsibility for all radiological protection in a manufacturing plant possessing numerous X-ray devices and sealed radioactive sources. Provided shielding design for radiographic facilities and radiological protection requirements for a U 235-loaded graphite testing facility. Prepared formal operating procedures governing non-destructive testing and radiological protection practices.

1953–57 Seismologist and Party Chief, Continental Oil Company, Ponca City, Oklahoma. Primary responsibility was for operation of geophysical field crew exploring for oil, and interpretation of geophysical and geological data.

Richard W. Reynolds—Radiation Control Specialist II.

Education

University of Nevada—B.S. Zoology; 1966.
University of Nevada—M.S. Nuclear Engineering; 1971.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
EPA—Medical X-ray Protection; 2 weeks.
Reynolds Electrical & Engineering Co.—Basic Radiological Monitoring.

Experience

1971—Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1968–71 Graduate Research Fellow, Department of Nuclear Engineering, University of Nevada, Reno, Nev.

1966–68 Health Physicist, Health Physics Branch, Mare Island Naval Shipyard, Vallejo, Calif. Primary responsibility was the supervision of field surveillance of storage and usage of sources of ionizing radiation in medical, nondestructive test, instrument calibration, supply, and nuclear propulsion programs.

1964 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary duty assignment was gamma spectral analysis of filter systems used for aerosol surveillance during nuclear device testing.

1962–63 Nuclear Powerman, U.S. Army, Walter Reed Army Medical Center, Washington, D.C. Primary duty assignment was radiochemical analysis of coolant, effluent and environmental samples from research reactor areas at this installation.

1960–61 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary assignment was the radiochemical analysis of environmental and bioassay samples, collected as part of the surveillance program for GNOME, PLUTO, NERVA, and other projects.

BUDGET FOR THE RADIOLOGICAL HEALTH SECTION

Fiscal year 1971–72	
Personnel	$26,295.71
Travel (In-State)	3,332.00
Travel (out-of-State)	----------
Operating expenses	2,386.00
Capital equipment	3,000.00
Total	34,943.71
Fiscal year 1972–73	
Personnel	27,381.74
Travel (In-State)	3,500.00
Travel (out-of-State)	----------
Operating expenses	2,464.00
Capital equipment	----------
Total	33,345.74

NOTE: For the capital equipment budget for fiscal year 1971–72, it is anticipated that matching funds for procurement of radiation detection and measurement equipment will be obtained from the Federal Office of Civil Defense, Department of the Army.

INSTRUMENTATION

Listed below is the field and laboratory instrumentation and radioactive sources which the Bureau of Environmental Health will utilize for the detection and measurement of radiation during routine inspections and emergencies for the identification and measurement of radioactive materials during periodic environmental surveillance and for the standardization of instrumentation, respectively.

Field Instrumentation—Survey

Alpha	*Range*
1 Eberline Alpha Counter, scintillation type, Model Pac-4[B].	0–2 x 10^5 c.p.m.
Neutron	
1 Nuclear Chicago Portable Survey Meter, Model 2671.	0–2.5 x 10^4 n/cm.^{2}/sec.
Beta, X-rays, and Gamma	
1 Eberline Beta-Gamma Counter, GM Type, Model E-250.	0–2 R/hr. 0–2000 K e.p.m.
2 Victoreen Survey Meters, ion chamber type, Model 470.	0–300 mR/hr. and R/hr.

Calibration and Standard Measurements

2 Victoreen Condensor R-meters, Model 570.
2 Victoreen R-meter chambers, Model 130, 0–250 mR, 30–500 keV.
2 Victoreen R-meter chambers, Model 227, 0–1R, 30–500 keV.
1 Victoreen R-meter chamber, Model 552, 0–2.5R, 400–1300 keV.
2 Victoreen R-meter chambers, Model 70–5, 0–25R, 30–250 keV.
1 Victoreen R-meter chamber, Model 326, 0–10R, 30–350 keV.

Sources

1 set of Tracerlab Gamma Spectrometer Sources, Model R–35.
1 set of Eberline Pu^{239} Calibration Sources, Model S94–1
1 Tracerlab C^{13} source, Model R210.

LABORATORY INSTRUMENTATION

Gamma Spectroscopy

1 Tracerlab Model SC–766 single channel analyzer interconnected with a Tracerlab Model SC–71 scaler, Model SC–87B Auto-Printer, and SC–57A well scintillation detector, which houses a 2-inch x 1¾-inch NaI well crystal.

Alpha, Beta, and Gamma Measurements

1 Tracerlab Model SC–71 scaler connected with a Model SC–87B Auto-Primer and FD–2 Flow Detector, used both as a geiger and proportional counter, and a SC–57A well scintillation detector.

[FR Doc.72–4877 Filed 3–30–72;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor to La Porte State Bank, La Porte, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 26, 1972.

Board of Governors of the Federal Reserve System, April 3, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72–5346 Filed 4–6–72;8:47 am]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6618–C2–P–72—Mobile Communications Service, Inc. (KOA264), replace the transmitter operating on 152.06 MHz, change the antenna system for same and relocate facilities from location No. 2 to location No. 1: 431 Greenleaf Road, Portland, OR.
6697–C2–P–(2)–72—The Diamond State Telephone Co. (KOH885), replace transmitter operating on 153.78 MHz, change the antenna system and auxiliary test facilities to operate on 158.04 MHz all located at 9 Depot Street, Georgetown, DE.
6698–C2–P–72—Radio Contact Corp. (KRH646), relocate facilities operating on 454.200 MHz to the end of Mine Road, top of Lee Hill Mountain, 5.5 miles northwest of Boulder, Colo.
6699–C2–P–(2)–72—Answerite Professional Telephone Service (KIY681), relocate facilities operating on 152.120 and 152.210 MHz at location No. 1 to: Route No. 526, 6 miles west of Orlando, Fla.
6700–C2–ML–72—Airsignal International, Inc. (KAP246), change frequency to 35.58 MHz at the Commerce Tower Building, Ninth and Main Streets, Kansas City, MO.
6701–C2–P–72—National Communications System, Inc. (KRM981), replace the transmitter operating on 158.70 MHz located at Fourth and J Streets, Sacramento, Calif.
6702–C2–P–72—National Communications System, Inc. (KRM982), replace the transmitter operating on 158.70 MHz located at 1805 Harbor Road, Stockton, CA.
3557–C2–R–72—New England Telephone & Telegraph Co. (KAB446), renewal of license expiring April 26, 1972. Term: April 26, 1972 to April 26, 1973 (Developmental).

Correction

3081–C2–P–(4)–71—RAM Broadcasting of Texas, Inc. (KKG412), should read: (New), for a new two-way station to operate on 454.100 and 454.200 MHz at location No. 1: 0.5 mile south of Corsicana on U.S. Route No. 75, Corsicana, Tex. and 454.050 and 454.325 MHz at location No. 2: 3820 Moulton Street, Greenville, TX. See Public Notice dated December 14, 1970.
2081–C2–P–(6)–72—Empire Communications Company (KOF306) Correct to read: At location No. 1 change repeater frequency to 459.15 MHz. All other particulars remain as reported in Public Notice No. 589, dated March 27, 1972.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

(INFORMATIVE: Applicant, MCI Texas-East Microwave, Inc., is modifying its original proposal for Specialized Common Carrier Radio Service between Dallas, Tex., and New Orleans, La., by filing 23 new applications(s) below.)

6520–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 2, Irving, Tex. C.P. for a new station at the intersection of Highway 183 and Dart Street at latitude 32°50'02", longitude 96°56'11". Frequencies 11,625.0V MHz, 11,225.0V MHz on azimuth 114°59' toward Dallas, Tex., and 11,865.0V MHz, 11,265.0V MHz on azimuth 233°22' toward Arlington, Tex.
6521–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 3, Arlington, Tex. C.P. for a new station at 1932 East Abram Street, Arlington, TX at latitude 32°44'04", longitude 97°04'40". Frequencies 10,735.0H MHz, 11,135.0H MHz on azimuth 53°17' toward Irving, Tex., and 6226.9V MHz on azimuth 233°50' toward Burleson, Tex.
6522–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 6, Covington, Tex. C.P. for a new station 4.3 miles north of Covington, Tex., at latitude 32°14'37", longitude 97°14'59". Frequencies 6226.9V MHz on azimuth 346°42' toward Burleson, Tex., and 6226.9H MHz on azimuth 125°33' toward Milford, Tex.
6523–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 23, Westfield, Tex., C.P. for a new station 3.5 miles west-southwest of Westfield, Tex., at latitude 30°59'56", longitude 95°27'20". Frequencies 6197.3V MHz on azimuth 317°49' toward Mostyn, Tex., and 6226.9V MHz on azimuth 119°02' toward Kinwood, Tex.
6524–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 27, Beach, Tex., C.P. for a new station 4.4 miles east-northeast of Beach, Tex., at latitude 30°20'52", longitude 95°21'06". Frequencies 6197.2H MHz on azimuth 244°40' toward Mostyn, Tex., and 6226.9H MHz on azimuth 71°02' toward Shepherd, Tex.
6525–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 29, Shepherd, Tex. C.P. for a new station 2.8 miles south of Shepherd, Tex., at latitude 30°27'12", longitude 94°59'44". Frequencies 5974.8H MHz on azimuth 261°13' toward Beach, Tex., and 5945.2V MHz on azimuth 48°07' toward Schwab City, Tex.

viously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

FEDERAL COMMUNICATIONS COMMISSION

[Report 590]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

APRIL 3, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list set forth below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the pre-

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.
[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

7787–C2–P–(4)—71RAM Broadcasting of Texas, Inc. (KKG412), replace tranamitters operating 454.100 and 454.200 MHz and relocate facilities operating on 454.050 and 454.325 MHz from location No. 3 to location No. 1: Southland Life Building, Live Oak, Olive, Bryant and Pearl Streets, Dallas, Tex.
6568–C2–P–72—Amerfone of St. Lucie County, Inc. (New), for a new one-way station to be located at 454 North Ninth Street, Fort Pierce, FL, to operate on 158.70 MHz.
6570–C2–MP–72—Airsignal International, Inc. (KSV991), replace transmitter operating on 152.24 MHz, located at 965 Eustis Street, St. Paul, MN.
6571–C2–P–72—Airsignal International, Inc. (KAH861), for additional facilities to operate on 35.22 MHz located at Second Avenue South between Fifth and Sixth Streets, Minneapolis, MN.
6580–C2–P–72—Mobile Radio Telephone Service, Inc. (KAQ806), for additional facilities to operate on 35.58 MHz, located at 631 17th Street, Denver, CO.
6612–C2–P–72—Radio Telephone Co. of Gainesville (KJU814), for additional facilities to operate on 159.24 MHz, located at 1609 South Main Street, Gainesville, FL.
6613–C2–P–(2)–72—Radio Paging Service (KKB970), for additional facilities to operate on 454.050 and 454.125 MHz at a new site described as location No. 2: Intersection of 85th Street and Avenue L, Lubbock, Tex.
6614–C2–P–72—Central Telephone Co. of Illinois (KSD883), change the antenna system operating on 152.75 MHz located at 2.5 miles northwest of Dixon, Ill.
6615–C2–P–72—Airphone Co. (KCC266), change the antenna system located at the north end of Birch Street, West Springfield, Mass. operating on 35.58 MHz.

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6526–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 29, Schwab City, Tex. C.P. for a new station 8.5 miles northeast of Schwab City, Tex., at latitude 30°40'00", longitude 94°48'12". Frequencies 6197.2V MHz on azimuth 228°15' toward Shepherd, Tex., and 6226.9H MHz on azimuth 154°26' toward Thicket, Tex., and 6226.9V MHz on azimuth 68°09' toward Woodville, Tex.

6527–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 30, Thicket, Tex. C.P. for a new station 4.6 miles southeast of Thicket, Tex., at latitude 30°22'14", longitude 94°33'24". Frequencies 5974.8H MHz on azimuth 334°31' toward Schwab City, Tex., and 6004.5H MHz on azimuth 118°54' toward Silsbee, Tex.

6528–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 33, Woodville, Tex. C.P. for a new station 5.5 miles east-northeast of Woodville, Tex., at latitude 30°48'07", longitude 94°19'39". Frequencies 5974.8V MHz on azimuth 248°21' toward Schwab City, Tex., and 5945.2H MHz on azimuth 82°09' toward Roganville, Tex.

6529–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 34, Roganville, Tex. C.P. for a new station 3.3 miles north of Roganville, Tex., at latitude 30°51'09", longitude 93°53'48". Frequencies 6197.2H MHz on azimuth 262°22' toward Woodville, Tex., and 6226.9H MHz on azimuth 92°52' toward Knight, La.

6530–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 35, Knight, La. C.P. for a new station 5.7 miles south of Knight, La., at latitude 30°49'56", longitude 93°36'48". Frequencies 5974.8H MHz on azimuth 273°06' toward Roganville, Tex., and 5945.2V MHz on azimuth 74°39' toward Cravens, La.

6531–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 36, Cravens, La. C.P. for a new station 3.0 miles south-southwest of Cravens, La., at latitude 30°55'29", longitude 93°08'11". Frequencies 6197.2V MHz on azimuth 254°52' toward Knight, La., and 6197.2V MHz on azimuth 100°35' toward Oakdale, La.

6532–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 37, Oakdale, La. C.P. for a new station 2.4 miles north of Oakdale, La., at latitude 30°51'39", longitude 92°39'38". Frequencies 5945.2H MHz on azimuth 280°47' toward Cravens, La., and 5945.2H MHz on azimuth 119°09' toward Ville Platte, La.

6533–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 38, Ville Platte, La. C.P. for a new station 1.7 miles west of Ville Platte, La., at latitude 30°41'35", longitude 92°18'48". Frequencies 6226.5V MHz on azimuth 299°19' toward Oakdale, La., and 6226.9H MHz on azimuth 116°31' toward Washington, La.

6534–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 39, Washington, La. C.P. for a new station 1.7 miles south of Washington, La., at latitude 30°35'09", longitude 92°03'56". Frequencies 5974.8V MHz on azimuth 296°39' toward Ville Platte, La. and 5945.2V MHz on azimuth 61°14' toward Melville, La.

6535–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 40, Melville, La. C.P. for a new station 2.6 miles north of Melville, La., at latitude 30°43'56", longitude 91°45'22". Frequencies 6197.2V MHz on azimuth 241°23' toward Washington, La. and 6226.9V MHz on azimuth 112°37' toward Dupont, La.

6536–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 41, Dupont, La. C.P. for a new station 0.9 mile south of Dupont, La., at latitude 30°37'55", longitude 91°28'37". Frequencies 5974.8V MHz on azimuth 292°45' toward Melville, La., and 5945.2H MHz on azimuth 105°57' toward Scotlandville, La.

6537–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 42, Scotlandville, La. C.P. for a new station 1.9 miles north of Scotlandville, La., at latitude 30°33'32", longitude 91°11'06". Frequencies 6197.2H MHz on azimuth 286°05' toward Dupont, La., and 10,735.0V MHz, 11,155.0V MHz on azimuth 187°13' toward Baton Rouge, La.

6538–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 44, Denham Springs, La. C.P. for a new station 1.0 mile south of Denham Springs, La., at latitude 30°27'27", longitude 90°57'42". Frequencies 5974.8V MHz on azimuth 267°21' toward Baton Rouge, La. and 5960.0H MHz on azimuth 183°27' toward Marchandville, La.

6539–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 45, Marchandville, La. C.P. for a new station 2.5 miles north-northwest of Marchandville, La., at latitude 30°09'54", longitude 90°58'55". Frequencies 6241.7H MHz on azimuth 03°26' toward Denham Springs, La., and 6212.0H MHz on azimuth 113°81' toward Gramercy, La.

6540–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 46, Gramercy, La. C.P. for a new station 1.0 miles southeast of Gramercy, La., at latitude 30°03'36", longitude 90°42'19". Frequencies 5989.7H MHz on azimuth 293°39' toward Marchandville, La., and 5960.0V MHz on azimuth 87°18' toward LaPlace, La.

6541–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 47, LaPlace, La. C.P. for a new station 1.0 miles west-southwest of LaPlace, La., at latitude 30°04'12", longitude 90°27'19". Frequencies 6241.7V MHz on azimuth 267°26' toward Gramercy, La., and 6212.0V MHz on azimuth 142°19' toward Luling, La.

6542–C1–P–72—MCI Texas-East Microwave, Inc. (New), Site 48, Luling, La. C.P. for a new station 1.8 miles northeast of Luling, La., at latitude 29°58'34", longitude 90°20'33". Frequencies 5989.7V MHz on azimuth 322°23' toward LaPlace, La., and 5960.0H MHz on azimuth 111°22' toward Marrero, La.

6543–C1–P–72—American Telephone & Telegraph Co. (KAC64), 3.6 miles south of Hudson, Colo. C.P. to change polarization from V to H on frequencies 3710H, 3790H, 3870H, 3950H, 4030H, 4110H, 5925.5H, 6034.2H, 6093.5H, 6152.8H MHz toward Denver, Colo., and change polarization from H to V on frequencies 3730V, 3810V, 3890V, 3970V, 4050V, 4130V, 6172.5V MHz toward Denver, Colo., and reorient antenna.

6544–C1–P–72—American Telephone & Telegraph Co., 931 14th Street, Denver, Colo., C.P. to add passive reflector in path to Broomfield, Colo., and change polarization from V to H on frequencies 3750H, 3830H, 3990H, 4070H, 4150H, 6424.5H, and change polarization from H to V on frequencies 3770V, 3850V, 3930V, 4010V, 4090V, 4170V, 6177.5V, 6286.2V, 6345.5V, 6404.8V toward Hudson, Colo.

6545–C1–P–72—American Telephone & Telegraph Co. (KAC62), 1.0 mile west of Broomfield, Colo. Latitude 39°54'50" north, longitude 105°05'57" west. C.P. to change point of communication from Denver Main to Brooks Tower Building and add passive reflector.

6546–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIB28), 51 Ivy Street NE., Atlanta, Ga. Latitude 33°45'21" north, longitude 84°23'10" west. C.P. to add 6123.1H MHz toward Palmetto, Ga.

6547–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIB87), 4.5 miles northeast of Roscoe, Ga. Latitude 33°31'38" north, longitude 84°45'13" west. C.P. to add 6375.2V MHz toward Atlanta, Ga., and 6375.2H MHz toward Oak Mountain, Ga., a new station.

6548–C1–P–72—Southern Bell Telephone & Telegraph Co. (New), 2.6 miles southwest of Oak Mountain, Ga. Latitude 33°33'27" north, longitude 85°01'23" west. C.P. to add 6123.1V MHz toward Palmetto, Ga., and 10715.0H, 11035.0H MHz toward Carrollton, Ga.

6549–C1–P–72—Southern Bell Telephone & Telegraph Co. (New), 408 Rome Street, Carrollton, Ga. Latitude 33°34'58" north, longitude 85°04'31" west. C.P. to add 11325.0H MHz toward Oak Mountain, Ga., and 11645.0H MHz toward Oak Mountain, Ga., a new station.

6550–C1–P–72—American Telephone & Telegraph Co. (KPV21), 7.5 miles northwest of Apache, Ariz. Latitude 33°29'39" north, longitude 111°38'26" west. C.P. to add 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Cave Creek, Ariz.

6551–C1–P–72—American Telephone & Telegraph Co. (KPW98), 6.2 miles east of Cave Creek, Ariz. Latitude 33°50'54" north, longitude 111°49'56" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Apache Junction, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Morristown, Ariz.

6552–C1–P–72—American Telephone & Telegraph Co. (KPW97), 11.0 miles northeast of Morristown, Ariz. Latitude 33°57'21" north, longitude 112°28'34" west. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Cave Creek, Ariz., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Aguila, Ariz.

6553–C1–P–72—American Telephone & Telegraph Co. (KPW96), 18 miles south-southeast of Aguila, Ariz. Latitude 33°41'26" north, longitude 113°05'35" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Morristown, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Salome, Ariz.

6554–C1–P–72—American Telephone & Telegraph Co. (KPW95), 17.0 miles south-southeast of Salome, Ariz. Latitude 33°32'38" north, longitude 113°33'41" west. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Aguila, Ariz., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Quartzsite, Ariz.

6555–C1–P–72—American Telephone & Telegraph Co. (KPN94), 15.2 miles southeast of Quartzsite, Ariz. Latitude 33°28'32" north, 114°05'16" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Salome, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Castle Dome Mountain, Ariz.

6556–C1–P–72—American Telephone & Telegraph Co. (KPW93), 29 miles south of Quartzsite, Ariz. Latitude 33°14'23" north, longitude 114°15'32" west. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Quartzsite, Ariz., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Glamis, Calif.

6557–C1–P–72—American Telephone & Telegraph Co. (KNL30), 14.8 miles east-northeast of Glamis, Calif. Latitude 33°03'07" north, longitude 114°49'36" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Castle Dome Mountain, Ariz., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Brawley, Calif.

6558–C1–P–72—American Telephone & Telegraph Co. (KNL29), 1.4 miles west-southwest of Brawley, Calif. Latitude 32°58'41" north, longitude 115°33'19" west. C.P. to add 5974.8H 6034.2H, 6093.5H, 6152.8H MHz toward Glamis, Calif., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Salton, Calif.

6559–C1–P–72—American Telephone & Telegraph Co. (KNL28), Salton, 9.5 miles north-northeast of Ocotillo, Calif. Latitude 33°16'48" north, longitude 116°05'04" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz toward Brawley, Calif., and 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz toward Julian RS, Calif.

6560–C1–P–72—American Telephone & Telegraph Co. (KTQ86), 5.6 miles north of Julian, Calif. Latitude 33°09'33" north, longitude 116°36'53" west. C.P. to add 5974.8H, 6034.2H, 6093.5H, 6152.8H MHz toward Salton, Calif., and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz, 4198H MHz toward Warner Springs, Calif.

6561–C1–P–72—American Telephone & Telegraph Co. (New), 8.1 miles north-northwest of Warner Springs, Calif. Latitude 33°23'01" north, longitude 116°42'18" west. C.P. to add 6226.9H, 6286.2H, 6345.5H, 6404.8H, 4190H MHz toward Julian RS, Calif., and 6226.9V, 6286.2V, 6345.5V, 6404.8V, 4190V MHz toward Wildomar, Calif.

6562–C1–P–72—American Telephone & Telegraph Co. (New), 2.9 miles north-northeast of Wildomar, Calif. Latitude 33°38'20" N., longitude 117°14'42" W. C.P. for 5974.8H, 6034.2H, 6093.5H, 6152.8H, 4198V MHz toward Warner Springs, Calif., and 5974.8V, 6034.2V, 6093.5V, 6152.8V, 4198V MHz toward Corona, Calif.

6563–C1–P–72—American Telephone & Telegraph Co. (New), Corona City Boundary, Calif. Latitude 33°49'43" N., longitude 117°34'27" W. C.P. for 6226.9H, 6286.2H, 6345.5H, 6404.8H, 4190V MHz toward Wildomar, Calif.

6564–C1–P–72—Southern Bell Telephone & Telegraph Co. (KTF60), 125 Reese Street, Athens, GA. Latitude 33°57'27" N., longitude 83°22'53" W. C.P. to add 6256.5H MHz toward Alcovy Mountain, Ga.

6565–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIB39), 3.3 miles east-northeast of Jersey, Alcovy Mountain, Ga. Latitude 33°43'57" N., longitude 83°44'43" W. C.P. to add 6093.5H MHz toward Rockdale, Ga., and 6004.5H MHz toward Athens, Ga.

6566–C1–P–72—Southern Bell Telephone & Telegraph Co. (KJG94), approximately 3 miles southeast of Conyers, Ga. Latitude 33°37'42" N., longitude 83°58'47" W. C.P. to add 6375.2H MHz toward Atlanta, Ga., and 6345.5H MHz toward Alcovy Mountain, Ga.

6567–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIB25), 51 Ivy Street NE., Atlanta, GA. Latitude 33°45'21" N., longitude 84°23'10" W. C.P. to add 6123.1V MHz toward Rockdale, Ga.

6572–C1–P–72—American Telephone & Telegraph Co. (KEB47), Plainview, 1.7 miles southwest of Melville, N.Y. Latitude 40°46'34" N., longitude 73°26'28" W. C.P. to add 10915H MHz toward Garden City (WLIW–TV), N.Y.

6573–C1–P–72—American Telephone & Telegraph Co. (KAP26), 528 Main Street, Davenport, IA. Latitude 41°31'31" N., longitude 90°34'33" W. C.P. to add 4070V MHz toward Blue Grass, Iowa.

6574–C1–P–72—American Telephone & Telegraph Co. (KAX39), 4 miles east of Blue Grass, Iowa. Latitude 41°30'22" N., longitude 90°40'11" W. C.P. to add 4030H MHz toward Princeton, Iowa.

6575–C1–P–72—American Telephone & Telegraph Co. (KSB67), 3.5 miles north-northwest of Danville, Ind. Latitude 39°47'56" N., longitude 86°34'06" W. C.P. to add 3770H, 3850H, 4190V, toward Wilber, Ind.

6576–C1–P–72—American Telephone & Telegraph Co. (New), 0.5 mile north-northwest of Wilber, Ind. Latitude 39°31'20" N., longitude 86°29'25" W. C.P. to add 3730V, 3810V, 4198H MHz toward Montclair, Ind., and 3730H, 3810H, 4198V MHz toward Morgantown, Ind.

6577–C1–P–72—American Telephone & Telegraph Co. (KSP23), 2.3 miles north-northeast of Morgantown, Ind. Latitude 39°24'15" N., longitude 86°15'03" W. C.P. to add 3770H, 3850H, 4190V MHz toward Wilber, Ind.

6585–C1–P–72—General Telephone Co. of the Southeast (New), 615 South Thornton Avenue, Dalton, GA. Latitude 34°45'50" N., longitude 84°58'16" W. C.P. for 11075H MHz toward Dalton, Ga., and 10755.0H MHz toward Dalton, Ga.

6606–C1–MP–72—American Telephone & Telegraph Co. (KGP40), New Britain, 2.1 miles northwest of Doylestown, Pa. Latitude 40°19'33" N., longitude 75°10'20" W. Modification of C.P. to change point of communication from Pennington, N.J. to Hamilton Square, N.J. on frequencies 6226.9V, 6286.2V, 6345.5V, 6404.8V MHz.

6607–C1–MP–72—American Telephone & Telegraph Co. (WBP73), modification of C.P. to change location of station from 4.2 miles west of Pennington, N.J. to Hamilton Square, 1.9 miles south of Mercerville, N.J. Latitude 40°12'32" N., longitude 74°41'12" W. Frequencies 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward Columbus, N.J. and 5974.8V, 6034.2V, 6093.5V, 6152.8V MHz toward New Britain, Pa.

6608–C1–MP–72—American Telephone & Telegraph Co. (WBP72), 2.7 miles northeast of Columbus, N.J. Latitude 40°05'11" N., longitude 74°40'13" W. Modification of C.P. to change point of communication from Pennington, N.J. to Hamilton Square, N.J. on frequencies 6226.9H, 6286.2H, 6345.5H, 6404.8H MHz.

6610–C1–MP–72—American Telephone & Telegraph Co. (WDE75), Palo Escrito, 5.8 miles east-northeast of Jamesburg, Calif. Latitude 36°24'32" N., longitude 121°29'42" W. Modification of C.P. to change polarization from H to V on frequencies 10975V, 11135V MHz toward Jamesburg, Calif., via passive reflector.

6611–C1–MP–72—American Telephone & Telegraph Co. (WDE76), Thompson Valley, 7.1 miles east-northeast of Camp McCullum, Calif. Latitude 36°40'10" N., longitude 121°24'12" W. Modification of C.P. to change polarization from V to H on frequencies 11665V, 11345V MHz toward Palo Escrito, Calif.

INFORMATIVE: Applicant, MCI Mid-South, Inc., is proposing forty-eight (48) new point-to-point microwave sites for specialized common carrier service between New Orleans, La., Memphis, Tenn., Atlanta, Ga., and Columbus, Ga. These applications are in compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding frequency coordination report No. 562 FCC Common Carrier Services Information released September 20, 1971.

6623–C1–P–72—MCI Mid-South, Inc. (New), a new station 1 mile south-southeast of Booker, Ark., at latitude 35°16'04" N., longitude 90°16'55" W. Frequency 6315.9H MHz on azimuth 97°03'. Frequency 6226.9H MHz on azimuth 276°53'.

6624–C1–P–72—MCI Mid-South, Inc. (New), a new station 4 miles southwest of Coldwater, Ark., at latitude 35°20'05" N., longitude 90°37'35" W. Frequency 6004.5H MHz on azimuth 96°41'. Frequency 6034.2V MHz on azimuth 207°54'.

6625–C1–P–72—MCI Mid-South, Inc. (New), a new station 3 miles southeast of Colt, Ark., at latitude 35°06'41" N., longitude 90°46'13" W. Frequency 6315.9V MHz on azimuth 27°49'. Frequency 6286.2V MHz on azimuth 228°14'.

6626–C1–P–72—MCI Mid-South, Inc. (New), a new station 3.2 miles southeast of Wheatley, Ark., at latitude 34°54'04" N., longitude 91°03'20" W. Frequency 6063.8V MHz on azimuth 48°04'. Frequency 6063.8V MHz on azimuth 209°04'.

6627–C1–P–72—MCI Mid-South, Inc. (New), a new station 1.5 miles south of Arlington, Tenn., at latitude 35°16'20" N., longitude 89°40'14" W. Frequency 6286.2V MHz on azimuth 133°34'. Frequency 6286.2H MHz on azimuth 270°39'.

6628–C1–P–72—MCI Mid-South, Inc. (New), a new station 6.2 miles southwest of Williston, Miss., at latitude 35°07'10" N., longitude 89°28'31" W. Frequency 6004.5V MHz on azimuth 179°55'. Frequency 6004.5V MHz on azimuth 313°41'.

6629–C1–P–72—MCI Mid-South, Inc. (New), a new station 2.8 miles north-northwest of Holly Springs, Miss., at latitude 34°48'20" N., longitude 89°28'29" W. Frequency 6256.5H MHz on azimuth 219°48'. Frequency 6226.9V MHz on azimuth 359°55'.

6630–C1–P–72—MCI Mid-South, Inc. (New), a new station 1 mile northeast of Tyro, Miss., at latitude 34°35'27" N., longitude 89°41'27" W. Frequency 6063.8V MHz on azimuth 132°53'. Frequency 5974.8H MHz on azimuth 39°40'.

6631–C1–P–72—MCI Mid-South, Inc. (New), a new station 4 miles northeast of Oxford, Miss., at latitude 34°24'52" N., longitude 89°27'43" W. Frequency 6315.9H MHz on azimuth 200°45'. Frequency 6286.2V MHz on azimuth 313°01'.

6632–C1–P–72—MCI Mid-South, Inc. (New), a new station 3.8 miles northeast of Water Valley, Miss., at latitude 34°11'42" N., longitude 89°33'43" W. Frequency 6063.8H MHz on azimuth 135°38'. Frequency 6034.2H MHz on azimuth 20°41'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6633–C1–P–72—MCI Mid-South, Inc. (New), a new station 3.6 miles west of Pittsboro, Miss., at latitude 33°56'29'' N., longitude 89°15'53'' W. Frequency 6271.4V MHz on azimuth 186°03'. Frequency 6404.8H MHz on azimuth 67°30'. Frequency 6286.2H MHz on azimuth 315°48'.

6634–C1–P–72—MCI Mid-South, Inc. (New). A new station 7 miles southwest of Troy, Miss., at latitude 34°02'31'' N., longitude 88°58'20'' W. Frequency 6004.5H MHz on azimuth 247°39'. Frequency 6152.8V MHz on azimuth 86°37'.

6635–C1–P–72—MCI Mid-South, Inc. (New). A new station 9 miles east-southeast of Nettleton, Miss., at latitude 34°03'55'' N., longitude 88°28'43'' W. Frequency 6256.5V MHz on azimuth 266°53'. Frequency 6404.8V on azimuth 62°38'.

6636–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles west-northwest of Bexar, Ala., at latitude 34°11'31'' N., longitude 88°11'00'' W. Frequency 6004.5V MHz on azimuth 242°48'. Frequency 6152.8V MHz on azimuth 78°09'.

6637–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles southeast of Hackleburg, Ala., at latitude 34°15'26'' N., longitude 87°48'19'' W. Frequency 6256.5V MHz on azimuth 258°22'. Frequency 6256.5H MHz on azimuth 44°06'.

6638–C1–P–72—MCI Mid-South, Inc. (New). A new station 0.5 mile southwest of Fairfield, Ala., at latitude 34°28'13'' N., longitude 87°11'42'' W. Frequency 6271.4V MHz on azimuth 266°00'. Frequency 6256.5V MHz on azimuth 79°25'.

6639–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles southeast of Centre, Ala., at latitude 34°08'35'' N., longitude 85°38'54'' W. Frequency 6004.5H MHz on azimuth 258°53'. Frequency 6004.5V MHz on azimuth 101°02'.

6640–C1–P–72—MCI Mid-South, Inc. (New). A new station 1 mile south of Cave Springs, Ala., at latitude 34°05'29'' N., longitude 85°19'57'' W. Frequency 6404.8V MHz on azimuth 281°13'. Frequency 6404.8V MHz on azimuth 58°17'.

6641–C1–P–72—MCI Mid-South, Inc. (New). A new station 4.4 miles north of Wax, Ga., at latitude 34°12'20'' N., longitude 85°06'35'' W. Frequency 6004.5V MHz on azimuth 238°25'. Frequency 6152.8H MHz on azimuth 137°01'.

6642–C1–P–72—MCI Mid-South, Inc. (New). A new station 3 miles east of Dallas, Ga., at latitude 33°55'10'' N., longitude 84°47'25'' W. Frequency 6256.5H MHz on azimuth 317°11'. Frequency 6375.2H MHz on azimuth 136°07'.

6643–C1–P–72—MCI Mid-South, Inc. (New). A new station 10 miles east-northeast of Sylacauga, Ala., at latitude 33°12'55'' N., longitude 86°04'19'' W. Frequency 6404.8V MHz on azimuth 305°26'. Frequency 6375.2V MHz on azimuth 215°00'.

6644–C1–P–72—MCI Mid-South, Inc. (New). A new station 1.8 miles north of Willow Springs, Ala., at latitude 32°29'45'' N., longitude 86°11'10'' W. Frequency 6315.9H MHz on azimuth 354°47'. Frequency 10735.0V MHz and 11135.0V MHz on azimuth 221°46'. Frequency 6375.2V MHz on azimuth 143°19'.

6645–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles south-southwest of Embry, Miss., at latitude 33°35'08'' N., longitude 89°18'35'' W. Frequency 6004.5V MHz on azimuth 161°24'. Frequency 6108.3V MHz on azimuth 06°01'.

6646–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles south-southwest of Ackerman, Miss., at latitude 33°16'55'' N., longitude 89°11'17'' W. Frequency 6256.5H MHz on azimuth 147°46'. Frequency 6404.8V MHz on azimuth 341°28'.

6647–C1–P–72—MCI Mid-South, Inc. (New). A new station 7 miles south-southeast of Louisville, Miss., at latitude 33°01'57'' N., longitude 89°00'05'' W. Frequency 6004.5H MHz on azimuth 184°05'. Frequency 6152.8H MHz on azimuth 327°52'.

6648–C1–P–72—MCI Mid-South, Inc. (New). A new station 5 miles east-southeast of Philadelphia, Miss., at latitude 32°44'24'' N., longitude 89°01'34'' W. Frequency 6256.5V MHz on azimuth 223°45'. Frequency 6404.8H MHz on azimuth 04°04'.

6649–C1–P–72—MCI Mid-South, Inc. (New). A new station 4 miles south of Prospect, Miss. at latitude 32°30'54'' N., longitude 89°16'48'' W. Frequency 6004.5H MHz on azimuth 246°36'. Frequency 6152.8V MHz on azimuth 43°37'.

6650–C1–P–72—MCI Mid-South, Inc. (New). A new station 1 mile north of Morton, Miss., at latitude 32°22'36'' N., longitude 89°39'19'' W. Frequency 6256.5H MHz on azimuth 253°41'. Frequency 6404.8H MHz on azimuth 66°24'.

6651–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles north-northeast of Mendenhall, Miss., at latitude 31°58'40'' N., longitude 89°51'30'' W. Frequency 6256.5H MHz on azimuth 208°36'. Frequency 6404.8V MHz on azimuth 342°22'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6652–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles west-southwest of Hebron, Miss., at latitude 31°43'27'' N., longitude 90°01'12'' W. Frequency 6004.5H MHz on azimuth 187°51'. Frequency 6152.8H MHz on azimuth 28°31'.

6653–C1–P–72—MCI Mid-South, Inc. (New). A new station 2 miles southwest of Sartinsville, Miss., at latitude 31°20'11'' N., longitude 90°04'56'' W. Frequency 6256.5H MHz on azimuth 206°05'. Frequency 6404.8H MHz on azimuth 07°49'.

6654–C1–P–72—MCI Mid-South, Inc. (New), a new station 3 miles west of Tylertown, Miss., at latitude 31°07'21'' N., longitude 80°12'14'' W. Frequency 6004.5V MHz on azimuth 253°25'. Frequency 6152.8H MHz on azimuth 26°01'. Frequency 6063.8H MHz on azimuth 105°54'.

6655–C1–P–72—MCI Mid-South, Inc. (New), a new station 2 miles southeast of Gillsburg, Miss., at latitude 31°00'57'' N., longitude 90°37'02'' W. Frequency 6256.5V MHz on azimuth 192°31'. Frequency 6404.8V MHz on azimuth 73°12'.

6656–C1–P–72—MCI Mid-South, Inc. (New), a new station 2 miles south of Greensburg, La., at latitude 30°47'51'' N., longitude 90°40'24'' W. Frequency 6004.5H MHz on azimuth 227°16'. Frequency 6152.8V MHz on azimuth 12°29'.

6657–C1–P–72—MCI Mid-South, Inc. (New), a new station 2 miles east-northeast of Watson, La., at latitude 30°35'46'' N., longitude 90°55'30'' W. Frequency 6256.5V MHz on azimuth 192°54'. Frequency 6404.8H MHz on azimuth 47°08'.

6658–C1–P–72—MCI Mid-South, Inc. (New), a new station 1 mile south of Denham Springs, La., at latitude 30°27'27'' N., longitude 90°57'42'' W. Frequency 5989.7V MHz on azimuth 183°27'. Frequency 6152.8V MHz on azimuth 12°53'. Frequency 5945.2H MHz on azimuth 267°26'.

6659–C1–P–72—MCI Mid-South, Inc. (New), a new station 1 mile south of Baton Rouge, La., at latitude 30°27'02'' N., longitude 91°07'57'' W. Frequency 6226.9H MHz on azimuth 87°16'.

6660–C1–P–72—MCI Mid-South, Inc. (New), a new station 2.5 miles north-northwest of Marchandville, La., at latitude 30°09'54'' N., longitude 90°58'55'' W. Frequency 6241.7V MHz on azimuth 113°31'. Frequency 6212.0V MHz on azimuth 03°26'.

6661–C1–P–72—MCI Mid-South, Inc. (New), a new station 1 mile southeast of Gramercy, La., at latitude 30°03'36'' N., longitude 90°42'19'' W. Frequency 5989.7H MHz on azimuth 87°18'. Frequency 5960.0V MHz on azimuth 293°39'.

6662–C1–P–72—MCI Mid-South, Inc. (New), a new station 1 mile west-southwest of Laplace, La., at latitude 30°04'12'' N., longitude 90°27'19'' W. Frequency 6241.7H MHz on azimuth 142°19'. Frequency 6212.0H MHz on azimuth 267°26'.

6663–C1–P–72—MCI Mid-South, Inc. (New), a new station 1.5 miles northeast of Luling, La., at latitude 29°56'34'' N., longitude 90°20'33'' W. Frequency 5989.7V MHz on azimuth 111°22'. Frequency 5960.0H MHz on azimuth 322°23.

6664–C1–P–72—MCI Mid-South, Inc. (New), a new station 4.8 miles west of Sandy Hook, Miss., at latitude 31°02'45'' N., longitude 89°53'08'' W. Frequency 6286.2H MHz on azimuth 285°43'. Frequency 6315.9H MHz on azimuth 92°55'.

6665–C1–P–72—MCI Mid-South, Inc. (New), a new station 3 miles northwest of Lumberton, Miss., at latitude 31°01'45'' N., longitude 89°31'00'' W. Frequency 6063.8H MHz on azimuth 273°06'. Frequency 6063.8V MHz on azimuth 162°35'.

6666–C1–P–72—MCI Mid-South, Inc. (New), a new station 4.5 miles east of Savannah, Miss., at latitude 30°44'24'' N., longitude 89°24'42'' W. Frequency 6286.2V MHz on azimuth 342°38'. Frequency 6315.9V MHz on azimuth 143°16'.

6667–C1–P–72—MCI Mid-South, Inc. (New), a new station 2.5 miles southeast of Lizana, Miss., at latitude 30°31'11'' N., longitude 89°13'19'' W. Frequency 6004.5V MHz on azimuth 323°22'. Frequency 6123.1H MHz on azimuth 87°47'.

6668–C1–P–72—MCI Mid-South, Inc. (New), a new station 5 miles southeast of Vancleave, Miss., at latitude 30°30'00'' N., longitude 88°37'01'' W. Frequency 5974.8V MHz on azimuth 275°36'. Frequency 6034.2V MHz on azimuth 143°16'. Frequency 6093.5H MHz on azimuth 37°22'.

6669–C1–P–72—MCI Mid-South, Inc. (New), a new station 1 mile south-southeast of Hurley, Miss., at latitude 30°38'36'' N., longitude 88°29'25'' W. Frequency 6375.2H MHz on azimuth 217°26. Frequency 6375.2H MHz on azimuth 101°17'.

6670–C1–P–72—MCI Mid-South, Inc. (New), a new station 3 miles west of Dawes, Ala., at latitude 30°37'03'' N., longitude 88°20'28'' W. Frequency 6093.5H MHz on azimuth 80°49'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6672–C1–P–72—Telecommunications, Inc. (WHA90), C.P. to change location of receive site at KIRO–TV to latitude 47°37'05'' N., longitude 122°21'00'' W. Change azimuth to 180°46' for frequencies 11225H and 11585H MHz. Location: 301 Galer Street, Seattle, WA at latitude 47°37'55'' N., longitude 122°20'29''W.

4192–C1–ML–71—Western Tele-Communications, Inc. (KPJ35), modification of license for authority to provide the audio subchannel service of the Intermountain, Inc., to an affiliated station (KDBM) in Dillon, Mont.

6703–C1–P–72—South Central Bell Telephone Co. (KJA25), approximately 1 mile northeast of Troy, Ala. Latitude 31°49'06'' N., longitude 85°57'30'' W. Modification of C.P. to change frequency 6263.9H MHz to 6204.7H MHz toward Brundidge, Ala., and change polarization from V to H on frequency 6293.6H MHz toward Brundidge, Ala.

6705–C1–P/L–72—General Telephone Co. of Florida (New), a temporary fixed station operating on bands 3700–4200, 5925–6425 and 10700–11700; within the territory serviced by General Telephone Co. of Florida.

6706–C1–P–72—Cincinnati Bell, Inc. (KQN89), 209 West Seventh Street, Cincinnati, OH. Latitude 39°06'10'' N., longitude 84°31'02'' W. C.P. to add 6049.0H MHz toward White Oak, Ohio.

6707–C1–P–72—Cincinnati Bell, Inc. (KQO29), Cheviot and Jessup Roads, White Oak, Ohio. Latitude 39°11'52'' N., longitude 84°36'02'' W. C.P. to add 6301.0V MHz toward North Hamilton, Ohio.

6708–C1–P–72—Cincinnati Bell, Inc. (KQO30), 1559 Boyle Road, Hamilton, OH. Latitude 39°25'46'' N., longitude 84°37'46'' W. C.P. to add 6049.0H MHz toward Oxford, Ohio.

6709–C1–P–72—The Ohio Bell Telephone Co. (KQH44), 121 Huron Street, Toledo, OH. Latitude 41°39'01'' N., longitude 83°32'20'' W. C.P. to add 6301.0 MHz toward Near Gibsonburg, Ohio, a new point of communication.

6710–C1–P–72—Cincinnati Bell, Inc. (New), 3 miles north of Gibsonburg, Ohio. Latitude 41°25'42'' N., longitude 83°19'05'' W. C.P. for 6049.0H MHz toward Toledo, Ohio; 6049.0V MHz toward Near Castalia, Ohio, a new point of communication; 107915V, 10755V MHz toward Fremont, Ohio, a new station.

6711–C1–P–72—Cincinnati Bell, Inc. (New), 903 Crogham Street, Fremont, OH. Latitude 41°20'46'' N., longitude 83°07'18'' W. C.P. for 11685V, 11365V MHz toward Near Gibsonburg, Ohio.

6712–C1–P–72—Cincinnati Bell, Inc. (New), 4 miles south of Castalia, Ohio. Latitude 41°20'32'' N., longitude 82°56'33'' W. C.P. for 6301.0V MHz toward Near Gibsonburg, Ohio and 11,225H, 11,545H MHz toward Sandusky, Ohio a new station.

6713–C1–P–72—Cincinnati Bell, Inc. (New), 429 Wayne Street, Sandusky, OH. Latitude 41°27'11'' N., longitude 82°42'30'' W. C.P. for 10,775H, 11,175H MHz toward near Castalia, Ohio.

6714–C1–P–72—United Telephone Co. of the Carolinas, Inc. (KJO36), W. Butler and North Carolina Streets, Saluda, S.C. C.P. to change frequencies 6026.8H, 6145.4H MHz to 5974.85H, 6093.46H MHz toward Greenwood, S.C.

6715–C1–P–72—United Telephone Co. of the Carolinas, Inc. (KIC29), Saveali Street at Highway 22, Greenwood, S.C. Latitude 34°10'19'' N., longitude 82°08'32'' W. C.P. to delete frequencies 6278.8, 6397.4 and add 6286.19H, 6404.80H MHz toward Clinton, S.C.; delete 6189.8, 6219.5, 6338.1 and add 6226.89V, 6345.50V, 6404.80V MHz toward Saluda, S.C.; delete 6204.6, 6293.6, 6415.0 and add 6404.80H MHz toward Troy, S.C., and delete 6204.6, 6234.3, 6352.9 and add 6404.80V MHz toward Ware Shoals, S.C.

6716–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPQ57), 103 North Durbin Street, Casper, Wyo. Latitude 42°51'01'' N., longitude 106°19'17'' W. C.P. to add 11,075V MHz toward Casper Mountain, Wyoming.

6717–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPQ58), Casper Mountain, 8 miles south-southwest of Casper, Wyo. Latitude 42°44'25'' N., longitude 106°21'44'' W. C.P. to add 11,525V MHz toward Casper, Wyo., and 5974.8H MHz toward Midwest, Wyo., a new station.

6718–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), 7.1 miles northeast of Edgerton, Wyo. Latitude 43°29'42'' N., longitude 106°09'07'' W. C.P. for 6226.9V MHz toward Casper Mountain, Wyo., and 6226.9H MHz toward Mayoworth, Wyo.

6719–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), 12.8 miles north of Kaycee, Wyo. Latitude 43°53'42'' N., longitude 106°40'48'' W. C.P. for 5974.8V MHz toward Midwest, Wyo., and 5974.8H MHz toward Fort McKinney, Wyo., a new station.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6720–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), 7.3 miles south of Buffalo, Wyo. Latitude 44°14'06'' N., longitude 106°41'57'' W. C.P. for a new station on frequencies 6226.9V MHz toward Mayoworth, Wyo., a new station and 6226.9H MHz toward Sheridan Junction, Wyo., a new station.

6721–C1–P–72—The Mountain States Telephone & Telegraph Co. (New), 12.3 miles south of Sheridan, Wyo. Latitude 44°36'29'' N., longitude 106°55'23'' W. C.P. for a new station on frequencies 5974.8V MHz toward Fort McKinney, Wyo., and 6019.3H MHz toward Sheridan, Wyo., via passive reflector.

6722–C1–P–72—The Mountain States Telephone & Telegraph Co. (KTQ79), 4 North Brooks Street, Sheridan, Wyo. Latitude 44°47'51'' N., longitude 106°57'25'' W. C.P. to add 6271.4V MHz toward Sheridan, Wyo., on latitude 44°47'45'' N., longitude 106°56'25'' W. via passive reflector.

INFORMATIVE: Applicant, MCI Pacific Coast, Inc., is proposing 36 new point-to-point microwave sites for specialized common carrier service in the States of California and Oregon. These applications are in compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding frequency coordination report No. 562 FCC Common Carrier Service Information released September 20, 1971.

6731–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 4 miles south-southwest of Summit, Calif., at latitude 34°23'13'' N. and longitude 118°19'09'' W. Frequency 6093.5V MHz on azimuth 149°47'. Frequency 6063.8V MHz on azimuth 60°18'.

6732–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 1.5 miles east of Vincent, Calif., at latitude 34°29'54'' N. and longitude 118°04'58'' W. Frequency 6345.5V MHz on azimuth 240°23'. Frequency 3750.0V MHz on azimuth 318°28'.

6733–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 1 mile southwest of Quartz Hill, Calif., at latitude 34°38'39'' N. and longitude 118°14'21'' W. Frequency 3710.0V MHz on azimuth 138°23'. Frequency 3710.0V MHz on azimuth 309°4'.

6734–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 18 miles southwest of Tehachapi, Calif., at latitude 34°55'14'' N. and longitude 118°39'13'' W. Frequency 3750.0V MHz on azimuth 128°50'. Frequency 3750.0V MHz on azimuth 265°48'. Frequency 3850.0H MHz on azimuth 305°18'.

6735–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 0.5 mile southwest of Lakeview, Calif., at latitude 35°11'06'' N. and longitude 119°06'36'' W. Frequency 3810.0H MHz on azimuth 125°2'. Frequency 11625.0V MHz and 11225.0V MHz on azimuth 20°58'.

6736–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 15.5 miles south-southeast of Maricopa, Calif., at latitude 34°53'05'' N. and longitude 119°13'26'' W. Frequency 3710.0V MHz on azimuth 85°29'. Frequency 3710.0V MHz on azimuth 264°59'.

6737–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 5.5 miles south-southeast of Cuyama, Calif., at latitude 34°51'22'' N. and longitude 119°36'39'' W. Frequency 3750.0V MHz on azimuth 84°46'. Frequency 3850.0H MHz on azimuth 299°8'.

6738–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 21 miles east-northeast of Santa Maria, Calif., at latitude 35°03'10'' N. and longitude 120°02'30'' W. Frequency 3810.0H MHz on azimuth 118°53'. Frequency 3810.0H MHz on azimuth 2°41'.

6739–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 12.2 miles southwest of Blackwells Corner, Calif., at latitude 35°29'16'' N. and longitude 120°01'00'' W. Frequency 3850.0H MHz on azimuth 182°42'. Frequency 3750.0V MHz on azimuth 326°30'.

6740–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 6.8 miles north-northeast of Parkfield, Calif., at latitude 35°55'34'' N. and longitude 120°22'26'' W. Frequency 3710.0V MHz on azimuth 146°17'. Frequency 3850.0V MHz on azimuth 334°10'.

6741–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 4.4 miles southeast of Idria, Calif., at latitude 36°22'10'' N. and longitude 120°38'22'' W. Frequency 3810.0V MHz on azimuth 154°1'. Frequency 3850.0V MHz on azimuth 305°15'. Frequency 3710.0H MHz on azimuth 29°53'.

6742–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 8.5 miles south-southwest of Mendota, Calif., at latitude 36°38'51'' N. and longitude 120°26'28'' W. Frequency 3750.0H MHz on azimuth 210°0'. Frequency 3850.0H MHz on azimuth 86°41'.

6743–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 4.8 miles south-southwest of Kerman, Calif., at latitude 36°39'45'' N. and longitude 120°06'35'' W. Frequency 3810.0H MHz on azimuth 266°53'. Frequency 3810.0V MHz on azimuth 48°48'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6744–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 2 miles northwest of Pinedale, Calif., at latitude 36°51'58" N. and longitude 119°49'11" W. Frequency 3650.0V MHz on azimuth 228°59'. Frequency 10,775.0V MHz and 11,175.0V MHz on azimuth 169°37'.

6745–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 8 miles west of Llamada, Calif., at latitude 36°36'46" N. and longitude 121°04'04" W. Frequency 3810.0V MHz on azimuth 125°0'. Frequency 3710.0H MHz on azimuth 337°25'.

6746–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 9.7 miles northeast of Hollister, Calif., at latitude 36°54'33" N. and longitude 121°13'17" W. Frequency 3750.0H MHz on azimuth 157°19'. Frequency 3750.0V MHz on azimuth 350°39'.

6747–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 13.2 miles southwest of Patterson, Calif., at latitude 37°21'37" N. and longitude 121°18'52" W. Frequency 3710.0V MHz on azimuth 170°36'. Frequency 3710.0H MHz on azimuth 18°27'.

6748–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 1.5 miles northwest of Ripon, Calif., at latitude 37°45'03" N. and longitude 121°09'01" W. Frequency 3750.0H MHz on azimuth 198°33'. Frequency 3750.0H MHz on azimuth 356°27'. Frequency 6063.8V MHz on azimuth 253°8'.

6749–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 6.2 miles southwest of Midway, Calif., at latitude 37°38'11" N. and longitude 121°37'16" W. Frequency 6256.5V MHz on azimuth 72°51'. Frequency 6345.5H MHz on azimuth 295°3'.

6750–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 4.5 miles southwest of Danville, Calif., at latitude 37°47'06" N. and longitude 122°01'25" W. Frequency 6004.5H MHz on azimuth 114°48'. Frequency 11665.0V MHz and 11265.0V MHz on azimuth 282°7'.

6751–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 0.5 mile northeast of Oakland, Calif. (city limits), at latitude 37°48'37" N. and longitude 122°10'21" W. Frequency 10735.0V MHz and 11135.0V MHz on azimuth 102°2'. Frequency 6256.5V MHz on azimuth 280°20'.

6752–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 2.5 miles east of Stockton, Calif., at latitude 37°57'36" N. and longitude 121°10'00" W. Frequency 3710.0H MHz on azimuth 176°26'. Frequency 3710.0V MHz on azimuth 46°9'.

6753–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 5.5 miles southwest of Burson, Calif., at latitude 38°07'19" N. and longitude 120°57'11" W. Frequency 3750.0V MHz on azimuth 226°17'. Frequency 3750.0V MHz on azimuth 41°30'. Frequency 3850.0V MHz on azimuth 328°44'.

6754–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 3 miles north of Clay, Calif., at latitude 38°19'15" N. and longitude 121°06'23" W. Frequency 3810.0V MHz on azimuth 148°39'. Frequency 3810.0V MHz on azimuth 296°21'.

6755–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 3.5 miles south of Florin, Calif., at latitude 38°26'15" N. and longitude 121°24'25" W. Frequency 3850.0V MHz on azimuth 116°9'. Frequency 10775.0H MHz and 11175.0H MHz on azimuth 333°4'.

6756–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 3.2 miles southeast of Nevada City, Calif., at latitude 39°14'45" N. and longitude 120°57'52" W. Frequency 6301.0H MHz on azimuth 149°11'. Frequency 6256.5V MHz on azimuth 305°27'.

6757–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 3.3 miles southeast of Rackerby, Calif., at latitude 39°25'06" N. and longitude 121°16'39" W. Frequency 6152.8V MHz on azimuth 125°15'. Frequency 6019.3H MHz on azimuth 310°51'.

6758–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 5.1 miles north of Oroville, Calif., at latitude 39°35'34" N. and longitude 121°32'19" W. Frequency 6301.0H MHz on azimuth 130°42'. Frequency 6271.4H MHz on azimuth 348°29'.

6759–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 2.5 miles northwest of Lomo, Calif., at latitude 40°03'29" N. and longitude 121°39'43" W. Frequency 6049.0H MHz on azimuth 168°25'. Frequency 6019.3H MHz on azimuth 328°11'.

6760–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 2.3 miles west of Paynes Creek, Calif., at latitude 40°20'32" N. and longitude 121°56'25" W. Frequency 6301.0H MHz on azimuth 143°0'. Frequency 6271.4V MHz on azimuth 358°24'.

6761–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 0.8 mile north-northwest of Round Mountain, Calif., at latitude 40°48'19" N. and longitude 121°57'26" W. Frequency 6049.0V MHz on azimuth 178°24'. Frequency 6019.3V MHz on azimuth 63°45'.

6762–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 5.5 miles west-southwest of Burney, Calif., at latitude 40°52'30" N. and longitude 121°46'14" W. Frequency 6301.0V MHz on azimuth 243°52'. Frequency 6271.4V MHz on azimuth 38°20'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6763–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 2 miles south of Dana, Calif., at latitude 41°04'28" N. and longitude 121°33'43" W. Frequency 6019.3V MHz on azimuth 218°28'. Frequency 6034.2H MHz on azimuth 351°57'.

6764–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 13.3 miles east of Tenant, Calif., at latitude 41°34'44" N. and longitude 121°39'25" W. Frequency 6286.2H MHz on azimuth 171°53'. Frequency 6271.4H MHz on azimuth 318°1'.

6765–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 3 miles east of Beswick, Calif., at latitude 41°58'26" N. and longitude 122°08'04" W. Frequency 5989.7H MHz on azimuth 137°42'. Frequency 6019.3V MHz on azimuth 284°44'.

6766–C1–P–72—MCI Pacific Coast, Inc. (New). A new station 3.2 miles northeast of Medford, Oreg., at latitude 42°21'14" N. and longitude 122°47'34" W. Frequency 6049.0V MHz on azimuth 165°40'. Frequency 10775.0V MHz and 11175.0V MHz on azimuth 245°23'.

(INFORMATIVE. Applicant proposes to add two new stations to its pending proposal to provide video programming to television stations in the States of Minnesota and Wisconsin. See also file nos. 3654 through 3667–C1–P–71, this Public Notice.)

6768–C1–P–72—Midwestern Relay Co. (New). Application for construction permit to construct a new station at University of Wisconsin (WHA–TV), Madison, Wis. (latitude 43°04'30" N., longitude 89°26'37" W.), on frequency 11385V MHz toward Madison (5727 Tokay Boulevard), Wis., on azimuth 228°20'.

6769–C1–P–72—Midwestern Relay Co. (New). Application for construction permit to construct a new station at studio of WMVS–TV, 1015 North Sixth Street, Milwaukee, Wis. (latitude 43°02'36" N., longitude 87°55'18" W.), on frequency 10735V MHz toward Milwaukee (WTMJ–TV), Wis., on azimuth 15°56'.

The following Applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

6578–C1–P–72—Golden Peso (New), 302 East Carson Street, Las Vegas, NV. Latitude 36°10'03" N., longitude 115°08'33" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward various receiving points of system.

6579–C1–P–72—Fresno Mobile Radio, Inc. (New), 1060 Fulton Street, Fresno, CA. Latitude 36°44'06" N., longitude 119°47'24" W. C.P. to add 2150.20 (Aural), 2152.325 (Visual), toward various receiving points of system and 2154.00 (Aural), 2158.500 (Visual), toward various receiving points of system.

6581–C1–P–72—Microwave Relay Services, Inc. (New), 1520 Senate Street, Columbia, SC. Latitude 34°0'3" N., longitude 81°1'38" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward various receiving points of system.

6582–C1–P–72—Microwave Relay Services, Inc. (New), 200 S. Tryon Street, Charlotte, NC. Latitude 35°13'35" N., longitude 80°50'41" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural), toward various receiving points of system.

6583–C1–P–72—Microwave Relay Services, Inc. (New), northwest corner of King and Calhoun Streets, Charleston, S.C. Latitude 32°47'9" N., longitude 79°56'11" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural), toward various receiving points of system.

6584–C1–P–72—Microwave Relay Services, Inc. (New), Montgomery, Ala. Latitude 32°22'43" N., longitude 86°18'37" W. C.P. to add 2152.325 (Visual), 2150.20 (Aural), toward various receiving points of system and 2158.50 (Visual), 2154.00 (Aural) toward various receiving points of system.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's Rules regarding ex parte presentations, reasons of potential electrical interference.

Nevada—Las Vegas: Golden Peso (New), File No. 6578–C1–P–72; Tekkom, Inc. (New), File No. 4975–C1–P–72.

California—Fresno: Fresno Mobile Radio, Inc. (New), File No. 6579–C1–P–72; Century Cable Communications, Inc. (New), File No. 4973–C1–P–72.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

North Carolina—Charlotte: Microwave Relay Services, Inc. (New), File No. 6582–C1–P–72; Two-Way Radio of Carolina, Inc. (New), File No. 4639–C1–P–72; Midwest Corporation (New), File No. 5047–C1–P–72.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of economic competition:

Oklahoma: Microrelay of New Mexico, Inc., File Nos. 5859/5860–C1–P–72; United Videlo, Inc., File No. 3516–C1–P–72.

Applicant, MCI Texas-East Microwave, Inc., is amending 34 of its previously filed applications for authority to construct new specialized common carrier systems in a two State area from Dallas, Tex., to New Orleans, and Shreveport, La. The applications now being amended were originally filed on April 10, 1970, and June 26, 1970. They appeared on Public Notice, April 20, 1970, and July 6, 1970. Each application now amended is referenced to the date originally filed. In addition 23 new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and informative guidelines published regarding Frequency Coordination Report No. 562, Common Carrier Services Information released September 20, 1971.

6066–C1–P–70 and 8902–C1–P–71—MCI Texas-East Microwave, Inc. (New), Site 1, Dallas, Tex. Change proposed station location to 2001 Bryan Street, Dallas, TX at latitude 32°47'07" N., longitude 96°47'47" W. Correct frequencies and azimuths to 10775.0H, 11175.0H MHz on azimuth 295°03' toward Irving, Tex., and 10715.0V, 11115.0V MHz on azimuth 78°38' toward Forney, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 213°06' and 10875.0, 11115.0 MHz on azimuth 78°29'.

6067–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 4, Burleson, Tex. Change proposed station location to 1.5 miles south of Burleson, Tex. at latitude 32°30'56" N., longitude 97°19'32" W. Correct frequencies and azimuths to 6034.2V MHz on azimuth 43°42' toward Arlington, Tex., 5945.2V MHz on azimuth 358°55' toward Fort Worth, Tex., and 5945.2V MHz on azimuth 166°40' toward Covington, Tex. Delete Dallas, Tex., and Italy, Tex., as points of communication. Delete frequencies 6256.5, 6375.2 MHz on azimuth 33°01', 6226.9, 6345.5 on azimuth 298°39' and 6226.9, 6345.5 MHz on azimuth 183°00'.

6068–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 5, Fort Worth, Tex. C.P. for a new station at Seventh and Throckmorton Streets, Fort Worth, Tex., at latitude 32°45'08" N., longitude 97°19'51" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 178°55' toward Burleson, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 5974.8, 6093.5 MHz on azimuth 118°27'.

6069–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 7, Milford, Tex. Change proposed station location to 3.6 miles southwest of Milford, Tex., at latitude 32°05'42" N., longitude 97°00'21" W. Correct frequencies and azimuth to 5974.8H MHz on azimuth 305°41' toward Covington, Tex., and 5945.2V MHz on azimuth 162°57' toward Mount Calm, Tex. Delete Cedar Hill, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 03°00' and 5974.8, 6093.5 MHz on azimuth 169°21'.

6070–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 8, Mount Calm, Tex. C.P. for a new station located at 1.5 miles north-northwest of Mount Calm, Tex., at latitude 31°44'14" N., longitude 96°52'39" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 343°01' toward Milford, Tex., 11685.0V, 11285.0V MHz on azimuth 230°23' toward Waco, Tex., and 6226.9V MHz on azimuth 160°04' toward Koose, Tex. Delete Italy, Tex., as a point of communication. Delete frequencies 6197.2, 6315.9 MHz on azimuth 349°24', 6226.9, 6345.5 MHz on azimuth 162°27' and 11445, 11685 MHz on azimuth 230°23'.

6071–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 9, Waco, Tex. C.P. for a new station at the Amicable Life Insurance Building, 425 Austin Avenue, Waco, TX, at latitude 31°33'23" N., longitude 97°07'56" W. Correct frequencies and azimuths to 10755.0V, 11155.0V MHz on azimuth 50°15' toward Mount Calm, Tex., and 6286.2H MHz on azimuth 244°39' toward Oglesby, Tex. Delete frequencies 10995.0 MHz on azimuth 50°15' and 6404.8 MHz on azimuth 244°39'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6072–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 10, Oglesby, Tex. C.P. for a new station at 1.2 miles south-southwest of Oglesby, Tex., at latitude 31°24'09" N., longitude 97°30'34" W. Correct frequencies and azimuths to 5974.8H MHz on azimuth 64°27' toward Waco, Tex., and 5974.8V MHz on azimuth 230°49' toward Kempner, Tex. Delete frequencies 6093.5 MHz on azimuth 64°27' and 6152.8 MHz on azimuth 230°49'.

6073–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 11, Kempner, Tex. C.P. for a new station at 2 miles east-northeast of Kempner, Tex., at latitude 31°04'56" N., longitude 97°57'53" W. Correct frequencies and azimuths to 6226.9V MHz on azimuth 50°34' toward Oglesby, Tex., and 6197.2V MHz on azimuth 186°20' toward Liberty Hill, Tex. Delete frequencies 6345.5 MHz on azimuth 50°34' and 6315.9 MHz on azimuth 186°20'.

6074–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 12, Liberty Hill, Tex. C.P. for a new station at 6.8 miles west-southwest of Liberty Hill, Tex., at latitude 30°37'00" N., longitude 98°01'28" W. Correct frequencies and azimuths to 5945.2V MHz on azimuth 06°18' toward Kempner, Tex., and 6034.2H MHz on azimuth 146°10' toward Austin West, Tex. Delete frequencies 6063.8 MHz on azimuth 06°18' and 6152.8 MHz on azimuth 146°10'.

6075–C1–P–70—MCI Texas-Microwave, Inc. (New), Site 13, Austin West, Tex. C.P. for a new station at 2.5 miles west-northwest of Austin, Tex., at latitude 30°19'31" N., longitude 97°47'58" W. Correct frequencies and azimuths to 6226.9H MHz on azimuth 326°17' toward Liberty Hill, Tex., 10775.0V, 11175.0V on azimuth 138°54' toward Austin, Tex., and 6226.9V MHz on azimuth 238°35' toward Spring Branch, Tex. Delete frequencies 6256.5, 6375.2 MHz on azimuth 325°39', 10755, 10995 on azimuth 138°54' and 6345.5 MHz on azimuth 238°35'.

6076–C1–P–70—MCI Texas-Microwave, Inc. (New), Site 14, Austin, Tex. C.P. for a new station at Capital National Bank, 114 West Seventh Street, Austin, TX at latitude 30°16'09" N., longitude 97°44'35" W. Correct frequencies and azimuths to 11665.0V, 11345.0V MHz on azimuth 318°55' toward Austin West, Tex. Delete frequencies 11685.0, 11445.0 MHz on azimuth 318°55'.

6077–C1–P–70—MCI Texas-Microwave, Inc. (New), Site 15, Spring Branch, Tex. C.P. for a new station at 6.4 miles northwest of Spring Branch, Tex., at latitude 29°58'55" N., longitude 98°26'32" W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 58°16' toward Austin West, Tex., and 6004.5V MHz on azimuth 151°07' toward Marion, Tex. Delete frequencies 6093.5 MHz on azimuth 58°16' and 6123.1 MHz on azimuth 151°07'.

6078–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 16, Marion, Tex. C.P. for a new station at 4.4 miles northwest of Marion, Tex., at latitude 29°36'34" N., longitude 98°12'26" W. Correct frequencies and azimuths to 6256.5V MHz on azimuth 331°14' toward Spring Branch, Tex., and 6197.2H MHz on azimuth 234°06' toward San Antonio, Tex. Delete frequencies 6375.2 MHz on azimuth 331°14' and 6315.9 MHz on azimuth 234°06'.

6079–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 17, San Antonio, Tex. C.P. for a new station at National Bank of Commerce, 430 Soledad Street, San Antonio, TX, at latitude 29°25'40" N., longitude 98°29'36" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 53°57' toward Marion, Tex. Delete frequencies 6063.8 MHz on azimuth 53°57'.

6080–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 18, Kosse, Tex. Change proposed station location to 5.5 miles northwest of Kosse, Tex., at latitude 31°21'09" N., longitude 96°42'54" W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 340°09' toward Mount Calm, Tex., and 5974.8H MHz on azimuth 150°46' toward Franklin, Tex. Delete frequencies 6034.2, 6152.8 MHz on azimuth 342°32' and 5945.2, 6063.8 MHz on azimuth 146°59'.

6081–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 19, Franklin, Tex. Change proposed station location to 3 miles south of Franklin, Tex., at latitude 30°59'34" N., longitude 96°28'53" W. Correct frequencies and azimuth to 6226.9H MHz on azimuth 330°53' toward Kosse, Tex., and 6197.2H MHz on azimuth 147°52' toward Bryan, Tex. Delete College Station, Tex., as a point of communication. Delete frequencies 6197.2, 6315.9 MHz on azimuth 327°06' and 6226.9, 6345.5 MHz on azimuth 148°59'.

6082–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 20, Bryan, Tex. Change proposed station location to 6.8 miles east of Bryan, Tex., at latitude 30°40'13" N., longitude 96°14'50" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 327°59' toward Franklin, Tex., and 5945.2V MHz on azimuth 136°22' toward Plantersville, Tex. Delete frequencies 6034.2, 6152.8 MHz on azimuth 392°08' and 5974.8, 6093.5 MHz on azimuth 132°56'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6083–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 21, Plantersville, Tex. Change proposed station location to 5.9 miles northwest of Plantersville, Tex., at latitude 30°23'25" N., longitude 95°56'23". Correct frequencies and azimuths to 6197.2V MHz on azimuth 316°32' toward Bryan, Tex., and 6226.9V MHz on azimuth 128°02' toward Mostyn, Tex. Delete College Station, Tex., and Pinehurst, Tex., as points of communication. Delete frequencies 6286.2, 6404.8 MHz on azimuth 313°05' and 6256.5, 6375.2 MHz on azimuth 122°27'.

6084–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 22, Mostyn, Tex. Change proposed station location to 1.2 miles south-southeast of Mostyn, Tex., at latitude 30°12'46" N., longitude 95°40'44" W. Correct frequencies and azimuths to 5945.2V MHz on azimuth 308°10' toward Plantersville, Tex., to 5945.2H MHz on azimuth 64°30' toward Beach, Tex., and 5945.2V MHz on azimuth 137°43' toward Westfield, Tex. Delete Houston, Tex., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 302°36' and 5945.2, 6063.8 MHz on azimuth 153°42'.

6087–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 24, Kinwood, Tex. Change proposed station location to 3 miles east-southeast of Kinwood, Tex., at latitude 29°54'00" N., longitude 95°15'05" W. Correct frequencies and azimuths to 5974.8V MHz on azimuth 299°08' toward Westfield, Tex., 5974.8H MHz on azimuth 128°14' toward Baytown, Tex., and 5945.2V MHz on azimuth 215°42' toward Houston, Tex. Delete Fannett, Tex., as a point of communication. Delete frequencies 6197.2, 6375.2 MHz on azimuth 248°26' and 6226.9, 6404.8 MHz on azimuth 77°27'.

6085–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 25, Houston, Tex. C.P. for a new station at 1 Shell Plaza, Houston, Tex., at latitude 29°45'31" N., longitude 95°22'04" W. Correct frequencies and azimuths to 6197.2V MHz on azimuth 35°38' toward Kinwood, Tex. Delete Baytown, Tex., and Pinehurst, Tex., as points of communications. Delete frequencies 6197.2, 6315.9 MHz on azimuth 333°49' and 6226.9, 6404.8 MHz on azimuth 94°59'.

6086–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 26, Baytown, Tex. C.P. for a new station at the corner of Havor and Market Streets, Baytown, Tex., at latitude 29°43'50" N., longitude 95°00'19" W. Correct frequencies and azimuths to 6226.9H MHz on azimuth 308°21' toward Kinwood, Tex. Delete Houston, Tex., and Hankamer, Tex., as points of communication. Delete frequencies 5974.8, 6152.8 MHz on azimuth 275°09' and 5945.2, 6123.1 MHz on azimuth 68°15'.

6088–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 31, Silsbee, Tex. Change proposed station location to 9.1 miles south-southwest of Silsbee, Tex., at latitude 30°13'12" N., longitude 94°14'36" W. Correct frequencies and azimuths to 6286.2H MHz on azimuth 299°03' toward Thicket, Tex., and 6197.2H MHz on azimuth 137°28' toward Beaumont, Tex. Delete Hankamer, Tex., as a point of communication. Delete frequencies 5974.8, 6152.8 MHz on azimuth 257°38' and 5945.2, 6123.1 MHz on azimuth 43°01'.

6089–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 32, Beaumont, Tex. C.P. for a new station at the San Jacinto Building, Beaumont, Tex., at latitude 30°04'56" N., longitude 94°05'53" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 317°32' toward Silsbee, Tex. Delete Fannett, Tex., and Deweyville, Tex., as points of communication. Delete frequencies 6197.2, 6375.2 MHz on azimuth 233°06' and 6226.9, 6404.8 MHz on azimuth 56°46'.

6096–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 43, Baton Rouge, La. Change proposed station location to 5700 Florida Boulevard, Baton Rouge, La., at latitude 30°27'02" N., longitude 91°07'57" W. Correct frequencies and azimuths to 11,665.0H, 11,265.0H MHz on azimuth 337°15' toward Scotlandville, La., and 6197.2V MHz on azimuth 87°16' toward Denham Springs, La. Delete Maringouin, La., and Frost, La., as points of communication. Delete frequencies 5945.2, 6063.8 MHz on azimuth 271°07' and 5974.8, 6093.5 MHz on azimuth 100°18'.

6098–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 49, Marrero, La. Change proposed station location to 2.5 miles south of Marrero, La., at latitude 29°51'38" N., longitude 90°06'07" W. Correct frequencies and azimuths to 6241.7H MHz on azimuth 291°29' toward Luling, La., and 6212.0H MHz on azimuth 14°47' toward New Orleans, La. Delete Frost, La., as a point of communication. Delete frequencies 6004.5, 6123.1 MHz on azimuth 350°41' and 5974.8, 6093.5 MHz on azimuth 80°11'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

6099–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 50, New Orleans, La. Change proposed station location to 1010 Howard at Loyola, New Orleans, La., at latitude 29°56'45" N., longitude 90°04'34" W. Correct frequencies and azimuths to 5989.7H MHz on azimuth 194°48' toward Marrero, La. Delete Kraemer, La., as a point of communication. Delete frequencies 6226.9, 6345.5 MHz on azimuth 260°27'.

8903–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 51, Forney, Tex. C.P. for a new station location at 6.0 miles north of Forney, Tex., at latitude 32°50'29" N., longitude 96°27'47" W. Correct frequencies and azimuths to 11645.0V, 11245.0V MHz on azimuth 258°49' toward Dallas, Tex., and 6256.5H MHz on azimuth 124°51' toward Cedarvale, Tex. Delete frequencies 11325 MHz on azimuth 258°49' and 6375.2 MHz on azimuth 124°51'.

8904–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 52, Cedarvale, Tex. C.P. for a new station at 5.4 miles east of Cedarvale, Tex., at latitude 32°34'04" N., longitude 96°00'02" W. Correct frequencies and azimuths to 6004.5H MHz on azimuth 305°06' toward Forney, Tex., and 6034.2V MHz on azimuth 96°22' toward Lindale, Tex. Delete frequencies 6123.1 MHz on azimuth 305°06' and 6152.8 MHz on azimuth 96°22'.

8905–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 53, Lindale, Tex. C.P. for a new station at 3.6 miles west of Lindale, Tex., at latitude 32°31'02" N., longitude 95°26'36" W. Correct frequencies and azimuths to 6286.2V MHz on azimuth 276°38' toward Cedarvale, Tex., 6197.2H on azimuth 104°16' toward Kilgore, Tex., and 6256.5V MHz on azimuth 138°07' toward Tyler, Tex. Delete frequencies 6404.8 MHz on azimuth 276°38', 6375.2 on azimuth 138°07', and 6226.9, 6345.5 MHz on azimuth 104°16'.

8906–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 54, Tyler, Tex. C.P. for a new station at intersection of College and Erwin Streets, Tyler, Tex., at latitude 32°21'09" N., longitude 95°18'10" W. Correct frequencies and azimuths to 6004.5H MHz on azimuth 318°13' toward Lindale, Tex. Delete frequencies 6123.1 MHz on azimuth 318°13'.

8907–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 55, Kilgore, Tex. C.P. for a new station at 6.1 miles west of Kilgore, Tex., at latitude 32°24'39" N., longitude 94°59'16" W. Correct frequencies and azimuths to 5945.2H MHz on azimuth 284°32' toward Lindale, Tex., and 5945.2V MHz on azimuth 92°34' toward Gill, Tex. Delete frequencies 5974.8, 6093.5 MHz on azimuth 284°32' and 6063.8 MHz on azimuth 92°34'.

8908–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 56, Gill, Tex. C.P. for a new station at 4.9 miles east of Gill, Tex., at latitude 32°22'56" N., longitude 94°17'10" W. Correct frequencies and azimuths to 6197.2H MHz on azimuth 272°56' toward Kilgore, Tex., and 6226.9V MHz on azimuth 73°41' toward Shreveport, La. Delete frequencies 6197.2, 6315.9 MHz on azimuth 73°41' and 6286.2, 6404.8 MHz on azimuth 272°56'.

8909–C1–P–70—MCI Texas-East Microwave, Inc. (New), Site 57, Shreveport, La. C.P. for a new station at 400 Travis Street, Shreveport, La., at latitude 32°30'51" N., longitude 93°44'58" W. Correct frequencies and azimuths to 5974.8H MHz on azimuth 253°58' toward Gill, Tex. Delete frequencies 6034.2, 6152.8 MHz on azimuth 253°58'.

3654–C1–P–71—Midwestern Relay Co. (New), studio of WLS–TV, 190 North State Street, Chicago, IL: Application amended to change frequencies to 11265V MHz and 11345V MHz toward Chicago (Merchandise Mart), Ill., on azimuth 301°05'.

3655–C1–P–71—Midwestern Relay Co. (New), studio of WBBM–TV, 630 North McLurg Court, Chicago, IL: Application amended (a) to change station coordinates to latitude 41°53'39" N., longitude 87°37'02" W.; and (b) to change frequencies to 11505V MHz and 11585V MHz toward passive reflector at Chicago (Furniture Mart), Ill., on azimuth 65°45' and thence to Chicago (Merchandise Mart) on azimuth 245°45'.

3656–C1–P–71—Midwestern Relay Co. (New), Chicago (Merchandise Mart), Ill.: Application amended (a) to change frequency to 11135V MHz toward studio of WLS–TV, Chicago, Ill., on azimuth 121°05'; (b) to change frequency to 10895V MHz toward passive reflector at Chicago (Furniture Mart), Ill., on azimuth 65°45' and thence to studio of WBBM–TV, Chicago, Ill., on azimuth 245°45'; (c) to delete Cloverdale, Ill., as point of communications; and (d) to propose new point of communication at Glendale Heights, Ill., on frequencies 10735H, 10855V, 10975H, 11095V and 11175V MHz, and azimuth of 273°15'.

3657–C1–P–71—Midwestern Relay Co. (New), Glendale Heights, Ill.: Application amended (a) to change station location to Glendale Heights, Ill., at latitude 41°54'25" N., longitude 88°05'48" W.; (b) to change frequencies to 11265V, 11305H, 11345V, 11505V and 11545V MHz toward Crystal Lake, Ill., on azimuth 338°14'; and (c) to change frequencies to 11425H and 11665H MHz toward Chicago (Merchandise Mart), Ill., on azimuth 92°57'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

3658–C1–P–71—Midwestern Relay Co. (New), Crystal Lake, 1.90 miles east of Crystal Lake, Ill.: Application amended (a) to change frequencies to 5945.2V, 5974.8H, 6004.5V, 6034.2H and 6063.8V MHz toward Lake Geneva, Wis., on azimuth 351°15'; and (b) to change frequencies to 10815V and 11135V MHz toward Glendale Heights, Ill., on azimuth 158°07'.

3659–C1–P–71—Midwestern Relay Co. (New), 3.0 miles east of Lake Geneva, Wis.: Application amended (a) to change frequencies to 6197.2H, 6226.9V, 6256.5H, 6286.2V and 6315.6H MHz toward North Prairie, Wis., on azimuth 00°31'; (b) to change frequencies to 6197.2V and 6256.5V MHz toward Crystal Lake, Ill., on azimuth 171°15'; and (c) to change station coordinates to latitude 42°36'49" N., longitude 88°21'30" W.

3660–C1–P–71—Midwestern Relay Co. (New), 2.60 miles east of North Prairie, Wis.: Application amended (a) to change frequencies to 5945.2H, 5974.8V, 6004.5H, 6034.2V, 6063.8H, 6093.8H, and 6123.1H MHz toward Rubicon, Wis. on azimuth 348°13'; (b) to change frequencies to 5945.2V, 5974.8H, 6004.5V, 6034.2H, 6063.8V, and 6093.5H MHz toward Milwaukee (WTMJ–TV), Wis., on azimuth 63°51'; and (c) to change frequencies to 5945.2H and 6004.5H MHz toward Lake Geneva, Wis., on azimuth 180°31'.

3661–C1–P–71—Midwestern Relay Co. (New), 720 East Capitol Drive, Milwaukee (WTMJ–TV), Wis.: Application amended (a) to change frequencies to 11265H and 11345H MHz and azimuth to 206°32' toward Milwaukee (WISN–TV), Wis.; (b) to change azimuth toward Milwaukee (WITI–TV), Wis., to 307°22'; (c) to propose a second frequency (6226.9H) toward North Prairie, Wis., on revised azimuth of 243°51'; (d) to propose new point of communication at Milwaukee (WVTV–TV), Wis., on azimuth of 268°27' and frequencies 11265V and 11585V MHz; (e) to propose new point of communication at Milwaukee (WMVS–TV), Wis., on frequency 11425V MHz and azimuth of 195°56'.

3662–C1–P–71—Midwestern Relay Co. (New), 1 mile northwest of Rubicon, Wis.: Application amended (a) to change station location to Rubicon, Wis., at latitude 43°20'53" N., longitude 88°28'15" W.; (b) to change frequency 6197.2H to frequencies 6345.5V and 6404.8V MHz toward North Prairie, Wis., on azimuth 168°13'; (c) to change frequencies to 6197.2V, 6256.5V, 6286.2H, 6315.9V and 6375.2V MHz toward Graham Corner, Wis., on azimuth 30°02'; and (d) to propose frequencies 6197.2V, 6226.9H, 6315.9V and 6286.2H MHz toward new point of communication at Jefferson, Wis., on azimuth 221°07'.

3663–C1–P–71—Midwestern Relay Co. (New), 1 mile northeast of Graham Corner, Wis.: Application amended (a) to change frequencies to 5945.2H, 5974.8V, 6034.2V, 6063.8H, and 6004.5H MHz toward Stockbridge, Wis., on azimuth 348°03'; and (b) to change point of communication from Slinger to Rubicon, Wis., on azimuth 210°02'.

3664–C1–P–71—Midwestern Relay Co. (New), 2 miles east of Stockbridge, Wis.: Application amended (a) to change frequencies to 6197.2H, 6226.9V, 6375.2H, 6404.8V, and 6286.2V MHz toward DePere, Wis., on azimuth 28°10'; and (b) to change frequency 6315.9H to 6315.9V MHz toward Graham Corner, Wis., on azimuth 168°03'.

3665–C1–P–71—Midwestern Relay Co. (New), 3 miles southeast of DePere, Wis.: Application amended (a) to change azimuth toward Green Bay (WFRV–TV), Wis., to 358°11'; (b) to change azimuth toward Green Bay (WLUK–TV), Wis., to 337°02'; (c) to change azimuth toward Green Bay (WBAY–TV), Wis., to 355°00'; (d) to change frequency 6093.5V to 6093.5H MHz toward Stockbridge, Wis., on azimuth 208°10'; and (e) to propose frequency 11,015V MHz toward new point of communication at Green Bay (WPNE–TV), Wis., on azimuth 21°28'.

3666–C1–P–71—Midwestern Relay Co. (New), Jefferson, Wis.: Application amended (a) to change station location to Jefferson, Wis., at latitude 42°59' 38" N., longitude 88°53'49" W.; (b) to change frequencies to 5945.2V, 6004.5V, 6063.8V, and 6123.1V MHz toward Madison, Wis., on azimuth 277°39'; and (c) to propose frequencies 6152.8H and 6152.8V MHz toward new points of communication at Rubicon and North Prairie, Wis., on azimuths of 41°07' and 96°45', respectively.

3667–C1–P–71—Midwestern Relay Co. (New), 5727 Tokay Boulevard, Madison, Wis. Application amended (a) to change station location to Madison, Wis., at latitude 43°03'09" N., longitude 89°28'42" W.; (b) to change frequencies to 10775H and 10935H MHz toward Madison (WISC–TV), Wis., on azimuth 135°11'; (c) to change frequencies to 10775V and 11015V MHz toward Madison (WMTV–TV), Wis., on azimuth 251°51'; (d) to propose frequency 6375.2V MHz toward new point of communication at Jefferson, Wis., on azimuth 97°39'; and (e) to propose frequency 10775V MHz toward new point of communication at Madison (WHA–TV), Wis., on azimuth 48°20'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

3665–C1–P–71—Midwestern Relay Co. (New), 3 miles southeast of DePere, Wis. Application amended to change station coordinates to latitude 44°24'30" N., longitude 87°59'57" W. (See same file number above.)

3357–C1–P–72—CPI Microwave, Inc. (New), San Antonio, Tex. Change frequency 6271.4H MHz toward Beeville, Tex., to 6301.0V MHz.

3359–C1–P–72—CPI Microwave, Inc. (New), 6.4 miles north of Pawnee, Tex. Change frequency 6271.4H MHz toward Beeville, Tex., to 6301.0V MHz.

3360–C1–P–72—CPI Microwave, Inc. (New), change station location to 9 miles west of Beeville, Tex. Latitude 28°26'54" N., longitude 97°55'40" W.

All other particulars same as reported on Public Notice dated 12–13–71.

INFORMATIVE: Applicant, MCI Mid-South, Inc., is amending 32 point-to-point microwave sites for specialized common carrier service between New Orleans, La., Memphis, Tenn., Atlanta, Ga., and Columbus, Ga. The amendments are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding frequency coordination report No. 562 FCC Common Carrier Services Information released September 20, 1971.

2462–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 1813 H Street, Bakersfield, CA. Delete frequencies 3970.0 MHz and 4130.0 MHz on azimuth 27°59'. Add frequency 10735.0V MHz and 11135.0V MHz on azimuth 201°1'.

2465–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 1058 Fulton Mall, Fresno, CA. Delete frequencies 5960.0 MHz and 6078.6 MHz on azimuth 42°23'. Add frequency 11665.0V MHz and 11265.0V MHz on azimuth 349°38'.

2468–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 1.6 miles south-southeast of Pine Grove, Calif. Delete frequencies 6271.4 MHz and 6390.0 MHz on azimuth 143°33' and 6241.7 MHz and 6360.3 MHz on azimuth 294°31'. Delete frequencies 6212.0 MHz and 6330.7 MHz on azimuth 229°4'. Add frequency 3710.0V MHz on azimuth 221°41'. Add frequency 3710.0H MHz on azimuth 355°26'. Relocate site to latitude 38°23'24" N. and longitude 120°39'5" W.

2471–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: Fourth and J Street, Sacramento, Calif. Delete frequencies 11385.0 MHz and 11625.0 MHz on azimuth 96°13', and 6212.0 MHz and 6330.7 MHz on azimuth 248°1'. Add frequency 11665.0H MHz and 11265.0H MHz on azimuth 153°0'.

6727–C1–P–70—MCI Mid-South, Inc. (New). Station location: 3 miles northeast of Brandon, Miss. Delete frequencies 5945.2H MHz and 6063.8H MHz on azimuth 42°48', and 6004.5V MHz and 6123.1V MHz on azimuth 139°46'. Add frequency 6004.5V MHz on azimuth 162°18', and 6152.8H MHz on azimuth 73°30' and 11015.0V MHz and 11095.0V MHz on azimuth 271°18'. Relocate site to latitude 32°17'46" N. and longitude 89°58'39" W.

8726–C1–P–70—MCI Mid-South, Inc. (New). Station location: 127 South Roach, Jackson, Miss. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 61°0', and 6286.2H MHz and 6404.8H MHz on azimuth 222°53'. Add frequency 11425.0V MHz and 11345.0V MHz on azimuth 91°11'.

8702–C1–P–70—MCI Mid-South, Inc. (New). Station location: 2.5 miles south of Newburg, Ala. Delete frequencies 6049.0H MHz and 6167.6H MHz on azimuth 253°35', and 6019.3V MHz and 6137.9V MHz on azimuth 347°12'. Add frequency 6004.5H MHz on azimuth 224°14', and 6049.0V MHz on azimuth 85°47' and 6123.1V MHz on azimuth 351°20'. Relocate site to latitude 34°26'50" N. and longitude 87°34'58" W.

8719–C1–P–70—MCI Mid-South, Inc. (New), station location: 8 miles south-southeast of Opelika, Ala. Delete frequencies 6241.7H MHz and 6360.3H MHz on azimuth 233°06', and 6212.0V MHz and 6330.7V MHz on azimuth 102°42'. Add frequency 6226.9H MHz on azimuth 218°06' and 6226.9V MHz on azimuth 102°42'.

8720–C1–P–70—MCI Mid-South, Inc. (New), station location: 1 mile east-southeast of Ladonia, Ala. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 282°50', and 5960.0V MHz and 6078.6V MHz on azimuth 87°16'. Add frequency 5945.2V MHz on azimuth 282°50' and 11625.0V MHz and 11225.0V MHz on azimuth 87°16'.

8721–C1–P–70—MCI Mid-South, Inc. (New), station location: No. 19 12th Street, Columbus, GA. Delete frequencies 6241.7V MHz and 6360.3V MHz on azimuth 267°18'. Add frequency 10735.0V MHz and 11135.0V MHz on azimuth 267°18'.

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POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

8714–C1–P–70—MCI Mid-South, Inc. (New), station location: 1.8 miles south-southwest of Leeds, Ala. Delete frequencies 6241.7V MHz and 6360.3V MHz on azimuth 78°42', and 6212.0V MHz and 6330.7V MHz on azimuth 161°17', and 6301.0V MHz and 6419.6V MHz on azimuth 272°38'. Add frequency 6004.5V MHz on azimuth 12°21', and 6152.8V MHz on azimuth 272°38'. Add frequency 6004.5V MHz and 11,135.0V MHz on azimuth 272°38'. Delete frequencies 6049.0V MHz and 6167.6V MHz on azimuth 125°10' and 10,735.0V MHz and 11,135.0V MHz on azimuth 272°12'. Relocate site to latitude 35°16'30'' N. and longitude 90°01'38'' W.

8715–C1–P–70—MCI Mid-South, Inc. (New), station location: 1900 Fifth Avenue, Birmingham, AL. Delete frequencies 6049.0V MHz and 6167.6V MHz on azimuth 92°30'. Add frequency 11625.0V MHz and 11225.0V MHz on azimuth 92°30'.

8716–C1–P–70—MCI Mid-South, Inc. (New), station location: 2.4 miles west of Hanover, Ala. Delete frequencies 5989.7H MHz and 6108.3H MHz on azimuth 331°28', and 6019.3H MHz and 6137.9H MHz on azimuth 183°49'. Add frequency 6123.1V MHz on azimuth 34°54'.

8717–C1–P–70—MCI Mid-South, Inc. (New), station location: 60 Commerce Street, Montgomery, AL. Delete frequencies 6212.0H MHz and 6330.7H MHz on azimuth 03°47', and 6301.0H MHz and 6419.6H MHz on azimuth 119°08'. Add frequency 11625.0V MHz and 11225.0V MHz on azimuth 41°42'.

8718–C1–P–70—MCI Mid-South, Inc. (New), station location: 11 miles southeast of Thompson, Ala. Delete frequencies 6049.0H MHz and 6167.6H MHz on azimuth 299°22', and 5960.0H MHz and 6078.6H MHz on azimuth 52°48'. Add frequency 6093.5V MHz on azimuth 323°32' and 5974.8H MHz on azimuth 37°52'. Relocate site to latitude 32°01'30'' N. and longitude 85°46'30'' W.

8734–C1–P–70—MCI Mid-South, Inc. (New), Station location: 2.8 miles north of Cedar Lake, Miss. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 253°49', and 6604.5H MHz and 6123.1H MHz on azimuth 190°52', and 5974.8H MHz and 6093.5H MHz on azimuth 87°26'. Add frequency 6286.2H MHz on azimuth 267°55', and 6404.8V MHz on azimuth 216°32' and 6315.9V MHz on azimuth 95°25'. Relocate site to latitude 30°31'42'' N. and longitude 88°57'22'' W.

8735–C1–P–70—MCI Mid-South, Inc. (New), Station location: 2506 14th Street, Gulfport, MS. Delete frequencies 6226.9H MHz and 6345.5H MHz on azimuth 10°49'. Add frequency 6152.8V MHz on azimuth 36°26'.

8737–C1–P–70—MCI Mid-South, Inc. (New), Station location: Jefferson and Second Street, Pascagoula, Miss. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 04°27'. Add frequency 6256.5V MHz on azimuth 323°19'.

8736–C1–P–70—MCI Mid-South, Inc. (New), Station location: 1 mile west of Cottage Hill, Ala. Delete frequencies 6256.5H MHz and 6375.2H MHz on azimuth 267°42', and 6286.2V MHz and 6404.8V MHz on azimuth 184°28', and 6256.5V MHz and 6375.2V MHz on azimuth 94°37'. Add frequency 6375.2V MHz on azimuth 260°54' and 6375.2V MHz on azimuth 67°10'. Relocate site to latitude 30°38'19'' N. and longitude 88°11'22'' W.

8738–C1–P–70—MCI Mid-South, Inc. (New). Station location: 31 North Royal Street, Mobile, AL. Delete frequencies 5945.2V MHz and 6063.8V MHz on azimuth 274°51'. Add frequency 6123.1V MHz on azimuth 247°14'.

8703–C1–P–70—MCI Mid-South, Inc. (New), Station location: 0.1 mile north of Florence, Ala. Delete frequencies 6212.0V MHz and 6330.7V MHz on azimuth 167°08'. Add frequency 6404.8V MHz on azimuth 171°18'.

INFORMATIVE: Applicant, MCI Pacific Coast, Inc., is amending 11 point-to-point microwave sites for specialized common carrier service from Los Angeles, Calif., to Medford, Oreg., and intermediate points. The amendments are necessitated to insure compliance with the new engineering standards set forth in the Commission's First Report and Order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding frequency coordination report No. 562 FCC Common Carrier Services Information released September 20, 1971.

2455–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 515 South Flower Street, Los Angeles, CA. Delete frequencies 11505.0 MHz and 11265.0 MHz on azimuth 226°43', and 11345.0 MHz and 11,505.0 MHz on azimuth 4°22'. Add frequency 6093.5V MHz on azimuth 4°22'.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

8697–C1–P–70—MCI Mid-South, Inc. (New), station location: 2 miles southeast of Ramsey, Tenn. Delete frequencies 6197.2V MHz and 6315.9V MHz on azimuth 328°18', and 6241.7H MHz and 6360.3H MHz on azimuth 166°48'. Add frequency 6063.8H MHz on azimuth 90°26', and 11625.0V MHz and 11225.0V MHz on azimuth 168°16' and 6034.2H MHz on azimuth 277°12'. Relocate site to latitude 35°16'30'' N. and longitude 90°01'38'' W.

8694–C1–P–70—MCI Mid-South, Inc. (New), station location: 1.9 miles south of Casscoe, Ark. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 67°20', and 6256.5V MHz and 6375.2V MHz on azimuth 303°37'. Add frequency 6256.5V MHz on azimuth 28°55' and 6256.5H MHz on azimuth 303°33'.

8695–C1–P–70—MCI Mid-South, Inc. (New), station location: 2 miles east of Lonoke, Ark. Delete frequencies 6034.2V MHz and 6152.8V MHz on azimuth 123°19', and 5974.8H MHz and 6093.5H MHz on azimuth 263°28'. Add frequency 6004.5V MHz on azimuth 123°15' and 6123.1H MHz on azimuth 263°28' Relocate site to latitude 34°47'07'' N. and longitude 91°51'08'' W.

8696–C1–P–70—MCI Mid-South, Inc. (New), station location: 200 West Capital, Little Rock, AR. Delete frequencies 6226.9H MHz and 6345.5H MHz on azimuth 83°13'. Add frequency 6375.2V MHz on azimuth 83°13'.

8704–C1–P–70—MCI Mid-South, Inc. (New), station location: 1.2 miles south of Brooksville, Ala. Delete frequencies 6301.0H MHz and 6419.6H MHz on azimuth 247°04', and 6212.0H MHz and 6330.7H MHz on azimuth 75°10', and 6271.4V MHz and 6390.0V MHz on azimuth 126°09'. Add frequency 6152.8V MHz on azimuth 269°37', and 6152.8V MHz on azimuth 148°18' and 5974.8V MHz on azimuth 54°26'. Relocate site to latitude 34°31'20'' N., and longitude 86°51'21'' W.

8705–C1–P–70—MCI Mid-South, Inc. (New), station location: 1.2 miles southeast of Huntsville, Ala. Delete frequencies 6049.0H MHz and 6167.6H MHz on azimuth 255°25'. Add frequency 6375.2V MHz on azimuth 234°37'.

8706–C1–P–70—MCI Mid-South, Inc. (New), station location: .5 mile northwest of Baileyton, Ala. Delete frequencies 5989.7V MHz and 6108.3V MHz on azimuth 139°29', and 5960.0H MHz and 6078.6H MHz on azimuth 306°20'. Add frequency 6256.5V MHz on azimuth 328°23' and 6404.8V MHz on azimuth 126°43'. Relocate site to latitude 34°18'50'' N., and longitude 86°42'03'' W.

8707–C1–P–70—MCI Mid-South, Inc. (New), station location: 1 mile northwest of Walnut Grove, Ala. Delete frequencies 6271.4H MHz and 6390.0H MHz on azimuth 100°20', and 6301.0V MHz and 6419.6V MHz on azimuth 319°41'. Add frequency 6004.5V MHz on azimuth 306°56', and 6152.8H MHz on azimuth 86°38' and 5945.2V MHz on azimuth 207°09'.

8708–C1–P–70—MCI Mid-South, Inc. (New), station location: 7 miles northeast of Gadsden, Ala. Delete frequencies 5989.7V MHz and 6167.6V MHz on azimuth 163°58', and 6019.3V MHz and 6137.9V MHz on azimuth 280°30'. Add frequency 6256.5H MHz on azimuth 266°52' and 6256.5H MHz on azimuth 78°44'. Relocate site to latitude 34°05'52'' N., and longitude 85°55'25'' W.

8712–C1–P–70—MCI Mid-South, Inc. (New), station location: 4 miles southwest of Mableton, Ga. Delete frequencies 11685.0H MHz and 11365.0H MHz on azimuth 120°55', and 6049.0H MHz and 6167.6H MHz on azimuth 198°15'. Add frequency 6004.5H MHz on azimuth 316°13' and 6152.8V MHz on azimuth 90°44'. Relocate site to latitude 33°45'33'' N., and longitude 84°36'21'' W.

8713–C1–P–70—MCI Mid-South, Inc. (New), station location: 100 Peachtree Street, Atlanta, GA. Delete frequencies 11,155.0H MHz and 10,915.0H MHz on azimuth 301°03'. Add frequency 6404.8V MHz on azimuth 270°51'. Relocate site to latitude 33°45'24'' N., and longitude 84°23'19'' W.

8709–C1–P–70—MCI Mid-South, Inc. (New), station location: 2.8 miles southeast of Springville, Ala. Delete frequencies 5960.0V MHz and 6078.6V MHz on azimuth 269°05', and 6301.0H MHz and 6419.6H MHz on azimuth 88°27', and 6271.4V MHz and 6390.0V MHz on azimuth 344°02'. Add frequency 6226.9V MHz on azimuth 27°03' and 6256.5V MHz on azimuth 192°23'. Relocate site to latitude 33°48'56'' N., and longitude 86°29'05'' W.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

2458–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 5.3 miles north of La Crescenta, Calif. Delete frequencies 11075.0 MHz and 10835.0 MHz on azimuth 184°23', and 5960.0 MHz and 6078.6 MHz on azimuth 254°19'. Delete frequencies 3910.0 MHz and 4070.0 MHz on 310°5'. Add frequency 6345.5V MHz on azimuth 184°23'. Add frequency 6345.5V MHz on azimuth 329°50'.

8691–C1–P–70—MCI Mid-South, Inc. (New). Station location: 100 North Main Street, Memphis, TN. Delete frequencies 6004.5H MHz and 6123.1H MHz on azimuth 244°44'. Add frequency 10,735.0V MHz and 11,135.0V MHz on azimuth 8°15'. Relocate site to latitude 35°08'46' N. and longitude 90°03'00'' W.

8732–C1–P–72—MCI Mid-South, Inc. (New). Station location: 1010 Howard Street, New Orleans, LA. Delete frequencies 6226.9V MHz and 6345.5V MHz on azimuth 5°17'. Add frequency 5960.0V MHz on azimuth 194°48'. Relocate site to latitude 29°56'45'' N. and longitude 90°04'34'' W.

8731–C1–P–70—MCI Mid-South, Inc. (New). Station location: 2.5 miles south of Marrero, La. Delete frequencies 5974.8H MHz and 6093.5H MHz on azimuth 4°45', and 6004.5H MHz and 6123.1H MHz on azimuth 66°43', and 5945.2V MHz and 6063.8V MHz on azimuth 185°19'. Add frequency 6241.7V MHz on azimuth 14°47' and 6212.0V MHz on azimuth 291°29'. Relocate site to latitude 29°51'38'' N. and longitude 90°06'07'' W.

2474–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 44 Montgomery Street, San Francisco, CA. Delete frequencies 11175.0 MHz and 10935.0 MHz on azimuth 331°56' and 10815.0 MHz and 11055.0 MHz on azimuth 83°11'. Delete frequencies 6049.0 MHz and 6167.6 MHz on azimuth 150°21'. Add frequency 6256.5V MHz and 10895.0H MHz on azimuth 73°58'. Relocate site to latitude 37°47'26'' N. and longitude 122°24'03'' W.

2475–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 3505 Broadway, Oakland, CA. Delete frequencies 11505.0 MHz and 11265.0 MHz on azimuth 263°16'. Add frequency 6034.2V MHz on azimuth 100°17'. Add frequency 6034.2V MHz and 11345.0H on azimuth 254°3'. Relocate site to latitude 37°49'22'' N. and longitude 122°15'33'' W.

2478–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 7.1 miles east of Georgetown, Calif. Delete frequencies 6212.0 MHz and 6330.7 MHz on azimuth 326°0' and 6271.4 MHz and 6360.0 MHz on azimuth 217°53'. Add frequency 3750.0H MHz on azimuth 175°24'. Add frequency 6019.3H MHz on azimuth 329°21'.

2483–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 4 miles northwest of Colestin, Oreg. Delete frequencies 5960.0 MHz and 6078.6 MHz on azimuth 160°58', and 5974.8 MHz and 6093.5 MHz on azimuth 327°25'. Delete frequencies 5989.7 MHz and 6108.3 MHz on azimuth 332°33'. Add frequency 6301.0V MHz on azimuth 104°22'. Add frequency 6271.4V MHz on azimuth 345°44'. Relocate site to latitude 42°05'00'' N. and longitude 122°42'00'' W.

2484–C1–P–70—MCI Pacific Coast, Inc. (New). Station location: 33 North Central Avenue, Medford, OR. Delete frequencies 6197.2 MHz and 6315.9 MHz on azimuth 104°22'. Add frequency 11625.0V MHz and 11225.0V MHz on azimuth 65°20'. Relocate site to latitude 42°19'37'' N. and longitude 122°52'19'' W.

[FR Doc. 72–5314 Filed 4–6–72;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedeas Decisions to Area Wage Determination Decisions for Specified Localities

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Arizona, Colorado, Connecticut, Georgia, Kansas, Kentucky, Minnesota, Mississippi, Missouri, New Jersey, New York, Tennessee, West Virginia.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM–1594	Aug. 6, 1971
AM–1708, AM–1713, AM–1724, AM–1732	Aug. 11, 1971
AM–2377, AM–2378	Aug. 13, 1971
AM–469, AM–478, AM–489, AM–490, AM–501, AM–502, AM–503	Aug. 20, 1971
AM–3616, AM–3624 (AM–6708)	Aug. 25, 1971
AM–3630, AM–3631, AM–3632	Aug. 27, 1971
AM–2529, AM–2530	Sept. 3, 1971
AM–8583	Feb. 11, 1972
AM–9690	Mar. 24, 1972

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 31st day of March 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

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MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Others
WD No. AM-2,629—36 F.R. 17683, Phoenix-Glendale-Mesa-Scottsdale-Tempe-Luke AFB, and Williams AFB, Maricopa County, Ariz., Modification No. 2						
ADD:						
Painters:						
Spray (steel and bridge)	$6.80	$0.275	$0.20	$0.15	$0.02	
CHANGE:						
Description of work:						
Building construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.						
WD No. AM-2,630—36 F.R. 17689, AJO-Station M-181 (adjacent to AJO)—Organ Pipe Cactus National Monument Area-Tucson Area, Pima County, Ariz., Modification No. 1						
CHANGE:						
Description of work:						
Building construction (excluding single family homes and garden type apartments up to and including 4 stories), and heavy construction.						
WD No. AM-3,630—36 F.R. 17067, Adams, Arapahoe, Southeastern portion of Boulder (including city of Boulder), Denver, Northern portion of Douglas and Elbert, Jefferson and the Southwestern portion of Weld Counties, Colo., Modification No. 6						
CHANGE:						
Building construction:						
Electricians:						
Electricians	7.72	.20+.02d	1%		2/10%	
Cable splicers	7.97	.20+.02d	1%		2/10%	
Sheet metal workers	7.57	$0.30	$0.30		$0.07	
Soft floor layers	6.70	.25	.30	.25	.03	
WD No. AM-3,631—36 F.R. 17074, El Paso County, Colo., Modification No. 7						
CHANGE:						
Building construction:						
Painters:						
Brush-tapers-texture-roller	6.00	.20				
Paperhangers	6.50	.20				
Spray	6.50	.20				
Sheet metal workers	7.57	.30	.30		.07	
Soft floor layers	6.70	.25	.30	.25	.03	
WD No. AM-3632—36 F.R. 17079, Statewide Counties, Colo., Modification No. 4						
CHANGE:						
Electricians:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.72	.20+.02a	1%		2/10%	
Cable Splicers:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.97	.20+.02a	1%		2/10%	
Painters:						
Alamosa, Archuleta, Chaffee, Cheyenne, Conejos, El Paso, Gunnison, Hinsdale, Lincoln, Mineral, Park, Pitkin, Kit Carson, Saguache, Teller, Southern Parts of Eagle, Elbert, and Summit Counties:						
Brush	6.00	.20				
Spray and steel	6.50	.20				
WD No. AM-1694—36 F.R. 14561, New London County, Conn., Modification No. 2						
CHANGE:						
Building, heavy and highway construction:						
Bricklayers, cement masons-finishers, stonemasons (heavy and highway only)	7.70	.35	$0.15			
Carpenters, soft floor layers, piledrivermen: (building only) remainder of county	7.20	.35	.20	.25	.005	
Electricians:						
Remainder of county	8.15	.35	1%+.20		1/10%	
Plumbers:						
Groton, Lyme, Merville, New London, Old Lyme, Salem, Stonington, Waterford	8.75	.20	$0.20			
Sheet metal workers	8.25	.25	.26		$0.02	
WD No. AM-469—36 F.R. 16413, Fulton, Cobb, De Kalb Counties, Ga., Modification No. 4						
CHANGE:						
Building Construction:						
Ironworkers:						
Structural, ornamental and reinforcing	6.40	.40	.27		.05	
Terrazzo workers' helpers	3.95					
Tile and marble setters' helpers	3.95					
Sheet metal workers	7.75	.20	.25		.03	
WD No. AM-3583—37 F.R. 3153, Chathom County, Ga., Modification No. 2						
CHANGE:						
Modification No. 4 published in 37 F.R. 6130, on March 24, 1972, WD No. AN-470, to read WD No. AM-3583—37 F.R. 3153, Chatham County, Ga., Modification No. 1.						
Ironworkers:						
Structural and Sheeter	6.25	.40	.30		.01	
Ornamental and reinforcing	6.25	.40	.30		.01	
Painters:						
Brush	5.00					
Rollers	5.25					
Steel, brush	5.50					
Tapers	5.25					
Stage work and window jack work	5.50					
Paperhangers	5.25					
Paint burners	5.25					
Spray painting and sandblasting	5.75					
Plumbers and Pipefitters:						
Plumbing, heating, and piping contracts $2,000 or less	6.52	.25	.30		.02	
Plumbing, heating and piping contracts, over $2,000	7.17	.25	.30		.02	
OMIT:						
Dredging schedule issued in original decision.						

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-478—36 F.R. 16427, Boyd County, Ky., Modification No. 4						
CHANGE:						
Painter:						
Commercial:						
Brush	5.10					
Spray	5.60					
Industrial:						
Brush	6.00					
Spray	6.55					
WD No. AM-2,577—36 F.R. 16502, Hennepin County, Minn., Modification No. 2						
CHANGE:						
Building construction:						
Cement masons	7.65	.30	.25			
WD No. AM-2,578—36 F.R. 16507, Ramsey County, Minn., Modification No.						
CHANGE:						
Building construction:						
Cement masons	7.65	.30	.25			
WD No. AM-488—36 F.R. 16461, Harrison and Pearl River Counties, Miss., Modification No. 7						
OMIT:						
Schedule for Power Equipment Operators, Building and Heavy Construction issued in original decision.						
ADD:						
Schedule for Power Equipment Operators, Building and Heavy Construction.						
CHANGE:						
Plumbers and steamfitters	$6.55	.18	.20		.01	
Roofers:						
Roofers	5.15					
Helpers	3.85					
Kettlemen	4.35					
Sheet metal workers	7.105	.20	.30	.25	.04	
Truck drivers:						
Up to 1½ tons	5.04	.28	.25			
1½ to 5 tons	5.51	.28	.25			
5 tons or over	6.55	.28	.25			
Miss. 2 PEO II						
Building and heavy construction:						
Power equipment operators:						
Engineer, operating under air pressure	$7.25		.20			
Mechanic	6.30		.20			
Air tugger (2 drum); asphalt plant; backhoe; blacksmith; boom tractor; bulldozer; central mixing plant; cherrypicker; clamshell; crane; Derrick; Derrick Boat; Derrick Car; dragline; dredge; elevating grader; excavator (power belt); forklift; hoist (2 drum); locomotive engineer; marine engineer (chief); master pilot; mixermobile; motor patrol and similar type equipment; paver (21 c.f. or larger); piledriver; recharger; roaming greaser (tst); scoop (skimmer); scraper; shovel; trenching machine (over 18" bucker line width); Turnapull; DW-10 and similar pulltype scrapers; Traxcavator and similar endloaders; welder; welding machines or S/W pumps (2 to 6); well driller; well point pumps	6.05		.20			
Air tugger; asphalt spreader (bituminous distributor); asphalt spreader (bituminous mixer); backfilling machine; conveyor; drill (earth); finishing machine; fireman; heating plant; hoist; marine engineer (assistant); mixer; payloader, and similar endloaders; pilot; power generating plant; pump (concrete); roller; scoopmobile; tractor (with power take-off); trenching machine (18" or smaller bucket line width); tugboat; well driller (1st helper); winch truck	5.80		.20			
Air compressor; form grader; locomotive hostler; mechanic helper; oiler (truck crane); pump; roughneck; tractor (without attachments); welding machine	5.25		.20			
Batch scale; deckhand; motorboat (in or outboard); oiler; scowman	5.00		.20			
WD No. AM-490—36 F.R. 16484, Hinds County, Miss., Modification No. 6						
CHANGE:						
Building and heavy construction:						
Electricians:						
Electricians	6.15		1%+.25		1/10 of 1%	
Cable splicers	6.50		1%+.25		1/10 of 1%	
Glaziers	4.70				$0.01	
Soft floor layers	5.60	.20			.02	
WD No. AM-3,616—36 F.R. 16865, Clay, Jackson, Platte and Ray Counties, Mo., Modification No. 7						
CHANGE:						
Building construction:						
Marble, terrazzo, and tile workers	8.675	3.65%	3.25%			
Marble and tile helpers	6.68					
Soft floor layers	6.59	$0.275	$0.25	7%	.06	
WD No. AM-1,708—36 F.R. 14812, Burlington County, N.J., Modification No. 4						
CHANGE:						
Building construction:						
Sheet metal workers	8.43	.50	.30			
WD No. AM-1,715—36 F.R. 14848, Mercer County, N.J., Modification No. 5						
CHANGE:						
Building construction:						
Sheet metal workers	8.43	.50	.30			
WD No. AM-1,724—36 F.R. 14921, Dutchess County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Lead burners	6.90	.30		e	.01	
Line construction:						
Lineman, cable splicer helper, and material man	8.60	.35	1%+.25	f	1¼%	
Groundman	7.50	.35	1%+.25	f	1¼%	
Groundman digging machine operator	8.45	.35	1%+.25	f	1¼%	
Groundman mobile equipment operator	8.00	.35	1%+.25	f	1¼%	
Groundman truck driver and mechanic	7.65	.35	1%+.25	f	1¼%	
Groundman dynamite man	8.00	.35	1%+.25	f	1¼%	
Cable splicer	9.35	.35	1%+.25	f	1¼%	

Footnote:
e. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,752—36 F.R. 14965, Orange County, N.Y., Modification No. 3						
CHANGE:						
Building construction:						
Lead burners	6.90	.30		d	$0.01	
Line construction:						
Linemen, cable splicer helper, and material man	8.60	.35	1%+.25	e	1¼%	
Groundman	7.50	.35	1%+.25	e	1¼%	
Groundman digging machine operator	8.45	.35	1%+.25	e	1¼%	
Groundman mobile equipment operator	8.00	.35	1%+.25	e	1¼%	
Groundman truck driver and mechanic	7.65	.35	1%+.25	e	1¼%	
Groundman dynamite man	8.00	.35	1%+.25	e	1¼%	
Cable splicer	9.35	.35	1%+.25	e	1¼%	
Footnote:						
d. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-501—36 F.R. 16482, Hamilton County, Tenn., Modification No. 1						
CHANGE:						
Cement masons	5.60					
Power machine operator	5.80					
Swinging scaffold and boatswain chair	5.80					
Truck drivers:						
Up to 3 tons	4.58			f		
3 to 5 tons	4.73			f		
5 to 7 tons	4.88			f		
Helpers	4.58			f		
Special equipment	4.98			f		
WD No. AM-502—36 F.R. 16486, Knox County, Tenn., Modification No. 4						
CHANGE:						
Asbestos workers	7.10	$0.24	$0.15		$0.03	
Bricklayers, and stonemasons	7.07				.02	
Carpenters	6.05				.02	
Cement masons	5.40				.02	
Ironworkers:						
Structural and ornamental	6.95	.125	.16		.02	
Reinforcing	6.07	.125	.10		.02	
Fence erector	6.95	.125	.10		.02	
Lathers	6.20		.20		.01	
Leadburners	6.90	.30		c	.01	
Marble masons	7.07				.02	
Millwrights	6.475				.02	
Piledrivermen	6.30				.02	
Plasters	6.50					
Plumbers and steamfitters	6.65	.25	.45	$0.30+e	.05	
Roofers:						
Composition	5.25		.15			
Slate and tile	5.30		.15			
Helpers	3.94		.15			
Soft Floor layers	6.05				.02	
Terrazzo workers and tile setters	7.07				.02	
Footnote:						
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday; and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-503—36 F.R. 16489, Shelby County, Tenn., Modification No. 3						
CHANGE:						
Building construction:						
Carpenter, soft floor layer and piledrivermen:						
Inside Shelby County	6.60	.25			.03	
Outside Shelby County	6.75	.25			.03	
Cement masons	6.55	.25	.15		.06	
Ironworkers:						
Structural, ornamental and reinforcing:						
Inside Shelby County	7.00	.25	.25		.075	
Outside Shelby County	7.05	.25	.25		.075	
WD No. AM-9090—37 F.R. 6140, statewide, West Virginia, Modification No. 1						
ADD:						
Heavy construction:						
Cement masons:						
A counties only	6.86					
Piledrivers—A counties except Brooke, Hancock, Marshall, Monogalia, Ohio, and Wetzel Counties	6.71	.20	.25		.04	
Truck drivers—B counties only:						
Mechanics (truck)	6.22	a	b			

SUPERSEDEAS DECISIONS

State: Kansas; County: Leavenworth.
Decision No. AM-6,708; date of decision: Apr. 7, 1972. Supersedes decision No. AM-3,624, dated Aug. 25, 1971; in vol. 36, page 16853.
Description of work: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
11-Kans-1-a						
Building construction:						
Asbestos workers	7.95	$0.30	$0.30		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.55	.30	.85		.02	
Bricklayers; stonemasons	6.325	.20	.30			
Carpenters	7.55	.23	.15		.04	
Cement masons	6.025	.10	.15			
Electricians (Delaware, Kickapoo, High Prairie, and Leavenworth Townships):						
Electricians	8.00	.25	1%+.30		2/10%	
Cable splicers	8.80	.25	1%+.30		2/10%	
Electricians (remainder of county):						
Electricians; technicians	7.95	.15	1%+.20	$0.70	$0.03	
Elevator constructors	7.70	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	$7.41	.35	.20	7%+c	.01	
Ironworkers:						
Structural; ornamental	8.50	.25	.25	$0.25	.06	
Reinforcing	8.50	.25	.25	.25	.05	
Laborers:						
Laborers unskilled	5.65	.20	.20			
Plasterers' tenders; mason tenders; stonemasons' tenders; mortar mixers; mixer operator smaller than 10-sack; concrete puddler vibrators; spreading concrete; tampers (mechanical); wackers; drill operator; jackhammer man; tile layer sewer; asphalt raker; burner, cutting torch, chain saw power; manually or mechanically operated Georgia buggy	5.90	.20	.20			
Powderman	5.975	.20	.20			
Rubbing concrete	6.075	.20	.20			
Gunitting sandblasting	6.11	.20	.20			
Form setters and liners, concrete paving	6.16	.20	.20			
Lathers	6.75	.20				
Marble setters	8.425	3.65%	3.25%			
Millwrights	7.55	$0.23	$0.15		.04	
Painters:						
Brush	6.00					
Spray	6.50					
Swing stage	6.25					
Structural steel	6.25					
General painting over 40' on ladders	6.25					
Piledriverman	7.55	.23	.15		.04	
Pipefitters	8.02	.38	.75		.06	
Plasterers	6.90	.20				
Plumbers	8.45	.30	.40		.06	
Roofers	6.51	.18	.40		.04	
Sheet metal workers	8.225	.25	.25			
Sprinkler fitters	8.00	.25	.40		.06	
Terrazzo workers	8.425	3.65%	3.25%			
Terrazzo workers' helpers	4.55					
Terrazzo workers' base machine grinders	4.90					
Tile setters	8.425	3.65%	3.25%			
Cement mason (heavy and highway construction)	8.905	$0.20	$0.45	.50	.06	
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

Paid Holidays:
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. First 6 months—none; 6 months to 5 years—2%; over 5 years—4% of basic hourly rate.
b. Paid holidays: A through F.
c. Paid holidays: A through F, plus Friday after Thanksgiving Day.

KAN—10—PEO—1—h						
Building construction:						
Power equipment operators:						
"A" frame trucks; boilers (1); brooms power operated (all types); chip spreader (front man); clef plane operator; compressor (1) 105 feet or over; concrete saws, self-propelled; conveyor operator; crab-power operated; curb finishing machine; elevator; finishing machine; firemen on rigs; flex plane; floating machine; form grader; fork lift, all types and sizes; greaser; hoist, endless chain, power operated; hopper, power operated; Hydra Hammer (all types); Lad-A-Vator; mixers (with side loaders); pumps (with well points); pump (water) rollers (all types); siphons, jets and jennys; sub grader; tractors over 50 h.p.	6.90	.25	.25		.02	
Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator back fillers; back hoe, all types; Barber-Greene loader; Blade-Power, all types; boats, power; bootler (2); boring machine (all types); cableways; cherry pickers (all types); chip spreader; clamshells; combination concrete hoist and mixer, such as mixer-mobile (with tower, 50¢ per hour additional) compressors (2) 105 feet or over not more than 20 feet apart; compressors, tandem (any sizes); compressors, single, truck mounted; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane or rigs (all types); crane, overhead; crusher, rock; derricks and derrick cars (power operated); ditching machines; dozers; draglines; dredges, any type power; Gradall; hoist, Endless chain-power operated with power travel; loaders, all types; locomotives, all types; mechanic and welder; mucking machine; orange peels; pile drivers; pumps, material, all types; push cats; scoops (all types); self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man	7.15	.25	.25		.02	
Crane-tower or climbing	7.65	.25	.25		.02	
Clamshells, crane or rigs, draglines and pile drivers with 80 feet of boom or over (including jib)	7.40	.25	.25		.02	
Crane or rigs over 200 feet	7.65	.25	.25		.02	
Hoists, each additional drum over 1 drum	7.15	.25	.25		.02	
Master mechanic	8.15	.25	.25		.02	
Master mechanic, assistant	7.90	.25	.25		.02	
Oiler; tractors (except when hauling material) less than 50 h.p.	6.35	.25	.25		.02	
Oiler driver, all types	6.60	.25	.25		.02	
Ready-Mixed Concrete Plants:						
Crane operator	6.83	.25	.25		.02	
Conveyor; loader operator; plant man	6.63	.25	.25		.02	

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H. & W.	Pensions	Vacation	App. Tr.	Other
KAN-1-TD-1-b						
Building construction:						
Truck drivers:						
Warehousemen and stock man	4.175					
Flat beds	4.225					
Pickups	4.225					
Dump trucks, under 10 yards	4.225					
Dump trucks, 10 yards and over	4.30					
Straddle trucks	4.425					
Wheel tractors (when used for towing)	4.425					
Steel trucks	4.30					
Hydro lift trucks	4.425					
Hydraulically operated serial lifts	4.425					
Distributor truck drivers and operators	4.325					
Semitruck drivers	4.30					
Heavy hauling, "A" frame winch and forklifts	4.425					
Heavy excavating (dumpter, Euclid, etc.)	4.425					
Oilers, greasers and mechanics' helpers	4.325					
Mechanics	4.525					
Transit mix, 5 yards and over	4.375					
Transit mix, under 5 yards	4.275					
Double bottom units (20 tons cap and over)	4.425					
Kan-3-LAB-2-3						
Site preparation and grading						
Laborers:						
Board mat weaver and cable tier; carpenter tender; form setter helpers; Georgie Buggies (manually operated); mixerman, no skip lift; nailer; powderman helpers; salamander tender; track man; truck dumper; water pumps up to 4 inches; all other construction and general laborers	3.60	.15	.20			
Air tool operator; asphalt raker and troner; barco tamper; brieklayer tender; cement handler, bulk; chain saw-cement saw, concrete feeder; Georgie Buggies (mechanically operated); hot mastic kettleman; material batch hopper and scale man; mortar mixers; nozzle burner (cutting torch); signal man (crane); storm sewer pipe layer; tile layer; sewer; vibrator operator; wagon and churn drill operator; wood, concrete block and brick setter	3.75	.15	.20			
Form setter and liner; concrete paving; gunniting and sand blasting; powderman	3.85	.15	.20			
100-KAN-PEO 2-3-h						
Site preparation and grading:						
Power equipment operators:						
Group I:						
Asphalt paver and spreader; auto grader; back hoe; blade operator, all types; boilers, 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator, 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader, forklift; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; Pitman crane operator; pump, 2; quad-trac; scoop operator, all types; scoops in tandem; self-propelled rotary drill (Leroy or equal, not Air Trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; throttle man; truck crane; welding machine maintenance operator, 2	8.00	.40	.40	.50	.10	
Group II:						
"A" frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant operator; asphalt roller operators; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine, 1 drum; LaTourneau rooter; multiple compactor; pavement breaker, self-propelled, of the Hydra-Hammer or similar type; power shield; stump cutting machine; towboat operator; tractor operator, over 50 hp	7.75	.40	.40	.50	.10	
Group III:						
Boilers, 1; chip spreader (front man); churn drill operator; compressor maintenance operator, 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; oiler driver, all types; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt screening and washing plant operator	7.50	.40	.40	.50	.10	
Self-propelled street broom or sweeper; siphons and jets; subgrading machine operator; tank car heater operator, combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not band; welding machine maintenance operator, 1	7.50	.40	.40	.50	.10	
Group IV:						
Mechanic's helper; oiler	7.25	.40	.40	.50	.10	
Clamshells, 3 yards or over	8.25	.40	.40	.50	.10	
Crane or rigs, 80 feet of boom or over (including jib)	8.25	.40	.40	.50	.10	
Crane or rigs, 200 feet of boom or over	8.50	.40	.40	.50	.10	
Dragline, 3 yards or over	8.25	.40	.40	.50	.10	
Hoisting engine, each additional drum over 1 drum	8.00	.40	.40	.50	.10	
Pile drivers, 80 feet of boom or over (including jib)	8.25	.40	.40	.50	.10	
Shovels, 3 yards or over	8.25	.40	.40	.50	.10	
Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.						
100-Kan-TD 2, 3 d						
Site preparation and grading:						
Truck drivers:						
One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle	7.39	.25	.50	.50		
Material trucks, tandem; two teams; semitrailers; winch truck—fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semitrailer; Insley Wagons; dump trucks excavation 5 cu. yds. and over; dumpsters; half-tracks; Speedace; Euclids and other similar excavating equipment	7.89	.25	.50	.50		
"A" frame, Low Boy, boom truck drivers	7.90	.25	.50	.50		
Mechanics and welders	8.05	.25	.50	.50		
Mechanics' helpers, oilers and greasers	7.165	.25	.50	.50		

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Kansas Line Construction No. 1						
Southwest ¾ of Leavenworth County:						
Line construction:						
Lineman	6.40	.25	1%		1%	
Cable splicers	6.72	.25	1%		1%	
Groundman, over 1 year	4.04	.25	1%		1%	
Groundman, 1st year	3.19	.25	1%		1%	
Powderman	5.35	.25	1%		1%	
Line truck and equipment operator:						
1st year	4.14	.25	1%		1%	
2d year	4.92	.25	1%		1%	
Over 2 years experience	5.35	.25	1%		1%	
Kansas Line Construction No. 2						
Remainder of Leavenworth County:						
Line construction:						
Lineman	7.10	.10	1%+.15		1%	
Lineman operator	6.70	.10	1%+.15		1%	
Lineman mechanic	5.69	.10	1%+.15		1%	
Groundman jackhammer operator	4.625	.10	1%+.15		1%	
Groundman driver	4.625	.10	1%+.15		1%	
Groundman powderman	4.88	.10	1%+.15		1%	
Groundman	4.625	.10	1%+.15		1%	
Groundman (1st year)	4.28	.10	1%+.15		1%	

[FR Doc.72-5202 Filed 4-6-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23941]

AIR HAITI, S.A.

Application for Amendment of Foreign Air Carrier Permit To Authorize New York Service; Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled matter is postponed from April 7, 1972 (37 F.R. 6702, April 1, 1972), to April 14, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., April 3, 1972.

[SEAL] JOSEPH L. FITZMAURICE, *Hearing Examiner.*

[FR Doc.72-5352 Filed 4-6-72;8:48 am]

[Docket No. 22967]

EASTERN AIR LINES, INC.

Deletion of Bowling Green, Kentucky; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on April 26, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 4, 1972.

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-5354 Filed 4-6-72;8:48 am]

[Docket No. 20522]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Adopted by IATA Relating to North Atlantic Cargo Rates; Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on April 19, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 3, 1972

[SEAL] RALPH L. WISER, *Chief Examiner.*

[FR Doc.72-5353 Filed 4-6-72;8:48 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72-13; Independent Ocean Freight Forwarder License 850]

R. G. HOBELMANN & CO., INC.

Order of Investigation and Hearing

R. G. Hobelmann & Co., Inc. is a licensed independent ocean freight forwarder, License FMC 850.

One hundred percent of the capital stock of R. G. Hobelmann & Co., Inc. is owned by Vico Corp. of St. Louis, Mo. (VICO). Forty-eight percent of the stock of Vico is owned by Volkswagen of America, which in turn is wholly owned by Volkswagen of Germany. Both of these latter corporations are engaged as shippers or consignees in the exportation of cargoes in the foreign commerce of the United States by oceangoing common carriers. It therefore appears that the relationship now existing between R. G. Hobelmann & Co., Inc., Vico, Volkswagen of America, and Volkswagen of Germany, creates a control and affiliation between a forwarder and shipper interests which is barred by sections 1 and 44 of the Shipping Act, 1916, and § 510.8(b) of Commission General Order 4.

R. G. Hobelmann & Co., Inc. has made proposals to divest itself of its freight forwarder business which have retained many elements of continuing affiliation and control between the freight forwarder and shipper interests. It therefore does not appear that the proposed divestiture plans would satisfy the requirements of the Shipping Act and the Commission's General Order 4.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 831, 841b) that a proceeding is hereby instituted to determine whether R. G. Hobelmann & Co., Inc. continues to qualify for a license as an independent ocean freight forwarder, and whether its license should be continued in effect or be revoked pursuant to sections 1 and 44 of the Shipping Act, 1916 (46 U.S.C. 801, 841b).

It is further ordered, That R. G. Hobelmann & Co., Inc. be made respondent in this proceeding and that the matter be assigned for hearing before an examiner of the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding examiner.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served upon respondent, R. G. Hobelmann & Co., Inc.

It is further ordered, That any persons, other than respondent, who desire to become a party to this proceeding and to participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C., 20573, with a copy to respondent.

It is further ordered, That all future notices issued by or on behalf of the

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Commission in this proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-5323 Filed 4-6-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Order Accepting for Filing and Suspending Revised Tariff Containing Purchased Gas Adjustment Provision, Providing for Hearing Procedures, and Permitting Interventions

MARCH 31, 1972.

On March 1, 1972, Algonquin Gas Transmission Co. (Algonquin) tendered for filing two sets of revised sheets to its FPC Gas Tariff, Original Volumes Nos. 1 and 2[1] to become effective on April 1, 1972. The Company proposes an increase in rates which would add $10,619,713 annually to its jurisdictional revenues based on sales for the 12 months ended December 31, 1971, as adjusted. One set of tariff sheets includes a purchased gas adjustment provision; the second, or alternative set excludes such a provision. Algonquin requests waiver of § 154.38(d)(3) of the Commission's regulations to permit the submitted tariff sheets containing the purchased gas adjustment provision to be filed. In the event the waiver is not granted, Algonquin requests that the alternative set be considered to have been filed.

Algonquin states that the principal reason for its proposed rate increase is to track the increased purchase gas costs associated with the increased rates filed by Texas Eastern Transmission Corp. (Texas Eastern) in Docket No. RP72-98. The total purchased gas cost component, as adjusted, represents approximately 75 percent of the test period cost of service. Other adjustments to base period costs are attributed to increased labor costs, increased regulatory expense, Federal, State and local taxes and an 8.75 percent rate of return. Algonquin also proposes several changes in the provisions of its presently effective tariff including (1) elimination of its interruptible Rate Schedule ERS-1, (2) expansion of the force majeure provisions of its tariff and (3) inclusion of a purchase gas adjustment clause in the tariff.

The reasonableness of including a purchased gas adjustment provision in a pipeline's tariff is before us in rulemaking Docket No. R-406. Under these circumstances, we deem it appropriate and proper at this time to waive § 154.38(d)(3) of our regulations to permit the filing of tariff sheets containing such a provision subject to such future modification as may be required to conform such provision with § 154.38(d)(4)(vi) of the Commission's proposed regulations, or any substitution or modification thereof adopted by the Commission in Docket No. R-406.

The following parties filed timely petitions to intervene or notices of intervention:

Boston Gas Co.
Bristol and Warren Gas Co.
Brockton Taunton Gas Co.
Buzzards Bay Gas Co.
Commonwealth Gas Co.
The Connecticut Gas Co.
Connecticut Natural Gas Corp.
Fall River Gas Co.
The Hartford Electric Light Co.
Town of Middleborough, Municipal Gas' and Electric Department.
Providence Gas Co.
New Bedford Gas and Edison Light Co.
The Newport Gas Light Co.
North Attleboro Gas Co.
City of Norwich, Department of Public Utilities.
Pequot Gas Co.
South County Gas Co.
The Southern Connecticut Gas Co.
Tiverton Gas Co.
Orange and Rockland Utilities, Inc.
Rhode Island Consumers' Council.
Central Hudson Gas and Electric Corp.
New Jersey Natural Gas Co.

Review of Algonquin's rate filing indicates that the issues which it raises require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

Algonquin requests that the suspension period, if any, of the revised tariff sheets tendered for filing, be made coterminous with the suspension period involved in Texas Eastern's Docket No. RP72-98, which has been suspended by Commission order issued February 11, 1972, until July 14, 1972. Accordingly, in order to allow the proposed rates to become effective July 14, 1972, we would have to suspend Algonquin's proposed rate increase for 3½ months. Since a substantial portion of Algonquin's rate increase is a result of a claimed increase in costs other than purchase gas costs, we find that good cause does not exist to warrant waiver of the 5-month statutory suspension period with respect to the total requested rate increase. Therefore, we will suspend Algonquin's proposed rate until September 1, 1972. However, this action is not intended to preclude Algonquin from filing for increased rates to track Texas Eastern's increase for the 1½ months during which Texas Eastern's increase can be made effective while Algonquin's rate increase is under suspension.

The Commission finds:

(1) The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Algonquin's FPC Gas Tariff, as proposed to be amended in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation of the above-named persons in this proceeding may be in the public interest.

(5) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Section 154.38(d)(3) of the Commission's regulations under the Natural Gas Act is waived to permit the filing of Algonquin's tariff sheets containing the proposed purchase gas adjustment clause as conditioned herein.

(B) Algonquin's tariff sheets, as filed March 1, 1972, containing the proposed purchased gas adjustment clause, are accepted for filing, subject to such modification as may be required to conform with § 154.38(d)(4) of the Commission's proposed regulations or any substitution or modification thereof, should such be adopted by the Commission in Docket No. R-406.

(C) The proposed tariff sheets which exclude the purchase gas adjustment provision are hereby rejected.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing shall be held commencing with a prehearing conference on Judy 18, 1972, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classification, and services contained in Algonquin's FPC Gas Tariff, as proposed to be amended.

(E) At the prehearing conference on July 18, 1972, Algonquin's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure, including a useful discussion of all problems and involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(F) On or before July 11, 1972, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before July 25, 1972. Any rebuttal evidence by Algonquin shall be served on or before August 8, 1972. Cross-examination on the evidence filed will commence on August 22, 1972.

(G) A Presiding Examiner to be designated by the Chief Examiner for the purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) Pending such hearing and decision thereon, Algonquins's proposed revised tariff sheets listed above are hereby suspended and the use thereof is deferred until September 1, 1972. Algonquin shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7 percent per annum, from the date of payment of Algonquin until refunded; shall bear all costs of all refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective as of September 1, 1972, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and transported, under the above-described substitute tariff sheets, and the revenue immediately prior to September 1, 1972, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(I) As a condition of this order, Algonquin shall execute and file in triplicate with the Secretary of this Commission within 20 days of the date of this order, its written agreement and undertaking to comply with the terms of paragraph (H) hereof, signed by a responsible officer of the corporation evidenced by proper authority from its Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the FPC Gas Tariff, Original Volume Nos. 1 and 2 and upon all parties of record in this proceeding as follows:

AGREEMENT AND UNDERTAKING OF ALGONQUIN GAS TRANSMISSION COMPANY TO COMPLY WITH THE TERMS AND CONDITIONS OF PARAGRAPH (H) OF THE FEDERAL POWER COMMISSION'S ORDER ISSUED _____, 1972 AT DOCKET NO. RP72-110

In conformity with the requirements of the order issued _____, 1972, at Docket No. RP72-110 Algonquin Gas Transmission Co. hereby agrees and undertakes to comply with the terms and conditions of paragraph (H) of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this _____ day of _____, 1972.

ALGONQUIN GAS TRANSMISSION COMPANY
By _____

Attest:

_____
Secretary

(J) The parties named above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-5363 Filed 4-6-72;8:48 am]

[Docket No. CP72-231]

EL PASO NATURAL GAS CO.

Notice of Application

APRIL 3, 1972.

Take notice that on March 23, 1972, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, Tex. 79978, filed in Docket No. CP72-231 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by removal its Ramsey Compressor Station located in Reeves County, Tex., and its Winkler Purchase Meter Station located in Winkler County, Tex. The Ramsey Compressor Station consists of a 125 horsepower skid mounted electric motor-driven reciprocating compressor unit and appurtenances. Lower operating pressures on applicant's "A" line, extending from applicant's Jal No. 1 Plant near Jal, N. Mex., to the city of El Paso, Tex., have made the abandonment of this unit possible. The Winkler Purchase Meter Station is comprised of a 6⅝-inch o.d. standard orifice meter station with appurtenances. Applicant states that, due to the decline in gas reserves available to the suppliers of this station, an agreement has been reached whereby the deliveries of surplus residue gas now available and previously delivered to applicant at the Winkler Purchase Meter Station will now be made at an alternate delivery point. Applicant proposes to abandon in place approximately 17.1 miles of 4½-inch o.d. pipeline in Pinal County, Ariz., known as the Magma Line. Applicant states that since 1967 this line has been used only as a standby facility for emergency use. Applicant further states that pipeline is presently in poor physical condition and that the cost of removal would exceed the salvage value.

Applicant states that the total cost of the abandonments herein proposed is $2,250.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-5357 Filed 4-6-72;8:48 am]

[Docket No. CP72-125]

MICHIGAN-WISCONSIN PIPE LINE CO.

Notice of Availability of Environmental Statement for Inspection

APRIL 4, 1972.

Notice is hereby given that on April 7, 1972, as required by § 2.82(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971), a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971), was placed in the public files of the Federal Power Commission. This

[1] *Original Volume No. 1.* Original Sheets Nos. 3-A, 26-A, 30-C, 30-D, and 30-E, Fourth Revised Sheets Nos. 1, 15-M, and 15-O; First Revised Sheet No. 15-Q.1; Second Revised Sheets Nos. 8-A, 15-K.1 and 27; Fifth Revised Sheet No. 15-Q; Seventh Revised Sheet No. 6; Eighth Revised Sheet No. 7; 24th Revised Sheet No. 15-J; 28th Revised Sheets Nos. 5, 10, and 14; 29th Revised Sheets Nos. 11-A and 12.

Original Volume No. 2. 29th Revised Sheet No. 4; 26th Revised Sheet No. 57.

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statement deals with the proceeding of the Michigan-Wisconsin Pipe Line Co. for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act. This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Lacassine Project involves construction of 22.1 miles of 30-inch natural gas pipeline through a marshland area in Louisiana near Lake Arthur, Cameron Parish. Approximately 3.4 miles of the route passes through the Lacassine National Wildlife Refuge. Use of selected pipeline construction techniques and schedules, and routing within existing pipeline corridor will minimize any impact on the environment. The net result of this project, making additional supplies of natural gas available for domestic consumption, will be environmental enhancement through improved air quality in the areas of end use.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any differences with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before May 19, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5356 Filed 4–6–72;8:48 am]

[Project 77]

PACIFIC GAS & ELECTRIC CO.

Notice of Issuance of Annual License

APRIL 3, 1972.

On May 1, 1970, Pacific Gas & Electric Co., Licensee for Potter Valley Project No. 77 located in the vicinity of Lake and Mendocino Counties, Calif., on the Eel and Russian Rivers filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6).

The license for Project No. 77 was issued effective April 15, 1922, for a period ending April 14, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an animal license to Pacific Gas & Electric Co. for continued operation and maintenance of Project No. 77.

Take notice that an annual license is issued to Pacific Gas & Electric Co. (Licensee) under section 15 of the Federal Power Act for the period April 15, 1972 to April 14, 1973, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Potter Valley Project No. 77 subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5358 Filed 4–6–72;8:48 am]

[Docket No. E–7718]

PENNSYLVANIA ELECTRIC CO.

Notice of Proposed Rate Schedule Changes

APRIL 5, 1972.

Take notice that on March 20, 1972, the Pennsylvania Electric Co. (applicant) filed rate schedule changes for wholesale service to municipal utilities and investor-owned utilities. The changes are proposed to become effective on June 1, 1972.

The new schedule designated FPC Electric Tariff, Original Volume No. 1, Rate RP, will supersede FPC Schedules Nos. 50, 51, 34, 52, 12, 53, 36, 54, and 55. Concurrently with the new rate schedules, applicant also requests investigation of its contract rate for supplemental service to Allegheny Electric Cooperative, Inc., and filed cost of service materials to provide information as to whether the present rate for supplemental power service to Allegheny should be terminated. Copies of a proposed rate schedule for service to Allegheny and supporting testimony were also filed. Applicant further requests that the Commission permit the proposed tariff to become effective without suspension, or, in the event of suspension, that the Commission select a suspension period of, at most, 30 days.

Applicant states that the proposed FPC Electric Tariff, Original Volume No. 1 and Rate RP will increase revenues by $383,838 on a 1970 test year basis. The proposed tariff changes add a fuel cost adjustment clause and standardize the proposed general terms and conditions of service. Applicant further states that its proposed rates produce a rate of return of 7.77 percent on sales to the municipal customers and 7.46 percent on sales to the investor-owned companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 17, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure. (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5381 Filed 4–6–72;8:49 am]

[Docket No. RP71–41, etc.]

UNITED GAS PIPE LINE CO.

Notice of Motion Filed With Respect to Pending Stipulation and Agreement

APRIL 3, 1972.

Take notice that on March 28, 1972, United Gas Pipe Line Co. (United) filed with the Commission a motion with respect to the stipulation and agreement filed November 22, 1971, pending at Docket No. RP71–41, et al.

The March 28, 1972, motion provides for millage rate adjustments to permit recovery of increases in gas cost experienced by United. The subject motion further provides for a demand charge adjustment of $3,279,201. United states that if however, the demand charge adjustment issue is set for trial then United would retain the $3,279,201 subject to trial of the issue.

Copies of United's motion were served upon all parties to the captioned proceeding.

Answer or comments relating to United's motion may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before April 14, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5359 Filed 4–6–72;8:48 am]

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

APRIL 3, 1972.

On February 27, 1969, Western Colorado Power Co., Licensee for Ouray Project No. 733 located in the vicinity of Ouray County, Colo., on the Uncompahgre River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on November 13, 1969.

The license for Project No. 733 was issued effective April 13, 1960 for a period ending April 12, 1970. Since that time, the project has been operated under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Western Colorado Power Co. for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to Western Colorado Power Co. (Licensee) under section 15 of the Federal Power Act for the period April 13, 1972 to April 12, 1973 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5360 Filed 4–6–72;8:48 am]

[Docket No. E–7705]

OHIO EDISON CO.

Order Providing for Hearing, Suspending Revised Rate Schedules and Granting Intervention

MARCH 31, 1972.

Ohio Edison Co. (Ohio Edison), on January 27, 1972, tendered for filing revised rate schedules applicable to sales to 21 municipal wholesale customers,[1] which would increase its revenues by approximately $2,218,025 (29.3 percent) annually based upon estimated sales for the 12 months ending March 31, 1973. The increase, which is applicable to both primary and transmission voltage, is proposed to become effective April 1, 1972.

The revised rate schedules include the following proposed changes: (i) The increase in rates and charges described above; (ii) the addition of a new fuel adjustment clause which would increase charges by approximately $1.1 million of the $2.2 million increase described above; (iii) the addition of a provision for load shedding during underfrequency system conditions; and (iv) delete provisions relating to rendering service in certain areas by either Ohio Edison or the municipality.

In support of the proposed rate changes, in summary, Ohio Edison states: That the return on plant and property devoted to the service of its municipal wholesale customers has been declining and is no longer just and reasonable; that the addition of a fuel adjustment clause is to reflect the increases and decreases in the cost of coal and to smooth out the significant effects of such changes upon earned return; that the load shedding provision is intended to share with municipal customers the burden Ohio Edison has undertaken with other interconnected electric systems to enhance the reliability of coordinated systems in meeting operating problems; that the reason for the elimination of the service area provisions is that they are not justified in view of the small number of customers involved in extensions of service by the municipal customers or the Company.

[1] The revised rate schedules are listed in Appendix A below.

Notice of the filing was issued on February 23, 1972, and published in the FEDERAL REGISTER on March 1, 1972 (37 F.R. 4309). On March 9, 1972, 20 of the municipal customers filed a joint petition for leave to intervene in these proceedings.[2] These petitioners also requested that the Commission provide for hearing and suspend the proposed rate changes for the full statutory period of 5 months, pending such hearing and decision thereon.

In their joint petition, the municipal customers contend, inter alia, that the magnitude of the rate increase raises a presumption of unreasonableness, that it would work a severe hardship upon them, and that the full 5 months' suspension is required to enable petitioners to adjust their operating budgets and rates and to investigate the basis for the rate filing. They also assert that the impact upon Ohio Edison would be insignificant due to the small ratio of wholesale revenues to Ohio Edison's total revenues from all sales.

Ohio Edison, on March 21, 1972, filed a motion and an answer to its customers' petition, complaint and request for suspension of the rate changes, denying specific allegations of the petitioners. Ohio Edison avers that the burden of a 5-month suspension is real and that there is no basis in law for suspending any increase merely because the amount is small when compared to overall revenues of the company or that the size of municipal customers is revelant to the suspension issue.

A review of the subject rate filing indictates that the issues therein raised require development in evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

We note that the company's filing is based upon a 1970 test period. In view of the fact that data for the year 1971 should now be available the Presiding Examiner should consider the use of a more current test period. In this connection our regulations under the Federal Power Act do not require the use of a calendar year test period and we prefer the use of the latest actual data available.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Ohio Edison's FPC electric rate schedules, as proposed to be amended by the revised rate schedules tendered for filing on January 27, 1972.

[2] Cities of Amherst, Beach City, Brewster, Columbiana, Cuyahoga Falls, Galion, Grafton, Hubbard, Hudson, Lodi, Lucas, Milan, Monroeville, Niles, Oberlin, Prospect, Seville, South Vienna, Wadsworth, and Wellington, all of Ohio.

(2) The participation of the petitioners named above may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the lawfulness of the rates, charges, classifications, and services contained in Ohio Edison's FPC electric rate schedules, as proposed to be revised herein, commencing with a prehearing conference to be held on April 20, 1972.

(B) Pending hearing and decision thereon, Ohio Edison's revised rate schedules, filed on January 27, 1972, are hereby suspended and the use thereof deferred until September 1, 1972.

(C) The Commission Staff will serve its direct case no later than September 1, 1972. Intervenors will serve their direct cases no later than September 15, 1972. Ohio Edison may serve rebuttal evidence no later than October 6, 1972. The public hearing shall convene on October 17, 1972, at 10 a.m., e.d.s.t. Thereupon, all testimony and exhibits, including Ohio Edison's entire rate filing, as supplemented, shall be admitted to the record, subject to appropriate motions by parties to the proceedings. Cross-examination shall commence immediately thereafter.

(D) Unless otherwise ordered by the Commission, Ohio Edison shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the terms of this order, the Commission's rules of practice and procedure, and the Federal Power Act.

(F) The afore-mentioned joint petitioners for intervention are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided however*, That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: *And provided further*, That the admission of such joint intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

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APPENDIX A

RATE SCHEDULE DESIGNATIONS

Filing date: January 27, 1972.

FPC rate schedule designation Nos.	Contract date	Customer
75	Dec. 30, 1965	City of Amherst.
76	Jan. 24, 1966	Village of Beach City.
77	Dec. 20, 1965	Village of Brewster.
78	Dec. 21, 1965	Village of Columbiana.
79	Dec. 30, 1965	City of Cuyahoga Falls.
80	Dec. 29, 1965	City of Galion.
81	Jan. 17, 1966	Village of Grafton.
82	Dec. 20, 1965	City of Hubbard.
83	Dec. 30, 1965	Village of Hudson.
84	Dec. 28, 1965	Village of Lodi.
85	Dec. 22, 1965	Village of Lucas.
86	Dec. 14, 1965	Village of Milan.
87	Mar. 9, 1966	Village of Monroeville.
88	Dec. 30, 1965	City of Niles.
89	Dec. 29, 1965	Village of Seville.
90	Dec. 27, 1965	Village of South Vienna.
91	Dec. 21, 1965	City of Wadsworth.
92	Dec. 27, 1965	Village of Wellington.
93	July 25, 1969	Village of Prospect.
94	Mar. 2, 1970	City of Oberlin.
95	Apr. 14, 1971	City of Norwalk.

[FR Doc.72-5333 Filed 4-6-72;8:46 am]

[Docket No. E-7706]

SIERRA PACIFIC POWER CO.

Order Providing for Hearing, Suspending Revised Tariff Sheets and Granting Intervention

MARCH 31, 1972.

Sierra Pacific Power Co. (Sierra Pacific), on January 27, 1972, tendered for filing revised tariff sheets[1] in its FPC electric tariff, Original Volume No. 1. The revised tariff sheets, which are proposed to become effective on April 1, 1972, contain increased rates and charges which would increase Sierra Pacific's annual revenues by approximately $324,208 (40.7 percent) based upon service for the 12-month period ending March 31, 1972, rendered to four wholesale customers[2] under Rate Schedules R-1 and R-2. The revised tariff sheets also contain a proposed new fuel adjustment clause.

Sierra Pacific states that the increase in rates is necessitated by increases in operating expenses, particularly in fuel costs; increases in cost of plant additions, and higher capital costs, particularly claiming a need for a rate of return allowance of 8.35 percent on overall investment.

The Commission issued public notice of the rate filing on February 24, 1972, which was published in the FEDERAL REGISTER on March 4, 1972 (37 F.R. 4748). Petitions for leave to intervene asserting their interests in these proceedings were timely filed by the four wholesale customers which are affected by the filing. (supra, footnote 2) The Public Service Commission of Nevada untimely filed notice of intervention.

Truckee-Donner Public Utilities District (Truckee-Donner), in its petition, also requests the Commission to deny Sierra Pacific's increase on the grounds that: (1) Its contractual agreement with Sierra Pacific provides for a fixed rate which may not be terminated without its consent prior to May 18, 1977; (2) the portion of the agreement providing "all rates are subject to such changes and modifications as may be required and/or approved by the Federal Power Commission from time to time", only recognizes the rule that parties may not deprive the Commission of its jurisdiction by agreement; and (3) the proposed fuel adjustment clause would deprive purchasers of the opportunity for full consideration of all cost factors at the time of proposed increases. Truckee-Donner also requests that the Commission enter upon a hearing and suspend the operation of such rates for the maximum 5-month period.

The paragraph which includes the phrase quoted by Truckee-Donner, reads:

> It is understood and agreed by Company and Customer that the rates herein shall go into effect subject to all necessary filings with, and approval by, the Federal Power Commission, and shall be subject to such changes and modifications as may be required and/or approved by the Federal Power Commission from time to time. If said rates are increased, Customer shall have option to discontinue purchasing by giving one (1) year's notice of such intention.

The language in the above provision that the rates "* * * shall be subject to such changes and modifications as may be required and/or approved by the Federal Power Commission from time to time" clearly indicates that changes in the rates contained in the subject contract were contemplated by or with the approval of the Federal Power Commission.

The language in these contracts is, in substance, to the same effect as that in the Memphis case[3] which permits a public utility unilaterally to modify its rate by filing a tariff increase under section 4 of the Natural Gas Act (and thus under the companion section 205 of the Federal Power Act) if the utility's contract with its customers provides for such change. The provision in Truckee-Donner's agreement, moreover, is substantially similar to that in certain of Carolina Power & Light Co.'s contracts with municipalities which we found to authorize unilateral rate filings by the Company.[4] See Opinion No. 608, Carolina Power & Light Company, Docket No. E-7564, issued January 3, 1972, ------ FPC ------.

We conclude that this rate agreement provides for, in effect, a "going rate" rather than a fixed rate, and accordingly that the request for denial of Sierra Pacific's rate increase should be denied.

Review of the rate filing indicates that the issues therein raised require development in evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates, classifications, services, and provisions of Sierra Pacific's FPC Electric Tariff, as proposed to be modified by the subject rate filing on January 27, 1972, and that the subject rate filing be suspended as herein provided.

(2) The participation of the above-named petitioners for leave to intervene in these proceedings may be in the public interest.

(3) Although the Public Service Commission of Nevada's notice of intervention was not timely filed, good cause exists for permitting such intervention.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Ch. I), a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, concerning the lawfulness of the rates, charges, classifications, services, and provisions of Sierra Pacific's FPC Electric Tariff, as proposed to be modified herein.

(B) Pending such hearing and decision thereon Sierra Pacific's tariff sheets filed on January 27, 1972, are hereby suspended and the use thereof deferred until September 1, 1972.

(C) On or before July 14, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all interveners shall be served on or before July 28, 1972. Any rebuttal evidence by Sierra Pacific shall be served on or before August 18, 1972. The public hearing herein ordered shall convene on September 6, 1972, at 10 a.m., e.d.t. Thereupon, all testimony and exhibits, including Sierra Pacific's entire rate filing as submitted on January 27, 1972, as supplemented, shall be admitted to the record subject to appropriate motions of the parties to the proceedings. Cross-examination shall commence immediately thereafter.

(D) Unless otherwise ordered by the Commission, Sierra Pacific shall not change the terms or provisions of the subject rate schedules or of its presently effective rate schedules until this proceeding has terminated or until the suspension period has expired.

(E) Truckee-Donner's request for denial of the proposed rate increase is denied.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall describe relevant procedural matters not herein provided; and shall control this proceeding in accordance with the provisions of this order, the Commission's rules of practice and procedure, and of the Federal Power Act.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided however*, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene: *And provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) The Public Service Commission of the State of Nevada is hereby permitted to intervene in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-5334 Filed 4-6-72;8:46 am]

[1] First Revised Sheets Nos. 2, 8; Second Revised Sheets Nos. 1, 6; Third Revised Sheet No. 4; and Fourth Revised Sheet No. 15.

[2] City of Fallon, Nev., and Pacific Gas and Electric Co., under R-1; and California Pacific Utilities Co. and Trucker-Donner Public Utilities District, under R-2.

[3] United Gas Pipeline Company v. Memphis Light, Gas and Water Division, et al., 358 U.S. 103 (1958).

[4] See also the Commission orders issued May 19, 1971, and Jan. 7, 1972, in Central Telephone & Utilities Corporation, Western Power Division, Docket No. E-7602, ------ FPC ------.

OFFICE OF ECONOMIC OPPORTUNITY

PILOT POLICE PROJECT, WASHINGTON, D.C.

Notice of Availability of Reported Findings

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, it is announced that as a result of OEO Contract No. B00-5133, American Institutes for Research, Kensington, Md., has furnished to the Agency a final report entitled "The Pilot Police Project: A Description and Assessment of a Police-Community Relations Experiment in Washington, D.C."

The major finding is that positions of various factions previously considered polarized can be reconciled and that objective criteria for choosing among alternative ways of improving police-community relations can be established. The evaluators conclude that the likelihood of improving police-community relations will be greater if policymakers will do the following: (1) Recognize that inservice police training is not necessarily the best program to emphasize in efforts to improve police-community relations; (2) Involve the community in police-community relations programs. Involve the community intensively in services currently connected with the police, but not being performed at all or well by them; (3) View police-community relations from a long term point of view; short term training and other experimental programs are likely to be trampled in the political controversy over who will control and operate them; (4) Examine what the community people are saying. Emphasize changing the power relationship through influencing policies connected with police recruitment, residence, and promotions, with particular stress on recruitment; (5) Concentrate on citizens as well as the police. Educate citizens to assume responsibility in law enforcement. Specific recommendations in this area include the establishment of a police science scholarship program within each police subdivision of a city and the institutionalization of community based police-community relations units comparable to, but more encompassing than, existing police-community relations units within police departments. The core of the latter program would be civilian-selected and civilian-staffed liaisons between local civic associations and the police.

A Summary Abstract, a Summary of Findings, and the technical evaluation final report is available from OEO directly, or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

WESLEY L. HJORNEVIK, *Deputy Director.*

[FR Doc.72-5317 Filed 4-6-72;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

WEST VIRGINIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of West Virginia, dated February 28, 1972, and published March 3, 1972 (37 F.R. 4477), and amended March 14, 1972, and published March 28, 1972 (37 F.R. 6355), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 27, 1972:

The Counties of:

Boone. Lincoln.
Kanawha. Wyoming.

Dated: April 4, 1972.

G. A. LINCOLN, *Director, Office of Emergency Preparedness.*

[FR Doc.72-5349 Filed 4-6-72;8:47 am]

PRICE COMMISSION

ECONOMIC STABILIZATION PROGRAM

Notice of Public Hearing

Notice is hereby given that the Price Commission will hold a public hearing on April 21, 1972, in Boston, Mass.

The purpose of the hearing is to receive input from various sectors of the Nation, including industry, commerce, labor, consumers, and others. The Commission is seeking a general review of policy; an evaluation of its approach to curbing inflation; comments upon recommended policy changes; identification of specific problem areas; and discussion of the causes of inflation and the application of policies to control it.

The hearing will be held from 9 a.m. to 2:30 p.m. in Faneuil Hall, Merchants Row, Dock Square, Boston, Mass.

The public hearing hereby scheduled reflects the Commission's intention to comport with the stated desire to Congress (section 207 of the Economic Stabilization Act of 1970, as amended), for public hearings on matters which have a significantly large impact on the national economy.

Any person who has a substantial interest in the subject of the hearing, or who is a representative of a group or class of persons which has a substantial interest in the subject of the hearing, may submit, before April 14, 1972, a written request to make an oral presentation. Any such written request should include a description of the substantial interest concerned; if appropriate, a statement of why the requesting person is a proper representative of a group or class of persons which has such an interest; and a concise summary of the proposed oral presentation. Oral presentations may be supplemented by written submissions filed with the Commission before the oral presentation or before April 19, 1972. The Commission reserves the right to select the persons to be heard at the hearing, to schedule and determine the length of their respective presentations, and to establish the procedures governing the conduct of the hearing. In addition, the Commission requests all other interested persons to submit written suggestions and comments on the subject for Commission consideration before April 19, 1972.

All written submissions and requests to make an oral presentation should be sent to Mr. Robert C. Cassidy, Price Commission, 2000 M Street NW., Washington, DC 20508.

Issued in Washington, D.C., on April 3, 1972.

C. JACKSON GRAYSON JR., *Chairman, Price Commission.*

[FR Doc.72-5332 Filed 4-6-72;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

MOTOR VEHICLE POLLUTION CONTROL

Suspension Request; Notice of Public Hearing

Notice of public hearing on the suspension request of Volvo, Inc., pursuant to section 202(b)(5)(D) of the Clean Air

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Act, as amended, was published on March 30, 1972, at 37 F.R. 6516. That notice advised that requests received from any other motor vehicle manufacturers on or before April 5, 1972, would also be considered at that hearing which will commence at 10 a.m. on April 10, 1972, at the Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C.

Suspension requests were received from International Harvester Co. on March 31, 1972, and Ford Motor Co., Chrysler Corp., and General Motors Corp. on April 5, 1972. Those applications will be considered at the above described hearing.

Dated: April 6, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-5474 Filed 4-6-72;10:39 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5179]

POTOMAC EDISON CO.

Notice of Proposed Amendment of Charter and Issue and Sale of Cumulative Preferred Stock at Competitive Bidding

MARCH 31, 1972.

Notice is hereby given that The Potomac Edison Co. (Potomac), Downsville Pike, Hagerstown, Md. 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Potomac proposes to amend its charter to increase the authorized shares of its Cumulative Preferred Stock by 100,000 shares and to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its authorized but unissued $_____ Cumulative Preferred Stock, Series G, par value $100 per share. The dividend rate (which shall be a multiple of 4 cents) and the price (exclusive of accrued dividends) to be paid to Potomac (which shall be not less than $100 or more than $102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock include a 5-year prohibition against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stock at a lower effective dividend cost.

The net proceeds from the issue and sale of the stock will be used for the construction program of Potomac and its subsidiary companies (including payment of $10 million of short-term borrowings incurred therefor). Construction expenditures for the years 1972 and 1973 are currently estimated at $42 million and $48 million, respectively.

It is stated that the Maryland Public Service Commission has jurisdiction over the proposed issue and sale of the preferred stock by Potomac and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the transactions are estimated at $41,000, including legal fees of $9,000. The fees of counsel for the successful bidders, which are to be paid by such bidders, will be filed by amendment.

Notice is further given that any interested person may, not later than April 24, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5325 Filed 4-6-72;8:45 am]

[70-5180]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Common Stock at Competitive Bidding

MARCH 31, 1972.

Notice is hereby given that Utah Power & Light Co. (Utah), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $25 million principal amount of First Mortgage Bonds, _____ percent Series due 2002. The interest rate of the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Utah (which shall be not less than 99 percent nor more than 102 percent of the principal amount of the bonds) will be determined by the competitive bidding. The bonds are to be dated as of May 1, 1972, will mature on May 1, 2002, and will be issued under a mortgage and deed of trust dated as of December 1, 1943, between Utah and Morgan Guaranty Trust Company of New York (formerly Guaranty Trust Company of New York) and H. H. Gould (successor co-trustee), as trustees, and indentures supplemental thereto including a 20th Supplemental indenture to be dated as of May 1, 1972, and which includes a prohibition until May 1, 1977, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

Utah also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 715,000 shares of its common stock, par value $12.80 per share. The sale of the bonds and the sale of the common stock are separate transactions, not contingent one upon the other.

The proceeds from the sale of the bonds and common stock will be applied to the payment of outstanding short-term notes (estimated at $40 million) evidencing borrowings made for construction purposes and the remaining proceeds will be used to finance its construction program. The construction program for Utah and its subsidiary company, The Western Colorado Power Co., for the years 1972–1974, inclusive, is estimated at $191 million of which $63 million is expected to be used in 1972.

Utah has applied to the Public Service Commission of Wyoming and the Idaho Public Utilities Commission for requisite authority to effectuate the proposed transactions. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than April 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5326 Filed 4-6-72;8:46 am]

TENNESSEE VALLEY AUTHORITY

CONTROL OF EURASIAN WATERMILFOIL IN TVA RESERVOIRS

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a document entitled "Environmental Statement, Control of Eurasian Watermilfoil (Myriophyllum Spicatum L.) in TVA Reservoirs" has been prepared in draft pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and became available to the public on February 16, 1972. Copies of the document are accessible for public examination in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets, Washington, D.C. 20444. This statement covers the environmental impact of the control of Eurasian Watermilfoil in the TVA reservoir system through water level management and the application of herbicides.

Single copies of the draft statement will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 30th day of March 1972, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.72-5327 Filed 4-6-72;8:46 am]

TARIFF COMMISSION

[332-60]

TARIFF PREFERENCES FOR LESS DEVELOPED COUNTRIES

Notice of Termination of Probable Effects Study and Publication of Staff Research Study

Notice is hereby given that the U.S. Tariff Commission has terminated its study of the probable effects on U.S. trade of a system of preferential tariff reductions applicable to the products of less-developed countries. The Commission has published a staff research paper, in two volumes, containing the results of the research done in the study. The study was conducted under the provisions of section 332 of the Tariff Act of 1930.

Issued: April 3, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-5345 Filed 4-6-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 4, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 136132, BOAT MOVING ENGINEERS, INC., application dismissed.

FD 26985, The Baltimore and Ohio Railroad Co. abandonment Fairmont Branch between Board Tree and Moundsville, in Marshall County, W. Va., now assigned May 1, 1972, at Moundsville, W. Va., canceled and reassigned to May 1, 1972, in the Civil Service Room, New Post Office Building, 2501 Chapline Street, Wheeling, W. Va.

MC 117940 Sub 61, Nationwide Carriers, Inc., now assigned May 8, 1972, at Washington, D.C., canceled and application dismissed.

MC 31879 Sub 32, Exhibitors Film Delivery & Service Co., Inc., continued to May 18, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135110, Wood's Trucking Co., Ltd., application dismissed.

MC 107496 Sub 827, Ruan Transport Corp., and MC 108449 Sub 334, Indianhead Truck Line, Inc., now assigned May 3, 1972, at Chicago, Ill., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5367 Filed 4-6-72;8:49 am]

[Rev. S.O. 994; Supplemental ICC Order 67[1]]

CENTRAL RAILROAD COMPANY OF NEW JERSEY

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, is unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J.

It is ordered, That:

(a) Rerouting traffic: The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, being unable to transport traffic over its lines in Pennsylvania because of a cessation of operations ordered by the Federal District Court in Newark, N.J., this railroad and its connections are hereby authorized to reroute or divert such traffic by substituting the Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, Trustees, for the Central Railroad of New Jersey for movement over that line in the State of Pennsylvania, thence over such other necessary lines of the Lehigh Valley Railroad Co., John F. Nash and Robert C. Haldeman, Trustees, for interchange to connections at any junction, wherever located, as will best facilitate the flow of traffic, and/or to and from those stations of The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee, located in the State of Pennsylvania. No other changes in routing shall be made unless authorized by the shipper; or, if the shipment was originally unrouted, unless authorized by the origin carrier. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

[1] This supplement is issued for purpose of clarifying the intent to permit interchange to connections at any junction, wherever located, as will best facilitate the flow of traffic.

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(c) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(d) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Effective date: This order shall become effective at 12:01 a.m., April 1, 1972.

(f) Expiration date: This order shall expire at 11:59 p.m., May 30, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 4, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-5368 Filed 4-6-72;8:49 am]

[Notice 41]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 4, 1972.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73317. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Tyler Consolidators, Inc., Richmond, Calif., of the operating rights in Certificate No. MC-64719 issued September 14, 1940, to Pierce-Rodolph Storage Co., Ltd., San Francisco, Calif., authorizing the transportation of household goods, between points within 100 miles of San Francisco, Calif., including San Francisco. Marshall G. Berol, 100 Bush Street, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-73345. By order of March 22, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to Tyler Consolidators, Inc., Richmond, Calif., of Certificate No. MC-109989 issued to Harry W. Hamilton, Jr., doing business as Pioneer Truck & Storage Co., and Ventura Transfer & Storage, Oxnard, Calif., authorizing the transportation of: Household goods as defined by the Commission and various specified commodities, between named points and areas in California. Marshall G. Berol, attorney, 100 Bush Street, San Francisco, CA 94104.

No. MC-FC-73436. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Madison River Terminal, Inc., Madison, Ind., of the operating rights in Certificate No. MC-133139 issued May 15, 1969, to Madison Coal and Oil, Inc., Madison, Ind., authorizing the transportation of dry bulk commodities, with exceptions, in dump vehicles, from river terminals at Madison, Ind., to specified areas in Indiana, Ohio, and Kentucky, and pig iron and ferro alloys, from river terminals at Madison, Ind., to specified areas in Indiana, Ohio, and Kentucky. Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-73481. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Gary Lee Meyer, doing business as Meyer Truck Line, 2 North Dakota Street, Aberdeen, SD 57401, of the operating rights in Certificate No. MC-108189, issued July 2, 1970, to Mills Truck Line, Inc., 2 North Dakota Street, Aberdeen, SD 57401, authorizing the transportation of mail and general commodities, with exceptions, over regular routes, between specified points in South Dakota.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5366 Filed 4-6-72;8:49 am]

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FRIDAY, APRIL 7, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 68

PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

■

Milk for Manufacturing Purposes and its Production and Processing

Recommended Requirements

No. 68—Pt. II——1

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DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING

Requirements Recommended for Adoption by State Regulatory Agencies

Statement of consideration leading to the recommended requirements. Proposed requirements for milk for manufacturing purposes and its production and processing recommended for adoption by States were published by USDA under notices in the FEDERAL REGISTER on October 25, 1969. The purpose of publishing the proposed requirements was to invite comment from State regulatory officials, the dairy industry and all other interested parties. Written data, views, or arguments in connection with the aforesaid recommendations were requested to be sent to the Hearing Clerk, U.S. Department of Agriculture, by no later than March 31, 1970.

Ninety-two letters of comment were received. The letters were reviewed and the views and opinions considered by both the Department of Health, Education, and Welfare and the U.S. Department of Agriculture. Of the 13 States commenting, a majority agreed on the following items:

(a) Use of a farm permit system rather than the proposed farm certification system.

(b) Delete the provisions for an automatic drop in the maximum bacterial level for No. 2 (acceptable) milk from individual farms from 3 million to 1 million per milliliter in 3 years after adoption by a State.

(c) Permit the continued use of the Methylene Blue test to estimate bacteria.

(d) Eliminate requirement that producers check strength of sanitizing solutions.

(e) Make requirements for farm water supplies less stringent.

(f) Require that laboratory test records on milk quality only be maintained for review by inspectors.

(g) Eliminate the recommendation that commingled milk in plant storage tanks have a bacteria count no greater than 3 million per milliliter.

The remaining 79 letters of comment were from producers, processors, and trade organizations. In general, their views supported those of the States who commented.

Careful consideration has been given to the sum and substance of each letter of comment received. The views and opinions expressed were then weighed in light of what is known of industry capability, and in light of the proportion of the industry now meeting the recommended requirements. The fact that certain States and areas are unable presently to adopt and apply these recommended requirements should not alter the significance nor the need for uniformity in the sanitary quality of manufacturing milk and its products. Instead, such areas should assess their situation and use all means necessary to systematically improve conditions step by step, to the point where the recommended requirements can be met.

Actions taken on the views and comments received are as follows: The use of either term, whether it be farm certification or farm permit, would not alter the basic concept in the recommended requirements that an established criteria must be complied with as a basis for issuance and continuance of either a permit or certification. For these reasons, the term certification was retained in the text.

Considerable apprehension was expressed in the provision to automatically reduce the maximum level of bacteria in acceptable milk from 3 million to 1 million in 3 years after adoption of the requirements. Certain areas may not have a sufficient basis by which to judge whether they could meet this drop in the specified time. Therefore, this recommended requirement is being footnoted to indicate that it will be reviewed in 3 years and, if warranted, a further extension may be granted.

The Methylene Blue test for estimating the bacterial content of milk has been demonstrated to be the least conclusive test when compared with the standard plate count, the direct microscopic count, and the resazurin reduction test. Because of its poor correlation with the other three test procedures, the Methylene Blue test will not be included as a recommended test. This is not to say that some benefit could not be derived from its use in upgrading the quality of milk. Those who are using it now will receive the full benefits of the test, to the maximum capability of the test itself. From that point on, a more definitive test procedure will be needed.

The recommendation to have producers check the strength of their sanitizing solutions has been dropped, as it is felt that proper use of sanitizing solutions can be achieved by following the directions of the manufacturer.

Dairy farm water supply requirements were changed slightly. For reasons of public health significance and for safety of the farm family and the public in general it was felt that (1) farm water supplies should at least for the present meet the State requirements, (2) that in cases where they did not meet the State requirements, such sources of farm water supplies should be upgraded to meet the requirements any time that unsatisfactory test samples were obtained, when repairs or reconstruction was necessary or when any new source was constructed. States should be able to upgrade farm water supplies so that they could comply with the construction requirements.

The only test records which are recommended to be kept for routine review by inspectors are those which pertain to sediment and bacterial tests on milk from producers, pasteurization recorder charts, and water supply and health certificates. This recognizes privacy of in-plant quality control tests and other test results, from routine surveillance.

The recommended requirement that when milk from individual farms is commingled in dairy plant storage tanks, the commingled milk shall not have a bacterial count higher than 3 million per milliliter, is being retained. The reason is that some means is necessary to determine if the milk after being received from the farm is properly refrigerated and promptly handled in a sanitary manner until processed.

In addition, editorial changes have been made in the text for the purpose of greater clarity of intent.

The purpose and intent of the recommended requirements now being published is to promote, through State adoption and enforcement, uniformity in State dairy laws and regulations as well as national uniformity in the sanitary manner in which milk for manufacturing purposes is produced and processed.

The U.S. Department of Agriculture has no legal responsibility for the enforcement of these recommended requirements within a State. This is the responsibility of each State when the requirements are adopted by a State. However, under authority granted it by the Agricultural Marketing Act of 1946, USDA will continue to assist the States in an advisory and interpretive capacity in order to promote the purpose and intent for which these requirements have been published. In addition, USDA will continue to review the progress being made toward adoption of these recommendations and if necessary will amend the recommendations to include additional time limitations for implementation.

A sample State Enabling Act to facilitate the enactment of the proposed requirements for those States not having the present authority, together with the recommended requirements, is included.

Subpart A—Sample State Enabling Act

Subpart B—Definitions

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B 1. Meaning of words.
B 2. Terms defined.

Subpart C—Quality Requirements for Milk for Manufacturing

C 1. Basis.
C 2. Sight and odor.
C 3. Sediment content classification.
C 4. Bacterial estimate classification.
C 5. Rejected milk.
C 6. Identification of reject milk.
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C 8. Quality testing of milk from producers.
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E 1.13 Plant records.
E 1.14 Packaging and general identification.
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E 2.2 Equipment and utensils.
E 2.2.1 General construction, repair and installation.
E 2.2.2 Preheaters.
E 2.2.3 Hotwells.
E 2.2.4 Evaporators and/or vacuum pans.
E 2.2.5 Surge tanks.
E 2.2.6 High pressure pumps and lines.
E 2.2.7 Dryers.
E 2.2.8 Collectors and conveyors.
E 2.2.9 Dry dairy product cooling equipment.
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E 3. Supplemental requirements for plants manufacturing, processing, and packaging butter and related products.
E 3.1 Rooms and compartments.
E 3.1.1 Coolers and freezers.
E 3.1.2 Churn rooms.
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E 3.3.3 Containers.
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E 4.1.5 Rindless block wrapping area.
E 4.1.6 Coolers or curing rooms.
E 4.1.7 Cutting and packaging rooms.
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E 4.2.3 Cheese vats.
E 4.2.4 Mechanical agitators.
E 4.2.5 Curd mill and miscellaneous equipment.
E 4.2.6 Hoops and followers.
E 4.2.7 Press.
E 4.2.8 Rindless cheese press.
E 4.2.9 Paraffin tanks.
E 4.3 Operations and operating procedures.
E 4.3.1 Cheese from pasteurized milk.
E 4.3.2 Cheese from unpasteurized milk.
E 4.3.3 Whey disposal.
E 4.3.4 Packaging and repackaging.
E 4.3.5 General identification.
E 5. Supplemental requirements for plants manufacturing and packaging cottage cheese.
E 5.1 Rooms and compartments.
E 5.1.1 Processing rooms.
E 5.1.2 Starter room.
E 5.1.3 Coolers.
E 5.2 Equipment and utensils.
E 5.2.1 General construction, repair, and installation.
E 5.2.2 Cheese vats.
E 5.2.3 Agitators.
E 5.2.4 Container fillers.
E 5.2.5 Mixers.
E 5.2.6 Starter vats.
E 5.3 Operations and operating procedures.
E 5.3.1 Pasteurization.
E 5.3.2 Reconstituting nonfat dry milk.
E 5.3.3 Packaging and general identification.
E 5.3.4 Storage of finished product.
E 6. Supplemental requirements for plants manufacturing, processing, and packaging pasteurized process cheese and related products.
E 6.1 Equipment and utensils.
E 6.1.1 General construction, repair, and installation.
E 6.1.2 Conveyors.
E 6.1.3 Grinders or shredders.
E 6.1.4 Cookers.
E 6.1.5 Fillers.
E 6.2 Operations and operating procedures.
E 6.2.1 Trimming and cleaning.
E 6.2.2 Cooking the batch.
E 6.2.3 Forming containers.
E 6.2.4 Filling containers.
E 6.2.5 Closing and sealing containers.
E 7. Supplemental requirements for plants manufacturing, processing, and packaging evaporated, condensed or sterilized milk products.
E 7.1 Equipment and utensils.
E 7.1.1 General construction, repair, and installation.
E 7.1.2 Evaporators and vacuum pans.
E 7.1.3 Fillers.
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E 7.1.5 Homogenizer.
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E 7.2.1 Pre-heat, pasteurization.
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F 1.1 Necessity for certification.
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F 1.5 Reinstatement.
F 2. Licensing plants, milk graders, and bulk milk collectors.
F 2.1 Necessity for plant license.
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Subpart A—Sample State Enabling Act

An act to provide for the establishment of requirements for milk for manufacturing purposes and its production and processing.

SECTION 1. It is the intent of the Act to encourage the sanitary production of good quality milk, to promote the sanitary processing of milk for manufacturing purposes, and to assure wholesome, stable, and high-quality dairy products.

SEC. 2. The [regulatory agency of the State] [1] shall administer the provisions of this Act and is hereby authorized: to establish and promulgate rules and regulations for milk for manufacturing purposes, its production, transportation, grading, use, processing, and the packaging, labeling, and storage of dairy products made therefrom; to inspect dairy farms and dairy plants; to certify dairy farms for the production and sale of milk for manufacturing purposes and to license dairy plants to handle and process milk for manufacturing purposes, in conformity with basic requirements and specifications prescribed by such rules and regulations as may be issued hereunder in effectuation of the intent hereof; to require the keeping of appropriate books and records by plants licensed hereunder; and to license qualified milk graders and bulk milk collectors.

SEC. 3. The [regulatory agency of the State] [1] may for good cause, after notice and opportunity for hearing, suspend or revoke certifications and licenses issued hereunder. Provided, that nothing in this Act shall be construed to prevent the suspension of the operation of any plant

[1] Insert name of appropriate regulatory agency, official, or department.

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prior to a hearing, when such action is authorized by any applicable and valid law or regulation.

SEC. 4. Twenty-four months from and after the effective date of the rules and regulations issued pursuant to this Act, no person, firm, or corporation shall produce, sell, offer for sale, or process milk for the manufacture of human food except in accordance with the provisions of this Act and the rules and regulations issued pursuant hereto.

SEC. 5. Any person, firm, or corporation that willfully violates any provision of this Act or the rules and regulations issued pursuant hereto shall be fined not more than $_____, and each and every violation shall constitute a separate offense.

SEC. 6. This Act shall become effective _____.

Subpart B—Definitions

SECTION B 1. *Meaning of words.* Words used in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

SEC. B 2. *Terms defined.* Unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *Act.* (The State Act to provide for the establishment of Requirements for Milk for Manufacturing Purposes and Its Production and Processing.)[1]

(b) *Regulatory agency.* (Insert the name of the State agency, official, or department) is authorized by law to administer the Act.

(c) *Rules and regulations.* The provisions of Subpart B to F herein.

(d) *License.* A license issued under the Act by (the regulatory agency).

(e) *Fieldman.* A person qualified and trained in the sanitary methods of production and handling of milk as set forth herein, and generally employed by a processing or manufacturing plant for the purpose of making dairy farm surveys and doing quality control work.

(f) *Fieldman, approved.* A fieldman qualified, trained, and approved by the (regulatory agency) to perform farm inspections and raw milk grading.

(g) *Inspector.* A qualified, trained person employed by (the regulatory agency) to perform dairy farm or plant inspections and raw milk grading.

(h) *Milk grader or bulk milk collector.* A person licensed by [the regulatory agency] as described in F 2.4(b) who is qualified and trained for the grading of raw milk in accordance with the quality standards and procedures of Subparts C and F.

(i) *Producer.* The person or persons who exercise control over the production of the milk delivered to a processing plant or receiving station and those who receive payment for this product. A "new producer" is one who has only recently entered the production of milk for the market. A "transfer producer" is one who has been shipping milk to one plant and transfers his shipments to another plant.

(j) *Dairy farm or farm.* A place or premise where one or more milking cows are kept, a part or all of the milk produced thereon being delivered, sold, or offered for sale to a plant for manufacturing purposes.

(k) *Dairy plant or plant.* Any place, premise, or establishment where milk or dairy products are received or handled for processing or manufacturing and/or prepared for distribution. When "plant" is used in connection with the production, transportation, grading, or use of milk, it means any plant that handles or purchases milk for manufacturing purposes; when used in connection with requirements for plants or licensing of plants, it means only those plants that manufacture dairy products.

(l) *Milk.* The normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. The word "milk" used herein includes only milk for manufacturing purposes.

(m) *Milk for manufacturing purposes.* Milk produced for processing and manufacturing into products for human consumption but not subject to Grade A or comparable requirements.

(n) *Acceptable milk.* Milk that qualifies under sec. C 2 as to sight and odor and that is classified No. 1 or No. 2 for sediment content (sec. C 3) and No. 1 or No. 2 for bacterial estimate (sec. C 4).

(o) *Probational milk.* Milk classified No. 3 for sediment content (sec. C 3) or milk classified "Undergrade" for bacterial estimate (sec. C 4) that may be accepted by plants for specific time periods.

(p) *Reject milk.* Milk that does not qualify under sec. C 2 as to sight and odor, or that is classified No. 4 for sediment content (sec. C 3), which is rejected by the plant by the provisions of sec. C 5.

(q) *Excluded milk.* All of a producer's milk excluded from the market by the provisions of sec. C 7.

(r) *Dairy products.* Butter, cheese (natural or processed), dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk (whole or skim), condensed whole milk and condensed skim milk (plain or sweetened), and such other products, for human consumption, as may be otherwise designated.

(s) *Farm certification.* Certification by an inspector or approved fieldman that a producer's herd, milking facility and housing, milking procedure, cooling, milkhouse or milkroom, utensils and equipment and water supply have been found to meet the applicable requirements of subpart D for the production of milk to be used for manufacturing purposes.

(t) *Official methods.* Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC.

(u) *Standard methods.* Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, N.Y.

(v) *3–A Sanitary Standards.* The standards for dairy equipment formulated by the 3–A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service, and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians, Box 437, Shelbyville, IN 46176.

(w) *C–I–P or cleaned-in-place.* The procedure by which sanitary pipelines or pieces of dairy equipment are mechanically cleaned in place by circulation.

(x) *Atmospheric relatively free from mold.* No more than 10 mold colonies per cubic foot of air as determined in Standard Methods.

(y) *Sanitizing treatment.* Application of any effective method or sanitizing agent to a clean surface for the destruction of pathogens and other organisms as far as is practicable. The sanitizing agents used shall comply with the Federal Food, Drug, and Cosmetic Act.

Subpart C—Quality Requirements for Milk for Manufacturing Purposes

SEC. C 1. *Basis.* The classification of raw milk for manufacturing purposes shall be based on organoleptic examination (sight and odor) and quality control tests for sediment content and bacterial estimate.

SEC. C 2. *Sight and odor.* The flavor and odor of acceptable raw milk shall be fresh and sweet. The milk shall be free from objectionable feed and other off-flavors and off-odors that would adversely affect the finished product, and it shall not show any abnormal condition (including, but not limited to, curdled, ropy, bloody, or mastitic condition), as indicated by sight or odor.

SEC. C 3. *Sediment content classification.* Milk in cans and in farm bulk tanks shall be classified for sediment content as follows: (See Table 1).

TABLE 1

SEDIMENT CONTENT[1]

Sediment-content classification	Milk in cans (off-the-bottom method, 1¼-inch diameter disc)	Milk in farm bulk tanks (mixed sample, 0.40-inch diameter disc)
No. 1 (acceptable)	Not to exceed 0.50 mg.	Not to exceed 0.50 mg. equivalent.
No. 2 (acceptable)	Not to exceed 1.50 mg.	Not to exceed 1.50 mg. equivalent.
No. 3 (probational)	Not to exceed 2.50 mg.	Not to exceed 2.50 mg. equivalent.
No. 4 (reject)	Over 2.50 mg.	Over 2.50 mg. equivalent.

[1] Sediment content based on comparison with applicable charts of Sediment Standards prepared by the U.S Department of Agriculture. (7 CFR 58.2728 through 58.2731)

[1] Insert title and code sections of State Enabling Act.

(a) *Method of testing.* Methods for determining sediment content of milk shall be those described in the latest edition of Standard Methods. For the testing of milk in cans, the off-the-bottom method shall be used. For testing bulk milk, a mixed 1-pint sample shall be tested. Sediment content shall be based on comparison with official USDA Sediment Standards. (7 CFR 58.2728 through 58.2731)

(b) *Frequency of tests.* At least once each month, at irregular intervals, the milk from each producer shall be tested as follows:

(1) *Milk in cans.* One or more cans of milk selected at random from each producer.

(2) *Milk in farm bulk tanks.* A sample shall be taken from each farm bulk tank.

(c) *Acceptance or rejection of milk.* If the sediment disc is classified as No. 1, No. 2, or No. 3, the producer's milk may be accepted. If the sediment disc is classified No. 4 the milk shall be rejected: *Provided,* That if the shipment of milk is commingled with other milk in a transport tank the next shipment shall not be accepted until its quality has been determined at the farm before being picked up; however, if the person making the test is unable to get to the farm before the next shipment it may be accepted but no further shipments shall be accepted unless the milk meets the requirements of No. 3 or better. In the case of milk classified as No. 3 or No. 4, if in cans, all cans shall be tested. Producers of No. 3 or No. 4 milk (cans or bulk) shall be notified immediately and shall be furnished applicable sediment discs and the next shipment shall be tested.

(d) *Retests.* (1) On test of the next shipment (if in cans, all cans shall be tested) milk classified as No. 1, No. 2, or No. 3, may be accepted, but No. 4 milk shall be rejected. Retests of bulk milk classified as No. 4 shall be made at the farm before pickup. The producers of No. 3 or No. 4 milk shall be notified immediately, furnished applicable sediment discs and the next shipment tested.

This procedure of retesting successive shipments and accepting probational (No. 3) milk and rejecting No. 4 milk may be continued for not to exceed 10 calendar days. If at the end of this time all of the producer's milk does not meet the acceptable sediment content classification (No. 1 or No. 2) it shall be excluded from market.

SEC. C 4. *Bacterial estimate classification.* Milk shall be classified for bacterial estimate as follows by one of the listed methods: (See Table 2).

TABLE 2

Bacterial estimate classification	Direct microscopic clump count or standard plate count	Resazurin reduction time to Munsell color standard 5 P 7/4[2]
No. 1 can (acceptable) bulk	Not over 500,000 per ml.	Not less than 2¼ hours.
No. 2 can (acceptable) bulk	do.	Not less than 3½ hours.
	Not over 3,000,000 per ml.	Not less than 1½ hours.
	do.	Not less than 2½ hours.
No. 2[1] can (acceptable) bulk	Not over 1,000,000 per ml.	Not less than 2 hours.
	do.	Not less than 3 hours.
Undergrade can (probation—bulk al 4 weeks).	Over 3,000,000 per ml.	Less than 1½ hours.
	do.	Less than 2½ hours.
Undergrade[1] can (probation—bulk al 4 weeks).	Over 1,000,000 per ml.	Less than 2 hours.
	do.	Less than 3 hours.

[1] Effective 3 years after adoption: *Provided,* That this standard will be reviewed at that time and, if warranted a further extension may be granted.
[2] For enforcement purposes this test must be read at the times shown in the table.

(a) *Method of testing.* Methods for determining the bacterial estimate of milk shall be those described in the latest edition of Standard Methods for the Examination of Dairy Products. However, in reporting the results, the test shall be read at the times indicated in the table.

(b) *Frequency of tests.* At least once a month at irregular intervals, a mixed sample of each producer's milk shall be tested.

(c) *Acceptance of milk.* If the sample of milk is classified as No. 1 or No. 2, the producer's milk may be accepted without qualification. If the sample is classified as "Undergrade" (probational) the producer's milk may be accepted for a temporary period of 4 weeks. The producer of "Undergrade" milk shall be notified immediately.

(d) *Retests.* Additional samples shall be tested and classified at least weekly and the producer notified immediately of the results. This procedure of testing at least weekly and accepting "Undergrade" milk may be continued for a time period not exceeding 4 weeks. If at the end of this time the producer's milk does not meet the acceptable bacterial estimate requirements (No. 1 or No. 2), it shall be excluded from market.

SEC. C 5. *Rejected milk.* A plant shall reject specific milk from a producer if it fails to meet the requirements for sight and odor (sec. C 2.), or if it is classified No. 4 for sediment content, or if it fails to meet the provisions of (sec. C 11.).

SEC. C 6. All reject milk shall be identified with a reject tag and colored with harmless food coloring.

SEC. C 7. *Excluded milk.* A plant shall not accept milk from a producer for use in products:

(a) If a new producer's milk does not meet the requirements for acceptable milk (sec. C 3. and C 4.) or;

(b) If the milk has been in a probational (No. 3) sediment content classification for more than 10 calendar days (sec. C 3.); or

(c) If the milk has been classified "Undergrade" for bacterial estimate for more than 4 successive weeks (sec. C 4.).

SEC. C 8. *Quality testing of milk from producers*—(a) *New producers.* An examination shall be made on the first shipment of milk from producers shipping milk to a plant for the first time or after a period of nonshipment. The milk shall meet the requirements for "acceptable milk" (sec. C 3. and C 4.). Thereafter, the milk shall be tested in accordance with the procedure established for regular shippers.

(b) *Transfer producers.* (1) When a producer discontinues milk delivery at one plant and begins delivery to a different plant for any reason, the new buyer shall not accept the first delivery until he has requested from the previous buyer and received a copy of the record of the producer's milk quality covering the preceding 90 days and a statement of the farm certification status and date of certification, if any. The previous buyer shall furnish the new buyer with such information within 24 hours after receipt of a written request unless the records have been destroyed by means over which he has no control: *Provided,* That the new buyer may accept a producer's milk after making the request for the record by telephone and obtaining assurance from the previous buyer that the producer's milk may be accepted; the new buyer shall then make a written request to the old buyer for the producer's record.

(2) If the new buyer requests and fails to receive the quality record from the previous buyer, he shall report such fact to [the regulatory agency] and shall cause a farm inspection to be made promptly to confirm or establish certification of the transfer producer's farm.

(3) In lieu of the quality record from the previous buyer the producer may furnish the new buyer with a copy of the milk quality tests received with each remittance, monthly or semimonthly, for the preceding 90-day period.

(4) The new buyer shall examine and classify each transfer producer's first shipment of milk and shall subsequently examine shipments in accordance with the provisions of sections C 3. and C 4.

SEC. C 9. *Record of tests.* Accurate records, listing the results of quality tests of each producer, shall be kept on file at the receiving plant where performed and shall be available for examination by the regulatory agency.

SEC. C 10. *Field service.* A representative of the plant should arrange to promptly visit each producer shipping milk which does not meet the requirements for acceptable milk, for the purpose of inspecting the equipment, utensils, and facilities at the farm and to offer constructive assistance for improvement in the quality of the milk. A representative of the plant should visit each producer as often as practicable to assist in and encourage the production of high quality milk.

SEC. C 11. *Abnormal milk*—(a) *Mastitic milk.* (1) After (*date*) required laboratory examination for the presence of unwholesome mammary secretions—whether of an inflammatory, infectious, physiological, or environmental origin—shall be made on all raw milk samples at least four times in each 6 months' period. Samples shall be analyzed at an

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official State laboratory or at a laboratory approved by the State regulatory agency.

(2) After (*date*) when a herd milk sample exceeds any of the following screening test results:

(i) California Mastitis Test—Weak Positive (CMT1+).
(ii) Catalase Test—30% oxygen.
(iii) Modified Whiteside Test—Positive (1+).
(iv) Wisconsin Mastitis Test—WMT value of 21 mm.

a somatic cell count using the Direct Microscopic Clump Count Method or equivalent, or the Electronic Method shall be made on that sample and the results of the somatic cell direct count shall be the official result.

(3) Whenever the somatic cell count indicates the presence of 1,500,000 or more somatic cells per ml., the following procedures shall be applied:

(i) A notice shall be sent to the producer warning him of the excessive somatic cell count.

(ii) Whenever two of the last four consecutive somatic cell counts exceed 1,500,000 cells per ml. the regulatory authority shall send a written notice thereof to the producer. This notice shall be in effect so long as two of the last four consecutive samples exceed 1,500,000 cells per ml. In addition to the written notice an inspection shall be made of the farm facility by the regulatory authority.

(4) A third milk sample shall be taken after a lapse of 3 days and within 14 days of the inspection required under (2) above. If this sample also indicates a high somatic cell count, the regulatory authority shall proceed with its responsibility to suspend the producers' certification for repeated noncompliance with the provisions of section C 11(a).

(b) *Antibiotics.* At least four times in 6 months, at irregular intervals, a separate or commingled sample of each producer's milk shall be tested for antibiotic residues. When a producer's milk shows a positive test he shall be immediately cut off from all markets. He shall not be reinstated until a subsequent test of the producer's milk is negative.

(c) *Radionuclides.* Composite milk samples should be tested for biologically significant radionuclides from selected areas in each State at a frequency which the regulatory agency determines to be adequate to protect the consumer.

(d) *Pesticides.* Composite milk samples should be tested for pesticides from selected areas in each State at a frequency which the regulatory agency determines to be adequate to protect the consumer.

Subpart D—Farm Requirements for Milk for Manufacturing

SEC. D 1. *Health of herd*—(a) *General health.* All animals in the herd shall be maintained in a healthy condition, and shall be properly fed and kept.

(b) *Tuberculin test.* The herd shall be located in an area within the State which meets the requirements of a modified accredited area in which not more than one-half of 1 percent of the cattle have been found to be infected with tuberculosis as determined by the provisions of the "Uniform Methods and Rules" for establishing and maintaining Tuberculosis-Free Herds of Cattle, and Modified Accredited Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, U.S. Department of Agriculture. If the herd is not located in such an area, it shall be tested annually under the jurisdiction of the aforesaid program. All additions to the herd shall be from an area or from herds meeting these same requirements.

(c) *Brucellosis test.* The herd shall be located in an area within the State in which the percentage of cattle affected with brucellosis does not exceed 1 percent and the percentage of herds in which brucellosis is present does not exceed 5 percent, in accordance with provisions of the "Uniform Methods and Rules" for establishing and maintaining Certified Brucellosis-Free Herds of Cattle, Modified Certified Brucellosis Areas and Certified Brucellosis-Free Areas which are approved by the Animal Disease Eradication Division, Agricultural Research Service, U.S. Department of Agriculture. If the area in which the herd is located does not meet these requirements, the herd shall be blood-tested annually or milk-ring-tested semiannually. All additions to the herd shall be from an area or from herds meeting these same requirements. Within 3 years after the effective date of these rules and regulations all milk offered for sale for manufacturing purposes shall be from herds meeting the requirements for the eradication of brucellosis in accordance with the above Uniform Methods and Rules.

(d) *Abnormal milk.* Milk from cows known to be infected with mastitis or milk containing residues of antibiotics or other drugs, or milk containing pesticides or other chemical residues in excess of the established limits shall not be sold or offered for sale for human food. The milk shall be disposed of as the regulatory agency may direct.

SEC. D 2. *Milking facility and housing.* (a) A milking barn or milking parlor of adequate size and arrangement shall be provided to permit normal sanitary milking operations. It shall be well lighted and ventilated, and the floors and gutters in the milking area shall be constructed of concrete or other impervious material. The facility shall be kept clean, the manure removed daily and stored to prevent access of cows to accumulation thereof; and no swine or fowl shall be permitted in any part of the milking area.

(b) If milk is exposed during straining or transferring in the milking areas it shall be protected from falling particles from areas above milk facility.

(c) The yard or loafing area shall be of ample size to prevent overcrowding, shall be drained to prevent forming of standing water pools, insofar as practicable, and shall be kept clean.

SEC. D 3. *Milking procedure.* (a) The udders and flanks of all milking cows shall be kept clean. The udders and teats shall be washed or wiped immediately before milking with a clean, damp cloth or paper towel moistened with a sanitizing solution and wiped dry, or by any other sanitary method.

(b) The milker's outer clothing shall be clean and his hands clean and dry. No person with an infected cut or open sores on their hands or arms shall milk cows, or handle milk or milk containers, utensils or equipment.

(c) Cows which secrete abnormal milk shall be milked last or with separate equipment. This milk shall be excluded from the supply as required in section D 1. (d).

(d) Milk stools, surcingles and anti-kickers shall be kept clean and properly stored. Dusty operations should not be conducted immediately before or during milking. Strong flavored feeds should only be fed after milking.

SEC. D 4. *Cooling.* (a) Milk in cans shall be cooled immediately after milking (to 50° F. or lower)[1] unless delivered to the plant within 2 hours after milking. The cooler, tank, or refrigerated unit shall be kept clean.

(b) Milk in farm bulk tanks shall be cooled to 40° F. or lower within 2 hours after milking and maintained at 50° F. or lower until transferred to the transport tank.

SEC. D 5. *Milkhouse or milkroom.* (a) A milkhouse or milkroom conveniently located and properly constructed, lighted, and ventilated shall be provided for handling and cooling milk and for washing, handling, and storing the utensils and equipment. Other products shall not be handled in the milkroom which would be likely to contaminate milk, or otherwise create a public health hazard.

(b) It shall be equipped with wash and rinse vat, utensil rack, milk cooling facilities and have an adequate supply of hot water available for cleaning milking equipment. If a part of the barn or other building, it shall be partitioned, screened, and sealed to prevent the entrance of dust, flies, or other contamination. A milking parlor used strictly as a milking facility in combination with a milkhouse or milkroom, when properly equipped, arranged and maintained, need not be partitioned. Concentrates and feed, if stored in the building, shall be kept in a tightly covered box or bin. The floor of the building shall be of concrete or other impervious material and graded to provide proper drainage. The walls and ceilings shall be constructed of smooth easily cleaned material. All outside doors shall open outward and be self-closing, unless they are provided with tight-fitting screen doors that open outward or unless other effective means are provided to prevent the entrance of flies.

(c) If a farm bulk tank is used, it shall be properly located in the milkhouse or milkroom for access to all areas for cleaning and servicing. It shall not be located over a floor drain or under a ventilator.

[1] Until 3 years after adoption, the temperature requirement for milk placed in cans will be 60° F.

(d) A small platform or slab constructed of concrete or other impervious material shall be provided outside the milkhouse, properly centered under a suitable port opening in the wall for milkhouse connections. The opening shall be fitted with a tight, self-closing door. The truck approach to the milkhouse or milkroom shall be properly graded and surfaced to prevent mud or pooling of water at point of loading.

(e) The milkhouse or milkroom and appurtenances shall be kept clean and free of trash, animals, and fowl. Pesticides shall not be stored in this room and when used shall be used in accordance with label instructions so as to prevent contamination of the milk.

SEC. D 6. *Utensils and equipment.* (a) Utensils, milk cans, milking machines (including pipeline systems), and other equipment used in the handling of milk shall be maintained in good condition, shall be free from rust, open seams, milkstone, or any unsantiary condition, and shall be washed, rinsed, and drained after each milking, stored in suitable facilities, and sanitized immediately before use with at least 50 p.p.m. chlorine solution or its equivalent. New or replacement can lids shall be umbrella type. All new utensils and equipment shall comply with applicable 3–A Sanitary Standards.

(b) Farm bulk tanks shall meet 3–A Sanitary Standards for construction at the time of installation and shall be installed in accordance with regulations of the regulatory agency.

(c) Single service articles shall be properly stored and shall not be reused.

SEC. D 7. *Water supply.* The dairy farm water supply shall be properly located, protected, and operated, and shall be easily accessible, ample, and of safe, sanitary quality for the cleaning of dairy utensils and equipment. The water supply shall come from a source which is approved by the State regulatory authority; or from a spring, dug well, driven well, bored well, or drilled well, the water from which complies with the standards of the State regulatory authority. A source that does not conform with the construction requirements of the State regulatory authority, but is tested annually by an approved laboratory and found to be safe and of sanitary quality shall be satisfactory: *Provided,* That after adoption of this regulation any new sources of water supply or any farm water supply requiring repairs or reconstruction or any source from which tested samples have been found unsatisfactory shall meet the construction requirements of the State regulatory authority.

SEC. D 8. *Sewage disposal.* House, milkhouse or milkroom and toilet wastes shall be disposed of in a manner that will not pollute the soil surface, contaminate any water supply, or be exposed to insects.

SEC. D 9. *Qualifications for farm certification.* Farm certification requires satisfactory compliance with the requirements in Subpart D.

Subpart E—Requirements for Licensed Dairy Plants

SEC. E 1. *General requirements*—E 1.1 *Premises.* (a) The premises shall be kept in a clean and orderly condition, and shall be free from strong or foul odors, smoke, or excessive air pollution. Construction and maintenance of driveways and adjacent plant traffic areas shall be of concrete, asphalt, or similar material to keep dust and mud to a minimum.

(b) Surroundings: The adjacent surroundings shall be free from refuse, rubbish, and waste materials to prevent harborage of rodents, insects, and other vermin.

(c) Drainage: A suitable drainage system shall be provided which will allow rapid drainage of all water from plant buildings and driveways, including surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

E 1.2 *Buildings.* The building or buildings shall be of sound construction and shall be kept in good repair to prevent the entrance or harboring of rodents, birds, insects, vermin, dogs, and cats. All service pipe openings through outside walls shall be effectively sealed around the opening or provided with tight metal collars.

(a) *Outside doors, windows, openings, etc.* All openings to the outer air including doors, windows, skylights, and transoms shall be effectively protected or screened against the entrance of flies and other insects, rodents, birds, dust, and dirt. All outside doors opening into processing rooms shall be in good condition and fit properly. All hinged, outside screen doors shall open outward. All doors and windows shall be kept clean and in good repair. Outside conveyor openings and other special-type outside openings shall be effectively protected to prevent the entrance of flies and rodents, by the use of doors, screens, flaps, fans, or tunnels. Outside openings for sanitary pipelines shall be covered when not in use. On new construction, window sills should be slanted downward at a 45° angle.

(b) *Walls, ceilings, partitions, and posts.* The walls, ceilings, partitions, and posts of rooms in which milk or dairy products are processed, manufactured, handled, packaged, or stored (except dry storage of packaged finished products and supplies) or in which utensils are washed and stored, shall be smoothly finished with a suitable material of light color, which is substantially impervious to moisture and kept clean. They shall b refinished as often as necessary to maintain a neat, clean surface.

(c) *Floors.* (1) The floors of all rooms in which milk or dairy products are processed, manufactured, packaged, or stored or in which utensils are washed shall be constructed of tile properly laid with impervious joint material, concrete, or other equally impervious material. The floors shall be smooth, kept in good repair, graded so that there will be no pools of standing water or milk products after flushing, and all openings to the drains shall be equipped with traps properly constructed and kept in good repair. On new construction bell-type traps shall not be used. The plumbing shall be so installed as to prevent the backup of sewage into the drain lines and to the floor of the plant.

(2) Sound, smooth wood floors which can be kept clean, may be used in rooms where new containers and supplies and certain packaged finished products are stored.

(d) *Lighting and ventilation.* (1) Light shall be ample, natural or artificial, or both, of good quality and well distributed. All rooms in which dairy products are manufactured or packaged or where utensils are washed shall have at least 30 foot-candles of light intensity on all working surfaces and at least 50 foot-candles of light intensity in areas where dairy products are graded or examined for condition and quality. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor. Where contamination of product by broken glass is possible, light bulbs, fluorescent tubes, fixtures, skylight, or other glass suspended over the product shall be protected against breakage.

(2) There shall be adequate heating, ventilation, or air conditioning for all rooms and compartments to permit maintenance of sanitary conditions. Exhaust or inlet fans, vents, hoods, or temperature and humidity control facilities shall be provided where and when needed, to minimize or eliminate undesirable room temperatuers, objectionable odors, moisture condensation, or mold. Inlet fans should be provided with an adequate air filtering device to eliminate dirt and dust from the incoming air. Ventilation systems shall be cleaned periodically as needed and maintained in good repair. Exhaust outlets shall be screened or provided with self-closing louvers to prevent the entrance of insects when not in use.

(e) *Rooms and compartments.* Rooms and compartments in which any raw material, packaging, ingredient supplies, or dairy products are handled, manufactured, packaged, or stored shall be so designed, constructed, and maintained as to assure desirable room temperatures and clean and orderly operating conditions free from objectionable odors and vapors. Enclosed bulk milk receiving rooms when present shall be separated from the processing rooms by a partition. Rooms for receiving can milk shall be separated from the processing rooms by a partition (partial or complete) by suitable arrangement of equipment or by allowing enough distance between receiving and processing operations to avoid possible contamination of milk or dairy products during manufacturing and handling. Processing

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rooms shall be kept free from equipment and materials not regularly used.

(1) *Coolers and freezers.* Coolers and freezers where dairy products are stored shall be clean, reasonably dry and maintained at the proper uniform temperature and humidty to adequately protect the product, and minimize the growth of mold. Adequate circulation of air shall be maintained at all times. They shall be free from rodents, insects, and pests. Shelves shall be kept clean and dry. Refrigeration units shall have provisions for collecting and disposing of condensate.

(2) *Supply room.* The supply rooms used for the storing of packaging materials, containers, and miscellaneous ingredients shall be kept clean, dry, orderly, free from insects, rodents, and mold and maintained in good repair. Such items stored therein shall be adequately protected from dust, dirt, or other extraneous matter and so arranged on racks, shelves, or pallets to permit access to the supplies and cleaning and inspection of the room. Insecticides, rodenticides, cleaning compounds, and other nonfood products shall be properly labeled and segregated, and stored in a separate room or cabinet away from milk, dairy products, ingredients, or packaging supplies.

(3) *Boiler and tool rooms.* The boiler and tool rooms shall be separated from other rooms where milk and dairy products are processed, manufactured, packaged, handled, or stored. Such rooms shall be kept orderly and reasonably free from dust and dirt.

(4) *Toilet and dressing rooms.* Adequate toilet and dressing room facilities shall be conveniently located.

(i) Toilet rooms shall not open directly into any room in which milk or dairy products are processed, manufactured, packaged, or stored; doors shall be self-closing; ventilation shall be provided by mechanical means or screened openings to the outer air; fixtures shall be kept clean and in good repair.

(ii) All employees shall be furnished with a locker or other suitable facility and the lockers and dressing rooms shall be kept clean and orderly. Adequate hand-washing facilities shall be provided and curable, legible signs shall be posted conspicuously in each toilet or dressing room directing employees to wash their hands before returning to work.

(5) *Laboratory.* Consistent with the size and type of plant and the volume of dairy products manufactured, an adequately equipped laboratory shall be maintained and properly staffed with qualified and trained personnel for quality control and analytical testing. A central laboratory serving more than one plant may be acceptable if conveniently located to the dairy plants and if samples and results can be transmitted without undue delay.

(6) *Starter facilities.* Adequate sanitary facilities shall be provided for the handling of starter cultures.

E 1.3 *Facilities*—(a) *Water supply.* (1) There shall be an ample supply of both hot and cold water of safe and sanitary quality, with adequate facilities for its proper distribution throughout the plant, and protection against contamination and pollution. Water from other facilities, when officially approved, may be used for boiler feed water and condenser water provided that such waterlines are completely separated from the waterlines carrying the sanitary water supply, and the equipment is so constructed and controlled as to preclude contamination of product contact surfaces. There is no cross connection between the safe water supply and any unsafe or questionable water supply, or any other source of pollution through which contamination of the safe water supply is possible. Bacteriological examination shall be made of the sanitary water supply at least twice a year, or as often as necessary to determine purity and suitability for use in manufacturing dairy products. Such tests shall be made by the State regulatory agency except for supplies that are regularly tested for purity and bacteriological quality, and approved by the appropriate regulatory officer. The results of all water tests shall be kept on file at the plant for which the test was performed.

(2) The location, construction and operation of any well shall comply with regulations of the appropriate agency.

(b) *Drinking water facilities.* Drinking water facilities of a sanitary type shall be provided in the plant and shall be conveniently located.

(c) *Hand-washing facilities.* Convenient hand-washing facilities shall be provided, including hot and cold running water, soap or other detergents, and sanitary single-service towels or air dryers. Such accommodations shall be located in or adjacent to toilet and dressing rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products. Vats for washing equipment or utensils shall not be used as hand-washing facilities. Self-closing metal or plastic containers shall be provided for used towels and other wastes.

(d) *Steam.* Steam shall be supplied in sufficient volume and pressure for satisfactory operation of each applicable piece of equipment. Culinary steam used in direct contact with milk or dairy products shall be free from harmful substances or extraneous material and only nontoxic boiler compounds shall be used, or a secondary steam generator shall be used in which soft water is converted to steam and no boiler compounds are used. Steam traps, strainers, and condensate traps shall be used wherever applicable to insure a satisfactory and safe steam supply. Culinary steam shall comply with the recommended practices for "Producing Culinary Steam for Processing Milk and Milk Products" as published by the National Association of Dairy Equipment Manufacturers, Washington, D.C., April 1963 or latest revision thereof.

(e) *Air under pressure.* The method for supplying air under pressure which comes in contact with milk or dairy products or any product contact surface shall comply with the 3–A Accepted Practices for Supplying Air Under Pressure. The air used at the point of application shall be free from volatile substances, volatiles which may impart any flavor or odor to the products, and extraneous or harmful substances.

(f) *Disposal of wastes.* Dairy wastes shall be properly disposed of from the plant and premises. The sewer system shall have sufficient slope and capacity to readily remove all waste from the various processing operations. Where a public sewer is not available, all wastes shall be properly disposed of so as not to contaminate milk equipment or to create a nuisance or public health hazard. Containers used for the collection and holding of wastes shall be constructed of metal, plastic, or other equally impervious material and kept covered with tight-fitting lids and placed outside the plant on a concrete slab or on a rack raised at least 12 inches. Alternatively waste containers may be kept inside a suitably enclosed, clean and flyproof room. Solid wastes shall be disposed of regularly and the containers cleaned before reuse. Accumulation of dry wastepaper and cardboard shall be kept to a minimum. The paper shall be burned at the plant in a properly constructed incinerator, or compressed or bagged and hauled away.

E 1.4 *Equipment and utensils*—(a) *General construction, repair, and installation.* (1) The equipment and utensils used for the processing of milk and manufacture of dairy products shall be constructed to be readily demountable where necessary for cleaning and sanitizing. The product contact surfaces of all utensils and equipment such as holding tanks, pasteurizers, coolers, vats, agitators, pumps, sanitary piping, and fittings or any specialized equipment shall be constructed of stainless steel, or other equally corrosion-resistant material. Nonmetallic parts other than glass having product contact surfaces shall meet 3–A Sanitary Standards for Plastic or Rubber and Rubberlike Materials.

(2) All equipment and piping shall be designed and installed so as to be easily accessible for cleaning, and shall be kept in good repair, free from cracks and corroded surfaces. New or rearranged equipment shall be set away from any wall or spaced in such a manner as to facilitate proper cleaning and to maintain good housekeeping. All parts or interior surfaces of equipment, pipes (except certain piping cleaned in place) or fittings, including valves and connections, shall be accessible for inspection. Milk and dairy product pumps shall be of a sanitary type and easily dismantled for cleaning or shall be of specially approved construction to allow effective cleaning in place.

(3) All CIP systems shall comply with the 3–A Sanitary Practices for Permanently Installed Sanitary Product, Pipelines, and Cleaning Systems.

(b) *Weigh cans and receiving tanks.* Weigh cans and receiving tanks shall meet the 3–A Sanitary Standards and shall be easily accessible for cleaning both inside and outside and shall be elevated above the floor and protected sufficiently with the necessary

covers or baffles to prevent contamination from splash, condensate, and drippage. Where necessary to provide easy access for cleaning of floors and adjacent wall areas, the receiving tank shall be equipped with wheels or casters to allow easy removal.

(c) *Can washers.* Can washers shall have sufficient capacity and ability to discharge a clean, dry can and cover and shall be kept properly timed in accordance with the instructions of the manufacturer. The water and steam lines supplying the washer shall maintain a reasonably uniform pressure and if necessary be equipped with pressure regulating valves.

(d) *Product storage tanks or vats.* Storage tanks or vats shall be fully enclosed or tightly covered and well insulated. The entire interior surface, agitator and all appurtenances shall be accessible for thorough cleaning and inspection. Any opening at the top of the tank or vat including the entrance of the shaft shall be suitably protected against the entrance of dust, moisture, insects, oil, or grease. The sight glasses, if used, shall be sound, clear, and in good repair. Vats which have hinged covers shall be so designed that moisture or dust on the surface cannot enter the vat when the covers are raised. If the storage tanks or vats are equipped with air agitation, the system shall be of an approved type and properly installed in accordance with the 3–A Accepted Practices for Supplying Air Under Pressure. Storage tanks or vats intended to hold product for longer than approximately 8 hours shall be equipped with adequate refrigeration and/or have adequate insulation. All new storage tanks or vats shall meet the appropriate 3–A Sanitary Standards and shall be equipped with thermometers in good operating order.

(e) *Separators.* All product contact surfaces of separators shall be free from rust and pits and insofar as practicable shall be of stainless steel or other equally noncorrosive metals.

(f) *Coil or dome-type batch pasteurizers.* Coil or dome-type batch pasteurizers shall be stainless steel lined and if the coil is not stainless steel or other equally noncorrosive metal it shall be properly tinned over the entire surface. Sanitary seal assemblies at the shaft ends of coil vats shall be of the removable type, except that existing equipment not provided with this type gland will be acceptable if the packing glands are maintained and operated without adverse effects. New or replacement units shall be provided with removable packing glands. Dome-type pasteurizer agitators shall be stainless steel except that any nonmetallic parts shall meet 3–A Sanitary Standards for Plastic or Rubber and Rubberlike Materials, as applicable. Each pasteurizer used for heating product at 165° F. or lower for 30 minutes or less shall be equipped with space heating equipment and the necessary thermometers to insure a temperature at least 5° F. above that required for pasteurization of the product. There shall be adequate means of controlling the temperature of the heating medium. Batch pasteurizers shall have temperature indicating and recording devices.

(g) *High-temperature, short-time pasteurizers.* When pasteurization is intended or required, an approved timing pump or device recorder-controller, automatic flow diversion valve and holding tube or its equivalent, if not a part of the existing equipment, shall be installed on all HTST equipment used for pasteurization, to assure complete pasteurization. The entire facility shall meet the 3–A Accepted Practices for the Sanitary Construction, Installation, Testing, and Operation of High-Temperature, Short-Time Pasteurizers. After the HTST unit has been tested according to the 3–A Accepted Practices, the timing pump or device and the recorder controller shall be sealed at the correct setting to assure pasteurization. Sealing of the HTST unit shall be performed by the control authority having jurisdiction. The HTST pasteurizer shall be tested initially upon installation, and whenever any alteration or replacement is made which affects the proper operation of the instrument or device. When direct steam pasteurizers are used, the steam, prior to entering the product, shall be conducted through a steam strainer and a steam purifier equipped with a steam trap and only steam meeting the requirements for culinary steam shall be used.

(h) *Thermometers and recorders*—(1) *Indicating thermometers.* (i) Long-stem indicating thermometers which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be provided for checking the temperature of pasteurization and cooling of products in vats and checking the accuracy of recording thermometers.

(ii) Short-stem indicating thermometers, which are accurate within 0.5° F., plus or minus, for the applicable temperature range, shall be installed in the proper stationary position in all HTST, and dome-type pasteurizers. Storage tanks where temperature readings are required shall have thermometers which are accurate within 2.0° F., plus or minus.

(iii) Air-space indicating thermometers, where applicable, which are accurate within 1.0° F., plus or minus, for the proper temperature range shall also be installed above the surface of the products pasteurized in vats, to make certain that the temperature of the foam and/or air above the products pasteurized also received the required minimum temperature treatment.

(2) *Recording thermometers.* (i) HTST recording thermometers that are accurate within 1° F., plus or minus, for the applicable temperature range, shall be used on each heat treating, pasteurizing, or sterilizing unit to record the heating process.

(ii) Additional use of recording thermometers accurate within 2° F., plus or minus, may be required where a record of temperature or time of cooling and holding is of significant importance.

(i) *Surface coolers.* Surface coolers shall be equipped with hinged or removable covers for the protection of the product. The edges of the fins shall be so designed as to divert condensate on nonproduct contact surfaces away from product contact surfaces. All gaskets or swivel connections shall be leak proof.

(j) *Plate-type heat exchangers.* Plate-type heat exchangers shall meet the 3–A Sanitary Standards for Construction and Installation. All gaskets shall be tight and kept in good operating order. Plates shall be opened for inspection by the operator at sufficiently frequent intervals to determine if the equipment is clean and in satisfactory condition. A cleaning regimen shall be posted to insure proper cleaning procedures between inspection periods.

(k) *Internal return tubular heat exchangers.* Internal return tubular heat exchangers shall meet the 3–A Sanitary Standards for Construction and Installation.

(l) *Pumps.* Pumps used for milk and dairy products shall be of the sanitary type and constructed to meet 3–A Sanitary Standards. Unless pumps are specifically designed for effective cleaning in place they shall be disassembled and thoroughly cleaned after use.

(m) *Homogenizers.* Homogenizers and high pressure pumps of the plunger type shall meet the 3–A Sanitary Standards.

(n) *New equipment and replacements.* New equipment and replacements, including all plastic parts and rubber and rubberlike materials for parts and gaskets having product contact surfaces, shall meet the then current 3–A Sanitary Standards. If 3–A Sanitary Standards are not available, such equipment and replacements shall meet the general requirements of this section.

(o) *Vacuum chamber.* The vacuum chamber, as used for flavor control, shall be made of stainless steel or other equally noncorrosive metal. The unit shall be constructed to facilitate cleaning and all product contact surfaces shall be accessible for inspection. It shall be equipped with a vacuum breaker and a check valve at the product discharge line. Only steam which meets the requirements for culinary steam shall be used. The incoming steam supply shall be regulated by an automatic solenoid valve which will cut off the steam supply in the event the flow diversion valve of the HTST pasteurizer is not in the forward flow position. Condensers when used shall be equipped with a water level control and an automatic safety shutoff valve.

E 1.5 *Personnel cleanliness.* All employees shall wash their hands before beginning work and upon returning to work after using toilet facilities, eating, smoking, or otherwise soiling their hands. They shall keep their hands clean and follow good hygienic practices while on duty. Expectorating or use of tobacco in any form shall be prohibited in each room and compartment where any milk, dairy product, or supplies are prepared, stored, or otherwise handled. Clean white or light-colored washable outer garments and caps (paper caps or hair nets acceptable) shall be worn by all persons engaged in receiving, testing,

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processing milk, manufacturing, packaging, or handling dairy products.

E 1.6 *Personnel health.* No person afflicted with a communicable disease shall be permitted in any room or compartment where milk and dairy products are prepared, manufactured, or otherwise handled. No person who has a discharging or infected wound, sore or lesion on hands, arms, or other exposed portion of the body shall work in any dairy processing rooms or in any capacity resulting in contact with milk or dairy products. Each employee whose work brings him in contact with the processing or handling of dairy products, containers, or equipment shall have a medical and physical examination by a registered physician or by the local department of health at the time of employment. In addition an empioyee returning to work following illness from a communicable disease shall have a certificate from the attending physician to establish proof of complete recovery. Medical certificates attesting the fact that the employee when last examined was free from communicable disease shall be kept on file at the plant office.

E 1.7 *Protection and transport of raw milk and cream*—(a) *Equipment and facilities*—(1) *Milk cans.* Cans used in transporting milk from dairy farm to plant shall be of such construction (preferably seamless with umbrella lids) as to be easily cleaned, and shall be inspected, repaired, and replaced as necessary to exclude substantially the use of cans and lids with open seams, cracks, rust milkstone, or any unsanitary condition.

(2) *Farm bulk tanks.* New farm bulk tanks shall meet 3–A Sanitary Standards for construction and shall be installed in accordance with the requirements of the regulatory agency in jurisdiction.

(b) *Transporting milk or cream*—(1) *Vehicles.* Vehicles used for the transportation of can milk or cream shall be of the enclosed type, constructed and operated to protect the product from extreme temperature, dust, or other adverse conditions and they shall be kept clean. Decking boards or racks shall be provided where more than one tier of cans is carried. Cans, or bulk tanks on vehicles, used for the transportation of milk from the farm to the plant shall not be used for any other purpose.

(2) *Transport tanks.* The exterior shell shall be clean and free from open seams or cracks which would permit liquid to enter the jacket. The interior shell shall be stainless steel and so constructed that it will not buckle, sag, or prevent complete drainage. All product contact surfaces shall be smooth, easily cleaned, and maintained in good repair. The pump and hose cabinet shall be fully enclosed with tight fitting doors and the inlet and outlet shall be provided with dust covers to give adequate protection from road dust. New and replacement transport tanks shall meet 3–A Sanitary Standards for Milk Transport Tanks.

(c) *Facilities for cleaning and sanitizing.* Enclosed or covered facilities shall be available for washing and sanitizing of transport tanks, piping and accessories, at central locations or at all plants that receive or ship milk or milk products in transport tanks.

(d) *Transfer of milk to transport tank.* Milk shall be transferred under sanitary conditions from farm bulk tanks through stainless steel piping or approved tubing. The sanitary piping and tubing shall be capped when not in use.

E 1.8 *Raw product storage.* (a) All milk shall be held and processed under conditions and at temperatures that will avoid contamination and rapid deterioration. Drip milk from can washers or any other source shall not be used for the manufacture of dairy products. Bulk milk in storage tanks within the dairy plant shall be handled in such a manner as to minimize bacterial increase and shall be maintained at 45° F. or lower until processing begins. This does not preclude holding milk at higher temperatures for a period of time, where applicable to particular manufacturing or processing practices.

(b) The bacteriological quality of commingled milk in storage tanks shall be 3 million or lower.

E 1.9 *Pasteurization or sterilization.* When pasteurization or sterilization is intended or required, or when a product is designated "pasteurized" or "sterilized" every particle of the product shall be subjected to auch temperatures and holding periods as will assure proper pasteurization or sterilization of the product. The heat treatment by either process shall be sufficient to insure public health safety and to assure adequate keeping quality, yet retaining the most desirable flavor and body characteristics of the finished product. The phenol value of test samples of pasteurized finished product shall be no greater than the maximum specified for the particular product as determined and specified by the phosphatase test method prescribed in the latest edition of "Official Methods of Analysis of the Association of Official Agricultural Chemists."

E 1.10 *Composition and wholesomeness.* All necessary precautions shall be taken to prevent contamination or adulteration of the milk or dairy products during manufacturing. All substances and ingredients used in the processing or manufacturing of any dairy product shall be subject to inspection and shall be wholesome and practically free from impurities. The finished product shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act as to their composition and wholesomeness.

E 1.11 *Cleaning and sanitizing treatment*—(a) *Equipment and utensils.* (1) The equipment, sanitary piping and utensils used in receiving and processing of the milk, and manufacturing and handling of the product shall be maintained in a sanitary condition. Sanitary seal assemblies shall be removable on all agitators, pumps and vats, and shall be inspected at regular intervals and kept clean. Unless other provisions are recommended in the following supplemental sections, all equipment not designed for C.I.P. cleaning shall be disassembled after each day's use for thorough cleaning. Dairy cleaners, detergents, wetting agents, sanitizing agents or other similar materials which will not contaminate or adversely affect the products may be used. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils. All product contact surfaces shall be subjected to an effective sanitizing treatment immediately prior to use, except where dry cleaning is permitted. Utensils and portable equipment used in processing and manufacturing operations shall be stored above the floor in clean, dry locations and in a self draining position on racks constructed of impervious corrosion-resistant material.

(2) C.I.P. cleaning, including sprayball systems, shall be used only on equipment and pipeline systems which have been designed and engineered for that purpose. When such cleaning is used, careful attention shall be given to the proper procedures to assure satisfactory cleaning. All C.I.P. installations and cleaning procedures shall be in accordance with 3–A Suggested Methods for the Installation and Cleaning of Cleaned-In-Place Sanitary Milk Pipelines for Milk and Milk Products Plants. The established cleaning procedure shall be posted and followed. Following the circulation of the cleaning solution the equipment and lines shall be thoroughly rinsed with lukewarm water and checked for effectiveness of cleaning. All caps, plugs, special fittings, valve seats, cross ends, pumps, plates, and tee ends shall be opened or removed and brushed clean. Immediately prior to starting the product flow, the product contact surfaces shall be given bactericidal treatment.

(b) *Milk cans and can washers.* (1) Milk cans and lids shall be cleaned, sanitized, and dried before returning to producers. Inspection, repair, or replacement of cans and lids shall be adequate to substantially exclude from use cans and lids showing open seams, cracks, rust condition, milkstone or any unsanitary condition.

(2) Washers shall be maintained in a clean and satisfactory operating condition and kept free from accumulation of scale or debris which will adversely affect the efficiency of the washer.

(c) *Milk transport tanks.* A covered or enclosed wash dock and cleaning and sanitizing facilities shall be available to all plants that receive or ship milk in tanks. Milk transport tanks, sanitary piping, fittings, and pumps shall be cleaned and sanitized at least once each day, after use: *Provided*, That if they are not to be used immediately after emptying a load of milk, they shall be washed promptly after use and given bactericidal treatment immediately before use. After being washed and sanitized, each tank shall be identified by a tag attached to the outlet valve, bearing the following information: Plant and specific location where cleaned, date and time of day of washing and sanitizing, and name of person who washed and name of person who sanitized the tank. The tag shall not be removed until the tank is again washed and sanitized.

(d) *Building.* All windows, glass, partitions, and skylights shall be washed as often as necessary to keep them clean. Cracked or broken glass shall be replaced promptly. The walls, ceilings, and doors shall be washed periodically and kept free from soil and unsightly conditions. The shelves and ledges shall be wiped or vacuumed as often as necessary to keep them free from dust and debris. The material picked up by the vacuum cleaners shall be disposed of by burning or other proper methods to destroy any insects that might be present.

E 1.12 *Insect and rodent control program.* In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program. Poisonous substances, insecticides, and rodenticides shall be properly labeled, and shall be handled, stored, and used in such a manner as not to create a public health hazard.

E 1.13 *Plant records.* Adequate plant records shall be maintained of all required tests on all raw milk receipts. Such records shall be available for examination at all reasonable times by the inspector. The following are the records which shall be maintained for examination at the plant or receiving station where performed.

(a) Sediment and bacterial test results on raw milk from each producer: Retain for 12 months.

(1) Routine tests and monthly summary of all producers showing number and percent of total in each class.

(2) Retests, if initial test places milk in probationary status.

(3) Rejections of raw milk over No. 3 in quality.

(b) Pasteurization recorder charts: Retain for 6 months.

(c) Water supply test certificate: Retain current copy for 6 months.

(d) Employee health certificate: Retain most recent copy until employee is no longer employed by plant.

E 1.14 *Packaging and general identification*—(a) *Containers.* (1) The size, style, and type of packaging used for dairy products shall be commercially acceptable containers and packaging materials which will satisfactorily cover and protect the quality of the contents during storage and regular channels of trade and under normal conditions of handling. The weights and shape within each size or style shall be as nearly uniform as is practical.

(2) Packaging materials for dairy products shall be selected which will provide sufficiently low permeability to air and vapor to prevent the formation of mold growth and surface oxidation. In addition, the wrapper should be resistant to puncturing, tearing, cracking, or breaking under normal conditions of handling, shipping, and storage. When special-type packaging is used, the instructions of the manufacturers shall be followed closely as to its application and methods of closure.

(b) *Packaging and repackaging.* Packaging dairy products or cutting and repackaging all styles of dairy products shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and packaging material shall be practically free from mold and bacterial contamination. Methods for checking the level of contamination shall be as prescribed by the latest edition of Standard Methods.

(c) *General identification.* All commercial bulk packages containing dairy products manufactured under the provisions of this subpart shall be adequately and legibly marked with the name of the product, net weight, name and address of processor or manufacturer or other assigned plant identification, lot number, and any other identification as may be required. Consumer packaged product shall be legibly marked with the name of the product, net weight, name and address of packer, manufacturer, or distributor and such other identification as may be required by the regulatory agency in jurisdiction.

E 1.15 *Storage of finished product*—(a) *Dry storage.* The product shall be stored at least 18 inches from the wall in aisles, rows, or sections and lots, in such a manner as to be orderly and easily accessible for inspection. Rooms should be cleaned regularly. Care shall be taken in the storage of any other product foreign to dairy products in the same room, in order to prevent impairment or damage to the dairy product from mold, absorbed odors, or vermin or insect infestation. Control of humidity and temperature shall be maintained at all times, consistent with good commercial practices, to prevent conditions detrimental to the product and container.

(b) *Refrigerated storage.* The finished product shall be placed on shelves, dunnage, or pallets and properly identified. It shall be stored under temperatures that will best maintain the initial quality. The product shall not be exposed to anything from which it might absorb any foreign odors or be contaminated by drippage or condensation.

E 1.16 *Qualifications for plant licensing.* Plant licensing requires satisfactory compliance with the applicable requirements in Subpart E.

SEC. E 2. *Supplemental requirements for plants manufacturing, processing and packaging instant nonfat dry milk, nonfat dry milk, dry whole milk, dry buttermilk, dry whey, and other dry milk products—E 2.1 Rooms and compartments*—E 2.1.1 *Dry storage of product.* Storage rooms for the dry storage of product shall be adequate in size, kept clean, orderly, free from rodents, insects, and mold, and maintained in good repair. They shall be adequately lighted and ventilated. The ceilings, walls, beams, and floors shall be free from structural defects and inaccessible false areas which may harbor insects.

E 2.1.2 *Packaging room for bulk products.* A separate room or area shall be provided for filling bulk bins, drums, bags, or other bulk containers and shall be constructed in accordance with section 1.2 of Subpart E. The number of control panels and switchboxes in this area shall be kept to a minimum. Control panels shall be mounted a sufficient distance from the walls to facilitate cleaning or shall be mounted in the wall and provided with tight-fitting removable doors to facilitate cleaning. An adequate exhaust system shall be provided to minimize the accumulation of product dust within the packaging room and, where needed, a dust collector shall be provided and properly maintained to keep roofs and outside areas free of dry product. Only packaging materials that are used within a day's operation may be kept in the packaging area. These materials shall be kept on metal racks or tables at least 6 inches off the floor. Unnecessary fixtures, equipment, or false areas which may collect dust and harbor insects, shall not be allowed in the packaging room.

E 2.1.3 *Hopper or dump room.* A separate room shall be provided for the transfer of bulk dry dairy products from bags or drums to the hoppers and conveyors which lead to the fillers. This room shall meet the same requirements for construction and facilities as the bulk packaging operation. Areas and facilities provided for the transfer of dry dairy products from portable bulk bins will be acceptable if gasketed surfaces or direct connections are used that appreciably eliminate the escape of product into the area.

E 2.1.4 *Repackaging room.* A separate room shall be provided for the filling of small packages and shall meet the same requirements for construction and facilities as the bulk packaging operation.

E 2.2 *Equipment and utensils*—E 2.2.1 *General construction, repair, and installation.* All equipment and utensils necessary to the manufacture of dry milk products, including pasteurizer, timing pump or device, flow diversion valve and recorder controller, shall meet the same general requirements as outlined in section 1.4 of Subpart E. In addition, for certain other equipment the following requirements shall be met.

E 2.2.2 *Preheaters.* The preheaters shall be of stainless steel or other equally corrosion-resistant material, cleanable, accessible for inspection and shall be equipped with suitable automatic temperature controls.

E 2.2.3 *Hotwells.* The hotwells shall be enclosed or covered and equipped with indicating thermometers either in the hotwell or in the hot milk inlet line to the hotwell and if used for holding high heat products they should also have recorders.

E 2.2.4 *Evaporators and/or vacuum pans.* Open-type evaporators and/or vacuum pans shall be equipped with an automatic condenser water level control, barometric leg, or so constructed so as to prevent water from entering the product, and should meet the applicable 3–A Sanitary Standards. When enclosed-type condensers are used, no special controls are needed to prevent water from entering the product.

E 2.2.5 *Surge tanks.* If surge tanks are used for hot milk and temperatures of

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product including foam being held in the surge tank during processing is not maintained at a minimum of 150° F., then two or more surge tanks shall be installed with cross connections to permit flushing and cleaning during operation. Covers easily removable for cleaning shall be provided and used at all times.

E 2.2.6 *High pressure pumps and lines.* High pressure lines may be cleaned in place and shall be of such construction that deadends, valves and the high pressure pumps can be disassembled for hand cleaning. New high pressure pumps shall meet the 3–A Sanitary Standard Covering Homogenizers and High Pressure Pumps of the Plunger Type.

E 2.2.7 *Dryers*—(a) *Spray dryers.* Spray dryers shall be of a continuous discharge type and all product contact surfaces shall be of stainless steel or other equally corrosion-resistant material. All joints and seams in the product contact surfaces shall be welded and ground smooth. All dryers shall be constructed so as to facilitate ease in cleaning and inspection. Sight glasses or ports of sufficient size shall be located at strategic positions. Dryers shall be equipped with suitable air intake filters and with air intake and exhaust recording thermometers. The filter system shall consist of filtering media or devices that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying chamber. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. In gas-fired dryers, precautions shall be taken to assure complete combustion. Air shall be drawn into the dryer from sources free from objectionable odors and smoke, dust, or dirt.

(b) *Roller dryers.* (1) The drums of a roller dryer shall be smooth, readily cleanable and free of pits and rusts. The knives shall be maintained in such condition so as not to cause scoring of the drums.

(2) The end boards shall have an impervious surface and be readily cleanable. They shall be provided with a means of adjustment to prevent leakage and accumulation of milk solids. The stack, hood, the drip pan inside of the hood and related shields shall be constructed of stainless steel and be readily cleanable. The lower edge of the hood shall be constructed so as to prevent condensate from entering the product zone. The hood shall be properly located and the stack of adequate capacity to remove the vapors. The stack shall be closed when the dryer is not in operation. The augers shall be of stainless steel or properly plated, and readily cleanable. The auger troughs and related shields shall be of stainless steel and be readily cleanable. All air entering the dryer room shall be filtered to eliminate dust and dirt. The filter system shall consist of filtering media or device that will effectively, and in accordance with good commercial practices, prevent the entrance of foreign substances into the drying room. The filtering system shall be cleaned or component parts replaced as often as necessary to maintain a clean and adequate air supply. All dryer adjustments shall be made and the dryer operating normally before food grade powder can be collected from the dryer.

E 2.2.8 *Collectors and conveyors.* Collectors shall be made of stainless steel or equally noncorrosive material and should be constructed to facilitate cleaning and inspection. Filter sack collectors, if used, shall be in good condition and the system shall be of such construction that all parts are accessible for cleaning and inspection. Conveyors shall be of stainless steel or equally corrosion-resistant material and shall be constructed to facilitate thorough cleaning and inspection.

E 2.2.9 *Dry dairy product cooling equipment.* Cooling equipment shall be provided with sufficient capacity to cool the product to 110° F. or lower immediately after removal from dryer and prior to packaging. If bulk bins are used, the product should be cooled to approximately 90° F. but shall be not more than 110° F. A suitable dry air supply with effective filtering shall be provided where air cooling and conveying is used.

E 2.2.10 *Special treatment equipment.* All special equipment such as instantizing systems, flakers, pulverizers or hammer mills used to further process dry milk products shall be of sanitary construction and all parts shall be accessible for cleaning and inspection.

E 2.2.11 *Sifters.* All newly installed sifters used for dry milk and dry milk products shall meet the 3–A Sanitary Standards for Sifters for Dry Milk and Dry Milk Products. All other sifters shall be constructed of stainless steel or other equally noncorrosive material and shall be of sanitary construction and accessible for cleaning and inspection. The mesh size of sifter screen used for various dry dairy products shall be those recommended in the appendix of the 3–A Standard for sifters.

E 2.2.12 *Portable and stationary bulk bins.* Bulk bins shall be constructed of stainless steel, aluminum or other equally corrision resistant materials, free from cracks and seams and must have an interior surface that is relatively smooth and easily cleanable. All product contact surfaces shall be easily accessible for cleaning.

E 2.2.13 *Automatic sampling device.* If automatic sampling devices are used, they shall be constructed in such a manner as to prevent contamination of the product, and all parts must be readily accessible for cleaning.

E 2.2.14 *Dump hoppers, screens, mixers, and conveyors.* The product contact surfaces of dump hoppers, screens, mixers, and conveyors which are used in the process of transferring dry products from bulk containers to fillers for small packages or containers, shall be of stainless steel or equally corrosion resistant material and designed to prevent contamination. All parts should be accessible for cleaning. The dump hoppers shall be of such height above floor level as to prevent foreign material or spilled product from entering the hopper.

E 2.2.15 *Filler and packaging equipment.* All filling and packaging equipment shall be of sanitary construction and all parts, including valves and filler heads, accessible for cleaning.

E 2.2.16 *Heavy duty vacuum cleaners.* Each plant handling dry milk products shall be equipped with a heavy duty industrial vacuum cleaner. Regular scheduling shall be established for its use in vacuuming applicable areas.

E 2.3 *Clothing and shoe covers.* Clean clothing and shoe covers shall be provided exclusively for the purpose of cleaning the interior of the drier when it is necessary to enter the drier to perform the cleaning operation.

E 2.4 *Operations and operating procedures*—E 2.4.1 *Pasteurization* (1) All milk, buttermilk and whey used in the manufacture of dry dairy products shall be pasteurized at the plant where dried, except that condensed whey and acidified buttermilk containing 40 percent or more solids may be transported to another plant for drying without repasteurization. Milk or skim milk to be used in the manufacture of nonfat dry milk shall be heated prior to condensing to at least the minimum pasteurization temperature of 161° F. for at least 15 seconds or its equivalent in bacterial destruction. Condensed skim made from pasteurized skim milk may be transported to a drying plant, provided that it shall be effectively repasteurized at the drying plant, prior to drying, at not less than 175° F. for 25 seconds or its equivalent in bacterial destruction.

(2) All buttermilk or cream from which it is derived shall be pasteurized prior to condensing at a temperature of 185° F. for 15 seconds or its equivalent in bacterial destruction.

(3) All cheese whey or milk from which it is derived shall be pasteurized prior to condensing at a temperature of 161° F. for 15 seconds or its equivalent in bacterial destruction.

E 2.4.2 *Condensed surge supply.* Surge tanks or balance tanks if used between the evaporators and dryer shall be used to hold only the minimum amount of condensed product necessary for a uniform flow to the dryers. Such tanks holding product at temperatures below 150° F. shall be completely emptied and washed after each 4 hours of operation or less. Alternate tanks shall be provided to permit continuous operation during washing of tanks.

E 2.4.3 *Condensed storage tanks.* (1) Excess production of condensed product over that which the dryer will take continuously from the pans should be bypassed through a cooler into a storage tank at 50° F. or lower and held at this temperature until used.

(2) Product cut-off points shall be made at least every 24 hours and the tank completely emptied, washed, and sanitized before reuse.

E 2.4.4 *Drying.* Each dryer should be operated at not more than the manufacturer's rated capacity for the highest quality dry product consistent with the most efficient operation. This does not preclude the remodeling or redesigning

of dryers after installation when properly engineered and designed. The dry products shall be removed from the drying chamber continuously during the drying process.

E 2.4.5 *Cooling dry products.* Prior to packaging and immediately following removal from the drying chamber the dry product shall be cooled to a temperature not exceeding 110° F.

E 2.4.6 *Packaging, repackaging and storage*—(a) *Containers.* Packages or containers used for the packaging of nonfat dry milk or other dry milk products shall be any clean, sound commercially accepted container or packaging material which will satisfactorily protect the contents through the regular channels of trade, without significant impairment of quality with respect to flavor, wholesomeness or moisture content under the normal conditions of handling. In no instance will containers which have previously been used for nonfood items or food which would be deleterious to the dairy product be allowed to be used for the bulk handling of dairy products.

(b) *Filling.* Empty containers shall be protected at all times from possible contamination and containers which are to be lined shall not be prepared more than 1 hour in advance of filling. Every precaution shall be taken during the filling operation to minimize product dust and spillage. When necessary a mechanical shaker shall be provided; the tapping or pounding of containers shall be prohibited. The containers shall be closed immediately after filling and the exteriors shall be vacuumed or brushed when necessary to render them practically free of product remnants before being transferred from the filling room to the palleting or dry storage areas.

(c) *Repackaging.* The entire repackaging operation shall be conducted in a sanitary manner with all precautions taken to prevent contamination and to minimize dust. All exterior surfaces of individual containers shall be practically free of product before overwrapping or packing in shipping containers. The flow shall be kept free of dust accumulation, waste, cartons, liners, or other refuse. Conveyors, packaging and cartonmaking equipment shall be vacuumed frequently during the operating day to prevent the accumulation of dust. No bottles or glass materials of any kind shall be permitted in the repackaging or hopper room. The inlet openings of all hoppers and bins shall be of minimum size, screened and placed well above the floor level. The room and all packaging equipment shall be cleaned as often as necessary to maintain a sanitary operation. Close attention shall be given to cleaning points of equipment where residues of the dry product may accumulate. A thorough cleanup including windows, doors, walls, light fixtures, and ledges, shall be performed as frequently as is necessary to maintain a high standard of cleanliness and sanitation. All waste dry dairy products including dribble product at the fillers shall be properly identified and disposed of as animal feed.

(d) *Storage*—(1) *Product.* The packaged dry milk product shall be stored or so arranged in aisles, rows, or sections and lots at least 18 inches from any wall and in such a manner as to be orderly, easily accessible for inspection or for cleaning of the room. All bags and small containers of product shall be placed on pallets elevated approximately 6 inches from the floor. The storage room shall be kept clean and dry and all openings protected against entrance of insects and rodents.

(2) *Supplies.* All supplies shall be placed on dunnage or pallets and arranged in an orderly manner for accessibility and cleaning of the room. Supplies shall be kept enclosed in their original wrapping material until used. After removal of supplies from their original containers they shall be kept in an enclosed metal cabinet, bins, or on shelving and if not enclosed shall be protected from powder and dust or other contamination. The room shall be vacuumed as often as necessary and kept clean and orderly.

E 2.4.7 *Product adulteration.* All necessary precautions shall be taken throughout the entire operation to prevent the adulteration of one product with another. The commingling of one type of liquid or dry product with another shall be considered as an adulteration of that product. This does not prohibit the normal standardization of like products in accordance with good commercial practices or the production of specific products for special uses, provided applicable labeling requirements are met.

E 2.4.8 *Checking quality.* All milk, milk products, and dry milk products shall be subject to inspection and analysis by the dairy plant for quality and condition throughout each processing operation. Line samples shall be taken periodically as an aid to quality control in addition to the regular routine analysis made on the finished products.

E 2.4.9 *Requirements for instant nonfat dry milk*—(a) *Sampling and testing.* All instant nonfat dry milk offered for sale shall be sampled and tested by the regulatory authority at least once each month for the purpose of assuring that the product meets the requirements of section E 2.4.9(b). In addition the dry milk plant shall have each sublot of approximately 4,000 pounds tested and analyzed prior to being packaged or offered for sale. Product not meeting the requirements of section E 2.4.9(b) shall not be offered as Extra Grade.

(b) *Requirements for Extra Grade instant nonfat dry milk*—(1) *Flavor and odor.* The flavor and odor shall be sweet, pleasing and desirable but may possess the following flavors to a slight degree: Chalky, cooked, feed, flat.

(2) *Physical appearance.* The physical appearance shall possess a uniform white to light cream natural color; shall be reasonably free-flowing and free from lumps except those that readily break up with very slight pressure.

(3) *Bacterial estimate.* The standard plate count shall not be more than 30,000 per gram.

(4) *Coliform count.* The coliform count shall not be more than 10 per gram.

(5) *Milkfat content.* The milkfat shall not be more than 1.25 percent.

(6) *Moisture count.* The moisture shall not be more than 4.5 percent.

(7) *Scorched particle content.* Scorched particles shall not be more than 15 mg.

(8) *Solubility index.* The solubility index shall not be more than 1 ml.

(9) *Titratable acidity.* The titratable acidity shall not be more than 0.15 percent.

(10) *Dispersibility.* The dispersibility shall not be less than 85 percent by the Modified Moats-Dabbah Method.

(11) *Direct microscopic clump count.* The direct miscroscopic clump count shall not be more than 75 million per gram.

E 2.4.10 *Cleaning of dryers, conveyors, sifters, and storage bins.* This equipment shall be cleaned as often as is necessary to maintain such equipment in a clean and sanitary condition. The kind of cleaning procedure either wet or dry and the frequency of cleaning shall be based upon observation of actual operating results and conditions.

E 2.4.11 *Insect and rodent control program.* In addition to any commercial pest control service, if one is utilized, a specially designated employee shall be made responsible for the performance of a regularly scheduled insect and rodent control program.

SEC. E 3. *Supplemental requirements for plants manufacturing, processing and packaging butter and related products*—E 3.1 *Rooms and compartments*—E 3.1.1 *Coolers and freezers.* The coolers and freezers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products during storage or during tempering prior to further processing. Coolers and freezers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

E 3.1.2 *Churn rooms.* Churn rooms in addition to proper construction and sanitation shall be so equipped that the air is kept free from objectionable odors and vapors and extreme temperatures by means of adequate ventilation and exhaust systems or air conditioning and heating facilities.

E 3.1.3 *Print and bulk packaging rooms.* Rooms used for packaging print or bulk butter and related products shall, in addition to proper construction and sanitation, provide an atmosphere relatively free from mold (no more than 10 mold colonies per cubic foot of air), dust, or other airborne contamination and be maintained at a reasonable room temperature.

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E 3.2 *Equipment and utensils*—E 3.2.1 *General construction, repair, and installation.* All equipment and utensils necessary to the manufacture of butter and related products shall meet the same general requirements as outlined in section 1.4 of subpart E 1. In addition for certain other equipment, the following requirements shall be met.

E 3.2.2 *Continuous churn.* All product contact surfaces shall be of noncorrosive material. All nonmetallic product contact surfaces shall comply with 3–A Standards for Plastic, Rubber, and Rubber-Like Materials. All product contact surfaces shall be readily accessible for cleaning and inspection.

E 3.2.3 *Conventional churn.* Churns shall be constructed of aluminum, stainless steel or equally corrosion resistant metal, free from cracks, and in good repair. All gasket material shall be fat resistant, nontoxic and reasonably durable. Seals around the doors shall be tight.

E 3.2.4 *Bulk butter trucks, boats and packers.* Bulk butter trucks, boats and packers shall be constructed of aluminum, stainless steel or equally corrosion resistant metal free from cracks, seams and must have a surface that is relatively smooth and easily cleanable.

E 3.2.5 *Butter, frozen or plastic cream melting machine.* Shavers, shredders or melting machines used for rapid melting of butter, frozen or plastic cream shall be of stainless steel or equally corrosion resistant metal, sanitary construction, and readily cleanable.

E 3.2.6 *Printing equipment.* All printing equipment shall be designed to be readily demountable for cleaning of product contact surfaces. All product contact surfaces shall be aluminum, stainless steel or equally corrosion resistant metal, or plastic, rubber and rubber like material which meet 3–A standards, except that conveyors may be constructed of material which can be properly cleaned and maintained in a satisfactory manner.

E 3.2.7 *Brine tanks.* Brine tanks used for the treating of parchment liners shall be constructed of noncorrosive material and have an adequate and safe means of heating the salt solution for the treatment of the liners. The tank shall also be provided with a satisfactory drainage outlet.

E 3.2.8 *Starter vats.* Bulk starter vats shall be of stainless steel or equally corrosion-resistant metal and constructed according to applicable 3–A Sanitary Standards. The vats shall be in good repair, equipped with tight-fitting lids, and have effective temperature controls.

E 3.3 *Operations and operating procedures*—E 3.3.1 *Pasteurization.* The milk or cream shall be pasteurized at the plant where the milk or cream is processed into the finished product.

(a) *Cream for buttermaking.* (1) The cream for buttermaking shall be pasteurized at a temperature of not less than 165° F. and held continuously in a vat at such temperature for not less than 30 minutes; or pasteurized by HTST method at a minimum temperature of not less than 185° F. for not less than 15 seconds; or by any other equivalent time and temperature combination. Additional heat treatment above the minimum pasteurization requirement is advisable to insure improved keeping-quality characteristics.

(2) Adequate pasteurization control shall be used and the diversion valve shall be set to divert at no less than 185° F. with a 15-second holding time or its equivalent in time and temperature to assure pasteurization. If the vat or holding method of pasteurization is used, vat covers shall be closed prior to holding period to assure temperature of air space reaching the minimum temperature before holding time starts. Covers shall also be kept closed during the holding and cooling period.

(b) *Cream for plastic or frozen cream.* The pasteurization of cream for plastic or frozen cream shall be accomplished in the same manner as in (a) above, except, that the temperature for the vat method shall be not less than 170° F. for not less than 30 minutes, or not less than 190° F. for not less than 15 seconds or by any other temperature and holding time which will assure adequate pasteurization and comparable keeping-quality characteristics.

E 3.3.2 *Composition and wholesomeness.* All ingredients used in the manufacture of butter and related products shall be subject to inspection and shall be wholesome and practically free from impurities. Chlorinating facilities shall be provided for butter wash water if needed and all other necessary precautions shall be taken to prevent contamination of products. All finished products shall comply with the requirements of the Federal Food, Drug, and Cosmetic Act, as to composition and wholesomeness.

E 3.3.3 *Containers.* (a) Containers used for the packaging of butter and related products shall be commercially acceptable containers or packaging material that will satisfactorily protect the quality of the contents in regular channels of trade. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less, to protect the product from contamination during subsequent handling.

(b) *Liners and wrappers.* (1) Supplies of parchment liners, wrappers, and other packaging material shall be protected against dust, mold, and other possible contamination.

(2) Prior to use, parchment liners for bulk butter packages shall be completely immersed in a boiling salt solution in a suitable container constructed of stainless steel or other equally noncorrosive material. The liners shall be maintained in the solution for not less than 30 minutes. The solution should consist of at least 15 pounds of salt for every 85 pounds of water and shall be strengthened or changed as frequently as necessary to keep the solution full strength and in good condition.

(3) Other liners such as polyethylene shall be treated or handled in such a manner as to prevent contamination of the liner prior to filling.

(c) *Filling bulk butter containers.* The lined butter containers shall be protected from possible contamination prior to filling.

E 3.3.4. *Printing and packaging.* Printing and packaging of consumer size containers of butter shall be conducted under sanitary conditions.

E 3.3.5. *General identification.* Commercial bulk shipping containers shall be legibly marked with the name of the product, net weight, name and address of manufacturer, processor or distributor or other assigned plant identification (manufacturer's lot number, churn number, etc.) and any other identification that may be required. Packages of plastic or frozen cream shall be marked with the percent of milkfat.

E 3.3.6 *Storage of finished product in coolers.* All products shall be kept under refrigeration at temperatures of 40° F. or lower after packaging and until ready for distribution or shipment. The products shall not be placed directly on floors or exposed to foreign odors or conditions such as drippage due to condensation which might cause package or product damage.

E 3.3.7 *Storage of finished product in freezer*—(a) *Sharp freezers.* Plastic cream or frozen cream intended for storage shall be placed in quick freezer rooms immediately after packaging, for rapid and complete freezing within 24 hours. The packages shall be piled or spaced in such a manner that air can freely circulate between and around the packages. The rooms shall be maintained at −10° F. or lower and shall be equipped to provide sufficient high-velocity air circulation for rapid freezing. After the products have been completely frozen, they may be transferred to a freezer storage room for continued storage.

(b) *Freezer storage.* (1) The room shall be maintained at a temperature of 0° F. or lower. Adequate air circulation is desirable.

(2) Butter intended to be held more than 30 days shall be placed in a freezer room as soon as possible after packaging. If not frozen before being placed in the freezer, the packages shall be spaced in such a manner as to permit rapid freezing and repiled, if necessary, at a later time.

SEC. E 4. *Supplemental requirements for plants manufacturing and packaging cheese*—E 4.1 *Rooms and compartments*—E 4.1.1 *Starter room.* Starter rooms or areas shall be properly equipped and maintained for the propagation and handling of starter cultures. All necessary precautions shall be taken to prevent contamination of starter, of the room, equipment, and the air therein.

E 4.1.2 *Make room.* The room in which the cheese is manufactured shall be of adequate size, and the vats adequately spaced to permit movement around the vats and presses for proper cleaning and satisfactory working conditions. Adequate ventilation shall be provided.

E 4.1.3 *Drying room.* If cheese is to be paraffined, a drying room of adequate size shall be provided to accommodate the maximum production of cheese during the flush period. Adequate shelving and air circulation shall be provided for proper drying. Suitable temperature and humidity control facilities shall be provided.

E 4.1.4 *Paraffining room.* For rind cheese, a separate room or compartment shall be provided for paraffining and boxing the cheese. The room or compartment shall be of adequate size and the temperature maintained near the temperature of the drying room to avoid sweating of the cheese prior to paraffining.

E 4.1.5 *Rindless block wrapping area.* For rindless blocks a suitable space shall be provided for proper wrapping and boxing of the cheese. The area shall be free from dust, condensation, mold or other conditions which may contaminate the surface of the cheese or contribute to an unsatisfactory packaging of the cheese.

E 4.1.6 *Coolers or curing rooms.* Coolers or curing rooms where cheese is held for curing or storage shall be clean and maintained at the proper uniform temperature and humidity to adequately protect the cheese. Proper circulation of air shall be maintained at all times. The rooms shall be free from rodents, insects, and pests. The shelves shall be kept clean and dry.

E 4.1.7 *Cutting and packaging rooms.* When small packages of cheese are cut and wrapped, separate rooms shall be provided for the cleaning and preparation of the bulk cheese and a separate room shall be provided for the cutting and wrapping operation. The rooms shall be well lighted, ventilated, and provided with filtered air. Air movement shall be outward to minimize the entrance of unfiltered air into the cutting and packaging room.

E 4.2 *Equipment and utensils*—E 4.2.1 *General construction, repair, and installation.* All equipment and utensils necessary to the manufacture of cheese and related products shall meet the same general requirements as outlined in section 1.4 of Subpart E. In addition, for certain other equipment the following requirements shall be met.

E 4.2.2 *Starter vats.* Bulk starter vats shall be of stainless steel or equally corrosion-resistant metal and shall be in good repair, equipped with tight-fitting lids and have adequate temperature controls such as valves, indicating and/or recording thermometers. New vats shall be constructed according to the applicable 3–A Sanitary Standards.

E 4.2.3 *Cheese vats.* (1) The vats used for making cheese shall be of metal construction with adequate jacket capacity for uniform heating. The inner liner shall be minimum 16-gage stainless steel or other equally corrosion-resistant metal, properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket, when metal, shall be constructed of strainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jackets shall be constructed so as to prevent milk or cheese from entering the inner jacket.

(2) The vat shall be equipped with a suitable sanitary outlet valve. Effective valves shall be provided and properly maintained to control the application of heat to the vat.

E 4.2.4 *Mechanical agitators.* The mechanical agitators shall be of sanitary construction. The carriage and track shall be so constructed as to prevent the dropping of dirt or grease into the vat. Metal blades, forks, or stirrers shall be constructed of stainless steel and of material approved in the 3–A Sanitary Standards for Plastic and Rubber or Rubberlike Materials and shall be free from rough or sharp edges which might scratch the equipment or remove metal particles.

E 4.2.5 *Curd mill and miscellaneous equipment.* Knives, hand rakes, shovels, paddles, strainers, and miscellaneous equipment shall be stainless steel or of material approved in the 3–A Sanitary Standards for Plastic and Rubberlike Material. The product contact surfaces of the curd mill shall be of stainless steel. All pieces of equipment shall be so constructed that they can be kept clean. The wires in the curd knives shall be stainless steel, kept tight and replaced when necessary.

E 4.2.6 *Hoops and followers.* The hoops, forms, and followers shall be constructed of stainless steel or heavy tinned steel. If tinned, they shall be kept tinned and free from rust. All hoops, forms, and followers shall be kept in good repair. Drums or other special forms used to press and store cheese shall be clean and sanitary.

E 4.2.7 *Press.* The cheese press shall be constructed of stainless steel and all joints welded and all surfaces, seams, and openings readily cleanable. The pressure device shall be the continuous type. Press cloths shall be maintained in good repair and in a sanitary condition. Single-service press cloths shall be used only once.

E 4.2.8 *Rindless cheese press.* The press used to heat seal the wrapper applied to rindless cheese shall have square interior corners, reasonably smooth interior surface and have controls that shall provide uniform pressure and heat equally to all surfaces.

E 4.2.9 *Paraffin tanks.* The metal tank shall be adequate in size, have wood rather than metal racks to support the cheese, have heat controls and an indicating thermometer. The cheese wax shall be kept clean.

E 4.3 *Operations and operating procedures*—E 4.3.1 *Cheese from pasteurized milk.* (a) If the cheese is labeled as pasteurized, the milk shall be pasteurized by subjecting every particle of milk to a minimum temperature of 161° F. for not less than 15 seconds.

(b) HTST pasteurization units shall be equipped with the proper controls and equipment to assure pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

E 4.3.2 *Cheese from unpasteurized milk.* If the cheese is labeled as "heat treated," "unpasteurized," "raw milk," or "for manufacturing," the milk may be raw or heated at temperatures below pasteurization. If the milk is held more than 2 hours between time of receipt or heat treatment and setting, it shall be cooled to 45° F. or lower until time of setting.

E 4.3.3 *Whey disposal.* (a) Adequate sanitary facilities shall be provided for the disposal of whey. If outside, necessary precautions shall be taken to minimize flies, insects, and development of objectionable odors.

(b) Whey or whey products intended for human food shall at all times be handled in a sanitary manner in accordance with the procedures of this subpart as specified for handling milk and dairy products.

E 4.3.4 *Packaging and repackaging.* Packaging rindless cheese or cutting and repackaging all styles of bulk cheese shall be conducted under rigid sanitary conditions. The atmosphere of the packaging rooms, the equipment and the packaging material shall be practically free from mold and bacterial contamination.

E 4.3.5 *General identification.* Each bulk cheese shall be legibly marked with the name of the product, code or date of manufacture, vat number, officially designated code number or name and address of manufacturer. Each consumer sized container shall be plainly marked with the name and address of the manufacturer, packer, or distributor, net weight of the contents, name of product and such other information as may be required.

SEC. E 5. *Supplemental requirements for plants manufacturing and packaging cottage cheese*—E 5.1 *Rooms and compartments*—E 5.1.1 *Processing rooms.* (a) Processing operations with open cheese vats shall be separated from other rooms or areas. Excessive personnel traffic or other possible contaminating conditions shall be avoided. Rooms, compartments, cookers, and dry storage space in which any raw material, packaging or ingredient supplies or finished products are handled, processed, packaged, or stored shall be designed and constructed to assure clean and orderly operations.

(b) *Ventilation.* Processing and packaging rooms or compartments shall be ventilated to maintain sanitary conditions, preclude the growth of mold and airborne bacterial contaminants, prevent undue condensation of water vapor and minimize or eliminate objectionable odors. To minimize airborne contamination in processing and packaging rooms, it is preferable to filter all incoming air. The incoming air shall exert an outward pressure so that the movement of air will be outward and prevent the movement of unfiltered air inward.

E 5.1.2 *Starter room.* Starter rooms or areas shall be properly equipped and maintained for the propagation and

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handling of starter cultures. All necessary precautions shall be taken to prevent contamination of the starter room, the equipment and the air therein.

E 5.1.3 *Coolers.* Coolers shall be equipped with facilities for maintaining proper temperature and humidity conditions, consistent with good commercial practices for the applicable product, to protect the quality and condition of the products. Coolers shall be kept clean, orderly, free from insects, rodents, and mold, and maintained in good repair. They shall be adequately lighted and proper circulation of air shall be maintained at all times. The floors, walls, and ceilings shall be of such construction as to permit thorough cleaning.

E 5.2 *Equipment and utensils*—E 5.2.1 *General construction, repair and installation.* The equipment and utensils used for the manufacture and handling of cottage cheese shall be as specified in section 1.4 of subpart E. In addition for certain other equipment the following requirements shall be met.

E 5.2.2 *Cheese vats.* (1) The vats used for making the cottage cheese shall be of stainless steel construction with adequate jacket capacity for uniform heating and cooling. The inner liner shall be minimum 16 gage stainless steel, or equally corrosion-resistant metal properly pitched from side to center and from rear to front for adequate drainage. The liner shall be smooth, free from excessive dents or creases and shall extend over the edge of the outer jacket. The outer jacket shall be constructed of stainless steel or other metal which can be kept clean and sanitary. The junction of the liner and outer jacket shall be constructed as to prevent milk or cheese from entering the inner jacket.

(a) Vats shall be equipped with valves to control the heating and cooling medium and a suitable sanitary outlet valve. Also, the vats shall be equipped with removable stainless steel or other suitable metal covers, cloth covers which can be regularly and suitably laundered, or with single service paper covers. Vats used for creaming curd shall be equipped with a refrigerated cooling medium.

E 5.2.3 *Agitators.* Mechanical agitators shall be installed on all cheese vats for stirring the milk or cheese. The carriage shall be completely enclosed or provided with a trough or drip pan to prevent condensation, oil, or dirt from dropping into the vat.

E 5.2.4 *Container fillers.* New fillers shall conform to the 3–A Sanitary Standards for Equipment for Packaging Frozen Desserts and Cottage Cheese.

E 5.2.5 *Mixers.* They shall be constructed in such a manner as to be readily cleanable. If shafts extend through the wall of the tank below the level of product, they shall be equipped with proper seals which are readily removable for cleaning and sanitizing. The mixer shall be enclosed or equipped with tight fitting covers.

E 5.2.6 *Starter vats.* Bulk starter vats shall be made of stainless steel or equally corrosion resistant metal, shall be in good repair, equipped with tight fitting lids and accurate temperature controls such as valves, indicating and/or recording thermometers. New vats shall be constructed according to applicable 3–A Sanitary Standards.

E 5.3 *Operations and operating procedures*—E 5.3.1 *Pasteurization.* (a) The skim milk used for the manufacture of cottage cheese shall be pasteurized not more than 24 hours prior to the time of setting by heating every particle of skim milk to a temperature of 161° F. for not less than 15 seconds or by any other combination of temperature and time giving equivalent results. All skim milk must be cooled promptly to setting temperature. If held more than 2 hours between pasteurization and time of setting, the skim milk shall be cooled and held at 45° F. or colder until set.

(b) Cream or cheese dressing shall be pasteurized at not less than 150° F. for not less than 30 minutes or at not less than 166° F. for not less than 15 seconds or by any other combination of temperature and time treatment giving equivalent results. Cream and cheese dressing shall be cooled promptly to 40° F. or lower after pasteurization to aid in further cooling of cottage cheese curd for improved keeping quality.

(c) Reconstituted nonfat dry milk for cottage cheese manufacture need not be repasteurized provided it is reconstituted within 2 hours prior to the time of setting. Skim milk separated from pasteurized whole milk need not be repasteurized provided it is separated in equipment from which all traces of raw milk from previous operations have been removed by proper cleaning and sanitizing.

E 5.3.2 *Reconstituting nonfat dry milk.* Nonfat dry milk shall be reconstituted in a sanitary manner, preferably by the use of a centrifugal pump and funnel arrangement. It shall be reconstituted within 2 hours of the time of setting, using water which is free from viable pathogenic or otherwise harmful microorganisms.

E 5.3.3 *Packaging and general identification*—(a) *Containers.* Containers used for packaging cottage cheese shall be any commercially acceptable multiple use or single service container or packaging material which will satisfactorily protect the contents through the regular channels of trade without significant impairment of quality with respect to flavor or contamination under normal conditions of handling. Caps or covers which extend over the lip of the container shall be used on all cups or tubs containing 2 pounds or less to protect the product from contamination during subsequent handling.

(b) *Packaging.* The cheese shall be packaged in a sanitary manner. The containers shall be check weighed during the filling operation to assure they are filled uniformly to not less than the stated net weight on the container.

(c) *General identification.* Bulk packages containing cottage cheese shall be adequately and legibly marked with the name of the product, net weight, name and address of the manufacturer, lot number, code or date of packaging and any other identification as may be required. Consumer size packaged products shall be legibly marked with the name of the product, net weight, name and address of the manufacturer or distributor, code or date of packaging and any other identification as may be required.

E 5.3.4 *Storage of finished product.* Cottage cheese after packaging shall be promptly stored at a temperature of 45° F. or lower to maintain quality and condition until loaded for distribution. During distribution and storage prior to sale the product should be maintained at a temperature of 45° F. or lower. The product shall not be exposed to foreign odors or conditions such as drippage or condensation that might cause package or product damage. Packaged cottage cheese shall not be placed directly on floors.

SEC. E 6. *Supplemental requirements for plants manufacturing, processing and packaging pasteurized process cheese and related products*—E 6.1 *Equipment and utensils*—E 6.1.1 *General construction, repair, and installation.* The equipment and utensils used for the handling and processing of cheese products shall be as specified in section 1.4 of subpart E. In addition, for certain other equipment the following requirements shall be met.

E 6.1.2 *Conveyors.* Conveyors shall be constructed of material which can be properly cleaned, will not rust, or otherwise contaminate the cheese, and shall be maintained in good repair.

E 6.1.3 *Grinders or shredders.* The grinders or shredders used in the preparation of the trimmed and cleaned natural cheese for the cookers shall be adequate in size. Product contact surfaces shall be of corrosion resistant material, and of such construction as to prevent contamination of the cheese and to allow thorough cleaning of all parts and product contact surfaces.

E 6.1.4 *Cookers.* The cookers shall be the steam jacketed or direct steam type. They shall be constructed of stainless steel or other equally corrosion-resistant material. All product contact surfaces shall be readily accessible for cleaning. Each cooker shall be equipped with an indicating thermometer, and should be equipped with a temperature recording device. The recording thermometer stem may be placed in the cooker if satisfactory time charts are used; if not, the stem shall be placed in the hotwell or filler hopper. Steam check valves on direct steam type cookers shall be mounted flush with cooker wall, be constructed of stainless steel and designed to prevent the backup of product into the steam line, or the steam line shall be constructed of stainless steel pipes and fittings which can be readily cleaned. If direct steam is applied to the product only culinary steam shall be used.

E 6.1.5 *Fillers.* The hoppers of all fillers shall be covered but the cover may have sight ports. If necesary, the hopper may have an agitator to prevent buildup on side wall. The filler valves and head shall be kept in good repair, capable of accurate measurements.

E 6.2 *Operations and operating procedures*—E 6.2.1 *Trimming and cleaning.* The natural cheese shall be cleaned free of all nonedible portions. Paraffin and bandages as well as rind surface, mold, or unclean areas or any other part which is unwholesome or unappetizing shall be removed.

E 6.2.2 *Cooking the batch.* Each batch of cheese within the cooker, including the optional ingredients shall be thoroughly commingled and the contents pasteurized at a temperature of at least 158° F. and held at that temperature for not less than 30 seconds. Care shall be taken to prevent the entrance of cheese particles or ingredients after the cooker batch of cheese has reached the final heating temperature. After holding for the required period of time, the hot cheese shall be emptied from the cooker as quickly as possible.

E 6.2.3 *Forming containers.* Containers either lined or unlined shall be assembled and stored in a sanitary manner to prevent contamination. The handling of containers by filler crews shall be done with extreme care and observance of personal cleanliness. Preforming and assembling of pouch liners and containers shall be kept to a minimum and the supply rotated to limit the length of time exposed to possible contamination prior to filling.

E 6.2.4 *Filling containers.* Hot fluid cheese from the cookers may be held in hot wells or hoppers to assure a constant and even supply of processed cheese to the filler or slice former. Filler valves shall effectively measure the desired amount of product into the pouch or containers in a sanitary manner and shall cut off sharply without drip or drag of cheese across the opening. An effective system shall be used to maintain accurate and precise weight control. Damaged or unsatisfactory packages shall be removed from production, and the cheese may be salvaged into sanitary containers, and added back to cookers.

E 6.2.5 *Closing and sealing containers.* Pouches, liners, or containers having product contact surfaces after filling shall be folded or closed and sealed in a sanitary manner, preferably by mechanical means, so as to assure against contamination. Each container in addition to other required labeling shall be coded in such a manner as to be easily identified as to date of manufacture by lot or sublot number.

SEC. E 7. *Supplemental requirements for plants manufacturing, processing, and packaging evaporated, condensed, or sterilized milk products*—E 7.1 *Equipment and utensils*—E 7.1.1 *General construction, repair, and installation.* The equipment and utensils used for processing and packaging evaporated, condensed, or sterilized milk products shall be as specified in section 1.4 of Subpart E. In addition, for certain other equipment, the following requirements shall be met.

E 7.1.2 *Evaporators and vacuum pans.* All equipment used in the removal of moisture from milk or milk products for the purpose of concentrating the solids should meet the requirements of the 3–A Sanitary Standards for Milk and Milk Products Evaporators and Vacuum Pans. All new or used replacements for this type of equipment shall meet the appropriate 3–A Sanitary Standards.

E 7.1.3 *Fillers.* Both gravity- and vacuum-type fillers shall be of sanitary design and all product contact surfaces, if metal, shall be made of stainless steel or equally corrosion-resistant material; except that certain evaporated milk fillers having brass parts may be approved if free from corroded surfaces and kept in good repair. Nonmetallic product contact surfaces shall meet the requirements for 3–A Sanitary Standards for Rubber and Rubberlike Materials or for Multiple-Use Plastic Materials. Fillers shall be designed so that they in no way will contaminate or detract from the quality of the product being packaged.

E 7.1.4 *Batch or continuous in-container sterilizers.* Shall be equipped with accurate temperature controls and effective valves for regulating the sterilization process. The equipment shall be maintained in such a manner as to assure control of the length of time of processing, and to minimize the number of damaged containers.

E 7.1.5 *Homogenizers.* Homogenizers where applicable shall be used to reduce the size of the fat particles and to evenly disperse them in the product. New homogenizers shall meet the applicable 3–A Sanitary Standards.

E 7.2 *Operations and operating procedures*—E 7.2.1 *Preheat, pasteurization.* When pasteurization is intended or required by either the vat method, HTST method, or by the UHT method it shall be accomplished by systems and equipment meeting the requirements outlined in section 1.4 of Subpart E.

E 7.2.2 *Sterilization.* The complete destruction of all living organisms shall be performed in one of the following methods: (a) The complete in-container method, by heating the container and contents to a range of 212° F. to 280° F. for a sufficient time; (b) by a continuous flow UHTST process at high temperatures of 280° F. and above for a sufficient time, then packaged aseptically; (c) the product is first sterilized according to UHTST methods as in paragraph (b) of this section, then packaged and given further heat treatment to complete the sterilization process.

E 7.2.3 *Filling containers.* (a) The filling of small containers with product shall be done in a sanitary manner. The containers shall not contaminate or detract from the quality of the product in any way. After filling, the container shall be hermetically sealed.

(b) Bulk containers for unsterilized product shall be suitable and adequate to protect the product in storage or transit. The bulk container (including bulk tankers) shall be cleaned and sanitized before filling, and filled and closed in a sanitary manner.

E 7.2.4 *Aseptic filling.* A previously sterilized product shall be filled under conditions which prevent contamination of the product by living organisms or spores. The containers prior to being filled shall be sterilized and maintained in a sterile condition. The containers shall be sealed in a manner that prevents contamination of the product.

E 7.2.5 *Storage.* Proper facilities shall be provided for the storage and handling of finished product.

Subpart F—Administrative Procedures

SEC. F 1. *Farm certification*—F 1.1 *Necessity for certification.* (a) Within 24 months from the effective date of these rules and regulations, every farm producing and selling milk for manufacturing purposes shall be inspected and certified as provided in section F 1.2, 1.3, and 1.5. On and after the effective date of these rules and regulations, a new producer's farm shall be inspected and certified as provided in sections F 1.2, 1.3, and 1.5 before his first sale of milk for manufacturing purposes. Twenty-four months from and after the effective date of these rules and regulations, no milk for manufacturing purposes produced on an uncertified farm shall be bought or sold.

(b) Certified farms shall be inspected annually after initial certification to determine eligibility for recertification. The inspection procedure for recertification shall be the same as that for initial certification.

F 1.2 *Inspection.* Each farm shall be inspected by an inspector or approved fieldman. When evidence indicates that it is advisable to do so [the regulatory agency] may require an examination of the herd by a licensed veterinarian. If the farm meets the applicable requirements for certification described in section D 1 to D 9 of subpart D, as indicated by the Farm Certification Report Form (section F 4) the farm shall be certified as described in section F 1.3. If the farm does not meet the requirements for certification, it shall be reinspected

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within 30 days after the initial inspection. If the farm then meets the requirements for certification, it shall be certified. If the farm does not meet the requirements for certification, it shall not be certified, and the producer's authorization to sell milk for human food from that farm shall be withheld by [the regulatory agency] until such time as the farm qualifies for certification. Provided that, if the inspector determines during any of these inspections that corrections on the farm will require some capital investment, a reasonable extension of the prescribed time limits may be granted by [the regulatory agency]. Each completed Farm Certification Report Form (section F 4) shall be kept by the regulatory agency and a copy shall be given to the producer.

F 1.3 *Certification.* An inspector or approved fieldman shall certify farms that meet the requirements of sections D 1 to D 9 of subpart D as applicable, based upon the inspection procedure described in section F 1.2. Farm certification shall authorize the sale from that farm of milk for manufacturing purposes that meets the quality standards of section C 2 to C 4 of subpart C as determined by the procedures described in sections C 2 to C 11 of subpart C.

F 1.4 *Expiration and revocation of certification.* (a) Farm certification shall expire and become renewable 1 year from the date of certification unless revoked earlier by [the regulatory agency] and no certification shall be transferrable.

(b) If at any time an inspector or approved fieldman determines that a certified farm does not meet the requirements for certification [the regulatory agency] may allow a reasonable probationary period for the producer to bring his farm within the requirements for certification. If at the end of this time the farm does not meet the requirements for certification [the regulatory agency] may revoke the farm certification.

F 1.5 *Reinstatement.* If, after a period of withholding, probation, or revocation of farm certification, a producer makes the necessary corrections at the farm, he may apply for reinspection. When conditions have been corrected, the farm shall be reinspected by an inspector or approved fieldman. When the inspector or approved fieldman determines that requirements for certification have been met, he shall certify the farm.

SEC. F 2. *Licensing plants, milk graders, and bulk milk collectors*—F 2.1 *Necessity for plant license.* (a) Within 12 months from the effective date of these rules and regulations, every plant receiving or processing milk for the manufacture of dairy products shall be inspected and licensed as provided in sections F 2.2, 2.3, 2.4(a), and 2.6. On and after the effective date of these rules and regulations, a new plant shall be inspected and licensed as provided in sections F 2.2, 2.3, 2.4(a), and 2.6 before buying or processing any milk for the manufacture of dairy products. Twelve months from and after the effective date of these rules and regulations, no unlicensed plant shall handle, purchase, or receive milk or manufacture dairy products therefrom.

(b) All licensed plants shall be inspected annually after issuance of the initial license to determine eligibility for license renewal. The inspection procedure for license renewal shall be the same as that for initial licensing.

F 2.2 *Application for license.* Applications to [the regulatory agency] for a new or renewal license for dairy plants, milk graders, and bulk milk collectors shall contain the name and address of the applicant and such other pertinent information as may be required.

F 2.3 *Plant inspection.* (a) Each plant shall be inspected by an inspector. If, upon initial inspection, the inspector finds that the plant meets the requirements for licensing described in subpart E, as indicated by the Plant Inspection Report Form (section F 5), a license shall be issued to the plant as described in section F 2.4(a). If the plant does not meet the requirements for licensing, the plant shall be reinspected by an inspector within 30 days of the initial inspection. A longer time may be allowed if major changes or new equipment is required. If at this time the plant meets the requirements for licensing, a license shall be issued. If the plant does not meet the requirements for licensing, it shall not be licensed, and its authorization to handle, purchase, or receive milk or to manufacture dairy products therefrom shall be withheld until such time as the plant qualifies for a license.

(b) Each completed Plant Inspection Report Form (section F 5) shall be kept by [the regulatory agency], and a copy shall be given to the plant operator.

F 2.4 *Issuance of license*—(a) *Dairy plants.* [The regulatory agency] shall license dairy plants that meet the specifications of subpart E based upon the inspection procedure described in section F 2.3. The license certificate shall be posted conspicuously at the plant. The license shall authorize the plant to test, purchase, and receive milk for manufacturing purposes and to manufacture dairy products therefrom, in compliance with the applicable provisions of the Act and the rules and regulations issued pursuant thereto.

(b) *Milk graders and bulk milk collectors.* [The regulatory agency] shall license milk graders and bulk milk collectors who meet the qualifications prescribed by [the regulatory agency]. The licenses of milk graders and bulk milk collectors shall authorize them to grade, accept, and reject raw milk in accordance with the provisions of subpart C.

F 2.5 *Expiration, suspension and revocation of license.* (a) Licenses shall expire and become renewable 1 year from the date of issuance unless revoked earlier and no license shall be transferable.

(b) If at any time an inspector determines that a licensed plant does not meet the requirements for licensing, he may allow a reasonable probationary period for the operator to bring his plant within the requirements for licensing. If at the end of this time the plant does not meet the licensing requirements [the regulatory agency] may revoke the plant license.

(c) [The regulatory agency] may suspend or revoke licenses of milk graders and bulk milk collectors for any violation of these regulations on the Act. An opportunity for a hearing shall be provided any licensee before suspension or revocation of his license.

F 2.6 *Reinstatement.* (a) If, after a period of withholding, probation or revocation of a plant license, the operator makes the necessary corrections at the plant, he may apply to [the regulatory agency] for reinspection and reinstatement. When the inspector determines that requirements for licensing have been met [the regulatory agency] shall issue a license to the plant.

(b) The reinstatement of licenses for milk graders and bulk milk collectors which have been suspended or revoked shall be made only after satisfying [the regulatory agency] of their qualifications.

Sec. F 3. *Supervision*—F 3.1 *Regulatory agency.* [The regulatory agency] to insure compliance with the provisions of the Act and the rules and regulations shall:

(a) Make periodic examinations of milk from a representative number of producers at each plant to determine whether the milk is being graded and tested in accordance with the applicable provisions of subpart C.

(b) Examine the quality records of transfer producers at each plant periodically and when necessary determine the acceptability of such producers' milk.

(c) Make periodic farm inspections and compare the results of such inspections with previously completed Farm Certification Report Forms filed by the inspector or approved fieldman.

(d) Periodically examine the milk quality tests records of individual producers at each plant.

(e) Periodically inspect plant premises, buildings, equipment, facilities, operations, sanitary practices and compare the results with previously completed plant inspection forms filed by the inspector.

(f) Assist plant management and laboratory and field staffs with educational programs among producers relating to quality improvement of milk.

(g) Perform such other services and institute such other supervisory procedures as may be necessary to insure compliance with the provisions of the Act and the rules and regulations.

F 4. *Farm certification report form.* The following form shall be used by inspectors or approved fieldman in determining eligibility for farm certification:

FARM INSPECTION FORM

	Check ons		Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items)
	S	U	
A—FACILITIES			
1. Health of herd:			
(a) Herd appears healthy			
(b) Tuberculin tested, date			
(c) Brucellosis test:			
Ring tested, date			
Blood tested, date			
2. Barn or milking area:			
(a) Adequate size, construction			
(b) Floors and gutters good repair			
(c) Bulk tank, installation			
3. Milkhouse or milkroom:			
(a) Adequate size, location, and construction			
(b) Equipped with adequate facilities			
(c) Bulk tank, installation			
4. Combination milking parlor and milkroom, if used:			
(a) Adequate size, construction			
(b) Equipment and arrangement			
5. Utensils and equipment:			
(a) Design, construction			
(b) Cleaning (brushes and cleansers) and storage facilities and supplies available			
6. Water supply:			
(a) Safe, clean			
(b) Supply ample			
B—METHODS			
7. Premises:			
(a) Clean, well kept			
(b) Fowl, swine properly confined			
(c) Manure properly handled and disposed of			
8. Barn or milking area:			
(a) Floors and gutters clean, good repair			
(b) Walls and ceilings clean, painted or whitewashed			
(c) Pens and alleyways clean			
(d) Yard or loafing area clean			
9. Milking procedure:			
(a) Mastitis program practiced			
(b) Cows clean, udders and flanks clipped			
(c) Udders and teats washed or wiped before milking			
(d) Milk stools and stirrings clean, properly stored			
(e) Milker's clothing clean, hands clean and dry			
(f) Feed bin kept clean and free from foul odors			
10. Milkhouse or milkroom:			
(a) Used for handling milk and utensils			
(b) Clean, free of flies and insects controlled to minimum			
11. Cooling:			
(a) Facility clean, good operating order			
(b) Milk cooled promptly, properly held. (Temperature of milk —°F.)			

FARM INSPECTION FORM—Continued

	Check one		Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items)
	S	U	
A—FACILITIES			
12. Utensils and equipment:			
(a) Good condition, clean, properly stored:			
Cans			
Milking machines (head, claw, pulsator, inflations, tubes, air lines, etc.)			
Pails, strainers and other utensils			
(b) Bactericidal treatment before use			
(c) Vacuum lines clean			
(d) Supplies properly stored			

F 5. *Plant inspection report form.* The following form shall be used by inspectors in determining eligibility for plant licensing:

PLANT SURVEY REPORT

	Type of plant	Date	
	Manager		
Plant surveyed (*Name and address*)	Purpose of survey		
		Inspector	

Item	Code: S—Satisfactory; U—Unsatisfactory →	Check one S	Check one U	Remarks (*State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.*)
Plant and premises:				
1 Plant driveway and surroundings				
2 Construction				
3 Floor Drains				
4				
5				
Receiving—Cans:				
6 Room construction				
7 Lighting and ventilation				
8 Can inlet and outlet				
9 Weight tank, scale, and drop tank				
10 Can washer				
11 Disposition of can drippings				
12 Condition of producer cans				
13 Pumps, pipelines, fittings				
14 Milk route trucks				
15				
16				

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PLANT SURVEY REPORT—Continued

Item ↓ (Code: S—Satisfactory U—Unsatisfactory →)	Check one S	Check one U	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
Receiving—bulk:			
17 Facilities for bulk trucks			
18 Bulk tank trucks			
19 Pumps, pipelines, fittings			
20 CIP cleaning			
21			
22			
23			
Quality program—Raw product:			
24 Line grading			
25 Bacterial testing			
26 Sediment testing			
27 Quality—supply plants			
28 Quality records—Follow-up			
29 Field service			
30			
31			
Raw milk storage			
32 Room Construction			
33 Lighting and ventilation			
34 Product coolers			
35 Storage tanks—silo			
36 Storage tanks—conventional			
37 Pumps, pipelines, valves			
38 CIP cleaning			
39			
40			

BUTTER

Item ↓ (Code: S—Satisfactory U—Unsatisfactory →)	Check one S	Check one U	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
Processing:			
B41 Room construction			
B42 Lighting and ventilation			
B43 Forewarmer			
B44 Neutral method—Cream filter			
B45 Separator(s)			
B46 Pasteurization			
B47 Thermometer—indicating and recording			
B48 Vacunmizer			
B49 Product cooler			
B50 Storage tanks			
B51 Pumps, pipelines, valves			
B52 CIP cleaning			
B53			
B54			
B55			
Churning:			
B56 Room construction			
B57 Lighting and ventilation			
B58 Cream filter			
B59 Churn(s)			
B60 Disposition of buttermilk			
B61 Butter wash water, add water			
B62 Wash water tank, filter			
B63 Pumps, pipelines, fittings			
B64 Starter—distillate			
B65 Butter boats, trucks, packers			
B66 Scales (bulk butter)			
B67 Miscellaneous utensils			
B68 Hand washing facilities			
B69			
B70			
B71			
Composition control:			
B72 Equipment—scales, weights, cups			
B73 Tests performed			
B74 Technique			
B75			
B76			
Packaging of product:			
B77 Liners and treatment			
B78 Package finish			
B79 Type of containers			
B80 Markings			
B81			
Storage of finished product:			
B82 Floor, walls, ceiling, doors			
B83 Lighting and ventilation			
B84 Temperature of room			
B85 Pallets or floor racks			
B86 Stacking of boxes			
B87 Other products stored			
B88			
B89			

DRY MILK

Item ↓ (Code: S—Satisfactory U—Unsatisfactory →)	Check one S	Check one U	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
Pasteurization and condensing:			
41 Floors, walls, ceiling, windows, doors			
42 Lighting and ventilation			
43 Storage tanks—temperature			
44 Preheaters			
45 Heater, pasteurization-holding tube, time, temperature			
46 Positive pump or timing device			
47 Flow diversion valve-divert temperature			
48 Recorder-controller			
49 Indicating and recording thermometer			
50 Homogenizer			
51 Evaporator(s)			
52 Product cooler (condensed milk)			
53 Condensed surge tank			
54 Pumps, pipelines, valves, and fittings			
55 CIP cleaning			
56			
Drying:			
57 Floors, walls, ceiling, windows, doors			
58 Lighting and ventilation			
59 Condensed milk preheater			
60 H.P. pump and strainers			
61 Pumps, pipelines, valves, and fittings			
62 Air supply, filters, inlet chamber			
63 Drying chamber—make of dryer, redryer			
64 Fines removal and conveying equipment			
65 Cyclones			
66 Powder cooling system			
67 Storage bins			
68 Shoe covers, miscellaneous (for dryer work)			
69 Vacuum cleaner			
70 Housekeeping and pest control			
71			
72			
73			
Packaging:			
74 Floors, walls, ceiling, windows, doors			
75 Lighting			
76 Room exhaust, ventilation			
77 Sifter			
78 Dry milk packaging temperature			
79 Packaging technique			
80 Waste powder-disposition			
81 Housekeeping and pest control			
82			
83			
Storage of dry milk:			
84 Floors, walls, ceiling, windows, doors			
85 Lighting and ventilation			
86 Stacking of containers			
87 Other products stored			
88 Housekeeping and pest control			
89			
90			

CHEESE

Item ↓ (Code: S—Satisfactory U—Unsatisfactory →)	Check one S	Check one U	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
Processing:			
C41 Room construction			
C42 Lighting and ventilation			
C43 Clarifier, separator			
C44 Pasteurization			
C45 Thermometer—indicating and recording			
C46 Vacuumizer			
C47 Pumps, valves, fittings			
C48 CIP cleaning			
C49			
C50			
Starter room:			
C51 Room construction			
C52 Lighting and ventilation			
C53 Processing vats			
C54 Starter vats			
C55 Starter culture			
C56			
Cheesemaking room:			
C57 Room construction			
C58 Lighting and ventilation			
C59 Vats, agitators and drain tables			
C60 Cheese hoops and presses			
C61 Press cloths			
C62 Curd knives and mill			
C63 Rakes, and miscellaneous utensils			
C64 Salt bins			
C65 Hand washing facilities			
C66 Housekeeping			
C67			
Packaging:			
C68 Room construction			
C69 Lighting and ventilation			
C70 Wrapper table and scale			
C71 Type of wrapper—sealing			
C72 Barrels—condition			
C73 Marking ink			
C74 Housekeeping			
C75			
C76			
Storage of finished product:			
C77 Room construction			
C78 Temperature and Ventilation			
C79 Drying room, shelves, carts			
C80 Pallets or floor racks			
C81			
C82			
Handling of whey:			
C83 Holding tank—unseparated whey			
C84 Separator			
C85 Pumps, pipelines, fittings			
C86 Whey cream—pasteurized and cooling			
C87 Whey tanks—condition of tanks			
C88 Storage area—separated whey			
C89 Disposition of whey			

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Form C — EVAPORATED, CONDENSED OR STERILE MILK PRODUCTS

Item ↓ Code: S—Satisfactory → U—Unsatisfactory	Check one: S	Check one: U	Remarks (State unsatisfactory conditions by Item No. Include comments, as necessary, for other items.)
Pasteurization and condensing:			
41 Floors, walls, ceiling, windows, doors			
42 Lighting and ventilation			
43 Storage tanks—temperature			
44 Preheaters			
45 Heat treatment—temperature time			
46 Hot well			
47 Indicating and recording thermometer			
48 Carrageenan equipment			
49 Evaporator(s)			
50 Filters			
51 Homogenizer			
52 Product cooler			
53 Storage or standardizing tank—temperature			
54 Pumps, pipelines, valves, and fittings			
55 CIP cleaning			
56			
57			
58			
Filling and sterilizing:			
59 Floors, walls, ceiling, windows, doors			
60 Lighting and ventilation			
61 Surge tank to fillers			
62 Filler condition			
63 Filler parts storage			
64 Pumps, pipelines, valves, and fittings			
65 Preheater—temperature-time			
66 Sterilizer—temperature-time			
67 Cooler—temperature			
68 Indicating and recording thermometer			
69 Pellet and/or leak detector			
70 Can dryer			
71 Can bin storage			
72 Housekeeping and pest control			
73			
74			
75			
Labeling and coding:			
76 Floors, walls, ceiling, windows, doors			
77 Lighting and ventilation			
78 Labeling equipment			
79 Coding—can and case			
80 Casing equipment			
81 Label storage			
82 Housekeeping and pest control			
83			
Storage of product:			
84 Floors, walls, ceiling, windows, doors			
85 Lighting and ventilation			
86 Stacking of containers			
87 Other products stored			
88 Housekeeping and pest control			
89			
Laboratory:			
90 Facilities and equipment			
91 Lighting and ventilation			
92 Quality control—manufacturing products			
Storage of supplies:			
93 Room construction			
94 Salt, color, starter, rennet, etc			
95 Containers, liners, wrappers			
96 Other supplies			
97 Housekeeping			
98 Pest control			
99			
Lockers and restrooms:			
100 Location			
101 Room construction			
102 Lighting and ventilation			
103 Lockers and benches			
104 Housekeeping			
105 Handwashing facilities and sign			
106			
General:			
107 Pest control program			
108 Medical certificate			
109 Employees' appearance and habits			
110 Boiler and compressor room			
111 Water—plant supply			
112			

Status of plant—Previous survey, if any | Date

Status of plant—This survey (*Indicate product(s)*)

Recommendations:

Done at Washington, D.C., this 28th day of March 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5038 Filed 4-6-72;8:45 am]

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federal register

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[A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1]

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Title 3—The President

PROCLAMATION 4121

National Defense Transportation Day and National Transportation Week, 1972

By the President of the United States of America

A Proclamation

"How is it that we can send men to the moon, yet we cannot manage our problems of transportation here on earth?" That is a question we often hear as each year it seems that less time is needed to fly around the world, and more time to drive to work.

If we have the will, we can subdue these transportation problems. The same American technology that opened wide the door to space travel, can be harnessed both to relieve the inadequacies of our domestic transportation system and to provide for future transport needs. With careful planning and conscientious direction, our technology can develop new ways to move people and goods. Thirty years ago, the idea of sending men to the moon seemed impossibly visionary. Thirty years from now, I predict, new forms of transport will be operating which seem today as unrealizable as lunar space travel once was.

From May 27 through June 4, 1972, an exposition of advanced transportation technology, called TRANSPO '72, will be staged at Dulles Airport near Washington, D.C. I encourage all Americans to attend this display, and to experience an exciting forward look at transportation concepts, designs and systems for meeting the challenges of the twenty-first century.

In recognition of the importance of our transportation system, the Congress, by joint resolutions approved May 16, 1957, and May 14, 1962, requested the President to proclaim annually the third Friday of May each year as National Defense Transportation Day, and the week of May in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Friday, May 19, 1972, as

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National Defense Transportation Day, and the week beginning May 14, 1972, as National Transportation Week. I urge the people of the United States to observe this period with appropriate ceremonies in recognition of the importance of our transportation system to our lives and national defense, and as a tribute to the men and women who make possible the movement of people and goods throughout our land and abroad.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.



[FR Doc.72-5544 Filed 4-7-72; 12:08 pm]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 351—REDUCTION IN FORCE

Employees' Retention Standing

Part 351 is amended to provide that in reduction in force (1) employees' retention standing be determined on the basis of performance ratings of record on the date reduction-in-force notices are issued; (2) employees' bumping and retreat rights are determined on the basis of pay scales in effect on the date reduction-in-force notices are issued; (3) agencies may extend the maximum length of reduction-in-force notices up to 180 days without prior Commission approval; and (4) employees' names are removed from agency reemployment lists when they accept a nontemporary, full-time, competitive position with another agency.

Effective on publication in the FEDERAL REGISTER (4-8-72), §§ 351.504, 351.506, 351.703, 351.801, and 351.1001 (a) are revised as set out below.

§ 351.504 Performance rating.

(a) Each employee's performance rating of record on the date of issuance of specific reduction-in-force notices shall determine his entitlement to additional service credit as provided in this section.

(b) Each agency shall credit each employee who has an outstanding performance rating with 4 years of service added to his creditable service.

(c) Each agency shall credit each employee who has a performance rating between satisfactory and outstanding, which has been authorized under a performance rating plan approved by the Commission, with 2 years of service added to his creditable service.

§ 351.506 Effective date of retention standing.

Except for determining additional service credit for performance ratings as provided in § 351.504:

(a) The retention standing of each employee released from his competitive level in the order prescribed in § 351.602 is determined as of the date he is so released.

(b) The retention standing of each employee temporarily retained in his competitive level under § 351.608 is determined as of the date he would have been released from his competitive level had temporary retention action under § 351.608 not been taken. The retention standing of each employee so retained remains fixed until the completion of the reduction-in-force action which resulted in the temporary retention.

(c) When an agency discovers an error in the determination of an employee's retention standing, it shall correct the error and adjust any erroneous reduction-in-force action to accord with the employee's true retention standing as of the effective date established by this section.

§ 351.703 Assignment involving displacement.

(a) An agency shall assign under § 351.603 a group I or II employee in a position in the competitive service, rather than furlough or separate him, to a position in the competitive service in another competitive level in his competitive area which requires no reduction, or the least possible reduction, in representative rate when a position in the other competitive level is held by an employee:

(1) In a lower subgroup; or

(2) With lower retention standing in a position from which the group I or II employee was promoted or an essentially identical position.

(b) Each employee's assignment rights shall be determined on the basis of the pay rates in effect on the date of issuance of specific notices of reduction in force, except that when it is officially known on the date of issuance of notices that new pay rates have been approved and will become effective by the effective date of the reduction in force, assignment rights shall be determined on the basis of the new pay rates.

§ 351.801 Notice period.

(a) Each competing employee selected for release from his competitive level under this part is entitled to a written notice at least 30 full days before the effective date of his release.

(b) The notice shall not be issued more than 90 days before release except when the agency determines that additional time will protect employee rights or avoid administrative hardship.

(c) Except as required by this part or as permitted by paragraph (d) of this section, the notice period may not exceed 180 days without the prior approval of the Commission.

(d) When an agency retains an employee under section 351.606 or § 351.608 it may give him a longer notice period than that provided in paragraph (c) of this section, but it may not continue the notice period beyond the employee's retention period. The notice to the employee shall cite the date on which the retention period ends as the effective date of the employee's release from his competitive level.

§ 351.1001 Establishment of list.

(a) Each agency shall establish and maintain a reemployment priority list for each commuting area in which it separates group I or II employees from competitive positions under this part. The agency shall enter the name of each of these employees on the list for all competitive positions in the commuting area for which he qualifies and is available, except as provided in paragraph (b) of this section. A group I employee's name remains on the list for 2 years, and a group II employee's name for 1 year, from the date he was separated. The agency shall delete an employee's name from the list when he accepts a nontemporary, full-time, competitive position. The agency may delete an employee's name from the list on his written request or when he declines a nontemporary, full-time, competitive position with a representative rate the same as or higher than that of the position he was separated from under this part.

• • • • •

(5 U.S.C. 1302, 3502)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-5503 Filed 4-7-72; 8:50 am]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 262, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

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(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* These provisions in paragraph (b)(1)(i) and (ii) of § 907.562 (Navel Orange Regulation 262; 37 F.R. 6477) during the period March 31, 1972, through April 6, 1972, are hereby fixed as follows:

§ 907.562 Navel Orange Regulation 262.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 996,000 cartons;

(ii) District 2: 204,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 5, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5430 Filed 4-7-72;8:48 am]

[Lemon Reg. 528]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.828 Lemon Regulation 528.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement, and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 4, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 9, 1972, through April 15, 1972, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 6, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5478 Filed 4-7-72; 8:50 am]

[Orange Reg. 3]

PART 914—ORANGES GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 914.303 Orange Regulation 3.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 914 (7 CFR Part 914), regulating the handling of oranges grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Interior Orange Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from the current market situation which reflects a continued weakness in prices for Florida Interior oranges, and a strong threat that shipments during next week, in the absence of regulations, would be in excess of the market demand. Such excess shipments would most likely further depress prices for Florida Interior oranges, which at the end of March 1972, were only 74 percent of parity. The need for the regulation is also based on the prospective marketing conditions. The present market is slow and there are no indications of an improvement in the demand. Thus, a regulation is needed to prevent excessive shipments during the week of April 10 through April 16, 1972.

(3) There is not sufficient time to give preliminary notice and engage in public rule-making procedure because: (i) Volume shipments of Florida Interior District oranges are currently regulated pursuant to Orange Regulation 2 (37 F.R. 6661) and determinations as to the need for, and extent of, continued regulation of volume shipments of such oranges must await the availability of information on the demand for such fruit, (ii) information on the current and prospective market conditions during the period April 10 through April 16, 1972, could not be fully evaluated before April 4, 1972, and (iii) shipments likely to be made in the absence of regulations, and the amount of oranges needed to satisfy the market demand for the period April 10 through April 16, 1972, could not be anticipated at an earlier date.

(4) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Interior oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 4, 1972.

(b) *Order.* (1) The quantity of oranges grown in the Interior District which may be handled during the period April 10 through April 16, 1972, is hereby fixed at 200,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "oranges," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 5, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5479 Filed 4-7-72;8:50 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 11, Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Surety Bond Guarantee Assistance

On December 9, 1971, there was published in the FEDERAL REGISTER (36 F.R. 23401) a notice that the Small Business Administration proposed to revise Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding a definition of small business for the purpose of surety bond guarantee assistance. The public was given 30 days to comment on the proposal. Having carefully considered all aspects of the proposal and comment thereon, it has been decided to adopt the proposal.

Accordingly Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising the index to Part 121 by retitling § 121.3–14 as *Definition of small business for the purpose of surety bond guarantee*, and adding § 121.3–15, *Interpretations*.

§ 121.3–15 [Renumbered]

2. Renumbering § 121.3–14 as § 121.3–15, and

3. Inserting new § 121.3–14 to read as follows:

§ 121.3–14 Definition of small business for the purpose of surety bond guarantee assistance.

A small business concern for the purpose of surety bond guarantee assistance is a concern that qualifies as a small business under § 121.3–10, with the following exception:

(a) *Construction.* Any construction concern is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years, do not exceed $750,000.

Effective date. This amendment shall become effective as of February 8, 1972.

Dated: March 29, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-5377 Filed 4-7-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-WE-5-AD, Amdt. 39-1430]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Engines

Amendment 39–1166 (36 F.R. 4478), AD 71–5–7, requires a repetitive visual 50-hour oil filter inspection for excessive oil contamination. Amendment 39–1166 further provides for the use of a magnetic chip detector as a means of extending the intervals for the accomplishment of the oil filter inspections. In addition, a revision to the Airplane Flight Manuals is required to advise that pilot to shut down the engine if torque fluctuation or loss of torque pressure occurs on AiResearch Model TPE331–1, –2, –25, –29, –43, –45, –47, –49, –51, –55, –57, –61, and –71 series engines.

After issuing Amendment 39–1166, due to additional service experience, the agency determined that the use of the engine chip detector was applicable only to the TPE331–1 and –2. Therefore, amendment 39–1180 (36 F.R. 5673) was issued to restrict the use of the chip detector inspection to the TPE331–1 and –2 only.

The manufacturer subsequently developed an improved high speed pinion bearing and thrust washer and the agency determined that incorporation of this design was equivalent to the required inspection and procedures. Therefore, Amendment 39–1277 (36 F.R. 17031) was issued to provide termination of the required inspections and procedures upon accomplishment of the modification.

After issuing Amendment 39–1277, due to additional service experience, the agency has determined that the visual inspections of the engine oil filter of Amendment 39–1166 must be supplemented by a laboratory examination of the oil filter element and an engine oil sample. Further, the use of the engine chip detector authorized in Amendment 39–1180 is not a suitable means of increasing the intervals between engine oil filter inspections from 50 to 100 hours for the TPE331–1 and –2 engines. Therefore, the AD is being further amended to: (1) Eliminate the use of a magnetic chip detector as a means of extending the interval between oil filter inspections for the TPE331–1 and –2 engines; (2) require a supplementary laboratory examination of the engine oil filter element and an oil sample at 50-hour intervals; and (3) require incorporation of an improved high speed pinion bearing and thrust washer assembly at the next engine overhaul.

Accomplishment of (3), or an equivalent FAA-approved modification, will constitute terminating action for this AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1166 (36 F.R. 4478), AD 71–5–7, as amended, is further amended as follows:

1. Amend paragraph (a) to read:

(a) Within 50 hours time in service after the effective date of this amendment to AD 71–5–7, as amended, unless already accomplished, and at intervals not to exceed 50 hours' time in service thereafter, perform a visual inspection of the engine oil filter per AiResearch Service Bulletin 628, Revision 2, dated March 23, 1972, or later FAA-approved revision, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region. Return a sample of engine oil and the used engine oil filter element after each inspection to AiResearch for laboratory examination in accordance with AiResearch Service Bulletin 628, Revision 2, dated March 23, 1972, or later FAA-approved revision. Use of other laboratory facilities requires the approval of the Chief, Aircraft Engineering Division, FAA Western Region. Operators must submit substantiating data to obtain this approval.

(1) If excessive oil contamination in the filter is found during the visual inspection required in (a) above, the cause must be determined and corrected before further flight.

(2) Prior to operation of the engine in excess of 50 hours' time in service since the inspection prescribed in (a) above, the owner or operator must receive written confirmation of the results from AiResearch, or another approved facility.

2. Revise paragraph (c) to read:

(c) After the effective date of this amendment to AD 71–5–7, as amended, unless previously accomplished, incorporate, at the next engine overhaul, the improved high speed pinion and thrust washer assembly per AiResearch Service Bulletin 632, Revision 1, dated March 23, 1972, or Service Bulletin 659, Revision 1, dated March 23, 1972, or later FAA-approved revision(s), or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region. Upon completion of this modification the inspections of (a) above may be discontinued, and the AFM revision required by (b), above, may be deleted.

This amendment becomes effective April 8, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec.

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6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on March 28, 1972.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.72-5383 Filed 4-7-72;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-7090]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Quarterly Report of Issuers of Periodic Payment Plan Certificates

On December 10, 1971, the Securities and Exchange Commission published notice (Investment Company Act Release No. 6878 (37 F.R. 289)) that it had under consideration the adoption of Rule 27d-3 and Form N-27D-2 (17 CFR 270.27d-3, 274.127d-2) under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-1 et seq.), as amended by the Investment Company Amendments Act of 1970 (1970 Act) (Public Law 91-547, 84 Stat. 1413). All interested persons were invited to comment on the proposals.

The Commission has considered all of the comments and suggestions received and has determined to adopt Rule 27d-3 and Form N-27D-2 in the form set forth below. Adoption of the Rules and Forms is made pursuant to the authority granted the Commission in sections 27(d), 27(f), 30(b), and 38(a) of the Act (15 U.S.C. 80a-27(d), 80a-27(f), 80a-29(b), 80a-37(a)).

Section 30(b) of the Act provides that the Commission may require registered investment companies to file information and documents, on a semiannual or quarterly basis, to keep reasonably current the information and documents contained in the registration statements of such companies. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act, including prescribing the forms upon which information required in reports to the Commission shall be set forth.

Under section 27(d) (of the Act), periodic payment plan certificates, typically issued with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of 18 months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issuer equal to that part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder.

Under section 27(f) (of the Act), a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate, must be given a written notice of his right to withdraw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested, i.e., a complete refund of all charges.

Section 27(d) and 27(f) of the Act also provide that the Commission may make rules and regulations applicable to underwriters for or depositors of registered investment companies issuing periodic payment plan certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund charges as required by those sections. On July 2, 1971 (Investment Company Act Release No. 6600 (36 F.R. 13134)), the Securities and Exchange Commission adopted Rules 27d-1, 27d-2, and 27f-1 under the Act (17 CFR 270.27d-1, 270.27d-2, 270.27f-1) which, among other things, relate to reserve and refund requirements in connection with sales of periodic payment plan certificates.

Reserve requirements. Rule 27d-1 provides that every depositor of, or principal underwriter for, the issuer of a periodic payment plan certificate issued subject to section 27(d) or section 27(f) of the Act, or both, shall deposit and maintain funds in a segregated trust account as a reserve and as security for the purpose of assuring the refund of charges required by sections 27(d) and 27(f) (of the Act). Under the Rule, depositors or principal underwriters are required to deposit at least 45 percent of the excess sales load on each monthly payment made on periodic payment plan certificates sold subject to section 27(d) (of the Act). For all certificates for which they are liable for the refund of any sales load they are required to maintain in the segregated trust account an amount equal to not less than 35 percent of the refundable sales load. On certificates sold subject to only the 45-day refund right, an amount equal to 20 percent of the charges subject to refund must be deposited and maintained in the segregated trust account, except that on plans requiring monthly payments in excess of $100 the applicable rate is 30 percent.

When it adopted Rule 27d-1, the Commission stated that it

> • • • intends to review the reserve requirements in light of actual experience as soon as sufficient data becomes available. Such data would include numbers and frequency of payments and refunds, sales volume, aggregate indebtedness, net capital and excess net capital of principal underwriters and depositors. In order to facilitate such review the Commission may propose the filing of appropriate forms and also require the maintenance of certain records not now required to be kept.

Form N-27D-2. Form N-27D-2 is a quarterly report to be filed by registered unit investment trusts and management investment companies issuing periodic payment plan certificates. The form, as adopted, differs from the form as originally proposed principally as follows:

1. Form N-27D-2 is required to be filed only by issuers that are subject to the 18-month surrender right of section 27(d) (of the Act), rather than by all issuers of periodic payment plan certificates;

2. The first report on Form N-27D-2, for the calendar quarter ending December 31, 1971, will be due May 30, 1972, rather than March 15, 1972. The second report, for the calendar quarter ending March 31, 1972, will be due June 30, 1972, rather than April 30, 1972;

3. As originally proposed, Form N-27D-2 required certificate activity to be reported by denomination; certificates that provided for monthly payments of $100 or less were to be reported separately from certificates that provided for monthly payments of more than $100. The form now permits certificate activity data to be reported without regard to denomination if the total agreed payments on certificates that provide for monthly payments of $200 or less amount to 90 percent or more of the total agreed payments on all certificates issued during a calendar quarter. If such agreed payments amount to less than 90 percent of total agreed payments, certificate activity data must be reported by denomination, but based upon a $200 breakpoint. In order to determine whether certificate activity data can be reported without regard to denomination, information on total agreed payments according to denomination is required to be reported for certificates issued during the reporting quarter.

4. The requirement that issuers report data on certificates outstanding at the end of the reporting quarter which were subject to the 45-day withdrawal right at that time has been deleted.

Form N-27D-2 is required to be filed for each calendar quarter ending on or after December 31, 1971 by issuers of periodic payment plan certificates subject to the 18-month surrender right of section 27(d) (of the Act), if the certificates were issued during the calendar quarter or were outstanding at the beginning of the calendar quarter and were issued less than 18 months prior to the beginning of the calendar quarter.

Issuers of periodic payment plan certificates are not required to file the form if the depositor or principal underwriter has obtained an insurance company undertaking, pursuant to Rule 27d-2, to guarantee the performance of all of its obligations to refund charges pursuant to sections 27(d) and 27(f) (of the Act). However, such issuers are required to file the form if some of the certificates outstanding at the beginning of, or sold during, the calendar quarter were not covered by the guarantee.

Issuers of periodic payment plan certificates that are subject to only the 45-day withdrawal right of section 27(f) (of the Act) are not required to file Form N-27D-2; the Commission intends to propose a different form for the collection of data on the refund experience of such issuers.

General Format. Form N-27D-2 contains eight items. Item 1 provides a capsule description of the issuer and of the certificates. Items 2 through 8 provide the basic information with respect to the current status and activity of certificates issued during the reporting quarter and each of the six preceding quarters. The certificates issued during any quarter are traced for the next six quarters and would thus appear in a total of seven quarterly reports. However, the item number of certificates issued in any quarter changes from one quarterly report to another. Thus, information concerning certificates issued during the fourth calendar quarter of 1971 would be reported first in Item 2 of the December 31, 1971 report. It would appear next in Item 3 of the March 31, 1972 report and would appear in Items 4 through 8 in successive reports. Appendix A to the Instructions for Form N-27D-2 contains a schedule of the contents of Items 2 through 8 for the quarterly reports from December 31, 1971 through June 30, 1973.

Basic principles of Form N-27D-2. The form employs the following basic principles:

1. All certificates issued in a particular calendar quarter are reported separately and not combined with the certificates issued in any other quarter. Thus, in any given quarterly report, the status of certificates sold in the reporting quarter and in each preceding calendar quarter may be determined separately.

2. Certificate activity data is reported in two categories on an aggregate basis according to the denomination of the regular monthly payments required on each certificate. Certificates that provide for monthly payments, or their equivalent, of $200 or less are to be reported in one category and higher denomination certificates in another category. However, if total agreed payments on certificates that provide for monthly payments, or their equivalent, of $200 or less amount to 90 percent or more of total agreed payments on all certificates issued during a quarter, then reporting by denomination is not required for certificates issued in that quarter.

3. Certificates outstanding at the end of the reporting quarter or which were surrendered or withdrawn during the reporting quarter are reported according to the total number of monthly payments, or their equivalent, which were actually made on the certificates from the date of issue until the end of the reporting quarter, rather than according to the payments made during the reporting quarter.

4. With one exception, all information reported in Items 2 through 8 of the form is expressed in terms of the number of certificates rather than the actual dollar amounts of sales and other charges paid and refunded. Items 2 and 3a also require information on total agreed payments for certificates issued during the reporting quarter and during the third quarter of 1971.

5. Only certificates issued on or after July 1, 1971, are required to be included in the form.

Reporting dates. The first report on Form N-27D-2, for the calendar quarter ending December 31, 1971, will be due May 30, 1972. This report will contain a special report, Item 3a, providing information on certificates which were issued during the third calendar quarter of 1971 and which were surrendered or withdrawn during that quarter. Item 3a will not be included in any other quarterly report. The report for the calendar quarter ending March 31, 1971, will be due on June 30, 1972; subsequent reports for calendar quarters ending on or after June 30, 1972, are required to be filed within 30 days after the end of each calendar quarter.

After issuers and the Commission have obtained sufficient experience with the use of Form N-27D-2, the Commission intends to explore the possibility of permitting Form N-27D-2 to be filed by means of punched cards, magnetic tapes or other media suitable for direct processing by electronic data processing equipment.

NOTES The text of Form N-27D-3 is contained in Release No. IC-7090, copies of which have been filed with the Office of the Federal Register and copies of the release may be obtained from the Securities and Exchange Commission, 500 North Capitol St., Washington, D.C. 20549. However, issuers should note that the Commission expects to make available a preprinted Form N-27D-2, suitable for electronic data processing, prior to May 30, 1972. The processing of Form N-27D-2 would be greatly facilitated by use of such preprinted form. Accordingly, issuers required to file Form N-27D-2 should use the preprinted EDP version of the form and not the form attached to the release.

The Commission action is as follows:

Commission action. Parts 270 and 274 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder new §§ 270.27d-3 and 274.127d-2 respectively, to read as follows:

§ 270.27d-3 Quarterly report of issuers of periodic payment plan certificates subject to the surrender right of section 27(d) of the Act.

Form N-27D-2 (§ 274.127d-2 of this chapter) is hereby prescribed pursuant to sections 27(d), 27(f), 30(b), and 38 of the Act as the form for quarterly reports which shall be filed for each calendar quarter by registered investment companies.

§ 274.127d-2 (Form N-27D-2) For issuers of periodic payment plan certificates subject to the surrender right of section 27(d) of the Act.

(a) This form shall be filed for each calendar quarter ending on or after December 31, 1971 by issuers of periodic payment plan certificates subject to the surrender right of section 27(d) of the Act if: (1) The certificates were issued during such calendar quarter, or (2) were outstanding at the beginning of such calendar quarter and were issued on or after July 1, 1971 and less than 18 months prior to the beginning of such calendar quarter.

(b) Notwithstanding paragraph (a) of this section, issuers of periodic payment plan certificates for which an undertaking has been obtained from an insurance company pursuant to § 270.27d-2 of this chapter to guarantee the performance of all obligations to refund charges under section 27(d) and 27(f) of the Act for all certificates outstanding at the beginning of, and sold during, the calendar quarter are not required to file Form N-27D-2.

(Secs. 27(d), 27(f), 30(b), 38(a); 54 Stat. 829, 836, 841; 15 U.S.C. 80a-27(d), 80a-27(f), 80a-29(b), 80a-37(a); Public Law 91-547, 84 Stat. 1424, 1425)

The foregoing action shall become effective May 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

APRIL 10, 1972.

[FR Doc.72-5428 Filed 4-7-72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Repository Corticotropin Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8-760V) filed by Armour Pharmaceutical Co., Post Office Box 3113, Omaha, Nebr. 68103, providing for the safe and effective use of repository corticotropin injection for the treatment of ACTH deficiencies in cattle and small animals and as a therapeutic agent for primary bovine ketosis. The supplemental application is approved.

To facilitate referencing, Armour Pharmaceutical Co. is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135b are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 075 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

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(c) • • •

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Code No.	Firm name and address
• • •	• • •
075 ----------	Armour Pharmaceutical Co., Post Office Box 3113, Omaha, Nebr. 68103.

2. Part 135b is amended by adding the following new section:

§ 135b.30 Repository corticotropin injection.

(a) *Specifications.* The drug conforms to repository corticotropin injection U.S.P. It contains 40 or 80 U.S.P. (I.U.) units per cubic centimeter.

(b) *Sponsor.* See code No. 075 in § 135.501(c) of this chapter.

(c) *Special considerations.* The drug should be refrigerated. With prolonged use supplement daily diet with potassium chloride at one gram for small animals and from 5 to 10 grams for large animals.

(d) *Conditions of use.* (1) It is used as an intramuscular or subcutaneous injection in cattle and small animals for stimulation of the adrenal cortex where there is a general deficiency of ACTH. It is also a therapeutic agent for primary bovine ketosis.

(2) It is administered to cattle initially at 200 to 600 units followed by a dose daily or every other day of 200 to 300 units and to small animals at one unit per pound of body weight to be repeated as indicated.

(3) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–8–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 30, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–5400 Filed 4–7–72;8:47 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13–527V) filed by Affiliated Laboratories Division, Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067 proposing the safe and effective use of sulfadimethoxine injection for the treatment of dogs and cats. The supplemental application is approved. In addition, the applicable regulations are revised to incorporate editorial changes.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended:

In § 135b.15 by revising paragraph (a) and by redesignating it as paragraph (a)(1), by redesignating paragraph (b) as paragraph (a)(2), by revising paragraph (c) and by redesignating it as paragraph (a)(3), by revising paragraph (c)(1) and (2) and redesignating it as paragraph (a)(3)(i) and (ii), by redesignating paragraph (c)(3) as paragraph (a)(3)(iii), and by adding a new paragraph (b) as follows:

§ 135b.15 Sulfadimethoxine injection.

(a)(1) *Specifications.* Sulfadimethoxine injection containing 400 milligrams per milliliter.

• • • • • • •

(3) *Conditions of use.* (i) It is intended for use in dogs and cats for the treatment of respiratory, genitourinary tract, enteric, and soft tissue infections when caused by Streptococci, Staphylococci, Escherichia, Salmonella, Klebsiella, Proteus, or Shigella organisms sensitive to sulfadimethoxine, and in the treatment of canine bacterial enteritis associated with coccidiosis and canine Salmonellosis.

(ii) It is administered by intravenous or subcutaneous injection at an initial dose of 55 milligrams per kilogram of body weight followed by 27.5 milligrams per kilogram of body weight every 24 hours.

• • • • • •

(b)(1) *Specifications.* Sulfadimethoxine injection containing 100 milligrams per milliliter.

(2) *Sponsor.* See code No. 069 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used or intended for use in the treatment of sulfadimethoxine-susceptible bacterial infections in cats and dogs.

(ii) It is administered by intravenous or intramuscular injection at an initial dose of 25 milligrams per pound of body weight followed by 12.5 milligrams per pound of body weight daily thereafter for 3 to 5 days.

(iii) For use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–8–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 30, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–5401 Filed 4–7–72;8:47 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Iron Dextran Complex Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10–865V) filed by Fort Dodge Laboratories, Fort Dodge, Iowa 50501, proposing revised labeling regarding the safe and effective uses of iron dextran complex injection in baby pigs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.38 is amended by revising paragraph (b) and by adding two new subparagraphs to paragraph (c) as follows:

§ 135b.38 Iron dextran complex injection.

• • • • • •

(b) *Sponsor.* (1) See code No. 054 in § 135.501(c) of this chapter for the sponsor of the usages provided by paragraph (c) (1) and (2) of this section.

(2) See code No. 017 in § 135.501(c) of this chapter for the sponsor of usages provided by paragraph (c) (3) and (4) of this section.

(c) • • •

(3) For the prevention of anemia due to iron deficiency, administer an initial intramuscular injection of 100 milligrams of elemental iron to each animal at 2 to 4 days of age. Dosage may be repeated in 14 to 21 days.

(4) For the treatment of anemia due to iron deficiency, administer an intramuscular injection of 200 milligrams of elemental iron.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–8–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 30, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–5399 Filed 4–7–72;8:46 am]

[DESI 50359]

PART 148i—NEOMYCIN SULFATE

Certain Preparations for Ophthalmic Use Containing Antibiotics and Corticosteroids; Revocation

In a notice [DESI 50359] published in the FEDERAL REGISTER of March 9, 1971 (36 F.R. 4559), the Commissioner of Food and Drugs announced his conclusions following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Predmycin Ophthalmic Solution, containing neomycin sulfate, prednisolone, and phenylephrine hydrochloride; Allergan Pharmaceuticals, 1000 South Grand Avenue, Santa Ana, Calif. 92705 (NDA 50–359).

2. Prednicidin Ophthalmic Suspension, containing neomycin sulfate, gramicidin, prednisolone acetate, and phenylephrine hydrochloride; Tilden-Yates Laboratories, Inc., Fairfield Road, Wayne, N.J. 07470 (NDA 60–637).

The notice stated that these drugs were regarded as possibly effective for their labeled indications. The indication have been reclassified as lacking substantial evidence of effectiveness in that such evidence has not been submitted pursuant to the notice of March 9, 1971.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to delete provisions for certification or release of such drugs.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), § 148i.9 is amended in paragraph (a)(1) by deleting subdivision (iii) and redesignating subdivision (iv) as (iii) and subdivision (v) as (iv), to read as follows:

§ 148i.9 Neomycin sulfate ---------- ophthalmic suspension; neomycin sulfate ---------- opthalmic solution (the blanks being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a)(1) of this section).

(a) *Requirements for certification—*(1) *Standards for identity, strength, quality, and purity.* The drug is a suspension or a solution containing, in each milliliter, 3.5 milligrams of neomycin and the following other active ingredients in a suitable and harmless vehicle:

(i) 15 milligrams of cortisone acetate; or

(ii) 5 milligrams or 25 milligrams of hydrocortisone acetate; or

(iii) 1 milligram or 2 milligrams of prednisolone; or

(iv) 1 milligram of sodium dexamethasone phosphate.

It may also contain one or more suitable and harmless buffers, dispersants, and preservatives. It is sterile. Its pH is not less than 6.0 and not more than 8.0. The neomycin sulfate used conforms to the standards prescribed by § 148i.1(a)(1)(i), (iv), (vi), and (vii). Each other substance used, if its name is recognized in the U.S.P. or N.F., conforms to the standards prescribed therefor by such official compendium.

• • • • • •

Any person who will be adversely affected by the removal of any such drug from the market may file objections to this order and request a hearing, showing reasonable grounds for the hearing. The statement of reasonable grounds and request for a hearing shall be submitted in writing within 30 days after publication hereof in the FEDERAL REGISTER, shall state the reasons why the antibiotic drug regulations should not be so amended and shall include a well organized and full factual analysis of the clinical and other investigational data the objector is prepared to prove in support of his objections.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data incorporated into or referred to by the objections and from the factual analysis in the request for a hearing that no genuine issue of fact precludes the action taken by this order, the Commissioner will enter an order stating his findings and conclusions on such data.

If a hearing is requested and justified by the objections, the issues will be defined and a hearing examiner named to conduct the hearing. The provisions of Subpart F of 21 CFR Part 2 shall apply to such hearing, except as modified by 21 CFR 146.1(f), and to judicial review in accord with section 701(f) and (g) of the Federal Food, Drug, and Cosmetic Act (35 F.R. 7250, May 8, 1970).

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Received objections and requests for a hearing may be seen in the above office during regular business hours, Monday through Friday.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050–51 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357)

Dated: March 28, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5420 Filed 4–7–72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	San Mateo	Brisbane				Apr. 7, 1972.
Connecticut	Fairfield	Fairfield				Do.
Do.	do	New Canaan				Do.
Massachusetts	Hampshire	Northampton				Do.
New Jersey	Middlesex	Highland Park Borough.				Do.
Texas	Bexar	Unincorporated areas.				Do.
West Virginia	Logan	do	I 54 045 0000 05 through I 54 045 0000 22	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Office of the Clerk of the County Court of Logan County, City of Logan Courthouse, Logan, W. Va. 25601.	Do.

• • • • • • •

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 29, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–5342 Filed 4–7–72;8:45 am]

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PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS
List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	San Mateo	Brisbane				Apr. 7, 1972.
Connecticut	Fairfield	Fairfield				Do.
Do.	do	New Canaan				Do.
Massachusetts	Hampshire	Northampton				Do.
New Jersey	Middlesex	Highland Park Borough.				Do.
Texas	Bexar	Unincorporated areas.				Do.
West Virginia	Logan	do	H 54 045 0000 05 through H 54 045 0000 22	West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Office of the Clerk of the County Court of Logan County, City of Logan Courthouse, Logan, W. Va. 25601.	Feb. 9, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: March 29, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-5443 Filed 4-7-72; 8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER C—PROBATE

PART 16—ESTATES OF INDIANS OF THE FIVE CIVILIZED TRIBES

The authority to issue regulations is vested in the Secretary of the Interior by sections 463 and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

Beginning on page 536 of the FEDERAL REGISTER of January 13, 1972 (37 F.R. 536), there was published a notice of proposed rule making to revise Part 16 of Title 25 of the Code of Federal Regulations relating to the performance by State courts of functions affecting estates of Indians of the Five Civilized Tribes. The regulations were proposed pursuant to the Act of August 4, 1947 (61 Stat. 731) and 5 U.S.C. 301.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

The revised Part 16 shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MARCH 27, 1972.

Sec.
16.1 Definitions.
16.2 Scope of regulations.
16.3 Legal representation in State courts.
16.4 Exchange of information within the Department.
16.5 Acceptance and acknowledgement of service of process.
16.6 Authority of attorneys in State court litigation.
16.7 Performance of Federal functions by successor State courts.
16.8 Summary distribution of small liquid estates.
16.9 Escheat of estates of decedents.

AUTHORITY: The provisions of this Part 16 issued under 5 U.S.C. 301. (Interprets or applies Act of Apr. 26, 1906, ch. 1876, 34 Stat. 137, see 25 U.S.C. 355nt (1970); Act of May 27, 1908, ch. 199, 35 Stat. 312, see 25 U.S.C. 355nt (1970); Act of June 14, 1918, ch. 101, 40 Stat. 606, 25 U.S.C. 355, 375 (1970); Act of Apr. 12, 1926, ch. 115, 44 Stat. 239, see 25 U.S.C. 355nt (1970); Act of June 26, 1936, ch. 831, 49 Stat. 1967, 25 U.S.C. 501–509 (1970); Act of Aug. 4, 1947, ch. 458, 61 Stat. 731, 25 U.S.C. 502 (1970) and see 25 U.S.C. 355nt (1970); Act of Aug. 12, 1953, ch. 409, 67 Stat. 558, 25 U.S.C. 375c (1970) and see 25 U.S.C. 355nt (1970); Act of Aug. 11, 1955, ch. 786, 69 Stat. 666, see 25 U.S.C. 355nt (1970); Act of Aug. 29, 1967, Public Law No. 90–76, 81 Stat. 177, 25 U.S.C. 786–788 (1970); and Act of May 7, 1970, Public Law No. 91–240, 84 Stat. 203, 25 U.S.C. 375d (1970)).

§ 16.1 Definitions.

(a) The term "Secretary" means the Secretary of the Interior and his authorized representatives.

(b) The term "Bureau" means the Bureau of Indian Affairs, acting through the Commissioner of Indian Affairs and his authorized representatives, including field officials who are responsible for matters affecting properties in which a restricted interest is owned by an Indian of the Five Civilized Tribes.

(c) The term "Field Solicitor" means the supervising attorney in charge of the field office of the Solicitor in Muskogee, Okla.

(d) The term "Indian of the Five Civilized Tribes" means an individual who is either an enrolled member of the Cherokee, Chickasaw, Choctaw, Creek, or Seminole Tribes of Oklahoma, or a descendant of an enrolled member thereof.

(e) The term "restricted interest" means an interest owned in real or personal property subject to restraints upon alienation imposed either by Federal statute or by administrative action authorized by Federal statute. Although this term includes property subject to restraints which may be removed by administrative action, its use in this part refers primarily to property subject to restraints which State courts have jurisdiction to remove in proceedings such as those specified in § 16.2.

§ 16.2 Scope of regulations.

The regulations in this part set forth procedures for discharging the responsibilities of the Secretary in connection with the performance by State courts, as authorized by Federal statutes, of certain functions which affect properties in which a restricted interest is owned by an Indian of the Five Civilized Tribes. These State court functions pertain to such proceedings as guardianship, heirship determination, will probate, estate administration, conveyance approval, partition of real property, confirmation of title to real property, and appeal from action removing or failing to remove restrictions against alienation. In addition, the regulations in this part set forth procedures for discharging certain other responsibilities of the Secretary not necessarily involving State court functions, such as escheat of estates of deceased Indians of the Five Civilized Tribes.

§ 16.3 Legal representation in State courts.

The statutory duties of the Secretary to furnish legal advice to any Indian of the Five Civilized Tribes, and to represent such Indian in State courts, in matters affecting a restricted interest owned by such Indian, shall be performed by attorneys on the staff of the Solicitor, under the supervision of the Field Solicitor. Such advice and representation shall be undertaken to the extent that the Field Solicitor in his discretion shall consider necessary to discharge said duties, with due regard to the complexity of the legal action contemplated, the availability of staff attorneys for such purposes, the value and extent of the restricted interests involved, possible conflicts between Indians claiming to be owners of such interests, the preference of such owners concerning legal representation, the financial resources available to such owners, the extent to which such owners require similar legal services in connection with their unrestricted properties, and any other factor appropriate for consideration.

§ 16.4 Exchange of information within the Department.

To the extent that information may be useful in discharging the duties covered by the regulations in this part, the Bureau shall furnish to the Field Solicitor, either on a current basis or at periodic intervals, processess and notices received concerning court cases and information, as current and complete as may reasonably be obtainable, concerning the estate and status of an Indian of the Five Civilized Tribes for whom legal assistance should be rendered pursuant to the regulations in this part. Similarly, to the extent that such information may be useful for Bureau action or records, the Field Solicitor shall advise the Bureau of court proceedings, information received, and action taken in furnishing legal services pursuant to the regulations in this part.

§ 16.5 Acceptance and acknowledgment of service of process.

Service by the Field Solicitor or any other person of any process or notice, pursuant to any Federal statute which by its express terms is applicable to Indians of the Five Civilized Tribes, may be accepted and acknowledged by the Field Solicitor, or by any attorney authorized to perform the duties specified in § 16.3, on behalf of the Secretary and the Bureau, notwithstanding any specific designation in such statute of the official to be served (such as the Secretary, superintendent for the Five Civilized Tribes, Probate Attorney, etc.).

§ 16.6 Authority of attorneys in State court litigation.

Attorneys authorized to perform the duties specified in § 16.3 appearing in State court litigation in their official capacities are authorized to take such action as the Secretary could take if he were personally appearing in his official capacity as counsel therein, including but not limited to the filing or decision against filing of initial, responsive, or supplemental pleadings and appeals from adverse judgments, the exercise or decision against exercise of a preferential right to purchase property subject to sale, the removal or decision against removal of actions to Federal courts, and the waiver or decision against waiver of the failure to make timely service of process or notice.

§ 16.7 Performance of Federal functions by successor State courts.

All authority to perform functions relating to Indians of the Five Civilized Tribes which by express provisions of Federal statute had been conferred upon probate or county courts of Oklahoma before such county courts were abolished on January 12, 1969, has since that date been vested in the successor district courts of that State, and all rights of litigants continue undiminished in the successor forum, including the right to appeal from adverse decisions rendered therein to the successor appellate court.

(Interprets or applies Okla. Op. Atty. Gen. No. 68-381 (Dec. 20, 1968))

§ 16.8 Summary distribution of small liquid estates.

Where information, furnished by the Bureau pursuant to § 16.4 or otherwise obtained, reveals that the estate of a deceased Indian of the Five Civilized Tribes contains no restricted land but consists of a restricted interest in funds not exceeding $500 on deposit to the credit of the decedent, the Field Solicitor shall, in the absence of any final decree determining the heirs or legatees of the decedent, prepare and furnish to the Bureau a finding and order of distribution, based on affidavit or other proof of death and heirship or bequest, setting forth the facts of death and heirship or bequest and the amount payable from the estate to each person determined to be an heir or legatee of the decedent. The Field Solicitor shall mail to each person considered a possible claimant to any portion of the estate, as an heir or legatee or otherwise, a copy of the order with a notice that the order shall become final 30 days after the date of mailing thereof unless within that period the officer by whom the order was signed shall have received a written request for reconsideration of the order. After final action on any order has been taken by the Field Solicitor, the Bureau shall distribute the funds in the estate of the decedent in accordance with such final action, unless a timely appeal therefrom has been filed in accordance with Part 2 of this title.

§ 16.9 Escheat of estates of decedents.

Where information, furnished by the Bureau pursuant to § 16.4 or otherwise obtained, reveals that the estate of a deceased Indian of the Five Civilized Tribes, who has been dead 5 or more years after having died intestate without heirs, consists of restricted interests in lands or rents or profits therefrom, the Field Solicitor shall, in the absence of any final decree determining that the decedent died without heirs or devisees, prepare and furnish to the Bureau a finding and order of escheat, based on affidavit or other proof of intestate death without heirs, setting forth the restricted interests in lands or rents or profits therefrom which have by escheat vested in the tribe which allotted the lands. The Field Solicitor shall mail to each person considered a possible claimant to any portion of the estate, as an heir or devisee or otherwise, a copy of the order with a notice that the order shall become final 30 days after the date of mailing thereof unless within that period the officer by whom the order was signed shall have received a written request for reconsideration of the order. After final action on any order has been taken by the Field Solicitor, the Bureau shall cause a certified copy thereof to be filed in the land records of each county within which are located any escheated lands described therein and shall cause the tribe to be credited with any funds in said estate which arose from rents or profits from such lands, unless a timely appeal therefrom has been filed in accordance with Part 2 of this title.

[FR Doc.72-5405 Filed 4-7-72;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19246]

PART 76—CABLE TELEVISION SERVICE

Nondiscrimination in Employment Practices; Correction

In the matter of amendment of the Commission's rules to require operators of community antenna television systems and community antenna relay station licensees to show nondiscrimination in their employment practices.

The report and order in the above-entitled matter, FCC 72-275, released March 29, 1972, is corrected in the following respects:

(a) The second sentence of paragraph 16 of the report and order is corrected to read as follows: "Also, proposed § 74.1105 (e) has been amended (and is renumbered § 76.13(a)(8)) to permit omission of an EEO program statement from a new-system application for certificate of compliance, if the proposed operator (1) believes that there will not be 5 full-time employees at any time during the first 3 months of the year following commencement of operation of the cable system, and (2) submits a statement justifying that conclusion."

(b) In Appendix A of the report and order—

(1) Section 76.311(c)(1)(i)(c)(*1*) is corrected to read as follows: "Where, pursuant to paragraph (b)(3), a program is jointly established by two or more cable systems with an aggregate total of 5 or more full-time employees, a multiple cable operator shall file a combined statement."

(2) The first sentence of new § 76.311 (d)(1) is corrected to read as follows: "All operators of cable television systems shall submit an annual report to the Commission no later than May 31 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, Territorial, or local law have been filed during the preceding calendar year before any body having competent jurisdiction."

Released: April 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5413 Filed 4-7-72;8:47 am]

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Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Title 32, Chapter V, Subchapter G, is amended as follows:

PART 591—GENERAL PROVISIONS

1. In § 591.150 (a), (b)(2), (4), (5), (6), and (7) are amended, in paragraph (c) of this section the subparagraphs are revised, and paragraphs (e) and (f) are amended; §§ 591.307(b) and 591.350–5 (c) are amended; § 591.350–7(k) is added; §§ 591.401–50(a)(1), 591.401–51, 591.403–52(e)(1), 591.405(a)(3) and (e) are amended; § 591.452–1(b)(3) is revised; §§ 591.452–4(b), 591.1050–1 (b) and (c), 591.1050–2(a), 591.5003, 591.5005, and 591.5006 (b) and (c) are amended; in the appendix to § 591.5102 the Delegations of Authority, Ref. No. SAOSA–71–1 dated May 28, 1971 and SAOSA–71–7 dated May 8, 1971, are superseded without prejudice to any actions taken pursuant thereto, and new Delegations of Authority are inserted in lieu thereof, as follows:

§ 591.150 Procurement channels and mailing addresses.

(a) Unless otherwise specifically prescribed in ASPR or APP, submittals to higher authority of recommendations, reports, findings, data, information, and other documents relating to procurement matters shall be through procurement channels as indicated in paragraph (f) of this section.

(b) • • •

(2) Assistant Secretary of the Army (Installations and Logistics) (Assistant Judge Advocate General for Civil Law) Attn: DAJA–ZC, Department of the Army, Washington, D.C. 20310.

• • • • • •

(4) Chief Trial Attorney, Office of The Judge Advocate General. Address: HQDA (DAJA–CA).

(5) Comptroller of the Army, Attention: Chief, Contract Financing Office. Address: HQDA (DACA–FIS–C).

(6) Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), Department of the Army, Washington, D.C. 20310.

(7) Chief of Engineers, Forrestal Building. Address: HQDA (DAEN).

• • • • • •

(c) • • •

(1) Requests for deviation from provisions of ASPR or APP,

(2) Requests for approval of awards or determinations and findings,

(3) Requests for changes to provisions of ASPR or APP,

(4) Mistakes in bids and protest cases,

(5) GAO and other type investigative reports,

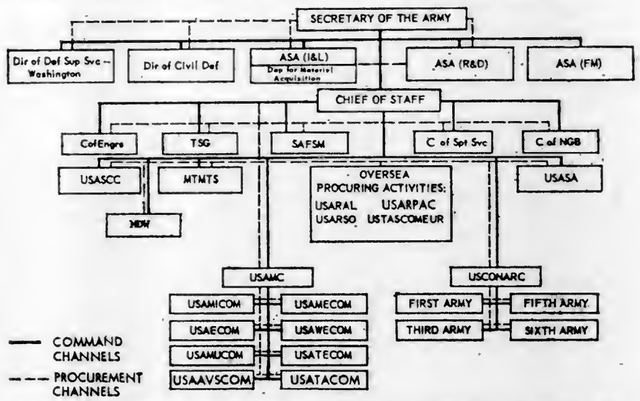
(6) Actions under Public Law 85–804, and

(7) Other significant actions and matters relating to procurement policy.

• • • • • •

(e) When regulations require submission of documents listed in paragraph (c) of this section to a Head of Procuring Activity or higher authority, the commander, his deputy, or the staff officer responsible for procurement shall sign the correspondence at each echelon through which processed.

(f) Flow of procurement authority:



§ 591.307 Priorities, allocations, and allotments.

• • • • • •

(b) Since the use of priorities and allocations is limited to procurements placed with U.S. suppliers, the Deputy Chief of Staff for Logistics has not redelegated his authorities to oversea commanders. Should an oversea commander be authorized to place a procurement directly with a U.S. supplier and a priority rating be required to obtain timely delivery, a request for a priority rating shall be submitted to HQDA (DALO–MAE–I) containing the following information—

• • • • • •

§ 591.350–5 Extensions beyond fourth.

• • • • • •

(c) The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics) for all other procuring activities.

§ 591.350–7 Exceptions.

• • • • • •

(k) Contracts providing for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

§ 591.401–50 Exercise of functions of Head of Procuring Activity.

• • • • • •

(a) • • •

(1) U.S. Army Research Offices, Durham, N.C., and Arlington, Va.; and

• • • • • •

§ 591.401–51 Purchasing offices not assigned to a Head of Procuring Activity.

The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), shall exercise the functions of Head of Procuring Activity for any purchasing office within the Department of the Army which has not otherwise been assigned to a Head of Procuring Activity.

§ 591.403–52 Review of contracts and modifications.

• • • • • •

(e) • • •

(1) Contracts for utilities services (see § 591.450–6), contracts for employing personnel in Army dependent schools, contracts for contract surgeons, off-duty academic instruction contracts, educational service agreements; and modifications thereto;

• • • • • •

§ 591.405 Selection, appointment, and termination of appointment of contracting officers.

(a) • • •

(3) The Deputy or Assistant Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics);

• • • • • •

(e) Organizational charts of each Army purchasing office are maintained on file in the office of the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). Accordingly, whenever the organization of an Army purchasing office is changed, one copy of the revised organizational chart shall be forwarded the addressee in § 591.150(b)(6) (see § 591.150(d)).

§ 591.452–1 Policy.

• • • • • •

(b) • • •

(3) The functions of an ordering officer are an added duty of the individual

selected for appointment, not the primary or major portion of his duties; and the individual has the time available to perform the ordering officer functions without assistance from others and without redelegating his authority to others; and

• • • • • •

§ 591.452–4 Surveillance.

• • • • • •

(b) At least twice each year activities of ordering officers shall be physically inspected or reviewed through examination of his purchase documents and records by the appointing authority or his designee, an individual well qualified in procurement procedures used by ordering officers.

• • • • • •

§ 591.1050–1 Proposed contract awards of $1 million or more.

• • • • • •

(b) Contracting officers shall telephone the information in the sequence in § 591.1050–3 to the Chief Procurement Statistics Office, Data Processing Center, Office of the Deputy Chief of Staff for Logistics, HQDA (DALO–DCP), at OXford 5–3032, OXford 7–2016, or OXford 5–3058, at least twenty (20) working hours before award (based on an 8-hour day, exclusive of Saturdays, Sundays, and Federal legal holidays), except that—

• • • • • •

(c) No award shall be made before 1500 hours Washington, D.C. time without prior approval obtained through the ODCSLOG Procurement Statistics Office (see paragraph (b) of this section).

• • • • • •

§ 591.1050–2 Contracts under $1 million.

(a) Contracting officers shall furnish the information called for in § 591.1050–3 for all contracts under $1 million which are of significant local community or congressional interest or which have public relations aspect by mail or message directed to Department of the Army, Attention: SACLL, Washington, D.C. 20310, or by telephone to the Special Operations Division, SACLL, at OXford 7–4417.

• • • • • •

§ 591.5003 Determination and referral for hearing.

(a) The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), shall determine whether the matter shall be referred for a hearing. When he determines that the matter shall be so referred, he shall advise the Chairman of the Armed Services Board of Contract Appeals [ASBCA] in writing of his determination and request that the case be heard by a division of the Board. The request for hearing shall contain sufficient information to permit the Board Recorder to provide due notice to the contractor.

(b) The Deputy for Materiel Acquisition shall furnish the files in the case to The Judge Advocate General, Attention: Chief, Contract Appeals Division, for use of Government counsel.

• • • • • •

§ 591.5005 Withholding of funds.

Pending determination of the Deputy for Materiel Acquisition as to referral of a case to the Board and a decision of the Board if a hearing is recommended, the contracting officer administering the contract or contracts involved shall withhold from payments otherwise due the contractor a sum equivalent to ten times the estimated costs of the gratuities alleged to have been offered or given by the contractor, his agents, or other representatives, in violation of the Gratuities clause.

§ 591.5006 Post-hearing actions.

• • • • • •

(b) The Deputy for Materiel Acquisition shall promptly furnish the contractor with a copy of the Secretarial decision. He shall also advise the cognizant Head of Procuring Activity of the Secretarial decision, who is turn shall furnish notification and instructions to the contracting officer without delay.

(c) At the conclusion of the case, the Board Recorder shall forward all files in the matter to the Office of The Judge Advocate General which shall serve as the Office of Record for cases brought for hearing under 10 U.S.C. 2207. With the approval of the Deputy for Materiel Acquisition, the Office of Record may make available to persons properly and directly concerned matters of official record pertaining to the case.

§ 591.5102 Delegations of authority.

• • • • • •

APPENDIX TO § 591.5102 DELEGATIONS OF AUTHORITY

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

OCTOBER 29, 1971.

Ref No.: SAOSA–71–1

DELEGATION OF AUTHORITY TO APPROVE THE PUBLICATION OF ADVERTISEMENTS, NOTICES OR PROPOSALS

1. Pursuant to title 5, United States Code, section 302(b)(2), and section IV part 8 of the Armed Services Procurement Regulation, I hereby delegate, without authority to redelegate further except as stated below, the authority to approve the publication of advertisements, notices or proposals in newspapers, subject to the limitations in 44 United States Code 3701, 3702, and 3703, to:

Heads of Procuring Activities with authority to redelgate to their Deputies, Principal Assistants Responsible for Procurement, or installation/activity commanders

The Adjutant General.
Director of Civilian Personnel, U.S. Army.
Civilian Personnel Officer, Staff Civilian Personnel Division, Office, Chief of Staff, Department of the Army.
Director of Personnel and Training, U.S. Army Materiel Command.
Chief, U.S. Army Audit Agency.
Chief, Personnel Administration, Office of the Chief of Engineers.
Commanding General, U.S. Army Recruiting Command.
Division Engineers, Corps of Engineers.
Commander, U.S. Army Safeguard System Evaluation Agency.

2. Procedures prescribed in section IV Part 8 of the Armed Services Procurement Regulation shall be used in actions taken pursuant to this delegation of authority.

3. The foregoing delegation of authority becomes effective on November 1, 1971 and, as of that date, Delegation of Authority SAOSA–71–1, May 28, 1971, subject: Delegation of Authority to Approve the Publication of Advertisements, Notices or Proposals, is superseded without prejudice to any action taken pursuant thereto.

DUDLEY C. MECUM,
Assistant Secretary of the Army,
(Installations and Logistics).

• • • • • •

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, D.C. 20310

AUGUST 3, 1971.

Ref No. SAOSA–71–7

DELEGATION OF AUTHORITY TO CONTRACT FOR PUBLIC UTILITY SERVICES (POWER, GAS, WATER, AND COMMUNICATIONS) FOR PERIODS NOT EXCEEDING 10 YEARS

1. Under Department of Defense Directive 5100.32, June 23, 1971, subject: Delegation of Authority with Respect to Contracts for the Procurement of Public Utility Services, I hereby delegate (i) to the Chief of Engineers as the Department of the Army Power Procurement Officer, the authority to enter into contracts for public utility services (power, gas, and water), and (ii) to the Commanding Generals, U.S. Army Strategic Communications Command and U.S. Continental Army Command, the authority to enter into contracts for communications services, for periods extending beyond a current fiscal year but not exceeding 10 years under one or more of the following circumstances:

a. Where there are obtained lower rates, larger discounts, or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year.

b. Where connection or special facility charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced.

c. Where the utility company refuses to render the desired service except under a contract the firm term of which extends beyond a current fiscal year.

2. The authority delegated in paragraph 1 above may be redelegated (i) with respect to contracts for power, gas, and water, to the Deputy Department of the Army Power Procurement Officer, and (ii) with respect to contracts for communications services to a level no lower than chiefs of purchasing offices.

3. This authority shall be exercised strictly in accordance with the applicable provisions of the "Statement of Areas of Understanding Between the Department of Defense and General Services Administration" entitled "Procurement of Utility Services (Power, Gas, Water)," 15 Federal Register 8227 (1950), and "Procurement of Communication Services," 15 Federal Register 8226 (1950).

4. Unless distribution thereof is inadvisable for reasons of security, copies of contracts executed under the authority of this delegation and other pertinent data and information with respect thereto shall be furnished to the General Services Administration.

5. The foregoing delegation of authority supersedes, without prejudice to any action

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taken pursuant thereto, REF NO: SAOSA-71-7, 8 May 1971, subject: Delegation of Authority to Contract for Public Utility Services (Power, Gas, Water, and Communications) For Periods Not Exceeding 10 Years.

EUGENE M. BECKER,
Assistant Secretary of the Army,
(Financial Management).

PART 592—PROCUREMENT BY FORMAL ADVERTISING

2. Sections 592.406–3(b) and 592.407–8 (d)(2), (h) and (i) are amended, as follows:

§ 592.406–3 Other mistakes.

(b) Authority is delegated to the individuals named in § 2.406–3(b)(1) of this title to make determinations described in § 2.406–3(a) (2), (3), and (4) of this title. Contracting officers shall submit cases for determination by the Deputy or Assistant Deputy for Materiel Acquisition, OASA (I&L), directly the addresses in § 591.150(b)(6) of this chapter, concurrently furnishing the cognizant Head of Procuring Activity an information copy.

§ 592.407–8 Protests against award.

(d) • • •

(2) Those cases emanating in purchasing offices under the jurisdiction of the Chief of Engineers shall be forwarded to the Chief of Engineers, address: HQDA (DAEN–GCZ–M). The Chief of Engineers shall in turn forward protests directly to the Comptroller General;

(h) When a protest is filed directly with the Comptroller General, the cognizant Head of Procuring Activity shall be notified by the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). The Head of Procuring Activity shall in turn notify the contracting officer concerned and the contracting officer shall promptly forward the information prescribed in paragraph (b) of this section together with any other documentation specifically requested by the Comptroller General. Cases shall be forwarded in accordance with paragraphs (d) (1), (2), or (4) of this section.

(i) Because of the sensitivity of many protests filed with the Comptroller General, no award will be made under the provisions of § 2.407–8(b)(2) of this title without prior approval of the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics). Furthermore, unless otherwise authorized by the Deputy for Materiel Acquisition, all informal contacts with the Comptroller General shall be made by the Office of the Assistant Secretary of the Army (Installations and Logistics). Such contacts include advising the Comptroller General in appropriate cases of the intent of the Department of the Army to make an award prior to the resolution of the protest.

PART 593—PROCUREMENT BY NEGOTIATION

3. Sections 593.207–3, 593.607–4 (b) and (c), 593.608–50 (c) and (e) and 593.1100–2 (b) and (c) are amended; as follows:

§ 593.207–3 Limitation.

Procurement shall not be made under this authority unless consistent with Subpart L, Part 5 of this title and AR 40–61.

§ 593.607–4 Procedures.

(b) COD orders shall be placed only when the price of an item has been obtained by verbal or written quotation or has been taken from the supplier's current catalog or pricelist. COD orders shall not be placed based upon "ceiling" prices.

(c) Contracting or ordering officers shall authorize imprest fund purchases made by use of Standard Forms 1165 by signing the form in the block entitled "Purpose."

§ 593.608–50 Use of DD Form 1155 for shipments to Army attaches.

(c) Shipments shall be addressed to—

U.S. Army Attaché [City—Country], HQDA (DAMI–DOC), Washington, D.C. 20310.

(e) Two copies of DD Form 1155, clearly indicating thereon the addressee to whom they are to be returned, shall be mailed by the contracting officer at the time the order is placed to—

HQDA (DAMI–DOC), Washington, D.C. 20310.

§ 593.1100–2 Review of decision to lease.

(b) Requests for approval of ADPE to be leased on a noncompetitive basis shall be forwarded to the Assistant Secretary of Defense (Comptroller) through the Office, Assistant Vice Chief of Staff, Department of the Army, address: HQDA (DACS–CM), and shall include the justification specified in § 15.205–48(d) of this title.

(c) Requests for technical ADP assistance pursuant to § 3.1100–2(c) of this title shall be directed to the Office, Assistant Vice Chief of Staff, Department of the Army, address: HQDA (DACS–CM).

PART 594—SPECIAL TYPES AND METHODS OF PROCUREMENT

4. The table of contents of this part is amended by adding a new Subpart EEE; § 594.108–50 is revised; §§ 594.5503(h)(1) and (3) and 594.5505(b) are amended; and Subpart EEE is added, as follows:

§ 594.108–50 Annual reports.

An annual report on Grants for Basic Scientific Research and Transfer of Title to Government Equipment (Public Law 85–934), Reports Control Symbol DD–I&L(A) 598, shall be prepared and submitted by Army agencies listed in AR 70–5 on DA Forms 2697–R in accordance with instructions therein.

§ 594.5503 Order forms under educational service agreements.

(h) • • •

(1) The Surgeon General, address: HQDA (DASG–PTC), for Army Medical Department personnel;

(3) The Chief of Personnel Operations, address: HQDA (DAPO–EPO–RS), for other Army personnel.

§ 594.5505 Contracts with commercial and industrial firms.

(b) Questions of policy with respect to training of Army Medical Department personnel in commercial and industrial firms shall be referred to The Surgeon General, HQDA (DASG–PTC). Questions of policy with respect to training other Army personnel in commercial and industrial firms shall be referred to the Chief of Personnel Operations, HQDA (DAPO–EPO–RS).

Subpart EEE—Procurement of Bell System Practices

Sec.

594.5701	Scope of subpart.
594.5702	Definition.
594.5703	Responsibilities.
594.5704	Procedures.
594.5704–1	Ordering BSP for existing communications equipment and facilities.
594.5704–2	Ordering new communications equipment and facilities from WECO.

AUTHORITY: The provisions of this Subpart EEE issued under secs. 2301–2314, 3012, 70 Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart EEE—Procurement of Bell System Practices

§ 594.5701 Scope of subpart.

This subpart prescribes procedures for the procurement of Bell System Practices [BSP] and as applicable to all Department of the Army installations, commands, and agencies concerned with the installation, operation, or maintenance of commercial type communications equipment and facilities where BSP are a requirement.

§ 594.5702 Definition.

Bell System Practices are a series of publications of the American Telephone and Telegraph Co. [A.T. & T.] containing detailed information and standard practices relating to engineering, installation, maintenance, operation, and administration of Western Electric Co. [WECO] equipment and facilities.

§ 594.5703 Responsibilities.

(a) In connection with existing communications equipment, the Commanding General, U.S. Army Strategic Communications Command, has delegated to the Commanding General, U.S. Army Communications-Electronics Engineering Installation Agency, the responsibility for—

(1) Reviewing and processing all requests for BSP;

(2) Performing direct procurement of BSP in accordance with procedures established by the Department of Defense; and

(3) Programing and budgeting for procurement of BSP.

(b) Heads of Procuring Activities are responsible for insuring that applicable BSP are included in contracts for new communications equipment and facilities procured from WECO as items to be purchased from the contractor.

§ 594.5704 Procedures.

§ 594.5704–1 Ordering BSP for existing communications equipment and facilities.

(a) All orders for BSP shall be submitted by letter request to the Commanding General, U.S. Army Communications-Electronics Engineering Installation Agency [USA CEEIA], Attention: SCCC–LOG–RC, Fort Huachuca, Ariz. 85613, with information copy to the Commanding General, U.S. Army Strategic Communications Command, Attention: SCC–LOG–S, Fort Huachuca, Ariz. 85613.

(b) Letter requests shall include—

(1) A listing of the BSP required;

(2) Quantities required;

(3) Shipping and mailing address; and

(4) Justification for the need for the BSP and identification of the types of equipment or facilities or other information which support the need.

(c) Individual BSP or complete divisions may be ordered. A division is a broad grouping of individual BSP by types of systems, equipments, or major categories of information. For individual BSP, the complete number shall be listed. When ordering complete divisions, the applicable division number shall be listed followed by the notation "Complete Division."

(d) When processing orders for BSP from the Army, A.T. & T. follows a back order procedure in that if a particular BSP is not available at the time of the order, it will be back ordered for later shipment. Any BSP requested but not received need not be reordered by the requesting agency.

(e) The requesting agency shall acknowledge to the addressee in paragraph (a) of this section receipt of all BSP ordered.

§ 594.5704–2 Ordering new communications equipment and facilities from WECO.

(a) Applicable BSP shall be individually identified in the equipment procurement contract as items to be purchased from the contractor.

(b) In addition to any other clause pertaining to data prescribed in Subchapter A of this title, the following clause shall be included in all contracts for the purchase of BSP—

BELL SYSTEM PRACTICES (BSP) (DEC. 1971)

(a) Notwithstanding any other provisions of this contract relating to technical data, the Government's rights with respect to any BSP specified to be delivered under this contract, which BSP bears the following legend, shall be limited to those rights stated in the legend:

"This Bell System Practice is furnished for use only for Department of Defense or Coast Guard purposes in the interest of national defense. It will not be sold or disposed of to other Government agencies or to anyone outside the Government. The contents thereof will not be reproducible in whole or in part except for such purposes and upon such terms and conditions as may be agreed to in writing by the American Telephone and Telegraph Co. Nothing contained herein shall imply or grant a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent."

(b) No limitation on rights of use shall be asserted as to any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this clause shall not impair the right of the Government to use similar or identical data not originated by the Bell System.

(c) The BSP called for herein are primarily issued, replaced, or revised, as circumstances warrant, for the use of Bell System personnel. No guarantee can be made that all of such BSP will be available, either as such or as a reissue or replacement, at the time delivery is required hereunder and the Contractor assumes no liability in the event of failure to deliver, except as to an equipment adjustment in price if warranted. The immediately preceding sentence of this clause shall not be applicable to BSP called for herein which cover equipment, if any, also called for herein.

PART 596—FOREIGN PURCHASES

5. Section 596.1106–3(b) is amended, as follows:

§ 596.1106–3 Awards requiring approval by higher authority.

(b) The Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics) has been delegated the authority to determine whether a proposed procurement described in § 6.1106–3 of this title shall be made payable in United States-owned foreign currency or in U.S. dollars.

PART 598—TERMINATION OF CONTRACTS

6. Section 598.602–3 (a) and (b) are amended, as follows:

§ 598.602–3 Procedure for default.

(a) Contracts which involve outstanding guaranteed loans, progress payments, or advance payments, except where the contractor is in bankruptcy, shall be terminated for default only after the procuring activity has coordinated the action with the U.S. Army Materiel Command, the U.S. Continental Army Command, or the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics), as applicable. In addition, prior to termination, all such cases except those involving bankruptcy shall be coordinated with the Director of Contract Financing, Office of the Comptroller of the Army [the addressee in § 591.150(b)(5) of this chapter] who shall coordinate when necessary with the contract financing offices of other Military Departments. Cases forwarded shall include the following data—

(b) Copies of notices of intent to terminate any small business contractor for default shall be furnished the nearest Regional Office of the Small Business Administration [SBA] after coordination with the Small Business and Labor Surplus Advisor serving the purchasing office. The SBA Regional Office will determine whether the contractor has any outstanding loans which were made with SBA's participation or any Certificates of Competency which were issued by SBA. Contracts involving a small business contractor to whom a Certificate of Competency was issued or to whom loans were made with SBA's participation shall not be terminated for default without prior written approval of the Head of Procuring Activity.

PART 599—PATENTS, DATA, AND COPYRIGHTS

7. Section 599.304–2 is amended, as follows:

§ 599.304–2 Review of agreements.

Proposed foreign license and technical assistance agreements between domestic concerns and foreign governments or concerns forwarded to the Department of the Army pursuant to § 9.304–1 of this title shall be forwarded through the cognizant Head of Procuring Activity for review by appropriate patent and technical personnel in accordance with § 9.304–2 of this title (see § 591.150(d) of this chapter). Comments and recommendations of the Head of Procuring Activity reviewing such agreements shall be forwarded to the Deputy Chief of Staff for Logistics, PEMA Executive Division, Industrial Defense Branch, address: HQDA (DALO–MAE–F).

PART 600—BONDS, INSURANCE, AND INDEMNIFICATION

8. Sections 600.110 and 600.112(d)(3) are amended; § 600.352 is revised, as follows:

§ 600.110 Substitution of surety bonds.

Requests for approval of acceptance of a new surety bond for a bond previously approved shall be forwarded to The Judge Advocate General, address: HQDA (DAJA–PLB).

§ 600.112 Execution and administration of bonds and consents of surety.

(d) • • •

(3) Bid bonds (except annual bid bonds):

§ 600.352 Coordination with Departments of the Navy and Air Force.

(a) Where the Departments of the Navy or Air Force have an interest in a

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contractor's insurance program, coordination shall be effected—

(1) For the Navy with the Headquarters Naval Material Command, Contract Insurance Branch, MAT–0242, Department of the Navy, Washington, D.C. 20360; and

(2) For the Air Force with the Headquarters Air Force Contract Management Division, AFSC, AF Unit Post Office, Los Angeles, Calif. 90045, attention: CMKOI.

(b) Prior approval of a contractor's insurance program by another Military Department shall be considered by a Head of Procuring Activity in determining the adequacy of the contractor's program and shall be accepted, subject to whatever modification may be appropriate.

PART 601—TAXES

9. Section 601.000(a) is amended, as follows:

§ 601.000 Resolution of tax problems.

(a) Actual or anticipated tax problems which cannot readily be solved by reference to Part 11 of this title shall be forwarded to The Judge Advocate General, address: HQDA (DAJA–PL), through procurement channels (see § 591.150(d)). Direct communication with The Judge Advocate General is authorized if the time by which a solution to a tax problem is required is so short that communication through channels would be inadequate.

. . . . . .

PART 602—LABOR

10. Section 602.102–4(f) is amended, as follows:

§ 602.102–4 Approval of overtime premiums in certain cost-reimbursement type contracts.

. . . . . .

(f) Such others as may be specifically designated from time to time by the Deputy for Materiel Acquisition, Office of the Assistant Secretary of the Army (Installations and Logistics).

PART 603—GOVERNMENT PROPERTY

11. Section 603.301(d) is amended; §§ 603.801 and 603.803 are revised, as follows:

§ 603.301 Providing facilities.

. . . . . .

(d) Requests for approval for acquisition of ADPE to be acquired on a noncompetitive basis shall be forwarded to the Assistant Secretary of Defense (Comptroller) through the Office, Assistant Vice Chief of Staff, Department of the Army, address: HQDA (DACS–CM), and shall include the justification specified in § 15.205–48(d) of this title.

§ 603.801 Appointment of property administrator.

Individuals authorized to appoint property administrators shall follow the same procedures as are prescribed in § 591.406–50 of this chapter for the designation of contracting officers' representatives.

§ 603.803 Records of Government property.

(a) The Head of Procuring Activity may name the head of one or more Department of the Army purchasing offices as his designee to approve exceptions to the policy of using a contractor's records of Government property as the official records.

(b) Policies and procedures governing the transfer of military property to contractors and accounting for such property in instances where the exception in paragraph (a) of this section is applied are contained in AR 735–71 and AR 735–72. AR 735–71 provides that, where Government property is lost or damaged and the property administrator is unable to exhibit conclusive proof of receipt of the items by a contractor, the property shall be accounted for on a Report of Survey (DD Form 200, Standard Form 361, or DD Form 1599) in accordance with AR 735–11.

PART 606—PROCUREMENT FORMS

12. Section 606.5003(c) is amended and a new paragraph (f) is added, as follows:

§ 606.5003 Reproducible masters.

. . . . . .

(c) If the cognizant Head of Procuring Activity approves the use of the reproducible masters requested, he shall forward the approval to HQDA (DAAG–PAM) for authority to purchase reproducible masters locally in accordance with AR 310–1.

. . . . . .

(f) Contracting officers are not required to obtain authority for the use of reproducible masters stocked in publications depots. Such reproducible masters may be obtained by requisition upon the publications depots.

[Rev. 7, Jan. 10, 1972] (Secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012).

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-5376 Filed 4-7-72;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7177]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Taxation of Exempt Organizations on Rents from Property, and Interest, Rents, etc., from Controlled Organizations

On June 9, 1971, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) under section 512(b) of the Internal Revenue Code of 1954 to conform the regulations to changes made by section 121(b)(2)(A) and (C) of the Tax Reform Act of 1969 (83 Stat. 538) was published in the FEDERAL REGISTER (36 F.R. 11100). After consideration of all such relevant matters as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Paragraphs (c) and (l) of § 1.512(b)–1, as set forth in paragraph 2 of the notice of proposed rule making, are revised as set forth below.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 3, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 512(b) of the Internal Revenue Code of 1954 to section 121(b)(2)(A) and (C) of the Tax Reform Act of 1969 (83 Stat. 538), such regulations are amended as follows:

PARAGRAPH 1. Section 1.512(b) is amended by revising paragraph (3) of section 512(b) and by adding at the end thereof a new paragraph (15) and by revising the historical note. These amended and added provisions read as follows:

§ 1.512(b) Statutory provisions; unrelated business taxable income; modifications.

SEC. 512. *Unrelated business taxable income.* • • •

(b) *Modifications.* • • •

(3) In the case of rents—

(A) Except as provided in subparagraph (B), there shall be excluded—

(i) All rents from real property (including property described in section 1245(a)(3)(C)), and

(ii) All rents from personal property (including for purposes of this paragraph as personal property any property described in section 1245(a)(3)(B)) leased with such real property, if the rents attributable to such personal property are an incidental amount of the total rents received or accrued under the lease, determined at the time the personal property is placed in service.

(B) Subparagraph (A) shall not apply—

(i) If more than 50 percent of the total rent received or accrued under the lease is attributable to personal property described in subparagraph (A)(ii), or

(ii) If the determination of the amount of such rent depends in whole or in part on the income or profits derived by any person from the property leased (other than an amount based on a fixed percentage or percentages of receipts or sales).

(C) There shall be excluded all deductions directly connected with rents excluded under subparagraph (A).

. . . . . .

(15) Notwithstanding paragraphs (1), (2), or (3), amounts of interest, annuities, royalties, and rents derived from any organization (in this paragraph called the "controlled organization") of which the organization deriving such amounts (in this paragraph called "controlling organization") has control (as defined in section 368(c)) shall be included as an item of gross income (whether or not the activity from which such amounts are derived represents a trade or business or is regularly carried on) in an amount which bears the same ratio as—

(A) (i) In the case of a controlled organization which is not exempt from taxation under section 501(a), the excess of the amount of taxable income of the controlled organization over the amount of such organization's taxable income which if derived directly by the controlling organization would not be unrelated business taxable income, or

(ii) In the case of a controlled organization which is exempt from taxation under section 501(a), the amount of unrelated business taxable income of the controlled organization, bears to,

(B) The taxable income of the controlled organization (determined in the case of a controlled organization to which subparagraph (a)(ii) applies as if it were not an organization exempt from taxation under section 501(a)), but not less than the amount determined in clause (i) or (ii), as the case may be, of subparagraph (A),

both amounts computed without regard to amounts paid directly or indirectly to the controlling organization. There shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

. . . . . .

[Sec. 512(b) as amended by Act of Apr. 7, 1958 (Public Law 85–367, 72 Stat. 80); Act of July 17, 1964 (Public Law 88–380, 78 Stat. 333); sec. 121(b)(2)(A) and (C) of the Tax Reform Act 1969 (83 Stat. 538)]

PAR. 2. Section 1.512(b)–1 is amended by revising paragraph (c) and adding at the end thereof a new paragraph (l). These amended and added provisions read as follows:

§ 1.512(b)–1 Modifications.

. . . . . .

(c) *Rents*—(1) *Taxable years beginning before January 1, 1970.* For taxable years beginning before January 1, 1970, rents from real property (including personal property leased with the real property) and the deductions directly connected therewith shall be excluded in computing unrelated business taxable income, except that certain rents from, and certain deductions in connection with, a business lease (as defined in section 514(f) shall be included in computing unrelated business taxable income. See subparagraph (5) of this paragraph for rules governing amounts received for the rendering of services.

(2) *Taxable years beginning after December 31, 1969*—(i) *In general.* For taxable years beginning after December 31, 1969, except as provided in subdivision (iii) of this subparagraph, rents from property described in subdivision (ii) of this subparagraph, and the deductions directly connected therewith, shall be excluded in computing unrelated business taxable income. However, notwithstanding subdivision (ii) of this subparagraph, certain rents from and certain deductions in connection with either debt-financed property (as defined in section 514(b)) or property rented to controlled organizations (as defined in paragraph (l) of this section) shall be included in computing unrelated business taxable income.

(ii) *Excluded rents.* The rents which are excluded from unrelated business income under section 512(b)(3)(A) and this paragraph are—

(a) *Real property.* All rents from real property; and

(b) *Personal property.* All rents from personal property leased with real property if the rents attributable to such personal property are an incidental amount of the total rents received or accrued under the lease, determined at the time the personal property is first placed in service by the lessee.

For purposes of the preceding sentence, rents attributable to personal property generally are not an incidental amount of the total rents if such rents exceed 10 percent of the total rents from all the property leased. For example, if the rents attributable to the personal property leased are determined to be $3,000 per year, and the total rents from all property leased are $10,000 per year, then such $3,000 amount is not to be excluded from the computation of unrelated business taxable income by operation of section 512(b)(3)(A)(ii) and this paragraph, since such amount is not an incidental portion of the total rents.

(iii) *Exception.* Subdivision (ii) of this subparagraph shall not apply, if either—

(a) *Excess personal property rents.* More than 50 percent of the total rents are attributable to personal property, determined at the time such personal property is first placed in service by the lessee; or

(b) *Net profits.* The determination of the amount of such rents depends in whole or in part on the income or profits derived by any person from the property leased, other than an amount based on a fixed percentage or percentages of the gross receipts or sales. For purposes of the preceding sentence, the rules contained in paragraph (b)(1) of § 1.856–4 shall apply.

(iv) *Illustration.* This subparagraph may be illustrated by the following example:

Example. A, an exempt organization, owns a printing factory which consists of a building housing two printing presses and other equipment necessary for printing. On January 1, 1971, A rents the building and the printing equipment to B for $10,000 a year. The lease states that $9,000 of such rent is for the building and $1,000 for the printing equipment. However, it is determined that notwithstanding the terms of the lease $4,000, or 40 percent ($4,000/$10,000), of the rent is actually attributable to the printing equipment. During 1971, A has $3,000 of deductions, all of which are properly allocable to the land and building. Under these circumstances, A shall not take into account in computing its unrelated business taxable income the $6,000 of rent attributable to the building and the $3,000 of deductions directly connected with such rent. However, the $4,000 of rent attributable to the printing equipment is not excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3)(A)(ii) or this paragraph since such rent represents more than an incidental portion of the total rents.

(3) *Definitions and special rules.* For purposes of subparagraph (2) of this paragraph—

(i) *Real property defined.* The term "real property" means all real property, including any property described in sections 1245(a)(3)(C) and 1250(c) and the regulations thereunder.

(ii) *Personal property defined.* The term "personal property" means all personal property, including any property described in section 1245(a)(3)(B) and the regulations thereunder.

(iii) *Multiple leases.* If separate leases are entered into with respect to real and personal property, and such properties have an integrated use (e.g., one or more leases for real property and another lease or leases for personal property to be used upon such real property), all such leases shall be considered as one lease.

(iv) *Placed in service.* Property is "placed in service" by the lessee when it is first subject to his use in accordance with the terms of the lease. For example, property subject to a lease entered into on November 1, 1971, for a term commencing on January 1, 1972, shall be considered as placed in service on January 1, 1972, regardless of when the property is first actually used by the lessee.

(v) *Changes in rent charged or personal property rented.* If—

(a) By reason of the placing of additional or substitute personal property in service, there is an increase of 100 percent or more in the rent attributable to all the personal property leased, or

(b) There is a modification of the lease by which there is a change in the rent charged (whether or not there is a change in the amount of personal property rented),

the rent attributable to personal property shall be recomputed to determine whether the exclusion under subparagraph (2)(ii)(b) of this paragraph or the exception under subparagraph (2)(iii)(a) of this paragraph applies. Any change in the treatment of rents, attributable to a recomputation under this subdivision, shall be effective only with respect to rents for the period beginning with the event which occasioned the recomputation.

(4) *Examples.* Subparagraphs (2) and (3) of this paragraph may be illustrated by the following examples:

Example (1). On January 1, 1971, A, an exempt organization, executes two leases with B. One is for the rental of a computer, with a stated annual rental of $750. The other is for the rental of office space in which to use the computer, at a stated annual rental of $7,250. The total annual rent under both leases for 1971 is $8,000. At the time the computer is first placed in service, however, taking both leases into consideration, it is determined that notwithstanding the terms of the leases, $3,000, or 37.5 percent ($3,000/$8,000), of the rent is actually attributable to the computer. Therefore, for 1971, only the $5,000 ($8,000—$3,000) attributable to the rental of the office space is excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3).

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Example (2). Assume the facts as stated in example (1). Assume further that the leases to which the computer and office space are subject in example (1) provide that the rent may be increased or decreased, depending upon the prevailing rental value for similar computers and office space. On January 1, 1972, the total annual rent is increased in the computer lease to $2,000, and in the office space lease to $9,000. For 1972, it is determined that notwithstanding the terms of the leases $6,000, or 54.5 percent ($6,000/$11,000), of the total rent is actually attributable to the computer as of that time. Even though the rent attributable to personal property now exceeds 50 percent of the total rent, the rent attributable to real property will continue to be excluded, since there was no modification of the terms of the leases and since the increase in the rent was not attributable to the placing of new personal property in service. See subparagraph (3)(v) of this paragraph. Thus, for 1972 the $5,000 of rent attributable to the office space continues to be excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3).

Example (3). Assume the facts as stated in example (1), except that on January 1, 1973, B rents a second computer from A, which is placed in service on that date. The total rent is increased to $2,000 for the computer lease and to $10,000 for the office space lease. It is determined at the time the second computer is first placed in service that notwithstanding the terms of the leases $7,000 of the rent is actually attributable to the computers. Since the rent attributable to personal property has increased by more than 100 percent ($4,000/$3,000=133 percent), a redetermination must be made pursuant to subparagraph (3)(v)(*a*) of this paragraph. As a result, 58.3 percent ($7,000/$12,000) of the total rent is determined to be attributable to personal property. Accordingly, since more than 50 percent of the total rent A receives is attributable to the personal property leased, none of the rents are excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3).

Example (4). Assume the facts as stated in example (3), except that on June 30, 1975, the lease between B and A is modified. The total rent for the computer lease is reduced to $1,500 and the total rent for the office space lease is reduced to $7,500. Pursuant to subdivision (3)(v)(*b*) of this paragraph, a redetermination is made as of June 30, 1975. As of the modification date, it is determined that notwithstanding the terms of the leases, the rent actually attributable to the computers is $4,000, or 44.4 percent ($4,000/$9,000), of the total rent. Since less than 50 percent of the total rent is now attributable to personal property, the rent attributable to real property ($5,000), for periods after June 30, 1975, is excluded from the computation of A's unrelated business taxable income by operation of section 512(b)(3). However, the rent attributable to personal property ($4,000) are not excluded from unrelated business taxable income for such periods by operation of section 512(b)(3), since it represents more than an incidental portion of the total rents.

(5) *Rendering of services.* For purposes of this paragraph, payments for the use or occupancy of rooms and other space where services are also rendered to the occupant, such as for the use or occupancy of rooms or other quarters in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, motor courts, or motels, or for the use or occupancy of space in parking lots, warehouses, or storage garages, does not constitute rent from real property. Generally, services are considered rendered to the occupant if they are primarily for his convenience and are other than those usually or customarily rendered in connection with the rental of rooms or other space for occupancy only. The supplying of maid service, for example, constitutes such service; whereas the furnishing of heat and light, the cleaning of public entrances, exists, stairways, and lobbies, the collection of trash, etc., are not considered as services rendered to the occupant. Payments for the use or occupancy of entire private residences or living quarters in duplex or multiple housing units, of offices in any office building, etc., are generally treated as rent from real property.

* * * * *

(l) *Interest, annuities, royalties, and rents from controlled organizations*—(1) *In general.* For taxable years beginning after December 31, 1969, if an exempt organization (hereinafter referred to as the "controlling organization") has control (as defined in subparagraph (4) of this paragraph) of another organization (hereinafter referred to as the "controlled organization"), the controlling organization shall include as an item of gross income in computing its unrelated business taxable income, the amount of interest, annuities, royalties, and rents derived from the controlled organization determined under subparagraph (2) or (3) of this paragraph. The preceding sentence shall apply whether or not the activity conducted by the controlling organization to derive such amounts represents a trade or business or is regularly carried on. Thus, amounts received by a controlling organization from the rental of its real property to a controlled organization may be included in the unrelated business taxable income of the controlling organization, even though the rental of such property is not an activity regularly carried on by the controlling organization.

(2) *Exempt controlled organization*—(i) *In general.* If the controlled organization is exempt from taxation under section 501(a), the amount referred to in subparagraph (1) of this paragraph is an amount which bears the same ratio to the interest, annuities, royalties, and rents received by the controlling organization from the controlled organization as the unrelated business taxable income of the controlled organization bears to whichever of the following amounts is the greater—

(*a*) The taxable income of the controlled organization, computed as though the controlled organization were not exempt from taxation under section 501(a), or

(*b*) The unrelated business taxable income of the controlled organization,

both determined without regard to any amounts paid directly or indirectly to the controlling organization. The controlling organization shall be allowed all deductions directly connected with amounts included in gross income under the preceding sentence.

(ii) *Examples.* This subparagraph may be illustrated by the following examples:

Example (1). A, an exempt scientific organization described in section 501(c)(3), owns all the stock of B, another exempt scientific organization described in section 501(c)(3). During 1971, A rents space for a laboratory to B for $15,000 a year. A's total deductions for 1971 with respect to the leased property are $3,000: $1,000 for maintenance and $2,000 for depreciation. If B were not an exempt organization, its total taxable income would be $300,000, disregarding rent paid to A. B's unrelated business taxable income, disregarding rent paid to A, is $100,000. Under these circumstances, $4,000 of the rent paid by B will be included by A as net rental income in determining its unrelated business taxable income, computed as follows:

B's unrelated business taxable income (disregarding rent paid to A)	$100,000
B's taxable income (computed as though B were net exempt and disregarding rent paid to A)	$300,000
Ratio ($100,000/$300,000)	1:3
Total rent	$15,000
Total deductions	$3,000
Rental income treated as gross income from an unrelated trade or business (⅓ of $15,000)	$5,000
Less deductions directly connected with such income (⅓ of $3,000)	$1,000
Net rental income included by A in computing its unrelated business taxable income	$4,000

Example (2). Assume the facts as stated in example (1), except that B's taxable income is $90,000 (computed as though B were not an exempt organization, and disregarding rents paid to A). B's unrelated business taxable income ($100,000) is therefore greater than its taxable income ($90,000). Thus, the ratio used to determine the portion of rent received by A which is to be taken into account is one since both the numerator and denominator of such ratio is B's unrelated business taxable income. Consequently, all the rent received by A from B ($15,000), and all the deductions directly connected therewith ($3,000), are included by A in computing its unrelated business taxable income.

(3) *Nonexempt controlled organization*—(i) *In general.* If the controlled organization is not exempt from taxation under section 501(a), the amount referred to in subparagraph (1) of this paragraph is an amount which bears the same ratio to the interest, annuities, royalties, and rents received by the controlling organization from the controlled organization as the "excess taxable income" (as defined in subdivision (ii) of this subparagraph) of the controlled organization bears to whichever of the following amounts is the greater—

(*a*) The taxable income of the controlled organization, or

(*b*) The excess taxable income of the controlled organization,

both determined without regard to any amount paid directly or indirectly to the controlling organization. The controlling organization shall be allowed all deductions which are directly connected with amounts included in gross income under the preceding sentence.

(ii) *Excess taxable income.* For purposes of this paragraph, the term "excess taxable income" means the excess of the controlled organization's taxable income over the amount of such taxable income which, if derived directly by the controlling organization, would not be unrelated business taxable income.

(iii) *Examples.* This subparagraph may be illustrated by the following examples:

Example (1). A, an exempt university described in section 501(c)(3), owns all the stock of M, a nonexempt organization. During 1971, M leases a factory and a dormitory from A for a total annual rental of $100,000. During the taxable year, M has $500,000 of taxable income, disregarding the rent paid to A: $150,000 from a dormitory for students of A university, and $350,000 from the operation of a factory which is a business unrelated to A's exempt purpose. A's deductions for 1971 with respect to the leased property are $4,000 for the dormitory and $16,000 for the factory. Under these circumstances, $56,000 of the rent paid by M will be included by A as net rental income in determining its unrelated business taxable income, computed as follows:

M's taxable income (disregarding rent paid to A)	$500,000
Less taxable income from dormitory	150,000
Excess taxable income	$350,000
Ratio ($350,000/$500,000)	7/10
Total rent paid to A	$100,000
Total deductions ($4,000+$16,000)	20,000
Rental income treated as gross income from an unrelated trade or business (7/10 of $100,000)	$70,000
Less deductions directly connected with such income (7/10 of $20,000)	$14,000
Net rental income included by A in computing its unrelated business taxable income	$56,000

Example (2). Assume the facts as stated in example (1), except that M's taxable income (disregarding rent paid to A) is $300,000, consisting of $350,000 from the operation of the factory and a $50,000 loss from the operation of the dormitory. Thus, M's "excess taxable income" is also $300,000, since none of M's taxable income would be excluded from the computation of A's unrelated business taxable income if received directly by A. The ratio of M's "excess taxable income" to its taxable income is therefore one ($300,000/$300,000). Thus, all the rent received by A from M ($100,000), and all the deductions directly connected therewith ($20,000), are included in the computation of A's unrelated business taxable income.

(4) *Control*—(i) *In general.* For purposes of this paragraph—

(*a*) *Stock corporation.* In the case of an organization which is a stock corporation, the term "control" means ownership by an exempt organization of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of such corporation.

(*b*) *Nonstock organization.* In the case of a nonstock organization, the term "control" means that at least 80 percent of the directors or trustees of such organization are either representatives of or directly or indirectly controlled by an exempt organization. A trustee or director is a representative of an exempt organization if he is a trustee, director, agent, or employee of such exempt organization. A trustee or director is controlled by an exempt organization if such organization has the power to remove such trustee or director and designate a new trustee or director.

(ii) *Gain or loss of control.* If control of an organization (as defined in subdivision (i) of this subparagraph) is acquired or relinquished during the taxable year, only the interest, annuities, royalties, and rents paid or accrued to the controlling organization in accordance with its method of accounting for that portion of the taxable year it has control shall be subject to the tax on unrelated business income.

(5) *Amounts taxable under other provisions of the Code*—(i) *In general.* Section 512(b)(15) and this paragraph do not apply to amounts which are included in the computation of unrelated business taxable income by operation of any other section of the Code. However, amounts which are not included in unrelated business taxable income by operation of section 512(a)(1), or which are excluded by operation of section 512(b)(1), (2), or (3), may be included in unrelated business taxable income by operation of section 512(b)(15) and this paragraph.

(ii) *Debt-financed property.* Rents derived from the lease of debt-financed property by a controlling organization to a controlled organization are subject to the rules contained in section 512(b)(15) and this paragraph. Thus, if a controlling organization leases debt-financed property to a controlled organization, the amount of rents includible in the controlling organization's unrelated business taxable income shall first be determined under section 512(b)(15) and this paragraph, and only the portion of such rents not taken into account by operation of section 512(b)(15) are taken into account by operation of section 514. See example (3) of § 1.514(b)-1(b)(3).

[FR Doc.72-5371 Filed 4-7-72;8:45 am]

[T.D. 7179]

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Trusts—Election Regarding Amounts Distributed in First 65 Days of Taxable Year

In order to clarify the rules relating to the election by the fiduciary of a trust to treat certain amounts distributed by the trust during the first 65 days following the close of a taxable year as distributed on the last day of such taxable year, subparagraph (1) of paragraph (a) of § 13.6 of the Temporary Income Tax Regulations under the Tax Reform Act of 1969 (26 CFR Part 13) is amended to read as follows:

§ 13.6 Accumulation trusts; 65 day election; "first taxable year in which income is accumulated."

(a) *Election regarding distributions in first 65 days of taxable year*—(1) *In general.* With respect to taxable years beginning after December 31, 1968, the fiduciary of a trust may elect under section 663(b) to treat any amount or portion thereof that is properly paid or credited to a beneficiary within the first 65 days following the close of the taxable year as an amount that was properly paid or credited on the last day of such taxable year. An election is effective only with respect to the taxable year for which the election is made. In the case of distributions made after May 8, 1972, the amount to which the election applies shall not exceed—

(i) The amount of income of the trust (as defined in § 1.643(b)-1) of this chapter for the taxable year for which the election is made, or

(ii) The amount of distributable net income of the trust (as defined in §§ 1.643(a)-1 through 1.643(a)-7 of this chapter) for such taxable year, if greater,

reduced by any amounts paid, credited, or required to be distributed in such taxable year other than those amounts considered paid or credited in a preceding taxable year by reason of section 663(b) and this section. An election shall be made for each taxable year for which the treatment is desired. The application of this paragraph may be illustrated by the following example:

Example. X Trust, a calendar year trust, has $1,000 of income (as defined in § 1.643(b)-1) and $800 of distributable net income (as defined in §§ 1.643(a)-1 through 1.643(a)-7) in 1972. The trust properly pays $550 to A, a beneficiary, on January 15, 1972, which the trustee elects to treat under section 663(b) as paid on December 31, 1971. The trust also properly pays to A $600 on July 19, 1972, and $450 on January 17, 1973. For 1972, the maximum amount to which the election made under this paragraph may apply is $400 ($1,000−$600). The $550 paid on January 15, 1972, does not reduce the maximum amount to which the election may apply because that amount is treated as properly paid on December 31, 1971.

* * * * *

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 4, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72-5393 Filed 4-7-72;8:49 am]

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Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

INCOME EXCLUSIONS FOR PENSION PURPOSES

This amendment provides for the exclusion from consideration as income for purposes of the pension program amounts paid to a retired employee by his former employer as reimbursement for premiums he has paid for medicare.

In § 3.261(a), subparagraph (22) is amended to read as follows:

§ 3.261 Character of income; exclusions and estates.

The following factors will be considered in determining whether a claimant meets the requirements of §§ 3.250, 3.251, and 3.252 with reference to dependency, income limitations and corpus of estate:

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension; protected (veterans, widows and children)	Pension; Public Law 86-211 (veterans, widows and children	See—
(a) *Income.*					
. . .	. . .	. . .	. . .	. . .	
(22) Contributions by a public or private employer to a:					
Public or private health or hospitalization plan for an active or retired employee.	Excluded...	Excluded...	Excluded...	Excluded.	
Retired employee as reimbursement for premiums for supplementary medical insurance benefits under the Social Security Program (Public Law 91-588; 84 Stat. 1580).	Included	Included	Excluded...	Excluded.	
. . .	. . .	. . .	. . .	. . .	

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: April 3, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72-5493 Filed 4-7-72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 114—Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Parts 114-1, 114-25, and 114-26 of Chapter 114, Title 41 of the Code of Federal Regulations, are hereby amended as set forth below.

These changes will become effective on the date of their publication in the FEDERAL REGISTER (4-8-72).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

APRIL 4, 1972.

PART 114-1—INTRODUCTION

Subpart 114-1.1—Regulation System

§ 114-1.109-50 [Amended]

In § 114-1.109-50 the reference to "114L—Office of Territories" is amended to read "114L—Reserved".

PART 114-25—GENERAL

Subpart 114-25.3—Use Standards

The table of contents for Subpart 114-25.3 is amended by the addition of the following:

Sec.
114-25.300-50 Standard lettering for bench marks and corner markers.

Subpart 114-25.3 is amended by the addition of the following section:

§ 114-25.300-50 Standard lettering for bench marks and corner markers.

The minimum standard lettering to be used to identify all bench mark tables is as follows:

U.S. DEPARTMENT OF THE INTERIOR

Height of lettering: ¼ inch.
Width of letters at surface: .040 inch.

UNLAWFUL TO DISTURB

Height of lettering: 5/32 inch.
Width of letters at surface: .032 inch.

Exceptions to the use of the foregoing lettering will be granted only where special circumstances warrant exemption. Requests for such exemption shall be transmitted through Bureau Channels to the Director, Office of Management Operations, Office of the Assistant Secretary—Management and Budget.

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114-26.4—Purchase of Items From Federal Supply Schedule Contractors

§ 114-26.406-d [Amended]

Section 114-26.406-2(d) is amended by deleting "Office of Territories—040 through 059 inclusive" and inserting in lieu thereof the following:

Reserved—040 through 059 inclusive.

Subpart 114-26.6—Procurement Sources Other Than GSA

The table of contents is amended by deleting the reference to § 114-26.600-51 *Procurement of bench marks and corner markers* and inserting in lieu thereof the following:

Sec.
114-26.600-51 Other procurement from the Defense Supply Agency.

Section 114-26.600-51, *Procurement of bench marks and corner markers*, is deleted in its entirety and the following substituted therefor:

§ 114-26.600-51 Other procurement from the Defense Supply Agency.

(a) The Defense Supply Agency has been assigned the supply responsibility for certain items as provided in FPMR 101-26.6. As to the procurement of other items, it is the policy of the Defense Supply Agency that its Defense Supply Centers will honor such supply requests from civilian agencies only when a formal interagency agreement is in effect covering supply support for the materiel requested. As a rule, there are no exceptions to this policy except in an emergency (e.g., hurricane, flood, epidemic, etc.).

(b) Pursuant to a DOD/GSA agreement governing supply management relationships, the Defense Supply Agency will furnish supply management services to all Federal agencies in those instances where:

(1) The General Services Administration determines that Governmentwide economies and improved effectiveness can be gained through DSA support, and

(2) The Defense Supply Agency determines that support of civilian agencies will not impair DSA's capability to support military units in war and peace, and will not significantly increase DSA's operating costs or inventory investment.

(c) DSA supply support arrangements with civilian agencies will be consistent with DSA procurement and supply management practices, and supply support will normally be limited to items or services which DSA provides to DOD activities.

(d) The Defense Supply Agency looks to the General Services Administration as the coordinator for all civilian agency procurement and supply support requests to assure consistency of policy and procedures governing civilian agency use of DSA support and to assure civilian agency knowledge and use of DOD/DSA systems and procedures.

(e) When there is a requirement for DSA supply support, the General Services Administration will provide assistance in making appropriate arrangements for the implementing actions required to develop, coordinate, and exercise an interagency agreement for such support.

(f) Requests for DSA supply support should be prepared for the signature of the Director of Management Operations and addressed to:

Assistant Commissioner, Office of National Supply Policies and Programs, Federal Supply Service, General Services Administration, Washington, D.C. 20405.

Each request must include full particulars regarding the support required, location, duration of need, etc.

[FR Doc.72-5404 Filed 4-7-72;8:46 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 59—GRANTS FOR FAMILY PLANNING

Family Planning Services Training

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following Subpart C of Part 59, which relates solely to grants for family planning services training pursuant to section 1003 of the Public Health Service Act (42 U.S.C. 300a-1) because for good cause it has been found that such notice, public participation, and delay would be contrary to the public interest in light of the need to provide adequate lead time for the development of project proposals, the need for the orderly and efficient consideration of such proposals, and the limited time for which funds are available for these purposes. Written comments concerning the regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the proposed regulations may be presented in writing, in triplicate, to the Director, National Center for Family Planning Services, Health Services and Mental Health Administration, 5600 Fishers Lane, Rockville, MD 20852. All comments received in response to this publication will be available for public inspection in the Office of the Grants and Contracts Officer, National Center for Family Planning Services, Room 12A-54, Parklawn Building, 5600 Fishers Lane, Rockville, MD, weekdays between 9 a.m. and 5 p.m. All relevant material received not later than 30 days after publication of these regulations in the FEDERAL REGISTER will be considered.

The following regulations shall become effective on the date of publication in the FEDERAL REGISTER (4-8-72).

Dated: March 21, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: April 3, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Subpart B—[Reserved]

Subpart C—Grants for Family Planning Services Training

Sec.
59.201 Applicability.
59.202 Definitions.
59.203 Eligibility.
59.204 Application for a grant.
59.205 Project requirements.
59.206 Evaluation and grant award.
59.207 Payments.
59.208 Use of project funds.
59.209 Civil rights.
59.210 Inventions or discoveries.
59.211 Publications and copyright.
59.212 Grantee accountability.
59.213 Records, reports, inspection, and audit.
59.214 Additional conditions.
59.215 Early termination and withholding of payments.

AUTHORITY: The provisions of this Subpart C issued under sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-4; sec. 6(c), 84 Stat. 1507, 42 U.S.C. 300a-1.

Subpart B—[Reserved]

Subpart C—Grants for Family Planning Service Training

§ 59.201 Applicability.

The regulations in this subpart are applicable to the award of grants pursuant to section 1003 of the Public Health Service Act (42 U.S.C. 300a-1) to provide the training for personnel to carry out family planning service programs described in sections 1001 and 1002 of the Public Health Service Act (42 U.S.C. 300, 300a).

§ 59.202 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act.

(b) "State" means one of the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, or the Trust Territory of the Pacific Islands.

(c) "Nonprofit" private entity means a private entity no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(d) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(e) "Training" means job-specific skill development, the purpose of which is to promote and improve the delivery of family planning services.

§ 59.203 Eligibility.

(a) *Eligible applicants.* Any public or nonprofit private entity located in a State is eligible to apply for a grant under this subpart.

(b) *Eligible projects.* Grants pursuant to section 1003 of the Act and this subpart may be made to eligible applicants for the purpose of providing programs, not to exceed 3 months in duration, for training family planning or other health services delivery personnel in the skills, knowledge, and attitudes necessary for the effective delivery of family planning services.

§ 59.204 Application for a grant.

(a) An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.[1] The application shall contain a full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart, and a budget and justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume for the applicant the obligations imposed by the regulations of this subpart and any additional conditions of the grant.

§ 59.205 Project requirements.

An approvable application must contain each of the following unless the Secretary determines that the applicant has established good cause for its omission:

(a) Assurances that:

(1) No portion of the Federal funds will be used to train personnel for programs where abortion is a method of family planning.

(2) No portion of the Federal funds will be used to provide professional training to any student as part of his education in pursuit of an academic degree.

(3) No project personnel or trainees shall on the grounds of sex, religion, or creed be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the project.

(b) Provision of a methodology to assess the particular training (e.g., skills, attitudes, or knowledge) that prospective trainees in the area to be served need to improve their delivery of family planning services.

(c) Provision of a methodology to define the objectives of the training program in light of the particular needs of trainees defined pursuant to paragraph (b) of this section.

[1] Applications and instructions may be obtained from the Program Director, Family Planning Services, at the Regional Office of the Department of Health, Education, and Welfare for the region in which the project is to be conducted, or the Office of the Director, National Center for Family Planning Services, Health Services and Mental Health Administration, Rockville, MD 20852 for national programs.

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(d) Provision of a method for development of the training curriculum and any attendant training materials and resources.

(e) Provision of a method for implementation of the needed training.

(f) Provision of an evaluation methodology, including the manner in which such methodology will be employed, to measure the achievement of the objectives of the training program.

(g) Provision of a method and criteria by which trainees will be selected.

§ 59.206 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award grants to assist in the establishment and operation of those projects which will in his judgment best promote the purposes of section 1003 of the Act, taking into account:

(1) The extent to which a training program will increase the delivery of services to people, particularly low-income groups, with a high percentage of unmet need for family planning services;

(2) The extent to which the training program promises to fulfill the family planning services delivery needs of the area to be served, which may include, among other things:

(i) Development of a capability within family planning service projects to provide pre- and in-service training to their own staffs;

(ii) Improvement of the family planning services delivery skills of family planning and health services personnel;

(iii) Improvement in the utilization and career development of paraprofessional and paramedical manpower in family planning services;

(iv) Expansion of family planning services, particularly in rural areas, through new or improved approaches to program planning and deployment of resources;

(3) The capacity of the applicant to make rapid and effective use of such assistance;

(4) The administrative and management capability and competence of the applicant;

(5) The competence of the project staff in relation to the services to be provided; and

(6) The degree to which the project plan adequately provides for the requirements set forth in § 59.205.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either: (1) On the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as travel or supply costs) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

(c) Except as may otherwise be provided by the regulations of this subpart, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1-76, 2-65, 2-66, 3-60, 3-80, and 5-60 of the Department of Health, Education, and Welfare Grants Administration Manual.[2]

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portthereof. For continuation support, grantees must make separate application annually at such times and in such form as the Secretary may direct.

§ 59.207 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred in the performance of the project to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 59.208 Use of project funds.

(a) Any funds granted pursuant to this subpart as well as other funds to be used in performance of the approved project shall be expended solely for carrying out the approved project in accordance with the statute, the regulations of this subpart, the terms and conditions of the award, and, except as may otherwise be provided in this subpart, the cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual.

(b) Prior approval by the Secretary of revision of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

(c) The Secretary may approve the payment of grant funds to trainees for:

(1) Return travel to the trainee's point of origin.

(2) Per diem during the training program, and during travel to and from the program, at the prevailing institutional or governmental rate, whichever is lower.

[2] The Department Grants Administration Manual is available for inspection at the Public Information Office of the several Department Regional Offices and available for purchase at the Government Printing Office, GPO Document No. 894-523.

§ 59.209 Civil rights.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

§ 59.210 Inventions or discoveries.

Any grant award pursuant to § 59.206 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary, or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 59.211 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 59.212 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for equipment.* As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1-410-50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other family planning training projects.* Equipment may be used, without adjustment of accounts, on other grant-supported projects (whether or not federally supported) within the scope of section 1003 of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of § 1003 of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1-410-50B of the Department of Health, Education, and Welfare Grants Administration Manual, may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(c) *Accounting for grant-related income*—(1) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(2) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in subparagraph (3) of this paragraph.

(3) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in chapter 1-420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for equipment on hand as provided in paragraph (b) of this section;

(iii) Any credits for earned interest pursuant to paragraph (c)(1) of this section;

(iv) Any other settlements required pursuant to paragraph (c) (2) and (3) of this section.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

§ 59.213 Records, reports, inspection, and audit.

(a) *Records and reports.* Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the Act and the regulations. All records shall be retained for 3 years after the close of the budget period. Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the budget period or (2) until the grantee is notified of the completion of the Federal audit, whichever comes first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for grant under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by persons designated by the Secretary and to interview with principal staff members to the extent that such resources and personnel are, or will be, part of the project. In addition, the acceptance of any grant under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of records relating to the use of grant funds.

§ 59.214 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

§ 59.215 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the Act, the regulations of this subpart, or the terms of the grant, he may, on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.72-5386 Filed 4-7-72;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5196]

[Riverside 2818]

CALIFORNIA

Withdrawal for Protection of National Forest Watershed Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of program of the Department of Agriculture:

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SAN BERNARDINO NATIONAL FOREST
SAN BERNARDINO MERIDIAN
Devil Canyon-Cloudland Watershed Area

T. 1 N., R. 4 W.,
Sec. 4, lots 2 to 4, inclusive, SW¼NE¼, S½NW¼, NW¼SE¼;
Sec. 5, lots 1 to 4, inclusive, lots 6 to 10, inclusive.
T. 2 N., R. 4 W.,
Sec. 19, lots 3 to 10, inclusive, NE¼, E½NW¼;
Sec. 20, lots 2 and 3;
Sec. 28, lots 2 to 4, inclusive, SW¼NW¼, N½SW¼, NW¼SE¼;
Sec. 29, lots 1 to 16, inclusive;
Sec. 30, lots 1 to 4, inclusive, NE¼, E½W½, E½SE¼;
Sec. 31, lot 4, SW¼NE¼, E½SW¼, W½SE¼;
Sec. 32, E½, SE¼NW¼, NE¼SW¼, N½SE¼SW¼;
Sec. 33, W½E½, W½.
T. 2 N., R. 5 W.,
Sec. 24, E½SE¼, E½W½SE¼.

The areas described aggregate 3,962.71 acres in San Bernardino County.

2. All of the lands described in paragraph 1 are national forest lands except those described as lots 3, 4, 9, and 10, sec. 19, and lot 4, and SE¼SW¼, sec. 30, T. 2 N., R. 4 W., which are privately owned lands, title to which is being transferred to the United States pursuant to a Forest Service exchange. These lands will become part of the San Bernardino National Forest and subject to all laws and regulations applicable thereto upon acquisition of title to said lands or interest therein by the United States under applicable law.

3. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 4, 1972.

[FR Doc.72-5406 Filed 4-7-72;8:47 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 151—FEDERAL FINANCIAL ASSISTANCE FOR RESEARCH AND RESEARCH RELATED ACTIVITIES IN THE FIELD OF EDUCATION AND FOR CONSTRUCTION OF NATIONAL AND REGIONAL RESEARCH FACILITIES

Experimental Schools; Grants for Small Schools in Rural Areas and Closing Date for Receipt of Applications

On page 5392 of the FEDERAL REGISTER of March 15, 1972 (Vol. 37, No. 51), there was published a notice of proposed rule making and closing date for receipt of applications to establish criteria, in addition to those already established under section 2 of the Cooperative Research Act (Public Law 83-531, as amended; 20 U.S.C. 331a) and regulations issued pursuant thereto (45 CFR Part 151 and 36 F.R. 13993 (July 29, 1971)), for the awarding of grants to small schools serving rural areas and to establish the closing date for receipt of applications. Such criteria supersede the requirements contained in 45 CFR 151.3 and 151.54(a)(1), to the extent inconsistent with such provisions, solely for the purposes of the competition provided for in this document. The notice of proposed rule making, published in the FEDERAL REGISTER on March 9, 1972 (Vol. 37, No. 47), does not apply to this competition.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These criteria and closing date for receipt of applications shall be effective 15 days after publication of this notice in the FEDERAL REGISTER.

Dated: March 31, 1972.

S. P. MARLAND, JR.,
Commissioner of Education.

Approved: April 4, 1972.

ELLIOT L. RICHARDSON,
Secretary.

1. Notice of establishment of closing date for receipt of letters of interest for the experimental schools program, small rural schools competition, to be conducted during fiscal year 1972 under section 2 of the Cooperative Research Act (Public Law 83-531, as amended; 20 U.S.C. 331a) and regulations issued pursuant thereto (45 CFR Part 151). Potential applicants are hereby notified that the small rural schools competition represents the first of a series of new announcements of experimental schools competitions. Notifications of closing dates for forthcoming competitions will also appear in the FEDERAL REGISTER.

Notice is hereby given that in order to be assured of consideration for grants in the experimental schools small rural schools competition, letters of interest, which constitute formal submissions of applications (and therefore must comply with 45 CFR 151.4), from eligible parties must be received in the U.S. Office of Education no later than 15 days after republication of this notice in the FEDERAL REGISTER following the period for public comment.

2. In addition to such other applicable requirements as may be contained in the Act and in 45 CFR Part 151, the following criteria shall apply to grants made under the small rural schools competition:

(1) An eligible applicant for the purposes of this competition is a local educational agency (or a combination of such agencies) which has no more than 2,500 children enrolled in its elementary and secondary schools, kindergarten (or, where kindergarten is not supported with public funds in the area to be served, grade 1) through grade 12, inclusive, and which serves a rural area.

(2) The project must serve all children enrolled in the applicant's schools.

(3) The schools served by the project must constitute a coherent feeder system, all schools of which are served by the project.

(20 U.S.C. 331a, 45 CFR Part 151)

[FR Doc.72-5497 Filed 4-7-72;8:50 am]

Title 49—TRANSPORTATION

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA Signal-4 Notice 3]

PART 233—SIGNAL SYSTEMS REPORTING REQUIREMENTS

PART 234—SIGNAL FAILURE REPORTS

The purpose of this amendment is to consolidate Parts 233 and 234 into Part 233 and revoke and delete Part 234; simplify the annual reports by replacing the three separate forms now required with a single form; require signal failures to be reported within 5 days of occurrence except where it resulted in an accident; add a new requirement that a negative report be filed within 10 days after the end of each calendar month in which no signal failure occurred; and add the statutory penalties for violations of the signal regulations to Part 233.

On November 18, 1971 the Federal Railroad Administrator (FRA) issued a notice of proposed rule making proposing a new Part 233 and revoking Part 234 for the purposes of a better and more effective administration of the Signal Inspection Act, 49 U.S.C. 26. The public was given an opportunity to comment upon the proposal. The period for submitting written comments was extended by publication of notice No. 2 for 30 days to January 14, 1972 upon request of the Association of American Railroads (AAR). Comments have been received from the Brotherhood of Railroad Signalmen (BRS), the River Terminal Railway Co. (RTR), and the Association of American Railroads.

After considering all the comments submitted in writing FRA has decided that some changes should be made in the proposed regulations. These changes are discussed under individual sections. Some of these changes reflect FRA's conclusions after carefully reviewing the comments. In addition, a number of editorial changes and minor clarifying modifications of language have been made. The changes made and the reasons for those changes follows:

Section 233.1. No comments were received concerning this section and it has not been changed.

Section 233.3. No comments were received concerning this section but the reference to the Interstate Commerce Act was deleted and the Signal Inspection Act substituted as more appropriate to the administration of this Act by FRA. The section number has been changed to section 26 of title 49 of the United States Code, the correct citation at this time.

Section 233.5. This section was amended to allow use of telephone as suggested by the AAR. The suggestion by the AAR that the report should be "at the earliest practicable moment" was considered too vague and the word "immediately" was retained. The carriers have had no serious problems complying with the word "immediately" under §§ 225.1 and 230.335 and it is used in the same sense as in § 233.5.

Section 233.7(a) has been changed to provide that duplicate reports would not be needed except where the report after an accident is by telephone. Since such reports are likely to be incomplete a completed Form FRA F6180-14 should be filed. The BRS indicated by its comments that the present reporting system for signal failures should be continued in use without any particular justification. FRA has decided to use the revised form since data on false restrictive failures has not proven very helpful in the past. If the form fails to produce the proper information in due course this can then be corrected. The 5-day period has been retained although the AAR and the RTR indicated that the period is too short. The new report form has been shortened and false restrictive failures deleted so that the average carrier will make only four or five reports at most during a year. The carriers should be able to comply with the 5-day rule without any undue hardship.

Section 233.7(b) has been retained although opposed by the AAR. For Administrative purposes this negative report is needed. Without the report FRA cannot determine whether there were no failures or whether a carrier just failed to file.

Since no comments have been received concerning §§ 233.9, 233.11, and 233.13 no changes have been made, except to change the citation in § 233.11 to the Signal Inspection Act, 49 U.S.C. 26.

In consideration of the foregoing, Chapter II of Subtitle B of Title 49 of the Code of Federal Regulations is amended, effective May 15, 1972, by adding a new Part 233 and revoking Part 234.

Issued in Washington, D.C., on April 4, 1972.

JOHN W. INGRAM,
Federal Railroad Administrator.

Sec.
233.1 Scope.
233.3 Application.
233.5 Accidents resulting from signal failure.
233.7 Signal failure reports.
223.9 Annual reports.
233.11 Civil penalty.
233.13 Criminal penalty.

AUTHORITY: The provisions of this Part 233 issued under secs. 12, 20, 24 Stat. 383, 386, as amended, sec. 441, 41 Stat. 498, as amended, secs. 6 (e), (f), 80 Stat. 939, 49 U.S.C. 12, 20, 26, 1655.

§ 233.1 Scope.

This part prescribes reporting requirements with respect to methods of train operation, interlocking and controlled points, automatic train stop, train control and cab signal systems or other similar appliances, devices, methods, and systems.

§ 233.3 Application.

This part applies to each common carrier by railroad subject to the Signal Inspection Act, 49 U.S.C. 26.

§ 233.5 Accidents resulting from signal failure.

Each carrier shall immediately report by telegram or telephone to the Associate Administrator for Safety, Office of Safety, Federal Railroad Administration, Washington, D.C. 20591, each accident described in § 225.14 of this chapter which involves failure of an appliance, device, method, or system subject to this part to indicate or function as intended. This notification should describe the failure and the role it played in the accident.

§ 233.7 Signal failure reports.

(a) Each carrier shall report, within 5 days, each failure not previously reported by telegram under § 233.5 of an appliance, device, method, or system subject to this part, to indicate or function as intended. Form FRA F6180-14, Signal Failure Report, shall be used for this report and completed in accordance with instructions printed on the Form.

(b) Whenever there have been no failures of the nature described in paragraph (a) of this section, on the line of a carrier in a calendar month, the carrier shall report this fact on Form FRA 6180-14 within 10 days after the end of that calendar month.

§ 233.9 Annual reports.

Not later than January 15 of each year, each carrier shall file a report for the preceding calendar year on Form FRA F6180-47, Signal Systems Annual Report, in accordance with instructions and definitions on the reverse side thereof.

§ 233.11 Civil penalty.

A carrier that fails or refuses to file reports as required by this part is liable to a civil penalty of $100 for each offense as prescribed by the Signal Inspection Act, 49 U.S.C. 26. Each day a failure or refusal continues is a separate offense.

§ 233.13 Criminal penalty.

Whoever knowingly and willfully—

(a) Makes, causes to be made, or participates in the making of a false entry in reports required to be filed by this part; or

(b) Files a false report or other document required to be filed by this part;

is subject to a $5,000 fine and 2 years imprisonment as prescribed by sec. 20 of the Interstate Commerce Act, 49 U.S.C. 20.

[FR Doc.72-5424 Filed 4-7-72;8:49 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 69-20; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Accelerator Control Systems

The purpose of this notice is to establish a new motor vehicle safety standard that specifies requirements for accelerator control systems of passenger cars, multipurpose passenger vehicles, trucks, and buses.

A notice of proposed rule making on this subject was published September 30, 1970 (35 F.R. 15241). The majority of comments received supported the proposal. There were some objections and questions, which have been considered in formulating the final rule.

In the previous notice, the Administrator indicated the importance of this standard in reducing the number of accidents caused by runaway engines. Since 1966, 60 recall campaigns totaling over 2.9 million vehicles have involved this problem. Three percent of all complaints in the Administration's files have reported malfunctioning accelerator or carburetor systems. Because the ability of a driver to control his vehicle is directly related to the proper functioning of the accelerator control system, it is essential that this system perform as expected, especially when the driver removes the actuating force. Therefore, the standard sets requirements to insure the reliability of accelerator control systems over a wide range of driving conditions. Each system must include two independent sources of energy (such as springs) which shall return the throttle to idle upon the removal of the actuating force. In the case of breakage or disconnection in the accelerator system, the throttle shall return to idle either at the time of breakage or at the removal of the actuating force.

The latter requirement differs from the NPRM, which mandated a return to idle only when the actuating force was removed. Industry comments raised valid objections to this requirement. In some cases, if a breakage occurred and the system had to keep operating until the driver took his foot off the pedal, a complicated system of sensors would have to be built into the throttle which would activate the redundant energy sources precisely at the time of actual removal. Such a device would be too expensive for its possible safety benefit, since the incidence of accidents from engine loss of power are minimal when compared with runaway overspeed statistics. Manufacturers, therefore, have been given the option to use either return-to-idle mode.

Although many comments suggested modification of the temperature range, the ambient temperature levels in the NPRM are retained. A review of meteorological data indicates that these figures conform to possible driving conditions in various areas of the United States.

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There are four other proposed requirements in the NPRM that are not included in the final rule. These are the 300-pound force requirement, the coverage of automatic speed control systems, the freedom-of-movement requirement, and the coverage of motorcycles.

Several commenters raised objections to the 300-pound overforce, and some asked for a lesser force than 300 pounds. It was found on review that the safety benefits of an overforce test has not been demonstrated sufficiently and the requirement has been dropped from the rule.

The rule does not contain requirements for automatic speed control devices. It was found that although nine recall campaigns involving 61,176 vehicles have concerned these devices, no relationship to accelerator overspeed accidents could be established from automatic speed controls. Of the 540 multidisciplinary accident reports that were studied in formulating the final rule, none mentioned the automatic system. The requirements of the NPRM reiterated SAE recommendations that are already used by manufacturers.

The "freedom-of-movement" paragraph raised objections of subjectivity and difficulty of implementation. Enforcement through compliance testing would lead to controversy over the imprecise meaning of "necessary chafing." It appears that to comply with the final rule, the accelerator system will have to be free of excessive and unsafe rubbing and friction.

The decision to eliminate motorcycles from the applicability of this standard is based on the fact that motorcycles are so different in design from the other vehicles covered that definitions and failure modes are dissimilar. Also, a safety standard specifically tailored for motorcycle controls (Docket 70–26) will be issued this year.

This issue of the FEDERAL REGISTER contains a notice of proposed rule making to amend Standard No. 124 (37 F.R. 7108). The proposal is that the two independent sources of energy would return the throttle idle within one-half second after the removal of the actuating force or a breakage or disconnection in the accelerator control system.

This standard is directed at the hazard caused by a failure in the accelerator control system. Those engine overspeed incidents caused by other failure modes such as broken or worn engine mounts are not addressed by this rule making action. The NHTSA is presently developing performance requirements for safety under other failure modes.

In consideration of the foregoing, Part 571 of Title 49, Code of Federal Regulations, is amended by adding a new § 571.124, Motor Vehicle Safety Standard No. 124, as set forth below.

Effective date: September 1, 1973.

Because of the development work and preparation for production that this standard will require, it is found that an effective date later than 1 year from the date of issuance is in the public interest. Accordingly, the standard is effective September 1, 1973.

This rule is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392. 1407) and the delegation of authority at 49 CFR 1.51.

Issued on March 31, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.124 Accelerator control systems (Motor Vehicle Safety Standard No. 124) effective September 1, 1973.

S1. *Scope.* This standard establishes requirements for the return of a vehicle's throttle to the idle position when the driver removes the actuating force from the accelerator control, or in the event of a breakage or disconnection in the accelerator control system.

S2. *Purpose.* The purpose of this standard is to eliminate deaths and injuries resulting from engine overspeed caused by malfunctions in the accelerator control system.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

S4.1 "Driver-operated accelerator control system" means all vehicle components, except the fuel metering device, that regulate engine speed in direct response to movement of the driver-operated control and that return the throttle to the idle position upon release of the actuating force.

"Fuel metering device" means the carburetor, or in the case of certain engines, the fuel injector, fuel distributor, or fuel injection pump.

"Throttle" means the component of the fuel metering device that connects to the driver-operated accelerator control system and that by input from the driver-operated accelerator control system controls the engine speed.

"Idle position" means the position of the throttle that will provide the lowest engine speed for existing conditions according to the manufacturers' recommendations. These conditions include, but are not limited to, engine speed adjustments for cold engine, air conditioning equipment, and emission control equipment.

S4.2 In the case of vehicles powered by electric motors, the word "throttle" and "idle" refer to the motor speed controller and motor shutdown, respectively.

S5. *Requirements.* The vehicle shall be equipped with a driver-operated accelerator control system that meets the following requirements when the engine in running under any load condition, and at any ambient temperature between −40° F. and +125° F. after 12 hours of conditioning at any temperatures within that range.

S5.1 The system shall include at least two sources of energy, each of which is independently capable of returning the throttle to the idle position from any accelerator position or speed whenever the driver removes the opposing actuating force.

S5.2 The throttle shall return to the idle position from any accelerator position or any speed of which the engine is capable whenever any element of the accelerator control system becomes disconnected or broken. The return to idle shall occur at the time of breakage or disconnection or at the time of the first removal of the opposing actuating force by the driver.

[FR Doc.72-5419 Filed 4-7-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 205, 235, 242, 246, 247, 280, 292]

ADMINISTRATIVE PROCEEDINGS BEFORE SERVICE OFFICERS

Service of Notices, Decisions, and Other Papers

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the service of notices, decisions, and other papers (except warrants and subpoenas) in administrative proceedings before Service officers.

In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.3, the third sentence of paragraph (a) is revised. As amended, § 103.3(a) reads, in part, as follows:

§ 103.3 Denials, appeals, and precedent decisions.

(a) *Denials and appeals.* Whenever a formal application or petition filed under § 103.2 is denied, the applicant shall be given written notice setting forth the specific reasons for such denial. If the notification is made on Form I–292, the signed duplicate thereof constitutes the order of denial. When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the service of the notification of decision, accompanied by a supporting brief if desired and a fee of $25, by filing Notice of Appeal, Form I–290B, which shall be furnished with the written notice. • • •

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2. A new § 103.5a is added to read as follows:

§ 103.5a Service of notification, decisions, and other papers by the Service.

This section states authorized means of service by the Service on parties and on attorneys and other interested persons of notices, decisions, and other papers (except warrants and subpoenas) in administrative proceedings before Service officers as provided in this chapter.

(a) *Definitions*—(1) *Routine service.* Routine service consists of mailing of a copy by ordinary mail addressed to a person at his last-known address.

(2) *Personal service.* Personal service, which shall be performed by a Government employee, consists of any of the following, without priority or preference:

(i) Delivery of a copy personally;

(ii) Delivery of a copy at a person's dwelling house or usual place of abode by leaving it with some person of suitable age and discretion;

(iii) Delivery of a copy at the office of an attorney or other person, including a corporation, by leaving it with a person in charge;

(iv) Mailing a copy by certified or registered mail, return receipt requested, addressed to a person at his last-known address.

(b) *Effect of service by mail.* Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, 3 days shall be added to the prescribed period. Service by mail is complete upon mailing.

(c) *When personal service required.* Except where delivery in person is otherwise specifically prescribed, in any proceeding which is initiated by the Service, with proposed adverse effect, service of the initiating notice and of notice of any decision by a Service officer shall be accomplished by personal service.

(d) *When personal service not required.* Service of other types of papers in proceedings described in paragraph (c) of this section, and service of any type of papers in any other proceedings, may be accomplished either by routine service or by personal service.

(e) *Persons confined in institutions; minors and incompetents.* Persons confined, also minors and incompetents, shall be served directly unless incapable of understanding the nature of the proceeding. In addition, they shall be served by substituted service, as follows:

(1) *Persons confined.* Service shall be made upon the person in charge of the penal or mental institution or hospital where the person concerned is confined.

(2) *Minors and incompetents.* Service shall be made upon the person with whom a minor under the age of 14 years or an incompetent resides; whenever possible, service shall also be made upon his near relative, guardian, committee, or friend.

PART 205—REVOCATION OF APPROVAL OF PETITIONS

In § 205.3, the last sentence is amended. As amended, § 205.3 reads as follows:

§ 205.3 Procedure.

Revocation of approval of a petition under § 205.2 shall be made only upon notice to the petitioner who shall be given an opportunity to offer evidence in support of the petition and in opposition to the grounds alleged for revocation of the approval. If upon reconsideration the approval previously granted is revoked, the petitioner shall be informed of the decision with the reasons therefor and shall have 15 days after the service of the notification of decision within which to appeal as provided in Part 3 of this chapter, if the petition was filed for a preference under paragraph (1), (2), (4), or (5) of section 203(a) of the Act, or for an immediate relative as defined in section 201(b) of the Act other than a child as defined in section 101(b)(1)(F) of the Act, or as provided in Part 103 of this chapter, if the petition was filed for a preference under paragraph (3) or (6) of section 203(a) of the Act, or for a child as defined in section 101(b)(1)(F) of the Act, and the consular office having jurisdiction over the visa application shall be notified of the revocation.

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

In § 235.8, the second sentence of paragraph (a) is amended. As amended, § 235.8(a) reads, in part, as follows:

§ 235.8 Temporary exclusion.

(a) *Report.* Any immigration officer who temporarily excludes an alien under the provisions of section 235(c) of the Act shall report such action promptly to the district director having administrative jurisdiction over the port at which such alien arrived. The immigration officer shall, if possible, take a brief sworn question and answer statement from the alien, and the alien shall be notified by personal service of Form I–147 of the action taken and the right to make written representations. • • •

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PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. Paragraph (c) of § 242.1 is amended to read as follows:

§ 242.1 Order to show cause and notice of hearing.

• • • • • •

(c) *Service.* Service of the order to show cause shall be accomplished by personal service. When personal delivery of an order to show cause is made by an immigration officer, the contents of the order to show cause shall be explained and the respondent shall be advised that

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any statement he makes may be used against him. He shall also be advised of his right to representation by counsel of his own choice at no expense to the Government.

§ 242.2 [Amended]

2. The 10th sentence of paragraph (b) *Authority of special inquiry officers; appeals* of § 242.2 *Apprehension, custody, and detention* is amended to read as follows: "An appeal to the Board shall be taken from a determination by a special inquiry officer or from an appealable determination by a district director, acting district director, or deputy district director by filing a notice of appeal with the district director within 5 days after the date when written notification of the determination is served upon the respondent and the Service."

3. In § 242.3, the last sentence of paragraph (a) is revised. As amended, § 242.3(a) reads as follows:

§ 242.3 Aliens confined to institutions; incompetents, minors.

(a) *Service.* If the respondent is confined in a penal or mental institution or hospital and is competent to understand the nature of the proceedings, a copy of the order to show cause, and the warrant of arrest, if issued, shall be served upon him and upon the person in charge of the institution or hospital. If the respondent is not competent to understand the nature of the proceedings, a copy of the order to show cause, and the warrant of arrest, if issued, shall be served only upon the person in charge of the institution or hospital in which the respondent is confined, such service being deemed service upon the respondent. In case of mental incompetency, whether or not confined in an institution, and in the case of a minor under 14 years of age, a copy of the order and of the warrent of arrest, if issued, shall be served upon such respondent's guardian, near relative, or friend, whenever possible.

* * * * *

PART 246—RESCISSION OF ADJUSTMENT OF STATUS

In § 246.1, the first sentence is amended. As amended, § 246.1 reads, in part, as follows:

§ 246.1 Notice.

If it appears to a district director that a person residing in his district was not in fact eligible for the adjustment of status made in his case, a proceeding shall be commenced by the personal service upon such person of a notice of intention to rescind which shall inform him of the allegations upon which it is intended to rescind the adjustment of his status. * * *

PART 247—ADJUSTMENT OF STATUS OF CERTAIN RESIDENT ALIENS

In § 247.11, the first sentence is amended. As amended, § 247.11 reads, in part, as follows:

§ 247.11 Notice.

If it appears to a district director that an alien residing in his district, who was lawfully admitted for permanent residence, has an occupational status described in section 247 of the Act, he shall cause a notice on Form I–509 to be served on such alien by personal service informing him that it is proposed to adjust his status, unless the alien requests that he be permitted to retain his status as a resident alien and executes and files with such district director a Form I–508 (Waiver of Rights, Privileges, Exemptions and Immunities) and, if a French national receiving salary from the French Republic, Form I–508F (election as to tax exemption under the Convention between the United States and the French Republic), within 10 days after service of the notice, or the alien, within such 10-day period, files with the district director a written answer under oath setting forth reasons why his status should not be adjusted. * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

In § 280.11, the third and fourth sentences are amended. As amended, § 280.11 reads, in part, as follows:

§ 280.11 Notice of intention to fine; procedure.

Notice of Intention to Fine, Form I–79, shall be prepared in triplicate, with one additional copy for each additional person on whom the service of such notice is contemplated. The notice shall be addressed to any or all of the available persons subject to fine. A copy of the notice shall be served by personal service on each such person. If the notice is delivered personally, the person upon whom it is served shall be requested to acknowledge such service by signing his name to the duplicate and triplicate copies. * * *

PART 292—REPRESENTATION AND APPEARANCES

In § 292.5, paragraph (a) is revised by deleting the last sentence thereof. As amended, § 292.5(a) reads as follows:

§ 292.5 Service upon and action by attorney or representative of record.

(a) *Representative capacity.* Whenever a person is required by any of the provisions of this chapter to give or be given notice; to serve or be served with any paper other than a warrant of arrest or a subpena; to make a motion; to file or submit an application or other document; or to perform or waive the performance of any act, such notice, service, motion, filing, submission, performance, or waiver shall be given by or to, served by or upon, made by, or requested of, the attorney or representative of record, or the person himself if unrepresented.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: April 4, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72–5410 Filed 4–7–72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO–265–A4]

TOMATOES GROWN IN FLORIDA

Determination on Basis of Results of Referendum on Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Orlando, Fla., October 7, 1971. It was held pursuant to a notice thereof which was published in the September 10, 1971, issue of the FEDERAL REGISTER (36 F.R. 18212) upon a proposed amendment to add authority for paid advertising and promotion to Marketing Agreement No. 125 and order No. 986, both as amended, regulating the handling of tomatoes grown in Florida.

The recommended decision of the Deputy Administrator, Consumer and Marketing Service, was published in the December 21, 1971, issue of the FEDERAL REGISTER (36 F.R. 24120). The decision of the Assistant Secretary was published in the February 8, 1972, issue (37 F.R. 2845), accompanied by an order directing that a referendum be conducted among producers of tomatoes in the aforesaid production area to determine whether the requisite majority of such producers favored or approved issuance of the proposed amendment.

It is hereby determined, on the basis of the results of the referendum conducted March 13 through 24, 1972, pursuant to the aforesaid referendum order, that the issuance of the said proposed amendment is not approved or favored (1) by at least two-thirds of the producers participating in such referendum and who, during the determined representative period (August 1, 1970, through July 31, 1971), were engaged in the production for market of tomatoes grown in the production area, or (2) by producers of at least two-thirds of the volume of production of such tomatoes represented in the aforesaid referendum.

It is hereby further determined that the proposed amendment to the marketing order should not be made effective, and in view of the circumstances, the proposed amended agreement should not be entered into.

Dated: April 4, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72–5392 Filed 4–7–72;8:46 am]

Farmers Home Administration

[7 CFR Part 1823]

[FHA Instruction 442.9]

COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, AND UTILIZATION

Processing Loans to Associations (Except for Domestic Water and Waste Disposal)

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment to Subpart I of Part 1823, "Processing Loans to Associations (Except for Domestic Water and Waste Disposal)," Title 7, Code of Federal Regulations (35 F.R. 15091) by the addition of §§ 1823.280 through 1823.289. This amendment provides guidelines pertaining to accounting systems, management reports, and audits for FHA borrowers.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 20 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, the new §§ 1823.280 through 1823.289 read as follows:

§ 1823.280 Loan servicing.

Loans will be serviced in accordance with Subpart C of Part 1861 of this chapter.

§ 1823.281 Management assistance.

Management assistance will be based on such key factors as observation of borrower operations and facility maintenance and review of the periodic management and audit reports. The amount and type of assistance provided will be that needed to assure borrower success and compliance with its agreements with FHA.

(a) *Borrower management reports, audits, and accounting systems.* Requirements pertaining to borrower accounting systems and management reports are detailed in §§ 1823.282 through 1823.289. Requirements pertaining to audit reports are contained in a booklet entitled, "FHA Instructions to Independent Certified Public Accountants and Licensed Public Accountants." Copies of the audit booklet will be given to each applicant not later than delivery of the letter of conditions.

(1) *Management reports.* (i) County Supervisors will obtain from the borrowers and forward to the State Director two copies of periodic management reports within 20 days after the end of the period shown below:

Type of borrower	Form FHA 442-2 "Statement of income and expense for fiscal year to date"	Form FHA 442-3 "Balance sheet"
Recreation	Quarter	Fiscal year.
Grazing	Semiannual	Do.
Drainage, irrigation, or other soil and water conservation.	Fiscal year	Do.
Watershed	do	Do.
Timber development	do	Do.
Incorporated Economic opportunity cooperative.	Quarter	Do.
RC&D	(In accordance with purpose of loan.)	

(ii) County Supervisors will also obtain from the borrowers shown in subdivision (i) of this subparagraph, Form FHA 442–1, "Forecast of Cash Receipts and Disbursements (Operating Budget)," for the new fiscal year and forward it to the State Director no later than 20 days after the beginning of the borrower's new fiscal year.

(iii) Unincorporated Economic Opportunity Cooperatives having an annual gross income of $10,000 or less will not be required to submit periodic management reports nor minutes of meetings unless the State Director desires otherwise.

(iv) The State Director will designate a member of the Community Programs staff to be responsible for the review of borrower management reports. Ordinarily, review findings and instructions regarding further assistance will be forwarded to FHA field personnel within 20 days of submission for delinquent and problem borrowers, and within 40 days for other borrowers. Form FHA 430–4, "Five Year Progress Report," will be updated during each State Office review.

(v) Copies of review findings, instructions for further assistance, and management reports pertaining to delinquent and problem borrowers will be forwarded to the National Office. The State Director may:

(*a*) After the end of the borrower's third full fiscal year of operation, exempt it from submitting management reports other than annually, provided it is current on its loans; is meeting the conditions of its agreements with FHA; is properly maintaining its facility; and has demonstrated its ability to successfully operate its facility and manage its affairs. Borrowers qualifying for this exemption will only be required to submit copies of Forms FHA 442–1, FHA 442–2, FHA 442–3, and for those borrowers required to submit an audit, a copy of the audit report.

(*b*) Reinstate the requirement for submission of periodic management reports for those borrowers who become delinquent or otherwise are not carrying out their agreements with FHA.

(c) Require more frequent submission of management reports.

(2) *Audit reports and accounting systems.* (i) The County Supervisor will obtain audit reports from those borrowers required to submit such reports, and send them to the State Director for forwarding to the National Office. All audit reports will receive National Office review. Review results and recommendations or instructions for further assistance and audit preparation will be provided the State Director.

(ii) Borrowers accounting systems must be approved by the State Director before loan funds are advanced.

(iii) The State Director may:

(*a*) Waive FHA accounting and auditing requirements for a public entity borrow if State statutes or regulations require adequate accounting and auditing procedures, and if he has reasonable assurance that he will obtain the necessary financial information for borrower assistance from the accounting system and audit reports prepared in accordance with such statutes or regulations.

(*b*) Require an audit report from any borrower in addition to those described in §§ 1823.282 through 1823.289, when he determines that FHA or the borrower's interests would be better protected if such an audit were made.

(*b*) *Application to borrowers indebted to FHA on receipt of this subpart*—(1) *Management reports.* The requirements of this subpart will apply.

(2) *Accounting systems.* The requirements of this subpart apply to all such borrowers who the State Director determines are not now maintaining adequate accounting systems.

(c) *District Supervisor reports.* The District Supervisor will complete and forward to the State Director form FHA 422–4, "District Supervisor Report Association—Organization Borrowers," for all borrowers between the fourth and ninth month of operation in the first year, and prior to March 31 of each year for borrowers delinquent in making their annual payments by January 21. Unincorporated Economic Opportunity Cooperatives and borrowers transferred to collection only are excluded.

(d) *Security inspections.* A representative of the borrower will ordinarily accompany the FHA County Supervisor during each inspection.

(1) *Initial inspection.* The County Supervisor will inspect each borrower's security property and facility at the end of the first year of operation. The results of this inspection will be reported to the State Director on Form FHA 424–12, "Inspection Report."

(2) *Subsequent inspections.* The County Supervisor will make subsequent inspections of borrower security property and facilities during each third year after the initial inspection. The results of this inspection will be reported to the State Director on Form FHA 424–12.

(3) *Special inspections.* The County Supervisor may request or the State Director may determine the need for a member of his State staff to make certain security inspections. In such cases the

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State Director will detail a member of his staff to make such inspections.

(4) *Followup inspections.* If any inspection discloses deficiences or exceptions or otherwise indicates a need for subsequent inspections prior to the third year, the State Director will prescribe the type and frequency of followup inspections. These inspections will be made until all deficiencies and exceptions have been corrected.

§ 1823.282 Introduction.

This section and §§ 1823.283 through 1823.289 set forth guidelines pertaining to accounting systems, management reports, and audits for FHA borrowers. Accounting systems which utilize the suggested chart of accounts and which are maintained in accordance with generally accepted accounting principles, will supply the necessary accounting data for borrower operations.

§ 1823.283 Borrower responsibilities.

All FHA borrowers are required to maintain adequate records and accounts and submit financial and statistical reports to FHA. Borrower agreements provide that FHA representatives may have access to and the right to inspect any or all books, records, and accounts pertaining to the facility of the borrower. Those elected and/or appointed officials (hereinafter referred to as governing bodies) of the borrower, are by virtue of their position charged with:

(a) Accepting their responsibilities as defined in the articles of incorporation and bylaws, the statutes under which they operate, and the terms of their agreements with FHA.

(b) Conducting borrower affairs so that the terms of its agreements with FHA will be fulfilled.

(c) Maintaining accounting records adequate for successful operation.

(d) Preparation of reports necessary for successful management and operation and submitting copies of such reports to FHA as required.

(e) Planning for sufficient income and control costs to the extent necessary to assure that all financial obligations can be paid when due.

(f) Establishing and maintaining rules, regulations, rate schedules, fees, assessments, and policies necessary for orderly and economic operation.

(g) Providing proper control and management of operations, and informing membership, users, or patrons of organization goals, activities, and current financial situation.

§ 1823.284 Accounts and records.

Each borrower shall keep and safely preserve, its books of account, and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish full information as to any items included in any account. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(a) *Accounting systems.* Each FHA borrower is responsible for establishing and maintaining its accounting system, which must be operational and approved by FHA before any loan funds are received. Systems shall be maintained on an accrual basis.

(1) Borrowers with small operations may use Form FHA 430–5, "Soil and Water Association Record Book."

(2) Accounting systems required by a State or regulatory agency for public entities may be acceptable to FHA.

(3) A recommended minimum chart of accounts is shown in § 1823.289.

(4) Accounting systems may be maintained by borrower personnel, a bookkeeping service, a computer service or through other arrangements satisfactory to the borrower and FHA.

(b) *Closing of books.* Each borrower shall close its accounting records at the end of its fiscal year unless State statutes or regulations prescribe otherwise.

(c) *Bank accounts.* (1) Borrowers shall maintain a bank account or bank accounts in a bank whose deposits are insured by the Federal Deposit Insurance Corporation.

(2) The private bank account of the borrower shall be known as the Revenue Fund Account and all revenue shall be deposited therein and expended and used only in the manner prescribed by the bond ordinance, loan agreement, or loan resolution.

(3) The reserve cash account may be invested in an interest bearing savings account, certificates of deposit, treasury bills, a savings and loan association account or may be used to make a prepayment on the FHA loan.

§ 1823.285 Management reports.

Effective decisions by governing bodies are critical to successful operation. In order to make effective decisions the governing body must receive timely information by means of financial and other appropriate reports which will assist it in the fulfillment of its basic tasks, the formulation of plans to achieve goals, and the control of operations to accomplish planned results. The following minimum required reports will furnish the governing body with a means of evaluating prior decisions and serve as a basis for planning the future operations and financial conditions of the borrower.

(a) *Forecast of cash receipts and disbursements (operating budget).* (1) Form FHA 442–1 will be prepared and adopted by the governing body prior to the beginning of each fiscal year. It should be based on realistic and informed estimates of expected receipts and disbursements for the coming fiscal year. Planning should generally be done on the basis of control of expenses as much as possible, and making sure that rates, fees, and so forth, are set to provide the necessary revenue. Throughout the year, other financial reports which compare the forecast with actual receipts and disbursements will provide valuable information in the preparation of future budgets.

(2) Two copies of Form FHA 442–1, and copies of the minutes of the meeting at which it was approved will be submitted to the FHA County Supervisor no later than 20 days after the beginning of the borrower's new fiscal year.

(b) *Statement of income and expense for the fiscal year to date.* Form FHA 442–2 will be used to detail the income and expenses during a given accounting period. Two copies of Form FHA 442–2 will be forwarded to the FHA County Supervisor each time it is prepared.

(c) *Balance sheet.* Form FHA 442–3 is a statement of financial conditions and discloses the assets, liabilities, reserves, and net worth of the borrower as of the end of an accounting period such as quarterly, semiannually or annually. The balance sheet shall be prepared as often as needed by the governing body. Two copies of Form FHA 442–3, prepared as of the end of the fiscal year, will be forwarded to the FHA County Supervisor no later than 20 days after the end of the fiscal year.

(d) *Report submission.* Those borrowers using a machine accounting system may submit print-out type reports providing these reports are in the format of the required FHA forms. Also, borrowers desiring to submit more detailed information than required by FHA forms may attach such detail to the related FHA form.

§ 1823.286 Additional reports.

Each borrower is required to provide the FHA County Supervisor within 20 days following the end of the fiscal year the following:

(a) A letter showing:

(1) The name, address, and term of office for each member of the governing body, and

(2) The number of members benefiting from the facility.

(b) Evidence that required property and liability insurance, workman's compensation, and fidelity bond premiums have been paid.

§ 1823.287 Audits.

FHA borrowers required to have an annual audit performed by an independent public accountant are: Those whose projected gross income for a full year of operations (column 3 of Form FHA 442–1), exceeds $25,000, and others as required by the FHA State Director. Borrowers whose annual gross income is less than $25,000 may have an annual audit made by an independent public accountant.

(a) An independent public accountant is an independent certified public accountant or an independent licensed public accountant licensed on or before December 31, 1970, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(b) Audits will be prepared in accordance with the requirements of the handbook, "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administration Borrowers and Grantees."

(c) Audit reports prepared for a borrower in accordance with the requirements of a State or other regulatory agency, may be accepted by FHA in lieu of those required in paragraph (b) of this section.

(d) A copy of the audit report will be forwarded to the FHA County Supervisor by the borrower as soon as it is received.

§ 1823.288 Financial reports for organizations not required to submit an audit report.

Borrowers whose annual gross incomes for a full year of operation are less than $25,000 and not having an annual audit made by an independent public accountant, will within 60 days following the end of each fiscal year, furnish the FHA County Supervisor with an annual report, consisting of a verification of the organization's balance sheet and statement of income and expense by a committee of the membership not including any officer, director, or employee. Such committees will be appointed by the borrower's governing body and will certify to its examination of the accounts and records. The final statement of income and expense (Form FHA 442–2), for the year and the balance sheet (Form FHA 442–3) will be used.

§ 1823.289 Minimum chart of accounts for FHA borrowers.

Each FHA borrower shall keep its books of account and all other books, records, and memoranda which support the entries in such books of account so as to be able to furnish readily full information as to any item included in any account. Each entry shall be supported by such detailed information as will permit a ready identification, analysis, and verification of all facts relevant thereto. This is a minimum suggested chart of accounts for FHA borrowers. Each borrower should establish a general ledger using only those accounts that are necessary to adequately furnish the information needed to prepare balance sheets and other financial reports. Other needed accounts may be added. Some accounts with credit balances are included among the assets because this is the order in which these accounts are usually shown on the balance sheet. (Example: Allowance for Uncollectible Receivables.)

(a) The numbers preceding each account are for reference purposes only and are not intended to represent a comprehenesive method of coding.

100 ASSETS—CURRENT
101 Cash—Revenue Fund Account.
102 Cash—Operation and Maintenance Fund.
103 Cash—Debt Service.
104 Cash—Reserve Fund.
105 Cash—Construction Funds.
106 Petty Cash and Change Fund.
111 Accounts Receivable—General.
112 Accounts Receivable—Members.
113 Accounts Receivable—Employees.
115 Allowance for Uncollectible Receivables.
121 Inventory.
150 ASSETS—FIXED
151 Plant and buildings.
152 Office furniture and fixtures.
153 Machinery and equipment.
154 Automotive equipment.
159 Allowance for depreciation.
161 Land.
164 Organization expense.
180 ASSETS—DEFERRED
181 Prepaid expenses.
200 LIABILITIES—CURRENT
201 Accounts Payable—Members.
202 Accounts Payable—Trade.
203 Notes Payable—Current Portion.
204 Taxes—Payable.
207 Interest Payable.
212 Wages—Payable.
250 LIABILITIES—LONG TERM
253 Notes Payable—FHA.
254 Notes Payable—Members.
260—LIABILITIES—OTHER
280 NET WORTH
281 Members invested equity.
288 Retained earnings.
300 INCOME ACCOUNTS
301 Membership dues.
304 Sales.
306 Rent.
310 Miscellaneous.
317 Interest.
400 EXPENSES
402 Salaries—Wages.
404 Taxes.
413 Accounting fees.
414 Legal fees.
417 Interest.
418 Utilities.
422 Gasoline, oil, fuel.
423 Insurance.
430 Repairs and maintenance.
431 Supplies.
438 Office supplies and printing.
440 Supplies for resale.
446 Bank charges.
448 Miscellaneous.
450 Depreciation—General.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec 301, 80 Stat. 379, 5 U.S.C. 301; Order of Act. Sec. of Agr., 36 F.R. 21529; Order of Asst. Sec. of Agr. for Rural Development and Conservation, 36 F.R. 21529; Order of Dir., OEO, 29 F.R. 14764)

Dated: April 3, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-5391 Filed 4-7-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 128]

[CGD 72-51 CP]

APRA HARBOR, GUAM

Proposed Anchorage Grounds, Navigation Areas and Security Zones; Correction

The document proposing to add Part 128 to Title 33 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Wednesday, March 15, 1972 (37 F.R. 5392), erroneously described the Apra Harbor Regulated Navigation Area. This document corrects the errors. Therefore, it is proposed to add § 128.-1401(a) to read as follows:

§ 128.1401 Apra Outer Harbor, Guam.

(a) The following is a Regulated Navigation Area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26'47" N., longitude 144°35'07" E.; thence to Spanish Rocks at latitude 13°27'09.5" N., longitude 144°37'20.6" E.; thence along the shoreline of Apra Outer Harbor to latitude 13°26'28.1" N., longitude 144° 39'52.5" E. (the northwest corner of Polaris Point); thence to latitude 13°26' 40.2" N., longitude 144°39'28.1" E.; thence to latitude 13°26'32.1" N., longitude 144°39'02.8" E.; thence along the shoreline of Apra Outer Harbor to Orote Point at latitude 13°26'42" N., longitude 144°36'58.5" E.; thence to the beginning.

• • • • •

(Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b)(1); Proc. No. 2914, 3 CFR 1949–53 Comp., p. 99 (1950); E.O. 10637, 3 CFR, 1954–58 Comp., p. 269 (1955); 49 CFR 1.46(b))

Dated: April 5, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard,
Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-5431 Filed 4-7-72;8:48 am]

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 72-WA-14]

AREA HIGH ROUTE

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high route J992R from Refinery, Tex., to Tulsa, Okla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This route would serve as a bypass route to the Dallas terminal complex for flights northbound from the Houston area to Kansas City, Chicago, or Washington, D.C. areas. It would additionally provide an alternate route to the Houston area from these points.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating an area high route as follows:

V 37-69 APR 8 72 XUM

J992R Refinery, Tex., to Tulsa, Okla.		
Humble, Tex...	354.0°M/20.0NM...	Lat. 30°17'26" N., long. 95°19'55" W.
Greater Southwest, Tex.	076.5°M/76.7NM...	Lat. 32°54'39" N., long. 95°31'36" W.
Oklahoma City, Okla.	055.4°M/106.9NM...	Lat. 36°11'46" N., long. 98°47'16" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C., on April 3, 1972.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-5384 Filed 4-7-72;8:46 am]

[14 CFR Part 91]

[Docket No. 11844; Notice 72-10]

GENERAL OPERATING AND FLIGHT RULES

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering rule making with respect to Part 91 of the Federal Aviation Regulations concerning the reorganization and clarification of that part.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public proceedings in actions related to rule making. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule making problem.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before July 7, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Part 91 of the Federal Aviation Regulations was recodified in 1963 in accordance with the agency recodification program. The adoption of Part 91 (published in the Federal Register June 29, 1963, 28 F.R. 6702) added to the new Subchapter F "Air Traffic and General Operating Rules," a part that combined some sections of at least two major parts of the Civil Air Regulations—Part 43, "General Operation Rules," and Part 60, "Air Traffic Rules," without making substantive changes. Since its adoption in 1963, Part 91 has been amended 96 times. Each amendment has contained a preamble explaining its purpose. Currently, a notice of proposed rule making is outstanding that, if adopted, would add general operating rules and an inspection program for large and turbine-powered multiengine airplanes.

Before preparing any specific rule making proposals for reorganizing and clarifying Part 91, the FAA believes that comments and suggestions from the general aviation community, as well as from other interested persons, will make any rearrangement and rewriting of the material in Part 91 more productive and acceptable. To this end, the FAA welcomes the participation of members of the general aviation community as well as other interested persons. In particular, comments are requested on the following questions:

(1) Would Part 91 be more functional if the material were divided into two or more parts?

(2) If it is believed that division into parts would assist in making the material more functional, what would be the most logical criteria for division? For example, should operating rules be separated from air traffic rules? Should rules affecting large or complex aircraft be separated from those that apply to small aircraft?

(3) What sections of Part 91 need clarification? What sections are subject to more than one interpretation?

(4) Should the sections within Part 91 be rearranged?

(5) What sections in other parts should be included in Part 91?

(6) What other recommendations can be made to improve the clarity of Part 91 by changes to format, wording, and organization?

It is to be noted that, while the FAA welcomes recommendations for substantive changes to the regulations, such recommendations should not be submitted in answer to this advance notice, since this advance notice is concerned solely with the organization and clarification of the present substantive material in Part 91. Recommendations for substantive changes should be submitted pursuant to § 11.25 of the Federal Aviation Regulations.

This advance notice of proposed rule making is issued under the authority of sections 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), and 1421), and section 6 (c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 31, 1972.

William G. Shreve, Jr.,
Acting Director, Flight Standards Service.

[FR Doc.72-5382 Filed 4-7-72;8:46 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]

[Docket No. HM-101; Notice 72-5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Markings on Tank Cars

The Hazardous Materials Regulations Board is considering amendment of several sections in Parts 173 and 179 of the Department's Hazardous Materials Regulations. These amendments would require the name of certain hazardous materials being transported to be marked on the sides of tank cars in compliance with specific detailed marking requirements.

Based on the Department's observations during accident situations, and on recommendations from fire, safety and police personnel, the Board believes that existing regulations covering special commodity markings on tank cars are not adequate. Identification by name of certain materials in tank cars by improved markings designed for greater visibility is an area of the regulations which needs upgrading. Improvements in marking would contribute to overall safety in transportation of these hazardous materials by tank car.

Several flammable liquefied compressed gases have been frequently involved in accidents. The present regulations do not require the names of these materials to be identified on tank cars. This proposal is to require the name of any flammable liquefied compressed gas being transported to appear on the tank car. In addition, the proposal is to change the marking requirements for other hazardous materials that are now required to be identified by marking on a tank car. These same changes would be made to cars covered under Docket No. HM-91; Notice No. 71-25 (36 F.R. 20166).

The proposal states that the commodity marking on a tank car must be in compliance with certain detailed requirements. These requirements are found in proposed § 173.31(a)(6) and specify the height of the letters, the size of the marking stroke, the spacing of the letters, and the use of contrasting colors.

Editorial changes are proposed in § 173.31(a)(4) for clarification purposes.

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 173 and 179 as follows:

PART 173—SHIPPERS

(A) In § 173.31, paragraph (a)(4) would be amended; paragraph (a)(5) and (6) would be added to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) • • •

(4) Tank cars and appurtenances may be used for the transportation of a commodity only when this transportation is authorized under Part 170 or 173 of this chapter and when the hazardous material is indicated on the certificate of construction filed with the Association of American Railroads' Committee on Tank Cars. Tank cars, proposed for a service other than indicated on the certificate of construction, are required to be first approved for such service by the Association of American Railroads' Committee on Tank Cars. Transfer of a tank car from one authorized service to another authorized service may be made only by the owner or with the owner's authorization.

(Note 1 remains the same.)

• • • • •

(5) When a tank car is marked with the name of a specific hazardous material (see listing in § 172.5 of this chapter unless otherwise specified in this Part 173), it may not be used for any other service until the marking is changed.

(6) Each name of a hazardous material required to be shown on the tank car must appear on a background of sharply contrasting color and must be readily visible when viewed from each side of the tank car. Each letter may not be less than 6 inches high, using a minimum of ¾-inch stroke. Separation between each letter may not be less than 1 inch.

• • • • •

(B) In § 173.122, paragraph (a)(3) would be amended to read as follows:

§ 173.122 Acrolein, inhibited.

(a) • • •

(3) Specification 105A300W (§§ 179.100, 179.101 of this chapter) tank cars.

(i) Each tank car must be stenciled DOT-105A200W, and must be equipped with the 150 p.s.i.g. safety relief valve required by that specification.

(ii) Each tank car must be marked "ACROLEIN" in accordance with the requirements of § 173.31(a)(6).

• • • • •

(C) In § 173.289, paragraph (a)(2) would be amended to read as follows:

§ 173.289 Formic acid and formic acid solutions.

(a) • • •

(2) Specification 103CW or 103EW (§§ 179.200, 179.201 of this chapter) tank cars. Specification 103EW tank cars must be fabricated from Type 316 stainless steel. Each tank car must be marked "FORMIC ACID" in accordance with the requirements of § 173.31(a)(6).

• • • • •

(D) In § 173.314 paragraph (c), the table would be amended; Note 23 would be added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

(a) • • •

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a)(2) and (3)
(change)	*Percent*	
Anhydrous ammonia; Note 23	80	DOT-106A500X, Note 7.
	87	DOT-106A300W.
	57	DOT-112A400F, 112A300W, 114A300W, Note 7 and 14.
	58.8	DOT-112A400F, 112A300W, 114A340W, Note 15.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.) inhibited; Note 23.	74	ICC-105A100, 105A100W, 111A100W4, Note 4.
Butadiene (pressure not exceeding 225 pounds per square inch at 115° F.) inhibited; Note 23.	95	ICC-105A100, 105A100W, 111A100W4, Note 4.
Butadiene (pressure not exceeding 300 pounds per square inch at 115° F.) inhibited; Note 23.	100	DOT-105A100, 105A100W, 111A100W4, Note 4.
Butadiene, inhibited; Note 23	84	DOT-105A300W, Note 4.
	90	DOT-105A500X, Note 4.
	82	DOT-105A300W, Note 4.
	60	DOT-106A500X.
	62	DOT-105A300W, Note 4.
Dimethylamine, anhydrous; Note 23	59	DOT-106A500X, 110A500W.
	62	DOT-105A300W, Note 4.
Dimethyl ether; Note 23	59	DOT-106A500X, 110A500W.
	62	DOT-105A300W, Note 4.
Hydrogen; Note 23	Note 20	DOT-105A300W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.); Note 23	Note 21	ICC-105A100, 105A100W, 111A100W4, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.); Note 23	Note 21	DOT-105A300W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.); Note 23	Note 21	DOT-105A460W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 105° F.); Note 23	Note 21	DOT-105A600W, Note 4.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.); Note 23	Note 21	DOT-105A600W, Note 4.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.); Note 23.	Note 18	ICC-105A100, 105A100W, 111A100W4, Note 4.
Liquefied petroleum gas (pressure not exceeding 150 pounds per square inch at 105° F.); Note 23.	Note 18	DOT-105A200W, 105A300AL W, Note 4.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.); Note 23.	Note 18	DOT-106A300W, Note 4 and 20.
Liquefied petroleum gas (pressure not exceeding 235 pounds per square inch at 115° F.); Note 23.	Note 18	DOT-112A340W, 114A340W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.); Note 23.	Note 18	DOT-106A400W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.); Note 23.	Note 18	DOT-112A400F, 112A400W, 114A400W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.); Note 23.	Note 18	DOT-106A600W, Notes 4 and 20.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.); Note 23.	Note 18	DOT-106A600W, Notes 4 and 20.
Methacrylonitrile, stabilized; Note 23	Note 22	DOT-105A300W, 112A340W, 114A340W, 106A500X, Notes 4 and 9.
Methyl chloride; Note 23	84	DOT-106A600X, Note 7.
	80	DOT-106A300W, Note 4.
Methyl chloride-methylene chloride mixture; Note 23	Note 22	DOT-106A500X, Note 7, DOT-106A600W, Note 4.
Methyl mercaptan; Note 23	80	DOT-106A500X, Note 7 and 14.
	82	DOT-105A300W, Note 4.
Monomethylamine, anhydrous; Note 23	60	DOT-106A500X.
	62	DOT-105A300W, Note 4.
Trifluorochloroethylene; Note 23	116	DOT-106A500X, 110A500W, Note 7.
	120	DOT-105A300W, Note 4.
Trimethylamine, anhydrous; Note 23	57	DOT-106A500X.
	59	DOT-105A300W, Note 4.
Vinyl chloride; Notes 9 and 23	94	DOT-106A500W, Note 7.
	97	DOT-105A300W, Notes 4 and 16.
	95	DOT-112A340W, Note 4.
Vinyl fluoride, inhibited; Note 23	58	DOT-106A600W, Note 17.
Vinyl methyl ether, inhibited; Notes 9 and 23	66	ICC-106A100, 106A100W, Note 4.
	68	DOT-106A600W, Note 7.

1 Use of existing tank cars authorized, but new construction not authorized.

• • • • •

Note 23: Each tank car tank, except series 106A• • • or 110A• • •, must be marked with the name of the gas (see § 172.5(a) of this chapter) contained in the tank car in accordance with the requirements of section 173.31(a)(6).

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(E) In § 173.332, paragraph (a)(3) would be added to read as follows; paragraph (d) would be canceled.

§ 173.332 Hydrocyanic acid, liquid (prussic acid) and hydrocyanic acid liquefied.

(a) • • •

(3) Specification 105A500W or 105A-600W (§§ 179.100, 179.101 of this chapter) tank cars.

(i) Each tank car must be stenciled DOT–105A300W, and must be equipped with the 225 p.s.i.g. safety relief valve required by that specification.

(ii) The maximum permitted filling density is 63 percent of the water capacity of the tank .

(iii) Each tank car must be insulated with not less than 4 inches of corkboard, and must be marked "HYDROCYANIC ACID" in accordance with the requirements of § 173.31(a)(6).

(iv) Written procedure covering details of tank car appurtenances, dome fittings, and safety devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any tank is offered for transportation of hydrocyanic acid.

• • • • • •

(d) [Canceled]

(F) In § 173.336, paragraph (a)(4) would be amended to read as follows:

§ 173.336 Nitrogen dioxide, liquid; nitrogen peroxide, liquid; and nitrogen tetroxide, liquid.

(a) • • •

(4) Specification 105A500W (§§ 179.-100, 179.101 of this chapter) tank cars. Authorized for nitrogen tetroxide only.

(i) Each tank car must be insulated with not less than 4 inches of corkboard. All valves and fittings must be protected by a securely attached metal cover not subject to deterioration by the lading. All valve openings except the safety valve, must be fitted with gas-tight screw plugs or caps. Each safety valve must be equipped with a stainless steel or platinum frangible disc.

(ii) Each tank car must be marked "NITROGEN TETROXIDE" in accordance with the requirements of § 173.31(a)(6).

(iii) Written procedure covering details of tank car appurtenances, dome fittings, and safety devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any tank car is offered for transportation of nitrogen tetroxide.

(G) In § 173.338, paragraph (a)(4) would be amended to read as follows:

§ 173.338 Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

(a) • • •

(4) Specification 105A500W (§§ 179.-100, 179.101 of this chapter) tank cars.

(i) Each tank car must be insulated with not less than 4 inches of corkboard. All valves and fittings must be protected by a securely attached metal cover not subject to deterioration by the lading. All valve openings, except the safety valve, must be fitted with gas-tight screw plugs or caps. Each safety valve must be equipped with a stainless steel or platinum frangible disc.

(ii) Each tank car must be marked "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURE" in accordance with the requirements of § 173.31(a)(6).

(iii) Written procedure covering details of tank car appurtenances, dome fittings, and safety devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any car is offered for transportation of nitrogen tetroxide-nitric oxide mixtures.

(H) In § 173.354, paragraph (a)(4) would be amended to read as follows:

§ 173.354 Motor fuel antiknock compound or tetraethyl lead.

(a) • • •

(4) Specification 105A300W (§§ 179.-100, 179.101 of this chapter) tank car. Use of this tank car not authorized for tetraethyl lead. Each tank car must be marked "MOTOR FUEL ANTIKNOCK COMPOUND" in accordance with the requirements of § 173.31(a)(6).

• • • • • •

PART 179—SPECIFICATIONS FOR TANK CARS

(A) Section 179.15 would be added to read as follows:

§ 179.15 Marking.

When a tank car is required to be marked with the name of a hazardous material, this marking must appear on a background of sharply contrasting color and must be readily visible when viewed from each side of the tank car. Each letter may not be less than 6 inches high, using a minimum of ¾-inch stroke. Separation between each letter may not be less than 1 inch.

(B) In § 179.102–2 paragraph (a)(5) would be amended; in § 179.102–3 paragraph (a)(4) would be added; in § 179.-102–6 paragraph (a)(6) would be added; in § 179.102–8 paragraph (a)(1) would be amended and (a)(2) would be added; in § 179.102–9 paragraph (a)(1) would be amended, (a)(2) and (a)(3) would be added; in § 179.102–10 paragraph (a)(1) would be amended, (a)(2), (a)(3), and (a)(4) would be added; § 179.102–14 would be amended to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102–2 Chlorine.

(a) • • •

(5) Each tank car must be marked "CHLORINE" in accordance with the requirements of § 179.15.

§ 179.102–3 Liquefied flammable gases.

(a) • • •

(4) Each tank car must be marked with the proper shipping name of liquefied flammable gas being transported in accordance with the requirements of § 179.15.

§ 179.102–6 Vinyl chloride or vinyl methyl ether, inhibited.

(a) • • •

(6) Each tank car must be marked "VINYL CHLORIDE" or "VINYL METHYL ETHER, INHIBITED", as appropriate, in accordance with the requirements of § 179.15.

§ 179.102–8 Motor fuel antiknock compound.

(a) • • •

(1) Openings in tank heads to facilitate application of nickel lining are authorized if closed in an approved manner.

(2) Each tank car must be marked "MOTOR FUEL ANTIKNOCK COMPOUND" in accordance with the requirements of § 179.15.

§ 179.102–9 Nitrogen tetroxide or Nitrogen tetroxide-nitric oxide mixtures.

(a) • • •

(1) Each tank car must be insulated with not less than 4 inches of corkboard. All valves and fittings must be protected by a securely attached metal cover not subject to deterioration by the lading. All valve openings, except the safety relief valves, must be fitted with gas-tight screw plugs or caps. Each safety relief valve must be equipped with a stainless steel or platinum frangible disc.

(2) Each tank car must be marked "NITROGEN TETROXIDE" or "NITROGEN TETROXIDE-NITRIC OXIDE MIXTURE", as appropriate, in accordance with the requirements of § 179.15.

(3) Written procedure covering details of tank car appurtenances, manway fittings, and safety relief devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any car is offered for transportation of these commodities.

§ 179.102–10 Hydrocyanic acid.

(a) • • •

(1) Each tank car must be a DOT–105A500W or higher rated tank so registered.

(2) Each tank car must be stenciled DOT–105A300W and must be equipped with the 225 p.s.i.g. safety relief valve required by that specification.

(3) Each tank car must be insulated with not less than 4 inches of corkboard and must be marked "HYDROCYANIC ACID" in accordance with the requirements of § 179.15.

(4) Written procedure covering details of tank car appurtenances, manway fittings, and safety relief devices, and covering marking, loading, handling, inspection, and testing practices must be filed with and approved by the Federal Railroad Administration before any tank car is offered for transportation of hydrocyanic acid.

§ 179.102–14 Acrolein inhibited.

(a) Tank cars used to transport acrolein inhibited must be in compliance with the following special requirements:

(1) Each tank car must be a DOT–105A300W or higher rated tank so registered.

(2) Each tank car must be stenciled DOT–105A200W and must be equipped with the 150 p.s.i.g. safety relief valve required by such specification.

(3) Each tank car must be marked "ACROLEIN" in accordance with the requirements of § 179.15.

(C) Section 179.202–15 would be amended to read as follows:

§ 179.202 Special commodity requirements for nonpressure tank car tanks.

§ 179.202–15 Formic acid and formic acid solutions.

(a) Tank cars used to transport formic acid and formic acid solutions must be in compliance with the following special requirements:

(1) Specification DOT–103EW tank car tanks must be fabricated from Type 316 stainless steel and must be marked "FORMIC ACID" in accordance with the requirements of § 179.15.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before July 25, 1972 will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 3, 1972.

G. H. READ,
Captain, Alternate Board Member for the U.S. Coast Guard.

MAC E. ROGERS,
Board Member for the Federal Railroad Administration.

[FR Doc.72–5331 Filed 4–7–72;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 72–4; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Notice of Proposed Rule Making

The purpose of this notice is to propose an amendment to 49 CFR 571.108 and 571.108a, Motor Vehicle Safety Standards Nos. 108 and 108a, *Lamps, Reflective Devices, and Associated Equipment*, that would amend the test method for reflex reflectors.

The Federal lighting standards incorporate by reference SAE Standard J594d, "Reflex Reflectors," March 1967. Referring to specular reflection, J594d requires that "the uncolored reflection from the front surface (of the reflector) shall be such that, at any of the test stations, the color of the signal shall not be obliterated." In the revision to this standard, J594e, March 1970, the requirement is modified to permit photometric testing at a range around a test point if specular reflection is encountered at the test point itself. In the words of J594e, "if uncolored reflections from the front surface interfere with photometric readings at any test point, the operator shall check 1 degree above, below, right, and left of the test point, and report the lowest reading and location. The latter must meet the minimum requirements for the tests point."

The test method of J594d rejected the product because it interfered with test procedures, whereas the test method of J594e has modified the test procedure to permit valid photometry despite specular reflection that might occur at a test point. The Stimsonite Division of Amerace-Esna Corp. has asked the NHTSA to consider allowing the test procedure of J594e. The NHTSA has decided that Stimsonite's request merits initiation of rule making.

In consideration of the foregoing it is proposed that the applicable SAE standard for reflex reflectors incorporated by reference in table I and table III of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, and § 571.108a, Motor Vehicle Safety Standard No. 108a, be SAE Standard J594e, "Reflex Reflectors," March 1970.

Interested persons are invited to submit written data, views, or arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on May 8, 1972 will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: Thirty days after publication of the final rule in the FEDERAL REGISTER (Standard No. 108); January 1, 1973 (Standard No. 108a).

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 3, 1972.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.72–5417 Filed 4–7–72;8:49 am]

[49 CFR Part 571]

[Docket No. 72–5; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Notice of Proposed Rule Making

The purpose of this Notice is to propose an amendment to 49 CFR 571.108 and 571.108a, Motor Vehicle Safety Standards No. 108 and 108a, *Lamps, Reflective Devices, and Associated Equipment*, that would specify identical turn signal and stop lamp performance requirements for all motor vehicles less than 80 inches in overall width.

These Standards require (Table III) passenger cars, multipurpose passenger vehicles, trucks, and buses to be equipped with "Class A" turn signal lamps. Class A lamps, prior to Standard No. 108, were generally found only on vehicles whose overall width is 80 inches or more. Class A lamps differ from Class B lamps in having a minimum effective projected illuminated area of 12 square inches, rather than 3½ square inches. Paragraph S4.1.1.7 of those standards, however, permits passenger cars to meet Class A photometrics through an effective projected illuminated area not less than that of a Class B lamp. Jeep Corp. has asked that this same exception be provided for all vehicles less than 80 inches in overall width, commenting that there is no safety need for a larger sized lamp on a vehicle less than 80 inches wide, and that an amendment of this nature will allow it to standardize vehicle equipment. The National Highway Traffic Safety Administration has determined that Jeep's petition merits rule making and is publishing this notice in order to obtain comments from interested persons.

Paragraph S4.1.1.7 also applies the same provisions to passenger car stop lamps, and it is appropriate to allow stop lamps on other vehicles less than 80 inches in overall width to meet these requirements.

In consideration of the foregoing, it is proposed that the first sentence of paragraph S4.1.1.7 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, and 571.108a, Motor Vehicle Safety Standard No. 108a be revised to read: "Stop lamps on each passenger car, and on each multipurpose passenger vehicle, truck, trailer, and bus less than 80 inches in overall width manufactured on or after January 1, 1973, and turn signal lamps on each passenger car, and on each multipurpose passenger vehicle, truck, trailer, and bus less than 80 inches in overall width shall meet the photometric minimum candlepower requirements for Class A turn signal lamps,

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and shall have effective projected illuminated areas not less than those of Class B lamps as specified in SAE Standard J588d, 'Turn Signal Lamps,' June 1966."

Comments should refer to the docket number and be submitted to Docket Section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on June 8, 1972 will be considered, and will be available in the docket at the above address for examination before and after the closing date. To the extent possible, comments filed after the above date will also be considered. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective dates: Thirty days after publication of the final rule in the FEDERAL REGISTER (Standard No. 108); January 1, 1973 (Standard No. 108a).

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407), and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

APRIL 3, 1972.

[FR Doc.72-5418 Filed 4-7-72;8:50 am]

[49 CFR Part 571]

[Dockets Nos. 69-20; Notice 4]

ACCELERATOR CONTROL SYSTEMS

Time of Throttle Return to Idle

The purpose of this notice is to propose an amendment of Motor Vehicle Safety Standard No. 124, 49 CFR 571.124, that would add a one-half-second time limit in which the throttle would be required to return to the idle position.

Standard No. 124 published today (37 F.R. 7097) establishes requirements for the return of a vehicle's throttle to the idle position, when the driver removes the actuating force from the accelerator control or in the event of a breakage or disconnection in the accelerator control system. The NHTSA has tentatively determined that a minimum time interval of one-half second should be included in the requirement to clarify the return-to-idle requirement and aid in its enforcement. It should be noted that the time relates to the throttle position and not to the engine speed.

It is therefore proposed that the following changes be made in Standard No. 124, 49 CFR 571.124:

1. In S5.1, the phrase "within one-half second" would be added after the words "idle position."

2. In S5.2, the last sentence would be changed to read: "The return to idle shall occur within one-half second, measured either from the time of the breakage or disconnection or from the first removal of the opposing actuating force by the driver."

Proposed effective date: September 1, 1973.

Interested persons are invited to submit written data, views, and arguments concerning the proposed amendment. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted.

All comments received before the close of business on May 8, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments filed after the above date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 3, 1972.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-5416 Filed 4-7-72;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19418]

CABLE TELEVISION SYSTEMS

Proposed Importation of Radio Signals; Extension of Time

Order. In the matter of amendment of Part 76 of the Commission's rules and regulations to Govern Importation of Radio Signals by Cable Television Systems, Docket No. 19418, RM-1782.

1. The National Association of Broadcasters, by petition dated March 29, 1972, requests a 2-week extension of time for filing comments in Docket No. 19418. Originally, comments were scheduled to be filed on or before March 16, 1972; at the request of the Rocky Mountain Broadcasters' Association, this date was extended to April 3, 1972.

2. In support of the requested extension, NAB alleges that it would enable its staff to prepare meaningful comments, which they have been unable to do thus far because of the "accumulation of pressing communications matters now confronting" them. Various proceedings are listed by NAB in support of their contention: The Commission's current hearings on the Fairness Doctrine, efforts toward industry agreement on draft CATV copyright legislation, membership implementation of the new political rate law, drafting of cable pleadings in Docket No. 18397, and preparation for the NAB convention.

3. It appears that the public interest would be served by granting the requested extension of time so that NAB will have a reasonable opportunity to devote its attention to consideration of the present rule making proceeding.

Accordingly, it is ordered, Pursuant to § 0.289(c)(4) of the Commission's rules, that the "Petition for Further Extension of Time" filed March 29, 1972, is granted, and that the times for filing comments and reply comments in the above-captioned proceeding are extended until April 17 and May 8, 1972, respectively.

Adopted and released: March 30, 1972.

[SEAL] SOL SCHILDHAUSE,
Chief, Cable Television Bureau.

[FR Doc.72-5414 Filed 4-7-72;8:47 am]

Notices

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

BURGESS MINING AND CONSTRUCTION CORP.

Petition for Modification of Safety Standard

MARCH 31, 1972.

In regard petition of Burgess Mining and Construction Corp., Docket No. M 72-31, for modification of a mandatory safety standard, Boothton Strip Operations (section 101(i) of the Act as implemented by § 77.201-1 of the regulations prescribed by the Secretary).

Notice is hereby given that Burgess Mining and Construction Corp. (petitioner) has filed a petition to modify the application of section 101(i) of the Act as implemented by § 77.201-1 of the regulations prescribed by the Secretary, with respect to its Boothton Strip Operations. Section 77.201-1 of the regulations provides as follows:

Section 77.201-1 *Tests for methane; qualified person; use of approved device.* Tests for methane in structures, enclosures, or other facilities, in which coal is handled or stored shall be conducted by a qualified person with a device approved by the Secretary at least once during each operating shift, and immediately prior to any repair work in which welding or an open flame is used, or a spark may be produced.

Petitioner requests that the application of § 77.201-1 be modified to permit Burgess to operate a preparation plant where coal is crushed and store without the testing therein for methane. Petitioner's position is as follows:

The Company maintains a preparation plant where coal is crushed and stored until ready for loading on a unit train. In loading the train large doors are opened beneath the coal storage area permitting the coal to be distributed on a conveyor for transporting to the train. The tunnel where the conveyor is located is approximately 130 feet in length, 8 feet wide and 9 feet high. An escape opening is provided and the tunnel is well ventilated. The crusher building is an above ground structure which is open and well ventilated.

. . . . . .

A test for methane has now been made at the crusher and inside the tunnel on every working day since November 24, 1971. No trace of methane has been recorded during any of these tests.

Parties interested in this petition shall file their answer or comments and, if they wish a hearing, their request for one, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MARCH 31, 1972.

[FR Doc.72-5426 Filed 4-7-72;8:48 am]

Office of the Secretary

NEWLANDS RECLAMATION PROJECT, NEVADA

Operating Criteria and Procedures; Truckee and Carson Rivers

Pursuant to the requirements of 43 CFR § 418.3(a) notice is hereby given that the following operating criteria, approved by the Secretary of the Interior on April 4, 1972, for coordinated operation and control of the Truckee and Carson Rivers for service to the Newlands Reclamation Project, Nevada, will be in effect for the calendar year beginning January 1, 1972.

W. T. PECORA,
Acting Secretary of the Interior.

OPERATING CRITERIA AND PROCEDURES FOR COORDINATED OPERATION AND CONTROL OF THE TRUCKEE AND CARSON RIVERS FOR SERVICE TO NEWLANDS PROJECT DURING THE YEAR BEGINNING JANUARY 1, 1972

The Secretary desires to keep viable both the Newlands Reclamation Project and Pyramid Lake. To this end the Truckee-Carson Irrigation District, in satisfying its needs for irrigation diversions, will maximize the use of Carson River water and minimize the use of Truckee River water. The total water supplied to the district in calendar year 1972 from both the Carson and Truckee Rivers will be limited to the amount required for irrigation of the lands actually under irrigation production in 1972 in the exercise of water rights consistent with the Truckee River Decree and the Carson River Decree. Said total water supply, measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal, shall be minimized to the maximum extent that the District, with the active assistance of the Bureau of Reclamation, can improve operating efficiencies.

There shall be no water for single-purpose power generation, except that power may be generated with water from Lahontan Reservoir which is either uncontrollable spill or a precautionary drawdown.

The operation of Derby Diversion Dam, Truckee Canal, and Lahontan Reservoir will be coordinated. Diversions of water from the Truckee River into and through the Truckee Canal will be controlled in accordance with the following operating criteria:

(1) If available, sufficient water will be diverted into Truckee Canal to meet direct irrigation requirements along the Truckee Canal.

(2) During the months November 1971 through March 1972, diversions through the Truckee Canal into Lahontan Reservoir will be made in accordance with the tabulation shown on the next page.

Operating month	If accumulated precipitation from October 1 to date at Tahoe City, Calif.		Continue Truckee Canal diversion to Lahontan Reservoir if water surface elevation is less than upper limit. (Feet m.s.l.)[1]	
			Lower limit [2]	Upper limit
		Inches		
November	Equals or less than	6	4151.8	4152.2
	Greater than	6	4145.4	4145.8
December	Less than	6	4154.8	4155.2
	Is or between	6 and 8	4148.8	4149.2
	Greater than	8	4132.9	4133.3
January	Less than	8	4157.5	4157.9
	Is or between	8 and 14	4152.5	4152.9
	Greater than	14	4139.5	4139.9
February	Less than	14	4160.0	4160.4
	Is or between	14 and 18	4155.7	4156.1
	Between	18 and 24	4145.4	4145.8
	Is or greater than	24	4135.2	4135.6
March	Less than	18	4161.6	4162.0
	Is or between	18 and 24	4156.1	4156.5
	Between	24 and 30	4151.8	4152.2
	Is or greater than	30	4135.2	4135.6

[1] USBR 1917 datum.

[2] Truckee Canal Diversion to Lahontan Reservoir should be started only when water surface elevation falls below lower limit.

These operating criteria will permit diversion through the Truckee Canal for Lahontan Reservoir storage on the basis of water-surface elevation of Lahontan Reservoir and accumulated precipitation recorded at the National Weather Service station, Tahoe City, Calif. The water-surface elevation will be measured at the existing measuring device in the outlet control house on the upstream side of Lahontan Dam. Corrections will be made for effects of surges on water-level elevations. During the months November through March, the accumulated precipitation subsequent to the previous October 1 as recorded at Tahoe City, Calif., in conjunction with current water-surface elevation of Lahontan Reservoir, will be the basis for allowing or not allowing Truckee Canal diversion.

(3) During the months of April and May, Truckee Canal operation will be based on forecasts of April through July runoff made

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by the Soil Conservation Service for Carson River at Fort Churchill (Lahontan Reservoir inflow) based on snow surveys by the Soil Conservation Service, in cooperation with other agencies, as follows:

(a) If the forecast of April through July runoff for Carson River at Fort Churchill exceeds 250,000 acre-feet, Truckee Canal diversions from Truckee River will be restricted only to irrigation diversions from the Truckee Canal plus minimum operational spills.

(b) If the April through July forecast of runoff is less than 200,000 acre-feet, available Truckee River water may be diverted to Lahontan Reservoir, with the objective of filling the reservoir but without causing spill to occur from the reservoir.

(c) For forecasts between these extremes, Truckee Canal diversion to Lahontan Reservoir will be permitted if, and only if, Lahontan Reservoir storage during April or May is less than the index storage levels defined as follows: The index storage levels in Lahontan Reservoir, for the April through May period, will be adjusted daily on a straight line interpolation, beginning with an index water-surface elevation in Lahontan Reservoir of 4,152.2 feet m.s.l. on April 1 and allowing a constant daily increase of index water-surface elevation to a May 1 elevation of 4,157.3 feet m.s.l. During May, the index elevation will increase at a constant daily rate to a June 1 amount of 4,161.1 feet m.s.l. To avoid undue fluctuations in Truckee Canal Diversions, the diversion to Lahontan Reservoir may continue until the reservoir water-surface elevation is 0.1 foot above the index storage level. The diversion to Lahontan Reservoir through the Truckee Canal may be restarted if the reservoir water-surface elevation falls 0.2 foot below the index storage level.

(4) During the month of June, diversion of Truckee Canal water into Lahontan Reservoir and Carson River will be made to fill Lahontan Reservoir insofar as possible without spilling.

(5) During July through October, the Truckee Canal diversions to Lahontan Reservoir or Carson River will be restricted on the basis of water-surface elevation of Lahontan Reservoir as shown on the following tabulation:

Operating month	Continue Truckee Canal diversion to Lahontan Reservoir if water-surface elevation is less than upper limit. (Feet m.s.l.)[1]	
	Lower limit [2]	Upper limit
July	4159.1	4159.5
August	4154.4	4154.8
September	4148.8	4149.2
October	4149.6	4150.0

[1] USBR 1917 datum.
[2] Truckee Canal Diversion to Lahontan Reservoir should be started only when water-surface elevation falls below lower limit.

Previous Secretarial restrictions on the use of conservation storage capacity in the Stampede Reservoir are hereby rescinded.

Stampede Reservoir will be operated by the Bureau of Reclamation, in coordination with Lake Tahoe, Prosser Creek, Boca, and Lahontan Reservoirs, to help minimize diversions from Truckee River through the Truckee Canal, to assist in evaluation studies and actual reestablishment of fishery runs from Pyramid Lake into the Truckee River, and for flood control, recreation, and fish and wildlife benefits.

In the event of serious drought conditions, the water stored at Stampede Reservoir may be used at the option of the Secretary to help alleviate drought conditions on the Newlands Project.

Prior to October 1, 1972, revised operating criteria for operating project facilities beginning November 1, 1972, will be published in the FEDERAL REGISTER, and these shall include the use of Stampede Reservoir to the extent necessary to assist in the aim of minimizing Truckee River diversions to and through the Truckee Canal. These and subsequent revisions of the operating criteria shall take full advantage of all implementation of the water-saving recommendations of the Pyramid Lake Task Force with a view toward progressive reductions of the irrigation requirements of the Newlands Project.

[FR Doc.72-5451 Filed 4-7-72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BETZ LABORATORIES, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2A2743) has been filed by Betz Laboratories, Inc., Somerton Road, Trevose, Pa. 19047 proposing that § 121.1088 *Boiler water additives* (21 CFR 121.1088) be amended in paragraph (c) to provide for the safe use of sodium carboxymethylcellulose in the preparation of steam that will contact food.

Dated: March 29, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5396 Filed 4-7-72;8:46 am]

SHELL CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2778) has been filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC 20006 proposing that § 121.2531 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 121.2531) be amended in paragraph (b)(2) to provide for the safe use of primary alcohols in surface lubricants employed in the manufacture of metallic articles that contact food. Such alcohols, consisting of not less than 70 percent normal alcohol containing 12–15 carbon atoms, are manufactured by a modified Oxo process from linear olefins, carbon monoxide, and hydrogen, using an organometallic catalyst.

Dated: March 29, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5397 Filed 4-7-72;8:46 am]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2781) has been filed by Velsicol Chemical Corp., 1725 K Street NW., Washington, DC 20006, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of trimethylolethane tribenzoate as a component of adhesives intended for use in food-contact articles.

Dated: March 29, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5398 Filed 4-7-72;8:46 am]

Food and Drug Administration

[Docket No. FDC-D-274; NADA No. 10-458V and NADA No. 12-232V]

PARLAM DIVISION, ORMONT DRUG & CHEMICAL CO., INC.

Mikedimide 3 Percent and Sebumsol 25 Percent; Notice of Opportunity for Hearing

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of April 29, 1971 (36 F.R. 8065). Said notice gave the named holders of various NADA's (new animal drug applications) 30 days in which to request an opportunity for a hearing.

Parlam Division, Ormont Drug & Chemical Co., Inc., 520 South Dean Street, Englewood, NJ 07631, the holder of NADA No. 12-232V for Sebumsol 25 percent (a product which contains 25 percent hexamethyltetracosane) and NADA No. 10-458V for Mikedimide 3 percent (a product which contains 3 percent methetharimide) requested that data submitted in response to said notice of opportunity for a hearing be evaluated prior to withdrawal of these products. After having evaluated these data, the Commissioner of Food and Drugs concludes: (1) That Sebumsol 25 percent is evaluated as an effective cerumenolytic agent for removal of ear wax for dogs and cats as labeled, and (2) that Mikedimide 3 percent is probably effective. Mikedimide 3 percent can be rated as effective if the labeling is revised to give full disclosure on this product indicating that it is an analeptic and not a specific antagonist to barbiturates and by deleting directions for routine post-operative use.

The holder of said NADA's is provided 6 months from the date of publication hereof in the FEDERAL REGISTER to submit adequate final printed labeling and documentation which will support a regulation (21 CFR Part 135).

Notice is given to all interested persons that similar articles may be marketed provided they are the subject of approved new animal drug applications and otherwise comply with all of the requirements of the Federal Food, Drug, and Cosmetic Act.

Each holder of a new animal drug application which became effective prior to October 10, 1962 is requested to submit adequate information as necessary to make the application current with regard to manufacturer of the drug, including information on the drugs components and composition, and also including information regarding manufacturing methods, facilities and controls in accordance with requirements of section 512 of the act.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner 21 CFR 2.120).

Dated: March 31, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5422 Filed 4-7-72;8:47 am]

[Docket No. FDC-D-455; NADA No. 9-911V]

PITMAN-MOORE, INC.

Shampoo Containing Cadmium Sulfide; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of August 12, 1970 (35 F.R. 12793, DESI 9911V) the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Derisol NADA (new animal drug application) No. 9-911V, marketed by Pitman-Moore, Inc., Post Office Box 344, Washington Crossing, NJ 08560.

Pitman-Moore, Inc. responded to the announcement by requesting that approval of NADA No. 9-911V be withdrawn.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-911V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of publication of this document.

Dated: March 31, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5423 Filed 4-7-72;8:47 am]

[DESI 5887]

STREPTOMYCIN SULFATE FOR PARENTERAL USE

Drugs for Human Use; Drug Efficacy Study Implementation, Correction

In F.R. Doc. 69-6004 appearing at page 7998 of the FEDERAL REGISTER of May 21, 1969, the word "milligrams" appearing in the third line of the second paragraph under the heading Actions is corrected to read "micrograms".

Dated: March 30, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5421 Filed 4-7-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-73N]

PORTION OF ELIZABETH RIVER, NORFOLK HARBOR, VA.

Security Zone

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), sec. 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of H. E. Steel, Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area, who has exercised authority as Captain of the Port, such order reading as follows:

PORTION OF THE ELIZABETH RIVER, NORFOLK HARBOR, VA., CLOSED TO NAVIGATION DURING TRANSIT OF THE U.S.S. "FORRESTAL"

SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 1100R April 10, 1972, until 1330R April 10, 1972, and from 1230R April 14, 1972 until 1500R April 14, 1972, the following area is a Security Zone and I order it be closed to any person or vessel due to transit of the U.S.S. *Forrestal*.

The waters of the Elizabeth River, Norfolk Harbor, Va., within the area between Elizabeth River Channel lighted horn buoy 1 LL 2939 at latitude 36°59'06" north and the Norfolk and Portsmouth Beltline Railroad Bridge which crosses the Southern Branch of the Elizabeth River at latitude 36°48'41" north.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port, 393-9611, Ext. 220.

The Captain of the Port, Hampton Roads Area, shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220, as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: April 6, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72-5502 Filed 4-7-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24164]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Notice of Postponement of Prehearing Conference Regarding Baggage Liability

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that prehearing conference in this proceeding, set for April 6, 1972 (37 F.R. 5311, March 14, 1972), is postponed indefinitely.

Dated at Washington, D.C., April 4, 1972.

[SEAL] HENRY WHITEHOUSE,
Hearing Examiner.

[FR Doc.72-5437 Filed 4-7-72;8:49 am]

[Docket No. 23486; Order 72-3-22]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 9, 1972.

APR 8 1972 XUM

By Order 72–2–59, dated February 16, 1972, action was deferred, with a view toward eventual approval, on certain resolutions incorporated in an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The resolutions, which emanated from various IATA meetings including the Composite Passenger Traffic Conference held at Miami in September and October of 1971, involve administrative, procedural, and technical provisions not affecting basic fare levels.

In deferring action on the subject agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72–2–59 will herein be made final.

Accordingly, it is ordered, That:

The subject portions of Agreement CAB 22663 [2] be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5439 Filed 4–7–72;8:49 am]

[Docket No. 24376; Order 72–4–11]

UNITED AIR LINES, INC.

Order Dismissing Complaints and Authorizing Carrier Discussions Regarding Proposed Military Fare Changes

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1972.

By tariff revision [1] marked to become effective April 17, 1972, United Air Lines, Inc. (United) proposes to relax the current requirement for reduced-fare military transportation,[3] so as to allow members of the armed services to travel at the fares in civilian clothes. Currently, military personnel generally must be in uniform when traveling at military fares.

The carrier alleges that removal of this "red tape" requirement will provide easier and more pleasant travel for servicemen and could generate new traffic and increase revenues. Additionally, United contends that it and 19 other carriers do not presently require the wearing of a uniform when servicemen from Vietnam are traveling on 14-day leave, and that the remaining provisions of the rule provide adequate safeguards against abuse. While the carrier expects an increase in revenue from the experiment, it alleges that it is unable to quantify the gain at this time, and has therefore established a 1-year expiration on the provision so as to permit an evaluation of its effect. Northwest Airlines, Inc. (Northwest) has filed matching revisions for effect April 21, 1972.

Braniff Airways, Inc. (Braniff), Continental Air Lines, Inc. (Continental), Frontier Airlines, Inc. (Frontier), and Western Air Lines, Inc. (Western) have filed complaints against the proposal,[4] requesting suspension and investigation. Additionally, these carriers and several other carriers [5] have requested authorization to hold industry meetings to discuss the rules, practices, and procedures involved in the transportation of military personnel on leave, with the purpose of arriving at an equitable and consistent application among all carriers.

The complaints essentially contend that implementation of the proposed rule will increase existing disparities among the carriers in the application of these fares; that the rule would increase the likelihood that military and youth passengers might be confused during boarding procedures, to the detriment of the military; that the filing is totally inconsistent with the Board's mandate for uniformity at the time it previously authorized discussions; [6] and that as the Board stated the "confusion resulting from a lack of uniformity in tariff and carrier practices should be eliminated."

In answer to the complaints, United alleges that any connection between its proposed elimination of the uniform requirement and the prohibition against discrimination contained in section 404(b) is difficult to discern, particularly in view of the positive identification and eligibility requirements which would remain in force; and that this revision will bring more uniformity to the rules governing military fares, as many servicemen are now legitimately traveling at these fares in civilian clothes when on leave from Vietnam or Thailand or on convalescent leave, and that there can be no logical distinction made between those travelers and other military-leave travelers. United further contends that the boarding confusion alluded to by the complainants is nonexistent since all passengers are segregated at the gate by ticket type to facilitate rapid enplanement, and that no changes in this procedure are foreseen, United states its belief that the relaxed uniform requirement will be beneficial to service personnel and expects to increase the numbers of military personnel it carries, although it allegedly is unable to quantify its expectations at this time. Finally, the carrier states its willingness to participate in industry discussions with a view toward achieving uniformity of application of the military fare rules and practices.

The Department of Defense (DOD) has filed an answer in support of United's proposal, agreeing that the wearing of a uniform should not be a prerequisite to the availability of the reduced military fares, and seeking authorization to participate in carrier discussions of the rules and practices should the Board authorize such meetings.

Upon consideration of the tariff revisions, the complaints and answers thereto, and all other relevant matters, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation or suspension. The requests therefor, and consequently the requests for suspension, will be denied and the complaints dismissed.

Since eligibility for the fares will continue to be determined by positive identification of service personnel and their active duty status, the possibility of abuse should not be significantly greater than at present, and we are not persuaded that the wearing of a uniform serves a significant purpose. Nor are we persuaded that the possibility of public confusion during boarding is sufficient to warrant suspension.

Nevertheless, we continue to believe that uniformity among carriers in the application of these military fares is desirable and note that, aside from United's instant proposal, other dissimilar tariff provisions are presently in effect. As indicated, a number of carriers have expressed a similar view, which indicates that industry discussions on this matter may be useful. For these reasons, we will herein grant the requests to hold such discussions.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 404, 412, and 414 thereof:

It is ordered, That:

1. The complaints in Dockets Nos. 24312, 24313, 24317, and 24318 are hereby dismissed;

2. Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Department of Defense, may engage in meetings at which the Board's representatives may be present, for a 90-day period extending from the date of this order, to discuss the matter of rules, practices, and procedures involved in the transportation of military personnel on leave; [7]

3. The Director of the Bureau of Economics shall be given at least 48 hours' notice of the time and place of meetings;

4. The carriers shall keep complete and accurate minutes of such discussions and a true copy of such minutes shall be filed with the Board's Docket Section not later than 2 weeks after the close of the discussions;

5. Any agreement or agreements reached as a result of such discussions shall be filed with the Board in accordance with section 412 of the Federal Aviation Act of 1958 and approved by the Board prior to being incorporated in a tariff filing or placed in effect; and

6. This order shall be served upon Air West, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Mohawk Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Department of Defense.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5440 Filed 4–7–72;8:49 am]

[Docket No. 24315]

MACKENZIE AIR, LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Foreign air carrier permit, United States-Canada points charter service with 18,000 pounds or less take-off weight aircraft.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 2, 1972, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before April 25, 1972.

Dated at Washington, D.C., April 4, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72–5438 Filed 4–7–72;8:49 am]

[Docket No. 23991]

VOYAGER 1000 ET AL.

Notice of Reassignment of Hearing Regarding Enforcement Proceeding

Voyager 1000, Adam Rueckert, individually, Robert J. Fink, individually, A. Lee Clifford, individually, enforcement proceeding.

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding heretofore assigned to be held on April 11, 1972 (37 F.R. 5675; March 13, 1972) is reassigned to be held on April 17, 1972, at 10 a.m. (local time) in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Dated at Washington, D.C., April 4, 1972.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[FR Doc.72–5436 Filed 4–7–72;8:49 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, March 27 to March 31, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, (202) 388–7803.

FOREST SERVICE

Draft, March 27

Coronado National Forest, Ariz. Proposed spraying of 2,175 acres with 2,4,5-T herbicide, in order to destroy mesquite trees. Mesquite trees will be dying and defoliating for a minimum of 3 years; there will be a reduced area for honey bees. (ELR Order No. 4036, 20 pages) (NTIS Order No. PB–207 746–D).

OFFICE OF BUDGET AND FINANCE

Final, March 1

H.R. 8714 and S. 1943. Bills which would make provisions of the Poultry Products Inspection Act (21 U.S.C. 451–470) applicable to rabbits slaughtered for human food. (ELR Order No. 3049, 4 pages) (NTIS Order No. PB–207 670–E).

SOIL CONSERVATION SERVICE

Final, March 31

Cameron, Willacy, Hidalgo, and Stan Counties, Tex. The proposed action would allow a new Continental Cane Sugar Producing Area, of 25,700 acres, in the Lower Rio Grande Valley of Texas. It is intended that the acreage be committed to sugar early in 1972. Sugar production involves considerable burning of the cane to remove trash. A sugar processing plant would be part of the action. Its effluent would be discharged to an existing floodway. Total capital investment of the action is estimated at $28,800,000, including the factory, farms, and farm and transportation equipment. Comments made by EPA. (ELR Order No. 4117, 73 pages) (NTIS Order No. PB–206 263–F).

ATOMIC ENERGY COMMISSION

Contact: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 29545.

Final, March 27

Oconee County, S.C. Proposed issuance of an operating license to the Duke Power Co. for Oconee Nuclear Station, Unit No. 1. (The statement will also serve for future consideration of permits for Units 2 and 3.) Each unit of the Nuclear Station has a pressurized water reactor with an electrical output of 922 mw. and a waste heat generation of 1650 mw. The nuclear station is integrated into the applicant's Keowee-Toxaway Project in an arrangement that provides water for condenser cooling as well as hydroelectric power. Environmental impact of the 3-unit nuclear station includes the following: loss of 2,000 acres for the plant and exclusion area; flooding of 27,000 acres to form 2 lakes; displacement of 900 residents; conversion of 7,800 acres of farm and forest land to transmission line right-of-way; discharge of chemicals into Hartwell Reservoir; discharge of small amounts of radioactive gaseous and liquid wastes to the environment. Comments made by USDA, Army COE, DOC, EPA, HEW, HUD, DOI, DOT, State, regional and local agencies. (ELR Order No. 4045, 363 pages) (NTIS Order No. PB–204 910–F)

Final, March 29

Plant Units 1 and 2, Midland, Mich. Proposed issuance of construction and operating permits to the Consumers Power Co. The plant will have two pressurized water reactors that will generate 1,300 mw. for distribution. In addition 4,050,000 lbs./hr. of steam will be delivered to the Dow Chemical Co. for industrial use. An 880 acre cooling pond will be constructed for use by the plant; 1,100 acres will be taken, and 25 residences displaced; nonradioactive chemical wastes will be discharged to the Tittabawasse River; small quantities of radioactive gaseous and liquid wastes will be discharged to the environment; 958 acres will be taken for transmission lines. Comments made by USDA, Army COE, DOC, EPA, FPC, HEW, HUD, DOI, state and local agencies. (ELR Order No. 4072, 163 pages) (NTIS Order No. PB–205 573–F).

DEPARTMENT OF DEFENSE

Contact: Robert L. Gilliat, Office of General Counsel, Room 3E977, Department of Defense, The Pentagon, Washington, DC 20301 (202) OX 5–3272.

Draft, March 28

Exercise Exotic Dancer V, Jones, Onslow, Pender, Duplin, Craven, Carterest, and Lenoir Counties, and Croatan National Forest, N.C. The proposed exercise is a Joint Chiefs of Staff directed military maneuver, to be conducted by the Atlantic Command. It will involve air, sea, and land forces. Increases in local ambient air and water pollutant levels, and in noise, solid waste, rubbish, sewage, and garbage production will result. Arrangements have been made to minimize the possibilities of forest fires. (ELR Order No. 4037, 77 pages) (NTIS Order No. PB–207 741–D).

[1] Agreement CAB 22663, R–31; R–33; R–52 through R–57; R–70; R–115 through R–117; R–144 through R–146; R–250; R–251; R–253; R–254; R–276; and R–291.

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB No. 142.

[3] Military personnel traveling on leave or pass at their own expense.

[4] Delta Air Lines Inc. (Delta) and Northeast Airlines, Inc. (Northeast) have filed answers in support of Braniff's complaint.

[5] American Airlines, Inc. (American), Delta, Ozark Air Lines, Inc. (Ozark) and Western.

[6] Order E24360, Nov. 4, 1966.

[7] Consistent with the Board's policy the discussion authorization granted herein does not extend to the matter of fare level.

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DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, (202) OX 5-2889.

Draft, March 15

Advanced Ballistic Reentry System (ARBES) Radioactive Sensors. The ARBES program would conduct test flights, on the Western Test Range and on the White Sands Missile Range, of reentry vehicles having radioactive sensors imbedded in the nosetip and heatshield. Flights would be launched from Vandenburg AFB, Calif., with impact on the Marshall Islands, and from Green River, Utah, with impact on the White Sands Missile Range in New Mexico. An adverse environmental effect would be the dispersion of a small amount (less than 3 Curies) of Cobalt 57 or Tantalum 182 into the upper atmosphere from material ablation. (ELR Order No. 4010, 61 pages) (NTIS Order No. PB-207 577-D).

Draft, March 22

Tyndall Air Force Base, Fla. The proposed outleasing of 150 acres of land on Tyndall AFB to Bay County. The land would be used for the construction and operation of secondary wastewater treatment plant for four municipalities and two industries. Thirty-five MGD of wastewater with an estimated BOD of 23 mg./l. will be discharged to St. Andrew Bay. The Military Pt. area will be changed from its natural state to that of a sewage lagoon; the use and production of the natural resources-forest, fish, wildlife, and recreation, will be lost. (ELR Order No. 4060, 122 pages) (NTIS Order No. PB-207 733-D).

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Colonel Barnes, Executive Director, Attention: DAEN-CWZ-C, Office of Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314 (202) 693-6346.

Draft, March 24

Red River Emergency Bank Protection, Louisiana and Arkansas. Proposed construction of emergency flood control structures at 11 sites along the Red River between the Mississippi River and Index, Arkansas. Approximately 920 acres of land will be lost to the project. (ELR Order No. 4035, 29 pages) (NTIS Order No. PB-207 725-D).

Draft, March 28

Military Ocean Terminal, Sunny Point, N.C. Proposed dredging of 3.2 million yards of material every 2 years, with occasional intermittent dredging, from basins and navigation channels. The spoil would be deposited in dike areas. Sixty-four acres of cypress swamp and 27 acres of ponds would be lost due to the action. The area provides habitat for ospreys, American alligators, and other wildlife. Marine life would also be destroyed by the dredging. (ELR Order No. 4038, 197 pages) (NTIS Order No. PB-207 726-D).

Final, March 27

San Gabriel River, Laneport, North and South Fork Lakes, Texas. Proposed construction of the above three lakes for purposes of flood control, water conservation, fish, wildlife, and recreational uses. Approximately 25,350 acres of land and 28 miles of stream will be lost to the project; habitat for white-tailed deer, small game, and birds, and the entire wild turkey population will be inundated; archeological sites, old homesteads, and numerous farms and residences will be permanently lost. Comments made by USDA, EPA, DOI, DOT, state, regional and local agencies, and concerned citizens. (ELR Order No. 4069, 349 pages) (NTIS Order No. PB-207 736-F).

DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350 (202) 697-0892.

Final, March 21

Cross Cay Island, Caribbean Sea. Proposed relocation of Navy target facilities from Culebra, Commonwealth of Puerto Rico, to Cross Cay, an uninhabited island 2800' x 1400', 2.5 nautical miles away. Clearing of a shallow boat channel, preparation of an access runway, helicopter landing pad, and target area will be necessary. Some destruction of marine life will result. Comments made by USDA, DOC, EPA, and the Mayor of Culebra. (ELR Order No. 4051, 57 pages) (NTIS Order No. PB-206 051-F).

ENVIRONMENTAL PROTECTION AGENCY

Contact: Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460 (202) 755-0940.

Final, March 15

Lead—Deadwood Sanitary District No. 1, South Dakota. The proposed project would combine all municipal and industrial wastes from the cities of Lead and Deadwood, and Homestake Mining Co., in one interceptor pipeline, and convey the waste along the route of Whitewood Creek to a tailings-stabilization pond for treatment by detention and bacterial action. Approximately 600 acres of land will be taken by the project; the potential would exist for groundwater contamination. Comments made by USDA, Army COE, Food and Drug, HEW, HUD, DOI, State and local agencies, and concerned citizens. (ELR Order No. 4049, 121 pages) (NTIS Order No. PB-204 669-F).

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426 (202) 386-6084.

Draft, March 23

Project 2336, Lloyd Shoals Project, Ga. Proposed approval of an application for development of 4 recreation use areas at project No. 2336, a hydroelectric station of the Georgia Power Co. Total acreage involved is 458.5, with proposed picnicking, camping, boating, fishing, and swimming facilities. (ELR Order No. 4033, 18 pages) (NTIS Order No. PB-207 678-D).

Draft, March 27

South Plainfield, N.J., and Staten Island, N.Y. Proposed construction of a gasification plant at South Plainfield and a 15-mile, 20" pipe to terminal and storage facilities which will be constructed on Staten Island. The Tecon Gasification Co. is the applicant for the certificate of public convenience and other permits involved. Approximately 400 acres of land will be committed to the project; emission of carbon dioxide, methane, and sulfur oxide will result. (ELR Order No. 4050, 125 pages) (NTIS Order No. PB-207 720-D).

Draft, March 26

Project 120, Fresno, Madera, Tulare, Kern, and Los Angeles counties, Calif. Proposed approval of a renewal license for the Southern California Edison Co.'s Big Creek No. 3 Project 120. The project consists of a dam and spillway, a reservoir and diversion tunnel, 4 penstocks and a powerhouse with a total installed capacity of 107,100 kw. (ELR Order No. 4068, 71 pages) (NTIS Order No. PB-207 732-D).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, (202) 755-6186.

Draft, March 23

Welfare Island New Community, New York, N.Y. Proposed HUD certification of Welfare Island as an eligible new community according to section 712 of the Urban Growth and New Community Development Act of 1970. (ELR Order No. 4044, 32 pages) (NTIS Order No. PB-207 740-D).

Harbison New Community, Richland and Lexington Counties, S.C. Proposed HUD guarantee of a $12 million loan for development of a new community over a 20-year period. (ELR Order No. 4066, 26 pages) (NTIS Order No. PB-207 745-D).

Final, March 28

Low Rent Public Housing Project No. 5-108, New York, N.Y. Proposed construction of three 24-story residential buildings of 840 (total) units. Increase in use of public facilities and utilities will result. Comments made by USDA, Army COE, AEC, DOC, EPA, FPC, GSA, DOT, local agencies, and concerned citizens. (ELR Order No. 4062, 114 pages) (NTIS Order No. PB-205 670-F).

INTERSTATE COMMERCE COMMISSION

Contact: James Tao, Room 5107, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, (202) 783-2097.

Draft, March 10

Increased freight rates and charges, 1972. Proposed approval or disapproval of selected increase proposals for commodity groupings to replace the 2.5 percent surcharge recently allowed to become effective on a temporary basis, to be applied by the railroads in rendering service throughout the United States. The surcharge may have an adverse effect on the movement of recyclable materials. (ELR Order No. 4061, 13 pages) (NTIS Order No. PB-207 730-D).

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, (202) 343-6416.

BUREAU OF RECLAMATION

Draft, March 27

Cibolo Creek, Wilson County, Tex. Proposed construction of an earthfill dam on Cibolo Creek. The reservoir would inundate 10,000 to 16,260 acres of land, displace 75 families, eliminate 24 miles of fish habitat, and necessitate the relocation of one highway, utility systems, and archeological resources. (ELR Order No. 4067, 39 pages) (NTIS Order No. PB-207 729-D).

Final, March 27

Mountain Park Project, Kiowa County, Okla. Proposed construction of a thin-arch concrete dam on Otter Creek, a diversion dam on Elk Creek, and a 10.8 mile diversion canal, with pipelines to deliver municipal and industrial water. Approximately 5 miles of stream and 9,280 acres will be inundated by the project; 35 homes, 7.5 miles of railway, 5 miles of highway and 11 miles of transmission line will have to be relocated. Comments made by USDA, DOI, State agencies and concerned citizens. (ELR Order No. 4064, 45 pages) (NTIS Order No. PB-207 728-F).

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft, March 21

Endangered Species Conservation. Proposed legislation to provide for the conservation, protection, and propagation of species and subspecies of fish and wildlife, domestic and foreign, that are threatened with extinction or likely within the foreseeable future to become threatened with extinction. (ELR Order No. 4041, 26 pages) (NTIS Order No. PB-207 731-D).

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-ordination, 400 Seventh Street SW., Washington, DC 20590 (202) 462-4357.

FEDERAL AVIATION AGENCY

Draft, March 15

Monroe and St. Clair Counties, Ill. The proposed project involves acquisition of 18,650 acres and construction of a new airport to serve the St. Louis metropolitan area. The project will result in noise pollution, air emission, short term impact related to construction, and the displacement of families, farms, businesses, and other properties. (ELR Order No. 3072, 792 pages) (NTIS Order No. PB-207 589-D-1 and PB-207 589-D-2 [2 volumes]).

Draft, March 17

Napa County Airport, Calif. Proposed land acquisition and construction of a lighted taxiway and apron. Four families will be displaced by the action. (ELR Order No. 3092, 35 pages) (NTIS Order No. PB-207 584-D).

Draft, March 22

Waseca County, Minn. Request for Federal financial assistance to lengthen, pave, light, etc. the Waseca City Airport. (ELR Order (No. 4024, 13 pages) (NTIS Order No. PB-207 674-D).

Draft, March 23

General Lyman Field, Hilo, Hawaii. Proposed Federal financial assistance to construct a new terminal and related facilities. Air quality and water tables will be affected by the action (ELR Order No. 4025, 59 pages) (NTIS Order No. PB-207 673-D).

Kokomo Airport, Howard County, Ind. Proposed land acquisition, relocation of utilities, extensive runways, lighting, etc. Noise pollution will increase accordingly. (ELR Order No. 4026, 40 pages) NTIS Order No. PB-207 672-D).

Draft, March 22

Hoven Municipal Airport, Hoven, S. Dak. Proposed land acquisition, runway extension, etc. Noise level will increase. (ELR Order No. 4028, 26 pages) (NTIS Order No. PB-207 671-D).

Grant, Perkins County, Nebr. Proposed land acquisition, construction of runway, taxiway, etc., to replace present turf field which serves seven aircraft. (ELR Order No. 4029, 31 pages) (NTIS Order No. PB-207 675-D).

Gulf Central Airport, Hancock County, Miss. Proposed request for Federal financial aid to strengthen and extend existing runway, taxiways, apron, etc. The purpose of the project is to enable the airport to handle large transport aircraft. Noise and other pollution levels will increase accordingly. (ELR Order No. 4030, 16 pages) (NTIS Order No. PB-207 676-D).

Draft, March 24

Grand Rapids, Kent County, Mich. Proposed construction of a new 3500' x 75' runway and taxi system; installation of VASI, fencing, addition to terminal, etc. (ELR Order No. 4039, 29 pages) (NTIS Order No. PB-207 723-D).

Final, March 17

Adirondack Airport, Saranac Lake, N.Y. A proposed request for Federal financial assistance to acquire land and reconstruct existing airport facilities. Eighteen acres of land will be required by the project; noise and other pollutant levels will rise accordingly. Comments made by USDA, Army COE, EPA, HUD, DOI, State and local agencies. (ELR Order No. 4006, 30 pages) (NTIS Order No. PB-207 581-F).

Final, March 28

Rockingham County Airport, Reidsville, N.C. A proposed request for Federal financial assistance to construct a general purpose airport capable of accommodating all propeller aircraft of less than 12,500 pounds (ELR Order No. 4063, 16 pages) (NTIS Order No. PB-204 259-F).

FEDERAL HIGHWAY ADMINISTRATION

Draft, March 15

Lapeer and St. Clair Counties, Mich. Proposed construction of M-21, a 40-mile long freeway. An unspecified amount of land will be lost to the project; water, air, and noise pollution will increase. (ELR Order No. 3054, 33 pages) (NTIS Order No. PB-207 559-D).

Draft, March 17

Johnson County, Kans. Proposed reconstruction of 6.5 miles of I-35. An unspecified amount of land will be lost to the project. (ELR Order No. 3055, 92 pages) (NTIS Order No. PB-207 548-D).

Duwamish River, Seattle, Wash. Proposed construction of a 5-lane bascule bridge across the 200' channel. The navigable width of the channel will be lessened by the action. (ELR Order No. 3065, 49 pages) (NTIS Order No. PB-207 546-D).

Project F-263 ( ), La Salle County, Ill. Proposed reconstruction of 12 miles of Interstate Route 23. One family will be displaced and the highway will be moved closer to existing homes. (ELR Order No. 3068, 46 pages) (NTIS Order No. PB-207 552-D).

Draft, March 16

Project S-709(1), Brevard County, Fla. Proposed reconstruction of 1.7 miles of State Route 516. A substantial amount of Indian River bottom will be filled due to the project. (ELR Order No. 3069, 115 pages) (NTIS Order No. PB-207 571-D)

Draft, March 13

Project F-120-1, Fulton County, Ga. Proposed construction of 7 miles of highway. There are several lakes in the area; an unspecified amount of land will be lost to the project. (ELR Order No. 3073, 55 pages) (NTIS Order No. PB-207 547-D).

Draft, March 15

Johnson County, Kans. Reconstruction of 12 miles of K-7, including bridge construction. A 4(f) statement will be required as some land involved in parkland. (ELR Order No. 3060, 29 pages) (NTIS Order No. PB-207 568-D).

Draft, March 16

I.S. 70N, Baltimore, Md. Proposed construction of 1 mile of 6-lane I-70N, a controlled access freeway, with one major interchange. Twelve businesses will be displaced. A 4(f) statement is required as 25 acres of parkland would be taken by the project. (ELR Order No. 4008, 52 pages) (NTIS Order No. PB-207 579-D).

Draft, March 22

Faribault County, Minn. Proposed construction of 6.3 miles of 4-lane highway, in 2 sections, involving I-90 and T.H. 169. An unspecified number of residences, businesses, and land will be lost, dependent upon which of several routes are used. (ELR Order No. 4031, 57 pages) (NTIS Order No. PB-207 679-D).

Draft, March 21

State Road 20, Washington County, Fla. Proposed construction of 11 miles of 2 lane State Route 20. An unspecified amount of timberland will be lost to the project. (ELR Order No. 4032, 64 pages) (NTIS Order No. PB-207 677-D).

Draft, March 24

Project S-1127(1) Miami County, Ind. Proposed construction of a new bridge across the Wabash River on Wayne Street in Peru, Ind. (ELR Order No. 4040, 17 pages) (NTIS Order No. PB-207 737-D).

Draft, March 22

Projects S 0642( ) and S 0455( ), Dane County, Wis. Proposed reconstruction of 2.37 miles of roadway. Siltation of Pheasant Branch Creek will result, (ELR Order No. 4042, 14 pages) (NTIS Order No. PB-207 738-D).

Draft, March 24

Project S-1152(5), Wood County, Ohio. Proposed reconstruction of 3 miles of Township Road No. 107 from 2 to 4 lanes. Four residences and 50 acres of land will be lost to the project. (ELR Order No. 4043, 15 pages) (NTIS Order No. PB-207 739-D).

Draft, March 27

Shawnee County, Kans. Proposed reconstruction of 0.208-mile of roadway. A 4(f) statement is required as a section of the right-of-way is public park land. (ELR Order No. 4046, 16 pages) (NTIS Order No. PB-207 743-D).

Draft, March 24

Jackson County, Fla. Proposed reconstruction of 1 mile of SR-71. (ELR Order No. 4047, 21 pages) (NTIS Order No. PB-207 742-D).

Richardson County, Nebr. Proposed reconstruction of 15.9 miles of U.S. 73. Six residences will be displaced by the project. (ELR Order No. 4048, 11 pages) (NTIS Order No. PB-207 744-D).

Taylor County, Fla. Proposed reconstruction of 6.1 miles of State Route 20 (U.S. 27). The number of persons displaced depends upon which of several alternate routes is used. (ELR Order No. 4052, 26 pages) (NTIS Order No. PB-207 721-D).

Final, March 9

Project I-35-4, Bell County, Tex. Reconstruction of I-35 from 4 to 6 lanes, for a total length of 3.5 miles. Two families and four businesses will be displaced by the action. Comments made by USDA, Army COE, HEW, DOT, State and local agencies. (ELR Order No. 3017, 28 pages) (NTIS Order No. PB-202 127-F).

Project I-59, Jefferson County, Ala. Proposed construction of 10.5 miles of 4-lane I-59. Approximately 173 people will be displaced by the project. Comments made by USDA, Army COE, DOC, EPA, DOI, Navy, DOT, and State agencies. (ELR Order No. 3018, 51 pages) (NTIS Order No. PB-201 (233-F).

Project APD-200(24), Mercer County, W. Va. Proposed construction of 2.79 miles of 4-lane divided highway. Thirty-three residences and one business will be displaced by the highway; there is expressed concern that water runoff will effect groundwater quality. Comments made by USDA, Army COE, DOC, EPA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 3019, 159 pages) (NTIS Order No. PB-201 705-F).

Bryan Drive, Harry County, S.C. Proposed reconstruction of Bryan Drive for a total length of 7.9 miles. Noise, air, and dust pollution will occur, with erosion and siltation possible. Comments made by Army COE, and HUD. (ELR Order No. 3020, 18 pages) (NTIS Order No. PB-207 462-F).

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Final, March 13

Project F-057-1(3), Cherokee County, Ga. Proposed construction of 3 miles of the Canton By-Pass. The highway passes through an area with numerous minor streams and tributaries. Comments made by Army COE, DOC, DOI, and DOT. (ELR Order No. 3043, 51 pages) (NTIS Order No. PB-202 918-F).

Project F-031-1(13), Polk County, Fla. Proposed reconstruction of State Route 700 (U.S. 98) for a total project length of 5.6 miles. An unspecified number of displacements will occur, depending upon which of several alternate routes are taken. Comments made by USDA, Army COE, EPA, DOI, and State and local agencies. (ELR Order No. 3044, 53 pages) (NTIS Order No. PB-202 304-F).

S.H. 99, Osage County, Okla. Proposed relocation of S.H. 99, for a total length of 9.6 miles. Approximately 200 acres of land will be lost to the project. Comments made by EPA and DOI. (ELR Order No. 3045, 20 pages) (NTIS Order No. PB-199 619-F).

Route 6, Wallingford, Conn. Proposed reconstruction of Route 68, for a total length approximately 1.4 miles. Fourteen families will be displaced by the action. Comments made by USDA, Army COE, DOC, EPA, FPC, HUD, DOI, State and local agencies. (ELR Order No. 3046, 50 pages) (NTIS Order No. PB-200 026-F).

Final, March 17

Kenai River Crossing, Kenai, Alaska. Proposed construction of 3 miles of 4 lane highway on the Kenai Peninsula. The road will cross a tideland area which is used as a nesting area by migratory waterfowl. Measures have been proposed to protect the nesting of the snow goose. Comments made by USDA, HUD, DOI, DOT, State and local agencies. (ELR Order No. 3076, 132 pages) (NTIS Order No. PB-207 556-F).

Final, March 22

Project S-1086(1), Grant County, Ind. Proposed construction of a bridge and two 600' approaches. A 4(f) statement is necessary as a local park would be infringed upon. Comments made by USDA, EPA, HUD, and DOI. (ELR Order No. 4057, 36 pages) (NTIS Order No. PB-201 235-F).

Final, March 21

Project I-75-7(42)446, Pinellas County, Fla. Proposed construction of 24.3 miles of I-75. Approximately 84 families will be displaced by the action; 2204 acres will be lost to the project. A 4(f) statement is required as public use land will be taken by the project. Comments made by USDA, Army COE, EPA, HUD, DOT, State, and local agencies, and concerned citizens. (ELR Order No. 4059, 521 pages) (NTIS Order No. PB-204 462-F).

URBAN MASS TRANSPORTATION ADMINISTRATION

Draft, March 17

Manhattan, N.Y. An application by the city of New York for Federal financial assistance in constructing the Second Avenue Subway. The grant would cover two-thirds of the $381 million project. (ELR Order No. 3079, 55 pages) (NTIS Order No. PB-207 569-D).

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-5387 Filed 4-7-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19213, 19214; FCC 72R-91]

LAKE ERIE BROADCASTING CO., AND LORAIN COMMUNITY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lake Erie Broadcasting Co., Lorain, Ohio, Docket No. 19213, File No. BPH-6969; Lorain Community Broadcasting Co., Lorain, Ohio, Docket No. 19214, File No. BPH-7044; for construction permits.

1. This proceeding involves the mutually exclusive applications of Lake Erie Broadcasting Co. (Lake Erie) and Lorain Community Broadcasting Co. (Lorain) for a new FM broadcast station in Lorain, Ohio. By Order, FCC 71-408, 36 F.R. 7994, published April 28, 1971, the Commission designated the two applications for hearing on various issues.[1] Before the Review Board is a motion to enlarge issues, filed February 3, 1972, by Lorain,[2] requesting the addition of § 1.65, misrepresentation, duopoly, and abuse of process issues against Lake Erie.

2. In its petition, Lorain alleges that Lake Erie failed to timely report its principals' interest in certain franchised and operating CATV systems and a newspaper, all located in substantially the same area as contemplated by Lake Erie's application for the FM broadcast station.[3] Specifically, Lorain charges that Lake Erie has failed to timely report the following information: (1) That Robert E. Stroupe, a Lake Erie principal, is a vice-president, shareholder, and former General Manager of North Central Television, Inc., a company which is presently operating CATV systems in seven Ohio towns located within 25 miles of Lorain, Ohio; (2) that Stroupe is President and shareholder in "Northern Ohio Weekly Scene," a weekly newspaper distributed throughout the area; and (3) that a partnership was formed among eight Lake Erie principals and this partnership was granted a CATV franchise for the township of Sheffield, Ohio, which is within the Greater Lorain area. Lorain states that the information concerning Stroupe's CATV and newspaper interests were obtained by independent investigation. Petitioner argues that all this information should have been timely reported to the Commission and the failure to do so requires addition of the requested issues. In support thereof, Lorain relies on "the Commission's longstanding policy in comparative broadcast hearings which requires consideration of diversification of control of the media of mass communications," and cites the "Policy Statement on Comparative Broadcast Hearings," 1 FCC 2d 393, 5 RR 2d 1901 (1965). Furthermore, argues petitioner, the Board has previously held that it is appropriate to consider cross-ownership of CATV and the other communications media. "Lorain Community Broadcasting Company," 13 FCC 2d 106, 13 RR 2d 382 (1968); reconsideration denied 14 FCC 2d 604, 14 RR 2d 155 (1968); review denied 18 FCC 2d 686, 16 RR 2d 946 (1969), affirmed "sub nom. Allied Broadcasting, Inc. v. FCC," 140 U.S. App. D.C. 264, 435 F2d 68 (1970). Lorain then notes the Commission's prohibition of cross-ownership of television broadcast stations and CATV systems (Commission § 74.1131), and argues that the present situation created by the newspaper and CATV interests of Lake Erie's principals present the same potential dangers to the necessary diversification criteria.

3. Lake Erie, in its opposition, explains that on January 28, 1972, it submitted supplemental hearing exhibits which indicated that eight of its nine principals had formed a limited partnership and obtained a CATV franchise for the township of Sheffield, Ohio. Then, on February 18, 1972, Lake Erie points out, it filed a motion to amend which more fully stated the facts surrounding the partnership, disclosed that no effort was made to actually construct the CATV system, and, upon realizing the cost involved, the partnership relinquished its franchise. Lake Erie thus urges that there was no need to amend earlier because, first, there was full, voluntary disclosure, and, second, there was no intent or attempt to begin actual construction. Lake Erie therefore contends that "possession of a bare franchise was not of decisional significance" and need not be reported. As for the interests of Robert E. Stroupe in North Central Television, Inc., Lake Erie notes that, while Stroupe is currently Vice-President and on the Board of Directors for North Central, he is only a 6 percent shareholder and only a 1.7 percent shareholder in Lake Erie. Lake Erie also notes that its original application made reference to the fact that Stroupe had an interest in a CATV operation known as "Central Television." Furthermore, argues Lake Erie, all of the communities served by the CATC system are outside the service area for the proposed FM station in Lorain. As for Stroupe's interest in the "Northern Ohio Weekly Scene," Lake Erie contends that the format is that of a magazine and is primarily a television and cable TV guide; further, while the magazine carries news items and advertising, it has no editorials. Also, notes Lake Erie, Exhibit No. 11 of its Hearing Exhibits, exchanged October 13, 1971, indicates that Robert E. Stroupe is "publisher of Weekly Television Guide." Therefore, argues Lake Erie, no purpose would be served by adding any of the requested issues because all pertinent information is before the Commission and parties, no prejudice or disruption has resulted from not filing earlier, and the relevant cross-ownership is insufficient to raise an issue.

4. The Broadcast Bureau, in its comments, expresses the opinion that the facts show a substantial amount of information required by FCC Form 301, Table II, section II, "Business and Financial Interests," which has not been disclosed by Lake Erie following the filing of its application and in conformity with § 1.65 of the Commission's rules. The Bureau notes that the Commission must be able to rely on complete and up-to-date information, and urges that a § 1.65 issue should be added. Further, the Bureau contends that if an adequate response is not made by Lake Erie, a concealment and misrepresentation issue would also appear warranted. Lorain, in its reply, argues that Lake Erie's effort to minimize the significance of Robert E. Stroupe is rebutted by Lake Erie's statement that Stroupe, in addition to being a minor shareholder, will also devote 50 percent of his time to the proposed station. Petitioner also contends that the relinquishment of the CATV franchise by the Lake Erie principals on the eve of the hearing in the present proceeding indicates an effort to improve its comparative position. Overall, Lorain contends that Lake Erie has failed to explain why it did not promptly and fully disclose the pertinent information and that such information is of sufficient significance to require addition of the requested issues.

5. The Review Board is of the view that Lake Erie's failure to timely report its principals' interests in franchised and operating CATV systems and a newspaper requires the addition of a § 1.65 issue. § 1.65 requires disclosure when the information furnished in an application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred. Here, eight of Lake Erie's principals were granted a CATV franchise for Sheffield Township, Ohio, on November 10, 1970. Yet, Lake Erie made no mention of this to the Commission or the other applicants until it submitted supplemental exhibit materials on January 28, 1972. Then, on February 18, 1972, Lake Erie submitted a motion for leave to amend which more fully explained its principals' interests therein and also contained a copy of a letter, dated February 17, 1972, which notified the granting authority that the CATV franchise was relinquished. Lake Erie contends that it was justified in waiting over 14 months to disclose its principals' 98.4 percent stockholdings in a CATV franchise because a "bare franchise is not of decisional significance." The Board finds this contention totally without merit. In "Lorain," supra, the Board held that a cable franchise is analogous to a construction permit from the Commission, rather than a broadcast application, and it is established that construction permits are considered under the diversification policy. 13 FCC 2d at 113, 13 RR 2d at 392. The CATV franchise held by the Lake Erie principals clearly represented an interest in an existing media of mass communication and should have been reported. See "Media, Inc.", 22 FCC 2d 875, 18 RR 2d 1175 (1970). As for Stroupe's interest in the operating CATV system, Lake Erie's argument that his interests are too small to be of importance is incorrect. As stated in the "Policy Statement on Comparative Broadcast Hearings, supra," 1 FCC 2d at 394, 5 RR 2d at 1908, "we will consider both common control and less than controlling interests in other broadcast stations and other media of mass communications." This statement applies equally to Stroupe's interest in the newspaper. The failure of Lake Erie to report such interests in the present case requires addition of the requested § 1.65 issue.[4] The Board does not, however, believe that the requested misrepresentation issues are warranted. The full circumstances surrounding the failure to amend, including the question of intent, may be explored under the § 1.65 issue. Nor does the Board believe that sufficient allegations have been made to warrant the addition of an abuse of processes issue or any disqualifying cross-interest or duopoly issue. The extent of ownership of Lake Erie's principals in other media of mass communications may be considered under the diversification criterion of the standard comparative issue. The § 1.65 issue is sufficient to thoroughly explore all the matters raised by petitioner's allegations.

6. *Accordingly, it is ordered*, That the petition for enlargement of issues, filed February 3, 1972, by Lorain Community Broadcasting Company, is granted to the extent indicated below, and is denied in all other respects; and

7. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether Lake Erie Broadcasting Co. has failed to comply with the provisions of §§ 1.514 and/or 1.65 of the Commission's rules; and, if so, to determine the effect of such noncompliance on the applicant's basic or comparative qualifications to be a Commission licensee; and

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issue added herein shall be on Lorain Community Broadcasting Co. and the burden of proof under the issue shall be on Lake Erie Broadcasting Co.

Adopted: March 31, 1972.

Released: April 4, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5412 Filed 4-7-72;8:47 am]

[1] The application of Vocom Industries, Inc., which was consolidated for hearing with the above applications, was dismissed by Order of the Hearing Examiner, FCC 71M-1771, released November 9, 1971.

[2] Other pleadings before the Board are: (a) Opposition, filed March 1, 1972, by Lake Erie; (b) Broadcast Bureau's comments, filed March 1, 1972; and (c) reply, filed March 8, 1972, by Lorain.

[3] As to the timeliness of Lorain's petition, because of the substantive public interest questions raised therein, the Board will consider the merits of the petition. The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).

[4] Since Stroupe's interests appear to have existed prior to the filing of Lake Erie's application the issues specified will encompass possible violation of § 1.514, as well as § 1.65.

[5] Board member Pincock absent.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

FEDERAL POWER COMMISSION

[Docket No. G-4954, etc.]

J. D. BURKE, ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

MARCH 29, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience

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Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-533 (G-4753) F 2-22-72	R. C. Hagans (successor to Amerada Hess Corp.), Post Office Box 1336, Corpus Christi, TX 78403.	Texas Eastern Transmission Corp., Dial Field, Goliad County, Tex.	14.9364	14.65
C172-534 (G-11762) F 2-29-72	Glen E. Jeffery (successor to Sun Oil Co.), Box 677, Meade, KS 67864.	Northern Natural Gas Co., Harper Field, Clark County, Kans.	[13] 17.0	14.65
C172-535 (C162-396) F 2-29-72	Glen E. Jeffery (successor to Falcon Seaboard Drilling Co. et al.), Box 677, Meade, KS 67864.	do	[13] 17.0	14.65
C172-536 (C162-125) F 2-29-72	Glen E. Jeffery (successor to Sun Oil Co.), Box 677, Meade, KS 67864.	do	[13] 17.0	14.65
C172-537 (G-12300) F 2-29-72	Glen E. Jeffery (successor to Ashland Oil Inc.), Box 677, Meade, KS 67864.	do	[13] 17.0	14.65
C172-538 (C162-631) F 2-29-72	Glen E. Jeffery (successor to Atlantic Richfield Co.), Box 677, Meade, KS 67864.	do	[13] 17.0	14.65
C172-539 (C161-1326) F 2-29-72	Glen E. Jeffery (successor to J. M. Huber), Box 677, Meade, KS 67864.	do	[13] 17.0	14.65
C172-540 B 3-2-72	Ashland Oil, Inc. (Operator) et al., Post Office Box 1503, Houston, TX 77001.	Colorado Interstate Gas Co. a division of Colorado Interstate Corp. Northwest Eva Field, Texas County Okla.	Depleted	-------
C172-541 B 3-2-72	do	Natural Gas Pipeline Co. of America, Southeast Mutual Field, Woodward County, Okla.	Depleted	-------
C172-542 A 3-3-72	Hastie Hunt Trust, 1401 Elm St., Dallas, TX 75202.	Michigan Wisconsin Pipe Line Co., Block 171, West Cameron Area, Offshore Louisiana.	[14] 32.0	15.025
C172-543 A 3-3-72	Hunt Petroleum Corp., 1401 Elm St., Dallas, TX 75202.	do	[13] 32.0	15.025
C172-544 A 3-6-72	Union Oil Co. of California, Post Office Box 7600, Los Angeles, Ca 90051.	Southern Natural Gas Co., S.L. 1272, Block 67, Main Pass Area, Plaquemines Parish, LA.	[14] 35.833	15.025
C172-545 A 3-6-72	George Mitchell & Associates, Inc., 3900 I Shell Plaza, Houston, TX 77002.	Texas Eastern Transmission Corp., Sal Del Rey Field Area, Hidalgo County, Tex.	[13] 24.0	14.65
C172-546 3-3-72 [17]	Colorado Oil & Gas Corp., Box 749, Denver, CO 80201.	United Gas Pipe Line Co., Gottschalk Field, Goliad County, Tex.	18.3488	14.65
C172-547 (G-17960) A 3-6-72	Cabot Corp. (SW) (successor to Monsanto Co.), Post Office Box 1101, Pampa, TX 79065.	Michigan Wisconsin Pipe Line Co., Otto No. 1 Gas Unit, Laverne Area, Beaver County, Okla.	[14] 18.5	14.65
C172-548 (C160-328) F 3-6-72	Cabot Corp. (SW) (successor to The Superior Oil Co.), Post Office Box 1101, Pampa, TX 79065.	El Paso Natural Gas Co., Otto No. 1 Gas Unit, Laverne Area, Beaver County, Okla.	[14] 18.5	14.65
C172-549 (G-13289) F 3-6-72	Cabot Corp. (SW) (successor to Atlantic Richfield Co. (Operator) et al.), Post Office Box 1101, Pampa, TX 79065.	Michigan Wisconsin Pipe Line Co., Otto No. 1 Gas Unit, Laverne Area, Beaver County, Okla.	[20] 18.5	14.65
C172-550 D 3-6-72	Forest Oil Corp., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Columbia Gas Transmission Corp., Block 32 Field, Eugene Island, Offshore Louisiana.	[13] 25.0	15.025
C172-551 A 3-6-72	Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.	Panhandle Eastern Pipe Line Co., East Hobart Ranch and Buffalo Wallow Areas, Hemphill County, Tex.	[21] 26.0	14.65
C172-552 A 3-7-72	The Superior Oil Co., Post Office Box 1521, Houston, TX 77001.	Michigan Wisconsin Pipe Line Co. Deep Lake Field, Cameron Parish, La.	[22] 26.0	15.025
C172-555 A 3-7-72	Texas Pacific Oil Co., Inc., 1700 1 Main Place, Dallas, TX 75250.	Panhandle Eastern Pipe Line Co., Roydon Area, Roger Mills County, Okla., and Hemphill County, Tex.	[13] 30.0	14.65
C172-556 A 3-7-72	do	Kansas-Nebraska Natural Gas Co., Cities Roydon Area, Roger Mills County, Okla., and Hemphill County, Tex.	[13] 30.0	14.65
C172-561 B 3-6-72	Forest Oil Corp. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	Cities Service Oil Co., Robstown Plant, Nueces County, Tex.	Depleted	-------
C172-562 A 3-6-72	Oklahoma Natural Gas Co., 510 Oklahoma Natural Gas Bldg., Tulsa, Okla. 74119.	Northern Natural Gas Co., North Follett Field, Lipscomb County, Tex.	[22] 26.5	14.65

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-4164 E 2-22-72	J. D. Burke (successor to Sun Oil Co. (Operator), et al.), Post Office Box 1336, Corpus Christi, TX 78403.	United Gas Pipe Line Co., Marshall Field, Goliad County, Tex.	18.34575	14.65
G-7638 D 3-9-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Coastal States Gas Producing Co., East Mathis Field, San Patricio County, Tex.	Assigned	-------
G-12324 and G-11253 E 3-1-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Panhandle Eastern Pipe Line Co., Greenwood Field, Morton County, Kans.	[17] 17.71	14.65
G-14783 E 3-1-72	do	Northern Natural Gas Co., Sonora Field, Sutton County, Tex.	[2] 15.40	14.65
G-17378 D 3-2-72	Texaco, Inc., Post Office Box 3109, Midland, TX 79701.	Transwestern Pipeline Co., Hansford Field, Hansford County, Tex.	(3)	-------
C162-1401 E 3-8-72	Odessa Natural Corp. (successor to El Paso Products Co. (Operator), et al.), Post Office Box 3986, Odessa, TX 79760.	Colorado Interstate Gas Co. a division of Colorado Interstate Corp., acreage in Sweetwater County, Wyo.	[4] 16.0	14.65
C162-1015 D 3-8-72	Texaco, Inc., Post Office Box 3420, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Mocane Field, Beaver County, Okla.	(1)	-------
C163-234 D 3-9-72	Mobil Oil Corp. (Operator), et al., Post Office Box 1774, Houston, TX 77001.	Arkansas Louisiana Gas Co., Red Oak Area, Latimer, Le Flore, et al. Counties, Okla.	(1)	-------
C163-349 D 3-8-72	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Panhandle Eastern Pipe Line Co., Kismet South Field, Seward County, Kans.	(1)	-------
C163-383 D 3-2-72	Humble Oil & Refining Co. Post Office Box 2180, Houston, TX 77001.	El Paso Natural Gas Co., East Bluitt-Hutto Field, Apache County, Ariz.	(7)	-------
C163-1035 E 2-22-72	Lynco Oil Corp. (successor to Mountain States Natural Gas Corp.), 1401 East Louisiana Ave., Denver, CO 80222.	El Paso Natural Gas Co., Tapacito Field, South Blanco-Picture Cliff, Rio Arriba, N. Mex.	13.0	15.025
C169-637 D 3-10-72 [7]	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co. a division of Tenneco Inc., East Cameron Block 17 Field, Offshore Louisiana.	(1)	-------
C169-1099 D 3-2-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001 (partial abandonment).	Tennessee Gas Pipeline Co. a division of Tenneco Inc., Grand Isle Blocks 33 and 34 Offshore Louisiana.	(1)	-------
C172-233 10-15-71	Wm. H. Chamberlain, d.b.a., Saturn Oil & Gas Co., et al., Post Office Box 96, Cheyenne, WY 82001.	Panhandle Eastern Pipe Line Co., Huggton (Peters) Field, Seward County, Kans.	[9] 12.5	14.65
C172-461 (G-6352) F 1-24-72	Duer Wagner & Co. (successor to Continental Oil Co., et al.), 909 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	United Gas Pipe Line Co., South Cabeza Creek Field, Goliad County Tex.	[11] 18.3	14.65
C172-497 (G-8894) F 2-7-72	Duer Wagner & Co. (successor to Atlantic Richfield Co.), 909 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	do	[11] 18.3	14.65
C172-529 B 3-1-72	Shell Oil Co., Post Office Box 2463, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak County, Tex.	[22] ------	-------
C172-532 A 3-2-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Texas Eastern Transmission Corp., Vermilion Block 205 Field, Offshore Louisiana.	[11] 30.0	14.65

Filing code: A—Initial service.
B—Amendment to add acreage.
C—Amendment to delete acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-563 B 3-10-72	Amoco Production Co., Post Office Box 3092, Houston, TX 77001.	Texas Eastern Transmission Corp., Fort Lynn Field, Miller County, Ark.	Depleted	-------

[1] Subject to upward and downward B.t.u. adjustment. Rate in effect subject to refund in Docket No. RI70-1543.
[2] Plus 0.90 cent per Mcf B.t.u. adjustment. Rate in effect subject to refund in Docket No. G-14783.
[3] Acreage is nonproductive.
[4] Rate in effect subject to refund in Docket No. RI64-194.
[5] Expiration of leases.
[6] Leases have expired or have been canceled.
[7] Leases have been assigned or canceled.
[8] Amendment to pending application.
[9] Acreage is nonproductive and leases have been terminated.
[10] Application previously noticed Nov. 10, 1971, in G-9224 et al., at a rate of 12 cents per Mcf. By letter filed Oct. 15, 1971, Applicant amended its application to reflect a rate of 12.5 cents per Mcf.
[11] Application previously noticed Feb. 8, 1972, in G-2629 et al., and Feb. 15, 1972 in G-6766 et al., at a rate of 19 cents per Mcf. By letter filed Mar. 1, 1972, Applicant amended its application to reflect a rate of 18.3 cents per Mcf, plus 0.0458 cent per Mcf tax reimbursement.
[12] Application previously noticed Feb. 23, 1972, in G-2629 et al., at a rate of 19 cents per Mcf. By letter filed Mar. 6, 1972, applicant amended its application to reflect a rate of 18.3 cents per Mcf, plus 0.0458 cent per Mcf tax reimbursement.
[13] Limited-commitment, contract terminates on Apr. 1, 1972.
[14] Applicant is willing to accept a permanent certificate pursuant to Opinion No. 598.
[15] Subject to upward and downward B.t.u. adjustment.
[16] Casinghead gas. Subject to upward and downward B.t.u. adjustment.
[17] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-7373 to be made pursuant to Goldston Oil Corp., FPC Gas Rate Schedule No. 1.
[18] Plus 0.94 cent per Mcf upward B.t.u. adjustment and 0.29 cent per Mcf tax reimbursement pursuant to Order No. 433; however, the contract price is 22 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[19] Plus 0.2775 cent per Mcf tax reimbursement, pursuant to Order No. 433; however, the contract price is 25 cents per Mcf.
[20] Plus 2.22 cents per Mcf upward B.t.u. adjustment and 0.3108 cent per Mcf tax reimbursement, pursuant to Order No. 433; however, the contract price is 22.015 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[21] Subject to undetermined quality adjustments. Subject to upward and downward B.t.u. adjustment.
[22] Applicant is willing to accept an initial certificate at 26 cents per Mcf; however, the contract price is 32 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[23] Includes 8.671 cents per Mcf upward B.t.u. adjustment.

[FR Doc.72-5172 Filed 4-7-72;8:45 am]

[Docket No. RI72-198 etc.]

ODESSA NATURAL CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 31, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72-198	Odessa Natural Corp.	4	11	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	$1,560	3-3-72		5-4-72	16.0	17.0	RI64-194.
	do	2	6	El Paso Natural Gas Co. (Dakota Basin, San Juan County, N. Mex.) (San Juan Basin).	10,800	3-6-72		5-7-72	[1] 14.0536	[1] 15.0557	RI64-460.
RI72-199	Texas Pacific Oil Co., Inc.	65	6	El Paso Natural Gas Co. (Halley (Devonian) Field, Winkley County, Tex.) (Permian Basin).	27,466	3-6-72		5-7-72	16.2760	19.3278	
RI72-200	Chevron Oil Co	7	7	El Paso Natural Gas Co. (Blanco-Mesa Verde Field, San Juan County, N. Mex., San Juan Basin).	9,887	[2] 3-6-72		5-7-72	[3] 14.2678	[3] 21.33	RI69-505.
	do	8	5	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County) (N. Mex., San Juan Basin.)	964	[2] 3-6-72		5-7-72	[3] 18.2688	[3] 21.33	RI69-506.
RI72-201	CRA, Inc.	49	25	Northern Natural Gas Co. (Mertzon Plant, Irion County, Tex.) (Permian Basin).	480 5,290	3-13-72 3-13-72		5-14-72 5-14-72	[4] 16.6571 [4] 16.5	[4] 17.0638 [4] 17.5656	
						3-13-72		5-14-72	[4] 16.5	[4] 17.5656	
RI72-202	Gulf Oil Corp.	67	11	El Paso Natural Gas Co. (Big Piney Field, Sublette County, Wyo.).	6,740	3-20-72		5-21-72	[5] 17.225	[5] 18-270	RI70-1566.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes 1 cent per Mcf minimum guarantee for liquids.
[2] Revised by filing of Mar. 16, 1972.
[3] For acreage dedicated under basic contract.
[4] For acreage added by Supplements Nos. 4, 5, and 6.
[5] For acreage added by Supplement No. 7.
[6] The pressure base is 15.025 p.s.i.a.

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The proposed increases of Chevron Oil Co. for sales to El Paso in San Juan Basin are based on favored-nation clauses which were allegedly atcivated by Aztec Oil & Gas Co.'s unilateral rate increase to 29.23 cents which became effective subject to refund in Docket No. RI71–744 on August 1, 1971. El Paso Natural Gas Co. is expected to protest these favored nation increases, as they have previous filings, on the basis that they are not contractually authorized. In view of the contractual problem presented, the hearing herein shall concern itself with the contractual basis for these favored-nation filings as well as the justness and reasonableness of the proposed increased rates. The proposed increases to 21.33 cents per Mcf do not exceed the corresponding rate filing limitation imposed in southern Louisiana and are suspended for 1 day since Chevron Oil Co. has waived its right to file for additional increases for a period of 1 year from the date such increases were filed except in the event that the Commission determines a higher area rate level for these sales or the buyer and seller agree by negotiation to higher rates.

The proposed increase of Gulf Oil Corp. includes a double amount of the contractually due reimbursement for taxes applicable to future production as well as reimbursement for taxes applicable to past production, back to January 1, 1968. After tax reimbursement applicable to past production has been recovered, Gulf shall file a rate decrease reducing the proposed rate so as to provide for tax reimbursement for future production only. Consistent with prior Commission action on increases reflecting reimbursement of the Wyoming severance tax, Gulf's proposed increase is suspended for 1 day from the proposed effective date.

CRA, Inc. requests effective dates earlier than those permitted herein. Good cause has not been shown for granting such request, and it is denied.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act [15 U.S.C. 717c(d)] in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72–5336 Filed 4–7–72;8:45 am]

[Docket No. RI72–197]

SKELLY OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 31, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI72–197	Skelly Oil Co.	49	5	Kansas-Nebraska Natural Gas Co., Inc. (Big Springs Field, Deuel County, Nebr.).	$6,146	3–2–72		5–3–72	13.5	[1] 21.956	

*The pressure base is 16.4 p.s.i.a.

[1] Unilateral increase-contract expired 11–1–71.

The proposed unilateral increase from 13.5 cents to 21.956 cents per Mcf filed by Skelly Oil Co. is for a sale of gas to Kansas-Nebraska Natural Gas Co., Inc., in Deuel County, Nebr. The Commission has not prescribed increased rate ceiling for sales from Nebraska but has applied the 13.0 cents per Mcf at 15.025 p.s.i.a. (14.19 cents at 16.4 p.s.i.a.) increased rate ceiling of adjacent Colorado as a guide in determining whether to suspend proposed increase in Nebraska. Skelly's increase exceeds the Colorado increased rate ceiling but does not exceed the corresponding rate filing limitation imposed in southern Louisiana and therefore it is suspended herein for 1 day.

CERTIFICATE OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act [15 U.S.C. 717c(d)] in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72–5335 Filed 4–7–72;8:45 am]

[Project 2030]

PORTLAND GENERAL ELECTRIC CO.

Notice of Availability of Environment Statement for Inspection

APRIL 6, 1972.

Notice is hereby given that on April 7, 1972, as required by § 2.81(b) of Commission Regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a final environmental statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission.

The Final Environmental Impact Statement is enclosed as an attachment to the Federal Power Commission's Order Amending License and Approving Exhibit S Filing for Project No. 2030, the Pelton Project, Oreg., dated April 4, 1972. The Exhibit S filing includes construction, maintenance and operation of fish hatchery facilities at the Round Butte Development of the Pelton Project. Facilities will be used to maintain runs of steelhead trout and chinook salmon in the Deschutes River.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–5529 Filed 4–7–72;9:40 am]

FEDERAL RESERVE SYSTEM

VALLEY BANCORPORATION

Order Approving Acquisition of Bank

Valley Bancorporation, Appleton, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 80 percent or more of the voting shares of Bank of Casco, Casco, Wis. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the eighth largest banking organization in Wisconsin, controls 11 banks with aggregate deposits of approximately $148 million, representing 1.4 percent of the total commercial bank deposits in the State.[1] Upon acquisition of Bank ($7.1 million in deposits), applicant's position in relation to the other banking organizations in the State would remain unchanged and applicant's share of deposits in the State would be increased by only 0.1 percentage point.

Bank's sole office is located in the village of Casco, in Kewaunee County, where it competes with six other banks in a market approximated by the northern three-fourths of Kewaunee County and the southern 6 miles of Door County. Bank ranks fourth in deposit size among the banks competing in this market, holding 14.4 percent of total deposits in that market. Applicant's closest subsidiary, Badger State Bank, located in Denmark, Brown County, is approximately 27 road miles southwest of Bank. There is no existing competition between Bank and this subsidiary or any of applicant's other subsidiaries. Moreover, in view of the low population density of the area and Wisconsin's restrictive branch banking statutes, the possibility of such competition arising in the future appears remote. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have a significantly adverse effect on competition in any relevant area. Nor is consummation likely to have any significant adverse effects on Bank's competitors.

There is no evidence that significant banking needs of the community are going unserved; however, consummation of this acquisition would allow Bank to improve the quality and expand the number of services Bank currently offers to the community. Affiliation with applicant would increase the lending capability of Bank through participation arrangements with applicant's present subsidiary banks, and enable Bank to initiate trust services as well as to improve and expand its consumer lending capabilities. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval.

Considerations relating to financial and managerial resources and prospects as they relate to applicant, its subsidiaries and Bank, are regarded as satisfactory, except that Bank has not provided for adequate successor management. Applicant's capabilities for finding competent and experienced officers for Bank as needed lend some weight in favor of approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] April 3, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72–5425 Filed 4–7–72;8:47 am]

[1] All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, and Brimmer. Absent and not voting: Chairman Burns and Governors Maisel and Sheehan.

GENERAL SERVICES ADMINISTRATION

RETRO-REFLECTIVE BEADS AND REFLECTORIZED TRAFFIC PAINT FOR AIRFIELD RUNWAY MARKING

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following Federal specifications:

TT–B–1325A—Beads (Glass Spheres); Retro-Reflective.

TT–P–85D—Paint, Traffic: Reflectorized for Airfield Runway Marking (Drop-on-Type).

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications to the end that: (1) Mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) the quality of the products shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters, and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on April 26, 1972, at 10 a.m., Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. W. S. van Byken, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, Washington, D.C. 20406, telephone No. (Area Code 703) 557–7879.

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Issued in Washington, D.C., on March 30, 1972.

M. S. MEEKER,
Commissioner.

[FR Doc.72-5395 Filed 4-7-72;8:46 am]

[Federal Property Management Regs.; Temporary Reg. F-144]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utility Commissioners in a proceeding involving telecommunications rates of the New Jersey Bell Telephone Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 3, 1972.

HAROLD S. TRIMMER, JR.,
Acting Administrator of General Services.

[FR Doc.72-5394 Filed 4-7-72;8:46 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC File No. 0933]

URBAN RENEWAL

Requirements for Proposals

At its meeting on April 6, 1972, the National Capital Planning Commission adopted the following requirements for urban renewal proposals pursuant to the District of Columbia Redevelopment Act of 1945, as amended.

SECTION 1. *Introduction.* Section 6(b) of the District of Columbia Redevelopment Act of 1945, as amended (hereinafter referred to as the "Act"), provides for adoption by the Commission and approval by the District of Columbia Council of boundaries and urban renewal plans for urban renewal areas in the District of Columbia. Section 12 of the Act provides that modifications of such plans may be effected only through adoption by the Commission and approval by the District of Columbia Council.

The following material, form and procedural requirements are prerequisites to Commission consideration of:

1. Urban renewal area boundaries and modifications thereof, and

2. Urban renewal plans and modifications thereof.

They are intended to insure an adequate and complete review and evaluation of all urban renewal proposals pursuant to the Act, the National Environmental Policy Act of 1969, and other applicable laws and regulations.

The requirements regarding the scheduling of Commission consideration are intended to insure an adequate opportunity for interagency coordination and for review and comment by interested and affected organizations and individuals.

The requirements are also intended to guide the staff of the Commission, the District of Columbia Government, the District of Columbia Redevelopment Land Agency (hereinafter referred to as the "Agency"), and other groups and organizations, including redevelopers, making urban renewal proposals to the Commission. Such agencies and organizations are urged to contact the Commission staff at the earliest possible time for consultation prior to making such proposals.

Boundaries and urban renewal plans for urban renewal areas and modifications thereof shall be scheduled for Commission consideration only if all of the following requirements are met in accordance with the established monthly deadlines for the submission of plans. Adherence to such deadlines is essential to permit necessary referrals, interagency coordination, and staff review.

Except with respect to an urban renewal proposal made by a governmental agency, a group or organization receiving financial assistance from a governmental agency, or a redeveloper or other commercial enterprise, the Executive Director of the Commission may modify or waive any requirement where the application of such requirement would preclude the consideration of an urban renewal proposal which the Executive Director determines, by virtue of its compatibility with the objectives of an approved urban renewal plan or with the Comprehensive Plan for the National Capital, to be of sufficient merit for Commission consideration. In such cases, the Executive Director may request the Agency to prepare and submit such materials as are required and not otherwise submitted.

SEC. 2. *Materials required*—A. *Action items.* The following materials are required for Commission consideration of urban renewal proposals for adoption pursuant to the Act:

(1) *Boundaries and modifications thereof.* A map showing the proposed boundaries of the urban renewal area or proposed modifications to the boundaries of an approved urban renewal area.

(2) *Urban renewal plans and modifications thereof.* Proposed text and/or map(s) of urban renewal plans or modifications to an approved urban renewal plan. The proposed text of an urban renewal plan, or of a modification to an approved urban renewal plan which includes a change in urban renewal area boundaries, shall include a metes and bounds description of the boundaries or change in boundaries.

B. *Supporting documentation.* The following materials in support of the action items described above shall be presented to the Commission and placed in the record:

(1) *Eligibility report—urban renewal area.* A statement of the eligibility of the proposed urban renewal area, or of the proposed modified urban renewal area, under the Act.

(2) *Eligibility report—action areas.* A statement of the eligibility of each action area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(3) *Relocation report.* A description of the estimated residential and nonresidential displacement that will be caused by an urban renewal proposal and a statement of available relocation resources to accommodate project displacement.

(4) *Rehabilitation report.* A statement of the feasibility of each rehabilitation area in the proposed annual neighborhood development program for a proposed urban renewal plan or modification(s) to an approved urban renewal plan, pursuant to title I of the Housing Act of 1949, as amended.

(5) *Environmental impact.* A Description of Environmental Impact of the urban renewal proposal prepared pursuant to the Commission's Policies and Procedures for the Protection and Enhancement of Environmental Quality in the National Capital Region.

(6) *Citizen participation report.* A statement of the steps taken to insure citizen participation and community review of the urban renewal proposal and statements from affected community groups indicating their position relative to the proposal.

C. *Background data and information.* The following materials are required to enable a complete review and evaluation of an urban renewal proposal by the Commission:

(1) *Narrative description.* A narrative description and justification of the urban renewal proposal.

(2) *Data sheet.* A data sheet indicating, where applicable, each of the following:

(a) The lot and square numbers of all properties proposed for acquisition, disposition, or rehabilitation.

(b) The area in square feet or acres of each disposition lot or rehabilitation area.

(c) The number, size, density, and type of housing units to be developed on each disposition lot and the number, size, density, and type of housing units to be rehabilitated in each rehabilitation area.

(d) The floor area and type of new commercial space or other nonresidential uses to be developed on each disposition lot.

(3) *Status report on project execution activities.* In connection with each proposed annual neighborhood development program, a narrative description of:

(a) *The current status of acquisition,* disposition, and rehabilitation activities in previously approved action areas, and

(b) The current status of project improvement activities in each urban renewal area.

SEC. 3. *Form of submissions*—A. *Map scales.* Except for presentation maps, all maps shall be presented at a scale of at least 1 inch equals 200 feet, for maps showing urban renewal area boundaries and modifications thereof and maps constituting parts of urban renewal plans and modifications thereof, and at a scale of at least 1 inch equals 50 feet for site and building plan submitted in support or explanation of proposed modifications to approved urban renewal plans.

B. *Sheet sizes.* All drawings submitted shall not exceed a sheet size of 33 x 44 inches in order to be compatible with the Commission's microfilm process. For projects involving larger plans, multiple sheets, covering portions of the plan, may be submitted so that the maximum sheet size may be maintained. No minimum sheet size has been established. However, drawings should be large enough to be readable by the Commission in a large meeting room at a distance of 20 to 25 feet.

C. *Number of copies.* At least three complete sets of all materials, including action items, supporting documentation, and background data and information shall be submitted.

D. *Presentation materials.* One set of all presentation materials shall be submitted for use in the various presentations. Maps used in presentations to the Commission shall be in color—using zip-a-tone, magic marker, or other suitable materials.

SEC. 4. *Steps in Commission consideration.* 1. Staff review and evaluation of and, if determined by the Executive Director to be necessary, revisions to the urban renewal proposal and the Description of Environmental Impact submitted in accordance with section 2.B.(5).

2. Referral of the proposal or revised proposal to the Commission's Coordinating Committee for coordination with interested and affected Federal and District of Columbia agencies.

3. Referral of the proposal or revised proposal to the Agency and to interested and affected community organizations.

4. Referral of the proposal or revised proposal to the Joint Committee on Landmarks of the National Capital if the proposal or modified proposal is determined by the Executive Director to significantly affect a designated landmark.

5. Presentation of the proposal or revised proposal to the Commission's Urban Renewal and Housing Committee, together with the Executive Director's recommendation thereon.

6. Presentation of the proposal or revised proposal to the Commission, together with the report of the Urban Renewal and Housing Committee.

7. Action on the proposal or revised proposal by the Commission.

I, Daniel H. Shear, Secretary to the Commission, hereby certify that the foregoing is a true copy of the urban renewal proposals requirements as adopted by the Commission.

DANIEL H. SHEAR,
Secretary.

APRIL 6, 1972.

[FR Doc.72-5492 Filed 4-7-72;8:50 am]

NATIONAL SELECTIVE SERVICE APPEAL BOARD

ESTABLISHMENT, FUNCTIONS, AND DUTIES

Room 1002, 1730 K Street NW., Washington DC 20006, phone (202) 343-6136.

Chairman, Levi A. Jackson.
Member, E. G. Banks.
Member, C. N. Collatos.
Administrative Executive, G. J. Wendel.

Création and authority. The National Selective Service Appeal Board was established by Executive Order 9988 of August 20, 1948, as amended by Executive Order 10116 of March 9, 1950. The Board consists of three civilian members appointed by the President. The National Board is authorized and directed to perform all functions and duties vested in the President by that sentence of section 10(b)(3) of the Military Selective Service Act as amended which reads: "The President, upon appeal, or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall me final." The National Board makes its classification determinations within the law, the regulations, and the established policies of the Director of Selective Service.

Approved.

LEVI A. JACKSON,
Chairman.

[FR Doc.72-5443 Filed 4-7-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[812-1836]

CHASE CAPITAL FUND OF BOSTON, INC.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

APRIL 4, 1972.

Notice is hereby given that Chase Capital Fund of Boston, Inc., 535 Boylston St., Boston, MA 02216 (Applicant), a Massachusetts corporation registered as an open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant filed its Notification of Registration on Form N-8A under the Act on March 25, 1969.

Applicant states that on November 24, 1971, its shareholders approved a plan of reorganization (Plan) under which Applicant sold substantially all of its assets to Chase Frontier Fund of Boston, Inc. (subsequently called Chase Frontier Capital Fund of Boston, Inc., hereinafter "Frontier"), a Massachusetts corporation, registered under the Act as an open-end management investment company, in exchange for the common stock of Frontier.

Applicant further states that pursuant to said Plan, Frontier's common stock was distributed to Applicant's shareholders. Applicant represents that as a result of said Plan it has neither assets, nor unclaimed dividends or other distributions. Applicant contends that it does not presently engage in any business activity and has no plans to do so in the future. In addition, Applicant states that it is filing for dissolution with the Commonwealth of Massachusetts.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than April 25, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for

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hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 72-5427 Filed 4-7-72;8:47 am]

[70-5182]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issue and Sale

APRIL 3, 1972.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, NY 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $50 million principal amount of __ percent Debentures due May 1, 1997. The interest rate (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which will be not less than 99 percent or more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued as a new series under a Second Supplemental Indenture dated as of May 1, 1972, to the Indenture between Consolidated and Manufacturers Hanover Trust Co., New York, N.Y., as Trustee. The Indenture includes a prohibition until May 1, 1977, against refunding the issue with or in anticipation of the proceeds from borrowings at a lower cost. The proceeds of the sale of the debentures will be used to finance, in part, the 1972 capital expenditures of Consolidated's subsidiary companies, presently estimated at $127 million.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $101,000, including service charges of Consolidated Natural Gas Service Co., Inc., an associate company, at cost, of $26,000, and accountants' fees and expenses of $5,500. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 28, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate), should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 72-5408 Filed 4-7-72;8:47 am]

SELECTIVE SERVICE SYSTEM

ORGANIZATION AND ACTIVITIES

National Headquarters, 1724 F Street NW., Washington, DC 20435. Phone 202-343-1100.

Director, Dr. Curtis W. Tarr.
Deputy Director, Byron V. Pepitone.
Assistant Deputy Director, Operations, Daniel J. Cronin.
Assistant Deputy Director, Administration, John D. Dewhurst.
Office of Public Information, Kenneth J. Coffey.
Office of General Counsel, Walter H. Morse.
Office of Legislation and Liaison, Samuel R. Shaw.
Office of Management Evaluation, Edward W. Locke (Acting).

Creation and authority. The Selective Service System was established by the Military Selective Service Act (62 Stat. 604 as amended; 50 U.S.C. App. 451-471).

The Military Selective Service Act requires the registration of male citizens of the United States and all other male persons except certain alien nonimmigrants and alien medical, dental, or allied specialists who are in the United States who are between the ages of 18 and 26 years. (Alien medical, dental, or allied specialists are liable to register until age 35 years.) The act imposes liability for training and service in the Armed Forces upon registrants who are between the ages of 18 years and 6 months and 26 years, except that aliens are not liable for training and service until they have remained in the United States for more than 1 year. Some persons who have been deferred remain liable for training and service until age 35. Persons in a medical, dental, or allied specialist category who enter the United States after age 26 are liable for training and service until age 35. Conscientious objectors who are found to be opposed to any service in the Armed Forces are required to perform civilian work in lieu of induction into the Armed Forces.

The President is authorized prior to July 1, 1973, to select and induct into the Armed Forces not more than 140,000 persons as may be required to maintain the strengths of the forces in the fiscal year ending June 30, 1973, and also to provide for the selection and induction into the Armed Forces of persons qualified in needed medical, dental, or allied specialist categories pursuant to special requisitions submitted by the Secretary of Defense.

The act exempts members of the active Armed Forces and foreign diplomatic and consular personnel from registration and liability for training and service. Likewise exempted are categories of aliens, as specified by the President, who are not admitted to the United States for permanent residence. Other exemptions or deferments from training and service are provided by the act, and the President is authorized to provide, by rules and regulations, for deferments involving occupations, some kinds of study, dependency, and fitness.

The President by Executive Order 11623 has delegated to the Director of Selective Service authority, subject to certain restrictions, to issue regulations to carry out the Military Selective Service Act.

Pursuant to the provisions of section 672(a) of title 10 of the United States Code (72 Stat. 1440), the Director of Selective Service determines the availability of members of the Standby Reserve of the Armed Forces for order to active duty in time of war or national emergency declared by Congress.

Purpose. The purpose of the Selective Service System is to supply the Armed Forces manpower adequate to insure the security of the United States, with concomitant regard for the maintenance of an effective national economy.

ORGANIZATION AND ACTIVITIES [1]

Director of Selective Service. The Selective Service System is headed by the Director of Selective Service, who is appointed by the President with the consent of the Senate. The Director is responsible directly to the President for carrying out the functions of the System. The Director decides appeals from the determinations of appeal boards as to the availability of members of the Standby Reserve for order to active duty.

[1] Organization chart held as part of the original document.

National headquarters. The National Headquarters functions under the supervision of the Director and assists him. The operations of the Selective Service System are largely decentralized.

State headquarters. Each State headquarters is headed by a State Director of Selective Service, who is appointed by the Director in the name of the President upon recommendation of the Governor. The State Director is responsible for carrying out the functions of the Selective Service System within his area of jurisdiction. He is responsible to the Director of Selective Service for the coordination and supervision of the activities of the local boards, appeal boards, and other selective service agencies under its jurisdiction.

Local boards. At least one local board has been established in each county or political subdivision corresponding thereto except where, upon recommendation of the respective Governors, intercounty local boards have been established for areas not exceeding five counties. A local board consists of three or more civilian members, residents of a county in the local board area, who are appointed by the President upon recommendation of the Governor and serve without compensation. A special local board, with jurisdiction over all persons registered who do not have a place of residence within the United States has been established in the District of Columbia.

Each local board has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from, training and service of all men registered in, or subject to registration in, the local board area. The decisions of a local board are final, except where an appeal to an appeal board is authorized and is taken. Each local board is responsible for the registration, examination, classification, selection, delivery to the Armed Forces for induction, ordering to perform civilian work in lieu of induction, and maintenance of the records of men who are required to register and who are within its area of jurisdiction.

Appeal boards. Appeal boards have been established for each Federal judicial district in each of the States and in Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Members of appeal boards are civilians resident in the appeal board area and are appointed by the President upon recommendation of the Governor and serve without compensation. The functions of an appeal board are to decide anew the cases of registrants and members of the Standby Reserve appealed to it.

National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists.—The National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists is located at National Headquarters. The members of this committee are appointed by the President. The functions of the National Committee are to advise the Director of Selective Service and to coordinate the work of State and local volunteer advisory committees established to cooperate with the National Committee, with respect to the availability of needed medical, dental, and allied specialist categories of persons for service in the Armed Forces. The National Committee is independent of the Selective Service System.

SOURCES OF INFORMATION

Publications. The following are examples of Selective Service publications available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402: Registrants Processing Manual, and Curriculum Guide to the Draft. Selective Service Regulations appear in Chapter XVI of Title 32, Code of Federal Regulations.

The following are available from the Public Information Office, Selective Service System: Perspective on the Draft; Hardship Deferment; Conscientious Objector; It's Your Choice; Lottery and Class 1-H; The Draft: Past, Present, and Future; Doctors' Draft; and Aliens.

Employment. Inquiries and applications should be directed to the Director, Selective Service System, Attn: AP, 1724 F Street NW., Washington, DC 20435.

Procurement. Inquiries should be directed to Director, Selective Service System, Attn: AAPB, 1724 F Street NW., Washington, DC 20435.

For further information including names of State Directors and addresses of State Headquarters, contact the Office of Public Information, Selective Service System, 1724 F Street NW., Washington, DC 20435.

Approved.

CURTIS W. TARR, *Director of Selective Service.*

[FR Doc.72-5442 Filed 4-7-72;8:49 am]

PERSONAL APPEARANCE BEFORE LOCAL BOARD; APPEAL TO APPEAL BOARD AND PRESIDENT

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in Chapters 624, 626, and 627 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, Chapters 624, 626, and 627 are set forth in full as follows:

CHAPTER 624—PERSONAL APPEARANCE BEFORE THE LOCAL BOARD

This chapter deals only with the personal appearance before the local board in accord with section 22 of the Military Selective Service Act and Part 1624 of Selective Service Regulations. The "courtesy interview" which is used occasionally as an interview with the registrant is not a statutory "personal appearance" as used in this chapter.

The local board will conduct "courtesy interviews" only for registrants who are registered with it or who have been transferred to it for classification.

SECTION 624.1. *Opportunity for personal appearance.* 1. Every registrant shall have the opportunity, in accord with the provisions of this chapter, to appear in person before the local board which classified him. After the classification action by the local board and the mailing of a Notice of Classification (SSS Form 110), the registrant shall have the right to request a personal appearance unless he was classified as a result of a personal appearance where the same claim was considered. Any registrant who has the procedural right to a personal appearance and who requests a personal appearance will have his request acknowledged within 10 working days after receipt of his request by the local board.

2. A registrant who files a claim for classification in Class 1-O, 1-A-O, or 3-A, shall upon his request, be granted an opportunity to appear in person before the local board, prior to his classification being determined by the local board (preclassification personal appearance). A registrant who requests and is granted a preclassification personal appearance will not be given another personal appearance, regarding the same claim, after the local board has made a determination and a Notice of Classification (SSS Form 110) has been mailed to him.

SEC. 624.2. *Request for personal appearance.* 1. In order for a registrant who is claiming 1-O, 1-A-O, or 3-A to qualify for a preclassification personal appearance, the local board must receive a request for the preclassification personal appearance from the registrant prior to the time the local board considers his claim.

2. A registrant, who is eligible for a post-classification personal appearance, must file a written request within 15 days after the local board has mailed a Notice of Classification (SSS Form 110) to him. This 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request a personal appearance within the 15-day period was due to some cause beyond his control.

SEC. 624.3. *Appointment for a personal appearance.* 1. The local board shall give the registrant no less than 15 days' notice before a personal appearance, unless the registrant requests an earlier appointment.

2. Should the registrant fail to appear at a scheduled personal appearance, he shall not be given an opportunity to appear at a later meeting regarding the same claim, unless he first establishes to the satisfaction of the local board good cause for his failure to appear. The registrant must file a written statement of the reason for his failure to appear at his scheduled meeting within 5 days after his failure to appear, or he will be deemed to have waived his right to appear at a later meeting of the local board, regarding the same claim. This 5-day period may be extended by the local board if it is satisfied that the registrant's failure to file a timely written statement of the reason for his failure to appear was due to some cause beyond his control.

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SEC. 624.4. *Procedure for a personal appearance before the local board.* 1. A quorum of the local board or appropriate panel of the local board must be present during all personal appearances. A majority of those present at the personal appearance will determine the classification action.

2. At any personal appearance the registrant may:

a. Present evidence, and up to three witnesses;

b. Discuss his classification;

c. Point out in the class or classes in which he feels he should be placed;

d. Direct attention to any information in his file which he believes the local board has overlooked, or to which he feels it has not given sufficient weight.

The registrant may present any further information which he believes will assist the local board in determining his proper classification. All new information shall be in writing. Oral statements by the registrant shall be summarized in writing by him and submitted for inclusion in his file folder. A summary of the personal appearance may also be placed in the registrant's file folder by the Board.

3. A registrant shall be given sufficient time at his personal appearance as is reasonably necessary for the fair presentation of his claim or claims. Normally 15 minutes will be deemed adequate for this purpose, but the local board shall extend this time if it appears that further time is reasonably necessary for the fair presentation of the registrant's claim. The registrant's entire presentation, including the testimony of witnesses, shall be made during this time period.

4. A registrant who is granted a personal appearance before his local board shall be considered for all classifications which he has claimed or for which he has submitted information, and shall be deemed to have had his personal appearance for all such classifications.

5. If the registrant does not speak English adequately, he may appear with a person to act as an interpreter. This interpreter will not be considered as one of the registrant's three witnesses unless he also testifies in behalf of the registrant.

6. No registrant may be represented at his personal appearance before the local board by anyone acting as attorney or legal counsel, but an attorney is not excluded from appearing solely as a witness for a registrant.

7. Recording devices will not be utilized during any personal appearance before the local board.

SEC. 624.5 *Conduct of a personal appearance before the local board.* 1. The local board shall thoroughly review each registrant's file prior to his personal appearance. This is to insure that each attending local board member is familiar with the case prior to the registrant's personal appearance.

2. Every person (including the registrant) testifying before the local board shall be administered the following oath by a member of the local board:

You swear (affirm) that the evidence you give here in this matter shall be the truth, the whole truth, and nothing but the truth. So help you God.

Completion of, or refusal to take, the oath by the registrant or a witness, will be noted by the local board in the registrant's file. In either case the personal appearance will continue to its normal conclusion.

3. The registrant shall be given the courtesy of being introduced to each local board member present at his personal appearance. Name plates may be used by local board members. The local board members should attempt to place the registrant at ease during his personal appearance.

4. Any questions asked by the local board member should be relevant to the registrant's case.

5. It is important that the registrant realize that his classification will be decided by the local board, and not by the compensated employee who may be present during his appearance. To accomplish this, the compensated employee should not participate in the hearing, except to answer questions directed at him or her by a local board member.

6. Witnesses who appear before the local board should appear singly (the registrant being present throughout his personal appearance), and they shall be extended the same courtesies given a registrant. Upon completion of a witness' testimony, he should be excused from the meeting room. The local board may, however, allow more than one witness to be present at the same time, and to remain throughout the entire proceedings, if it appears to be beneficial to the general presentation of the registrant's claim. It will be the responsibility of the registrant to reduce to writing, for inclusion in his file, any oral information presented by his witnesses.

7. Upon reaching the end of the actual personal appearance, the local board should advise the registrant of the following, prior to excusing him from the room:

a. That the local board will decide his classification, based upon the information within his file and the information that was presented to the local board at his personal appearance;

b. That a Notice of Classification will be mailed to him shortly, reflecting the local board's decision in this matter;

c. That if his claim is denied by the local board, he will be supplied with the reasons of its decision along with his Notice of Classification;

d. That he may appeal the local board's decision by filing a written appeal within 15 days of the mailing of the Notice of Classification;

e. The local board should advise the registrant of any other information that it deems appropriate at this time;

f. The local board should advise the registrant that he may prepare a summary of the personal appearance for inclusion in his file, at this time.

8. At this point, the local board should thank him for attending the personal appearance and advise him that his personal appearance is now concluded.

SEC. 624.6. *Procedure when a registrant fails to appear.* 1. Whenever a registrant for whom a personal appearance has been scheduled fails to appear as scheduled, the local board shall consider, in accordance with § 624.3(2), any explanation of such failure that has been filed within 5 days, or filed within any period of extension as granted by the local board. If, at the next scheduled local board meeting, the local board determines that the registrant's failure to appear for his personal appearance was without good cause, or if he failed to mail or submit an acceptable explanation within 5 days (or extension as granted by the local board), the registrant will be deemed to have had his personal appearance, and the following action will be taken:

a. If the scheduled personal appearance was a preclassification appearance, the local board will classify the registrant on the basis of the information in his file and mail him a Notice of Classification (SSS Form 110).

b. If the scheduled personal appearance was a post-classification appearance and the local board has not received new or additional information which in its judgment would warrant reopening the classification, the local board will notify the registrant in writing that it did not reopen and why.

c. If the scheduled personal appearance was a post-classification appearance and there is additional information in the file which the local board judges sufficient to warrant reopening, it will reopen and consider anew the classification and mail the registrant a Notice of Classification (SSS Form 110).

d. In the case of (a), (b), or (c) above the registrant will have the right of appeal to the appeal board.

In the event the local board classifies the registrant in a class other than that which he requested, it shall record the reasons on a Report of Information (SSS Form 119) or in a written statement which shall be signed by a local board member and filed in the registrant's file folder. The local board shall inform the registrant in writing of the reasons at the time it mails his Notice of Classification (SSS Form 110), retaining a copy of the letter in the registrant's file. The mailing of the SSS Form 110 will extend to the registrant the right to request an appeal, but will not extend the right of another personal appearance regarding the same claim. This action will be taken without regard to whether the scheduled personal appearance was a preclassification or a post-classification personal appearance. The reopening by the local board under the provisions of this section cancels any appeal which was filed during any previous period afforded the registrant to request an appeal.

2. A notation that the registrant failed to appear before the local board shall be entered on page 8 of his Classification Questionnaire (SSS Form 100) or on page 2 of his Registrant File Folder (SSS Form 101), as appropriate.

3. If, under the provisions of paragraph 2 of § 624.3, the local board determines that the registrant had good cause for failing to report for his personal appearance he will be given the opportunity to appear before the local board at a later meeting, and his case will be considered as if he had not been previously scheduled for a personal appearance regarding the same claim.

SEC. 624.7. *Procedure of the local board following a personal appearance.* 1. After the registrant appears before the local board, it shall classify the registrant, and mail a Notice of Classification (SSS Form 110) to him. If the scheduled personal appearance was a pre-classification personal appearance, the registrant shall be notified that he is not entitled to a post-classification personal appearance. In the event the local board classifies the registrant in a class other than that which he requested, it shall record the reasons on a Report of Information (SSS Form 119), which shall be signed by a local board member who was present at the meeting at which the registrant was classified, and this shall be filed in the registrant's file folder. The local board shall inform the registrant of the reasons for denial in writing at the time it mails his Notice of Classification (SSS Form 110).

2. A statement that the registrant has appeared before the local board shall be entered on page 8 of his Classification Questionnaire (SSS Form 100) or on page 2 of his Registrant File Folder (SSS Form 101), as appropriate.

SEC. 624.8. *Appearance before the local board stays an induction order, selection for alternate service or order to report for alternate service.* The local board shall not issue a registrant an order to report for induction, a selection for alternate service, or an order to report for alternate service during the period afforded him to request a personal appearance before the local board or, if he has requested a personal appearance, during the period the personal appearance is pending. Any order to report for induction (SSS Form 252), selection for alternate service (SSS Form 155), or order to report for alternate service (SSS Form 153) which has been issued during either period shall be canceled by the local board, and the registrant shall be notified of the cancellation.

CHAPTER 626—APPEAL TO THE APPEAL BOARD

SEC. 626.1. *Who may appeal.* 1. The Director of Selective Service, the State Director of Selective Service of the local board of jurisdiction, or the State Director of Selective Service of the State where the local board which classified the registrant is located, may appeal from any classification action of a local board at any time prior to the induction of the registrant, or his reporting for alternate service.

2. The registrant may appeal to an appeal board within prescribed time limits, from any classification given to him by the local board except his initial administrative classification into Class 1-H.

SEC. 626.2. *Time limit within which registrant may appeal.* 1. The registrant must file his appeal (and his request for a personal appearance before the appeal board, if a personal appearance is desired) within 15 days after the date the local board mails to him a notice of classification (SSS Form 110).

2. Any time prior to the date the local board mails to the registrant an order to report for induction (SSS Form 252) or order to report for alternate Service (SSS Form 153), the local board will permit him to appeal even though the period for taking an appeal has elapsed, if the local board is satisfied that his failure to appeal within was due to some cause beyond his control. When the local board grants an extension of time to appeal to the registrant, he may within the extended period also request a personal appearance before the appeal board. When the local board grants an extension of time, an entry will be made on page 2 of the Registrant File Folder (SSS Form 101), or page 8 of the Classification Questionnaire (SSS Form 100).

SEC. 626.3. *Procedure for taking an appeal.* 1. Any person entitled to do so may appeal to the appeal board by filing with the local board a written notice of appeal. If the Director of Selective Service or the State Director of Selective Service appeals to the appeal board he shall place in the registrant's file a written statement of his reasons for taking such appeal.

2. Whenever an appeal is taken from a local board's classification by the Director of Selective Service or the State Director of Selective Service, the local board shall notify the registrant in writing of the action, the reasons therefor, and inform him that (1) his appeal will be considered by the appeal board for the area in which his local board is located unless he files, within 15 days from the date on the letter of notification, a written request with the local board that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence, and (2) he may request a personal appearance before the appeal board if he files with the local board within 15 days from the date on the letter of notification a written request for such personal appearance. The 15-day period may be extended by the local board when it is satisfied that the registrant's failure to file a written request within such period was due to some cause beyond his control.

3. If the Director or state director has the registrant's file folder in his possession when the appeal is taken, he shall return the file folder to the local board (when the file folder is in the possession of the Director, it shall be returned through the state director) with a notice in writing that the appeal is being taken and statement of his reasons for taking such appeal. The local board shall send the registrant's file folder to the appeal board having jurisdiction over the area in which the registrant's local board of jurisdiction is located unless the registrant has timely filed his request that it be sent to another appeal board. If the registrant has timely filed such request, the file folder shall be sent to the appeal board in accordance with that request.

4. When the registrant is taking the appeal, he may also request an opportunity to appear in person before the appeal board and that the appeal be considered by the appeal board having jurisdiction over the area in which is located his principal place of employment or residence. The notice of appeal need not be in any particular form, but must include the name of the registrant and his request. Any notice shall be liberally construed so as to permit the appeal.

5. The appeal board for the area in which the registrant's local board is located shall consider the appeal of the registrant's classification unless the registrant has timely filed with his local board having jurisdiction over the area in which is located his principal place of employment or residence.

6. The registrant may attach to his appeal a statement specifying the reasons he believes the classification inappropriate, directing attention to any information in his file which he believes received inadequate consideration, and setting out more fully any information which was submitted.

7. Prior to forwarding the registrant's file folder through the State Director to the appeal board, the local board secretary will prepare the file and complete the procedures required for taking an appeal, to include the following:

a. Issuance of Individual Appeal Record (SSS Form 120) to the registrant. When the appeal has been taken by the Director or State Director, the reasons for taking the appeal will be stated in writing and attached to the SSS Form 120.

b. Insertion of the reasons for taking an appeal in the registrant's file folder, if it was taken by the Director or the State Director.

c. Insuring that all documents in the registrant's file folder are arranged in chronological sequence, latest on top, except that the SSS Form 100 shall always be the top document.

d. Insuring that the registrant's file folder does not contain information which has not been reviewed by the local board. If any such information is present, it shall be considered by the local board, and if the local board does not reopen the registrant's classification, the file shall be sent to the appeal board.

e. Insuring that the period for requesting a personal appearance or that the appeal be considered by an appeal board other than the one for the area in which the registrant's local board is located has expired.

f. Insuring that an entry has been made on page 2 of the registrant's file folder, or page 8 of the classification questionnaire indicating the date of mailing the file to the State Director for forwarding to the appeal board.

SEC. 626.4. *Review by appeal board.* 1. The appeal board shall consider appeals in the order of the registrant's vulnerability for induction or alternate service.

2. Upon receipt of the registrant's file folder, the appeal board shall check to see whether the registrant has requested a personal appearance before the appeal

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board. If no request for a personal appearance has been made, the appeal board may classify the registrant after 15 days have expired from the date of receipt of the registrant's file.

3. If a registrant has requested a personal appearance before the appeal board, the appeal board will notify the registrant of the date, time and place of his scheduled appearance and will mail him such notification at least 15 days prior to the scheduled appearance.

4. Should the registrant fail to appear as scheduled, except for good cause he establishes to the satisfaction of the appeal board, he shall not be given an opportunity to appear at a later meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within five days after such failure, or the registrant will be deemed to have waived his right to an opportunity to appear at a later meeting. The 5-day period may be extended by the appeal board when it is satisfied that the registrant's failure to file a written statement within such period was due to some cause beyond his control. In any event, the appeal board shall not classify the registrant at the meeting at which the registrant failed to appear, unless the registrant had withdrawn his request to appear.

5. The registrant is entitled to such time for his personal appearance as the appeal board determines is reasonably necessary for the fair presentation of the claim. No registrant may be represented before the appeal board by anyone acting as attorney or legal counsel. The registrant shall not be entitled to present witnesses. If the registrant does not speak English adequately, he may appear with a person to act as an interpreter. Recording devices will not be utilized during any personal appearance before the appeal board.

6. At any personal appearance the registrant may:

a. Present evidence.

b. Discuss his classification.

c. Point out the class or classes in which he thinks he should have been placed.

d. May direct attention to any information in his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight.

e. May furnish further information which he believes will assist the appeal board in determining his proper classification. Such information shall be in writing or if oral, shall be summarized in writing by the registrant and placed in his file. Such information shall be as concise as possible under the circumstances. A summary of the personal appearance may also be placed in the registrant's file folder by the board.

7. During a registrant's personal appearance there shall be present a quorum of the members of the appeal board, or appropriate panel of the appeal board, and only those members of the appeal board before whom the registrant appeared shall classify him. Classification of the registrant by the appeal board may take place after one of the following has occurred:

a. He has appeared before the board.

b. He withdrew his request to appear.

c. He waived his right to an opportunity to appear.

d. He failed to appear, without establishing to the satisfaction of the appeal board good cause therefor.

8. In reviewing the appeal and classifying the registrant, the appeal board shall consider the various classes in the order specified in chapter 623. The appeal board shall not receive or consider any information other than the following:

a. Information contained in the registrant's file folder as received from the local board.

b. General information concerning economic, industrial, and social conditions.

c. Oral statements by the registrant and written evidence submitted by him to the appeal board during his personal appearance.

9. After classifying the registrant, the appeal board shall prepare the Action by Appeal Board (SSS Form 120A). In the event that the appeal board classifies the registrant in a class other than that which he requested, it shall record its reasons on a Report of Information (SSS Form 119) which shall be signed by a member of the appeal board who was present at the meeting at which the registrant was classified, and this shall be filed in the registrant's file folder. The appeal board shall enclose SSS Form 120 A in the registrant's file folder, make entries on the Docket Book of Appeal Board (SSS Form 121) indicating the determination, and transmit the registrant's file folder through the appropriate State Director of Selective Service to the local board.

SEC. 626.5. *Procedure of local board following action by appeal board.* 1. When the registrant's file folder is received by the local board, it shall:

a. Complete and mail SSS Form 110 to the registrant, together with written notification of the appeal board's reasons for the classification, if the registrant was classified in a class other than that which he had suggested. Send copy of SSS Form 110 to the Data Processing Center.

b. Enter on the Classification Record (SSS Form 102) and the Registrant File Folder (SSS Form 101) or the Classification Questionnaire (SSS Form 100) the classification granted by the appeal board and the date of classification.

c. Enter date of mailing of SSS Form 110 on the registrant file folder or the classification questionnaire.

d. Enter the classification action on the Minutes of Local Board Meeting (SSS Form 112) of the next local board meeting.

SEC. 626.7. *Appeal stays induction and alternate service.* 1. The local board shall not issue an order to report for induction, a selection for alternate service, or an order to report for alternate service either during the period afforded the registrant to take an appeal to the appeal board or during the period such an appeal is pending. Any such form which has been issued during either of those periods shall be canceled by the local board. Upon cancellation, the registrant will be notified in writing, and a copy of the cancellation will be placed in his file folder and noted on page 2 of the file folder, or page 8 of the classification questionnaire.

CHAPTER 627—APPEAL TO THE PRESIDENT

SEC. 627.1. *Persons who may appeal to the President.* 1. The Director of Selective Service, the State Director of Selective Service of the State where the local board which classified the registrant is located, or the State Director of Selective Service of the State where the appeal board which classified the registrant is located, may appeal to the President from any determination of an appeal board at any time prior to the induction of the registrant, or his reporting for alternate service.

2. When a registrant has been classified by the appeal board and one or more members of the appeal board dissented from that classification, he may appeal to the President and request a personal appearance before the National Selective Service Appeal Board within 15 days after the mailing by the local board of the Notice of Classification (SSS Form 110) notifying him of his classification by the appeal board. The local board may permit any registrant who is entitled to appeal to the President under this section to do so at any time prior to the date the local board issues to him an order to report for induction (SSS Form 252) or an order to report for alternate service (SSS Form 153), even though the period of taking such an appeal has elapsed, if it is satisfied that his failure to appeal within such period was due to some cause beyond his control.

SEC. 627.2. *Procedure for taking an appeal to the President.* 1. Any person entitled to do so may appeal to the President by filing with the local board a written notice of appeal. This notice need not be in any particular form but must identify the registrant and indicate that the classification is being appealed to the President. If the Director or a State Director appeals, he shall place in the registrant's file folder a written statement of his reasons for taking the appeal. A copy of the notice of appeal shall be furnished to the State Director for the State where the appeal board which classified the registrant is located.

2. If the Director or State Director has the registrant's file folder in his possession when the appeal is taken, he shall return the file folder to the local board (when the file folder is in the possession of the Director, it shall be returned through the State Director) with a notice in writing that the appeal is being taken.

SEC. 627.3. *Procedure on appeal to the President.* 1. Whenever the Director or the State Director appeals to the President, the registrant shall be informed on SSS Form 120 that if he desires to appear before the National Selective Service Appeal Board (National Board) he must within 15 days from the date on the SSS Form 120 request an appearance in writing, addressed to his local board. The 15-day period may be extended by the local board when it is satisfied that the registrant's failure to request an appearance within that period was due to some cause beyond his control. The local board shall promptly notify the National Board of the registrant's request to appear before it. The local board shall then forward the entire file to the State Director of Selective Service, placing copies of SSS Form 120 in the registrant's file. The local board shall enter on page 2 of the Registrant File Folder (SSS Form 101) or page 8 of the Classification Questionnaire (SSS Form 100) the date the file is forwarded.

2. If the registrant is taking the appeal, he may at the same time file a written request with the local board to appear before the National Board. This request shall be placed in the registrant's file and acknowledged prior to being forwarded.

3. When the registrant's file is received by the State Director for forwarding to the President, the State Director shall check the file to be sure that all procedural requirements have been properly complied with, including the issuance of SSS Form 120 confirming such an appeal has been taken. If he discovers any procedural error, he shall return the file to the local board for corrective action. When any information has been placed in the file which was not considered by the local board in making the classification from which the appeal to the President is taken, the State Director shall review such information. When in his opinion, the information, if true, would justify a different classification of the registrant, he shall return the file to the local board with a request that the local board reopen and classify the registrant anew.

4. When the State Director has complied with the provisions of the preceding paragraph he shall, unless the file is returned to the local board, forward the file to the Director of Selective Service: Attention: NSSAB.

5. If an appeal is withdrawn by the Director or State Director, the registrant will be informed in writing. If an appeal or request for a personal appearance is withdrawn by the registrant, his withdrawal will be acknowledged.

SEC. 627.4. *Procedures of the National Selective Service Appeal Board.* 1. An appeal to the President is determined by the National Selective Service Appeal Board (National Board).

2. The National Board shall classify any registrant who has not requested a personal appearance after the specified time in which to request a personal appearance has expired.

3. Not less than 15 days in advance of the meeting at which his classification will be considered, the National Board shall inform any registrant who has requested a personal appearance that he may appear at such meeting and present evidence, other than witnesses, bearing on his classification. Should the registrant fail to appear at the scheduled meeting (except for good cause he establishes to the satisfaction of the National Board), he shall not be granted an opportunity to appear at a later meeting. The registrant must file a written statement of the reasons for his failure to appear at his scheduled meeting within 5 days after such failure, or he will be deemed to have waived his right to an opportunity to appear at a later meeting. If he establishes to the satisfaction of the National Board that he has good cause for not appearing on the date originally scheduled, he shall be scheduled to appear at a later date. His 5-day period may be extended by the National Board when it is satisfied that his failure to file a written statement within such period was due to some cause beyond the registrant's control.

4. The registrant is entitled to 15 minutes for his personal appearance. The National Board may, in its discretion, extend the time of the registrant's personal appearance. A registrant cannot be represented before the National Board by anyone acting as attorney or legal counsel. The registrant shall not be entitled to present witnesses. If the registrant does not speak English adequately, he may appear with a person to act as an interpreter. Recording devices will not be utilized during any personal appearance before the National Board.

5. At any such appearance, the registrant may discuss his classification, may point out the class or classes in which he thinks he should have been placed, and may direct attention to any information on his file which he believes the local board has overlooked or to which he believes it has not given sufficient weight. At the time the registrant requests a personal appearance he may furnish such further information as he believes will assist the National Board in determining his proper classification.

6. The National Board shall classify a registrant who has requested a personal appearance after (a) he has appeared before the National Board, (b) he withdrew his request to appear, (c) he waived his right to an opportunity to appear, or (d) he failed to appear without establishing good cause to the satisfaction of the National Board. When a registrant appears before the National Board, only those members of the Board before whom the registrant appeared shall classify him. Classifications will be determined by a quorum of the National Board or appropriate panel of the National Board.

7. In reviewing the appeal and classifying the registrant, the National Board shall not receive or consider any information other than the following:

a. Information contained in the registrant's file folder received from the local board;

b. General information concerning economic, industrial, and social conditions; and

c. Oral statements by the registrant and written evidence submitted by him to the National Board during his personal appearance. Oral statements by the registrant shall be summarized in writing by him and submitted for inclusion in his file folder. A summary of the personal appearance may also be placed in the registrant's file folder by the Board.

8. In the event that the National Board classifies the registrant in a class other than that which he requested, it shall record its reasons in his file. Upon the receipt by the local board of a written request from the registrant within 30 days following the mailing of a Notice of Classification (SSS Form 110), the local board shall furnish to the registrant a brief statement of the reasons for the decision of the National Board.

SEC. 627.5. *File to be returned after appeal to the President is decided.* When the appeal to the President has been decided, Minutes of Action Upon Appeal to the President completed, and the Docket Book entries recorded, the file shall be returned to the local board through the appropriate State Director of Selective Service.

SEC. 627.6. *Procedure of Local Board after file is returned.* When the file of the registrant is received by the local board, it shall:

(1) Mail an SSS Form 110 to the registrant, and

(2) Enter on the Classification Record (SSS Form 102), on the Minutes of Local Board Meeting (SSS Form 112) and on page 2 of the Registrant File Folder (SSS Form 101) or page 8 of the Classification Questionnaire (SSS Form 100) the classification given the registrant by the National Board. Also enter the date of mailing of the SSS Form 110 on page 2 of the Registrant File Folder or page 8 of the Classification Questionnaire.

SEC. 627.7. *Appeal to the President stays induction or order for alternate service.* The local board shall not issue a registrant an order to report for induction (SSS Form 252), a selection for alternate service (SSS Form 155), or an order to report for alternate service (SSS Form 153) during the period afforded the registrant to take an appeal to the President or during the period his appeal is pending. Any such form which has been issued during either of those periods shall be canceled by the local board, and the registrant will be notified in writing of the cancellation. A copy of the cancellation will be placed in his file folder and an entry made on page 2 of the Registrant File Folder or page 8 of the Classification Questionnaire.

CURTIS W. TARR,
Director.

APRIL 5, 1972.

[FR Doc.72-5429 Filed 4-7-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

BUSINESS GROWTH INVESTMENTS CORP.

Notice of Surrender of License To Operate as Small Business Investment Company

Notice is hereby given that Business Growth Investments Corp. (Business), 525 South Troost, Tulsa, OK 74120, has, pursuant to § 107.105 of the regulations governing small business investment companies (13 CFR 107.105

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(1971)), surrendered its license to operate as a small business investment company (SBIC).

Business was incorporated under the laws of the State of Oklahoma to operate solely as an SBIC under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), and it was issued license number 10–0009 by the Small Business Administration (SBA) on May 24, 1960.

Under the authority vested by the Act and the regulations promulgated thereunder, the surrender of the license of Business is hereby accepted and, accordingly, it is no longer licensed to operate as an SBIC.

Dated: April 3, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5378 Filed 4-7-72;8:45 am]

[License 03/03-5112]

GREATER PHILADELPHIA VENTURE CAPITAL CORPORATION, INC.

Notice of Issuance of License to Operate as Minority Enterprise Small Business Investment Company

On March 14, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 5336), stating that Greater Philadelphia Venture Capital Corporation, Inc., 920 Lewis Tower Building, 225 South 15th Street, Philadelphia, PA 19102, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR 107.102 (1971)) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business March 24, 1972, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/03-5112 to Greater Philadelphia Venture Capital Corporation, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: April 3, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5379 Filed 4-7-72;8:45 am]

SUTTER HILL CAPITAL CORP.

Notice of Filing of an Application for Exemption With Respect to Conflict-of-Interest Transaction

Notice is hereby given that Sutter Hill Capital Corp. (SHCC), 2600 El Camino Real, Palo Alto, CA 94306, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 09/12-0087, has filed an application pursuant to § 107.1004 of the Small Business Administration rules and regulations (13 CFR § 107.1004 (1971)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the Act.

On August 17, 1971, SHCC guaranteed $59,700 of a $500,000 loan to Mohawk Products, Inc. (Mohawk), Gloversville, N.Y. This investment comes within the purview of the above-cited regulation because Mr. William H. Draper III, who is president and a director of SHCC, together with other members of the Draper family owns 103,520 shares, approximately 25 percent, of the outstanding common stock of Mohawk. Further, Mr. William H. Draper, Jr., is a member of the Board of Directors of Mohawk.

The application represents the following:

1. In consideration for this guarantee, Mohawk will issue to the guarantors, on a pro rata basis, 150,000 3-year warrants to acquire additional common stock of Mohawk at $1 per share.

2. The financing was fair and reasonable to all parties concerned.

3. The guarantee was required in order to support lines of credit covering the purchase of materials.

4. The guarantee does not jeopardize SBA's position as a creditor of SHCC.

On September 9, 1969, SBA granted SHCC exemptive approval with respect to its making an equity investment in Mohawk in the amount of $100,016 (30,080 shares). Also, on April 8, 1971, SBA granted SHCC exemptive approval to increase its ownership to 38,400 shares at a total cost of $132,516.

Notice is further given that any interested person may, not later than 15 days from the publication of this notice, submit to SBA, in writing, relevant comments on this transaction. Any such comments should be addressed to the Associate Administrator for Investment, 1441 L Street NW., Washington, DC 20416. After the aforementioned 15-day period, SBA may, under the Regulations, dispose of the application on the basis of the information stated in said application and other relevant data.

Dated: April 3, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5380 Filed 4-7-72;8:46 am]

[License Application 05/05-5089]

CHICAGO COMMUNITY VENTURES, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Chicago Community Ventures, Inc. (applicant) with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1971)).

The officers and directors of the applicant are as follows:

Benjamin C. Duster, President, Director, 19 South La Salle Street, Chicago, IL 60603.
Daryl F. Grisham, Chairman, Board of Directors, 4605 South State Street, Chicago, IL 60609.
Richard H. Chandler, Vice Chairman, Board of Directors, 7100 McCormick Road, Chicago, IL 60645.
Victor Sholis, Secretary, Director, 2201 North Cleveland Avenue, Chicago, IL 60614.
Frederick C. Ford, Treasurer, Director, 30 West Monroe Street, Chicago, IL 60603.
Warren H. Bacon, Director, 30 West Monroe Street, Chicago, IL 60603.
Roland W. Burris, Director, 231 South La Salle Street, Chicago, IL 60604.
Marvin Chandler, Director, Post Office Box 190, Aurora, IL 60607.
Walter L. Coleman, Director, 19 South La Salle Street, Chicago, IL 60603.
Ernest Collins, Director, 327 East 79th Street, Chicago, IL 60619.
Bertel W. Daigre, Director, 5437 South Wabash, Chicago, IL 60615.
A. E. Dotson, Director, 6233 South Halsted, Chicago, IL 60621.
Vincent D. Geimer, Director, 111 East Wacker Drive, Chicago, IL 60601.
Harry Henderson, Director, 310 South Michigan Avenue, Chicago, IL 60604.
Donald Jackson, Director, 333 North Michigan Avenue, Chicago, IL 60601.
Robert Logan, Director, 120 South La Salle Street, Chicago, IL 60603.
Louis E. Martin, Director, 2400 South Michigan Avenue, Chicago, IL 60616.
Roscoe Mitchell, Director, 19 South La Salle Street, Chicago, IL 60603.
George Perez, Director, 2511 West North Avenue, Chicago, IL 60647.
Robert Stuart, Director, 5959 South Cicero Avenue, Chicago, IL 60638.
J. W. Van Gorkom, Director, 111 West Jackson Boulevard, Chicago, IL 60604.
John Viera, Director, 3500 North California Avenue, Chicago, IL 60618.

The applicant, a Delaware corporation, qualified to do business in the State of Illinois and having its principal place of business in Illinois, located at 19 South La Salle Street, Chicago, IL 60603, will begin operations with $1,005,000 of paid-in capital, consisting of 10,050 shares of common stock issued to the following stockholders:

Armour-Dial, Inc., 111 East Wacker Drive, Chicago, IL 60601.
Bell & Howell Co., 7100 McCormick Road, Chicago, IL 60645.
Central National Bank in Chicago, 120 South La Salle Street, Chicago, IL 60603.
Chicago Urban League, South Side Office, 4500 South Michigan Avenue, Chicago, IL 60653.
Commonwealth Edison Co., 1 First National Plaza, Chicago, IL 60690.
Continental Illinois National Bank & Trust Co. of Chicago, 231 South La Salle Street, Chicago, IL 60604.
Field Enterprises, Inc., 401 North Wabash Avenue, Chicago, IL 60611.
Illinois Central Industries, Inc., 135 East 11th Place, Chicago, IL 60605.
Illinois Tool Works, Inc., 8501 West Higgins Avenue, Chicago, IL 60631.
Interlake Steel Co., 310 South Michigan Avenue, Chicago, IL 60604.
Marcor, Inc., 619 West Chicago Avenue, Chicago, IL 60607.
National Can Co., 5959 South Cicero Avenue, Chicago, IL 60638.
Northern Illinois Gas Co., East-West Tollway at Route 59, Aurora, IL 60507.
Northern Trust Co., 50 South La Salle Street, Chicago, IL 60603.
Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, IL 60607.
Trans Union Corp., 111 West Jackson Boulevard, Chicago, IL 60604.
Zenith Radio Corp., 1900 West Austin Avenue, Chicago, IL 60639.

None of the applicant's stockholders owns 10 percent or more of the outstanding stock.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any interested person may, not later than 10 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Ill.

Dated: April 7, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5534 Filed 4-7-72;9:46 am]

TARIFF COMMISSION

[TEA-W-138]

OHIO LEATHER CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Ohio Leather Co., Girard, Ohio, the U.S. Tariff Commission, on April 4, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with calf and kip upper leathers (of the types provided for in item number 121.30 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: April 5, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-5409 Filed 4-7-72;8:47 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 5, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135978, Red Line Express, Inc., now being assigned hearing May 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Sub 244, Schneider Transport & Storage, Inc., assigned May 25, 1972, at Washington, D.C., canceled and application dismissed.

FD 27039, Erie Lackawanna Railway Co. Bonds Modification, now being assigned hearing May 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 63390 Sub 16, Carl R. Bieber Inc., now assigned April 25, 1972, at Reading, Pa., postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5435 Filed 4-7-72;8:48 am]

[Notice 47]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1759 (Sub-No. 28 TA), filed March 20, 1972. Applicant: FROEHLICH TRANSPORTATION CO., INC., 31 Victory Street, Stamford, CT 06902. Applicant's representative: Attorney Reubin Kaminsky, 342 North Main Street, Suite 211, West Hartford, CT 06117. Area Code 203, 236-5933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products, fresh*, except frozen and unleavened bakery products, from the plantsite of Nancy Lynn Bakery Division of the Grand Union Co. at Bridgeport, CT, to Landover, Md., (2) *Stale, damaged, refused, rejected*, and nonsalable bakery products, except frozen and unleavened bakery products and empty containers and empty racks from Landover, Md., to the plantsite of Nancy Lynn Bakery Division of the Grand Union Co., for 180 days. Supporting shipper: The Grand Union Co., 640 Winters Avenue, Paramus, NJ. Send protests to: District Supervisor Robert E. Lee, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

No. MC 51146 (Sub-No. 263 TA), filed March 20, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298 (ZIP 54306),

[1] Except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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Green Bay, WI 54304. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Monroe, Wis., to points in Maryland, New York, New Jersey, Pennsylvania, Delware, and the District of Columbia, for 180 days. Supporting shipper: N. Dorman and Co., Inc., (Walter Donovan, General Manager), Monroe, Wis. 53566. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 107002 (Sub-No. 415 TA), filed March 17, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: John J. Borth, Post Office Box 1123, U.S. Highway 80 West, Jackson, MS. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrofluosilicic acid*, in bulk, in tank vehicles, from Pascagoula, Miss., to Pensacola, Fla., for 180 days. Supporting shipper: Coastal Chemical Corp., Post Office Box 388, Yazoo City, MS 39194. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 110525 (Sub-No. 1032 TA), filed March 21, 1972. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuser oil*, in bulk, in tank vehicles, from Carrollton, Ky., to Greensboro, N.C., for 180 days. Supporting shipper: Down Corning Corp., Carrollton, Ky. 41008. Send protests to: District Supervisor Peter R. Guman, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 111170 (Sub-No. 187 TA), filed March 23, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Columbia County, Ark., to points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas (except Houston, Tex., and 50-mile radius thereof), for 180 days. Supporting shipper: The Dow Chemical Co., Louisiana Division, Plaquemine, La. 70764. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 114897 (Sub-No. 96 TA), filed March 17, 1972. Applicant: WHITFIELD TANK LINES, INC., 300–316 North Clark Drive, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, from Ciniza, N. Mex., to points in San Juan County, Utah, for 180 days. Supporting shipper: D. L. Nielsen, Vice President, Arizona Refining Co., Post Office Box 1453, Phoenix, AZ 85201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 116073 (Sub-No. 227 TA), filed March 21, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings, and modular buildings in sections*, from the plantsite of Riviera Pacific Homes, Inc., in Los Angeles County, Calif., to points in Arizona, Nevada, and Utah, for 180 days. Supporting shipper: Riviera Pacific Homes, Inc., 14300 Davenport Road, Saugus, CA 91350. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 116314 (Sub-No. 22 TA), filed March 16, 1972. Applicant: MAX BINSWANGER TRUCKING, 13846 Alondra Boulevard, Santa Fe Springs, CA 90670. Applicant's representative: Carl H. Fritze, Law Offices: Russell & Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Creal, Calif., to points in Arizona (except Yuma and Mohave Counties), for 180 days. Supporting shipper: California Portland Cement Co., 612 South Flower Street, Los Angeles, CA 90017. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 119880 (Sub-No. 52 TA), filed March 22, 1972. Applicant: DRUM TRANSPORT, INC., Box 2056, 617 Chicago Street, East Peoria, IL 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Peoria, Ill., to Schaefferstown, Lebanon County, Pa., for 180 days. Supporting shipper: Hiram Walker & Sons, Inc., Peoria, Ill. 61601. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 124947 (Sub-No. 15 TA), filed March 20, 1972. Applicant: MACHINERY TRANSPORTS, INC., 608 Cass, Post Office Box 2338, East Peoria, IL 61611. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Fredonia, Flagstaff, and Winslow, Ariz.; Panguitch, Utah, to points in Illinois, Indiana, Ohio, Wisconsin, and Kentucky, for 180 days. Supporting shippers: Duke City Lumber Co., Post Office Box 25807, Albuquerque, NM 87125, and Kaibab Industries Inc., Box 20506, Phoenix, AZ 85036. Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126489 (Sub-No. 15 TA), filed March 22, 1972. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defluorinated phosphate, dicalcium phosphate, diammonium phosphate, and monoammonium phosphate*, in bulk and bagged, from Beaumont, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma, for 180 days. Supporting shipper: Borden Chemical, Borden, Inc., 50 West Broad Street, Columbus, OH. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 126539 (Sub-No. 8 TA), filed March 23, 1972. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy products*, from Gladbrook, Iowa, to points in Illinois, Kansas, Minnesota, and Missouri, for 180 days. Supporting shipper: Central Iowa Bean Mill, Gladbrook, Iowa 50635. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128586 (Sub-No. 5 TA), filed March 16, 1972. Applicant: FEED HAULERS, INC., Star Route, East Lake Road, Box 18, Guntersville, AL 35976. Applicant's representative: D. H. Markstein, Jr., attorney, 512 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poultry meal*, from Cornelia, Ga., to Davenport and Clinton, Iowa, Mechanicsburg, Pa., and Oklahoma City, Okla., for 180 days. Supporting shipper: Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 129656 (Sub-No. 5 TA), filed March 17, 1972. Applicant: TRI DELTA BUILDING MATERIALS CO., INC., 2245 East Jackson Street, Phoenix, AZ 85034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum plaster and wallboard*, from Apex, Nev., to points in Arizona, for 180 days. Supporting shipper: Johns-Manville, Western Gypsum Department, 4301 East Firestone Boulevard, Post Office Box 1788, South Gate, CA 90280. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, Phoenix, Ariz. 85025.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5434 Filed 4-7-72;8:48 am]

[Notice 42]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73460. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Jeff's Trucking, Inc., Waupun, Wis., of the operating rights in certificates Nos. MC–8310, MC–8310 (Sub-No. 1), MC–8310 (Sub-No. 2), MC–8310 (Sub-No. 3), MC–8310 (Sub-No. 4), and MC–8310 (Sub-No. 5), issued March 29, 1945, November 9, 1951, November 9, 1951, January 23, 1952, November 30, 1970, and January 21, 1971, respectively, to Ray Jeffords, doing business as Jeff's Truck Service, Waupun, Wis., authorizing the transportation of household goods, radially, between points in Fond du Lac, Dodge, and Green Lake Counties, Wis., and points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, and Michigan; and radially, between Columbus, Wis., and points within 50 miles of Columbus, and points in Illinois, Indiana, Iowa, and Minnesota; canned and preserved foodstuffs and materials, equipment, and supplies used thereof, except in bulk, in tank, or hopper type vehicles, from points in the township of Lomira, Dodge County, Wis., to points in Wisconsin; and tire patches, pneumatic tire repair kits, metal rivets, tire vulcanizers, tire retreaders, rivet machines, lubricating oils and greases, scrap metals, metal wire, and such supplies and materials as used in the manufacture of tire patches, and other related commodities, metal radiator and electrical enclosures, and sheet metal specialties, uncrated, from and to specified points in Illinois and Wisconsin. Nancy Johnson, 4506 Regent Street, Madison, WI 53705, attorney for applicants.

No. MC–FC–73484. By order or March 29, 1972, the Motor Carrier Board approved the transfer to Neal R. Gorham and David D. Gorham, a partnership, doing business as G B Trucking, Soldier, Iowa 51572, of the operating rights in certificate No. MC–93828 issued July 1, 1959, to Lawrence E. Hieber, Moorhead, Iowa 51558, authorizing the transportation of lumber and other building materials, feed, salt, agricultural implements and parts, and fencing, from Omaha, Nebr., to Pisgah, Iowa, and points within 15 miles of Pisgah.

No. MC–FC–73495. By order of March 27, 1972, the Motor Carrier Board approved the transfer to Clarence D. Hahn, Palmerton, Pa., of the operating rights in certificates Nos. MC–112517 and MC–112517 (Sub-No. 2) issued December 6, 1961, and April 29, 1971, respectively, to Harry Hahn, Palmerton, Pa., authorizing the transportation of coal, from points in Luzerne and Schuylkill Counties, Pa., to points in Monmouth, Bergen, and Essex Counties, N.J., and Rockland County, N.Y.; and from, Hazleton, Pa., points in Luzerne County, Pa., within 5 miles of Hazleton, and points in Schuylkill County, Pa., to Palisades Park, N.J., and points in Bronx County, N.Y. Sidney R. Webb, 540 Delaware Avenue, Palmerton, Pa. 18071, attorney for applicants.

No. MC–FC–73547. By order of March 29, 1972, the Motor Carrier Board approved the transfer to Byran and Brittingham, Inc., Box 54, Delmar, DE 19940, of the operating rights in Certificate No. MC–134719 (Sub-No. 2), issued May 19, 1971, to Raymond C. Dryden and Grace D. Venable, a partnership, doing business as Eagle Mills, Post Office Box 395, Pocomoke City, MD 21851, authorizing the transportation of prepared animal and poultry feed in bulk and germicides, vermifuges, disinfectants, and weed killers and specialty feeds, in containers, when transported at the same time and in the same vehicle with prepared animal and poultry feed, from the plantsite of Ralston-Purina Co. in or near Delmar, Del., to points in Queen Annes, Dorchester, Talbot, Caroline, Wicomico, Worchester, and Somerset Counties, Md., and Accomack and Northampton Counties, Va.

No. MC–FC–73548. By order of March 29, 1972, the Motor Carrier Board approved the transfer to Geetings, Inc., Bella, Iowa, of Certificate No. MC–34027 issued February 18, 1955, to Don E. Dykstra, doing business as Dykstra Transfer Co., 615 Oskaloosa Street, Pella, IA, authorizing the transportation of: Window screens, venetian blinds, doors, and materials and supplies therefor, between Pella, Iowa and Des Moines, Iowa.

No. MC–FC–73556. By order of March 29, 1972, the Motor Carrier Board approved the transfer to Mobile Home Movers and Services, Inc., Box 1727 K Star Route A, Anchorage, AK 99507, of the operating rights in Certificates Nos. MC–119558 (Sub-No. 1) and MC–119558 (Sub-No. 3), issued March 17, 1970 and February 11, 1966, respectively, to A. F. Fisher, doing business as Mobile Home Movers, Inc., Box 1727 K Star Route A, Anchorage, AK 99507, authorizing the transportation of mobile homes between points in Alaska, and between points in Alaska, on the one hand, and, on the other, points in Colorado, Idaho, Indiana, Kansas, Montana, Minnesota, Nebraska, Oklahoma, South Dakota, Washington, and Wisconsin.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5432 Filed 4-7-72;8:48 am]

[Notice 42-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73356. By order of March 30, 1972, Division 3 approved the transfer to N.Y., N.J., Conn. Freight & Messenger Corp., Rockaway, N.J., of the operating rights in certificate No. MC–59194 (Sub-No. 6) issue November 30, 1959, to Eastern Freight Ways, Inc., Carlstadt, N.J., authorizing the transportation of general commodities, with usual exceptions, between New Haven, Conn., and New York, N.Y., between Hartford, Conn., and Norwalk and Bridgeport, Conn., and between Hartford, Conn., and New Haven, Conn., over described regular routes, serving named intermediate and offroute points, William D. Traub, 10 East 49th Street, New York, NY 10016, registered practitioner for transferee, and Maxwell A. Howell, 1511 K Street NW., Washington, DC 20005, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5433 Filed 4-7-72;8:48 am]

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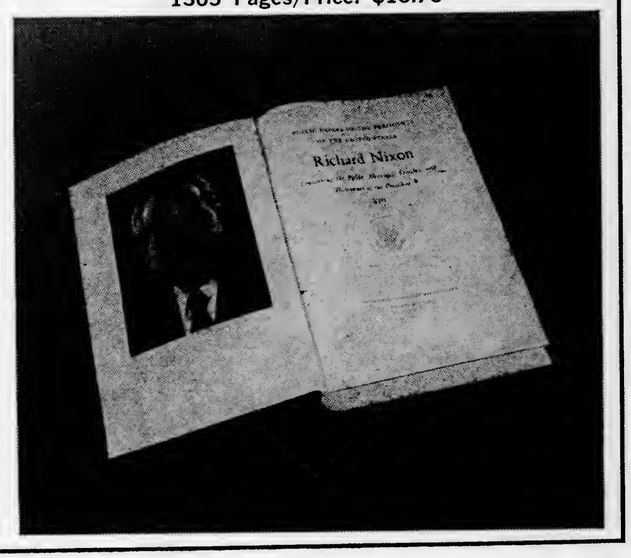
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Title 3—The President

PROCLAMATION 4122

Pan American Day and Pan American Week

By the President of the United States of America

A Proclamation

Eighty-two years ago this spring, the first International Conference of American States was completing its work in Washington. The hopes which millions of people throughout the Western Hemisphere held for that conference were voiced in these words of a leading churchman of the day, Edward Everett Hale: "We trust that the American Congress, representing North and South America, will address itself squarely to some * * * practicable system, not content with general statements * * * of the folly and cost and horror of war."

While the hemispheric court of arbitration for which Hale specifically argued was not created at that time, a "practicable system" was—the system which we now call the Organization of American States. And down all the decades since, that system has increasingly fulfilled the hopes of its founders for modes of cooperation and unity which should make peace permanent and war obsolete among the sister republics of the New World.

Today the Organization of American States stands as the oldest continuous regional body in the world, and one of the most vigorous and progressive as well. Geography, history, shared traditions of self-government, and common interests in the world give a special depth and durability to international ties in the Americas. The OAS, in turn, gives those ties structure, substance, and a strong arm for action.

It is an organization based on a workable combination of idealism and realism; on a capacity to grow and adjust with the times; and on the principle that all nations, large and small, are juridical equals, each entitled to mutual respect and equal rights. It embodies the steadily growing concern of the peoples of the Americas for joint efforts toward

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hastening economic and social development, maintaining collective security, and settling disputes peacefully. Its past is proud and its future promising.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Friday, April 14, as Pan American Day, and the week beginning April 9 and ending April 15 as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the flag of the United States to issue similar proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-5623 Filed 4-10-72; 12:10 pm]

EXECUTIVE ORDER 11665

James F. Byrnes

As a mark of respect to the memory of James F. Byrnes, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, as amended, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

Richard Nixon

THE WHITE HOUSE,
April 10, 1972.

[FR Doc.72-5622 Filed 4-10-72; 12:10 pm]

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Entire Executive Civil Service

Section 213.3102 of Schedule A is amended to give agencies the option of appointing students as assistants to scientific, professional, or technical employees for longer than 1 year when appropriate. For example, students in cooperative education programs can henceforth be appointed for the duration of their programs. Until now, appointments have characteristically been for only 1 year at a time.

Effective on publication in the FEDERAL REGISTER (4–11–72), paragraph (q) of § 213.3102 is amended as set out below.

§ 213.3102 Entire executive civil service.

• • • • • •

(q) Positions at GS–7 and below when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) Bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed; or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision: (i) In a position of a routine clerical type; or (ii) in excess of 1,040 working hours a year; except that the 1,040-working-hours-a-year limitation shall not apply to persons employed under this provision in positions at GS–5 and below which are established in connection with an organized work-study program involving alternating periods of work experience and related study at an accredited college or university in a cooperative curriculum in which the work experience is a prerequisite to the award of a degree. Appointments under this authority may be made only to positions for which qualification standards established under Part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–5505 Filed 4–10–72;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Personal and Confidential Assistant to the Chairman, National Advisory Committee on Oceans and Atmosphere, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–11–72), paragraph (s) is added to § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(s) *National Advisory Committee on Oceans and Atmosphere.* (1) One Personal and Confidential Assistant to the Chairman.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–5504 Filed 4–10–72;8:50 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

1972 CROP PRICE SUPPORT PAYMENT FACTOR AND PRICE SUPPORT PAYMENT RATE

On December 10, 1971, notice of proposed rule making regarding determinations with respect to the 1972 crop of extra long staple cotton was published in the FEDERAL REGISTER (36 F.R. 23574). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days after publication of the notice. No comments were received in response to such notice.

This amendment to the regulations governing the Extra Long Staple Cotton Program for 1968 and Succeeding Years is issued pursuant to section 101(f) of the Agricultural Act of 1949, as amended, for the purpose of (1) announcing the 1972 price support payment factor and the price support payment rate and (2) incorporating by reference the regulations in Part 796 prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them.

The regulations governing the Extra Long Staple Cotton Program for 1968, and Succeeding Years, 33 F.R. 19159, as amended, are hereby further amended as follows:

1. Section 722.704 is amended by adding a new paragraph (c) to read as follows:

§ 722.704 Price support payment factor.

• • • • • •

(c) For 1972, the price support payment factor is 0.6912.

2. Section 722.709(a) is amended by adding at the end thereof the following new sentence:

§ 722.709 Price support payment.

(a) • • • For 1972, the price support payment rate shall be 12.85 cents per pound.

• • • • • •

3. A new § 722.720 is added to read as follows:

§ 722.720 Prohibition against payments to producers.

The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. 1441(f))

Effective date. Date of publication in the FEDERAL REGISTER (4–11–72).

Signed at Washington, D.C., on April 4, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–5481 Filed 4–10–72;8:48 am]

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Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 989—RAISINS PRODUCED FROM GRAPES IN CALIFORNIA

Handler Representation on Raisin Advisory Board and Raisin Administrative Committee

Notice was published in the March 18, 1972, issue of the FEDERAL REGISTER (37 F.R. 5704), regarding a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 989.101—989.176; 36 F.R. 13980) by adding new sections, §§ 989.127 and 989.140, in regard to changing the number of handlers comprising certain size groups for purposes of handler representation on the Raisin Advisory Board and the Raisin Administrative Committee. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order, hereinafter referred to collectively as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received within the prescribed time.

Section 989.26a authorizes the Secretary, upon recommendation of the Committee, to make certain changes in the handler representation on the Raisin Advisory Board, including the number of handlers comprising any size groups; and similar changes in the handler representation on the Raisin Administrative Committee are authorized by § 989.39a. As required by §§ 989.26a and 989.39a, in recommending the changes, the Committee took into consideration such factors as changes in the numbers of handlers, the relative raisin acquisition positions of handlers, and their similarity of interests in the handling of raisins.

With respect to the Raisin Advisory Board, the Committee recommended the number of handlers comprising the groups set forth in § 989.26 (c) and (d) be changed from two and five, respectively, to three and four, respectively; with respect to the Raisin Administrative Committee, the Committee recommended the number of handlers comprising the groups set forth in § 989.39 (c) and (d) be changed from two and five, respectively, to three and four, respectively.

Based upon their acquisitions of raisins, the handlers in the groups set forth in §§ 989.26(c) and 989.39(c) are commonly referred to by the industry as "medium size" independent handlers; those in the groups set forth in §§ 989.26 (d) and 989.39(d) are commonly referred to as "small size" independent handlers.

The present handler size groupings on the Board and Committee have been in effect since 1960. Since that time, one of the handlers currently included in the small size independent handler group has increased his raisin acquisitions to such a degree that he should be included in the medium size group. Hence, this change places the handler in the group with which he has more similarity of interests in raisin handling.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Raisin Administrative Committee, the factors set forth in the order, and other available information, it is hereby found that changing the number of handlers comprising certain size groups for purposes of representation on the Raisin Advisory Board and the Raisin Administrative Committee, as hereinafter set forth, would tend to effectuate the declared policy of the act.

It is, therefore, ordered, That, Subpart—Administrative Rules and Regulations (7 CFR 989.101–989.176; 36 F.R. 13980) be amended as follows:

1. Add a new § 989.127 to read as follows:

§ 989.127 Handler representation on Raisin Advisory Board.

Commencing with the term of office beginning May 1, 1972, the handler members of the Board shall include the following: (a) One member selected from and representing handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) two members selected from and representing the three handlers, other than cooperatives, who acquired the largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (c) one member selected from and representing the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) two members selected from and representing the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) two members selected from and representing all other handlers, including cooperatives, each of which acquired less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

2. Add a new § 989.140 to read as follows:

§ 989.140 Handler representation on Raisin Administrative Committee.

Commencing with the term of office beginning June 1, 1972, of the five handler members of the Committee, one shall be selected from and represent each of the following divisions: (a) The handlers doing business as cooperative marketing associations, or cooperative marketing organizations engaged in the business of packing raisins, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year; (b) the three handlers, other than cooperatives, who acquired the largest percentages of total raisin acquisitions during the 12-month period preceding the then current crop year; (c) the three handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; (d) the four handlers, other than cooperatives, who acquired the next largest percentages of the total raisin acquisitions during the 12-month period preceding the then current crop year; and (e) all other handlers, including cooperatives, each of which acquired not less than 10 percent of the total raisin acquisitions during the 12-month period preceding the then current crop year, and including all processors.

It is hereby further found that good cause exists for making this action effective promptly and for not postponing the effective time until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) In accordance with § 989.28(b) of the order, handler members on the Raisin Advisory Board serve for a term of 1 year beginning May 1 and ending April 30 of the following year; (2) the industry is preparing to nominate successors to the members whose terms end April 30; (3) this action should become effective promptly in order that handlers will be able to nominate their new representatives for the term of office commencing May 1, 1972, in accordance with the changed grouping; (4) this action imposes no restrictions on handlers; and (5) no useful purpose would be served by postponing the effective time of this action beyond the date of publication in the FEDERAL REGISTER.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 5, 1972, to become effective upon publication in the FEDERAL REGISTER (4–11–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–5480 Filed 4–10–72;8:48 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

[CCC Farm Storage and Drying Equipment Loan Program Regs., Amdt. 8]

PART 1474—FARM STORAGE FACILITIES

Farm Storage and Drying Equipment Loan Program Regulations

Correction

In F.R. Doc. 72–4894 appearing at page 6491 in the issue of Thursday, March 30, 1972, the reference to "§ 1474.3" in the first line of ordering paragraph 3 should read "§ 1474.8".

[Rev. 3, Amdt. 7]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

PRICING OF GRAIN

The regulations issued by the Commodity Credit Corporation published at 29 F.R. 13475, 30 F.R. 2854, 6909, 31 F.R. 13532, 32 F.R. 14372, 34 F.R. 14206, and 36 F.R. 9497, which contain specific requirements for the Livestock Feed Program are further amended to restate the basis for determining the sales price of feed grain for secondary livestock, restate the "county base price" as the "county loan rate," and other minor editorial changes. Accordingly, paragraphs (a), (b), (c), and (d) of § 1475.208 are amended to read as follows:

§ 1475.208 Pricing of grain.

(a) *Price for primary livestock.* The sales price of feed grain approved for primary livestock shall be 75 percent of the applicable county loan rate.

(b) *Price for secondary livestock.* The sales price of feed grain approved for secondary livestock shall be: (1) For barley and oats the applicable county loan rate; (2) for corn and grain sorghum the applicable county loan rate plus 6 cents per bushel for corn and 11 cents per hundredweight for grain sorghum.

(c) *Applicable county loan rate.* The county loan rate to be used in determining sales prices shall be the loan rate as set forth in the applicable annual crop supplement to the CCC loan and purchase program regulations for the county in which the grain is delivered. The basis for the price shall be in store for farm stored grain and f.o.b. purchaser's conveyance at delivery point for all other grain. If no such county loan rate is set forth in the CCC annual crop supplement, it shall be a comparable rate as determined by DASCO. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and it is determined to be necessary to effectuate the purposes of the program, DASCO may authorize delivery of grain in a county other than the county in which the application is filed.

(d) *Inadvertent overdeliveries.* Inadvertent overdelivery of the properly determined total approved quantity stated in the application which is delivered to an owner from a binsite under § 1475.210(b), carrier's conveyance under § 1475.210(d), or because of an error on the part of CCC shall be settled between the owner and CCC at a price equal to the county loan rate, plus, in the case of corn and grain sorghum sold under paragraph (b) of this section, the markup indicated therein. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

(Secs. 1–4 of 73 Stat. 574, as amended; secs. 407 and 421 of 63 Stat. 1055, as amended; secs. 4 and 5 of 62 Stat. 1070, as amended; 7 U.S.C. 1427, 1427 note and 1433; 15 U.S.C. 714 h and c)

Effective date. Upon publication in the FEDERAL REGISTER (4–11–72).

Signed at Washington, D.C., on April 4, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72–5482 Filed 4–10–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72–CE–2–AD; Amdt. 39–1431]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Cessna Airplanes

Amendment 39–1385 (37 F.R. 1357, 1358), AD 72–3–3, effective February 1, 1972, applicable to certain models of Cessna 150, 172, 177, 182, 205, 206, 207, and 210 airplanes is an Airworthiness Directive which superseded Amendment 39–1050 (35 F.R. 12059, 12060), as amended by Amendment 39–1104 (35 F.R. 17030), AD 70–15–16. Paragraph D of AD 72–3–3 requires on or before January 1, 1973, modification of the flap actuator system on these airplanes in accordance with Cessna Service Letter SE72–2, dated January 21, 1972.

Subsequent to the issuance of AD 72–3–3, the manufacturer issued Cessna Service Letter SE72–2, Supplement 1, dated March 24, 1972, which provides additional information for this modification. Accordingly, paragraph D is being revised to include reference to the supplemental information.

Since this amendment provides additional information and is clarifying in nature, compliance with the notice and public procedure provisions of the Administrative Procedure Act is not necessary and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39–1385 (37 F.R. 1357, 1358), AD 72–3–3 is amended by changing paragraph D so that it now reads as follows:

(D) On or before January 1, 1973, modify the applicable aircraft in accordance with Cessna Service Letter SE72–2, dated January 21, 1972, and Cessna Service Letter SE72–2, Supplement 1, dated March 24, 1972. Equivalent methods of compliance with this paragrapm must be approved by Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective April 13, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 31, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–5461 Filed 4–10–72;8:47 am]

[Docket No. 11594; Amdt. No. 39–1434]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA–18 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA 136 AL

Amendment 39–1369 (36 F.R. 24988), AD 72–1–7 requires the installation of P/N 12351–12 engine mount assemblies on Piper Model PA–18 Series airplanes which have been modified in accordance with Supplemental Type Certificate SA 136 AL. After issuing Amendment 39–1369, the FAA has received a number of inquiries as to which airplanes are affected by the AD. Therefore, the AD is being amended to clarify and expand the clauses which describe the affected Piper airplanes.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1369 (36 F.R. 24988) is amended as follows:

1. By amending the applicability statement to read:

PIPER. Applies to Piper Model PA–18, PA–18–105, PA–18–125, PA–18–135, PA–18A, PA–18A–125, PA–18A–135, and seaplane versions of those models which have been modified after May 14, 1968 in accordance with Supplemental Type Certificate SA 136 AL to incorporate the installation of the Lycoming O–320 engine (150 hp.). Factory delivered models having serial numbers 18–3771 and 18–3781 and above, incorporating the O–320 engine, are not affected by this AD.

2. By amending the note following the AD to read:

NOTE: Engine mount assembly P/N 12351–12 may be identified by the gage of Tube "A" and Tube "B" which measure 0.049 inch, and by the incorporation of two reinforcing plates, number 14438, mounted at the lower right engine attachment points, as shown on Piper Drawing Number 12351, Mount Assembly-Engine, including Revision J dated January 16, 1968.

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

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This amendment becomes effective April 17, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 5, 1972.

JAMES F. RUDOLPH,
Director, Flight Standards Service.

[FR Doc.72-5462 Filed 4-10-72;8:47 am]

[Airspace Docket No. 71-GL-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Areas

On pages 937 and 938 of the FEDERAL REGISTER dated January 21, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition areas at Duluth, Minn. and Green Bay, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Illinois on March 22, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition areas are amended to read:

DULUTH, MINN.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V129, V26, V191, and V217".

GREEN BAY, WIS.

Add, "that airspace extending upward from 5,000 feet MSL in the area bounded by V191E, V26, and V217".

[FR Doc.72-5464 Filed 4-10-72;8:47 am]

[Airspace Docket No. 71-GL-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area; Correction

In F.R. Doc. 72-3751, on page 5285 in the issue of Tuesday, March 14, 1972, the Columbus, Ohio (Bolton Field) control zone description (§ 71.171) should be corrected to read as follows:

Within a 3-mile radius of Bolton Field (latitude 39°54'07" N., longitude 83°08'12" W.) and 2 miles either side of the 213° bearing from the airport extending from the 3-mile radius to 4 miles southwest of the airport excluding a 1-mile radius of Columbus Southwest Airport (latitude 39°54'45" N., longitude 83°11'00" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will, therefore, be continuously published in the Airman's Information Manual.

Issued in Des Plaines, Ill., on March 23, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-5463 Filed 4-10-72;8:47 am]

[Airspace Docket No. 71-GL-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 937 of the FEDERAL REGISTER dated January 21, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Boulder Junction, Wis.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment. No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., May 25, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill. on March 22, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

BOULDER JUNCTION, WIS.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Boulder Junction Airport (latitude 46°08'15" N., longitude 89°38'45" W.); and within 3 miles each side of the 049° bearing from the Boulder Junction Airport, extending from the 5½-mile-radius area to 8 miles northeast of the airport; that airspace extending upward from 1,200 feet above the surface within 4½ miles south and 9½ miles north of the 049° bearing from Boulder Junction Airport, extending from the airport to 18½ miles northeast of the airport, excluding the portion which overlies the Land O'Lakes transition area.

[FR Doc.72-5465 Filed 4-10-72;8:47 am]

[Airspace Docket No. 70-EA-113]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On February 17, 1972, F.R. Doc. 72-2401 was published in the FEDERAL REGISTER (37 F.R. 3510) with an effective date of April 27, 1972.

This document amended Part 75 of the Federal Aviation Regulations, in part, by establishing area navigation routes J987R and J988R. Route J987R serves operations between Montreal, Canada, and J. F. Kennedy International Airport, N.Y.

Subsequent to the publication of this amendment, area high route J883R was designated between Minneapolis, Minn., and New York, N.Y. The last waypoint in J883R and the next to last waypoint in J987R are very closely located. Changing one of the two waypoints to coincide with the other one would simplify charting and preclude possible misunderstanding by pilots. Therefore, action is taken herein to change "Countess, N.Y.," waypoint in J987R to "Kingston, N.Y.," waypoint. In addition, a Standard Terminal Arrival Route (STAR) is now being developed for J987R that will be based on Kennedy VORTAC. Consequently, transition from the en route phase to the arrival phase of flight would be simplified if the same reference facility was used for the last en route waypoint and for the proposed STAR. Therefore, action is also taken herein to change the reference facility for "Empire, N.J.," waypoint from "Hancock, N.Y.," to "Kennedy, N.Y."

Since this amendment is minor in nature with no substantive change in the regulations, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-days' notice.

In consideration of the foregoing, F.R. Doc. 72-2401 (§ 75.400, 37 F.R. 3510) is amended, effective 0901 G.m.t., April 27, 1972, as hereinafter set forth.

In J987R delete third waypoint information "Countess, N.Y. 41°39'51" N., 73° 49'20" W., Hancock, N.Y." and substitute "Kingston, N.Y. 41°39'55" N., 73°49' 22" W., Huguenot, N.Y." Delete fourth waypoint information "Empire, N.J. 40° 47'11" N., 74°02'36" W., Hancock, N.Y." and substitute "Empire, N.J. 40°47'11" N., 74°02'36" W., Kennedy, N.Y." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 5, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-5466 Filed 4-10-72;8:47 am]

[Docket No. 11432; Amdt. 121-90]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Aviation Security; Certain Air Carriers and Commercial Operators; Security Programs and Other Requirements

The purpose of this amendment to § 121.538 of the Federal Aviation Regulations is to supply language inadvertently omitted in Amendment 121-85 issued February 29, 1972 (37 F.R. 4904).

One of the criteria for amendment of a screening system or approved security program, as stated in paragraph (g) of § 121.538, is "safety in air transportation." This should also include "safety in air commerce" since the section also applies to a commercial operator engaging in intrastate common carriage covered by § 121.7. Accordingly, paragraph (g) is amended to provide for the amendment of a screening system or approved security program where safety in air commerce and the public interest requires such an amendment.

Because this amendment corrects an inadvertent omission and imposes no additional burden on any person, I find that notice and public procedure thereon are unnecessary and that this amendment may be made effective in less than 30 days.

In consideration of the foregoing, paragraph (g) of § 121.538 of the Federal Aviation Regulations is amended, effective April 11, 1972, by inserting the phrase "(or in air commerce, in the case of a commercial operator)" after the words "air transportation" in the lead-in statement and in the fourth sentence in subparagraph (1).

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 4, 1972.

J. M. SHAFFER,
Administrator.

[FR Doc.72-5467 Filed 4-10-72;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Oxytetracycline Hydrochloride, Polymyxin B Sulfate Ophthalmic Ointment, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8-763V) filed by Pfizer, Inc., 235 East 42d Street, New York, NY 10017, proposing revised labeling regarding the safe and effective use of oxytetracycline hydrochloride, polymyxin B sulfate ophthalmic ointment, veterinary, for the treatment of dogs, cats, cattle, sheep, and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.24 Oxytetracycline hydrochloride, polymyxin B sulfate ophthalmic ointment, veterinary.

(a) *Specifications.* Each gram of the ointment contains oxytetracycline hydrochloride equivalent to 5 milligrams of oxytetracyline and 10,000 units of polymyxin B sulfate.

(b) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for the prophylaxis and local treatment of superficial ocular infections due to oxytetracycline- and polymyxin-sensitive organisms. These infections include the following: Ocular infections due to streptococci, rickettsiae, *E. coli*, and *A. aerogenes* (such as conjunctivitis, keratitis, pinkeye, corneal ulcer, and blepharitis in dogs, cats, cattle, sheep, and horses); ocular infections due to secondary bacterial complications associated with distemper in dogs; and ocular infections due to bacterial inflammatory conditions which may occur secondary to other infectious diseases in dogs, cats, cattle, sheep, and horses.

(2) It is administered topically to the eye two to four times daily.

(3) Allergic reactions may occasionally occur. Treatment should be discontinued if reactions are severe. If new infections due to nonsensitive bacteria or fungi appear during therapy, appropriate measures should be taken.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-11-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: March 30, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-5460 Filed 4-10-72;8:46 am]

SUBCHAPTER D—COSMETICS

PART 170—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

PART 172—VOLUNTARY FILING OF COSMETIC PRODUCT INGREDIENT AND COSMETIC RAW MATERIAL COMPOSITION STATEMENTS

In the matter of issuing regulations establishing a procedure for (1) the voluntary registration of cosmetic product establishments and (2) the voluntary filing of cosmetic product ingredient statements:

A notice regarding these regulations which were based on two petitions filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), 1625 I Street NW, Washington, DC 20006, was published in the FEDERAL REGISTER of August 26, 1971 (36 F.R. 16934). In the same notice the Commissioner of Food and Drugs proposed a parenthetical statement which, if the regulations were adopted, would be inserted to identify certain cosmetic products that are also regarded as drugs by the Food and Drug Administration. Interested persons were invited to submit comments on the proposal within a 30-day period which ended September 25, 1971. Twenty-two comments were received.

With regard to the promulgation of these regulations in general, a member of Congress urged that the registration and filing of ingredient statements by producers of cosmetics be mandatory, that foreign producers of cosmetics be subjected to the regulations, and that ingredient labeling of cosmetic products be required. Two other comments challenged the legality of establishing voluntary regulations under section 701(a) of the Federal Food, Drug, and Cosmetic Act and urged that the regulations issued be mandatory. These two comments included legal arguments to support claims that it is extra legal to provide that data submitted voluntarily by firms filing cosmetic product ingredient statements be kept confidential by FDA; that authority now exists to require mandatory registration of cosmetic product establishments, filing of cosmetic ingredient statements, label declaration of ingredients on cosmetic products, and label declaration of any registration number issued by the Commissioner; and that authority now exists to provide that any cosmetic product that did not have an FDA-issued registration number on the label would be deemed to be misbranded.

The Commissioner has considered these comments and concludes that under section 701(a) of the act he is authorized to accept the voluntary registration of cosmetic product establishments and the voluntary filing of cosmetic product ingredient statements and cosmetic raw material composition statements as set forth in the regulations established below. He also agrees that foreign producers should be included in this voluntary registration. He concludes however that promulgation of a mandatory regulation could result in lengthy litigation that would seriously delay FDA from obtaining the type of information expected as result of this promulgation. If it is determined that the information obtained through the procedure established in these regulations does not adequately contribute to the efficient enforcement of the act, additional steps will be taken to promulgate mandatory regulations. The Commissioner further concludes that mandatory ingredient labeling goes beyond the scope of the proposal and cannot be implemented by these regulations.

Comments recommending label declarations of ingredients for cosmetic products are considered by the Commissioner to be meritorious. The Commissioner recognizes that regulations requiring cosmetic product ingredient disclosure on the labels of such products will prevent the deception of consumers and facilitate value comparisons. This issue was not a part of the CTFA petitions. Consideration is being given to publishing a proposal under the Federal Fair Packaging and Labeling Act, section 5(c)(3), 15 U.S.C. 1454(c)(3), for labeling of sensitizing ingredients.

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A dermatologist commented that the proposed regulations were a step in the right direction but that they did not go far enough, particularly in the provision for providing coded samples to physicians treating persons suffering from allergic reaction. He urged establishment of a "Register" that would list all ingredients of all cosmetic products used in the United States and would be made available to every practicing dermatologist. The Commissioner concludes that a "Register" of cosmetic ingredients goes beyond the scope of the proposal and cannot be implemented by these regulations. The Commissioner considers that promulgation of labeling requirements for cosmetic ingredients will substantially satisfy the need of dermatologists for this type of data.

One comment from a professor at a school of medicine urged that feminine hygiene deodorants be considered drugs as are feminine douche products. This request was also included in the comment submitted by the member of Congress. Twelve of those commenting opposed the Commissioner's proposed parenthetical statement. These comments have been fully considered.

The Commissioner concludes that the parenthetical statement is not a necessary element of this voluntary regulation. In lieu of this statement, the proposed regulations have been changed to indicate that a cosmetic product which is also a drug is subject to the drug requirements of the Federal Food, Drug, and Cosmetic Act.

In his proposed parenthetical statement, the Commissioner cited cosmetic product categories which are also regarded as drugs because of their intended use. He would like to point out that the failure to cite feminine hygiene deodorants as an example should not be construed to indicate that such products may not also be considered drugs under appropriate circumstances.

One comment concerned the possible theft of ingredient information and urged that funds commensurate with the value of the formulations submitted to FDA be set aside to reimburse the owner of a stolen cosmetic formulation. The Commissioner concludes that creation of a special fund goes beyond the scope of the proposal and cannot be implemented by these regulations.

A public interest group objected to the all-inclusive scope of the petitioner's proposed provisions concerning confidentiality of statements submitted pursuant to Part 172. The commissioner concludes that these objections are valid, and the regulations have been changed so that such provisions are consistent with the mandate of section (3)(e)(4) of the Administrative Procedures Act (5 U.S.C. 552(b)(4)).

Fourteen associations or firms that are either involved in or closely allied to the cosmetic product industry favored the regulations proposed by the petitioner. However, some of these suggested amendatory language that would clarify and improve the procedure for obtaining compositional information regarding proprietary ingredients used in finished cosmetics.

Accordingly, on the basis of the comments received and the Commissioner's conclusions, the proposed regulations are being promulgated with the following changes:

1. For clarity, the titles of Parts 170 and 172 have been changed and new definitions are added to §§ 171.1 and 172.1.

2. Changes have been made throughout Parts 170 and 172 in order to include foreign cosmetic producers in these voluntary registration procedures.

3. A sentence has been added to § 172.1 (b) to point out that a cosmetic product which is also a drug is subject to the drug provisions of the act.

4. Clarifying changes have been made in § 172.5(a)(1) and (2), (b)(5), (d)(2) and (3), and (e), and a new subdivision has been added to paragraph (d)(1).

5. A new § 172.6 *Information requested about cosmetic* raw material has been added, and proposed §§ 172.6–172.9 have been redesignated as §§ 172.7–172.10.

6. To further implement new § 172.6, appropriate amendments have been made in §§ 172.2, 172.3, 172.4, 172.7 and 172.9.

7. The section heading of § 172.8 has been changed and the section is revised to clarify the procedure for acknowledging the receipt of statements, advising persons filing incomplete statements, and issuing statement numbers to persons filing complete statements.

8. Section 172.9 is revised to clarify the conditions under which trade secrets, and other privileged and confidential commercial information will be held in confidence consistent with the provisions of section 3(e)(4) of the Administrative Procedures Act as amended.

9. A new paragraph (b) has been added to § 172.10 to explain how the Food and Drug Administration Cosmetic Raw Material Composition Statement Number may be used.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 601, 602, 701(a), 704, 52 Stat. 1054 as amended, 1055, 1057 as amended; 21 U.S.C. 361, 362, 371(a), 374) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered*, That 21 CFR Chapter I be editorially amended by redesignating the present Subchapters D and E as Subchapters E and F, respectively, and that a new Subchapter D—Cosmetics be established consisting at this time of two new Parts 170 and 172, as follows:

Sec.
170.1 Definitions.
170.2 Who should register.
170.3 Time for registration.
170.4 How and where to register.
170.5 Information requested.
170.6 Amendments to registration.
170.7 Notification of registrant; cosmetic products establishment registration number.
170.8 Inspection of registrations.
170.9 Misbranding by reference to registration or to registration number.
170.51 Exemptions.

AUTHORITY: The provisions of this Part 170 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 170.1 Definitions.

(a) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed.

(b) "Establishment" means a place of business where cosmetic products are manufactured or packaged.

(c) The term "manufacture" of a cosmetic product means the making of any cosmetic product by chemical, physical, biological, or other procedures, including manipulation, sampling, testing, or control procedures applied to the product.

(d) The term "packaging" of a cosmetic product means filling or labeling the product container, including changing the immediate container or label (but excluding changing other labeling) at any point in the distribution of the cosmetic product from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer.

(e) The term "all business trading names used by the establishment" means any name which is used on a cosmetic product label and owned by the cosmetic product manufacturer or packer, but is different from the principal name under which the cosmetic product manufacturer or packer is registered.

(f) The term "act" means the Federal Food, Drug, and Cosmetic Act.

(g) The definitions and interpretations contained in sections 201 and 602 of the Federal Food, Drug, and Cosmetic Act shall be applicable to such terms when used in the regulations in this part.

§ 170.2 Who should register.

The owner or operator of a cosmetic product establishment which is not exempt under § 170.51 and engages in the manufacture or packaging of a cosmetic product is requested to register for each such establishment, whether or not the product enters interstate commerce. This request extends to any foreign cosmetic product establishment whose products are exported for sale in any State as defined in section 201(a)(1) of the act. No registration fee is required.

§ 170.3 Time for registration.

The owner or operator of an establishment entering into the manufacture or packaging of a cosmetic product should register his establishment within 30 days after the operation begins.

§ 170.4 How and where to register.

FD Form 2511 ("Registration of Cosmetic Product Establishment") is obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed to Cosmetic Product Establishment Registration, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

(c) Persons who manufacture, prepare, compound, or process cosmetic products solely for use in research, pilot plant production, teaching, or chemical analysis, and who do not sell these products.

(d) Carriers, by reason of their receipt, carriage, holding, or delivery of cosmetic products in the usual course of business.

Sec.
172.1 Definitions.
172.2 Who should file.
172.3 Times for filing.
172.4 How and where to file.
172.5 Information requested about cosmetic products.
172.6 Information requested about cosmetic raw materials.
172.7 Amendments to statement.
172.8 Notification of person submitting cosmetic product ingredient statement cosmetic raw material composition statement.
172.9 Confidentiality of statements.
172.10 Misbranding by reference to filing or to statement number.

AUTHORITY: The provisions of this Part 172 issued under secs. 601, 602, 701(a), 704, 52 Stat. 1054, as amended, 1055, 1057, as amended; 21 U.S.C. 361, 362, 371(a), 374.

§ 172.1 Definitions.

(a) The term "commercial distribution" of a cosmetic product means annual gross sales in excess of $1,000 for that product.

(b) The term "cosmetic product" means a finished cosmetic the manufacture of which has been completed. Any cosmetic product which is also a drug or device or component thereof is also subject to the requirements of Chapter V of the act.

(c) The term "flavor" means any natural or synthetic substance or substances used solely to impart a taste to a cosmetic product.

(d) The term "fragrance" means any natural or synthetic substance or substances used solely to impart an odor to a cosmetic product.

(e) The term "ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product.

(f) The term "proprietary ingredient" means any cosmetic product ingredient whose name, composition, or manufacturing process is protected from competition by secrecy, patent, or copyright.

(g) The term "chemical description" means a concise definition of the chemical composition using standard chemical nomenclature so that the chemical structure or structures of the components of the ingredient would be clear to a practicing chemist. When the composition cannot be described chemically, the substance shall be described in terms of its source and processing.

(h) The term "cosmetic raw material" means any ingredient, including an ingredient that is a mixture, which is used in the manufacture of a cosmetic product for commercial distribution and is supplied to a cosmetic product manufacturer, packer, or distributor by a cosmetic raw material manufacturer or supplier.

(i) The definitions and interpretations contained in sections 201, 601, and 602 of the act shall be applicable to such terms when used in the regulations in this part.

§ 172.2 Who should file.

(a) Either the manufacturer, packer, or distributor of a cosmetic product is requested to file FD Form 2512 ("Cosmetic Product Ingredient Statement") whether or not the cosmetic product enters interstate commerce. This request extends to any foreign manufacturer, packer, or distributor of a cosmetic product exported for sale in any State as defined in section 201(a)(1) of the act. No filing fee is required.

(b) It is requested that FD Form 2513 ("Cosmetic Raw Material Composition Statement") be filed by either the manufacturer or supplier of a cosmetic raw material that is a proprietary ingredient or whose precise composition is not known to the cosmetic manufacturer, packer, or distributor receiving the ingredient whether or not the raw material enters into interstate commerce. This request extends to any foreign manufacturer or supplier of a cosmetic raw material that is exported for such use in any State as defined in section 201(a)(1) of the act. No filing fee is required.

§ 172.3 Times for filing.

(a) Within 180 days after forms are made available to the industry, FD Form 2512 should be filed for each cosmetic product being commercially distributed as of the effective date of this part. FD Form 2512 should be filed within 60 days after the beginning of commercial distribution of any product not covered within the 180-day period.

(b) FD Form 2513 should be filed, pursuant to § 172.2(b), by a cosmetic raw material manufacturer or supplier for each cosmetic raw material.

§ 172.4 How and where to file.

FD Form 2512 and FD Form 2513 and FD Form 2514 ("Discontinuance of Commercial Distribution of Cosmetic Product or Cosmetic Raw Material") are obtainable on request from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or at any Food and Drug Administration district office. The completed form should be mailed or delivered to: Cosmetic Product Statement, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, according to the instructions provided with the forms.

§ 172.5 Information requested about cosmetic products.

(a) FD Form 2512 requests information on:

(1) The name and address, including post office ZIP code, of the person (manufacturer, packer, or distributor) designated on the label of the product.

(2) The name and address, including post office ZIP code, of the manufacturer or packer of the product if different from the person designated on the label of the product, when the manufacturer or

§ 170.5 Information requested.

FD Form 2511 requests information on the name and address of the cosmetic product establishment, including post office ZIP code; all business trading names used by the establishment; the kind of ownership or operation (e.g., individually owned, partnership, or corporation); and the type of business (manufacturer, packer, and/or distributor). The information requested should be given separately for each establishment as defined in § 170.1(b).

§ 170.6 Amendments to registration.

Within 30 days after a change in any of the information contained on a submitted FD Form 2511, a new FD Form 2511 should be submitted to amend the registration. This amendment is also necessary when a registration is to be canceled because an establishment has changed its name and no longer conducts business under the original name.

§ 170.7 Notification of registrant; cosmetic product establishment registration number.

The Commissioner of Food and Drugs will provide the registrant with a validated copy of FD Form 2511 as evidence of registration. This validated copy will be sent only to the location shown for the registering establishment. A permanent registration number will be assigned to each cosmetic product establishment registered in accordance with the regulations in this part.

§ 170.8 Inspection of registrations.

A copy of the FD Form 2511 filed by the registrant will be available for inspection at the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204.

§ 170.9 Misbranding by reference to registration or to registration number.

Registration of a cosmetic product establishment or assignment of a registration number does not in any way denote approval of the firm or its products by the Food and Drug Administration. Any representation in labeling or advertising that creates an impression of official approval because of registration or possession of a registration number will be considered misleading.

§ 170.51 Exemptions.

The following classes of persons are not requested to register in accordance with this Part 170 because the Commissioner has found that such registration is not justified:

(a) Beauty shops, cosmetologists, retailers, pharmacies, and other persons and organizations that compound cosmetic products at a single location and administer, dispense, or distribute them at retail from that location and who do not otherwise manufacture or package cosmetic products at that location.

(b) Physicians, hospitals, clinics, and public health agencies.

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packer submits the information requested under this paragraph.

(3) The brand name or names of the cosmetic product.

(4) The cosmetic product category or categories.

(5) The ingredients in the product.

(b) The person filing FD Form 2512 should:

(1) Provide the information requested in paragraph (a) of this section.

(2) Have the form signed by an authorized individual.

(3) Provide poison control centers with ingredient information and/or adequate diagnostic and therapeutic procedures to permit rapid evaluation and treatment of accidental ingestion or other accidental use of the cosmetic product.

(4) Provide ingredient information (and, when requested, ingredient samples) to a licensed physician who, in connection with the treatment of a patient, requests assistance in determining whether an ingredient in the cosmetic product is the cause of the problem for which the patient is being treated.

(5) Request that an FD Form 2513 be filed pursuant to § 172.6(b) by the manufacturer or supplier of any proprietary ingredient (including mixtures) or of any other cosmetic raw material which is used as an ingredient and has not as yet been assigned a cosmetic raw material composition statement number.

(c) One or more of the following cosmetic product categories should be cited to indicate the product's intended use.

(1) *Baby products.* (i) Baby shampoos.
(ii) Lotions, oils, powders, and creams.
(iii) Other baby products.

(2) *Bath preparations.* (i) Bath oils, tablets, and salts.
(ii) Bubble baths.
(iii) Bath capsules.
(iv) Other bath preparations.

(3) *Eye makeup preparations.* (i) Eyebrow pencil.
(ii) Eyeliner.
(iii) Eye shadow.
(iv) Eye lotion.
(v) Eye makeup remover.
(vi) Mascara.
(vii) Other eye makeup preparations.

(4) *Fragrance preparations.* (i) Colognes and toilet waters.
(ii) Perfumes.
(iii) Powders (dusting and talcum) (excluding aftershave talc).
(iv) Sachets.
(v) Other fragrance preparations.

(5) *Hair preparations (noncoloring).* (i) Hair conditioners.
(ii) Hair sprays (aerosol fixatives).
(iii) Hair straighteners.
(iv) Permanent waves.
(v) Rinses (noncoloring).
(vi) Shampoos (noncoloring).
(vii) Tonics, dressings, and other hair grooming aids.
(viii) Wave sets.
(ix) Other hair preparations.

(6) *Hair coloring preparations.* (i) Hair dyes and colors (all types requiring caution statement and patch test).
(ii) Hair tints.
(iii) Hair rinses (coloring).
(iv) Hair shampoos (coloring).
(v) Hair color sprays (aerosol).
(vi) Hair lighteners with color.
(vii) Hair bleaches.
(viii) Other hair coloring preparations.

(7) *Makeup preparations (not eye).* (i) Blushers (all types).
(ii) Face powders.
(iii) Foundations.
(iv) Leg and body paints.
(v) Lipstick.
(vi) Makeup bases.
(vii) Rouges.
(viii) Makeup fixatives.
(ix) Other makeup preparations.

(8) *Manicuring preparations.* (i) Basecoats and undercoats.
(ii) Cuticle softeners.
(iii) Nail creams and lotions.
(iv) Nail extenders.
(v) Nail polish and enamel.
(vi) Nail polish and enamel removers.
(vii) Other manicuring preparations.

(9) *Oral hygiene products.* (i) Dentifrices (aerosol, liquid, pastes, and powders).
(ii) Mouthwashes and breath fresheners (liquids and sprays).
(iii) Other oral hygiene products.

(10) *Personal cleanliness.* (i) Bath soaps and detergents.
(ii) Deodorants (underarm).
(iii) Douches.
(iv) Feminine hygiene deodorants.
(v) Other personal cleanliness products.

(11) *Shaving preparations.* (i) Aftershave lotions.
(ii) Beard softeners.
(iii) Men's talcum.
(iv) Preshave lotions (all types).
(v) Shaving cream (aerosol, brushless, and lather).
(vi) Shaving soap (cakes, sticks, etc.).
(vii) Other shaving preparation products.

(12) *Skin care preparations (creams, lotions, powder, and sprays).* (i) Cleansing (cold creams, cleansing lotions, liquids, and pads).
(ii) Depilatories.
(iii) Face, body, and hand (excluding shaving preparations).
(iv) Foot powders and sprays.
(v) Hormone.
(vi) Moisturizing.
(vii) Night.
(viii) Paste marks (mud packs).
(ix) Skin lighteners.
(x) Skin fresheners.
(xi) Wrinkle smoothing (removers).
(xii) Other skin care preparations.

(13) *Suntan and sunscreen preparations.* (i) Suntan gels, creams, and liquids.
(ii) Indoor tanning preparations.
(iii) Other suntan preparations.

(d) Ingredients in the product should be indicated as follows:

(1) A list of each ingredient of the cosmetic product in descending order of predominance by weight (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) should be accompanied by a letter designating the percentage of the ingredient added, as follows:

(i) The letter A represents over 50 percent.

(ii) The letter B represents over 25 percent to 50 percent.

(iii) The letter C represents over 10 percent to 25 percent.

(iv) The letter D represents over 5 percent to 10 percent.

(v) The letter E represents over 1 percent to 5 percent.

(vi) The letter F represents over 0.1 percent to 1 percent.

(vii) The letter G represents 0.1 percent or less.

(viii) The letter H represents 0 percent. (The letter H is to be used only to indicate that a particular color additive is absent in certain shades of a product as described in the instructions in FD Form 2512.)

(2) An ingredient, including an ingredient that is a mixture, should be listed by its common or usual name, if it has one; or by its chemical name (except proprietary ingredients); or by its trade name and the name of manufacturer or supplier. If such ingredient complies with a published standard (e.g., "The United States Pharmacopeia," "National Formulary," "Food Chemicals Codex," "CTFA Standards—Specifications," etc.) list only the common, usual, or chemical name found in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier of each proprietary mixture that is included.

(e) A separate FD Form 2512 should be filed for each different formulation of a cosmetic product. However, except for the hair coloring preparations listed in paragraph (c)(6) of this section for which a statement for each shade of such product is required, a single FD Form 2512 may be filed for two or more shades of a cosmetic product where only the amounts of the color additive ingredient used are varied or in the case of flavors and fragrances where only the amounts of the flavors and fragrances used are varied.

§ 172.6 Information requested about cosmetic raw materials.

(a) FD Form 2513 requests information on:

(1) The name and address, including post office ZIP code, of the manufacturer or supplier of the cosmetic raw material.

(2) The trade name or names of the cosmetic raw material.

(3) The identity of the ingredient in a cosmetic raw material or of the ingredients if the cosmetic raw material is a mixture.

(b) The person filing FD Form 2513 should:

(1) Provide the information requested in paragraph (a) of this section for each cosmetic raw material which is to be an ingredient in a cosmetic product offered for commercial distribution, whenever it is a proprietary ingredient (except that the fragrance and/or flavor may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) or an ingredient whose precise composition is not known to the cosmetic product manufacturer, packer, or distributor using it.

(2) Have it signed by an authorized individual.

(c) Information on the composition of cosmetic raw material should be shown as follows:

(1) A cosmetic raw material or an ingredient in a cosmetic raw material, including mixtures, should be listed by its common or usual name, if it has one; or its chemical name; or its chemical description. If this information is not available, list the trade name and supplier and request the manufacturer or supplier to file an FD Form 2513. If such cosmetic raw material or ingredient complies with a published standard (e.g. "The United States Pharmacopeia," "National Formulary," "Food Chemicals Codex," "CTFA Standards—Specifications," etc.) list only the common, usual, or chemical name in the published standard and the name of the standard used. If a cosmetic raw material composition statement number has already been assigned to an ingredient, list only the number and the name under which the ingredient was registered.

(2) A cosmetic raw material that is a prepared mixture of ingredients should have each ingredient listed in descending order of predominance by weight (except that fragrance and/or flavor, if present, may be designated as such without naming each individual ingredient when the manufacturer or supplier of the fragrance and/or flavor refuses to disclose ingredient data) with a letter designating the percentage of the ingredient added as described under § 172.5(d)(1).

(3) When the manufacturer or supplier of a fragrance and/or flavor refuses to disclose ingredient data, the fragrance and/or flavor used in a cosmetic raw material should be listed as such with the product name and/or trade name or number and the name of the manufacturer or supplier.

(4) Ingredients in a prepared mixture of color additives, with or without diluents, that are used as cosmetic raw materials should be listed as described in subparagraphs (1) and (2) of this paragraph, using the approved FDA name of the color additive and/or diluent as listed in Part 8 of this chapter.

(d) The information requested should be given separately for each cosmetic raw material.

§ 172.7 Amendments to statement.

(a) Changes in the information requested under § 172.5(a) (3) and (5) on the ingredients or brand name of a cosmetic product should be submitted by filing an amended FD Form 2512, within 60 days after the product is entered into commercial distribution. Other changes do not justify immediate amendment, but should be shown by filing an amended FD Form 2512 within a year after such changes. Notice of discontinuance of commercial distribution of a cosmetic product should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

(b) Changes in the information requested under § 172.6(a) (2) and (3) on the name or ingredients of a cosmetic raw material should be submitted by filing an amended FD Form 2513 on or before the time the cosmetic raw material is supplied to a cosmetic product manufacturer, packer, or distributor for use in a product for commercial distribution. The manufacturer, packer, or distributor should also be informed about any change in the name of a cosmetic raw material so he can send an amended FD Form 2512 as requested in paragraph (a) of this section. Other changes should be indicated by filing an amended FD Form 2513 within a year after these changes are made. Notice of discontinuance of commercial distribution of a cosmetic raw material should be submitted by FD Form 2514 within 180 days after discontinuance of commercial distribution becomes known to the person filing.

§ 172.8 Notification of person submitting cosmetic product ingredient statement and cosmetic raw material composition statement.

When FD Forms 2512 and 2513 are received, the Commissioner of Food and Drugs will either assign a permanent cosmetic statement number or an FDA reference number in those cases where a permanent number cannot be assigned. Receipt of the forms will be acknowledged by sending the individual signing the statement an appropriate notice bearing either the FDA reference number or the permanent cosmetic statement number. If the person submitting FD Form 2512 has not complied with § 172.5(b)(1) and (2) or the person submitting FD Forms 2513 has not complied with § 172.6(b), he will be notified as to the manner in which his statement is incomplete.

§ 172.9 Confidentiality of statements.

(a) Each item of information contained in, attached to, or included with FD Forms 2512, 2513, 2514, and amendments thereto and constituting a trade secret or other privileged and confidential commercial information exempt from disclosure to the public must be clearly marked as confidential. Each item of information so marked must be accompanied by a statement setting forth adequate grounds to justify its confidentiality. If the Food and Drug Administration concludes that an item so marked is not exempt from disclosure to the public, the person submitting the information will be informed and will be given an opportunity to appeal that decision to the Assistant Commissioner for Public Affairs, whose decision on the matter will be final.

(b) Data and information otherwise exempt from public disclosure may be revealed in administrative or court enforcement proceedings where the data or information are relevant. Any such use will be in a manner that reduces public disclosure to the minimum necessary under the circumstances.

(c) Data and information otherwise exempt from public disclosure may be disclosed to consultants, advisory committees, and other persons who are special government employees. Such persons are thereafter subject to the same restrictions with respect to disclosure as any Food and Drug Administration employee.

§ 172.10 Misbranding by reference to filing or to statement number.

(a) The filing of an FD Form 2512 or 2513 or assignment of a number to the statement does not in any way denote approval by the Food and Drug Administration of the firm or the product. Any representation in labeling or advertising that creates an impression of official approval because of such filing or such number will be considered misleading, except as set forth in paragraph (b) of this section.

(b) The manufacturer or supplier of a cosmetic raw material that has been assigned a Food and Drug Administration Cosmetic Raw Material Composition Statement number (FDA CRMCS No.) pursuant to § 172.8 may use this number without violating the misbranding provision of this section under the following conditions:

(1) The FDA CRMCS No. is placed on the label of the container which is used to ship or transport the cosmetic raw material to a manufacturing establishment if the principal display panel of the label also contains the following disclaimer: "The FDA Cosmetic Raw Material Composition Statement number is assigned for raw material identification purposes only and does not in any way denote approval of the firm or the raw material by the Food and Drug Administration." The disclaimer phrase shall be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read and understood by the ordinary individual.

(2) The FDA CRMCS No. is used in cosmetic raw material trade literature, catalogue citations, and correspondence if the disclaimer specified in subparagraph (1) of this paragraph is made on the same page that the FDA CRMCS No. appears.

Effective date. Part 170 shall become effective 30 days after notice that FD Form 2511 is available for distribution, and Part 172 shall become effective 30

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days after notice that FD Forms 2512, 2513, and 2514 are available for distribution. Notice of the date each of the forms will be available will be published in the FEDERAL REGISTER. It is anticipated that FD Form 2511 will be available on a date to be announced during April 1972 and that FD Forms 2512, 2513, and 2514 will be available on a date to be announced in May 1972. In the meantime, those desiring any of these forms may submit requests to the Food and Drug Administration as set forth in §§ 170.4 and 172.14 (21 CFR 170.4 and 172.4).

Dated: March 31, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-5298 Filed 4-6-72;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.657]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Exchange Visitors

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to provide regulations on the applicability of section 212(e) of the Immigration and Nationality Act, as amended, to alien exchange visitors who enter the United States or thereafter acquire status as an exchange visitor and engage in a field of specialized knowledge or skill which had been designated by the Secretary of State as a field in which the alien's country of nationality or last residence clearly required the services of persons so engaged.

Section 41.65 is amended to read as follows:

§ 41.65 Exchange visitors.

(a) *Classification.* An alien shall be classifiable as an exchange visitor if he qualifies under the provisions of section 101(a)(15)(J) of the Act and establishes to the satisfaction of the consular officer that:

(1) He has been accepted to participate, and intends to participate, in an exchange visitor program designated by the Department as evidenced by the presentation of a properly executed Form DSP-66 (Certificate of Eligibility for Exchange Visitor Status);

(2) He has sufficient funds to cover his expenses or other arrangements have been made to provide for his expenses;

(3) He has sufficient knowledge of the English language to enable him to undertake the program for which he has been selected or the organization sponsoring him is aware of his deficiency in this respect and has indicated its willingness to accept him regardless of that deficiency; or that

(4) He is the spouse or minor child of such an exchange-visitor program participant.

(b) *Applicability of section 212(e) of the Act.* (1) An alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act if—

(i) His participation in one or more exchange programs was wholly or partially financed, directly or indirectly, by the Government of the United States or by the government of his country of nationality or last residence; or

(ii) At the time of the issuance to him of an exchange visitor visa and admission to the United States, or, if not required to obtain a nonimmigrant visa, at the time of his admission to the United States as an exchange visitor, or at the time of his acquisition of such status after admission, he was a national or resident of a country which the Secretary of State had designated, through publication by public notice in the FEDERAL REGISTER, as clearly requiring the services of persons engaged in the field of specialized knowledge or skill in which the alien was engaged in his exchange-visitor program.

(2) For the purposes of this subsection, the terms "financed directly" and "financed indirectly" shall be defined as set forth in § 63.1 of this chapter.

(3) If an alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act, the spouse or child of such alien shall also be subject to such requirement if such spouse or child is admitted to the United States pursuant to section 101(a)(15)(J) of the Act for the purpose of accompanying or following to join such alien.

(4) The consular officer to whom an alien applies for an exchange visitor visa shall, prior to the issuance of such visa, determine whether the alien will be subject to the 2-year foreign residence requirement of section 212(e) of the Act if admitted to the United States under section 101(a)(15)(J) of the Act, and shall inform the alien of such determination.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER (4-11-72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

Dated: March 31, 1972.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.72-5459 Filed 4-10-72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

[Docket No. R-72-177]

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

INSURANCE OF MORTGAGES

Part 200 is being amended to add a new § 200.119 to designate officials who may act on behalf of the Area Director with respect to the execution of specified instruments essential to the insurance of mortgages.

Accordingly, Part 200, Subpart D is amended in the table of contents and text by adding a new § 200.119 as follows:

Sec.
200.119 Designation of officials to perform certain functions with respect to the insurance of mortgages.

§ 200.119 Designation of officials to perform certain functions with respect to the insurance of mortgages.

(a) *Specification of functions.* Each of the officials appointed to the positions set forth in paragraph (b) of this section is designated to act for the Area Director solely for the purpose of executing the following instruments essential to the approval of a mortgage for insurance:

(1) The regulatory agreement between the Secretary and the owner;

(2) The agreement and certification between the Secretary, mortgagor, and mortgagee;

(3) The rent supplement contract between the Secretary and the housing owner; and

(4) The endorsement of the note for mortgage insurance.

(b) *Officials designated.* The functions described in paragraph (a) of this section may be exercised by the officials appointed to the following positions:

(1) The Deputy Area Director;

(2) The Director, Operations Division;

(3) The Deputy Director, Operations Division; and

(4) The Assistant to the Director, Operations Division.

(Secretary's delegation of authority, 36 F.R. 5006, Mar. 16, 1971)

Effective date. This designation shall be effective upon publication in the FEDERAL REGISTER (4-11-72).

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit-FHA Commissioner.

[FR Doc.72-5501 Filed 4-10-72;8:50 am]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-72-176]

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Policy Respecting Fair Market Rentals in Determination of Project Feasibility

Section 236 of the National Housing Act requires a mortgagor to establish, with the approval of the Secretary, a basic monthly rental charge and a fair market monthly rental charge for each rental unit in a project. In processing applications for section 236 rental projects, the Department will now require that determinations of feasibility be based on estimated fair market rental charges which do not exceed rents obtainable for reasonably comparable nonsubsidized rental dwelling units similarly located. An exception to this Department policy is provided for projects to be located in deteriorating residential neighborhoods. The exception provides that a project proposal with fair market rental charges exceeding those obtainable in a deteriorating neighborhood may be approved upon a finding that the project can be expected to contribute to the stabilization or improvement of the neighborhood and that the fair market rentals do not exceed those obtainable in comparable projects in stable neighborhoods.

Inasmuch as this amendment is a statement of policy of the Department, notice and public procedure hereon are not required.

Accordingly, Part 236 is amended by adding a new § 236.56 to read as follows:

§ 236.56 Determination of project feasibility—fair market rentals.

(a) In the determination of project feasibility prior to issuing a commitment for mortgage insurance under this part, the fair market rentals estimated in accordance with § 236.55(a)(2) shall be at a level that can be expected to attract nonsubsidized tenants, who will pay fair market rentals, and shall not exceed the rentals obtainable for reasonably comparable nonsubsidized rental dwelling units similarly located. Adjustments may be made in such rentals to reflect additional management services such as increased tenant screening, counseling, and income certification and recertifications.

(b) In determining the feasibility of a project to be located in a deteriorating residential neighborhood, the Commissioner may determine a project to be feasible with estimated fair market rental levels in excess of those than can be expected to attract nonsubsidized tenants in that neighborhood provided that:

(1) The estimated fair market rentals do not exceed estimated fair market rentals obtainable in comparable projects in more stable neighborhoods, and

(2) The proposed project can be expected to contribute to the stabilization or improvement of the neighborhood.

(Secs. 211 and 236, 52 Stat. 23, 82 Stat. 498; 12 U.S.C. 1717b, 1715z-1)

Effective date. This regulation is effective on May 10, 1972.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.72-5500 Filed 4-10-72;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7178]

PART 147—TEMPORARY REGULATIONS UNDER THE INTEREST EQUALIZATION TAX ACT

Place for Filing Notice of Acquisition of Canadian Issues—Form 3779

In order to prescribe a new place for filing notices of acquisition of Canadian issues on Form 3779 under § 147.4-1 of the temporary regulations concerning the interest equalization tax (26 CFR Part 147), § 147.4-1(c)(2) is amended, effective May 11, 1972, to read as follows:

§ 147.4-1 Exclusion for original or new issues where required for international monetary stability.

* * * * *

(c) *Notice of acquisition of Canadian issues.* * * *

(2) *Manner of filing.* Except as otherwise provided in the instructions accompanying the form, each U.S. person claiming an exclusion for an acquisition of original or new Canadian stock or debt obligations under section 4917(a) in accordance with Executive Order No. 11304 (or in accordance with Executive Order No. 11175 with respect to an acquisition made before September 12, 1966), shall file the notice of acquisition required under this section on Form 3779 with the Internal Revenue Service Center, 310 Lowell Street, Andover, MA 01812, and such notice shall set forth the information required by the form.

* * * * *

Because this Treasury decision amends existing temporary regulations merely by changing the place for filing forms of notice of acquisition of Canadian issues (Form 3779) in a manner not unfavorable to taxpayers, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date limitation of section 553(d).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 3, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72-5872 Filed 4-10-72;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

Public Participation in Regulatory Development

On page 3552 of the FEDERAL REGISTER of February 17, 1972, there was published a notice of proposed rule making to issue a regulation concerning the policy of the Veterans Administration to use rule making procedures in certain cases even though not required by law. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received. It has been determined, however, that it would be more appropriate to refer to the new procedures as regulatory development procedures rather than rule making procedures. Hence, the proposed regulation is hereby adopted subject to the following changes:

In the title and the first and third sentences the words "rule making," each time they occur, are changed to read "regulatory development."

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (4-11-72).

Approved: April 4, 1972.

By the direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

New § 1.12 is added; to read as follows:

§ 1.12 Public participation in regulatory development.

It is the policy of the Veterans' Administration to afford the public general notice, published in the FEDERAL REGISTER, of proposed regulatory development, and an opportunity to participate in the regulatory development in accordance with the provisions of the Administrative Procedure Act (APA). All written comments received will be available for public inspection. Exceptions to the policy of permitting public participation in the regulatory development may be authorized by the Administrator or one of his Deputies if adequately justified

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and concurred in by the General Counsel. Such exceptions, unless public comment is required by statute, may be recommended when (a) the proposed regulations consist of interpretative rules, general statements of policy, or rules of Veterans' Administration organization procedure or practice, or (b) when the Veterans' Administration for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. (5 U.S.C. 553)

[FR Doc. 72-5494 Filed 4-10-72;8:49 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4-(Methylsulfonyl)-2,6-Dinitro-*N,N*-Dipropylaniline

A petition (PP 0F0981) was filed by Shell Chemical Co., Division of Shell Oil Co., 1700 K Street NW., Washington, DC 20006, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for negligible residues of the herbicide 4-(methylsulfonyl)-2, 6-dinitro-*N,N*-dipropylaniline in or on the raw agricultural commodities carrots at 0.2 part per million and grapes, cucurbits, and root crop vegetables (except carrots) at 0.1 part per million.

Subsequently, the petitioner amended the petition by withdrawing the request for tolerances on carrots and root crop vegetables.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purpose for which a tolerance is being established, and the Fish and Wildlife Service, Department of the Interior, stated that it has no objection to the proposed tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed uses are not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The uses are classified in the category specified in § 180.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.237 is revised to read as follows:

§ 180.237 4-(Methylsulfonyl)-2,6-dinitro-*N,N*-dipropylaniline; tolerances for residues.

Tolerances are established for negligible residues of the herbicide 4-(methylsulfonyl) - 2,6-dinitro-*N,N*-dipropylaniline in or on the raw agricultural commodities broccoli, brussels sprouts, cabbage, cauliflower, cottonseed, cucurbits, forage legumes, fruiting vegetables, grapes, peanuts, safflower seed, seed, and pod vegetables, and soybeans (dry form) at 0.1 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4-11-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 5, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5476 Filed 4-10-72;8:48 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methanearsonic Acid

A petition (PP 2F1181) was filed by the Ansul Co., Marinette, Wis. 54143, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide methanearsonic acid (calculated as As_2O_3) in or on the raw agricultural commodity citrus fruit at 0.35 part per million resulting from application of the disodium and monosodium salts of methanearsonic acid.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The compound is useful for the purpose for which the tolerance is being established.

2. The proposed usage is not reasonably expected to result in residues of the pesticide in eggs, meat, milk, and poultry. The usage is classified in the category specified in § 180.6(a)(3).

3. The tolerance established by this order is not a negligible level, but it will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.289 is revised to read as follows:

§ 180.289 Methanearsonic acid; tolerances for residues.

Tolerances are established for residues of the herbicide methanearsonic acid (calculated as As_2O_3) from application of the disodium and monosodium salts of methanearsonic acid in or on raw agricultural commodities as follows:

0.7 part per million in or on cottonseed.

0.35 part per million in or on citrus fruit.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4-11-72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 5, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5475 Filed 4-10-72;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5197]

[Idaho 3844]

IDAHO

Revocation of National Forest Administrative Site Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental orders of December 30, 1907, and March 16, 1908, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

CACHE NATIONAL FOREST

BOISE MERIDIAN

Green Basin Administrative Site

T. 14 S., R. 42 E.,
Sec. 32, an area described by metes and bounds in the S½NE¼ and N½SE¼, as shown on a plat on file in the Idaho State Office of the Bureau of Land Management.

The area described contains approximately 67.1 acres in Bear Lake County.

TARGHEE NATIONAL FOREST

Coal Kiln Administrative Site

T. 11 N., R. 27 E. (Protracted Survey),
Sec. 1, SW¼NE¼.

The area described contains 40 acres in Lemhi County.

2. At 10 a.m. on May 11, 1972, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72-5452 Filed 4-10-72;8:46 am]

[Public Land Order 5198]

[Wyoming 31006]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. sec. 300 (1970), it is ordered as follows:

1. The departmental order of March 18, 1920, creating Stock Driveway Withdrawal No. 128 (Wyoming No. 13), is hereby revoked so far as it affects the following described land:

SIXTH PRINCIPAL MERIDIAN

T. 39 N., R. 90 W.,
Sec. 23, SE¼SE¼SW¼SW¼.

The area described contains 2.5 acres in Fremont County.

The land lies some 3 miles northeast of Lost Cabin, Wyo. The terrain is flat to gently rolling at a mean elevation of 5,600 feet. Soils are a mixture of sand, silt, and clay on limey shales. Vegetation is confined to sagebrush, assorted short grasses, weeds, and semidesert type shrubs.

2. At 10 a.m. on May 11, 1972, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 11, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72-5453 Filed 4-10-72;8:46 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1074, Amdt. 4]

PART 1033—CAR SERVICE

Union Pacific Railroad Co. Authorized To Operate Over Certain Trackage of Burlington Northern Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of March 1972.

Upon further consideration of Service Order No. 1074 (36 F.R. 12225, 25424; 37 F.R. 1046, 4429), and good cause appearing therefor:

It is ordered, That § 1033.1074 *Service Order No. 1074* (Union Pacific Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1972.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5525 Filed 4-10-72;8:52 am]

[Ex Parte MC-19 (Sub. 15)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Reservation of Vehicle Space by Shippers

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of February 1971.

It appearing, that on the Commission's own motion a rule making proceeding was initiated on June 17, 1971 (36 F.R. 11671), to determine whether it would be in the public interest to modify and revise the Commission's regulations applicable to the motor transportation of household goods so as to regulate or prohibit estimates and charges based on space reservation for a portion of a vehicle.

It further appearing, that investigation of the matters and things involved in these proceedings has been made and that the Commission has made and filed its report herein containing its findings of facts and conclusions thereon, which report is hereby referred to and made a part hereof;

It is ordered, That §§ 1056.7 and 1056.8, and 1056.12(b), of Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations, Transportation of Household Goods in Interstate or Foreign Commerce, be, and they are hereby, modified and revised in the following manner.

1. Amend 49 CFR 1056.3 by adding paragraph (d) to read:

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§ 1056.3 **Accessorial or terminal services; tariffs providing therefor; containers, packing, and unpacking charges.**

* * * * *

(d) *Estimates and charges based on space reservation for a portion of a vehicle prohibited.* Carrier estimates and charges made in compliance with this subsection shall not be based upon specific reservation by a shipper of a portion of the capacity of a vehicle. Each motor common carrier of household goods shall file with the Regional Office of the Interstate Commerce Commission in the region in which the carrier maintains its principal office, a quarterly report, on a report form prescribed by the Commission, of all instances during the reporting period in which the carrier split or divided tendered shipments weighing less than 10,000 pounds, for transportation (including pickup or delivery) on two or more vehicles. The report shall contain the total number of shipments delivered by the carrier (on a monthly basis), and the total number of such split shipments delivered by the carrier (on a monthly basis), as well as the bill of lading number and the vehicle-load manifest number for each such split shipment.

§ 1056.7 [Amended]

2. Revise 49 CFR 1056.7, *Summary of Information for Shippers of Household Goods*, the chapter entitled "How Do I Know the Weight of My Shipment?", by adding the following paragraph after the last paragraph:

You are entitled to have your shipment transported without reserving space on a moving van. A carrier's estimates and charges may not be based on the reservation of a portion of the space of the moving van. It may sometimes be necessary for a mover to loan part of your shipment onto one partially loaded vehicle and the remaining part of your shipment onto another partially loaded vehicle in order to use vehicle space with the maximum efficiency. The carrier is required to report such instances to the Commission where the total weight of your shipment does not exceed 10,000 pounds.

3. Amend 49 CFR 1056.12(b) by adding after the last sentence the following:

§ 1056.12 **Reasonable dispatch.**

* * * * *

(b) * * * Shipper is entitled to have his shipment transported without reserving specific space in a vehicle. Estimates or charges based on space reservation for a portion of a vehicle are prohibited.

* * * * *

It is further ordered, That the amendments specified in the next preceding paragraphs be, and they are hereby, prescribed to become effective April 28, 1972, and to apply only on household goods removed from the shipper's premises on and after the said effective date.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5522 Filed 4-10-72;8:51 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte 275]

PART 1115—ISSUANCE OF SECURITIES, ASSUMPTION OF OBLIGATIONS AND FILING OF CERTIFICATES AND REPORTS

Expanded Definition of Term "Securities"

ORDER. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 22d day of March 1972.

It appearing, that the Commission, on the date hereof, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof; and

It further appearing, that since the proposed amendments to existing regulations relate to matters of practice and procedure resulting from the herein proceeding, further notice and public proceedings under 5 U.S.C. 533 are not necessary and good cause exists for making the amendments effective within 60 days after publication thereof in the FEDERAL REGISTER:

It is ordered, that Part 1115 of Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding the following to Form BF-6, referred to in § 1115.1:

Item 1(c). A statement clearly outlining the measures taken by a carrier, and its subsidiaries or affiliates, to insure that compliance with section 10 of the Clayton Antitrust Act (15 U.S.C. 20) has been achieved with respect to the proposed financing and all nonsecurity financing entered into in the current year of the application and the 2 previous calendar years.

Item 2(d). Applicant shall file a list of the amounts, terms, and purposes of all nonsecurity financing for the current year and 2 previous calendar years, by separate category, including, but not limited to, conditional sale contracts, chattel mortgages, security agreements, mortgages, deeds of trust, loan agreements in the nature of standby credit agreements, credit agreements, and advances.

The terms of each category of nonsecurity financing shall include the interest rate, terms of repayment, collateral pledged as security therefor, material restrictions of such arrangements, as well as detailed breakdown as to the use of the proceeds or credit thus obtained, specifically identifying uses for noncarrier purposes.

Item 2(e). Applicant shall file the following:

(i) Consolidated balance sheet and a consolidated income statement for applicant and its subsidiaries, showing intercompany eliminations.

(ii) A balance sheet and income statement for each of applicant's subsidiaries, or if this is not possible, a statement listing the annual net income and stockholders' equity (net worth) of each of the subsidiaries.

(iii) Applicant's pro forma income statement showing its forecasted revenues, expenses, and net income for the 12 months following the application date.

(iv) Applicant's cash flow statement for the 12 months preceding the filing of the application and its forecasted cash flow statement for the 12 months subsequent to such filing. These statements should show opening cash on hand, receipts by categories, disbursements by items, and cash balance at the end of the period, with a breakdown of funds flowing to and from carrier subsidiaries.

It is further ordered, That this order shall become effective 60 days after publication in the FEDERAL REGISTER;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5523 Filed 4-10-72;8:51 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-11-72).

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Sport fishing on the J. Clark Salyer National Wildlife Refuge, N. Dak., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 1,000 acres or 9 percent of the total water area of the refuge, are delineated on a map and described in a leaflet available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) The open season for sport fishing on the refuge extends from May 6, 1972, through September 14, 1972, daylight hours only. The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 14, 1972.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, N. Dak.

APRIL 3, 1972.

[FR Doc.72-5458 Filed 4-10-72;8:46 am]

PART 33—SPORT FISHING

Rice Lake National Wildlife Refuge, Minn.

The following special regulation is effective on date of publication in the FEDERAL REGISTER (4-11-72).

§ 33.5 **Special regulations; sport fishing; for individual wildlife refuge areas.**

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Rice Lake National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to fishing. This posted area comprising 50 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Minneapolis, Minn. 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 13, 1972, through September 30, 1972, during daylight hours only.

(2) The use of motors on boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Part 33, and are effective through September 30, 1972.

CARL E. POSPICHAL,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minn. 55760.

APRIL 4, 1972.

[FR Doc.72-5511 Filed 4-10-72;8:50 am]

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Certain Corporate Reorganizations

Notice is hereby given that the regulations proposed to be prescribed under sections 358, 362, and 368 of the Internal Revenue Code of 1954, which were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for April 23, 1968 (33 F.R. 6163), are withdrawn.

Further, notice is hereby given that the regulations set forth in tentative form below, are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in six copies, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 11, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 11, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 218 of the Revenue Act of 1964 (78 Stat. 57) and the Act of October 22, 1968 (82 Stat. 1310), such regulations are amended as follows:

PARAGRAPH 1. Section 1.358 is amended by revising subsection (e) of section 358 and the historical note to read as follows:

§ 1.358 Statutory provisions; basis to distributees.

Sec. 358. *Basis to distributees.* • • •

(e) *Exception.* This section shall not apply to property acquired by a corporation by the exchange of its stock or securities (or the stock or securities of a corporation which is in control of the acquiring corporation) as consideration in whole or in part for the transfer of the property to it.

[Sec. 358 as amended by sec. 21, Technical Amendments Act 1958 (72 Stat. 1620); sec. 2(a), Act of Oct. 22, 1968 (Public Law 90-621, 82 Stat. 1311)]

PAR. 2. Section 1.358-4 is amended to read as follows:

§ 1.358-4 Exceptions.

(a) *Plan of reorganization adopted after October 22, 1968.* In the case of a plan of reorganization adopted after October 22, 1968, section 358 does not apply in determining the basis of property acquired by a corporation in connection with such reorganization by the exchange of its stock or securities (or by the exchange of stock or securities of a corporation which is in control of the acquiring corporation) as the consideration in whole or in part for the transfer of the property to it. See section 362 and the regulations pertaining to that section for rules relating to basis to corporations of property acquired in such cases.

(b) *Plan of reorganization adopted before October 23, 1968.* In the case of a plan of reorganization adopted before October 23, 1968, section 358 does not apply in determining the basis of property acquired by a corporation in connection with such reorganization by the issuance of stock or securities of such corporation (or by the issuance of stock or securities of another corporation which is in control of such corporation) as the consideration in whole or in part for the transfer of the property to it. The term "issuance of stock or securities" includes any transfer of stock or securities, including stock or securities which were purchased or were acquired as a contribution to capital. See section 362 and the regulations pertaining to that section for rules relating to basis to corporations of property acquired in such cases.

PAR. 3. Section 1.362 is amended by revising subsection (b) of section 362 and by adding a historical note to read as follows:

§ 1.362 Statutory provisions; basis to corporations.

Sec. 362. *Basis to corporations.* • • •

(b) *Transfers to corporations.* If property was acquired by a corporation in connection with a reorganization to which this part applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. This subsection shall not apply if the property acquired consists of stock or securities in a corporation a party to the reorganization, unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer.

• • • • • •

[Sec. 362 as amended by sec. 2. (b), Act of Oct. 22, 1968 (Public Law 90-621, 82 Stat. 1311)]

PAR. 4. Section 1.362-1 is amended to read as follows:

§ 1.362-1 Basis to corporations.

(a) *In general.* Section 362 provides, as a general rule, that if property was acquired on or after June 22, 1954, by a corporation (1) in connection with a transaction to which section 351 (relating to transfer of property to corporation controlled by transferor) applies, (2) as paid-in surplus or as a contribution to capital, or (3) in connection with a reorganization to which Part III, subchapter C, Chapter 1 of the Code applies, then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain recognized to the transferor on such transfer. (See also § 1.362-2.)

(b) *Exceptions.* (1) In the case of a plan of reorganization adopted after October 22, 1968, section 362 does not apply if the property acquired in connection with such reorganization consists of stock or securities in a corporation a party to the reorganization, unless acquired by the exchange of stock or securities of the transferee (or of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer.

(2) In the case of a plan of reorganization adopted before October 23, 1968, section 362 does not apply if the property acquired in connection with such reorganization consists of stock or securities in a corporation a party to the reorganization, unless acquired by the issuance of stock or securities of the transferee (or, in the case of transactions occurring after December 31, 1963, of a corporation which is in control of the transferee) as the consideration in whole or in part for the transfer. The term "issuance of stock or securities" includes any transfer of stock or securities, including stock or securities which were purchased or were acquired as a contribution to capital.

PAR. 5. Section 1.368 is amended by revising section 368(a)(1)(B) and (2)(C), by adding a new section 368(a)(2)(D), by revising section 368(b), and by adding a historical note. The revised and added provisions read as follows:

§ 1.368 Statutory provisions; definitions relating to corporation reorganizations.

Sec. 368. *Definitions relating to corporate reorganizations*—(a) *Reorganization*—(1) *In general.* • • •

(B) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

• • • • • •

(2) *Special rules relating to paragraph (1).* • • •

(C) *Transfers of assets or stock to subsidiaries in certain paragraph (1)(A), (1)(B), and (1)(C) cases.* A transaction otherwise qualifying under paragraph (1)(A), (1)(B), or (1)(C) shall not be disqualified by reason of the fact that part or all of the assets or stock which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets or stock.

(D) *Statutory merger using stock of controlling corporation.* The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subparagraph as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under paragraph (1)(A) if (i) such transaction would have qualified under paragraph (1)(A) if the merger had been into the controlling corporation, and (ii) no stock of the acquiring corporation is used in the transaction.

(b) *Party to a reorganization.* For purposes of this part, the term "a party to a reorganization" includes—

(1) A corporation resulting from a reorganization, and

(2) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under paragraph (1)(B) or (1)(C) of subsection (a), if the stock exchanged for stock or properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to a reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under paragraph (1)(A), (1)(B), or (1)(C) of subsection (a) by reason of paragraph (2)(C) of subsection (a), the term "a party to a reorganization" includes the corporation controlling the corporation to which the acquired assets or stock are transferred. In the case of a reorganization qualifying under paragraph (1)(A) of subsection (a) by reason of paragraph (2)(D) of that subsection, the term "a party to a reorganization" includes the controlling corporation referred to in such paragraph (2)(D).

• • • • • •

[Sec. 368 as amended by sec. 218, Rev. Act 1964 (78 Stat. 57); sec. 1, Act of Oct. 22, 1968 (Public Law 90-621, 82 Stat. 1310)]

PAR. 6. Paragraphs (b) and (c) of § 1.368-2 are revised to read as follows:

§ 1.368-2 Definition of terms.

• • • • • •

(b) (1) In order to qualify as a reorganization under section 368(a)(1)(A) the transaction must be a merger or consolidation effected pursuant to the corporation laws of the United States or a State or territory, or the District of Columbia.

(2) In order for the transaction to qualify under section 368(a)(1)(A) by reason of the application of section 368(a)(2)(D), one corporation (the acquiring corporation) must acquire substantially all of the properties of another corporation (the acquired corporation) partly or entirely in exchange for stock of a corporation which is in control of the acquiring corporation (the controlling corporation), provided that (i) the transaction would have qualified under section 368(a)(1)(A) if the merger had been into the controlling corporation, and (ii) no stock of the acquiring corporation is used in the transaction. The foregoing test of whether the transaction would have qualified under section 368(a)(1)(A) if the merger had been into the controlling corporation means that the general requirements of a reorganization under section 368(a)(1)(A) (such as a business purpose, continuity of business enterprise, and continuity of interest) must be met in addition to the special requirements of section 368(a)(2)(D). Under this test, it is not relevant whether the merger into the controlling corporation could have been effected pursuant to State or Federal corporation law. The term "substantially all" has the same meaning as it has in section 368(a)(1)(C). Although no stock of the acquiring corporation can be used in the transaction, there is no prohibition (other than the continuity of interest requirement) against using other property, such as cash or securities, of either the acquiring corporation or the parent or both. In addition, the controlling corporation may assume liabilities of the acquired corporation without disqualifying the transaction under section 368(a)(2)(D). For example, if the controlling corporation agrees to substitute its stock for stock of the acquired corporation under an outstanding employee stock option agreement, this assumption of liability will not prevent the transaction from qualifying as a reorganization under section 368(a)(2)(D) and the assumption of liability is not treated as money or other property for purposes of section 361(b). Section 368(a)(2)(D) applies whether or not the controlling corporation (or the acquiring corporation) is formed immediately before the merger, in anticipation of the merger, or after preliminary steps have been taken to merge directly into the controlling corporation. Section 368(a)(2)(D) applies only to statutory mergers occurring after October 22, 1968.

(c) In order to qualify as a "reorganization" under section 368(a)(1)(B), the acquisition by the acquiring corporation of stock of another corporation must be in exchange solely for all or a part of the voting stock of the acquiring corporation (or, in the case of transactions occurring after December 31, 1963, solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), and the acquiring corporation must be in control of the other corporation immediately after the transaction. If, for example, corporation X in one transaction exchanges nonvoting preferred stock or bonds in addition to all or a part of its voting stock in the acquisition of stock of corporation Y, the transaction is not a reorganization under section 368(a)(1)(B). Nor is a transaction a reorganization described in section 368(a)(1)(B) if stock is acquired in exchange for voting stock both of the acquiring corporation and of a corporation which is in control of the acquiring corporation. The acquisition of stock of another corporation by the acquiring corporation solely for its voting stock (or solely for voting stock of a corporation which is in control of the acquiring corporation) is permitted tax free even though the acquiring corporation already owns some of the stock of the other corporation. Such an acquisition is permitted tax free in a single transaction or in a series of transactions taking place over a relatively short period of time such as 12 months. For example, corporation A purchased 30 percent of the common stock of corporation W (the only class of stock outstanding) for cash in 1939. On March 1, 1955, corporation A offers to exchange its own voting stock for all the stock of corporation W tendered within 6 months from the date of the offer. Within the 6-months' period corporation A acquires an additional 60 percent of stock of corporation W solely for its own voting stock, so that it owns 90 percent of the stock of corporation W. No gain or loss is recognized with respect to the exchanges of stock of corporation A for stock of corporation W. For this purpose, it is immaterial whether such exchanges occurred before corporation A acquired control (80 percent) of corporation W or after such control was acquired. If corporation A had acquired 80 percent of the stock of corporation W for cash in 1939, it could likewise acquire some or all of the remainder of such stock solely in exchange for its own voting stock without recognition of gain or loss.

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[FR Doc.72-5374 Filed 4-10-72;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 251]

CONSTRUCTION-DIFFERENTIAL SUBSIDY

Notice of Proposed Rule Making

In Doc. 72-5135, appearing in the FEDERAL REGISTER issue of April 4, 1972 (37 F.R. 6759), § 251.16 *Documentation*, paragraph (b) is corrected to delete the words "for not less than 25 years" and substitute in lieu thereof the words "for not less than 20 years".

Dated: April 6, 1972.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-5576 Filed 4-10-72;8:52 am]

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National Oceanic and Atmospheric Administration

[50 CFR Part 260]

INSPECTION AND CERTIFICATION OF FISHERY PRODUCTS

Fees and Charges

APRIL 5, 1972.

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 F.R. 15627), it is proposed to amend certain sections of Part 260—Inspection and Certification pertaining to fees and charges. The intent of this proposal is to provide for reimbursement to the Department for all government costs attributable to the program for inspection and certification of fishery products. This proposal incorporates changes in the procedure relative to the treatment of rotation and reassignment costs of government personnel for the benefit of the government, and other additional costs attributable to the management of the Department within the legislative authority for conducting the program. These additional costs were not heretofore included in the rate structure.

Interested persons may submit written comments in regard to the proposed amendments to the regulations to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

All relevant material received not later than 60 days after publication of this notice will be considered.

ROBERT M. WHITE,
Administrator.

ROBERT W. SCHONING,
Acting Director.

1. In § 260.70 paragraphs (b)(1) and (2) and (d)(2) are revised as follows:

§ 260.70 Schedule of fees.

• • • • •

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Type I—Official establishment and product inspection—contract basis.*

	Per hour
Regular time	$13.80
Overtime	16.60
Sunday and Legal Holidays (2 hours minimum)	20.80

The contracting party shall be charged at an hourly rate of $13.80 per hour for regular time; $16.60 per hour for overtime in excess of 8 hours per shift per day; and $20.80 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) *Type II—Lot inspection—Officially and unofficially drawn samples.*

	Per hour
Regular time	$17.30
Overtime	20.75
Sunday and Legal Holidays (2 hours minimum)	25.95
Minimum fee	13.00

For lot inspection services performed between the hours of 7 a.m. and 5 p.m.: Monday through Friday—$17.30 per hours;

For lot inspection services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hours minimum)—$20.75 per hour;

For lot inspection services performed on Sunday and national legal holidays (2 hour minimum)—$25.95 per hour.

The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $13.00.

• • • • • •

(d) • • •

(2) Fees to be charged for any analysis performed at a government laboratory not specifically shown in this paragraph (d) will be based on the time required to perform such analysis at an hourly rate of $13.80.

• • • • •

Section 260.71 is revised as follows:

§ 260.71 Fee for inauguration of inspection service on a contract basis.

Prior to inauguration of inspection service, a fee of $17.50 per contract hour of inspection service will be charged and collected following completion of the final establishment survey and approval of it as an official establishment. The number of hours to which the fee for inauguration applies is the minimum number of man-hours of inspection per week determined in accordance with § 260.97(a).

[FR Doc.72-5446 Filed 4-10-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED

Proposed Identity Standard for Use of Any Edible Organic Acid

Notice is given that a petition has been filed by the National Canners Association, Washington, D.C. 20036, proposing that the standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990) be amended to permit the use of any edible organic acid as an alternative to the acidifiers presently permitted. The proposal also provides for label declaration of the name of the edible organic acid used in all canned vegetables where acidification is provided for under the standard except for canned artichokes. As it concerns artichokes, the omission may have been due to an oversight. The Commissioner of Food and Drugs therefore proposes, on his own initiative, that the proposed labeling provision also apply to canned artichokes.

Grounds set forth in the petition in support of the proposal are that the proposed alternative acidifying agents are as effective (or more effective) and less expensive than the citric acid or vinegar presently permitted.

Accordingly, it is proposed that § 51.990 (21 CFR 51.990) be amended to provide for the use of any edible organic acid, with label declaration, as an alternative to the acidifiers presently permitted in canned vegetables other than those specifically regulated.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 22, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-5491 Filed 4-10-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-RM-29]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Bryce Canyon, Utah, transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207.

All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10255 East 25th Avenue, Aurora, CO 80010.

A new public instrument approach procedure has been developed for the Bryce Canyon Airport, Bryce Canyon, Utah. Accordingly, it is necessary to alter the present Bryce Canyon, Utah, transition area to protect this approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Bryce Canyon, Utah, transition area is amended to read as follows:

BRYCE CANYON, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bryce Canyon Airport (latitude 37°42'00" N., longitude 112°09'30" W.) and within 2 miles each side of the Bryce Canyon, Utah VORTAC 085° radial, extending from the 5-mile radius area to the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 8 miles southeast and 9½ miles northwest of the Bryce Canyon VORTAC 240° and 060° radials, extending from 18½ miles southwest to 13 miles northeast of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on April 3, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72-5471 Filed 4-10-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-16]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Carbondale, Ill., and alter the transition area at Marion, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

A new instrument approach procedure has been developed for the Southern Illinois Airport, Carbondale, Ill. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by altering the Carbondale, Ill. control zone and the Marion, Ill. transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

CARBONDALE, ILL.

Within a 5-mile radius of the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.) and within 3 miles either side of the 010° bearing from the Southern Illinois Airport, extending from the 5-mile-radius zone to 8 miles north of the airport, and 3 miles either side of the 249° bearing from the airport extending from the 5-mile-radius zone to 8 miles southwest of the airport. This control zone is effective during the specific dates and times established in advance by the Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

MARION, ILL.

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at latitude 37°53'40" N., longitude 88°48'35" W., thence west to latitude 37°56'25" N., longitude 89°02'40" W., thence west to latitude 37°58'45" N., longitude 89°20'25" W., thence south to latitude 37°48'30" N., longitude 89°23'50" W., thence south to latitude 37°17'00" N., longitude 89°25'25" W., thence southeast to latitude 37°41'50" N., longitude 89°22'45" W., thence southeast to latitude 37°32'50" N., longitude 88°59'00" W., thence northeast to latitude 37°42'35" N., longitude 88°52'15" W., thence north to the point of beginning; and that airspace extending upward from 1,200 feet above the surface 9.5 miles southeast of and 4.5 miles northwest of the 249° bearing from the Southern Illinois Airport (latitude 37°46'45" N., longitude 89°15'00" W.) extending from the the airport to 18.5 miles southwest, excluding that portion within the State of Illinois.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on March 22, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-5469 Filed 4-10-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-25]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the Galveston, Tex., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 15 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Galveston, Tex., control zone is amended by deleting "Galveston VOR" and substituting "Galveston VORTAC," therefor and by adding "This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

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The Southwest Region has received authorization to reduce the hours of operation of the Galveston Flight Service Station from 24 hours to 16 hours daily.

One of the requirements for the designation or continuation of a control zone is that there be a federally certificated weather observer available to provide all hourly and special weather observations at the primary airport upon which the control zone is designated, i.e., Scholes Field. Weather observations for Scholes Field are now provided by qualified personnel of the Galveston Flight Service Station. When the operational hours of the flight service station facility are reduced from 24 to 16 hours daily, there will be a corresponding reduction in the effective hours of the Galveston control zone.

It is anticipated the new effective hours of the Galveston control zone will be from 0600–2200, local time, daily.

During the period the control zone will not be in effect, the Galveston, Tex., area will continue to be served by the existing Galveston, Tex., 700-foot transition area which will provide instrument approach capability. Weather information will also be provided by the Automatic Meteorological Observation Station (AMOS) and supplemental information provided by the downtown National Weather Service office.

A foreign exchange line will be provided from Galveston to the Houston Flight Service Station during the hours the Galveston Flight Service Station is closed, i.e., from 2200–0600 daily.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Forth Worth, Tex., on March 30, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-5472 Filed 4-10-72;8:48 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 72-GL-17]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Area R-6901, Camp McCoy, Wis., by making minor changes to the boundaries, extending the time of designation, designating it as a joint-use restricted area, designating the airspace as a control area, and including it in the continental control area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 3166 Des Plaines Avenue, Des Plaines, IL 60018. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposals contained in this docket would alter the Camp McCoy restricted area as follows:

R-6901 CAMP MCCOY, WIS.

Boundaries: Beginning at latitude 44°08' 40" N., longitude 90°44'00" W.; to latitude 44°08'40" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°40'22" W.; to latitude 44°09'36" N., longitude 90°36' 50" W.; to latitude 44°00'02" N., longitude 90°36'35" W.; to latitude 44°00'02" N., longitude 90°35'15" W.; to latitude 43°55'25" N., longitude 90°35'22" W.; to latitude 43°55'25" N., longitude 90°43'45" W.; to latitude 43°54'10" N., longitude 90°45'50" W.; to latitude 43°56'31" N., longitude 90°45'50" W.; to point of beginning.

Designated Altitudes: Surface to 20,000 feet MSL.

Time of Designation: Continuous.

Using Agency: Commanding Officer, Camp McCoy, Wis.

Controlling Agency: Federal Aviation Administration, Chicago ARTC Center.

The proposed changes have been requested by the Department of the Army to include several firing points within the restricted area and to provide for needed flexibility in operation of the ranges. Joint use would allow for release of the area for the transit of aircraft when not in use by the using agency.

Part 71 of the Federal Aviation regulations would be altered to designate the area as controlled airspace and include it in the continental control area in order to provide air traffic control services to instrument flight rule traffic transiting the area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 5, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-5470 Filed 4-10-72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

[24 CFR Part 235]

[Docket No. R-72-178]

MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Eligibility Requirements for Homes for Lower Income Families

Pursuant to sections 211 and 235 of the National Housing Act (the Act) (12 U.S.C. 1715b, 1715z) and the Secretary's delegation of authority (36 F.R. 5006), it is proposed to amend Part 235 of the regulations governing eligibility requirements of family units in a condominium project. The proposal will make mortgages on family units in existing condominium projects, constructed without mortgage insurance, eligible for section 235 insurance if the family unit mortgagor qualifies as a family occupying low-rent public housing and if the project meets such standards as the Commissioner may prescribe.

All interested persons are invited to submit written comments or suggestions in triplicate with respect to this proposal, on or before May 11, 1972, addressed to the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10256, 451 Seventh Street SW., Washington, DC 20410. A copy of each communication will be available for public inspection during regular business hours at the above address.

The proposed amendment is set out in full below.

In § 235.20 paragraph (a) is amended to read:

§ 235.20 Requirements for family unit in condominium.

* * * * *

(a) *Family unit eligibility.* Except where a project involves 11 or less units, the family unit must be located:

(1) In a project which has been financed with a mortgage which is or has been insured under any of the FHA multifamily housing programs other than sections 213(a)(1) and 213(a)(2) of the National Housing Act; or

(2) In an existing condominium project which meets such standards as the Commissioner may prescribe, if the mortgage qualifies as a family occupying low-rent public housing.

* * * * *"

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.72-5513 Filed 4-10-72;8:50 am]

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. R-432]

MONTHLY REPORT OF COST AND QUALITY OF FUELS FOR STEAM-ELECTRIC PLANT

Notice Denying Request for Extension of Time

APRIL 3, 1972.

On March 30, 1972, the Edison Electric Institute filed a request for an extension of time within which to file comments concerning the notice of proposed alternatives in rulemaking, issued at 37 F.R. 5509, March 9, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the request for an extension of time is denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5466 Filed 4-10-72;8:46 am]

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Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. 16]

ALLIED SURETY COMPANY

Surety Company Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of title 6 of the United States Code. An underwriting limitation of $41,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

Allied Surety Company,
Pittsburgh, Pennsylvania,
Pennsylvania.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: April 5, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-5490 Filed 4-10-72;8:49 am]

Internal Revenue Service

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Avery, Benny Eugene, 227 Garfield Street, Apartment H, Kansas City, MO, convicted on March 2, 1964, in the 7th Judicial Circuit Court, Liberty, Clay County, Mo.

Brandt, Alvin K., Box 44, Humboldt, SD, convicted on February 16, 1968, in the Circuit Court of Minnehaha County, S. Dak.

Barnes, Calvin V., 506 Cheatwood Avenue, Richmond, Va., convicted on September 18, 1956, and on February 19, 1957, in the Hustings Court of the city of Richmond, Va.

Barron, James, 32-11 146th Street, Flushing, NY, convicted on October 28, 1955, in the Nassau County Court, State of New York.

Bennett, George Larry, 4460 Plainfield Avenue, NE., Grand Rapids, MI, convicted on March 21, 1944, in the Superior Court of Grand Rapids, Mich.

Brown, William Edward, Sr., 2 Oak Lane, Mexico, MO, convicted on November 24, 1936, in the Circuit Court of Lafayette County, Mo.

Buffen, Cornell J., 17560 Appoline Street, Detroit, MI, convicted on April 4, 1957, in the Recorder's Court for the city of Detroit, Mich.

Byrd, Robert S., Route 2, Box 65, Mullins, S.C., convicted on March 19, 1954, in the Court of General Sessions, County of Marion, State of South Carolina.

Cain, Earl Thomas, 1040 North Lake Avenue, Pasadena, CA, convicted on October 21, 1952, in the U.S. District Court, Eastern District of Texas, Tyler Division.

Dams, Irving Carl, Star Route 1, Box 377, Iron Mountain, Mich., convicted on January 24, 1949, in the Circuit Court for the County of Dickinson, Iron Mountain, Mich.

Elliott, John H., 40 Jefferson Street, Milford, MA, convicted on April 25, 1945, in the Worcester County Superior Court, Worcester, Mass.

Felix, Raymond E., 15323 Kennebec, Southgate, MI, convicted on February 17, 1948, in the Hopkins County Circuit Court, Kentucky; on October 12, 1948, in the Oakland County Circuit Court, Michigan; on April 18, 1949, in the Boone County Circuit Court, Kentucky; and on May 14, 1951, in the Recorder's Court, Detroit, Mich.

Genacanyon, Peter, 9111 East Jefferson, Detroit, MI, convicted on June 26, 1945, in the District Court of the Sixteenth Judicial Circuit, in and for Denton County, Tex.

Gerhardt, Richard J., 112 Wahconah Street, Pittsfield, MA, convicted on January 3, 1930, in the Erie County Court, Buffalo, N.Y.

Gordon, Glenn M., 1704 Marion Avenue, Mattoon, IL, convicted on December 14, 1964, in the Circuit Court, Fifth Judicial Circuit for the State of Illinois, Charleston, Ill.

Grant, James N., Rural Route No. 2, Box 165, McDonald Road, Elgin, Ill., convicted on September 5, 1958, in the Franklin County Circuit Court, Benton, Ill.

Grover, Frank William, Sr., 15 West 537 Fillmore Street, Elmhurst, IL, convicted on May 5, 1951, in the Du Page County Circuit Court, Wheaton, Ill.

Hale; Floyd Ray 2813 Rosebud Lane, Fort Worth, TX, convicted on January 13, 1959, in the District Court, Tarrant County, Tex.

Hauskins, Thomas, Post Office Box 85, Jonesburg, MO, convicted on May 8, 1939, in the Bond County Circuit Court, Ill.

Heinrich, Michael, J., 7113 Milton Street, Detroit, MI, convicted on March 8, 1961, in the Recorder's Court for the city of Detroit, Mich.

Horvath, George A., 1 Beekman Place, New York, NY, convicted on October 8, 1971, in U.S. District Court for the Southern District of New York.

Huebner, George W., Butterfield Road, Rindge, N.H., convicted on July 16, 1954, in the Somerset County Court, N.J.

Larsen, Ronald L., 5835 North 28th Avenue, Omaha, NE, convicted on October 19, 1961, in the Douglas County, Nebraska, District Court.

Lester, Duane D., 2809 Southeast 8th Court, Des Moines, IA, convicted on December 17, 1957, in the Marion County, Iowa, District Court.

McKinley, James Allen, 13-B College Park Apartments, Camp Hill, PA, convicted on February 20, 1969, in the Court of Common Pleas in and for the County of Dauphin, Commonwealth of Pennsylvania.

Payne, Charles Gordon, Jr., 824 West Nagel, Enid, OK, convicted on April 5, 1967, in the District Court of Garfield County, Okla.

Reesman, Terry P., Box 252 Clay Street, Templeton, PA, convicted on May 24, 1971, in the Court of Common Pleas, Clarion County, Pa.

Riggs, Robert Henry, Fort Hill Road, Goshen, N.Y., convicted on March 1, 1965, in the Orange County Court, Goshen, N.Y.

Snowden, Hiram D., 1507 Applewood Lane, Louisville, KY, convicted on August 28, 1970, in the U.S. District Court for the Western Judicial District of Kentucky.

Tropf, Steven Lee, 2902 South Waverly Road, Lansing, MI, convicted on September 3, 1965, in the Circuit Court for the County of Ingham, State of Michigan.

Upshaw, George, 178-58 Leslie Road, Springfield Gardens, NY, convicted on March 23, 1942, in the Circuit Court of Cook County, Ill.

Weingarten, Albert J., Route No. 1, Box 27, Webber Road, Brookfield, MA, convicted on September 15, 1947, in the Royal Oak Circuit Court, Mich.

Wilkes, John Norman, Route 4, Box 219, Amelia, VA, convicted on April 7, 1944, in the U.S. District Court, Eastern Judicial District of Virginia, Richmond, Va.

Signed at Washington, D.C., this 4th day of April 1972.

[SEAL] REX D. DAVIS,
Director Alcohol,
Tobacco and Firearms Division.

[FR Doc.72-5515 Filed 4-10-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 529]

ARIZONA

Notice of Filing of Plats of Survey

APRIL 4, 1972.

1. Plats of survey of the lands described below, accepted March 15, 1972, will be officially filed in the Arizona State Office on the date of publication in the FEDERAL REGISTER (4-11-72).

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 11½ N., R. 9 E.
Tract 37, containing 139.84 acres
T. 12 N., R. 8 E.
Tract 37, containing 80.50 acres

2. The above surveys were executed to provide for an exchange of land within the Tonto National Forest, Serial No. A 4418, therefore the lands will not be open to entry.

CHARLES G. BAZAN, JR.,
Chief, Branch of
Records and Data Management.

[FR Doc.72-5512 Filed 4-10-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 12]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The provisions of section 20 entitled "Barley—Export Sales (Bulk)" of the CCC Monthly Sales List for the fiscal year ending June 30, 1972, published in 36 F.R. 13044, as amended in 36 F.R. 17878, are deleted.

Effective date: 2:30 p.m., e.s.t., March 31, 1972.

Signed at Washington, D.C., on April 4, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-5483 Filed 4-10-72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 28(70)-23]

USZER JOSEF FISZMAN, AND U. J. FISZMAN, IMPORT-EXPORT FABRIKATION/GROSSHANDEL ALLER ART

Order Denying Export Privileges for an Indefinite Period

In the matter of Uszer Josef Fiszman, doing business as U. J. Fiszman, Import-Export Fabrikation/Grosshandel aller Art, Breitlacherstrasse 96, 6 Frankfurt/Main, Federal Republic of Germany, respondent.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all United States export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an Indefinite Denial Order was referred to the Compliance Commissioner, Bureau of International Commerce, who, after consideration of the evidence, has recommended that the application be granted. The report of the Compliance Commissioner and the evidence in support of the application have been considered.

The evidence presented shows that the respondent, Uszer Josef Fiszman, does business under the firm name and style of U. J. Fiszman, Import-Export, Fabrikation/Grosshandel aller Art, with a place of business in Frankfurt/Main, Federal Republic of Germany; that he is a dealer in radios, phonographs, semiconductor devices, and measuring instruments; that in August 1967 he ordered from a supplier in New York City a quantity of transistors that required a validated license for exportation from the United States; that notwithstanding respondent's knowledge of the licensing requirements, there is reason to believe that on his direction an agent of his came from Frankfurt, West Germany, to New York, took delivery of the transistors, and transported them to West Germany, without the required export license having been obtained. The Compliance Division is conducting an investigation into this transaction to ascertain the details of the respondent's role in the transaction, what disposition was made of the transistors in question, and whether there were violations of the Export Control Regulations.

It is impracticable to subpena the respondent, and relevant and material interrogatories relating to his participation in the above transaction and regarding disposition of the commodities in question were served on him pursuant to § 388.15 of the Export Control Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to said transaction. The respondent has failed to furnish responsive answers to said interrogatories or to furnish the documents requested, and he has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation. The term "respondent" as used in this order includes any firm name or trade style under which respondent does business including U. J. Fiszman, Import-Export, Fabrikation/Grosshandel aller Art.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the respondent provides responsive answers, written information and documents in response to the interrogatories heretofore served upon him or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or

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(b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondent may move at any time to vacate or modify this Indefinite Denial Order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Compliance Commissioner, at Washington D.C., at the earliest convenient date.

Dated: April 4, 1972.

This order shall become effective on April 11, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-5403 Filed 4-10-72;8:45 am]

National Oceanic and Atmospheric Administration

PAMLICO SOUND, N.C.

Determination of Commercial Fishery Failure Due To Resource Disaster

Whereas, many individuals and firms in North Carolina are engaged in harvesting, processing, and marketing oysters to meet consumer demand; and

Whereas, oyster producing grounds of Pamlico Sound area have been an important contributing oyster resource having an area of 33,000 acres containing in excess of 50,000 bushels of harvestable oysters; and

Whereas, 700 or more fishermen are involved; and

Whereas, damage to the oyster crop resulting from winds and rains of Hurricane Ginger ranged from 20 percent to 70 percent mortality, averaging 30 percent to 35 percent for the marketable 3-inch and larger oysters with an immediate economic loss of about $80,000 to the oyster fishermen; and

Whereas, it is known that the damaged resource can be effectively and economically restored;

Now, therefore, as authorized representative of the Secretary of Commerce, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster arising from natural causes within the meaning of subsection 4(b) of the Commercial Fisheries Research and Development Act as amended. Pursuant to this determination, I hereby authorize the use of funds appropriated under the aforementioned Act to restore the damaged oyster resource of Pamlico Sound, N.C.

R. M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

APRIL 5, 1972.

[FR Doc.72-5498 Filed 4-10-72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Management

[Docket No. D-72-164]

JOHN E. WOMACK AND KENNETH L. DOSIER

Redelegation of Authority With Respect to the Buffalo Creek Valley Flood Disaster, W. Va.

John E. Womack and Kenneth L. Dosier, each is authorized to enter into and administer procurement contracts for the purchase of mobile homes, and installation and maintenance thereof, within the Buffalo Creek Valley Flood Disaster, West Virginia area; and to make related determinations except determinations under section 302(c)(11), (12), and (13) of the Federal Property and Administrative Services Act (41 U.S.C. 252(c)(11), (12), and (13)), with respect to major-disaster relief functions of the Department as asigned by the Director, Office of Emergency Preparedness, by Public Law 91-606 (42 U.S.C. 4401), and Executive Order 11575 (36 F.R. 37), and regulations of OEP (32 CFR Parts 1709 and 1710, amended by 36 F.R. 1329).

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Secretary's delegation February 15, 1972, 37 F.R. 3376)

Effective date. This redelegation of authority is effective as of March 8, 1972, and shall explre upon termination of the temporary detail to the West Virginia disaster.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-5514 Filed 4-10-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED AND DENIED

APRIL 4, 1972.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during March 1972:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6584	Shippers registered with this Board to ship corrosive liquids for which DOT-34 polyethylene containers is prescribed, in a fused three-piece polyethylene container having metal chime bands.	Highway, Rail, Water.
6588	Shippers registered with this Board to ship fissile and large quantities of radioactive material in the Model FM-2A irradiated fuel shipping cask.	Highway, Rail, Water
6589	Shippers registered with this Board to ship oxygen and nitrogen mixture in a pressure vessel assembly consisting of stainless steel tubing in a double coil configuration.	Highway, Rail.
6592	Ashland Chemical Company, Dublin, Ohio to ship nitric acid, 42° Baume, in unlined, non-DOT specification portable tanks made of 316 ELC stainless steel.	Highway.
6593	Chevron Chemical Company, San Francisco, California to ship paraquat dichloride in DOT specification 6D cylindrical steel overpack with inside DOT Specification 2SL polyethylene container.	Highway, Rail, Water.
6594	Rocky Mountain Dental Products Company, Denver, Colorado, to ship various flammable liquids in minute quantities packed with other nonregulated commodities in kits complying with 49 CFR 173.24.	Highway, Rail, Water.
6596	PPG Industries, Pittsburgh, Pa., to ship certain liquid organic peroxides each in solution of 50% by weight dissolved in a mineral spirit solvent, packed as prescribed in 49 CFR 173.221(a) (3) and overpacked in the Masterbuilt Container.	Highway, Water.
6597	Radiation Service Associates, Dover, New Jersey, to make one shipment of special form radioactive material in lead-filled, right cylindrical weldment conforming to DOT Specification 55.	Highway.
6600	Shippers registered with this Board to ship certain flammable liquids in 1-gallon metal cans overpacked in fiberboard boxes complying with specification 12B except inner flaps gap and fill-in pieces are not required.	Highway, Rail, Water.
6601	Shippers registered with this Board to ship large quantities of radioactive materials in the Model LL-50-100 Shipping Cask System.	Highway.
6602	Shippers registered with this Board to ship bromine chloride in DOT Specification 106A500W tank cars or 106A500X tanks.	Highway, Rail.
6603	Shippers registered with this Board to ship methyl parathion mixtures, liquid containing not more than 50% methyl parathion in DOT Specification 106A300W tank cars.	Rail.
6604	PPG Industries, Pittsburgh, Pa., to make one shipment of vinyl chloride in Specification 112A340W tank car having safety relief valve overdue for retest.	Rail.
6605	Shippers registered with this Board to ship low specific activity radioactive material in the form of tritiated water in insulated, cryogenic-type cargo tanks.	Highway.
6606	Stauffer Chemical Company, Ardsley, N.Y., to ship diethyl chlorophosphate in DOT Specification 17C steel drum with inside 2SL polyethylene container.	Highway, Water.
6607	Bio-Lab, Inc., Decatur, Ga., to ship trichloroisocyanuric acid, dry, compressed into the shape of a cylinder, in two identical interlocking molded polystyrene half packs.	Highway.
6609	Shippers registered with this Board to ship anhydrous ammonia in AAR Specification 120A300W tank cars with bottom outlets effectively sealed and rendered inoperative.	Rail.

Following is a list of requests for special permits which were denied during March 1972:

Denied—Subject:

1. **Thiokol Chemical Corp., Longhorn Division, Marshall, Tex. to reinstate special permit to authorize shipment** of ammonium perchlorate in 74-cubic foot capacity aluminum bins.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-5385 Filed 4-10-72;8:45 am]

ATOMIC ENERGY COMMISSION

SAFETY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued two new safety guides and a supplement to Safety Guide No. 11 which have been developed to provide guidance on the acceptability of specific safety-related features of water cooled nuclear powerplants.

A total of 23 of these guides has been completed since the Commission, on November 13, 1970, announced development of a series of these guides.

The primary purpose of the safety guides is to make available to the industry positions that have been developed by the Regulatory Staff and the Commission's Advisory Committee on Reactor Safeguards on safety isues. Although the safety guides are not regulatory requirements, they do specifically identify safety issues that should be considered in the design and in the evaluation of water cooled nuclear powerplants and describe a set of principles and specifications which will represent an acceptable solution to the Regulatory Staff and Advisory Committee on Reactor Safeguards on these issues. Their use by an applicant will expedite the licensing review process.

Titles of the new guides are:

Safety Guide No. 22—"Periodic Testing of Protection System Actuation Functions."

Safety Guide No. 23—"Onsite Meteorological Programs."

Supplement to Safety Guide No. 11—"Instrument Lines Penetrating Primary Reactor Containment—Backfitting Considerations."

Other safety guides currently being developed include the following:

Assumptions used for evaluating the potential radiological consequences of a fuel handling accident for boiling and pressurized water reactors.

Radioactive gas storage tank failure assumptions.

Reactor coolant pressure boundary leakage detection.

Quality assurance for design of nuclear powerplants.

Ultimate heat sink.

Quality standards for systems and components.

Seismic design classification for structures, systems, and components.

Reactor coolant pressure boundary pipe rupture and pipe whip.

Liquid radioactive waste accident assumptions.

Supplementary quality assurance criteria for operation.

Monitoring and reporting of environmental levels.

Physical independence of protection, engineered safety feature, and Class IE electric systems.

Quality assurance program requirements (design and construction).

Comments and suggestions for improvements in the guides are encouraged. Comments and requests for copies of the guides should be sent to the Director, Division of Reactor Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 3d day of April 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-5444 Filed 4-10-72;8:45 am]

[Dockets Nos. 50-354, 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Order for Prehearing Conference

In the matter of Public Service Electric and Gas Co. (Newbold Island Nuclear Generating Station Units 1 and 2), Dockets Nos. 50-354, 50-355.

The Atomic Safety and Licensing Board has convened two prehearing conferences in accordance with the rules of practice of the Commission in order to aid in the simplification and clarification of the issues and the contentions of persons seeking intervention, as well as to develop methods and plans for the presentation of evidence, including possible stipulations of facts, determination of number of witnesses intended to be presented, and other matters as will aid in the orderly disposition of this proceeding. The Board, after a review of written communications from the parties, has determined that a further and similar prehearing conference should be scheduled.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, and take notice that a prehearing conference in this proceeding shall convene at 9:30 a.m. on Thursday, April 27, 1972, in the Cultural Center Auditorium of the New Jersey State House Complex, West State Street, Trenton, N.J., and shall include as participants the parties and petitioners seeking intervention.

Issued: April 4, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD.
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-5445 Filed 4-10-72;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP 69-261]

MICHIGAN WISCONSIN PIPE LINE CO. AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Joint Petition To Amend; Correction

MARCH 30, 1972.

In the notice of joint petition to amend, issued March 22, 1972 and published in the FEDERAL REGISTER March 29, 1972 (37 F.R. 6426): #3 Line 3 and #4 Line 2, change "Northern" to "Natural".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5454 Filed 4-10-72;8:46 am]

[Docket Nos. CI72-590]

PHILLIPS PETROLEUM CO.

Notice of Applications

APRIL 4, 1972.

Take notice that on March 20, 1972, Phillips Petroleum Co. (Applicant), Bartlesville, Okla. 74004, filed applications in Docket Nos. CI72-590 through CI72-598 pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing sales for resale to El Paso Natural Gas Co. (El Paso) of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver to El Paso, pursuant to a surplus residue gas purchase contract dated March 1, 1972, residue gas, remaining at the various plants listed below after processing raw gas produced from properties developed by Applicant and connected to its gathering systems from and after March 1, 1972, and after processing raw gas purchased from other producers under any renewal or extension of an existing contract and under new contracts entered into and after November 1, 1971:

Docket	Plant	County, State
CI72-590	Goldsmith	Ector County, Tex.
CI72-591	Eunice	Lea County, N. Mex.
CI72-592	Lee	Do.
CI72-593	Hobbs	Do.
CI72-594	Lusk	Do.
CI72-596	Fullerton	Andrews County, Tex.
CI72-596	Crane	Crane County, Tex.
CI72-597	Ector	Ector County, Tex.
CI72-598	Wilson	Lee County, Tex.

Applicant currently sells and delivers residue natural gas to El Paso from the aforesaid plants. Applicant states that in order to assure an adequate supply of raw gas to El Paso, it has been necessary to enter into the new March 1, 1972 contract which provides for substantially higher residue gas prices in order to encourage the development of more gas producing properties and to compete against the intrastate market.

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Under the terms of the subject contract, the initial price of the residue gas will be 30 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment. The contract term is to end January 1, 1987.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 24, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5457 Filed 4-10-72;8:46 am]

[Dockets Nos. RI72-168, etc.]

WESTERN OIL & MINERALS CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MARCH 28, 1972.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued January 28, 1972 and published in the FEDERAL REGISTER February 5, 1972 (37 F.R. 2815): Appendix "A" Docket No. RI72-171 *Continental Oil Co.* Under column headed "Rate in Effect" change "15.2678" to "15.2869" opposite Docket No. RI72-171, Rate Schedule No. 268, Continental Oil Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5455 Filed 4-10-72;8:46 am]

[Docket No. CS72-851, etc.]

JOEL S. PRICE, TRUSTEE ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 3, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 1, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS72-851...	3- 8-72	Joel S. Price, Trustee et al., 2525 Northwest 62d Street, Apt. 108, Oklahoma City, OK 73112.
CS72-852...	3- 9-72	Delta Drilling Co., 2210 Mercantile Bank Bldg., Dallas, Tex. 75201.
CS72-853...	3-13-72	William E. Brock, 1420 Americana Bldg., Houston, Tex. 77002.
CS72-854...	3-13-72	Samson Oil Co., 3000 West Reno, Oklahoma City, OK 73108.
CS72-855...	3-13-72	Jones Creek Gas Gathering Corp., 502 Petroleum Tower, Corpus Christi, Tex. 60201.
CS72-856...	3-13-72	Norwin Associates, 27 Norwood Ave., Upper Montclair, NJ 07043.
CS72-857...	3-13-72	Donald A. Nelson, Post Office Box 66100, Chicago, IL 60666.
CS72-858...	3-14-72	H. O. Pool, 1300 El Paso National Bank Bldg., El Paso, Tex. 79901.
CS72-859...	3-14-72	D. M. Magee, Operator, Post Office Box 1332, Alice, TX 78332.
CS72-860...	3-15-72	Leasehold Interests, Inc., 44 Wall St., New York, NY 10005.
CS72-861...	3-16-72	Loura Durham Selph, Post Office Box 64, Cotton Valley, LA 71018.
CS72-862...	3-16-72	Mann Rankin, Post Office Box 82, Midland, TX 79701.
CS72-863...	3-16-72	C. D. Elwell, Post Office Box 262, Midland, TX 79701.
CS72-864...	3-16-72	R. K. Kimberlin, Jr., Post Office Box 262, Midland, TX 79701.
CS72-865...	3-16-72	Houston Resources Corp., 1212 Main St., Suite 403, Houston, TX, 77002.
CS72-866...	3-17-72	Westheimer-Neustadt Corp., Post Office Box 788, Ardmore, OK 73401.
CS72-867...	3-17-72	Martha G. Slay, 1313 Hamilton St., Mena, AR 71953.
CS72-868...	3-17-72	Herman Williamson, Jr., 4057 Baltimore St., Shreveport, LA 71106.
CS72-869...	3-20-72	Wiley W. Lowrey, 425 Northwest 39th St., Oklahoma City, OK 73118.
CS72-870...	3-20-72	R.K.O. Engineering Co., Route 1, Box 424, Odessa, Tex. 79760.
CS72-871...	3-20-72	Philwell, Inc., 2600 National Bank of Tulsa Bldg., Tulsa, Okla. 74103.
CS72-872...	3-20-72	Alice-Sidney Oil Co., 310 Armstrong Bldg., El Dorado, Ark. 71730.
CS72-873...	3-20-72	H. G. Spiller, 1215 Perry Brooks Bldg., Austin, Tex. 78701.
CS72-874...	3-20-72	Edgewater Oil Co., Inc., Post Office Box 2702, Layfayette, LA 70501.
CS72-875...	3-9-72	Barron Kidd et al., 405 Oak Plaza Bldg., 3707 Rawlins St., Dallas, TX 75219.
CS72-876...	2-22-72	D. Thomason et al., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-878...	3-22-72	Paul H. Fewitt, 400 Southwest Reserve Life Bldg., Longview, Tex. 75601.
CS72-879...	3-22-72	C. L. & Gladys Lloyd, Trust No. 1, First National Bank in Dallas, Trust-Oil Department, Post Office Box 6031, Dallas, TX 75222.
CS72-880...	3-22-72	Kirby Petroleum Co., Post Office Box 1745, Houston, TX 77001.
CS72-881...	3-20-72	Jack A. Talbot, Trust No. 1, 1018 Atlas Life Bldg., Tulsa, Okla. 74103.
CS72-882...	3-20-72	Charles William Talbot, Trust No. 1, 1018 Atlas Life Bldg., Tulsa, Okla. 74103.
CS72-883...	3-13-72	Tom Bolack and Alice Schwerdtfeger Bolack, 1010 North Dustin, Farmington, NM 87401.
CS72-884...	3-13-72	Michael V. Kelly and William E. Brock, d.b.a. Kelly-Brock, 1420 Americana Bldg., Houston, Tex. 77002.
CS72-885...	3-15-72	J. D. Borden, 4110 Waldemar, Abilene, TX 79605.
CS72-886...	3-17-72	Samuel Gary, 1776 Lincoln St., Suite 1210, Denver, CO 80203.
CS72-887...	3-20-72	Tripor Resources Oil & Gas Fund, 919 Third Ave., 28th Floor, New York, NY 10022.
CS72-888...	3-20-72	Willis N. Clark, Post Office Box 662, Pampa, TX 79065.
CS72-889...	3-20-72	William M. Comegys, Jr., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-890...	3-20-72	Emily Ann Glassell Comegys, 604 Johnson Bldg., Shreveport, La. 71101.
CS72-891...	3-20-72	Lillian Glassell Crichton, 604 Johnson Bldg., Shreveport, La. 71101.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS72-892...	3-23-72	M. W. Brown, Box 94283, Oklahoma City, OK 73109.
CS72-893...	3-22-72	John C. Voorhees & Co., Post Office Box 18738, Oklahoma City, OK 73118.
CS72-894...	3-22-72	McAfee & Wickham, 1207 First National Bldg., Oklahoma City, Okla. 73102.
CS72-895...	3-22-72	James R. Hazelwood, 7917 Duane Dr., Oklahoma City, OK 73132.
CS72-896...	3-23-72	Gibraltar Oil Co., % F. B. Meyer, 343 South Reeves Dr., No. 202, Beverly Hills, CA 90212.
CS72-897...	3-22-72	Isarn-Wells, Post Office Box 486, Elkinwood, KS 67526.
CS72-898...	3-27-72	Nolan Edward Manziel, Post Office Box 3006, Station A, Tyler, TX 75701.
CS72-899...	3-27-72	Norman P. Manziel, Post Office Box 3006, Station A, Tyler, TX 75701.
CS72-900...	3-27-72	Walter E. Beaird, Peoples National Bank Bldg., 13th Floor, Tyler, TX 75701.
CS72-901...	3-27-72	Robert P. Tinnin et al. Post Office Box 1384, Albuquerque, NM 87103.
CS72-902...	3-27-72	Robert L. Edge, Peoples National Bank Bldg., 13th Floor, Tyler, Tex. 75701.
CS72-903...	3-27-72	H. J. Moshlmann, Peoples National Bank Bldg., 13th Floor, Tyler, Tex. 75701.
CS72-904...	3-27-72	Robbins Petroleum Corp., Post Office Box 1360, Longview, TX 75601.

[FR Doc.72-5361 Filed 4-10-72;8:45 am]

[Docket No. E-7717]

MINNESOTA POWER & LIGHT CO.

Notice of Application

APRIL 6, 1972.

Take notice that on March 14, 1972, Minnesota Power & Light Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 400,000 shares of its common stock.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business office at Duluth, Minn., and is engaged in the electric utility business within the State of Minnesota.

The common stock will be sold at competitive bidding in accordance with the Commission's regulations.

The proceeds from the sale of the common stock will be used to reduce an estimated $19 million in short-term borrowings and will finance, in part, the Applicant's construction program which is expected to require the expenditure of $46 million in 1972. This program includes $38 million for production facilities and $8 million for transmission, distribution and general plant purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 19, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5530 Filed 4-10-72;8:52 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 72-3-33]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority March 13, 1972.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Joint Conferences 1-2 and 1-2-3 of the International Air Transport Association (IATA).

The subject portions of the agreements, as designated by the above-referenced CAB agreement numbers, were adopted at January 1972 meetings in Geneva.

The instant agreements encompass certain resolutions dealing with Midland South Atlantic fare matters which, to the extent they apply in air transportation as defined by the Act, do not affect basic fare levels. Rather, they involve administrative, technical, and procedural matters which, by our action herein, we propose to approve. In accordance with past policy, we will disclaim jurisdiction with respect to the remaining portions of the subject agreements inasmuch as they embody resolutions not applicable in air transportation and governing special fares which may not be combined with fares in air transportation.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 2263 [1] as indicated, are adverse to the public interest or in violation of the Act:

[1] Agreement CAB 22663, R-292 through R-296; R-299; R-302; R-303; R-307 through R-311; R-313; R-315; R-318; R-319; R-321.

Agreement CAB 22663	IATA No.	Title	Application
R-292	001b	Mid Atlantic Special Effectiveness Resolution (Tie-In)	1/2 (M. Atl.).
R-293	001pp	Special Mid Atlantic Escape Resolution (New)	1/2 (M. Atl.).
R-294	002	Standard Revalidation Resolution	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-295	003	Standard Reission Resolution	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-296	011a	Mileage Manual Non-IATA Sectors (Amending)	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-299	050	First Class Conditions of Service (Readopting and Amending)	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-302	060	Economy Class Conditions of Service (Readopting and Amending).	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-303	060a	Mixed Class Aircraft (Readopting and Amending)	1/2 (M. Atl.). 1/2/3 (M. Atl.).

2. It is not found that the following resolutions, which are incorporated in Agreement CAB 22663 as indicated, affect air transportation within the meaning of the Act:

Agreement CAB 22663	IATA No.	Title	Application
R-307	070o	Mid Atlantic Excursion Fares, U.K.-Caribbean (New)	1/2 (M. Atl.).
R-308	070v	Mid Atlantic 14 to 30 day Excursion Fares-Havana (Readopting and Amending).	1/2 (M. Atl.).
R-309	071e	Mid Atlantic 22-30 Day Excursion Fares—Colombia/Panama (New).	1/2 (M. Atl.).
R-310	071o	Mid Atlantic Special Excursion Fares—U.K.—Caribbean	1/2 (M. Atl.).
R-311	076f	Mid Atlantic Affinity Group Fares—U.K.-Caribbean	1/2 (M. Atl.).
R-313	076o	JT12 and JT123 Mid Atlantic 60 Day Affinity Group Fares (Readopting and Amending).	1/2 (M. Atl.). 1/2/3 (M. Atl.).
R-315	080k	Mid Atlantic 14-30 Day Individual Inclusive Tour Fares to Havana (Readopting and Amending).	1/2 (M. Atl.).
R-319	084q	Group Inclusive Tour Fares, Scandinavia-Barbados/Trinidad/Tobago (New).	1/2 (M. Atl.).
R-318	084o	Mid Atlantic Special Group Inclusive Tour Fares, U.K. to Caribbean (New).	1/2 (M. Atl.).
R-321	094a	Mid Atlantic Emigrani Fares—Caribbean to U.K. (Readopting and Amending).	1/2 (M. Atl.).

3. It is not found that the following resolution, which is incorporated in Agreement CAB 22900 as indicated, affects air transportation within the meaning of the Act:

Agreement CAB 22900	IATA No.	Title	Application
R-12	070yy	South Atlantic 90 Day Economy Class Excursion Fares (New)	1/2 (S. Atl.).

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Accordingly, it is ordered, That:

1. Action is deferred, with a view toward eventual approval, on those portions of Agreement CAB 22663 set forth in finding paragraph 1 above; and

2. Jurisdiction is disclaimed with respect to Agreement CAB 22900, R–13, and those portions of Agreement CAB 22663 set forth in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations 14 CFR 385.50, may, within 10 days from the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72–5441 Filed 4–10–72;8:45 am]

[Order 72–4–12]

INDIRECT AIR CARRIERS

Order Granting Temporary Relief

Issued under delegated authority April 4, 1972.

Temporary relief of certain unauthorized indirect air carriers to perform household goods services for the Department of Defense.

From time to time, at the request of the Department of Defense (DOD), the Board has granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit unauthorized indirect air carriers to transport by air used household goods [1] of DOD personnel. The Board has granted this relief to 36 indirect air carriers.[2] The relief granted will expire 180 days after the Board's decision in Docket 20812 becomes final or, as to each individual company, upon Board disposition of such company's application for air freight forwarder and/or international air freight forwarder authority, whichever event shall occur first.

By letter dated March 22, 1972, the Department of the Army, acting on behalf of DOD, stated that in addition to the 36 carriers already exempted, it now has a requirement for the services of Astro Van-Pak, Inc., an unauthorized indirect air carrier, and requests that it be similarly relieved from the requirements of the Act.

In view of the foregoing circumstances, it is found that it is in the public interest to temporarily relieve Astro Van-Pak, Inc. from the provisions of the Act to transport by air used household goods of personnel of DOD.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, Astro Van-Pak, Inc. is hereby relieved from the provisions of title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department.

2. That the relief granted herein shall terminate 180 days after the Board's decision in Docket 20812 becomes final, or upon Board disposition of Astro Van-Pak, Inc.'s application for air freight forwarder authority, whichever event shall occur first.

3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and Astro Van-Pak, Inc.

This order shall be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file their petitions within 10 days after date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on it own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5508 Filed 4–10–72;8:50 am]

[Dockets Nos. 20993 etc.; Order 72–3–104]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Transatlantic Passenger Fare and Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March, 1972.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to transatlantic passenger fare and cargo rate matters, Docket 20993: Agreement CAB 22659; Docket 22628: Agreements CAB 22628; 22630, R–2; and 22658, R–1 and R–2; Docket 23333: Agreements CAB 22460; [1] 22689; 22742; and 22900; [2] Docket 23486: Agreements CAB 22663; [3] and 22900; [2] Docket 23780.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the International Air Transport Association. Insofar as they are of significance in air transportation as defined by the Act, the agreements, which have been assigned the above-designated CAB agreement numbers, comprise the overall worldwide fare structures generally intended for effectiveness from April 1, 1972 and cargo rate structures in the Western Hemisphere and South Pacific.

By Order 72–2–33, dated February 10, 1972, procedural dates were established by the Board for the receipt of carrier data and justification, comments, objections, and replies with respect to the agreements on file with the Board. Data and comments have been received from numerous persons and the matter is now ready for the Board's decision. This order will deal with North, Mid-, and South Atlantic fare and rate matters and other orders issued contemporaneously herewith deal with other areas.

The agreements. The agreements before us represent a substantial modification of last year's transatlantic fare structure and are comprised of numerous increases and decreases of individual fares. The prior structure's two-tier, basic season-peak season structure would be converted for the most part to a three-tier structure by incorporating mid-level fares for application in the spring and fall, i.e., shoulder periods. Peak period fares tend to be higher than formerly while winter fares are lower in some instances and slightly higher in others. The 17–28-day individual excursion fare would be converted to 14–21 days and the 29–45-day excursion fare converted to 22–45 days. A youth fare is agreed to be added to the structure at levels well above the fares established last year by a number of governmental orders. Appendix A [4] compares the prior and proposed fares. Additionally, the agreements contain a limited number cargo rate and related resolutions which emanated from the Singapore cargo rate conference last year.

Carrier justification. The U.S. carriers urge approval of the agreements and have furnished statements and data in support of their views. In general, they contend that the agreed fares are far preferable from an economic standpoint to an open-rate situation. They also contend that the agreed fares are fully justified by higher costs of service including new charges levied by various governments for enroute facilities and by the devaluation of the U.S. dollar in relation to other currencies. The carriers' forecasts of their revenues, expenses, and earnings under the agreed fares are summarized in Appendix B,[4a] Table I.

A statement has also been filed on behalf of 13 transatlantic member carriers of IATA in support of the agreements, citing the circumstances associated with the changes in international monetary exchange rates which should be considered in relation to the proposed fare adjustments, and the necessity for recovery of revenue losses suffered by the IATA carriers in scheduled North Atlantic operations stemming therefrom. It is alleged that, for foreign-flag carriers operating on the North Atlantic, the average adjustment in fares and rates required to maintain the predevaluation level of selling fares in their respective currencies would be 9.8 percent. The impact on foreign-carriers in terms of revenue loss in their own currencies is alleged to be more serious than the corresponding effect on U.S. carriers who transact less of their business in foreign currencies. These carriers have submitted data indicating declining trends in profitability over the last several years and operating losses sustained in both 1970 and 1971 in transatlantic scheduled operations. They allege the agreement will not provide foreign carriers a total revenue offset for devaluation, but will hopefully improve the economic position of all carriers by stimulating traffic growth and improving load factors.

Comments and objections. The carrier members of the National Air Carrier Association (NACA) suggest that the fare agreements be approved by the Board subject to a condition that foreign governments shall not unreasonably withhold or restrict landing and uplift rights for charter flights by authorized U.S. carriers. These carriers also request that an evidentiary investigation of all scheduled transatlantic fares be instituted to develop guidelines for future transatlantic fare agreements.

The Aviation Consumer Action Project (ACAP) urges the Board to disapprove the new fare agreements as adverse to the public interest; to institute an investigation into the levels and structure of existing IATA North Atlantic fares in order to determine whether such fares are discriminatory and predatory; to issue a cease and desist order to restrain the IATA carriers from filing proportional fares and private currency exchange rates; to permanently restrain the carriers from discussing and adopting discriminatory fares such as youth and student fares and, in the case of Board approval, to make a finding that the question of reasonableness of all fares is left open and not decided by such approval.

The position of the Department of Transportation (DOT) is that approval of the North Atlantic fare package is warranted except insofar as it would permit the offering of youth fares. It is DOT's view that the public interest requires approval of the package, particularly in view of the fact that the agreement is only for a 1-year period. Although expressing serious reservations about certain of the individual fares, DOT believes that the fare package as a whole is compensatory to the U.S. scheduled carriers. Nevertheless, it requests the Board to inform the carriers as to the principles which will be applied to future IATA fare proposals to develop optimal load factor standards, and to design an appropriate fare structure curve which could be used as a reference point for each basic international fare.

The American Society of Travel Agents (ASTA),[4] while supporting the current fare proposal, requests that the Board condition the resolutions concerning North Atlantic excursion fares so as to negate the new requirement that inclusive tours based upon these fares must include a minimum of 14 nights' sleeping accommodations (with a $100 minimum tour price) if they are to qualify for the additional 3-percent commission override. These revised rules would allegedly alter the agents' flexibility in building tour packages and at the same time increase the price of these tours. ASTA's particular concern appears to be the fact that a minimum of 14 nights' sleeping accommodations is required, since under present conditions agents are permitted to build tours in conjunction with excursion fares and to collect the additional commission when the land portion amounts to 20 percent of the air fare With the present incentive, travel agents allegedly construct and sell a substantial number of inclusive tours.

Seaboard World Airlines, Inc. (Seaboard) requests the Board to condition any approval of the agreements before us by requiring that adjustments for currency realignment be made in the existing U.S. dollar North Atlantic cargo rates corresponding to the adjustments proposed in the North Atlantic passenger fares. Seaboard argues that all North Atlantic carriers have incurred cost increases as a result of currency revaluation and that, by not adjusting cargo rates, Seaboard is precluded from this recoupment, which constitutes an unjust discrimination and is in violation of sections 403(b) and 1002(f) of the Act.

Replies. Both Pan American and TWA have replied to the comments of the supplemental carriers and Seaboard, requesting that the relief sought by these parties be denied. Both respondents indicate that the supplemental carriers' request for investigation has been made in the past, considered by the Board, and disposed of in Order 71–3–87, and that nothing new has been presented that would justify a reversal of the Board's previous position. TWA points out that the Act plainly withholds from the Board the authority to establish international fares or fare levels, or to consider their reasonableness. With respect to conditioning the IATA agreements to preclude foreign governments from unreasonably withholding or restricting landing and uplift rights of certificated U.S. carriers, Pan American and TWA refer to a like request which was disposed of in Order 71–3–87. These carriers, they contend, have failed to show why the Board's reasoning in that order was or is now in error. TWA further comments that if the Board were to condition the IATA agreements in the manner suggested and, in the event that landing rights were unreasonably withheld, an open rate situation would exist, during which time even more restrictive and competitive reactions might take place with respect to charter operations.

Both carriers acknowledge that an agreement reflecting devaluation of the dollar is in order with respect to cargo rates, and that there is no valid reason to treat cargo rates differently from passenger fares. Both allege that Seaboard is well aware of the fact that there is at present no North Atlantic cargo rate agreement, and that regardless of what problems might exist regarding cargo rates, there is no basis for disapproving the adjustments for currency revaluation which have been agreed to for North Atlantic passenger fares.

Pan American has responded to ACAP's comments, stating that similar arguments were raised by ACAP with respect to the transpacific fare agreements being considered concurrently by the Board, and that it has responded thereto in connection with that matter. With respect to specific aspects of the North Atlantic fare agreement, Pan American alleges that it has shown in its justification that the proposed fares are reasonable in relation to its costs and that, in fact, it anticipates less revenues from the agreed fares than current fares would have yielded. Finally, Pan American contends that the youth fares are not unjustly discriminatory, and that the analyses of the ACAP regarding currency revaluation is based on selective data only and does not deal with the total impact on both revenues and expenses.

Findings. The North Atlantic fare structure, based on the New York-London market, encompasses increases ranging from 0.5 percent to 7.7 percent in a number of fare categories, while other fares (winter normal economy and the long-stay excursion) are decreased in amounts ranging from 4.9 percent to 19.5 percent. In addition, two new low-level fare categories have been agreed upon, winter group inclusive tour fares and youth fares. The structure offers discounts ranging up to 55 percent from the applicable normal economy fares and is the product of two agreements separately arrived at by the carriers.

The first agreement provides reductions in a majority of the fares, especially those applicable during the winter season and the low long-term excursion fares, and incorporates the two new promotional fares referred to above. First-class, peak, and shoulder normal economy fares, and peak season short-term excursion fares are modestly increased by a maximum of $4 for round-trip transportation to reflect increased costs attributable to the imposition of additional en route facilities charges.[5] The second agreement came about as a consequence of the devaluation of the dollar and revaluation of certain foreign cur-

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[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] See Order 72–3–33, dated March 13, 1972, for a current listing of these carriers.

[1] Agreement CAB 22460, R–6; R–30; R–38; R–39; R–42; R–43; R–44; R–46; R–48; R–50; R–54; R–56; R–57; and R–68.

[2] Agreement CAB 22900, R–3 through R–12;

[3] Agreement CAB 22663, R–1; R–12; R–14; R–58; R–62; R–64; R–71; R–75; R–114; R–125; R–127; R–147 through R–162; R–164 through R–179; R–181 through R–184; R–200; R–201; R–297; R–300; R–301; R–304 through R–306; R–312 through R–314; and R–320.

and R–14.

[4a] Filed as part of the original document.

[4] In a late filed document which we conclude should be accepted.

[5] By Order 71–9–43, the Board found that these charges should be incorporated into the fares rather than imposed as a surcharge.

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rencies. This agreement revised the fares previously agreed upward by 4 to 7 percent, and reflects a compromise between U.S. and foreign carriers, each of whose costs increased in varying amounts. The upward adjustment is something less than the full 8.57 percent devaluation of the dollar.

The three U.S. carriers estimate that traffic volume will increase (see Appendix B,[*] Table II), as a result of the new fare package, mainly because of the generative impact expected from the low long-term excursion fares and the winter group inclusive tour fares. However, at the same time some diversion from higher-rated fares is expected to occur, which will reduce the average yield from these passengers. All carriers project increased revenues over 1971 results. TWA and Pan American combined estimate that the revenues flowing from currency adjustments will be $25.4 million in 1972. The carriers' forecasts will be discussed more fully later in this order.

While the North Atlantic fare structure will continue to be relatively complex we believe the pattern of fares agreed upon reflects some desirable improvements. The three-tiered structure of normal fares and most discount fares, including particularly the winter GIT, should tend to flatten the demand curve which is presently subject to severe peaks and valleys, thereby enabling the carriers to better utilize the capacity they offer. Changes in the stopover conditions associated with various promotional fares and imposition of charges when stopovers are permitted appear to be consistent with the cost and value of these services. The prohibition of stopovers on the long-term excursion fares, which in effect creates a point-to-point fare, should improve the economics of those relatively low fares. The new low-level promotional fares, and the reduction from 17 to 14 days in the minimum-stay requirement for the short-term excursion fares should have a generative effect upon traffic, and result in improved load factors. The proposed youth fares would reduce the extreme discounts and improve the economics of the service. The structure is, in part of course, a competitive response to charter competition. While the fare structure falls far short of meeting the criteria set forth in our policy statement of September 24, 1971, it serves to resolve for the interim highly controversial issues among the carriers as to fare structure which had threatened to create an open-rate situation. In light of the financial condition of the carriers, it is apparent that an open rate at this juncture could seriously damage their financial posture to the ultimate detriment of the public. Moreover, disapproval of the instant agreements would forestall implementation of the fare structure improvements noted above. On balance, we cannot find that the agreed fare structure would be adverse to the public interest for the limited period of its effectiveness.

[*] Filed as part of the original document.

The Mid Atlantic fare structure is much simpler than the North Atlantic, being comprised of only excursion and GIT fares in addition to normal first-class and coach fares. The discounts are more modest than those available on the North Atlantic, with the largest discount at 50 percent of the normal economy fare. The present two-tiered structure for all fares except first class would be retained. Normal fares would be increased moderately while the promotional fares are agreed to be either reduced slightly or maintained in status quo.[6]

In response to Board Order 72–2–33, the carriers furnished detailed forecasts of the 1972 traffic, capacity, revenue, costs, investment and return on investment, based on both the present and proposed fares. Appendix B, Tables I and II summarize the carriers' submissions with respect to their transatlantic services.[7] The Board has reviewed these data, has made certain adjustments to the carriers' estimates of operating costs and investment, and has computed revised rates of return based on the adjusted figures, as shown in Appendix B, Table III.

In brief, each of the three U.S. passenger carriers projects substantial increases in passenger miles, as compared with 1971 volumes. Furthermore, each of the three carriers anticipates revenue increases over 1971 stemming from the agreements. However, Pan American forecasts only a 2.5-percent increase in capacity, notwithstanding an 18.4-percent increase in traffic, with the result that its load factor would rise to 57 percent. TWA, on the other hand, forecasts a 10-percent increase in capacity to accompany its 12-percent increase in traffic producing only 51.4 percent load factor in 1972, as compared with 50.6 percent in 1971. In estimating operating expenses, all three carriers relied on 1971 cost levels adjusted for changes in volume of operations projected for 1972, together with cost increases and decreases expected to be incurred during the future year. Pan American forecasts an improved operating profit and return on investment, the latter amounting to only 0.7 percent. TWA, however, estimates a reduction in operating profit and return on investment as compared with 1971. National estimates a moderate increase in operating profit but a small decline in return on investment.

In Phase 6B of the Domestic Passenger-Fare Investigation,[8] the Board adopted load factor standards as a means of determining for rate-making purposes, the volume of capacity properly chargeable to the fare and rate payers. While the standards adopted therein relate to domestic U.S. operations, the considerations and principles underlying their adoption apply as well to the carriers' international services. Accordingly, we have reviewed the carriers' projections of traffic and capacity in this light. As noted, Pan American bases its financial forecast on a 57-percent passenger load factor reflecting in part a very small increase in 1972 capacity over the preceding year. The carrier's forecasts of capacity, and the resulting load factor, appear reasonable and will be accepted for rate-making purposes. TWA, however, estimates an increase in capacity almost equal to its forecast increase in traffic despite the fact that its 1971 load factor was only 50.6 percent. There is no apparent justification for a capacity increase of this magnitude while load factors remain in the 50-percent range. However, we will recognize as reasonable for rate-making purposes, an increase in capacity of 5 percent which produces a passenger load factor of 54 percent. We recognize that our acceptance of the foregoing load factors involves a substantial element of judgment and that we have not had an opportunity to conduct a more thorough study of the capacity requirements in the various markets covered by the resolutions. Accordingly, our conclusions herein should be regarded as applicable solely to the fare agreements now before us, and without prejudice to a reevaluation of this entire question in connection with future agreements.

In constructing its estimate of operating expenses, Pan American included amounts for increases in wages, fuel prices, and enroute facilities charges. A further allowance was made for additional maintenance costs on B–747 aircraft. Additionally, the carrier projected about $5.5 million in cost increases stemming from the devaluation of the U.S. dollar. Finally, Pan American deducted $12.6 million representing improved productivity estimated at 10 percent of salaries and payroll costs other than flight crews. We have disallowed a portion of the projected wage increases as anticipatory in nature and have corrected an arithmetic error. Similarly, we have not recognized 50 percent of the projected increases in fuel costs since those increases do not appear to be embodied in binding contracts at this time. Lastly, we have not accepted the maintenance cost increase claimed by the carrier since we have no basis to assume, as did Pan American, that no recoveries under manufacturers' warranties would be made in 1972. TWA represents that the cost increases included in its forecasts are either annualizations of increases incurred in 1971 or fully covered by existing contracts for 1972. The Board will recognize them on that basis. The carrier also estimates the effect of the dollar devaluation on its transatlantic operating expenses at $7.4 million. We have, however, adjusted TWA's estimate of operating expenses by $9.9 million to reflect the disallowance of capacity previously discussed.

[6] The Mid Atlantic fares have not been increased for currency devaluation.

[7] The data relate to the carriers' combination services and do not reflect all-cargo services since a transatlantic cargo rate agreement has not been reached. Mid Atlantic services of the U.S. carriers are minimal.

[8] Domestic Passenger-Fare Investigation, Docket 21866–6B, Order 71–4–54.

On an adjusted basis, we estimate TWA's return on investment at 9.3 percent after allowance for taxes. The comparable figure for Pan American is 1.8 percent. Both forecast returns are, of course, well below the 12 percent rate of return standard adopted by the Board in Phase 8 of the Domestic Passenger Fare Investigation for domestic rate-making purposes. The TWA return percentage represents a moderate decline from levels achieved by that carrier over the past 5 years which ranged from 10–14 percent.[9] During the same period, Pan American reported marginal returns in some years and losses in others. Pan American's performance in this regard is difficult to rationalize in relation to TWA's but it may well reflect its consistently higher unit costs of operation. For example, the 1971 operating cost per available ton-mile were 19.19 cents, nearly 20 percent higher than TWA's. In terms of revenue ton-mile costs, Pan American's disadvantage was 23 percent. Moreover, a similar pattern exists in the carrier's other principal areas of operation.

We need not here examine further into this matter. It is to be expected that Pan American's situation is temporary and that on-going programs will restore it to a more favorable earnings' position. In these circumstances, therefore, we need not give much weight to Pan American's relatively unfavorable earnings, both historical and projected, but rather we shall rely primarily on TWA's results for purposes of disposing of the instant agreements. As noted, TWA's adjusted return on investment is estimated at 9.3 percent for 1972. However, as earlier noted, the principal factor in the fare increases for transatlantic services is the adjustment for the devaluation of the U.S. dollar in relation to other currencies. Exclusive of the currency adjustment, the return on investment projected for TWA would be 6.7 percent. Neither return is excessive either by itself or in relation to earnings' levels in recent years.

The currency adjustment stems, of course, from the policies adopted by this Government and others with respect to currency exchange rates in foreign trade generally. Since the devaluation of the U.S. dollar varied considerably as among the various European countries, the effect on the costs of operation of any given carrier would depend not only on the proportion of its business done in each such country, but also on the relationships of its revenues earned to expenses incurred in each currency. Pan American and TWA estimate increases in the dollar costs of doing business due to currency revaluations at $5.5 and $7.4 million, respectively. In each case, these higher costs would be more than offset by the proposed fare adjustment of 4–7 percent across-the-board. However, the statements and data submitted by the foreign carriers indicate that the reverse situation would obtain for them and it is reasonable to expect that this would be the case. In principle, a carrier should not be precluded from a fare or rate adjustment to offset cost increases flowing from a change in currency exchange rates, assuming, of course, that such carrier is not in an excess earnings position. However, there appears to be no way to adjust dollar fares so as to precisely match the adjustment to the impact of the currency adjustment on each carrier and at the same time maintain the uniform fares among carriers which are a competitive necessity and maintain approximately the same relationship among fares to the various points in Europe. The carriers' agreement to increase fares from 4–7 percent appears to be reasonably related to the range of changes in currency exchange rates and to the probable impact of these changes on the costs of the carriers as a group. On balance, therefore, we cannot conclude the currency adjustment is an unreasonable one or that this element of the agreement before us does not warrant approval.

Transatlantic cargo matters now before the Board are de minimis inasmuch as no basic rate structure was agreed for the principal North Atlantic area. On the mid-atlantic, where we are concerned with the traffic to/from Puerto Rico and the U.S. Virgin Islands, the 200 kg. weightbreak would be deleted within the general cargo rate scale and other rates would be increased by roughly 3 percent; minimum charges would, with the exception of traffic to Tel Aviv, remain at status quo. On the other hand, the carriers' resolutions include provisions for small increases in several ancillary charges, such as those relating to c.o.d. procedures, and these resolutions are intended for uniform transatlantic application irrespective of the absence of a basic North Atlantic rate structure. In view of the carriers' overall earnings in transatlantic services, as earlier discussed, the minor increases involved present no serious public interest problems, except with respect to a proposal that minimum charges for the carriage of live animals be increased to 150 percent of the otherwise applicable minimum charges for shipments of a general nature. The carriers have not now, nor following the adoption of such provisions at the Singapore cargo conference last year, provided justification in support of the singular treatment to be applied in the rating of small shipments of animals. Our approval of the pertinent resolution is therefore conditioned so as to preclude application of a higher minimum charge for live animals moving in air transportation.

The arguments advanced by the supplemental carriers to support the imposition of a condition that European governments shall not unreasonably withhold landing and up-lift rights for their charter services are essentially those put forward a year ago in connection with the transatlantic fare agreement currently in effect. In Order 71–3–87, the Board denied the request in the belief that such an action would not necessarily advance the interests of the supplemental carriers and, indeed, might generate a fare dispute and impair efforts to resolve present difficulties. In our opinion, the circumstances are not significantly different today and, accordingly, we will again deny the request.

With respect to Seaboard's comments, we can perceive no reason why appropriate adjustments in cargo rates should not be made; however, the fact remains that there is presently no cargo rate agreement covering North Atlantic services and we are not persuaded that there is an appropriate basis on which to condition the instant fare agreements or that such an action would necessarily accomplish the desired result.

As indicated, the supplemental carriers and ACAP request the Board to undertake a formal investigation of the transatlantic fare structure and DOT requests the Board to establish certain principles and standards. These requests involve complex issues related to the establishment of international, as opposed to domestic, fares. We need not resolve these issues before acting upon these agreements and, therefore, we will defer action on these requests at this time.

We must also reject ACAP's request that we issue a cease and desist order to restrain the IATA carriers from filing proportional fares. In no case are the proportionals higher than the corresponding normal first-class or coach domestic fares, excluding taxes, and in some cases they are lower than existing domestic fares. In any event, IATA agreement on proportional fares does not preclude the use of any domestic fare in lieu thereof, provided, of course, that the tariff conditions of the fare used are met. Certainly, the fact that through fares in international air transportation, constructed by use of agreed upon proportionals, are often lower than the combination of domestic and international air fares cannot be found to be adverse to the public interest. Similarly, we find no basis to purport to preclude discussion within IATA, subject to the usual controls and safeguards, of broad categories of fares since this would constitute an unwarranted prejudgement of the lawfulness or public interest aspects of such matters.

Finally, both ACAP and DOT urge that the youth fare agreement not be approved. The level of these fares is considerably higher than those in effect last year as a result of various government orders. They are set at the same levels as the 22–45-day excursion fares, the only effective difference being the length of stay requirement. However, the question of discrimination continues to exist and we are, therefore, ordering these fares consolidated into the current investigation in Docket 23780.

Other comments filed by ACAP go generally to the procedures followed by the carriers and the Board with respect to IATA matters. It is contended that documentation furnished by the carriers

[9] It is noted that the historical return percentages reflect below normal income tax accruals due to domestic system losses and therefore tend to be understated in relation to the return projected for the future which reflects a constructive tax at 48 percent. Appendix B, Table IV, shows both carriers' reported return on investment for each year from 1967 through 1971.

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is inadequate and the public does not have access to certain documents or participate in the Board's procedures. Our approval of the IATA machinery requires the carriers to furnish agenda and minutes of traffic conference meetings, as well as fare and rate proposals circulated by the carriers at such meetings.[10] Additionally, we required a daily summary to be furnished promptly after each session of the Miami Conference. All these documents were maintained by the Board in a public file open to all concerned.[11] Moreover, each of the agreements disposed of herein was the subject of at least one order issued by the Board inviting comments and objections, if any, by the public and interested persons. Indeed, ACAP's comments are evidence of the opportunity given the public to present views and evidence for Board consideration in conncetion with these agreements. In any event, the Board considers that the information available to it and to the public constitutes an entirely adequate basis on which to decide whether these agreements are in the public interest or in violation of the Act.

ACAP also refers to an alleged ex parte meeting between the Board and U.S. IATA carrier representatives, asserts that our policy statements issued on September 24, 1971, was based on information gained at that meeting, and that the statement gave a clear indication on the type of fare structure the Board would eventually approve. The meeting referred to was held in order to receive the views of the principal U.S. scheduled transatlantic carriers on the subject of fares filed between the U.S. and Germany by the German airline. A transcript was kept and was made public.[12] Moreover, as the transcript shows, the Board expressed no views or conclusions on the matters raised. Finally, a simple reading of the September policy statement reveals it set forth only general criteria and principles the Board considers relevant to rate-making, and in no way purported to describe the type of fare structure the Board would approve. Neither did the statement in any way deal with the tariff filing discussed at the meeting.

Finally, we will not adopt the condition urged by ASTA to be attached to our approval of the resolution containing the 22–45-day excursion fares. The new requirement that a minimum of 14 nights' sleeping accommodations be included in the land arrangements when the excursion fare is used in constructing an inclusive tour, appears to be reasonably related to the GIT fare requirement that sleeping accommodations be included throughout the trip. The 14-night requirement does not seem excessive for a fare which applies to trips of at least 22 days and as many as 45 days. Similarly, the requirement appears to be a reasonable restriction to assure the validity of an inclusive tour.

On the basis of all of the foregoing considerations, the Board concludes that the agreed North and mid-Atlantic passenger fares and rates[13] are reasonable both as to level and structure and that the underlying agreements should be approved.[14]

The Board, acting pursuant to sections 102, 204(a), 404(b), 412, and 1002 of the Act, makes the following findings:

1. It is not found that those resolutions and agreements set forth in Appendix C [14a] are adverse to the public interest or in violation of the Act;

2. It is not found that those resolutions set forth in Appendix D [14a] are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board;

3. It is not found that those resolutions and agreements set forth in Appendix E [14a] are adverse to the public interest or in violation of the Act provided that approval is subject to conditions stated therein;

4. It is not found that those resolutions set forth in Appendix F,[14a] which are indirectly applicable in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act; and

5. Pending investigation in Docket 23780, it is not found that those resolutions set forth in Appendix G [14a] are adverse to the public interest or in violation of the Act, provided that Resolution 092g is subject to the condition stated therein.

Accordingly, it is ordered, That:

1. Those portions of Agreements CAB 22663, 22460, 22900, 22628, 22689, and 22742 set forth in Appendix C [14a] be and hereby are approved.

2. Those portions of Agreement CAB 22663 set forth in Appendix D [14a] are approved subject to previous conditions imposed by the Board;

3. Those portions of Agreements CAB 22663 and 22460 set forth in Appendices E and G [14a] be and hereby are approved, subject to the conditions set forth therein;

4. Those portions of Agreements CAB 22663 and 22460 set forth in Appendix F [14a] be and hereby are approved;

5. An investigation is hereby instituted to determine whether the resolutions set forth in Appendix G [14a] and incorporated in Agreement CAB 22663, R–181 and R–182, are adverse to the public interest or in violation of the Federal Aviation Act of 1958, and whether the fares, rules, conditions, and provisions which are, or will be, established pursuant to such agreements are or will be unjustly discriminatory or unduly preferential, or unduly prejudicial, and if such fares, rules, conditions, or provisions are found to be unjustly discriminatory, unduly preferential, or unduly prejudicial, to determine how such fares, rules, conditions or provisions should be altered, or what order should be made to remove such discrimination, preference or prejudice;

6. The investigation ordered in paragraph 5 above is consolidated into that currently pending in Docket 23780; and

7. Decision is deferred on the requests of NACA and ACAP for an investigation of transatlantic fares and on the request of the Department of Transportation for the establishment of principles and standards for transatlantic fares.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5509 Filed 4–10–72;8:50 am]

[Dockets Nos. 23333, 23486; Order 72–3–106]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare, Cargo Rate, and Related Matters in the Western Hemisphere

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1972.

Agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fare, cargo rate, and related matters in the Western Hemisphere, Docket 23333; Agreements CAB 22460;[1] 22689; 22742; 22822; and 22900[2]; Docket 23486; Agreements CAB 22663;[3] 22900;[4] and 22914.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the International Air Transport Association. Insofar as they are of significance in air transportation as defined by the Act, the agreements, which have been assigned the above-designated CAB agreement numbers, comprise the overall worldwide fare structures generally intended for effectiveness from April 1, 1972, and cargo rate structures in the Western Hemisphere and South Pacific.

By Order 72–2–33, dated February 10, 1972, procedural dates were established by the Board for the receipt of carrier data and justification, comments, objections, and repli with respect to the agreements on file with the Board. Data and comments have been received from numerous persons and the matter is now ready for the Board's decision. This order will deal with Western Hemisphere fare and rate matters and other orders issued contemporaneously herewith deal with other areas.

The agreements. The fare agreements reflect general increases stemming primarily from currency realignments rather than basic fare changes. The principal elements of the cargo agreements consist of rates for the movement of general cargo, specific commodities and containerized freight in unit load devices. In addition to increasing the rates as a result of devaluation of the dollar, northbound rates are increased which would tend to lessen the existing directional disparity and specific commodity rates have generally been increased. Further increases result from the cancellation of various rates and decreases result from the addition of new rates and descriptions. Appendix A [5] sets forth a comparison in principal markets of present and proposed fares and rates and percentage changes.

Carrier justification. The U.S. carriers request that the Board approve the various agreements. Generally, the carriers, in their statements, and data in support of their views, indicate that fare and rate alterations are justified by higher costs resulting from devaluation of the U.S. dollar in relation to other currencies and from a need to increase revenues and profits which in the past have been marginal.

Comments and objections. Comments have been filed by the National Industrial Traffic League (the League) requesting disapproval of an IATA resolution providing for the imposition of a $1.50 documentation charge in the Western Hemisphere when an IATA member or his agent issues or completes the air waybill. The League contends that the proposed charge is unreasonable and contrary to the public interest; that the establishment of a $1.50 charge as a minimum may be too high in relation to the costs incurred; that the imposition and collection of such a charge is inconsistent with long standing practices in surface transportation modes; that the text of the resolution is ambiguous as to when or under what circumstances the charge may be collected; and that the imposition of this proposed charge would create the possibility of double compensation of IATA agents, many of whom already impose a service charge for the preparation of the necessary shipping documents. The League further alleges that there are reported instances when the air carriers will not permit the shipper to prepare the air waybill, that air carriers will not release the air waybill form for the shipper to use, and that it is unreasonable for the carriers to collect a charge from the shipper for preparation of a document which is both a contract of carriage and a receipt.

Replies. Pan American has responded to the comments of the National Industrial Traffic League stating that a similar resolution has been in effect in other world areas for a number of years, and that at least 70 percent of Pan American's waybills issued in the United States are issued by agents who will be the beneficiaries of the charge. The carrier alleges that competitive considerations will stabilize the fee as specified in the resolution and that double compensation will not accrue to the agents because, to the best of its knowledge, documentation fees are assessed primarily for the execution of export/import documents required for international shipments. Pan American believes the wording contained in the resolution is not ambiguous as contended since the wording "issues or completes" applies only to those cases where an agent prepares an air waybill and is entitled to retain the fee. The carrier believes that the application of a nominal standard fee constitutes a better approach than the inclusion of the applicable charge in the rate structure which would produce a scale of charges depending on the weight of shipment.

Findings. As indicated earlier in this order, the fare increases proposed stem primarily from currency realigments rather than from changes to the basic fare structure. Between U.S. and Caribbean points, e.g., Montego Bay and Caracas fares are generally increased by about 5 percent. Fares to Rio de Janeiro and Buenos Aires are subject to lesser increases, however. Normal economy fares are increased by about 2 percent and promotional fares by only 1 percent, approximately. Fares to and from Mexico remain generally unchanged.

As regards cargo rates, in addition to increases resulting from devaluation,[6] northbound rates are increased to reduce the directional disparity compared with southbound rates and adjustments to the specific commodity rate structure have the effect of increasing some rates while reducing others.

In response to Board Order 72–2–33, the carriers furnished detailed forecasts of revenue, costs, investment, and rate of return on the basis of the present and proposed fares. Appendix B,[7] Table I, summarizes the carriers' submissions.

The carriers' forecasts of return on investment range from 0.8 percent for Pan American to 12.3 percent for Braniff. American's return is estimated to be 4.3 percent, while Eastern projects 10.9 percent. However, the Board has adjusted Pan American's estimate of operating expenses to exclude certain cost increases which appear to be anticipatory in character, as well as the B–747 maintenance expense increases, consistent with the adjustments adopted in our orders dealing with the transatlantic and transpacific agreements.[8]

On the basis of the adjusted level of operating expenses, PAA's return on investment would be 1.4 percent in the future year.[8]

Historically, the U.S.-flag carriers operating to South America have experienced modest earnings. The forecasts submitted in connection with our review of these agreements suggest that this pattern will continue, although the instant rate and fare agreements should result in a better earnings' situation than could be anticipated if current fares and rates were maintained. The area is marked by considerable instability of fares and rates due to non-IATA carrier filings and by instances of substantial currency instability.

Moreover, the bulk of the increases proposed by these agreements are the result of the currency adjustments and, as such, reflect a factor beyond the carriers' control and one which flows from currency exchange policies adopted by many governments. As we stated in the transatlantic IATA order, we know of no way to match exactly the adjustment applied to airline rates and fares to the additional costs of doing business stemming from the currency devaluation. On the basis of available data, the instant agreements do not appear unreasonable in this respect.

The fare agreement retains the present fare structure, which consists of individual excursion, GIT, and affinity group fares, although effecting some small changes in relationships among fares for these services. We are concerned with the economic soundness of the first-class excursion fare but will approve it for a further period since the fare has been in effect for several years. However, approval of this type of fare

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[10] We would remind the carriers that our requirements extend to all carrier meetings whether or not they are labeled formal traffic conferences.

[11] It is true that some limited IATA documents are not now publicly maintained by the Board, e.g., reports of meetings of the Traffic Advisory Committee, the Executive Committee, and the Cost Committee. We are revetwing our practices in this regard. In any event we did not consider such documents herein.

[12] The Board is not aware of any "censorship" of the transcript, as ACAP asserts.

[13] We are, however, conditioning approval of Resolution 511, Rates for Live Animals, to preclude minimum charges for this type of traffic above the level of those established for consignments of a general nature. We are also conditioning the resolution so as to apply past Board policy with respect to the carriage of baby poultry, monkeys, and primates uniformly in all areas of air transportation as defined by the Act.

[14] To the extent that ACAP in its comments is suggesting that the Board, in disposing of these agreements, not consider the reasonableness of the fares included in the agreements, we must reject this contention. We have considered the fares' reasonableness to the extent necessary to conclude that the instant agreements are not adverse to the public interest or in violation of the Act. We have not, of course, undertaken an investigation of them under section 1002 of the Act, and we do not purport herein to make any findings as to the reasonableness of these fares under that section.

[14a] Filed as a part of the original document.

[1] Agreement CAB 22460: R–27; R–37; R–39; R–40; R–43 through R–46; R–48; R–49; R–53; R–60; and R–65.

[2] Agreement CAB 22900, R–3 through R–9; and R–11.

[3] Agreement CAB 22663, R–59; R–62 through R–65; R–71; R–72; R–75; R–76; R–79; R–84; R–92; R–94; R–101; R–103; R–104; R–107 through R–109; R–111; and R–114.

[4] Rates to/from Caribbean points are raised about 5 percent; to/from South America 1 percent. Rates for services to/from Mexico are unchanged.

[5] Filed as a part of the original document.

[6] Load factors ranging from 52–57 percent are embodied in the carriers' forecasts. These levels appear reasonable for their services for ratemaking purposes. Acceptance of these load factors is subject to the reservations expressed in our orders on transatlantic and transpacific fares issued contemporaneously herewith.

[7] Filed as a part of the original document.

[8] For the reasons set forth in our companion order on transatlantic fares, we do not give much weight to the results indicated for Pan American.

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beyond the term of the present agreement will depend upon full justification of it. Our action herein is not to be considered as a precedent for extension of such fares to U.S. domestic services. Aside from this fare, the fare structure, as such, appears reasonable.

In addition to the general increase in cargo rates stemming from the currency adjustments, the agreement also cancels some specific commodity rates, raises others, and raises northbound general commodity rates to lessen the present directional disparity. The modifications should improve the economics of the carriers' cargo services. Moreover, we are aware of no basis to maintain a higher level of rates for shipments from the U.S. than for shipments to the U.S.

With respect to the matter raised by the League, the Board has concluded to condition its approval of Resolution 512c that would permit a charge for the preparation of air waybills in the Western Hemisphere so as to have the effect of precluding such charge in the United States and its Western Hemisphere territories. The carriers have provided no data which would indicate the actual cost of issuing a waybill, nor have the cargo agents who allegedly issue some 70 percent of the waybills issued in this country shown that such a charge is warranted. Accordingly, we are unable to conclude that the proposed charge is reasonable and consistent with the public interest. We are also conditioning our approval of Resolution 511, Rates for Live Animals, so as to preclude high minimum charges for this type of traffic above the level of those established for consignments of a general nature. No justification has been submitted by the carriers for the 50-percent surcharge proposed. We are also conditioning the resolution so as to apply past Board policy with respect to the carriage of baby poultry, monkeys, and primates uniformly in all areas of air transportation as defined by the Act.

On the basis of all of the foregoing considerations and information, the Board concludes that the agreed passenger fares and cargo rates, except as set forth above, for services in the Caribbean and Central and South America, are reasonable both as to level and structure, and that the underlying agreements should be approved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that those resolutions and agreements set forth in Appendix C[1] are adverse to the public interest or in violation of the Act;

2. It is found that those resolutions set forth in Appendix D[1] are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions previously imposed by the Board; and

3. It is not found that those resolutions and agreements set forth in Appendix E[1] are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions stated herein.

Accordingly, it is ordered, That:

1. Those portions of Agreements CAB 22663, 22460, 22900, 22689, and 22742, set forth in Appendix C[1] as well as Agreement CAB 22914, be and hereby are approved;

2. Those portions of Agreements CAB 22663 and 22460 set forth in Appendix D[1] are approved subject to previous conditions imposed by the Board; and

3. Those portions of Agreements CAB 22663 and 22460 set forth in Appendix E,[1] as well as Agreement CAB 22822 be and hereby are approved subject to the conditions set forth in Appendix E.[1]

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5510 Filed 4-10-72;8:50 am]

[1] Filed as a part of the original document.

[Docket No. 18078; Order 72-4-9]

AMERICAN AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1972.

American Airlines, Inc. for the issuance of an order to show cause amending Order 68-9-8, as amended by Order 69-9-152 and 70-3-147.

By petition filed February 29, 1972, American Airlines, Inc. (American) requests that the service mail rates in effect for the transportation of military ordinary mail (MOM) as established by Order 68-9-8, as amended, be made applicable to the extent necessary to permit American and Seaboard World Airlines, Inc. (Seaboard) to equalize rates for MOM on through service between Washington, D.C. and Baltimore, Md., on the one hand, and Shannon, Glasgow, Paris, Amsterdam, Brussels, Hamburg, Dusseldorf, Cologne/Bonn, Stuttgart, Munich, Nuremburg, Copenhagen, Oslo, Stockholm, Geneva, Basel, Zurich, Milan, Naples, and Rome, on the other hand.

American states that the MOM rate presently applies to American in conjunction with through carriage of such mail involving the foreign points London-Frankfurt,[1] and seeks only to add the additional foreign points cited above. The carrier states that a notice of election and agreement for equalization covering this carriage of mail has been filed with the Board[2] and the service will be initiated upon the establishment of the rates as requested herein.

On March 20, 1972, the U.S. Postal Service filed a reply indicating the Postmaster General has no objections to American's petition.

The Board finds it is in the public interest to establish the service mail rates requested herein. Therefore, upon consideration of the petition and the reply filed herein, and other matters officially noticed, especially those set forth in Order 70-3-54,[3] the Board proposes to issue an order to include the following findings and conclusions:

1. The petition of American to permit further equalization of MOM rates in conjunction with through transportation of MOM mail involving the additional foreign points as stated therein shall be granted.

2. In order to accomplish such equalization Order 68-9-8 shall be further amended as follows:

Paragraph (3) of footnote 2, on page 2 of Order 68-9-8 shall be amended to read:

(3) Such service shall also include the carriage of MOM by American between Washington, D.C., and Baltimore, Md., on the one hand, and New York, N.Y., on the other hand, in conjunction with the through carriage of MOM between Washington, D.C. and Baltimore, Md., on the one hand, and London, Frankfurt, Shannon, Glasgow, Paris, Amsterdam, Brussels, Hamburg, Dusseldorf, Cologne/Bonn, Stuttgart, Munich, Nuremburg, Copenhagen, Oslo, Stockholm, Geneva, Basel, Zurich, Milan, Naples, and Rome, on the other hand.

3. The mail rates proposed herein are to be paid entirely by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302:

It is ordered, That:

1. All interested persons, and particularly American Airlines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., the Postmaster General, and the Department of Defense are directed to show cause why the Board should not further amend Order 68-9-8, September 4, 1968, as amended, as proposed above.

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions specified herein, notice thereof shall be filed within 10 days, and, if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order fixing the rates and incorporating the findings and conclusions stated herein.

[1] Order 70-3-147, March 30, 1970.
[2] Dockets 16349 and 18078.
[3] March 11, 1970.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon the parties enumerated in paragraph 1, above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5507 Filed 4-10-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Comments

Appendix I contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from February 28, 1972, to March 15, 1972, as required by section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II contains a listing of proposed regulations reviewed by EPA during the period from February 28, 1972, to March 15, 1972, under section 309 of the Clean Air Act. The listing includes the Federal agency responsible for the proposed regulation, the title of the regulation, the classification of the nature of EPA's coments, and the source for copies of the comments.

Appendix III contains definitions of the four classifications of the general nature of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix IV contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: April 4, 1972.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I.—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 28, 1972 AND MARCH 15, 1972

Responsible Federal Agency	Title and number of statement	General nature of comments	Source for copies of comments
Atomic Energy Commission.	D-AEC-00026-35: Radioactive Solid Waste Volume Reduction Facility.	2	A
Corps of Engineers.	D-COE-36088-04: Bound Brook Flood Control Project (Scituate, Mass.).	2	B
	D-COE-25106-04: Bullock's Point Cove Maintenance Dredging Project.	2	B
	D-COE-32212-07: South Branch Rahway River Flood Control, N.Y., No. 142.	2	C
	D-COE-32161-07: Maintenance of the Harlem River Channel	1	C
	D-COE-32150-07: New York Harbor Anchorages	1	C
	D-COE-32156-07: Maintenance of Westchester Creek, N.Y.	1	C
	D-COE-32160-11: Branch Channel, Vicinity of Delaware City-Delaware.	2	D
	D-COE-36087-17: Mayfield Creek and Tributaries, Kentucky Flood Control.	2	E
	D-COE-32213-30: Upper Mississippi River Basin (Minnesota)	2	F
	D-COE-36085-29: Flint River Flood Control (Flint, Mich.)	1	F
	D-COE-32104-37: Big Sioux River (Sioux City, Iowa, and North Sioux City, S. Dak.).	2	H
	D-COE-81049-49: Construction of U.S. Post Office (Honolulu, Hawaii).	2	J
	D-COE-32105-55: Oak Harbor, Wash., Small Boat Basin	2	K
	D-COE-32153-55: Lost Creek Lake Project, Rogue River, Oreg.	2	K
	D-COE-31019-54: Wahkiakum County Diking District	2	K
Department of Agriculture.	D-DOA-52030-34: Boll Weevil, Texas Cooperative Dispause Control.	2	A
	D-DOA-36086-21: Sowashee Creek Watershed (Lauderdale County, Fla.).	1	E
Department of Defense.	D-DOD-62015-00: Disposition of Orange Herbicide by Incineration	2	A
	D-DOD-10016-99: Relocation of Target Facilities from Aqua Cay to Cross Cay, Atlantic Fleet Weapons Range, P.R.	1	C
	D-DOD-36087-24: Mississippi River, East Bank Warren to Wilkinson Counties, Miss.	1	E
Department of Interior.	D-DOI-36056-34: Proposed Prototype Distillation Plant (Brownsville, Tex.).	2	G
	D-DOI-32102-36: O'Neil Unit, Pick-Sloan Mo. Basin Program	3	H
	D-DOI-31018-43: China Meadows Dam and Reservoir (Wyoming)	3	I
	D-DOI-40620-54: SR2, Sultan Vicinity, Passing Lanes	2	K
Department of Transportation.	D-DOT-61150-01: Airport Customs Building Replacement (Bangor, Maine).	2	B
	D-DOT-40823-01: U.S. Route 1A Improvement (Harrington, Maine)	1	B
	D-DOT-40117-07: Nassau Expressway, No. 78	1	C
	D-DOT-40123-07: Beacon Arterial-Route 9D, Improvement Dutchess Junction to Interstate Route 84, Dutchess County.	1	C
	D-DOT-40120-07: Buckley Corners-Hollowville Route 23, Columbia County, No. 106.	1	C
	D-DOT-80061-09: Artificial Reef (Ponce, P.R.)	1	C
	D-DOT-61018-07: Albany County Airport Regional No. 125	2	C
	D-DOT-40125-07: Sunrise Highway Extension, Route 27, Shinnecock Hills to East of Amagansett, Southampton and East Hampton, Suffolk.	2	C
	D-DOT-40903-15: Route 66, Fairfax and Arlington Counties, Va.	3	A
	D-DOT-40822-17: Mason County, Kentucky Highway Project, Kentucky-10.	1	E
	D-DOT-40967-17: APD 640 (5) and (2) Pike County, Ky.	2	E
	D-DOT-40966-18: Haywood County, N.C., Canton to U.S. 276	1	E
	D-DOT-40965-18: Guilford County, High Point, N.C.	1	E
	D-DOT-40962-28: S-Project No. 208(5) Jefferson County, Ind.	1	F
	D-DOT-40620-30: T.H. 23, Lyon, Yellow Medicine, Chippewa County, Minn.	2	F
	D-DOT-41114-08: Route 206 Newton Bypass, N.J., No. 183	1	C
	D-DOT-51058-26: John F. Kennedy Memorial Airport (Ashland, Wis.).	1	F
	D-DOT-51062-27: Effingham County Airport (Illinois)	1	F
	D-DOT-40620-28: State Road 37, Perry County, Ind.	1	F
	D-DOT-51097-28: Fremont Municipal Airport, Newaygo County, Mich.	1	F
	D-DOT-51097-30: Springfield Municipal Airport, Brown County, Minn.	1	F
	D-DOT-51098-26: Schoolcraft County Airport, Manistique County, Mich.	1	F
	D-DOT-40618-27: F.A. Route 45, Cook County, Ill.	1	F
	D-DOT-40610-27: F.A. Route 24, S.B.I. Route 23, Livingston County, Ill.	1	F
	D-DOT-40626-34: Controlled Access Facility of SH288, Texas	2	G
	D-DOT-51064-32: Goldsby Airport (Norman, Okla.)	2	G
	D-DOT-40974-31: Project S-1418(1) 6 miles west U.S. 85 New Mexico	2	G
	D-DOT-40973-30: Federal Air Project No. F-399(12) State Route, in White Castle, Iberville Parish, La.	2	G
	D-DOT-40972-38: From 1.5 miles north of Monroe Overpass, Lubbock County, Tex.	1	G
	D-DOT-51119-34: Hemphill Municipal Airport (Hemphill, Tex.)	2	G
	D-DOT-40971-35: 24-44 F 072-1(19) Jefferson County, Kans.	2	H
	D-DOT-40968-37: Freeway 520-Black Hawk County, Iowa	2	H
	D-DOT-40970-36: Proposed Improvement of U.S. 54 to Freeway Stand.	1	H
	D-DOT-40960-26: I-80-1 (11) and (12) S-259 (4) and S-620-A-Cheyenne County, Nebr.	2	H
	D-DOT-40624-37: Freeway 628 Woodbury County, Iowa	1	H
	D-DOT-40626-36: Highway Project, Miami County, Kans.	2	H
	D-DOT-41097-42: F.620-7 Lake County, S. Dak.	1	I
	D-DOT-40624-55: Warren-Scappoose Unit St. Helens-Columbia County, Line Se Section.	2	K
	D-DOT-40626-54: West Seattle Freeway Project	2	K
	D-DOT-40836-55: Industrial Freeway (I-505) Multnomah County, Ore.	2	K
	D-DOT-40621-55: Santa Clara-Eugene Section City-Eugene Highway.	2	K
Federal Power Commission.	D-FPC-67086-54: Transmission Line Reconstruction, Seattle	1	K
	D-FPC-67086-54: South Substation-Delridge Substation 230 kv. Transmission.	1	K

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APPENDIX I.—ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 28, 1972 AND MARCH 15, 1972—Continued

Responsible Federal Agency	Title and number of statement	General nature of comments	Source for copies of comments
General Services Administration.	D-GSA-24030-15: Pentagon Sewer Connection to Arlington County System.	1	D
Housing and Urban Development.	D-HUD-85033-07: Granada, New Community Final Statement.....	2	C
Veterans Administration.	D-VA-81042-46: New 630 Bed V.A. Hospital, Loma Linda, Calif.....	2	J

APPENDIX II—PROPOSED REGULATIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN FEBRUARY 28, 1972 AND MARCH 15, 1972

Responsible Federal Agency	Title and number of statement	General nature of comments	Source for copies of comments
Interstate Commerce Commission.	R-ICC-00046-00: Procedures for Implementing the National Environmental Policy Act of 1969.	2	A
Department of Agriculture.	R-DOA-00045-00: National Forest Development Trails.....	1	A

APPENDIX III

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) General Agreement/Lack of Objections: The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggests only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate Information:*

The Agency feels that the draft impact statement does not contain adequate information to assess fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major Changes Necessary:*

The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory:*

The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX IV

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, NY 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-5402 Filed 4-10-72;8:45 am]

GEIGY AGRICULTURAL CHEMICALS

Notice of Extension of Temporary Tolerances

Geigy Agricultural Chemicals, Division of Ciba-Geigy Corp., Ardsley, NY 10502, was granted temporary tolerances for residues of the herbicide 2,4-bis-(isopropylamino) -6- methylthio-*s*-triazine in or on the raw agricultural commodities soybean fodder and forage at 1 part per million and soybeans at 0.25 part per million on August 8, 1969 (notice was published in the FEDERAL REGISTER of August 15, 1969 (34 F.R. 13286)). At the request of the firm, the temporary tolerances were extended to July 1, 1972 (notice was published in the FEDERAL REGISTER of August 17, 1971 (36 F.R. 15679)).

The firm has requested a 6-month extension to obtain additional efficacy data. It is concluded that such extension will protect the public health. A condition under which the temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Geigy Agricultural Chemicals name.

As extended, these temporary tolerances expire January 1, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 5, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5477 Filed 4-10-72;8:48 am]

FEDERAL RESERVE SYSTEM

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of a nonoperating bank formed for the purpose of acquiring the assets and assuming the liabilities of Gulfgate State Bank of Houston, Houston, Tex. (Bank). The proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls 7 banks with aggregate deposits of $1.3 billion, which amounts to 4.7 percent of the total commercial bank deposits in Texas. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972.) Applicant presently owns 38.8 percent of the voting shares of Bank ($31 million in deposits) and controls it. Consummation of this proposed transaction would merely strengthen an affiliation that has existed since Bank was organized in 1950. On the basis of the record, it appears that consummation of the proposal is not likely to have an adverse effect on existing or potential competition in any relevant area nor would any competing bank be adversely affected.

Acquisition of the remaining stock of Bank would continue Bank's access to qualified personnel and participations in more extensive projects beyond Bank's lending capabilities. Considerations related to the convenience and needs of the communities to be served weigh slightly in favor of approval. The financial and managerial resources and future prospects of applicant and its subsidiaries and of Bank are generally satisfactory and consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas, pursuant to delegated authority.

By order of the Board of Governors,[3] April 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5447 Filed 4-10-72;8:45 am]

POWHATAN COMMUNITY BANK

Order Approving Application for Merger of Banks

Powhatan Community Bank, Powhatan, Va., a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Bank of Powhatan, Powhatan, Va., under the name of Bank of Powhatan.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's order of this date relating to the application of Southern Bankshares, Inc. to acquire the Bank of Powhatan, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] April 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5448 Filed 4-10-72;8:46 am]

SOUTHERN BANKSHARES, INC.

Order Approving Acquisition of Banks

Southern Bankshares, Inc., Richmond, Va., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to (1) Bank of Powhatan, Powhatan, Va. (Powhatan Bank), and (2) Bank of Goochland, Goochland, Va. (Goochland Bank).

The banks into which Powhatan Bank and Goochland Bank are to be merged have no significance except as a means of acquiring the voting shares of each Bank. Accordingly, the proposed acquisitions of the successor organizations are treated herein as the proposed acquisitions of the shares of each Bank.

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls two banks with total deposits of $120.5 million, representing 1.4 percent of the total deposits in commercial banks in Virginia, and is the State's 11th largest banking organization. (All banking data are as of June 30, 1971, and unless otherwise noted, reflect holding company formations and acquisitions approved through February 29, 1972.) Acquisition of Powhatan Bank (deposits of $30 million) and Goochland Bank (deposits of $14.3 million) would increase Applicant's share of deposits in the State by approximately 0.6 percentage point and advance its rank to 10th in the State. Consummation of the proposed transactions would not significantly increase the concentration of banking resources in the State.

Powhatan Bank is the only banking organization located in Powhatan and Cumberland Counties, which approximates both its primary service area and the relevant banking market. Goochland Bank is the only bank located in its service area approximated by Goochland County. Both Banks serve largely rural counties lying to the west, and adjacent to, the Richmond SMSA. Applicant's lead bank, Southern Bank & Trust Company (SBT), is located in Richmond and serves the Richmond SMSA, which represents a separate banking market from the banking markets in which Powhatan Bank and Goochland Bank compete. SBT's closest office to Powhatan Bank and Goochland Bank is 11 miles and 4.2 miles, respectively, from those institutions. There is minimal competition existing between Powhatan Bank and Goochland Bank, and some competition between the proposed subsidiaries and banks in the Richmond SMSA. However, the competition which exists is not regarded as significant. Moreover, there appears to be no significant incentive for applicant to establish a de novo bank in either of the markets served by Powhatan Bank or Goochland Bank. The Board, therefore, concludes that the effects on existing as well as potential competition resulting from consummation of the proposed acquisitions would be only slightly adverse. Applicant would remain the fifth largest among 12 banking organizations represented in the Richmond SMSA, where it controls 7.3 percent of market deposits. The proposed transactions should have no adverse effect on competing banks.

On the basis of the foregoing, the Board concludes that the competitive effects of the proposal are not inconsistent with approval of the applications, and for the reasons discussed hereinafter, any elimination of existing or potential competition that may result may be regarded as outweighed by the benefits that would result from the proposal.

The financial and managerial resources of Applicant are generally satisfactory and prospects for the group appear favorable. Both Powhatan Bank and Goochland Bank lack successor management, and applicant should be able to provide such management to avert any serious problem from arising. Banking factors, therefore, lend weight toward approval of the application. Although there is no evidence that significant banking needs of the communities involved are going unserved, consummation of the proposed acquisitions will enable both Powhatan Bank and Goochland Bank to initiate new services which will include trust, computer, and credit services as well as give each a larger lending capacity. Convenience and needs considerations lend some weight toward approval. It is the Board's judgment that the proposed transactions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] April 4, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5449 Filed 4-10-72;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

CALIFORNIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31,

[3] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer and Sheehan. Absent and not voting: Chairman Burns and Governor Maisel.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Chairman Burns and Governor Maisel.

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1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on April 5, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of California from severe storms and flooding, beginning about January 20, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of California. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Terrence S. Meade, Disaster Assistance Coordinator, OEP Region 9, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of California to have been adversely affected by this declared major disaster:

The counties of:

Del Norte. Humboldt.

Dated: April 5, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-5495 Filed 4-10-72;8:49 am]

MICHIGAN

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitle "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on April 5, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Michigan from a severe storm and freezing, beginning about March 13, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Michigan. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Robert E. Connor, Regional Director, OEP Region 5, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Michigan to have been adversely affected by this declared major disaster:

The counties of:

Allegan.	Ingham.
Barry.	Jackson.
Calhoun.	Kalamazoo.
Eaton.	

Dated: April 5, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-5496 Filed 4-10-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN LTD.

Order Suspending Trading

APRIL 5, 1972.

The common stock, no par value, of Canadian Javelin Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 6, 1972, through April 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5484 Filed 4-10-72;8:48 am]

[59-114]

DELMARVA POWER & LIGHT CO., ET AL.

Notice of and Order for Hearing

APRIL 5, 1972.

In the matter of Delmarva Power & Light Co., Delmarva Power & Light Company of Maryland, Delmarva Power & Light Company of Virginia, respondents 800 King Street, Wilmington, DE 19899 (59-114).

The Commission having been advised by its Division of Corporate Regulation (Division) that the Division, pursuant to sections 11(a), 18(a), and 18(b) of the Public Utility Holding Company Act of 1935 (Act), has examined the corporate structure of Delmarva Power & Light Co., the corporate structure of its subsidiary companies, the relationships among the companies in the holding company system, the character of the interests thereof and the properties owned or controlled thereby; and it appearing to the Division from such examination that:

I. 1. Delmarva Power & Light Co. (Delmarva), formerly Delaware Power & Light Co., is a corporation incorporated under the laws of Delaware; it maintains its principal offices in the city of Wilmington, Del. Delmarva is both an electric utility company and a gas utility company, and also a holding company registered as such under section 5 of the Act.

2. Delmarva has two subsidiary companies: Delmarva Power & Light Company of Maryland (Delmarva-Md.), a Maryland corporation engaged exclusively in the electric utility business within the State of Maryland; and Delmarva Power & Light Company of Virginia (Delmarva-Va.), a Virginia corporation engaged exclusively in the electric utility business within the Commonwealth of Virginia. As an operating company, Delmarva is engaged within the State of Delaware in the electric, gas, and steam business. Together the utility businesses of Delmarva and its subsidiary companies (Delmarva System) are conducted within these three States in a total area of about 5,700 square miles having a total population in excess of 842,000. Delmarva holds 100 percent of the voting securities of its two utility subsidiaries.

3. (a) The consolidated gross operating revenues of the Delmarva System for the year ended December 31, 1970, amounted to $110,860,715, consisting of $87,195,679 from the sale of electricity; $18,336,942 from the sale of gas; and the balance ($5,328,094) from steam and electric service to a nonaffiliated oil refinery in the State of Delaware. Of the consolidated electric revenues (including steam revenues), about 75 percent were applicable to Delmarva, 21 percent to Delmarva-Md., and 4 percent to Delmarva-Va.

(b) As of December 31, 1970, the property account of the Delmarva System was as follows:

Property, plant, and equipment including intangibles:	
Electric plant	$446,791,693
Gas plant	45,735,801
Steam and Electric (Refinery service)	22,194,539
Common plant	[1] 12,252,986
Total	[1] 526,975,019
Less reserves for depreciation	124,454,451
Net property, plant and equipment including intangibles	$402,520,568

[1] Includes a total of $87,199,722 construction work in progress.

4. (a) The Delmarva System renders retail electric service in 12 municipalities, each with a population in excess of 10,000; of these municipalities, six are in Delaware, two in Maryland and four in Virginia. The System also renders wholesale electric service to 12 municipalities, three REA Cooperatives and two nonaffiliated utility companies. Of these wholesale customers, many of which purchase 100 percent of their electric energy requirements from the Delmarva System, nine municipalities and one Cooperative are located in Delaware; three municipalities, one Cooperative and the two nonaffiliated utilities are located in Maryland; and one Cooperative is in Virginia.

(b) The electric energy to meet the requirements of the Delmarva System in 1970 were supplied largely from four steam-electric generating plants, eight gas-turbine generating units and 10 internal combustion generating plants owned and operated by system companies; and from two mine-mouth steam-electric plants jointly owned with nonaffiliates. At December 31, 1970, the net system effective generating capacity, including 4,500 kw. of leased capacity, was 1,188,800 kw. In 1970, the system companies generated a total of approximately 5.9 billion kilowatt-hours, of which 92 percent was generated by Delmarva, 7 percent by Delmarva-Md. and 1 percent by Delmarva-Va.

5. (a) The service areas of the three companies in the Delmarva System are contiguous, all being located in the "Delmarva Peninsula" region of Delaware, Maryland, and Virginia. The system companies are physically interconnected and intrasystem interchanges of electric power is normal procedure, as more fully indicated in the following description of the electric operations of each of the system companies.

(b) (i) As an electric utility company, Delmarva owns and operates facilities for the generation, transmission and distribution of electric energy for sale. Delmarva's utility operations are conducted in the State of Delaware, where electric service is provided to approximately 145,000 retail customers in six cities and towns including the city of Wilmington, each having a population in excess of 10,000, within an aggregate area of about 2,057 square miles having an aggregate population of about 543,000. Delmarva also sells electric energy for resale to nine municipal utility systems and one REA Cooperative, and interchanges electric energy with Delmarva-Md. and with Philadelphia Electric Co., a nonaffiliate. Interchanges with the latter company are effected through the Pennsylvania-New Jersey-Maryland (PJM) Interconnection System, with which Delmarva is affiliated. In 1970, Delmarva generated 5,437,313,700 kw.-hr. and purchased (exclusive of interchange transactions) 78,934,400 kw.-hr. of energy. Its interchange transactions resulted in net deliveries of 155,405,000 kw.-hr. to Philadelphia Electric Co. and 930,567,900 kw.-hr. to Delmarva-Md. Its bulk sales for resale amounted to 545,844,400 kw.-hr., and its steam-electric service to an oil refinery customer included 7,702,000 pounds of steam. Delmarva's gross operating revenues from the sale of electricity in 1970 amounted to $69,623,410, including revenues of $5,328,094 from the steam-electric refinery service. At December 31, 1970, its gross electric utility plant, including construction work in progress, amounted to $378,503,732.

(ii) Delmarva-Md. owns and operates facilities for the generation, transmission and distribution of electricity for sale in eastern Maryland. Its service area comprises about 3,000 square miles, and its serves about 56,000 customers. In 1970, its total energy sales amounted to 1,184,821,300 kw.-hr., including 149,922,000 kw.-hr. of net interchange deliveries to Delmarva-Va. Its net interchange purchases from Delmarva amounted to about 70 percent of its total energy sales, and the 30 percent balance was derived from its own generation. The total energy sales included 261,777,400 kw.-hr. to nonsystem entities for resale. Gross operating revenues of Delmarva-Md. in 1970 amounted to $19,800,386; it gross utility plant at the end of that year amounted to $89,979,653.

(iii) Delmarva-Va. owns and operates facilities for the generation, transmission, and distribution of electricity in Accomack and Northampton Counties of Virginia. It serves about 12,400 customers in an area of about 666 square miles having a total population of about 37,400. In 1970, its gross operating revenues amounted to $3,298,511, and at the end of that year it had gross utility plant of $12,755,833. Delmarva-Va.'s total extra-System sales of electric energy in 1970 amounted to 165,824,000 kw.-hr., including 36,772,000 kw.-hr. to an REA Cooperative for resale. Its net purchases of interchange energy from Delmarva-Md. represented about 88 percent of these total sales.

II. 6. (a) Delmarva conducts the entire gas utility business of the Delmarva System. Its gross gas utility plant at December 31, 1970, amounted to $45,735,801, or 10.8 percent of its combined electric and gas gross utility plant. In the year ending on that date its gross operating revenues from the sale of gas amounted to $18,336,942, or 20.9 percent of its total gross operating revenues. Delmarva's gas operations are conducted in New Castle County, Del., within territory served by it with electricity. In 1970, it provided gas service to about 73,000 customers in an area including the city of Wilmington, of about 275 square miles having a total population of 382,000.

(b) Natural gas is distributed through approximately 973 miles of gas mains, and is supplemented with propane-air gas during periods of high usage. In 1970, Delmarva was supplied with natural gas by Transcontinental Pipe Line Corp. (Transco). Its contracts with Transco, as of the end of 1970, entitled Delmarva to receive 54,300 mcf per day of firm gas and an additional 30,844 mcf per day of storage and peaking gas during winter months. Delmarva has under construction a storage facility for liquefied natural gas with a storage capacity of 250,000 mcf equivalent, and an output capability of 50,000 mcf per day.

III. It appearing to the Commission, on the basis of the above allegations of the Division of Corporate Regulation, that a proceeding should be instituted under section 11(b)(1) of the Act with respect to the Delmarva Power & Light Co. holding company system:

It is ordered, That a proceeding be and the same hereby is instituted under section 11(b)(1) of the Act with respect to the Delmarva Power & Light Co. and each of its subsidiary companies hereinbefore named, all of which are made respondents herein.

It is further ordered, That a hearing be held at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549 at a date later to be specified by the Secretary of the Commission. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that, upon the basis of its preliminary examination of the Delmarva Power & Light Co. holding company system, the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(a) Whether the electric utility assets of the Delmarva Power & Light Co. holding company system constitute a single integrated electric utility system or more than one such system;

(b) Whether the gas utility operations of the Delmarva Power & Light Co. holding company system constitute a single integrated gas utility system or more than one such system;

(c) The nature, extent and location of the "single integrated public-utility system" of the Delmarva Power & Light Co. holding company system;

(d) Whether, along with the Delmarva Power & Light Co. holding company system's "single integrated public-utility system," any of its additional electric or gas utility systems may be retained under common control under the provisions of section 11(b)(1) of the Act, specifically Clauses (A), (B), and (C) thereof;

(e) What action is necessary to be taken by the Delmarva Power & Light Co. holding company system to limit the operations of the system to those of a single integrated public-utility system, together with such additional utility systems, and such other businesses, if any, as are retainable under the standards of section 11(b)(1) of the Act;

It is further ordered, That at the aforesaid hearing, consideration be given to the foregoing matters and questions, without prejudice to the presentation of additional matters and questions.

It is further ordered, That the Respondents shall file with the Secretary of the Commission on or before May 22,

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1972, their joint or several answers in the form prescribed in Rule 25 under the Act admitting, denying, or otherwise explaining their respective positions as to each of the allegations of Parts I and II hereof. The answer should state which of the properties and facilities of the Delmarva Power & Light Co. holding company system constitutes the retainable "single integrated public-utility system." Any such answer may include a statement of the claim of the Respondents, or any of them, as to: (a) The action, if any, which is necessary and should be required to be taken by any of the Respondents (including the divestment of control, securities or other assets), to limit the operations of the system to a single integrated public-utility system; and (b) the extent to which the system should be permitted to continue to control, in addition to its claimed "single integrated public-utility system," one or more additional integrated public-utility systems as may meet the requirements of Clauses (A), (B), and (C) of section 11(b)(1) of the Act. Any such answer may, if such Respondents so desire, state that they propose and are prepared to take such action as will cause them to comply with section 11(b)(1) within the meaning of the Act, together with a description of such action and the time within which they propose to take action.

It is further ordered, That any person, other than the Respondents, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission, on or before June 6, 1972, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Respondents at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of the date of hearing or any adjournment thereof as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid by mailing a copy of this Notice of and Order for Hearing by certified mail to each of the respondent companies; the Federal Power Commission; the U.S. Department of Justice; the Maryland Public Service Commission; the Delaware Public Service Commission; the Virginia State Corporation Commission; the city of Wilmington, Del.; and the county of New Castle, Del.; and that notice of said hearing is hereby given to the aforesaid and to all States, municipalities, and political subdivisions of States within which are located any of the physical assets of the respondent companies, to all State commissions, State securities commissions and all agencies, authorities, or instrumentalities of any State, municipality, or other political subdivision having jurisdiction over any of the respondent companies or any of the business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5485 Filed 4-10-72;8:48 am]

[File No. 24SF-3852]

DINKY'S INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 5, 1972.

I. Dinky's Inc., First National Bank Building, Suite 703, Las Vegas, Nev. 89101, incorporated in the State of Nevada on October 27, 1971, filed with the San Francisco Regional Office a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 100,000 shares of its common stock at $5 per share for an aggregate offering of $500,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. Contemporary Securities Corp., a registered broker-dealer having its principal place of business in New York City, was the named underwriter for the proposed offering.

II. The Commission on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular of Dinky's Inc. omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and contain untrue statements of material facts, particularly with respect to:

1. The fact that Samuel R. Calabrese and Charles Calabrese were promoters of Dinky's Inc.;

2. The fact that Samuel R. Calabrese was an affiliate of Dinky's Inc.;

3. The fact the Samuel R. Calabrese is the subject of an injunction involving violations of the Federal securities laws; and

4. The issuance and sale of its shares to its officers and directors.

B. The terms and conditions of Regulation A have not been complied with in that:

1. Items 2 and 3 of the notification failed to contain the names of Samuel R. Calabrese and Charles Calabrese;

2. Item 6 of the notification failed to describe the injunction which affects Samuel Calabrese; and

3. Item 9 of the notification failed to reflect accurately the sale of Dinky's Inc. shares and the consideration paid for them.

C. Regulation A is not available to Dinky's Inc. pursuant to Rule 252(d)(2) because Samuel R. Calabrese, a promoter and affiliate of the company, is the subject of a consent injunction enjoining him from other further violations of the Securities Act of 1933 and the Securities Exchange Act of 1934.

D. The offering, if made, would be in violation of sections 5 and 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Dinky's Inc. under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5486 Filed 4-10-72;8:48 am]

FINANCIERA METROPOLITANA, S.A., AND INSTITUCION FINANCIERA & FIDUCIERIA

Notice of Filing of Application for Order Exempting Company From Act

APRIL 5, 1972.

Notice is hereby given that Financiera Metropolitana, S.A. Institucion Financiera Y Fiduciería (Applicant), Avenida Juarez No. 42, Eighth Floor, Mexico 1, D.F., Mexico, a Mexican credit institution, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the material representations therein which are summarized below.

Applicant was incorporated on January 27, 1944, pursuant to Mexican law. Applicant has assets of over $67 million as of June 30, 1971, and states that as of December 31, 1971, its capital stock was held by 17 shareholders. Applicant represents that it does not offer its equity securities to the public, and that its business consists of borrowing money from other lenders, and reloaning the funds borrowed to various enterprises in Mexico.

Applicant's Form S-1 Registration Statement filed with the Commission registering an offering of its Financial Certificates, Series F (Financial Certificates) was declared effective on December 19, 1968, and is currently effective.

Applicant maintains that it should be granted an exemption because the purposes for which the Act is intended are in fact satisfied. Applicant states that its current registration and offering in the United States of its Financial Certificates complies with the provisions of the Trust Indenture Act of 1939. Applicant contends further protection to United States investors is offered by Applicant's currently effective registration covering the offering of its Financial Certificates pursuant to the Securities Act of 1933 (Securities Act).

Applicant represents that it is regulated under Mexican law. All financieras, such as Applicant, are required to deposit with the Bank of Mexico all funds acquired from the sale of financial certificates, bonds, and notes of varying maturities issued by them.

Applicant states that the Bank of Mexico and the Comision Nacional Bancaria (National Banking Commission) establish the basic credit policies of financieras, fix the interest rates which they may pay and charge, and establish their cash reserve requirements, and the types of business in which financieras may engage are explicitly limited by Mexican law. Financieras are prohibited from financing real estate transactions. They may not conduct banking functions such as accepting deposits of money or offering checking accounts. Financieras are also regulated so as to prevent them from acquiring control of other corporations by the purchase of equity securities. They may acquire shares only of those companies registered with the National Securities Commission of Mexico. Special authorization is required to acquire more than 25 percent of the shares of any other corporation. The acquisition of more than 50 percent of the shares of any other corporation is prohibited. Applicant's charter provides for the annual election of one or more "shareholders' examiners," who are charged with observing the conduct of Applicant's business and reporting to the shareholders annually. Such examiners can call shareholder meetings whenever they believe such meetings to be in the interest of shareholders. Business transactions by Applicant with its officers and/or shareholders' examiners are prohibited and such transactions with its board of directors are subject to approval of the disinterested directors.

The Philadelphia National Bank (Trustee), a national banking association duly organized under laws of the United States, and Applicant have entered into a Trust Indenture dated as of November 1, 1968 (Indenture) and Supplemental Indentures thereto dated as of April 1, 1969, May 1, 1970, and February 1, 1972, relating to the issuance of the Financial Certificates. The Trustee prepared a Statement of Eligibility and Qualification under the Trust Indenture Act of 1939 on Form T-1, filed with the Commission on July 19, 1968, as part of Applicant's Securities Act registration statement on Form S-1. Applicant represents the Indenture is made in full compliance with the provisions of the Trust Indenture Act of 1939. The Indenture provides that in the event of default the Trustee may institute proceedings with the National Banking Commission to have Applicant fulfill its obligations with respect to the Financial Certificates. The Trustee is also empowered to institute and prosecute any proceedings to enforce the rights of holders of the Financial Certificates.

Applicant states that the Supplemental Indentures offer U.S. purchasers of Financial Certificates additional rights. A Certificateholder can institute suit against Applicant for claims arising out of the offering of the Financial Certificates or an Event of Default under the Supplemental Indenture. A Certificateholder, who has obtained a judgment in the United States based on such a claim, may direct the Trustee to retain Mexican counsel in his behalf for the purpose of obtaining execution of this judgment in Mexico. In this regard, Applicant has appointed John Hoyt Stookey, an attorney, as its agent for service of process and its authorized representative in the United States.

Section 6(c) of the Act, as here pertinent, authorizes the Commission, by order upon application, conditionally or unconditionally to exempt any person or any class or classes of persons from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 26, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5487 Filed 4-10-72;8:49 am]

[File No. 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

APRIL 5, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 6, 1972, through April 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5488 Filed 4-10-72;8:49 am]

[File No. 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

APRIL 5, 1927.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

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order to be effective for the period from April 6, 1972, through April 15, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5489 Filed 4-10-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 6, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 51146 Sub 205, Schneider Transport & Storage, Inc., continued to June 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7669, T. R. Dinnery & Ernest N. Bendle, doing business as D & B Leasing Co., and Fanita Bendele, doing business as Drivers Unlimited—Investigation of Operations and Practices, now assigned at Dallas, Tex., postponed indefinitely. The hearing date is May 4, 1972.

MC 107993 Sub 15, J. J. Willis Trucking Company, MC 108676 Sub 31, A. J. Metler Hauling and Rigging, Inc., and MC 124947 Sub 8, Machinery Transports, Inc., now assigned May 22, 1972, at Washington, D.C., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5521 Filed 4-10-72;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 6, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42394—*Artificial Rubber and Rubber Compounds from Kountze, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-299), for interested rail carriers. Rates on rubber, artificial, neoprene or synthetic, crude, also rubber compounds, NOIBN, in carloads, as described in the application, from Kountze, Tex., to various points in Colorado, Georgia, Illinois, Louisiana, Missouri, and New Jersey.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 24 to Southwestern Freight Bureau, agent, tariff ICC 4982. Rates are published to become effective on May 13, 1972.

FSA No. 42395—*Plasticizers from Bridgeport, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-307), for interested rail carriers. Rates on plasticizers, resin, in tank carloads, as described in the application, from Bridgeport, N.J., to Bayport, East Baytown, and Houston, Tex.

Grounds for relief—Water competition.

Tariff—Supplement 179 to Southwestern Freight Bureau, agent, tariff ICC 4847. Rates are published to become effective on May 13, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5520 Filed 4-10-72;8:51 am]

[Notice 48]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 5, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1756 (Sub-No. 22 TA), filed March 22, 1972. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends*, from the plantsite of National Can Corp., Danbury, Conn., to Cranston, R.I., Elmsford and Long Island City, N.Y., on automated equipment, for 180 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, IL 60638. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 3854 (Sub-No. 17 TA), filed March 21, 1972. Applicant: BURTON LINES, INC., Post Office Box 11306, East Durham Station, Durham, NC 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in containers, from Knoxville and Johnson City, Tenn., to points in North Carolina and points in Virginia in and west of Tazewell and Smyth Counties, Va., for 180 days. Supporting shipper: Agrico Chemical Division, Continental Oil Co., Post Office Box 346, Memphis, TN 38101. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 30837 (Sub-No. 450 TA), filed March 20, 1972. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Post Office Box 160 (53141), Kenosha, WI 53140. Applicant's representative: Paul L. Martinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, truck tractors, chassis, and station wagon type vehicles* on truck chassis designed to transport passenger and property, with or without bodies or parts thereof, in secondary movements, in truckaway service, from Framingham, Mass., and points within 20 miles thereof, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Restriction: Restricted to the transportation of vehicles manufactured or assembled at the IHC Plants at Fort Wayne, Ind.; Springfield, Ohio; San Leandro, Calif., and Chatham, Ontario, Canada, which have had a prior movement by rail or truck, for 180 days. Supporting shipper: International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60622 (J. M. Gamble, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 85621 (Sub-No. 7 TA), filed March 23, 1972. Applicant: VANN EXPRESS, INC., 620 Line Street, Attalla, AL 35954. Applicant's representative: Henslee & Bradley, Post Office Box 246, Gadsden, AL 35902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* having a prior or subsequent movement by air except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities requiring special equipment: (1) Between Huntsville Municipal Airport at or near Huntsville, Ala., and points in Alabama as follows: (a) Between Huntsville and Cleveland, Ala., from Huntsville, Ala., over U.S. Highway 431 to its junction with Alabama State Highway 79, thence over Alabama State Highway 79 to its junction with U.S. Highway 231 to Cleveland, Ala., and return over the same route; from Huntsville, Ala., over U.S. Highway 231 and Alabama State Highway 53 to Cleveland, Ala., and return over the same route, serving all intermediate points and the off-route points of Grant, Ala., and the plantsite of Monsanto Chemical Co. near Guntersville, Ala.; (b) between Huntsville and Fort Payne, Ala., from Huntsville, Ala., over U.S. Highway 431 to its junction with Alabama State Highway 79, thence over Alabama State Highway 79 to Scottsboro, Ala., thence over Alabama State Highway 35 to Fort Payne, Ala., and return over the same route, from Huntsville, Ala., thence over U.S. Highway 431 to Albertville, Ala., thence over Alabama State Highway 75 to Rainsville, Ala., and return over the same route, serving all intermediate points and serving the off-route points on Crossville, Dutton, Pisgah, Henegar, and Sylvania, Ala.; (c) between Huntsville and Arab, Ala., serving all intermediate points, from Huntsville, Ala., over U.S. Highway 431 to Guntersville, Ala., thence over Alabama State Highway 69 to Arab, Ala., annd return over the same route, serving all intermediate points;

(2) Between Gadsden Municipal Airport at or near Gadsden, Ala., and points in Alabama as follows: (a) Between Gadsden, Ala., and Valley Head, Ala., from Gadsden, Ala., over U.S. Highway 278 to Attalla, Ala., thence over U.S. Highway 11 and Interstate Highway 59 to Valley Head, Ala., and return over the same route, serving all intermediate points; (b) between Gadsden and Fort Payne, Ala., from Gadsden, Ala., over U.S. Highway 278 to Piedmont, Ala., thence over Alabama State Highway 9 to Centre, Ala., thence over Alabama State Highway 35 to Fort Payne, Ala., and return over the same route, serving all intermediate points; (c) between Gadsden, and Albertville, Ala., from Gadsden, Ala., over U.S. Highway 431 to Albertville, Ala., and return over the same route, serving all intermediate points; (d) between Gadsden and Talladega, Ala., from Gadsden, Ala., over U.S. Highway 278 to Attalla, Ala., thence over Alabama State Highway 77 to Talladega, Ala., and return over the same route, serving all intermediate points; (e) between Gadsden and Collinsville, Ala., from Gadsden, Ala., over U.S. Highway 411 to Centre, Ala., thence over Alabama State Highway 68 to Collinsville, Ala., and return over the same route, serving all intermediate points; (3) between Anniston Municipal Airport at or near Anniston, Ala., and points in Alabama as follows: (a) Between Anniston and Piedmont, Ala., from Anniston, Ala., over Alabama State Highway 21 to Piedmont, Ala., and return over the same route, serving all intermediate points; (b) between Anniston and Gadsden, Ala., from Anniston, Ala., over U.S. Highway 431 to Gadsden, Ala., and return over the same route, serving all intermediate points; (c) between Anniston and Talladega, Ala., from Anniston, Ala., over Alabama State Highway 21 to Talladega, Ala., and return over the same route, serving all intermediate points; (d) between Gadsden and Jacksonville, Ala., from Gadsden, Ala., as specified immediately above to the junction of Alabama State Highway 204 and thence over Alabama State Highway 204 to Jacksonville, Ala., and return over the same route, serving all intermediate points; and

(4) Between Birmingham Municipal Airport at or near Birmingham, Ala., and points in Alabama as follows: (a) between Birmingham, Ala., and Cleveland, Ala., serving all intermediate points and the off route points of Oneonta, Ala., and Altoona, Ala., from Birmingham, Ala., over Alabama State Highway 79 to Cleveland, Ala., and return over the same route; (b) between Birmingham, and Attalla, Ala., serving all intermediate points; from Birmingham, Ala., over U.S. Highway 11 and Interstate Highway 59 to Attalla, Ala., and return over the same route; (c) between Birmingham, Ala., Anniston, Ala., serving all intermediate points, from Birmingham, Ala., over U.S. Highway 78 to its junction with Alabama State Highway 202 to Anniston, Ala.; and return over the same route; (d) between Birmingham, and Oxford, Ala., from Birmingham, Ala., as specified immediately above and thence over U.S. Highway 78 to Oxford, Ala., and return over the same route, serving all intermediate points. Restriction: The authority is restricted against traffic moving as follows: (1) Traffic moving between Birmingham and Attalla-Gadsden, Ala.; (2) Traffic moving between Birmingham and Huntsville, Ala.; (3) Traffic moving between Birmingham and Anniston, Ala.; and (4) Traffic moving between Birmingham and Talladega, Ala., for 180 days. NOTE: The following above-described routes shall be tacked or joined with one another for the purpose of performing a through service. Supported by: There are approximately 39 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 106603 (Sub-No. 119 TA), filed March 16, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Louis E. Cain (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products, urethane roofing and insulation and materials* used in the installation thereof, from the plantsite of the Philip Carey Co., Division of Panacon Corp., Elizabethtown, Ky., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Charles C. Kreutz, corporation manager of transportation, the Philip Carey Co., Division of Panacon Corp., 320 South Wayne Avenue, Cincinnati, OH 45215. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 609 TA), filed March 22, 1972. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and tubing* (other than iron or steel), *fittings, connections, valves, hydrants, gaskets and pipe cement, and accessories used in the installation thereof*, from Henderson, Ky., and Evansville, Ind., to points in Minnesota, Wisconsin, Michigan, Iowa, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, and Kansas, for 180 days. Supporting shipper: Donald Orth, purchasing agent, Crealine Plastic Pipe Co., Inc., 955 Diamond Avenue, Evansville, IN 47717. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62804.

No. MC 108859 (Sub-No. 58 TA), filed March 15, 1972. Applicant: CLAIRMONT TRANSFER CO., 1803 South Seventh Avenue, North, Escanaba, MI 49829. Applicant's Representative: Wilmer J. Wery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock commodities in bulk, household goods as defined by the Commission, classes A and B explosives, those requiring special equipment, and those injurious or contaminating to other lading, between Negaunee and Gwinn, Mich., over Michigan Highway 35, serving all intermediate points, between Marquette and Gwinn, Mich., via Marquette County Highway 553, and U.S. Highway 35, serving all intermediate points, for 180 days. NOTE: Applicant states it does intend to tack the authority with MC 108859. Supporting shippers: Paul G. Ameen, partner, Ameen Transfer Line, Marquette, Mich. 49855; H. G. Arbitee, owner, Arbitee's Sport Shop, Sands-Star Route, Gwinn, Mich. 49841; Gerald Froberg, owner, G. Froberg Co.,

[1] Except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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Gwinn, Mich. 49841; Edward Mussatto, owner, Gambles, Gwinn, Mich. 49841; Gerald Froberg, owner, Froberg's Clothing, Gwinn, Mich. 49841; Brideson Wills, assistant superintendent, Gwinn Public Schools, Gwinn, Mich. 49841. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 111045 (Sub-No. 93 TA), filed March 23, 1972. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from points in Escambia and Santa Rosa Counties, Fla., and Escambia County, Ala., to Mobile, Ala., for 180 days. Supporting shipper: Sun Oil Co., 907 South Detroit Avenue, Post Office Box 2039, Tulsa, OK 74101. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 113267 (Sub-No. 278 TA), filed March 20, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Piece goods, cotton or synthetic*, finished or unfinished, from Opelika, Pepperell, and Sylacauga, Ala., Augusta, Columbus, and Thomaston, Ga., Erwin, Greensboro, and Haw River, N.C., Graniteville and Greenville, S.C., and Brenham, Tex.; (2) *hardware*, from Lawrenceburg, Ky.; (3) *thread*, from Ft. Wayne, Ind., and Kansas City, Mo.; and (4) *zippers*, from St. Louis, Mo., to LeMars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa, for 180 days. Supporting shipper: Wm. E. Rodawig, Aalfs Manufacturing Co., Post Office Box 3088, Sioux City, IA 51102. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 114290 (Sub-No. 65 TA), filed March 24, 1972. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pet food* when transported in the same vehicle with canned pet food, from points in California to points in Oregon and Washington, for 180 days. Supporting shipper: Lewis Foods Division National Pet Food Corp., Post Office Box 788, Long Beach, CA 90801. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 114890 (Sub-No. 61 TA), filed March 22, 1972. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Terminal: A.A. Highway, Caterville, Mo. 64835. Applicant's representative: Frank Shagets (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc sulphate*, from Coffeyville, Kans., to Terre Haute, Ind., for 180 days. Supporting shipper: Sherwin Williams Chemicals, Post Office Box 855, Coffeyville, KS 67337. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115669 (Sub-No. 128 TA), filed March 20, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Howard N. Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer* (except anhydrous ammonia), in bulk, in tank vehicles, from Fairfield, Nebr., to points in Kansas on and east of U.S. Highway 283, on and north of Highway I–70, on and west of U.S. Highway 75, for 180 days. Supporting shipper: Delmar Tjarks, Manager, Fairfield Non-Stock Co-op Fertilizer Association, Fairfield, Nebr. 68938. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 116073 (Sub-No. 226 TA), filed March 21, 1972. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, *and buildings and sections of buildings*, from Leola, Pa., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, New Jersey, Delaware, Maryland, West Virginia, and Virginia, for 180 days. Supporting shipper: Dawson Homes, Inc., 52 Hess Road, Leola, PA 17540. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 116164 (Sub-No. 7 TA), filed March 24, 1972. Applicant: ARROW TRANSPORTATION, 1911 Northeast 58th Avenue, Des Moines, IA 50313. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* from the plants of Can-Tex Industries, located near Des Moines, Mason City, Ottumwa, and Redfield, Iowa, to points in Indiana and Michigan, under contract with Can-Tex Industries, Division of Harsco Corp., for 180 days. Supporting shipper: Can-Tex Industries, Division of Harsco Corp., 3810 Ingersoll Avenue, Des Moines, IA 50312. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 123048 (Sub-No. 211 TA), filed March 20, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Post Office Box A, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors designed to be used in the transportation of property on highways) and *tractor attachments and parts* in mixed loads with tractors, from the plant and warehouse facilities of J. I. Case Co., at Burlington, Iowa, to points in Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, for 180 days. Supporting shipper: J. I. Case Co., 700 State Street, Racine, WI 53404 (James Pavel, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 133977 (Sub-No. 9 TA), filed March 1, 1972. Applicant: GENE'S, INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: Gene Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicle equipped with mechanical refrigeration (except in bulk in tank vehicles), from Washington Court House, Ohio, to Kansas City, Kans., Omaha, Nebr., Little Rock, Ark., Tulsa and Oklahoma City, Okla., and Dallas, Tex.; and *returned, rejected, and damaged shipments*, of the above specified commodities, from the above specified destination points to Washington Court House, Ohio, for 180 days. Supporting shipper: Avoset Food Corp., 80 Grand Avenue, Oakland, Calif. 94612. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, OH 45202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5519 Filed 4–10–72;8:51 am]

[Notice 43]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73353. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Anthony George Forbeck, doing business as Lake Geneva Warehouse & Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, of the operating rights in certificate No. MC–79498 issued March 14, 1956, to Harry J. LaDuc, doing business as Lake Geneva Warehouse & Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, authorizing the transportation of household goods, as defined by the Commission, between Lake Geneva, Wis., and points in Wisconsin within 25 miles thereof, on the one hand, and, on the other, points in Illinois.

No. MC–FC–73354. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Anthony George Forbeck and Jennifer K. Forbeck, a partnership, doing business as Whitewater Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, of the operating rights in certificate N. MC–117402 issued December 14, 1970, to Harry J. LaDuc and Marian R. LaDuc, a partnership, doing business as Whitewater Transfer Co., 910 Madison Street, Lake Geneva, WI 53147, authorizing the transportation of household goods, as defined by the Commission, between Whitewater, Wis., and points within 5 miles thereof, on the one hand, and, on the other, specified points in Illinois, and office furniture and equipment, and store fixtures, between points in Jefferson, Rock, and Walworth Counties, Wis., on the one hand, and, on the other, specified points in Illinois.

No. MC–FC–73477. By order of April 4, 1972, the Motor Carrier Board approved the transfer to David J. Ariola and Albert J. Ariola, a partnership, doing business as McHenry's Motor Service, Bellwood, Ill., of the certificate of registration in No. MC–100694 (Sub-No. 3), issued March 6, 1964, to John T. McHenry, doing business as McHenry's Motor Service, Chicago, Ill., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the authority granted in certificate No. 2646MC dated May 19, 1954, issued by the Illinois Commerce Commission. Robert H. Levy, 29 South LaSalle Street, Chicago, IL 60063, attorney for applicants.

No. MC–FC–73576. By order of March 31, 1972, the Motor Carrier Board approved the transfer to Gerald N. Evenson, Inc., Pelican Rapids, Iowa, of Permit No. MC–133883 (Sub-No. 2), issued May 24, 1971, to Gerald Evenson, Pelican Rapids, Iowa, authorizing the transportation of: Kitchen and bathroom cabinets, from Fergus Falls, Minn., to points in the United States except Alaska and Hawaii, and return of materials and supplies from specified States to Fergus Falls, Minn.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5516 Filed 4–10–72;8:51 am]

[Notice 43–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 6, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–73631. By application filed March 28, 1972, SILCON TRUCKING CO., INC., 411 West Street, West Bridgewater, MA 02379, seeks temporary authority to lease the operating rights of M. E. HICKS & SONS, INC., 30 Mechanic Street, Foxboro, MA 02035, under section 210a(b). The transfer to SILCON TRUCKING CO., INC., of the operating rights of M. E. HICKS & SONS, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5517 Filed 4–10–72;8:51 am]

[Notice 43–B]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73283. By order of March 31, 1972, Division 3, acting as an Appellate Division, approved the transfer to Honeg Trucking, Inc., Eureka, Ill., of the operating rights in Certificate No. MC–107757 (Sub-No. 31), issued March 12, 1971, to M. C. Slater, Inc., Granite City, Ill., authorizing the transportation of glass containers and closures therefor, and fiberboard boxes, from the plant-site and facilities of Obear-Nester Glass Co. at Lincoln, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Missouri (except points in Kansas City, Mo., and points in its commercial zone), Ohio, Tennessee, Wisconsin, and the Lower Peninsula of Michigan. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5518 Filed 4–10–72;8:51 am]

[No. 35558]

ARKANSAS

Intrastate Freight Rates and Charges, 1972

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 7th day of March 1972.

By petition filed February 10, 1972, Chicago, Rock Island, and Pacific Railroad Co., The Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., and St. Louis Southwestern Railway Co., carriers by railroad within the State of Arkansas, state that the Arkansas Transportation Commission has not permitted increases in the intrastate rates and charges on soybean meal as permitted by this Commission on interstate commerce in Ex Parte Nos. 265, "Increased Freight Rates, 1970 and 1971," 339 ICC 125, nor has the Arkansas Commission permitted increases in the intrastate rates and charges on any traffic comparative to the increases permitted by this Commission on interstate commerce in Ex Parte No. 267, "Increased Freight Rates, 1970 and 1971," 339 ICC 125; and

It appearing, that the petitioners allege that the increases were authorized on interstate commerce based on revenue needs of the carriers and that the interstate rates are just and reasonable; that interstate and intrastate movements from, to, and between points in Arkansas are generally commingled and handled in the same trains; and that intrastate traffic is transported under conditions no more favorable than those surrounding interstate traffic; that the rates imposed by the Arkansas Commission, to the extent they fail to include increases sought herein, applied in the intended sequence on intrastate commerce within the State of Arkansas, deprive the petitioners of badly needed revenue; result in undue and unreasonable advantage to shippers and receivers in Arkansas intrastate commerce, and in undue and unreasonable prejudice to shippers of interstate traffic, to, from, and through Arkansas; and result in undue, unreasonable, and unjust discrimination against, and an undue burden upon, interstate commerce; thus, petitioners request that the Commission institute an investigation, under sections 13 and 15a(2) of the Interstate Commerce Act, of the Arkansas intrastate rates as more fully described above, and enter an order removing the alleged unlawfulness; and

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that special expedition be given to the hearing and decision in this proceeding;

And it further appearing, that there have been brought in issue by the railroad petitioners matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Arkansas; therefore,

It is ordered, That the petition be, and it is hereby granted.

It is further ordered, That an investigation be, and it is hereby instituted under sections 13 and 15a(2) of the Interstate Commerce Act to determine whether the intrastate rates and charges of the petitioning carriers by railroads, or any of them, operating in the State of Arkansas, for the intrastate transportation of property, made or imposed by the State of Arkansas, as previously indicated, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those authorized on interstate traffic by this Commission in Ex Parte No. 265, Increased Freight Rates, 1970, supra, on soybean meal, and Ex Parte No. 267, Increased Freight Rates, 1971, supra, on all traffic, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Arkansas, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, within 30 days of the service date of this order, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) to require the service of pleading by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

It is further ordered, That a copy of this order be served upon each of the said petitioners, and that the State of Arkansas be notified by sending copies of this order and the said petition by certified mail to the Governor of Arkansas, Little Rock, Ark., and to the Arkansas Transportation Commission, Little Rock, Ark.

And it is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein. Interested persons shall be afforded the opportunity to inspect the pleadings at the Office of the Secretary of the Commission in Washington, D.C.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5528 Filed 4-10-72;8:52 am]

[Ex Parte 265]

ALGERS, WINSLOW AND WESTERN RAILROAD CO. ET AL.

Increased Freight Rates, 1970

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125) the parties to these proceedings listed in Appendix A below of this order have severally petitioned the Commission for relief from the provisions of the order in Ex Parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and March 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission.

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed in Appendix A below of this order do not have a significant effect on the overall standards of service given to shippers by the railroads as a whole.

It is ordered, That the parties named in Appendix A below of this order be, and they are hereby, relieved of filing with the Commission quarterly reports of their actions to correct service deficiencies.

Dated at Washington, D.C., this 28th day of March 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX A

To order dated March 28, 1972.

Algers, Winslow, and Western Railway Co.
Angelina & Neches River Railroad Co.
Apalachicola Northern Railroad Co.
The Arcata and Mad River Rail Road Co.
Bath and Hammondsport Railroad Co.
Beech Mountain Railroad Co.
Belton Railroad Co.
Bevier & Southern Railroad Co.
Bonhomie and Hattiesburg Southern Railroad Co.
Brooklyn Eastern District Terminal
Carbon County Railway Co.
Chattahoochee Industrial Railroad
Chicago Short Line Railroad Co.
City of Prineville Railway
The Colorado & Wyoming Railway Co.
Columbia & Cowlitz Railway Co.
The Dansville and Mount Morris Railroad Co.
Dardanelle & Russellville Railroad Co.
Detroit and Mackinac Railway Co.
Ferdinand Railroad Co.
Fernwood, Columbia & Gulf Railroad Co.
Fore River Railroad Corp.
Frankfort & Cincinnati Railroad Co.
Genesee and Wyoming Railroad Co.
Greenville and Northern Railway Co.
Hoboken Shore Railroad
Hollis & Eastern Railroad Co.
The Hutchinson and Northern Railway Co.
Iowa Terminal Railroad Co.
Marinette, Tomahawk & Western Railroad Co.
McCloud River Railroad Co.
Meridian & Bigbee Railroad Co.
Modesto and Empire Traction Co.
Montpelier and Barre Railroad Co.
Morehead and North Fork Railroad Co.
Nevada Northern Railway Co.
Norwood & St. Lawrence Railroad Co.
Ogdensburg Bridge and Port Authority
Oregon & Northwestern Railroad Co.
Pearl River Valley Railroad Co.
Pittsburgh and Ohio Valley Railway Co.
Port Terminal Railroad of South Carolina
Port Utilities Commission of Charleston, S.C.
The Prescott and Northwestern Railroad Co.
Sabine River & Northern Railway Co.
Salt Lake, Garfield & Western Railway Co.
San Francisco Belt Railroad
The San Luis Central Railroad Co.
Sand Springs Railway Co.
Sierra Railroad Co.
Skaneateles Short Line Railroad Corp.
Stockton Terminal and Eastern Railroad
Terminal Railway Alabama State Docks
Washington, Idaho & Montana Railway Co.
West Pittston—Exeter Railroad Co.
Wyandotte Terminal Railroad Co.

[FR Doc.72-5527 Filed 4-10-72;8:52 am]

[Ex Parte 265]

BIRMINGHAM SOUTHERN RAILROAD CO. ET AL.

Increased Freight Rates, 1970

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the carriers listed below have severally petitioned the Commission for relief from the provisions of the order in Ex Parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and March 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission:

Birmingham Southern Railroad Co.;
New York, Susquehanna and Western Railroad Co.;
Union Railroad Co.;
Upper Merion and Plymouth Railroad Co.

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed herein have a significant effect on the overall standards of service given to shippers by the railroads as a whole; and that the petitions state no errors or fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petitions be, and they are hereby denied.

Dated at Washington, D.C., this 31st day of March 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5526 Filed 4-10-72;8:52 am]

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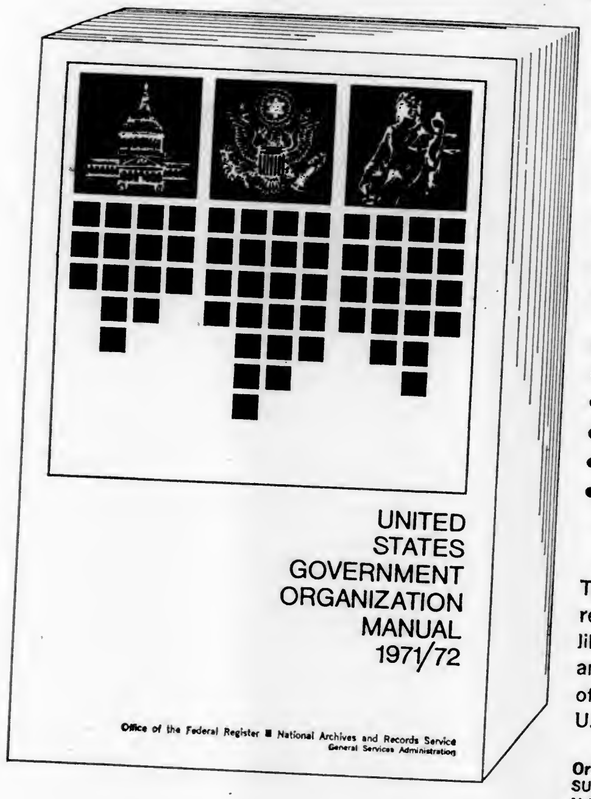
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EXECUTIVE ORDER 11666

Qualification for the Investment Credit on Certain Articles and Classes of Articles of Predominantly Foreign Origin

By virtue of the authority vested in me by section 48(a)(7)(C) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 48(a)(7)(C)), and having determined that the application of section 48(a)(7)(A) to the articles or class of articles described herein is not in the public interest, it is hereby ordered that section 48(a)(7)(A) shall not apply to an acquisition by the taxpayer of:

(a) Any article the unit cost of which to the taxpayer is not in excess of $500; or

(b) Agricultural implements, machinery, and equipment which are determined by the Secretary of the Treasury to be free of duty under an item of the tariff schedules of the United States (19 U.S.C. 1202), lists of the items to be published from time to time in the FEDERAL REGISTER.

The provisions of this Executive Order shall apply to property described herein acquired pursuant to an order placed by the taxpayer after August 15, 1971, and before December 20, 1971.

Richard Nixon

THE WHITE HOUSE,
April 11, 1972.

[FR Doc.72-5686 Filed 4-11-72; 12:23 pm]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-9-AD, Amdt. 39-1432]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Series Airplanes

The following Airworthiness Directives currently affect Beech Model 18 series airplanes, namely; AD 67-16-1 (Amendments 39-419, 39-430, 39-441, 39-643, and 39-715); AD 67-20-2 (Amendment 39-437); and AD 71-11-5 (Amendment 39-1214). These ADs require various inspections of the wing spar center section truss on these series airplanes. The agency believes that the number of ADs pertaining to the same subject matter may be causing unnecessary confusion for users. In addition, the inspection procedures set forth in the ADs need clarification. Also some criteria for minimum allowable X-ray and magnetic particle inspection equipment should be included. Finally, an improved optional design for inspection cutout is needed because some users feel the present cutout shown in AD 71-11-5 is inadequate. Accordingly, a new AD is being issued which will supersede ADs 67-16-1, 67-20-2, and 71-11-5. It will encompass all the pertinent information contained in the superseded ADs as well as correcting the deficiencies listed above.

Since this amendment provides clarification, it imposes no additional burden on any person. Consequently, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

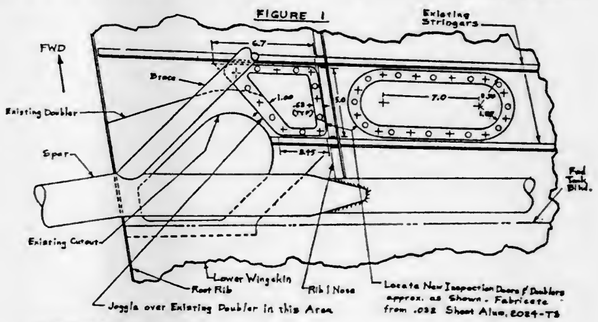
In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to all serial numbers of Models C18S, AT-11, C-45, C45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, D18S, D18C, C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), JRB-6, E18S, E18S-9700, G18S, 3N, 3NM, 3TM, D18C-T and RC-45J (SNB-5P), and H18 airplanes with Serial Nos. BA-730 and below; and to aircraft of the above models subsequently redesignated under a Supplemental Type Certificate, except those modified under the Supplemental Type Certificates listed in paragraph D hereof or any other airplane which has been modified in accordance with an STC which specifically exempts said aircraft from the requirements of this AD.

To prevent possible wing failure, for airplanes with 1,500 or more total hours' time in service on the effective date of this AD or airplanes that subsequently accumulate 1,500 total hours' time in service after that date, in order to detect cracks in the elliptical front spar lower cap of the wing center section, accomplish the following within the next 50 hours' time in service after the effective date of this AD (or 500 hours' time in service after the last complete AD 67-16-1/71-11-5 inspection, if applicable), and thereafter at intervals not to exceed 500 hours' time in service from the date of the date of the last inspection. (These inspections may be performed at one time or may be staggered, provided that no given area exceeds 500 hours' time in service between inspections.)

(A) Modify the lower wing skin in accordance with Figure (1) of Figure (2) or an FAA-approved equivalent to facilitate the inspections specified in paragraph B.

FIGURE 1

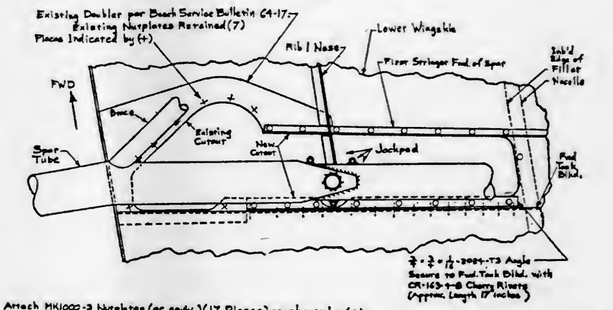


OPERATIONS:
Drill #10 (.193) hole thru new doors, wingskin & doublers as shown by (O) 19 places (approx. 2.4" spacing).
Attach (19) nutplates to doublers with countersunk AD3 rivets. (MK1000-3 Nutplates Recommended).
Attach doublers to skin with AD4 rivets shown by (+) 19 places (approx. 2.4" spacing).
Install doors on lower side with #10 screws 19 places.

R.H. Wing Shown - L.H. Opposite

VIEW LOOKING DOWN ON LOWER WINGSKIN & SPAR
(Upper Wingskin Omitted for Clarity)

FIGURE 2

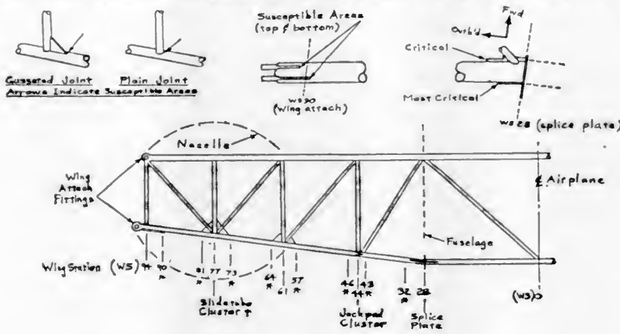


Attach MK1000-3 Nutplates (or eqdv.) (17 Places) as shown by (O). Cut Inspection Door from .032 2024-T3 Alum. Allow 1 inch Edge Margin around All Screws (min.). Install Door on Lower Side with #10 Screws (23 Places). Cut 3 Holes for Jackpad access. Inspection Door not shown.

VIEW LOOKING DOWN ON LOWER WINGSKIN AND SPAR TUBE
Upper Wingskin omitted for Clarity

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(B) Inspect the elliptical front/lower spar cap of the wing center section by visual, X-ray and magnetic particle methods in an area adjacent to each of the following locations: (Each location is identified by its approximate wing station (WS) as shown on Figure (3).)



Right Hand Wing Shown – View Looking Aft at Main Spar
Left Hand Opposite
* INDICATES AREAS TO BE INSPECTED PER THIS A.D.
† SEE AD 64-21-1, part (b) and AD 64-21-3, part (b).

FIGURE 3

WS 90, tips of clevis fitting tangs, upper and lower.

WS 81 and 73, toes of slide tube cluster gussets.

WS 64 and 57, toes of the nacelle inboard cluster gussets.

WS 46 and 43, both sides of jackpad cluster.

WS 32, tips of wing splice plate at junctures with fore and aft sides of elliptical tube.

Where possible, inspect the upper and lower surfaces, but where access does not permit visual or magnetic particle inspection of the lower half of the spar cap, inspection of the upper half will suffice. However, at the wing fitting area, WS 90, inspection shall be directed to both top and bottom sides of the spar cap. Also, at the splice plate area, WS 32, the inspection shall be directed to the toes of the weld on the forward and aft sides of the spar cap. X-ray inspection must follow MIL-STD-453, which is general. Specific instructions are given in Beech Service Bulletins 64-15, 64-16, 64-17 and 66-10, Rev. II. Sensitivity of the radiograph must be adequate to discern the outline of the 0.010-inch hole in a 0.005-inch thick steel penetrameter. The radiation source is taped beneath the wing, the penetrameter is taped on the lower side of the spar cap, and the film is placed on top of the spar cap. Magnetic particle inspection equipment must be equivalent to that specified in Beech Service Bulletins 64-15, 64-16, 64-17 and 66-10, Rev. II. These bulletins contain pertinent information on the subject.

(C) If as a result of such inspections, cracks are found in the lower spar cap, before further flight, either replace the affected part or repair it in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. The following approved repair kits are currently available from Beech:

Kit No.	Spar locations (Fig. (3))	Wing
18-4024-1	81, 73, 64, and 57	Left.
18-4024-2	81, 73, 64, and 57	Right.
598	77 (Sprocket Supt)	Both.
791	32	Do.
792-1	81 and 73—Tail wheel	Do.
792-5	81 and 73—Trigear	Do.

Beech will fabricate repairs for locations 46 and 43 upon request.

(D) The STC modifications listed below exempt an airplane from inspections required by this AD. Each applies to all models listed on Aircraft Specifications A-765 and A-757 with minor exceptions. Each is compatible with the Volpar trigear modifications.

STC No. and holder	Address	Spar area beefed up
SA1192WE, Aircraft Tank Service.	10201 Cohasset St., Burbank, CA 91504.	Center section only.
SA1532WE, Hamilton Aircraft Co.	Post Office Box 11427, International Airport, Tucson, AZ 85706.	Do.
SA832SW, Dee Howard Co.	Post Office Box 16216, San Antonio, TX 78216.	Do.
SA806SW, Dee Howard Co.	Post Office Box 16216, San Antonio, TX 78216.	Outboard wing, goes with SA833SW.
SA2000WE, Hamilton Aircraft Co.	Post Office Box 11427, International Airport, Tucson, AZ 85706.	Full span.
SA643CE, Ray M. Jourdan.	11001 East 59th, Raytown, MO 64133.	Center section only.

(E) Notification in writing must be sent to the Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks found during inspections required by this AD and the total time on the aircraft when the crack was discovered. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

For those aircraft which have not been previously inspected per AD 67-16-1, the initial inspection shall be reported as above, whether cracks are found or not.

This AD supersedes AD 67-16-1 (Amendments 39-419, 39-430, 39-441, 39-643 and 39-715); AD 67-20-2 (Amendment 39-437); and AD 71-11-5 (Amendment 39-1214).

NOTE: Part (b) of AD 64-21-1 and Part (b) of AD 64-21-3 requiring magnetic particle inspection of the nacelle area and slide tube cluster, remain in effect.

This amendment becomes effective April 13, 1972.

Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 31, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-5460 Filed 4-11-72;8:45 am]

[Docket No. 72-SO-33, Amdt. 39-1433]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28 and PA-32 Series Airplanes

There have been cracks in the main landing gear torque links on Piper PA-28 and PA-32 series airplanes that have resulted in failure of the torque link. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the main landing gear torque links on Piper Model PA-28 and PA-32 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER: Applies to Model PA 28-140 airplanes, Serial Numbers 28-20000 and up; Model PA 28-150/-160/-180 airplanes, Serial Numbers 28-01 and up; Model PA 28-235 airplanes, Serial Numbers 28-10000 and up; Model PA 32-260 airplanes, Serial Numbers 32-01 and up; and Model PA 32-300 airplanes, Serial Numbers 32-40000 and up. Serial Numbers prefixed by model year, such as 28-7120000 are included in effectivity.

For airplanes having main landing gear torque links, P/N 65691-00 or P/N 65691-00V, compliance required within the next 50 hours or torque link time in service from the effective date of this AD, or before the accumulation of 750 hours of torque link time in service, whichever occurs later, unless already accomplished in the last 450 hours of torque link time in service. Repetitive inspections are required at intervals not to exceed 500 hours of torque link time in service from last inspection.

To detect cracks adjacent to the 2½" diameter machined boss in any of the four main landing gear torque links (Piper Part No. 65691-00 or 65691-00V) accomplish the following:

(a) Remove paint at least 1 inch away from the large boss by any suitable means which does not leave a wax residue.

(b) Clean this area for inspection and allow to dry if necessary.

(c) Inspect for cracks by any of the following methods:

(1) Visually with the aid of at least a 10 power magnifying glass.

(2) Flourescent or dye penetrant inspection.

(3) FAA approved equivalent inspection.

(d) If cracks are present, replace the torque links with serviceable torque links of the same part number before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where installation can be performed.

Piper Service Letter No. 600 pertains to this same subject; however, compliance times must be in accordance with the provisions of this AD.

Operators who have not kept records of hours time in service on individual torque links shall substitute airplane hours time in service in lieu thereof.

Previous AD's 67-20-4 and 70-18-5, concerning main landing gear torque links, are still applicable. Piper Kit No. 757-123 as mentioned in these AD's contains appropriate hardware for torque link installation and may be reused.

This amendment becomes effective April 14, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 3, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-5524 Filed 4-11-72;8:45 am]

[Airspace Docket No. 72-SO-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 17, 1972, F.R. Doc. No. 72-4057 was published in the FEDERAL REGISTER (37 F.R. 5605), amending Part 71 of the Federal Aviation Regulations by altering the Statesboro, Ga., transition area.

In the amendment, the geographic coordinate for the Statesboro RBN was cited as lat. 32°28'50" N., long. 81°-44'22" W. Refined plotting by National Ocean Survey disclosed that the Statesboro RBN is located at lat. 32°28'27" N., long. 81°44'40" W. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 72-4057 is amended as follows: In lines six and seven of the Statesboro, Ga., transition area description "• • • (lat. 32°28'50" N., long. 81°44'22" W.) • • •" is deleted and "• • • (lat. 32°28'27" N., long. 81°44'40" W.) • • •" is substituted therefor. • • •

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 3, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-5535 Filed 4-11-72;8:45 am]

[Airspace Docket No. 72-SW-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the part-time control zone at Walnut Ridge, Ark.

At Walnut Ridge, Ark., there has been a part-time control zone. The effective hours of the control zone were continuously published in the Airman's Information Manual (AIM), Part 3.

Among the requirements for any control zone is the necessity for a federally certified weather observer who must take hourly and special weather observations at the primary airport (the airport upon which the control zone is designated). These observations must be made during the days and hours the control zone is effective. At Walnut Ridge, Ark., there has not been a federally certified weather observer available for approximately 1 year. The entry in the AIM, Part 3, was changed to state that the Walnut Ridge, Ark., control zone was "not in effect"; however, aeronautical charts have continued to depict the Walnut Ridge, Ark., control zone. This could place an undue burden on the flying public as there has not been a control zone in effect at Walnut Ridge, Ark.

In view of the above, the Walnut Ridge, Ark., control zone is being revoked. Should a federally certified weather observer subsequently become available who will provide all hourly and special weather observations, the Walnut Ridge, Ark., control zone can again be designated.

The area of Walnut Ridge, Ark., will continue to be served by the existing 700-foot Walnut Ridge transition area as well as the overlying 1,200-foot State of Arkansas transition area. Instrument approach capability will continue to exist at Walnut Ridge, Ark.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as herein set forth.

In § 71.171 (37 F.R. 2056), the Walnut Ridge, Ark., control zone is revoked.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 3, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-5536 Filed 4-11-72;8:45 am]

[Docket No. 11848, Amdt. 805]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective May 11, 1972.

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; VOR Runway 4, Amdt. 10; Revised.

Cheyenne, Wyo.—Cheyenne Municipal Airport; VOR-A, Amdt. 1; Revised.

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Ely, Nev.—Ely-Yelland Field; VOR-A, Amdt. 2; Revised.
La Verne, Calif.—Brackett Field; VOR-A, Amdt. 1; Revised.
Orlando, Fla.—Herndon Airport; VOR Runway 13, Amdt. 5; Revised.
Plant City, Fla.—Plant City Municipal Airport; VOR Runway 27, Original; Established.
Pocatello, Idaho—Pocatello Municipal Airport; VOR Runway 3, Amdt. 11, revised.
Pocatello, Idaho—Pocatello Municipal Airport; VOR/DME Runway 21, Amdt. 3; Revised.

2. Section 97.25 is amended by establishing, revising or canceling the following SDF-LOC-LDA SIAP's effective May 11, 1972.

Cordova, Alaska—Cordova Mile 13 Airport; LOC/DME Runway 27, Amdt. 2; Revised.
Fort Lauderdale, Fla.—Fort Lauderdale-Executive Airport; SDF Runway 8, Original; Established.
Fort Lauderdale, Fla.—Fort Lauderdale-Hollywood International Airport; LOC (BC) Runway 27R, Amdt. 1; Revised.
Pensacola, Fla.—Pensacola Regional Airport; LOC(BC) Runway 34, Amdt. 3; Revised.
Portland, Oreg.—Portland International Airport; LOC Runway 20, Original; Established.
Portland, Oreg.—Portland International Airport; LOC/DME Runway 20, Amdt. 1; Revised.

3. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective May 11, 1972.

Arlington, Tenn.—Arlington Municipal Airport; NDB Runway 15, Original; Canceled.
Arlington, Tenn.—Arlington Municipal Airport; NDB Runway 33, Original; Canceled.
Flint, Mich.—Bishop Airport; NDB Runway 9R, Amdt. 13; Revised.
Memphis, Tenn.—Memphis International Airport; NDB Runway 35R, Amdt. 12; Revised.
Nashville, Tenn.—Nashville Metropolitan Airport; NDB Runway 2L, Amdt. 20; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; NDB Runway 21, Amdt. 13; Revised.
Salisbury, N.C.—Rowan County Airport; NDB-A, Amdt. 2; Revised.
Wilkesboro, N.C.—Wilkes County Airport; NDB-A, Amdt. 1; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective May 11, 1972.

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; ILS Runway 4, Original; Established.
Cheyenne, Wyo.—Cheyenne Municipal Airport; ILS Runway 26, Amdt. 24; Revised.
Flint, Mich.—Bishop Airport; ILS Runway 9R, Amdt. 5; Revised.
Meridian, Miss.—Key Field; ILS Runway 1, Amdt. 16; Revised.
Nashville, Tenn.—Nashville Metropolitan Airport; ILS Runway 2L, Amdt. 22; Revised.
Pocatello, Idaho—Pocatello Municipal Airport; ILS Runway 21, Amdt. 16; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective May 11, 1972.

Atlantic City, N.J.—NAFEC Atlantic City/Pomona Airport; Radar-1, Amdt. 10; Revised.
Orlando, Fla.—Herndon Airport; Radar-1, Amdt. 11; Revised.
St. Petersburg, Fla.—Albert Whitted Airport; Radar-1, Amdt. 2; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Tranportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on April 4, 1972.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.72-5468 Filed 4-11-72;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 43h—PREPARATION OF A ROLL OF ALASKA NATIVES

Applications, Appeals, Preparation, and Approval of Roll; Correction

The document adding a new Part 43h to Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations, published in the FEDERAL REGISTER on March 17, 1972, at 37 F.R. 5615, is corrected by changing "appeals from adverse decision" to "appeals from adverse decisions" in item number 9 of the preamble, "5 U.S.C. section 533" to "5 U.S.C. section 553" in the last paragraph of the preamble, and "as Native as any village or group" to "as Native by any village or group" in § 43h.1(g).

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 6, 1972.

[FR Doc.72-5556 Filed 4-11-72;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AIDE OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 504—PUBLIC INFORMATION ACTIVITIES

Release of Information by Manufacturers, Research Organizations, Educational Institutions Holding Army Contracts, and Other Commercial Entities

Sections 504.31–504.33 are revised and §§ 504.34 and 504.35 are revoked. The revisions and revocations contained in this document update §§ 504.31–504.33 to conform with the Armed Services Procurement Regulation and the Freedom of Information Act and are effective April 15, 1972, as follows:

§ 504.31 General.

Freedom of information policy. The policy of the Department of the Army is that maximum accurate information shall be made available to the public concerning Army relationships with manufacturers, educational institutions, research organizations, and other professional and commercial entities and individuals. That policy requires maximum disclosure of information other than that exempted by the Freedom of Information Act, 5 U.S.C. 552. Exemptions of specific application for this directive include information which:

(a) Would be of material assistance to potential enemies of the United States; or

(b) Would offer an unfair competitive advantage to specific entities or individuals who are seeking to provide material or services for the Army as specified in Armed Service Procurement Regulation (Chapter I, Subchapter A of this title) and Army Procurement Procedure (Subchapter G of this chapter).

(c) In case of doubt as to whether the release of information will result in a violation of security, the manufacturer, educational institution, or research organization holding Army contracts will be responsible for obtaining proper clearance prior to releasing the information.

§ 504.32 Contract relationships.

(a) *Armed services procurement regulation.* (1) In prescribing submission, review and clearance of industry originated information materials, the Department of the Army defers to Armed Services Procurement Regulation (Chapter I, Subchapter A of this title) guidance on Army/industry interface, the official information responsibilities of the contracting officer as defined in Chapter I, Subchapter A of this title, and the specific nature of each Army/industry relationship as expressed by terms of a contract if a contract exists. Pertinent release guidance is to be found in §§ 1.329 through 1.329–4, 1.1001 through 1.1007–4, 2.211, and 3.507–2 of this title.

(2) Requirements are applicable to educational institutions which receive from Department of the Army, or any component thereof, information concerning preaward negotiations, contract award, including letter contract, modification thereof, or grant, for the accomplishment of military research and development projects.

(3) Department of the Army agencies or educational institutions will not release procurement information regarding research and development projects performed under Army contract without approval or clearance.

(b) *Classified contracts.* A classified contract is that which requires access to classified information (Confidential, Secret, Top Secret) either to submit a bid or proposal or to perform the contract. A contract may be a classified contract even though the contract document is not classified. In those cases where a classified contract exists, the contractor is guided by any specific security items written into the contract and by terms of the Department of Defense Security Agreement (DD Form 441) that is thereto appended. Specific security criteria are contained in DoD Contract Security Specification (DD Form 254). Procedures required to safeguard classified defense information which U.S. contractors, subcontractors, vendors or suppliers will possess or have access to are set forth in the Department of Defense Industrial Security Regulation (DoD 5220.22–R) and its companion publication, the Department of Defense Industrial Security Manual for Safeguarding Classified Information (DoD 5220.22–M).

(c) *Other contracts.* In cases where unclassified contracts exist and the terms of contractual documents do not provide specific instructions on publication of information, the contractors are encouraged by the Department of the Army to submit materials prior to publication to the Administrative Contracting Officer or to any Information Office the Administrative Contracting Officer may designate. If the submission is made to any other office, it will be referred immediately to the appropriate Administrative Contracting Officer for action. Such a voluntary submission is simply business courtesy and affords safeguard against accidental release of inaccurate or classified information.

(d) *Commercial entities.* In cases where no contractual agreement exists, industrial and business concerns, advertising and public relations agencies, and other commercial persons or entities desiring to use Army themes in information or promotional campaigns are encouraged to submit proposed treatments to the Department of the Army. Originators may submit materials to any Army installation or headquarters, or direct to the Chief of Public Information (HQDA (DAIO–FOI)).

(e) *Advisory nature of Army review.* Except for information materials generated in accord with contractual requirements, Information Officers exercise an advisory role in the review of information material voluntarily submitted, leaving the final decision in matters of accuracy, style and good taste with the originator.

(f) *Scientific and technical information.* Information Officers will accomplish review and release of scientific and technical information materials at the lowest possible level, to include results of research, development, test and evaluation, prepared for presentation/publication within or outside of CONUS—except those whose clearance is set forth in the Industrial Security Manual as prerogative of Defense Department.

(g) *Defense reservations.* Scientific and technological information should not be released locally if it:

(1) Discloses classified military applications or unclassified military applications, disclosure of which might not be in the national interest.

(2) Contains subject matter specifically identified by Officer of the Secretary of Defense guidance as requiring OSD review prior to release (§ 504.8(a)(3)).

(3) Might generate national interest and, therefore, be reserved for announcement at the seat of government.

(h) *Joint authorship.* Informational materials prepared under joint Army/industry authorship will be processed for review and clearance in the same manner as specified for Army authorship.

§ 504.33 Procedures.

(a) *General policy.* A copy of §§ 504.31 through 504.33 and any future amendments thereof shall be separately and currently published in the FEDERAL REGISTER for the guidance of the public.

(b) *Specific policy.* A copy of §§ 504.31 through 504.33 should be included with other instructions given to contractors by the Procuring Contracting Officer at the time of contract award and made available to other possible sources of submissions upon request.

(c) *Submission requirements.* (1) For written materials and still photographs—five copies—photos to be properly captioned (add one copy for each intervening headquarters for record file).

(i) For technical papers and presentations—each copy to include viewgraphs, photographs, charts, graphs, and similar material, properly captioned.

(ii) For brochures—each copy to include copy, layout, and all illustrative material.

(iii) For advertisements—each copy to include copy and layout proposed for subsequent finish and placement.

(2) For motion picture production, a series of review procedures is recommended:

(i) Preliminary written story/concept/outline treatment—five copies (add one copy for each intervening headquarters for record file).

(ii) Final shooting script to include scene description/narration—five copies (add one copy for each intervening headquarters for record file).

(iii) Rough cut film minus sound track before final editing; copy of final draft narration—one copy each for final review, or

(iv) One print for final review.

(3) For TV news film—submit B-wind master for eventual release and file and two prints for review and return to originator.

(4) For exhibits—design/layout with copy—five copies—proposed for subsequent production.

(d) *Review.* (1) If there is a contract involved, the primary reviewing office first will establish whether the contract is classified or unclassified.

(2) Information materials arising out of classified contracts will be reviewed according to paragraph 5o, DoD 5220.22–M.

(3) Information materials arising out of unclassified contracts will be reviewed and cleared for public release at the primary office level.

(4) Review at any level will include criteria that insures the detection of:

(i) Classified information.

(ii) Factual inaccuracies.

(iii) Implied Department of the Army endorsement of a commercial firm, product, or service.

(iv) The comparison of relative merits of one specific item of military materiel with another.

(v) The presence of official Department of Defense specification details or results of acceptance tests.

(5) Reviewers at all levels should process materials with the least possible delay and forward them to the next higher echelon for review, if required.

(6) Chief of Public Information, Department of the Army will coordinate the review of materials within the Department of the Army.

§§ 504.34, 504.35 [Revoked]

[AR 360–27, Mar. 15, 1972] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-5546 Filed 4-11-72;8:46 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public land order 5199]

[Nevada 051758, 051763, 051771]

NEVADA

Revocation of Air Navigation Site Withdrawals

By virtue of the authority contained in section 4 of the Act of May 24, 1928, 45 Stat. 729, 49 U.S.C. section 214 (1970), it is ordered as follows:

1. The departmental orders of August 13, 1928, November 17, 1930, October 13, 1950, and May 12, 1938, which withdrew lands as Air Navigation Sites No. 6, No. 45, and No. 120, respectively, are hereby revoked as to the remaining lands embraced therein, described as follows:

MOUNT DIABLO MERIDIAN

AIR NAVIGATION SITE NO. 6

T. 28 N., R. 40 E.,
Sec. 8, E½SW¼NW¼.
Containing 20 acres.

AIR NAVIGATION SITE NO. 45

T. 26 N., R. 34 E.,
Sec. 32, NE¼NW¼SW¼SE¼.
T. 27 N., R. 37 E.,
Sec. 15, SW¼NW¼SE¼SE¼.
T. 28 N., R. 40 E.,
Sec. 6, SW¼SW¼SW¼SE¼.
Containing 7.5 acres.

AIR NAVIGATION SITE NO. 120

T. 26 N., R. 34 E.,
Sec. 24, S½SW¼, SW¼SE¼;
Sec. 26, N½N½.
Containing 280 acres.

The areas described above aggregate a total of 307.5 acres in Pershing County.

2. At 10 a.m. on May 11, 1972, the lands shall be open to operation of the public land laws generally including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 11, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the

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order of filing. The lands have been and continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, NV 89502.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72-5557 Filed 4-11-72; 8:47 am]

[Public Land Order 5201]

[Oregon 8510]

OREGON

Revocation of Withdrawal for National Forest Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The Secretary's Order of January 28, 1908, withdrawing land for a national forest administrative site is hereby revoked in its entirety as to the following described land:

WILLAMETTE MERIDIAN

WILLAMETTE NATIONAL FOREST

McKenzie Administrative Site

T. 16 S., R. 5 E.,
Sec. 14, W½NE¼ and NE¼NW¼.

The area described contains 120 acres in Lane County.

2. Of the land described above, the SW¼NE¼ shall immediately be made available for the consummation of a pending Forest Service exchange. The remainder, described as the NW¼NE¼ and NE¼NW¼, at 10 a.m. on May 11, 1972, shall be open to such disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72-5558 Filed 4-11-72; 8:47 am]

[Public Land Order 5202]

[Idaho 4038]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

1. The Secretary's Order of April 15, 1919, withdrawing lands for the Boise Project, Black Canyon Unit, is hereby revoked so far as it affects the following described land:

BOISE MERIDIAN

T. 6 N., R. 5 W.
Sec. 10, S½SE¼.

The area described contains 80 acres in Payette County.

The land is located 3 miles north of Parma, Idaho. Access is by unimproved roads. Elevation varies from a low of 2,420 feet at the southwest corner to a high of 2,522 feet at the southeast corner. Topography is level to gently rolling; soils are a fine sandy loam moderately deep. Vegetation is cheat grass and annual forbes.

2. At 10 a.m. on May 11, 1972, the land shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 11, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and will continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho 83702.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72-5559 Filed 4-11-72; 8:47 am]

[Public Land Order 5203]

[Sacramento 4564]

CALIFORNIA

Withdrawal for National Forest Research Natural Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MENDOCINO NATIONAL FOREST

MOUNT DIABLO MERIDIAN

Frenzel Creek Research Natural Area

T. 16 N., R. 6 W.,
Sec. 5, lots 2, 3, 4, S½NW¼, W½SW¼;
Sec. 6, lot 1, SE¼NE¼, E½SE¼.
T. 17 N., R. 6 W.,
Sec. 29, S½SW¼;
Sec. 31, SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 32, NE¼, W½, N½SE¼, SW¼SE¼.

The area described aggregates 1,282.12 acres in Colusa County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 6, 1972.

[FR Doc.72-5560 Filed 4-11-72; 8:47 am]

[Public Land Order 5204]

[Colorado 14529]

COLORADO

Partial Revocation of Public Water Reserve No. 107

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Interpretation No. 77 of January 3, 1929, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 8 N., R. 102 W.,
Sec. 30, SW¼SW¼ (lot 8), E½SW¼, SE¼;
Sec. 31, NW¼NW¼ (lot 5), NE¼NW¼.
T. 7 N., R. 103 W.,
Sec. 1, SW¼NW¼.

The areas described aggregate 392.09 acres in Moffat County.

By Presidential Proclamation No. 2290 of July 14, 1938, the described lands were added to and made a part of the Dinosaur National Monument established pursuant to the Act of June 8, 1906, 34 Stat. 225, as amended by the Act of September 8, 1960, 74 Stat. 857.

HARRISON LOESCH,
Assistant Secretary of the Interor.

APRIL 6, 1972.

[FR Doc.72-5561 Filed 4-11-72; 8:48 am]

[Public Land Order 5205]

[Wyoming 28973]

WYOMING

Partial Revocation of Stock Driveway Withdrawal

By virtue of the authority contained in section 10 of the Act of December 29, 1916, 39 Stat. 865, as amended, 43 U.S.C. section 300 (1970), it is ordered as follows:

1. The departmental order of February 5, 1924, enlarging Stock Driveway Withdrawal No. 3 (Wyoming No. 1), is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 47 N., R. 87 W.,
Sec. 33, W½SW¼SE¼SE¼, SE¼SW¼SE¼SE¼.

The area described contains 7.5 acres in Washakie County.

The land is located approximately 8 miles southeast of Tensleep, Wyo. The vegetal aspect is a sagebrush-grassland association of fair carrying capacity.

2. At 10 a.m. May 12, 1972, the land shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on May 12, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The land has been and continues to be open to applications and offers under the mineral leasing laws, and to location under the U.S. mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyo.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 6, 1972.

[FR Doc.72-5562 Filed 4-11-72; 8:48 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-26; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motorcycle Controls and Displays

This notice amends Part 571 of Title 49, Code of Federal Regulations, to add a new Motor Vehicle Safety Standard No. 123 (49 CFR 571.123) that establishes requirements for motorcycle controls and displays. A notice of proposed rule making on this subject was published on November 6, 1970 (35 F.R. 17117).

The National Highway Traffic Safety Administration estimates that over 3,000 accidents may be avoided annually by specifying a uniform standard for motorcycle controls and displays. As this agency commented in the prior notice: "Controls and displays link the operator and the machine, and if there is confusion as to their location, interpretation, or operation, a dangerous situation may result. A cyclist, especially the novice and the cyclist who has changed from one make of machine to another, must not hesitate when confronted with an emergency." The purpose of the new standard is to minimize operator error in responding to the motoring environment, by standardizing certain motorcycle controls and displays.

The basic operational requirement of Standard No. 123 is that handlebar-mounted controls be operable throughout their full range without the operator removing his hand from the handgrip. Standard No. 123 requires all motorcycles to have a supplemental engine stop control, operable from the right handlebar, intended for use in emergency situations. Notice of this requirement was proposed in Notice 2 to Docket No. 69-20, Accelerator Control Systems (35 F.R. 15241). Standard No. 123 also requires that if any of 10 other specified equipment items are provided on a motorcycle, the location and method of operation of the applicable control shall be standardized. These items are: manual clutch or integrated clutch and gear change, foot-operated gear change, headlamp upper-lower beam control, horn, turn signal lamps, ignition, manual fuel shutoff control, twist-grip throttle, front wheel brake, and rear wheel brakes. Motorcycles that are designed and sold exclusively for use by law enforcement agencies are excluded from Standard No. 123, as the configuration of certain controls on such vehicles, necessary for law enforcement purposes, differs from that required by the new standard. Proposals applicable to the instrument illumination intensity control, the electric starter, and the kick starter have not been adopted as insufficient correlation with motor vehicle safety has been found for these items.

As noted below, some of the location and operational requirements that were proposed have not been adopted in the following instances. Otherwise, the location and operation of controls are required as proposed.

1. *Foot-operated gear change.* The likelihood of inadvertent engagement of reverse gear has been found to be so slight that a means to prohibit it has not been found necessary. Further, no requirement has been specified for location of neutral gear. Under proposal A, neutral would have occurred lowest in the gear sequence. Proposal A was not adopted because of the likelihood of overshooting low gear when downshifting, thus contributing to a possible loss of control. In proposal B, the transmission would be put into neutral by a rearward motion of the operator's heel on a control device separate from the shift lever. This method was not adopted since it appears to have no inherent safety advantages over any other means of finding neutral. The intent of proposal B was to insure that neutral can reliably be selected when desired without being selected inadvertently when not desired. The conventional neutral light may serve as an aid to such shifting; however, any system which requires eye movements away from the road merely to shift gears cannot be considered to be an adjunct to safety.

The present standard does not impose specific requirements for ease of locating the gear position, or for protection against inadvertent shifting into neutral. However, the Administration considers these to be desirable objectives and will consider amending the standard if it appears necessary to do so.

2. *Headlamp control.* Because heavy gloves are needed for safe riding, only a simple "up for higher beam, down for lower beam" requirement has been adopted.

3. *Turn signal lamps.* Because turn signal lamps are not a required item of motorcycle equipment until January 1, 1973, and the industry is experimenting with various controls, Standard No. 123 specifies only that the turn signal lamp control be located on the handlebars.

4. *Ignition:* Because of the adoption of the requirement that motorcycles be equipped with a supplemental engine stop control on the right handlebar, the need to specify a location and method of operation for the ignition has diminished. Accordingly, the sole ignition control requirement is that the "off" position be counterclockwise from all other positions.

5. *Manual fuel shutoff control.* The requirements adopted do not apply to automatic fuel shutoff controls. No location for a manual control is specified. Based upon comments, revisions have been made in the direction of valve operation.

Substantial modifications have been made as well in the display proposals. Because of the limited range within which displays can be located on a motorcycle, it has been determined that no specific location requirements are necessary. Illumination of the neutral position and the speedometer has been deemed essential; the proposal that a green lamp indicate neutral position has been adopted, and the speedometer must be illuminated whenever the headlamp is activated. Because turn signals and upper beam indicators are covered in Standard No. 108, they have been omitted from the display illumination requirements of Standard No. 123.

Proposals for control identification, stands, and passenger footrests have been adopted substantially as proposed. Since operating instructions are invariably provided with motorcycles, the NHTSA has not adpoted the proposal covering them.

Effective date. September 1, 1974. Because of the leadtime necessary for preparation for production, it is found, for good cause shown, that an effective date later than one year after the issue date is in the public interest.

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended by adding § 571.123, Motor Vehicle Safety Standard No. 123, Motorcycle Controls and Displays as set forth below.

(Sec. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator, 49 CFR 1.51)

Issued on April 4, 1972.

DOUGLAS W. TOMS,
Administrator.

§ 571.123 Standard No. 123; motorcycle controls and displays. (Effective Sept. 1, 1974)

S1. *Scope.* This standard specifies requirements for the location, operation, identification, and illumination of motorcycle controls and displays, and requirements for motorcycle stands and footrests.

S2. *Purpose.* The purpose of this standard is to minimize accidents caused by operator error in responding to the motoring environment, by standardizing certain motorcycle controls and displays.

S3. *Application.* This standard applies to motorcycles equipped with handlebars, except for motorcycles that are designed, and sold exclusively for use by law enforcement agencies.

S4. *Definitions.* "Clockwise" and "counterclockwise" mean opposing directions of rotation around the following axes, as applicable.

(a) The operational axis of the ignition control, viewed from in front of the ignition lock opening;

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(b) The axis of the right handlebar on which the twist-grip throttle is located, viewed from the end of that handlebar;

(c) The axis perpendicular to the center of the speedometer, viewed from the operator's normal eye position.

S5. *Requirements.*

S5.1. Each motorcycle shall be equipped with a supplemental engine stop control, located and operable as specified in Table I.

S5.2 Each motorcycle to which this standard applies shall meet the following requirements:

S5.2.1 *Control location and operation.* If any item of equipment listed in Table 1, Column 1, is provided, the control for such item shall be located as specified in Column 2, and operable as specified in Column 3. Each control located on a right handlebar shall be operable by the operator's right hand throughout its full range without removal of the operator's right hand from the throttle. Each control located on a left handlebar shall be operable by the operator's left hand throughout its full range without removal of the operator's left hand from the handgrip. If a motorcycle with an automatic clutch is equipped with a supplemental rear brake control, the control shall be located on the left handlebar. If a motorcycle is equipped with self-proportioning or antilock braking devices utilizing a single control for front and rear brakes, the control shall be located and operable in the same manner as a rear brake control.

S5.2.2 *Display illumination and operation.* If an item of equipment listed in Table 2, Column 1, is provided, the display for such item shall be visible to a seated operator under daylight conditions, shall illuminate as specified in Column 2, and shall operate as specified in Column 3.

S5.2.3 *Control and display identification.* If an item of equipment listed in Table 3, Column 1, is provided, the control for such item shall be identified by the word or words shown in Column 2 and any corresponding word in Column 3, placed on or adjacent to the control.

Control positions shall be identified as specified in Column 3, to signify the function performed at that setting. The abbreviations used in Columns 2 and 3 are minimum requirements and appropriate words may be spelled in full. Identification shall appear to the operator in an upright position. Functional identification need not be provided for equipment items with no entry in Column 3.

S5.2.4 *Stands.* A stand shall fold rearward and upward if it contacts the ground when the motorcycle is moving forward.

S5.2.5 *Footrests.* Footrests shall be provided for each designated seating position. Each footrest for a passenger other than an operator shall fold rearward and upward when not in use.

TABLE 1.—MOTORCYCLE CONTROL LOCATION AND OPERATION REQUIREMENTS

Equipment control	Location	Operation
Column 1	Column 2	Column 3
1. Manual clutch or integrated clutch or gear change.	Left handlebar	Squeeze to disengage clutch.
2. Foot operated gear change	Left foot control	An upward motion of the operator's toe shifts transmission toward lower numerical gear ratios (commonly referred to as "higher gears"), and a downward motion toward higher numerical gear ratios (commonly referred to as "lower gears"). If three or more gears are provided it shall not be possible to shift from the highest gear directly to the lowest gear, or vice versa.
3. Headlamp upper-lower beam control.	Left handlebar	Up for upper beam, down for lower beam. If combined with the headlight on-off switch, means shall be provided to prevent inadvertent actuation of the "off" function.
4. Horn	do	Push to activate.
5. Turn signal lamps	Handlebars	"Off"—counterclockwise from other positions.
6. Ignition		"Off"—control pointing forward, "On"—control pointing downward, "Reserve" (if provided)—control pointing upward.
7. Manual fuel shutoff control		
8. Twist-grip throttle	Right handlebar	Self-closing to idle in a clockwise direction after release of hand.
9. Supplemental engine stop	do	
10. Front wheel brake	do	Squeeze to engage.
11. Rear wheel brakes	Right foot control [1]	Depress to engage.

[1] See S5.2.1 for requirements for vehicles with a single control for front and rear brakes, and with a supplemental rear brake control.

TABLE 2—MOTORCYCLE DISPLAY ILLUMINATION AND OPERATION REQUIREMENTS

Display	Illumination	Operation
Column 1	Column 2	Column 3
1. Speedometer	Yes	The display is illuminated whenever the headlamp is activated.
2. Neutral indication	Green display lamp	The display lamp illuminates when the gear selector is in neutral position.

TABLE 3—MOTORCYCLE CONTROL AND DISPLAY IDENTIFICATION REQUIREMENTS

Equipment	Control and display identification	Identification at appropriate position of control or display
Column 1	Column 2	Column 3
1. Ignition	Ignition	Off.
2. Supplemental engine stop	Engine stop	Off, run.
3. Manual choke	Choke	
4. Electric starter		Start.[1]
5. Headlamp upper-lower beam control.	Lights	Hi, Lo.
6. Horn	Horn	
7. Turn signal	Turn	L, R.
8. Speedometer	M.p.h.	M.P.H. increase in a clockwise direction. Major and minor graduations and numerals appear at the 10 and 5 M.P.H. intervals, respectively.
9. Neutral indicator	Neutral	
10. Upper beam indicator	High beam	
11. Tachometer	R.p.m.	
12. Fuel tank shutoff valve	Fuel	Off, on, res.

[1] Required only if electric starter is separate from ignition switch.

[FR Doc.72-5473 Filed 4-11-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

NUTRITION LABELING

Proposed Criteria for Food Label Information Panel

Correction

In F.R. Doc. 72-4948 appearing at page 6493 in the issue of Thursday, March 30, 1972, the first sentence of the last paragraph in the center column of page 6494 should read as follows: "The testing was designed to answer the basic questions of (1) how to present the information on vitamins, minerals, and protein in relation to nutrient allowances, and (2) whether to provide a complete labeling format on every labeled product or only information on the nutrients present in the product."

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-23]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Corpus Christi NAS, Tex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Corpus Christi NAS, Tex., control zone is amended, in part, as follows: Delete "within 2 miles each side of the Navy Corpus TACAN 137° and 139° radials, extending from the 5-mile radius zone to 6 miles southeast of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 313° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN." and substitute therefor "within 2 miles each side of the Navy Corpus TACAN 326° radial, extending from the 5-mile radius zone to 6 miles northwest of the TACAN; and within 2 miles each side of the Navy Corpus TACAN 119° radial, extending from the 5-mile radius zone to 6 miles southeast of the TACAN."

Alteration of the control zone will provide controlled airspace necessary to accommodate the Hi-TACAN runway 13R and Hi-TACAN runway 31L approach procedures at NAS Corpus Christi, Tex., Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on April 4, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-5538 Filed 4-11-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-24]

TRANSITION AREAS

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot and a 1,200-foot transition area at Miami, Okla.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition areas are added:

MIAMI, OKLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Miami Municipal Airport (latitude 36°54'02", longitude 94°53'09") and that airspace within the State of Kansas extending upward from 1,200 feet above the surface which is bounded on the south by the Kansas-Oklahoma State line and on the west along a line which is 7 miles east of and parallel to the Oswego, Kans., VOR 207° radial, on the north by the south edge of VOR Airway V-190 and on the east by the west edge of VOR Airway V-88. The State of Oklahoma is covered by a 1,200-foot transition area.

The proposed transition areas will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Miami, Okla., Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on April 3, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-5537 Filed 4-11-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-31]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wise, Va., transition area.

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New VOR and NDB instrument approach procedures have been developed for Lonesome Pine Airport, Wise, Va., and will require designation of a 700-foot floor transition area to protect IFR arrivals and departures at Lonesome Pine Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 15 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region. Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Wise, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wise, Va., 700-foot floor transition area as follows:

WISE, VA.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center 36°59'15" N., 82°31'50" W. of Lonesome Pine Airport, Wise, Va., and within 3 miles each side of the 065° bearing from the Wise RBN 37°01'18" N., 82°28'04" W. extending from the 11-mile radius area to 8.5 miles northeast of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 30, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-5539 Filed 4-11-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-43]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Clarksburg, W. Va., control zone (37 F.R. 2070, 1358) and transition area (37 F.R. 2171, 1358).

New NDB and ILS instrument approach procedures developed for Benedum Airport, Clarksburg, W. Va., will require alteration of the control zone and 700-foot floor transition area to provide controlled airspace protection for aircraft executing the procedures.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received with 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Clarksburg, W. Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Clarksburg, W. Va., control zone and insert the following in lieu thereof:

'Within a 5.5-mile radius of the center 39°17'44" N., 80°13'46" W. of Benedum Airport; within 3 miles each side of the Clarksburg VOR 219° radial, extending from the 5.5-mile radius zone to 8.5 miles southwest of the VOR; and within 2.5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 5.5-mile radius zone to 1 mile southwest of the OM. This control zone is effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Clarksburg, W. Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center 39°17'44" N., 80°13'46" W., of Benedum Airport; within 5 miles each side of the Clarksburg VOR 219° radial, extending from the 8.5-mile radius area to 11.5 miles southwest of the VOR and within 5 miles each side of the Benedum Airport ILS localizer northeast course, extending from the 8.5-mile radius area to 10 miles northeast of the OM.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 31, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-5540 Filed 4-11-72;8:46 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 70-7; Notice 2]

FIELDS OF DIRECT VIEW

Proposed Motor Vehicle Safety Standard

The NHTSA hereby proposes to issue a new motor vehicle safety standard, Fields of Direct View, in Part 571 of Title 49, Code of Federal Regulations. An advance notice of proposed rule making on this subject was published on March 7, 1970 (35 F.R. 4266).

The proposed standard is intended to reduce the likelihood that a motor vehicle will collide with a pedestrian, stationary object, or another vehicle because the driver either did not see the object collided with or saw it too late to avoid collision. Generally, the proposed standard specifies requirements for (a) maximum allowable obstructions in the driver's fields of direct view; (b) light transmittance levels of glazing materials that provide fields of direct view; (c) visibility of the corners of the vehicle; (d) visibility of specified ground surface targets for multipurpose passenger vehicles, trucks, and buses; and (e) view interception, adjustment, and light transmittance of sun visors.

The proposed standard is based in part on research sponsored by NHTSA, reports and papers of the Society of Automotive Engineers and the Highway Research Board, and other published information, which have been placed in this docket for public examination. Comments received in response to the advance notice of proposed rule making on this docket and the consumer information proposals concerning Field of View of the Driver (Docket 28-5, 33 F.R. 18382, 35 F.R. 8667), along with other public comments and published articles on visibility problems, have also been placed in this docket and considered in preparing this proposal. The requirements are also based partly upon the October 1971 draft regulation of the Economic Commission of Europe, Working Party 29, entitled "Uniform Provisions Concerning the Approval of Vehicles With Regard to the Driver's Field of Vision." In particular, nomenclature such as "R point," "vision origin points," "P points," and "E points," and the eye reference point positioning techniques, are taken from this ECE draft regulation.

The proposed standard divides the viewing space around the central vision origin point of the driver into six zones. Zone I is directly in front of the driver and is considered the zone with the highest priority for driver vision; no obstruction by any part of the vehicle is allowed in this zone. Zones II and III are to the right and left sides of Zone I, and together with Zone I they comprise 200° of forward and side vision. Zones IV and V are to the left and right rear sides of the vehicle respectively, comprising an additional 70° of azimuthal vision.

In Zones II, III, IV, and V there are two testing techniques used to limit the width of allowable obstructions: A binocular test on a single horizontal plane through the midpoint of the eye reference points, and a monocular test specifying maximum cumulative obstructions in any horizontal plane within the zone boundaries. In Zone VI, the 90° directly to the rear of the vehicle, the requirements are limited to the field of view necessary for backing and parking maneuvers, since rearview mirror requirements are covered in Standard No. 111, § 571.111, and the rule making docket on Indirect Visibility (Docket No. 71-3a, 36 F.R. 1156, January 23, 1971).

Passenger cars must meet maximum allowable obstruction requirements in all six zones. Multipurpose passenger vehicles, trucks, and buses have requirements in Zone I, II, and III only. Motorcycles are dealt with separately; they may have no vision obstructions in the forward direction other than an optional windshield and windshield support 18 inches above the lowest part of the driver's seat. The proposal makes some exceptions to the obstruction requirements for outside rearview mirrors on some larger multipurpose passenger vehicles, trucks, and buses, but it requires that these mirrors be mounted in an area that will be below the driver's line of sight in most cases. The obstruction requirements are intended to provide the driver with adequate external visibility by placing limits on the size of obstructions in each zone, while recognizing that certain fields of view are more important to the driver than others.

The proposed standard specifies light transmission requirements for glazing materials in all zones. These requirements are intended to improve driver seeing distance, especially under adverse weather, dusk, and nighttime driving conditions. In addition, shade bands are specified for Zone I to protect the driver from sky and sun glare in the upper part of the windshield.

In addition to the maximum allowable obstruction requirements, larger multipurpose passenger vehicles, trucks and buses would be required to provide unobstructed view of specified minimum percentages of a 40-foot ground surface arc within Zone I, in order to minimize the obscuration by the front hood and other vehicle structure of pedestrians, especially children. Buses would have the most stringent requirements, since the accident potential is so great in their modes of use. In connection with ground surface target requirements for larger multipurpose passenger vehicles and trucks, allowance would be made for decreased upward viewing angles, since the driver in those vehicles sits higher and has a different vantage point from which to view overhead signs and signals.

Sun visor requirements would be designed to accommodate larger rearview devices, which would be required under the proposed standard on Indirect Visibility (Docket No. 71-3a, 36 F.R. 1156, January 23, 1971). They would include view interception, adjustability, and light transmittance in the visible and infrared spectral regions. The intent of these requirements is to provide adequate and flexible protection against sunlight glare. It is expected that the existing sun visor requirements in S3.3 of Standard No. 201, § 571.201, will be adjusted in light of these requirements if and when they become effective.

Proposed effective date: September 1, 1976. It is recognized that the proposed requirements would in some cases have a significant effect on body design, and the proposed leadtime is designed to take account of that fact. Manufacturers would be expected to phase in their compliance with the standard at dates leading up to the effective date in accordance with their model changeover cycles.

In light of the foregoing, it is proposed that a new motor vehicle safety standard, Fields of Direct View, be added to Part 571 of Title 49, Code of Federal Regulations, as set forth below. Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on July 7, 1972, will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

This notice is issued under the authority of sections 103, 112, and 119 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 3, 1972.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

MOTOR VEHICLE SAFETY STANDARD NO. ——

FIELDS OF DIRECT VIEW

S1. *Scope.* This standard specifies requirements for freedom from obstructions in fields of direct view of motor vehicle drivers, for light transmittance of glazing materials within those fields of view, for visibility of the front vehicle corners, and for the installation, view interception, adjustment, and spectral transmittance of sun visors.

S2. *Purpose.* The purpose of this standard is to reduce motor vehicle injuries and deaths by providing motor vehicle drivers with better visibility of the motoring environment in their direct fields of view.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles. However, it does not apply to vehicles that are not designed for a seated driver.

S4. *Definitions.*

"Light transmittance" means the ratio, expressed as a percentage, of the amount of light from a given source that reaches a viewing point after passing through glazing material or a sun visor to the amount that reaches the same viewing point with the glazing material or sun visor absent.

"Longitudinal adjustment range" means the longitudinal distance between the forwardmost and rearmost driving positions of the driver's seat. It does not include any additional adjustment due to placing the seat in nondriving positions, such as those for converting the seat into a bed or for improving access into the vehicle.

"Obstruction" means any vehicle structure or glazing material that does not meet all applicable light transmittance requirements of this standard. However, with respect to trucks and multipurpose passenger vehicles, work performing devices, such as construction cranes or ladders, are not considered to be obstructions.

S5. *Geometric reference system.* The field of view requirements of this standard are established in accordance with the geometric reference system set forth below. All directional references are based on the vehicle in its design attitude.

S5.1 *R point.* The manufacturer's R point, shown in Figure 1, is established in accordance with the requirements of S6.

S5.2 *Reference axes.* Three orthogonal reference axes pass through the R point. The X axis is a horizontal line in the direction of the vehicle's longitudinal dimension; it is negative forward of the R point, positive to the rear. The Y axis is a horizontal (transverse) line perpendicular to the X axis; it is negative to the left of the R point, positive to the right. The Z axis is a vertical line perpendicular to both the X and Y axes; it is negative below the R point and positive above it. (Figure 2)

S5.3 *Reference planes.* The plane through the X and Z axes is called the X plane, the plane through the X and Y axes is called the Y plane, and the plane through the Y and Z axes is called the Z plane. (Figure 2)

S5.4 *Central vision origin point.* The central vision origin point, V_o, is the basic reference point for driver eye positioning. It is located in the X plane (i.e., its Y coordinate is 0). The X and Z coordinates of V_o are set forth in Table 1 on the

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basis of recommended seat back angle, with corrections of the X coordinate in Table II for longitudinal adjustment ranges of the driver's seat that are 4.25 inches or more. (Figure 1)

S5.5 *Other vision origin points.* Vision origin points V_1, V_2, V_3, and V_4 represent a range of driver eye positions. V_1 and V_4 are on a transverse line through V_0 parallel to the Y axis, 3.3 inches to the left and 3.3 inches to the right of V_0 respectively. V_2 and V_3 are on a vertical line through V_0, 1.8 inches above and 1.8 inches below V_0 respectively. (Figure 1)

S5.6 *Pivot points.* Points P_1 and P_2 are pivot points for head turning, fixed with reference to V_0, and in the same horizontal plane. P_1 is 1.4 inches to the rear and 0.8 inches to the left of V_0. P_2 is 2.5 inches to the rear and 1.9 inches to the right of V_0. (Figure 3)

S5.7 *Eye position points.* Points E_1 and E_2 represent the left and right eye positions respectively for binocular measurements to the left of the X plane. E_2 and E_1 are the corresponding eye positions for binocular measurements to the right of the X plane. They remain in the same horizontal plane as V_0, rotating about P_1 or P_2. They are located as follows: Points Q_1 and Q_2 are 3.88 inches from P_2 and P_2 respectively, rotating about the P points in the same horizontal plane, E_1 and E_2 are 2.54 inches apart; Q_1 is the midpoint of the line E_1E_2; and E_1E_2 is perpendicular to the line P_1Q_1. E_2 and E_1 bear the same relationship to P_2 and Q_2. (Figure 3)

S5.8 *Spatial zones.* The driver's fields of view are divided into spatial zones, as follows.

S5.8.1 Zone I is the portion of the space forward of point V_0 bounded by—

(a) A vertical plane passing through V_1 and at a forward angle of 17° to the left of the X plane;

(b) A vertical plane passing through V_4 and at a forward angle of 17° to the right of the X plane;

(c) A curved surface that is the locus of all lines extending upward from V_2 at an angle of 11° above the Y plane; and

(d) A curved surface that is the locus of all lines extending downward from V_1 at an angle of 5° below the Y plane.

S5.8.2 Zone Ia is the portion of Zone I below a curved surface that is the locus of all lines extending upward from V_2 at an angle of 5° above the Y plane.

S5.8.3 Zone Ib is the portion of Zone I between a curved surface that is the locus of all lines extending upward from V_2 at an angle of 5° above the Y plane and a curved surface that is the locus of all lines extending upward from V_2 at an angle of 8° above the Y plane.

S5.8.4 Zone Ic is the portion of Zone I above a curved surface that is the locus of all lines extending upward from V_2 at an angle of 8° above the Y plane.

S5.8.5 Zone II is the portion of the space to the left of V_0 bounded by—

(a) A vertical plane passing through V_1 and at a forward angle of 17° to the left of the X plane;

(b) A vertical plane passing through V_0 and at a rearward angle of 80° to the left of the X plane;

(c) A curved surface that is the locus of all lines extending upward from V_2 at an angle of 4° above the Y plane; and

(d) A curved surface that is the locus of all lines extending downward from V_2 at an angle of 4° below the Y plane.

S5.8.6 Zone III is the portion of the space to the right of V_0 bounded by—

(a) A vertical plane passing through V_4 and at a forward angle of 17° to the right of the X plane;

(b) A vertical plane passing through V_0 and at a rearward angle of 80° to the right of the X plane;

(c) A curved surface that is the locus of all lines extending upward from V_2 at an angle of 4° above the Y plane; and

(d) A curved surface that is the locus of all lines extending downward from V_2 at an angle of 4° below the Y plane.

S5.8.7 Zone IV is the portion of the space to the left and rear of V_0 bounded by—

(a) A vertical plane passing through V_0 and at a rearward angle of 80° to the left of the X plane;

(b) A vertical plane passing through V_0 and at a rearward angle of 45° to the left of the X plane;

(c) A curved surface that is the locus of all lines extending upward from V_2 at an angle of 3° above the Y plane; and

(d) A curved surface that is the locus of all lines extending downward from V_2 at an angle of 3° below the Y plane.

S5.8.8 Zone V is the portion of the space to the right and rear of V_0 bounded by—

(a) A vertical plane passing through V_0 and at a rearward angle of 80° to the right of the X plane;

(b) A vertical plane passing through V_0 and at a rearward angle of 45° to the right of the X plane;

(c) A curved surface that is the locus of all lines extending upward from V_2 at an angle of 3° above the Y plane; and

(d) A curved surface that is the locus of all lines extending downward from V_2 at an angle of 3° below the Y plane.

S5.8.9 Zone VI is the portion of the space to the rear of V_0 bounded by—

(a) A vertical plane passing through V_0 and at a rearward angle of 45° to the left of the X plane;

(b) A vertical plane passing through V_0 and at a rearward angle of 45° to the right of the X plane;

(c) A curved surface that is the locus of all lines extending upward from V_2 at an angle of 1° above the Y plane; and

(d) A curved surface that is the locus of all lines extending downward from V_2 at an angle of 1° below the Y plane.

S6. *Vehicle reference information.* The manufacturer of each vehicle, except for motorcycles, shall provide the following information immediately upon request by any person with respect to one or more particular vehicles.

S6.1 The location of the R point, which shall be on a transverse horizontal line through the seating reference point, and between a vertical longitudinal plane through the centerline of the steering wheel and a parallel plane 2 inches outboard of the first plane. (Figure 1) The location shall be established by reference to permanent marks or other identifiable permanent points on the vehicle.

S6.2 The vehicle's design attitude, in which the vehicle is designed to comply with the requirements of this standard, established as in S6.1 above by reference to permanent marks or points on the vehicle.

S6.3 The recommended seat back angle for each adjustable seat, with reference to which the vehicle is designed to comply with the requirements of this standard. This shall be the angle from the vertical of the torso line of a two-dimensional drafting template as described in SAE Standard J826a, August 1970, placed on the seat with its H-point at the seating reference point, and the seat back at the recommended angle.

S7. *General requirements.* Each vehicle, except for motorcycles, shall meet the following requirements when tested in accordance with the conditions of S11. and the applicable procedures of S12.

S7.1 *Light transmittance.* The light transmittance of glazing materials, measured in accordance with S12.2, shall be not less than the following percentages:

(a) Zone Ia—80 percent.
(b) Zone Ib—6 percent.
(c) Zone Ic—6 percent.
(d) Zones II, III, IV, and V—70 percent.
(e) Zone VI—60 percent.

The light transmittance in Zone Ic shall be not more than 15 percent.

S7.2 *Corner reference points.* A portion of each front corner of the vehicle shall be visible from Point V_3. The visible portion of each corner shall be within the portion of space bounded by—

(a) A vertical transverse plane tangent to the forwardmost point of the vehicle;

(b) A vertical tranverse plane 18 inches to the rear of the forwardmost point of the vehicle;

(c) A vertical longitudinal plane tangent to the outermost point on the side of the vehicle between the planes described in paragraph (a) and (b); and

(d) A vertical longitudinal plane 9 inches inboard of the plane described in paragraph (c).

S7.3 *Sun visors.*

S7.3.1 Each vehicle shall have one or more sun visors that together can do the following (not necessarily simultaneously):

(a) Intercept not less than 90 percent of the view from Point V_0 through the portion of the glazing material that is within Zone I and above a horizontal plane passing through Point V_0; and

(b) Intercept not less than 45 percent of the view from Point V_0 through the portion of the glazing material that is within Zone II and above a horizontal plane passing through Point V_0; and

(c) Meet the same requirement for Zone III as specified in (b) for Zone II.

S7.3.2 The sun visor or sun visors that are designed to meet the requirements specified in S7.3.1 shall be continuously adjustable between their positions of maximum and minimum view interception.

S7.3.3 Each sun visor shall be adjustable to a position such that no portion of it is within any zone.

S7.3.4 Each sun visor shall have a light transmittance, measured in accordance with S12.3, of not more than 15 percent.

S7.3.5 Each sun visor shall have a spectral transmittance of not more than 5 percent in the spectral region from 900 to 1,700 nanometers.

S8. *Ground visibility.* On each multipurpose passenger vehicle, bus, and truck whose R point is more than 36 inches above ground, obstructions shall not obscure more than the percentages listed below of an arc on the ground surface, within the lateral boundaries of Zone I, with a 40-foot radius and its center directly below V_0, when viewed from V_0 under the conditions of S11.

Buses with R point more than 36 inches above ground—Zero percent.
Multipurpose passenger vehicles and trucks with R point more than 36 inches but not more than 50 inches above ground—15 percent.
Multipurpose passenger vehicles and trucks with R point more than 50 inches above ground—7.5 percent.

S9. *Horizontal angular width of obstructions.* The horizontal angular width of obstructions, measured in accordance with the conditions of S11, and the procedures of S12.1, shall be not more than the following for the vehicle types indicated:

S9.1 *Passenger cars.*

(a) Zone I—Zero degrees (no obstructions), except for electrical conductors in Zone Ic that individually have a maximum cross-sectional width of not more than 0.005 inch.

(b) Zones II and III—4° for each obstruction measured binocularly, and a total of 11° for all obstructions across the width of each zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart.

(c) Zones IV and V—6 degrees for each obstruction measured binocularly, and a total of 15° for all obstructions other than the driver's seat back and head restraint across the width of each zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart.

(d) Zone VI—Zero degrees (no obstructions) within the portion of this zone between two vertical planes passing through Point E when line P_1Q_1 is parallel to the Y axis, one plane making a 12° angle to the left and the other a 12° angle to the right of the X plane, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.005 inch and are spaced not more than 0.125 inch apart. (Figure 4)

S9.2 *Multipurpose passenger vehicles, trucks, and buses, whose R point is not more than 36 inches above the ground.*

(a) Zone I—Zero degrees (no obstructions), except for electrical conductors in Zone Ic that individually have a maximum cross-sectional width of not more than 0.005 inch.

(b) Zones II and III—5° for each obstruction measured binocularly, and a total of 12° for all obstructions across the width of each zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart, and except for outside rearview mirrors and supports therefor which are below a horizontal plane passing through V_3.

S9.3 *Buses whose R point is more than 36 inches above the ground.*

(a) Zone I—Zero degrees (no obstructions), except for electrical conductors in Zone Ic that individually have a maximum cross-sectional width of not more than 0.005 inch.

(b) Zone II—5° for each obstruction measured binocularly, and a total of 13° for all obstructions across the width of the zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart, and except for outside rearview mirrors and supports therefor which are below a horizontal plane passing through V_3.

(c) Zone III—5° for each obstruction measured binocularly, and a total of 16° for all obstructions across the width of the zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart, and except for outside rearview mirrors and supports therefor.

S9.4 *Multipurpose passenger vehicles and trucks whose R point is more than 36 inches but not more than 50 inches above the ground.*

(a) Zones Ia and Ib—Zero degrees (no obstructions).

(b) Zone Ic—Obstructions within the zone shall not obstruct more than 33⅓ percent of the view through the zone from V_3, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.005 inch.

(c) Zone II—6° for each obstruction measured binocularly, and a total of 13° for all obstructions across the width of the zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart, and except for outside rearview mirrors and supports therefor which are below a horizontal plane passing through V_3.

(d) Zone III—6° for each obstruction measured binocularly, and a total of 13° for all obstructions across the width of the zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart, and except for outside rearview mirrors and supports therefor which are below a horizontal plane passing through V_3.

S9.5 *Multipurpose passenger vehicles and trucks whose R point is more than 50 inches above the ground.*

(a) Zones Ia and Ib—Zero degrees (no obstructions),

(b) Zone Ic—Obstructions within the zone shall not obstruct more than 66⅔ percent of the view through the zone from V_3, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.005 inch.

(c) Zones II and III—7.5° for each obstruction measured binocularly, and a total of 17° for all obstructions across the width of each zone measured monocularly, except for electrical conductors that individually have a maximum cross-sectional width of not more than 0.0005 inch and are spaced not less than 0.125 inch apart, and except for outside rearview mirrors, and supports therefor.

S10. *Requirements for motorcycles.* Each motorcycle shall meet the following requirements when tested in accordance with the conditions of S11 and the procedures of S12.

S10.1 *Horizontal angular width of obstructions.* There shall be no obstructions forward of the forwardmost point of the driver's seat that are above a horizontal plane 18 inches above the lowest seating surface of the driver's seat, except for a single windshield support that has a maximum cross-sectional width of not more than 0.25 inch.

S10.2 *Light transmittance.* The light transmittance of glazing material in the windshield or windscreen shall be not less than 80 percent.

S11. *Conditions.*

S11.1 The requirements specified in S6, S7, S8, S9, and S10 shall be met under the following conditions.

S11.1.1 The vehicle is positioned in its design attitude.

S11.1.2 All vehicle openings (such as doors, tailgates, windows, hoods, and movable or convertible tops) are closed.

S11.1.3 Each rearview mirror is adjusted to provide the indirect fields of view required by Motor Vehicle Safety Standard No. 111.

S11.1.4 An adjustable steering wheel is positioned so that it is in its lowest driving position.

S11.1.5 Adjustable head restraints are placed in any adjustable position.

S11.1.6 Each sun visor is adjusted so that no portion of it is within any zone. Sun visors are removed from the vehicle for the purpose of testing their light transmittance.

S11.1.7 Each adjustable seat is adjusted so that it is in its rearmost longitudinal driving position and its lowest vertical adjustment in the rearmost position, and so that its seat back is at the angle recommended in accordance with S6.3.

S12. *Procedures.*

S12.1 *Horizontal angular width of obstructions.*

S12.1.1 *Binocular obstructions.*

S12.1.1.1 *Zone II.*

(a) Determine the horizontal angular width of an obstruction by rotating the P_1Q_1 line around P_1 until the E_1E_2 line makes a 120° angle with a line drawn from E_1 tangent to the rear side of the obstruction.

(b) Draw a line from E_2 to the obstruction parallel to the line from E_1.

(c) Measure the angle between the parallel line from E_2 and another line

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from E_2 tangent to the front side of the obstruction. (Figure 5)

S12.1.1.2 *Zone III.*

Use the procedure specified in S12.1.1.1, except that the P point is P_3 and the eye reference points are E_3 and E_4. (Figure 5)

S12.1.1.3 *Zone IV.*

(a) Determine the horizontal angular width of an obstruction by rotating the P_1Q_1 line around P_1 until the line is parallel to the Z plane.

(b) Draw line from E_1 tangent to the rear side of the obstruction.

(c) Draw a line from E_2 to the obstruction parallel to the line from E_1.

(d) Measure the angle between the parallel line from E_2 and another line from E_2 drawn tangent to the front side of the obstruction. (Figure 6)

S12.1.1.4 *Zone V.*

Use the procedure specified in S12.1.1.3, except that the P point is P_2 and the eye reference points are E_3 and E_4. (Figure 6)

S12.1.2 *Monocular obstructions.*

(a) Determine the monocular horizontal angular width of an obstruction by measuring the angle between two horizontal lines that are tangent to either side of the obstruction and intersect at a point on a vertical line passing through V_o.

(b) Make the measurements at points on the vertical line at all heights between the highest and lowest points of the vehicle that are within the zone.

(c) In each horizontal plane within the zone, add the monocular horizontal angles.

S12.2 *Light transmittance of glazing materials.*

(a) Use a light source with the spectral distribution of "Illuminant A."

(b) Use a photometer whose spectral sensitivity is that of the CIE luminous efficiency function.

(c) Prevent any ambient light, other than that emanating from the light source, from affecting the measurements.

(d) Limit the field of view of the photometer so that only undiffused light from the light source is measured.

(e) Place the light source outside the vehicle and the photometer inside the vehicle so that they are equidistant from the glazing material and both are 12 inches from it.

(f) Align the optical axes of the light source and photometer so that they are horizontal.

(g) Align the optical axis of the photometer so that it is parallel to the X plane to measure the light transmittance of the windshield of all vehicles and the rear window of the passenger cars.

(h) Align the optical axis of the photometer so that it is parallel to the Z plane to measure the light transmittance of the side windows.

(i) Measure the intensity of the incident light emanating from the light source, both with and without the glazing material in place.

(j) Calculate the light transmittance of a particular portion of glazing material by dividing the value obtained with the glazing material in place by the value obtained without the glazing material in place and multiply the result by 100.

(k) Make the measurements and calculations for all points on the portion of glazing material required to comply with S7.1 and S10.2.

S12.3 *Spectral transmittance of sun visors.* To test the spectral transmittance of transparent sun visors, follow the procedures of S12.2, except remove the sun visor from the vehicle and position the sun visor so that it is perpendicular to the light beam.

TABLE I

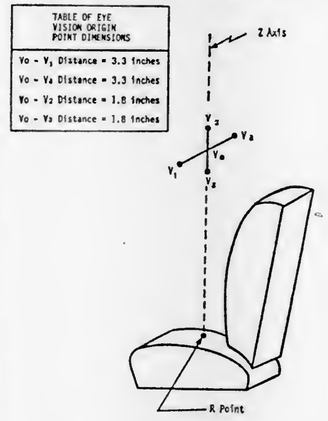
X and Z coordinates for V_a as a function of driver's recommended seat back angle.

Back angle (In degrees)		X	Z
At least	*But less than*	*Inches*	*Inches*
	5.5	−7.3	25.8
5.5	6.5	−7.0	25.8
6.5	7.5	−6.6	25.8
7.5	8.5	−6.2	25.7
8.5	9.5	−5.8	25.7
9.5	10.5	−5.4	25.7
10.5	11.5	−5.0	25.7
11.5	12.5	−4.7	25.6
12.5	13.5	−4.3	25.6
13.5	14.5	−3.9	25.5
14.5	15.5	−3.5	25.5
15.5	16.5	−3.2	25.4
16.5	17.5	−2.8	25.4
17.5	18.5	−2.5	25.3
18.5	19.5	−2.1	25.2
19.5	20.5	−1.7	25.1
20.5	21.5	−1.4	25.1
21.5	22.5	−1.0	25.0
22.5	23.5	−0.7	24.9
23.5	24.5	−0.3	24.9
24.5	25.5	0	24.7
25.5	26.5	0.3	24.6
26.5	27.5	0.7	24.5
27.5	28.5	1.0	24.4
28.5	29.5	1.3	24.3
29.5	30.5	1.7	24.1
30.5	31.5	2.0	24.0
31.5	32.5	2.3	23.9
32.5	33.5	2.7	23.7
33.5	34.5	3.0	23.6
34.5	35.5	3.3	23.5
35.5	36.5	3.6	23.3
36.5	37.5	3.9	23.1
37.5	38.5	4.2	23.0
38.5	39.5	4.5	22.8
39.5		4.8	22.7

TABLE II

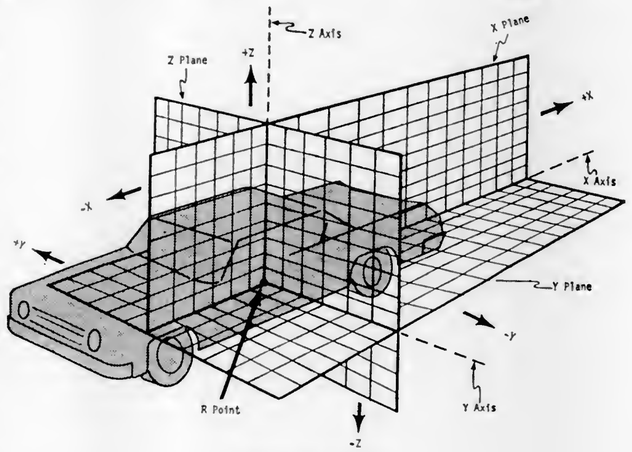
Modification of the X coordinates in Table I for V_a where the driver's seat has a longitudinal driving adjustment of at least 4.25 inches.

Longitudinal driving adjustment (inches)		X Coordinate adjustment (inches)
At least	*But less than*	
4.25	4.75	−0.50
4.75	5.25	−0.88
5.25	5.75	−1.26
5.75	6.25	−1.64
6.25		−1.89



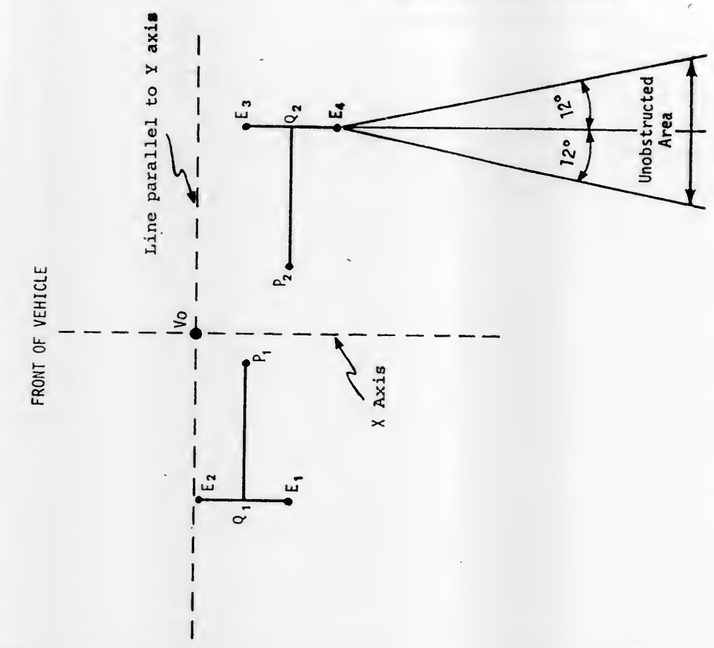
LOCATION OF THE FIVE VISION ORIGIN POINTS FROM THE R POINT FOR DRIVER'S SEAT HAVING A BACK ANGLE OF 25° AND A LONGITUDINAL HORISONTAL DRIVING ADJUSTMENT LESS THAN 4.25 INCHES.

FIGURE 1



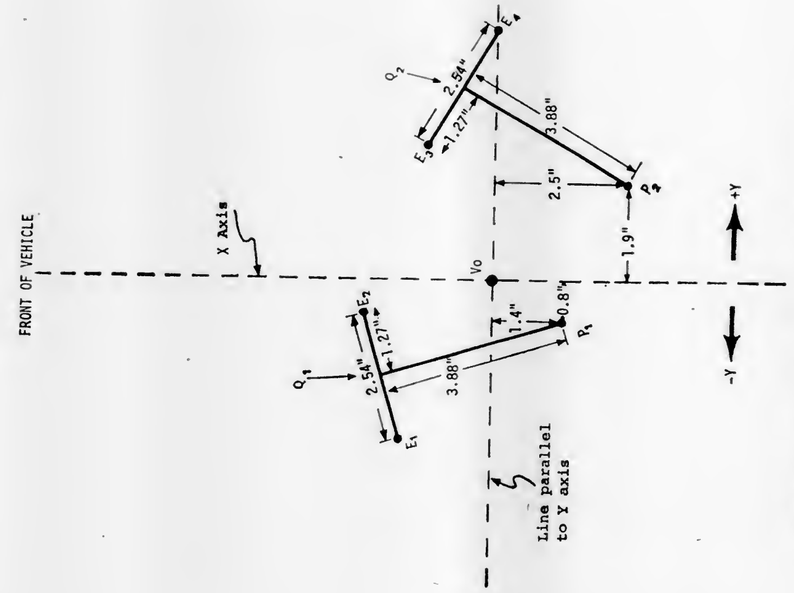
REFERENCE AXES AND PLANES.

FIGURE 2



UNOBSTRUCTED AREA IN ZONE VI (Top View)

Figure 4

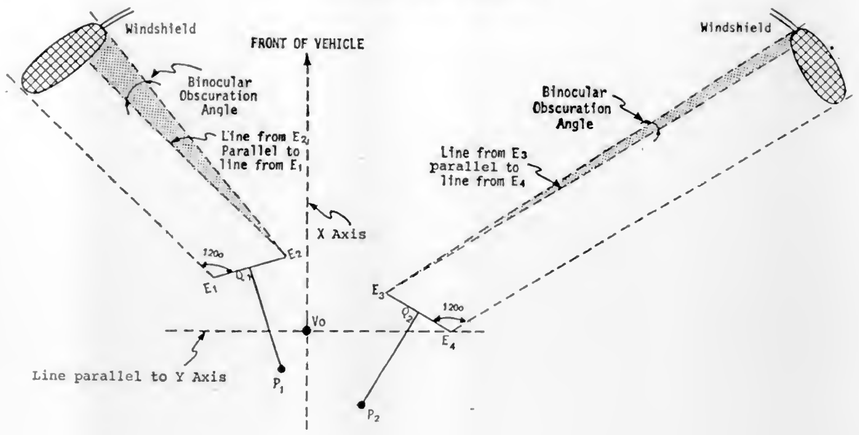


PICTORIAL EXAMPLE OF THE LOCATION OF P POINTS AND HEAD-TURN EYE REFERENCE POINTS RELATIVE TO VISION POINT Vo.

FIGURE 3

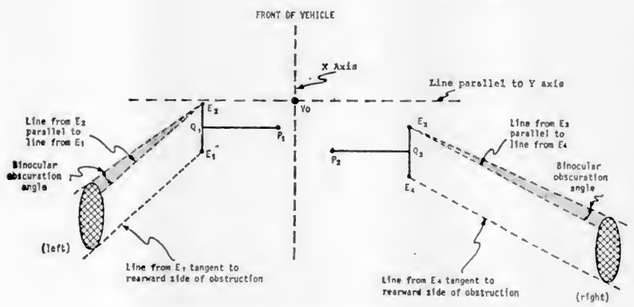
FEDERAL REGISTER, VOL. 37, NO. 71—WEDNESDAY, APRIL 12, 1972

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BINOCULAR MEASUREMENT IN TOP VIEW IN ZONES II & III

FIGURE 5



BINOCULAR MEASUREMENT IN TOP VIEW IN ZONES IV AND V.

Figure 6

[FR Doc.72-5411 Filed 4-11-72;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 23166; EDR-196B]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS OF CERTIFICATED AIR CARRIERS

Schedule B-16, Annual Report of Overdue and Uncollectible Accounts

For the reasons set forth in the attached explanatory statement, the Board has determined to issue a notice of proposed rule making to amend Part 241 of its economic regulations (14 CFR Part 241) so as to require certificated air carriers to file an annual report on a new schedule of the Form 41 reports setting forth (1) individual accounts overdue for 60 days or more, with a principal balance of more than $10,000, and (2) individual accounts aggregating more than $1,000 which have been charged to a reserve or directly expensed as uncollectible during the preceding calendar year.

The principal features of the proposal are described in the explanatory statement and the proposed amendment is set forth in the proposed rule. The amendments are proposed under sections 204(a), 401, and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 760; 49 U.S.C. 1324, 1371, 1377).

Interested persons may participate in the rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before May 11, 1972, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

Dated: April 5, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

EXPLANATORY STATEMENT

By advance notice of proposed rule making, EDR-196, dated February 25, 1971, 36 F.R. 4627, the Board stated that it was considering a proposal to limit the extent to which certificated route air carriers may grant credit for air transportation, and otherwise amend related provisions of Part 241 (14 CFR Part 241). The draft rule would have been set forth in a new part, to bar the extension of credit by a certificated route carrier to any customer for more than $1,000 or for longer than 60 days, unless the carrier and the customer enter into a written agreement which would, in accordance with standards established by the carrier and published in its filed tariffs, provide reasonable assurance that the indebtedness would be fully paid on its due date. Further, the tariffs would have been required to specify the procedures to be followed for collection in the event of default. The related draft amendments to Part 241 would have provided for an annual report schedule to be filed with the Board by each certificated route carrier, setting forth basic information concerning the amount and age of outstanding credit. Interested persons were invited to participate in the rule making proceeding.

A principal comment was received from the Airline Finance and Accounting Conference of Air Transport Association (ATA), on behalf of all trunkline carriers, and on behalf of eight of the nine local service carriers and one foreign air carrier,[1] with supplemental comments filed by three certificated route carriers.[2] In addition, comments were filed by The Flying Tiger Line Inc. (Flying Tiger), Univac Division of Sperry Rand Corp. (Univac), Hawaii Air Cargo Shippers Association, Inc. (Hawaii Shippers), and by the State of California and its Public Utilities Commission (California PUC). All of the comments, except those of Flying Tiger[3] and California PUC, oppose the draft rule.

The principal thrust of the comments in opposition to the proposed rule are that:

(1) There is no indication that the problem of credit abuses is sufficiently serious to warrant regulation by the Board;

(2) The proposed rules insofar as they require individual written agreements for any extension of credit beyond either the specified maximum sum of $1,000 or the maximum period of 60 days, would be extremely burdensome and impractical;

(3) Moreover, insofar as the individual agreements would have to provide "reasonable assurances" for repayment, use of such agreement would as a practical matter be precluded, because only letters of credit, bank guarantees or substantial collateral constitute "reasonable assurances" of repayment, and normal commercial accounts demand and received credit without posting such forms of security; and

(4) In light of the difficulties involved in obtaining credit from the carriers, as described in (2) and (3), above, the carriers' customers would be driven to obtain credit for air transportation from outside sources, such as Diners Club and American Express Co., the cost of whose services is largely borne by the carriers.

In light of the comments received, we have determined to propose a substitute rule which differs substantially from that set forth in the advance notice. Instead of proposing a general rule to restrict the extension of credit in air transportation, we are merely proposing that an annual report be filed. However, whereas the initial restrictive proposal would have applied only to certificated route air carriers, we are proposing to impose the far less burdensome reporting requirement upon all certificated air carriers, including supplemental air carriers.[4] The proposed report would consist of a schedule (Schedule B-16 of Form 41, a copy of which is attached hereto as Appendix A) setting forth a list of every individual account receivable (1) having a principal balance in excess of $10,000 which, at the end of the calendar year, has been outstanding for 60 days or more; and (2) which, having a principal balance of more than $1,000, has already been deemed uncollectible and directly expensed or charged to a reserve at any time during the preceding calendar year. The proposed rule would cover the extension of credit for passengers as well as for cargo in air transportation.[5]

PROPOSED RULE

Part 241. 1. Amend section 22—*General Reporting Instructions* by inserting a new Schedule B-16—*Overdue and Uncollectible Accounts*, in the list of schedules under paragraph (a) so that the list in pertinent part reads:

Section 22—General Reporting Instructions

(a) • • •

Schedule No.		Frequency	Postmark interval (days)
• • •		• • •	• • •
B-14	Summary of property obtained under long-term leases.	Quarterly...	40
B-16	Overdue and uncollectible accounts.	Annually...	90
B-41	Investments held by, or for the account of, respondent.	.....do.....	90
• • •		• • •	• • •

2. Amend Section 23—*Certification and Balance Sheet Elements* by inserting instructions for new Schedule B-16 as follows:

Section 23—Certification and Balance Sheet Elements

• • • • •

[1] The interest of this Canadian carrier is unclear, since the draft rule would apply only to U.S. certificated route air carriers.

[2] Texas International Airlines, Inc. (TTA), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United).

[3] Even Flying Tiger, which supports in principle a rule to restrict credit practices, would prefer a different rule from the draft described in EDR-196. Flying Tiger states, inter alia, that it would be unnecessarily burdensome for carriers to report delinquencies under $5,000, or to report a narrative of steps taken to collect delinquent accounts.

[4] They are: Capitol International Airways, Inc. (Capitol); Interstate Airmotive, Inc. (Interstate); Johnson Flying Service, Inc. (Johnson Flying Service); McCulloch International Airlines, Inc. (McCulloch); Modern Air Transport, Inc. (Modern); Overseas National Airways, Inc. (ONA); Purdue Airlines, Inc. (Purdue); Saturn Airways, Inc. (Saturn); Southern Air Transport, Inc. (Southern); Standard Airways, Inc. (Standard); Trans International Airlines, Inc. (TIA); Universal Airlines, Inc. (Universal); and World Airways, Inc. (World).

[5] The rule proposed herein would relate to general credit practices of air carriers. The special credit problem posed by political candidates is the subject of separate rule making proceedings recently instituted by the Board. (SPDR-29, issued Mar. 8, 1972, Docket 24275.)

Schedule B-16—Overdue and Uncollectable Accounts

(a) This schedule shall be filed by all route air carriers.

(b) Column 1 shall identify the name of each individual or firm with an account overdue for 60 days or more and with a principal balance of more than $10,000 as at the end of the calendar year, and those individuals or firms with accounts aggregating more than $1,000 during the calendar year which are or were determined to be uncollectable.

(c) Column 2 shall reflect, for each name listed in column 1, the total receivables due as at the end of the calendar year.

(d) Column 3 shall reflect the receivables which have been overdue for 60 days or more with a principal balance of more than $10,000 as at the end of the calendar year.

(e) Columns 4 through 6 shall reflect data pertaining to uncollectable accounts aggregating more than $1,000 during the calendar year. Column 4 shall reflect the account number against which uncollectables are charged; column 5 shall reflect the amounts charged directly to expense accounts; and column 6 shall reflect amounts charged to a reserve.

3. Amend Section 32—*General Reporting Instructions* by inserting a new Schedule B-16—*Overdue and Uncollectable Accounts*, as shown in Exhibit A attached, in the list of schedules under paragraph (a) so that the list in pertinent part reads:

Section 32—General Reporting Instructions

(a) • • •

Schedule No.		Frequency	Postmark interval (days)
• • •		• • •	• • •
B-14	Summary of property obtained under long-term leases.	Quarterly...	40
B-16	Overdue and uncollectible accounts.	Annually...	90
B-41	Investments held by, or for the account of, Respondent.	.....do.....	90
• • •		• • •	• • •

4. Amend Section 33—*Certification and Balance Sheet Elements* by inserting instructions for new Schedule B-16 as follows:

Section 33—Certification and Balance Sheet Elements

• • • • • •

Schedule B-16—Overdue and Uncollectable Accounts

(a) This schedule shall be filed by each supplemental air carrier.

(b) Column 1 shall identify the name of each individual or firm with an account overdue for 60 days or more and with a principal balance of more than $10,000 as at the end of the calendar year, and those individuals or firms with accounts aggregating more than $1,000 during the calendar year which are or were determined to be uncollectable.

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(c) Column 2 shall reflect, for each name listed in column 1, the total receivables due as of the end of the calendar year.

(d) Column 3 shall reflect the receivables which have been overdue for 60 days or more with a principal balance of more than $10,000 as at the end of the calendar year.

(e) Columns 4 through 6 shall reflect data pertaining to uncollectable accounts aggregating more than $1,000 during the calendar year. Column 4 shall reflect the account number against which uncollectables are charged; column 5 shall reflect the amounts charged directly to expense accounts; and column 6 shall reflect amounts charged to a reserve.

APPENDIX A

SCHEDULE S-16

Overdue and uncollectible accounts — Air carrier _____ As at December 31, 19____

Name of individual or firm	Total receivables as at December 31	Accounts overdue for 60 days or more with principal balance of more than $10,000	Uncollectible accounts aggregating more than $1,000		
			Account No.	Charged directly to expense	Charged to a reserve
(1)	(2)	(3)	(4)	(5)	(6)

[FR Doc.72-5506 Filed 4-11-72;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

SAFE DEPOSIT BOX SERVICE

Vault Requirements

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, proposes to revise § 701.30(b) (12 CFR 701.30(b)) as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, Washington, D.C. 20456, to be received not later than May 17, 1972.

HERMAN NICKERSON, JR.,
Administrator.

MARCH 31, 1972.

§ 701.30 Safe deposit box service.

* * * * *

(b) The safe deposit boxes will be located in a vault on the premises where the credit union maintains an office for the transaction of business with its members. Space will be provided whereby the tenants or deputies, if any, can have access to the contents of their specific safe deposit boxes in private. The vault and safe deposit boxes shall meet the minimum construction and safety standards specified by the insurance company writing the liability insurance mentioned in paragraph (c)(6) of this section. Such vault may be used for additional purposes: *Provided*, That the portion to be used for the safe deposit boxes is physically separated by means of a steel wall, gate, or similar partition: *And provided further*, That the door between the two sections have a two-key arrangement (one in the possession of the safe deposit box attendant and the other in possession of the credit union employee seeking access to the vault).

[FR Doc.72-5564 Filed 4-11-72;8:48 am]

FARM CREDIT ADMINISTRATION

[12 CFR Ch. VI]

FARM CREDIT SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Farm Credit Administration, by its Federal Farm Credit Board, has under consideration a proposed revision of all regulations it has heretofore issued which are now in effect. The reasons for the proposed revision are set forth in an explanatory statement that follows.

Interested persons may participate in the proposed rule making by submitting ten (10) copies of written data, views, or arguments pertaining thereto to E. A. Jaenke, Governor, Farm Credit Administration, Washington, D.C. 20578. All relevant material received not later than 30 days after the date this notice is published in the FEDERAL REGISTER will be considered by the Federal Farm Credit Board before final action is taken on the proposed revision. Copies of all communications received will be available for examination by interested persons in the office of the Director of Information, Farm Credit Administration.

EXPLANATORY STATEMENT

The Farm Credit Act of 1971, Public Law 92-181, approved December 10, 1971, is a complete recodification and replacement for prior laws under which the Farm Credit Administration and the institutions of the Farm Credit System were organized and operated. Prior laws which are repealed and superseded by the Act are identified in section 5.26(a) thereof. Section 5.26(b) retained the effectiveness of the existing regulations of the Farm Credit Administration and the Farm Credit System, the institutions' charters, bylaws, resolutions, stock classifications, policy, and elections until superseded, modified, or replaced under the authority of the 1971 Act. All obligations and contracts under prior laws remain enforceable unless and until modified in accordance with the 1971 Act. It is, therefore, the purpose of these regulations when approved in final form by the Federal Farm Credit Board to supersede regulations of the Farm Credit Administration issued under prior authority and to implement, as of the date of such approval of these regulations, the provisions of the 1971 Act. Contracts, including but not limited to notes, bonds, debentures, loans, security, collateral, entered into by the Farm Credit Administration or any of the institutions of the System before the final approval of these regulations shall remain valid and enforceable upon their terms unless and until they are subsequently modified.

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

PART 600—ORGANIZATION AND FUNCTIONS

Subpart A—Farm Credit Administration

Sec.
600.1 Farm Credit Administration.
600.2 Federal Farm Credit Board.
600.3 Governor.
600.4 Deputy Governors.
600.5 Other administrative units.

Subpart B—Farm Credit System

600.10 Farm Credit districts.
600.20 Federal land banks.
600.30 Federal land bank associations.
600.40 Federal intermediate credit banks.
600.50 Production credit associations.
600.60 Banks for cooperatives.

AUTHORITY: The provisions of this Part 600 issued under sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—Farm Credit Administration

§ 600.1 Farm Credit Administration.

The Farm Credit Administration is an independent agency in the executive branch of the Government. It consists of the Federal Farm Credit Board, the Governor, and other officers and employees. The central offices of the Farm Credit Administration are located in the South Agriculture Building, 14th Street and Independence Avenue SW., Washington, D.C. Its mailing address is Farm Credit Administration, Washington, D.C. 20578. The hours of business are 8:15 a.m.–4:45 p.m. Monday through Friday, excluding holidays.

§ 600.2 Federal Farm Credit Board.

The Federal Farm Credit Board is a part-time, policymaking board which consists of 13 members, 12 of whom are appointed by the President with the advice and consent of the Senate. In making the appointments, one from each of the 12 Farm Credit districts, the President receives and considers nominations from each district by the Federal land bank associations, the production credit associations and the stockholders of the banks for cooperatives. The 13th member of the Board is designated by the Secretary of Agriculture as his representative on the Board. The Federal Farm Credit Board establishes the general policy for the guidance of the Farm Credit Administration and approves the rules and regulations which implement applicable laws.

§ 600.3 Governor.

The Governor of the Farm Credit Administration is its chief executive officer. He is appointed by the Federal Farm Credit Board, and serves at its pleasure. During any period in which the Governor holds any stock in any of the institutions subject to supervision of the Farm Credit Administration, the appointment of the Governor shall be subject to approval by the President and during any such period the President shall have the power to remove the Governor. On December 31, 1968, the Government capital then remaining in the banks and associations was retired. Under the general supervision of the Federal Farm Credit Board, the Governor is responsible for the execution of laws creating the powers, functions, and duties of the Farm Credit Administration. The Farm Credit Administration makes no loans. All inquiries which concern the obtaining of loans should be addressed to the banks and associations described in §§ 600.20–600.70.

§ 600.4 Deputy Governors.

The Governor of the Farm Credit Administration is assisted in executing his responsibilities by deputy governors appointed by him.

(a) The Credit Service, headed by the Director who also is a Deputy Governor regulates and supervises the extension and administration of credit by the banks and associations of the Farm Credit System.

(b) The Operations and Finance Service, headed by the Director who also is a Deputy Governor regulates and supervises the operating and financial policies and practices of the banks and associations.

§ 600.5 Other administrative units.

The Farm Credit Administration also includes the following: Accounting, Budget and Data Management Division; Examination Division; Office of the General Counsel; Personnel and Administrative Services Division; Research Division, and Information Division.

(a) The Accounting, Budget and Data Management Division headed by the Director, administers Farm Credit Administration accounting, budget and payroll activities; coordinates securities transactions; formulates accounting and reporting requirements for banks and associations and reviews and analyzes their financial condition and earnings; advises on EDP management and utilization, supervises district and Federal board elections.

(b) The Examination Division, headed by the Chief Examiner, examines the banks and the associations supervised by the Farm Credit Administration.

(c) The Office of the General Counsel, headed by the General Counsel, performs legal services for the Federal Farm Credit Board, the Governor, and members of his staff, and consults with and coordinates the work of attorneys employed by the banks.

(d) The Personnel and Administrative Services Division, headed by the Director, plans and directs the personnel program for the Farm Credit Administration; coordinates and advises in the administration of the personnel programs in the Farm Credit districts; provides administrative services to the Farm Credit Administration.

(e) The Research Division, headed by the Director, makes studies of economic, financial, and credit factors affecting the gathering of loan funds, and the extension of sound, useful credit.

(f) The Information Division, headed by the Director, carries on information, member relations, and educational programs to inform farmers of the availability and the use of credit, provides information services for the Farm Credit Administration, and coordinates system-wide activities of the banks and associations supervised by the Farm Credit Administration and conducts foreign training programs in agricultural credit.

Subpart B—Farm Credit System

§ 600.10 Farm Credit districts.

(a) The United States is divided into 12 Farm Credit districts. In each district there are a Federal land bank and a number of Federal land bank associations, a Federal intermediate credit bank and a number of production credit associations, and a bank for cooperatives. Additionally, there is a Central Bank for Cooperatives located in the District of Columbia. The three banks in each district maintain their offices together. The city in which their offices are located in each district and the area comprising each district are as follows:

District name	District No.	District States
Springfield	1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey.
Baltimore	2	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, Puerto Rico.
Columbia	3	North Carolina, South Carolina, Georgia, Florida.
Louisville	4	Ohio, Indiana, Kentucky, Tennessee.
New Orleans	5	Alabama, Mississippi, Louisiana.
St. Louis	6	Illinois, Missouri, Arkansas.
St. Paul	7	Michigan, Wisconsin, Minnesota, North Dakota.
Omaha	8	Iowa, Nebraska, South Dakota, Wyoming.
Wichita	9	Oklahoma, Kansas, Colorado, New Mexico.
Houston	10	Texas.
Berkeley	11	California, Nevada, Utah, Arizona, Hawaii.
Spokane	12	Washington, Oregon, Montana, Idaho, Alaska.

Each district has a part-time, policymaking Farm Credit board of seven members who are ex officio, directors of each of the three banks in that district. The Central Bank for Cooperatives has a separate board of 13 directors. Each bank has its own officials.

(b) In each district, the Federal land bank associations, the production credit associations, and the cooperatives which borrow from the banks for cooperatives, as separate groups are each entitled to elect two members of the district Farm Credit board. The seventh member of the district board is appointed by the Governor of the Farm Credit Administration with the advice and consent of the Federal Farm Credit Board. Activities of the three banks in each district are coordinated through the district Farm Credit board and a committee composed of the bank presidents.

(c) From each district, the board of directors of the bank for cooperatives elects a director of the Central Bank. The 13th director of the Central Bank is appointed by the Governor with the advice and consent of the Federal Farm Credit Board.

§ 600.20 Federal land banks.

The 12 Federal land banks, one in each Farm Credit district, were organized in 1917 under the Federal Farm Loan Act (39 Stat. 360), and are continued under the Farm Credit Act of 1971 (85 Stat. 583). The Federal land banks were established as permanent institutions designed to provide long-term farm mortgage credit for agriculture. The banks, together with the Federal land bank associations, constitute the Federal Land Bank System which is cooperatively and completely farmer-owned. The principal function of the Federal land bank is to make first mortgage loans on farm lands to eligible applicants.

§ 600.30 Federal land bank associations.

The associations receive applications for loans made by the Federal land bank, elect the loan applicants to association membership, and endorse such loans. All of the stock of the Federal land bank associations is owned by their member-borrowers. The member-borrower purchases capital stock in the Federal land bank association. The association in turn purchases a like amount of capital stock in the Federal land bank. Each Federal land bank association is managed by a board of directors elected by and from the membership.

§ 600.40 Federal intermediate credit banks.

The 12 Federal intermediate credit banks, one in each Farm Credit district, were established as permanent institutions under the Federal Farm Loan Act as amended by the Agricultural Credits Act of 1923 (42 Stat. 1454), and are continued under the Farm Credit Act of 1971 (85 Stat. 583). The capital stock of the Federal intermediate credit banks is owned by production credit associations. The Federal intermediate credit banks are primarily banks of discount

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for production credit associations and other agricultural and livestock lending institutions.

§ 600.50 Production credit associations.

The associations are corporations organized under the Farm Credit Act of 1933 (48 Stat. 259), and continued under the Farm Credit Act of 1971 (85 Stat. 583). Production credit associations may finance on a short- and intermediate-term basis farmers and ranchers and producers or harvesters of aquatic products.

§ 600.60 Banks for cooperatives.

The banks for cooperatives, one in each Farm Credit district and a Central Bank for Cooperatives in the District of Columbia, were organized under the Farm Credit Act of 1933 (48 Stat. 257), and continued under the Farm Credit Act of 1971 (85 Stat. 583). The banks extend credit to certain cooperatives. The Central Bank for Cooperatives services district banks for cooperatives by making direct loans to them and participating in loans that exceed their respective lending limits.

PART 601—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Sec.

601.100 General policy.
601.101 Responsibilities.
601.110 Conflict of interest.
601.115 Applicable laws.
601.120 Cases of trivial interest or relationship.
601.125 Devotion of time to official duties.
601.126 Teaching, writing, and lecturing.
601.130 Farm Credit examiners.
601.135 Use of Government-owned property.
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601.141 Soliciting support in nomination and election polls.
601.145 Comments on proposed legislation.
601.150 Distribution of printed material by employees.
601.151 Improper use of official stationery.
601.155 Gifts or favors from subordinates prohibited.
601.160 Voluntary services.
601.165 Foreign decorations.
601.170 Statements of employment and financial interests.
601.171 Time and place for submission of statements.
601.172 Supplementary statements.
601.173 Interests of employees' relatives.
601.174 Information not known.
601.175 Information prohibited.
601.176 Confidentiality of statements.
601.177 Effect of statements on other requirements.
601.178 Review of statements.
601.180 Special Government employees.

AUTHORITY: The provisions of this Part 601 issued under sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

§ 601.100 General policy.

(a) It is the policy of the Farm Credit Administration that all of its officers and employees shall observe the highest standards of conduct in the discharge of the duties and responsibilities that are assigned to them, and that they shall conduct themselves at all times in a manner becoming officers and employees of the Federal Government, so as not to cause embarrassment to the Farm Credit Administration or the Government.

(b) Each officer and employee has an obligation to the Government, to the people he serves, and to his fellow officers and employees to carry out the purpose and spirit of this policy.

(c) Rules and regulations concerning responsibilities and conduct are contained in handbooks or special releases issued to all officers and employees. It is expected that they will keep currently informed thereon, and comply therewith.

§ 601.101 Responsibilities.

(a) In the administration of the policy set forth in § 602.200 of this chapter, and the rules and regulations thereunder, the Director of Personnel and Administrative Services is responsible for (1) general coordination, (2) dissemination of information, (3) handling of complaints, (4) assignment of investigations, (5) administrative interpretation, and (6) periodic review and evaluation of compliance.

(b) The Director of Personnel and Administrative services shall serve as counselor on ethical conduct and shall be responsible for assuring that counseling and interpretations on questions dealing with employee conduct and conflicts of interest are available to any officer or employee who desires advice and guidance on such questions.

§ 601.105 Disciplinary and other remedial action.

A violation of the provisions of this part which deal with employee conduct may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

§ 601.110 Conflict of interest.

Except as specifically authorized by law or these regulations, no officer or employee of the Farm Credit Administration:

(a) Shall, in any manner directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting his personal interests, those of any person related to him by blood or marriage, or those of any partnership, association, or any corporation in which he is directly or indirectly interested;

(b) Shall, except in the performance of his official duties, divulge to another person, or utilize for his personal benefit or that of another, any fact or information acquired by such officer or employee, directly or indirectly, by virtue of his employment;

(c) Shall, directly or indirectly, purchase bonds, debentures, or other obligations issued by any Farm Credit institution if his position is one of the following: Governor, Deputy Governor, Service Director, Deputy Service Director and other officials authorized to act as Service Director, General Counsel, Assistant General Counsel, Director of Accounting, Budget and Data Management Division, Comptroller, Chief Examiner, and farm credit examiners.

(d) Shall solicit, accept, or receive, directly or indirectly,

(1) From any borrowers from or debtor to, or any officer or employee of, any corporation under the supervision of the Farm Credit Administration, or

(2) From any person who has or is seeking to obtain contractual or other business or financial relations with the Farm Credit Administration, or

(3) From any loan applicant or representative thereof, or

(4) From any person who has an interest that may be substantially affected by the performance or nonperformance of such officer's or employee's official duty, any salary, loan, fee, commission, or honorarium or, for any purpose or in any way, any gift, favor, entertainment, or other benefit which might reasonably be interpreted by others as being of such nature that it could affect his impartiality; Exception: Such officer or employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting where such officer or employee may properly be in attendance, may accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal value, and may accept, with the written approval of the Governor and upon such conditions as he may prescribe, any benefit otherwise enjoined hereby if the circumstances make clear that the motivating factor for the extension of such benefit is not based on the Government responsibilities of the officer or employee and the business of the other person concerned.

(5) Nothing in this subpart precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this subpart for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B-128527 of the Comptroller General dated March 7, 1967.

(e) Shall acquire, directly or indirectly (including acquisition by membership in syndicates) any lands, or any interests therein, including mineral interests and interests as mortgagee or lessee, which are owned by or mortgaged to any corporation under Farm Credit Administration supervision or which were thus owned or mortgaged at any time within the preceding 12 months. However, such lands, or interests there in, may be acquired by will or inheritance or upon the written approval of the Governor subject to such conditions as he may prescribe. As used in this paragraph (e), "mineral interests" means any interest in minerals, oil, or gas, including but not limited to, any right derived directly or indirectly from a mineral, oil, or gas lease, deed or royalty conveyance;

(f) Shall participate directly or indirectly in any transaction concerning the purchase or sale of corporate stocks or bonds, commodities, or other property if such action might tend to interfere with the proper and impartial performance of his duties or bring discredit upon the Farm Credit Administration or any corporation under its supervision;

(g) Shall engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or otherwise conduct himself in a manner which might be prejudicial and cause embarrassment to or criticism of the Government or the Farm Credit Administration or any corporation under its supervision or interfere with the efficient performance of his duties;

(h) Shall receive any salary or anything of monetary value from a private source as compensation for his services to the Government;

(i) Shall refuse to pay in a proper and timely manner each financial obligation which is imposed by law, such as Federal, State, or local taxes, or which he has acknowledged, or which has been reduced to judgment by a court. As used herein, "proper and timely" means in a manner which the Farm Credit Administration deems does not, under the circumstances, reflect adversely on the Farm Credit Administration as his employer. In the event of a dispute between an employee and an alleged creditor, this section does not require the Farm Credit Administration to determine the validity or amount of the disputed debt;

(j) Shall participate, while on Government-owned or leased property or while on duty for the Farm Credit Administration, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or tickets;

(k) Shall take any action, whether or not otherwise expressly prohibited hereby, which might result in or create the appearance of:

(1) Using public office for private gain,

(2) Giving preferential treatment to any person,

(3) Impeding Government efficiency or economy,

(4) Losing complete independence or impartiality,

(5) Making a Government decision outside official channels, or,

(6) Affecting adversely the confidence of the public in the integrity of the Government.

§ 601.115 Applicable laws.

(a) Particular attention is directed to the following provisions of law containing the Federal penal provisions which relate particularly to officers and employees of the Farm Credit Administration: Paragraphs (b) and (d) of section 15 of the Agricultural Marketing Act (46 Stat. 18; 12 U.S.C. 1141j); and sections 213, 371, 432, 493, 657, 1006, 1011, 1014, 1907, and 1909 of title 18 United States Code, Crimes and Criminal Procedure.

(b) Attention is also directed to Public Law 87-849, approved October 23, 1962 (18 U.S.C. 201 et seq.) which imposes restraints on Government employees.

(1) A regular officer or employee (one appointed or employed to serve more than 130 days in any period of 365 days) is in general subject to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest (18 U.S.C. 203 and 205);

(ii) He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208);

(iii) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a));

(iv) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b));

(v) He may not receive any salary, or supplementation of his Government salary, from a private source as compensation for his services to the Government (18 U.S.C. 209).

(2) A special Government employee is in general subject only to the following major prohibitions:

(i) He may not, except in the discharge of his official duties, represent anyone else before a court or Government agency in a matter in which the United States is a party or has an interest and in which he has at any time participated personally and substantially for the Government (18 U.S.C. 203 and 205);

(ii) He may not, except in the discharge of his official duties, represent anyone else in a matter pending before the agency he serves unless he has served there no more than 60 days during the past 365 (18 U.S.C. 203 and 205);

(iii) He may not participate in his governmental capacity in any matter in which he, his spouse, minor child, outside business associate or person with whom he is negotiating for employment has a financial interest (18 U.S.C. 208);

(iv) He may not, after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a));

(v) He may not, for 1 year after his Government employment has ended, represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and which was within the boundaries of his official responsibility during the last year of his Government service (18 U.S.C. 207(b)).

(c) In addition to the statutes referred to in paragraphs (a) and (b) of this section, the attention of officers and employees, as well as special Government employees (who are defined to include, among others, officers and employees of the departments and agencies who are appointed or employed to serve, with or without compensation, for not more than 130 days during any period of 365 consecutive days either on a full-time or intermittent basis), is directed to the following statutes:

(1) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(2) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(3) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(4) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(5) The prohibitions against the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783), and the disclosure of confidential information (18 U.S.C. 1905).

(6) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(7) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a (c)).

(8) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(9) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(10) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(11) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(12) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(13) The prohibitions against embezzlement of Government money or property (18 U.S.C. 641), failing to account for public money (18 U.S.C. 643), and embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(14) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(15) The prohibitions against political activities in subchapter III of chapter 73 of title 5, U.S. Code and 18 U.S.C. 602, 603, 607, and 608.

(16) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

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§ 601.120 Cases of trivial interest or relationship.

If the degree of interest or relationship in any case is not substantial but is so trivial as to create little probability that the officer's or employee's impartiality of judgment and action has been affected, no question under § 601.110(a) shall be deemed involved. Each case shall be determined on its own facts, proper weight being given to the nature, amount, and importance of the benefit involved, the degree or kind of relationship in question, and the character of the person concerned.

§ 601.125 Devotion of time to official duties.

Officers and employees of the Farm Credit Administration, who are employed on a full-time basis, are required to devote their full business time to the effective accomplishment of the duties assigned them in connection with the activities and operations in which they are employed. They shall not engage in outside employment or other outside activity, with or without compensation, which is not compatible with the full and proper discharge of their official responsibilities, or which might embarrass the Farm Credit Administration or cast reflection upon their ability to take an unbiased and impartial view of its operations.

§ 601.126 Teaching, writing, and lecturing.

(a) No officer or employee of the Farm Credit Administration shall receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matters of which is devoted substantially to the responsibilities, programs, or operations of the Farm Credit Administration or any corporation under its supervision, or draws substantially upon official data or ideas which have not become part of the body of public information.

(b) No officer or employee of the Farm Credit Administration shall, either for or without compensation, engage in teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Governor gives written authorization for use of nonpublic information on the basis that the use is in the public interest.

§ 601.130 Farm Credit examiners.

Farm Credit examiners occupy positions established specifically by law to carry out special responsibilities. In order that they may carry out these responsibilities effectively, it is expected that they will refrain from action or conduct that may result in, or create the appearance of, obligating them to or causing them to be influenced by any of the officers or employees of the institutions supervised by the Farm Credit Administration.

§ 601.135 Use of Government-owned property.

(a) Except in emergencies threatening loss of life or property, no employee shall use Government property or equipment for any purpose other than performance of official Government work. All employees have a positive responsibility to protect and conserve all Federal property, including equipment and supplies, which is entrusted or issued to them.

(b) Public Law 600, approved August 2, 1946 (31 U.S.C. 638a(c)), reads in pertinent part as follows: "Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle * * * or of any passenger motor vehicle * * * leased by the Government for other than official purposes * * * shall be suspended from duty by the head of the department concerned, without compensation, for not less than 1 month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant."

§ 601.140 Political activity.

Various provisions of Federal statutes and regulations prohibit or limit political activity on the part of officers and employees of Federal agencies. Any officer or employee who desires to have more detailed information should make inquiry of the Personnel and Administrative Services Division.

§ 601.141 Soliciting support in nomination and election polls.

No officer or employee of the Farm Credit Administration except as authorized in the discharge of his or her official duties shall take any part, directly or indirectly, in the designation of nominees for the Federal Farm Credit Board or in the nomination or election of a member of a district Farm Credit Bank or the board of the Central Bank for Cooperatives or make any statement, either orally or in writing, which may be construed as intended to influence any vote in such designations, nominations, or elections. Any such officer or employee who violates the provisions of this section shall be dismissed.

§ 601.145 Comments on proposed legislation.

Section 1913 of Title 18 of the United States Code, entitled "Lobbying with appropriated moneys," states in substance that, in the absence of express authorization by Congress, no part of the money appropriated by any act of Congress shall be used "directly or indirectly" to pay for any personal service, telegram, letter, etc., "intended or designed to influence in any manner a Member of Congress to favor or oppose by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation." There is an exception made in regard to communications to Congress, or Members thereof, through the proper official channels. Section 1913 imposes certain penalties for the violation of these provisions.

§ 601.150 Distribution of printed material by employees.

The distribution of circulars, flyers, posters, etc., by individual Farm Credit Administration employees or by Farm Credit Administration employee groups, should be confined to material that will not result in embarrassment to the Farm Credit Administration. Distribution of any such material should be cleared with the Personnel and Administrative Services Division. Specifically, no circulars, flyers, posters, etc., may be so distributed which:

(a) Advertise the products, services, or facilities of a commercial firm or any profitmaking organization;

(b) Directly or indirectly attack or adversely reflect on the integrity or character of Members of Congress, the judiciary or Members of the President's Cabinet, or any other Government official in a similarly responsible position;

(c) Contain expressions of a derogatory or abusive character concerning any Government employee;

(d) Directly or indirectly criticize the policies of another Government department or agency which relate to programs of the Farm Credit Administration or corporations under its supervision.

§ 601.151 Improper use of official stationery.

Official stationery should not be used for communications on controversial public matters expressing opinions which do not represent the ascertained views of those to whom such expressions of opinion would normally be imputed through the use of official stationery. In no event should permission be given for the dissemination of any such letter through facsimile use of official stationery in any newspaper, magazine, circular, or other publication.

§ 601.155 Gifts or favors from subordinates prohibited.

(a) No employee of the Farm Credit Administration shall at any time solicit contributions from other employees in the Farm Credit Administration for a gift or present to anyone in a superior position; nor shall any employee receive any gift or present offered or presented to him as a contribution from persons in the employ of the Farm Credit Administration receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(b) No employee of the Farm Credit Administration shall place himself under obligation to a subordinate employee by borrowing money, directly, or indirectly, from such subordinate employee, or by obtaining the signature of a subordinate employee as endorser or comaker of a note issued as security for a loan.

§ 601.160 Voluntary services.

Section 665(b) of title 31, United States Code, provides that "No officer or employee of the United States shall accept voluntary service for the United States or employ personal service in excess of that authorized by law, except in cases of emergency involving the safety of human life or the protection of property."

§ 601.165 Foreign decorations.

(a) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Public Law 89–673, 80 Stat. 952.

(b) Any Farm Credit Administration employee who has had such a present conferred on him or her, must notify the Personnel and Administrative Services Division that it is being held by the State Department so that appropriate steps may be taken at time of the employee's retirement, for reporting to Congress.

§ 601.170 Statements of employment and financial interests.

A statement of employment and financial interests in the form prescribed by the Civil Service Commission shall be furnished by each officer or employee who is in grade GS–16 or above under section 5332 of title 5, United States Code, or in comparable or higher positions not subject to that statute, and by the following officers or employees:

(a) Contracting or Procurement Officers (and officers or employees who have contracting or procurement authority) in Grade GS–13 and above;

(b) Chief Reviewing Appraisers;

(c) Assistant Chief Examiners;

Officers or employees from who a statement of employment and financial interests otherwise is required may be excluded from the reporting requirement when the Governor determines that reports from such officers or employees are not necessary in order to carry out the purpose of law, Executive Order 11222, and this subpart. The grievance procedure of the Farm Credit Administration shall be available for review of a complaint by any officer or employee that his position has been improperly included as one requiring the submission of a statement of employment and financial interest.

§ 601.171 Time and place for submission of statements.

The statement of employment and financial interests, which need not include the amount of financial interest, indebtedness, or value of real property, shall be submitted to the designee of the Governor not later than:

(a) Ninety days after the effective date of the regulations in this part if the officer or employee is employed on or before that date; or

(b) Thirty days after the officer's or employee's entrance on duty, but not earlier than 90 days after the effective date hereof if appointed before that date.

§ 601.172 Supplementary statements.

Changes in, or additions to, the information contained in an officer's or employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each officer and employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of 18 U.S.C. 208, or of this part.

§ 601.173 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an officer's or employee's immediate household is considered to be an interest of the officer or employee. For the purpose of this section, "member of an officer's or employee's immediate household" means those blood relations who are residents of the officer's or employee's household.

§ 601.174 Information not known.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the officer or employee but is known to another person, the officer or employee shall request that other person to submit information in his behalf.

§ 601.175 Information prohibited.

An officer or employee is not required to submit on a statement of employment and financial interests or supplementary statement any information relating to the officer's or employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in the statement of employment and financial interests.

§ 601.176 Confidentiality of statements.

The Farm Credit Administration shall hold each statement of employment and financial interest, and each supplementary statement, in confidence. To insure this confidentiality, the designee of the Governor shall review and retain such statements and maintain them in confidence, and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this subpart. The Farm Credit Administration will not disclose information from a statement except as the Civil Service Commission or the Governor may determine for good cause shown.

§ 601.177 Effect of statements on other requirements.

The statements of employment and financial interests and supplementary statements required of officers and employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an officer or employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

§ 601.178 Review of statements.

The statement of employment and financial interests shall be reviewed by the designee of the Governor to determine whether the statement reveals a conflict or an apparent conflict between the interests of the officer or employee and the performance of such officer's or employee's service for the Farm Credit Administration. If such conflict or apparent conflict cannot be resolved by consultation between the designee of the Governor and the officer or employee the conflict or apparent conflict shall be reported to the Governor for such further handling or action as the Governor may deem indicated under the circumstances.

§ 601.180 Special Government employees.

In addition to those requirements of §§ 601.110–601.170 which may be made conditions of employment of a special Government employee in writing at the time of his employment, or otherwise apply to him by operation of law, such employee:

(a) Shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties;

(b) Shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties (for this purpose "inside information" means information obtained under Government authority which has not become part of the body of public information);

(c) Shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties;

(d) Shall not while so employed or in connection with his employment receive or solicit from a person having business with the Farm Credit Administration anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties. However, such employee may accept food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting where such employee may properly be in attendance, may accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other

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items of nominal value, and may accept, with the written approval of the Governor and upon such conditions as he may prescribe, any benefit otherwise enjoined hereby if the circumstances make clear that the motivating factor for the extension of such benefit is not based on the Government responsibilities of the employee and the business of the other person concerned;

(e) Shall submit to the designee of the Governor not later than the time of his employment a statement of employment and financial interests in the form prescribed by the Civil Service Commission which reports all other employment and any financial interests which relate either directly or indirectly to his duties and responsibilities as a special Government employee. He shall keep such statement current throughout his employment by the submission of supplementary statements. The information contained in the statement shall be reviewed and otherwise handled as is provided in § 601.178 with regard to statements of employment and financial interests required to be furnished by officers and employees. The Governor may waive the requirement for the submission of such statement in the case of a special Government employee who is not a consultant or an expert when the Farm Credit Administration finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibilities that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government.

PART 602—RELEASING INFORMATION

Subpart A—Information and Records Generally

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602.200 General rule.
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602.210 Lists of borrowers.
602.215 Data regarding borrowers and loan applicants.
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602.250 Official records of the Farm Credit Administration.
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602.265 Service charge.

AUTHORITY: The provisions of this Part 602 issued under secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—Information and Records Generally

§ 602.200 General rule.

Except as necessary in performing official duties or as authorized by §§ 602.205–602.235, no one employed by Farm Credit Administration shall disclose information of a type not ordinarily contained in published reports or press releases regarding Farm Credit Administration or any banks or associations of the Farm Credit System or their borrowers or members. Information prepared for newspaper, publishing and broadcasting companies, and all new or revised publications shall be cleared with the Information Division.

§ 602.205 Reports of Farm Credit examiners.

Reports of examinations of banks or associations made by Farm Credit examiners or Federal intermediate credit bank officials and other personnel who have been authorized by the Governor to make credit examinations may be disclosed only with the consent of the Chief Examiner of the Farm Credit Administration. Consent is given for disclosing reports of regular examinations to the banks and associations involved or interested, but such disclosure of reports of special examinations shall be only by action or consent of the Chief Examiner in each instance. Consent is also given for disclosing reports of regular examinations to authorized representatives of Farm Credit Administration and, when requested for confidential use in official investigations of matters touched upon therein, to agents of the Federal Bureau of Investigation, Department of Justice; the Assistant Postmaster General, Inspection Service, U.S. Postal Service; the Secret Service; the Internal Revenue Service; Office of the Inspector General, Department of Agriculture; and the General Accounting Office.

§ 602.210 Lists of borrowers.

The relationship between borrowers and the banks and associations in the cooperative Farm Credit System is confidential, and therefore no one employed by Farm Credit Administration shall release a list of borrowers from a Farm Credit bank or association except as provided in § 618.8310 of this chapter unless such release is approved by the Governor or deputy governor.

§ 602.215 Data regarding borrowers and loan applicants.

Because the relationship between borrowers and the banks and associations in the cooperative Farm Credit System is confidential, Farm Credit Administration personnel shall hold in strict confidence all information regarding character, credit standing, and property of borrowers and applicants for loans. They shall not exhibit or quote the following documents: loan applications; letters and statements relative to the character, credit standing, and property of borrowers and applicants; recommendations of loan committees; and reports of inspectors, fieldmen, investigators, and appraisers except as authorized by § 618.8320 of this chapter. This section is subject to the following further exceptions:

(a) Examiners and other accredited representatives of Farm Credit Administration shall have free access to all information, records, and files.

(b) Accredited representatives of the offices named in § 602.205 may, at their request, be given information pertinent to their official investigations of individual cases, and may examine such portions of the records and files as contain the information.

(c) Information concerning borrowers may be given for the confidential use of any Farm Credit institution, or any Government agency, in contemplation of the extension of agricultural credit or the collection of loans.

(d) Credit information concerning any borrower may be given when such borrower consents thereto in writing.

(e) In litigation between a borrower (or his successor in interest) and the United States or a bank or association, any competent evidence may be introduced with respect to any relevant statements made orally or in writing by or to the borrower or his successor.

§ 602.220 Waiver of restriction.

If it appears that justice would be served by releasing information in circumstances forbidden by § 602.215, the restrictions of that section may be waived as to a particular case by the Governor or deputy governor. A recommendation for such waiver may be submitted by any bank, association, or office concerned. Any such recommendation from a Federal land bank association or a production credit association shall be submitted through the appropriate Federal land bank or Federal intermediate credit bank, with the request that it be considered and forwarded to the Farm Credit Administration, if deemed advisable. Each such recommendation shall be supported by a statement of facts and approved by counsel for the forwarding bank. The recommendation should be addressed to the General Counsel, Farm Credit Administration.

§ 602.225 Officer or employee summoned as a witness.

If an officer or employee is summoned as a witness in litigation to which neither the Government nor any Farm Credit institution is a party for the purpose of testifying and/or producing documentary evidence with respect to matters which he is forbidden by these regulations in this Part to disclose, he shall arrange, if possible, with the attorney who obtained the summons, to be excused from testifying. If not excused, he shall appear in response to the summons but, before testifying or producing documentary evidence as to confidential information, he shall advise the court of these regulations against disclosing such information and request that its confidential nature be safeguarded. After so doing, he may then testify or produce documentary evidence as to such information only to the extent and under the conditions directed by the court.

§ 602.230 Request for advice.

Upon receiving any such summons, the officer or employee may request advice and assistance from the General Counsel of Farm Credit Administration or the district general counsel (or other designated attorney).

§ 602.235 Information regarding personnel.

List of employees shall not be released by an office of the Farm Credit Administration without the approval of the Governor or a Deputy Governor. This section is subject to the following exceptions:

(a) Taxing authorities shall be supplied, on request, with the names, addresses, and compensation of officers and employees of Farm Credit Administration. Field offices receiving any such requests shall forward them to the Accounting, Budget and Data Management Division.

(b) The Farm Credit Administration may release employees' names, addresses, positions and spouses' names to reputable concerns for listing in local directories only. Employees wishing to do so shall be allowed to withhold their names.

§ 602.240 Authority reserved to release information.

The provisions of §§ 602.200–602.235 shall not operate to limit or restrict the discretionary authority of the Governor or any Deputy Governor to release, or authorize the release of, information by or pertaining to the Farm Credit Administration or any bank or association of the Farm Credit System.

§ 602.245 Official records generally.

The Farm Credit Administration and the several banks and associations under its supervision keep confidential the classes of records enumerated in §§ 602.205, 602.210, 602.215, 602.235. Such records and other official records in the custody of the Farm Credit Administration may be made available to the extent provided in §§ 602.250–602.265. Information contained in other official records in the custody of a particular bank or association of the Farm Credit System may be made available to persons directly and properly concerned in accordance with §§ 608.8300 and 608.8350 of this chapter.

Subpart B—Availability of Records of the Farm Credit Administration

§ 602.250 Official records of the Farm Credit Administration.

Upon request, identified records of the Farm Credit Administration shall be made available for public inspection and copying, except exempt records which include the following:

(a) Records specifically required by Executive order to be secret;

(b) Records related solely to the internal personnel rules and practices of the Farm Credit Administration, including matters which are for the guidance of agency personnel;

(c) Records which are specifically exempted from disclosure by statute;

(d) Commercial or financial information obtained from any person or organization and privileged or confidential;

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a private party in litigation in which the United States, as real party in interest on behalf of the Farm Credit Administration, is a party, or from a bank or association supervised by the Farm Credit Administration to a private party in litigation with such bank or association if such memorandums or letters are records of such bank or association;

(f) Personnel and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a private party;

(h) Records of or related to examination, operating, or condition reports (other than published condition reports) of or related to the banks and associations under the supervision of the Farm Credit Administration which are prepared by, on behalf of, or for its use.

§ 602.255 Identification of records requested.

A member of the public who requests records from the Farm Credit Administration shall provide a reasonably specific description of the records sought so that such records may be located without undue search or inquiry. A record that is not identified by a reasonably specific description is not an identified record, and the request therefor may be declined.

§ 602.260 Request for records.

Requests for identified records should be directed to the Director of Information, Farm Credit Administration, Washington, D.C. 20578. Copies of such records may be obtained in person or by mail. Records will be available for inspection or copying during business hours on a regular business day at the offices of the Farm Credit Administration which are located in the South Agriculture Building, Washington, D.C.

§ 602.265 Service charge.

(a) The Farm Credit Administration furnishes a member of the public free of charge a reasonable quantity of information that has been printed or otherwise reproduced for the purpose of making it available to the public without charge.

(b) The Farm Credit Administration furnishes a member of the public free of charge information that is requested and is not exempt from disclosure when the information is readily available and can be furnished by the Farm Credit Administration without charge.

(c) When a request for information which may not be furnished under paragraphs (a) and (b) of this section is received, the Farm Credit Administration furnishes a copy of it at a fair and equitable fee when it is available to the public. In determining such fair and equitable fee, the Farm Credit Administration ascertains all costs necessary to recover the full cost to the Government including but not limited to, cost of employee service relating to research, reproduction assembly, and authentication. The fee will be based on these costs and information under this paragraph will not be furnished until such fee is paid or arrangements for payment are made.

SUBCHAPTER B—FARM CREDIT SYSTEM

PART 611—ORGANIZATION

Subpart A—Introduction

Subpart B—Policy

Subpart C—The Farm Credit Administration

Subpart D—The Farm Credit System

Subpart E—Farm Credit Districts

Subpart F—General Rules for the Districts

Sec.
611.1000 Organization—district boards of directors.
611.1010 Powers, duties, and responsibilities.
611.1021 Compensation limitation.
611.1030 Special assignments of district board members.
611.1031 Limitation on special assignments.
611.1040 Meetings of boards.
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611.1060 District organization.
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611.1080 Association establishment and election of directors.
611.1090 Merger of districts.
611.1100 Mergers or consolidations of banks.
611.1110 Creation of new associations.
611.1120 Merger or consolidation of associations.
611.1121 Territory adjustments of associations.
611.1130 Liquidation of associations.

AUTHORITY: The provisions of this Part 611 issued under sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—Introduction

The Farm Credit Act of 1971, Public Law 92–181, approved December 10, 1971, is a complete recodification and replacement for prior laws under which the Farm Credit Administration and the institutions of the Farm Credit System were organized and operated. Prior laws which are repealed and superseded by the Act are identified in section 5.26(a) thereof. Section 5.26(b) retained the effectiveness of the existing regulations of the Farm Credit Administration and the Farm Credit System, the institutions' charters, bylaws, resolutions, stock classifications, policy, and elections until superseded, modified, or replaced under the authority of the 1971 Act. All obligations and contracts under prior laws remain enforceable unless and until modified in accordance with the 1971 Act. It is, therefore, the purpose of these regulations to supersede regulations of the Farm Credit Administration issued under prior authority and to implement, as of the date of approval of these regulations, the provisions of the 1971 Act. Contracts, including but not limited to notes, bonds, debentures, loans, security, collateral, entered into by the Farm Credit Administration or any of the institutions of the System before the issuance of these regulations shall remain valid and enforceable upon their terms unless and until they are subsequently modified.

Subpart B—Policy

In recognition, as a national policy, that a prosperous, productive agricultural economy requires an increasing input of credit resources through a permanent financing system designed to

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furnish sound, adequate, and constructive credit to farmers and ranchers and their cooperatives, the Congress initially authorized in prior law and continued under the 1971 Act a System of limited purpose, farmer-owned, banks and associations to help meet their credit needs.

The System is designed for farmer and rancher borrowers' ownership, management, and control which will be responsible to the credit needs of all types of agricultural producers and their cooperatives having a basis for credit to be furnished through the System in ways which will more adequately meet current and future complex credit requirement. For purposes of these regulations, agricultural producers are identified as individual farmers and other legal entities engaged in farming or whose owners would be granted credit if they were individual applicants. The System should also serve the farm and family needs of the part-time farmer but qualification as a farmer should not entitle such members to unlimited financing for other purposes. Additional authorization has been provided for financing non-farm rural housing, producers or harvesters of aquatic products, and selected farm-related businesses furnishing on-farm services.

The primary objective of the System is to help improve the income and well-being of farmers and ranchers. Because the System was so well conceived, it has served a large part of the agricultural credit needs of the country. It can be of greater service now with the removal of many statutory limitations. With wider latitude for action comes greater responsibility for management and policy determinations. These regulations identify areas in which Systemwide policy and district policy for the guidance of management and operations of the banks and associations is necessary to assure the accomplishment of these objectives.

This wider latitude of service and added functions accentuate the impact of the System on the agricultural economy, on other elements of the Nation's total business community, and on the public generally. Consequently, as is true with other types of financing institutions, the public interest will be protected under rules dealing with supervision, examination, audit, lending and funding operations of the System.

Subpart C—The Farm Credit Administration

The Farm Credit Administration is composed of the Federal Farm Credit Board and the Governor of the Farm Credit Administration, hereinafter called the Governor, appointed by the Board, and other employees of the Administration. The Board is composed of not more than 13 members, one of whom is designated by the Secretary of Agriculture and the remainder appointed by the President, with the advice and consent of the Senate.

The qualifications, terms, manner of nomination, appointment, and compensation of board members are provided in section 5.8 of the Act and the procedural rules for nomination are prescribed in § 618.8150 of this chapter.

The Board establishes the general policy for the guidance of the Farm Credit Administration and approves necessary rules and regulations for the implementation of the Act as specified in section 5.9.

Subpart D—The Farm Credit System

The Farm Credit System includes the Federal land banks, the Federal land bank associations, the Federal intermediate credit banks, the production credit associations, and the banks for cooperatives. Each of these institutions is an instrumentality of the United States for carrying out the congressional policy and objective. Each is chartered by the Farm Credit Administration, an independent agency of the Executive Branch of the U.S. Government, and subject to regulation and supervision by the Farm Credit Administration. The banks also have immediate supervisory responsibility over the associations in their districts.

Subpart E—Farm Credit Districts

The United States is divided into 12 Farm Credit districts. The designation and the States and other areas embraced in each district are as follows.

District name	District No.	District States
Springfield	1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey.
Baltimore	2	Pennsylvania, Delaware, Maryland, Virginia, West Virginia, District of Columbia, Puerto Rico.
Columbia	3	North Carolina, South Carolina, Georgia, Florida.
Louisville	4	Ohio, Indiana, Kentucky, Tennessee.
New Orleans	5	Alabama, Mississippi, Louisiana.
St. Louis	6	Illinois, Missouri, Arkansas.
St. Paul	7	Michigan, Wisconsin, Minnesota, North Dakota.
Omaha	8	Iowa, Nebraska, South Dakota, Wyoming.
Wichita	9	Oklahoma, Kansas, Colorado, New Mexico.
Houston	10	Texas.
Berkeley	11	California, Nevada, Utah, Arizona, Hawaii.
Spokane	12	Washington, Oregon, Montana, Idaho, Alaska.

Subpart F—General Rules for the Districts

§ 611.1000 Organization — district boards of directors.

(a) Each Farm Credit district shall have a district board of directors composed of seven members, six of whom are elected and one appointed, as provided in section 5.2 of the Act. Important limitations on the eligibility for membership on the district board are specified in section 5.1 of the Act. The district board may adopt additional eligibility requirements, such as an age limitation or a number of successive terms for which a director will be eligible to serve. The terms of the elected and appointed district directors are specified in section 5.1(c) of the Act. The nomination and election of district directors is provided for in section 5.2 of the Act, and procedural rules are prescribed in § 618.8160 of this chapter. The members of each Farm Credit district board of directors shall operate as a single policymaking board. They also serve as the boards of directors of the Federal land bank, the Federal intermediate credit bank, and the bank for cooperatives in their respective districts. In neither capacity do they engage in management functions. Whether acting as the board of directors for the district or ex officio as the boards for the district banks, they are responsible for correlating the policies and functions of the banks and associations so that they complement the other institutions in the district.

(b) The Central Bank for Cooperatives as provided in section 3.2 of the Act has a separate board of directors of not more than 13 members, one elected by each district board and a member at large appointed by the Governor with the advice and consent of the Federal Farm Credit Board. The powers of the central bank board are comparable to the powers of the district board acting ex officio as the board of directors of the district bank for cooperatives. However, the principal purpose of the Central Bank involves participation with the district banks for cooperatives in loans.

§ 611.1010 Powers, duties, and responsibilities.

The district board acting in that capacity or as the board of a bank, as appropriate, shall—

(a) Adopt bylaws for the banks, and approve bylaws for associations in the district from forms approved or to be approved by the Farm Credit Administration and proposed modifications of such bylaws.

(b) Adopt and prescribe consistent lending and operating policies for each of the banks and all of the associations in the district as authorized by law and these regulations to the end that the credit and other services available to eligible persons be uniform to the extent feasible and at the lowest reasonable cost consistent with sound business operations. The policies of the board shall recognize that the strength of the Farm Credit System lies substantially in its cooperative character, that each institution is an integral part of the statutory scheme for the whole System, and that each institution shall consider the total credit needs of and services available to eligible borrowers.

(c) Provide for supervision of the associations in the district to assure that authorized services are available to eligible persons in the most effective and efficient manner.

(d) Periodically provide for a review of the credit and related service needs of farmers, ranchers, and cooperatives in the district and recommend programs or modified programs to the Federal Farm Credit Board.

(e) Formulate broad policy guidelines concerning the funding operations of the banks in the district and, in concert with other district boards, for the long-range guidance of the future funding of the System.

(f) Provide policy and guidelines for the employment, compensation, and employee benefits of competent officers and employees of the several institutions in the district.

(g) Authorize agreements for joint services within or between districts for functions and services to borrowers and to the institutions of the System which can be most effectively performed by joint undertakings. When such agreements involve impact or implications for other institutions of the System, general protection of borrowers' equities and overall public interests, the proposals shall be undertaken after prior consultation with Farm Credit Administrataion in its supervisory capacity.

(h) Delegate to management the responsibilities and accountability for implementing the Act and these regulations and effectuation of district board policy.

(i) Consider and take appropriate corrective actions on recommendations identified in examination and audit reports as determined by the board or as required by the Farm Credit Administration.

(j) Provide rules for its operations as a district board and such other policy guidance for the effective implementation of the law and these regulations within the district as may be appropriate.

§ 611.1021 Compensation limitation.

Compensation is not allowable for time spent by district directors on business of Federal land bank associations, production credit associations or cooperatives of which they are members or other self-imposed assignments.

§ 611.1030 Special assignments of district board members.

Special assignments requiring the services of a director shall be authorized under procedures established by either the district board or the board of one of the banks, whichever is appropriate, and may be requested by the Farm Credit Administration.

§ 611.1031 Limitation on special assignments.

Special assignments requiring service in one calendar year totaling more than 30 days (not counting time needed for attendance at board meetings) must have the prior approval of the Farm Credit Administration. Without any further request therefor, prior approval is hereby given for attendance at National Farm Credit Directors Conferences and Planning Committee meetings, meetings of the Directors Advisory Committee to the Fiscal Agency Committee, meetings of the District Directors Policy Coordinating Committee and attendance at a particular time or place requested by the Farm Credit Administration.

§ 611.1040 Meetings of boards.

The boards shall establish regular meetings and may arrange for special meetings. The Farm Credit Administration should be notified at least 2 weeks in advance of any changed regular meeting date and, if possible, of any special meeting of the board.

§ 611.1050 Minutes of boards.

The district board shall keep full and accurate minutes of its meetings and of meetings as bank boards. Two copies of the minutes of district board meetings and bank board meetings should be sent to the Farm Credit Administration within 2 weeks after the meetings.

§ 611.1060 District organization.

The district board shall provide through a committee of presidents of the three banks, or through some other organizational pattern, a means of facilitating and promoting maximum communications among the banks in the district and an efficient and effective means of coordinating communications of these banks with the Farm Credit Administration, other parts of the System, other organizations, and with borrowers and the public. The organizational pattern should also be such that it encourages and helps to effectuate closer working relationships between the banks as a means of providing the best possible service to members at the lowest possible cost.

§ 611.1070 Branches.

The boards may authorize the establishment of branches or other offices necessary for the effective operation of the business of the banks. An association may establish such branches or other offices necessary for the effective service to borrowers when approved by the supervising bank.

§ 611.1080 Association establishment and election of directors.

As used throughout these regulations, the term "association" is restricted to Federal land bank associations and production credit associations. Section 1.13 of the Act provides for the establishment of Federal land bank associations and section 1.14 provides for the election of their boards of directors. Section 2.10 of the Act provides for the establishment of the production credit associations and section 2.11 provides for the electing of the board of directors. Additional provisions are contained in the bylaws for both.

§ 611.1090 Merger of districts.

Should two or more district boards recommend the merger of existing districts, change in the territory served by the respective districts, or any change in the name or designation of a district, the proposal and justification therefor shall be submitted to the Farm Credit Administration for review by the Federal Farm Credit Board before it is submitted for any required stockholder approval.

§ 611.1100 Mergers or consolidations of banks.

Any of the banks in the System proposing to merge or consolidate with like banks in other districts, as authorized by the Act, shall jointly submit the proposal and justification, including recommendations for the formulation of a board of directors for the bank resulting from such merger or consolidation, to the Farm Credit Administration for review before the proposal is submitted to the stockholders of such banks for approval.

§ 611.1110 Creation of new associations.

Any application for the issuance of a charter to a new Federal land bank association shall meet the requirements of section 1.13 of the Act, and any application for the charter of a new production credit association shall meet the requirements of section 2.10 of the Act. In submitting the application and recommendations required by said sections, the proposed association shall submit its proposed bylaws from the forms or optional forms approved by the Farm Credit Administration or its proposed additions to and modifications of such approved or optional bylaws provisions.

§ 611.1120 Mergers or consolidation of associations.

The boards of directors of two or more like associations may propose to merge or consolidate associations. The resolutions proposing such agreement shall be accompanied by an agreement setting forth the terms and conditions under which the merger or consolidation shall take place and shall be submitted to the bank board which, if it approves of the proposal, shall transmit the tentative agreement, and make its recommendation, to the Farm Credit Administration for review before the proposal is submitted to the stockholders of the associations. The agreement for merger or consolidation shall include the proposed effective date; the proposed name and location of the continuing or consolidated association; the designation of the charter and bylaws of one constituent association to be those of the continuing or consolidated association; the names of persons nominated to serve as directors until the first annual meeting after the merger or consolidation; the authority for transferring assets to and assumption of liabilities by the continuing or consolidated association; provision relating to the stock of the constituent associations and the stock of the continuing or consolidated association, provided no fractional shares of stock shall be issued; and the designation of persons and granting of authority to carry out the agreement, including authority to execute any documents necessary to perfect title. If preliminary approval is received from the bank board and the Farm Credit Administration, the proposed merger shall be submitted for the approval of the majority of the voting stockholders who are present and voting and the written proxies of voting stockholders presented at a duly authorized stockholders' meeting. The form of written proxy shall be prescribed by the bank. Upon such approval of the agreement, the Farm Credit Administration will issue a new charter and approve new bylaws. The newly designated directors may take such action at any time thereafter, subject to ratification at the first meeting after the

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effective date, as may be necessary for the continuing or consolidated association to transact its business. The execution of the agreement and the merger in its entirety shall be under the direction of the bank.

§ 611.1121 Territory adjustments of associations.

Territorial adjustments may be made among like associations, subject to the approval of the bank and the Farm Credit Administration.

§ 611.1130 Liquidation of associations.

The board of directors of an association, by the adoption of an appropriate resolution, may place an association in voluntary liquidation, subject to approval of the bank board and the Farm Credit Administration, whereupon the supervising bank shall appoint a liquidating agent. Additionally, upon default on any obligation by any association which cannot be corrected by other action including but not limited to mergers, the Governor may declare an association insolvent and place it in the hands of a receiver or conservator under such terms as the Governor may prescribe on a case-by-case basis.

PART 612—PERSONNEL ADMINISTRATION

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AUTHORITY: The provisions of this Part 612 issued under secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—General Policy

§ 612.2000 Responsibility.

The personnel programs in the banks are primarily administered under the direction of their boards of directors. The Farm Credit Administration has the responsibility for exercising general supervisory authority and certain specific authorities relating to employment and compensation in the banks.

§ 612.2010 District personnel policy manual.

In the interest of effective personnel administration, the district board shall establish personnel policies for the district banks and shall provide for the issuance of the personnel policy manual reflecting such policies. The policies established shall be in accordance with applicable rules and regulations and shall be submitted to the Farm Credit Administration for review and should include the following:

(a) A general statement of personnel policy.

(b) A section on employment practices.

(1) Employment of relatives (nepotism).

(2) Reference checks.

(3) Re-employment of annuitants.

(4) Equal employment opportunity.

(c) Salary administration program.

(1) Classification of positions.

(2) Salary ranges.

(3) Compensation practices.

(4) Performance evaluation.

(d) Employee training and development.

(e) Employee responsibilities and conduct.

(1) Prohibited acts.

(2) Conflict of interest.

(3) Political activities.

(f) Grievance procedure.

(g) Employee benefits. Employee benefit programs should be motivating and equitable, effective in maintaining favorable employee attitudes, and within the economic capabilities of the banks. Employee benefits should be developed as a total program including leave, retirement, and insurance programs. Benefits should be consistent with benefits generally granted by the better employers of the area. A degree of consistency in benefit programs between districts is desirable. The inclusion of portability provisions between districts should be an objective in formulating employee benefit programs.

§ 612.2020 Associations.

The supervising banks shall develop personnel programs for associations. To the extent feasible or required, such programs shall be consistent with the personnel programs of the banks.

Subpart B—General Rules

§ 612.2030 Nepotism.

The following regulations are designed to promote morale and efficiency and to emphasize and assist the merit system of appointments and promotions.

(a) No relative of a director of a Farm Credit institution shall be employed as manager or chief executive officer of that institution.

(b) No person shall be employed by a Farm Credit institution in a position which is under the direct or indirect supervision of a relative, except that if such entity is an association, and the supervising bank has determined beforehand that positive efforts to fill an essential position by other recruitment have been unsuccessful, such bank may authorize in writing the hiring of such a related person for the position for a period or periods not to exceed 90 workdays in any calendar year. Any repetition in a succeeding calendar year must include a separate written redetermination by the bank.

(c) The term "relative" as used in this section includes first cousins and brothers-in-law and persons of similarly close or closer relationships by blood, marriage, or adoption.

(d) The provisions of this section shall be applicable to persons employed on or after the effective date of these regulations.

§ 612.2031 Reporting violations.

In any instance of violation or prospective violation of § 612.2030, it is the responsibility of the related individuals to notify the employing entity's chief executive officer regarding the situation immediately upon becoming aware of it. It is the responsibility of any such officer or manager who becomes aware of such a situation, by this or any other means, to take prompt corrective action, or, if it is beyond his power or ability to do so, to request instructions from the supervising bank or the Farm Credit Administration, as appropriate.

§ 612.2040 Reference checks.

In all bank and association appointments, careful and appropriate inquiry shall be made of the applicant's character and qualifications and made a part of the employee's personal file.

§ 612.2050 Re-employment of annuitants.

As a general policy, plans should be made in advance by banks and associations to recruit and train qualified replacements for prospective vacancies because of approaching retirements or other reasons which can be anticipated.

Annuitants should not be employed except when definite recruiting efforts have failed to produce other qualified applicants for the positions. Employment of an annuitant shall be on a temporary basis and only after a break in service has occurred. A temporary appointment is defined as an appointment not to exceed 1 year.

§ 612.2060 Political activity.

(a) No salaried employee shall hold a remunerative public office or be a candidate for such office unless the bank which supervises his employer (if he is an association employee) or the Farm Credit Administration (if he is a bank employee) has, after investigation and consideration of all facts involved, rendered a written opinion that such candidacy or holding of public office would not bring justified criticism on the grounds of political activities or partialities or in any other manner adversely affect the best interests of the borrowers or the operations and public image of the System or any institutions thereof.

(b) No salaried employee shall take an active part or issue public statements relating to the nomination or candidacy of any person or participate in partisan political campaigns for national or statewide elective office, in any way that would implicate by support, endorsement or otherwise, his connection with the Farm Credit institution by which he is employed. This statement shall not be construed to prohibit an employee from expressing his personal opinion on political affairs or candidates or making voluntary campaign contributions.

§ 612.2070 Equal employment opportunity.

It shall be the policy of all banks and associations to provide all employees and all qualified and eligible applicants equal employment opportunity without regard to race, color, religion, sex, age, national origin, politics or physical handicap. Under direction of the district and association boards, chief administrative officers shall exercise personal leadership in establishing, maintaining and carrying out a positive, continuing program designed to promote equal opportunity in the organizations' employment practices.

§ 612.2080 Salary and range approvals.

(a) All salary ranges for senior officers of the banks shall be forwarded to the Farm Credit Administration for approval 15 days prior to the effective date of any changes.

(b) A form prescribed by the Farm Credit Administration will be used by the banks to record personnel actions.

(c) The establishment or any change in the salary of the chief executive officer of a bank shall be referred to the Farm Credit Administration for approval 10 days prior to release of any announcements.

(d) A copy of all personnel actions in the senior officer level will be directed to the Farm Credit Administration for record purposes.

§ 612.2090 Other compensation plans.

All types of compensation plans, other than wages, for bank officers and employees shall be submitted to the Farm Credit Administration for prior approval. Employee benefit programs, such as hospitalization plans, group life insurance plans and other similar benefits, are not considered compensation plans.

§ 612.2100 Personnel recruitment and training.

The district and association boards shall approve policies and assure that specific responsibility is assigned for implementing recruitment and training programs. The purpose of such policies and programs shall be to recruit, train, develop, and effectively utilize and retain a staff competent to carry out the function of each bank and association. In developing these policies and programs, consideration should be given to such factors as present state of and expected changes in size, number, and complexity of loans, key employee succession, present and potential share of the market, level of loan servicing, and credit related services.

§ 612.2110 Director, officer, and employee responsibilities and conduct.

The maintenance of high standards of industry, honesty, integrity, impartiality, and conduct by directors, officers, and employees of all institutions and organizations in the Farm Credit System is essential to insure the proper performance of System business and continued public confidence in the System and all its entities. The avoidance of misconduct and conflicts of interest, either real or apparent, by all personnel is indispensable to the maintenance of these standards. All personnel shall observe both the letter and the intent of the laws, regulations, instructions, and procedures applicable to them and to entities in the System, whether issued by the Farm Credit Administration or by the entities themselves. Such written criteria, however, cannot alone provide for maximum accomplishments of the aims of the Farm Credit law. Such accomplishment must rely, in addition, on positive effort and the exercise of ingenuity and good judgment by all who have a part in carrying out the authorized Farm Credit programs. District Boards shall adopt rules and guidelines of conduct for directors and employees and secure compliance therewith.

§ 612.2120 District and association directors.

The democratically controlled, borrower-owned structure of the Farm Credit System makes it essential that each member of the boards of directors of the institutions of the System, as well as the officers and employees, be aware of potential conflicts of interest. Each director shall:

(a) Refrain from divulging or using for his personal benefit information acquired as a director, except in the performance of his official duties.

(b) Abstain from participating directly or indirectly in the deliberations on any question affecting his personal interests or those of his family or of any corporation or other business organization in which he has an interest,

(c) Avoid any action toward or the appearance of obtaining special advantage of favoritism in dealing with borrowers from any of the institutions of the System, or with officers or employees thereof, particularly in relation to real or personal property which any such institution owns or in which it claims a lien or other interest, and

(d) Consider the potential conflict of interest arising from his employment by, or directorship of, other lending institutions and his ability to impartially and objectively perform his duties and responsibilities as a director of the Farm Credit institutions.

District policy may include other guidelines and shall provide the means by which compliance is to be accomplished and questions of conflict of interest resolved. District board guidelines and instructions shall be made available to each district and association director and nominating committees.

§ 612.2130 Soliciting support in polls for district or Federal Farm Credit Board membership.

(a) No officer, director, or employee of a Federal land bank, Federal intermediate credit bank or bank for cooperatives, and no joint officer or employee for such banks, shall take any part, directly or indirectly, in the designation of nominees for the Federal Farm Credit Board, in the nomination or election of members of a district Farm Credit Board, or in the election of directors for the Central Bank for Cooperatives, or make any statement, either orally or in writing, which may be construed as intended to influence any vote in such designations, nominations, or elections. Action shall immediately be taken, for suspension or dismissal in accordance with applicable procedures, against any such officer or employee who violates the provisions of this section.

(b) Property, transportation, communications, and official stationery shall not be used by a director in the interest of his own or another's candidacy.

(c) No director, officer, or employee shall, for the purpose of furthering the interests of any candidate, furnish or make use of bank records which would not be available to all candidates.

§ 612.2140 Reports and recommendations on proposed or pending Federal legislation.

Any contacts on behalf of the bank or association or its board with the Office of Management and Budget with reference to proposed or pending legislation affecting the Farm Credit System shall be made through the Farm Credit Administration.

§ 612.2150 Devotion of time to official duties.

Officers and employees of the corporations, including associations, under the

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supervision of the Farm Credit Administration, who are employed on a full-time basis, are required to devote their full business time to the effective accomplishment of the duties assigned them in connection with the activities and operations of the corporations in which they are employed. They are also expected to refrain from accepting employment or compensation for activities, even for service rendered outside of business house, which might embarrass the employing corporation of the Farm Credit Administration or cast reflection upon their ability to take an unbiased and impartial review of its operations.

§ 612.2160 Prohibited acts for salaried employees.

Under law or rules or guidelines of the district boards which shall be made available to all employees, no salaried officer, employee, or agent of any institution of the Farm Credit System:

(a) Shall, in any manner directly or indirectly, participate in the deliberation upon, or the determination of, any question affecting his personal interests, those of any person related to him by blood or marriage, or those of any partnership, association, or any business organization in which he is directly or indirectly interested;

(b) Shall, except in the performance of his official duties, divulge to another person, or utilize for his personal benefit or that of another, any fact or information acquired by such officer, employee, or agent, directly or indirectly, by virtue of his employment;

(c) Shall accept or receive any salary, fee, commission, honorarium, or substantial gift, or other benefit, directly or indirectly, from any borrower from or debtor to any institution of the Farm Credit System, or from any loan applicant or his representative, or from any seller to or purchaser from any borrower or applicant or from or to any institution of the System, provided, however, that any officer, employee, or agent may enter into bona fide transactions with borrowers for services or for the purchase and sale of farm supplies or farm products used in or produced on his own farm, if such purchases and sales are reported to and not disapproved by the board of directors of the institution by which he is employed. Such transactions with borrowers shall not be financed with funds from loans recommended or approved by such employee;

(d) Shall acquire, directly or indirectly (including acquisition by membership in syndicates), any lands or interests therein, including mineral interests, which are owned by any Farm Credit institution or which were thus owned at any time within the preceding 12 months. As used in this § 612.2160, "mineral interests" means any interest in minerals, oil, or gas, including, but not limited to, any right derived directly or indirectly from a mineral, oil, or gas lease, deed, or royalty conveyance. This paragraph shall not apply to any acquisition by will or inheritance.

(e) Shall separately acquire, directly or indirectly (including acquisition by membership in syndicates), any mineral interests in lands which are mortgaged to any Farm Credit institution or which were thus mortgaged at any time within the proceding 12 months, but this shall not prohibit mineral interest being acquired incidentally with surface interests. This paragraph shall not apply to any acquisition by will or inheritance.

(f) Shall acquire, directly or indirectly (including acquisition by membership in syndicates), any interests in lands (including mineral interests being acquired incidentally with surface interests) which are mortgaged to any Farm Credit institution or which were thus mortgaged at any time within the preceding 12 months, without obtaining the specific prior approval of its board of directors in addition to conforming with any other applicable regulations. This paragraph shall not apply to any acquisition by will or inheritance.

(g) Shall participate, directly or indirectly, in any transaction concerning the purchase or sale of corporate stocks or bonds, commodities, or other property for speculative purposes if such action might tend to interfere with the proper and impartial performance of his duties or bring discredit upon any Farm Credit institution. Employees are not prohibited by this paragraph from making bona fide investments. When an employee is uncertain as to whether a contemplated transaction would constitute a conflict of interest, he should consult his immediate supervisor;

(h) Shall, after December 31, 1973, have business relations, directly or indirectly, involving activities with borrowers which give the appearance of undue influence such as the purchase or sale of commodities or supplies, the placement of insurance, sale of real estate, auctioneering, sales barns, or appraisal service, except as an employee of the Farm Credit institution;

(i) Shall, while he serves on a bond or debenture committee, purchase or acquire, directly or indirectly, ownership of, or any interest in, any of such obligations of the bank of which he is such an officer; or

(j) Shall, after December 31, 1973, serve also as an officer or director of a commercial bank or of an organization which frequently or occasionally transacts lending business with a Farm Credit institution.

Legal provision cited: In the above connection, particular attention is directed to the following provisions of law containing the Federal penal provisions which relate particularly to officers and employees of the institutions under the supervision of the Farm Credit Administration: Sections 212, 213, 215, 216, 371, 493, 657, 658, 1006, 1011, 1013, 1014, 1907 and 1909 of title 18, United States Code.

§ 612.2170 Cases involving trivial interest or relationship.

If the degree of interest or relationship in any case, as determined by the District board, is not substantial, but is so trivial as to create little probability that the officer's or employee's impartiality of judgment and action has been affected, no question under section 2160 shall be deemed involved. Each case shall be determined on its own facts, proper weight being given to the nature, amount, and importance of the benefit involved, the degree or kind of relationship in question, and the character of the person concerned.

§ 612.2180 Gifts or favors from subordinates.

No salaried officer or employee of any Farm Credit institution shall at any time solicit contributions from other employees for a gift or present to anyone in a superior position, nor shall any such superior receive any gift or present offered or presented to him as a contribution from employees receiving a less salary than himself, nor shall any such officer or employee make any donation as a gift or present to any official superior: Exception: Such officer or employee may except food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting where such officer or employee may properly be in attendance, may accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, and other items of nominal value, and may accept, with the written approval of the district board of directors and upon such conditions as he may prescribe, any benefit otherwise enjoined hereby if the circumstances make clear that the motivating factor for the extension of such benefit is not based on the official responsibilities of the officer or employee and the business of the other person concerned.

§ 612.2190 Borrowing from subordinates.

No salaried officer or employee shall borrow from or obtain endorsement of a note or other obligation from any subordinate employee.

§ 612.2200 Improper use of official property.

No director, officer, or employee shall use the space, personal property, communication, transportation, or other facility of a Farm Credit institution for activities or business in his personal interest or the personal interest of another, except under lease, contract, concession, or authorization in writing, pursuant to agreements and negotiations fairly arrived at the evidenced in writing, setting forth the terms and conditions of such use. Official stationery shall not be used for personal communication or for communications or controversial public matters expressing opinions which do not represent the official views of those having a responsibility for expression of official reviews of the institution.

§ 612.2210 Evasions and circumventions of rules of conduct.

No officer or employee shall use any scheme or device to avoid compliance with any of the rules or guidelines established under §§ 612.2110 through 612.2200 or avoid compliance with the intent of those rules through the use of subterfuge, evasions, or circumventions. Examples of acts of subterfuge or circumventions include (a) obtaining a loan or assisting another borrower to obtain a loan from a Farm Credit institution knowing that the proceeds thereof are planned to be used to provide financing for a person who is ineligible for such a loan, (b) inducing or assisting another person to obtain a loan from any institution of the System, the proceeds of which are planned to be used for the employee's benefit or for the benefit of any legal entity in which the employee has a direct or indirect personal interest.

§ 612.2220 Official loans.

Officers and employees as well as directors may receive bona fide loans to the extent that they are eligible for such loans and in strict compliance with policies and regulations governing such loans.

§ 612.2230 Report by personnel.

The officer, director or employee involved or interested in any transaction to which §§ 612.2120, 612.2160, and 612.2210 are applicable shall report in writing to the appropriate officer of the interested bank or association and disclose his interest and status in the matter unless, in the case of a loan application, the application itself discloses such information. The interested bank or association is the one that is a party to the transaction and not the employing bank or association unless they happen to be the same.

§ 612.2240 Approval by interested bank or association.

All permitted transactions to which §§ 612.2120, 612.2160 and 612.2210 apply shall be subject to prior approval of the executive committee or loan committee of the interested Farm Credit institution and, unless the board of directors of that institution requires prior board approval of such transactions, shall be reported to the board for review. The officer, director, or employee involved or interested should absent himself from any meeting of the executive or loan committee or of the board, except when the committee or board requests information from him in person, while consideration is being given to the action on the transaction. This section supersedes any vested or delegated authority to the person involved. The final action on such transactions shall be recorded in the minutes of the committee or the board which shall reflect the fact that the person involved was not present when final consideration was given to the transaction.

§ 612.2250 Reports of transactions with directors, officers, or employees.

The associations shall report transactions to which §§ 612.2120, 612.2160, and 612.2210 apply fully in writing to the supervising bank and the bank shall report such final approval of the transaction to the Director of Credit Service unless the minutes of the transaction disclosing such final action are submitted promptly to the supervising institution.

§ 612.2260 Reports of credit extended to financing institutions.

Any bank or association extending credit to a financing institution not in the Farm Credit System upon the basis of any note or other obligation of a director, officer, or employee of a Farm Credit institution, including any obligation or any endorsement in which such director, officer, or employee has a personal, financial interest, shall be reported to the Director of Credit Service. This section shall not apply to the fulfillment of existing contracts in accordance with their terms where there is no change in the parties of interest or the ownership of the related property, sales of surplus equipment and supplies in accordance with the rules of disposition of such property, or the discounting by a Federal intermediate credit bank of a PCA loan for the making of a loan by a bank for cooperatives except as such loans or discounts are required to be submitted by other regulations for prior approval.

§ 612.2270 Other reports to the Farm Credit Administration.

Loan transactions, which by other regulations are required to be submitted to the appropriate service in the Farm Credit Administration for prior approval or for advice and counsel, should be accompanied by the information required by this regulation when applicable, in which event a separate reporting to meet the requirements of this regulation will not be necessary. Such steps as may be necessary should be taken in each bank to see that all officers, directors, and employees are advised of the circumstances in which reports are required of them by this regulation.

§ 612.2280 Fidelity bonds required.

Provision shall be made by the banks for insurance coverage against losses by all bank and association employees through the continuation of present coverage. Bankers Blanket Bond, Standard Form No. 10, or a substitute, may be used. The Act does not require a faithful performance provision in the bond coverage. The district boards shall determine that bond coverage is in an amount that will adequately protect the banks and associations, taking into consideration the increased dollar amount of assets and lending activity of these institutions.

§ 612.2290 Policy applicable to design and administration of employee benefit programs in the Farm Credit System.

(a) All employee benefits should be developed and based on clearly defined objectives with full coordination of benefits to eliminate coverage gaps and duplication of benefits and costs.

(b) The sharing of cost between the employer and employee should take into consideration current industry and local practices and the tax consequences to both the employer and employee.

(c) All employee benefits should be reviewed periodically to make certain they are competitive as measured by industrial and local standards so that such plans can be used as an effective management tool (incentives, recruitment, etc.).

(d) The selection of insurer to underwrite the Group Insurance Program should be based on sound underwriting principles and an evaluation of operational expenses, risk assumptions, proper accounting concepts and cost control procedures.

(e) The amendment of a pension plan to eliminate future contributions from employees will be permitted under the following conditions:

(1) Prior employee contributions plus interest shall not be immediately refunded to employees in cash. (Options in cases of separation or death before retirement remain the same as under existing programs.) Instead, they will be retained as a part of the pension plan to either reduce employer costs or to provide benefits in addition to those provided by employer contributions, or to do both. This rule shall not prohibit the transfer of prior employee contributions plus interest to a new Thrift Plan which an employer may establish at the same time as future employee contributions are eliminated from the pension plan.

(2) Post-retirement group life insurance benefits to be provided present employees will be either (i) eliminated, (ii) reduced to no more than $2,500, (iii) frozen at the amounts which would have been provided under the group life insurance program had the employee's present rate of earnings continued to retirement. Post-retirement group life insurance for all employees hired in the future will be limited to a maximum of $2,500.

(3) Accidental death and dismemberment included in a group life insurance program will be termined at the time of the employee's retirement.

(4) The funding medium to be employed to fund pension benefits may involve either a trust fund or a pension investment contract issued by an insurance company of a type which will provide a maximum rate of return commensurate with the degree of risk involved, maximum flexibility of financing, and expenses which are reasonable and justified, taking into consideration the services being provided by the insurance company.

(5) The overall costs of employee benefits will be determined on a realistic and sound financial basis and be in line with current industrial and local conditions.

(6) The pension formula will take into consideration, directly or indirectly, present and anticipated future levels of social security benefits.

§ 612.2291 Thrift plan requirements.

Subject to the restrictions previously set forth and those indicated below an employer may adopt an Employee Thrift Plan:

(a) Voluntary employee contributions will be in multiples of 1 percent but not to exceed 6 percent of their earnings,

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except as provided in paragraph (c) of this section.

(b) Matching employer contributions may be determined by a schedule designed to fit employer objectives but in no event will the rate of matching employer contributions exceed 50 cents for each dollar contributed by an employee.

(c) Voluntary employee contributions in excess of 6 percent but not beyond 10 percent may be permitted but in no event will such excess employee contributions be credited with a matching employer contribution.

(d) In the event prior employee contributions to a pension plan are transferred to the Thrift Plan, the value of such contributions will not be subject to withdrawal while the employee is still employed except in the event of financial emergencies as defined in the Thrift Plan.

§ 612.2300 Civil service retirement coverage.

(a) Section 5.6(b)(1) of the Act specifies which of the officers and employees of the banks shall be under the Civil Service Retirement Act after 1959. The creditability of service in the banks prior to 1960 is unaffected by the Act.

(b) District personnel officers are supplied with copies, and current amendments, of the Federal Personnel Manual and other material regarding civil service retirement, which contain complete information on the civil service retirement laws and regulations thereunder.

§ 612.2310 District retirement plans.

The district boards and the bank boards shall provide retirement benefits for their employees who are not under the Civil Service Retirement Act. It is recognized that the district retirement plans should be designed to be uniform, as far as practicable, between the various banks and associations in the same district. Retirement benefits, with due allowance for the social security benefits available, should be competitive with industry and area practices with appropriate consideration of the cost. Any such retirement plans, including thrift or savings plans, and any amendments thereto, shall be submitted for the prior approval of the Farm Credit Administration. Approval of the plan by the Internal Revenue Service shall be secured.

§ 612.2320 Personnel reports.

The Farm Credit Administration will request reports of personnel strength and listings of personnel on a semiannual basis.

PART 613—ELIGIBILITY AND SCOPE OF FINANCING

Subpart A—General

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Subpart B—Eligibility To Borrow From Federal Land Banks and Production Credit Associations

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Subpart C—Eligibility of Financial Institutions To Borrow From the Federal Intermediate Credit Bank

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613.3070 Cooperative.
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613.3140 Requirement.

AUTHORITY: The provisions of this Part 613 issued under sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—General

§ 613.3000 Authority.

The Act, sections 1.8, 2.3, 2.15, authorizes the Federal land banks, Federal intermediate credit banks and production credit associations to make loans to bona fide farmers and ranchers, rural residents and persons furnishing to farmers and ranchers services directly related to their on-farm operating needs. Production credit associations also may make loans to producers or harvesters of aquatic products. Similarly, sections 3.7 and 3.8 of the Act authorize the banks for cooperatives to make loans to eligible cooperatives.

Subpart B—Eligibility To Borrow From Federal Land Banks and Production Credit Associations

§ 613.3010 Person defined.

A "person" is an individual or a legal entity. A "legal entity" is any partnership, corporation, estate, trust or other entity which is legally vested with authority to conduct a business.

§ 613.3015 Combined operations.

(a) Where an applicant's operations include a combination of farming, producing or harvesting aquatic products, or a farm-related business the determination of eligibility can be made on the basis of the criteria set out for either or any combination of these operations.

(b) Farmers and ranchers:

(1) Definition. A bona fide farmer or a rancher is a person owning agricultural land, or engaged in the production of agricultural products, including aquatic products under controlled conditions.

(2) To be eligible to borrow, an individual shall establish as a part of his application for credit his qualification as a bona fide farmer or rancher.

(3) A legal entity shall meet these same requirements and at least one of the following qualifications to be eligible to borrow:

(i) More than 50 percent of the value or number of shares of its outstanding voting stock or equity is owned by the individuals conducting the farming or livestock operation.

(ii) More than 50 percent of the value of its assets consist of assets related to the production of agricultural products.

(iii) More than 50 percent of its income orginates from its production of agricultural products.

(4) In addition, any loan to a legal entity in which at least 50 percent of ownership or the control is vested in another legal entity that does not meet at least one of the preceding three requirements shall be subject to prior approval of the Farm Credit Administration. Unless it can be found that such owned or controlled legal entity can operate its business as a counterpart to the normal farm businesses eligible to borrow, without jeopardy to such normal farm businesses or the general agricultural economy, approval will not be granted. Prior approval submissions shall fully document the ownership structure, the business affiliations of those owning or controlling the applicant, and the compatibility of the applicant's farming business to the normal farm business operating in the area or to the general agricultural economy.

(5) A legal entity engaged in agriculture for the primary purpose of conducting its operation at a loss to absorb taxable income from nonagricultural sources shall not be eligible.

(6) A legal entity which was a borrower otherwise eligible on the effective date of these regulations and does not materially change its entity structure or control and ownership will continue to be eligible for further borrowing.

(7) The banks and associations are authorized to make loans to farmers and ranchers for any agricultural purpose and other requirements of the borrower. The System is primarily an agricultural lender, therefore the following shall be used for determining the amount of credit which may be extended for other requirements.

(i) A broad interpretation may be applied to such requirements where the agricultural operation represents more than 50 percent of the borrower's total business, except that at no time shall the total credit extended for other requirements exceed the total value of farm assets.

(ii) Where the agricultural operation represents less than 50 percent of the borrower's total business, credit extended for other requirements (except needs of the family in part-time family farms) shall be on a conservative basis, scaled down proportionately as the farm assets become less significant in the total operation.

§ 613.3030 Producers or harvesters of aquatic products.

(a) Definition: A producer or harvester of aquatic products is a person(s) engaged in the production or harvesting of aquatic products for economic gain in open waters under uncontrolled conditions.

(b) Eligibility: To be eligible to borrow from a production credit association as a producer or harvester of aquatic products, an individual shall establish as a part of his application for credit his qualification as a producer or harvester of aquatic products. A legal entity must meet these same requirements and at least one of the following qualifications:

(1) More than 50 percent of the value or number of shares of its voting stock or equity is owned by the individuals conducting the aquatic operation.

(2) More than 50 percent of the value of its assets consist of assets related to the production or harvesting of aquatic products.

(3) More than 50 percent of the income originates from its production or harvesting of aquatic products.

(c) All proposed loans by production credit associations to producers or harvesters of aquatic products meeting the above qualifications shall be referred to the Farm Credit Administration for prior approval.

(d) Scope of financing: Production credit associations are authorized to make loans to producers or harvesters of aquatic products for aquatic needs and other requirements of the borrower. The total credit extended for other requirements shall not exceed the value of assets devoted to the production or harvesting of aquatic products. When the aquatic operation represents less than 50 percent of the borrowers' total business, credit extended for other requirements shall be on a conservative basis scaled down proportionately as the aquatic assets become less significant in the total operation.

§ 613.3040 Rural residents.

(a) Eligibility of the user: To be eligible to borrow an individual shall establish as part of his application for credit his qualification as a rural resident. However, a borrower shall not have loans on more than one rural residence at any one time and no loan shall be made to an individual to purchase or construct a rural residence for the express purpose of rental or resale.

(b) A rural resident is an owner-occupant of a rural residence located in a rural area.

(c) Rural residence: A rural residence is a single-family, moderate-priced dwelling used as a permanent, year-round residence and an appropriate site sufficiently large to provide a proper surrounding for a residence both in terms of the physical requirements for access, equipment, utilities and services and the community standards for aesthetic suitability. Rural residences may include conventional housing, modular housing or mobile homes. However, a mobile home must be related to a specific real estate site. This shall involve the following.

(1) Its being fixed on a permanent or semipermanent foundation.

(2) The intent of the owners at the time affixed.

(3) Its intended use as a permanent housing.

(4) Further, the mobile home shall be connected to a sewage system, water system and other utilities, and the owner-occupant shall own land or hold a suitable long-term lease which is assignable on the land loans to rural residents within the district.

(d) The bank shall prescribe appropriate procedures subject to the approval of the bank board as to types of housing that may be used as security for loans to rural residents within the district.

(e) Moderate priced dwelling: A moderate priced dwelling is adequate but not in excess of the living standards of persons in the middle range of income for that area of the Farm Credit district. Due to the wide variations in housing costs, income levels, and area standards for housing, the determination of the ranges of value which constitutes moderate priced housing will vary between localities. A loan shall not be made if the value of the dwelling exceeds the standards defined herein.

(f) The bank shall prescribe appropriate procedures subject to approval of the bank board as to ranges of value which constitute a moderate priced dwelling with the district.

(g) Rural area:

(1) For the purposes of nonfarm rural housing loans only, a rural area is open country which is primarily agricultural in character. It may include any open areas in any city or village with a population of up to 2,500 persons, based on the latest U.S. Census, which is not directly associated with or adjacent to a larger population center. A rural area does not include established commercial subdivisions or other concentrated residential areas, regardless of location, which are primarily intended to provide high density housing and services. But individually owned rural homes constructed in clusters for convenience or efficiency of services are included.

(2) Rural areas may include open areas which are undeveloped for housing and still devoted to agricultural use within other political subdivisions including "towns" exceeding 2,500 persons designated by the district board with the approval of the Farm Credit Administration. In making this designation, consideration shall be given to the character of local governmental powers, the availability of municipal type services, and the land ownership and probable residential growth patterns of the community.

(h) Scope of financing: Loans may be made to owner-occupants of rural residences for the purposes of buying, building, remodeling improvements, and repair of such residence, the cost of participation certificates and closing costs and to refinance existing indebtedness on such residences. The total amount of credit that may be extended for such purposes shall not exceed 85 percent of the appraised value.

§ 613.3050 Farm-related businesses.

(a) *Definition.* A farm-related business is a person(s) engaged in furnishing to farmers or ranchers custom-type farm-related services, performed on the farm and directly related to their on-farm operating needs.

(b) *Eligibility.* (1) To be eligible to borrow, a person(s) shall establish as part of his application for credit his qualifications as a farm-related business.

(2) Loans shall not be made to commercial business which purchase farm products from or sell inputs to farmers or ranchers unless substantially all of such inputs handled are used incident to the services provided.

(c) *Scope of financing.* Federal land banks may make loans to farm-related businesses for necessary sites, capital structures and equipment and initial working capital for such services. Production credit associations may make loans to farm-related businesses for any working capital, equipment and operating needs incident to the operation of farm-related businesses. Any such loans shall be confined to the financing of those assets or business activities directly related to the custom-type services performed on the farm. Such financing is subject to the provisions of § 616.6040 of this chapter.

Subpart C—Eligibility of Financial Institutions To Borrow From the Federal Intermediate Credit Bank

§ 613.3060 Institutions eligible.

The Federal intermediate credit banks may make loans to and discount agricultural paper for production credit associations and other financial institutions in accordance with provisions in Part 614 of this chapter.

Subpart D—Eligibility of Cooperatives To Borrow From a Bank for Cooperatives

§ 613.3070 Cooperative.

The term cooperative means any association of farmers, ranchers, producers or harvesters of aquatic products, or any federation of such associations, or a combination of such associations and farmers, which is operated on a cooperative basis, is engaged in processing, preparing for market, handling or marketing farm or aquatic products; or purchasing, testing, grading, processing, distributing or furnishing farm or aquatic supplies; or furnishing farm business services or services to eligible cooperatives.

§ 613.3080 Federated cooperative.

A federated cooperative is a cooperative whose membership includes farmers' cooperative associations and in which at least 80 percent of the voting control is vested in farmers and eligible associations.

§ 613.3090 Cooperative basis.

Cooperative basis means the conduct of business for the mutual benefit of the members as patrons.

§ 613.3100 Farm or aquatic supplies and farm business services.

Farm or aquatic supplies and farm business services are any economic goods, business or services normally used by farmers or producers or harvesters of aquatic products which contribute to their business operations or are in furtherance of the livelihood, welfare or security of such persons.

§ 613.3110 Eligibility.

To be eligible to borrow from a bank for cooperatives, a cooperative shall meet the following requirements.

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(a) At least 80 percent of the voting control, or such higher percent applied uniformly and consistently to all applicants and borrowers in the district as may be established by resolution of the bank board shall be held by farmers or ranchers, or producers or harvesters of aquatic products, who are eligible under section 3020 or 3030, or by eligible cooperatives.

(b) It deals in farm products or aquatic products or products therefrom, farm or aquatic supplies, or farm business services with or for members in an amount at least equal in value to the total amount of such business transacted by it with or for nonmembers, excluding from the total of member and nonmember business transactions with the United States or any agencies or instrumentalities thereof for services or supplies furnished as a public utility.

(c) No member of the cooperative shall have more than one vote because of the amount of stock or membership capital he owns therein; or, the cooperative must restrict dividends on stock or membership capital to 10 percent per year or the maximum percentage per year permitted by the applicable State statutes, whichever is less.

(d) A cooperative or a federated cooperative which was otherwise eligible and was a borrower on the effective date of these regulations and which does not materially change its entity structure or ownership and control will continue to be eligible for further borrowing.

§ 613.3120 Scope of financing.

A bank for cooperatives may make loans to meet any credit need which will enable a cooperative to perform those functional powers prescribed in sections 3070 through 3100 which will benefit its farmer members. A bank may also make loans, to a cooperative otherwise eligible to borrow, for purposes not directly related to such primary functions or powers, so long as a finding is made that the amount to be loaned is reasonably modest in relation to the total credit provided and such business purpose(s) will enhance the well-being of the members and patrons.

Subpart E—Nondiscrimination in Lending

§ 613.3140 Requirement.

As required in the Civil Rights Acts of 1964 and 1968, there shall be no discrimination because of race, color, sex, religion, or national origin in financing of housing or in the availability of loans generally from the Farm Credit institutions. The supervising banks shall provide instruction to their respective associations in the district regarding nondiscrimination and notice for posting in each association office.

PART 614—LOAN POLICIES AND OPERATIONS

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AUTHORITY: The provisions of this Part 614 issued under sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—General

§ 614.4000 Basic responsibilities.

The Act (sections 1.1(b), 5.18(5) and 5.19) vests certain responsibilities with the Farm Credit System and the Farm Credit Administration which pertain to the development of a credit system responsive to the credit needs of all types of eligible applicants having a basis for credit.

§ 614.4010 Supervision by the Farm Credit Administration.

The Farm Credit Administration is empowered to exercise general supervision over the administration of credit; to coordinate the activities of the banks in making studies of lending standards, including appraisal and credit standards; approve national and district standards and procedures; and to supplement the work of the districts under the foregoing where necessary to accomplish the purposes of the Act.

§ 614.4020 Delegation.

The Act authorizes and directs the delegation and redelegation of such of the duties, powers, and authority of the Farm Credit Administration as may be determined to be in the interest of effective administration.

§ 614.4030 Intent of delegation.

The banks shall provide for the exercise of loan making authority by the associations commensurate with their demonstrated ability to extend and administer credit soundly on condition that adequate control and supervisory measures are developed and exercised.

§ 614.4040 Bank guideline responsibilities.

Under policies of its board, each bank shall conduct studies and make and adopt standards for lending and develop and issue adequate credit manuals, operating procedures, and control mechanisms for guidance in the extension and administration of sound and constructive credit. The definition of a sound loan, and the five specific credit factors, along with the total provisions of these regulations on loan policies and operations shall constitute the guidelines under which district policies and procedures shall be constructed. The credit manuals setting forth policies and procedures shall prescribe the forms to be used, including a loan application and an adequate credit file; the minimum supporting credit information and verification required in relation to loan size, complexity and risk exposure; the format and procedures to be followed in loan analysis, minimum standards for loan disbursement, servicing and collections; and such other standards as are necessary for the safe and professional conduct of a lending organization.

§ 614.4050 Bank supervision of associations.

Where credit decisions are vested in associations by law or through delegated authority, district policies, and procedures shall be designed to regulate, control, and review the extension of credit. District policies and procedures shall include guidelines with respect to particular enterprise financing, and limitations with respect to lending in specialized or hazardous areas. The banks shall supervise the credit operations, monitor association performance and take corrective action when deficiencies occur. District banks shall also assist and supervise associations in the credit training of employees and loan committees.

§ 614.4060 Association responsibilities.

Associations shall conduct their credit operations within their vested or delegated authority in compliance with the guidelines of these regulations and regulations of the district bank. Demonstrated capability in extending sound credit, including the extent to which association boards have established policies and procedures with adequate controls and accountability, shall be weighed heavily by the bank in delegating authority and exercising its supervisory responsibility over association credit operations.

Subpart B—Chartered Territories

§ 614.4070 Loans outside the established territory—Federal Land banks, Federal land bank associations, and production credit associations.

(a) A loan to finance operations wholly within the territory of a bank or association may be made regardless of the residence of the applicant.

(b) A loan to finance operations which are partially within and partially without the territory of a bank or association may be made if such operations are regarded by the association and the bank as one farming or livestock unit. Concurrence of like associations and the supervising bank in whose territory the operation is located shall be obtained.

(c) A loan to finance operations wholly outside the chartered territory of an association may be made, provided such loans are authorized under policies established by the bank board and approved by the Farm Credit Administration. If a loan is made to an eligible borrower whose operation is wholly outside the chartered territory of the lending association, concurrence of like associations and the supervising bank in whose territory the operation is located shall be obtained.

§ 614.4080 Loans outside of bank's territory—banks for cooperatives.

(a) A bank is authorized to make loans to cooperatives headquartered in the district served by the bank.

(b) A bank may make loans to an eligible cooperative headquartered in another district provided the following conditions are met.

(1) The interests of the borrowing cooperative would best be served.

(2) The bank in the district in which the cooperative is headquartered gives its consent.

(3) The Farm Credit Administration approves.

(c) Cooperatives operating in more than one district shall apply for loans to the bank in the district in which the headquarters office of the cooperative is located.

Subpart C—Lending Authorities

§ 614.4090 Federal land banks.

(a) The banks are authorized to make and participate with other Federal land banks in long-term real estate mortgage loans in rural areas for a term of not less than 5 years nor more than 40 years. Subject to limitations applicable to making long-term real estate mortgage loans, the banks are authorized to make continuing commitments to lend and to extend financial assistance of a similar nature. Regulations as prescribed by the bank's board shall be used in making loans, continuing commitments for loans, and in extending other financial assistance. Borrowers shall be permitted to make advance payments on their loans or, under agreement with the banks, make advance conditional payments to be applied on future maturities or to be available for return to the borrower for purposes for which the bank would increase their existing loans.

§ 614.4100 Federal intermediate credit banks.

(a) The banks are authorized to make loans and extend other similar financial assistance to and discount for, or purchase from, production credit associations, with their endorsement or guaranty, any note, draft, and other obligation presented by such association. In addition, the banks may participate with such association(s) and one or more other intermediate credit bank in making loans to eligible borrowers.

(b) The banks are authorized to discount for, or purchase from commercial banks and other other financial institutions, with their endorsement or guaranty, notes and other obligations for loans which have been made for agricultural purposes in accordance with regulations contained in § 614.4540.

(c) All of the foregoing shall be subject to regulations prescribed by the bank board.

§ 614.4110 Production credit associations.

Each production credit association, under rules and regulations prescribed by the bank board, may make, guarantee, or participate with other lenders in short- and intermediate-term loans and other similar financial assistance to eligible borrowers for a term not exceeding 7 years.

§ 614.4120 Banks for cooperatives.

The banks are authorized to make loans and commitments to eligible cooperatives and to extend to them other financial assistance, including but not limited to discounting notes and other obligations, guarantees, collateral custody, or participation with other banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives, under such terms and conditions as may be determined to be feasible by the bank board.

§ 614.4130 Approval.

All district regulations mentioned in this Subpart C shall be subject to Farm Credit Administration approval.

Subpart D—General Loan Policies for Banks and Associations

§ 614.4140 Sound loan.

A sound loan is one made to a responsible individual or entity of established integrity who has a creditable operating and financial record, or equivalent characteristics if a new business, in an amount sufficient to accomplish a useful purpose. It should be made in an amount and under terms and conditions that will

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reasonably assure repayment, usually without adversely affecting the borrower's financial position. It should be supported by sufficient equity or collateral, or both, to afford the lender reasonable protection against loss if adverse conditions occur.

§ 614.4150 Credit factors.

Five basic factors pertinent to a sound loan are as follows:

(a) The individual or entity: A prerequisite for a sound loan is an applicant of established integrity. Responsible and cooperative management must be evident. The importance of this factor is of such significance that it can affect the weight placed upon the other credit factors. Analysis shall include a careful evaluation of character, experience, record and prospects of management in finance and operation.

(b) Financial position and progress: Financial responsibility reflects ability to meet obligations, continue business operations and protect the lender against undue risk. The applicant's total assets controlled, equity owned, contingent liabilities and history of earnings to date are significant measures of financial responsibility.

(c) Repayment capacity: The determination of repayment capacity requires an analysis of cash flow history and projection. A cash flow projection shall reflect cash generation from the applicant's operation and all other sources. Generally the flow of cash shall be sufficient to meet all obligations and provide a remainder for contingencies.

(d) Basis of approval: The amount of loan, use of funds and loan terms are the principal factors over which the lender has direct control. Therefore, the loan shall be constructive in amount and purpose and practical as to repayment terms for both the borrower and lender. Loan conditions such as loan agreements, personal liability, additional collateral, insurance, etc., shall be required as conditions warrant.

(e) Collateral offered or available as security (section 1.9 Federal land bank, 2.15 production credit association, and 3.10(b) bank for cooperatives of the Act). Collateral needs are contingent upon the requirements of the law and is dictated by the strengths or weaknesses of all credit factors. The requirement of collateral and collateral taken shall reasonably protect the lender, provide the necessary control of equity and repayment, and leave the borrower in a position to constructively manage his business. In addition, personal liability or entity liability in the form comakers or guarantors may provide added strength in extending credit. Sufficient analysis shall be made of credit factors relevant to such comakers or guarantors as is necessary to assure that their signatures actually provide the desired support for the loan.

Subpart E—Application of Credit Standards

§ 614.4160 Applicants.

Changes in the agricultural economy during recent years have created a complex variety of entrepreneurs within the field of agriculture as compared to the basic family farm or farmer cooperative which generally prevailed when the System was founded. The following guidelines shall be used by the district boards in establishing policies and by banks in developing procedures whereby loan quality standards can be varied in accordance with the nature of the applicant.

(a) In extending credit to the following basic farm family group, maximum consideration shall be given to strength in management ability, personal responsibility, family cooperation and continuity, earnings potential, purpose of loan and terms of approval in relation to their financial position and collateral.

(1) Full and part-time individual proprietorship farmers.

(2) Partnerships or joint ventures composed of subparagraph (1) of this paragraph.

(3) Estates or trusts emanating from subparagraph (1) of this paragraph.

(4) Corporations in which the stockholders are family members or individuals who would otherwise have constituted a proprietorship farm business.

(b) The following entities where partners or stockholders include farmers and nonfarmers shall be given adequate consideration for financing agricultural needs, but with careful consideration to the financing of other requirements. There shall be adequate strength in the combined credit factors to avoid more than a normal business risk.

(1) Partnerships and joint ventures in which the primary occupations and incomes of the partners are other than farming.

(2) Fiduciary entities which do not primarily represent the continuation of a proprietorship operation.

(3) Corporations in which stockholders include a predominance of farmers, but as investors rather than as a closely related family business.

(c) Credit extended to the following investor-oriented farming business group shall be primarily for agricultural needs. Risk factors shall be minimal. Adequate factual information and proper analysis is necessary in extending credit to any applicant. However, this group of applicants often presents complexities of financial and organizational structure beyond that normally encountered with the basic farmer applicant. It should be recognized that this requires more diligent efforts in developing adequate information and to assure that an in-depth analysis is made of such data. Nonfarm collateral or income shall not be given undue weight in determining the amount of credit extended to this group.

(1) Businessmen who also farm or own farm property.

(2) Partnerships or joint ventures composed predominantly of partners who do not have farming as their primary occupations and sources of income.

(3) Corporations in which stockholders predominantly are individual investors or other legal entities whose primary occupations or businesses and income are from sources other than farming.

(d) The type of farmer cooperative operation, quality of management, and basic financial factors shall be carefully evaluated as to their effect upon the long range benefit to members. Bank boards shall establish policies and banks for cooperatives develop procedures for administration of quality standards that fully consider the needs of, support by, and service performed for members, and risk protection afforded the lender.

(e) Where an enterprise or an area presents hazards because of the nature of the industry, economic conditions, new ventures, or changing technology, credit standards shall be administered to assure that the lender carries a proportionately lesser risk.

§ 614.4170 Borrower liability.

All primary borrowers shall normally be fully liable for loans obtained from the Farm Credit System. Where acceptable to the bank or association when the primary borrower includes two or more persons as joint borrowers, the liability requirement may be met by each borrower assuming liability for a specified percentage of the loan provided the aggregate liability covers 100 percent of the loan and credit conditions support such action. Where personal guaranty is required from persons other than the primary borrower, such guarantor shall normally be fully liable unless the primary borrower or other guarantors provide adequate financial strength to result in a sound loan even though the personal liability of an individual guarantor may be limited.

Subpart F—Loan Terms and Conditions

§ 614.4180 Federal land banks.

(a) Farm loans may be made for not less than 5 years nor more than 40 years. The basis of approval shall set out the terms and conditions under which a loan is approved. When necessary to assure proper understanding, provide needed controls and protect the lender, a formal written loan agreement shall be developed between the borrower and the bank.

(b) The outstanding loan balance on any farm loan shall not at any time during the life of the loan exceed an amount greater than 85 percent of the appraised value established by the most recent appraisal report on the primary real estate security. This shall not, however, prohibit protecting the security position by advancing taxes, advancing insurance premiums, rescheduling loan payments, granting partial releases, or other loan servicing actions when the loan, subsequent to the action, will be at least as well secured as it was prior to the action.

(c) The bank shall incorporate in the district's credit manual a sufficient number of basic repayment to adequately serve the borrowers in its district. Adaptations within these plans will be permissible to tailor loans to the individual borrower's credit needs.

§ 614.4190 Federal intermediate credit banks.

(a) Loans made by a Federal intermediate credit bank in participation with a production credit association or another Federal intermediate credit bank, shall be made under terms and conditions prescribed in § 614.4200 for production credit associations.

(b) Direct loans to production credit associations. The bank may make direct loans to production credit associations either in lieu of discounting acceptable paper in conjunction with a direct loan program which encompasses the discounting function. Except with the approval of the Farm Credit Administration, the total of all direct loans and loans discounted shall not at any time exceed the limitations outlined herein. Direct loans will normally be secured by pledge of loans and all other assets of the production credit association. Except that where loans to members are discounted separately, direct loans may be unsecured in whole or in part, at the discretion of the bank. The amount loaned on an unsecured basis shall at all times be consistent with sound financial and credit practices.

(c) Direct loan limitation. The total credit extended to a production credit association under a direct loan and by discounting loans may not at any time exceed the total of that portion of the total loans including participations purchased from other lenders considered acceptable and problem (as defined in the Credit Examination Manual) in accordance with the percentage as classified in the most recent official credit examination, or such percentages as may equitably represent the same percentages on a current basis, such alternate procedure to be subject to concurrence of the Farm Credit Administration, the total of investments under Commodity Credit Corporation programs, notes insured or guaranteed by Farmers Home Administration, and in farmers' notes to cooperatives and dealers, etc.; and capital and surplus less the total of the amount invested in the Federal intermediate credit bank and any portion of capital and surplus invested in loans to members, and any estimated losses not protected by reserves.

(d) Form of direct loan obligation. Direct loans and advances to a production credit association may be evidenced by a promissory note or by a loan agreement in form approved by the Farm Credit Administration.

(e) Direct loans to other financing institutions. In accordance with regulations contained in § 614.4590, the bank may make direct loans or advances to other financing institutions.

§ 614.4200 Production credit associations.

(a) Operating loans will usually be made with maturities coinciding with the purpose of the loan and the normal marketing seasons for the enterprises being financed.

(b) Intermediate-term loans may be made with maturities not to exceed 7 years from the date of initial disbursement, under policies and procedures prescribed by the bank. The basis of approval shall set out the terms and conditions under which a loan is approved and shall be clearly communicated to the borrower prior to disbursement of approved funds. When necessary to assure proper understanding, provide needed controls, and protect the lender, a formal written loan agreement shall be developed between the borrower and the association or bank.

(c) Special intermediate-term loans, exclusive of loans to nonfarm rural residents, producers or harvesters of aquatic products, and farm-related businesses, may be made with maximum maturity not to exceed 7 years realizing, however, when establishing repayment that forbearance or extension may be necessary under the following circumstances.

(1) When specific capital items are being financed, such as new equipment, new or remodeled buildings, or facilities with a useful life and value, after normal depreciation and obsolescence, which exceeds the term of the loan at all times.

(2) When real estate mortgage credit is unavailable, not acceptable to the applicant, or impractical for reasons such as cost or delay in availability.

(3) When earnings history, repayment record and net earnings projections satisfactorily support the loan and provide assurance for final repayment within 3 additional years if forbearance or extension is granted.

(4) Before any special intermediate-term loans shall be made, the district board shall adopt a policy, and the Federal intermediate credit bank and the Federal land bank of the district shall develop procedures regulating the making of such loans, all of which shall be subject to approval of the Farm Credit Administration. Such policies and procedures shall include but are not limited to the following.

(i) Provisions for cooperation between production credit associations and Federal land bank associations in the consideration of any loans bordering on the long-term mortgage category.

(ii) Procedures to be followed in credit reviews and credit examinations whereby loans of this type, made during the period covered by the examination, will be reviewed and commented upon as to compliance with policy and procedures.

(iii) Provisions for adequate reporting on loans of this type to enable timely supervision by the bank.

§ 614.4210 Banks for cooperatives.

(a) Seasonal loans shall be primarily for financing current assets and shall normally be repaid within 18 months. Term loans shall be for financing noncurrent assets or working capital and should generally be made on an amortized basis.

(b) The basis of loan approval by a bank shall set out the terms and conditions under which a loan is approved. To assure proper communication and understanding, provide needed controls, and protect the lender, a loan agreement shall be executed between the borrower and the bank.

Subpart G—Security Requirements

§ 614.4220 General.

Primary real estate shall be valued on the basis of appraised value and primary chattel security or additional security shall be valued on the basis of recovery value.

(a) *Appraised value.* Appraised value shall be the basis for valuing primary real estate and is the reasonably supported market value except in the following circumstances.

(1) Property in areas of population pressure when the principal basis of value is from land uses such as commercial, industrial, residential or recreational development or speculation on such uses in the future. These may be adjacent to urban areas but could also be some distance from the population center along or near bodies of water, in or near mountain ski developments, in dude ranch areas and similar situations. The appraised value of such properties shall be adjusted downward to assure that loans based thereon are consistent with the objective to make primarily agricultural loans.

(2) Timber land shall be valued at market value when not affected by the other exceptions of this section; however, the timber stumpage, which when severed is a commodity and fluctuates widely in price, shall be valued on the basis of its normal commodity price.

(3) Properties on which long-term plantings such as citrus groves, orchards, nuts, vineyards, cranberries, etc., where there is evidence of abrupt fluctuation in market value due primarily to changes in the supply and price of the particular commodity. In these cases a 5-year moving average of market value shall be used.

(4) Property where reliance for earnings and value is placed on leases or use permits and where there is a question about the continued availability of the lease or permit for the term of loan contemplated. The fee owned land shall be appraised at market value and the lease or permit contribution to value shall be on a basis which will maintain standards consistent with other real estate lending.

(5) Properties in areas where there is evidence of imminent serious problems resulting from a depleting water supply, deteriorating water quality or lack of drainage, except where these problems are already reflected in the market value or can be appropriately protected against in the loan term and repayment schedule. These shall be appraised in such manner as to eliminate undue lending risks in the particular circumstances.

(6) Property in areas where mineral value or speculation on such value exists. The appraised value shall be based on a comparison to similar areas where mineral influence is minimal.

(b) *Market value.* Market value is the amount which a property will bring if a reasonable time is allowed to find a purchaser and if both seller and prospective buyer are informed, neither being under abnormal pressure.

(1) The above definition contemplates the consummation of a sale and the passing of full title from seller to buyer, under the following conditions.

(i) Buyer and seller are free of undue stimulus and are motivated by no more than the reactions of typical owners.

(ii) Both parties are well-informed or well-advised and act prudently, each

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for what he considers his own best interest.

(iii) A reasonable time is allowed to test the market.

(iv) Payment is made in cash or in accordance with financing terms generally available in the community for this type of property.

(2) There is a difference between market price and market value. Market value represents the rationale of buyers collectively within the area while market price indicates what an individual property may have sold for.

(c) *Recovery value.* Recovery value applicable to both chattels and real estate is the amount, less estimated maintenance, selling costs, all prior liens and encumbrances, at the date of inspection or appraisal, which the lender should be able to realize from sale of property on reasonable terms. It is a modification of present market value as determined by a loan analyst or appraiser and lies between present market value and a forced sale value. Condition of the loan and of the farming operation, and the circumstances under which recovery would likely be attempted will need to be recognized in determining such value. It should be predicated on the basis of the active effort to dispose of the property when related to a workout loan situation. Values based on security in appraisals or inspection report should clearly define the basis on which the value was established.

§ 614.4230 Federal land banks.

(a) Primary security for a Federal land bank loan shall consist of a first lien on interest in real estate. The real estate interest must be mortgagable interest under deeds or leases which reasonably may be considered adequate to afford the security of a first lien upon the rights and interests on which the loan is predicated. Collateral closely aligned with, an integral part of, and normally sold with real estate may be included in the appraised value of the security upon which a loan is based. Appraised value shall be determined within approved standards and shall include in the evaluation either farm land, eligible farm related businesses, or eligible rural residences whichever is appropriate for the type of loan being made.

(b) Additional security may be required to supplement primary real estate security. The value of such additional security shall be considered only for collateral protection and may not be included in the value of the security upon which the loan is based. Recovery value shall be the basis for measuring the collateral worth of additional security.

(c) Personal property used in farming operations and considered as collateral for short- and intermediate-term credit will normally not be included as additional security. Before taking such personal property as additional security, the Federal land bank and Federal land bank associations shall consider whether all or a portion of the credit needs might be met more satisfactorily by a short- or intermediate-term loan such as may be obtained through a production credit association in accordance with district board policies under §616.6020 of this chapter.

§ 614.4240 Federal intermediate credit banks.

(a) Participation loans. Loans made by a Federal intermediate credit bank in participation with a production credit association or another Federal intermediate credit bank shall adhere to the same security requirements as prescribed in § 614.4250 for production credit associations.

(b) Direct loans to production credit associations. Securities and other obligations pledged to the bank by a production credit association pursuant to a general pledge and direct loan agreement, shall be held by the bank as collateral for direct loans made by the bank against such securities, as general collateral to secure all paper discounted for the association, and as security for all other obligations of the association to the bank. In the event it is necessary for a bank to realize on such collateral the proceeds therefrom will be applied in that order.

(c) Direct loans to other financing institutions shall be secured in accordance with regulations contained in § 614.4600.

§ 614.4250 Production credit associations.

(a) Both secured and unsecured loans may be made in accordance with policies and regulations as prescribed by the district board and the bank. Normally, primary security taken will consist of first liens on personal property and crops. While it is not intended that associations will ordinarily make first lien real estate mortgage loans to farmers, real estate or other security may be taken when deemed necessary for the protection of the association in making short- and intermediate-term loans for eligible purposes. Before taking a real estate mortgage, the association shall consider whether all or a portion of the credit needs might be met more satisfactorily by a real estate mortgage loan such as may be obtained through a Federal land bank association, in accordance with district board policies established under § 614.6020.

(b) Recovery value shall be the basis for measuring the collateral worth of security. However, the value of interest in real estate which constitutes primary security shall be the appraised value as determined within approved appraisal standards.

§ 614.4260 Banks for cooperatives.

Banks for cooperatives are authorized to make both secured and unsecured loans.

(a) Term loans may be secured or unsecured depending on the purpose, repayment period, and other credit factors. However, as a general practice loans scheduled for repayment over an extended period should be secured.

(b) Regular seasonal loans may be secured or unsecured.

(c) Seasonal loans made to finance commodities and qualifying for special interest rate (where applicable) and lending limit consideration shall be secured. Loans secured by a chattel mortgage, factor's lien, security agreement, or security other than warehouse receipts or other title documents shall not exceed 65 percent of the net value of unhedged or 85 percent of the net value of hedged commodities and the borrower must have sufficient working capital to keep the loan properly margined. Loans secured by warehouse receipts or other title documents shall not exceed 75 percent of the unhedged net value of the commodity or 90 percent of the hedged net value and the borrower must have sufficient working capital to keep the loan properly margined.

(1) "Commodities" shall consist of goods and merchandise except for live animals which are transportable; can be accurately classified by standards of quality and quantity; and enjoy broad regional, national, or international markets within which similar items are regularly traded and the value thereof readily and regularly determined.

(2) A hedge will be considered valid if it is an enforceable contract with a reliable third party and includes point of delivery, time or period of delivery, quality, quantity, and price as specifications binding on the purchaser. Seller options will not generally invalidate the hedge classification unless of the nature to invalidate the entire contract. If options are provided the purchaser under the contract, the hedge value of the contract will be the worse combination of options.

(3) Trust receipts, negotiable bills of lading, shipping documents, drafts and acceptances may be accepted in such amounts and for such periods as reasonable prudence permits as necessary to allow the orderly marketing, handling, or processing of the commodities.

(4) Documents required in conjunction with these loans may be held by a custodian selected by the bank. In such cases the bank shall provide the custodian written instructions outlining procedures and practices to be followed in acceptance, handling, and release of all related documents. In addition, the bank shall provide for periodic review of custodian activities by bank officials and shall establish that activities of the custodian are subject to review and audit by the Farm Credit Administration.

§ 614.4261 Security and appraisal standards—bank for cooperatives.

Written security and appraisal standards shall be prepared and employed, where applicable, by each bank for cooperatives and approved by the Farm Credit Administration. Although some limited properties securing bank standards apply, much of the security is in the form of special use facilities where values may need to be based either on going concern value related in large measure to earnings and cash flow or, if not profitable—salvage value.

Subpart H—Interest Rates and Charges

§ 614.4270 Policy.

In setting rates and charges, it shall be the objective to provide the types of credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the cost of money, necessary reserves and expenses, capital requirements, and services provided to borrowers and members.

§ 614.4280 Interest rates.

Loans (and discounts) made by each bank shall bear interest at a rate or rates as may be determined by the bank board with the approval of the Farm Credit Administration. Requests to Farm Credit Administration for interest rate plans or interest rate adjustments shall include justification for the plan or change.

§ 614.4290 Interest on past due loans.

Provisions may be made in the approved interest rate programs of banks and production credit associations for the collection of interest at a higher rate after maturity of a loan or installment if provision is made in the note or loan document.

§ 614.4300 Other charges and fees.

Banks and associations may impose reasonable charges or fees to members, borrowers, or applicants in connection with loans or other services rendered. Fees charged by the associations shall be subject to bank approval.

§ 614.4310 Interest rate limitation for Federal intermediate credit banks only.

The rate of interest charged borrowers on notes or other obligations that a Federal intermediate credit bank may purchase, discount, or accept as collateral for loans shall not exceed by more than 4 percent per annum the lending rate of the bank which was in effect at the time the loan was consummated. Notes with provisions for a payment of interest on other than a simple interest basis (add-on, interest after maturity, etc.) may be accepted provided that the effective simple interest rate to the borrowers does not exceed such maximum.

§ 614.4320 Production credit associations.

The rate of interest charged by an association shall be the rate authorized by the bank, within programs prescribed by the bank board and approved by the Farm Credit Administration. Interest shall be charged on loans for the actual number of days such loans are outstanding unless a different method is authorized by such programs.

§ 614.4321 Interest rate programs.

The following types of interest rate programs may be employed by banks and production credit associations.

(a) Fixed rates: The rate of interest specified in the note or loan document shall prevail as the maximum rate chargeable to the borrower during the period of the loan.

(b) Variable rates: The interest rate(s) on outstanding loan balances may be changed from time to time during the period of the loan, if provision is made in the note or loan document.

(c) Fixed interest spread: Interest rates shall be expressed in terms of a percentage to be added to the cost of money to the bank or association.

(d) Differential rates may be established for different classes of loans based on the type, purpose, amount or quality of loan or any combination of these applicable factors. When the differential rate is based primarily on the amount of the loan, in order to provide equitable treatment between borrowers, the rate or rates may provide for a uniform rate up to a predetermined amount or amounts and a lower rate or rates on larger unpaid amounts. For clarification to the borrower, the above may be accomplished through the use of a blended rate.

Subpart I—Loan Participations

§ 614.4330 General.

Under policies prescribed by the boards of directors of the respective banks and approved by the Farm Credit Administration, Farm Credit banks and production credit associations may enter into loan participation programs to enable joint financing of eligible individuals or other legal entities meeting the lending standards of banks and associations. The program shall require that loan participation agreements define the provisions for disbursement and repayment of loan funds; sharing, division or assignment of collateral; the loan service plan; collection procedures; authorizations and conditions for action in the event of default by the borrower; sharing loss; conditions for termination of the agreement and any other applicable items. In lieu of executing separate notes and other legal documents, the participating institution may purchase certificates evidencing an equivalent legal participation interest in such loans. The amount of the loan held by an individual bank or association shall be subject to any prior approval requirements for that bank or association.

§ 614.4331 Federal land banks.

The banks may enter into loan participation agreements with one or more other Federal land banks under terms established by the participating banks.

§ 614.4332 Federal intermediate credit banks.

The banks may enter into loan participation agreements with one or more other Federal intermediate credit banks or with production credit associations under terms established by the participating institutions.

§ 614.4333 Production Credit Associations.

The associations may enter into participation agreements with one or more other production credit associations or with commercial banks and other lenders. All such agreements shall be subject to the prior approval of the Federal intermediate credit bank of the district. In addition to the provisions contained in § 614.4330, participation agreements between production credit associations and commercial banks or other lenders shall be subject to the following limitations:

(a) The association shall reserve the right to decline participation in any loan offered.

(b) Provisions restricting the association from providing full financing for the borrowers should be avoided. The agreement may, however, restrict either party soliciting full financing for these borrowers.

(c) To assure that such a participation agreement does not result in a commercial bank's substantially shifting its lending away from agriculture, the participating commercial bank shall fulfill one of the following; (1) retain at least 50 percent of the total of each participated loan, (2) retain at least 10 percent of the total of each participated loan provided that the commercial bank does not materially reduce its ratio of agricultural loans to total loans from the ratio maintained during the preceding 3 years, or (3) retain the maximum amount of the participated loan permitted by banking regulations to which the bank is subject.

(d) A lender other than a commercial bank shall provide evidence of financial responsibility and capability to service and control loans being made as a prerequisite to approval of a loan participation agreement.

(e) A copy of such participation agreements shall be forwarded to the Farm Credit Administration upon execution.

§ 614.4334 Banks for cooperatives.

A district bank for cooperatives shall first offer to the Central Bank for Cooperatives a participation in loans to a borrower when such loans exceed the lending limit of the bank. With the concurrence of the central bank, participations in loans in excess of a bank's lending limit may also be offered to, first, to other banks of cooperatives, then to commercial banks or other financial institutions. A bank for cooperatives may offer a participation to other banks for cooperatives in loans which are less than its lending limit; however, when total loans to such borrowers exceed the lending limit of the bank, further loans must first be offered to the central bank. Loans in excess of the lending limit established by the Farm Credit Administration for the banks for cooperatives on a consolidated basis may be made only when such excess amounts are sold as participations to a commercial bank or other financial institution. The form of each participation agreement shall be subject to Farm Credit Administration approval. The names of participants, amounts, and dates shall not require approval.

Subpart J—Loss Sharing Agreements

§ 614.4340 General.

With approval of the boards of directors of the respective banks, Farm Credit banks and associations may enter into agreements of the types specified below with other institutions chartered under the same title of the Act for mutually sharing losses resulting directly or indirectly from their lending operations. The loss sharing agreements shall cover but are not limited to terms and conditions for activation and dissolution, definition of terms, determination of loss sharing formula, limitations on required contributions, reimbursements, and provisions for amendment. All loss sharing

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agreements, shall be subject to Farm Credit Administration approval.

§ 614.4345 Guaranty agreements.

In lieu of loss sharing agreements, with approval of the Farm Credit Administration, banks or associations may enter into guaranty agreements wherein one or more other banks or associations agree to assume a percentage of the risk associated with specific loans.

Subpart K—Lending Limits

§ 614.4350 General.

No Farm Credit Bank or association shall make a loan, advance, or commitment which will result in any one borrower being obligated to such bank or association in excess of limits stated herein. When these limitations are approached, banks or associations should consider the feasibility of arranging participation in large loans with other banks or associations to properly serve the credit needs of deserving large borrowers. Except as provided in § 614.4353, the limitations shall not apply where the bank or association participates in a loss sharing agreement or has obtained other bank or association guaranty adequate to absorb the increased risk.

§ 614.4351 Federal land bank.

The lending limit is 20 percent of the capital and surplus of the lending bank.

§ 614.4352 Federal intermediate credit banks.

A Federal intermediate credit bank as a maker in participation with a production credit association or other Federal intermediate credit bank, shall have a limit of 20 percent of the capital and surplus of the participating banks.

§ 614.4353 Production credit associations.

Production credit associations until December 31, 1972, shall have a lending limit (including participations) of 50 percent of the capital and surplus of the lending association. A lending limit of 100 percent of the capital and surplus of the lending association shall apply whenever an approved loss sharing agreement is in force.

§ 614.4354 Banks for cooperatives.

Banks for cooperatives shall have the following limits until December 31, 1972.

(a) *District banks.* Loans outstanding at any one time to any one borrower, shall be limited to the following percentages of the net worth of a district bank as of the end of the preceding fiscal year or at an interim date determined by the Farm Credit Administration as a result of material changes in the bank's net worth.

(1) Term loans, 25 percent.

(2) Seasonal loans exclusive of loans secured by approved commodities, 25 percent.

(3) Seasonal loans secured by approved commodities (excluding loans secured by Commodity Credit Corporation documents), 45 percent.

(4) The sum of term and seasonal loans exclusive of seasonal loans secured by approved commodities, 25 percent; the sum of term, seasonal and seasonal loans secured by approved commodities (excluding loans secured by Commodity Credit Corporation documents), 45 percent. Loans made within the established lending limits that become excessive because of a subsequent decrease in the bank's net worth should be reduced to the lending limit in an orderly manner over a reasonable period. The Farm Credit Administration may prescribe special lending limits in writing in unusual situations.

(b) *Central Bank for cooperatives.* Loans outstanding at any one time to any one borrower, exclusive of seasonal loans secured by approved commodities or loans financing commodities within the limits of Government price support programs, shall be limited to 40 percent of the net worth of the bank as of the end of the preceding fiscal year or at an interim date determined by the Farm Credit Administration as a result of material changes in the bank's net worth.

(c) *Thirteen banks for cooperatives.* Loans outstanding at any one time to any one borrower from the 13 banks for cooperatives, exclusive of participations sold to institution(s) other than the cooperative bank system, shall not exceed 35 percent of the consolidated net worth of the banks without approval of the Farm Credit Administration.

§ 614.4360 Computation of obligation for lending limit determination.

(a) Participation loans shall be included in the computation by a bank or association only to the extent of the amount of participation which that bank or association holds.

(b) The obligation of an individual shall be the total unpaid principal of indebtedness to the bank or association for which the individual is liable as a direct borrower, as a result of being guarantor, endorser or maker on loans to other individuals or legal entities, or as a result of drafts, accounts, contracts or purchases owned.

(c) The obligations of a legal entity shall be the total unpaid principal of indebtedness to the bank or association for which the entity is obligated as a direct borrower as a result of being guarantor, endorser, or maker on loans to individuals or other legal entities or as a result of drafts, accounts, contracts, or purchases owed unless the lending bank or association can after a thorough credit evaluation of the principal maker of the endorsed or guaranteed obligation certify in writing that such original maker can reasonably be depended upon for repayment of the guaranteed or endorsed obligation.

Subpart L—Rural Housing Loans

§ 614.4370 General policy.

Loans to rural residents shall be made on a sound basis and in no event shall exceed 85 percent of the appraised value of the real estate. The foregoing shall not prohibit protecting the security position by advancing taxes or insurance premiums. When the rural residence is a mobile home, the appraised value shall include interest in land and the mobile home. In establishing lending policies all Farm Credit institutions shall give consideration to lending practices and terms used by other responsible lenders in the area.

§ 614.4380 Lending limitations.

(a) Rural residence lending in a district may be implemented only with the approval of the district board. The implementation at the association level is within the discretion of the association board.

(b) When rural housing loans have been approved by the district boards and individual association boards, each district board shall prescribe a policy which will assure that rural residence loan service is made available to eligible borrowers of these associations.

(c) No Federal land bank may at any time have rural residence loans in an amount exceeding 15 percent of the total of all loans outstanding. No production credit association may have outstanding rural residence loans in an amount exceeding 15 percent of its total loans outstanding at the end of the preceding fiscal year without prior approval by the Federal intermediate credit bank of the district, nor shall the aggregate of such loans exceed 15 percent of the outstanding loans of all associations in the district at the end of the bank's preceding fiscal year.

(d) Whenever any Federal land bank association or production credit association exceeds 15 percent of its total loan volume in rural residence loans, the respective bank board shall require the bank to make periodic reviews to assure that farmers' credit needs are being adequately served in accordance with objectives of the Act.

(e) Should circumstances arise which curtail loan funds for the System, then loan funds for agriculture shall receive priority to the exclusion of funds for rural housing loans.

§ 614.4390 Appraisal of security.

(a) Appraisal standards and procedures for rural residences shall be established by the banks subject to approval by the district board and the Farm Credit Administration. In setting appraisal standards, consideration shall be given to location, community standards, home advantages, employment opportunities, transportation facilities available and future outlook for the area. Such valuation of the property shall reflect accurately the current market value.

(b) Bench marks will be established on appropriate rural residences with values based on verified sales of similar properties.

(c) A procedure for classifying security and area shall be a basic part of the appraisal process.

(d) The same appraisal standards, and forms and procedures shall be used by both Federal land bank associations and production credit associations.

§ 614.4400 Security requirements.

When financing nonfarm rural housing, the primary security shall be a first lien on the rural residence being constructed, purchased, or refinanced. Loans for repairs and improvements usually will be secured by a real estate lien or such other security as is determined to be necessary to protect the lender.

§ 614.4410 Loan terms and conditions.

The banks, subject to the approval of the district boards and the Farm Credit Administration, shall establish policies for making and servicing of rural residence loans according to the following guidelines:

(a) Loans on rural residences shall be amortized and loan terms shall not exceed 30 years when made by a Federal land bank and 7 years when made by a production credit association. To qualify for a rural housing loan from a production credit association, an applicant shall conclusively demonstrate his ability to repay such a loan within a 7-year maturity. No final balloon or renewal payment plan will be permitted which will have the effect of extending the maturity beyond 7 years or 30 years for production credit associations and Federal land banks respectively.

(b) Monthly payment plans shall be required on all such loans unless there is a justifiable reason for a different type of repayment plan.

(c) Loan servicing policies shall encourage the orderly retirement of each rural residence loan as scheduled, and procedures for handling the delinquency of such loans shall recognize the inherent differences between agricultural and rural residence lending.

§ 614.4420 Loan closing requirements.

Uniform rules and regulations regarding the closing of rural residence loans shall be prescribed by the supervising banks. In developing such rules and regulations, consideration should be given to any legal or other requirements necessary to assure that the interests of both the borrower and lender are fully protected. Consideration should be given to provisions for payment of taxes and insurance, establishment of fee schedules, inspection procedures, disbursement and insurance, disbursement of trust funds, construction loan agreements, surety bonds for contractors and compliance with local health, environmental, zoning and code requirements.

§ 614.4430 Identification of rural housing loans.

The district board shall adopt a policy and the banks shall issue procedures, subject to approval of the Farm Credit Administration, which identify all loans made under the rural housing authorization. This identification should be made in such a manner as to provide for an analysis of rural housing lending costs, loss experience, delinquencies and contributions to earnings for purposes of guidance in establishing interest rates and the determination of dividends as well as to clearly delineate security requirements between farms and rural residences.

(a) In making such identification, the distinction between a rural residence and a farm shall be on the basis of the capacity of the security to produce agricultural income. The agricultural operation, if any, on a rural residence security will be considered to be in a range from no production to the growing of produce for home use with occasional token cash sales. A farm will be considered to be a property which has the capacity to produce farm products for sale on a sustained basis.

(b) Any loan made on security so identified as a rural residence shall be included in the 15 percent limitation.

Subpart M—Notice of Action and Appeals

§ 614.4440 Notice of action on loan application.

Every applicant for a loan from the Farm Credit System is entitled to a prompt notice of action on his application and, if the loan is denied or reduced, the reason for such action.

§ 614.4441 Applicant's right to appeal.

An applicant who has reason to believe he was denied credit or was offered credit in a reduced amount because the lender failed to take into account facts pertinent to his application, or misinterpreted or failed to properly apply the rules and regulations governing his application shall be entitled to an informal hearing. That informal hearing shall be in person before the loan committee, or officer, or employee thereof authorized to act on that application. The applicant must make the request for such a hearing in writing within 30 days of notice of the original action. Promptly after such a hearing he shall be notified of the decision reached and the reasons therefor.

§ 614.4442 Records.

Associations or banks shall maintain a complete file of all such written requests for hearing, along with all other written inquiries from applicants or borrowers concerning credit denials.

Subpart N—Loan Approval Requirements

§ 614.4450 General requirements.

Authority for loan approval is primarily vested in the Farm Credit banks and associations. However, to provide proper supervision of the System's lending functions the Act vests in the Farm Credit Administration the authority to prescribe the types and classes of loans which can only be made with the prior approval of the Farm Credit Administration or the respective banks.

§ 614.4490 Federal land bank and production credit association loans requiring prior approval.

(a) Until December 31, 1972, the following loans shall be subject to the prior approval of the bank and the Farm Credit Administration.

(1) Any land bank loan which will result in any one borrower being obligated, in total loan commitment on all loans to a bank in excess of $400,000.

(2) Any production credit association loan which will result in any one borrower being obligated, in total loan commitment on all loans to the association in an amount in excess of 35 percent of the association's capital and surplus.

(3) Loans described in § 613.3020(d) of this chapter shall be submitted for ruling on the eligibility of the applicant.

(4) Loans described in § 614.3030(c).

(b) The following shall be subject to the prior approval of the appropriate bank board:

(1) Loans to a member of the Federal Farm Credit Board.

(2) Loans to a member of the district board.

(3) Loans to an officer or employee of a bank.

(4) Loans to an employee of the Farm Credit Administration.

(5) Loans to any borrower where officers or employees designated above: (i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or (ii) are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(c) The following shall be subject to the prior approval of the district bank:

(1) Loans to a member of an association board.

(2) Loans to an employee of an association.

(3) Loans to any borrower where directors or employees designated above: (i) Are to receive proceeds of the loan in excess of an amount prescribed by the appropriate bank board and approved by the Farm Credit Administration, or (ii) are stockholders or owners of equity in a legal entity to which a loan is to be made wherein they have a significant personal or beneficial interest in the loan, the proceeds thereof or the security.

(4) Any Federal land bank loan which will result in any one borrower being obligated, to the bank in excess of an amount established by the bank board.

(5) Any production credit association loan which will result in any one borrower being obligated, in total loan commitment on all loans in an amount in excess of 15 percent of the association's capital and surplus.

§ 614.4500 Bank for cooperative loans requiring Farm Credit Administration prior approval.

(a) Where commitments are being made to first-time borrowers when the line of credit is $1 million or more and either the borrower is a newly created entity or the type of activity to be financed is an enterprise which the bank has not previously financed in the district.

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(b) Where a borrower is specifically designated as a "prior approval account" by the Farm Credit Administration.

(c) A term loan for which the final repayment (including the projected amortization of any "balloon payment") is for a period longer than 20 years from the date of the first advance.

§ 614.4501 Bank for cooperative loans requiring Farm Credit Administration post review.

(a) Where a member of the district bank, or central bank board of directors or a member of the Federal Farm Credit Board is the chief executive officer or principal financial officer of the borrowing cooperative.

(b) Where a member of the district bank, or central bank board of directors, a member of the Federal Farm Credit Board, or an employee of the bank or the Farm Credit Administration holds 10 percent or more of the voting stock of the borrowing cooperative or provides more than 10 percent of the cooperative's volume of business.

(c) Where a member of the district bank, or central bank board of directors, a member of the Federal Farm Credit Board, or an employee of the bank or Farm Credit Administration is an officer or director of a borrowing cooperative whose loans are classified less than those of the highest quality classification.

(d) Where a borrower is specifically designated as a "post review account" by the Farm Credit Administration.

Subpart O—Loan Servicing Requirements

§ 614.4510 General.

The banks and associations that are primary lenders shall be responsible for the servicing of the loans which they make. The boards of directors shall direct the banks and associations to adopt loan servicing policies and procedures to assure that loans will be serviced fairly and equitably for the borrower while minimizing the risk for the lender. Procedures shall include specific plans which help preserve the quality of sound loans and which help correct credit deficiencies as they develop.

(a) The Federal land bank shall provide guidelines for the servicing of loans by the Federal land bank associations. The servicing may be accomplished either under the direct supervision of the banks or under delegated authority.

(b) The Federal intermediate credit bank shall provide guidelines for the production credit associations to use in establishing their loan servicing policies and procedures plus any limitations requiring approval of the bank. Bank policies shall govern the servicing of loans in which the bank is a direct maker via participation with a production credit association.

(c) The bank for cooperative policies shall govern the servicing of loans made by the bank separately, in participation with other banks for cooperatives or other lenders.

(d) In the development of the bank and association policies and procedures, the following criteria shall be included.

(1) *Ther loans.* The objective shall be to provide borrowers with prompt and efficient service with respect to justifiable actions in such areas as: Personal liability, partial release of security, insurance requirements or adjustments, loan division or transfers, conditional payments, extensions, deferments or reamortizations. Procedures shall provide for adequate inspections, reanalysis, reappraisal, controls on payment of insurance and taxes (and for payment when necessary), and prompt exercise of legal options to preserve the lender's collateral position or guard against loss. The policy shall provide a means of forebearance for cases when the borrower is cooperative, making an honest effort to meet the conditions of the loan contract and is capable of working out of the debt burden.

(2) *Operating loans.* The objective shall be to service such loans to assure disbursement in accordance with the basis of approval, repayment from the sources obligated or pledged and to minimize risk exposure to the lender. Procedures shall require: (i) The procurement of periodic operating data essential for maintaining control, for the proper analysis of such data, and prompt action as needed; (ii) inspections, reappraisals, and borrower visits appropriate to the nature and quality of the loan; (iii) controls on insurance, margin requirements, warehousing, and the prompt exercise of legal options to preserve the lender's collateral position and guard against loss. The policy shall provide a means of forebearance for cases when the borrower is cooperative, making an honest effort to meet the conditions of the loan contract and is capable of working out of the debt burden.

(3) *Legal entity loans.* In addition to the foregoing servicing objectives for term and operating loans, procedures for servicing these loans shall require procurement of data on changes in ownership, control, and management; review of business objectives, financing programs, organizational structure, and operating methods, and appropriate analysis of such changes with provision for action as needed.

(4) *Approved policies.* Copies of the bank loan servicing policies required under this Subpart O and all subsequent revisions shall be furnished to the Farm Credit Administration.

§ 614.4511 Federal land bank associations compensation.

Compensation may be paid to an association up to an amount which, in the judgment of the bank, represents the value of the services being rendered for the bank. The compensation plan is subject to the approval of the bank board and the Farm Credit Administration.

§ 614.4512 Compromise of indebtedness.

Because of the vested borrower ownership interested in the cooperative Farm Credit System, no compromise settlement of borrower indebtedness shall be made unless it can be determined from an analysis of all the facts and legal aspects that a compromise settlement results in the greatest net return to the lender. Bank boards shall set policies covering the limited instances where compromise settlements can be permitted. These policies shall include approval limits for the bank and associations. Compromise settlements beyond these limits shall require bank board approval.

Subpart P—Special Lending Programs

§ 614.4520 General.

(a) To provide the best possible credit service to farmers, a district board may adopt policies permitting banks and associations to enter into agreements with agents, dealers, cooperatives, other lenders, and individuals to facilitate the making of loans to eligible farmers and ranchers, subject to approval by the bank.

(b) Federal land banks: A bank, or an association with bank approval, may enter into agreement which will accrue to the benefit of the borrower and lender which allows others to perform functions in loan making or servicing other than the evaluation and approval of loans. When such an agreement is developed, and the territory covered by the agreement extends outside the territorial limits of the originating association or bank, a permissive agreement from all affected banks or associations is required. Reasonable compensation may be paid for services rendered.

(c) Production credit associations may enter into agreements with private dealers or cooperatives permitting them to take applications for loans from the association to purchase farm equipment, supplies, and machinery. Such agreements shall normally be limited to persons or businesses selling to farmers or ranchers and shall contain credit limits consistent with sound credit standards. When the sales territory of a dealer or cooperative extends outside the territory of the originating association, or the Farm credit district, agreement of all banks and associations affected shall be obtained before making such loans. Reasonable compensation may be paid to a dealer or cooperative for services rendered in connection with such programs.

(d) Subject to the approval of the respective bank's board of directors, Federal land banks, Federal intermediate credit banks, banks for cooperatives and production credit associations may enter into memorandums of understanding among themselves or with other lenders for the simultaneous processing and closing of loans to a mutual borrower. The basic policies and principles of each lender shall apply.

§ 614.4530 Special loans, production credit associations.

Under policies approved by the bank board and procedures developed by the bank, production credit associations may make the following special types of loans on commodities covered by price support programs. Nothwithstanding the regulations covering other loans made by an association, loans may be made to members on any commodity for which a Commodity Credit Corporation price support program is in effect, at such rate of interest and upon such terms as the bank board may prescribe subject to the following conditions:

(a) The commodity offered as security for the loan shall be eligible for price support under a Commodity Credit Corporation price support program and shall be stored in a bonded public warehouse, holding storage agreement for such commodity approved by Commodity Credit Corporation.

(b) The member shall have complied with all Commodity Credit Corporation eligibility requirements.

(c) The loan shall mature not later than 30 days prior to the expiration of the period during which the Commodity Credit Corporation loan or other price support may be obtained on the commodity and shall be secured by pledge of negotiable warehouse receipts covering the commodity.

(d) The borrower shall appoint the association as his attorney-in-fact to obtain a Commodity Credit Corporation loan (or other such price support as is available) in the event that the borrower fails to do so prior to maturity or repayment of the loan.

Subpart Q—Federal Intermediate Credit Bank Financing of Other Financing Institutions

§ 614.4540 General.

The Federal intermediate credit banks are authorized to discount for, or purchase from commercial banks and other financial institutions, with their endorsement or guaranty, notes and other obligations for loans which have been made for agricultural purposes. No paper shall be purchased from or discounted for a commercial bank, trust company or savings institution if the amount of such paper added to the aggregate liabilities of the institution, exclusive of deposit liabilities, exceeds the lower of the amount of liabilities of the institution permitted under the laws of the jurisdiction creating the institution, or twice the paid-in and unimpaired capital and surplus of the institution. No paper shall be purchased from or discounted for any other financial institution if the amount of such paper added to the aggregate liabilities of the institution exceeds the lower of the amount of liabilities permitted under the laws of the jurisdiction creating the institution, or 10 times the paid-in and unimpaired capital and surplus of the institution. Hereafter, in this part the term "other financing institution" means all financing institutions eligible to borrow from or discount paper with a Federal intermediate credit bank other than institutions of the Farm Credit System.

§ 614.4550 Financing responsibility of the Federal intermediate credit banks regarding other financing institutions.

It is the responsibility of the banks to provide a continuing dependable source of production financing to eligible farmers and ranchers in their districts. The banks shall attempt to meet this responsibility to agricultural producers by assuring to the extent possible the viable institutions actively involved in extending credit to such producers have adequate loan funds with which to perform their function. Therefore, consideration shall be given in cases in which other financing institutions applying for the discount privilege from banks present persuasive evidence that they are unable to meet legitimate needs of their farmers eligible and rancher clientele without access to the discount privilege.

§ 614.4560 Criterial which shall be used to determine whether a discount relationship should be established with an applicant other financinng institution.

(a) Approval of an application for access to the discount privilege from any other financing institution shall be subject to proof that there is a continuing need for such discounts to permit the applicant to continue to serve the volume of agricultural loans at least equal to its average volume of such loans for the past 3 years and that the need is not the result of denial or restrictions on discount privileges or other means of obtaining lendable funds customary available to it. The application shall also establish a sufficiency of each of the following:

(1) Capital structure to support an economically feasible lending operation.

(2) Actual or potential loan volume to permit a reasonably efficient lending operation.

(3) Institution capability, including staff experience and expertise, to extend and administer the volume of lending anticipated on a sound basis.

(b) Approval of an application from a commercial bank or agricultural credit corporation affiliated with a commercial bank shall be further conditioned on the following requirements.

(1) The commercial bank involved as applicant or parent shall have not less than 25 percent of its total loan portfolio in agricultural loans. If this percentage is less than 25 percent, the applicant institution shall serve the credit needs in its rural area, and the application shall be subject to prior approval of the Farm Credit Administration.

(2) Its gross loan to deposit ratio shall be not less than 60 percent at the seasonal peak. For purposes of this measure, gross loans should include all direct credit extension by the institution in its trade area. Such items as Federal funds or broker loans are to be excluded. If the applicant institution has a historical gross loan to deposit ratio of less than 60 percent at the seasonal peak, the application for access to the discount privilege shall be subject to prior approval of the Farm Credit Administration.

(3) The participation approach with the production credit associations is either unavailable or would not be of assistance to the institution in serving the credit needs of its borrowing farmers and ranchers, but the failure of the institution to participate with a production credit association shall not of itself be cause for denial or revocation of borrowing or discount privileges.

(c) Approval of an application from an agricultural credit corporation which is not affiliated with a commercial bank shall be further conditioned on the following requirements.

(1) *Character of business.* It shall be a body corporate engaged in the business of extending short- and intermediate-term credit to farmers and ranchers for agricultural purposes. A concern engaged in the business of manufacturing, merchandising, real estate brokerage, real estate loans, etc. is not eligible to obtain credit from a Federal intermediate credit bank merely because it has the power to make loans to farmers and ranchers and to borrow money. On the other hand, the fact that a corporation has powers not related to agricultural credit or receives income from other sources shall not of itself render it ineligible. Such institutions should be carefully investigated and each case decided on its merits.

(2) *Compliance with statutes.* It shall comply with State laws applicable to it. Violations of State laws will be cause for revocation by the bank of the borrowing and discounting rights of any other financing institution which does not promptly rectify such conditions upon notice from the bank. Special attention shall be given to the institutions' articles of incorporation and bylaws, capital stock and other securities transactions and, in the case of foreign corporations, evidence will be required that it has complied with the laws of each State in which it operates.

(d) In dealing with any other financing institution which is affiliated with a cooperative (through stock ownership, management, interlocking directorates or otherwise), the bank will consider the possible effects of such relationship on the operations and credit policies of the applicant corporation. A financing corporation which is a subsidiary of or affiliated with a farmers' cooperative and is otherwise eligible to borrow from and discount with a Federal intermediate credit bank may qualify to discount with its endorsement or borrow on the security of notes of farmers and ranchers (as distinguished from notes of cooperatives), evidencing loans to finance the cost of supplies, equipment or services obtained from such affiliated cooperative, if the bank board finds that an additional source of credit is needed to facilitate financing of such transactions and the primary benefits of such credit will inure to the borrowing farmers and ranchers.

§ 614.4570 Utilization of the discount privilege.

(a) The other financing institution shall remain in compliance with the approval criteria enumerated in section 4560 hereof except that another financing institution which has a discount agreement in force with a Federal intermediate credit bank at the effective date

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of these regulations shall not be required to meet the criteria included under section 4560(b) hereof.

(b) The institution shall maintain reasonable credit quality in its total loan portfolio as well as that credit submitted for discount with the bank.

(c) The institution shall not significantly reduce its agricultural lending activity as a portion of its total credit activity and any substantial increase in the volume of loans tendered to the bank for discount shall be accepted subject to a showing that the increase is a result of the institution's increase in volume of agricultural loans rather than a reduction in the ratio of agricultural loans to nonagricultural loans held by it or to any restriction on its access to other sources of lendable funds.

§ 614.4590 Direct loans to other financing institutions.

A Federal intermediate credit bank is authorized to make loans and advances to other financing institutions, provided that no such loan or advance shall be made on the security of collateral other than notes or other such obligations of bona fide farmers and ranchers as defined in these regulations, unless such loan or advance is made to enable the financing institution to make or carry loans to such bona fide farmers and ranchers for agricultural purposes. In all cases, the amount of collateral required shall be not less than the principal amount of the indebtedness thereby secured.

(a) *Classes of obligations approved as collateral.* The following classes of obligations are approved as collateral for direct loans and advances to other financing institutions.

(1) Obligations of bona fide farmers and ranchers arising from direct credit extension by the financing institution.

(2) Bonds and other direct obligations of the United States.

(3) Federal Farm Loan Bonds and consolidated debentures of the banks for cooperatives.

(4) Soil and water conservation loans and farm ownership loans made under programs administered by the Farmers Home Administration, the payment of which is guaranteed by the United States.

(b) *Purpose of direct loans or advances.* In making loans or advances to any other financing institution on the security of collateral other than that described in (a) of this section, the bank will assure itself that the proceeds of such loans or advances to farmers and ranchers for agricultural purposes.

§ 614.4600 General collateral.

Other financing institutions (except commercial banks), as a condition precedent to borrowing from a discounting with a Federal intermediate credit bank, shall pledge as collateral for any and all obligations to the bank, cash, U.S. Government securities, Federal Farm Loan Bonds, consolidated debentures of the banks for cooperatives, or other readily marketable securities of high rating in an amount equal to such portion of its capital as shall be determined by the bank. At the discretion of the bank, commercial banking institutions may also be required (unless prohibited by law or by supervisory authority) to deposit acceptable collateral. Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions and additions and the proceeds of any such collateral including all income derived, shall be available to secure any and all obligations to the bank whether direct or contingent, present or future.

§ 614.4610 Filing and recording assignments of security instruments.

Assignments of security interest by other financing institutions may be acceptable by the bank without requiring that such assignments be recorded or filed except where the risk involved or other circumstances surrounding the paper makes recording or filing advisable as a matter of sound credit policy. In lieu of a separate assignment of each instrument, the bank may accept from such institutions a single blanket assignment and an agreement to execute separate assignments to the bank whenever requested by it.

§ 614.4620 Suspension of right to borrow and discount.

In the event a financing institution shall fail to remain in compliance with the requirements for continuation of the discount relationship set forth in § 614.4560, or should the condition or the operations of an other financing institution become otherwise unsatisfactory to the bank, its right to borrow and discount may be withdrawn or suspended by the bank until the noncompliance or unsatisfactory condition is corrected. Should it be determined that the debt to capital ratio of the institution exceeds the legal limits set forth herein, the right of such institution to borrow and discount shall be withdrawn or suspended forthwith and shall so remain until necessary correction has been effected. During any period of suspension no new paper shall be purchased from or discounted for the institution and no further advances shall be made to it pending correction, except to the extent necessary to cover commitments on paper held by the bank or to preserve the security and protect the interest of the bank in obligations held by it. Before making additional advances to any other financing institutions whose right to borrow or discount has been suspended because the ratio of its total liabilities to unimpaired capital and surplus equals or exceeds the maximum permitted under law, the bank shall satisfy itself that the corporation will not violate any applicable law by assuming liability for such additional advances.

§ 614.4630 Credit to other financing institutions in special circumstances.

When a financing institution is in need of funds in excess of the amount that can be made available through normal processes and if for credit reasons a bank is unwilling to discount or purchase a loan offered by such institution for its face amount, it may discount or purchase less than the full amount of the loan. In such transactions the institution shall be required to apply all repayments on the borrower's obligation first, to pay the bank the amount discounted or purchased by it.

§ 614.4631 Alternate method.

In lieu of discounting or purchasing notes which are not acceptable at face value, a bank may accept such paper at a reduced value as collateral security to a direct loan to the borrowing institution under § 614.4590 hereof.

§ 614.4632 Limitation on alternate method.

Use of the partial discount procedure is not intended as a substitute for or as replacing the normal procedure of discounting acceptable paper. Every effort should be made to correct the underlying cause rendering such financing necessary.

§ 614.4640 Insolvency of other financing institutions.

(a) In the event an other financing institution having a discount or financing agreement with the bank becomes insolvent or is in process of liquidation, particularly if it fails to service its loans properly and where supervision or orderly liquidation will be facilitated by direct handling of the obligations of the note makers, the bank may, with the consent of the Farm Credit Administration, take over such paper for orderly liquidation. Notes on other obligations pledged with the bank by an other financing institution, either as collateral for a direct loan or as additional security for any and all indebtedness of the institution to the bank, also may be taken over and handled directly with the makers after a title has been acquired in accordance with the provisions of applicable laws and the terms of the pledge agreements executed by the institution involved. The bank's authority to handle the paper directly includes the authority to make additional advances, to grant renewals and extensions, and to take such other actions as may be needed to work out the problems involved. Direct liquidation of paper carried for an other financing institutions should be resorted to only in cases where other measures have failed, and it is apparent that direct liquidation is the only practicable means available to the bank for protection of its interest.

(b) Paper handled for insolvent other financing institutions as provided in this section shall not be assigned as collateral for debentures and shall be carried in a separate account as provided in the chart and description of accounts for the banks.

(c) On paper which a bank has taken over from a defaulting financing institution for liquidation, interest shall be collected according to the terms of the loans. Renewals of such notes, when directly payable to the bank, shall bear interest at a rate not to exceed the maximum rate that may be charged other financing institutions on paper eligible for discount by the banks at the time of renewal.

§ 614.4650 Prior loan approval.

Any obligation of a borrower accepted for discount or as collateral for a direct loan to an other financing institution shall have the prior approval of the Farm Credit Administration when the total obligations of such borrower of the offering institution exceeds $100,000 or 50 percent of the paid-in and unimpaired capital and surplus of such institution, whichever is larger.

§ 614.4660 General rediscount agreement.

As a condition precedent to making loans to or discounting paper for any other financing institution, the bank will require the corporation desiring such credit to execute a general rediscount, loan and pledge agreement.

PART 615—FUNDING AND FISCAL AFFAIRS

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AUTHORITY: The provisions of this Part 615 issued under sec. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—Funding

§ 615.5000 General responsibilities.

To assure continuing public confidence in the high quality of Farm Credit bank securities, whenever each bank of the System on consolidated or Systemwide basis obtains loan funds from the sale of obligations, the maturities, rates of interest, and terms and conditions of each issue shall be subject to approval and shall be signed by the Governor of the Farm Credit Administration and the banks shall be liable thereon. It shall be the responsibility of the finance committees of subcommittees of the banks, in consultation with the fiscal agent, to fix interest rates, terms and conditions of their respective issues. In the exercise of responsibility to supervise the funding of the Farm Credit System, the Governor or a designated representative shall at his discretion be present whenever the maturities, rates of interest and terms and conditions of publicly issued obligations are determined. The Farm Credit Administration should keep the U.S. Treasury informed of all public financing plans and actions by the institutions under its supervision.

§ 615.5010 Fiscal Agency.

(a) The Fiscal Agency of the Farm Credit Banks (authorized under title IV, section 4.9 of the Act) shall be responsible for the marketing of securities, the maintenance of accurate and timely records, and assistance to the banks in the orderly investment of funds. The Fiscal Agency shall conduct funding for the banks at the direction of the appropriate finance committees under the broad policy direction of district boards acting in concert. By resolutions of agreement adopted by the board of each of the banks, appropriate committees may be established for the instruction and direction of the Fiscal Agency.

(b) To provide for an adequate and reliable supply of credit to meet the objectives of this Act and to ensure cooperation and coordination among the institutions of the System, the Farm Credit Administration shall maintain a general and continuing administrative review of the Fiscal Agency of the banks.

§ 615.5020 Intersystem funds.

Whenever practical the banks should borrow or lend interbank or intersystem funds prior to borrowing from commercial banks or other financial institutions.

§ 615.5030 Borrowings from commercial banks.

The bank boards, by resolution, shall authorize all commercial bank borrowings.

§ 615.5040 Borrowings from financial institutions other than commercial banks.

The Farm Credit banks may borrow from other financial institutions, such as insurance companies, Federal agencies, or Federal reserve banks only with the approval of the Farm Credit Administration.

Subpart B—Collateral

§ 615.5050 Policy.

(a) Each bank shall have on hand at the time of issuance of any long-term notes, bonds, debentures, or similar obligations, and at all times thereafter, free from any lien or other pledge, notes and other obligations representing loans made under the authority of the Act, notes of Federal land banks, Federal intermediate credit banks, and banks for cooperatives representing secured interbank or intersystem loans, readily marketable securities approved by the Farm

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Credit Administration or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or similar obligations outstanding for which the bank is primarily liable.

(b) However, since by contract with the bondholders specific pledge continues to be attached to collateral for obligations of the Federal land banks, heretofore issued under the Federal Farm Loan Act of 1916 and the Farm Credit Act of 1933, until those obligations are retired, the collateral securing them must be accounted for separately from collateral not specifically pledged in connection with obligations of the banks issued hereafter.

(c) Each bank shall set up procedures, with the approval of its board and the Farm Credit Administration, which will insure that said bank is in compliance at all times with the statutory requirements for maintenance of collateral.

(d) Such procedures should include provisions for safe custody, methods to determine that debt instruments meet all requirements of the Act and regulations and certification by a responsible officer of the institution as to eligibility and adequacy of the amount of collateral pledged.

§ 615.5060 Federal land bank loans eligible as collateral.

(a) Net asset value of notes and other obligations representing loans, purchase money mortgages, or sales contracts made or acquired under these regulations is eligible for collateral. Each such obligation shall be certificated by the bank's attorney that the bank's interest in the security gives the equivalent protection of a first lien.

(b) Net asset value of notes and other obligations means the unpaid balance of valid loans excluding delinquencies (including default taxes, insurance premiums, etc. paid by the bank or association), future payment funds, undisbursed loan funds, trust accounts and other borrower deposits or deferred proceeds. Loans in the process of foreclosure and acquired real estate owned shall be carried at their recovery value, or investment value, whichever is lower.

§ 615.5070 Federal intermediate credit bank loans eligible as collateral.

(a) Direct loans to or discounts for production credit associations, whether secured or unsecured, provided all notes represent loans made by production credit associations to their borrowers, shall be pledged as collateral for their total indebtedness to the Federal intermediate credit bank.

(b) Direct loans to or discounts for other financing institutions, shall also be acceptable.

§ 615.5080 Bank for cooperative loans eligible as collateral.

The value of the unpaid balance of loans to eligible cooperatives is eligible as collateral.

§ 615.5090 Loss of eligibility of reduction in carrying value of collateral.

When the Farm Credit Administration informs a bank that approval has been modified or withdrawn with respect to certain items found not to conform to the appraisal or loan standards prescribed, or any loan has been classified as an actual or potential loss, the bank shall adjust the carrying value of its pledged collateral accordingly or withdraw the loan(s) from collateral.

Subpart C—Issuance of Bonds, Notes, Debentures and Similar Obligations

§ 615.5100 Resolution required.

The bank boards shall, by resolutions, authorize the issuance of long-term notes, bonds, debentures or similar obligations in such amounts as may be required to meet bank's needs. Each such resolution shall specify the maximum amount of obligations which shall be outstanding at any one time and authorize the executive committee or appropriate officers of each bank to do all things necessary and proper to participate in such issues.

§ 615.5101 Lost, stolen, destroyed, mutilated or defaced consolidated obligations and coupons of the Farm Credit banks.

(a) *Basis of relief.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation or defacement of U.S. securities, and the regulation of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of U.S. securities, insofar as such statutes and regulations may be applicable, and as modified to relate to the consolidated obligations of the Farm Credit banks and coupons of such obligations shall govern the granting of relief on account of lost, stolen, destroyed, mutilated or defaced consolidated obligations of the Farm Credit banks and mutilated or defaced coupons of such obligations.

(b) *Claims and proof of loss.* Claims shall be presented, and proof shall be made, by applicants for relief on account of the loss, theft, destruction, mutilation or defacement of consolidated obligations of the Farm Credit banks and the mutilation or defacement of coupons of such obligations, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

§ 615.5102 Restrictive endorsements of bearer securities.

When consolidated obligations of the Farm Credit banks are being presented to Federal Reserve banks or branches, or to the Treasurer of the United States, by or through banks (including Farm Credit banks) for redemption, such obligations may be restrictively endorsed. The restrictive endorsement shall be placed thereon in substantially the same manner and with the same effects as prescribed in U.S. Treasury Department regulations, now or hereafter in force, governing like transactions in U.S. bonds; and consolidated obligations of the Farm Credit banks so endorsed shall be prepared for shipment and shipped in the manner prescribed in such regulations for United States bonds. (See 31 CFR 328.1–328.6)

§ 615.5103 Loss from payment of spurious debenture.

Each of the 12 Federal intermediate credit banks agreed, by resolution adopted by its board of directors in 1963, to share in any loss resulting from the payment of counterfeit, forged, or unauthorized debentures. The agreement provides that such loss shall be shared by all of the banks in the same ratio as their respective participations in debentures issued during the 12 months preceding the date of payment of such counterfeit, forged, or unauthorized debentures.

§ 615.5104 Bonds and debentures as illustrations.

Illustrations of Farm Credit bonds, debentures and other securities may appear in information and educational materials if printed in black and white, but not in color, and must be less than ¾ actual size or more than 1½ times the actual size of the original security. Motion picture and micro films and slides of such securities are permitted in black and white or color for projection on a screen or for use in telecasting.

Subpart D—Other Funding

§ 615.5110 Authority to issue.

Any Farm Credit bank may issue, pursuant to authority contained in section 4.2(b) as modified by section 4.2(e) of the Act, investment bonds or like obligations other than through the Fiscal Agency if the interest rate is not in excess of the interest allowable on savings deposits of commercial banks of comparable amounts and maturities under Federal Reserve regulation on its member banks.

§ 615.5120 Purchase eligibility requirement.

Purchase of a Farm Credit Investment Bond shall be limited to members of Federal land bank associations and production credit associations, employees of the Farm Credit banks or associations, except bank presidents, and to employees of the Farm Credit Administration, except principal officials. An association member need not be an active borrower. Sale of a nominal number of shares of stock in an association will not satisfy the eligibility requirement. Types of owners may be individuals, partnerships, corporations, unincorporated associations, or fiduciary stockholders.

§ 615.5130 Procedures.

Procedures relating to issuance, pricing, payment of interest, redemption, replacement of lost or stolen bonds and other matters shall be promulgated under the authority of this regulation as operating instructions to banks and associations.

Subpart E—Investments

§ 615.5140 Investment eligibility.

In order to provide the System with investment instruments to support its financial operations, to manage its liquidity portfolios and to invest its excess funds, the following obligations are approved.

(a) Consolidated obligations of the Federal land banks Federal intermediate credit banks and banks for cooperatives.

(b) Direct and full faith and credit obligations of the U.S. Government.

(c) Federal Home Loan Bank notes and bonds.

(d) Federal Home Loan Mortgage Corporation obligations.

(e) Federal National Mortgage Association short-term notes, debentures and participation certificates.

(f) Government National Mortgage Association direct or fully guaranteed obligations.

(g) Farmers Home Administration insured notes.

(h) Tennessee Valley Authority notes and bonds.

(i) Export-Import Bank obligations.

(j) U.S. Postal Service obligations.

(k) Merchant Marine Bonds.

(l) Negotiable certificates of deposit.

(m) Bankers acceptances.

(n) Full faith and credit obligations of a state, municipality, political subdivision, or public agency or instrumentality thereof, when approved by the bank on a case basis within the following limitations: investments in bonds, except revenue obligations, that have been rated A or better (or the equivalent) by a recognized rating service, that mature within approximately 10 years, and are readily marketable.

(o) Other types of obligations authorized by the Farm Credit Administration.

Any eligible investment with a maturity of 12 months or less from the date of pledge shall be valued at face value for collateral purposes supporting bond and debenture issues. Any eligible investment with a maturity of over 12 months from the date of pledge shall be valued at market value for collateral purposes supporting bond and debenture issues.

§ 615.5141 Production credit associations.

Production credit associations shall own such securities, selected from approved investments in § 615.5140, as the supervising bank shall require.

§ 615.5142 Federal land bank associations.

Each Federal land bank association shall invest its available cash funds in excess of the amounts needed to meet its current operating requirements and other obligations in the following:

(a) Consolidated obligations of the Federal land banks, Federal intermediate credit banks, or banks for cooperatives.

(b) U.S. Government securities.

(c) Unsecured obligations of its supervising bank.

(d) Other investments authorized by the bank.

§ 615.5150 Real and personal property.

(a) Real estate and personal property may be acquired, held, or disposed of by all corporate entities of the Farm Credit System for the necessary and normal operations of their business. The purchase or construction of office quarters should be limited to facilities reasonably necessary to meet the foreseeable requirements of the association or associations. Any acquisition which may appear to involve the banks or associations to a substantial degree in real estate or other unrelated business should not be permitted.

(b) The purchase, construction, lease as leasee or sale of Farm Credit bank buildings and appurtenances shall have approval of the Farm Credit Administration. Likewise, purchase, construction, lease as leasee or sale of Federal land bank association or production credit association buildings and appurtenances shall have the approval of the appropriate bank board. It shall be the responsibility of the district board to establish guidelines for use by associations.

(c) The establishment of computer centers and the procurement by lease or purchase of computer systems, replacement equipment, additional components, and data terminals, by Farm Credit institutions shall be subject to prior approval of the Governor.

§ 615.5151 Additional investments of Federal intermediate credit banks.

Federal intermediate credit banks may purchase nonvoting stock and participation certificates of and pay in surplus to production credit associations when authorized by the bank board of directors on a case basis and approved by the Farm Credit Administration.

§ 615.5160 Production credit association investment in farmers' notes given cooperatives and dealers.

(a) In accordance with policies prescribed by the boards of directors of the Federal intermediate credit banks, production credit associations may invest in notes, conditional sales contracts, and other similar obligations given to cooperatives and private dealers by farmers and ranchers eligible to borrow from the association. All such programs developed shall be approved by the Farm Credit Administration before they are implemented.

(b) Such notes and other obligations evidencing purchases of farm machinery, supplies, equipment, home appliances, and other items of a capital nature handled by cooperatives and private dealers will be eligible for purchase as investments.

(c) The rate of interest on such obligations shall not exceed the limitations set forth in § 614.4310 of this chapter when such notes are offered as collateral for a direct loan from the bank.

(d) The total amount which an association may invest in such obligations at any one time shall not exceed 15 percent of the balance of loans outstanding at the close of the association's preceding fiscal year.

(e) All notes in which an association invests shall be endorsed with full recourse against the cooperative or dealer. The association shall contact each notemaker who meets the association's credit standards to encourage him to become a borrower.

Subpart F—Minimum Investment Requirement

§ 615.5170 The minimum investment requirement shall be comprised of cash and eligible investments, as approved by the Farm Credit Administration.

Each banking system, as defined under titles I, II, and III of the Act, shall maintain a minimum investment requirement until December 31, 1972, as follows:

(a) *Federal land banks.* At least 25 percent of capital must be held in cash or eligible investments and at least 5 percent of such capital must be invested in U.S. Government Bonds.

(b) *Federal intermediate credit banks.* Maintain an investment portfolio of interest-bearing obligations in the minimum amount of 10 percent of the monthly average amount of debentures sold on behalf of the bank during the preceding fiscal year.

(c) *Banks for cooperatives.* An amount equal to between 20 percent and 25 percent of the banks' capital stock should, as far as practical, be kept invested in cash or eligible investments, exclusive of class B and C stock of the Central Bank for Cooperatives.

§ 615.5180 Association investment portfolios.

The Federal land banks and Federal intermediate credit banks shall require that each association provide as of June 30 or December 31 a listing of its investment portfolio and their investment objectives. Associations shall own such securities, selected from approved investments in § 615.5140, as the supervising bank shall require. The banks shall assist the associations in the management of their investment portfolios.

Subpart G—Deposit of Funds

§ 615.5190 General.

All institutions of the Farm Credit System may deposit securities and current funds with and receive interest from any member bank of the Federal Reserve System. Associations may deposit funds with their supervising bank or any commercial bank insured by the Federal Deposit Insurance Corporation.

Subpart H—Net Worth Objective

§ 615.5200 General.

Each bank and association board shall establish a net worth objective to serve as a guide for the accumulation and maintenance of a net worth position adequate to reasonably assure the continued financial solvency of each institution and the continuity of its credit service to

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farmers, but avoiding the accumulation of net worth in excess of those needs. Each bank board shall also establish an association net worth objective program as a guide for the associations in its district.

§ 615.5210 Annual budgets and projections.

Each bank board shall approve for each bank an operating and financial budget for each fiscal year. Each budget shall contain sufficient background information to indicate the principal assumptions and considerations involved in its formulation, detailed pro forma balance sheets, income and expense statements, bank and association programs to achieve net worth objectives and explanation of significant changes from the previous years. Bank boards also shall approve for each bank longer range financial and operating projectons. Approved budgets and longer range projections shall be submitted for review as required from time to time by the Farm Credit Administration.

Subpart I—Debt to Capital Ratios

§ 615.5220 Ratio requirements.

No issue of long-term notes, bonds, debentures, or other similar obligations by a bank or banks, shall be approved if it, together with the amount of other bonds, debentures, long-term notes, or other similar obligations issued and outstanding, exceeds 20 times the capital and surplus of all the banks by the Farm Credit Administration. The term "capital legal reserves and surplus" as used in this section includes capital stock, participation certificates, allocated reserves, surplus and unallocated contingency reserves.

§ 615.5230 Special exception.

A bank may, with approval of the Farm Credit Administration, exceed this ratio for temporary periods if the 20 to 1 ratio for all similar banks will not be exceeded. When such exceptions occur, other like banks of the System shall be advised regarding the basis on which approval was given.

§ 615.5240 Production credit associations.

No loan shall be made to or any paper purchased from or discounted for any production credit association if the amount of such paper added to the aggregate liabilities of the association exceeds 10 times the paid-in and unimpaired capital and surplus of the association.

Subpart J—Prescription, Subscription and Retirement of Stock

§ 615.5250 Responsibility.

(a) The board of directors of each Farm Credit institution shall prescribe in its bylaws the classes of stock and participation certificates to be issued to and subscribed by borrowers and others and how they shall be transferred, converted or retired consistent with the law.

(b) The Governor shall prescribe the initial amount of authorized capital stock for a newly chartered production credit association.

§ 615.5260 Retirement of capital stock and allocated equities of banks for cooperatives.

(a) In case of liquidation or dissolution of a present or former borrower, the bank may, but shall not be required to, retire and cancel at book value, not exceeding par, all or a part of the capital stock or any allocated equity in the bank owned by or allocated to such borrower. Before any such retirements shall be made, the bank shall have reasonable assurance that the liquidation or dissolution is or soon will be completed and the business of the borrower is not being continued under circumstances in which it would be appropriate and feasible for any successor to acquire and hold the investment interests of the present or former borrower in the bank. Retirements under this provision shall be authorized by the bank board.

(b) Where the debt of a borrower to the bank is in default, such bank may, but shall not be required to, retire and cancel all or part of any stock or allocated equities of the bank on which the bank has a lien as collateral for the debt, at the book value thereof, not exceeding par value, in total or partial liquidation of the debt, under any of the following conditions.

(1) The borrower has been declared bankrupt.

(2) The borrower has had a substantial part of its property placed in the hands of a receiver.

(3) The borrower has ceased operations, regardless of whether its charter has been surrendered.

(4) In the judgment of the bank, the indebtedness of the borrower to the bank is uncollectable.

§ 615.5270 Purchase of class B stock of the Federal intermediate credit bank by production credit associations.

(a) When the earnings of the bank are inadequate to met its capital needs, and when feasible to do so with due regard for the circumstances of the associations, the bank board may, by resolution, authorize the bank, with the prior approval of the Farm Credit Administration, to require production credit associations to subscribe for such additional capital as may be needed by the bank. The amount determined shall be allotted, to the nearest full share, among the associations so that the total of all stock owned, including the additional amount to be subscribed for, will be as nearly as owned and to be subscribed for by all associations of the district as each association's average indebtedness to the bank during the immediately preceding 3 fiscal years is of the average indebtedness of all associations to the bank during such period. The "average indebtedness" may be computed on the basis of either average daily balance, or average of beginning and ending monthly balances of such indebtedness for the 3-year period. Each association shall subscribe for stock in the bank so allotted to it. Such subscriptions shall be subject to call and payment therefor shall be made at such times and in such amounts, all as may be determined by the bank.

(b) When making such allotments the bank may transfer, retire or reissue outstanding class B stock among the associations as may be necessary to establish the proportion indicated in the preceding paragraph. Stock that is retired or transferred for this purpose shall first be the stock purchased by the association to the extent it is available unless otherwise approved by the Farm Credit Administration. The bank shall pay the association for all stock so retired or transferred and shall collect therefor from any association to which such stock is transferred or reissued, at the fair book value thereof not to exceed par.

§ 615.5280 Equalization of Federal intermediate credit bank class B stock and allocated reserve owned by production credit associations.

Whenever at the end of any fiscal year of the bank, the relative amounts of class B stock of a bank owned by the production credit associations differ substantially from the proportion provided for in the preceding paragraph and additional subscriptions of class B stock through which such proportion could be reestablished with the prior approval of the Farm Credit Administration. In carrying out its purpose the bank may direct, either separately or in combination, such transfers, retirements, and reissuance of outstanding class B stock among the associations as will reestablish the aforesaid proportion as nearly as may be practicable. Stock that is retired or transferred for this purpose shall first be the stock purchased by the association to the extent it is available unless otherwise approved by the Farm Credit Administration. Stock may be transferred from one association to another and retain its same issue date or series designation. Allocated Reserve owned by production credit associations may be equalized in a like manner.

§ 615.5290 Purchase of Federal intermediate credit bank participation certificates by other financing institutions.

Other financing institutions which are entitled to receive participation certificates from the bank as patronage refunds may also purchase further amounts of such participation certificates with the same rights, privileges, and conditions as those issued as patronage refunds. Upon determination of the bank board, with approval of the Farm Credit Administration, the bank may require other financing institutions to purchase additional capital in the bank to assist the bank in meeting its capital needs. Such required purchases shall be on an equitable basis as determined by the bank board.

§615.5300 Surrender of Federal intermediate credit bank stock certificates and issuance of new certificates.

Upon retirement of any class B stock or participating interest evidenced by an outstanding certificate, the certificate involved shall be surrendered to the bank for cancellation. In case of partial retirement a new certificate shall be issued for the balance not retired, which shall bear the same issue date and series designation, if any, as the canceled certificate. In the event of a transfer of class B stock resulting from mergers or consolidations, or transfer of participation certificates from one holder to another, any new class B stock or participation certificates issued shall bear the same issue dates and series designations, if any, as the original certificates for which new certificates are substituted.

§ 615.5310 Lost, destroyed, or stolen Federal intermediate credit bank stock or participation certificates.

Whenever a class B stock certificate or participation certificate which has been issued by the bank is lost, stolen, destroyed, or so mutilated as to impair its value, the bank may issue in lieu thereof a new certificate which shall bear the same issue date and series designation, if any, upon compliance with the following requirements.

(a) The owner shall furnish an affidavit of loss, acceptable to the bank setting forth the issue date or series, number of shares, and any other information required to establish its identity; a detailed statement of the circumstances surrounding the loss, theft, destruction, mutilation, or defacement of the certificate; and a statement that the affidavit was made for the purpose of obtaining a new certificate. Since class B stock and participation certificates may not be transferred except with the approval of the bank, a bond of indemnity ordinarily will not be required.

(b) If a class B stock certificate or participation certificate which was reported lost, stolen, or destroyed is recovered by the owner, he should notify the bank immediately and if a new certificate was issued, the owner shall promptly return the old certificate to the bank.

§ 615.5320 Retirement of Federal intermediate credit bank class B stock, participation certificates, and allocated legal reserve.

After all stock held by the Governor has been retired, the bank may retire class B stock at par, participation certificates at face amount and allocated legal reserve without preferences to all holders thereof, and in such manner that the oldest outstanding stock, participation certificates or allocated legal reserve will be retired first: *Provided*, That after such retirements the net worth structure of the bank meets the minimum requirements approved by the Farm Credit Administration. Notwithstanding the foregoing provision, in the event of an equalization of the ownership by production credit associations of capital stock, participation certificates, and allocated legal reserve of the bank, whether in connection with an assessment for capital stock or otherwise, when an association surrenders stock, participation certificates, or allocated legal reserve, it shall first surrender that which was acquired by purchase, to the extent available, and thereafter surrender that acquired through patronage distributions from the bank. In unusual circumstances, class B stock, participation certificates, and allocated legal reserve may be retired for individual holders with the prior approval of the bank board.

Subpart K—Surplus and Reserves

§ 615.5330 Banks for cooperatives.

(a) *Surplus.* "Surplus" is defined as the net accumulation of net savings which has not been appropriated by the board of directors for a specific purpose. Amounts therein may be allocated to patrons or unallocated. Amounts not allocated shall not be distributed as patronage refunds. Each bank shall maintain in surplus an amount not less than 25 percent of all capital stock outstanding.

(b) *Reserve for contingencies.* When authorized by the bank board, an allocated or unallocated reserve for contingencies may be established and maintained when justified for circumstances which may lead to an unbudgeted expense or a loss.

(c) *Reserve for losses on loans.* Each bank shall maintain a general valuation reserve of at least 1½ percent of net loans outstanding at the end of the fiscal year. In recognition of the risk inherent in the specialized agricultural enterprises being financed, a reserve in greater amount than the minimum is desirable. When the reserve is less than the minimum amount, the bank board shall take appropriate action to increase the reserve so that the minimum requirement is attained within a reasonable period.

§ 615.5340 Land Bank System Reserves for Losses Program.

Each bank and association shall establish and maintain reserve accounts for estimated losses on mortgage loans, unendorsed paper, advances, accrued interest, real estate owned, and loans called for foreclosure. The requirements shall be in such amounts as in the judgment of the bank and associations is considered adequate to meet such losses. Such reserves shall not be less than 1 percent of the unmatured balance of each loan outstanding, each loan called for foreclosure and each investment in acquired collateral. Excess reserves and indemnity credits, if any, should be recognized by the bank in establishing the amount and proportion of reserves required to be carried by the bank and associations. The reserves established and maintained by the associations on endorsed loans and other obligations, shall in no event be less than ½ percent of the unmatured balance of each loan outstanding, each called for foreclosure, and each investment in acquired collateral. Changes in association's policies for reserve for losses shall be approved by the banks. Any changes in a bank's reserve for losses program shall be submitted to the Farm Credit Administration for its concurrence.

§ 615.5350 Special reserves of Federal land banks.

The banks shall maintain a reserve account against the general assets of the bank as required by section 1.17(a) of the Act. Net earnings for this purpose are defined as the gross earnings reduced by current expenses, losses, and other charges against current earnings.

§ 615.5360 Special reserves of Federal land bank associations.

Each Federal land bank association shall, out of its net earnings at the end of each fiscal year, carry to its reserve account a sum of not less than 10 percent of such earnings until the reserve account equals 25 percent of its outstanding capital stock and participation certificates after restoring any impairment. Thereafter, 5 percent of the net earnings for the year shall be added to such reserve account until it equals 50 percent of the association's outstanding capital stock and participation certificates. Amounts in the reserve in excess of such 50 percent may be withdrawn with the approval of the bank.

Subpart L—Distribution of Earnings

§ 615.5370 Banks for cooperatives earnings.

(a) Whenever at the end of any fiscal year a bank shall have no outstanding capital stock held by the Governor, the net savings shall first be applied to the restoration of the amount of the impairment, if any, of capital stock, as determined by the bank board. Any remaining net savings or losses shall be distributed on a cooperative basis as authorized by the bank board. Less than 25 percent of such remaining net savings may be used to maintain an allocated surplus account. Not more than 10 percent of net savings of the year available for distribution may be used to create or maintain an unallocated surplus or unallocated reserve account. Cash patronage refunds shall not exceed 25 percent of the total amount of net savings allocated or paid to patrons, except with Farm Credit Administration approval. Patronage refunds not paid in cash shall be paid in capital stock as determined by the bank board. A net loss in any fiscal year shall be absorbed on the basis determined by the bank board. Any costs or expenses attributable to a prior year shall not be charged to reserves, surplus, or patronage allocations without the approval of the Farm Credit Administration.

(b) Whenever at the end of any fiscal year a bank shall have stock outstanding held by the Governor, net savings shall be distributed in accordance with section 3.11(a) of the Act.

(c) The phrase "service fees" as used in section 3.11(c) of the Act are loan service fees and not income related to "technical assistance and financially-related services" referred to in section 3.7 of the Act. If net income from "technical assistance and financially-related services" becomes more than incidental, such net income shall be distributed as patronage to borrowers using such services.

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Subpart M—Payment of Dividends

§ 615.5390 Dividends on equities.

No dividends shall be paid on stock held by the Governor except that dividends shall be permitted on class C stock investments in production credit associations held by the Governor. Any dividends paid shall be declared by the board of directors of the respective institutions in accord with §§ 615.5400 through 615.5430.

§ 615.5400 Dividends on stock or participation certificates related to farm, rural housing, and farm-related business loans.

It shall be the responsibility of the bank boards, subject to approval of the Farm Credit Administration, to adopt a policy for payment of dividends by banks and associations on a fair and equitable basis to holders of voting stock or participation certificates.

§ 615.5410 Federal land banks.

(a) Noncumulative dividends may be paid out of earnings or from earned surplus on stock and participation certificates at varying rates on different classes and issues on a basis of the comparative contribution of the holders to the capital or earnings, but otherwise dividends shall be paid without preference.

(b) Dividends as in paragraph (a) of this section may be paid after the maintenance of the reserve described in section 1.17(a) of the Act and after the payment of its franchise tax to the U.S. Government, if any.

(c) Declarations of dividends are subject to the approval of the Farm Credit Administration.

§ 615.5420 Production credit associations.

An association may pay dividends on its capital stock and participation certificates in accordance with the provisions of its bylaws, provided that the rate shall not exceed 8 percent, and provided further that when dividends are paid on class B stock and participation certificates they shall also be subject to approval of the Farm Credit Administration when the amount of the association's surplus (after the payment of dividends) is less than 5 percent of its maximum loans outstanding at the end of any month during the most recent 3 years.

§ 615.5430 Bank for cooperatives.

(a) Noncumulative dividends may be paid on nonvoting investment stock only. Such dividends may be paid only out of current earnings.

(b) The rate of dividend may not exceed 8 percent per annum.

Subpart N—Association Supervision

§ 615.5440 General policy.

Bank boards shall, from time to time, prescribe policies and regulations and establish guidelines, consistent with law and these regulations, that are necessary for the banks to discharge their supervisory responsibilities over the respective associations in financial and fiscal affairs. The banks shall supervise and monitor these activities; they shall take corrective actions as required by the circumstances and, they shall keep the boards informed.

PART 616—COORDINATION

Subpart A—General

Sec.
616.6000 Responsibility.
616.6010 Policy establishment.

Subpart B—Credit and Financially Related Services

616.6020 Overall policy.
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616.6040 Farm-related businesses.
616.6050 Loans to cooperatives for the purpose of directly financing the operating needs of their members.
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Subpart C—Other Activities

616.6070 Public information programs.

AUTHORITY: The provisions of this Part 616 issued under secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—General

§ 616.6000 Responsibility.

Each district board is responsible for assuring that each of the institutions under its policy or supervisory authority carries on its functions in the most efficient manner to the end that eligible farmers, ranchers, producers or harvesters of aquatic products, rural residents, farm-related businesses and cooperatives have access to complete, convenient, and high quality credit and financially related services at reasonable cost. The Act broadens the lending and service activity authorities of all of the banks and associations to a degree which could permit inefficiencies and overlapping of services among the units of the System in the absence of appropriate coordination. In addition, the interests of those using the System are best served when the activities are closely coordinated.

§ 616.6010 Policy establishment.

Each district board shall establish policies and coordinate the activities of the banks and associations in its district. These policies shall provide appropriate guidance in the areas enumerated herein and others may be included as determined by the district board.

Subpart B—Credit and Financially Related Services

§ 616.6020 Overall policy.

District policies in this area should minimize the possibility of injurious competition between Federal land bank associations, production credit associations, and farmer cooperatives and maximize cooperation among them in providing credit service. The absence of such cooperation will inevitably inure to the disadvantage of those using the services of other institutions of the System. These policies shall recognize that the Federal land banks are long-term real estate mortgage lenders, the production credit associations and the Federal intermediate credit banks make short- and intermediate-term loans repayable in not more than 7 years, and the banks for cooperatives provide a specialized credit service to cooperatives. The policies should include such subjects as collateral to be taken by each type lender, land bank open-end advance and readvance mortgage plans, limitation on the use of balloon-payment provisions in loans by all banks and associations, simultaneous or joint lending to present or prospective borrowers, joint or adjacent housing for associations whenever possible, and sharing of technical assistance, record information and counsel on specific loan cases.

§ 616.6030 Rural housing.

Coordination policies relative to rural housing should define the appropriate lending authorities in accordance with the following guidelines.

(a) Federal land banks should finance the purchase or construction of rural housing where the owner requires long-term financing. Production credit association lending, while not excluding the purchase or construction of conventional homes, should emphasize remodeling and repair of permanent homes and financing mobile homes where the owner needs intermediate-term financing.

(b) A reasonable approach to term of years and repayment capacity should benefit borrower and lender while restricting overlap to a minimum.

§ 616.6040 Farm-related businesses.

The district policies as to farm-related businesses shall assure that these lending activities do not conflict with the objectives and responsibilities of any institution of the System. This policy shall include a provision for clearance or concurrence by the bank for cooperatives on all loans to farm-related businesses which are or will be in competition with a cooperative. In event there is no concurrence, the district board shall rule. However, with the concurrence of the bank for cooperatives, the policy may permit loans by production credit associations and Federal land banks to small cooperatives furnishing eligible farm-related services.

§ 616.6050 Loans to cooperatives for the purpose of directly financing the operating needs of their members.

Policies of district boards should be designed to encourage farmers and ranchers to obtain needed financing directly from their appropriate associations. These policies should recognize, however, that interests of farmers and ranchers may, at times, best be served when financing is obtained from cooperatives which may borrow from a bank for cooperatives. In establishing coordination policies in this regard, district boards shall give due consideration to, among other things, the cooperative's ability to analyze and supervise such credit extension; the credit policy to be established; the preference of the farmers and ranchers; the quantity, quality,

availability, and convenience of the credit service being offered by the appropriate associations; the need by cooperatives to offer the types of financing services offered by their competitors; and the natural relationships which exist between a cooperative's main functions of marketing, providing supplies or providing services, and the financing services incident to such marketing, supplies or services. District policies should assure that such lending activities do not conflict with the objectives and responsibilities of the Federal land banks and associations, the Federal intermediate credit banks, and the production credit associations and that, in all cases, the best interests of the farmers and ranchers are served.

§ 616.6060 Financially related services.

Financially related services offered to borrowers by institutions in one part of the System should be made available to the borrowers of the other banks and associations of the district to the fullest extent possible. Duplication of financially related services by Farm Credit institutions in the same district shall be avoided whenever possible.

Subpart C—Other Activities

§ 616.6070 Public information programs.

In disseminating information to the general public as described in Part 618 of this chapter, the banks shall maintain close coordination of such programs within the district. This coordination is essential for effective scheduling of advertising, press and public relations events, and related activities. Economies should be achieved, but more important, unified contact with the communications media minimizes complexities of the Farm Credit System structure in messages being transmitted to member borrowers, prospective borrowers and the general public. Where banks join together across district lines in carrying out information functions, they shall inform and consult with the Farm Credit Administration to assure that the best interest of all banks is served.

PART 617—EXAMINATIONS, AUDITS, AND IRREGULARITIES

Subpart A—Examinations and Audits

Sec.
617.7000 Farm Credit System institutions.
617.7010 Violation of Federal criminal statutes.
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617.7030 Farm Credit Administration examiners' responsibilities.
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617.7130 Investigation.
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617.7150 Reporting of violations.
617.7160 Cases for referral.
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AUTHORITY: The provisions of this Part 617 issued under secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—Examinations and Audits

§ 617.7000 Farm Credit System institutions.

The Farm Credit Administration is required by section 5.20 of the Act to examine and audit each institution of the System, and each of their agents, at such times as the Governor may determine, but each bank and each production credit association shall be examined and audited not less frequently than once each year. Such examinations and audits shall be under the direction of the chief Farm Credit Administration examiner.

§ 617.7010 Violation of Federal criminal statutes.

The Farm Credit Administration also has the responsibility to investigate any known or suspected violation of Federal criminal statutes relating to the affairs of such institutions, or to see that such investigation is conducted. Such investigations shall be under the direction of the chief examiner.

§ 617.7020 Other financing institutions.

Upon request of the Governor or any bank of the System, Farm Credit examiners shall make examinations and written reports of the condition of any organization, other than national banks, to which, or with which, any institution of the System contemplates making a loan or discounting paper.

(a) Any organization other than State banks, trust companies, and savings associations shall, as a condition precedent to securing discount privileges with a bank of the Farm Credit System, file with such bank its written consent to examination by Farm Credit examiners as may be directed by the Farm Credit Administration. (Section 5.22 of the Act.) Such organizations shall also agree to furnish the bank, the Farm Credit Administration, or any Farm Credit examiner, at any time upon call, full and current information regarding its financial condition and operations.

(b) State banks, trust companies, and savings associations may be required in like manner to file a written consent that reports of their examination by constituted State authorities may be furnished by such authorities upon the request of the Farm Credit Administration. (Section 5.22 of the Act.)

§ 617.7030 Farm Credit Administration examiners' responsibilities.

(a) Examinations, audits, and investigations shall be made by Farm Credit Administration examiners appointed by the Governor. Such examinations and audits shall be under the direction of the chief examiner. Their responsibilities are to be discharged in the interest of carrying out the Act and in the interest of the investing public, the stockholders, and the directors and employees of the System. Examiners shall have full authority to inquire into any and all matters which affect or may effect the interests of the Farm Credit Administration or any institution in the Farm Credit System. Such matters include, but are not limited to, the financial affairs, transactions, and condition of such institutions; effectiveness of management in all aspects of the operations of such institutions; compliance with all laws applicable, all regulations and procedures issued by the Farm Credit Administration and all institutions of the System, and all generally accepted business operations of such institutions; and known or suspected violations of Federal criminal statutes relating particularly to acts of employees of such institutions or involving the affairs of such institutions.

(b) To facilitate such inquiries, examiners are empowered to examine any documents and records in the custody of any Farm Credit institution; to take over the custody of such documents and records upon issuance of a receipt therefor to the institution; to examine, with permission of the owner or custodian if needed, any other documents or records, wherever located, which may be pertinent to such inquiries; to interview and interrogate any employee, borrower, or other person regarding any matters pertinent to such inquiries; to obtain signed or sworn statements and administer oaths; and to make personal observations of any physical conditions pertinent to such inquiries. Examiners are not authorized to issue to any person an order or instruction to perform or not to perform any action.

§ 617.7040 Bank designated examiners.

The Governor may also designate employees of the Federal intermediate credit banks as Farm Credit examiners for the purpose of conducting credit examinations of production credit associations. Such examinations shall be made under guidelines provided by the chief examiner and in accordance with the principles and procedures set forth in the Manual for Credit Examinations of Production Credit Associations.

§ 617.7050 Use of independent certified public accountants.

If the Governor determines it to be necessary or appropriate, the required examinations and audits of Farm Credit institutions may be made by independent certified public accountants, certified by a regulatory authority of a State, and in accordance with generally accepted auditing standards. Such examinations shall be under the direction of the chief examiner.

§ 617.7060 Frequency of examinations and audits.

(a) Farm Credit System institutions shall be examined and audited in accordance with the following schedule and at

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such other times as the Governor may determine.

(1) Each bank and production credit association—once each year.

(2) Each Federal land bank association—once each 18 months.

(3) The office of the Fiscal Agency—once each year.

(4) Each data processing installation—once each year.

(5) All other agents of the banks and associations—once each year.

(b) Examinations of other financing institutions indebted to a Federal intermediate credit bank, whether directly or indirectly, shall be made by the bank for its own account, under the terms of the General Rediscount, Loan, and Pledge Agreement entered into between the borrowing institution and the bank.

(c) Examinations of corporations actively borrowing from or discounting paper with a Federal intermediate credit bank shall be made at least once each year and at such other times as the bank may determine. With the approval of the Farm Credit Administration, a bank may adopt a program of less frequent examinations of any corporation that is relatively inactive, or whose ratio of peak debt to collateral pledged to the bank is low.

§ 617.7070 Coverage

Examination and audits of Farm Credit System institutions, and their agents, shall include but not be limited to the following.

(a) Audit of the books, accounts, financial records, files, and other papers.

(b) Verification of accounts of borrowers to the extent considered necessary.

(c) Review and evaluation of the following.

(1) The quality of credit extended.

(2) The administration of credit.

(3) Credit actions by employees, loan committees, and other committees delegated loan approval and loan refusal authority.

(4) Operating and administrative procedures and practices, including the adequacy of internal control.

(5) Data processing systems and operations.

(d) Determination whether programs and activities (including financial-related services) are conducted in compliance with governing laws, rules, policies, and related regulations.

(e) Effectiveness of management and application of policies in carrying out the provisions of the Act and in servicing all eligible borrowers.

§ 617.7080 Reports.

(a) Reports of examination and audits of banks, and other reports as deemed necessary by the chief examiner, shall be presented to the respective bank board by an examiner at the first scheduled board meeting subsequent to receipt of the report, and such meeting shall include an executive session with the board. Reports of examination and audit of associations by examiners shall be submitted to the supervising bank for transmittal to the respective board of directors for review and appropriate action at the first scheduled board meeting subsequent to receipt of the report by the institution examined.

(b) The examination and audit comments dealing with the effectiveness of management covered by section 7070(e) shall be submitted first to the Governor and when appropriate be transmitted by him with comments to the district board.

(c) Reports of examination are the property of the Farm Credit Administration and are furnished to the institution examined for its confidential use. Reports of examinations of banks or associations made by examiners or Federal intermediate credit bank officials and other personnel who have been authorized by the Governor to make credit examinations may be disclosed only with the consent of the chief examiner. Consent is given for disclosing reports of regular examinations to the banks and associations involved or interested, but such disclosure of reports of special examinations and investigations shall be only by action or consent of the chief examiner in each instance. Information needed for filing claims with surety companies may be extracted from such reports.

(d) Consent is also given for disclosing reports of regular examinations to authorized representatives of the Farm Credit Administration and, when requested for confidential use in official investigations, to agents of the Federal Bureau of Investigation, Department of Justice; Bureau of the Chief Postal Inspector, U.S. Postal Service; the Secret Service; the Internal Revenue Service; and Office of the Inspector General, Department of Agriculture.

§ 617.7090 Liquidation.

In the event of voluntary or involuntary liquidation of a bank or association, or any of their agents, and upon completion of such liquidation, the books and records of the institution shall be forwarded to the office of the district resident examiner for final examination and audit. If circumstances warrant, such final examination and audit shall be made at the institution's offices.

Subpart B—Irregularities—Personnel

§ 617.7100 Investigation.

The Farm Credit Administration shall make an investigation of any case involving irregularities, including apparent criminal violations, by bank or association personnel, upon a determination that an investigation of such case is necessary or advisable.

§ 617.7110 Reporting of violations.

Violations of Federal criminal statutes involving the banks and associations shall be reported to the president of the bank and the general counsel of the district or an attorney who is designated for the purpose. The violations shall then be reported to the Farm Credit Administration.

(a) If any bank or association employee or director discovers irregularities in the funds and accounts of a bank or association or misconduct on the part of an employee or director of a bank or association, or has reasonable grounds for the belief that irregularities or misconduct exist, the employee, or director shall report the matter to the appropriate officer of the bank and furnish such information as he has obtained or developed. The bank shall determine what further steps, if any, will be taken by its representative in the case.

(b) The bank shall immediately notify the resident examiner and other appropriate officials of the Farm Credit Administration, and furnish them with all available information concerning the matter.

(c) The bank shall bring to the attention of the board of directors of an association concerned, any irregularity found to exist and shall keep it informed of all significant developments in order that the board may take such action as may be required to protect the association's interests.

(d) Where irregularities occur in a production credit association office which also handles transactions for a Federal land bank association, or vice versa, or where persons involved are jointly employed by a production credit association and a Federal land bank association, notice of such irregularities shall be given to appropriate officials of both banks involved.

§ 617.7120 Cases for referral.

It shall be the function of the general counsel of the district (or designated bank attorney) to refer directly to the local U.S. attorney the following cases for consideration of criminal action under established procedures.

(a) Cases in which the general counsel (or designated bank attorney) determines there is substantial evidence of the violation of a Federal criminal statute.

(b) Cases in which the U.S. attorney, after discussion with the general counsel (or designated bank attorney), decides than an additional investigation by the Federal Bureau of Investigation or the Secret Service shall be undertaken.

(c) Cases in which the resident examiner notifies bank officials that further investigation by the Federal Bureau of Investigation or the Secret Service is appropriate.

Subpart C—Irregularities—Borrowers and Others

§ 617.7130 Investigation.

The bank shall make an investigation of any case involving violations of Federal criminal statutes by its borrowers.

§ 617.7140 Types of violations.

Violations of Federal criminal statutes by borrowers in connection with their loans most commonly involve actions prohibited by 18 U.S.C. 658 and 18 U.S.C. 1014. Section 658 of the criminal code makes it unlawful for any person knowingly, and with intent to defraud, to conceal, remove, dispose of, convert to his own use or to that of another, property mortgaged, pledged to, or held by an association. Section 1014 of the criminal code makes it unlawful to knowingly make a false statement or report for the purpose of influencing the action of the association or bank upon any application, advance, commitment, or loan or any change or extension of any such action by renewal, deferment of action, or otherwise, or acceptance, release, or substitution of security therefor.

§ 617.7150 Reporting of violations.

(a) *Notice to bank.* Violations of Federal criminal statutes involving borrowers shall be reported to the president of the bank, and the general counsel of the district or senior attorney who is designated for the purpose. The violations shall then be reported to the Farm Credit Administration.

(b) *Report of details.* Promptly after giving notification that there may be a violation of a Federal criminal statute, the association shall ascertain the full details involved in the alleged violation and prepare a concise and specific report which will include each of the items listed in the criminal violations worksheet prescribed by the Farm Credit Administration. This complete report shall be sent directly to the district general counsel or bank attorney with the association's recommendation regarding prosecution. It is the responsibility of the general counsel or bank attorney to review the material submitted, to request additional factual information necessary for him to make his determination as to whether there is substantial evidence of the violation of a Federal criminal statute or whether further investigation should be undertaken to produce additional factual evidence which may be needed in the prosecution.

§ 617.7160 Cases for referral.

It shall be the function of the general counsel of the Farm Credit district (or a designated bank attorney) if he determines that there is substantial evidence that a violation has been committed of any of the foregoing as well as other Federal criminal statutes, to refer the matter to the U.S. attorney for consideration of prosecution under established procedures. At no time after it appears to the association or bank that a violation may have occurred shall any employee of the association or bank threaten the borrower with criminal prosecution, whether in an effort to collect the indebtedness, recover property, or otherwise.

§ 617.7170 Notice to local police and bonding company.

In case of burglary, holdup, or violations of other non-Federal criminal statutes, the bank or association shall immediately notify local police authorities. The association shall also notify an appropriate office of the bank. Losses of other natures for any institution which can be recovered under the district bankers blanket bond shall be immediately reported in accordance with established procedures.

PART 618—GENERAL PROVISIONS

Subpart A—Technical Assistance and Financially Related Services

Sec.
618.8000 Authorization.
618.8010 District board policies.
618.8020 Farm Credit Administration approval.

Subpart B—Leasings

618.8050 Leasing authority.
618.8060 Leasing limitations.

Subpart C—Procedures and Guidelines

618.8100 Farm Credit Administration.

Subpart D—Nomination and Election of Directors

618.8150 Federal Farm Credit Board.
618.8160 District boards of directors.

Subpart E—Miscellaneous Provisions

618.8200 Publication of reports.
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618.8230 Allocation of expenses for administrative services.
618.8240 Quarters and facilities for the Farm Credit Administration.
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618.8260 Purchase of automobiles through General Services Administration.
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Subpart F—Releasing Information

618.8300 General regulation.
618.8310 Lists of borrowers.
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618.8340 Information regarding personnel.
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Subpart G—Disposition of Obsolete Records

618.8360 Authorization.
618.8370 Records disposal.

Subpart H—Federal Records

618.8380 Record material.
618.8390 Federal records in the districts.
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618.8410 Transfers to Federal Records Center.
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Subpart I—Internal Controls

618.8430 Responsibilities.

AUTHORITY: The provisions of this Part 618 issued under secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624.

Subpart A—Technical Assistance and Financially Related Services

§ 618.8000 Authorization.

Banks and associations may provide technical assistance to borrowers, members, applicants, and stockholders eligible to borrow and may make available to them such financially related services as are determined feasible and approved by the district board.

§ 618.8010 District board policies.

District board policies governing the provision of technical assistance and financially related services shall be established within the following general guidelines.

(a) All services shall be optional, and the borrower shall not be required to accept the service offered in lieu of a similar service offered by others in cases where the service is required as a loan condition.

(b) All costs to users shall be disclosed in a separate and distinct fashion from interest charges.

(c) There should be maximum cooperation among units of the System to assure that competition in offering service programs among various parts of the system is restricted to an absolute minimum. To the extent possible, members of banks and associations within a district should be served by a single financially related service program or at a minimum, common programs should be offered by the banks and associations within a given district.

(d) Bank board approval for an association to offer a financially related service program shall be conditioned on the application of a feasibility determination including the following four criteria.

(1) Need for the service—based on persuasive evidence that membership need for and interest in the proposed service is sufficient to insure that a quality service can be provided at reasonable cost and that similar service is not being provided adequately (cost, quality, availability) by others in the community.

(2) Capacity to render the service—based on the finding that the association has the institutional capacity to render the proposed service in an effective and efficient manner.

(3) Probability of equitable cost recovery—based on a reasonable presumption that the proposed service program will, at the minimum, generate sufficient revenue to cover all incremental costs. In any case, a service program requiring a substantial and continuing subsidization from or interference with the lending function shall not be permitted.

(4) Effect on operations of the association—based on an analysis of the implications flowing from the decision to offer or refuse to offer the proposed financially related service.

(e) Each association's service program shall be reviewed annually or more frequently if necessary by the bank to determine its continued compliance with the requirements under which it was approved in the first instance, and the results of these reviews shall be presented to the bank board if it does not, a probationary period shall be established at the end of which approval to offer the service shall be withdrawn if compliance has not been achieved.

(f) Such records as are necessary to facilitate the review program required herein shall be maintained by each bank or association involved in providing financially related services.

§ 618.8020 Farm Credit Administration approval.

Each proposed financially related service and technical assistance program and district policy with regard to an individual program shall be subject to the approval of the Farm Credit Administration. District policies governing services approved prior to the issuance of these regulations shall be submitted to the Farm Credit Administration for approval. These approvals shall be based

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on the determination that legal authority to offer the service exists and System-wide implications of offering the service would be favorable on balance.

Subpart B—Leasings

§ 618.8050 Leasing authority.

Farm Credit institutions are authorized to own and lease property as follows:

(a) Federal land banks may own and lease, or lease with option to purchase, to persons eligible for assistance, facilities needed in the farming operations of such persons.

(b) Federal land bank associations have no such leasing authority.

(c) Federal intermediate credit banks may own and lease, or lease with option to purchase, to persons eligible for assistance, equipment needed in the operations of such persons.

(d) Production credit associations may own and lease, or lease with option to purchase, to stockholders of the association, equipment needed in the farming operations of the stockholder.

(e) Banks for cooperatives may own and lease, or lease with option to purchase, to stockholders eligible to borrow from the bank, equipment needed in the operations of the stockholder.

§ 618.8060 Leasing limitations.

This authority shall not be operative until such time as adequate programs have been formulated and approved by the Bank's board and the Farm Credit Administration.

Subpart C—Procedures and Guidelines

§ 618.8100 Farm Credit Administration.

The Farm Credit Administration shall issue procedures and guidelines as necessary from time to time to facilitate carrying out requirements of the law and regulations. These instructions shall describe procedures, include sample resolutions and forms and specify records to be retained. The institutions supervised shall comply with such procedures and guidelines. These procedures will include such things as the following.

(a) Appraisal and credit standards

(b) Graphic standards.

(c) Electronic data processing standards.

(d) Charts and descriptions of accounts.

(e) Instructions for preparation of financial and statistical reports.

(f) Instructions for production credit association credit examinations.

Subpart D—Nomination and Election of Directors

§ 618.8150 Federal Farm Credit Board.

(a) Polls for the designation of nominees for consideration by the President for appointment to the Federal Farm Credit Board shall be conducted by the election officer of the Farm Credit Administration, an official appointed by the Governor to supervise elections in the System. The results of all such polls shall be certified by the chief examiner.

(b) Information pertaining to the results of any poll shall not be disclosed before the poll has closed, the voting results have been certified, and official announcement has been made by the Governor, except notification of the number of votes received by each nominee or candidate in a poll may be made to the nominees or candidates by the election officer. Information regarding voting by individual associations shall not be disclosed at any time.

(c) The banks shall provide a complete list of all persons and organizations entitled under the law to vote in a nomination poll on request of the election officer. The lists provided shall show the number of stockholders entitled to vote in each Federal land bank association or each production credit association as of a date specified in the request for such lists.

(d) At least 1 month before the nomination ballot is mailed out, the election officer shall send to the appropriate voting group a preliminary notice and instructions for the designation of a person to be considered for appointment to the Federal Farm Credit Board.

(e) If the final designation poll results in a tie, a runoff poll between those tying shall be held.

(f) For both the nomination poll and the final designation poll, the directors of a Federal land bank association or production credit association at a lawful board meeting will vote by the adoption of resolutions as prescribed on the ballots. A majority of the number of directors provided for in the association's bylaws must be present at each meeting, and the vote of the majority of the directors present will control. The final designation resolution may not be adopted until after the ballot is received by the association.

(g) Vacancies on the Federal Farm Credit Board shall be filled for the unexpired portion of the term. Special nomination and designation polls for this purpose shall be conducted by the election officer. Pending the nomination of designees and the appointment by the President to fill the unexpired term, the board of directors of the district for which the vacancy or extended disability exists may select a representative to meet with the Federal Farm Credit Board without the right to vote. He shall be entitled to reimbursement for transportation and travel expenses and shall receive the same per diem compensation as an appointed member of the Federal Farm Credit Board.

§ 618.8160 District boards of directors.

(a) The election officer of the Farm Credit Administration appointed by the Governor shall develop and maintain procedures for the conduct of nomination and election polls for election of district board directors.

(b) Polls for the nomination and election of district board directors shall be conducted by the district election officers under supervision of the election officer. The results of all such polls shall be certified by the resident examiner.

(c) Information pertaining to the results of any poll shall not be disclosed before the poll has closed, the voting results have been certified, and official announcement has been made by the Governor, except that notification of the number of votes received by each nominee or candidate in a poll may be made to the nominees or candidates by the election officer or district election officer. Information regarding voting by individual associations shall not be disclosed at any time.

(d) The banks shall provide a complete list of all persons and organizations entitled under the law to vote in a nomination poll on request of the district election officer. The lists provided shall show the number of stockholders entitled to vote in each Federal land bank association or production credit association as of a date specified in the request for such lists.

(e) The district election officer shall send the appropriate voting groups a preliminary notice and instructions for the election of a district director at least 1 month before the nomination ballot is mailed out by him. It is the objective of the act that in each election of a district director the nominating group should endeavor to assure representation to all sections of the district territory and as nearly as possible to all types of agriculture in the area and that at least two nominees who are willing to stand for election to that office are nominated. The preliminary notice shall include instructions to the voting groups that in nominating candidates they be guided by this objective.

(f) If the election poll results in a tie, a runoff election between those tying shall be held.

(g) For both the nomination poll and the election poll, the directors of a Federal land bank association or production credit association at a lawful board meeting will vote by the adoption of resolutions as prescribed on the ballots. A majority of the number of directors provided for the association's bylaws must be present at each meeting, and the vote of the majority of the directors present will control. The election resolution may not be adopted until after the election ballot is received by the association.

Subpart E—Miscellaneous Provisions

§ 618.8200 Publication of reports.

The Farm Credit Administration in the exercise of its supervisory responsibility shall publish reports of the banks or associations whenever, in its judgment, it is necessary for the disclosure of financial conditions and lending operations. Combined financial statements shall be published as of June 30, and December 31.

§ 618.8210 Conducting information programs.

Recognizing the importance of informed members and prospective members to the success of a cooperative organization, the banks and associations should conduct information programs to inform the farm and general public about

their organization, functions, and services. These efforts may include use of publications, advertising, motion pictures, news releases, broadcast materials, special educational events and other member relations and public information methods. Such programs shall be coordinated within each district and, where appropriate, across district lines as prescribed in Part 616 of this chapter.

§ 618.8220 Contributions to and membership in other organizations.

Contributions to voluntary associations, clubs, societies, or other groups or payment of memberships in such organizations shall be authorized only after the bank or association board determines that such contributions or memberships will result in commensurate benefits to the bank or association in the conduct of its business and only after consideration of possible tax consequences.

§ 618.8230 Allocation of expenses for administrative services.

(a) Prior to the first day of each fiscal year the Farm Credit Administration shall estimate the cost of administrative expenses for the ensuing fiscal year and shall apportion the amount so determined among the banks of the System on such equitable basis as the Farm Credit Administration shall determine and assess against and collect in advance from the banks the amounts apportioned. Assessments shall be made quarterly and the banks shall remit the amount assessed within 30 days of assessment.

(b) As soon as practicable after the end of each fiscal year the Farm Credit Administration shall determine, on a fair and reasonable basis, the cost of operation of the Farm Credit Administration and the part thereof which fairly and equitably should be allocated to each bank and association as its share of the cost. If the amount allocated is greater or lesser than the amount collected proper adjustment shall be made at the time of the next quarterly assessment. Each year there shall be a report to the district boards of directors and the board of directors of the Central Bank for Cooperatives concerning expenditure of such assessments for the expenses of the Farm Credit Administration.

§ 618.8240 Quarters and facilities for the Farm Credit Administration.

With the concurrence of two-thirds of the district boards, the Farm Credit Administration may assess the banks such advances of funds as may be required to lease property in the District of Columbia or elsewhere for quarters of the Farm Credit Administration and for related purposes as provided by the Act.

§ 618.8250 Purchases and sales of personal property.

Personal property shall be bought and sold by the banks and associations in accordance with policies and practices adopted by the district board. In order to avoid grounds for allegations of favoritism or fraud a bank or association shall not sell surplus property above a stated value established by the board to an employee except through open competitive bidding.

§ 618.8260 Purchase of automobiles through General Services Administration.

(a) Banks may purchase automobiles through the facilities of the General Services Administration by placing orders with the Farm Credit Administration. A purchase order will be issued to the General Services Administration showing in detail the exact specifications shown on the bank's order. The low bid for all orders submitted shall be accepted by the banks provided that the low bid is awarded according to the exact specifications outlined in the purchase order.

(b) No automobile purchased through the General Services Administration shall be disposed of before 2 years after delivery to the bank unless it has been driven at least 50,000 miles. Exceptions to this general rule will be made only if an automobile has been wrecked or damaged and is determined by the bank in writing submitted to the Farm Credit Administration to be beyond economical repair.

§ 618.8270 Travel.

Travel and subsistence expenses of officials and employees of the banks shall be allowed in accordance with travel regulations adopted by the district board. Similar travel regulations will be developed for associations by the supervisory bank. The regulations shall contain a statement of policy on the use of official cars for private use and will take into consideration regulations issued by the Internal Revenue Service which are applicable to the employer.

Subpart F—Releasing Information

§ 618.8300 General regulation.

Except as necessary in performing official duties or as authorized in the following paragraphs, no director or employee of a bank, association, or agency thereof shall disclose information of a type not ordinarily contained in published reports or press releases regarding any such banks or associations or their borrowers or members.

§ 618.8310 Lists of borrowers.

Federal intermediate credit banks and production credit associations may issue lists of borrowers for the information of buyers, warehousemen, and others who deal in produce or livestock of the kind that secures such loans. Otherwise lists of borrowers shall not be released by any bank and association, unless such release is approved by the chief executive officer of the bank.

§ 618.8320 Data regarding borrowers and loan applicants.

(a) Except as provided in paragraph (b) of this section, the directors, officers, and employees of every bank and association shall hold in strict confidence all information regarding the character, credit standing, and property of borrowers and applicants for loans. They shall not exhibit or quote the following documents: loan applications; supplementary statements by applicants; letters and statements relative to the character, credit standing, and property of borrowers and applicants; recommendations of loan committees; and reports of inspectors, fieldmen, investigators, and appraisers.

(b) The requirements of paragraph (a) of this section are subject to the following exceptions.

(1) Examiners and other authorized representatives of the Farm Credit Administration and the bank concerned shall have free access to all information, records, and files.

(2) Accredited representatives of the offices named in § 617.7080 of this chapter may, at their request, be given information pertinent to their official investigations or individual cases, and may examine such portions of the records and files as contain the information.

(3) The chairman of the presidents committees and the presidents of the banks may supply statistical and other impersonal information pertaining to groups of borrowers, applicants, and loans, in response to requests from any department or independent office of the Government of the United States, or responsible private organizations, with the understanding that the information will not be published.

(4) Information concerning borrowers may be given for the confidential use of any Farm Credit institution in contemplation of the extension of credit or the collection of loans.

(5) Impersonal information based solely on transactions or experience with a borrower, such as amounts of loans, terms, and payment records may be given by a bank or association for the confidential use of any reliable organization in contemplation of the extension of credit.

(6) Credit information concerning any borrower may be given when such borrower consents thereto in writing.

(7) In litigation between a borrower (or his successor in interest) and a bank or association, any competent evidence may be introduced with respect to any relevant statements made orally or in writing by or to the borrower or his successor.

(8) An unsuccessful applicant for credit which primarily is for personal, family, or household purposes, if his application was rejected either wholly or partly because of information contained in a consumer report from a consumer reporting agency shall be advised as required in section 615(a) of the Fair Credit Reporting Act (84 Stat. 1133), and if his application was rejected either wholly or partly because of information obtained from a person other than a consumer reporting agency shall be advised as required in section 615(b) thereof.

(c) The exceptions in paragraph (b) of this section shall be exercised by Farm Credit institutions with full awareness

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of the requirements of the Fair Credit Reporting Act.

§ 618.8330 Director, officer or employee summoned as witness.

(a) If a director, officer or employee of any association or bank is summoned as a witness in litigation to which neither the Government nor any Farm Credit organization is a party, for the purpose of testifying or producing documentary evidence with respect to matters which he is precluded by these regulations to disclose, he shall arrange, if possible, with the attorney who obtained the summons, to be excused from testifying. If not excused, he shall appear in response to the summons but, before testifying or producing documentary evidence as to confidential information, he shall respectfully advise the court of these regulations against disclosing such information and respectfully request that its confidential nature be safeguarded. After so doing, he may then testify or produce documentary evidence as to such information only to the extent and under the conditions directed by the court.

(b) Upon receiving any such summons, the director, officer, or employee may request advice and assistance from an attorney for the organization with which he is connected. For this purpose, the directors, officers, and employees of associations shall consult an attorney for the supervising bank.

§ 618.8340 Information regarding personnel.

Lists of bank and associations employees shall not be released without the approval of the chief executive officer of the supervising bank. This section is subject to the following exceptions.

(a) Taxing authorities shall be supplied, on request, with the names, addresses, and compensation of the officers, agents, and employees of any bank or association.

(b) Banks may release lists of their associations and their chief executive officers.

(c) For use by their respective groups of associations and cooperatives in designating nominees for the Federal Farm Credit Board and in nominating and electing members of a district board, the banks may release lists of directors of their associations, and a bank for cooperatives may release lists of the cooperatives that hold stock in it.

(d) Banks and associations may release employees' names, addresses, positions, and spouses' names to reputable concerns for listing in local directories. The concern must agree this information is for directory purposes only. Employees wishing to do so shall be allowed to withhold their names.

§ 618.8350 Authority reserved to release information.

The provisions of this manual shall not operate to limit or restrict the discretionary authority of the Governor or any deputy governor to release, or authorize the release of, information by or pertaining to the Farm Credit Administration or any bank or association.

Subpart G—Disposition of Obsolete Records

§ 618.8360 Authorization.

Banks and associations are authorized to dispose of obsolete corporate, credit, accounting, and financial records and other papers not required for research, legal, or audit purposes under a Farm Credit Administration approved records disposal program, except for the following.

(a) Original corporate records, including articles of incorporation, bylaws, capital stock records, and minutes of stockholders, directors, and committees.

(b) Payroll records including gross salary and deductions for retirement, social security, and income tax withholdings.

(c) Basic personnel records including personnel folders, service records, cards, and earnings records for all active and former employees covered under the Civil Service Retirement Act.

(d) Records required by Federal or State laws.

(e) Federal records (see following Subpart H of this part).

(f) Financial reports of the banks and associations as of June 30 and December 31 each year.

(g) Applications, notes, security instruments, financial statements, and any individual records pertaining to loans charged off where the net loss after recoveries exceeds $1,000.

(h) Listing of obsolete records destroyed.

§ 618.8370 Records disposal.

Each bank and association shall maintain an up-to-date records disposal schedule which has the approval of the bank boards. The records disposal schedule of each association shall be approved by its supervising bank.

Subpart H—Federal Records

§ 618.8380 Record material.

Records of the Federal Government consists of all written or printed papers, letters, documents, books, maps, charts, plans, drawings, punchcards, tabulation sheets motion pictures or other photographic records sound recordings, and any other records made or received by any agency of the Federal Government in pursuance of Federal law or the transaction of public business, and preserved or appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein. Extra copies of documents preserved only for evidence, and memoranda or other papers that do not serve as the basis for official actions, are not considered record material.

§ 618.8390 Federal records in the districts.

The following are Federal records:

(a) Records in the Federal land banks and Federal land bank associations relating to Commissioner loans, including those records that existed as of the date any loans were purchased by the banks.

(b) Records of the Federal Farm Mortgage Corporation.

(c) Records of the Federal intermediate credit banks and production credit corporations in existence on December 31, 1956.

(d) Records created prior to January 1, 1957, relating to the liquidation of any production credit association.

(e) Records in the office of joint services up to December 31, 1956, relating to Commissioner loans, the Farm Credit Administration, and to the Federal intermediate credit banks, production credit associations, and Federal Farm Mortgage Corporation, including joint records of any such bank or corporation and a Federal land bank, bank for cooperatives, production credit association, or national farm loan association.

§ 618.8400 General Services Administration regulations.

The General Services Administration has prescribed regulations on the management and disposal of all Federal records. Copies of these regulations have been sent to all Federal intermediate credit banks. They are available for use by the reviewing appraiser, resident examiner, and the office of joint services.

§ 618.8410 Transfers to Federal Records Center.

Any bank or office of joint services that wishes to be relieved of the custody of Federal records, but cannot do so either because authority to destroy or microfilm them has not been obtained or because the retention periods approved by National Archives and the Congress require that the records by held either permanently or for further periods of time, may request the Farm Credit Administration to arrange with the General Services Administration to have such records transferred to a regional Federal Records Center.

§ 618.8420 Requests for additional disposal authority.

If any bank or office of joint services wishes to dispose of Federal records for which disposal authority has not been obtained from the National Archives and the Congress, two samples of the records involved, together with a description of each record and the proposed retention period, should be sent to the Farm Credit Administration, which will refer the proposal to the National Archives and will notify the bank or office of joint services of the action taken.

Subpart I—Internal Controls

§ 618.8430 Responsibilities.

The board of directors of each bank and association shall assure that the institution for which it is responsible has an adequate system of internal control, including segregation of responsibilities, appropriate accounting, and dual control over assets, liabilities, income, and expenses.

PART 619—DEFINITIONS

Sec.

619.9000 The Act.
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619.9270 Producer or harvester of aquatic products.
619.9280 Production or harvesting of aquatic products in open waters under uncontrolled conditions.
619.9290 Recovery value.
619.9300 Rural area.
619.9310 Rural residence.
619.9320 Sound loan.
619.9330 Speculative purposes.
619.9340 Variable interest rate.

AUTHORITY: The provisions of this Part 619 issued under secs. 5.9, 5.16, 5.26, 85 Stat. 619, 621, 624.

§ 619.9000 The Act.

The Farm Credit Act of 1971; Public Law 92-181 and amendments.

§ 619.9010 Additional security.

Supplementary collateral to the primary security taken in connection with the loan.

§ 619.9020 Agricultural land.

Land improved or unimproved which is devoted to or available for the production of crops and other products such as but not limited to fruits and timber or for the raising of livestock.

§ 619.9030 Agricultural products.

That which is the direct result of husbandry and cultivation of the soil. The product is in its natural, unmanufactured condition.

§ 619.9040 Aquatic products.

Fish and other marine life.

§ 619.9050 Associations.

Refers to Federal land bank associations and production credit associations.

§ 619.9060 Bona fide farmer or rancher.

A person owning agricultural land, or engaged in the production of agricultural products and livestock including aquatic products under controlled conditions.

§ 619.9070 Commercial subdivision.

A tract of land which has been divided into blocks or plots with streets, roadways, and other facilities for development as residential or industrial sites by a builder or real estate developer having financial profit as the primary aim.

§ 619.9080 Cooperative.

See section 3070.

§ 619.9090 Cooperative basis.

Conduct of the business for the mutual benefit of the members as patrons.

§ 619.9100 Cooperative member.

Person having stock or other ownership interest in a cooperative and acquires membership under its bylaws.

§ 619.9110 Consolidation.

Creation of one new organizational entity from two or more existing entities or parts thereof.

§ 619.9120 Custom-type services.

The performance of on-farm functions on a "for-hire" basis which farmers and ranchers typically have done for themselves.

§ 619.9130 Differential interest rates.

An interest rate program under which different rates of interest may be made applicable to individual or classes of loans on the basis of type, purpose, amount, quality of loan, or a combination of these factors.

§ 619.9140 Farm-related businesses.

A person which is engaged in furnishing to farmers and ranchers custom-type farm-related services performed on the farm directly related to their on-farm operating needs.

§ 619.9150 Federated cooperative.

An entity in which at least 80 percent of the voting control is vested in two or more eligible cooperatives.

§ 619.9160 Five basic credit factors.

See section 4150.

§ 619.9170 Fixed interest rate.

The rate of interest specified in the note or loan document which will prevail as the maximum rate chargeable to the borrower during the period of the loan.

§ 619.9180 Fixed interest spread.

A percentage to be added to the cost of money to the bank or association as the means of establishing a lending rate.

§ 619.9190 Legal entity.

Any partnership, corporation, estate, trust, or other entity which is legally vested with authority to conduct a business.

§ 619.9200 Loss sharing agreements.

A contractual arrangement under which a group of associations, a group of banks, or a group of associations and a bank agree to share the risk of loss on loans made in excess of a specified amount or proportion of an individual participant institution's loans, net worth, reserves for losses, etc.

§ 619.9210 Merger.

Combining of one or more organizational entities into another similar entity.

§ 619.9220 Moderate-priced housing.

See section 3040(d).

§ 619.9230 Open-end mortgage loan plans.

A mortgage loan which permits the borrower to obtain additional sums during the term of the loan.

§ 619.9240 Participation agreement.

A contract under which a lender agrees to sell a portion of a loan to one or more purchasers under specific terms set forth in the agreement.

§ 619.9250 Participation certificates.

Evidence of investment in a bank or association to which all the rights and obligations of stock attach with the exception of the right to vote in the affairs of the institution.

§ 619.9260 Primary security.

The basic collateral securing the loan.

§ 619.9270 Producer or harvester of aquatic products.

A person or persons engaged in the production or harvesting of aquatic products in open waters under uncontrolled conditions.

§ 619.9280 Production or harvesting of aquatic products in open waters under uncontrolled conditions.

Extraction of aquatic products where no element of husbandry of the product is involved prior to such extraction where the applicant and the public have equal access to the product.

§ 619.9290 Recovery value.

See section 4241.

§ 619.9300 Rural area.

See section 3040(f).

§ 619.9310 Rural residence.

See section 3040(b).

§ 619.9320 Sound loan.

See section 4140.

§ 619.9330 Speculative purposes.

To buy or sell with the expectation of profiting by fluctuations in price.

§ 619.9340 Variable interest rate.

An interest rate on the outstanding loan balances, which may be changed from time to time during the period of the loan, if provision is made to the note or loan document.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-5577 Filed 4-11-72;8:40 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 101]

FEDERALLY LICENSED COTTON WAREHOUSES

Recordkeeping, Preparation of Weight Certificates, and Surrender and Form of Warehouse Receipts

Notice is hereby given, in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Part 101 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations.

Certain regulatory requirements appear to be no longer necessary or in need of modification because of the modern methods used in the marketing of cotton and technological advances in the field of records and recordkeeping. The proposed amendments would:

1. Eliminate the requirement that a "bearer" or other negotiable type warehouse receipt contain provisions for an endorsement. Most cotton warehouse receipts now being used are of the bearer type. There is no basis for requiring that a bearer receipt be endorsed to effect change of ownership, and, by custom, the Statement of Ownership and Encumbrances now appearing on such receipt is not used by depositors or the trade. (§ 101.16(c)(2))

2. Permit a warehouseman to microfilm warehouse receipts to satisfy the copies of receipts requirement. (§ 101.17)

3. Remove the requirement that receipts surrendered for delivery of cotton must be surrendered only in the city or town in which the cotton is stored. With modern communication and transportation it seems unnecessary to continue this rigid requirement; however, it would be expected that the location where receipts are to be surrendered would be a location within reasonable proximity of the warehouse where the cotton is stored or other location that would not interfere with enforcement of the Act and regulations. (§ 101.21)

4. Permit a warehouseman to microfilm canceled original warehouse receipts and retain such microfilm in lieu of retaining the canceled original receipt. Under 28 U.S.C. 1732(b) a microfilm copy or facsimile enlargement thereof is accepted as evidence in U.S. courts. (§ 101.28)

5. Permit a weigher to show either gross, or net and tare, weight on a cotton weight certificate. The change from a gross weight to net weight basis in the marketing of cotton appears to have eliminated the necessity of a mandatory requirement to show the gross weight of the cotton on the weight certificate. However, if the gross weight is not shown, both the tare weight and net weight would have to be shown. (§ 101.59)

The regulations would be amended in the following respects:

1. Paragraph (c) of § 101.16 would be amended to read:

§ 101.16 Form.

* * * * *

(c) In addition to complying with paragraphs (a) and (b) of this section, every negotiable receipt issued for cotton stored in a licensed warehouse shall embody within its written or printed terms a statement that the cotton covered by such receipt was classified by a licensed classifier or a board of cotton examiners when such cotton is so classified.

* * * * *

2. Section 101.17 would be revised to read:

§ 101.17 Copies of receipts.

(a) At least one actual, skeleton, or microfilm copy of all receipts shall be made, and all copies, except skeleton and microfilm copies, shall have clearly and conspicuously printed or stamped thereon the words "Copy—Not Negotiable."

(b) A copy of each receipt issued shall be retained by the warehouseman for a period of 1 year after December 31 of the year in which the corresponding original receipt is canceled .

(c) If copies are retained on microfilm, the warehouseman shall:

(1) Have available at all times facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements;

(2) Arrange, index, and file the films in such a manner as to permit the immediate location of any particular microfilm record; and,

(3) Be ready at all times to provide, and immediately provide, at the expense of the warehouseman, any facsimile enlargement of such microfilm copies which any authorized officers or agents of the Department of Agriculture may request.

3. Section 101.21 would be revised to read:

§ 101.21 Return of receipts before delivery of cotton.

Except as permitted by law or by the regulations in this part, a warehouseman shall not deliver cotton for which he has issued a negotiable receipt under the act until such receipt has been returned to him and canceled and shall not deliver cotton for which he has issued a non-negotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery or his authorized agent a written delivery order, properly signed, specifying by bale or tag number each bale to be delivered from any receipt or receipts. Before delivering or upon delivery of, all the cotton covered by a non-negotiable warehouse receipt, the warehouseman may require the surrender of the receipt. The location where receipts are to be surrendered shall be a location within reasonable proximity of the warehouse where the cotton is stored or other location that would not interfere with enforcement of the Act and regulations.

4. Section 101.28 would be revised to read:

§ 101.28 Records to be kept in safe place.

(a) Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the licensed warehouse, including his current receipt book, copies of receipts issued, and canceled receipts or microfilm copies of canceled receipts except that with the written consent of the Administrator or his representative, upon a showing by such warehouseman that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books, and papers in some other place of safety, approved by the Administrator or his representative.

(b) Each canceled receipt or microfilm copy of each canceled receipt shall be retained by the warehouseman for a period of 6 years after December 31 of the year in which the receipt is canceled and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act.

(c) Canceled receipts shall be arranged by the warehouseman in numerical order and otherwise in such manner as shall be directed, for purposes of audit, by authorized officers or agents of the Department of Agriculture.

(d) If microfilm copies of canceled receipts are to be retained in lieu of canceled receipts, the warehouseman shall:

(1) Have available at all times facilities for immediate, easily readable projection of the microfilm and for producing easily readable facsimile enlargements;

(2) Arrange, index, and file the films in such a manner as to permit the immediate location of any particular microfilm copy; and,

(3) Be ready at all times to provide, and immediately provide, at the expense of the warehouseman, any facsimile enlargement of such microfilm copies which any authorized officers or agents of the Department of Agriculture may request.

5. Paragraph (g) of § 101.59 would be amended to read:

§ 101.59 Weight certificates; form.

* * * * *

(g) The gross, or net and tare, weight of the cotton and, if the cotton be excessively wet or otherwise of a condition materially affecting its weight, a statement of such fact to which may be added the weigher's estimate of the number of pounds which should be allowed for such condition;

* * * * *

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 30th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., April 7, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-5543 Filed 4-11-72;8:46 am]

[7 CFR Part 1125]

[Docket No. AO 226-A25]

MILK IN THE PUGET SOUND, WASHINGTON MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Auditorium, Norway Center (Norselander Restaurant), 330 Third Avenue West, Seattle, WA, beginning at 10 a.m., local time on April 25, 1972, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Puget Sound, Wash., marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Northwest Dairymen's Association:

PROPOSAL NO. 1

Amend § 1125.52 by changing paragraph (a) to read as follows:

(a) *Class I milk.* Multiply the Chicago butter price for the second preceding month by 0.115; and

Delete the 0.120 in paragraph (b) and add 0.115.

PROPOSAL NO. 2

Amend §1125.82 as follows:

In making payments pursuant to § 1125.80(a) for base milk and for excess milk and pursuant to § 1125.80(d) there shall be added to, or subtracted from, the respective uniform prices thereof, or weighted average price, for each one-tenth of 1 percent that the average butterfat content of such milk is above or below 3.5 percent, the butterfat differential that is computed pursuant to § 1125.52(b) for Class II and Class III milk.

PROPOSAL NO. 3

Amend § 1125.41(a)(2) and add subparagraph (8) to paragraph (c) to read as follows:

(2) Contained in monthly inventory variation of packaged fluid milk products;

(8) Contained in monthly inventory variation of bulk fluid milk products.

PROPOSAL NO. 4

Amend § 1125.30(a)(3) to read as follows:

(3) The aggregate quantities of base milk and excess milk received: *Provided,* That the cooperative association with respect to the milk of its producer members or proprietary handlers who operate pool plants in more than one district within the marketing area or handlers who cause milk under their control to be delivered to plants in more than one district within the marketing area may report the aggregate quantities of base milk and excess milk received from producers as base milk first in the lowest location differential zone to the extent that the total base milk pooled within that location differential zone does not exceed the aggregate quantities of producer milk received in that district from higher location differential zones, and consecutively to the next higher location differential zones to the extent of the aggregate quantities of base milk available; and

PROPOSAL NO. 5

Amend §§ 1125.8 and 1125.16(a) as follows:

In § 1125.8 change the "10 percent" to read "25 percent" in paragraph (a), and paragraph (b) is revised to read as follows:

(b) Any other such plant, hereafter referred to as "pool supply plant," at which milk so qualified is received from dairy farmers or a cooperative association pursuant to § 1125.10(f) and which is:

(1) Located within the marketing area and from which is moved to a pool distributing plant at least the following applicable percentage of both the skim milk and butterfat in Grade A milk received from dairy farmers;

(i) During the months of September through March, 25 percent of such receipts during the month; or

(ii) During the months of April through August, 15 percent of such receipts during the month.

(2) Located outside the marketing area, and from which is moved to a pool distributing plant at least the following applicable percentage of both the skim milk and butterfat in Grade A milk received from dairy farmers:

(i) During the months of September through March, 50 percent of such receipts during the month; or

(ii) During the months of April through August, 30 percent of such receipts during the month.

(3) Producer milk of its members caused by a cooperative association to be delivered directly from farms to pool distributing plants may be considered as movements specified in subparagraphs (1) or (2) of this paragraph from plants operated by the cooperative or its sales agent towards meeting the percentages specified in those paragraphs.

(4) The producer milk of nonmembers under the control of a handler which he causes to be delivered directly from farms to his pool distributing plants may be considered as movements specified in subparagraph (1) of this paragraph from plants operated by such handler toward meeting the percentage(s) specified in that paragraph.

(5) Any plant which otherwise meets the requirements of this paragraph may withdraw from pool supply plant status for any month in the April–August period if the operator of the plant files with the market administrator, prior to the first day of such month, a written request for such withdrawal.

b. Paragraph (a) of § 1125.16 is revised to read as follows:

(a) A delivery to a plant: *Provided,* That packaged fluid milk products that are transferred to a pool distributing plant from another pool distributing plant, and which are classified as Class I under § 1125.44(a) shall be considered as a route disposition from the transferor plant, rather than the transferee plant, for the single purpose of qualifying it as a pool distributing plant under § 1125.8 (a) and the transferor plant shall be assigned in-area sales, but not in excess of the in-area sales of the transferee.

PROPOSAL NO. 6

Amend § 1125.12(c) to read as follows:

(c) With respect to diversions to nonpool plants or commercial food processing establishments:

(1) A cooperative may divert to nonpool plants or commercial food processing establishment for its account, under paragraph (b)(1) of this section the milk of any member producer. The total quantities of milk so diverted, however, may not exceed 50 percent in the months April through August, 30 percent in the months September through March, of its total member milk received at all pool distributing plants or diverted therefrom during the month. Any milk which is used to compute pool supply plant qualifications may not be used for computing allowable diversions;

(2) A handler operating a pool distributing plant may divert to a nonpool plant or a commercial food processing establishment for his account under paragraph. The total quantity of milk so of any producer other than a member of a cooperative association which diverts milk under subparagraph (1) of this paragraph. The total quantity of milk so diverted, however, may not exceed 50 percent in the months of April through August, 30 percent in the months of September through March of the milk received at or diverted from such pool distributing plants during the month from producers who are not members of a cooperative association which diverts milk

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under subparagraph (1) of this paragraph. Any milk which is used to compute pool supply plant qualifications may not be used for computing allowable diversions;

(3) Milk diverted in excess of the limits specified shall not be considered producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler;

(4) For purposes of location adjustments pursuant to § 1125.53 and § 1125.81, milk diverted to a nonpool plant or a commercial food processing establishment shall be priced at the location of the plant or commercial food processing establishment to which diverted; except that, the applicable location adjustment on base milk where the milk diverted is allocated to Class III shall not exceed the higher of 20 cents per hundredweight or the location adjustment that would be applicable to a plant located in the area(s) where the producer's farm(s) is located; and

PROPOSAL No. 7

Amend § 1125.53 as follows:

Under plant location change the table to read:

Plant location	Adjustment (cents/cwt.)	
	Class I	Class II
District 1 or Kitsap or Pierce Counties.	0	0.
District 2 or Mason County	15	7.5.
District 3 (including the entire counties of Lewis and Pacific) or Kittitas County.	20	10.0.
District 4 or Clallam or Jefferson Counties.	40	20.0.
Other locations outside the marketing area.	20 cents plus 1.5 cents for each 10 miles or fraction thereof by shortest hard-surfaced highway distance as determined by the market administrator that the plant is located beyond 100 miles from the County City Building in Seattle.	10 cents plus 0.75 cents for each 10 miles or fraction thereof by shortest hard-surfaced highway distance as determined by the market administrator that the plant is located beyond 100 miles from the County City Building in Seattle except that this adjustment shall not exceed 25 cents per cwt.

PROPOSAL No. 8

Amend § 1125.11(e) as follows:

(e) Whose milk during the month was not received at a nonpool plant which is engaged in the distribution of milk on routes or supplies a plant which has route distribution, except by diversion from a pool plant pursuant to § 1125.12 unless the producer had discontinued deliveries to handlers regulated by this order.

PROPOSAL No. 9

Amend §§ 1125.22(k)(2), 1125.71(b), 1125.80(a)(3), and 1125.81(a) as follows:

In § 1125.22(k)(2) delete the words "the location adjustments for excess milk computed pursuant to § 1125.81(a)(2)."

In § 1125.71(b) delete the words "or subtract".

In § 1125.80(a)(3) delete the words "and by any location adjustment applicable under § 1125.81".

In § 1125.81 paragraph (a) is revised as follows:

(a) In making payments to producers pursuant to § 1125.80(a) subject to the application of § 1125.12(c) deduction may be made per hundredweight of base milk received from producers at respective plant locations at the same rate as specified for Class I milk set forth in § 1125.53.

PROPOSAL No. 10

Amend §§ 1125.11(e), 1125.12 (a)(2), (b)(1), and (c), and 1125.41(b)(3) as follows:

Change §§ 1125.11(e), 1125.12 (a)(2), (b)(1), and (c) by adding after the words "nonpool plant" in each of the above paragraphs; "or a commercial food processing establishment".

In § 1125.41(b) change subparagrph (3) by adding after the word "bulk" the following "or diverted to".

PROPOSAL No. 11

Amend § 1125.80 by revising paragraphs (a), (b), (c), and (d) to read as follows:

(a) Each handler shall make payments to each producer for milk received from such producer during such month:

(1) On or before the 20th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, at not less than the Class III price for the preceding month per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer; and

(2) On or before the 5th day of the following month to each producer who has not discontinued shipping milk to such handler before the last day of the month, at not less than the Class III price for the preceding month per hundredweight of milk received from the 16th through the last day of the month, less proper deductions authorized in writing by such producer.

(3) On or before the 19th day after the end of each month for milk received from such producers during such month;

(i) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustments applicable under § 1125.81;

(ii) At not less than the Class III price adjusted by the butterfat differential computed pursuant to § 1125.82 for the quantity of milk received from producer described in § 1125.121 (c) and (d) for whom no base milk has been computed;

(iii) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1125.82; and

(iv) Minus payments made pursuant to subparagraphs (1) and (2) of this paragraph: *Provided*, That, if by such date such handler has not received full payment for such month pursuant to § 1125.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

(b) The payments required in paragraph (a) of this section shall be made, upon request, to a cooperative association qualified under § 1125.5, or its duly authorized agent, with respect to milk received from each producer who has given such association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this paragraph, shall be made on or before 2 days prior to the dates specified in paragraph (a) of this section.

(c) Each handler shall pay to a cooperative association or its duly authorized agent which operates a pool plant for skim milk and butterfat received from such plant;

(1) On or before the 18th day of each month for skim milk and butterfat received during the first 15 days of that month at not less than the Class III price for the preceding month; and

(2) On or before the third day after the end of the month for skim milk and butterfat received for the 16th through the last day in the month at not less than the Class III price for the preceding month; and

(3) On or before the 17th day after the end of such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1125.44 (a) or (b)) by the class price, adjusted by the butterfat differentials computed pursuant to § 1125.52, and by any location adjustments pursuant to § 1125.53 applicable at the pool plant of the cooperative association or its agent, minus payments made pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1125.10(f) shall pay such cooperative association for such milk received;

(1) On or before the 18th day of each month for such milk received during the first 15 days of that month at not less than the Class III price for the preceding month; and

(2) On or before the third day after the end of the month for such milk received from the 16th day through the end of the month at not less than the Class III price for the preceding month; and

(3) On or before the 17th day after the end of the month for such milk received at not less than the weighted average price for all milk, adjusted by the differentials specified in § 1125.81(b) and § 1125.82, minus payments made pursuant to subparagraphs (1) and (2) of this paragraph.

PROPOSAL No. 12

Delete § 1125.35(a)(7).

PROPOSAL No. 13

Delete § 1125.41(c)(2).

PROPOSAL No. 14

Amend § 1125.19 as follows:

"Chicago butter price" means the simple average of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade "A" (92-score) bulk creamery butter per pound at Chicago as reported for the month by the Department.

Proposed by Puget Sound Jersey Milk Pool, Inc., and Northwest Guernsey Association:

PROPOSAL No. 15

Revised § 1125.82 as follows:

§ 1125.82 Producer butterfat and solids-not-fat differential.

In making payments to producers and cooperative associations pursuant to § 1125.80(a) and to cooperative associations pursuant to § 1125.80(d) there shall be added to, or substracted from the respective uniform prices thereof or weighted average price, for each one-tenth of 1 percent that the average butterfat content of such milk is above or below 3.5 percent, a butterfat and solids-not-fat differential computed by the market administrator as follows:

(a) Determine the spread between the support price for manufacturing milk and the market value of butter and nonfat dry milk made from 100 pounds of milk as announced by the Department for the current marketing year.

(b) Determine the spread per pound of the predicted yield of butter and nonfat dry milk from 100 pounds of milk of average milk fat test by dividing the spread determined in paragraph (a) of this section, by the predicted yields and rounding to the fourth decimal place.

(c) Determine the value of butter and nonfat dry milk attributable to average milk for each one-tenth of 1 percent variance in butterfat content above or below 3.5 percent, as follows:

(1) Multiply the Chicago butter price for the month by 0.1222.

(2) Multiply the nonfat dry milk solids price pursuant to § 1125.51(c)(2) by .04.

(3) Add together the values pursuant to subparagraphs (1) and (2) of this paragraph.

(4) Subtract therefrom the value determined by multiplying the spread in cents per pound pursuant to paragraph (b) of this section, by .1622.

(5) Round to the nearest one-tenth of a cent.

Proposed by the Dairy Division Agricultural Marketing Service:

PROPOSAL No. 16

In the introductory language of § 1125.8 delete the reference to "health authority having jurisdiction in the marketing area", and substitute "duly constituted regulatory authority".

PROPOSAL No. 17

Provide for definitions of a "distributing plant" and a "supply plant".

PROPOSAL No. 18

In § 1125.12 (a)(2) and (b)(1), delete the parenthetical references to "filled milk".

PROPOSAL No. 19

Amend § 1125.15 to include flavored cream as a fluid milk product and to relocate the reference to reconstitution and fortification.

PROPOSAL No. 20

In the last paragraph of § 1125.15(c), delete "condensed milk, and skim milk (plain or sweetened)" and substitute "condensed milk (plain or sweetened) and condensed skim (plain or sweetened)".

PROPOSAL No. 21

In § 1125.32, provide that the market administrator may request additional information under §§ 1125.30 and 1125.31.

PROPOSAL No. 22

Amend §§ 1125.44 and 1125.46 to provide that packaged products received from an other order plant for salvage rather than for disposition to consumers for consumption in fluid form should not be an offset to packaged products moved to that plant for disposition to consumers for consumption in fluid form. Also, such products received from an other order plant should not be allocated to Class I pursuant to § 1125.46 (a)(2).

PROPOSAL No. 23

In § 1125.46(a)(3), provide specifically for the subtraction of milk excluded pursuant to § 1125.11(e).

PROPOSAL No. 24

In § 1125.46(a)(3)(vi), delete the provision allocating overage to other source receipts.

PROPOSAL No. 25

Provide that the Class I price for other source milk, when adjusted for location, shall be not less than the Class III price.

PROPOSAL No. 26

In § 1125.66(b), consider rules for determining the order under which a supply plant shall be regulated when it meets the pooling qualifications of more than one order.

PROPOSAL No. 27

Amend § 1125.70, and other appropriate provisions, to provide that fluid milk products received at a pool plant from an unregulated supply plant or from a partially regulated distributing plant, which have previously been priced as Class I milk under a Federal milk order, will not be subject to additional charges under Order No. 125.

PROPOSAL No. 28

Revise the format of order provisions to provide for a more appropriate and simplified arrangement.

PROPOSAL No. 29

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the market administrator, Nicholas L. Keyock, 16 West Harrison Street, Seattle, WA 98119, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 6, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-5542 Filed 4-11-72;8:46 am]

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Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PIG IRON FROM BRAZIL

Antidumping Proceeding Notice

On March 6, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that pig iron from Brazil is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting and inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 7, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5613 Filed 4-11-72;8:50 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

OREGON ISLANDS NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on June 10, 1972, at the Marine Science Center Auditorium, Oregon State University, Marine Center Drive, Newport, Lincoln County, OR, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the Oregon Islands Wilderness within the National Wilderness Preservation System. The wilderness proposal consists of approximately 459 acres of the Oregon Islands National Wildlife Refuge, which is located in Clatsop, Coos, Curry, Lane, Lincoln, and Tillamook Counties, State of Oregon.

A brochure containing a map and information about the Oregon Islands Wilderness proposal may be obtained from the Refuge Manager, William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by July 10, 1972.

SPENCER H. SMITH,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 5, 1972.

[FR Doc.72-5563 Filed 4-11-72;8:48 am]

Office of the Secretary

[INT DES 72-36]

PROPOSED GOLDEN GATE NATIONAL RECREATION AREA, SAN FRANCISCO AND MARIN COUNTIES, CALIF.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed Golden Gate National Recreation Area, Calif., and invites written comment within thirty (30) days of this notice.

Written comments should be sent to the Director, Western Region, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102; copies of the environmental statement are available from or for inspection at this office.

The environmental statement considers the establishment of a Golden Gate National Recreation Area in San Francisco and Marin Counties, Calif., consisting of approximately 24,000 acres of State, Federal, county, and privately owned land, for the purposes of public recreation and preservation of open spaces and recreational values.

Dated: March 30, 1972.

W. W. LYONS,
Deputy Assistant Secretary of the Interior.

[FR Doc.72-5615 Filed 4-11-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Forest Service

PORT OF CASCADE LOCKS, AERIAL TRAMWAY

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for the Port of Cascade Locks, Aerial Tramway, Oreg., USDA-FS-DES(Adm) 72-29.

The environmental statement concerns the proposed construction by the Port of Cascade Locks of an aerial passenger tramway to the rim of the Columbia River Gorge.

This draft environmental statement was filed with CEQ on April 3, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, OR 97208.

Mt. Hood National Forest, Supervisor's Office, 340 Northeast 122d Avenue, Portland, OR 97218.

A limited number of single copies are available upon request to Rexford A. Resler, Regional Forester, Post Office Box 3623, Portland, OR 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Rexford A. Resler, U.S. Forest Service, Post Office Box 3623, Portland, OR 97208.

Comments must be received within 50 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

APRIL 7, 1972.

[FR Doc.72-5575 Filed 4-11-72;8:49 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00208-61-77030. Applicant: Cornell University, New York State College of Agriculture, Ithaca, N.Y. 14850. Article: NMR Spectrometer, Model JNM-MH-60-II. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Representative current research in which the article is intended to be used includes:

(1) Determination of the structure of metabolites isolated from a variety of insecticides and herbicides.

(2) Analysis of hydrocarbon type in leaf waxes and seed oil; studies of the degree of unsaturation vs. saturation, etc.

(3) N.m.r. studies on material fractionated or isolated from soil organic matter, plant material and other natural sources.

(4) N.m.r. studies on organometallic compounds found in our environment e.g. organoselenium, mercury, lead, etc. compounds.

(5) Routine monitoring of crude reaction mixtures, both during and after syntheses, to determine the extent of reaction.

(6) Conformational equilibria studies in the carbohydrate field.

(7) Study of the stereochemistry and stability of substituted 2,4-hexadienedioic acids. Stability rearrangement studies will use the variable temperature accessory.

(8) Structural assignments to substituted 4-carboxymethylene but 2-enolides including utilization of the Nuclear Overhauser effect to confirm configurational assignments.

(9) Double reasonance studies associated with the uses listed above. The article will also be used in teaching the basic principles of NMR spectroscopy and instrumentation in graduate level courses.

Comments: Comments were received from one domestic manufacturer, Varian Associates, which states inter alia that its Model T-60XS nuclear magnetic resonance spectrometer (NMR) is of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used. (Letter from Varian dated December 2, 1970.)

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 70-00285-61-77030 which was denied without prejudice to resubmission due to informational deficiencies. The foreign article provides both internal and external lock in the same instrument. The Varian Model T-60XS provides both internal lock and unlocked modes of operation but does not provide both an internal and external lock in the same instrument. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 11, 1971 that (1) for the applicant's precision studies of chemical shifts as well as spin tickling and Nuclear Overhauser effects the internal lock is pertinent, (2) for instructional use for relatively inexperienced users, to avoid problems of locking on where overlapping resonance signal in a spectrum are separated by changing either the sample concentration or the solvents, the external lock facility is considered pertinent and (3) neither the T-60 nor the T-60XS provides both an external and an internal lock facility in the same instrument as required by the applicant. We, therefore, find that neither the T-60 nor T-60XS is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-5572 Filed 4-11-72;8:49 am]

UNIVERSITY OF COLORADO MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00264-33-01110. Applicant: University of Colorado Medical Center, 4200 East Ninth Avenue, Denver, CO 80220. Article: Amino acid analyzer, Model JLC-5AH. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used to analyze the amino acid composition of insulin and insulin peptides purified from single normal and diabetic pancreata. Studies concern the nature of the molecular difference between biologically abnormal diabetic insulins and the normal.

Comments: Comments were received from one domestic manufacturer, Beckman Instruments, Inc. (Beckman), which stated inter alia that "the instrument considered to be a scientific equivalent to the foreign article is the Beckman Model 121 Automatic Amino Acid Analyzer."

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 70-00548-33-01110 which was denied without prejudice to resubmission on August 18, 1970, for informational deficiencies. The foreign article provides a detection sensitivity of one nanomole. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 19, 1971, that the most closely comparable domestic instrument is the Beckman Model 121 which provides a detection sensitivity of two nanomoles. HEW also advises further that the greater detection sensivity of the article is pertinent to the study of the amino acid composition of insulin from the pancreas of diabetics. Beckman's comments include a publication entitled "Increased Sensitivity of Accelerated Amino Acid Ion-Exchange Chromatography" by R. W. Hubbard and D. M. Kremen published in Analytical Biochemistry, Volume 12, No. 3, September 1965. Beckman alleges that, "• • • This paper verifies that [with a modified Beckman Model 120] 1 nanomole levels of amino acids have been measured with ±3% accuracy and precision (p. 600)." The portion of the text to which Beckman refers reads: "In some instances, 0.441-umole [nanomole] levels can be measured with the usual ±3% accuracy and precision. This is dependent upon the overall instrument noise level, which cannot be clearly defined nor predicted as yet." The underscored qualifying phrases indicate that it is not apparent that sensitivity better than 2 nanomoles can be expected without further instrument development. We note that

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Beckman's comments contain the statement: "[Using the Model 121] the amount of sample that can be detected reliably and accurately by the analyzer is 0.002 micromole [i.e., 2 nanomole] using the expanded range."

We therefore, find that the Model 121 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5573 Filed 4-11-72;8:49 am]

UNIVERSITY OF MAINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00032-36-46070. Applicant: University of Maine, Orono, Maine 04473. Article: Scanning electron microscope, Model S4. Manufacturer: Kent Cambridge Scientific, Inc., United Kingdom. Intended use of article: The article will be used to study (1) morphology of wood fibers; (2) phase distribution and fracture characteristics of mixed polymer films formed on solvent removal from a common solution; (3) interface conversion for adhesion and grafting of polymers to surface; (4) ultrastructure of Coelenterate Polyps; (5) identifying Streptomyces Spores; and (6) the structure and development of Echinoderms. The educational uses consist of instruction for students in operating and applying scanning electron microscopy in pulp and paper technology, materials engineering, forestry, zoology, botany, entomology, geological sciences, and chemistry.

Comments: No comments have been received with respect to this application. Letter dated December 9, 1971, from Advanced Metals Research Corp. (AMR) (received after the expiration of the comment period) is being treated as additional information in accordance with § 701.10(a) of the regulations to the extent that it contains factual information.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's intended uses of the foreign article include the examining of live or semiarid specimens in studies of animal fertilization, ultrastructure of polyps, infected plant tissue, etc. The Department of Health, Education, and Welfare (HEW) in a memorandum dated January 28, 1972, advises that these intended uses will require independent vacuum systems which assures the maintenance of column vacuum independent of specimen chamber vacuum and permits complete flexibility in the specimen chamber pumping rate. Independent vacuum systems then are pertinent specifications within the meaning of § 701.2(n). The foreign article satisfies this pertinent specification by providing two independent pumping (i.e., vacuum) systems. Moreover, HEW cites as a precedent its prior recommendation relating to Docket No. 71-00294-33-46070 which conforms in certain particulars to the captioned application. In its prior recommendation HEW advises that it knows of no domestic scanning electron microscope capable of providing equivalent independently maintained vacuum in the column and specimen chamber. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-5574 Filed 4-11-72;8:49 am]

Office of the Secretary

ESTIMATES OF VOTING AGE POPULATION

In accordance with the requirements of section 104(a)(5) of the Federal Election Campaign Act of 1971 (Public Law 92-225), I hereby certify:

(1) That in no case is the estimated voting age population in the geographical area known to be included or likely to be included in any congressional district for the 93d Congress in excess of 500,000; and

(2) That the estimated voting age population (resident population, 18 years of age and older) on July 1, 1971, for each State (including the District of Columbia and the Commonwealth of Puerto Rico) is:

State	*Voting age population (in thousands)*
Alabama	2,259
Alaska	187
Arizona	1,189
Arkansas	1,296
California	13,586
Colorado	1,492
Connecticut	2,056
Delaware	360
District of Columbia	523
Florida	4,891
Georgia	3,020
Hawaii	512
Idaho	468
Illinois	7,413
Indiana	3,433
Iowa	1,884
Kansas	1,523
Kentucky	2,167
Louisiana	2,302
Maine	661
Maryland	2,610
Massachusetts	3,883
Michigan	5,750
Minnesota	2,493
Mississippi	1,397
Missouri	3,193
Montana	455
Nebraska	1,003
Nevada	332
New Hampshire	503
New Jersey	4,899
New Mexico	627
New York	12,563
North Carolina	3,397
North Dakota	401
Ohio	7,052
Oklahoma	1,770
Oregon	1,452
Pennsylvania	8,065
Rhode Island	660
South Carolina	1,682
South Dakota	432
Tennessee	2,668
Texas	7,434
Utah	668
Vermont	299
Virginia	3,126
Washington	2,294
West Virginia	1,188
Wisconsin	2,894
Wyoming	220
Puerto Rico	1,581

PETER G. PETERSON,
Secretary of Commerce.

[FR Doc.72-5571 Filed 4-11-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Regional Health Directors; Delegation of Authority

Delegation No. 9 to the Regional Health Directors is amended to include also (1) authority to review and approve applications for grants for developing comprehensive mental health service programs in urban and rural poverty catchment areas under section 224(b) of the Community Mental Health Centers Act of 1963, as amended; and (2) authority to review and approve applications for grants for initial staffing costs of professional and technical personnel to provide comprehensive programs of mental health services for children under section 271 of the Act. (See items (c) and (f) below.) The delegation of authority is effective immediately and is amended to read as follows:

Delegation of authority. (9) The administration of the following functions under the Community Mental Health Centers Act of 1963 (Public Law 88-164), as amended (42 U.S.C. 2681 et seq.): (a) Review and approval of State plans for the construction of community mental health centers under section 204; (b) approval of State requests for funds for administration of such State plans under section 403(c); (c) review and approval of applications for grants for developing comprehensive mental health service programs in urban or rural poverty catchment areas under section 224(b); (d) review and approval of applications for grants for the construction of community mental health centers under section 205; (e) review and approval of applications for grants for initial staffing costs of professional and technical personnel of such centers under section 220; (f) review and approval of applications for grants for initial staffing costs of professional and technical personnel to provide comprehensive programs of mental health services for children under section 271; and (g) the commitment of funds, within authorized limits, for grants covered above; provided, however, than such grants shall be made only upon recommendation of the National Advisory Mental Health Council. Recommendation of the National Advisory Mental Health Council is not legally required for grants under section 224(b) of the Act but is administratively desirable.

VERNON E. WILSON,
Administration.

MARCH 31, 1972.

[FR Doc.72-5541 Filed 4-11-72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-165]

ACTING AREA DIRECTOR, MANCHESTER AREA OFFICE

Designation

The listed officials are designated to serve as Acting Area Director, Manchester Area Office, in the order named, during the absence of the Area Director, with all the powers, functions, and duties redelegated or assigned to the Area Director: *Provided,* That no official here listed is authorized to serve as Acting Area Director unless and until all the officials listed before him in this designation are unable to act by reason of absence:

1. William H. Hernandez, Jr., Acting Deputy Area Director.
2. Director, Operations Division.
3. Director, Housing Management Division.
4. Area Counsel.

(The authority for this designation is set forth in 36 F.R. 3389, Feb. 23, 1971, sec. B.1; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This designation is effective for the period March 20, 1972, through July 18, 1972.

CREELEY S. BUCHANAN,
Area Director,
Manchester Area Office, N.H.

[FR Doc.72-5545 Filed 4-11-72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Reconstitution of Board

In the matter of Boston Edison Co. (Pilgrim Nuclear Power Station), Docket No. 50-293.

Mr. Nathaniel H. Goodrich was Chairman of the Atomic Safety and Licensing Board established to consider the above application. Mr. Goodrich is unable to continue in his duties as Chairman of this Board.

Accordingly, the Commission has designated Mr. Charles A. Haskins, a member qualified in the conduct of administrative proceedings, as Chairman of the Board. Reconstitution of the Board in this manner is in accordance with § 2.704(d) of the rules of practice.

Dated at: Washington, D.C., this 6th day of April 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-5547 Filed 4-11-72;8:46 am]

[Docket No. 50-219]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Availability of Applicant's Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Environmental Report-Full-Term Operating License stage, March 6, 1972," for the Oyster Creek Nuclear Generating Station, Unit I, submitted by the Jersey Central Power and Light Co. has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC. The report is also being made available to the public at the Division of State and Regional Planning, Department of Community Affairs, Post Office Box 1978, Trenton, NJ 08625, and at the Ocean County Planning Board, Courthouse Square, Toms River, N.J. 08753.

This report discusses environmental considerations related to the proposed issuance of a full-term operating license for the Oyster Creek Nuclear Generating Station, Unit I, located in Lacey Township, Ocean County, N.J.

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft detailed statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that the comments of Federal agencies and State and local officials thereon will be available when received.

Dated at Bethesda, Md., this 28th day of March 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-5548 Filed 4-11-72;8:46 am]

[Docket No. 50-395A]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated March 31, 1972, a copy of which is attached below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's Rules of Practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed within thirty (30) days after publication of this notice in the FEDERAL REGISTER, either (1) by delivery to the AEC Public Document Room at 1717 H Street NW., Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

LYALL JOHNSON,
Director, Division of State and Licensee Relations.

[AEC Docket No. 50-395A; Department of Justice File 60-415-47]

SOUTH CAROLINA ELECTRIC & GAS CO.

VIRGIL C. SUMMER NUCLEAR STATION UNIT 1

MARCH 31, 1972.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296, as amended by Public Law 91-560, 84 Stat. 1472, in regard to the above cited application.

Introduction. The Summer nuclear generating station, unit No. 1, to be built by South Carolina Electric & Gas Co. (SCEG), is scheduled for completion and commercial operation early in 1977. Rated at a net dependable capacity of 900 mw., the facility will be located in Fairfield County, S.C., near the northwestern limits of the applicant's service area. The total cost of the unit, including associated transmission facilities and nuclear fuel inventor for the first core, is estimated at $271,229,000. Construction will be financed as an integral part of the applicant's total construction program for

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the years 1971–1976, with approximately 21 percent provided internally by depreciation and retained earnings and the remainder from the yield of new debt and equity securities offered in appropriate proportions.

The applicant. SCEG, headquartered in Columbia, S.C., is an operating public utility principally engaged in the production, transmission, distribution and sale of electricity, and the purchase, transmission, distribution and sale of natural gas. It also renders urban bus service in the cities of Columbia and Charleston. In calendar year 1970 electric business provided 77 percent of operating revenues, gas business 21 percent and coach business 2 percent.

Applicant's electric service territory is essentially based on the broad northwestward corridor from Charleston to Columbia (the two largest cities in the State) which SCEG serves at retail. Its service area extends south and west from this corridor to the Georgia State line, covering in total more than 12,000 square miles in the central, southern, and southwestern portions of South Carolina. This comprises about one-half of the State, with an estimated population in excess of 900,000.

Applicant is a fully integrated electric utility with steam, hydro, and gas turbine generation which, with a comparatively small amount of firm purchased power, amounted to 2,049 mw. of dependable capacity in 1971. The system's peak load that year was 1,571 mw. It operates an extensive transmission network with lines ranging up to 230 kv. and totalling over 2,200 circuit miles. It also has a distribution system of some 10,000 pole miles to serve over 271,000 retail customers. Operating electric revenues in 1970 totaled $101,188,000, of which 42.36 percent was derived from residential sales, 24.72 percent commercial sales, 19.70 percent industrial sales, and 13.22 percent from other sources.

Relations with other utilities. In terms of generating capacity and system load, SCEG is by far the smallest of the major investor-owned utilities in its general area. These are Carolina Power & Light Co. to the north, Duke Power Co. to the northwest, and Georgia Power Co., a part of The Southern Co. holding company system, to the south and southwest. It is, however, more than double the size of the South Carolina Public Service Authority, a State-owned fully integrated electric utility (popularly known as Santee-Cooper) whose territory is mainly to the northeast along the coast. SCEG is interconnected with each of these utilities.

The applicant has been a member of the Carolinas-Virginia Power Pool (CARVA), along with Duke, Carolina Power, and Virginia Electric & Power Co. Though the CARVA Pool was formally terminated in 1970, its members continue to share reserves through 1972 under the termination agreement. Also, by two letter agreements the other members agreed through the mid-1970's to take specified percentages of SCEG's new Wateree No. 2 generating unit and to furnish specified amounts of backstand capacity for SCEG's new Williams generating unit.

In the main, however, the CARVA arrangements have been superseded by SCEG's bilateral contracts with Duke and Carolina Power covering interconnection, coordination of scheduled maintenance, spinning reserves and purchase and sale of interchange power, limited term power and energy and short-term power and energy. SCEG also has interchange and coordinating agreements with Georgia Power and its affiliates and with Santee-Cooper. In addition, to augment the reliability of bulk power supply systems in the area it is a party to the Virginia-Carolinas Reliability Agreement and a member in the Virginia-Carolinas subregion of FPC's South Eastern Reliability Council. Other participants are Yadkin, Inc., the Interior Department's Southeastern Power Administration (SEPA), Santee-Cooper and the former members of the CARVA Pool.

Aside from its coordination with major utilities, the applicant is also a supplier of bulk power at wholesale to certain municipalities and cooperatives. There are four municipal utilities within its territory, and it provides full-requirement service to three (two of which are quite small). Of some 12 distribution cooperatives wholly or partly within its territory, SCEG provides a portion of the power needs of only four. It also sells a small supply of power to a wholesale cooperative in the area under a short-term contract, for use by one of the latter's member distribution cooperatives. SCEG's wholesale business, however, accounts for only about 5 percent of its total current system load.

Competitive considerations. In its service area the applicant faces strong competition in bulk power sales and, until recently, in retail distribution. The principal competitive alternatives for bulk power open to municipals and co-ops in the area are SEPA and Santee-Cooper. Output from the Government's Clark Hill hydro facilities on the Savannah River is marketed by SEPA to cooperatives as preference customers under the Flood Control Act of 1944, and wheeled to those in the eastern two-thirds of South Carolina by transmission facilities owned or controlled by Santee-Cooper.[1] This State agency, which began operations in 1942 after completion of the Santee-Cooper hydro facility, is now a fully integrated electric utility with hydro, steam and gas turbine generation and a transmission system interconnected with both SCEG and SEPA. Under leasing contracts it also operates the steam generating plant and transmission network of Central Electric Cooperative, Inc., a wholesale cooperative owned by 15 South Carolina distribution co-ops. The present generating capacity operated by Santee-Cooper amounts to 860,000 kw., while the combined transmission system, covering the eastern two-thirds of the State with lines ranging from 34 to 115 kv., totals some 2,200 circuit miles.[2]

Although the majority of Santee-Cooper's retail distribution is to the northeast of the applicant's territory as previously noted, its transmission network makes possible a considerable amount of bulk power sales within that territory. Thus Santee-Cooper serves at wholesale one municipality, the Central co-op (nine of whose 15 members are within the area) and the Berkeley co-op which is not a member of Central. In general, these wholesale customers obtain about 80 percent of their power requirements from Santee-Cooper and 20 percent from SEPA. In the case of three cooperatives—Palmetto, Berkeley and Coastal (through Central)—these supplies are supplemented by wholesale contracts with SCEG.

In summary then, the applicant provides the full bulk power requirements of three of the four municipal utilities in its service area and (directly or indirectly) a lesser portion of the requirements of five of the area's 12 distribution co-ops. All but one of these wholesale contracts, mostly entered in the late 1940's and early 1950's and continued from year to year, contain one or more provisions which on their face impose anticompetitive restraints on the customer. These are of three general kinds: (1) provisions giving SCEG an absolute veto power over the customer's using the purchased power in conjunction with any other source of power; (2) provisions imposing restrictions against resale of purchased power to another electric entity; and (3) provisions making territorial allocations between the parties in retail distribution. In effect, these provisions give SCEG extensive control over its wholesale customers' access to alternative bulk power coordination arrangements which would involve sales to or coordination with other systems. They also restrain the customers' ability to compete with SCEG at retail.

The impact of these restraints on retail competition has been affected to some extent, however, by 1969 amendments to South Carolina law dealing with the rights of investor-owned utilities and cooperatives to territorial service areas outside municipalities.[3] These amendments impose broad restrictions on competition in retail distribution. In relevant part, these provisions generally grant each utility exclusive rights to a corridor extending 300 feet outward on both sides of all its existing distribution lines and later extensions thereof, except where these corridors overlap another utility's corridor or service area. In addition, the South Carolina Public Service Commission is to demarcate each utility's exclusive retail service area boundaries, giving due regard to the corridors so established.[4]

Conclusions. No competing utility has indicated to us any antitrust objection to licensing the Summer nuclear facility. Santee-Cooper is presently negotiating with SCEG for participation in a substantial share of the plant's output, either on an ownership or a purchase basis, and we are advised that negotiations are proceeding smoothly. Central is definitely interested in obtaining the benefits of a share in the Summer facility, but because of its contractual relations with Santee-Cooper is awaiting the outcome of the negotiations between the latter and SCEG. I has no plans to intervene in this proceeding.

With the comparatively large number of distribution coops scattered throughout SCEG's service area, there has been considerable scope for retail competition in the past. This will be seriously curtailed in future, but only as a result of the change in South Carolina law. To the extent that retail competition is still permitted, the cooperatives should be effective competitors with SCEG since they are not dependent upon it for bulk power supply. In wholesale purchasing, the power output of Santee-Cooper, as supplemented by SEPA and made available by the Central-Santee-Cooper transmission system, provides a competitive alternative to SCEG. Aside from the pending negotiations concerning the Summer facility, Santee-Cooper also has independent generation expansion plans. Thus it would appear that competing utilities in the area will have an adequate alternative in bulk power supply

[1] The SEPA entitlements of Broad River and Little River, two small co-ops at the northwestern border of SCEG's service area, are wheeled to them by Duke which also provides most of their remaining requirements. SCEG bulk power sales to them account respectively for about 7.5 percent and 25 percent of their needs.

[2] About the same total number of circuit miles as SCEG's system, a major portion overlaps the latter system. Within its service area, however, SCEG has both more circuit miles and more higher voltage lines.

[3] Code of Laws of South Carolina, 1962, section 24–13 through 24–18.

[4] The Public Service Commission has required that the investor-owned utilities negotiate individually with each cooperative in or adjacent to its area on mutually agreed retail service boundaries. The parties are then to submit such agreement to the Commission for approval. So far, SCEG has completed boundary negotiations with only one co-op, an arrangement not yet approved by the Commission.

to enable them to compete with SCEG for load growth in terms of cost and power supply reliability.

Accordingly, but for the unnecessarily restrictive provisions in the applicant's wholesale contracts with its municipal and cooperative customers we would see no need for an antitrust hearing on this licensing application. We have had discussions with the applicant on this point, however, and it has agreed to negotiate with its wholesale customers the appropriate amendment or deletion of the questioned provisions as set forth in the attached letter. SCEG's commitment to change its General Terms and Conditions eliminates the unnecessarily restrictive and arbitrary veto power over a customer's use of purchased power in conjunction with an outside source of power supply. The new provisions permits such use, providing only for prior notice and agreement between the parties on any technical measures which may be needed to insure against possible damage to the interconnected systems from the customer's use of outside power. The remaining amendments delete entirely or in relevant part contractual provisions restricting use or resale of purchased power or allocating retail areas between the parties.

Therefore, so long as SCEG proceeds promptly in the manner in which it has represented and files appropriately amended contracts with the Federal Power Commission and the South Carolina Public Service Commission within 90 days, we conclude that no antitrust hearing by the Atomic Energy Commission will be required with respect to the application.

SOUTH CAROLINA ELECTRIC & GAS COMPANY

MR. JOSEPH A. MULLIN,
Attorney, Antitrust Division,
Department of Justice,
Washington, D.C. 30530.

MARCH 24, 1972.

DEAR MR. MULLIN: Following is a report on the status of the commitments made to you in your office on March 15, 1972 concerning the General Terms and Conditions of this Company and certain wholesale contracts. We will list the actions in the order as the matters were discussed at our conference.

1. The General Terms and Conditions have been changed by action of the South Carolina Public Service Commission on March 21, 1972 under Order No. E–1159 and Docket No. 16073 in that Item 5.(g) was deleted and the new Item 5.(g) is as follows:

Single Source of Supply;

Electricity supplied by the Company shall not be electrically connected with any other source of electricity without reasonable written notice to the Company and agreement by the parties on such measures or conditions, if any, as may be required for reliability of both systems.

2. March 17, 1972 we wrote to The Honorable W. E. Haslett, Mayor, town of Winnsboro, and suggested a change in the contract between the town of Winnsboro and this Company dated July 21, 1955, so that a period would be inserted after the word "Town" on the seventh line of Article 1 and the deletion of the remainder of the Article not previously deleted by modification of the contract dated August 3, 1965. We also suggested in that communication the deletion in its entirety of Article 7.

I discussed the matter of the changes in the contract with Mayor Haslett and he said that it is now being considered by the town's Attorney.

3. We wrote to The Honorable E. O. Pendarvis, Mayor, city of Orangeburg, on March 17, 1972, and suggested that the contract between the city of Orangeburg and this Company dated July 27, 1964, be changed by the insertion of a period after the word "requirements" on the third line of the second paragraph and the following phrase be deleted "for resale to both its current and future customers of electric energy in the city and its environs:".

We have discussed the suggested changes with Mr. Alan McC. Johnstone, Manager of the Department of Public Utilities, city of Orangeburg, and he said that the Mayor and Council will take action on the changes at the next meeting of the Council which will be held within the next 10 days.

4. We wrote to Chairman J. W. Fooshe, Commissioners of Public Works, town of McCormick, on March 17, 1972, and suggested a change in the contract between town of McCormick and this Company dated May 2, 1951, to amend Article 12 by the insertion of a period after "customer" in the third line from the bottom and the deletion of "for the operation of electric lights, motors, and appliances in the town of McCormick, S.C."

I discussed this change with Mr. Paul R. Brown, who for many, many years was Chairman of Commissioners of Public Works and who signed the original contract, and he told me he would have Mr. Fooshe sign my letter accepting the change and return it to us at an early date.

5. We wrote to Mr. C. M. Keiffer, President, Palmetto Electric Cooperative, Inc., on March 17, 1972, and suggested a change in the contract between that Cooperative and our Company dated October 25, 1946, by the deletion of Items 14, 15, and 16.

Mr. Keiffer signed our letter in the space captioned "Accepted" and returned it to us. This letter together with the others will be filed with the Federal Power Commission as soon as they are received by us.

6. We wrote to Mr. J. Elmer Branyon, President of Little River Electric Cooperative, Inc., on March 17, 1972 and suggested a change in the contract between that Cooperative and our Company dated November 3, 1948, by the deletion of Items 14, 15, and 16.

7. We wrote to Mr. W. G. Strozier, President, Berkeley Electric Cooperative, Inc., on March 17, 1972, and suggested a change in the contracts between that Cooperative and our Company as follows:

We suggested the deletion of Items 14, 15, and 16 in contract dated July 11, 1950, and the two contracts dated October 11, 1950, which cover the service points of Awendaw, S.C.; Mount Pleasant, S.C., and Johns Island, S.C., respectively.

8. We wrote to Mr. Carlisle Hart, President, Broad River Electric Cooperative, Inc., on March 17, 1972, and suggested a change in the contract between that Cooperative and our Company dated March 1, 1949 by the deletion of Items 17, 18, and 19 and the second and third paragraphs of the attachment identified as Electric Rate Schedule No. 10—Resale Service to Nonprofit Electric Cooperatives.

As soon as we have received acceptance of the changes agreed to in our conference and covered by our communications to the several wholesale customers, we will file the changes to our contracts with the Federal Power Commission and at the same time furnish you with the information filed.

Sincerely,

ALLAN C. MUSTARD.

[FR Doc.72–5549 Filed 4–11–72;8:47 am]

[Dockets Nos. 50–250, 50–251]

FLORIDA POWER & LIGHT CO.

Establishment of Atomic Safety and Licensing Board

In the matter of Florida Power & Light Co. (Turkey Point Units 3 and 4), Dockets Nos. 50–250, 50–251.

On April 4, 1972, the Commission published in the FEDERAL REGISTER (37 F.R. 6777) a notice of hearing concerning the application for operating licenses for two pressurized water reactors filed by the Florida Power and Light Co. That notice indicated the Safety and Licensing Board for this proceeding would be designated at a later date, and the notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. A. Dixon Callihan, Dr. Cadet H. Hand, Jr., and Mr. Samuel W. Jensch, Chairman. Dr. Emmeth A. Luebke has been designated as a technically qualified alternate and Mr. Jerome Garfinkel has been designated as an alternate qualified in the conduct of administrative proceedings.

The date and place of a prehearing conference and of a hearing will be set by the Board. Notice as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Dated at: Washington, D.C., this 10th day of April 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72–5645 Filed 4–11–72;8:50 am]

[Dockets Nos. 50–250, 50–251]

FLORIDA POWER & LIGHT CO.

Notice and Order for Prehearing Conference and Evidentiary Hearing

In the matter of Florida Power & Light Co. (Turkey Point Nuclear Generating Units No. 3 and No. 4), Dockets Nos. 50–250, 50–251.

The Atomic Energy Commission, by its memorandum and order and notice of hearing, provided that the dates of a prehearing conference and the evidentiary hearing be designated by the Atomic Safety and Licensing Board. The order and memorandum of the Commission stated that the issue for consideration at the conference and hearing will be the steam line safety valve header failure incident referred to in the petition seeking a hearing filed by Paul Siegel of Miami.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, a prehearing conference in this proceeding shall convene at 1 p.m., on Wednesday, May 10, 1972, at Executive Conference Room 208, Federal Office Building, 50 Southwest First Avenue, Miami, FL. At that prehearing conference in accordance with the notice of hearing issued by the Commission on March 30, 1972, the date of the evidentiary hearing in this proceeding will be designated to be May 11, 1972, and the evidentiary hearing shall convene in this

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proceeding at 9:30 a.m., on May 11, 1972, in Executive Conference Room 208, Federal Office Building, 50 Southwest First Avenue, Miami, FL.

Issued: April 10, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-5669 Filed 4-11-72;9:27 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20993 etc.; Order 72-3-105]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare, Cargo Rate, and Related Transpacific Far East Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 30th day of March 1972.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to passenger fare, cargo rate, and related transpacific and Far East matters, Docket 20993; Agreement CAB 22332, R-24; Docket 22628; Agreement CAB 22628; Docket 23333; Agreements CAB 22332, R-53; 22460;[1] 22689; 22742; 22821; and 22900;[2] Docket 23486; Agreements CAB 22663;[3] 22823; 22854; and 22900.[3]

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the International Air Transport Association. Insofar as they are of significance in air transportation as defined by the Act, the agreements, which have been assigned the above-designated CAB agreement numbers, comprise the overall worldwide fare structures generally intended for effectiveness from April 1, 1972, and cargo rate structures in the Western Hemisphere and South Pacific.

By Order 72-2-33, dated February 10, 1972, procedural dates were established by the Board for the receipt of carrier data and justification, comments, objections, and replies with respect to the agreements on file with the Board. Data and comments have been received from numerous persons and the matter is now ready for the Board's decision. This order will deal with North/Central and South Pacifics fare and rate matters and other orders issued contemporaneously herewith will deal with other areas.

The agreements. The agreements represent a slight modification of last year's transpacific fare and rate structure and are comprised generally of increases in a majority of fares, reductions in other fares, and the introduction of a new promotional fare in the South Pacific. The proposed cargo rates between the West Coast and the South Pacific generally reflect increases in the minimum charges, the elimination of general cargo rate levels at the 200 kilogram weight-break, and various adjustments, cancellations, and additions, within the specific commodity rate structure. Appendix A[3a] sets forth a comparison in principal markets of present and proposed fares and rates, and percentage changes.

Carrier justification. The U.S. carriers urge approval of the agreements and have furnished statements and data in support of their views. In general, they contend that the agreed fares and rates are fully justified by higher costs of service, including new charges levied by various governments for enroute facilities and by the devaluation of the U.S. dollar in relation to other currencies. The carriers' forecasts of their revenues, expenses, and earnings under the agreed fares are summarized in Appendix B,[3a] Table I.

Support for the Pacific agreements has also been advanced by Japan Air Lines Company, Ltd. (JAL). JAL urges prompt approval of the agreements, stating that since December 1, 1971, the carriers serving Japan have suffered a revenue loss of 4.73 percent on more than half of their total traffic due to currency revaluation, and that the increases embodied in the agreements would not provide full recovery of these losses.

Comments and objections. The only opposition to the North/Central Pacific fare agreement is expressed by the Aviation Consumer Action Project (ACAP). ACAP alleges that the agreements are not supported by adequate conference documents; the Board in ex parte meetings with the carriers made the carriers aware of its tentative views on these fares; the Board lacks the legal authority to ascertain the fairness and reasonableness of international air fares and is therefore not competent to approve the proposed fares; the proposed 1972 fares are higher than those available in 1962; the proposed fares are unreasonable; the U.S. airlines' participation in IATA is not justifiable; the disparity between transatlantic and transpacific fares is untenable; and the IATA directional fares are adverse to the public interest and in any event IATA has no jurisdiction to prescribe proportional fares. ACAP requests rejection of the agreements. However, if the Board decides in favor of approval, ACAP contends that it should avoid making any findings as to the reasonableness of the fares embraced by the agreements.

Replies. Both Pan American and Northwest Airlines, Inc. (Northwest) allege that ACAP has made numerous miscalculations and has failed to demonstrate in what was the agreement encompassing North/Central Pacific fares is contrary to the public interest. Specifically, the carrier respondents contend that the procedures undertaken in connection with the North/Central Pacific fares were not contrary to the Federal Aviation Act; that the comparison made between 1972 and 1962 fares is laden with errors and omissions; that ACAP has failed to prove its allegations of unreasonableness; that its comparison of transatlantic with transpacific fares is incorrect; that directional fares are in the public interest; and that the proportional fares are in the public interest and IATA does not fix fares for local travel between U.S. domestic points.

Findings. West Coast-Tokyo fares for the most part are to be increased from 1 to 13 percent, except for two fare categories (westbound basic season group inclusive tour fares and fares for affinity groups of 70) which are reduced by 4 and 11 percent, respectively. Fares from the West Coast to other Far Eastern points reflect increases of 7 percent, except basic season group inclusive tour fares and fares for affinity groups of 70 which are decreased by 1 to 2 percent. Between the West Coast and Australia, fares are generally proposed to be increased from 6 to 11 percent, while affinity group fares provide reductions of 12 percent from present fares. In addition, new low-level group inclusive tour fares are introduced in the South Pacific. Between the West Coast and Tahiti, fares are generally increased 6 percent (excursion fares are up 10 percent), while affinity group fares are reduced by 12 percent. The cargo rates agreed upon between the West Coast and the South Pacific generally provide for increases in minimum charges, and the elimination of a 200-kilogram weight break in the general rate structure. Additionally, related specific commodity rates are agreed to be increased and others to be canceled. The finally agreed fare and rate structures represent a composite of separate agreements reached by the carriers.

One agreement revised the fare structure to and from Japan by increasing normal economy, excursion, affinity groups of 25, and individual inclusive tour fares in amounts ranging from $30 to $40, round trip. First-class fares remained unchanged, while group inclusive tour fares and affinity group fares for 70 or more were reduced by $30 to $75. These changes were made to cover new costs arising from the imposition of enroute facilities charges by the Government of Japan, and to partially offset increased costs incurred as a consequence of the fluctuating relationship between the dollar and the yen. Fares agreed to points in the Far East other than Japan were not at that point changed, except for reductions in basic season group inclusive tour fares and fares for affinity groups of 70 or more. First-class, economy, and excursion fares between the West Coast and Australia were increased from $30 to $60, whereas affinity group fares were decreased by $121. A subsequent agreement raised all the North and Central Pacific fares by 7 percent and South Pacific fares by 6 percent to offset the higher costs of doing business resulting from the devaluation of the dollar in relation to other currencies. The agreed South Pacific cargo rates were likewise raised by 6 percent for the same reason.

In response to Board Order 72-2-33, the carriers furnished detailed forecasts of traffic, capacity, revenue, costs, investment, and rate of return on the basis of the present and the proposed fares. Appendix B, tables I and II summarize the carriers' submissions.

Pan American, the U.S. combination carrier serving both the North/Central and the South Pacific routes states in its justification to the Board requesting approval of the agreements that its seat-load factor will increase from 49.8 percent in 1971 to 51.2 percent in 1972, reflecting available seat-mile increases of 22.9 percent, with revenue passenger miles expected to increase by 26.5 percent. Associated with the projected increase in traffic under the proposed structures is an increase of $12.5 million in revenues which is in large part offset by increased costs stemming from the impact of currency revaluation, the imposition of en route facilities charges, and increased fuel and other costs representing $12.4 million. The carrier alleges that the overall impact of the package now before us would be a submarginal return on investment of 3.18 percent—substantially below the 12 percent return which the Board found to be reasonable for domestic transportation. In the event of Board disapproval of the agreements, Pan American estimates its return on investment in transpacific services at 0.55 percent.

Northwest Airlines alleges that the transpacific fare agreements will only partially recover added expenses flowing primarily from currency revaluation and en route facility costs. Northwest projects increased revenues of $6.2 million which are offset by anticipated increases in fuel costs, en route facility charges and costs related solely to currency revaluation totaling $5.4 million. Not included in the carrier's estimates are contractual labor cost increases and anticipated increased costs of vendor supplies. In the event of Board approval of the fare agreements, Northwest anticipates a return on investment in 1972 of 7.54 percent compared with a return of 5.19 percent at existing fares. The carrier estimates a passenger-load factor of 35.7 percent in 1972, reflecting an increase over 1971's 29 percent. Passenger-miles and seat-miles are forecast to grow by 37 and 18 percent, respectively. The carrier contends that the projected modest increase in fares will have only a slight impact on traffic.

American Airlines, serving the South Pacific, projects load-factor improvements of 10.8 points (from 26.8 to 37.6) and an increase in net revenues of approximately $700,000 in the event the fare agreement is approved as compared with revenues estimated at current fares. A portion of the revenue increase is intended to cover increased expenses arising from currency revaluations—$157,000. This carrier estimates that it would realize a return on investment of 7.3 percent in the event of Board approval; however, if the Board were to disapprove the subject agreements its return (excluding MAC operations) would be only 1 percent.

Trans World Airlines, Inc. (TWA), which serves only the Central Pacific to points other than Japan, projects an operating loss of close to $9 million under the proposed fares; in the event of disapproval by the Board, the carrier estimates an operating loss of about $10 million. TWA projects a slight decline in revenue passenger miles attributable to the proposed fare increases. However, the carrier estimates it would realize an improvement of 1.5 points in its return on investment, but would still be in a negative earnings position. Increased revenues stemming from the fare package are estimated at $890,000, as compared with revenues at existing fares, with increased costs attributed to currency revaluation estimated at $1,337,000—well in excess of the anticipated revenue increase.

The Board has reviewed the carrier data and has made certain adjustments to reflect somewhat higher load factors and to delete projected cost increases which do not appear to arise from contractural obligations. The adjustments parallel those made to the carrier's forecasts for transatlantic services. The details of these adjustments are shown in appendix B, table III.

Pan American and Northwest, which together account for the bulk of U.S.-flag carrier transpacific services, project for 1972 substantial increases in passenger traffic over 1971 volumes, amounting to 27 and 37 percent, respectively. Notwithstanding the already comparatively low load factors experienced in 1971, each carrier forecasts large capacity increases, 23 percent for Pan American and 13 percent for Northwest. The resulting passenger load factors for 1972 are only 51 percent for Pan American and 36 percent for Northwest. The latter carrier attempts to justify its low load factor in terms of its being required to operate transpacific flights from both Los Angeles and San Francisco. We know of no requirement, however, that Northwest operate three of its four transpacific flights with B-747 aircraft instead of the pattern of two B-707 flights and two B-747 flights operated last year, and we can find no basis to charge the ratepayers for the excess capacity resulting from such operations. Disallowance of the capacity attributed to the substitution of one B-747 for one B-707 flight reduces allowable seat-miles by nearly 20 percent and produces a load factor of 44 percent. While this load factor appears somewhat low, we have decided to recognize such load factor herein for present purposes in view of the nature and circumstances of Northwest's transpacific services. Acceptance of the indicated load factors involve a substantial element of judgment and we have not had an opportunity to make a more thorough review of the capacity requirements in the various markets affected by these agreements. Our conclusions, therefore, are applicable solely to the instant resolutions and are without prejudice to a reevaluation of this entire question in dealing with future agreements.

For the Pacific, Pan American's forecast, unlike its forecast for the transatlantic area, shows a substantial increase in seat-miles, largely offsetting the traffic growth it anticipates, despite the fact that its 1971 load factor was only 50 percent. In our opinion, an increase of capacity of the magnitude proposed (23 percent) is not required by, and therefore should not be charged to, the traveling public. We will recognize for rate-making purposes, however, an increase in capacity of 15 percent which, coupled with the 27 percent traffic increase, results in a passenger load factor of 55 percent.[4]

We have also reviewed the carriers' estimates of operating expenses and adjustments have been made to Pan American's projections consistent with the adjustments and disallowances from its transatlantic forecast. Operating expenses have also been disallowed for both Pan American and Northwest to reflect the capacity adjustments discussed above.

On an adjusted basis, the projected 1972 return on investment after taxes for each of the four U.S.-flag carriers is as follows:

American	1.3%
Northwest	13.5
Pan American	[5]6.5
TWA	−14.1

Three of the four earnings' figures are well below the 12 percent standard established by the Board in Phase 8 of the Domestic Passenger Fare Investigation, for domestic U.S. services.[6] The earnings of the U.S. transpacific operators have declined sharply in the last 2 years from the extremely high level that prevailed earlier,[7] and are forecast to remain at much more moderate levels through the current year. The decline does not appear to be entirely or largely due to cyclical factors but is also due, we believe, to modifications in carrier route structures and competitive patterns, and carrier costs of operation. Therefore, we do not believe the carriers very favorable earnings of several years past require us to disapprove the instant agreements which embody numerous

[1] Agreement CAB 22460, R-32; R-33; R-38; R-39; R-42 through R-46; R-48; R-52; R-55; R-58; R-59; R-63; and R-65.

[2] Agreement CAB 22900, R-1 through R-11.

[3] Agreement CAB 22663, R-32; R-34; R-36 through R-39; R-41 through R-43; R-60 through R-62; R-64; R-66 through R-68; R-71; R-73 through R-75; R-77; R-78; R-80; R-81; R-83; R-86; R-87; R-91; R-93; R-95 through R-99; R-102; R-105; R-106; R-113; R-114; R-189; R-255 through R-258; R-260 through R-267; R-274; R-275; R-277 through R-287; R-289; and R-290.

[3a] Filed as a part of the original document.

[4] American and TWA operate relatively new and less dense routes in the Pacific which appears to justify their estimated load factors of 38 and 42 percent, respectively.

[5] For the reasons set forth in our contemporaneous order concerning transatlantic IATA agreements, we give relatively little weight to Pan American's indicated earnings.

[6] Domestic Passenger-Fare Investigation, Docket 21866-8, Order 71-4-58, April 9, 1971.

[7] Appendix B, page 5, table IV.

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price increases in both the passenger- and cargo-rate structures. By the same token future traffic growth, rising load factors, and effective cost control programs should enable the carriers to achieve reasonable earnings.

Moreover, as we discussed at some length in our transatlantic order, the bulk of the agreed increases flows from the adjustment to reflect the devaluation of the U.S. dollar in relation to other currencies. As shown in appendix B, the U.S. carrier earnings would be measurably less favorable if the currency adjustment is not made, and it is likely that the situation of foreign air carriers would be worse. Yet the increased costs of doing business resulting from the dollar devaluation incurred by the industry as a whole are beyond the control of the carriers. On the basis of the facts before us, the carriers' 7-percent adjustment to North and Central Pacific fares and 6 percent to South Pacific fares and rates appear reasonable and justified.

The fare structure modifications inherent in the instant agreements similarly appear to be reasonable. The carriers apparently intend to rely more on the group inclusive tour fare as a basis for increased tourist travel in the area. For North and Central Pacific services the maximum GIT discounts are in the range of 37–42 percent from normal economy fares. A similar fare is being introduced on South Pacific routes at moderately greater discounts. We continue to believe that more emphasis should be given to promoting new individual travel than seems to be accomplished by the existing structure but will not withhold approval now on that basis.

The adjustments in the South Pacific cargo rate structure appear to be reasonable and likely to improve the economics of the cargo services.[8] We perceive no basis to disapprove the cancellation of the 200 kg. weight break or the cancellation of various specific commodity rates. We have historically viewed weight breaks and commodity rates as promotional services and have permitted carriers substantial flexibility with respect to them with a view to optimizing the economics of the cargo services.

ACAP's comments submitted in connection with the pending transpacific fare agreements are similar in many respects to its comments on the transatlantic fare agreement,[9] and to that extent we have disposed of these comments in our transatlantic order.[10] Other comments go to the merits of the instant agreements. As elsewhere discussed in detail in this order we have carefully reviewed the fare agreement on the merits and have concluded to approve it. ACAP also urges the Board not to approve, without further inquiry the resolutions dealing with seating configurations, routing control, conditions of service, and baggage allowance. These matters are clearly an integral part of the fare structure, and ACAP has submitted no evidence or basis to withhold approval. Finally, ACAP contends that the U.S. carriers should not be permitted to participate in IATA. Such participation has long been permitted by the policies of this Government. In any event, this matter is irrelevant to the issues presented by the instant agreements.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that those resolutions and agreements set forth in Appendix C [11] are adverse to the public interest or in violation of the Act;

2. It is not found that those resolutions set forth in Appendix D [11] are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board;

3. It is not found that those resolutions and agreements set forth in Appendix E [11] are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions stated therein; and

4. It is not found that those resolutions set forth in Appendix F,[11] which are indirectly applicable in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 22663, 22460, 22900, 22628, 22689, and 22742 set forth in Appendix C, as well as Agreements C.A.B. 22823 and 22854, be and hereby are approved;

2. Those portions of Agreements C.A.B. 22663 and 22460 set forth in Appendix D are approved subject to previous conditions imposed by the Board;

3. Those portions of Agreements C.A.B. 22663 and 22460 set forth in Appendix E, as well as Agreements C.A.B. 22333, R–24 and R–53, and 22821, be and hereby are approved subject to the conditions set forth in Appendix E; and

4. Those portions of Agreement C.A.B. 22460 set forth in Appendix F be and hereby are approved.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-5569 Filed 4-11-72;8:49 am]

[8] We are, however, conditioning approval of Resolution 511, Rates for Live Animals, to preclude high minimum charges for this type of traffic above the level of those established for consignments of a general nature. No justification has been submitted by the carriers as to why such traffic should take a surcharge. We are also conditioning the resolution so as to apply past Board policy with respect to baby poultry, monkeys, and primates uniformly to all areas of air transportation as defined by the Act.

[9] For example, the ACAP contentions that the documentation and justification submitted by the carriers are inadequate; that the Board should refrain from deciding the reasonableness of the agreed fares; that IATA has no authority to agree on proportional fares; and that the Board engaged in an ex parte meeting with the U.S. IATA carriers on the basis of which it issued a policy statement on fares, have all been disposed of in the transatlantic order. Moreover, without conceding that any meeting between the Board and U.S. IATA carriers is improper, it can be stated that none was held on the subject of transpacific fares at any time prior or subsequent to the Miami Traffic Conference.

[10] ACAP's comments regarding the directional character of the Pacific GIT fares were rejected by Order 71–12–140.

[11] Filed as a part of the original document.

[12] A joint partial statement filed by Member Minetti and Murphy will be issued later.

FEDERAL POWER COMMISSION

[Docket No. R–371, etc.]

RICHTER OIL CO., ET AL.

Order Granting Special Relief and Terminating Proceedings

APRIL 6, 1972.

Area rates for the Appalachian and Illinois basin areas, Docket No. R–371; Richter Oil Co., et al. v. Pennzoil United, Inc., Docket No. RI71–436, etc.[1]

On October 30, 1970, Richter Oil Co. (Richter) filed a petition for reconsideration of the Commission's Order No. 411, issued October 2, 1970, and for special relief thereunder.[2] By Order No. 411, the Commission added new §§ 154.107 and 154.108, and new paragraphs (e) and (f) to § 157.40, of its regulations under the Natural Gas Act. The new provisions of the regulations set forth maximum and minimum just and reasonable rates for the Appalachian and Illinois basin area.

Richter, a small producer, filed its petition for special relief under that section of Order No. 411 which fixed a minimum rate of 20 cents per Mcf at 15.325 p.s.i.a. to be paid producers of natural gas in the Appalachian basin area. However, Richter requests that the Commission grant to it a minimum rate of 25 cents per Mcf for sales of natural gas by it to Pennzoil United, Inc. (Pennzoil). Pennzoil transports and resells the gas to Consolidated Gas Supply Corp. (Consolidated).

For reasons stated in Order No. 411–B, we determined that the sales by Richter to Pennzoil were not sales to a pipeline purchaser, or "an affiliate of the same", as that phrase is used in Order No. 411, and thus were not entitled to the minimum rate prescribed therein. We stated in Order No. 411, however, that:

> • • • (I)f there are instances where a producer should receive some relief from unreasonably low contract prices for a sale to an independent intermediate buyer such situations should be brought to our attention through a petition for special relief.

Thus, Richter's petition for special relief has properly been filed, even though it requests a rate above the minimum rate we established in Order No. 411.

Subsequently, 42 other small producers—who sell gas to Pennzoil which is resold to Consolidated—also filed petitions for special relief in which each asked for a minimum rate of 25 cents per Mcf.

Richter, and each of the petitioners (Richter et al.), aver that Pennzoil pays 12 and 15 cents per Mcf for gas sold under contracts which do not provide for any price redetermination. Each of the petitioners filed exhibits and appendices to its petition which show, inter alia, that it has sustained, and is sustaining a net operating loss in its natural gas business, or that it is receiving so low a revenue from current operations that it cannot continue in the natural gas business.

Initially, Pennzoil opposed each of the petitions for special relief, because, it averred, the rate it was charging and collecting from Consolidated for such gas did not permit it to pay petitioners any more for their gas without confiscation. Subsequently, however, Pennzoil filed, on July 14, 1971, an amendment to its contract with Consolidated which provided, inter alia, that it would increase its rate to Consolidated from 25 cents to 29.58 cents per Mcf at 15.025 p.s.i.a. at 50° F.,[3] and would increase the rate it paid to its producer-suppliers a commensurate amount. Pennzoil's contract amendment, and related notice of change in rate, under its FPC Gas Rate Schedule No. 10, were accepted by the Commission effective as of July 15, 1971. Consequently, Richter et al., received an approximate 5-cent increase per Mcf for their sales of natural gas to Pennzoil at that time.

Simultaneous with the filing of its contract amendment and proposed increase in rate, Pennzoil filed its petition for special relief in Docket No. R–371, requesting that it be granted authority to increase its rate to Consolidated from 29.58 cents to 35 cents per Mcf at 15.025 p.s.i.a. at 50° F.[3] In support of its petition, Pennzoil cited the Commission's statement in its Order No. 411, 44 FPC 1112, at 1123:

> • • • it is proper to include a gathering allowance for all sales as part of the ceiling rate as we have done here. Such allowance should adequately recompense the producers for whatever gathering services, if any, they perform. However, in the event the gathering performed by an individual producer in this area is of such magnitude that special consideration is required, then that producer may file a request for special relief.

And it tendered a cost of service exhibit which shows that its unit cost of gathering the subject gas for sale to Consolidated is 13.81 cents per Mcf. Pennzoil's exhibit shows that it owns and operates over 100 separate, unconnected gathering systems to gather the gas it delivers to Consolidated; that it purchases such gas at more than 400 meter points, and that its gathering system consists, in the aggregate, of approximately 1,800 miles of lines ranging in size from 2 inches to 10 inches. Further, Pennzoil shows that much of the gas it purchases, gathers, and sells to Consolidated must be compressed by it prior to delivery to Consolidated at 116 delivery points. No answer, objection or response was filed by any party to Pennzoil's petition.

Consideration and examination by us of Pennzoil's cost of service exhibit and its statements in support thereof show that its gathering functions with which we are concerned are not of the character which we had under consideration when we determined in our Order No. 411 that it was not feasible to limit the ceiling rates to wellhead sales, ibid, p. 1123. Consequently, we find that Pennzoil has demonstrated that its gathering functions are of such magnitude as to require special consideration, and we shall grant it the relief requested.

In its petition, Pennzoil stated that it had advised the producers from whom it purchases gas that as of the effective date of the increase which it seeks herein, it will increase the price Pennzoil pays to them by a like amount. Therefore, our allowance of Pennzoil increasing its rate to Consolidated from 29.58 cents to 35 cents per Mcf at 15.025 p.s.i.a. at 50° F., means that it will increase the price it pays to Richter et al., and other producers from whom it may purchase gas for resale to Consolidated, by a like amount. Consequently, by granting Pennzoil's petition, we have in effect granted the petitions for special relief filed by Richter et al., because each of them will be receiving at or about 25 cents per Mcf at 15.025 at 50° F. for gas sold to Pennzoil. Thus, their petitions for special relief are rendered moot by our action herein, and we shall terminate those proceedings.

The Commission finds:

(1) The public interest requires and good cause has been shown to grant the petition for special relief filed by Pennzoil in Docket No. R–371 on July 14, 1971, and to permit it to make appropriate rate filings to implement the same.

(2) The proceedings in Docket No. RI71–436, and those set forth below should be terminated.

The Commission orders:

(A) The petition for special relief filed herein by Pennzoil on July 14, 1971, is granted to the extent that a rate of 35 cents per Mcf at 15.025 p.s.i.a. at 50° F., shall apply to its sales of natural gas to Consolidated Gas Supply Corp. under Pennzoil's FPC Gas Rate Schedule No. 10, effective as of the date of this order upon compliance with the provisions of ordering paragraph (B) hereof. As provided in its petition for special relief, Pennzoil shall increase the price it pays to the producers from whom it purchases gas for resale to Consolidated effective as of the date of this order commensurate with the increase granted Pennzoil herein.

(B) Within 30 days of the issuance of this order, Pennzoil shall file a notice of change in rate to the rate level authorized in ordering paragraph (A) above.

(C) The proceedings in Docket No. RI71–436, and those set forth below, are terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	*Name*
RI71–565	C. G. Krebs, agent.
RI71–566	Do.
RI71–567	Sweetland, Burns & Lockwood.
RI71–568	Gibbs Gas Co.
RI71–569	Sweetland Land and Mineral Co., a corporation.
RI71–570	R. H. Adkins, trustee for AM&S.
RI71–571	Brooks Gas Co.
RI71–572	Marval Gas Co.
RI71–573	The Curry Gas Co.
RI71–574	Riverhead Gas Co., a corporation.
RI71–575	Mud River Gas Co., a corporation.
RI71–576	Empire State Gas Co.
RI71–577	A. F. Morris, trustee for SPB&M.
RI71–578	Six Mile Gas Co.
RI71–579	A. F. Morris, factor.
RI71–580	Russell Gas Co., a corporation.
RI71–582	Martin Gas Co.
RI71–583	Sue Gas Co.
RI71–584	Swann Gas Co.
RI71–585	Emery Gas Co.
RI71–586	Templeton Gas Co.
RI71–587	Elkins Branch Gas Co.
RI71–588	Juda Gas Co.
RI71–589	Wolf Pen Gas Co.
RI71–590	Cooper Gas Co.
RI71–591	Toms Creek Gas Co.
RI71–592	David Gas Co., a corporation.
RI71–593	Trace Creek Gas Co.
RI71–594	Stinson Gas Co.
RI71–595	Bee Branch Gas Co.
RI71–596	R. H. Adkins, trustee for McComas et al.
RI71–597	Parsner Gas Co.
RI71–598	Vernon Gas Co., a corporation.
RI71–599	Caldwell Gas Co.
RI71–600	Pridemore & Adkins.
RI71–601	Harmon Gas Co.
RI71–602	Huffman Gas Co.
RI71–603	Hamlin Natural Gas Co., a corporation.
RI71–604	Randolph Gas Co.
RI71–605	J. S. Pridemore & R. H. Adkins.

[FR Doc.72-5531 Filed 4-11-72;8:45 am]

[1] The rate, pressure base and temperature shown are in accordance with Pennzoil's FPC Gas Rate Schedule No. 10 for the subject sale to Consolidated. The applicable State pressure base is 15.325 p.s.i.a. at 60° F.

[2] By Order No. 411–B, order denying petitions for reconsideration, applications for rehearing and stay, issued November 7, 1970, the Commission, inter alia, denied Richter's petition for reconsideration, 44 FPC 1112, 1334 and 1487.

[3] The names of the other petitioners, and the respective docket numbers are set forth below.

[Docket No. CP72–234]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 5, 1972.

Take notice that on March 29, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72–234 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas facilities in Sarpy County, Nebr., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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Applicant proposes to abandon its Omaha TBS No. 2 metering and regulating station in Sarpy County, Nebr., which was used to sell and deliver volumes of natural gas to Metropolitan Utilities District (Metropolitan) for resale to the Foxley & Co. Feedlot (Foxley). Metropolitan has advised applicant that it has discontinued service to Foxley and that Foxley has discontinued operations.

Applicant estimates the cost of removing the Omaha TBS No. 2 metering and regulating station at $100.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5533 Filed 4-11-72;8:45 am]

FEDERAL RESERVE SYSTEM

DEPOSITORS CORP.

Acquisition of Bank

Depositors Corp., Augusta, Maine, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Depositors Trust Company of Portland, Portland, Maine. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 1, 1972.

Board of Governors of the Federal Reserve System, April 6, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5551 Filed 4-11-72;8:47 am]

JACOBUS CO. AND INLAND FINANCIAL CORP.

The Jacobus Co., Milwaukee, Wis., and its subsidiary Inland Financial Corp., Milwaukee, Wis., have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Inland Financial Corp. to acquire indirectly, and the Jacobus Co. to acquire indirectly, 56.3 percent or more of the voting shares of Heritage Bank of Milwaukee, Milwaukee, Wis. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 24, 1972.

Board of Governors of the Federal Reserve System, April 5, 1972.

[SEAL] MICHAEL GREENSPAN,
Assistant Secretary.

[FR Doc.72-5550 Filed 4-11-72;8:47 am]

KANSAS BANK CORP.

Formation of One-Bank Holding Company

Kansas Bank Corp., Liberal, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Liberal, Liberal, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 1, 1972.

Board of Governors of the Federal Reserve System, April 6, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5554 Filed 4-11-72;8:47 am]

MANUFACTURERS HANOVER CORP.

Acquisition of Bank

Manufacturers Hanover Corp., New York, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to First National Bank of Bay Shore, Bay Shore, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the Office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 27, 1972.

Board of Governors of the Federal Reserve System, April 6, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5552 Filed 4-11-72;8:47 am]

NCNB CORP.

Proposed Acquisition of Trust Company of Florida

NCNB Corp., Charlotte, N.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Trust Company of Florida, Orlando, Fla. Notice of the application was published on February 15, 1972, in the Orlando Sentinel and the Orlando Evening Star, newspapers circulated in Orlando, Fla.

Applicant states that the proposed subsidiary would engage in the activities that may be carried on by a trust company (including activities of a fiduciary, agency, or custodial nature; acting as an investment and financial adviser, manager, and counselor; investing, reinvesting, and generally managing the funds entrusted to it in its fiduciary or advisory capacity, and performing such other incidental activities necessary to conduct a trust company business), in the manner authorized by the laws of the State of Florida, but not accepting demand deposits or making commercial loans. The activities that the proposed subsidiary would engage in have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of

resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 5, 1972.

Board of Governors of the Federal Reserve System, April 6, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5553 Filed 4-11-72;8:47 am]

SAVANNAH BANK & TRUST COMPANY OF SAVANNAH

Order Approving Application for Acquisition of Assets and Assumption of Liabilites

Savannah Bank & Trust Company of Savannah, Savannah, Ga. (Savannah Bank), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Chatham Savings Bank, Savannah, Ga. (Chatham Bank), by means of the purchase of assets and assumption of liabilities of the Chatham Bank. As an incident to the merger, the present office of Chatham Bank would become a branch of Savannah Bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Savannah Bank, with deposits of approximately $101 million, is the seventh largest banking organization in Georgia, holding 1.3 percent of total commercial bank deposits in the State.[1] Chatham Bank ($3.4 million in deposits) is a small savings institution prohibited from accepting demand deposits under Georgia law. Approval of this merger would minimally affect statewide concentration figures.

Savannah Bank, located 95 feet from Chatham Bank, competes directly with that bank for time and savings deposits and real estate loans in Chatham County, the relevant geographic market. In Chatham County, Savannah Bank is the second largest commercial banking organization in that market. Savannah Bank holds 15.4 percent of time and savings deposits held by all financial institutions in the relevant market, and Chatham Bank holds 1.2 percent. After the merger, Savannah Bank would continue to rank third in the market for time and savings deposits with 16.6 percent of the market total. In view of the facts of record, the Board concludes that the proposed merger would result in the elimination of some direct competition and that the effect on competition would be adverse. However, the Board is required to consider whether other aspects of the instant proposal are such that approval would be in the public interest.

Chatham Bank, over the past 5 years, has been experiencing a decline in deposits, and its net current earnings have been lower than the average for similar size Georgia banks. Furthermore, within the past 2 years Chatham Bank's president and vice president have died; now that financial institution's only active officer is approaching retirement age. Chatham Bank does not have a stock option plan, profit sharing plan or retirement system. In view of the above, Chatham Bank does not appear capable of attracting the type of individual who would be able to stimulate its growth. The likelihood of Chatham Bank's converting to a full service commercial bank as other savings banks have done is remote as the individuals who own control of this bank live over 100 miles from Savannah and the record indicates they are not interested in such a conversion. Thus, the potential for substantial increased competition developing between Savannah Bank and Chatham Bank is not likely. From the record, it appears that Savannah Bank is the only financial institution that has shown any interest in acquiring Chatham Bank and Savannah Bank's interest has arisen previously because of the latter institution's ownership of real estate near Savannah Bank's main office which it desires for future expansion purposes.

In the light of Chatham Bank's serious management succession problem, there is no assurance that capable management can be attracted to the Bank in the absence of approval of the proposed transaction. Consequently, the financial and managerial factors lend substantial weight for approval of this application, and the convenience and needs aspects outweigh the adverse competitive consequences of this proposed merger. Based upon the foregoing, it is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] April 6, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5555 Filed 4-11-72;8:47 am]

[1] All banking data are as of June 30, 1971, except data concerning Chatham County banking market which are as of June 30, 1970.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, Brimmer, and Sheehan. Absent and not voting: Governor Mitchell.

SECURITIES AND EXCHANGE COMMISSION

[812-2045]

GREAT LAKES FUND, INC.

Notice of Filing of Application Declaring That Company Has Ceased To Be an Investment Company

APRIL 6, 1972.

Notice is hereby given that Great Lakes Fund, Inc., 810 Ford Building, Detroit, Mich. 48226 (Applicant), a Delaware corporation registered as an open-end, diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commision declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized on December 22, 1969, as a Delaware corporation with assets totaling $1,098 cash held in a commercial checking account. The Applicant originally issued 100 shares common capital stock, $1 par value, to one shareholder. Since the date of organization no other shares of any type have been issued and the one shareholder has retained all the shares originally issued to him. No investments have been made at any time and the assets totaling $1,098 continue to be held in cash in a commercial checking account. Applicant represents that it has never become an operating investment company and will not assume such status.

The Commission's records indicate that Applicant registered under the Act by filing a Notification of Registration on Form N-8A on March 16, 1970, and a Registration Statement on Form N-8B-1 on October 8, 1970. On May 4, 1971, a Registration Statement on Form S-5 was filed with the Commission under the Securities Act of 1933; that Registration Statement has not been made effective and Applicant's request for withdrawal of the Registration Statement was granted on March 17, 1972.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not

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more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 27, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issue, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5565 Filed 4–11–72;8:48 am]

[File 500–1]

TOPPER CORP.

Order Suspending Trading

APRIL 6, 1972.

The common stock, $1 par value, of Topper Corp., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Topper Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 9, 1972 through April 18, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–5566 Filed 4–11–72;8:48 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/15–5025]

POOLED RESOURCES INVESTING IN MINORITY ENTERPRISES, INC.

Notice of Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Pooled Resources Investing in Minority Enterprises, Inc. (PRIME), 2990 W. Grand Boulevard, Suite M–15, Detroit, Mich. 48202, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application with the Small Business Administration (SBA), pursuant to Section 312 of the Act and covered by § 107.1004 of the SBA Rules and Regulations governing Small Business Investment Companies (13 CFR 107.1004(1971)), for approval of a conflict of interest transaction falling within the scope of the above sections of the Act and Regulations.

Subject to such approval, PRIME proposes to invest in Geriatries Consultants, Inc. (GCI). Approximately 19 percent of the funds needed by GCI will be obtained from PRIME, and will be used as a portion of the downpayment for the assumption of an outstanding land contract.

The proposed investment is brought within the purview of § 107.1004 of the regulations because Mr. Louis F. Simmons, Jr., Vice President-Secretary and owner (with his wife) of 37.5 percent of the stock of GCI, is a partner in the law firm of Simmons and Fuller, Professional Corp., and Mr. Alfonso C. Fuller (the other partner) is a member of the Board of Directors of PRIME, but has no affiliation with GCI either as an officer, director, or stockholder.

The application represents the following:

1. The transaction is fair and reasonable to all parties concerned.

2. The investment does not represent financing of a company which controls the licensee, nor is under common control with the licensee.

Notice is hereby given that any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. After expiration of the 15 days, SBA may dispose of this application on the basis of the information contained in the application, the comments (if any) which are received, and other relevant data.

Dated: April 5, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72–5567 Filed 4–11–72;8:48 am]

TARIFF COMMISSION

[TEA–F–39 and TEA–W–139]

DUCHESS FOOTWEAR CORP.

Firm and Workers' Petition for Determinations; Notice of Investigation

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Duchess Footwear Corp., Salem, Mass., and its workers, the United States Tariff Commission, on April 7, 1972, instituted investigations under sections 301(c)(1) and 301(c)(2) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women and misses (of the types provided for in item 700.43, item 700.45 and item 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm, and/or the unemployment or underemployment of a significant number or proportion of the workers of the firm, or an appropriate subdivision thereof.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.s.t., on May 9, 1972, in the hearing room, U.S. Tariff Commission Building, 8th and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the customhouse.

Issued: April 7, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72–5570 Filed 4–11–72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 7, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC–FC–72239, Denny Truck Lines, Inc. Transferee and Stevens Truck Lines, Inc., (Internal Revenue Service-Successor in Interest), Transferor, MC–F–11167, H. C. Gabler, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service, Successor in Interest), MC–F–11197, Rogers Transfer, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service Successor in Interest), MC–F–11199, Mercury Motor Express, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service Successor in Interest), MC–F–11230, Bowen Trucking, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service, Successor in Interest), MC–F–11231, Davis & Randall, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service, Successor in Interest), MC–F–11266, Redwing Refrigerated, Inc.—Purchase (Portion)—Stevens Truck Lines, Inc. (Internal Revenue Service, Successor in Interest), and MC 135454 Sub 3, Denny Truck Lines, Inc., now assigned April 18, 1972, at Washington, D.C., postponed to April 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF–211S–4, Shulman Air Freight, Inc., Dismissed application requested Burstein for applicant.

MC–136048 Sub-1, Neil J. Newland, doing business as Newland's Garage, application dismissed.

MC 2835 Sub 36, Adirondack Transit Lines, Inc., and MC 116165 Sub 5, Murray Hill Limousine Service, Ltd., now being assigned for a prehearing conference on May 18, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

W–406 Sub 11, Ohio Barge Line, Inc., now being assigned for a prehearing conference on May 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5584 Filed 4–11–72;8:50 am]

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 7, 1972.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules-motor carriers of property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules-motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–76032 (Deviation No. 25), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223, filed March 27, 1972. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction U.S. Highway 50 and Interstate Highway 580, near Tracy, Calif., over Interstate Highway 580 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction California Highway 58, thence over California Highway 58 to Bakersfield, Calif., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Barstow, Calif., over California Highway 58 to Bakersfield, Calif., thence over California Highway 99 to junction California Highway 120 near Manteca, Calif., thence over California Highway 120 via Manteca, Calif., to junction U.S. Highway 50, thence over U.S. Highway 50 via Oakland, Calif., to San Francisco, Calif., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5579 Filed 4–11–72;8:49 am]

[Notice 27]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 7, 1972.

The following publications are governed by the new § 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 808 (Sub-No. 45) (Republication), filed July 12, 1971, published in the FEDERAL REGISTER issue of August 26, 1971, and republished this issue. Applicant: ANCHOR MOTOR FREIGHT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. An order of the Commission, operating rights board, dated February 16, 1972, and served March 28, 1972, finds, That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of automobiles, trucks, and buses, as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, in initial movements, in truckaway service, (1) from the plantsites of General Motors Corp. at Detroit, Willow Run, Pontiac, Flint, and Lansing, Mich., to Linden, N.J., and Wilmington, Del., and (2) from the plantsites of General Motors Corp. at Detroit, Willow Run, Pontiac, Flint, and Lansing, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted in (2) above to the transportation of traffic moving through Linden, N.J., or Wilmington, Del.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate permit should be issued, subject to the conditions described in (a) and (b) as follows: (a) That the holding by applicant of the permit authorized to be issued in this proceeding, and the holding of certificates by the other jointly held motor carriers, will be consistent with the public interest and the national transportation policy, subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, and limitations in the future as it may find necessary in order to insure that applicant's operations shall not be contrary to the provisions of section 210 of the Act. (b) That because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

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No. MC 60470 (Sub-No. 20) (Republication), filed September 27, 1971, published in the FEDERAL REGISTER issue of October 29, 1971, and republished this issue. Applicant: MOTORCAR TRANSPORT COMPANY, a corporation, 1280 Joslyn Avenue, Pontiac, MI 48055. Applicant's representative: Eugene E. Ewald, Suite 1700, One Woodward Avenue, Detroit, MI 48226. An order of the Commission, operating rights board, dated March 14, 1972, and served April 4, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of automobiles, trucks, and buses as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, (1) from the plantsites of the General Motors Corp. at Linden, N.J., and Wilmington, Del., to Pontiac, Mich., and (2) from the plantsites of the General Motors Corp. at Linden, N.J., and Wilmington, Del., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, restricted in (2) above to the transportation of traffic moving through Pontiac, Mich. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113298 (Sub-No. 1) (Republication), filed May 28, 1971, published in the FEDERAL REGISTER issue of July 1, 1971, and August 26, 1971, and republished this issue. Applicant: WEST END TRANSFER, INC., 1508 Jefferson Street, Bluefield, WV. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. An order of the Commission, operating rights board, dated February 11, 1972, and served March 28, 1972, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of rock dust and gravel, from points in Tazewell County, Va., and Mercer County, W. Va., to points in Pike, Letcher, Harlan, Knott, and Martin Counties, Ky.; Logan, Mingo, Kanawha, McDowell, Mercer, Summers, Raleigh, Boone, Greenbrier, Fayette, and Wyoming Counties, W. Va.; and Bland, Tazewell, Russell, Wise, Giles, Buchanan, Dickerson, Lee, and Scott Counties, Va.; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and that Commission's rules and regulations thereunder and that an appropriate certificate should be issued. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file and appropriate pleading setting forth in precise detail the manner in which it has been so prejudiced.

No. MC 124841 (Sub-No. 7) (Notice of Filing of Petition to Add Additional Shippers) (Republication), filed September 24, 1970, published in the FEDERAL REGISTER issue of October 21, 1970, and republished this issue. Petitioner: D. D. JACOBS, INC., Walla Walla, Wash. 99362. Petitioner's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. A supplemental order of the Commission, operating rights board, dated May 7, 1972, and served March 23, 1972, finds, that petitioner's permit No. MC 124841 (Sub-No. 7), issued May 24, 1971, should be modified as follows: "That operation by petitioner, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of malt beverages and wine from points in California to Pendleton, Oreg., and Kennewick and Walla Walla, Wash., under a continuing contract with Pendleton Distribution Co., and Granger Distributing Co., of Kennewick, Wash., and Dee Dee Distributing Co. of Walla Walla, Wash., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder." That because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate pleading setting forth in precise detail the manner in which it has been so prejudiced.

No. MC 125952 (Sub-No. 14) (Republication), filed August 19, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished this issue. Applicant: INTERSTATE DISTRIBUTING CO., a corporation, 8311 Durango Street SW., Tacoma, WA 98499. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. An order of the Commission, operating rights board, dated March 8, 1972, and served March 31, 1972, finds, (1) That operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of industrial chemicals, in containers, from Reno, Calado, Gabbs, and Luming, Nev., and points in California to points in Washington, under a continuing contract, or contracts with Van Walters and Rogers, Seattle, Wash., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and (2) that the holding by applicant of the permit authorized to be issued in this proceeding and the holding by applicant of the certificate heretofore issued in No. MC-117201 will be consistent with the public interest and the national transportation policy, subject to the condition that the permit granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that applicant's operations conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 135280 (Sub-No. 3) (Republication), filed July 26, 1971, published in the FEDERAL REGISTER issue of September 2, 1971, and republished this issue. Applicant: PEP LINES TRUCKING CO., a corporation, 15120 Third Avenue, Highland Park, MI 48203. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. An order of the Commission, operating rights board, dated February 16, 1972, and served March 28, 1972, finds, (1) that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (A) such merchandise as is dealt in by mail order and chain retail department stores, and in connection therewith, materials and supplies used in the conduct of such business (except commodities in bulk), (1) from the stores and other places of business of Montgomery Ward & Co., Inc., located at Norfolk, Portsmouth, Newport News, Hampton, Virginia Beach, Suffolk, and Williamsburg, Va., on the one hand, and, on the other, points in Virginia and North Carolina, (2) from the stores and other places of business of Montgomery Ward & Co., Inc., located in Frederick County, Md., to points in Maryland, Pennsylvania, and West Virginia, (3) from the stores and other places of business of Montgomery Ward & Co., Inc., located in Hartford County, Md., to points in Maryland, Delaware, and Pennsylvania, and (4) from the stores and other places of business of Montgomery Ward & Co., Inc., located in Landover, Md., to points in Maryland, Pennsylvania, and West Virginia; and

(B) Returned shipments of such merchandise as is dealt in by mail order and chain retail department stores from the above specified destination areas to the respective origins described above, under a continuing contract with Montgomery Ward & Co., Inc., of Baltimore, Md., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. (2) That the holding by applicant of the permit authorized to be issued in this proceeding and the holding by applicant of certificates heretofore issued in No. MC-120184 and sub numbers thereunder will be consistent with the public interest and the national transportation policy, subject to the condition that the permit granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that applicant's operations conform to the provisions of section 210 of the Interstate Commerce Act. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

No. MC 135821 (Republication), filed July 8, 1971, published in the FEDERAL REGISTER issue of August 12, 1971, and republished this issue. Applicant: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, PA 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. A supplemental order of the Commission, Operating Rights Board, dated February 7, 1972, and served March 30, 1972, finds, that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of such merchandise as is dealt in by wholesale or retail department stores, between points located in that portion of New York on and south of a line beginning at the New York-Pennsylvania State line at or near Hale Eddy, N.Y., thence southeastward along New York Highway 17 to the junction of New York Highway 17 and Interstate Highway 84, thence eastward along Interstate Highway 84 to the New York-Connecticut State line; and those points in that portion of Connecticut on and south of a line beginning at the New York-Connecticut State line, thence eastward along Interstate Highway 84 to the junction of Interstate Highway 84 and Connecticut Highway 34 at or near Sandy Hook, Conn., thence southeastward along Connecticut Highway 34 to New Haven, Conn., and points in Pennsylvania on and east of a line beginning on the New York-Pennsylvania State line at its junction with U.S. Highway 15 at or near Lawrenceville, Pa., thence southward along U.S. Highway 15 to the junction of U.S. Highways 15 and 11, at or near Sunbury, Pa., thence southward along combined U.S. Highways 11 and 15 to the junction of combined U.S. Highway 11 and 15 and separate U.S. Highway 11 and U.S. Highway 15, at or near Camp Hill, Pa., thence southwestward along U.S. Highway 11 to the Pennsylvania-Maryland State line;

And those points in Maryland on and east of a line beginning on the Pennsylvania-Maryland State line, southward along U.S. Highway 15 to the junction of U.S. Highways 15 and 240, at or near Frederick, Md., thence along U.S. Highway 240 to the District of Columbia-Maryland boundary line, and points in Charles County, Md., and points in New Jersey, Delaware, and the District of Columbia; restricted to the transportation of traffic moving from or to the stores and facilities of Lionel Leisure, Inc., under a continuing contract with Lionel Leisure, Inc., of New York, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MOTOR CARRIER OF PASSENGERS

No. MC 96007 (Sub-No. 27) (Republication), filed August 12, 1971, published in the FEDERAL REGISTER issue of September 23, 1971, and republished this issue. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, MA 02155. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. An order of the Commission, operating rights board, dated March 8, 1972, and served March 30, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes (1) of passengers and their baggage, in special operations, and (2) of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment) restricted (a) to the transportation of said traffic in the same vehicle with passengers, and (b) against the transportation of shipments weighing more than 100 pounds in the aggregate from one consignor at one location to the consignee at one location during a single day, between Logan International Airport at Boston, Mass., on the one hand, and on the other, points in Belknap County, N.H., to points in that part of Hillsboro County, N.H., east of U.S. Highway 202 (except Manchester and Nashua), points in that part of Merrimack County, N.H., a line beginning at the Hillsboro County line and extending along U.S. Highway 202 to Henniker, thence along New Hampshire Highway 114 to junction New Hampshire Highway 11, thence along New Hampshire 11 to junction U.S. Highway 4 and thence along U.S. Highway 4 to the Grafton County line (except Concord and Andover), points in that part of Grafton County, N.H., east of a line beginning at the Merrimack County line and extending along U.S. Highway 4 to Canaan, thence along New Hampshire Highway 118 to North Woodstock, thence along U.S. Highway 3 to the Coos County line (except Concord and Andover), and points in that part of Rockingham County, N.H., on and west of New Hampshire Highway 28 (except Perry and Salem); Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding, setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC-113678 (Sub-No. 133) (Notice of Filing of Petition for Modification of Certificate), filed March 20, 1972. Petitioner: CURTIS, INC., Denver, Colo. Petitioner's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Petitioner holds certificate No. MC-113678 (Sub-No. 133), issued September 20, 1968, authorizing the transportation, over irregular routes (1) food products (except liquids, in bulk), in vehicles equipped with mechanical refrigeration, from

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points in the New York, N.Y., commercial zone, as defined by the Commission, and points in Union County, N.J., to points in Colorado, Indiana, Illinois, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and West Virginia; (2) food products (except frozen foods, and liquids, in bulk), in vehicles equipped with mechanical refrigeration, from points in the New York, N.Y., commercial zone as defined by the Commission, and points in Union County, N.J., to points in Kansas; (3) food products (except liquids, in bulk), from points in Union County, N.J., to points in Nebraska; and (4) advertising materials, supplies, display materials, and premiums, when moving at the same time and in the same vehicle with the commodities described hereinabove, from points in the origin territory described above, to their respective destination points subject to certain conditions. Petitioner requests modification of the above-described certificate in order to add fresh meats to the commodity description. Petitioner asserts that the authority reflected by the certificate was granted as a result of support from fresh meat shippers, that it seeks this modification because of a subsequent decision in *Hilt Truck Lines, Inc., Petition for Interpretation*, 113 M.C.C. 784 (1971) wherein it was held that fresh meats cannot be transported under authority to transport food products, and that unless the concerned certificate is modified to include fresh meats, the Hilt decision will cause a reduction in authority contrary to the evidence of record in the matter. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5(a) AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11492 (MUSTANG TRANSPORTATION, INC.—Purchase (Portion)—COMMERCIAL TRANSPORTATION, INC.), published in the March 29, 1972, issue of the FEDERAL REGISTER on page 6439. Application filed March 30, 1972, for temporary authority under section 210a(b).

No. MC–F–11504. Authority sought for control and merger by INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, MN 55113, of the operating rights and property of (1) DUNDEE MOTOR EXPRESS, INC., a noncarrier, (2) DUNDEE TRUCK LINE, INC., (3) C. H. RUMPF AND SONS TRUCK LINE, INC., and (4) MODERN MOTOR EXPRESS, INC., all of 6006 Stickney Avenue, Toledo, OH 43612, and for acquisition by LESTER A. WILSEY, JR., 1178 Tiller Lane, St. Paul, MN 55113, of control of such rights and property through the transaction. Applicants' representative: William L. Alvey, 1947 West County Road, C, St. Paul, MN 55113. Operating rights sought to be controlled and merged: (2) *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Michigan, Ohio, and Indiana, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–109914 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. (3) *general commodities* excepting among others, dangerous explosives, household goods and commodities in bulk, over regular routes, between Sturgis, Mich., and Toledo, Ohio, between points, in Michigan, service is authorized to and from all intermediate points on the above-specified routes; and on the off-route points within 5 miles of said route; *screens, screen doors, chairs and lawn furniture, window frames, and wood stock*, over irregular routes, from Adrian, Mich., to points and places in Ohio; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, between points in Monroe County, Mich., on the one hand, and, on the other, points in Lucas County, Ohio, between points in Monroe County, Mich. and (4) under a certificate of registration, in Docket No. MC–58116 Sub 4, covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. INDIANHEAD TRUCK LINE, INC., is authorized to operate as a *common carrier* in Wisconsin, Minnesota, Iowa, South Dakota, North Dakota, Illinois, Montana, Nebraska, Missouri, Indiana, Kansas, Oklahoma, Michigan, Kentucky, Ohio, Arkansas, Colorado, Wyoming, Texas, Tennessee, New Jersey, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11505. Authority sought for purchase by ABBOTT TRUCKING, INC., Route 3, Delta, Ohio 43515, of the operating rights of JOHN H. SMITH, INC., 11145 Suffolk Drive, Southgate, MI 48195, and for acquisition by WILLIAM F. ABBOTT, Route 3, Delta, Ohio 43515, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Operating rights sought to be transferred: *Coal and coal briquets*, in bulk, in dump vehicles as a *common carrier* over irregular routes, from Detroit, Mich., to points in Indiana and a described area of Ohio; *coal and coke*, in bulk, in dump vehicles, from points in Indiana and a described area of Ohio, to Detroit, Mich.; *coal, coke, and briquets*, between points in that part of Michigan on and south of U.S. Highway 10, on the one hand, and, on the other points in a defined area of Ohio and points in Indiana; *coal tar pitch*, in dump vehicles, from Detroit, Mich., to points in a defined area of Ohio; *coal tar pitch*, in bulk, in dump vehicles, from Detroit, Mich., to Niagara Falls, N.Y.; *coal briquets*, in bulk, in dump vehicles, from the plantsite of Johnson Coal Cubing Co., at Detroit, Mich., to points in Fulton County, Ohio, points in those parts of Wood and Sandusky Counties, Ohio, on and south of U.S. Highway 6, and Elmore, Marblehead, Oakharbor and Whitehouse, Ohio; *coke*, in bulk, in dump vehicles, from Toledo, Ohio, to the plantsite of Johnson Coal Cubing Co., at Detroit, Mich. Vendee is authorized to operate as a *common carrier* in Ohio, Michigan, Indiana, New York, Pennsylvania, West Virginia, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11506. Authority sought for purchase by ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, Post Office Box 658, Moberly, MO 65270, of the operating rights of AURORA MOTOR EXPRESS, INC., LEONARD M. SPIRA, Assignee for the Benefit of Creditors, 257 Stuart Avenue, Aurora, IL, and for acquisition by E. C. ORSCHELN, ELMER ORSCHELN, and GEORGE A. VITT, all of Moberly, Mo. 65270, and FRANCIS ORSCHELN, 601 Shumate Street, Moberly, MO 65270, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Chicago, and Oswego, Ill., serving the intermediate point of Aurora, Ill., with restriction, and under a certificate of registration in Docket No. MC–36469 Sub. 3, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Iowa, Kansas, Arkansas, Indiana, Michigan, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. Application has been filed for authority under section 210a(b). NOTE: MC–49387 Sub. 40, is a matter directly related.

No. MC–F–11507. Authority sought for merger into HUSBAND TRANSPORT LIMITED, 10 Centre Street, London, ON. Canada, of the operating rights of SCOBIE'S TRANSPORT, LIMITED, 10 Centre Street, London, ON. Canada, and for acquisition by CANADIAN NATIONAL TRANSPORTATION LTD., 159 Bay Street, Toronto 116, ON. Canada, of control of such rights through the transaction. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Operating rights sought to be merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between ports of entry on the United States-Canada boundary line at Buffalo and Niagara Falls, N.Y., on the one hand, and, on the other, Buffalo and Niagara Falls, N.Y., solely for the purpose of interchanging traffic with connecting carriers, with restriction. HUSBAND TRANSPORT LIMITED, operated solely within Canada. However, it is controlled by CANADIAN NATIONAL TRANSPORTATION LTD., which is controlled by CANADIAN NATIONAL RAILWAY COMPANY, which controls other rail carriers operating in the United States. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5580 Filed 4–11–72;8:49 am]

[Notice 44]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73513. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Gager's Express, Inc., Wildwood, N.J., of a portion of certificate No. MC–2263, issued March 14, 1967, to Laurel Transportation Corp., Rio Grande, N.J., authorizing the transportation of: Household goods as defined by the Commission, between Philadelphia, Pa., and 20 miles, on the one hand, and, on the other, points in a described area of New Jersey. Alan Kahn, attorney, 1920 Two Penn Center Plaza, Philadelphia, PA 19102.

No. MC–FC–73571. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Bestway Express, a corporation, Columbia, S.C., of certificate of registration No. MC–99769 (Sub-No. 1), issued February 13, 1964, to H. W. Bischoff Transportation Co., a corporation, Charleston, S.C., evidencing a right to engage in interstate or foreign commerce in the transportation of: Property, solely within the State of South Carolina. John H. Caldwell, attorney, 914 Washington Building, Washington, D.C. 20005.

No. MC–FC–73582. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Joseph Petrella, doing business as Petrella's Express, Downingtown, Pa., of certificate No. MC–42043, issued December 9, 1964, to Francis Petrella and Joseph Petrella, doing business as Petrella's Express, Downingtown, Pa., authorizing the transportation of: Paper and paper products, between Downingtown, Pa., and Camden, N.J., serving the intermediate points in Philadelphia, Pa., from Downingtown over U.S. Highway 30 to Camden and return over the same route. G. Donald Bullock, practitioner, 128 Greenwood Avenue, Wyncote, PA 19095.

No. MC–FC–73584. By order entered April 4, 1972, the Motor Carrier Board approved the transfer to Albert Fillmore, doing business as Fillmore Transportation, Bloomfield, Conn., of that portion of the operating rights set forth in certificate No. MC–40006, issued October 7, 1949, to Bert Hill's Express, Inc., Springfield, Mass., authorizing the transportation of: Monumental stone, funeral equipment, dental and surgical supplies, electrical household appliances, newspapers, and packinghouse products, over irregular routes, between Springfield, Mass., on the one hand, and, on the other, points and places in Hartford and Tolland Counties, Conn. Hugh M. Joseloff, 410 Asylum Street, Hartford, CT 06103, attorney for applicants.

No. MC–FC–73585. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Horace Sharp Trucking, Inc., Phoenix, Ariz., of permit No. MC–119340 issued August 8, 1965, to Neoma Sharp Hart, doing business as Horace Sharp Trucking, Phoenix, Ariz., authorizing the transportation of: Foodstuffs, soaps, bleaches, washing and cleaning compounds, detergents, and fruits and vegetables, when in the same vehicle, from points in California to points in Arizona. A. Michael Bernstein, attorney, 1327 United Bank Building, Phoenix, Ariz. 85012.

No. MC–FC–73592. By order of April 5, 1972, the Motor Carrier Board approved the transfer to Eagle Bus Lines Limited, St. Boniface, MB, Canada, of certificate No. MC–108222 issued October 7, 1947, to Beaver Bus Lines, Ltd., Winnipeg, MB, Canada, authorizing the transportation of: Passengers, and their baggage, in charter operations, from points on the international boundary line between the United States and Canada in North Dakota and Minnesota, to points in Minnesota, North Dakota, Wisconsin, Michigan, and Illinois, and return. Gene P. Johnson, attorney, 514 First National Bank, Fargo, N. Dak. 58102.

No. MC–FC–73598. By order of April 4, 1972, the Motor Carrier Board approved the transfer to Rajor, Inc., Southgate, Calif., of the operating rights as set forth in permit No. MC–128988, issued May 14, 1969, to Jo/Kel, Inc., Los Angeles, Calif., authorizing the transportation of: Plumbing fixtures and supplies and air-conditioning and heating units (except articles which, because of size, shape or weight, require the use of special equipment or special handling), from St. Louis, Mo., Port Huron, Mich., Philadelphia, Greensburg, and York, Pa., Braintree, Mass., Houston, Tex., East St. Louis, Ill., and Fort Smith, Ark., to points in Arizona, California, and Nevada; and returned shipments of the above-specified commodities, from points in Arizona, California, and Nevada, to St. Louis, Mo., Port Huron, Mich., Philadelphia, Greensburg, and York, Pa., Braintree, Mass., Houston, Tex., East St. Louis, Ill., and Fort Smith, Ark.; plumbing fixtures and supplies, from Kohler, Wis., Spartanburg, S.C., and Camden, N.J., to points in Arizona, California, and Nevada; air-conditioning units, from Maspeth, Long Island, N.Y., to points in Arizona, California, and Nevada, restricted to operations to be performed under a continuing contract, or contracts with Pacific Cast Iron Pipe and Fitting Co. and York Division of Borg-Warner. Earl H. Scudder, Jr., Post Office Box 82028, Lincoln, NE 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5581 Filed 4–11–72;8:49 am]

[Notice 44–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 7, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–73651. By application filed April 5, 1972, BANNING TRANSPORTATION, INC., 3002 South Douglas Boulevard, Oklahoma City, OK 73150, seeks temporary authority to lease the operating rights of MOBILE HOME EXPRESS, LTD., 1915 F Avenue, Lawton, OK 73501, under section 210a(b). The transfer to BANNING TRANSPORTATION, INC., of the operating rights of MOBILE HOME EXPRESS, LTD., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5582 Filed 4–11–72;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 7, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963,

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page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 72-53-MF/P, filed February 7, 1972. Applicant: JOHN W. & JOANNE C. HOOGLAND, doing business as CITY EXPRESS, Box 305, Seward, AK 99664. Applicant's representative: Roger A. McShea, Suite 300, 425 G Street, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a freight service over a regular route as follows: Transportation of *general commodities* (except classes A and B explosives; commodities of unusual value; household goods; commodities in bulk and commodities, which because of unusual size, weight, or shape require the use of special equipment), from Seward, Alaska, to Anchorage, Alaska, over Alaska Highway 9 to its junction with Alaska Highway 1, thence over Alaska Highway 1 to Anchorage, Alaska, and return over the same route serving all intermediate points in both directions and all off-route points within 10 miles of either side of this route. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

Louisiana Docket No. 12051, filed March 28, 1972. Applicant: TRUCK TRANSPORT, INC., Post Office Box 1658, Morgan City, LA. Applicant's representative: F. A. Maraist, 1610 Cedar Street, Morgan City, LA. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of lumber and oilfield materials, from, to, and between all points in the State of Louisiana. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Louisiana, Louisiana Public Service Commission, Baton Rouge, La. 70804, and should not be directed to the Interstate Commerce Commission.

Louisiana Docket No. 12060, filed March 23, 1972. Applicant: OZONE MOTOR LINE, INC., 4552 North Villere Street, New Orleans, LA. Applicant's representative: John Schwab, 617 North Boulevard, Baton Rouge, LA. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general commodities (1) Intrastate: Pursuant to proposed amendments to Certificates of Public Convenience and Necessity Nos. 275-J, 275-K, and 275-L, copies of which are shown below as follows: No. 275-K amended to authorize operations as follows: To operate upon and over the regular (or irregular) route and (or) between fixed terminals as follows: From La Place over U.S. Highway 51 to Ponchatoula, for operating convenience; thence over U.S. Highway 51 from Ponchatoula to Hammond, La.; thence over U.S. Highway 190 to Baton Rouge; in both directions serving all intermediate points. Paragraph 7 of No. 275-J amended to read: From Hammond over U.S. Highway No. 190 to its intersection with U.S. Highway 61, thence over U.S. Highway No. 61 to its intersection with Louisiana Highway No. 964 near Zee, La., in both directions. (Cancels and replaces certificate No. 275-F (Amended).) No. 275-L amended to authorize operation as follows: To operate upon and over the regular (or irregular) route and (or) between fixed terminal as follows: Common carrier motor freight service of general commodities in both directions, between Baton Rouge, La., and St. Francisville, La., over U.S. Highway 61, serving all intermediate points and all points within 5 miles of U.S. Highway 61 between Baton Rouge, La., and St. Francisville, La., and the off-route point of Zee, La.; and

(2) Interstate: Pursuant to proposed amendments to Certificate of Public Convenience and Necessity Nos. MC-77594 (Sub-No. 11) and MC-77594 (Sub-No. 12), copies of which are shown below as follows: MC-77594 (Sub-No. 11) amended to authorize transportation of general commodities: From La Place over U.S. Highway 51 to Ponchatoula, for operating convenience; thence over U.S. Highway 51 from Ponchatoula to Hammond, La.; thence over U.S. Highway 190 to Baton Rouge; in both directions serving all intermediate points. MC-77594 (Sub-No. 12) amended to authorize transportation of general commodities: * * * general commodities in both directions, between Baton Rouge, La., and St. Francisville, La., over U.S. Highway 61, serving all intermediate points and all points within 5 miles of U.S. Highway 61 between Baton Rouge, La., and St. Francisville, La., and the off-route point of Zee, La. Both intrastate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this applicatoin should be addressed to the State of Louisiana, Louisiana Public Service Commission, Baton Rouge, La. 70804, and should not be directed to the Interstate Commerce Commission.

California Docket No. 53231, filed March 27, 1972. Applicant: DONALD TOBENER, doing business as GOLDEN GATE TRUCKING, Post Office Box 2285, South San Francisco, CA 94080. Applicant's representative: Eldon M. Johnson, 105 Montgomery Street, Suite 1100, San Francisco, CA 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as follows: (1) Classes A and B explosives; (2) petroleum and petroleum products in bulk or in tank vehicles; (3) commodities of unusual or extraordinary value; (4) uncrated household goods and personal effects; (5) automobiles, trucks, and buses, viz: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks, and trailers combined, buses and bus chassis; (6) livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (7) liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (8) commodities when transported in bulk in dump trucks or in hopper-type trucks; (9) commodities when transported in motor vehicles equipped for mechanical mixing in transit; (10) cement; and (11) logs. *The San Francisco Territory:* Between points in California (including the city of San Jose) within an area bounded by a line beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right of way at Arastradero Road; southeasterly along the Southern Pacific Co. right of way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue;

Easterly along west Parr Avenue to Capri Drive; southerly along Capri Drive to east Parr Avenue; easterly along east Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway over Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue;

Northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Utilities Commission, State of California, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, CA 94102 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5583 Filed 4-11-72;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

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Title 3—The President

MEMORANDUM OF MARCH 1, 1972

[Presidential Determination No. 72-12]

Transfer of Supporting Assistance Funds to Administrative Expense Funds

Memorandum for Administrator, Agency for International Development

THE WHITE HOUSE,
Washington, March 1, 1972.

Determination under Section 610 of the Foreign Assistance Act of 1961, as amended (the "Act"), to transfer up to $3.6 million of Supporting Assistance funds to Administrative Expense funds.

In accordance with the recommendation in your memorandum of January 21, 1972, I hereby determine, pursuant to Section 610 of the Act, that it is necessary for purposes of the Act that up to $3.6 million appropriated under Section 402 of the Act be transferred to, and consolidated with, appropriations made under Section 637(a) of the Act, subject to the limitation that funds so transferred shall be available solely for administrative expenses incurred in connection with programs in Vietnam. I hereby authorize such transfer and consolidation.

You are requested on my behalf to give prompt notice of this determination, pursuant to Section 634(d) of the Act, to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and to the Speaker of the House of Representatives.

Richard Nixon

[FR Doc.72-5719 Filed 4-12-72; 10:13 am]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service [1] (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Signature on Inspection Certificates

Statement of considerations. The Agricultural Marketing Act of 1946 provides for the permissive inspection and certification as to class, quality, quantity, and condition of agricultural products under such rules and regulations as the Secretary of Agriculture may prescribe.

On August 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16590) proposing that the Part 68 regulations under the Agricultural Marketing Act of 1946 be amended to provide: (1) That authorized persons be permitted to affix the name or signature of official inspection personnel to official certificates; (2) that if an inspection is performed by two or more persons, the person who makes the majority of the more significant determinations should issue the certificate; and (3) the name of the person issuing the certificate may be affixed by signature or other means.

Opportunity was afforded interested parties to submit written data, views, or comments on the proposed amendments to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 24, 1971. No written data, views, or comments were received on the proposed amendments.

Pursuant to the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624), the Part 68 regulations (7 CFR Part 68) are amended as follows:

1. Section 68.2 *Terms Defined,* is amended by the addition of "(aa)" to read as follows:

§ 68.2 Terms Defined.

* * * * *

(aa) *Official technician.* Any person licensed under the Act and regulations, or any employee of the Department who is authorized under the Act and regulations to perform specified official laboratory functions, including, but not limited to, chemical analyses, mechanical tests, or physical separations, or to perform sampling duties and related services, as specified in the license or authorization.

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

2. Section 68.14 is amended by changing the introductory paragraph and adding new paragraphs (c), (d), (e), and (f) to read respectively as follows:

§ 68.14 Inspection certificate, issuance.

Immediately after an inspection has been completed, an inspection certificate shall be issued showing the results of the inspection in accordance with paragraph (a) or (b) of this section.

* * * * *

(c) *General authorization to issue certificates.* Certificates for inspection conducted by a Federal-cooperator inspection service agency may be issued in accordance with paragraph (d) of this section by any official sampler, official technician, or inspector who is employed by the cooperating agency and is licensed to perform and to certify the inspection covered by the certificate: *Provided,* That only a licensed inspector may issue a certificate which shows an official grade determination, with or without additional factor information. Certificates for inspections conducted by the Division may be issued in accordance with paragraph (d) of this section by any official sampler, official technician, inspector, or supervising inspector who is employed by the Department and authorized by the Administrator to perform the inspection covered by the certificate. In no case may a person issue a certificate unless he is licensed or otherwise authorized to issue the certificate.

(d) *Specific requirements for issuing certificates.* The person who is in the best position to know whether an inspection has been performed in an approved manner and whether the final determinations are accurate and true shall issue the certificate for the inspection. If an inspection is performed, in whole, or in large part, by one person, the certificate shall be issued by that person. If an inspection is performed by two or more persons, the certificate shall be issued by the person who made the majority of the more significant determinations. However, in any case, a supervisory inspector may issue any official certificate if he is licensed or authorized to perform the inspection covered by the certificate and has ascertained by examination of the product or relevant records that the facts stated in the certificate are true.

(e) *Name requirement.* The name or the signature, or both, of the person who issued the inspection certificate shall be shown on the certificate: *Provided,* That the name and the signature shall be shown on each original export certificate and, upon request of an applicant, shall be shown on other original certificates. If an original certificate is signed, either the signature or a stamped facsimile shall be shown on each copy.

(f) *Authorizations to affix names.* (1) The names or the signatures of official inspection personnel who issue official certificates may be affixed to the official certificates by persons other than the official inspection personnel: *Provided,* That (i) the persons are employed by a cooperating agency or by the Division; (ii) the persons have been designated as authorized agents for this purpose by a Field Office; (iii) a power of attorney authorizing the affixing of the names or signatures has been issued to each such person by each of the official inspection personnel; (iv) if the person is employed by a cooperating agency, the original or a true copy of the designation and of the power of attorney are on file in the office of the agency and a copy of each document is on file in the Field Office, and in the case of Division personnel, the original or a true copy of the designation and of the power of attorney are on file in the Field Office and a copy of each document is on file in the Regional Office; and (v) the certificate is prepared from an official work record which has been personally signed by the person whose name or signature is shown on the certificate.

(2) When a name or signature of any official inspection personnel issuing a certificate is affixed to an official certificate by an authorized agent, the word "By" and the initials of the given names and surname of the authorized agent shall be shown on the certificate immediately below or following the name or signature of such official inspection personnel.

Effective date. These amendments shall be effective 30 days after the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C. on: April 7, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5616 Filed 4-12-72;8:48 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 264]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.564 Navel Orange Regulation 264.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel

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Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 11, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 14, 1972, through April 20, 1972, are hereby fixed as follows:

(i) District 1: 871,000 cartons;

(ii) District 2: 179,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5736 Filed 4-12-72;11:49 am]

[Valencia Orange Reg. 387]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.687 Valencia Orange Regulation 387.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 11, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 14, 1972, through April 20, 1972, are hereby fixed as follows:

(i) District 1: 10,276 cartons;

(ii) District 2: 18,683 cartons;

(iii) District 3: 150,000 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5735 Filed 4-12-72;11:19 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs. 1971-Crop Grain Sorghum Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971-Crop Grain Sorghum Loan and Purchase Program

SUPPORT RATES AND DISCOUNTS

The regulations issued by the Commodity Credit Corporation, published at 36 F.R. 13263, containing regulations for price support loans and purchases applicable to the 1971-crop of grain sorghum are amended to establish a basic loan and purchase rate for counties in the State of Delaware and to increase the rates for certain counties in the State of Illinois. Harvest of the 1971-crop of grain sorghum has been completed. Farmers, who obtain loans or deliver their grain sorghum to CCC for purchase or in settlement of their loans, should receive the benefit of the increased rates. Therefore, it is hereby found and determined that compliance with the public participation provisions for proposed rule making prescribed by 5 U.S.C. 553 (b) and (c) is impracticable and contrary to the public interest. Accordingly, these regulations shall become effective upon filing with the FEDERAL REGISTER.

The amendments to the regulations are as follows:

§ 1421.239 [Amended]

1. Paragraph (a) of § 1421.239 is amended by inserting between the entries for Colorado and Florida the following:

DELAWARE	*Rate per hundredweight*
All counties	$1.79

2. Paragraph (a) of § 1421.239 is further amended by deleting Illinois and the county rates listed thereunder and inserting the following:

ILLINOIS

	Rate per hundredweight		*Rate per hundredweight*
Alexander	$1.79	Monroe	$1.74
Bond	1.71	Perry	1.74
Calhoun	1.67	Pope	1.76
Clay	1.71	Pulaski	1.79
Clinton	1.73	Randolph	1.75
Edwards	1.71	Richland	1.70
Franklin	1.75	St. Claire	1.73
Gallatin	1.73	Saline	1.74
Hamilton	1.74	Union	1.78
Hardin	1.75	Wabash	1.70
Jackson	1.76	Washington	1.73
Jefferson	1.73	Wayne	1.72
Jersey	1.69	White	1.73
Johnson	1.77	Williamson	1.76
Madison	1.71	All other counties	1.61
Marion	1.72		
Massac	1.77		

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1972, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date. Upon filing with the FEDERAL REGISTER (4–12–72).

Signed at Washington, D.C., on April 7, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-5653 Filed 4-12-72;8:51 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instructions 441.2, 441.4]

PART 1832—EMERGENCY LOANS

Emergency Loan Policies, Processing, and Authorizations

The requirements of 5 U.S.C. 553 involve a delay in making available assistance provided by this authority. Farmers that have had crop production losses or damages to their farms by natural disasters are seeking emergency loan assistance to continue normal operations in 162 counties declared major disaster areas by the Office of Emergency Preparedness, and in 422 counties designated emergency loan areas by the Secretary of Agriculture. Many of these requested loans are for financing 1972 crop and livestock operations. The operating year is well under way and any delay in providing loan assistance under these revised instructions would be contrary to the public interest. Accordingly, the revised Subparts A and B shall be effective upon publication in the FEDERAL REGISTER (4–12–72).

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rule making 36 F.R. 13804, dated July 24, 1971. In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 30 days after the publication of this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, revised Subparts A and B shall remain effective until it is amended, in order to permit the public business to proceed expeditiously.

Subpart A—Emergency Loan Policies and Authorizations

Sec.
1832.1 General.
1832.2 Objectives.
1832.3 Making EM loans available.
1832.4 Scope of operations to be financed with EM loans.
1832.5 Eligibility requirements.
1832.6 Certification by County Committee.
1832.7 Loan purposes.
1832.8 Loan limitations.
1832.9 Relationship with other types of FHA loans.
1832.10 Rates and terms.
1832.11 Security policies.
1832.12 Loan approval.
1832.13 EM loans based on major disaster declared by the President.
1832.14 EM loans to vegetable growers.
1832.15 EM loans for orchard rehabilitations.
1832.16 EM loans for fish farming purposes.
1832.17 EM loans to oyster planters.
1832.18 EM loans to cranberry growers.

AUTHORITY: The provisions of this Subpart A issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart A—Emergency Loan Policies and Authorizations

§ 1832.1 General.

This subpart is supplemented by Parts 1890c, 1890f, 1890p, and 1890r. This subpart prescribes the policies and authorizations for making emergency (EM) loans to farmers, ranchers, and oyster planters. Sections 1832.13 through 1832.18 contain additional requirements for making EM loans based on major disasters declared by the President, and EM loans to finance vegetable, orchard rehabilitation, fish farming, oyster planting, and cranberry operations.

(a) As used in this subpart:

(1) "Major disaster" means a major disaster declared by the President based on a disaster occurring on or after April 1, 1970.

(2) "Natural disaster" means a natural disaster determined by the Secretary in designating EM loan areas or by the State Director in making EM loans available in nondesignated counties.

(3) "Disaster" means a major disaster or a natural disaster.

(4) "Designated counties" means counties in which EM loans may be made under designations by the Office of Emergency Preparedness (OEP) pursuant to a Presidential declaration of a major disaster, and by the Secretary of Agriculture based on damage caused by a natural disaster.

(5) "Nondesignated counties" means counties in which the State Director authorizes County Supervisors to receive applications for EM loans, based on natural disasters determined by him, without designations by OEP or the Secretary.

(6) "Qualifying disaster" means the major disaster or the natural disaster for which initial EM loans were made available for new applicants, and any subsequent natural disaster which occurred during the period that initial EM loans were available for new applicants.

§ 1832.2 Objectives.

The basic objectives of EM loans are to assist eligible applicants to continue their normal farming or livestock operations, and return to local sources of credit as soon as possible and in any event within a reasonable period. Subject to the requirements of this subpart, additional EM loans will be made to an applicant each year for a reasonable period until he recovers sufficiently to return to a normal source of credit or it is determined that he no longer has reasonable prospects for doing this. These objectives will be accomplished through the extension of credit and such supervisory assistance as is determined necessary to achieve the objectives of the loan and protect the Government's interest. Supervisory assistance will be given in accordance with the provisions of Subpart A of Part 1802 of this chapter.

(a) Each EM loan borrower is expected to return to a normal source of credit for any additional credit needs as soon as possible after the first full operating year following the qualifying disaster on which his emergency loan was based. Applicants who are able to obtain additional credit from other sources after the first full operating year are expected to do so. For other borrowers, from 3 to 5 years will be considered a reasonable recovery period in individual cases. Some borrowers may need subsequent EM loans during each of these years. However, borrowers who have received EM loans for 5 consecutive years will not receive additional EM loans for the succeeding years unless the failure to make satisfactory recovery has been due to another qualifying disaster occurring after their first EM loans were made, or inability to achieve objectives of the previous EM loans within a 5-year recovery period because the particular operations, such as orchards and vineyards, require a rehabilitation period longer than 5 years.

(b) Where it does not appear that an applicant can be expected to return to a normal lender within a reasonable period as described in paragraph (a) of this section, a loan may be made for minimum annual expenses if there is a reasonably safe basis, including security, for the amount of the loan. This is authorized in order to give the applicant an operating year to determine what he will do about his farming or ranching. He

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will be informed accordingly and additional loans will not be made to him for succeeding years unless he is experiencing a severe prolonged natural disaster or a subsequent natural disaster, but then only if there is still a reasonably safe basis, including security, for the minimum loan required for the particular operating year.

§ 1832.3 Making EM loans available.

EM loans will be made available in counties named by OEP as eligible for Federal assistance under a major disaster declaration by the President, in counties designated by the Secretary, and in nondesignated counties where authorized by the State Director.

(a) *EM loans in OEP counties.* Designation by the Secretary is not necessary for making EM loans available in counties determined by OEP to be eligible for Federal assistance under a major disaster declared by the President. Therefore, where there is a Presidential major disaster declaration, the National Office will notify the State Director and the Finance Office of the name of the counties determined by OEP to be eligible for Federal assistance under the declaration, and the period during which EM loans will be made based on the major disaster. The State Director will notify the appropriate County Supervisors immediately and instruct them to make EM loans available under § 1832.13. His notification will be confirmed by State requirements issued as soon as possible. The State Director will also notify the State USDA Defense Board Chairman and will make such public announcements as appear appropriate.

(1) Immediately upon receiving notice about counties under his jurisdiction, the County Supervisor will notify the appropriate County USDA Defense Board Chairman and make such public announcements as appear appropriate about the availability of EM loans under § 1832.13. Also, the County Supervisor will explain to other agricultural lenders in the area the assistance available under this program.

(2) Any need for credit resulting from a subsequent natural disaster occurring while EM loans are available because of a major disaster declared by the President cannot be met under § 1832.13. However, EM loans based on such subsequent natural disasters may be made in accordance with § 1832.3(b)(4).

(b) *Designation by the Secretary.* The Secretary of Agriculture may designate an area as an EM loan area when there exists a general need for agricultural credit resulting from a natural disaster. Such designations may be based on damages caused by hurricane, tornadoes, excessive rainfall and floods, earthquakes, blizzards, freezes, electrical storms, snowstorms, drought, excessively high temperatures and hail, insects where abnormal weather contributed substantially to the spreading and flourishing of such insects, fires resulting from lightning and fires of other origins which could not be controlled because of abnormal weather, and plant and animal diseases where abnormal weather contributed substantially to such diseases spreading into epidemic stages.

(1) The County Supervisor will report to the State Director immediately the occurrence of any natural disaster causing substantial production losses or damage to real property in his area regardless of whether EM loans will be needed. He will send a detailed report as soon as possible. The report will be by memorandum except that it may be by telephone or telegram in urgent situations caused by natural disasters such as floods, storms, tornadoes, or hurricanes. The report will be based on information obtained from farmers, agricultural leaders, and representatives of other agricultural agencies. Sources of the information will be given, but letters will not be required from those contacted. When letters are received, however, they should be submitted. The report will be made using the format available in all FHA offices when an area designation is recommended.

(i) Area designations generally will not be recommended until near the time EM loan funds actually will be needed by eligible applicants to start or continue the year's farming or livestock operations. An immediate designation in advance of the time credit will be needed which may be justified in some situations to alleviate local anxiety about the availability of credit where there has been serious damage by severe floods, tornadoes, storms, hurricanes, or freezes. Otherwise, the recommendation should not be made until the actual damage and losses caused by a natural disaster can be reasonably determined.

(2) The State Director will inform the National Office of each such natural disaster as soon as possible even though he may not recommend an area designation. He will recommend a designation when in his opinion the County Supervisor's memorandum shows that the natural disaster has resulted in a substantial need for agricultural credit. The State Director will add his recommendation at the conclusion of the County Supervisor's memorandum, except that his recommendation may be by telephone or telegram in urgent situations such as those described in subparagraph (1) of this paragraph. His recommendation to the National Office will be timed in the manner provided in subparagraph (1)(i) of this paragraph.

(i) County Supervisors' memorandums recommending area designations which are concurred in by the State Director will be submitted to the National Office.

(3) When an area is designated by the Secretary, the National Office will notify the State Director and the Finance Office regarding such area designation. The notification will specify the period within which initial loans may be made to new applicants as a result of the disaster for which the area was designated. The State Director will notify immediately the county offices involved and this notification will be confirmed by a State requirement issued as soon as possible. The State Director also will notify the State USDA Defense Board Chairman and will make such public announcements as appear appropriate.

(i) Immediately upon receiving notice of the designation of counties under his jurisdiction, the County Supervisor will notify the appropriate County USDA Defense Board Chairman and make such public announcements as appear appropriate. Also, the County Supervisor will explain to other agricultural lenders in the area the assistance available under the EM loan program.

(4) Additional authorizations from the National Office or the State Director are not required when subsequent natural disasters make additional EM loans necessary during the period in which initial loans are authorized for new applicants in a presently designated area. However, as a matter of information, County Supervisors will inform State Directors of any such subsequent natural disasters and State Directors will inform the National Office accordingly.

(5) Recommendations for renewing a designation will be made in the same manner as described in subparagraphs (1) and (2) of this paragraph for recommending initial designation. The County Supervisor's memorandum will deal with the natural disaster(s), and damage caused by each. Except for this, the County Supervisor's memorandum will be prepared in accordance with instructions available in all FHA offices.

(c) *EM loans in nondesignated counties.* Within limitations of this subpart and the delegated loan approval authorities, initial EM loans may be made in nondesignated counties as authorized by the State Director upon his determination that not more than 25 applicants will receive initial EM loans as the result of all severe production losses caused by natural disasters occurring within the past 9 months. This determination by the State Director must be made on the basis of factual information, and this authorization may not be used to make EM loans immediately available in anticipation of a later designation by the Secretary based on the same natural disaster. The State Director's authorization will establish the termination date for receiving applications for initial EM loans in such counties. In addition, not more than 25 such loans will be made in any county under the State Director's authorization regardless of the number of local disasters that have already occurred, or may occur, during the period of authorization.

(1) Applications for initial EM loans under this paragraph will be received only after authorization by the State Director. Therefore, where a County Supervisor finds a need for the use of this authority he will send the State Director supporting information in the prescribed format. Also, the County Supervisor will send the State Director additional information in narrative form about each subsequent local natural disaster which will not cause the total number of initial EM loans to exceed 25.

(i) State Directors will send to the National Office a copy of each memorandum authorizing a County Supervisor to receive applications for initial EM loans in a nondesignated county, together with a copy of the County Supervisor's memorandum requesting the authorization. Also, State Directors will send to the National Office a copy of each memorandum received from County Supervisors about subsequent natural disasters occurring during the periods they are authorized to make loans under this paragraph.

(ii) State Directors will make appropriate public announcements of their actions in authorizing County Supervisors to receive initial EM loan applications in nondesignated counties. State Directors also will notify the State USDA Defense Board Chairman.

(2) After initial EM loans are made under this paragraph, ordinarily a recommendation for designation of the county by the Secretary will not be justified unless a subsequent natural disaster(s) causes a need for a total of more than 25 initial EM loans being made for the fiscal year.

(3) State Directors will maintain running records by counties for each fiscal year showing the number and amount of initial EM loans made in nondesignated counties under this paragraph and the local natural disasters on which they were based. This will be accomplished by routing through the State Office all loan dockets being submitted to the Finance Office for processing. State Directors will send reports compiled from this information to the National Office, cumulative from the beginning of the fiscal year, as of the close of business on December 31 and June 30 of each fiscal year.

(d) *Subsequent loans.* Subsequent EM loans are EM loans to applicants who are indebted for EM loans including operating loan borrowers who are also indebted for EM loans. Except as provided in § 1832.9(a), subsequent EM loans may be made within the limitations, policies, and authorities contained herein, without regard to the termination date for making initial loans. This applies when the applicant is unable to obtain credit from other sources because of the natural disaster or major disaster which caused need for the initial loan, or the applicant qualifies under § 1832.5(f) for an EM loan without regard to his ability to obtain credit elsewhere, or the subsequent loan is necessary to protect the Government's interest in EM loans previously made, including production emergency, economic emergency, special emergency, and special livestock loans. In either event, there must be reasonable assurance that the subsequent loan will be repaid and the balances owed on previous loans will be repaid or substantially reduced within a reasonable period. However, the period during which additional loans will be made must be consistent with the objectives of EM loans as described in this section.

(e) *Loans to paid-up borrowers.* With prior concurrence of the National Office, the State Director may authorize additional initial loans on a county basis, subject to delegated loan approval authorities, to one or more otherwise eligible applicants who received EM loans during the previous year and have repaid their EM loan accounts in full but are still unable to obtain needed credit from other sources because of severe production losses caused by a qualifying disaster. Additional initial loans to a particular borrower will not be made under this authority to finance farming or ranching operations after 3 to 5 operating years following the applicant's last severe production loss caused by a qualifying disaster. The State Director's request for concurrence in using this authorization will state the approximate number of paid-up borrowers who will require additional initial loans during the year and the year in which the qualifying disaster(s) involved occurred.

§ 1832.4 Scope of operations to be financed with EM loans.

Since the inception of this program most EM loans have been made to operators of relatively small farms. However, no ceiling has been established on the size of operations that may be financed with EM loans nor on the size of loans that may be made. Therefore, subject to the eligibility requirements and other provisions of this subpart, EM loans may be made to finance larger than family farm operations.

§ 1832.5 Eligibility requirements.

To be eligible for an EM loan, an applicant must:

(a) Be a citizen of the United States, if an individual. If a partnership, the individual partners must be citizens of the United States. If a corporation, the corporation must be incorporated under the laws of the United States or any State thereof and the principal stockholders must be citizens of the United States. Any stockholder owning as much as 20 percent of the stock will be considered as a principal stockholder.

(b) Be an established farmer or rancher with a reasonably good past record of operations, whether owner-operator or tenant, who manages his farming or ranching operations. An applicant who does not devote full time to his farming or ranching operations may be considered as the manager of his farming or ranching operations if he visits his farm or ranch at frequent intervals often enough to exercise control and see that the operations are being carried on properly.

(c) Have suffered severe production losses not compensated for by insurance or otherwise, or severe damage not compensated for by insurance or otherwise to buildings, land, water resources, or farming or ranching equipment essential to normal operations, if the application is for an initial EM loan. Such production losses or property damages must have been caused by the natural disaster(s) or major disaster(s) which resulted in the designated or nondesignated counties, as defined in § 1832.1(a)(4) and (5), becoming or remaining areas in which EM loans may be made.

(1) Where losses in certain enterprises of an applicant are compensated for by good production in other enterprises of the applicant, the applicant will not qualify for an EM loan. Generally, an applicant would have qualifying losses if he has had production losses, not compensated for by insurance or otherwise, of either:

(i) Twenty-five percent or more in any one farming or ranching enterprise essential to his total farming or ranching operations, or

(ii) The equivalent of 25 percent or more in his total essential farming or ranching enterprises.

(2) Where an applicant was unable to plant a substantial portion of his normal crops because of a qualifying disaster, his production for this portion of his crops will be shown as zero on Form FHA 441-22, "Statement of Production Losses and Certification." This will be shown separately from any crops which were planted. Where a farmer is unable to plant all or a portion of his crops, his normal level of operation will be what he actually planted in the previous year.

(3) Damage to farm or ranch dwellings and service buildings, will not qualify applicants for EM loans to finance their farming or ranching operations.

(4) Where an applicant has had disaster damage to feed crops and elects to sell his livestock rather than purchase feed to replace that which he would have produced except for the natural disaster, he cannot claim as loss the difference between the sale price and an estimate of what the sale price would have been if the livestock had been fed for the normal period. This is because the earlier sale was based on a judgment decision and differs from an applicant who could not plant crops because of the natural disaster. The latter had no opportunity for a judgment decision about planting.

(5) Production losses which have occurred to crops or grazing before actual production for the year can be determined will be estimated and shown on Form FHA 441-22 as follows:

(i) For grazing, the number of acres and the estimated percentage of loss will be shown in the appropriate spaces.

(ii) Estimates of damage to other feed crops and cash crops will be shown in units of production.

(6) An applicant's estimate of damage to his crops will be accepted without further investigation if the estimate appears reasonable for the area.

(d) Possess legal capacity to contract for the loan. State requirements will be issued with the advice of the Office of the General Counsel (OGC) with respect to this requirement.

(e) Possess the character, ability, industry, and experience necessary to carry out the proposed farming or ranching operations and will honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) Need credit to continue his normal farming or ranching operations.

(1) Generally, certification of a need for credit by an individual will be accepted without question or investigation if the record shows that he used credit in the previous operating year for operating expenses or capital purposes, or that it has been his general practice in the

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past to use credit for these purposes. On the other hand, if such applicant did not use credit for operating expenses or capital purposes in the previous operating year, and it has not been his general practice to use credit for these purposes in the past, it will then be necessary to determine whether he has sufficient cash on hand to continue his farming or ranching and to make necessary repairs and replacements. If the determination is that he has sufficient cash on hand, he would not qualify for an EM loan. However, in making determinations in this regard, it is not expected that in order to qualify an applicant must first deplete cash or investments that have been accumulated for the education of children, retirement, reserves for possible medical expenses, or similar purposes.

(2) Partnerships and corporations cannot meet the requirement of needing credit if such applicants or their principal partners or stockholders have such large net worths that their needs for funds for authorized EM loan purposes could be met without any significant relative reduction in assets.

(3) Ability to obtain credit from other sources does not disqualify an applicant for an initial or subsequent EM loan to be made before the end of the first full operating year after severe losses caused by the most recent qualifying disaster described in paragraph (c) of this section. Such loans would not include funds for operating expenses which would be incurred for or during the second full operating year. However, authorized repairs and replacements which are to be started with an EM loan made before the end of the first full operating year, but which cannot be completed within that period, are not disqualifying under this eligibility requirement.

(4) Ability to obtain credit elsewhere disqualifies an applicant for an additional EM loan to be made after the end of the first full operating year following severe losses and damage caused by the most recent qualifying disaster described in paragraph (c) of this section. In order for such applicant to qualify for such a loan, he must be unable to provide the necessary funds from his own resources and unable to obtain sufficient operating credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates for loans for similar purposes and periods in the community in or near which he resides. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources. The following will be observed in determining whether individual applicants meet this eligibility requirement for additional EM loans:

(i) When an applicant's financial statement or other information in the loan docket indicates that he might be able to obtain the credit he needs elsewhere at reasonable rates and terms, the County Supervisor will require him to make a diligent effort to obtain a loan from other sources. This effort will consist of applying to lenders engaged in extending short-term or intermediate-term credit in the area, depending on his needs, and requesting each lender to furnish a letter showing whether he will make a loan and if so, the amount and terms of the loan he is willing to make. Such letters from lenders and any other evidence concerning an applicant's ability to obtain credit elsewhere will be included in the loan docket. When appropriate, the County Supervisor will check on evidence concerning inability to obtain credit submitted by an applicant.

(ii) When an applicant's financial statement or other information in the loan docket indicates clearly that he is not able to obtain the credit he needs from other sources at reasonable rates and terms, he will not be required to furnish evidence that he has made an effort to obtain such credit from other sources. However, the County Supervisor will record his conclusion and the basis for it in the loan docket.

(g) In order for partnerships or corporations to qualify for additional EM loans after the first full operating year following the disaster, the principal partners or principal stockholders, individually and collectively, must be unable to finance the farming or ranching operations with their own resources or with credit obtained by them from other sources.

(h) After the first full operating year following the disaster, no EM loan will be made to applicants having large net worths or large equities in real estate, chattels, or other property regardless of whether they are able to obtain credit from other sources, unless justified by another disaster.

§ 1832.6 Certification by County Committee.

Before an EM loan to an individual is approved, the County Committee will certify on Form FHA 440–2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accordance with § 1832.5. In addition, the County Committee will establish the maximum amount of credit which may be extended under the certification to meet the actual needs of the applicant during his crop year. The crop year for each applicant will be established in accordance with the provisions of Subpart B of Part 1802 of this chapter. The maximum amount of credit established by the County Committee will not necessarily represent the amount which actually will be loaned. For this reason, and to avoid possible misunderstandings, the applicant will not be notified of the maximum amount of credit established by the County Committee.

(a) Before an EM loan is made to a partnership or corporation, the County Committee will certify on Form FHA 440–2 that the partnership or corporation is eligible and will recommend that a loan be made in an amount not to exceed the maximum certified amount shown on Form FHA 440–2.

§ 1832.7 Loan purposes.

Subject to the restrictions set forth in §§ 1832.8 and 1832.9, EM loans may be made to eligible farmers, ranchers, and oyster planters for the purposes set forth below which are essential to their farming, ranching, or oyster planting operations.

(a) Purchase of feed, seed, fertilizer, insecticides, and farm supplies; the repair of equipment; and other essential farm operating expenses, and expenses for processing by the applicant of agricultural products produced by him.

(b) Purchase of farm machinery when necessary to replace that destroyed, damaged, or lost through foreclosure or repossession by a prior creditor as the result of the qualifying disaster, and worn beyond economic repair, except that neither initial nor subsequent EM loans will be made to operators of not larger than family farms for the purchase of farm machinery to replace that worn beyond economic repair as long as operating loan funds are available for the year. Replacement items purchased with loan funds must be reasonably comparable in size and service, but not necessarily identical, to that being replaced.

(c) Purchase of livestock as follows:

(1) Breeding livestock to replace those lost, destroyed, or disposed of as a result of the qualifying disaster. In such cases, the circumstances surrounding the loss or disposition of the livestock to be replaced will be documented carefully.

(2) Feeder or stocker livestock, provided it has been the applicant's normal practice to have a feeder or stocker enterprise, the applicant produces more than half of the feed or more than half of the livestock required for the enterprise, and there will be security for the reasonable protection of the Government in addition to a first lien on the feeder or stocker livestock to be purchased with loan funds. In each such case, the loan docket will contain descriptions of the applicant's feeder or stocker enterprises during the past 3 years.

(3) To establish small feeder or stocker livestock enterprises, or to provide for small increases in the size of such enterprises already established, provided the applicant has the ability to care for livestock properly, it is determined that the establishment or increase in the size of the livestock enterprise is the most feasible method of marketing the feed or crops produced on the farm, the applicant will produce a majority of the feed required for the enterprise, and the enterprise is necessary to develop sound farming operations. It is not the intent of this authorization to assist applicants in making major conversions to livestock operations. Justification for the new enterprise will be documented fully in the loan docket.

(d) Payment of customary and equitable cash rent, subject to the following:

(1) When the cash rent, including cash charges as privilege rent, is for the use of farm buildings, pasture, hayland, cropland for the production of feed crops or grazing land, and all of the following conditions are met:

(i) The applicant is obligated under a written lease, or other formal agreement, to pay such rent or charges in advance of the time income will be available from the farming operations to make such payment. For grazing fees an invoice showing the number of livestock to be grazed, the grazing period, the cost per head, and the total cost may be used in lieu of a written lease. However, when relatively small amounts are involved, an invoice will not be required if the applicant's explanation of a satisfactory grazing agreement is recorded in the loan docket.

(ii) Arrangements cannot be made for the rent or charges to fall due when income will be available from the farming operations to make such payment.

(iii) Not more than 1 year's cash rent or cash charges will be paid with loan funds in any one lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(iv) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(v) The feed crops to be produced and any rented pasture or grazing land will be used by the applicant in feeding his stocker, feeder, or productive livestock.

(2) When the cash rent is for the use of land to produce cash crops, and all of the following conditions are met:

(i) The applicant operates not larger than a family farm.

(ii) The applicant's farming operations do not consist primarily of producing vegetables or other such specialized crops.

(iii) The requirements under paragraph (d)(1) of this section.

(e) Payment of not more than 1 year's taxes and insurance premiums on real or personal property owned by the borrower which does not secure any FHA loan other than EM or operating loans, not more than 1 year's premiums or costs for public liability and property damage insurance, Social Security taxes in connection with hired labor only, and water or drainage charges or assessments.

(f) Payment of current unsecured bills, incurred for authorized EM loan purposes in connection with the production of livestock, livestock products, and crops which have not been disposed of, lost, or destroyed, and old unsecured bills incurred for authorized EM loan purposes in connection with the production of livestock, livestock products, or crops which have been disposed of, lost, or destroyed. For this purpose, an unsecured bill is a bill for which the creditor did not receive a lien on any property at the time it was incurred and has not received such a lien since that time. Unsecured bills include unsecured promissory notes given for loans for authorized EM loan purposes. Advances will not be made for the payment of unsecured bills or notes which can be paid from the sale of livestock, livestock products, or crops to be marketed within a few weeks following the approval of the loan, or cannot be scheduled for payment from the year's income in accordance with § 1832.10(a)(1).

(1) Generally, the amount being advanced for the payment of old unsecured bills should not exceed 5 percent of the total loan.

(g) Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, but not to exceed 8 percent per annum, that is due or about to become due on debts secured by liens of other creditors on essential livestock, farm equipment, and farm real estate, and EM loan interest-only installment(s) scheduled for the first and, when a deferred payment of principal is involved, the second January 1 following the closing of the loan, when a borrower will not be able otherwise to pay such installments because income from crops, livestock, or other sources is not available. However, this does not authorize use of EM loan funds to pay interest on any other type of FHA loans.

(h) Payment of depreciation in any one year not to exceed 15 percent of the market value of essential farm machinery and equipment under prior lien to another creditor or 15 percent of the amount owed to such creditor, whichever is lesser.

(i) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must understand, however, that within the limits of their resources, they should plan and carry on adequate food production and conservation programs.

(j) Purchase of essential replacement home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner.

(k) Expenses incident to loan closing.

(l) The replacement or repair of essential buildings, silos, storage facilities for feed or water, fences, drainage systems, irrigation facilities, wells, and stock ponds damaged or destroyed by natural disasters. In addition, new wells may be financed, not on a replacement basis, where necessary to provide water for domestic use and for livestock where the normal source has been damaged or destroyed by a natural disaster. Development work will be in accordance with Subpart A of Part 1804 of this chapter.

(m) The releveling of land and the clearing of debris made necessary as a direct result of the qualifying disaster. Development work will be in accordance with Subpart A of Part 1804 of this chapter.

(n) The restoration of permanent pastures and the purchase of trees, rootstock, and plants for reestablishing commercial orchards or berry and other perennial crops, when necessary as a direct result of the qualifying disaster. Development work will be in accordance with Subpart A of Part 1804 of this chapter.

(o) The payment of bills incurred for emergency repairs and improvements to farm real estate, necessary as a direct result of the qualifying disaster, provided it is determined that the expenditures were essential to a preservation of the property or a continuation of the applicant's normal farming or livestock operations, and had to be made before an EM loan could be obtained, and the loan for such purposes is approved within a reasonable period following designation of the area. A reasonable period for this purpose generally will be a period of not to exceed a few weeks.

§ 1832.8 Loan limitations.

EM loans will not be made:

(a) For purposes authorized by § 1832.7 (f), (g), and (h) unless essential operating expenses are provided for with loan funds and then only where there is a reasonable payment prospect for the total amount of credit required for the crop year, and there is adequate security for the EM loan. Loan approval officials are expected to take extra care to exercise good judgment in this regard.

(b) To refinance debts, either secured or unsecured, except the payment of bills as authorized in § 1832.7 (f) and (o).

(c) To pay Federal or State income taxes, or Social Security taxes payable by borrowers in their own behalf.

(d) To purchase passenger automobiles.

(e) To enable an applicant to become established or reestablished in farming or ranching.

(f) To enable an applicant to expand his farming or ranching operations substantially in excess of the size of his operations during the year just prior to the loan application. However, this does not prohibit expansion within the size of family farming operations where additional equipment will not be required and livestock purchases will not exceed those authorized by § 1832.7(c).

(g) To enable an applicant to make major adjustments in his farming or ranching operations. This is not intended, however, to prohibit minor changes such as the shifting or addition of minor crop or livestock enterprises, including the establishment of small acreages of permanent pastures, provided:

(1) The new crop is proven for the area, the applicant has the knowledge and ability to produce the crop, the purchase of additional equipment will not be required and the new enterprise will not result in a substantial expansion of the total crop acreages or the total operating expenses.

(2) The new livestock enterprise meets the requirements of § 1832.7(c)(3).

(h) To finance commercial feed lot operations.

(i) To finance livestock or ranching enterprises where the applicant does not produce more than half of the livestock or more than half of the feed required for his enterprise.

(j) To a landlord to furnish his tenant operators, whether share, cash, or standing rent is paid by these tenants. However, loans may be made to operating landlords or tenants to furnish their sharecroppers.

(k) To an applicant whose debts have been settled pursuant to Part 1864 of this chapter, or who has been released from personal liability under Subpart A of Part 1872 of this chapter, as reflected by the County Office records, or where

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settlement or release under such regulations is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed, and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Prior to approval of the loan, the loan docket and any available case folders, including the County Supervisor's justification for making the loan, will be submitted to the State Office for a determination as to whether the loan should be made.

(l) To finance unproven types of farming operations in the area.

(m) To finance an applicant's enterprises involving the buying, processing for market, or selling of agricultural products produced by others. However, EM loans may be made to finance such an applicant's farming operations if he agrees in writing to maintain separate records on his farming operations, and assigns to the Farmers Home Administration the income to be received from his farming.

(n) To the following types of applicants:

(1) An estate or a trust.

(2) A corporation owned primarily by an estate, trust, other corporations, or partnerships.

(3) A partnership composed primarily of an estate, trust, corporations, or other partnerships.

(o) To an applicant operating under the jurisdiction of a bankruptcy court.

(p) To an operating loan borrower, if the EM loan would cause the borrower's total principal balance on EM loans and operating loans to exceed $35,000, unless the need for additional credit is the result of a natural disaster or other circumstances beyond his control.

(q) To an operating or farm ownership loan borrower who has expanded his farming or livestock operations beyond family size.

(r) To flood and mudslide victims to repair or replace damaged or destroyed farm dwellings or service buildings and the contents thereof in areas where "National Flood Insurance" is available, except under the same conditions as authorized for Rural Housing Disaster (RHD) loans in § 1822.365(f) of this chapter.

§ 1832.9 Relationship with other types of FHA loans.

Determination of whether EM loans or other types of FHA loans will be made to eligible applicants in areas where EM loans are available because of a major disaster declared by the President, in designated areas, and in nondesignated areas, will be based on the following:

(a) Eligible applicants who are operators of not larger than family farms, including indebted operating loan borrowers, whose credit needs are for annual recurring operating expenses which can be repaid from the year's income, including the purchase of feeder or stocker livestock under § 1832.7(c) (2) and (3), and the replacement of essential equipment or breeding livestock lost, destroyed, or disposed of as a result of a natural disaster will receive EM loans instead of operating loans. Initial and subsequent EM loans will be made to operators of not larger than family farms for other authorized EM loan purposes only when all funds for making initial and subsequent operating loans in the State are exhausted for the year. In this event, EM loans may be made to eligible operators of not larger than family farms, including indebted operating loan borrowers, for any authorized EM loan purpose, subject to all other established loan making requirements. (b) An otherwise eligible applicant requiring credit for refinancing debts secured by liens on essential farm equipment or livestock or to purchase essential farm equipment or livestock, and also for operating and living expenses may receive simultaneously an operating loan for refinancing or purchasing if the need can be met with such loan, and an EM loan for operating and living expenses within authorized emergency loan purposes. This is the only situation in which both types of loans may be made to the same applicant at the same time.

(c) Applicants requiring credit which can be met with RHD loans for the repair or replacement of farm dwellings and other farm buildings damaged or destroyed by a qualifying disaster will receive RHD loans instead of EM loans. Applicants receiving RHD loans may also receive EM loans for other authorized EM loan purposes if they are otherwise eligible and have qualifying losses other than damage to buildings.

§ 1832.10 Rates and terms.

The interest rate for EM loans will be prescribed each month in accordance with current information regarding interest rates available from any FHA office, or from its National Office at 14th and Independence Avenue SW., Washington, DC 20250. Interest will be charged at the rate in effect at the time the loan is approved. Interest will accrue on outstanding principal only and will not be compounded. For initial advances, accrual will be from the date of the promissory note. For future advances, accrual will be from the date of the loan check. Loans will be scheduled for payment as follows:

(a) Unless a deferment is authorized by this paragraph, payments of principal and interest will be scheduled on the note in annual installments in accordance with the borrower's reasonable ability to pay, determined by his operations as reflected in his farm and home plan. All installment dates will be January 1 of each year except the final installment will be made payable on the date of the note plus the number of years over which the loan is made payable. This will not be later than 7 years from the date of the note for loans for other real estate purposes and not more than 20 years for loans for real estate purposes. The initial principal installment may be deferred in whole or in part to the second or third January 1, as appropriate, following the date of the note where the year's income will be sufficient to meet the payment but will not be received in full that year because of the type of farming or the method of marketing, or the total planned income is less than planned annual recurring expenses because the productive capacity of the farm is adversely affected by a qualifying disaster which has already occurred. Interest will not be deferred. Therefore, during the deferment period, each installment will include the total amount of interest accruing to the date of that installment plus the estimated principal amount the applicant will be able to pay. Deferments will not be given to enable applicants to use income to make payments on old bills or FHA loans ahead of paying annual recurring expenses. When the payment of principal is deferred to the second January 1 following the date of the note, the first scheduled installment will be the amount of accrued interest from the date of the note to February 1 of the next calendar year. When the payment of principal is deferred to the third January 1 following the date of the note, the second scheduled installment will be the amount of accrued interest for a full year and the first scheduled installment will be the amount of accrued interest from the date of the note to February 1 of the next calendar year. Subparagraphs (1) through (7) of this paragraph are subject to the deferment policies contained in this paragraph.

(1) Advances for annual recurring expenses, including current unsecured bills, taxes, and insurance, and paying old unsecured bills, will be scheduled for payment when principal income from the year's operations normally would be received. EM loans will not include funds for paying old unsecured bills where the income from the year's operations will not be adequate to pay such advances in addition to advances for annual recurring expenses.

(2) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(3) Advances for the payment of interest and depreciation will be scheduled for payment over periods not to exceed 5 years.

(4) Advances for the purchase of farm machinery and equipment ordinarily will be scheduled for payment over a period not to exceed 5 years. In determining the payment period for advances made for such purposes, the loan approval official will give careful consideration to the useful life of the property and the fact that payment on such advances must more than offset depreciation, including obsolescence of the equipment if the borrower is to make financial progress.

(5) Advances for the purchase of breeding livestock will be scheduled for payment over periods not to exceed 7 years or the average productive life of the livestock, whichever is shorter.

(6) Advances for real estate purposes, secured primarily by real estate liens, may be scheduled over periods not to exceed 20 years.

(7) Advances for purposes other than those enumerated in paragraph (a) of this section, including subparagraphs (1) through (6) of this paragraph will be scheduled for payment over the minimum period consistent with the applicant's reasonable ability to pay, determined from an analysis of the farm and home operations as reflected in his farm and home plan. In no instance may the payment scheduled extend beyond the useful life of the security offered for the advance.

§ 1832.11 Security policies.

(a) *EM loans for other than real estate.* Except as provided in paragraph (d) of this section, EM loans for other than real estate purposes will be secured as follows:

(1) *Crops, title to which is held by the applicant.* By a first lien on the applicant's crops, growing or to be grown by him, subject only to one or a combination of the following, as appropriate in individual cases:

(i) The landlord's lien on crops for reasonable share rent for the current year.

(ii) The landlord's lien for the current year's customary and equitable cash rent, including cash charges as privilege rent, for the use of farm buildings, pasture, hayland, cropland for the production of feed crops, and grazing land, for applicants who are not engaged primarily in livestock feeding operations.

(iii) The landlord's lien or claim for the current year's equitable and customary cash rent for operators of not larger than family farms who are producing cash crops, but not engaged primarily in the production of vegetables or other specialized crops.

(a) In all other cases involving cash rent for land to be used for the production of cash crops, loans may not be made subject to the lien or claim for rent unless the landlord converts his lease to a specified reasonable share rent, or agrees in a letter addressed to the County Supervisor that only a specified reasonable share of the crops will be subject to the payment of his rent. Other lenders advancing funds for the payment of cash rent will be considered as landlords in this regard.

(iv) The real estate mortgagee's lien or real estate purchase contract holder's lien on the crops for the current year's installment on the real estate debt, if such installment is reasonable when related to the normal rental charges for similar farms in the area.

(v) The lien of another creditor on particular crops for advances made or to be made by him to produce such crops, if no advances will be made by the FHA in connection with such crops.

(vi) The contract of another creditor or the lien in connection with such contract on particular crops for advances made or to be made by him to produce, harvest, process, or market such crops.

(2) *Crops grown under contract when title to the crop is held by the contractor.* When a crop is being produced, harvested, processed, or marketed by the applicant under an equitable written contract with a responsible contractor and title to the crop is retained by such contractor, loans may be made in connection with such crops provided the contractor limits his advances to production harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto, and an assignment of all or a part of an applicant's share of the income from the crop is taken by the FHA and is accepted in writing by the contractor holding title to the crops. The assignment will be in an amount equal to the amount planned to be paid on the applicant's FHA indebtedness from such crops. However, when no payment is expected to be made on the loan from the crops, an assignment will not be required. The form for use in obtaining such assignments will be approved by the OGC. In Uniform Commercial Code (UCC) States the assignment will constitute a security agreement on such crop income, and the contractor will be described specifically, or as "Contract Rights" or "Contract Rights in Crops," and so forth in paragraph 1(b) of the financing statement.

(3) *Livestock, poultry, farm equipment, and facilities purchased with loan funds.* By a first lien on all such items, except that liens will not be taken on equipment, facilities, or buildings which cannot be made subject to a valid chattel lien, or in UCC States, a valid security interest, nor on poultry kept primarily for subsistence purposes, on household goods and equipment, small tools, and equipment having only minor security value.

(i) *Undivided interests.* An applicant obtaining a loan for the purchase of an undivided interest in the property referred to above will secure his loan by a lien on his undivided interest, along with any other security required by § 1832.11. Each party having an undivided interest in such property will executive Form FHA 441–12, "Agreement for Disposition of Jointly-Owned Property," providing for the disposition of his interest in the property. However, Form FHA 441–12 will not be required when a tenant and landlord own property jointly and the lease provides for satisfactory division of such property or the proceeds from its sale, or a joint security instrument is taken to secure loans to two individuals jointly engaged in farming.

(4) *Other livestock and farm equipment of security value.* By the best lien obtainable on as much of the other livestock, poultry, and farm equipment of significant value owned by the applicant at the time the loan is approved as is necessary to protect the interest of the Government. This will include any undivided interest in such property owned by the applicant jointly with others who have an interest in the farming operation.

(i) Ordinarily, liens should not be taken on only part of a herd or flock due to the security servicing problems involved.

(ii) Liens should not be taken on small equipment and tools having minor security value, household goods and equipment, passenger automobiles, or livestock or poultry kept primarily for subsistence purposes, or on undivided interest in farm equipment or facilities owned jointly by the applicant with others who have no interest in the farming operation.

(5) *Liens and assignments to protect the Government's interest in feed purchased or produced with loan funds.* Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock (excluding livestock and poultry kept primarily for subsistence purposes), will ordinarily be secured by first liens on such livestock. However, when a first lien cannot be obtained, the loan will be secured by liens or assignments as provided below:

(i) When the livestock will be owned by the applicant and a first lien cannot be obtained, a junior lien will be taken, provided it is determined that the applicant has, or will acquire during the feeding period, an equity in the livestock being fed or will receive income from livestock or livestock products, either of which must be commensurate with the investment made for this purpose, and prior lienholders sign Form FHA 441–12, "Division of Income and Nondisturbance Agreement," or similar form approved by the OGC, agreeing to a suitable nondisturbance period and to a division of the income to be received from the livestock and livestock products, which will permit the applicant to pay his loan in accordance with the policies expressed herein. However, when no payment is expected to be made on the loan from the livestock or livestock products, Form FHA 441–13 will not be required.

(ii) When the livestock enterprise is to be managed by the applicant under a livestock share lease, share agreement, or contract, and the income to be received therefrom will be from the livestock fed, or from livestock products, an assignment of all or a part of such income will be taken provided the owner or purchaser of the livestock or livestock products accepts the assignment in writing. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's FHA indebtedness from such income. The form for use in obtaining such assignments will be approved by the OGC. However, when no payment is expected to be made on the loan from the livestock or livestock products, an assignment will not be required. In UCC States, if an assignment on livestock income is taken, such assignment will constitute a security agreement on such income, and the share lease, share agreement, or contract will be described specifically, or as "Contract Rights," or "Contract Rights in Livestock," and so forth in paragraph 1(b) of the financing statement.

(6) *Assignments of crop and life insurance.* Assignments of all or a part of

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crop insurance proceeds will be taken when the loan approval official determines such action is necessary to protect the interests of the Government. However, an assignment is not required in cases where a crop insurance policy contains a standard mortgage clause naming the FHA as mortgagee or secured party. Assignments of life insurance proceeds will be required when relatively large amounts are being loaned for the payment of annual premiums.

(7) *Assignment of or consent to payment of proceeds from sale of products or other income.* (i) Assignments of and "consents" to payment of proceeds from the sale of products or other income will be used when payments are planned from such sources and such instruments are necessary to protect the interest of FHA and it is possible to obtain the acceptance of the purchaser or other payor.

(*a*) Form FHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," will be used for products or income except dairy products in which FHA has a security interest under the UCC.

(*b*) Form FHA 441–8, "Assignment of Proceeds from the Sale of Agricultural Products," will be used for products or income in which FHA does not have a security interest under the UCC. Other forms approved by the OGC may be used when Form FHA 441–8 is not adequate.

(*c*) Assignment of incentive and agricultural program payments will be taken on forms provided by Agricultural Stabilization and Conservation Service (ASCS), except that Form FHA 462–8, "Wheat and Feed Grain Programs-Assignments," will be used to obtain assignments of Wheat Certificate and Feed Grain Program payments.

(*d*) Form FHA 441–25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used for dairy products in which FHA has a security interest under the UCC.

(8) *Consent and subordination agreements and severance agreements.* (i) In those UCC States in which the State requirement does not necessitate the use of a severance agreement, Form FHA 440–26, "Consent and Subordination Agreement," will be used as necessary to meet the security requirements contained in subparagraph 3 of this paragraph.

(ii) In Louisiana and in those UCC States in which State requirements so provide, Form FHA 440–6, "Severance Agreement," will be obtained when EM loan funds are used to purchase property which is or may become a fixture, and it is necessary to sever such property from real estate to meet the security requirements contained in subparagraph 3 of this paragraph.

(9) *Farm real estate as additional security.* The best lien obtainable usually will be taken as additional security for relatively large loans and in other cases when in the opinion of the loan approval official such a lien is needed to adequately protect the Government's interest. When a lien is required as additional security, an appraisal of the farm will not be necessary and the title evidence will not be required. Property insurance will be required only when the loan approval official determines that insurance is necessary to protect the Government's interest, in which event Part 1806 of this chapter will be followed.

(i) A first lien on livestock purchased with loan funds normally will be adequate security for the amount advanced for this purpose. Therefore, where a total EM loan will be large only because of the amount being advanced for the purchase of livestock, a lien on real estate may not be required as additional security unless the loan approval official determines that such a lien is needed to adequately protect the Government's interest.

NOTE: EM loans containing advances for paying interest and depreciation and scheduled for repayment over periods longer than 1 year, or advances for meeting annual expenses and deferred under § 1832.10(a)(1), will be secured adequately by liens on chattels or real estate in addition to crop liens.

(b) *EM loans for real estate purposes.* Except as provided in subparagraph (7) of this paragraph and paragraph (d) of this section, advances for real estate repairs and improvements, including orchard rehabilitation, will be secured only by liens on real estate in which the applicant has sufficient equity to provide adequate security for the loan. Title evidence is required in these cases.

(1) Determination of the applicant's equity in real estate offered as security will be based on an appraisal showing the present market value of the property and the amount of any lien or other encumbrances thereon. This appraisal will be made by a qualified FHA employee authorized to make appraisals. Form FHA 422–1, "Appraisal Report (Farm Tract)," and related forms will be used. The appraiser's estimate of the present market value of the property will be shown in part 8 of Form FHA 422–1. However, when the amount of the loan does not exceed $10,000, only parts 1, 2, and 8 of Form FHA 422–1 will be completed and the present market value of the property will be shown in part 8.

(2) If the property is held under a purchase contract, it must be determined that:

(i) The applicant has a mortgageable interest in the property.

(ii) The purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(3) If any of the prior liens against the property contain future advance provisions, or other provisions which might jeopardize the security position of the Government or the applicant's ability to meet his obligations under these prior liens and also repay his EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions. This usually will be accomplished on Form FHA 427–8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(4) In States where a prior lienholder may foreclose his security instrument under power of sale or otherwise and extinguish junior liens of private parties without making junior lienholders parties or giving them actual notice, and a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage. A State requirement will be issued, with the advice of the OGC, to indicate whether such agreements will be necessary in each particular State; and if so, to set forth the procedure and requirements for obtaining and recording such agreements.

(5) If there are insurable buildings located on the property, or if new buildings are to be erected or major improvements made to existing buildings, the applicant will provide adequate property insurance coverage at the time of the loan closing, or as of the date materials are delivered to the property, as appropriate, in accordance with the provisions of Part 1806 of this chapter.

(6) If insurance claims for loss or damage of buildings to be replaced or repaired with loan funds are outstanding at the time the loan is made, the applicant will be required to agree in writing for the proceeds of such claims to be used for replacement or repair of buildings or to be paid to the Government for application on the loan when settlement is made, or for such proceeds to be applied on debts secured by prior liens.

(7) When an amount not to exceed $2,500 is being advanced for real estate purposes, or the principal balance on such advance will not exceed $2,500 after deducting a cancellation made under § 1832.13, and the advance can be scheduled for repayment over a period not to exceed 5 years, it may be secured by either of the following methods:

(i) By a first lien on chattel property having a value which will provide adequate security, provided the taking of a chattel lien will not interfere with the applicant's ability to obtain operating credit.

(ii) By the best lien obtainable on the applicant's farm real estate in which there is an equity which will adequately secure the advance. Determination of the applicant's equity will be based on an appraisal made pursuant to subparagraph (1) of this paragraph and the total amount of debts secured by liens on the property as shown by Table A of Form FHA 431–2, "Farm and Home Plan." Title clearance will not be required in connection with real estate liens taken under this paragraph.

(c) *EM loans for both real estate and nonreal estate purposes.* When a loan is made which includes funds for operating expenses, and real estate purposes other than under the circumstances described in paragraphs (b)(7) and (d) of this section, only one loan docket will be prepared. However, promissory notes and

payment authorizations will be prepared separately for the amounts of loan funds to be used for each of these two purposes, and the loan will be secured as follows:

(1) That portion of the loan made for operating purposes will be secured as outlined under paragraph (a) of this section, and also, if legally possible, by any liens taken to secure advances made for real estate purposes. The notes for advances for operating purposes will be described in both the crop and chattel security instrument and the real estate mortgage.

(2) That portion of the loan made for the real estate purposes will be secured as outlined under paragraph (b) of this section. The notes for advances for real estate purposes will be described only in the real estate mortgage, unless scheduled for repayment within 5 years and a chattel lien is obtained in accordance with paragraph (b)(7) of this section.

(d) *Unsecured loans.* When loan funds are required immediately as the result of a natural disaster for an applicant to protect or preserve his family or property, an EM loan advance of not more than $1,500 may be made on the evidence of a promissory note without security under the following conditions:

(1) This authorization will be used only in designated EM loan areas.

(2) Any subsequent EM loan advance made to a borrower who has received an unsecured advance will be secured in accordance with this paragraph. In such case, security will then be taken for the unsecured note in accordance with this paragraph.

§ 1832.12 Loan approval.

Loans will be approved in accordance with the authorities contained in Subpart B of Part 1810 of this chapter and the provisions of this subpart.

(a) Applications for initial EM loans may be approved at any time after expiration of the period for receiving such applications, provided they were filed in the County Office before this period expired.

(b) Indebtedness limitation with respect to loan approval authority: A loan approval official may not approve any EM loan which will cause the sum of the loan plus the principal balance of EM and operating loans owed by the borrower to exceed the amount shown for that particular loan approval in Subpart B of Part 1810 of this chapter.

(c) Administrative determinations and responsibilities: When the County Committee certification has been made, the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has satisfactory tenure arrangements for the farm to be operated.

(3) The proposed farm and home operations of the applicant are reasonably sound.

(4) The loan is sound and can be repaid from farm or ranch income as scheduled.

(5) The amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs and are for authorized purposes.

(6) The security requirements can be met.

(7) The certifications required of the applicant and County Committee have been made and are a part of the loan docket.

(8) The loan meets all other FHA requirements.

§ 1832.13 EM loans based on major disasters declared by the President.

(a) *General.* EM loans may be made to eligible farmers or ranchers having qualifying loss or damage caused by a major disaster declared by the President. Such loans will be subject to the requirements of §§ 1832.1 through 1832.12, except as modified herein.

(b) *Scope.* EM loans may be made under this section to otherwise eligible applicants who have had qualifying damage or loss caused by a major disaster declared by the President.

(1) EM loans may be made to such applicants in counties determined by the OEP as eligible for Federal assistance under a major disaster declared by the President. EM loans will be made in OEP counties only after this has been authorized by the National Office in accordance with § 1832.3(a).

(2) Initial EM loans will not be made under this section as the result of a particular major disaster after termination of the original or renewal authorization from the National Office to make loans based on that major disaster. Because of the small number of initial loans that may be made on a nondesignated basis, the State Director's original authorization to make initial loans based on that major disaster will not be renewed. However, after expiration of the authorization to make initial EM loans, subsequent EM loans may be made under § 1832.3(d), and additional EM loans may be made to paid-up EM loan borrowers where authorized by § 1832.3(e).

(3) With prior approval of the Administrator in urgent situations in areas designated because of major disasters, the State Director may waive applicant investigations required by Part 1801 of this chapter, or elsewhere, for applicants who submit reasonable information in support of their applications for EM loans under this section. Such waiver authorizes the County Supervisor to accept reasonable information without investigation. This includes information submitted in Form 410–1, "Application for FHA Services," and Form FHA 441–23, "Certification of Losses Caused by Major Disaster." Whether the submitted information in individual cases is reasonable is a judgment determination to be made by the County Supervisor based on his knowledge of conditions in the area.

(c) *Eligibility requirements.* The eligibility requirements set forth in § 1832.5 apply to applicants for EM loans under this section except that the applicant's production loss or property damage must have been caused by a major disaster. Each applicant must certify to his loss on Form FHA 441–23 and that he needs credit to repair, restore, rehabilitate, or replace property damaged or destroyed by the major disaster, or to continue his farming or ranching operations damaged by the major disaster.

(d) *Loan purposes.* Where an applicant's farm home or essential farm service buildings and related structures and equipment have been totally destroyed or substantially damaged by the major disaster, and an EM loan is being made to repair or restore the buildings and equipment, the EM loan may include funds to refinance indebtedness secured by liens on such property, subject to all of the following:

(1) The amount of loan funds to be used for such refinancing may not exceed the amount of financial damage to the property.

(2) Refinancing of the secured indebtedness must be necessary in order for the applicant to retain the property with reasonable prospects of carrying the indebtedness in an orderly manner.

(3) The applicant must have reasonable repayment prospects for the total EM loan being made.

(4) The applicant must have sufficient equity in property being offered as security to provide adequate protection for the total loan.

(e) *Disbursing loans.* EM loans made under this section may be disbursed in immediate and future advances authorized in § 1832.32(1) of Subpart B of this Part, except that immediate advances will be in the full amount to be canceled plus not less than $500. Interest will not be charged on amounts to be canceled.

(1) Where EM loans have already been made in a county based on a natural disaster which is subsequently determined eligible for Federal assistance by OEP under a major disaster declared by the President, these loans will be considered for cancellation action under paragraph (f) of this section on a retroactive basis. It is recognized that these EM loans were not made under this section, that immediate advances may not have been made in the full amount to be canceled plus not less than $500, and that interest will have accrued on amounts to be canceled. Paragraph (f)(3)(v) of this section describes Finance Office actions in such cases.

(f) *Cancellations.* Eligible applicants receiving EM loans under this section may receive principal cancellation as described below:

(1) *Principal cancellation.* Subject to the requirements of this paragraph and subparagraph (2) of this paragraph, otherwise eligible applicants may receive cancellations of principal on EM loan advances made or already made to repair, rehabilitate, or replace property in connection with which there have been qualifying property losses caused by a major disaster, or to meet expenses in connection with farming operations where there have been qualifying crop losses caused by a major disaster.

(i) A qualifying property loss is that part of a loss caused by a major disaster to farm homes, other farm buildings,

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household furniture, livestock, farm equipment, or other essential farm property, as distinguished from crops, which is not compensated for by insurance or otherwise.

(ii) A qualifying crop loss is that part of a loss to crops caused by a major disaster, which is not compensated for by insurance or otherwise.

(2) *Amount of principal cancellation.* The amount of principal which may be canceled in connection with an EM loan being made or already made will be the smallest of the following:

(i) That portion of the loan in excess of $500, or

(ii) The amount of losses shown on Form FHA 441–23 minus the amount of insurance or other compensation for the losses, or

(iii) The statutory maximum of $2,500 less the total of any amount already canceled on an EM loan based on the same major disaster, already canceled or being canceled on a RHD loan based on the same major disaster, and already canceled or being canceled on a Small Business Administration loan based on the same major disaster.

(3) *Processing principal cancellation.*—(i) *Certification of losses.* Each EM loan applicant will be informed about the benefits authorized herein and given an opportunity to file a certification of his losses with supporting information on Form FHA 441–23. If the information furnished by an applicant about production and property losses appears reasonable for his area, it will be accepted and used without investigation. However, if the submitted information does not appear reasonable, the County Supervisor will investigate and place information in the running record which will enable the appropriate FHA loan approval official to act on any request the applicant may make for a principal cancellation. Form FHA 441–23 will be prepared in an original only and maintained in the County Office file.

(ii) *Application for principal cancellation.* If the supporting information submitted on Form FHA 441–23 by an applicant for an EM loan shows that he has had qualifying losses, he will be given an opportunity to apply for a principal cancellation on Form FHA 440–44, "Application for Principal Cancellation."

(iii) *County Committee action.* The County Committee will review each application for principal cancellation and make a recommendation, which will be advisory only, by inserting the following in Form FHA 440–2:

> We recommend cancellation of principal in the amount of $-------

(iv) *Approval authorization.* Subject to the foregoing requirements of this paragraph, FHA loan approval officials are authorized to approve principal cancellations in connection with the approval of EM loans being made within their respective approval authorizations. Form FHA 440–44 will be prepared in triplicate but only the original will be executed. The original and one copy will be submitted to the Finance Office. This submission will be made along with the submission of Form FHA 441–1, "Promissory Note." The second copy will be retained in the County Office file. (See § 1832.32(h) (4) of Subpart B for preparation of Form FHA 441–1 where cancellation is involved.)

(v) *Finance Office action.* Upon receipt of the original and one copy of Form FHA 440–44 approving a principal cancellation, the Finance Office will immediately apply the approved amount of the principal cancellation, as of the date of the promissory note, to the earliest installment(s) having the shortest maturity and evidencing the EM loan(s) based on the qualifying major disaster. The Finance Office will indicate the action taken in the appropriate space of the copy of Form FHA 440–44 and return it to the County Office.

(*a*) Where retroactive cancellations are made, the Finance Office will apply the approved amount in accordance with this subdivision (v) (*a*) and will modify the promissory note to reverse calculated interest on principal amounts being canceled.

(vi) *Conforming County Office records and informing borrower.* When a processed copy of Form FHA 440–44, covering a principal cancellation is received from the Finance Office, the County Office will conform the copy maintained in the County Office file and credit the borrower's EM loan account with the approved principal amount on the appropriate Form FHA 405–1, "Management System Card—Individual," as follows: For an EM loan already made, erase the first installment due following approval of Form FHA 440–44, and insert the reduced installment; and for an EM loan being made, which involves Form FHA 440–44 and the promissory note is being processed at the same time, the first installment reduced by the amount of principal canceled, will be posted. In all cases, the notation "FHA 440–44" will be entered in the "Amount of Note" column of Form FHA 405–1 immediately above the note concerned. After these requirements have been met, the processed copy of Form FHA 440–44 will be delivered to the borrower.

(g) *Deferring EM loan principal and interest payments.* Principal and interests payments may be deferred in accordance with § 1832.10(a). However, any amount to be canceled where deferments are granted will be reflected in the first installment on Form FHA 441–1. (See § 1832.32(h) (4) of Subpart B for preparation of Form FHA 441–1 where cancellation is involved.)

(h) *Meeting farm housing needs.* Where an applicant needs to borrow funds to repair or replace a farm dwelling or service building damaged or destroyed by a major disaster, he will be considered for a RHD loan for his farm housing purposes. An EM loan will not be considered for farm housing purposes unless this need cannot be met with an RHD loan but could be met with an EM loan. In this event, the EM loan for farm housing purposes would be subject to this section and the requirements for making EM loans under § 1832.11(b).

(i) *Miscellaneous.* (1) An applicant operating farms in different counties will be considered for only one EM loan covering all farms rather than a separate loan in connection with each farm. However, cancellations will not be based on damage in any county which has not been designated by OEP.

(2) The fact that stockholders of a corporation receive benefits under paragraph (f) of this section, in connection with their individual farming operations does not disqualify the corporation from consideration for such benefits in connection with different farming operations.

(3) For otherwise eligible applicants having qualifying losses, §§ 1832.7(b) and 1832.9 are supplemented hereby to authorize the making of EM loans instead of operating loans, to operators of not larger than family farms, to replace farm machinery worn beyond economic repair, or lost by foreclosure or repossession by a prior creditor.

(4) An EM loan, instead of both EM and RHD loans, will be made to eligible farmers requiring a total of less than $3,500 for housing and farm service building purposes and for authorized EM loan purposes. This is because one loan instead of two will be required for the applicant to qualify for the full amount of cancellation he would be entitled to receive, assuming that he had qualifying losses for a maximum cancellation under the major disaster declared by the President.

(j) *Reports on lending activity.* State Directors will make cumulative reports to the National Office at regular intervals on lending activity under this section. This report will be on a county basis and will include the name of the county, number of applications received, number and amount of loans approved, amount of cancellations approved, and number of applications rejected or withdrawn, cumulative from date or declaration. The first report will be made as of the close of business at the end of the second full week following a major disaster declared by the President. Thereafter, cumulative reports will be made at the end of each 2 weeks as long as there is activity, with a final report at the end of the fiscal year.

§ 1832.14 EM loans to vegetable growers.

(a) *General.* EM loans may be made to vegetable growers in accordance with the requirements of §§ 1832.1 through 1832.12, except as modified and supplemented herein.

(b) *Definitions.* "Vegetable grower" as used in this section refers to those established farmers in recognized vegetable producing areas whose operations involve primarily the production of vegetables or truck crops, including potatoes, or those who would expect to use a substantial part of the credit made available to them for financing such enterprises. A farmer whose vegetable enterprises represent only a minor part of his total farming operations will not be considered a vegetable grower in connection with an EM loan to finance his total farming operations.

(c) *Eligibility.* In addition to the requirements of § 1832.5, it must also be determined:

(1) That the applicant has been established as a vegetable grower in the area for at least 3 years with a successful record of past operations involving the production of the specific crops to be produced with the requested EM loan.

(d) *Loan purposes.* EM loans may be made to eligible vegetable growers for any of the purposes authorized by § 1832.7. Because of the greater-than-normal hazards involved in financing vegetable operations, loans should be made only for those purposes that are absolutely essential to enable the applicant to carry out the proposed operations. In this connection, it is expected that EM loans will be made in only rare instances for the purchase of replacement items of farm machinery.

(e) *Loan limitations.* The following limitations in addition to those set forth in § 1832.8 are applicable in the making of EM loans to eligible vegetable growers:

(1) The EM loan program will be administered in such a way as to comply with the intent of the production goals or planting guides announced by the U.S. Department of Agriculture with respect to particular vegetable crops. State requirements should be issued to supplement this subpart when the State Director feels it is necessary to give effect to this policy.

(2) Loans will be limited to the minimum required for efficient production (and harvesting and marketing, when necessary) of the particular crops to be grown by each applicant. The State Office should assist the County Supervisors in the development of a guide setting forth the maximum production costs per acre which might be incurred for each of the various crops to be grown in the area and still permit a profit under normal conditions. Advances or releases for harvesting or marketing will be limited to actual costs, but will not exceed the per-unit costs estimated and agreed upon by the County Supervisor and the borrower prior to harvest.

(3) When it is necessary to advance loan funds for harvesting expenses, the amount needed for this purpose will be included in the loan for production expenses. However, a separate advance for harvest expenses will be set up for disbursement just prior to harvest. Generally, advances for harvest expenses should be disbursed through a supervised bank account as the harvest progresses and the produce is accounted for.

(4) In areas where there are two crop cycles during a normal year and it is customary for vegetable growers to plant both a "fall" crop and a "spring" crop, it is the intent that EM loans will be made to finance the crops to be produced during only the first seasonal planting following the disaster for which the area was designated. However, if the need for additional emergency credit assistance in the area justifies it, the Administrator may authorize the making of loans for a further planting cycle if recommended by the State Director.

(f) *Security.* It is the general policy that EM loans to vegetable growers will be secured by a first lien on crops, the best lien on farm machinery and equipment, and the best lien obtainable on farm real estate having sufficient equity to provide reasonably adequate security. A first lien on crops will be required in all cases and there must be real estate security for any initial EM loan in excess of $20,000, and any subsequent EM loan which would cause the applicant's total principal balance on EM loans and operating loans to exceed $50,000. Applicants who can offer chattel and real estate security will be required to do so. However, a subsequent EM loan which would not cause the applicant's total principal balance on EM loans and operating loans to exceed $50,000 may be made upon the security of a crop lien only for an applicant having no equity in chattels or real estate where the loan approval official determines that the loan can be repaid from the crop year's income. This determination will be made cautiously.

(1) An agreement will be reached with each applicant prior to loan closing concerning the disposition of his crops. Unless there is a feasible plan for handling crops to be produced which will reasonably assure repayment of the loan, the loan should not be closed. Applicants must know that assignments will be required when it is feasible to do so. Also, they must know that a full accounting will be required for the disposition of all crops or other security property.

§ 1832.15 EM loans for orchard rehabilitation.

(a) *General.* EM loans may be made for orchard rehabilitation subject to the requirements of §§ 1832.1 through 1832.12, except as modified and supplemented herein, which shall be effective upon order by the Administrator for use in a particular area.

(b) *Definition.* "Orchard rehabilitation" means the renovation or reestablishment of orchards made necessary because of major damage resulting from the natural disaster for which the area was designated or a subsequent natural disaster during the period of the designation.

(c) *Objective.* The objective for making an orchard rehabilitation loan is to enable an eligible applicant to restore his damaged orchard to normal production where this can be done on a reasonably sound basis, and the rehabilitated orchard will afford prospects for reasonably successful operations.

(d) *Eligibility.* Section 1832.5(b) is modified to the extent that orchard rehabilitation loans will be made only to otherwise eligible applicants who are owner-operators.

(1) Applicants who qualify for orchard rehabilitation loans pursuant to this section, also may need EM loan assistance for continuing their normal orchard operations that were not damaged by the natural disaster, or for continuing their other farming operations. EM loans for purposes other than orchard rehabilitation will be made under the regular EM loan policies stated in §§ 1832.1 through 1832.12.

(e) *Loan purposes.* Orchard rehabilitation loans may be made to eligible applicants for the purposes authorized by § 1832.7, except as modified below:

(1) The purposes authorized by § 1832.7 (b), (c), (d), (j), and (o) are not applicable.

(2) Section 1832.7(f) is modified to provide only for advances to pay unsecured bills incurred during the crop year for which the loan is made for annual recurring expenses in connection with the production of livestock, livestock products, and crops yet to be sold and from which the advances can be repaid.

(3) Section 1832.7(i) is modified to provide that advances will not be made for family subsistence, as defined therein, to an applicant for an orchard rehabilitation loan unless his full time will be required for his operations, and then only if other arrangements cannot be made for meeting subsistence expenses.

(f) *Rehabilitating orchards.* EM loans may be made under this authorization to enable eligible orchardists to rehabilitate their damaged or destroyed orchards for producing the same type of fruit or nuts, or for producing a different type of fruit or nuts suitable for the area if the applicant has had adequate experience to assure reasonable prospects for success with that type of fruit or nuts.

(1) EM loans for orchard rehabilitation may be made only to otherwise eligible applicants who agree to replant with the variety of trees approved by the Farmers Home Administration, as set forth in a State requirement for this purpose. Trees used for orchard rehabilitation will be certified to in writing by the selling nurseryman.

(g) *Rates and terms.* (1) Section 1832.10 is modified hereby to provide that advances for orchard rehabilitation will be scheduled for repayment in annual installments over the shortest period consistent with the applicant's estimated repayment ability from all sources, including income from other crops, livestock, and outside employment, but not to exceed 20 years from the date of the initial loan.

(i) If the applicant will not have income from crops, livestock, or other sources which would enable him to make earlier annual payments, repayments on advances for orchard rehabilitation, including interest when necessary, may be deferred until income is to be received from the rehabilitated fruit trees.

(*a*) When the loan approval official determines that a portion of the interest that will accrue as of the due date of the first principal installment should be deferred, the following change in Form FHA 441–1 should be made:

> Change the period to a comma at the end of the first sentence of the second paragraph, insert an asterisk, and then type the following on the margin or below the printed language of the note and have it initialed by the signers: "except that at least one-half

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of the interest accrued to the due date of the first principal installment may be paid on that date and the balance of such interest on the second principal installment due date."

(2) Amounts advanced for purposes other than orchard rehabilitation will be scheduled for repayment in accordance with the applicable requirements of § 1832.10 without modification.

(h) *Security.* EM loans for orchard rehabilitation will be secured in accordance with § 1832.11(b). Amounts loaned for purposes other than orchard rehabilitation will be secured in accordance with the applicable requirements of § 1832.11(a), including the best lien obtainable on real estate as additional security where needed to adequately secure the loan.

(i) *Loan approval and administrative determinations.* Before an EM loan is made for orchard rehabilitation, the loan approval official will make the following determinations in addition to those required by § 1832.12:

(1) The applicant will have reasonable prospects of repaying the total amount it will be necessary to borrow for orchard rehabilitation.

(i) This determination will be based on a careful analysis of the estimated costs and income, and fixed obligations, by years, for the rehabilitation period, and the same information for a typical year after normal production is achieved. The estimated costs will include both operating and living expenses. The analysis will be documented on schedules and made a part of the loan docket.

(2) The appraised current market value of the applicant's farm real estate, as rehabilitated, equals or exceeds the total of the debts secured by existing liens on the property plus the maximum principal balance expected to be outstanding on EM loans at any time during the rehabilitation period.

(i) This determination will be based on an appraisal made in accordance with § 1832.11(b)(1). The appraisal report will be retained in the borrower's County Office file. The running record or other information in the file will show the total debts secured by liens on the property, and the loan approval official's estimate of the maximum principal balance expected to be outstanding on EM loans at any time during the rehabilitation period.

(3) The applicant will be able to make satisfactory arrangements, on an annual basis, with regard to annual installments on real estate debts and other fixed obligations. When necessary, in the opinion of the loan approval official, annual nondisturbance agreements will be obtained from creditors in position to interfere with the applicant's orchard operations.

§ 1832.16 EM loans for fish farming purposes.

(a) *General.* EM loans for authorized fish farming purposes may be made subject to the requirements of §§ 1832.1 through 1832.12, except as modified and supplemented herein.

(b) *Definition.* "Established farmer" as used in §§ 1832.1 through 1832.12 includes any applicant who is conducting his own established farming operations consisting in whole or in part of the production of fish for income under controlled conditions, in lakes, ponds, streams, or reservoirs.

(c) *Eligibility.* Section 1832.5 is supplemented to provide for the following additional eligibility requirements:

(1) The applicant must have a record of successful fish farming operations in the past.

(2) The applicant must have satisfactory plans for marketing his fish farming products.

(d) *Loan purposes.* EM loan purposes to finance fish farming operations include only the following:

(1) Purchase of fish for restocking ponds, lakes, streams, or reservoirs under controlled conditions, and for essential operating expenses in continuing an applicant's normal fish farming operations.

(2) Purposes authorized by § 1832.7 (e), (i), and (k).

(e) *Security.* Section 1832.11 is supplemented to provide for the following additional requirements:

(1) Each loan made primarily for fish farming purposes will be secured additionally by a lien on real estate in which the applicant has an equity of not less than the total amount to be advanced for such purposes. This determination will be based on an appraisal made in accordance with § 1832.11(b)(1). The running record will show the loan approval official's estimate of the present market value of the property, the total debts secured by liens on the property as shown by the applicant's financial statement, and the loan approval official's estimate of the total amount of EM loans expected to be made, and the total planned principal repayments for each year.

(2) Each loan which includes funds for fish farming and also for other farming operations, and the fish farming is not primary in relation to the total farming operations being financed, will be secured as required by the loan approval official in accordance with § 1832.11.

(f) *Other farming operations.* EM loan advances to finance other farming operations will be made subject to all applicable requirements of §§ 1832.1 through 1832.12. When an applicant is receiving EM loan advances for authorized fish farming purposes and also advances to finance other farming operations, only one loan docket will be developed. However, the amount of loan funds to be advanced for authorized fish farming purposes and the total expenses for the fish farming operations will be shown in columns inserted in Table G of Form FHA 431-2.

§ 1832.17 EM loans to oyster planters.

(a) *General.* EM loans may be made to established oyster planters to enable them to continue their normal oyster planting operations, including annual operating costs as well as expenses of rehabilitating oyster farming operations when necessary. Such loans will be subject to the requirements of §§ 1832.1 through 1832.12, except as modified and supplemented herein. EM loans are the only type of FHA loan which may be made to finance oyster planting operations.

(b) *Definitions.* (1) "Oyster planting" means renovating oyster seed beds and planting, caring for, cultivating, and harvesting planted oysters on the applicant's owned or leased oyster ground. Other types of oyster operations, such as contract planting and gathering wild oysters, are not "oyster planting" operations for this purpose.

(2) "Oyster planter" means one who performs or actively manages oyster planting functions described in subparagraph (1) of this paragraph as his own operation on owned or leased oyster ground.

(i) An operator who performs any or all of these functions other than his own oyster planting operations, or is self-employed or employed by others in any type of oyster operations or marine life operations other than oyster planting operations as described in subparagraph (1) of this paragraph, is not an oyster planter for this purpose. However, these activities on a limited basis would not disqualify an applicant who conducts oyster planting operations within the meaning of subparagraph (1) of this paragraph.

(3) "Rehabilitating oyster planting operations" means restoring such operations to a normal pattern. Generally, a period of 3 years is required for planted oysters to reach the harvesting stage. It is the normal pattern for operators to plant one-third of their oyster ground each year in order to have a crop for sale each year. When all of an applicant's planted oysters are destroyed by a natural disaster, the rehabilitation to a normal pattern generally consists of replanting one-third of the applicant's oyster ground during the first year, one-third during the second year, and one-third during the third year. The operations then will have been restored to a normal pattern and subsequent replantings each year will be normal and will not be considered as for rehabilitation purposes.

(i) It is recognized that there may be variations of the normal pattern of oyster planting operations in some areas. The making of loans will always be adapted to the proven normal pattern of the area. Therefore, when the normal pattern of a particular designated or nondesignated area differs from that described herein, the State Director will report the matter to the National Office for additional instructions.

(4) "Oyster ground" means ground under water on which oyster planting operations are conducted.

(c) *Designation of EM loan areas.* Section 1832.3 is supplemented hereby to provide for specific area designations for EM loans to oyster planters. Therefore, when a natural disaster creates a need for credit among oyster planters, the State Director will recommend a designation for EM loans to oyster planters in accordance with the procedure set forth in § 1832.3. However, when there is also justification for a designation for EM loans to farmers, ranchers, and oyster planters, only one recommendation will be made but it will specify that EM loans also will be made to eligible oyster planters if the designation is approved.

(d) *Eligibility requirements.* Section 1832.5 is supplemented by the addition of the following:

(1) The applicant must furnish satisfactory evidence from other reliable sources, such as banks and other lenders, buyers, and lessors, of a good record of oyster planting operations in the past.

(2) The applicant must agree in writing to abide by any Federal and State laws or regulations applicable to oyster planting operations in his area.

(e) *Loan purposes.* Section 1832.7 is not applicable. Instead, EM loans to eligible oyster planters may be made for the following purposes:

(1) Purchase of seed oysters and oyster planting supplies; the repair of oyster planting machinery or equipment; purchase of replacement oyster planting machinery and equipment; and other essential operating expenses, including funds for oyster seed bed renovation.

(2) Family subsistence needs for applicants who devote a major portion of their time to their oyster planting operations when funds are not available from other sources for this purpose.

(3) Payment of not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens of other creditors on equipment and real estate essential to the applicant's oyster planting operations.

(4) Payment of not more than 1 year's customary and equitable cash rent or cash charges for the use of grounds leased for oyster planting operations, provided other arrangements cannot be made for the payment of rent and the applicant holds a written lease.

(5) Payment of not more than 1 year's taxes on personal property and real estate other than farm ownership or rural housing farms, payment of not more than 1 year's premiums for insurance on personal property and real estate other than on farm ownership, soil and water conservation, and rural housing farms, and Social Security taxes in connection with hired labor only.

(6) Expenses incident to loan closing.

(f) *Loan limitations.* Section 1832.8 is supplemented to prohibit making any EM loan to finance an applicant's oyster planting needs, rehabilitation, or otherwise for a period longer than one crop year at a time. This is not intended, however, to prohibit subsequent loans in succeeding years on a crop year basis. This prohibition deals only with loan making and not with scheduling loans for repayment.

(g) *Repayment terms.* (1) EM loans for authorized purposes in connection with the rehabilitation of oyster planting operations, including annual operating expenses during the rehabilitation period, will be scheduled for repayment over the shortest period consistent with the applicant's estimated repayment ability from all sources, but not longer than 3 years from the date of the loan. Also, if the applicant will not have income from any source which would enable him to make earlier repayments, the full amount may be scheduled for repayment in the third year.

(i) When an EM loan advance is made to meet the cost of renovating and replanting oyster beds and the cost is higher than the cost of normal replantings because of a natural disaster, an amount representing the abnormal portion of the cost may be considered as a capital purpose and scheduled for repayment accordingly.

(2) EM loans to oyster planters for other than rehabilitating oyster planting operations will be scheduled for repayment strictly in accordance with § 1832.10. It should be remembered in this connection that amounts advanced for annual operating expenses during a rehabilitation period will be considered as for rehabilitation purposes but that any advances for normal annual replanting will not be considered as for rehabilitation purposes.

(h) *Security.* Section 1832.11 is not applicable. EM loans to oyster planters will be secured by a first lien on all oysters planted or to be planted by the applicant, a first lien on all replacement machinery and equipment purchased with the loan, the best lien obtainable on as much of the other machinery and equipment owned by the applicant as the loan approval official determines necessary to provide adequate security, the best lien obtainable on real estate owned by the applicant when the loan approval official determines such lien is necessary to provide adequate security, and an assignment of leases on oyster grounds held by the applicant.

(1) Except when the cost is so high as to be almost prohibitive, insurance will be required on buildings, machinery, boats, and other equipment serving as security, when the loan approval official determines this is necessary to protect the Government's interest. Insurance obtained on buildings will be in accordance with Part 1806 of this chapter. Insurance obtained on other property will be in such form, amount, and against such hazards as the loan approval official requires with policy assignment or loss payable clause in favor of the Government.

(i) *Loan approval.* Section 1832.12 is supplemented by the following additional determinations to be made by the loan approval official:

(1) The applicant must either own or have under lease sufficient acreage in oyster grounds to justify the loan.

(2) If grounds are leased, the lease arrangements are such that the applicant will have secure tenure during the term of the loan with reasonable rental terms.

(3) The applicant will have reasonable prospects for repaying the loan on schedule. This determination will be based on a careful analysis of estimated costs and income and fixed obligations by years until normal operations are achieved, and the same information for a typical year with normal sales. This analysis will be documented and made a part of the loan docket.

(4) The applicant will furnish prior to loan closing a statement indicating his plans for selling the oysters or other produce and this will become a part of the loan docket.

§ 1832.18 EM loans to cranberry growers.

(a) *General.* EM loans may be made to cranberry growers subject to the requirements of §§ 1832.1 through 1832.12, except as modified and supplemented herein.

(b) *Eligibility.* Section 1832.5(b) is modified to the extent that loans under this authorization will be made only to otherwise eligible applicants who are owner-operators.

(c) *Loan purposes.* Loans to cranberry growers may be made for only those purposes authorized in § 1832.7 (a), (e), (g), (i), and (k). In addition, loans may include funds for the payment of bills already incurred for annual recurring expenses in connection with the cranberry crop being financed and to make necessary repairs to machinery and irrigation equipment.

(d) *Rates and terms.* Section 1832.10 is modified to provide that loans to cranberry growers will be scheduled for repayment as to the income from the crop being financed is expected to be received.

(e) *Security.* Section 1832.11 is supplemented to provide that an assignment covering income from the cranberry crop being financed will be obtained from the applicant and accepted by the marketing facility.

Subpart B—Emergency Loan Processing

Sec.
1832.31 General.
1832.32 Loan forms and routines.
1832.33 Loan docket.
1832.34 Review and approval or rejection.
1832.35 Loan checks.
1832.36 Loan closing.
1832.37 Revision in the use of EM loan funds.

AUTHORITY: The provisions of this Subpart B issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart B—Emergency Loan Processing

§ 1832.31 General.

This subpart is supplemented by Subpart B of Part 1810 and Part 1890r of this chapter. This subpart prescribes the requirements and procedures for making

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emergency (EM) loans in accordance with Subpart A of this Part 1832.

§ 1832.32 Loan forms and routines.

(a) *Applications.* Applications for loans will be taken as outlined in Part 1801 of this chapter. However, the first sentence in item 23 of Form FHA 410–1, "Application for FHA Services," will be deleted for use by applicants where ability to obtain credit elsewhere is not disqualifying under § 1832.5(f). This deletion will be initialed by the applicant.

(b) *Form FHA 440–2, "County Committee Certification or Recommendation."* (1) When the applicant is determined to be eligible, the County Committee will execute Form FHA 440–2 before the loan is approved. This certification will cover any EM loan(s) to be made to the applicant for the crop or operating year specified and within the maximum amount of credit established by the County Committee. The date designated by the County Committee as the end of the crop or operating year and the amount of credit will be inserted in the appropriate spaces of item 2 for applicants who are individuals, and item 6 for corporations and partnerships, except that the crop or operating year for such applicants will be inserted in the space below item 9.

(i) It is intended that County Committees will have some latitude in determining for which crop or operating year(s) credit may be extended. In some cases where an initial EM loan is being made, the County Committee may indicate that the crop or operating year for which credit may be extended coincides with that for which an interim plan is developed. Such action may be taken because the Committee wishes to review the circumstances of the applicant again at the end of the interim crop or operating year before committing itself for the succeeding crop or operating year. In other cases, the County Committee may, when an application is being acted upon during the latter part of a crop or operating year, establish the maximum amount of credit for both the interim crop or operating year and the next crop or operating year: *Provided*, The operations for the current year have advanced to the point that the County Committee will be able to determine with reasonable certainty the maximum amount of credit which the applicant would need for the next crop or operating year under normal conditions. The same principles with respect to County Committee certifications for an initial loan may be followed in connection with subsequent loans.

(ii) If it is found, after an applicant has been certified as eligible, that there will be a major change in operations or that an amount of credit in excess of the maximum previously established by the County Committee will be required for the designated crop or operating year, it will be necessary for the County Committee again to certify the applicant as eligible on the basis of the changed circumstances if a loan is to be made.

(2) When the County Committee has agreed to certify an increase over the original amount of loan assistance certified for the crop or operating year because such amount was insufficient to meet the needs of the borrower, a new Form FHA 440–2 will be prepared and executed. The date of the end of the same crop or operating year (month, day, and year) as that indicated in the original certification will be inserted in the appropriate space. In the space indicating the maximum amount of credit for the crop or operating year, the amount to be inserted will be the sum of the latest certification for the crop year for any operating and EM loans, plus the additional amount(s) of any such loan(s) the County Committee determines is necessary to meet the actual credit needs of the borrower for the remainder of the crop or operating year. A notation will be made in the blank space on Form FHA 440–2 that the County Committee has again reviewed the applicant's situation and his credit needs for the crop or operating year are as indicated rather than $_____ shown on Form FHA 440–2 dated _____. The new Form FHA 440–2 previously executed will be retained in the case files.

(c) *Form FHA 431–1, "Long-Time Farm and Home Plan."* Form FHA 431–1 will be developed as prescribed in Subpart B of Part 1802 of this chapter.

(d) *Form FHA 431–2, "Farm and Home Plan."* (1) Form FHA 431–2 will be prepared in accordance with Subpart B of Part 1802 of this chapter.

(2) If the applicant is a partnership, personal financial statements will be obtained from each of the partners and included in the loan docket, in addition to the partnership's financial statement.

(3) If the applicant is a corporation, the following additional information will be obtained and included in the loan docket:

(i) A complete list of stockholders, showing the address, principal occupation, and the number of shares of stock held in the corporation by each.

(ii) A current personal financial statement from each of the principal stockholders. For this purpose a principal stockholder is one owning as much as 20 percent of the outstanding stock of the corporation, and any other stockholder whose financial statement in the judgment of the County Supervisor, or the loan approval official would be pertinent to a consideration of the financial strength of the corporation and its stockholders.

(iii) A copy of the corporation's charter or articles of incorporation, its bylaws, and any resolution(s) adopted by the Board of Directors or stockholders authorizing specified officers of the corporation to apply for and obtain the desired EM loan and execute required debt, security, and other instruments and agreements.

(iv) A copy of any lease, contract, or agreement entered into by the corporation which may be pertinent to a consideration of its application.

(e) *Appraisal of chattel property.* When funds are to be advanced for the payment of amounts for depreciation pursuant to § 1832.7(h), an appraisal will be made of the chattels under prior lien to the creditor to whom depreciation payment is to be made.

(f) *Form FHA 440–32, "Request for Statement of Debts and Collaterals."* This form will be used as necessary to obtain information from the creditors of the applicant concerning the amount of debts owed and the collateral for the debts.

(g) *Tenure agreement.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. Where that is not practical, a statement setting forth the terms and conditions of the agreement which are not clearly reflected in the Farm and Home Plan will be prepared and made a part of the loan docket.

(h) *Form FHA 441–1, "Promissory Note."* One note will be prepared showing the full amount of the loan, rounded to the nearest $100, regardless of the number of advances involved, except as provided in subparagraph (1) of this paragraph. Each scheduled installment will include interest in addition to principal. The first installment may not be less than the amount equal to interest on the loan from the estimated date of closing to February 1 of the next calendar year. Refer to Subpart A of Part 1810 of this chapter and the guide available in all Farmers Home Administration (FHA) offices for preparation of Form FHA 441–1, for the computation of interest. All installment due dates will be January 1 of each year, except that the final installment will be payable on the date of the note plus the number of years over which the loan is amortized. No installment will be made payable later than 7 years from the date of the note. The note will be dated on the date the loan is closed and will bear interest at the rate which was in effect at the time the loan was approved. The applicant's spouse will be required to execute Form FHA 441–1 when legally required by State law, the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or it is determined by the State Director on a State basis that the spouse's signature will be required. The State Director, with the advice of the Office of the General Counsel (OGC), will issue an appropriate State requirement concerning the spouse's signature on Form FHA 441–1. In all cases in which the wife joins with her husband in executing a promissory note or other evidence of indebtedness, the purpose and effect of the wife's signature will be, in addition to any other purpose and effect for which her signature is obtained, to engage her separate and individual personal liability regardless of any State law to the contrary. The original and one copy of the promissory note, Form FHA 441–1, will be sent to the Finance Office immediately after loan closing.

(1) When an EM loan is made for purposes authorized by § 1832.11(a), and also for purposes authorized by § 1832.11(b), separate notes will be required.

(2) When the applicant is a partnership, or operates as such, Form FHA 441–1 will be executed so as to evidence the liability of the partnership as well as each partner as an individual. This will be accomplished by typing the name of the partnership above the space provided for signatures and having the note executed by each member of the partnership both as a partner and as an individual. To evidence the liability of the partnership, the words "As Partners" will be typed immediately beneath the name of the partnership and each partner will sign thereunder. To evidence the partners' liability as individuals, the words "As Individuals" will be typed at the top of the blank space to the left of the lines for signatures, and each partner will sign thereunder, along with his spouse if required by State procedure or loan closing instructions.

(3) When the applicant is a corporation, Form FHA 441–1 will be executed by the corporation acting through its appropriate officials and, in order to evidence their personal liability for the debt by the principal stockholders as individuals, except in unusual circumstances including legal disability, absence from the country, limitations in prior contracts of the corporation, or lack of assets owned by a stockholder. The name of the corporation will be typed above the space provided for signatures, and the name and title of each official to sign for the corporation will be typed below his signature. The signatures of the principal stockholders will be obtained in the same manner as indicated above for the individual members of a partnership.

(4) Where an applicant is receiving a principal cancellation under § 1832.13(f), the first installment on Form FHA 441–1 will be for an amount determined in accordance with § 1832.10(a), plus any amount of principal to be canceled under § 1832.13(f). Interest will not be charged on the amount of principal being canceled.

(i) *Form FHA 440–9, "Supplementary Payment Agreement."* This form ordinarily should be used when the farm income or other income from which payment is to be made will be received substantially before a January 1 installment due date. The State Director may issue State requirements setting forth additional conditions under which this form would be used.

(j) *Form FHA 440–1, "Payment Authorization."* (1) Only one Form FHA 440–1 will be prepared for the total amount of the loan regardless of the number of advances involved. This is also true when separate notes are prepared in accordance with paragraph (h)(1) of this section. The approval official will indicate his determination that the applicant is eligible and his approval of the loan by signing and dating the original and one copy in the space provided. He will also insert his title on the original. The type of loan will be inserted in the space provided for this purpose as follows:

(i) "EM–I" to indicate an initial EM loan made to an applicant who is not indebted for an EM-type loan (including a Special Livestock loan) or Operating loan.

(ii) "EM–IO" to indicate an initial EM loan to an applicant who is indebted for an operating loan.

(iii) "EM–S" to indicate a subsequent EM loan made to an applicant who is indebted for any EM-type loan but not an operating loan.

(iv) "EM–SO" to indicate a subsequent EM loan made to an applicant who is indebted for an operating loan and any EM-type loan.

(2) The first sentence in the applicant's certification will be deleted for use by applicants where ability to obtain credit elsewhere is not disqualifying under § 1832.5(f). This deletion will be initialed by the applicant.

(3) To assist the Finance Office in the examination of loan documents, enter on Form FHA 440–1, the date, amount, and receipt number of receipts issued for collections for which Form FHA 451–26, "Transaction Record," had not been received in the County Office when a loan is submitted which would cause the borrower's indebtedness before application of such collections to exceed the delegated loan approval authority.

(k) *Borrower's case number.* The use of the borrower's case number (including the State and County codes) for loan processing is prescribed in the guide available in all FHA offices for preparation of Form FHA 440–1.

(l) *Immediate and future disbursements.* The applicant's total anticipated credit need for the crop or operating year will be planned when Form FHA 431–2 is developed. Loan funds for the full amount of FHA credit required will be disbursed in an immediate advance, an immediate advance and one or more future advances, or one or more future advances without an immediate advance. All such advances must be disbursed at least 30 days apart. The payment date(s) for any future advance(s) must not be later than the date shown as the ending date of the crop or operating year, Item 2 of Form FHA 440–2. When additional FHA credit is required that could not be foreseen at the time plans for the year were completed, Form FHA 431–2 will be revised to include the additional amount and a subsequent loan docket will be submitted to the Finance Office.

(1) Each advance will be limited to an amount which can be expended promptly, usually within 60 days after receipt of the check in the County Office. This will prevent loan funds from remaining in the possession of borrowers or in supervised bank accounts for long periods of time.

(2) The Form FHA 440–1 will show the schedule of advances in accordance with the guide available in all FHA offices for preparation of Form FHA 440–1. Upon receipt of Form 440–1 the Finance Office will obligate funds for the total amount of the advance(s) shown. For each future advance the date for Thursday of the week in which the loan check is to be issued will be shown on Form FHA 440–1. The Finance Office will issue checks for future advances without further action by the County Office. In order that these dates will be available in County Offices, an appropriate notation should be inserted on Form FHA 405–1, "Management System Card—Individual," if it has been prepared, or on the County Office copy of the promissory note.

(3) When a future advance is to be canceled the following actions must be taken:

(i) Complete Form FHA 440–10, "Notification of Loan or Grant Cancellation," in accordance with the guide available in all FHA offices for preparation of this form.

(ii) Prepare and execute a substitute note on Form FHA 444–1, "Rural Housing Contribution Agreement," reflecting the revised total of the loan and the revised payment schedule. When it is not possible to obtain a substitute promissory note the County Supervisor will show on Form FHA 440–10 the revised amount of the loan and the revised repayment schedule.

(iii) Transmit to the Finance Office the Forms FHA 440–10 and FHA 441–1 prepared as outlined above.

(m) *Form FHA 441–5, "Subordination Agreement," or Form FHA 441–17, "Certification of Obligation to Landlord."* When a subordination agreement is required on crops, livestock, farm equipment, and other chattel property, including items which have become personal property through execution of a severance agreement, Form FHA 441–5, or other form approved by the State Director with the advice of the OGC where Form FHA 441–5 is not legally sufficient, will be used except as provided in subparagraph (2) of this paragraph. The years to be covered by the subordination generally will be for the period of the loan or the unexpired period of the lease if the borrower is a tenant, but as a minimum will be for the year for which the loan is made.

(1) When an EM loan is made to a tenant, the landlord must subordinate his claim for the current year's rent, unless the FHA lien on crops will be subject to claims or liens for rent in accordance with § 1832.11(a)(1), or there is in the borrower's file a receipt showing that the rent has been paid in full. If the claim for rent is to be subordinated and Form FHA 441–5 is used, the parenthetical statement with regard to the landlord's lien on crops will be deleted and the landlord will initial the deletion in the margin.

(2) Form FHA 441–17 may be used in lieu of obtaining a subordination agreement from the landlord where an EM loan is being made subject to the landlord's claim for rent in accordance with § 1832.11(a)(1) or the rent for the year has been paid, and it appears that the applicant is not indebted to the landlord on other obligations and will not likely become indebted to him on such obligations during the lease year.

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(n) *Assignment of or consent to payment of proceeds from the sale of products.* Form FHA 441–8, "Assignment of Proceeds from the Sale of Agricultural Products," Form FHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," or Form FHA 441–25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used in accordance with § 1832.11(a)(7). Form FHA 441–21, "Transmittal of Assignment or Consent," may be used to transmit Form FHA 441–8 or Form FHA 441–18 to purchasers.

(o) *Form FHA 440–6, "Severance Agreement."* This form will be used as prescribed by State requirements.

(1) State Directors, with the advice of the OGC, will issue State requirements to specify the situations in which severance agreements are required under State law to comply with the requirements of Subpart A of this Part 1832, whether the severance agreement should be filed or recorded, and whether the spouse of the borrower and the spouse(s) of other party(ies) of interest also will be required to execute the severance agreement. In specifying the situations in which severance agreements will be required, consideration will be given to the actions necessary to prevent the property from becoming part of the real estate as well as to severance after it has become attached to the real estate.

(2) If severance agreements are required in accordance with the provisions of Subpart A of this Part 1832 and State requirements, such agreements will be executed no later than the date on which the property purchased with loan funds is delivered to the farm, or prior to the release of loan funds to the creditor if refinancing of debts on such property is involved.

(p) *Form FHA 440–26, "Consent and Subordination Agreement."* Unless otherwise provided by a State requirement, this form rather than a severance agreement, will be used in Uniform Commercial Code (UCC) States when a security interest is taken in property after it has become a fixture.

(1) Consent and subordination agreements will be obtained when necessary to meet the security requirements contained in Subpart A of this Part 1832, and this will be done not later than the time of loan closing, in all cases in which a security interest is being taken on an item which already has become a fixture.

(2) Consent and subordination agreements will be taken only in those cases in which the fixture is placed on the real estate before all of the following steps have been taken: The financing statement and security agreement covering the fixture have been executed, the financing statement is filed, and the payment authorization is signed by the loan approving official.

(q) *Form FHA 441–13, "Division of Income and Nondisturbance Agreement."* Form FHA 441–13 will be used when it is necessary to obtain both a division of income and a nondisturbance agreement from prior lienholders.

(r) *Form FHA 441–10, "Nondisturbance Agreement."* Form FHA 441–10 will be used when it is necessary to obtain only nondisturbance agreements from creditors of an applicant who are in a position to interfere with the applicant's operations.

(s) *Running case record entries.* In addition to the information required by Part 1801 of this chapter, the running case record also will include pertinent information concerning the applicant's tenure arrangements and proposed operations not reflected elsewhere in the loan docket.

(t) *Applicant's statement of loss or damage.* Form FHA 441–22, "Statement of Production Losses and Certification," will be used to certify losses, except that Form FHA 441–23, "Certification of Losses Caused by Major Disaster," will be used to certify such losses caused by major disasters declared by the President. The amount of any compensation for losses received from insurance or otherwise will be shown on these forms.

(u) *Taking security instruments.*—(1) *Forms to be used.* Form FHA 440A25, "Financing Statement," or Form FHA 440–25, "Financing Statement," and Form FHA 440–4, "Security Agreement," will be used to obtain security interest in personal property in UCC States unless State requirements provide for the use of other forms. State requirements also will provide information as to whether Form FHA 440A25 or Form FHA 440–25 will be used. The financing statement and security agreement together will constitute a security instrument. Although only the financing statement is required to be filed or recorded, it is necessary also to take a security agreement in order to have a complete security instrument. (See also § 1832.11(a) (2) and (5), for method of obtaining a security interest in crops grown under contract when title to the crop is held by the contractor, or livestock that will be fed feed purchased or produced with loan funds and a first lien can not be obtained.) Form FHA 440–4 LA., "Chattel Mortgage (Louisiana)," or Form FHA 440–4A LA., "Chattel Mortgage and Crop Pledge (Louisiana)," as appropriate, will be used in the State of Louisiana.

(2) *Describing notes on security instruments.* When security agreements, chattel mortgages, or other similar security instruments are taken, all outstanding EM loan notes, and all notes representing other operating-type debts as prescribed by the respective loan making requirements, will be described on such security instruments.

(3) *Use of Form FHA 427–1 (State), "Real Estate Mortgage for (Insured Loan)."* This form will be used in taking liens on real estate. It will be prepared, executed, and filed or recorded in accordance with State requirements and any additional instructions received from the designated attorney or the OGC.

(4) *Title clearance.* Title clearance and and the closing of EM loans which are to be secured only by real estate liens will be in accordance with the requirements of Part 1807 of this chapter. Title clearance will not be required when real estate is taken as additional security only, or when a real estate lien is taken pursuant to § 1832.11(b)(7), but in either event the lien instrument will be executed by the applicant and recorded at or before the time the loan is closed.

(5) *Describing security property on security instruments.* The printed form of the FHA financing statement describes certain types of collateral. If items of collateral not covered under those types are to serve as security they should be described by types or individual items in the space provided in the financing statement for that purpose. Unless otherwise provided by State requirements, animals, birds, fish, and so forth, should be described by groups on the security agreement. The serial or motor number should be shown for only major items of equipment. If a security interest is to be taken in property such as inventory, supplies, recreation, or other nonfarm equipment or fixtures which cannot be readily described under the column headings of item 2 or 3, as appropriate of the security agreement, an appropriate description of such property will be inserted in item 2 or 3 below the other property described in the item without regard to the column headings. The advice of the OGC will be obtained in individual cases as to how to describe in the financing statement and security agreement items such as grazing permits, milk bases, and membership or stock in cooperative associations, unless the subject is covered by a State requirement. The property to be described in security instruments should be reconciled with any existing security instruments and Form FHA 462–1, "Record of the Disposition of Security Property."

(6) *When to take security instruments.*—(i) *Initial loans.* In initial loan cases the financing statement may be taken at the time the loan is approved and the security agreement will be taken at the time the note is executed. When the initial security agreement does not describe individually or by groups all of the collateral that is to serve as security, an all inclusive security agreement will be taken as soon as all of the security property has been purchased. Form FHA 440–4 LA and Form FHA 440–4A LA will be taken in Louisiana in initial loan cases in accordance with State requirements.

(ii) *Subsequent loans.* (a) Financing statements: A filed FHA financing statement is effective for a period of 5 years from the date of filing and as long thereafter as it is continued as provided in Subpart A of Part 1871 of this chapter. If the filed financing statement is still effective and covers all types of collateral that are to serve as security for the subsequent loan and describes the land on which crops or fixtures are or are to be located, a new financing statement will not be required. However, when a new financing statement is needed, it will be taken at the time the subsequent loan note is executed. Form FHA 440–4 LA or Form FHA 440–4A LA will be taken in Louisiana in subsequent loan cases in accordance with State requirements.

(b) Security agreements: An additional security agreement will not be taken in connection with a subsequent loan until it is required by Subpart A of Part 1871 of this chapter, if the existing security agreement covers all types of collateral that are to serve as security for the subsequent loan, describes the land on which the crops or fixtures are or are to be located, and was taken within 1 year before the crops become growing crops, unless otherwise provided by State requirement.

(c) If a subsequent loan is being made and the EM loan indebtedness is being secured for the first time under the UCC, the procedure in subdivision (i) of this subparagraph with respect to securing initial loans will be followed.

(7) *Executing security instruments.* County Office employees in bonded positions are authorized to execute any legal instruments necessary to obtain or preserve security for loans. This includes financing statements, chattel mortgages and similar lien instruments, as well as severance agreements, consent and subordination agreements, affidavits, acknowledgments, and other instruments. The financing statements in UCC States will be executed on behalf of the Government. The requirements with respect to the execution of security instruments on behalf of the borrower(s) will be the same as prescribed for Form FHA 441–1 in paragraph (h) of this section.

(8) *Filing or recording security instruments.* Ordinarily, in UCC States, when the loan is approved financing statements will be delivered or mailed to the filing officer(s) for filing. However, when this is not practical the financing statement may be filed at a later date, but not later than the first withdrawal of loan funds from the supervised bank account or delivery of the check to the borrower. If crops or other property of the borrower are or are to be located in a State other than that of a borrower's residence, the County Supervisor servicing the loan will contact the County Supervisor in the other State for information as to the security instruments to be used and the place(s) of filing or recording in the other State. The financing statement will be filed as prescribed by State requirements. Security agreements will not be filed or recorded unless otherwise provided in State requirements, because of special State law(s). Form FHA 440–4 LA or Form FHA 440–4A LA will be filed or recorded in Louisiana as provided by the State requirement.

(i) The taking and filing or recording of security instruments for EM loans to oyster planters will be in accordance with State instructions prepared with the assistance of the OGC. This applies, of course, only to States where oysters are produced.

(9) *Additional actions required to perfect a purchase money security interest in inventory.* In order to perfect a purchase money security interest in inventory, it is necessary, on or before the time the debtor receives possession of the inventory, to obtain a security agreement and file a financing statement as required by this subpart, and notify in writing any parties who are known to have a security interest in such inventory or who have filed a financing statement covering the inventory which is being purchased with FHA loan funds and in which the FHA has or expects to acquire a purchase money security interest. The notice must describe the inventory by item or type. These actions are necessary, for example, when FHA funds are advanced to purchase inventory in connection with a nonfarm enterprise and another creditor has on file a financing statement covering such inventory.

(10) *Fees.* Statutory fees for filing or recording financing statements, mortgages, or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan.

(i) Whenever cash is accepted by FHA personnel to be used to pay the filing or recording fees for security instruments (including financing statements), or the cost of making lien searches, Form FHA 440–12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FHA personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

(11) *Retention and use of security agreements.*—(i) *Originals.* Original executed security agreements will not be altered, and will not be disposed of when new security agreements are taken.

(ii) *Work copy.* Information with respect to changes in security property will be noted only on the work copy. When an additional security agreement covering all collateral for the indebtedness is taken, the work copy used in preparing the additional security agreement may be destroyed.

(12) *Security requirements in relation to "future advance" and "after-acquired property" clauses and special State statutes.* The after-acquired property and future advance provisions of security agreements in UCC States will be considered valid in all respects unless otherwise provided in a State requirement.

(i) *Future advance provision.* A properly prepared executed and filed FHA financing statement and a properly prepared and executed FHA security agreement give FHA a security interest in the property described thereon to secure any operating or EM loan indebtedness owed by the debtor, including any such future loans, advances, or expenditures without regard as to whether they are evidenced by promissory notes described on the security agreements, and any other FHA debts evidenced by notes described on the security agreement and any advances or expenditures made in connection with the debts evidenced by such notes.

(ii) *After-acquired property provisions.* Any after-acquired property, except fixtures, of the same type as described (individually or by groups or specifically or generally), in the financing statement and security agreement will serve as security for the debt covered thereby. The after-acquired property clause in the security agreement will encumber crops grown on the land described in the security agreement and financing statement, provided they are planted or otherwise become growing crops within 1 year after the execution date of the security agreement, or such other period as provided by State requirements. Except as set forth in § 1871.33(a)(4) of this chapter, such FHA after-acquired security interests take priority over other security interests perfected after the FHA financing statement was filed.

(13) *State requirements.* In addition to the State requirements referred to in other subparagraphs of this paragraph, State requirements will be issued, as necessary, to provide additional procedure for taking liens on motor vehicles and motor boats, and any special type of security. The State requirements also will supplement subparagraph (12) of this paragraph with respect to the "future advance" and "after-acquired property" clauses of security instruments. The State requirement will set forth the provisions with respect to filing or recording security instruments if the borrower is not a resident of the State, but is conducting some operation in the State. This is for use when County Supervisors in other States request such information in accordance with subparagraph (8) of this paragraph.

(v) *Form FHA 440–45, "Nondiscrimination Certificate (Individual Housing)."* Form FHA 440–45, properly executed, will be obtained when an EM loan includes funds for repairs or improvement of a dwelling under provisions of § 1832.7(1).

§ 1832.33 Loan docket.

(a) Loan docket forms will be prepared and distributed as appropriate in the manner set forth in § 1831.33(a) of this chapter. In addition, Forms FHA 427–8, "Agreement with Prior Lienholder," and FHA 422–1, "Appraisal Report (Farm Tract)" when required, or other forms required in making EM loans for real estate purposes will be placed last in the docket.

(b) The documents to be submitted will be examined thoroughly by the County Office Clerk to make sure that they are complete as to dates; signatures, and mechanical accuracy. For loans requiring approval other than in the County Office, the loan submission will consist of the required documents and all of the applicant's County Office case folders.

(c) Form FHA 441–1 will not be prepared and included in loan dockets submitted to loan approval officials above County Supervisor level, because the interest rate may change between the time the docket is prepared and loan approval. Instead, the principal installment schedule will be set forth in the running case record or a State form developed for this purpose. It will be prepared after the approved docket is returned to the County Office.

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§ 1832.34 Review and approval or rejection.

After the documents prescribed in § 1832.33 have been assembled, the loan approval official will make the determinations required in § 1832.12(c).

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA 440–1 and insert his title and grade in the spaces designated for these purposes. The loan approval official also will set forth any special conditions of approval including any special security requirements, in the running record in the loan docket or by letter. Ordinarily, after approval, the original and two copies of Form FHA 440–1 will be removed from the assembled loan docket. The original and an unsigned copy will be forwarded to the Finance Office together with a copy of the letter from the National Office authorizing approval of the loan in cases in which such authorization is required. The other copy of Form FHA 440–1 will be dated and signed by the loan approval official and mailed to the applicant on the date of approval. If an EM loan is being made in connection with the making of an operating loan or an FHA real estate loan and one loan is dependent on the other, the loan approval official may determine that the loan checks should be issued simultaneously in order to avoid unnecessary interest charges to the applicant. In this situation the EM loan docket will be held in the County Office if it is within the approval authority of the County Supervisor, or returned to the County Office after approval by another loan approval official, and the appropriate forms will be transmitted to the Finance Office at the same time the loan check for the operating or real estate loan is requested.

(b) *Rejection of loans.* If a loan is rejected, the loan approval official will indicate the reasons for the rejection in the running case record in the loan docket or in a memorandum. The County Supervisor will notify the applicant of the rejection and will return to him the original of Form FHA 441–1, any tenure agreements, and any executed security instruments (including the unfiled financing statement in UCC States).

§ 1832.35 Loan checks.

(a) When a check cannot be delivered or is lost or destroyed, the County Supervisor will notify the Finance Office by telegram, telephone, or memorandum giving name, case number, and address of the borrower, the amount of the check and whether the loss occurred prior or subsequent to release of the check to the borrower.

(b) If a check is to be canceled, the County Supervisor will return the check with Form FHA 440–10, to the Regional Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, MO 64142. Copies of Form FHA 440–10 will be furnished to the Finance Office and to the State Office.

§ 1832.36 Loan closing.

(a) *Check delivery.* County Office employees in bonded positions will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on Form FHA 440–8, "Notice of Check Delivery." Following loan closing, when a supervised bank account is required and the depository bank does not require the borrower's endorsement for deposit, the County Supervisor may deposit the loan check in the supervised bank account and furnish the borrower a copy of the deposit slip.

(1) Immediately upon loan closing, any amount included for payment of interest on the loan will be collected and remitted as provided in Part 1862 of this chapter as a prepayment of interest. The receipt will indicate "For deferred installment interest."

(b) *Form FHA 440–13, "Report of Lien Search."* Form FHA 440–13 or other form providing substantially the same information will be prepared.

(1) Lien searches will be obtained at a time which will assure that the security instruments give the Government the required security. Under this policy the lien search normally will be obtained at the time the Financing Statement (mortgage in Louisiana) is filed or recorded. Lien searches may be obtained after that date, but in no case later than the first withdrawal of any loan funds from the supervised bank account or delivery of the check to the borrower. When necessary in individual cases, initial lien searches may be obtained in connection with processing applications provided continuation searches are obtained not later than the times prescribed above.

(i) Under the UCC, lien searches need be obtained for subsequent loans only when an additional financing statement is required, that is when crops or fixtures to be taken as security are located or to be located on land not described on the existing financing statement, or property not otherwise covered by the financing statement is to be taken as security for the EM loan debt.

(2) Except as otherwise provided in subdivisions (i) and (ii) of this subparagraph, applicants are required to obtain and pay the cost of lien searches. County Supervisors will make inquiries locally concerning the available sources through which satisfactory lien searches can be obtained at reasonable cost to applicants. However, applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) County Office employees may make continuation lien searches required by the last sentence of subparagraph (1) of this paragraph.

(ii) State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches is exorbitant, such service is not available, or experience has shown that the service available will cause undue delay in closing loans or disbursing loan funds.

(3) State Directors, with the advice of the OGC, will issue State requirements setting forth the minimum requirements for lien searches, including the records to be searched and the respective periods to be covered.

§ 1832.37 Revision in the use of EM loan funds.

(a) *Authority of the County Supervisor or Assistant County Supervisor (GS–7 or GS–9).* The County Supervisor or Assistant County Supervisor (GS–7 or GS–9) is authorized to approve changes in the purposes for which loan funds are to be used provided:

(1) The loan was within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect the feasibility of the operation, or the Government's interest. If the County Supervisor is uncertain as to the probable effect the change would have on the feasibility of the operation or on the Government's interest, he should obtain the advice of the State Director prior to approving the change.

(b) *Authority of State Office officials.* (1) The State Director may delegate additional authority to County Supervisors to approve certain kinds of changes in the use of loan funds by issuing a State requirement describing such changes, provided prior approval is obtained from the National Office.

(2) The State Director and employees in the State Office who have loan approval authority are authorized to approve changes in the use of loan funds provided the changes comply with Subpart A of this Part 1832.

(c) *Documentation and routines.* When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA 441–1 nor will a corrected form FHA 441–7, "OL–EM and Other Credit Analysis," be prepared. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the funds so used in accordance with the repayment terms prescribed in § 1832.10 (a)(1). Appropriate changes with respect to the repayments will be made in Table K of Form FHA 431–2 and initiated by the borrower. The County Supervisor also will make appropriate notations in the "Supervisory and Servicing Actions" section of the Management System Card—Individual for followup.

Dated: April 7, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72–5621 Filed 4–12–72;8:48 am]

SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 456.1]

PART 1864—DEBT SETTLEMENT

Clarification of Settlement Circumstances for Certain Debtors

Section 1864.2(l) is amended to clarify the circumstances under which a debtor may settle loan indebtedness to FHA on one loan when he is also indebted to FHA on another loan and continue as an active borrower. Section 1864.7(a)(1)(ii) is amended with respect to the chargeoff of debts under certain specified conditions. Part 1864, Title 7, Code of Federal Regulations (36 F.R. 17833) §§ 1864.2(l) and 1864.7(a)(1)(ii) as amended read as follows:

§ 1864.2 General policies.

* * * * *

(l) *Settlement where debtor owes more than one type of FHA loan.* It will not be the policy to settle any loan indebtedness of a debtor who is also indebted on another FHA loan and who will continue as an active borrower, except in cases in which unusual circumstances exists such as where the borrower is unable to pay in full because his income is limited due to his age or because of a permanent health problem. In such cases, the facts will be fully documented in Part VII of Form FHA 456–1.

§ 1864.7 Chargeoff of nonjudgment debts.

(a) * * *

(1) * * *

(ii) The debtor is unable to pay any part of the debt and has no apparent future debt-payment ability determined as specified in § 1864.3(a)(2)(i), (ii), and (iii), however, inability to pay may be determined on the basis of information obtained from informed, reliable sources in cases where a borrower's address has been unknown for not more than 2 years; or, the debtor is able to pay part or all of the debt, but is unwilling to do so and it is clear that the Government cannot collect or enforce collection of any significant amount out of assets or income, having due regard for the exemptions available to the debtor under State and Federal law, and an opinion is received from the OGC to that effect. A copy of such opinion will be attached to the original of Form FHA 456–1.

* * * * *

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529; Order of Director, OEO, 29 F.R. 14764)

Dated: April 7, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72–5620 Filed 4–12–72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–WA–22]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to extend the time of designation of the Fort Gordon, Ga., Restricted Area R–3003.

The Department of the Army has requested that the time of designation be extended to accommodate the increased spring and summer training activities commencing approximately April 9, 1972, through approximately October 30, 1972. Although this action imposes an additional restriction upon airspace users, the Department of the Army intends use of the area only to complete current training schedules. Because of an urgent need to have the areas available, due and timely action is of the essence; therefore, notice and public procedure hereon are deemed impracticable and good cause exists to make this amendment effective without regard to the 30-day period preceding effectiveness.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication as hereinafter set forth.

Section 73.30 (37 F.R. 2348) is amended as follows:

R–3003 Fort Gordon, Ga., is amended to read "Time of designation. 0730 to 1700 local time, Monday through Sunday and at other times when published by NOTAM 24 hours in advance."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 7, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 72–5606 Filed 4–12–72;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Animal and Plant Health Inspection Service (Meat and Poultry Products Inspection), Department of Agriculture

SUBCHAPTER A—MANDATORY MEAT INSPECTION

SUBCHAPTER B—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

SUBCHAPTER D—HUMANE SLAUGHTER OF LIVESTOCK

REALIGNMENT OF AGENCY AND PROGRAM RESPONSIBILITIES

An order of the Secretary of Agriculture (37 F.R. 6327) and an order of the Assistant Secretary for Marketing and Consumer Services (37 F.R. 6505) transferred the responsibility for the inspection of meat and poultry products, including administration of the poultry products inspection regulations in 7 CFR Part 81, from the former Consumer and Marketing Service into a new Animal and Plant Health Inspection Service and made other organizational changes. Accordingly the provisions of Chapter III, 9 CFR, are amended as follows, pursuant to said orders and the statutory authorities under which the provisions of Chapter III, 9 CFR, and Part 81, Chapter I, 7 CFR, were issued:

1. The designation of Chapter III of Title 9 and the designation of Subchapter A therein are changed to read as set forth in the heading of this document.

2. All references in Chapter III to "Consumer and Marketing Service" are changed to "Animal and Plant Health Inspection Service."

3. In § 309.2 and § 309.4, the references to "Animal Health Division" are changed to "Veterinary Services unit of the Animal and Plant Health Inspection Service"; and in § 309.4 the footnote "1" reference and footnote 1 are deleted.

4. In § 309.17, the reference to "Veterinary Biologics Division, or Pesticides Regulations Division of the Department of Agriculture" is deleted and "or the Veterinary Services unit of the Animal and Plant Health Inspection Service of the Department of Agriculture or to the Environmental Protection Agency" is substituted therefor.

5. In § 311.2(c) and in the footnote referenced therein, the reference to "Animal and Plant Health Service" is changed to "Animal and Plant Health Inspection Service."

6. All references in Chapter III to "Slaughter Inspection Division" are changed to "Field Operations Division."

7. All references in Chapter III to "Compliance and Evaluation Staff" are changed to "Program Review and Compliance Staff."

8. All references in Chapter III to "Consumer Protection Program" are changed to "Meat and Poultry Inspection Program."

9. All references in Chapter III to "Consumer Protection Program Services Staff" are changed to "Administrative Management Staff."

10. All references in Chapter III to "Meat Inspection Program" are changed to "Meat and Poultry Inspection Program."

11. The name "Technical Services Division" is changed to "Laboratory Services Division" in the footnotes to §§ 308.3(h), 308.8(c), 310.9(e), and 318.14(b), and in footnote 1 at the end of the table in § 318.7.

12. The name "Technical Services Division" is changed to "Standards and Services Division" in § 327.14(c).

13. The name "Processed Food Inspection Division" is changed to "Standards and Services Division" in the footnotes to §§ 325.13, 327.21, and 327.12(c).

14. The name "Processed Food Inspection Division" is changed to "Field Operations Division" in §§ 325.10(b), 325.18(b), and 327.17.

15. The name "Director, Processed Food Inspection Division" is changed to "Regional Director" in § 325.11(c).

16. The provisions in Parts 380 and 381 of Subchapter D are redesignated as new Parts 390 and 391, respectively, in Subchapter D.

17. A new Subchapter C is added to Chapter III as follows:

Subchapter C, Mandatory Poultry Products Inspection. This provision for a

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Subchapter C will allow the transfer of the regulations governing the mandatory inspection of poultry and poultry products under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) from the present location in Title 7—Chapter I, Part 81, Code of Federal Regulations, into Title 9—Chapter III as a new Part 381. Such transfer of the regulations will be effected, under the authority conferred by the orders cited above (37 F.R. 6327, 6505), when the regulations are revised and published in the FEDERAL REGISTER as new Part 381, Chapter III, Title 9, Code of Federal Regulations. Until the new Part 381 is published and becomes effective, the present regulations governing the inspection of poultry and poultry products—7 CFR Part 81—remain in effect.

These amendments are either organizational in nature or merely editorial. They reflect the transfer of certain functions of the former Consumer and Marketing Service to the newly established Animal and Plant Health Inspection Service. The amendments do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon issuance.

Done at Washington, D.C., on April 7, 1972.

RICHARD E. LYNG,
Acting Secretary.

[FR Doc.72-5619 Filed 4-12-72;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SURFACE LUBRICANTS USED IN THE MANUFACTURE OF METALLIC ARTICLES

Correction

In F.R. Doc. 72-1350, appearing at page 1467, in the issue of Saturday, January 29, 1972, the following changes should be made:

1. In § 121.2531(a)(4)(i)(*a*), the figure in the second line now reading "500°" should read "550°".

2. In subdivision (iii) of § 121.2531 (a)(4), under the heading "Apparatus", the first line of the fourth paragraph should read "*Spectrophotometer.* Spectral range 250 millimicrons".

3. Under the heading "Apparatus", the formula in column 3, now reading "Wavelength accuracy, ± millimicron, should read: "Wavelength accuracy, ±1.0 millimicron".

Title 22—FOREIGN RELATIONS

Chapter VII—Inter-American Foundation

PART 801—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Subpart A—General Provisions

Sec.
801.735–1 Purpose.
801.735–2 Definitions.

Subpart B—Standards of Conduct

801.735–10 General.
801.735–11 Statutes, rules, and regulations governing conduct of employees.
801.735–12 Outside employment and other activities.
801.735–13 Gifts, entertainment, and favors.
801.735–14 Financial interests.
801.735–15 Use of Government property.
801.735–16 Misuse of information.
801.735–17 Indebtedness.
801.735–18 Gambling, betting, and lotteries.
801.735–19 General conduct prejudicial to the Government.

Subpart C—Procedures

801.735–20 Responsibility of employees.
801.735–21 Sources of information and advice.
801.735–22 Statements of employment and financial interest.
801.735–23 Employees not required to submit statements.
801.735–24 Employee's complaint on filing requirement.
801.735–25 Time and place of submission, and forms.
801.735–26 Information required.
801.735–27 Supplementary statements.
801.735–28 Review of statements and determination as to conflicts of interest.
801.735–29 Penalties for violation.
801.735–30 Confidentiality of employees' statements.
801.735–31 Effect of employees' statements on other requirements.

AUTHORITY: The provisions of this Part 801 are issued under E.O. 11222; 3 CFR, 1964–1965 Comp.; 3 CFR 735.104.

Subpart A—General Provisions

§ 801.735–1 Purpose.

The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Foundation's business and the maintenance of confidence by citizens in their government. The avoidance of misconduct and conflicts of interest on the part of employees through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the Foundation's regulations prescribing standards of conduct and responsibilities for its employees, and requires statements reporting employment and financial interests.

§ 801.735–2 Definitions.

As used in this part:

(a) "The Foundation" and "Agency" mean the Inter-American Foundation.

(b) "Employee" includes anyone serving in the Agency as:

(1) A person appointed by the President and confirmed by the Senate to a position in the Agency;

(2) A person appointed by the Board of Directors;

(3) A person appointed by the President of the Foundation or by his designee to a position in the Agency;

(4) A special Government employee.

(c) "Regular officer or employee" means an employee as defined in paragraph (b) (1), (2), or (3) of this section.

(d) "Special Government employee" means a person who is retained, designated, appointed, or employed to perform for the Agency, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

(e) "Member of an employee's family" means a spouse, minor child, or other member of an employee's immediate household. For the purpose of these regulations, "member of an employee's immediate household" means those blood relations who are resident in the employee's household.

(f) "Counselor" means the Agency's Counselor on Ethical Conduct and Conflicts of Interest. The Counselor for the Foundation will be the General Counsel of the Agency; the Deputy Counselor will be the Deputy General Counsel.

Subpart B—Standards of Conduct

§ 801.735–10 General.

(a) All employees of the Foundation are required to conduct themselves in such a manner as to create and maintain respect for the Foundation and the U.S. Government; to avoid situations which require or appear to require a balancing of private interests or obligations against official duties; to be mindful of the high standards of integrity expected of them in all their activities, both personal and official; and to conform with the standards of conduct and with the applicable statutes, rules, and regulations governing their activities. Particularly, an employee shall avoid any action, whether or not specifically prohibited, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any organization or person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality of action;

(5) Making a Government decision outside official channels;

(6) Affecting adversely the confidence of the public in the integrity of the Government;

(7) Using his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

(b) An officer or employee of another Federal agency who is assigned or detailed to the Foundation shall adhere to the standards of conduct applicable to employees as set forth in this part.

§ 801.735–11 Statutes, rules, and regulations governing conduct of employees.

(a) The "Code of Ethics for Government Service" set forth by the Legislative Branch in House Concurrent Resolution 175, passed in 1958; the "Standards of Ethical Conduct for Government Officers and Employees" set forth by the President of the United States in Executive Order 11222, dated May 8, 1965, and the regulations issued by the Civil Service Commission pursuant to this Executive order (5 CFR Part 735); and other statutes, rules, and regulations governing conduct of employees, including the Foundation regulations; shall govern Foundation employees in their service to the Government.

(b) Conflict of interest statutes: The provisions of 18 U.S.C. 203, 205, 207, 208, and 209 prohibiting conflicts of interest between an employee's Government duties and his outside activities are summarized in specific sections of this Part 801.

(c) Miscellaneous statutory provisions: In addition to the various provisions referred to above, Foundation employees must observe the following:

(1) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(2) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(3) The prohibition against striking against the Government (5 U.S.C. 7311, 18 U.S.C. 1918).

(4) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(5) The prohibitions against: (i) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); (ii) the disclosure of confidential information (18 U.S.C 1905); and (iii) the disclosure of privileged information to be withheld under the exemptions of the Public Information Section of the Administration Procedures Act (5 U.S.C. 552).

(6) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(7) The prohibitions against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(8) The prohibitions against the misuse of the franking privilege (18 U.S.C. 1719).

(9) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(10) The prohibition against fraud or false statement in a Government matter (18 U.S.C. 1001).

(11) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(12) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(13) The prohibitions against (i) embezzlement of Government money or proprety (18 U.S.C. 641); (ii) failing to account for public money (18 U.S.C. 643); and (iii) embezzlement of the money or property of another person in the possession of an employee by reason of this employment (18 U.S.C. 654).

(14) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(15) The prohibitions against political activities in subchapter III of chapter 73 of title 5, United States Code, and 18 U.S.C. 602, 603, 607, and 608.

(16) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(17) The prohibition against the employment of an individual convicted of felonious rioting or a related offense (5 U.S.C. 7313).

(18) The prohibition against a public official's appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(19) The prohibition against self-dealing with a private foundation (26 U.S.C. 4941, 4946). "Self-dealing" is defined in the statute to include certain transactions involving an employee's receipt of pay, a loan, or reimbursement for travel or other expenses from, or his sale to or purchase of property from, a private foundation.

§ 801.735–12 Outside employment and other activities.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) A regular employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209). This section does not apply to special Government employees nor does it prevent a regular officer or employee from (1) continuing his participation in a bona fide pension plan or other employee welfare or benefit plan maintained by a former employer or (2) receiving payments or accepting contributions, awards, or other expenses in accordance with chapter 41 of title 5, United States Code, relating to employee training.

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law or regulations. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing (including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service) that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the President gives written authorization for use of nonpublic information on the basis that the use is in the public interest.

(d) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not proscribed by law;

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational and recreational, public service, or civic organization; or

(3) Outside employment otherwise permitted under these regulations.

§ 801.735–13 Gifts, entertainment, and favors.

(a) (1) An employee shall not receive or solicit, directly or indirectly, for himself or persons with whom he has family, business, or financial ties, anything of economic value as a gift, gratuity, loan, entertainment, or favor, which might reasonably be interpreted by others as affecting his independence or impartiality, from any person, corporation, or group, if the employee has reason to believe that the entity:

(i) Has or is seeking to obtain contractual or other business or financial relationships with the Agency;

(ii) Conducts operations or activities which are regulated by the Agency; or

(iii) Has interests which may be substantially affected by the employee's performance or nonperformance of his official duty.

(2) The following exceptions are permitted for all employees:

(i) Acceptance of things of economic value arising from obvious family or personal relationships (such as those between the employee and the parents, children, or spouse of the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(ii) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on a project tour where an employee may properly be in attendance;

(iii) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

(iv) Acceptance of unsolicited advertising or promotional material, such as

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pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

(b) An employee shall not solicit a contribution from another employee for a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(c) An employee shall not accept a gift, present, decoration, or any other thing from a foreign government unless authorized by Congress as provided by the Constitution, 5 U.S.C. 7342, and the regulations in Part 3 of this Title 22 ("Acceptance of Gifts and Decorations from Foreign Governments").

(d) Neither this section nor § 801.735–12 preclude an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part and for which no Government payment or reimbursement has been made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under Agency orders.

§ 801.735–14 Financial interests.

(a) Neither a regular nor a special Government employee may participate in his governmental capacity in any matter in which he, his spouse, minor child, associate or organization with whom he has a business relationship, or person or organization with whom he is negotiating for employment, has a financial interest (18 U.S.C. 208). Such an employee shall not (1) have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or (2) engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) An employee may be granted exemption from these restrictions provided: (1) He first advises the President of the nature and circumstances of the particular matter and makes full disclosure of the financial interest, and (2) he receives in advance a written determination by the President that the outside financial interest is deemed not substantial enough to have an effect on the integrity of his services.

(c) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order 11222, this section, or these Agency regulations.

§ 801.735–15 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 801.735–16 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 801.735–12, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 801.735–17 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

§ 801.735–18 Gambling, betting, and lotteries.

An employee shall not participate while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar agency-approved activities.

§ 801.735–19 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

Subpart C—Procedures

§ 801.735–20 Responsibility of employees.

It is the responsibility of each employee (a) to familiarize himself with the full text of applicable statutes, rules, and regulations before engaging in outside employment, financial activity which might involve a conflict of interest, or other activity which might involve a violation of standards of ethical conduct or of statutory or regulatory restrictions, and (b) to secure the advice or approval of his supervisor and the Counselor before he engages in the contemplated activity.

§ 801.735–21 Sources of information and advice.

General information on statutes, rules, and regulations governing the conduct of employees may be obtained from the Office of the General Counsel. Specific information may be obtained from the United States Code, from the Federal Personnel Manual, and from the Foundation regulations, all of which are available in the Office of the General Counsel. A copy (or a summary) of the Foundation regulations will be furnished to each employee in accordance with the Civil Service Regulations (5 CFR Part 735). Clarification of standards of conduct and related laws, rules, and regulations and advice on their applicability to individual situations may be obtained from the Counselor or Deputy Counselor for the Agency.

§ 801.735–22 Statements of Employment and Financial Interests.

The following employees of the Foundation shall submit statements of employment and financial interests:

(a) Employees paid at a level of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(b) Employees classified at GS–13 or above under section 5332 of title 5, United States Code, or at a comparable pay level under another authority, who are in positions the basic duties of which impose upon the incumbent the responsibility for a Government decision or taking Government action with regard to:

(1) Contracting or procurement;

(2) Administering or monitoring grants or subsidies;

(3) Regulating or auditing private or other non-Federal enterprise; or

(4) Other activities where the decision or action has an economic impact on the interests of any non-Federal enterprise.

(c) Other employees who have duties and responsibilities which require the incumbent to report employment and financial interests in order to avoid involvement in a possible conflict of interest situation and carry out the purpose of the law, Executive Order 11222, and the Agency's regulations.

§ 801.735–23 Employees not required to submit statements.

(a) Employees in positions that meet the criteria in paragraph (b) of § 801.735–22 may be excluded from the reporting requirement when the President or his designee determines that:

(1) The duties of the position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote;

(2) The duties of the position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over incumbent or the inconsequential effect on the integrity of the Government.

(b) A statement of employment and financial interests is not required by these regulations from an agency head, or a part or full-time member of a committee, board, or commission appointed by the President. These persons are subject to separate reporting requirements under section 401 of Executive Order 11222.

(c) The President may waive the requirement of this section for the submission of a statement of employment and financial interest in the case of a special Government employee who is not a consultant or an expert when he finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by Chapter 304 of the Federal Personnel Manual.

§ 801.735–24 Employee's complaint on filing requirement.

Each employee shall have the opportunity for review through the Agency's grievance procedure of his complaint that his position has been improperly included within § 801.735–22 as one requiring the submission of a statement of employment and financial interests. Employees are reminded that they may obtain counseling pursuant to § 801.735–21 prior to filing a complaint.

§ 801.735–25 Time and place of submission, and forms.

(a) An employee shall submit his statement to the Counselor no later than:

(1) Ninety days after the effective date of these regulations if he has entered on duty on or before that effective date; or

(2) At least 10 days prior to his entrance on duty, if he enters on duty after that effective date.

(b) Only the original of the statement or supplement thereto required by this part shall be submitted. The individual submitting a statement should retain a copy for his own records.

§ 801.735–26 Information required.

(a) *Employees.* The employee's statement of employment and financial interests required by these regulations shall be submitted on the form, "Confidential Statement of Employment and Financial Interests," and shall contain all the information therein required.

(b) *Interests of employee's relatives.* The interest of a member of an employee's family is considered to be an interest of the employee. The term "member of an employee's family" is defined in § 801.735–2.

(c) *Information not known by employees.* If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

(d) *Information prohibited.* The regulations in this part do not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. For the purpose of this section, educational and other institutions doing research and development or related work involving grants or money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interests.

§ 801.735–27 Supplementary statements.

(a) Employees shall report changes in, or additions to, the information contained in their statements of employment and financial interests in supplementary statements as of June 30 of each year. If no changes or additions occur, a negative report is required.

(b) All special Government employees shall submit a current statement at the time their appointments are extended. A supplementary report indicating any changes in, or additions to the information already submitted will be accepted in lieu of a full submission. If there are no changes or additions, a negative report is required.

(c) Notwithstanding the filing of reports required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or these regulations.

§ 801.735–28 Review of statements and determination as to conflicts of interest.

(a) On the basis of the statement of employment and financial interests submitted by each employee, or on the basis of information received from other sources, the Deputy Counselor shall determine in the light of the duties which that employee is or will be performing, whether any conflicts of interest, real or apparent, are indicated. The Deputy Counselor shall make this determination based on the applicable statutes, Executive Order 11222, and the applicable regulations of the Civil Service Commission and the Agency.

(b) Where the Deputy Counselor's determination in a particular case is that a conflict of interest, real or apparent, is indicated, he shall initiate informal discussions with the employee concerned. These discussions shall have as their objectives:

(1) Providing the individual with a full opportunity to explain the conflict or appearance of conflict; and

(2) Arriving at an agreement (acceptable to the Deputy Counselor, the individual, and the individual's immediate superior) whereby the conflict of interest may be removed or avoided.

(c) Where an acceptable agreement cannot be obtained pursuant to paragraph (b) of this section, the Deputy Counselor shall present his findings and recommendations via the Counselor to the President for decision, who shall decide what remedy is most appropriate to remove or correct that conflict or apparent conflict. Remedial action under this paragraph may include disciplinary action or any of the actions enumerated in § 801.735–29.

(d) Written summaries of all agreements and decisions arrived at pursuant to this section and section 801.735–29 shall be placed in the Deputy Counselor's files. Copies shall also be made available to the employee or special Government employee concerned.

§ 801.735–29 Penalties for violation.

(a) Violations of these regulations subject employees to remedial or disciplinary action by the Foundation which may be in addition to any penalty prescribed by law.

(b) When, after consideration of the explanation of the employee and the findings and recommendations of the Deputy Counselor the President decides that remedial action is required, he shall take immediate action to end the conflicts or appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive orders, and regulations.

§ 801.735–30 Confidentiality of employees' statements.

The Agency shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality only the Counselor and Deputy Counselor are authorized to review and retain the statements. The Counselor and Deputy Counselor are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. The Agency may not disclose information from a statement except as the Civil Service Commission or the President may determine for good cause shown.

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§ 801.735–31 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required for employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation.

These regulations were approved by the U.S. Civil Service Commission on December 21, 1971, and are effective on publication in the FEDERAL REGISTER (4–12–72).

KENT N. KNOWLES,
Secretary to the Board of Directors, Inter-American Foundation.

[FR Doc.72–5612 Filed 4–12–72;8:47 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7180]

PART 301—PROCEDURE AND ADMINISTRATION

Seizure of Property for Collection of Taxes

On August 28, 1971, notice of proposed rule making to conform the regulations on procedure and administration (26 CFR Part 301) under sections 6331, 6332, 6334, 6335, 6337, 6338, 6339, 6342, and 6343 of the Internal Revenue Code of 1954 to section 104 of the Federal Tax Lien Act of 1966 (80 Stat. 1135) was published in the FEDERAL REGISTER (36 F.R. 17349). Sections 301.6332 and 301.6332–2 of the regulations hereby adopted supersede the provisions of §§ 400.3 and 400.3–1 (temporary regulations concerning surrender of property subject to levy in the case of life insurance and endowment contracts) of this chapter, respectively, which were prescribed by T.D. 6944, approved January 17, 1968 (33 F.R. 733). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted, subject to the changes set forth below:

Section 301.6343–1, as set forth in paragraph 19 of the notice of proposed rule making, is changed by revising subparagraphs (1) and (3) of paragraph (b).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 7, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 301.6331 is amended by revising section 6331(b) and by adding a historical note. These revised and added provisions read as follows:

§ 301.6331 Statutory provisions; levy and distraint.

Sec. 6331. *Levy and distraint.* • • •

(b) *Seizure and sale of property.* The term "levy" as used in this title includes the power of distraint and seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the Secretary or his delegate may levy upon property or rights to property, he may seize and sell such property or rights to property (whether real or personal, tangible or intangible).

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[Sec. 6331 as amended by sec. 104(a), Federal Tax Lien Act of 1966 (80 Stat. 1135)]

PAR. 2. Paragraph (a)(1) of § 301.6331–1 is amended to read as follows:

§ 301.6331–1 Levy and distraint.

(a) *Authority to levy*—(1) *In general.* If any person liable to pay any tax neglects or refuses to pay such tax within 10 days after notice and demand, the district director to whom the assessment is charged or, upon his request, any other district director, may proceed to collect the tax by levy upon any property, or rights to property, whether real or personal, tangible or intangible, either belonging to such person or with respect to which there is a lien provided by section 6321 or 6324 (or the corresponding provision of prior law) for the payment of such tax. As used in section 6331 and this section, the term "tax" includes any interest, additional amount, addition to tax, or assessable penalty, together with any costs and expenses that may accrue in addition thereto. For exemption of certain property from levy, see section 6334 and the regulations thereunder. Property subject to a Federal tax lien which has been sold or otherwise transferred by the taxpayer may be seized while in the hands of the transferee or of any subsequent transferee. However, see provisions under sections 6323 and 6324 (a)(2) and (b) for protection of certain transferees against a Federal tax lien. Levy may be made by serving a notice of levy on any person in possession of, or obligated with respect to, property or rights to property subject to levy including receivables, bank accounts, evidences of debt, securities, and accrued salaries, wages, commissions, and other compensation. A levy extends only to property possessed and obligations which exist at the time of the levy. Obligations exist when the liability of the obligor is fixed and determinable although the right to receive payment thereof may be deferred until a later date. For example, if a wage earner is paid on the Wednesday following the close of each workweek, a levy made upon his employer on Monday would reach his wages due for the prior workweek, although the employer need not satisfy the levy by paying over such amount to the district director until Wednesday. Similarly, a levy only reaches property subject to levy in the possession of the person levied upon at the time the levy is made. If, for example, a levy is made on a bank with respect to the account of a delinquent taxpayer and the bank surrenders to the district director the amount of the taxpayer's balance at the time the levy is made, the levy is satisfied. The levy has no effect upon any subsequent deposit made in the bank by the taxpayer. Subsequent deposits may be reached only by a subsequent levy on the bank.

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PAR. 3. Section 301.6332 is amended by revising subsections (a) and (b) of section 6332, by redesignating subsection (c) of section 6332 as subsection (e), by adding new subsections (c) and (d) to section 6332, and by adding a historical note. These amended and added provisions read as follows:

§ 301.6332 Statutory provisions; surrender of property subject to levy.

Sec. 6332. *Surrender of property subject to levy*—(a) *Requirement.* Except as otherwise provided in subsection (b), any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made shall, upon demand of the Secretary or his delegate, surrender such property or rights (or discharge such obligation) to the Secretary or his delegate, except such part of the property or rights as is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Special rule for life insurance and endowment contracts*—(1) *In general.* A levy on an organization with respect to a life insurance or endowment contract issued by such organization shall, without necessity for the surrender of the contract document, constitute a demand by the Secretary or his delegate for payment of the amount described in paragraph (2) and the exercise of the right of the person against whom the tax is assessed to the advance of such amount. Such organization shall pay over such amount 90 days after service of notice of levy. Such notice shall include a certification by the Secretary or his delegate that a copy of such notice has been mailed to the person against whom the tax is assessed at his last known address.

(2) *Satisfaction of levy.* Such levy shall be deemed to be satisfied if such organization pays over to the Secretary or his delegate the amount which the person against whom the tax is assessed could have had advanced to him by such organization on the date prescribed in paragraph (1) for the satisfaction of such levy, increased by the amount of any advance (including contractual interest thereon) made to such person on or after the date such organization had actual notice or knowledge (within the meaning of section 6323(i)(1)) of the existence of the lien with respect to which such levy is made, other than an advance (including contractual interest thereon) made automatically to maintain such contract in force under an agreement entered into before such organization had such notice or knowledge.

(3) *Enforcement proceedings.* The satisfaction of a levy under paragraph (2) shall be without prejudice to any civil action for the enforcement of any lien imposed by this title with respect to such contract.

(c) *Enforcement of levy*—(1) *Extent of personal liability.* Any person who fails or refuses to surrender any property or rights to property, subject to levy, upon demand by the Secretary or his delegate, shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which such levy has been made, together with costs and interest on such sum at the rate of 6 percent per annum from the date of such levy. Any amount (other than costs) recovered under this paragraph shall be credited against the tax liability for the collection of which such levy was made.

(2) *Penalty for violation.* In addition to the personal liability imposed by paragraph (1), if any person required to surrender property or rights to property fails or refuses to surrender such property or rights to property without reasonable cause, such person shall be liable for a penalty equal to 50 percent of the amount recoverable under paragraph (1). No part of such penalty shall be credited against the tax liability for the collection of which such levy was made.

(d) *Effect of honoring levy.* Any person in possession of (or obligated with respect to) property or rights to property subject to levy upon which a levy has been made who, upon demand by the Secretary or his delegate, surrenders such property or rights to property (or discharges such obligation) to the Secretary or his delegate (or who pays a liability under subsection (c)(1)) shall be discharged from any obligation or liability to the delinquent taxpayer with respect to such property or rights to property arising from such surrender or payment. In the case of a levy which is satisfied pursuant to subsection (b), such organization shall also be discharged from any obligation or liability to any beneficiary arising from such surrender or payment.

(e) *Person defined.* The term "person," as used in subsection (a), includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to surrender the property or rights to property, or to discharge the obligation.

[Sec. 6332 as amended by sec. 104 (b), Federal Tax Lien Act of 1966 (80 Stat. 1135)]

PAR. 4. Section 301.6332–1 is amended by revising paragraphs (a)(1), (b), and (c) and by adding a new paragraph (d). These revised and added provisions read as follows:

§ 301.6332–1 Surrender of property subject to levy.

(a) *Requirement*—(1) *In general.* Except as otherwise provided in § 301.6332–2, relating to levy in the case of life insurance and endowment contracts, any person in possession of (or obligated with respect to) property or rights to property subject to levy and upon which a levy has been made shall, upon demand of the district director, surrender the property or rights (or discharge the obligation) to the district director, except that part of the property or rights (or obligation) which, at the time of the demand, is actually or constructively under the jurisdiction of a court because of an attachment or execution under any judicial process.

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(b) *Enforcement of levy*—(1) *Extent of personal liability.* Any person who, upon demand of the district director, fails or refuses to surrender any property or right to property subject to levy is liable under the provisions of section 6332(c)(1) in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of taxes for the collection of which the levy has been made, together with costs and interest on such sum at the rate of 6 percent per annum from the date of the levy. Any amount, other than costs, recovered under section 6332(c)(1) shall be credited against the tax liability for the collection of which the levy was made.

(2) *Penalty for violation.* In addition to the personal liability described in subparagraph (1) of this paragraph, any person who is required to surrender property or rights to property and who fails or refuses to surrender them without reasonable cause is liable for a penalty equal to 50 percent of the amount recoverable under section 6332(c)(1). No part of the penalty described in this subparagraph shall be credited against the tax liability for the collection of which the levy was made. The penalty described in this subparagraph is not applicable in cases where bona fide dispute exists concerning the amount of the property to be surrendered pursuant to a levy or concerning the legal effectiveness of the levy. However, if a court in a later enforcement suit sustains the levy, then reasonable cause would usually not exist to refuse to honor a later levy made under similar circumstances.

(c) *Effect of honoring levy.* Any person in possession of, or obligated with respect to, property or rights to property subject to levy and upon which a levy has been made who, upon demand by the district director, surrenders the property or rights to property, or discharges the obligation, to the district director, or who pays a liability described in paragraph (b)(1) of this section, is discharged from any obligation or liability to the delinquent taxpayer with respect to the property or rights to property arising from the surrender or payment. If an insuring organization satisfies a levy with respect to a life insurance or endowment contract in accordance with § 301.6332–2, the insuring organization is discharged from any obligation or liability to any beneficiaries of the contract arising from the surrender or payment. Also, it is discharged from any obligation or liability to the insured or other owner. Any person who mistakenly surrenders to the United States property or rights to property not properly subject to levy is not relieved from liability to a third party who owns the property. The owners of mistakenly surrendered property may, however, secure from the United States the administrative relief provided for in section 6343(b) or may bring suit to recover the property under section 7426.

(d) *Person defined.* The term "person," as used in section 6332(a) and this section, includes an officer or employee of a corporation or a member or employee of a partnership, who is under a duty to surrender the property or rights to property or to discharge the obligation. In the case of a levy upon the salary or wages of an officer, employee, or elected or appointed official of the United States, the District of Columbia, or any agency or instrumentality of either, the term "person" includes the officer or employee of the United States, of the District of Columbia, or of such agency or instrumentality who is under a duty to discharge the obligation. As to the officer or employee who is under such duty, see paragraph (a)(4)(i) of § 301.6331–1.

PAR. 5. The following new section is inserted immediately following § 301.6332–1.

§ 301.6332–2 Surrender of property subject to levy in the case of life insurance and endowment contracts.

(a) *In general.* This section provides special rules relating to the surrender of property subject to levy in the case of life insurance and endowment contracts. The provisions of § 301.6332–1 which relate generally to the surrender of property subject to levy apply, to the extent not inconsistent with the special rules set forth in this section, to a levy in the case of life insurance and endowment contracts.

(b) *Effect of service of notice of levy*—(1) *In general.* A notice of levy served by a district director on an insuring organization with respect to a life insurance or endowment contract issued by the organization shall constitute—

(i) A demand by the district director for the payment of the cash loan value of the contract adjusted in accordance with paragraph (c) of this section, and

(ii) The exercise of the right of the person against whom the tax is assessed to the advance of such cash loan value.

It is unnecessary for the district director to surrender the contract document to the insuring organization upon which the levy is made. However, the notice of levy will include a certification by the district director that a copy of the notice of levy has been mailed to the person against whom the tax is assessed at his last known address. At the time of service of the notice of levy, the levy is effective with respect to the cash loan value of the insurance contract, subject to the condition that if the levy is not satisfied or released before the 90th day after the date of service, the levy can be satisfied only by payment of the amount described in paragraph (c) of this section. Other than satisfaction or release of the levy, no event during the 90-day period subsequent to the date of service of the notice of levy shall release the cash loan value from the effect of the levy. For example, the termination of the policy by the taxpayer or by the death of the insured during such 90-day period shall not release the levy. For the rules relating to the time when the insuring organization is to pay over the required amount, see paragraph (c) of this section.

(2) *Notification of amount subject to levy*—(i) *Full payment before the 90th day.* In the event that the unpaid liability to which the levy relates is satisfied at any time during the 90-day period subsequent to the date of service of the notice of levy, the district director will promptly give the insuring organization

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written notification that the levy is released.

(ii) *Notification after the 90th day.* In the event that notification is not given under subdivision (i) of this subparagraph, the district director will, promptly following the 90th day after service of the notice of levy, give the insuring organization written notification of the current status of all accounts listed on the notice of levy, and of the total payments received since service of the notice of levy. This notification will be given to the insuring organization whether or not there has been any change in the status of the accounts.

(c) *Satisfaction of levy*—(1) *In general.* The levy described in paragraph (b) of this section with respect to a life insurance or endowment contract shall be deemed to be satisfied if the insuring organization pays over to the district director the amount which the person against whom the tax is assessed could have had advanced to him by the organization on the 90th day after service of the notice of levy on the organization. However, this amount is increased by the amount of any advance (including contractual interest thereon), generally called a policy loan, made to the person on or after the date the organization has actual notice or knowledge, within the meaning of section 6323(i)(1), of the existence of the tax lien with respect to which the levy is made. The insuring organization may, nevertheless, make an advance (including contractual interest thereon), generally called an automatic premium loan, made automatically to maintain the contract in force under an agreement entered into before the organization has such actual notice or knowledge. In any event, the amount paid to the district director by the insuring organization is not to exceed the amount of the unpaid liability shown on the notification described in paragraph (b)(2) of this section. The amount, determined in accordance with the provisions of this section, subject to the levy shall be paid to the district director by the insuring organization promptly after receipt of the notification described in paragraph (b)(2). The satisfaction of a levy with respect to a life insurance or endowment contract will not discharge the contract from the tax lien. However, see section 6323(b)(9)(C) and the regulations thereunder concerning the liability of an insurance company after satisfaction of a levy with respect to a life insurance or endowment contract. If the person against whom the tax is assessed so directs, the insuring organization, on a date before the 90th day after service of the notice of levy, may satisfy the levy by paying over an amount computed in accordance with the provisions of this subparagraph substituting such date for the 90th day. In the event of termination of the policy by the taxpayer or by the death of the insured on a date before the 90th day after service of the notice of levy, the amount to be paid over to the district director by the insuring organization in satisfaction of the levy shall be an amount computed in accordance with the provisions of this subparagraph substituting the date of termination of the policy or the date of death for the 90th day.

(2) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On March 5, 1968, a notice of levy for an unpaid income tax assessment due from A in the amount of $3,000 is served on the X Insurance Company with respect to A's life insurance policy. On March 5, 1968, the cash loan value of the policy is $1,500. On April 9, 1968, A does not pay a premium due on the policy in the amount of $200. Under an automatic premium advance provision contained in the policy originally issued in 1960, X advances the premium out of the cash value of the policy. As of June 3, 1968 (the 90th day after service of the notice of levy), pursuant to the provisions of the policy, the amount of accrued charges upon the automatic premium advance in the amount of $200 for the period April 9, 1968, through June 3, 1968, is $2. On June 5, 1968, the district director gives written notification to X indicating that A's unpaid tax assessment is $2,500. Under this section, X is required to pay to the district director, promptly after receipt of the June 5, 1968, notification, the sum of $1,298 ($1,500 less $200 less $2), which is the amount A could have had advanced to him by X on June 3, 1968.

Example (2). Assume the same facts as in example (1) except that on May 10, 1968, A requests and X grants an advance in the amount of $1,000. X has actual notice of the existence of the lien by reason of the service of the notice of levy on March 5, 1968. This advance is not required to be made automatically under the policy and reduces the amount of the cash value of the policy. For the use of the $1,000 advance during the period May 10, 1968, through June 3, 1968, X charges A the sum of $3. Under this section, X is required to pay to the district director, promptly after receipt of the June 5, 1968, notification, the sum of $1,298. This $1,298 amount is composed of the $295 amount ($1,500 less $200 less $2 less $1,000 less $3) A could have had advanced to him by X on June 3, 1968, plus the $1,000 advance plus the charges in the amount of $3 with respect thereto.

Example (3). Assume the same facts as in example (1) except that the insurance contract does not contain an automatic premium advance provision. The contract does provide that, upon default in the payment of premiums, the policy shall automatically be converted to paid-up term insurance with no cash or loan value. A fails to make the premium payment of $200 due on April 9, 1968. After expiration of a grace period to make the premium payment, the X Insurance Company applies the cash loan value of $1,500 to effect the conversion. Since the service of the notice of levy constitutes the exercise of A's right to receive the cash loan value and the amount applied to effect the conversion is not an automatic advance to A to maintain the policy in force, the conversion of the policy is not an event which will release the cash loan value from the effect of the levy. Therefore, X Insurance Company is required to pay to the district director, promptly after receipt of the June 5, 1968 notification, the sum of $1,500.

(d) *Other enforcement proceedings.* The satisfaction of the levy described in paragraph (b) of this section by an insuring organization shall be without prejudice to any civil action for the enforcement of any Federal tax lien with respect to a life insurance or endowment contract. Thus, this levy procedure is not the exclusive means of subjecting the life insurance and endowment contracts of the person against whom a tax is assessed to the collection of his unpaid assessment. The United States may choose to foreclose the tax lien in any case where it is appropriate, as, for example, to reach the cash surrender value (as distinguished from cash loan value) of a life insurance or endowment contract.

(e) *Cross references.* (1) For provisions relating to priority of certain advances with respect to a life insurance or endowment contract after satisfaction of a levy pursuant to section 6332(b), see section 6323(b)(9) and the regulations thereunder.

(2) For provisions relating to the issuance of a certificate of discharge of a life insurance or endowment contract subject to a tax lien, see section 6325(b) and the regulations thereunder.

PAR. 6. Section 301.6334 is amended by revising section 6334(a)(4), by adding new paragraphs (6) and (7) to section 6334(a), by revising the historical note to section 6334, and by deleting all statutory material and historical notes following the historical note to section 6334. The amended and added provisions read as follows:

§ 301.6334 Statutory provisions; property exempt from levy.

Sec. 6334. *Property exempt from levy*—(a) *Enumeration.* • • •

(4) *Unemployment benefits.* Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, or any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

• • • • •

(6) *Certain annuity and pension payments.* Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 562), and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.

(7) *Workmen's compensation.* Any amount payable to an individual as workmen's compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

• • • • •

[Sec. 6334 as amended by section 406, Social Security Amendments 1958 (72 Stat. 1047); sec. 812, Excise Tax Reduction Act of 1965 (79 Stat. 170); sec. 104(c), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 7. Section 301.6334–1 is amended by revising subparagraphs (2), (3), and (4) of paragraph (a), by adding new subparagraphs (6) and (7) to paragraph (a), and by revising paragraph (c). These amended and added provisions read as follows:

§ 301.6334–1 Property exempt from levy.

(a) *Enumeration.* • • •

(2) *Fuel, provisions, furniture, and personal effects.* If the taxpayer is the head of a family, so much of the fuel, provisions, furniture, and personal effects in his household, and of the arms for personal use, livestock, and poultry of the taxpayer, as does not exceed $500 in value. For purposes of this provision, an individual who is the only remaining member of a family and who lives alone is not the head of a family.

(3) *Books and tools of a trade, business or profession.* So many of the books and tools necessary for the trade, business, or profession of an individual taxpayer as do not exceed in the aggregate $250 in value.

(4) *Unemployment benefits.* Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State, or of the District of Columbia or of the Commonwealth of Puerto Rico.

• • • • •

(6) *Certain annuity and pension payments.* Annuity or pension payments under the Railroad Retirement Act (45 U.S.C. ch. 9), benefits under the Railroad Unemployment Insurance Act (45 U.S.C. ch. 11), special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 562), and annuities based on retired or retainer pay under chapter 73 of title 10 of the United States Code.

(7) *Workmen's compensation.* Any amount payable to an individual as workmen's compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

• • • • •

(c) *Other property.* No other property or rights to property are exempt from levy except the property specifically exempted by section 6334(a). No provision of a State law may exempt property or rights to property from levy for the collection of any Federal tax. Thus, property exempt from execution under State personal or homestead exemption laws is, nevertheless, subject to levy by the United States for collection of its taxes.

PAR. 8. Section 301.6335 is amended by revising section 6335(b) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6335 Statutory provisions; sale of seized property.

Sec. 6335. *Sale of seized property.* • • •

(b) *Notice of sale.* The Secretary or his delegate shall as soon as practicable after the seizure of the property give notice to the owner, in the manner prescribed in subsection (a), and shall cause a notification to be published in some newspaper published or generally circulated within the county wherein such seizure is made, or if there be no newspaper published or generally circulated in such county, shall post such notice at the post office nearest the place where the seizure is made, and in not less than two other public places. Such notice shall specify the property to be sold, and the time, place, manner, and conditions of the sale thereof. Whenever levy is made without regard to the 10-day period provided in section 6331(a), public notice of sale of the property seized shall not be made within such 10-day period unless section 6336 (relating to sale of perishable goods) is applicable.

• • • • •

[Sec. 6335 as amended by sec. 104(d), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 9. Paragraph (b)(1) of § 301.6335–1 is amended to read as follows:

§ 301.6335–1 Sale of seized property.

• • • • •

(b) *Notice of sale.* (1) As soon as practicable after seizure of the property, the district director shall give notice of sale in writing to the owner. Such notice shall be delivered to the owner or left at his usual place of abode or business if located within the internal revenue district where the seizure is made. If the owner cannot be readily located, or has no dwelling or place of business within such district, the notice may be mailed to his last known address. The notice shall specify the property to be sold, and the time, place, manner, and conditions of the sale thereof, and shall expressly state that only the right, title, and interest of the delinquent taxpayer in and to such property is to be offered for sale. The notice shall also be published in some newspaper published in the county wherein the seizure is made or in a newspaper generally circulated in that county. For example, if a newspaper of general circulation in a county but not published in that county will reach more potential bidders for the property to be sold than a newspaper published within the county, or if there is a newspaper of general circulation within the county but no newspaper published within the county, the district director may cause public notice of the sale to be given in the newspaper of general circulation within the county. If there is no newspaper published or generally circulated in the county, the notice shall be posted at the post office nearest the place where the seizure is made, and in not less than two other public places.

• • • • •

PAR. 10. Section 301.6337 is amended by revising section 6337(b)(1) and by adding a historical note. These revised and added provisions read as follows:

§ 301.6337 Statutory provisions; redemption of property.

Sec. 6337. *Redemption of property.* • • •

(b) *Redemption of real estate after sale*—(1) *Period.* The owners of any real property sold as provided in section 6335, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within 120 days after the sale thereof.

• • • • •

[Sec. 6337 as amended by sec. 104(e), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 11. Paragraph (b)(1) of § 301.6337–1 is amended to read as follows:

§ 301.6337–1 Redemption of property.

• • • • •

(b) *Redemption of real estate after sale*—(1) *Period.* The owner of any real estate sold as provided in section 6335, his heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the property sold, or any particular tract of such property, at any time within 120 days after the sale thereof.

• • • • •

PAR. 12. Section 301.6338 is amended by revising section 6338(c) and by revising the historical note. These amended provisions read as follows:

§ 301.6338 Statutory provisions; certificate of sale; deed of real property.

Sec. 6338. *Certificate of sale; deed of real property.* • • •

(c) *Real property purchased by United States.* If real property is declared purchased by the United States at a sale pursuant to section 6335, the Secretary or his delegate shall at the proper time execute a deed therefor, and without delay cause such deed to be duly recorded in the proper registry of deeds.

[Sec. 6338 as amended by sec. 78, Technical Amendments Act, 1958 (72 Stat. 1662); sec. 104(f), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 13. Paragraph (c) of § 301.6338–1 is amended to read as follows:

§ 301.6338–1 Certificate of sale; deed of real property.

• • • • •

(c) *Deed to real property purchased by the United States.* If real property is declared purchased by the United States at a sale pursuant to section 6335, the district director shall at the proper time execute a deed therefor and shall, without delay, cause the deed to be duly recorded in the proper registry of deeds.

PAR. 14. Section 301.6339 is amended by adding new subsections (c) and (d) to section 6339 and by revising the historical note. These added and amended provisions read as follows:

§ 301.6339 Statutory provisions; legal effect of certificate of sale of personal property and deed of real property.

Sec. 6339. *Legal effect of certificate of sale of personal property and deed of real property.* • • •

(c) *Effect of junior encumbrances.* A certificate of sale of personal property given or a deed to real property executed pursuant to section 6338 shall discharge such property from all liens, encumbrances, and titles over which the lien of the United States with respect to which the levy was made had priority.

(d) *Cross references.* (1) For distribution of surplus proceeds, see section 6342(b).

(2) For judicial procedure with respect to surplus proceeds, see section 7426(a)(2).

[Sec. 6339 as amended by sec. 79, Technical Amendments Act 1958 (72 Stat. 1662); sec. 104(g), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

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PAR. 15. Section 301.6339–1 is amended by adding new paragraph (c) which reads as follows:

§ 301.6339–1 Legal effect of certificate of sale of personal property and deed of real property.

• • • • •

(c) *Effect of junior encumbrances.* A certificate of sale of personal property given or a deed to real property executed pursuant to section 6338 discharges the property from all liens, encumbrances, and titles over which the lien of the United States, with respect to which the levy was made, has priority. For example, a mortgage on real property executed after a notice of a Federal tax lien has been filed is extinguished when the district director executes a deed to the real property to a purchaser thereof at a sale pursuant to section 6335 following the seizure of the property by the United States. The proceeds of such a sale are distributed in accordance with priority of the liens, encumbrances, or titles. See section 6342(b) and the regulations thereunder for provisions relating to the distribution of surplus proceeds. See section 7426(a)(2) and the regulations thereunder for judicial procedures with respect to surplus proceeds.

PAR. 16. Section 301.6342 is amended by revising section 6342(a) (other than paragraph (2) thereof) and by adding a historical note. These amended and added provisions read as follows:

§ 301.6342 Statutory provisions; application of proceeds of levy.

Sec. 6342. *Application of proceeds of levy*—(a) *Collection of liability.* Any money realized by proceedings under this subchapter (whether by seizure, by surrender under section 6332 (except pursuant to subsection (c)(2) thereof), or by sale of seized property) or by sale of property redeemed by the United States (if the interest of the United States in such property was a lien arising under the provisions of this title) shall be applied as follows:

(1) *Expense of levy and sale.* First, against the expenses of the proceedings;

• • • • •

(3) *Liability of delinquent taxpayer.* The amount, if any, remaining after applying paragraphs (1) and (2) shall then be applied against the liability in respect of which the levy was made or the sale was conducted.

• • • • •

[Sec. 6342 as amended by sec. 104(h), Federal Tax Lien Act of 1966 (80 Stat. 1137)]

PAR. 17. Paragraph (a) (other than subparagraph (2) thereof) of § 301.6342–1 is amended to read as follows:

§ 301.6342–1 Application of proceeds of levy.

(a) *Collection of liability.* Any money realized by proceedings under subchapter D, chapter 64, of the Code or by sale of property redeemed by the United States (if the interest of the United States in the property was a lien arising under the provisions of the Internal Revenue Code), is applied in the manner specified in subparagraphs (1), (2), and (3) of this paragraph. Money realized by proceedings under subchapter D, chapter 64, of the Code includes money realized by seizure, by sale of seized property, or by surrender under section 6332 (except money realized by the imposition of a 50 percent penalty pursuant to section 6332(c)(2)).

(1) *Expense of levy and sale.* First, against the expenses of the proceedings and amounts paid by the United States to redeem property.

• • • • •

(3) *Liability of delinquent taxpayer.* The amount, if any, remaining after applying subparagraphs (1) and (2) of this paragraph shall then be applied against the liability in respect of which the levy was made or the sale of redeemed property was conducted.

• • • • •

PAR. 18. Section 301.6343 is amended by revising section 6343 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6343 Statutory provisions; authority to release levy and return property.

Sec. 6343. *Authority to release levy and return property*—(a) *Release of levy.* It shall be lawful for the Secretary or his delegate, under regulations prescribed by the Secretary or his delegate, to release the levy upon all or part of the property or rights to property levied upon where the Secretary or his delegate determines that such action will facilitate the collection of the liability but such release shall not operate to prevent any subsequent levy.

(b) *Return of property.* If the Secretary or his delegate determines that property has been wrongfully levied upon, it shall be lawful for the Secretary or his delegate to return—

(1) The specific property levied upon,

(2) An amount of money equal to the amount of money levied upon, or

(3) An amount of money equal to the amount of money received by the United States from a sale of such property.

Property may be returned at any time. An amount equal to the amount of money levied upon or received from such sale may be returned at any time before the expiration of 9 months from the date of such levy. For purposes of paragraph (3), if property is declared purchased by the United States at a sale pursuant to section 6335(e) (relating to manner and conditions of sale), the United States shall be treated as having received an amount of money equal to the minimum price determined pursuant to such section or (if larger) the amount received by the United States from the resale of such property.

[Sec. 6343 as amended by sec. 104(i), Federal Tax Lien Act of 1966 (80 Stat. 1138)]

PAR. 19. Section 301.6343–1 is amended to read as follows:

§ 301.6343–1 Authority to release levy and return property.

(a) *Release of levy*—(1) *Authority.* The district director may release the levy upon all or part of the property or rights to property levied upon as provided in subparagraphs (2) and (3) of this paragraph. A levy may be released under subparagraph (2) of this paragraph only if the delinquent taxpayer complies with such of the conditions thereunder as the district director may require and if the district director determines that such action will facilitate the collection of the liability. A release pursuant to subparagraph (3) of this paragraph is considered to facilitate the collection of the liability. The release under this section shall not operate to prevent any subsequent levy.

(2) *Conditions for release.* The district director may release the levy as authorized under subparagraph (1) of this paragraph, if—

(i) *Escrow arrangement.* The delinquent taxpayer offers a satisfactory arrangement, which is accepted by the district director, for placing property in escrow to secure the payment of the liability (including the expenses of levy) which is the basis of the levy.

(ii) *Bond.* The delinquent taxpayer delivers an acceptable bond to the district director conditioned upon the payment of the liability (including the expenses of levy) which is the basis of the levy. Such bond shall be in the form provided in section 7101 and § 301.7101–1.

(iii) *Payment of amount of U.S. interest in the property.* There is paid to the district director an amount determined by him to be equal to the interest of the United States in the seized property or the part of the seized property to be released.

(iv) *Assignment of salaries and wages.* The delinquent taxpayer executes an agreement directing his employer to pay to the district director amounts deducted from the employee's wages on a regular, continuing, or periodic basis, in such manner and in such amount as is agreed upon with the district director, until the full amount of the liability is satisfied, and such agreement is accepted by the employer.

(v) *Installment payment arrangement.* The delinquent taxpayer makes satisfactory arrangements with the district director to pay the amount of the liability in installments.

(vi) *Extension of statute of limitations.* The delinquent taxpayer executes an agreement to extend the statute of limitations in accordance with section 6502(a)(2) and § 301.6502–1.

(3) *Release where value of interest of United States is insufficient to meet expenses of sale.* The district director may release the levy as authorized under subparagraph (1) of this paragraph if he determines that the value of the interest of the United States in the seized property, or in the part of the seized property to be released, is insufficient to cover the expenses of the sale of such property.

(b) *Return of property*—(1) *General rule.* If the district director determines that property has been wrongfully levied upon, the district director may return—

(i) The specific property levied upon,

(ii) An amount of money equal to the amount of money levied upon (without interest), or

(iii) An amount of money equal to the amount of money received by the United States from a sale of the property (without interest).

If the United States is in possession of specific property, the property may be returned at any time. An amount equal to the amount of money levied upon or received from a sale of the property may be returned at any time before the expiration of 9 months from the date of the levy. When a request described in subparagraph (2) of this paragraph is filed for the return of property before the expiration of 9 months from the date of levy, an amount of money may be returned after a reasonable period of time subsequent to the expiration of the 9-month period if necessary for the investigation and processing of such request. In cases where money is specifically identifiable, as in the case of a coin collection which may be worth substantially more than its face value, the money will be treated as specific property and, whenever possible, this specific property will be returned. For purposes of subparagraph (1)(iii) of this paragraph, if property is declared purchased by the United States at a sale pursuant to section 6335(e), the United States is treated as having received an amount of money equal to the minimum price determined by the district director before the sale or, if larger, the amount received by the United States from the resale of the property.

(2) *Request for return of property.* A written request for the return of property wrongfully levied upon shall be addressed to the district director (marked for the attention of the chief, special procedures staff) for the internal revenue district in which the levy was made. The written request shall contain the following information:

(i) The name and address of the person submitting the request,

(ii) A detailed description of the property levied upon,

(iii) A description of the claimant's basis for claiming an interest in the property levied upon, and

(iv) The name and address of the taxpayer, the originating internal revenue district, and the date of lien or levy as shown on the Notice of Tax Lien (Form 668), Notice of Levy (Form 668–A), or Levy (Form 668–B) or, in lieu thereof, a statement of the reasons why such information cannot be furnished.

(3) *Inadequate request.* Any request made prior to June 1, 1972, which apprises the Internal Revenue Service of the claimant's demand for the return of property wrongfully levied upon shall be considered adequate. A request made after May 31, 1972, shall not be considered adequate unless it is a written request containing the information required by subparagraph (2) of this paragraph. However, unless a notification is mailed by the district director to the claimant within 30 days of receipt of the request to inform the claimant of the inadequacies, any written request shall be considered adequate. If the district director timely notifies the claimant of the inadequacies of his request, the claimant shall have 30 days from the receipt of the notification of inadequacy to supply in writing any omitted information. Where the omitted information is so supplied within the 30 day period, the request shall be considered to be adequate from the time the original request was made for purposes of determining the applicable period of limitation upon suit under section 6532(c).

[FR Doc.72–5662 Filed 4–12–72;8:52 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 952—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO FALSE REPRESENTATION AND LOTTERY ORDERS

PART 953—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAILABILITY

Service of Complaints and Notices of Hearings

The Judicial Officer has amended, effective upon publication in the FEDERAL REGISTER (4–13–72), procedural regulations contained in §§ 952.8(b) and 953.5 of Title 39, Code of Federal Regulations, in the manner and for the purposes stated below.

(39 U.S.C. 204, 401, 3001 and 3005)

LOUIS A. COX,
General Counsel.

APRIL 10, 1972.

Current regulations in §§ 952.8(b) and 953.5 relating to formal proceedings provide that service of complaints and initial notices of hearing filed under Parts 952 and 953 respectively shall be made under conditions under which a postal employee obtains a receipt of delivery, but each section further provides that if service cannot be accomplished in that manner, the complaint and notices of hearing are to be delivered in the usual manner as other mail addressed to respondent. Uncertainty has arisen as to the length of time that delivery shall be attempted in such a manner as to obtain a receipt. In order to settle this question, the sections mentioned are being amended to establish fixed periods for such attempts. The amendments also bring the language of the two into greater conformity.

1. Paragraph (b) of § 952.8 is revised to read as follows:

§ 952.8 Service.

• • • • • •

(b) If, after 5 days, the postmaster or his agent can find no person to accept service of the notice of hearing and complaint pursuant to paragraph (a) of this section, the notice may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing and complaint shall be forwarded to the Docket Clerk and such statement shall constitute evidence of service.

2. The last two sentences of § 953.5 are revised to read as follows:

§ 953.5 Notice of hearing; service.

• • • If, after 3 days, the postmaster or his agent can find no person to accept service of the notice of hearing and complaint, the notice may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing and complaint shall be forwarded to the Docket Clerk and such statement shall constitute evidence of service.

[FR Doc.72–5610 Filed 4–12–72;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Parts 14–1, 14–6, 14–7, 14–12, and 14–18 of Title 41 of the Code of Federal Regulations are hereby amended.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the rulemaking process. However, the amendments and revisions contained herein are minor and entirely administrative in nature. Therefore, the public rulemaking process is waived and these changes will become effective upon publication in the FEDERAL REGISTER (4–13–72).

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

APRIL 7, 1972.

PART 14–1—GENERAL

Subpart 14–1.3—General Policies

1. Section 14–1.350(c) is revised to read as follows:

§ 14–1.350 Obtaining a release of claims.

• • • • • •

(c) Contracts requiring a release of claims shall include a clause substantially as follows:

After completion of work, and prior to final payment, the Contractor shall furnish to the Contracting Officer, a release of claims against the United States arising out of the contract, other than claims specifically excepted from the operation of the release.

• • • • • •

PART 14–6—FOREIGN PURCHASES

Subpart 14–6.2—Buy American Act—Construction Contracts

§ 14–6.204 Invitation provision and representation by bidders. [Deleted]

1. Part 14–6 of the Interior Procurement Regulations is amended by the deletion of Subpart 14–6.2 and § 14–6.204.

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PART 14–7—CONTRACT CLAUSES

Subpart 14–7.1—Fixed-Price Supply Contracts

1. Section 14–7.153 is amended by the addition of a paragraph (c).

§ 14–7.153 Ocean freight shipments—use of American-flag vessels—reports.

* * * * *

(c) *Informal grievance procedure.* (1) Whenever any person has a question, problem, complaint, grievance, or controversy pertaining to the terms and conditions of any tenders, charter party terms, or other matter involving the administration of the Cargo Preference Act of 1954, section 901(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1241(b)), such person may request the Maritime Administration to afford him an opportunity to discuss the matter informally with representatives of the Maritime Administration and, if other U.S. Government agencies or foreign missions, embassies, or agencies acting on behalf of a foreign government are involved with them or persons authorized to speak for them.

(2) In such cases, a request may be made by telephone or letter to the Chief, Office of Market Development, Maritime Administration, Washington, D.C. 20235, Area Code 202, phone 967–3325. When such a request has been received, the Assistant Secretary of Commerce for Maritime Affairs or his designated representative will promptly consider the matter on its merits and provide assistance if possible. If the matter cannot be resolved satisfactorily by the Maritime Administration, the Assistant Secretary of Commerce for Maritime Affairs or his designated representative will then arrange for a meeting at a time and place satisfactory to all interested parties so that the matter may be freely discussed and resolved.

(3) At such meetings, the Assistant Secretary of Commerce for Maritime Affairs or his designated representative may request any U.S. Government agency, foreign mission, embassy, or agency acting on behalf of a foreign government, or others having an interest in the matter to attend such a conference, or to send representatives authorized to speak for them. All such meetings and conferences will be conducted in an informal manner.

PART 14–12—LABOR

1. The Interior Procurement Regulations are amended by the addition of Part 14–12 and Subpart 14–12.1.

Subpart 14–12.1—Basic Labor Policies

§ 14–12.150 Labor standards enforcement report.

(a) A semiannual report is required on compliance with and enforcement of the labor standards provisions of the Davis-Bacon Act and Contract Work Hours and Safety Standards Act. The reporting periods are January 1 through June 30 and July 1 through December 31. The reports shall be prepared by each contract administration office and forwarded through channels to the Director, Office of Survey and Review, within 25 days after the close of the reporting period. Within the next 5 days a report will be submitted by the Office of Survey and Review to the U.S. Department of Labor, Employment Standards Administration, 711 14th Street NW., Room 1010, Washington, DC 20210.

(b) The report shall contain the following information which shall be stated separately, as applicable, in two columns—one column for construction work subject to the Davis-Bacon Act and Contract Work Hours and Safety Standards Act and the other column for nonconstruction work subject to the Contract Work Hours and Safety Standards Act:

(1) Period covered;

(2) Number of contracts awarded;

(3) Total dollar amount of prime contracts awarded;

(4) Number of contractors/subcontractors against whom complaints were received;

(5) Number of investigations completed;

(6) Number of contractors/subcontractors found in violation;

(7) Amount of wage restitution found due:

(i) Davis-Bacon and Related Acts; and

(ii) Contract Work Hours and Safety Standards Act.

(8) Number of employees due wage restitution under the Davis-Bacon and Related Acts and/or Contract Work Hours and Safety Standards Act;

(9) Amount of liquidated damages assessed under the Contract Work Hours and Safety Standards Act;

(10) Name, title, agency, and telephone number of person submitting the report; and

(11) Remarks.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

PART 14–18—PROCUREMENT OF CONSTRUCTION CONTRACTS

Subpart 14–18.6—Buy American Act

1. Part 14–18 of the Interior Procurement Regulations is amended by the addition of Subpart 14–18.6 and § 14–18.604 *Invitation provision.*

§ 14–18.604 Invitation provision.

The text of § 14–6.204 *Invitation provision and representations by bidders.* [Deleted] remains intact. No changes are made.

[FR Doc.72–5592 Filed 4–12–72;8:45 am]

PART 14–10—BONDS AND INSURANCE

Insurance Under Fixed-Price and Cost-Reimbursement-Type Contracts; Correction

In F.R. 72–4648 appearing at page 6291 in the issue for Tuesday, March 28, 1972, § 14–10.451(b) should bear reference to "paragraph (e)" rather than "paragraph (f)".

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

APRIL 7, 1972.

[FR Doc.72–5591 Filed 4–12–72;8:45 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION AND LICENSING

PART 75—PREPAID MEDICAL SERVICE PLANS

Authorization for Issuance of Prepaid Medical Service Contracts by Carriers

Correction

In F.R. Doc. 72–4806 appearing at page 6473 in the issue of Thursday, March 30, 1972, the phrase "As used in this paragraph" in the first line of paragraphs (b) and (c) of section 401 of § 75.1 should read "As used in this section".

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5200]

[Arizona 6641]

ARIZONA

Partial Revocation of Withdrawals for National Forest Administrative Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The departmental order of July 10, 1908, and Public Land Order No. 1091 of March 10, 1955, withdrawing national forest lands as administrative sites, are hereby revoked so far as they affect the following described lands:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Sedona Ranger Station

T. 17 N., R. 6 E.,
Sec. 7, NW¼NE¼NE¼SW¼SE¼, W½SW¼NE¼NE¼SW¼SE¼, W½NE¼SW¼SE¼, W½W½SE¼NE¼SW¼SE¼, E½NE¼NW¼NW¼SW¼SE¼, and E½NW¼SW¼SE¼.

Elden Guard Station Administrative Site

T. 21 N., R. 8 E.,
Sec. 6, W½SW¼NE¼SW¼SE¼ and SW¼NW¼NE¼SW¼SE¼.

The areas described aggregate 13.75 acres in Coconino County.

2. The lands shall immediately be made available for consummation of a pending Forest Service exchange.

HARRSON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72–5595 Filed 4–12–72;8:46 am]

Title 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 82—PROCEDURAL RULES FOR PROCEEDINGS CONDUCTED PURSUANT TO ENFORCEMENT OF EXECUTIVE ORDER 11246, AND RULES, REGULATIONS, AND ORDERS THEREUNDER

Pursuant to delegated authority and in accordance with Executive Order 11246, and rules, regulations, and orders thereunder, the Secretary of Health, Education, and Welfare hereby adopts and promulgates as Part 82 of Title 45 of the Code of Federal Regulations the following revised procedural rules to be applicable in proceedings for the imposition of sanctions under section 209(a)(1), (5), and (6) of Executive Order 11246, for violation of the Executive Order and rules, regulations, and orders thereunder. These rules are not subject to the public participation procedures of the Administrative Procedure Act, 5 U.S.C. 553, nor are they subject to the Secretary's Statement of Policy concerning public participation in rule making, 36 F.R. 2532 (Feb. 5, 1971). Therefore these rules shall be effective immediately upon publication in the FEDERAL REGISTER (4–13–72).

The new Part 82, Title 45, Code of Federal Regulations shall read as follows:

GENERAL INFORMATION

Sec.
82.1 Authority.
82.2 Scope of rules.
82.3 Waiver, modification.
82.4 Definitions.

APPEARANCE AND PRACTICE

82.5 Participation by party.
82.6 Participation by interested persons.
82.7 Misconduct during proceedings.

FORM AND FILING OF DOCUMENTS

82.8 Form.
82.9 Filing, service.
82.10 Service—how made.
82.11 Date of service.
82.12 Certificate of service.

TIME

82.13 Computation.

PREHEARING PROCEDURES

82.14 Notice of Hearing.
82.15 Answer to notice.
82.16 Amendments.
82.17 Motions.
82.18 Disposition of motions.
82.19 Depositions.

DESIGNATION AND RESPONSIBILITIES OF HEARING OFFICER

Sec.
82.20 Designation.
82.21 Authority and responsibilities.

HEARING PROCEDURES

82.22 Evidentiary purpose.
82.23 Evidence.
82.24 Testimony.
82.25 Exhibits.
82.26 Admissions as to facts and documents.
82.27 Objections.
82.28 Exceptions to rulings of hearing officer not necessary.
82.29 Official notice.
82.30 Offer of proof.
82.31 Interlocutory appeals.
82.32 Ex parte communications.

THE RECORD

82.33 Official transcript.
82.34 Record for decision.

POSTHEARING PROCEDURES

82.35 Proposed findings of fact and conclusions.
82.36 Recommended decision of hearing officer.
82.37 Reviewing authority jurisdiction.
82.38 Exceptions to recommended decision.
82.39 Oral argument before the reviewing authority.
82.40 Reviewing authority's decision.
82.41 Appeal to Secretary.
82.42 Final decision.
82.43 Approval of Department decision by Director, Office of Federal Contract Compliance.

AUTHORITY: The provisions of this Part 82 issued under sec. 209(a)(1), (5), and (6) of the Executive Order 11246.

GENERAL INFORMATION

§ 82.1 Authority.

These rules of procedure supplement, and are established pursuant to, the provisions of 41 CFR 60–1.26(b).

§ 82.2 Scope of rules.

These rules govern the practice and procedure for proceedings conducted by the Department precedent to the imposition of sanctions under section 209(a)(1), (5), and (6) of Executive Order 11246, for violations of Executive Order 11246, and rules, regulations, and orders thereunder.

§ 82.3 Waiver, modification.

Upon notice to all parties, the hearing officer, the reviewing authority, or the Secretary may, with respect to matters pending before him (or them, in the case of the reviewing authority), modify or waive any rule herein upon a determination that no party will be prejudiced and that the ends of justice will thereby be served.

§ 82.4 Definitions.

(a) "Department" means the Department of Health, Education, and Welfare.

(b) "Notice" means notice of hearing.

(c) "Party" means a respondent; the General Counsel of the Department of Health, Education, and Welfare; and any person or organization participating in a proceeding pursuant to section 6(a) of these rules.

(d) "Respondent" means a person or organization against whom sanctions are proposed because of alleged violations of Executive Order 11246, and rules, regulations, and orders thereunder.

(e) "Reviewing Authority" means the Reviewing Authority (Civil Rights) of the Department of Health, Education, and Welfare.

(f) "Secretary" means Secretary of the Department of Health, Education, and Welfare.

APPEARANCE AND PRACTICE

§ 82.5 Participation by a party.

A party may appear in person, or by counsel, and participate fully, pursuant to the procedures set forth in these rules, in any proceeding held pursuant to these rules.

§ 82.6 Participation by interested persons.

(a)(1) To the extent that proceedings hereunder involve employment of persons covered by a collective bargaining agreement, and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party.

(2) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent.

(3) Any person or organization wishing to participate as a party under this paragraph shall file and serve upon the hearing officer and all parties a petition within 15 days after the notice has been filed. Such petition shall concisely state (i) petitioner's interest in the proceeding, (ii) who will appear for petitioner, (iii) the issues on which petitioner wishes to participate, and (iv) whether petitioner intends to present witnesses.

(4) The hearing officer shall promptly determine whether there are objections to the petition. He shall then determine whether each petitioner has the requisite interest in the proceedings, as defined in subparagraphs (1) and (2) of this paragraph, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing officer may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners; provided that the representative of a labor organization qualifying to participate under subparagraph (1) of this paragraph must be permitted to participate as a party. The hearing officer shall give each petitioner written notice of the decision on his petition, and shall serve such notice on each party. Notice of denials of party participation shall be served on the reviewing authority. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae.

(5) A person or organization whose petition for party participation is denied may appeal the decision to the reviewing

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authority within 7 days of receipt of the notice of denial. The reviewing authority will make the final decision to grant or deny the petition within 20 days of the date of receipt of the appeal.

(b) (1) Any other interested person or organization wishing to participate as amicus curiae shall file a petition before the commencement of the hearing. Such petition shall concisely state (i) the petitioner's interest in the hearing, (ii) who will represent the petitioner, and (iii) the issues on which petitioner intends to present argument. The hearing officer shall grant the petition if he finds that the petitioner has a legitimate interest in the proceedings, and that such participation will not unduly delay the outcome and may contribute materially to the proper disposition of the issues. The hearing officer shall give the petitioner written notice of his decision on the petition, and shall serve such notice on each party. If the petition is denied, the hearing officer shall briefly state the grounds for such denial.

(2) An amicus curiae is not a party but may participate as provided in this paragraph. An amicus curiae may present a brief oral statement at the hearing, at the point in the proceeding specified by the hearing officer. He may submit a written statement of position to the hearing officer prior to the beginning of a hearing, and shall serve a copy on each party. He may also submit a brief or written statement at such time as the parties submit briefs and exceptions, and shall serve a copy on each party.

§ 82.7 Misconduct during proceedings.

Disrespectful, disorderly, or contumacious language or contemptuous conduct, refusal to comply with directions, or continued use of dilatory tactics by any person during any part of proceedings before a hearing officer, the reviewing authority, or the Secretary shall constitute grounds for immediate exclusion of such person from the remainder of the proceedings, or for other actions reasonably determined to prevent the future possibility of the proceedings being interrupted, delayed, or disrupted.

FORM AND FILING OF DOCUMENTS

§ 82.8 Form.

Documents filed pursuant to a proceeding herein shall be dated, the original signed in ink, shall show the docket description and title of the proceeding, and shall indicate the party or amicus filing, and the title, if any, and address of the signatory. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 82.9 Filing, service.

All documents submitted in a proceeding shall be filed, and served on all parties. The original and two copies of each document shall be submitted for filing. Filings shall be made with the hearing clerk at the address stated in the notice, during regular business hours. With respect to exhibits and transcripts of testimony, only originals need by filed.

§ 82.10 Service—how made.

Service shall be made by personal delivery of one copy to each person to be served, or by mailing by first-class mail, properly addressed with postage prepaid. The notice of hearing shall be served upon the respondent by registered mail, return receipt requested.

§ 82.11 Date of service.

The date of filing or of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person.

§ 82.12 Certificate of service.

The original of every document filed and required to be served upon parties shall be endorsed with a certificate of service signed by the party or amicus curiae making service or by his attorney or representative, stating the persons upon whom service has been made, date of service, and manner of service.

TIME

§ 82.13 Computation.

In computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or legal holiday observed in the District of Columbia, in which event it includes the next following business day. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

PREHEARING PROCEDURES

§ 82.14 Notice of hearing.

In response to respondent's request for a hearing, a notice of hearing shall be served on the respondent pursuant to 41 CFR 60-1.26(b)(1). Such notice shall contain the time, place, and nature of the hearing; the action proposed to be taken; the legal authority under which the proceedings are to be held; and the matters of fact and law asserted as the basis for the proposed action.

§ 82.15 Answer to notice.

Within 15 days after receipt of the notice of hearing, respondent may file an answer. This answer shall admit or deny specifically and in detail matters set forth in each allegation of the notice, unless respondent is without knowledge, in which case its answer should so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged in the answer as affirmative defenses shall be separately stated and numbered. Failure of respondent to file an answer within the 15-day period following receipt of the notice may be deemed an admission of all facts recited in the notice.

§ 82.16 Amendments.

The Department may amend its notice once as a matter of course before an answer is filed, and respondent may amend its answer once as a matter of course not later than 15 days after it is filed. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing officer. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer, unless the hearing officer orders otherwise.

§ 82.17 Motions.

Motions and petitions shall state the relief sought, the authority relied upon, and the facts alleged. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing officer may require that they be reduced to writing and filed and served on all parties in the same manner as a formal motion. Within 8 days after a written motion or petition is served, or such other time period as the hearing officer, reviewing authority, or Secretary, may fix, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion.

§ 82.18 Disposition of motions.

The hearing officer, reviewing authority, or Secretary, may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately.

§ 82.19 Depositions.

Upon such terms as may be just, for the convenience of the parties, or where the ends of justice will be served, the hearing officer may authorize or direct the testimony of any witness to be taken by deposition. Depositions shall be recorded by the official reporter designated for hearings. The party seeking to take a deposition should serve copies of the application on the parties to the proceeding, who should be given an opportunity, along with the deponent, to notify the hearing officer of any objections to the taking of the deposition.

DESIGNATION AND RESPONSIBILITIES OF HEARING OFFICER

§ 82.20 Designation.

Hearings shall be held before a hearing officer designated by the reviewing authority. After service of a notice designating a hearing officer to preside, and until such officer makes his decision, motions and petitions shall be submitted to him. In the case of the death, illness, disqualification, or unavailability of the designated hearing officer, another hearing officer may be designated to take his place. Until such replacement has been designated, all motions and petitions shall be submitted to the reviewing authority.

§ 82.21 Authority and responsibilities.

The hearing officer shall propose findings and conclusions to the reviewing authority on the basis of the record before him. In order to do so, he shall have the duty to conduct a fair and impartial hearing, to take all necessary action to avoid delay, and to maintain order. He shall have all powers necessary to those ends, including, but not limited to, the power to:

(a) Hold conferences, including prehearing conferences, to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(b) Require parties to state their position with respect to the various issues in the proceeding.

(c) Direct the parties to exchange their evidentiary exhibits, witness lists, and a narrative summary of their expected testimony prior to the hearing. Where good cause exists, the parties should be afforded the right at any time to amend, by deletion or supplementation, their evidentiary exhibit and witness lists.

(d) Rule on motions, and other procedural items on matters pending before him.

(e) Regulate the course of the hearing and conduct of counsel therein.

(f) Establish rules for media coverage of the proceedings.

(g) Examine witnesses.

(h) Receive, rule on, exclude, or limit evidence at any stage of the proceeding.

(i) Fix time limits for submission of written documents in matters before him.

(j) Take any action authorized by these rules.

HEARING PROCEDURES

§ 82.22 Evidentiary purpose.

The hearing is directed to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing for the reception of evidence will be held only in case issues of fact must be resolved in order to determine whether respondent has failed to comply with one or more applicable requirements of Executive Order 11246, and rules, regulations, and orders thereunder. In case it appears from respondent's answer to the notice of hearing, from his failure timely to answer, or from his admissions or stipulations, that there are no matters of material fact in dispute, the hearing officer may enter an order so finding, vacating the hearing date, and fixing the time for filing briefs under § 82.35. Thereafter the proceedings shall to conclusion in accordance with §§ 82.35 through 82.43. Within 10 days of its issuance, an order vacating the hearing date may be appealed to the reviewing authority, and the reviewing authority shall affirm, modify, or set aside such order within 28 days thereafter.

§ 82.23 Evidence.

Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 82.24 Testimony.

Testimony shall be given orally by witnesses at the hearing, but may, in the discretion of the hearing officer, be prepared in writing and served on all parties to the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing officer, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 82.25 Exhibits.

Proposed exhibits shall be exchanged at a prehearing conference, or otherwise prior to the hearing, if the hearing officer so requires. Proposed exhibits not so exchanged may be denied admission as evidence. The authenticity of all proposed exhibits will be deemed admitted unless written objection thereto is filed, or unless good cause is shown for failure to file such written objection.

§ 82.26 Admissions as to facts and documents.

Not later than 15 days prior to the date of the hearing except for good cause shown, or not later than 15 days prior to such earlier date as the hearing officer may order, any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period designated in the request (not less than 10 days after service thereof) the party to whom the request is directed serves upon the requesting party a sworn statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 82.27 Objections.

Objections to evidence shall be timely, and shall briefly state the ground relied upon.

§ 82.28 Exceptions to rulings of hearing officer not necessary.

Exceptions to rulings of the hearing officer are unnecessary. It is sufficient that a party, at the time the ruling of the hearing officer is sought, makes known the action which he desires the hearing officer to take, or his objection to an action taken, and the grounds therefor.

§ 82.29 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing officer; provided that where official notice is taken or requested to be taken of a fact not appearing in the evidence of record, any party, on timely request, shall be permitted to show the contrary.

§ 82.30 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing officer excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony; and, if the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 82.31 Interlocutory appeals.

Except as specifically provided in these rules, appeals shall not be made of any ruling of the hearing officer except following the entire hearing and the hearing officer's recommended findings, conclusions, and decision.

§ 82.32 Ex parte communications.

The hearing officer shall not consult any person, or party, on any fact in issue unless upon notice and opportunity for all parties to participate. No employee or agent of the Federal Government engaged in the investigation and prosecution of this case shall participate or advise in the rendering of the recommended or final decision, except as witness or counsel in the proceeding.

THE RECORD

§ 82.33 Official transcript.

The Department will designate the official reporter for all hearings. The official transcripts of testimony and argument, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing clerk. Transcripts may be obtained from the official reporter by the parties and the public at rates not to exceed the applicable rates fixed by the contract between the Department and the reporter. Upon notice to all parties, the hearing officer may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

§ 82.34 Record for decision.

The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, except the correspondence section of the docket, including rulings and the recommended findings, conclusions, and decision, shall constitute the record for decision.

POSTHEARING PROCEDURES

§ 82.35 Proposed findings of fact and conclusions.

Within 20 days after receipt of the transcript of the testimony, and such additional time as the hearing officer may allow, each party may file proposed findings of fact and conclusions of law, and a proposed order, together with a supporting brief expressing the reasons for

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such proposals. Such proposals and briefs shall be filed and served on all parties and *amici curiae*. Reply briefs may be submitted within 10 days after receipt of the initial briefs and proposals, and shall be filed and served in like manner.

§ 82.36 Recommended decision of hearing officer.

Within 30 days after the time for filing reply briefs or, if the parties elect not to file briefs, within 30 days after the receipt of the hearing transcript, the hearing officer shall recommend findings of fact, conclusions of law, and a decision based on the record for decision. These recommendations shall be certified, together with the record for decision, to the reviewing authority for its decision. The recommended findings, conclusions, and decision of the hearing officer shall be served on all parties and amici curiae to the proceeding.

§ 82.37 Reviewing authority jurisdiction.

Following the issuance of the hearing officer's recommended decision, all motions and petitions in the matter should be addressed to the reviewing authority, which shall have the authority to act on them consistent with these regulations, Executive Order 11246, and rules, regulations, and orders thereunder. Such jurisdiction shall continue until the Secretary is requested to review the reviewing authority's decision, the Secretary decides to review such decision on his own motion, or the decision becomes the decision of the Department, whichever comes first.

§ 82.38 Exceptions to recommended decision.

Within 20 days after receipt of the hearing officer's recommended decision, all parties to the proceeding shall have an opportunity to submit to the reviewing authority briefs in support of, or in exception to, the recommended findings, conclusions, and decision of the hearing officer. These briefs may be responded to by other parties, within 10 days of their receipt by such parties. Such briefs or exceptions and reply briefs shall be filed and served on all parties and amici curiae to the proceeding.

§ 82.39 Oral argument before the reviewing authority.

(a) The reviewing authority shall have discretion, at its own initiative and within the limits described in this section, to direct the parties to argue a case orally. Oral argument shall not be directed, or received, except as necessary to clarify the written arguments in briefs in support or exceptions, and replies to these documents (See § 82.38). The reviewing authority shall, within these limits, define the scope and subject matter of oral argument in each case. Where the reviewing authority directs oral argument, it shall have the discretion to extend, up to 30 days, the time for rendering its decision under § 82.40.

(b) Pamphlets, charts, and other written material may be presented at oral argument only if such material is limited to facts already in the record and is served on all parties and filed with the hearing clerk at least 7 days before the argument.

§ 82.40 Reviewing authority's decision.

Within 60 days after the time for filing of reply briefs to support briefs and exception briefs, or 90 days from the date of the hearing officer's decision if no briefs are filed, the reviewing authority shall render its own decision. This decision may affirm, modify, or set aside, in whole or in part, the recommended findings, conclusions, and decision of the hearing officer and shall be based on the record for decision.

§ 82.41 Appeal to Secretary.

(a) Within 20 days of the date of the reviewing authority's decision, any party to the proceeding may request the Secretary to review that decision. Such review is not a matter of right, and may be granted by the Secretary only where he determines that the decision of the reviewing authority raises significant issues of law or public policy. The Secretary may grant or deny such request in whole or in part. The Secretary shall also have discretion to review any decision of the reviewing authority on his own motion. If the Secretary grants the requested review, or if he serves notice of intent to review upon his own motion, each party to the proceeding shall have 20 days, following notice of the Secretary's decision to review, within which to file briefs in exception to the decision of the reviewing authority, or briefs in support of the reviewing authority's decision. The Secretary shall thereafter render the Department's decision. Failure of a party to request review under this paragraph shall not be deemed a failure to exhaust administrative remedies for the purpose of obtaining judicial review.

(b) After the Secretary has been requested to review a matter under paragraph (a) of this section, or has given notice of his intent to review a matter on his own motion, whichever comes first, all motions and petitions shall be addressed to him. He shall act on them consistent with these regulations, Executive Order 11246, and rules, regulations, and orders thereunder. Such jurisdiction shall continue until the Secretary issues the decision of the Department.

§ 82.42 Final decision.

The decision of the reviewing authority shall become the decision of the Department in the event no appeal is made by any party within 20 days after the date of the reviewing authority's decision and the Secretary does not notify the parties within 35 days after the date of the reviewing authority's decision that he will otherwise review the decision.

§ 82.43 Approval of Department decision by Director, Office of Federal Contract Compliance.

No decision of the Department shall become final without the approval of the Director of the Office of Federal Contract Compliance.

Dated: April 7, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72-5647 Filed 4-12-72;8:49 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 28; Amdt. 2]

PART 548—REGULATIONS TO IMPLEMENT THE ECONOMIC STABILIZATION ACT, 1970, AS AMENDED

Take notice that the Federal Maritime Commission has revised its Part 548 of Title 46 CFR to establish consistency with the regulation of the Price Commission, Title 6 CFR 300.16, as amended by FEDERAL REGISTER notice of March 18, 1972 (37 F.R. 5701).

Title 6 CFR 300.16 as above amended revised the existing regulation as previously amended and published in the FEDERAL REGISTER, January 14, 1972 (37 F.R. 652) and includes a new provision in 6 CFR 300.16(a), establishing procedure whereby the Price Commission will regulate utilities utilizing the expertise of the regulatory agencies by granting said regulatory bodies a Certificate of Compliance after review of agency-adopted regulations designed to implement the Economic Stabilization Program. This would allow the regulatory agency to give final approval to utility rates. The Price Commission's proposed implementation date of this procedure is May 25, 1972. In the intervening period, however, this Commission must continue to review and evaluate proposed rate increases which are currently pending before it utilizing the existing amended Price Commission regulations.

Therefore, pursuant to authority in the Shipping Act, 1916, 46 U.S.C. section 801, et seq.; the Intercoastal Shipping Act, 1933, 46 U.S.C. section 843, et seq.; and the Economic Stabilization Act, 1970, as amended, Public Law 91-379, 84 Stat. 799, Public Law 91-588, 84 Stat. 1468, Public Law 92-8, 85 Stat. 13, Public Law 92-15, 85 Stat. 38, Public Law 92-210, 85 Stat. 743, Executive Order No. 11627 (36 F.R. 20139, October 16, 1971); 6 CFR Parts 101, 201, and 300, as amended, Part 548 of Title 46 CFR is revised to read as follows:

Sec.
548.1 General.
548.2 Categories of carriers for notification purposes.
548.3 Categories and procedures for filing and review.
548.4 Carrier certification of financial data.
548.5 Pending proceedings.
548.6 Other determinations.
548.7 Interim rates.

AUTHORITY: The provisions of this Part 548 issued under the Shipping Act, 1916, 46 U.S.C. sec. 801 et seq.; the Intercoastal Shipping Act, 1933, 46 U.S.C. sec. 843 et seq.; and the Economic Stabilization Act, 1970, as amended Public Law 91-379, 84 Stat. 799, Public Law 91-588, 84 Stat. 1468, Public Law 92-8, 85 Stat. 13, Public Law 92-15, 85 Stat. 38, Public Law 92-210, 85 Stat. 743, Executive Order No. 11627 (36 F.R. 20139, Oct. 16, 1971); 6 CFR Parts 101, 201, and 300.

§ 548.1 General.

(a) The regulations in this part are promulgated to implement the provisions of the Economic Stabilization Act, 1970, as amended, applicable Executive orders, and regulations of the Cost of Living Council, Pay Board, and Price Commission.

(b) The rules in this part are applicable to all filings and modifications of the tariffs of common carriers by water in the domestic offshore commerce of the United States, nonvessel operating common carriers engaged in these trades and subject to this Commission's regulation; and will continue in effect for the duration of the Economic Stabilization Act or until further notice. To the effect that anything contained herein is inconsistent with other regulations of the Federal Maritime Commission, such other regulation is hereby suspended to the extent necessary to reconcile such inconsistency.

(c) For the purposes of this part, the Price Commission will be referred to as "Price Commission" and the Federal Maritime Commission as the "Commission."

(d) For purposes of this part all common carriers by water engaged in the domestic offshore commerce of the United States and nonvessel operating common carriers operating in that trade shall be considered "public utilities" as defined in 6 CFR 300.16 published in the FEDERAL REGISTER, January 14, 1972 (37 F.R. 652).

(e) For purposes of this part all terminal operators shall be considered "service organizations" as defined in Title 6 CFR Part 300 et seq., and are not subject to the reporting and certification criteria hereunder. Terminal operators are, however, subject to the Economic Stabilization Act, 1970, as amended, and all pertinent regulations of the Price Commission including any notification criteria specified thereunder. Any information submitted to the Price Commission by terminal operators as service organizations must be submitted to the Commission on an informational basis. Nothing in this paragraph obviates any filing requirements of terminal operators under the provisions of General Order 15; Part 533 of this chapter, et seq.

§ 548.2 Categories of carrier for notification purposes.

(a) Carriers with gross annual revenues of $100 million or more are in the prenotification category. They must notify the Price Commission of any proposed increases in rates and charges which would increase their aggregate annual revenues by more than 1 percent.

(b) Carriers with gross annual revenues of less than $100 million are not required to prenotify the Price Commission of proposed increases in rates and charges.

§ 548.3 Categories and procedures for filing and review.

(a) This Commission is committed to implementing the Economic Stabilization Act, 1970, as amended. Accordingly, in compliance with the Price Commission's regulations, all proposed increases in rates of common carriers by water and nonvessel operating common carriers by water in the domestic offshore commerce of the United States, are required to be filed with this Commission under the provisions of this regulation, whether general increases, increases of individual tariff line items, or cost pass through increase.

(b) Therefore, in order for the Commission to adequately review proposed increases, the following categories and procedures will be applicable:

(1) *General rate increases—vessel operating common carriers by water.* Accompanying each filing of a proposed general rate increase, carrier shall submit sufficient financial data in order for the Commission to compute rates of return, taking explicit and quantitative account of expected or obtainable productivity gains. Labor and other cost increases in excess of those allowed by the Price Commission will not be considered. Further, this financial data shall make it possible for the Commission to determine that the proposed increase complies with at least one of the following criteria:

(i) The projected rate of return on the rate base as computed in the manner normally utilized by this Commission is not greater than the projected rate of return on the rate base reflected in the most recent past general increase allowed that particular carrier.

(ii) If the projected rate of return on the rate base exceeds the rate of return allowed by the Commission in the most recent past general increase, it does not exceed that earlier rate of return on the rate base by an amount greater than that attributable to the increase in the carrier's imbedded interest and preferred dividend cost since that last decision.

(iii) Special circumstances exist which make carrier's projected general increase conform to the Economic Stabilization Act although none of the criteria of subdivisions (i) and (ii) of this subparagraph are met. The following information is applicable under such special circumstances and shall be submitted as follows:

(*a*) Any financial data other than that in subdivision (i) of this subparagraph, to indicate that the carrier is entitled to a higher return on capital now than it was in the past.

(*b*) Direct and indirect labor costs adjusted to reflect productivity gains; taxes, cost of materials and equipment; discretionary costs; whether any costs incurred or expected to be incurred are in excess of those normally allowed by the Commission; and a comparison of all these costs and cost-related items between the current year and past years.

(c) Any other factors which are relevant to the goals of the Economic Stabilization Program.

(2) *General increase, nonvessel operating common carriers by water (NVOCC's).* Exclusive of justifiable specific allowable costs (pass through), NVOCC's shall submit sufficient information specifically oriented to allow the Commission to determine that the proposed increase complies with at least one of the criteria established in subparagraph (1) of this paragraph, including but not limited to the following information:

(i) A computation of the company's average profit margin as a percentage of revenue for each of the last 3 fiscal years ended prior to December 31, 1971. Each computation shall be accompanied by financial statements upon which the computation is based.

(ii) A computation of the company's profit margin after giving effect to the proposed rate increase showing that it will not result in a profit which exceeds the average profit margin for any two of the company's last 3 fiscal years ended or prior to December 31, 1971. This computation shall be supported by a proforma income statement for the next ending 12-month period commencing with the effective date of the proposed rate increase.

(3) *Individual tariff line item rate increases.* All individual rate increases filed by either vessel operating common carriers or nonvessel operating common carriers must be accompanied by appropriate financial data to allow the Commission to make positive findings as set forth in subparagraph (1) of this paragraph. However, to the extent that the individual increases do not affect more than 50 percent of the carrier's total tariff items and do not increase the carrier's gross annual revenues by more than 2½ percent, a simple statement containing the carrier's gross annual revenues, the dollar amount expected to be derived from the increase and the percentage of the carrier's gross annual revenue such increase represents, will be required.

(4) *Cost pass through increases.* Any proposed increase attributable to specific allowable costs as defined in 6 CFR 300.16 (c), shall be filed with adequate documentation establishing the basis of the additional cost, the dollar amount of the additional cost, and the dollar-for-dollar computation reflected in the increase proposed to be passed through.

(5) *New carriers and new services—rate increases.* If a new carrier or an existing carrier providing new services has no financial experience upon which to rely to establish a level of rates, and such carrier filed proposed rates with this Commission, the Commission shall consider any increase granted to another comparable carrier in the most recent decision applicable to that carrier, and the level of rates charged by carriers providing a comparable service.

§ 548.4 Carrier certification of financial data.

All financial data required to be submitted pursuant to this part shall bear

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certification by the corporate officer responsible for the maintenance and accuracy of the books, accounts, and financial records of the company stating that the books and accounts have been maintained in accordance with an appropriate system of accounts and have been prepared from the books and records of the company.

§ 548.5 Pending proceedings.

Until further notice all proposed rate adjustments pending before the Commission will be reviewed under the rules of this part.

§ 548.6 Other determinations.

(a) Upon receipt of appropriate data prompt review will be accomplished by this Commission to determine that rate adjustments comply with the criteria of § 548.3(b)(1); and

(1) The increase is cost justified and does not reflect future inflationary expectations.

(2) The increase is the minimum required to assume continued adequate and safe service or to provide for necessary expansion to meet future requirements.

(3) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and not to impair the credit of the carrier.

(4) The increase does not reflect labor costs in excess of those allowed by the Price Commission.

(5) The increase takes into account expected and obtainable productivity gains, as determined under Price Commission policies.

(b) Upon a positive determination of consistency of the proposed increase with the criteria of paragraph (a) of this section, the Commission will certify the increase to the Price Commission as provided in 6 CFR 300.16(e).

§ 548.7 Interim rates.

Any rate increase complying with the interim rate provisions of 6 CFR 300.16 (a) may go into effect when specified under that section.

Effective date. Good cause appearing, the regulations promulgated herein will be effective upon publication in the FEDERAL REGISTER (4–13–72).

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–5650 Filed 4–12–72;8:50 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 34364 (Sub-No. 1)]

PART 1252—PIGGYBACK TRAFFIC STATISTICS

Piggyback Traffic Statistics—Rail and Motor Forms Revisions

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of March 1972.

On September 29, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 19125) advising all interested persons that the Commission had under consideration revisions of 49 CFR 1252.1 and 1252.2 regarding the requirement that all class I railroads and intercity motor carriers of property report quarterly statistics of their piggyback traffic on forms PTR–R and PTR–M, and inviting the filing of statements of facts, views, and arguments with respect thereto. Upon consideration of all representations filed in response thereto, as discussed in our report herein entered on the date hereof, the proposed revisions, as herein modified, are hereby adopted; accordingly;

It is ordered, That class I railroads other than switching and terminal companies, and class I intercity motor carriers of property be, and they are hereby, required to file quarterly reports on forms PTR–R (Rev.) and PTR–M (Rev.), respectively.

It is further ordered, That the said reporting requirements are effective with reports for the quarter beginning July 1, 1972.

And it is further ordered, That service of this order shall be made on all parties which filed representations, on all class I railroads, other than switching or terminal companies, and all class I intercity motor carriers of property; and that general notice shall be given by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, and by filing a copy with the Director, Office of the Federal Register.

(Secs. 12, 20, 204, and 220; 49 U.S.C. 12, 20, 304, and 320; and 5 U.S.C. 553 and 559)

Supplies of printed forms PTR–R (Rev.) and PTR–M (Rev.) will be furnished in the future.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–5664 Filed 4–12–72;8:52 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Mingo National Wildlife Refuge, Mo.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (4–13–72)

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSOURI

MINGO NATIONAL WILDLIFE REFUGE

The public hunting of squirrels on the Mingo National Wildlife Refuge, Mo., is permitted only on the area designated by signs as open to hunting. This open area, comprising 6,500 acres, is delineated on maps available at refuge headquarters, 1 mile north of Puxico, Mo., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations governing the hunting of squirrels subject to the following special conditions:

(1) The open season for hunting squirrels on the refuge extends from May 30 through September 30, 1972, inclusive.

(2) Hunters must register when entering the refuge and record kill when leaving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1972.

GERALD L. CLAWSON,
Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo.

APRIL 4, 1972.

[FR Doc.72–5594 Filed 4–12–72;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

KATMAI NATIONAL MONUMENT, ALASKA

Fishing, Aircraft, and Motorboats

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), 245 DMI (27 F.R. 6395) as amended, and National Park Service Order No. 66 (36 F.R. 21216), it is proposed to revise § 7.46 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of the revision is to simplify the fishing regulations at Katmai National Monument by deleting certain regulatory material now in § 7.46, thereby resulting in further application of Alaska Department of Fish and Game sport fishing regulations in accordance with 36 CFR 2.13. In addition, the proposal establishes special regulations pertaining to aircraft landing sites and use of motorboats.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the General Superintendent, National Park Service, Alaska Group, Post Office Box 2252, Anchorage, AK 99501, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Paragraph (a) of § 7.46 is revised as follows; (b) and (c) are added:

§ 7.46 Katmai National Monument.

(a) *Fishing.* (1) Fishing is permitted only with artificial lures.

(2) On the Brooks River between Brooks Lake and posted signs near Brooks Camp, fly fishing only is permitted.

(b) *Aircraft—designated landing sites.* (1) Aircraft may be landed and operated on the entire water or ice surface of Naknek Lake and Naknek River. Beaches of the lake may not be used as runways nor may aircraft be taxied on any tributary streams.

(2) Aircraft operation in the vicinity of developments, boat docks, floats, piers, ramps, or bathing beaches must be performed with due caution and regard for persons and property and in accordance with any posted signs or uniform waterway markers.

(3) Areas within the monument not specified in subparagraph (1) of this paragraph are closed to aircraft landings except that landings may be authorized in connection with scientific research projects, Federal, State, or local government business, and concessioner functions, by prior permission of the Superintendent.

(i) The decision to grant or deny permission shall be based on a consideration of the following: The benefit of the project to the Service, the effect of the project on preservation of natural and cultural values, law enforcement and management needs, recreational use, and potential for pollution.

(ii) In granting permission the Superintendent may impose conditions on the permittee as to selection of landing sites, dates and hours, weather conditions, frequency and number of landings contemplated, type of aircraft, and other related factors.

(c) *Boating.* (1) Motorboats are permitted on Naknek Lake and Naknek River, but prohibited on tributary streams, except that a motorboat may be operated upstream on the Brooks River to posted markers.

(2) Areas within the monument not specified in subparagraph (1) of this paragraph are closed to motorboat operation except that the operation of motorboats may be authorized in connection with scientific research projects, Federal, State, or local government business, and concessioner functions, by prior permission of the Superintendent.

(i) The decision to grant or deny permission shall be based on a consideration of the following: The benefit of the project to the Service, the effect of the project on preservation of natural and cultural values, law enforcement and management needs, recreational use, and potential for pollution.

(ii) In granting permission, the Superintendent may impose conditions on the permittee as to the size and type and number of boats, the water in which operation is to be conducted, dates and hours, frequency and duration of use, weather conditions and other related factors.

Dated: December 3, 1971.

JOHN A. RUTTER,
Director, Pacific Northwest Region.

[FR Doc.72–5599 Filed 4–12–72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Parts 1030, 1049]

[Dockets Nos. AO–361–A5, AO–319–A18]

MILK IN CHICAGO REGIONAL AND INDIANA MARKETING AREAS

Decision on Proposed Amendments to Marketing Agreements and to Orders

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Chicago Regional and Indiana marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Des Plaines, Ill., on November 18, 1971, pursuant to notice thereof issued on October 28, 1971 (36 F.R. 20981).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on February 24, 1972, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, with the following modifications:

Under heading "2. Terms and provisions" paragraph 7 is revised; new paragraphs are inserted after paragraphs 12 and 53.

The material issues on the record of the hearing relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91–670; and

2. The specific terms and provisions necessary to implement such program under the Chicago Regional and Indiana orders.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Adoption of an advertising and promotion program.* The Chicago Regional and Indiana orders should be amended to provide for an advertising and promotion program in each market. The program for each market should be administered by an agency organized by producers and producers' cooperative associations and financed by producer moneys deducted from the pool proceeds.

Public Law 91–670 (Title I, § 101) approved January 11, 1971, amended the Agricultural Marketing Agreement Act by adding a new paragraph (I) in section 608c(5) to provide that a Federal milk order may, with the approval of producers on the market, include provisions for "establishing or providing for the establishment of research and development projects, and advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products, to be financed by producers in a manner and at a rate spec-

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

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ified in the order, on all producer milk under the order."

The adoption of such a program under the Chicago Regional order was proposed by Central Milk Producers Cooperative, a common marketing agency for 16 cooperatives whose member producers supply a substantial majority of the milk pooled under the order. The proposed adoption of an advertising and promotion program under the Indiana order was made by the Hoosier Milk Marketing Agency, Inc., a federation consisting of three cooperatives whose producer members supply a substantial majority of the milk pooled under the order. Thus, in each market the adoption of an advertising and promotion program has wide support among producer organizations.

Under the proposals supported at the hearing and as herein adopted the advertising and promotion program in each market will be funded through a 5 cents per hundredweight assessment each month on producer milk pooled during such month. The market administrator will deduct the monies from the producer-settlement fund in the computation of the uniform price. Funds so deducted, except for certain reserves withheld to cover refunds and administrative costs incurred by the market administrator, will be turned over to and expended by an agency organized by producers and producers' cooperative associations. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act as prescribed in the order.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marketings of milk, such refunds to be made by the market administrator on a quarterly basis. Also, the program as adopted will allow adjustments or credits in connection with mandatory checkoff for similar types of programs, if required under authority of any State law.

The principal reasons cited by proponents for the establishment of an advertising and promotion program under each of the orders were:

(1) *Decline in per capita consumption.* There has been a long-term decline in per capita consumption of milk and milk products in the United States. Per capita civilian disposition of milk solids in all dairy products combined declined 9 percent over the last decade, 61.8 pounds in 1970 compared to 67.9 pounds in 1960. For 8 of the years from 1960 to 1970 per capita disposition of milk solids was less than during the prior year. Per capita sales of cheese and frozen dairy products have increased slightly in recent years, but not by enough to offset the decline in sales of the remaining dairy products. Sales of fluid milk products, which account for about half of the disposition of all dairy products, has tended to decline on a per capita basis.

Average monthly packaged Class I sales by handlers regulated under the Chicago Regional order declined from 296.75 million pounds in 1969 to 285.65 million pounds in 1970. For the Indiana market there was a slight increase in Class I sales from 1969 to 1970, 102.52 million pounds per month in 1969 compared to 104.12 million pounds per month in 1970. In 1971 Class I sales by Chicago Regional handlers continued to decline while Class I sales by Indiana handlers continued to increase. For the period January–October Chicago Regional handlers Class I sales were 0.8 percent less in 1971 than in 1970. For the same period Indiana handlers Class I sales increased by 1.8 percent from 1970 to 1971. (Official notice is taken of "Federal Milk Order Market Statistics—October 1971.")"

Recent expenditures for advertising and promotion by producers supplying the Indiana market have been about three times more per hundredweight of Class I sales than has been the case for the Chicago Regional market. This could account for the different Class I sales trends in these markets. Proponents contend that a declining trend in per capita consumption of milk and dairy products can be diminished or reversed by increased expenditures for advertising and promotion of milk and dairy products.

(2) *The shifting trend from home delivery to store sales.* There has been a steadily increasing trend toward sales of milk out of stores and a decline in home deliveries of milk. Home delivery sales now account for less than 20 percent of total packaged fluid milk sales. Consequently, there is little direct contact with consumers by sales persons employed by processors of dairy products as was the case prior to the shift to selling milk primarily through chain stores.

The sale of milk through stores has placed it in more direct competition with other foods and beverages purchased by consumers. Most of such other competing foods and beverages are widely promoted and advertised. Much of the milk sold through stores is packaged under private label brands of such stores and receives little promotion and advertising by either the processors or stores. It is proponents' position, therefore, that in such a competitive environment, dairy farmers must do a more comprehensive and effective job of promoting milk and milk products.

(3) *Insufficient funds for promotional programs.* In the Chicago Regional market, Central Milk Producers Cooperative set aside $400,000 for use in dairy promotion in the year ended August 1971. Effective September 1971, Central Milk Producers Cooperative's promotion expenditure was increased by two-thirds. In addition, many dairy farmers have supported dairy promotion through contributions to the American Dairy Association, the national office of which contributed $90,000 to nonadvertising program promotion in the Chicago market for the year 1971.

In the Indiana market cooperatives spent about $240,000 during the year ending August 1971 for educational programs and in the promotion and advertising of fluid milk and dairy products. In addition, dairy farmers contributed $160,000 in support of advertising and educational programs through the American Dairy Association and National Dairy Council, for a total of $400,000.

Proponents contend that such expenditures in these markets are below the optimum effective promotion level of 5 cents per hundredweight that they believe is supported by certain marketing research studies.[1] Based on 1970 marketings current advertising and promotion expenditures are equivalent to a rate of 2.2 cents per hundredweight of producer milk in the Indiana market, but only 0.9 cent in the Chicago market.

In view of the foregoing, it is concluded that a program essentially as producers purpose, but with specified modifications discussed below, should be adopted in each of these markets.

2. *Terms and provisions.* The proposed rate of 5 cents per hundredweight on producer milk, suggested by proponents, is a reasonable assessment on the marketings of producers for promoting the consumption of the milk they produce and is adopted. Such assessment rate represents less than 1 percent of the uniform prices paid to producers in these markets. The 5 cents per hundredweight rate, however, should provide annual totals of about $3,500,000 under the Chicago Regional order and $800,000 under the Indiana order for use on producer-sponsored advertising and promotion programs.

The enabling legislation specifically provides that the promotion funds deducted from the pool proceeds "shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

A definition of "Agency" therefore is incorporated in the order to identify the administrative body organized by producers and producers' cooperatives that will be authorized to expend funds for advertising and promotional activities.

The Agency, under the terms prescribed herein, is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out such program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program, and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency under the terms herein adopted are of a nature and scope to provide participating producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs, designed to accomplish the purposes of Public Law 91–670.

[1] A 1965 study by Clement, Henderson, and Eley on the value of advertising and published in USDA bulletin ERS No. 259, "The Effect of Different Levels of Promotional Expenditures on Sales of Fluid Milk"; and a followup study published in 1967 as USDA Marketing Research Report No. 805 "Consumer Response to Various Levels of Advertising for Fluid Milk."

The Act states that the Agency "* * * may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." The guidelines concerning this matter are set forth in the amendments to the two orders. Under the terms of such amendments, the Agency will develop and submit to the Secretary for approval programs or projects that may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects, for advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers supplying the market; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all the producers supplying the market.

Under such authority proponents envisioned the Agency would utilize the services of the American Dairy Association, Dairy Council, Milk Foundation in Chicago, and other such organizations. Certain of the proponent cooperatives in the Chicago market urged that the terms of the order specify that existing promotion programs be funded for a period of 2 years and that promotion funds be expended on specific types of products according to the percentage utilization of milk in such products under the order. However, the extent to which the Agency may wish to employ the services of existing organizations engaged in milk promotion activities or otherwise budget expenditures is a matter to be determined by the Agency.

Agency members are to be selected from producers who participate in the program. Representation on the Agency as it relates to cooperatives may include, however, individuals not directly engaged in the production of milk, e.g., employees of the cooperative.

Under the Chicago Regional order each cooperative that represents at least 1.5 percent of the participating producers (producers who have not requested refunds) will be authorized an Agency representative, plus one additional Agency representative for each full 5 percent of the participating producers, in excess of 1.5 percent, that such cooperative represents. For the purpose of meeting the percentage requirements any cooperative association, including a cooperative having less than the required 1.5 percent of the producers participating in the program, may elect to combine its participating membership with that of one or more other cooperatives.

The participating producer members of any cooperative association(s) having less than the required 1.5 percent that elects not to combine, as discussed above, and nonmember producers, together will be authorized one Agency representative if such producers constitute 1.5 percent of the total number of participating producers under the order, plus one additional Agency representative for each additional full 5 percent that such producers constitute of all participating producers. For the purpose of the Agency's initial formation, all producers under the order would be considered as participating producers.

With the present number and size of cooperatives in the market, the above procedure will result in a maximum of 24 members on the Agency. Eleven different cooperatives representing over 90 percent of the producers on the market will be eligible to select 21 of the Agency representatives. In addition, should cooperatives with less than 1.5 percent of the producers elect to combine, two additional representatives of cooperatives could be placed on the Agency.

The above procedure is modified slightly from the proposed procedure set forth in the hearing notice. Under that procedure a cooperative would be required to have at least a full 5 percent of the participating producers to be eligible to name an Agency representative. Such procedure, however, would result in only five cooperatives, representing three-fourths of the producers, being eligible to name agency representatives without combining for such purpose. The procedure adopted assures broader producer representation on the Agency. Yet it does not result in too large an Agency for a market with over 16,000 producers.

Proponents urged in their briefs and exceptions that any cooperative with 100 members be authorized an Agency representative. To be authorized an Agency representative under the 1.5 percent provision, a cooperative would need to represent about 250 producers. Currently 100 producers is equivalent to about 0.6 percent of all producers supplying the market. Use of 100 producers as a minimum for direct representation on the Agency by a cooperative would increase significantly the potential number of members on the Agency but the total proportion of the market's producers being so represented would not increase appreciably. For example, under the present cooperative structure in the market, representatives from eligible cooperatives would be increased from 21 to 25, or 19 percent, but only about 4 percent more (95 vs. 91 percent) of the total producers on the market would be eligible for representation through cooperatives without combining with other cooperatives or nonmembers for representation on the Agency. In these circumstances, it is concluded that representation on the Agency would be unduly dissipated if the 100 producer minimum were adopted in place of 1.5 percent of all producers.

Because of the smaller number of producers on the market, proponents proposed that the Agency for the Indiana market be about half the size of the Agency for the Chicago Regional market. Specifically they proposed that a cooperative represent a full 10 percent of the participating producers to be eligible to name an Agency representative. Such procedure, however, would result in only two of the seven cooperatives being large enough to independently select a representative. If on the other hand a procedure like the one adopted for the Chicago Regional market, but with minimums of 3 and 10 percent of the total participating producers for the initial and additional representatives were adopted, five of the seven cooperatives would be eligible to independently name representatives. Moreover, about 90 percent of the producers belong to cooperatives having at least 3 percent of the producers on the market compared to 70 percent belonging to cooperatives with 10 percent or more producers.

This modified procedure will assure broader producer representation on the Agency for the Indiana market and should therefore be adopted. With the present structure of producer membership in cooperatives on the market, this procedure will result in an Agency of 11 members, 10 being selected by cooperatives and one by nonmember producers.

Under the terms of the program as herein provided, the selection of cooperative representatives for the Agency will be entirely at the discretion of the cooperative(s). Each cooperative association authorized one or more representatives on the Agency shall notify the market administrator of the name and address of each representative selected who shall serve at the pleasure of the cooperative.

The market administrator will conduct a referendum annually to determine the representation on the Agency of participating nonmember producers and participating producer members of cooperative associations having less than the required percent of the producers participating in the program and not electing to combine membership for purposes of selecting Agency representation.

Within 30 days after the effective date of the amended order and annually thereafter, the market administrator shall give notice to all such producers (members and nonmembers) of their opportunity to nominate Agency members and shall specify the number of representatives that such nonmember and member producers together are authorized.

Following the closing dates for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall then conduct a referendum in which each individual producer (member or nonmember) shall have one vote.

Since cooperative associations may freely elect to combine or not combine for purposes of selecting Agency representation, it is provided in the case of a cooperative with less than the required percent of the participating producers that does not combine, that the balloting of its participating producer members shall be on an individual

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basis, the same as for nonmembers. This procedure will tend to promote equity among such members and nonmember producers in the selection of representation.

Election to Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list, which the market administrator is required to circulate to the participating nonmember producers and certain participating member producers in the conduct of the referendum as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, the possibility remains that a person elected to membership or so designated by a cooperative, is unable to, or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

Proponents proposed a geographic basis for apportioning the number of representatives among the participating nonmember producers and participating members of the smaller cooperatives (less than the required minimum percent of all participating producers) who elect not to combine.

With the procedure adopted herein, about 90 percent of the producers in each market would be represented by cooperatives. Thus, there would be only one Agency representative to be selected by referendum in the Indiana market and one or two in the Chicago market. Any provision for geographic division of producers for referendum purposes in this circumstance has little, if any, significance.

The term of office of each member of the Agency as herein adopted is 1 year, or until a replacement is designated by the cooperative association or is elected. This term of office is necessary because of the annual reapportionment of representation on the basis of producer participation in the program.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of representatives should be required to be present at any meeting to constitute a quorum, and any action taken by the Agency should require at least a majority of concurring votes of those present and voting. The provisions herein adopted so provide.

Proponents suggested that to insure a high degree of agreement on the actions of the Agency more than a simple majority approval would be appropriate. The Agency may wish to so provide in the rules of its conduct. With the program depending on voluntary participation, however, presumably the Agency will strive to reach general agreement among its members on its actions, irrespective of the percentage of approval set as being mandatory.

The Agency's duties set forth in the order are generally necessary for the discharge of its responsibilities. It is intended that activities undertaken by the Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed under the program.

Congress clearly contemplated that producer activities under Public Law 91–670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected."

It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval, budgets showing projected amounts of available funds and how such funds are to be disbursed. Proponents proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing, viable program. A calendar quarter is concluded to be the minimum practical period for achieving this end, and it is provided, therefore, that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All the possible promotion and other authorized project activities which the Agency may wish to pursue, cannot be anticipated at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the particular market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project and other such factors, in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherance of the best interests of producers. It is required therefore that it shall keep minutes of its meetings, and such other books and records as will clearly reflect all its transactions, and on request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

Proponents would have included specific terms that would require the Agency to publish annually an accounting of funds collected and the use made thereof, and to prepare and make available to producers, handlers, and consumers, statistics and information concerning the operation of the program. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe these additional requirements, as suggested by proponents.

The Agency presumably will keep producers on the market fully informed of its milk promotional plans, projects, and activities. Since most of the members on the Agency will represent cooperatives, it may be expected that they will keep their members informed of the activities of the Agency. The degree of producer participation in the program, and thus its relative success, will be dependent in large part upon the interest and confidence it generates among producers. In view of these considerations, it does not appear necessary to prescribe specific informational releases to producers and other parties.

It is possible that the Agency may find it desirable to enlist the aid of individuals with special talents who might be helpful in program and project planning by virtue of their particular knowledge, skills, or expertise on matters directly involved with the advertising and promotion programs. Provision is made, therefore, whereby the Agency, at its pleasure, may establish an advisory committee(s) of persons other than Agency members. Such a committee(s) may include, but would not necessarily be limited to, persons drawn from universities, land grant colleges, or extension services, public officials, and others in the dairy industry. Such committee(s) could make recommendations and participate in the deliberations of the Agency but would have no voting rights.

It would not be expected that the market administrator or his staff or other officials of the U.S. Department of Agriculture would serve on such a committee(s) since the activities of the Agency are under surveillance of the Department.

The Agency should be authorized to incur reasonable expenses in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, one full-time person might be needed to handle its record-

keeping and bookkeeping functions. The costs of office space also may be involved, or the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, appropriate and necessary that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings. This could involve the establishment by the Agency of per diem and mileage rates and would include expenses for meals and lodging. Proponents suggested that such expenses should be the responsibility of the individuals or of the organizations represented on the Agency. It would be unreasonable, however, to require a nonmember producer representative of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program shall not exceed 5 percent of the funds received by the Agency from the market administrator. This establishes a reasonable limitation on Agency costs and assures producers that the funds collected from the pool will be expended primarily on advertising and promotion.

Because Agency members are handling funds otherwise payable to producers they should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence, or criminal acts.

To insure that Agency funds are used only for the purpose contemplated by the Congress, it also is provided that Agency funds shall not be used for political activity or for influencing governmental policy or action.

It is possible that at some later date producers could request termination of the program, or that such provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the purposes of the Act. For example, proponents suggested that this may be appropriate if producer participation in the program falls below a percentage needed to make the program successful.

In the event that the provisions of the advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to the producer-settlement fund for distribution to producers since such monies are derived solely from funds otherwise due producers.

Proponents suggested that the market administrator's expenses in connection with the advertising and promotion program be charged against the administrative fund derived from assessments on handlers. Such funds, however, should not be used for costs directly related to the administration of the advertising and promotion program. The program is sponsored by producers on a voluntary basis; therefore, any expenses attendant to its administration appropriately should be borne by producers.

The statutory authority under Public Law 91–670 supports this position and makes it clear that this is intended to be strictly a producer program. In part, the law states that "Establishing or providing for establishment of * * * programs * * *, to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purposes for which they were collected."

As adopted herein, all administrative costs associated with the program would be reimbursable to the market administrator from the advertising and promotion program funds before such funds are turned over to the Agency.

Public Law 91–670 provides that: "Notwithstanding any other provision of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

As adopted herein, any producer desiring a refund on the assessments made against his marketings must submit to the market administrator his signed request in the form prescribed by the market administrator within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Congress clearly intended that producers not wishing to participate in the promotion program could get their money refunded with no unnecessary impediments. It must be recognized, however, that there is necessarily a significant cost in making refunds and, in addition, that any promotion program could have only limited success unless the monies to be available for it are known in time to make firm forward plans and commitments.

Refunding on a quarterly basis, rather than on the basis of each monthly reporting period, will result in significant savings in administrative cost by reducing by eight the number of times each year the market adminstrator would be required to make refunds.

The quarterly refund procedure, together with the requirement that refund requests be made within the first 15 days of the month immediately preceding the calendar quarter, will enable the Agency to make quarterly budget estimates for each ensuing calendar quarter with reasonable assurance of the amount of money available for expenditure in that quarter.

As suggested by proponents, it will also be most appropriate that the initial assessment against marketings begin with a quarterly period following a month (December, March, June, or September) during which producers now on the market would have to follow the regular refund procedure. This would enable a reliable budget estimate for the first quarter of operation and facilitate the transition from current funding procedures to the funding procedure provided under the order.

The refund request procedure as proposed (e.g., a request filed with the market administrator during the first 15 days of the month preceding the beginning of each calendar quarter) could not accommodate new producers who might not wish to participate in the program during their first few months on the market. Therefore, until the initial quarter for which a new producer could comply with the regular refund request procedure, such producer should be granted a refund on his marketings upon proper application filed with the market administrator at any time prior to the next refund notification period.

Since the program is voluntary there is need for the market administrator to advise each producer promptly of the advertising and promotion program when effectuated and thereafter with respect to new producers. To insure that producers have an awareness of the program, it is provided that the market administrator shall accomplish such notification by forwarding to each producer a copy of the provisions establishing the advertising and promotion program.

Proponents recognized the possibility that the production units of some producers under the order could be in States that have mandatory checkoffs for similar advertising and promotion programs under State law. They held that in such circumstances a double assessment was not intended and that such producers appropriately should be refunded from the program under the Federal order an amount equal to such State assessment, but not in excess of the 5-cent assessment under this program. This procedure is provided for in the statute and should be adopted.

Proponents suggested that the order should permit the Agency to authorize producers the option to designate in writing the crediting of not more than 2 cents per hundredweight of milk marketed by such individual producers to a State or area unit of the American Dairy Association. Such procedure would involve significant administrative expense and thereby detract from one of the principal benefits of adopting an advertising and promotion program under the order—the elimination of setting aside advertising funds on the basis of individual producer accounts by making a single marketwide assessment in the computation of the uniform price. Moreover, the Agency has authority to decide the proportion of available program funds it wishes to use on programs of various units of the American Dairy Association or any other similar organization.

Proponents suggested that the order require a public listing of nonparticipating producers at any time such producers amount to as much as 10 percent of all producers on the market. They contend this is necessary for a proper evaluation

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of the operation and acceptance of the program. Since this is a voluntary program, there should be no provision for public listing or disclosure by the market administrator regarding the status of individual producers that possibly could cause embarrassment to a producer who elects not to be part of the program. It will be encumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

To implement the advertising and promotion program appropriately, it is necessary that certain provisions of the current orders be modified. The procedure for computing the weighted average price must be modified by the addition of a new paragraph prescribing the deduction of an amount computed by multiplying by 5 cents the total hundredweight of producer milk. It is through this procedure that the advertising and promotion funds are reserved in the producer-settlement fund. This, of course, has the result of reducing the weighted average price by approximately 5 cents.

It also is necessary that appropriate corollary changes be made in order that the obligation of a partially regulated handler and the obligation of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and weighted average price) will not be increased by 5 cents because of the change in the weighted average price.

It is recognized further that, unless otherwise provided for, an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the monies to be turned over to the program or refunded to producers, as the case may be. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the monies available to the program. For this reason and because of the substantial administrative costs that would be involved in reflecting audit adjustments in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustment of funds available to the program.

Other administrative provisions not hereinbefore specifically discussed are necessary and incidental to insure the proper functioning of the order to accommodate the promotion program as here established.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

REFERENDUM ORDER TO DETERMINE PRODUCER APPROVAL OF THE ADVERTISING AND PROMOTION PROGRAMS; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENTS

It is hereby directed that referenda be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.), to determine whether the proposed advertising and promotion programs as specified in the attached orders as amended and as hereby proposed to be amended, regulating the handling of milk in each of the aforesaid specified marketing areas, are separately approved or favored by producers, as defined under the terms of each of the orders, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the respective marketing areas.

The representative period for the conduct of such referenda is hereby determined to be January 1972.

The agents of the Secretary to conduct such referenda are hereby designated to be M. C. Jenkins (Indiana) and Ralph F. Mraz (Chicago Regional).

Signed at Washington, D.C., on: April 7, 1972.

RICHARD E. LYNG,
Acting Secretary.

Order[1] amending the orders regulating the handling of milk in certain specified marketing areas.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreements and order amending each of the orders contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 24, 1972, and published in the FEDERAL REGISTER on February 29, 1972, shall be and are the terms and provisions of this order, amending the orders, and are set forth in full herein.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

1. In § 1030.60, paragraph (b)(5) is revised as follows:

§ 1030.60 Obligation of handler operating a partially regulated distributing plant.

• • • • • •

(b) • • •

(5) From the value of such milk at the Class I milk price (after deducting the location adjustment rate for the zone in which the nonpool plant is located) substract its value at the uniform price at the same location plus 5 cents or at the Class II price, whichever is higher and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

2. In § 1030.71, a new paragraph (d) is added as follows:

§ 1030.71 Computation of uniform price.

• • • • • •

(d) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

• • • • • •

3. In § 1030.84, paragraph (b)(2) is revised as follows:

§ 1030.84 Payments to the producer-settlement fund.

• • • • • •

(b) • • •

(2) The value at the uniform price applicable at the location of the plant from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1030.70 (e).

4. Immediately following § 1030.88, a new centerhead and new §§ 1030.100 through 1030.112 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1030.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1030.111 (b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1030.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1030.103(b) with 1.5 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 5 percent of the participating member producers it represents. Cooperative associations with less than 1.5 percent of the total participating producers that have elected not to combine pursuant to § 1030.103(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 1.5 percent plus one additional Agency representative for each additional full 5 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1030.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1030.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 1.5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1030.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 1.5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1030.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting unless the Agency determines that more than a simple majority shall be required.

§ 1030.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1030.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

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(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1030.100 and 1030.107.

§ 1030.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1030.100 and 1030.107 of this part;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1030.107 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1030.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1030.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1030.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1030.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1030.111 Duties of the market administrator.

Except as specified in § 1030.106, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1030.103(c);

(b) Set aside the amounts subtracted under § 1030.71(d) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1030.71(d).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1030.110. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1030.71(d) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1030.100 through 1030.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1030.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1030.83.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. In § 1049.62, paragraph (a)(5) is revised as follows:

§ 1049.62 Obligations of a handler operating a partially regulated distributing plant.

* * * * *

(a) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents or the Class II price, whichever is greater, and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price;

* * * * *

2. In § 1049.71, a new paragraph (c–1) is added as follows:

§ 1049.71 Computation of uniform prices.

* * * * *

(c–1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

* * * * *

3. In § 1049.82, paragraph (b)(2) is revised as follows:

§ 1049.82 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1049.70(e).

4. Immediately following § 1049.88, a new centerhead and new §§ 1049.100 through 1049.112 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1049.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1049.111(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1049.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1049.103(b) with 3 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 10 percent of the participating member producers it represents. Cooperative associations with less than 3 percent of the total participating producers that have elected not to combine pursuant to § 1049.103(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 3 percent plus one additional Agency representative for each additional full 10 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1049.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1049.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 3 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1049.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 3 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1049.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1049.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1049.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91–670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1049.100 and 1049.107.

§ 1049.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1049.100 and 1049.107;

(c) Keep minutes, books, and records, and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1049.107 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the

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authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1049.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1049.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1049.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1049.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1049.111 Duties of the market administrator.

Except as specified in § 1049.106, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1049.103(c);

(b) Set aside the amounts subtracted under § 1049.71(c–1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the adminstration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1049.71(c–1).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1049.110. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1049.71(c–1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1049.100 through 1049.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1049.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1049.81.

[FR Doc.72–5618 Filed 4–12–72;8:48 am]

[7 CFR Parts 1040, 1043]

[Dockets Nos. AO–225–A25, AO–247–A18]

MILK IN SOUTHERN MICHIGAN AND UPSTATE MICHIGAN MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Notice is hereby given of a public hearing to be held at the Civic Center, 505 West Allegan Street, Lansing, MI, beginning at 9 a.m., local time, on May 4, 1972, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Southern Michigan and Upstate Michigan marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders, and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce; (2) whether there is need for a marketing agreement or order regulating the handling of milk in the proposed area or separate areas; and (3) whether provisions specified in the proposals or some other provisions appropriate under the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

Issues raised by these proposals include whether the declared policy of the Act would tend to be effectuated by:

(a) Consolidation of the above marketing areas or appropriate modification of the separate orders; and

(b) The adoption of any of the proposed provisions, or appropriate modifications thereof, for separate orders or a combined order, including a review of the appropriate pricing and pooling structure of the orders whether separate or in combination. The issue of consolidation of marketing areas also raises the issue of the appropriate disposition of the producer-settlement funds, marketing service funds, and administrative funds accumulated under the Upstate Michigan order.

The proposed amendments set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MICHIGAN MILK PRODUCERS ASSOCIATION

Proposal No. 1. Revise § 1040.6 by including the territory within the Upstate Michigan marketing area to read as follows:

§ 1040.6 Southern Michigan marketing area.

"Southern Michigan marketing area", hereinafter referred to as the "marketing area", means all territory geographically within the places listed below, together with all piers, docks, and wharves connected therewith and all craft moored thereat, and all territory wholly or partly therein occupied by Government (municipal, State, or Federal) reservations, installations, institutions, or other similar establishments.

MICHIGAN COUNTIES

Alcona.
Allegan (Dorr, Leighton, Hopkins, Wayland, Watson, Martin, Otsego, and Gunplain Townships only).
Alpena.
Antrim.
Arenac.
Barry.
Bay.
Benzie.
Calhoun.
Charlevoix.
Cheboygan.
Clare.
Clinton.
Crawford.
Eaton.
Emmett.
Genesee.
Gladwin.
Grand Traverse.
Gratiot.
Huron.
Ingham.
Ionia.
Iosco.
Isabella.
Jackson.
Kalamazoo.
Kalkaska.
Kent.
Lake.
Lapeer.
Leelanau.
Livingston.
Macomb.
Manistee.
Mecosta.
Midland.
Mason.
Missaukee.
Monroe (Ash and Berlin Townships only).
Montcalm.
Montmorency.
Muskegon.
Newaygo.
Oakland.
Oceana.
Ogenaw.
Osceola.
Oscoda.
Otsego.
Ottawa.
Presque Isle.
Roscommon.
Saginaw.
St. Clair.
Sanilac.
Shiawassee.
Tuscola.
Wastenaw.
Wayne.
Wexford.

Proposal No. 2. Add the following paragraphs to § 1040.10: Milk so diverted shall be subject to the following conditions:

(a) Not less than 6 days production of the producer must be physically received during the month at such pool distributing plant; and

(b) In any month of October through March, the quantity of milk of any producer diverted to nonpool plants that exceeds the quantity of such producer's milk physically received at pool plants, as measured by days of production, shall be deemed not to have been received by the diverting handler and shall not be producer milk. The diverting handler shall designate such deliveries to nonpool plants that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to nonpool plants shall be producer milk.

Proposal No. 3. Revise § 1040.12 to read as follows:

§ 1040.12 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means:

(1) Any of the following products in fluid or frozen form, including such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package) or reconstituted: Milk, skim milk, lowfat milk, milk drinks, eggnog, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids; and

(2) Any milk product in fluid or frozen form that is not specified in subparagraph (1) of this paragraph or in Class II or Class III, if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk or skim milk in plain or sweetened form, formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, and any product that contains by weight less than 6.5 percent nonfat milk solids; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Proposal No. 4. Revise § 1040.40 to read as follows:

§ 1040.40 Classification of all skim milk and butterfat.

All skim milk and butterfat to be reported by a handler shall be classified each month in accordance with the following: If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids.

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product;

(2) In inventory at the end of the month of packaged fluid milk products; and

(3) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product;

(2) Used to produce:

(i) Yogurt, cottage cheese, creamed or partially creamed cottage cheese, sour cream, and any sour mixture of cream and milk or skim milk containing 9 percent or more butterfat; and

(ii) Any product containing 6 percent or more nonmilk fat (or oil) that resembles any product specified in paragraphs (a) and (b)(1) of this section; and

(3) In inventory at the end of the month of packaged fluid cream products.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese and creamed or partially creamed cottage cheese);

(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;

(iii) Any milk product in dry form;

(iv) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(v) Custards, puddings, and pancake mixes;

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(vii) Evaporated or condensed milk or skim milk in plain or sweetened form that is in a consumer-type package, and any concentrated milk product in bulk, fluid form;

(viii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in Class II; and

(ix) Any product that is not a fluid milk product and that is not specified in subparagraphs (1) through (8) of this paragraph or in Class II;

(2) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and at which there is no disposition of fluid milk products other than those received in consumer-type packages;

(i) In inventory at the end of the month of bulk fluid milk products and bulk fluid cream products;

(ii) In fluid milk products and products specified in Class II that are disposed of by a handler for animal feed;

(iii) In fluid milk products and products specified in Class II that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(iv) In skim milk represented by the nonfat milk solids added to a fluid milk product that is in excess of the quantity of such skim milk included within the fluid milk product definition pursuant to § 1040.12; and

(v) In shrinkage of:

(*a*) Skim milk and butterfat, respectively, computed pursuant to § 1040.42 (a) and (b); and

(*b*) Skim milk and butterfat, respectively, assigned pursuant to § 1040.42(d) (ii).

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Proposal No. 5. Revise § 1040.52 to read as follows:

§ 1040.52 Class II milk price.

The Class II price shall be the basic formula price for the month, plus 20 cents.

PROPOSED BY MCDONALD COOPERATIVE DAIRY COMPANY

Proposal No. 6. Revise § 1040.10 to read as follows:

§ 1040.10 Producer milk.

"Producer milk" means all skim milk and butterfat contained in milk received from producers at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1040.7 (c) and (d) and that diverted to a nonpool plant by the operator of a pool plant, except milk which is subject to pooling under another Federal order: *Provided,* The following conditions will apply to milk of a producer diverted from a pool plant to a nonpool plant that is not a producer-handler plant:

(a) Not less than 6 days production of the producer must be physically received during the month at such pool plants;

(b) In any month of October through March the quantity of milk of any producer diverted to nonpool plants that exceeds the quantity of such producer's milk physically received at pool plants, as measured by days of production shall be deemed not to have been received by the diverted handler and shall not be producer milk. The diverting handler shall designate such deliveries to nonpool plants that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to nonpool plants shall be producer milk.

Proposal No. 7. Revise § 1040.12 to read as follows:

§ 1040.12 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means:

(1) Any of the following products in fluid or frozen form, including such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package) or reconstituted: Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids; and

(2) Any milk product in fluid or frozen form that is not specified in subparagraph (1) of this paragraph or in §§ 1040.41(b) or 1040.41(c)(1) (i) through (viii) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Eggnog and eggnog flavored drinks;

(2) Evaporated or condensed milk or skim milk in plain or sweetened form, formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, and any product that contains by weight less than 6.5 percent nonfat milk solids; and

(3) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Proposal No. 8. Revise § 1040.41 to read as follows:

§ 1040.41 Classes of utilization.

(a) Class I milk shall be all skim milk and butterfat; except as provided in §§ 1040.41(c), 1040.43, and 1040.44:

(1) Disposed of in the form of a fluid milk product;

(2) In inventory at the end of the month of packaged fluid milk products; and

(3) Not specifically accounted for as Class II or Class III milk.

(b) Class II milk shall be all skim milk and butterfat, except as provided in §§ 1040.41(c), 1040.43, and 1040.44:

(1) Disposed of in the form of a fluid cream product, eggnog and eggnog flavored drinks;

(2) Used to produce:

(i) Yogurt, cottage cheese, creamed or partially creamed cottage cheese, sour cream and any sour mixture of cream and milk or skim milk containing 9 percent or more butterfat; and

(ii) Any product containing 6 percent or more nonmilk fat (or oil) that resembles any product specified in paragraphs (1) and (2)(i) of this section; and

(3) In inventory at the end of the month of packaged fluid cream products;

(c) Class III milk shall be all skim milk and butterfat except as provided in §§ 1040.43 and 1040.44:

(1) Used to produce:

(i) Cheese (other than cottage cheese and creamed or partially creamed cottage cheese);

(ii) Butter, plastic cream, frozen cream, and anhydrous milkfat;

(iii) Any milk product in dry form;

(iv) Milk shake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(v) Custards, puddings, and pancake mixes;

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers;

(vii) Evaporated or condensed milk or skim milk in plain or sweetened form that is in a consumer-type package, and any concentrated milk product in bulk, fluid form;

(viii) Any product containing 6 percent or more nonmilk fat (or oil) except those products specified in § 1040.41(b); and

(ix) Any product that is not a fluid milk product and that is not specified in subdivisions (i) through (viii) of this subparagraph or paragraph (b) of this section; and

(2) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and at which there is no disposition of fluid milk products other than those received in consumer-type packages;

(3) In inventory at the end of the month of bulk fluid milk products and fluid cream products;

(4) In fluid milk products and products specified in paragraph (b) of this section that are disposed of by a handler for animal feed;

(5) Skim milk in fluid milk products and products specified in paragraph (b) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(6) In skim milk represented by the nonfat milk solids added to a fluid milk product that is in excess of the quantity of such skim milk included within the fluid milk product definition pursuant to § 1040.12; and

(7) In shrinkage that is:

(i) Assigned pursuant to § 1040.42(d)(ii); and

(ii) Computed pursuant to § 1040.42(a) and (b).

Proposal No. 9. Revise § 1040.52 to read as follows:

§ 1040.52 Class II milk price.

The Class II price shall be the Class III price for the month plus 20 cents.

Proposal No. 10. In § 1040.54(b), revise the first sentence to read as follows:

(b) For fluid milk products transferred in bulk from a pool plant to a pool plant described in § 1040.16(a), the operator of the transferee plant shall receive credit at the applicable zone or mileage rate based on the location of the transferor plant less the location zone rate of the transferee plant.

PROPOSED BY MICHIGAN MILK PRODUCERS ASSOCIATION AND MCDONALD COOPERATIVE DAIRY COMPANY

Proposal No. 11. In §§ 1040.8, 1040.14, and 1040.15, substitute "regulatory agency" for "health authority" wherever it appears therein.

Proposal No. 12. Add a new § 1040.12a to read as follows:

§ 1040.12a Fluid cream product.

"Fluid cream product" means cream or a mixture of cream and milk or skim milk containing 9 percent or more butterfat.

Proposal No. 13. Add a new § 1040.13a to read as follows:

§ 1040.13a Plant.

(a) Except as provided in paragraph (b) of this section, "plant" means the land and buildings, together with their surroundings, facilities, and equipment, constituting a single operating unit or establishment which contains stationary holding facilities and which is operated for the bulk handling or processing of milk or milk products (including filled milk).

(b) The term "plant" shall not include distribution points (separate facilities used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants) or bulk reload points (separate facilities at which milk moved from a farm in a tank truck is transferred to another tank truck and commingled with other milk before entering a plant). If a distribution point or bulk reload point is on the premises of a plant, it shall be considered a part of the plant operation.

Proposal No. 14. In § 1040.71, revise paragraphs (b)(2) and (b)(3) and add a new paragraph (c)(3) to read as follows:

§ 1040.71 Application of bases.

* * * * * * *

(b) * * *

(2) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership which must define the financial invested interest, financial and management responsibility, division of income and expenses, and sharing of profits or losses.

(3) Bases may be held jointly through the formation of a bona fide partnership provided such base was established by the partnership in accordance with § 1040.70(a) and if such partnership is terminated the base may be divided among the partners as specified in writing to the market administrator.

(c) * * *

(3) A producer who is quarantined from the market by evidence of pesticide or herbicide residue in his milk supply as evidenced by Federal or State authority.

PROPOSED BY DETROIT MILK DEALERS, INC.

Proposal No. 15. Make whatever changes are necessary in the Southern Michigan order to classify yogurt as a Class III product.

Proposal No. 16. Make whatever changes are necessary in the Southern Michigan order to classify the following as Class II products: Cream (exclusive of frozen and sour cream) and any mixture in fluid form of cream and milk or skim milk (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products in hermetically sealed containers).

Proposal No. 17. In § 1040.81(a), delete subparagraphs (2) and (3).

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

Proposal No. 18. Make whatever changes are necessary in each order to eliminate the possibility of a handler being charged under the order for milk that already has been classified and priced as Class I milk under a Federal order.

Proposal No. 19. Make whatever changes are necessary in each order to provide that the Class I price for other source milk, when adjusted for location of the shipping plant, shall not be less than the Class III price.

Proposal No. 20. Revise the format of order provisions in each order to provide for a more appropriate and simplified arrangement.

Proposal No. 21. Revise the Southern Michigan order to exclude in computing the pool value the reports of handlers who have not filed such report on time or who have not paid for the previous month their obligation to the producer-settlement fund.

Proposal No. 22. Revise the equivalent price provision in each order to read as follows:

Equivalent price.

If for any reason a price or pricing constituent required in this part for computing class prices or for other purposes is not available in the manner described in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Proposal No. 23. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrator, C. T. McCleery, 2684 West Eleven Mile Road, Berkley, MI 48072, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 7, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-5617 Filed 4-12-72;8:48 am]

[7 CFR Part 1108]

[Docket No. AO-243-A24]

MILK IN CENTRAL ARKANSAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Sheraton-Little Rock, 601 East Seventh, Little Rock, AR, beginning at 9:30 a.m., with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the central Arkansas marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY BORDEN, INC.; COLEMAN DAIRY, INC.; CEDAR GROVE DAIRY; DEAN FOODS CO.; SEALTEST FOODS, DIVISION OF KRAFTCO CORP.; AND THE SOUTHLAND CORP.; PROPOSAL NO. 1

Amend paragraph (a) of § 1108.53 of the Central Arkansas Milk Market Order by striking the present provisions therein and replacing with the following:

(a) Except for milk received from producers at a pool plant located within one of the Arkansas counties of Randolph, Clay, Lawrence, Greene, Craighead, Poinsett and Mississippi, or within one of the Missouri counties of Dunklin and Pemiscot, for milk received from producers at a pool plant located more than 60 miles by shortest highway distance as measured by the market administrator, from the nearer of the county courthouse in Arkadelphia, Ark., the State Capitol in Little Rock, Ark., or the city hall in Memphis, Tenn., which Class I location adjustment credit pursuant to paragraph (b) of this section is classified as Class I milk or assigned and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1108.51(a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such plant is from the respective buildings designated above; for milk received from producers at a pool plant located within one of said nine counties which is classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk to which a location adjustment is applicable, the price computed pursuant to § 1108.51(a) shall be reduced 9 cents; and

PROPOSED BY THE DAIRY DIVISION, CONSUMER AND MARKETING SERVICE: PROPOSAL NO. 2

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Post Office Box 4225, Asher Avenue Station, Little Rock, AR 72204, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on April 10, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-5656 Filed 4-12-72;8:51 am]

FEDERAL REGISTER, VOL. 37, NO. 72—THURSDAY, APRIL 13, 1972

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[7 CFR Part 1127]

MILK IN SAN ANTONIO, TEX., MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provision of the order regulating the handling of milk in the San Antonio, Tex., marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended is as follows:

In § 1127.11(b) the language "nor shall it include a dairy farmer during the months of March through June, if milk from the same dairy farmer (or farm) was received at a nonpool plant operated by the same handler, as other than producer milk, on more than half the days of delivery during the preceding months of July through February."

The proposed action would suspend the provision which excludes from "producer" status during the months of March through June any dairy farmer who delivers milk to a handler if he delivered more than one-half of his milk, as other than producer milk, to a nonpool plant operated by the same handler during the preceding months of July through February.

Associated Milk Producers, Inc., requested the suspension. This cooperative association, representing a large proportion of the producers on this market, states that the proposed suspension would allow needed flexibility in the efficient movement of the milk of several daily farmer members who are affected by this provision. During an earlier period these members were producers under the order by delivering their milk to pool plants under the San Antonio order. However, during the July 1971–February 1972 period over one-half of their milk was delivered to a nonpool plant as other than producer milk. Now, they have resumed delivery to pool plants on bulk tank routes in conjunction with milk of other dairy farmers who are producers under the San Antonio order. The cooperative association claims that rerouting of bulk tank pickups to separate the milk of these producers for delivery to a nonpool plant is infeasible. By allowing these dairy farmers to qualify as producers under the San Antonio, Tex., order it is contended that considerable savings and efficiency in the movement of milk can be obtained.

Signed at Washington, D.C., on April 7, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72-5655 Filed 4-12-72;8:51 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 711]

MARKETING QUOTA REVIEW REGULATIONS

Proposed Establishment of Areas of Venue

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), the Department proposes to amend the marketing quota review regulations.

The purpose of this amendment is to revise certain areas of venue established by State committees as previously published in the FEDERAL REGISTER of October 2 and 16, 1970 (35 F.R. 15355, 16235).

Prior to issuance of this amendment, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that Part 711—Marketing Quota Review Regulations (35 F.R. 15355), § 711.29—*Establishment of areas of venue*, be amended by revising the areas of venue for the States of Alabama and Georgia to read as follows:

ALABAMA

Counties of:

Area I—Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, De Kalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Randolph, St. Clair, Talladega, Walker, Winston.

Area II—Autauga, Baldwin, Bibb, Chilton, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Marengo, Mobile, Monroe, Perry, Pickens, Shelby, Sumter, Tuscaloosa, Washington, Wilcox.

Area III—Barbour, Bullock, Butler, Chambers, Coffee, Coosa, Covington, Crenshaw, Dale, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Pike, Russell, Tallapoosa.

GEORGIA

Counties of:

Area I—Bartow, Butts, Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Coweta, Dade, Dawson, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Haralson, Heard, Henry, Jasper, Lumpkin, Murray, Newton, Paulding, Pickens, Polk, Rockdale, Spalding, Towns, Union, Walker, Whitfield.

Area II—Baldwin, Banks, Barrow, Burke, Clarke, Columbia, Elbert, Franklin, Glascock, Greene, Gwinnett, Habersham, Hall, Hancock, Hart, Jackson, Jefferson, Johnson, Lincoln, McDuffie, Madison, Morgan, Oconee, Oglethorpe, Putnam, Rabun, Richmond, Stephens, Taliaferro, Walton, Warren, Washington, White, Wilkes.

Area III—Bibb, Bleckley, Chattahoochee, Crawford, Crisp, Dodge, Dooly, Harris, Houston, Jones, Lamar, Laurens, Macon, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Pulaski, Schley, Stewart, Sumter, Talbot, Taylor, Troup, Twiggs, Upson, Webster, Wilcox, Wilkinson.

Area IV—Baker, Ben Hill, Berrien, Brooks, Calhoun, Clay, Colquitt, Cook, Decatur, Dougherty, Early, Grady, Irwin, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, Terrell, Thomas, Tift, Turner, Worth.

Area V—Appling, Atkinson, Bacon, Brantley, Bryan, Bulloch, Camden, Candler, Charlton, Chatham, Clinch, Coffee, Echols, Effingham, Emanuel, Evans, Glynn, Jeff Davis, Jenkins, Lanier, Liberty, Long, Lowndes, McIntosh, Montgomery, Pierce, Screven, Tattnall, Telfair, Toombs, Treutlen, Ware, Wayne, Wheeler.

Signed at Washington, D.C., on April 7, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-5654 Filed 4-12-72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-RM-32]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Helena, Mont., control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10255 East 25th Avenue, Aurora, CO 80010.

The airspace requirements for Helena, Mont., have been reviewed in accordance with the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). As a result of the review, it has been determined that the control zone and transition area must be altered to provide controlled airspace protection for the instrument procedures.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (37 F.R. 2056) the following control zone is amended to read as follows:

HELENA, MONT.

Within a 5-mile-radius of Helena County-City Airport (latitude 46°36'27'' N., longitude 111°58'45'' W.); within 2½ miles each side of the Helena VORTAC 102° radial extending from the 5-mile-radius zone to 4½ miles east of the VORTAC.

In § 71.181 (37 F.R. 2143) the following transition area is amended to read as follows:

HELENA, MONT.

That airspace extending upward from 700 feet above the surface within a 16½-mile radius of the Helena VORTAC (latitude 46°-36'25'' N., longitude 111°57'09'' W.), extending from the Helena VORTAC 352° radial clockwise to the 191° radial; and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Helena VORTAC, extending from the Helena VORTAC 272° radial clockwise to the Helena VORTAC 191° radial; within 6 miles south and 9½ miles north of the Helena VORTAC 102° radial, extending from the 21-mile-radius area to 23 miles east of the VORTAC; within 6 miles south and 9 miles north of the Helena VORTAC 272° radial, extending from the VORTAC to 45 miles west of the VORTAC; within 5 miles east and 9 miles west of the Helena VORTAC 023° radial, extending from the 21-mile-radius area to 36 miles northeast of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on April 5, 1972.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.72-5607 Filed 4-12-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Los Angeles, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

A localizer course will be commissioned at Torrance Municipal Airport, Calif., on or about July 20, 1972. The localizer will be aligned at 293° M (308° T) and an instrument approach procedure will be published coincidental with the commissioning date of the facility. In order to provide for more efficient utilization of airspace a small amount of additional 700-foot transition will provide controlled airspace protection for a lower minimum radar vectoring altitude.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the 700-foot portion of the Los Angeles, Calif., transition area is amended as follows:

Beginning in the 6th line of the text delete all between "• • • longitude 117°45'00'' W., • • •" and "• • • that airspace extending upward from 1,200 feet • • •" and substitute therefor "• • • to latitude 33°42'00'' N., longitude 118°09'00'' W., to latitude 33°42'00'' N., longitude 118°26'00'' W., to latitude 33°48'00'' N., longitude 118°26'00'' W., to latitude 33°53'00'' N., longitude 118°-33'00'' W., thence to point of beginning; • • •"

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 4, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-5608 Filed 4-12-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Macon, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Macon transition area described in § 71.181 (37 F.R. 2143) would be amended as follows:

"• • • within 3 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 8.5 miles southwest of the LOM • • •" would be deleted and "• • • within 4 miles each side of Macon ILS localizer southwest course, extending from the 14-mile radius area to 14 miles southwest of the LOM • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed revised Military ILS 3 Runway 5 Standard Instrument Approach Procedure to Lewis B. Wilson Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 4, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-5609 Filed 4-12-72;8:47 am]

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Office of the Secretary

[49 CFR Part 71]

[OST Docket No. 30; Notice 72-1]

EASTERN-CENTRAL STANDARD TIME ZONE BOUNDARY IN THE STATE OF FLORIDA

Proposed Relocation

Five members of the Florida Legislature have petitioned the Department of Transportation to amend the "Standard Time Zone Boundaries" regulation in Part 71 of the Code of Federal Regulations, to modify the boundary between the eastern and central time zones as it relates to the State of Florida. The petitioners constitute the entire Florida Legislature delegation from the area that would be directly affected by the proposed relocation.

Section 71.5(f) of Title 49, Code of Federal Regulations, now describes the present boundary between the eastern and central zones in the State of Florida as follows:

> From the southwest corner of the State of Georgia to the midpoint of the Apalachicola River on the downstream side of Jim Woodruff Dam; thence southerly along the middle of the main channel of the Apalachicola River and Apalachicola Bay to the Gulf of Mexico.

In addition, § 71.5(h) provides in part that the community of Apalachicola, Fla., which is west of the Apalachicola River, is in the eastern time zone. The existing boundary separating the eastern and central time zones thus puts all of Gulf County and the portion of Franklin County (less the community of Apalachicola) that is west of the river in the central time zone.

Notwithstanding the existing location of the time zone boundary which dates back to the original 1918 time zone boundary order of the Interstate Commerce Commission, an area of some 150 square miles lying west of the Apalachicola River and adjacent to the Gulf of Mexico has always observed eastern time. This area makes up all of that portion of Franklin County west of the river and the coastal region of Gulf County including the community of Port St. Joe.

The petition, in effect, asks that the time zone boundary be relocated to conform with the local pattern of time observance. In support of their request the petitioners point out that the existence of an official boundary and a different popular boundary is "a source of consternation to the people affected, and particularly to those whose businesses are in commerce within the meaning of the Federal laws" and that in their opinion "all of those persons concerned would be well served if (the Secretary of Transportation) would effect a change recognizing the popularly observed line".

Under the Time Act originally enacted in 1918 (15 U.S.C. 261), as amended by the Uniform Time Act of 1966 (15 U.S.C. 260 et seq.), the Secretary of Transportation is authorized to modify the limits of time zones having regard to "the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate and foreign commerce".

In consideration of the foregoing, the Department proposes to amend paragraphs (f) and (h) of § 71.5 of Title 49 of the Code of Federal Regulations to read as follows:

> § 71.5 Boundary line between eastern and central zones.
>
> . . . . . .
>
> (f) *Florida.* From the southwest corner of the State of Georgia to the midpoint of the Apalachicola River on the downstream side of Jim Woodruff Dam; thence southerly along the middle of the main channel of the Apalachicola River to its intersection with the Jackson River; thence westerly along the center of the Jackson River to its intersection with the Intracoastal Waterway; thence westerly along the center of the Intracoastal Waterway to the west line of Gulf County; thence southerly along the west line of Gulf County to the Gulf of Mexico.
>
> . . . . . .
>
> (h) *Municipalities on boundary line.* All municipalities located upon the zone boundary line described in this section are in the central standard time zone.

Before taking final action to adopt, deny, or modify the proposed boundary which the petition requests, the Secretary of Transportation will consider the timely comments of all interested persons. Communications should identify the regulatory docket or notice number (see above) and be submitted to the Docket Clerk, Office of the General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

Communications received on or before May 30, 1972, will be considered before final action is taken on the petition. All docketed comments will be available for examination by interested persons both before and after the closing date for comments.

This proceeding does not concern adherence to or exemption from advanced (daylight saving) time. The Uniform Time Act of 1966 requires observance of advanced time within each established time zone from 2 a.m. on the last Sunday in April to 2 a.m. on the last Sunday in October of each year, but permits any State to exempt itself from this requirement by law applicable to the entire State. A State that is split between two time zones may exempt the entire area within a time zone without exempting the entire State.

This proposal is issued under the authority of the Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267), section 6(c)(5) of the Department of Transportation Act (49 U.S.C. 1655(e)(5)), and § 1.59(a) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.59(a)).

Issued in Washington, D.C., on April 7, 1972.

JOHN W. BARNUM,
General Counsel.

[FR Doc.72-5630 Filed 4-12-72;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 24328; EDR-222A]

AIR CARRIERS AND FOREIGN AIR CARRIERS

Supplemental Proposed Requirements for Construction, Publication, Filing Summaries and Posting of Tariff Changes

The Board, by circulation of notice of rule making EDR-222, dated March 17, 1972, and published at 37 F.R. 5964, gave notice that it had under consideration proposed amendments to Part 221 of its Economic Regulations (14 CFR Part 221). These proposals would prescribe requirements for the displaying and filing of summaries of proposed changes in tariffs and would modify the posting requirement in § 221.171 with regard to where tariffs must be posted. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 21, 1972.

By letter dated April 5, 1972, the Air Transport Association (ATA) on behalf of 22 scheduled air carriers requested an extension of time to June 21, 1972, for filing comments. ATA contends, among other things, that in view of the importance of the proposed rule carrier discussions are necessary to aid in formulating a rule acceptable to everyone, and that additional time is needed to study the proposal, consider the practical and financial ramifications, and to prepare meaningful comments.

The undersigned finds that good cause has been shown for an extension of time for filing comments, but that an extension beyond May 22, 1972, is not warranted and would not be conducive to the proper dispatch of the Board's business. An extension to May 22 will provide a total of 65 days for the filing of comments, a period which should be ample for ATA and the carriers it represents in this matter.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to May 22, 1972.

Dated: April 7, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates.

[FR Doc.72-5657 Filed 4-12-72;8:51 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-441]

NEW PRODUCER SALES OF NATURAL GAS

Proposal and Statement of Policy Regarding Optional Certificating Procedures

APRIL 6, 1972.

1. Pursuant to 5 U.S.C. 551, et seq. Supp. V (1967) and sections 4, 5, 7, 8, 15, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717g, 717n, 717o), the Commission gives notice that it will consider adopting rules and regulations providing an alternate method under which it will consider the issuance of permanent certificates for, and will otherwise regulate, new sales of natural gas subject to the Commission's jurisdiction. Current procedures for issuing permanent certificates for new sales of natural gas are:

(A) Pursuant to area rate orders [1] or, in the alternative

(B) Pursuant to special certification procedures [2]

[1] Area rate orders:

Area	Docket No.	Opinion No.	FPC	Date	Court cite
Permian Basin	AR61-1	447	33 FPC 43	1-12-65	375 F.2d 35 (1967).
Permian Basin	AR61-1	468	34 FPC 159	8- 5-65	390 U.S. 747 (1968).
Permian Basin	AR61-1	468-A	34 FPC 1068	10- 4-65	428 F.2d 407 (1970).
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Hugoton-Anadarko (incentive rate policy)	AR64-1	567	42 FPC 726	10- 3-69	
Hugoton-Anadarko	AR64-1	586	44 FPC 761	9-18-70	USCA 9 No. 71-1036.
Texas Gulf Coast	AR64-1	595	45 FPC	5- 6-71	USCA5 No. 71-3061 et al.
	AR64-2	595-A	46 FPC	10-18-71	
	AR64-2	596	46 FPC	7-16-71	USCA5 No. 71-2761 et al.
Southern La	AR61-2	598	46 FPC	9- 9-71	
	AR61-2	598-A	46 FPC	9- 9-71	
Other southwest	AR61-2	607	46 FPC	10-29-71	USCA5 No. 72-1114 et al.
	AR67-1	607-A	47 FPC	1-17-72	
	AR67-1	Order No.			
Appalachian-Illinois	R-371	411	44 FPC 1112	10- 2-70	
	R-371	411-A	44 FPC 1334	10-30-70	
	R-371	411-B	44 FPC 1487	3-27-70	

[2] See following table:

Area	Docket No.	Opinion No.	FPC	Date	Court cite
Nationwide gas rates	R-389		35 FR 10152	6-20-70	
	R-389A		35 FR 11638	7-17-70	
Adequacy of supply	R-418	431	36 FR 7505	4-21-71	
Rocky Mountain Area	R-389A	435	FPC	7-15-71	CADC No. 71-1812.

Nothing herein is intended to supersede the procedures set forth in A, supra. If adopted, with or without modification, the alternate method proposed herein would supplement the procedures set forth in B, supra. Nothing in this notice shall affect any certificate or proceeding completed, pending, or hereinafter initiated pursuant to (A) or (B), supra, or affect the operation of Orders 402, 402A (18 CFR 2.68, May 6, 1970 and June 3, 1970), or our regulations, §§ 157.22 and 157.29.

2. Jurisdictional pipelines are presently unable to procure contracts for new supplies of gas, on a spot or long-term basis, in sufficient quantities to insure that consumers of natural gas will receive a reliable and adequate supply of gas. Interstate pipelines are unable, in many instances, to provide service to new customers, and some major interstate pipelines are, at this time, being forced to curtail deliveries of natural gas below their contractual commitment and are unable to supply the quantities requested by their customers because of insufficient supplies. Such disruptions of service create an intolerable situation for human needs customers dependent on the interstate pipelines. Prolonged curtailment of industrial sales of natural gas until industry can switch to alternate fuels, and continued nonexpansability of gas utility service, will inevitably have a repressive effect on the productivity of the Nation's economy. On the basis of certificate filings, at the present time, supplemental supplies of natural gas from foreign imports or nonconventional sources have been offered only at high cost to the consuming public.

3. The recent report on "National Supply and Demand 1971–1990," prepared by the Federal Power Commission's Bureau of Natural Gas (BNG) shows the level of "unsatisfied demand" for gas increasing from 3.6 trillion cubic feet in 1975 to 9.5 trillion cubic feet in 1980, 13.7 trillion cubic feet in 1985 and 17.1 trillion cubic feet in 1990.[3] Additionally, it is estimated that between 1971 and 1990, the United States will require 186.4 trillion cubic feet more gas than will be available, even after making liberal allowances for pipeline imports, liquefied natural gas imports, coal gas, Alaskan gas and reformed gas.[4]

4. The Future Requirements Committee (FRC) estimates that the natural gas requirements for the United States will increase from about 28.2 trillion cubic feet in 1971 to 33.9 trillion cubic feet in 1975.[5] Based on information concerning presently contracted or reasonably assured supplies, the FRC estimates that the gap between the potential demand for gas and the most likely available supply will increase from 0.9 trillion cubic feet in 1971 to 3.9 trillion cubic feet in 1975.[6]

5. The assurance of adequate supplies of natural gas can mitigate the damage being done to the Nation's environment. Natural gas is by far the cleanest burning and least polluting of all the fossil fuels.

6. Any further aggravation of the gas supply problem also portends grave implications for the Nation's economic objectives. Between 1947 and 1970, the nation increased its annual consumption of energy from 32.9 quadrillion B.t.u. to 68.8 quadrillion B.t.u. with the share of the total being contributed by natural gas increasing from 13.8 percent in 1947 to 32.5 percent in 1970.[7] During this period, the nation's real output of goods and services more than doubled and its real income per capita increased by about one-half. It is inescapable that the continued growth and productivity of the U.S. economy requires adequate and reliable supplies of energy, including adequate and reliable supplies of natural gas.

7. Moreover, the "lowest reasonable cost to the consumer" can only be eroded if the nation is forced to satisfy its requirements for gas (1) through increased reliance on new substitute supplies of gas, or (2) through the increased use of other fossil fuels. In the case of number (1) above, all information available to the Commission indicates that the new base load supplies of substitute gas will be available to consumers only at costs significantly higher than the prices of currently available domestic well head supplies. In the case of (2) above, the price per B.t.u. for many primary fuels is greater than the price per B.t.u. for natural gas. This comparison is especially unfavorable to the alternative fossil fuels when the costs of storage, handling, and pollution control are included. In summary, when the gas shortage forces consumers of natural gas to satisfy their energy requirements by using either substitute gas supplies, e.g., imported liquefied natural gas, propane, reformed hydrocarbons, gasified coal, imported natural gas, or other fossil fuels, the net effect is higher energy costs throughout the economy, with resulting inflationary pressures.

8. Based on a careful and comprehensive evaluation of all facts and information available, the Commission herein proposes to adopt an optional certificate

[3] National Gas Supply and Demand 1971–1990, and Bureau of Natural Gas, Federal Power Commission, February 1972, p. 3.

[4] Ibid., p. 3.

[5] Future Gas Requirements of the United States, Future Requirements Committee, Vol. No. 4, October 1971, p. 3.

[6] Ibid., p. 3.

[7] Mineral Industry Surveys, Petroleum Statement Monthly, Bureau of Mines, Department of Interior, December 1970, p. 37.

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procedure, as hereinafter detailed, for new producer sales of natural gas, in order to provide an alternate method to stimulate and accelerate domestic exploration and development of our natural gas reserves. Herein we propose this alternate procedure designed to assure the interstate consumers of natural gas, and the Nation as a whole, an adequate and reliable supply of natural gas at the lowest reasonable cost.

9. We are hereby proposing to amend our general rules of practice and procedure to insert § 2.75, *Optional procedure for certificating new producer sales of natural gas*, in Part 2, General Policy and Interpretations, Subchapter A, Chapter 1, Title 18 of the Code of Federal Regulations.

10. The new § 2.75 reads as follows:

§ 2.75 Optional procedure for certificating new producer sales of natural gas.

(a) Notwithstanding any other provisions in the general rules of practice and procedure of the Federal Power Commission, or the regulations under the Natural Gas Act of the Federal Power Commission, applications for certification of future sales of natural gas produced within the United States may, at the option of the signatory parties to sales contracts, be submitted in accordance with the provision of this section. To the extent that any Federal Power Commission general rules of practice and procedure or regulations under the Natural Gas Act are inconsistent herewith, the same are hereby amended to permit the optional procedure herein set forth.

(b) The provisions of this section shall be available if each of the following conditions exists:

(1) A contract covering the sales of natural gas in interstate commerce has been executed on or after April 6, 1972;

(2) All parties to such contract agree to the submission of the same for certification in accord with the provisions for this section;

(3) The purchaser under such contract is a jurisdictional pipeline which, as of the date of the contract in question, has a deliverability life on its entire system, considered as a whole, of less than 12 years; deliverability life as used herein is defined in § 2.61 of this chapter;

(4) The seller under such contract establishes that he has discharged, or is prepared by specific plan or program to discharge, all obligations (such as refunds) prescribed by prior orders or opinions of this Commission: *Provided, however,* That any such seller may make the showing here required without prejudice to his claim in any case now pending on judicial review that such obligations were unlawfully imposed by the Commission;

(5) The acreage covered by the contract offered for certification has not been previously dedicated to the interstate market (unless abandonment has been previously granted), nor has an application been previously filed with the Commission for certification of the sale of gas from such acreage: *Provided,* That nothing herein shall preclude certification of contracts covering acreage from which sales have been certificated pursuant to special certification procedures under R–389 (35 F.R. 10152), R–389–A (35 F.R. 11638), or Order 431 (36 F.R. 7505).

(c) If all of foregoing conditions precedent exist, the signatory parties to the contract may tender the same to the Commission and request the issuance of a certificate of public convenience and necessity to the seller for sales of natural gas thereunder. The application shall certify that all parties to the contract desire certification in accordance with the terms and provisions of this section, that the seller expressly agree to the waivers and elections hereinafter provided for in sub-sections m and o of this section, and that all conditions precedent as set forth in paragraph (b) of this section are met.

(d) Certificates of public convenience and necessity issued and accepted under this section shall not be subject to change by determinations or orders in area rate proceedings or pipeline rate proceedings whether heretofore made or hereafter to be made, and orders issued hereunder shall not constitute establishment of an area rate.

(e) Applications presented hereunder will be considered for permanent certification, either with or without pregranted abandonment, notwithstanding that the contract rate may be in excess of an area ceiling rate established in a prior opinion or order of this Commission.

(f) No contract shall be accepted for filing if it includes any type of indefinite pricing clause, including but not limited to a "favored nation clause," a "price redetermination clause," or a "special escalation clause".

(g) A seller-applicant under this section shall state the ground for claiming that the present or future public convenience and necessity require issuance of a certificate on the terms proposed in the application, and shall provide factual support for such claims. The application shall contain a contract summary as prescribed in § 250.5 of our regulations under the Natural Gas Act.

(h) The purchaser under a contract filed under this section shall certify that the present or future public convenience and necessity require issuance of a certificate to the seller, and shall provide information in support of such certification with respect to the purchaser's (1) system-wide supply, (2) present and estimated 3-year peak day and average day demands, (3) present and estimated 3-year requirements of customers on its system, (4) deliverability life, (5) implementation, if any of curtailment plans, (6) emergency purchases of gas under Order 431, or §§ 157.22 or 157.29 of these regulations, and (7) purchases of LNG or attachment of other supplemental supplies.

(i) The information required by paragraphs (g) and (h) of this section may be submitted by cross-reference and incorporation of information already on file with the Commission.

(j) Applications requesting issuance of certificates of public convenience and necessity as authorized in this section shall be processed in accordance with the procedural requirements, including those relating to notice, intervention and hearing, set out in Part 157 of the Commission's regulations under the Natural Gas Act.

(k) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a statutory hearing will be held before the Commission without further notice on all applications for certificates under this section in which no petition to intervene in opposition is filed within the time required, if the Commission on its own review of the matter believes that a grant of a certificate is required by the public convenience and necessity. Where the Commission believes that a formal hearing is required notice of such hearing will be duly given.

(l) A final order of this Commission, issuing a certificate as applied for, or issuing a conditioned certificate acceptable to the applicants, shall constitute a final determination, under section 7 of the Natural Gas Act, that the rates and services therein specified are required by the present and future public convenience and necessity.

(m) By acceptance of a certificate issued hereunder, the seller-applicant unconditionally agrees to (1) waive all rights to seek future rate increases under section 4 of the Natural Gas Act with respect to the contract submitted, other than fixed price escalations, if any, as certificated by the Commission; and (2) waive all rights to contingent adjustment of flowing gas rates as provided by the Commission in area rate decisions heretofore decided or hereafter issued, for flowing gas which the seller-applicant produces in the same geographical pricing area as the pricing area of the production covered by the application made under this section.

(n) Upon the filing of an application under this section, deliveries pursuant to the provisions of the tendered contract may be commenced after notice to the Commission and pending review of such application by the Commission. Such notice shall be given within 10 days after deliveries first commence, and shall include all pertinent information concerning the deliveries. Any such deliveries so commenced may be terminated (1) if such contract for any reason shall terminate or be terminated prior to the issuance by the Commission of a final order upon review of such application, or (2) upon the issuance of a certificate containing conditions unacceptable to the party adversely affected. If the Commission by final order shall deny such application, or if the party or parties to the contract adversely affected shall not accept the terms and conditions prescribed by the Commission, deliveries thereunder shall be terminated. Within 30 days after termination of deliveries, the seller shall notify the Commission of such termination, and shall report the date of termination, volumes delivered, and revenues received.

(o) If the parties elect to commence deliveries as set forth in paragraph (n) of this section, such deliveries will be made at rates no higher than the prevailing area ceiling rate and shall so continue for 6 months unless the Commission has made its final orders on the application at an earlier date; at the end of such 6-month period (if the Commission has not made its final orders), the seller shall be entitled to receive, and the purchaser shall be entitled to pay, the rates specified in the contract, and such contract rates shall continue as the effective rates until the Commission enters its final order on the certificate application.

11. The proposed new § 2.75 of our general rules does not replace geographical area pricing under existing regulations and orders of the Commission. The new section provides an alternative procedure for certification of natural gas sales, as herein provided, for those who elect to seek certification of contracts on the basis that price and other provisions thereof are appropriate under standards of public convenience and necessity. This optional procedure, if adopted, is intended to encourage long term, large volume dedications of new supplies of natural gas to the interstate market.

12. Applications for certification under the optional procedures set forth in this notice will be accepted for immediate filing and processing: *Provided, however,* That Commission action on any application so filed shall be subject to the Commission's final action on the rule-making proposed in this notice.

13. Mindful of the national gas supply problem delineated in paragraphs 2–8 above, the Commission reaffirms its obligation to consider applications for special relief under sections 4 and 7 of the Natural Gas Act for contractually authorized rate increases for gas sold under certificates of public convenience and necessity heretofore issued. Neither the moratoriums imposed in area rate decisions, nor our regulations, preclude the right of an individual seller to apply for special relief and demonstrate that a contractually authorized increase is necessary, even if such increase involves rates above area ceilings. In considering individual applications for special relief, we are required by the Natural Gas Act to determine if a departure from area ceiling rates is required by the public interest. Upon an applicant's showing that the proposed contractually authorized amendment will result in securing a substantial net increase in the supply of gas for the interstate market, a determination of public convenience and necessity will be undertaken by the Commission in the light of the standards set forth in Austral Oil Co. v. F.P.C., 428 F. 2d 407 (5th Circuit 1970), cert. denied 400 U.S. 950 (1970).

14. Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than May 1, 1972, views, comments, or suggestions in writing concerning all or part of the procedures proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before action on the matters proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed.

15. The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5532 Filed 4–12–72;8:45 am]

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Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Cost of Living Council Ruling 1972–42]

PAYMENTS TO JURORS

Cost of Living Council Ruling

Facts. State X recently increased the per diem amount it pays to citizens who sit on juries by amending its statutes.

Issue. Is the increased payment governed by the Economic Stabilization Regulations?

Ruling. The increased payment is not within the coverage of the Economic Stabilization Program.

The regulations provide that certain economic transactions which are not prices, rents, wages, and salaries within the meaning of the Economic Stabilization Act of 1970, as amended, are not governed by the regulations. Economic Stabilization Regulations 6 CFR 101.1 (c), 37 F.R. 1237 (January 27, 1972). The examples listed in that section illustrate that certain payments, intended to compensate a person for a loss or need, are economic transactions which are not prices, rents, wages, or salaries, as that phrase is used in § 101.1(c).

Generally, juror's payments as established by statute are intended to offset the loss of salary or wages or to offset costs of transportation which are incurred in providing services that are required by the State. There is no attempt to correlate such payments with the quality of the services provided, and in many cases, the per diem rate is paid regardless of the time actually spent by the person summoned in sitting on a working jury.

Therefore, juror's payments are economic transactions which are not prices, rents, wages or salaries and are not within the coverage of the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: April 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5632 Filed 4-12-72;8:50 am]

[Pay Board Ruling 1972-23]

PERMISSIBLE ANNUAL AGGREGATE INCREASE

Pay Board Ruling

Facts. Teachers signed a contract in April 1971, providing for a single wage increase for the school year 1971–1972 that would have gone into effect in September 1971, were it not for the freeze. Contract negotiations for the school year 1972–73 are now beginning and the teachers are concerned as to whether they are limited to a 5.5 percent increase over the 1970–71 contract wages which they were receiving prior to November 14, 1971, or can they receive a 5.5 percent increase over the 1971–72 contract wages which went into effect on November 14, 1971.

Issue. In calculating "permissible annual aggregate increases," what is the wage base that will apply—those frozen wages on November 13, 1971, or the unfrozen wages of November 14, 1971.

Ruling. Where a wage agreement is in effect, "permissible annual aggregate increases" will be calculated on the basis of wages and salaries in existence immediately prior to the beginning of the 12-month period which begins on the effective date of a new agreement and in each succeeding 12-month period during the life of the agreement.

Hence, the "permissible annual aggregate increase" in a wage agreement cannot exceed 5.5 percent of the wages paid immediately prior to the effective date of the new wage contract. In the instant situation if the teachers sign a contract in April 1972, for the school year of 1972–73 to be effective September 1, 1972, the "permissible annual aggregate increase" cannot exceed 5.5 percent of the wage base of the last full payroll period before the effective date of the new agreement. Therefore, the wage base would not be the frozen wage base on November 13, 1971, but it would be a wage base that would reflect the 1971–72 contract wages.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: April 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5633 Filed 4-12-72;8:50 am]

[Pay Board Ruling 1972-24]

APPROPRIATE EMPLOYEE UNIT

Pay Board Ruling

Facts. Prior to January 1, 1972, the production and maintenance employees of Employer A were not represented by a collective bargaining representative. Employer A had always determined the wage rules and other benefits of these employees as a unit. As of January 1, 1972, these employees became members of a labor union and Employer A recognized the union as the employees' bargaining representative. In Employer A's local labor area, this union has traditionally bargained for such employees on a multiemployer basis with Employer's Association XYZ. Employer A decides to join the Employers' Association XYZ and authorizes the Association to bargain with the union on his behalf as a member of the Association. The employees of the members of Employers' Association XYZ, as of November 14, 1971, comprised the appropriate unit for both Economic Stabilization Program purposes and collective bargaining, and it was intended that such employees of employers who joined the Association in the future would also become part of the appropriate unit. In labor relations terms, this "appropriate unit" of employees is referred to as a "multiemployer unit."

Issue. Does an appropriate unit for Economic Stabilization Program purposes change when that unit is merged with another for collective bargaining purposes?

Ruling. Yes. Economic Stabilization Regulations, 6 CFR 201.3, 36 F.R. 25426 (December 31, 1971), defines "Appropriate Employee Unit" as follows:

> Appropriate employee unit includes a group composed of all employees in a bargaining unit or in a recognized employee category. Such bargaining unit or employee category may exist in a plant or other establishment or in a department thereof, or in a company, or in an industry and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships.

It is not contrary to the regulations for appropriate units to change because of legitimate changes in company structure or bargaining relationships. Employer A's new contractual relationship through the Employers' Association XYZ would be sufficient to make the multiemployer unit, including Employer A, the appropriate unit when new increases are negotiated on a multiemployer basis.

The above ruling would also apply when a group of employers and a union desire to create a multiemployer bargaining unit where one had not existed before.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: April 5, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 5, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5634 Filed 4-12-72;8:50 am]

[Price Commission Ruling 1972–119]

HOSPITAL BASED CONTRACT PHYSICIANS

Price Commission Ruling

Facts. A physician whose speciality is radiology serves hospital A on a contractual basis and derives all of his income from these services. He has asked the hospital for a 5½ percent increase in the compensation that he receives under the terms of his contract. The physician is not subject to the direction or control of the hospital as to the means and methods of accomplishing the results of his work.

Issue. May the hospital pay such a physician an amount in excess of the 2½ percent limitation on noninstitutional providers as set out in Economic Stabilization Regulations, 6 CFR 300.19(c), 36 F.R. 25384 (December 30, 1971), as amended 37 F.R. 775 (January 19, 1972).

Ruling. For the purposes of the Economic Stabilization Regulations hospital based physicians, on contractual arrangements, generally are independent contractors, if they are not subject to the direction and control of the hospital as to the means and methods of accomplishing the results of their work. They are not employees and thus would be subject to the same restrictions as any noninstitutional provider. The increase in payments to the physician on the contract may not exceed the 2½ percent limitation and must be based on allowable costs.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5635 Filed 4-12-72;8:50 am]

[Price Commission Ruling 1972–120]

EXCEPTIONS FOR HEALTH SERVICES

Price Commission Ruling

Facts. Dr. X, a noninstitutional provider, feels that because of serious hardship he must raise his rates in excess of 2½ percent based on allowable costs. However, the Health Services Regulations do not specifically provide for an exception procedure.

Issue. Do the general rules for exceptions apply to the health services industry governed by Economic Stabilization Regulations, 6 CFR 300.18, 300.19, 36 F.R. 25384 (December 30, 1971), amended 37 F.R. 775 (January 19, 1972).

Ruling. The general rules on exceptions, as set out in Economic Stabilization Regulations, 6 CFR 305.30 et seq. and 6 CFR 401.301 et seq., 37 F.R. 1010 (January 21, 1972), apply to all of the various categories of the economy covered under Price Commission regulations. They apply equally to §§ 300.18 and 300.19 of the regulations concerning the health services industry as they do to the rest of the regulations.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 4, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 4, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5636 Filed 4-12-72;8:50 am]

[Price Commission Ruling 1972–121]

BOARD OF BARBER EXAMINERS AS A REGULATORY AGENCY

Price Commission Ruling

Facts. A is a barber who operates a barber shop in State X. State X has established a State Board of Barber Examiners which is authorized by State statute to license barbers, to impose health and safety regulations, and to determine minimum fees to be charged for barbering services so that the revenues are "sufficient to enable barbers to furnish modern and healthful services and appliances" to the public. Upon the request of certain barbers in the State, the Board held hearings and determined that the minimum prices should be increased, and ordered such an increase. Although A has not incurred any cost increases in operating his shop, he believes he should raise his prices so as to bring them into compliance with the higher minimum prices set by the Board. He wonders whether this is permissible under the Economic Stabilization Regulations.

Issue. Are barbers who perform their services subject to the rules of the Barber Control Board of State X a "public utility" within the Economic Stabilization Regulations?

Ruling. Barbers performing services subject to the control of the Barber Control Board of State X are not a "public utility" within the Economic Stabilization Regulations.

The regulations define a "regulatory agency" as a commission, board, or other legal body that has jurisdiction to order increases or reductions, or both, of the prices charged by a public utility; a "public utility" is defined as a person that furnishes utility services to the public or a recognized segment of the public, including specifically a person who furnishes utility services subject to the jurisdiction of a regulatory agency. A "utility service" is any commodity or service affected with a public interest, including specifically gas, electricity, telephone, telegraph, public transportation by vehicle, or pipeline and water and sewage disposal services furnished by a nongovernmental organization. Economic Stabilization Regulations 6 CFR 300.16, 37 F.R. 652 (January 14, 1972).

It is clear from the above facts that although the State Barber Control Board has the jurisdiction to order increases in the minimum fees to be charged for barber services, the services themselves are furnished under competitive circumstances and are affected with no particular public interest other than the regulation of health and safety standards. The regulation of such aspects is logical in view of the nature of the business, and does not itself illustrate a "public interest" in the sense that that phrase is illustrated by the examples listed. Therefore, barbers performing services subject to the regulation of the State Barber Control Board are not "public utilities" within the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 6, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 6, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5637 Filed 4-12-72;8:50 am]

[Price Commission Ruling 1972–122]

MERCHANT DISCOUNT

Price Commission Ruling

Facts. X Bank issues Y Charge Card. Retailers who sell to cardholders on credit, deposit their sales slips with X which immediately, either pays the retailer or credits his account with 98 percent of the sales price. X wants to increase its share to 3 percent, since it contends the merchant discount is a function of interest and not subject to Economic Stabilization Regulations.

Issue. Is a merchant discount considered interest?

Ruling. A merchant discount is a price and therefore nonexempt from the Economic Stabilization Regulations. Economic Stabilization Regulation, 6 CFR 300.5, 36 F.R. 23976 (December 16, 1971) defines a price to be any compensation for the sale or lease of any property or services and includes rent, commissions, dues, fees, margins, rates, charges, tariffs, fares, or premiums regardless of form.

This is nothing more than the sale of a service by the bank to the retail community. The bank is acting as a collecting agent for the store. It also is assuming the retailer's risk that the purchaser will never pay. Compensation for a service is a price.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 6, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 6, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5638 Filed 4-12-72;8:50 am]

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[Price Commission Ruling 1972–123]

PRICES—BAD CHECKS

Price Commission Ruling

Facts. A full service bank, B, desires to increase its charge to depositors for checks drawn on accounts with insufficient funds. During the past several years the charge was $3 per overdraft and B seeks to increase the charge to $4 per overdraft. B calls the charge a "penalty."

Issue. Whether the charge is a price under the Economic Stabilization Regulations?

Ruling. Yes. Section 300.5 of the Economic Stabilization Regulations defines price as any compensation for the sale of any service and includes fees, charges, etc., regardless of form. 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). The charge in question is considered the price which the bank charges its customers for the additional service provided when the check of a customer is presented and there are insufficient funds in his account. The fact that B calls the charge a "penalty" is immaterial, since it is compensation for a service. When determining the applicability of the Economic Stabilization Regulations to any transaction, the substance of the transaction and not the form controls. Thus, any increase in the charge by B is subject to the Economic Stabilization Regulations.

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 7, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5639 Filed 4-12-72;8:51 am]

[Price Commission Ruling 1972–124]

PRICES—LEASES OF PERSONAL PROPERTY

Price Commission Ruling

Facts. X is in the business of selling and leasing office machines. On November 3, 1970, X enters into a lease agreement with a user of office machines, Y. The agreement covered a single machine Z, and was executed for a term of 5 years. The agreement called for payments of $7,000 per month for the first year (December 1, 1970, through November 30, 1971) and $17,000 per month for each of the 4 successive years, beginning on December 1, 1971. The rent charged in this case, meets the substantial transaction test.

Issue. What is the maximum rent which X may charge for Z after November 13, 1971?

Ruling. The maximum rent which X may charge for Z after November 13, 1971, is $17,000 per month. Section 300.11 provides in part that no person may charge a price with respect to any lease of property after November 13, 1971, which exceeds the base price for that property (except as otherwise provided in Subpart A). 6 CFR 300.11, 36 F.R. 23976 (December 16, 1971), amended 37 F.R. 3828 (February 28, 1972). The base price for a lease of personal property is determined under § 300.405(b) which provides as follows:

> The base price with respect to a lease of personal property is the highest price charged to a specific class of purchasers with respect to leases of the same or substantially identical personal property in a substantial number of transactions during the freeze base period. 6 CFR 300.405(b), 36 F.R. 23979 (December 16, 1971), amended 37 F.R. 3913 (February 24, 1972).

A transaction is considered to occur when a binding contract is entered into between the parties. 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). The price charged by X to Y for the lease of Z is $900,000 payable in specified amounts throughout the term of the lease. Since it is assumed that the price charged in this lease agreement meets the substantial transaction test, the base price for Z is the amount agreed to in the transaction between X and Y.

In this case, the maximum price for the property is base price because no other price is provided in Subpart A. The lease in question does not qualify as a formula determined lease of personal property and accordingly the provisions of § 300.111 are not applicable. Section 300.111 provides as follows:

> A lease of personal property entered into before August 15, 1971, in which the rent is determined by means of a formula specified in the lease agreement may continue with that formula in effect. However, any increase in the rent due to the passage of time or increase in the consumer price index is not allowed. 36 CFR 300.111, 36 F.R. 25386 (December 30, 1971).

Under § 300.111 a formula determined lease of personal property is a lease where the amount of rent to be paid is "determined by means of a formula". In this case, the amount of rent required to be paid for Z throughout the term of the lease is not determined by means of a formula. Rather, it is specified in the lease and may be determined from the face of the agreement. Since the section does not apply to the lease between X and Y, the last sentence of the section which prohibits the increase in rent due to the passage of time, does not apply. Thus, the price which may be charged after November 13, 1971, is $17,000 per month since that price does not exceed the base price of the property.

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 7, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5640 Filed 4-12-72;8:51 am]

[Price Commission Ruling 1972–125]

PRICES CHARGED BY HOSPITALS PRIOR TO DECEMBER 29, 1971

Price Commission Ruling

Facts. On December 10, 1971, Hospital A increased its room rates 8 percent over the base price to reflect allowable costs. This price increase was allowable under the Economic Stabilization Regulations in effect at that time. See Economic Stabilization Regulations, 6 CFR 300.014, 36 F.R. 21788 (Nov. 13, 1971). Effective December 29, 1971, new regulations governing institutional providers of health services were published. Economic Stabilization Regulations, 6 CFR 300.18, 36 F.R. 23584 (Dec. 30, 1971), as amended at 37 F.R. 775 (Jan. 19, 1972). Hospital A was required to roll back its room rate increase to the amount allowable under section 300.18. Price Commission Ruling 1972–92, 37 F.R. 5061 (Mar. 9, 1972).

Issue. Must Hospital A refund any portion of the prices it charged between December 10, 1971 and December 29, 1971?

Ruling. No. An institutional provider of health services does not have to refund any payment made for services rendered after November 12, 1971, and before December 29, 1971, if the price charged for such service was lawful under the regulations in effect prior to December 29, 1971. Section 300.18 of the regulations does not require reimbursement of prices properly charged before December 29, 1971, the effective date of § 300.18.

Prices for services provided on and after December 29, 1971, must meet the requirements 6 CFR 300.18, 36 F.R. 23584 (Dec. 30, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 10, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 10, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5641 Filed 4-12-72;8:51 am]

[Price Commission Ruling 1972–126]

CUSTOMARY PRICING PRACTICES

Price Commission Ruling

Facts. Company A is a supermarket. It customarily prices canned food products by using "price points" whereby it applies a markup to cost and then sets the selling price of the item at the next highest "price point" ending in 2 cents, 4 cents, or 8 cents. A also maintains a "price spread" between store-brand and name-brand canned foods by always pricing the name-brand items at the next "price point" above the price of the store-brand items, regardless of his cost for the name brands. During A's markup base period these practices resulted in a price of 22 cents for a store-brand item and a price of 24 cents for a name-brand item. The cost of each item was 20 cents. Both costs have now increased to 22 cents. By applying customary pricing practices A wishes to increase the price on the store-brand to 24 cents and the name-brand item to 28 cents.

Company B is a retailer. During its markup base period it priced items X and Y at $42 each. The cost of each item was $32. B determined these selling prices by its customary practice of applying a 30 percent markup to the cost of the product and then "rounding off" upward to the nearest dollar. The cost of item X has increased to $33 and the cost of item Y has increased to $34. B wishes to follow its customary pricing practice and thereby increase the price of item X to $43 and the price of item Y to $45.

Issue. May companies A and B increase prices in excess of their base prices through the application of their customary pricing practices of price points, price spreads and rounding?

Ruling. Retailers and wholesalers may increase prices above base price levels by employing customary pricing practices only if such practices do not result in markups which exceed the customary initial percentage markups prevailing during the markup base period.

Economic Stabilization Regulation, 6 CFR 300.5, 36 F.R. 23975 (Dec. 16, 1971), defines "customary initial percentage markup" as the markup applied to the cost (purchase price actually paid by selling person and transportation charges to be allocated to the merchandise) of merchandise when first offered for sale determined on an item, product line, department, store, or other pricing unit basis, according to the firm's customary pricing practice. Customary business practices, such as price points, price spread, and rounding, may not be used where their application results in selling prices which exceed the highest lawful prices which would result from application of the customary initial percentage markups to the cost of the products involved.

Therefore, Company A may continue to use its customary practice and thereby increase the price of the store-brand item to 24 cents, for in so doing A will not exceed its markup base period customary initial percentage markup of 10 percent for the store-brand item. The 10 percent markup is derived by dividing the initial selling price of the item during the markup base period (22 cents) minus the cost (20 cents) by the cost (20 cents) and multiplying by 100 $(0.22-0.20)/0.20\times 100=10$ percent. However, A may not increase the price of the name-brand item to 28 cents by employing his customary practices, for in so doing A would exceed its markup base period customary initial percentage markup of 20 percent on that item. The price of the name-brand item may be increased, but the resultant selling price may not be more than 26 cents (Step 1: 22 cents (new cost) $\times$ 20 percent (customary initial percentage markup) —4.4 cents; Step 2: 22 cents + 4.4 cents = 26.4 cents (maximum selling price)).

Company B may apply its customary practice of rounding to increase the price of item X to $43, since a selling price of $43 will not exceed its mark-up base period customary initial percentage mark-up of 31.25 percent $((42-32)/32\times 100=31.25$ percent). However, the price of item Y may not be increased to $45 by a customary "round off" policy, since the result would be a selling price in excess of the price resulting from applying the customary initial percentage mark-up to the cost of the product.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 10, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 10, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5642 Filed 4-12-72;8:51 am]

[Price Commission Ruling 1972–127]

SEVERANCE TAX

Price Commission Ruling

Facts. Company A is a prenotification firm which engages in coal mining operations in State B. The Legislature of State B recently provided for an increase in the State's severance tax collected from coal mining and other extractive operations and levied on the value of the coal or other resource extracted within the State's boundaries.

Issue. (1) May Company A treat the increase in the severance tax as an allowable cost increase for the purpose of justifying a price increase under Economic Stabilization Regulation, 6 CFR 300.14, 37 F.R. 775 (January 19, 1972)?

(2) Must Company A, a prenotification firm, receive prior approval of the Price Commission before increasing its price to reflect the increase in the severance tax?

Ruling. (1) Yes. Economic Stabilization Regulation, 6 CFR 300.5, 36 F.R. 25386 (December 30, 1971) defines an allowable cost as "any cost, direct or indirect, unless disallowed by the Price Commission." Generally, increase in taxes, other than income taxes, are considered increases in allowable costs for the purpose of justifying price increases under 300.14.

(2) No. Economic Stabilization Regulation, 6 CFR 300.51(a), 36 F.R. 23977 (December 16, 1971), provides that prenotification is not required "of any price increase to the extent it reflects solely an increase in excise taxes (including sales and use taxes) * * *." While State B's severance tax is not designated as an "excise tax", it is in the nature of an excise tax, rather than a property or income tax, because it is a fixed charge not levied directly upon persons or property, but upon enjoyment of a privilege. Under these circumstances, Company A may increase its prices without prenotification, to the extent (dollar-for-dollar) such increase reflects the increase in the severance tax.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 10, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 10, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5643 Filed 4-12-72;8:51 am]

Office of the Secretary

VINYL ASBESTOS FLOOR TILE FROM CANADA

Determination of Sales at Not Less Than Fair Value

APRIL 10, 1972.

On January 26, 1972, there was published in the FEDERAL REGISTER a notice of tentative negative determination that vinyl asbestos floor tile from Canada is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as the "Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the tentative determination, vinyl asbestos floor tile from Canada is not being, nor likely to be, sold at less than fair value (section 201(a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs Regulations (19 CFR 153.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.72-5663 Filed 4-12-72;8:52 am]

AGRICULTURAL IMPLEMENTS, MACHINERY, AND EQUIPMENT

Determination of Articles Free of Duty

Determination of articles free of duty as agricultural implements, machinery, and equipment under the Tariff Schedules of the United States for the purposes of Executive Order 11666.

Pursuant to paragraph (b) of Executive Order 11666 (E.O. 11666, 37 F.R. 7199 (April 12, 1972)) and for the purposes of

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that order, it is determined that the following are agricultural implements, machinery, and equipment free of duty under an item of the Tariff Schedules of the United States (19 U.S.C. 1202):

Articles classifiable under items 204.27, 648.65, 649.65 (except knives and cutting blades for shoe machinery), 651.39, 660.40, 661.75, 661.80, 662.45, 666.00, 692.30, 772.50, or 772.59, Tariff Schedules of the United States.

Dated: April 11, 1972.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5718 Filed 4-12-72;10:14 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial I-4877]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

The Department of Agriculture has filed an application, Serial No. I-4877, for the withdrawal of the lands described below, from location and entry under the general mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes for an administrative site, as a part of their Red Ives Ranger Station Complex in the St. Joe National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 398 Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for the purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record. If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

ST. JOE NATIONAL FOREST

Red Ives Administrative Site Addition

T. 43 N., R. 9 E.,
Sec. 19, E½SE¼SE¼SE¼;
Sec. 20, W½SE¼NW¼, W½NE¼SW¼, NW¼SW¼, and S½SW¼;
Sec. 29, SW¼SW¼NE¼ and NW¼;
Sec. 30, E½E½NE¼NE¼, E½NE¼SE¼NE¼, and SE¼SE¼NE¼.

The areas described aggregate 360 acres in Shoshone County.

RICHARD H. PETRIE,
Chief,
Division of Technical Services.

[FR Doc.72-5596 Filed 4-12-72;8:46 am]

[New Mexico 10805]

NEW MEXICO

Revocation of Power Site

APRIL 6, 1972.

Pursuant to the vacating order of the Federal Power Commission (36 F.R. 19446-19447, October 6, 1971) (DA-80-New Mexico) and by virtue of the authority contained in section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818) as amended, and in accordance with Bureau of Land Management Order No. 701 dated July 23, 1964 (29 F.R. 10526), as amended, it is ordered as follows:

1. The lands which are located within Carson National Forest and which are within the areas described below, are hereby restored to entry and disposition under the applicable public land laws from the withdrawals in Water Power Designation No. 1 dated August 7, 1916, as modified and interpreted on March 25, 1922 and January 15, 1952 respectively; Power Site Reserve No. 740 dated May 21, 1920 and the filing of an application on April 13, 1942 for Project No. 1874, subject to valid existing rights and the provisions of existing withdrawals:

NEW MEXICO PRINCIPAL MERIDIAN

T. 28 N., R. 12 E.,
Sec. 3, lots 5, 7, 8, N½SW¼, SW¼SW¼, and NW¼SE¼.
T. 28 N., R. 13 E.,
Sec. 5, lot 6.
T. 29 N., R. 13 E.,
Sec. 32, lot 10.
T. 29 N., R. 14 E.,
Sec. 32, S½;
Sec. 33.
T. 28 N., R. 15 E.,
All lands of the United States, which when surveyed, shall be included in whole or in part within one-half mile of Rio Colorado (now called Red River).

The areas described, including both National Forest and nonpublic lands, aggregate 3,976 acres more or less in Taos County. The status of any tract should be ascertained by inquiry of the Chief, Division of Technical Services, hereinafter named.

2. The State of New Mexico failed to exercise its preference right of application for highway rights-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, supra, when notified of the proposal.

3. At 10 a.m. on May 15, 1972, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, NM 87501.

MICHAEL T. SOLAN,
Acting State Director.

[FR Doc.72-5629 Filed 4-12-72;8:49 am]

[Wyoming 34023]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 6, 1972.

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, Serial No. Wyoming 34023, for the withdrawal of lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant wishes to insure tenure of the land as it is required for the operation and maintenance of the Pathfinder Irrigation District and project works.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, WY 82001.

The Department's regulations 43 CFR 2351.4(c) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 62 W.,
Sec. 20, SW¼SE¼;
Sec. 29, W½NE¼.
T. 20 N., R. 64 W.,
Sec. 29, SW¼SW¼;
Sec. 30, S½SE¼.

The area described contains 240 acres.

JESSE R. LOWE,
Acting State Director.

[FR Doc.72-5597 Filed 4-12-72;8:46 am]

Office of the Secretary

PORT MADISON INDIAN RESERVATION

Notice of Acceptance of Retrocession of Jurisdiction

Pursuant to the authority vested in the Secretary of the Interior by executive Order No. 11435 (33 F.R. 17339), I hereby accept as of 12:01 a.m., e.s.t., of the day following publication of this notice in the FEDERAL REGISTER, retrocession to the United States of all jurisdiction exercised by the State of Washington over the Port Madison Indian Reservation, except as provided under Chapter 36, Laws of 1963 (RCW 37.12.010-37.12.060), as offered on August 26, 1971, by proclamation of the Governor of Washington.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 5, 1972.

[FR Doc.72-5593 Filed 4-12-72;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

EXPORT CLEARANCE

Notice of Proposed Changes in Procedure

In the notice published in the FEDERAL REGISTER, March 30, 1972, Volume 37, No. 62, page 6507, subdivision 2 is amended to read as set forth below:

2. *Submission of shipper's export declarations.* The exporter, or his agent, will submit unauthenticated declarations to the exporting carrier (as defined in the Export Control Regulations) before the vessel, aircraft, or overland transport departs. The exporting carrier will insure the accuracy of information as to name of exporting carrier (and flag, for vessel shipments), foreign port of unlading, and bill of lading or air waybill number.[1] The bill of lading or air waybill number will be entered on the manifest.[1] The exporting carrier will, in turn, submit these declarations to the Bureau of Customs. If the carrier is required to file a cargo manifest with the Bureau of Customs, the declarations will be submitted with the manifest. If the carrier is not required to file a cargo manifest with the Bureau of Customs, declarations must be submitted to the Bureau of Customs when the vessel, aircraft, or overland transport departs. When exporting by mail, the declarations shall be submitted to the Post Office at the time of mailing.

[1] This sentence has been added to subdivision 2 of the notice published in the FEDERAL REGISTER, Mar. 30, 1972, vol. 37, No. 62, p. 6507.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-5631 Filed 4-12-72;8:49 am]

Office of Import Programs

UNIVERSITY OF MINNESOTA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00394-33-46040. Applicant: University of Minnesota, School of Medicine—Duluth, 2205 East Fifth Street, Duluth, MN 55812. Article: Electron microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in research which involves experimentation with carbohydrate-rich substances (glycoproteins, mucopolysaccharides or glycosamino glycans) intra- or extracellularly in a variety of tissues including: Human sweat and salivary glands from normal individuals and those afflicted with cystic fibrosis, rabbit and human oviducal tissues obtained under varying hormonal conditions, monkey and human uterine cervical tissue obtained under a variety of nutritional states. The bulk of the morphochemical experiments will involve the ultrastructural localization of tissues by means of cytochemistry and/or autoradiography. In addition the article will be utilized for training in the following courses: Introduction to Ultrastructure, Introduction to Microscopy, Advanced Methodology in Microscopy, Ultrastructural Cytochemistry, Problems Course in Electron Microscopy. Application received by Commissioner of Customs: February 17, 1972.

Docket No. 72-00395-01-77030. Applicant: University of Colorado, Purchasing Services Department, Regent Hall, Room 122, Boulder, Colo. 80302. Article: NMR spectrometer, Model HX-60-E. Manufacturer: Bruker Scientific Inc., West Germany. Intended use of article: The article is intended to be used for the following research problems:

1. Proton NMR analysis of several heterocyclic substances,

2. Analysis of materials (waxes, sesquiterpenes, etc.) isolated from plants including local Artemisia species,

3. Analysis of sucrose s

3. Analysis of sucrose solutions and impurities in natural sugar solution preparations, and

4. Analysis of various aminoalcohols, aminophenols, diols, hydroxyaldehydes, and hydroxyketones.

The article will be utilized for educational purposes in various chemistry courses. Application received by Commissioner of Customs: February 17, 1972.

Docket No. 72-00396-33-46500. Applicant: Harbor General Hospital, Attending Staff Association, 1124 West Carson Street, Torrance, CA 90509. Article: Ultramicrotome, Model 4800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section the following:

1. Isolated spermatozoa and ova of moose, rabbit, hamster, monkey, and woman, and the fertilization process;

2. Biopsies of kidneys, livers, brains, muscles, skin and bone marrows of patients affected by a variety of diseases;

3. Developing organs of embryos from mouse, rabbit, and woman.

These sections will be used in investigations aimed at obtaining a better understanding of the various aspects of the fertilization process and of the lesions produced by diseases on a variety of organs. The article will also be used for training of pathology interns and residents as well as postdoctoral fellows in Reproductive Biology. Application received by Commissioner of Customs: February 18, 1972.

Docket No. 72-00397-33-46500. Applicant: Howard University, College of Medicine, 520 W Street NW., Washington, DC 20001. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin sections for observations in an electron microscope in studies

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of the role of lymphatic capillaries in healthy and diseased tissues. Application received by Commissioner of Customs: February 22, 1972.

Docket No. 72–00398–01–77040. Applicant: University of Illinois at Urbana-Champaign, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Mass Spectrometer, Model MS 902. Manufacturer: AEI Scientific Apparatus, Inc., United Kingdom. Intended use of article: The article is intended to be used in conjunction with a research program to develop an ionization method and analytical techniques for the analysis of liquid metals. The article will be used to study the ionization process, the parameters affecting the ionization, and the ionic species produced by the ion source to be developed. In addition, the article will be used in Graduate Research Study on an interdisciplinary basis not pertaining to one specific course or curricula. Application received by Commissioner of Customs: February 22, 1972.

Docket No. 72–00399–33–46040. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, N.Y. 10461. Article: Electron microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in studies pertaining to ongoing problems in the pathology department. These studies include characterization of lecithin molecules on the surface film of the alveolar lining layer, its distribution, its organization and its association with other materials such as protein and carbohydrates. The studies will also involve the investigation of fine structural analysis of RNA particles in the nucleolus, the assembly of RNA in the cytoplasm and the study of granular endoplasmic reticulum of the developing normal fetal lung and the lungs under the influence of cortisone. In relation to the accelerated maturation of the pulmonary epithelium, morphometry of the lung will also be performed. Application received by Commissioner of Customs: February 22, 1972.

Docket No. 72–00400–98–34040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Carcinotron, Model C040B. Manufacturer: Compagnie Generale de Sans Fil, France. Intended use of article: The article is intended to be used in the proton polarized target facilities which are used to conduct high physics research on the scattering produced by high energy K's and Pi's, etc. on a proton polarized target, i.e., material which has a large fraction of its protons pointing in the same direction. Application received by Commissioner of Customs: February 22, 1972.

Docket No. 72–00402–00–46070. Applicant: Michigan Technological University, Department of Metallurgical Engineering, Houghton, Mich. 49931. Article: Accessories for a Scanning electron microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to a scanning electron microscope being use in a metallurgical and minerals facility for study of fractography, sintering, mineral surfaces, ceramic structures, and corrosion. In addition, the instrument will be used in laboratory experiments and demonstrations in courses in Physical Metallurgy, Inspection of Metals, and Minerals Engineering. Principles and applications of scanning electron microscopy are included in the course MY442, Electron Microscopy. Application received by Commissioner of Customs: February 22, 1972.

Docket No. 72–00401–33–46040. Applicant: University of Texas Southwestern Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas, TX 75235. Article: Electron microscope, Model JEM–100B. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used in high resolution studies of conformational and redistributional changes of proteins on or within organelle and cell membranes which occur during change in the state of organelle and cell function. The identification of specific proteins on or in cellular membranes will be investigated using antibody and other protein tagging techniques in a research program devoted to studies in the molecular anatomy of membranes. Protein identification and orientation in biomembranes as well as conformation of solubilized proteins, will be studied by high-resolution freeze-cleaving electron microscopy, dark field electron microscopy, and negative staining, supported by employing goniometer tilt and rotation. Application received by Commissioner of Customs: February 22, 1972.

Docket No. 72–00403–33–86500. Applicant: Vanderbilt University, 21st and West End Avenue, Nashville, Tenn. 37203. Article: Rheogoniometer, Model R.18. Manufacturer: Sangamo Controls, United Kingdom. Intended use of article: The article is intended to be used for scientific studies on the rheological properties of blood. The experiments will be used as calibration for the accuracy of measurements by simpler devices. Studies will be conducted to correlate the rheological properties of blood with a variety of clinical diseases. The article will also be used to train undergraduate and graduate engineers in the techniques and principles of experimental measurement of rheological properties on non-Newtonian materials. The courses involving the instrument are Ch.E. 231, Ch.E. 335, and Ch.E. 399. Application received by Commissioner of Customs: February 23, 1972.

Docket No. 72–00404–33–46040. Applicant: Duke University Medical School, Box 2926, Durham, NC 27710. Article: Electron microscope, Model Elmiskop IA and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine tissues and cells of tumors or cancers of chickens or mammals diseased with viruses. These specimens will be studied to determine the characters of cell response to virus by study of the fine structure of the tumor cells at high magnification. Application received by Commissioner of Customs: February 23, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–5624 Filed 4–12–72;8:48 am]

VETERANS ADMINISTRATION HOSPITAL, IOWA CITY, IOWA ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72–00277–00–46040. Applicant: Veterans Administration Hospital, Iowa City, Iowa 52240. Article: Spare parts for Elmiskop 101 electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are intended to be used as replacements parts of an electron microscope being used for fine structure studies of various cells. The two ongoing projects are thrombosis research and a study of axonal dystrophy resulting from vitamin E deficiency in rats. Application received by Commissioner of Customs: December 10, 1971.

Docket No. 72–00381–33–09540. Applicant: American National Red Cross, 17th and E Streets NW., Washington, DC 20006. Article: Centrifuge. Manufacturer: Green Cross Corp., Japan. Intended use of article: The article is intended to be used to evaluate a method of plasmapheresis, whereby whole blood is taken from the donor, centrifuged to separate the plasma from the red cells, the plasma is removed and the red cells returned to the donor. Application received by Commissioner of Customs: February 10, 1972.

Docket No. 72–00382–33–43400. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, CT 06520. Article: Micromanipulator. Manufacturer: A.B. Transvertex, Sweden. Intended use of article: The article will be used in research to obtain intracellular recordings from mitral cells and other cells in the olfactory bulb. Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72–00383–01–28200. Applicant: North Carolina State University, Purchasing Department, Post Office Box 5935, Raleigh, NC 27607. Article: Electron resonance spectrometer, Model JES–ME–1X. Manufacturer: JEOL, Japan. Intended use of article: The article is intended to be used for research centered around the free radicals produced by the high energy and ultraviolet irradiation of high polymers and monomer-polymer systems. Specific systems to be studied are as follows:

1. The radiation initiated polymerization of vinyl chloride in bulk and in precipitating media;

2. The identity, role, and fate of trapped radicals in radiation initiated graft polymerization systems;

3. The yield of free radicals from u.v. irradiated lignin and lignocellulose (wood pulp) fibers; and

4. The identity and yield of the active intermediate formed by the high energy irradiation of polyvinyl chloride under super-dry conditions.

In addition the article will be used by M.S. and Ph. D. candidates in Chemistry, Forestry, and Textiles for research programs. Simple studies with E.S.R. measurements will be incorporated with the course Ch.E. 671. Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72–00385–05–01200. Applicant: University of Hawaii, Department of Linguistics, 1890 East-West Road, Honolulu, HI 96822. Article: Intensity Meter. Manufacturer: B. Frkjaer-Jensen, Denmark. Intended use of article: The article is intended to be used for analyzing languages acoustically in the phonetics laboratory and for teaching students to do so. Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72–00386–05–01200. Applicant: University of Hawaii, Department of Linguistics, 1890 East-West Road, Honolulu, HI 96822. Article: Audio frequency filter. Manufacturer: B. Frkjaer-Jensen, Denmark. Intended use of article: The article will be used for analyzing languages acoustically in the Phonetics Laboratory and for teaching advanced students to do so. Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72–00388–33–46040. Applicant: Presbyterian Hospital, 622 West 168th Street, New York, NY 10032. Article: Electron microscope, Model Elmiskop IA and accessories. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for research studies on the structure of normal and developing ocular tissues and of the pathology of the eye. Much of the work is concerned with determining the intimate details of how the neurons of the retina connect with each other. Additional planned studies on developing human eyes include the differentiation of the blood vessels of the choroid and development of the junctions between adjacent pigment epithelial cells and of the retinal neurons. The article will also be used for training in investigative aspects of ophthalmology, which includes pathology at the electron microscope level. Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72–00389–33–46500. Applicant: University of Missouri—Columbia, Department of Veterinary Anatomy, 103 Connaway Hall, Columbia, MO 65201. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke, AG, Austria. Intended use of article: The article is intended to be used to:

(a) Establish the topography of corticotrophs in the rostral zone of the pars intermedia and adjacent neural stalk region and their relationship with the hypophysial portal system (rat, mouse, cat);

(b) Determine the nature of the synaptoid contacts between axons and corticotrophs and possible origin of the nerve fibers;

(c) Determine morphologic changes in the corticotrophs following the attempt to cause degeneration of the synaptoid contacts (rat, mouse);

(d) Establish the topography of the CRF nerve terminals in the outer zone of the median eminence, their possible relationship with other axon endings and the primary capillary loops of the hypophysial portal system and their fine structural changes following adrenalectomy (mouse, rat);

(e) Detect possible correlative changes in other axon terminals which are topographically associated with the CFR axon terminals;

(f) Determine the ACTH activity of the rostral zone in the rat;

(g) And analyse the various cell types in the paraneural epithelium of the cat.

Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72–00390–00–46040. Applicant: University of California, Department of Zoology, Berkeley, Calif. 94720. Article: Anticontamination device. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is intended to be used to reduce the contamination rate of biological specimens being examined by an electron microscope during research on the structure and function of animal cells, cell parts, and viruses. Application received by Commissioner of Customs: February 17, 1972.

Docket No. 72–00392–98–16600. Applicant: Carnegie-Mellon University, Physics Department, Schenley Park, Pittsburgh, Pa. 15213. Article: Dilution refrigerators. Manufacturer: Oxford Instrument Corp., United Kingdom. Intended use of article: The article is intended to be used in the investigation of the thermal and ultrasonic properties of solids to temperatures as low as 30 millidegrees Kelvin; specifically, the investigation of the attenuation of very high frequency sound in superconductors with very low transition temperatures. Application received by Commissioner of Customs: February 17, 1972.

Docket No. 72–00393–98–16600. Applicant: Carnegie Mellon University, Physics Department, Schenley Park, Pittsburgh, Pa. 15213. Article: Dilution refrigerators. Manufacturer: Oxford Instrument Co., United Kingdom. Intended use of article: The article is intended to be used in the investigation of the thermal, and ultrasonic properties of solids to temperatures as low as 30 millidegrees Kelvin; specifically the investigation of the attenuation of very high frequency sound in superconductors with very low transition temperatures. Application received by Commissioner of Customs: February 17, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–5644 Filed 4–12–72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6485]

BACITRACIN WITH PHENACAINE HYDROCHLORIDE OPHTHALMIC OINTMENT

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Baciguent Ophthalmic Ointment containing bacitracin and phenacaine hydrochloride; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49001 (NDA 60–734).

The Food and Drug Administration concludes that bacitracin with phenacaine hydrochloride ophthalmic ointment is possibly effective for its labeled indications relating to use in superficial ocular infections.

Preparations containing bacitracin with phenacaine hydrochloride are subject to the antibiotic certification procedures under section 507 of the Federal Food, Drug, and Cosmetic Act. To allow applicants to obtain and submit data to provide substantial evidence of effectiveness of the drug in those conditions for which it has been evaluated as possibly effective, batches of preparations containing these drugs which bear labeling with these indications will continue to be accepted for certification by the Food and Drug Administration for a period of 6 months after publication of this announcement in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously un-

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submitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in § 130.12 (a) (5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 6-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness for such uses. After that evaluation, the conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken, or if the studies do not provide substantial evidence of effectiveness, such drugs will not be eligible for release or certification.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6485, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Amendments (identify with NDA number): Division of Antiinfective Drug Products (BD–140), Office of Scientific Evaluation, Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5626 Filed 4–12–72;8:48 am]

[DESI 11939]

MACROSIZE GRISEOFULVIN

Drugs for Human Use; Drug Efficacy Study Implementation Followup Notice

In a notice (DESI 11939) published in the FEDERAL REGISTER of April 17, 1971 (36 F.R. 7321) the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group concerning griseofulvin. The notice stated that the macrosize particles of the drug lacked substantial evidence of effectiveness for all labeled indications, in that published studies did not show that the macrosize particles uniformly produce predictable blood levels from subject to subject. The notice also stated that preparations containing macrosize particles of the drug would no longer be acceptable for release after 40 days following the publication date of the notice, and invited comments or pertinent data within 30 days.

On May 14, 1971, Ayerst Laboratories, Inc., 685 Third Avenue, New York, NY 10017, submitted a letter to the Food and Drug Administration objecting to the evaluation of macrosize griseofulvin and citing several references concerning the drug. The material referred to did not contain any new information which would support continued marketing of macrosize particles of griseofulvin. No new batches of the drug have been accepted for release since May 27, 1971, as provided for in the notice of April 17, 1971.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended; 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5628 Filed 4–12–72;8:49 am]

[DESI 8904]

PROCAINE ISOBUTYLRATE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Probutylin Capsules and Elixir, each containing procaine isobutyrate; William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, Pa. 19034 (NDA 8–904).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that.

1. Procaine isobutyrate lacks substantial evidence of effectiveness in postoperative nausea and vomiting and in alleviating pain, nausea, vomiting, and pylorospasm in motion sickness.

2. Except for the aforementioned indications, this drug is possibly effective for its other labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new-drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 8904, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: March 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5627 Filed 4–12–72;8:49 am]

Office of the Secretary

OFFICE FOR CIVIL RIGHTS; REVIEWING AUTHORITY (CIVIL RIGHTS)

Statement of Organization and Delegation of Authority

The Secretary of Health, Education, and Welfare has delegated certain authority to the Department's Reviewing Authority (Civil Rights), in regard to enforcement proceedings under Executive Order 11246. The purpose of this notice is to notify the public of amendments to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, which amendments are designed to reflect this delegation. As to the first Amendment set forth below, the provisions in the introductory portion of section 1D.40 and in paragraph A thereof were previously published in 32 F.R. 15190–15191 (November 2, 1967), as amended in 34 F.R. 7390 (May 7, 1969). The provisions in section 1D.40B are new.

1. Part 1, Chapter 1D, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled "Office of the Secretary: Office for Civil Rights," is hereby amended by changing its title to "Office for Civil Rights; Reviewing Authority (Civil Rights)" and by adding a new section 1D.40 section 1D.40 reads as follows:

SEC. 1D.40 *Reviewing Authority (Civil Rights).* There is established in the Office of the Secretary a Reviewing Authority (Civil Rights) which shall consist of no more than five members to be appointed by the Secretary. With the exception of final decisions, the functions and duties of the Reviewing Authority (Civil Rights) herein delegated may be exercised by a single member of the Authority. The Reviewing Authority may consider matters for final decision either by a panel of members or by the entire membership, as it may determine. Each final decision shall be concurred in by a majority of those designated to consider it, and in any event, by at least two members. Prior to the appointment of any member of the Reviewing Authority (Civil Rights), or in any other instance where no member thereof is available, the functions and duties herein delegated (except the rendering of final decisions) may be exercised by the Assistant Secretary for Administration.

A. *Duties and functions in regard to administration of title VI of the Civil Rights Act of 1964.* The Reviewing Authority (Civil Rights) shall have the authority to carry out the responsibilities described in 45 CFR 80.10(a)–(d), in connection with the administration of the provisions of Part 80 ("Nondiscrimination in Federally-Assisted Programs of the Department of Health, Education, and Welfare—Effectuation of Title VI of the Civil Rights Act of 1964") of Title 45 of the Code of Federal Regulations (45 CFR Part 80). In addition, the Reviewing Authority (Civil Rights) shall have the function and duty of designating hearing examiners and setting the time and place of hearings pursuant to 45 CFR 80.9(b).

B. *Duties and functions in regard to administration of Executive Order 11246.* The Reviewing Authority (Civil Rights) shall have the authority to carry out the responsibilities of the "agency head" described in 41 CFR 60–1.26(b)(1) and 60–1.26(b)(2)(v), in connection with the administration of the provisions of Chapter 60 ("Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor") of Title 41 of the Code of Federal Regulations (41 CFR Ch. 60); with the exceptions that the Secretary of Health, Education, and Welfare, as agency head, shall retain the authority to prescribe procedural rules pursuant to 41 CFR 60–1.26(b)(1) and that decisions by the Reviewing Authority may be reviewed by the Secretary at his discretion. The Reviewing Authority (Civil Rights) shall have the authority to convene hearings, to designate hearing officers, to select the time and place for hearings, to render final decisions in formal hearings held pursuant to 41 CFR 60–1.26(b) and to take actions consistent with the authority delegated to it.

2. Part 1, Chapter 1–940, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, entitled "General: Department Responsibilities Related to the Administration of the Civil Rights Act and Executive Order 11246," is hereby amended by deleting the present subparagraph (e) of section 1–940.10 and substituting the following:

(e) The Reviewing Authority (Civil Rights) appointed by the Secretary is responsible for reviewing decisions of hearing examiners in title VI enforcement proceedings. Cases are referred by the hearing examiner on the basis of exceptions filed by parties to the proceedings. The Reviewing Authority is also responsible for reviewing recommendations made by hearing officers in enforcement proceedings under Executive Order 11246, as amended. In each case reviewed, the Reviewing Authority shall render a final decision. This decision may be reviewed by the Secretary at his discretion. The Reviewing Authority also may make decisions on the record where a hearing is waived.

Dated: April 7, 1972.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.72–5590 Filed 4–12–72;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–368]

ARKANSAS POWER & LIGHT CO.

Notice of Hearing on Application for Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Arkansas Power & Light Co. (the applicant), for a construction permit for a pressurized water nuclear reactor designated as the Arkansas Nuclear One—Unit 2 (the facility), which is designed for initial operation at approximately 2,760 thermal megawatts with a net electrical output of approximately 950 megawatts. The proposed facility is to be located at the applicant's site on a peninsula in the Dardanelle Reservoir on the Arkansas River in Pope County, Ark., approximately 2 miles southeast of the village of London, Ark. The hearing will be held in the vicinity of the site of the proposed facility.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

The date and place of a prehearing conference will be set by the Board. The date and place of the hearing will be set at or after the prehearing conference. In setting these dates due regard will be had for the convenience and necessity of the parties or their representatives, as well as of the Board members. Notices of the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmation finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program associated with such features or components; and

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(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will (1) without conducting a de novo review of the application, consider and determine the issues of whether the application and the record of the proceeding contain sufficient information, and the review of the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the construction permit proposed to be issued by the Director of Regulation; and (2) determine whether the environmental review conducted by the Commission's regulatory staff pursuant to Appendix D of 10 CFR Part 50 has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will decide any matters in controversy among the parties and consider and initially decide as issues in this proceeding, items 1–5 above as a basis for determining whether the construction permit should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permit should be granted, denied, or appropriately conditioned to protect environmental values.

The application for construction permit, the report of the Commission's Advisory Committee on Reactor Safeguards, dated February 10, 1972, the applicant's supplemental Environmental Report dated December 14, 1971, and, as they become available, the proposed construction permit, the applicant's summary of the application, the Safety Evaluation by the Commission's regulatory staff, the Commission's draft and final detailed statement of environmental considerations, and the transcripts of the prehearing conference and of the hearing will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public.

Copies of those documents will also be made available at the Arkansas River Valley Regional Library, Dardanelle, Ark., for inspection by members of the public between the hours of 5 p.m. and 8:30 p.m. on Mondays and 8 a.m. and 5 p.m. on Tuesdays–Fridays. Copies of the ACRS report, the applicant's supplemental environmental report (to the extent of supply), and, when available, the regulatory staff's safety evaluation and the draft and final detailed statements of environmental considerations may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a petition for leave to intervene.

Petitions for leave to intervene, pursuant to the provisions of 10 CFR 2.714 of the Commission's rules of practice, must be received in the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. The petition shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action, and the contentions of the petitioner in reasonably specific detail. A petition which sets forth contentions relating only to matters outside the Commission's jurisdiction will be denied. A petition for leave to intervene which is not timely will be denied unless, in accordance with 10 CFR 2.714, the petitioner shows good cause for failure to file it on time.

A person permitted to intervene becomes a party to the proceeding, and has all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a) (1) of that section. The Appeal Board is composed of Algie A. Wells, Esq., and Dr. John Buck, with a third member to be designated by the Commission.

A "Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters" was published in the FEDERAL REGISTER on June 19 and 26, and July 3 and 10, 1971. The notice afforded an opportunity for any person wishing to have his views on the antitrust aspects of the application presented to the Attorney General for consideration to submit such views to the Commission within 60 days after June 19, 1971.

Dated at Germantown, Md., this 10th day of April 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-5646 Filed 4-12-72;8:49 am]

[Docket No. 50-259]

TENNESSEE VALLEY AUTHORITY

Order Extending Provisional Construction Permit Completion Date

By application dated March 27, 1972, the Tennessee Valley Authority requested an extension of the latest completion date specified in Provisional Construction Permit No. CPPR-29. The permit authorizes the construction of a single cycle, forced circulation, boiling water nuclear reactor, known as the Browns Ferry Nuclear Power Station Unit No. 1, on the Tennessee Valley Authority's site at Wheeler Lake, Limestone County, Ala., about 10 miles southwest of Athens, Ala.

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55(b) of 10 CFR Part 50 of the Commission's regulations: *It is hereby ordered*, That the latest completion date specified in Provisional Construction Permit No. CPPR-29 is extended from April 15, 1972 to December 31, 1972.

Dated at Bethesda, Md., this fifth day of April 1972.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.72-5585 Filed 4-12-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24297]

ALCO/ALASKA AIRLINES, INC.

Notice of Postponement of Prehearing Conference Regarding Acquisition Case

Notice is hereby given that the prehearing conference in the above-entitled matter is postponed from April 17, 1972 (37 F.R. 6348, March 28, 1972), to April 18, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., April 10, 1972.

[SEAL] ARTHUR S. PRESENT,
Hearing Examiner.

[FR Doc.72-5658 Filed 4-12-72;8:52 am]

[Docket No. 24339; Order 72-4-25]

DELTA AIR LINES, INC., ET AL.

Order of Suspension and Investigation Regarding Nonacceptance of Metallic Mercury Provision

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of April 1972.

Nonacceptance of metallic mercury provision proposed by Delta Air Lines, Inc., Docket 24339; nonacceptance of metallic mercury provisions proposed or in effect by Eastern Air Lines, Inc., Northwest Airlines, Inc., Docket 24339.

By tariff revision filed March 14 and marked to become effective April 13, 1972, Delta Air Lines, Inc. (Delta) proposes to add a provision to the effect that shipments of metallic mercury would not be accepted for carriage.

Delta asserts that it is taking this action because of a recent incident involving a mercury spill in an aircraft. No complaints have been filed against the proposal.

By Order 72-3-82, adopted March 24, 1972, the Board instituted an investigation (Docket 24339) of a virtually identical provision proposed by Eastern Air Lines, Inc. (Eastern) and in effect for Northwest Airlines, Inc., and suspended Eastern's proposal. In explaining its action, the Board stated, "We do not believe that refusal by an air carrier to transport certain types of shipments should be permitted without extensive justification showing that no other solution to the problems involved can be found." The order noted that Eastern had presented no such justification.

Delta's justification, like Eastern's, is inadequate as a basis for refusal of service for certain shipments by a common carrier. Consistent with Order 72-3-82, supra, and for the reasons set forth therein, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The investigation will be consolidated in the investigation of Docket 24339. We conclude, furthermore, that the proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the exception on Mercury, metallic, on behalf of "DL" on 10th Revised Page 58 and 13th Revised Page 160 of Airline Tariff Publishers, Inc., Agent's CAB No. 82, and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, "DL-3" on 10th Revised Page 58 and "DL-3" and provisions in connection therewith on 13th Revised Page 160 of Tariff CAB No. 82 issued by Airline Tariff Publishers, Inc., Agent, are suspended and their use deferred to and including July 11, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The foregoing investigation be consolidated into the investigation instituted in Docket 24339; and

4. Copies of this order shall be filed with the tariff and served upon Delta Air Lines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5661 Filed 4-12-72;8:52 am]

[Docket No. 23661]

EASTERN AIR LINES, INC.

Notice of Hearing Regarding Deletion of Reading, Pa.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 9, 1972, at 10 a.m., in the Four Score Room of the Abraham Lincoln Motor Hotel, Fifth and Washington Streets, Reading, PA, before the undersigned Hearing Examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served March 3, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 7, 1972.

[SEAL] THOMAS P. SHEEHAN,
Hearing Examiner.

[FR Doc.72-5659 Filed 4-12-72;8:52 am]

[Docket No. 20522]

AGREEMENTS ADOPTED BY IATA RELATING TO NORTH ATLANTIC CARGO RATES

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter heretofore assigned to be held before the Board on April 19, 1972, is postponed to May 3, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825

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Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 7, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-5660 Filed 4-12-72;8:52 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 121]

8.8 CORP. AND OAK CLIFF SAVINGS AND LOAN ASSOCIATION

Notice of Receipt of Application for Permission To Acquire Control of Corpus Christi Savings and Loan Association and Kingsville First Savings and Loan Association

APRIL 10, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the 8.8 Corp., Dallas, Tex., a multiple savings and loan holding company which is controlled by the Oak Cliff Savings and Loan Association, Dallas, Tex., for approval of acquisition of control of the Corpus Christi Savings and Loan Association, Corpus Christi, Tex., and the Kingsville First Savings and Loan Association, Kingsville, Tex., insured institutions, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisitions to be effected by an exchange of stock of Oak Cliff Savings and Loan Association for stock of Corpus Christi Savings and Loan Association and Kingsville First Savings and Loan Association. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-5614 Filed 4-12-72;8:48 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01034---	Graff-Wang & Evjen:
	Sam Bya.
01089---	Union Industrielle et Maritime:
	Atlas.
01127---	Johnstone Shipping, Ltd.:
	Gulf Sentinel.
01421---	Bibby Line, Ltd.:
	Atlantic Bridge.
01428---	The Ocean Steam Ship Co., Ltd.:
	Priam.
01442---	Charles Connell & Co., Ltd.:
	Vancouver Island.
01854---	Southern Towing Co.:
	Laguna.
	Robert Ingle.
	Baxter Southern.
	Laura Elizabeth.
	Jim Southern.
	James L. Williams.
	Clark Frame.
02040---	Odra—Swinoujscie:
	Humbak.
02256---	Sigurd Haavik A/S:
	Vikfrio.
02333---	Diamond Shamrock Corp.:
	NMS 1605.
	NMS 1900.
	UBL 914.
02439---	Bereederungs-Alliance Flensburg GmbH:
	Brunsnis.
	Boknis.
02831---	Ednasa Co., Ltd.:
	Losina.
02917---	Scherkate Sahami Keschtirani Melli Arya:
	Arya Nur.
	Arya Tab.
02945---	American Trading Transportation Co., Inc.:
	Baltimore Trader.
	Maryland Trader.
	Virginia Trader.
	American Trader.
	Texas Trader.
	Washington Trader.
03428---	Hachiuma Kisen K. K.:
	Fushu Maru.
03441---	Japan Line K. K.:
	World Duchess.
	Japan Ambrose.
	World General.
	Japan Rimu.
	Japan Acacia.
	Japan Lupinus.
	World Empire.
	Japan Carnation.
	Japan Iris.
	Fairfield.
	Japan Kauri.
	Japan Totara.
	World Conqueror.
03460---	Mibae Shosen Kabushiki Kaisha:
	M/S Kyomei Maru.
	M/S Fiji Maru.
03476---	Nissin Kisen K. K.:
	Jujo Maru No. 2.
03480---	Osaka Senpaku K. K.:
	New Caledonia Maru.
	Hiei Maru.
03484---	Sanko Kisen K. K.:
	Meiko Maru.
	Ryoko Maru.
03514---	Terukuni Kaiun K. K.:
	Terukuni Maru.
	Izumo Maru.
	Kasuga Maru.
	Yoshida Maru.
03517---	Tokyo Kaiji Kabushiki Kaisha:
	Nippon Ham Maru No. 1.
03519---	Toko Shosen K. K.:
	Syuko Maru.
	Nile Maru.
03530---	Yashima Kaiun K. K.:
	Hishishima Maru.
03578---	Dabinovic S. A.:
	Marie.
03644---	Lampsis Navigation, Ltd.:
	Drosia.
03723---	Southern Terminal & Transport Co.:
	Chem III.
03730---	Brown & Root, Inc.:
	Bar 316.
03968---	Zim Israel Navigation Co., Ltd.:
	Zim New York.
04160---	Marine Transport Co.:
	M/V Louis Frank.
04172---	Eklof Marine Corp.:
	Esso Barge No. 15.
04181---	Whitney-Fidalgo Seafoods, Inc.:
	Sandra D.
04413---	Leif Hoegh & Co. A/S:
	Hoegh Traveller.
04455---	Balboa Navigation Lines, S.A.:
	Santa Cruz.
04500---	Miura Enyo Gyogyo Kabushiki Kaisha:
	Koho Maru No. 8.
04503---	Okutsu Suisan Kabushiki Kaisha:
	Zenko Maru No. 68.
04767---	Texaco, Inc.:
	PB Poling Bros. No. 16.
04768---	Texaco Overseas Tankship, Ltd.:
	Texaco Great Britain.
05026---	Naviera Maritima Fluvial S. A.:
	Capirona.
05514---	Scarsdale Shipping Co., Ltd.:
	Asiafreighter.
05538---	Glacier Sand & Gravel Co.:
	CCM 21.
	CCM 22.
05540---	Kaiser Steel Corp.:
	KSC 220.
	KSC 221.
	KSC 300.
05577---	Far-Eastern Shipping Co.:
	Oktyabrskiy.
05581---	Latvian Shipping Co.:
	Karlis Ziedinsz.
	Jakov Alksnis.
05602---	Sandromar S.A.—Panama:
	Ferrol.
05607---	Hannah Inland Waterways Corp.:
	James A. Hannah.
06037---	Niigata Rinko Kairiku Unso Co., Ltd.:
	Agano Maru.
06124---	Fukuryu Gyogyo Kabushiki Kaisha:
	Fukuryu Maru No. 31.
06192---	Summit Shipping Co., Inc., Panama:
	Maritime Challenge.
06217---	Transmarittima Sarda S.p.A.:
	Polluce.
06248---	Commercial Corp. "Sovrybflot":
	Shelikhova.
06532---	Canopus Navigation Corp.:
	Marina.
06558---	Orient Overseas Container Services Inc. of Liberia:
	Oriental Chevalier.
06590---	Karyatis Shipping Co., Ltd.:
	Galaxy.
06597---	Harmony Transport Corp., Inc.:
	Ocean Harmony.
06678---	Overseas Maritime Ltd.:
	Leidenschaft.
06707---	Captains Ship Chandlery Co., Inc.:
	M. Payne.
06712---	Chang An Marine Corp.:
	M/V Ever Safety.
06719---	West Indian Trading Co.:
	M/V Curtis Mathes.
06738---	Anticlizo Shipping Corp.:
	Anticlizo.
06743---	Contimar Beteiligungs GmbH & Co. Schiffahrts KG;
	M/S Bibiana.
06746---	Fukada Salvage K.K.;
	Fuji Maru.

Certificate No.	*Owner/operator and vessels*
06756---	Atlantic Maritime Transport Inc.:
	Princess Anne-Marie.
06774---	Meltemi Shipping Co., of Cyprus:
	Delphian.
06789---	Lily Maritime Corp. (Monrovia, Liberia):
	Mirfak (ex Toscana).
06798---	Marnuestra Armadora S.A.:
	Myrtidiotissa.
06800---	Liberian Jade Transports, Inc.:
	Eastern Jade.
06810---	H. M. Gehrckens:
	Stubbenhuk.
	Steindamm.
	Bianca.
	Barbarella.
06811---	Erago Steamship, Inc.:
	My Era.
06814---	Navegadora Tropica S.A.:
	Patagonia.
06815---	Athenian Oil Tankers Co. S.A. of Panama R.P.:
	Athenian Horizon.
06828---	Hikotaro Mohri:
	Shinniehi Maru.
06825---	Katsusaburo Takebayashi:
	Ryoun Maru No. 2.
06829---	Shinsei Suisan Kabushiki Kaisha:
	Shinsei-Maru No. 2.
06830---	Osaka Gyogyo Kabushiki-Kaisha:
	Marunaka Maru No. 62.
06831---	Yohei Sakamoto:
	Chosei Maru No. 8.
06832---	Lesue Shipping, Inc.:
	Mount Hope.
06840---	Luna Navigation Co., Ltd.:
	Lunablanca.
	Lunarosa.
06841---	Southeast Tanker Co., Ltd.:
	Aquario.
06842---	Regles Navigation Corp.:
	Triton.
06843---	Ilion Navigation Co. Ltd.:
	Ilion.
06844---	Pioneer Navigation Co., Ltd.:
	Dionisis.
06845---	Marilion Navigation Co., Ltd.:
	Marilion.
06847---	Getty Oil Co. (Eastern Operations) Inc.:
	Providence Getty.
	Wilmington Getty.
	Louisiana Getty.
	New York Getty.
	Delaware Getty.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5468 Filed 4-12-72;8:49 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01014---	Robert Bornhofen Reederei:
	Hawkstone.
01017---	Westfal-Larsen & Co. A/S:
	Davanger.
	Fjellanger.
	Heranger.
	Malmanger.
	Taranger.
01034---	Graff-Wang & Evjen:
	Seagull.
01059---	London & Overseas Freighters, Ltd.:
	London Prestige.
01089---	Union Industrielle et Maritime:
	Jacqueline.
01092---	Thor Dahls Hvalfangerselskap A/S:
	Thorsgaard.
01227---	Skips A/S J O J O L O:
	Bertil Karlbom.
01229---	Belships Co., Ltd., Skibs-A/S:
	Belevelyn.
	Belkarin.
01241---	A. S. Jensens Rederi II:
	Cerno.
01287---	Knohr & Burchard Nfl.:
	Rodenbek.
01338---	Societe Francaise de Transports Petroliers (SFTP):
	Sologne.
01343---	Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck:
	Cap Roca.
01428---	The Ocean Steam Ship Co., Ltd.:
	Ixion.
01549---	Strick Line, Ltd.:
	Tangistan.
01612---	Clio Shipping Co.:
	Clio.
01767---	Gulf & South American Steamship Co., Inc.:
	Gulf Farmer.
01861---	BP Tanker Co., Ltd.:
	British Chivalry.
	British Splendour.
	British Freedom.
01868---	Ausonia Di Navigazione Dei Fratelli Ravano Di Alberto:
02130---	Empire Transport Co., Ltd. & Houlder Line, Ltd.:
	Swan River.
02198---	The Peninsular & Oriental Steam Navigation Co.:
	Pando Cove.
02239---	Compagnia Marittima Carlo Cameli:
	Santa Anna Prima.
	Santa Cristina Prima.
	Acradina.
	Santa Augusta.
	Italmotor.
	Sicilmotor.
	Aspra.
	Bordighera.
	Ambronia.
02248---	Kloeckner & Co.:
	Anneliese.
02270---	Enso-Sutzeit Osakeyhtio:
	Finnalpino.
02272---	Vaasan Hyorymylly Oy:
	Concordia Finn.
02332---	Lykes Brothers Steamship Co., Ltd.:
	Tyson Lykes.
	James McKay.
02400---	Rob. M. Sloman, Jr., Schiffahrgs K.G.:
	Sloman Biscaya.
02522---	Sugar Line, Ltd.:
	Crystal Gem.
02715---	Allied Towing Corp.:
	Brazos.
02889---	Showa Kaiun K.K.:
	Shoei Maru.
	Urea Maru.
02940---	J. S. Gissel & Co.:
	LTC-30.
02945---	American Trading & Production Corp.:
	American Trader.
	Baltimore Trader.
	Washington Trader.
	Virginia Trader.
	Texas Trader.
	Maryland Trader.
02976---	Arthur-Smith Corp.:
	PS 101.
02993---	Zapa Shipping Co. S.A., Panama:
	Semira.
03029---	Bluefield Marine S.A.:
	Olympic.
03151---	Diamante Soc. de Transportes:
	Leandros.
03340---	Lloyds Africa, Ltd.:
	Freeport.
	Bellport.
03471---	Nippo Kisen K.K.:
	Hokyo Maru.
03484---	Sanko Kisen K.K.:
	Kinko Maru.
03515---	Tofuku Kisen K.K.:
	Oikaze Maru.
03519---	Toko Shosen K.K.:
	Seine Maru.
03634---	James R. Hines Corp.:
	AOC 2.
03635---	Hines, Inc.:
	GWG-202.
03644---	Lampsis Navigation, Ltd.:
	Lampsis.
03677---	G. & N. Angelakis-D. & S. Grigoriou-I. Maltezos:
	Theoris.
03695---	Wood River Harbor Service Co.:
	Bunker.
	GMC Barge.
	J. W. Good.
03742---	Bauer Dredging Co., Inc.:
	General Wakefield.
03835---	Liberian Ocean Cargo Corp.:
	Marathon.
04032---	Sicula Oceanica S.A.:
	Perseo.
04133---	Consolidated Mariners, S.A.:
	Domina.
04143---	Gulf-Northern Co., Inc.:
	PT 18.
	PT 20.
	PT 22.
	PT 24.
	PTS 26.
	PTW 14.
	PTW 16.
	Jimmy Vickers.
04180---	Rose Barge Line, Inc.:
	Memphis Zephyr.
04356---	Pacific Far East Line, Inc.:
	Ventura.
04358---	Holland Bulk Transport N.V.:
	Amstelsluis.
	Amstelmolen.
04423---	Marcona Corp.:
	San Juan Voyager.
	San Juan Pioneer.
	San Juan Trader.
04465---	Ohyashima Enyo Gyogyo Kyodo Kumiai:
	Kaikatamaru No. 80.
04466---	Hiwasacho Gyogyo Kyodo Kumiai:
	Kunimaru No. 3.
04467---	Kyowa Gyogyo Kabushiki Kaisha:
	Kyowamaru No. 12.
04469---	Choshomaru Gyogyo Kabushiki Kaisha:
	Chosho Maru No. 12.
04472---	Henmi Gyogyo Kabushiki Kaisha:
	Konpiramaru No. 22.
04482---	Kabushiki Kaisha Teizomaru:
	Eiko Maru.
04483---	Kaiomaru Gyogyo Kabushiki Kaisha:
	Kaiomaru No. 31.
04486---	Shukuura Enyo Gyogyo Kabushiki Kaisha:
	Shinwamaru No. 2.
04491---	Fukumaru Gyogyo Kabushiki Kaisha:
	Fukumaru No. 18.
04509---	Shiraha Enyo Gyogyo Kyodokumiai:
	Hakujinmaru No. 2.
04513---	Hinode Gyogyo Kabushiki Kaisha:
	Hinode Maru No. 55.

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Certificate No.	Owner/operator and vessels
04514---	Kasuga Gyogyo Kabushiki Kaisha: Kasuga Maru No. 3.
04515---	Kabushiki Kaisha Akitaken Gyogyo Kousha: Kubotamaru.
04518---	Tokusui Kabushi Kaisha: Kakimaru No. 8.
04529---	Mr. Ichitaro Ito: Ito Maru No. 28.
04535---	Mr. Eiji Uehara: Kochimaru No. 3.
04538---	Mr. Taijiro Ikeda: Taikimaru No. 18.
04544---	Mr. Yosuke Kawaguchi: Seishumaru No. 2.
04545---	Mr. Sadao Miyamoto: Seishoumaru No. 7.
04547---	Mr. Katsujiro Yamazaki: Kotohiramaru No. 38.
04548---	Mr. Yasohachi Nakamura: Kaiomaru No. 32. Kaiomaru No. 35.
04555---	Goyo Suisan K.K.: Shoyo Maru.
04559---	Daito Enyogyogyo Kabushiki Kaisha: Kairyumaru.
04600---	Stauffer Chemical Co., Inc.: SCC-50. SCC-55. SCC-60.
04668---	Philip Shipping Corp.: Garanda.
04674---	Pescanova, S.A.: Penalba.
04703---	Yokkaichi Gyogyo Kabushiki Kaisha: Chiyo Maru No. 25.
04769---	Texaco Norway A/S: Texaco Brasil.
05054---	Panama Overseas Shipping Co., Inc.: Conqueror.
05097---	Esso Transport Co., Inc.: Esso Montevideo.
05109---	Compania de Navegacion Victoria Neptuno, S.A.: Amita.
05281---	Slade, Inc.: LB 19.
05438---	Time Lines (Panama), Ltd., S.A.: Tien Tai.
05523---	Chemco Bulk Carriers, Inc. (Owners), and/or Melville Shipping & Trading, Ltd. (Managing Agent): Savonetta.
05598---	Pateras Brothers, Ltd.: Artigas.
05607---	Hannah Inland Waterways Corp.: Muskegon.
05638---	Productos Marinos Central Corp.: Seiho-Maru No. 2.
05759---	Victoria Shipping, Ltd.: Maya.
05840---	Mr. Rihei Sakishima: Sakiyoshimaru.
05968---	Koyo Suisan Kabushiki Kaisha: Koyo Maru No. 1.
06060---	Sunshine Shipping Co., S.A., Panama: Sunshine.
06093---	Ruth Marina S.A.: Ruthiena.
06114---	Masahei Yamamoto: Seishumaru No. 28. Seishumaru No. 18.
06336---	Mr. Sadao Ogino: Koryo Maru No. 31.
06459---	Todd, Ltd., Corp.: Todd.
06654---	Nelson Shipping: Inntal.
06686---	Forest Shipping Corp.: Forest Lake.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5649 Filed 4-12-72;8:49 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Bank of Florida & Trust Co. at Homestead, Homestead, Fla. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant has 31 subsidiary banks controlling aggregate deposits of $943 million and is the third largest banking organization in Florida, controlling 6.4 percent of deposits in commercial banks in the State.[1] Acquisition of Bank ($26 million in deposits) by Applicant would increase its percentage share of deposits by only 0.2 percent and would leave applicant as the third ranking banking organization in Florida. Consummation of the transaction will not result in a significant increase in the concentration of banking resources in Florida.

Bank is located in Dade County, as are two banking subsidiaries of applicant. However, the closest of those subsidiaries is 26 miles from Bank, and there is no substantial existing competition between those subsidiaries and Bank; nor, due to the distance involved, the presence of numerous banking alternatives, and Florida's branching statutes, is there substantial likelihood of future competition developing between those subsidiaries and Bank. Neither is there any significant possibility of substantial competition developing between any other of applicant's banking subsidiaries and Bank for similar reasons.

Moreover, consummation of this transaction could have a beneficial effect on competition in the Dade County area. Applicant presently controls only 2.1 percent of deposits in Dade County, and does not rank within the top 10 banking organizations. Acquisition of Bank would increase applicant's share of Dade County deposits by 0.8 percent and would give it a service outlet in an area of Dade County in which it is presently not represented. Acquisition of Bank should enable applicant to provide more effective competition for the much larger banking organizations in Dade County with which it must compete. For these reasons, the Board concludes that the competitive factors are consistent with approval of this application.

Considerations relating to the financial condition, managerial resources and prospects of applicant, its subsidiary banks and Bank are generally satisfactory. However, affiliation with applicant should strengthen Bank's management and this consideration lends some weight toward approval. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] April 6, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5586 Filed 4-12-72;8:45 am]

[1] Banking data are as of June 30, 1971, and reflect all holding company formations and acquisitions approved by the Board through Feb. 29, 1972.

FIRST NATIONAL BANK HOLDING CO., INC.

Order Approving Formation of Bank Holding Company

First National Bank Holding Co., Inc., Pinedale, Wyo., has applied for the Board's approval, under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), for the formation of a bank holding company through acquisition of 83.45 percent or more of the voting shares of First National Bank of Pinedale, Pinedale, Wyo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank, which has aggregate deposits of approximately $5.6 million. (All banking data are as of June 30, 1971.) All shareholders of Bank are being accorded substantially equal treatment. Since Applicant has no present operations or subsidiaries, it appears that consummation of the proposal would not affect existing or potential competition, nor have an adverse effect on any other bank in the area.

The banking considerations are consistent with approval of the application. The financial and managerial resources of Bank and its prospects are regarded as generally satisfactory. Applicant has not commenced operations; thus, its financial condition, management and prospects are dependent upon those of Bank. Applicant's projected earnings appear to be sufficient to service the debt which it will incur upon consummation of the proposed transaction, without adversely affecting Bank's capital structure. The proposed acquisition is not likely to have any significant immediate effect on the convenience and needs of the community. This aspect of the proposal is consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] April 6, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5587 Filed 4-12-72;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

WEERVA, INC.

Order Approving Acquisition of Banks

Weerva, Inc., Lakewood, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied separately for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more, respectively, of the voting shares of the following five banks: (1) First Westland National Bank, Lakewood, Colo. (Lakewood Bank); (2) The Bank of Vail, Vail, Colo. (Vail Bank); (3) The Erie Bank, Erie, Colo. (Erie Bank); (4) Eagle Valley Bank, Minturn, Colo. (Minturn Bank); and (5) Westland National Bank, Longmont, Colo. (Longmont Bank), a proposed new bank.

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls one bank, Wheat Ridge National Bank, Wheat Ridge, Colo. (Wheat Ridge Bank), with deposits of $3.3 million, representing 0.1 percent of the total commercial bank deposits in Colorado. Upon acquisition of Lakewood Bank (deposits of $20.8 million), Vail Bank (deposits of $4.8 million), Erie Bank (deposits of $1.2 million), Minturn Bank (deposits of $0.7 million), and Longmont Bank, a proposed new bank, Applicant would control approximately $31 million in deposits, representing 0.7 percent of total deposits in commercial banks in the State, and Applicant would be the smallest of nine multibank holding companies operating in Colorado. Consummation of the transactions will not result in a significant increase in the concentration of banking resources in Colorado.

Applicant presently directly owns between 20 and 23 percent of the voting shares of the four existing banks it seeks to acquire. The remaining shares of such banks are owned by a small group of shareholders who also have interests in applicant and whose shares in the various banks are generally proportionate to their interests in applicant. Because of this relationship, the several banks have been operated as a group with common officers and policies. The present applications by applicant are essentially a reorganization of ownership from an individual to a corporate capacity. Approval will likely have little effect on competition since, even if the applications were denied, there is little probability that any of the subsidiary banks would compete with one another.

Moreover, though certain of the banks are in the same markets or nearby markets, they are generally small factors in their markets and consummation of the proposal would have little competitive impact. Both Lakewood Bank and Wheat Ridge Bank are in the Denver banking market, which is characterized by large holding companies. Their combined deposits represent only 0.9 percent of total market deposits. The Erie Bank is located in the Weld County area, and its deposits represent only 0.7 percent of total market shares in that area. The Longmont Bank, which is a proposed new bank, would be part of the Boulder County area and would be competing with an organization that has over 40 percent of total market deposits. Vail Bank and Minturn Bank are both located in Eagle County with only one other bank in the area. The Vail Bank has 49 percent of market deposits in this area while the Minturn Bank has 6.9 percent of the deposits. However, due to the different economic characteristics of the two communities served and the intervening terrain, there is little competitive overlap between the two and little is likely to develop.

Although applicant will still be a small factor in Colorado after consummation of these acquisitions, it has a potential for future expansion which would provide additional competition for the large holding companies in Colorado and is a procompetitive development. The Board concludes that competitive considerations are consistent with approval of each of the applications.

Considerations relating to the financial condition, managerial resources, and prospects of applicant, its subsidiary bank, and the five banks sought to be acquired are generally satisfactory. However, upon consummation of the proposal applicant will raise additional capital funds for Lakewood Bank and Vail Bank. These considerations lend weight toward approval of those applications and are consistent with approval of the others. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the applications, particularly since the stronger internal organization that will result from approval of these applications should enable applicant to facilitate the transfer of personnel among banks as needed.

Finally, applicant shall not retain or acquire any nonbank shares or engage in any nonbanking activities to a greater extent or for a longer period than would apply in the case of a bank holding company which became such on the date of the proposed consummations, except to the extent otherwise permitted in any regulation of the Board hereafter adopted specifically relating to the effect of the acquisition of an additional bank on the status of nonbank shares and activities of a one-bank holding company formed prior to 1971, or unless the Board fails to adopt any such regulation before the expiration of 2 years after the consummation of the proposed acquisitions. It is the Board's judgment that consummation of the proposed acquisitions would be in the public interest and the applications should be approved.

On the basis of the record the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order; and (c) Longmont Bank, Longmont, Colo., shall be opened for business not later than 6 months after the date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] April 6, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5588 Filed 4-12-72;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sheehan. Absent and not voting: Governor Maisel.

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GENERAL SERVICES ADMINISTRATION

STORAGE BATTERY; VEHICULAR, IGNITION, LIGHTING, AND STARTING

Notice of Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with the following proposed revision: Federal Specification W-B-131J—Battery, Storage: Vehicular, Ignition, Lighting, and Starting.

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications to the end that (1) mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) the quality of the product to be shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on April 27, 1972, at 9:30 a.m., Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, VA. Anyone who wants to attend or desires further information should contact Mr. John T. Miller, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, Washington, D.C. 20406, telephone No. (Area Code 703) 557-7813.

Issued in Washington, D.C., on March 30, 1972.

L. E. SPANGLER,
Deputy Commissioner,
Federal Supply Service.

[FR Doc.72-5589 Filed 4-12-72;8:45 am]

INTER-AMERICAN FOUNDATION

BYLAWS

ARTICLE I—BOARD OF DIRECTORS

SECTION 1. All powers of the Foundation shall be vested in the Board of Directors (Board), except as may be otherwise delegated herein or by Resolution duly adopted by the Board to officers or agents of the Foundation. The Board shall direct the exercise of all powers of the Foundation.

SEC. 2. Without prejudice to the general powers of the Board, it is hereby expressly declared that the Board shall perform the following functions:

(a) The Board shall prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed.

(b) The Board shall annually approve for transmission to the Office of Management and Budget a budget as required by section 102 of the Government Corporation Control Act.

ARTICLE II—BOARD PROCEDURE

SECTION 1. The Board shall meet upon call of the Chairman or the President, and shall be called upon request of any three members of the Board. The Secretary shall give notice of the time, place, and purpose of each meeting by mailing the same at least 10 days before the meeting, or by telegraphing the same at least 7 days before the meeting to each Director. Any meeting at which a quorum is present shall be a legal meeting without regard to the foregoing notice provisions if each Director not present gives written consent to the meeting within 10 days thereafter.

SEC. 2. A majority of the members of the Board shall constitute a quorum for the transaction of business at any meeting. The vote of the majority attending a meeting shall constitute action of the Board of Directors, except that approval by a majority present and voting on a particular question shall be sufficient to constitute action of the Board of Directors under the circumstances specified in section 4 of this Article.

On matters of importance which must be decided between scheduled meetings, the Chairman or President may poll the members of the Board in writing or by telephone. Approval by a majority of the Board on such matters shall constitute action of the Board.

SEC. 3. The Chairman of the Board shall preside at all meetings thereof. The Vice Chairman of the Board shall, in the absence of the Chairman, preside over meetings of the Board.

SEC. 4. Any Director who deems it necessary or prudent to disqualify himself from participation in Board action on any matter in which he may have a conflict of interest shall advise the Chairman of his disqualification. A Director who is so disqualified shall be counted as present at the Board meeting for quorum purposes. A majority of the Directors present and voting shall be sufficient to constitute Board action on any question on which one or more Directors shall have disqualified himself by reason of conflict of interest.

SEC. 5. In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

SEC. 6. The bylaws may be amended at any meeting of the Board by the affirmative vote of at least four Directors: *Provided,* That notice of the general nature of any proposed amendment has been given in the manner prescribed in section 1 of the Article II: *And provided further,* That such notice may be waived by the written consent of each Director.

ARTICLE III—THE PRESIDENT

SECTION 1. The President, or in his absence or disability the Vice President for Planning and Liaison, shall be the chief executive officer of the Foundation, responsible to and under the general direction of the Board. He shall have general supervision, direction, and control of the business and officers of the Foundation in accordance with policies established by the Board, and shall exercise all powers and authorities of the Foundation except as the Board may otherwise provide. He shall represent the Foundation generally in its relations with the Congress of the United States, with agencies and departments of the Government and with all others having business with the Foundation. Wherever any statute or regulation provides for the exercise of any functions or authorities by a head of agency, such functions or authorities shall be exercised by the President. Except as limited by action of the Board, the President may make rules and regulations with respect to the Foundation and its business and may redelegate all or any part of his authority, including authority to obligate the Foundation.

SEC. 2. Except as may be otherwise provided by law or action of the Board, the President may appoint such officers, employees, attorneys, and agents as, from time to time, may be deemed necessary and may prescribe their duties and may fix their salaries or other compensation. Any such officer, employee, attorney, or agent of the Foundation may be removed at any time by the President. The appointment or removal of any officer shall be subject to approval by the Board. The powers herein confirmed relating to the appointment and removal of officers, employees, attorneys, and agents shall be in conformity with basic policy decisions developed by the Board and subject to the provisions of law and of rules and regulations of the Civil Service Commission to the extent made applicable by law.

ARTICLE IV—CORPORATE SEAL

SECTION 1. Seal. The seal of the Foundation shall be in such form as may be approved, from time to time, by the Board.

SEC. 2. Affixing and attesting. The seal of the Foundation shall be in the custody of the Secretary, who shall have power to affix it to the proper corporate instruments and documents, and who shall attest it. In his absence, it may be affixed and attested by an Assistant Secretary, if any, or by any other person or persons as may be designated by the Board.

KENT N. KNOWLES,
Secretary to the Board of Directors,
Inter-American Foundation.

[FR Doc.72-5611 Filed 4-12-72;8:47 am]

RENEGOTIATION BOARD

PERSONS HOLDING PRIME CONTRACTS OR SUBCONTRACTS FOR TRANSPORTATION BY WATER AS COMMON CARRIER

Extension of Time for Filing Financial Statements

Every person who held a prime contract or subcontract for transportation by water as a common carrier at any time during the calendar year 1971 is hereby granted an extension of time until September 1, 1972, for filing a financial statement for such year pursuant to section 105(e)(1) of the Renegotiation Act of 1951, as amended.

Dated April 10, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-5652 Filed 4-12-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5183]

AMERICAN NATURAL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Common Stock

APRIL 7, 1972.

Notice is hereby given that American Natural Gas Co., 30 Rockefeller Plaza, Suite 4950, New York, NY 10020 (American Natural), a registered holding company, and two of its subsidiary companies, Michigan Wisconsin Pipe Line Co., One Woodward Avenue, Detroit, MI 48226 (Michigan Wisconsin) and Michigan Consolidated Gas Co. (Michigan Consolidated), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Co. Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9, 10, and 12(f) of the Act and Rules 43 and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

American Natural proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 promulgated under the Act, 1,700,000 shares of its authorized and unissued common stock, par value $10 per share, at a price to be determined by the competitive bidding. American Natural proposes to use the proceeds from the sale of stock to invest up to a maximum of $25 million and $10,010,000 in the common stocks of Michigan Wisconsin and Michigan Consolidated, respectively, and to repay approximately $26 million of outstanding notes payable due May 31, 1972, issued pursuant to a line of credit with banks or under the exemption provided in section 6(b) of the Act (Holding Company Act Releases Nos. 17090 and 17373).

Michigan Wisconsin proposes to amend its Articles of Incorporation so as to increase the number of its authorized shares of common stock, par value $100 per share, from 1,795,000 shares (all of which are outstanding and owned by American Natural), to 2,045,000 shares, and to issue and sell to American Natural the additional 250,000 shares for an aggregate price of $25 million. Michigan Wisconsin will use the proceeds from the sale of stock to finance, in part, its 1972 construction program estimated at $140 million.

Michigan Consolidated proposes to amend its Articles of Incorporation so as to increase the number of its authorized shares of common stock, par value $14 per share, from 11,636,000 shares (all of which are outstanding and owned by American Natural), to 12,351,000 shares, and to issue and sell to American Natural the 715,000 additional shares for an aggregate price of $10,010,000. Michigan Consolidated will use the proceeds from the sale of stock to pay a like amount of its notes issued for interim financing which will be outstanding at the date of the sale.

It is stated that the issuance and sale of common stock by Michigan Consolidated is subject to the jurisdiction of the Michigan Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than May 8, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5602 Filed 4-12-72;8:46 am]

[File 24D-3152]

CASTALITE CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor and Notice of Opportunity for Hearing

APRIL 6, 1972.

The Castalite Corp., Suite 820, Midland Savings Building, Denver, Colo. 80202 (Issuer), a Delaware corporation, located at Suite 820, Midland Savings Building, Denver, Colo., filed with the Commission, on October 26, 1971, a notification on Form 1-A and an offering circular relating to an offering of 400,000 shares of its $0.01 par value common stock at $1.25 per share for an aggregate offering of $500,000. Subsequent to a staff letter of comment, an amended notification and offering circular and supplemental information were filed on November 23, 1971, covering a reduced offering of 320,000 shares for an aggregate offering of $400,000. The filing was made for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. George D. Learned & Co., 444 17th Street, Denver, CO, was designated as the underwriter of the offering and would receive a commission of $0.15 per share.

I. Based on information reported by the staff, the Commission has reason to believe that:

(A) The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

(1) The failure to disclose that the Issuer would be in direct competition with companies presently manufacturing and distributing a product substantially identical to that which the Issuer proposes to manufacture and distribute.

(2) Failure to disclose that the reinforced product which the Issuer is presently manufacturing through the facilities of a subcontractor cannot be made as a reinforced product with the machine which the Issuer proposes to purchase with a part of the proceeds of the offering.

(3) Failure to disclose that the Issuer will be the holder of exclusive national production and distribution rights to certain of its products only if other companies who are presently producing and distributing the product can be forced, by legal action, to cease such activities.

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(4) Failure to disclose that the Issuer has proposed that litigation be brought against certain of their competitors.

(5) An untrue statement that the principal promoter of the Issuer had acquired rights to one of the proposed products for $6,250 and transferred the rights to the Issuer at no cost to the Issuer.

(6) Failure to disclose that the rights to one of the proposed products had been obtained or are to be obtained in exchange for stock of the Issuer.

(7) Failure to disclose that the Issuer had proposed to issue stock in exchange for production facilities.

(8) Untrue statements regarding the background of the principal promoter of the Issuer.

(B) The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

II. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be determined by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5603 Filed 4-12-72;8:46 am]

[File 24SF-3804]

IMPROVED COMMUNICATIONS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 6, 1972.

I. Improved Communications, Inc., 1020 Corporation Way, Palo Alto, Calif. 94303 (ICI), incorporated in California on September 16, 1970, filed with the San Francisco Regional Office a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of its common stock at $2.50 per share for an aggregate offering price of $250,000. The offering commenced on November 29, 1971. Executive Park Securities, a registered broker-dealer having its principal place of business in Elmsford, N.Y., is the named underwriter.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular, as amended, omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading and contain untrue statements of material facts, particularly with respect to:

(1) The fact that Frederick Fuchshuber Hesse was an affiliate of ICI;

(2) The fact that Frederick Fuchshuber Hesse was a promoter of ICI; and

(3) Salaries and Commissions owed to an officer of ICI.

B. The Regulation A exemption was not available to ICI because Frederick Fuchshuber Hesse, a promoter and affiliate of ICI presently connected with it, is the subject of an order enjoining him from activities specified in Rule 252(d)(2) and has been convicted of crimes specified in Rule 252(d)(1) within 10 years of the filing of ICI's notification.

C. The offering was made in violation of sections 5 and 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Improved Communications, Inc., under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having an interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5604 Filed 4-12-72;8:46 am]

[812-3057]

PIEDMONT CAPITAL CORP.

Notice of Filing of Application for Exemption

APRIL 7, 1972.

Notice is hereby given that Piedmont Capital Corp., 177 North Dean Street, Englewood, NJ (Applicant), a New York corporation, has filed an application pursuant to section 11(a) of the Investment Company Act of 1940 (Act), for an order permitting a proposed offer of exchange, and pursuant to section 6(c) of the Act for exemption from the provisions of section 22(d) of the Act, as described below. Applicant, a registered broker dealer, is principal underwriter of the shares of Lexington Research Fund, Inc., and Lexington Growth Fund, Inc. (collectively "Lexington Funds"), open-end, diversified investment companies registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

An affiliate of Applicant, Templeton, Dobbrow and Vance, Inc. (TD&V), was formerly employed as subinvestment adviser to Vantage 10/90 Fund, Inc. (Vantage Fund), a diversified, open-end investment company registered under the Act. TD&V advised Applicant that TD&V had given written notice to Vantage Fund on September 30, 1971, of its intention to terminate its subadvisory agreement, effective November 30, 1971. Applicant states further that it was advised that Vantage Advisors, Inc., the principal investment adviser, and Vantage International, Inc., principal underwriter, respectively, of Vantage Fund had given notice that their services would be terminated on November 1, 1971; and that the Vantage Fund Board of Directors had determined that there was no possibility of obtaining another investment adviser on terms satisfactory to Vantage Fund.

Applicant alleges further that on the basis of the above, the Board of Directors of Vantage Fund called a meeting of its shareholders for November 19, 1971, to obtain approval to change the nature of Vantage Fund's business from a registered investment company to that of a holding company. Proxy material mailed to shareholders indicated, among other things, that Vantage Fund proposed to acquire more than 80 percent of the voting stock of Campbell Music Co. of Washington, D.C., and terminate its registration under the Act.

Applicant states its belief that the holders of a substantial portion of the shares of Vantage Fund purchased such shares through Applicant's sales personnel. The maximum sales charge for such shares was 8.5 percent. In the opinion

of Applicant, many of such purchasers acquired shares of Vantage Fund because the features of redeemability and regulation characteristic of registered management investment companies made the shares suitable to such purchasers' requirements. In addition, Applicant represents that some purchasers have used such shares as collateral in insurance premium "equity funding" programs, which require that any replacement securities be those of registered investment companies.

In view of the foregoing, Applicant recommended to Vantage Fund shareholders who had purchased their shares through Applicant's sales personnel and who still desired to hold shares of a registered investment company, that they redeem their Vantage Fund shares. In relation to such recommendation, Applicant filed an application with the Commission on October 26, 1971, to permit those Vantage shareholders who might redeem their shares pursuant to Applicant's recommendation, to purchase Lexington Fund shares at net asset value. Applicant informed such shareholders that the application had been filed. Subsequently, the Vantage Fund meeting was not convened; the proposed plan of reorganization was not effectuated; and thus no action was taken on the application.

Applicant now represents that, on the basis of its recommendations to the Vantage Fund shareholders, 51 persons have purchased Lexington Fund shares with the proceeds from redeemed Vantage Fund shares. Total redemptions by such persons aggregated $82,949.50, all of which, excluding sales charges collected of $5,734.70, were used to purchase the Lexington Fund shares. Five additional persons have requested redemption of 498 Vantage Fund shares in order that they might purchase Lexington shares.

Applicant states that in view of Vantage Fund's apparent abandonment of its proposed reorganization, Applicant has discontinued soliciting or accepting further orders for Lexington shares from Vantage Fund shareholders on the basis described above. Accordingly, Applicant has hereby amended its original application and now requests that the Commission grant an exemption under section 22(d) of the Act to permit Applicant to offer to the 51 Vantage Fund shareholders who have redeemed (and to the five individuals described above who wish to redeem) their shares in order to purchase Lexington shares, either (1) a refund of the sales charges paid, or (2) an opportunity to acquire Lexington shares with the redemption proceeds at net asset value rather than the public offering price, which includes sales charges at the same rate as those charged by Vantage Fund.

Applicant states that it has not been in a position to make such offer to all Vantage Fund shareholders since it does not possess a shareholder list and believes that any request for such list would be refused. According to the application, under the laws of Maryland, the State of incorporation of Vantage Fund, a shareholder list is obtainable only by a holder of five percent (5%) or more of the outstanding shares.

Section 11(a). Section 11(a) provides, in pertinent part, that no principal underwriter of a registered open-end investment company may offer to exchange a security of such company for a security of any other open-end investment company on any basis other than the relative net asset values of the securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission or are in accordance with such rules and regulations as the Commission may have prescribed in respect of such offers.

Inasmuch as Applicant's offer would be made only to a limited number of Vantage Fund shareholders, there is some question as to the applicability of section 11(a).

Section 22(d). Section 22(d) provides, in pertinent part, that no principal underwriter of a security of a registered investment company shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protections of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the exemptions requested are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 28, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5605 Filed 4-12-72;8:47 am]

SMALL BUSINESS ADMINISTRATION

[License 10/10-0030]

NORTHWEST CAPITAL INVESTMENT CORP.

Notice of Application for a License as Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1971)) under the name of Northwest Capital Investment Corp., 415 North Third Street, Post Office Box 526, Yakima, WA 98901, for a license to operate in the State of Washington as a small business investment company under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and principal stockholders are:

Robert M. Harris, Spader Bay, Chelan, Wash. 98816, President and Director, 10.14 percent.
Donald H. Ballew, 1908 West Yakima Avenue, Yakima, WA 98902, Vice President and Director, 10.94 percent.
David W. Williams, 4109 West Chestnut, Yakima, WA 98902, Director, Secretary and Treasurer, 10.94 percent.
R. L. Uber, Route 4, Post Office Box 190, Yakima, WA 98902, 10.94 percent.
Northwest Medical Resources, Inc., 1103 West Spruce, Yakima, WA 98902, 15.12 percent.

The company will begin operations with an initial capitalization of $430,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily within the State of Washington.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than fifteen (15) days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the pro-

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posed company. Any communication should be addressed to: Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Yakima, Wash.

Dated: April 6, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5601 Filed 4-12-72;8:46 am]

DEPARTMENT OF LABOR

Office of the Secretary

NORTH DAKOTA

Notice of Determinations Regarding Temporary Compensation

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, Title II), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determinations as follows:

1. There is a "temporary on" indicator for the week beginning February 6, 1972, for the State of North Dakota.

2. A temporay benefit period, as provided in section 202(c)(3)(A)(i)(I) of the Act and 20 CFR 617.5, begins on February 27, 1972, the first day of the third calendar week after the week for which there is a "temporary on" indicator, in the State of North Dakota which, before February 27, 1972, entered into an agreement with the Secretary of Labor as provided in section 202 of the Act.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of North Dakota. However, no temporary compensation under the Act is payable for any week of unemployment, even though such week is in a temporary benefit period, if it—

(a) Ends after June 30, 1972; or

(b) Ends after September 30, 1972, in the case of an individual who had a week ending before July 1, 1972, with respect to which temporary compensation was payable to him.

Signed at Washington, D.C., this 31st day of March 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-5600 Filed 4-12-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 10, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26924, Great Western Railway Co. Abandonment between Officer and Eaton, in Weld and Larimer Counties, Colo., now assigned April 24, 1972, at Fort Collins, Colo., canceled and reassigned to April 24, 1972, on the Fourth floor, Weld County Courthouse, Ninth Street and Ninth Avenue, Greeley, CO.

I&S M-25477, General Increase, East—South Territory, and I&SM-25477 Sub 1, General Increase, within Southern Territory, now assigned April 24, 1972, at Washington, D.C., postponed to May 15, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 19227 (Sub-No. 163), LEONARD BROS. TRUCKING CO., INC., application dismissed.

MC 98952 Sub 25, General Transfer Co., now assigned April 24, 1972, at Indianapolis, Ind., will be held in Room 602, Public Service Commission, 100 North Senate Avenue.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5667 Filed 4-12-72; 8:52 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 10, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42396—*Volcanic scoria or slag from points in New Mexico and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-297), for interested rail carriers. Rates on volcanic scoria or slag, not pumice stone, in carloads, as described in the application, from Albuquerque, Carrizozo, Coyote, Lamy, Santa Fe, N. Mex., and Planeport, Tex., to Chicago, Ill.

Grounds for relief—Rate relationship.

Tariff—Supplement 126 to Southwestern Freight Bureau, agent, tariff ICC 4883. Rates are published to become effective on May 10, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5666 Filed 4-12-72;8:52 am]

[Notice 45]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publciation of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73405. By order of April 5, 1972, the Motor Carrier Board approved the transfer to Cressler Trucking, Inc., Shippensburg, Pa., of the operating rights in certificates Nos. MC-125813, MC-125813 (Sub-No. 1), MC-125813 (Sub-No. 2), MC-125813 (Sub-No. 4), MC-125813 (Sub-No. 5), MC-125813 (Sub-No. 6), MC-125813 (Sub-No. 8), MC-125813 (Sub-No. 9) and MC-125813 (Sub-No. 10), issued May 19, 1964, February 5, 1965, January 6, 1966, October 12, 1966, October 12, 1966, May 21, 1968, June 7, 1967, June 21, 1968, and July 6, 1970, respectively to Frank A. Cressler, doing business as Cressler's Trucking, Shippensburg, Pa., authorizing the transportation of various commodities from, to and between specified points and areas in Arizona, Arkansas, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, and the District of Columbia. Herbert R. Nurick, Post Office Box 1166, Harrisburg, PA 17108, attorney for applicants.

No. MC-FC-73415. By order of April 6, 1972, the Motor Carrier Board approved the transfer to Day H. Thurmond, Humberto Garza, T. F. Clingman, and Mary Lou Carothers Foster, a partnership doing business as International Transportation Co., Del Rio, Tex., of the operating rights in certificate No. MC-104452 issued March 3, 1961, to T. F. Clingman, Roger Thurmond, Humberto Garza, and Mary Lou Carothers Foster, a partnership, doing business as International Transportation Co., Del Rio, Tex., authorizing the transportation of passengers and their baggage, between Del Rio, Tex., and the United States-Mexico boundary line, serving no intermediate points. John R. Foster, Del Rio National Bank Building, Del Rio, Tex. 78840, attorney for applicants.

No. MC-FC-73427. By order of April 6, 1972, the Motor Carrier Board approved the transfer of Readding Van & Storage Co., Inc., Vineland, N.J., of the operating rights in certificate No. MC-1647 issued June 28, 1963, to Gertrude Todd, doing business as Todd's Express, North Wildwood, N.J., authorizing the transportation of household goods, as defined by the Commission, between points in Cape May County, N.J., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, Georgia, North Carolina, South Carolina, Ohio, West Virginia, Delaware, Florida, Maryland, Pennsylvania, New York, Virginia, those in New Jersey in the New York, N.Y., commercial zone, and those in the District of Columbia, Alexander Markowitz, 1180 Karin Street, Post Office Box 793, Vineland, NJ 08360, registered practitioner for applicants.

No. MC-FC-73587. By order of April 5, 1972, the Motor Carrier Board approved the transfer to Shippers Terminal Co. of California, Inc., Los Angeles, Calif., of the operating rights in Certificate No. MC-59230 issued September 17, 1969, to Great Western Container Freight Transport, a corporation, Los Angeles, Calif., authorizing the transportation of general commodities, with exceptions, between specified points in California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-73594. By order of April 5, 1972, the Motor Carrier Board approved the transfer to Douglas Garrison and Ruth E. Garrison, doing business as Douglas Garrison, Beaver Springs, Pa., of Permit No. MC-83744 issued April 2, 1965, to Eastern Carrier Corp., Philadelphia, Pa., authorizing the transportation of: Milk and milk products, between points in Maryland, Delaware, New Jersey, the District of Columbia, and specified portions of Virginia; named points in New York, and Maryland. Paul A. Levy, attorney, 1420 Walnut Street, Philadelphia, PA 19102.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5665 Filed 4-12-72;8:52 am]

[Ex Parte 270 (Sub-No. 2)]

INVESTIGATION OF RAILROAD FREIGHT SERVICE

Report

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of March 1972.

Upon consideration of the record in the above-entitled proceeding, the report entered November 5, 1971, and of:

(1) A petition filed January 24, 1972, by the Western Railroads for waiver of Rule 101(e) and for immediate stay of the reporting and remedial action provisions in the report, and;

(2) Opening statements of respondents filed February 23, 1972,

(a) Containing suggestions in regard to Form BOp-105, the Railroad Freight Service Report and instructions, and the suggested procedure for processing them,

(b) Withdrawing any objection to the reporting requirement referred to in (1) above, and

(c) Objecting to the Commission stating that it would take "appropriate corrective action and, if necessary, notify the carrier regarding the remedial action he should take" in regard to any shipper's complaint on Form BOp-105 until rules in this regard have been promulgated in accordance with the Administrative Procedure Act, 5 U.S.C.A. section 553(b)(3).

It appearing, That, inasmuch as the Commission is only in the initial stages of a data gathering program, respondents' objection is premature in regard to any corrective action the Commission might take or any remedial action the Commission might require a carrier to take in the event a shipper's complaint, filed on Form BOp-105, is not satisfied by the carrier;

It is ordered, That Rule 101(e) be, and it is hereby, waived and the petition of the Western Railroads is accepted for filing;

It is further ordered, That the petition of the Western Railroads for an immediate stay be, and it is hereby denied for the reason that sufficient grounds have not been presented for granting the relief sought;

It is further ordered, That in addition to the statutory authority contained in the order of January 19, 1972, sections 1(11) through 1(17) of the Interstate Commerce Act are specified as additional authority for the institution of this investigation;

It is further ordered, That the order of January 19, 1972, in this proceeding be, and it is hereby, vacated insofar as it (1) provided for the use of a draft "Railroad Freight Service Report," Form BOp-105 contained in Appendix A[1] to that order, and (2) prescribed procedures for filing and processing such completed forms; but in all other respects, the order of January 19, 1972, remains in effect;

It is further ordered, That the revised form of the Railroad Freight Service Report, Form BOp-105, shown in Appendix A,[1] may be completed by shippers, consignees, and/or others alleging deficiencies in railroad freight service. Such reports must be filed within 45 days from the date of the deficiency or from the date the car is spotted at consignee's dock, whichever is later. Such reports should be filed with the nearest Regional Director whose address is contained in Appendix B, with a copy to the railroad involved. Within 30 days from the date the shipper's initial report is filed the railroad must file a reply to the same Regional Director to whom the shipper has filed its report, indicating the corrective action taken or other appropriate response. Within 30 days from the date of the railroad's reply statement, shipper must file a further statement to the same Regional Director, with a copy to the railroad, indicating that the service deficiency has not been corrected. If no such statement is filed, then the service deficiency will be presumed to have been corrected. Upon receipt of the shipper's final statement, if any, indicating that the service deficiency has not been alleviated, the Interstate Commerce Commission will, depending on the circumstances, take appropriate corrective action and, if necessary, notify the carrier regarding the remedial action he should take;

And it is further ordered, That a copy of this notice and order be served on all parties on the service list and mailed to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX B

Names and addresses of Regional Directors:

Region 1

Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont: Howard S. Thayer, Regional Director, John Fitzgerald Kennedy Building, Government Center, Room 2211B, Boston, MA 02203.

Region 2

Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia: Anthony W. Bummara, Regional Director, 16th Floor, 1518 Walnut Street, Philadelphia, PA 19102.

Region 3

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: James L. Haygood, Regional Director, Room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

Region 4

Illinois, Indiana, Michigan, North Dakota, South Dakota, and Wisconsin: James J. Werner, Regional Director, Room 1086, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604.

Region 5

Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas: James H. Berry, Regional Director, 9A27 Fritz Garland Lanham, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

Region 6

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming: Marvin W. VanCleave, Regional Director, 13001 Federal Building, 450 Golden Gate Avenue, Post Office Box 36004, San Francisco, CA 94102.

[FR Doc.72-5668 Filed 4-12-72;8:53 am]

[Notice 28]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

APRIL 7, 1972.

The following applications are governed by § 1100.247[2] of the Commission's

[1] Appendix A filed as part of the original document.

[2] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 4405 (Sub-No. 493), filed March 16, 1972. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, Lansing, IL 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Curtains, dust collecting, electric precipitators and parts thereof*, from Warren, Ohio, to points in the United States, including Alaska but excepting Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 10343 (Sub-No. 22), filed March 13, 1972. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, MO 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Princeton, Mo., and Des Moines, Iowa: From Princeton, Mo., over U.S. Highway 65 to Des Moines, Iowa, and return over the same route; (2) between Centerville, Iowa and Des Moines, Iowa; (a) from Centerville, Iowa over Iowa Highway 5 to Des Moines, Iowa and return over the same route; (b) from Centerville, Iowa over Iowa Highway 2 to its junction with U.S. Highway 65, thence over U.S. Highway 65 to Des Moines, Iowa and return over the same route; and (c) from Centerville, Iowa over Iowa Highway 5 to its junction with U.S. Highway 34, thence over U.S. Highway 34 to its junction with U.S. Highway 65, thence over U.S. Highway 65 to Des Moines, Iowa, and return over the same route; (3) between Ottumwa, Iowa and Des Moines, Iowa; (a) from Ottumwa, Iowa over U.S. Highway 63 to its junction with Iowa Highway 163, thence over Iowa Highway 163 to Des Moines, Iowa, and return over the same route; (b) from Ottumwa, Iowa over U.S. Highway 63 to its junction with U.S. Highway 6, thence over U.S. Highway 6 to Des Moines, Iowa, and return over the same route, serving the junction of U.S. Highways 6 and 63 as a point of joinder only;

(c) from Ottumwa, Iowa, over U.S. Highway 63 to its junction with Interstate Highway 80, thence over Interstate Highway 80 to Des Moines, Iowa, and return over the same route, serving the junction of U.S. Highway 63 and Interstate Highway 80 as a point of joinder only; (d) from Ottumwa, Iowa, over U.S. Highway 63 to its junction with Iowa Highway 92, thence over Iowa Highway 92 to its junction with Iowa Highway 5, thence over Iowa Highway 5 to Des Moines, Iowa, and return over the same route; (e) from Ottumwa, Iowa, over U.S. Highway 34 to its junction with Iowa Highway 5, thence over Iowa Highway 5 to Des Moines, Iowa, and return over the same route; and (f) from Ottumwa, Iowa, over U.S. Highway 34 to its junction with U.S. Highway 65, thence over U.S. Highway 65 to Des Moines, Iowa, and return over the same route; and (4) between the junction of U.S. Highway 218 and Iowa Highway 92 and Des Moines, Iowa; from the junction of U.S. Highway 218 and Iowa Highway 92 over Iowa Highway 92 to its junction with Iowa Highway 163, thence over Iowa Highway 163 to Des Moines, Iowa, and return over the same route. Serving points in the following described area as off-route points in connection with the regular routes listed above: That part of Missouri north and east of a line beginning at West Quincy, Mo., and extending along U.S. Highway 24 to Carrollton, Mo., thence along U.S. Highway 65 to the Missouri-Iowa State line, including points on the indicated portions of the highways specified. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.; Des Moines, Iowa, or Omaha, Nebr.

No. MC 22195 (Sub-No. 144), filed March 13, 1972. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st and Grange Avenue, Post Office Box 946, Sioux Falls, SD 57101. Applicant's representative: J. P. Everist (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Fergus Falls, Minn., to points in North Dakota and South Dakota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 33641 (Sub-No. 99), filed March 15, 1972. Applicant: IML FREIGHT, INC., 2175 South 3270 West, Salt Lake City, Utah 80217. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, other than grain and livestock feed, and commodities requiring special equipment), serving the plantsite of Idaho Fresh Pak, Inc., at or near Lewisville, Idaho, as an off-route point in connection with carrier's authorized regular-route operation. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 35358 (Sub-No. 28), filed March 13, 1972. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive NE., Minneapolis, MN 55421. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel*, from Secaucus, N.J., to Minneapolis, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 61231 (Sub-No. 64), filed March 6, 1972. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 40317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Belle Fourche, S. Dak., to points in Illinois, Indiana, Iowa, Kansas, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Minneapolis, Minn.

No. MC 61440 (Sub-No. 131), filed March 20, 1972. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Post Office Box 82488, Exchange Branch, Oklahoma City, OK 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, OK 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the General Tire and Rubber Co. at or near Mt. Vernon, Ill., as an off-route point in connection with applicant's existing authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Akron, Ohio, or Washington, D.C.

No. MC 91053 (Sub-No. 11), filed February 22, 1972. Applicant: TRANSWORLD MOVERS, INC., 4955 Olive Street, Commerce City, CO 80022. Applicant's representative: Walter R. Plankinton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the United States, including the District of Columbia, but excluding Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that the granting of the requested authority would allow for cancellation of present 38 States radial authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Washington, D.C.

No. MC 94403 (Sub-No. 3), filed August 27, 1971. Applicant: GAGNON & SON MOVERS, INC., 153 Main Street, Fort Fairfield, ME 04742. Applicant's representative: Richard D. Adams, 8 Church Street, Fort Fairfield, ME 04742. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Commission, between Fort Fairfield, Maine, on the one hand, and, on the other, points in Maine. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Fort Fairfield, Maine, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 105755 (Sub-No. 16), filed March 13, 1972. Applicant: M.J.K. TRUCKING CORP., 1040 John Alden Lane, Schenectady, NY 12306. Applicant's representative: John L. Alfano, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., and Philadelphia, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that he has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106400 (Sub-No. 86), filed March 14, 1972. Applicant: KAW TRANSPORT COMPANY, a corporation, Post Office Box 12628, North Kansas City, MO 64116. Applicant's representative: Robert L. Hawkins, Jr., Post Office Box 456, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in tank vehicles, from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107012 (Sub-No. 146), filed March 13, 1972. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East at Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos*, uncrated, from Marion, N.C., to points in California, Oregon, and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 107488 (Sub-No. 6), filed March 22, 1972. Applicant: MANOR TRUCKING CO., INC., Road 6 West, Kendallville, Ind. 46755. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Butler and Peru, Ind., to points in Defiance, Paulding, Putnam, Van Wert, and Williams Counties, Ohio, and Barry, Berrien, Branch, Calhoun, Cass, Eaton, Hillsdale, Ionia, Jackson, Kent, Lenawee, Ottowa, Muskegon, St. Joseph, and Van Buren Counties, Mich. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109677 (Sub-No. 40), filed March 9, 1972. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: Harold G. Hernly, 2030 North Adams Street, Suite 510, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Providence, R.I., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Pennsylvania, New Jersey, and New York. NOTE: Applicant states that the requested authority would be tacked with its authority under MC 109677 (Sub-No. 28) authorizing liquefied petroleum gas, in bulk, in tank vehicles, from Selkirk and Hudson Falls, N.Y., to points in Rhode Island to provide a through service over Providence to points in Plymouth, Barnstable, and Bristol Counties, Mass., presently excluded from its authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 110740 (Sub-No. 2), filed March 13, 1972. Applicant: A. A. ROCCO TRUCKING CORPORATION, 5915 Schaaf Road, Cleveland, OH 44131. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from the plantsite of Silica, Inc., located in Twinsburg, Ohio, to points in New York, Pennsylvania, West Virginia, Indiana, and Michigan. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

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No. MC 112123 (Sub-No. 7) (Amendment), filed November 10, 1971, published in the FEDERAL REGISTER issue of December 23, 1971, and republished as amended this issue. Applicant: BESTWAY TRANSPORTATION, a corporation, 2343 West Mohave Street, Phoenix, AZ 85009. Applicant's representative: Marvin Handler, 405 Montgomery Street, Suite 1400, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except commodities in bulk and used household goods as defined in 17 M.C.C. 467) from, to and between points and places on the routes described below, serving all intermediate points, as follows: I. (1). From Phoenix, Ariz., over Interstate Highway 17 to Flagstaff, Ariz., thence over U.S. Highways 89 and 164 to Teec Nos Pos, Ariz.; (2) From Teec Nos Pos, Ariz., over Arizona Highway 504 to the Arizona-New Mexico State line at a point approximately 2 miles east of Teec Nos Pos, Ariz.; (3) From Teec Nos Pos, Ariz., over U.S. Highway 164, to Four Corners, Ariz., located approximately 5 miles north of Teec Nos Pos, Ariz.; (4) From Phoenix, Ariz., over Interstate Highway 17 to Flagstaff, Ariz., thence over U.S. Highway 89 to Kanab, Utah, thence over Alternate U.S. Highway 89 to Fredonia, Ariz.; (5) From Fredonia, Ariz., over Alternate U.S. Highway 89 to Bitter Springs, Ariz.; (6) From Fredonia, Ariz., over Arizona Highway 389 to Colorado City, Ariz.; (7) From Jacob Lake, Ariz., over Arizona Highway 67 to North Rim (Grand Canyon), Ariz.; (8) From Tuba City, Ariz., over Arizona Highway 264 to Window Rock, Ariz.; (9) From Window Rock, Ariz., over unnumbered county road by way of Fort Defiance, Ariz., to Sawmill, Ariz.;

(10) From Kayenta, Ariz., over Arizona Highway 464 to its junction with the Utah-Arizona State line near Monument Valley, Ariz.; (11) From Mexican Water, Ariz., southerly over unnumbered county road by way of Round Rock, Ariz., to Red Rock, Ariz.; (12) From Round Rock, Ariz., southerly over unnumbered County Road by way of Many Farms, Ariz., and Chinle, Ariz., to its junction with Arizona Highway 264 approximately 6 miles west of Ganado, Ariz.; (13) From Flagstaff, Ariz., over Interstate Highway 40 to Lupton, Ariz.; (14) From St. Michaels, Ariz., southerly over unnumbered county road by way of Hunters Point, Ariz., to Lupton, Ariz.; (15) From Second Mesa, Ariz., over Arizona Highway 87 to its junction with Interstate Highway 40 approximately 3 miles east of Winslow, Ariz.; (16) From Holbrook, Ariz., over Arizona Highway 77 to Show Low, Ariz.; (17) From Show Low, Ariz., over U.S. Highway 60 by way of Springerville, Ariz., to its junction with the Arizona-New Mexico border approximately 10 miles east of Springerville, Ariz.; (18) From Sanders, Ariz., over U.S. Highway 666 and Arizona Highway 61 by way of St. Johns, Ariz., to its junction with U.S. Highway 60 approximately 4 miles west of Springerville, Ariz.; (19) From Concho, Ariz., over U.S. Highway 180 to St. Johns, Ariz.; (20) From Holbrook, Ariz., over U.S. Highway 180 to Concho, Ariz.; (21) From Concho, Ariz., over Arizona Highway 61 to its junction with U.S. Highway 60 at a point approximately 13 miles east of Show Low, Ariz.; (22) From Sun Valley, Ariz., over Arizona Highway 77 by way of Indiana Wells, Ariz., to its junction with Arizona Highway 264 at a point approximately 8 miles east of Keams Canyon, Ariz.; (23) From Hermits Rest, Ariz., over Arizona Highway 64 to its junction with U.S. Highway 89 approximately 2 miles south of Cameron, Ariz.; (24) From Grand Canyon, Ariz., over U.S. Highway 180 and Arizona Highway 64 to its junction with Interstate Highway 40 at a point approximately 2 miles east of Williams, Ariz.;

(25) From Flagstaff, Ariz., westerly and northerly over U.S. Highway 180 to its junction with Arizona Highway 64 at a point approximately 2 miles west of Valle, Ariz.; (26) From Kingman, Ariz., over Interstate Highway 40 and U.S. Highway 66 to Flagstaff, Ariz.; (27) From Kingman, Ariz., over U.S. Highway 93 to its junction with the Nevada-Arizona border at Hoover Dam; (28) From Kingman, Ariz., over Arizona Highway 68 and unnumbered county road to Bullhead City, Ariz.; (29) From Katherine Landing southerly over unnumbered county road by way of Riviera and the Mohave Indian Reservation to Topock, Ariz.; (30) From Topock, Ariz., over U.S. Highway 66 and Interstate Highway 40 to Kingman, Ariz.; (31) From Kingman, Ariz., southerly and westerly over unnumbered county road by way of Goldroad, Ariz., and Oatman, Ariz., to Mohave Indian Reservation, Ariz.; (32) From Kingman, Ariz., over U.S. Highway 93 to Wickenburg, Ariz.; (33) From Wickenburg, Ariz., over Arizona Highway 93, U.S. Highways 89, 60, and 70 to Phoenix, Ariz.; (34) From Lake Havasu City, Ariz., over Arizona Highway 95 to its junction with U.S. Highway 66 at a point approximately 10 miles east of Topock, Ariz.; (35) From Lake Havasu City, Ariz., over Arizona Highway 95 to Parker, Ariz.; (36) From Parker, Ariz., over Arizona Highways 72 and 95 to Hope, Ariz.; (37) From Parker, Ariz., southerly over unnumbered county road by way of Poston, Ariz., to Ehrenberg, Ariz.; (38) From Ehrenberg, Ariz., over Interstate Highway 10, Phoenix, Ariz.; (39) From Wickenburg, Ariz., over U.S. Highways 60 and 60 and Interstate Highway 10 to Ehrenberg, Ariz.; (40) From Aguila, Ariz., over Arizona Highway 71 to Congress, Ariz.; (41) From Phoenix, Ariz., over Interstate Highway 10 to its junction with the Arizona-New Mexico border at a point approximately 10 miles east of San Simon, Ariz.; (42) From Florence, Ariz., over U.S. Highway 89 to Nogales, Ariz.; (43) From Ajo, Ariz., over Arizona Highway 86 to Tucson, Ariz.; (44) From Gila Bend, Ariz., over Arizona Highway 85 to Ajo, Ariz.; (45) From Casa Grande, Ariz., over Arizona Highway 84 and Interstate Highway 8 to Gila Bend, Ariz.;

(46) From Avondale, Ariz., over U.S. Highway 80 to Gila Bend, Ariz.; (47) From Gila Bend, Ariz., over Interstate Highway 8 to Yuma, Ariz.; (48) From Yuma, Ariz., over U.S. Highway 95 to San Luis, Ariz.; (49) From junction of Interstate Highway 10 and U.S. Highway 95 near Quartz Site, Ariz., southerly over U.S. Highway 95 to its junction with unnumbered county road at a point located approximately 2 miles west of Dome, Ariz.; (50) From Dome, Ariz., over unnumbered county road and U.S. Highway 95 to Yuma, Ariz.; (51) From junction of Arizona Highway 95 and Interstate Highway 10 near Quartz Site, Ariz., northerly over Arizona Highway 95 to its junction with Arizona Highway 72 at a point located approximately 12 miles south of Parker, Ariz.; (52) From Congress, Ariz., over U.S. Highway 89 to Ash Fork, Ariz.; (53) From Springerville, Ariz., over U.S. Highway 666 by way of Clifton, Ariz., to its junction with Arizona Highway 78 at a point approximately 10 miles south of Clifton, Ariz.; (54) From junction of Arizona Highways 75 and 78 at a point approximately 10 miles south of Clifton, Ariz., southerly over Arizona Highway 75 to its junction with Arizona-New Mexico border at a point approximately 5 miles east of Duncan, Ariz.; (55) From Alpine, Ariz., over U.S. Highway 180 to Luna Lake Recreational Area, Ariz.; (56) From junction of Arizona Highway 78 and U.S. Highway 70 at a point approximately 3 miles east of San Jose, Ariz., northerly and easterly over Arizona Highway 78 to its junction with Arizona-New Mexico border at a point approximately 5 miles west of Mule Creek, N. Mex.; (57) From Globe, Ariz., over U.S. Highway 70 to its junction with Arizona-New Mexico border at a point approximately 2 miles east of Franklin, Ariz.; (58) From Show Low, Ariz., over U.S. Highway 60 to Globe, Ariz.; (59) From Phoenix, Ariz., over U.S. Highways 60, 70, 80, and 89 to Globe, Ariz.; (60) From Globe, Ariz., over U.S. Highways 60 and 70 to Florence Junction, Ariz.; (61) From Florence, Ariz., over U.S. Highways 80 and 89 to Phoenix, Ariz.; (62) From Mesa, Ariz., over Arizona Highway 87 to Bapchule, Ariz.; (63) From Ocotillo, Ariz., over Arizona Highway 287 to Florence, Ariz.; (64) From Chandler, Ariz., over unnumbered county road to Maricopa, Ariz.; (65) From Maricopa, Ariz., over unnumbered county road to Casa Grande, Ariz.;

(66) From Safford, Ariz., over U.S. Highway 666 to its junction with Interstate Highway 10 at a point approximately 5 miles west of Bowie, Ariz.; (67) From Benson, Ariz., over U.S. Highway 80 to Douglas, Ariz.; (68) From Douglas, Ariz., over U.S. Highway 80 to its junction with Arizona-New Mexico border at a point approximately 1 mile west of Rodeo, N. Mex.; (69) From Robles Junction, Ariz., over Arizona Highway 286 to Sasabe, Ariz.; (70) From Lukeville, Ariz., over Arizona Highway 85 to Why, Ariz.; (71) From Winslow, Ariz., over Arizona Highway 87 to Phoenix, Ariz.; (72) From Payson, Ariz., over Arizona Highways 160 and 277 to Snowflake, Ariz.; (73) From Prescott, Ariz., over Arizona Highway 69 to Cordes Junction, Ariz.; (74) From Phoenix, Ariz., over Interstate Highway 10 to Casa Grande, Ariz.; and (75) From Davis Dam, Ariz., over Arizona Highway 68 to Kingman, Ariz.; II. Traversing the States of: California, Nevada, Utah, Colorado, and New Mexico for operating convenience only over the following described routes: (1) From Topack, Ariz., over U.S. Highway 66 to its junction with U.S. Highway 95 at a point approximately 17 miles west of Needles, Calif., thence northerly over U.S. Highway 95 to its junction with U.S. Highway 93 at a point approximately 19 miles southeast of Las Vegas, Nev., thence over U.S. Highways 91 and 93 to St. George, Utah, thence over Utah Highways 17 and 59 to Colorado City, Ariz.; (2) From Four Corners, Ariz., over U.S. Highway 164 to its junction with U.S. Highway 666 at a point approximately 24 miles east of the Colorado-Utah-Arizona-New Mexico boundary lines, thence southerly over U.S. Highway 666 to Shiprock, N. Mex.; thence westerly over New Mexico Highway 504 to Teec Nos Pos, Ariz.; and

(3) From Interstate Highway 10 at its junction with the Arizona-New Mexico border located at a point approximately 4 miles west of Steins, N. Mex., easterly over Interstate Highway 10 to its junction with U.S. Highway 80 at Roadforks, N. Mex., thence southerly over Interstate Highway 80 to its junction with the Arizona-New Mexico border at a point approximately 1 mile west of Rodeo, N. Mex.; III. Serving off-route points in the Arizona counties of Mohave, Yuma, Maricopa, Pinal, Pima, Santa Cruz, Cochise, Graham, and Greenlee, and those portions of Gila, Navajo, and Apache Counties, Ariz., south of U.S. Highway 60; and those portions of Yavapai and Coconino Counties, Ariz., south of U.S. Highway 89; and the Navajo and Hopi Indian Reservations in Arizona and the Lake Mead National Recreation Area located in Mohave County, Ariz. NOTE: The purpose of this republication is to redescribe the authority sought. Applicant states that tacking will be made at common points with presently held authority. The instant application seeks to convert its certificate of registration in MC 112123 (Sub-No. 6) into a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Los Angeles, Calif.

No. MC 112750 (Sub-No. 286), filed March 14, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, (1) Between Madison and Milwaukee, Wis., on the one hand, and, on the other, points in Boone, Carroll, Cook, DeKalb, DuPage, Jo-Daviess, Kane, Lake, McHenry, Ogle, Stephenson, and Winnebago Counties, Ill.; and (2) between Chicago, Ill., on the one hand, and, on the other, points in Dearborn, Franklin, Jennings, Ohio, and Ripley Counties, Ind. NOTE: Applicant is an authorized contract carrier operating under MC 111729 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114106 (Sub-No. 94), filed March 7, 1972. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Box 894, 1820 South Main Street, Lexington, NC 27292. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry corn products*, in bulk (a) from Atlanta, Ga., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, and (b) from Lexington, N.C., to points in Tennessee; and (2) *dry salt*, in bulk, from Lexington, N.C., to points in South Carolina, Tennessee, and Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. It is an authorized contract carrier operating under MC 115176 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114106 (Sub-No. 95), filed March 17, 1972. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, Box 849, 1820 South Main Street, Lexington, NC 27292. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar*, from Atlanta, Ga., to points in North Carolina, and (2) *Alumina hydrate*, from Kings Creek, S.C., to points in West Virginia. NOTE: Applicant states joinder could be performed permitting through liquid sugar service to Kentucky and Virginia points, but is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant holds contract carrier authority under MC 115176 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 99), filed March 10, 1972. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plant-site and warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 115841 (Sub-No. 421) (Amendment), filed November 12, 1972, published in the FEDERAL REGISTER issues of December 23, 1971, and January 27, 1972, respectively, amended and republished as amended, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway West, Post Office Box 10327, Birmingham, AL 35204. Applicant's representative: Roger M. Shaner, Post Office Box 168, Concord, TN 37720. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except commodities in bulk), from points in California, to points in Ohio, Pennsylvania, New York, Georgia, Missouri, Texas, Oklahoma, Illinois, and Florida; and (2) *foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in California, to points in Ohio, Pennsylvania, New York, Georgia, Missouri, Texas, Oklahoma, Illinois, and Florida. NOTE: Applicant states tacking is possible at Cleveland, Ohio, but it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. The purpose of this republication is to broaden the territorial scope in item (1) and add item (2) above, and reflect the correst name of applicant's representative. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.; Cleveland, Ohio, or Washington, D.C.

No. MC 117940 (Sub-No. 76), filed March 13, 1972. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, fresh, canned and frozen, from Kennett Square, Pa., to Phoenix, Ariz.; Los Angeles, Oakland, Sacramento, San Francisco, and San Martin, Calif.; Dallas and Houston, Tex.; and Salt Lake City, Utah. NOTE:

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Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 114789 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 118142 (Sub-No. 44), filed March 12, 1972. Applicant: M. BRUENGER CO., INC., 6330 North Broadway, Wichita, KS 67219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to traffic originating at Marshall, Mo. and destined to points in the named States. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118142 (Sub-No. 45), filed March 12, 1972. Applicant: M. BRUENGER CO., INC., 6330 North Broadway, Wichita, KS 67219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and dried whey*, from Russell Springs, Tompkinsville, Harrodsburg, and Cynthiana, Ky., to St. Louis and/or Neosha, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 118288 (Sub-No. 40), filed March 13, 1972. Applicant: Stephen F. Frost, 14750 Boyle Avenue, Fontana, CA 92335. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspaper supplements, newspapers, newsprint, funnies, Sunday newspaper magazine inserts* and *newspaper advertising inserts*, between points in California, Oregon, Washington, Idaho, Utah, Nevada, Arizona, New Mexico, Colorado, Wyoming, and Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 118831 (Sub-No. 88), filed March 13, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic granules*, in bulk, from points in Greenville County, S.C., to points in North Carolina. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh or Charlotte, N.C.

No. MC 119192 (Sub-No. 10), filed March 16, 1972. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT 06607. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, and *materials, supplies, and equipment* used in the conduct of such business, from New York, N.Y., Nassau and Westchester Counties, N.Y., Bergen and Essex, N.J., and points in Fairfield County, Conn., to points in New Jersey, Connecticut, Westchester, Dutchess, Putnam, Rockland, Orange, Sullivan, Nassau, and Suffolk Counties, N.Y., and New York, N.Y., and (2) *returned shipments*, in the opposite direction, restricted against the performance of service between origins and destinations both of which are in Connecticut, under contract with B. Altman & Co. NOTE: Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119305 (Sub-No. 10), filed March 13, 1972. Applicant: C. ROBERT NATTREES AND DONALD NATTRESS, a partnership, doing business as B & D TRUCKING SERVICE, 33 West Garfield Avenue, Norwood, Delaware County, PA 19074. Applicant's representative: Ralph C. Busser, Jr., 1710 Locust Street, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible bakery products*, from Philadelphia, Pa., to Newark, Elizabeth, Garfield, and Linden, N.J., and the New York commercial zone, under contract with Mrs. Smith's Pie Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 119493 (Sub-No. 91), filed March 13, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer materials, and dry fertilizer ingredients*, from Springfield, Mo., to points in Arkansas, Kansas, and Oklahoma. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Tulsa, Okla.

No. MC 119558 (Sub-No. 5), filed March 3, 1972. Applicant: A. F. TISCHER, doing business as MOBILE HOME MOVERS, Box 1727 K Star Route A, Anchorage, Alaska 99507. Applicant's representative A. F. Tischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections and doublewide mobile homes when transported on wheeled undercarriages equipped with hitch-ball or pintle hitch connector, between points in Alaska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Anchorage, Alaska.

No. MC 119767 (Sub-No. 283), filed March 13, 1972. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, canned or prepared (except commodities in bulk), from St. Joseph and Paw Paw, Mich., to points in Illinois, the Upper Peninsula of Michigan, Minnesota, and Wisconsin, restricted to traffic originating at the named origin points and destined to the named destination States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 238), filed March 13, 1972. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Louis J. Amato (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic feed ingredients*, in bags, from the plantsite of Occidental Chemical Co., located at Occidental, Fla., to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, and points in all States east thereof. NOTE: Applicant states that the requested authority cannot be tacked with its exising authority. Applicant now holds contract carrier authority under its No. MC 126970 and subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 123048 (Sub-No. 210), filed March 13, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue also Post Office Box A, Racine, WI 53401. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete placers*, and (2) *accessories, attachments and parts for concrete placers*, from Waterford, Wis., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 210), filed March 13, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988, D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, equipment, materials, and supplies, and accessories*, from points in Columbiana County, Ohio, and Armstrong and Lawrence Counties, Pa., and Louisville, Ky., to points in the United States on and west of U.S. Highway 61 (except Alaska and Hawaii), and points in Illinois and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 128927 (Sub-No. 1), filed March 13, 1972. Applicant: ALLAN L. MARTIN AND NORMAN V. MARTIN, a partnership, doing business as VERN A. MARTIN & SONS, Wilton, Wis. 54670. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and animal and poultry feed ingredients*, from Mankato, Red Wing, and Savage, Minn., and points in the Minneapolis-St. Paul, Minn., commercial zone as defined by the Commission, to points in Monroe County, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133566 (Sub-No. 16), filed March 10, 1972. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., Post Office Box 676, Logansport, IN 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 706 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Momence Pork Packers Co. at Momence, Ill., to points in Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Wayne, Ind., or Washington, D.C.

No. MC 133689 (Sub-No. 22), filed March 20, 1972. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representative: James F. Sexton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends and accessories*, from Hoopeston, Ill., to the plants, warehouses, and other facilities utilized by Fisher Nut Co., at St. Paul, Minn. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 76025 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133966 (Sub-No. 16), filed March 13, 1972. Applicant: NORTH EAST EXPRESS, INC., Post Office Box 61, Mountaintop, PA 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Modular housing units and component parts thereof*, from points in Columbia County, Pa., to points in Connecticut, New Jersey, New York, Delaware, Virginia, Michigan, Illinois, North Carolina, Vermont, Florida, Tennessee, New Hampshire, Massachusetts, Maine, Maryland, West Virginia, Ohio, Indiana, South Carolina, Georgia, and the District of Columbia; (2) *modular housing units and component parts thereof*, from points in Northumberland County, Pa., to points in Connecticut, New Jersey, New York, Delaware, Virginia, Michigan, Illinois, North Carolina, Vermont, Florida, Tennessee, New Hampshire, Massachusetts, Maryland, West Virginia, Ohio, Indiana, South Carolina, Georgia, and the District of Columbia; and (3) *mobile homes, equipped with pintel hook or ball type connectors*, from points in Lackawanna County, Pa., to points in New York, Maine, Connecticut, Vermont, Massachusetts, New Hampshire, Maryland, New Jersey, Delaware, Virginia, Ohio, Rhode Island, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Wilkes-Barre, Pa.

No. MC 134262 (Sub-No. 2), filed March 13, 1972. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Silica sand*, from LeSeur, Minn., to points in Iowa; (2) *Foundry sand*, from Menaminee Falls, Wis., to points in Iowa, Illinois, and Missouri; (3) *Phosphate, and cottonseed meal, and cake*, from points in Arkansas, to points in Minnesota, South Dakota, Iowa, Nebraska, Kansas, Missouri, Wisconsin, Illinois, Texas, Mississippi, Louisiana, and Oklahoma; (4) *Calcium*, from Alden and Boyden, Iowa, and Weeping Water, Nebr., to points in Iowa, Kansas, Minnesota, South Dakota, Nebraska, and Missouri; (5) *Salt*, from Pawnee, Kans., to points in Iowa, Minnesota, Nebraska, and South Dakota, and (6) (a) *Honeybee feed ingredients* from points in Louisiana to Hopkins, Minn., and (b) *Honeybee feed* from Hopkins, Minn., to points in Louisiana; and from points in Louisiana to points in Texas, Mississippi, Alabama, Florida, Georgia, Wisconsin, Michigan, Iowa, and Illinois, under contract with Farmers Feed & Supply, Inc., Boyden, Iowa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 134352 (Sub-No. 2), filed March 4, 1972. Applicant: COWANSVILLE EXPRESS INC., 264 Hanson Street, Cowansville, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street West, Suite 900, Montreal, 126 PQ Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics, and commodities* used in the manufacture and packing of said commodities together with advertising materials, from Stamford, Conn., to ports of entry on the international boundary line between the United States and Canada located at St. Albans and Richford, Vt., for furtherance into Canada, under contract with Clairol, Inc., of Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Plattsburg or Albany, N.Y., or Montpelier, Vt.

No. MC 134405 (Sub-No. 6), filed March 13, 1972. Applicant: BACON TRANSPORT COMPANY, a corporation, Post Office Box 1134, Ardmore, OK 73401. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, from Ponca City, Okla., to points in Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 134922 (Sub-No. 28), filed March 13, 1972. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: George Harris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in and used by chain hardware and department stores (except foodstuffs, commodities in bulk, and commodities which because of size or weight require the use of special equipment), from points in Connecticut, Georgia, Illinois, Indiana,

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Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, to the warehouse site of Baker & Hamilton at San Francisco, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington. D.C., or San Francisco, Calif.

No. MC 135407 (Sub-No. 1), filed March 13, 1972. Applicant: TRI-STATE AIR-FREIGHT, INC., Erickson and Front Streets, Essington, Pa. 19029, Mailing address: Post Office Box 27, Essington, PA 19029. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and commodities requiring special equipment) between the Philadelphia International Airport, and Northeast Philadelphia Airport in or near Philadelphia, Pa., on the one hand, and, on the other, points in Bucks, Chester, Delaware, Philadelphia, and Montgomery Counties, Pa., Burlington, Camden, Gloucester, and Salem Counties and Trenton, N.J., and points in Delaware, restricted to traffic having a prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 135483 (Sub-No. 2), filed March 20, 1972. Applicant: EARL DOIDGE, Box 125, Greenacres, WA 99016. Applicant's representative: Hugh A. Dressel, 702 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry wood shavings*, from points in Kootenai County, Idaho, to points in Spokane, Whitman, Grant, Franklin, Benton, Adams, and Lincoln Counties, Wash., under contract with Lumber By-Products Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., or Coeur d'Alene, Idaho.

No. MC 135519 (Sub-No. 2), filed March 10, 1972. Applicant: GEORGE B. SAMAC AND ANTHONY G. AYALA, a partnership, doing business as QUEEN CITY TRUCKING, 2618 South DeLappe Place, Seattle, WA 98144. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Seattle and Tacoma, Wash., and Portland, Oreg., to Spokane, Wash., and points in Idaho and Montana; (2) *scrap metal and pipe*, from points in Idaho and Montana, to Seattle, Wash.; and (3) *hides*, green and salted, from points in Montana, Idaho, and Washington, to Seattle and Tacoma, Wash., and Portland, Oreg. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135802 (Sub-No. 1), filed March 16, 1972. Applicant: GEORGE F. FITZHUGH, doing business as FITZHUGH TRUCKING, 9907 77th Avenue, Everett, WA 98204. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing supplies*, from points in California, on the one hand, and, on the other, points in Washington, under contract with Keller Supply Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136052 (Sub-No. 3), filed March 13, 1972. Applicant: SECURITY CARRIERS, INC., 6210 River Road (Post Office Box 3368), Amarillo, TX 79106. Applicant's representative: Frederick J. Coffman, 521 South 14th Street (Post Office Box 80806), Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, (except in bulk), from the plantsite and warehouses facilities of the Thorobred Co., Inc., at or near Waynesville, Ohio, to points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Dallas, Tex.

No. MC 136086 (Sub-No. 1), filed March 13, 1972. Applicant: BACIL GUILEY, doing business as GUILEY TRUCKING, 13119 Arrow Route, Fontana, Calif. 92335. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated mobile home and travel trailer chassis components, with or without necessary tools and supplies*, from Hemet, Calif., to Phoenix and Casa Grande, Ariz., under contract with Consolidated Metals of California, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136192 filed, November 17, 1971. Applicant: NIAGARA HOLDINGS & ENTERPRISES LTD., Wolven Street, Port Rowan, Ontario, Canada. Applicant's representative: Le Roy Smyth (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from ports of entry on the international boundary line between the United States and the Province of Ontario, Canada, located in Michigan and New York, to points in Michigan, Ohio, Pennsylvania, New York, Indiana, Kentucky, Virginia, West Virginia, and North Carolina, under contract with Abbott and Townsend Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Port Huron, or Detroit, Mich.

No. MC 136262 (Sub-No. 2), filed February 23, 1972. Applicant: JEAN C. MORIN, doing business as UNIC PARCEL SERVICE, 410 St. Nicholas Street, Montreal, PQ Canada. Applicant's representative: H. Neil Garson, Court Square West Building, 1400 North Uhle Street, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), between the site of the U.S. Customhouse at or near Highgate Springs, Vt., on the one hand, and, on the other, port of entry on the international boundary line between the United States and Canada located at or near Highgate Springs, Vt. Restriction: The service sought herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment. NOTE: If a hearing is deemed necessary, applicant requests it be held at Highgate Springs or Montpelier, Vt.

No. MC 136310 (Sub-No. 1), filed March 6, 1972. Applicant: R. WALKER TRUCKING, INC., 1409 East 19th, The Dalles, OR 97058. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethelyn resin*, in bulk, from Torrence and Los Angeles, Calif., to Yakima, Wash.; and (2) *polyethelyn bags and sheets*, in rolls, boxes or bundles, from Yakima, Wash., to points in California, Oregon, Idaho, Montana, Colorado, Arizona, Nevada, and Utah, under contract with Shields Bag and Printing Co. of Yakima, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland or Seattle, Wash.

No. MC 136337 (Sub-No. 2), filed March 14, 1972. Applicant: RICHARD D. PEASE, doing business as R. P. TRUCKING, Box 16, Mather, WI 54641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated utility poles, crossarms and transformers*, from points in Florida, Alabama, Mississippi, Kentucky, and Tennessee, to points in Wisconsin, under contract with Wisconsin Electric Cooperatives. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 136451 (Sub-No. 1), filed March 13, 1972. Applicant: HUBBARD CARTAGE, INC., 3737 North Lincoln, Chicago, IL 60613. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer material*, from the Nilo warehouse facilities used by Olin Corp., 7 miles southwest of Joliet, Ill., to points in Indiana, Michigan, Ohio, and Wisconsin, under a continuing contract or contracts with Olin Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 136497, filed March 6, 1972. Applicant: KERRY MOTOR LINES, INC., 55 St. Casimir Avenue, Yonkers, NY 10701. Applicant's representative: George J. Hermanspan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* between New York City, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission, and points in Westchester County, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136533 filed, March 9, 1972. Applicant: ELTON A. WAGNER COMPANY, a corporation, 2427 Batestown Road, Danville, IL 61832. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, IL 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foundry materials*, from Columbus, Indianapolis, Kokomo, Lafayette, Crawfordsville, Bloomington, Bedford, Anderson, Richmond, Muncie, Marion, New Castle, Terre Haute, South Bend, Gary, Evansville, and Vincennes, Ind.; Waupaca, Sheboygan, Racine, Fond du Lac, Milwaukee, Green Bay, and Madison, Wis., to Danville, Ill.; (2) *haydite*, from Danville, Ill., to Columbus and Indianapolis, Ind., and (3) *sand and gravel*, from Covington and Attica, Ind., to Danville, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

MOTOR CARRIER OF PASSENGERS

No. MC 35690 (Sub-No. 3), filed March 13, 1972. Applicant: CENTRAL N.Y. COACH LINES, INC., 66 Calder Avenue, Yorkville, NY 13495. Applicant's representative: James H. Gilroy, Jr., First National Bank Building, Utica, NY 13503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round trip special operations, consisting of round trip all-expense sightseeing or pleasure tours, between Utica and Rome, N.Y., and points in Vermont, New Hampshire, Maine (including points on the international boundary line between the United States and Canada in such States), North Carolina, South Carolina, Georgia, Florida, West Virginia, Tennessee, Mississippi, Alabama, and Louisiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Utica or Syracuse, N.Y.

No. MC 128601 (Sub-No. 1), filed December 27, 1971. Applicant: GLYNN S. BOLES, doing business as BOLES BUS LINES, 205 Bunche Avenue, Greenwood, SC 29646. Applicant's representative: Joseph M. McClellan, 701 Grier Building, Greenwood, S.C. 29646. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations, from Greenwood, S.C., to points in South Carolina, North Carolina, Virginia, Georgia, Florida, and the District of Columbia, and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) Greenwood, S.C., or (2) Anderson, S.C., or (3) Columbia, S.C.

No. MC 135790 (Sub-No. 1), filed February 21, 1972. Applicant: AMERICAN ADVENTURER TRAVEL CAMPS, INC., R.F.D. No. 2, Hattertown Road, Newtown, Conn. 06470. Applicant's representative: Sutherland W. G. Denlinger, 11 Church Hill Road, Newtown, CT 06470. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (restricted to tour groups of youths accompanied by tour directors, supervisors, or chaperones) *and their baggage*, in the same vehicle with passengers in special operations, in round trip, all-expense, sightseeing, and camping tours, beginning and ending at Newtown, Conn., and extending to points in the United States (including Alaska but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or New York City, N.Y.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12936 (Sub-No. 2), filed March 3, 1972. Applicant: GOOD WILL TOURS, INC., 222 South Main, Route 3, Erie, KS. Applicant's representative: Clark M. Fleming, Legal Building, Erie, Kans. 66733. For a license (BMC-5) to engage in operations as a *broker* at Erie, Kans., in arranging for the transportation in interstate or foreign commerce of *groups of passengers and their baggage*, in round trip pleasure and sightseeing tours, in special and charter operations, originating in Kansas and from points in Jackson, Clay, and Platte Counties, Mo., on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii), and points of entry on the international boundary between the United States and Mexico, and between the United States and Canada.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 1515 (Sub-No. 175), filed March 15, 1972. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: Item I Regular routes: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers: (1) From Cleveland, Ohio, over Interstate Highway 71 to Louisville, Ky., and return over the same route, serving all intermediate points, (2) from Lodi, Ohio, over Ohio Highway 76 to junction Interstate Highway 71 and return over the same route, serving all intermediate points, (3) from Mansfield, Ohio, over Ohio Highway 13 to junction Interstate Highway 71 and return over the same route, serving all intermediate points, (4) from Mount Gilead, Ohio, over Ohio Highway 95 to junction Interstate Highway 71 and return over the same route, serving all intermediate points, (5) from Delaware, Ohio, over Ohio Highway 36 to junction Interstate Highway 71 and return over the same route, serving all intermediate points, (6) from Washington Court House, Ohio, over U.S. Highway 35 to junction Interstate Highway 71 and return over the same route, serving all intermediate points, (7) from Wilmington, Ohio, over U.S. Highway 68 to junction Interstate Highway 71 and return over the same route, serving all intermediate points, (8) from Wilmington, Ohio, over Ohio Highway 73 to junction Interstate Highway 71, and return over the same route, serving all intermediate points, (9) from Lebanon, Ohio, over Ohio Highway 123 to junction Interstate Highway 71, and return over the same route, serving all intermediate points, (10) from Lebanon, Ohio, over Ohio Highway 48 to junction Interstate Highway 71, and return over the same route, serving all intermediate points, (11) from Cincinnati, Ohio, over Interstate Highway 75 to its junction with Interstate Highway 275, thence over Interstate Highway 275 to its junction with Interstate Highway 71, and return over the same route, serving all intermediate points, (12) from Sharonville, Ohio, over city streets to junction Interstate Highway 75, and return over the same route, serving all intermediate points, (13) from junction U.S. Highway 22 and Interstate Highway 275, over Interstate Highway 275 to the junction of Interstate Highway 71, and return over the same route, serving all intermediate points, and (14) from Carrollton, Ky., over U.S. Highway 227 to junction Interstate Highway 71 and return over the same route, serving all intermediate points.

Item II Regular route: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers as follows: Route 1—Between Glenville, and Millstone, W. Va., serving all intermediate points: From Glenville, W. Va., over West Virginia Highway 5 to Grantsville, W. Va., thence over West Virginia Highway 16 to Millstone, W. Va., and return over the same route; Route 2—Between the junction of U.S.

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Highway 22 and Ohio Highway 48 and the junction of unnumbered highway (Columbia Road) and U.S. Highway 22, serving all intermediate points: From the junction of U.S. Highway 22 and Ohio Highway 48 over Ohio Highway 48 to its junction with unnumbered highway (Columbia Road), thence over unnumbered highway (Columbia Road) to its junction with U.S. Highway 22 and return over the same route; Route 3—Between the junction of Interstate Highway 71 and Kings Mills Road at Interchange No. 27 of Interstate Highway 71 and the junction of Kings Mills Road and Columbia Road, serving all intermediate points: From the junction of Interstate Highway 71 and Kings Mills Road at Interchange No. 27 of Interstate Highway 71 over Kings Mills Road to its junction with Columbia Road and return over the same route; Route 4—Between Elizabethtown, Ky., and the junction of the Bluegrass Parkway and U.S. Highway 60 (east of Versailles, Ky.) serving no intermediate points but serving the junction of the Bluegrass Parkway and U.S. Highway 31E and U.S. Highway 150 near Bardstown, Ky., and U.S. Highway 127 north of Harrodsburg, Ky., for the purpose of joinder only and with access to Versailles, Ky., over Kentucky Highway 33: From Elizabethtown, Ky., over U.S. Highway 62 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to its junction with Bluegrass Parkway, thence over the Bluegrass Parkway to its junction with U.S. Highway 60 and return over the same route. Item III—Irregular route: *Passengers and their baggage in one-way and round trip charter operations* as follows: Originating in points and places in Barbour, Upshur, Randolph, Lewis, Harrison, and Marion Counties, W. Va., and extending to all points in the United States (including Alaska but excluding Hawaii). NOTE: Common control may be involved.

No. MC 2002 (Sub-No. 10), filed March 13, 1972. Applicant: PHILLIP TRANSIT LINES, INC., 1808 East Fifth Street, Washington, DC 63090. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Washington, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Nebraska, Oklahoma, Tennessee, and Wisconsin, and (2) *Rejected, refused, damaged, and returned and retendered commodities and machinery and equipment, materials, and supplies* used in or in connection with the manufacture, fabrication, design, maintenance, production, operation, and transportation of iron and steel and iron and steel articles on return. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

No. MC 71459 (Sub-No. 27), filed February 17, 1972. Applicant: O.N.C. MOTOR FREIGHT SYSTEM, a corporation, 2800 West Bayshore Road, Palo Alto, CA 94303. Applicant's representative: Clifford J. Boddington (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities in bulk), (1) (a) between Sacramento, Calif., and (b) Reno, Nev., and Klamath Falls, Oreg.; (1) (a) from Sacramento, over California Highway 70 to junction U.S. Highway 395, and (b) from Reno over U.S. Highway 395 to junction California Highway 70, thence over U.S. Highway 395 to junction California Highway 36 at Johnstonville, thence over California Highway 36 to Susanville, thence over California Highway 139 to junction Oregon Highway 39 at the Oregon State border, thence over Oregon Highway 39 to junction Oregon Highway 140, thence over Oregon Highway 140 to Klamath Falls, and return over the same routes, serving no intermediate points and serving Klamath Falls and junction California Highway 70 and U.S. Highway 395 for purposes of joinder only, as alternate routes for operations convenience only, in connection with applicant's authorized regular route operations; (2) between Sacramento, Calif., and Reno, Nev.; from Sacramento, over U.S. Highway 50 to junction U.S. Highway 395, near Stewart, Nev., thence over U.S. Highway 395 to Reno, Nev., and return over the same route, serving no intermediate points and serving Reno for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's regular route operations;

(3) between Reno, Nev., and Kennewick, Wash.; from Reno, Nev., over U.S. Highway 395 to junction U.S. Highway 12, at or near Pasco, Wash., thence over U.S. Highway 12 to Kennewick, Wash., and return over the same route, serving no intermediate points and serving Kennewick for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's regular route operations; (4) between Kennewick, Wash., and Everett, Wash.; from Kennewick, Wash., over U.S. Highway 395 to junction Washington Highway 17, thence over Washington Highway 17 to Moses Lake, thence over Washington Highway 17/282 to junction Washington Highway 28 at or near Ephrate, thence over Washington Highway 28 to Wenatchee, thence over U.S. Highway 2 to Everett and return over the same route, serving no intermediate points and serving Everett, Wash., for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's regular route operations; and (5) between junction California Highway 99 (Interstate Highway 5) and California Highway 14 (near Sylmar) and Reno, Nev.; from junction California Highway 99 and California Highway 14 over California Highway 14 to junction U.S. Highway 395 (near Inyokern, Calif.), thence over U.S. Highway 395 to Reno, Nev., and return over the same route, serving no intermediate points and serving Reno for purposes of joinder only, as an alternate route for operating convenience only in connection with applicant's regular route operations.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5578 Filed 4-12-72;8:45 am]

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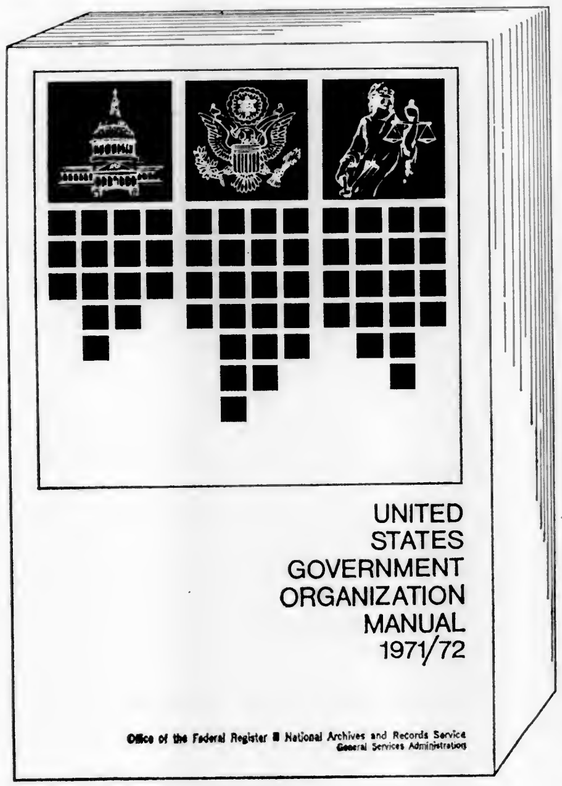
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that two positions of Confidential Secretary to the Director and one position of Confidential Secretary to the Deputy Director, Special Action Office for Drug Abuse Prevention, are excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–14–72), paragraph (j) is added to § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(j) *Special Action Office for Drug Abuse Prevention.* (1) Two Confidential Secretaries to the Director.

(2) One Confidential Secretary to the Deputy Director.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–5687 Filed 4–13–72;8:46 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Assistant Commissioner for Public Affairs, Office of Education, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–14–72), subparagraph (12) is added to paragraph (c) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

* * * * *

(c) *Office of Education.* * * *

(12) Assistant Commissioner for Public Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–5688 Filed 4–13–72;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service,[1] Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72–512]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(1) relating to the State of Texas is amended to read:

(e) * * *

(1) *Texas.* That portion of the State of Texas comprised of all Cameron, Fayette, Gonzales, Hidalgo, Lavaca, Starr, Webb, and Willacy Counties.

2. In § 76.2, in paragraph (e)(3) relating to the State of North Carolina, subdivision (ii) relating to Johnston County is amended to read:

(e) * * *

(3) *North Carolina.* * * *

(ii) That portion of Johnston County bounded by a line beginning at the junction of U.S. Highway 301 and U.S. Highway 70; thence, following U.S. Highway 70 in an easterly direction to Secondary Road 2508; thence, following Secondary Road 2508 in a southerly direction to Secondary Road 1007; thence, following Secondary Road 1007 in a westerly direction to the west bank of Polecat Branch; thence, following the west bank of the Polecat Branch in a generally southeasterly, then southerly direction to the Neuse River; thence, crossing the Neuse River in a southerly direction; thence, following the south bank of the Neuse River in a southeasterly direction to the dirt road extension of Secondary Road 1184; thence, following the dirt road extension in a southerly direction to Secondary Road 1184; thence, following Secondary Road 1184 in a southwesterly direction to Secondary Road 1009; thence, following Secondary Road 1009 in a southeasterly direction to Secondary Road 1179; thence, following Secondary Road 1179 in a southwesterly direction to U.S. Highway 701; thence, following U.S. Highway 701 in a northwesterly direction to Secondary Road 1178; thence, following Secondary Road 1178 in a northwesterly direction to U.S. Highway 301; thence, following U.S. Highway 301 in a southwesterly direction to Secondary Road 1162; thence, following Secondary Road 1162 in a northwesterly direction to Secondary Road 1350; thence, following Secondary Road 1350 in a southwesterly direction to Secondary Road 1330; thence, following Secondary Road 1330 in a northwesterly, then generally northeasterly direction to Secondary Road 1010; thence, following Secondary Road 1010 in a southeasterly direction to Secondary Road 1562; thence, following Secondary Road 1562 in a generally northwesterly, then northeasterly direction to Secondary Road 1563; thence, following Secondary Road 1563 in a generally easterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a southeasterly direction to its junction with U.S. Highway 301.

3. In § 76.2, a new paragraph (e)(5) relating to the State of Georgia is added to read:

(e) * * *

(5) *Georgia.* That portion of Tattnall County bounded by a line beginning at the junction of State Highway 147 and the Tattnall-Toombs County line; thence, following State Highway 147 in a southeasterly, then northeasterly direction to U.S. Highway 280; thence, following U.S. Highway 280 in a northeasterly direction to the Tattnall-Evans County line; thence, following the Tattnall-Evans County line in a generally southeasterly direction to the intersection of the Tattnall-Evans-Liberty County lines; thence, following the Tattnall-Liberty County line in a southwesterly direction to the intersection of the Tattnall-Liberty-Long County lines; thence, following the Tattnall-Long County line in a generally southwesterly direction to the intersection of the Tattnall-Long-Wayne County lines; thence, following the Tattnall-Wayne County line in a northwesterly direction to the intersection of the Tattnall-Wayne-Appling County lines; thence, following the Tattnall-Appling County line in a

[1] The functions prescribed in Part 76 of Chapter I, 9 CFR, have been transferred from the Animal and Plant Health Service, U.S. Department of Agriculture, to the Animal and Plant Health Inspection Service of the Department (37 F.R. 6327, 6505).

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northwesterly direction to the intersection of the Tattnall-Appling-Toombs County lines; thence, following the Tattnall-Toombs County line in a northeasterly direction to its junction with State Highway 147.

4. In § 76.2, the references to the States of Arkansas, Missouri, and North Carolina in paragraph (f) are deleted, and paragraph (g) is amended by adding thereto the names of the States of Arkansas and Missouri.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine all of Fayette and Lavaca Counties in Texas; an additional portion of Johnston County in North Carolina; and a portion of Tattnall County in Georgia because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined areas.

The amendments exclude Atascosa, Bee, Bexar, De Witt, Duval, Goliad, Jackson, Karnes, Victoria, and Wilson Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

The amendments delete Arkansas, Missouri, and North Carolina from the list of hog cholera Eradication States in § 76.2(f) and add Arkansas and Missouri to the list of hog cholera Free States in § 76.2(g). The special provisions pertaining to the interstate movement of swine and swine products from Eradication and Free States remain applicable to Arkansas and Missouri. However, the general restrictions pertaining to interstate movement from nonquarantined areas contained in 9 CFR Part 76 will apply to the nonquarantined portions of North Carolina.

Insofar as the amendments impose certain further restrictions necessary to prevent the spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of April 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-5697 Filed 4-13-72;8:47 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11422, Amdt. 1-22]

PART 1—DEFINITIONS AND ABBREVIATIONS

Extended Over-Water Operations

The purpose of this amendment to Part 1 of the Federal Aviation Regulations is to accommodate the use of helicopters in various types of operations requiring them to operate at distances greater than 50 miles from the nearest shoreline.

This amendment is based on a notice of proposed rule making (Notice 71-27) published in the FEDERAL REGISTER on September 28, 1971 (36 F.R. 19091).

This amendment to the definition of "extended over-water operation" makes a distinction between those operations conducted with aircraft other than helicopters and those conducted with helicopters. Specifically, this amendment changes the definition to make it encompass a helicopter only if it is being operated more than 50 nautical miles from the nearest shoreline and is not within 50 nautical miles of an off-shore heliport structure.

Comments received in response to Notice 71-27 were almost unanimous in their approval of the proposed amendment. Certain comments expressed the opinion that the definition as amended herein would be detrimental to safety considering the limited gliding ability and seaworthiness of helicopters. However, we do not believe such an opinion is supported by helicopter operating experience under the current definition, which has permitted operations to be conducted up to a distance of 50 miles from the nearest shoreline before coming within the definition of an extended over-water operation, and it is reasonable to assume that operating experience will not differ for helicopter operations conducted up to 50 miles from an off-shore heliport structure, as provided for in the amendment.

With respect to this amendment, it will be noted that two conditions must be satisfied in order for a helicopter operation to become an "extended over-water operation." First, the operation must be over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline; and second, it must be more than 50 nautical miles from an off-shore heliport structure. Accordingly, the operation of a helicopter does not constitute an extended over-water operation when it is being operated within 50 nautical miles from the nearest shoreline, nor does it constitute such an operation when more than 50 nautical miles from the nearest shoreline, if it is being operated within 50 nautical miles of an off-shore heliport structure.

This amendment differs from the proposal by omitting the word "suitable" in describing an "off-shore heliport structure," to ensure consistency with the definition of the term "heliport" as currently prescribed in Part 1.

In consideration of the foregoing, the definition of "extended over-water operation" in § 1.1 of the Federal Aviation Regulations is amended, effective April 14, 1972, to read as follows:

§ 1.1 General definitions.

• • • • •

"Extended over-water operation" means—

(1) With respect to aircraft other than helicopters, and operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline; and

(2) With respect to helicopters, an operation over water at a horizontal distance of more than 50 nautical miles from the nearest shoreline and more than 50 nautical miles from an off-shore heliport structure.

• • • • •

(Sec. 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1354(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 10, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-5673 Filed 4-13-72;8:45 am]

[Airworthiness Docket No. 68-WE-12-AD, Amdt. 39-1420]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707/720 Series Airplanes

Correction

In F.R. Doc. 72-4932 appearing at page 6570 in the issue of Friday, March 31, 1972, the word "required" in the second line of paragraph (a) of the Airworthiness Directive should read "repaired".

[Airspace Docket No. 72-SO-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On February 26, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 4096), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the McRae, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the following transition area is added:

MCRAE, GA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Telfair-Wheeler Airport (lat. 32°05'46" N., long. 82°52'55" W.); within 3 miles each side of the 030° bearing from McRae RBN (lat. 32°05'40" N., long. 82°53'02" W.), extending from the 7-mile radius area to 8.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 6, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc. 72-5674 Filed 4-13-72; 8:45 am]

[Airspace Docket No. 72-SO-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sumter, S.C., transition area.

The Sumter transition area is described in § 71.181 (37 F.R. 2143). In the description, an extension is predicated on the ILS localizer southwest course and has a designated width of 7 miles and a length of 11.5 miles.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies and concerned and affected industry groups, are now being applied to update the criteria for airspace approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the description to increase the width of the extension predicated on the ILS localizer southwest course to 10 miles and the length to 13.5 miles.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Sumter, S.C., transition area is amended as follows: "• • • within 3.5 miles each side of the ILS localizer southwest course, extending from the 8.5-mile radius area to 11.5 miles southwest of the OM • • •" is deleted and "• • • within 5 miles each side of the ILS localizer southwest course, extending from the 9.5-mile radius area to 13.5 miles southwest of the OM • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 7, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-5675 Filed 4-13-72;8:45 am]

[Airspace Docket No. 71-SO-149]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Selma, Ala., control zone and transition area.

The Selma control zone is described in § 71.171 (37 F.R. 2056) and the transition area is described in § 71.181 (37 F.R. 2143).

U.S. Standards for Terminal Instrument Procedures (TERP's), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERP's and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to amend the Selma control zone and transition area descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 30, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Selma, Ala., control zone is amended to read:

SELMA, ALA.

Within a 5-mile radius of Craig AFB (lat. 32°20'30" N., long. 86°59'15" W.); within 2 miles each side of the ILS localizer southeast course, extending from the 5-mile-radius zone to 0.5 mile southeast of the LOM; within 1.5 miles each side of Craig TACAN 320° radial, extending from the 5-mile-radius zone to 5 miles northwest of the TACAN.

In § 71.181 (37 F.R. 2143), the Selma, Ala., transition area is amended to read:

SELMA, ALA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Craig AFB (lat. 32°20'30" N., long. 86°59'15" W.); within 3 miles each side of the ILS localizer southeast course, extending from the 9-mile-radius area to 8.5 miles southeast of the OM; within a 5-mile radius of Selfield Airport (lat. 32°26'25" N., long. 86°57'10" W.); excluding the portion within Montgomery transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 7, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-5676 Filed 4-13-72;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TYLOSIN

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-275V) filed by Elanco Products Co., Post Office Box 1750, Indianapolis, Ind. 46206, proposing an additional safe and effective use of tylosin in combination with sulfamethazine in the feed of swine. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.217(d) by editorially revising the heading in the existing table and by revising item 6 in the "Indications for use" column in the table, as follows:

§ 121.217 Tylosin.

• • • • • •

(d) • • •

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TYLOSIN IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
. . .	. . .	. . .	. . .	. . .	. . .
6. Tylosin.....	100	Sulfamethazine....	100	For swine; as tylosin phosphate; withdraw 5 days before slaughter.	Maintaining weight gains and feed efficiency in the presence of atrophic rhinitis; lowering the incidence and severity of bordetella bronchiseptica rhinitis; prevention of swine dysentery (vibrionic); control of swine pneumonias caused by bacterial pathogens (*P. multocida* and/or *C. pyogenes*).
. . .	. . .	. . .	. . .	. . .	. . .

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–14–72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: April 4, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72–5625 Filed 4–13–72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter V—Office of Assistant Secretary for Community Development, Department of Housing and Urban Development

[Docket No. R–72–150]

PROJECT SELECTION SYSTEMS FOR CERTAIN COMMUNITY DEVELOPMENT PROGRAMS

On November 25, 1971, notice of rule making proposed the addition of new Parts 511, 541, 551, and 561 to Chapter V of Title 24 of the Code of Federal Regulations (36 F.R. 22590). These amendments, based on those proposals, provide the criteria by which the Department will evaluate applications for funding under the Neighborhood Development Program, the Open Space Land Program, the Neighborhood Facilities Program, and the Public Facility Loans Program. In addition, Part 551 supersedes § 540.246, which sets forth project selection criteria for the Open Space Land Program. Statements appearing in said notice of proposed rule making are valid only to the extent that said statements are included in the final Parts 511, 541, 551, and 561 set forth below.

The Department received some 65 comments, a majority of which favored adoption of the proposed regulations. Many of the comments focused on the weight given to specific criteria. Careful consideration has been given to this matter as well as other pertinent suggestions. In response to the comments, the following principal changes have been adopted in the final regulations:

Sections 511.1(b), 541.1(b), 551.1(b) and 561.1(b) have been amplified to clarify procedures used by the Area Offices in applying these project selection systems. Because there must be close coordination of the Community Development projects covered by these regulations with other Department programs, projects involving new communities or such other critical and innovative projects as the Assistant Secretary for Community Development may determine are excluded from those project selection systems.

Sections 541.2, 551.2, and 561.2 now include a specific definition of "'applicant" to prevent any implication that eligibility to apply for assistance under the affected programs is limited by the definitions of "locality."

Sections 511.4(d), 541.4(c), 551.4(a), and 561.4(c) are revised to include as program requisites acceptable assurances of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) and the absence of any known impediment to meeting HUD's relocation requirements.

Sections 511.14, 541.12, 551.16, and 561.18 are revised to apply the same criteria (with regard to local equal employment and entrepreneurial effort) to applicants without previous program experience as are used to evaluate applicants with previous program experience.

In §§ 541.14, 551.2, and 561.20, to prevent ambiguity, a definition of the term "service area" is added and in § 511.16 the term "service area" is changed to "NDP area" as defined in § 511.2.

In the Neighborhood Development Program (NDP), § 511.4(f), the citation of FEDERAL REGISTER publication of the Housing Production and Mortgage Credit Project Selection is corrected to read: 37 F.R. 203–9, January 7, 1972. Section 511.10(a) is changed to include projects which will add to the housing stock without displacement. In § 511.10 a new item (9), Inadequate Air and Water Quality, is added to the list of environmental deficiencies. Section 511.12(a)(1) is revised to give credit, among other things, to effective carrying out of relocation activities which involve displacement.

In the Open Space Program, references to "Legacy of Parks" have been deleted to avoid confusion. Section 541.8(c), the number of local regulatory measures required to meet this criterion is increased from three to four; the wording of subparagraphs (5) and (6) is revised for purposes of clarification; and an additional local regulatory measure is added in subparagraph (7). Section 541.10 (a) and (c) are revised to emphasize preventive rather than curative factors. Section 541.10(e) is deleted to reflect the fact that predominantly Historic Preservation projects are not covered by this Project Selection System.

In the Neighborhood Facilities Program, § 551.4 is corrected to show four program prerequisites. In § 551.10 reference is made to the latest available decennial census data rather than to the 1970 Census. Section 551.14(b)(1) is revised to give credit, among other things, to effective carrying out of relocation activities which involve displacement.

In §§ 511.16(a) (1) and (2), 541.14(a) (1) and (2), 551.18(a) (1) and (2), and 561.20(a) (1) and (2) points are decreased to diminish emphasis on the median income of the jurisdiction and to increase emphasis on Community Development activities, §§ 511.22, 541.20, 551.24, and 561.26.

Sections 511.20(a), 541.18(a), 551.22(a), and 561.24(a) are amplified to distinguish between the locality of the applicant and the jurisdiction of the applicant. This will insure that where the applicant is a public body that does not have jurisdiction with regard to housing, the locality's record can be measured.

In the Public Facility Loans Program, in § 561.4, the citation concerning Part B, Urban Growth and New Community Development Act of 1970 is corrected. Section 561.6, Type of Project is removed as a criteria for evaluating projects under this system, in conjunction with the change made in § 561.1(b). Consequently, this section is re-lettered, and § 561.10 is reserved.

Accordingly, Chapter V of Title 24 of the Code of Federal Regulations is amended, effective on May 15, 1972, by (1) deleting § 540.246 of Part 540, and (2) by adding new Parts 511, 541, 551, and 561 to read as set forth below.

FLOYD H. HYDE,
Assistant Secretary
for Community Development.

PART 511—NEIGHBORHOOD DEVELOPMENT PROGRAM PROJECT SELECTION SYSTEM

Sec.
511.1 Scope.
511.2 Definitions.
511.4 Program prerequisites.
511.6 Criteria for evaluating applications.
511.8 Local effort and coordination.
511.10 Impact of area selected.
511.12 Program management capacity.
511.14 Local equal employment and entrepreneurial effort.
511.16 Local need.
511.18 Commitment of local, county, State, and Federal entities to project or program.
511.20 Expansion of housing for low- and moderate-income families.
511.22 Community development.

AUTHORITY: The provisions of this Part 511 issued under secs. 131–134, of the Housing Act of 1949, as amended, 82 Stat. 518–520; 42 U.S.C. 1469–1469c.

§ 511.1 Scope.

(a) *Purpose.* This part sets forth criteria and procedures to be used in preliminary evaluation of applications for Federal loan and grant assistance to local public bodies and agencies for Neighborhood Development Programs, which are urban renewal undertakings and activities, in one or more urban renewal areas, that are planned and carried out on the basis of annual increments.

(b) *Procedures.* Submissions will first be reviewed against six prerequisites. If any of these prerequisites are not met, the application will be rejected. If the application appears to meet the prerequisites, it will be evaluated against the point rated criteria and assigned a point rating. Then, depending upon the relative rating of the application among other such applications pending in the area office, the applicant may be asked to submit further application material, with supporting documentation so that a final decision on the grant may be reached. Such application material is subject to reviews to determine compliance of the application with basic eligibility and technical requirements. If an application does not receive a high enough point rating to qualify for funding as compared to other pending applications, or if the application cannot meet basic eligibility or technical requirements, the application and any supporting documents will be returned to the applicant with advice as to the areas of deficiency. Remedial action regarding the deficiencies must be undertaken before the proposal may be reconsidered. The provisions of these regulations do not apply to projects involving New Communities, or such other critical or innovative projects as the Assistant Secretary for Community Development may determine. The Department reserves the right to negotiate the modification of the scope of the proposed undertaking and/or the amount of financial assistance requested.

§ 511.2 Definitions.

As used in the regulations in this part:

(a) "Applicant" means a local public agency as defined under sec. 110(h) of the Housing Act of 1949; 63 Stat. 413, 421; 42 U.S.C. 1460(h), which is applying for Federal Assistance under the Neighborhood Development Program.

(b) "City Demonstration Agency" means that agency which was required to be established under title I of the Demonstration Cities and Metropolitan Development Act of 1966, 80 Stat. 1255, 42 U.S.C. 3301, to carry out a Model Cities program at the local level.

(c) "Locality" means the political jurisdiction or jurisdictions having general purpose government powers upon whose behalf the application for Federal assistance has been submitted.

(d) "Low and moderate income" means an income level which is less than the maximum income eligibility level for a family of four under either of the subsidized housing programs authorized by section 235 or 236 of the National Housing Act, as amended, 82 Stat. 476, 477, 498, 12 U.S.C. 1715Z, 1715Z–1.

(e) "Low- and moderate-income housing" refers to housing with a fair market value that is equal to or less than the resultant of multiplying the section 235–236 maximum income for a family of four, as established by the Secretary for the county in which the project is located, by a factor of 3. "Low- and moderate-income housing" also refers to housing with an annual rental equal to or less than one-third of such section 235–236 maximum income.

(f) "Model neighborhood" means that geographical area in which funds are being spent under a program authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966, 80 Stat. 1255, 42 U.S.C. 3301.

(g) "NDP area" means the area or areas in which urban renewal project activities are taking place or are to take place under a neighborhood development program.

(h) "Renewal experience" means those renewal efforts and related relocation activities carried out under one or more urban renewal projects under sec. 110(c) of the Housing Act of 1949, as amended, 63 Stat. 413, 414; 42 U.S.C. 1450; or a Neighborhood Development Program as described in sections 131–134 of said Housing Act.

§ 511.4 Program prerequisites.

For the Neighborhood Development Program there are the following six prerequisites:

(a) *Workable program.* The presence of a certified or certifiable Workable Program pursuant to section 101(c) of the Housing Act of 1949, as amended, Public Law 81–171, 63 Stat. 413; U.S.C. 1451c. By "certifiable workable program" is meant a reasonable probability of certification or recertification based upon submitted materials and local progress towards meeting certification standards and conditions as indicated in HUD's Handbook for the Workable Program, RHA 7100.

(b) *Local general plan.* The presence of a local general plan, and conformance of the project thereto. A "local general plan" is defined as an official document or documents containing a land use plan, thoroughfare plan, community facilities plan, public improvement program, zoning ordinance and map, and subdivision regulations so interrelated that taken together they serve as a comprehensive guide for the physical development of the locality as a whole. The plan must have been endorsed or adopted by the local governing body of the locality in which the NDP is proposed.

(c) *Civil rights.* Submission of acceptable assurances of compliance with title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d and HUD title VI regulations 24 CFR Part I, 29 F.R. 16280 and with affirmative action plan requirements pursuant to Executive Order 11246, as amended, 30 F.R. 12319, and HUD regulations 24 CFR Part 130, 36 F.R. 20688.

(d) *Relocation requirements (if applicable).* (1) Submission of acceptable assurance of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 42 U.S.C. 4601, and;

(2) Absence of any known impediment to the applicant's ability to meet HUD relocation requirements and the applicant's and/or locality's ability to fulfill requirements for replacement housing. "Known impediment" refers to a practical inability to provide adequate relocation assistance and replacement housing, or a legal inability to comply with relocation-related provisions of Title I of the Housing Act of 1949, 63 Stat. 413, 414; 42 U.S.C. 1450, et seq.

(e) *A–95 coordination.* Evidence that A–95 coordination is in process. The phrase "A–95 coordination" refers to the procedure involving review of applications by the appropriate agency designated under OMB Circular A–95.

(f) *Housing component.* Absence of any known barrier to an adequate or better rating on the Housing Production and Mortgage Credit Project Selection System (37 F.R. 203–9, January 7, 1972) for any subsidized housing required to meet the housing component for the program.

§ 511.6 Criteria for evaluating applications.

Criteria for evaluating applications are divided into the following major categories:

(a) Local effort and coordination;
(b) Impact of area selected;
(c) Program management capacity;
(d) Local equal employment and entrepreneurial effort;
(e) Local need;
(f) Commitment of local, county, State, and Federal entities to project or program;
(g) Expansion of housing for low- and moderate-income families;
(h) Community development.

The elements considered in each category are described in the following sections, and the method of assigning rating points to each element or category is set forth. Points are awarded to each element or category in the following manner unless otherwise specifically indicated: If a statement under a particular element or category applies specifically to the project application under consideration, the application is awarded the number of points assigned to that statement. If no statement applies, no points are awarded to the application for that element.

§ 511.8 Local effort and coordination.

(The value of this category is the sum of the values of paragraphs (a) and (b) of this section.)

(a) *Budget and capital improvement plan.* All necessary project related public improvements, facilities, and services are identified in the appropriate local budg-

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ets and/or capital improvements plan, except those included in project costs ---------- 5

(b) *Model cities.* The NDP area is in whole or in part a Model Neighborhood, and there exists a statement by the City Demonstration Agency Director that the activities for which funding is requested are consistent with the goals and objectives of the Model Neighborhood plan ---------- 5

§ 511.10 Impact of area selected.

(The value of this category is the sum of the values of paragraphs (a) to (d) of this section.)

(a) *Rehabilitation or addition of housing.* Seventy-five percent of the existing substandard residential units in the NDP area will be rehabilitated, and 75 percent of the total units will be retained, or the project will add to the housing stock without displacement---------- 7

"Substandard residential units" refer to those residential units which are out of compliance with the appropriate local housing and building codes.

(b) *Redevelopment areas.* The NDP area is in a designated redevelopment area as defined by the Public Works and Economic Development Act of 1965, as amended Public Law 89–136, 79 Stat. 552, 42 U.S.C. 3121, and the program shows evidence of conformance to the Overall Economic Development Plan for that area ---------- 4

(c) *Environmental deficiencies.* The locality is taking active steps (including those proposed under the NDP) to eliminate environmental deficiencies in the NDP area, including but not limited to any among those listed below---------- 4

(1) Overcrowding of land.
(2) Substantial substandard housing.
(3) Lack of open space.
(4) Transportation (including parking) deficiencies.
(5) Inadequate public facilities, including those for water, sewage, and solid waste.
(6) Incompatible land uses.
(7) Incompatible types of building uses.
(8) Underutilized land---------- 4
(9) Inadequate air and water quality.

(d) Expansion of low- and moderate-income housing. The program contributes to the realistic plan referred to in § 511.20(c) ---------- 4

§ 511.12 Program management capacity.

(The value of this category is the sum of the values of either paragraphs (a) or (b) of this section. For purposes of this section, 4 points equals good, 8 points equals superior.)

(a) *Locality that has had previous renewal experience.* (The value of this element is the sum of subparagraphs (1) and (2) of this paragraph.)

(1) There is consistency between past project(s) results and relevant project objectives, including, where displacement was involved, the effective carrying out of relocation activities---------- 4 or 8

(2) Since July 1, 1968, there has been a reasonable relationship between past initial cost and time commitments and actual cost and development time- 4 or 8

(b) *Locality that is without previous renewal experience.* (The value of this element is the sum of subparagraphs (1), (2), and (3) of this paragraph.)

(1) The applicant is organizationally part of a local general purpose government ---------- 4

(2) There is a likelihood of successful execution and completion of the proposed NDP, based on the relationship to the proposed NDP activities of the following factors:

(i) Administrative budget.
(ii) Time phasing for critical events.
(iii) Staff assignments.
(iv) Budgeted activities of other local agencies ---------- 4 or 8

(3) Either the locality's performance with other HUD programs in the last 3 years was satisfactory in all programs, or

For localities without other HUD program experience, the locality's performance in its public development efforts during the last 3 years was satisfactory ---------- 4

§ 511.14 Local equal employment and entrepreneurial effort.

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) Activities undertaken by the locality have provided relatively superior opportunities for training and/or employment of minority persons---------- 3

(b) Activities undertaken by the locality have provided relatively superior opportunities for business concerns owned, controlled, or managed in substantial part by minority persons---- 3

(c) The applicant has taken affirmative action in its own employment in the training and/or employment of minority persons with relatively superior results ---------- 4

In determining whether or not performance has been "relatively superior" the following items will be taken into consideration: Absolute numbers of persons actually trained or hired in relation to numbers of minority group persons in the labor market area; total dollar value of contracts let to minority entrepreneurs in relation to total dollar amount of contracts let by locality; within the administering agency, racial composition at all levels of employment and absolute number of training opportunities made available to minority group persons.

§ 511.16 Local need.

(The value of this category is the sum of the values of paragraphs (a) and (b) of this section.)

(a) *Median income of jurisdiction.* The median annual family income of the geographic area of jurisdiction of the applicant compared to the State median annual family income is: (Select one, if appropriate):

(1) $1–$500 below State median---- 3
(2) More than $500 below State median ---------- 6

(b) *Median income of NDP area.* The median annual family income of the NDP area compared to the State annual median family income is: (Select one if appropriate):

(1) $1–$500 below State median---- 4
(2) More than $500 below State median ---------- 8

Median family incomes for the NDP area and the State are to be obtained by utilizing the City-County Data Book or other census data if possible. Or use best available data.

§ 511.18 Commitment of local, county, State, and Federal entities to project or program.

(The value of this category is the sum of paragraphs (a) to (d) of this section.)

(a) *Local commitment.* There was substantial participation by the chief executive and governing body of the locality during the planning of the project, and they are demonstrating current public commitment in support of the project ---------- 4

(b) *Resident commitment.* There was effective widespread participation of a representative spectrum of NDP area residents in the development of project objectives and there is evidence of current support for the execution of the project ---------- 4

(c) *Coordination of resources.* There was substantial participation of other local agencies during planning, and there is a current commitment including resources, from Federal, State, county, or local entities other than those necessary to satisfy the local share requirement ---------- 4

(d) *Participation in areawide or metropolitan planning.* There is active participation by the locality's representatives in the areawide or metropolitan planning organization---------- 3

§ 511.20 Expansion of housing for low- and moderate-income families.

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) *Expansion of low- and moderate-income housing (applicant).* Within the applicant's geographic area of jurisdiction, there has been significant expansion of the supply of standard housing for low- and moderate-income families in a nondiscriminatory way---------- 3

(b) *Expansion of low- and moderate-income housing (locality).* Within the locality in which the project is located there has been significant expansion of the supply of standard housing for low- and moderate-income families in a nondiscriminatory way---------- 3

(c) *Dispersion of low- and moderate-income housing.* The locality has a realistic plan to expand the supply of standard low- and moderate-income housing in a nondiscriminatory way outside areas of concentration of economically disadvantaged or minority citizens-------- 4

§ 511.22 Community development.

The degree to which the project is necessary for undertaking other publicly supported community development activities---------- 0 to 6

"Community development activities" refers to those publicly supported physical development activities and those related social or economic development activities being carried out or to be carried out within a reasonable period of time in accordance with a locally determined or areawide plan or strategy. Factors taken into consideration may include the project's responsiveness to local needs and objectives, the economics possible through coordinated or joint action, the degree of support by the appropriate unit(s) of local general-purpose government, and the management capacity within local general-purpose government.

PART 540—OPEN-SPACE LAND

§ 540.246 [Deleted]

Section 540.246 is deleted.

PART 541—OPEN SPACE LAND PROGRAM PROJECT SELECTION SYSTEM

Sec.
541.1 Scope.
541.2 Definitions.
541.4 Program prerequisites.
541.6 Criteria for evaluating applications.
541.8 Local effort and coordination.
541.10 Projects ability to meet open space needs.
541.12 Local equal employment and entrepreneurial effort.
541.14 Local need.
541.16 Commitment of local, county, State, and Federal entities to project or program.
541.18 Expansion of housing for low- and moderate-income families.
541.20 Community development.

AUTHORITY: The provisions of this Part 541 issued under Title VII of the Housing Act of 1961, 75 Stat. 183, 42 U.S.C. 1500, as amended by Title VI of the Housing and Urban Development Act of 1970, 84 Stat. 1781, 42 U.S.C. 1500.

§ 541.1 Scope.

(a) *Purpose.* This part sets forth criteria and procedures to be used in preliminary evaluation of applications for Federal grant assistance to local public bodies and agencies for the Open Space Land Program.

(b) *Procedures.* (1) Submissions will first be reviewed against five prerequisites. If any of these prerequisites are not met, the application will be rejected. If the application meets all prerequisites, it will be evaluated against the point rated criteria and assigned a point rating.

(2) Then, depending upon the relative rating of the application among other such applications pending in the area office, the applicant may be asked to submit further application material, with supporting documentation so that a final decision on the grant may be reached. Such application material is subject to reviews to determine compliance of the application with basic eligibility and technical requirements.

(3) If an application does not receive a high enough point rating to qualify for funding as compared to other pending applications, or if the application cannot meet basic eligibility or technical requirements, the application and any supporting documents will be returned to the applicant with advice as to the areas of deficiency. Remedial action regarding the deficiencies must be undertaken before the proposal may be considered.

(4) The provisions of the regulations in this part do not apply to projects involving predominantly Historic Preservation Activities, New Communities, or such other critical or innovative projects as the Assistant Secretary for Community Development may determine.

(5) The Department reserves the right to negotiate the modification of the scope of the proposed undertaking and/or the amount of financial assistance requested.

§ 541.2 Definitions.

As used in the regulations in this part:

(a) "Applicant" means a State or local public body (as defined in sections 709 (3) and (4) of Title VII of the Housing Act of 1961, 75 Stat. 183, 42 U.S.C. 1500, as amended by Title IV of the Housing and Urban Development Act of 1970, 84 Stat. 1781, 42 U.S.C. 1500), which is applying for Federal assistance under the Open Space Land Program.

(b) "City Demonstration Agency" means that agency which was required to be established under title I of the Demonstration Cities and Metropolitan Development Act of 1966, 80 Stat. 1255, 42 U.S.C. 3301, to carry out a Model Cities program at the local level.

(c) "Locality" means the political jurisdiction or jurisdictions having general-purpose government powers upon whose behalf the application for Federal assistance has been submitted.

(d) "Low and moderate income" means an income level which is less than the maximum income eligibility level for a family of four for the county in which the project is to be located under either of the subsidized housing programs authorized by section 235 or 236 of the National Housing Act, as amended 82 Stat. 476, 477, 498; 12 U.S.C. 17152, 17152–1.

(e) "Low- and moderate-income housing" refers to housing with a fair market value that is equal to or less than the resultant of multiplying the section 235–236 maximum income for a family of four, as established by the Secretary for the county in which the project is located, by a factor of 3. "Low- and moderate-income housing" also refers to housing with an annual rental equal to or less than one-third of such section 235–236 maximum income.

(f) "Model neighborhood" means that geographical area in which funds are being spent under a program authorized by title I of the Demonstration Cities and Metropolitan Development Act of 1966, 80 Stat. 1255, 42 U.S.C. 3301.

§ 541.4 Program prerequisites.

For the Open Space Land Program there are the following five prerequisites:

(a) *Certified areawide planning jurisdiction.* The locality is in a certified areawide planning jurisdiction. For definition of "certified areawide planning jurisdiction" see HUD Circular 6415.1A and 6415.3.

(b) *Civil rights.* Submission of acceptable assurances of compliance with title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d and HUD title VI regulations 24 CFR Part I, 29 F.R. 16280 and with affirmative action plan requirements pursuant to Executive Order 11246, as amended 30 F.R. 12319, and HUD regulations 24 CFR Part 130, 36 F.R. 20688.

(c) *Relocation requirements (if applicable).* (1) Submission of acceptable assurances of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 42 U.S.C. 4601; and

(2) Absence of any known impediment to the applicant's ability to meet HUD relocation requirements and the applicant's and/or locality's ability to fulfill requirements for replacement housing. "Known impediment" refers to a practical inability to provide adequate relocation assistance.

(d) *A–95 coordination.* Evidence that A–95 coordination is in process. The phrase "A–95 coordination" refers to the procedure involving review of applications by the appropriate agency designated under OMB Circular A–95.

(e) *National Register of Historic Places.* For historic and architectural preservation assistance the project must involve property or open space land which is listed on the National Register of Historic Places. The "National Register of Historic Places" is a record of culturally significant property maintained by the National Park Service, U.S. Department of the Interior. See section 101 of the Historic Preservation Act of 1966, Public Law 89–665, 80 Stat. 915, 16 U.S.C. 470.

§ 541.6 Criteria for evaluating applications.

Criteria for evaluating applications are divided into the following major categories:

(a) Local effort and coordination;
(b) Projects ability to meet open space needs;
(c) Local equal employment and entrepreneurial effort;
(d) Local need;
(e) Commitment of local, county, State, and Federal entities to project or program;
(f) Expansion of housing for low- and moderate-income families;
(g) Community development.

The elements considered in each category are described in the following sections, and the method of assigning rating points to each element or category is set forth. Points are awarded to each element or category in the following manner a statement under a particular element or category applies specifically to the project application under consideration, the application is awarded the number of points assigned to that statement. If no statement applies, no points are awarded to the application for that element.

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§ 541.8 **Local effort and coordination.**

(The value of this category is the sum of the values of paragraphs (a) to (d) of this section.)

(a) *Budget and capital improvement plan.* All necessary project related public improvements, facilities, and services are identified in the appropriate local budgets and/or capital improvement plan, except those included in projects costs ---------- 4

(b) *Model Cities.* The project area in whole or in part is in a Model Neighborhood and there exists a statement by the City Demonstration Agency Director that the activities for which funding is requested are consistent with the goals and objectives of the Model Neighborhood's plan---------- 3

(c) *Local regulatory measures.* The project is coordinated with other programs and regulations to improve the quality of the environment, as evidenced by the fact that the locality has adopted and is enforcing regulatory measures to reduce blight and decay and to preserve and promote open space and historic resources. These regulatory measures must include at least four of the following ---------- 4

(1) Requirements for undergrounding of utilities;

(2) Adoption and enforcement of litter control, weed abatement, or sign control regulations;

(3) Subdivision regulations requiring open space dedication;

(4) Cluster zoning or planned unit developments; "Cluster Zoning or Planned Unit Development" are regulations enacted by the locality that encourage the grouping and placement of structures in such a manner as to create or reserve open space.

(5) Regulations permitting relaxation of set back and height controls, or development rights transfer, to provide open space or protect historic structures in core areas;

(6) Ordinances to protect historic sites, districts, buildings, structures, and objects.

(7) Regulations to prevent deterioration of ambient air quality.

(d) *Low- and moderate-income housing.* The project is related to and coordinated with the provision of low- and moderate-income housing ---------- 4

§ 541.10 **Projects ability to meet open space needs.**

(The value of this category is the sum of the values of paragraphs (a) to (e) of this section.)

(a) *Environment.* Effect on the environment (The value of this section is the sum of subparagraphs (1) to (5) of this paragraph.)

(1) The project involves substantial environmental improvement activities in a predominantly residential area or includes some Historic Preservation Activities ---------- 2

(Projects involving predominantly Historic Preservation Activities are excluded from this project selection system in § 541.1(b).)

"Environmental improvement activities" are those development activities, excluding park development, designed to improve the overall appearance of a locality or neighborhood. These activities are designed to prevent community blight and decay, and can include street tree planting, redesigning street furniture, and improving pathways.

(2) The project will help prevent unsound development---------- 2

"Unsound development" refers to undesirable and hazardous development of flood plains, steep slopes, faults, or any other similarly unsuited area.

(3) The project will alleviate a deficiency of open space---------- 2

"Deficiency of Open Space" means that there is less than 2.5 acres of existing public open space per thousand population.

(4) The project will alleviate an unmet recreation need by providing a recreation facility of a type not currently available to the service area population ---------- 3

(5) The project preserves ecologically significant areas or conserves scenic areas ---------- 2

"Ecologically significant" refers to unusual, specific, resource-oriented open space areas such as wildlife sanctuaries, geysers, waterfalls, wet lands, and sand dunes.

(b) *Population served.* The project will readily serve a substantial number of low and moderate income residents. 7

(c) *Patterns of urban growth.* The project will help curb urban sprawl or involves undeveloped or predominately undeveloped land which, if withheld from commercial, industrial, and residential development, would have special significance in helping to shape desirable patterns of urban growth---------- 5

"Urban sprawl" refers to random and unguided development outward from urban centers. It is usually characterized by groups of large scale, low density residential developments, interspersed and surrounded by commercial and industrial development. Projects that can help alleviate and curb urban sprawl are projects designed to guide large scale growth or act as a buffer by separating incompatible land uses.

(d) *Danger of loss.* The project site is in imminent danger of loss--------- 3

"Imminent Danger of Loss" means that the project is threatened by action which will prevent the use of the area or property for open space or historic preservation purposes.

(e) *Program experience.* (1) If applicant had previous federally assisted program experience: The applicant has expeditiously acquired properties; where displacement was involved, effectively carried out relocation activities; expeditiously developed the properties; sponsors programs for their use; and operates them in accordance with contract conditions---------- 4

or

(2) If the applicant is without federally assisted program experience: The applicant has well maintained public open spaces, sponsors programs for their use, and operates those programs in a nondiscriminatory manner------ 4

§ 541.12 **Local equal employment and entrepreneurial effort.**

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) Activities undertaken by the locality have provided relatively superior opportunities for training and/or employment of minority persons-------- 3

(b) Activities undertaken by the locality have provided relatively superior opportunities for business concerns owned, controlled, or managed in substantial part by minority persons-----3

(c) The applicant has taken affirmative action in its own employment in the training and/or employment of minority persons, with relatively superior results ----------4

In determining whether or not performance has been "relatively superior", the following items will be taken into consideration: Absolute numbers of persons actually trained or hired in relation to numbers of minority group persons in the labor market area; total dollar value of contracts let to minority entrepreneurs in relation to total dollar amount of contracts let by locality; within the administering agency, racial composition at all levels of employment and absolute number of training opportunities made available to minority group persons.

§ 541.14 **Local need.**

(The value of this category is the sum of the values of paragraphs (a) and (b) of this section.)

(a) *Median income of jurisdiction.* The median annual family income of the geographic area of jurisdiction of the applicant compared to the State median annual family income is: (Select one, if appropriate):

(1) $1–$500 below State median---- 3

(2) more than $500 below State median ---------- 6

(b) *Median income of service area.* The median annual family income of the service area compared to the State annual median family income is: (Select one if appropriate):

(1) $1–$500 below State median---- 4

(2) more than $500 below State median ---------- 8

Median family incomes for the service area and the State are to be obtained by utilizing the City County Data Book or other census data if possible. Or use best available data. "Service Area" refers to the area proposed to be, and reasonably capable of being, served by the Open Space Land Project.

§ 541.16 **Commitment of local, county, State, and Federal entities to project or program.**

(The value of this category is the sum of paragraphs (a) to (d) of this section.)

(a) *Local commitment.* There was substantial participation by the chief executive and governing body of the locality during the planning of the project, and they are demonstrating current public commitment in support of the project ---------- 4

(b) *Resident commitment.* There was effective widespread participation of a representative spectrum of service area residents in the development of project objectives and there is evidence of current support for the execution of the project ---------- 4

(c) *Coordination of resources.* There was substantial participation of other local agencies during planning, and there is a current commitment including resources, from Federal, State, county, or local entities other than those necessary to satisfy the local share requirement-- 4

(d) *Participation in areawide or metropolitan planning.* There is active participation by the locality's representatives in the areawide or metropolitan planning organization---------- 3

§ 541.18 **Expansion of housing for low- and moderate-income families.**

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) *Expansion of low- and moderate-income housing (applicant).* Within the applicant's geographic area of jurisdiction, there has been significant expansion of the supply of standard housing for low- and moderate-income families in a nondiscriminatory way----------3

(b) *Expansion of low- and moderate-income housing (locality).* Within the locality in which the project is located there has been significant expansion of the supply of standard housing for low- and moderate-income families in a nondiscriminatory way----------3

(c) *Dispersion of low- and moderate-income housing.* The locality has a realistic plan to expand the supply of standard low- and moderate-income housing in a nondiscriminatory way outside areas of concentration or economically disadvantaged or minority citizens-------4

§ 541.20 **Community development.**

The degree to which the project is necessary for undertaking other publicly supported community development activities ---------- 0 to 6

"Community development activities" refers to those publicly supported physical development activities and those related social or economic development activities being carried out or to be carried out within a reasonable period of time in accordance with a locally determined or areawide plan or strategy. Factors taken into consideration may include the project's responsiveness to local needs and objectives, the economies possible through coordinated or joint action, the degree of support by the appropriate unit(s) of local general-purpose government, and the management capacity and efforts to develop management capacity within local general-purpose government.

PART 551—NEIGHBORHOOD FACILITIES PROGRAM PROJECT SELECTION SYSTEM

Sec.
551.1 Scope.
551.2 Definitions.
551.4 Program prerequisites.
551.6 Criteria for evaluating applications.
551.8 Relationship to comprehensive planning.
551.10 Income level of area to be served.
551.12 Relevance of program objectives.
551.14 Capacity to administer the Neighborhood Facility.
551.16 Local equal employment and entrepreneurial effort.
551.18 Local need.
551.20 Commitment of local, county, State, and Federal entities to project or program.
551.22 Expansion of housing for low- and moderate-income families.
551.24 Community development.

AUTHORITY: The provisions of this Part 551 issued under sec. 703, of the Housing and Urban Development Act of 1965, 79 Stat. 491; 42 U.S.C. 3103.

§ 551.1 **Scope.**

(a) *Purpose.* This part sets forth criteria and procedures to be used in preliminary evaluation of applications for Federal grant assistance to local public bodies and agencies for Neighborhood Facilities Grant Projects.

(b) *Procedures.* (1) Submissions will first be reviewed against four prerequisites. If any of these prerequisites are not met, the application will be rejected. If the application meets all prerequisites, it will be evaluated against the point rated criteria and assigned a point rating. Then, depending upon the relative rating of the application among other such applications pending in the area office, the applicant may be asked to submit further application material, with supporting documentation so that a final decision on the grant may be reached. Such application material is subject to reviews to determine compliance of the application with basic eligibility and technical requirements.

(2) If an application does not receive a high enough point rating to qualify for funding as compared to other pending applications, or if the application cannot meet basic eligibility or technical requirements, the application and any supporting documents will be returned to the applicant with advice as to the areas of deficiency. Remedial action regarding the deficiencies must be undertaken before the proposal may be reconsidered. The provisions of these regulations do not apply to projects involving New Communities, or such other critical or innovative projects as the Assistant Secretary for Community Development may determine. The Department reserves the right to negotiate the modification of the scope of the proposed undertaking and/or the amount of financial assistance requested.

§ 551.2 **Definitions.**

As used in the regulations in this part:

(a) "Applicant" means a local public body or agency, as defined in section 706 (b) of the Housing and Urban Development Act of 1965, 79 Stat. 451, 489, 42 U.S.C. 3101, which is applying for Federal assistance under the Neighborhood Facilities Grant Program.

(b) "Locality" means the political jurisdiction or jurisdictions having general purpose government powers upon whose behalf the application for Federal assistance has been substituted.

(c) "Low and moderate income" means an income level which is less than the maximum income eligibility level for a family of four for the county in which the project is to be located under either of the subsidized housing programs authorized by section 235 or 236 of the National Housing Act, as amended, 82 Stat. 476, 477, 498, 12 U.S.C. 1715Z, 1715Z–1.

(d) "Low- and moderate-income housing" refers to housing with a fair market value that is equal to or less than the resultant of multiplying the section 235–236 maximum income for a family of four, as established by the Secretary, for the county in which the project is located, by a factor of 3." Low- and moderate-income housing" also refers to housing with an annual rental equal to or less than one-third of such section 235–236 maximum income.

(e) "Service Area" means the area proposed to be, and reasonably capable of being, served by the Neighborhood Facilities Grant Project.

§ 551.4 **Program requisites.**

For the Neighborhood Facilities Grant Program there are the following four prerequisites:

(a) *Relocation requirements (if applicable).* (1) Submission of acceptable assurances of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, 42 U.S.C. 4601).

(2) Absence of any known impediment to the applicant's ability to meet HUD relocation requirements and the applicant's and/or locality's ability to fulfill requirements for replacement housing. Known impediment refers to a practical inability to provide adequate relocation assistance.

(b) *Civil rights.* Submission of acceptable assurances of compliance with title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d and HUD Title VI regulations 24 CFR Part I, 29 F.R. 16280 and with affirmative action plan requirements pursuant to Executive Order 11246, as amended 30 F.R. 12319, and HUD regulations 24 CFR Part 130, 36 F.R. 20688.

(c) *Service area.* The service area of the facility is reasonable in relationship to the services to be provided, and the design and capacity of the proposed facility.

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(d) *Project location.* The project is so located as to be available for use by a significant portion (or number in the case of large urban places) of the area's low- and moderate-income residents.

§ 551.6 Criteria for evaluating applications.

Criteria for evaluating applications are divided into the following major categories:

(a) Relationship to comprehensive planning;
(b) Income level of area to be served;
(c) Relevance of program objectives;
(d) Capacity to administer the neighborhood facility;
(e) Local equal employment and entrepreneurial effort;
(f) Local need;
(g) Commitment of local, county, State, and Federal entities to project or program;
(h) Expansion of housing for low- and moderate-income families;
(i) Community development;

The elements considered in each category are described in the following sections, and the method of assigning rating points to each element or category is set forth. Points are awarded to each element or category in the following manner unless otherwise specifically indicated: If a statement under a particular element or category applies specifically to the project application under consideration, the application is awarded the number of points assigned to that statement. If no statement applies, no points are awarded to the application for that element.

§ 551.8 Relationship to comprehensive planning.

(The value of this category is the value of paragraph (a) of this section).

(a) *General plan.* The proposed facility is specifically identified in the locality's general plan ---------- 5

§ 551.10 Income level of area to be served.

(The value of this category is the value of paragraphs (a), (b), or (c) of this section, as applicable.)

(a) *Population served.* On the basis of the latest available decennial census data 40–49 percent of the families whose needs are proposed to be served by the facility are low- and moderate-income families ---------- 5

"Low- and moderate-income" is defined in § 551.2(c).

(b) *Population served.* On the basis of the latest available decennial census data, 50–59 percent of the families whose needs are proposed to be served by the facility are low- and moderate-income families ---------- 10

(c) *Population served.* On the basis of the latest available decennial census data, 60 percent or over of the families whose needs are proposed to be served by the facility are low- and moderate-income families ---------- 14

§ 551.12 Relevance of program objectives.

(The value of this category is the sum of paragraphs (a) to (c) in this section.)

(a) *Accessibility to low- and moderate-income persons.* The proposed facility will be made readily accessible to low- and moderate-income persons outside the immediate neighborhood ---------- 3

(b) *Provision of community service.* The proposed facility will provide a program of community services to meet identified needs of low- and moderate-income families and individuals where present service and facilities do not exist ---------- 8

(c) *Coordination of existing services.* The proposed Neighborhood Facility Program will coordinate and extend existing health, recreation, social or similar community services to meet the identified needs of the population of the area to be served ---------- 5

"Identified Needs" refer to those priority needs determined by the applicant with the participation of the community residents whose needs are to be served.

§ 551.14 Capacity to administer the Neighborhood Facility.

(The value of this category is the sum of paragraphs (a) and (b) of this section.)

(a) *Local commitment.* The locality has committed staff and funds to provide core services for the proposed facility ---------- 5

"Core Services" (central administrative services) cover such activities as:

(1) Coordination of services, including hiring of a center director;
(2) Outreach;
(3) Intake, referral, and follow-through;
(4) Information development and dissemination;
(5) Maintenance of central record-keeping system;
(6) Community organization.

(b) *Program experience.* (1) If locality has had prior federally assisted Neighborhood Facilities Grant Program experience: The locality has expeditiously put in operation such facilities; where displacement was involved, effectively carried out relocation activities; and operated the completed facilities in accordance with contract conditions ---------- 5

or

(2) If the locality is without federally assisted Neighborhood Facilities Grant Program experience: The applicant has adequately maintained public facilities on a neighborhood basis and operated them in a nondiscriminatory manner ---------- 5

§ 551.16 Local equal employment and entrepreneurial effort.

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) Activities undertaken by the locality have provided relatively superior opportunities for training and/or employment of minority persons ---------- 3

(b) Activities undertaken by the locality have provided relatively superior opportunities for business concerns owned, controlled or managed in substantial part by minority persons ---------- 3

(c) The applicant has taken affirmative action in its own employment in the training and/or employment of minority persons with relatively superior results ---------- 4

In determining whether or not performance has been "relatively superior", the following items will be taken into consideration. Absolute numbers of persons actually trained or hired in relation to numbers of minority group persons in the labor market area; total dollar value of contracts let to minority entrepreneurs in relation to total dollar amount of contracts let by locality; within the administering agency, racial composition at all levels of employment and absolute number of training opportunities made available to minority group persons.

§ 551.18 Local need.

(The value of this category is the sum of the values of paragraphs (a) and (b) of this section.)

(a) *Median income of jurisdiction.* The median annual family of the geographic area of jurisdiction of the applicant compared to the State median annual family income is: (Select one, if appropriate):

(1) $1-$500 below State median ---------- 3
(2) More than $500 below State median ---------- 6

(b) *Median income of service area.* The median annual family of the service area compared to the State annual median family income is: (Select one if appropriate):

(1) $1-$500 below State median ---------- 4
(2) More than $500 below State median ---------- 8

Median family incomes for the service area and the State are to be obtained by utilizing the City County Data Book or other census data if possible. Or use best available data.

§ 551.20 Commitment of local, county, State, and Federal entities to project or program.

(The value of this category is the sum of paragraphs (a) to (d) of this section.)

(a) *Local commitment.* There was substantial participation by the chief executive and governing body of the locality during the planning of the project, and they are demonstrating current public commitment in support of the project ---------- 4

(b) *Resident commitment.* There was effective widespread participation of a representative spectrum of service area residents in the development of project objectives and there is evidence of current support for the execution of the project ---------- 4

(c) *Coordination of resources.* There was substantial participation of other local agencies during planning, and there is a current commitment including resources, from Federal, State, county, or local entities other than those necessary to satisfy the local share requirement ---------- 4

(d) *Participation in areawide or metropolitan planning.* There is active participation by the locality's representatives in the areawide or metropolitan planning organization ---------- 3

§ 551.22 Expansion of housing for low- and moderate-income families.

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) *Expansion of low- and moderate-income housing (applicant).* Within the applicant's geographic area of jurisdiction, there has been significant expansion of the supply of standard housing for low- and moderate-income families in nondiscriminatory way ---------- 3

(b) *Expansion of low- and moderate-income housing (locality).* Within the locality in which the project is located, there has been significant expansion of the supply of standard housing for low- and moderate-income families in a nondiscriminatory way ---------- 3

(c) *Dispersion of low- and moderate-income housing.* The locality has a realistic plan to expand the supply of standard low- and moderate-income housing in a nondiscriminatory way outside an area of concentration of economically disadvantaged or minority citizens ---------- 4

§ 551.24 Community development.

The degree to which the project is necessary for undertaking other publicly supported community development activities ---------- 0 to 6

"Community development activities" refers to those publicly supported physical development activities and those related social or economic development activities being carried out or to be carried out within a reasonable period of time in accordance with a locally determined or areawide plan or strategy. Factors taken into consideration may include the project's responsiveness to local needs and objectives, the economics possible through coordinated or joint action, the degree of support by the appropriate unit(s) of local general-purpose government, and the management capacity and efforts to develop management capacity within local general-purpose government.

PART 561—PUBLIC FACILITY LOANS PROGRAM PROJECT SELECTION SYSTEM

Sec.
561.1 Scope.
561.2 Definitions.
561.4 Program prerequisites.
561.6 Criteria for evaluating applications.
561.8 Availability of credit to applicant.
561.10 [Reserved]
561.12 Population class.
561.14 Physical need.
561.16 Housing consideration.
561.18 Local equal employment and entrepreneurial effort.
561.20 Local need.
561.22 Commitment of local county, State, and Federal entities to project or program.
561.24 Expansion of housing for low- and moderate-income families.
561.26 Community development.

AUTHORITY: The provisions of this Part 561 issued under secs. 201–204, of the Housing Amendments of 1955, 69 Stat. 642–644; 42 U.S.C. 1491–1494.

§ 561.1 Scope.

(a) *Purpose.* This part sets forth criteria and procedures to be used in preliminary evaluation of applications for Federal loan assistance to local public bodies and agencies under the Public Facility Loans Program.

(b) *Procedures.* (1) Submissions will first be reviewed against four prerequisites. If any of these prerequisites are not met, the application will be rejected. If the application meets all prerequisites, it will be evaluated against the point rated criteria and assigned a point rating.

(2) Then, depending upon the relative rating of the application among other such applications pending in the area office, the applicant may be asked to submit further application material, with supporting documentation so that a final decision on the loan may be reached. Such application material is subject to reviews to determine compliance of the application with basic eligibility and technical requirements.

(3) If an application does not receive a high enough point rating to qualify for funding as compared to other pending applications, or if the application cannot meet basic eligibility or technical requirements, the application and any supporting documents will be returned to the applicant with advice as to the areas of deficiency. Remedial action regarding the deficiencies must be undertaken before the proposal may be reconsidered.

(4) The Department will only accept applications for processing under this program involving works for the storage, treatment, purification, or distribution of water; and sewage, sewage treatment, and sewer facilities. The provisions of these regulations do not apply to projects involving New Communities, or such other critical or innovative projects as the Assistant Secretary for Community Development may determine.

(5) The Department reserves the right to negotiate the modification of the scope of the proposed undertaking and/or the amount of financial assistance requested.

§ 561.2 Definitions.

As used in the regulations in this part:

(a) "Applicant" means a legal entity, eligible under sections 201–204 of the Housing Amendments of 1955, 69 Stat. 642–644, 42 U.S.C. 1991–1494, which is applying for Federal assistance under the Public Facility Loans Program.

(b) "Locality" means the political jurisdiction or jurisdictions having general purpose government powers upon whose behalf the application for Federal assistance has been submitted.

(c) "Low and moderate income" means an income level which is less than the maximum income eligibility level for a family of four for the county in which the project is to be located under either of the subsidized housing programs authorized by section 235 or 236 of the National Housing Act, as amended 82 Stat. 476, 477, 498, 12 U.S.C. 1715z, 1715z–1.

(d) "Low- and moderate-income housing" refers to housing with a fair market value that is equal to or less than the resultant of multiplying the section 235–236 maximum income for a family of four, as established by the Secretary for the county in which the project is located, by a factor of 3. "Low- and moderate-income housing" also refers to housing with an annual rental equal to or less than one-third of such section 235–236 maximum income.

§ 561.4 Program prerequisites.

For the Public Facility Loans Program there are the following four prerequisites:

(a) *Population.* The population of the locality submitting the application is less than 50 thousand or in a designated redevelopment area, less than 150 thousand. This prerequisite does not apply to NASA impacted areas. Public Law 345, 84th Congress, 69 Stat. 635, 642; 42 U.S.C. 1491, or projects where there is assistance under Part B Urban Growth and New Community Development Act of 1970 (42 U.S.C 4511, 84 Stat. 1793.)

(b) *Civil rights.* Submission of acceptable assurances of compliance with title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d and HUD Title VI regulations 24 CFR Part I, 29 F.R. 16280 and with affirmative action plan requirements pursuant to Executive Order 11246, as amended 30 F.R. 12319, and HUD regulations 24 CFR Part 130, 36 F.R. 20688.

(c) *Relocation requirements (if applicable)* (1) Submission of acceptance assurances of compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894, 42 U.S.C. 4601, and

(2) Absence of any known impediment to the applicant's ability to meet HUD relocation requirements and the applicant's and/or locality's ability to fulfill requirements for replacement housing. "Known impediment" refers to a practical inability to provide adequate relocation assistance.

(d) *A–95 coordination.* Evidence that A–95 coordination is in process. The phrase "A–95 coordination" refers to the procedure involving review of applications by the appropriate agency under OMB Circular A–95.

§ 561.6 Criteria for evaluating applications.

Criteria for evaluating applications are divided into the following major categories:

(a) Availability of credit to applicant;
(b) Population class;
(c) Physical need;
(d) Housing consideration;
(e) Local equal employment and entrepreneurial efforts;
(f) Local need;
(g) Commitment of local, county, State, and Federal entities to project or program;
(h) Expansion of housing for low- and moderate-income families;
(i) Community development.

The elements considered in each category are described in the following sections, and the method of assigning rating points to each element or category is set forth. Points are awarded to each element or category in the following manner unless otherwise specifically indicated: If a statement under a particular element or category applies specifically to the project application under consideration, the application is awarded the

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number of points assigned to that statement. If no statement applies, no points are awarded to the application for that element.

§ 561.8 Availability of credit to applicant.

(The value of this category is the values of paragraph (a) or paragraph (b) of this section.)

(a) Credit is not available in the private market ---------- 12

(b) Private credit is available at a rate 1 percent above the Public Facility Loan rate or more ---------- 6

§ 561.10 [Reserved]

§ 561.12 Population class.

(The value of this category is the value of paragraph (a) or paragraph (b) of this section.)

(a) The population of the locality is under 10,000 ---------- 10

(b) The population of the locality is 10,000 to 25,000 ---------- 5

§ 561.14 Physical need.

(The value of this category is the value of paragraph (a) or paragraph (b) of this section.)

(a) The project will meet a critical need ---------- 12

(b) The project will provide a basic, needed facility which is not currently available ---------- 6

"Critical need" refers to a demonstrated need which must be met immediately to prevent or terminate a serious threat to the health or safety of the locality, e.g., a desperate need for water or control of demonstrated causes of diseases of epidemic proportions.

§ 561.16 Housing consideration.

(The value of this category is the sum of paragraphs (a) through (c) of this section.)

(a) The project is necessary for maintenance of existing decent, safe, and sanitary housing ---------- 3

(b) The project is necessary for assistance to proposed decent, safe, and sanitary low- and moderate-income housing ---------- 5

(c) The project is necessary for assistance for significant areas of housing that is less than decent, safe, and sanitary ---------- 3

"Decent, safe and sanitary" refers to housing that is in accordance with the local housing standards in the area in which the project is to be located.

§ 561.18 Local equal employment and entrepreneurial effort.

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) Activities undertaken by the locality have provided relatively superior opportunities for training and/or employment, of minority persons ---------- 3

(b) Activities undertaken by the locality have provided relatively superior opportunities for business concerns owned, controlled, or managed in substantial part by minority persons ---------- 3

(c) The applicant has taken affirmative action in its own employment in the training and/or employment of minority persons with relatively superior results ---------- 4

In determining whether or not performance has been "relatively superior", the following items will be taken into consideration. Absolute numbers of persons actually trained or hired in relation to numbers of minority group persons in the labor market area; total dollar value of contracts let to minority entrepreneurs in relation to total dollar amount of contracts let by locality; within the administering agency, racial composition at all levels of employment and absolute number of training opportunities made available to minority group persons.

§ 561.20 Local need.

(The value of this category is the sum of the values of paragraphs (a) and (b) of this section.)

(a) *Median income of jurisdiction.* The median annual family income of the geographic area of jurisdiction of the applicant compared to the State median annual family income is: (Select one, if appropriate):

(1) $1–$500 below State median ---- 3

(2) More than $500 below State median ---------- 6

(b) *Median income of service area.* The median annual family income of the service area compared to the State annual median family income is: (Select one, if appropriate):

(1) $1–$500 below State median ---- 4

(2) More than $500 below State median ---------- 8

Median family incomes for the service area and the State are to be obtained by utilizing the City County Data Book or other census data if possible. Or use best available data. "Service area" refers to the area proposed to be, and reasonably capable of being, served by the Public Facility Loans Project.

§ 561.22 Commitment of local, county, State, and Federal entities to project or program.

(The value of this category is the sum of paragraphs (a) to (d) of this section.)

(a) *Local commitment.* There was substantial participation by the chief executive and governing body of the locality during the planning of the project, and they are demonstrating current public commitment in support of the project ---------- 4

(b) *Resident commitment.* There was effective widespread participation of a representative spectrum of service area residents in the development of project objectives and there is evidence of current support for the execution of the project ---------- 4

(c) *Coordination of resources.* There was substantial participation of other local agencies during planning, and there is a current commitment including resources, from Federal, State, county, or local entities other than those necessary to satisfy the local share requirement -- 4

(d) *Participation in areawide or metropolitan planning.* There is active participation by the locality's representatives in the areawide or metropolitan planning organization ---------- 3

§ 561.24 Expansion of housing for low- and moderate-income families.

(The value of this category is the sum of the values of paragraphs (a), (b), and (c) of this section.)

(a) *Expansion of low- and moderate-income housing (applicant).* Within the applicant's geographic area of jurisdiction, there has been significant expansion of the supply of standard housing for low- and moderate-income families in a nondiscriminatory way ---------- 3

(b) *Expansion of low- and moderate-income housing (locality).* Within the locality in which the project is located, there has been significant expansion of the supply of standard housing for low and moderate-income families in a nondiscriminatory way ---------- 3

(c) *Dispersion of low- and moderate-income housing.* The locality has a realistic plan to expand the supply of standard low- and moderate-income housing in a nondiscriminatory way outside areas of concentration of economically disadvantaged or minority citizens ---------- 4

§ 561.26 Community development.

The degree to which the project is necessary for undertaking other publicly supported community development activities ---------- 0 to 6

"Community development activities" refers to those publicly supported physical development activities and those related social or economic development activities being carried out or to be carried out within a reasonable period of time in accordance with a locally determined or areawide plan or strategy. Factors taken into consideration may include the project's responsiveness to local needs and objectives, the economies possible through coordinated or joint action, the degree of support by the appropriate unit(s) of local general-purpose government, and the management capacity and efforts to develop management capacity within local general-purpose government.

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Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-301]

PART 73—RADIO BROADCAST SERVICES

Subpart G—Emergency Action Notification System and the Emergency Broadcast System

Order. In the matter of general revision of Subpart G, Part 73 of the Commission's rules, to update and simplify the rules governing the Emergency Broadcast System (EBS).

1. On February 20, 1971, an employee of the U.S. Army Strategic Communications Command (Stratcom) transmitted an Emergency Action Notification (EAN) in error, resulting in widespread confusion within the broadcast industry.

2. The deficiencies disclosed by this and earlier incidents have been under intensive study and review by Working Groups I and V of the Broadcast Services Subcommittee, National Industry Advisory Committee (NIAC). Corrective recommendations were submitted on August 26, 1971, and were forwarded to appropriate agencies of Government for comment.

3. Another Closed Circuit Test of the EBS was conducted on September 14, 1971, and a number of additional operating deficiencies were disclosed. The NIAC recommendations concerning these matters were further refined on October 7, 1971, and on October 14, 1971, we suspended further Closed Circuit Tests of the EBS until corrective changes could be promulgated and implemented. The NIAC recommendations were further supplemented on March 13, 1972.

4. As part of the needed reconfiguration of National-Level interconnecting circuitry for the Emergency Action Notification System (EANS), we find that the public interest will be served by the early implementation of the following NIAC recommendations:

(a) That arrangements be effected for the White House Communications Agency to assume operational control of the two origination points on the First and Second Methods of the EAN. Such operational control to cover the origination of all EAN's and all tests in accordance with the SOP's and the non-Government Activation and Termination procedures issued by the FCC.

(b) That all provision for the Attack Warning Message (EAN–2) be deleted from the Basic EBS Plan and all outstanding documents and procedures.

(c) Redesignate the internal alerting systems of the commercial Radio and Television Broadcast Networks as the First Method EAN.

(d) Redesignate the Associated Press (AP) and United Press International (UPI) Radio Wire Teletype Networks as the Second Method EAN.

(e) Consolidate the National-Level interconnecting circuitry for the First and Second Methods of the Emergency Action Notification System (Teletype Network) and redesignate as the "EBS Teletypewriter Network (500 Net)," as recommended by OTP.

(f) Provide a Private Line Telephone Network (Automatic Ring) between CONAD (Communications Systems Controller) Cheyenne Mountain Complex, Colorado; Building Seven (Exercises and Facilities Division)—Washington, D.C.; AP Headquarters—New York, N.Y.; and UPI Headquarters—Chicago, Ill., and designate as "Voice Confirmation Net (300 Net)," as recommended by OTP.

(g) Delete the following origination points:

National One Warning Center (N1WC), Cheyenne Mountain, Colorado Springs, Colo.
National Three Warning Center (N3WC) OEP Exercises and Facilities Division, Washington, D.C.

(h) Add the following origination points:

CONAD (Communications Systems Controller), Cheyenne Mountain Complex, Colo.
Exercises and Facilities Division, OEP, Building Seven, Washington, D.C.

(i) Delete the nationwide "seize key" cutting circuit from AP/UPI Radio Wire Teletype Network EAN configuration.

(j) Delete the seven Washington, D.C., peripheral FM broadcast stations (WFRE–FM; WCUM–FM; WJEJ–FM; WRFL–FM; WTTR–FM; WXRA–FM; and WHYL–FM) from the revised National-Level interconnecting facilities.

(k) Retain the present provisions for the Third and Fourth Methods of the EAN.

(l) AP and UPI will separately test the revised (new) Second Method EAN configuration on a random basis once each week at times of their individual choice.

(m) That AP and UPI continue their efforts to effect the installation of extension alarms on all AP/UPI teletypewriter stations.

(n) Amend the FCC publication entitled "Non-Government Activation and Termination Procedures for the Emergency Broadcast System (EBS)," and Standing Operating Procedures (EBS Series SOP–2, SOP–3, SOP–4, and SOP–5) to accommodate the NIAC recommendations and simplify these procedures.

(o) Continue the Closed Circuit Tests of the EBS presently provided in the Basic EBS Plan, upon promulgation and implementation of the Detailed NIAC recommendations.

In addition, we find that current EBS rules require revision to provide for noncommercial educational FM station participation and participation by television broadcast stations; identification of participating stations by call letters; display of appropriate EBS slides by television broadcast stations for the benefit of those with impaired hearing; simplified authentication procedures; inclusion of EBS announcement texts; substituting the term EBS Authorization for National Defense Emergency Authorization (NDEA); and an EBS Checklist for posting at all Broadcast Operating Positions.

5. The above-described changes are reflected in amendments of Part 73 of the rules herein ordered. Authority for the adoption of these changes is contained in sections 1, 4(i), 4(o), and 303(r) of the Communications Act of 1934, as amended.

6. Because the changes herein ordered relate to national security, compliance with the prior notice provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) is unnecessary.

7. In view of the foregoing, and the 6-month leadtime required by the Communications Common Carriers for implementation of a revised National-Level interconnecting system for the Emergency Action Notification System: *It is ordered*, That effective November 2, 1972, Subpart G of Part 73 of the Commission's rules is revised as set forth below.

8. *It is further ordered*, That the interim Emergency Action Notification System arrangements between the White House and AP/UPI adopted by the Commission on February 26, 1971, will continue in effect until November 2, 1972, and that notwithstanding the provisions of § 73.962, as herein adopted, Closed Circuit tests of the EBS, suspended by Order adopted October 14, 1971 (FCC 71–1060), shall not be resumed until further order of the Commission.

Adopted: April 15, 1972.

Released: April 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Subpart G—Emergency Action Notification System and the Emergency Broadcast System

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[1] Commissioner Johnson concurring in the result.

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73.933 Emergency Broadcast System (EBS) Operation During a National-Level Emergency Action Condition.
73.934 Termination of Emergency Action Condition.
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73.936 Emergency Broadcast System (EBS) Operation During a State-Level Emergency Action Condition.
73.937 Emergency Broadcast System (EBS) Operation During an Operational (Local) Area-Level Emergency Action Condition.

TESTS

73.961 Tests of the Emergency Action Notification System.
73.962 Closed Circuit Tests of Approved National-Level Interconnecting Systems and Facilities of the Emergency Broadcast System (EBS).

AUTHORITY: The provisions of this Subpart G issued under secs. 1, 4, 303, 48 Stat., as amended, 1064, 1066, 1082; 47 U.S.C. 151, 154, 303.

SCOPE AND OBJECTIVES

§ 73.901 Scope of subpart.

This subpart contains the rules and regulations providing for an Emergency Action Notification System (EANS) and an Emergency Broadcast System (EBS) and applies to all broadcast stations governed by this part within any State, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, but not those stations located in the Canal Zone.

§ 73.902 Objectives of subpart.

The objectives of this subpart are to provide an expeditious means for the dissemination of Emergency Action Notifications and Emergency Action Condition Terminations to licensees and regulated services of the Federal Communications Commission, non-Government industry entities, and to the general public. Provision is also made for operation of broadcast stations subject to this part and designated non-Government and approved interconnecting systems and facilities on a voluntary organized basis during an Emergency Action Condition to provide the President and the Federal Government as well as State and Operational (local) Area authorities with an expeditious means of communicating with the general public during National, State, or Operational (local) Area situations covering a broad range of emergency contingencies posing a threat to the safety of life or property.

DEFINITIONS

§ 73.905 Emergency Action Notification System (EANS).

The system by which all licensees and regulated services of the Federal Communications Commission, participating non-Government industry entities, and the general public, are notified of the existence of or termination of an Emergency Action Condition resulting from National, State, or Operational (local) Area situations covering a broad range of emergency contigencies posing a threat to the safety of life or property. The Emergency Action Notification System consists only of the following approved and authorized facilities, systems, and interconnection arrangements: Receipt of the emergency action notification via any one is sufficient to begin emergency actions set forth in § 73.933.

(a) *First Method.* Via the internal alerting facilities of the commercial Radio and Television Broadcast Networks to all affiliates.

(b) *Second Method.* Via teletype to all standard, FM, and television broadcast and other stations subscribing to the AP and UPI Radio Wire Teletype Networks.

(c) *Third Method.* Off-the-air monitoring of specified standard, FM, and television broadcast stations by standard, FM, and television broadcast stations and other licensees and regulated services for receipt of the Emergency Action Notification. All broadcast licensees are required to install, maintain and operate radio receiving equipment for receipt of the Emergency Action Notifications and Emergency Action Condition Terminations via this method.

(d) *Fourth Method.* Off-the-air monitoring of standard, FM, and television broadcast stations by participating non-Government industry entities and the general public who are listening or viewing or whose radio or television receivers are equipped for actuation by the Attention Signal to receive the Emergency Action Notifications and Emergency Action Condition Terminations.

(e) *National-Level Interconnection Arrangements.* (1) From the White House to two specified origination points; thence via a dedicated teletype network to specified control points of the commercial Radio and Television Broadcast Networks (ABC, CBS, IMN, MBS, NBC, UPI-Audio, ABC–TV, CBS–TV, NBC–TV) and the American Telephone and Telegraph Co.; thence via the First Method specified in paragraph (a) of this section.

(2) From the White House to two specified origination points; thence via a dedicated teletype network with a dedicated automatic telephone network for backup confirmation and verification purposes; thence via the Second Method specified in paragraph (b) of this section.

(3) Via the Third Method specified in paragraph (c) of this section.

(4) Via the Fourth Method specified in paragraph (d) of this section.

(f) *State-Level Interconnection Arrangements.* From State authorities to specified State Network Primary Control Stations pursuant to the provisions of § 73.935(a)(1) via the detailed arrangements specified in the Detailed State EBS Operational Plan; thence via the Third and Fourth Methods set forth in paragraphs (c) and (d), of this section.

(g) *Operational (Local) Area-Level Interconnection Arrangements.* From Operational (Local) Area authorities to specified Primary Broadcast Stations for the Operational (Local) Area pursuant to the provisions of § 73.935(a)(2) via the detailed arrangements specified in the Detailed State EBS Operational Plan; thence via the Third and Fourth Methods set forth in paragraphs (c) and (d) of this section.

§ 73.906 Attention signal.

The signaling arrangement whereby standard, FM, and television broadcast stations can actuate muted receivers for the receipt of emergency cueing announcements and broadcasts, is as follows:

(a) Cut the transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(b) Return carrier to the air for 5 seconds.

(c) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(d) Return carrier to the air.

(e) Broadcast 1,000 hertz steady-state tone for 15 seconds.

NOTE: Steps in paragraphs (a) through (e) of this section, constitute the present Attention Signal. Revision of the Attention Signal is under study by a Special National Industry Advisory Committee Working Group.

§ 73.907 Emergency Action Notification.

The Emergency Action Notification is the notice to all licensees and regulated services of the Federal Communications Commission, participating non-Government industry entities, and to the general public of the existence of an Emergency Action Condition. The Emergency Action Notification is disseminated only via the Emergency Action Notification System in accordance with the Detailed non-Government Activiation and Termination Procedures and Standing Operating Procedures (SOP's) for the Emergency Broadcast System which are promulgated and issued only by the Federal Communications Commission to those non-Government entities concerned.

§ 73.908 Emergency Action Condition.

The Emergency Action Condition is a National, State, or Operational (local) Area emergency situation posing a threat to the safety of life or property covering the period of time between the transmission of an Emergency Action Notification and the transmission of the Emergency Action Condition Termination.

§ 73.909 Emergency Action Condition Termination.

The Emergency Action Condition Termination is the notice to all licensees and regulated services of the Federal Communications Commission, participating non-Government industry entities, and to the general public of the termination of an Emergency Action Condition. The Emergency Action Condition Termination is disseminated only via the Emergency Action Notification System in accordance with the Detailed non-Government Activation and Termination Procedures and Standing Operating Procedures (SOP's) for the Emergency Broadcast System which are promulgated and issued only by the Federal Communications Commission to those non-Government entities concerned.

§ 73.910 Detailed Non-Government Activation and Termination Procedures for the Emergency Broadcast System.

The Detailed Non-Government Activation and Termination Procedures for the Emergency Broadcast System prescribes the approved interconnecting circuitry details, facilities, operational arrangements and operational procedures for the Emergency Broadcast System and the origination, authentication and transmission of Emergency Action Notifications and Emergency Action Condition Terminations via the Emergency Action Notification System. Detailed actions and authentication procedures between operational elements of the Federal Government at the points of origin and specified points interconnecting with participating non-Government entities in accordance with provisions of the Basic Emergency Broadcast System (EBS) Plan are specified therein. This document is promulgated and issued only by the Federal Communications Commission to those non-Government entities concerned. (Detailed Activation and Termination Procedures between operational elements of the Federal Government will be promulgated and issued by the appropriate Government agencies involved therein.)

§ 73.911 Standing Operating Procedures (SOP's) and Authenticator Word Lists.

Standing Operating Procedures (SOP's) are documents promulgated periodically and issued by the Federal Communications Commission for use by participating non-Government industry entities specifying the detailed operational and authentication procedures for the approved interconnecting facilities for the Emergency Action Notification System and Emergency Broadcast System, as follows:

(a) *EBS SOP–1 Series.* The EBS SOP–1 Series contains detailed operational and authentication procedures for the First and Second Methods National-Level interconnecting facilities of the Emergency Action Notification System and is promulgated by the Federal Communications Commission and issued to specified non-Government control points of the nationwide commercial Radio and Television Broadcast Networks (ABC, CBS, IMN, MBS, NBC, UPI-Audio, ABC–TV, CBS–TV, NBC–TV) the American Telephone and Telegraph Co., the Associated Press (AP), and United Press International (UPI). The EBS Authenticator List (Red Envelope) issued quarterly by the Federal Communications Commission is utilized in these procedures.

(b) *EBS SOP–2 Series.* The EBS SOP–2 Series contains detailed operational and authentication procedures for the First and Second Methods of the Emergency Action Notification System and is promulgated by the Federal Communications Commission and issued to all standard, FM, and television broadcast stations subscribing to the AP and UPI Radio Wire Teletype Networks and to network affiliates. The EBS Authenticator List (Red Envelope) issued quarterly by the Federal Communications Commission and associated with the EBS Checklist is utilized in these procedures.

(c) *EBS SOP–3 Series.* The EBS SOP–3 Series contains detailed operational and authentication procedures providing a backup for the First and Second Methods National-Level interconnecting facilities of the Emergency Action Notification System and is promulgated by the Federal Communications Commission and issued to specified non-Government control points of the nationwide commercial Radio and Television Broadcast Networks, the American Telephone and Telegraph Co., Associated Press (AP), and United Press International (UPI). Authenticator Word Lists EBS (Voice) series (White Envelope) issued quarterly by the Federal Communications Commission are utilized in these procedures.

§ 73.912 Emergency Broadcast System (EBS).

The Emergency Broadcast System (EBS) is composed of facilities and personnel of non-Government broadcast stations and other authorized facilities licensed or regulated by the Federal Communications Commission and participating non-Government industry entities, including approved and authorized integral facilities or systems, arrangements, procedures, and interconnecting facilities, which have been authorized by the Federal Communications Commission to operate on a voluntary organized basis during National, State, or Operational (local) Area situations covering a broad range of emergency contingencies posing a threat to the safety of life or property for the purpose of expeditiously transmitting emergency Presidential Messages, National, State, or Operational (local) Area emergency information, emergency programing, or news to the general public.

§ 73.913 Basic Emergency Broadcast System (EBS) Plan.

The Basic Emergency Broadcast System (EBS) Plan contains, among other things, approved basic concepts and designated systems, arrangements, procedures, and interconnecting facilities to provide the requisite guidance to all non-Goverment participating elements and industry entities in the detailed development, designation and approval of facilities, mutually compatible operational arrangements, procedures, and interconnection arrangements for the expeditious dissemination on a voluntary organized basis of emergency information and instructions at the request of National, State, and Operational (local) Area authorities in addition to emergency Presidential Messages, National Programing and News during National, State, or Operational (local) Area situations covering a broad range of emergency contingencies posing a threat to the safety of life or property.

§ 73.914 Emergency Action Checklist for the Emergency Broadcast System (EBS).

The Emergency Action Checklist for the Emergency Broadcast System is a document for posting at all broadcast operating positions of standard, FM, and television broadcast stations, which specifies in summary form, the emergency actions to be taken by the station's operating personnel upon receipt of Emergency Action Notifications, Emergency Action Condition Terminations, and Tests received via the National-Level, State-Level, and Local-Level interconnecting facilities of the Emergency Broadcast System (EBS).

§ 73.915 NIAC Order.

A NIAC Order is a service order previously filed with the American Telephone and Telephone Co. providing for approved arrangements for program origination reconfiguration of the major commercial Radio and Television (aural) Broadcast Networks (except UPI Audio) voluntarily participating in the Emergency Broadcast System (EBS). Broadcast networks presently participating are American Broadcasting Co. (ABC), Columbia Broadcasting System (CBS), Mutual Broadcasting System (MBS), National Broadcasting Co. (NBC), Intermountain Network (IMN), and the United Press International Audio (UPI). Any NIAC Order must meet White House requirements and may be activated only in accordance with the Detailed Activation and Termination Procedures for the Emergency Broadcast System (EBS), and Standing Operating Procedures (SOP's).

§ 73.916 Emergency Broadcast System (EBS) Authorization.

(a) An Emergency Broadcast System (EBS) Authorization is an authorization issued by the Federal Communications Commission only to the licensees of Broadcast stations subject to the provisions of this part to permit operation of such stations, as well as associated auxiliary broadcast stations subject to Part 74 of this chapter on a voluntary organized basis during a National-level Emergency Action Condition, consistent with the provisions of this subpart and the Basic Emergency Broadcast System (EBS) Plan, including the annexes and supplements to that plan. A broadcast station licensee will be issued an Emergency Broadcast System Authorization only in accordance with the Criteria for Eligibility set forth in the Basic Emergency Broadcast System (EBS) Plan, which will remain valid concurrently with the term of the broadcast station license, so long as the station licensee continues to comply with the Criteria for Eligibility.

(b) An Emergency Broadcast System (EBS) Authorization is not required in order to participate on a voluntary organized basis in State and Operational (local) Area Emergency Broadcast System operations as set forth in § 73.935.

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§ 73.917 Primary Station Emergency Broadcast System (EBS) Authorization.

A Primary Station Emergency Broadcast System (EBS) Authorization is the authorization issued to one or more broadcast station licensees in an Operational (local) Area assigning such licensees the responsibility for broadcasting a common emergency program for the initial period of, or for the duration of a National-level Emergency Action Condition. Broadcasts by such stations are intended for direct public reception in an Operational (local) Area, as specified in an approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.918 Alternate Station Emergency Broadcast System (EBS) Authorization.

An Alternate Station Emergency Broadcast System (EBS) Authorization is the authorization issued to one or more broadcast licensees in an Operational (local) Area assigning such licensees as specified alternates. An Alternate Station will assume broadcasting responsibility in accordance with the provisions of the Detailed State Emergency Broadcast System (EBS) Operational Plan during a National-level Emergency Action Condition.

§ 73.919 Primary Relay Station Emergency Broadcast System (EBS) Authorization.

A Primary Relay Station Emergency Broadcast System (EBS) Authorization is the authorization issued to one or more broadcast licensees in an Operational (local) Area assigning such licensees the function of emergency program distribution or relay service of emergency programing during a National-level Emergency Action Condition to stations holding Primary or Alternate Station Emergency Broadcast System (EBS) Authorizations, in accordance with an approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.920 Alternate Relay Station Emergency Broadcast System (EBS) Authorization.

An Alternate Relay Station Emergency Broadcast System (EBS) Authorization is the authorization issued to one or more broadcast licensees in an Operational (local) Area assigning such licensees as specified alternates to stations holding Primary Relay Emergency Broadcast System (EBS) Authorizations. In the event a Primary Relay Station is unable to assume its initial operational functions, or discontinues such operation for any reason, an Alternate Relay Station will assume those operational functions during a National-level Emergency Action Condition, in accordance with the "alternate" designations (1st, 2d, 3d, 4th, etc.) contained in the approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.921 Non-Participating Station.

A Non-Participating Station is a broadcast station which is not voluntarily participating in the Emergency Broadcast System (EBS) and does not hold an Emergency Broadcast System (EBS) Authorization. Such stations are required to discontinue operations for the duration of a National-Level Emergency Action Condition.

§ 73.922 Detailed State Emergency Broadcast System (EBS) Operational Plan.

A Detailed State Emergency Broadcast System (EBS) Operational Plan is a plan containing the designation of facilities, approved detailed mutually compatible operational arrangements, procedures, instructions, and interconnecting facilities for communicating with the general public during an Emergency Action Condition. Such a plan includes approved and authorized detailed emergency operational communications facilities, systems, procedures, and interconnecting systems. It shall be in conformity with the provisions of this subpart and the Basic Emergency Broadcast System (EBS) Plan and shall be considered a supplement thereto.

§ 73.923 Operational (local) Area.

An Operational (local) Area is a geographical area which may encompass a number of contiguous communities, as determined by the State Industry Advisory Committee and as delineated in the approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.924 Common Program Control Broadcast Station.

A Common Program Control Broadcast Station is a Primary Broadcast Station in each Operational (local) Area assigned the responsibility for coordinating the operations for the broadcasting of the common program for the Operational (local) Area. In the event a Common Program Control Broadcast Station is unable for any reason to carry out this responsibility, other Primary and Alternate Broadcast Stations in the Operational (local) Area will be assigned as the Common Program Control Broadcast Station in progressive order, as set forth in the approved Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.925 Emergency Broadcast System (EBS) Programing Priorities.

(a) Program priorities for the Emergency Broadcast System (EBS) are as follows:

Priority One—Presidential Messages.
Priority Two—State Programing.
Priority Three—Operational Area (Local) Programing.
Priority Four—National Programing and News.

(b) The Common Program Control Broadcast Station is responsible for coordinating the operations of the participating stations in the Operational (Local) Area in the broadcast of a common program for the Operational (Local) Area in accordance with the program priorities set forth in paragraph (a) of this section.

(c) All authorized participating stations that remain on the air in accordance with the Basic Emergency Broadcast System (EBS) Plan and the Detailed State Emergency Broadcast System (EBS) Operational Plan must carry Presidential Messages "live" at time of transmission.

(d) The nationwide commercial Radio and Television (aural) Broadcast Network program distribution facilities shall be reserved exclusively for the distribution of Presidential Messages (Priority One) and National Programing and News (Priority Four), National Programing and News which is not broadcast at the time of original transmission shall be recorded locally by the Common Program Control Broadcast Station for broadcast at the earliest opportunity consistent with Operational (Local) Area requirements.

PARTICIPATION

§ 73.926 Participation in the Emergency Broadcast System (EBS).

(a) Any licensee desiring to participate voluntarily in the National-Level Emergency Broadcast System (EBS) must prepare in narrative form an application directed to the establishment of eligibility based upon the criteria set forth in the Basic Emergency Broadcast System (EBS) Plan. The Federal Communications Commission may then issue Authorization to the licensee authorizing participation in the Emergency Broadcast System (EBS) consistent with the provisions of the approved Detailed State Emergency Broadcast System (EBS) Operational Plans.

(b) Any station participating in the National-Level Emergency Broadcast System (EBS) may withdraw from participation by giving 30 days written notice and by submitting its Emergency Authorization to the Federal Communications Commission through the appropriate FCC Regional Liaison Officer for cancellation.

(c) Any station that is denied participation in the National-Level Emergency Broadcast System (EBS) for any reason may apply to the Commission for review of the staff denial, in accordance with § 1.115 of the Federal Communications Commission rules and regulations.

(d) Any standard, FM, or television broadcast licensee may, at the discretion of management, voluntarily participate in the State-Level and Operational (Local) Area-Level Emergency Broadcast System in accordance with the provisions of the Detailed State Emergency Broadcast System (EBS) Plan. A special authorization is not required for this purpose.

NETWORK CONNECTION

§ 73.927 Participation by Communications Common Carriers.

(a) Communications Common Carriers which have facilities available in place may, without charge, connect an unaffiliated broadcast station to commercial networks operated by ABC, CBS, MBS, NBC, or IMN for the duration of an Emergency Action Condition: *Provided*, That:

(1) The station is authorized by the Federal Communications Commission to participate in the Emergency Broadcast System (EBS).

(2) The station has in service a local channel from the station studio or transmitter directly to the nearest telephone company Principal Central Office (toll test).

(b) During an Emergency Action Condition and using NIAC Orders Nos. 1 through 63, Communications Common Carriers which have facilities in place may, without charge, connect an originating source associated with an appropriate NIAC Order Number from the nearest Exchange to a selected Test Center, thence to the authorized commercial Radio and Television (aural) Broadcast Networks for the duration of the Emergency Action Condition: *Provided*, That:

(1) The originating source has in service a local channel from the originating point to the nearest Exchange.

(2) A NIAC Order covering this service is requested by the White House in accordance with the provisions of the Basic Emergency Broadcast System (EBS) Plan.

(c) Upon issuance of the Emergency Action Condition Termination, such carriers shall disconnect the unaffiliated broadcast stations and the authorized origination source and then restore the Broadcast Networks to their original configuration as individual entities.

(d) Closed circuit tests of technical program origination and distribution channels associated with NIAC Orders Nos. 1 through 63 will be conducted as provided in § 73.962. These tests are in conformance with the provision of this section.

(e) During closed circuit tests of National-Level interconnecting facilities using NIAC Orders Nos. 1 through 63, Communications Common Carriers which have facilities in place may, without charge, connect an originating source associated with an appropriate NIAC Order Number from the nearest Exchange to a selected Test Center, thence to the authorized commercial Radio Networks only for such closed circuit tests and no unaffiliated stations may be connected for the duration of the test, unless specifically authorized by the Federal Communications Commission. Upon completion of such tests the Broadcast Networks shall be restored to their original configuration as individual entities.

(f) Every such carrier rendering any such free service shall make and file, in duplicate, with the Federal Communications Commission, on or before the 31st day of July and on or before the 31st day of January in each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December respectively, next prior to said dates. These reports shall show in detail what free service was rendered pursuant to this rule and the charges in dollars which would have accrued to the carrier for such service rendered if charges therefor had been collected at the published tariff rates.

EMERGENCY ACTIONS

§ 73.931 Notification of Emergency Action Condition.

(a) *National-Level.* The Emergency Action Notification will be released at this level upon request of the White House and will be disseminated only via the Four Methods of the Emergency Action Notification System as set forth in § 73.905(e). Receipt of the Emergency Action Notification via any one of the four methods is sufficient notice to begin emergency actions set forth in § 73.933.

(b) *State-Level.* The management of specified State Network Primary Control Stations may, at their discretion, release the Emergency Action Notification at this level pursuant to the provisions of § 73.935(a)(1) and will be disseminated as set forth in § 73.905(f) and the Detailed State EBS Operational Plan.

(c) *Operational (Local) Area-Level.* The management of specified Primary Broadcast Stations for the Operational (Local) Area may, at their discretion, release the Emergency Action Notification at this level pursuant to § 73.935(a)(2) and will be disseminated as set forth in § 73.905(g) and the Detailed State EBS Operational Plan.

§ 73.932 Radio Monitoring Requirement.

(a) In order to insure the effectiveness of the Third Method of the Emergency Action Notification System, all broadcast station licensees must install and operate during their hours of broadcast operation, equipment capable of receiving Emergency Action Notifications or Terminations transmitted by other radio broadcast stations. This equipment must be maintained in operative condition, including arrangements for human listening watch or automatic alarm devices, and shall have its termination at each transmitter control point. However, where more than one broadcast transmitter is controlled from a common point by the same operator, only one set of equipment is required at that point.

(b) The Third Method off-the-air monitoring assignment of each standard, FM, and television broadcast station is specified in the Detailed State Emergency Broadcast System (EBS) Operational Plan.

(c) Prior to commencing routine operation or originating any emissions under program test, equipment test, experimental, or other authorizations or for any other purpose, licensees or permittees shall first ascertain whether an Emergency Action Condition exists and, if so, shall operate only in accordance with the Basic Emergency Broadcast System (EBS) Plan and Detailed State Emergency Broadcast System (EBS) Operational Plan.

§ 73.933 Emergency Broadcast System (EBS) Operation During a National-Level Emergency Action Condition.

(a) All broadcast stations are furnished complete instructions on an Emergency Action Checklist to be posted at broadcast operating positions. This Checklist summarizes the procedures to be followed by operating personnel of all broadcast stations subject to this part upon receipt of a National-Level Emergency Action Notification or Emergency Action Condition Termination. This notification may be received by one or more of the following: Receipt of the Emergency Action Notification via any one of the following is sufficient notice to begin emergency action.

(1) Via the commercial radio and television network facilities;

(2) Via the radio press wires (AP/UPI);

(3) Via off-the-air monitoring of the Primary Station for the Operational (local) Area.

(4) Via off-the-air monitoring of the Primary (FM) Relay Station for the Operational (local) Area.

(b) Immediately upon receipt of such notifications, all standard, commercial FM (including all subcarriers), and noncommercial educational FM (including all subcarriers), and television broadcast stations, including all such stations operating under equipment or program test authority, will proceed as follows:

NOTE: It is suggested that appropriate arrangements be made to tape all emergency broadcasts, including the Emergency Action Notification. Appropriate notations should also be made in the station log of all significant events as they transpire. These records should be carefully preserved in the event they are required at some later date.

(1) Immediately monitor the commercial radio and television network facilities (ABC, CBS, IMN, MBS, NBC, UPI Audio, ABC–TV, CBS–TV, NBC–TV) for any further instructions from the Network Control Point.

(2) Immediately check the Radio Press Wire (AP/UPI). Verify authenticity of message with current EBS Authenticator List (Red Envelope).

(3) Immediately monitor the radio receiving equipment tuned to a Primary Station for the Operational (Local) Area and/or to a Primary Relay (FM) Station for the State EBS Network or the Statewide leased common carrier State EBS Network for receipt of any further instructions.

(4) Discontinue normal program and broadcast the following announcement:

We interrupt this program. This is a National Emergency. Important instructions will follow.

(5) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906 as follows:

(i) Cut the transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(ii) Return carrier to the air for 5 seconds.

(iii) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(iv) Return carrier to the air.

(v) Broadcast 1,000-hertz steady-state tone for 15 seconds.

(6) (i) "Primary Stations" will make the following announcement:

This is an Emergency Action Notification. All stations shall broadcast this Emergency

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Action Notification Message. This station has interrupted its regular program at the request of the White House to participate in the Emergency Broadcast System. During this emergency, some stations will remain on the air broadcasting news and official information to the public in assigned areas. This is station (call letters). We will remain on the air to serve the (operational area name) area. If you are not in this area, you should tune to other stations until you hear one broadcasting news and information for your area. You are listening to the Emergency Broadcast System serving the (operational area name) area. Do not use your telephone. The telephone lines should be kept open for official use. The Emergency Broadcast System has been activated to keep you informed. I repeat • • •. (Repeat the above announcement.)

NOTE 1: Television broadcast stations shall display the Emergency Broadcast System slide during the above transmission procedure. Those television broadcast stations holding Primary Station EBS Authorizations will continue operation and shall display the Emergency Broadcast System (EBS) or other appropriate slide during audio transmissions.

NOTE 2: Stations broadcasting in a foreign language shall repeat the above announcements in that language.

(ii) *"Primary RELAY Stations"* will make the following announcement:

This is an Emergency Action Notification. All stations shall broadcast this Emergency Action Notification Message. This station has interrupted its regular program at the request of the White House to participate in the Emergency Broadcast System. During this emergency, some stations will remain on the air broadcasting news and official information to the public in assigned areas. This is station (call letters). We will be serving as a program distribution and relay channel to other stations. For complete news and information for your area, you should now tune to other stations until you hear one broadcasting news and information for your area. This station will not be broadcasting complete news and information for your area. You should now tune until you hear a station broadcasting news and information for your area. Do not use your telephone. The telephone lines should be kept open for official use. The Emergency Broadcast System has been activated to keep you informed. I repeat • • •. (Repeat the above announcement.)

NOTE 1: Those television broadcast stations holding Primary Relay Station EBS Authorizations shall continue operation and shall display the Emergency Broadcast System (EBS) or other appropriate slide during audio transmissions.

NOTE 2: Stations broadcasting in a foreign language shall repeat the above announcements in that language.

(iii) "Alternate Stations" will make the following announcement:

This is an emergency action notification. All stations shall broadcast this emergency action notification message. This station has interrupted its regular program at the request of the White House to participate in the Emergency Broadcast System. During this emergency, some stations will remain on the air broadcasting news and official information to the public in assigned areas. This is station (call letters). We will be leaving the air. You should now tune to other stations until you hear one broadcasting emergency news and information for your area. This station will not be broadcasting news and information for your area. You should now tune until you hear a station broadcasting news and information for your area. Do not use your telephone. The telephone lines should be kept open for official use. The Emergency Broadcast System has been activated to keep you informed.

I repeat • • • (Repeat the above announcement.)

NOTE 1: Television broadcast stations shall display the Emergency Broadcast System slide during the transmission procedure.

NOTE 2: Stations broadcasting in a foreign language shall repeat the above announcements in that language.

(iv) "Alternate Relay Stations" will make the following announcement:

This is an Emergency Action Notification. All stations shall broadcast this Emergency Action Notification Message. This station has interrupted its regular program at the request of the White House to participate in the Emergency Broadcast System. During this emergency, some stations will remain on the air broadcasting news and official information to the public in assigned areas. This is station (call letters). We will be leaving the air. You should now tune to other stations until you hear one broadcasting emergency news and information for your area. This station will not be broadcasting news and information for your area. You should now tune until you hear a station broadcasting news and information for your area. Do not use your telephone. The telephone lines should be kept open for official use. The Emergency Broadcast System has been activated to keep you informed.

I repeat • • • (Repeat the above announcement.)

NOTE 1: Television broadcast stations shall display the Emergency Broadcast System slide during the transmission procedures.

NOTE 2: Stations broadcasting in a foreign language shall repeat the above announcements in that language.

(v) Nonparticipating Stations will make the following announcement:

This is an Emergency Action Notification. All stations shall broadcast this Emergency Action Notification Message. This station has interrupted its regular program at the request of the White House to participate in the Emergency Broadcast System. During this emergency, some stations will remain on the air broadcasting news and official information to the public in assigned areas. This is station (call letters). We will be leaving the air. You should now tune to other stations until you hear one broadcasting emergency news and information for your area. You should now tune until you hear a station broadcasting news and information for your area. Do not use your telephone. The telephone lines should be kept open for official use. The Emergency Broadcast System has been activated to keep you informed. I repeat • • •. (Repeat the above announcement.)

NOTE 1: Television broadcast stations shall display the Emergency Broadcast System slide during the transmission procedure.

NOTE 2: Stations broadcasting in a foreign language shall repeat the above announcements in that language.

(7) Upon completion of the above-detailed transmission procedures:

(i) Primary Stations within an Operational (local) Area will, upon cue from the Common Program Control Broadcast Station, begin broadcast of a common program. Feeds will be provided by one or more of the following:

(a) Common Program Control Station for the Operational (local) Area.

(b) Commercial Radio and Television Broadcast Networks.

(c) State EBS Networks (Intercity FM off-the-air relay) (Intercity leased common carrier facilities).

(d) Operational (local) Area Remote Pickup Broadcast Network or Primary Relay Station (FM) for the Operational (local) Area.

NOTE 1: All stations shall carry common programing until receipt of the Emergency Action Condition Termination. At this point, direct feed may be utilized from one or more of the above.

NOTE 2: Programing priorities shall be as follows:

Priority One—Presidential Message.
Priority Two—State Programing.
Priority Three—Operational Area (Local) Programing.
Priority Four—National Programing and News.

(ii) Primary Relay Stations will begin emergency program relay and distribution service in accordance with the provisions of the Basic Emergency Broadcast System (EBS) Plan and the Detailed State Emergency Broadcast System (EBS) Operational Plans.

(iii) Alternate Stations and Alternate Relay Stations within an Operational (Local) Area will now turn off their transmitters and will stand by in a state of operational readiness to begin operation to broadcast a common program upon cue from a Primary or Alternate station which is discontinuing operation for any reason, or has discontinued operation with no advance notice, consistent with the provisions of the Basic Emergency Broadcast System (EBS) Plan and the Detailed State Emergency Broadcast System (EBS) Operational Plan.

(iv) Non-Participating Stations shall discontinue operation and remove their carriers from the air for the duration of the Emergency Action Condition after completion of the Emergency Action Notification Procedures set forth in this section, above.

(8) Standby script:

(i) Upon completion of the broadcast of the Emergency Action Notification broadcast message, repeated three times, the Standby Script shall be used only by Primary Stations (or Alternate Stations if they are required to assume broadcasting responsibility) until program material is available from National, State, or Operational (Local) Area systems as set forth in your Detailed State Emergency Broadcast System (EBS) Operational Plan.

(ii) In addition, Standby Script may be used thereafter, as fill material for the common program for the Operational (Local) Area, upon cue from the Common Program Control Broadcast Station in the Operational (Local) Area.

(iii) Text of Standby Script (Use Following Emergency Action Notification Broadcast Message):

We interrupt our program at the request of the White House. This is the Emergency Broadcast System. All normal broadcasting has been discontinued during this emergency. This is station (call letters). This station will continue to broadcast, furnishing news, official information and instructions, as soon as possible, for the (operational area name) area. If you are not in the (operational area name) area tune to a station furnishing information for your area. I repeat—we interrupt our program at the request of the White House. This is the Emergency Broadcast System. All normal broadcasting has been discontinued during this emergency. This station will continue to broadcast, furnishing news, official information and instructions, as soon as possible, for the (operational area name) area. If you are not in the (operational area name) area tune to a station furnishing information for your area. Do not use your telephone, the telephone lines should be kept open for emergency official use. The Emergency Broadcast System has been activated to keep you informed. To repeat—this is station (call letters). This station will broadcast news, official information and instructions for the (operational area name) area. If you are in the (operational area name) area, keep tuned to this station for further emergency information. It is important that you listen carefully to announcements only on the station broadcasting information for your area.

NOTE: If Presidential, State, Operational (Local) Area, or National programing or News is not being received by this time, repeat Standby Script until programing is available from one of the sources specified.

(9) A station which broadcasts in a language other than English may broadcast in such foreign language with the broadcast in English.

(10) International broadcast stations will cease broadcasting immediately upon receipt of an Emergency Action Notification and will maintain radio silence.

(11) Stations in the International Broadcast Service operating under the jurisdiction of the Federal Communications Commission may under certain conditions be issued appropriate emergency authorization by the Federal Communications Commission with concurrence of the Director, Office of Emergency Preparedness, and will transmit only Federal Government broadcasts or communications. The station's carrier must be removed from the air during periods of no broadcast or communications transmissions.

(12) Stations may broadcast their call letters during an Emergency Action Condition. State and Operational Area identifications shall also be given.

(13) All stations operating and identified with a particular Operational (local) Area will broadcast a common program until receipt of the Emergency Action Condition Termination.

(14) Broadcast stations are specifically exempt from complying with § 73.57 (pertaining to maintenance of operating power) while operating under the provisions of their Emergency Authorization.

(15) All stations may resume normal broadcast operations in accordance with the provisions of their current license or program test authority upon receipt of the Emergency Action Condition Termination, which will be transmitted to all stations only via the Four Methods of the Emergency Action Notification System.

§ 73.934 Termination of Emergency Action Condition.

(a) Upon receipt of an Emergency Action Condition Termination, all stations operating in the Emergency Broadcast System (EBS) will broadcast the following Termination Message twice:

This concludes operations under the Emergency Broadcast System. All broadcast stations may now resume normal broadcast operation.

(b) Unlimited time stations operating in the Emergency Broadcast System (EBS) will transmit the Termination Message twice, and then resume normal operation. Daytime Only and Limited Time broadcast stations operating in the Emergency Broadcast System (EBS) shall also broadcast the Termination Message twice, then operate in accordance with their regular authorization.

DAY-TO-DAY EMERGENCY OPERATION

§ 73.935 Day-to-day emergencies posing a threat to the safety of life and property; State-Level and Operational (local) Area-Level Emergency Action Notification.

(a) A State-Level or Operational (local) Area-Level Emergency Action Notification may be transmitted for the following purposes by all standard, FM, and television broadcast stations, at their discretion, in connection with day-to-day emergency situations posing a threat to the safety of life and property:

(1) Activation of State program distribution interconnecting systems and facilities for the origination of emergency cueing announcements and broadcasts by the management of the State Network Primary Control Station in accordance with previous arrangements and agreement of the State Industry Advisory Committee in day-to-day emergency situations in the public interest. These include both situations where the time element is short, and those which develop slowly. (For example: Tornado warnings or tornado sightings; toxic gases threatening a community; flash floods; widespread fires threatening populated areas; tidal waves; earthquakes; widespread commercial electric power failures; large scale industrial explosions and fires; tornado watches, hurricane watches, and hurricane warnings; civil disorders; heavy rains—developing dangerous flood conditions; icing conditions—developing dangerous road hazards; heavy snows—developing blizzard conditions; appeals for medical assistance and facilities; appeals for emergency food and housing; call-back of off-duty police personnel; call-back of off-duty fire personnel; call-back of off-duty military personnel.)

(2) Activation of Operational (local) Area interconnecting systems and facilities for the origination of emergency cueing announcements and broadcasts by the management of the Primary Broadcast Stations for the Operational (local) Area in accordance with previous arrangements and agreement of the Operational (local) Area Industry Advisory Committee and the State Industry Advisory Committee in day-to-day emergency situations in the public interest. (Examples set forth in subparagraph (1) of this paragraph.)

(b) Stations originating emergency communications under this section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act, on other participating stations. Neither the notice and certification of consent called for by §§ 73.121(b), 73.291(b), 73.591(b), and 73.655(b), nor prior Commission approval as otherwise required by §§ 73.121 (d), 73.291(d), 73.591(c), and 73.655(c) in the case of aural-TV cross-service rebroadcasting, is necessary under these circumstances.

§ 73.936 Emergency Broadcast System (EBS) Operation During a State-Level Emergency Action Condition.

All broadcast stations are furnished complete instructions on an Emergency Action Checklist to be posted at broadcast operating positions. This Checklist summarizes the procedures to be followed by the operating personnel of those broadcast stations subject to this part which are voluntarily participating in the State-Level Emergency Broadcast System (EBS) upon receipt of a State-Level Emergency Action Notification or Emergency Action Condition Termination. Immediately upon receipt of such Notification, all standard, commercial FM including FM (including all subcarriers) and noncommercial educational FM (including all subcarriers), and television broadcast stations, including all such stations operating under equipment or program test authority, which are voluntarily participating in the State-Level Emergency Broadcast System (EBS) may, at the discretion of management, proceed as set forth herein: (Operations will be conducted in accordance with the provisions of the Detailed State EBS Operational Plan. Special authorization to participate in the State-Level EBS is not required).

NOTE: It is suggested that appropriate arrangements be made to tape all emergency broadcasts, including the Emergency Action Notification. Appropriate notations should also be made in the station log of all significant events as they transpire. These records should be carefully preserved in the event they are required at some later date.

(a) Immediately monitor the radio receiving equipment tuned to a State EBS Network (Primary Relay FM Station or leased intercity common carrier facilities) for receipt of any further instructions from the State EBS Network Control Station.

(b) Immediately monitor the radio receiving equipment tuned to a Primary Station for the Operational (Local) Area for the receipt of any further instructions.

(c) Immediately check the Radio Press Wire (AP/UPI) for receipt of any further information via the State Bureau Offices of AP and UPI.

(d) At the discretion of management, discontinue normal program and broadcast the following announcement:

We interrupt this program because of a statewide emergency. Important information will follow.

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(e) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906, as follows:

(1) Cut the transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(2) Return carrier to the air for 5 seconds.

(3) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(4) Return carrier to the air.

(5) Broadcast 1,000-hertz steady-state tone for 15 seconds.

NOTE: Television broadcast stations voluntarily participating in the State EBS should display the State Emergency Broadcast System or State Association of Broadcasters or other appropriate slide during the transmission procedure and the audio transmissions that follow.

(f) All broadcast stations (standard, FM, and television) voluntarily participating in the State Emergency Broadcast System (EBS) make the following announcement:

This is an Emergency Action Notification. All stations in the State of (State name) are requested to broadcast the following State-Level Emergency Action Notification Message.

This station has interrupted its regular program to participate in the (State name) Emergency Broadcast System. During this period, many stations will be broadcasting a special emergency program to the residents of the State of (State name). This station will broadcast the special emergency program beginning at (time). (Give further details—if available.)

I repeat • • • (Repeat the above announcement.)

NOTE: Television broadcast stations should display the State Emergency Broadcast System or State Association of Broadcasters slide during the transmission procedure.

NOTE: Stations broadcasting in a foreign language should repeat the above announcements in that language.

(g) Upon completion of the above transmission procedures, resume normal programing until the scheduled time for the State-Level EBS Broadcast. Upon cue from the Common Program Control Broadcast Station for your Operational (Local) Area, or Primary Relay Station for the State EBS Network, begin broadcast of a common State-Level program received from one of the following sources consistent with the provisions of the Detailed State Emergency Broadcast System (EBS) Operational Plan:

(1) Common Program Control Station for your Operational (Local) Area.

(2) State EBS Network (Intercity FM off-the-air relay) (Intercity Leased Common Carrier Facilities).

(3) Primary Relay Station (FM) for the Operational (Local) Area.

(h) All stations may resume normal broadcast operations in accordance with the provisions of their current license or program test authority upon conclusion of the State-Level EBS Broadcast.

§ 73.937 Emergency Broadcast System (EBS) Operation During an Operational (Local) Area-Level Emergency Action Condition.

All broadcast stations are furnished complete instructions on an Emergency Action Checklist to be posted at broadcast operating positions. This Checklist summarizes the procedures to be followed by the operating personnel of those broadcast stations subject to this part which are voluntarily participating in the Operational (Local) Area Emergency Broadcast System (EBS) upon receipt of an Operational (Local) Area-Level Emergency Action Notification or Emergency Action Condition Termination. Immediately upon receipt of such Notification, all standard, commercial FM (including all subcarriers), and noncommercial educational FM (including all subcarriers), and television broadcast stations, including all such stations operating under equipment or program test authority, which are voluntarily participating in the Operational (Local) Area Emergency Broadcast System (EBS) may, at the discretion of management, proceed as set forth herein: (Operations will be conducted in accordance with the provisions of the Detailed State EBS Operational Plan. Special authorization to participate in the Operational (Local) Area EBS is not required).

NOTE: It is suggested that appropriate arrangements be made to tape all emergency broadcasts, including the Emergency Action Notification. Appropriate notations should also be made in the station log of all significant events as they transpire. These records should be carefully preserved in the event they are required at some later date.

(a) Immediately monitor the radio receiving equipment tuned to a Primary Station for the Operational (Local) Area for receipt of any further instructions.

(b) Immediately monitor the radio receiving equipment tuned to a Primary Relay Station (FM) serving the Operational (Local) Area for receipt of any further instructions.

(c) Immediately monitor the Emergency Remote Pickup Broadcast Network serving the Operational (Local) Area for receipt of any further instructions.

(d) Immediately check the Radio Press Wire (AP/UPI) for receipt of any further information via the State Bureau Offices of AP and UPI.

(e) At the discretion of management, discontinue normal program and broadcast the following announcement:

We interrupt this program because of a local emergency. Important information will follow.

(f) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906, as follows:

(1) Cut the transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(2) Return carrier to the air for 5 seconds.

(3) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(4) Return carrier to the air.

(5) Broadcast 1,000-hertz steady-state tone for 15 seconds.

NOTE: Television broadcast stations voluntarily participating in the Operational (Local) Areas EBS should display an Operational Area Emergency Broadcast System slide during the above transmission procedure and the audio transmissions that follow.

NOTE: Stations normally broadcasting in a foreign language should repeat the above announcements in that language.

(g) All broadcast stations (standard, FM, and television) voluntarily participating in the (operational area name) Emergency Broadcast System (EBS) may, at the discretion of management, make the following announcement:

This is an Emergency Action Notification. All stations in the (operational area name) are requested to broadcast the following Local-Level Emergency Action Notification Message.

This station has interrupted its regular program to participate in the (operational area name) Emergency Broadcast System. Many stations will be broadcasting a special emergency program to the residents of (operational area name). This station will broadcast the special emergency program beginning at (time). (Give further details—if available.)

I repeat • • • (Repeat the above announcement.)

(h) Upon completion of the above transmission procedures, resume normal programing until the scheduled time for the Local-Level EBS Broadcast. Upon cue from the Common Program Control Broadcast Station for your Operational (Local) Area, begin broadcast of a common program received from one of the following sources consistent with the provisions of the Detailed State Emergency Broadcast System (EBS) Plan:

(1) Common Program Control Station for your Operational (Local) Area.

(2) Primary Relay (FM) Station for your Operational (Local) Area.

(3) Remote Pickup Broadcast Network serving the Operational (Local) Area.

(i) All stations may resume normal broadcast operations in accordance with the provisions of their current license or program test authority upon conclusion of the Operational (local) Area EBS Broadcast.

Tests

§ 73.961 Tests of the Emergency Action Notification System.

Tests of the Emergency Action Notification System will be made at regular intervals with appropriate entries in the station operating log, as follows:

(a) Test transmissions of the First Method, National-Level interconnecting facilities of the Emergency Action Notification System will be conducted on a random basis once each week or as prescribed by the White House. The test transmissions will originate on an alternate week basis from one of two specified origination points; thence via a dedicated teletype network to specified control points of the commercial Radio and Television Broadcast Networks and the American Telephone and Telegraph Co. in accordance with the test procedures set forth in the EBS Standing Operating Procedures (EBS SOP-1), copies of which are furnished to the non-Government entities involved.

(b) Test transmissions of the Second Method National-Level interconnecting facilities of the Emergency Action Notification System will be conducted on a random basis once each week or as prescribed by the White House. The test transmissions will originate on an alternate week basis from one of two specified origination points; thence via a dedicated teletype network with a dedicated automatic telephone network for backup confirmation purposes in accordance with the test procedures set forth in the EBS Standing Operating Procedures (EBS SOP-2), copies of which are furnished to the non-Government entities involved.

(c) The test transmissions set forth in paragraphs (a) and (b) of this section will be as follows:

(1) A 10-bell alarm.

(2) The test text, as follows:

Testing Emergency Action Notification System—repeat—Testing Emergency Action Notification System.

If this were not a test you would receive a message authenticator word followed by the Emergency Action Notification Message. Another message would immediately follow requesting specific NIAC Order arrangements and give point of program origination—and the same message authenticator word transmitted again.

Testing Emergency Action Notification System—repeat—Testing Emergency Action Notification System.

(Date and time, Washington, D.C., time.)

(3) A 10-bell alarm.

(d) Test transmissions to standard, FM, and television broadcast stations using the Second Method of the Emergency Action Notification System and utilizing the facilities of the Associated Press (AP) and United Press International (UPI) Radio Wire Teletype Networks will be conducted once each week in accordance with the test procedures set forth in the EBS Standing Operating Procedures (EBS SOP-2), copies of which are furnished to all stations. AP and UPI will separately transmit the Test Message on a random basis once each week at times of their choice. The date and time of receipt of these test transmissions should be entered in the Station Operating Log. Weekly AP/UPI EAN test transmission:

(1) A full line of "X's."

(2) A 10-bell alarm.

(3) The test text, as follows:

This is a test of the Emergency Action Notification System. If this were not a test, you would receive an authenticator word, an Emergency Action Notification Message, and the same authenticator word again. This is a test of the Emergency Action Notification System. All stations follow procedures on EBS Checklist for weekly teletype tests.

(Date and time, Washington, D.C., time.)

(4) A full line of "X's."

(5) A 10-bell alarm.

(e) Test transmission of the Third Method of the Emergency Action Notification System will be conducted by standard, FM, and television broadcast stations once each week on a random basis between the hours of 8:30 a.m. and local sunset.

(1) Discontinue normal program and make the following announcement:

This is a test. For the next 60 seconds this station will conduct a test of the Emergency Broadcast System. This is only a test.

(2) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906, as follows:

(i) Cut the transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(ii) Return carrier to the air for 5 seconds.

(iii) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(iv) Return carrier to the air.

(v) Broadcast 1,000-hertz steady-state tone for 15 seconds.

(3) Broadcast the Third Method Test Message, as follows:

This is a test of the Emergency Broadcast System. The broadcasters of your area in voluntary cooperation with the FCC and other authorities have developed this system to keep you informed in the event of a serious emergency. If this had been an actual emergency, you would have been instructed where to tune in your area[1] for news and official information. This concludes this test of the Emergency Broadcast System.

(4) Resume normal programing.

(5) The date and time of the above test transmission shall be entered in the Station Operating Log.

(f) Tests of State program distribution interconnecting systems and facilities should be conducted on a day-to-day basis as periodic broadcast operations such as State Weather Networks, or State Association of Broadcasters Networks. Letters granting rebroadcast authority shall be exchanged between all participating licensees in accordance with the provisions of section 325(a) of the Communications Act of 1934, as amended, and Part 73 of this chapter.

(g) Operational (Local) Area common program distribution interconnecting systems, facilities, and procedures shall be tested on a closed circuit basis to insure emergency readiness of such interconnecting facilities in accordance with approved Detailed State Emergency Broadcast System (EBS) Operational Plans.

§ 73.962 Closed Circuit Tests of Approved National-Level Interconnecting Systems and Facilities of the Emergency Broadcast System (EBS).

Tests of approved National-Level interconnecting systems, and systems and facilities of non-Government entities voluntarily participating in the Emergency Broadcast System (EBS) will be conducted not more than once a month and not less than once every 3 months only after prior FCC approval, in each instance, at a time selected by both White House and National Industry Advisory Committee (NIAC) representatives, in coordination with the Defense Commissioner, FCC, and the Chief, Emergency Communications Division, as set forth below. Appropriate entries shall be made in the station operating log.

(a) Notification of closed circuit tests of NIAC Orders 1 through 63 will be by an Emergency Action Notification System Closed Circuit Test Message (First and Second Methods) followed by a NIAC Order Mesage (addressed to AT&T and the commercial Radio Networks only—AP and UPI will not retransmit this NIAC Order Message) using the Closed Circuit Test Procedures set forth in EBS SOP-1 and SOP-2 Series.

(b) NIAC Order No. 1: National program distribution interconnecting systems and facilities will be tested on a closed circuit basis. This test will consist of a closed circuit broadcast, and due to varying program scheduling of the commercial Radio Broadcast Networks involved, the individual network facilities shall remain as separate entities. The audio networks associated with the video networks of ABC–TV, CBS–TV, or NBC–TV shall not be utilized nor are the Telephone Companies authorized to add any of the unaffiliated stations participating in the Emergency Broadcast System (EBS). The American Telephone and Telegraph Co. is authorized to interconnect the facilities of the Intermountain Networks for the duration of these closed circuit tests, then remove such interconnection. Authentication given via the National-Level interconnecting facilities of the Emergency Action Notification System will utilize the test words printed on the outside of the EBS Authenticator List (Red Envelope). The details of these closed circuit tests are set forth in Standing Operating Procedures SOP–1 and SOP–2 Series promulgated quarterly only by the Federal Communications Commission and issued only to those concerned.

(c) NIAC Orders Nos. 2 through 63: Tests of technical program origination and distribution channels will be conducted on a closed circuit basis. These test broadcasts will originate from a point selected by the White House with program feed circuitry connected to the Telephone Company Toll Test Center at points indicated for the individual NIAC Orders. These NIAC Orders authorize the American Telephone and Telegraph Co. to feed simultaneously the facilities of the nationwide commercial Radio Broadcast Networks, namely ABC, CBS, MBS, NBC, and the Intermountain (IMN) Radio Broadcast Network. These facilities may be interconnected as required by the American Telephone and Telegraph Co. The audio networks associated with the video networks of ABC–TV, CBS–TV, or NBC–TV shall not be utilized nor are the Telephone Companies authorized to add any of the unaffiliated stations participating in the Emergency Broadcast System (EBS). Authentication will be provided by the White House to the Telephone Company Toll Test Center responsible for the particular NIAC Order to be used. Authentication given via the National-Level interconnecting facilities of the Emergency Action Notification System will utilize the test words printed on the outside of the EBS Authenticator List (Red envelope). The details of these closed circuit tests are set forth in Standing Operating Procedures SOP–1 and SOP–2 Series promulgated quarterly only

[1] Television stations displaying an Operational Area map as the Emergency Broadcast System slide, may add: "As shown on this map."

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by the Federal Communications Commission and issued only to those concerned.

(d) Interconnection of unaffiliated broadcast stations cannot be provided on tests of NIAC Orders 1 through 63 unless authorized by the Federal Communications Commission.

(e) Test procedures:

(1) Notification of a closed circuit test will be received via the First and Second Methods of the Emergency Action Notification System only. (Do not interrupt your program and do not broadcast the closed circuit test message.)

CLOSED CIRCUIT TEST NOTIFICATION MESSAGE

This is a closed circuit test of the Emergency Broadcast System. Do not broadcast this message. Do not broadcast the audio program. The test authenticator word is _____. This message authorizes a closed circuit test of the Emergency Broadcast System. Monitor radio network lines for closed circuit test program. All stations follow procedures on the EBS Checklist for closed circuit tests. The test authenticator word is _____.

NOTE: Test authenticator words are printed on the outside of the EBS Authenticator List (Red Envelope) associated with the EBS Checklist.

(2) Immediately monitor your nationwide commercial radio (ABC, CBS, IMN, MBS, NBC, and UPI-Audio) network for the First Method Emergency Action Notification closed circuit test message. Television networks do not participate in the closed circuit tests.

(3) Immediately check your AP/UPI Radio Press Wire Network teletype machines for the Second Method Emergency Action Notification closed circuit test message. Verify authenticity using the Test Words printed on the outside cover of the current issue of the EBS Authenticator List (Red Envelope).

(4) Continue to monitor your nationwide commercial radio network for talkup, and the closed circuit test program.

(5) Enter the time of receipt of the closed circuit test in your station operating log.

[FR Doc.72-5689 Filed 4-13-72;8:46 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Izembek National Wildlife Range, Alaska

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-14-72).

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

ALASKA

IZEMBEK NATIONAL WILDLIFE RANGE

Boats are permitted on the Izembek National Wildlife Range for public access, use, and recreation subject to the following special condition:

(1) The use of water-jet driven boats or boats driven by air propellers, commonly known as air boats, is prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

LOREN W. CROXTON,
Deputy Area Director, Bureau of Sport Fisheries and Wildlife, Anchorage, Alaska.

APRIL 7, 1972.

[FR Doc.72-5672 Filed 4-13-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

CAPE COD NATIONAL SEASHORE, MASS.

Oversand Vehicle Operation

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the Act of August 6, 1961 (75 Stat. 284; 16 U.S.C. 459b); 245 DM-1 (27 F.R. 6395), and National Park Service Order No. 21 (27 F.R. 7903), it is proposed to amend § 7.67 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of these amendments is to establish restrictions as to the number of vehicles permitted on the designated oversand routes and beaches in the dunes area of the Seashore. These changes are being made in the interest of public safety, conservation of resources, and minimization of conflict with other forms of public use.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Cape Cod National Seashore, South Wellfleet, Mass., within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that § 7.67 be amended as follows:

§ 7.67 Cape Cod National Seashore.

• • • • • •

(c) *Private oversand vehicle operation.* • • •

(16) The Superintendent may establish limits on the number of oversand vehicles permitted on designated oversand routes and beaches when such limitations are necessary in the interest of public safety, protection of the ecological and environmental values of the areas, and coordination with other visitor uses.

• • • • • •

LAWRENCE C. HADLEY,
Assistant Director, National Park Service.

[FR Doc.72-5598 Filed 4-13-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

CONSTRUCTION OF REA-FINANCED RURAL ELECTRIFICATION FACILITIES

Proposed Procedures for the Closeout of Construction Contracts

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) REA proposes to issue a revision of REA Bulletin 81-6, Closeout Procedures for Contract Construction of Distribution and Transmission Facilities, to set forth the procedure to be followed by its electric borrowers in the closeout of certain construction contracts. This bulletin lists the required closeout documents and outlines the procedure for their preparation and distribution.

Persons interested in the provisions of revised REA Bulletin 81-6 may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the revised REA bulletin, and the contract forms and attachments may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the changes proposed by the revision of REA Bulletin 81-6 is as follows:

1. The closeout procedure provided by the revised bulletin has been made applicable to construction covered by the following REA contract forms. Except as specified in 2 below the procedures in the proposed revision of the bulletin generally follow the existing closeout procedure.

REA Form 201, Right-of-Way Clearing Contract.
REA Form 203, Transmission System Right-of-Way Clearing Contract.
REA Form 764, Substation Erection Contract.
REA Form 786, Electric System Communications and Control Equipment Contract (Including Installation).
REA Form 790, Distribution Line Extension Construction Contract (Labor and Materials).
REA Form 792, Distribution Line Extension Construction Contract (Labor Only).
REA Form 830, Electric System Construction Contract.
REA Form 831, Electric Transmission Construction Contract.

2. Closeout procedures have been simplified for contracts on REA Form 830. The final Construction Inventory (Form 254) and the Waiver and Release of Lien (Form 224) need no longer be submitted to REA in Washington.

Dated: April 11, 1972.

JAMES N. MYERS,
Assistant Administrator.

[FR Doc.72-5699 Filed 4-13-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 295]

HOUSEHOLD SUBSTANCES IN LIQUID FORM CONTAINING TURPENTINE

Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has determined that the accidental ingestion of household substances in liquid form containing 10 percent or more of turpentine has been a significant cause of hospitalizations and fatalities of children under 5 years of age. Such household substances include paint thinners, certain furniture polishes, and household solvents.

Ingestion of a turpentine-containing preparation by a child can result in systemic poisoning, and aspiration of such a preparation by a child can cause serious or fatal chemical pneumonitis. Turpentine is readily absorbed from the gastrointestinal and respiratory tracts and is reported to be a local irritant and central nervous system depressant. The absorption of turpentine is also reported to have a damaging effect upon the kidneys.

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The accidental ingestion and aspiration into the lungs of household substances containing turpentine can produce pulmonary edema and pneumonitis with dyspnea, cyanosis, and fever. The principal symptoms following ingestion without aspiration are severe abdominal irritation, nausea, vomiting, diarrhea, painful micturition, transient excitement, ataxia, stupor, and coma. Death is usually from respiratory arrest.

Data from the National Clearinghouse for Poison Control Centers on accidental ingestions of turpentine-containing preparations by children under 5 years of age for the 3-year period 1968–70 show 2,062 ingestions and 249 hospitalizations. Data from death certificates for the same period show two deaths of children under 5 years of age from ingestion of such products.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commissioner finds that the nature of the hazard to children posed by liquid household products containing 10 percent or more of turpentine, by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances.

On the basis of reports and data from industry and other relevant information, and pursuant to section 3(a)(2) of the act, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. At least 11 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) that meet or exceed the effectiveness specifications of § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since such special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2(a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

• • • • • •

(6) *Turpentine.* Household substances in liquid form containing 10 percent or more by weight of turpentine shall be packaged in accordance with the provisions of § 295.3 (a) and (b).

• • • • • •

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5721 Filed 4–13–72;8:48 am]

[21 CFR Part 295]

CERTAIN LIQUID KINDLING AND/OR ILLUMINATING PREPARATIONS CONTAINING PETROLEUM DISTILLATES

Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has determined that the accidental ingestion of liquid kindling and illuminating preparations containing 10 percent or more of petroleum distillates, and having a viscosity of less than 100 Saybolt universal seconds at 100° F., has been a significant cause of fatalities and hospitalizations of children under 5 years of age. Such preparations include cigarette and charcoal lighter fluids and torch fuels.

Reflecting the trend to outdoor living, charcoal lighter fluids and other kindling and/or illuminating products are widely and increasingly used household items. Cigarette lighter fluid remains a common household item. These products, composed essentially of flammable and/or combustible petroleum distillates, present a serious hazard of accidental ingestion and aspiration by children.

Although not generally recognized by laymen, the fact that serious or fatal chemical pneumonitis can result from aspiration of these products by children is well known and thoroughly documented in medical literature. Upon accidental ingestion and aspiration into the lungs, such petroleum distillate-containing preparations can cause endothelial injury leading to the rapid development of pulmonary edema. The resulting chemical pneumonitis can be fatal to young children.

A case illustrating the hazard of such products is the reported ingestion and aspiration of an unknown amount of charcoal lighter fluid by a child. Death ensued within 80 minutes after ingestion. The death was attributed to acute hydrocarbon intoxication and cerebral edema.

Data from the National Clearinghouse for Poison Control Centers on accidental ingestions by children under 5 years of age for the 3-year period 1968–70 show 3,189 ingestions and 369 hospitalizations attributable to various kindling and/or illuminating products. Reports received by the Food and Drug Administration show nine deaths of children under 5 years of age due to acidental ingestion of these products during the period 1964–71.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commissioner finds that the nature of the hazard to children posed by kindling and/or illuminating products containing 10 percent or more petroleum distillates and having a viscosity of less than 100 Saybolt universal seconds at 100° F., by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from ingesting such preparations.

On the basis of reports and data from industry and other relevant information, and pursuant to section 3(a)(2) of the act, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. At least 11 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications of § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since such special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2 (a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following

substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

• • • • • •

(7) *Kindling and/or illuminating preparations.* Liquid kindling and/or illuminating preparations containing 10 percent or more of petroleum distillates and having a viscosity of less than 100 Saybolt universal seconds at 100° F. shall be packaged in accordance with the provisions of § 295.3 (a) and (b).

• • • • • •

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5720 Filed 4–13–72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 72–CE–11–AD]

BEECH MODELS 33, 35, 36, 45, 55, AND 95 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to Beech Models 33, 35, 36, 45, 55, and 95 airplanes. Over a period of years there have been reports of uplock roller seizures on these series airplanes which results in gear-up landings. These seizures are attributable to improper or inadequate maintenance. Despite public dissemination of reported maintenance publications on this subject by both the manufacturer and FAA, this problem still exists. Initially, it was necessary to partially disassemble the uplock mechanism on these series airplanes for proper lubrication. However, the manufacturer has now developed a modification to facilitate lubrication per Beech Service Instruction No. 0448–211. In order to prevent the condition described herein, an AD is being proposed requiring on the aforementioned series airplanes the installation of hollow zerk-ended mounting bolts on the uplock rollers and repetitive lubrication of the uplock mechanism in accordance with Beech Service Instruction No. 0448–211.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH. Applies to the following:

Models	*Serial numbers*
35–33, 35–A33, 35–B33, 35–C33, E33, F33, and G33.	CD–1 through CD–1256.
35–C33A, E33A, and F33A.	CE–1 through CE–349.
E33C and F33C	CJ–1 through CJ–30.
35, A35, B35, C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35TC, V35A, V35A–TC, V35B, and V35B–TC.	D–1 through D–9287.
36 and A36	E–1 through E–283.
A45(T–34A), B45 and D45(T–34B).	All.
95–55, 95–A55, 95–B55, and 95–B55A.	TC–1 through TC–1402.
95–C55, 95–C55A, D55, D55A, E55, and E55A.	TE–1 through TE–846.
56TC and A56TC	TG–1 through TG–94.
58	TH–1 through TH–174.
95, B95, B95A, D95A, and E95.	TD–2 through TD–721.

Compliance: Required as indicated, unless already accomplished:

To decrease the possibility of gear-up landings caused by seizure of the uplock rollers, accomplish the following:

(A) Within the next 300 hours' time in service after the effective date of this AD, install hollow zerk-ended mounting bolts on the uplock rollers in accordance with Beech Service Instructions No. 0448–211 or any FAA-approved equivalent.

(B) Within the next 300 hours' time in service after the effective date of this AD, and thereafter at 100-hour intervals, lubricate the uplock mechanism in accordance with Beech Service Instruction No. 0448–211.

Issued in Kansas City, Mo., on April 7, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–5678 Filed 4–13–72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72–NE–3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the Bar Harbor, Maine, transition area (37 F.R. 2153).

A new standard instrument approach procedure has been developed for Bar Harbor Airport, Bar Harbor, Maine. This new procedure will require alteration of the Bar Harbor 700-foot floor transition area to provide controlled air space for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA 01803. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 154 Middlesex Street, Burlington, MA.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bar Harbor, Maine, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bar Harbor, Maine, 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 12.5-mile radius of the center (44°26'56" N., 68°21'42" W.) of the Bar Harbor Airport excluding that airspace previously designated as the Bangor, Maine, 700-foot transition area. Within 4.5 miles west and 9.5 miles east of the Bar Harbor ILS localizer course extending from the 12.5-mile radius to 11.5 miles north of the surry (BH) NDB.

This amendment is proposed under section 307(a) of the Federal Aviation

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Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on April 6, 1972.

FERRIS J. HOLLAND,
Director, New England Region.

[FR Doc.72-5679 Filed 4-13-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Orlando, Fla., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Orlando transition area described in § 71.181 (37 F.R. 2143) would be amended as follows: All after "long. 81° 26'15" W.) • • •" would be deleted and "• • • within 3 miles each side of the 165° and 322° bearings from Kissimmee RBN (lat. 28°17'21" N., long. 81°26'05" W.), extending from the 6.5-mile-radius area to 8.5 miles south and northwest of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 33 Standard Instrument Approach Procedure to Kissimmee Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 6, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-5680 Filed 4-13-72;8:46 am]

[14 CFR Part 73]

[Airspace Docket No. 72-AL-6]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary restricted area at the Port Heiden, Alaska, airport.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

If this action is taken, the Port Heiden, Alaska, restricted area would be designated as follows:

Boundaries: Within a 2.5-mile radius of the Port Heiden Airport (latitude 56°57'48" N., longitude 158°38'36" W.).

Designated altitudes: Surface to 8,000 feet MSL.

Time of designation: 2100 to 0900 local time, July 15, 1972, to October 1, 1972, as activated by NOTAM.

Controlling agency: Federal Aviation Administration, Anchorage ARTC Center.

Using agency: The Aerospace Corp., Los Angeles, Calif.

The proposed restricted area is needed in connection with testing of a very low frequency communication link between Port Heiden, Alaska, and Swampy Summit, New Zealand. The experiment requires a vertical antenna which will extend from the surface to 7,000 feet MSL supported by a helicopter or a balloon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 7, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-5677 Filed 4-13-72;8:45 am]

Notices

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ENGINEERING AND CONSTRUCTION OF REA-FINANCED ELECTRIC DISTRIBUTION, TRANSMISSION, COMMUNICATION, AND GENERATION FACILITIES

Notice of Revised REA Standard Contract Forms

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.) REA proposes to amend REA Bulletins 41-1 and 40-8 for the purpose of revising the following engineering and construction contract forms:

ENGINEERING SERVICE CONTRACTS

REA Form 211, Engineering Service Contract for the Design and Supervision of Construction of a Generating Plant.
REA Form 235, Engineering Service Contract, Electric Substation Design and Construction.
REA Form 236, Engineering Service Contract, Electric System Design and Construction.
REA Form 237, Engineering Service Contract, Electric System Design and Construction.

CONSTRUCTION CONTRACTS

REA Form 200, Generating Plant Construction Contract.
REA Form 201, Right-of-Way Clearing Contract.
REA Form 764, Substation Erection Contract.
REA Form 786, Electric System Communications and Control Equipment Contract.
REA Form 830, Electric System Construction Contract.
REA Form 831, Electric Transmission Construction Contract.

Persons interested in the revised contract forms may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3113, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of any of the revised contract forms may be requested in person or in writing from the Director, Power Supply, Management and Engineering Standards Division.

A summary of the proposed changes in the contract forms is as follows:

ENGINEERING SERVICE CONTRACTS, REA FORMS 211, 235, 236, AND 237

1. Where existing contract forms refer only to financing the project with REA loan funds, the wording will be modified to recognize that supplemental financing may be used.

2. In regard to ecological and environmental matters, the engineer will be required to give thorough consideration to esthetics and the protection of the environment in all phases of construction. Reference will be made (except in REA Form 211) to the guidelines in the publication, "Environmental Criteria for Electric Transmission Systems," issued jointly by the U.S. Department of the Interior and the U.S. Department of Agriculture. The engineer will be required to incorporate into the project the environmental commitments of a published environmental analysis or environmental statement.

3. Insofar as possible, the compensation provisions in these contract forms will be made consistent or identical with similar provisions in other REA standard engineering service contract forms. For example, if reference is made to "out-of-pocket expense," the allowable items making up this expense will be made the same in all contract forms.

4. Provisions will be added giving the engineer the right, under certain conditions, to terminate the contract.

5. Other provisions of the forms will be standardized and brought up to date.

CONSTRUCTION CONTRACTS, REA FORMS 200, 201, 764, 786, 830, and 831

1. Where existing contract forms refer only to financing the project with REA loan funds, the wording will be modified to recognize that supplemental financing may be used.

2. Ecological and environmental considerations and requirements will be added. The contractor will be required to perform work in such a manner as to maximize preservation of beauty, conservation of natural resources, and minimize marring and scarring of the landscape and silting of streams. The contractor will be required to follow the criteria relating to environmental protection as specified in the contract.

3. Language will be added relating to the contractor's and owner's responsibility for payment of taxes on labor and services when such taxes are imposed by any taxing authority.

4. Where the latest equal employment opportunity provisions have not been incorporated in these contract forms, they will be added to eliminate the need for a separate addendum.

5. Other provisions of the forms will be standardized and brought up to date.

Dated: April 10, 1972.

JAMES N. MYERS,
Assistant Administrator.

[FR Doc.72-5698 Filed 4-13-72;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24122, etc.]

AUTOMOTIVE CARGO INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 19, 1972, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before May 8, 1972, and the other parties on or before May 15, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights.

Dated at Washington, D.C., April 10, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-5694 Filed 4-13-72;8:47 am]

[Docket No. 23333; Order 72-4-34]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated March 30, 1972, names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates.

Item No.	
1201---	Greyhounds, 201 cents per kg. minimum weight 100 kgs. From Brisbane to Los Angeles.

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Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22821, R–1, be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5695 Filed 4–13–72;8:47 am]

[Dockets Nos. 24347, 24353; Order 72–4–47]

EASTERN AIR LINES, INC.

Order Dismissing Complaint Regarding Weekend Excursion Fares in Mainland-San Juan/Virgin Islands Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1972.

By tariff revisions marked to become effective April 14, 1972,[1] Eastern Air Lines, Inc. (Eastern), proposes to establish round-trip weekend excursion fares between 13 points in the United States and San Juan and the Virgin Islands. The fares apply to travel originating on Friday or Saturday, with return on the following Sunday or Monday. The proposed round-trip fares to San Juan are $100 from Baltimore/Washington, Boston, Hartford, Philadelphia, Providence, and New York; $125 from Atlanta, Buffalo, Chicago, Cleveland, Detroit, and St. Louis. Round-trip fares to the Virgin Islands from the aforementioned 13 mainland points are $26 above the fares to San Juan. The fares, which reflect discounts from regular fares generally ranging from 30 to 46 percent, will apply from April 14 through June 22, and from September 15 through December 11, 1972, and would be blacked out over the Memorial Day weekend. The tariff is marked to expire December 11, 1972.[2]

American Airlines, Inc. (American), has filed a complaint against the proposal requesting its suspension and investigation. American indicates that it would have no difficulty with the proposal if applicability of the fares were limited to Friday and Monday, as was the case last year. However, it contends that extension of their availability to Saturday and Sunday will necessitate additional capacity to accommodate the discount-fare traffic[3] a result which is contrary to the purpose of discount fares which is to fill otherwise unused existing capacity.

Eastern's proposal to establish weekend excursion fares between the U.S. mainland and Puerto Rico and the Virgin Islands comes within the scope of the investigation of mainland U.S.-Puerto Rico/Virgin Island fares in Docket 24353, and its lawfulness will be determined in that proceeding. The question then is whether to permit the proposal to become effective, or to suspend it pending investigation. Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant suspension, and the request therefor will be denied and the complaint dismissed.

We are not convinced that, by extending availability of the fares to Saturday and Sunday, additional flights would be required to accommodate the traffic generated by these fares. On the contrary, we are inclined to believe that passengers utilizing these short-limit fares will seek to maximize the time available at their destination, and that Friday and Monday are very likely to remain the most popular days of travel. If anything, the addition of Saturday and Sunday as available travel days may tend to alleviate potential pressure on capacity on Friday and Monday. Since comparable fares were apparently profitable last fall, we have no reason to conclude that they would not be similarly profitable this year.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaint of American Airlines, Inc., in Docket 24347 is dismissed; and

2. A copy of this order be served upon American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., and Pan American World Airways, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–5696 Filed 4–13–72;8:47 am]

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[1] Revisions to Eastern Air Lines, Inc., Tariff CAB No. 326.

[2] American Airlines, Inc., Delta Air Lines, Inc. (Delta), and Pan American World Airways, Inc. (Pan American), have filed to match Eastern's proposal.

[3] American alleges that extension to Saturday and Sunday will increase newly generated traffic by at least 50 percent, and that this additional traffic will be equally divided between each of the 4 days the fares are applicable.

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72–305]

OFF NETWORK PROGRAMS AND FEATURE FILMS

Interpretations of Rule Restricting Presentation

APRIL 6, 1972.

Section 73.658(k) of the Commission's rules, the "prime time access rule," in general limits television stations in the top 50 markets to the presentation of no more than 3 hours per evening of network programing during "prime time" (7 to 11 p.m., e.t. and P.t., 6 to 10 p.m., c.t., and 7 to 11 p.m. m.t., except that stations in that zone may elect to substitute 6 to 10). Effective October 1, 1972, § 73.658(k)(3) also provides that "the time from which network programing is excluded" may not "be filled with off-network programs; or feature films which within 2 years prior to the date of broadcast have been previously broadcast by a station in the market."

In response to a number of inquiries as to the interpretation of the "off-network" and previously shown movie restrictions, the Commission is issuing the interpretations set forth as answers to the following four questions:

1. *Question. Does the restriction on "off network programs" apply to "special" programs, which were presented on a national network but not on a regular basis?*

Answer. Yes. The rule and its restrictions apply to off-network programs which were of a special or irregular nature, as well as to regular program series.

2. *Question. Does the restriction on reshowing of feature films in the market within 2 years apply where the previous showing was on the same station, i.e., if a network-affiliated station ran a feature film during 1971 (at any hour), is it prohibited from presenting the same movie during the "cleared" portion of time in 1972?*

Answer. Yes. The 2-year restriction on filling the cleared portion of prime time with movies previously shown in the market applies to a showing on the station which previously showed it.

3. *Question. Is material considered an "off-network program" not eligible for presentation during the cleared portion of prime time, if it, itself, was not presented on a network but it is a further episode or continuation of a series which ran on the network?*

Answer. No. As long as the particular program or episode itself did not run on the network, it is not considered an "off-network program."

4. *Question. Do the "off-network" and "2-year feature film" restrictions of § 73.658(k) apply to independent stations, not affiliated with a national network or networks and normally carrying little network prime time programing?*

Answer. No. Since these stations do not carry substantial amounts of prime time network programing, as to them there is no particular "time from which network programing is excluded", and the off-network and feature film restrictions do not apply to them.

Action by the Commission April 5, 1972.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–5692 Filed 4–13–72;8:47 am]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

APRIL 7, 1972.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 19, 1972, the following application by station KTNC for increase in power of its Class IV standard broadcast station, will be considered as ready and available for processing:

BP–19169 KTNC, Falls City, Nebr.
Southeast Nebraska Broadcasting Co., Inc.
Has: 1230 kc., 100 w., U
Req: 1230 kc., 250 w., 500 w.-LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed application, but to apprise any party in interest who desires to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, of the necessity of complying with § 1.580(i) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: April 7, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–5693 Filed 4–13–72;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. E–7720]

DUKE POWER CO.

Notice of Proposed Fuel Cost Adjustment Clause

APRIL 11, 1972.

Take notice that on March 30, 1972, Duke Power Co. (Duke) filed changes in its wholesale rate schedules to be effective as of June 1, 1972. The proposed fuel cost adjustment clause applies only to fossil fuels burned in the company's own generating stations, and is applicable to all of the company's wholesale rate schedules. It will increase or decrease monthly bills for service rendered pursuant to these schedules as the cost of fossil fuels burned rises above or falls below 35.2 cents per million B.t.u.

Duke states that the proposed clause is justified because the company, even with the proposed clause, cannot earn the rate of return found by the Presiding Examiner in the company's general wholesale rate increase application to the Commission in Docket No. E–7557 and the company needs to begin collecting revenues under such clause, subject to refund, as promptly as possible.

In connection with the proposed clause, Duke also petitioned the Commission to: (1) Fix the time within which answers to its petition may be filed at no later date than April 20, 1972, (2) waive the requirement that the cost of service and testimony required by §§ 35.13(b) (4) and (5) of the Commission's regulations be filed and accept the attached fuel cost adjustment clause for filing, (3) waive the requirement of § 1.7(b) that the 30-day notice required by section 205(d) of the Federal Power Act not begin to run until after the Commission's acted upon the foregoing request for waiver of its rules (or in the alternative waive the 30-day notice requirement of section 205(d) pursuant to its terms); and (4) permit the fuel cost adjustment clause to become effective on June 1, 1972, after a 30-day suspension and subject to refund.

Any person desiring to be heard or to make protest with reference to said application should on or before April 20, 1972, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–5726 Filed 4–12–72;11:15 am]

NATIONAL COMMISSION ON FIRE PREVENTION AND CONTROL

PROBLEMS OF FIRE SERVICE

Notice of Public Hearing

APRIL 10, 1972.

The National Commission on Fire Prevention and Control will hold public hearings in Dallas, Tex., on April 24 and 25, on problems of the Fire Service. Issues to be discussed are as follows:

1. Firefighter personal protective equipment.
2. Education and training, and the need for a national fire academy.
3. Fire control equipment.
4. Community relations (false alarms, harassment).
5. Personnel (professionalization, recruitment).
6. Fire Department management (organization and operation), including cost benefit analysis of fire protection levels.
7. Regional approaches to fire protection.
8. Volunteer fire services.
9. Transportation accidents involving hazardous materials.

Other issues such as the need for an improved data base, research, and the Federal role will be discussed as part of the above issues. The Commission hearings will be held on the fourth floor of the Mercantile National Bank, Commerce Street, Dallas, Tex. Additional hearings will be held June 27, 28 in Los Angeles, June 30 in San Francisco, October 3, 4 in Chicago, and June 13, 1973, in Washington, D.C.

HOWARD D. TIPTON,
Executive Director.

[FR Doc. 72—5681 Filed 4–13–72;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[811–1875]

DERN'S SELECTED FUNDS, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 10, 1972.

Notice is hereby given that Dern's Selected Funds, Inc. (Applicant), 134 Evergreen Place, East Orange, NJ 07018, registered under the Investment Company Act of 1940 (Act) as an open-end nondiversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicant, incorporated on March 26, 1969, under the laws of the State of Maryland, registered under the Act on June 9, 1969. Applicant states that at a special meeting of shareholders held on January 14, 1972, shareholders voted to liquidate and dissolve Applicant pursuant to Maryland law. Applicant represents that as of February 18, 1972, it had 60 shareholders, and an aggregate net asset value of $86,583.62. Applicant further represents that it is currently in the process of liquidation and is not engaged primarily in the business of investing, reinvesting, holding, or trading in securities and does not own investment securities having a value exceeding 40 percent of its total assets.

[1] Commissioners Burch (Chairman), Bartley, H. Rex Lee, Reid and Wiley, with Commissioner Johnson concurring.

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Applicant has filed a post-effective amendment to its registration statement under the Securities Act of 1933 to deregister its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 28, 1972, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by a certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive a notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5684 Filed 4-13-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 11, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 119619 Sub 65, Distributors Service Co., now assigned May 4, 1972, at Chicago, Ill., postponed indefinitely.

MC 136300, Puget Sound Tours, now being assigned hearing April 25, 1972 (1 day), in Room 4054, Federal Office Building, 909 First Avenue, Seattle, WA.

MC 340 Sub 18, Querner Truck Lines, Inc., now assigned May 1, 1972, MC 73688 Sub 51, Southern Trucking Corp., now assigned May 2, 1972, MC 119774 Sub 34, Mary Ellen Stidham, N. M. Stidham, A. E. Mankins (Inez Mankins, executrix), and James Mankins, Sr., doing business as Eagle Trucking Co., now assigned May 3, 1972, at Dallas, Tex., hearing room assigned in room 5A15 Federal Building, 1100 Commerce Street.

MC 135886, Action Air Freight, Inc., now assigned May 8, 1972, at Garden City, N.Y., canceled and reassigned to Room E–2222, 26 Federal Plaza, New York, NY, same day and time.

MC 120981 Sub 12, BESTWAY EXPRESS INC., now assigned May 1, 1972, at Nashville, Tenn., will be held in Room 651 U.S. Courthouse, 801 Broadway, Nashville, TN.

MC 96881 Sub 12, Orville M. Fine, doing business as Fine Truck Line, Fort Smith, Ark., now assigned May 1, 1972, at Shreveport, La., will be held in Room 55 U.S. Courthouse and Post Office Building, 624 Texas Street.

MC–107583 (Sub-No. 49), Salem Transportation Co., Inc., assigned May 1, 1972, at Trenton, N.J., will be held in Room 407, Public Utilities Commission, Trenton Trust Building, 26 West State Street, Trenton, NJ.

MC–F–11170, Hyman Freightways, Inc.—Control—Tri-D Truck Line, Inc., now assigned May 1, 1972, at St. Paul, Minn., will be held in Courtroom No. 4, Federal Court Building, 316 North Robert Street.

MC–FC–73158, School Bus Service, Inc., transferee and Estacada-Molalla Stages, Inc., transferor, MC–C–7209, Estacada-Molilla Stages, Inc., revocation of certificates, assigned May 1, 1972, in Room 101, Public Service Building, Chemekta and Court Street, at Salem, Oreg.

MC–129350 Sub 16, Charles E. Wolfe, doing business as Evergreen Express, now assigned May 1, 1972, MC–135206 Sub 1, Norman Kruckenberg, doing business as N.K. Trucking, now assigned May 3, 1972, and MC–135248 Sub. 3, William H. Dees, doing business as Dees Transportation, now assigned May 8, 1972, at Billings, Mont., will be held in Room 246, U.S. Post Office Building, First Avenue North, between 26th and 27th Streets.

FD–26725, Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Abandonment between Grass Range and Winnett, Fergus and Petroleum Counties, Mont., now assigned May 10, 1972, will be held in Second Floor District Courtroom, County Courthouse between Fifth and Sixth on Main Street, Roundup, Mont.

MC–F–11160, Chicago Kansas City Freight Line, Inc.—Purchase—Pride Motors, Inc., and MC–3005 (Sub-No. 10), Chicago Kansas City Freight Line, Inc., assigned May 8, 1972, MC–F–11218, Home Transportation Co., Inc.—Purchase (Portion)—Machinery Transports, Inc., assigned May 1, 1972, MC–C–7624, Great Lakes Express Co.—Investigation and revocation of certificates, assigned May 4, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 Dearborn Street, Chicago, IL.

MC 107299 Sub 8, Roberts Cartage Co., now assigned May 15, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 133436 Sub 14, Dudden Elevator, Inc., assigned May 3, 1972, MC 135334, Lilliam Koppel, doing business as USA Driveaway, assigned May 1, 1972, at Chicago, Ill., will be held in Room 1614, Court of Claims, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 111375 Sub 57, Pirkle Refrigerated Freight Lines, Inc., now assigned May 8, 1972, at Milwaukee, Wis., will be held in Room 301A, City Hall, 200 East Wells Street.

MC 107496 Sub 824, Ruan Transport Corp., now assigned May 1, 1972, at Chicago, Ill., will be held in Room 905A, 536 South Clark Street, Chicago, IL.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5701 Filed 4-13-72;8:47 am]

[Revised S.O. 994; ICC Order 26–A]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 26 (the Atchison, Topeka and Santa Fe Railway Co.) and good cause appearing therefor:

It is ordered, That:

(a) ICC Order No. 26 be, and it is hereby, vacated and set aside.

(b) *Effective date.* This order shall become effective at 11:59 p.m., April 11, 1972.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 11, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72-5702 Filed 4-13-72;8:47 am]

[Notice 49]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 6, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC 111434 (Sub-No. 82 TA), filed March 23, 1972. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, CO 80216, Official Post Office Box 1488, Durango, CO 81301. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, from Carbondale, Colo., to the site of Kaiser Steel Corp., York Canyon Mine located approximately 35 miles northwest of Raton, N. Mex., for 180 days. Supporting shipper: Pitkin Iron Corp., Carbondale, Colo. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123865 (Sub-No. 1 TA), filed March 20, 1972. Applicant: LING TRANSFER, INC., 1220 Chestnut Street, Dixon, IL 61021. Applicant's representative: James Canfield, 1100 Rockford Trust Building, Rockford, IL 61101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising material*, from Dixon, Ill., to points in Michigan; for 180 days. Supporting shipper: Ben D. Shaw, President Dixon Publishing Co., 1226 West Seventh Street, Dixon, IL 61021. Send protests to: Richard O. Chandler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126069 (Sub-No. 2 TA), filed March 23, 1972. Applicant: JOE L. LANGER, 924 West Avenue F, Muleshoe, TX 79347. Applicant's representative: Joe L. Langer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and warehouse facilities of Missouri Beef Packers, Inc., at or near Plainview, Tex., to Clovis, N. Mex., restricted to shipments having a prior or subsequent movement by rail, in service auxiliary to and supplemental of rail service, for 150 days. Supporting shipper: F. N. Stuppi, General Manager, Western Lines, The Atchison, Topeka, and Santa Fe Railway Co., Ninth and Polk Streets, Amarillo, TX 79101. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, TX 79101.

No. MC 126278 (Sub-No. 6 TA), filed March 29, 1972. Applicant: FRIGIDWAY CARTAGE CO., 4400 West 44th Street, Chicago, IL 60632. Applicant's representative: William Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from Chicago, Ill., to points in Indiana, Wisconsin, Illinois, Iowa, Michigan, and Minnesota (Restriction: The above authority is restricted to transportation of traffic having an immediately prior or subsequent movement by rail), for 180 days. Supporting shipper: Chiquita Brands, Inc., Subsidiary of United Fruit Co., 1250 Broadway, New York, NY. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126489 (Sub-No. 14 TA), filed March 17, 1972. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, Post Office Box 1066, Hutchinson, KS 67501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Wichita, Kans., to points in Arizona, for 180 days. Supporting shipper: Cargill, Inc., 1501 North Mosley, Wichita, KS 67214. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 127239 (Sub-No. 10 TA), filed March 17, 1972. Applicant: UNIVERSAL BOW TRANSPORT, INC., Post Office Box 276, Concord, NH 03301. Applicant's representative: Francis E. Barrett, 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen food products*, from Crozet, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut and those in New York on and north of New York Highway 7. Restriction: The operations described herein above are limited to a transportation service to be performed under a continuing contract or contracts with ITT Continental Baking Co., Inc., Morton Frozen Foods Division, Rye, N.Y., for 180 days. Supporting shipper: ITT Continental Baking Co., Inc., Morton Frozen Foods Division, Post Office Box 731, Rye, NY 10580. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 128273 (Sub-No. 125 TA), filed March 23, 1972. Applicant: MIDWESTERN EXPRESS, INC., Post Office Box 189, 121 Humboldt Street, Fort Scott, KS 66701. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled metals*, from Fort Scott, Kans., to points in Colorado, New Mexico, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, and North Carolina, for 180 days. Supporting shippers: Central Non-Ferrous, Inc., 301 North Hill Street, Fort Scott, KS 66701; Apex Smelting, Inc., 2400 East Devon, Des Plaines, IL. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 129068 (Sub-No. 7 TA), filed March 24, 1972. Applicant: BANNING TRANSPORTATION, INC., Post Office Box 15165, Oklahoma City, OK 73115. Applicant's representative: Bob McCauley, 3002 South Douglas, Oklahoma City, OK. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *pickup camper shells*, from points in Noble County, Okla., to points in Texas, Louisiana, Arkansas, Missouri, Kansas, Colorado, and New Mexico, for 180 days. Supporting shipper: Leonard Willis, general manager, Modern Shelters, Inc., Post Office Box 455, Perry, OK 73077. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 129413 (Sub-No. 9 TA), filed March 23, 1972. Applicant: C. B. TRANSPORTATION, INC., 1400 Grand Avenue, Post Office Box 3072, Sioux City, IA 51102. Applicant's representative: Patrick E. Quinn, 300 NSEA Building, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds, animal and poultry feed ingredients, and animal and poultry health aids*, in bulk and/or in bags (except bulk in tank vehicles), from the plantsite and warehouse facilities of Allied Mills, Inc., at or near Worthington, Minn., to points in Lyon, Osceola, Dickenson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Woodbury, Ida, and Sac Counties, Iowa; Sioux, Dawes, Box Butte, Sheridan, Cherry, Keya Paha, Brown, Rock, Boyd, Holt, Knox, Antelope, Pierce, Cedar, Wayne, Dixon, Dakota, and Thurston Counties, Nebr., and points in South Dakota; (2) *animal and poultry feed ingredients* from the destination area in (1) above to the plantsite and warehouse facilities of Allied Mills, Inc., at or near Worthington, Minn.; and (3) *animal and poultry feeds, animal and poultry feed ingredients, and animal and poultry health aids* between the plantsites and warehouse facilities utilized by Allied Mills, Inc., at or near Worthington, Minn., Mason City, Iowa, and Omaha, Nebr., for 180 days. Sup-

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porting shipper: Allied Mills, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 129702 (Sub-No. 3 TA), filed March 24, 1972. Applicant: CARPET TRANSPORT, INC., 389 Westward Drive, Miami Springs, FL 33166. Applicant's representative: J. V. Silvia (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, and rugs*, from points in Hamilton County, Tenn., to Hillsborough, Indiana River, Lee, Manatee, Martin, Pinellas, and St. Lucie Counties, Fla., *return shipments of carpets and rugs*, from the above-specified destination points to the respective points of origin, for 180 days. NOTE: Applicant states that it does intend to tack the authority in MC 129702. Supporting shipper: Regis Carpet Mills, 110 North Highland Park Avenue, Chattanooga, TN. Send protests to: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 134194 (Sub-No. 4 TA), March 27, 1972. Applicant: NORMAN C. EMERSON, Post Office Box 161, Springfield, VT 05156. Applicant's representative: Joseph Dail, Jr., 1111 E Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture films and articles* associated with the exhibition of motion pictures, as described in the *Report in Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) between Boston, Mass., on the one hand, and, on the other, Enosburg, Richford, Middlebury, and Rockingham, Vt., and Franklin, N.H., (2) between Enosburg, Richford, Middlebury, Rockingham, Norton, Newport, South Londonderry, Springfield, Ludlow, Burlington, Colchester, Northfield, Stowe, Fairlee, and Randolph, Vt.; Franklin and West Lebanon, N.H., for 180 days. Supporting shippers: Ray Ellis, president, Elray Theaters, Inc., Springfield, Vt., Robert Kurson, general manager, Graphic Theater Circuit, Boston, Mass., Ralph Demers, Dairy Center Enterprises, Enosburg, Vt. Send protests to: District Supervisor, Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, Montpelier, VT 05602.

No. MC 136451 (Sub-No. 2 TA), filed March 20, 1972. Applicant: HUBBARD CARTAGE, INC., 3737 North Lincoln Avenue, Chicago, IL 60613. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* in bulk, from Kenosha, Wis., to points in Illinois, for 180 days, under contract or contracts with Koos, Inc. Supporting shipper: Roger A. Brown, vice president, Koos, Inc., 4500 13th Court, Kenosha, WI 53140. Send protests to: Richard O. Chandler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136462 (Sub-No. 1 TA), filed March 23, 1972. Applicant: ROBERT T. SCHMIDT AND DAVID CROOKS, doing business as UNIVERSAL DELIVERY SYSTEMS, 4017 Holmes, Kansas City, MO 64110. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfiche*, from Kansas City, Mo., to Atchison and Leavenworth Kans., and whole blood, from Kansas City, Mo., to Atchison, Leavenworth, Winchester, Garnett, Paola, Osawatomie, and Iola, Kans., for 180 days. Supporting shippers: State of Missouri, Division of Employment Security, 1411 Main Street, Kansas City, MO 64105; Community Blood Center of Greater Kansas, 4040 Main Street, Kansas City, MO 64111. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136475 (Sub-No. 1 TA), filed March 22, 1972. Applicant: KILGORE TRANSPORTATION SERVICES, INC., 279 Ottley Drive NE., Atlanta, GA 30324. Applicant's representative: William Adams, Suite 527, 1776 Peachtree Street NW., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: General commodities, except household goods, as defined, and explosives, between the contiguous municipalities of Atlanta, Decatur, Avondale Estates, North Atlanta, Chamblee, Doraville, East Point, College Park, and Hapeville, Ga., and in addition thereto the municipality of Forest Park, Ga., and the community of Sandy Springs; Tucker-Stone Mountain Industrial area and/or Stone Mountain Industrial Park; Panola Industrial District, located between Miller and Panola Roads off Highway I–20 in De Kalb County, near Lithonia, Ga., and the plantsite of Combustion Engineering, Inc., Shakleford Road near Norcross, Gwinnett County, Ga., and points within the highway mileage radius of 5 miles of said municipalities over no fixed route, having a prior or subsequent by rail or motor, for 90 days. Supporting shippers: Rich's, Atlanta, Ga. 30302; Kem Interstational Corp., Kem International Building, Tucker, Ga. 30084; Ford Tractor and Implement, Operations-North America, Atlanta Supply Depot, 2000 Mountain Industrial Boulevard, Tucker, GA 30084; Combustion Engineering, Inc., I–85 at Beaver Ruin Road, Post Office Box 29805, Atlanta, GA 30329: Royal Industries, Safelite Division, 310 North Washington, Wichita, KS 67201; George A. Hormel & Co., Post Office Box 167, Tucker, GA 30084. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 Peachtree Street NW., Atlanta, GA 30309.

No. MC 136517 TA, filed March 13, 1972. Applicant: CISCO-CHARD CO., 10633 Southeast 20th, Bellevue, WA. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, materials, equipment, and supplies* dealt in by houses supplying the plumbing, heating, refrigeration, and air-conditioning industries and hydraulic and pneumatic system components, from points in California and Oregon to points in Oregon and Washington, for 180 days. Supporting shipper: Palmer Supply Co., 250 Andover Park West, Tukwila, WA 98067. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136518 TA, filed March 22, 1972. Applicant: TRI-LINE EXPRESSWAYS LTD., Post Office Box 5245, Station A, 550 71st Avenue SE., Calgary, AB, Canada. Applicant's representative: Hugh Sweeney, Box 1321, 2720 Third Avenue North, Billings, MT 59103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from Spokane, Wash., to port of entry on the international boundary line between the United States and Canada located north of Eastport, Idaho, on the one hand, and, on the other, Eastport, Idaho, for 180 days. Supporting shipper: Alaska Steel & Supply Co., Post Office Box 2905, Spokane, WA 99220. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136520 TA, filed March 23, 1972. Applicant: STEPHEN D. GIFT, Post Office Box 829, Scappoose, OR 97056. Applicant's representative: Stephen D. Gift (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and plywood*, from points in Multnomah and Clackamas Counties, Oreg., to Cliffs, Wash., for 180 days. Supporting shipper: Knapp Lumber Sales, Inc., 4522 Southwest Water, Portland, OR 97201. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136537 (Sub-No. 1 TA), filed March 28, 1972. Applicant: D.M.T. TRUCKING, INC., 225 East Redwood Street, Baltimore, MD 21202. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles*, from points in the Norfolk, Va., commercial zone to points in Maryland, Virginia, West Virginia, North Carolina, Tennessee, and the District of Columbia, under a continuing contract, or contracts, with Volkswagen South Atlantic Distributor, Inc. Supporting shipper: Robert J. Downes, Vice President and General Manager, Volkswagen South Atlantic Distributor, Inc., 9300 George Palmer Highway, Lanham, MD 20801. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5704 Filed 4–13–72;8:47 am]

[Notice 50]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 7, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which sueh protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 31389 (Sub-No. 149 TA), filed March 20, 1972. Applicant: McLEAN TRUCKING COMPANY, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: F. McInerny, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* with the usual exceptions, serving the plantsite of United Gas Pipe Line Co. Station, near Erath, La., as an off-route point in connection with regular-route operations. (Plantsite to be served in connection with applicant's regular-route authority in Sub 116 and applicant does intend to tack.), for 180 days. Supporting shipper: United Gas Pipe Line Co., Post Office Box 1407 Shreveport, LA 71102. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building) Charlotte, N.C. 28202.

No. MC 117815 (Sub-No. 189 TA), filed March 27, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Iowa City and Muscatine, Iowa, to points in Kansas, Minnesota, Missouri, and Nebraska, restricted to traffic originating at the named points and destined to the named destination States, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., Pittsburgh, Pa. 15230. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 118831 (Sub-No. 89 TA), filed March 27, 1972. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044 (27261), High Point, NC 27263. Applicant's representative: Richard E. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trisodium phosphate*, from Charleston Heights, S.C., to Carteret, N.J., for 180 days. Supporting shipper: Mobil Chemical Co., Post Office Box 677, Richmond, VA 23206. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 124017 (Sub-No. 1 TA), filed March 27, 1972. Applicant: ROBERT A. JEFFERY, doing business as R. JEFFERY & SONS, Rural Delivery No. 1, Elysburg, Pa. 17824. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Shenandoah, Pa., to points in New York on and west of a line beginning at Sodus Point, N.Y., on the shore of Lake Ontario, and extending along New York Highway 14 to Horseheads, N.Y., thence along New York Highway 17 to Waverly, N.Y., and thence along U.S. Highway 220 to the New York-Pennsylvania State line, for 180 days. Supporting shipper: LeHigh Valley Coal Sales Co., Post Office Box 450, Pittston, PA 18640. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 124679 (Sub-No. 49 TA), filed March 24, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, UT 84119. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Salt Lake City, Utah, to points in Ohio, New Jersey, Connecticut, Massachusetts, and Rhode Island, for 180 days. Supporting shippers: J. B.'s Big Boy Family Restaurants, Post Office Box 15521, 3272 South West Temple Street, Salt Lake City, UT 84115 (Paul Warner, vice president); La Famous Mexican Food Products, Inc., 1220 South Second West Street, Salt Lake City, UT 84101 (Rod Alvey, division sales manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 129032 (Sub-No. 6 TA) (Correction), filed March 2, 1972, published in the FEDERAL REGISTER, issue of March 21, 1972, corrected and republished in part as corrected this issue. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Post Office Box 7608, Tulsa, OK 74105. Applicant's representative: Tom Inman (same address as above). NOTE: The purpose of this partial republication is to include the destination point to Tulsa, Okla., which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 133294 (Sub-No. 5 TA), filed March 23, 1972. Applicant: ECONO-LINE EXPRESS, INC., 70 North Montgomery Street, San Jose, CA 95110. Applicant's representative: Mack V. Jacobson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods, commodities in bulk, and commodities requiring special equipment, between the San Francisco International Airport, Calif., on the one hand, and, on the other, points in the counties of Fresno, Kings, Madera, Merced, Stanislaus, and Tulare, Calif., restricted to traffic having an immediately prior or subsequent movement by air, for 180 days. Supporting shippers: CF Air Freight, Inc., 1700 South El Camino Real, Suite 201, San Mateo, CA 94402; Berven Carpets Corp., 2600 Ventura Avenue, Fresno, CA 93717; Heli-Parts, Inc., Porterville Municipal Airport, Post Office Box 1597, Porterville, CA 93257; the Vendo Co., Pinedale Plant, 7209 North Ingram Avenue, Pinedale, CA 93650; Gray Lift, Inc., 4646 East Jensen Avenue, Post Office Box 2808, Fresno, CA 93745. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 134776 (Sub-No. 18 TA), filed March 23, 1972. Applicant: MILTON TRUCKING, INC., Rural Delivery 1, Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheeting*, from Shelton, Conn., to the facilities of Resilite Sports Products, Inc., Northumberland, Pa., under contract with the Resilite Sports Products, Inc., Northumberland, Pa., for 180 days. Supporting shipper: Resilite Sports Products, Inc., Post Office Box 764, Sunbury, PA 17801. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 136492 (Sub-No. 1 TA), filed March 16, 1972. Applicant: G.W.G. TRUCKING, INC., 199–20, 120th Avenue, St. Albans, NY 11412. Applicant's representative: Arthur Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, between points in New York, N.Y., and points in Nassau and Suffolk County, N.Y., on the one hand, and, on the other, points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.J., and to points in the New York, N.Y., commercial zone as defined by the Commission in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted under the exempt provisions provided by section 203(b)(8) of the Act (exempt zone). Restriction: The operations proposed herein are limited to a transportation service to be performed under a continuing contractor contracts with the following named shipper: Downen Zier, Inc., Brookton Industries, Inc., Soptra Fabrics Corp., for 180 days. Supporting shippers: Soptra Fabrics Corp., 70 West Fourth Street, New York, NY 10018; Brookton Industries, Margaret King Avenue, Ringwood, N.J. 07456; Downen Zier Knits, Inc., 130 New Hyde Park Road, Franklin Square, Long Island, NY 11010. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136502 (Sub-No. 1 TA), filed March 20, 1972. Applicant: HARRY G. JOCKERS, doing business as CITY WIDE TOWING, 2306 Crestline Loop, North Las Vegas, NV 89030. Applicant's representative: Harry G. Jockers (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disabled vehicles*, by towing, by means of crane, hoist, towbar tow line, or dolley in interstate or foreign commerce, from points in Arizona, California, Nevada, and Utah, and return, for 180 days. Supporting shippers: Cadillac—GMC Truck—J. C. Investment, Inc., 110 North Main Street, Las Vegas, NV; Garrett Freightlines, Inc., 4471 Industrial Road, Las Vegas, NV 89101. Milne Truck Lines, Inc., 2200 South Third West, Salt Lake City, UT 84115. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136507 (Sub-No. 1 TA), filed March 24, 1972. Applicant: SKYLINE TRANSPORT, INC., 6120 Eastbourne Avenue, Baltimore, MD 21224. Applicant's representative: H. Neil Garson, 1400 North Uhle Street, Arlington, VA 22201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Maple sugar*, in bulk, (1) from the United States-Canada boundary line at or near Highgate Spring, Vt., and Derby, Vt., to the site and storage facilities of the Doxsee Food Corp. at Baltimore, Md., Brundidge, Ala., and Terre Haute, Ind., and to Chicago, Ill., and (2) from the site and storage facilities of Doxsee Food Corp. at Baltimore, Md., to the site and storage facilities of the Doxsee Food Corp. at Brundidge, Ala., and Terre Haute, Ind., and to Chicago, Ill., for 180 days. Supporting shipper: Carl R. Schlaich, Doxsee Food Corp., 8323 Pulaski Highway, Baltimore, MD 21237. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 136513 (Sub-No. 1 TA), filed March 17, 1972. Applicant: TALMADGE C. GRAY, Post Office Box 233, Milford, UT 84751. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, in bulk, from South San Francisco, Calif., to the plantsite of Essex International, Inc., near Milford, Utah, under a continuing contract with Essex International, Inc., for 180 days. Supporting shipper: Essex International, Inc., Post Office Box 888, Milford, UT 84751 (D. C. Beling, plant manager). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No MC 136514 (Sub-No. 1 TA), filed March 20, 1972. Applicant: DURRELL B. CHAMBERLAIN, Nebo, Ill. 62355. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium nitrate screenings*, from Louisiana, Mo., to Meredosia, Ill., and (2) *anhydrous ammonia*, from Louisiana, Mo., to Hardin, Hull, Milton, Payson, Pittsfield, and Pleasant Hill, Ill., for 180 days. Supporting shippers: Marvin Richter, Kampsville, Ill. 62053; Henry Joe Smith, plant manager, A. B. Chrisman Fertilizer Co., Meredosia, Ill. 62655. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 136521 TA, filed March 24, 1972. Applicant: EXECUTIVE COURIER SERVICE, INC., 305 Cravens Building, Oklahoma City, Okla. 73102. Applicant's representative: John Buckingham, Suite 1213, 100 Park Avenue, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Documents, papers, abstracts, disclosure statements, negotiable and nonnegotiable instruments, securities, stocks and bonds, accountants' financial sheets, bank deposits, bookkeeping and business records, other business and legal documents, and data processing material*, transported in passenger cars only, between Tulsa, Okla., and Cherokee, Crawford, Labette, Montgomery, Neosho, and Wilson Counties, Kans., Barton, Berry, Dade, Jasper, Lawrence, McDonald, and Newton Counties, Mo., Crawford, Franklin, and Sebastian Counties, Ark., for 180 days. Supporting shippers: Reblic Relations International, Ltd., Morgan McCullar, vice president, 15 West Sixth Street, Tulsa, OK 74119; Bunn & Associates, Inc., 240 Court Arcade Building, Tulsa, Okla. 74103; the Mentor Corp., 320 National Bank of Tulsa Building, Oklahoma City, Okla. 74103. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 136522 TA, filed March 24, 1972. Applicant: SUPERMARKET WAREHOUSING COMPANY, Post Office Box 44, North Brunswick, NJ 08903. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded pulp egg cartons, plates, dishes, and trays*, from the warehouse of Supermarket Warehousing Company at or near Bruswick, N.J., to points in the New York, N.Y., commercial zone and points in Nassau and Suffolk Counties, N.Y. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Diamond International Corp., for 180 days. Supporting shipper: Diamond International Corp., 733 Third Avenue, New York, NY 10017. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136531 TA, filed March 17, 1972. Applicant: LUISI TRUCK LINES, INC., Post Office Box 606, Milton-Freewater, OR 97862. Applicant's representative: Eugene Luisi (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods* between Walla Walla, Wash., and Milton-Freewater and Athena, Oreg., and (2) *pallets, empty containers, machinery, paper and paper products*, between Pasco and Walla Walla, Wash., Milton-Freewater, Oreg., and Athena, Oreg., for 180 days. Supporting shipper: Rogers Walla Walla, Inc., Post Office Box 998, Walla Walla, Wash. 99362. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136532 TA, filed March 20, 1972. Applicant: C & H ENTERPRISES, INC., doing business as HALPRIN'S SERVICE, 131 Brainard Road, Hartford, CT 06114. Applicant's representative: Stanley Cohen, 39 Grant Street, Hartford, CT 06106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed motor vehicles*, between points in Connecticut, Massachusetts, Rhode Island, and New York, for 180 days. Supporting shippers: The Connecticut Celery Co., 101 Reserve Road, Hartford, CT; Barrieau Express, Inc., 301 Murphy Road, Hartford, CT; Airport Truck Center, Inc., 50 Murphy Road, Hartford, CT; International Harvester Co., 130 Brainard Road, Hartford, CT; Edart Truck Rental Corp., 185 West Service Road, Hartford, CT. Send protests to: District Supervisor Robert E. Lee, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

MOTOR CARRIERS OF PASSENGERS

No. MC 108136 (Sub-No. 15 TA), filed March 21, 1972. Applicant: VALLEY CAB COMPANY, INCORPORATED, R.F.D. No. 2, Killingworth, Conn. 06417. Applicant's representative: Robert S. Palmer, 173 South Main Street, Middletown, CT 06457. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and/or charter operations, in nonscheduled door-to-door service, limited to the transportation of more than eight passengers in not more than one vehicle, not including the driver thereof, and not including children 10 years of age who do not occupy a seat or seats; (1) between points in Middlesex County, Conn., on the one hand, and, on the other, points in the New York, N.Y., commercial zone as defined by the Commission; (2) between points in Middlesex County, Conn., on the one hand, and, on the other, points in Middlesex County, Suffolk County, Norfolk County, and Worchester County, Mass; (3) between points in Middlesex County, Conn., on the one hand, and, on the other, points in the Newark Airport and Newark, N.J.; and (4) between points in Middlesex County, Conn., on the one hand, and, on the other, points within the States of Vermont and New Hampshire, for 180 days. Supported by: there are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Robert E. Lee, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, CT 06101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5705 Filed 4-13-72;8:47 am]

[Notice 51]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 10, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9325 (Sub-No. 60 TA), filed March 27, 1972. Applicant: K LINES, INC., 341 Foothills Road, Lake Oswego, OR 97034. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer*, in bulk, in tank or hopper type equipment (a) from points in Spokane County, Wash., to points in Wallowa, Union, Baker, Umatilla, Morrow, Grant, Gilliam, Wheeler, Sherman, Wasco, Hood River, Jefferson, Deschutes, and Crook Counties, Oreg.; in that part of Idaho on and north of the southern boundary of Idaho County; in that part of Montana west of the eastern boundary of Phillips, Petroleum, Musselshell, Yellowstone, and Carbon Counties; (b) from points in Kootenai County, Idaho, to points in Washington and to points in Wallowa, Union, Baker, Umatilla, Morrow, Grant, Gilliam, Wheeler, Sherman, Wasco, Hood River, Jefferson, Deschutes, and Crook Counties, Oreg.; (c) from points in that part of Washington east of the western boundary of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties; and points in Wallowa, Union, Baker, Umatilla, Morrow, Grant, Gilliam, Wheeler, Sherman, Wasco, Hood River, Jefferson, Deschutes, and Crook Counties, Oreg.; and (d) from points in Benton, Franklin, and Walla Walla Counties, Wash., to points in Oregon and Idaho and in that part of Montana west of the eastern boundary of Phillips, Petroleum, Musselshell, Yellowstone, and Carbon Counties; and (2) *dry fertilizer*, in bulk, in tank or hopper type equipment except super phosphate fertilizer from points in Shoshone County, Idaho, to that part of Montana west of the eastern boundary of Phillips, Petroleum, Musselshell, Yellowstone, and Carbon Counties, for 180 days. Supporting shippers: Northwest Nitro-Chemicals Sales, Ltd., Soo Line Building, Room 1828, Minneapolis, Minn. 55402; Pacific Supply Cooperative, 915 Northeast Davis, Portland, Oreg. 97232; Collier Carbon and Chemical Corp., Post Office Box 60455, Los Angeles, CA 90060; C. F. Industries, Inc., 17331 Southeast Stark, Portland, OR 97233, and Chevron Chemical Co., 200 Bush Street, San Francisco, CA 94104. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 30844 (Sub-No. 396 TA), filed March 29, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garden and lawn sprinklers and garden and lawn implements*, from Moonachie, N.J., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments originating at the above-named origins when destined to the named States, for 180 days. Supporting shipper: Melnor Industries, Division of Beatrice Foods Co., 1 Carol Place, Moonachie, NJ 07074. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 36918 (Sub-No. 4 TA), filed March 22, 1972. Applicant: BECKER'S MOTOR TRANSPORTATION, INC., 819 St. George Avenue, Post Office Box 707, Woodbridge, NJ 07095. Applicant's rep-

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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resentative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen and cold pack), from Moorestown and Vincentown, N.J., to points in Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Nassau, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester Counties, N.Y., and New York, N.Y. (which automatically encompasses the five counties comprising New York City); Adams, Berks, Bradford, Bucks, Carbon, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, Pa.; entire State, Delaware; entire State, Maryland; entire State, Virginia, Fairfield County, Conn., District of Columbia and from Cambridge and Baltimore, Md.; Hanover, Pa., Burlington, Vt., and Oneida, N.Y., to Moorestown and Vincentown, N.J., for 150 days. Supporting shipper: RJR Foods, Inc., 750 Third Avenue, New York, NY 10017. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 52465 (Sub-No. 42 TA), filed March 27, 1972. Applicant: RICE TRUCK LINES, 1627 Third Street NW., Great Falls, MT 59401. Applicant's representative: John S. Rice (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distiller's dried grains*, with or without solubles, from the United States-Canada international boundary line located at or near Oroville, Wash., to points in Washington, Montana, Oregon, Utah, and California, for 180 days. Supporting shipper: Hiram Walker & Sons, Ltd., Wakerville, Ontario, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 52574 (Sub-No. 43 TA), filed March 22, 1972. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Applicant's representative: Bowes & Milner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Totowa, N.J., to Somerset, Altoona, and Pittsburgh, Pa., Easton and Salisbury, Md., for 180 days. NOTE: Applicant presently holds permanent contract carrier authority to transport similar commodities for S. B. Thomas, Inc., from Totowa, N.J., to various points in Maryland, Pennsylvania, and Washington, D.C. Supporting shipper: S. B. Thomas, Inc., 930 North Riverview Drive, Totowa, NJ 07512. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 76032 (Sub-No. 293 TA), filed March 27, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, (a) from Kansas City, Kans., to points in Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana; (b) from St. Louis, Mo., to points in Missouri, Illinois, and Iowa; (c) from Chicago, Ill., to points in Indiana, Wisconsin, Illinois, Iowa, Michigan, and Minnesota; (d) from Council Bluffs, Iowa, to points in Nebraska, North Dakota, South Dakota, Iowa, and Minnesota; (e) from Inver Grove, Minn., to points in South Dakota, North Dakota, Wisconsin, and Minnesota; and (f) from Denver, Colo., to points in Colorado, Nebraska, South Dakota, and Wyoming. Restriction: Restricted to the transportation of traffic (a) moving in chassis mounted containers, and (b) having a prior or subsequent movement by rail, for 180 days. Supporting shipper: Chiquita Brands, Inc., 1250 Broadway, New York City, NY. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 103993 (Sub-No. 706 TA), filed March 24, 1972. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: R. H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Rutland County, Vt., to points in Minnesota, Louisiana, and points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Skyline Corp., 2520 By-Pass Road, Elkhart, IN 46514. Send protests to: District Supervisor J. H. Gray Interstate Commerce Commission, Bureau of Operations, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 106603 (Sub-No. 120 TA), filed March 14, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Louis E. Cain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry building products and materials and supplies*, used in the installation (except commodities in bulk) on flat-bed equipment, equipped with self-unloading devices, from Ypsilanti, Mich., to points in Ohio, Indiana, Illinois, Pennsylvania, West Virginia, and Kentucky, for 180 days. Supporting shipper: Kenneth E. Long, vice president and general manager, United Glazed Products (Michigan), Inc., 4500 Aurelius Road, Lansing, MI. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 225, Federal Building, Lansing, Mich. 48933.

No. MC 112822 (Sub-No. 229 TA), filed March 27, 1972. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing products, materials and supplies, and equipment*, used in the installation thereof, from Dallas-Fort Worth, Tex., commercial zone to points in Arkansas, Kansas, Louisiana, New Mexico, and Oklahoma for 180 days. Supporting shippers: Edward J. Finn, Traffic Manager, Certain-Teed Products Corp., Valley Forge, Pa. 19481 and G. A. Van Dyke, Traffic and Purchasing Agent, GFA Corp.-Building Products Division, 2600 Singleton Boulevard, Post Office Box 5607, Dallas, TX 75222. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 119226 (Sub-No. 83 TA), filed March 28, 1972. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible soybean solubles*, in bulk, in tank vehicles, from the plantsite and storage facilities of Central Soya Co., Inc., Gibson City, Ill., to the plantsite and storage facilities of Central Soya Co., Inc., at Delphos and Bellevue, Ohio, for 180 days. Supporting shipper: Central Soya, Fort Wayne, Ind. 46802. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 Pennsylvania Street, Indianapolis, IN 46204.

No. MC 127355 (Sub-No. 8 TA), filed March 24, 1972. Applicant: M & N GRAIN COMPANY, 803 East Hickory, Post Office Box 101, Nevada, MO 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides and pelts*, from Butler, Mo., to Los Angeles and San Francisco, Calif.; Cedar Rapids, Iowa; Middlesboro, Ky.; South Paris, Maine; Detroit, Mich.; Omaha, Nebr.; Newark, N.J.; Brooklyn, N.Y.; Brownsville, Tex.; Norfolk, Va.; Green Bay, Kenosha, and Weyauwega, Wis., and from Fort Smith, Ark.; Denver, Greeley, Lamar, Monte Vista, and Rocky Ford, Colo.; Chicago, Joliet, and Milan, Ill.; Cedar Rapids, Centerville, and Marshalltown, Iowa; Andale, Dodge City, Ellis, Garden City, Pratt, Seneca, and Wichita, Kans.; Darr, Gibbon, Omaha, and Scottsbluff, Nebr.; Albuquerque, N. Mex.; Dickinson, Fargo, and Hettinger, N. Dak.; Enid, Okla.; Mitchell, Rapid City, Sioux Falls, and Yankton, S. Dak.; Amarillo, Hamilton, McKinney, San Angelo, and San Antonio, Tex.; Green Bay and Weyauwega, Wis., and Casper and Worland, Wyo., to Butler, Mo., for 180 days. Supporting shipper: Cox Bros. & Co., Butler, Mo. 64730. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133780 (Sub-No. 2 TA), filed March 27, 1972. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue (Tinley Park), Markham, IL 60477. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dip-n-dressing, fruit juices, and yogurt*, from the plantsite and storage facilities of Sealtest Foods Division of Kraftco Corp., Milwaukee, Wis., to the site of Sealtest Distributor located at or near Rosemont, Ill. Restriction: Limited to a transportation service to be performed under a continuing contract or contracts with Sealtest Foods Division of Kraftco Corp., for 180 days. Supporting shipper: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 136437 (Sub-No. 1 TA), filed March 13, 1972. Applicant: P. KRIMBEL, doing business as KRIMBEL TRUCKING CO., 607 Hill Road, Aberdeen, WA 98520, or Post Office Box 294, Hoquiam, WA 98550. Applicant's representative: P. Krimbel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper and vacuum formed plastic trays*, from Visalia, Calif., to points in Washington and Oregon, for 180 days. NOTE: Applicant states it does intend to tack with this authority. Supporting shipper: Malanco of California Inc., Post Office Box 3046, Visalia, CA 93277. Send protests to: Edmond J. Casey, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, 1319 Second Avenue, Seattle, WA 98101.

No. MC 136542 TA, filed March 27, 1972. Applicant: CHARLES C. REINHART AND CHARLES B. REINHART, doing business as REINHART & SON MOVING & STORAGE, 1145 Elk Street, Post Office Box 1623, Rock Springs, WY 82901. Applicant's representative: Charles C. Reinhart (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, uncrated or crated, and personal effects*, between points in Wyoming having a prior or subsequent movement in interstate or foreign commerce, from or to points outside the State of Wyoming, for 180 days. NOTE: Applicant states it intends to interline with other carriers and also intends to serve the commercial zones of all points. Applicant further requests waiver of (1) and (2) of the first ordering paragraph of temporary authority order. Supporting shipper: Department of the Army, Washington, D.C. 20310. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 136544 TA, filed March 27, 1972. Applicant: RICHARD MEASE, 11636 Sail Avenue, Jacksonville, FL 32216. Applicant's representative: James W. Patterson, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet tacking strips*, from the facilities of Continental Tackless Corp., 400 Mack Drive, Croydon Industrial Park, Bucks County, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, North Carolina, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, D.C., West Virginia, and Wisconsin, and the return of refused, damaged or rejected shipments to the point of origin, under continuing contract or contracts with Continental Tackless Sales Corp., for 180 days. Supporting shipper: Continental Tackless Sales Corp., Croydon Industrial Park, 400 Mack Drive, Croydon, PA 19020. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 136545 TA, filed March 27, 1972. Applicant: NUSSBERGER BROS. TRUCKING CO., INC., 1109 Railroad Street, Prentice, WI 54556. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and animal and poultry feed concentrates*, in bulk, from Minneapolis-St. Paul, Minn., to points in the Wisconsin counties of Ashland, Iron, Vilas, Price, Oneida, Forest, Florence, Lincoln, Langlade, Marinette, Taylor, Marathon, Oconto, Shawano, Menominee, Outagamie, Door, Kewaunee, and Brown; and (2) *soy bean meal*, from Savage, Minn., to the same counties as mentioned in (1) above, for 180 days. Supporting shippers: Land O'Lakes, Inc., Minneapolis-St. Paul, Minn.; Cargill, Inc., Minneapolis, Minn. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 136546 TA, filed March 27, 1972. Applicant: PELTON BROS. TRANSPORT LIMITED, Rural Route No. 3, Paris, Ontario, Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Suite 444, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from ports of entry on the international boundary line between the United States and Canada at the Detroit, St. Clair, and Niagara Rivers on the one hand, and, on the other, points in Illinois, Indiana, Michigan, New York, and Ohio. Restriction: restricted to shipments originating at the plantsite of Kokotow Lumber, Ltd., Kirkland Lumber Ltd., Kirkland Lake, Ontario, for 180 days. Supporting shipper: Kokotow Lumber, Ltd., Kirkland Lake, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 136548 TA, filed March 27, 1972. Applicant: C.M.S. TRUCKING CORPORATION, 246-17 57th Drive, Douglaston, NY 11362. Applicant's representative: Norman J. Bergman, 11 West 42d Street, New York, NY. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and yarn*, between New York, N.Y., commercial zone, Hicksville and Bay Shore, N.Y., on the one hand, and, on the other, Linden, N.J., for 150 days. Supporting shipper: Widder Bros. Inc., 1441 Broadway, New York, NY 10018. Send protests to: Thomas W. Hopp, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 136553 TA, filed March 24, 1972. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, from the plantsite of Illinois Nitrogen Corp., located near Marseilles, Ill., to points in Iowa and Wisconsin, for 180 days. Supporting shipper: Illinois Nitrogen Corp., Post Office Box 58, Marseilles, IL 61341. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 134614 (Sub-No. 3 TA), filed March 15, 1972. Applicant: SELLAND AUTO TRANSPORT, INC., 6560 Fifth

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Avenue South, Seattle, WA 98108. Applicant's representative: Clyde MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New and used automobiles and light duty trucks*, between points in Washington, Oregon, Idaho, and Montana, for 180 days. Supported by: There are approximately 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5706 Filed 4-13-72;8:47 am]

[Notice 46]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73434. By order of April 7, 1972, the Motor Carrier Board approved the transfer to Kearney's, Inc., Portland, Pa., of the operating rights in certificate No. MC-112461 issued September 4, 1959, to Claude S. Cyphers Transportation, Inc., Portland, Pa., authorizing the transportation of coal and lumber from and to, and between, specified points in New Jersey and Pennsylvania. *Dual operations under common control were approved.* Kenneth R. Davis, 999 Union Street, Taylor, PA 18517, registered practitioner for applicants.

No. MC-FC-73510. By order of April 7, 1972, the Motor Carrier Board approved the transfer to Astro Air, Inc., South Dartmouth, Mass., of the certificate of registration in No. MC-58189 (Sub-No. 2) issued January 14, 1964, to Herbert Witkind, New Bedford, Mass., evidencing a right to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in certificate No. 7018 dated January 16, 1958, issued by the Massachusetts Department of Public Utilities. John F. Curley, 15 Court Square, Boston, MA 02108, attorney for applicants.

No. MC-FC-73532. By order of April 7, 1972, the Motor Carrier Board approved the transfer to Shane Truck Line, Inc., Clovis, Calif., of certificate of registration No. MC-120859 (Sub-No. 1) issued June 6, 1967, to A. F. Express Co., Inc., Stockton, Calif., evidencing a right to engage in transportation in interstate commerce corresponding in scope to the grant of authority in Decision No. 61475 dated February 14, 1961, and transferred by Decision No. 70965 dated July 19, 1966, by the Public Utilities Commission of California. Arnold L. Burke, 127 North Dearborn Street, Chicago, IL 60602, attorney for applicants.

No. MC-FC-73557. By order of April 10, 1972, the Motor Carrier Board approved the transfer to Devonshire Horse Vans, Inc., Harrington, Del., of the operating rights in certificates Nos. MC-45338 (Sub-No. 1) and MC-45338 (Sub-No. 5) issued October 11, 1957, and November 27, 1964, respectively to Chester Sayre, McMurray, Pa., authorizing the transportation of various commodities from, to, and between specified points and areas in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia. Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005, attorney for applicants.

No. MC-FC-73580. By order of April 7, 1972, the Motor Carrier Board approved the transfer to Loiselle Transport, Ltd., St. Boniface, Manitoba, Canada, of the operating rights in permit No. MC-129662 issued December 18, 1968, to Alphonse Loiselle, doing business as Loiselle Transport, St. Boniface, Manitoba, Canada, authorizing the transportation of various commodities from specified points in Minnesota and North Dakota to specified points and areas in Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, and Nebraska. Robert Betournay, 500 Childs Building, 211 Portage Avenue, Winnipeg 2, Canada, attorney for applicants.

No. MC-FC-73593. By order of April 7, 1972, the Motor Carrier Board approved the transfer to Constructors Transport Co., a Texas corporation, Dallas, Tex., of certificate of registration No. MC-133019 issued June 24, 1969, to North Loop Transportation Co., Inc., Houston, Tex., evidencing a right to engage in transportation in interstate commerce as described in certificate of convenience and necessity No. 20584, issued by the Railroad Commission of Texas. Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202, attorney for applicants.

No. MC-FC-73604. By order of April 7, 1972, the Motor Carrier Board approved the transfer to R. H. Crawford, Inc., Hanover, Pa., of the operating rights in certificates Nos. MC-29537, MC-29537 (Sub-No. 1), MC-29537 (Sub-No. 2), MC-29537 (Sub-No. 3) and MC-29537 (Sub-No. 4) issued May 26, 1941, September 13, 1940, February 21, 1951, January 25, 1965, and June 23, 1971, respectively to Russell H. Crawford, Hanover, Pa., authorizing the transportation of various commodities from, to, and between specified points and areas in Maryland, Pennsylvania, New York, Virginia, Delaware, Ohio, Connecticut, Rhode Island, Massachusetts, New Jersey, and the District of Columbia. John M. Musselman, 400 North Third Street, Harrisburg, PA 17108, attorney for applicants.

No. MC-FC-73605. By order of April 10, 1972, the Motor Carrier Board approved the transfer to Frederick D. Holmes, doing business as Harford Motor Coach Co., Baltimore, Md., of certificate No. MC-89221 issued April 5, 1963, to Harford Motor Coach, Inc., Baltimore, Md., authorizing the transportation of: Passengers and their baggage in the same vehicle, subject to certain restrictions, in charter operations, originating at Baltimore, Md., and points within 10 miles thereof, serving points in Virginia, West Virginia, North Carolina, Pennsylvania, New York, New Jersey, Delaware, South Carolina, Georgia, Florida, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Ohio, and the District of Columbia. H. Neil Garsom, attorney at law, 1400 North Uhle Street, Arlington, VA 22201.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5703 Filed 4-13-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice of Hearing on Suspension of Construction Activities Pending Completion of NEPA Environmental Review

On November 18, 1971, the Director of Regulation of the Atomic Energy Commission published in the FEDERAL REGISTER, 36 F.R. 22020, pursuant to 10 CFR Part 50, Appendix D, Section E, a determination not to suspend construction activities at the Trojan Nuclear Plant pending completion of an environmental review under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), 10 CFR Part 50, Appendix D.[1] A request for a hearing was filed on December 13, 1971, by the Oregon Environmental Council, Northwest Environmental Defense Center, Friends of the Earth and Northwest Steelheaders Chapter of Trout Unlimited (hereinafter joint petitioners).

Upon analysis of the request and the responses filed by the regulatory staff and the licensees, Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power & Light Co., it has been determined that a hearing is warranted. On April 7, 1972, the U.S. Court of Appeals for the District of Columbia Circuit rendered a decision remanding the record of another determination under 10 CFR Part 50, Appendix D, section E, for a hearing and further consideration of certain matters in addition to those specified in that regulation. Coalition for Safe Nuclear Power, et al. v. U.S.A.E.C., No. 71-1396. By memorandum and order dated April 12, 1972, the Commission has determined that a public hearing will be held. Accordingly, pursuant to 10 CFR Part 50, Appendix D, section E.4(b) and § 2.703 of the Commission's "Rules of Practice," 10 CFR Part 2, notice is hereby given that a hearing will be held at a time and place to be announced by the Atomic Safety and Licensing Board specified below, and published in the FEDERAL REGISTER.

The issue to be considered at the hearing will be whether the activities under the construction permit for the Trojan Nuclear Plant, authorized pursuant to Construction Permit No. CPPR-79, should be suspended pending completion of the NEPA environmental review. In resolving that issue, the following criteria should be considered and balanced:

Criteria. (a) Whether it is likely that continued construction during the review period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension, or termination of the permit or license result from the ongoing NEPA review.

(b) Whether continued construction during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility construction or operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

(d) In the context of balancing environmental harm and economic cost of abandonment, a paramount consideration shall be whether the commitment of substantial financial resources, in proceeding with construction pending completion of the NEPA review, might affect the eventual decision reached on that review; and if so, the degree to which such an effect might occur.

The Licensing Board shall render a de novo decision based upon the criteria above. The burden of proof shall be upon the licensee.

For the purposes of this proceeding, on the question whether activities under the construction permit should be suspended pending completion of NEPA review, the parties shall be the licensees, the regulatory staff, and the joint petitioners. An answer shall be filed by the licensees within 3 days of the date of publication of this notice following 10 CFR 2.705 to the extent appropriate. A reply to an answer may be filed within 3 days after it is served.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR .2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

A copy of the Director of Regulation's determination, the accompanying staff discussion and findings, and the request for hearing of the joint petitioners are available for inspection by members of the public in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of those documents are also available at the Columbia County Courthouse, Law Library, Circuit Courtroom, St. Helens, Oreg., between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

We direct that all matters involving the above question be concluded with utmost expedition so that final decision will be reached within 60 days of publication of this notice. For these purposes, the proceeding shall be conducted under the following requirements:

1. The hearing will be held before an Atomic Safety and Licensing Board (Licensing Board) composed of the following members: Dr. Forest Remick, Dr. Paul Purdom, and John Farmakides, Esq., Chairman. Pursuant to 10 CFR 2.785(a)(1), the Commission hereby delegates to the Atomic Safety and Licensing Appeal Board (Appeal Board) the authority and the review function which would otherwise be exercised and performed by the Commission. The Appeal Board shall be composed of the following members: the Chairman, the Vice Chairman, and Dr. Lawrence Quarles.

2. The Licensing Board shall render its initial decision within 40 days from the date of publication of this notice. In order to meet this schedule, the Licensing Board shall conduct the hearing as soon as possible.

3. The Licensing Board's initial decision shall constitute the final decision of the Commission unless exceptions are filed within 5 days after its date or unless, within the same time period, the Appeal Board or Commission directs that the record be certified to it for final decision.

Insofar as this notice and these requirements reflect shortening of time periods otherwise prescribed in 10 CFR Part 2, we find good cause for such action under 10 CFR 2.711 and 10 CFR Part 50, Appendix D, Section E.4(c). We further note that the authority of 10 CFR 2.711 also extends to the Licensing Board.

Dated: April 12, 1972.

By the Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-5796 Filed 4-13-72;10:06 am]

[1] Construction of the Trojan Nuclear Plant is authorized by Construction Permit No. CPPR-79.

[Dockets Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Notice of Receipt of Application for Facility Operating License

Please take notice that Public Service Electric and Gas Co., 80 Park Place, Newark, NJ 07101, pursuant to section 104(b) of the Atomic Energy Act of 1954, as amended, has filed an application dated March 1, 1972, together with a final safety analysis report, for a license to operate two nuclear power reactors at its site in Salem County, N.J.

The nuclear power reactors are of the pressurized water nuclear reactor type designated by the applicant as the Salem Nuclear Generating Station Unit Nos. 1 and 2. The reactors are designed for initial operation at approximately 3,350 megawatts thermal and 3,423 megawatts thermal. The warranted gross and approximate net electrical outputs are 1,132 MWE and 1,090 MWE respectively for Unit 1 and 1,158 MWE and 1,115 MWE respectively for Unit 2.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and the Salem Free Public Library, 112 West Broadway, Salem, NJ 08079, Miss Elizabeth Fogg, Librarian.

Dated at Bethesda, Md., this 7th day of April 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-5682 Filed 4-13-72;8:46 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Availability of AEC Draft Detailed Statement on Environmental Considerations for the Vermont Yankee Nuclear Power Corp.

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50, Appendix D, notice is hereby given that a draft detailed statement of the environmental considerations related to the proposed licensing of full-power operation by the Vermont Yankee Nuclear Power Corp. of the Vermont Yankee Nuclear Power

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Station, located in Vernon, Windham County, Vt., has been prepared by the designee of the Commission's Director of Regulation and is available for inspection by the public in the Commission's Public Document Rooms at 1717 H Street NW., Washington, DC., and in the Brooks Memorial Library, 224 Main Street, Brattleboro, VT 05301. The draft detailed statement supersedes the statements for which notices of availability were published in the FEDERAL REGISTER on February 26, 1971 (36 F.R. 3539), and June 9, 1971 (36 F.R. 11122).

Also available to the public at the Commission's said Public Document Rooms are the applicant's Environmental Report and a supplement thereto (both prepared by Vermont Yankee Nuclear Power Corp.), notices of the availability of which were published in the FEDERAL REGISTER on September 26, 1970 (35 F.R. 15026), and February 3, 1972 (37 F.R. 2601).

Copies of the draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Interested persons are requested to submit within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, comments on the proposed action and on the draft detailed statement. Federal and State agencies are being provided with copies of the draft detailed statement (local agencies may obtain such copies on request), and their comments will be made available when received. Interested members of the public should address their comments on the draft detailed statement and on the proposed action to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 7th day of April 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-5683 Filed 4-13-72;8:46 am]

STATE OF NEVADA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority.

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nevada for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A narrative, prepared by the State of Nevada and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Nevada regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within 30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Md., this 27th day of March 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEVADA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nevada is authorized under Nevada Revised Statutes 459.060 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nevada certified on March 9, 1972, that the State of Nevada (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on July 1, 1972, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at ----------, State of Nevada, in triplicate, this ------ day of ----------, 1972.

For the U.S. Atomic Energy Commission.

For the State of Nevada.

MIKE O'CALLAGHAN, *Governor.*

FOREWORD

The State of Nevada, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is ever committed to the protection of public health and safety, the Nevada State Legislature enacted the Nuclear Affairs Act.

This Act, and supplemental legislation, provides the legal structure for a comprehensive radiological health and regulatory program compatible with that of the U.S. Atomic Energy Commission and that of those States who have entered into agreement with the Commission.

The Act authorizes the Governor, on behalf of the State, to enter into an agreement with the Federal Government providing for discontinuance of certain responsibilities of the Federal Government relating to ionizing radiation and the assumption of such responsibilities by the State. The Act also designates the Nevada State Board of Health as the radiation control agency for the State.

The following narrative relates the history, current practices, proposed activities, capabilities, and resources of the State in the field of radiological health.

HISTORY

1931 The State Legislature passed a law prohibiting the use of X-rays for the treatment of the scalp or for the removal of surplus hair by cosmetologists (NRS 644.470).

1959–60 One State employee attended a U.S. Atomic Energy Commission sponsored Health Physics Course at Oak Ridge, Tenn.

A laboratory radiation counter was purchased for the purpose of determining background levels from selected stations within the State.

A course for Radiological Defense Instructors was given to personnel from State, county, and city organizations by State Health Division personnel.

A law was passed in 1960 preventing the operation or maintenance of any shoe-fitting device using fluoroscopic or radiation principles (NRS 202.245).

1961–62 During this period, a medical and dental X-ray survey of diagnostic X-ray machines in the State was conducted. This survey, which was voluntary and performed only in those installations requesting it, was accomplished by teams composed of U.S. Public Health Service and State Health Division personnel. The primary objectives of the survey were to check collimation and filtration of the X-ray units and make recommendations where necessary.

Regulations governing the manufacture, use, storage, handling, transportation and disposal of ionizing radiation producing devices and materials were prepared for and adopted by the Nevada State Board of Health in January 1962. The regulations provided standards to assure minimum exposure to personnel handling or working with ionizing radiation producing devices and materials and to the general public.

Acquisition of Federal land near Beatty, Nev. was authorized for lease to Nuclear Engineering Co. as a low-level, solid radioactive waste burial site.

The first phase of a program to establish a Radiological Defense Organization for the Nevada Civil Defense Agency was also completed during this period. This phase entailed training of Highway Department and Highway Patrol personnel as radiation monitors in the event of nuclear war. All Highway Maintenance Stations, Highway District Headquarters, Highway Patrol Stations, and approximately half of the Highway Patrol vehicles were supplied with radiation monitoring instruments.

1963–64 During this period, training and refresher courses for radiological monitors for the Civil Defense Agency were continued. Most of this training was directed at State employees. Establishment of 167 radiological fallout monitoring stations provided with 1,000 radiation detection instruments was completed. Maintenance of the radiation detection instruments was improved by the acquisition of Federal funds for a maintenance shop and technicians' salaries.

In 1963, the State Radiation Control Act was adopted for the control of ionizing radiation within the State, and enabling the State to enter into an agreement with the Federal Government to assume responsibilities relating to sources of ionizing radiation previously the responsibility of the Federal Government (NRS 459.010 to 459.160, inclusive).

Two employees attended a U.S. Atomic Energy Commission orientation class for agreement States and two employees attended a U.S. Public Health Service course on gamma spectroscopy during this period.

A voluntary resurvey of medical diagnostic X-ray units was made during June and July, 1964 by U.S. Public Health Service teams.

1965–66 State personnel surveyed all new or relocated X-ray machines. In the 2-year period, 123 new or relocated X-ray tubes in medical and dental facilities were inspected.

Participation in U.S. Public Health Service environmental programs included collecting representative portions of meals served at the State Children's Home in Carson City for analysis by the Southwest Radiological Health Laboratory at Las Vegas. Analysis for fission product residue was performed to determine the contribution of diets to radionuclide body burden for the general public. All of the milk sheds in the State were sampled monthly for a similar analysis.

1969–70 In 1969, the text of the Western Interstate Nuclear Compact was enacted into law (NRS 459.200 to 459.240, inclusive). The Compact provides for a cooperative effort in nuclear and related fields to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

The State Superintendent of Public Instruction and all county supervisors were apprized of the hazards involved due to the use of cold cathode gas discharge tubes.

State personnel accompanied U.S. Atomic Energy Commission compliance inspectors on inspections of AEC-licensed facilities within the State during this biennium, as they have on many previous occasions.

1971 In 1971, legislation was passed controlling air pollution and water pollution (respectively, NRS 445.401 to 445.601, inclusive; and NRS 445.130 to 445.385, inclusive). The Commission of Environmental Protection was created by this legislation as the controlling agency for air and water pollution.

PRESENT PROGRAM

Two full-time radiation control specialists were hired by the State in September, 1971, to implement the radiation control program. Their major efforts up to this time have been the preparation of radiation control regulations, activities to enable the State to become an agreement State with the U.S. Atomic Energy Commission, participation in several lengthy training courses sponsored by the U.S. Atomic Energy Commission and the Environmental Protection Agency, and on-the-job training.

SCOPE OF ACTIVITIES

The radiation control program encompasses the regulatory program associated with licensing of radioactive materials and registration of radiation producing machines, environmental surveillance, and response to emergency situations involving sources of radiation.

Within the State of Nevada, there are an estimated 388 X-ray machines: 188 dental units; 200 medical units, fluoroscopic and diagnostic; and six reported for industrial radiography. The number of U.S. Atomic Energy Commission Licenses within the State of Nevada in effect January 1, 1972, was 44. The number of radium sources is not known; but the number of facilities reported using radium sources is eight: Four medical, three industrial and one institutional. There are an estimated five particle accelerators being used, with two accelerators to begin routine operation in the latter part of 1972.

There are few installations which may necessitate environmental surveillance activities. A research reactor is operable at the University of Nevada, Reno; a commercial burial site for low-level radioactive waste is located at Beatty, Nev.; and the Nevada Test Site.

STATUTORY AUTHORITY

The following Nevada Revised Statutes (NRS) provide for the Governor to enter into an agreement with the U.S. Atomic Energy Commission, administrative procedures, authority to promulgate regulations, enforcement of regulations, administration of public health, special prohibited uses of ionizing radiation, and mutual aid in the event of nuclear incident.

NRS 459.010–459.160, inclusive, "State Radiation Control." This statute provides for Federal-State agreements concerning the responsibility for control of sources of ionizing radiation, designates the State Board of Health as the State radiation control agency, and provides the basis for radiation control.

NRS 459.200. "Western Interstate Nuclear Compact." Article VI of this statute pro-

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vides for mutual aid between party States in the event of a nuclear incident.

NRS 233B. "Nevada Administrative Procedures Act." This Act establishes minimum procedural requirements for regulation-making and adjudication procedures of all agencies of the executive department of the State government and for judicial review of both functions. The provisions of the law are intended to supplement statutes applicable to specific agencies.

NRS 439. "Administration of Public Health." 439.130 requires the State Health Officer to enforce all laws and regulations pertaining to public health and empowers him to enter upon and inspect any public or private property in the State in the course of his work, and authorizes subordinates to act in his place and stead.

439.150 declares that the State Board of Health be supreme in all health matters except administrative matters and that it shall have supervision over the work of the State Health Officer.

439.200 declares that the State Board of Health shall have the power to adopt, promulgate, amend and enforce reasonable rules and regulations consistent with law and that such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations enacted inconsistent therewith.

NRS 202.245, states that no person may operate or maintain any shoe-fitting device or shoe-fitting machine which uses fluoroscopic, X-ray, or radiation principles.

NRS 644.470, prohibits the use of any X-ray machine by cosmetologists in the treatment of the scalp or in the removal of surplus hair.

NRS 445.130 to 445.385, inclusive, provides for the control of water pollution within the State.

NRS 445.401 to 445.601, inclusive, provides for the control of air pollution within the State.

PROCEDURES AND POLICIES

LICENSING AND REGISTRATION

The Bureau of Environmental Health, Division of Health, is charged with the responsibility of operating the radiation control program for the Nevada State Board of Health. The program shall regulate and control the usage of all sources of ionizing radiation within the State including radium and accelerator produced nuclides, X-ray generating machines, and particle accelerators. Registration is required for the use of X-ray machines and particle accelerators, and licensing is required for the use of radioactive materials.

The licensing program shall be essentially the same as that presently utilized by the U.S. Atomic Energy Commission and shall use criteria established by the U.S. Atomic Energy Commission. The Chief of the Bureau of Environmental Health and key staff members will evaluate each radioactive material license application, and perform prelicensing visits if deemed necessary. The U.S. Atomic Energy Commission shall be consulted concerning the nonroutine medical uses of radioactive material, and for any circumstance which indicates that advice and guidance concerning the application of radiation or radioactive material is required. Upon approval, specific licenses shall be endorsed by the State Health Officer or his duly authorized representatives for the Nevada State Board of Health.

INSPECTION

Qualified staff personnel shall conduct inspections of licensees' and registrants' facilities to assure compliance with the regulations and to evaluate the adequacy of radiation protection programs. Inspection shall be either by pre-arrangement or on an unscheduled basis during working hours.

Licensees' and registrants' facilities shall be inspected on a priority basis determined by the classification of use, degree of hazard, previous violations, training, and experience of the user and other relevant factors. The initial planned inspection frequencies are as follows:

Category	*Anticipated inspection frequency (months)*
Industrial radiography	12
Operations involving waste disposal	6
Broad licenses, industrial, medical, or academic	12
Other specific licenses, industrial, medical or academic	12-24
X-ray, medical, industrial, or academic	12-24

The above inspection frequencies are subject to change due to circumstances and experience. At the start of an inspection, personal contact at management level will be made whenever possible. At the completion of each inspection, the inspector will confer with licensee management to discuss the results of his inspection, presenting oral recommendations or suggestions as required and answering questions concerning the regulatory program.

A comprehensive written report concerning each inspection shall be prepared by the inspector and reviewed by qualified Bureau of Environmental Health personnel.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions shall be determined through inspections and evaluations of inspection reports. Licensees and registrants shall be informed of the results of all inspections, orally at the time of inspection and by letter or notice from the Agency.

When items of minor noncompliance are found and the licensee or registrant agrees at the time of inspection to correct them promptly, no further action shall be taken by the inspection Agency, except that the licensee or registrant shall receive a letter from the Agency stating the items of noncompliance, and that these items shall be checked at the next scheduled inspection.

When items of major noncompliance are found, the licensee or registrant shall be informed orally at the time of inspection and subsequently by letter of the items of noncompliance and he shall be required to reply in writing within a stated time as to the corrective action taken and the completion date or anticipated completion date of the corrective action. Assurance that the corrective action has been taken shall be determined by a followup inspection or at the time of the next regularly scheduled inspection, as circumstances warrant.

A license, upon request of a licensee, may be amended to be consistent with the Act or regulations or to meet changing conditions in operations. The Agency may amend, suspend, or revoke a license in the event of continual refusal of the licensee to comply with the terms and conditions of the license, the Act, or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may without notice or hearing issue a regulation or order noting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not willing to observe the provisions of the Act or regulations issued thereunder. After these actions, the licensee has a right to a hearing.

A court order directing a person to comply, or enjoining such practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been offered.

The Agency shall endeavor to gain compliance by cooperative and educational methods. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, shall the full weight of legal procedure normally be employed.

EFFECTIVE DATE OF LICENSE TRANSFER AND RECIPROCITY

Any person who, on the effective date of the agreement with the U.S. Atomic Energy Commission, possesses a license issued by the U.S. Atomic Energy Commission shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such a license or on the date of expiration specified in the Federal license, whichever is earlier. The Nuclear Affairs Act enacted by the Nevada Legislature and the Rules and Regulations promulgated by the Nevada State Board of Health pursuant to the above legislation provides for recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States.

RADIOLOGICAL EMERGENCY CAPABILITY

The State of Nevada Emergency Procedures Manual and Nevada Revised Statute 459.120 designates the Department of Health, Welfare, and Rehabilitation and the Nevada State Board of Health, respectively, as the responsible agencies in the event of an accident involving radioactive materials. It will be the responsibility of the Bureau of Environmental Health to respond for these agencies in such an emergency.

Notification of an emergency may be by a State licensee or by the Nevada State Highway Patrol, local enforcement agencies, or local fire departments through the Atomic Energy Commission. Nevada State Highway Patrol, local enforcement agencies, and local fire departments have, during various training courses, received cards and posters listing the telephone numbers of the Atomic Energy Commission.

Bureau of Environmental Health personnel shall respond either as the emergency response team or as the agency responsible for public health and safety. The nature of the response may vary from an office evaluation and advisement of controls to on-the-site evaluation, radiation, and radioactivity measurements, establishment of controls, and coordination of support agencies.

Upon request, the State Civil Defense and Disaster Agency shall coordinate the transportation of Bureau personnel to the site of the incident, the installation of a communication network, and the supply of any power and heavy duty equipment needed. For any transportation or communications not provided, the Bureau will depend on commercial and other State organizations.

The State of Nevada is a member of the Western Interstate Nuclear Compact. Should circumstances warrant during the course of a radiological incident, member States of the Compact shall be requested to provide assistance to the State according to the mutual aid feature of the Compact.

The Bureau of Environmental Health will make a request to the Environmental Protection Agency, Western Environmental Research Laboratory, for any radioanalysis

required beyond the capability of the Bureau's laboratory instrumenation.

Future plans for emergency situations include a review and revision of existing radiological emergency procedures reflecting the enlarged staff, the acquisition of any special radiation detection instrumentation which may be required, the formation of a radiological emergency team and the preparation of radiological emergency kits which will be available for immediate use.

ORGANIZATION AND STAFF

The State Board of Health is designated as the radiation control agency for the State by the Radiation Control Act and is authorized to carry out the provisions of the Act. The State Division of Health is responsible for the radiation control program for the Board of Health, with implementation of the program performed by the Bureau of Environmental Health. The State Health Officer functions as the head of the Division of Health, and as Secretary to the Board of Health. The Radiological Control Section is under the Chief, Bureau of Environmental Health, who reports to the State Health Officer. These relationships are illustrated in Chart 1 of the Appendix.

The two radiation control specialists in the Radiological Control Section shall devote full time to the radiation control program for licensing and registration functions, inspection of licensed and registered facilities, response to emergency situations, and to all other radiation control activities within the State over which the State Board of Health has authority. This section shall maintain all records pertinent to the radiation control program including those which will permit the U.S. Atomic Energy Commission to evaluate the status of the program with regard to its compatibility with those of other agreement States, and that of the Commission. The Chief and the Assistant Chief of the Bureau shall participate in licensing and registration functions to provide greater manpower depth to the small Radiological Control Section.

The Commission of Environmental Protection is the agency responsible for the control of air and water pollution within the State. However, the regulations promulgated by the Commission will not conflict with those of the Board of Health for radiation control. The Bureau of Environmental Health is designated as the advisory and implementing agency for the Commission, and the Chief, Bureau of Environmental Health is the Control Officer for the Commission. The relationship between the Board and the Commission is illustrated in Chart 2 of the Appendix.

Position titles, education, and experience of Bureau of Environmental Health personnel directly involved in the activities of the radiological health program are listed below. Replacements for these personnel, if required, shall be recruited as soon as possible. The level of experience, education, and training shall be that required by the position descriptions contained in the Appendix.

ERNEST G. GREGORY—*Chief, Bureau of Environmental Health*

Education

University of Nevada—B.S. Civil Engineering; 1951.

Other Training

USPHS—Basic Radiological Health; 2 weeks.
USPHS—Gamma Spectroscopy; 2 weeks.

Experience

1965–Present Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1956–65 Public Health Engineer, Bureau of Environmental Health, Nevada State Health Division. Principal area of responsibility was in water pollution control. From 1958 to 1963 served as the Civil Defense Radiological Office for the State, which included the training of Civil Defense radiation monitors and radiation monitor instructors. Held a byproduct material license for Civil Defense Model CDV–784–786 radioactive sources.

1952–56 Right-of-way Agent, Nevada State Highway Department.

1951–52 Hydrologist, U.S. Bureau of Reclamation.

Miscellaneous

Registered Professional Engineer:
Wendell D. McCurry—Assistant Chief, Bureau of Environmental Health.

Education

Murray State Agricultural College—A.S. Engineering; 1959–61.
Oklahoma State University—B.S. Civil Engineering; 1963.
Oklahoma State University—M.S. Public Health and Sanitary Engineering; 1965.
University of Florida—Post Graduate work in Environmental Engineering and Radiological Health; 1964–66.

Other Training

USPHS—Occupational Health Course; 2 weeks.
AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
USPHS—Medical X-ray Protection; 2 weeks.

Experience

1970–Present Assistant Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1966–70 Public Health Engineer II, Nevada State Health Division. Duties very similar to present position.

Miscellaneous

Registered Professional Engineer:
William C. Horton—Radiation Control Specialist III.

Education

University of New Mexico—B.S. Geology; 1953.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
EPA—Medical X-ray Protection; 2 weeks.
USPHS—Basic Radiological Health; 2 weeks.
Picker X-ray Corp.—Isotopes and X-rays for Industrial Radiography; 1 week.
Defense Atomic Support Agency and Reynolds Electrical and Engineering Company—Emergency Radiation Team Training; 1 week each course.
AEC—Ten-week Health Physics course beginning April 3, 1972.

Experience

1971–Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1967–71 Supervisor of Environmental Monitoring, Battelle Northwest, Richland, Washington. Primarily responsible for implementing the overall environmental surveillance program at Hanford. Supervised radiation monitors taking samples and performing radiation and contamination surveys in the environs. Assisted in program planning, analytical result evaluation, and program coordination. Provided liaison with analytical laboratories.

1959–67 Engineer, ACFI, Inc., Albuquerque, New Mexico. Had primary responsibility for all radiological protection in a manufacturing plant possessing numerous X-ray devices and sealed radioactive sources. Provided shielding design for radiographic facilities and radiological protection requirements for a U 235-loaded graphite testing facility. Prepared formal operating procedures governing non-destructive testing and radiological protection practices.

1953–57 Seismologist and Party Chief, Continental Oil Company, Ponca City, Oklahoma. Primary responsibility was for operation of geophysical field crew exploring for oil, and interpretation of geophysical and geological data.

Richard W. Reynolds—Radiation Control Specialist II.

Education

University of Nevada—B.S. Zoology; 1966.
University of Nevada—M.S. Nuclear Engineering; 1971.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
EPA—Medical X-ray Protection; 2 weeks.
Reynolds Electrical & Engineering Co.—Basic Radiological Monitoring.

Experience

1971—Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1968–71 Graduate Research Fellow, Department of Nuclear Engineering, University of Nevada, Reno, Nev.

1966–68 Health Physicist, Health Physics Branch, Mare Island Naval Shipyard, Vallejo, Calif. Primary responsibility was the supervision of field surveillance of storage and usage of sources of ionizing radiation in medical, nondestructive test, instrument calibration, supply, and nuclear propulsion programs.

1964 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary duty assignment was gamma spectral analysis of filter systems used for aerosol surveillance during nuclear device testing.

1962–63 Nuclear Powerman, U.S. Army, Walter Reed Army Medical Center, Washington, D.C. Primary duty assignment was radiochemical analysis of coolant, effluent and environmental samples from research reactor areas at this installation.

1960–61 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary assignment was the radiochemical analysis of environmental and bioassay samples, collected as part of the surveillance program for GNOME, PLUTO, NERVA, and other projects.

BUDGET FOR THE RADIOLOGICAL HEALTH SECTION

Fiscal year 1971–72	
Personnel	$26,295.71
Travel (in-State)	3,332.00
Travel (out-of-State)	----------
Operating expenses	2,386.00
Capital equipment	3,000.00
Total	34,943.71
Fiscal year 1972–73	
Personnel	27,381.74
Travel (in-State)	3,500.00
Travel (out-of-State)	----------
Operating expenses	2,464.00
Capital equipment	----------
Total	33,345.74

NOTE: For the capital equipment budget for fiscal year 1971–72, it is anticipated that matching funds for procurement of radiation detection and measurement equipment will be obtained from the Federal Office of Civil Defense, Department of the Army.

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INSTRUMENTATION

Listed below is the field and laboratory instrumentation and radioactive sources which the Bureau of Environmental Health will utilize for the detection and measurement of radiation during routine inspections and emergencies for the identification and measurement of radioactive materials during periodic environmental surveillance and for the standardization of instrumentation, respectively.

Field Instrumentation—Survey

	Alpha	*Range*
1	Eberline Alpha Counter, scintillation type, Model Pac-4^B.	0–2 x 10^6 c.p.m.
	Neutron	
1	Nuclear Chicago Portable Survey Meter, Model 2671.	0–2.5 x 10^4 n/cm.^{2}/sec.
	Beta, X-rays, and Gamma	
1	Eberline Beta-Gamma Counter, GM Type, Model E-250.	0–2 R/hr. 0–2000 K c.p.m.
2	Victoreen Survey Meters, ion chamber type, Model 470.	0–300 mR/hr. and R/hr.

Calibration and Standard Measurements

2 Victoreen Condensor R-meters, Model 570.
2 Victoreen R-meter chambers, Model 130, 0–250 mR, 30–500 keV.
2 Victoreen R-meter chambers, Model 227, 0–1R, 30–500 keV.
1 Victoreen R-meter chamber, Model 552, 0–2.5R, 400–1300 keV.
2 Victoreen R-meter chambers, Model 70–5, 0–25R, 30–250 keV.
1 Victoreen R-meter chamber, Model 326, 0–10R, 30–350 keV.

Sources

1 set of Tracerlab Gamma Spectrometer Sources, Model R–35.
1 set of Eberline Pu^{239} Calibration Sources, Model S94–1
1 Tracerlab C^{13} source, Model R210.

LABORATORY INSTRUMENTATION

Gamma Spectroscopy

1 Tracerlab Model SC–76S single channel analyzer interconnected with a Tracerlab Model SC–71 scaler, Model SC–87B Auto-Printer, and SC–57A well scintillation detector, which houses a 2-inch x 1⅞-inch NaI well crystal.

Alpha, Beta, and Gamma Measurements

1 Tracerlab Model SC–71 scaler connected with a Model SC–87B Auto-Primer and FD–2 Flow Detector, used both as a geiger and proportional counter, and a SC–57A well scintillation detector.

[FR Doc.72-4877 Filed 3-30-72;8:45 am]

DEPARTMENT OF LABOR

Employment Standards Admininstration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions; New Determinations

There are set forth below general Area Wage Determination Decisions Nos. AM–6712, AM–6713, AM–6714, AM–6715, and AM–6716 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. The decisions are applicable to Federal and federally assisted construction in described localities situated within the States of Iowa and Missouri.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

The area wage determination decisions for localities within the above States are set forth below:

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in California, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, New Mexico, Oklahoma, Pennsylvania, Rhode Island, South Dakota, and Texas.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–1589 (9691), AM–1590 (9692), AM–1591, AM–1592, AM–1593, AM–1594, AM–1595, AM–1596, AM–1603, AM–1604, AM–1605	Aug. 6, 1971
AM–330, AM–333, AM–334, AM–337, AM–351, AM–357, AM–359, AM–361, AM–362, AM–363, AM–364, AM–384, AM–2379	Aug. 13, 1971
AM–384	Aug. 18, 1971
AM–451, AM–452, AM–453, AM–455, AM–461, AM–1850, AM–1851, AM–1854, AM–1855, AM–1857, AM–1858, AM–1861, AM–1866	Aug. 20, 1971
AM–2453, AM–3601 (11,412), AM–3602 (11,411), AM–3622 (6718), AM–3623 (6717), AM–3626, AM–3629	Aug. 25, 1971
AM–2460 (6719)	Aug. 27, 1971
AM–6131, AM–6370	Sept. 3, 1971
AM–7714, AM–7715 (11,413)	Nov. 19, 1971
AM–8582	Feb. 11, 1972
AM–9685, AM–9687, AM–9688, AM–9689	Mar. 10, 1972
AM–11,406	Mar. 24, 1972
AM–11,407, AM–11,408, AM–11,409	Mar. 31, 1972

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5. The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 7th day of April 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

U.S. DEPARTMENT OF LABOR

State: Iowa; Counties: Carroll, Cass, Clay, Crawford, Howard, Monona, O'Brien, Osceola, Ringgold, Taylor, and Van Buren.
Decision No. AM–6712; date of decision: Apr. 14, 1972.
Description of work: Heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
3-Iowa-2-3-d:						
Carpenters; piledrivermen	$4.00					
Cement masons	3.40					
Laborers:						
Sandblasters; powderman and blaster; pipelayer, sewer, water, telephone conduits, etc.; sewer utility man; Gunnite nozzleman; diamond and core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; drill operator of air trac, wagon drills and similar drills	3.35	$0.10				
Tree climber; form setters; rakers; boxtenders; asphalt curb machines; potmen (not mechanical); bull float, hand operated; sealers; timbermen; underpinning and shoring; caissons (over 12'); grade checker and cutting torches on demolition work	3.10	.10				
Power buggyman; concrete and paving sawman; form liner, expansion joint assembler; bottom man; caulker and jointer and painter; timber and chain-saw man; mechanical grouters; boring machine; automatic concrete power curbing machines; stresser or stretcherman on post-tension or prestressed concrete (on or off the job); powdermen helpers	2.85	.10				
Form tamper; air, gas and electric tool operators, vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer and jackhammer; tree groundmen; chuck tender; drill helpers, tool room men and checkers; sandblaster helper; concrete processing material and monitors; cement finishers helpers	2.70	.10				
Fence erectors; handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; dumpmen and spotters; carring reinforcing rods; corrugated culvert pipe; concrete drainage pipe; stake chaser; seeding, mulchin: and planting of trees, shrubs and flowers; waterboy; common laborer; rodmen; tending to carpenters; hot asphalt labor; stringman on paving work	2.60	.10				
Power shovel and crane type equipment (over ½ cylinder); Central mix plant operator (concrete 5 cylinder and over); Dredge operator and leverman concrete mixer-paver operator; Hoisting engineer (steel erection); tractor operating scrapers in tandem; Motor Patrol on finishing work; master mechanic (when 4 or more mechanics are employed); tow or push boat; piledriver machine	4.10	.20	$0.10			
Asphalt plant; asphalt paver; asphalt pugmill; power shovel (crane type equipment, under ½ cylinder); front end loader (all types 40 hp. or over); mechanics and welders; tournapull (DW 10 and all similar equipment, over 10 cylinder struck cap); all self-loading scrapers; tractor, bulldozer, push cat, pulling scraper or rooter and sideboom tractor; churn and rotary drill; trenching machine (Cleveland 80 or similar capacity); self-propelled sheepsfoot roller (100,000 lbs. and over); Central mix plant (concrete, under 5 cylinder)	4.00	.20	.10			
Motor Patrol (on other work); asphalt roller (high type surfacing); asphalt spreader (back end); concrete curb breaking machine; concrete widening machine; elevating grader and Athey loader; Tournapull (DW 10 and all similar equipment under 10 cylinder struck capacity); Paving breaker (drop or pneumatic); Spreader box (self propelled or tractor-pushed); Subgrade stab. (PAH and similar sizes); boiler (2 or one boiler and dryer); subgrading machine (CMI); slip form paver	3.70	.20	.10			
Self-propelled roller (other than high type asphalt); distributor, screening and washing plant; spreader (concrete tank car heater, combination boiler and booster); self-propelled vibrating compactor; trenching machine; (other) pumps on well points and deep wells for dewatering mechanical broom; steel placing machine; boat operator; compressor; concrete mixer (side loader); conveyor; crusher feeder; finishing machine on concrete; flex-plane; bull float; form grade; group equipment greaser; motor crane combination driver and oiler	3.50	.20	.10			
Boiler (single); apprentice engineer or oiler or mechanics' helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); welding machine; pump operator (other than dredge); boom and winch truck; hydro seeder operator; mulcher blower operator	3.30	.20	.10			
Batching plant (dry); front end loader, rubber-tired (with backhoe attachment, under ¾ cu. yd.); farm tractor pulling pneumatic roller; farm tractor with attachments	3.05	.20	.10			
Truck drivers:						
Truck drivers (not otherwise specified); warehousemen; drivers on: 4-wheel service trucks, bus hauling men, carryall and winch trucks, dumperetes and scoopmobiles	2.80					
Truck drivers for semi and tandem; ready mix; dumpster; drivers on: Kohring and similar dumpsters, track trucks, Euclids, bug bottom drums, Tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	2.90					

State: Missouri; Counties: Laclede, Lawrence, and Barton.
Decision No. AM–6,713; date of decision, Apr. 14, 1972.
Description of work: Heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters and piledrivermen	$6.12	$0.28	$0.15			
Cement masons (Laclede County)	5.50					
Electricians:						
Barton and Lawrence Counties	6.50	.20	1%		$0.005	
Laclede County	7.60	.30	1%	6%	.01	
Ironworkers:						
Barton and Laclede Counties	8.50	.25	.25	$0.25	.05	
Lawrence County	6.85	.15	.15		.08	
Painters, brush (Laclede County)	5.00	.35	.20			

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Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mo. 92-TD-2, 3:						
Truckdrivers:						
Flat bed trucks single axle	5.65	.25	.25			
Flat bed trucks tandem axle	5.80	.25	.25			
Station wagons	5.65	.25	.25			
Pickup trucks	5.65	.25	.25			
Materials trucks single axle	5.65	.25	.25			
Materials trucks tandem axle	5.80	.25	.25			
Semitrailers and/or pole trailers	5.92	.25	.25			
Winch trucks, fork trucks and steel trucks	5.92	.25	.25			
Distributor drivers and operators	5.92	.25	.25			
Agitator and transit mix trucks	5.81	.25	.25			
Tank wagon single axle	5.65	.25	.25			
Tank wagon semitrailer	5.92	.25	.25			
Tank wagon tandem axle	5.80	.25	.25			
Insley wagons; dumpsters; half-tracks; speedace; Euclids and other similar equipment	5.92	.25	.25			
A-frame and derrick trucks	5.92	.25	.25			
Warehouseman	5.55	.25	.25			
Float or low boy	5.92	.25	.25			
Mo. 23-LAB-2, 3:						
Laborers:						
General labor: Carpenter tenders; salamander tenders; dump men and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers	5.35	.40	.40		.10	
First semiskill: Air tool operator; cement handler—bulk or sack; dump man on earth fill; Georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers—rock, block, or brick; signalman; scaffolds over 10 feet not self-supported from ground up; skipman on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman; wire mesh setters on concrete paving	5.50	.40	.40		.10	
Second semiskill: Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river	5.65	.40	.40		.10	
Third semiskill: Laser beam man; asphalt rakers; Barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills; all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and Gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine; chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over 10 feet above ground; grade checker on cuts and fills	5.85	.40	.40		.10	
Fourth semiskill: Manhole builders—brick or block; dynamite and powder men; welder	6.10	.40	.40		.10	
Mo. 7-PEO-2-3:						
Lawrence County:						
Power equipment operators: Asphalt finishing machine and trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe, blade operator—all types; boat operator—tow; boilers—2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine—2 active drums; lauchhammer wheel; locomotive operator—standard gauge; mechanics and welders; mucking machine; piledriver operator; Pitman crane operator; push cat operator; Quad trac; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane	7.00	.40	.25		.02	
A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; Barber-Greene loader; boat operator (bridges and dams); chip spreader; compressor maintenance operator—2; concrete mixer operator, skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser—fleet; hoisting engine—1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 hp.); welding machine maintenance operator—2; winch truck	6.65	.40	.25		.02	
Boilers—1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator—1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman—rig; flex plane operator; float operator; form grader operator; generator—maintenance operator; light plant—maintenance operator; maintenance operator oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler and booster); tractor operator (50 hp. or less); Ulmac, Ulrich, or similar spreader; vibrating machine operator, welding machine maintenance operator—1	6.45	.40	.25		.02	
Oiler	5.95	.40	.25		.02	
Clamshells, 3 yd. or over; crane, rigs or piledrivers 100' to 200' of boom (including jib); draglines, 3 yd. or over; Hoists—each additional active drum over 2 drums; Shovels, 3 yd. or over	7.25	.40	.25		.02	
Tandem scoop; crane, rigs or piledrivers 200' of boom or over (including jib)	7.50	.40	.25		.02	

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mo 6-PEO-2, 3:						
Laclede and Barton Counties:						
Power equipment operators: Asphalt finishing machine and trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe, blade operator—all types; boat operator—tow; boilers—2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine—2 active drums; lauchhammer wheel; locomotive operator—standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; Quad trac; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane	6.90	.40	.25		.02	
A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; Barber-Greene loader; boat operator (bridges and dams); chip spreader; compressor maintenance operator—2; concrete mixer operator skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser—fleet; hoisting engine—1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom self-propelled, power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 h.p.); welding machine maintenance operator—2; winch truck	6.55	.40	.25		.02	
Boilers—1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator—1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman—rig; flex plane operator; float operator; form grader operator; generator—maintenance operator; light plant—maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler and booster); tractor operator (50 hp. or less); Ulmac, Ulrich, or similar spreader; vibrating machine operator, welding machine maintenance operator—1	6.35	.40	.25		.02	
Oiler	5.85	.40	.25		.02	
Clamshells, 3 yd. or over; crane, rigs or piledrivers 100' to 200' of boom (including jib); draglines, 3 yd. or over; hoists—each additional active drum over 2 drums; shovels, 3 yd. or over	7.15	.40	.25		.02	
Tandem scoop; crane, rigs or piledrivers 200' of boom or over (including jib)	7.40	.40	.25		.02	

State: Missouri; County: Holt.
Decision No. AM 6,714; Date of Decision: April 14, 1972.
Description of work: Heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters and piledrivermen	$6.12	$0.23	$0.15			
Electricians	7.52	.20	1%			
Ironworkers	8.50	.25	$0.25	$0.25	$0.05	
Mo. 95-TD-2, 3						
Truck drivers:						
Flat bed trucks single axle	4.90	.25	.25			
Flat bed trucks tandem axle	5.05	.25	.25			
Station wagons	4.90	.25	.25			
Pickup trucks	4.90	.25	.25			
Materials trucks single axle	4.90	.25	.25			
Materials trucks tandem axle	5.05	.25	.25			
Semitrailers and/or pole trailers	5.17	.25	.25			
Winch trucks, fork trucks and steel trucks	5.17	.25	.25			
Distributor drivers and operators	5.17	.25	.25			
Agitator and transit mix trucks	5.06	.25	.25			
Tank wagon single axle	4.90	.25	.25			
Tank wagon semitrailer	5.17	.25	.25			
Tank wagon tandem axle	5.05	.25	.25			
Insley wagons; dumpsters; half-tracks; speedace; Euclids and other similar equipment	5.17	.25	.25			
A-frame and derrick trucks	5.17	.25	.25			
Warehouseman	4.80	.25	.25			
Float or low boy	5.17	.25	.25			
Mo. 24-LAB-2,3						
Laborers:						
General Labor: Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers	4.60	.40	.40		.10	
First Semiskill: Air tool operator; cement handler—bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man(except on manholes); coffer dams; riprap pavers—rock, block, or brick; signal man; scaffolds over 10 feet not self-supported from ground up; skipman on concrete paving all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman; wire mesh setters on concrete paving	4.75	.40	.40		.10	
Second Semiskill: Asphalt plant platform man; chuck tender; crusher feeder; man handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working 6 feet or more below ground; men working in coffer dams for bridge piers and footings in the river	4.90	.40	.40		.10	
Third Semiskill: Laser beam man; asphalt rakers; Barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills; all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and Gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine; chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or powerplants over 10 feet above ground; grade checker on cuts and fills	5.10	.40	.40		.10	
Fourth Semiskill: Manhole builders—brick or block; dynamite and powder men; welder	5.35	.40	.40		.10	

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Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mo. 9-PEO-2,3:						
Power equipment operators:						
Asphalt finishing machine and trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe, blade operator—all types; boat operator—tow; boilers—2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine—2 active drums; launchhammer wheel; locomotive operator—standard gage; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad tractor; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane	7.10	.40	.25		.02	
A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; Barber-Greene loader; boat operator (bridges and dams); chip spreader; compressor maintenance operator—2; concrete mixer operator; skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine—1; locomotive operator narrow gage; multiple compactor; pavement breaker; powerbroom self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpenter machine; throttle man; tractor operator (over 50 hp.); welding machine maintenance operator—2; winch truck	6.75	.40	.25		.02	
Boilers—1; chip spreader (front man); churn drill operator; clef plana operator; compressor maintenance operator—1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman—rig; flex plane operator; float operator; form grader operator; general-maintenance operator; light plant—maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler and booster); tractor operator (50 hp. or less); Ulmac, Ulric or similar spreader; vibrating machine operator; welding machine maintenance operator—1	6.55	.40	.25		.02	
Oiler	6.25	.40	.25		.02	
Clamshells, 3 yd. or over; crane, rigs or piledrivers 100' to 200' of boom (including jib); draglines, 3 yd. or over; hoists—each additional active drum over 2 drums; shovels, 3 yd. or over	7.35	.40	.25		.02	
Tandem scoop; crane, rigs or piledrivers 200' of boom or over (including jib)	7.60	.40	.25		.02	

State: Missouri; Counties: Pettis and Linn.
Decision no. AM-6,715; date of decision: Apr. 14, 1972.
Description of work: Heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters and piledrivermen	$6.27	$0.23				
Cement masons:						
Linn County	6.70					
Pettis County	6.85					
Electricians (Pettis County):						
Electrical contracts over $5,000	7.95	.15	1%+$0.20	$0.70	$0.03	
Electrical contracts $5,000 and under	7.45	.15	1%+ .20	.70	.03	
Ironworkers	8.50	.25	.25	.25	.05	
Mo. 92-TD-2, 3:						
Truck drivers:						
Flat bed trucks single axle	5.65	.25		.25		
Flat bed trucks tandem axle	5.80	.25		.25		
Station wagons	5.65	.25		.25		
Pickup trucks	5.65	.25		.25		
Materials trucks single axle	5.65	.25		.25		
Materials trucks tandem axle	5.80	.25		.25		
Semitrailers and/or pole trailers	5.92	.25		.25		
Winch trucks, fork trucks and steel trucks	5.92	.25		.25		
Distributor drivers and operators	5.92	.25		.25		
Agitator and transit mix trucks	5.81	.25		.25		
Tank wagon single axle	5.65	.25		.25		
Tank wagon semitrailer	5.92	.25		.25		
Tank wagon tandem axle	5.80	.25		.25		
Insley wagons; dumpsters; half-tracks; speedace; Euclids and other similar equipment	5.92	.25		.25		
A-frame and derrick trucks	5.92	.25		.25		
Warehouseman	5.55	.25		.25		
Float or low boy	5.92	.25		.25		
Missouri Line Construction 4						
Linn County:						
Lineman and cable splicers	$7.35	3%	1%	12½%	½%	
Groundman—winch driver	5.35	3%	1%	12½%	½%	
Groundman—driver	5.09	3%	1%	12½%	½%	
Equipment operator	6.60	3%	1%	12½%	½%	
Groundman—1st 6 months	3.98	3%	1%	12½%	½%	
Groundman—next 12 months	4.17	3%	1%	12½%	½%	
Groundman—next 12 months	4.65	3%	1%	12½%	½%	
Groundman—thereafter	5.09	3%	1%	12½%	½%	
Missouri Line Construction 2e:						
Pettis County:						
Lineman and technician	7.10	$0.10	1%+$0.15		½%	
Lineman operator	6.70	.10	1%+ .15		½%	
Lineman mechanic	5.09	.10	1%+ .15		½%	
Groundman jackhammer operator	4.625	.10	1%+ .15		½%	
Groundman driver	4.625	.10	1%+ .15		½%	
Groundman powderman	4.88	.10	1%+ .15		½%	
Groundman	4.625	.10	1%+ .15		½%	
Groundman (1st year)	4.28	.10	1%+ .15		½%	

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mo. 23-LAB-2, 3:						
Pettis County:						
Laborers:						
General labor:						
Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers	5.35	.40	$0.40		$0.10	
First semiskill:						
Air tool operator; cement handler—bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers—rock, block, or brick; signal man; scaffolds over 10 feet not self-supported from ground up; skipman on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman; wire mesh setters on concrete paving	5.50	.40	.40		.10	
Second semiskill:						
Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working 6 feet or more below ground; men working in coffer dams for bridge piers and footings in the river	5.65	.40	.40		.10	
Third semiskill:						
Laser beam man; asphalt rakers; Barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills; all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and Gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine; chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over 10 feet above ground; grade checker on cuts and fills	5.55	.40	.40		.10	
Fourth semiskill:						
Manhole builders—brick or block; dynamite and powder men; welder	6.10	.40	.40		.10	
Mo. 27-LAB-2, 3:						
Linn County:						
Laborers:						
General labor:						
Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers	5.05	.30	.35		.10	
First semiskill:						
Air tool operator; cement handler—bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers—rock, block, or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile, and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman; wire mesh setters on concrete paving	5.20	.30	.35		.10	
Second semiskill:						
Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working 6 feet or more below ground; men working in coffer dams for bridge piers and footings in the river	5.35	.30	.35		.10	
Third semiskill:						
Laser beam man; asphalt rakers; Barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills; all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and Gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine; chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over 10 feet above ground; grade checker on cuts and fills	5.55	.30	.35		.10	
Fourth semiskill:						
Manhole builders—brick or block; dynamite and powder men; welder	5.80	.30	.35		.10	
Mo. 9-PEO-2, 3:						
Power equipment operators:						
Asphalt finishing machine and trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe, blade operator—all types; boat operator—tow; boilers—2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting enghne—2 active drums; launchhammer wheel; locomotive operator—standard gauge; mechanics and welders; mucking machine; piledriver operator; Pitman crane operator; push cat operator; Quad trac; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane	7.10	.40	.25		.02	
A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; Barber-Greene loader; boat operator (bridges and dams); chip spreader; compressor maintenance operator—2; concrete mixer operator, skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser—fleet; hoisting engine—1; locomotive operator narrow gauge; multiple compactor; pavement breaker; powerbroom self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpenter machine; throttle man; tractor operator (over 50 hp.); welding machine maintenance operator—2; winch truck	6.75	.40	.25		.02	

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Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mo. 9–PEO–2, 3—Continued						
Power equipment operators—Continued						
Boilers—1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator—1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman—rig; flex plane operator; float operator; form grader operator; generator—maintenance operator; light plant—maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tractor operator (50 h.p. or less); Ulmac, Ulrich, or similar spreader; vibrating machine operator, welding machine maintenance operator—1	6.55 6.25	.40 .40	.25 .25		.02 .02	
Oiler	7.35	.40	.25		.02	
Clamshells, 3 yd. or over; crane, rigs or piledrivers 100′ to 200′ of boom (including jib), draglines, 3 yds. or over; hoists—each additional active drum over 2 drums; shovels, 3 yd. or over	7.60	.40	.25		.02	
Tandem scoop; crane, rigs or piledrivers 200′ of boom or over (including jib)						

State: Missouri; County: Scott.
Decision No. AM–6,716; Date of decision: April 14, 1972.
Description of work: Heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. tr.	Others
	$6.07	$0.23				
Carpenters and piledrivermen	5.04	5%	1%+5½%	11%+4½%	1%	
Electricians:						
Electrical contracts $5,000 and under	7.37	5%	1%+5½%	11%+4½%	1%	
Electrical contracts over $5,000	6.60	$0.20	$0.20		$0.02	
Ironworkers						
Mo. 92–TD–2, 3:						
Truck drivers:						
Flat bed trucks single axle	5.65	.25	.25			
Flat bed trucks tandem axle	5.80	.25	.25			
Station wagons	5.65	.25	.25			
Pickup trucks	5.65	.25	.25			
Materials trucks single axle	5.65	.25	.25			
Materials trucks tandem axle	5.80	.25	.25			
Semitrailers and/or pole trailers	5.92	.25	.25			
Winch trucks, fork trucks and steel trucks	5.92	.25	.25			
Distributor drivers and operators	5.92	.25	.25			
Agitator and transit mix trucks	5.81	.25	.25			
Tank wagon single axle	5.65	.25	.25			
Tank wagon semitrailer	5.92	.25	.25			
Tank wagon tandem axle	5.80	.25	.25			
Insley wagons; dumpsters; half-tracks; speedace; Euclids and other similar equipment	5.92	.25	.25			
A-frame and derrick trucks	5.92	.25	.25			
Warehouseman	5.55	.25	.25			
Float or low boy	5.92	.25	.25			
Mo. 26–LAB–2, 3:						
Laborers:						
General labor:						
Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors; tract men and all other general laborers	5.35	.30	.35		.10	
First semiskill:						
Air tool operator; cement handler—bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers-rock, block or brick; signal man; scaffolds over 10 feet not self-supported from ground up; skipman on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman; wire mesh setters on concrete paving	5.50	.30	.35		.10	
Second semiskill:						
Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working 6 feet or more below ground; men working in coffer dams for bridge piers and footings in the river	5.65	.30	.35		.10	
Third semiskill:						
Laser beam man; asphalt rakers; Barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills; all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and Gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine; chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or powerplants over 10 feet above ground; grade checker on cuts and fills	5.85	.30	.35		.10	
Fourth semiskill:						
Manhole builders—brick or block; dynamite and powder men; welder	6.10	.30	.35		.10	

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mo. 12–PEO–2, 3:						
Power equipment operators:						
Asphalt finishing machine and trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe, blade operator—all types; boat operator—tow; boilers—2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine—2 active drums; lauchhammer wheel; locomotive operator—standard gage; mechanics and welders; mucking machine; piledriver operator; Pitman crane operator; push cat operator; quad trac; scoop operator—all types; shover operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane	$6.80	.35	.40		.02	
A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; Backfiller operator; Barber-Greene loader; boat operator (bridges and dams); chip spreader; compressor maintenance operator—2; concrete mixer operator; skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine—1; locomotive operator narrow gage; multiple compactor; pavement breaker; power-broom self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpeutter machine; throttle man; Tractor operator (over 50 H.P.); welding machine maintenance operator—2; winch truck	6.45	.35	.40		.02	
Boilers—1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator—1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; Fireman—Rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant—maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other then high type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler and booster); tractor operator (50 hp. or less); Ulmac, Ulric or similar spreader; vibrating machine operator; welding machine maintenance operator—1	6.25	.35	.40		.02	
Oiler	5.75	.35	.40		.02	
Clamshells, 3 yd. or over; crane, rigs or piledrivers 100′ to 200′ of boom (including jib); draglines, 3 yd. or over; hoists—each additional active drum over 2 drums; shovels, 3 yd. or over	7.05	.35	.40		.02	
Tandem scoop; crane, rigs or piledrivers 200′ of boom or over (including jib)	7.30	.35	.40		.02	

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM–6,151—36 F.R. 21725, Amador, Contra Costa, Marin, Merced, Sacramento, San Francisco, San Joaquin, Santa Clara, Solano, and Sonoma Counties, Calif., Modification No. 3						
OMIT:						
Sacramento County						
Asbestos workers	$5.62	$0.60	$0.40	$0.90	$0.04	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	7.73	.25	.20		1.00b/mo	
Brick tenders	5.355	.245	.60	.50		
Carpenters:						
Carpenters	7.50	.60	.50	.50d	.02	
Hardwood floor layers; power saw operator; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.65	.60	.50	.50d	.02	
Millwrights	7.90	.60	.50	.50d	.02	
Piledrivermen; bridge, wharf and dock builders	7.63	.60	.50	.50d	.02	
Cement masons:						
Cement masons	5.94	.36	.75	.75		
Mastic; magnesite; all composition masons	6.19	.36	.75	.75		
Men working from swinging or slip form scaffolds	6.19	.36	.75	.75		
Drywall installers	7.25	.45	.50	.50	.04	
Electricians:						
Electricians	6.88	.31	1%&$0.55		.045	
Cable splicers	7.57	.31	1%&.55		.045	
Electricians (Tunnel):						
Electricians	7.01	.31	1%&.55		.045	
Cable splicers	7.71	.31	1%&.55		.045	
Elevator constructors	8.15	.185	$0.20	2%&a		
Elevator constructors' helpers	70%J R	.185	.20	2%&a		
Elevator constructors' helpers (prob.)	50%J R					
Glaziers	$7.605	.15	.25	8%		
Ironworkers:						
Reinforcing	7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Ornamental; structural	8.03	.43	.425	.50	.02	
Lathers	6.40	.195	.20			
Line construction:						
Line equipment operators	6.19	.31	1%&$0.55		.045	
Linemen	6.88	.31	1%&.55		.045	
Cable splicers	7.57	.31	1%&.55		.045	
Marble setters	7.59	.69	$0.51	.53		
Painters:						
Brush	6.57	.39	.40	.80		
Spray	6.82	.39	.40	.80		
Tapers	7.07	.39	.40	.80		
Parking lot striping work and/or highway markers (Sacramento County only)	6.37	.35	.20	c		
Plasterers	7.65	.245	.25	.65		
Plasterers' tenders	5.75	.295	.50	.70		
Plumbers; steamfitters	8.58	.65	1.05		.06	
Roofers:						
Slate; tile; composition	6.67	.48	.40			
Enameler and pitch	7.42	.48	.40			
Felt machine operator and helpers, spudding machine operator, all types	6.92	.48	.40			
Sheet metal workers	8.21	.36	.83		.07	
Soft floor layers (linoleum)	6.895	.405	.30	.82	.07	
Sprinkler fitters	10.55	.25	.40		.05	
Terrazzo workers	7.73	.25	.20		1.00p/mo	
Tile setters	6.40	.42	.35	.80	b	
Tile setters' helpers	5.00	.22		.26		

Riggers; welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as vacation pay credit. Six paid holidays: A through F. b. Employer contributes $2 per month per apprentice employed. c. Employer contributes $0.17 per hour to holiday fund plus $0.10 per hour to vacation in 1st year's service, $0.20 per hour after 1 year's service but less than 5 years' service, $0.30 per hour after 5 years' service but less than 10 years' service, and $0.40 per hour after 10 years' service. d. Employer contributes $0.35 per hour to holiday fund and $0.15 per hour to vacation fund.						
ADD: *Merced County*						
Asbestos workers	8.62	.60	.40	.90	.04	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	7.35	.42	.38			
Carpenters:	7.50	.60	.50	.50c	.02	
Carpenters	7.65	.60	.50	.50c	.02	
Hardwood floor layers; power saw operator; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.90	.60	.50	.50c	.02	
Millwrights	7.63	.60	.50	.50c	.02	
Piledrivermen; bridge, wharf and dock builders						
Cement masons:	5.94	.36	.75	.75		
Cement masons	6.19	.36	.75	.75		
Mastic; magnesite; all composition masons	6.19	.36	.75	.75		
Men working from swinging or slip form scaffolds	7.25	.45	.50	.50	.04	
Drywall installers	8.60	.27	1%		.01	
Electricians:	9.56	.27	1%		.01	
Electricians	8.84	.27	1%		.01	
Cable splicers	9.72	.27	1%		.01	
Electricians (tunnel):	8.15	.185	$0.20	2%+a		
Electricians	70%JR	.185	.20	2%+a		
Cable splicers	50%JR					
Elevator constructors	$6.34	.30	.35	$0.38		
Elevator constructors' helpers (prob.)	7.605	.15	.25	8%		
Glaziers (southern portion of Merced County from city of Livingston)						
Glaziers (remaining portion)	7.98	.43	.425	$0.50	.02	
Ironworkers:	7.89	.43	.425	.50	.02	
Reinforcing	8.03	.43	.425	.50	.02	
Fence erectors	6.50				.01	
Ornamental; structural						
Lathers	8.60	.27	1%		.01	
Line construction:	9.56	.27	1%		.01	
Line equipment men; linemen	7.59	.69	$0.51	.53		
Cable splicer	5.15	.50	.60	.60		
Marble setters						
Mason tenders	$6.37	.35	.20	b		
Painters:	6.00	.60	.45	.75		
Parking lot striping work and/or highway markers	5.25	.60	.60	.60		
Plasterers	8.30	.77	.79		.03	
Plasterers' tenders	6.64	.45	.20	.75		
Plumbers; steamfitters	6.33	.36	.40		.01	
Roofers	6.895	.405	.30	.82	.07	
Sheet metal workers	10.55	.25	.40		.05	
Soft floor layers (east of San Joaquin River)						
Sprinkler fitters						
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as vacation pay credit. 6 paid holidays: A through F. b. Employer contribution $0.17 per hour to holiday fund plus $0.10 per hour to vacation in 1st year of employment; $0.20 per hour after 1 year, but less than 5 years' service; $0.30 per hour after 5 years but less than 10 years' service; and $0.40 per hour after 10 years' service. c. Employer contributes $0.35 per hour to holiday fund and $0.15 per hour to vacation fund.						
ADD: *Monterey County*						
Asbestos workers	8.62	.60	.40	.90	.04	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	7.01	.63	.40			
Carpenters:	7.50	.60	.50	.50d	.02	
Carpenters	7.65	.60	.50	.50d	.02	
Hardwood floor layers; power saw operator; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.90	.60	.50	.50d	.02	
Millwrights	7.63	.60	.50	.50d	.02	
Piledrivermen; bridge, wharf and dock builders						
Cement masons:	5.94	.36	.75	.75		
Cement masons	6.19	.36	.75	.75		
Mastic; magnesite; all composition masons	6.19	.36	.75	.75		
Men working from swinging or slip form scaffolds	7.25	.45	.50	.50	.04	
Drywall installers	8.50	.25	1%+.75		.01	
Electricians (west of Salinas River):	9.18	.25	1%+.75		.01	
Electricians	8.46	.40	1%		.01	
Cable splicers	9.52	.40	1%			
Electricians (east of Salinas River):	8.15	.185	$0.20	2%+a		
Electricians	70%JR	.185	.20	2%+a		
Cable splicers	50%JR					
Elevator constructors	$8.225	.25	.25	6%	.01	
Elevator constructors' helpers						
Elevator constructors' helpers (prob.)						
Glaziers	7.98	.43	.425	$0.50	.02	
Ironworkers:	7.89	.43	.425	.50	.02	
Reinforcing	8.03	.43	.425	.50	.02	
Fence erectors	7.10	.40	.40	.20c	.01	
Ornamental; structural						
Lathers						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
ADD—Continued						
Line construction (west of Salinas River):	6.80	.25	1%+.75		.01	
Groundmen	8.50	.25	1%+.75		.01	
Equipment operators; linemen	9.18	.25	1%+.75		.01	
Cable splicers						
Line construction (east of Salinas River):	8.46	.40	1%		.01	
Equipment operators; linemen	9.52	.40	1%		.01	
Cable splicers	7.59	.69	$0.51	.53		
Marble setters						
Painters:	$7.37	.39	.40			
Brush	7.62	.39	.40			
Steel	6.37	.35	.20	b		
Parking lot striping work and/or highway markers	7.08	.46	.35		.01	
Plasterers	5.70	.50	.60	.46		
Plasterers' tenders	8.30	.77	.79		.03	
Plumbers; steamfitters	6.30	.30	.50	1.00		
Roofers	7.70	.38	.50	10%		
Sheet metal workers	7.19	.35	.30	.55	.06	
Soft floor layers	10.55	.25	.40		.06	
Sprinkler fitters	6.96	.575	.20			
Tile setters						
Riggers; welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes 4% basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as vacation pay credit. 6 paid holidays: A through F. b. Employer contributes $0.17 per hour to holiday fund plus $0.10 per hour to vacation in 1st year's service, $0.20 per hour after 1 year's service but less than 5 years' service $0.30 per hour after 5 years' service but less than 10 years' service, and $0.40 per hour after 10 years' service. c. Employer contributes $0.20 per hour to holiday fund. d. Employer contributes $0.35 per hour to holiday fund and $0.15 per hour to vacation fund.						
ADD: *Nevada and Placer Counties*						
Asbestos workers	8.62	.60	.40	.90	.04	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	7.73	.25	.20		1.00p/mo.	
Brick tenders	5.355	.245	.60	.50		
Carpenters:	7.50	.60	.50	.50d	.02	
Carpenters	7.65	.60	.50	.50d	.02	
Hardwood floor layers; power saw operator; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.90	.60	.50	.50d	.02	
Millwrights	7.63	.60	.50	.50d	.02	
Piledrivermen; Bridge, wharf and dock builders						
Cement masons (except Lake Tahoe area):	5.94	.36	.75	.75		
Cement masons	6.19	.36	.75	.75		
Mastic; magnesite; all composition	6.19	.36	.75	.75		
Swinging, slip form scaffolds	7.25	.45	.50	.50	.04	
Drywall installers						
Electricians (except Lake Tahoe area):	6.88	.31	1%+.55		.045	
Electricians; cable splicers' helpers; technicians	7.57	.31	1%+.55		.045	
Cable splicers						
Electricians (Tunnel—except Lake Tahoe area):	7.01	.31	1%+.55		.045	
Electricians; cable splicers' helpers; technicians	7.71	.31	1%+.55		.045	
Cable splicers						
Electricians (Lake Tahoe area):	8.79	.33	1%+.25		.01	
Electricians; instrument technicians	9.67	.33	1%+.25		.01	
Cable splicers	8.15	.185	$0.20	2%+a		
Elevator constructors	70%JR	.185	.20	2%+a		
Elevator constructors' helpers	50%JR					
Elevator constructors' helpers (prob.)	$07.605	.15	.25	8%		
Glaziers						
Ironworkers:	7.98	.43	.425	$0.50	.02	
Reinforcing	7.89	.43	.425	.50	.02	
Fence erectors	8.03	.43	.425	.50	.02	
Ornamental; structural	7.68	.43	.40		.01	
Lathers (except El Dorado County)	6.40	.195	.20			
Lathers (El Dorado County)						
Line construction (except Lake Tahoe area):	6.19	.31	1%+.55		.045	
Line equipment operator	6.88	.31	1%+.55		.045	
Linemen	7.57	.31	1%+.55		.045	
Cable splicer						
Line construction (Lake Tahoe area):	6.59	.33	1%+.25		.01	
Groundmen	7.91	.33	1%+.25		.01	
Line equipment operators	9.67	.33	1%+.25		.01	
Cable splicers	8.79	.33	1%+.25		.01	
Linemen	7.59	.69	$0.51	.53		
Marble setters						
Painters:	6.37	.35	.20	b		
Parking lot striping work and/or highway markers (Sierra County only)						
Painters (except Lake Tahoe area):	6.57	.39	.40	$0.80		
Brush	6.82	.39	.40	.80		
Spray	7.07	.39	.40	.80		
Tapers						
Painters (Lake Tahoe area):	6.00	.20	.20	.40		
Brush	6.25	.20	.20	.40		
Decorators; machine tapers; paperhangers; roof painters; spray; structural steel; swing stage	6.50	.20	.20	.40		
Work performed over 40' above ground	7.65	.245	.25	.65		
Plasterers (except Sierra County)	6.05	.25	.25	.50	.01	
Plasterers (Sierra County)	5.75	.295	.50	.70		
Plasterers' hod carriers	8.39	.77	.79		.03	
Plumbers; steamfitters (Sierra County)	8.58	.65	1.05		.06	
Plumbers; steamfitters (El Dorado, Nevada and Placer Counties)	7.40	.30	.60	1.55	.07	
Plumbers; steamfitters (Lake Tahoe area)	6.54	.33	.40			
Roofers	8.21	.36	.83		.07	
Sheet metal workers	6.895	.405	.30	.82	.07	
Soft floor layers (except Lake Tahoe area)	6.02	.20	.20	.40		
Soft floor layers (Lake Tahoe area)	10.55	.25	.40		.05	
Sprinkler fitters	7.73	.25	.20		1.00p/mo.	
Terrazzo workers	6.40	.42	.35	.80	c	
Tile setters						
Riggers; welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
PAID HOLIDAYS: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate 6 months to 5 years' service as vacation pay credit. 6 paid holidays: A through F. b. Employer contributes $0.17 per hour to holiday fund plus $0.10 per hour to vacation in 1st year's service, $0.20 per hour after 1 year's service but less than 5 years' service, $0.30 per hour after 5 years' service but less than 10 years' service. c. Employer contributes $2 per month per apprentice employed. d. Employer contributes $0.35 per hour to holiday fund and $0.15 per hour to vacation fund.						
ADD: *Sacramento and Yolo Counties*						
Asbestos workers	8.62	.60	.40	.90	$0.04	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	7.73	.25	.20		1.00p/mo.	
Brick tenders	5.355	.245	.60	.50		
Carpenters:						
Carpenters	7.50	.60	.50	.50d	.02	
Hardwood floor layers; power saw operator; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.65	.60	.50	.50d	.02	
Millwrights	7.90	.60	.50	.50d	.02	
Pliedrivermen; bridge, wharf and dock builders	7.63	.60	.50	.50d	.02	
Cement masons:						
Cement masons	5.94	.36	.75	.75		
Mastic; magnesite; all composition masons	6.19	.36	.75	.75		
Men working from swinging or slip form scaffolds	7.25	.45	.50	.50	.04	
Drywall installers	6.88	.31	1%&$0.55		.045	
Electricians:						
Electricians	7.57	.31	1%&.55		.045	
Cable splicers						
Electricians (tunnel):	7.01	.31	1%&.55		.045	
Electricians	7.71	.31	1%&.55		.045	
Cable splicers	8.15	.185	$0.20	2%+a		
Elevator constructors	70%JR	.185	.20	2%+a		
Elevator constructors' helpers	50%JR					
Elevator constructors' helpers (prob.)	$7.605	.15	.25	8%		
Glaziers						
Ironworkers:	7.98	.43	.425	$0.50	.02	
Reinforcing	7.89	.43	.425	.50	.02	
Fence erectors	8.03	.43	.425	.50	.02	
Ornamental; structural	6.40	.195	.20			
Lathers						
Line construction:	6.19	.31	1%&$0.55		.045	
Line equipment operators	6.88	.31	1%&.55		.045	
Linemen	7.57	.31	1%&.55		.045	
Cable splicers	7.59	.69	$0.51	.53		
Marble setters						
Painters:	6.57	.39	.40	.80		
Brush	6.82	.39	.40	.80		
Spray	7.07	.39	.40	.80		
Tapers	6.37	.35	.20	c		
Parking lot striping work and/or highway markers (Sacramento County only)	7.65	.245	.25	$0.65		
Plasterers	5.75	.205	.50	.70		
Plasterers' tenders	8.58	.65	1.05		.06	
Plumbers; steamfitters						
Roofers:	6.67	.48	.40			
Slate; tile; composition	7.42	.48	.40			
Enameler and pitch	6.92	.48	.40			
Felt machine operator and helpers, spudding machine operator, all types	8.21	.36	.83		.07	
Sheet metal workers	6.895	.405	.30	.82	.07	
Soft floor layers (linoleum)	10.55	.25	.40		.05	
Sprinkler fitters	7.73	.25	.20		1.00 p/mo	
Terrazzo workers	6.40	.42	.35	.80	b	
Tile setters	5.00	.22		.26		
Tile setters' helpers						
Riggers; welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as vacation pay credit. 6 paid holidays: A through F. b. Employer contributes $2 per month per apprentice employed. c. Employer contributes $0.17 per hour to holiday fund plus $0.10 per hour to vacation in 1st years' service, $0.20 per hour after 1 years' services but less than 5 years' service, $0.30 per hour after 5 years' service but less than 10 years' service, and $0.40 per hour after 10 years' service. d. Employer contributes $0.35 per hour to holiday fund and $0.15 per hour to vacation fund.						
ADD: *Sutter County*						
Asbestos workers	8.62	.60	.40	.90	$0.04	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers	7.73	.25	.20		1.00p/mo.	
Brick tenders	5.185	.50	.60	.60		
Carpenters:						
Carpenters	7.50	.60	.50	.50d	.02	
Hardwood floor layers; power saw operator; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.65	.60	.50	.50d	.02	
Millwrights	7.90	.60	.50	.50d	.02	
Pliedrivermen; bridge, wharf and dock builders	7.63	.60	.50	.50d	.02	
Cement masons:						
Cement masons	5.94	.36	.75	.75		
Mastic; magnesite; all composition masons	6.19	.36	.75	.75		
Men working from swinging or slip form scaffolds	7.25	.45	.50	.50	.04	
Drywall installers						
Electricians:	6.88	.31	1%+$0.55		.045	
Electricians	7.57	.31	1%+.55		.045	
Cable splicers						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
ADD—Continued						
Electricians (tunnel):						
Electricians	7.01	.31	1%+.55		.045	
Cable splicers	7.71	.31	1%+.55		.045	
Elevator constructors	8.15	.185	$0.20	2%+a		
Elevator constructors' helpers	70%JR	.185	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	7.605	.15	.25	8%		
Ironworkers:						
Reinforcing	7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Ornamental; structural	8.03	.43	.425	.50	.02	
Line construction:						
Line equipment operators	6.19	.3t	1%+$0.55		.045	
Linemen	6.88	.31	1%+.55		.045	
Cable splicers	7.57	.31	1%+.55		.045	
Marble setters	7.59	.69	$0.51	.53		
Painters:						
Brush; roller	5.40	.25	.25	.65		
Spray; sandblast; structural steel; swingstages and tapers	5.65	.25	.25	.65		
Parking lot striping work and/or highway markers	6.37	.35	.20	b		
Plasterers	6.05	.25	.25	$0.50	.01	
Plasterers' tenders	5.185	.50	.60	.60		
Plumbers; steamfitters	8.39	.77	.79		.03	
Roofers	6.54	.33	.40			
Sheet metal workers	8.21	.36	.83		.07	
Soft floor layers (linoleum)	6.895	.405	.30	.82	.07	
Sprinkler fitters	10.55	.25	.40		.05	
Terrazzo workers	7.73	.25	.20		1.00p/mo	
Tile setters	6.40	.42	.35	.80	c	
Riggers, welders: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as vacation pay credit. 6 paid holidays: A through F. b. Employer contributes $0.17 per hour to holiday fund plus $0.10 per hour to vacation in 1st year's service, $0.20 per hour after 1 year's service but less than 5 years' service, $0.30 per hour after 5 years' service but less than 10 years' service, and $0.40 per hour after 10 years' service. c. Employer contributes $2 per month per apprentice employed. d. Employer contributes $0.35 per hour to holiday fund and $0.15 per hour to vacation fund.						
ADD: *Yuba County*						
Asbestos workers	8.62	.60	.40	.90	$0.04	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; block layers; stonemasons	7.73	.25	.20		1.00p/mo	
Brick tenders	5.185	.50	.60	.60		
Carpenters:						
Carpenters	7.50	.60	.50	.50d	.02	
Hardwood floor layers; power saw operator; saw filers; shinglers; steel scaffold erectors and/or steel shoring erectors	7.65	.60	.50	.50d	.02	
Millwrights	7.90	.60	.50	.50d	.02	
Pliedrivermen; bridge, wharf and dock builders	7.63	.60	.50	.50d	.02	
Cement masons:						
Cement masons	5.94	.36	.75	.75		
Mastic; magnesite; all composition	6.19	.36	.75	.75		
Swinging, slip form scaffolds	7.25	.45	.50	.50	.04	
Drywall installers						
Electricians:	6.88	.31	1%+$0.55		.045	
Electricians; technicians; cable splicer helper	7.57	.31	1%+.55		.045	
Cable splicers						
Electricians (tunnel):	7.01	.31	1%+.55		.045	
Electricians; cable splicers' helpers; technicians	7.71	.31	1%+.55		.045	
Cable splicers	8.15	.185	$0.20	2%+a		
Elevator constructors	70%JR	.185	.20	2%+a		
Elevator constructors' helpers	50%JR					
Elevator constructors' helpers (prob.)	$7.605	.15	.25	8%		
Glaziers						
Ironworkers:	7.98	.43	.425	$0.50	.02	
Reinforcing	7.89	.43	.425	.50	.02	
Fence erectors	8.03	.43	.425	.50	.02	
Ornamental; structural						
Line construction:	6.19	.31	1%+$0.55		.045	
Line equipment operator	6.88	.31	1%+.55		.045	
Linemen	7.57	.31	1%+.55		.045	
Cable splicer	7.59	.69	$0.51	.53		
Marble setters						
Painters:	5.40	.25	.25	.65		
Brush-roller	5.65	.25	.25	.65		
Spray, sandblast, structural steel, swing stage and taper						
Painters:	6.37	.35	.20	c		
Parking lot striping work and/or highway markers	6.05	.25	.25	$0.50	.01	
Plasterers	5.185	.50	.60	.60		
Plasterers' tenders	8.39	.77	.79		.03	
Plumbers; steamfitters	6.54	.33	.40			
Roofers	8.21	.36	.83		.07	
Sheet metal workers	6.895	.405	.30	.82	.07	
Soft floor layers	10.55	.25	.40		.05	
Sprinkler fitters	7.73	.25	.20		1.00p/mo	
Terrazzo workers	6.40	.42	.35	.80	b	
Tile setters	5.00	.22		.26		
Tile setters' helpers						
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as vacation pay credit. 6 paid holidays A through F. b. Employer contributes $2 per month per apprentice employed. c. Employer contributes $0.17 per hour to holiday fund plus $0.10 per hour to vacation in 1st year's service, $0.20 per hour after 1 year's service but less than 5 years' service, $0.30 per hour after 5 years' service but less than 10 years' service, and $0.40 per hour after 10 years' service. d. Employer contributes $0.35 per hour to holiday fund and $0.15 per hour to vacation fund.						

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-6,370—36 F.R. 22700 Kern-Riverside-San Bernardino-Santa Barbara-Ventura Counties, Calif., Modification No. 1						
ADD: *Imperial County*						
Asbestos workers	9.77	.48	.35		$0.025	
Boilermakers	7.20	.30	.70	.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons	6.35	.37	.40	.35	.01	
Brick tenders	5.85	.45	.85	.30		
Carpenters:						
Carpenters	5.98	.51	.65	.45	.01	
Saw filer	6.06	.51	.65	.45	.01	
Table power saw operator	6.08	.51	.65	.45	.01	
Shinglers	6.11	.51	.65	.45	.01	
Hardwood floor workers; millwrights	6.18	.51	.65	.45	.01	
Pneumatic nailer	6.23	.51	.65	.45	.01	
Piledrivermen:						
Rock slingers	6.07	.51	.65	.45	.01	
Bridge, dock carpenters, derrick bargemen	6.11	.51	.65	.45	.01	
Head rock slingers	6.21	.51	.65	.45	.01	
Cement masons:						
Cement masons	5.77	.80	.85	.60	.0225	
Cement floating and troweling machine	6.02	.80	.85	.60	.0225	
Drywall installers	7.25	.46	.55	.50	.04	
Electricians:						
Electricians	7.70	.30	1%+.45			
Cable splicers	7.98	.30	1%+.45			
Elevator constructors	7.58	.185	$0.20	2%+a		
Elevator constructors' helpers	70%JR	.185	.20	2%+a		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers:						
Reinforcing	7.98	.43	.425	$0.50	.02	
Fence erectors	7.89	.43	.425	.50	.02	
Structural; ornamental	8.03	.43	.425	.50	.02	
Irrigation and lawn sprinkler	6.50	10%	16%	13%	1%	
Lathers	7.00	.24			$0.01	
Line construction:						
Groundman	7.38	.25	1%			
Linemen; equipment operators	8.20	.25	1%			
Cable splicers	8.48	.25	1%			
Marble setters	6.46	.20	$0.45	$0.60		
Marble setters' helpers	5.69	.20	.45	.60		
Painters:						
Brush; paint burners	6.03	.39	.39	.60	.03	
Paperhangers; iron, steel and bridge (swing stage); sheet rock taper	7.43	.39	.39	.60	.03	
Brush (swing stage); spray	7.18	.39	.39	.60	.03	
Steeplejack	8.33	.39	.39	.60	.03	
Parking lot striping work and/or highway markers	4.88	.20	.20	b		
Parking lot striping work and/or highway markers' helpers; sandblasters	4.38	.20	.20	b		
Plumbers; steamfitters; lead burners	8.30	10%	16%	13%	1%	
Sheetmetal workers	8.30	$0.39	$0.40			
Soft floor layers	6.70	.40	.30	$0.35	$0.05	
Sprinkler fitters	10.55	.25	.40	.60	.05	
Terrazzo workers	6.46	.20	.45	.60		
Tile setters	6.46	.20	.45	.60		
Tile setters' helpers	5.69	.20	.45	.60		

Welders: Receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays:
A—New Year's Day; B—Memorial Day; C Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as vacation pay credit. 6 paid holidays: A through F.
b. Employer contributes $0.17 pr hour to Holiday Fund plus $0.10 per hour to vacation for 1 year's service, $0.20 per hour after 1 year but less than 5 years' service, $0.30 per hour after 5 years but less than 10 years' service, $0.40 per hour after 10 years' service.

WD No. AM-1,591—36 F.R. 14552, Litchfield County, Conn., Modification No. 2

CHANGE:

Building, heavy and highway construction:					
Bricklayers, cement masons finishers, stonemasons (heavy and highway):					
West of Housatanic River	7.75	.35	.15	h	
East of Housatanic River	7.70	.35	.15	h	
Carpenters, soft floor layers, piledrivermen (building only):					
Plymouth, Terryville, Harwinton	8.12	.35	.20		
Remainder of county	8.25	.35	.20	f	
Electricians:					
Plymouth	8.00	.20	1%+.20	¼ of 1%	
Remainder of county	7.30	.25	1%+.20	⅛ of 1%	
Painters:					
Remainder of county:					
Brush	7.25	.50	$0.20		
Bridge	8.50	.50	.20		
Spray	10.875	.50	.20		
Plumbers:					
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston, Washington, and Watertown	9.25	.48	.30		$0.05
Barkhamsted, New Hartford	8.65	5%	5%		.15
Remainder of county	7.45	$0.40	$0.30		
Roofers:					
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren:					
Composition and Kettlemen	8.50	.60	.30		
Slate and tile	8.75	.60	.30		
Slate and tile helpers	7.75	.60	.30		
Precast slab	9.00	.60	.30		
Precast helper	8.25	.60	.30		
ADD:					
Steamfitters:					
Barkhamsted, New Hartford	8.54	.50	.30		.05

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1592—36 F.R. 14586, Middlesex County, Conn., Modification No. 2						
CHANGE:						
Building, heavy and highway construction:						
Bricklayers, cement masons finishers, stonemasons (heavy and highway only)	7.70	.35	.15	f		
Carpenters, soft floor layers (building only):						
Marlborough	7.62	.30	.20			
Remainder of county	8.12	.35	.20			
Electricians:						
Cromwell-Middlefield-Middletown-Portland	8.15	.35	1%+.20		½%	
Remainder of county	7.75	.30	1%+.20		.5%	
Lathers:						
Remainder of county	8.52	.14	$0.20		$0.01	
Painters:						
Brush	7.25	.50	.20			
Bridge	8.50	.50	.20			
Spray	10.875	.50	.20			
Plumbers:						
Remainder of county	8.65	5%	5%		.15	
Sheet metal workers	8.25	$0.25	$0.26		.02	
Steamfitters:						
Remainder of county	8.54	.50	.30		.05	
WD No. AM-1,593—36 F.R. 14560, New Haven County, Conn., Modification No. 3						
CHANGE:						
Building, heavy and highway construction:						
Bricklayers, cement masons finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (building only):						
Milford-Devon	8.47	.20	.40			
Ansonia	7.60	.35	.25			
Carpenters, soft floor layers, piledrivermen (building only):						
Ansonia-Seymour-Derby-Orange	7.75	.35	.25			
Wallingford, Meriden	8.12	.35	.20			
Electricians:						
Beacon Falls-Middlebury-Naugatuck-Oxford-Prospect-Seymour-Southbury-Waterbury-Wolcott	7.30	.25	1%+.20		1/8 of 1%	
Remainder of county	7.75	.30	1%+.20		.5%	
Lathers:						
Remainder of county	8.52	.14	$0.20		$0.01	
Leadburners	6.90	.30		c	.01	
Plumbers-steamfitters:						
Ansonia-Beacon Falls-Bethany-Naugatuck-Oxford-Prospect-Seymour-Middlebury-Southbury-Waterbury-Wolcott-South Britain	9.15	.35	.30	2%	.02	
Roofers:	9.25	.48	.30		.05	
Remainder of county						
Composition, Kettlemen	8.50	.60	.30			
Slate-tile	8.25	.60	.30			
Precast slab	9.00	.60	.30			
Precast slab helpers	8.25	.60	.30			
Precast slate helpers	7.75	.60	.30			
Sheet metal workers	8.25	.25	.20		.02	

Footnote:
c. Nine paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

WD No. AM-1,595—36 F.R. 14568, Tolland County, Conn., Modification No. 2

Change:

Building, heavy and highway construction:					
Bricklayers, cement masons, finishers, stonemasons (heavy and highway)	7.70	.35	.15	e	
Carpenters, soft floor layers and piledrivermen (building only):					
Remainder of county	8.27	.16	.20		
Bolton	8.12	.35	.20	.01	
Electricians	8.15	.35	1%+.20	½%	
Lathers:					
Somers, Stafford, Stratford Springs, Straffordville, Union Crystal Lake	7.60	.45	.25		
Painters:					
Ellington, Hebron, Rockville, Somers, Vernon:					
Brush	7.50	.20	.20		
Spray	11.25	.20	.30		
Bridge	8.50	.20	.30		
Plumbers	8.65	5%	5%	$0.15	
Sheet metal workers	8.25	$0.25	$0.26	.02	
Steamfitters	8.54	.50	.30	.05	

WD No. AM-1,596—36 F.R. 14571, Windham County, Conn., Modification No. 2

CHANGE:

Building, heavy and highway construction:					
Bricklayers, cement masons finishers, stone masons (heavy and highway)	7.70	.35	.15	a	
Carpenters, soft floor layers, piledrivermen (building only)	8.27	.16	.20		
Electricians	8.15	.35	1%+.20	½%	
Painters:					
Willimatic:					
Brush	7.50	.20	$0.20		
Spray	11.25	.20	.20		
Bridge	8.50	.20	.20		
Plumbers:					
Windham	8.65	5%	5%	$0.15	
Sheet metal workers	8.25	$0.25	$0.26	.02	
Steamfitters:					
Windham	8.54	.50	.30	.05	
Remainder of county	6.55	.15	.20		

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-451—36 F.R. 16367, Brevard and Volusia Counties, Fla. (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only), Modification No. 5						
CHANGE:						
Building construction:						
Laborers	3.80	.15	.20		.01	
Hod carriers	3.95	.15	.20		.01	
Kettlemen	3.95	.15	.20		.01	
Mason tenders	3.95	.15	.20		.01	
Mortar mixers	3.95	.15	.20		.01	
Pipelayers (concrete and clay)	3.95	.15	.20		.01	
Plasterers tenders	4.22	.15	.20		.01	
Guniting cement gun operator	4.62	.15	.20		.01	
Nozzleman (handling nozzle of cement gun)	3.95	.15	.20		.01	
Wellpoint and dewatering	3.95	.15	.20		.01	
Air tool operator	3.95	.15	.20		.01	
Powderman	3.95	.15	.20		.01	
Paving form setters	3.95	.15	.20		.01	
Curb and gutter form setter, sidewalk	3.95	.15	.20		.01	
Concrete workers	7.54	.30	.25		.03	
Sheet metal workers						
WD No. AM-452—36 F.R. 16370, Brevard County, Fla., Modification No. 5						
CHANGE:						
Building construction:						
Laborers	5.35	.41				
Mason tenders	5.35	.41				
Mortar mixers	5.35	.41				
Power tool operators	5.35	.41				
Vibrators	5.35	.41				
Plasterers tenders	5.60	.41				
WD No. AM-453—36 F.R. 16373, Dade County, Fla., Modification No. 8						
CHANGE:						
Building construction:						
Electricians, welders and equipment operators:						
Zone 1—24 mile radius from Dade County Courthouse	8.10	3%	.20+1%	6%	1%	
Zone 2—6 mile radius from Zone 1	8.50	3%	.20+1%	6%	1%	
Zone 3—6 mile radius from Zone 2	8.90	3%	.20+1%	6%	1%	
Zone 4—6 mile radius from Zone 3	9.90	3%	.20+1%	6%	1%	
WD No. AM-455—36 F.R. 16381, Hillsborough County, Fla., Modification No. 8						
CHANGE:						
Lathers	6.76	$0.21	$0.10		$0.35	
WD No. AM-461—36 F.R. 16401, Pinellas County, Fla., Modification No. 5						
CHANGE:						
Lathers	6.76	.21	.10		0.35	
WD No. AM-330—36 F.R. 15155, Cook County, Ill., Modification No. 10						
CHANGE:						
Painters:						
Brush	7.75	.325	.20			
Decorators, paper hangers and tapers	7.75	.325	.20			
WD No. AM-333—36 F.R. 15170, Lake County, Ill., Modification No. 7						
CHANGE:						
Painters	7.75	.325	.20			
WD No. AM-334—36 F.R. 15175, Madison County, Ill., Modification No. 6						
CHANGE:						
Painters—commercial and residential:						
Brush	7.65	.20	.20			
Rollers, cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable and similar rigs	7.90	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.40	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and airless with less than 24" fan	8.65	.20	.20			
Spraying airless with 24" fan or over	8.65	.20	.20			
Industrial:						
Brush	7.90	.20	.20			
Roller and cut in men	8.40	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.15	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.65	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and airless with less than 24" fan	8.90	.20	.20			
Spraying airless with fan 24" or over	9.30	.20	.20			
Hazardous work (bridges, TV and radio towers, high line towers, water towers, smoke stacks and grain elevators):						
Brush	8.15	.20	.20			
Roller or cut in men	8.65	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.40	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.90	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and airless with less than 24" fan	9.15	.20	.20			
Spraying airless with fan 24" or over	9.95	.20	.20			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-337—36 F.R. 15194, St. Clair County, Ill., Modification No. 7						
CHANGE:						
Painters—commercial and residential:						
Brush	7.65	.20	.20			
Rollers, cut in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable and similar rigs	7.90	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.40	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and airless with less than 24" fan	8.65	.20	.20			
Spraying airless with 24" fan or over	8.65	.20	.20			
Industrial:						
Brush	7.90	.20	.20			
Roller and cut in men	8.40	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.15	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.65	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and airless with less than 24" fan	8.90	.20	.20			
Spraying airless with fan 24" or over	9.30	.20	.20			
Hazardous work (bridges, TV and radio towers, high line towers, water towers, smoke stacks and grain elevators):						
Brush	8.15	.20	.20			
Roller or cut in men	8.65	.20	.20			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.40	.20	.20			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.90	.20	.20			
Sandblasting, water blasting, steam cleaning and spraying conventional and airless with less than 24" fan	9.15	.20	.20			
Spraying airless with fan 24" or over	9.95	.20	.20			
WD No. AM-351—36 F.R. 15277, Allen County, Ind., Modification No. 9						
CHANGE:						
Building construction:						
Laborers:						
Group A	5.45	.18	.25		.07	
Group B	5.65	.18	.25		.07	
Group C	5.75	.18	.25		.07	
Group D	6.05	.18	.25		.07	
Group E	6.45	.18	.25		.07	
Leadburners	6.90	.30		d	.01	
Footnote:						
d. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
Line Construction Indiana Area II M:						
Line construction (North Indiana exclusive of Calumet area):						
Linemen	6.68	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.09	.15	1%		.25%	
Class B	5.33	.15	1%		.25%	
Senior ground truckdriver with winch	4.48	.15	1%		.25%	
Ground truckdriver with winch	4.20	.15	1%		.25%	
Ground truckdriver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 months	3.45	.15	1%		.25%	
After 12 months	4.11	.15	1%		.25%	
Line construction (Calumet area):						
Linemen	6.97	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.15	.15	1%		.25%	
Class B	5.39	.15	1%		.25%	
Senior ground truckdriver with winch	4.58	.15	1%		.25%	
Groundman truckdriver with winch	4.26	.15	1%		.25%	
Groundman truckdriver without winch	3.77	.15	1%		.25%	
Groundman:						
0 to 12 months	3.54	.15	1%		.25%	
After 12 months	4.22	.15	1%		.25%	
WD No. AM-357—36 F.R. 15510, Lake County, Ind., Modification No. 6						
CHANGE:						
Leadburners	6.90	.30		d	$0.01	
Footnote:						
d. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
Line Construction Indiana Area II M:						
Line construction (North Indiana Exclusive of Calumet area):						
Linemen	6.68	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.09	.15	1%		.25%	
Class B	5.33	.15	1%		.25%	
Senior ground truck driver with winch	4.48	.15	1%		.25%	
Ground truck driver with winch	4.20	.15	1%		.25%	
Ground truck driver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 months	3.45	.15	1%		.25%	
After 12 months	4.11	.15	1%		.25%	
Line construction (Calumet area):						
Linemen	6.97	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.15	.15	1%		.25%	
Class B	5.39	.15	1%		.25%	
Senior ground truck driver with winch	4.58	.15	1%		.25%	
Groundman truck driver with winch	4.26	.15	1%		.25%	
Groundman truck driver without winch	3.77	.15	1%		.25%	
Groundman:						
0 to 12 months	3.54	.15	1%		.25%	
After 12 months	4.22	.15	1%		.25%	

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-389—36 F.R. 15527, Morton County, Ind., Modification No. 6						
CHANGE:						
Leadburners	6.90	.30		e	$0.01	
Marble setters	7.90	.20			.03	
Tile setters	7.90	.20			.03	
Footnote:						
e. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-561—36 F.R. 16340, Porter County, Ind., Modification No. 5						
CHANGE:						
Leadburners	6.90	.30		d	.01	
Footnote:						
d. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
Line Construction Indiana Area II M:						
Line construction (North Indiana exclusive of Calumet area):						
Linemen	6.68	.15	1%		.25%	
Heavy equipment operators:	6.09	.15	1%		.25%	
Class A	5.33	.15	1%		.25%	
Class B	4.48	.15	1%		.25%	
Senior ground truck driver with winch	4.20	.15	1%		.25%	
Ground truck driver with winch	3.70	.15	1%		.25%	
Ground truck driver without winch						
Groundman:	3.45	.15	1%		.25%	
0 to 12 months	4.11	.15	1%		.25%	
After 12 months						
Line construction (Calumet area):	6.97	.15	1%		.25%	
Linemen						
Heavy equipment operators:	6.15	.15	1%		.25%	
Class A	5.39	.15	1%		.25%	
Class B	4.58	.15	1%		.25%	
Senior ground truck driver with winch	4.26	.15	1%		.25%	
Groundman truck driver with winch	3.77	.15	1%		.25%	
Groundman truck driver without winch						
Groundman:	3.54	.15	1%		.25%	
0 to 12 months	4.22	.15	1%		.25%	
After 12 months						
WD No. AM-502—36 F.R. 15548, St. Joseph County, Ind., Modification No. 6						
CHANGE:						
Leadburners	6.90	.30		d	$0.01	
Painters:						
Brush	6.85	.20				
Spray	6.85	.20				
Roller	6.85	.20				
Footnote:						
d. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
Line Construction Indiana Area II M:						
Line construction (North Indiana exclusive of Calumet area):	6.68	.15	1%		.25%	
Linemen						
Heavy equipment operators:	6.00	.15	1%		.25%	
Class A	5.33	.15	1%		.25%	
Class B	4.48	.15	1%		.25%	
Senior ground truck driver with winch	4.20	.15	1%		.25%	
Ground truck driver with winch	3.70	.15	1%		.25%	
Ground truck driver without winch						
Groundman:	3.45	.15	1%		.25%	
0 to 12 months	4.11	.15	1%		.25%	
After 12 months						
Line construction (Calumet area):	6.97	.15	1%		.25%	
Linemen						
Heavy equipment operators:	6.15	.15	1%		.25%	
Class A	5.39	.15	1%		.25%	
Class B	4.58	.15	1%		.25%	
Senior ground truck driver with winch	4.26	.15	1%		.25%	
Groundman truck driver with winch	3.77	.15	1%		.25%	
Groundman truck driver without winch						
Groundman:	3.54	.15	1%		.25%	
0 to 12 months	4.22	.15	1%		.25%	
After 12 months						
WD No. AM-503—36 F.R. 15555, Vanderburgh County, Ind., Modification No. 4						
CHANGE:						
Leadburners	6.90	.30		c	.01	
Footnote:						
c. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-364—36 F.R. 15558, Vigo County, Ind., Modification No. 6						
OMIT:						
Change of Modification No. 3 published in Modification No. 5 in volume 37, page 5658, Mar. 17, 1972.						
CHANGE:						
Modification No. 3 published in volume 37, page 3104, Feb. 11, 1972, to Modification No. 4.						
Leadburners	6.90	.30		c	.01	
Footnote:						
c. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						
WD No. AM-8582—37 F.R. 5146, Bartholomew County, Ind., Modification No. 2						
CHANGE:						
Leadburners	6.90	.30		a	.01	
Footnote:						
a. 8 paid holidays, A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.						

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Ind. 2-PEO. W:						
Building construction:						
Power equipment operators:						
Group A:						
Power equipment operators: A-frame winch truck, air compressor over 600 cu. ft. air tugger, autograde (CMI), Auto Patrol, backhoe, ballast regulator (RR), batcher plant (electric control concrete), bending machine (pipe), bituminous plant, bituminous mixer travel plant, bituminous power roller, bulldozer, cable way, Chicago boom, clamshell, concrete mixer (21 cu. ft. or over), concrete paver, concrete pump (crete), crane, craneman, crusher plant, derrick boat, dinkey, dope pots (pipe line), dragline, dredge operator, drill operator, elevating grader, elevator, Ford hoe (or similar type equipment), forklift, formless paver, gantry crane, gradeall, grademan, grout pump, Hetherington paver, highlift, hoist, hopto, hough loader (or similar type), hydro crane, hydro hammer, locomotive crane, locomotive, mechanic, mobile mixer, motor crane, motor crane oiler and one (1) piece of minor equipment, mucking machine, multiple tamping machine (RR), overhead crane, pile driver, pulls, push dozer push boats, roller (sheep foot), Ross carrier, scoop shovel, side boom, swing crane, tail boom, tar machine (pipeline), throttle valve, trench machine, welder (heavy duty), truck-mounted concrete pump, truck-mounted drill, 2 to 4 pieces of minor equipment, well point, Whirleys	8.33	.20	$0.20			
Group B:						
Air compressor (200 cu. ft. per minute capacity or more), brakeman, bull float, concrete mixer (over 10S and under 21S), concrete spreader or puddler, deck engine drill helper, electric vibrator Kompactor (earth or rock), finishing machine, fireman, greaser (on grease facilities servicing heavy equipment), material pump motor boats, motor crane oiler, oiler and 1 piece of minor equipment, portable loader, post hole digger, power broom, rock roller, roller-wobble wheel (earth and rock), spike machine (RR), Seaman tiller, spreader rock, sub grader, tamping machine, truck mounted drill oiler, welding machine, widener (Apsco or similar type)	7.38	.20	.20			
Group C:						
Air compressor (under 200 cu. ft. per minute), bituminous distributor, cement saw, conveyor, deck hand, earth roller form grader, generator, guard rail driver, heater, oiler, paving joint machine, steam Jenny, vibrator, water pump	6.73	.20	.20			
WD No. AM-2,455—36 F.R. 16815, Linn County (city of Cedar Rapids and abutting municipalities), Iowa, Modification No. 2						
~~Ia-Iowa-2-3~~:						
CHANGE:						
Heavy and highway construction:						
Carpenters; piledrivermen	5.95	.21				
Cement masons	5.65					
Laborers:						
Sandblasters; powderman and blaster; pipelayer, sewer, water, telephone conduits etc.; sewer utility man; Gunite nozzleman; diamond and core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; drill operator of air traes, wagon drills and similar drills	5.30	.15	$0.10			
Tree climber; form setters; rakers; box-tenders; asphalt cur machines; potmen (not mechanical); bull float, hand operated; scalers; timbermen; underpinning and shoring; caissons (over 12'); grade checker and cutting torches on demolition work	5.05	.15	.10			
Power buggyman; concrete and paving sawman; form liner, expansion joint assembler; bottom man; caulker and jointer and painter; timber and chain-saw man; mechanical grouters; boring machine; automatic concrete power curbing machines; stresser or stretcherman on post-tension or prestressed concrete (on or off the job); powdermen helpers	4.80	.15	.10			
Form tamper; air, gas and electric tool operator, vibrator Barco hammer, paving breaker, spader, tamper, electric drills; hammer and jackhammer; tree groundmen; chuck tender; drill helpers, tool room men and checkers; sandblaster helper; concrete processing material and mouitors; cement finishers helpers	4.65	.15	.10			
Fence erectors; handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; dumpmen and spotters; carrying reinforcing rods; corrugated culvert pipe; concrete drainage pipe; stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; common laborer; rodmen; tending to carpenters; hot asphalt labor; stringman on paving work	4.55	.15	.10			
Power equipment operators:						
Power shovel and crane-type equipment (over ½ cylinder); central mix plant operator (concrete 5 cylinder and over); dredge operator and leverman concrete mixer-paver; hoisting engineer (steel erection); tractor operating scrapers in tandem; motor patrol on finishing work; master mechanic (when 4 or more mechanics are employed); tow or push boat; piledriver machine	6.05	.30	.30		.01	
Asphalt plant; asphalt paver; asphalt pugmill; power shovel (crane type equipment, under ½ cylinder); front end loader (all types 40 hp. or over); mechanics and welders; Tournapull (DW 10 and all similar equipment, over 10 cylinder struck cap); all self-loading scrapers; tractor, bulldozer, push cats, pulling scraper or rooter and sidebcom tractor; churn and rotary drill; trenching machine (Cleveland 90 or similar cap.); self-propelled sheepsfoot roller (100,000 pounds and over); central mix plant (concrete, under 5 cylinder)	5.90	.30	.30		.01	
Motor patrol (on other work); asphalt roller (high type surfacing); asphalt spreader (back end); concrete curb breaking machine; concrete widening machine; elevating grader and Athey loader; Tournapull (DW 10 and all similar equipment under 10 cylinder struck cap); Paving breaker (drop or pneumatic); spreader box (self propelled or tractor-pushed); subgrade stab. (P&H and similar sizes); boiler (2 or one boiler and dryer); subgrading machine (CMI); slip form paver	5.65	.30	.30		.01	
Self-propelled roller (other than high type asphalt); distributor; screening and washing plant; spreader (concrete tank car heater, combination boiler and booster); self-propelled vibrating compactor; trenching machine; (other) pumps on well points and deep wells for dewatering mechanical broom; steel placing machine; boat operator; compressor, concrete mixer (side loader); conveyor; crusher feeder; finishing machine on concrete; flex-plane; bull float; form grade; group equipment greaser; motor crane combination driver and oiler	5.45	.30	.30		.01	
Boiler (single); apprentice engineer or oiler or mechanic's helper; self-propelled roller (pulling disc harrow or sheepsfoot roller); welding machine; pump operator (other than dredge); boom and winch truck; hydro seeder operator; mulcher blower operator	5.25	.30	.30		.01	
Batching plant (dry); front end loader, rubber-tired (with backhoe attachment, under ¼ cubic yard); farm tractor pulling pneumatic roller; farm tractor with attachments	4.95	.30	.30		.01	
Truck drivers:						
Truck drivers (not otherwise specified); warehousemen; drivers on: 4-wheel service trucks, bus hauling men, carry all and winch trucks, dumpcretes and scoopmobiles	4.75	.15				
Truck drivers for semi and tandem; ready mix; dumpster; drivers on: korking and similar dumpsters, track trucks, Euclids, bug bottom drums, Tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units	4.85	.15				

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-3,626—36 F.R. 16736, East Baton Rouge Parish, La., Modification No. 4						
CHANGE:						
Bricklayers	6.45	.20	.15		.01	
Stonemasons	6.45	.20	.15		.01	
WD No. AM-3,619—36 F.R. 16742, Rapides Parish, La., Modification No. 5						
CHANGE:						
Electricians	6.85	.30	1%		.05	
WD No. AM-9,685—37 F.R. 5172, Essex County, Mass., Modification No. 1						
CHANGE:						
Building, heavy and highway construction:						
Electricians:						
Lynn, Lynnfield, Nahant, Saugus and Swampscott Townships	8.60	.35	1%+$0.95		0.15	
Sheet metal workers	8.43	.36	$0.35		.02	
WD No. AM-9,687—37 F.R. 5181, Middlesex County, Mass., Modification No. 1						
CHANGE:						
Building, heavy and highway construction:						
Concord, Lexington, Lincoln, Weston and Waltham, sheet metal workers	8.43	.36	.35		.02	
Cambridge, Medford, Malden, Everett, Woburn, Arlington and Melrose:						
Electricians	8.60	.35	1%+$0.85		0.15	
Sheet metal workers	8.43	.36	$0.35		.02	
Bedford:						
Sheet metal workers	8.43	.36	.35		.02	
WD No. AM-9,688—37 F.R. 5177, Suffolk County, Mass., Modification No. 1						
CHANGE:						
Building, heavy and highway construction:						
Asbestos workers	8.505	.50	.40		.01	
Electricians	8.69	.35	1%+$0.95		.015	
Sheet metal workers	8.43	.36	$0.35		.02	
WD No. AM-9,689—37 F.R. 5179, Worcester County, Mass., Modification No. 1						
CHANGE:						
Building, heavy and highway construction:						
Lathers, Sturbridge and Warren	7.60	.45	.25			
Roofers	7.75					
WD No. AM-584—36 F.R. 15828, Ingham County, Mich., Modification No. 8						
CHANGE:						
Building construction:						
Electricians—remainder of county	8.60	.30	1%+$0.15		.25%	
WD No. AM-2,379—36 F.R. 15402, St. Louis (Duluth) County, Minn., Modification No. 4						
ADD:						
Bricklayers	7.61	.25	$0.25	$0.50		
Stonemasons	7.67		.25	.50		
WD No. AM-11,406—37 F.R. 6139, Statewide, N. Mex., Modification No. 1						
ADD:						
Line construction—New Mexico (A) (Bernalillo County):						
Cable splicer	6.45	.25	1%		1/2%	
Lineman	6.00	.25	1%		1/2%	
Technician	6.00	.25	1%		1/2%	
Equipment operator	5.70	.25	1%		1/2%	
Equipment mechanic	5.23	.25	1%		1/2%	
Powderman	5.23	.25	1%		1/2%	
Groundman and jackhammer operator:	3.16	.25	1%		1/2%	
1st 6 months	3.60	.25	1%		1/2%	
2d 6 months	4.20	.25	1%		1/2%	
Experienced						
Line construction—New Mexico (B) (statewide except Bernalillo County):	6.92	.25	1%		1/2%	
Cable splicer	6.44	.25	1%		1/2%	
Lineman	6.44	.25	1%		1/2%	
Technician	6.12	.25	1%		1/2%	
Equipment operator	5.60	.25	1%		1/2%	
Powderman						
Groundman and jackhammer operator:	3.39	.25	1%		1/2%	
1st 6 months	3.86	.25	1%		1/2%	
2d 6 months	4.51	.25	1%		1/2%	
Experienced						
WD No. AM-4,859—36 F.R. 16290, Dauphin County, Pa., Modification No. 3						
CHANGE:						
Building construction:						
Glaziers	5.50	.20	$0.10		$0.01	
Laborers:						
Construction laborers	4.94	.11	.15			
Air, fuel, and electric tool operators, pipelayers, power-buggy precast slab placers and signal men	5.09	.11	.15			
Brick, stone, plaster and cement mason tenders, machine mixers, stockers, scaffold builders, plaster pump and conveyors, blasters, caisson workers, wagon air track and diamond point drill operators burning torches green cutting machine, steam jenny, sandblasting	5.41	.11	.15			
Nursery workers, window washers, floor scrubbers and watchmen	4.59	.11	.15			
Lead burners	6.90	.30		a	.01	

Footnote:
a. Paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
PA-22-LAB-3-K:						
Heavy and highway:						
Laborers:						
Asphalt tampers and asphalt rakers concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	.20	.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson-open air—below 8 feet, cofferdam open air—below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill, drill, diamond point drill, Gunite Nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rocks shafts:						
Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			
PA-22-PEO-3-G:						
Highway construction:						
Wage Group 1:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, Gradalls, all front end loaders 4 cu. yd. and over, tandem scrapers, Pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (Drillmaster type), GMI autograde, machines similar to above	7.68	4.6%	6.5%		.7%	
Wage Group 2:						
Conveyor loader (Euc type), scrapers and Tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yd., mechanic—welders, Motor Patrols, machines similar to above	6.92	4.6%	6.5%		.7%	
Wage Group 3:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, Ditch Witch type trencher, road finishing machines, concrete breaking machines, rollers, Seaman pulverizing mixer, power broom, seeding spreader, fireman—(for power equipment), conveyor loaders other than Euc type conveyors, machines similar to above	6.47	4.6%	6.5%		.7%	
Wage Group 4:						
Fireman	6.07	4.6%	6.5%		.7%	
Wage Group 5:						
Oilers and deck hands	5.87	4.6%	6.5%		.7%	
Wage Group 6:						
On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	6.5%		.7%	
150 ft. and over	8.18	4.6%	6.5%		.7%	
200 ft. and over	8.43	4.6%	6.5%		.7%	
WD No. AM-1851—36 F.R. 16202, Cumberland County, Pa., Modification No. 5						
CHANGE:						
Building construction:						
Laborers:						
Construction laborers	4.94	$0.11	$0.15			
Air, fuel and electric tool operators, pipelayers, power-buggy, precast slab placers, and signalmen	5.09	.11	.15			
Brick, stone, plaster and cement mason tenders, machine mixers, stockers, scaffold builders, plaster pump and conveyors, blasters, caisson workers, wagon air track and diamond point drill operators burning torches, green cutting machine, steam jenny, sandblasting	5.41	.11	.15			
Nursery workers, window washers, floor scrubbers, and watchmen	4.59	.11	.15			
Glaziers	5.50	.20	.10		$0.01	
Lead burners	6.90	.30		a	.01	

Footnote:
a. Paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

PA-22-LAB-3-K:						
Heavy and highway:						
Laborers: Asphalt tampers and asphalt rakers concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	.20	.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson—open air—below 8 feet, cofferdam—open air—below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill, drill, diamond point drill, Gunite nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rocks shafts:						
Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			
PA-22-PEO-3-G:						
Highway construction:						
Wage group 1:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, Gradalls, all front end loaders, 4 cu. yd. and over, tandem scrapers, pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (Drillmaster type), CMI autograde, machines similar to above	7.68	4.6%	6.5%		0.7%	
Wage group 2:						
Conveyor loader (euc type), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yd., mechanic-welders, motor patrols, machines similar to above	6.92	4.6%	6.5%		.7%	

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP 3: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, ditch witch type trencher, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment), conveyor loaders other than euc type, conveyors, machines similar to above	6.47	4.6%	6.5%		.7%	
WAGE GROUP 4: Fireman	6.07	4.6%	6.5%		.7%	
WAGE GROUP 5: Oilers and deck hands	5.57	4.6%	6.5%		.7%	
WAGE GROUP 6: On all machines with booms (including jibs, masts, leads, etc.):						
100 feet and over	7.93	4.6%	6.5%		.7%	
150 feet and over	8.18	4.6%	6.5%		.7%	
200 feet and over	8.43	4.6%	6.5%		.7%	

WD No. AM-1,854—36 F.R. 16276, Franklin County, Pa., Modification No. 2

CHANGE: Building construction: Glaziers	$5.50	$0.20	$0.10		$0.01	

WD No. AM-1,855—36 F.R. 16281, Lackawanna County, Pa., Modification No. 3

CHANGE: PA-22-LAB-3-K: Heavy and highway: Laborers: Asphalt tampers and asphalt rakers, concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	.20	.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson—open air—below 8 feet, cofferdam open air—below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill, drill, diamond point drill, gunite nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rock shafts: Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			
PA-22-PEO-3-G: Highway construction: Wage Group 1: Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, Gradalls, all front end loaders 4 cu. yd. and over, tandem scrapers, Pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (Drillmaster type), CMI autograde, machines similar to above	7.68	4.6%	6.5%		0.7%	
Wage Group 2: Conveyor loader (Euc type), scrapers and Tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yd., Mechanic—welders, Motor Patrols, machines similar to above	6.92	4.6%	6.5%		.7%	
Wage Group 3: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, ditch Witch type trencher, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman—(for power equipment), conveyor loaders other than Euc type Conveyors, machines similar to above	6.47	4.6%	6.5%		.7%	
Wage Group 4: Fireman	6.07	4.6%	6.5%		.7%	
Wage group 5: Oilers and deck hands	5.57	4.6%	6.5%		.7%	
Wage Group 6: On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	6.5%		.7%	
150 ft. and over	8.18	4.6%	6.5%		.7%	
200 ft. and over	8.43	4.6%	6.5%		.7%	

WD No. AM-1,857—36 F.R. 16291, Lehigh County, Pa., Modification No. 2

CHANGE: PA-22-LAB-3-K: Heavy and highway: Laborers: Asphalt tampers and asphalt rakers, concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	$0.20	$0.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson-open air-below 8 feet, cofferdam open air—below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road), wagon drill, drill, diamond point drill, Gunite nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rock shafts: Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued PA-22-PEO-3: Highway construction: Wage Group 1: Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, Gradalls, all front end loaders 4 cu. yd. and over, tandem scrapers, Pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (Drillmaster type), CMI autograde, machines similar to above	$7.68	4.6%	6.5%		0.7%	
Wage Group 2: Conveyor loader (Euc type), scrapers and Tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yd., mechanic—welders, Motor Patrols, machines similar to above	6.92	4.6%	6.5%		.7%	
Wage Group 3: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, Ditch Witch type trencher, road finishing machines, concrete breaking machines, rollers, Seaman pulverizing mixer, power broom, seeding spreader, tireman—(for power equipment), conveyor loaders other than Euc type, conveyors, machines similar to above	6.47	4.6%	6.5%		.7%	
Wage Group 4: Fireman	6.07	4.6%	6.5%		.7%	
Wage Group 5: Oilers and deck hands	5.57	4.6%	6.5%		.7%	
Wage Group 6: On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	6.5%		.7%	
150 ft. and over	8.18	4.6%	6.5%		.7%	
200 ft. and over	8.43	4.6%	6.5%		.7%	

WD No. AM-1,858—36 F.R. 16294, Luzerne County, Pa., Modification No. 2

CHANGE: PA-22-LAB-3-K: Heavy and highway: Laborers: Asphalt tampers and asphalt rakers, concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	$0.20	$0.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson-open air—below 8 feet, cofferdam open air—below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill, drill, diamond point drill, Gunite nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rocks shafts: Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			
PA-22-PEO-3-G: Highway construction: Wage group 1: Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, Gradalls, all front end loaders 4 cu. yd. and over, tandem scrapers, pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (Drillmaster type), CMI autograde, machines similar to above	7.68	4.6%	6.5%		0.7%	
Wage group 2: Conveyor loader (Euc Type), scrapers and Tournapulls, spreaders, High or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yd., mechanic—welders, motor patrols, machines similar to above	6.92	4.6%	6.5%		.7%	
Wage Group 3: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, Ditch Witch type trencher, road finishing machines, concrete breaking machines, rollers, Seaman pulverizing mixer, power broom, seeding spreader, tireman—(for power equipment), conveyor loaders other than Euc type, conveyors, machines similar to above	6.47	4.6%	6.5%		.7%	
Wage Group 4: Fireman	6.07	4.6%	6.5%		.7%	
Wage Group 5: Oilers and deck hands	5.57	4.6%	6.5%		.7%	
Wage Group 6: On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	6.5%		.7%	
150 ft. and over	8.18	4.6%	6.5%		.7%	
200 ft. and over	8.43	4.6%	6.5%		.7%	

WD No. AM-1861—36 F.R. 16510, Northampton County, Pa., Modification No. 2

CHANGE: PA-22-LAB-3-K: Heavy and Highway: Laborers: Asphalt tampers and asphalt rakers, concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	$0.20	$0.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson-open air—below 8 feet, cofferdam open air—below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill, drill, diamond point drill, Gunite nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rocks shafts: Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
PA-22-PFO-3-G:						
Highway construction:						
Wage Group 1:						
Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, Gradalls, all front end loaders 4 cu. yd. and over, tandem scrapers, Pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (Drillmaster type), CMI autograde, machines similar to above	7.68	4.6%	6.5%		0.7%	
Wage Group 2:						
Conveyor loader (Euc type), scrapers and Tournapulls, spreaders, High or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders, under 4 cu. yd., mechanic—welders, Motor Patrols, machines similar to above	6.92	4.6%	6.5%		.7%	
Wage Group 3:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, Ditch Witch type trencher, road finishing machines, concrete breaking machines, rollers, Seaman pulverizing mixer, power broom, seeding spreader, fireman—(for power equipment), conveyor loaders other than Euc type, conveyors, machines similar to above	6.47	4.6%	6.5%		.7%	
Wage Group 4:						
Fireman	6.07	4.6%	6.5%		.7%	
Wage Group 5:						
Oilers and deck hands	5.57	4.6%	6.5%		.7%	
Wage Group 6:						
On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	6.5%		.7%	
150 ft. and over	8.18	4.6%	6.5%		.7%	
200 ft. and over	8.43	4.6%	6.5%		.7%	
WD No. AM-1,866—36 F.R. 10355, 29 Eastern Counties, Pa., Modification No. 2						
CHANGE:						
PA-11-PEO-3						
Highway construction power equipment operators:						
Wage Group 1:						
Pile drivers or engineers working with dock builders, all types of cranes, all types of backhoes, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, pavers 21E and over, Gradalls, all front end loaders 4 cu. yd. and over, tandem scrapers, Pippin type backhoes, boat captains, batch plant with mixer, drill, self contained (Drillmaster type), CMI autograde, machines similar to above	7.68	4.6%	6.5%		0.7%	
Wage Group 2:						
Conveyor loader (Euc type), scrapers and Tournapulls, spreaders, high or low pressure boilers, concrete pumps, bulldozers and tractors, asphalt plant engineers, rollers (high grade finishing), all loaders under 4 cu. yd., mechanic—welders, Motor Patrols, machines similar to above	6.92	4.6%	6.5%		.7%	
Wage Group 3:						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, Ditch Witch type trencher, road finishing machines, concrete breaking machines, rollers, Seaman pulverizing mixer, power broom, seeding spreader, tire man—(for power equipment), conveyor loaders other than Euc type, conveyors, machines similar to above	6.47	4.6%	5.6%		.7%	
Wage Group 4:						
Fireman	6.07	4.6%	5.6%		.7%	
Wage Group 5:						
Oilers and deck hands	5.57	4.6%	5.6%		.7%	
Wage Group 6:						
On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	5.6%		.7%	
150 ft. and over	8.18	4.6%	5.6%		.7%	
200 ft. and over	8.43	4.6%	5.6%		.7%	
PA-22-LAB-3-K:						
Highway construction:						
Laborers:						
Asphalt tampers and asphalt rakers, concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	$0.20	$0.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson-open air-below 8 feet, cofferdam open air—below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, form setters (road) wagon drill, drill, diamond point drill, Gunite nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning, and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rocks shafts:						
Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, blasters, pneumatic shield operators, lining, spotting, and timber workmen	6.15	.20	.20			

MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,603—36 F.R. 14900, Kent and Providence Counties, R.I., Modification No. 2						
CHANGE:						
Building, heavy and highway construction:						
Bricklayers, cement masons, plasterers, stone masons, marble, tile and terrazzo workers:						
Bristol and Kent Counties; and remainder of Providence County:						
Cement masons	8.15	.15				
Marble, tile and terrazzo workers	7.50	.25	.35			
Glaziers	6.96	.35	.25		$0.01	
Laborers, carpenters tender, cement finisher tenders, mason tenders	6.10	.25	.25			
Jackhammers, paving breakers chain saw, pipelayers, mechanical grinder, all other pneumatic tools, Barco type jumping tampers	6.35	.25	.25			
Powdermen, blasters	6.85	.25	.25			
Laborers Wrecking:						
Laborers, signalman	6.10	.25	.25			
Adzeman, burner, jackhammer	6.35	.25	.25			
Leadburners	6.90	.30		c	.01	
Footnote:						
c. Holidays: A through F, Washington's birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
Heavy, highway and marine construction:						
Bricklayers, stone masons, catch basin, manhole builders	7.57	.25	.30		.01	
Laborers:						
Laborers	6.10	.25	.25		.05	
Adzemen, asphalt rakers, Barco type jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal form for roadways, stumper operators, tree trimmers, wagon drill operators, wood chipper operators	6.35	.25	.25		.05	
Air track operator	6.60	.25	.25		.05	
Blasters and powdermen	6.85	.25	.25		.05	
Pavers, rammers, curb setters	6.60	.25	.25		.05	
WD No. AM-1,604—36 F.R. 14905, Newport County, R.I., Modification No. 2						
CHANGE:						
Building Construction:						
Carpenters:						
Remainder of county:						
Carpenters and soft floor layers	8.15	.25	.25		.01	
Millwrights and piledrivermen	8.75	.25	.25		.01	
Cement masons	8.15	.15				
Glaziers	6.96	.35	.25		.01	
Lead burners	6.90	.30		c	.01	
Marble setters, terrazzo workers and tile setters	7.50	.25	.35			
Footnote:						
c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.						
Heavy, Highway and Marine Construction:						
Bricklayers, stone masons, catch basin, manhole builders	7.57	.25	.30		.01	
Carpenters, dock builders, piledrivers:						
Remainder of county	8.75	.25	.25		.01	
Laborers:						
Laborers	6.10	.25	.25		.05	
Adzemen, asphalt rakers, Barco type jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators	6.35	.25	.25		.05	
Air track drill operator	6.60	.25	.25		.05	
Blasters and powdermen	6.85	.25	.25		.05	
Pavers, rammers, curb setters	6.60	.25	.25		.05	
WD No. AM-1,605—36 F.R. 14910, Washington County, R.I., Modification No. 3						
CHANGE:						
Building construction:						
Cement masons:						
Exeter, Narragansett, North Kingstown, Gould	8.15					
Laborers, building:						
Laborers, carpenters' tenders, cement finisher tenders, mason tenders	6.10	.25	.25			
Jackhammer, paving breaker chain saw, pipelayers, mechanical grinder, all other pneumatic tools, Barco type jumping tampers	6.35	.25	.25			
Laborers, wrecking:						
Laborers, signalman	6.10	.25	.25			
Adzman, burner, jackhammer	6.35	.25	.25			
Heavy, highway and marine construction:						
Bricklayers, stone masons, catch basin, manhole builders	7.57	.25	.30		.01	
Carpenters, piledrivermen, North Kingstown	7.99	.25	.25			
Laborers:						
Laborers	6.10	.25	.25		.05	
Adzemen, asphalt rakers, Barco type jumping tampers, chain saw operators, concrete and power buggy operators, concrete saw operators, demolition burners, fence and guard rail erectors, highway stone spreaders, mechanical grinder operators, mortar mixers, pipelayers, pipe trench bracers, pneumatic tool operators, riprap and dry stonewall builders, setters of metal forms for roadways, stumper operators, tree toppers, tree trimmers, wagon drill operators, wood chipper operators	6.35	.25	.25		.05	
Air track operator	6.60	.25	.25		.05	
Blasters and powdermen	6.85	.25	.25		.05	
Pavers, rammers and curb setters	6.60	.25	.25		.05	
WD No. AM-7,714—36 F.R. 22119 Travis County, Tex., Modification No. 6						
CHANGE:						
Building construction:						
Asbestos workers	6.66	.20	.20		.02	
Cement masons	5.66					
WD No. AM-11,407—37 F.R. 6615, Bexar County, Tex., Modification No. 1						
CHANGE:						
Building construction:						
Asbestos workers	6.66	.20	.20		.02	
Ironworkers:						
Structural; ornamental; reinforcing	6.00	.40	.30		.05	
Lathers	6.725				.01	

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MODIFICATIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-11,408—37 F.R. 6617, Harris County, Tex., Modification No. 1						
CHANGE:						
Building Construction:						
Bricklayers	7.20	.175	.30		.03	
Electricians	7.01	.25	1%+$0.15	$0.225	.015	
Glaziers	6.40	.225	$0.20		.01	
Sheet metal workers	6.985	.225	.275	.20	.015	
WD No. AM-11,409—37 F.R. 6619, Lubbock County, Tex., Modification No. 1						
CHANGE:						
Building construction:						
Laborers:						
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers and spreaders; pot men and kettlemen, well drillers, bell hole men, dumpers and spotters	3.80					

SUPERSEDEAS DECISION

State: Connecticut; county: Fairfield.
Decision No.: AM-9,691; Date: Apr. 14, 1972, Supersedes Decision No. AM-1,589, dated Aug. 6, 1971, in 36 F.R. 14543.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction and dredging.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
1-Conn.-1-2-3 M:						
Building, heavy and highway construction:	$8.365	$0.37	$0.23			
Asbestos workers	7.25	.40	10%		$0.01	
Boilermakers						
Bricklayers, cementmasons-finishers, marble setters, plasterers, terazzo workers, tile setters (building only):	8.10	4%	$0.25			
Darien-Stamford	8.00	$0.20	.40			
Norwalk-New Canaan	8.47	.20	.40			
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.05	.40	.45			
Greenwich	7.50	.25	.40			
Remainder of county						
Marble setters' helpers:	6.83	6.5%	7%			
Greenwich-Stamford-Darien-Norwalk-Westport	7.50	$0.17	$0.15			
Remainder of county						
Terazzo workers' helpers:	6.98	.88	.43			
Greenwich-Stamford-Darien-Norwalk-Westport	7.50	.17	.15			
Remainder of county						
Tile setters' helpers:	4.85	6%	4%+.45			
Greenwich-Stamford-Darien-Norwalk-Westport	7.50	$0.17	$0.15			
Remainder of county						
Bricklayers, cement masons-finishers, stonemasons (heavy and highway only):	7.85	4%	.15	h		
Stamford-Darien	7.35	$0.30	.15	h		
Greenwich	7.75	.35	.15	h		
Remainder of county						
Carpenters, soft floor layers (building only):	8.25	.40	.20		.05	
Darien-Stamford-New Canaan-Wilton-Ridgefield	7.75	.40	.20		g	
Norwalk	5.25	.15	.15			
Sherman	8.15	.20	.20	f		
Westport-Weston	8.15	.30	.35	f		
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	7.55	.35	.20	$0.50		
Greenwich	7.75	.35	.20			
Shelton	8.15	.20	.20	i		
Remainder of county	8.30	.35	.20	h	$0.03	
Carpenters—Piledrivermen (heavy and highway only)	7.30	3¾%	7.5%	10%	½ of 1%	
Electricians:	7.70	$0.23	1%+.20		¼%	
Darien-Greenwich-New Canaan-Stamford	7.75	.23	1%+.20		¼ of 1%	
Norwalk-Westport-Wilton-Weston	8.02	.195	$0.20	½%+a+b	.005	
Remainder of county	5.61	.195	.20	½%+a+b	.005	
Elevator constructors	4.01					
Elevator constructors' helpers	5.30	.125	.125			
Elevator constructors' helpers (prob.)						
Glaziers	9.30	.40	.44		.04	
Ironworkers:						
Structural, ornamental, reinforcing	6.85	.15	.15			
Laborers (building only):	5.30	.15	.15			
Bridgeport-Easton-Fairfield-Monroe-Newton-Shelton-Stratford-Trumbull	5.55	.15	.15			
Bethel-Brookfield-Danbury-New Fairfield-Redding-Sherman						
Jackhammer and pavement breaker operator	4.80	.15	.15			
Ridgefield, Georgetown and West Redding:	5.05	.15	.15			
Laborers	5.30	.15	.15			
Pneumatic-gas-electric tools, asphalt raker-stone spreaders						
Blasters-powdermen	6.70	.30	.25	$0.35	.05	
Greenwich:						
Laborers, carpenter tenders and wrecking laborers	5.65	4%	.15			
Stamford-Darien; New Canaan:	5.90	4%	.15			
Laborers, mason tenders, mortar mixers, pipelayers, wreckers	6.775	4%	.15			
Plasterers tenders	6.60	4%	.15			
Drill runners, jackhammers, waker operators						
Blasters and dynamite men	5.80	$0.15	.15			
Norwalk-Wilton-Westport-Weston:	5.70	.15	.15			
Wagon drill	5.55	.15	.15			
Pneumatic-gas-electric-tool operator, mason tenders, mortar mixers, pipelayers (conc., clay), plasterers' tenders, conc. saw, power buggy						
Laborers	5.00	.30	.25		.05	
Laborers (heavy and highway only):						
Laborers						

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
1-Conn.-1-2-3 M—Continued						
Building, heavy and highway construction—Continued						
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw operators, chain saw operatois, fence and guardrail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill operators, tree trimmers, tree toppers, mulchers, chippers, stumpers and all operations connected	6.25	.30	.25		.05	
Air track operators	6.50	.30	.25		.05	
Pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.25		.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	7.91	.10	.20	.75	.01	
Remainder of county	8.10	.20	.25		.01	
Lead burners	6.90	.30		e	.01	
Line construction:						
Darien-Greenwich-New Canaan-Stamford—that portion of Norwalk west of Five Mile River:						
Linemen	5.50	3¼%	7.5%	10%	¼ of 1%	
Cable splicer	5.75	3¼%	7.5%	10%	¼ of 1%	
Cable splicer helper	4.75	3¼%	7.5%	10%	¼ of 1%	
Groundmen:						
1st year	3.40	3¼%	7.5%	10%	¼ of 1%	
2d year	3.90	3¼%	7.5%	10%	¼ of 1%	
Driver groundmen	4.50	3¼%	7.5%	10%	¼ of 1%	
Remainder of county:						
Linemen, cable splicer, welder, pipelayers, dynamitemen	6.11	$0.15	1%	d		
Digger operator, equipment operator	5.21	.15	1%	d		
Groundman, truck driver	4.99	.15	1%	d		
Cable splicer helper	4.85	.15	1%	d		
Groundman	4.39	.15	1%	d		
Painters:						
Greenwich:						
Brush	6.45	3%	9%	4%		
Structural steel	6.45	3%	9%	4%		
Spray	6.45	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.20				
Structural steel	7.20	.20				
Norwalk-Westport-Weston-Wilton:						
Brush	4.50	.10				
Roller	4.80	.10				
Steel	4.75	.10				
New Canaan:						
Brush	4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		e		
Structural steel	5.75	.12		e		
Spray	5.75	.12		e		
Byram:						
Brush	5.80	.24	$0.664/7			
Structural steel	6.626/7	.24	.664/7			
Darien-Stamford:						
Brush	6.00	.14	.20			
Structural steel	6.00	.14	.20			
Spray	6.00	.14	.20			
Remainder of county:						
Brush	7.00	.20	.25	e		
Structural steel	8.00	.20	.25	e		
Millwrights: Norwalk	8.00	.40	.20		k	
Piledrivermen (building only):						
Greenwich	7.55	.35	.20	$0.50	$0.05	
Darien-Stamford-New Canaan	8.25	.40	.20			
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	8.15	.20	.35	f		
Norwalk	7.75	.40	.20		k	
Shelton	7.75	.35	.20			
Sherman	8.25	.15	.15			
Westport-Weston	8.15	.20	.20	f		
Wilton-Ridgefield	8.25	.40	.20		$0.05	
Remainder of county	8.15	.20	.20	f		
Plumbers, steamfitters:						
Greenwich	8.50	.30	.30		.01	
Bethel-Brookfield-Danbury-New Fairfield-Newton-Redding-Ridgefield-Sherman	7.15	.20	.20			
New Canaan	8.20	.40	.20			
Stamford-Darien	9.00	.40	.20		.01	
Bridgeport-Easton-Fairfield-Monroe-Shelton-Stratford-Trumbull	8.60	.20	.20			
Remainder of county	6.65	.20	.20			
Roofers:						
Composition, kettlemen	8.50	.60	.30			
Slate	8.75	.60	.30			
Helper (slater)	7.75	.60	.30			

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
1-Conn.-1-2-3-M—Continued						
Roofers—Continued						
Precast slab	9.00	.60	.30			
Precast slab helper	8.25	.60	.30			
Sheet metal workers	5.42	.10	.20			
Sprinkler fitters	8.00	.25	.40		.06	
Waterproofers	8.50	.60	.30			
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Holidays: A through F.
c. Holidays: A through F and Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled workdays immediately preceding and following the holiday.
d. Holidays: A and D through F and Good Friday, providing the employee is available for work the days preceding and following the holiday.
e. 2 paid holidays: C and D, providing the employee works the day before and the day after the holiday.
f. Holidays: B, C, D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.
g. Employer contributes $50 per year.
h. Paid holidays: A through F plus Good Friday.
i. Paid holidays: Labor Day, ½ day on Christmas Eve and on New Year's Eve.

SW-Conn.-1-P:					
Power equipment operators:					
Building construction:					
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, piledriver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a	b	
Tower crane, dragline, Gradall, hoist, Koehring scooper loader and/or hoe, shovel, front-end loader (7 yd. or over) forklift (over 4 ft. lift)	7.40	.20	.15+a	b	
Maintenance engineer	7.30	.20	.15+a	b	
Roller (portable—high pressure), hammer (vibratory), front-end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavyweight champion or equivalent), mucking machine, pumperele, rock and earth boring machine, compressor (battery operated) posthole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	7.15	.20	.15+a	b	
Asphalt spreader	7.15	.20	.15+a	b	
Bulldozer operator	7.05	.20	.15+a	b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	
Combination hoe and loader	6.95	.20	.15+a	b	
Concrete mixer (5 bags or over), front-end loader (under 3 yd.), powerstone spreader	6.90	.20	.15+a	b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b	
Steam Jenny, forklift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	
Roller operators	6.75	.20	.15+a	b	
Dinky machine operator, firemen (high pressure), power pavement breaker	6.60	.20	.15+a	b	
Oiler	6.30	.20	.15+a	b	
Crane with boom, 150 ft.—additional $0.25 per hour.					
Crane with boom, 200 ft.—additional $0.50 per hour.					

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F, and Decoration Day and Good Friday.

SW-Conn.-2-3-T:					
Power equipment operators:					
Heavy and highway construction:					
Erecting and handling structural steel	7.50	.20	.15+a	b	
Front end loader (7 yd. or over), pile driver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Koehring loader (skooper)	7.44	.20	.15+a	b	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Eneild) mucking machine, pumperete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼-yd.)	7.15	.20	.15+a	b	
Asphalt spreader	7.00	.20	.15+a	b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b	
Well point system, combination hoe and loader	6.88	.20	.15+a	b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b	
Front end loader (under 3 yd.), roller power chipper fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b	
Compressor, pump	6.52	.20	.15+a	b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b	
Crane with 150 ft. boom—additional $0.25 per hour.					
Crane with 200 ft. boom—additional $0.50 per hour.					

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F, and Decoration Day and Good Friday.

1-TD-SW-Conn.-1-2-3-E:					
Building, heavy, and highway construction:					
Truck drivers:					
2-axle trucks	4.70	a	b	c	
3-axle trucks	4.80	a	b	c	
4-axle trucks	4.90	a	b	c	
2-axle ready-mix	4.80	a	b	c	
3-axle ready-mix	4.85	a	b	c	
4-axle ready-mix	4.95	a	b	c	
Heavy duty trailer—to 40 tons	4.85	a	b	c	
Heavy duty trailer—over 40 tons	5.00	a	b	c	
Helpers	4.70	a	b	c	
Specialized earth moving equipment	4.95	a	b	c	

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas.

Footnotes:
a. $11 per week for employees employed over 16 hours and $0.2675 per hour for employees employed less than 16 hours during the week.
b. $14 per week for employees employed over 24 hours and $0.30 per hour for employees employed less than 24 hours during the week.
c. 7 holidays: A through F, and Good Friday, provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Dredge 1-Atlantic-U:						
Dipper and clamshell dredges:						
Operators	6.02	$0.25	$0.15	a+6%		
Cranemen	5.78	.25	.15	a+6%		
Maintenance engineers	5.66	.25	.15	a+6%		
Welders	5.54	.25	.15	a+6%		
Mates	5.14	.25	.15	a+6%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+6%		
Deckhands	4.35	.25	.15	a+6%		
Scowmen	4.25	.25	.15	a+6%		
Engineer	5.95	.25	.15	a+6%		
Hydraulic dredges:						
Levermen	5.86	.25	.15	a+6%		
Engineer and derrick operators	5.78	.25	.15	a+6%		
Maintenance engineer	5.66	.25	.15	a+6%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+6%		
Mates	5.14	.25	.15	a+6%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+6%		
Deckhands and shoremen	4.25	.25	.15	a+6%		
Tug engineer	5.20	.25	.15	a+6%		
Tug deckhand	4.35	.25	.15	a+6%		
Drill boats:						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, welder, machinist	7.1557	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		

Paid holidays; A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.
b. Holidays: A through F; Washington's Birthday, and Veteran's Day—6⅓ days of vacation with pay of 104 days of service; 1 additional day of vacation with pay for each additional 21¾ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.

State: Connecticut; county: Hartford.
Decision No. AM-9,692; Date: Apr. 14, 1972. Supersedes Decision No. AM-1,590, dated Aug. 6, 1971, in 36 F.R. 14548.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction and dredging.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
2-Conn.-1-2-3-L:						
Building, heavy and highway construction:						
Asbestos workers:						
East Granby-Enfield-Granby-Hartland-Suffield-Windsor Locks	$7.60	$0.34	$0.15		$0.01	
Remainder of county	8.365	.37	.23			
Boilermakers	7.25	.40	10%		.01	
Bricklayers, cementmasons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (building only):						
Bristol-Plainville	8.60	.20	2%+.40			
Marlon-Canton	8.05	.20	$0.40			
Berlin-Kensington- New Britain-Newington-Plantsville- Southington	8.50	.15	.40			
Remainder of county	8.50	.35	.25			
Bricklayers, cementmasons, finishers and stonemasons (heavy and highway)	7.70	.35	.15	h		
Carpenters and piledrivermen (heavy and highway)	8.30	.35	.20	h	.08	
Carpenters, soft-floor layers, piledrivermen (building only):						
Burlington	8.25	.35	.20	a		
Bristol-Plainville-Canton-Berlin-East Berlin-Kingston-Newington-New Britain-Millidale-Marlon-Plantsville	8.12	.35	.20			
Southington	8.04	.35	.20	g	.01	
Remainder of county	8.12	.35	.20		.01	
Electricians:						
Berlin-Bristol-New Britain-Plainville-Southington-Newington	8.00	.20	1%+.20		¼ of 1%	
Hartland	7.30	.25	1%+.20		¼ of 1%	
Suffield Township-Thompsonville Village	6.80	.20	1%+.15		b	
Remainder of county	8.15	.35	1%+.20		½%	
Elevator constructors	8.02	.195	$0.20	½%+c+d	$0.005	
Elevator constructors' helpers	5.61	.195	.20	½%+c+d	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers:						
Glazing coordinator	4.36					
Plate cutter	3.14					
Outside	7.21	.31	.28		.04	
Ironworkers: Structural, ornamental, reinforcing	9.30	.40	.44		.04	
Laborers (building):						
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer operator, mason tenders, motor mixer, pipelayers, plasterer tenders and power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill operators and sandblasters	6.50	.30	.25		.05	
Open air caisson, cylindrical work and boring crew:						
Bottomman	6.50	.30	.25		.05	
Topman	6.00	.30	.25		.05	
Laborers (heavy and highway):						
Laborers	6.00	.30	.25		.05	
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw operators, chain saw operators, fence and guardrail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, mason tenders, pneumatic drill operators, tool operators, wagon drill operators, tree trimmers, tree toppers, mulchers, chippers, stumpers and all operations connected	6.25	.30	.25		.05	
Air track operators, block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
2-Conn.-1-2-3-L—Continued						
Building, heavy and highway construction—Continued						
Lathers:						
Bristol-Southington	8.25		.15		.01	
Enfield-Suffield-Thompsonville-Windsor-Warehouse Point Broadbrook-Melrose-Hazardville	7.60	.45	.25		.01	
Remainder of county	8.70	.20	.30		.01	
Lead burners	6.90	.30		e	.01	
Line construction:						
Hartland Township:						
Linemen and dynamitemen	5.18	.15	1%	f	¼ of 1%	
Groundman-truck driver	3.85	.15	1%	f	¼ of 1%	
Groundman-experienced	3.41	.15	1%	f	¼ of 1%	
Groundman-inexperienced	2.98	.15	1%	f	¼ of 1%	
Equipment operator	4.37	.15	1%	f	¼ of 1%	
Remainder of county:						
Linemen and dynamitemen	5.18	.10	1%	f		
Groundman-truck driver	3.85	.10	1%	f		
Groundman-experienced	3.41	.10	1%	f		
Groundman-inexperienced	2.98	.10	1%	f		
Equipment operator	4.37	.10	1%	f		
Marble and tile setters' and terrazzo workers' helpers	7.50	.17	$0.15			
Millwrights: Bristol-Plainville-Canton	8.12	.35	.30			
Painters:						
Berlin-Bristol-Burlington-Hartland-New Britain-Newington-Plainville-Southington-Kensington-Forestville-East Berlin-Milldale-Plantsville-Unionville:						
Brush	7.25	.50	.20			
Bridge	8.50	.50	.20			
Spray	10.875	.50	.20			
Remainder of county:						
Brush	7.50	.20	.20			
Spray	11.25	.20	.20			
Piledrivermen (building only): Marlboro						
Plumbers:						
Southington	6.00	.15	.20			
Berlin-Bristol-New Britain-Plainville-East Berlin-Kensington-Newington-Farmington	9.05	.30	.30		.15	
Remainder of county	8.65	5%	5%			
Roofers:						
Composition	7.55	$0.325	$0.35	$0.30		
Composition helper—class A	6.975	.325	.35	.30		
Composition helper—class B	3.50	.325	.35	.30		
Slate, tile, precast concrete	8.05	.325	.35	.30		
Sheet metal workers	8.25	.25	.26		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters:						
Southington	6.00	.15	.20			
Berlin-Bristol-New Britain-Plainville	9.05	.30	.30			
Remainder of county	8.54	.50	.30		.05	
Waterproofers	7.55	.325	.35	.30		
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Paid holidays: C, D, and E.
b. $0.15 per man per week.
c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
d. Holidays: A through F.
e. Holidays: A through F, Washington's Birthday and Good Friday, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled workdays preceding and following the holiday.
f. Holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.
g. Paid holidays: B, C, and D.
h. Paid holidays: A through F plus Good Friday.

SW-Conn.-1-F:					
Power equipment operators: Building construction:					
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, piledriver, llghter derrick, stiff leg and guy derrick	$7.50	.20	.15+a	b	
Tower crane, dragline, (Gradall, hoist, Kohering scooper loader and/or hoe, shovel, front-end loader (7 yd. or over) forklift (over 4 ft. lift)	7.40	.20	.15+a	b	
	7.30	.20	.15+a	b	
Maintenance engineer					
Boiler (portable—high pressure), hammer (vibratory), front-end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (Joy—heavyweight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery operated) posthole and well digger, conveyor, central mix operator, combination hoe and loader (over ¾ yd.)	7.15	.20	.15+a	b	
	7.15	.20	.15+a	b	
Asphalt spreader	7.05	.20	.15+a	b	
Bulldozer operator	6.95	.20	.15+a	b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	
Combination hoe and loader	6.90	.20	.15+a	b	
Concrete mixer (5 bags or over), front-end loader (under 3 yd.), powerstone spreader	6.88	.20	.15+a	b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.80	.20	.15+a	b	
Steam Jenny, forklift (not over 4 ft.), mechanical heater operators	6.75	.20	.15+a	b	
Roller operators	6.60	.20	.15+a	b	
Dinky machine operator, firemen (high pressure), power pavement breaker	6.30	.20	.15+a	b	
Oiler					
Crane with boom, 150 ft.—additional $0.25 per hour.					
Crane with boom, 200 ft.—additional $0.50 per hour.					

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F, and Decoration Day and Good Friday.

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
SW-Conn.-2-3-T						
Power equipment operators: Heavy and highway construction:						
Erecting and handling structural steel	7.50	.20	.15+a	b		
Front-end loader (7 yd. or over), piledriver, crane shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a	b		
Drill (Joy—heavyweight champion or equivalent) side boom, loader (Euclid), mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b		
Asphalt spreader	7.00	.20	.15+a	b		
Front-end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b		
Well point system, combination hoe and loader	6.88	.20	.15+a	b		
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b		
Front-end loader (under 3 yd.), roller, power chipper forklift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b		
Compressor, pump	6.52	.20	.15+a	b		
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b		
Crane with 150 ft. boom—additional $0.25 per hour.						
Crane with 200 ft. boom—additional $0.50 per hour.						

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnote:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F, and Decoration Day and Good Friday.

1-TD-SW-Conn.-1-2-3-E:					
Building, heavy, and highway construction: Truckdrivers:					
2-axle trucks	4.70	a	b	c	
3-axle trucks	4.80	a	b	c	
4-axle trucks	4.90	a	b	c	
2-axle ready-mix	4.80	a	b	c	
3-axle ready-mix	4.85	a	b	c	
4-axle ready-mix	4.95	a	b	c	
Heavy-duty trailer—to 40 tons	4.85	a	b	c	
Heavy-duty trailer—over 40 tons	5.00	a	b	c	
Helpers	4.70	a	b	c	
Specialized earth-moving equipment	4.95	a	b	c	

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas.

Footnotes:
a. $11 per week for employees employed over 16 hours and $0.2675 per hour for employees employed less than 16 hours during the week.
b. $14 per week for employees employed over 24 hours and $0.30 per hour for employees employed less than 24 hours during the week.
c. 7 holidays: A through F, and Good Friday, provided the employee has 3t calendar days service and is available for work the day preceding and following the holiday.

Dredge 1-Atlantic-Y:					
Dipper and clamshell dredges:					
Operators	6.02	$0.25	$0.15	a+6%	
Cranemen	5.78	.25	.15	a+6%	
Maintenance engineers	5.66	.25	.15	a+6%	
Welders	5.54	.25	.15	a+6%	
Mates	5.14	.25	.15	a+6%	
Oilers, firemen, welders' helpers	4.54	.25	.15	a+6%	
Deckhands	4.35	.25	.15	a+6%	
Scowmen	4.28	.25	.15	a+6%	
Engineer	5.95	.25	.15	a+6%	
Hydraulic dredges:					
Levermen	5.86	.25	.15	a+6%	
Engineer and derrick operators	5.78	.25	.15	a+6%	
Maintenance engineer	5.66	.25	.15	a+6%	
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+6%	
Mates	5.14	.25	.15	a+6%	
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+6%	
Deckhands and shoremen	4.28	.25	.15	a+6%	
Tug engineer	5.20	.25	.15	a+6%	
Tug deckhand	4.35	.25	.15	a+6%	
Drill boats:					
Engineer	7.1575	.25	.15	b	
Blaster	7.2575	.25	.15	b	
Driller, welder, machinist	7.1587	.25	.15	b	
Firemen	6.88	.25	.15	b	
Oiler	6.7387	.25	.15	b	
Drill helper	6.7387	.25	.15	b	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.
b. Holidays: A through F; Washington's Birthday and Veteran's Day—6½ days of vacation with pay for 104 days of service; 1 additional day of vacation with pay for each additional 21¾ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.

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SUPERSEDEAS DECISIONS—Continued

State: Kansas; County: Shawnee.
Decision No. AM-6,717; date of decision: Apr. 14, 1972. Supersedes Decision No. AM-3,623, dated Aug. 25, 1971, in volume 36, page 16849.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
10-Kansas-1-0:						
Building construction:	$7.95	$0.30	$0.30		$0.02	
Asbestos workers	7.80	.30	.85		.02	
Boilermakers	7.55	.30	.85		.02	
Boilermakers helpers	7.45	.275	.25			
Bricklayers; stonemasons						
Carpenters:	6.55	.275	.25		.05	
Carpenters	6.925	.275	.25		.05	
Millwrights; piledrivermen						
Cementmasons:	6.70	.275	.25			
Cementmasons	6.825	.275	.25			
Machine operators	6.95	.275	.25			
Composition color or chloride additives						
Electricians:	8.00	.25	1%+.30		2/10%	
Electricians	8.80	.25	1%+.30		2/10%	
Cable splicers	7.57	.195	$0.20	2%+a+b		
Elevator constructors	70%JR	.195	.20	2%+a+b		
Elevator constructors' helpers	50%JR					
Elevator constructors' helpers (prob.)	$6.49	.35	.90	5%+c	$0.01	
Glaziers						
Ironworkers:	8.50	.25	.25	$0.25	.05	
Ornamental; structural	8.50	.25	.25	.25	.05	
Reinforcing						
Laborers:	5.65	.275	.25			
General laborer	5.85	.275	.25			
Power tool operators; compactors; concrete breakers; chipping tools; drilling tools; concrete saws; mechanically operated Georgia buggy	6.00	.275	.25			
Mason tenders; mortar mixers for masons and cement finishers; all stocking scaffold; cleanup for masons (building and wrecking)	6.00	.275	.25			
Plaster tenders	6.05	.275	.25			
Sand and concrete gun nozzleman and powderman	6.675		.20	.25		
Lathers	6.85	.275			.01	
Painters:	7.45	.275			.01	
Brush; drywall; sanding; taping	7.75	.275			.01	
Painting of structures over 50 ft. (all types)	7.125				.01	
Spray	8.45	.15	.20		.02	
Plasterers						
Plumbers; steamfitters	6.49	.18	.40			
Roofers:	7.34	.18	.40			
Flat, slate and tile; dampproofers and waterproofers	7.05	.15	.57	.57	.01	
Using pitch	6.875	.275	.20	7%	.03	
Sheet metal workers	8.00	.25	.40		.05	
Soft-floor layers	6.30					
Sprinkler fitters	4.50					
Tile setters						
Tile setters' helpers	5.875	.275	.25			
Truckdrivers:	5.975	.275	.25			
Light, pickups, station wagons	6.225	.275	.25			
Medium flatbeds and dumps, 5 tons or less; warehousemen and partsmen						
Trucks over 5 tons and semitrailers						

Welders: Receive rate prescribed for craft performing operation to which welding is incidental.
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. 1st 6 months—none; 6 months to 5 years—2%; over 5 years—4%; of basic hourly rate.
b. Paid holidays: A through F.
c. Paid holidays: A through F, plus Friday after Thanksgiving Day.

Kansas-2-PEO-1-K:					
Building construction: Power equipment operators:					
Group I: Frankie-type piledriving machine; tower cranes and derricks; boiler (2); boom cat, boring machine, ditching machine; concrete ready-mix plant; crane, truck crane, clamshell, dragline; dozer, scraper, all types, patrol; firemen (when operation steam or air valve); Gradall; Hi-loaders; hoist, 2-drum; locomotive; mechanic or welder; mixermobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material	7.70	.25	.25	$0.50	.05	
Group II: A-frame truck; Barber-Greene loader or similar type; boiler (1); ditching machine, small; elevator operator; firemen; forklift; greaser, equipment; hoist, 1 active drum; Hydrahammer; jeep ditcher; mixer, other than paver; power broom; pump, 4 in. or larger; small machine engineer; welding machine (1)	7.30	.25	.25	.50	.05	
	6.50	.25	.25	.50	.05	
Group III: Farm tractor (without attachments); and oiler	7.95	.25	.25	.50	.05	
Group IV: Crane, truck crane, clamshell, dragline; piledriver operator and power shovel:						
100 ft. of boom or over (including jib); or 2 yd. capacity or over	8.20	.25	.25	.50	.05	
Booms 200 ft. and over	6.75	.25	.25	.50	.05	
Motor crane oiler	6.75	.25	.25	.50	.05	
Farm tractor with attachments						
Hoist, each additional drum over 2—an additional $0.25.						
Kansas-1-PEO-2-J:	6.50	.25	.25	.25	.05	
Site preparation and grading: Power equipment operators: Master mechanic						
Group I: Asphalt paver and spreader; back hoe; boring machine; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, Pitman crane Hydro crane or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; ditching machine; Euclid loader; hoist—2 active drums; loader, all types; mechanic or welder; Mixermobile; multiunit scraper; piledriver operator; power shovel operator; Quad track; sideboom cat—cherry picker; skimmer scoop operator	6.25	.25	.25	.25	.05	
Group II:	6.00	.25	.25	.25	.05	
Asphalt plant operator; elevating grader operator; pusheat operator	6.25	.25	.25	.25	.05	
Blades, all types; dozer; scoop operator, all types						
Group III:						
A-frame truck; asphalt roller operator; asphalt plant boiler fireman; back filler operator; Barber-Greene loader; boiler—other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator; distributor operator; finish machine operator—concrete; fireman other than asphalt; Flex plane operator; forklift; form grader operator; greaser; hoist—1 drum; jeep ditching machine; pavement breaker, self-propelled (of the Hydrahammer or similar type); pump operator, 4 in. or over (2); pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.	5.75	.25	.25	.25	.05	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Kansas-1-PEO-2-J—Continued						
Site preparation and grading—Continued						
Group III—Continued						
Self-propelled roller operator, other than asphalt; siphon and jets; subgrading machine operator; tank car heater operator, combination booster and boiler; towboat operator; vibrating machine operator, not hand	5.75	.25	.25	.25	.05	
Group IV: Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc seeder; oiler; tractor operator, 50 hp. or less without attachments	5.40	.25	.25	.25	.05	
Group V: Oiler, motor crane	5.50	.25	.25	.25	.05	
Kan-1-Lab-2-3-d:						
Site preparation and grading: Laborers:						
Board mat weavers and cable tiers; georgia buggies (manually operated); mixerman no-skip lift; nallers; salamander tenders; trackmen; tractor swamper; truck dumper; wire mesh setter; water pump up to 4 in.; all other common labor	4.10	.175	.25			
Air tool operator; cement handlers, bulk; chain saw; georgia buggies (mechanically operated); grade men; hot mastic kettleman; crusher feeder; jointman; juteman; mason tender; material batch hopper and scaleman; mixerman; pierholeman working hole 10 or more ft. deep; pipelayer, drainage (concrete and/or corrugated metal); signalman (crane); truck dumper, dry batch; vibrator operator; wagon and churn drill operator	4.25	.175	.25			
Asphalt raker; Barco tamper; concrete saw; creosote materials (handling and/or applying); nozzle burner (cutting torch)	4.35	.175	.25			
Conduit pipe, tile and duct line setter; form setter and liner on concrete paving; powderman, sandblasting and gunnite nozzlemen; sanitary sewer pipelayer	4.50	.175	.25			
Kan-1-TD-2-K:						
Site preparation and grading:						
Truckdrivers:						
Pickups, panel trucks, station wagons	4.42	.275	.25			
Flatbeds, dump and batch trucks, single-axle	4.57	.275	.25			
Tandem trucks	4.62	.275	.25			
Lowboys, semitrailers, all transit mixer trucks (single or tandem axle) A-frame and winch trucks when used as such	4.67	.275	.25			
Euclid, end and bottom dump, Tournarockers, Athey's, dumpsters and similar off-road equipment and mechanics on such equipment	4.70	.275	.25			
Warehousemen or partsmen, mechanic helper	4.67	.275	.25			
Servicemen	4.67	.275	.25			
Kansas Line Construction No. 1						
Line construction:						
Lineman	6.40	.25	1%		1/2%	
Cable splicers	6.72	.25	1%		1/2%	
Groundman, over 1 year	4.04	.25	1%		1/2%	
Groundman, 1st year	3.19	.25	1%		1/2%	
Powderman	5.35	.25	1%		1/2%	
Line truck and equipment operator:						
1st year	4.14	.25	1%		1/2%	
2d year	4.92	.25	1%		1/2%	
Over 2 years experience	5.35	.25	1%		1/2%	

State: Kansas; Counties: Johnson, Leavenworth, Miami, and Wyandotte.
Decision No. AM-6,718; date of decision: Apr. 14, 1972. Supersedes Decision No. AM-3,622, dated Aug. 25, 1971, in volume 36, page 16843.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters and piledrivermen:						
Carpenters; piledrivermen (Johnson, Leavenworth, and Wyandotte Counties)	$7.55	$0.23	$0.15		$0.04	
Carpenters (Miami County)	7.175	.23	.15		.04	
Piledrivermen (Miami County)	7.55	.23	.15		.04	
Cementmasons	8.905	.20	.45	$0.50	.05	
Electricians:						
Johnson County (that portion east of Monticello, Olathe and Spring Hill Townships); Leavenworth County (Delaware, High Prairie, Kickapoo and Leavenworth Townships) and Wyandotte County	7.95	.15	1%+.20	.70	.03	
Miami County and the remainder of Johnson and Leavenworth Counties	8.00	.25	1%+.30		2/10%	
Kansas-3-LAB-2-3.						
Leavenworth County: Laborers:						
Board mat weaver and cable tier; carpenter tender; form setter helpers; georgia buggies (manually operated); mixerman; no-skip lift; naller; powderman helpers; salamander tender; trackman; truck dumper; water pumps up to 4 in.; all other construction and general laborers	3.60	.15	.20			
Air tool operator; asphalt raker and ironer; Barco tamper; bricklayer tender; cement handler, bulk; chain saw-cement saw, concrete feeder; georgia buggies (mechanically operated); hot mastic kettleman; material batch hopper and scaleman; mortar mixers; nozzle burner (cutting torch); signalman (crane); storm sewer pipelayer; tile layer (sewer); vibrator operator: wagon and churn drill operator; wood, concrete block, and brick setter	3.75	.15	.20			
Form setter and liner; concrete paving; gunniting and sandblasting; powderman	3.85	.15	.20			
Kan-7-LAB-2-3-d:						
Miami County: Laborers:						
Mixerman, no-skip lift; nallers; salamander tenders; board mat weavers and cable tiers; carpenters tenders; trackmen; manually operated georgia buggies; water pumps up to 4 in.; all other construction and general laborers	3.35	.175	.25			
Air tool operator; cement handler (bulk or sack); chain saw; concrete saw; concrete puddler (mechanical tools); mechanically operated georgia buggies; material batch hopper and scaleman; mixerman; pierholeman working below ground (over 10 ft.); riprap pavers; signalman; vibrator operator; transmission lines; wood-concrete block and brick setter; swinging scaffolds supported by a nonrigid member; all work in connection with hydraulic or general dredging operations; all work in connection with sewer, water, drainage; conduit pipe, tile and duct lines; wire mesh setter (concrete paving); crusher feeder; handler, creosote ties and materials	3.50	.175	.25			
Willow mat weavers; nozzle burners (cutting torch); hot mastic kettlemen	3.65	.175	.25			
Asphalt raker; Barco tamp operator; form setter and liner on concrete paving; hand blade operator; rubbing concrete; steel paving form setter; wagon and churn drill operator; air track drill operator	3.80	.175	.25			

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
100-Kan-LAB-2-3-H:						
Johnson and Wyandotte Counties: Laborers:						
General laborer: Carpenter tenders, salamander tenders, dumpman and ticket takers on stock piles, flagmen, loading trucks under bins, hoppers and conveyors, trackmen and all other general laborers	6.805	.40	.40	.50	$0.10	
First semiskill: Air tool operator, cement handler (bnik or sack), chain or concrete saw, deck hands, dumpman on earth fill, grade checkers on cuts and fills, georgia buggies man, material batch hopperman, scaleman, material mixerman (except on manholes, cofferdams, abutments and pierholemen working below ground, riprap pavers rock, block or brick, signalman, scaffolds over 10 ft., not self-supported from ground up, skipman on concrete paving, vibrator man, wire mesh setters on concrete paving, all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines, power tool operator, all work in connection with hydaulic or general dredging operations, form setter helpers pudlers (paving only)	6.90	.40	.40	.50	.10	
Second semiskill: Crusher feeder, men handling creosote ties or creosote materials, men working with and handling epoxy material or materials (where special protection is required), head pipelayer on sewer work, topper of standing trees, batterboard man on pipe and ditch work, feeder man on wood pulverizers, board and willow mat weavers and cable tiers on river work, all laborers working on underground tunnels where compressed air is not used	7.00	.40	.40	.50	.10	
Third semiskill: Spreader or screedman on asphalt machine, asphalt raker, laser beam man, Barco tamper, Jackson or any other similar tamp, wagon driller, chaum drills, air track drills and all other similar drills, cutting torch man, form setters, liners and stringline men on concrete paving, curb, gutters, etc., hot mastic kettleman, hot tar applicator, hand blade operators, manhole builders helpers and mortar men on brick or block manholes, sandblasting and Gunite nozzlemen, rubbing concrete, air tool operator in tunnels	7.125	.40	.40	.50	.10	
Fourth semiskill: Manhole builder (brick or block), dynamite and powdermen, welder, leadman or working foreman, tunnel leadman or working foreman	7.225	.40	.40	.50	.10	
Kansas-1-PEO-3:						
Miami County: Power equipment operators:						
Class II—Master mechanic	5.25	.25	.25		.05	
Group I: Asphalt paver and spreader; back hoe; boring machine; clamshell; concrete mixer paver operator; concrete central plant operator (antomatic); crane, truck crane, Pitman crane-hydro crane or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; ditching machine; Euclid loader; hoist—2 active drums; loader, all types; mechanic or welder; mixermobile; multilimit scraper; piledriver operator; power shovel operator; Quad track; sideboom cat-cherry picker; skimmer scoop operator	5.00	.25	.25		.05	
Group II:						
Asphalt plant operator; elevating grader operator; pushcat operator	4.75	.25	.25		.05	
Blades, all types; dozer; scoop operator, all types	4.75	.25	.25		.05	
Gronp III: A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; Barber-Greene loader; boiler—other than asphalt; bnll float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator, skip; concrete pump operator; crusher operator; distributor operator; finish machine operator—concrete; fireman other than asphalt; Flex plane operator; forklift; form grader operator; greaser; hoist—1 drum; jeep ditching machine; pavement breaker, self-propelled (of the Hydrahammer or similar type); pump operator, 4 in. or over, 2-pump operator, other than dredge; screening and wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphons and jets; subgrading machine operator; tank-car heater operator, combination booster and boiler; towboat operator; vibrating machine, not hand	4.50	.25	.25		.05	
Group IV: Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments	4.15 4.25	.25 .25	.25 .25		.05 .05	
Group V: Oiler, motor crane						
100-Kan-PEO-2-3-h:						
Johnson, Leavenworth, and Wyandotte Counties: Power equipment operators:						
Group I: Asphalt paver and spreader; Auto Grader; back hoe; blade operator, all types; boilers (2); booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator (2); concrete plant operator—central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader—forklift; locomotive operator, standard gage; mechanics and welders; maintenance operator; mucking machine; piledriver operator; Pitman crane operator; pump (2); Quad-Trac; scoop operator—all types; scoops in tandem; self-propelled rotary drill (Leroy or equal—not Air Trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; throttle man; truck crane; welding machine maintenance operator (2)	8.00	.40	.40	.50	.10	
Group II: A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant operator; asphalt roller operators; backfiller operator; chip spreader; concrete batch plant, dry—power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine—1 drum; LeTourneau rooter; multiple compactor; pavement breaker, self-propelled, of the Hydra-hammer or similar type; power shield; stump cutting machine; towboat operator; tractor operator—over 50 hp	7.75	.40	.40	.50	.10	
Group III: Boilers (1); chip spreader (frontman); churn drill operator; compressor maintenance operator (1); concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; oiler driver, all types; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator	7.50	.40	.40	.50	.10	
Self-propelled street broom or sweeper; siphons and jets; subgrading machine operator; tank car heater operator—combination boiler and booster; tractor—50 hp. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator (1)	7.50	.40	.40	.50	.10	
Group IV:	7.25	.40	.40	.50	.10	
Mechanic's helper; oiler	8.25	.40	.40	.50	.10	
Clamshells, 3 yd. or over	8.25	.40	.40	.50	.10	
Crane or rigs, 80 ft. of boom or over (including jib)	8.50	.40	.40	.50	.10	
Crane or rigs, 200 ft. of boom or over	8.25	.40	.40	.50	.10	
Dragline, 3 yd. or over	8.00	.40	.40	.50	.10	
Hoisting engine—each additional drum over 1 drum	8.25	.40	.40	.50	.10	
Piledrivers, 80 ft. of boom or over (including jib)	8.25	.40	.40	.50	.10	
Shovels, 3 yd. or over						
Men working in tunnels or shafts (not air shafts or cofferdams) of 25 ft. or more in length or depth will be paid 50 cents per hour above the regular classification.						

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
11-Kansas-TD-2-g:						
Miami County: Truckdrivers:						
Flatbed drivers	5.50	.25	.25	.50		
Station wagons	5.50	.25	.25	.50		
Pickup trucks	5.50	.25	.25	.50		
Material trucks	5.50	.25	.25	.50		
Material trucks, tandem	5.50	.25	.25	.50		
Semitrailers	5.50	.25	.25	.50		
Winch trucks	5.50	.25	.25	.50		
Distributor drivers and operators	5.50	.25	.25	.50		
Agitator and transit-mix	5.50	.25	.25	.50		
Tank wagon drivers, single-axle	5.50	.25	.25	.50		
Insley wagon dump trucks; dumpsters; half-tracks; Speedace; Euclids and other similar equipment	5.50	.25	.25	.50		
Derrick trucks	5.50	.25	.25	.50		
A-frame driver	5.50	.25	.25	.50		
Float or lowboy driver	5.50	.25	.25	.50		
Mechanics	5.50	.25	.25	.50		
Mechanics helper, oilers and greasers	5.50	.25	.25	.50		
100-Kansas-TD-2, 3-d:						
Johnson, Leavenworth, and Wyandotte Counties: Truck drivers:						
1 team; station wagons; pickup trucks; material trucks, single-axle; tank wagon drivers, single-axle	7.39	.25	.50	.50		
Material trucks, tandem; 2 teams; semitrailers; winch truck—fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, tandem or semitrailer; Insley wagons; dump trucks, excavation, 5 cu. yd. and over; dumpsters; half-tracks; Speedace, Euclids, and other similar excavating equipment	7.59	.25	.50	.50		
A-frame; lowboy; boom truck drivers	7.90	.25	.50	.50		
Mechanics and welders	8.05	.25	.50	.50		
Mechanics' helpers, oilers and greasers	7.165	.25	.50	.50		
Kansas Line Construction No. 1:						
Western ¾ of Johnson County; southwest ¼ of Leavenworth County and Miami County: Line construction:						
Lineman	6.40	.25	1%		1%	
Cable splicers	6.72	.25	1%		1%	
Groundman, over 1 year	4.04	.25	1%		1%	
Groundman, 1st year	3.19	.25	1%		1%	
Powderman	5.35	.25	1%		1%	
Line truck and equipment operator:						
1st year	4.14	.25	1%		1%	
2d year	4.92	.25	1%		1%	
Over 2 years experience	5.35	.25	1%		1%	
Kansas Line Construction No. 2:						
Wyandotte County and remainder of Johnson and Leavenworth Counties: Line construction:						
Lineman	7.10	.10	1%+.15		1%	
Lineman operator	6.70	.10	1%+.15		1%	
Lineman mechanic	5.69	.10	1%+.15		1%	
Groundman jackhammer operator	4.625	.10	1%+.15		1%	
Groundman driver	4.625	.10	1%+.15		1%	
Groundman powderman	4.88	.10	1%+.15		1%	
Groundman	4.625	.10	1%+.15		1%	
Groundman (1st year)	4.28	.10	1%+.15		1%	

State: Oklahoma; Tulsa County.
Decision No. AM-11,411; date of decision: Apr. 14, 1972. Supersedes Decision No. AM-3,602, dated Aug. 25, 1971; in 36 F.R. 16758.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
11-Oklahoma-1-M:						
Asbestos workers	$6.55		$0.20		$0.025	
Boilermakers	6.50	$0.30	.40		.01	
Bricklayers; stonemasons	6.64	.30	.35	$0.32	.06	
Carpenters	6.41	.15			.03	
Cementmasons:						
Cementmason	6.42				.03	
Power tool operator	6.67				.03	
Electricians	6.25	.29	1%+.10	.24	.04	
Cable splicers	6.50	.29	1%+.10	.24	.04	
Elevator constructors	6.23	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70%-J R	.175	.20	2%+a+b		
Elevator constructors' helpers (probationary 6 months)	50%-J R					
Glaziers	5.875		.30		.01	
Ironworkers: Structural; ornamental; reinforcing	6.85	.15	.15		.03	
Laborers:						
Laborers	4.15					
Air tool operators (jackhammer, vibrator); mason tender; mortar mixers; pipelayers (concrete and clay); plasterers tenders	4.35					
Wagon drill operator	4.55					
Powderman or blaster	5.00					
Lathers	6.625					
Marble setters	4.95	.25	.10	$0.25	.01	
Marble and tile setters	3.90				.05	
Millwrights	6.71	.15			.03	
Painters:						
Brush	5.95			.20	.01	
High work and stage	6.35			.20	.01	
Spray and sandblasting	6.60			.20	.01	
Hot or bituminous	7.25			.20	.01	
Sheetrock handtools	5.95			.20	.01	
Sheetrock power tools	6.30			.20	.01	
Hazardous work	8.15			.20	.01	
Piledrivermen	6.71	.15			.03	
Pipefitters	7.11	.35	.40		.06	
Plasterers	6.06				.01	
Plumbers	7.11	.35	.40		.06	

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
11-Oklahoma-1-M—Continued						
Roofers	5.65		.25		.04	
Sheet metal workers	6.30	.20	.40		.03	
Soft-floor layers	5.12		.15	.18	.03	
Sprinkler fitters	7.60	.25	.40		.05	
Terrazzo workers	5.25					
Terrazzo workers' helpers	3.90					
Terrazzo workers' helper, floor machine operator	4.00					
Terrazzo workers' helpers, base machine operator	4.20					
Tile layers	5.25					
Truckdrivers:						
Truckdrivers, including pickup, 1½ tons or 2½ yd., up to but not including 3 tons or 4 yd. such as dump trucks, flatbeds, stake body or bus driver	4.50					
3 tons or 4 yd., up to but not including 4 tons or 6 yd	4.55					
5 tons or 6 yd. and over, including heavy equipment	4.65					
Truckdrivers' helpers	4.45					
Tractor-trailer and similar equipment	4.65					

Footnotes:
a. 1st 6 months—none; 6 months to 5 years—2%; over 5 years—4% of basic hourly rate.
b. Paid holidays—A through F.
Paid holidays: A—New Years' Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

77-Okla.-PEO-1-F:

Power equipment operators:					
All crane-type equipment with 100 ft. of boom or over (including jib), all tower cranes and all crane-type equipment of 3 cu. yd. or more	6.85	.25	.25	.07	
Heavy duty mechanic; welder; crane-hook and overhead monorail; Whirley; derrick; piledriver engineer; dragline; shovel; clamshell; backhoe; sideboom; Gradall; Hydro crane; hoists while operating 2 or more drums; cherry picker	6.60	.25	.25	.07	
Motor patrol (blade); dozer (engine h.p. 65 or more); scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21, and similar rubber-tired equipment; Euclid, TS-24 and similar; loader operator or Hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor—multiple, panel board control; power driver hole digger; trenching machine; Fordson tractor or like equipment with hoe or loader equipment or ditcher	6.45	.25	.25	.07	
Locomotive engineer; boring machine; tugboat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist—when operating 1 drum; welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; forklift and similar equipment; generator plant engineers, diesel electric; winch truck with A-frame; pumps, battery, 3 to 6; batch plant operator (portable); roller, all types; elevator, building type or personnel hoist; concrete buster or tamper; heaters under jurisdiction of operations engineers; fireman; boiler operator; crushing plants; oiler distributor; Pulvinixer; farm tractor—with or without attachments; conveyor operator—dual, continuous or belt—bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; signalman on large Whirleys when and if required	6.20	.25	.25	.07	
Operator for rotary drilling machines when operated from console or machine	6.20	.25	.25	.07	
Concrete mixer, with hopper less than 13 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; conveyor operator—single—continuous belt—bulk handling	5.70	.25	.25	.07	
Greaser; tilt top trailer operator	5.80	.25	.25	.07	
Asphalt lay machine back end man; helpers	5.50	.25	.25	.07	
Track crane oiler or truck crane driver	5.40	.25	.25	.07	

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.
Engineers of all classifications when working in caverns or tunnels shall receive 25 cents per hour above all the above listed rates.

Oklahoma Line Construction:				
Linemen	5.95	1%		1%
Cable splicers	6.35	1%		1%
Hole digger operator	5.41	1%		1%
Heavy equipment operator (or pole cats equivalent)	5.41	1%		1%
Line truck driver (winch operator)	4.00	1%		1%
Jackhammer man	4.47	1%		1%
Powdermen	5.41	1%		1%
Groundmen	3.98	1%		1%
Groundman, 1st year	2.98	1%		1%
Truckdriver (flatbed, ton and half and under)	4.21	1%		1%

State: Oklahoma; Oklahoma County.
Decision No. AM-11,412; date of decision: Apr. 14, 1972. Supersedes Decision No. AM-3,601, dated Aug. 25, 1971; In 36 F.R. 16755.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
10-Oklahoma-1-J:						
Asbestos workers	$6.45	$0.10	$0.20		$0.01	
Bollermakers	6.00	.30	.40		.025	
Bricklayers—stonemasons	7.12		.25			
Carpenters:						
Carpenters	5.90	.20			.02	
Millwrights	6.15	.20			.02	
Piledrivermen and power saw operator	6.15	.20			.02	
Cementmasons	6.65					
Electricians:						
Electricians (zone 1)	6.80	.15	1%+.10		1%	
Electricians (zone 2)	7.00	.15	1%+.10		1%	
Cable splicers (zone 1)	7.05	.15	1%+.10		1%	
Cable splicers (zone 2)	7.25	.15	1%+.10		1%	
Elevator constructors	6.67	.17	$0.185	2%+a+b		
Elevator constructors' helpers	70%JR	.17	.185	2%+a+b		
Elevator constructors' helpers (probationary)	50%					
Glaziers	$5.82					
Ironworkers: Structural; ornamental; reinforcing	6.85	.15	.15		$0.03	
Laborers:						
Air tool operator (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete and clay); plasterers' tenders	4.18					
Unskilled	4.03				.01	
Lathers	6.475					
Marble masons	6.00					

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
10—Oklahoma-1-J—Continued						
Painters:						
Brush, tapping and bedding	5.25	.15	.20	$0.15	.01	
Spray painting and sandblasting under 30 ft	5.75	.15	.20	.15	.01	
Spray painting and sandblasting over 30 ft	6.25	.15	.20	.15	.01	
Paperhangers	6.25	.15	.20	.15	.01	
Hazardous work	6.75	.15	.20	.15	.01	
Plasterers	6.475				.01	
Plumbers—steamfitters	6.97	.25	.20		.05	
Roofers	5.05		.25		.04	
Sheet metal workers	5.20	.15	.15		.02	
Soft-floor layers:						
Resilient floor layers	5.35	.15				
Carpet layers	5.35	.15				
Sprinkler fitters	7.60	.25	.40		.05	
Terrazzo workers	5.05					
Terrazzo workers' helpers	3.90					
Terrazzo floor machine man	4.05					
Terrazzo base machine man	4.25					
Tile setters	5.25					
Tile and marble helpers:						
Intermediate helpers	3.60					
Experienced helpers	3.75					
Truckdrivers:						
Truckdrivers for heavy equipment, such as lowboys, heavy winch and floats	3.40					
Heavy earth-moving equipment such as Euclids, Mississippi wagons, 10 yd., and tail dumps	3.60					
Truckdrivers and swampers, such as dump trucks, flatbeds, stake bodies and ¾- and ½-ton pickup trucks	3.30					

Footnotes:
a. 1st 6 months—none; 6 months to 5 years—2%; over 5 years—4% of basic hourly rate.
b. Paid holidays: A through F.
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

77-Okla.-PEO-1-F:

Power equipment operators:					
All crane-type equipment with 100 ft. of boom or over (including jib), all tower cranes and all crane-type equipment of 3 cu. yd. or more	6.85	.25	.25	.07	
Heavy duty mechanic; welder; crane-hook and overhead monorail; Whirley; derrick; piledriver engineer; dragline; shovel; clamshell; backhoe; sideboom; Gradall; Hydro crane; hoists while operating 2 or more drums; cherry picker	6.60	.25	.25	.07	
Motor patrol (blade); dozer (engine h.p. 65 or more); scraper-type equipment; Tournapull; DW 10, 15, 16, 20, 21, and similar rubber-tired equipment; Euclid, TS-24 and similar; loader operator or Hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor—multiple, panel board control; power driver hole digger; trenching machine; Fordson tractor or like equipment with hoe or loader equipment or ditcher	6.45	.25	.25	.07	
Locomotive engineer; boring machine; tugboat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist—when operating 1 drum; welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps, battery, 3 to 6; forklift and similar equipment; generator plant engineers, diesel electric; winch truck with A-frame; pumps, battery, 3 to 6; batch plant operator (portable); roller, all types; elevator, building type or personnel hoist; concrete buster or tamper; heaters under jurisdiction of operations engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farm tractor—with or without attachments; conveyor operator—dual, continuous or belt—bulk handling; screed operator; concrete pump; form grader; screening plant; well point pump operator; signalman on large Whirleys when and if required	6.20	.25	.25	.07	
Operator for rotary drilling machines when operated from console or machine	6.20	.25	.25	.07	
Concrete mixer, with hopper less than 13 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); pump (1 or 2); fuelman; conveyor operator—single—Continuous belt—bulk handling	5.70	.25	.25	.07	
Greaser; tilt top trailer operator	5.80	.25	.25	.07	
Asphalt lay machine back end man; helpers	5.50	.25	.25	.07	
Track crane oiler or truck crane driver	5.40	.25	.25	.07	

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.
Engineers of all classifications when working in caverns or tunnels shall receive 25 cents per hour above all the above listed rates.

Oklahoma Line Construction:				
Linemen	5.95	1%		1%
Cable splicers	6.35	1%		1%
Heavy equipment operator (or pole cats equivalent)	5.41	1%		1%
Line truckdriver (winch operator)	5.41	1%		1%
Jackhammer man	4.60	1%		1%
Powdermen	4.47	1%		1%
Groundmen	5.41	1%		1%
Groundman, 1st year	3.98	1%		1%
Truckdriver (flatbed, ton and half and under)	2.98	1%		1%
	4.21	1%		1%

State: South Dakota; counties: statewide.
Decision No. AM-6,719; date of decision: Apr. 14, 1972. Supersedes Decision No. AM-2,460, dated Aug. 27, 1971, in 36 F.R. 17138.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Concrete finisher	$4.36					
Form builder	4.36					
Form setter	4.36					
Painter	4.36					
Laborers:	3.50					
Air tool operator	3.10					
Common laborer	3.10					
Landscape workers	3.10					
Form builder helpers (bridge and culvert)	3.50					
Manhole builder	4.10					
Piledriver (leadsman)	4.00					
Pipelayer (other than culvert)	4.00					
Powderman (blaster)	4.80					

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Power equipment operators:						
Asphalt distributor	4.30					
Asphalt distributor helper	3.80					
Asphalt paving machine	4.40					
Asphalt paving machine helper	3.10					
Asphalt plant helper	4.40					
Asphalt plant, stationary and traveling	3.80					
Auger operator (truck type)	4.80					
Automatic fine grader operator	3.70					
Beginner operator (1 year or less experience as power equipment operator)	3.80					
Broom, self-propelled	3.90					
Bulldozer, 80 h.p. or less	4.40					
Bulldozer, over 80 h.p.	4.20					
Bullfloat machine	4.40					
Concrete batch plant	3.70					
Concrete mixer	4.80					
Concrete paver	3.80					
Concrete paving cure machine	4.50					
Concrete paving finishing machine	4.50					
Concrete paving form grader	4.30					
Concrete paving joint machine	3.80					
Concrete paving joint sealer	4.20					
Concrete paving saw	4.50					
Concrete paving spreader	4.40					
Concrete paving subgrader	3.10					
Conveyor	4.40					
Cranes, derricks, draglines, piledrivers, backhoes and shovels, 1¼ cu. yd. or less	4.80					
Cranes, derricks, draglines, piledrivers, backhoes and shovels, over 1¼ cu. yd.	4.40					
Crusher (including those with integral screening plant)	3.80					
Curb machine	3.60					
Fireman (boiler and retort)	3.70					
Front-end loader, 1¼ cu. yd. or less	4.20					
Front-end loader, 1¼ cu. yd. to 3¼ cu. yd.	4.40					
Front-end loader, over 3¼ cu. yd.	4.70					
Mechanic, heavy duty	3.70					
Mechanic, helper	4.20					
Mechanic, maintenance	4.80					
Motor grader (finish)	4.30					
Motor grader (rough)	4.20					
Oiler and greaser	3.90					
Roller, self-propelled (hot mix)	3.50					
Roller, self-propelled (other)	3.90					
Roller, sheepsfoot or 50-ton pneumatic	5.00					
Scrapers	4.20					
Spreader (materials)	3.80					
Stationary plant	3.80					
Tractor (crawler or pneumatic)	3.10					
Tractor, farm type w/attachments (including loader)	4.60					
Tractor—pusher	4.40					
Traveling plant (stabilization)	3.10					
Traveling plant, helper	4.20					
Trenching machine	4.20					
Wagon drill (including Airtrac-Traedrill, etc.)	3.46					
Truckdrivers:						
Euclid or Dumptor	3.36					
Truck crane	3.10					
Truckdriver, single-axle	3.26					
Truckdriver, tandem or semitrailer	4.50					
Welder:						
Welder, certified	4.20					
Welder, general						

State: Texas; county: Galveston.
Decision No. AM-11,413; date of decision: Apr. 14, 1972. Supersedes Decision No. AM-7,715, dated Nov. 19, 1971, in 36 F.R. 22121.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
33-Texas-1-E:						
Building construction:						
Asbestos workers	$6.32	$0.275	$0.30		$0.01	
Boilermakers	6.50	.30	.40			
Bricklayers	7.30	.175	.80		.03	
Carpenters:						
Carpenters	6.35	.40	.22		.06	
Millwrights	6.52	.48	.22		.06	
Piledrivermen	6.60	.40	.22			
Cementmasons	6.00	.30	.35			
Electricians	7.21	.17	1%+.21		.01	
Elevator constructors	6.60	.195	$0.20	2%+a+b		
Elevator constructors' helpers	70%JR	.195	.20	2%+a+b		
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	$6.40	.225	.20		.01	
Ironworkers: Structural; ornamental; reinforcing	6.575	.25	.40		.03	
Laborers:						
Common	4.55	.18	.10		.02	
Air tool operator (jackhammer—vibrator)	4.725	.18	.10		.02	
Mason tenders	4.725	.18	.10		.02	
Pipelayers (concrete and clay)	4.725	.18	.10		.02	
Sandblasters	4.725	.18	.10		.02	
Power buggy operators	4.825	.18	.10		.02	
Lather tenders	4.825	.18	.10		.02	
Mortar mixers	5.10	.18	.10		.02	
Well driller	4.675	.18	.10		.02	
Well drillers' helpers	4.975	.18	.10		.02	
Blaster, powderman	4.825	.18	.10		.02	
Plasterer tender and hod carrier	6.00					
Marble masons						

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
33 Texas-1-E—Continued						
Painters:						
Painters	5.25	.175	.45	$0.30	.02	
Painters on swinging stage work or using materials injurious to the skin	5.50	.175	.45	.30	.02	
Plasterers	6.525	.27	.30		.05	
Plumbers and pipefitters	7.075	.225	.20		.02	
Roofers:						
Roofers	5.59	.20	.10	.15	.03	
Kettleman	4.68	.20	.10	.15	.03	
Helpers	3.48	.20	.10	.15	.03	
Sheet metal workers	5.72		.125			
Soft-floor layers	6.15		.10		.03	
Sprinkler fitters	7.60	.25	.40		.05	
Stonemasons	7.30	.175	.30		.03	
Terrazzo workers	6.00					
Tile setters	6.00					
Truckdrivers:						
Under 1½ tons; wash, grease, fireman, fuel pump operation when used on construction jobs	5.05					
1½ through 2½ tons; dump truck less than 7 yd	5.34					
Over 2½ tons; farm tractor; forklifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pickup drivers	6.01					
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

Footnotes:
a. 1st 6 months—none; 6 months to 5 years—2%; over 5 years—4% of basic hourly rate.
b. Paid holidays—A through F.
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

11 Texas-1-EO-1-k.						
Building construction:						
Asphalt plant mixer operator, backfiller; blade grader (self-propelled); building elevator (used on construction); bull clam; bulldozer and all types cat tractors; cableway; clamshells, draglines, backhoe; concrete batch plant operator; concrete mixer (11 cu. ft. or more); crane—power operated (all types); crusher operator; derrick—power operated (all types); DW-10 caterpillar, S-18 Euclid and similar tractors; elevating grader (self-propelled); forklift used on construction (not including warehousing); foundation boring machine; gasoline or diesel driven welding machines (7 or more); Gradall; heavy duty mechanic; high-lift; hoist (motor driven, 2 drum or more); locomotive crane; mixmobile; paving mixer (all types); piledriver; pneumatic rollers (self-propelled); pumpcrete machine operator; push cat operator; Scoopmobiles; scraper (heavy type, over 3 cu. yd.); shovel (power operated); trenching machine (all sizes); tugboat operator (assigned to construction); Turnaputls; water well drilling machines (used on construction); well point pump; winch truck; all other equipment of similar nature coming under the heavy equipment class, when power operated	6.35	.20	.30		.01	
Air compressors; blade grader (towed); concrete mixer (less than 14 cu. ft.); conveyor; Flex plant; form grader; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); generator (gasoline or diesel driven, over 1,500 watts); hoist (single drum); Pulsometer; pumps; rubber-tired farm tractor with attachments; scraper (3 cu. yd. or less); truck crane driver; wagon drill operator; a light equipment operator may run 1 or 2 105-c.f.m. compressors. All other equipment of similar nature coming under the light equipment class, when power operated	5.77	.20	.30		.01	
Fireman	5.37	.20	.30		.01	
Oiler	5.20	.20	.30		.01	
11 Texas-3-f.						
Incidental paving and utilities:						
Air toolman	2.80					
Asphalt heaterman	2.85					
Asphalt raker	3.00					
Asphalt shoveler	2.50					
Batching plant scaleman	2.60					
Carpenter	4.00					
Carpenter helper	3.00					
Concrete finisher (paving)	3.75					
Concrete finisher helper (paving)	2.75					
Concrete finisher (structures)	3.45					
Concrete finisher helper (structures)	3.00					
Concrete rubber	3.00					
Electrician	5.50					
Form builder (structures)	3.50					
Form builder helper (structures)	2.85					
Form liner (paving and curb)	3.65					
Form setter (paving and curb)	3.45					
Form setter helper (paving and curb)	2.75					
Form setter (structures)	3.75					
Form setter helper (structures)	2.65					
Laborer, common	2.35					
Laborer, utility man	2.50					
Manhole builder, brick	3.75					
Mechanic	4.00					
Mechanic helper	3.10					
Oiler	2.95					
Serviceman	3.10					
Painter (structures)	3.90					
Painter helper (structures)	2.80					
Piledriverman	3.50					
Pipelayer	3.00					
Pipelayer helper	2.75					
Reinforcing steel setter (paving)	3.00					
Reinforcing steel setter (structures)	3.40					
Reinforcing steel setter helper	2.80					
Steel worker (structural)	3.90					
Steel worker helper (structural)	2.75					
Spreader box man	3.50					
Power equipment operators:						
Asphalt distributor	3.25					
Asphalt paving machine	3.20					
Bulldozer, 150 h.p. and less	3.25					
Bulldozer, over 150 h.p.	3.50					
Concrete paving curing machine	3.35					
Concrete paving finishing machine	3.35					
Concrete paving longitudinal float	3.25					

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
14–Texas–3–f—Continued						
Incidental paving and utilities—Continued						
Concrete paving mixer	3.75					
Concrete paving spreader	3.80					
Crane, clamshell, backhoe, derrick, dragline, shovel (less than 1½ cu. yd.)	3.50					
Crane, clamshell, backhoe, derrick, dragline, shovel (1½ cu. yd. and over)	4.00					
Crusher or screening plant operator	3.25					
Foundation drill operator (crawler mounted)	4.00					
Foundation drill operator (truck mounted)	3.85					
Front-end loader (2½ cu. yd. and less)	3.25					
Front-end loader (over 2½ cu. yd.)	3.50					
Mixer (16 cu. ft. and less)	3.55					
Motor grader operator, fine grade	3.75					
Motor grader operator	3.50					
Roller, steel wheel (plant-mix pavements)	2.75					
Roller, steel wheel (other—flat wheel or tamping)	2.75					
Roller, pneumatic (self-propelled)	2.50					
Scrapers (17 cu. yd. and less)	3.00					
Scrapers (over 17 cu. yd.)	3.25					
Tractor (crawler type) 150 hp. and less	3.00					
Tractor (crawler type) over 150 hp	3.15					
Tractor (pneumatic) 80 hp. and less	2.40					
Tractor (pneumatic) over 80 hp	2.55					
Trenching machine, heavy	4.00					
Wagon drill, boring machine or post hole driller operator	3.25					
Truckdrivers:						
Single-axle, light	2.50					
Single-axle heavy	2.75					
Tandem axle or semitrailer	2.50					
Winch	2.50					
Welder	4.00					
Welder helper	3.00					
4–Texas–LC–i:						
Line construction:						
Linemen	7.465	.17	1%		½%	
Ground mechanics	6.42	.17	1%		½%	
Groundmen	5.15	.17	1%		½%	
Groundmen (1st 6 months)	3.77	.17	1%		½%	

[FR Doc.72–5568 Filed 4–13–72;8:45 am]

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 29 U.S.C. 308e) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 13 members to be appointed as follows. One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as amended, and to submit to the Secretary recommendations with respect thereto. The Council is required to meet at least twice each year.

To assure continuity in the handling of the business of the Council, a rotation system is provided whereby the 2-year terms of approximately half the members expire each year. The groups represented by the members whose terms expire on June 30, 1972, are as follows: Labor (2), the corporate trust field (1), management (1), the public (2), and other interested groups (1). Appointments of new members will be for terms beginning July 1, 1972.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, on or before May 15, 1972. The recommendation may be in the form of a letter, resolution, or petition, signed by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation, or position, and address. It shall specify the field or group which he would represent for purposes of section 14 of the Act, and whether he is available and would accept.

Signed at Washington, D.C., this 10th day of April 1972.

W. J. USERY, JR.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.72–5691 Filed 4–13–72;8:47 am]

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federal register

FRIDAY, APRIL 14, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 73

PART II

COMPTROLLER GENERAL

■

Federal Election Expenditure Limitations and Presidential Campaign Filing Dates

APR 14 72 XUM

COMPTROLLER GENERAL

FEDERAL ELECTION EXPENDITURE LIMITATIONS AND PRESIDENTIAL CAMPAIGN FILING DATES

The Federal Election Campaign Act of 1971 [1] became effective on April 7, 1972. On March 24, 1972, the Comptroller General of the United States issued his regulations thereunder in the FEDERAL REGISTER.[2] The regulations also became effective on April 7, 1972.[3]

Title I of the Federal Election Campaign Act of 1971 [4] imposes a spending limitation on candidates for Federal elective office (President, Senate, and House of Representatives) for campaign use of communications media. Under the Act and our regulations, "communications media" means radio, television, cable television, magazines, newspapers, billboards, display space in any public place of a type customarily leased to commercial advertisers, and telephones when used to communicate with potential voters by general canvass methods.

Section 104(a) of the Act provides that the limitation for a Federal candidate in each election—primary, primary runoff, special or general—for the use of communications media is a total amount equal to 10 cents multiplied by the voting age population of the geographical area in which the election is held, or $50,000, whichever is greater. A maximum of 60 percent of such total amount may be spent for the use of broadcasting stations (radio, television, and cable television).

Section 104(a)(4) of the Act provides that the total amount will be increased by the percentage increase in the Consumer Price Index for the preceding calendar year over the price index for the base period (calendar year 1970). The Secretary of Labor has certified to the Comptroller General that the U.S. city average All Items Consumer Price Index (1967=100) increased 4.3 percent from its 1970 annual average of 116.3 to its 1971 annual average of 121.3. Therefore, during calendar year 1972, the total amounts allowed under section 104(a) are increased by 4.3 percent; i.e., the statutory limit of 10 cents times voting age population is increased to 10.43 cents, and the statutory limit of $50,000 is increased to $52,150.

Section 104(a)(5) of the Act provides that the Secretary of Commerce shall certify an estimate of the voting age population of each State and congressional district for the preceding calendar year. Pursuant thereto, the Secretary of Commerce has certified to the Comptroller General an estimate of the voting age population of each State (which includes the District of Columbia and the Commonwealth of Puerto Rico) as of July 1, 1971, but he has advised that he is unable to furnish an estimate for each congressional district because a number of States are still redistricting or their redistricting is in litigation. However, he has further advised that it is highly unlikely that any congressional district for the 93d Congress will have as many as 500,000 persons of voting age, and he therefore has certified "that in no case is the estimated voting age population in the geographical area known to be included or likely to be included in any congressional district for the 93d Congress in excess of 500,000. Thus, the media spending limitation applicable to each congressional district will become $50,000, subject to any increase by the price index increase factor provided in section 104(a)(4)(B) of the Act."

As stated above, the price index increase is 4.3 percent. Thus, the communications media spending limitation applicable to each congressional district during 1972 (with the exception of the District of Columbia and Puerto Rico, whose voting age population estimates are included below) is $52,150 of which not to exceed $31,290 may be spent for the use of broadcasting stations.

Based on the certifications received from the Secretary of Labor and the Secretary of Commerce, the spending limitations applicable to each election during 1972 for each State and for the Nation are set forth in Appendix A below. Candidates for the U.S. Senate (or for Delegate or Resident Commissioner from the District of Columbia or the Commonwealth of Puerto Rico) may not spend more than the amounts applicable to their respective States, as shown in Appendix A. Candidates for presidential nomination may not spend in any State more than the amounts applicable to such State, as shown in Appendix A. Legally qualified candidates for the office of President of the United States in the general election may not spend more than the amounts applicable to the Nation as a whole, as shown in Appendix A. The term "calendar year" as used in this notice and as in Appendix A, for 1972 means the period beginning April 7, 1972, and ending December 31, 1972.

Under title III of the Act, presidential candidates and supporting political committees must file reports of receipts and expenditures with the Comptroller General on June 10 and September 10, 1972, and on January 31, 1973. In addition, such reports must be filed 15 days and 5 days before presidential primary elections, national nominating conventions, and the general election on November 7, 1972. Each preelection report is to be complete as of midnight of the 7th day preceding the filing date.

A table of the primary election dates and filing dates for preelection reports appears below as Appendix B. Note that, under § 14.9 of our regulations, a preelection or preconvention report which is due on or within 10 days of the specified filing date for a regular periodic report (March 10, June 10, September 10, or January 31) may, at the option of the committee or candidate, be used to fulfill both reporting requirements.

All political committees are reminded of the registration requirements contained in section 303 of the Act, as interpreted in Part 13 of our regulations dated March 24, 1972, and are advised to consult Part 13 to determine if they are or will be required to register with the Comptroller General. Any committee, which is in existence on April 7, 1972, and which is required to register, shall file a statement of organization (Comp. Gen. Election Form 1) on or before April 17, 1972. Forms and further information may be obtained from the Office of Federal Elections, U.S. General Accounting Office, 441 G Street NW., Washington, DC 20548, or from any General Accounting Office regional office.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

APPENDIX A

FEDERAL ELECTION CAMPAIGN SPENDING LIMITATIONS (CALENDAR YEAR 1972, PUBLIC LAW 92-225)

State/Congressional district	Voting age population	Communication media limit (total)	Broadcasting media limit
United States	136,630,000	$14,250,509	$8,550,305
Alabama	2,259,000	235,614	141,368
Alaska	187,000	52,150	31,290
Arizona	1,189,000	124,013	74,408
Arkansas	1,296,000	135,173	81,104
California	13,586,000	1,417,020	850,212
Colorado	1,492,000	155,616	93,370
Connecticut	2,056,000	214,441	128,665
Delaware	360,000	52,150	31,290
District of Columbia	523,000	54,549	32,729
Florida	4,891,000	510,131	306,079
Georgia	3,020,000	314,986	188,992
Hawaii	512,000	53,402	32,041
Idaho	468,000	52,150	31,290
Illinois	7,413,000	773,176	463,906
Indiana	3,433,000	358,062	214,837
Iowa	1,884,000	196,501	117,901
Kansas	1,523,000	158,849	95,309
Kentucky	2,167,000	226,018	135,611
Louisiana	2,302,000	240,099	144,059
Maine	661,000	68,942	41,365
Maryland	2,610,000	272,233	163,334
Massachusetts	3,883,000	404,997	242,998
Michigan	5,750,000	599,725	359,835
Minnesota	2,493,000	260,020	156,012
Mississippi	1,397,000	145,707	87,424
Missouri	3,193,000	333,030	199,818
Montana	455,000	52,150	31,290
Nebraska	1,003,000	104,613	62,768
Nevada	332,000	52,150	31,290
New Hampshire	593,000	52,463	31,478
New Jersey	4,899,000	510,966	306,580
New Mexico	627,000	65,396	39,238
New York	12,563,000	1,310,321	786,193
North Carolina	3,397,000	354,307	212,584
North Dakota	401,000	52,150	31,290
Ohio	7,052,000	735,524	441,314
Oklahoma	1,770,000	184,611	110,767
Oregon	1,452,000	151,444	90,866
Pennsylvania	8,065,000	841,150	504,708
Rhode Island	660,000	68,838	41,303
South Carolina	1,682,000	175,433	105,260

[1] Public Law 92-225, 86 Stat. 3, Feb. 7, 1972.

[2] 37 F.R. 6156. The regulations, entitled "Campaign Communications and Disclosure of Federal Campaign Funds," will be included in the Code of Federal Regulations as Chapter I of a new Title 11, entitled "Federal Elections."

[3] See also the guidelines of the Federal Communications Commission, "Use of Broadcast and Cablecast Facilities," 37 F.R. 5796, Tuesday, Mar. 21, 1972. In addition, regulations for congressional campaigns have been issued and published in the Congressional Record by the Clerk of the House of Representatives and the Secretary of the Senate.

[4] Section 101 of the Act provides that title I may be cited as the "Campaign Communications Reform Act."

APPENDIX A—Continued

FEDERAL ELECTION CAMPAIGN SPENDING LIMITATIONS (CALENDAR YEAR 1972, PUBLIC LAW 92-225)

State/Congressional district	Voting age population	Communication media limit (total)	Broadcasting media limit
South Dakota	432,000	52,150	31,290
Tennessee	2,668,000	278,272	166,963
Texas	7,434,000	775,306	465,220
Utah	668,000	69,672	41,803
Vermont	299,000	52,150	31,290
Virginia	3,126,000	326,042	195,625
Washington	2,294,000	239,264	143,558
West Virginia	1,186,000	123,700	74,220
Wisconsin	2,894,000	301,844	181,106
Wyoming	220,000	52,150	31,290
Puerto Rico	1,581,000	164,808	98,939

The Secretary of Commerce has certified to the Comptroller General that no congressional district (except the District of Columbia and Puerto Rico) has a voting age population which exceeds 500,000. As a result of this certification, each congressional district (except the District of Columbia and Puerto Rico) has a Communication Media Expenditure limit of $52,150 for each election during calendar year 1972. Sixty percent of that amount ($31,290) may be spent for the use of broadcasting stations.

APPENDIX B

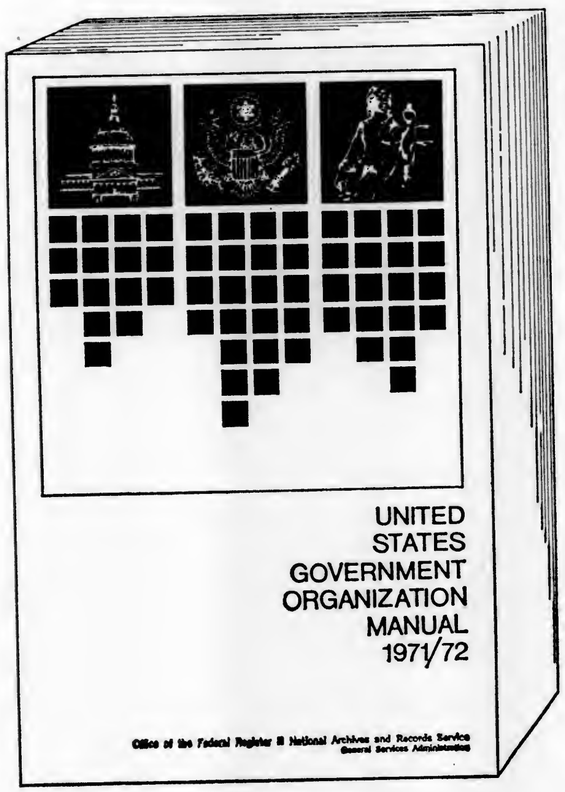
1972 PRESIDENTIAL PRIMARY ELECTIONS, BY DATES

Primary election	State	Preelection filing dates: 15-day report	Preelection filing dates: 5-day report
April 25	Massachusetts	Not required	April 20.
Do	Pennsylvania	do	Do.
May 2	Alabama [1]	April 17	April 27.
Do	District of Columbia.	do	Do.
Do	Indiana	do	Do.
Do	Ohio [1]	do	Do.
May 4	Tennessee	April 19	April 29.
May 6	North Carolina	April 21	May 1.
May 9	Nebraska	April 24	May 4.
Do	West Virginia	do	Do.
May 16	Maryland	May 1	May 11.
Do	Michigan	do	Do.
May 23	Oregon	May 8	May 18.
Do	Rhode Island	do	Do.
May 30	Arkansas [2]	May 15	May 25.
June 6	California	May 22	June 1.
Do	New Jersey	do	Do.
Do	New Mexico	do	Do.
Do	South Dakota [1]	do	Do.
June 20	New York [1]	June 5	June 15.

[1] Delegate selection primary only.
[2] Optional primary.

[FR Doc.72-5685 Filed 4-13-72;8:45 am]

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federal register

SATURDAY, APRIL 15, 1972
WASHINGTON, D.C.
Volume 37 ■ Number 74
Pages 7473–7570
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(Revised as of January 1, 1972)

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Title 41—Public Contracts and Property Management (Chapters 3–5D) 2.00

Title 46—Shipping (Parts 146–149) 3.75

[A Cumulative checklist of CFR issuances for 1972 appears in the first issue of the Federal Register each month under Title 1]

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Title 3—The President

PROCLAMATION 4123

National Maritime Day, 1972

By the President of the United States of America

A Proclamation

The spirit of America has long been recognized in the speed of her ships and the skill of her sailors. Long ago, the French historian de Tocqueville told the story of meeting an American sailor on his 1831 visit to this country and asking him to explain why American ships seemed built to last but a short time. The sailor replied with no hesitation that the finest of vessels would become useless if it lasted beyond a few years because the art of navigation was making such rapid progress.

In the sailor's certainty that with tomorrow would arrive something new and better, de Tocqueville recognized the attitude upon which "a great people direct all their concerns." Over the years other nations have built upon the success of our example—and they have built merchant fleets able to compete successfully with our own.

In America, the Merchant Marine Act of 1970 is once again awakening that venturesome spirit of maritime enterprise that has contributed so significantly to the strength and development of our Nation. Today we have a national commitment and program to revitalize our merchant marine and improve the competitive position of our shipbuilding industry.

This new program will generate the construction of many new ships, advanced in design and highly productive. It should help to ensure that the American merchant marine is once again one of the most modern and efficient in the world by the end of this decade.

It is important that all Americans realize the importance of our merchant marine to the Nation's economy and security. To promote such public awareness, each year since 1933, when the Congress designated the anniversary of the first transatlantic voyage by a steamship, the *SS Savannah*, on May 22, 1819, as National Maritime Day, successive

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Presidents have issued proclamations calling for public observance of that day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby urge the people of the United States to honor our American merchant marine on May 22, 1972, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-5862 Filed 4-13-72; 4:21 pm]

Rules and Regulations

Title 7—AGRICULTURE

Chapter III—Animal and Plant Health Inspection Service,[1] Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Unshu Oranges

NOTICE OF QUARANTINE

On March 3, 1972, there was published in the FEDERAL REGISTER (37 F.R. 4443) under the administrative procedure provisions of 5 U.S.C. 553, and sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) a notice of proposed rule making and of public hearing concerning an amendment of Notice of Quarantine No. 83 relating to Unshu (Satsuma) oranges. After public hearing and due consideration of all relevant matter presented, and pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, 7 CFR 301.83 is amended to read as follows:

§ 301.83 Notice of quarantine.

Under the authority conferred by sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) and after public hearing, it has been determined that in order to prevent the interstate dissemination of citrus canker disease, it is necessary to prohibit the movement from the States of Alaska, Hawaii, Idaho, Montana, Oregon, and Washington into or through any State other than those named, or into or through any territory or district of the United States, of Unshu (Satsuma) oranges grown in Japan and imported into any of the specified States subject to Notice of Quarantine No. 28 (§ 319.28 (b) of this chapter). Accordingly, under said authority, the States of Alaska, Hawaii, Idaho, Montana, Oregon, and Washington are quarantined and the aforesaid Japanese-grown Unshu (Satsuma) oranges are prohibited movement therefrom into or through any State other than those named, or into or through any territory or district of the United States.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U.S.C. 161, 162; 36 F.R. 20707, 24917; 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of the foregoing amendment is to add Hawaii to the list of States from which the movement of Unshu oranges into or through other States, territories or districts of the United States is prohibited. The oranges are prohibited movement to prevent any risk of spreading the citrus canker disease (Xanthomonas citri (Hasse) Dowson), from Hawaii as well as the five other regulated States of Alaska, Idaho, Montana, Oregon, and Washington to other parts of the United States. An amendment of Notice of Quarantine No. 28 (7 CFR 301.28) issued concurrently adds Hawaii to the list of currently approved States of Alaska, Washington, and Oregon where entry of Unshu oranges is permitted. The destination of the oranges is limited to points in the States of Alaska, Washington, Oregon, Idaho, Montana, and Hawaii.

Done at Washington, D.C., this 11th day of April 1972.

G. H. WISE,
Acting Administrator, Inspection Animal and Plant Health Service.

[FR Doc.72-5738 Filed 4-14-72;8:47 am]

[1] Formerly Animal and Plant Health Service (37 F.R. 6327).

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Citrus Fruit

NOTICE OF QUARANTINE

On March 3, 1972, there was published in the FEDERAL REGISTER (37 F.R. 4443), under the administrative procedure provisions of 5 U.S.C. 553, and sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159–162) a notice of proposed rule making and of public hearing concerning an amendment of Notice of Quarantine No. 28 relating to the importation of citrus fruit (7 CFR 319.28). After public hearing and due consideration of all relevant matter presented, and pursuant to sections 5, 7, and 9 of the Plant Quarantine Act of 1912, as amended, the introductory portion of § 319.28(b) and paragraph (b)(6) are amended to read as follows:

§ 319.28 Notice of quarantine.

* * * * *

(b) This prohibition shall not apply to importations from Japan of fruits of Citrus reticulata Blanco var. Unshu (Satsuma), under permit, with destinations limited to points in the States of Alaska, Hawaii, Idaho, Montana, Oregon, and Washington: *Provided*, That each of the following safeguards is fully carried out:

* * * * *

(6) Entry shall be limited to Pacific Coast ports in the States of Alaska, Washington, and Oregon, or to ports in Hawaii, where plant quarantine inspection is available, with destinations limited to points in the States of Alaska, Hawaii, Idaho, Montana, Oregon, and Washington.

* * * * *

(Secs. 5, 7, 9, 37 Stat. 316, 317, 318; 7 U.S.C. 159, 160, 162; 36 F.R. 20707, 24917; 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon issuance.

The purpose of the foregoing amendment is to include Hawaii in the list of States into which Japanese Unshu (Satsuma) oranges may be allowed restricted entry under the same kind of rigid safeguards specified in the quarantine to prevent the introduction of citrus canker disease (Xanthomonas citri (Hasse) Dowson), as are now applicable to fruit entered through Pacific Coast ports in the States of Alaska, Washington, and Oregon. Under the amendment such fruit may be imported under the specified safeguards into any of these four States, with destinations limited to these States, or Idaho or Montana.

It has been determined by the U.S. Department of Agriculture that importation of Japanese Unshu oranges into Hawaii may safely be allowed under such conditions. An amendment of Notice of Quarantine No. 83 (7 CFR 301.83) issued concurrently prohibits the movement of such oranges from the six designated States to other parts of the United States.

Done at Washington, D.C., this 11th day of April 1972.

G. H. WISE,
Acting Administrator, Inspection, Animal and Plant Health Service.

[FR Doc.72-5737 Filed 4-14-72;8:47 am]

Chapter IX—Agricultural Marketing Service[1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 263, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

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other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.563 (Navel Orange Regulation 263, 37 F.R. 6921) during the period April 7, 1972, through April 13, 1972, are hereby fixed as follows:

§ 907.563 Navel Orange Regulation 263.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 996,000 cartons;

(ii) District 2: 204,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5763 Filed 4-14-72;8:49 am]

[Lemon Reg. 529]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.829 Lemon Regulation 529.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 11, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 16, through April 22, 1972, is hereby fixed at 225,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5817 Filed 5-14-72;8:49 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 443.1]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Farm Ownership Loan Policies, Procedures and Authorizations

Subpart A of Part 1821, Title 7, Code of Federal Regulations (31 F.R. 14129) currently in effect under §§ 1821.1 to 1821.24 has been revised for clarification. This Subpart A sets out the policies, procedures and authorizations for making initial and subsequent Farm Ownership loans on family farms.

The revised Subpart A reads as follows:

Subpart A—Farm Ownership Loan Policies, Procedures and Authorizations

Sec.
1821.1 General.
1821.2 Objectives.
1821.3 Supervisory assistance.
1821.4 Definitions.
1821.5 Preference.
1821.6 Eligibility.
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1821.9 Terms of loans.
1821.10 Security requirements.
1821.11 Special requirements.
1821.12 Suitability of farm for the FO program.
1821.13 Technical and legal services.
1821.14 Mineral rights.
1821.15 Optioning of land.
1821.16 Deferred payments.
1821.17 Junior mortgage loan.
1821.18 Certification by County Committee.
1821.19 Preparation and distribution of loan docket.
1821.20 Loan approval.
1821.21 Requesting title service and accepting option.
1821.22 Actions subsequent to loan approval.
1821.23 Loan closing actions.
1821.24 Subsequent FO loans.
1821.25 Reamortization of existing FHA debt(s).
1821.26 Nondiscrimination poster.

AUTHORITY: The provisions of this Subpart A issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 879, 5 U.S.C. 301; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart A—Farm Ownership Loan Policies, Procedures and Authorizations

§ 1821.1 General.

This subpart is supplemented by Parts 1890, 1890a, 1890c, 1890d, 1890f, 1890p, and 1890r of this chapter. This subpart outlines the policies, procedures, and authorizations for making initial and subsequent Farm Ownership (FO) loans on family farms.

(a) *Loan funds.* Each State Director is responsible for assuring that loans approved in his State do not exceed the amount of loan funds distributed to his State.

(b) *Insured loans.* The credit needs of an applicant will be met with an insured loan.

§ 1821.2 Objectives.

The basic objectives of the Farmers Home Administration (FHA) in making FO loans are to assist eligible farmers and ranchers to become owner-operators of family farms, to make efficient use of their land, labor, and other resources, to carry on sound and successful operations on the farm, and to afford the family an opportunity to have a reasonable standard of living. The operations include establishment or enlargement of nonfarm enterprises on the farm to supplement the farm income. These objectives will be accomplished through the extension of credit and supervisory assistance.

§ 1821.3 Supervisory assistance.

Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the Government in accordance with Subpart A of Part 1802 of this chapter. Such assistance consists of farm, home, and nonfarm planning, record keeping, analyzing the farm and any nonfarm business, and giving management advice.

§ 1821.4 Definitions.

The term "farm" includes a tract or tracts of land, improvements, and other appurtenances considered to be farm property and owned or to be acquired by the applicant, used or to be used in the production of crops or livestock including the production of fish under controlled conditions. The term "farm" also includes any such land and improvements and facilities used in a nonfarm enterprise.

(a) *Family farm.* A family farm is defined as one that will produce agricultural commodities for sale in sufficient quantities so that it is recognized as a farm rather than a rural residence, one that will provide substantial income by itself and which together with any other dependable income will enable the family to pay necessary family and other operating expenses, including maintenance of essential chattel and real property and pay debts, and one for which the operator and his immediate family provide the management and major portion of the labor including any nonfarm enterprise, except during seasonal peakload periods.

(b) *Mortgage.* The term "mortgage" includes any form of security, interest, or lien upon any rights or interests in property of any kind.

(c) *Security.* The term "security" includes any rights or interests in property of any kind subject to a mortgage.

(d) *Insured loan.* The term "insured loan" means a loan made from funds furnished by lenders and insured by the Government at the time of loan closing, or a loan made from the Agricultural Credit Insurance Fund (ACIF). The term "private lender" means any source of insured funds other than the ACIF and funds made available under a 2(f) agreement.

(e) *Direct loan.* "Direct loan" means a loan made with funds from the FHA direct loan account.

(f) *Nonfarm enterprise (FO–NFE).* This is any business enterprise established on the farm which supplements farm income. It must provide goods or services for which there is a need and a reasonably reliable market. A nonfarm enterprise includes recreation items for which FO funds may be used.

§ 1821.5 Preference.

Preference will be given to:

(a) Veterans, as defind in Part 1801 of this chapter. The applications on hand from veterans will be given preference over applications of nonveterans on file at the same time.

(b) Applicants who are:

(1) Married or have dependent families.

(2) Owners of livestock and farm implements necessary to successfully carry on farming operations.

(3) Able to make downpayments.

§ 1821.6 Eligibility requirements.

To be eligible for an FO loan each applicant must:

(a) Be a citizen of the United States.

(b) Possess legal capacity to incur the obligations of the loan.

(c) Be an individual who has:

(1) Recent farm experience or farm training sufficient to assure reasonable prospects of success in the proposed farming operation, and

(2) Other training or experience when nonfarm enterprises are involved to assure success with such proposed operation.

(d) Be an applicant who is not already earning sufficient income to have a reasonable standard of living, as determined by the County Committee. The County Committee will consider in making this determination the level of income obtained by reasonably successful family farmers and rural residents in the community, and the size of the family. This is not intended to prevent making of an FO loan under the following conditions:

(1) When the County Supervisor and the County Committee are reasonably certain an applicant will not engage in other employment after the planned farm operation is fully developed except to the extent necessary for his family to have sufficient income for a reasonable standard of living.

(2) When an applicant who is a farm tenant, sharecropper, or farm laborer and is otherwise eligible and the loan is to establish him as a farmowner.

(e) Possess the character, ability, and industry necessary to carry out the proposed operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(f) Be unable with his own resources, or be unable to obtain sufficient credit elsewhere, to finance his actual needs at rates and terms he could reasonably expect to fulfill, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time.

(g) After the loan is made, be the owner-operator of a family farm which will produce not less than a substantial portion of his total income.

§ 1821.7 Loan purposes.

Loans that are consistent with environmental quality standards may be made to:

(a) Purchase or enlarge a farm, including any land for recreation or other nonfarm enterprise, which is or will not be larger than a family farm. This may include:

(1) An applicant's portion of the cost of a large tract of land which is being subdivided.

(2) Downpayments on the purchase of land under the following conditions:

(i) A deed is obtained by the borrower secured by a note and prior mortgage or a purchase contract or similar instrument is used.

(ii) Terms are adequate and long enough for the applicant and the FHA to have reasonable assurance that the borrower's obligations can be met under such terms.

(iii) The conditions and the requirements of prior mortgage or contract meet the FO security requirements for taking a junior lien.

(iv) The purchaser under a purchase contract which obligates him to pay the purchase price, gives him the rights of present possession, control, and beneficial use of the property, and entitles him to a deed upon paying all or a specific part of the purchase price.

(b) Construct or improve building and facilities on the applicant's farm, including:

(1) The construction of essential but modest farm dwelling and service buildings, including facilities and structures for nonfarm enterprise uses or fish farming such as docks, fish hatcheries, shooting blinds, refreshment or marketing stands, processing or assembly plants, sales buildings, repair shops, lodging facilities, trailer parks, picnic areas, target ranges, tennis courts, shuffleboard courts, golf driving ranges, campsites, and modest rental housing.

(2) The improvement, alteration, repair, replacement, relocation, or purchase and transfers of such essential dwellings and service buildings, facilities, and structures.

(3) The purchase and/or installation of domestic water and sewage disposal systems, other equipment or facilities necessary to the effective operation of a farm including nonfarm enterprises, provided the items upon installment become part of the real estate or customarily pass with the farm when it is sold.

NOTE: In order to conserve FO insured funds when major building development is planned Rural Housing (RH) loans will be processed simultaneously with the FO docket in accordance with Subpart A of Part 1822 of this chapter for RH authorized purposes and conditions for making RH loans on farms. An FO loan can be made simultaneously with a long-term farm real estate loan from a private lender.

(c) Provide land and water development, acquisition of water supplies, rights, use, and conservation essential to the operation of the farm, and any nonfarm enterprise facilities. This includes fencing, land clearing, forestry purposes, establishment of approved forestry practices, establishment and improvement of permanent hay or pasture, drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, and trails and lakes. Also, loan funds may be used to pay that part of the cost of facilities, improvements, and practices which is to be earned by participation in the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed

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$500, the applicant will assign the payment to the FHA.

(d) Refinance secured and unsecured debts as provided in § 1821.11(e).

(e) Pay expenses incident to obtaining plans and making the loan such as fees for legal, architectural, and other technical services, which are required to be paid by the borrower and which he cannot pay from other funds. Loan funds also may be used to pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned building improvements.

(f) Pay costs incident to land and water development, use and conservation essential to the borower's farming operation on land not owned by him or on land with defective title as defined in § 1821.10(b)(1): *Provided*, The amount loaned for such improvements does not exceed $2,500.

(g) Finance a nonfarm enterprise when it will provide another source of necessary income.

(h) An eligible applicant for any purpose authorized in this subpart to enable a dependent in his immediate family to initiate, develop, or carry on a farm or nonfarm enterprise in connection with his or her participation in youth organizations such as Future Farmers of America, Future Homemakers, 4–H Club, or approved vocational training courses.

(i) Pay interest on insured loans when deferred payments are justified.

§ 1821.8 Loan limitations.

(a) An FO loan will not be approved if:

(1) The borrower's unpaid principal balance plus any past-due interest against his farm or other security or both plus the amount of the loan will exceed $100,000. This includes all FHA and other lender principal and past-due interest indebtedness on existing and proposed security.

(2) The amount of the loan and the unpaid principal balance plus any past-due interest on other liens against the farm will exceed the normal value of the farm and, when applicable, the normal value of any other security, as determined by the loan approval official, or the loan exceeds the amount certified by the County Committee.

(3) The noncontiguous character of a farm containing two or more tracts is such that an efficient farming operation and nonfarm enterprise cannot be conducted due to the distance or inadequate rights-of-way or public roads between the tracts.

(b) Loan funds may not be used for the following purposes:

(1) To purchase items not considered to be a part of the farm such as farm machinery and equipment, applicances, livestock, construction and maintenance tools, automobiles, trucks, boats, and nonfarm enterprise equipment that would not be considered real estate.

(2) To acquire land or develop a farm which is in an area designated for retirement from agriculture by Federal, State, or local agencies.

(3) To refinance any FHA debts owed by the applicant without prior consent of the National Office. Ordinarily FHA debts will not be refinanced even though the borrower is delinquent. Consent will be granted in an exceptional case only when it is not possible to service the loan or otherwise accomplish the objectives of the loan on a sound basis without refinancing the existing debt(s). In each such case the narrative justification and the case file will be sent to the National Office prior to development of the loan docket.

(4) To pay debts incurred after the loan is approved and prior to the closing of an FO loan, except fees for legal, architectural, and other technical services and except as authorized in § 1821.23(e)(2). The County Supervisor, not later than the time of planning farm or nonfarm improvements will advise each applicant that construction work must not be started and that debts for such work or materials must not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the County Supervisor, or the Assistant County Supervisor in connection with loans for which he had delegated authority to approve may authorize the use of FO funds to pay such debts only upon documentation of the facts in the case and when he finds that all of the following conditions exist (in a questionable case the County Supervisor will submit the complete facts to the State Office for advice before taking action):

(i) The debts were incurred after approval of the loan, except that in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed.

(ii) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of FO funds to pay such debts would impair the applicant's financial position.

(iii) The debts were incurred for authorized FO loan purposes.

(iv) The construction or repair work conforms to that shown on Form FHA 424–1, "Development Plan."

(5) To acquire land when a major part of the cropland on the farm will be in the conservation reserve program or other type of crop adjustment program for two or more full crop years after the date of loan approval, unless the State Director determines that the applicant will be able to conduct at least a farming operation on the land not included in such program which will produce not less than a substantial part of the total income.

§ 1821.9 Terms of loans.

(a) *Amortization period.* Each loan will be scheduled for repayment over a period not to exceed 40 years from the date of the note or such shorter period as may be necessary to assure that the loan will be adequately secured, taking into account the probable depreciation of the security, except that a loan of $2,500 or less not secured by a real estate mortgage will be scheduled for payment over a period not to exceed 10 years from the date of the note.

(b) *Interest, annual charge, and repurchase agreement.* The interest rate to the borrower will be 5 percent per year on the unpaid balance of the loan. For insured loans, the terms to the insured lender will be governed by Subpart B of Part 1810 of this chapter.

(c) *Interest credits.* Interest credits provided in § 1822.7 of this chapter will not be applicable when an RH loan is made along with an FO loan to the same borrower.

§ 1821.10 Security requirements.

(a) *General.* Each FO loan will be adequately secured to protect the interest of the Government.

(1) Any loan of more than $2,500 and any loan to be paid in more than 10 years from the date of the note will be secured by a mortgage on the applicant's entire farm, except as provided in paragraph (b)(1) of this section. Usually loans of more than $2,500 will be secured only by real estate. When necessary to supplement the applicant's equity in the farm or to facilitate servicing the loan, a mortgage also may be taken on nonfarm real estate or on chattel or other property owned by the applicant. However, nonreal estate may not be relied on for more than $2,500 of a loan; except that in the State of Texas, because of unusual homestead and lien laws, upon prior National Office approval of a State issuance, the nonreal estate portion of the loan may exceed $2,500.

(2) A loan of not more than $2,500 to be paid in not more than 10 years from the date of the note may be secured by one or a combination of:

(i) Real estate, chattels, or

(ii) Other security that cannot be converted to cash without jeopardizing the borrower's farming operations or means of livelihood. Examples of other security are: Cash value of life insurance policies, cooperative memberships, income-producing leases, or water stocks which are transferable and have security value.

(3) Whenever both real estate and chattel security are taken for an FO loan and the payment period of the loan will exceed the maximum period for which the chattel lien may be valid under State law, the loan approval official will determine whether the real estate security will be adequate to secure the scheduled unpaid balance of the loan when the chattel lien expires.

(b) *Real estate.* (1) When the loan is to be secured by real estate, a mortgage on the entire farm owned by the applicant will be obtained, except as provided in this paragraph. If the applicant's title to any part of the farm is defective (either in the sense that it is not "good title marketable in fact," as defined in Part 1807 of this chapter or that the State law will not recognize a mortgage upon it or will not permit such a mortgage to be recorded) and cannot be cured at reasonable cost, the loan may nevertheless be made if the part of the applicant's farm to which title is not defective

qualifies as a family farm, and the value of such part of the farm and the value of necessary and available additional security is adequate to secure the loan.

(i) Any part of the farm to which title is defective may be omitted from the mortgage if the loan approval official with the advice of the Office of the General Counsel (OGC) determines that the applicant's interest is of such a nature that it is not mortgageable or that to include it would unduly complicate loan servicing or liquidation.

(ii) The part of the farm to which title is defective will be excluded from consideration in the appraisal of the farm. If the appraisal report was prepared before discovery of the title defect, the farm will be reappraised to show the value of the part of the farm to which title is not defective, and the appraisal report and other loan papers will be revised accordingly.

(2) A junior mortgage may be taken as security for a loan, provided:

(i) The prior mortgage(s) or lien(s) do not contain provisions for future advances, summary forfeiture or cancellation or other provisions that may jeopardize the Government's security position or the borrower's ability to pay the FO loan, such as payment schedules involving installments that the borrower cannot pay in an orderly manner, for example, a payment schedule with a balloon payment payable in less than 20 years; or

(ii) Such provisions of the prior mortgage(s) or lien(s) are satisfactorily limited, modified, waived, or subordinated; or

(iii) The provisions of § 1821.11(d)(2) are met in the case of simultaneous loans with other lenders.

(3) When a life estate is involved, a loan may be made to the life estate holder and the remainderman and both have a legal right to occupy, operate, and share in the profits, and both are otherwise eligible and join in executing the note and mortgage. However, where a remainderman or life estate holder is a minor or otherwise legally incompetent, if the loan approval official determines, with the advice of the OGC, that a sound and proper FO loan could be made to the other party and the necessary security obtained, narrative justification may be sent to the National Office prior to the development of the loan docket. The National Office will decide whether to authorize the making of the loan.

(c) *Chattel or other nonreal estate security.* When authorized by paragraph (a) of this section a mortgage may be taken on selected items of chattel or other nonreal estate security if such a mortgage will not interfere with the applicant's obtaining needed operating credit.

(1) Whenever a mortgage is taken as security for a loan, it ordinarily will be a first lien. In an exceptional case, a mortgage subject to the mortgage held by another creditor or the FHA may be taken on chattel property provided the applicant clearly has sufficient equity in chattels to provide the necessary security.

(2) When the loan includes funds for items of equipment upon which a mortgage is necessary to adequately secure the loan, a severance or subordination agreement will be obtained, when appropriate.

(3) In a State in which a mortgage is not valid for as long as may be needed by applicants for the repayment of the loan the instructions for making loans secured by a mortgage issued by the State Director will be followed.

(4) When a lien on equipment, other personal property, or fixtures is necessary to adequately secure the loan; it will be taken and kept effective as notice to a third party in accordance with Subpart B of Part 1831 of this chapter and related State issuances.

(d) *Miscellaneous security items.* Ordinarily, the applicants' farm is considered to include the land, buildings, fences, water, water stock, water facilities, and any other improvements and easements, rights-of-way or other appurtenances which by custom pass with farms in the change of ownership. However, in some instances certain improvement items or facilities which usually pass with the farm in a change of ownership are considered personal property and would not be conveyed to the purchaser. In other instances, items not generally considered to be a part of the real estate pass with the farm in a change of ownership. When the loan approval official determines the items involved in either case are a part of the farm and necessary for its efficient operation, funds may be included in the FO loan to purchase such items. The County Supervisor, with the advice of the designated attorney, title insurance company, or the OGC, will ascertain that such items are free from any liens or encumbrances and are specifically included in the proper security instrument.

§ 1821.11 Special requirements.

(a) *Dwellings and other essential buildings.* Buildings adequate for the planned operation of the farm including any nonfarm enterprise must be available. The necessary buildings will be located on the applicant's farm. However, if the applicant owns suitable buildings which are not considered a part of his farm and ordinarily would not pass with the farm in a change of ownership, duplicate buildings on the farm need not be required if the State Director authorizes retention of such buildings under paragraph (j) of this section. Also, in an unusual case, the applicant may be permitted to use acceptable rented buildings which will be available to him. In either case the buildings must be of such type and condition and so located that the applicant could operate his farm successfully. When an applicant depends on rented or owned buildings not considered to be a part of the farm, it must be determined that those buildings or other suitable buildings likely will be available for the period of the loan.

(b) *Land and facility development.* Adequate development to place the farm and any nonfarm enterprise in condition for a successful operation will be provided at the outset in connection with each loan. To the extent practicable, recommendations of representatives of the Forest Service, Soil Conservation Service, State Agricultural Extension Service and State Planning and Development Agency or local planning groups should be included in the development with the applicant, the County Supervisor will encourage him to use any cost-sharing assistance consistent with his plans that may be available to him through any source including the Rural Environmental Assistance Program (REAP).

(c) *Planning and performing farm development.* The development work will be planned and completed in accordance with Subpart A of Part 1804 of this chapter.

(d) *Relationships with other lenders.* Maximum use will be made of other credit when a workable arrangement is possible. County Supervisors will keep real estate lenders and building suppliers currently informed concerning FHA policies with respect to loan making, security requirements, supervision and servicing, distribution of income available for debt payments, and graduation of borrowers. FHA employees may not guarantee, personally or on behalf of FHA, repayment of advances from other credit sources. However, they may assure that lien priorities will be respected and releases will be made in accordance with the current Form FHA 431–2, "Farm and Home Plan," as agreed with the borrower.

(1) *Determining eligibility.* In determining the eligibility of an applicant if it appears that he may be able to obtain part or all the credit from other sources to meet his needs, the County Supervisor will require him to make a diligent effort to obtain such other credit.

(i) Applicants will be expected to seek credit from lenders who extend long-term credit in the area.

(ii) Applicants should be advised to request lenders to indicate the amount and terms of credit they might be willing to extend.

(iii) The County Supervisor should check on any evidence presented by an applicant that he cannot obtain other credit.

(iv) Letters or other evidence indicating credit is not available from other sources serving the area will be included in the loan docket.

(v) In no case will a loan be made to an applicant that could obtain the credit he needs elsewhere on terms he can reasonably be expected to pay.

(2) *FHA loans simultaneous with other lenders.* A "Memorandum of Understanding Between the Farmers Home Administration and the Farm Credit Administration," will serve as a guide in processing FO loans to be made simultaneously with loans by Federal land banks to common applicants. The State Director may work out agreements for simultaneous loans by long-term lenders other than Federal land banks for eligible FO purposes. Such an agreement should prohibit future advances by the first mortgage holder except for taxes,

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property insurance, reasonable maintenance expenditures, and reasonable foreclosure costs, but should not prohibit subsequent FHA loans. It should also cover items such as appraisal methods, title clearance, loan closing, the disbursement of funds, and where appropriate, advance notices of foreclosure. It may also cover other items considered necessary or advisable for a sound FHA second mortgage loan. The following is the "Memorandum of Understanding Between the Farmers Home Administration and the Farm Credit Administration," to be used as a guide in processing FO loans to be made simultaneously with loans by Federal land banks to common applicants.

MEMORANDUM OF UNDERSTANDING BETWEEN THE FARMERS HOME ADMINISTRATION AND THE FARM CREDIT ADMINISTRATION RELATING TO THE LENDING POLICIES AND OBJECTIVES OF THE FARMERS HOME ADMINISTRATION, FEDERAL LAND BANK, AND FEDERAL LAND BANK ASSOCIATION

I. *Introduction.* The capital requirements in agriculture in the future necessitate finding every means possible to provide adequate credit for farmers—particularly young farmers—many of whom are now unable to obtain long-term real estate loans. The Farmers Home Administration over the years has broadened its Farm Ownership loan policies so that private or cooperative lenders and the Farmers Home Administration can make loans to the same borrower on the same security. The experience of the Farmers Home Administration (FHA) and the Federal Land Bank (FLB) has been favorable when FHA Farm Ownership loans have been made to farmers and ranchers on liens junior to long-term real estate loans held by the FLB's. A thorough understanding by all the principals involved of the lending policies and objectives of the FHA, FLB, and Federal Land Bank Association (FLBA) is essential to better serve farmers and ranchers who seek agricultural credit. Many farm families are unable to obtain adequate credit because of the general tightening of availability of long-term real estate loans. The demand for long-term, low equity loans far exceeds the supply of funds available.

The Farmers Home Administration and the Farm Credit Administration hereby agree that FLB's and FHA State Directors may enter into memorandum of understanding concerning the simultaneous processing of initial Farm Ownership loans by the FHA and long-term real estate loans by the FLB to a mutual borrower. It is further agreed that the FLB will make first lien loans on farm real estate which it considers sound to farmers who are or who will be FHA borrowers. The FHA will subordinate its mortgage to the FLB lien when the FLB loan is made for purposes which are authorized for FHA real estate loans. It is agreed that in such cases of loans by each lender, neither lender will make future advances to the borrower without the consent of the other lender, except that advances may be made by the FLB as are necessary for the payment of taxes, insurance, or necessary repairs to the secured property. If such advances are made, the FHA will not assert the priority of its lien over such advances on the ground that the FHA mortgage was definite and fixed before the additional advance or advances were made by the land bank. Each lender, of course, will make only those loans which are within its existing law and regulations.

II. *Policies.* The basic policies of each lender will continue to apply when processing each individual loan except as modified in paragraph I. When these policies preclude making individual loans simultaneously to a mutual borrower, the appropriate lender will provide the financing needed when practical.

A. *Eligibility determination must be made by each lender.* 1. Applications filed with FHA will be analyzed to determine whether there is a possibility of participating with the FLB and other lenders. The County Supervisor will review with the local FLBA manager or other private lender any application that might appear to be suitable for participation.

2. Applications filed with the FLBA will be analyzed by the manager for possible FHA assistance when it is agreeable with the applicant.

B. *Loan processing.* 1. An FHA representative will make the appraisals for FHA Farm Ownership loans.

2. An appraiser designated by the FLB will make the appraisals for land bank loans.

3. Each lender will determine the applicant's ability to repay his total indebtedness as part of its loan approval.

4. The borrower will be required to meet the minimum legal and regulatory requirements of each lender. This includes stock ownership and membership in the FLBA, property insurance, and so forth.

C. *Loan closing.* 1. The FHA and the FLB will agree on the method and the period to be covered by the title search. If there are any deviations from either lender's regulations, such deviations must be approved by the appropriate supervisory officials.

2. The FHA and FLB representatives will mutually approve any land and building development plans when the improvements are to be projected in loan values. Each will supervise the disbursement of its share of funds for these items.

3. The representative(s) to be present for loan closing will be by mutual agreement.

4. The standard loan mortgage forms used by the FHA and the FLB will be exchanged by the local representatives. Any additional covenants or deviations in individual cases will be called to the attention of the local representative before the loan is closed.

D. *Supervision.* FHA's policy of supervision and counseling will be carried out in accordance with current policy.

1. The loan(s) made by each lender will be serviced in the usual manner by its respective representative unless special problems develop that require consideration by both representatives.

2. A spirit of mutual cooperation will be followed in servicing each loan in the interests of the borrower, the FLB and the Government.

E. *Graduation.* It will be the policy to continue to emphasize the graduation policy of the FHA to encourage borrowers to use non-FHA credit as soon as possible.

III. *Administration.* A. Special initial sessions will be held by State FHA and FLB regional representatives with FHA field staffs and FLBA personnel concerning this program to clearly outline the objectives of joint participation in making loans.

B. Subsequently periodic meetings will be held to assure uniformity of policy and practices.

C. *Other considerations.* 1. Informal visits between field personnel to discuss problems, applications, servicing of loans and graduation should be made periodically.

2. Occasional joint field visits to borrowers' farms would establish a basis for observing the practical application of policies and practices of each lender.

3. Each lender should advise the other of basic policy changes to guide County FHA Supervisors and FLBA managers in reviewing applications.

4. County Supervisors and FLBA managers should exchange the names of FHA County Committeemen and FLBA Directors for their respective areas as sources for references for applications being considered.

5. Whenever there is a substantial adverse change in the credit position of the mutual borrower, the FHA County Supervisor and FLBA manager will need to discuss the new developments to determine the effect on both loans.

6. The acceptability of property insurance policies will be in accordance with each lender's requirements and mutually agreed upon by representatives of both lenders. The use of any loss proceeds will be in accordance with lien priorities and requirements of each agency for essential buildings. If any buildings are not to be replaced or repaired and the proceeds are not required to be applied on the FLB lien, FHA will have the responsibility for determining the use of the loss proceeds from essential or nonessential buildings.

7. Each lender will notify the other in ample time if it becomes necessary to foreclose its mortgage. This notification will replace the individual requirement of signing the notice of foreclosure agreement when the loans are closed.

8. Each applicant is privileged to select the long-term private lender he prefers to have join with FHA in making his real estate loan when his need exceeds the amount a private lender (FLB or other) will make.

E. A. JAENKE,
Governor,
Farm Credit Administration.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

(i) The County Supervisor and the local representative of another lender should maintain a close relationship in processing loans to mutual applicants or borrowers. A realistic determination must be made on the extent to which the FHA and the other lender can assist the applicant or borrower before either lender makes a firm commitment on the assistance that can be given. The following determinations must be made before the County Supervisor and representative of the other lender are able to determine the amount of each loan: Eligibility, applicant's total real estate needs, normal value of the property, and the applicant's ability to pay his total obligations.

(ii) When an initial FO loan is made at the same time as a loan from another lender, that lender's lien will have priority over the FHA lien unless otherwise agreed upon. The lender's priority of lien can cover in addition to principal and interest, the following: Advances for payment of taxes, property insurance, reasonable maintenance to protect his interest, and reasonable foreclosure costs including attorney's fees.

(3) *Evidence not required.* In any case in which a County Supervisor determines there is no possibility of a feasible arrangement to obtain part or all of the applicant's needs from an uninsured other lender, he will not require evidence from that applicant. The County Supervisor will record his conclusion and the basis for it in the loan docket.

(e) *Refinancing of debts.* (1) When an applicant's request includes the use of loan funds for the refinancing of debts, it must be determined before a loan is made that his present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet. Before refinancing any debt, the County Supervisor will:

(i) Discuss with the applicant the possibility of obtaining the needed credit from the applicant's present creditors or other sources. He will request the applicant to contact his present creditors to explain his credit needs and to determine if the creditor will renew, extend, change, or reduce the present debts as appropriate. He will also advise the applicant of other credit sources available in the area which might assist him with his credit needs and request that he contact such credit sources. If the applicant is unsuccessful in his efforts to obtain credit or to get a revision of the rates and terms of his indebtedness, the County Supervisor will obtain from the applicant the reasons given by the present creditors and other sources for not assisting the applicant and document such information in the running record.

(ii) If the County Supervisor is notified by the applicant that his negotiations with the present creditors or other sources were unsuccessful, he will determine, on the basis of the applicant's financial statement, planned income and expenses, estimated amount available for debt payment and any additional factors presented by the applicant, whether it appears necessary to refinance the debt(s) or any portion of the debt(s) or obtain a change in the rates and terms. When it is determined that refinancing may be necessary, the County Supervisor will contact in person, when practicable, each secured creditor and each unsecured creditor to whom substantial debts are owed for the purposes of verifying the necessity for refinancing. If the loan is to be processed, a statement of each secured account showing the final due date, interest rate, annual installment, amount of principal and interest delinquent, unpaid principal, and accrued interest will be obtained. If all, or a portion of the accounts are to be refinanced, the appropriate amount necessary to settle the account in full or to bring the account current will be obtained. In any case in which a mortgage is to be taken junior to another creditor's lien, such as the Federal land bank or an insurance company, the County Supervisor will obtain early in the loan processing the creditor's determination with respect to furnishing the applicant the additional credit that he needs.

(2) Debts secured by real estate liens will not be refinanced unless the liens are against the farm on which a mortgage will be taken under § 1821.10(b)(1).

(3) Ordinarily, loans will not be made to refinance long-term real estate loans of the type generally made by lenders such as the Federal land banks or insurance companies. When it is necessary to refinance such debts, the total debt will not be refinanced if a part of the debt can be refinanced on a sound basis with the lender's agreement. The part of the debt to be refinanced will not include more than existing delinquencies plus the next installment to become due that the borrower will be unable to pay.

(4) When nonreal estate debts are being refinanced, preference will be given to paying those that will be most helpful to the applicant in carrying on farm and home operations. Ordinarily, in the case of old unsecured debts or inadequately secured debts, the applicant will be requested to contact his creditor(s) and attempt to obtain a substantial reduction of such debts.

(f) *Income from other than the owned acreage.* In any case in which the soundness of the loan depends on income from the farm and other sources, the County Supervisor must determine that income from other sources, in addition to the income from the land the applicant owns will likely be available to him on a continuing basis.

(1) When the applicant must depend on income from land in addition to that which he owns, the County Supervisor will determine that such land or other land of similar quantity and quality likely will be available during the period of the loan or if other land should not be available there is a likelihood that off-farm employment is available to provide the income needed.

(2) When the applicant must depend on income from off-farm employment it must be determined that the off-farm income will probably materialise and continue in the amount anticipated, taking into consideration the nature of the proposed employment and, where possible, the actual employment for the past 2 or 3 years, and the time required for the off-farm work, together with that required for the farm, is possible of accomplishment by the applicant and his immediate family, taking into consideration hired labor for seasonal peak-load periods.

(g) *Income from nonfarm enterprises.* Income from nonfarm enterprises, is considered to be "other income" rather than farm income. The farm and home plan will have sufficient information attached to determine the feasibility and soundness of the applicant's request for FHA assistance in conducting nonfarm enterprise in conjunction with his farming operation. Such information will indicate whether the enterprise provides sufficient income to meet its operating expenses, depreciation, proportionate share of the debt, and make a reasonable contribution to the family's income.

(h) *Supplementary payment agreement.* Form FHA 440–9, "Supplementary Payment Agreement," should be used for each applicant who regularly (such as weekly, monthly, or quarterly) receives substantial income from an off-farm source, a nonfarm enterprise, or from farming. It also should be used for other applicants when needed to facilitate servicing of the account.

(i) *Farm or residence situated in different counties.* If a farm is situated in more than one State, county, parish, or locality, the loan will be processed and serviced in the State, county, parish, or locality in which the borrower's residence on the farm is located. However, if the borrower's residence is not part of his farm, the FO loan will be serviced by the County Office serving the county in which the farm or a major portion of the farm is located unless otherwise approved by the State Office because of transportation difficulties.

(j) *Other real estate.* The State Director may permit an applicant to retain real estate that will not be a part of the farm provided such real estate furnishes the applicant employment or income which together with farm income is essential to his success, it provides the residence for the applicant, or a sale of property would not materially reduce the applicant's need for a real estate loan or for operating credit; and provided further that the retention of such real estate will not cause a borrower to operate larger than a family farm or to own a farm for rental for agricultural purposes in addition to the farm he operates. Otherwise, a loan may be made to an applicant who owns real estate which will not be a part of the farm only if he disposes of the property before or simultaneously with the closing of the loan, or if this is not feasible, agrees to dispose of it as promptly as possible, but in no instance later than 2 years after the date of loan closing. The applicant must use the net proceeds to pay essential farm and home expenses, to make necessary capital purchases, or to reduce his debts. The applicant's agreement for disposal of the real estate and use of the proceeds will be obtained through the use of Form FHA 443–17, "Agreement to Sell Nonessential Real Estate." This form will be executed by the applicant and his wife at the time of loan closing. The security instrument taken in connection with the loan will not include real estate to be sold.

(k) *Joint ownership and joint farming operations.*—(1) *Joint ownership and operation by members of the same family.* Whenever it is not feasible to divide the land into family farms with individual ownership, a loan may be made to two applicants constituting a family group that owns or will own a farm jointly and conduct a joint operation if each of the applicants is individually eligible and the family group likewise meets all eligibility requirements, provided that the total operation will not be larger than a family farming operation. A family group would consist of relationships such as father-son, mother-son, or grandfather-grandson in which the younger member of the group would take over the operation as the older member becomes less active in conducting the farming operations, unless a different family group is authorized in a justified case by the National Office. It is anticipated that this transition period would take place and be completed within a few years after the loan is made. The participation of a member of such family in the operation without an ownership interest in the farm is not prohibited, but in such case, the responsibility of management must be in the owner or owners. In any case, it must be determined that because of previous experience in working together,

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such a family group likely will succeed in the proposed joint farming operation. All joint owners of the land will execute the application, payment authorization, if any, note and mortgage, as well as other loan docket forms.

(2) *Separate ownership of the farm and joint operations.* A loan may be made to an eligible applicant who will own a farm which is not larger than a family farm and will conduct a joint operation with another individual or individuals provided:

(i) Not more than three individuals are interested in the operation;

(ii) That, because of previous experience in working together as farmers, they will likely succeed in the proposed joint operation; and

(iii) The joint operation will not be larger than the equivalent of a family farm operation for each full-time operator involved. However, such operation will not exceed a single family farm operation, whenever the individual who has an interest in the applicant's operation does not personally perform labor in an amount at least equal to his respective interest in the operation.

(l) *Debt-settlement cases.* A loan will not be made to an applicant whose debts have been settled pursuant to Part 1864 of this chapter, as reflected by the County Office records, or where settlement under such regulation is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by the making of the loan, and the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations. Before requesting an appraisal or causing the applicant to incur any expense in connection with the loan, the County Supervisor, if he determines that the applicant should be considered for a loan, should complete Form FHA 431–2 and send it, together with the application, any available case folders, and his recommendation to the State Office for a determination as to whether to proceed with development of the loan docket.

(m) *Compliance with special laws and regulations.* Applicants will be required to comply with Federal, State, and local laws and regulations governing diverting, appropriating, and using water including use form domestic or nonfarm enterprise purposes, installing facilities for draining land, and making changes in the use of land affected by zoning regulations. The applicant should also comply with any such laws, special licenses, and regulations pertaining to nonfarm or fish farming enterprises. Requirements set forth by the State Director will be issued to advise County Supervisors as to the action to be taken by applicants in order to comply with this policy. In any State where there are no special laws or regulations to comply with, special instructions may be needed to advise how to make sound loans under such conditions. For example, evidence may be needed to determine the effect that diverting water from a stream might have on other users or their legal rights as well as the manner in which other users or their legal rights affect the borrower's use of the water. Furthermore, even though there are no specific requirements to be met, it may be possible to file with the appropriate State authority the facts concerning the borrower's use of water from a stream in order that he might have some priority rights in case laws or regulations are made that will affect the use of water.

(n) *Area determinations.* It will be the responsibility of the State Director to determine if there are any areas in the State where the development of ground water for irrigation purposes or the drainage of farmland is not recommended. The State Director will make this determination with the advice of the State Conservationist for the Soil Conservation Service, and the State Geologist or Engineer, or officials of the U.S. Geological Survey, School of Mines, or any State Water Board, State Agency, or person having official functions relating to use of water or drainage of farmland. Requirements set forth by the State Director will be issued specifying the area in which available information indicates that the further development of ground water or drainage is not advisable without a further analysis of pertinent economic and physical data.

(1) If such areas exist, the State requirement will limit the making of FO loans within the areas to the repair or rehabilitation of existing irrigation facilities which will not result in the development of additional ground water in excess of the amount previously used, or contain such other restrictions as the State Director determines to be necesary.

(2) If such areas do not exist, there will be included in the State requirement, the determination that there are no areas in the State where the development of ground water for irrigation purposes or the drainage of farmland is not recommended. In any event, the State Director may require a test well prior to the time the applicant incurs costs for drilling a well.

(o) *Liens junior to the FHA lien.* A loan will not be approved if a lien junior to the FHA lien likely will be taken simultaneously with or immediately subsequent to the closing of the loan to secure any debt the borrower may have at the time of loan closing or any indebtedness he may incur in connection with the FO loan, such as for a portion of the purchase price of the farm or money borrowed from others for payments on debts against the farm, unless the total debt against the security would be within the $100,000 debt limit or the normal value of the security, whichever is less.

(p) *Public liability and property damage insurance.* Applicants receiving loans for other nonfarm enterprises will be advised of the possibilities of incurring liability and encouraged to obtain public liability and property damage insurance.

(q) *Subdivision of large tracts of farmland into family farm units.* County Supervisors should investigate any large tract that is offered for sale to determine the feasibility of making FO loans to several applicants to acquire the tract. In considering the feasibility of a tract for subdivision into family farms, the following are some of the factors that must be considered:

(1) Productivity of the land and its suitability for operation as a family farm;

(2) Cost of the land and improvements included or necessary;

(3) Accessibility to roads, markets, schools, and other services;

(4) Disposition or omission of any portion of the tract that is not suitable; and

(5) The number of elligible applicants in the area.

(r) *Refinancing of FO loan.* If, at any time, it appears that the borrower may be able to obtain a loan from a cooperative or private credit source at reasonable rates and terms for loans for similar purposes and periods of time prevailing in the areas, to refinance his loan, the borrower will, upon request, apply for and accept such refinancing.

§ 1821.12 Suitability of farm for the FO program.

(a) *Responsibility for determining suitability of farms.* The County Supervisor is responsible for making a preliminary determination as to whether a loan can be made on the farm. This determination will be based on a personal inspection of the farm and the consideration of such factors as productivity of the land; location, condition, and adequacy of the buildings; approximate value of the farm; approximate amount of funds required for land purchase; boundaries of the farm; roads, school, markets, or other community facilities; tax rates; and adequacy of the water supply. He also will determine the suitability of the farm for a nonfarm enterprise facility or fish farming.

(b) *Development of loan docket and plans.* Farm and home plans will be prepared in accordance with Subpart B of Part 1802 of this chapter. Plans for a nonfarm enterprise will be developed on Form FHA 431–4, "Business Analysis—Nonagricultural Enterprise," in accordance with acceptable business practices for the enterprise. If there is a State Planning and Development Agency or other recognized competent planning and development source that will assist in such plans, its services will be used to the extent feasible. The farm development plan will be prepared in accordance with Subpart A of Part 1804 of this chapter. When the farm and home plan including any plans for a nonfarm enterprise, and the farm development plan have been prepared and real estate is to be taken as security for the loan, and the appraisal is to be made by other than authorized personnel in that County Office, the services of an appraiser will be requested. In any case, if it appears that a loan cannot be made, the County Supervisor will promptly notify the applicant of the specific reasons for the decision. If the applicant is dissatisfied with the decision and requests further consideration, the County Supervisor may ask the County Committee for an opinion regarding the suitability of the farm for an FO loan.

§ 1821.13 Technical and legal services.

(a) *Technical assistance.* Applicants are responsible for obtaining technical assistance necessary to plan, construct, or establish the improvement or facility to be financed with the loan or other technical service required in connection with the loan.

(b) *Appraisal.* (1) When real estate will be taken as security for the loan, the real estate will be appraised by an FHA employee authorized to appraise farms.

(2) When nonreal estate items will be taken as security for a loan, a list of such items will be made on Form FHA 440–21, "Appraisal of Chattel Property," or State form, if such a form has been developed, with an estimate of the normal value of the security. In determining the normal value of chattel security, the County Supervisor will take into consideration the length of time the chattels will serve as security and the useful life of such security. In the case of other security, the County Supervisor will include a supporting statement with his estimated value of such security. Such a statement will include a narrative description of the security, its current cash value, the relative stability of the value of the security, and how the property is to be mortgaged or otherwise given as security for the loan.

(c) *Title clearance and legal services.* (1) When real estate is taken as security, title clearance and legal services for making and closing the loan will be provided in accordance with Part 1807 of this chapter. The applicant will be requested to furnish title evidence as soon as the County Supervisor determines the loan probably will be made. If the County Supervisor is doubtful whether the loan will be approved, he will not require the applicant to furnish title evidence until after the loan approval.

(2) When no real estate is taken as security, the applicant will be required to submit the original or a certified or photostatic copy of his deed, purchase contract, or other instrument evidencing ownership. Whenever the County Supervisor is uncertain as to whether or not the applicant is the owner of a family farm, the County Supervisor will take such actions as he considers necessary, such as requiring the applicant to furnish additional information or obtaining the opinion of the OGC as to the evidence of ownership of the farm and his advice as to any further information or action that may be needed.

(3) When chattels are taken as security, a lien search will be obtained in accordance with Subpart B of Part 1831 of this chapter.

§ 1821.14 Mineral rights.

Borrowers should obtain to the extent practicable, all the mineral rights in any land being acquired. When mineral reservations appear to make it questionable whether a sound loan can be made on property with all or part of the mineral rights held by a third party, the County Supervisor will obtain the advice of the State Director before proceeding with development of the loan.

§ 1821.15 Optioning of land.

When land is to be purchased, the applicant will be responsible for selecting the land he intends to purchase and for obtaining an option on such land. The County Supervisor should, if possible, prior to the applicant's selection of the land to be purchased, advise him with respect to the approximate size and quality of farms which are generally considered suitable for the FO program. Also, the County Supervisor will advise the applicant that the farm must be located on a public road or have a right-of-way or easement for a useable access road to a public road. Such advice, together with the consideration of the applicant's eligibility before the land is selected, will save the applicant's time in looking for farms and will reduce the number of options taken on farms which are obviously too small, too large, or too unproductive to qualify for the FO program. A determination should be made that a loan can likely be processed before the applicant is requested to obtain an option. Form FHA 440–34, "Option to Purchase Real Property," will be given to the applicant with an explanation of the provisions of the Form and how it will be completed. Generally, Form FHA 440–34 should be used; however, other option forms may be used if their provisions are acceptable.

(a) The County Supervisor is responsible for examining each completed option to determine if it is acceptable. When the County Supervisor is doubtful as to whether the option is acceptable due to questions, such as the effect of mineral or other reservations on the applicant's or the Government's interests, or unusual conditions or alterations of Form FHA 440–34 or other option form, if used, he will forward the option to the State Office with a memorandum indicating the extent to which the exceptions are or may be objectionable and request the advice of the State Director. The State Director will contact the OGC when legal advice is needed.

(b) The County Supervisor also will determine that:

(1) At least $1 is actually paid to the seller by the applicant and the receipt for this amount is acknowledged in the option.

(2) The option is recorded, if necessary. Recordation fees will be paid by the applicant.

(c) When a tract of land is to be optioned and subdivided, the applicant in whose name the option is to be taken must be advised by the County Supervisor that the applicant will not receive any remuneration for assigning interest in the option to other applicants. The County Supervisor is responsible for explaining to the seller and the applicant in whose name the option is taken, the terms and conditions of the option including the provision that the seller will provide an accurate survey, if required by the Government.

(1) The County Supervisor will discuss any proposed subdivision with the County Committee and the District Supervisor before any definite commitments are made to the prospective seller with respect to utilizing a tract for subdivision purposes. He will also obtain the assistance of the employee authorized to appraise farms in making a thorough study of the tract and in plotting the units to show proposed roads and other necessary facilities in order to determine whether it is practicable to subdivide the tract into adequate farms.

(2) If the tract is determined to be suitable, an option will be taken on Form FHA 443–2, "Option for Purchase of Farm-Land to be Subdivided." The tract will be subdivided into units, each unit will be surveyed, and the applicant, in whose name the tract is optioned, with the guidance of the County Supervisor, will execute Form FHA 443–3, "Assignment of Interest in Option (Land to be Subdivided)," with each applicant who is to receive one of the units. If it becomes necessary for the State Director to designate an applicant as assignee of an interest in the option, Form FHA 443–4, "Designation of Assignee of Interest in Option (Land to be Subdivided)," will be used.

§ 1821.16 Deferred payments.

The principal payment may be deferred until the end of the second full crop year from the date of the loan. Such payments may be deferred only when the Farm and Home Plan covering the first full crop year indicates that there will be insufficient income to meet a regular annual installment on the loan after operating, family living, and other essential expenses are paid during the first or first and second full crop years. Further, in the judgment of the loan approval official, there must be adequate evidence that income in subsequent years will be sufficient to meet the requirements of the loan. Deferred payments should not be used t permit the accelerated repayment of other debts or to purchase an unusually large amount of capital goods. Deferment will be justified only when adequate returns will be delayed one or two full crop years, and:

(a) A substantial reorganization of the farming system and any nonfarm enterprise is being made; or

(b) A new system of farming or nonfarm enterprise is being established that will require substantial improvements, such as land clearing, draining, leveling, irrigating, basic fertilizing, seeding, or other land development, soil improvement, and extensive nonfarm facilities.

§ 1821.17 Junior mortgage loan.

When a loan is to be secured by a junior mortgage, the following items will apply:

(a) *Agreements with prior lienholders.* Agreements with prior lienholders regarding enforcement of objectionable provisions of their liens or giving notice of foreclosure or assignment of their liens, or both, will be obtained in accordance with § 1807.2(f)(5) of this

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chapter, except as modified by the Memorandum of Understanding with the Farm Credit Administration.

(b) *Items for docket.* The applicant will be required to furnish the County Supervisor before the docket is assembled, a copy of each mortgage held by the prior lienholder(s) and, if available, a copy of the note or other obligation so that a proper determination can be made as to whether it should be refinanced. In addition, the County Supervisor will be furnished a current statement from the mortgagee showing the amount of unpaid principal secured by the mortgage(s), the amount of any accrued interest, whether the account(s) is current or the amount of any delinquency with principal and interest shown separately, and if a copy of the note(s) is not provided, its maturity date, repayment schedule, interest rate, and a summary of any other provisions of the note. This information will be included in the docket for the information of the loan approval official. Any cost incidential to obtaining the information will be paid by the applicant.

§ 1821.18 Certification by County Committee.

Before an FO loan is approved, the County Committee will make its certifications with respect to the eligibility of the applicant and the maximum amount of the loan on Form FHA 440–2, "County Committee Certification or Recommendation." The amount certified by the County Committee may be greater but not less than the amount of the loan. Since this is an administrative determination, the applicant will not be notified of the certified amount. Members of the County Committee may interview the applicant and/or see the farm before making their recommendations.

(a) The loan docket may be developed and submitted to the County Committee for certification, if the County Supervisor during his investigation of the application finds no objections which would likely cause the County Committee to take unfavorable action on the applicant's eligibility. The amount of the loan certified by the County Committee will be based on the completed docket. It may also be certified from a reasonably accurate estimate of the amount needed, supported by the appraisal report and appropriate plans and complete information about the applicant.

(b) If the County Supervisor has any question concerning the applicant's eligibility, he will have the application considered by the County Committee prior to developing a loan docket. If favorable action is given by the County Committee, the docket will be completed and returned to the Committee for its final certification.

(c) If the County Committee rejects the application, reasons for unfavorable action will be given in the space provided on Form FHA 440–2 above their signature.

(d) When a loan cannot be processed promptly, a decision will be made on the eligibility of the applicant in accordance with Part 1801 of this chapter. He must be notified in writing of the initial action taken by the County Committee; otherwise, a loan docket should be processed and submitted to the Committee for disposition.

(e) Ordinarily, the amount of the loan plus any other debts against the security will not be excess of the recommended normal value of the security as shown on the appraisal report(s). A loan docket will not be developed when a loan plus any other debts against the security will be significantly in excess of the recommended normal value against the security. In an unusual case when the amount of a loan needed for success plus any other debts that will be against the security is slightly above the recommended normal value of the security and the County Committee and the County Supervisor believe that the loan should be made, Form FHA 440–2, may be completed. In such a case, the completed loan docket will be submitted to the State Office for a determination as to whether it is feasible to establish the normal value of the security above the appraiser's recommended normal value. If the loan approval official determines that the normal value is in excess of the appraiser's recommended normal value, he will record his determination of the normal value of the security on Form FHA 440–3, "Record of Actions."

(f) Federal Land Bank Association stock required to be purchased by Federal Land Bank Association borrowers is not assignable but it does have security value. Therefore, when FHA and the Federal land bank make simultaneous loans, the loan approval official may find the normal value of the total security to be equal to the normal value of the real estate plus the value of the Federal Land Bank Association stock. He will record his determination of the normal value of the security in such a case on Form FHA 440–3.

§ 1821.19 Preparation and distribution of loan docket.

(a) *Checking docket forms.* When the loan docket forms have been completed, they will be checked thoroughly to determine that the proposed loan conforms to the applicable loan limits, that each form is prepared correctly in accordance with the prescribed guide available in all FHA offices for preparation of loan docket forms, and items such as names, addresses, and the amount of the loan are the same on all forms in which such items appear. Any loans that require State Office approval will be submitted to that office as soon as the docket is completed.

(b) *Verification for veterans' preference.* If the applicant has checked the veteran block, the County Supervisor, or other County Office employee will review the applicant's evidence of discharge or release to determine whether the applicant is entitled to veterans' preference.

(c) *Information on the availability of other credit.* The County Supervisor will record in the Running Case Record the pertinent information concerning the negotiations made by the applicant and the discussions by FHA personnel with the applicant's creditors and other lenders.

(1) Documentation of the investigation of other credit required by § 1821.11 (e) must be sufficiently clear and adequate to establish that other credit is not available.

(2) Any letters from lenders or other evidence which may have been obtained indicating that the applicant is unable to obtain satisfactory terms with present creditors or credit elsewhere will be included in the loan docket.

(d) *Distribution of docket forms.* The loan docket will include the forms and documents listed in instructions available in all FHA offices.

§ 1821.20 Loan approval.

(a) *Application of authority.* The State Director's authority to approve FO loans in accordance with Subpart B of Part 1810 of this chapter permits approval of initial or subsequent FO loans when the amount of the loan plus unpaid principal balance and any past-due interest on debts against the security for the loan will not exceed $100,000, or the normal value of the security. Debts against nonessential real estate an applicant owns or against real estate in which he has an undivided interest are not included in the $100,000 debt limitation unless the property will be security for the loan. The dollar amount of loan approval authority granted in a State Instruction by the State Director to a qualified State Office employee includes the amount of the FO loan plus any unpaid principal balance and any past-due interest on debts to remain against the security. Also, loans approved by such delegatee may not exceed the normal value of the security.

(1) An employee is not authorized to approve an FO loan made in connection with the property he has appraised.

(2) An Assistant County Supervisor may not approve a loan on property appraised by the County Supervisor in the same County Office unit.

(b) *Limitations.* The authority granted to District Supervisors, County Supervisors, and Assistant County Supervisors in accordance with Subpart B of Part 1810 of this chapter is limited to cases in which:

(1) The proposed loan plus the total unpaid principal balance and any past-due interest on debts against the security for the loan will not exceed the loan limitation specified for the respective supervisor.

(2) The debt against any property taken as security for the loan will not exceeds the appraiser's recommended normal value of the property.

(3) No significant changes have been made in the development plan considered by the appraiser when real estate will be taken as security.

(c) *Loan approval action*—(1) *Examination of loan.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations and insured or direct loan funds are available for the loan. When reviewing the docket the loan approval official will determine that the Committee certification has been properly completed and signed by at least two Committeemen, the applicant is eligible, funds are requested for authorized purposes only, the proposed loan is sound, the security is adequate, necessary supervision is planned, and all other pertinent requirements are met.

(2) *Approval or disapproval of a loan.* When a loan is approved, the loan approval official will:

(i) Indicate on all copies of Form FHA 440–3 any conditions not required by FHA requirements that must be met before the loan is closed and specify the special security requirements, such as conditions under which a prior lien may remain outstanding, the kind of additional security required, and so forth. If title evidence is required in accordance with Part 1807 of this chapter, or in accordance with any special requirements for the loan but is not included in the docket, the loan may be approved subject to the applicant's furnishing the required title evidence. When the applicant furnishes satisfactory title evidence, the County Supervisor will proceed with processing the loan, except that in those cases in which the title evidence does not comply with the conditions specified by the approval official, the docket will be reconsidered by the loan approval official.

(ii) Sign the approval certification on the original of Form FHA 440–3 and insert his title in the space provided.

(iii) Sign the original and one copy of Form FHA 440–1, "Payment of Authorization," for a direct loan, or an insured loan under a 2(f) agreement, or an insured loan from the ACIF.

(iv) If the loan is disapproved after the loan docket is developed, the loan approval official will explain on Form FHA 440–3 the reasons therefor and initial and date the original. The County Supervisor will notify the applicant, giving the reasons for the disapproval of the loan. If the notice was not in writing the County Supervisor will record in the running record a brief summary of the discussion with the applicant. He should also advise the County Committee of the action taken on the loan.

(d) *Distribution of docket forms and loan approval.* The applicable docket form will be distributed as outlined below by the loan approval official after a loan is approved.

(1) *To the Finance Office.* Form FHA 440–3 (original and copy). After Form FHA 440–3 is processed in the Finance Office a conformed copy will be returned to the County Office. Form FHA 443–12, "Farm Ownership and Individual Soil and Water Fund Analysis" (original). Form FHA 440–1 for a direct loan or an insured loan made from the ACIF or under a 2(f) agreement (original and copy when required). Form FHA 492–19, "Characteristics of Approval Applicants" (original) when required.

(2) *To the County Office.* One conformed copy of Form FHA 440–3 and the remainder of the loan docket. In the case of an insured loan to be made by a private lender or under a 2(f) agreement, the lender's name and complete mailing address will be inserted on Form FHA 440–3; also, copy of Form FHA 492–19 when required.

(3) *To the State Office.* If a loan is approved in the State Office, a copy of Form FHA 440–3 and a copy of Form FHA 443–12 will be retained. If the loan is approved in the County Office or by the District Supervisor a conformed copy of Form FHA 440–3 and a copy of Form FHA 443–12 will be sent to the State Office for retention; also, copy of Form FHA 492–14 when required.

(4) *To the borrower.* A signed copy of Form FHA 440–1 will be sent to borrower on the date of loan approval.

§ 1821.21 Requesting title service and accepting option.

When the loan is approved, the County Supervisor will see that title is requested in accordance with Part 1807 of this chapter, if this has not already been done, and where land is being acquired also see that Form FHA 440–35, "Acceptance of Option," is completed, signed, and mailed to the seller, however, in connection with acceptance of option on a subdivision, Form FHA 443–10, "Acceptance of Option by Assignee (Land to be Subdivided)," and Form FHA 443–11, "Acceptance of Option by Buyer (Land to be Subdivided)," will be used as appropriate. When the acceptance of option letter has been mailed to the seller, the borrower will arrange with the seller, in consultation with the County Supervisor to occupy and operate the farm as soon as practicable. Agreements will be in writing and cover such subjects as disposition of growing crops, rentals, payment of maintenance cost, and other pertinent points. The following forms will be used for this purpose, as appropriate:

Form FHA 443–5, "Short-Term Lease of Optioned Land."
Form FHA 443–6, "Short-Term Lease (Between Purchaser and Seller)."
Form FHA 443–7, "Temporary Cropping License."
Form FHA 443–8, "Agreement (Between Seller, Purchaser, and Tenant)."

§ 1821.22 Actions subsequent to loan approval.

(a) *Requesting check.* When the loan has been approved, approval conditions can be met, necessary curative actions have been taken to provide a satisfactory title to any real estate security, and a date has been set for loan closing, the County Supervisor or his delegate in writing will order the loan check. However, the check may be requested at the time of loan approval if real estate will not be taken as security or, if real estate is taken as security and satisfactory title evidence is obtained prior to loan approval.

(1) For a direct loan, or an insured loan from the ACIF if the check is to be ordered at the time of loan approval, the County Supervisor will check the block on the original in Form FHA 440–3 for issuance of the check and sign and date the portion of the form to request the check. If the check is not ordered at the time of loan approval, a copy of Form FHA 440–3 will be completed after loan approval to request the check in sufficient time to obtain the check prior to the loan closing date.

(2) For an insured loan by a private lender, the County Supervisor will request the check in accordance with Part 1812 of this chapter.

(b) *Handling loan checks.* (1) If the loan check is to be deposited in a supervised bank account, this will be done for either a direct or insured loan on the date of loan closing in accordance with Part 1803 of this chapter, after it has been determined that the loan can be closed, but in no case later than the first banking day following date of loan closing.

(2) When a private lender issues a loan check payable jointly to the borrower(s) and the Farmers Home Administration as a precaution against loss of funds, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows:

Endorsed without recourse:
Farmers Home Administration
By _____
Title _____

The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 1862 of this chapter regarding collection items or the endorsement of such items.

(3) If a loan check other than a check from a private lender is received and the loan cannot be closed within 21 days from the date of the check, the County Supervisor will return the check by memorandum to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, MO 64142.

(4) For an insured loan made by a private lender, if the loan cannot be closed on the date planned as indicated to the lender, and the loan is to be closed, the lender will be notified immediately of the reasons for the delay. If it is determined that an insured loan cannot be closed, the check will be returned immediately to the lender with a request for cancellation. In no case may a lender's check be retained more than 21 days from the date of the check. When a loan check is lost, mutilated, or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned and the loan will be closed at a subsequent date, another check will be requested in the usual manner.

(c) *Cancellation of loan.* Loans may be canceled before loan closing as follows:

(1) The County Supervisor will notify the State Office and Finance Office of a loan cancellation by use of Form FHA 440–10, "Notification of Loan or Grant Cancellation."

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(i) For a direct loan or an insured loan from the ACIF or under a 2(f) agreement, if a check is received in the County Office, the County Supervisor will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, MO 64142, with a copy of Form FHA 440–10.

(ii) For an insured loan by a private lender, any check advanced will be returned promptly to the lender with an explanatory letter.

(2) Interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(d) *Increase or decrease in amount of loan.* If it becomes necessary that the amount of the loan be increased or decreased prior to loan closing, the County Supervisor will request that all distributed docket forms be returned to the County Office and reprocessed unless the change is minor and replacement forms can readily be completed and submitted. In the latter case, a memo to that effect will be attached to the revised forms for referral to the Finance Office. A new Committee certification will not be necessary unless the revised loan amount is higher than the original certification.

§ 1821.23 Loan closing actions.

When a loan closing date has been agreed upon, the County Supervisor will notify the borrower and seller, if any, of the loan closing date. The following appropriate actions will be taken in connection with and after loan closing.

(a) *Real estate mortage loans.* When a loan is to be secured by a real estate mortgage, it will be closed in accordance with the applicable provisions of Part 1807 of this chapter.

(b) *Loans involving chattel or other non-real estate security.* Form FHA 440–15 (State), "Security Agreement (Insured Loans to Individuals)," or appropriate chattel mortgage for Louisiana, will be used for insured loans. Form FHA 440–4, "Security Agreement," or appropriate chattel mortgage for Louisiana, will be used for direct loans. The instrument will be obtained and handled in accordance with the applicable parts of Subpart B of Part 1831 of this chapter. If for any reason Form FHA 440–15 or Form FHA 440–4 cannot be used as developed in any State other than Louisiana, the State Director will advise the National Office of the reasons it cannot be used and recommend any necessary changes to comply with State Law. If modifications of the forms are approved in the National Office, State forms will be used in lieu of Form FHA 440–15 or Form FHA 440–4.

(c) *Applicant's financial condition.* The County Supervisor will review with the applicant the financial statement which was prepared at the time the docket was developed. If there have been significant changes in his financial conditions, the financial statement will be revised and initialed by the borrower and the County Supervisor. When an applicant's financial condition has changed to the extent that it appears that the loan would be unsound or improper the loan will not be closed. If a revised loan docket can be developed and if the County Supervisor is not authorized to approve the loan, it will be submitted to the loan approval official for reconsideration.

(d) *Loan approval conditions.* If there are any loan approval conditions which the applicant must meet before the loan is closed, the County Supervisor will call these conditions to the applicant's attention at the time he notifies him of the loan closing date. If an applicant will not comply with the loan approval conditions, the loan cannot be closed.

(e) *Change in use of funds planned for refinancing.* (1) In cases where funds are included in the loan to refinance debts, the County Supervisor is authorized to transfer funds planned for refinancing between debts, provided all debts for which loan funds were planned are paid and the amount of loan funds to be used for refinancing does not exceed the amount planned for such purpose; except that the County Supervisor is authorized to use funds planned for other purposes to pay small deficiencies in estimates of the amount needed for refinancing, if he determines that sufficient funds will remain available to complete the planned farm development or land purchase.

(2) When the total amount of debts planned to be paid have increased so that they cannot be met within the authorities in the above paragraph or the applicant desires to transfer funds to pay debts for which loan funds were not planned, a revised loan docket will be developed and, if the County Supervisor is not authorized to approve the loan, it will be submitted to the loan approval official for reconsideration. If Form FHA 443–12 has been revised and the loan is approved, the loan approval official will send a copy of the revised form to the Finance Office. If the total amount of the loan will be increased, the docket will be processed in accordance with § 1821.22(d).

(f) *Assignment of income from real estate to be mortgaged.* Unless otherwise authorized by the State Director in an individual case, income to be received by the borrower from royalties, leases, or other existing agreements under which the value of the real estate security will be depreciated will be assigned and disposed of in accordance with Subpart A of Part 1872 of this chapter, including provisions for written consent of any prior lienholder. Authorization may be given by the State Director to refrain from taking an assignment of such income in cases in which the security is otherwise adequate, payment of the loan is reasonably assured from other sources, and the income has already been committed for other purposes or must be relied on by the applicant for essential living or operating expenses. When the County Supervisor deems it advisable, assignments also may be taken on all or a portion of income to be derived from nondepleting transactions such as income from bonus payments or annual delay rentals which will be assigned and disposed of in accordance with Subpart A of Part 1872 of this chapter.

(1) For assignment of income, Form FHA 443–16, "Assignment of Income from Real Estate Security," will be used, except that if the form is legally inadequate in a particular State it may be adapted with the approval of the OGC.

(2) The County Supervisor, upon the advice of the designated attorney, title insurance company, or OGC, as appropriate, may require acknowledgment and recordation of the assignment. Any cost incident thereto will be paid by the borrower.

(3) At the time Form FHA 443–16 is executed, appropriate notations will be made on Form FHA 405–1, "Management System Card—Individual," to insure that the proceeds, or the specified portion of the proceeds assigned to FHA from the transactions are remitted at the proper time.

(g) *Preparation and endorsement of note.* Form FHA 440–17, "Promissory Note (Direct Loan)," for direct loans or Form FHA 440–16, "Promissory Note (Insured Loan)," for insured loans will be prepared and completed at the time of loan closing. If insured RH funds are advanced simultaneously the RH loan will be evidenced by a separate insured note on the proper form as provided in Subpart A of Part 1822 of this chapter; however, both the insured FO note and the insured RH note will be described in the same mortgage. In addition, when an insured Soil and Water (SW) loan is being made at the time as an FO loan, both insured notes will be described in the same mortgage. Care will be taken to assure that the borrower's name, case number, address when living on the farm securing the loan, and all other entries are typed in correctly on the note.

(1) When determining the amount of the first installment, the County Supervisor will consider the borrower's financial circumstances and the extent to which he will receive income from the farm or other source during the calendar year in which the loan is closed. The amount of the first installment may be less but not more than a regular annual installment. If the borrower will not receive income from the farm or other source during the calendar year preceding the date of the first installment, a nominal first installment will be sufficient, unless the borrower desires to pay more, except that:

(i) For an insured loan by a private lender, the amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to February 1, of the next calendar year, unless the lender has agreed to a lesser amount.

(ii) For an insured loan made from the ACIF or under a 2(f) agreement, the amount of the first installment may not be less than the amount equal to interest on the loan from the date of loan closing to February 1, of the next calendar year.

(2) The regular amortized installment will be determined in accordance with instructions for the preparation of the note. The amount of such installment will be the amount of principal and interest which, if paid annually, will retire the full amount of the note plus interest within the amortization period of the loan.

(3) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing unless deferment is approved. Also, funds included in the loan for payment of interest will be collected on the date of loan closing. The receipt should indicate "For deferred installment interest."

(4) The promissory note will be signed by the borrower and his or her spouse, if married, unless under the provisions of Part 1807 of this chapter the spouse's signature is unnecessary.

(5) For insured loans, other than those made from the ACIF, the promissory note will be assigned to the lender in accordance with Part 1812 of this chapter.

(6) Each County Supervisor and each State Director is authorized to sign the endorsement on the reverse of the note and to execute Form FHA 440–5, "Insurance Endorsement (insured loan)." The insurance endorsement constitutes the Government's contract of insurance of the loan.

(h) *Obtaining insurance.* Buildings on the property which are to be taken as security for the FO loan will be insured in accordance with Part 1806 of this chapter. When a loan is secured by chattels, and the loss of such chattels jeopardize the interests of the Government, the County Supervisor may require the borrower to insure the chattels against hazards customarily covered by insurance in the area.

(i) *Loan closing.* (1) Before closing the loan, the County Supervisor will determine that the corresponding entries on the note and mortgage are identical.

(2) Immediately after loan closing, for a direct loan, the original Form FHA 440–17 will be sent to the Finance Office.

(3) Immediately after loan closing, for an insured loan by a private lender, the original Forms FHA 440–5 and FHA 440–16 will be sent to the lender and conformed copies will be sent to the Finance Office; from the ACIF, the original and a conformed copy of Form FHA 440–16 will be sent to the Finance Office; and under a 2(f) agreement, the original Forms FHA 440–5 and FHA 440–16 will be sent to the State Director and conformed copies will be sent to the Finance Office.

(4) In case of an insured loan by a private lender, if for any reason it is not possible for the same County Supervisor who signed Form FHA 440–7, "Request for Check," to endorse the note and sign the insurance endorsement, the original of the completed note and insurance endorsement will be sent to the State Office instead of directly to the lender. In such case, the State Director, or other authorized State Office official, will attest on Form FHA 440–5 the signature of the different County Supervisor before sending the note and insurance endorsement to the lender. This will not be necessary when a local lender has no objection to a different signature on the endorsement of the note and on the insurance endorsement than that which appeared on Form FHA 440–7.

(5) When the mortgage is returned by the recording official, the original mortgage will be retained in the borrower's case folder unless the original is retained by the recording official for the County Office records. If the original is retained by the recording official, a conformed copy including the recording date showing the date and place of recordation and the book and page number will be prepared and filed in the borrower's case folder. A conformed copy of the mortgage will be sent to a prior lienholder if a substantial interest is held by that lienholder, or it is a working agreement provision with that lender.

(6) The original deed of conveyance, if any, and a copy of the mortgage will be delivered to the borrower.

(7) If the borrower secures an owner's policy of title insurance and it is sent to the County Office it will be delivered to the borrower as soon as it is received from the title insurance company.

(j) *Effective time of loan closing.* An FO loan is considered closed when the mortgage is filed for record.

(k) *Water stock certificates or similar collateral.* When water stock certificates or similar collateral is a part of the security, it will be retained in the County Office. A notation will be made on Form FHA 405–1 showing that such security has been retained.

(l) *Abstracts of title.* Any abstract of title will be delivered to the borrower for safekeeping, except when an abstract is obtained from a third party with the understanding it will be returned, such abstract will be sent directly to the third party. When the abstract is delivered to the borrower, Form FHA 140–4, "Transmittal of Documents," will be prepared and a receipt obtained. When the abstract is delivered to a third party, a memorandum receipt will be obtained.

§ 1821.24 Subsequent FO loans.

A subsequent FO loan is a loan made to a borrower who currently owes an FO debt.

(a) A subsequent loan may be made for the same purposes and under the same conditions as an initial loan.

(b) The subsequent loan will be processed in the same manner as an initial loan, except that a new appraisal of real estate will be required only when real estate is taken as security and one or more of the following exists:

(1) Subsequent loan funds will be used to purchase land or the mortgage will include additional land that is not presently covered by the FHA real estate mortgage.

(2) The County Supervisor or loan approval official requests a new appraisal report.

(3) The latest appraisal report on the farm is over 2 years old.

(4) The physical characteristics of the farm have changed significantly.

(5) The property was not appraised in connection with the initial loan.

§ 1821.25 Reamortization of existing FHA debt(s).

In connection with making or insuring an FO loan to a borrower currently indebted for an FO, RH, or SW loan, such existing loans may be reamortized with the prior approval of the District Supervisor. In any such case, the reamortization of each existing loan may be made only within the remaining period of that loan. Authority to reamortize an account will be granted in those cases in which the District Supervisor determines that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized. When a loan is reamortized, it will be processed in accordance with Subpart A of Part 1861 of this chapter.

§ 1821.26 Nondiscrimination poster.

Recipients of FO loans to improve or install recreational facilities which are subject to Title VI of the Civil Rights Act of 1964 must display the nondiscrimination poster, "And Justice for All."

Dated: April 11, 1972.

JOSEPH HASPRAY,
Deputy Administrator,
Farmers Home Administration.

[FR Doc.72-5789 Filed 4-14-72;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER A—ANIMAL WELFARE

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

SUBCHAPTER G—ANIMAL BREEDS

SUBCHAPTER H—VOLUNTARY INSPECTION AND CERTIFICATION SERVICE

SUBCHAPTER I—ACCREDITATION OF VETERINARIANS AND SUSPENSION OR REVOCATION OF SUCH ACCREDITATION

SUBCHAPTER J—PUBLIC INFORMATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

Under authority delegated at 37 F.R. 6327 and 37 F.R. 6506, the provisions in Subchapters A, B, C, D, E, G, H, I, and J of Chapter I, Title 9, Code of Federal Regulations are hereby amended, as follows, pursuant to the statutory authorities under which such provisions were issued:

1. The heading of 9 CFR Chapter I is amended to read as set forth above.

2. Wherever in the provisions in Subchapter A, B, C, D, E, G, H, I, and J reference is made to the Animal and Plant Health Service, such provisions are changed to refer to the Animal and Plant Health Inspection Service.

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Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (4–15–72).

The amendments reflect the transfer of functions of the Animal and Plant Health Service to the newly established Animal and Plant Health Inspection Service. The amendments do not substantially affect the rights or obligations of any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of April 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-5764 Filed 4-14-72;8:49 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8868]

PART 13—PROHIBITED TRADE PRACTICES

Career Search International, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–75 Foreign branches, operations, etc: 13.15–125 Individual or private business being: 13.15–125(m) Educational or research institution; 13.15–225 Personnel or staff; 13.15–270 Size and extent; § 13.115 *Jobs and employment service.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1420 *Foreign status, branches, operations, etc.;* § 13.1450 *Individual or private business as educational, religious or research institution;* § 13.1520 *Personnel or staff;* § 13.1555 *Size, extent or equipment;* Misrepresenting oneself and goods—Goods: § 13.1670 *Jobs and employment.* Subpart—Using misleading name—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Career Search International, Inc., et al., New York, N.Y., Docket No. 8868, Mar. 9, 1972]

In the Matter of Career Search International, Inc., a New York Corporation; Career Search International, Inc., a Massachusetts Corporation; Career Search International, Inc., a Pennsylvania Corporation; Career Search International, Inc., a District of Columbia Corporation; Career Search International, Inc., a California Corporation; The Executive Center, Inc., a New York Corporation; The Executive Center, Inc., a Massachusetts Corporation; Arthur M. Shain, Individually and as Chairman of the Board of Directors and Principal Stockholder of Said Career Search International, Inc., Corporatoins and as an Officer, Chairman of the Board of Directors and Sole Stockholder of The Executive Center, Inc., a New York Corporation and The Executive Center, Inc., a Massachusetts Corporation

Order requiring an individual with headquarters in New York City who operates seven corporations in New York, Massachusetts, Pennsylvania, the District of Columbia, and California which prepare and distribute personal résumés for job seekers and furnish other career guidance and counseling service to cease misrepresenting the corporate respondents as the largest in the world, guaranteeing that clients will be placed in better jobs, misrepresenting that their staff counselors previously occupied key positions in industry, misrepresenting that they maintain offices in all major cities in the United States as well as in foreign cities, that respondents provide career guidance and counseling services, failing to make refunds of deposits after receipt of clients' notice of withdrawal, and failing to disclose that a portion of the fee paid by clients for vocational-psychological tests is rebatec to respondents; respondents are also ordered to cease using the word "Harvard" or any other term implying connection with an educational institution.

The order to cease and desist is as follows:

It is ordered, That respondents, Career Search International, Inc., a New York corporation; Career Search International, Inc., a Massachusetts corporation; Career Search International, Inc., a Pennsylvania corporation; Career Search International, Inc., a District of Columbia corporation; Career Search International, Inc., a California corporation; The Executive Center, Inc., a New York corporation; The Executive Center, Inc., a Massachusetts corporation, their successors and assigns, and their officers, and Arthur M. Shain, individually and as Chairman of the Board and principal stockholder of said Career Search International, Inc., corporations and as an officer, Chairman of the Board of Directors and sole stockholder of the Executive Center, Inc., and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale of job or career counseling services, job or employment placement services, applicant for employment services, or any article, material, or device in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do, forthwith cease and desist from, directly or b. implication:

1. Representing that corporate respondents are the largest executive placement service in the world or misrepresenting in any manner the size of the corporate respondents.

2. Representing that respondents guarantee that their clients will be placed in better jobs as a result of respondents' services.

3. Representing that respondents' staff counselors have previously occupied key executive positions in a specific business or industry prior to their affiliation with respondents or misrepresenting in any manner the professional qualifications, experience, or reputation of members of respondents' staff.

4. Representing to prospective clients that there is no financial risk involved on the part of its clients.

5. Representing that the services rendered by respondents are not those of an employment agency.

6. Representing that respondents maintain offices in all major cities in the United States unless such offices as represented are maintained.

7. Representing that respondents maintain offices in the foreign cities of Paris, France, and Madrid, Spain, or in any other foreign or domestic city unless such offices as represented are maintained.

8. Misrepresenting, in any manner, the number of persons who contract with and utilize the services of respondents on a weekly basis or any other time period basis.

9. Representing that respondents' clients receive career counseling and guidance by staff experts who had previously held responsible executive positions in various professional fields.

10. Representing that respondents provide career counseling and guidance services and assist in developing a program designed to aid the client in achieving career goals.

11. Representing that respondents have job openings available which require the specific qualifications possessed by prospective clients.

12. Representing that respondents refuse to accept prospective clients unless they possess qualifications which ensure prompt placement by respondents.

13. Failing or refusing to refund in full the deposits posted by clients in accordance with the provisions in respondents' contract or the oral representations made by respondents' staff members or employees within the specified period represented after receipt of clients' notice of withdrawal from respondents' program.

14. Failing or refusing to disclose to prospective clients that they are required to pay for expenses incurred and miscellaneous services rendered to the client upon the withdrawal of the clients from respondents' program.

15. Failing or refusing to disclose to clients that a portion of the fee paid by the clients to the testing organization designated by the respondents for vocational-psychological tests and evaluation is rebated or credited to respondents.

It is further ordered, That respondents Career Search International, Inc., a New York corporation; Career Search International, Inc., a Massachusetts corporation; Career Search International, Inc., a Pennsylvania corporation; Career Search International, Inc., a District of Columbia corporation; Career Search International, Inc., a California corporation; The Executive Center, Inc., a New York corporation; The Executive Center, Inc., a Massachusetts corporation, their successors and assigns, and their officers, and Arthur M. Shain, individually and as Chairman of the Board of Directors, and principal stockholder of said Career Search International, Inc., corporations and as officer, Chairman of the Board of Directors, and sole stockholder of The Executive Center, Inc. corporations; and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale or sale of job or career counseling services, job or employment placement services, applicant for employment placement services or any article, material, or device in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "Harvard" or any other name or any other identification which implies an affiliation or connection with Harvard College or any other educational institution in respondents' corporate or trade names, advertising materials, stationery, directory listings, and otherwise using such terms in the course and conduct of their business.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each of its branch offices, and to all present and future officers and staff members or other persons engaged in the offering for sale and sale of respondents' services or any articles, materials or devices in connection therewith; and to secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in any corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered, That the corporate respondents herein, their officers, and Arthur M. Shain, individually and as officer, director, and principal stockholder of said corporations, shall, within sixty (60) days after service of this order upon them, file with the Commission a report in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: March 9, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5731 Filed 4-14-72;8:46 am]

[Docket No. C-2175]

PART 13—PROHIBITED TRADE PRACTICES

Imperial Chemical Industries, Ltd., and ICI America, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Imperial Chemical Industries, Ltd. et al., London, England, Docket No. C-2175 March 22, 1972]

In the Matter of Imperial Chemical Industries, Ltd., a Corporation, and ICI America, Inc., a Corporation

Consent order requiring a British corporation, one of the world's largest chemical companies, to divest itself within 3 years of the explosives and aerospace divisions of a Wilmington, Del., corporation, and not to acquire for a period of 10 years any interest in an American explosive business without the approval of the Federal Trade Commission.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondents Imperial Chemical Industries, Ltd. and ICI-America, Inc. (hereinafter referred to collectively as "ICI"), their successors and assigns, shall as soon as possible divest themselves of the business conducted by the Explosives and Aerospace Components Divisions of Atlas Chemical Industries, Inc. (Atlas), as hereinafter defined: *Provided, however,* That, with the approval of the Federal Trade Commission, the business conducted by the Aerospace Components Division of Atlas need not be divested. Such divestiture shall be accomplished no later than three (3) years from the service of this order and shall be subject to the prior approval of the Federal Trade Commission.

II. *It is further ordered,* That as used in the order "the business conducted by the Explosives and Aerospace Components Division of Atlas" means a viable and going business engaged in the research, manufacture, distribution and sale of commercial explosives and related products and, unless excluded pursuant to paragraph I of this order, of the products sold by the Aerospace Components Division, in the product lines in which said Divisions were engaged at the time of Atlas' acquisition by ICI. Said business (hereinafter also referred to as "the business to be divested") includes all plant, equipment, real estate, inventory, customer accounts, lists and receivables, distributor agreements, leases, products, trademarks, technical and scientific know-how, patents, good will, all other assets, all liabilities and obligations (including obligations to the employees of the business at the time of divestiture) and all additions, improvements, replacements and withdrawals of real and personal property made in conformity with the provisions of paragraph IV of this order until the date of divestiture, which are devoted to or arise in connection with the research, manufacture, distribution and sale of commercial explosives and of the products sold by the Aerospace Components Division of Atlas. In connection with the divestiture provided under Paragraph I of this order, ICI may, subject to the approval of the Federal Trade Commission, lease to the acquirer real estate underlying explosives magazines or distribution facilities, provided that upon termination of any lease ICI will not utilize said real estate in the conduct of any explosives business.

III. *It is further ordered,* That unless the divestiture required by this order has been accomplished within two (2) years of service of this order then as part of its compliance with Paragraph I of this order, ICI shall within said two (2) years cause to be incorporated a new company, hereinafter referred to as Atlas Powder Co., and shall transfer to that company the business to be divested, as defined in paragraph II of this order, and ICI shall divest itself of all interests in Atlas Powder Co. pursuant to paragraph I of this order.

IV. *It is further ordered,* That pending the divestiture required by this order,

(a) ICI shall cause the business to be divested and Atlas Powder Co. as the case may be to be operated in accordance with sound business practices and maintained at not less than the standards of operational performance in effect on the date of acquisition and in such manner as not to impair or adversely affect its economic, competitive, or financial condition. ICI shall not be required unreasonably to replace assets which are destroyed or seriously damaged or rendered unusable, either accidentally or by acts of God.

(b) ICI shall do everything within its power to assure that the business to be divested and Atlas Powder Co. as the case may be will remain properly staffed and that all reasonable means will be used to assist said business in retaining, rehiring, or replacing key management and sales personnel needed for its operation. Subject to the approval of the Federal Trade Commission the acquirer of the divested business shall be required to extend to the employees of said business terms and conditions of employment and fringe benefits which are in the aggregate as favorable to such employees as those applicable at the time of divestiture.

(c) ICI shall not commingle its other assets, products or research with those of the business to be divested but pending divestiture ICI shall continue to provide to said business and to Atlas Powder Co. as the case may be the use of assets and personnel involved in the services such as were furnished on a corporate basis by Atlas to the Explosives and Aerospace

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Components Divisions at the time of acquisition.

V. *It is further ordered,* That ICI shall not for a period of three (3) years after the divestiture required by this order solicit the employment of, or without the prior written consent of the acquirer offer employment to or employ, any key personnel directly concerned with the divested business at the time of divestiture.

VI. *It is further ordered,* That no interest in the business to be divested or Atlas Powder Co., as the case may be, shall be sold or transferred, directly or indirectly, to any person who is, at the time of the divestiture, an officer, director, employee, or agent of, or under the direct or indirect control or direction of, ICI, any of ICI's subsidiary or affiliated companies, anyone who owns or controls, directly or indirectly, more than 1 percent of the outstanding shares of ICI or any of ICI's subsidiary or affiliated companies, or to anyone not approved in advance by the Federal Trade Commission.

VII. *It is further ordered,* That for a period commencing with the effective date of this order and continuing for ten (10) years thereafter, ICI, its successors and assigns, shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, assets, any interest in, or any interest of, any domestic concern, corporate or non-corporate, engaged in the sale of commercial explosives, to the extent that such acquisition involves the domestic manufacture or sale of commercial explosives, nor shall ICI enter into any arrangement with any such concern by which ICI obtains the market share, in whole or in part, of such concern in the domestic sale of commercial explosives. ICI may acquire the stock or assets of any existing distributor of the Explosives Division where such acquisition is necessary to carry out its obligations under Paragraph IV(a) of this order.

VIII. *It is further ordered,* That within forty-five (45) days from the date of service of this order and every six (6) months from such date until divestiture is accomplished, ICI shall submit, in writing, to the Federal Trade Commission, a report setting forth in detail the manner and form in which ICI intends to comply, is complying or has complied with this order. All compliance reports shall include, among other things that are from time to time required, (a) the steps taken to accomplish the required divestiture and (b) copies of all documents, including reports, memoranda, and correspondence referring or relating to the divestiture. One year following the effective date of this order and each year thereafter during which paragraph VII is in effect, ICI shall notify the Commission in writing whether any acquisition of the type referred to in paragraph VII has been made by it, and shall furnish such information with respect thereto as may be requested by the Federal Trade Commission.

IX. *It is further ordered,* That ICI shall notify the Commission at least thirty (30) days prior thereto, of any proposed change in the corporate status of ICI which may affect compliance with obligations arising out of this order, such as dissolution, assignment, sale, the emergence of a successor corporation or the creation or dissolution of subsidiaries.

In witness whereof, the Federal Trade Commission has caused this, its order, to be signed by its Secretary and its official seal to be hereto affixed, at Washington, D.C. this 22d day of March A.D. 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5732 Filed 4-14-72;8:47 am]

[Docket No. C-2176]

PART 13—PROHIBITED TRADE PRACTICES

J. S. Hosiery Co. Inc., and Blima Shajnfeld

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, J. S. Hosiery Co. Inc., et al., New York, N.Y., Docket No. C-2176, March 22, 1972]

In the Matter of J. S. Hosiery Co. Inc., a Corporation, and Blima Shajnfeld, Individually and as an Officer of Said Corporation

Consent order requiring a New York City seller and distributor of textile fiber products, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents J. S. Hosiery Co. Inc., a corporation, its successors and assigns, and its officers, and Blima Shajnfeld, individually and as an officer of said corporation, respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or manufacturing for sale, selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce", "product", "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the scarves which gave rise to the complaint, of the flammable nature of said scarves and effect the recall of said scarves from such customers.

It is further ordered, That the respondents herein either process the scarves which gave rise to the complaint so as to bring it into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said scarves.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the scarves which gave rise to the complaint, (2) the number of said scarves in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said scarves and effect the recall of said scarves from customers, and of the results thereof, (4) any disposition of said scarves since March 10, 1971, and (5) any action taken or proposed to be taken to bring said scarves into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said scarves, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: March 22, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5733 Filed 4-14-72;8:47 am]

[Docket No. C-2174]

PART 13—PROHIBITED TRADE PRACTICES

Scheflin-Reich, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Scheflin-Reich, Inc. et al., New York, N.Y., Docket No. C-2174]

In the Matter of Scheflin-Reich, Inc., a Corporation, and Joseph Reich and Murray Scheflin, Individually and as Officers of Said Corporation

Consent order requiring a New York City firm buying and selling furs to cease falsely and deceptively invoicing its fur products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Scheflin-Reich, Inc., a corporation, and its officers, and Joseph Reich and Murray Scheflin, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the manufacture for introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce; or in connection with the introduction into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur, as the terms "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from falsely and deceptively invoicing such fur or fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on any invoice under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe any fur or fur product which is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

It is further ordered, That respondents Scheflin-Reich, Inc., a corporation, and its officers, and Joseph Reich and Murray Scheflin, individually and as officers of said corporation, shall forthwith distribute a copy of this order to each of its salesmen and to each of the five customers who received furs which gave rise to this matter.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: March 22, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5734 Filed 4-14-72;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chloramphenicol Capsules

The Commissioner of Food and Drugs has evaluated new animal drug applications (55-014V) filed by Parke-Davis & Co., Joseph Campau Avenue at the River, Detroit, Mich. 48232 and (65-241V) filed by Rachelle Laboratories, Inc., Long Beach, Calif. 90801 providing for the safe and effective use of chloramphenicol capsules for the treatment of dogs. The applications are approved.

To facilitate referencing, Rachelle Laboratories is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 071 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	Firm name and address
* * *	* * *
071	Rachelle Laboratories, Inc., 700 Henry Ford Avenue, Post Office Box 2029, Long Beach, CA 90801.

2. Part 135c is amended by adding the following new section:

§ 135c.63 Chloramphenicol capsules, veterinary.

(a) *Specifications.* Chloramphenicol capsules, veterinary contain 50, 100, 250, and 500 milligrams of chloramphenicol and conform to the certification requirements of § 146d.302 of this chapter.

(b) *Sponsor.* See code Nos. 049 and 071 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is administered to dogs for oral treatment of bacterial pulmonary infections, bacterial infections of the urinary tract, bacterial enteritis, and bacterial infections associated with canine distemper caused by susceptible organisms.

(2) The drug is administered at 25 milligrams per pound of body weight every 6 hours.

(3) Laboratory tests should be conducted including in-vitro culturing and susceptibility tests on samples collected prior to treatment.

(4) This product must not be used in meat, egg, or milk producing animals. The length of time that residues persist in milk or tissues has not been determined.

(5) For use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-15-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 4, 1972.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.72-5748 Filed 4-14-72;8:50 am]

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Alternative Assay Methods, Including Automated Procedures

No adverse comments were received in response to the notice published in the FEDERAL REGISTER of January 25, 1972 (37 F.R. 1116), proposing that Part 141 be revised to provide for the use of suitable alternative assay methods, including automated procedures, employing the same basic microbiology or chemistry as the official methods described in the certification monographs and providing results of equivalent accuracy.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 141 is amended as follows:

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1. By amending the table of contents to establish a new Subpart A consisting at this time of existing § 141.1 and a new § 141.1a as follows:

Subpart A—Definitions and Interpretations Applicable to Part 141

Sec.
141.1 Sterility tests.
141.1a Alternative assay methods.

2. By revising § 141.1 in the heading and in the paragraph headings of paragraphs (a), (b), (c), and (d) to read as follows:

§ 141.1 Sterility tests.

(a) *"Filling operation" and "sample" defined.* • • •

(b) *Packaging requirements for samples.* • • •

(c) *Diluents packaged in combination with sterile antibiotic drugs.* • • •

(d) *Droppers packaged in combination with sterile antibiotic drugs.* • • •

3. By adding a new section as follows:

§ 141.1a Alternative assay methods.

Alternative assay methods (including automated procedures) employing the same basic chemistry or microbiology as the official methods described in this part and in the individual monographs of this chapter may be used, provided the results obtained are of equivalent accuracy. However, only the results obtained from the official methods designated in the individual monographs are conclusive.

4. By redesignating existing Subpart A as Subpart B, consisting of § 141.2 et seq., by changing the heading to read as follows: "Subpart B—Biological Test Methods."

5. By redesignating Subpart B as Subpart C, consisting of § 141.101 et seq., by changing the heading to read as follows: "Subpart C—Microbiological Assay Methods."

6. By redesignating Subpart C as Subpart D, consisting of § 141.501 et seq., by changing the heading to read as follows: "Subpart D—Chemical Tests for Antibiotics."

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 12, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-5747 Filed 4-14-72;8:50 am]

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 148g—GRISEOFULVIN

Griseofulvin; Correction

In F.R. Doc. 71-5309 appearing at page 7309 in the issue of Saturday, April 17, 1971, § 141.5 is corrected in paragraph (b) for the item "Griseofulvin" in the third column of the table by changing the figure "0.2 mg." to "200 mg." to eliminate a technical error.

Dated: April 5, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-5723 Filed 4-14-72;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

PART 1611—DUTY AND RESPONSIBILITY TO REGISTER

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Classification and Registration Requirements

Whereas, on March 10, 1972, the Director of Selective Service published a notice of proposed amendments to Selective Service Regulations, 37 F.R. 5134 of March 10, 1972; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sec. 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now, therefore, by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sec. 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on April 15, 1972, as follows:

Paragraph (a) of section 1611.1 is amended to read as follows:

§ 1611.1 Persons required to be registered.

(a) Except as otherwise provided by the regulations in this part, it shall be the duty of every male citizen of the United States, and every other male person, except an alien male person who is in a medical, dental, or allied specialist category, residing in or who hereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall not have attained the 26th anniversary of the day of his birth on the day or any of the days fixed for registration by Presidential proclamation to present himself for and submit to registration under the provisions of section 3 of the Military Selective Service Act at such time or times and place or places, and in such manner as is required by proclamation of the President and the regulations of this part.

• • • • • •

The heading and paragraphs (a) and (c) of § 1622.42 are amended to read:

§ 1622.42 Class 4—C: Aliens.

(a) In Class 4–C shall be placed any registrant who is an alien and who has not resided in the United States for 1 year. When such a registrant has been within the United States for two or more periods (including periods before his registration) and the total of such periods equals 1 year, he shall be deemed to have resided in the United States for 1 year. In computing the length of such periods, any portion of 1 day shall be counted as 1 full day. When any such registrant has resided in the United States for 1 year, he shall be classified as available for military service unless he is found to be eligible for another classification for a reason other than his alien status.

• • • • • •

(c) In Class 4–C shall be placed any registrant who is an alien and who has departed from the United States. If any registrant so classified under this paragraph returns to the United States, his classification shall be reopened and he shall be classified anew.

• • • • • •

CURTIS W. TARR,
Director.

APRIL 12, 1972.

[FR Doc.72-5786 Filed 4-14-72;8:50 am]

PART 1660—ALTERNATE SERVICE

Administration and Selection of Nonvolunteers

Whereas, on March 10, 1972, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations 37 F.R. 5135 of March 10, 1972; and

Whereas more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered.

Now therefore by virtue of the authority vested in me by section 6(j) of the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.), the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on April 15, 1972, as follows:

Paragraphs (c) and (d) of § 1660.4 are amended to read as follows:

§ 1660.4 Selection of nonvolunteer for alternate service.

• • • • •

(c) When the RSN of a registrant classified in Class 1–O is within the range of RSNs which are currently being reached for induction, the local board will send him Selection for Alternate Service (SSS Form 155), and retain a copy in the Registrant File Folder (SSS Form 101). Conscientious Objectors Skills Questionnaire (SSS Form 152) and three copies of Employer's Statement of Availability of a Job as Alternate Service (SSS Form 156) will also be sent to the registrant at this time.

(d) Mailing of the Selection for Alternate Service; Rights and Obligations of Conscientious Objectors in the Alternate Service Assignment Process (SSS Form 155) by the local board is the effective beginning of processing for alternate service in lieu of induction for the affected registrant. If the registrant has not been ordered to an alternate service job with a reporting date within 270 days after he has exhausted his 60-day job search, he will be placed in a lower priority selection group. Delays in processing due to litigation instituted by the registrant, litigation pending against the registrant, or a postponement of processing for alternate service granted the registrant under § 1660.7 will not count toward the 270-day time period.

Paragraph (e) of § 1660.9 is amended to read as follows:

§ 1660.9 Administration of alternate service.

• • • • •

(e) The Director of Selective Service or the State Director of Selective Service will issue travel orders, tickets or transportation requests and meal and lodging requests to the registrant, upon his request, for his travel (1) from the office of his local board or local board nearest the place of his residence at the time he is selected for alternate service to the place of performance of the alternate service to which he is ordered within the United States, (2) for his return travel from such place to the office of the local board from which he traveled to the place of performing alternate service upon his satisfactorily completing his period of work or his travel to any other place upon his satisfactorily completing his period of alternate service whenever the cost of such transportation would not exceed the cost of travel to the local board from which he traveled, and (3) for his travel from one place of employment to another when his employment is transferred under the provisions of paragraph (c) or (d) of this section.

CURTIS W. TARR,
Director.

APRIL 12, 1972.

[FR Doc.72-5785 Filed 4-14-72;8:50 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 71-163a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Sinepuxent Bay, Md.

Correction

In F.R. Doc. 72-5211 appearing at page 6847 in the issue of Wednesday, April 5, 1972, the phrase "From May through September 15" in the first line of § 117.245(f)(16)(ii) should read "From May 25 through September 15".

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Glacier National Park, Mont.; Fishing

A proposal was published at page 3438 of the FEDERAL REGISTER of February 16, 1972, to amend paragraphs (a), (b), and (c) of § 7.3 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to prohibit the snagging of fish and to have park regulations apply to Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the middle fork of the Flathead River.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendments should be and are hereby adopted without change and set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraphs (a)(3), (b)(2)(i), and (c)(3) of § 7.3 are amended, as follows:

§ 7.3 Glacier National Park.

(a) *Fishing; open season.* • • •

(3) The north fork of the Flathead River, except for its tributaries, shall be open to fishing in conformance with the seasons and regulations established by the State of Montana for this river.

• • • • • •

(b) *Fishing; daily limit of catch and possession limit.* • • •

(2) • • •

(i) The daily limit of catch and possession in the north fork of the Flathead River, except for its tributaries, shall be in conformance with the regulations established for the State of Montana for this river.

• • • • • •

(c) *Fishing; restrictions on use of bait and lures.* • • •

(3) The snagging of fish by any method is prohibited.

• • • • • •

J. LEONARD VOLZ,
Director, Midwest Region.

[FR Doc.72-5716 Filed 4-14-72;8:45 am]

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Glacier National Park, Mont.; Use of Motorboats and Hitchhiking

A proposal was published at page 3438 of the FEDERAL REGISTER of February 16, 1972, to amend § 7.3 of Title 36 of the Code of Federal Regulations by adding paragraphs (f) and (g). The effect of this amendment is to retain the serene atmosphere on designated lakes by limiting horsepower used on motorboats and motor vessels, eliminating motorboats and motor vessels on Swiftcurrent Lake; and allowing hitchhiking, except in designated areas.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Consideration having been given to all relevant matters presented, it has been determined that the amendments should be and are hereby adopted without change and set forth below. These amendments shall take effect 30 days following the date of publication in the FEDERAL REGISTER.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraphs (f) and (g) of § 7.3 are added to read as follows:

§ 7.3 Glacier National Park.

• • • • • •

(f) *Motorboats.* (1) Motorboats and motor vessels are limited to ten (10) horsepower or less on Kintla, Bowman, and Two Medicine Lakes. This restriction does not apply to sightseeing vessels operated by an authorized concessioner on Two Medicine Lake.

(2) All motorboats and motor vessels except the authorized, concessioner-operated, sightseeing vessels, are prohibited on Swiftcurrent Lake.

(g) *Hitchhiking.* Hitchhiking or the solicitation of transportation is permitted off the roadway on the shoulder, except in those areas where the Superintendent prohibits such activities by the posting of appropriate signs.

J. LEONARD VOLZ,
Director, Midwest Region.

[FR Doc.72-5717 Filed 4-14-72;8:45 am]

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Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

Resale From Uncompleted Contracts

On October 7, 1971, notice of proposed rule making regarding an amendment to Part 221 of Title 36, Code of Federal Regulations, by adding § 221.8a, was published in the FEDERAL REGISTER (36 F.R. 195). Interested persons were given the opportunity to participate in the rule making through submission of comments. After consideration of all such relevant matter as was presented by interested persons, the amendment was revised to reflect those suggestions deemed appropriate. The amendment is hereby adopted, reading as follows:

§ 221.8a Resale of timber from uncompleted contracts.

(a) Except as otherwise provided in this section, no bid will be considered in the resale of timber remaining from any uncompleted timber sale contract from any person, or from an affiliate of such person, who failed to complete the original contract (1) because of termination for purchaser's breach or (2) through failure to cut designated timber on portions of the sale area by the termination date.

(b) The no bid restriction in paragraph (a) of this section (1) shall only apply when 50 percent or more of the timber included in the resale is timber remaining from the uncompleted contract and the resale is advertised within 3 years of the date the uncompleted contract terminated; (2) when imposed because of failure to cut designated timber on portions of the sale area by the termination date, shall not apply to resales of timber for which the original contract was awarded prior to April 30, 1972, unless the contract is extended thereafter; and (3) shall not apply to (i) resales of timber within a sustained yield unit unless competition may be invited under the policy statement for the unit, (ii) resales of timber on contract which would ordinarily have been awarded prior to April 30, 1972, if award was delayed through no fault of the purchaser, and (iii) resales of timber on contracts not extended because of environmental considerations.

(c) Where a third-party agreement has been approved in accordance with § 221.16(b), the original purchaser shall not be affected by this section unless such purchaser is an affiliate of the third party.

(d) As used in this section, "person" includes any individual, corporation, company, association, firm, partnership, society, joint stock company, or other business entity or the successor in interest of any of the foregoing business entities. A person is an "affiliate" when either directly or indirectly (1) a person controls or has the power to control the other, or (2) a third person or persons controls or has the power to control both.

(30 Stat. 34, 35, as amended; 16 U.S.C. 551, 478)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER (4–15–72).

T. K. COWDEN,
Assistant Secretary of Agriculture.

APRIL 12, 1972.

[FR Doc. 72-5765 Filed 4-14-72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15–3—PROCUREMENT BY NEGOTIATION

Subpart 15–3.8—Price Negotiation Policies and Techniques

SELECTION OF OFFERORS FOR NEGOTIATION AND AWARD

Section 15–3.805–1, *General,* is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations. Interested parties and Government agencies are invited to submit written comments to the Director, Contracts Management Division, Environmental Protection Agency, Washington, D.C. 20460. All relevant comments will be considered and subsequent changes may be incorporated to this regulation at a later date.

Effective date. This regulation will become effective ten (10) working days after the date of its publication in the FEDERAL REGISTER with respect to all procurements for which, as of the effective date, Requests for Proposals (RFP's) have not yet been issued. This regulation shall not affect any procurement where the RFP has been issued prior to the effective date; in such cases, however, Contracting Officers shall apply this regulation's policies and procedures to the extent practicable under the circumstances.

Dated: April 11, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15–3.8—Price Negotiation Policies and Techniques

Sec.
15–3.805 Selection of offerors for negotiation and award.
15–3.805–1 General.

AUTHORITY: The provisions of this subsection 15–3.805–1 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15–3.805 Selection of offerors for negotiation and award.

§ 15–3.805–1 General.

(a) Requests for proposals, evaluation of proposals, conduct of negotiations, and award of negotiated contracts.

(1) *Purpose.* This section provides guidance to all EPA personnel regarding (i) evaluation of the technical and other aspects of proposals, and (ii) the requirement for "written or oral discussions" with concerns whose proposals are "within a competitive range," under competitive negotiated procurements.

(2) *Applicability.* This section is applicable to all competitive negotiated procurements conducted by EPA under the authority of the Federal Procurement Regulations (FPR). Those portions of this section concerning written or oral discussions need not be applied: (i) To procurements in implementation of authorized set-aside programs; (ii) to procurements where the existence of adequate competition or accurate prior cost experience with the product clearly demonstrate that acceptance of an initial proposal without discussions would result in fair and reasonable prices; *Provided,* The request for proposals notifies all offerors of the possibility that award may be made without discussions, and provided award is in fact made without any written or oral discussions.

(3) *Requests for proposals.* (i) Careful drafting of the request for proposals (RFP) is vital to the proper working of the competitive process. Particular efforts must be made to develop an accurate statement of work, in order to preclude ambiguities and to avoid misunderstandings which might otherwise surface at later stages of the procurement.

(ii) The RFP shall require that a proposal shall be in two parts: A "Technical Proposal" and a "Business Proposal." Each of the parts shall be separate and complete in itself so that evaluation of one may be accomplished independently of and concurrently with evaluation of the other. The RFP shall provide that the "Technical Proposal" shall not contain any reference to cost. Resource information, such as data concerning labor hours and categories, materials, subcontracts, travel, computer time, etc., shall be included so that offeror's understanding of the scope of work may be evaluated.

(iii) The instructions to the offerors concerning the "Business Management Proposal" should require submission of cost information in sufficient detail to allow a complete cost analysis. Categories and amounts of labor, materials, travel, computer time, as well as information with regard to contractor past performance, financial capacity, certifications and representations, and other pertinent administrative and business information should also be requested.

(iv) Evaluation criteria must be developed by technical personnel, at the time of initiation of the procurement request, for inclusion in the RFP. These criteria and their relative importance or weight require the exercise of judgment on a case-by-case basis, since the criteria must be tailored to the requirements of each particular procurement. Since these criteria will serve as the standard against which all proposals will be evaluated, it is imperative that they be chosen carefully to emphasize those factors considered to be critical to the selection of a contractor.

(v) Evaluation must be made solely on the factors announced in the RFP. The RFP must inform offerors of all evaluation criteria and of the relative importance or weight attached to each criterion, although there need not be stated a numerical weighted formula. Evaluation criteria shall be described fully enough in each RFP to inform prospective proposers of the significant matters which should be addressed in the proposals. The technical and business proposal instructions of the RFP must inform the proposer of all information deemed essential to proper evaluation of the proposal, so that all competitors are aware of all requirements and so that the differences in proposals will reflect the proposers' differing responses to unambiguous RFP requirements and criteria.

(vi) The detailed scoring system to be used by technical evaluators shall be prepared and furnished to the Contracting Officer prior to the issuance of the RFP. The Contracting Officer shall review the scoring system for the sole purpose of determining whether it is consistent with the RFP criteria. If an inconsistency is found, it shall be eliminated by discussions between the parties concerned, prior to issuance of the RFP.

(vii) The RFP criteria shall not be modified except by a formal amendment to the RFP.

(4) *Technical evaluation of proposals.* (i) The technical proposals received by the Contracting Officer will be forwarded to the technical activity for evaluation; the business management portion of the proposal will be retained by the Contracting Officer for evaluation.

(ii) The technical personnel will evaluate each proposal in strict conformity with the evaluation criteria of the RFP, and will assign each proposal a score by use of the scoring method previously reviewed by the Contracting Officer pursuant to subparagraph (3)(vi) of this paragraph. A ranking of technical scores will then be compiled. The technical evaluators shall then identify each proposal as either acceptable or unacceptable. Predetermined cutoff scores shall not be employed.

(iii) The technical evaluators shall determine whether any proposal which appears to be unacceptable might be found acceptable upon the furnishing of clarifying data by the proposer, and the Contracting Officer will be so informed. The Contracting Officer will arrange for submission of clarifying information in writing or by consultation, and furnish it to the technical evaluators for their consideration.

(iv) It is essential to the competitive procurement process that all information contained in offerors' proposals be maintained in strict confidence. In no event during the evaluation period shall any offeror be told the number of proposals received, prices, cost ranges, or the Government cost estimate. No discussions with any offeror relative to any aspect of the procurement shall be held outside the presence of the Contracting Officer.

(v) A technical evaluation report shall be prepared and signed by the technical evaluators, furnished to the Contracting Officer, and maintained as a permanent record in the contract file. The report shall reflect the scoring of each proposal and the ranking of the proposals, and shall identify each proposal as acceptable or unacceptable. The report shall also include a narrative evaluation specifying the strengths and weaknesses of each proposal, and any reservations or qualifications that might bear upon the selection of sources of negotiation and award. Concrete technical reasons supporting a determination of unacceptability with regard to any proposal shall be included.

(5) *Competitive range.* Upon submission of the technical evaluation report and prior to negotiations, the Contracting Officer, after consulting with technical personnel to reconcile the technical and business evaluations, will determine which technically acceptable offers are within the "competitive range," i.e., the group of offerors who will be considered for award and with whom negotiations will be conducted. Determining which proposals fall within a competitive range will depend upon the particular circumstances of each negotiation. Any number of realistic evaluation criteria can be used to determine the bounds of this range. Cost or price alone is sometimes controlling, but technical capability and other relevant criteria may be paramount. In all cases it is important that the criteria used in the establishment of a competitive range be meaningful and realistic and in no way arbitrary. The decision as to which firms are and which firms are not within a competitive range is a matter of administrative discretion. But this discretion must be exercised in a reasonable manner; the Comptroller General may reverse such a determination if it is made arbitrarily. There could conceivably be a business proposal in which the cost or price is so high that it seems to be completely out of the competitive range. However, before making such a determination the Contracting Officer should consult with the technical personnel to determine possible reasons for the apparently excessive price. A proposal is within a competitive range unless it is either so high in cost or so inferior technically "as to preclude any possibility of meaningful negotiation with the offeror." The objective shall be to qualify the widest number of offerors for competitive negotiations based on technical acceptability, cost or price and other factors related to the procurement.

(6) *Conduct of discussions.* (i) The Contracting Officer, in cooperation with technical personnel, must conduct written or oral discussions (negotiations) of the work to be performed, the cost of the work, and other relevant topics, with all those proposers within the competitive range. The Contracting Officer shall point out to each such proposer the ambiguities, uncertainties, and deficiencies, if any, in its proposal. He shall give each such proposer a reasonable opportunity (with a common cutoff date for all) to support, clarify, correct, improve, or revise its proposal. Discussions with one proposer will not identify areas in which another has apparently achieved a higher evaluation or provided more detail. Nor will information be transmitted by the Government which could give one proposer a competitive advantage over another. Cost estimates made by the Government will not be disclosed.

(ii) Careful judgment will be exercised in determining the extent of discussions. In some cases, good business practice may require more than one round of discussions with all of the proposers within the competitive range. The time available, the expense and administrative limitations, and the size and significance of the procurement should all be considered in deciding on the type, duration, and depth of the discussions.

(7) *Selection of contractor.* (i) After the close of discussions and the receipt of any addenda to proposals, the Contracting Officer shall select for award the proposer or proposers whose proposal(s) offers the greatest advantage to the Government, cost or price, technical and other factors considered.

(ii) Whenever the contract is to have a fixed price, price may not be disregarded in selecting a contractor. This is particularly true where more than one acceptable offer from technically qualified sources remains for consideration after conduct of negotiations. (The use for source selection purposes of a numerical rating system in which cost to the Government, along with other factors, is assigned points does not in itself justify acceptance of the offer with the highest point score without regard to price.) If a lower priced, lower scored offer meets the Government's needs, acceptance of a higher priced, higher scored offer shall be supported by a specific determination by the Contracting Officer that the technical superiority of the higher priced offer warrants the additional cost involved in the award of a contract to that offeror.

(8) *Notice and debriefing.* Promptly after award of the contract, notice to unsuccessful offerors will be given in accordance with EPPR 15–3.103.

[FR Doc.72-5754 Filed 4-14-72;8:47 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Modification of Prenotification Requirements for Certain Multi-Industry Firms

The purpose of this amendment to § 300.51 of the regulations of the Price Commission is to permit certain multi-industry firms to request modification of the prenotification requirements to enable certain segments of their firm to price as reporting firms. A segment so relieved of the prenotification requirement would be allowed to adjust prices without prior Price Commission approval. To qualify under the amendment, the prenotification firm would be required to have annual sales or revenues of less than $100 million within any industrial group (corresponding to the two-digit Standard Industrial Classification,

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except as otherwise provided in the instructions to Form PC–5), during its most recently completed fiscal year. All other requirements of the regulations, including reporting and profit margin limitations, would continue to apply.

Because the purpose of this amendment is to provide immediate guidance and information as to the prenotification and reporting requirements of the price stabilization program, and Price Commission procedures with respect thereto, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making it effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective April 11, 1972.

Issued in Washington, D.C., on April 11, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

1. Section 300.51 is amended by inserting the following new paragraph (c) after paragraph (b):

§ 300.51 Prenotification firms.

• • • • •

(c) *Modification of prenotification requirements.* Notwithstanding any other provision of this part, a prenotification firm with annual sales or revenues of less than $100 million within any industrial group in its most recently completed fiscal year may apply for a modification of prenotification requirements with respect to price increases relating to sales within the industrial group. For the purposes of this paragraph, industrial groups are two-digit Standard Industrial Classifications (SIC) as published by the Office of Management and Budget in the 1967 Standard Industrial Classification Manual, except as otherwise provided in the instructions for preparation of Form PC–5, "Request for Modification of Prenotification Requirements" in Appendix II of this part. Each application under this paragraph shall be made on a properly completed Form PC–5 prescribed by the Price Commission and shall contain the information required by that form and its instructions. If the Price Commission does not act upon a request submitted under this paragraph within 30 days after receiving a Form PC–5, the prenotification firm may take the action requested. A firm whose prenotification requirements are modified in accordance with this paragraph remains subject to the reporting requirements of paragraph (e) of this section, and to all other requirements of this part for prenotification firms, including the profit margin limitation applicable to the consolidated group of the parent firm.

• • • • •

2. Appendix II is amended by inserting the following new Form PC–5 and instructions thereto, after Form PC–1 and instructions.

Form **PC-5**
(March 1972)
Price Commission
2000 M Street, N.W.
Washington, D.C. 20508
See mailing address below

Request for Modification of Prenotification Requirements

OMB 184-S72003 Approval expires: 4-30-73
PRICE COMMISSION USE ONLY
Corr. Control No. | SIC Code (1)
Reference No. | SIC Code (2)

Part I - Identifying Data

1a. Is this a resubmission? (1) ☐ Yes (2) ☐ No
1b. If "Yes", indicate prior reference number
2. Application date *(Month, day, year)*
3. Parent Firm Data
a. Name of Firm
b. Address *(Number and street)*
City or town, State and ZIP code
c. Ending date of most recent fiscal year *(Month, day, year)*
d. Identification number

Part II - Summary of Requested Modifications

4. Total revenues in most recent fiscal year *(000 omitted)*
a. Reporting entities for which change is requested — $
b. Reporting entities for which change is not requested — $
c. Total revenues (a plus b) — $

Part III - Summary of Revenues by Industrial Groups *(Enter dollar amounts with 000 omitted)*

5. Industrial groups which include reporting entities for which change is requested

a. No.	b. Description	c. Revenues in most recent fiscal year
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
(13)		
(14)		
(15)		
(16)		
(17)		
(18)		
	Total ▶	

6. Industrial groups which do not include reporting entities for which change is requested

a. No.	b. Description	c. Revenues in most recent fiscal year
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		
(7)		
(8)		
(9)		
(10)		
(11)		
(12)		
(13)		
(14)		
(15)		
(16)		
(17)		
(18)		
	Total ▶	

Part IV - Additional Information

7. Individual to be contacted for further information — Name and title; Address; Telephone number (Include Area code)

Part V - Certification

To the best of my knowledge and belief, the data submitted herewith are factually correct, complete and prepared in accordance with the applicable instructions. It is requested that the information submitted herewith be considered as confidential within the meaning of section 205 of the Economic Stabilization Act of 1970 (as amended), Title 5, U.S. Code; section 552 and Title 18, U.S. Code, section 1905.

Chief Executive Officer of parent firm or other authorized executive officer
Typed name and title:
Name of company:
Sign here ▶ (Date)

Forward this form and all supporting documents to: Price Commission, P.O. Box 19300, Washington, D.C. 20036.
Indicate "Submission of Form PC-5" in the lower left-hand corner of the envelope.

Form PC-5 (3-72)

PRICE COMMISSION

2000 M STREET NW., WASHINGTON, DC 20508

Instructions for the Preparation of Form PC–5, Request for Modification of Prenotification Requirements

General Instructions

Purpose.—Price Commission regulations provide for certain multi-industry prenotification category firms to request that segments of their firm be changed to reporting category firms. This Form PC–5 is used to request such modifications.

Requests for modification must apply to specific reporting entities as defined for purposes of filing Form PC–1, as follows:

Generally, the reporting entity for purposes of Form PC–1 is a unit of the firm or consolidated group which is customarily regarded as a separate entity for cost, pricing and profit decisions. Such a reporting entity may be distinguished from other units of the firm or consolidated group because of separate or different management or profit responsibilities, industries, methods of doing business, or other logical, customary distinctions.

Administrative groupings, such as manufacturers' sales offices and warehouses, are not considered as reporting entities.

It is stressed that this form represents solely a request for change and that firms must continue to observe prenotification requirements until advised by the Price Commission of the extent to which the request has been granted. A qualifying prenotification firm may consider its request approved if no action is taken by the Price Commission within thirty days after receipt of the firm's properly completed PC–5. Reporting entities for which requests are approved would then be permitted to adjust prices without prior approval of the Price Commission. Such reclassified entities would be subject to reporting requirements for Category II firms and all other requirements for Category I firms.

Confidentiality of information.—The Price Commission respects the confidentiality of financial information, consistent with section 205 of the Economic Stabilization Act of 1970 (as amended), title 5, United States Code, section 552, and title 18, United States Code, section 1905.

Who may file.—Form PC–5 is filed by prenotification category Parent firms. A single filing must cover all reporting entities.

To qualify for consideration, the Parent firm must have reporting entities whose revenues in the most recent fiscal year were substantially from products or services in industrial groups where the annual revenues of the consolidated group of the Parent firm were less than $100 million. Generally, industrial groups are the same as two-digit SIC categories, with certain changes as reflected in Table 1.

Firms should note that in reviewing requests the Price Commission will consider the significance of the firm's revenues from activities included in the four-digit SIC codes making up the applicable industrial groups.

Where to file.—Form PC–5 and attachments should be mailed to:

Price Commission, Post Office Box 19900, Washington, DC. 20036.

Indicate Submission of Form PC–5 in the lower-hand corner of the envelope.

Specific Instructions

PART I—IDENTIFYING DATA

Item 1: Prior reference number—Answer the question in 1(a). If you are supplying requested additional information or are resubmitting a request that had been initially returned, record the prior reference number in 1(b). The prior reference number is the number recorded by the Price Commission in the top right hand corner of this form, in the box labeled Reference No.

Item 2: Application date—Enter the date that this filing is made, regardless of whether this represents an initial filing, requested additional information, or a resubmission.

Item 3: Parent firm data—A Parent firm is the firm which controls a group of consolidated subsidiaries following the criteria for the preparation of consolidated financial statements in accordance with generally accepted accounting principles.

(a) Enter name of Parent firm.

(b) Enter address of executive office of Parent firm.

(c) Enter the ending date of the most recent fiscal year as customarily used by the Parent firm.

(d) Enter the Parent firm's "Data Universal Numbering System" (D–U–N–S) number, if known. If not known, leave this item blank. The D-U-N-S number is a nine-digit number assigned to establishments by Dun & Bradstreet, Inc. If the firm has more than one D-U-N-S number, the number entered in this item should be that assigned to the firm for the address entered above as the executive office.

PART II—SUMMARY OF REQUESTED MODIFICATIONS

Item 4: Total revenues in most recent fiscal year—In this item, total revenues for the most recent fiscal year (Item 3(c)) are summarized by reporting entities for which change is requested (line a), and those for which change is not requested (line b).

Supporting schedules must be attached listing the names of reporting entities whose revenues are summarized in Items 4a and 4b. For Price Commission review purposes, the revenues for each reporting entity must be detailed by four-digit SIC codes. See Exhibit A for an example of the supporting schedules required.

In completing these supporting schedules, insignificant miscellaneous operating revenues, which are in multiple four-digit SIC industries, may be summarized on one line, for each reporting entity. Such miscellaneous operating revenues must not exceed 5 percent of the reporting entity's total revenues, nor be in excess of $5 million. Nonoperating revenues should be summarized on one line for each reporting entity.

Reporting entities included in Item 4a must have annual revenues of less than $100 million and those revenues must be substantially (e.g., 95 percent) from products or services in industrial groups where the annual revenues of the consolidated group of the Parent firm were less than $100 million.

Reporting entities for which change is requested must have a substantial portion of their sales to entities outside of the consolidated group of the Parent firm. Furthermore, all transactions which are in fact intrafirm transfers must be summarized in the supporting schedules and deducted in computing the amount included in Items 4a and 4b.

Estimates.—The Price Commission recognizes that information regarding sales by four-digit SIC codes may not be available from the accounting records of some firms. In those cases, firms should provide reasonable estimates for such information and attach a supporting statement indicating the estimating method used. Estimated amounts must be reconcilable to information that is contained in the accounting records. For example, a sales account may include amounts which are properly classifiable in two four-digit SIC codes. While estimates may be used to determine the separate four-digit amounts, the total of the estimates must agree with the amount reflected in the accounting records.

PART III—SUMMARY OF REVENUES BY INDUSTRIAL GROUPS

Items 5 and 6: These items are used to summarize the total revenues of the firm by industrial groups. Include in Item 5 all industrial groups where any reporting entity for which change is requested had sales in any four-digit SIC code which is included in the industrial group. Any industrial group which is required to be summarized in Item 5 must then include all applicable revenues of the firm including those from reporting entities for which change is not requested.

Item 6 includes all revenues of the firm which are not includable in Item 5.

Supporting schedules must be attached showing the details of revenues by four-digit SIC code for each industrial group. Within each four-digit SIC code, all reporting entities having revenues from products or services in that four-digit SIC code must be listed. Reporting entity names must be shown exactly as listed in the supporting schedules to Items 4a and 4b. See Exhibit B for an example of the supporting schedules required.

Estimates.—As explained in the instructions to Item 4, estimates may be used to determine sales in four-digit SIC codes.

PART IV—ADDITIONAL INFORMATION

Self-explanatory.

PART V—CERTIFICATION

Type the name and title (including the company name) of the individual who has signed the certification, on the lines above such signature. The individual certifying to this Form PC–5 must be the Chief Executive Officer of the Parent firm, or such other executive officer as authorized by the Chief Executive Officer to sign for him for this purpose. Such authorization must be in the form prescribed by the Price Commission.

EXHIBIT A

	4-digit SIC code	Annual revenues
ITEM 4A.—ENTITIES FOR WHICH CHANGE IS REQUESTED		
Reporting Entity A:		
Wood household furniture	2511	$30,000
Wood office furniture	2521	10,000
Total Entity A		40,000
Total—Item 4a		40,000
ITEM 4B.—ENTITIES FOR WHICH CHANGE IS NOT REQUESTED		
Reporting Entity B:		
Office machines, n.e.c.	3579	100,000
Wood office furniture	2521	30,000
Total Entity B		130,000
Reporting Entity C:		
Household laundry equipment	3633	100,000
Radio and TV receiving sets	3651	50,000
Wood household furniture	2511	35,000
Total Entity C		185,000
Total—Item 4b		285,000

EXHIBIT B

ITEM 5.—INDUSTRIAL GROUPS WHICH INCLUDE ENTITIES FOR WHICH CHANGE IS REQUESTED		
Furniture and fixtures:		
Wood household furniture (SIC-2511):		
Reporting Entity A		30,000
Reporting Entity C		15,000
Total wood household furniture		45,000
Wood office furniture (SIC–2521):		
Reporting Entity A		10,000
Reporting Entity B		30,000
Total wood office furniture		40,000
Total furniture and fixtures		85,000
ITEM 6.—INDUSTRIAL GROUPS WHICH DO NOT INCLUDE ENTITIES FOR WHICH CHANGE IS REQUESTED		
Machinery and allied products:		
Office machines, n.e.c. (SIC–3579): Reporting Entity B		100,000
Total office machines		100,000
Household laundry equipment (SIC–3633): Reporting Entity C		100,000
Total household laundry equipment		100,000
Radio and TV receiving sets (SIC–3651): Reporting Entity C		50,000
Total radio and TV receiving sets		50,000
Total machinery and allied products		200,000

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TABLE 1

LIST OF INDUSTRIAL GROUPS (GENERALLY TWO-DIGIT SIC CATEGORIES)

No.	Industrial Groups: Description	SIC codes included in Industrial Groups
1	Agricultural production	01.
2	Agricultural services and hunting.	07.
3	Forestry	08.
4	Fisheries	09.
5	Metal mining	10.
6	Coal mining	11, 12.
7	Integrated petroleum	13, 29, 46.
8	Nonmetallic minerals, except fuels.	14.
9	Construction	15, 16, 17.
10	Foods and tobacco	20, 21.
	(Plus farm product warehousing and storage.)	(Plus 4221.)
	(Plus stockyards)	(Plus 473.)
11	Textiles, apparel and leather	22, 23, 31.
	(Less tire cord and fabric)	(Less 2296 moved to Group 17.)
	(Plus cellulosic manmade fibers.)	(Plus 2823.)
	(Plus synthetic organic fibers, except cellulosic.)	(Plus 2824.)
12	Lumber and wood products	24.
13	Furniture and fixtures	25.
14	Paper and allied products	26.
15	Priuting, publishing and allied industries.	27.
16	Chemical and allied products	28.
	(Less cellulosic manmade fibers.)	(Less 2823 moved to Group 11.)
	(Less synthetic organic fibers, except cellulosic.)	(Less 2824 moved to Group 11.)
17	Rubber and miscellaneous plastic products.	30.
	(Plus tire cord and fabric)	(Plus 2296.)
18	Stone, clay and glass products	32.
19	Ferrous primary metals:	
	Blast furnaces and steel mills.	331.
	Iron and steel foundries	332.
	Iron and steel forgings	3391.
20	Nonferrous primary metal industries.	33, less as indicated below.
	(Ferrous—see Group 19)	(331, 332, 3391 are Group 19.)
21	Fabricated metal products	34.
	(Plus ordnance and accessories, less as indicated below.)	(Plus 19, less as indicated below.)
	(Complete guided missiles.)	(1925, moved to Group 24.)
	(Tanks and tank components.)	(1931, moved to Group 23.)
	(Sighting and fire control equipment.)	(1941, moved to Group 26.)
22	Machinery and allied products	35, 36.
23	Motor vehicles and equipment.	371.
	(Plus tanks and tank components.)	(Plus 1931.)
24	Aircraft and parts	372.
	(Plus complete guided missiles).	(Plus 1925.)
25	Other transportation equipment.	373–379.
26	Instruments and related products.	38.
	(Plus sighting and fire control equipment.)	(Plus 1041.)
27	Miscellaneous manufacturing	39.
28	Railroad transportation	40.
	(Plus rental of railroad cars)	(Plus 474.)
29	Local and interurban passenger transit.	41.
30	Trucking and warehousing	42.
	(Less farm product warehousing and storage.)	(Less 4221, moved to Group 10.)
31	Water transportation	44.
32	Transportation by air	45.
33	Transportation services	47.
	(Less stockyards)	(Less 473, moved to Group 10.)
	(Less rental of railroad cars)	(Less 474, moved to Group 28.)
34	Communication	48.
35	Electric, gas, and sanitary services.	49.
36	Wholesale trade	50.
37	Building materials, hardware, and farm equipment dealers.	52.
38	Retail trade—general merchandise.	53.
39	Food stores	54.
40	Automotive dealers and gasoline service stations.	55.
41	Apparel and accessory stores	56.
42	Furniture, home furnishings, and equipment stores.	57.
43	Eating and drinking places	58.
44	Miscellaneous retail stores	59.
45	Banking	60.
46	Credit agencies other than banks.	61.
47	Security, commodity brokers, and services.	62.
48	Insurance carriers	63.
49	Insurance agents, brokers, and service.	64.
50	Real estate	65.
51	Combination of real estate, insurance, etc.	66.
52	Holding and other investment companies.	67.
53	Hotels, and other lodging places.	70.
54	Personal services	72.
55	Miscellaneous business services.	73.
56	Automobile repair, services, and garages.	75.
57	Miscellaneous repair services	76.
58	Motion pictures	78.
59	Amusement and recreation services.	79.
60	Medical and other health services.	80.
61	Legal services	81.
62	Educational services	82.
63	Museums, botanical and zoological gardens.	84.
64	Nonprofit membership organizations.	86.
65	Miscellaneous services	89.

[FR Doc.72-5651 Filed 4-12-72;12:26 pm]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1030-A]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of the Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of April 1972.

Upon further consideration of Service Order No. 1030 (34 F.R. 11211, 15250; 35 F.R. 5334, 10661, 15294; 36 F.R. 5978, 11999, 19370, 25423), and good cause appearing therefor:

It is ordered, That:

§ 1033.1030 *Service Order 1030–A* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Co.) be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 11:59 p.m., April 11, 1972; that copies of this order and direction shall be served upon the Association of American Railroads Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5791 Filed 4-14-72;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19141; FCC 72-310]

PART 1—PRACTICE AND PROCEDURE

Summary Decision Procedures

Report and order. In the matter of summary decision procedures.

1. A notice of rule making in this proceeding, proposing the adoption of procedures for the summary decision of adjudicatory hearing cases, was released on February 4, 1971 (FCC 71-105, 36 F.R. 2799). The proposed rule read as set forth below:

2. Comments on the proposal were filed by the following organizations:

(1) The Committee for Review of Commission Procedures of the Federal Communications Bar Association (FCBA Committee).[1]

(2) The Administrative Law Section of the American Bar Association (ABA).

(3) The GTE Service Corporation (GTE).

GTE also filed reply comments. All participants in the proceeding favor the adoption of summary decision procedures. Each suggests that the proposed rule be modified in a number of respects or that the precise meaning of its provisions be classified. The final rules, whose provisions vary in content and arrangement from those proposed, are set out in the attached Appendix. Suggestions made in the comments and changes in the proposed rule are discussed below.

3. Standard for grant or denial of a motion for summary decision. Each of the participants asks for clarification of the following standard for grant or denial of a motion for summary decision, set out as paragraph (b) of the proposed rule:

(b) The presiding officer may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise, admissions, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is entitled to summary decision.

Comment is in particular directed to the concluding passage, "and that a party is entitled to summary decision." The FCBA Committee asks that the Commission state the intended meaning and scope of that passage. The ABA suggests that the provision be deleted or that it be rewritten to make its meaning clear. GTE, on the other hand, stresses the importance of the provision, as indicating that "the presiding officer has the necessary discretion to deny a motion for summary decision notwithstanding superficial satisfaction of the literal requirement that there be 'no genuine issue as to any material fact,'" and urges that this be made clear by the Commission, both in this narrative statement and by modification of the rule.

[1] The views of the FCBA Committee are its own and not necessarily those of the FCBA or of its Executive Committee.

4. The standard set forth in the proposed rule is the same as that set out as section 2 of Administrative Conference Recommendation No. 20 and closely parallels the third sentence of Rule 56(c) of the Federal Rules of Civil Procedure, which reads as follows:

> The judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

On its face, the meaning of the underlined passage is unambiguous: If the motion is to be granted, the moving party must, of course, show that the facts as established entitle him to judgment as a matter of law. As a matter of practice, however, the passage has been given additional significance. Thus, though Rule 56(c) provides that where the required showing is made, "the judgment sought shall be rendered forthwith," Federal judges have exercised broad discretion in denying a motion for summary judgment where the required showing was made but application of the rule was considered inappropriate due to the nature of the case or of circumstances surrounding the request.

5. The standard for action on a motion for summary decision proposed herein is essentially the same as the standard prescribed by Rule 56(c), as construed by the courts. Differences in wording follow from the fact that the Commission renders "decisions" rather than "judgments" and that its decisions reflect policies of its own making as well as statutory and case law. We wish to make it clear, as GTE requests, that the presiding officer has broad authority to go forward with a hearing, regardless of the showing made, if the nature of the proceeding and of circumstances surrounding the request persuade him that a hearing is desirable. We have, accordingly, modified the standard for grant or denial of a motion for summary decision. The final provision (set out in § 1.251(d)) reads as follows:

> The presiding officer, giving appropriate weight to the nature of the proceeding, the issue or issues, the proof, and to the need for cross-examination, may grant a motion for summary decision to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is otherwise entitled to summary decision.

We would note that this provision does not provide for "judgment forthwith" but rather that the presiding officer "may grant" the motion. Further, reference to "a party" rather than "the moving party" leaves open the possibility, however remote, that the facts established may show that a party other than the moving party is entitled to summary decision.

6. To elucidate further, we quote and endorse the following passage from Professor Gellhorn's study, "Summary Judgment in Agency Adjudication,"[2] at page 30:

> The function of [a] summary decision rule, in its broadest application, is to avoid a useless hearing. It promotes decisions on the merits without a trial where no genuine issue of material fact exists. More narrowly, it is designed to operate as a pretrial determination of what material facts do exist without substantial controversy and what material facts are actually and in good faith controverted. The party moving for summary decision has the burden of establishing through a written record that no triable issue exists; and he has this burden even with respect to issues upon which the opposing party would have the burden at the hearing. The moving party's papers should be carefully scrutinized, while the opposing party's papers, if any, should be treated with considerable indulgence. In determining whether to grant the motion, the presiding officer should give due weight to the need for cross-examination (which is unavailable to test affidavit evidence), to the general desirability of demeanor testimony, to the opposing party's access to proof, and to the desirability of full exploration at an evidentiary hearing. [Citation omitted.]

Professor Gellhorn further notes that courts will deny a motion for summary judgment, even though the request is technically within the rule's coverage, where, for example, the evidence is exclusively within the moving party's domain (Study, at p. 4) or where the litigation is complex (ibid., at pp. 4, 12). In the latter respect, we would note that some of the issues in a complex proceeding may be appropriate for summary decision, though the case as a whole is not. Courts also will deny a motion for summary decision where the disputed issue involves the evaluation of conceded facts in terms of legal or policy consequences (Study, at pp. 5–6, 12).[3] Professor Gellhorn also notes that a motion for summary decision should not in fairness be used against parties who appear without counsel (Study, at p. 11). We would temper this observation by noting that parties normally appear without counsel in only the simplest of cases, in which they have personal knowledge of all matters of fact, and that in such cases, the capability of a party to understand and respond to a motion for summary decision may, in fairness, be left to the discretion of the presiding officer. In Commission practice, finally, summary decision may well be useful, though the hearing is expected to consume little time (see Study, contra, at p. 11), since extensive travel by principals, witnesses, and attorneys to the place of hearing could thus be avoided, and delay attributable to problems in scheduling hearings would be eliminated.

7. Time for filing motion: The proposed rule (§ 1.251(a)) provided that the motion for summary decision must be filed at least 20 days prior to commencement of the hearing and that an opposition or countermotion must be filed within 14 days after the motion is filed.[4] The FCBA Committee and the ABA state that inadequate time is allowed under the rules for the preparation of affidavits and the discovery of materials which would be submitted in support of a motion for summary decision. The FCBA Committee suggests that the time restrictions be relaxed. The ABA suggests that the presiding officer be given discretion as to the time for filing the motion.

8. We note initially that the time of the first prehearing conference and of the first hearing session are set by the Chief Hearing Examiner in an order issued shortly after a proceeding is designated for hearing. The prehearing conference will hereafter be scheduled approximately 4 weeks after designation, with the hearing to commence 6 weeks after the conference. The total period (70 days) allows ample time in many cases to prepare for the hearing. This scheduling would also provide ample time (50 days) in many cases for preparation of a motion for summary decision. It is appreciated, on the other hand, that the time allowed would be inadequate in some cases, particularly those involving extensive and contested use of the discovery procedures.

9. The solution of the timing problem, however, does not call for allowing a motion for summary decision to be filed

[2] Ernest Gellhorn, "Summary Judgment in Agency Adjudication," April 1, 1970, a report for the Committee on Agency Organization and Procedure of the Administrative Conference of the United States. Professor Gellhorn's study has been considered by the Commission in this proceeding, and we believe it will be useful to practitioners and members of the staff, many of whom have had no previous experience with summary decision procedures. The study has been printed in "Recommendations and Reports of the Administrative Conference of the United States," Vol. 1, at p. 543. Copies of the study will soon be available from the FCC's Information Officer. See also, Gellhorn and Robinson, "Summary Judgment in Administrative Adjudication," 64 Harv. L. Rev. 612, January 1971.

[3] Assuming that the basic facts are conceded (A did X to B, for example), expert or character testimony may still be appropriate to determine whether A was acting in accordance with accepted industry or community practices, was acting in good faith, or for base or worthy motives. In such circumstances, summary decision of the basic facts would be appropriate, but a hearing on the inferences to be drawn from them or as to the ultimate findings of fact would also be appropriate.

[4] Similar provisions appear in the final rule at § 1.251 (a) and (b).

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less than 20 days prior to the hearing, but for adjustment of the hearing date to provide an adequate period prior to hearing for completion of collateral procedures (e.g., discovery) and submission of a motion for summary decision. As indicated in the notice of proposed rule making, our purpose in requiring the motion to be filed at least 20 days prior to hearing is, "to avoid undue disruption of arrangements made for the attendance of parties and witnesses at the hearing which would result from submission of a 'last-minute' motion." (Notice, at para 3). If prehearing proceedings are conducted in the orderly manner intended, there is no need to sacrifice this provision.

10. The presiding officer has full authority to alter the dates initially set for the prehearing conference and the hearing. It may often turn out that the initial prehearing conference specified in the Chief Hearing Examiner's order is the "preliminary" conference, and that further conferences and a change in the hearing date will be required in order to accommodate the needs of time for discovery and for the filing of a motion for summary decision. Discovery procedures, properly utilized, are completed prior to the prehearing conference, so that counsel attending the conference, having at their disposal the facts obtained through discovery, can with confidence enter into stipulations, work toward simplification of the issues, exchange exhibits, and list witnesses to be called. Where it appears that extensive use will be made of discovery, it is appropriate for the presiding officer to call, or for counsel to request, a preliminary conference in which counsel outline their plans for discovery and the presiding officer formulates a schedule for its completion and set a date, following completion of discovery, for the prehearing conference.[5] Subsequent adjustment of the schedule is appropriate as the need appears. The motion for summary decision is most appropriately filed after the conference and at least 20 days prior to hearing. Counsel intending to file such a motion can appropriately make their intention known and can ask that the date set for hearing be adjusted to allow adequate time for preparation of the motion. We note in this respect that the presiding officer can elect to proceed with the hearing rather than grant a motion for summary decision, that he may properly indicate in advance his disinclination to grant such a motion, and that a request for delay of the hearing may appropriately be denied in such circumstances. If a motion for summary decision is filed, the presiding officer has full authority to extend the time for filing an opposition or countermotion and should, of course, defer the hearing pending his action on the motion. In short, because the presiding officer has full authority to set the date of the conference and the hearing, there is no need by rule to relax the time restrictions for submission of a motion for summary decision. To confirm and emphasize the presiding officer's broad authority in such matters and to provide guidance concerning the proper conduct of the proceeding prior to hearing, we are adopting two new provisions. Section 1.251(f) deals with the presiding officer's full authority to control the use and prevent abuse of the summary decision procedures, and sets out specific procedures for invoking sanctions in the event of such abuse. Section 1.248(b)(2) provides that a reasonable period prior to commencement of the hearing shall be allowed for the orderly completion of all prehearing procedures, including discovery, and for the submission and disposition of all prehearing motions. It provides further, as appropriate, for a preliminary prehearing conference, to formulate a schedule for the completion of prehearing procedures and to set a date for commencement of the hearing.

11. The FCBA Committee suggests that a motion for summary decision should be allowed after commencement of the hearing, for good cause shown, and subject to the presiding officer's refusal to entertain the motion. It suggests that such motions might appropriately be received during a continuance of the hearing or following the submission of evidence on a dispositive issue.

12. It is our judgment that the motion for summary decision should be filed once, prior to hearing, and not otherwise, and that the possibility of repeated motions as the hearing progresses, during continuances or otherwise, should be precluded. The possibility of avoiding unnecessary hearing sessions in a few cases is outweighed by the potential for delay in many cases attending the submission and consideration of repeated motions for summary decision. Nor do we think that the availability of such procedures should turn on the fortuitous circumstance of a continuance being ordered for other reasons at the precise stage of the hearing at which a motion is considered appropriate. The question as to whether the presiding officer should rule on a dispositive issue following submission of evidence on that issue, with further proceedings conditioned on that ruling, is properly resolved when the proceeding is designated for hearing, at which point the Commission will determine whether to order a separate hearing on the dispositive issue or a full hearing on all issues, and will phrase the issues accordingly. Where an evidentiary hearing has been held on a dispositive issue, moreover, it would appear that the presiding officer should receive proposed findings and issue an initial (rather than a summary) decision.[6]

13. Petition for reconsideration of an order designating a proceeding for hearing. In the notice of rule making, we proposed to substitute summary decision procedures for current procedures (§ 1.111) under which an applicant may petition for reconsideration of an order designating his application for hearing and ask that the application be granted without further proceedings. The FCBA Committee supports this proposal generally but suggests that the right to petition for reconsideration be retained where "only a question of Commission policy is involved, and it is apparent that an evidentiary hearing is not required for determination of that particular policy question." There is some merit in this suggestion. The presiding officer does not make policy but rather implements policies made by the Commission. Nor is he authorized to terminate a hearing ordered by the Commission on the ground that it is not required by Commission policy. It is possible for the Commission to err as to policy in designating an application for hearing and for policy to change following designation in such a way as to obviate the need for hearing. A party should not, in such circumstances, be forced to go through a full evidentiary hearing before having an opportunity to raise the policy issue. Thus, procedures for presenting such questions to the Commission prior to hearing should be provided. However, we are not prepared to provide for reconsideration of any "question of policy." Access to the Commission prior to hearing should be limited to circumstances involving an apparent policy error or change and should not, as the FCBA Committee suggests, encompass the presentation of arguments favoring a change in policy which would obviate the need for hearing.

The term "question of policy", moreover, is insufficiently definitive and would do little to limit the submission of petitions for reconsideration of designation orders. For these reasons, we have decided on an alternative procedure, set out below in § 1.106(a)(2). This section provides that a party may request the presiding officer to certify to the Commission the question as to whether, on policy in effect at designation or adopted since designation, and undisputed facts, a hearing should be held, and provides for certification of the policy question to the Commission upon a finding of substantial doubt. This procedure is available to any party to a case designated for hearing and is not limited to applicants seeking grant without hearing. While affording access to the Commission in a limited number of circumstances where a hearing may be wasteful, the procedure should limit access, as intended, to a small number of unusual cases.

[5] We do not mean to suggest that any greater or lesser use should be made of the discovery procedures than at present, but only that when, in the judgment of the presiding officer, the use of discovery will contribute to the proper conduct of the proceeding, an adequate period (usually prior to the prehearing conference) should be allowed for its completion. Moreover, we would again stress, as we did upon adoption of the discovery rules, that, "When the discovery procedures are invoked, parties and counsel are expected to direct themselves with energy to their successful completion and to take extraordinary measures, if necessary, to avoid undue delay in commencement of the hearing" (11 FCC 2d 185, 192).

[6] We do intend to consider, in a separate proceeding, procedures under which a party could move for decision at the close of any other party's case. However, such procedures would be substantially different from those governing a motion for summary decision.

14. Other suggestions. In accordance with suggestions made in the comments, we have, in § 1.251(e), specified the nature of the presiding officer's opinion and provisions for appeal of his ruling. If the presiding officer's ruling on a motion for summary decision terminates the proceeding, he will issue a Summary Decision, which is subject to appeal or review in the same manner as an Initial Decision. If the presiding officer denies the motion or disposes of less than all of the issues without terminating the proceeding, he will issue a memorandum opinion and order, interlocutory in character, which is subject to appeal, with his consent, under § 1.301. It is also suggested that the Commission reserve the right to specify, in the designation order, that summary decision procedures shall not be utilized in a particular case. We are of the opinion that the Commission has the necessary authority to vary its procedures for a particular case, within statutory limits, with reasonable advance notice to the parties, and that a special provision in this respect as to the availability of summary decision procedures is unnecessary.

15. Editorial changes. Changes in the proposed rules other than those discussed above encompass minor changes in wording, rearrangement of provisions and addition of cross references, and do not appear to require comment or explanation.

16. Authority for adoption of the rules set forth in the attached Appendix is contained in section 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r).

17. In view of the foregoing: *It is ordered*, That Part 1, the rules of practice and procedure, is amended as set forth below, and that this proceeding is terminated. The new procedures shall apply to cases designated for hearing on or after May 19, 1972.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 5, 1972.

Released: April 12, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] BEN F. WAPLE,
Secretary.

Part 1 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 1.106, the headnote and paragraph (a) are revised to read as follows:

§ 1.106 Petitions for reconsideration.

(a) (1) Petitions requesting reconsideration of a final Commission action will be acted on by the Commission. Petitions requesting reconsideration of a final decision of the Review Board will be acted on by the Board or certified to the Commission (see § 0.361 (b) and (c) of this chapter). Petitions requesting reconsideration of other final actions taken pursuant to delegated authority will be acted on by the designated authority or referred by such authority to the Commission. A petition for reconsideration of an order designating a case for hearing will be entertained if, and insofar as, the petition relates to an adverse ruling with respect to petitioner's participation in the proceeding. Petitions for reconsideration of other interlocutory actions will not be entertained.

(2) Within the period allowed for filing a petition for reconsideration, any party to the proceeding may request the presiding officer to certify to the Commission the question as to whether, on policy in effect at the time of designation or adopted since designation, and undisputed facts, a hearing should be held. If the presiding officer finds that there is substantial doubt, on established policy and undisputed facts, that a hearing should be held, he will certify the policy question to the Commission with a statement to that effect. No appeal may be filed from an order denying such a request. See also, §§ 1.229 and 1.251.

. . . . .

§ 1.111 [Revoked]

2. Section 1.111 is revoked.

3. Section 1.248(b) is revised to read as follows:

§ 1.248 Prehearing conferences; hearing conferences.

. . . . .

(b) (1) The presiding officer (or the Commission or a panel of commissioners in a case over which it presides), on his own initiative or at the request of any party, may direct the parties or their attorneys to appear at a specified time and place for a conference prior to or during the course of a hearing, or to submit suggestions in writing, for the purpose of considering any of the matters set forth in paragraph (c) of this section.

(2) Except as circumstances otherwise require, the presiding officer shall allow a reasonable period prior to commencement of the hearing for the orderly completion of all prehearing procedures, including discovery, and for the submission and disposition of all prehearing motions. Where the circumstances so warrant, the presiding officer shall, promptly after the hearing is ordered, call a preliminary prehearing conference, to inquire into the use of available procedures contemplated by the parties and the time required for their completion, to formulate a schedule for their completion, and to set a date for commencement of the hearing.

. . . . .

4. Section 1.251 is added to read as follows:

§ 1.251 Summary decision.

(a) Any party to an adjudicatory proceeding may move for summary decision of all or any of the issues set for hearing. The motion shall be filed at least 20 days prior to the date set for commencement of the hearing. The party filing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the presiding officer, that there is no genuine issue of material fact for determination at the hearing.

(b) Within 14 days after a motion for summary decision is filed, any other party to the proceeding may file an opposition or a countermotion for summary decision. A party opposing the motion may not rest upon mere allegations or denials but must show, by affidavit or by other materials subject to consideration by the presiding officer, that there is a genuine issue of material fact for determination at the hearing, that he cannot, for good cause, present by affidavit or otherwise facts essential to justify his opposition, or that summary decision is otherwise inappropriate.

(c) Affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein.

(d) The presiding officer may, in his discretion, set the matter for argument and call for the submission of proposed findings, conclusions, briefs or memoranda of law. The presiding officer, giving appropriate weight to the nature of the proceeding, the issue or issues, the proof, and to the need for cross examination, may grant a motion for summary decision to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is otherwise entitled to summary decision. If it appears from the affidavits of a party opposing the motion that he cannot, for good cause shown, present by affidavit or otherwise facts essential to justify his opposition, the presiding officer may deny the motion, may order a continuance to permit affidavits to be obtained or discovery to be had, or make such other order as is just.

(e) If all of the issues (or a dispositive issue) are determined on a motion for summary decision, no hearing will be held. The presiding officer will issue a Summary Decision, which is subject to appeal or review in the same manner as an Initial Decision. See §§ 1.271–1.282. If some of the issues only (including no dispositive issue) are decided on a motion for summary decision, or if the motion is denied, the presiding officer will issue a memorandum opinion and order, interlocutory in character, and the hearing will proceed on the remaining issues. Appeal from interlocutory rulings is governed by § 1.301.

(f) The presiding officer may take any action deemed necessary to assure that summary decision procedures are not abused. He may rule in advance of a motion that the proceeding is not appropriate for summary decision, and may take such other measures as are necessary to prevent any unwarranted delay.

[7] Concurring statement of chairman Burch, in which commissioner Wiley joins, filed as part of the original document; Commissioner Robert E. Lee absent.

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(1) Should it appear to the satisfaction of the presiding officer that a motion for summary decision has been presented in bad faith or solely for the purpose of delay, or that such a motion is patently frivolous, he will enter a determination to that effect upon the record.

(2) If, on making such determination, the presiding officer concludes that the facts warrant disciplinary action against an attorney, he will certify the matter to the Commission with his findings and recommendations, for consideration under § 1.24.

(3) If, on making such determination, the presiding officer concludes that the facts warrant a finding of bad faith on the part of a party to the proceeding, he will certify the matter to the Commission, with his findings and recommendations, for a determination as to whether the facts warrant addition of an issue as to the character qualifications of that party.

5. Section 1.267(a) is revised to read as follows:

§ 1.267 Initial and recommended decision.

(a) Except as provided in §§ 1.251 and 1.274, or where the proceeding is terminated on motion (see § 1.302), the presiding officer shall prepare an initial (or recommended) decision, which shall be transmitted to the Secretary of the Commission. The Secretary will make the decision public immediately and file it in the docket of the case.

* * * * *

[FR Doc.72-5778 Filed 4-14-72;8:51 am]

[Docket No. 18809; FCC 72-309]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

Authorization of Ground-to-Air Communications

Report and order. In the matter of amendment of Part 2 of the Commission's rules to permit the authorization of ground-to-air communications on the frequencies 122.65, 122.70 and 122.75 MHz, Docket No. 18809, RM-1881.

1. A notice of proposed rule making in the above-captioned matter was released on March 6, 1970, and published in the FEDERAL REGISTER on March 11, 1970 (35 F.R. 4333). The dates for filing comments and replies have passed.

2. Comments were filed by: Collins Radio Co. (Collins), Sprague Electric Co. (Sprague), Tenneco, Inc. (Tenneco), and Trunkline Gas Co. (Trunkline).

3. The NPRM was the result of a request by the Federal Aviation Administration (FAA) to amend Part 2 of the Commission's rules in a manner which would permit the assignment of frequencies 122.65, 122.70, and 122.75 MHz to FAA Flight Service Stations for safety-of-flight communications with general aviation aircraft. FAA points out that these frequencies are now available for airborne use and thousands of aircraft have the capability to use them, but they are not now authorized for ground-to-air communications. FAA presently renders safety-of-flight service on frequencies in the band 121.975–122.625 MHz pursuant to one of the provisions in footnote US31 to the Table of Frequency of Allocations, § 2.106 of the rules. Because of congestion on those channels, however, FAA recommends that this provision be expanded by shifting the upper limit to 122.775 MHz, thereby incorporating three additional channels for flight service station use.

4. Comments by Sprague, Tenneco, and Trunkline agreed with the Commission's proposal. While Collins did not object to the proposed use, it did indicate concern over the potential of third order intermodulation interference resulting from the mixing of the proposed frequencies with existing flight test station frequencies at the same airport. An interference potential would exist if the mixing produced a signal on a third frequency being received nearby. Collins cites as an example the mixing of the proposed flight service station frequency 122.65 MHz with flight test frequency 123.4 MHz to produce a third order intermodulation product on ground control frequency 121.9 MHz, i.e., (2) (122.65) — 123.4=121.9. The actual mixing occurs in the front end of the receiver experiencing the interference. For interference to occur, both of the offending signals must be present in the receiver front end at sufficient amplitudes to produce a detectable intermodulation product. The problem can thus be alleviated by filtering out one of the offending signals at the input to the receiver or by not assigning one of the frequencies in that particular location.

5. Intermodulation interference is not a new problem nor is it peculiar to the frequencies proposed herein for flight service station use. Moreover, the FAA has informed us that it has developed a computer program which can accurately predict when the introduction of a new frequency at an airport would cause third order intermodulation interference. If such interference is indicated, the FAA has said its current procedure is either to select a different frequency for the proposed station, or to take other corrective action including possibly the installation of appropriate filtering at the receiver site. The availability of three additional frequencies for flight service station use as proposed herein merely provides the FAA with the flexibility of choosing from 11 frequencies instead of the present eight, thereby reducing the overall potential of interference rather than increasing it as suggested by Collins. It would appear, therefore, that the existing procedure is adequate to avoid intermodulation interference, and we see no merit in attaching a secondary status to flight service stations as proposed by Collins.

6. Petition RM-1881, encaptioned above, is essentially a restatement by FAA of its support for the Commission's proposals issued in the original NPRM, and the present action adopting those proposals renders RM-1881 moot.

7. *Accordingly, it is ordered,* That pursuant to the authority contained in section 303 (b), (c), and (r) of the Communications Act of 1934, as amended, effective May 19, 1972, Part 2 of the Commission's rules is amended as set forth below. *It is further ordered,* That this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 2.106 footnote US31 is amended to read as follows:

US31 Except as provided below, the band 121.975–123.075 MHz is for use by private aircraft stations.

The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 MHz may be assigned to aeronautical advisory stations.

The frequency 122.90 MHz may be assigned to aeronautical multicom stations.

Air carrier aircraft stations may use 122.00 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.80 MHz for communication with other aircraft and with aeronautical advisory stations.

Frequencies in the band 121.975–122.775 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only, except that 122.0 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

[FR Doc.72-5779 Filed 4-14-72;8:51 am]

[Docket No. 18867; FCC 72-327]

PART 73—RADIO BROADCAST SERVICES

Modulation of Carrier of Standard Broadcast Stations

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations concerning Standard Broadcast Stations to prescribe a limit on positive modulation.

1. This proceeding primrily concerns a proposed amendment of § 73.55 of the Commission's rules and regulations, which governs the practices to be followed in the modulation of the carrier of a standard broadcast station. This section requires, among other things, that negative modulation peaks be limited to 100 percent. We proposed that the rule be amended to apply the same limit to positive peaks.[2] As an ancillary matter, an amendment is proposed of the definition of percentage modulation (amplitude), set forth in § 73.14(1), to provide for separate definitions for modulation in the positive and negative directions.

2. As a reason for this proposal, we cited the fairly recent availability and use of broadcast transmitters purposely designed to have modulation capability greatly in excess of 100 percent, and the likelihood that broadcasters paying for transmitters with this capability would expect to use it. This can be done by supplying such transmitters with an asymmetrically limited audio signal, so polarized that, while negative excursions of the carrier are controlled, positive excursions may be produced whose magnitudes are limited only by the transmitter's ultimate modulation capability. Such operation would not violate § 73.55, as presently written. A station operated in this manner, we suggested, would cause interference to other stations in excess of that produced by a transmitter of the same carrier power, but with a more restricted modulation range, and in excess of that which was contemplated when the cochannel and adjacent channel desired/undesired carrier ratios contained in the Commission's rules were established. In addition, we raised the possibility that such severely asymmetrical modulation could result in undue audio distortion and excessive carrier shift.

3. We recognized that the waveforms of certain natural sounds are asymmetrical, and that it is accepted practice to polarize the output of sound transducers so that the higher peaks of such waveforms modulate the carrier in a positive direction. Thus, even without audio processing, modulation in excess of 100 percent in the positive direction can be achieved, without negative peaks causing carrier cutoff. Accordingly, while we proposed a rule amendment which would limit positive peaks to 100 percent, we asked for comment on what higher limit might be desirable to accommodate such natural asymmetries.

4. The notice of proposed rule making herein, adopted May 20, 1970, specified August 3, 1970, and September 3, 1970, as the respective deadlines for filing comments and reply comments. These dates were later extended by order until November 5, 1970, and December 2, 1970. Thirty-two parties filed comments (see Appendix A). Gates Radio Co., in addition to an earlier pleading, filed supplementary comments on December 7, 1970, with a petition requesting their acceptance. The comments report the results of certain transmitter tests which are pertinent to the matters considered in this proceeding. Accordingly, these late comments are hereby accepted.

5. Five parties support the adoption of a 100 percent positive modulation limit. Some of these parties, speaking for the small broadcaster, urge that the continuing development and use of equipment designed to permit higher and higher average levels of modulation creates a competitive situation imposing economic penalties on the broadcaster who chooses not to enter the competition, and which is detrimental to the more conservative operator, who is called upon to explain why his station is not as "loud" as other stations in his community. Increased distortion and interference are cited as byproducts of such high modulation levels.

6. The Clear Channel Broadcasting Service (CCBS), an organization representing 11 independent Class I–A clear channel stations, states, "Based on tape recordings made by CCBS in the field during the past two decades, cochannel and adjacent channel interference has increased substantially due in significant part to excessive modulation levels." Clear channel stations, it observes, cannot employ unusually high levels of modulation in an attempt to compensate for such increased interference, because its employment results in an increase in distortion experienced with selective fading of signals in the secondary service area. CCBS suggests that there is no need to provide "headroom" to accommodate naturally occurring asymmetrical waveforms, since appropriate signal processing can minimize asymmetries. Even though the Commission adopts a 100 percent positive modulation limit, which it recommends, CCBS contends that this measure alone may not be effective in controlling interference caused by improper modulation practices, since this limit may be maintained in station operation by "hard" clipping of peaks, productive of adjacent channel "splatter." [2] (A similar observation is made by Station KLNG, and offered as a reason why no limit should be placed on positive going modulation.)

7. Approximately one-half of all the comments received opposed the setting of a positive modulation limit. The majority of these comments came from individual broadcaster, or from attorneys representing two or more stations, many or all of which appear to have been employing transmitters and auxiliary equipment producing positive modulation peaks substantially in excess of 100 percent.[3] A number of these stations utilize an "Audio Pilot," a device developed by George Frese, a consulting engineer practicing in the Northwest, who filed a separate pleading urging that no restriction be imposed. According to Mr. Frese, the Audio Pilot operates automatically to polarize the higher peaks in the complex modulating audio waveform so as to produce positive going modulation. The negative peaks are limited, but no restriction is placed on positive peaks.[4] Mr. Frese claims that the use of his system results in a "phenomenal" increase in the service area of the station employing it, but insists that it "does not in any way cause additional harmful objection [sic] offensive interference to any of his fellow broadcasters." He contends that this conclusion is arrived at after field observations of the operation of stations equipped with the "Audio Pilot." In addition, the effects of "loud commercials" are minimized, and the audio signal is of much better quality than if symmetrical limiting were employed. Mr. Frese states that although he has made 35 installations of his "Audio Pilot," in only two cases has he experienced difficulty in producing a substantial degree of positive peak modulation in modern broadcast transmitters. He cites a few spot field intensity measurements in connection with aural observations to support his contention that station equipped with the Audio Pilot do not cause greater cochannel interference than existed before the Audio Pilot was installed. He attributes decreases in adjacent channel interference to "cleaner" sideband power.

8. Mr. Frese does not state the peak modulation percentages that can be achieved by the use of his system, although he mentions a "4 db" increase in sideband power. However, Jack Shuetts, head of the engineering department of KMBY Monterey, Calif., which recently purchased an Audio Pilot states "This device * * * has the capability of modulating the transmitter to an excess of 180 percent positive peaks * * *". (It is to be noted that KMBY is a Class IV station, 1 kw. day, 250 watts night, and this capability may refer only to the night time operation, in which the transmitter may have a large excess of modulation capability.)

9. Gates Radio Co., manufacturers of broadcast equipment, including transmitters and limiters, has filed a report of

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[1] Commissioner Robert E. Lee absent; Commissioner Johnson concurring in the result.

[1] Section 73.55 presently reads as follows: The percentage of modulation shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice. In no case is it to exceed 100 percent on negative peaks of frequent recurrence. Generally, it should not be less than 85 percent on peaks of frequent recurrence; but where necessary to avoid objectionable loudness modulation may be reduced to whatever level is necessary, even if the resulting modulation is substantially less than 85 percent on peaks of frequent recurrence.

[2] It would appear that the practice is not confined to stations using transmitters with excessively large modulators. A transmitter designed for operation at two power levels (e.g., 1 kilowatt daytime, 250 watts nighttime) and adjusted to the lower power level by reducing the input power to the final RF stage, has a capability for high levels of modulation when operating at the lower level.

[3] CCBS suggests that in a further proceeding we consider revisions of § 73.40 (12), (13), and (14) to provide "clearer and more useful guidelines on the permissible out of channel radiation, together with instrumentation to indicate compliance with the rule."

[4] As described, the functioning of the Audio pilot, as described above, appears to be similar to that of at least two other commercially available makes of asymmetrical limiters.

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measurements made on an especially adjusted transmitter to demonstrate that positive modulation peaks exceeding 200 percent with program material results in average sideband power which is less than would be produced by 100 percent modulation with a sinusoidal single frequency signal. Since this is the case, Gates argues that excessive levels of interference should not result from high percentages of positive modulation. Two of the other parties to this proceeding have made similar arguments.

10. On the theory that the adverse effects of high percentages of positive modulation will be manifested primarily in increased adjacent channel interference caused by distortion products falling in these channels, CCA Electronics Corp., a manufacturer of broadcast transmitters and other equipment, has submitted the results of measurements intended to show that such interference can be controlled by a low pass filter of suitable characteristics. CCA is of the opinion that most modern broadcast transmitters will accommodate positive modulation peaks of 125–135 percent without undue distortion being generated in the modulation process. CCA has also submitted a report on an extensive post card survey, in which 4,200 stations were asked (1) whether an "asymmetrical peak-limiting compressor" is used by the station, (2) what specific equipment is used, (3) whether to the knowledge of station personnel interference had been caused to other stations through its use, and (4) whether interference had been received from stations "who operate with compressing equipment". Of the 864 stations that replied, CCA states 743 indicated they were using "asymmetrical compression equipment", no station indicated, to its knowledge, that the use of such equipment had resulted in interference to other stations. According to CCA, 12 stations stated they had experienced interefernce as a result of overmodulation by other stations, but such interference was not necessarily produced by the use or misuse of limiting apparatus.

11. Approximately one-third of the parties commenting in this proceeding favored a restriction in the degree of positive modulation, but urged that the maximum permissible level be set above 100 percent, the proposed maximums ranging from 115 to 130 percent.[5] Generally, the reason given for permitting such higher levels is to accommodate naturally asymmetrical waveforms. CBS Laboratories notes that while some natural occurring asymmetries exceed 2db, this appears to be a typical value. It suggests a modulation ceiling of 125 percent for this reason. Furthermore, it urges that "headroom" of this amount is desirable to minimize differences in loudness often experienced in shifts from recorded material to locally organized speech.[6] On the question of cochannel and adjacent channel interference, CBS recognizes that such interference is a function of the modulated carrier only. It states, however, that the level of such interference depends on total audio power, and significant changes in instantaneous peak amplitudes can be made without affecting "the total energy or loudness of a signal."

12. EIA, Westinghouse, and NAB independently arrive at a proposed maximum positive modulation level of about 115 percent. In each case, the limit is determined primarily as a result of a mathematical analysis of the degree of asymmetry which can be tolerated without the resulting transmission exceeding the amount of carrier shift and harmonic distortion permitted by the Commission's rules.[7]

DISCUSSION

13. It is severally and collectively the position of those parties who oppose amendment of the rules to place a limit on positive going modulation that the adverse effects which we see as resulting from a high level of such modulation—increased cochannel and adjacent channel interference, excessive carrier shift and distortion—do not occur, or need not occur if the technique is properly applied. A variety of arguments, but a paucity of useful evidence, is offered in support of these assertions.

14. Frese suggests that the main source of cochannel interference is the interaction of the undesired carrier with the desired, i.e., heterodyne interference, not the modulation on the undesired carrier.

15. Heterodyning can contribute significantly to cochannel interference if it is exceptionally strong and/or the difference in frequency between the desired and undesired signals is sufficiently great to produce a beat frequency well up in the audio range. The latter situation cannot occur if the stations involved are operating within the frequency tolerance prescribed in the Commission's rules. An undesired unmodulated signal producing 5 percent modulation of a desired modulated signal would normally be imperceptible; however, an undesired signal of this relative strength modulated with program material at normal levels will cause interference to the desired signal of a degree which one out of three observers would deem to be objectionable.[8]

INTERFERENCE

16. On the general question of interference, several of the parties argue there should be little danger of excessive interference since the average sideband power produced with normal program modulation, even when positive peaks greatly exceed 100 percent, is lower than the sideband power contributed by 100 percent modulation with a sinusoid of unvarying peak amplitude. Gates demonstrates that this is the case by calorimetric measurements of the output power of a transmitter modulated with program peaks extending to about 200 percent in the positive direction. In the Gates test, the average sideband power was found to be only about 45 percent of the sideband power with 100 percent sine wave modulation.

17. The standard against which the interference causing potentiality of a station employing high levels of positive modulation must be measured is the amount of interference produced by a station modulating with program material and positive peaks not exceeding, or not greatly exceeding 100 percent, not that caused by a hypothetical station utilizing sine wave modulation, as Gates and others would suggest.

18. ABES notes that since the practice of polarizing program peaks to produce positive going modulation long has been followed, any additional interference which might result from naturally asymmetrical modulation has already been taken into account in the observations which led to the establishment of present cochannel ratio, i.e., that the ratio includes the effect of undesired signals modulated in excess of 100 percent. The difficulty with this argument, even if the situation were as ABES suggests, is that in any particular observation of interference of one signal to another, either or both signals might have been modulated in excess of 100 percent. Thus, in a ratio representing the result of many separate observations, the effect, if present, is not taken into account in any systematic way, but rather, cancelled. Relevant to this question, CCBS is of the opinion that broadcast transmitters in

[5] Cecil Lynch, Consulting Engineer, suggests a limit of "100 percent+3db" (approximately 140 percent) provided that measured harmonic distortion does not exceed 10 percent. He supplied the results of a series of measurements made at Station KPOP, Roseville, Calif., which employs a system permitting positive modulation of this magnitude.

[6] CBS points out that recorded material has been previously processed, and in many recordings the ratio of peak to average level has been greatly restricted. "Live" speech has a much greater dynamic range. The station limiter, operating on the peak level of the program material, will reduce the average level of speech as much as 5 decibels with respect to the recorded program, with a consequent drop in the relative loudness of the speech.

[7] The model for the asymmetrical waveform used by EIA differs from that employed by Westinghouse and NAB. Each of the latter presumably were constructed in the same way, and yield identical figures for carrier shift and distortion. Utilizing the EIA model, nonlinear distortion is found to be the controlling factor, whereas Westinghouse and NAB compute carrier shift of 5 percent for a positive modulation level of 115.7 percent.

[8] The ratio of the desired to undesired carrier in the above example is, of course, 20 to 1, the cochannel ratio established in the rules, and the statement made regarding the interference is a simplified statement of the significance of the rule. The ratio was established by a statistical analysis of the results of many observations involving many observers, with various kinds of program material used for modulating the desired and undesired signals. The validity of this determination, originally made a great many years ago, was reaffirmed as a result of an extensive investigation conducted in 1945, in connection with Docket No. 6741.

use at the time the ratio was established were generally incapable of positive modulation much in excess of 100 percent, "soft" limiting in the transmitter occurring of peaks in excess of this level.

19. Whatever the situation may have been at that time, many modern transmitters, the comments attest, have appreciable excess positive modulation capability, and to the extent this is utilized, without excessive negative peak limiting, to accommodate peaks in program material, principally speech, having natural asymmetries, some advantages result. We recognize CBS' contention that broadcasting would be benefited by the imposition of a 100 percent ceiling. However, improvement in the overall interference situation resulting from such a limitation, as compared to a situation where a reasonable degree of latitude above 100 percent is permitted, probably would be small, and, as has been suggested, might be partially or wholly negated by the effects of the rather severe positive peak limiting which might otherwise become necessary. Conversely, the provision of a reasonable amount of "headroom" can result in a better sounding signal, an appreciable increase in average effective service, and, as CBS notes, would make possible the minimizing of abrupt changes in loudness which may result when shifts from recorded to live program material take place. It is the opinion of several of the parties that natural asymmetries can be accommodated under a positive modulation ceiling of 115 to 130 percent. It would appear that many transmitters can easily provide positive peaks of program modulation within this range. The average power present in the sidebands, which, we agree with CBS, is the important factor in cochannel interference considerations, is increased only slightly by the provisions of "headroom" of this general magnitude.[9]

20. If, however, a positive modulation ceiling is not imposed and an audio signal whose natural asymmetry has been emphasized by negative peak limiting is used to modulate a transmitter capable of extreme levels of modulation, the adverse effects produced may no longer be minimal. This is demonstrated by the transmitter tests reported by Gates, previously referred to, which include the results of measurements from which a comparison may be made of the average sideband power produced by symmetrical modulation with program material to the 100 percent limit, and the sideband power produced by similar material with negative peak limiting, and positive peaks going to aproximately 200 percent. The average sideband power in the second instance exceeded the first by 68 percent.

21. As we noted before, we do not have extensive information as to the levels of positive peak modulation attained by those stations who report that, since applying techniques for achieving high levels, they have been providing much stronger demodulated signals in their normal service areas and/or have extended their useful service radii substantially. If the augmented relationship of modulation to carrier exists everywhere in an area comparatively close to the transmitter, both experience and theory would hold that the same relationship will be maintained at greater distances from the station, where the signal may invade the service area of a cochannel station, and the enhanced modulation will be reflected in increased interference to that station. The presumption that this will be the case is so strong it can be refuted only by properly executed engineering measurements demonstrating that this result does not occur. However, the material that has been presented in an effort to show the actual absence of adverse effects consist of the returns of the postal card survey conducted by CCA, the opinions of Mr. Frese and a number of engineers familiar with certain stations operating with enhanced positive peak modulation, based on aural observations, and the results of a few spot field strength measurements made by Mr. Frese.

22. The postal card survey revealed that the great majority of the stations responding to CCA's inquiry employ asymmetrical limiters of some type, and that the operators of these stations have not received complaints they are causing undue interference to other stations. There is no indication which, if any, of these stations operate with very high levels of positive peak modulation. In the few cases where specific comments is made on this point, peaks of 105 to 120 percent are cited. We do not believe that positive modulation of this degree should have an appreciable adverse effect.

23. In any event, increased interference to which a particular station may be subject as a result of excessively high positive modulation by another station, unless it is of major proportions, occurs near the outer edge of a station's service area, where the existing interference level undergoes temporal variations with changing propagation conditions. Most station operators have learned to live with these changes, and ordinarily find it difficult to distinguish between increases in interference from natural causes, and increases which are the result of changed operating practices at interfering stations. This, of course, is particularly true after nightfall, when each station is subject to sky wave interference from numerous sources, some quite distant, which varies greatly in average intensity from night to night. Thus, we believe that the fact that a station does not receive complaints it is causing an unnecessary degree of interference to other station does not prove that such interference is not being caused.

24. Spot measurements supply insufficient information on which to establish whether improvement or degradation of interstation interference, in any particular situation, has occurred, and may provide results which cannot be considered as representative. Thus, in an extreme case, Mr. Frese describes an instance in which adjacent channel interference did not become troublesome until the ratio of the field strength of the undesired to the desired signal approached 100 to 1. Conceding that the 1:1 adjacent channel protection ratio specified in our rules may be conservative, this kind of evidence obviously raises more questions than it answers.

25. We recognize that Mr. Frese, some of the users of the Audio Pilot, and operators of perhaps similar systems claim lower levels of adjacent channel interference are achieved with their systems. A number of those commenting seem to assume that if the modulation process generates no new sideband components falling in adjacent channels, increased interference cannot result from increased modulation levels. Such an assumption, of course, is far from true. The 1/1 desired to undesired adjacent channel ratio in the Commission's rules contemplates a response curve in the "average" receiver which is 26 db "down" at a point 10 kHz removed from the point of maximum response, but would usually be much less at frequencies which include the sideband of an adjacent channel station. It further should be noted that the average broadcast transmitter with "normal" modulation has sideband energy which extends outside its nominal ±5 kHz channel. It should be evident that in any given situation the presence of a stronger signal on an adjacent channel, and perhaps more particularly when the stronger signal is the result of a higher level modulation, can be a source of increased interference to a desired signal.

26. The amount of adjacent channel interference observed in any particular situation is affected by a number of variables. If the particular receiver used is more selective than the "average" receiver, the interference experienced on that receiver may be less than would be noticed in the average case. It is also well known (and CCA has demonstrated, although for an assumed channel separation of 20 kHz, rather than 10) that adjacent channel interference, in many cases, can be substantially reduced by the installation, in the broadcast transmitter, of a low pass filter, which attenuates the higher modulation frequencies. (Effective reductions can be achieved in this manner without affecting the transmitter's ability to meet the requirements of § 73.40(a)(4).) On the other hand, excessive nonlinear distortion in the transmitter can result in the generation of components not present in the modulating waveform and, the creation of out-of-channel interference greater than that which would otherwise be present.

[9] We believe this to be true, even though we recognize in either case compression may be used. Thus, within a 100 percent positive modulation limit, a station may be operated with considerable amounts of compression, which in itself, makes possible the modulation of the carrier at a higher average level than otherwise, with a consequent increase in average sideband power.

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27. Mr. Frese claims that users of his "Audio Pilot" cause no more, and, in many cases less adjacent channel interference than was produced before the system was employed because "good, pure sideband power" is generated. He points out that when transmitters are equipped with the "Audio Pilot," particular care is taken to reduce inherent transmitter distortion to as low a level as possible. He also states that this device includes "a variety of minor control features that do not necessarily fall within the scope of this docket."

28. To the extent that any system which provides more effective control of negative peaks is substituted for a less effective system, adjacent channel "splatter" may be reduced. If an existing situation were bad enough, it is possible that a new system, exercising such control, and at the same time producing positive peak excursions substantially in excess of 100 percent, may, on balance, represent an improvement in this respect. However, this would be the case only if the previous system did not function effectively in controlling negative peaks or if there were other sources of distortion which were reduced when the new system was installed. Under such conditions, if a net reduction in adjacent channel interference is experienced, it would follow that the reduction results, not from enhanced positive peak excursions, but in spite of them.

Distortion

29. We believe it axiomatic that the application of any technique which induces asymmetries in the modulated envelope greater than those present in the natural modulating waveform inevitably contributes distortion. Several of the parties have attempted to demonstrate this with mathematical studies of asymmetrical waveforms. However, such studies are of limited value, since the models employed are artificial, and cannot be considered as closely approximating the actual waveforms involved.

30. On the other hand, we have experimental evidence on this subject, supplied by two of the parties. One of the tests performed by CCA involved the application of sine wave modulation to a modern broadcast transmitter through an asymmetrical limiter of a type very widely used. The following values were recorded:

Modulation

Positive peaks	Negative peaks	Total harmonic distortion
		Percent
95	90	2.0
102	92	3.0
114	85	7.0
127	97	11.0
130	98	15.0
135	99	10.0

31. Cecil Lynch provides the results of measurements made on the KPOP transmitter, which employs a system including separate modulator and RF amplifier power supplies and a "negative peak wave shaper" (essentially a negative peak limiter which provides gradually increasing amounts of limiting beyond 80 percent negative modulation), intended to facilitate extended positive peak modulation. Mr. Lyncl. made sine wave measurements at each of four discrete frequencies disposed over the normal audio spectrum. Set forth below are the results of measurements made at 400 kHz, which are typical of those obtained at other frequencies:

Modulation	Percent distortion
100 percent	1.75
100 percent + 1 db	3.8
100 percent + 2 db	6.6
100 percent + 3 db	9.4
100 percent + 4 db	11.6

32. It should be observed that in both tests distortion increases substantially as the positive modulation level is increased, although in the latter test less rapidly than in the former. Mr. Lynch argues that 10 percent should be the tolerable limit for total nonlinear distortion under such test conditions. This may be contrasted with the limit of 7.5 percent for 95 percent modulation set in § 73.40 of our rules. The transmitters used in both of the tests have far less distortion at 100 percent modulation than the maximum permissible under our rules at 95 percent modulation. A distortion limit of 10 percent would accommodate something above 130 percent positive modulation in the KPOP system, but probably less than 120 percent in the equipment set up utilized by CCA.

33. From the results of these tests it may be concluded that if the Commission were to require equipment performance measurements to be made with audio signal processing equipment in place, and at the highest modulation level each station regularly employs, the recorded values of distortion might well exceed the limit now set in our rules. However it is questionable whether the results obtained in many cases would be reasonably representative of the performance of the tested equipment. For instance, the asymmetrical limiter used in the CCA test, and some other limiters of this general type, when employed with program material process naturally asymmetric waveforms so that the higher peaks in these waveforms will in all cases produce upward deviations in carrier amplitude. Thus, in regular operation, the limiter may accommodate positive peaks considerably exceeding 100 percent, before an appreciable degree of negative peak limiting comes into play. In the CCA test, the limiter was required to distort the sine wave input signal to produce the asymmetrical waveform employed. It seems apparent that the effective degree of distortion produced by such a limiter operating on program material will be less than a sine wave test might indicate.[10] There is of course, a question as to whether the automatic phase reversal process itself constitutes a form of distortion.

Carrier Shift

34. While we cited excessive carrier shift as an adverse consequence of asymmetrical modulation, on consideration of the comments and data filed we are of the opinion that this will not necessarily result. Carrier shift should be apparent only when the modulation process itself ceases to be linear. We recognize that Westinghouse and NAB have submitted mathematical studies purporting to demonstrate that carrier shift of 5 percent might be caused by as little as 115.7 percent positive modulation. However, these studies, and indeed, the EIA study, which also predicts values for carrier shift for specified amounts of positive modulation, seem to be based on the assumption that the asymmetry in the modulated envelope is induced in the modulation process.

35. This, of course, may occur. However, if the asymmetry, whether naturally occurring or artificially induced, is inherent in the audio waveform at the output of the modulator, which is applied to the carrier over a range of amplitudes where its variations are faithfully reproduced in the modulated envelope no carrier shift will be produced, despite the fact that excursions of the carrier of unequal amplitude may be occurring above and below its unmodulated level.[11]

36. Mr. Lynch has provided the results of carrier shift measurements at the KPOP installation which illustrate this point:

Modulation	Carrier shift
100 percent	−1.2 percent
100 percent + 1 db	0
100 percent + 2 db	+1.95 percent
100 percent + 3 db	+4.88 percent
100 percent + 4 db	+8.29 percent

From inspection of the above table, it can be seen that carrier shift does not become significant until positive modulation levels are extended beyond 120 percent, and reaches 5 percent at some point above 140 percent positive modulation. This may be contrasted with a value of 5 percent for a modulation level of 115.7 percent, computed by EIA.

37. Prior to the beginning of this proceeding, Gates Radio Co., provided us with the results of tests which also support this conclusion. In these tests, a transmitter was first modulated 100 percent with a sine wave, and then modulated with the sine wave modified by the partial clipping of alternate half cycles. With the clipped peaks modulating the carrier amplitude in a downward direction, the modulation level was increased until positive peaks reached 125 percent, the maximum capability of that particular transmitter. Under such conditions, the carrier shift was the same as that measured with 100 percent sine wave modulation.[12]

Conclusions

38. The primary concern of the Commission in this proceeding is with the effect of the use of equipment and techniques permitting positive going levels of modulation greatly in excess of 100 percent on the generation of increased cochannel and adjacent channel interference. A station utilizing such equipment and techniques can produce average sideband power which exceeds, in substantial degree if the modulation level is high, the sideband power produced by a more moderate level of modulation. This greater average sideband power is reflected in a stronger demodulated signal in receivers in the station's service area and/or an extension of the limits of this area. The improvement, according to a number of the parties who commented herein, may be marked. Both theory and all prior experience dictate that the same situation must exist at more distant points, where the field produced by the station is comparatively low, but is capable of causing interference to other stations. No party has offered any reason why this should not occur, or has proffered any convincing evidence that such operation does not carry with it an increased potentiality for interstation interference.

39. A carefully engineered system embodying a capability for achieving high levels of positive modulation may incorporate features which may compensate, to some degree, for the potentiality for increased adjacent channel interference otherwise inherent in such operation. However, such features cannot be effective in limiting cochannel interference.

40. Any system of limiting or compression, whether symmetrical or asymmetrical, can be employed to make possible transmission of program material at a higher average level than would otherwise be possible, and the almost universal adoption of limiting techniques by broadcasting stations over the years has resulted in nearly all stations possessing a capability for causing interference in excess of that which existed at the time the protection ratios were established. To the extent the use of these techniques is general, the effect, as between stations, is canceled, although some imbalance obtains between stations who limit and modulate heavily, and those which follow more conservative practices.

41. While, as CCBS suggests, we might attempt to roll back conditions to those which existed many years ago (which would require, as a minimum, establishing a 100 percent positive modulation limit, and prescribing standards for the amount of permissible compression or limiting) we do not see the necessity or even the desirability for this action. With the ceiling for positive modulation set at a reasonable level, sideband power will be increased only slightly.

42. We recognize that, at least in the AM band, the most generally satisfactory and acceptable service to the public may be provided with a considerable restriction on the dynamic range of program material, i.e., for many of the receivers in use, and in listening environments which often have high levels of ambient noise, a large loudness range in the demodulated signal may be undesirable. We further recognize the desirability for providing some "headroom" in which to take advantage of naturally asymmetrical modulating waveforms, and to minimize the possibility that excessive limiting at the transmitter will create differences in loudness between adjacent program segments.

43. While we instituted this proceeding because of our concern with the effects of using newly available transmitters so designed as to be capable of excessively high levels of positive going modulation, the comments filed herein make it evident that the problem is not confined to such transmitters. Many existing transmitters, after some modification and with suitable auxiliary equipment, can be and are operated so as to produce positive modulation peaks far exceeding the 100 percent level.

44. We do not wish to place arbitrary restrictions on modulator design in our type acceptance standards, as suggested by some; we agree with those who suggest that a transmitter with some excess modulating capability can be expected to provide a higher quality signal in normal operation. We therefore adhere to our original intention of applying such restrictions as we think necessary at the point the aural signal is applied to the carrier.

45. After consideration of the comments and other relevant factors, we have decided to modify § 73.55 of the rules to specify a ceiling on positive modulation of 125 percent. This ceiling should be sufficiently high to accommodate the higher peaks of naturally asymmetrical program material, but still not so high as to permit operation under such conditions that average sideband power is increased to troublesome levels. In maintaining modulation levels within this ceiling, individual licensees will undoubtedly employ various amounts and types of positive and negative limiting, with varying degrees of resulting nonlinear distortion. However, it is our intention that the effective amount of such distortion not exceed 7.5 percent, which is the maximum permitted by § 73.40(a)(3). By contemporary standards, this is a generous allowance. A modern transmitter with inherently low distortion at the 100 percent level, and a linear modulation capability up to 125 percent, should be capable of providing a signal meeting this requirement, unless excessive amounts of limiting are employed.

46. Section 73.40(a)(5) prescribes a limit of 5 percent for carrier shift, and this limit, of course, applies in all cases. As we have previously discussed, this should not be a problem with asymmetrical modulation, absent an attempt to drive the transmitter beyond its linear modulation characteristic.

47. Section 73.55 presently places a limit of 100 percent "on negative peaks of frequent recurrence," and in our notice of proposed rule making herein we proposed to apply this limit, in the same terms, to positive peaks. For the reasons we have set forth above, we have decided to permit positive modulation excursions up to 125 percent. However, we are prescribing this figure as an absolute ceiling. The advantage which might be taken of a rule permitting the ceiling to be exceeded by peaks which are not "of frequent recurrence"—a phrase defying precise interpretation—could be so great as to make the rule practically ineffective.

48. We wish to emphasize that this rule amendment is not intended to require or even to encourage licensees to increase levels of modulation above those they have employed to comply with the existing rule, nor should it be taken by equipment manufacturers as an excuse to alter their designs or specifications to facilitate the use of increased modulation levels.

49. As several of the parties point out, some problem exists in monitoring positive modulation peaks above 100 percent. Type approved monitors are not required to have, and many do not have, the capability for indicating positive peaks of this magnitude. Pending the availability of type approved equipment suitable for this purpose, each licensee may employ such means as he may desire to insure compliance with the modified rule, such as an oscilloscope or a composite indicating device. However, we emphasize that we are prescribing an absolute limit on positive excursions of the carrier, and whatever means is employed for modulation monitoring, whether a conventional monitor or other device, must be capable of accurately indicating the maximum instantaneous amplitudes of these excursions and each station must be so operated that the peak amplitudes

[10] We conclude, however, that the test results for KPOP are more nearly representative of its actual performance. A device is employed in audio chain of this station to equalize the positive and negative peaks of program material. Thus, any asymmetry in the modulating waveform results from negative peak limiting only.

[11] The reason for this becomes clear if it is recognized that an asymmetrical wave is not a sinusoid, but includes harmonics so phased with respect to the fundamental that the two half cycles of the composite wave are differently shaped. Each sinusoidal component of the modulating composite wave produces equal positive and negative excursions of the carrier and causes no change in its average level. Since this is true for individual components of the wave, it will also be the case for the sum of these components, if the modulation process is linear. If, in contrast, the applied audio waveform is altered in the modulating process, the distortion products include a steady state component which is added to or subtracted from the carrier. The resulting carrier shift is an indication that such distortion is occurring, and may be considered as a symptom, rather than a disease, itself.

[12] The total harmonic distortion of the transmitter output signal, measured after demodulation, 28.5 percent, is much higher than EIA would predict for a waveform of the type employed. However, the significant point is that this value is only 1 percent higher than the measured distortion in the modulating waveform. The modulating waveform used in these measurements is essentially the same as that employed in the EIA mathematical study, although the clipped peak was undoubtedly somewhat modified in its passage through the modulator. Had the same degree of clipping been produced in the modulation process, with carrier cutoff occurring during negative half cycles, a value of carrier shift might have been observed which approximates the figure EIA gives for 125 percent positive modulation—3.4 percent.

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observed do not exceed a level equivalent to modulation of 125 percent.[13]

50. We are amending § 73.14(e) essentially as proposed, although the wording has been changed slightly in accordance with CCBS's suggestion that the specification of an "RMS" level of the modulated and unmodulated signal be deleted to avoid possible confusion.

51. *Accordingly, it is ordered,* Effective May 19, 1972, that Part 73 of the rules and regulations, is amended in accordance with the Appendix B below.

52. Authority for the adoption of these rule amendments is found in section 4(i) and 303(r) of the Communications Act of 1934, as amended.

53. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154,303)

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX A

PARTIES FILING COMMENTS

KVYL, Haldenville, Okla.
Jack F. Schuett, Consulting Engineer.
Robert A. Jones, Consulting Engineer in behalf of KCLN Valley Broadcasting, Inc., et al.
KWHK Broadcasting Co., Inc.
WROZ, Town and Country Radio.
Modcom Corp. (KATI).
Wescoast Broadcasting Co. (KPQ).
Cecil Lynch, Consulting Engineer.
George M. Frese, Consulting Engineer.
Knight Broadcasting of New Hampshire, Inc. (WHEB).
WHBC, Canton, Ohio.
KFXD, Boise/Nampa, Idaho.
Electronic Industries Association (EIA).
Clear Channel Broadcasting Services (CCBS).
Fletcher, Heald, Rowell, Kenehan and Hildreth in behalf of Area Radio, Inc. (WOKO), et al.
Westinghouse Broadcasting Co., Inc.
KPOP Radio, by Haley, Bader and Potts (KPOP).
Gates Radio Co.
Association for Broadcast Engineering Standards, Inc. (ABES).
Wycom Corp. (KODI).
RKO General, Inc.
Elliott K. Klein, Director of Technical Operations, KRIZ.
CBS Laboratories (CBS).
CCA Electronics Corp. (CCA).
Central Idaho Radio Stations (KOZE et al).
National Association of Broadcasters (NAB).
Sparta Electronic Corp.
KUDI Radio.
Richard B. Johnson.
Gerald F. Dreges, C. E., KTVO/KBIZ.
Jim Broaddus, President, WBGC Radio.

PARTIES FILING REPLY COMMENTS

CCA Electronics Corp.
Fletcher, Heald, Rowell, Kenehan and Hildreth.
Clear Channel Broadcasting Service.

[13] It should be obvious that the indicating device must have no mechanical or electrical inertia. Consequently, meters or similar devices may not be relied on for this purpose.
[14] Commissioner Robert E. Lee absent.

APPENDIX B

1. In § 73.14, paragraph (m) (formerly paragraph (l)) is amended to read as follows:

§ 73.14 Technical definitions.

* * * * *

(m) Percentage modulation (amplitude):

In a positive direction:

$$M=\frac{MAX-C}{C}\times 100$$

In a negative direction:

$$M=\frac{C-MIN}{C}\times 100$$

Where:

M = Modulation level in percent.
MAX = Instantaneous maximum level of the modulated radio frenquency envelope.
MIN = Instantaneous minimum level of the modulated radio frequency envelope.
C = (Carrier) level of radio frequency envelope without modulation.

* * * * *

2. Section 73.55 is revised to read as follows:

§ 73.55 Modulation.

The percentage of modulation shall be maintained at as high a level as is consistent with good quality of transmission and good broadcast service. In no case shall it exceed 100 percent on negative peaks of frequent recurrence, or 125 percent on positive peaks at any time. Generally, modulation shoud not be less than 85 percent on peaks of frequent recurrence, but where such action may be required to avoid objectionable loudness, the degree of modulation may be reduced to whatever level is necessary for this purpose, even though, under such circumstances, the level may be substantially less than that which produces peaks of frequent recurrence at a level of 85 percent.

[FR Doc.72-5776 Filed 4-14-72;8:51 am]

[Docket No. 19200; FCC 72-324]

PART 73—RADIO BROADCAST SERVICES

Specification and Measurement of Power of Standard Broadcast Stations

Report and order. In the matter of amendment of Part 73 of the Commission's rules and regulations concerning the specification and measurement of power of Standard Broadcast Stations, Docket No. 19200, RM-1628.

1. On April 8, 1971, responding to a petition filed by Chesapeake Broadcasting Corp., licensee of Station WASA, Havre de Grace, Md., the Commission initiated the above-entitled proceeding. As extended by an order adopted May 21, 1971, the deadlines for filing comments and reply comments herein were set as July 21, 1971, and August 2, 1971, respectively. The time having run, this matter is ready for decision.

2. Briefly, the notice of proposed rule making set forth the general nature, but not the specific text, of proposed amendments to our rules, pursuant to which any station required, because of allocation considerations, to restrict its antenna input power to a value less than its rated transmitter power would be permitted to lower its transmitter output power to the level necessary to produce the required antenna input. Up until the present time, in such a situation, it has been our policy to require the transmitter be operated at its rated power, and that any reduction in antenna input power necessary be achieved through the insertion of a dissipative network of appropriate characteristics between transmitter output and antenna input.

3. We observed that the usual broadcast transmitter is designed to operate at somewhat below its rated power level without an appreciable deterioration in its overall performance, but where a substantial reduction in power is involved (which may be necessary in an instance where the restriction on permissible antenna input power is severe) the satisfactory performance of the transmitter may not be presumed. Accordingly, in such cases, we proposed to require an appropriate showing (equipment performance measurements, pursuant to § 73.47) that the transmitter will function acceptably at the proposed output power level. We invited comments on the degree of power reduction which might be permitted without such a showing being required.

4. We also noted that of alternative methods of accomplishing a required power reduction, one may have less adverse effect than another on transmitter performance. Therefore, once a station has adopted a method which had been demonstrated to result in satisfactory performance, no change from this method should be permitted. We would expect, therefore, that a showing pursuant to § 73.47 would be accompanied by a detailed outline of the method of power reduction.

5. The petitioner had proposed that the antenna resistance specified in the license be modified from its measured value to the extent necessary to make the computed input power equal to the rated transmitter power. This expedient is presently employed in the specification of the common point resistance for directional antennas, to provide for the delivery of additional power to the antenna to make up for coupling system losses, within a licensing system which has heretofore required that the antenna power be equal to one of several specified integral values.

6. We rejected this proposal, as extending into a new area an unrealistic procedure of questionable merit, and proposed instead to consider amendments to the rules pursuant to which each station's license would specify the actual antenna input power, and the measured value of antenna or common point resistance. Under such a system, the fiction that all broadcast transmitters operate at their rated powers no longer would be maintained. However, convenience and long established practice (as well as treaty considerations) require that

standard broadcast stations be listed, notified internationally, and otherwise routinely treated on the basis of integral power classifications. Therefore, the license would also specify the power rating of each station, which would be the same as that which it now is assigned. We asked for suggestions as to a name for this power rating.

7. Timely comments were filed by the following parties:

MIA Enterprises, Inc. (KWBE).
Holland Broadcasting Co. (WHTC).
WNSL, Laurel, Miss.
Fetzer Broadcasting Co. (WJEF).
Littleton Broadcasting Co. (WLTN).
WTHO, Thomson, Ga.
Electronic Industries Association (Broadcast Equipment Section, Communications and Industrial Electronics Division) (EIA).
National Association of Broadcasters (NAB).
Association of Federal Communications Consulting Engineers (AFCCE).

No reply comments were filed.

8. All parties are of the view that when a prescribed restriction on the radiated field requires a limitation in antenna input power to less than the normal level, a downward adjustment of transmitter output power to approach the required antenna input power should be permitted. However, it is an opinion, voiced in several comments, that a reduction in transmitter output power to the degree which may be necessary to produce the required, antenna input power, in an instance where substantial restriction is involved, sometimes may not be practicably achieved. Power reductions of a given magnitude may be reached in some types of transmitters more feasibly than in others. For this reason, the employment of transmitter power reduction techniques in lieu of the use of dissipative networks should be made optional, and, in appropriate cases, a combination of the two methods should be authorized.[1]

9. Both AFCCE and NAB, the only two parties which discussed this particular facet of the question, suggest that transmitter power output may be reduced safely by about 20 percent without appreciable degradation of transmitter performance, and, accordingly, no special showing that performance is satisfactory should be required in instances where the proposed reduction in output power is less than this percentage of the rated power. These conclusions are based principally on the facts that (1) transmitters are designed to operate satisfactorily within the tolerances set in the Commission's rules, which specify a 10 percent negative tolerance, and (2) during World War II all broadcast stations were required to operate with power reduced 1 db (79.4 percent of normal power) and no serious difficulty was experienced.

10. With respect to the showing required with the proposal to operate a transmitter with output power reduced to a greater degree, AFCCE suggests that equipment measurements covering all aspects of transmitter performance specified in § 73.47, including the observation for harmonics and spurious signals, should be conducted at the proposed output power, and that aural performance measurements be repeated with 95 percent modulation at power levels 10 percent above and 10 percent below the proposed power, to demonstrate that satisfactory performance can be maintained over the normally expected operating range. It suggests that the Commission also require a manual capability for adjusting transmitter power output over a ±10 percent range around the proposed power level.

11. Those who commented on the Commission's proposal that stations be licensed on the basis of their actual antenna input powers favored this approach, and the use of the term "nominal power" to refer to a station's rated power. AFCCE has offered specific amendments to §§ 73.14 and 73.47 which reflect its proposals.

12. In our notice, we did not indicate specifically whether we contemplated the total elimination of dissipative networks, with the imposition of appropriate power reductions in all cases where such networks are presently employed, although it perhaps might be inferred from the language of paragraph 14 of that document that we intended such networks be removed at the time of license renewal, at the latest. While the assumption was implicit that any licensee presently employing a dissipative network would choose to dispense with it if a feasible alternative were offered, left undetermined was the status of those licensees now with such networks whose transmitters cannot be adjusted easily for lower power operation, or, when so adjusted, fail to meet the performance requirements of § 73.40.

13. In the light of NAB's and AFCCE's comments it appears that we should provide for the continued employment of dissipative networks in such cases, either to effect the full required power reduction, or to provide, where necessary, for an increment in power reduction beyond that which can be obtained feasibly by changes in the operating parameters of the transmitter. Subject to a full disclosure of the method or combination of methods to be employed, and the submission, where appropriate, of measurements demonstrating that no degradation of transmitter performance is involved, we are willing to leave the choice of methods to each licensee.

14. In the absence of a dissipative network, and assuming, as is customary, no losses in the transmission line, the measured antenna input power is effectively equal to the transmitter output power, and there is no need to specify the latter value separately in the license. If we are to avoid a separate specification of transmitter output power in an instance where a dissipative network is employed, it will be necessary to establish the licensed antenna resistance as the resistance at the input terminals of the dissipative network, which becomes the load to which the transmitter delivers its power. This, of course, is what is done presently in comparable circumstances. In any event, it is probably impossible to specify the actual antenna resistance and actual antenna input power in all cases, since a directional antenna may include a dissipative element as a mesh in the power dividing network, and a resistance measurement at the common point, the last access point to the array, includes the effect of this element.

15. We have decided to require the submission of equipment performance measurements with applications for authority to operate at less than 90 percent of rated transmitter power. While we believe it safe to assume that standard broadcast transmitters may be reduced in power to this level without appreciable degradation of their performance, we have insufficient information to justify such an assumption for greater power reductions. While, as AFCCE and NAB have pointed out, the power of all standard broadcast stations was reduced by 1 db (about 20 percent) during World War II, we do not believe this fact can be taken as evidence that a reduction of such magnitude can be accomplished generally without problems. The wartime power reduction was mandatory, for the purpose of conserving power and materials. It is quite possible that, in many instances, the resulting transmitter performance was less than satisfactory, but was tolerated in furtherance of the overriding wartime objective. Such a compromise, of course, is now unnecessary.

16. We are adopting AFCCE's suggestions as to the nature of the showing to be made in connection with a request to operate with reduced transmitter output power, together with its recommendations as to the kinds of performance measurements which should be made. However, we have decided to incorporate the rules pertinent to this matter as amendments to § 73.51, rather than to section 73.47, as AFCCE proposes. While such a showing will be necessary at this time in each case when regular operation of a transmitter at less than rated output power is contemplated, the adoption of these rules may lead eventually to the type acceptance of standard broadcast transmitters which are demonstrated to operate satisfactorily at other than the fixed power levels specified in the rules. To provide for this contingency, § 73.51 (c)(2) permits a showing that a transmitter is type accepted for the proposed power output level as an alternative to the provision of the more detailed technical information otherwise required.

17. We have no existing rule which contemplates the use of dissipative networks. However, since we propose to continue to permit their installation where appropriate, either separately or in connection with transmitter power reductions, it appears desirable and perhaps necessary that our rules expressly recognize this fact, and include provisions governing their employment. Accordingly, Sections 73.51 and 73.54, as amended herein, include conditions applying to antenna input power reductions achieved

[1] NAB suggests that if the Commission intends to require that all specified antenna input power reductions be accomplished by reductions in transmitter output power a 7-year period for the full implementation of the requirement should be provided.

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by this means, or by transmitter output power limitations, or both.

18. Other amendments to these two sections involve the substitution of the term "antenna input power" for "operating power". This change was made in the interest of specificity. While "operating power" as it has been used in these sections is obviously synonomous with "antenna input power", the former term is used in other sections of the rules (e.g., §§ 73.21, 73.23, 73.25) for power as designated in the station system of classification—which is "nominal power", under our revised nomenclature.

19. A definition of "nominal power" has been included in § 73.14 and the definition of "operating power" has been modified to reflect its usage in the revised rules.

20. Section 73.52 is amended to specify "antenna input power" in lieu of "operating power", for the reasons set forth in paragraph 17. In addition, we have taken the opportunity to further amend paragraph (b) of this section, which concerns temporary operation with less than licensed power. The rule as presently formulated requires that the Commission and Engineer in Charge be notified when any period of operation with reduced power is begun, and again, when operation with full power is resumed. Since, in many cases, periods of operation with reduced power are quite short, and have no significant effect on general station operation, the existing notification requirement is unnecessarily strict, and burdensome, both to the station licensee and to the Commission. We, accordingly, are amending § 73.52(a) so as to make it parallel the provisions of corresponding sections (§§ 73.267(c) and 73.689(b)(3)) of the FM and television broadcast rules, which we have found to be generally satisfactory in application, and which permit reduced power operation for periods up to 10 days without further authority from the Commission. While this particular amendment has not been the subject of a rule making notice, its nature and effect is such as to make prior notice unnecessary.

21. Existing station licenses will be converted to specify separate values of nominal and antenna input power as the amended rules contemplate at normal renewal times. However, any station presently required to employ a dissipative network, and desiring to reduce transmitter output power pursuant to the amended rules, so as to eliminate the network, or to reduce the power wasted by this means, may file an application for modification of license, supplying the information required by the amended rules, at any time after their effective date.[2]

[2] The rules specify that such applications be filed on FCC Form 302. If the contemplated changes would affect the method of power reduction for presunrise operation authorized pursuant to § 73.99, modification of Presunrise Service Authority should be requested separately by letter, signed in the manner specified in § 1.513. Neither kind of application need by accompanied by a filing fee.

22. *Accordingly, it is ordered,* That effective May 19, 1972, Part 73 of the Commission's rules and regulations is amended as set forth below.

23. Authority for adoption of these rule amendments is found in sections 4 (i) and 303(r) of the Communications Act of 1934, as amended.

24. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

1. In § 73.14, a new paragraph (c) "Nominal Power" is added and paragraph (c) "Operating Power" is amended, as set forth below, and redesignated (d); old paragraphs (d) through (r) are redesignated (e) through (s).

§ 73.14 Technical definitions.

* * * * *

(c) *Nominal power.* "Nominal power" is the power of a standard broadcast station, as specified in a system of classification which includes the following values; 50 kw., 25 kw., 10 kw., 5 kw., 1 kw., 0.5 kw., 0.25 kw.

(d) *Operating power.* Depending on the context within which it is employed, the term "operating power" may be synonomous with "nominal power" or "antenna power."

* * * * *

2. Section 73.51, and headnote, are amended to read as follows:

§ 73.51 Antenna input power; how determined.

(a) Except in those circumstances described in paragraph (d) of this section, the antenna input power shall be determined by the direct method, i.e., as the product of the antenna resistance at the operating frequency (see § 73.54) and the square of the unmodulated antenna current at that frequency, measured at the point where the antenna resistance has been determined.

(b) The authorized antenna input power for each station shall be equal to the nominal power for such station, with the following exceptions:

(1) For stations with nominal powers of 5 kilowatts, or less, the authorized antenna input power to directional antennas shall exceed the nominal power by 8 percent.

(2) For stations with nominal powers in excess of 5 kilowatts, the authorized antenna input power to directional antennas shall exceed the nominal power by 5.3 percent.

(3) In specific cases, it may be necessary to limit the radiated field to a level below that which would result if nominal power were delivered to the antenna. In such cases, excess power may be dissipated in the antenna feed circuit (see § 7354 (a) and (d)), and/or the transmitter may be operated with power output at a level which is less than the nominal value.

(i) Where a dissipative network is employed, the authorized antenna current and resistance, and the authorized antenna input power shall be determined at the input terminals of the dissipative network.

(ii) Where the authorized antenna input power is less than the nominal power, subject to the conditions set forth in paragraph (c) of this section, the transmitter may be operated at the reduced power level necessary to supply the authorized antenna input power.

(c) Applications for authority to operate with antenna input power which is less than nominal power and/or to employ a dissipative network in the antenna system shall be made on FCC Form 302. The technical information supplied on section II–A of this form shall be that applying to the proposed conditions of operation. In addition, the following information shall be furnished, as pertinent:

(1) Full details of any network employed for the purpose of dissipating radio frequency energy otherwise delivered to the antenna (see § 73.54).

(2) A showing that the transmitter has been type accepted for operation at the proposed power output level, or, in lieu thereof:

(i) A full description of the means by which transmitter output power will be reduced.

(ii) Where the proposed transmitter power output level is less than 90 percent of nominal power, equipment performance measurements, as specified in § 73.47, conducted at the proposed power output level; in addition, the measurements and observations required by § 73.47(a) (1), (2), (3), and (5) for power output levels 10 percent above, and 10 percent below, the proposed output level, but at a modulation level of 95 to 100 percent only. Such measurements must demonstrate that, operating at the proposed power output level, the transmitter meets the performance requirements of § 73.40.

(iii) A showing that, at the proposed power output level, means are provided for varying the transmitter output within a tolerance of ±10 percent, to compensate for variations in line voltage or other factors which may affect the power output level.

(d) The antenna input power shall be determined on a temporary basis by the indirect method described in paragraphs (e) and (f) of this section in the following circumstances: (1) In an emergency, where the authorized antenna system has been damaged by causes beyond the control of the licensee or permittee (see § 73.45), or (2) pending completion of authorized changes in the antenna system, or (3) if changes occur in the antenna system or its environment which affect or appear likely to affect the value of antenna resistance or (4) if the antenna current meter becomes defective

[3] Commissioner Robert E. Lee absent; Commissioner Wiley concurring in the result.

(see § 73.58). Prior authorization for the indirect determination of antenna input power is not required. However, an appropriate notation shall be made in the operating log.

(e) (1) Antenna input power is determined indirectly by applying an appropriate factor to the plate input power, in accordance with the following formula:

Antenna input power = $Ep \times Ip \times F$

Where:
Ep = Plate voltage of final radio stage.
Ip = Total plate current of final radio stage.
F = Efficiency factor.

(2) The value of F applicable to each mode of operation shall be entered in the operating log for each day of operation, with a notation as to its derivation. This factor shall be established by one of the methods described in paragraph (f) of this section, which are listed in order of preference. The product of the plate current and plate voltage, or, alternatively, the antenna input power, as determined pursuant to subparagraph (1) of this paragraph, shall be entered in the operating log under an appropriate heading for each log entry of plate current and plate voltage.

(f) (1) If the transmitter and the antenna input power utilized during the period of indirect power determination are the same as have been authorized and utilized for any period of regular operation, the factor F shall be the ratio of such authorized antenna input power to the corresponding plate input power of the transmitter for regular conditions of operation, computed with values of plate voltage and plate current obtained from the operating logs of the station for the last week of regular operation.

(2) If a station has not been previously in regular operation with the power authorized for the period of indirect power determination, if a new transmitter has been installed, or if, for any other reason, the determination of the factor F by the method described in subparagraph (1) of this paragraph is impracticable:

(i) The factor F shall be obtaine[1] from the transmitter manufacturer's letter or test report retained in the station's files, if such a letter or test report specifies a unique value of F for the power level and frequency utilized; or

(ii) By reference to the following table:

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.25–1.0 kw.	
.80	Plate	5 kw. and over	
.35	Low level	0.25 kw. and over	B
.65	Low level	0.25 kw. and over	BC[1]
.35	Grid	0.25 kw. and over	

[1] All linear amplifier operation where efficiency approaches that of Class C operation.

NOTE: When the factor F is obtained from the table, this value shall be used even though the antenna input power may be less than the maximum rated carrier power of the transmitter.

(iii) If a station has been authorized to operate with antenna input power which is lower than nominal power, the factor F shall have the value established when such operation was authorized.

3. Section 73.52 and headnote are amended to read as follows:

§ 73.52 Antenna input power: maintenance of.

(a) The actual antenna input power of each station shall be maintained as near as is practicable to the authorized antenna input power and shall not be less than 90 percent or greater than 105 percent of the authorized power; except that, if, in an emergency, it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of 10 days, or less, without further authority from the Commission: *Provided,* That the Commission and the Engineer in Charge of the radio district in which the station is located shall be immediately notified in writing if the station is unable to maintain the minimum operating schedule, specified in § 73.71, with authorized power, and shall be subsequently notified upon resumption of operation with authorized power.

(b) In addition to maintaining antenna input power within the above limitations, each station employing a directional antenna shall maintain the relative amplitudes of the antenna currents in the elements of its array within 5 percent of the ratios specified in its license or other instrument of authorization, unless more stringent limits are specified therein.

4. In § 73.54, paragraphs (a), (d), and (e)(2) are amended to read as follows:

§ 73.54 Antenna resistance and reactance: how determined.

(a) The resistance of an omnidirectional series fed antenna shall be measured at the base of the antenna without intervening coupling networks or components. The resistance of a shunt excited antenna shall be measured at the point the radio frequency energy is transferred to the feed wire circuit, without intervening networks (with the exception that, if the termination of the feed wire is highly reactive a network containing no shunt element may be interposed between the feed wire termination and the point where the resistance is determined). Any network inserted in the antenna circuit for the express purpose of dissipating a portion of the radio frequency energy provided by the transmitter shall be located at the base of the antenna, and the antenna resistance specified in the license or other instrument of authorization shall be the effective resistance at the input terminals of the dissipative network.

* * * * *

(d) Any element included in the antenna circuit for the express purpose of dissipating a portion of the energy delivered by the transmitter to the directional antenna shall be included at the point of common radio-frequency input, and the authorized common point resistance shall include the effect of the dissipative element.

(e) * * *

(2) A schematic diagram showing clearly all components of coupling circuits, the point of resistance measurement, location of antenna ammeter, connections to and characteristics of all tower lighting isolation circuits, static drains, and any other fixtures, sampling lines, etc., connected to or supported by the antenna, including other antennas and associated circuits. Any network or circuit component incorporated for the purpose of dissipating radio frequency power shall be specifically identified, and the impedances of all components which control the level of power dissipation, and the effective input resistance of the network shall be indicated.

* * * * *

[FR Doc.72–5777 Filed 4–14–72;8:51 am]

[Docket No. 19249; FCC 72–330]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in North Carolina

Report and order. In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Kinston, Wilmington, Washington, Morehead City-Beaufort, and Farmville, N.C.), Docket No. 19249, RM–1608, RM–1667.

1. The Commission here considers the notice of proposed rule making in Docket No. 19249, adopted May 19, 1971 (36 F.R. 9569), proposing amendment of the FM Table of Assignments (§ 73.202(b) of the rules) with respect to Kinston (RM–1608) and Wilmington, N.C. (RM–1667). In connection with Wilmington, channels assigned to other cities would have to be changed. The persons filing comments in this proceeding are: Farmville Broadcasting Co. (Farmville); Arlington-Fairfax Broadcasting Co., Inc. (Arlington-Fairfax), licensee of Station WKLM, Wilmington, N.C.; and Farmers Broadcasting Service, Inc. (Farmers).[2]

2. As pointed out in the notice, the 1970 Census populations of the cities involved and the respective counties are as follows:

City	Population	County	Population
Kinston	22,309	Lenoir	55,204
Morehead City	5,233	Carteret	31,603
Beaufort	3,368	Carteret	31,603
Washington	8,961	Beaufort	25,980
Wilmington	46,169	New Hanover	82,996
Farmville	4,424	Pitt	73,990

The notice also pointed out that Wilmington is now a Standard Metropolitan

[2] The latter party filed its comments late because of a misunderstanding about the order extending the dates for filing comments and reply comments to August 9 and 19, 1971, respectively, for Arlington-Fairfax only. Farmers later filed a motion for leave to accept late filing.

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Statistical Area (SMSA), consisting of its county and Brunswick County (population 24,223) with a total population of 107,219 persons.

3. Farmers Broadcasting Service, Inc., licensee of AM Station WELS, proposed the assignment of Channel 249A to Kinston, N.C., by deleting and shifting that channel at Washington, N.C. Arlington-Fairfax Broadcasting Co., Inc., licensee of AM Station WKLM, proposed the assignment of Channel 269A to Wilmington, N.C., which would have been accomplished by exchanging Channel 270 for the 277 assignment at Morehead City-Beaufort, N.C. The notice also considered the application (BPH–7438) for Channel 232A at Wallace, N.C., at the transmitter site of Station WLSE (which since has been granted), because of a 2.5 mile short-spacing to the cochannel assignment at Farmville, N.C. In the latter respect, the Notice proposed the substitution of Channel 249A for Channel 232A at Farmville thus permitting the assignment of Channel 272A at Kinston; this was made possible by the Arlington-Fairfax proposal to change the assignment at Morehead City-Beaufort.

4. Kinston, N.C. (RM–1608). The proposal would assign a second FM channel (272A) to Kinston where Channel 236 is occupied by FM Station WRNS; other service at Kinston consists of three AM stations, one a daytime-only. As already noted, the proposed assignment of Channel 249A would have required the deletion of that channel from Washington, which appeared to be justified on the basis that that community already has another FM channel assigned to it (FM Station WITN–FM, Channel 277) and also two AM stations, and use of that channel at Farmville in lieu of Channel 232A. From the public interest viewpoint, it was argued that Kinston, seat of Lenoir County, is the largest city and the active center of a more populated area, and a rapidly growing community; Kinston, it was urged, is the functional center of nine counties including its own, Carteret, Craven, Duplin, Greene, Jones, Onslow, Pamlico, and Wayne (see footnote 1 of the notice of proposed rule making). We had rejected the Channel 249A proposal because of preclusion to two large cities in the area each larger than Washington—New Bern, population 14,660 (located in Craven County, population 62,554) and Greenville, population 29,063 (Pitt County, with a population of 73,900), both of which have FM and AM stations. Our proposal to substitute Channel 272A for the 249A proposal is faulty because we did not take into account the fact that the First Report and Order in Docket No. 18883, 27 FCC 2d 844, 846 and 850 (1971), assigned Channel 272A to Goldsboro, N.C. In the circumstances, we are going to assign Channel 249A as originally proposed by the petitioner. In this respect, the requirements of notice have been met; see Owensboro On the Air, Inc. v. United States, et al., 262 F. 2d 702, 707–8 (C.A.D.C., 1959), certiorari denied, 360 U.S. 911.

5. Wilmington, N.C. (RM–1667). In this proceeding Arlington-Fairfax Broadcasting Co. (Arlington-Fairfax), licensee of Station WKLM, petitioned for the assignment of Channel 269A to Wilmington, N.C. In order to make this assignment, a transmitter site southeast of the community would be required because of mileage separation requirements to Channels 268 and 269A at Raleigh, N.C., and Myrtle Beach, S.C., respectively. It was proposed to substitute Channel 277 for 270 at Morehead City-Beaufort, N.C., which we noted were both located in Carteret County with a total population of 31,603 (the populations of Morehead City and Beaufort, respectively, are 5,233 and 3,368), and that Channels 270 and 248 are assigned to those communities jointly. Our notice referred to the broadcast service at Wilmington consisting of four standard broadcast stations, one a daytime-only, and two commercial television stations plus an educational CP, and four FM assignments (three occupied there). In the latter respect, particular note was made that the other channel in fact is utilized at Burgaw, N.C., by Station WPGF–FM, Channel 260, some 22 miles north of Wilmington. The notice pointed out that a city the size of Wilmington (less than 50,000) is not entitled to more than two channels and that it already has four assignments (see footnote 2 below), although we also pertinently noted that one is used in another city. Nonetheless, it was felt that the matter should be considered for rule making, since Wilmington is a central city of a SMSA, and the only other channel change required, i.e., substitution of the channel at Morehead City-Beaufort, was necessary to use Channel 272A at Kinston. Note was made of the fact that being noticed for rule making does not mean that the additional channel for Wilmington is warranted. In the latter respect, the Notice stated that the petitioner or other interested parties should submit a showing as to why another channel assignment should be made to Wilmington and that a preclusion study should be submitted as to the impact on six adjacent channels.

6. Arlington-Fairfax has submitted a study showing preclusion on future assignments only on Channels 269A and 270 in limited areas where there is no community of significant size where either channel can be utilized. No further arguments were made as to assigning a fifth FM channel to Wilmington; Arlington-Fairfax again urges that the night-time FM situation would become competitive (it is the only AM station there that is not affiliated with an FM station). This argument is not persuasive for it serves a private rather than the public interest. On further consideration, on the basis of balancing all considerations, we do not deem it advisable to make a further assignment to Wilmington. Not only are we concerned by our population criteria,[1] but also because the number of available channels for assignment in this area are already becoming scarce.

7. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

8. In accordance with the foregoing: *It is ordered*, That effective May 19, 1972, the FM Table of Assignments (§ 73.-202(b) of the rules) is amended with respect to the cities listed below to read as follows:

City	Channel No.
Kingston, N.C.	236, 249A
Washington, N.C.	227

9. *It is further ordered*, That the petition of Arlington-Fairfax Broadcasting Co., is denied.

10. *It is further ordered*, That farmers Broadcasting Service, Inc., request for leave for late filing of comments is granted.

11. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72–5780 Filed 4–14–72;8:51 am]

[1] See further notice of proposed rule making, Docket No. 14185, adopted July 25, 1962 (FCC 62–867), and incorporated by reference in paragraph 25 of the Third Report, memorandum opinion and order adopted July 23, 1963, 23 R.R. 1859, 1871.

[2] Commissioner Robert E. Lee absent; Commissioner Johnson concurring in the result.

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 111]

CUSTOMHOUSE BROKERS

Limitation of Liability to Importers; Notice of Extension of Time for Submission of Data, Views, or Arguments

Notice of proposed amendment to the Customs Regulations to explicitly prohibit the limitation of potential liability of customhouse brokers to importers arising out of the wrongful or negligent action of the broker, was published in the FEDERAL REGISTER on Wednesday, March 22, 1972 (37 F.R. 5820). Thirty days from the date of publication of the notice were given for submission of data, views, or arguments pertinent to the proposed amendment.

A number of requests have been received for extension of the time for submission of comments. Therefore, the period for submission of data, views, or arguments relating to the revision is extended to May 31, 1972.

[SEAL] LEONARD LEHMAN, *Acting Commissioner of Customs.*

[FR Doc.72–5762 Filed 4–14–72;8:49 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 231]

GRAZING

Revocation and Suspension of Grazing Permits

Reference is made to the notice of proposed rule making on the above subject published in the FEDERAL REGISTER on Friday, March 24, 1972, page 6106.

The time for comment on the proposal is hereby extended to expire on Monday, May 15, 1972, rather than 30 days after publication as originally provided.

T. K. COWDEN, *Assistant Secretary of Agriculture.*

APRIL 12, 1972.

[FR Doc.72–5766 Filed 4–14–72;8:51 am]

[36 CFR Part 261]

TRESPASS

Use of Pesticides and Chemical Toxicants

Reference is made to the notice of proposed rule making on the above subject published in the FEDERAL REGISTER on Friday, March 24, pages 6106 and 6107.

The time for comment on the proposal is hereby extended to expire on Monday, May 15, 1972, rather than 30 days after publication as originally provided.

T. K. COWDEN, *Assistant Secretary of Agriculture.*

APRIL 12, 1972.

[FR Doc.72–5767 Filed 4–14–72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

EPINEPHRINE AND ISOPROTERENOL INHALATION PREPARATIONS

Proposed Statement of Policy Regarding Prescription Dispensing and Warnings

On the basis of a number of reports of severe paradoxical bronchoconstriction and sudden unexplained deaths associated with repeated, excessive use of isoproterenol preparations, the Food and Drug Administration published a statement of policy (21 CFR 3.67) in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8812), requiring a warning statement directed to physicians to alert the medical profession of the possibility of severe reactions. Warnings were also required to be included in the packages intended for patients. A number of reports are now available concerning severe paradoxical bronchoconstriction episodes occurring as a result of excessive and repeated use of epinephrine inhalation preparations. Though no deaths have been reported, the evidence is such that the Commissioner of Food and Drugs concludes that epinephrine preparations are no longer suitable for over-the-counter sale and that warnings similar to those required for isoproterenol are necessary in order to protect the public health. This conclusion is supported by recent reports of increasing abuse of the drug by nonasthmatics using epinephrine aerosols for a stimulant effect.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 503(b), 505, 701(a), 52 Stat. 1050–53 as amended, 1055; 21 U.S.C. 352, 353(b), 355, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes Part 3 be amended by revising § 3.67 *Isoproterenol inhalation preparations (pressurized aerosols, nebulizers, powders) for human use; warnings* to read as follows:

§ 3.67 Isoproterenol preparations (pressurized aerosols, nebulizers, powders) and epinephrine preparations (pressurized aerosols, nonpressurized solutions) for human use; warnings.

(a) Just as severe paradoxical bronchoconstriction has been associated with repeated and excessive use of isoproterenol inhalation preparations, so has it been associated with repeated and excessive use of epinephrine inhalation preparations. The cause of this paradoxical reaction is unknown; it has been observed, however, that patients have not responded completely to other forms of therapy until use of the preparations were discontinued. In addition, sudden unexpected deaths have been associated with the excessive use of isoproterenol inhalation preparations. The mechanism of these deaths and their relationship, if any, to the cases of severe paradoxical bronchospasm are not clear. Cardiac arrest was noted in several of these cases of sudden death.

(b) On the basis of experience with such drugs and on recommendations of expert advisors, the Commissioner of Food and Drugs concludes that, in order for the labeling of isoproterenol and epinephrine inhalation preparations to bear adequate information for their safe and effective use as required by § 1.106(b) of this chapter:

(1) The following statement must be included:

Warning. Occasional patients have been reported to develop severe paradoxical airway resistance with repeated, excessive use of --------- (isoproterenol or epinephrine, whichever is appropriate) inhalation preparations. The cause of this refractory state is unknown. It is advisable that in such instances the use of this preparation be discontinued immediately and alternative therapy instituted, since in the reported cases the patients did not respond to other forms of therapy until the drug was withdrawn.

(2) The following additional statement must be included for isoproterenol inhalation preparations:

Warning. Deaths have been reported following excessive use of isoproterenol inhalation preparations and the exact cause is unknown. Cardiac arrest was noted in several instances.

(3) Isoproterenol and epinephrine inhalation preparations are not suitable for over-the-counter sale, and the label must therefore bear the legend, "Caution: Federal law prohibits dispensing without prescription."

(c) (1) The Commissioner also concludes that, in view of the manner in which isoproterenol and epinephrine preparations are self-administered for relief of attacks of bronchial asthma and other chronic bronchopulmonary disorders, it is necessary for the protection of users that warning information to patients be included as a part of the label

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and as part of any instructions to patients included in the package dispensed to the patient as follows:

Warning. Do not exceed the dose prescribed by your physician. If difficulty in breathing persists, contact your physician immediately.

(2) The warning on the label may be accomplished (i) by including it on the immediate container label with a statement directed to pharmacists not to remove the label or (ii) by including in the package a printed warning with instructions to pharmacists to place the warning on the container prior to dispensing.

(d) The marketing of isoproterenol and epinephrine inhalation preparations may be continued if all the following conditions are met:

(1) Within 30 days following the date of publication of this section in the FEDERAL REGISTER:

(i) The label and labeling of such preparations shipped within the jurisdiction of the act are in accordance with paragraphs (b) and (c) of this section.

(ii) The holder of an approved new drug application for such preparation submits a supplement to his new drug application to provide for appropriate labeling changes as described in paragraphs (b) and (c) of this section.

(2) Within 90 days following the date of publication of this section in the FEDERAL REGISTER, the manufacturer, packer, or distributor of any drug containing isoproterenol or epinephrine intended for inhalation for which a new drug approval is not in effect submits a new drug application (see § 130.4(c) of this chapter) including appropriate labeling as described in paragraphs (b) and (c) of this section. (It is recommended that applicants discuss the kinds of clinical studies needed with representatives of the Food and Drug Administration.)

(e) The statement of policy concerning isoproterenol inhalation preparations (21 CFR 3.67) published in the FEDERAL REGISTER of June 18, 1968 (33 F.R. 8812) stated: "After 270 days following expiration of said 90 days, regulatory proceedings based on section 505(a) of the Federal Food, Drug, and Cosmetic Act may be initiated with regard to any such drug shipped within the jurisdiction of the act for which an approved new-drug application is not in effect." Accordingly, 270 days likewise is provided for epinephrine inhalation preparations.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. The comment period is being limited to 30 days because of safety considerations. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5722 Filed 4-14-72;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 43]

[Docket No. R-72-179]

PROVISION OF REPLACEMENT HOUSING UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Seed-Money Loans

Pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601), the Department is proposing to amend Part 43 by adding proposed criteria and procedures governing relocation "seed-money" loans in a new Subpart B. The present criteria and procedures pertaining to last-resort housing replacement by the displacing agency are redesignated as Subpart A. The title of Part 43 is also proposed to be amended to cover both programs.

Subpart B prescribes for all Federal and State agencies that cause residential displacement in the administration of direct Federal or federally assisted projects the criteria and procedures for the implementation of section 215 of the Act. Section 215 authorizes the provision of loans for planning and obtaining federally insured mortgage financing for the construction or rehabilitation of housing to meet the need of persons displaced by Federal or federally assisted projects.

The head of the Federal agency must approve the use of project funds for seed-money loans to assist in the provision of the needed replacement housing. In the case of a federally assisted project, the head of the displacing agency determines that project funds must be used, and requests approval from the head of the Federal agency providing the financial assistance.

As defined in § 43.28, any nonprofit, limited dividend, cooperative or public corporation or entity that may be eligible to sponsor federally insured housing, may apply for a section 215 loan.

The criteria and procedures contain broad guidelines for loan processing by the displacing agency, in consultation with the appropriate HUD Area Office, as well as the steps to be followed in the provision of the loan funds.

A list of the federally insured mortgage programs for which section 215 loans generally may be utilized appears in § 43.36.

These criteria and procedures have been developed on the basis of extensive consultation with the Office of Management and Budget, major Federal agencies with activities causing displacement, and a number of public and citizen interest groups, most of whose comments have been incorporated in this version.

This Department is considering revising the terms and conditions for loans to include an additional requirement that loans to limited dividend and other profitmaking sponsors be secured by the personal pledges of the principals.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements concerning the rule itself and the above suggestion that personal pledges be required to secure loans to profitmaking sponsors. Communications should identify the proposed rule by the docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material received on or before May 18, 1972, will be considered before adoption of a final rule. Copies of comments submitted will be available for examination during business hours at the above address.

PART 43—PROVISION OF REPLACEMENT HOUSING UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Accordingly, Part 43 is proposed to be amended as follows:

1. The title of Part 43 is revised to read as set forth above.

2. The table of contents is amended by inserting before the listing of sections and headings a new center heading "Subpart A—Last Resort Housing Replacement by Displacing Agency."

3. A new Subpart B is added to read as follows:

Subpart B—Loans for Planning and Preliminary Expenses—Relocation Seed-Money Loans

Sec.
43.25 Purpose.
43.26 Legislative authority.
43.27 Applicability to Federal agencies.
43.28 Definitions.
43.29 Eligible applicants.
43.30 Eligible expenses.
43.31 Terms and conditions for loans.
43.32 Procedures for provision of section 215 loans.
43.33 Approval of Federal agency.
43.34 Processing the loan application.
43.35 Review by head of Federal agency.
43.36 Housing programs for which section 215 loans generally may be utilized.
43.37 Aggregate housing under jointly financed programs.

Sec.
43.36 Conformity with the Act and other statutes, policies and procedures.
Appendix I—Guide Form of Loan Contract and Trust Agreement.
Appendix II—Request for Preliminary Determination of Eligibility as Nonprofit Sponsor or Mortgagor.

AUTHORITY: The provisions of this Part 43 issued under secs. 206, 213, and 215, 84 Stat. 1898, 1900, 1901; 42 U.S.C. 4626, 4633, 4635.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d))

§ 43.25 Purpose.

It is the purpose of this subpart to set forth criteria and procedures for the implementation of section 215 of the Act. The procedures in this subpart shall be applied and administered by all Federal agencies so as to encourage and facilitate the rehabilitation and construction of suitable standard housing to meet the needs of displaced persons.

§ 43.26 Legislative authority.

Section 215 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), hereinafter referred to as the Act, authorizes the provision of loans for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing to meet the needs of persons displaced by Federal projects and federally assisted projects. Such a loan may be made as part of the cost of a project which causes displacement if it is approved by the head of the Federal agency administering the project or the Federal agency providing financial assistance for the project.

§ 43.27 Applicability to Federal agencies.

Pursuant to paragraph 6 of the President's memorandum of January 4, 1971, to the heads of Departments and agencies concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, these criteria and procedures are applicable to all Federal agencies administering Federal projects or providing Federal financial assistance to State agencies carrying out activities that cause displacement of persons from their dwellings.

§ 43.28 Definitions.

In addition to the definitions contained in § 43.4 of Subpart A, the following definitions apply to this subpart:

(a) "Nonprofit sponsor" means a corporation or association organized for purposes other than the making of profit or gain for itself or persons identified with it, and which is in no manner controlled by nor under the direction of persons or firms seeking to derive profit or gain from it.

(b) "Limited dividend sponsor" means a corporation, trust, partnership, individual, association, or other legal entity (including such special limited dividend sponsors as are eligible for mortgage insurance under HUD regulations) which is restricted by law or other regulations as to the distribution of income and rate of return on investment.

(c) "Cooperative sponsor" means: (1) A nonprofit cooperative ownership housing corporation or trust which restricts permanent occupancy of the housing units to members of the corporation or trust and which maintains requirements for membership eligibility and transfers of membership; or (2) a nonprofit organization which agrees to use the proceeds of a loan received under section 215 for the expenses of planning and obtaining an insured mortgage for housing to be owned by a cooperative as described in subparagraph (1) of this paragraph.

(d) "Public body sponsor" means a public corporation or entity which is a Federal instrumentality, a State or political subdivision thereof, or an instrumentality of a State or of a political subdivision thereof, eligible to sponsor federally insured housing.

(e) "Condominum" means a combination of coownership and ownership in severalty. It is an arrangement under which a family or individual in a housing development holds full title to a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

§ 43.29 Eligible applicants.

Any nonprofit, limited dividend, cooperative, or public corporation or entity, eligible to sponsor housing insured under the National Housing Act or Title V of the Housing Act of 1949, may apply for a section 215 loan.

§ 43.30 Eligible expenses.

Section 215 loans shall not exceed 80 percent of the necessary and reasonable expenses which have been or are expected to be incurred for planning and obtaining federally insured mortgage financing for the rehabilitation or construction of housing for persons displaced. Eligible expenses include but are not limited to:

(a) Preliminary surveys and analysis in implementation of site selection criteria;

(b) Preliminary site engineering;

(c) Preliminary architectural fees;

(d) Title and recording fees;

(e) Application and mortgage commitment fees;

(f) Construction loan fees and/or discounts;

(g) Legal and organizational expenses;

(h) Consultant fees (nonprofit sponsor);

(i) Land options and site acquisition costs;

(j) Staff, office expenses, travel.

§ 43.31 Terms and conditions for loans.

(a) *General.* No section 215 loan shall exceed 80 percent of the reasonable and eligible expenses expected to be incurred in planning and obtaining federally insured mortgage financing, and which are expected to be recovered from the proceeds of the insured mortgage.

(b) *Interest rate.* (1) A loan to an organization established for profit shall bear interest at the current market rate as determined by the head of the Federal displacing or funding agency, as applicable. In the interest of uniformity, the head of the appropriate agency shall be guided by the interest rate established by the Secretary of Housing and Urban Development pursuant to section 236 of the National Housing Act, as amended. Information on the current rate applicable to this section is available from all HUD Area and Insuring Offices. (2) A loan to an eligible nonprofit, cooperative, or public body sponsor shall be without interest.

(c) *Loan disbursement.* (1) The head of the displacing agency shall disburse the section 215 loan in accordance with the terms of the loan agreement. Ordinarily, a requisition for advance of funds to cover cash needs for each succeeding month following the initial disbursement, should be submitted by the sponsor. (2) Before approving the request for funds for the succeeding month, the displacing agency must determine that the development of an application for a commitment is progressing satisfactorily, and that funds advanced are being used for the purpose for which the loan was made. (3) At the time of receipt of each disbursement, the applicant must certify on the receipt that it has spent or incurred expenses (with a description of the expenditures), made in kind contributions, or made deposits in the trust account in an amount equal to the specified portion of its share of the expenditures to date, or estimated to be made in the next month, or such other period as is established by the head of the Federal agency (see § 43.30 for a description of eligible expenses). (4) The loan funds and applicant's portion shall be deposited in a trust account, separate from all other applicant accounts in a bank whose deposits are insured by the Federal Deposit Insurance Corporation. The applicant is not required to spend its portion first, nor deposit its cash contribution in such account in advance of its receipt of the initial disbursement of section 215 loan funds.

(d) *Loan repayment.* The following provisions apply to loan repayment: (1) Repayments of all or any portion of the loan shall be made, and unused section 215 loan funds shall be returned, to the head of the displacing agency and credited back to the account from which they were taken. In the case of a federally assisted project, the Federal share of such moneys shall be credited to the program account of the Federal funding agency; (2) principal and interest, where applicable, shall be payable in full at the time of the first disbursement of the mortgage proceeds; (3) if any portion of a section 215 loan is not recovered from the first disbursement of mortgage proceeds, the maturity date for such portion

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not recovered shall be extended to the date of the final disbursement of mortgage proceeds; (4) if the commitment of mortgage insurance expires before an initial endorsement can occur, the entire amount of the loan shall become due and payable on the date of expiration. In any event, the entire amount of the loan shall be due and payable not more than 2 years from the date of the first disbursement, unless the date is extended by the head of the agency making the loan; (5) if the loan is made for planning for the development of a project of individual sales type homes, the loan disbursements shall be repaid in installments of principals with interest thereon, if any, as mortgage proceeds on the individual homes are disbursed. The amount of the installment payments of principal shall be prorated in accordance with the number of individual homes for which the mortgage insurance commitment has been issued. The entire principal and interest thereon, if any, shall be paid in full in any event not more than 2 years after the first installment under the loan agreement, unless such time for repayment has been extended by the head of the agency making the section 215 loan; (6) repayment of all or any portion of a loan which cannot be recovered from the mortgage proceeds, or from the sale of real property acquired with loan funds, may be waived by the head of the Federal agency financing the loan, except for an organization established for profit.

(e) *Conditions to be included in section 215 loan contract.* A Guide Form Loan Contract and Trust Agreement is attached hereto as Appendix I and made a part hereof. Each contract covering a section 215 loan shall contain the following conditions:

(1) The mortgage application for housing planned with a section 215 loan shall be filed within 9 months following approval of the loan, unless the head of the Federal agency determines that an extension of the time period is justified.

(2) For a loan disbursement, the conditions shall be in accordance with § 43.31(c).

(3) For repayment of the loan, the conditions shall be in accordance with § 43.31(d).

(4) Section 215 loan funds, including the applicant's portion (which may be in cash or in kind), shall be used only for the purposes set forth in the approved loan application.

(5) Assurance of compliance with the statutes, Executive orders, regulations, and policies specified in § 43.38 shall be given.

(6) Priority for occupancy shall be given to those displaced by the project(s) providing the loan funds.

§ 43.32 Procedures for provision of section 215 loans.

(a) The head of the Federal displacing or funding agency may make a section 215 loan as part of the project cost, or approve a loan as part of the cost of a federally assisted project, respectively, to assist in the development of replacement housing, if such a loan would stimulate the rehabilitation or construction of housing to meet the needs of the persons to be displaced by the project. In the case of a federally assisted project, loans made under section 215 shall be treated in the same manner as other costs of relocation payments and assistance and shall be subject to the provisions of section 211 of the Act with respect to Federal-local cost sharing. If necessary for assuring economic feasibility, the head of the displacing agency may approve a section 215 loan to plan for housing that would not be occupied entirely by persons displaced by the displacing agency.

(b) Whenever, in connection with the planning, development or execution of a direct Federal or a federally assisted project, it appears to the head of the displacing agency that adequate replacement housing may not be available to satisfy the requirements of the Act, or that such housing is not available on a nondiscriminatory basis, either (1) in the case of a federally assisted project, the head of the displacing agency wishing to make a section 215 loan may seek approval from the head of the Federal agency providing the assistance; or (2) in the case of a direct Federal project, the head of the Federal agency may decide to provide loans under section 215 to stimulate the development of the housing.

(c) A determination that replacement housing must be constructed or rehabilitated should be based, as a minimum, upon an analysis of the needs and choices of those to be displaced by the proposed project, by income, family size, and type of housing in relation to the nature and volume of competing demands for standard housing of appropriate size and cost in the locality; and information secured from officials administering other programs in the community which will result in displacement, as to their relocation housing resource plans. Existing data, supplemented where necessary, may be used to ascertain precisely the need to utilize section 215 to provide the required housing.

(d) *Invitations to prospective sponsors of housing who may be eligible for a loan.* When an assessment has been made of the number and types of housing units which will be required, the displacing agency shall make a diligent effort to find and encourage potential sponsors of housing to apply for a section 215 loan (e.g., by advertisement of the particulars on the required housing, or personal appearances before possible sponsors). A prospective applicant should be instructed to submit, in writing, a general outline or description of the proposed housing plan. Whenever possible, an estimate of the approximate costs for planning and production of the housing should be included. Advice on the standards and requirements for mortgage insurance and on the contents of the proposed housing plan, and assistance in preparing such a plan are available from HUD Area Offices.

(e) *Displacing agency's preliminary assessment of sponsor's eligibility.* The head of the displacing agency shall make a preliminary determination, based upon HUD standards for housing sponsors, as to whether the applicant and the loan request are apparently acceptable, and whether the items included in the proposal are reasonable and necessary to cover the planning and other preliminary expenses identified in § 43.30 of this issuance (see Appendix II for guide form which, though it applies only to nonprofit sponsors, also indicates the information required from other sponsors). If based upon his preliminary assessment, the head of the displacing agency decides that a prospective sponsor appears to meet the eligibility requirements for a section 215 loan to develop all or a portion of the kind and number of housing units required, he shall notify HUD in writing, with a copy to the applicant. In the case of a federally assisted project, a copy should also be sent to the head of the Federal agency. The notification should request from HUD a preliminary evaluation of the tentative plan for the proposed housing and the eligibility of the applicant for Federal mortgage insurance, and such other advice as may be useful to the displacing agency and the prospective applicant.

(f) *Conference with the applicant on project and mortgage financing eligibility.* If HUD's preliminary evaluation is favorable, the displacing agency shall advise the applicant to arrange a conference with the HUD Area Office. During the conference HUD will review the tentative plan for the proposed housing, the applicant's eligibility to apply for Federal mortgage insurance, and the general soundness of the plan for the housing. HUD will also advise the applicant on the standards and requirements for mortgage financing approval. Whenever practical, a representative of the displacing agency should attend the conference. The conference with HUD should be held before the section 215 loan applicant makes any definite plans for land acquisition or professional services. Within 20 days following the conference, HUD shall notify the head of the displacing agency in writing, with a copy to the applicant, of its preliminary determination that the proposed housing plan is acceptable; or if the plan or the sponsor is not acceptable, an explanation of the reasons therefor, and steps that need to be taken in order to make the proposal acceptable. Approval of an application to cover expenses incidental to the development of an application for mortgage insurance, does not assure that the application so developed will necessarily receive approval for mortgage insurance.

(g) *Formal application.* Upon receipt by the displacing agency of a HUD notification of acceptability pursuant to § 43.32(f), the prospective loan applicant shall be advised to make formal application to the displacing agency for a section 215 loan. If deficiencies were described in the notification, the displacing agency, in consultation with HUD, shall work with the prospective loan applicant to correct the deficiencies, if possible. The formal application should include a housing plan, which as a minimum specifies how, when and where the housing will be provided, what insured program(s) (see § 43.36(a)) will be utilized, the prices at which the housing will be rented or sold to the families to be displaced, the arrangements for housing management and social services, as appropriate, the environmental suitability of the location(s), if known, of the proposed housing, and the arrangements for maintaining rent levels appropriate for the persons to be rehoused.

§ 43.33 Approval of Federal agency.

In the case of a federally assisted project, the head of the Federal agency providing the assistance to the project causing displacement shall establish procedures either (a) to require his approval prior to processing the section 215 loan applicant pursuant to § 43.34, or (b) withhold such approval until after the amount of the principal and interest, if any, of the loan has been determined according to §§ 43.34(b) and 43.34(c).

§ 43.34 Processing the loan application.

When in the case of a federally assisted project, the displacing agency has received approval of the Federal agency providing the financial assistance, and in the case of a Federal project the head of the Federal agency determines that a section 215 loan application is appropriate, the application should be processed as follows:

(a) The total amount of the costs necessary to cover the preliminary expenses (see § 43.30) shall be computed. Each individual item of expense should be examined. HUD will provide the displacing agency with advice on the reasonableness of the applicant's proposed expenses for planning and obtaining federally insured mortgage financing, including an indication of expenses which may not be reimbursed from mortgage proceeds, and its approximation of the total amount required.

(b) The displacing agency shall then calculate the amount of the loan which shall not exceed 80 percent of the necessary expenses.

(c) In the case of an organization operating for profit, the interest rate on the dollar amount calculated under § 43.34 (b) shall be determined in accordance with § 43.31(b). (No interest shall be charged on loans to nonprofit organizations.)

(d) A loan contract shall be prepared by the displacing agency, which shall be signed by the sponsor and the displacing agency. (See § 43.31.)

§ 43.35 Review by head of Federal agency.

If at any time the applicant's proposal is rejected by the displacing agency, the prospective applicant may have the plan reviewed by the head of the Federal agency which has the authority for final approval. In making this review, the head of the Federal agency shall consult HUD if the rejection of the applicant's proposal was based on HUD–FHA standards for housing sponsors.

§ 43.36 Housing programs for which section 215 loans generally may be utilized.

(a) The following are examples of housing programs (which include rental, single-family homeownership, cooperative and condominium) for which section 215 loans generally may be utilized. Except as otherwise indicated, the programs listed below are authorized by the National Housing Act, as amended (12 U.S.C. 1701 et seq.).

(1) Section 203(b) homes and 203(i) homes in outlying areas.

(2) Section 207 rental housing.

(3) Section 213 cooperative housing.

(4) Section 220 rental housing in urban renewal areas, homes in urban renewal areas.

(5) Section 234 condominium.

(6) Section 236 rental and cooperative housing for lower income families.

(7) Section 515 of the Housing Act of 1949, as amended.

(8) Section 235 interest subsidies for housing for sale to lower income families.

(9) Section 221(d)(2) mortgage insurance for housing for low and moderate income families.

(10) Section 221(d)(4) mortgage insurance for rental housing.

(11) Section 221(d)(3) market rate mortgage insurance with rent supplements.

(12) Housing developed under section 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 where such housing involves a federally insured mortgage.

§ 43.37 Aggregate housing under jointly financed programs.

Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought out for the joint planning and development of housing through aggregating section 215 loan funds to plan for the provision of federally insured replacement housing for all such programs. Where project funds from more than one displacing agency are to be aggregated for this purpose, they may be apportioned among such agencies according to the expected occupancy of such housing by persons displaced by each project.

§ 43.38 Conformity with the Act and other statutes, policies and procedures.

(a) *Civil rights and other Acts and executive orders.* The administration of section 215 loans shall be in conformity with the provisions of section 1 of the Civil Rights Act of 1866 (42 U.S.C. 1982), title VI of the Civil Rights Act of 1964, title VIII of the Civil Rights Act of 1968, the National Environmental Policy Act of 1969, and Executive Orders 11063 and 11246, as amended, and regulations pursuant thereto.

(b) *Title VI assurance.* Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. Every contract for a loan under section 215 and every application for such a loan shall, as a condition of its approval and the extension of any assistance, contain or be accompanied by an appropriate assurance, as specified by the head of the Federal agency providing funds for the loan, that the housing and preliminary planning and other activity assisted will be operated and administered in compliance with all requirements imposed by title VI and the title VI implementing regulations of the Federal agency.

(c) *Affirmative marketing.* Housing produced with the assistance of a section 215 loan shall be marketed on a nondiscriminatory basis to affirmatively promote equal housing opportunity as prescribed in the Affirmative Fair Housing Marketing Regulations contained in 24 CFR Part 200, Subpart M (37 F.R. 75, January 5, 1972, effective February 25, 1972) and as further prescribed in Circular 8000.4, issued by the Department of Housing and Urban Development pursuant to the Affirmative Fair Housing Marketing Regulations. An assurance of compliance with this affirmative marketing requirement must be submitted by each loan applicant, and incorporated in the contract. Among the applications resulting from both affirmative marketing efforts and referrals from the displacing agency, those from persons displaced by the project providing the loan funds must be given preference.

(d) *Project selection.* From information available at the time, it must appear that housing planned with a section 215 loan for financing under a federally insured mortgage will not receive an unfavorable rating under HUD's Project Selection Criteria contained in 24 CFR Part 200, Subpart N (37 F.R. 203, January 7, 1972) and will meet all other requirements normally applicable to a federally insured mortgage.

(e) *Location.* A site may not be approved if it is occupied by persons or business concerns who would have to be displaced unless the head of the Federal agency determines that other sites or locations are not available. In any event no site may be approved if those to be displaced would not be eligible for relocation assistance and payments under the Act. Each Federal agency must determine, based on the nature of its programs, whether persons displaced to enable the provision of housing for which planning and other preliminary expenses are financed with project funds loaned pursuant to section 215 are entitled to relocation payments and assistance under the Act.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

APPENDIX I

GUIDE FORM OF LOAN CONTRACT AND TRUST AGREEMENT

(Relocation Seed Money Loans)

This Loan Contract and Trust Agreement made and entered into this ------ day of ----------, 197-- by and between the

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---------- (enter name of (1) Federal agency if loan is made under a direct Federal project; or (2) State agency if loan is made under a federally assisted project) (herein called Agency) and ----------, a ---------- organized and existing under and by virtue of the laws of the State of ---------- , having its principal offices at ---------- (herein called Sponsor).

Whereas, the Sponsor intends to develop a housing project and to make or cause to be made an application to the Agency for a commitment to insure a loan under the provisions of section ------ of ---------- (enter citation to appropriate statutory provision under which application for federally insured mortgage will be made), and the regulations issued pursuant thereto, and

Whereas, the Sponsor has applied for a loan in accordance with section 215 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (herein called Relocation Seed Money Loan) which application has been submitted to the Agency and the ---------- (enter name of Federal Department or Agency if loan is made under a federally assisted project) for approval, which application is incorporated in and made a part of this agreement.

Now, therefore, the parties mutually agree as follows:

1. The Sponsor has commenced planning a housing project identified as: (Herein called Project) and hereby represents that it possesses sufficient financial and/or other resources, combined with the advance to be made by the Agency, to complete successfully the processing preliminary to disbursement of mortgage proceeds to finance construction or rehabilitation of the project. The Sponsor convenants that it shall use its best efforts to meet the requirements of the ---------- (enter Federal Housing Commissioner or Farmers Home Administrator, as appropriate) to obtain a commitment for insurance under ---------- (enter citation to appropriate statutory provision under which application for federally insured mortgage will be made) and the relevant regulations. The Sponsor further convenants that it shall file an application for such commitment within 9 months following the date of approval of the relocation seed money loan, unless the ---------- (enter title of head of Federal Department or Agency administering the project or federally assisted project under which loan is made) determines that an extension of such 9 months period is justified.

2. Upon approval of the application for the relocation seed money loan the Agency will deliver to the Sponsor a check for the first disbursement. Delivery of this check shall constitute the Agency's acceptance of the terms of this agreement and both parties shall thereafter be fully bound by the terms of this agreement and application. The advance or advances to be made by the Agency pursuant to this agreement shall total $------.

3. The Sponsor certifies that it has spent $------ (if any) for the expenses listed in the application and that it will contribute $------, representing ------% (not less than 20%) of the estimated cost of planning the project, as its share, and further agrees that this contribution and all funds received hereunder from the Agency shall be held in trust by the Sponsor and shall be deposited in a trust account, separate from all other accounts in a bank whose deposits are insured by the Federal Deposit Insurance Corporation. Where the Agency's advance is made in a series of staged payments, the Sponsor may make its contribution on the same basis. The Sponsor agrees to certify on the receipt for each advance that it has spent, incurred expenses for, or deposited in the trust account an amount equal to ------% (not less than 20% of the expenditures to date and estimated to be made in the next month for planning this project). Sponsor's expenditures and funds in the trust account shall be used only for the purposes stated herein and unexpended funds shall be returned to the Agency as beneficiary of the trust for appropriate adjustment. Any member of the sponsoring organization receiving funds from the trust account in violation of this agreement shall hold such funds in trust for the Agency.

4. Funds in the trust account shall be expended only for the purposes set forth in the application and in the amounts specified therein, unless such other or additional expenditure shall be approved in advance by the Agency in writing. The Sponsor expressely covenants to exercise its best efforts to obtain all services at the least possible expense. The Sponsor agrees to maintain and keep complete records of all disbursements from the trust account and to make such records available to the Agency upon request.

5.[1] The Sponsor promises to repay to the Agency the full amount of the advance made in accordance with this agreement together with interest at the rate of ------% per annum. Interest on each disbursement shall be computed on a daily basis from the date of receipt by the Sponsor.

5a.[1] Principal and interest, where applicable, shall be payable in full at the time of the first disbursement of the mortgage proceeds. Where any portion of the funds disbursed from the trust account is not authorized by ---------- (enter HUD or Farmers Home Administration, as appropriate) to be recovered from the first disbursement of mortgage proceeds, the maturity for this portion of the funds shall be further extended to the date of the final disbursement of mortgage proceeds. In the event the ---------- (enter HUD or Farmers Home Administration as appropriate) commitment expires before mortgage proceeds are disbursed the entire amount shall be due and payable on that date. In any event the entire amount shall be due and payable not more than two years from the date of the first disbursement under this agreement unless extended by the Agency in writing.

5b.[1] In the event this contract is for the development of a project of individual sales type homes, principal, and where applicable, interest shall be payable in full, in installments as the mortgage proceeds on the individual homes are disbursed. The amount of the installment payments will be prorated in accordance with the number of individual houses in the project for which ---------- (enter HUD or Farmers Home Administration as appropriate) issues mortgage insurance commitments. In any event, the entire amount of principal and, where applicable, interest, shall be due 2 years from the date of the first installment under this agreement unless extended by the Agency in writing.

6.[2] The Agency agrees to waive repayment of any expended portion of the loan that it determines cannot be included in the mortgage proceeds or recovered from the sale or real property acquired with loan funds, provided that the Sponsor submits a full and complete accounting, satisfactory to the Agency, of all funds expended, including funds disbursed from the trust account together with the Sponsor's certification that all sums were in payment of expenditures listed in the application and approved by the Agency. Any unexpended funds in the trust account shall be transferred to the Agency for appropriate adjustment. The Agency will not cancel repayment of that portion of the loan which is determined to be in excess of ------% (enter percentage specified in section 3 above) of the total expenditures certified to by the Sponsor and approved by the Agency.

7.[2] In the event the Sponsor is unable to obtain a federally insured mortgage, the Agency agrees to waive repayment of the loan, provided the Sponsor has complied with all the foregoing requirements of this agreement, has diligently tried to obtain a federally insured mortgage and submits a full and complete accounting satisfactory to the Agency of all funds expended, including funds disbursed from the trust account together with the Sponsor's certification that all sums were in payment of expenditures listed in the application and approved by the Agency; provided that (subject to section 6 above) repayment shall not be waived if the Sponsor shall obtain mortgage financing from some source not insured by ---------- (enter HUD or Farmers Home Administration as appropriate) for this or a similar project on the same site. Any unexpended funds in the trust account shall be returned to the Agency for appropriate adjustment. The Agency will not cancel repayment of that portion of the loan which is determined to be in excess of ------% (enter percentage specified in section 3 above) of the total expenditures certified to by the Sponsor and approved by the Agency.

8. *Special conditions*—a. *Compliance with Title VI of the Civil Rights Act of 1964.* The Sponsor agrees to comply with all requirements imposed by Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241) and the statement assuring compliance with that title executed as part of the loan application which is hereby incorporated and made a part of this contract and the applicable regulations implementing that title issued by ---------- (enter name of Federal Department or agency administering Federal project or federally assisted project).

b. *Compliance with equal employment opportunity requirements.* The Sponsor agrees to comply with the provisions of Executive Order 11246 and the regulations of the Secretary of Labor at 41 CFR Chapter 60, and to incorporate or cause to be incorporated into any contract for construction work or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

The Sponsor hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of the nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the contractor's commitment under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Department, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

The Sponsor further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: *Provided,* That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The Sponsor agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such information as they may require for the supervision of such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Sponsor further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D of the Executive order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

c. *Compliance with affirmative fair housing marketing requirements.* The Sponsor agrees to comply with all fair housing and equal housing opportunity requirements, including affirmative marketing, imposed by Executive Order 11063 (27 F.R. 11527) and Title VIII of the Civil Rights Act of 1968 (Public Law 90-284, 82 Stat. 73) and all regulations issued by the Department of Housing and Urban Development thereunder.

d. *Compliance with project selection criteria.* The Sponsor agrees to make every effort to plan and develop housing that would be acceptable under the Project Selection Criteria Regulations issued by the Department of Housing and Urban Development.

e. *Environmental protection requirements.* The sponsor agrees to supply all information requested by the ---------- (enter name of Federal Department or agency) in order to permit compliance with that (Department's) (Agency's) implementing the National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852) and the Guidelines of the Council on Environmental Quality.

f. *Preference to "displaced persons".* The sponsor agrees that among the applications resulting from both affirmative marketing efforts and referrals from the displacing agency, those from persons displaced by the project providing the loan funds must be given preference.

---------- (Sponsor)

By: ----------

[1] (The references in paragraph 5, 5a, and 5b regarding interest are applicable only to loans made to a borrower organized for profit as determined by the Secretary.)

[2] (Paragraphs 6 and 7 are not applicable to loans made to any borrower organized for profit as determined by the Secretary.)

APPENDIX II

FHA FORM NO. 3433
Rev. 1/68

Form Approved Budget Bureau No. 63-R1055

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION

REQUEST FOR PRELIMINARY DETERMINATION OF ELIGIBILITY AS NONPROFIT SPONSOR OR MORTGAGOR

Under section 221, 231, or 232 of the National Housing Act;

To: The Federal Housing Commissioner,
c/o ----------

(Name of proposed project)

(Location)

Section ---------- (221, 231, or 232)

The instructions relating to this request have been read and are fully understood. A preliminary determination as to the eligibility of the proposed mortgagor as a nonprofit corporation or association is requested. In order to assist in the determination, the following information and that on the attached exhibit is supplied.

1. The---------- (name of sponsoring group) received its Charter on ---------- (date) pursuant to ---------- (cite statute) of the laws of the State of ----------

2. Purpose for which the sponsoring group was formed (as stated in its Charter):------
----------a----------

3. Motivation of the sponsoring group with respect to the proposed project:----------
----

4. Record of achievement in such fields as housing, human rehabilitation, social service, medical assistance, etc. (Describe the projects, give present status and periods in which involved.)

5. In an attached exhibit, furnish complete information for each of the items set forth below. Where arrangements have not been made, it must be so stated and information supplied as to what is contemplated.

a. List of the officers and directors of the sponsoring group including names, addresses, and title of positions.

b. Relationship between sponsoring group and mortgagor (existing connections or proposed, if mortgagor has not been formed).

c. Statement as to the source or sources from which the sponsor acquired its capital and acquires its income.

d. Source and amount of funds for the following expenses requiring cash outlay by the sponsor prior to receipt of the insured loan advances (if borrowed, give terms of the loan):

(1) FHA application and commitment fees,
(2) Option on project site, and
(3) Advance legal, housing consultant, and architect fees.

e. Detailed statement of the arangements made or proposed for the following, listing the principals involved, the relationship between such principals and the sponsor and mortgagor, giving the terms of the arrangements and describing the circumstances surrounding each:

(1) Land upon which the project is to be built,
(2) Construction of the project, including the selection of the general contractor, subcontractors and architect,
(3) Legal and housing consultant services,
(4) Financing of the project, and
(5) Management of the project.

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To the best of my knowledge and belief, the foregoing information and that contained in the attached exhibit is true and correct.

	(Signature)
(Date)	(Title—officer of sponsoring group)

FHA Form No. 3433—Instructions
(January 1968)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL HOUSING ADMINISTRATION

INSTRUCTIONS RELATING TO REQUEST FOR PRELIMINARY DETERMINATION OF ELIGIBILITY AS NONPROFIT SPONSOR OR MORTGAGOR

Sections 221, 231, and 232 of the National Housing Act, as amended, provide financing for nonprofit mortgagors. A nonprofit mortgagor is defined in FHA Regulations as follows:

"The mortgagor shall be a corporation or association organized for purposes other than the making of a profit or gain for itself or persons identified therewith and which the Commissioner finds is in no manner controlled by nor under the direction of persons or firms seeking to derive profit or gain therefrom."

The purpose of these instructions and form is to obtain the information required to enable the FHA Commissioner to make a determination prior to issuance of a letter of feasibility and acceptance of an application, that the sponsor of a mortgagor and the mortgagor itself, if the mortgagor has been created, is truly nonprofit in accordance with the definition above. The purpose of the preliminary determination is to prevent, as far as possible, unnecessary outlay of funds for FHA fees, plans, etc., by a sponsor or proposed mortgagor, who may be found ineligible. If found ineligible, the application will not be accepted. If tentatively found eligible, sponsor, mortgagor and the parties supplying land and services, in accordance with the terms of the commitment to insure, will be required to formally certify as to motives and relationships prior to initial endorsement of the note for insurance. A determination as to eligibility will be made at that time.

Determination of nonprofit eligibility requires a knowledge of the motivation of the sponsor and mortgagor, relationship between the sponsor and mortgagor, and relationship between the mortgagor or sponsor and the various parties or firms concerned with the project and mortgage transaction. It is essential that there be a full disclosure of all relationships and of all facts pertaining to each relationship.

QUALIFICATIONS FOR SUCCESSFUL SPONSORSHIP

It is most important that nonprofit sponsors should have continuity, and a serious and long-range desire to provide housing for low- and moderate-income families and individuals. Well-established institutional sponsors such as churches, labor unions, and fraternal organizations, are more likely to have continuity and a history of community and social service than a group organized for the specific purposes of initiating the project. In certain circumstances, however, a nonprofit group could have been recently formed with sufficiently broad base of community or neighborhood support so as to assure continuity and successful operation of the proposed project.

A group with deep roots in the community or neighborhood will probably be stronger than a national or regional organization without established roots in the community. Moreover, such a locally oriented sponsor is more likely to produce tenants for the project.

A nonprofit sponsor should be motivated not only by a desire to develop an adequate housing project, but also by a concern for the project's continuing successful operation. The entire membership of the sponsoring organization, not just a few of its representatives, should be thus motivated.

ESTABLISHING ELIGIBILITY

In order to establish that a nonprofit sponsor is properly qualified to initiate, complete, and operate a housing project for low- and moderate-income families, FHA requires that:

1. The sponsor is acting on its own behalf and is not, either knowingly or unwittingly, under the influence, control, or direction of any outside party seeking to derive profit or gain from the proposed project, such as a landowner, real estate broker, contractor, or consultant.

2. The sponsor fully understands the responsibilities and obligations that attach to sponsorship of a housing project and its continuing successful operation. The principals and membership of the nonprofit sponsor organization should be prepared to explore in depth with the FHA director problems connected with land acquisition, interim and permanent financing, selection of architects and contractors, construction, rent-up, and management.

3. The sponsor is prepared by resolution of its directors or trustees to acknowledge the responsibilities and obligations of sponsorship and continuing ownership and that this position reflects the will of its membership.

4. The sponsor is reliable on the basis of its reputation and past performance or that of its principals. In determining reliability, consideration will be given to any previous experience the sponsor has had in providing housing or related social or community services.

5. The sponsor either has within its own organization or has made arrangements for the necessary professional and management skills which are essential for the successful initiation, development, completion, and operation of the proposed project.

CAPACITY OF SPONSOR

The proposed project should not be beyond the capacity of the sponsor.

One would not expect a small bank to take on the underwriting of a major industrial financing venture. Similarly, it would not be reasonable to expect a small church to assume responsibility for a large housing project. The size of the project must be in keeping with the size and capabilities of the sponsoring organization.

If a well-motivated and reliable sponsor proposes a project beyond its capabilities; effort should be made to obtain cosponsors which will permit the combining of capabilities to the extent necessary to satisfy the requirements of the proposal, or the size of the project should be reduced.

RESPONSIBILITIES OF SPONSORSHIP

Some nonprofit sponsors may assume that the responsibility for the project, particularly in time of stress, rests with the government, the builder, or someone other than themselves; and that their role as sponsor is merely to lend their name to the project. If this attitude exists, it must be dispelled. Sponsors must understand that it is their project, and must evidence a serious intent to provide continuing support and an effective management.

The FHA commitment and mortgage insurance are predicated upon FHA's estimate (1) that there will be sufficient mortgage proceeds plus required escrows to build the project, and (2) that the rental or project income will be sufficient to meet all operating expenses and mortgage payments during the full term. Nonprofit sponsors should understand, however, that owning and operating a housing project involves difficult and trying problems, including the possibility that some unforeseen circumstances could cause project funds to run short. They should understand that FHA would expect them to cope with these problems at the time of need by all means at their disposal, such as promotional help, contributive management or services, appeals to membership or affiliated organizations. They are not legally required to provide such support, but any nonprofit sponsor should by definition feel a strong sense of moral duty to help in these circumstances. There is no reason to distinguish between a housing project and any other social purpose asset of a nonprofit organization, such as an elderly home, a medical facility, a convalescent center or a day-care facility.

It is stressed, however, that FHA does not insist upon or require a pledge or guaranty, except in rare cases where deficits are anticipated during "rent-up." What is required is a full understanding of responsibility on the part of the nonprofit sponsor. Sponsors must, of course, establish that they have the capabilities to meet expenses prior to the drawdown of mortgage funds, including expenses for achitectural services, legal and other professional services, etc. Such expenses need not be covered by the sponsor's funds alone. They may be met through assured advances from such other parties as a bank, a federal, state or municipal fund, a foundation, a church hierarchy, or another nonprofit organization.

It is permissible to borrow funds from the contractor or other parties connected with the project if they are for items to be covered by the insured mortgage and if such sums are paid in full at the time the mortgage proceeds are advanced.

POTENTIAL SPONSORS

Although it is not desirable to attempt to establish rigid criteria for determining eligibility of nonprofit sponsors, certain factors will indicate strength, other factors will suggest weakness, and some factors will make the sponsor ineligible. An evaluation of factors applicable to a particular sponsor will assist in reaching a judgment about the eligibility of the sponsor and his ability to successfully carry out the proposed project.

Among factors which indicate strength are: (1) A serious desire to provide housing for qualified low- and moderate-income families and individuals, (2) deep roots in the neighborhood and community, (3) previous experience in successfully operating housing projects, (4) widespread support for the proposal within the membership of the nonprofit organization, (5) professional expertise within the nonprofit organization or available to it from qualified outside sources, (6) adequate financial capacity to meet initial expenses and to provide for unforeseen contingencies during construction and operation of the project, and (7) absence of conflicts of interest.

Among factors which suggest weakness are: (1) No previous housing experience, (2) no previous experience or contacts in the neighborhood in which the proposed project would be located, (3) evidence that a builder, landowner, consultant, or some other party expecting to benefit financially had initiated the project and dominates the sponsorship, (4) lack of assured continuity of support by the nonprofit group as a whole, or the support of individuals who may not continue their association with the sponsoring organization, (5) heavy commitments in other fields which would tax the financial capacity of the group and weaken its support of the proposed project in times of stress, and (6) lack of professional competence to build and operate the project successfully.

Eligible nonprofit sponsors will be found among organizations such as:

A strong local chapter of a national service organization.

A broadly based community action group—such could be recently formed if there is positive assurance of continuity.

An established church with a good record of social services.

A national or State church organization.

An active charitable foundation of long standing—such could be a family foundation with unquestionable motivation, continuity, and no relationship to profit parties.

A labor union with an active local and full support of the membership.

An outstanding local service organization such as a Junior Chamber of Commerce.

Some sponsors are clearly ineligible without considering factors of strength and weakness, such as a nonprofit foundation controlled by the builder or his family, or by any other person or persons who would derive a profit or fee from the project.

SPECIAL CONSIDERATIONS FOR SECTION 221(h) REHABILITATION SALES SPONSORSHIP

The nature of the program, i.e., the rehabilitation and sale of properties to low-income purchasers, requires a special type of sponsorship.

The responsibility as it pertains to the real estate is relatively short term; whereas the responsibility for continued social services to the individual low-income owners is a long-term one. The sponsor must have the capacity or ability to arrange for the continued services required to aid the purchasers to become responsible home owners.

A group of public spirited citizens organized specifically for the purposes of the program may be qualified if it can be demonstrated that the group has the motivation, determination, and capacity to assemble, rehabilitate, and market the properties to qualified purchasers and at the same time provide the required long-term services to the new home owners.

[FR Doc.72-5741 Filed 4-14-72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 91]

[Docket No. 9471; Notice 72-12]

RADAR BEACON TRANSPONDER REQUIREMENTS

Supplemental Notice of Proposed Rule Making

In April, 1965, an advance notice of proposed rule making was published in the FEDERAL REGISTER (Notice 65-9; 30 F.R. 6074), which alerted the public to plans for the development and improvement of the National Airspace System (NAS), and informed the public of the new equipment that would be required for the operation of that system.

This development of the system was necessitated by the problems resulting from the increasing mix of high speed and low speed traffic in the airspace, the increase density of traffic, and the mix of both IFR and VFR and the mix of unknown and known traffic. These factors, coupled with the continuing estimates of dramatic growth in numbers and sophistication by all types of users, create real problems in traffic management and increased midair collision hazards.

On March 14, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (Notice 69-9; 34 F.R. 5259), which proposed to require all aircraft operating in certain designated controlled airspace be equipped with an improved radar beacon transponder having both a Mode 3/A, 4096 Code capability, and a Mode C automatic altitude reparting capability. The objective of the proposal was to improve air traffic control system effectiveness through additional IFR beacon tracking and automatic altitude reporting capability. The proposal was also designed to reduce the midair collision potential by requiring VFR flights operating in selected airspace to respond to interrogations by transmitting position and altitude automatically.

Briefly, Notice 69-9, issued March 14, 1969, proposed that a 4096 Code Mode 3/A transponder with Mode C automatic altitude reporting capability would be required, effective January 1, 1973, by both VFR and IFR aircraft in the following airspace:

1. At or above 10,000 feet MSL in the 48 contiguous States.
2. In positive control airspace.
3. In specified terminal areas.

As stated in Notice 69-9, the implementation of Mode C altitude reporting would provide the following ATC system benefits:

1. Improved ATC system safety by automatically displaying the altitude of all aircraft operating in selected airspace.
2. Reduced midair collision potential through eliminating previously unknown integral data.
3. Reduced volume of communications by eliminating the need for oral altitude reports.
4. Improved utilization of airspace through continuous altitude data on climbing and descending aircraft.
5. Increased effectiveness through greater controller selectivity in viewing targets.
6. Reduced number of traffic advisories or avoidance vectors during the provision of radar service.

Most comments received in response to Notice 69-9 were unfavorable (approximately 80 percent), and were to the effect that the proposed rule would impose excessive equipment requirements or airspace restrictions on certain classes of users. In general, the favorable comments received in response to Notice 69-9 were based upon an anticipated increase in air safety and airspace utilization. The concern on the part of many users along with other pertinent developments since the issuance of Notice 69-9 has caused the FAA to review the entire planned national airspace configuration. The FAA has also carefully weighed the original objectives along with the comments received in response to Notice 69-9.

We have concluded that our original proposal was more restrictive than actually necessary and have determined that further opportunity should be afforded to interested persons to submit comments on a modified, less restrictive concept of improved transponder employment. This supplemental notice, therefore, contains certain new proposals pertaining to the airspace and conditions in which the improved transponder would be required.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel: Attention Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before June 29, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

While the FAA understands that the implementation of the proposed rule would add to equipment costs for users of high altitudes and the busier terminals, it, nevertheless, believes that the cost factor is far outweighed by the increase in air traffic control effectiveness, reduced collision potential in the designated airspace and the additional airspace freed over the previous proposal. In the current proposal, an effort is made to minimize the amount of airspace in which the improved transponder would be required. In addition, advances in technology have significantly reduced the cost of airborne transponders and there is valid evidence that this trend will continue.

This supplemental notice differs from Notice 69-9 in that it provides that only above 12,500 feet MSL would the improved radar beacon transponder be required for en route operations. It would also lessen the impact of the transponder requirement by allowing IFR and VFR flights being provided separation service to operate without a transponder in terminal airspace at 42 locations designated as Terminal Areas and it comprehends encompassing limited amounts of airspace at these terminals.

Briefly, the proposed amendment set forth below would require the improved radar beacon transponder:

En route:

1. Within positive control area.
2. Within controlled airspace at and above 12,500 feet MSL excluding the airspace less than 1,500 feet AGL, in the 48 contiguous States, effective July 1, 1975.

Terminal airspace:

1. Within designated terminal airspace at Group I and Group II Terminal Control Areas and Terminal Areas as described below. The traffic density and complexity at the terminal locations are

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of sufficient magnitude to require maximum protection for all aircraft within designated terminal airspace, and Mode C altitude reporting equipment is necessary to take advantage of automation capability and to provide maximum system efficiency.

a. *Group I.* Nine high activity locations designated as Terminal Control Areas: Atlanta, Boston, Chicago, Dallas-Fort Worth, Los Angeles, Miami, New York, San Francisco-Oakland, and Washington-National. The exceptions to the transponder requirement in the current rules would no longer apply and all aircraft, including helicopters, would be required to have the improved transponder in the Group I terminal control areas.

b. *Group II.* Twelve high-activity locations designated as Terminal Control Areas: Cleveland, Denver, Detroit, Houston, Kansas City, Las Vegas, Minneapolis, New Orleans, Philadelphia, Pittsburgh, Seattle, and St. Louis. All aircraft would be required to have the improved transponder, but those VFR flights not wishing to receive radar separation service would not need to communicate with the radar facility. Although traffic density and complexity are less at these locations than at the above nine, the need exists to provide maximum protection for all aircraft and at the same time allow flights not wishing to receive radar service to operate in these areas. The altitude data provided by all aircraft will greatly assist controllers in vectoring aircraft receiving separation service clear of uncontrolled aircraft if necessary.

c. Forty-two additional terminal locations equipped with Automated Radar Teminal System (ARTS) equipment and designated as Terminal Areas. These terminals would be listed in a new Subpart L of Part 71 of the regulations. At these locations, a transponder would not be required of an IFR flight or a VFR flight being provided separation service. An improved transponder would be required for all other flights in the area. The altitude data provided by the transponder of aircraft not receiving separation service will assist controllers in separating controlled flights from uncontrolled aircraft. Only that vectoring airspace required for the descent and climb-out operations of high performance aircraft will be encompassed.

It is believed that Part 71 of the Federal Aviation Regulations is the appropriate place to designate the terminal airspace within which the new rules would operate. Therefore, it is proposed that Part 71, which is currently in use for the designation of Group I and Group II Terminal Control Areas be expanded to incorporate Terminal Areas. Formal airspace actions will be proposed to further amend Part 71 to designate the airspace around each Terminal Area where the improved transponder will be required. The operation of the improved transponder rule for any location would not take place until the related airspace action was completed.

At present, most Group I Terminal Control Areas have a ceiling of 7,000 feet AGL. It is planned that the ceiling of these Terminal Control Areas eventually will be raised to 12,500 feet MSL so as to provide protection to all aircraft in this airspace. This action, when taken, will expand the improved transponder requirement at the Group I locations.

At the Group II Terminal Control Areas and the additional Terminal Areas, the designated airspace within which the improved transponder requirement would apply will be established on a case by case basis. The airspace size and configuration will be designed to contain standard instrument approach paths, departure and arrival routes, sufficient vectoring airspace, and other essential airspace activity. As in the currently established five Group I Terminal Control Areas, the amount of regulated airspace will be kept to a minimum and will be coordinated with user organizations prior to designation. It is anticipated that in most cases the Group II Terminal Control Area and the Terminal Area airspace will ultimately extend upward to 12,500 feet MSL to provide maximum protection for high performance aircraft transitioning between the en route Mode C altitude transponder airspace and the terminal airspace. In effect, this will eliminate airspace in which there would be unknown aircraft and will at the same time free much of the airspace around terminals for the lower performance aircraft.

A few commentators objected to the waiver procedure provided for in Notice 69-9. They believed that the minimum time needed in requesting a waiver was unreasonable, particularly where the request was to be made in writing at least 4 days in advance of the planned activity. Because of those objections, the FAA has restudied this situation and has determined that 12-hour notice will be sufficient to handle such requests and that in no case should it be required that such requests be in writing. Therefore, the proposed amendment set forth below reflects this change.

Because of various delays, it has been decided to adjust the proposed amendment effective date to January 1, 1974, for designated terminal airspace, and July 1, 1975, for en route airspace.

Finally, Notice 69-9 proposed a requirement for 4096 Code capability in § 91.97, "Positive Control Areas and Route Segments." Since the time when Notice 69-9 was published, it has been decided that § 91.97 should be left intact until the improved transponder requirement becomes effective, since transponders having at least a 64 Code capability will continue to be required in positive control airspace and in certain other airspace designated in the appropriate Federal Aviation Regulations.

Section 91.90, "Flight in Terminal Control Areas; Operating Rules and Pilot and Equipment Requirements," will be changed when the new rule for improved transponders in terminal control areas becomes effective.

For the reasons stated above, as well as those stated in Notice 69-9, it is proposed to amend Parts 71 and 91 of the Federal Aviation Regulations as follows:

1. Part 71 would be amended as follows:

a. A new paragraph (e) would be added to § 71.1 to read as follows:

§ 71.1 Applicability.

• • • • •

(e) The airspace assignments described in Subpart L of this part are designated as Terminal Areas.

b. A new § 71.20 following § 71.19 would be added to read as follows:

§ 71.20 Terminal areas.

The terminals listed in Subpart L of this part consist of airspace within which aircraft are subject to operating rules, and equipment requirements specified in Part 91 of this Chapter. Each such location is designated as a terminal area.

c. A new Subpart L would be added to Part 71 as follows:

Subpart L—Terminal Areas

§ 71.501 Designation.

The locations listed below are designated as terminal areas.

Albany.	Omaha.
Albuquerque.	Orlando.
Baltimore.	Portland, Oreg.
Birmingham.	Phoenix.
Buffalo.	Providence.
Burbank.	Raleigh-Durham.
Charlotte.	Ontario, Calif.
Cincinnati.	Rochester, N.Y.
Columbus, Ohio.	Sacramento.
Dayton.	Salt Lake City.
Des Moines.	San Antonio.
El Paso.	San Diego.
Hartford.	San Juan.
Honolulu.	Santa Ana/Long Beach.
Indianapolis.	Shreveport.
Jacksonville.	Syracuse.
Louisville.	Tampa.
Memphis.	Tucson.
Milwaukee.	Tulsa.
Nashville.	Washington-Dulles.
Norfolk.	
Oklahoma City.	

2. Part 91 would be amended as follows:

a. Paragraph (a) (3) (i) and (iii), and paragraph (b) of § 91.90 would be amended, effective January 1, 1974, to read as follows:

§ 91.90 Flight in terminal control areas and designated terminal areas; operating rules and pilot and equipment requirements.

(a) *Group I terminal control areas*—

• • • • •

(3) *Equipment requirements.* • • •

(i) An operable VOR or TACAN receiver.

• • • • •

(iii) An operable radar beacon transponder having a Mode 3/A 4096 Code capability that is capable of replying to Mode 3/A interrogations on the code specified by ATC, and a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments.

(b) *Group II terminal control areas.* No person may operate an aircraft within a Group II terminal control area designated in Part 71 of this chapter except in compliance with the following rules:

(1) Unless otherwise authorized by ATC, each person operating a large turbine engine powered airplane to or from a primary airport shall operate at or above the designated floors while within the lateral limits of the terminal control area.

(2) Unless authorized by ATC in the case of a transponder failure occurring at any time, no person may operate an aircraft within a Group II terminal control area unless that aircraft is equipped with an operable radar beacon transponder having a Mode 3/A 4096 Code capability that is capable of replying to Mode 3/A interrogations on the code specified by ATC, and a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure information in 100-foot increments.

b. A new § 91.96 is added to read as follows:

§ 91.96 Improved radar beacon transponder.

(a) Except as provided in paragraph (b) of this section, and except for those flights being provided separation service in the terminal areas designated in Subpart L of Part 71 of this chapter, no person may operate an aircraft for which an operable radar beacon transponder is required by this chapter unless the transponder is an improved radar beacon transponder having a Mode 3/A 4096 Code capability that is capable of replying to Mode 3/A interrogations on the code specified by ATC, and a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments—

(1) After January 1, 1974, in those terminal areas and terminal control areas so designated in Subparts K and L of Part 71 of this chapter.

(2) After July 1, 1975, in positive control areas on positive control route segments, or in the controlled airspace of the 48 continguous States, and the District of Columbia which is both at or above 12,500 feet MSL and at or above 1,500 feet above ground level.

(b) ATC may authorize immediate deviations from the requirements of paragraph (a) of this section to allow an aircraft with an inoperative transponder to continue to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or both. ATC may also authorize a deviation from the requirements of paragraph (a) of this section for an operation other than one involving an inoperative transponder, however, the request for a deviation must be submitted to the ATC facility having jurisdiction over the airspace concerned at least 12 hours before the proposed operation. The deviation may be issued on a continuing basis or for individual flights as appropriate.

These amendments are proposed under the authority of sections 307 and 313 of the Federal Aviation Act of 1958 (49 U.S.C. 1340 and 1354), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 11, 1972.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.72-5792 Filed 4-14-72;8:50 am]

[14 CFR Part 135]

[Docket No. 11860; Notice 72-11]

FLOTATION GEAR

Proposed Requirements for Land Aircraft Operated Over Water

The Federal Aviation Administration is considering amending Part 135 of the Federal Aviation Regulations to permit the use of land helicopters to carry passengers over water when equipped with helicopter flotation devices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before June 14, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the rules Docket, for examination by interested persons.

A number of land helicopters are unable to meet the performance requirements of § 135.147 and, therefore, cannot be used to carry passengers over water in Part 135 operations. On the other hand, Part 127 of the Federal Aviation Regulations, which governs air carriers engaged in scheduled interstate air transportation using helicopters, permits the operation of a single-engine helicopter over water beyond autorotative gliding distance from land if, among other things, it is equipped with helicopter flotation devices. In addition, since May 1971 the FAA has exempted certain Part 135 certificate holders engaged in off-shore oil activities and law enforcement activities from compliance with § 135.147 to permit them to operate over water with helicopters equipped with suitable flotation devices. On the basis of this operating experience, the FAA believes it is appropriate to propose an amendment to § 135.147 to permit a land helicopter carrying passengers to be operated over water when it is equipped with helicopter flotation devices, notwithstanding it cannot meet the performance requirements presently prescribed in that section.

In consideration of the foregoing, it is proposed to amend § 135.147 of the Federal Aviation Regulations to read as follows:

§ 135.147 Performance requirements: Land aircraft operated over water.

No person may operate a land aircraft carrying passengers over water unless—

(a) It is operated at an altitude that allows it to reach land in the case of engine failure;

(b) It is necessary for takeoff or landing;

(c) It is a multiengine aircraft operated at a weight that will allow it to climb, with the critical engine inoperative, at least 50 feet a minute, at an altitude of 1,000 feet above the surface; or

(d) It is a helicopter equipped with helicopter flotation devices.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 10, 1972.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.72-5708 Filed 4-14-72;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 1-18; Notice 7]

FAN CONTROL, LOCATION, IDENTIFICATION, AND ILLUMINATION

Proposed Clarification of Standard

This notice proposes the adoption of wording for the identificaion of the fan control in Motor Vehicle Safety Standard No. 101a, 49 CFR 571.101a.

It has come to the agency's attention that there is some confusion as to whether the fan control is considered part of the heating and air conditioning system. Since the fan is an adjunct to such system and serves to supplement its effectiveness, the NHTSA considers it part of the system. In terms of the current requirements of Standard No. 101a, this means that the control must be identified by words chosen by the manufacturer, such as "Fan" or "Blower," and that no symbol may be used. Many manufacturers, however, have used a fan symbol and NHTSA has tentatively determined that a symbol should be permitted. Accordingly, NHTSA is proposing to adopt the identifying word "FAN," with the use of a symbol, and the choice of symbol, at the option of the manufacturer.

In consideration of the foregoing, it is proposed that 49 CFR 571.101a be amended by adding the following entries to Table I, Control Identification and Illumination:

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Column 1	Column 2	Column 3	Column 4
Motor vehicle equipment controls.	Word or abbreviation.	Permissible symbol.	Illumination.
. . .	. . .	. . .	. . .
Fan control...	FAN.....	[Manufacturer's Option.]	Yes.

Interested persons are invited to submit written data, views, or arguments on this proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted. All comments received before the close of business on May 15, 1972, will be considered, and will be available in the docket at the above address for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rule making action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rule making. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: September 1, 1973.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 10, 1972.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-5740 Filed 4-14-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 13, 74]

[Docket No. 19488; FCC 72-332]

CERTAIN RADIO-TELEPHONE OPERATOR REQUIREMENTS

Experimental, Auxiliary, and Special Broadcast, and Other Program Distributional Services

In the matter of amendment of Part 74 (experimental, auxiliary, and special broadcast, and other program distributional services) as to certain operator requirements, Docket No. 19488.

1. The Commission here gives notice of proposed rule making to consider amending Part 74 (experimental, auxiliary, and special broadcast, and other program distribution services) as concerns certain radio-telephone operator requirements. This notice is promulgated under the authority of section 553 (b) of the Administrative Procedure Act (5 U.S.C. 553(b)).

2. Specifically, the Commission here proposes possible deletion from Part 74 of the requirements for licensed operators whenever a restricted radiotelephone operator is allowed to perform the function (see §§ 13.2(c)(1)(i), 13.22(h), and 13.61(h) of the Commission's rules and regulations). The Commission here considers these changes because restricted radiotelephone operators (referred to hereafter at times as "RP's") perform duties and functions not unlike those performed in other services where there are no requirements for a licensed operator and the deletion of licensed operator requirements would not be a detriment to broadcasting. These operator requirements were included in our rules as a matter of discretion rather than statutory mandate. In this respect, section 318 of the Communications Act of 1934 as amended, provides:

> The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however,* That the Commission if it shall find that the public interest, convenience, or necessity will be served thereby may waive or modify the foregoing provisions of this section for the operation of any station except * * * (3) stations engaged in broadcasting (other than those engaged solely in the function of rebroadcasting the signals of television broadcast stations) * * *.[1]

3. Since the present restricted radiotelephone operator requirements attach only to broadcast-related services which do not operate within frequency bands allocated to radio and television broadcasting and do not disseminate radio communications intended to be received by the general public, they do not relate to "stations engaged in broadcasting" and their elimination as herein proposed would not contravene the provisions of section 318. The proposed changes are set forth in the attached appendix.

4. Authority for this action is set forth in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's Rules, interested persons may file comments on or before May 19, 1972, and reply comments on or before May 30, 1972. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, DC.

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

1. Amend subparagraph (3) of § 13.61 (h) to read as follows:

§ 13.61 Operating authority.

. . . . . .

(h) * * *

(3) Any of the various classes of broadcast stations other than FM translator and booster stations, or

. . . . . .

2. Amend paragraph (h) of § 74.437. As amended, § 74.437 reads as follows:

§ 74.437 Special rules relating to low power broadcast auxiliary stations.

. . . . . .

(h) A low power broadcast auxiliary transmitting station may be operated only by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 of this chapter (Commercial Radio Operators). Any adjustments or repairs that could affect the proper operation of transmitting units shall be made by or under the immediate supervision of an operator holding a valid first or second class radiotelephone license.

. . . . . .

3. Delete paragraph (b) of § 74.464 and paragraph designator "(a)", and redesignate paragraph (a) (1), (2), and (3) as paragraphs (a), (b), and (c). As amended § 74.464 reads as follows:

§ 74.464 Posting of station licenses.

The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible in a conspicuous place in the room in which the transmitter is located: *Provided:*

. . . . . .

NOTE: The term portable-mobile as here used is intended to include any type of portable or mobile operation.

[1] The parenthetical portion of clause (3) exempting "television rebroadcasting" was added in 1960; see Public Law 86-609, approved July 7, 1960, 74 Stat. 363.

Prior to Public Law 26, 75th Cong., effective March 29, 1937, 50 Stat. 56, section 316 read as follows:

> The actual operation of all transmitting apparatus in any radio station for which a station license is required by this Act shall be carried on only by a person holding an operator's license issued hereunder. No person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission.

[2] Commissioner Robert E. Lee absent.

4. Amend paragraph (a) of § 74.465, and delete paragraph (e). As amended, § 74.465 reads as follows:

§ 74.465 Operator requirements.

(a) A remote pickup broadcast station may be operated only by a person designated by and under control of the licensee and need not be a licensed operator under Part 13 of this chapter (Commercial Radio Operator).

. . . . . .

(e) [Deleted]

(Sec. 318, 48 Stat. 1089, as amended by Public Law 86-609, 74 Stat. 363; 47 U.S.C. 318)

5. Amend subparagraph (1) of paragraph (a) and subparagraph (4) of subparagraph (b) of § 74.533. As amended, § 74.533 reads as follows:

§ 74.533 Remote control and unattended operation.

(a) * * *

(1) The operating position shall be under the control and supervision of the licensee;

. . . . . .

(b) * * *

(4) Whenever an intermediate relay station is in operation, appropriate observations shall be made at the receiving end of the STL or intercity relay circuits at intervals not exceeding 1 hour only by a person designated by and under control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of our rules.

. . . . . .

(Sec. 318, 48 Stat. 1089, as amended by Public Law 86-609, 74 Stat. 363; 47 U.S.C. 318)

6. Delete paragraph (b) of § 74.564 and paragraph-designator "(a)". As amended § 74.564 reads as follows:

§ 74.564 Posting of station licenses.

The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visible, in a conspicuous place in the room in which the transmitter is located: *Provided,* That if the transmitter operator is located at a distance from the transmitter pursuant to § 74.533 the station license shall be posted in the above-described manner at the operating position.

7. Amend § 74.565 to read as follows:

§ 74.565 Operator requirements.

An aural broadcast STL and intercity relay may be operated only by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of our rules.

8. Amend § 74.734 to read as follows:

§ 74.734 Unattended operation.

(a) A television broadcast translator station may be operated without a licensed radio operator in attendance if the following requirements are met:

. . . . . .

(c) Unless the applicant specifically requests unattended operation and makes the showing required by paragraph (b) of this section, a person meeting the requirements of § 74.766 shall be on duty at the transmitter site whenever the station is operated.

9. Amend § 74.766 to read as follows:

§ 74.766 Operator requirements.

(a) A television broadcast translator station may be operated only by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of our rules.

. . . . . .

(Sec. 318, 48 Stat. 1089, as amended by Public Law 86-609, 74 Stat. 363; 47 U.S.C. 318)

10. Amend the authority citation to § 74.866 to read as follows:

§ 74.866 Operator requirements.

. . . . . .

(Sec. 318, 48 Stat. 1089, as amended by Public Law 86-609, 74 Stat. 363; 47 U.S.C. 318)

[FR Doc.72-5784 Filed 4-14-72;8:52 am]

[47 CFR Part 25]

[Docket No. 16495; FCC 72-314]

ESTABLISHMENT OF DOMESTIC COMMUNICATIONS-SATELLITE FACILITIES BY NONGOVERNMENTAL ENTITIES

Order Regarding Oral Argument

In the matter of establishment of domestic communications-satellite facilities by nongovernmental entities, Docket No. 16495.

Upon consideration of the notices of intent to participate in oral argument, submitted in response to the memorandum opinion and order released on March 17, 1972, in this proceeding (FCC 72-229; 37 F.R. 5066, March 22, 1972, *It is hereby ordered,* That:

1. The Department of Defense and Columbia University (Network Project) are granted leave to participate in the oral argument.

2. Parties participating in the oral argument and filing written comments shall submit brief, separate summaries of such written comments on or before April 19, 1972, for the convenience of the Commission.

3. The Commission will hear oral argument by the following parties, in the order and for the amount of time specified below, in the Commission meeting room at Washington, D.C., commencing at 9 a.m. on May 1-2, 1972. If desired, participation need not be limited to counsel.

May 1, 1972

Morning:	
Opening statement by the Chairman.	10 min.
The Western Union Telegraph Co.	30 min.
Hughes Aircraft Co.....	30 min.
The GTE Companies.....	30 min.
The RCA applicants.....	30 min.
Department of Justice...	30 min.
Total	2 hr. 40 min.
Afternoon:	
Phoenix Satellite Corp. and the Network Affiliates Associations.	15 min.
TelePrompTer et al.....	20 min.
The Network Companies...	20 min.
National Cable Television Association.	20 min.
Corporation for Public Broadcasting and Public Broadcasting Service.	30 min.
Joint Council on Educational Telecommunications.	15 min.
National Association of Educational Broadcasters.	15 min.
Total	2 hr. 15 min.

May 2, 1972

Morning:	
Communications Satellite Corp.	30 min.
American Telephone & Telegraph Co.	30 min.
Western TeleCommunications, Inc.	30 min.
MCI Lockheed Satellite Corp.	30 min.
Fairchild Industries, Inc...	30 min.
Office of Telecommunications Policy.	30 min.
Total	3 hr.
Afternoon:	
State of Alaska.....	25 min.
State of Hawaii.....	15 min.
Commonwealth of Puerto Rico.	15 min.
Department of Defense...	15 min.
United States Independent Telephone Association.	15 min.
Western Union International.	15 min.
General Electric Co.....	15 min.
American Newspaper Publishers Association.	5 min.
Columbia University (Network Project).	10 min.
Total	2 hr. 10 min.

Adopted: April 5, 1972.

Released: April 12, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5781 Filed 4-14-72;8:52 am]

[47 CFR Part 73]

[Docket No. 18179; FCC 72-306]

TELEVISION PROGRAMS SUPPLIED BY NON-NETWORK SUPPLIERS

Availability to Commercial Television Systems and CATV Systems

In the matter of amendment of Part 73 of the Commission's rules with respect

[1] Commissioner Robert E. Lee absent.

V 37-74 APR 15 72 XUM

to the availability of television programs produced by nonnetwork suppliers to commercial television stations and CATV systems, Docket No. 18179.

1. This notice substitutes for the further notice issued on January 18, 1971 (36 F.R. 935, January 20, 1971) and is designed to delineate anew the issues upon which the Commission seeks comment.

2. A number of the matters discussed in the further notice (71–42, paragraphs 4–7), constituted, in effect, an alternative way of promoting cable television's entry into the major markets in a fair and orderly manner. The Cable Television Report and Order issued February 3, 1972, 37 F.R. 3252, February 12, 1972, represents our resolution of that most important policy issue. Therefore, until we have obtained experience from the operation of the policies embodied in the Cable Television Report, we do not believe it appropriate to explore further the approaches set forth in the further notice (paragraphs 4–7).

3. It is, however, still important to continue our study of the "undue length" and "warehousing" issues set forth in paragraphs 2–3 of the further notice. Clearly, in view of possible impact on development of UHF independent programing and to assure fairness in the cable area (because television licensees in the top 50 markets listed in § 76.51(a) are afforded "run-of-the-contract" exclusivity), we should explore fully (i) whether the outerlimits of "time" exclusivity now found in the industry are reasonably called for or are unduly extended; and (ii) whether material is being "warehoused", that is, acquired not to be broadcast in any normal fashion but rather simply to preclude a competitor from gaining access to it. These, then, are the issues upon which we desire comment. We stress that we are not putting in doubt the issue of exclusivity itself. On the contrary, the Commission recognizes the need to afford a reasonable degree of exclusivity, both from the standpoint of the licensor copyright owner and the licensee (the broadcaster or cable system). See, e.g., First Report and Order, 38 FCC 683, 703–04 (1965); Cable Television Report, supra. The sole purpose of the proceeding is to obtain all necessary data and then make evaluations as to whether some action, minor or major, is called for in the area of the above two issues. We have of course reached no conclusion, even of a tentative nature, on the two issues set forth above.

4. We shall seek to conclude the geographical aspect of the proceeding in the near future, and this "time" aspect speedily after receipt of all the comments. While the two aspects are interrelated, we nevertheless believe that, in light of issuance of the Cable Television Report with its new relationship to "time" exclusivity, it is important to press forward now with that aspect—and not await the issuance of our action on the original "geographical" notice. Accordingly, we call for comments on the two issues raised in this further notice.[1] Since parties have already had a considerable period of time to gather data on these issues, we do not believe that an extended period will be required any longer to collect the necessary data.

5. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules and regulations, interested persons may file comments on or before June 19, 1972, and reply comments on or before July 19, 1972. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, briefs, and other documents shall be furnished the Commission. All relevant and timely comments and reply comments will be considered by the Commission before the final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-5782 Filed 4-14-72;8:52 am]

[47 CFR Part 73]

[Docket No. 19487; FCC 72-328]

TELEVISION BROADCAST STATIONS

Table of Assignments, Melbourne, Fla.

In the matter of amendment of § 73.606(b), *Table of Assignments,* Television Broadcast Stations (Melbourne, Fla.), Docket No. 19487, RM–1909.

1. Notice of proposed rule making is hereby given concerning amendment of the TV Table of Assignments (§ 73.606(b)) concerning Melbourne, Fla., with respect to the petition filed by Florida Central East Coast Educational Television, Inc. (Florida Central), licensee of Station WMFE–TV, Channel 24, Orlando, Fla., on January 6, 1972 (RM–1909). This notice accords with section 553 of the Administrative Procedure Act (5 U.S.C. 553).

2. Florida Central requested the assignment of Channel 56 in lieu of Channel 31 to Melbourne, Fla., so that the transmitter site proposed in its pending application (BPET–421) for modification of license will not be short-spaced to the presently unused Channel 31 assignment at Melbourne. Station WMFE–TV is now operating at a site approximately 13 miles west of Orlando near Winter Garden. The requested site relocation would be approximately 46 miles from the Melbourne reference point for Channel 31. Commission rules require a minimum mileage separation of 60 miles for the oscillator radiation "taboo" relationship between Channel 24 and Channel 31. Site selection for future use of Channel 31 at Melbourne could be difficult because of this short-spacing if a waiver of this rule were granted.

3. Several channels are available for assignment to Melbourne which could be used as a substitute for Channel 31; petitioner's request for Channel 56 in lieu of Channel 31 at Melbourne would not be an inefficient reassignment. This reallocation could provide for early operation of Station WMFE–TV from its proposed site at the Orlando "antenna farm" with facilities providing better coverage than at its licensed site. The Commission believes that petitioner's request has merit and warrants the institution of a rule making proceeding.

4. In accordance with the provisions of sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules insofar as the community listed, to read as follows:

City	Channel No.	
	Present	Proposed
Melbourne, Fla.	31, 43	43, 56

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 19, 1972, and reply comments on or before May 30, 1972. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all written comments, reply comments, pleadings, briefs, or other documents, shall be furnished the Commission. Responses filed in this proceeding will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc.72-5783 Filed 4-14-72;8:52 am]

[1] Authority for the adoption of this proposal is contained in sections 4(i), 303, 307, and 309 of the Communications Act of 1934, as amended.

[2] Commissioner Robert E. Lee absent; Commissioners Johnson and Wiley concurring in the result.

[3] Commissioner Robert E. Lee absent.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

[Release No. 34-9571]

NONMEMBER BROKER-DEALERS

Annual Fees for Fiscal 1972

The Commission has announced a proposal to amend Rule 15b9–2 (17 CFR 240.15b9–2) under the Securities Exchange Act of 1934 (the Act) and Form SECO–4 and to set fees for the fiscal year 1972 for registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. (nonmember broker-dealers).

Sections 15(b)(8) and 15(b)(9) under the Act authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to nonmember broker-dealers. Pursuant to the above sections the Commission has adopted Rule 15b9–1 (17 CFR 240.15b9–1) (32 F.R. 7849, May 30, 1967) to establish initial fees and Rule 15b9–2 (33 F.R. 7075, May 11, 1968) to provide for annual assessments. These rules prescribe the fee structure and the actual fees are set in the applicable forms required to be filed. This proposal deals with the amendment of Rule 15b9–2 and of Form SECO–4 under Rule 15b9–2 providing for annual assessments. The forms requiring initial fees (Forms SECO–5 and SECO–2) would not be changed.[1]

Annual fees—Rule 15b9–2. In general, Rule 15b9–2 now provides for an annual assessment payable by nonmember brokers or dealers which is comprised of: (1) A base fee applicable to all such brokers and dealers; (2) a fee for each associated person engaged, directly or indirectly in securities activities for or on behalf of the broker or dealer; and (3) a fee for each office of the broker or dealer which was maintained prior to May 15 during the fiscal year, at any time in which the firm was a nonmember.

Proposed annual fees for fiscal year 1972. Each fiscal year the annual assessment is set forth on Form SECO–4 for that particular year. This year's assessment, to be set forth on Form SECO–4–72, will include a base fee of $150 and a fee of $7.50 for each associated person. These increases have been necessitated by increased costs to the Commission in administering the SECO program. In addition, it is proposed that no maximum amount payable by a firm in annual charges be prescribed this year in order to provide for a more equitable distribution of the assessment burden, to raise possible additional funds and to maintain comparability with the dues structure of the National Association of Securities Dealers, Inc. (NASD) in this area.

Text of proposed amendment to rule. It is proposed that subparagraph (b)(3) of Rule 15b9–2 which provides for a charge for each office of the broker or dealer be deleted. As revised, paragraph (b) of § 240.15b9–2 of Chapter II of Title 17 of the Code of Federal Regulations would read as follows:

§ 240.15b9–2 Annual fees for registered brokers and dealers not members of a registered national securities association.

* * * * * *

(b) Fees—On or before June 1 of each year every broker or dealer to whom this section applies shall file Form SECO–4 (17 CFR 249.504 et seq.) provided for the particular fiscal year and pay the total fees prescribed by the form. Such fees shall include: (1) A base fee applicable to all such brokers or dealers and (2) a fee for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer prior to May 15 during the fiscal year, at any time in which the broker or dealer was a nonmember broker or dealer: *Provided, however,* That the fee shall not be paid for any person who confines his securities activities to areas outside the United States, its territories and possessions, and who does not deal with or act for any United States resident or national wherever located.

* * * * * *

§ 249.504f Form SECO–4–72; 1972 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed on or before June 1, 1972, pursuant to § 240.15b9–2 of this chapter, accompanied by the annual assessment fee required thereunder, for the fiscal year ended June 30, 1972, by every registered broker and dealer not a member of a registered national securities association.

The Commission proposes to adopt the foregoing amendments to be effective on June 1, 1972. All interested persons may submit their comments to the Commission at its office in Washington, D.C. 20549 no later than April 25, 1972. Copies of the Form SECO–4 as proposed to be amended have been filed with the Office of the Federal Register, and additional copies are available on request from the Commission at the above address.

(Sec. 15(b), 48 Stat. 895, as amended 78 Stat. 565, 15 U.S.C. 78o)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 11, 1972.

[FR Doc.72-5831 Filed 4-14-72;8:52 am]

[1] The initial fees now in effect which would remain unchanged are as follows: $150 fee required to accompany Form SECO–5 which is filed on behalf of the broker-dealer; $35 fee required by Form SECO–2 which is filed for each associated person of the broker-dealer.

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Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

RECORD CHANGERS FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

On March 17, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that record changers from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for exportation to countries other than the United States.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 13, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5884 Filed 4-14-72;9:33 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[Order 74]

DEPUTY DIRECTOR, NATIONAL PARK SERVICE

Delegation of Authority Concerning Duties of the Executive Director of the Advisory Council on Historic Preservation

SECTION 1. *Delegation.* The authority of the Director, National Park Service to serve as the Executive Director of the Advisory Council on Historic Preservation is hereby redelegated to the Deputy Director, National Park Service.

SEC. 2. *Redelegation.* The authority delegated in section 1 of this order may not be redelegated.

(80 Stat. 919; 16 U.S.C. 470m)

Dated: April 6, 1972.

GEORGE B. HARTZOG, JR.,
Director,
National Park Service.

[FR Doc.72-5715 Filed 4-14-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

MAJOR LEWIS LIVESTOCK AUCTION SALES ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AR-146, Major Lewis Livestock Auction Sales, Conway, Ark.
IA-242, Central Iowa Stock Yards, Webster City, Iowa.
MO-222, Cassville Livestock Market, Inc., Cassville, Mo.
NY-152, John Tyrrell & Sons, Bullville, N.Y.
OK-188, Poor Boy Cattle Company, Wister, Okla.
TX-294, Jones Dairy Auction, Sulphur Springs, Tex.
VT-109, Central Vermont Commission Sales, Inc., East Montpelier, Vt.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 11th day of April 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-5768 Filed 4-14-72;8:51 am]

PRESCOTT'S PONY AND HORSE SALE ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, location of stockyard, and date of posting

ID-122, Prescott's Pony and Horse Sale, Twin Falls, Idaho, Mar. 16, 1962.
IN-132, Ridgeville Livestock, Inc., Ridgeville, Ind., Sept. 10, 1963.
KY-136, Middlesboro Livestock Auction Co., Middlesboro, Ky., Dec. 8, 1959.
MI-103, Big Rapids Livestock Sales, Big Rapids, Mich., May 4, 1959.
MI-106, Carson City Stockyards, Carson City, Mich., Apr. 22, 1959.
SC-103, S and T Stockyard, Bennettsville, S.C., Feb. 20, 1960.
SC-115, Nichols Auction Market, Nichols, S.C., Oct. 19, 1960.
TX-230, Morton Livestock Auction Co., Morton, Tex., Sept. 4, 1970.
VT-103, Campbell's Commission Sales, Inc., Newport, Vt., June 28, 1966.
VA-112, Front Royal Livestock Market, Inc., Front Royal, Va., Mar. 2, 1959.
WA-124, Columbia Auction Market, Vancouver, Wash., Sept. 28, 1959.
WY-104, Laramie Livestock Exchange, Inc., Laramie, Wyo., Nov. 7, 1965.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 11th day of April 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-5769 Filed 4-14-72;8:51 am]

VALLEY STOCKYARDS, INC., ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility number, name, location of stockyard, and date of posting

CALIFORNIA

CA-166, Valley Stockyards, Inc., El Centro, Mar. 24, 1972.

IOWA

IA-241, Council Bluffs Livestock Exchange, Inc., Council Bluffs, Feb. 17, 1972.

MASSACHUSETTS

MA-104, Crowley's Commission Sales, Inc., Agawam, Mar. 14, 1972.

MISSISSIPPI

MS-148, Harrell Stockyard, Inc., Morton, Mar. 2, 1972.

MISSOURI

MO-221, Miller Livestock Auction Co., Miller, Mar. 9, 1972.

TEXAS

TX-293, Lockhart Auction, Incorporated, Lockhart, Feb. 1, 1972.
TX-289, Cattlemen's Livestock Auction, Palestine, Mar. 22, 1972.

Done at Washington, D.C., this 11th day of April 1972.

EDWARD L. THOMPSON,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.72-5770 Filed 4-14-72;8:51 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-578]

LESTER P. BRAY

Notice of Loan Application

APRIL 10, 1972.

Lester P. Bray, 107 Chenault Avenue, Hoquiam, WA 98550, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used fiber glass vessel, about 40-foot in length, to engage in the fishery for salmon, bottomfish, tuna, and Dungeness crab off the coasts of Washington, Oregon, and California.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.72-5707 Filed 4-14-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 9760]

CERTAIN ANTILIPEMIC DRUGS: NIACIN AND SITOSTEROLS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antilipemic drugs:

1. Nicotinic Acid Tablets containing 500 mg. niacin; formerly marketed by Walker Laboratories, Division Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 11-313).

2. Efacin Tablets containing 500 mg. niacin; marketed by Person & Covey, Inc., 236 South Verdugo Road, Glendale, Calif. 91205 (NDA 11-578).

3. Cytellin Suspension containing 3 grams sitosterols per 15 cubic centimeters; marketed by Eli Lilly and Co., Post Office Box 618, Indianapolis, Ind. 46206 (NDA 9-760).

The drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new-drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new-drug application is required for any person marketing such drugs without approval.

The Food and Drug Administration is prepared to approve new-drug applications and supplements to previously approved new-drug applications under conditions described in this announcement.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. Niacin given at a dosage rate of 1 to 2 grams a day and sitosterols are effective for the reduction of elevated levels of blood cholesterol and beta lipoproteins (blood lipids).

2. Niacin and sitosterols are possibly effective for their labeled indications which tend to associate a reduction of cholesterol levels with a consequent lessening of arteriosclerotic complications.

3. Sitosterols suspension is possibly effective for its other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new-drug applications and abbreviated supplements to previously approved new-drug applications under conditions described herein.

1. *Form of drug.* Niacin preparations are in tablet form and sitosterols preparations are in suspension form, suitable for oral administration. Niacin tablets contain an amount of drug appropriate for administration in the dosage known to be effective.

2. *Labeling conditions.* a. The labels bear the statement "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug (see effectiveness classification) and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

For the reduction of elevated levels of blood cholesterol and beta lipoproteins (blood lipids).

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of an abbreviated new-drug application, to include adequate data to assure the biologic availability of the drug in the formulation which is, or is intended to be marketed, as described in paragraph (a)(3)(ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

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d. For indications for which the drug has been classified as possibly effective (not included in the "Indications" section above); continued use as described in paragraphs (d), (e), and (f) of that notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9760, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original abbreviated new-drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5749 Filed 4–14–72;8:50 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–72–166]

ACTING ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Designation

SECTION A. *Designation.* The officials appointed to, or designated to serve as Acting during a vacancy in, the following positions are hereby designated to serve as Acting Assistant Secretary for Housing Management during the absence of the Assistant Secretary for Housing Management with all the powers, functions, and duties delegated or assigned to the Assistant Secretary for Housing Management: *Provided,* That no official is authorized to serve as Acting Assistant Secretary for Housing Management unless all other officials whose appointed, or designated Acting, position titles precede his in this designation are unable to act by reason of absence:

1. Deputy Assistant Secretary for Housing Management.

2. Executive Assistant to the Assistant Secretary for Housing Management.

3. Director, Office of Housing Programs.

4. Director, Office of Property Disposition.

SEC. B. *Authorization.* Each head of an organizational unit of Housing Management is authorized to designate an employee under his jurisdiction to serve as Acting during the absence of the head of the unit.

SEC. C. *Supersedure.* This designation supersedes the designation of Acting Assistant Secretary for Housing Management published at 36 F.R. 10897, June 4, 1971.

(Secretary's delegation of authority to designate Acting officials, 36 F.R. 5004, March 16, 1971)

Effective date. This delegation of authority is effective as of March 17, 1972.

NORMAN V. WATSON,
Assistant Secretary for housing Management.

[FR Doc.72–5742 Filed 4–14–72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–407]

INSTITUTIONAL COUNCIL OF THE UNIVERSITY OF UTAH

Notice of Receipt of Application

The Institutional Council of the University of Utah has filed an application for licenses to construct and operate a TRIGA Mark I reactor facility located on the campus of the University of Utah, Salt Lake City, Utah. The proposed reactor would be operated at steady state power levels up to 100 kilowatts (thermal).

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 30th day of March 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72–5728 Filed 4–14–72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24400; Order 72–4–45]

AIRLIFT INTERNATIONAL, INC.

Order of Investigation and Suspension Regarding "Daylight" Container Rates on Various Textile Articles From San Juan to Miami

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1972.

By tariff revisions[1] filed March 13, and marked to become effective April 12, 1972, Airlift International, Inc. (Airlift) proposes to add "daylight" Type A container rates and charges on wearing apparel and partly manufactured clothing from San Juan to Miami. The proposed rates would be subject to time of tender provisions, from 8 a.m. to 6 p.m., to space-available restrictions, and to a minimum weight of 20,000 pounds. Under the proposal, containers weighing up to 3,400 pounds would be charged $170 and a rate of $5 per hundred pounds would be charged for weight in excess of 3,400 pounds. The proposed rates would effect a reduction of 29 percent below the currently applicable bulk specific rate for the same commodities. The proposal is marked to expire with December 31, 1972.

A complaint requesting suspension and investigation has been filed by Eastern Air Lines, Inc. (Eastern). The complaint maintains, inter alia, that the proposed rates are not compensatory; that losses experienced by both Airlift and Eastern in the market would be increased; that all of Eastern's traffic of commodities covered by the proposal, which provides 20 percent of its revenues in the San Juan–Miami market, might be diverted by the proposal; and that Airlift's comparison of its proposed rates with bulk rates on yarn, thread, and fibers is invalid since these commodities are of much smaller value and thus more price sensitive in accordance with the value of service principle.

In answer to the complaint and in support of its proposal, Airlift asserts, inter alia, that the proposed rates would divert significant amounts of traffic presently moving by ocean vessel; that the present imbalance of movements in the market results in low utilization of northbound capacity, which the proposal would help to correct; and that the proposed rates would not divert much traffic currently moving by air because of the restricting conditions, such as the high minimum weight, daylight time of tender, and the space-available requirements to which the rates would be subject.

The Board, in its decision in Docket No. 22340, Container Rates for B–747 Aircraft Proposed by Continental Air Lines, Inc., Order 71–7–156, found that discounts for multicontainer shipments for 10 or more containers proposed by Continental Air Lines, Inc., were unjustly discriminatory because they were not justified by cost of service, value of service, or promotional considerations. Airlift's proposal, for shipments with a minimum weight of 20,000 pounds, necessarily involves the consignment of at least two containers, since the maximum weight per container is 10,000 pounds. Airlift, however, does not attempt to justify the proposal on the grounds indicated above.

Consistent with the above decision, and upon consideration of all other relevant matters, the Board finds that Airlift's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that the rates should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the rates, charges, and provisions on first revised page 25 of Airlift International Inc.'s, Tariff CAB No. 4, and rules, regulations, and practices affecting such rates, charges, and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions, and rules, regulations, or practices affecting such rates, charges, and provisions;

2. Pending hearing and decision by the Board, the rates, charges, and provisions on first revised page 25 of Airlift International Inc.'s, Tariff CAB No. 4 are suspended and their use deferred to and including July 10, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except as to the extent granted herein; the complaint of Eastern Air Lines, Inc., in Docket No. 24336, is dismissed;

4. The proceeding herein designated Docket No. 24400, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the tariff and served upon Airlift International, Inc., and Eastern Air Lines, Inc., which are hereby made parties to Docket No. 24400.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

HARRY J. ZINK,
Secretary.

[SEAL]

[FR Doc.72–5772 Filed 4–14–72;8:49 am]

[1] Revisions to Tariff CAB No. 4 issued by Airlift International, Inc.

[2] For the contents.

[Docket No. 24112]

BRANIFF AIRWAYS, INC.

Notice of Hearing Regarding U.S. Mainland-Hawaii First-Class Excursion Fares

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held on April 27, 1972, at 10 a.m., local time, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the prehearing conference report and other documents which are in the docket of this proceeding on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 12, 1972.

RICHARD M. HARTSOCK,
Hearing Examiner.

[SEAL]

[FR Doc.72–5773 Filed 4–14–72;8:49 am]

[Dockets Nos. 24401, 24225; Order 72–4–46]

WESTERN AIR LINES, INC., AND NORTHWEST AIRLINES, INC.

Order of Investigation and Suspension Regarding Round-Trip Group Inclusive Tour Basing Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1972.

By tariff revisions[1] marked to become effective April 13, 1972, Western Air Lines, Inc. (Western), proposes to establish round-trip group inclusive tour basing fares of $179 per person for groups of 40 or more applicable mid-week between its California gateway points and Hawaii. The fares are applicable on flights scheduled to depart on Monday through Thursday only, and require that $20 minimum be spent for ground services. Passengers must stay a minimum of 2 days; must travel to Hawaii with the group but may return individually; and reservations are required 14 days in advance of the date of departure. The fares are marked to expire September 30, 1972.[2]

Western states that the purpose of the filing is to alleviate the extreme peaking of demand it experiences for accommodations on Saturday which is created by the existing GIT group-of-40 fares which are available at all times. The total cost of Western's proposed GIT fare would be $199 (tour add-on included) versus $229 under the existing GIT fares.[3]

Continental Air Lines, Inc. (Continental), and Northwest Airlines, Inc. (Northwest), have filed complaints against Western's instant off-peak GIT fare proposal requesting its suspension and investigation.[4] The complainants allege that the proposed fares would be very diversionary and would appeal to the type of traveler who would make the trip in any event at higher regular fares. The complainants further contend that, whatever the merits of Western's argument concerning Saturday traffic peaking it would appear that the same may not be true of other carriers in the market. In answer Western states that there is no reason why a peak/off-peak concept should not be employed with respect to GIT fares in order to equalize loads throughout the week, and that it is the first to feel the weekend capacity squeeze since it does not have the lift capacity of the larger carriers.

Upon consideration of the tariff proposal, the complaints and answer thereto, and all other relevant matters the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

In our opinion, the minimal restrictions on the use of the proposed fares are not adequate to prevent significant diversion of regular fare passengers, particularly since the total cost of the proposed GIT travel (land arrangements included) will undercut the existing mid-week economy fare by $17[5] and could well result in throwaway packages. We believe it is important to maintain restrictions on the use of special fares which assure to the maximum extent possible that they will serve their intended purpose of generating new traffic, rather than diverting traffic already moving.

Western has also filed a complaint against the existing GIT group-of-40 fares published by Northwest and requests their investigation. Northwest has answered Western's complaint asserting, inter alia, that the fares in question conform to the Board's decision in the Group Inclusive Tour Basing Fares to Hawaii case, Docket 20580, and that nothing has happened since that decision which necessitates a reinvestigation of these GIT fares.

Western has consistently taken the position that a marketing tool such as GIT fares has no place in the dense and tourist-oriented West Coast–Hawaii market, where it asserts the net effect is more likely to be diversionary than generative. In addition, it alleges that existing GIT fares have severely disrupted the delicate balance of traffic distribution between weekdays and weekends achieved previously by the offering of off-peak fares.

The level of existing GIT group-of-40 fares is consistent with the fare per mile

[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariffs CAB Nos. 136 and 142.

[2] Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (Trans World), and United Air Lines, Inc. (United), have filed to match Western.

[3] Existing GIT group-of-40 fares require: A tour add-on of at least $50; minimum stay of at least 7 days; group travel together to and from Hawaii; and advance reservations at least 30 days prior to departure.

[4] Pan American filed an answer in support of the complaints.

[5] The proposed GIT fares are applicable in economy (second class) services.

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prescribed by the Board in the Group Inclusive Touring Basing Fares to Hawaii case, Docket 20580. While Western's complaint rests largely upon contentions of diversion of higher rated traffic and the adverse economic consequences of applying these fares during periods of peak traffic demand, the carrier has not furnished enough factual data for the Board to reach a conclusion that these fares may be unreasonable. Moreover, Western has made no showing that the high level of GIT traffic carried on weekends has adversely affected its profits. On the contrary, the weekend flights may well be profitable because of high load factors. In these circumstances, and since the fares expire on September 30, 1972, and December 10, 1972, we are unable to conclude that sufficient cause has been shown at this time to investigate these fares.

However, we are requesting all carriers offering the fares to file with the Board's Bureau of Economics total revenue passenger miles, revenue passenger miles related to the GIT fares for groups of 40 or more, and available seat miles, by day of the week and by direction on a monthly basis in each of the following markets where nonstop service and GIT 40 fares are provided—Los Angeles, Portland, San Francisco, and Seattle to and from Honolulu/Hilo. Such data shall be filed not later than 30 days after each month for the months of December 1971 through December 1972.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A hereto,[6] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including July 11, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaint of Western Air Lines, Inc., in Docket 24225 is hereby dismissed;

4. Except to the extent granted herein, the complaints in Dockets 24348 and 24349 are hereby dismissed;

5. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

6. Copies of this order be filed in the aforesaid tariffs and be served upon Continental Air Lines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[7] *Secretary.*

[FR Doc.72-5775 Filed 4-14-72;8:49 am]

[6] Filed as part of the original document.

[7] Concurring statement of Minetti, Member filed as part of the original document.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, April 3–April 7, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

ANIMAL AND PLANT HEALTH SERVICE

Final, March 27
1972 Gypsy Moth Suppression and Regulatory Program. Proposed USDA cooperation with State agencies in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and Wisconsin to suppress and/or regulate the gypsy moth. Approximately 200,000 acres would be sprayed with carbaryl. Certain beneficial nontarget insects and arthropods will be reduced in number; the possibility exists for runoff into area water supplies. Comments made by DOC, HEW, DOI, State agencies, and concerned citizens. (ELR Order No. 4079, 255 pages) (NTIS Order No. PB–205 589–F)

FARMERS HOME ADMINISTRATION

Final, March 24
O'Brien and Sioux Counties, Iowa. Proposed issuance of a $1,900,000 loan to Rural Water System No. 1 in order to develop water resources to serve over 500 rural families in a 170 square-mile area. Comments made by USDA, EPA, HEW, DOI, and concerned citizens. (ELR Order No. 4081, 60 pages) (NTIS Order No. PB–202 790–F)

FOREST SERVICE

Draft, March 30
Chairlift No. 2, Mount Ashland, Oreg. Proposed construction of a second chairlift at an existing winter sports complex. The lift will increase the chances of polluting the Ashland Municipal Watershed. (ELR Order No. 4075, 16 pages) (NTIS Order No. PB–207 770–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202 OX 5–2889.

Draft, March 28
Air Force Academy Airmanship Program, Colorado Springs, Colo. Proposed relocation of T–41 training facilities from Peterson Field to the Academy Airstrip. (ELR Order No. 4090, 115 pages (NTIS Order No. PB–207 908–D)

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Colonel Barnes, Executive Director, Attention: DAEN–CWZ–C, Office of Chief of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, March 28
New Kent County, Va. Proposed treatment of the waters of the Walker Dam Impoundment with a 50–50 mixture of diquat and potassium endothal. The purpose of the treatment is to control the Brasilian waterweed. Elodea fish will be killed; a reduction of the amount of oxygen in the water will occur; the reservoir will be rendered not potable for 1 week; and there is potential for damage to an adjacent farm. (ELR Order No. 4074, 14 pages) (NTIS Order No. PB–207 771–D)

Bayou Plaquemine, Iberville Parish, La. Proposed filling of Bayou Plaquemine to an elevation 26 feet above m.s.l. from west end of closed lock structure to a point approximately 200 feet west of the Texas and Pacific Railway bridge, preparatory to the construction of Highway 1 relocation fill will be obtained by dredging the Mississippi River Waterway. Several businesses will be lost to the action; a 4(f) statement will be required as public land will be taken (ELR Order No. 4080, 127 pages) (NTIS Order No. PB–207 772–D)

Cordell Hull Dam and Reservoir, Cumberland River, Tenn. Proposed construction of a dam including a 100 MWE power facility; a spillway; and a 13,900-acre reservoir. The purposes of the project are navigation, hydroelectric power, and recreation. Construction is more than 80 percent complete; conversion of a 72-mile stretch of stream to a lake will result in the displacement of residents, utilities, roads, and cemetaries. (ELR Order No. 4110, 20 pages) (NTIS Order No. PB–207 921–D)

Final, March 15
Las Cruces, Don Ana County, N. Mex. Proposed construction of a dry flood control dam and diversion ditch with outlet works, spillway structures and an open discharge channel. Loss of an unspecified amount of wildlife habitat will occur. Comments made by USDA, EPA, DOI, International Boundary and Water Commission, State and local agencies, and concerned citizens. (ELR Order No. 3063, 50 pages) (NTIS Order No. PB–202 923–F)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386–6084.

Draft, March 31
Project No. 2692, Macon and Clay Counties, N.C. Proposed approval of a renewal operating license for the Nantahala Power and Light Co.'s Project No. 2692. The project consists of 1,042' long, 250' high dam, a 1,605 acre reservoir, a 5.6-mile conduit, two diversion dams, and a powerhouse with installed capacity of 43,200 kw. (ELR Order No. 4087, 63 pages) (NTIS Order No. PB–207 901–D)

Schoolfield Project No. 2411, Danville, Va. Proposed approval of an application by the Dan River Co. for Project No. 2411. This is a run-of-river development with a 5,300 kw. powerhouse. (ELR Order No. 4088, 29 pages) (NTIS Order No. PB–207 907–D)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Contact: Robert Lanza, Office of the Assistant Secretary for Health and Scientific Affairs, Room 4062 HEWN, Washington, D.C. 20202, 202—962–2241.

Draft, March 29
Tri-Service Incinerator, Forest Glenn Station, Montgomery County, Md. Proposed construction of an 87.5 tons per day capacity incinerator to dispose of trash, animal, and infectious research wastes from Walter Reed Army Medical Center, the National Institute of Health, and the National Navy Medical Center. Twelve acres of land will be committed to the two-furnace project; traffic will increase in the area; emissions will result; sediment from construction will be discharged to a Rock Creek tributary. (ELR Order No. 4108, 124 pages) (NTIS Order No. PB–207 898–D)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, 202—343–6416.

NATIONAL PARK SERVICE

Draft, March 29
White Sands National Monument, N. Mex. A proposed revised master plan for maintenance of the Monument during the next 5 years. Missile impact within the monument necessitates the use of vehicles and other mechanical equipment. Designation as wilderness is therefore precluded. (ELR Order No. 4070, 44 pages) (NTIS Order No. PB–207 776–D)

NATIONAL CAPITAL PLANNING COMMISSION

Contact: Donald F. Bozarth, Director of Current Planning and Programming, Washington, D.C. 20576, 202—382–1471.

Draft, March 10
Comprehensive plan for the National Capital, Washington, D.C. Proposed modification to the Comprehensive Plan in order to make it conform to the Urban Renewal Area. The proposal involves relocation of the "Uptown Center," realignment of Fort Lincoln Park, etc. (ELR Order No. 2080, 56 pages) (NTIS Order No. PB–207 439–D)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615—755–2002.

Final, March 31
Colbert Steam Plant, Colbert County, Ala. Proposed addition of gas turbine peaking units 1–8 at Colbert Steam Plant. SO_2 and NO_2 will be emitted; the possibility of oil spillage or leakage will result. Comments made by USDA, DOC, DOD, EPA, FPC, HEW, HUD, DOI, DOT, State and regional agencies. (ELR Order No. 4109, 41 pages) (NTIS Order No. PB–200 365–F)

Thomas H. Allen Steam Plant, Shelby County, Tenn. Proposed addition of gas peaking units 17–20 to the Steam Plant, in order to provide additional power SO_2 and NO_x will be emitted; the possibility of oil spillage or leakage will result. Comments made by USDA, DOC, DOD, EPA, FPC, HEW, HUD, DOI, DOT, State and regional agencies. (ELR Order No. 4114, 40 pages) (NTIS Order No. PB–199 231–F)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser,[1] Director, Office of Program Coordination, 400 Seventh Street SW., Washington, D.C. 20590, 202—462–4357.

Draft, March 27
Walton County, Fla. Proposed reconstruction of 16.8 miles of two-lane F.A.S. Route 12. An unspecified amount of land will be lost to the project. (ELR Order No. 4053, 18 pages) (NTIS Order No. PB–207 727–D)

Draft, March 21
Escambia County, Fla. Proposed reconstruction of S.R. 95 (U.S. 29), a four-lane highway. The total length of the project is 8.2 miles (ELR Order No. 4055, 19 pages) (NTIS Order No. PB–207 722–D)

Draft, March 28
P.R. 149, Puerto Rico. Proposed construction of 7.49 miles of P.R. 149, a noncontrolled access highway. The Manati River will be crossed by the project; 25 families will be displaced. (ELR Order No. 4065, 21 pages) (NTIS Order No. PB–207 734–D)

Draft, March 27
Project F–625( ), Lawrence County, Ohio. Proposed construction of 10 miles of new four-lane limited access highway. Approximately 106 families, businesses, and farms will be displaced by the action. A 4(f) statement would be required as public use land will be utilized. (ELR Order No. 4066, 20 pages) (NTIS Order No. PB–207 735–D)

Draft, March 30
L.R. 16059, Clarion County, Pa. Proposed construction of 5.7 miles of Legislative Route 16059, a new, 2-lane free-access roadway. A 4(f) statement is required as the highway will require land from Cook Forest State Park. (ELR Order No. 4073, 67 pages) (NTIS Order No. PB–207 769–D)

Project US–680(4), Pinellas County, Fla. Proposed reconstruction of 1.4 miles of S.R. 699 from two to four lanes. (ELR Order No. 4076, 34 pages) (NTIS Order No. PB–207 775–D)

Draft, February 29
Project S–0145(4), Washington County, Wis. Proposed reconstruction of 3 miles of FAS Route 145. Approximately 16.2 miles of land would be lost to the project. Cedar Creek would be exposed to contamination. A 4(f) statement would be required as land would be taken from a wildlife refuge. (ELR Order No. 4091, 9 pages) (NTIS Order No. PB–207 925–D)

Draft, March 28
Plaquemines, Orleans, and St. Bernard Parishes, La. Proposed construction of 14.8 miles of I–410, a controlled access six-lane highway. Approximately 540 acres of land will be lost to the project; three families will be displaced; four major streams will be crossed. (ELR Order No. 4096, 50 pages) (NTIS Order No. PB–207 912–D)

I–410, St. Charles Parish, La. Proposed construction of 1.35 miles of six-lane I–410. Thirty-seven families will be displaced, 876.36 acres of land will be lost to the project. (ELR Order No. 4097, 30 pages) (NTIS No. PB–207 924–D)

Final, March 30
Project F–82, LeFlore County, Okla. Proposed relocation and reconstruction of 5.4 miles of U.S. 270. Nine families would be displaced and 85 acres taken by the project. Comments made by State agencies. (ELR Order No. 4092, 18 pages) (NTIS Order No. PB–199 574–F)

Project F–236, Coal County, Okla. Proposed reconstruction of 6 miles of S.H. 3. One family would be displaced and 220 acres would be lost to the project. Comments made by DOI and State agencies. (ELR Order No. 4093, 20 pages) (NTIS Order No. PB–199 593–F)

Project F–405( ), Houston County, Tex. Proposed reconstruction of 6.1 miles of U.S. 287, from two to four lanes. Approximately 147 acres of land will be required by the project; 11 residences, three businesses, and one church will be displaced, two lakes, totaling 2.8 acres, will be drained. Comments made by USDA, EPA, HEW, DOT, State agencies, and concerned citizens. (ELR Order No. 4094, 46 pages) (NTIS ORDER No. PB–202 073–F)

Project F–413( ), Morgan, Cass, and Schuyler Counties, Ill. Proposed construction of 51 miles of Supplemental Freeway F.A.P. 413, a four-lane, fully access controlled facility. An unspecified number of residences and amount of land will be lost to the project. Comments made by USDA, Army COE, DOC, EPA, FPC, DOT, USCG, and State and local agencies. (ELR Order No. 4095, 91 pages) (NTIS ORDER No. PB–202 073–F)

Final, March 29
Project F–180, Garfield and Major Counties, Okla. Proposed construction of 20.15 miles of U.S. 60. Twenty-two families, four businesses, and two nonprofit organizations will be displaced by the project; 315 acres of grass and farm lands will be lost. Comments made by DOI, and State agencies. (ELR Order No. 4098, 23 pages) (NTIS Order No. PB–200 759–F)

Project S–296(5), Shelby County, Ind. Proposed construction of 1 mile of highway to connect with I–74. Comments made by USDA, EPA, HUD, DOI. (ELR Order No. 4099, 23 pages) (NTIS Order No. PB–202 176–F)

Final, March 30
Project F–037–1( ), Whitman County, Wash. Proposed construction of 5 miles of new two and four lane limited access highway. An unspecified amount of land will be lost to the project. Comments made by USDA, Army COE, EPA, HUD, DOT, State and local agencies. (ELR Order No. 4100, 45 pages) NTIS Order No. PB–207 915–F)

Project I–86, Towns of Ashford and Union, Conn. Proposed reconstruction of I–86 for a length of approximately 7.16 miles. Comments made by USDA, EPA, HUD, DOI, State Department, State and local agencies. (ELR Order No. 4101, 101 pages) (NTIS Order No. PB–201 299–F)

Project S–1117(102), Chilton County, Ala. Proposed reconstruction of 5.2 miles of FAS Route 1117. Comments made by USDA, DOC, DOD, DOI, State and local agencies. (ELR Order No. 4102, 28 pages) (NTIS Order No. PB–201 249–F)

Project No. S–6012, Payne County, Okla. Proposed construction of 2 miles of FAS Route 6012. Thirteen acres of grasslands will be lost to the project. Comments made by USDA, EPA, and State agencies. (ELR Order No. 4103, 18 pages) (NTIS Order No. PB–201 849–F)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

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Projects F–152 and F–252, Osage County, Okla. Proposed construction of 20.4 miles of U.S. 60, a four-lane highway. Approximately 430 acres would be lost to the project. Comments made by DOI, State and local agencies. (ELR Order No. 4104, 30 pages) (NTIS Order No. PB–200 206–F)

Meeting Street Expressway, Richland and Lexington Counties, S.C. Proposed construction of 3.3 miles of urban highway. Approximately 20 businesses and 125 residences would be displaced by the project. Comments made by Army COE, HUD, DOI, DOT, State, local, and regional agencies. (ELR Order No. 4105, 31 pages) (NTIS Order No. PB–200 526–F)

Projects S–661 and 612, Floyd County, Ky. Proposed replacement of Bailey Bridge and reconstruction of 1.10 miles of highway, on KY 1426 and KY 979. Fifteen families would be displaced and 12 acres lost to the project. Comments made by DOC, EPA, DOI, DOT, and one State agency. (ELR Order No. 4106, 21 pages) (NTIS Order No. PB–202 011–F)

Project S–453, Cumberland County, N.C. Proposed reconstruction of 9.1 miles of NC 53–210. Six families and one business would be displaced by the project. Comments made by USDA, EPA, GSA, DOI, State and local agencies. (ELR Order No. 4107, 36 pages) (NTIS Order No. PB–201 848–F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72–5771 Filed 4–14–72;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 591]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 10, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

6955–C2–P–(2)–72—Massachusetts-Connecticut Mobile Telephone Co. (KCI300), for additional facilities to operate on 152.21 MHz and change the antenna system operating on 152.03 MHz at location No. 1: Provin Mountain, Off West Street, Agawan, Mass.

6961–C2–P–(3)–72—Contact of Texas (KKD284), for additional facilities to operate on 152.18 MHz and change the antenna system operating on 152.03 MHz and 152.01 MHz located at Ranger Peak, Franklin Mountain, El Paso, Tex.

6962–C2–MP–(2)–72—Intrastate Radio Telephone, Inc., of Los Angeles (KSV977), replace transmitter and change the antenna system operating on 152.24 MHz at location No. 1: End of TV Row, Mount Wilson, Calif., and for additional facilities to operate on 152.24 MHz at a new site described as location No. 2: 8999 Cedro Drive, Los Angeles, CA.

6963–C2–P–(3)–72—Tel-Car, Inc. (KSV957), for additional facilities; at location No. 1: Flattop Butte, 5.5 miles east of Jerome, Idaho, add 152.03 MHz base and 459.25 MHz repeater and at location No. 2: 408 Sixth Avenue West, Twin Falls, ID, add 454.25 MHz control.

6965–C2–P–(2)–72—Mobile Radio Telephone Service, Inc. (KAQ606), for an additional antenna at location No. 2: 8500 Zuni Street, Westminister, CO, to operate on 35.58 MHz.

6978–C2–AL–72—Great Eastern Communications Co., consent to assignment of license from Great Eastern Communications Co., Inc., Assignor, to Francis Lambert & Virginia Clauretie trading as Chayce 'n You, Assignee. Station: KRS638 New Bedford, Mass.

6979–C2–P–(3)–72—Airsignal International, Inc. (KIE953), to add FM transmitters to operate on 35.58 MHz at location No. 1: Forsyth and Marietta Streets, Atlanta, Ga.; at Location No. 2: 3390 Peachtree Road NE., Atlanta, GA, and at location No. 3: 1001 International Boulevard, Atlanta, GA.

6980–C2–P–72—Communications Industries, Inc., doing business as Mobilfone (KKG565), for additional facilities to operate on 152.21 MHz at location No. 1: U.S. Highway No. 80, approximately 2 miles southwest of Midland, Tex.

6986–C2–P–72—Southwestern Bell Telephone Co. (KKG413), for additional facilities to operate on 152.75 MHz located 1.5 miles west of El Dorado, Ark.

6987–C2–P–(2)–72—Ace Commercial Services, Inc. (KQZ741), change base frequency to 152.06 MHz at location No. 1: 4 miles northeast of Columbus on Highway No. 12, WCBI–TV Tower, Columbus, Miss., and establish two-way facilities to operate on 152.03 MHz at a new site described as location No. 3: East of Ridge Road North, Columbus, Miss.

7008–C2–P–(2)–72—Charles L. Slocum (KCI770), for additional facilities to operate on 152.18 MHz base at location No. 2: Coal Bed Road, Elk Township, 6 miles northeast of Warren, Pa., and 454.275 MHz control facilities at location No. 3: Lindsley Hollow Road, 2.5 miles south of Corry, Pa.

7009–C2–ML–72—Mountain States Telephone and Telegraph Co. (KSV985), change base frequency to 152.72 MHz located at 2.3 miles northwest of Bisbee, Ariz. (Mule Mountain).

7010–C2–P–72—Mobile Radio Communications, Inc. (New), for a new one-way station to be located at 922 Linwood Street, Kansas City, MO, to operate on 35.58 MHz.

7011–C2–P–72—Telephone Answering Service, Inc. (KJU799), relocate facilities operating on 152.03 MHz to 805 Kentucky Avenue, Paducah, KY.

7080–C2–P–72—George E. Kitchen & Associates (KLF562), for additional facilities to operate on 152.09 MHz at a new site described as location No. 2: 552½ West Columbia, Battle Creek, MI.

7092–C2–P–(4)–72—Mountain States Telephone and Telegraph Co. (KOE513), relocate facilities operating on 152.57, 152.63, 152.69, and 152.75 MHz at 6 miles south-southwest of Casper, Wyo.

7093–C2–P–72—Northern Illinois Radio Phone and Paging (New), for a new two-way station to be located west of Martin Road on south side of Route No. 120, McHenry, Ill., to operate on 454.100 MHz.

7095–C2–P–72—Airsignal International, Inc. (KIE653), for additional facilities to operate on 35.22 MHz at location No. 3: 3243 Tulane, Memphis, TN.

7097–C2–P–(4)–72—Victor E. Duane (New), for a new two-way station to be located at location No. 1: 917 West Galbraith Road, Cincinnati, OH, to operate on 454.150 and 454.275 MHz and at location No. 2: 2345 Symmes, Cincinnati, OH, to operate on 454.050 and 454.225 MHz.

Major Amendment

6524–C2–P–71—Airsignal International, Inc. (KIF653), amend to read: For additional facilities to operate on frequency 35.22 MHz at a new site described as location No. 2: 475 North Highland Street, Memphis, TN. See Public Notice No. 545, dated May 24, 1971.

7506–C2–P–71—Yakima Telephone Answering Service (New), amend to indicate transfer of control from Jack H. Goetz and Margaret A. Goetz to Dale W. Blair. See Public Notice No. 551, dated July 6, 1971.

[1] All applications listed in the appendix below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6974–C1–P–72—Rock Hill Telephone Co., Inc. (KJA69), 500 feet north of Pleasant Hill, S.C. C.P. to correct coordinates on latitude 34°37'20" N. longitude 80°41'13" W. and change frequencies 6240.1H, 6278.8V, and 6397.4V MHz to 6345.5H, 6286.2H, and 6404.8H MHz toward Lesslie, S.C.; change frequencies 6263.9V and 6382.6V MHz to 6286.2V and 6404.8V MHz toward Camden, S.C. and change frequencies 6189.8V, 6219.5H, and 6338.1H MHz to 6345.5V, 6256.5H, and 6376.2H MHz toward Lancaster, S.C.

6975–C1–P–72—Rock Hill Telephone Co., Inc. (KJA70), 205 West Gay Street, Lancaster, S.C. C.P. to correct coordinates on latitude 34°43'04" N., longitude 80°46'19" W. and change frequencies 6937.8H and 6056.4H MHz to 6004.6V and 6123.1V MHz toward Pleasant Hill, S.C.

6976–C1–P–72—American Telephone & Telegraph Co. (KGH83), 2.5 miles east-southeast of Lionville, Pa. Latitude 40°03'06" N., longitude 75°36'40" W. C.P. to add 3890H MHz toward Oxford, Pa.

6977–C1–P–72—American Telephone & Telegraph Co. (KGH84), 3.5 miles south of Oxford, Pa. Latitude 39°44'00" N., longitude 75°57'56" W. C.P. to add 3830H MHz toward Fairlee, Md.

6988–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station, 2.3 miles northeast of Chunky, Miss., at latitude 32°20'31" N., longitude 88°53'41" W. Frequency 11,245V MHz on azimuth 268°25'.

6989–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), C.P. for a new station 0.1 mile northeast of Newton, Miss. at latitude 32°20'08" N., longitude 89°09'03" W. Frequency 10,755H MHz on azimuth 268°30'.

6990–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), C.P. for a new station 2 miles southeast of Forest, Miss., at latitude 32°19'39" N., longitude 89°26'42" W. Frequency 11,526V MHz on azimuth 264°15'.

6991–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), C.P. for a new station 5 miles north of Polkville, Miss., at latitude 32°15'59" N., longitude 89°41'22" W. Frequency 10,835H MHz on azimuth 265°00'.

6992–C1–P–72—Frank K. Spain doing business as Microwave Service Co. (New), C.P. for a new station 4.7 miles northeast of Brandon, Miss. at latitude 32°19'09" N., longitude 89°56'40" W. Frequency 11,485V MHz on azimuth 265°15'. Applicant proposes to provide the television signal of station WWOM–TV of New Orleans, La., to Capitol Services, Inc., in Jackson, Miss. See also major amendment to File No. 694–C1–P–72 which was filed simultaneously herewith.

6993–C1–P–72—Western Tele-Communications, Inc. (KZA87), East Butte, 32 miles west of Idaho Falls, Idaho, at latitude 43°30'00" N., longitude 112°39'46" W. C.P. to power split frequency 6390.0H MHz on azimuth 68°38'. Applicant proposes to provide the signal of station KBYU–TV to Rex TV, Inc., in Rexburg, Idaho.

6994–C1–P–72—American Telephone & Telegraph Co. (KSQ43), 2.7 miles west-southwest of Casselton, N. Dak. Latitude 46°52'42" N., longitude 97°15'26" W. C.P. to add 3910V MHz toward Walcott, N. Dak.

6995–C1–P–72—American Telephone & Telegraph Co. (KSQ42), 3.7 miles north of Walcott, N. Dak. Latitude 46°36'06" N., longitude 96°55'42" W. C.P. to add 3790V MHz, 3870V MHz toward Casselton, N. Dak., and 3870V MHz toward Rollag, Mont.

6996–C1–P–72—American Telephone & Telegraph Co. (KAK49), 3 miles southeast of Rollag, Minn. Latitude 46°42'08" N., longitude 96°13'10" W. C.P. to add 3880V, 3910V MHz toward Walcott, N. Dak., and 3910H MHz toward Luce, Mont.

6997–C1–P–72—American Telephone & Telegraph Co. (KAK73), 1.5 miles southwest of Luce, Minn. Latitude 46°38'32" N., longitude 96°40'20" W. C.P. to add 3790H, 3870H MHz toward Rollag, Mont., and 3870H MHz toward Sebeka, Mont.

6998–C1–P–72—American Telephone & Telegraph Co. (KAK74), 4 miles south-southwest of Sebeka, Minn. Latitude 46°34'10" N., longitude 95°07'05" W. C.P. to add 3830H, 3910H MHz toward Luce, Mont., and 3910H MHz toward Motley, Mont.

6999–C1–P–72—American Telephone & Telegraph Co. (KAK75), 1 mile south of Lincoln, Minn. Latitude 46°11'37" N., longitude 94°38'53" W. C.P. to add 3790H, 3870H MHz toward Sebeka, Mont., and 3870H MHz toward Little Falls, Mont.

7000–C1–P–72—American Telephone & Telegraph Co. (KAK76), 2.5 miles southwest of Little Falls, Minn. Latitude 45°56'38" N. longitude 94°24'09" W. C.P. to add 3830H, 3910H MHz toward Motley, Mont., and 3910H MHz toward Gilman, Mont.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency 152.24 MHz

TEXAS:
Houston Mobilfone, Inc. (New), 2202–C2–P–69.
Radio Paging, Inc. (New), 3885–C2–P–69.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency 158.70 MHz

TEXAS:
Radio Dispatch, Inc. (New), 2203–C2–P–69.
Robert E. Franklin (New), 3788–C2–P–69.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6983–C1–P–72—American Microwave & Communications, Inc. (KYO48), 2 miles southeast of Perrinton, Mich., at latitude 43°09'37" N., longitude 84°38'11" W. C.P. to change frequency from 6338.1H MHz to 6345.5H MHz on azimuth 347°55'.

6984–C1–P–72—American Microwave & Communications, Inc. (KYO49), Mount Pleasant, 2 miles south of Mount Pleasant, Mich., at latitude 43°33'38" N., longitude 84°46'15" W. C.P. to change polarization of frequency 5945.2 from Horizontal to Vertical on azimuth 358°02'.

6986–C1–P–72—American Telephone & Telegraph Co. (KEA77), 0.8 mile north of Cherryville, N.J. Latitude 40°34'18" N., longitude 74°54'22" W. C.P. to add 3960H MHz toward Mount Airy, N.J.

6987–C1–P–72—American Telephone & Telegraph Co. (KYS55), 1.5 miles southeast of Mount Airy, N.J. Latitude 40°33'06" N., longitude 74°52'58" W. C.P. to add 3950H MHz toward Cherryville, N.J., and 3960V MHz toward Monmouth Junction, N.J.

6988–C1–P–72—American Telephone & Telegraph Co. (KYS56), 2.2 miles northwest of Monmouth Junction, N.J. Latitude 40°23'37" N., longitude 74°35'07" W. C.P. to add 3990V MHz toward Mount Airy and Navesink, N.J.

6989–C1–P–72—American Telephone & Telegraph Co. (KEE54), 0.5 mile west of Navesink, N.J. Latitude 40°24'11" N., longitude 74°02'38" W. C.P. to add 3950V MHz toward Monmouth Junction, N.J., and 3990H MHz toward Hempstead, N.Y.

6990–C1–P–72—American Telephone & Telegraph Co. (KEE55), Terrace and Fulton Avenue, Hempstead, N.Y. Latitude 40°42'28" N., longitude 73°37'43" W. C.P. to add 3990H MHz toward Navesink, N.J.

6997–C1–P–72—American Telephone & Telegraph Co. (KVD82), 4 miles north-northeast of Bates, Ark. Latitude 34°57'45" N., longitude 94°22'29" W. C.P. to add 4198H MHz toward Union Hill, Ark.

6968–C1–P–72—American Telephone & Telegraph Co. (KVD81), 8.2 miles south of Sugar Grove, Ark. Latitude 34°57'41" N., longitude 93°49'08" W. C.P. to add 4190H MHz toward Bates, Ark., and 4190V MHz toward Danville, Ark.

6969–C1–P–72—American Telephone & Telegraph Co. (KVD80), 2.1 miles south-southwest of Danville, Ark. Latitude 35°00'58" N., longitude 93°24'40" W. C.P. to add 4198V MHz toward Union Hill, Ark., and 4198H MHz toward Paron, Ark.

6970–C1–P–72—American Telephone & Telegraph Co. (KVD79), 8.2 miles west-northwest of Paron, Ark. Latitude 34°50'13" N., longitude 92°52'54" W. C.P. to add 4190H MHz toward Danville, Ark., and 4190V MHz toward Alexander, Ark.

6971–C1–P–72—American Telephone & Telegraph Co. (KTG45), 1.7 Miles south of Alexander, Ark. Latitude 34°36'07" N., longitude 92°26'55" W. C.P. to add 4198V MHz toward Paron, Ark.

6972–C1–P–72—Rock Hill Telephone Co., Inc. (KJA67), 330 East Black Street, Rock Hill, SC. Latitude 34°55'19" N., longitude 91°01'29" W. C.P. to change frequencies 6293.9V and 6362.6V MHz to 6286.2V and 6404.8V MHz toward Lesslie, S.C.

6973–C1–P–72—Rock Hill Telephone Co., Inc. (KJA68), 1,200 feet west of Lesslie, S.C. C.P. to correct coordinates on latitude 34°53'29" N., longitude 80°57'35" W. and change frequencies 6041.6V, 6011.9H, and 6160.2V to 6034.2H, 6152.6H, and 6083.5H MHz toward Rock Hill, S.C. Also change frequencies 5997.1V and 6115.7V MHz to 6034.2V and 6192.8V MHz toward Pleasant Hill, S.C.

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POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

7001–C1–P–72—American Telephone & Telegraph Co. (KAK77), 3 miles northeast of Gilman, Minn. Latitude 45°46'48" N., longitude 93°56'12" W. C.P. to add 3790H, 3870H MHz toward Little Falls, Mont., and 3870H MHz toward Zimmerman, Mont.

7002–C1–P–72—American Telephone & Telegraph Co. (KAK78), 3 miles southeast of Zimmerman, Minn. Latitude 45°24'59" N., longitude 93°32'42" W. C.P. to add 3830H, 3910H MHz toward Gilman, Mont.

7003–C1–P–72—American Telephone & Telegraph Co. (KAI71), 6.5 miles southeast of Moville, Iowa. Latitude 42°24'43" N., longitude 95°59'57" W. C.P. to add 3770V MHz toward Adaville, Iowa.

7004–C1–P–72—American Telephone & Telegraph Co. (KAM41), 6.2 miles northwest of Merrill, Iowa. Latitude 42°45'02" N., longitude 96°22'00" W. C.P. to add 3730V MHz toward Moe, S. Dak.

7005–C1–P–72—American Telephone & Telegraph Co. (KAM42), 7.7 miles southwest of Fairview, S. Dak. Latitude 43°10'00" N., longitude 96°37'37" W. C.P. to add 3770H MHz toward Pumpkin Center, S. Dak.

7006–C1–P–72—American Telephone & Telegraph Co. (KAM43), 7.1 miles southwest of Hartford, S. Dak. Latitude 43°32'26" N., longitude 97°01'42" W. C.P. to add 3950H MHz toward Chester, S. Dak.

7007–C1–P–72—American Telephone & Telegraph Co. (KBI46), 3.9 miles north-northeast of Chester, S. Dak. Latitude 43°56'54" N., longitude 96°54'36" W. C.P. to add 3990H MHz toward Arlington, S. Dak.

7012–C1–P–72—Northwestern Bell Telephone Co. (New), 6.2 miles east-northeast of Arlington, S. Dak. Latitude 44°22'59" N., longitude 97°00'36" W. C.P. for a new station on frequency 4110V MHz toward Brookings, S. Dak.

7013–C1–P–72—Northwestern Bell Telephone Co. (New), 7.75 miles southwest of Fairview, S. Dak. Latitude 43°10'03" N., longitude 96°37'39" W, C.P. for a new station on frequency 4150V MHz toward KUSD–TV, Beresford, S. Dak.

7014–C1–P–72—KHC Microwave Corp. (New), C.P. for a new station at Tangipahoa, 3.5 miles southeast of Wilmer, La., at latitude 39°50'21" N., longitude 90°18'48" W. Frequency 5974.8V MHz on azimuth 345°16'.

7015–C1–P–72—KHC Microwave Corp. (New), C.P. for a new station in McComb, Miss., at latitude 31°14'59" N., longitude 90°26'24" W. Frequency 6375.2V MHz on azimuth 12°59'.

7016–C1–P–72—KHC Microwave Corp. (New), C.P. for a new station at Wesson, 1 mile east-northeast of Huecks, Miss., at latitude 31°37'35" N., longitude 90°20'30" W. Frequency 5034.2V MHz on azimuth 5°56'.

7017–C1–P–72—KHC Microwave Corp. (New), C.P. for a new station 3 miles east of Crystal Springs, Miss., at latitude 31°59'55" W., longitude 90°17'57" W. Frequency 6315.9V MHz on azimuth 18°34'. Applicant proposes to provide the television signal of station WWOM–TV of New Orleans, La., to McComb Cablevision, Inc., in McComb, Miss., and to Capitol Cablevision in Jackson, Miss.

7018–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIY59), 1645 Hampton Street, Columbia, SC. Latitude 34°00'29" N., longitude 81°01'42" W. C.P. to delete frequencies 6011.9V and 6130.5V and change polarization from H to V on frequencies 5974.8V and 6093.5V and add 6152.8V MHz toward Blaney, S.C.

7019–C1–P–72—Southern Bell Telephone & Telegraph Co. (KJB47), two blocks southeast of U.S. Highway No. 1, S.C. Latitude 34°10'10" N., longitude 80°47'15" W. C.P. to delete frequencies 6263.9V and 6382.6V and add 6404.8H MHz toward Columbia, S.C., and add 6404.8V MHz toward Camden, S.C., and delete frequencies 6249.1H and 6367.7H and 6280.2V MHz toward Spring Hill, S.C.

7020–C1–P–72—Southern Bell Telephone & Telegraph Co. (KJA71), 1209 Broad Street, Camden, SC. Latitude 34°14'57" N., longitude 80°36'26" W. C.P. to change polarization from V to H on frequencies 5974.8H and 6093.5H and add 6152.8H MHz toward Blaney, S.C., and add 5945.2V, 6063.6V, and 6093.5H MHz toward Spring Hill, S.C.

7021–C1–P–72—Southern Bell Telephone & Telegraph Co. (KJB48), 2 miles southeast of intersection of South Carolina County Road No. 7 and No. 37. Latitude 34°07'26" N., longitude 80°24'41" W. C.P. to add 6197.2H and 6315.9H MHz toward Camden, S.C.; delete 6130.5H MHz and change to 6345.5V MHz toward Bishopville, S.C.; delete frequencies 5974.8V, 6034.2H, and 6093.5V MHz and change to 6197.2V, 6315.9V, and 6345.5H MHz toward Sumter, S.C.; and delete frequencies 5997.1H and 6115.7H MHz toward Blaney, S.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

7022–C1–P–72—Southern Bell Telephone & Telegraph Co. (KJB49), 15 South Harvin Street, Sumter, SC. Latitude 33°55'08" N., longitude 80°20'24" W. C.P. to delete 6197.2V and 6315.2V MHz and change to 5945.2H and 6063.6H MHz toward Spring Hill, S.C., and delete frequencies 6219.5V, 6338.1V, and 6249.1H MHz and change to 5945.2V, 6004.5V, and 6123.1V MHz toward Manning, S.C.

7023–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIY63), 218 College Street, Greenville, SC. Latitude 34°51'19" N., longitude 82°24'00" W. C.P. to add 10,715V MHz toward Paris Mountain, S.C.

7024–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIY62), Paris Mountain 6 miles north of Greenville, S.C. Latitude 34°56'29" N., longitude 82°24'40" W. C.P. to change frequencies 6263.9V and 6382.6V MHz to 6197.2H and 6315.9H MHz and add 6404.8V MHz toward Clinton, S.C. Also change polarization from H to V on frequencies 6256.5V and 6375.2V MHz and change polarization from V to H on frequencies 6226.9H and 6345.5H MHz and add 11,245H MHz toward Greenville, S.C.

7025–C1–P–72—Southern Bell Telephone & Telegraph Co. (KIY61), 208 Broad Street, Clinton, SC. Latitude 34°28'13" N., longitude 81°52'55" W. C.P. to change 5982.2H, 6100.9H and 5937.8V MHz to 6093.5V, 6034.2V, and 6152.8V MHz toward Greenwood, S.C., and change frequencies 6004.5H and 6123.1H MHz to 5945.2V and 6063.8V MHz and add 6152.8H MHz toward Paris Mountain, S.C.

7026–C1–P–72—Pacific Northwest Bell Telephone Co. (KOC65), 819 Southwest Oak Street, Portland, OR. Latitude 45°31'22" N., longitude 122°40'42" W. C.P. to change polarization from H to V on frequencies 3770V MHz toward Sentinel Hill and change polarization from H to V on frequency 3850V MHz and add 3930V MHz toward Portland, Oreg.

7027–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS69), Sentinel Hill, near Southwest Fairmount Boulevard, Portland, Oreg. Latitude 45°29'24" N., longitude 122°41'47" W. C.P. to change polarization from H to V on frequencies 3730V and 3810V MHz toward Portland, Oreg., and add 3890V MHz toward Portland and 3890V MHz toward Saddle Mountain, Oreg.

7028–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS63), Saddle Mountain, 9.5 miles northwest of Cherry Grove, Oreg. Latitude 45°32'43" N., longitude 123°22'49" W. C.P. to add 3930V MHz toward Sentinel Hill, Oreg., and 4090V MHz toward Amity, Oreg.

7029–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS70), 4.5 miles northeast of Amity, Oreg. Latitude 45°08'37" N., longitude 123°07'44" W. C.P. to add 4050V MHz toward Saddle Mountain, Oreg., and add 4050V MHz toward Mount Horeb, Oreg.

7030–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS72), Mount Horeb, 7 miles east-northeast of Mill City, Oreg. Latitude 44°47'35" N., longitude 122°20'21" W. C.P. to add 4090V MHz toward Amity and Hoodoo Butte, Oreg.

7031–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS73), Hoodoo Butte, 18.2 miles west-northwest of Sisters, Oreg. Latitude 44°24'03" N., longitude 121°52'57" W. C.P. to add 4050V MHz toward Mount Horeb and Long Butte, Oreg.

7032–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS74), Long Butte, 3.2 miles northeast of Tumalo, Oreg. Latitude 44°10'26" N., longitude 121°16'32" W. C.P. to add 4090V MHz toward Hoodoo Butte and Spring River, Oreg.

7033–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS75), Spring River, 16 miles southsouthwest of Bend, Oreg. (Latitude 43°52'25" N., longitude 121°30'11" W. C.P. to add 4050V MHz toward Long Butte, Oreg., and 4050H MHz toward Crescent Butte, Oreg.

7034–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS76), Crescent Butte, 1 mile southeast of Gilchrist, Oreg. Latitude 43°27'48" N., longitude 121°40'04" W. C.P. to add 4090H MHz toward Spring River and Welch Butte, Oreg.

7035–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS77), Welch Butte, 8.9 miles south-southwest of Chemult, Oreg. Latitude 43°06'35" N., longitude 121°53'09" W. C.P. to add 4050V MHz toward Cave Mountain, Oreg., and 4050H MHz toward Crescent Butte, Oreg.

7036–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS78), Cave Mountain, 3 miles northeast of Chiloquin, Oreg. Latitude 42°36'23" N., longitude 121°49'01" W. C.P. to add 4090V MHz toward Welch Butte, and Medicine Mountain, Oreg.

7037–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS79), Medicine Mountain, 3 miles southeast of Beatty, Oreg. Latitude 42°25'05" N., longitude 121°13'14" W. C.P. to add 4050V MHz toward Cave Mountain and Brady Butte, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

7038–C1–P–72—Pacific Northwest Bell Telephone Co. (KYS80), Brady Butte, 22.7 miles southeast of Bonanza, Oreg. Latitude 42°00'58" N., longitude 121°02'05" W. C.P. to add 4090V MHz toward Medicine Mountain, Oreg., and Timber Mountain, Calif.

(INFORMATIVE: Applicant, MCI New England, Inc., is modifying its original proposal for specialized common carrier radio service between Boston, Mass., and New York, N.Y., by filing three new applications as listed below.)

7039–C1–P–72—MCI New England, Inc. (New), a new station is located 1 mile east of New Canaan, Conn., at latitude 41°08'40" N., longitude 73°28'11" W. Frequencies 10,735.0V and 11,135.0V on azimuth 210°21' and 6197.2V on azimuth 80°29'.

7040–C1–P–72—MCI New England, Inc. (New), a new station is located 1 mile north of Westville, Conn., at latitude 41°21'00" N., longitude 72°58'23" W. Frequencies 6197.2H on azimuth 224°00' and 11,585.0H and 11,265.0H on azimuth 142°37'.

7041–C1–P–72—MCI New England, Inc. (New), a new station is located 2.5 miles west-northwest of Hampden, Mass., at latitude 42°04'14" N., longitude 72°21'42" W. Frequency 3730.0V on azimuth 112°59' and frequency 3730.0V on azimuth 281°29'.

(INFORMATIVE: Applicant, MCI Michigan, Inc., is modifying its original proposal for Specialized Common Carrier Radio Service between South Bend, Ind., and Detroit, Mich., and points in between, by filing the four new applications listed below.

7071–C1–P–72—MCI Michigan, Inc. (New), Site 6, Prairieville, Mich. C.P. for a new station, 3.4 miles southeast of Prairieville, Mich., at latitude 42°27'54" N., longitude 85°29'20" W. Frequencies 5974.8V MHz on azimuth 201°52' toward Kalamazoo, Mich., 5945.2H MHz on azimuth 340°19' toward Dias Hill, Mich., 5945.2V on azimuth 122°42' toward Battle Creek, Mich.

7072–C1–P–72—MCI Michigan, Inc. (New), Site 7, Dias Hill, Mich. C.P. for a new station, 3.7 miles east of Byron Center, Mich., at latitude 42°47'48" N., longitude 84°39'00" W. Frequencies 6197.2H MHz on azimuth 160°13' toward Prairieville, Mich., 10,775.0V and 11,175.0V MHz on azimuth 355°15' toward Grand Rapids, Mich.

7073–C1–P–72—MCI Michigan, Inc. (New), Site 11, Concord, Mich. C.P. for a new station, 1.9 miles southeast of Concord, Mich. Latitude 42°09'09" N., longitude 84°37'18" W. Frequencies 6197.2H MHz on azimuth 292°03' toward Marshall, Mich., 6226.9H MHz on azimuth 59°34' toward Jackson, Mich.

7074–C1–P–72—MCI Michigan, Inc. (New), Site 29, Warren, Mich. C.P. for a new station, corner of Van Dyke Road and Thirteen Mile Road, Warren, Mich., at latitude 42°31'18" N., longitude 83°01'47" W. Frequencies 10,775.0H and 11,175.0H MHz on azimuth 183°38' toward Detroit, Mich.

7076–C1–P–72—The Pacific Telephone & Telegraph Co. (KMA30), Mount Oso, 10 miles westsouthwest of Westley, Calif. Latitude 37°30'07" N., longitude 121°22'23" W. C.P. to change 935.0V MHz to 2112V MHz toward Stockton, Calif.

7077–C1–P–72—The Pacific Telephone & Telegraph Co. (KMN30), 345 North San Joaquin Street, Stockton, CA. Latitude 37°57'24" N., longitude 121°17'15" W. C.P. to change 920.0V MHz to 2162V MHz toward Mount Oso, Calif.

7078–C1–P–72—The Pacific Telephone & Telegraph Co. (KNL74), 2.5 miles south-southwest of Elk Grove, Calif. Latitude 38°22'24" N., longitude 121°22'56" W. C.P. to change frequencies 6197.2H, 6256.5H, and 6315.9H MHz to 11,365H, 11,525H, and 11,685H MHz toward Lodi, Calif.

7079–C1–P–72—The Pacific Telephone & Telegraph Co. (KNL75), 1.2 miles west-northwest of Lodi, Calif. Latitude 38°08'31" N., longitude 121°18'58" W. C.P. to change frequencies 5945.2V, 6004.5V, and 6063.8V MHz to 10,755H, 10,915H, and 11,075H MHz toward Elk Grove, Calif.

6147–C1–ML–72—American Telephone & Telegraph Co. (KAM70), change geographic coordinates from latitude 39°41'45" N., longitude 104°18'42" W. to latitude 39°41'41" N., longitude 104°18'07" W.

7081–C1–P–72—Racom, Inc. (KYZ85), C.P. to power split frequency 5960.0V MHz on azimuth 286°07' toward Mount Fairbanks, Vt. Summit of Mount Washington, N.H., at latitude 44°16'13" N., longitude 71°18'13" W. Applicant proposes to provide the television signal of station WSBK–TV of Boston, Mass., to St. Johnsbury Community TV Corp. in St. Johnsbury, Vt.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

7083–C1–P–72—American Telephone & Telegraph Co. (KAH89), 420 Third Avenue South, Minneapolis, MN. Latitude 44°58'41" N., longitude 93°15'52" W. C.P. to add 4030H MHz toward Lonsdale, Minn.

7084–C1–P–72—American Telephone & Telegraph Co. (KAS69), 2.5 miles north-northeast of Lonsdale, Minn. Latitude 44°31'43" N., longitude 93°24'25" W. C.P. to add 3930V MHz toward Minneapolis, Minn., and 4070V MHz toward Medford, Minn.

7085–C1–P–72—American Telephone & Telegraph Co. (KAS68), 1.5 miles west-southwest of Medford, Minn. Latitude 44°10'00" N., longitude 93°16'38" W. C.P. to add 3890H MHz toward Lonsdale, Minn., and 4030V MHz toward Hartland, Minn.

7086–C1–P–72—American Telephone & Telegraph Co. (KAS69), 3.2 miles east-northeast of Hartland, Minn. Latitude 43°49'34" N., longitude 93°25'48" W. C.P. to add 3930H MHz toward Medford, Minn., and 4070V MHz toward Glenville, Minn.

7087–C1–P–72—American Telephone & Telegraph Co. (KAS46), 3 miles southeast of Glenville, Minn. Latitude 43°32'38" N., longitude 93°14'20" W. C.P. to add 3890H MHz toward Hartland, Minn., and 4030V MHz toward Nora Springs, Iowa.

7088–C1–P–72—American Telephone & Telegraph Co. (KAS45), 3.5 miles east-northeast of Mason City, Iowa. Latitude 43°10'00" N., longitude 93°07'20" W. C.P. to add 3930H MHz toward Glenville, Minn., and 4070V MHz toward Hampton, Iowa.

7089–C1–P–72—American Telephone & Telegraph Co. (KAS44), 5 miles west-southwest of Hampton, Iowa. Latitude 42°42'55" N., longitude 93°17'27" W. C.P. to add 3890H MHz toward Nora Springs, Iowa, and 4030H MHz toward Radcliffe, Iowa.

7090–C1–P–72—American Telephone & Telegraph Co. (KAS43), 1 mile south-southeast of Radcliffe, Iowa. Latitude 42°15'06" N., longitude 93°25'22" W. C.P. to add 3930V MHz toward Hampton, Iowa, and 4070H MHz toward Boone, Iowa.

7091–C1–P–72—American Telephone & Telegraph Co. (KYN90), 9.5 miles north-northeast of Boone, Iowa. Latitude 42°09'55" N., longitude 93°47'37" W. C.P. to add 3890V MHz toward Radcliffe, Iowa.

7103–C1–P–72—Western Tele-Communications, Inc. (KZA87), East Butte, 32 miles west of Idaho Falls, Idaho. Latitude 43°30'00" N., longitude 112°39'48" W. Application for C.P. to add frequency 6241.7H MHz, via power split, toward Curlew Valley, Idaho, on azimuth 177°01'.

(INFORMATIVE: Applicant proposes to retain frequency 6241.7H MHz which, by separate amendment, is concurrently deleted from application 6029–C1–P–70. See Public Notice dated Apr. 30, 1970.)

The following applicants proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

6964–C1–P–72—Nashville Signal Co. (New), 161 Fourth Avenue North, Nashville, TN. Latitude 36°09'49" N., longitude 86°46'45" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

6966–C1–P–72—WHP, Inc. (New), on Blue Mountain, 5.5 miles north of Harrisburg, Pa. Latitude 40°20'44" N., longitude 76°32'09" W. C.P. for a new station of frequencies 2150.20 (Aural) 5152.325 (Visual) toward various receiving points of system and 2154.00 (Aural) 2158.50 (Visual) toward various receiving points of system.

6981–C1–P–72—Mr. Howard S. Klotz and Mr. William Corbus (New), Intersection of Atlantic Boulevard and Ocean Boulevard (Monarch Towers), Pompano Beach, Fla. Latitude 26°13'55" N., longitude 80°05'28" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

6982–C1–P–72—Multi-Communication Services, Inc. (New), Intersection of Atlantic Boulevard and Ocean Boulevard (Monarch Towers), Pompano Beach, Fla. Latitude 26°13'55" N., longitude 80°05'28" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

6983–C1–P–72—Multi-Communication Services, Inc. (New), 5599 New Berry Highway, Erie, PA. Latitude 42°05'00" N., longitude 80°03'23" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and 2158.50 (Visual) 2154.00 (Aural) toward various receiving points of system.

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POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

Major Amendments

INFORMATIVE: Applicant, MCI Michigan, Inc., is amending 14 of its previously filed applications for authority to construct a new specialized common carrier service in a two State area from South Bend, Ind., to Detroit, Mich., and serving a number of other major cities in Michigan. The applications now being amended were originally filed in February, 1970. They appeared in Public Notice, February 16, 1970, FCC Report No. 479A. Three of the applications were amended December 16, 1971, and appeared in Public Notice on January 10, 1972, FCC Report No. 578. Each application that is now amended is referenced to the date filed. In addition 4 new applications are now submitted. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding Frequency Coordination in Report No. 562, FCC Common Carrier Services Information released September 20, 1971.

4320–C1–P–70—MCI Michigan, Inc. (New), Site 1, station located at 202 South Michigan Street, South Bend, IN. Delete frequency 6345.5V and 6404.8V MHz. Add frequency 11,665.0H and 11,265.0H MHz on azimuth 339°54' toward Buchanan, Mich.

4321–C1–P–70—MCI Michigan, Inc. (New), Site 2, station located 2.1 miles east-southeast of Buchanan, Mich. Delete frequencies 5945.2V, 6123.1V, 5974.8V, and 6093.5V MHz. Add frequencies 10,775.0H, 11,175.0H MHz on azimuth 159°51' toward South Bend, Ind., 6197.2V on azimuth 35°02' toward Decatur, Mich. Change proposed station location to latitude 41°49'10", longitude 86°19'10".

4322–C1–P–70—MCI Michigan, Inc. (New), Site 3, station located 4.2 miles west-southwest of Decatur, Mich. Delete frequencies 6256.5V, 6375.2V, 6226.9V, and 6345.5V MHz. Add frequencies 5945.2V MHz on azimuth 215°12' toward Buchanan, Mich., 6226.9V MHz on azimuth 68°42' toward Texas Corners, Mich.

4323–C1–P–70—MCI Michigan, Inc. (New), Site 4, station located 2.7 miles west-southwest of Texas Corners, Mich. Delete frequencies 5945.2V, 6063.8V, 6034.2V, and 6152.8V MHz. Add frequencies 5974.8V MHz on azimuth 246°55' toward Decatur, Mich., 5974.8H MHz on azimuth 47°24' toward Kalamazoo, Mich.

4324–C1–P–70—MCI Michigan, Inc. (New), Site 5, station located at 136 East Michigan Avenue, Kalamazoo, MI. Delete frequencies 6197.2V, 6315.9V, 6286.2V, and 6404.8V MHz. Add frequencies 6226.9H on azimuth 227°31' toward Texas Corners, Mich., 6226.9H MHz on azimuth 21°48' toward Prairieville, Mich. Delete Galesburg, Mich., as a point of communication.

4329–C1–P–70—MCI Michigan, Inc. (New), Site 8, station located at 187 Monroe Street NW., Grand Rapids, MI. Delete frequencies 10,875V and 11,115V MHz. Add frequencies 11,605.0V and 11,265.0V MHz on azimuth 175°16' toward Dias Hill, Mich. Delete Walker, Mich., as a point of communication.

4326–C1–P–70—MCI Michigan, Inc. (New), Site 9, station located at 1 West Michigan Avenue, Battle Creek, MI. Delete frequencies 11,365V, 11,605V, 5974.2V, 6093.5V, 6945.2V, and 6226.9V MHz. Add frequencies 6197.2V MHz on azimuth 302°54' toward Prairieville, Mich., 6226.9V MHz on azimuth 111°27' toward Marshall, Mich. Delete Galesburg, Hastings, and Homer, Mich., as points of communication.

4330–C1–P–70—MCI Michigan, Inc. (New), Site 10, station located at 5.8 miles east-southeast of Marshall, MI. Delete frequencies 6256.5V, 6375.2V, 6226.9H, and 6345.5H MHz. Add frequencies 5974.8V MHz on azimuth 291°40' toward Battle Creek, Mich., 5945.2H MHz on azimuth 111°53' toward Concord, Mich. Change proposed station location to latitude 42°13'32", longitude 84°51'55", Marshall, Mich. Delete Jackson, Mich., as point of communication.

4331–C1–P–70—MCI Michigan, Inc. (New), Site 12, station located at 180 West Michigan Avenue, Jackson, MI. Delete frequencies 5945.2H, 6123.1H, 11,605V, 11,365V, 6034.2H, and 6152.8H MHz. Add frequencies 5974.8H MHz on azimuth 239°42' toward Concord, Mich., 5974.8V MHz on azimuth 75°04' toward Chelsea, Mich. Change proposed station location to latitude 42°14'44", longitude 84°24'29", Jackson, Mich. Delete Leslie, Mich., and Homer, Mich., as points of communication.

4334–C1–P–70—MCI Michigan, Inc. (New), Site 16, station located 2.5 miles southwest of Lennon, Mich. Add frequency 5945.2V MHz on azimuth 356°13' toward Laytons Corner, Mich.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6984–C1–P–72—Western Tele-Communications, Inc. (New), 136 East South Temple, Salt Lake City, UT. Latitude 40°46'09" N, longitude 111°53'12" W. C.P. for a new station on frequencies 2152.325 (Visual) 2150.20 (Aural) toward various receiving points of system and surrounding area. C.P. for a new station on frequencies 2150.200 (Aural) 2152.325

6985–C1–P–72—Central Telephone Co. (New), temporary-fixed locations in Las Vegas, Nev., and surrounding areas. C.P. for a new station on frequencies 2150.200 (Aural) 2152.325 (Visual) toward directional receivers associated with this station and 2154.00 (Aural) 2158.50 (Visual) toward directional receivers associated with this station.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

Pennsylvania—Harrisburg

New York Penn Microwave Corp. (New), File No. 4607–C1–P–72, WHP, Inc. (New), File No. 6966–C1–P–72.

Florida—Pompano Beach

Syntonic Technology, Inc. (New), File No. 4557–C1–P–72.
Howard S. Klotz/William Corbus (New), File No. 6981–C1–P–72.
Multi-Communication Service, Inc. (New), File No. 6982–C1–P–72.

Pennsylvania—Erie

New York Penn Microwave Corp. (New), File No. 4605–C1–P–72.
Multi-Communication Services, Inc. (New), File No. 6983–C1–P–72.

Utah—Salt Lake City

Electro-Media Multipoint Service, Inc. (New), File No. 4752–C1–P–72.
Tekhom, Inc. (New), File No. 4976–C1–P–72.
Western Tele-Communications, Inc. (New), 6984–C1–P–72.

Nevada—Las Vegas

Tekhom, Inc. (New), File No. 4975–C1–P–72.
Golden Peso (New), File No. 6578–C1–P–72.
Central Telephone Co. (New), 6985–C1–P–72.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of economic competition.

Mississippi and Louisiana

Frank K. Spain doing business as Microwave Service Co. (New), File Nos. 6988–C1–P–72 thru 6992–C1–P–72.

American Television & Communications Corp. (New), File Nos. 4646 thru 4649–C1–P–72.
KHC Microwave Corp. (New), File Nos. 7014 thru 7017–C1–P–72.

Major Amendments

INFORMATIVE: Applicant, MCI Pacific Mountain States, Inc., is amending one of its previously filed applications for authority to construct a new specialized common carrier system in a three State area from Denver, Colo., through Wyoming into Salt Lake City, Utah. The application now being amended was originally filed on October 16, 1970 (Public Notice October 26, 1970) and amended on March 6, 1972 (Public Notice March 20, 1972). Each application now amended is referenced to the date originally filed.

2162–C1–P–71—MCI Pacific Mountain States, Inc. (New), Site 18, Sage, Wyo. Correct frequency to 6226.9H MHz on azimuth 257°03' toward Providence, Utah. Delete frequency 5974.8H MHz on azimuth 257°03'. All other particulars are as reported in Public Notice No. 588 dated March 20, 1972.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

4338–C1–P–70—MCI Michigan, Inc. (New) Site 20, station located at 2.2 miles West of Chelsea, Mich. Add frequency 6226.9V MHz on azimuth 255°17' toward Jackson, Mich.

4344–C1–P–70—MCI Michigan, Inc. (New), Site 28, station located at 500 Griswold Street, Detroit, MI. Add frequencies 11,665.0H 11,265.0H MHz on azimuth 3°37' toward Warren, Mich.

4335–C1–P–70—MCI Michigan, Inc. (New), Site 30, station located 3.3 miles north of Laytons Corner, Mich. Delete frequencies 6004.5V, 6123.1V, 11,405V, 11,645V, 5945.2H, and 6063.8H MHz. Add frequencies 6197.2V MHz on azimuth 176°11' toward Lennon, Mich., 6226.9H MHz on azimuth 11°16' toward Saginaw, Mich. Change proposed station location to latitude 43°13'23", longitude 83°59'45" Laytons Corner, Mich. Delete Flint, Mich., and Owosso, Mich., as points of communication.

4337–C1–P–70—MCI Michigan, Inc. (New), Site 31, station located at Eddy Building, 100 North Washington Street, Saginaw, MI. Delete frequencies 10,875V, and 11,035V MHz. Add frequency 5974.8H MHz on azimuth 191°19' toward Laytons Corner, Mich. Change proposed station location to latitude 43°26'00", longitude 83°56'18" Saginaw, Mich.

POINT-TO-POINT MICROWAVE RADIO SERVICE

Major Amendments

5139–C1–P–70—Eastern Microwave Inc. (KEA64), Change coordinates from latitude 42°58'39" N., longitude 74°08'48" W., to latitude 42°46'31" N., longitude 74°40'56" W. for Cherry Valley transmit site and change coordinates from latitude 42°58'39" N., longitude 72°08'48" W., to latitude 42°58'39" N., longitude 74°08'48" W. for Amsterdam receive site. Station location: Approximately 4 miles southeast of Cherry Valley, N.Y.

2366–C1–P–71—The Western Union Telegraph Co. (KGN31). Add frequency 6315.9H MHz and change polarization from vertical to horizontal on frequencies 6256.5 and 6375.2 MHz on path toward Pittsgrove, N.J. Delete frequency 6256.5V on path toward Mount Laurel, N.J.

INFORMATIVE: Western Tele-Communications, Inc., is amending 3 of its 18 applications proposing specialized common carrier services between Toro Peak, Calif., and Hobbs, N. Mex., with service to Phoenix and Tucson, Ariz., and El Paso, Tex. The application first appeared on Public Notice April 27, 1970. A subsequent amendment appeared on Public Notice, July 26, 1971.

6777–C1–P–70—Western Tele-Communications, Inc. (New), 449 Broadway, El Centro, CA. Latitude 32°47'36" N., longitude 115°33'13" W. Change point of communication from Black Mountain, Calif., to Ogilby, Calif., and add frequencies 3810H and 3890H toward Ogilby, Calif., on azimuth 88°14'.

6778–C1–P–70—Western Tele-Communications, Inc. (New), relocate station to Ogilby, Calif., 12 miles northwest of Yuma, Ariz. Latitude 32°48'38" N., longitude 114°48'26" W. Add frequencies 3880V and 4070V toward El Centro, Calif., on azimuth 268°38', and 4070V and 4150V toward Telegraph Pass, Ariz., on azimuth 109°00'.

6779–C1–P–70—Western Tele-Communications, Inc. (New), Telegraph Pass, 16.5 miles east-southeast of Yuma, Ariz. Latitude 32°40'22" N., longitude 114°20'14" W. Change point of communication from Black Mountain, Calif., to Ogilby, Calif., and add frequencies 3890H and 3970H toward Ogilby, azimuth 289°15'.

INFORMATIVE: Applicant, MCI New England, Inc., is amending eight of its previously filed applications for authority to construct a new specialized common carrier service in a four-State area from Boston, Mass., to New York, N.Y. The applications now being amended were originally filed in December 1969 and appeared on Public Notice Dec. 22, 1969, FCC Report No. 471. The application was amended in December 1971 and appeared on Public Notice Dec. 13, 1971, FCC Report No. 574.

3406–C1–P–70—MCI New England, Inc. (New), 101 Broad Street, Stamford, CT, at latitude 41°03'18" N., longitude 73°32'20" W. Add point of communication, frequencies 11,625.0H and 11,225.0H on azimuth 30°18'.

3405–C1–P–70—MCI New England, Inc. (New), 140 Fairfield Avenue, Bridgeport, CT, at latitude 41°10'46" N., longitude 73°11'27" W. Delete frequencies 10,735.0H and 10,895.0H on azimuth 57°08', and 5989.7V and 6108.3V on azimuth 244°44'. Add frequency 5945.2V on azimuth on 260°40', and 5945.2V on azimuth 43°52'.

3404–C1–P–70—MCI New England, Inc. (New), 265 College Street, New Haven, CT, at latitude 41°18'24" N., longitude 72°55'45" W. Delete frequencies 11,625.0H and 11,305.0H on azimuth 43°11', and 11,425.0H and 11,585.0H on azimuth 237°18'. Add frequencies 10,735.0H and 11,135.0H on azimuth 322°39'.

3400–C1–P–70—MCI New England, Inc. (New), 3.3 miles northwest of Staffordville, Conn., at latitude 42°01'19" N., longitude 72°12'30" W. Delete frequency 5974.8V on azimuth 243°52' and replace with frequency 5960.0V on azimuth 243°52'. Add point of communication, frequency 3770.0V on azimuth 293°06'.

3402–C1–P–70—MCI New England, Inc. (New), Kimball Towers, Springfield, Mass., at latitude 42°06'17" N., longitude 72°35'21" W. Delete frequencies 6019.3H and 6137.9H on azimuth 190°34'. Add frequencies 3770.0V on azimuth 101°19'.

3398–C1–P–70—MCI New England, Inc. (New), 25 Eddy Street, West Auburn, MA, at latitude 42°10'07" N., longitude 71°52'04" W. Add point of communication, frequency 11,175.0V on azimuth 26°44'.

3399–C1–P–70—MCI New England, Inc. (New), 340 Main Street, Worcester, MA, at latitude 42°15'55" N., longitude 71°48'08" W. Delete frequencies 6019.3H and 6137.9H on azimuth 206°47'. Add frequency 11,365.0V on azimuth 206°47'.

3328–C1–P–72—MCI New England, Inc. (New), 1.3 miles east of Bethlehem, Conn. Site relocated to latitude 41°38'10" N., longitude 73°10'33" W. Frequency 6152.8V on azimuth 59°13', and frequency 6063.8H on azimuth 202°55'.

1287–C1–P–72—Western Tele-Communications, Inc. (KSV37), coordinate change from latitude 48°00'41" N., longitude 114°21'46" W. to latitude 48°00'49" N., longitude 114°21'50" W. All other particulars the same as reported in Public Notice Report No. 561, dated Sept. 13, 1971.

[FR Doc.72–5690 Filed 4–14–72;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 122]

H. & VAL J. ROTHSCHILD, INC., AND VILLA PARK FINANCIAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of Illinois Savings and Loan Association of Villa Park, Ill.

APRIL 12, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corp. has received an application from H. & Val J. Rothschild, Inc., and its subsidiary, Villa Park Financial Corp., both of St. Paul, Minn., for approval of acquisition of control of Illinois Savings and Loan Association of Villa Park, Ill., Villa Park, Ill., an insured institution under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730 a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be affected by the purchase by cash of shares of Illinois Savings and Loan Association of Villa Park, Ill. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72–5750 Filed 4–14–72;8:48 am]

FEDERAL MARITIME COMMISSION

[Docket No. 72–14]

MARINE AND MARKETING INTERNATIONAL CORP.

Order of Investigation and Suspension Regarding Reduced Rates on Automobiles From Miami and Jacksonville to San Juan, Puerto Rico

Marine and Marketing International Corp. has filed with the Federal Maritime Commission third revised page No. 43 to their Tariff FMC–F No. 1 to become effective April 12, 1972. This revised page proposes to provide reduced rates on automobiles from Miami and Jacksonville to San Juan, Puerto Rico.

Upon consideration of the revised page and the protests filed thereto, the Commission is of the opinion that the above designated tariff matter may be unfair and unreasonable, preferential to the Ports of Jacksonville and Miami, and prejudicial to other Atlantic ports or otherwise unlawful, and that a public investigation and hearing should be instituted to determine its lawfulness under sections 16, First, and 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefor;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the

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lawfulness of said tariff matter with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation. Moreover, the investigation shall consider whether such tariff matter, if effective, will constitute a preference to the Ports of Jacksonville and Miami and a prejudice to the other Atlantic ports in violation of section 16, First;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Marine and Marketing International Corp.'s third revised page No. 43 to its Tariff FMC–F No. 1 is suspended and the use thereof deferred to and including August 11, 1972, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Marine and Marketing International Corp. a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state the aforesaid matter is suspended and may not be used until August 12, 1972, unless otherwise authorized by the Commission; and the tariff matter heretofore in effect, and which was to be changed by the suspended matter, shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provisions of Rule 12(h) which require leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, are similarly waived;

It is further ordered, That Marine and Marketing International Corp., be named as respondent in this proceeding;

It is further ordered, That under the provisions of Rule 3(a) of the Commission's rules of practice and procedure, petitioners Sea-Land Service, Inc., Caride Hydro-Trailer, Inc., TMT Trailer Ferry, Inc., and Transamerican Trailer Transport, Inc., are hereby designated as complainants;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That a copy of this order shall forthwith be served on the respondent and complainants herein named; published in the FEDERAL REGISTER; and that the said respondent and complainants be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72–5727 Filed 4–14–72;8:46 am]

FEDERAL POWER COMMISSION

[Project 82–Alabama]

ALABAMA POWER CO.

Notice of Availability of Environmental Statement for Inspection

APRIL 7, 1972.

Notice is hereby given that on April 4, 1972, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application by Alabama Power Co. pursuant to the Federal Power Act for relicense for Mitchell Project No. 82–Alabama.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project consists of (1) a dam, approximately 106 feet high and 1,264 feet long, (2) a reservoir with surface area of about 5,850 acres, and (3) a powerhouse. The project presently has an installed capacity of 72,500 kw. The applicant proposes in its application to install an additional 80,000 kw.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 60 days from April 4, 1972. The Commission will consider all response to the statement.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.72–5709 Filed 4–14–72;8:45 am]

[Docket No. RI72–172, etc.]

ATLANTIC RICHFIELD CO., ET AL.

Order Amending Suspension Orders

APRIL 7, 1972.

Atlantic Richfield Co., et al., Docket No. RI72–172, etc.; Humble Oil & Refining Co., et al., Docket No. RI72–177, etc.; Getty Oil Co., et al., Docket No. RI72–179, etc.

The Commission by orders issued February 4, 1972, in Docket No. RI72–172, et al., February 16, 1972, in Docket No. RI72–177, et al., and February 17, 1972, in Docket No. RI72–179, et al., suspended increased rates proposed by producers with respect to certain jurisdictional sales of natural gas for less than the full 5-month suspension period permitted, but not required, under section 4(e) of the Natural Gas Act. Those orders, however, do not provide for certification of the abbreviated suspension period pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972). We shall therefore amend those orders so as to provide the necessary certification.

The Commission orders:

Each of the suspension orders herein is amended by the addition of the following paragraph:

CERTIFICATE OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61–1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinion Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.72–5711 Filed 4–14–72;8:45 am]

[Docket No. RP72–89]

COLUMBIA GAS TRANSMISSION CORP.

Order Permitting Late Petitions To Intervene To Be Filed, Permitting Interventions, and Establishing Hearing and Conference Procedures

APRIL 7, 1972.

By order issued January 14, 1972, in this proceeding, the Commission suspended until April 1, 1972, certain proposed revised tariff sheets[1] to Columbia Gas Transmission Corp.'s (Columbia) FPC Gas Tariff, Original Volume No. 1. These revisions to Columbia's tariff pertain, among other things, to maximum monthly volume limitations, curtailment procedures, overrun penalties, commodity rate adjustments, elimination of demand charge credit, and exclusion of the "free" day provisions in the CDS and G Rate Schedules for excess takes by customers.

Pursuant to our notice in this proceeding published in the FEDERAL REGISTER, petitions for and notices of intervention herein were due on or before January 5, 1972. Subsequent to that date petitions to intervene in this proceeding were filed by the Public Service Commission for the State of New York, jointly by the Commonwealth of Pennsylvania and Pennsylvania Public Utility Commission, and jointly by the Peoples Natural Gas Co. and West Ohio Gas Co.

All of the petitioners listed above have shown a legitimate interest in this proceeding. No protests to their petitions for leave to intervene have been received. Inasmuch as we are scheduling the prehearing conference herein at a future date, the participation of those requesting intervention out of time will not delay this proceeding and, consequently, we will accept those untimely tendered documents for filing.

In our order of January 14, 1972, we found that the proposed filing by Columbia should be suspended and the use thereof deferred. Columbia's proposal should now be tested by a public hearing to determine its reasonableness under the provisions of the Natural Gas Act. Accordingly, we will set forth the procedures for that hearing.

We conclude that Columbia should be required to submit evidence in support of its revised tariff provisions pertaining inter alia, to maximum monthly volume limitations, curtailment procedures, overrun penalties, commodity rate adjustments, elimination of demand charge credit, and exclusion of the "free" day provisions in the CDS and G Rate Schedules for excess takes by customers. We also believe that a conference should be held thereafter to endeavor to settle the issues raised herein. The evidence to be submitted by Columbia should include, among other things, backup supply, demand and other data upon which curtailment programs are based, the basis for the maximum monthly volumes, and the impact on each customer under the proposed curtailment program. The conference referred to above will be scheduled after the aforesaid evidence is distributed by Columbia. If the conference does not produce a settlement, we are directing the Examiner to proceed immediately to schedule the distribution of answering and rebuttal evidence and a hearing date for cross-examination.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in Columbia's FPC Gas Tariff and that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth herein.

(2) Good cause exists to permit the intervention of the above-named petitioners who filed late.

The Commission orders:

(A) Columbia shall distribute on or before May 8, 1972, the evidentiary support for the proposed tariff provisions pertaining to inter alia, maximum monthly volume limitations, curtailment procedures, overrun penalties, commodity rate adjustments, elimination of demand charge credit, and exclusion of the "free" day provisions in the CDS and G Rate Schedules for excess takes by customers, all as set forth in the recital above.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held in this proceeding on May 31, 1972, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purpose of incorporating into the record the testimony and exhibits previously distributed. Immediately thereafter the Presiding Examiner will convene a conference and in the event that a settlement of the issues does not result from said conference, the Presiding Examiner will schedule dates for the distribution of such interveners and rebuttal evidence, and the date for the commencement of hearings for the purpose of cross-examination and will rule on all data requests or any other relevant matters presented at such hearing.

(C) All of the above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and: *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(D) A Presiding Examiner to be designated by the Chief Examiner (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at, and control these proceedings in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.72–5712 Filed 4–14–72;8:45 am]

[Docket No. E–7682]

GULF STATES UTILITIES CO.

Order Authorizing Issuance of Promissory Notes, Granting Intervention, Granting Motion for Late Filing and Consolidation of Proceedings

APRIL 6, 1972.

Gulf States Utilities Co. (Applicant), a corporation organized under the laws of the State of Texas and doing business in the States of Texas and Louisiana, filed an application on November 22, 1971, seeking an order pursuant to section 204 of the Federal Power Act authorizing it to issue promissory notes to commercial banks and the commercial paper dealers in an aggregate principal amount not to exceed $125 million at any one time. The application requests that all notes be issued on or before December 31, 1972, with final maturity dates not later than December 31, 1973.

The interest rate on all notes to commercial banks will be at the prime rate of the lender in effect at the time of each borrowing. The interest cost of issuing commercial paper will be determined at the time it is issued and will be dependent upon money market conditions, length of time to its maturity, and acceptance by buyers of commercial paper. All commercial paper will have a

[1] Designated as First Revised Sheets Nos. 1, 18, 19, 20, 28, 29, 30, 33, 47, and 62 and Original Sheets Nos. 19A, 28A, 28B, 47A, 62A, 62B, 90, 91, 92, 93, and 94.

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maturity of not more than 9 months from the date of its issuance, and the aggregate amount of commercial paper to be outstanding at any one time will not exceed 50 percent of the Applicant's most recent 6 month's revenues from the sale of electricity, gas, and steam products.

Applicant states that the proceeds from the issuance of the notes will be added to the general funds for construction expenditures. The company plans to sell additional securities in the future and the application states:

The estimated construction program of the Applicant calls for expenditure of approximately $774,300,000 for the 5-year period 1971–1975. Of the funds required for this program it is estimated that approximately $292 million will be provided out of earnings not distributed in cash, depreciation accruals, and other sources as available over the 5-year period. About $482 million will be provided through the sale of additional securities of the Applicant, including short term financing.

Written notice of the application has been given to the Louisiana Public Service Commission, the Texas Railroad Commission and to the Governor of each of those States. Notice has also been given by publication in the FEDERAL REGISTER on December 14, 1971 (36 F.R. 23838), stating that any person desiring to be heard or to make any protest with reference to the application, should file petitions or protests on or before December 23, 1971, with the Federal Power Commission, Washington, D.C. 20426. On December 23, 1971, the cities of Lafayette and Plaquemine, La. (Cities) filed a protest and petition to intervene in the proceeding alleging violation of antitrust laws. The Cities incorporate by reference the protests and petitions to intervene filed by the Cities on November 2, 1970, in Docket No. E–7567, and September 30, 1971, in Docket No. E–7663.

The Cities petitions to intervene in Dockets Nos. E–7567 and E–7663 allege generally that the applicant along with Louisiana Power and Light Co. and Central Louisiana Electric Co. have engaged in a conspiracy to suppress and defeat an interconnection and pooling agreement between the Cities, Dow Chemical Co. and Louisiana Electric Corporative, Inc. (LEC). LEC is a generating and transmission cooperative financed by the Rural Electrification Administration (REA), and is made up of 12 electric distribution cooperatives all of which operate in Louisiana.

The petitions further allege that in September of 1964, the REA undertook to make a $56.5 million loan to LEC for construction of a 200 MW generating station with 1,611 miles of transmission lines through which the LEC could serve 8 of its 12 member cooperatives. Prior to this time, the three companies had been selling power to those cooperatives. According to the Cities the companies succeeded in delaying the actual use of the funds provided for more than 5 years, through a series of law suits filed by the companies themselves and by the companies attorneys on behalf of other putative plaintiffs.

Cities allege that in August 1968, the Cities, Dow, and LEC executed an interconnection and pooling agreement providing for the interconnection of their coordination arrangement, with a minimum term of 10 years. The agreement, approved by the REA administration on November 19, 1968, provided for a combined planning of load requirements for the Cities, the LEC members and Dow. It meant, according to the Cities, assurance of a market for all surplus capacity and secondary energy, as well as coordination, and substantial savings, in the construction of new generators, in sum, economies of scale, plus benefits in the form of back-up for each system and energy interchanges.

Cities further allege that by engaging in frivolous and repetitive litigation, and by mounting a public relations drive and lobbying effort against LEC, the three companies were able to hold up disbursement of the loan money until January 1969, when a new REA Administrator was sworn into office. This prevented the members of the new pool from going ahead with their agreement. Furthermore, a rise in cost during the 5 year delay raised a serious question whether the original loan would suffice to finance all of the LEC's generation and transmission needs. Therefore, the new Administrator advanced funds only for the LEC generating station, but not for transmission lines, and LEC was left to negotiate with the three companies for use of their transmission lines.

Cities contend that the conspiracy continued during these negotiations. They allege that the companies, while willing to supply transmission of power to some of the LEC members, refused to supply transmission services between pool members. They further allege that the companies demanded that LEC limit its power capacity to the 200 MW station already planned, and that the company supply all further power needs of the 12 cooperatives, thus concluding LEC expansion to serve its members-expanding load.

The Cities petition to intervene filed December 23, 1971, in this docket, further alleges as follows:

It further appears that Gulf has conspired or combined with other public utilities to withhold or prevent transmission to LEC and the Cities of preference power available to them through the marketing activities of the Southwestern Power Administration. Further, Gulf is a participant in the Southwest Power Pool (15 investor-owned electric utility companies as members, five other companies as supporting members, and three public power systems which are contributing members) and the South Central Electric Companies (11 investor-owned utility companies). It appears that the Cities have been excluded from or not afforded an opportunity to participate in, these groups. The former is a planning and coordination group, and the latter exclusively controls the interchange of power and energy with the Tennessee Valley Authority and provides a number of power pooling activities. The result of these exclusive regional organizations, together with intercompany contractual arrangements and other activities, result in limiting the possible interconnections of cities like Lafayette and Plaquemine to single investor-owned utilities without competition between the utilities, and prevent such cities from establishing any alternative pools such as that contemplated in the interconnection and pooling agreement among the Cities, LEC and DOW.

Based on the reasons set forth in their petition to intervene in Dockets Nos. E–7567, E–7663 and this docket the Cities request that they be admitted as full parties to this proceeding and that the Commission either (1) set this docket for hearing and combine it with the hearing in Docket No. E–7676 or (2) authorize the financing here sought subject to revocation if warranted by the facts which will be shown in the Docket No. E–7676.

On January 17, 1972, Dow Chemical Co. filed a motion for leave to file a late protest and petition to intervene and a protest and petition to intervene. Both the motion and the tendered protest and petition cite that Dow Chemical Co. was granted leave to intervene in Docket No. E–7676 by order issued January 7, 1972. The motion further cites that since no proceeding has yet commenced in the instant proceeding, no delay would be occasioned by granting Dow late intervention.

Dow's petition to intervene generally supports the Cities petition to intervene filed December 23, 1971, and requests that the Commission grant the relief requested by the Cities.

On January 3, 1972, Applicant filed an answer to the Cities' protest and petition to intervene generally denying all of the allegations as set forth in the Cities petition, and requested that the Commission deny the petition to intervene, without hearing, and issue an order approving the application for issuance of securities.

On January 21, 1972, Applicant filed an answer to Dow's motion for leave to file late protest and petition to intervene stating that Dow had not shown, or even alleged any extraordinary circumstances or good cause which is required to support authority for late filing under Federal Power Commission's Rules.

The application for authorization of securities filed by Applicant in this docket must be considered in the light of other previous proceedings. On October 12, 1971, the U.S. Court of Appeals for the District of Columbia Circuit issued a decision, city of Lafayette, Louisiana, v. S.E.C., CADC, No. 24,764 et al. wherein it remanded to the Commission for further proceedings not inconsistent therewith an order of the Commission in a prior financing proceeding involving Gulf States, because of a lack of findings on certain alleged violations to the antitrust laws. In doing so, the Court was aware that proceedings for authorization to issue securities "must be decided in a time frame much more limited than that often contemplated for antitrust litigation." (Slip op. at 23.) The court further noted the Commission may approve the entire application "if it stands ready to proceed with hearing and consideration of the anticompetitive issues."

Gulf States on September 7, 1971, filed an application seeking authority of the Federal Power Commission to issue additional securities. Based upon the Court's

decision on November 4, 1971, in Docket No. E–7663 the Commission authorized the issuance of the requested securities, granted intervention, but determined that the intervention of the cities should be considered as a complaint under section 306 of the Federal Power Act and simultaneously issued an order in Docket No. E–7676 accepting that petition as a complaint under 306 of the Federal Power Act and set the matter for hearing not only with regard to the activities of Gulf States Utilities Co., but also as to Louisiana Power & Light Co., and Central Louisiana Electric Co.

The Commission in its order issued November 4, 1971, in Docket No. E–7663 stated:

The Commission in reviewing Cities' contentions as set forth in their petition has done so in the light of its overall responsibilities under the Federal Power Act. The Commission is aware of its responsibilities with regards to interconnection and coordination of the facilities, for purposes of assuring an abundance of supply of electric energy throughout the United States with the greatest possible economy and with regard to proper utilization and conservation of natural resources. Further the Commission is aware of its responsibilities to enhance optimum interconnection and interchange of electric energy as well as other activities in furtherance of electric energy capabilities. All of the Commission's responsibilities being directed toward safeguarding cost, rates, and reliability.

At the same time the Commission realizes that security issues to provide funds for utility construction and financing programs must be decided in a time frame much more limited than that contemplated for consideration of the alleged anticompetitive activities.

With an awareness of its responsibilities the Commission, however, is unable to determine the merits of Cities' contention and the Commission's authority to grant relief sought without further proceedings and the benefit of a hearing in which evidence is presented and legal authority is cited to grant the relief sought.

The issues presented by the Cities and Dow in this proceeding involve the same subject matter as those presently being considered in Docket No. E–7676. The Commission therefore feels that it is appropriate to consider the petitions to intervene filed in this Docket as complaints under section 306 of the Federal Power Act and to consolidate those complaints with the complaints previously filed in Docket No. E–7676.

The Commission finds:

(1) The Applicant, a corporation, is a public utility within the meaning of section 204 of the Federal Power Act subject to the jurisdiction of this Commission as heretofore determined and set forth in the Commission order issued November 27, 1957, in the matter of Gulf States Utilities Co., Docket No. E–6785 (18 FPC 701).

(2) The proposed issuance of promissory notes to commercial banks and commercial paper dealers in the aggregate principal amount of $125 million, all as described above, will constitute an issuance of securities within the purview of section 204 of the Act.

(3) The proposed issuance of promissory notes will be in excess of 5 percent of the par value of the other securities of Applicant, and therefore, will not be exempt by virtue of section 204(e) from the requirements of section 204(a) of the Act.

(4) Applicant is not organized and operating in a State, under the laws of which the issue herein involved is regulated by a State Commission within the meaning of section 204(f) of the Act, and the proposed issuance is, therefore, not exempt by virtue of that Section from the requirements of section 204 of the Act.

(5) The proposed issuance of promissory notes will be exempted from the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act by reason of § 34.1a(a)(2) thereof.

(6) The proposed issuance of securities as hereinafter authorized, will be for a lawful object within the corporate purposes of the Applicant and compatible with the public interest, which is appropriate for and consistent with proper performance of service by Applicant as a public utility, and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(7) The period of public notice given in this matter is reasonable.

(8) Sufficient good cause exists for granting Dow Chemical Co.'s motion for leave to file a late protest and petition to intervene.

(9) Intervention by the cities of Lafayette and Plaquemine, La., and Dow Chemical Co., may be in the public interest for purposes of Commission consideration of the petitions.

(10) The matters asserted and activities alleged in the filed protest and petitions to intervene by the cities of Lafayette and Plaquemine, La., and Dow Chemical Co., raise issues which should be heard in a proceeding separate from this docket.

(11) The protest and petitions to intervene filed in this docket by the cities of Lafayette and Plaquemine, La., and Dow Chemical Co. should be considered as a complaint filed under section 306 of the Federal Power Act.

(12) The protest and petitions to intervene filed in this docket by Lafayette and Plaquemine, La., and Dow Chemical Co. raise issues which are identical to those being considered in Docket No. E–7676, a complaint proceeding now before the Commission, and is therefore appropriate that the complaints filed in this docket should be consolidated with Docket No. E–7676 for purposes of hearing and decision.

The Commission orders:

(A) Dow Chemical Co.'s motion for leave to file late protest and petition, filed January 17, 1972, is hereby granted.

(B) The above-mentioned petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* The admission of the aforementioned petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The proposed issuance and sale of promissory notes upon the terms and conditions and for the purposes specified in the application as described above, is hereby authorized subject to the provisions of this order.

(D) This authorization is expressly conditioned upon all notes being issued on or before December 31, 1972, and having final maturity dates of not later than December 31, 1973.

(E) This authorization is expressly conditioned upon all promissory notes being issued in the form of commercial paper not exceeding 50 percent of the Applicant's most recent 6 months revenues from the sale of electricity, gas, and steam products.

(F) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates, or determination of cause or any other matter whatsoever now pending or which may come before this Commission.

(G) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States in respect to any security to which this order relates.

(H) Pursuant to the authority of the Federal Power Act, particularly sections 202, 306, and 307 thereof in the Commission's rules of practice and procedure, an investigation is hereby instituted to determine the justification of the protest and petitions to intervene by the cities of Lafayette and Plaquemine, La., and Dow Chemical Co. and, if necessary, to prescribe such relief as is appropriate within the boundaries of the Federal Power Act.

(I) All further proceedings in this docket shall be consolidated with the complaint proceeding previously instituted in Docket No. E–7676.

(J) Inasmuch as Louisiana Power and Light Co. and Central Louisiana Electric Co. as well as Gulf State Utilities Co. were named as parties in Docket No. E–7676, with which this proceeding will be consolidated, a copy of the cities and Dow's complaints shall be served on Louisiana Power and Light Co. and Central Louisiana Electric Co. and their response thereto shall be filed with the Commission within 15 days from the date of issuance of this order.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.72–5710 Filed 4–14–72;8:45 am]

[Dockets Nos. CP72–47, CP72–88]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Granting Intervention and Amending Previous Order

APRIL 3, 1972.

On February 4, 1972, the Commission issued an order consolidating proceedings, granting interventions, and setting procedures and dates in the above-docketed proceeding. Hearings began on

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March 6, 1972, and were subsequently recessed to recommence on April 19, 1972.

On February 14, 1972, Shell Oil Co. filed a petition for leave to intervene in these proceedings. Although this petition was not timely filed, we find that good cause exists to grant this petition and that in light of the procedural status of this case the intervention of the above-named petitioner will not delay this proceeding.

In the above-mentioned order of February 4, 1972, we mistakenly referred to the Iowa Electric Light & Power Co. as the Iowa Electric Gas Light & Coke Co., and we also mistakenly referred to the Mississippi River Transmission Corp. as Mississippi Power Transmission Corp. We hereby correct these errors in the order of February 4, 1972. We also acknowledge the notice of intervention filed November 10, 1971, by the Public Utilities Commission of Ohio. Acknowledgment of this notice was omitted from the February 4, 1972, order.

The Commission finds:

(1) It is desirable to allow the above-named petitioner to intervene in these proceedings.

(2) It is desirable to amend the order issued on February 4, 1972, in this docket to reflect the changes described above.

The Commission orders:

(A) The above-named petitioner is permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene. *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

(B) The above-designated errors and omissions in the February 4, 1972, order are corrected.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-5713 Filed 4-14-72;8:46 am]

NATIONAL GAS SURVEY DISTRIBUTION—TECHNICAL ADVISORY TASK FORCE—GENERAL

Order Designating Additional Member

APRIL 7, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. Additional members to the Distribution—Technical Advisory Task Force—General, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Michael A. James, Senior Staff Attorney, Office of General Counsel, Environmental Protection Agency.

Barry R. Korb, Operations Research Analyst, Office of Planning and Evaluation, Environmental Protection Agency.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-5714 Filed 4-14-72;8:46 am]

[Docket No. RP72-113]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 13, 1972.

Take notice that Colorado Interstate Gas Co. (CIG) on March 31, 1972, tendered for filing proposed changes in its First Revised Volume No. 1 of CIG's FPC Gas Tariff.[1] The proposed changes would increase revenue from jurisdictional customers by $7,447,435 above the present rates being collected subject to refund in Docket No. RP72-4 or $10,772,275 above the settlement rates in that docket. The proposed rate change is described in the company's transmittal letter as follows:

This filing reflects a general increase in CIG's rates charged to its jurisdictional customers, except for its PS-1 Rate Schedule. The total annual amount of the proposed increase is $7,447,435 above the present rates being collected subject to refund in Docket No. RP72-4 or $10,772,275 above the proposed settlement rates in that docket. It is proposed that the rates become effective May 1, 1972. However, since CIG's settlement agreement in Docket No. RP72-4, awaiting approval by the Commission, provides that CIG shall not file for a general increase in its jurisdictional rates which will become effective under section 4(e) of the Natural Gas Act prior to October 1, 1972, CIG is making this filing with the expectation that the proposed increased rates will be suspended for the full 5-month statutory period, or until Oct. 1, 1972.

This filing includes tariff sheets applicable to a proposed new paragraph 20, to be included in the General Terms and Conditions of CIG's presently effective FPC Gas Tariff, which incorporates purchased gas adjustment provisions designed to recover, on an annual basis, CIG's actual purchased gas costs. A companion provision providing for flow-through of refunds received from suppliers is also included. To enable incorporation of these provisions in its Tariff, CIG respectfully requests that the Commission waive the provisions of section 154.38(d)(3) of its regulations under the Natural Gas Act.

This filing gives effect to the construction and operation of facilities certificated by the Commission in Docket No. CP71-319 (Big Horn Basin supply project) and those facilities for which application for a certificate of public convenience and necessity is pending before the Commission in Docket No. CP72-170. Test period annual volumes reflect an allocation of annual sales among jurisdictional and nonjurisdictional customers which results from the necessity of limiting the total volume of annual sales to a level which can prudently be supported from existing supplies.

Docket No. CP72-170 facilities will enable CIG to expand its transmission system capacity by approximately 46,200 Mcf per day. Assuming timely authorization by the Commission, construction of the proposed facilities is scheduled for completion by October 1, 1972. No customer of CIG has objected to the proposed expansion. Mountain Fuel Supply Co., however, with which CIG presently exchanges gas under an agreement which terminates in 1973, has petitioned to intervene in Docket No. CP72-170 and, although its petition states no objection to the authority there sought, has requested a hearing.

CIG requests the Commission waive the provisions of section 154.63(e)(2)(ii) of its regulations under the Natural Gas Act to the extent required to permit the facilities for which authorization is pending in Docket No. CP72-170 to be reflected in this filing. The rates contained in this filing are required to compensate CIG for its cost of service whether or not the Commission authorizes the facilities proposed in Docket No. CP72-170. The effect of eliminating those facilities from this filing is demonstrated in tabulations attached to the company's transmittal letter.

Copies of this filing have been mailed to the customers of CIG and interested public bodies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 21, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-5863 Filed 4-14-72;8:52 am]

[1] First Revised Sheet No. 3A, First Revised Sheet No. 3B, First Revised Sheet No. 34B, Original Sheet No. 34C, Original Sheet No. 34D, Original Sheet No. 34E and Original Sheet No. 34F.

FEDERAL RESERVE SYSTEM

MIDLANTIC BANKS INC.

Order Approving Acquisition of Bank

Midlantic Banks Inc., Newark, N.J., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less director's qualifying shares) of the voting shares of Citizens National Bank, Englewood, N.J.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is approved for the reasons set forth in the Board's Statement[1] of this date. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] April 7, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5729 Filed 4-14-72;8:46 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting Statement of Governors Robertson, Maisel, and Brimmer also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, and Sheehan. Voting against this action: Governors Robertson, Maisel, and Brimmer.

UNITED CAROLINA BANCSHARES CORP.

Proposed Acquisition of United Carolina Life Insurance Co.

United Carolina Bancshares Corp., Whiteville, N.C., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of United Carolina Life Insurance Company, Phoenix, Ariz. Notice of the application was published on March 6, 1972, in the News Reporter, a newspaper circulated in Whiteville, N.C., and on March 7, 1972, in the Arizona Weekly Gazette, a newspaper circulated in Phoenix, Ariz.

Applicant states that the proposed subsidiary would engage in the underwriting, as reinsurer, of credit life insurance and credit accident and health insurance issued in connection with loans made by Applicant's credit-granting subsidiaries.

Interested persons may express their views as to whether such activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto. In considering this application the Board will take into account the record of its March 24, 1972 hearing on six similar applications by other applicants involving the underwriting of credit life and health and accident insurance.

Interested persons may also express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on these matters should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why these matters should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 9, 1972.

Board of Governors of the Federal Reserve System, April 10, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-5730 Filed 4-14-72;8:46 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-145]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telephone rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Nebraska State Railway Commission in a proceeding involving telephone rates of the Northwestern Bell Telephone Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 10, 1972.

HAROLD S. TRIMMER, Jr., *Acting Administrator of General Services.*

[FR Doc.72-5745 Filed 4-14-72;8:48 am]

[Federal Property Management Regs.; Temporary Reg. F-146]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a proceeding for a certificate for a liquefied natural gas storage facility.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Federal Power Commission in a proceeding (Docket No. CP72-133) involving an application for a certificate of public convenience and necessity to enable Arkansas-Missouri Power Co. to construct and operate an above-ground storage tank and appurtenant facilities for liquefied natural gas to meet peak-day requirements of its customers.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 10, 1972.

HAROLD S. TRIMMER, Jr., *Acting Administrator of General Services.*

[FR Doc.72-5746 Filed 4-14-72;8:48 am]

PRICE COMMISSION

[Order 8]

CHAIRMAN, PRICE COMMISSION

Delegation of Authority Concerning Stabilization of Prices and Rents

Pursuant to the Economic Stabilization Act, as amended (Public Law 92-210), Executive Order No. 11640 (37 F.R. 1213) and Cost of Living Council Orders Nos. 4 (36 F.R. 20202) and 7 (37 F.R. 2727) and the authority vested thereunder in the Price Commission and its Chairman, and in order to facilitate the prompt and efficient performance of the functions of the Commission and of the Chairman exercising the legal authority of the Commission and to provide further guidance to the public, the Commission hereby confirms the following delegations of authority:

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(a) Full authority is delegated to the Chairman to act on behalf of the Commission when the Commission is not in session, subject to the general policy guidance of the Commission.

(b) There is also delegated to the Chairman authority to—

(1) Make decisions and issue orders with respect to individual requests for price or rent increases or adjustments;

(2) Review and determine correctness of reported price or rent increases or adjustments and issue appropriate orders with respect thereto;

(3) Enter into term limit pricing agreements or other arrangements provided for under Price Commission procedures or regulations;

(4) Make decisions and issue orders with respect to individual requests for exceptions;

(5) Conduct public or private investigations, examinations, hearings, conferences or other proceedings and make findings and determinations in connection with Price Commission functions;

(6) Order enforcement actions related to noncompliance with Price Commission regulations or orders;

(7) Interpret the rules and guidelines of the Commission and the laws to which the Commission is subject;

(8) Advise and recommend with respect to litigation concerning the Commission in all State or Federal courts, and represent the Commission in that litigation;

(9) Administer the allocations of funds from the Cost of Living Council to the Price Commission;

(10) Place orders for supplies, materials, and services from the General Services Administration, enter into Price Commission contracts and interagency agreements, effect personnel actions, authorize travel and publications, and perform other ministerial and administrative functions in accordance with applicable laws and regulations;

(11) Certify any Price Commission documents and statements;

(12) Sign regulations, orders, notices and other documents to be published in the FEDERAL REGISTER.

(c) The Chairman is further authorized to organize the Price Commission staff and to redelegate to Price Commission personnel any authority delegated to him in this order.

(d) The delegated authority to perform any function of the Commission heretofore performed by any person to whom authority is or may be delegated hereunder is hereby ratified and confirmed.

Issued in Washington, D.C., on April 11, 1972.

By order of the Commission.

C. JACKSON GRAYSON, JR.,
Chairman.

[FR Doc.72-5823 Filed 4-14-72;8:50 am]

[Order 4]

EXECUTIVE DIRECTOR, GENERAL COUNSEL, AND DIRECTORS OF PROGRAM OPERATIONS AND EXCEPTIONS REVIEW

Delegation of Authority

Pursuant to the provisions of the Economic Stabilization Act, as amended (Public Law 92-210), Executive Order No. 11640 (37 F.R. 1213), Cost of Living Council Orders No. 4 (36 F.R. 20202) and No. 7 (37 F.R. 2727), delegations of authority thereunder, and Price Commission Order No. 3:

(a) I hereby delegate authority to the Executive Director of the Price Commission to supervise and administer the staff of the Commission and to execute its decisions and orders, including, without limitation, the authority to—

(1) Administer funds received from the Cost of Living Council or other sources for the purpose of the Commission;

(2) Place orders for supplies, materials, and services from the General Services Administration, enter into Price Commission contracts and interagency agreements, authorize travel and publications, certify Price Commission statements and documents, and effect all other ministerial and administrative functions in accordance with applicable laws and regulations;

(3) Make decisions and issue orders with respect to individual requests for price or rent increases or adjustments involving a dollar impact of less than $10 million;

(4) Make decisions and issue orders with respect to individual requests for exceptions;

(5) Review and determine correctness of reported price or rent increases or adjustments and issue appropriate orders with respect thereto, in cases involving a dollar impact of less than $10 million;

(6) Order and supervise investigations to determine whether persons are in compliance with the regulations, decisions and orders of the Commission;

(7) Effect all personnel actions; and

(8) When the Chairman is absent from Washington, D.C., make decisions and issue orders with respect to matters covered by subparagraphs (3) and (5) of this paragraph, without regard to impact or amount.

(b) I hereby delegate authority to the General Counsel to—

(1) Represent the Price Commission in all litigation, and recommend procedures to the Department of Justice with respect thereto;

(2) Make recommendations to the Department of Justice as to the prosecution of violations of the rules and decisions of the Price Commission and as to the handling of all other court proceedings relating to the Commission and its rules and decisions;

(3) Issue legal opinions and interpretations of the regulations, decisions, and orders of the Price Commission and on all other laws relating thereto;

(4) Sign, for FEDERAL REGISTER publication, regulations, orders, rulings, notices, and other Price Commission documents; and

(5) Consider and decide all appeals from adverse determinations by the Internal Revenue Service.

(c) I hereby delegate authority to the Director of Program Operations, subject to the authority of the Executive Director, to—

(1) Make decisions and issue orders with respect to individual requests for price or rent increases or adjustments involving a dollar impact of less than $10 million and a percentage of price increase on sales of less than 5 percent, and those involving less than $5 million, regardless of the percentage of price increase on sales;

(2) Review and determine correctness of reported price or rent increases or adjustments and issue appropriate orders with respect thereto; and

(3) Conduct investigations, conferences, or hearings with respect to the foregoing, and take sucl. further action as may appear necessary in connection therewith.

(d) I hereby delegate authority to the Director of Exceptions Review, subject to the authority of the Executive Director, to—

(1) Make decisions and issue orders with respect to individual requests for exceptions in cases in which the requesting party has annual gross revenues of $50 million or less and in rent cases involving less than 100 units; and

(2) Conduct investigations, conferences, or hearings with respect to the foregoing and take such further action as may appear necessary in connection therewith.

(e) The Executive Director may redelegate any authority delegated to him by this order to other Price Commission personnel.

(f) The General Counsel may redelegate any authority delegated to him by this order to the Deputy General Counsel.

(g) The Director of Program Operations or the Director of Exceptions Review may redelegate any authority delegated to him by this order to the Deputy Director or any Assistant Director of his office.

(h) The delegated authority to perform any function heretofore performed by any person to whom authority is or may be delegated hereunder is hereby ratified and confirmed.

Issued in Washington, D.C., on April 11, 1972.

C. JACKSON GRAYSON, JR.,
Chairman.

[FR Doc.72-5824 Filed 4-14-72;8:50 am]

DEPUTY EXECUTIVE DIRECTOR

Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 4, I hereby delegate authority to the Deputy Executive Director to—

(a) Make decisions and issue orders with respect to individual requests for price or rent increases or adjustments involving a dollar impact of less than $10 million;

(b) Make decisions and issue orders with respect to individual requests for exceptions;

(c) Review and determine correctness of reported price or rent increases or adjustments and issue appropriate orders with respect thereto, in cases involving a dollar impact of less than $10 million;

(d) Order and supervise investigations to determine whether persons are in compliance with the regulations, decisions, and orders of the Commission; and

(e) When the Chairman and the Executive Director are both absent from Washington, D.C., make decisions and issue orders with respect to matters covered by paragraphs (a) and (c) of this order, without regard to impact or amount.

Issued in Washington, D.C., on April 11, 1972.

BERT LEWIS,
Executive Director.

[FR Doc.72-5825 Filed 4-14-72;8:50 am]

DEPUTY GENERAL COUNSEL

Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 4, I hereby delegate to the Deputy General Counsel authority to—

(a) Represent the Price Commission in all litigation, and recommend procedures to the Department of Justice with respect thereto;

(b) Make recommendations to the Department of Justice as to the prosecution of violations of the rules and decisions of the Price Commission and as to the handling of all other court proceedings relating to the Commission and its rules and decisions;

(c) Issue legal opinions and interpretations of the regulations, decisions and orders of the Price Commission and on all other laws relating thereto;

(d) Sign, for FEDERAL REGISTER publication, regulations, orders, rulings, notices, and other Price Commission documents; and

(e) Consider and decide all appeals from adverse determinations by the Internal Revenue Service.

Issued in Washington, D.C., on April 11, 1972.

W. DAVID SLAWSON,
General Counsel.

[FR Doc.72-5826 Filed 4-14-72;8:50 am]

DEPUTY DIRECTOR OF PROGRAM OPERATIONS

Delegation of Authority

Pursuant to the authority delegated to me by the Chairman of the Price Commission in Price Commission Order No. 3:

(a) I hereby delegate authority to the Deputy Director of Program Operations to—

(1) Make decisions and issue orders with respect to individual requests for price or rent increases or adjustments involving a dollar impact of less than $1 million.

(2) Review and determine the correctness of reported price or rent increases or adjustments and issue appropriate orders with respect thereto; and

(3) Conduct investigations, conferences, or hearings with respect to the foregoing, and take such further action as may appear necessary in connection therewith.

(b) The delegated authority to perform any function heretofore performed by the Deputy Director to whom authority is delegated hereunder is hereby ratified and confirmed.

Issued in Washington, D.C., on April 12, 1972.

DON I. WORTMAN,
Director, Program Operations.

[FR Doc.72-5827 Filed 4-14-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-7219]

CJA INDUSTRIES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 11, 1972.

I. CJA Industries, Inc. (CJA) is a New York corporation located at 17 Ralph Avenue, Copiague, NY. On October 13, 1970 it filed a notification pursuant to Regulation A in connection with a proposed offering of 150,000 shares of its $0.05 par value common stock at $2 per share.

The offering was conducted by E. P. Seggos & Co., Inc. (Seggos), a registered broker-dealer having its principal place of business in New York City, as underwriter on a best efforts "100,000 shares or none" basis. The offering commenced on March 24, 1971, and was completed on June 13, 1971.

According to its offering circular, CJA was to engage in the businesses of silk screen printing of advertising messages, display material and signs, research and development of specialized electronic devices designed to aid physicians and hospitals, and an advertising service company to seek to develop a market for the sale of advertising space on commercial vehicles.

II. The Commission, on the basis of information reported to it by the staff, has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The amount of the proceeds of the offering to be allocated to ADCO Advertising, Inc., a subsidiary of CJA;

(2) The amount of the proceeds of the offering to be allocated to Aristocrat Screen Process, Inc., a subsidiary of CJA;

(3) The amount of the proceeds of the offering to be allocated for laboratory construction and the purchase of instrumentation;

(4) The repayment of corporate indebtedness, including loans made by officers of CJA, with the proceeds of the offering; and

(5) The use of a portion of the proceeds of the offering to make a loan to the underwriter and the risks inherent in such a loan.

B. Based on the foregoing, the use of the offering circular by the issuer and underwriter operated as a fraud and deceit upon purchasers of the securities in violation of section 17(a) of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion, may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-5758 Filed 4-14-72;8:48 am]

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[70-5177]

CONSOLIDATED NATURAL GAS CO. ET AL.

Notice of Proposed Acquisition by Registered Holding Company of Common Stock of Two New Nonutility Subsidiary Companies Organized to Facilitate Development of System Gas Supplies in Canada

APRIL 11, 1972.

Notice is hereby given that Consolidated Natural Gas Co. (Consolidated), 30 Rockefeller Plaza, New York, NY 10020, a registered holding company, and two newly organized nonutility companies which are to become wholly owned subsidiaries of Consolidated, have filed with this Commission an application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b), 9, 10, and 12 of the Act and Rules 43, 44, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

As part of Consolidated's program to increase the System's future gas supplies, Consolidated Gas Supply Corp. (Supply Corporation), a wholly owned, nonutility subsidiary of Consolidated, has entered into three agreements, hereinafter described, to participate in the development of gas reserves in Canada. To facilitate the Canadian program, Consolidated has organized two new companies to which will be variously assigned the rights and obligations under the agreements. These new companies are CNG Producing Co. (CNG Company), a Delaware corporation, and CNG Development Co., Ltd. (CNG Limited), 4 Gateway Center, Pittsburgh, Pa. 15222, organized under the laws of the Province of Alberta, Canada. It is represented that the agreements involve leases in Canadian Federal lands and in land in the western provinces of Canada, particularly Alberta; that the formation of CNG Limited was necessary to comply with Canadian Federal law which would not allow a U.S. corporation to hold leases, or interests therein, on Federal lands; that were CNG Limited also to engage in development of and acquire interests in non-Federal lands it would be disqualified under the U.S. Internal Revenue Code from joining in consolidated tax returns with the Consolidated System companies; and that for this reason (and because Supply Corporation cannot qualify to do business in Alberta) CNG Company was formed to operate in the non-Federal lands.

To enable the two new companies to meet their financial obligations through May 1973, as assignees under the agreements, Consolidated proposes to acquire for cash out of its general funds capital stock of the companies as follows:

(a) From CNG Limited: 56,000 shares with a par value of $100 (Canadian) per share. The proceeds will be used by CNG Limited to meet obligations totaling Can. $5,400,000 under two agreements assigned to it, and for other corporate purposes.

(b) From CNG Company: 50,000 shares with a par value of $100 per share. CNG Company will use the proceeds to meet obligations, which could reach $4,900,000, under the agreement assigned to it and for other corporate purposes.

A summary of the three Agreements entered into by Supply Corporation follows:

(1) CanDel Agreement, dated October 22, 1971, among Supply Corporation, CanDel Oil, Ltd. (CanDel), El Paso Canada Petroleum, Ltd. (part of El Paso Natural Gas System), and Texas Gas Exploration, Ltd. (part of Texas Gas Transmission System). This involves a joint exploration and drilling venture in various prospective areas located principally in the Mackenzie River region of the Northwest Territories, and in the Yukon Territory, of Canada. CanDel proposes to obtain the bulk of the drilling acreage in the prospective areas by negotiating "farmouts" with other companies, and has already entered into a farmout arrangement covering 4.1 million acres with Mobil Oil Canada, Ltd., a subsidiary of Mobil Oil Co. In addition, CanDel is to contribute exploratory acreage it now holds and subsequently acquires. It is stated that although drilling operations as a whole have thus far been sparse, potential gas reserves in the western sedimentary basin of Canada (of which the Northwest Territories and Yukon Territory form a large part) are estimated by the Canadian Petroleum Association at 270 trillion cubic feet. CanDel will be the project manager, with the other participants having an equal voice in the operation. The four participants including CanDel are obligated to provide the project with an aggregate of $5 million per year for 5 years, or a total of $25 million. CNG Limited, as successor to Supply Corporation, will be obligated to provide 30 percent, or $7.5 million of the total, at the rate of $1.5 million per year, for exploratory work. Additional funds for development work will be required later if reserves in commercial quantity are found. CNG Limited will be entitled to earn a 30-percent working interest in the project, subject to reduction to 24 percent in the event that CanDel exercises an option set out in the agreement.

(2) Dome Agreement, dated November 11, 1971, between Supply Corporation, Texas Gas Exploration, Ltd., and Panhandle Canadian Gas, Ltd. (part of the Panhandle Eastern Pipeline Co. System)—hereinafter, the "Companies"—and Dome for the exploration of 7,500,000 acres, in which Dome owns varying working interests, in the Canadian Arctic Islands. Dome, as operator, will drill all exploratory and development wells; each of the Companies, which will have an equal voice in the operation, is obligated to provide Dome with $10 million ($30 million total) over a 5-year period subject to a 5-year extension if the Companies commit an additional $2 million each annually. The $30 million commitment is for exploratory work, in return for which the Companies will have a competitive call on gas developed plus an aggregate 1 percent working interest in Dome's interest in the subject acreage. The subsequent cost of development work is to be borne one-quarter by Dome and three-quarters by the Companies. All funds provided by the Companies for exploration and development drilling will be repaid, together with the 7 percent simple interest thereon, by Dome from 20 percent of Dome's net revenues derived from the sale of production accruing from the project. The Dome Agreement of November 11, 1971, is to be replaced by a Partnership Agreement and a Marketing Agreement. It is contemplated that, as successors to Supply Corporation, CNG Limited will execute the Partnership Agreement and CNG Company will execute the Marketing Agreement. The filing states further that three major gas discoveries have been made in the Canadian Arctic Islands within the last 2 years—at Melville, King Christian, and Ellef Ringnes Islands—and that although proved gas reserves have not yet been established, the potential reserves are estimated to be substantial.

(3) Sulpetro Agreement, dated November 30, 1971, has been executed between Supply Corporation and Sulpetro of Canada, Ltd. (Sulpetro); it is to be superseded by a formal partnership agreement and will be assigned to CNG Company. Exploratory drilling will be done on 609,000 acres in Alberta, Canada, in which Sulpetro presently controls a working interest, and on additional acreage to be obtained by Sulpetro in western Canada. CNG Company will be obligated to provide Sulpetro with a total of $5 million in 1972 and 1973, and in return will receive a 50 percent undivided interest in the subject acreage. CNG Company will have the option to extend the agreement for an additional 3 years by contributing $2.5 million in each of those years for exploration. After production is found, all further development costs will be shared equally by Sulpetro and CNG Company. In addition to its working interest, CNG Company will have a competitive call on all other gas from areas developed under the agreement, subject to reservations of any third parties that may be applicable; and CNG Company will also have the initial rights to market all, or its share, of gas and oil developed by the program.

It is further stated that the exportation of gas from Canada is subject to the grant of export licenses from Canada's National Energy Board; that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions; and that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $10,500, including $1,000 for services of counsel in Canada.

Notice is further given that any interested person may, not later than April 26, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5759 Filed 4-14-72;8:48 am]

[File 500-1]

GRIMES CONSOLIDATED, INC.

Order Suspending Trading

APRIL 11, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $2 par value, of Grimes Consolidated, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 4 p.m., e.s.t. April 11, 1972, through April 20, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5760 Filed 4-14-72;8:48 am]

[70-5184]

GULF POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

APRIL 11, 1972.

Notice is hereby given that Gulf Power Co. (Gulf), 75 North Pace Boulevard, Pensacola, FL 32502, an electric utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Gulf proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $22 million principal amount of its First Mortgage Bonds, _____ percent Series, to mature not less than 5 years and not more than 30 years from the second day of the calendar month within which the bonds were issued. Gulf will decide on the maturity of the bonds and notify prospective bidders not less than 72 hours prior to the time of the bidding. The interest rate (which shall be a multiple of ⅛ percent) and the price, exclusive of accrued interest, to be paid to Gulf (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of September 1, 1941, between Gulf and the Chase Manhattan Bank (National Association) and the Citizens & Peoples National Bank of Pensacola, as trustees, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated May 1, 1972, which includes a prohibition until May 1, 1977, against refunding the bonds with the proceeds of funds borrowed at a lower effective interest cost.

Gulf also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 50,000 shares of its _____ percent Cumulative Preferred Stock, par value $100 per share. The dividend rate of the preferred stock (which shall be a multiple of 0.04 percent) and the price to be paid to Gulf (which shall be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. The terms of the preferred stock include a prohibition until May 1, 1977, against refunding the stock, directly or indirectly, with funds obtained from the issuance of debt securities at a lower effective interest cost or of preferred stock ranking equally with or prior to the new preferred stock at a lower effective dividend cost. The proceeds from the sales of the bonds and preferred stock and $15 million of additional equity funds to be received from the Southern Company during 1972 (See Holding Company Act Release No. 17399, December 14, 1971), together with its cash on hand in excess of operating requirements, interest and dividends, will be used by Gulf to finance its 1972 construction program, to pay short-term promissory notes payable in the form of bank notes and commercial paper notes incurred for such purpose (of which it is estimated $12,700,000 will be outstanding at the time of the sale of the new securities) and for other lawful purposes.

It is stated that the issuance and sale of the new bonds and new preferred stock will be expressly authorized by the Florida Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than May 4, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5761 Filed 4-14-72;8:48 am]

V 37-74 APR 15 72 A XUM

SMALL BUSINESS ADMINISTRATION

MASSAPOAG INVESTMENT CORP.

Notice of Surrender of License To Operate as a Small Business Investment Company

Notice is hereby given that Massapoag Investment Corp., Brookline, Mass., incorporated under the laws of the Commonwealth of Massachusetts on March 2, 1962, has surrendered its license (No. 01/01-0039) issued by the Small Business Administration on June 8, 1962.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Massapoag Investment Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: April 10, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5756 Filed 4-14-72;8:48 am]

MICHIGAN CAPITAL AND SERVICE, INC.

Notice of Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Michigan Capital and Service, Inc. (Michigan), 410 Wolverine Building, Ann Arbor, Mich. 48108, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to section 312 of the Act and governed by § 107.1004 of the Small Business Investment Company Regulations (13 CFR 107.1004 (1971)), for approval of a conflict of interest transaction falling within the scope of the above sections of the Act and regulations.

Subject to such approval, Michigan proposes to loan $22,700 for a period of 5 years at 10 percent interest per annum to Great Lakes Commuter, Inc. (GLC), of Flint, Mich. In connection with this financing, Michigan will receive warrants for the purchase of 64,857 shares of GLC stock at 0.35 per share for a total exercise price of $22,699.95. GLC is a Delaware corporation engaged in providing scheduled third-level airline service in parts of Michigan and in the conduct of fixed base operations at Bishop Airport, Flint, Mich., through a wholly owned subsidiary of GLC, known as Flint Air, Inc. The loan made by Michigan will be secured by the assets of both GLC and Flint Air, Inc.

Mr. L. Joseph Crafton is secretary, a director, and a 4.64 percent stockholder of Michigan, and until his resignation a short time ago, was legal counsel for the licensee. Mr. Crafton is also president, chief operating officer, and a 4 percent (approximate) stockholder of GLC.

Notice is hereby given that any interested person may not later than 15 days from the publication of this notice, submit to SBA, in writing, relevant comments on this transaction. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: April 10, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5757 Filed 4-14-72;8:48 am]

MAXIMUM INTEREST RATES

Notice of Establishment

Notice is hereby given that the Small Business Administration has established as the maxium interest rate per annum that participating lending institutions may charge on guaranteed loans (except revolving line of credit) approved on or after April 3, 1972, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: eight (8%) per centum per annum. On immediate participation loans approved on or after April 3, 1972, the maximum interest rate shall be seven (7%) per centum per annum. Said maximum interest rates shall remain in effect until further amendment or revision. (Exceptions may be permitted as to applications received prior to April 3, 1972, with agreed upon rates and which are approved not later than April 18, 1972.)

This notice implements the notification of maximum interest rates as provided in § 120.3(b)(2)(vi) of Part 120 (36 F.R. 21332).

Effective date: April 3, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-5755 Filed 4-14-72;8:48 am]

ASSOCIATE ADMINISTRATOR FOR OPERATIONS AND INVESTMENT AND ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Notice of Transfer of Functions and Title Changes

Notice is hereby given that the title of "Associate Administrator for Investment" is changed to "Associate Administrator for Operations and Investment" and the title of "Assistant Administrator for Administration and Operations" is changed to "Assistant Administrator for Administration." This is to provide for a transfer of responsibilities with respect to all field operations of the Small Business Administration.

Effective date: April 23, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-5885 Filed 4-14-72;9:39 am]

TARIFF COMMISSION

[TEA-F-38]

G & H DECOY MANUFACTURING CO.

Notice of Hearing on Petition for Determination

The U.S. Tariff Commission has ordered a hearing in connection with the investigation instituted on March 27, 1972, under section 301(c)(1) of the Trade Expansion Act of 1962 on petition filed by G & H Decoy Manufacturing Co., Henryetta, Okla. (37 F.R. 6607). The hearing will be held at 10 a.m., e.s.t., on April 25, 1972, in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. Appearances at the hearing should be entered in accordance with § 201.13 of the Tariff Commission's rules of practice and procedure (19 CFR 201.13).

Issued: April 14, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-5880 Filed 4-14-72;9:26 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 12, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26893, Chicago, Milwaukee, St. Paul, and Pacific Roalroad Co. Abandonment between Beulah and Elkader, in Clayton County, Iowa, now assigned May 3, 1972, at Elkader, Iowa, will be held at the Municipal Building, basement meeting room.

MC 110616 Sub 4, Charter Coaches, Inc., now assigned May 8, 1972, at Cedar Rapids, Iowa, will be held in Room 106, Cedar Rapids Federal Building.

MC C 7632, Hanson Transfer, Inc.—Investigation and Revocation of Certificate, now assigned May 1, 1972, at Bismarck, N. Dak., will be held in the Blue Room, State Capitol Building, Bismarck, N. Dak.

MC 16831 Sub 16, Laverne W. Simpson, doing business as Mid Seven Transportation Co., now assigned May 1, 1972, MC 53965 Sub 75, Graves Truck Line, Inc., now assigned May 2, 1972, MC 61231 Sub 63, Ace lines, Inc., now assigned May 1, 1972, MC 134063 Sub 3, Frank R. Chullino, doing business as Midwest Transportation Co., now assigned May 4, 1972, at Omaha, Nebr., will be held in Room 812, Federal Office Building, 15th and Dodge Streets, Omaha, NE.

MC 113678 Sub 285, Curtis, Inc., now assigned May 15, 1972, at Denver, Colo., will be held in Room 2330, Federal Building, 1961 Stout Street, Denver, Colo.

FD 28804, Chicago and North Western Railway Co. Abandonment between Wakefield and Crofton in Dixon, Cedar, and Knox Counties, Nebr., now assigned May 8, 1972, at Harlington, Nebr., will be held in the Main Courtroom, Cedar County Courthouse, Harlington, Nebr.

FD 26803, Chicago and North Western Railway Co. Abandonment between Emerson and Thurston, Dakota and Thurston Counties, Nebr., now assigned May 11, 1972, at Pender, Nebr., will be held in the City Office Building, 416 Main Street, Pender, NE.

MC 82492 Sub 63, Michigan & Nebraska Transit Co., now assigned June 15, 1972, at Minneapolis, Minn., advanced to April 18, 1972, in Courtroom No. 4, Federal Court Building, 316 Roberts Street, St. Paul, MN.

MC 1977 Sub 14, Northwest Transport Service, Inc., now assigned May 8, 1972, at Denver, Colo., will be held in Room 2330, Federal Building, 1961 Stout Street, Denver, CO.

MC 135454 Sub 3, Denny Truck Lines, Inc., now assigned April 19, 1972, at Washington, D.C., canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5788 Filed 4-14-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 12, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42397—*Iron or steel bars from points in Illinois, Kansas, and Missouri.* Filed by Western Trunk Line Committee (No. A-2662), for interested rail carriers. Rates on bars, iron or steel, in carloads, as described in the application, from specified points in Illinois, Kansas, and Missouri, to specified points in Illinois, Iowa, Kansas, Missouri, Minnesota, and Nebraska.

Grounds for relief—Rate relationship.

Tariff—Supplement 136 to Western Trunk Line Committee, agent, tariff ICC A-4663. Rates are published to become effective on May 12, 1972.

FSA No. 42398—*Iron and steel articles between points in Illinois Freight Association territory.* Filed by Illinois Freight Association, agent (No. 377), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from and to points in Illinois Freight Association territory located on the Burlington Northern, Inc.

Grounds for relief—Carrier competition.

Tariff—Supplement 165 to Illinois Freight Association, agent, tariff ICC 1087. Rates are published to become effective on May 20, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5789 Filed 4-14-72;8:50 am]

[Notice 47]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73586. By order of April 10, 1972, the Motor Carrier Board approved the transfer to P & S Service, Inc., Jersey City, N.J., of the operating rights in certificate No. MC-124198 issued October 2, 1962, to Edward P. Dunn, Jr., doing business as Dunn's Carlstadt, N.J., authorizing the transportation of wrecked or disabled trucks, tractors, buses, and passenger cars, in towaway service, requiring the use of wrecker equipment, between points in New Jersey and New York, on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, and replacement vehicles, from points in New Jersey and New York to points in Connecticut, Delaware, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-73630. By order of April 10, 1972, the Motor Carrier Board approved the transfer to Schleswig Transfer, Inc., Schleswig, Iowa, of certificate No. MC-96375 issued to Paul Mahoney, Viola Mahoney, executor, doing business as Schleswig Transfer, Schleswig, Iowa, authorizing the transportation of: Agricultural commodities, feeds, seeds, petroleum products, building materials, and livestock, between specified points in Iowa and Nebraska.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-5790 Filed 4-14-72;8:50 am]

PAY BOARD

ECONOMIC STABILIZATION PROGRAM

Notice of Proposed Recodification of Regulations and Holding of Public Hearings

Notice is hereby given that upon publication of its regulations pertaining to computation, fringe benefits, and productivity the Pay Board will begin a recodification of its regulations. Such recodification will be published in the FEDERAL REGISTER in the form of proposed regulations and the Pay Board will conduct public hearings on the provisions of such regulations within 30 days of publication.

The purpose of these hearings is to receive input from each of the various sectors of the economy in order that the Board and its staff might consider definitional or interpretative problems present in the proposed recodified regulations. In addition the hearings will afford the public an opportunity to offer, with regard to the Board's goals and policies, suggestions and constructive criticism which will assist the Board in considering those modifications deemed advisable to maintain an equitable stabilization program.

This notice reflects the Board's intention to continue to comply with the stated desires of Congress by, in this instance, holding public hearings (pursuant to section 207 of the Economic Stabilization Act of 1970, as amended) on matters which have a significantly large impact on the national economy.

The Board requests that written recommendations be submitted concerning proposed topics or subjects which should be included in the public hearings. Also the Board encourages any other written suggestions relevant to the procedures outlined by this notice.

All written submissions should be sent to: Chairman of the Pay Board, Attention: Office of General Counsel, 2000 M Street NW., Washington, D.C. 20508.

Issued in Washington, D.C. on April 15, 1972.

GEORGE H. BOLDT,
Chairman of the Pay Board.

[FR Doc.72-5915 Filed 4-14-72;12:43 pm]

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CUMULATIVE LIST OF PARTS AFFECTED—APRIL

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PART II

DEPARTMENT OF THE INTERIOR

BUREAU OF MINES

■

COAL MINE HEALTH AND SAFETY

Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees

No. 74—Pt. II—

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Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER D—ELECTRICAL EQUIPMENT, LAMPS, METHANE DETECTORS; TESTS FOR PERMISSIBILITY; FEES

PART 28—FUSES FOR USE WITH DIRECT CURRENT IN PROVIDING SHORT-CIRCUIT PROTECTION FOR TRAILING CABLES IN COAL MINES

Pursuant to the authority vested in the Secretary of the Interior under section 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 957), and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7, and in accordance with section 306(b) of the Act (30 U.S.C. 866(b)) which provides that short-circuit protection for trailing cables used in coal mines shall be provided by an automatic circuit breaker or other no less effective device approved by the Secretary, there was published in the FEDERAL REGISTER for August 5, 1971 (36 F.R. 14448), a notice of proposed rule making which prescribed the requirements for testing and approval of fuses for use with direct current in providing short-circuit protection, no less effective than automatic circuit breakers, for trailing cables in coal mines.

Interested persons were afforded a period of 45 days from the date of publication of the notice in which to submit written comments, suggestions, and objections to the proposed requirements. All comments, suggestions, and objections were given careful and thorough consideration.

Some of the requirements were revised as suggested and in other instances revisions were made in view of the comments received. Certain procedural revisions have also been made. Examples of causes which may result in revocation of the certificate of approval have been specified. The quality control provisions have been refined so as to specify more exactly the sampling procedures and characteristics required to be sampled. Furthermore, since the Bureau does not conduct the actual testing of fuses under the requirements of this part, and in order to ensure the short-circuit protection capability of approved fuses, such fuses must be retested within a 2-year period from the date of the certificate of approval, and every 2 years thereafter (§ 28.23(h)).

Part 28—Fuses for Use with Direct Current in Providing Short-Circuit Protection for Trailing Cables in Coal Mines—of Subchapter D, Chapter I, Title 30, Code of Federal Regulations, as set forth below, is herewith promulgated and shall become effective 60 days following publication in the FEDERAL REGISTER.

W. T. PECORA,
Acting Secretary of the Interior.

APRIL 10, 1972.

Sec.

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28.3 Installation, use, and maintenance of approved fuses.
28.4 Definitions.

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28.23 Approval labels or markings; approval of contents; use.
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28.30 Quality control plans; filing requirements.
28.31 Quality control plans; contents.
28.32 Proposed quality control plans; approval by the Bureau.
28.33 Quality control test methods, equipment, and records; review by the Bureau; revocation of approval.

Subpart E—Construction, Performance and Testing Requirements

28.40 Construction and performance requirements; general.
28.41 Testing requirements; general.

AUTHORITY: The provisions of this Part 28 issued under secs. 306(b) and 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801, 83 Stat. 742), and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7.

Subpart A—General Provisions

§ 28.1 Purpose.

The purpose of the regulations contained in this Part 28 is: (a) To establish procedures and prescribe requirements which must be met in filing applications for the approval of fuses for use with direct current in providing short-circuit protection for trailing cables in coal mines, or the approval of changes or modifications of approved fuses; (b) to specify minimum performance requirements and to prescribe methods to be employed in conducting inspections, examinations, and tests to determine the effectiveness of fuses for use with direct current in providing short-circuit protection for trailing cables in coal mines; and (c) to provide for the issuance of certificates of approval or modifications of certificates of approval for fuses which have met the minimum requirements for performance and short-circuit protection set forth in this part.

§ 28.2 Approved fuses.

(a) On and after the effective date of this part, fuses shall be considered to be approved for use with direct current in providing short-circuit protection for trailing cables in coal mines only where such fuses are: (1) The same in all respects as those fuses which have been approved after meeting the minimum requirements for performance and short-circuit protection prescribed in this Part 28; and (2) maintained in an approved condition.

§ 28.3 Installation, use, and maintenance of approved fuses.

Approved fuses shall be installed and maintained in accordance with the specifications prescribed by the manufacturer of the fuses, and shall be selected and used in accordance with the standards prescribed for short-circuit protective devices for trailing cables in Parts 75 and 77, Subchapter O of this chapter.

§ 28.4 Definitions.

As used in this part—

(a) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or fabricates, or controls the design, manufacture, assembly, or fabrication of a fuse, and who seeks to obtain a certificate of approval for such fuse.

(b) "Approval" means a certificate or formal document issued by the Bureau stating that an individual fuse or combination of fuses has met the minimum requirements of this Part 28, and that the applicant is authorized to use and attach an approval label or other equivalent marking to any fuse manufactured, assembled, or fabricated in conformance with the plans and specifications upon which the approval was based, as evidence of such approval.

(c) "Approved" means conforming to the minimum requirements of this Part 28.

(d) "Bureau" means the U.S. Bureau of Mines, Department of the Interior.

(e) "Fuse" means a device, no less effective than an automatic circuit breaker, for use with direct current which provides short-circuit protection for trailing cables in coal mines by interrupting an excessive current in the circuit.

Subpart B—Application for Approval

§ 28.10 Application procedures.

(a) Each applicant seeking approval of a fuse for use with direct current in providing short-circuit protection for trailing cables shall arrange for submission, at his own expense, of the number of fuses necessary for testing to Westinghouse Electric Corp., High Voltage Test Laboratory, East Pittsburgh, Pa. 15112, or General Electric Co., High Voltage Laboratory, 7500 Lindberg Boulevard, Philadelphia, PA 19155, or any other nationally recognized independent testing laboratory capable of performing the examination, inspection, and testing requirements of this part.

(b) The applicant shall insure, at his own expense, that the examination, inspection, and testing requirements of this part are properly and thoroughly performed by the independent testing laboratory of his choice.

(c) Upon satisfactory completion by the independent testing laboratory of the examination, inspection, and testing requirements of this part, the data and results of such examination, inspection, and tests shall be certified by both the applicant and the laboratory and shall be sent for evaluation of such data and results to the Bureau of Mines, Health and Safety Technical Support Center, 4800 Forbes Avenue, Pittsburgh, PA 15213. Attention: Approval and Testing.

(d) The certified data and results of the examinations, inspections, and tests required by this part and submitted to the Bureau shall be accompanied by a check, bank draft, or money order in the amount of $55 for each fuse size and type payable to the order of the U.S. Bureau of Mines.

(e) The certified data and results of the examinations, inspections, and tests required by this part and submitted to the Bureau for evaluation shall be accompanied by a proposed plan for quality control which meets the minimum requirements set forth in Subpart D of this part.

(f) Each applicant shall deliver to the Bureau, at his own expense, three fuses of each size and type which may be necessary for evaluation of the examination, inspection, and test results by the Bureau.

(g) Applicants or their representatives may visit or communicate with Approval and Testing in order to discuss the requirements for approval of any fuse, or to obtain criticism of proposed designs; no charge shall be made for such consultation and no written report shall be issued by the Bureau as a result of such consultation.

Subpart C—Approval and Disapproval

§ 28.20 Certificates of approval; scope of approval.

(a) The Bureau shall issue certificates of approval pursuant to the provisions of this subpart only for individual, completely fabricated fuses which have been examined, inspected, and tested as specified in § 28.10, and have been evaluated by the Bureau to ensure that they meet the minimum requirements prescribed in this part.

(b) The Bureau shall not issue an informal notification of approval.

§ 28.21 Certificates of approval; contents.

(a) Each certificate of approval shall contain a description of the fuse and a classification of its current-interrupting capacity and current rating.

(b) The certificate of approval shall specifically set forth any restrictions or limitations on the use of the fuse in providing short-circuit protection for trailing cables.

(c) Each certificate of approval shall be accompanied by a reproduction of the approval label or marking design, as appropriate, to be employed by the applicant with each approved fuse as provided in § 28.23.

(d) No test data or specific laboratory findings will accompany any certificate of approval, however, the Bureau will release analyses of pertinent test data and specific findings upon receipt of a written request by the applicant, or when required by statute or regulation.

(e) Each certificate of approval shall also contain the approved quality control plan as specified in § 28.31.

§ 28.22 Notice of disapproval.

(a) If, upon completion of the evaluation by the Bureau conducted in accordance with § 28.10, it is determined that the fuse does not meet the minimum requirements set forth in this part, the Bureau shall issue a written notice of disapproval to the applicant.

(b) Each notice of disapproval shall be accompanied by all available findings with respect to the defects of the fuse for which approval was sought with a view to the possible correction of any such defects.

(c) The Bureau shall not disclose, except to the applicant upon written request or when required by statute or regulation, any data, findings, or other information with respect to any fuse for which a notice of disapproval is issued.

§ 28.23 Approval labels or markings; approval of contents; use.

(a) Approval labels shall bear the seal of the U.S. Bureau of Mines, an approval number, the restrictions, if any, placed upon the use of the fuse by the Bureau, and where appropriate, the applicant's name and address.

(b) Upon receipt of a certificate of approval, the applicant shall submit to the Bureau, for approval of contents, full-scale reproductions of approval labels or markings, as appropriate, and a sketch or description of the method of application and position on the fuse, together with instructions for the installation, use, and maintenance of the fuse.

(c) Legible reproductions or abbreviated forms of the label or markings approved by the Bureau shall be attached to or printed on each fuse.

(d) Each fuse shall be marked with the rating of the Underwriters Laboratories, Inc.

(e) The Bureau shall, where necessary, notify the applicant when additional labels, markings, or instructions will be required.

(f) Approval labels or markings shall only be used by the applicant to whom they were issued.

(g) The use of any Bureau approval label or marking obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling procedure and the acceptable quality level for each characteristic tested, and to guarantee that the approved fuse is manufactured according to the specifications upon which the certificate of approval is based.

(h) The use of any Bureau approval label or marking obligates the applicant to whom it is issued to retest the approved fuse within a 2-year period from the date of the certificate of approval, and every 2 years thereafter, in accordance with the provisions of § 28.10.

§ 28.24 Revocation of certificates of approval.

The Bureau reserves the right to revoke, for cause, any certificate of approval issued pursuant to the provisions of this part. Such causes include, but are not limited to, misuse of approval labels and markings, misleading advertising, violations of section 109(e) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 819(e)), and failure to maintain or cause to be maintained the quality control requirements of the certificate of approval.

§ 28.25 Changes or modifications of approved fuses; issuance of modification of certificate of approval.

(a) Each applicant may, if he desires to change any feature of an approved fuse, request a modification of the original certificate of approval issued by the Bureau for such fuse by filing an application for modification in accordance with the provisions of this section.

(b) Applications, including fees, shall be submitted as specified in § 28.10 for an original certificate of approval, with a request for a modification of the existing certificate to cover any proposed change.

(c) The application for modification, together with the examination, inspection, and tests results prescribed by § 28.10 shall be examined and evaluated by the Bureau to determine if the proposed modification meets the requirements of this part.

(d) If the proposed modification meets the requirements of this part, a formal modification of approval will be issued, accompanied, where necessary, by reproductions of revised approval labels or markings.

Subpart D—Quality Control

§ 28.30 Quality control plans; filing requirements.

As a part of each application for approval or modification of approval submitted pursuant to this part, each applicant shall file with the Bureau a proposed quality control plan which shall be designed to assure the quality of short-circuit protection provided by the fuse for which approval is sought.

§ 28.31 Quality control plans; contents.

(a) Each quality control plan shall contain provisions for the management of quality, including; (1) Requirements for the production of quality data and the use of quality control records; (2) control of engineering drawings, documentations, and changes; (3) control and calibration of measuring and test equipment; (4) control of purchased material to include incoming inspection; (5) lot identification, control of processes, manufacturing, fabrication, and assembly work conducted in the applicant's plant; (6) audit or final inspection of the completed product; and, (7) the organizational structure necessary to carry out these provisions.

(b) The sampling plan shall include inspection tests and sampling procedures

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developed in accordance with Military Specification MIL-F-15160D, "Fuses; Instrument, Power, and Telephone" (which is hereby incorporated by reference and made a part hereof), Group A tests and Group B tests, except that the continuity and/or resistance characteristics of each fuse shall be tested. Military Specification MIL-F-15160D is available for examination at Approval and Testing, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA. Copies of the document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) The sampling procedure shall include a list of the characteristics to be tested by the applicant or his agent and shall include but not be limited to: (1) Continuity and/or resistance determination for each fuse; (2) carry current capability (not less than 110 percent of the rated current); and, (3) overload current interruption capability (not less than 135 percent of the rated current).

(d) The quality control inspection test method to be used by the applicant or his agent for each characteristic required to be tested shall be described in detail.

§ 28.32 Proposed quality control plans; approval by the Bureau.

(a) Each proposed quality control plan submitted in accordance with this subpart shall be reviewed by the Bureau to determine its effectiveness in insuring the quality of short-circuit protection provided by the fuse for which an approval is sought.

(b) If the Bureau determines that the proposed quality control plan submitted by the applicant will not insure adequate quality control, the Bureau shall require the applicant to modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate of approval.

(c) Approved quality control plans shall constitute a part of and be incorporated into any certificate of approval issued by the Bureau, and compliance with such plans by the applicant shall be a condition of approval.

§ 28.33 Quality control test methods, equipment, and records; review by the Bureau; revocation of approval.

(a) The Bureau reserves the right to have its representatives inspect the applicant's quality control test methods, equipment, and records, and to interview any employee or agent of the applicant in regard to quality control test methods, equipment, and records.

(b) The Bureau reserves the right to revoke, for cause, any certificate of approval where it finds that the applicant's quality control test methods, equipment, or records do not ensure effective quality control over the fuse for which the approval was issued.

Subpart E—Construction, Performance, and Testing Requirements

§ 28.40 Construction and performance requirements; general.

(a) The Bureau shall issue approvals for fuses for use with direct current in providing short-circuit protection for trailing cables, when such fuses have met the minimum construction, performance, and testing requirements set forth in this subpart.

(b) Fuses submitted to the Bureau for approval will not be accepted unless they are designed on sound engineering and scientific principles, constructed of suitable materials, and evidence good workmanship.

(c) Fuses may be single-element or dual-element in type, however, they shall be capable of interrupting any direct current within a range from the ampere rating of the fuse under consideration for approval up to 20,000 amperes.

(d) The Bureau shall accept the fuse size and ampere rating as specified in the Underwriters Laboratories, Inc., standard for alternating current fuses (UL-198), which is hereby incorporated by reference and made a part hereof. This document is available for examination at Approval and Testing, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburg, PA, and copies of the document are available from Underwriter's Laboratories, Inc., 161 Sixth Avenue, New York, NY 10013.

(e) Fuses shall be capable of completely interrupting a current within 30 milliseconds after initial current interruption, and shall not show any evidence of restriking after 30 milliseconds.

(f) The blown fuse shall show only superficial damage.

§ 28.41 Testing requirements; general.

(a) The open circuit voltage of the test circuit shall be 300 volts d.c., or 600 volts d.c., depending on the voltage rating of the fuse being tested.

(b) Time constant of the circuit (defined as T=L/R, where T is the time in seconds, L is the inductance in henries, and R is the resistance in ohms) shall be as follows:

(1) For 10,000 amperes and greater currents, T=0.016 second or more;

(2) For 1,000 amperes to 10,000 amperes, T=0.008 second or more;

(3) For 100 amperes to 1,000 amperes, T=0.006 second or more; and

(4) For less than 100 amperes, T=0.002 seconds or more.

(c) Test currents shall be as follows:

(1) 200 percent of rated current for fuses having 200 or less ampere rating, or 300 percent of rated current for fuses having greater than 200 ampere rating;

(2) 900 percent of rated current;

(3) 10,000 amperes; and

(4) 20,000 amperes.

(d) The voltage shall continue to be applied for at least 30 seconds after completion of circuit interruption.

(e) Five fuses of each case size shall be tested at each test current specified in paragraph (c) of this section, with the value of the fuse being the maximum value for the case size.

(f) Three of each lot of five fuses shall be preconditioned at 95±5 percent R H for not less than 5 days immediately prior to testing; and the other two fuses of each lot of five shall be preconditioned by heating to 90° C. for 24 hours, and tested within 1 hour after removal from the preconditioning chamber.

(g) At least 3 of each lot of five fuses shall be tested in a fuse holder of a trolley-tap type, and the fuse holder shall remain intact and shall readily accept and retain a replacement fuse.

[FR Doc.72-5671 Filed 4-14-72;8:45 am]

PART 29—PORTABLE COAL DUST/ROCK DUST ANALYZERS, AND CONTINUOUS DUTY, WARNING LIGHT, PORTABLE METHANE DETECTORS FOR USE IN COAL MINES

Pursuant to the authority vested in the Secretary of the Interior under section 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 957), and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7, there was published in the FEDERAL REGISTER for August 5, 1971 (36 F.R. 14450), a notice of proposed rule making which prescribed requirements for testing and approval by the Bureau of Mines of portable coal dust/rock dust samplers, and continuous duty, warning light, portable methane detectors for use in coal mines.

Interested persons were afforded a period of 45 days from the date of publication of the notice in which to submit written comments, suggestions, and objections to the proposed requirements. All comments, suggestions, and objections were given careful and thorough consideration.

Some of the requirements were revised as suggested and in other instances revisions were made in view of the comments received. Some of the more significant revisions are as follows: (1) The field testing requirements (§§ 29.61 (e) and (f) and 29.76 (b) and (c)) specify the period of time and the manner in which field testing will be conducted; (2) Tables A and B have been revised to be more precise; (3) examples of causes which may result in revocation of the certificate of approval have been specified; (4) the application procedures have been revised so as to make clear that the Bureau will test soundly designed and constructed prototypes, but may require resubmission of a production model for additional testing prior to issuance of a certificate of approval (§§ 29.11(e) and 29.30 (c) and (d)); and (5) references, in Subparts G and H, to Part 22 of this Title 30 (Bureau of Mines Schedule 8C) have been deleted in favor of repeating the reference requirements in this Part 29 for the facility of users. Furthermore since the instrument designated as a portable coal dust/rock dust sampler in the notice of proposed rulemaking is intended to be utilized to accurately measure the incombustible content of combined coal dust, rock dust, and other mine dust, the term "analyzer" has been substituted for the term "sampler".

Part 29—Portable Coal Dust-Rock Dust Analyzers, and Continuous Duty, Warning Light, Portable Methane Detectors for Use in Coal Mines—of Subchapter D, Chapter I, Title 30, Code of Federal Regulations, as set forth below, is herewith promulgated and shall become effective 60 days following publication in the FEDERAL REGISTER.

W. T. PECORA,
Acting Secretary of the Interior.

APRIL 10, 1972.

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AUTHORITY: The provisions of this Part 29 issued under sec. 508 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801, 83 Stat. 742), and 36 Stat. 369, as amended, 37 Stat. 681, 30 U.S.C. 3, 5, and 7.

Subpart A—General Provisions

§ 29.1 Purpose.

The purpose of the regulations contained in this Part 29 is: (a) To establish procedures and prescribe requirements which must be met in filing applications for the approval of portable coal dust/rock dust analyzers for use in measuring the incombustible content of mine dusts, and the approval of continuous duty, warning light, portable methane detectors for use in providing a visual signal of the presence of a methane-air mixture having a methane concentration of 1.0 percent ±0.2 percent, or the approval of changes and modifications of approved portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors; (b) to specify minimum performance requirements and to prescribe methods to be employed in conducting inspections, examinations, and tests to determine the effectiveness of these instruments; and (c) to provide for the issuance of certificates of approval or modifications of certificates of approval for portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors which have met the minimum requirements for performance set forth in this part.

§ 29.2 Approved portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors.

On and after the effective date of this part, portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors shall be considered to be approved for use in coal mines where such instruments are: (a) The same in all respects as those portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors which have been approved as meeting the minimum requirements for performance prescribed in this Part 29; and (b) maintained in an approved condition.

§ 29.3 Use and maintenance of approved portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors.

Approved portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors shall be operated and maintained in accordance with the specifications prescribed by the manufacturer of such instruments, and in accordance with the applicable provisions of Parts 75 and 77, Subchapter O of this chapter.

§ 29.4 Definitions.

As used in this part—

(a) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or fabricates, or controls the design, manufacture, assembly, or fabrication of a portable coal dust/rock dust analyzer or a continuous duty, warning light, portable methane detector, and who seeks to obtain a certificate of approval for such analyzer or detector.

(b) "Approval" means a certificate or formal document issued by the Bureau stating that an individual portable coal dust/rock dust analyzer or an individual continuous duty, warning light, portable methane detector has met the applicable minimum requirements of this Part 29, and that the applicant is authorized to use and attach an approval label or plate on any portable coal dust/rock dust analyzer or continuous duty, warning light, portable methane detector manufactured, fabricated, or assembled in conformance with the plans and specifications upon which the approval was based, as evidence of such approval.

(c) "Approved" means conforming to the minimum requirements of this Part 29.

(d) "Bureau" means the U.S. Bureau of Mines, Department of the Interior.

(e) "Coal dust" means particles of coal that can pass a No. 20 sieve.

(f) "Coal Mine" means an area of land and all structures, facilities, machinery, tools, equipment, shafts, slopes, tunnels, excavations, and other property, real or personal, placed upon, under, or above the surface of such land by any person, used in, or to be used in, or resulting from, the work of extracting in such area bituminous coal, lignite, or anthracite from its natural deposits in the earth by any means or method, and the work of preparing the coal so extracted, and includes custom coal preparation facilities.

(g) "Coal mine dust" means solid particles with sizes ranging from submicroscopic to microscopic, including but not limited to coal dust and rock dust.

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(h) "Continuous duty, warning light, portable methane detector" means a portable, self-contained instrument, containing a red warning light which flashes in the presence of methane-air mixtures having methane concentrations of 1.0 percent±0.2 percent.

(i) "Portable coal dust/rock dust analyzer" means a portable, self-contained instrument, capable of indicating the incombustible content of coal mine dust over a range of from 50 percent to 100 percent incombustible.

(j) "Rock dust" means pulverized limestone, dolomite, gypsum, anhydrite, shale, adobe, or other inert material, preferably light colored, 100 per centum of which will pass through a sieve having 20 meshes per linear inch and 70 per centum or more of which will pass through a sieve having 200 meshes per linear inch; the particles of which when wetted and dried will not cohere to form a cake which will not be dispersed into separate particles by a light blast of air; and which does not contain more than 5 per centum of combustible matter or more than a total of 4 per centum of free and combined silica (SiO_2), or, where the Secretary finds that such silica concentrations are not available, which does not contain more than 5 per centum of free and combined silica.

(k) "Work of preparing the coal" means the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing, and loading of bituminous coal, lignite, or anthracite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

Subpart B—Application for Approval

§ 29.10 Application procedures.

(a) Inspection, examination, and testing leading to the approval of portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors shall be undertaken by the Bureau only pursuant to written applications which meet the minimum requirements set forth in this Subpart B.

(b) Applications shall be submitted in duplicate to Approval and Testing, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213, and shall be accompanied by a check, bank draft, or money order in the amount specified in Subpart C of this part payable to the order of the U.S. Bureau of Mines.

(c) Except as provided in §§ 29.54, 29.61(e), and 29.76(b), the examination, inspection, and testing of all portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors shall be conducted at Approval and Testing, Bureau of Mines, Pittsburgh, Pa. 15213, or at the Bruceton, Pa. facility of the Health and Safety Technical Support Center.

(d) Applicants, manufacturers, or their representatives may visit or communicate with Approval and Testing in order to discuss the requirements for approval of any portable coal dust/rock dust analyzer, or continuous duty, warning light, portable methane detector or the proposed designs thereof. No charge shall be made for such consultation and no written report shall be issued by the Bureau as a result of such consultation.

§ 29.11 Contents of application.

(a) Each application for approval shall contain a complete written description, including operating instructions, of the analyzer or detector for which approval is requested together with a set of drawings and specifications (and lists thereof) showing full details of construction of the instrument and of the materials used. Drawings and specifications (and lists thereof) shall be submitted in duplicate.

(b) Drawings shall be titled, numbered, and dated; any revision dates shall be shown on the drawings, and the purpose of each revision being sought shall be shown on the drawing or described on an attachment to the drawing to which it applies.

(c) Each application for approval shall contain a proposed plan for quality control which meets the minimum requirements set forth in Subpart E of this part.

(d) Each application shall contain a statement that the analyzer or detector has been pretested by the applicant as prescribed in § 29.54, and shall include the results of such tests.

(e) Each application for approval shall contain a statement that the analyzer or detector and component parts submitted for approval are either (1) prototypes, or (2) made on regular production tooling, with no operation included which will not be incorporated in regular production processing.

(f) Where any form of radioactivity is employed in the analyzer or detector, the applicant shall submit:

(1) Evidence of compliance with all State regulations with respect to radiation and the use of radioactive materials; and

(2) Evidence of compliance with the requirements set forth in Title 10, Code of Federal Regulations.

§ 29.12 Delivery of analyzers and detectors by applicant; requirements.

(a) Each applicant shall, when an application is filed pursuant to § 29.10 deliver at his own expense, four assembled analyzers or detectors, less the radioactive source, to Approval and Testing, Bureau of Mines, Pittsburgh, Pa. 15213. The radioactive source shall be delivered and inserted in the instrument by the applicant following testing of the electrical components of such instrument.

(b) Analyzers, detectors, and component parts submitted for approval must be made from materials specified in the application.

(c) One completely assembled analyzer or detector approved under the provisions of this part may be retained by the Bureau as a laboratory exhibit; the remaining instruments will be returned to the applicant at his own expense, upon written request within 30 days after notice of approval. If no such request is made, the instruments will be disposed of by the Bureau in such manner as it deems appropriate.

(d) Where an analyzer or detector fails to meet the requirements for approval set forth in this part, all instruments and components delivered intact in accordance with this section will be returned to the applicant at his own expense, upon written request within 30 days after notice of disapproval. If no such request is made, the instruments will be disposed of by the Bureau in such manner as it deems appropriate.

Subpart C—Fees

§ 29.20 Examination, inspection, and testing of portable coal dust/rock dust analyzers, and continuous duty, warning light, portable methane detectors; fees.

Except as provided in § 29.21, the following fees shall be charged by the Bureau for the examination, inspection, and testing of portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors:

(a) Examining and recording drawings and specifications prior to inspection, examination and testing	$110
(b) Intrinsic-safety investigation and test under Part 18 of this chapter (Bureau of Mines Schedule 2G)	105
(c) Inspection and explosion testing	175

§ 29.21 Additional fees; payment by applicant prior to approval.

(a) The Bureau reserves the right to conduct any examination, inspection, or test it deems necessary to determine the quality and effectiveness of any analyzer, detector, or component, and to assess the cost of such examinations, inspections, or tests against the applicant prior to the issuance of any approval for the instrument examined, inspected or tested.

(b) The fees charged for the additional examination, inspection, and testing of analyzers, detectors, and components shall be at the rate of $100 per day for each man-day required to be expended by the Bureau.

(c) Upon completion of all examinations, inspections, and tests of analyzers, detectors, and components, the Bureau shall advise the applicant in writing of the total cost assessed and the additional amount, if any, which must be paid to the Bureau as a condition of approval.

(d) The Bureau shall refund any overpayment to the applicant upon the issuance of any approval or notice of disapproval.

Subpart D—Approval and Disapproval

§ 29.30 Certificates of approval; scope of approval.

(a) The Bureau shall issue certificates of approval pursuant to the provisions of this subpart only for individual, completely assembled portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors which have been examined, inspected, and tested, and which meet the minimum requirements set forth in Subparts G and H, as applicable.

(b) The Bureau shall not issue an informal notice of approval. However, if the application for approval, submitted in accordance with § 29.11, states that the submitted analyzer, detector, and component parts are only prototypes, the Bureau will examine, inspect, and test such prototype analyzer, detector, and component parts in accordance with the provisions of this Part 29. If, upon completion of such examinations, inspections and tests, it is found that the prototype meets the minimum requirements set forth in this part, the Bureau may inform the applicant, in writing, of the results of the examinations, inspections, and tests, and may require him to resubmit analyzers, detectors, and component parts, as applicable, made on regular production tooling, with no operations included which will not be incorporated in regular production processing, for further examination, inspection, and testing, prior to issuance of the certificate of approval.

(c) Applicants required to resubmit analyzers, detectors, and component parts made on regular production tooling, with no operation included which will not be incorporated in regular production processing, shall be charged fees in accordance with Subpart C of this part.

§ 29.31 Certificates of approval; contents.

(a) The certificate of approval shall contain a description of the analyzer or detector for which it is issued as provided in this part.

(b) The certificate of approval shall specifically set forth any restrictions or limitations, if any, on use of the instrument.

(c) Each certificate of approval shall be accompanied by the drawings and specifications (and lists thereof) submitted by the applicant in accordance with § 29.11. These drawings and specifications shall be incorporated by reference in the certificate of approval and shall be maintained by the applicant. The drawings and specifications listed in each certificate of approval shall set forth in detail the design and construction requirements which shall be met by the applicant during commercial production of the instrument.

(d) Each certificate of approval, shall be accompanied by a reproduction of the approval label design to be employed by the applicant with each approved instrument as provided in § 29.33.

(e) No test data or specific laboratory findings will accompany any certificate of approval, however, the Bureau will release pertinent test data and specific findings upon written request by the applicant, or when required by statute or regulation.

(f) Each certificate of approval shall also contain the approved quality control plan as specified in § 29.42.

§ 29.32 Notice of disapproval.

(a) If, upon the completion of the examinations, inspections, and tests required to be conducted in accordance with the provisions of this part, it is found that the analyzer or detector does not meet the minimum requirements set forth in this part, the Bureau shall issue a written notice of disapproval to the applicant.

(b) Each notice of disapproval shall be accompanied by all pertinent data or findings with respect to the defects of the instrument for which approval was sought with a view to the possible correction of any such defects.

(c) The Bureau shall not disclose, except to the applicant upon written request or when required by statute or regulation, any data, findings or other information with respect to any instrument for which a notice of disapproval is issued.

§ 29.33 Approval labels and markings; approval of contents; use.

(a) Upon receipt of a certificate of approval, the applicant shall submit to the Bureau, for approval of contents, samples or full-scale reproductions of approval plates, labels, and markings and a sketch or description of the method of application and position on the instrument, together with instructions for the use and maintenance of the instrument.

(b) Approval labels shall bear the seal of the U.S. Bureau of Mines, the applicant's name and address, the restrictions or limitations placed upon the use of the instrument by the Bureau, an approval number assigned by the Bureau, and other information necessary for identification of the instrument.

(c) The Bureau shall, where necessary, notify the applicant when additional labels, markings or instructions will be required.

(d) Approval labels and markings shall only be used by the applicant to whom they were issued.

(e) Legible reproductions or abbreviated forms of the label approved by the Bureau for use on each analyzer and detector shall be affixed. attached to, or printed on the instrument at a location where it can be easily seen.

(f) The use of any Bureau approval label obligates the applicant to whom it is issued to maintain or cause to be maintained the approved quality control sampling schedule and the acceptable quality level for each characteristic tested, and to guarantee that the instrument is manufactured according to the drawings and specifications upon which the certificate of approval is based.

(g) Each analyzer and detector shall be labeled distinctly to show the name of the applicant, and the name and letters or numbers by which the instrument is designated for trade purposes, and the serial number or approximate date of manufacture.

§ 29.34 Revocation of certificates of approval.

The Bureau reserves the right to revoke, for cause, any certificate of approval issued pursuant to the provisions of this part. Such causes include, but are not limited to, misuse of approval labels and markings, misleading advertising, violations of section 109(e) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 819(e)), and failure to maintain or cause to be maintained the quality control requirements of the certificate of approval.

§ 29.35 Changes or modification of approved analyzers and detectors; issuance of modification of certificate of approval.

(a) Each applicant may, if he desires to change any feature of an approved analyzer or detector, request a modification of the original certificate of approval issued by the Bureau for such instrument by filing an application for such modification in accordance with the provisions of this section.

(b) Applications shall be submitted as for an original certificate of approval, with a request for a modification of the existing certificate to cover any proposed change.

(c) The application shall be accompanied by appropriate drawings and specifications, and by a proposed quality control plan which meets the requirements of Subpart E of this part.

(d) The application for modification, together with the accompanying material, shall be examined by the Bureau to determine whether testing will be required.

(e) The Bureau shall inform the applicant of the fee required for any additional testing and the applicant will be charged for the actual cost of any examination, inspection, or test required, and such fees shall be submitted in accordance with the provisions of Subpart C of this part.

(f) If the proposed change or modification meets the requirements of this part, a formal certificate of modification will be issued, accompanied, where necessary, by a list of new and revised drawings and specifications covering the change(s) and reproductions of revised approval labels.

§ 29.36 Delivery of changed or modified approved analyzer or detector.

An approved analyzer or detector for which a formal certificate of modification has been issued shall be delivered by the applicant to the Bureau of Mines, Approval and Testing, 4800 Forbes Avenue, Pittsburgh, PA 15213, as soon as it is commercially produced.

Subpart E—Quality Control

§ 29.40 Quality control plans; filing requirements.

As a part of each application for approval or modification of approval submitted pursuant to this part, each applicant shall file with the Bureau a proposed quality control plan which shall be designed to assure the quality of the instrument for which approval is sought.

§ 29.41 Quality control plans; contents.

(a) Each quality control plan shall contain provisions for the management of quality, including: (1) Requirements for the production of quality data and the use of quality control records; (2) control of engineering drawings, documentations, and changes; (3) control and calibration of measuring and test

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equipment; (4) control of purchased material to include incoming inspection; (5) lot identification, control of processes, manufacturing, fabrication, and assembly work conducted in the applicant's plant; (6) audit or final inspection of the completed product; and (7) the organizational structure necessary to carry out these provisions.

(b) Each provision for final inspection in the quality control plan shall include a procedure for the selection of a sample of the end product and the functional components thereof for testing, in accordance with procedures set forth in Military Standard MIL–STD–105D, "Sampling Procedures and Tables for Inspection by Attributes," or Military Standard MIL–STD–414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective," or an approved equivalent sampling procedure, or an approved combination of sampling procedures. Military Standard MIL–STD–105D, "Sampling Procedures and Tables for Inspection by Attributes," and Military Standard MIL–STD–414, "Sampling Procedures and Tables for Inspection by Variables for Percent Defective" are hereby incorporated by reference and made a part hereof. These documents are available for examination at Approval and Testing, Health and Safety Technical Support Center, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA, and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) The sampling procedure shall include a list of the characteristics to be tested by the applicant or his agent.

(d) The characteristics listed in accordance with paragraph (c) of this section shall be classified according to the potential effect of such defect and grouped into the following classes:

(1) *Critical.* A defect that judgment and experience indicate is likely to result in hazardous or unsafe conditions for individuals using, maintaining, or depending upon the product; or a defect that judgment and experience indicate is likely to prevent performance of the function of the end product.

(2) *Major.* A defect, other than critical that is likely to result in failure, or to reduce materially the usability of the unit or product for its intended purpose.

(3) *Minor.* A defect that is not likely to materially reduce the utility of the instrument for its intended purpose, or a defect that is a departure from established standards and has little bearing on the effective use or operation of the instrument.

(e) The quality control inspection test method to be used by the applicant or his agent for each characteristic required to be tested shall be described in detail.

(f) Each item manufactured shall be 100 percent inspected for defects in all critical characteristics and all defective items shall be rejected.

(g) The Acceptable Quality Level (AQL) for each major or minor defect so classified by the applicant shall be:

(1) Major—1.0 percent;

(2) Minor—4.0 percent.

(h) Except as provided in paragraph (i) of this section, inspection level II as described in MIL–STD–105D, or inspection level IV as described in MIL–STD–414, shall be used for major and minor characteristics and 100 percent inspection for critical characteristics.

(i) Subject to the approval of the Bureau, where the quality control plan provisions for raw material, processes, manufacturing, and fabrication inspection are adequate to ensure control of finished article quality, destructive testing may be conducted at a lower level of inspection than that specified in paragraph (h) of this section.

§ 29.42 Proposed quality control plans; approval by the Bureau.

(a) Each proposed quality control plan submitted in accordance with this subpart shall be reviewed by the Bureau to determine its effectiveness in ensuring the utility of the instrument for which an approval is sought.

(b) If the Bureau determines that the proposed quality control plan submitted by the applicant will not insure adequate quality control, the Bureau shall require the applicant to modify the procedures and testing requirements of the plan prior to approval of the plan and issuance of any certificate of approval.

(c) Approved quality control plans shall constitute a part of and be incorporated into any certificate of approval issued by the Bureau, and compliance with such plans by the applicant shall be a condition of approval.

§ 29.43 Quality control records; review by the Bureau; revocation of approval.

(a) The applicant shall keep quality control inspection records sufficient to carry out the procedures required in MIL–STD–105D or MIL–STD–414, or an approved equivalent sampling procedure.

(b) The Bureau reserves the right to have its representatives inspect the applicant's quality control test methods, equipment, and records, and to interview any employee or agent of the applicant in regard to quality control test methods, equipment, and records.

(c) The Bureau reserves the right to revoke, for cause, any certificate of approval where it finds that the applicant's quality control test methods, equipment, or records do not ensure effective quality control over the instrument for which the approval was issued.

Subpart F—General Construction and Performance Requirements

§ 29.50 Construction and performance requirements; general.

(a) The Bureau shall issue approvals for portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors which have met the applicable minimum requirements set forth in this Part 29.

(b) In addition to the types of analyzers and detectors described in Subparts G and H of this part, the Bureau will issue approvals for other portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors subject to such additional requirements as may be imposed in accordance with § 29.53.

§ 29.51 General construction requirements.

Portable coal dust/rock dust analyzers and continuous duty, warning light, portable methane detectors will not be accepted by the Bureau for examination, inspection, and testing unless they are designed on sound engineering and scientific principles, constructed of suitable materials, and evidence good workmanship.

§ 29.52 Component parts; minimum requirements.

(a) The components of each instrument approved by the Bureau for use where permissibility is required shall meet the requirements for permissibility and intrinsic safety set forth in Part 18, Subchapter D of this chapter (Bureau of Mines Schedule 2G).

(b) The components of each instrument shall be:

(1) Designed and constructed to prevent creation of any hazard to the user; and

(2) Assembled to permit easy access for inspection, cleaning, and repair of functional parts.

(c) Replacements parts shall be constructed to maintain the effectiveness of the instrument.

§ 29.53 Test requirements; general.

(a) Each instrument and its components shall, when tested by the applicant and the Bureau, meet the applicable performance and test requirements set forth in Subparts G and H of this part.

(b) In addition to the minimum requirements set forth in Subparts G and H of this part the Bureau reserves the right to require, as a further condition of approval, any additional or other minimum requirements it deems necessary to establish the quality, effectiveness, and safety of any instrument.

(c) Where it is determined after receipt of an application that additional or other minimum requirements will be required for approval, the Bureau will notify the applicant in writing of the additional or other minimum requirements, and necessary examinations, inspections, and tests, stating generally its reasons for such requirements, examinations, inspections or tests.

§ 29.54 Pretesting by applicant.

(a) Prior to any application for approval or modification of approval, the applicant shall conduct, or cause to be conducted, examinations, inspections, and tests of analyzer or detector performance which are equal to or exceed the severity of those prescribed in this part.

(b) With the application, the applicant shall provide a statement to the Bureau showing the types and results of the examinations, inspections, and tests performed as required under paragraph (a) of this section and state that the analyzer or detector meets the minimum requirements of Subpart G or H of this part, as applicable. Complete examination, inspection and test data shall be retained on file by the applicant and be submitted, upon request, to the Bureau.

(c) The Bureau may, upon written request by the applicant, provide drawings and descriptions of its test equipment and otherwise assist the applicant in establishing a test laboratory or securing the services of a testing agency.

§ 29.55 Conduct of examinations, inspections, and tests by the Bureau; assistance by applicants; observers; recorded data; public demonstrations.

(a) All examinations, inspections, and tests conducted by the Bureau pursuant to Subparts G and H of this part will be under the sole direction and control of the Bureau.

(b) The Bureau may as a condition of approval, require the assistance of the applicant or agents of the applicant during the assembly, disassembly, or preparation of any instrument or instrument component prior to testing or in the operation of such instrument during testing.

(c) Only Bureau personnel, persons assisting the Bureau pursuant to paragraph (b) of this section, and such other persons as are requested by the Bureau or the applicant to be observers, shall be present during any examination, inspection or test conducted prior to the issuance of an approval by the Bureau for the instrument under consideration.

(d) The Bureau shall hold as confidential any analyses, drawings, specifications, or materials submitted by the applicant and shall not disclose any principles or patentable features of such equipment, except as required by statute or regulation.

(e) As a condition of each approval issued for any analyzer or detector, the Bureau reserves the right, following the issuance of such approval, to conduct such public tests and demonstrations of the approved instrument as it deems appropriate.

§ 29.56 Withdrawal of applications; refund of fees.

(a) Any applicant may, upon a written request submitted to the Bureau, withdraw any application for approval of any analyzer or detector.

(b) Upon receipt of a written request for the withdrawal of an application, the Bureau shall determine the total amount due for services already performed during the course of any examinations, inspections, or tests conducted pursuant to such application. The total amount due shall be determined in accordance with the provisions of §§ 29.20 and 29.21 and assessed against the fees submitted by the applicant. If the total amount assessed is less than the fees submitted, the Bureau shall refund the balance together with a statement of the charges made for services rendered.

Subpart G—Portable Coal Dust/Rock Dust Analyzers; Performance and Testing Requirements

§ 29.60 Minimum performance requirements.

(a) Portable coal dust/rock dust analyzers shall be self-contained units, practical in operation, portable, and suitable for service in underground coal mines.

(b) The analyzer shall be equipped with a quantitative indicating device that is capable of indicating the incombustible content of coal mine dusts over the range of from 50 percent to 100 percent incombustible.

(c) Analyzers equipped with batteries shall be constructed so that when such batteries are filled, electrolyte will not spill during use.

(d) Battery containers shall be made of corrosion resistant material.

§ 29.61 Testing requirements.

(a) Portable coal dust/rock dust analyzers shall be tested to ensure that they meet the minimum construction and performance requirements set forth in §§ 29.51, 29.52, and 29.60.

(b) The sampling materials listed in Table A shall be used in testing the capability of the indicating device of the portable coal dust/rock dust analyzer to measure incombustible content as specified in § 29.60(b).

(c) The indicating device of the analyzer being tested shall be within ±3 percent of the chemically determined incombustible content for 80 percent of the standard samples and inspector's samples listed in Table B.

(d) In preparing sampling materials for testing, all sampling materials shall be:

(1) Air equilibrated;

(2) Carefully mixed to minimize segregation or degradation;

(3) Stored in moisture- and air-tight containers to prevent oxidation and drying; and,

(4) Analyzed for percent incombustible content within ±1 percent, by chemical analysis.

(e) In order to determine the reliability and utility of the analyzer, personnel of the Bureau shall field test the instrument for 1 month in various underground coal mines, in accordance with the applicant's operating and maintenance instructions.

(f) The Bureau may conduct any additional field testing it deems necessary.

TABLE A

SPECIFICATION FOR SAMPLING MATERIALS USED FOR COAL DUST/ROCK DUST ANALYZER TESTING (PERCENTAGES BY WEIGHT; PARTICLE SIZE ±2 PERCENT)

1. Bruceton mine coal, Pittsburgh Seam, 6 to 8 percent ash, 100 percent through U.S. No. 100 sieve, 70 percent through U.S. No. 200 sieve.

2. Pocahontas low volatile, 5 to 6 percent ash, less than 0.7 percent total sulfur, 70 percent through U.S. No. 200 sieve.

3. Pittsburgh Seam, run-of-mine, 27 to 32 percent ash, 1.5 to 2.5 percent sulfur, 100 percent through U.S. No. 20 sieve and 20 percent through U.S. No. 200 sieve.

4. Pyrite, coal-derived, 90 percent or better FeS_2, 70 percent through U.S. No. 200 sieve.

5. $MgCO_3$, analytical grade, powdered, 70 percent through U.S. No. 200 sieve.

6. Ash, mineral matter content of 50 to 80 percent from preparation plant refuse, less than 5 percent pyrite, 70 percent through U.S. No. 200 sieve.

7. Limestone, 99 percent $CaCO_3$, 70 percent through U.S. No. 200 sieve.

8. Dolomite, approximately 41 percent $MgCO_3$, 70 percent through U.S. No 200 sieve.

9. Gypsum, approximately 45 percent $CaSO_4 \cdot 2H_2O$, 70 percent through U.S. No. 200 sieve.

10. Traction sand, (Quartz) 100 percent through U.S. No. 20 sieve.

11. Flammable hydraulic oil (petroleum based).

TABLE B

SPECIFICATIONS FOR STANDARD SAMPLES AND INSPECTORS' SAMPLES USED FOR COAL DUST/ROCK DUST ANALYZER TESTING (PERCENTAGES BY WEIGHT WITH ALLOWABLE VARIATIONS OF ±2 PERCENT)

Standard Samples

1. Bruceton coal and limestone to form 55, 65, 75, and 85 percent incombustible (ash and limestone plus 0.3 to 0.6 percent inherent moisture).

2. Bruceton coal and dolomite to 55, 65, 75, and 85 percent incombustibles.

3. Bruceton coal and gypsum to 55, 65, 75, and 85 percent incombustibles.

4. Pocahontas coal and limestone to 55, 65, 75, and 85 percent incombustibles.

5. Pocahontas coal and dolomite to 55, 65, 75, and 85 percent incombustibles.

6. Pittsburgh seam coal and limestone to 55, 65, 75, and 85 percent incombustibles.

7. Pittsburgh seam coal and dolomite to 55, 65, 75, and 85 percent incombustibles.

8. Moisture added to sample 6 of 65 percent incombustibles resulting in 70 percent incombustibles.

9. Moisture added to sample 6 of 55 percent incombustibles resulting in 65 percent total incumbustibles.

10. Pyrite added to sample 1 of 55 percent resulting in 56 percent incombustibles.

11. Pyrite added to sample 4 of 65 percent resulting in 66 percent incombustibles.

12. Pyrite added to sample 6 of 75 percent resulting in 76 percent incombustibles.

13. $MgCo_3$ added to sample 1 of 55 percent resulting in 58 percent incombustibles.

14. $MgCo_3$ added to sample 2 of 65 percent resulting in 68 percent incombustibles.

15. $MgCO_3$ added to sample 3 of 70 percent resulting in 78 percent incombustibles.

16. Ash added to sample 6 of 55 percent resulting in 60 percent incombustibles.

17. Ash added to sample 6 of 55 percent resulting in 70 percent incombustibles.

18. A mixture consisting of 30 percent ash, 45 percent Pittsburgh coal, and 25 percent limestone.

19. Sand added to sample 1 of 55 percent resulting in 60 percent incombustibles.

20. Sand added to sample 1 of 55 percent resulting in 65 percent incombustibles.

21. Sand added to sample 1 of 55 percent resulting in 75 percent incombustibles.

22. Hydraulic oil added to sample 1 of 55 percent resulting in 50 percent incombustibles.

23. Hydraulic oil added to sample 1 of 55 percent resulting in 45 percent incombustibles.

Inspectors' Samples

1. A group of 25 samples shall be chosen from samples taken by Bureau inspectors during their regular mine surveys of rock dust sufficiency.

2. The type of rock dust and coal present in the mine from which such samples were taken shall be made available for purposes of calibration.

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3. Where the quantity of individual samples is insufficient to supply the sample volume required for testing, composite samples of adequate volume will be used.

Subpart H—Continuous Duty, Warning Light, Portable Methane Detectors; Performance and Testing Requirements

§ 29.70 Minimum performance requirements.

(a) Continuous duty, warning light, portable methane detectors shall be self-contained units, practical in operation, portable and suitable for service in underground coal mines.

(b) The detector shall be equipped with an indicating device that contains one or more warning lights designed and constructed to flash in the presence of a methane-air mixture having a methane concentration of 1 percent ±0.2 percent.

(c) Detectors equipped with batteries shall be constructed so that when such batteries are filled, electrolyte will not spill during use.

(d) Battery containers shall be made of corrosion-resistant material.

§ 29.71 Warning light; performance requirements.

(a) Warning lights contained in the indicating devices of detectors shall:

(1) Be visible within the normal visual field of miners working in the vicinity of the detector;

(2) If incandescent, employ lamps of no less than 0.2 candlepower; or

(3) If light-emitting diodes (LED's), have sufficient intensity to be discernible in the working place of an underground coal mine; and,

(4) Be red in color.

(b) The flash rate of the warning light shall be approximately one flash per second, and the duty cycle shall be sufficiently long to attract attention.

§ 29.72 Accessory quantitative meter; minimum requirements.

(a) In addition to the warning lights described in § 29.71, an accessory meter may be installed in a continuous duty, warning light, portable methane detector, to serve as a quantitative indicator of the presence of methane.

(b) Where an accessory quantitative meter is installed on a detector, it shall meet the following minimum requirements for performance and accuracy:

(1) Accessory quantitative meters shall indicate the presence of methane concentrations as low as 0.25 percent and shall have upper scale limits of 2 percent to 4 percent methane. The indications for these percentages shall be within the limits of error specified in Table C;

(2) Accessory quantitative meters shall make no less than 30 determinations for the presence of methane without replacement of any component part, and no less than 15 such determinations prior to recharging of the battery or other power source; and,

(3) The scale of accessory quantitative meters shall not be subdivided into smaller divisions than is warranted by the general accuracy of the meter.

§ 29.73 Operative period.

Detectors shall be tested to ensure that they operate effectively over a 10-hour period (a) without requiring battery replacement or recharging, and (b) without loss of initial accuracy.

§ 29.74 Calibration adaptors.

(a) Each detector shall be equipped with an adaptor that checks the overall response of the instrument to a premixed, methane-air mixture, having a concentration of not less than 1 percent or more than 3 percent, by volume.

(b) Adaptors shall be compatible with methane calibrating kits marketed for methane monitor calibration.

§ 29.75 Visual indicator device.

Each detector shall be equipped with a device capable of giving a visual indication of the operative condition of the battery and the electrical circuitry employed in the detector.

§ 29.76 Testing requirements.

(a) Continuous duty, warning light, portable methane detectors shall be tested to ensure that they meet the minimum construction and performance requirements set forth in §§ 29.51, 29.52, 29.70, 29.71, 29.73, 29.74, and 29.75.

(b) Accessory quantitative meters shall be tested at several percentages within the limits of error specified in Table C, and at temperatures ranging from 50° and 70° F., with 5° increments. Ten tests shall be made at each percentage selected, and neither the average of the 10 tests, nor more than two tests for each percentage, shall exceed the limits of error specified in Table C.

(c) In order to determine the reliability and utility of the detector, personnel of the Bureau shall field test the instrument for 1 month in various underground coal mines, in accordance with the applicant's operating and maintenance instructions.

(d) The Bureau may conduct any additional field testing it deems necessary.

TABLE C

MAXIMUM AND MINIMUM LIMITS OF ERROR FOR ACCESSORY QUANTITATIVE METERS INSTALLED ON CONTINUOUS DUTY, WARNING LIGHT, PORTABLE METHANE DETECTORS

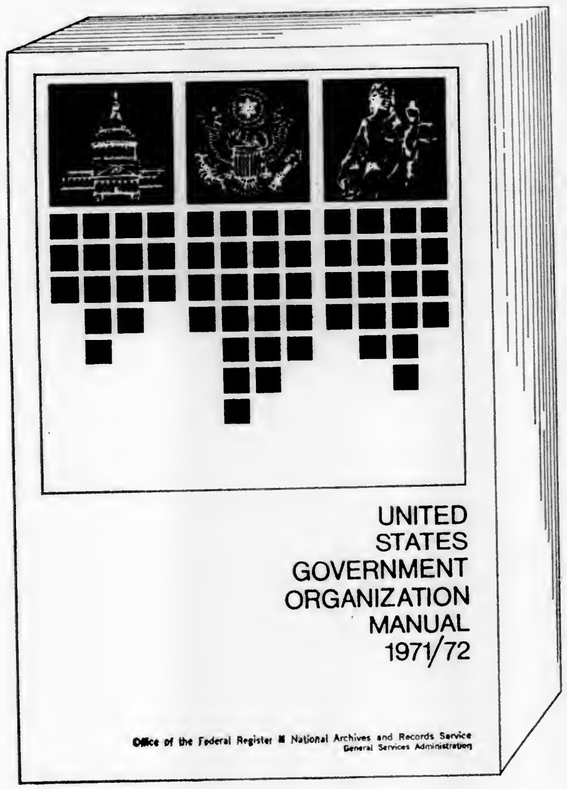
Percent methane	Minimum limit of error—percent methane	Maximum limit of error—percent methane
0.25	0.10	0.40
0.50	0.35	0.65
1.00	0.80	1.20
2.00	1.80	2.20
3.00	2.70	3.30
4.00	3.70	4.30

[FR Doc.72-5670 Filed 4-14-72;8:45 am]

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Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Amdt. 1]

PART 855—MAINLAND CANE SUGAR AREA

Proportionate Shares for Farms; 1972 Crop

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 855 of Chapter VIII, Title 7 of the Code of Federal Regulations, published October 28, 1971 (36 F.R. 20666) is amended by revising § 855.79 and paragraph (a) of § 855.84 to read as follows:

§ 855.79 State acreage allocations.

The acreage allocation shall be 252,320 acres for Florida and 394,712 acres for Louisiana, which includes the acreage made available under § 855.86 for new producer farms, § 855.87 for fulfilling appeals and correcting errors, and for Louisiana the acreage made available under § 855.84 to compensate for unused proportionate share acreage.

§ 855.84 Acreage reserve for farms in Louisiana.

(a) *Acreage available.* To offset proportionate share acreage which will be unused on farms in Louisiana, there are available 28,796 acres for increasing shares of old-producer farms established pursuant to §§ 855.81 and 855.83.

* * * * * *

(Secs. 301, 302, 403, 61 Stat. 929, 930 as amended, 932; 7 U.S.C. 1131, 1132, 1153)

STATEMENT OF BASES AND CONSIDERATIONS

The determination of proportionate shares for the 1972 crop, issued on October 28, 1971, established State acreage allocations of 240,306 acres in Florida and 375,916 acres in Louisiana.

That action, although taken about 5 weeks after Hurricane "Edith" struck the Louisiana sugarcane area anticipated larger production that was subsequently attained. It was based on estimated production from the 1971 crop of 1,265,000 tons and estimated marketings in 1972 of 1,556,000 tons. Final production data for the 1971 crop indicates total sugar production of about 1,200,000 tons of sugar, raw value, or about 65,000 tons less than originally estimated. Also, marketings for the area in 1972 may be about 122,000 tons higher than originally estimated.

The 5 percent increase in acreage established by this amendment will provide each State the opportunity to add some sugar to the supply availabilities in calendar 1972. It will also give producers having excess acreage the opportunity of harvesting such acreage instead of having to plow it out.

The acreage increase for Louisiana is assigned to the acreage reserve. This increases the reserve from 10,000 acres to 28,796 acres. The increase is handled in this manner since there is no reallotment procedure for unused acreage in Louisiana.

If acreage is restricted for the 1973 crop, consideration will be given to establishing 1973-crop farm bases for old-producer farms at the level of the 1972 crop original share as adjusted by this action if the operator utilized at least 85 percent (instead of the customary 90 percent) of such share or a lesser percentage because of reasons beyond his control. This would protect the interests of those growers who may not have extra sugarcane for harvest from the 1972 crop.

The production of sugar resulting from this action will not make available a quantity of sugar greater than that needed to meet quota and inventory requirements.

Accordingly, I hereby find and conclude that the foregoing regulation will effectuate the applicable provisions of the Sugar Act of 1948, as amended.

Effective date: Date of publication (4–18–72).

Signed at Washington, D.C., on April 12, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–5821 Filed 4–17–72;8:47 am]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

PART 862—WAGE RATES; SUGAR BEETS

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearings held during December 1971, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Wage Rates; Sugar Beets" remain in full force and effect as to the crops to which they were applicable.

Sec.
862.9 General requirements.
862.10 Wage rates.
862.11 Compensable working time.
862.12 Applicability of wage requirements.
862.13 Payment of wages.
862.14 Evidence of compliance.
862.15 Employment of workers through a labor contractor or crew leader.
862.16 Subterfuge.
862.17 Claim for unpaid wages.
862.18 Failure to pay all wages in full.
862.19 Child labor.
862.20 Checking compliance.

AUTHORITY: The provisions of this Part 862 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 862.9 General requirements.

A producer of sugar beets shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugar beets, as provided in § 862.12, shall have been paid in accordance with the following:

§ 862.10 Wage rates.

All such persons shall have been paid in full for all such work and shall have been paid wages therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, but not less than the following, which shall become effective on April 24, 1972, and shall remain in effect until amended, superseded, or terminated:

(a) When employed on a time basis: For the hand labor operations of thinning, hoeing, hoe-trimming, blocking and thinning, weeding, pulling, topping, loading, or gleaning: $2 per hour: *Provided*, That for workers 14 or 15 years of age the hourly rate specified herein may be reduced by not more than 15 percent.

(b) When employed on a piecework basis for the hand labor operations in the following table:

	Rate per acre
Hand labor operations:	
A. Thinning: Removing excess beets with a hoe only	$14.50
B. Hoeing: Removing weeds and excess beets with a hoe only	19.00
C. Hoe-Trimming: Removing weeds with a hoe and by hand and removing excess beets with a hoe only	22.50
D. Weeding: Removing weeds with a hoe and by hand following either A, B, or C above, E below, or following the operation specified in paragraph (c) of this section	12.00
and in the State of California only:	
E. Blocking and Thinning: Removing weeds and excess beets with a hoe and by hand	32.00

Wide row planting: The above rates and the rate provided for in paragraph (c) of this section may be reduced by not more than the indicated percentages for the following row spacing: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Narrow row planting: The above rates and the rate provided for in paragraph (c) of this

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section shall be increased by not less than the indicated percentages for the following row spacing: 19 inches or less but not more than 16 inches, 25 percent; 16 inches or less, 35 percent.

(c) In the fields that have been completely machine-thinned and on which chemical herbicides have been applied, removing weeds with a hoe only may be employed as a first operation: *Provided*, That the applicable piecework rate therefor shall be not less than $12 per acre.

(d) When employed on a piecework basis for hand labor operations not specified or defined, or for harvesting: The piecework rate for blocking and thinning in States other than California, weeding not qualified as a first operation under paragraph (c) of this section or not preceded by A, B, C, or E or paragraph (b) of this section, and any other hand labor operation involving the removal of beets or weeds which is not defined above, and for the operations of pulling, topping, loading, or gleaning, shall be as agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings of each worker for each operation shall be not less than $2 per hour computed on the basis of the total time such worker is employed on the farm for such operation.

(e) When employed on a time or piecework basis for other operations: For all other operations in the production, cultivation, or harvesting of sugar beets for which no minimum rate is provided for herein, the rate shall be as agreed upon between the producer and the worker.

§ 862.11 Compensable working time.

For work performed under § 862.10, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the workday. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, or any other class of worker to report to a place other than the field, such as an assembly point, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central labor recruiting point or labor camp to the farm is not compensable working time.

§ 862.12 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the production, cultivation, or harvesting of sugar beets on any acreage from which sugar beets are marketed or processed for the production of sugar, or any acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by a custom operator who performs the above services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truckdrivers employed by a contractor engaged by the producer only in hauling sugar beets; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators and members of their immediate families; or workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 862.13 Payment of wages.

(a) The producer shall make payment of wages in accordance with the following requirements: (1) Workers shall be paid by check or in currency for all work performed and shall be paid upon completion of work; (2) deductions from payments are permitted and may be made for cash advances made only by producers to workers and, in reasonable amounts agreed upon by the producer and worker, for items furnished by the producer such as meals and transportation, and for mandatory deductions or withholdings required by law; (3) deductions may not be made from wages for payment of debts originally incurred with someone other than the producer, except as required and provided under applicable garnishment statutes or by other legal process; and (4) deductions may not be made for payment to a labor contractor or supervisor for his services, or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of the amount of wages received which shall in no event be less than that required by this part.

§ 862.14 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings, and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 862.15 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided*, That the producer obtain from such contractor or crew leader and have on file (1) a written record that he is registered or licensed as derived from examination of a valid certificate of registration or a farm labor contractor employee identification card; (2) a copy of his authorization signed by each worker to collect wages due each such worker; (3) a copy of each worker's statement of earnings as required by § 862.13, or a wage record sheet such as the "Wage Record Sheet Sugarbeet Program" shown in Exhibit 9 of Handbook 1–SU, available in county ASCS offices, showing the names of the producer and workers, dates work was performed, description of work performed, units of work, agreed upon rates per unit, and the amounts of wages due each such worker; and (4) the signature of each worker acknowledging receipt of wages received which shall in no event be less than those required by this part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and the producer which shall in no event be less than those provided by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm have been paid in full: *Provided, however*, That a producer who having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part, except that in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

§ 862.16 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined herein, through any subterfuge or device whatsoever.

§ 862.17 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the Agricultural Stabilization and Conservation Service County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the county ASCS office. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the county ASCS office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendations for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Service Office. The address of the State ASCS Office will be furnished by the local county ASCS office. Upon receipt of the appeal the State ASC committee shall likewise consider the facts and notify the producer and worker in writing of its recommendations for settlement of the claim. If the recommendation of the State ASC committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 862.18 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer had made full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this section, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them, or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 862.19 Child labor.

Notwithstanding any of the foregoing provisions of this part, the act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day (except a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed), will result in a deduction from Sugar Act payments to the producer.

§ 862.20 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the applicable sections of Handbook 1–SU issued by the Deputy Administrator, State and County Operations, ASCS. Copies of Handbook 1–SU may be inspected at local county ASCS offices and copies may be obtained from State Agricultural Stabilization and Conservation Service offices. The address of the State ASCS office will be furnished by the local county ASCS office.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugar beets as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugar beets and cost of production), and the differences in conditions among the various sugar producing areas.

Wage determination. This determination differs from the prior determination in that the minimum wage rate for specified hand labor operations performed on a time basis is increased 15

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cents to $2 per hour; and minimum piecework rates are increased $1 per acre for thinning and for weeding, $1.50 per acre for hoeing and for hoe-trimming, and $2.50 per acre for blocking and thinning (applicable only in the State of California).

Public hearings were held in San Francisco, Calif.; Moorhead, Minnesota; Ann Arbor, Mich.; San Benito, Tex.; and Salt Lake City, Utah, during the period December 6 through December 17, 1971. These hearings afforded interested persons the opportunity to present testimony and make recommendations relating to fair and reasonable wage rates for sugar beet workers. Testimony was presented by representatives of both sugar beet producers and workers.

Several producer representatives recommended that the minimum hourly and piecework wage rates established in 1971 remain unchanged for 1972. One representative recommended that rates not be increased unless the price of sugar beets is increased by a comparable percentage, and that the guidelines under phase II of the Economic Stabilization Act weigh heavily in making a determination. One producer representative recommended that wages be increased up to 5.5 percent or about 10 cents per hour. Another stated that growers are rapidly turning to mechanical thinning and chemical weed control; and that any further increase in wages will speed this along, and then migrants will be unemployed in sugar beet work.

A representative of producers in one region recommended the following piecework operations and rates per acre:

A. Thinning—removing excess beets, $13.50.

B. Thinning and weeding—removing excess beets and weeds, $17.50.

C. Weeding—removing weeds (either first operation following complete machine thinning or a subsequent operation following A or B), $11.

D. Late weeding—removing weeds after July 1 and after C above, $5.

The witness stated that it is no longer necessary to specify the method of removing excess beets and weeds (with hoe or by hand) because the use of the long handled hoe has become standard, and the worker stoops to pull an occasional weed or beet because it is faster for him than using his hoe; that the hoe-trimming operation has become obsolete; that it is unfair to sugar beet growers for the wage rates for work in beets to have been set higher than the prevailing rates for other farm work; and that piecework rates are generally more satisfactory for both the worker and the grower because fast workers are not held to the earnings of slow workers, and slow workers are not denied the privilege of working.

Representatives of workers recommended that the minimum hourly wage be increased to rates ranging from $2.25 to $3, with the majority recommending that all workers be guaranteed a minimum hourly wage when working on a piecework basis. One worker representative recommended the following piecework operations and rates per acre:

Thinning	$15.00
Hoeing and hoe-trimming—combined into one operation	23.50
Blocking and thinning—applicable to all States	32.00
Weeding—after effective mechanical thinning and herbicide control	13.00
Weeding—as first operation	15.00

The witness also recommended a guaranteed minimum hourly rate of $2.50; that growers be required not only to pay for all work performed but to provide all the work promised in a written contract; and that arbitrators be appointed to handle wage disputes between growers and workers, with the grower appointing a representative, the worker appointing a representative, and both parties agreeing upon an attorney who would be the chief arbitrator, except that if both parties agreed the three-man panel could be disregarded and only the lawyer act as arbitrator. The witness also recommended that a producer be denied his Sugar Act payment if he knowingly hires illegal aliens, or if he retaliates against workers for filing a wage claim. He further recommended that growers be required to provide written contracts, signed by the grower and the worker or family head, which include the number of acres to be worked, the specific job to be performed, conditions for bonuses, whether the worker will perform the second hoeing or not, the wage rate, and a description of the housing to be provided; that the grower be required to furnish to the worker without cost, housing which complies with regulations being applied under the Wagner-Peyser Act and the Occupational Safety and Health Act of 1970, any violation to result in a $100 deduction from the grower's Sugar Act payment; and that growers who recruit interstate workers be required to pay 10 cents per mile to and from the point of recruitment and the worksite and also provide travel insurance.

Several worker representatives testified that large numbers of illegal aliens were being hired for sugar beet work which prevented legal workers from getting jobs; that workers were not paid the rates they were promised; and that workers are reluctant to take grievances to county ASC committees since they are made up of growers.

One witness testified that families of workers prefer piecework rates so that children can work, and if wage rates were high enough it would not be necessary for children to work. Department representatives pointed out to the witness that the Sugar Act prohibits the employment of children below the age of 14 years and of children 14 or 15 years of age for more than 8 hours a day. The witness said that these regulations apparently are not enforced, because he knew of many instances where children below 14 were still working; however, he did not cite specific examples. It should be noted that the employment of child labor subjects the grower to a reduction in his Sugar Act payment of $10 for each child for each day of employment.

Supplemental briefs filed on behalf of workers concurred in most of the worker recommendations made at the hearing and, in addition, recommended that the Department set minimum wage rates that produce annual earnings above the maximum level at which a family of four is eligible for welfare payments; that are based on wages paid for similar work in nonagricultural industries; that are sufficient to attract workers to all phases of sugar production in all areas of the nation; and that account for increases in the cost of living and productivity. It was also recommended that the Department require as a condition for a Sugar Act payment that all workers benefit from all State and Federal laws which now protect nonagricultural workers.

Consideration has been given to all recommendations and testimony presented at the public hearing; to the returns, costs, and profits of producing sugar beets obtained by field survey for a prior crop and recast in terms of price and production conditions likely to prevail for the 1972 crop; and to other generally related standards normally considered in wage determinations, including the cost of living and the producers' ability to pay wages. During the past year the cost of living has increased over 4 percent. Present prospects indicate favorable sugar beet prices for the 1972 crop and a favorable overall profit position for producers. Analysis of all data and relevant factors indicates that the minimum wage rates established in this determination are fair and reasonable and within producers' ability to pay.

The Economic Stabilization Act Amendments of 1971 provided exceptions for wages of any individual whose earnings are substandard or who is a member of the working poor until such time as the earnings are no longer substandard or he is no longer a member of the working poor. The Cost of Living Council has ruled that wages below that provided in the Fair Labor Standards Act are "substandard." It has also ruled that those earning less than $1.90 per hour are members of the "working poor." The minimum hourly rate established in this determination is approximately 8 percent above the $1.85 rate established in the prior determination which became effective April 12, 1971, and 5.3 percent above the $1.90 level. That portion of the increase above $1.90 is within the Pay Board's general standard for annual wage increases of 5.5 percent. The increases in piecework rates parallel that for the hourly rate.

The recommendations of producers that the wage scale remain unchanged or increased by not more than 5.5 percent, and the recommendations of labor representatives for increases in the hourly rate of from 35 to 62 percent have not been adopted. The increases in piecework rates provided in this determination which average about 8 percent are somewhat less than those recommended by worker representatives and somewhat more than the highest increase suggested by any producer representative.

The recommendations that the "Hoeing" and "Hoe-trimming" operations be combined, and that the method of removing weeds or beets (with a hoe or by hand) not be specified have not been followed. Information available to the Department indicates that each operation specified in the determination is used in one or more sections of the sugar beet area. To abolish an operation or to combine two operations to fit in with the practices in one section could upset the practices in another section. It is believed that no changes should be made in the hand labor operations until all sections of the sugar beet area have an opportunity to thoroughly study the matter and to express their views. Therefore, a proposal for a change in the operations will be issued by the Department for discussion at the next series of wage hearings.

Worker representatives have again recommended that Sugar Act payments be reduced or denied producers who knowingly employ illegal aliens, retaliate against workers for filing wage claims, do not provide written employment contracts, and fail to comply with housing and sanitation regulations; and that appointed arbitrators rather than farmer committees handle wage disputes between growers and workers.

There is a major question initially whether the Secretary has legal authority to promulgate these regulations. It is contended by those urging their adoption that legal authority exists for their promulgation in the provision of the Sugar Act authorizing the Secretary to make payments to producers who pay their workers in full "at rates not less than those that may be determined by the Secretary to be fair and reasonable." Since the enactment of the original Sugar Act in 1937, the Department has consistently interpreted that phrase as being confined to actual wage payments, and consequently not to authorize reducing or denying Sugar Act payments to producers because of their acts in the subject area of fair labor practices (except for employing child labor prohibited by an express statutory provision), labor-management relations, employment of aliens, or unacceptable housing or sanitation conditions.

The Department's interpretation is based upon the legislative history of the Sugar Act provisions requiring payment of fair and reasonable rates, the Congressional Report issued at the time of the original enactment defining these duties, and the debates which occurred in the House of Representatives when the same provision was reenacted in the Sugar Act of 1948. During the congressional hearings held in 1971 on extension and amendment of the Sugar Act, representatives of workers recommended that the Act be amended to include these same provisions which are now urged for adoption as regulations. Both the House and the Senate Committees heard testimony concerning such amendments, but refused to recommend their adoption. An amendment to the Sugar Act constituting these same proposals was then introduced on the Senate floor, but the Senate voted to defeat the amendment.

However, the U.S. District Court of Colorado in Eduardo Angel, et al. v. Clifford Hardin, No. C-2784, December 9, 1971, held that the Department did have authority to issue such regulations, but left for the Department's determination whether such regulations are desirable. While still of the opinion that legal authority to issue such regulations under the Sugar Act is absent, the Department has considered the advisability of issuing such regulations.

In determining the advisability of issuing such regulations it is important to note that each of the proposed regulations falls within a subject area that is regulated by another Act, and by another department or agency. The proposed regulation penalizing an employer who retaliates against workers for filing a complaint concerning wages or other employment conditions relates to an unfair labor practice. The Fair Labor Standards Act, administered by the Secretary of Labor, deals extensively with this subject, but Congress specifically exempted employers of various classes of agricultural workers from its provisions.

A second proposed regulation penalizing an employer who fails to enter into a written contract enters the field of labor-management relations. The National Labor Relations Act, administered by the National Labor Relations Board, deals extensively with what constitutes unfair labor relations by management. But neither this nor any other Act of which we are aware imposes a general requirement that employers must enter into a written contract. It may be noted that the Sugar Act itself authorizes the Secretary to make recommendations with respect to the terms and conditions of contracts, but it does not require anyone to accept the Secretary's recommendations nor does it require that they enter into a written contract.

A third proposed regulation penalizing an employer who knowingly hires illegal aliens appears to conflict with the terms of the Immigration and Nationality Act, administered by the Immigration Service under the Attorney General. That Act makes unlawful the "harboring" of certain aliens, but as enacted by Congress, the Act declares that employment does not constitute harboring. Several bills are now before Congress to prohibit employment of illegal aliens, but none have been enacted as of this date.

A fourth proposed regulation would penalize employers who do not comply with the housing and sanitation regulations issued under the Wagner-Peyser Act. Actually, much more comprehensive legislation covering housing and sanitation conditions of employment was enacted as the Occupational Safety and Health Act, administered by the Secretary of Labor. He has issued a proposed rule which would adopt in that Act the regulations issued previously under the Wagner-Peyser Act, as well as other new regulations which cover housing and sanitation conditions of agricultural workers.

In light of the comprehensive treatment by Congress of the general subject areas in which the proposed regulations would fall, this Department deems it inadvisable for it to promulgate regulations which would prohibit and penalize producer actions within these subject areas.

First, the Department believes, in order to have uniform laws respecting these subject matters, applicable not merely to one class of agricultural employer, and because the proposed regulations chart a new direction having widespread impact on our society, that such proposals should be considered by and acted upon only by Congress, and not this Department. Second, the proposed regulations, if not inconsistent with the present will of Congress, would at least be inconsistent with the regulations promulgated by those departments and agencies which Congress has delegated specific authority to promulgate regulations in these subject areas. To this might be added a doubt whether this Department is as well qualified as other departments or agencies, with their many experts in such fields as labor-management relations and unfair labor practices, to draft such regulations.

Nor is it deemed advisable for this Department to attempt enforcement of the statutes entrusted to, or the regulations promulgated by other departments or agencies. This would require investigations, hearings, findings, and conclusions by this Department, which might well lead to conflicting, uncoordinated, confusing enforcement, to the detriment of those persons who seek and will be benefited by enforcement. To this might be added the inability of this Department, as a practical matter, because of limitations in personnel and money, to enforce immigration laws, housing and sanitation standards, fair labor practices, and employment conditions.

Finally, it is not deemed advisable to penalize producers by reducing or denying Sugar Act payments for violating these particular proposed regulations. It may be noted that each of the other Acts mentioned above provides its own schedule of penalties for violations. Some of these penalties are severe, but Congress did not see fit to add in the penalty provisions of those other Acts a possible loss of Sugar Act payments. The Department believes it unwise, and possibly unfair, to introduce its own penalty, in addition to, or in substitution of those already fixed by Congress. This in no way suggests that the Department does not favor the enforcement of those other statutes and regulations by other and more proper means.

In conclusion, the Department rejects adoption of these proposed regulations not only because it believes they are not authorized by the Sugar Act, but even if they were authorized, they are deemed to be impractical and undesirable for the reasons stated above.

Worker representatives have objected to the use of county ASC committees in

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wage disputes between the producer and the worker, stating that such committees are composed of producers and are, therefore, biased. Analysis of wage claims filed in the past indicates that the claim of the worker has been upheld in the vast majority of cases. Although the committee members are farmers, they are, nevertheless, competing with other producers, and they do not condone unfavorable practices by their competitors. The State and county farmer committee system was established for the purpose of administering, in the field, the provisions of the various farm programs carried out by this Department. The Sugar Act authorizes the Secretary to utilize such committees to administer the provisions of the sugar program. Arbitrators appointed by individuals are not one of the agencies specified in the Act for carrying out its provisions.

The Department has not adopted the recommendation that growers who recruit interstate workers be required to pay travel allowances and provide travel insurance. The wages established in wage determinations are cash wages, and extra items such as travel allowances and insurance are matters for negotiation between the producer and the worker. In many areas workers do receive travel allowances between their home and place of employment.

The recommendation that all workers be guaranteed a minimum hourly wage has also been rejected. The Department believes that because of the makeup of the field labor force and the nature of the operation, piecework rates without a minimum hourly guarantee are necessary. It would be extremely difficult to keep accurate time records for individuals in family groups of workers, where workers are in and out of the field at all times. Fast workers should be given the opportunity to earn up to their capabilities, and slow workers should not be denied the privilege of working which might be the case with guaranteed hourly earnings. This recommendation was also considered and rejected last year by the Congress when the Sugar Act was amended and extended.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on April 24, 1972.

Signed at Washington, D.C., on April 12, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-5822 Filed 4-17-72;8:47 am]

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Orange Regulation 69, Amdt. 10]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade and size limitations on fresh shipments of Murcott Honey oranges is consistent with the external appearance and available supply of smaller size fruit in the production area and the current and prospective demand for such fruit by fresh market outlets. The minimum size requirement specified for Temple oranges is consistent with the available supply of and current and prospective demand for such smaller sizes of Temple oranges by fresh market outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of Temple and Murcott Honey oranges grown in Florida.

Order. The provisions of paragraph (a) (6), (7), (8) and paragraph (c) of § 905.536 (Orange Regulation 69; 36 F.R. 20215, 22054, 22666, 23353, 23617, 23575, 25401; 37 F.R. 2660, 5813, 6729) are amended to read as follows:

§ 905.536 Orange Regulation 69.

(a) • • •

(6) Any Temple oranges, grown in the production area, which are of a size smaller than 2 4/64 inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 2 grade for Murcotts; and

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2 4/64 inches in diameter, except that a tolerance of 10 percent, by count, of Murcott Honey oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Oranges and Tangelos.

• • • • • •

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective terms in said amended marketing agreement and order; Florida No. 1 grade for oranges and Florida No. 2 grade for murcotts shall have the same meanings as provided in section (1) (a) and (b), respectively, of Regulation 105–1.02, as amended, effective January 19, 1972, of the regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meanings as given to the respective terms in the U.S. Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1178 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 13, 1972, to become effective April 14, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5861 Filed 4-17-72;8:50 am]

[Grapefruit Regulation 71, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive size limitations on fresh shipments of grapefruit is consistent with the available supply of and current and prospective demand for such smaller sizes of grapefruit by fresh market outlets. The recommended size regulation is necessary to provide a supply of grapefruit to consumers and to improve overall returns to producers.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Florida.

(a) *Order.* In § 905.535 (Grapefruit Regulation 71, 36 F.R. 20215, 22054, 24111) the provisions of paragraph (a) (5) are amended to read as follows:

§ 905.535 Grapefruit Regulation 71.

(a) • • •

(5) Any seedless grapefruit, grown in the production area, which are smaller than 3 3/64 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said U.S. Standards for Florida Grapefruit.

• • • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 13, 1972, to become effective April 14, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5860 Filed 4-17-72;8:50 am]

[Lemon Reg. 528, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b) (1) of § 910.828 (Lemon Regulations 528, 37 F.R. 7076) during the period April 9, 1972, through April 15, 1972, is hereby amended to read as follows:

§ 910.828 Lemon Regulation 528.

• • • • • •

(b) *Order.* (1) • • • 250,000 cartons.

• • • • • •

(Secs. 1–19, 48 Stat., 3, as amended; 7 U.S.C. 601–674)

Dated: April 12, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-5819 Filed 4-17-72;8:47 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 36]

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

It is hereby found and determined that for the months of May 1972 and through October 1972 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1036.41(c)(6)(iv), "and bulk cream;"

2. In § 1036.41(c)(6)(vii), "and bulk cream;" and

3. In § 1036.42(b)(1), "and bulk cream."

STATEMENT OF CONSIDERATION

This suspension will change the amount of allowable Class III shrinkage on bulk cream transferred from a pool plant to other plants. It continues the same effect of previous suspension orders effective from May 1971 through April 1972. The present order limits Class III shrinkage, at the transferor plant, on cream derived from a handler's receipts of producer milk and transferred to other plants to 0.5 percent of the cream. Suspension will increase the allowable Class III shrinkage at the transferor plant to 2 percent of the cream.

A cooperative association, which handles at its pool balancing plant a substantial proportion of the market's reserve supplies of milk, has requested continued suspension of the provisions set forth hereinbefore. The cooperative receives producer milk, at farms weights and tests, separates it, and transfers the cream to other plants for churning. As stated in the suspension order effective November 1, 1971, the activities performed by the cooperative usually result in more than one-half percent loss on the cream transfers involved.

A greater loss (or shrinkage) of product occurs in handling cream than in handling fluid milk. However, the present shrinkage provisions do not distinguish between cream and fluid milk on the amount of Class III shrinkage allowed at the plant separating the cream.

It is hereby found and determined that notice of proposed rule making, public proceedings thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the present Class III shrinkage allowance does not reflect operating experience in cream handling;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Producers requested amendment of the order to this effect at a public hearing held on January 25, 1972. A specific proposal to amend the aforesaid provisions was included in the hearing notice (37 F.R. 465) and is currently under consideration. Interim action is necessary during the pendency of amendatory procedures. Therefore, good cause exists for making this order effective on May 1, 1972.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May through October 1972.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: May 1, 1972.

Signed at Washington, D.C., on April 13, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-5820 Filed 4-17-72;8:47 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

V 37-75 APR 18 72 XUM

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.6, paragraph (b) is amended by inserting a new sentence between the existing fourth and fifth sentences. As amended, § 212.6(b) reads as follows:

§ 212.6 Nonresident alien border crossing cards.

• • • • •

(b) *Application.* A citizen of Canada or a British subject residing in Canada shall apply on Form I–75 for a nonresident alien border crossing card, supporting his application with evidence of Canadian or British citizenship, residence in Canada, and two photographs, size 1½'' x 1½''. Form I–75 shall be submitted to an immigration officer at a Canadian border port of entry. A citizen of Mexico shall apply on Form I–190 for a nonresident alien border crossing card, supporting his application with evidence of Mexican citizenship and residence, a valid unexpired passport or a valid Mexican Form 13, and one photograph, size 1½'' x 1½''. Form I–190 shall be submitted to an immigration officer at a Mexican border port of entry or to an American consular officer in Mexico, other than one assigned to a consulate situated adjacent to the border between Mexico and the United States. If the application is made to an American consular officer, Form FS–257 may be used in lieu of Form I–190. Each applicant under this paragraph, except a child under 14 years of age, shall appear in person before an immigration officer or a consular officer prior to the adjudication of his application and be interrogated concerning his eligibility for a nonresident alien border crossing card. If the applicant is a child under 14 years of age who seeks to commute daily to attend school in the United States, the child must appear with his parent or legal guardian for the required interview. If the application is denied the applicant shall be given a notice of denial with the reasons therefor on Form I–180. There shall be no appeal from such denial but such denial shall be without prejudice to a subsequent application for a visa or for admission to the United States.

• • • • •

PART 214—NONIMMIGRANT CLASSES

Section 214.3 is amended in the following respects: The sixth sentence of paragraph (b) is revised, and the first sentence of paragraph (c) is revised. As amended, § 214.3 (b) and (c) read, in part, as follows:

§ 214.3 Petitions for approval of schools.

• • • • •

(b) *Supporting documents.* A petitioning school or school system owned and operated as a public educational institution or system by the United States or a State or political subdivision thereof shall submit a certification to that effect signed by the appropriate public official who shall certify that he is authorized to do so. A petitioning private or parochial elementary or secondary school system shall submit a certification signed by the appropriate public official who shall certify that he is authorized to do so to the effect that it meets the requirements of the State or local public educational system. Any other petitioning school shall submit a certification by the appropriate licensing, approving, or accrediting official who shall certify that he is authorized to do so to the effect that it is licensed, approved, or accredited. In lieu of such certification a school which is recognized by a State-approving agency as an "educational institution" for study for veterans under the provisions of Public Law 550 (82d Congress) may submit a statement of recognition signed by the appropriate official of the State approving agency who shall certify that he is authorized to do so so. A charter shall not be considered a license, approval, or accreditation. Except in connection with a petition submitted by a school or school system owned and operated as a public educational institution or system by the United States or a State or political subdivision thereof, or by a school listed in the current U.S. Office of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Higher Education," or by a secondary school operated by or as part of a school so listed, a school catalog, if one is issued, shall also be submitted with each petition. • • •

(c) *Consultation with U.S. Office of Education.* The U.S. Office of Education has been consulted by the Service and has advised that each of the following is considered an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses: (1) A school (or school system) owned or operated as a public educational institution by the United States or a State or political subdivision thereof; (2) a school listed in the current U.S. Office of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Higher Education"; or (3) a secondary school operated by or as part of an institution of higher learning listed in the current U.S. Office of Education publications, "Accredited Postsecondary Institutions and Programs" or "Education Directory, Higher Education." Before a decision is made on a petition filed by any other school, the district director shall consult the U.S. Office of Education by transmitting to that Office the petition, supporting documents and any report of interview or other inquiry conducted by the Service, with a request for advice as to whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses.

• • • • •

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "Companhia Nacional de Navegacao, S.A.R.L."

PART 343b—SPECIAL CERTIFICATE OF NATURALIZATION FOR RECOGNITION BY A FOREIGN STATE

In § 343b.4, the second sentence is revised. As amended, § 343b.4 reads as follows:

§ 343b.4 Applicant outside of United States.

If the application is received by a Service officer stationed outside the United States, he shall, when practicable, interrogate the applicant before the application is forwarded to the district director in the United States having jurisdiction over the applicant's place of residence for issuance of the certificate. When such interrogation is not practicable, or is not conducted because the application is submitted directly to the Commissioner or a district director of the Service in the United States, the certificate may nevertheless be issued and the recommendation conditioned upon satisfactory interrogation by a State Department representative. When forwarding the certificate in such a case, the Secretary of State shall be informed that the applicant has not been interviewed, and requested to have his representative abroad interview the applicant regarding identity and possible expatriation. If identity is not established or if expatriation has occurred, the request shall be made that the certificate be returned to the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (4–18–72). Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 212.6(b), 214.3, and 343b.4 relate to agency procedure and the amendment to § 238.3(b) adds a transportation line to the listing.

Dated: April 12, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72-5815 Filed 4-17-72;8:47 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

SECURITIES CREDIT TRANSACTIONS

Requirements for Continued Inclusion on List of OTC Margin Stocks

In the FEDERAL REGISTER of February 26, 1972 (37 F.R. 4097), the Board of Governors published a notice of proposed rule making to implement the requirements for a stock's continued inclusion on the List of OTC Margin Stocks. The proposal would amend Parts 207, 220, and 221 (the Board's Regulations G, T, and U, respectively).

Following consideration of all comments received, the amendments as so proposed are hereby adopted, subject to the following changes:

1. Paragraph (e) of § 220.2 should read "(e) OTC margin stock: • • •" rather than "(e) • • •".

2. Subparagraph (1) of § 207.5(e); subparagraph (1) of § 220.8(h); and subparagraph (1) of § 221.4(e), are changed to read as set forth below.

Effective date. This amendment is effective May 15, 1972.

By order of the Board of Governors, April 11, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS; BROKERS; OR DEALERS

1a. Section 207.2(f)(3) of Part 207, Securities Credit by Persons other than Banks, Brokers, or Dealers, is amended as set forth below:

§ 207.2 Definitions.

• • • • •

(f) OTC margin stock:

• • • • •

(3) The Board shall from time to time remove from the list described in subparagraph (2) of this paragraph (f) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (f) and § 207.5(e) (the Supplement to Regulation G).

• • • • •

b. Paragraph (e) of § 207.5 is added as set forth below:

§ 207.5 Supplement.

• • • • •

(e) *Requirements for continued inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 207.2(f), such stock shall meet the requirements that:

(1) The stock continues to be subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(g)(1), or if issued by an insurance company such issuer continues to be subject to section 12(g)(2)(G) (15 U.S.C. 78*l*(g)(2)(G) and has at least $1 million of capital and surplus,

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities and Exchange Act of 1934 (15 U.S.C. 78e),

(3) There continue to be 1,000 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer continues to be a U.S. Corporation,

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public; and shall meet three of the four additional requirements that:

(6) 400,000 or more shares of such stock remain outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value in the aggregate of at least $5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least $5 per share, and

(9) The issuer continues to have at least $2.5 million of capital, surplus, and undivided profits.

PART 220—CREDIT BY BROKERS AND DEALERS

2a. Section 220.2(e)(3) of Part 220, Credit by Brokers and Dealers, is amended as set forth below:

§ 220.2 Definitions.

• • • • •

(e) • • •

(3) The Board shall from time to time remove from the list described in subparagraph (2) of this paragraph (e) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (e) and of § 220.8(h) (the Supplement to Regulation T).

• • • • •

b. Paragraph (h) of § 220.8 is added as set forth below:

§ 220.8 Supplement.

• • • • •

(h) *Requirements for continued inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 220.2(e), OTC margin stock shall meet the requirements that:

(1) The stock remains subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(g)(1), or if issued by an insurance company such issuer continues to be subject to section 12(g)(2)(G) (15 U.S.C. 78*l*(g)(2)(G) and has at least $1 million of capital and surplus,

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities and Exchange Act of 1934 (15 U.S.C. 78e),

(3) There continue to be 1,000 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer continues to be a U.S. Corporation,

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public; and shall meet 3 of the 4 additional requirements that:

(6) 400,000 or more shares of such stock remain outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value in the aggregate of at least $5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least $5 per share, and

(9) The issuer continues to have at least $2.5 million of capital, surplus, and undivided profits.

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

3a. Section 221.3(d)(3) of Part 221, Credit by Banks for the Purpose of Purchasing or Carrying Margin Stock, is amended as set forth below:

§ 221.3 Miscellaneous provisions.

• • • • •

(d) *OTC margin stock.* • • •

(3) The Board shall from time to time remove from the list described in subparagraph (2) of this paragraph (d) stocks that cease to:

(i) Exist or of which the issuer ceases to exist, or

(ii) Meet substantially the provisions of subparagraph (1) of this paragraph (d) and of § 221.4(e) (the Supplement to Regulation U).

b. Paragraph (e) of § 221.4 is added as set forth below:

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§ 221.4 Supplement.

• • • • •

(e) *Requirements for continued inclusion on list of OTC margin stock.* Except as provided in subparagraph (4) of § 221.3(d), OTC margin stock shall meet the requirements that:

(1) The stock remains subject to registration under section 12(g)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(g)(1), or if issued by an insurance company such issuer continues to be subject to section 12(g)(2)(G) (15 U.S.C. 78*l*(g)(2)(G) and has at least $1 million of capital and surplus,

(2) Four or more dealers stand willing to, and do in fact, make a market in such stock including making regularly published bona fide bids and offers for such stock for their own accounts, or the stock is registered on a securities exchange that is exempted by the Securities and Exchange Commission from registration as a national securities exchange pursuant to section 5 of the Securities and Exchange Act of 1934 (15 U.S.C. 78e),

(3) There continue to be 1,000 or more holders of record of the stock who are not officers, directors, or beneficial owners of 10 percent or more of the stock,

(4) The issuer continues to be a U.S. Corporation,

(5) Daily quotations for both bid and asked prices for the stock are continuously available to the general public; and shall meet three of the four additional requirements that:

(6) 400,000 or more shares of such stock remain outstanding in addition to shares held beneficially by officers, directors, or beneficial owners of more than 10 percent of the stock,

(7) The shares described in subparagraph (6) of this paragraph continue to have a market value in the aggregate of at least $5 million,

(8) The minimum average bid price of such stock, as determined by the Board, is at least $5 per share, and

(9) The issuer continues to have at least $2.5 million of capital, surplus, and undivided profits.

[FR Doc.72-5840 Filed 4-17-72;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-AL-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On October 28, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 20703) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation regulations that would alter the Kotzebue, Alaska, control zone, revoke the Kotzebue, Alaska, control area extension, and designate the Kotzebue, Alaska, transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. There were no comments received.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order No. 10854.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

1. In § 71.171 (37 F.R. 2056) the Kotzebue, Alaska, control zone is amended to read as follows:

Within a 5-mile radius of Wien Memorial Airport, Kotzebue, Alaska (lat. 66°53'02" N., long. 162°36'05" W.) within 3 miles each side of the 048° bearing from the Kotzebue RBN extending from the 5-mile radius zone to 7 miles northeast of the RBN; within 3 miles each side of the Kotzebue VORTAC 278° radial extending from the 5-mile radius zone to 10 miles west of the VORTAC; and within 3 miles each side of the Kotzebue VORTAC 090° radial extending from the 5-mile radius zone to 8 miles east of the VORTAC.

2. In § 71.165 (37 F.R. 2055) the Kotzebue, Alaska, control area extension is revoked.

3. In § 71.181 (37 F.R. 2143) the Kotzebue, Alaska, transition area is designated as follows:

That airspace extending upward from 700 feet above the surface within a 19-mile radius of the Kotzebue VORTAC; that airspace extending upward from 1,200 feet above the surface within 5 miles each side of the Kotzebue VORTAC 103° radial extending from the VORTAC to 43 miles east of the VORTAC; that airspace extending upward from 5,500 MSL within 5 miles each side of the Kotzebue VORTAC 103° radial extending from a point 43 miles east of the VORTAC to 59 miles east, and that airspace extending upward from 7,500 MSL within 5 miles each side of the Kotzebue 103° radial at 59 miles east of the VORTAC widening to 8.5 miles each side of the 103° radial at 111 miles east of the Kotzebue VORTAC.

(Sec. 307(a), 1110 Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 12, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-5807 Filed 4-17-72;8:46 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2169]

PART 13—PROHIBITED TRADE PRACTICES

George B. Eipper et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision:* § 13.1905 *Terms and conditions: 13.-1905-60 Truth in Lending Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, George B. Eipper et al., Seattle, Wash., Docket No. C-2169, March 9, 1972]

In the Matter of George B. Eipper, an Individual Trading as Seattle Siding Co., and John M. Small, an Individual.

Consent order requiring a Seattle, Wash., seller and installer of residential siding to cease violating the Truth in Lending Act by failing to disclose the sum of the cash price and all charges included in the amount financed, using a form waiver of the right of recission, and make all other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents George B. Eipper, an individual trading as Seattle Siding Co., or under his own or any other name or names, and John M. Small, an individual, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose accurately the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c)(ii) of Regulation Z.

2. Utilizing a printed form waiver of the right of rescission in violation of § 226.9(e)(3) of Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Issued: March 9, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5801 Filed 4-17-72;8:45 am]

[Docket No. C-2170]

PART 13—PROHIBITED TRADE PRACTICES

Groff Importers, Inc., and William F. Groff

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Groff Importers, Inc., et al., San Diego, Calif., Docket No. C-2170, March 9, 1972]

In the Matter of Groff Importers, Inc., a Corporation, and William F. Groff, Individually and as an Officer of Said Corporation

Consent order requiring a San Diego, Calif., seller of women's and misses' wearing apparel, including ladies' scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents, Groff Importers, Inc., a corporation, its successors and assigns, and its officers and William F. Groff, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale, any product made of fabric or related material which has been shipped or received in commerce as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to an applicable standard or regulation issued, amended or continued in effect, under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondents herein shall either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products, and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since February 22, 1971, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon, and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric or related material with this report.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 9, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5802 Filed 4-17-72;8:45 am]

[Docket No. C-2171]

PART 13—PROHIBITED TRADE PRACTICES

Joseph H. Lambert et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Joseph H. Lambert et al., Stockton, Calif., Docket No. C-2171, March 10, 1972]

In the Matter of Joseph H. Lambert, Leo A. Lambert, and Dean E. Lambert, Individually and as Copartners Doing Business as H & L Investment Co.

Consent order requiring a Stockton, Calif., firm making loans for the purchase of used cars to cease violating the Truth in Lending Act by failing to disclose the number of payments scheduled, failing to describe those which are "balloon payments," failing to use the term finance charge where required, and failing to make all other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Joseph H. Lambert, Leo A. Lambert, and Dean E. Lambert, individuals and copartners doing business as H & L Investment Co., or under any other name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with any consumer credit extension as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of 1 percent, in accordance with § 226.8(b)(2) of Regulation Z.

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2. Failing to disclose the number of payments scheduled to repay the indebtedness, and failing to describe payments which are more than twice the amount of an otherwise scheduled equal payment by the term "balloon payment" as required by § 226.8(b)(3) of Regulation Z.

3. Failing to print the term "finance charge", where required by Regulation Z to be used, more conspicuously than other required terminology as required by § 226.6(a) of Regulation Z.

4. Failing to describe the type of security interest in property held, retained or acquired in connection with extensions of credit, as required by § 226.8(b)(5) of Regulation Z.

5. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents, and other persons engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 10, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5803 Filed 4-17-72;8:46 am]

[Docket No. C-2172]

PART 13—PROHIBITED TRADE PRACTICES

Charles Edwin Porter et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Charles Edwin Porter et al., Tampa, Fla., Docket No. C-2172, March 17, 1972]

In the Matter of Charles Edwin Porter, Individually and Doing Business as Florida Training Center and Commercial Training Institute

Consent order requiring a Tampa, Fla., individual offering courses in key punch operations and bank teller techniques to cease violating the Truth in Lending Act in his consumer credit transactions by failing to disclose the total number of payments, the cash price, the unpaid balance of cash price, the amount financed, the deferred payment price, and other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Charles Edwin Porter, individually and doing business as Florida Training Center and Commercial Training Institute, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make all disclosures required to be made by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as required by § 226.6(a) of Regulation Z.

2. Failing to disclose the number of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments," as required by § 226.8(b)(3) of Regulation Z.

3. Failing to disclose the price at which respondent, in the regular course of business, offers to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price," as required by § 226.8(c)(1) of Regulation Z.

4. Failing to disclose the amount of any downpayment in money, and to describe that amount as the "cash downpayment," as required by § 226.8(c)(2) of Regulation Z.

5. Failing to disclose the difference between the "cash price" and the "total downpayment," and to describe that difference as the "unpaid balance of cash price," as required by § 226.8(c)(3) of Regulation Z.

6. Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed," as required by § 226.8(c)(7) of Regulation Z.

7. Failing to use the term "deferred payment price" to describe the sum of the cash price, all other charges which are part of the amount financed but are not part of the finance charge, and the finance charge, as required by § 226.8(c)(8)(ii) of Regulation Z.

8. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That a copy of this order to cease and desist be delivered to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in respondent's business organization such as dissolution; assignment or sale resulting in the emergence of a successor business, corporate or otherwise; the creation of subsidiaries; any change of business name or trade style; or any other change which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist contained herein.

Issued: March 17, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5804 Filed 4-17-72;8:46 am]

[Docket No. C-2168]

PART 13—PROHIBITED TRADE PRACTICES

Times Furniture Co. and Samuel Barbas

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act, § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Times Furniture Co., et al., Los Angeles, Calif., Docket No. C-2168, March 9, 1972]

In the Matter of Times Furniture Co., a Corporation, and Samuel Barbas, Individually and as an Officer of Said Corporation

Consent order requiring a Los Angeles, Calif., seller and distributor of furniture to cease violating the Truth in Lending Act by failing in its credit transactions to make disclosures required by Regulation Z of said Act. Respondent is also required where credit customer is charged with credit life insurance to mail to such customer a letter explaining the insurance and giving customer the option of canceling it.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Times Furniture Co., a corporation, and Samuel Barbas, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make the disclosures required by § 226.8 before the transaction is consummated, as prescribed by § 226.8(a) of Regulation Z.

2. Failing to include in the finance charge any charges or premiums for credit life, accident, health, or loss of income insurance, as prescribed by § 226.4(a) of Regulation Z.

3. Failing to furnish the customer with a duplicate of the instrument containing the disclosures required by § 226.8 or a statement by which the required disclosures are made at the time those disclosures are made, as prescribed by § 226.8(a) of Regulation Z.

4. Stating, in any advertisement, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an annual percentage rate; and

(e) The deferred payment price.

5. Failing in any consumer credit transaction or advertisement to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount prescribed by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent, in connection with each sale of credit life insurance written in connection with its credit sales on or after July 1, 1969, in which respondent failed to obtain a specific dated and separately signed affirmative written indication of the customer's desire for such insurance and thereafter failed to include the charges for such insurance in the amount of finance charge debited to the customer's account monthly, shall mail to each customer to whom such sale of credit life insurance was made and whose account is in open or current status, the following notice, and accompanying letter.

We hereby supply you with the following information concerning your credit life insurance policy:

1. The cost of credit life insurance which has been charged to you since you opened this account with Times Furniture Co. is (to be provided by respondent).

2. Such insurance was not and is not required as a condition to Times' extending credit to you.

3. You have a right to request cancellation of this policy. You may exercise your right to cancel by signing (on line 1) that portion of the enclosed notice canceling your credit life insurance policy and returning it to Times Furniture Co., in the accompanying self-addressed envelope. Such cancellation is effective when received by Times Furniture Co. You understand that once having canceled you will have no rights under the policy even though the policy may have been in effect up to the time of cancellation.

4. If you desire to continue your credit life insurance policy, you should sign that portion of the enclosed notice (on line 2) which indicates your desire for insurance coverage and return it to Times Furniture Co. in the accompanying self-addressed envelope.

CREDIT LIFE INSURANCE NOTICE

I hereby request cancellation of my credit life insurance covering the above account. I understand that upon receipt of this cancellation I will have no benefits under any insurance policy with respect to the above account.

(1)_____
(Signature of customer in whose name account is recorded)

Date_____

I desire to continue my credit life insurance policy

(2)_____
(Signature of customer in whose name account is recorded)

Date_____

It is important that you return this notice before _____

Respondent's obligations under this provision shall not be fulfilled until each customer affected by it has returned the notice specified herein, provided that as long as respondents can demonstrate that any such customer cannot be contacted or that any such customer failed to reply after respondents expended reasonable efforts, in writing or orally, to effect such reply monthly for a period of 4 consecutive months after mailing the notice to such customer, respondents shall have complied with this provision.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in respondents' business such as dissolution, assignment or sale resulting in the emergence of a successor business, corporation or otherwise, the creation of subsidiaries or any other change which may affect compliance obligations arising out of the order.

Provided further, That entry of this order by the Commission does not constitute an admission by respondents that they have violated the law as alleged in the complaint which the Commission has issued.

Issued: March 9, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5805 Filed 4-17-72;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-7137]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Sales of Debentures Guaranteed by Small Business Administration

The Securities and Exchange Commission has adopted Rules 3c-3 and 18c-2 (17 CFR 270.3c-3, 270.18c-2) under the Investment Company Act of 1940 (Act) (15 U.S.C. 18a-1 et seq.) effective April 17, 1972. On March 20, 1972, the Commission published notice (Investment Company Act Release No. 7070, 37 F.R. 6211) that it had under consideration the adoption of the rules to enable small business investment companies licensed under the Small Business Investment Act of 1958 (15 U.S.C. 671 et seq., 72 Stat. 690) to make full use of new statutory power of the Small Business Administration (SBA) to guarantee debentures issued by such SBICs without violating certain provisions of the Investment Company Act.

The adoption of these rules is proposed by the Commission in response to a request from the SBA. The SBA's request was prompted by the enactment December 22, 1971 of Public Law 92-213 (85 Stat. 776). The statute, in pertinent part, reads as follows:

To encourage the formation and growth of small business investment companies the

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administration is authorized (but only to the extent that the necessary funds are not available to said company from private sources on reasonable terms) when authorized in appropriate Acts, to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debentures issued by such companies. Such purchases or guarantees may be made by the Administration on such terms and conditions as it deems appropriate, pursuant to regulations issued by the Administration. The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this subsection * * *

Section 3(c)(1) of the Act (15 U.S.C. 80a–3(c)(1)) excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering. Beneficial ownership by a company is deemed to be beneficial ownership by one person unless the company owns 10 percent or more of the outstanding voting securities of the issuer in which case beneficial ownership is deemed to be that of the holders of such company's outstanding securities. Rule 3c–2 (17 CFR 270.3c–2), however, provides that beneficial ownership by a company owning 10 percent or more of the outstanding voting securities of an SBIC will be deemed beneficial ownership by one person so long as the value of all securities of SBIC's owned by such company does not exceed 5 percent of the value of its total assets.

The SBA has requested that the Commission adopt a rule which would provide that SBIC's not now subject to the Act by virtue of the section 3(c)(1) exception from the definition of investment company would not become subject to the Act if they sell SBA guaranteed debentures in a public offering and also, if as a result of such sale, the number of their security holders should exceed 100.

Section 18(c) of the Act (15 U.S.C. 80a–18(c)) provides, among other things, that it is unlawful for any registered closed-end investment company to issue and sell more than one class of senior security representing indebtedness. Such a company may issue indebtedness in one or more series provided that no such series shall have a preference or priority over any other series upon distribution of assets or with respect to payment of interest or dividends.

Therefore, the SBA has requested an extension of the exemption afforded by Rule 18c–1 (17 CFR 270.18c–1) which permits SBIC's, notwithstanding the provisions of section 18(c), to have outstanding more than one class of debt securities provided all such securities are privately held by the SBA or institutional investors, not publicly distributed, and without equity features.[1] The extension of the exemption to cover issuance of SBA guaranteed debentures to the public is necessary because some SBIC's are indebted to SBA on subordinated and unsubordinated debt instruments, and, in addition, some SBIC's may be indebted to private and institutional investors under yet another class of debt instruments.

In the Commission's view, the guarantee of a Government agency backed by the full faith and credit of the United States removes securities so guaranteed from the area of concern for investor protection that is the primary purpose of the Investment Company Act. The guarantee will bring those securities bearing it within the definition of "Government security" contained in section 2(a)(16) of the Act (15 U.S.C. 80a–2(a)(16)).[2] Section 3(a)(2) of the Securities Act of 1933 (15 U.S.C. 77c(a)(2)) exempts such securities from that Act's registration provisions. There is no comparable exception under the Investment Company Act for issuers of Government securities, however, and, therefore, it is necessary to provide exemptions which will permit their issuance without violating the Act or causing an issuer who would not otherwise have to do so to register as an investment company.

Rule 3c–2 provides that the term "public offering" as used in section 3(c)(1) of the Act would not be deemed to include an offer and sale of a debenture having no equity features, issued by a licensed SBIC, guaranteed by the SBA and backed by the full faith and credit of the United States. The rule also provides that holders of such securities will be counted as one person for the purpose of section 3(c)(1).

Rule 18c–2 exempts from the provisions of section 18(c) of the Act additional classes of senior securities representing indebtedness issued by licensed SBIC's provided they are guaranteed by the SBA, are backed by the full faith and credit of the United States, have no equity features and are subordinated to any other unsecured debt securities not issued pursuant to the rule or, if not subordinated, by their terms provide that they will have no preference over other unsecured debt. The provision on subordination was included because an SBA claim against the SBIC in case the guarantee is invoked might raise questions as to the Government's priority over other creditors.[3] Although debentures purchased or guaranteed by the SBA are subordinated to any other debts of an SBIC issuer, the SBA has authority to elect not to subordinate.[4] While it appears under present law that the SBA as guarantor would not have greater rights than the original holder of the security, this provision of the rule was added to insure protection of holders of other unsecured debt issued by the SBIC. Also, because some SBIC's received orders of the Commission exempting them from the provisions of the Investment Company Act on condition that they not issue and sell their securities to any person other than the SBA, the rule provides that sales of SBA guaranteed securities to the public as covered by the rule would not cause such SBIC's to lose their exemptions.

Only one comment on the rules has been received, a letter from the SBA expressing appreciation for the effective resolution of the problems under the Investment Company Act inherent in the new guarantee authority. Accordingly, the Commission is adopting the rules in the same form in which they were proposed.

The text of the rules adopted pursuant to authority granted to the Commission in sections 6(c) and 38(a) of the Act (15 U.S.C. 80a–6(c), 80a–37(a)) is as follows:

Commission action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding a new § 270.3c–3[5] and a new § 270.18c–2 reading as follows:

§ 270.3c–3 Definition of certain terms used in section 3(c)(1) of the Act with respect to certain debt securities offered by small business investment companies.

The term "public offering" as used in section 3(c)(1) of the Act shall not be deemed to include the offer and sale by a small business investment company, licensed under the Small Business Investment Act of 1958, of any debt security issued by it which is (a) not convertible into, exchangeable for, or accompanied by any equity security, and (b) guaranteed as to timely payment of principal and interest by the Small Business Administration and backed by the full faith and credit of the United States. The holders of any securities offered and sold as described in this section shall be counted, in the aggregate, as one person for purposes of section 3(c)(1) of the Act.

§ 270.18c–2 Exemptions of certain debentures issued by small business investment companies.

(a) The issuance or sale of any class of senior security representing indebtedness by a small business investment company licensed under the Small Business Investment Act of 1958 shall not be prohibited by section 18(c) of the Act provided such senior security representing indebtedness is (1) not convertible into, exchangeable for, or accompanied by an option to acquire any equity security; (2) fully guaranteed as to timely payment of all principal and interest by the Small Business Administration and backed by the full faith and credit of the United States; and (3) subordinated to any other debt securities not issued pursuant to this section or, if such security is not so subordinated, that such security, according to its own terms, will not be preferred over any other unsecured debt securities in the payment of principal and interest: *And further provided*, That all other debt securities then outstanding issued by such small business investment company were issued as permitted by § 270.18c–1 or this section.

(b) Any security issued and sold as permitted by paragraph (a) of this section shall be deemed for purposes of § 270.18c–1 to be privately held by the Small Business Administration and for purposes of § 270.18c–1 shall not be deemed to be publicly held outstanding indebtedness.

(c) The issuance or sale of any security as permitted by paragraph (a) of this section shall not be deemed to be a sale to any person other than the Small Business Administration by any small business investment company licensed under the Small Business Investment Company Act of 1958 which is exempt from any provision of the Investment Company Act, if such exemption is conditioned on such company not offering or selling its securities to any person other than the Small Business Administration.

(Secs. 6(c), 38(a), 54 Stat. 800, 841, 15 U.S.C. 80a–6(c), 80a–37(a))

Rules 3c–3 and 18c–2 have been adopted effective April 17, 1972, as permitted by section 553 (d)(1) and (d)(3) of the Administrative Procedure Act (5 U.S.C. 553(d) (1), (3)) since they grant exemptions or relieve restrictions and are necessary to carry out the congressional intent expressed in Public Law 92–213. The Commission finds that good cause exists for making these rules effective without further delay, and that further notice and procedure as specified in 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing rules shall be effective on April 17, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 13, 1972.

[FR Doc.72–5916 Filed 4–17–72;8:52 am]

[1] See Investment Company Act Releases 3324 and 3361, Sept. 12 and Nov. 17, 1961 (26 F.R. 8912, 11240).

[2] Section 2(a)(16) (of the Act) defines "Government security" as "any security issued or guaranteed as to principal or interest by the United States, or by a person controlled or supervised by and acting as an instrumentality of the Government of the United States pursuant to authority granted by the Congress of the United States; or any certificate of deposit for any of the foregoing."

[3] 31 U.S.C. 191 (R.S. 3466).

[4] 15 U.S.C. 683 (72 Stat. 692, as amended, 75 Stat 752, 78 Stat. 146, 81 Stat. 270).

[5] A former § 270.3c–3 relating to an exemption for certain group annuity contracts which provided for administration of funds held by an insurance company in a segregated account was rescinded by the Commission effective July 1, 1971, Release No. IC–6430, 36 F.R. 7898.

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. R–393; Order 428–C]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Small Producers; Filing of Contracts

APRIL 10, 1972.

The Commission in Order No. 428 issued March 18, 1971 (36 F.R. 5598, March 25, 1971) in the above-entitled proceeding established a blanket certificate procedure for small producers pursuant to which they are authorized to make small producer sales nationwide under existing and future contracts at the price specified in each such contract. In this connection, the Commission revised, inter alia, § 157.40 of its regulations under the Natural Gas Act relating to small producer certificates.

Section 157.40(g) of the regulations required pipeline purchasers, and large producer purchasers to file with this Commission each new contract and each contract amendment, dated on or after March 18, 1971, for the sale of natural gas to them by a small producer. By this order we are amending that provision to require the purchaser to submit with each filing, pertaining to the dedication of additional natural gas, the estimated purchase volumes and rate for the first full year after the commencement of deliveries. This data is not ascertainable from the contracts, but can be estimated readily by the purchaser. The amendment should create no burden for purchasers because the information is available to them and is insignificant in quantity.

The additional data will enable the Commission to determine more quickly and more accurately the amounts of new gas coming into the interstate market as a result of the small producer program enacted in Order No. 428. The additional requirement will be effective as of the date of issuance of this order and will apply to all contract filings involving the dedication of additional natural gas made pursuant to § 157.40(g) on or after such effective date.

The Commission finds:

(1) In view of the minor amendment herein to the Commission's regulations, the notice and public procedure provisions of 5 U.S.C. section 553 do not apply to this order.

(2) In view of the purpose, intent, and effect of the amendment herein ordered, good cause exists for making the amendment effective upon issuance of this order.

(3) The action taken herein is necessary and appropriate for the administration of the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72, 15 U.S.C. 717c, 717d, 717f, and 717o) orders:

(A) Paragraph (g) of § 157.40 in Part 157, Subchapter E, of Chapter I, Title 18 of the Code of Federal Regulations, is amended to read:

§ 157.40 Exemption of small producers from certain filing requirements.

* * * * *

(g) *Filing of contracts and notification of abandonment.* Pipeline purchasers and large producer purchasers shall file, within 60 days of the execution thereof, each new contract and each contract amendment dated on or after March 18, 1971, for the sale of natural gas to them by a small producer pursuant to the exemption authorized hereunder, together with an estimate of the purchase volumes and the rate to be charged for the first full year after the commencement of deliveries with respect to each new contract and each contract amendment dedicating additional natural gas, and shall notify this Commission of the cessation of deliveries made by a small producer pursuant to the exemption authorized hereunder within 60 days of such cessation.

(B) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(C) The amendment adopted herein shall be effective upon the issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–5795 Filed 4–17–72;6:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72–105]

PART 1—GENERAL PROVISIONS

Extension of Boundaries of Port of Entry, Milwaukee, Wis.

In order to provide better Customs service to carriers and the importing community in the State of Wisconsin, it is considered desirable to extend the existing port limits of Milwaukee, Wis.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR Ch. 11), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), the geographical limits of the Customs port of Milwaukee, Wis., in the Milwaukee, Wis., Customs district (region IX), which encompass the county of Milwaukee, Wis., are extended to include all the territory within the counties of Milwaukee and Waukesha, Wis.

Section 1.2(c) of the Customs regulations is amended by deleting "(including the territory described in T.D. 67–31)" after "Milwaukee" in the column headed "Ports of Entry" for the Milwaukee, Wis., district (region IX), and inserting in lieu thereof "(including the territory described in T.D. 72–105)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

The purpose of this extension of existing port of entry limits is to provide better service to importers, carriers, and the public. Notice and public procedure under 5 U.S.C. 553(b) is found, therefore, to be unnecessary.

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Effective date. This Treasury Decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

APRIL 10, 1972.

[FR Doc.72-5871 Filed 4-17-72;8:50 am]

[T.D. 72-106]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Reporting of Importer Numbers

On August 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 16661) to prescribe the reporting of a number on each Entry Record, Customs Form 5101, and the filing of such number on a notification of or application for importer's number, or notice of change of name or address, Customs Form 5106, in order to identify the "owner of the merchandise" on each dutiable formal entry. The amendment will permit the Bureau of Customs to identify the owner or ultimate consignee of merchandise associated with formal entries without reference to the records and files of customhouse brokers.

After consideration of all relevant matter presented by interested persons, in order to clarify the proposed amendments, the more commonly used term "ultimate consignee" is substituted for the term "owner of merchandise" where it appears, and the second sentence of proposed section 8.8(c) is changed to use the term "importer number of the importer of record." Editorial changes have also been made.

Accordingly, the proposed amendments are hereby adopted as set forth below:

In § 8.8, paragraph (c) is amended to read as follows:

§ 8.8 Requirements on entry.

* * * * *

(c) A copy of Customs Form 5101, Entry Record, shall be prepared and presented by the importer with each dutiable consumption, warehouse, appraisement, vessel repair, or drawback entry. The importer number of the importer of record and the importer number of the ultimate consignee shall be reported for each such entry filed other than a consolidated entry covering the shipment of several ultimate consignees. When the importer of record and the ultimate consignee are one and the same, the importer number shall be entered in both spaces provided on Customs Form 5101. When a consolidated entry is filed, the notation "consolidated" shall be entered in the space for the importer number of the ultimate consignee. If an importer of record desires to have refunds, bills, or notices of liquidation pertaining to his entry mailed in care of his agent, the agent's importer number shall also be reported on the Customs Form 5101. In such a case, the importer of record shall file, or shall have filed previously, a Customs Form 4811 authorizing the mailing of refunds, bills, or notices of liquidation to the agent.

* * * * *

(Sec. 484, 46 Stat. 722, as amended; 19 U.S.C. 1484)

In § 24.5, paragraph (a) is amended to read as follows:

§ 24.5 Filing identification number.

(a) Each person, business firm, Government agency, or other organization shall file Customs Form 5106, notification of or application for importer's number, or notice of change of name or address, with the first dutiable formal entry which he submits or the first request for services that will result in the issuance of a bill or a refund check upon adjustment of a cash collection. Notification of or application for importer's number, or notice of change of name or address, Customs Form 5106, shall also be filed for the ultimate consignee for which such entry is being made.

* * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

To allow an initial 6-month period for importers of record to secure importer numbers of ultimate consignees, the importer numbers of ultimate consignees which are not available at the time of entry of merchandise during the first 6 months after this amendment becomes effective shall be submitted on an amended Customs Form 5101, Entry Record, to the port where the entry was filed, by the end of the first 6 months after this amendment becomes effective. Following such 6-month period, the identification of the ultimate consignee on each dutiable formal entry is a mandatory requirement with the submission of such entries.

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: April 10, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5872 Filed 4-17-72;8:50 am]

[T.D. 72-107]

PART 171—FINES, PENALTIES, AND FORFEITURES

PART 172—LIQUIDATED DAMAGES

Signatures on Petitions

Sections 171.11(b) and 172.11(b) of the Customs Regulations provide that a petition for remission or mitigation of a fine, penalty, or forfeiture, or a petition for relief from liquidated damages be signed by the petitioner or if the petitioner is a corporation, be signed by an officer thereof. However, it would greatly facilitate the filing of these petitions to permit them to be signed by an attorney representing the petitioner, and, if the petitioner is a corporation, by a responsible supervisory employee thereof.

Accordingly, Parts 171 and 172 of the Customs Regulations are amended as follows:

Paragraph (b) of § 171.11 is amended to read:

§ 171.11 Petition for relief.

* * * * *

(b) *Signature.* The petition for remission or mitigation shall be signed by the petitioner or his attorney at law. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory employee thereof, or an attorney at law representing the corporation.

* * * * *

(R.S. 251, as amended, secs. 618, 624, 46 Stat. 757, as amended, 759; 19 U.S.C. 66, 1618, 1624)

Paragraph (b) of § 172.11 is amended to read:

§ 172.11 Petition for relief.

* * * * *

(b) *Form.* A petition for relief need not be in any particular form. Such petition shall set forth the facts relied upon by the petitioner to justify cancellation of the claim for liquidated damages, and shall be signed by the petitioner or his attorney at law. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory employee thereof, or an attorney at law representing the corporation.

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1623, 1624)

This amendment will eliminate a requirement which has been found to be unnecessarily restrictive. Therefore, notice and public procedure under 5 U.S.C. 553(b) is found to be unnecessary and, since the amendment will relieve a present restriction, good cause is found for making it effective at the earliest possible date.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (4-18-72).

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: April 10, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5873 Filed 4-17-72;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sulfadimethoxine, Ormetoprim and 3-Nitro-4-Hydroxyphenylarsonic Acid

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (41-984V) filed by Hoffmann-LaRoche, Inc., Nutley, N.J. 07110, proposing an amendment to the regulations to provide for an additional use of sulfadimethoxine, ormetoprim, and 3-nitro-4-hydroxyphenylarsonic acid as an aid in the prevention of fowl cholera in broiler chickens. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 and 135e are amended as follows:

1. In Part 121, § 121.262(c) is amended in the "Limitations" and "Indications for use" columns in table 1 for item 1.15 as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.15 * * *	* * *	* * *	* * *	* * *	* * *
* * *	* * *	* * *	* * *	For broiler chickens only; withdraw 5 days before slaughter; as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by all *Eimeria* species known to be pathogenic to chickens, namely, *E. tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. marine*, and bacterial infections due to *H. gallinarum* (infectious coryza), *E. coli* (colibacillosis); and *P. multocida* (fowl cholera); growth promotion and feed efficiency; improving pigmentation.
* * *	* * *	* *	* * *	* * *	* * *

2. Part 135e is amended in § 135e.55(e) by revising item 2 in the "Indications for use" column to read as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

* * * * * * *

(e) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2. * * *	* * *	* * *	* * *	* * *	* * *
					As an aid in the prevention of coccidiosis caused by all *Eimeria* species known to be pathogenic to chickens, namely *E. tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*, and bacterial infections due to *H. gallinarum* (infectious coryza), *E. coli*, (colibacillosis); and *P. multocida* (fowl cholera); growth promotion and feed efficiency; improving pigmentation.
* * *	* * *	* * *	* * *	* * *	* * *

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-18-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 7, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-5725 Filed 4-17-72;8:45 am]

Title 22—FOREIGN RELATIONS

Chapter VIII—Employee-Management Relations Commission

[Dept. Reg. 108.658]

EMPLOYEE-MANAGEMENT RELATIONS

On February 23, 1972, there was published in the FEDERAL REGISTER (37 F.R. 3870), a notice of proposed rule making to add Chapter VIII to Title 22 of the Code of Federal Regulations, in order to implement Executive Order 11636 (36 F.R. 24901). Interested persons were invited to submit written comments, suggestions, or objections, regarding the proposed regulations not later than March 24, 1972. After consideration of all relevant matter presented, the Employee-Management Relations Commission has decided to adopt the proposed regulations with the following changes:

1. The titles and definitions of §§ 801.11 and 801.12 are expanded to conform with Executive Order 11636.

2. In §§ 802.5(b) and 802.18(b), specific requirements are placed upon the foreign affairs agencies to bring promptly to the attention of employees notices which are dispatched to the field by telegraph.

3. Section 802.10 is amended by adding a new paragraph (c) to establish a procedure for Hearing Officers to be disqualified from participating in a representation hearing.

4. Section 803.6(a) is expanded to clarify the circumstances under which settlements of unfair practice charges may be approved by the Commission.

5. A new § 803.10(c) is added to specify the circumstances under which a Hearing Examiner may be disqualified in an unfair practice proceeding.

6. Section 804.2 is changed to conform to the current standards of conduct regulations issued by the Assistant Secretary of Labor for Labor-Management Relations.

7. The title of § 805.12 is deleted.

8. In § 806.1, a new paragraph (b) is added to permit the extension of any period of time prescribed in the regulations, if such extension is necessary to take into account foreign holidays where actions cannot be taken because of such holidays.

Pursuant to sections 5 and 12 of Executive Order 11636 (36 F.R. 24901), Title 22 of the Code of Federal Regulations is amended by addition of a new Chapter VIII to read as set forth below.

Effective date. This part shall become effective April 12, 1972.

DAVID P. TAYLOR,
Chairman, Employee-Management Relations Commission.

APRIL 12, 1972.

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1. The table of contents of Chapter VIII reads as follows:

Part
801 General.
802 Representation proceedings.
803 Unfair practice proceedings.
804 Standards of conduct.
805 Consultation proceedings.
806 Miscellaneous.

PART 801—GENERAL

Subpart A—Purpose and Scope

Sec.
801.1 Purpose and scope.

Subpart B—Meanings of Terms as Used in This Chapter

801.10 Order.
801.11 Employee, management official, confidential employee, foreign affairs agency, organization, Board, Secretary, Commission.
801.12 Eligible employee.
801.13 Recognition, unfair practices.
801.14 Standards of conduct for organizations.
801.15 Director.
801.16 Hearing Officer.
801.17 Hearing Examiner.
801.18 Chief Hearing Examiner.
801.19 Party.
801.20 Intervenor.
801.21 Certification.
801.22 Secret ballot.
801.23 Showing of interest.

AUTHORITY: The provisions of this Part 801 issued under secs. 5, 12, E.O. 11636, 36 F.R. 24901.

Subpart A—Purpose and Scope

§ 801.1 Purpose and scope.

The regulations contained in this chapter prescribe procedures and basic principles which the Employee-Management Relations Commission shall utilize in:

(a) Deciding questions relating to the eligibility of organizations for recognition under the order;

(b) Supervising elections to determine whether an organization is the choice of a majority of the eligible voters in a foreign affairs agency as their exclusive representative, and certifying the results;

(c) Effectuating the provisions of the order relating to standards of conduct required for organizations;

(d) Deciding complaints of alleged unfair practices, and alleged violations of the standards of conduct for organizations;

(e) Deciding questions of whether an obligation to consult exists under section 8 of the order with respect to particular issues.

Subpart B—Meanings of Terms as Used in This Chapter

§ 801.10 Order.

"Order" means Executive Order 11636, entitled "Employee Management Relations in the Foreign Service of the United States."

§ 801.11 Employee, management official, confidential employee, foreign affairs agency, organization, Board, Secretary, Commission.

"Employee," "management officials," "confidential employee," "foreign affairs agency," "organization," "Board," "Secretary," and "Commission" have the meanings set forth in section 2 of the order.

§ 801.12 Eligible employee.

"Eligible employee" means employee but does not include any management official or confidential employee.

§ 801.13 Recognition, unfair practices.

"Recognition" and "unfair practices" have the meanings as set forth in sections 7 and 13, respectively, of the order.

§ 801.14 Standards of conduct for organizations.

"Standards of conduct for organizations" shall have the meaning as set forth in section 12 of the order, as amplified in Part 804 of this chapter.

§ 801.15 Director.

"Director" means the Director of the Office of Labor-Management and Welfare-Pension Reports.

§ 801.16 Hearing Officer.

"Hearing Officer" means the individual designated by the Commission to conduct a hearing involving a question concerning representation matters as may be assigned.

§ 801.17 Hearing Examiner.

"Hearing Examiner" means the Chief Hearing Examiner or an individual designated by the Chief Hearing Examiner to conduct a hearing in cases under sections 12 and 13 of the order and such other matters as may be assigned.

§ 801.18 Chief Hearing Examiner.

"Chief Hearing Examiner" means the Chief Hearing Examiner, Department of Labor, Washington, D.C. 20210.

§ 801.19 Party.

"Party" means any person, employee, group of employees, organization, or foreign affairs agency: (a) Filing a complaint, petition, request, or application; (b) named in a complaint, petition, request or application; or (c) whose intervention in a proceeding has been permitted or directed by the Commission, Director, Hearing Officer, Chief Hearing Examiner, or Hearing Examiner, as the case may be.

§ 801.20 Intervenor.

"Intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Commission, Director, Hearing Officer, Chief Hearing Examiner, or Hearing Examiner, as the case may be.

§ 801.21 Certification.

"Certification" means the determination by the Commission, of the results of an election held under the order and the regulations in this chapter.

§ 801.22 Secret ballot.

"Secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened or where a unanimous ballot discloses the intent of all voters.

§ 801.23 Showing of interest.

"Showing of interest" means eligible employees" signed and dated authorization cards or petitions authorizing an organization to represent them for purposes of exclusive recognition; eligible employees' executed allotment of dues forms; current certification; employees' signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently certified organization or other evidence approved by the Commission.

PART 802—REPRESENTATION PROCEEDINGS

Sec.
802.1 Who may file petitions.
802.2 Contents of petition; filing and service of petition; challenges to petition.
802.3 Timeliness of petition.
802.4 Effect of certification.
802.5 Investigation and notice of petition.
802.6 Intervention.
802.7 Withdrawal, dismissal, or deferral of petitions; consolidation of cases; denial of intervention.
802.8 Agreement for consent election.
802.9 Notice of hearing.
802.10 Conduct of hearing.
802.11 Motions.
802.12 Rights of the parties.
802.13 Duties and powers of the Hearing Officer.
802.14 Objections to conduct of hearing.
802.15 Filing of briefs.
802.16 Transfer of case to Commission; contents of record.
802.17 Decision.
802.18 Election procedure.
802.19 Challenged ballots.
802.20 Tally of ballots.
802.21 Certifications; objections to election; determination on objections and challenged ballots.
802.22 Runoff elections.
802.23 Inconclusive elections.

AUTHORITY: The provisions of this Part 802 issued under sec. 5, E.O. 11636, 36 F.R. 24901.

§ 802.1 Who may file petitions.

(a) A petition for exclusive recognition may be filed by an organization requesting an election to determine whether it should be recognized as the exclusive representative of eligible employees of a foreign affairs agency or should replace another organization as the exclusive representative of such employees.

(b) A petition for an election to determine if an organization should cease to be the exclusive representative because it does not represent a majority of eligible employees of a foreign affairs agency may be filed by a foreign affairs agency or by any employee(s) or any individual acting on their behalf.

§ 802.2 Contents of petition, filing and service of petition; challenges to petition.

(a) *Petition for exclusive recognition.* A petition by an organization for exclusive recognition shall contain the following;

(1) The name of the foreign affairs agency, its address, and the person to contact, title, and telephone number, if known.

(2) Name, address, and telephone number of the certified representative, if any, and the date of its certification, if known to the petitioner;

(3) Names, addresses, and telephone numbers of any other interested organizations, if known to the petitioner;

(4) Name and affiliation, if any, of the petitioner and its address and telephone number;

(5) A statement that the petitioner has submitted to the Commission a current roster of its officers and representatives, a copy of its constitution and by-laws and a statement of its objectives;

(6) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001) that its contents are true and correct to the best of his knowledge and belief;

(7) The signature of the petitioner's representative, including title and telephone number;

(8) The petition shall be accompanied by a showing of interest of not less than twenty-five (25) percent of the eligible employees of a foreign affairs agency and an alphabetical list of names constituting such showing;

(9) A statement that the petitioner is in full compliance with the requirements of the order and the regulations under this chapter.

(b) *Petition for an election to determine if an organization should cease to be the exclusive representative.* (1) A petition by a foreign affairs agency shall contain the information set forth in paragraph (a) of this section, except paragraph (a) (5), (8), and (9) of this section, and a statement that the foreign affairs agency has a good faith doubt that the currently certified organization represents a majority of its eligible employees. Such a statement must contain a detailed explanation of the reasons supporting the good faith doubt;

(2) A petition by employees or an individual acting on behalf of employees shall contain the information set forth in paragraph (a) of this section, except paragraph (a) (5), (8), and (9) of this section, and it shall be accompanied by a showing of interest of not less than twenty-five (25) percent of the employees indicating that the employees of the foreign affairs agency no longer desire to be represented for the purpose of exclusive recognition by the currently certified organization and an alphabetical list of names constituting such showing.

(c) *Filing and service of petition and copies.* (1) An original and four copies of a petition shall be filed with the Commission.

(2) The petitioner shall supply with its petition two (2) copies of a statement of any other relevant facts and of all correspondence relating to the question concerning representation.

(3) Simultaneously with the filing of a petition, copies of the petition together with the attachments referred to in subparagraph (2) of this paragraph shall be served by the petitioner on all known interested parties, and a written statement of such services shall be filed with the Commission. The showing of interest submitted with the petition shall not be furnished to the foreign affairs agency or to any of the organizations listed in the petition.

(d) *Adequacy and validity of showing of interest.* The Commission shall determine the adequacy of the showing of interest administratively, and such decision shall be final and not subject to collateral attack at a representation hearing. Any party challenging the validity of showing of interest of the petitioner or of an intervenor must file its challenge with the Commission, with respect to the petitioner, within fifteen (15) days after the initial date of posting and dispatch of the notice of petition as provided in § 802.5(b) and with respect to any intervenor, within fifteen (15) days of service of a copy of the request for intervention, and support the challenge with evidence including signed statements of employees and any other written evidence. The Commission shall investigate the challenge and take such action as it deems appropriate.

(e) *Challenge to status of an organization.* Any party challenging the status of an organization under the order must file its challenge with the Commission and support the challenge with evidence. With respect to the petitioner, such a chaleinge must be filed within fifteen (15) days after the initial date of posting and dispatch of the notice of petition as provided in § 802.5(b) and with respect to an intervenor within fifteen (15) days of service of a copy of the request for intervention. The Commission shall investigate the challenge and take such action as it deems appropriate.

§ 802.3 Timeliness of petition.

(a) When there is no certified exclusive representative of the eligible employees, a petition will be considered timely filed provided the petition is not for a foreign affairs agency in which a valid election has been held within the preceding twelve (12) month period.

(b) A petition for exclusive recognition or other election petition will not be considered timely if filed within two (2) years after a valid certification has come into effect unless unusual circumstances exist which will substantially affect the voting unit or the majority representation.

(c) A petitioner who withdraws a petition after the opening of a hearing, or after the approval of an agreement for a consent election, shall be barred from filing another petition for six (6) months.

§ 802.4 Effect of certification.

When a secret ballot election has resulted in the certification of an exclusive representative for the eligible employees in a foreign affairs agency, such certification shall remain valid for a period of not less than two (2) years, unless such certification is earlier revoked for proper cause by the Commission. After the expiration of two (2) years following the effective date of a certification, such certification shall remain in effect until (a) successfully challenged by a timely petition and election, or (b) revoked for proper cause by the Commission.

§ 802.5 Investigation and notice of petition.

(a) Upon the filing of a petition the Commission shall make such investigation as it deems necessary.

(b) Upon the request of the Commission, after the filing of a petition, the foreign affairs agency shall post at its headquarters copies of a notice to all employees in places where notices are normally posted affecting the employees of the agency. In addition, the foreign affairs agency shall, simultaneously with the date of posting, dispatch telegraphic notice of the petition to Foreign Service posts abroad. Such telegraphic notice shall be brought promptly to the attention of the agency's employees at such posts.

(c) Such notice shall set forth: (1) The name of the petitioner and (2) a statement that all interested parties are to advise the Commission in writing of their interest within fifteen (15) days from the date of initial posting and dispatch of such notice.

(d) The posted notice shall remain posted for a period of fifteen (15) days. The notice shall be posted conspicuously and shall not be covered by other material, altered, or defaced.

(e) The foreign affairs agency shall furnish the Commission and all known interested parties with the following: (1) Name, address, and telephone number of any organization known to represent the employees; (2) a copy of all correspondence relevant to the petition; (3) a copy of a current certification, if any, covering the employees of the foreign affairs agency; (4) a current alphabetized list of eligible employees, their rank and positions of assignment; and (5) a separate, current alphabetized list of management officials and confidential employees, their rank and positions of assignment.

(f) Within fifteen (15) days following the receipt of a copy of the petition, unless an extension of time has been granted by the Commission, the foreign affairs agency may file a response thereto with the Commission raising any matter which is relevant to the petition. A copy of such response, if any, shall be served simultaneously on the parties and a statement of such service shall be filed with the Commission.

(g) The Commission shall take appropriate measures which, among other things, may consist of one of the fol-

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lowing: (1) The approval of a withdrawal request; (2) the dismissal of the petition; (3) direction of an election; or (4) the issuance of a notice of hearing.

§ 802.6 Intervention.

(a) Subject to the provisions of paragraph (b) of this section and § 802.7(b), an organization will be permitted to intervene as a matter of right in any proceeding pursuant to this part if it has submitted a showing of interest of five (5) percent or more of the eligible employees of the foreign affairs agency together with an alphabetical list of names constituting such showing or has submitted evidence of a current certification as exclusive representative of the eligible employees of a foreign affairs agency.

(b) No organization may participate in any representation proceeding unless it has notified the Commission in writing, accompanied by its showing of interest or by evidence of a current certification, as specified in paragraph (a) of this section of its desire to intervene within fifteen (15) days after the initial posting and dispatch of the notice of petition as provided in § 802.5 (b) unless good cause is shown for extending the period. Simultaneously with the filing of a request for intervention, copies of such request, excluding the showing of interest, shall be served on all known interested parties, and a written statement of such service shall be filed with the Commission.

(c) Any organization intervening must supply a statement to the Commission that it is in full compliance with the order and these regulations and that it has submitted to the foreign affairs agency a current roster of its officers and representatives, a copy of its constitution and bylaws and a statement of its objectives.

(d) Intervention by any party which does not meet the requirements of this section shall be at the discretion of the Commission.

§ 802.7 Withdrawal, dismissal, or deferral of petitions; consolidation of cases; denial of intervention.

(a) If the Commission determines after an investigation that the petition has not been filed timely, the petitioner has not made a sufficient showing of interest, the petition is not otherwise actionable, or an intervention is not appropriate, it may request the petitioner or intervenor to withdraw the petition or the intervention or, in the absence of such withdrawal within a reasonable period of time, it may dismiss the petition or deny the request for intervention.

(b) If the Commission determines, after investigation, that a valid issue has been raised by a challenge under § 802.2 (d) or (e), it may take such action as it deems appropriate including a request to the petitioner to withdraw the petition, dismissal of the petition, denial of the request for intervention, deferral of action upon the petition or request for intervention until such time as those issues have been resolved pursuant to this part, or consolidation of such issues with the representation matter for resolution of all issues.

(c) If the Commission dismisses the petition or denies the request for intervention, it shall furnish the petitioner or the party requesting intervention with a written statement of the grounds for the dismissal or the denial, sending a copy of such statement to the foreign affairs agency, and to any other parties as appropriate.

§ 802.8 Agreement for consent election.

(a) Subsequent to the filing of a petition and after expiration of the fifteen (15) day posting period of the notice of petition as provided in § 802.5(d), the foreign affairs agency, petitioner and any intervenors who have complied with the requirements set forth in § 802.6, and paragraph (d) of this section may agree that a secret ballot election shall be conducted and such agreement in a form approved by the Commission, shall be filed with the Commission. Any qualified intervenor who refuses to sign an agreement for a consent election may express his objections to the agreement in writing to the Commission. The Commission, after careful consideration of the agreement and of such objections, if any, may approve the agreement or take such other action as it deems appropriate. If the Commission approves the agreement, the election shall be conducted by the foreign affairs agency, under the supervision of the Commission in accordance with § 802.18 to determine whether the eligible employees desire to be represented for purposes of exclusive recognition by any or none of the organizations involved.

(b) The parties shall agree on the eligibility period for employee participation in the election, the dates of the election, the designations on the ballot and other related election procedures.

(c) In the event that the parties cannot agree on the matters contained in paragraph (b) of this section, the Commission, after careful consideration of the views of the parties, shall decide these matters.

(d) All parties desiring to participate in an election being conducted pursuant to this section, or pursuant to § 802.17, including intervening organizations which have met the requirements of § 802.6, must sign an agreement providing for such an election in a form prescribed by the Commission.

§ 802.9 Notice of hearing.

The Commission may issue a notice of hearing to resolve any questions relating to the representation matter. A notice of hearing providing for at least ten (10) days notice, except in unusual circumstances, shall be served on all interested parties and shall include:

(a) A statement of the time, place, and nature of the hearing;

(b) The name of the foreign affairs agency, petitioner and intervenors, if any;

(c) A statement of the authority and jurisdiction under which the hearing is to be held.

§ 802.10 Conduct of hearing.

(a) The Commission, in its sole discretion and on its own motion, may sit en banc and conduct the hearing. Where the Commission hears the case sitting en banc, it will issue a decision on the record in the case after the close of the hearing. The Commission in such cases will have all the powers of a Hearing Officer and will advise the parties (notwithstanding § 802.15) whether briefs will be permitted. If the Commission does not elect to sit en banc, it shall designate a Hearing Officer.

(b) Hearings shall be open to the public unless otherwise ordered by the Hearing Officer for good cause, stated in writing, and made a part of the record. When requested to do so by the head of the foreign affairs agency, the Commission shall direct that the hearing be conducted as a closed hearing, in whole or in part, in order to prevent the disclosure of information that would be injurious to the national security or foreign policy. It shall be the duty of the Hearing Officer to inquire fully into all matters in issue and the Hearing Officer shall obtain a full and complete record upon which the Commission can make an appropriate decision.

(c) At any time another Hearing Officer may be substituted for the Hearing Officer previously presiding. A Hearing Officer may withdraw from a proceeding whenever he deems himself disqualified. Any party may request the Hearing Officer, at any time following his designation and before transmittal of the case to the Commission, to withdraw on grounds of personal bias or disqualification by filing with him promptly upon discovery of alleged facts forming a basis for doing so an affidavit stating in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the Hearing Officer, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If he does not disqualify himself and withdraw from the proceeding he shall so rule upon the record, stating the grounds for his ruling.

(d) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or arrangements may be made with the Commission to examine the transcript during normal working hours. The transcript of any portion of the proceeding which has been conducted as a closed hearing for reasons of national security or foreign policy shall be classified or administratively controlled in accordance with the security regulations of the foreign affairs agency concerned.

(e) Hearings under this section are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record. The rules of relevancy and materiality are paramount; there are no burdens of proof and the technical rules of evidence do not apply.

§ 802.11 Motions.

(a) All motions shall be in writing, or, if made at the hearing may be stated orally on the record and shall state briefly the order or relief sought and the grounds for such motion. An original and two copies of written motions shall be filed and a copy thereof simultaneously shall be served on the other parties to the proceedings. Motions made prior to the hearing shall be filed with the Commission, and motions made during the hearing shall be filed with the Hearing Officer. After the transfer of the case to the Commission, except as otherwise provided, all motions shall be filed with the Commission. Other parties may file responses to such motions within five (5) days of service. The Commission may rule upon all motions filed with it causing a copy of said ruling to be served on the parties, or it may refer the motion to the Hearing Officer. The Hearing Officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that all motions to dismiss petitions shall be referred for appropriate action at such time as the record is considered by the Commission.

(b) Motions to intervene will not be entertained by the Hearing Officer.

(c) All motions, rulings and orders shall become a part of the record. Rulings by the Hearing Officer shall be considered by the Commission when the case is transferred to it for decision.

(d) The right to make motions or to make objections to rulings on motions shall not be deemed waived by participation in the proceeding.

§ 802.12 Rights of the parties.

(a) Any party shall have the right to appear at any hearing in person, by counsel, or by other representative, and and party shall have the right to examine and cross-examine witnesses and to introduce into the record documentary and other evidence. Two (2) copies of documentary evidence shall be submitted and a copy furnished simultaneously to the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

§ 802.13 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matters presented. With respect to cases assigned to the Hearing Officer between the time he or she is designated and the transfer of the case to the Commission, the Hearing Officer shall have the authority to:

(a) Grant requests for appearance of witnesses or production of records;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant, customarily privileged, or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct;

(f) Strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(g) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his or her own motion;

(h) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the Hearing Officer by the Commission and motions to amend petitions;

(i) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(j) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(k) Continue the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(l) Correct or approve proposed corrections of the official transcript, when deemed necessary;

(m) Take any other action necessary under the foregoing and not prohibited by these regulations.

§ 802.14 Objections to conduct of hearing.

Any objection to the introduction of evidence may be stated orally or in writing and shall be accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Automatic exception will be allowed to all adverse rulings.

§ 802.15 Filing of briefs.

(a) Any party desiring to file a brief with the Commission shall file the original and two (2) copies within fourteen (14) days after the close of the hearing: *Provided, however,* That prior to the close of the hearing and for good cause, the Hearing Officer may allow time not to exceed fourteen (14) additional days for the filing of briefs with the Commission. Copies thereof shall be served simultaneously on all other parties to the proceeding. No reply brief may be filed except by special permission of the Commission.

(b) Requests for additional time in which to file a brief under authority of this section not addressed to the Hearing Officer during the hearing shall be made to the Commission in writing, and copies thereof shall be served simultaneously on the other parties, and a statement of such service shall be filed with the Commission. Requests for extension of time under this subsection shall be in writing and received not later than three (3) days before the date such briefs are due.

§ 802.16 Transfer of case to the Commission; contents of record.

Upon the close of the hearing the case is transferred automatically to the Commission. The record of the proceeding shall include the petition, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing with any corrections thereto, stipulations, objections, depositions, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

§ 802.17 Decision.

The Commission will issue a decision directing an election or dismissing the petition, or making other disposition of the matters before it.

§ 802.18 Election procedure.

This section governs all elections conducted under the supervision of the Commission, pursuant to § 802.8 or § 802.17.

(a) Appropriate notices of election shall be posted by the foreign affairs agency in places where notices are normally posted affecting employees of the agency. Such notices shall set forth the details and procedures for the election, the eligibility period, the date(s) of the election, and shall contain a sample ballot. In addition, the foreign affairs agency shall, simultaneously with the date of such posting, dispatch telegraphic notice thereof to Foreign Service posts abroad. Such telegraphic notice shall include all materials contained in the posted notice except the sample ballot and shall be brought promptly to the attention of the agency's employees at such posts.

(b) The reproduction of any document purporting to be a copy of the official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Commission endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

(c) All elections shall be by secret ballot. An exclusive representative shall be chosen by a majority of the valid ballots cast.

(d) Whenever two or more organizations are included as choices in an election, any intervening organization may request, in writing, the Commission to remove its name from the ballot. The request must be received not later than ten (10) days after the decision and direction of the election or the Commission's notification of approval of agreement for an election. Such request shall be subject to the approval of the Commission, whose decision shall be final: *Provided, however,* That in a proceeding involving a petition filed under § 802.2 (b) an organization currently certified may not have its name removed from the ballot without giving the aforementioned request in writing to all parties and the Commission, disclaiming any representation interest among the employees.

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§ 802.19 Challenged ballots.

A representative of any organization on the ballot, of the foreign affairs agency, or of the Commission may challenge, for good cause, the eligibility of any person to vote in the election. The ballots of such challenged persons shall be impounded.

§ 802.20 Tally of ballots.

Upon the conclusion of the election, the Commission shall furnish to the parties a tally of ballots.

§ 802.21 Certifications; objections to election; determination on objections and challenged ballots.

(a) The Commission shall issue to the parties a certification of the results of the election, or a certification of representative, where appropriate: *Provided,* That no objections are filed within the time limit set forth below; the challenged ballots are insufficient in number to affect the results of the election; and no runoff or rerun election is to be held.

(b) Within five (5) days after the tally of ballots has been furnished, or proffered when service has been refused, any party may file with the Commission an original and four (4) copies of objections to the procedural conduct of the election, or to conduct which may have improperly affected the results of the election, supported by a clear and concise statement of the reason therefor. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Within ten (10) days of the filing of the objections, unless an extension of time has been granted by the Commission, the objecting party shall furnish the Commission with evidence, which may include but shall not be limited to signed statements, documentary evidence, and other materials supporting the objections. The objecting party shall bear the burden of proof at all stages of the proceedings, regarding all matters alleged in its objections. Copies of such objections and copies of any subsequently furnished evidence in support thereof shall be served on the other parties by the party filing them. Such service shall be stimultaneous with the filing of the objections and/or supporting evidence and a statement of such service shall be filed with the Commission.

(c) If objections are filed, or if the challenged ballots are sufficient in number to affect the results of the election, the Commission shall cause to be investigated the objections or challenges, or both.

(d) When the Commission determines that no relevant issue of fact exists, it (1) shall find whether improper conduct occurred of such a nature as to warrant the setting aside of the election and, if so, shall set aside the election, or (2) shall rule on determinative challenges to ballots, if any, or both. The Commission shall serve simultaneously any such findings upon all parties to the proceeding and shall state therein any additional pertinent matters such as its decision to rerun the election or count ballots at a specified date, time, and place, and shall cause to be issued a revised tally of ballots.

(e) Where it appears to the Commission that the objections or challenged ballots raise any relevant question of fact which may have affected the results of the election, the Commission shall issue a notice of hearing specifying either that it will conduct the hearing in accordance with § 803.10(a) of this chapter or that a Hearing Examiner, designated by the Chief Hearing Examiner, will take evidence, make factual findings and recommendations with respect to the objections and/or challenged ballots, and report these findings and recommendations to the Commission and the parties. Such proceedings shall be conducted in accordance with §§ 803.10 through 803.24 of this chapter.

(f) The Commission shall decide whether to adopt or modify the Hearing Examiner's recommendations. In accord with the Commission's final determinations, it shall issue a certification of the results of the election, certification of representative, or a decision setting aside the election or directing the opening and counting of challenged ballots, whichever is appropriate.

§ 802.22 Runoff elections.

(a) The foreign affairs agency shall conduct a runoff election under supervision of the Commission when an election in which the ballot provided for not less than three (3) choices (i.e., at least two representatives and "neither" or "none") results in no choice receiving a majority of the valid ballots cast, and any objections which had been filed have been disposed of, and any challenged ballots have been disposed of or are not sufficient in number to affect the results of the election, as provided herein. Only one runoff election shall be held pursuant to this section.

(b) Employees who were eligible to vote in the original election and who also are in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

§ 802.23 Inconclusive elections.

(a) An inconclusive election is one in which none of the choices on the ballot has received a majority of the valid ballots cast and § 802.22 is not applicable. If there are no challenged ballots that would affect the results of the election, the Commission may declare the election a nullity and may order another election, providing for a selection from among the choices afforded in the previous ballot in the following situations:

(1) The ballot provided for a choice among two or more representatives and "neither" or "none," and the votes are equally divided among the several choices; or

(2) The number of ballots cast for one choice in an election is equal to the number cast for another choice but less than the number cast for the third choice; or

(3) The runoff ballot provided for a choice between two representatives and the votes are equally divided.

(b) Only one further election pursuant to this section may be held.

PART 803—UNFAIR PRACTICE PROCEEDINGS

Sec.
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AUTHORITY: The provisions of this Part 803 issued under sec. 5 E.O. 11636, 36 F.R. 24901.

§ 803.1 Who may file complaints.

A complaint that a foreign affairs agency or an organization has engaged in any act prohibited under section 13 of the order or has failed to take any action required by the order, may be filed by an employee, a foreign affairs agency, or an organization.

§ 803.2 Action to be taken before filing a complaint with the Commission.

(a) Any charge of an alleged unfair practice must be in writing and shall be filed directly with the party or parties against whom the charge is directed, hereinafter referred to as the respondent(s), within six (6) months of the occurrence of the alleged unfair practice, except as otherwise provided in § 805.12 of this chapter. The charge shall contain a clear and concise statement of the facts constituting the alleged unfair practice, including the time and place of occurrence of the particular acts. The alleged unfair practice shall be investigated by the parties involved and informal attempts to resolve the matter shall be made by the parties. If informal attempts are unsuccessful in disposing of the matter within thirty (30) days, after a charge has been filed, a party may file a complaint requesting the Commission to issue a decision in the matter: *Provided, however,* That if a final decision by the respondent is served on the charging party, the charging party may file a complaint immediately thereafter but in no event later than sixty (60) days from the date of service of the respondent's written final decision on the charging party: *Provided, further,* That to be considered timely a complaint to the Commission shall be filed within nine (9) months of the occurrence of the alleged unfair practice or within sixty (60) days of the service of the written final decision on the charging party, whichever is the shorter period of time.

(b) The thirty (30) day charge period as required under paragraph (a) of this section shall not be applicable to allegations of violations of section 13(b)(4) of the order. In such a situation, a complaint may be filed immediately with the Commission.

(c) In complaints alleging violations of section 13(b)(4), the Commission shall conduct a priority investigation.

§ 803.3 Contents of the complaint and supporting documents.

(a) A complaint alleging a violation of section 13 of the order shall contain the following:

(1) The name, address, and telephone number of the employee, foreign affairs agency, or organization making the complaint hereinafter referred to as the complainant;

(2) The name, address, and telephone number of the foreign affairs agency or organization against whom the complaint is made;

(3) A clear and concise statement of the facts constituting the alleged unfair practice, including the time and place of occurrence of the particular acts, the names and addresses of the individuals involved, and a statement of the section and subsection of the order alleged to have been violated;

(4) A statement of any other procedure invoked involving the subject matter of the complaint and the results, if any;

(5) A declaration by the person signing the complaint, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of his or her knowledge and belief.

(b) The entire report of investigation by the complainant, pursuant to § 803.2, including, among other things, the precomplaint charge, copies of relevant correspondence, other written materials, statements of witnesses, summaries of meetings and discussions, offers of settlement by the respondent and settlement proposals advanced by the complainant, shall be filed with the complaint.

§ 803.4 Filing and service of copies.

(a) An original and four copies of a complaint and two (2) copies of the entire report of investigation shall be filed with the Commission.

(b) Simultaneously with the filing of a complaint and the complainant's report of investigation, copies of each shall be served by the complainant on the respondent, and a written statement of such service shall be filed with the Commission.

§ 803.5 Investigation of the complaint; stipulation of facts.

(a) Within fifteen (15) days following the service of a copy of the complaint, unless an extension of time has been granted by the Commission, the respondent shall file a response thereto, including the entire report of its investigation, raising any matter which is relevant to the complaint. The response shall be filed with the Commission and copies thereof shall be served simultaneously on the other parties. Upon the filing of a complaint the Commission shall cause such additional investigation to be made as it deems necessary.

(b) The parties may submit to the Commission a stipulation of facts and their request for a decision by the Commission without a hearing.

(c) The complainant shall bear the burden of proof at all stages of the proceedings regarding matters alleged in its complaint.

§ 803.6 Preliminary action by the Commission.

(a) The Commission shall take appropriate measures which may consist of the following: (1) approval of a withdrawal request; (2) dismissal of the complaint; (3) approval of a settlement agreed upon by the parties; (4) approval, after careful consideration of the views of the parties, of the respondent's offer of settlement made any time prior to the close of a hearing, if any; (5) approval of a stipulation of facts pursuant to § 803.5(b); or (6) the issuance of a notice of hearing.

(b) In cases involving complaints alleging a violation of section 13(b)(4) of the order, if the Commission determines, based upon the evidence adduced, that a reasonable basis for a complaint exists and no satisfactory offer of settlement has been made, it shall issue an expedited notice of hearing. The complainant shall bear the burden of proof at the hearing.

(c) Cases involving complaints alleging violations of section 13(a)(2) of the order shall be given priority over all other unfair practice cases except cases of like character and cases under paragraph (b) of this section.

§ 803.7 Withdrawal or dismissal of complaint.

(a) If the Commission determines that the complaint has not been timely filed, that a reasonable basis for the complaint has not been established, that a satisfactory settlement agreement has been reached, or a satisfactory offer of settlement has been made by the respondent, or for other appropriate reasons, it may request the complainant to withdraw the complaint and in the absence of such withdrawal within a reasonable time, it may dismiss the complaint.

(b) If the Commission dismisses the complaint, it shall furnish the complainant with a written statement of the grounds for dismissal, sending a copy of the statement to the respondent. If the dismissal is based on approval of an offer of settlement which is satisfactory to the Commission, such statement shall set forth the terms of settlement and the implementation thereof.

§ 803.8 Notice of hearing.

The Commission may cause a notice of hearing to be issued if, after the filing of a complaint, it finds, based on the allegations and the reports of investigation by the parties and any additional investigation, that there is a reasonable basis for the complaint and that no satisfactory offer of settlement has been made.

§ 803.9 Contents of the notice of hearing; attachments.

(a) The notice of hearing shall include:

(1) A statement of time and place of the hearing which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(2) A statement of the nature of hearing;

(3) A statement of the authority and jurisdiction under which the hearing is to be held;

(4) A reference to the particular sections of the order and regulations involved.

(b) Attached to the notice of hearing shall be a copy of the complaint and the respondent's answer.

(c) The reports of investigation by the parties referred to in § 803.8 shall be furnished to the Hearing Examiner; however, the reports of investigation will not thereby become evidence, and any party wishing to rely upon anything contained therein must make an appropriate submission at the hearing.

§ 803.10 Conduct of hearing.

(a) The Commission in its sole discretion and on its own motion, may sit en banc and conduct the hearing. Where the Commission hears the case sitting en banc, it will issue a decision on the record in the case after the close of the hearing. The Commission in such cases will have all the powers of a Hearing Examiner and will advise the parties (notwithstanding § 803.21) whether briefs will be permitted. Where the Commission has decided to hear the case en banc the rules concerning the filing of exceptions to Hearing Examiners' reports and recommendations do not apply to its decisions. If the Commission does not elect to sit en banc, it shall inform the Chief Hearing Examiner, who will designate a Hearing Examiner to conduct the hearing.

(b) Hearings shall be open to the public unless otherwise ordered by the Hearing Examiner for good cause, stated in writing and made a part of the record. When requested to do so by the head of

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the foreign affairs agency, the Commission shall direct that the hearing be conducted, in whole or in part, as a closed hearing, in order to prevent the disclosure of information that would be injurious to the national security or foreign policy.

(c) A Hearing Examiner may withdraw from a proceeding whenever he deems himself disqualified. Any party may request the Hearing Examiner at any time following his designation and before submission of the report and recommendations to the Commission, to withdraw on grounds of personal bias or disqualification by filing with him promptly upon discovery of alleged facts forming a basis for doing so an affidavit stating in detail the matters alleged to constitute grounds for disqualification. If, in the opinion of the Hearing Examiner, such affidavit is filed with due diligence and is sufficient on its face, he shall forthwith disqualify himself and withdraw from the proceeding. If he does not disqualify himself and withdraw from the proceeding he shall so rule upon the record, stating the grounds for his ruling.

(d) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or arrangements may be made with the Commission to examine the transcript during normal working hours in Washington, D.C., or at the post or posts directly involved. The transcript of any portion of the proceeding which has been conducted as a closed hearing for reasons of national security or foreign policy shall be classified or administratively controlled in accordance with the security regulations of the foreign affairs agency concerned.

§ 803.11 Intervention.

Any person desiring to intervene in any proceeding shall file a motion in writing with the Chief Hearing Examiner or the designated Hearing Examiner, or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Prior to the hearing, such a motion shall be filed with the Commission; during the hearing such motion shall be made to the Hearing Examiner. An original and two copies of written motions shall be filed. Simultaneously upon filing such motion, the moving party shall serve a copy thereof on the other parties. The Commission shall rule upon all such motions filed prior to the hearing, and shall cause a copy of such rulings to be furnished to the other parties, or may refer the motion to the Hearing Examiner for ruling. The Hearing Examiner shall rule upon all such motions made at the hearing or referred to the Hearing Examiner by the Commission. When the Hearing Examiner rules, before the hearing, on a motion referred to the Hearing Examiner by the Commission, he shall furnish copies of such ruling to the parties. The Commission or Hearing Examiner, as the case may be, may permit intervention in person or by counsel or other representative to such extent and upon such terms as may be deemed proper.

§ 803.12 Rights of parties.

Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent prescribed by the Hearing Examiner. Two copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 803.13 Rules of evidence.

The technical rules of evidence do not apply. Any evidence may be received, except that a Hearing Examiner may exclude any evidence or offer of proof which is immaterial, irrelevant, unduly repetitious, or customarily privileged. Every party shall have a right to present its case by oral and documentary evidence and to submit rebuttal evidence.

§ 803.14 Burden of proof.

A complainant in asserting a violation of the order shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 803.15 Duties and powers of the Hearing Examiner.

It shall be the duty of the Hearing Examiner to inquire fully into the facts as they relate to the matter before him or her. Upon assignment to the Hearing Examiner and before transfer of the case to the Commission, the Hearing Examiner shall have the authority to:

(a) Grant requests for appearance of witnesses or production of documents;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant, customarily privileged, or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his or her own motion and, where appropriate, transmit to the Commission offers of settlement by a party or parties;

(g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding, including motions referred to the Chief Hearing Examiner or to the designated Hearing Examiner by the Commission and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the Hearing Examiner's report and recommendations;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue the hearing from day to day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Prepare, serve, and submit his or her report and recommendations pursuant to § 803.22;

(l) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial or official notice: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the Hearing Examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(m) Correct or approve proposed corrections of the official transcript when deemed necessary;

(n) Take any other action necessary under the foregoing and not prohibited by these regulations.

§ 803.16 Unavailability of Hearing Examiners.

In the event of the Hearing Examiner designated to conduct the hearing becomes unavailable, the Chief Hearing Examiner shall designate another Hearing Examiner for the purpose of further hearing or issuance of a report and recommendations on the record as made, or both.

§ 803.17 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Automatic exceptions will be allowed to all adverse rulings. Rulings by the Hearing Examiner shall not be appealed prior to the transfer of the case to the Commission, but shall be considered by the Commission only upon the filing of exceptions to the Hearing Examiner's report and recommendations in accordance with § 803.22

§ 803.18 Motions before or after a hearing.

(a) All motions made before a hearing shall be made in writing to the Commission. All motions made after the hearing but prior to the transfer of the case to the Commission shall be filed with the Hearing Examiner. All motions made after the transfer of the case to the Commission, except motions to correct the record under § 803.15(m) shall be made in writing to the Commission. The moving party shall serve simultaneously a copy of all motion papers on all other parties. A statement of service shall accompany the motion. Answering affidavits, if any, must be served on all parties and the originals thereof, together with two (2) copies and a statement of service, shall be filed with the Commission before the hearing, with the Hearing Examiner after the hearing begins and before transfer of the case to the Commission and with the Commission after transfer of the case to it; within five (5) days after service of the moving papers unless it is otherwise directed.

(b) The Commission may rule upon all motions filed with it before the hearing, causing a copy of such ruling to be served on the parties, or it may refer such motions to the Chief Hearing Examiner or to the Hearing Examiner if one has been designated by the Chief Hearing Examiner. The Hearing Examiner may rule upon all motions referred to him or her prior to the hearing by the Commission or by the Chief Hearing Examiner and may rule upon all motions filed after the beginning of the hearing and before transfer of the case to the Commission. Such motions may be ruled upon by the Chief Hearing Examiner in the absence of the Hearing Examiner.

§ 803.19 Waiver of objections.

Any objection not made before a Hearing Examiner shall be deemed waived.

§ 803.20 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 803.21 Filing of brief.

Any party desiring to submit a brief to the Hearing Examiner shall file the original and two (2) copies within fourteen (14) days after the close of the hearing: *Provided, however*, That prior to the close of the hearing and for good cause, the Hearing Examiner may grant a reasonable extension of time. Copies thereof shall be served simultaneously on all other parties to the proceeding, and a statement of such service shall be filed with the Hearing Examiner. Requests for additional time in which to file a brief under authority of this section not addressed to the Hearing Examiner during the hearing shall be made to the Chief Hearing Examiner, in writing at least three (3) days before the briefs are due and copies shall be served simultaneously on the other parties. A statement of such service shall be furnished. No reply brief may be filed except by special permission of the Hearing Examiner.

§ 803.22 Submission of the Hearing Examiner's report and recommendations to the Commission; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the Hearing Examiner shall prepare a report and recommendations expeditiously. The report and recommendations shall contain findings of fact, conclusions, and the reasons or basis therefor including credibility determinations, and recommendations as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

(b) The Hearing Examiner shall cause the report and recommendations to be served promptly on all parties to the proceeding. Thereafter, the Hearing Examiner shall transfer the case to the Commission, including the report and recommendations and the record. The record shall include the complaint, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

(c) An original and two (2) copies of any exceptions to the Hearing Examiners' report and recommendations may be filed by any party with the Commission within ten (10) days after service of the report and recommendations: *Provided, however*, That the Commission may for good cause shown extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing; copies thereof shall be served simultaneously on the other parties and a statement of such service shall be furnished to the Commission. Requests for extension of time must be received no later than three (3) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such service shall be furnished to the Commission.

§ 803.23 Contents of exceptions to Hearing Examiner's report and recommendations.

(a) Exceptions to a Hearing Examiner's report and recommendations shall:

(1) Set forth specifically the questions upon which exceptions are taken;

(2) Identify that part of the Hearing Examiner's report and recommendations to which objection is made;

(3) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

(b) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 803.24 Briefs in support of exceptions.

(a) Any brief in support of exceptions shall contain only matters included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued;

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(b) Answering briefs to the exceptions and cross-exceptions and supporting briefs may be filed at the discretion of the Commission.

§ 803.25 Action by the Commission.

(a) After considering the Hearing Examiner's report and recommendations, the record, and any exceptions filed, the Commission shall issue its decision affirming or reversing the Hearing Examiner, in whole or in part, or making such other disposition of the matter as it deems appropriate: *Provided, however*, That unless exceptions are filed which are timely and in accordance with § 803.23, the Commission may, at its discretion, adopt without discussion the report and recommendations of the Hearing Examiner, in which event the findings, conclusions, and recommendations of the Hearing Examiner, as contained in his report and recommendations shall, upon appropriate notice to the parties, automatically become the decision of the Commission.

(b) Upon finding a violation of the order the Commission may order the respondent to cease and desist from conduct violative of the order and may require the respondent to take such affirmative corrective action as it deems appropriate to effectuate the policies of the order.

(c) Upon finding no violation of the order, the Commission shall dismiss the complaint.

§ 803.26 Compliance with decisions and orders of the Commission.

When remedial action is ordered, the respondent shall report to the Commission within a specified period that the required remedial action has been effected. When the Commission finds that the required remedial action has not been effected, it may take such action as it deems appropriate including referring the matter to the Board of the Foreign Service.

PART 804—STANDARDS OF CONDUCT

Sec.
804.1 Substantive requirements concerning standards of conduct.
804.2 Proceedings for enforcing standards of conduct.

AUTHORITY: The provisions of this Part 804 issued under secs. 5 and 12, E.O. 11636, 36 F.R. 24901.

§ 804.1 Substantive requirements concerning standards of conduct.

(a) The provisions of Subpart A of 29 CFR Part 204 "Substantive Requirements Concerning Standards of Conduct" are hereby incorporated by reference and shall be applicable to all organizations, members thereof, and other persons subject to the order, except that all duties, responsibilities, and authority directly allocated to the Assistant Secretary for Labor-Management Relations shall under the regula-

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tions in this part be assumed by the Commission.

(b) The reference to Executive Order 11491 in § 204.2(a)(5)(b) of Title 29 shall be deemed to read Executive Order 11636.

§ 804.2 Proceedings for enforcing standards of conduct.

The provisions of Subpart B of 29 CFR Part 204 "Proceedings for Enforcing Standards of Conduct" are hereby incorporated by reference and shall be applicable to all organizations, members thereof, and other persons subject to the order, with the following exceptions: (a) Those portions of Subpart B which provide for reports by the Area Administrator to the Regional Administrator or by the Regional Administrator to the Director shall not be applicable; (b) all functions which in Subpart B are performed by an Area Administrator or Regional Administrator shall be performed by the Director or his agents; (c) 29 CFR 203.25(c) shall be deleted; (d) the duties, responsibilities, and authority allocated to the Assistant Secretary under Subpart B shall under these regulations be assumed by the Commission; (e) 29 CFR 204.73 shall be deleted; (f) the reference to the Council in 29 CFR 203.26 is amended to read "the Board of the Foreign Service;" and (g) the last phrase of 29 CFR 203.10(b) is revised to read "or arrangements may be made with the Commission to examine the transcript during normal working hours."

PART 805—CONSULTATION PROCEEDINGS

Sec.
- 805.1 Priority of consideration.
- 805.2 Who may file an application.
- 805.3 Action to be taken before filing an application with the Commission.
- 805.4 Contents of application and attachments.
- 805.5 Filing and service of copies.
- 805.6 Investigation of the application.
- 805.7 Action by the Commission.
- 805.8 Notice of hearing.
- 805.9 Contents of notice of hearing; attachments.
- 805.10 Hearing and posthearing procedures.
- 805.11 Compliance with a decision of the Commission.

AUTHORITY: The provisions of this Part 805 issued under sec. 5, E.O. 11636, 36 F.R. 24901.

§ 805.1 Priority of consideration.

Because of their importance to the effectuation of the purposes of the order, proceedings to determine whether an obligation to consult exists with respect to particular issues will ordinarily be given priority over all other matters before the Commission, except for proceedings involving complaints alleging a violation of section 13(a)(2) or section 13(b)(4) of the order, as specified in § 803.6(c) of this chapter. Decisions in such cases will be rendered as expeditiously as the orderly conduct of proceedings will permit.

§ 805.2 Who may file an application.

An application for a decision by the Commission concerning a question as to whether or not an obligation to consult exists under the order with respect to particular issues may be filed by a foreign affairs agency or a certified organization.

§ 805.3 Action to be taken before filing an application with the Commission.

Any application for a decision by the Commission as to whether or not an obligation to consult exists under the order with respect to particular issues, must be filed with the Commission by the party seeking consultation within thirty (30) days after an alleged denial of an obligation to consult by the other party.

§ 805.4 Contents of application and attachments.

(a) An application filed under this section shall contain the following:

(1) The name of the foreign affairs agency involved, its address, telephone number, and the person to contact and title, if known;

(2) The name, address, and telephone number of the certified organization;

(3) A clear and concise statement of the issues in dispute;

(4) A statement of any other procedures invoked involving the subject matter of the dispute and the results, if any;

(5) A declaration by the person signing the application, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of that person's knowledge and belief, and the signature of the applicant or the applicant's representative, including title, address, and telephone number.

(b) The applicant shall furnish with the application, two (2) copies of the following: (1) A statement of any other relevant facts; and (2) all correspondence between the parties relating to the disputed issue(s), and may, in addition, file a memorandum or brief in support of its position.

§ 805.5 Filing and service of copies.

(a) An original and four (4) copies of an application, including two (2) copies of all attachments, shall be filed with the Commission.

(b) Simultaneously with the filing of an application, a copy of the application and all materials submitted therewith shall be served on the other party, and a written statement of such service shall be filed with the Commission.

§ 805.6 Investigation of the application.

(a) After the application has been filed, the other party shall file two (2) copies of a response with the Commission within fifteen (15) days following the service of a copy of the application, unless an extension of time has been granted by the Commission. The other party may file with its response a memorandum or brief in support of its position.

(b) The response shall cover any matter which is relevant to the application and shall include any supporting evidence on the issue(s) raised by the application and the attachments thereto. A copy of such response and all material submitted therewith shall be served simultaneously on the other party and a written statement of such service shall be filed with the Commission.

(c) Upon the filing of an application, the Commission shall cause such additional investigation to be made as it deems necessary.

(d) The parties shall, whenever possible, submit to the Commission a stipulation of facts together with their request for a decision by the Commission without a hearing.

§ 805.7 Action by the Commission.

(a) The Commission shall take appropriate measures which may consist of:

(1) Approval of a request for withdrawal of the application; or

(2) Dismissal of the application if it determines that the application has not been timely filed or otherwise is not actionable; or

(3) Issuance of a report and findings on the questions involved, on the basis of the material before it, including information obtained from oral argument, if requested by the Commission.

(b) The Commission may, in addition to, or in lieu of, the actions described in paragraph (a) of this section, issue a notice of hearing as provided by § 805.8.

§ 805.8 Notice of hearing.

The Commission may cause a notice of hearing to be issued providing for a hearing before a Hearing Examiner if, at any time after the filing of an application, it finds that the issues cannot otherwise be resolved.

§ 805.9 Contents of notice of hearing; attachments.

(a) The notice of hearing shall include:

(1) A statement of the time and place of the hearing, which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(2) A statement of the nature of the hearing;

(3) A statement of the authority and jurisdiction under which the hearing is to be held;

(4) A reference to the particular sections of the order and regulations involved.

(b) Attached to the notice of hearing shall be a copy of the application and attachments and the response(s) thereto.

(c) The attachments to the application referred to in § 805.4(b) and the responses thereto shall be furnished to the Hearing Examiner, but will not thereby become evidence, and any party wishing to rely upon anything contained therein must make an appropriate submission at the hearing.

§ 805.10 Hearing and posthearing procedures.

Hearing procedures shall be in accordance with §§ 803.10 through 803.20 with the exception of § 803.14 of this chapter. There shall be no burden of proof in hearings conducted under this part. The procedures after the close of the hearing shall be in accordance with §§ 803.18 through 803.24 with the exception of §§ 803.19 and 803.20 of this chapter. After considering the Hearing Examiner's report and recommendations and the record and any exceptions filed thereto; the Commission shall issue its decision affirming or reversing the Hearing Examiner, in whole or in part, or make any other disposition of the matter it deems appropriate.

§ 805.11 Compliance with a decision of the Commission.

(a) When a decision is made that an obligation to consult exists with respect to a particular issue or issues, the parties shall report to the Commission, within a specified period, that the required consultation is being undertaken.

(b) When the Commission finds that the consultation required pursuant to a decision of the Commission has not been effected, the Commission may refer the matter to the Board of the Foreign Service, or take such other action as appropriate.

PART 806—MISCELLANEOUS

Sec.
- 806.1 Computation of time for filing papers.
- 806.2 Additional time after service by mail.
- 806.3 Documents in a proceeding.
- 806.4 Service of pleading and other papers under this chapter.
- 806.5 Consolidation of cases.
- 806.6 Request for appearance of witnesses and production of documents at hearing.
- 806.7 Rules to be construed liberally.
- 806.8 Petitions for amendment of regulations.

AUTHORITY: The provisions of this Part 806 issued under secs. 5, 12, E.O. 11636, 36 F.R. 24901.

§ 806.1 Computation of time for filing papers.

(a) In computing any period of time prescribed by or allowed by these regulations, the date of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday. When the period of time prescribed, or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations. When these regulations require the filing of any paper, such document must be received by the Commission or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted.

(b) The Commission may, upon request, extend any period of time prescribed by or allowed by these regulations to take into account the effect of the occurrence of foreign holidays upon the adequacy of time period so prescribed or allowed.

§ 806.2 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to these regulations within a prescribed period after required service of a notice or other paper upon him and the notice or paper is served on him by mail, three (3) days in the case of domestic mail and seven (7) days in the case of international mail shall be added to the prescribed period: *Provided, however,* That such additional days shall not be added if any extension of time has been granted.

§ 806.3 Documents in a proceeding.

(a) *Title.* Documents in any proceeding under these regulations including correspondence shall show the title of the proceeding and the case number, if any.

(b) *Number of copies; form.* Except as provided in these regulations any documents or papers shall be filed with four (4) copies in addition to the original. All matters filed shall be printed, typed, or otherwise legibly duplicated; carbon copies of typewritten matter will be accepted if they are clearly legible.

(c) *Signature.* The original of each document required to be filed under these regulations shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party, and shall contain the address and telephone number of the person signing it.

§ 806.4 Service of pleading and other papers under this chapter.

(a) *Method of service.* Notices of hearing, decisions, orders, and other papers may be served personally or by registered or certified mail or by telegraph.

(b) *Upon whom served.* All papers, except as herein otherwise provided, shall be served upon all counsel of record and upon parties not represented by counsel or by their agents designated by them or by law and upon the Commission, or its designated officer, or agent or examiner, where appropriate. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Statement of service.* The party or person serving the papers or process shall submit simultaneously to the Commission or other designated representative, or to the individual conducting the proceeding, a written statement of such service; failure to file a statement of service shall not affect the validity of the service. Proof of service shall be required only if subsequent to the receipt of a statement of service a question is raised with respect to proper service.

§ 806.5 Consolidation of cases.

In any matter arising pursuant to these regulations, whenever it appears necessary in order to effectuate the purposes of the order or to avoid unnecessary costs or delays, the Commission may consolidate cases.

§ 806.6 Request for appearance of witnesses and production of documents at hearing.

(a) The Commission, Hearing Officers, or Hearing Examiners, as appropriate, upon their own motion, or upon motion of any parties to a proceeding, may issue a request for appearance of witnesses or request for production of documents at a hearing held pursuant to Parts 802, 803, and 805 of this chapter. When it is impracticable for a witness to appear personally at a hearing, the Commission, Hearing Officer, or Hearing Examiner, as appropriate, may provide for the taking of testimony by deposition in response to written or oral interrogatories.

(b) A party's motion to the Commission shall be in writing and filed with the Commission prior to the opening of a hearing or with a Hearing Officer or Hearing Examiner during the hearing, and shall name and identify the witness(es) or document(s) sought, or both, and state the reasons therefor. Simultaneously with the filing of a request with the Commission, copies shall be served on the other parties and a written statement of such service shall be filed with the Commission.

(c) Within five (5) days after service of the motion, a party may file its objection to the motion with the Commission and state its reasons therefor. Simultaneously with the filing of the objection with the Commission, copies shall be served on the other parties and a written statement of such service shall be filed with the Commission. The Commission may rule upon the motion or refer it to the Hearing Officer or Hearing Examiner for an appropriate ruling.

(d) Objections to a motion referred to or filed with a Hearing Officer or Hearing Examiner may be stated orally on the record.

(e) A motion shall be granted by the Commission, Hearing Officer, or Hearing Examiner, after careful consideration of any objections and upon determination that the testimony or documents appear(s) to be necessary to the matters under investigation and describe(s) with sufficient particularity the documents sought. Service of an approved request for appearance of witnesses or request for production of documents is the responsibility of the requesting party. Upon the failure of any party, or officer, or official, of any party to comply with such request(s), the Commission, Hearing Officer, or the Hearing Examiner, may disregard all related evidence offered by the party failing to comply or take such other action as may be appropriate.

(f) A denial of a motion shall be explained fully and it shall become a part of the hearing record.

§ 806.7 Rules to be construed liberally.

(a) The regulations in this chapter may be construed liberally to effectuate the purposes and provisions of the order.

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(b) When an act is required or allowed to be done at or within a specified time, the Commission may at any time order the period altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the order.

§ 806.8 Petitions for amendment of regulations.

Any interested person may petition the Commission in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

[FR Doc.72-5814 Filed 4-17-72;8:48 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Los Angeles	South Pasadena	I 06 037 3720 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Department of Public Works, 1414 Mission St., South Pasadena, CA 91030.	Apr. 14, 1972.
Connecticut	Hartford	Wethersfield				Do.
Illinois	Cook	Markham				Do.
Indiana	Lake	Griffith	I 18 089 1970 03 through I 18 089 1970 06	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Office of the Clerk Treasurer, Town of Griffith, 111 North Broad St., Griffith, IN 46319.	Do.
Minnesota	Isanti	Unincorporated areas.				Do.
Do	Scott	do				Do.
New Jersey	Cumberland	Maurice River Township.				Do.
Pennsylvania	Cumberland	Hampden Township.				Do.
Do	Crawford	West Mead Township.				Do.
Do	Montgomery	Whitpain Township.				Do.
Tennessee	Marion	South Pittsburg	I 47 115 2300 01	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219	City Hall, City of South Pittsburg, South Pittsburg, Tennessee 37380.	Do.
Vermont	Windsor	Windsor				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 10, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-5743 Filed 4-17-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Los Angeles	South Pasadena	H 06 037 3720 01	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Department of Public Works, 1414 Mission St., South Pasadena, CA 91030.	April 16, 1971.
Connecticut	Hartford	Wethersfield				Apr. 14, 1972.
Illinois	Cook	Markham				Do.
Indiana	Lake	Griffith	H 18 089 1970 03 through H 18 089 1970 06	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Office of the Clerk Treasurer, Town of Griffith, 111 North Broad St., Griffith, IN 46319.	Feb. 26, 1971.
Minnesota	Isanti	Unincorporated areas.				Apr. 14, 1972.
Do	Scott	do				Do.
New Jersey	Cumberland	Maurice River Township.				Do.
Pennsylvania	Cumberland	Hampden Township.				Do.
Do	Crawford	West Mead Township.				Do.
Do	Montgomery	Whitpain Township.				Do.
Tennessee	Marion	South Pittsburg	H 47 115 2300 01	Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	City Hall, City of South Pittsburg, South Pittsburg, Tennessee 37380.	July 10, 1971.
Vermont	Windsor	Windsor				Apr. 14, 1972.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 10, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-5744 Filed 4-17-72;8:45 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

Trademark Inter Partes Procedure

A proposal was published at 36 F.R. 18002 to revise, amend, redesignate, or revoke §§ 2.99, 2.104, 2.112, 2.117, 2.119, 2.120, 2.122-2.125, and 2.127-2.129 of the Rules of Practice in Trademark Cases. Pursuant to the notice, written comments have been received and a public hearing was held October 22, 1971. Full consideration has been given to all matter presented and changes in the text of the original proposal have been made in view thereof.

Amendments to the present text of the rules are described below. In cases where the amendment differs from that set forth in the notice of proposed rule making, that change is also described below.

Sections 2.104 and 2.112 are being revised by adopting language from the Federal rules requiring a short and plain statement showing how the party would be damaged. The proposal required a statement "tending to show why" the party would be damaged.

Section 2.117 is being redesignated as § 2.116 and is being revised to clarify the applicability of the Federal Rules of Civil Procedure to Patent Office proceedings.

A new § 2.117 authorizing suspension of proceedings by the Trademark Trial and Appeal Board when the parties are engaged in civil litigation which may be dispositive of the case, has been added. The new rule gives the Board discretion in matters of suspension whereas the proposed rule required a mandatory suspension.

Section 2.119 is being amended by incorporating the substance of § 1.248 in a new paragraph.

Section 2.120 is being revised to adopt the Federal Rules of Civil Procedure insofar as they are applicable to Patent Office proceedings. The numbers of the applicable Federal rules are not listed since they are incorporated by reference in § 2.120. For example, § 2.120(a)(3) as adopted does not refer to Federal Rule 32 which governs use of discovery depositions.

Section 2.120(a) sets forth restrictions on deposition procedures, discovery of a foreign party and use of discovery depositions.

Existing § 2.120(b) is being deleted and the proposed paragraph is not being adopted. Rule 36 of the Federal Rules of Civil Procedure will govern requests for admissions. A new paragraph (b) governing use of admissions and answers to interrogatories is being adopted.

Existing § 2.120 paragraphs (c) through (e) are being deleted.

Section 2.120(f) is also deleted and proposed § 2.120(c) is not being adopted. Rule 33 of the Federal Rules of Civil Procedure will govern the interrogatory practice. It is believed that the Federal rule will provide uniformity in practice and a body of law which will serve as a guideline to both attorneys and the Board. Some comments were received, however, which expressed a preference for limited interrogatories. In view of such comments, the Office plans to evaluate on a continuing basis the effective-

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ness and utilization of Federal Rule 33. If instances arise in which Rule 33 does not appear to be fully satisfactory, it may be that consideration will be given to a more limited practice.

A new § 2.120(c) entitled "Failure to Make Discovery: Sanctions" has been added.

Section 2.122(b) is being revised to state that before a pleaded registration will be received in evidence, two copies of the registration showing its status and title or an order for such copies must accompany the opposition or petition to cancel.

Section 2.123(c) relating to printed publications and official records, is being redesignated as § 2.122(c) and revised to incorporate § 1.282 (Patent Rule 282).

A new § 2.122(d) is being added and incorporates the substance of § 1.283 (Patent Rule 283).

Section 2.123 has been completely revised to incorporate the provisions of §§ 1.273–1.281, 1.285, and 1.286 (Patent Rules 273–281, 285, and 286). Portions of the Patent Rules which are not applicable to trademark practice have been omitted and in some instances the Federal Rules of Civil Procedure apply. A few changes have been made in this section as originally proposed; they are as follows:

The title of § 2.123 is being amended by inserting the word "trial" before "testimony."

Proposed § 2.123(e)(5) is being revised to permit a witness to sign a deposition before any officer authorized to administer oaths.

Proposed § 2.123(f)(5) is being deleted and § 2.123(f)(6) is being redesignated as § 2.123(f)(5).

Section 2.124(b) is being amended to require testimony by written questions to be prepared with each answer preceded by its corresponding question.

Section 2.124a is being revoked. Testimony in foreign countries will be covered in § 2.124(d) which provides that such testimony will be taken by depositions upon written questions.

Reference numbers in § 2.125 have been changed and the reference to "the original transcript" in the second sentence of paragraph (a) is being changed to read "the certified transcript."

Section 2.127(a) provides that the Trademark Trial and Appeal Board may treat a motion as conceded when a party fails to file a brief in opposition to the motion. Sections 2.127(b) and 2.129(c) are amended by adding a sentence requiring briefs in opposition to petitions for reconsideration to be filed within 15 days.

Section 2.128(b) includes certain changes with respect to the form required for briefs.

In consideration of the comments and pursuant to the authority contained in section 41 of the Act of July 5, 1946 (60 Stat. 440; 15 U.S.C. 1123) and section 6 of the Act of July 19, 1952 (66 Stat. 793, 35 U.S.C. 6), Part 2 of Chapter I of Title 37 of the Code of Federal Regulations is hereby amended as follows:

1. In § 2.99, a new paragraph (d) is added and reads as follows:

§ 2.99 Application to register as concurrent user.

* * * * *

(d) When concurrent registration is sought on the basis of a court determination of the rights of the parties to use the marks in commerce, the application shall be examined by the Examiner of Trademarks. If the applicant it entitled to registration subject only to the concurrent lawful use of a party to the court proceeding, the Examiner of Trademarks may publish or allow the application, provided the court decree specifies the rights of the parties.

2. Section 2.104 is revised to read as follows:

§ 2.104 Contents of opposition.

The opposition must set forth a short and plain statement showing how the opposer would be damaged by the registration of the opposed mark and state the grounds for opposition. A duplicate copy of the opposition including exhibits shall be filed.

3. Section 2.112 is revised to read as follows:

§ 2.112 Petition for cancellation.

The petition to cancel, which must be verified, or include a declaration in accordance with § 2.20, must set forth a short and plain statement showing how the petitioner is or will be damaged by the registration, state the grounds for cancellation, and indicate the respondent party to whom notice shall be sent. A duplicate copy of the petition, including exhibits, shall be filed with the petition. Applications to cancel different registrations owned by the same party may be joined in one petition when appropriate, but the fee for each application to cancel a registration must accompany the petition.

4. Section 2.117 is redesignated as § 2.116 and paragraph (a) is revised. As amended, § 2.116 reads as follows:

§ 2.116 Federal Rules of Civil Procedure.

(a) Except as otherwise provided, and wherever applicable and appropriate, procedure and practice in inter partes proceedings shall be governed by the Federal Rules of Civil Procedure.

* * * * *

5. A new § 2.117 is added and reads as follows:

§ 2.117 Suspension of proceedings.

Whenever it shall come to the attention of the Trademark Trial and Appeal Board that parties to a pending case are engaged in a civil action which may be dispositive of the case, proceedings before the Board may be suspended until termination of the civil action.

6. Section 2.119 is amended as follows: Paragraph (a) is revised, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added. As amended, § 2.119 reads as follows:

§ 2.119 Service of papers.

(a) Every paper filed in the Patent Office in inter partes cases, including notice of appeal, must be served upon the other parties except the notice of interference (§ 2.93), the notice of opposition (§ 2.105), the petition for cancellation (§ 2.113), and the notice of a concurrent use proceeding (§ 2.99), which are mailed by the Patent Office. Proof of such service must be made before the paper will be considered by the Office. A statement signed by the attorney or agent, attached to or appearing on the original paper when filed, clearly stating the date and manner in which service was made will be accepted as prima facie proof of service.

(b) Service of papers must be on the attorney or agent of the party if there be such or on the party if there is no attorney or agent, and may be made in either of the following ways: (1) By delivering a copy of the paper to the person served; (2) by leaving a copy at the usual place of business of the person served, with someone in his employment; (3) when the person served has no usual place of business, by leaving a copy at his residence, with a member of his family over 14 years of age and of discretion; (4) transmission by first-class mail, which may also be certified or registered. Whenever it shall be satisfactorily shown to the Commissioner that none of the above modes of obtaining service or serving the paper is practicable, service may be by notice published in the Official Gazette.

(c) When service is made by mail, the date of mailing will be considered the date of service. Whenever a party is required to take some action within a prescribed period after the service of a paper upon him by another party and the paper is served by mail, 5 days shall be added to the prescribed period.

7. Section 2.120 is revised to read as follows:

§ 2.120 Discovery procedure.

The provisions of the Federal Rules of Civil Procedure relating to discovery shall apply in inter partes trademark cases except as otherwise provided in this section. The trademark Trial and Appeal Board will specify the closing date for the taking of discovery.

(a) *Depositions for discovery*—(1) *Procedure.* The deposition of a person shall be taken in the Federal judical district where he resides or is regularly employed. The responsibility for securing the attendance of a proposed deponent, other than a party or anyone who at the time set for the taking of the deposition was an officer, director, or managing agent of a party, or a person designated under Rule 30(b)(6) or 31(a) of the Federal Rules of Civil Procedure to testify on behalf of a party, rests wholly with the interested party. See 35 U.S.C. 24.

(2) *Discovery of foreign party.* The discovery deposition of a party or an officer, director, or managing agent of a party, or a person designated under Rule 30(b)(6) or 31(a) of the Federal Rules of Procedure to testify on behalf of a party, domiciled in a foreign country may be taken in the manner prescribed by § 2.124.

(3) *Use of discovery depositions.* A discovery deposition shall not be considered as part of the record in the case unless the party offering the deposition, or any part thereof, files the same before the close of his testimony period (testimony-in-chief or rebutal as appropriate) and also files a notice of reliance thereon. A discovery deposition should not be filed in the Patent Office in the absence of a notice of reliance. Objections, including any made during the examination, will be considered only if made or renewed at the hearing.

(b) *Use of admission or answer to interrogatory.* No admission or answer to an interrogatory shall be considered as part of the record in the case unless the party propounding the request for admission or interrogatory files, before the close of his testimony period (testimony-in-chief or rebuttal, as appropriate), a copy of the admission and the request therefor and/or a copy of the interrogatory and its answer and also files a notice of reliance thereon.

(c) *Failure to make discovery: Sanctions.* If any party fails or refuses to answer any proper question in taking discovery depositions or fails or refuses to answer any proper question propounded by interrogatories or fails or refuses to comply with a request to produce and permit the inspection and copying of designated things, the party seeking discovery may apply to the Trademark Trial and Appeal Board for an order compelling discovery. If a party or an officer, director, or managing agent of a party, or a person designated under Rule 30(b)(6) or 31(a) of the Federal Rules of Civil Procedure to testify on behalf of a party, fails to obey an order to provide or permit discovery, the Trademark Trial and Appeal Board may strike out all or any part of any pleading of that party, dismiss the action or proceeding, or deny any part thereof, enter judgment as by default against that party or take any such other action as may be deemed appropriate.

8. In § 2.122, paragraph (b) is revised and new paragraphs (c) and (d) are added. As amended, those paragraphs of § 2.122 read as follows:

§ 2.122 Matters in evidence.

* * * * *

(b) A registration of the opposer or petitioner pleaded in an opposition or petition to cancel will be received in evidence and made part of the record if two copies showing status and title of the printed registration or an order for such copies accompany the opposition or petition.

(c) Printed publications, such as books and periodicals, available to the general public in libraries or of general circulation, and official records, if competent evidence and pertinent to the issue, may be introduced in evidence by filing in the Patent Office a notice to that effect during the period for the taking of the testimony of the party (during the period for taking of testimony-in-chief if such matters are not in rebuttal), specifying the record or the printed publication, the page or pages to be used, indicating generally its relevance, and accompanied by the record or authenticated copy or the printed publication or a copy. When a copy of an official record of the Patent Office is filed, it need not be a certified copy. The notice and copy of the record or publication must be served on each of the other parties.

(d) Upon motion duly made and granted, testimony taken in another proceeding, or testimony taken in a suit between the same parties or those in interest, may be used in a proceeding, so far as relevant and material, subject, however, to the right of any contesting party to recall or demand the recall of witnesses whose testimony has been taken, and to take other testimony in rebuttal of the testimony.

9. Section 2.123 is revised to read as follows:

§ 2.123 Trial testimony in inter partes cases.

(a) Manner of taking testimony: Testimony of witnesses in inter partes cases may be taken (1) by depositions upon oral examination as provided by this section, or (2) by depositions upon written questions in accordance with the requirements of this section and § 2.124.

(b) Stipulations: If the parties so stipulate in writing, depositions may be taken before any person authorized to administer oaths, at any place, upon any notice, and in any manner, and when so taken may be used like other depositions. By agreement of the parties, the testimony of any witness or witnesses of any party, may be submitted in the form of an affidavit by such witness or witnesses. The parties may stipulate what a particular witness would testify to if called, or the facts in the case of any party may be stipulated.

(c) Notice of examination of witnesses: Before the depositions of witnesses shall be taken by a party, due notice in writing shall be given to the opposing party or parties, as provided in § 2.119(b), of the time when and place where the depositions will be taken, of the cause or matter in which they are to be used, and the name and address of each witness to be examined; if the name of a witness is not known, a general description sufficient to identify him or the particular class or group to which he belongs, together with a satisfactory explanation, may be given instead. Neither party shall take depositions in more than one place at the same time, nor so nearly at the same time that reasonable opportunity for travel from one place of examination to the other is not available.

(d) Persons before whom depositions may be taken: Depositions may be taken before persons designated by Rule 28 of the Federal Rules of Civil Procedure.

(e) Examination of witnesses:

(1) Each witness before testifying shall be duly sworn according to law by the officer before whom his deposition is to be taken.

(2) The deposition shall be taken in answer to questions, with the questions and answers recorded in their regular order by the officer, or by some other person (who shall be subject to the provisions of Rule 28 of the Federal Rules of Civil Procedure) in the presence of the officer except when his presence is waived on the record by agreement of the parties. The testimony shall be taken stenographically and transcribed, unless the parties present agree otherwise. In the absence of all opposing parties and their attorneys or agents, depositions may be taken in longhand, typewriting, or stenographically.

(3) The opposing party shall have full opportunity to cross-examine the witnesses. If the opposing party shall attend the examination of witnesses not named in the notice, and shall either cross-examine such witnesses or fail to object to their examination, he shall be deemed to have waived his right to object to such examination for want of notice.

(4) All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections.

(5) When the deposition has been transcribed, the deposition shall be carefully read over by the witness or by the officer to him, and shall then be signed by the witness in the presence of any officer authorized to administer oaths unless the reading and the signature be waived on the record by agreement of all parties.

(f) Certification and filing by officer. The officer shall annex to the deposition his certificate showing:

(1) Due administration of the oath by the officer to the witness before the commencement of his deposition;

(2) The name of the person by whom the deposition was taken down, and whether, if not taken down by the officer, it was taken down in his presence;

(3) The presence or absence of the adverse party;

(4) The place, day, and hour of commencing and taking the deposition;

(5) The fact that the officer was not disqualified as specified in Rule 28 of the Federal Rules of Civil Procedure.

If any of the foregoing requirements are waived, the certificate shall so state. The officer shall sign the certificate and affix thereto his seal of office, if he has such a seal. Unless waived on the record by agreement, he shall then, without delay, securely seal in an envelope all the evidence, notices, and paper exhibits, inscribe upon the envelope a certificate

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giving the number and title of the case, the name of each witness, and the date of sealing, address the package, and forward the same to the Commissioner of Patents. If the weight or bulk of an exhibit shall exclude it from the envelope, it shall, unless waived on the record by agreement of all parties, be authenticated by the officer and transmitted in a separate package marked and addressed as provided in this section.

(g) Form of deposition:

(1) The pages of each deposition must be numbered consecutively, and the name of the witness plainly and conspicuously written at the top of each page. The deposition may be written on legal-size or letter-size paper, with a wide margin on the left hand side of the page, and with the writing on one side only of the sheet. The questions propounded to each witness must be consecutively numbered and each question must be followed by its answer.

(2) Exhibits must be numbered or lettered consecutively and each must be marked with the number and title of the case and the name of the party offering the exhibit. Entry and consideration may be refused to improperly marked exhibits.

(h) Depositions must be filed. All depositions which are taken must be duly filed in the Patent Office. On refusal to file, the Office at its discretion will not further hear or consider the contestant with whom the refusal lies; and the Office may, at its discretion, receive and consider a copy of the withheld deposition, attested by such evidence as is procurable.

(i) Inspection of depositions: After the depositions are filed in the Office, they may be inspected by any party to the case, but they cannot be withdrawn for the purpose of printing. They may be printed by someone specially designated by the Office for that purpose, under proper restrictions.

(j) Effect of errors and irregularities in depositions: Notice will not be taken of merely formal or technical objections which shall not appear to have wrought a substantial injury to the party raising them; and in case of such injury it must be made to appear that, as soon the party became aware of the ground of objection, he gave notice thereof. Rule 32(d) (1), (2), and (3) (a) and (b) of the Federal Rules of Civil Procedure shall apply to errors and irregularities in depositions.

(k) Objections to admissibility: Subject to the provisions of paragraph (j) of this section, objection may be made to receiving in evidence any deposition or part thereof, or any other evidence, for any reason which would require the exclusion of the evidence according to the established rules of evidence, which will be applied strictly by the Office.

(l) Evidence not considered: Evidence not obtained and filed in compliance with these sections will not be considered.

10. In § 2.124, paragraphs (a) and (b) are revised and a new paragraph (d) is added. As amended, § 2.124 reads as follows:

§ 2.124 Testimony by depositions upon written questions.

(a) A party may take the testimony of a witness by written questions to be propounded by an officer before whom depositions may be taken. See Rule 28 of the Federal Rules of Civil Procedure. The questions shall be served upon the other party within 10 days after the opening date set for taking the testimony of the party submitting the questions, together with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom the deposition is to be taken. Within 10 days thereafter, a party so served may serve cross questions upon the party proposing to take the deposition. Within 5 days thereafter, the latter may serve redirect questions upon a party who has served cross questions. Within 3 days after being served with redirect questions a party may serve recross questions upon the party proposing to take the depositions. Written objections to questions may be served on the party propounding the questions, and in response thereto substitute questions may be served, within 3 days.

(b) A copy of the notice and copies of all questions served shall be delivered by the party taking the testimony to the officer designated in the notice, who shall proceed to take the testimony of the witness in response to the questions and to prepare each answer immediately preceded by its corresponding question, then certify, and file the deposition, attaching thereto the copy of the notice and the questions received by him. Such depositions are subject to the same rulings for filing and serving copies as other depositions.

* * * * *

(d) Testimony in foreign countries shall be taken only by depositions upon written questions unless the parties stipulate otherwise in writing. Rule 28(b) of the Federal Rules of Civil Procedure shall apply to the taking of testimony in foreign countries.

§ 2.124a [Revoked]

11. Section 2.124a is revoked.

12. Section 2.125 is revised to read as follows:

§ 2.125 Copies of testimony.

(a) One copy of the transcript of testimony (taken in accordance with § 2.123 (e) through (h) or § 2.124), together with copies of documentary exhibits, shall be served on each adverse party within 30 days after completion of the taking of such testimony. The certified transcript and exhibits and one copy of the transcript shall be filed in the Patent Office as promptly as possible.

(b) Each transcript and the copies thereof shall comply with § 2.123(g) as to arrangement, indexing and form.

13. In § 2.127, paragraphs (a) and (b) are revised. As amended, § 2.127 reads as follows:

§ 2.127 Motions.

(a) Motions shall be made in writing and shall contain a full statement of the grounds therefor. Any brief or memorandum in support of a motion shall accompany or be embodied in the motion. Briefs in opposition to a motion shall be filed within 15 days from the date of service of the motion unless another time is specified by the Trademark Trial and Appeal Board or the time is extended on request. Where a party fails to file a brief in opposition to a motion, the Trademark Trial and Appeal Board may treat the motion as conceded. Oral hearings will not be held on motions except on order of the Trademark Trial and Appeal Board.

(b) Any petition for reconsideration or modification of a decision, if it is not appealable, must be filed within 10 days after the decision or, if the decision is appealable, within the time specified in § 2.129(c). Any brief in opposition shall be filed within 15 days after service of the petition.

* * * * *

14. In § 2.128, paragraph (b) is revised. As amended, § 2.128 reads as follows:

§ 2.128 Final hearings and briefs.

(b) Briefs shall be submitted in typewritten or printed form, double spaced on letter or legal size paper. Without leave of the Trademark Trial and Appeal Board, no brief shall contain more than 50 pages of argument and, in case of the reply brief, the entire brief shall not exceed 25 pages. Each brief shall contain an alphabetical index of cases therein.

* * * * *

15. In § 2.129, paragraph (c) is revised. As amended, § 2.129 reads as follows:

§ 2.129 Oral argument.

* * * * *

(c) Any petition for rehearing, reconsideration, or modification of a decision must be filed within 30 days from the date thereof. Any brief in opposition shall be filed within 15 days after service of the petition.

Effective date. This revision shall be applicable to all proceedings instituted on or after July 1, 1972.

Date: April 5, 1972.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved: April 11, 1972.

JAMES H. WAKELIN, JR.,
Assistant Secretary for Science and Technology.

[FR Doc.72-5830 Filed 4-17-72;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

Price Stabilization

The table of contents of Part 5A-1 is amended to add the following new entry:

Sec.
5A-1.321-8 Maximum permissible escalation in wage and price standards.

Subpart 5A-1.3—General Policies

1. Section 5A-1.321 is amended as follows:

§ 5A-1.321 Stabilization of prices, rents, wages, and salaries.

* * * * *

(c) Executive Order 11640, dated January 26, 1972, supersedes the prior orders described in (a) and (b), above, and provides for the confirmation and ratification of all orders, regulations, circulars, or other directives issued and all other actions taken pursuant to the prior orders, as if issued under Executive Order 11640.

(d) This section prescribes procedures for carrying out the purpose of the Executive Order and shall apply to all procurements of the Federal Supply Service.

2. Section 5A-1.321-1 is revised as follows:

§ 5A-1.321-1 Solicitations (IFB/RFP).

(a) The following price certification shall be included in all solicitations (invitations for bids and requests for proposals) and resulting contracts, excluding small purchases under $2,500 (see § 5A-1.321-1(b)).

PRICE CERTIFICATION

(a) By submission of this bid (offer), bidder (offeror) certifies that he is in compliance and will continue to comply with the requirements of Executive Order 11640, January 26, 1972, for the duration thereof and further certifies that the prices bid (offered) herein conform to the requirements of Executive Order 11640, January 26, 1972, or shall be reduced accordingly at the time of any billings that are made during the effective period of the Executive order.

(b) Prior to the payment of invoices under this contract, the Contractor shall place on or attach to each invoice submitted the following certification:

"I hereby certify that amounts invoiced herein do not exceed the lower of (i) the contract price, or (ii) maximum levels established in accordance with Executive Order 11640, January 26, 1972."

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

(b) The following price certification shall be included in all solicitations involving small purchases under $2,500 and in all purchase orders issued pursuant to small purchase procedures (Subpart 5A-8.6). When the solicitation is made by telephone, the offeror shall be advised of the above mandatory requirements to be included in any resulting contract or purchase order and that failure to accept will result in rejection of the offer (for purchases made with imprest funds see § 5A-1.321-6).

PRICE CERTIFICATION (SMALL PURCHASES)

(a) By submission of this offer, offeror certifies that he is in compliance and will continue to comply with the requirements of Executive Order 11640, January 26, 1972, for the duration thereof.

(b) Prior to payment of invoices under this contract, Contractor must place on or attach to each invoice submitted the following certification:

"I hereby certify that amounts invoiced herein do not exceed the lower of (i) the contract price, or (ii) maximum levels established in accordance with Executive Order 11640, January 26, 1972."

(c) Payments will not be made on invoices unless certification, as prescribed above, has been completed.

3. Section 5A-1.321-4 is revised as follows:

§ 5A-1.321-4 Violations.

Reported and suspected violations of Executive Order 11640, January 26, 1972, which are brought to the attention of contracting personnel, shall be reported through channels to the Commissioner, FSS.

4. Section 5A-1.321-6 is revised as follows:

§ 5A-1.321-6 Imprest funds.

Individuals authorized to place imprest fund orders shall not place such orders with concerns which are in known violation of Executive Order 11640, January 26, 1972. Further, such individuals shall report violations in accordance with § 5A-1.321-4.

5. Section 5A-1.321-8 is added as follows:

§ 5A-1.321-8 Maximum permissible escalation in wage and price standards.

(a) Contracting officers shall provide for an appropriate notice to be included with all solicitations or contract awards which exceed $2,500 to insure that contractors are familiar with the guidelines established by the Pay Board and the Price Commission regarding maximum escalation permitted in wage rates and in price increases, as follows:

NOTICE OF MAXIMUM PERMISSIBLE ESCALATION IN WAGE AND PRICE STANDARDS

Bidders are advised of standards established under Executive Orders 11615, 11627, and 11640 setting maximum permissible percentages of escalation in wage rates and price increases. Such standards call for wage rate increases of no more than 5.5 percent per annum unless specific exceptions have been granted by the Pay Board. The price standard established by the Price Commission has the objective of holding economywide price increases to 2.5 percent per annum (3 percent per annum in the case of small business firms). To achieve this target, firms are allowed to increase prices to reflect allowable costs incurred since the last price increase or since January 1, 1971, whichever was later, and such costs as firms are continuing to incur, adjusted to reflect productivity gains. These price increases may not result in profit margins on sales which exceed the firm's profit margins for the highest 2 of the last 3 fiscal years ending before August 15, 1971. Average productivity gains are estimated to be 3 percent or higher for the economy annually for 1972 and 1973.

(b) In the evaluation of cost or pricing data, submitted in support of the pricing of contracts, contracting officers shall not recognize any amounts for annual aggregate pay increases in excess of 5.5 percent unless the prospective contractor can demonstrate that such increases have been allowed by the Pay Board. Lesser amounts should be negotiated to the extent practicable.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER (4-18-72).

Dated: April 3, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72-5852 Filed 4-17-72;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16979; FCC 72-288]

PART 0—COMMISSION ORGANIZATION

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Interdependence of Computer and Communication Services and Facilities

Memorandum opinion and order. In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities, Docket No. 16979.

1. We have before us petitions for reconsideration of our final decision and order herein (36 F.R. 5345), released March 18, 1971, 28 FCC 2d 267, together with numerous pleadings in response thereto.

2. Petitions for reconsideration were filed on various dates in April 1971, by the Western Union Telegraph Co.; International Telephone & Telegraph Co.; Bunker Ramo Corp.; Continental Telephone Co.; RCA Global Communications, Inc., First National Bank, San Angelo, Tex.; West Side National Bank, San Angelo, Tex.; Texas State Bank, San Angelo, Tex.; Wabash Data Services, Inc., Wabash, Ind.; Ligonier Telephone Co., Inc., Ligonier, Ind.; Florida Analytical Services, Winter Park, Fla.; the First National Bank of Pennsylvania, Erie, Pa.; Housing Service Center, Erie, Pa.; Columbia Service Bureau, Inc., Columbia, Mo.; and J. K. Hoover, Inc., Professional Data Services, Cedar Rapids, Iowa.

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3. We also have before us various oppositions and responses to the aforementioned petitions for reconsideration and other supplementary pleadings which were filed in April and May, 1971, by Bunker Ramo Corp.; Business Equipment Manufacturers' Association; Computer Time-Sharing Services Section (CTSS) of the Association of Data Processing Service Organizations, Inc. (ADAPSO); the Western Union Telegraph Co.; International Telephone & Telegraph Co.; Mankato Citizens Telephone Co., Mankato, Minn.; the New Ulm Rural Telephone Co., New Ulm, Minn.; the Blue Earth Valley Telephone Co., Blue Earth, Minn.; the Eckles Telephone Co., Blue Earth, Minn.; Computoservice, Inc., Mankato, Minn.; and GTE Data Services, Inc.[1]

QUESTIONS PRESENTED

4. The principal questions raised by the petitions for reconsideration may be stated as follows:

a. Did the Commission err in deciding not to impose a complete bar on communications common carriers engaging directly or indirectly in data processing services?

b. Assuming that the Commission was correct in permitting communications common carriers to engage in data processing services through separate entities, were the safeguards imposed thereon to prevent anticompetitive, discriminatory, and cross-subsidization practices, too rigid or not rigid enough?

c. Does the Commission have sufficient jurisdiction and statutory authority to take the action it has taken?

CONTENTIONS OF PETITIONERS

5. In its petition the Bunker Ramo Corp. (Bunker Ramo) contends that we have not set forth specifically our rationale for permitting carriers entry into data processing services and that the enforcement of the safeguards we have imposed will generate an unforeseen regulatory burden on the Commission.

6. The Western Union Telegraph Co. (WU) contends that the safeguards we have imposed are to rigid and unfair to the carriers, referring particularly to the requirement that a carrier may not purchase data processing services from an affiliate that also wants to sell to others, the restrictions on the use of a carrier's name or symbol in the data processing company's promotional activities or enterprises, and to the requirements that carriers submit information to the Commission concerning proposed hybrid data processing and hybrid communications offerings of itself and its affiliated companies.

7. International Telephone & Telegraph Co. (ITT) contends that it will lose a valuable property right and goodwill attached thereto if it cannot use "ITT" in the name of both its communications subsidiary (i.e. ITT World Communications, Inc.) and its separate data processing division (ITT Data Services).

8. RCA Global Communications, Inc. (RCA), urges us to clarify or amend our decision so that (a) a carrier may directly (without using separate corporate entities) furnish data processing services, on a cost-sharing basis, to its carrier affiliates "and to other communications entities" in connection with intercarrier arrangements and traffic, (b) a computer system or systems utilized by a carrier for communications purposes (e.g. message switching) may also be used for "in-house" purposes that are unrelated to furnishing of communications services, and (c) a carrier's parent corporation such as RCA Corp., which employs computers for its own internal operations, may continue to make available to others, during off-peak hours, spare capacity from these computers.

9. Continental Telephone Corp. (Continental), is a holding company. It contends that all but eight of the 86 operating telephone companies owned by Continental are "connecting carriers" as defined in section 2(b)(2) of the Act and that these carriers are therefore not subject to the Commission's jurisdiction; that "local" data processing does not involve the use of communications facilities and is thus not subject to our jurisdiction; that "remote access" data processing by the use of communications facilities located physically within the same State is intrastate in nature and thus not subject to Commission jurisdiction under section 2(b)(1) of the Act; and that "remote access" data processing by the use of communications facilities that cross State lines is performed, in the case of Continental companies, only through physical connection with unaffiliated carriers and thus such activity is not subject to the Commission's jurisdiction under section 2(b)(2) of the Act. Furthermore, Continental contends that the Commission's attempt to regulate it, as the parent corporation, is improper since it is not an operating telephone company and the Act authorizes the Commission to regulate only common carriers. Moreover, Continental argues that the Commission does not have primary jurisdiction in antitrust matters and thus cannot adopt regulations for the purpose of preserving competition; that the record in this proceeding is devoid of any present or prospective abuses by telephone companies furnishing data processing services; and that any form of cross-subsidization or anticompetitive action by telephone companies would be prevented by State regulatory commissions in the States where the Continental companies operate.

10. Continental further contends that the rules we have adopted will seriously injure the Continental companies in that they will not be able to create a data processing affiliate that can provide service to both the operating telephone companies of Continental and to the nontelephone, noncommunications subsidiaries of Continental (e.g., the manufacturing affiliate); they will not be able to create a data processing affiliate that can provide service both to the general public and to the affiliated operating telephone companies; they will not be able to obtain all economies of scale flowing from the sharing by affiliates of the same computer facilities, operating personnel, officers, and records; they will have to make reports and submit information to the Commission that will not be required of unregulated data processing services; they will not be able to lease their communications computers during off-peak hours; they will not be able to make full use of the valuable property right in the words or symbols contained in the names of the operating telephone companies; and they will not be able to promote the sales or activities of the data processing affiliate. Continental urges us to vacate and annul our decision in its entirety and adopt a case-by-case approach for the reason that "if, and when, any particular carrier subject to the Commission's jurisdiction engages in any wrongful activity, the Commission or one of its sister agencies can act under its existing authority."

11. The remaining petitions for reconsideration were submitted by banks, data service bureaus, and other customers who presently use or propose to use the data processing services pro- (GTEDS). These petitioners contend that our decision and rules deprive them of the opportunity to obtain "local" data processing services that are essential to their businesses because GTEDS, a carrier-related data processor, would not be permitted to provide data processing services to them and its carrier affiliates. The contention is made that a shift by these petitioners to new or alternative data processing services would be costly, inefficient and a hardship on petitioners. Accordingly, they urge us to reconsider that part of our decision that prevents a carrier-related data processor from providing "local" data processing services to both the general public and carrier affiliates.

RESPONSES TO PETITIONS FOR RECONSIDERATION

12. Following the receipt of the above-described petitions for reconsideration, oppositions were submitted by the Computer Time-Sharing Services Section of the Association of Data Processing Service Organizations, Inc. (ADAPSO), Business Equipment Manufacturers Association (BEMA), and Bunker Ramo.

13. ADAPSO, which filed no petition for reconsideration, opposes the petitions of ITT and Western Union and contends that the relief requested by these carriers would lead to deterioration in communications service, cross-subsidization, and unfair competitive practices. Bunker Ramo objects to the petitions of Western Union, ITT, and Continental and reiterates its earlier position that there should be total preclusion of carrier participation, directly or indirectly, in data processing services.

14. BEMA opposes the petitions of ITT and Western Union on the grounds that these petitions merely restate earlier arguments and contentions that were carefully considered and rejected by the Commission and that there is therefore no basis for reconsideration, citing our decision in "WWIZ, Inc.," 3 RR 316 (1964), among others. BEMA also contends that Western Union should not be heard to complain that carrier-related data processors would be required to submit certain reports to the Commission that would not be required of other data processors. BEMA asserts that Western Union is the holder of a monopoly franchise which gives Western Union and other carriers a competitive leverage not enjoyed by noncarrier affiliated data processing companies and should expect to be required to submit such reports.

15. In addition to the aforementioned oppositions addressed specifically to the petitions for reconsideration, a number of other pleadings were submitted. ITT filed a reply to the opposition of ADAPSO and repeated ITT's contention that it should be permitted to continue to use "ITT" in the names of both its communications and data companies. Western Union filed a general response to earlier pleadings which it does not specifically identify. In its further pleading, Western Union restates its earlier arguments that the safeguards we imposed for carriers and carrier-related data processors are too rigid. In addition, Western Union contends, for the first time, that the Commission lacks power to impose any restraints whatsoever on the conduct of a carrier's noncommunications business unless there is a showing of actual or potential abuse; that such a showing is lacking in the record of this proceeding; and that the Commission lacks power to regulate transactions between carriers and their noncarrier affiliates. The company requests oral argument before the Commission on the jurisdictional contentions made by it. Bunker Ramo also filed another pleading by way of reply to the aforementioned general response of Western Union in which Bunker Ramo makes certain contentions about a pending formal complaint that it has filed against Western Union alleging, inter alia, certain discriminatory actions by the carrier and requesting monetary damages. This complaint is currently in hearing status in Docket No. 19206.

16. GTEDS filed a statement in support of the petitions for reconsideration that were filed by banks and others who are currently using or propose to use the "local" data processing services of GTEDS. Although the pleading does not identify the intercorporate relationship of GTEDS to telephone carriers, we take official notice that it is a data processing affiliate of the General Telephone System, the largest non-Bell telephone system in the United States. GTEDS asserts that its data centers are generally located where no other reasonable source of data processing services is available to the petitioners; that such petitioners will be faced with the decision of returning to manual methods, using in-house systems, or converting their operations and rewriting programs to fit the equipment of another supplier, if one is available; that some service bureaus leasing block time from GTEDS may be forced out of business; that the allocation of costs of computers or computer system between communications usage, on the one hand, and "local" data processing usage, on the other hand, would be fairly simple and the potential for cross-subsidization and other improprieties would be negligible; and that GTEDS or its affiliate carriers ought to be able to provide data processing services to unaffiliated telephone companies. GTEDS filed no petition for reconsideration. Nevertheless, it urges us to modify our decision to at least allow carriers or carrier-related affiliates to provide "local" data processing to both the public and carrier affiliates, and to allow carriers or carrier-related affiliates to furnish all kinds of data processing services to both nonaffiliated telephone companies and carrier affiliates.

17. The Mankato Citizens Telephone Co., New Ulm Rural Telephone Co., Blue Earth Valley Telephone Co., Eckles Telephone Co., and Computoservice, Inc. filed a joint pleading in which they assert that they have formed a data processing service company, named Computoservice, Inc. (CSI), which provides data processing service to small telephone companies and to other businesses as well. These petitioners specifically oppose the petition for reconsideration filed by Bunker Ramo. Although this joint petition does not object to any part of our decision or rules, it is assumed that the companies object to our decision to the extent that it would bar their carrier-related data processing affiliate (Computoservice, Inc.) from providing data processing services to both the affiliated carriers and the public.

DISCUSSION

18. We discuss first the contention of Bunker Ramo that our decision does not set forth our rationale for concluding that communications common carriers should be permitted to engage in data processing.

19. We believe that Bunker Ramo's objection stems primarily from its apparent failure to recognize that our earlier tentative decision, with modifications, was adopted as a part of our final decision and that the two documents must be read together. In our tentative decision, we started off with the proposition that "In this country we rely upon the 'free enterprise' system with the maximum possible latitude for individual initiative to enter into any given enterprise and compete for available business" (paragraph 19); that "the offering of data processing services is essentially competitive" (paragraph 20); and that "the market for these services will continue to burgeon and flourish best in the existing competitive environment" (paragraph 22). We further found that, except with respect to the Bell System, there is no provision of law that prohibits or bars a carrier from engaging in any nonregulated service and that many carriers do, in fact, provide such services (paragraphs 24, 27). We alluded to the SRI study that set forth the possible benefits from permitting carriers to enter into data processing (paragraph 31) and we concluded that "the additional competitive services provided by carrier participation in data processing can and should, with the specific safeguards, promote innovation, efficiency, economy, and diversity with resulting new and improved services at lower prices to the users of data processing" (paragraph 33).

20. In paragraph 11 of our final decision, we specifically reaffirmed our tentative decision in the foregoing respects and concluded that there was no basis for us to adopt an outright prohibition against carriers providing data processing services directly or indirectly.

We stated that it would be an extreme sanction that would be contrary to our established policy of generally permitting carriers to engage in nonregulated business, subject to safeguard; and that we expected that the "competition afforded by carriers in the provision of computer services could and would provide benefits in such matters as new and improved services and lower prices." Finally, we concluded that "we cannot find the necessary social, economic, or policy considerations which would require or even justify an outright prohibition against the furnishing of data processing services by common carriers."

21. Bunker Ramo argues further that total preclusion of carriers from data processing is the best practical alternative for the Commission to follow to achieve the objective of preventing cross-subsidization, discrimination, and anti-competitive practices by carriers. The reasons given are that, in order to make the safeguards work, the Commission must maintain a staff and related resource adequate to monitor the activities of the carriers and their data affiliates to assure that they abide by the safeguard rules and that they do not in fact engage in such improper practices; that the Commission does not now have and isn't likely to have the resources necessary to do the job adequately; and that total preclusion of the carriers from data processing would remove the necessity for any safeguard rules or for the enforcement thereof. Thus, for example, it is contended that a carrier could deny service to such competitors or extend other forms of preferential treatment to the carrier's affiliate and, although such actions would be unlawful, the remedies under the Act for such unlawful actions are allegedly inadequate. We gave careful consideration to this argument in our final decision, and stated, inter alia, that we expect the carriers to live up to the spirit as well as the letter of their obligations and that we would take prompt action should we find our confidence in this regard misplaced (paragraphs 21–22).

[1] Additional pleadings pending before us have also been considered herein to the extent relevant and material but will be disposed of by separate order in due course. They are Comsat's petition for clarification and waiver, filed July 9, 1971; CTED's request for official notice filed Sept. 24, 1971, and oppositions thereto filed by Bunker Ramo Corp. and CTSS; and GT&E Corp.'s request for interpretation and contingent request for reconsideration, filed Oct. 19, 1971.

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Contrary to Bunker Ramo's assertion, we are convinced that the various provisions in the Act for forfeitures, sanctions, penalties, and other remedies are quite adequate to assure that the carriers will conform to the requirements of the Act in providing communications service to the public. Accordingly, we reject the contentions that the safeguards we are imposing should be made more rigid. Our conclusion is that these safeguards are adequate and that they will afford reasonable assurance for the immediately foreseeable future that the provision of data processing services by carriers will neither adversely affect the statutory obligation of such carriers to provide adequate communications service under terms and conditions that are just and reasonable and free of undue discrimination or preference, nor impair effective competition in the sale of data processing services. Moreover, we make it clear in our final decision that we shall be prepared to make an changes in our rules and take such action as may be necessary or desirable if we find that the safeguards are not achieving the aforesaid public interest objectives.

22. In view of the foregoing, it appears to us that Bunker Ramo's argument, in substance and effect, is that it should be sheltered by the Commission from any competition whatsoever from carrier-related data processing rivals. We believe that Bunker Ramo is urging an untenable position that would be clearly anticompetitive and contrary to the public interest, particularly in view of the numerous safeguards we are imposing to protect companies like Bunker Ramo from any substantial danger of improper competitive actions by common carriers.

23. As heretofore stated, parties other than Bunker Ramo that submitted petitions for reconsideration, contend that the specific safeguards we have imposed, are, in one or more respects, too stringent. These parties are Western Union, ITT, RCA, Continental, and the aforementioned customers of GTEDS. We have summarized all of these various contentions in preceding paragraphs 6–10 hereof. Numerous comments were also filed in opposition to or in support of these contentions and these are also summarized in preceding paragraphs 16–17 hereof. Most of these objections and comments thereon are addressed to the merits of the specific safeguards that we proposed in our tentative decision, and as to which all interested parties had ample opportunity to submit comments thereon and on which oral argument was held en banc before the Commission. Thus, insofar as the petitions herein are directed to the safeguards proposed in our tentative decision, we are of the view that they are repetitious and that the parties have offered nothing new in the way of factual matter or other consideration to warrant additional or further discussion by the Commission. We carefully considered all of these contentions and gave our reasons for adopting the aforementioned safeguards in our tentative and final decisions. Accordingly, reconsideration thereof will be denied. "WWIZ, Inc." 3 RR 2d 316 (1964). However, there are certain contentions made by the petitions for reconsideration that warrant further discussion by us and these relate to the actions we took in our final decision to extend the safeguards we originally proposed in our tentative decision.

24. In our Tentative Decision we proposed to prohibit a carrier from engaging in the sale or promotion of data processing activities of its data processing affiliate (paragraph 36; § 64.702 (b)(3)). We considered this to be an essential ingredient of our regulatory scheme of "maximum separation of activities which are subject to regulation from nonregulated activities involving data processing" (paragraph 35). In our Final Decision we agreed with the reasoning of several parties that this particular restriction should be made more effective by making it clear that it would be impermissible for a data affiliate to use in its name any of the carrier's name or symbol (see paragraph 18). In their petitions for reconsideration, Western Union, ITT, and Continental object to this particular expansion of our earlier proposed rule. However, none of these parties raise any objections to the basic requirement, proposed in our Tentative Decision, that a carrier shall not engage in the sale or promotion of the services of its data affiliate. We find this to be somewhat inconsistent. We think it clear that the use of a carrier's name or symbol in the name of a data affiliate could negate the objectives of our basic rule and would result in the carrier indirectly promoting the services of its data affiliates. The arguments made by the carriers bear this out because they stress the great value and goodwill in the carrier's name or symbol which will be lost to and not available to the data affiliate under our rule. We are of the opinion that we should adhere to our expanded requirement for the reasons stated above and in our Final Decision (see paragraph 18). We shall therefore reject the requests that we reconsider and delete this requirement.

25. As we made clear in our Tentative Decision, the objectives of our "maximum separation" safeguard rules are to assure that we, as well as State regulatory agencies, could discharge our regulatory responsibilities with respect to maintaining adequate and efficient communications services at reasonable and nondiscriminatory rates and practices, and that foreseeable anticompetitive carrier practices could be prevented without the necessity of taking corrective measures that might otherwise be called for (paragraphs 35–37). Accordingly, we gave careful consideration to the contentions of several parties commenting on our Tentative Decision that we could not achieve these objectives unless we made it clear that carrier-related data affiliates should not provide data processing services both to their related carriers and to others. We agreed with these contentions in our Final Decision as a logical and necessary extension of our "maximum separation" safeguards and adopted § 64.702(c)(5) which would prohibit such transactions (paragraphs 19 and 20).

26. Western Union, Continental, and GTEDS' customers request our reconsideration of the aforementioned safeguard rule prohibiting carriers from obtaining data processing services from data affiliates and providing service to others. ITT and RCA raise no objection thereto. Western Union asserts that our action in this regard imposes on a carrier's data affiliate a competitively inferior status; that unregulated companies and regulated utilities other than communications carriers, may purchase at will from their data affiliates; and that a larger market is made available to unrelated data processing companies to the unfair competitive disadvantage of carrier-related data companies. Continental states that the rule would not affect their present operation but that their operating telephone companies should have an option in the future, if desirable, to purchase data processing from their affiliated data processing company (Continental Data Services Corp.) which sells data processing service to the public. At present, the Continental telephone companies obtain all of their "in-house" data processing services from another data processing affiliate (Continental Telephone Service Corp.), which does not sell data processing service to the public. Continental contends that there is no reason why its carriers should not be able, if they wish, to buy data processing services from the same affiliate that also sells to the public. It makes essentially the same argument as Western Union and relies upon the dissenting statement of the three Commissioners. The customers of GTEDS (supported by a subsequent pleading filed by GTEDS) assert that they will not be able to obtain "local" data processing service from GTEDS "so long as GTEDS continues to provide data processing services to its telephone affiliate." They state that it will be difficult and costly for them to shift to other data processing services. Thus, both GTEDS and their customers object to the extension of our safeguard rules that prevent a carrier from purchasing data processing services from a data affiliate that also sells to others. Finally, as heretofore stated, the four non-Bell System telephone companies (Mankato Citizens Telephone Co. et al.) who have formed Computoservice, Inc., indicate by their pleading herein that they wish to continue to be able, through their data affiliate, to provide data processing service to both the owner companies and to the public.

27. All of the aforementioned contentions advanced by Western Union, Continental, GTEDS, customers of GTEDS, and Mankato, et al. in opposition to § 64.702(5) were carefully considered by the Commission before it took action. The essence of all of these arguments was clearly articulated in the opinion of the three Commissioners dissenting from our final decision. Nothing new has been added by petitioners to warrant any

change in our conclusion that adoption of this expanded requirement is a natural, logical, and necessary amplification of our rules if we are effectively to implement "maximum separation." Moreover, the pleadings that have been submitted by GTEDS and its customers lend added support to the correctness of our action in adopting § 64.702(5) for reasons which we shall state.

28. One of our concerns in adopting our "maximum separation" is that there be no adverse effect of carrier entry on competition in the data processing market. Both GTEDS and its customers contend that currently there are no other "reasonable" alternative data processing sources for customers of GTEDS to turn to if GTEDS is required to comply with our rule by limiting its service exclusively to the operating telephone companies of the General Telephone System. If these statements are correct, serious and substantial questions are raised as to whether the General Telephone System may not have already achieved a dominant position in the data processing markets or submarkets now being served by GTEDS with adverse consequences on the competitiveness of such markets.

29. As heretofore stated the General Telephone System is the largest telephone system in the United States, outside of the Bell System. The parent corporation, General Telephone & Electronics Corp. (GTE) is a holding company which owns and controls a number of telephone, manufacturing, research, directory, and service companies with operations in 39 States and 18 foreign countries. GTEDS is a wholly owned subsidiary of GTE. At the end of 1970, GTE had total assets of $7.7 billion, including net property, plant and equipment of $6.1 billion. Gross telephone plant (before deduction of depreciation reserve of $1.2 billion) amounted to $7 billion. Gross investment in manufacturing facilities totalled $702 million before accumulated depreciation of $337 million. The telephone operations of GTE produced revenues in 1970 totaling $1.7 billion and net income of $166 million. Manufacturing operations reported sales of $1.7 billion and net income of $70 million. Consolidated revenues and sales of GTE amounted to $3.4 billion with consolidated income of $205 million. In the United States, accordingly to "Forbes" (May 15, 1971), GTE ranked 23d in terms of assets at the end of 1970, for the year 1970, 26th in terms of sales and revenues and 18th in terms of net income.

30. The nationwide computer system of GTEDS consists of large-scale computers located at approximately 13 regional centers throughout the United States. Typical of these installations is the one at San Angelo, Tex. In its pleading, GTEDS describes the situation at San Angelo as follows:

> Specifically, the GTEDS data center in San Angelo, Tex., is the only sizeable EDP operation in a 100-mile radius. There are only two (2) service bureaus in that area and they operate with a 1401 and a small scale 360/20 computer; and one of the banks in San Angelo has a small Burroughs 350. GTEDS presently has IBM 360/50 and 360/40 computers at the San Angelo location. These computers are much larger than the three above mentioned and therefore have the capability of running larger, more sophisticated, and more complicated programs. Most of the applications run by GTEDS on these computers could not be run on the smaller computers above mentioned. The market potential for EDP services in the San Angelo area indicates that very few if any service bureaus would invest the capital required to acquire and operate this equipment which is necessary to service the needs of the community.

31. From the above-quoted statements by GTEDS it would appear reasonable to conclude that the principal factor that militates against the existence of comparable alternative competitive sources in the San Angelo area is the fact that GTEDS, which was formed for the purpose of serving the operating telephone companies of the General Telephone System, now provides service to the public thereby making it difficult if not impossible for alternative sources to exist. We note from GTEDS' statement that there might indeed be a "few" service bureaus that would be willing to make the investment and supply the data processing services needed by the public if GTEDS' services were not offered to the public. Accordingly, rather than supporting arguments against our rule, we believe that the information submitted by GTEDS and its customers does just the opposite and strongly supports our action in adopting § 64.702(5). If in fact, GTEDS or its parent company has serious concerns about the availability of computer services to the customers now served by GTEDS, there is nothing in our decision to prevent the parent company from providing such services through an affiliate which does not serve the telephone carriers of the General Telephone System.

32. The responsive pleading filed jointly by the four non-Bell System telephone companies owning Computoservice, Inc. (CSI), is directed primarily to urging us to deny Bunker Ramo's petition for reconsideration. This we have done. However, the pleading also expresses concern over the effect of our decision on the future operations of CSI. It appears that CSI would not be able, under our rules, to continue to provide service to both the public and to all of the four telephone company owners. This is because at least one of the owners (the Mankato Co.) has revenues that exceed $1 million a year and thus would not be exempt under § 65.702(b). To the extent that the other owners of CSI are exempt under § 65.702(b), they will be permitted to purchase data processing service from CSI even though CSI also sells to others. Thus, the only change in CSI's operation that would appear required under our rules, assuming CSI elects to serve others, would be for CSI to discontinue furnishing data processing service to Mankato and any other owner that is not exempt. CSI alternatively could devote all of its operations to its owners. We do not believe that the changes that may be required in CSI's operations constitute sufficient grounds to warrant our reconsideration of our decision in this respect.

32a. As indicated above, we are of the view that, if data processing affiliates serve both their related communications companies and nonrelated companies, they would be in a peculiarly advantageous structural position to absorb the markets now served by other data processing companies. With an assured market furnished by a carrier affiliate (sales of data processing services would be expenses to the communications carrier and passed on to the communications user), it is reasonable to expect that the data processing affiliate would gain a competitive advantage over its nonaffiliated rivals and the risk would be that the data processing market would gravitate to communications data processing affiliates and eventually be "captured" by them. This is what has already happened in some degree in the areas served by GTEDS and we are concerned that this tendency would increase as computers and communications became more and more interdependent. Accordingly, we reject the contentions of petitioners in this respect.

33. Western Union objects to the requirement that carriers or carrier-related data companies must file with us reports of any proposed "hybrid" service 90 days before engaging therein (§ 64.702 (e) and (b)). These reports must include a complete description of the proposed service. One of the purposes of these rules is to assist the Commission in developing on an ad hoc basis the guidelines that will be helpful to industry and interested parties in determining the specific factual situations under which hybrid services would fall into either the category of hybrid communications (regulated) or hybrid data services (unregulated) (see paragraphs 33–36 of final decision). Western Union contends that competitors of carriers will be able to see these reports well in advance of the inauguration of the service and learn of the business plans and purposes of the carriers whereas noncarriers will not be required to make similar disclosures. Western Union's objection to public disclosure of these reports at the time they are submitted is well taken. However, our existing rules provide ample means whereby any needed protection to the carriers and carrier-related companies may be provided in any case where a showing can be made that premature public disclosure of such reports would be inappropriate (see § 0.459). Accordingly, we will give consideration to any requests made, at the time any of these reports are submitted, for confidential treatment and will decide such requests on their individual merits. However, it should be understood that our policy will be to make public all of these reports (and any Commission ruling thereon) within a reasonable period after they are submitted so that industry may have the benefit of the guidelines developed from the regulatory treatment accorded to the specific factual situations

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covered in these reports. For the foregoing reasons, we shall reject Western Union's request that we reconsider and amend § 64.702 (e) and (f).

34. RCA's petition for reconsideration asks modification of our rules to permit a carrier itself to provide data processing services on a cost-sharing basis directly to its common carrier affiliates. No change is required for this purpose as the rules permit this to be done. However, RCA goes further and asks that a carrier itself be permitted to provide such services directly to both its common carrier affiliates "and to other communications entities in connection with intercarrier arrangements and traffic." RCA does not state what companies are intended in the somewhat broad term "other communications entities" nor does it otherwise provide any factual support for this proposal. We shall therefore reject it as an unjustified deviation from our general rule that a carrier not otherwise exempt may provide data processing services to others only through separate corporations in accordance with our "maximum separation" principle.

35. RCA also asks that we make it clear that a carrier may use its own "in-house" computer or computer systems not only for purposes incidental to the provision of public communication services but for any purpose incidental to any permissible nonregulated undertaking of the carrier. We think it clear that our rules do not prohibit such usage. Carriers are permitted to engage in certain nonregulated activities (e.g. Western Union's flower and time services). Paragraph 20 of our final decision states that a carrier's in-house computer system may be used to accommodate a carrier's particular needs. The language in paragraph 15 of our final decision to which RCA refers, was not intended to limit the use of a carrier's "in-house" computers to the regulated activities of the carrier. Similarly our rules would permit RCA's parent corporation, for example, to provide off-peak capacity from its in-house computers to persons other than an affiliated carrier. RCA's requests for clarification are granted to the extent indicated above.

36. Finally, we turn to the jurisdictional arguments made by Continental and Western Union. We summarize the contentions of these parties in preceding paragraphs 9 and 15. None of the other parties firing pleadings with us have questioned our power to take the action we have taken herein.

37. In our tentative and final decisions we dealt at some length with the various jurisdictional questions that had been raised by the parties (see e.g. tentative decision paragraphs 14, 17–19, 27a–29; final decision paragraphs 4–9, 23, 28, 30). Neither Continental nor Western Union present any new factual or legal arguments that have not been considered by us and discussed in our tentative and final decision. Ordinarily we would be disposed to engage in no further elaboration with respect thereto. However, some additional comments should be made with respect to certain aspects of these contentions.

38. Continental, for example, continues to rely heavily on its allegation that all but eight of its 86 operating telephone companies are classified as section 2(b)(2) "connecting carriers" and that, for this alleged reason, we have no jurisdiction over such carriers. We discussed this argument in our final decision (see paragraph 23 of final decision), but Continental continues to dispute our holding that we have jurisdiction over any carrier that is in fact a section 2(b)(2) carrier. However, Continental, in quoting 2(b)(2) of the Act in its petition omits language therein that section 2(b)(2) companies are fully subject without exemption to section 301 of the Act thereby ignoring the requirement that any 2(b)(2) carrier that is licensed by us to operate radio facilities may do so only if it meets the public interest requirements imposed by the Act and the rules and regulations which we promulgate in the public interest. Continental also omits that portion of section 2(b)(2) that states that "connecting carriers" are subject generally to the requirements of sections 201–205 of the Act including inter alia that these carriers shall not engage in any practice for and in connection with its interstate communications services that is unjust or unreasonable or unduly discriminatory or preferential. Continental also overlooks the statutory provisions that make section 2(b)(2) carriers subject to our direct antitrust jurisdiction, insofar as sections 2, 3, and 7 of the Clayton Act are concerned (47 U.S.C. 602(d)) and that only this Commission can grant antitrust immunity to 2(b)(2) and other carriers involved in mergers and acquisitions (47 U.S.C. 221(a)).

39. Western Union's arguments on jurisdiction are not entirely clear. First, it states that the Commission does indeed have broad powers. However, it states that "what is contended by the carriers is that the exercise of such powers to prohibit carrier procurement of affiliate-supplied data processing and the shared use of common corporate names is an abuse of discretion." It appears to argue that we abused our discretion by not utilizing other measures open to us. We disagree. By the preceding paragraphs hereof and in our prior decisions we have set forth our carefully considered reasons for our action in these regards in lieu of the alternative courses of action recommended by Western Union. The company argues additionally that we have no statutory authority to impose the restrictions we have imposed. We also disagree with this. At the risk of repetition, we reassert that our statutory authority is broad and imposes heavy responsibilities upon us, inter alia, to insure (a) that common carriers, presently and in the future, provide adequate communications service, at just and reasonable and nondiscriminatory rates and that they employ practices, and classifications and regulations that are just, reasonable and nondiscriminatory, sections 47 U.S.C., 151, 201–202, 211, 213–215, 218–220; (b) that they operate all radio facilities in accordance with the public interest requirements of the Act, and the rules and regulations thereunder, section 47 U.S.C. 301 et seq.; and (c) that they comply with sections 2, 3, and 7 of the Clayton Act, 47 U.S.C. 602(d). Further, we have the statutory duty to consider and evaluate all relevant factors with respect to the foregoing, including, but not limited thereto, national policies relating to competition, monopolies or combinations, contracts or agreement in restraint of trade 47 U.S.C. 221(a), 313, 602(d); and sections 2, 3, and 7 of the Clayton Act.

40. For the reasons stated above and in our decisions we shall deny the petitions for reconsideration and shall make no modifications at this time in our rules. In this connection we affirm the interpretation of our rules by the Chief, Common Carrier Bureau, in a letter to GTE dated March 23, 1971, from the Chief, Common Carrier Bureau, copy of which is appended hereto.[2]

CONCLUSION

41. *Accordingly, it is ordered,* That the aforementioned petitions for reconsideration are denied and our final decision is affirmed.

Adopted: March 28, 1972.

Released: March 30, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5832 Filed 4-17-72;8:51 am]

[2] Letter filed as part of the original document.

[3] Commissioners Burch, Chairman; and Robert E. Lee dissenting; Commissioner Bartley concurring in the result; Commissioners Reid and Wiley not participating.

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

PART 33—SPORT FISHING

Upper Mississippi River Wild Life and Fish Refuge, Ill., and Certain Other States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (4-18-72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of migratory game birds on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on the areas designated by signs as "open" to hunting. Hunting of migratory game birds is not permitted on the areas designated by signs as "closed" to hunting. The "open" areas comprising 153,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting of migratory game birds on designated "open" areas concurrent with applicable State and Federal seasons is permitted.

(2) The hunting of migratory game birds shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1973.

§ 32.22 Special regulations, upland game, for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of upland game birds, upland game animals, and raccoon, groundhogs, foxes, and crows on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of these species is also permitted on the areas designated by signs as "closed" to hunting; except that the Goose Island Closed Area in Pool 8 is closed at all times to hunting and the discharge of guns is prohibited thereon. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following special conditions:

(1) Hunting on designated "open" areas concurrent with applicable State seasons is permitted, but only during the period from the first day of the earliest fall State game bird or game animal season applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of upland game birds, upland game animals, and raccoon, groundhogs, fox and crows shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

(4) Except with permission in writing obtained from the Refuge Manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wild Life and Fish Refuge during the period from March 1 until the first day of the earliest fall State game bird or game animal season applicable to the geographic area concerned.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1973.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The public hunting of deer on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin is permitted on the areas designated by signs as "open" to hunting. Restricted hunting of deer is also permitted on the areas designated by signs as "closed" to hunting, except that the Goose Island Closed Area in Pool 8 is closed to all hunting at all times. The "open" areas comprising 153,000 acres, and the "closed" areas comprising 41,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be subject to the following conditions:

(1) Bow and gun deer hunting on designated "open" areas is permitted concurrent with applicable State seasons.

(2) Except for the Goose Island Closed Area which is closed to hunting at all times, bow and gun deer hunting on designated "closed" areas concurrent with applicable State seasons is permitted, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned, until the end of the applicable State seasons, or until the next succeeding March 1, whichever occurs first.

(3) The hunting of white-tailed deer shall be in accordance with all applicable State regulations which are adopted herein and made a part of this regulation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective until June 30, 1973.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

Sport fishing, commercial fishing, and the taking of frogs, turtles, crayfish, and clams on the Upper Mississippi River Wild Life and Fish Refuge, Illinois, Iowa, Minnesota, and Wisconsin, is permitted on all water areas of the refuge. The refuge water areas comprising 125,000 acres are delineated on maps available at the refuge headquarters, Winona, Minn. 55987, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. All fishing is subject to the following conditions:

(1) Unless further restrictions are imposed by this regulation, all fish, frogs, turtles, crayfish, and clams shall be taken in accordance with all applicable State regulations and seasons which are adopted herein and made a part hereof.

(2) All sport and commercial fishing and all travel by boat or any other means across, through, or on the Spring Lake Closed Area of the Upper Mississippi River Wild Life and Fish Refuge in Carroll County, Ill. is prohibited from October 1 through December 20.

(3) All persons, including their helpers, exercising the privilege of commercial fishing on the Spring Lake Closed Area must possess a valid commercial fishing permit issued by the refuge Manager authorizing such commercial fishing, and must comply with all conditions as prescribed by the Refuge Manager which are set forth in the permit.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33 and are effective until June 30, 1973.

Dated: April 11, 1972.

CHARLES A. HUGHLETT,
Acting Regional Director.

[FR Doc.72-5853 Filed 4-17-72;8:51 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Computation of Annual Increase in Base Compensation

Title 6, Chapter II, Part 201, Code of Federal Regulations is amended by adding a new Subpart C thereto, relating to computation of annual increase in base compensation (including those fringe benefits described in section 203(g), Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat.

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743) and by making miscellaneous changes of a clarifying or technical nature. Since such amendments, as set forth below, are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11640, as amended, the Board finds that the time for the submission of written comments by interested persons in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. However, written comments are solocited for consideration by the Pay Board. Such comments may be submitted by [15 days after date of publication] to: Chairman of the Pay Board, Attention: Office of General Counsel, 2000 M Street NW., Washington, DC 20508.

(Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743); Executive Order No. 11640 (37 F.R. 1213, January 27, 1972), as amended; and Cost of Living Council Orders No. 3 (36 F.R. 20202, October 16, 1971) and No. 6 (37 F.R. 2727, February 4, 1972))

Effective date. These amendments are effective on and after November 14, 1971. However, if prior to April 18, 1972, a computation was made in good faith reliance upon and in accordance with the instructions contained on a Form PB-1 or PB-2, the computation made shall not be considered a violation of Pay Board regulations within the meaning of § 201.17; provided that any computations relating to those certain benefits specified in section 203(g) of the Economic Stabilization Act of 1970, as amended, made on or after March 1, 1972, comply with the Pay Board policy as published in PB-51 dated February 23, 1972, and incorporated in these regulations.

GEORGE H. BOLDT,
Chairman of the Pay Board.

PARAGRAPH 1. Section 201.1 is revised to read as follows:

§ 201.1 Purpose and scope.

The purpose of these regulations is to establish rules and standards to stabilize wages and salaries, as defined in § 201.3, in accordance with the provisions of Executive Order No. 11627 (36 F.R. 20139, October 16, 1971), as amended, and Executive Order No. 11640 (37 F.R. 1213, January 27, 1972), as amended. Moreover, the purpose of these regulations is to provide guidance and procedures for an orderly transition from the 90-day general freeze imposed by Executive Order No. 11615 (36 F.R. 15727, August 15, 1971), as amended. All persons are required by law to comply, and are expected to do so voluntarily, with the provisions of the Economic Stabilization Act of 1970, as amended, and all Executive Orders, regulations, circulars, and orders issued thereunder. These regulations shall be construed in a manner consistent with the policies of the Act, and every person subject to the provisions of these regulations shall be required to interpret and apply such provisions in good faith to carry out such policies. The policies governing pay adjustments, adopted by the Pay Board on November 8, 1971, are attached as an appendix to this part.

PAR. 2. Section 201.3 is amended by revising the language preceding the first definition, by revising the definitions of "person" and "tandem relationship," and by adding new definitions to be inserted alphabetically. These amended and added provisions read as follows:

§ 201.3 Definitions.

As used in this part, unless the context indicates otherwise, the term:

* * * * *

"Base date" means, with respect to an appropriate employee unit, the day prior to the first day of a control year.

"Base payroll period" means, with respect to an appropriate employee unit, the most recent payroll period which ends on or before the base date, or, if such payroll period is not representative because of seasonal variations or for other valid reasons, the most recent payroll period prior to the base date which, under all the facts and circumstances, fairly represents the base year. A payroll period may be a week, 2 weeks, month, or other accepted time period, in accordance with demonstrated practices.

"Base year" means, with respect to an appropriate employee unit, the 12-month period ending on the base date.

"Chargeable increases" means those increases or adjustments in the average straight-time hourly rate or average hourly benefit rate which are included in the amount used to determine whether the maximum permissible annual aggregate wage and salary increase has been exceeded with respect to an appropriate employee unit.

"Code" means the Internal Revenue Code of 1954, as amended.

"Control year" means, with respect to an appropriate employee unit, the period of time determined pursuant to § 201.53.

* * * * *

"Maximum permissible annual aggregate wage and salary increase" means, with respect to an appropriate employee unit during any control year, the limitation on increases in the base compensation rate. This limitation is the general wage and salary standard described in § 201.10 or, if appropriate, any exception thereto pursuant to § 201.11, including any decision of the Pay Board relating to such unit pursuant to paragraph (d) of such section.

* * * * *

"Person" includes any individual, estate, trust, sole proprietorship, partnership, association, company, joint venture, corporation, fiduciary, labor organization, State or local governmental unit or instrumentality of such governmental unit, or a charitable, educational, or other such institution; however, the term does not include a foreign or domestic corporation in a foreign country, or an organization that includes within its membership foreign governments or instrumentalities thereof, or a foreign government, or an instrumentality thereof, except to the extent that such instrumentality is doing business in the United States.

"Tandem relationship" means, for purposes of § 201.13(f), a well-established and consistently maintained practice whereby the precise timing, amount, and nature of general increases in wages and salaries of a given appropriate employee unit have so followed those of another such unit of employees of the same employer or of other employers within a commonly recognized industry (such as a Standard Industrial Classification two-digit category) that a general increase, in the normal operation of the practice, would have been put into effect and have been applicable to work performed on or before November 13, 1971, but for the operation of the freeze.

* * * * *

PAR. 3. Section 201.11 is amended by revising paragraph (a) (3) and (4), by adding new paragraph (a) (6) and (7), and by revising paragraphs (b) and (c). These amended and added provisions read as follows:

§ 201.11 Criteria for exceptions.

(a) *In general.* * * *

(3) *Catchup increases.* (i) If the aggregate percentage of wage and salary increases in the employment contract expiring prior to the new contract for which an exception is claimed is less than the sum of a percentage increase of 7 percent per year for each year of the prior contract, the difference between such aggregate and such sum shall be added to 5.5 percent to determine the maximum permissible annual aggregate wage and salary increase for the appropriate control year.

(ii) If, in the absence of an employment contract, the aggregate percentage of wage and salary increases in the preceding 3 years is less than the sum of a percentage increase of 7 percent per year for each of the 3 years, the difference between such aggregate and such sum shall be added to 5.5 percent to determine the maximum permissible annual aggregate wage and salary increase for the appropriate control year.

(iii) The exceptions provided in subdivisions (i) and (ii) of this subparagraph shall expire June 30, 1972. Such exceptions may be claimed only in regard to employment contracts entered into or pay practices established prior to July 1, 1972.

(iv) The maximum permissible annual aggregate wage and salary increase under subdivisions (i) and (ii) of this subparagraph shall not exceed 7 percent.

(4) *Cost of living allowance calculation.* (i) If a wage and salary increase in a new contract or pay practice is composed of two parts, wages and salaries other than cost of living adjustments and cost of living adjustments pursuant to and justified by a generally accepted escalator formula, the wage and salary part shall be calculated by the sum of the percentage increases method, and the cost of living part shall be calculated by multiplying each cost of living adjustment by a fraction, the numerator of which shall be the number of months within the appropriate control year such cost of living adjustment is in effect, and the denominator of which shall be the number of months in such control year. These two parts shall be added together to determine the aggregate wage and salary increase pursuant to this subparagraph.

(ii) The annual aggregate increase, calculated pursuant to the method in subdivision (i) of this subparagraph shall not exceed the general wage and salary standard.

(5) *Merit increases.* [Reserved]

(6) *Federal agency wage determinations.* In any case to which the provisions of § 201.57(f) (relating to exclusions from adjustment computations in the case of Federal agency wage determinations) apply, the Pay Board (or its delegate) may grant an exception to the general wage and salary standard in order to permit an increase for those employees in the same appropriate employee unit who work at the same site, plant, or location who have not received an increase pursuant to such section sufficient to maintain average historical wage and salary differentials among jobs, job classifications, or positions. For purposes of the preceding sentence, the average historical wage and salary differential shall be determined over the preceding 3 years and must be consistent with prior practice during such period. Such differential must have been in effect within the unit for at least 3 years. In the event that such unit has been in existence for less than 3 years or if the average historical wage and salary differential is not representative because of corrections made in such differentials to end inequities during the preceding 3 years, the Pay Board (or its delegate) may determine the average historical wage and salary differential by reference to the period of the unit's existence or by reference to the differential existing after any such corrections.

(7) *Tandem qualified benefit plans.* In any case to which the provisions of § 201.57(g) (relating to exclusions from adjustment computations in the case of certain employer contributions to qualified benefit plans) apply, the Pay Board (or its delegate) may (subject to the provisions of paragraph (c) of this section) grant an exception to the general wage and salary standard to a tandem-claiming appropriate employee unit, if the following conditions are met:

(i) The contract or pay practice covering the qualified benefit plan (see § 201.58) to which a tandem relationship is claimed became effective not more than 12 months prior to the effective date of the contract or pay practice providing for the increase in qualified benefits in the tandem-claiming unit,

(ii) The nature and levels of qualified benefits in the tandem-claiming unit have been generally equal or closely comparable to, and the timing of changes in benefits has been directly related to, those of another employee unit of the same employer, or of the employers within the same commonly recognized industry, local labor market area, or established unit or reference group of employees for determination of qualified benefits, and

(iii) The tandem relationship has been established as a past practice for 5 consecutive years or in the immediately preceding two collective bargaining agreements.

(b) *Overall limitation on exceptions.* Except as provided in paragraph (a) (4), (6), and (7) of this section, the maximum permissible annual aggregate wage and salary increase with respect to an appropriate employee unit, whether any or all of the above exceptions are applicable, shall not exceed 7 percent.

(c) *Procedures for exceptions.* Exceptions pursuant to subparagraphs (1), (2), (6), and (7) of paragraph (a) of this section shall require prior approval of the Pay Board (or its delegate). Exceptions pursuant to subparagraphs (3) and (4) of paragraph (a) of this section shall be self-executing for Catagories II and III wage and salary increases, but reports of all such wage and salary increases shall be made to the Pay Board (or its delegate). Category I wage and salary increases, including those pursuant to subparagraphs (3) and (4) of paragraph (a) of this section shall require prior approval of the Pay Board (or its delegate).

* * * * *

PAR. 4. Section 201.13 is amended by revising paragraph (f)(2) to read as follows:

§ 201.13 Scheduled increases in wages and salaries for services rendered on or after August 15, 1971, and before November 14, 1971.

* * * * *

(f) *Tandem relationships.* * * *

(2) (i) The prior employment contract of the unit to which a tandem relationship is claimed expired no more than 3 months before the expiration of the prior employment contract of the tandem-claiming unit; or

(ii) In the case of a pay practice, the effective date of the increase with respect to which a tandem relationship is claimed was consistent with past pay practice, no more than three months prior to the scheduled effective date of the increase of the tandem-claiming unit.

* * * * *

PAR. 5. Part 201 is amended by adding a new Subpart C immediately following Subpart B and before Subpart D of such part, to read as follows:

Subpart C—Computation Rules

Sec.
201.51 General.
201.52 Formula for computation of annual aggregate increase in the base compensation rate.
201.53 Determination of control year.
201.54 Base compensation rate.
201.55 Average straight-time hourly rate.
201.56 Average hourly benefit rate.
201.57 Exclusions from adjustment computations.
201.58 Qualified benefit plans.

AUTHORITY: The provisions of this Subpart C issued under Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743); Executive Order No. 11640 (37 F.R. 1213, Jan. 27, 1972), as amended; and Cost of Living Council Orders No. 3 (36 F.R. 20202, Oct. 16, 1971) and No. 6 (37 F.R. 2727, Feb. 4, 1972).

§ 201.51 General.

(a) *Purpose.* The purpose of the provisions of this subpart is to set forth the methods of computation of pay adjustments which shall be used under the applicable provisions of this chapter with respect to the periods of time called "control years" for which such computations are made. The methods of computation described in this subpart shall be used, among other things, to examine the relationship of pay adjustments to the maximum permissible annual aggregate increase in the base compensation rate for an appropriate employee unit during any control year (§ 201.53). Every person who makes any computation pursuant to the provisions of this subpart shall be required to make such computation in good faith and in a manner consistent with the policies of the Act.

(b) *Scope.* The provisions of this subpart include the method of computing a base compensation rate (§ 201.54) consisting of an average straight-time hourly rate (§ 201.55) and an average hourly benefit rate (§ 201.56). Additional rules are provided to compute increases in such components of the base compensation rate. The objective of these computations is to determine a percentage relationship between the total of the increases (excluding those increases specified in § 201.57) in such components during a control year and the base compensation rate applicable for that control year. See § 201.11(a)(4) for the method of computing increases due to cost of living adjustments.

(c) *Limitation on wage and salary increases.* Except as otherwise provided in this title, an appropriate employee unit's aggregate percentage increase in the base compensation rate (as determined pursuant to § 201.52) for any control year may not exceed its maximum permissible annual aggregate wage and salary increase (as defined in § 201.3). However, the wage and salary increases of an individual employee in an appropriate employee unit may exceed such maximum so long as the aggregate increase in the base compensation rate for such unit as a whole does not exceed such maximum.

§ 201.52 Formula for computation of annual aggregate increase in the base compensation rate.

In any case in which a computation is required to determine the annual aggregate increase in the base compensation rate with respect to an appropriate employee unit for any control year (determined pursuant to § 201.53), such increase shall be stated as a percentage which is determined by dividing the sum of—

(a) The total adjustment during such control year in the average straight-time hourly rate (determined pursuant to paragraph (b) of § 201.55), plus

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(b) The total adjustment during such control year in the average hourly benefit rate (determined pursuant to paragraph (b) of § 201.56), by such unit's base compensation rate (determined pursuant to § 201.54) applicable to such control year. See § 201.57 for exclusions from adjustment computations.

§ 201.53 Determination of control year.

(a) *In general.* This section provides rules to determine the time period for computing the annual aggregate wage and salary increase for an appropriate employee unit. These rules preserve, as nearly as possible, both contractual and established pay relationships. In some instances, provision has been made for a first control year of less than 12 months. In this period of less than 12 months, the maximum permissible annual aggregate wage and salary increase for a full control year shall be allowed.

(b) *Pay practices*—(1) *First control year.* Except as provided in paragraph (c) (1) (ii) of this section, the first control year for an appropriate employee unit which was not covered by the terms of an employment contract in effect on November 13, 1971 shall be—

(i) The period from November 14, 1971 through November 13, 1972, or

(ii) If the unit was covered on November 13, 1971, by an established pay practice (not set by contract) whereby prospective wage and salary increases for the unit are determined for a period of 12 months or more beginning on a fixed date (other than November 14), at the election of the employer, the period of less than 12 months from November 14, 1971 through the day before the annual anniversary of such fixed date.

(2) *Succeeding control years.* Each succeeding control year shall be the 12-month period beginning on November 14, or, in the case of an established pay practice where the election described in subparagraph (1) (ii) of this paragraph is made, on an annual anniversary of the fixed date referred to in such subparagraph.

(c) *Employment contracts*—(1) *First control year*—(i) *General rule.* The first control year for an appropriate employee unit which was covered by the terms of an employment contract in effect on November 13, 1971, shall be the period of 12 months or less which begins on November 14, 1971 and ends—

(*a*) Where the expiration date of that contract is on or before November 13, 1972, on the expiration date of that contract;

(*b*) Where the expiration date of that contract is after November 13, 1972, on the annual anniversary of the expiration date of the prior succeeded contract, or, at the election of the parties, on the annual anniversary of the day prior to the first wage increase that was provided under the terms of the contract in effect on November 13, 1971; or

(*c*) Where the expiration date of that contract is after November 13, 1972 and there was no prior succeeded contract (e.g., the existing contract is the first contract between the parties), on the day prior to the annual anniversary of the effective date of the contract in effect on November 13, 1971 or, at the election of the parties, on the annual anniversary of the day prior to the first wage increase that was provided under the terms of the contract in effect on November 13, 1971.

(ii) *Special rule.* Where there was no contract in effect on November 13, 1971, but there was an established bargaining relationship between the parties on such date and the parties had a prior contract which had expired, the first control year shall end on the annual anniversary of the expiration date of the prior succeeded contract or, at the election of the parties, on the day before the effective date of the new contract.

(2) *Succeeding control years.* Each succeeding control year shall be the 12-month period ending on the annual anniversary of the date of the end of the first control year.

The term "expiration date" as used in this section refers to such date specified in the contract originally negotiated by the parties and not to a later extension or modification of such date.

(d) *Limitations.* (1) The base date for the first and succeeding control years established under the provisions of paragraph (b) or (c) of this section shall not thereafter be changed even though the appropriate employee unit goes from a pay practice status to an employment contract status or from an employment contract status to a pay practice status after November 13, 1971. Notwithstanding the preceding sentence, in any case in which a newly organized unit is employed by an employer who, himself or through an association, is bound by a master employment contract which provides that newly organized units of the same employer shall be subject to all the terms and conditions of the master contract, the control year of such newly organized unit may, at the election of the parties, be changed to conform to the control year typical for units covered by the master agreement.

(2) There shall be no retroactive payments of an increase in wages or salaries prior to a base date established under the provisions of the preceding subparagraph or paragraph (b) or (c) of this section unless allowable under new Pay Board regulations or orders.

(e) *Manner of election.* Any election described in this section shall be evidenced by filing such forms as may be prescribed by the Pay Board.

(f) *Tandem relationship.* An appropriate employee unit claiming a tandem relationship to another unit shall not conform its control year to the control year of such other unit solely on account of such tandem claim.

§ 201.54 Base compensation rate.

The base compensation rate applicable for any control year shall be an average rate of pay, stated in dollars and cents per hour, which is equal to the sum of the average straight-time hourly rate (determined pursuant to paragraph (a) of § 201.55) plus the average hourly benefit rate (determined pursuant to paragraph (a) of § 201.56).

§ 201.55 Average straight-time hourly rate.

(a) *General rule.* For purposes of § 201.54 the average straight-time hourly rate for an appropriate employee unit shall be the amount, stated in dollars and cents per hour, which is determined by dividing the total straight-time payroll expenditures for the base payroll period by the total man-hours paid for (including all paid leave hours) during such period. For purposes of this section, the term "total straight-time payroll expenditures" shall include payments for base payroll period wages and salaries made retroactively pursuant to §201.13 or § 201.15 or made retroactively pursuant to Pay Board decision under § 201.11(d) where such decision specifically allows the payment to be included in the base. Such term shall include payments for man-hours not worked at the straight-time rates applicable had the hours been worked (e.g., sick, vacation, and holiday leave, reporting and call-in pay, etc.) in addition to payments for man-hours actually worked. Such term shall exclude payments attributable to shift differentials, premiums for overtime, weekend, vacation, and holiday pay (but shall include the straight-time pay for such work), severance pay, bonuses, supplemental unemployment benefits, and any other direct or indirect benefits. For purposes of this paragraph, the term shall include straight-time payments which are excludable under § 201.57. All man-hours paid for shall be taken into account at the straight-time hourly rate, including the man-hours paid for of those employees in the unit who are not paid on an hourly rate basis. For purposes of this section "man-hours paid for" shall be the actual man-hours for which employees in the unit receive compensation during the payroll period in question. For those employees who are not on fixed hourly schedules, a reasonabl estimate shall be made as to the hours for which they receive compensation during the payroll period.

(b) *Adjustment in average straight-time hourly rate.* The total adjustment in the average straight-time hourly rate (referred to in paragraph (a) of § 201.52) for an appropriate employee unit is the amount of increase, if any, of such rate in effect during the last payroll period of the control year which follows the base date compared to such rate in effect during the base payroll period. (See § 201.57 for items excluded from adjustment computations and § 201.11(a)(4) for the method of computation in the case of cost of living adjustments.) Such total adjustment shall be—

(1) In the case of an adjustment computation made at or after the end of the control year in question relating to a wage and salary practice or employment contract, which includes merit adjustments pursuant to a merit plan, practice, or contract provision which existed on November 13, 1971, an amount, stated in dollars and cents per man-hour, which is equal to the excess, if any, of—

(i) The amount determined by dividing the projected total straight-time payroll expenditures which would be incurred for the last payroll period of the control year in question (computed by applying the pay rates which would be in effect during such last payroll period to the work force composition and years of service which existed during the base payroll period and by assuming, in the case of piece-rate or incentive systems, no change in output per worker) by the actual man-hours paid for during the base payroll period, over

(ii) The amount of such average straight-time hourly rate as determined with respect to the base payroll period (see paragraph (a) of this section).

(3) In the case of an adjustment computation for a situation referred to in subparagraph (1) of this paragraph which is made prior to the end of a control year, the following two computations shall be made:

(i) The computation as described in subparagraph (2) of this paragraph; and,

(ii) The computation as described in subparagraph (1) of this paragraph, but using in subdivision (i) of such subparagraph reasonable and supportable estimates for the total straight-time payroll expenditures expected to be incurred for the last payroll period of the control year and the reasonable and supportable estimate of the actual man-hours expected to be paid for during such last payroll period. Such estimates shall be made in good faith and shall be subject to documentation.

A compensating adjustment may be made to offset any increase in the wage and salary rate caused by changes in the composition of an appropriate employee unit with respect to average length of service or average skill levels.

(2) In the case of an adjustment computation relating to a wage and salary practice or employment contract, which does not include any merit adjustment pursuant to a plan, practice, or contract provision which existed on November 13, 1971, an amount, stated in dollars and cents per man-hour, which is equal to the excess, if any, of—

(i) The amount determined by dividing the projected total straight-time payroll expenditures which would be incurred for the last payroll period of the control year in question (computed by applying the pay rates which would be in effect during such last payroll period to the work force composition and years of service which existed during the base payroll period and by assuming, in the case of piece-rate or incentive systems, no change in output per worker) by the actual man-hours paid for during the base payroll period, over

(ii) The amount of such average straight-time hourly rate determined with respect to the base payroll period (see paragraph (a) of this section).

(3) In the case of an adjustment computation for a situation referred to in subparagraph (1) of this paragraph which is made prior to the end of a control year, the following two computations shall be made:

(i) The computation as described in subparagraph (2) of this paragraph; and,

(ii) The computation as described in subparagraph (1) of this paragraph, but using in subdivision (i) of such subparagraph reasonable and supportable estimates for the total straight-time payroll expenditures expected to be incurred for the last payroll period of the control year and the reasonable and supportable estimate of the actual man-hours expected to be paid for during such last payroll period. Such estimates shall be made in good faith and shall be subject to documentation.

§ 201.56 Average hourly benefit rate.

(a) *General rule.* For purposes of § 201.54, the average hourly benefit rate of an appropriate employee unit shall be an amount, stated in dollars and cents per hour, which is determined by dividing the total cost of benefits which would have been incurred with respect to the base year, computed by costing each benefit item at the rate in effect on the last day of such base year, by the total number of man-hours actually worked by employees in such unit (excluding paid leave hours) during such base year. For purposes of this section, the term "total cost of benefits" shall include payments made retroactively pursuant to § 201.13 or § 201.15 or made retroactively pursuant to Pay Board decision under § 201.11(d) where such decision specifically allows the payment to be included in the base, payments attributable to shift differentials, and premiums for overtime, weekend, vacation, and holiday work. The term shall also include other premium payments, and vacation, sick, holiday, and other paid leave (e.g., jury duty, funeral, voting, etc.) severance pay, bonuses, supplemental unemployment benefits, and other direct or indirect benefits (except incentive compensation as provided in Subpart D of this part). For purposes of this paragraph, the term shall include benefits which are excludable under § 201.57 (except for paragraph (d) of such section relating to certain employer contributions to Federal or State plans). For purposes of this section, "man-hours worked" shall be the aggregate man-hours actually worked by members of the unit during the base year. A reasonable estimate shall be made as to the hours actually worked during the base year for those employees who are not on fixed hourly schedules.

(b) *Adjustment in average hourly benefit rate.* The total adjustment in the average hourly benefit rate (referred to in paragraph (b) of § 201.52) for an appropriate employee unit is the amount of increase, if any, with respect to such rate in effect at the end of the control year in question as compared to the rate in effect at the end of the base year. (See § 201.57 for items excluded from adjustment computations. Further, amounts saved because of a decrease of benefit costs or because of elimination or reduction of benefit levels may be used to offset other increased benefit costs due to new or improved benefits.) Such total adjustment shall be an amount stated in dollars and cents per man-hour, which is equal to the excess, if any, of—

(1) The amount determined by dividing the total cost of benefits for the control year in question which would have been incurred assuming the same work force composition and years of service existed during the control year as that which existed during the base year, computed by costing each benefit item at the rate which would be in effect on the last day of such control year, including increases benefit costs resulting from increases in the average straight-time hourly rate during such control year, by the total number of man-hours worked by employees in the appropriate employee unit during the base year, over

(2) The amount of such average hourly benefit rate as determined with respect to the base year (see paragraph (a) of this section).

§ 201.57 Exclusions from adjustment computations.

For purposes of determining any adjustment pursuant to § 201.55(b) (relating to adjustment in the average straight-time hourly rate) or § 201.56(b) (relating to adjustment in the average hourly benefit rate), the following items or factors shall be excluded:

(a) *Promotion.* Increases due to promotion where the duties and responsibilities of an employee in the appropriate employee unit have materially changed from the duties and responsibilities of such employee in the job, job classification, or position previously held.

(b) *Longevity.* Longevity increases in an employment contract in effect on November 13, 1971, or in a pay practice previously set forth and in existence on such date. These longevity increases must be solely related to the employee's length of service and must operate without significant affirmative exercise of employer discretion or subjective evaluation of the employee's work performance. The only conditions which can attach to the increase are satisfactory work performance and length of service. If it is an established practice that once an individual's work performance for a certain length of time is determined to be satisfactory and the amount of the increase as determined in advance is not subject to any discretionary adjustment, the increase is due to longevity.

(c) *Automatic in-grade progression.* Progression increases in accordance with a step or series of steps for a given job classification (including increases pursuant to a progression schedule for newly hired employees which meets the requirements of this paragraph) contained in an employment contract in effect on November 14, 1971, or in a pay practice previously set forth and in existence on such date. These progression increases must be solely related to the employee's length of service in a particular job classification and must operate without significant affirmative exercise of employer discretion or subjective evaluation of the employee's work performance. The only conditions which may attach to the increase are satisfactory work performance and length of service in a particular job classification. If it is an established practice that once an individual's work performance for a certain length of time in a particular job classification is determined to be satisfactory and the amount of the resulting increase as determined in advance is not subject to any discretionary adjustment, the increase is due to automatic in-grade progression.

(d) *Employer contributions to certain Federal or State plans.* Employer contributions for—

(1) Any Federal public plans (e.g., social security, Railroad Retirement Act, Federal Insurance Contribution Act, Federal Unemployment Tax Act); or

(2) Any workman's compensation or unemployment insurance plan pursuant to State law whether the participation of the employer is optional or obligatory.

(e) *Fair Labor Standards Act.* Any increases required to be paid pursuant to the Fair Labor Standards Act of 1938, 52 Stat. 1060, as amended, or as a result of an enforcement action under such Act.

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(f) *Federal agency wage determinations.* That portion of any increase in wages and salaries required to be paid as a result of wage determinations made by any agency in the executive branch of the Federal Government pursuant to law for work (1) performed under contract with, or to be performed with financial assistance from, the United States or the District of Columbia, or any agency or instrumentality thereof, or (2) performed by aliens who are immigrants or who have been temporarily admitted to the United States pursuant to the Immigration and Nationality Act, 66 Stat. 166, as amended, which, with respect to an appropriate employee unit, would (except for the application of this paragraph) cause the total of wage and salary increases to exceed the maximum permissible annual aggregate wage and salary increase.

(g) *Certain employer contributions to qualified benefit plans.* Employer contributions to qualified benefit plans which are excluded contributions pursuant to § 201.58.

(h) *Pay adjustments to those individuals earning less than $1.90 per hour.* Any increase or portion thereof paid to employees earning less than $1.90 per hour to the extent that such increase or portion thereof does not cause an employee's wage to exceed $1.90 per hour.

(i) *Certain professional sports contests.* Amounts paid, either directly or indirectly, to the employees of a professional sports organization which are customarily paid from post-season playoff contests or for participation in all-star exhibitions.

(j) *Incentives.* [Reserved.]

(k) *New or revised job classifications.* [Reserved.]

(l) *Apprenticeship, training and learning programs.* [Reserved.]

In the case of exclusions claimed pursuant to paragraphs (e) and (f) of this section the prenotification and reporting rules of Part 202 of this chapter shall specifically apply. Thus, pay adjustments given involving these exclusions must be separately prenotified or reported, as appropriate for the pay adjustment category of the unit involved.

§ 201.58 Qualified benefit plans.

(a) *General rule.* The excluded contributions referred to in § 201.57(g) are those employer contributions to qualified benefit plans, which are described in paragraph (c) of this section.

(b) *Qualified benefit plan defined.* The term "qualified benefit plan" means—

(1) A pension, profit-sharing, or annuity and savings plan which meets the requirements of section 401(a), 403(b), or 404(a)(2) of the Code.

(2) A group insurance plan, or

(3) A disability and health plan.

(c) *Excluded contributions.* For purposes of this part, excluded contributions are increases in employer contributions (pursuant to qualified benefit plans) which are either—

(1) Necessary to maintain existing benefit levels under such plans (but not those required as the secondary effect of an increase in the average straight-time hourly rate), or

(2) Those other increased contributions which in the aggregate do not exceed the qualified benefits standard (as defined in paragraph (d) of this section for an appropriate employee unit.

For purposes of subparagraph (2) of this paragraph, the term "other increased contributions" includes increases in the average hourly benefit rate (determined pursuant to § 201.56) which are necessary to support new employer qualified benefit plans and benefit improvements in existing qualified plans except to the extent that the cost of such new or improved benefits are offset by cost savings attributable to favorable plan experience or to changes in the plan or plans; required as the secondary effect of an increase in the average straight-time hourly rate (see §§ 201.55 and 201.56); a result of pension funding actuarial assumptions or changes in amortization of past service liability inconsistent with those permitted by the Internal Revenue Service; a result of discretionary payments to qualified deferred profit-sharing plans not based on formula; or a result of a reduction in employee contributions.

(d) *Qualified benefits standard.* For purposes of paragraph (c)(2) of this section, the term "qualified benefits standard" means, with respect to an appropriate employee unit, an amount equal to the greater of—

(1) The sum of—

(i) 0.7 percent of such unit's base compensation rate (determined pursuant to § 201.54) with respect to the base payroll period, plus

(ii) The catchup percentage multiplied by the base compensation rate for the first control year. For purposes of this subdivision the "catchup percentage" is a percentage equal to the excess (if any) of 1.5 percent over the sum of the percentage increases in base compensation resulting from new or improved qualified benefit plans during the 3 years preceding such first control year (such sum of the percentage increases shall be calculated by using the base compensation rate in effect immediately prior to each of the qualified benefit adjustments during the prior 3-year period); or

(2) Five percent of such unit's base compensation rate (determined pursuant to § 201.54) for a base payroll period, but only to the extent that the employer's resulting total contributions to qualified benefit plans with respect to such unit do not exceed 10 percent of such base compensation rate.

For purposes of subparagraph (1) of this paragraph, the 0.7 percent referred to in subdivision (i) of such subparagraph may be used in future control years to the extent not utilized in a prior control year. For purposes of such subparagraph the 1.5 percent referred to in subdivision (ii) of such subparagraph may be credited only in the first control year of a new pay practice or new employment contract. To the extent the amount credited is not utilized in such first control year the excess may be utilized in the second control year, but not thereafter.

PAR. 6. The appendices following Part 201 are amended by deleting therefrom the following items:

Item (1) of Appendix B—Interpretative Decisions Adopted by the Pay Board.
Item (2) of Appendix C—Definitional Decisions Adopted by the Pay Board.
Items (1) and (2) of Appendix D—Procedural Decisions Adopted by the Pay Board.

[FR Doc.72-5965 Filed 4-17-72;9:07 am]

[Pay Board Order No. 3]

PART 201—STABILIZATION OF WAGES AND SALARIES

Appendix B—Delegations of Authority

MISCELLANEOUS AMENDMENTS

The purpose of these amendments is to make certain miscellaneous and technical changes, some of which are required by reason of the reduction in the number of members of the Pay Board pursuant to Executive Order No. 11660 (37 F.R. 6175, March 25, 1972) which amended Executive Order No. 11640 (37 F.R. 1213, January 27, 1972). The amendments in Part 201 (6 CFR Part 201) relate both to the number of Board members required to challenge certain proposed retroactive payments and to the time period (which is extended from 14 to 28 days) within which such challenges may be made. The amendments in Title 6, Appendix B—Delegations of Authority relate to the number of Board members required to initiate a review of appeals from decisions of the Chairman with respect to certain requests for exception and with respect to certain proposed retroactive payments

The amendments set forth below are prescribed pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order No. 11627 (36 F.R. 20139, October 16, 1971, as amended), Executive Order No. 11640, (37 F.R. 1213, January 27, 1972, as amended), Executive Order No. 11660 (37 F.R. 6175, March 25, 1972), and Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971, as amended).

Because of the need for immediate implementation of the rule-making amendments to Part 201 contained herein, it is hereby found impractical to issue such amendments with notice and public procedure thereon under 5 U.S.C., section 553(b), or subject to the effective date limitation in 5 U.S.C., section 553(d).

Effective dates. The amendments with respect to the number of Board members required to initiate a review of appeals, and to make challenges in the case of certain proposed retroactive payments, shall be effective on and after March 25, 1972. The amendments extending the time period (from 14 to 28 days), within which a challenge may be made by a party at interest or members of the Board for prenotified retroactive payments, shall be effective on and after April 18, 1972.

GEORGE H. BOLDT,
Chairman of the Pay Board.

PARAGRAPH 1. Section 201.13 is amended by revising subdivisions (i) and (ii) of paragraph (b)(4) to read as follows:

§ 201.13 Scheduled increases in wages and salaries for services rendered on or after August 15, 1971, and before November 14, 1971.

* * * * * *

(b) *Certain conditions for retroactive payment; section 203(c)(2) of the Act.* * * *

(4) (i) The aggregate of such increases does not exceed seven percent (7%) and (a) in case of a Category II pay adjustment or a Category III pay adjustment (as defined in §§ 101.23 and 101.25 of this title) the employer certifies by letter to the appropriate district director of Internal Revenue within 20 days subsequent to payment that the requirements of this paragraph have been fulfilled or (b) in case of a Category I pay adjustment (as defined in § 101.21 of this title), the Board has received prenotification of such adjustment and a challenge to determine that the provisions of subparagraphs (1), (2), and (3) of this paragraph have been met or that the increase does not exceed seven percent (7%) has not been made by a party at interest or two or more members of the Board within 28 days of such prenotification or within 28 days of providing any additional proof requested by the Board, or

(ii) The aggregate of such increases does exceed seven percent (7%), and the Board has received prenotification of the proposed payment and there has not been a challenge by a party at interest or two or more members of the Board within 28 days of such prenotification, or within 28 days of providing any additional proof requested by the Board. In computing the 28-day period prescribed by this section, the rules provided for in § 205.5 of this chapter will apply.

For the purposes of determining the percentage of the aggregate increases under this paragraph, the base compensation shall be the average cost of wages, salaries, and benefits per man hour for the appropriate employee unit affected by the increases on the day before the wage and salary increase pursuant to this paragraph was scheduled to take effect.

* * * * *

PAR. 2. Section 201.15 is amended by revising paragraph (b)(1) to read as follows:

§ 201.15 Wage increases provided for prior to August 15, 1971, for which funds have been raised or provided.

* * * * *

(b) *Determinations—(1) By Category I employers.* Any person who desires to make payments of wage and salary increases described in paragraph (a) of this section may do so provided (i) he is an employer whose pay adjustments qualify as Category I pay adjustments (as defined in § 101.21 of this title), (ii) he believes the requirements of paragraph (a) of this section have been met, and (iii) he files a prenotification in the manner prescribed by the Pay Board of his intent to make such payment detailing the factual basis for qualification under paragraph (a) of this section. The payment of such an increase may begin 28 days after the prenotification is filed with the Board, or (if appropriate) 28 days after any additional proof requested by the Board has been furnished to the Board unless a challenge is made by a party at interest or two or more members of the Board. In computing the 28-day period prescribed by this section, the rules provided for in § 205.5 of this chapter will apply.

* * * * *

DELEGATIONS OF AUTHORITY

PAR. 3. Pay Board Order No. 3 (37 F.R. 3791, February 19, 1972), relating to delegation of authority to the Chairman of the Pay Board, is amended by revising the last sentence of paragraph c of section 4 to delete the word "seven" and add in its place the word "three," and by revising the last sentence of section 5 to delete the word "seven" and add in its place the word "three."

[FR Doc.72-5914 Filed 4-14-72;12:43 pm]

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

PART 301—RENT STABILIZATION

Miscellaneous Amendments

The purpose of these amendments is to make several changes and additions of a perfecting and clarifying nature to Parts 300 and 301 of the Price Commission's regulations.

AMENDMENTS TO PART 300

Section 300.1(c), relating to the geographic applicability of Part 300 is amended to conform to § 101.1(e) of Title 6, CFR, which provides that, for the purposes of the Economic Stabilization Program, sales of goods and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico are are covered activities.

Sections 300.13(b)(1)(ii) and 300.13a(c)(1) are each amended to make it clear that a retailer may post the base price of more items than the 40 items which accounted for the greatest dollar sales volume in a department.

Section 300.13a is also amended by adding two new paragraphs providing alternate methods of catalogue price posting requirements for supplemental catalogues and sale catalogues, under certain circumstances.

Section 300.18(b)(1) is amended by changing the term "total revenues" to read "total operating revenues" so as to exclude from consideration those revenues derived from other than operating sources during the base period.

Section 300.16(d)(4) is amended to make it clear that productivity gains may be taken into consideration, but that a specific determination is not required in every case.

Section 300.18(c)(1) is amended by changing the word "part" to "section," with respect to prices previously authorized by the provider of health services.

Section 300.18(c)(2) is amended to reflect the recent adoption of new procedures relating to application for exceptions, my changing the reference to § 300.511 to Subpart C of Part 305.

Section 300.18(d)(1) is amended by changing the date "November 13, 1971," to "November 8, 1971" to conform to the date of applicable administrative decisions relating to allowable wage increases.

Section 300.18(g) is amended by deletin gthe last sentence, containing a prohibition on increasing a price before price schedules are posted. This deletion does not constitute authority to raise prices without compliance with the section and paragraph (g). It was necessary, however, only during the initial days of the effectiveness of the regulation. The requirement of a schedule and posting of prices remains unchanged.

Section 300.31(a) is amended to make it clear that "average total capital" does not include investments, the income of which is included in nonoperating income, and that only "covered" activities (as defined in part II to the instructions to Form PC-50 in Appendix 1) are to be included in computations under the section.

Section 300.31(e) is amended to make it clear that the prenotification requirement is for Price Commission information. Firms covered by the section are not required to wait for Price Commission action on the prenotification.

Section 300.52(c) is amended to state that its reporting requirements (for Tier II firms) do not apply to providers of health services.

A new § 300.125 is added to provide a procedure for the reduction of price increases, made before November 14, 1971, based on prospective wage and salary increases that did not go into effect because of the freeze or because of the action of an agency administering a part of the Economic Stabilization Program.

Section 300.410(a) is amended to correct on error in the citation to the section of the regulations of the Cost of Living Council relating to custom products.

Section 300.410(b) is amended to apply to allowable costs as determined under the Economic Stabilization Program, and not just those determined under Price Commission regulations or decisions. Similarly, two new examples have been

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placed in paragraph (b) for clarity and to reflect the broader coverage.

Section 300.501 is amended to add a new paragraph (c) to include a positive statement that, upon proper request, a person who increases a price or applies for a price increase is required to specify the records that comply with paragraph (a) of that section and to justify that price increase or increased price, by positive action, and not merely to turn over the records pertaining thereto.

Section 300.511, relating to delegations of authority to perform functions under this part to District Directors of Internal Revenue, is revised to provide that the Price Commission will obtain the approval of the Secretary of the Treasury before making such a delegation and will note that approval in the preamble to the amendment making the delegation.

Paragraph (e) of Appendix 1 is amended to change the words "medical service" to "health service" to conform to other paragraphs of the appendix.

AMENDMENTS TO PART 301

Section 301.1(b), relating to exemptions of certain rentals of real property is amended to conform to § 101.33 of the regulations of the Cost of Living Council, governing real estate exemptions under the Price Stabilization Program. The reference in the introductory language of paragraph (b) of § 301.1 is amended to refer to the current section of the Cost of Living Council Regulations (§ 101.33(b)) governing exemptions of rental properties. Section 301.1(b)(1) is amended to conform to the requirement in § 101.33(b)(2)(iii) of the Cost of Living Council regulations that rehabilitated dwellings are exempt only if the cost of rehabilitation exceeds one-half of either the undepreciated cost or the fair market value of the dwelling preceding the rehabilitation.

Section 301.611, relating to delegations of authority to perform functions under this part to District Directors of Internal Revenue, is revised to provide that the Price Commission will obtain the approval of the Secretary of the Treasury before making such a delegation and will note that approval in the preamble to the amendment making the delegation.

Because the purpose of these amendments is to make clarifications and corrections, to set forth certain intragovernmental procedures, and to provide immediate guidance and information as to the price and rent stabilization rules in effect, it is hereby found that notice and public procedure thereon is impracticable and that good cause exists for making them effective less than 30 days after publication.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Chapter III of Title 6 of the Code of Federal Regulations is amended as set forth below, effective April 17, 1972.

Issued in Washington, D.C., on April 13, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

A. Part 300 is amended as follows:

§ 300.1 [Amended]

1. Section 300.1(c) is amended by striking out the word "This" at the beginning thereof and inserting the words "Except for sales of goods and services by firms in the several States and the District of Columbia to firms in the Commonwealth of Puerto Rico, this" in place thereof.

2. Section 300.13(b)(1) and (2)(i) are amended to read as follows and (b)(2)(iii) is amended by inserting the words "or food product" immediately after the words "retail food".

* * * * *

§ 300.13 Retailers and wholesalers.

(b) *Posting requirements*—(1) *General.* Each retailer shall display prominently in its place of sale, base prices with respect to—

(i) All of its foods or food products, except those offered for sale for the first time after the list is posted; and

(ii) At least those 40 items in each department which had the highest dollar sales during its last fiscal year ending before January 1, 1972, or those items which accounted for at least 50 percent of its total dollar sales in each department during that fiscal year, whichever is less.

(2) *Posting guidelines*—(i) *Retail food or food product stores.* The base prices which a retail food or food products store is required to post under subparagraph (1) of this paragraph are considered to be displayed prominently if they are available for inspection at a convenient central location in the store, to which the public has access without having to obtain the permission or assistance of a store employee, and if a sign is prominently posted in each department clearly indicating the location of the central base price list.

* * * * *

§ 300.13a [Amended]

3. Section 300.13a(a) is amended by striking out the word "Each" and inserting the words "Except as provided in paragraphs (d) and (e) of this section, each" in place thereof.

4. Section 300.13a(c)(1) is amended by striking out the words "those 40 items" and inserting the words "at least those 40 items" in place thereof.

5. Section 300.13a is amended by adding the following new paragraphs at the end thereof:

(d) *Supplemental catalogues.* A retailer is not required to comply with paragraph (b) or (c) of this section for a supplemental edition of a general catalogue if—

(1) It is distributed to substantially the same customers as the general catalogue;

(2) It contains a substantial number of the items that appear in the general catalogue; and

(3) The general catalogue contains the base price information required by paragraph (b) or (c) of this section.

In place of the base price information required by paragraph (b) or (c) of this section the supplemental catalogue shall include a statement directing the user to the general catalogue for base price information and offer to furnish base price information in accordance with paragraph (b) or (c) of this section.

(e) *Sale catalogs.* A retailer is not required to comply with paragraph (b) or (c) of this section for a sale catalog (a catalog that is not a general or supplemental catalog or a catalog that contains most of the items sold by the retailer), if that sale catalog contains—

(1) A description of how the retailer's prices are controlled under the Price Stabilization Program; and

(2) A statement as to how information regarding the lawful base price for any item in the catalog may be obtained.

The retailer shall comply with paragraph (d) of § 300.13 with respect to each request for base price information that it receives pursuant to subparagraph (2) of this paragraph.

§ 300.16 [Amended]

6. Section 300.16(d)(4) is amended to read as follows:

(4) In computing the projected rate of return under subparagraph (3) (i) through (iv) of this paragraph, expected or obtainable productively gains may be taken into account, and labor and other cost increases which are in excess of those allowed by Price Commission policies may not be counted.

§ 300.18 [Amended]

7. Section 300.18(b)(1) is amended by striking out the words "total revenues" and inserting the words "total operating revenues" in place thereof.

8. Section 300.18(c)(1) is amended by striking out the word "part" and inserting the word "section" in place thereof.

9. Section 300.18(c)(2) is amended by striking out the reference to "§ 300.511" and inserting the reference "Subpart C of Part 305" in place thereof.

10. Section 300.18(d)(1) is amended by striking out the date "November 13, 1971" and inserting the date "November 8, 1971" in place thereof.

11. Section 300.18(g) is amended by deleting the last sentence thereof.

§ 300.31 [Amended]

12. The introductory language to the table is § 300.31(a) is amended to read as follows:

The capital turnover ratio is computed by dividing the net sales for the year by the average total capital (long-term debt plus owner's equity, less investments, the income of which is included in nonoperating income). For the purposes of this section, only "covered" activities (as defined in Part II of the instructions to Form PC-50 in Appendix 1) are included. The average total capital for any fiscal year is computed by adding the outstanding total capital at the beginning of that fiscal year to the outstanding total capital at the end of that fiscal year, and dividing by two:

13. Section 300.31(e) is amended by adding the following new sentence at the end thereof: "However, the prenotification shall consist only of making the necessary filing before increasing a price under this section, without the necessity of waiting for or obtaining Price Commission approval thereof."

§ 300.52 [Amended]

14. Section 300.52(c) is amended by inserting the words ", providers of health services covered by § 300.18 or § 300.19," immediately after the reference to "§ 300.16a".

15. The following new section is added at the end of Subpart A:

§ 300.125 Reduction of price increases based on wage and salary increases which did not go into effect.

If before November 14, 1971, a person increased a price on a product or service in anticipation of a scheduled increase in wages and salaries for services to be rendered by employees on or after that date, and either all or a part of that wage and salary increase was not put into effect—

(a) Because of the freeze in effect after August 15, 1971, and before November 14, 1971; or

(b) Because of any action or regulation after November 13, 1971, of an agency administering a part of the Economic Stabilization Program;

The person shall, before May 8, 1972, reduce the price of that product or service by an amount equal to the amount it was so increased but was not actually reflected in the scheduled increase in wages and salaries which was put into effect; except to the extent that the person has authority under this part to increase the price of that product or service but has failed to exercise it.

§ 300.410 [Amended]

16. The definition of "Custom product" in § 300.410(a) is amended by striking out the reference to "§ 101.34(c)(2) of this title" and inserting the reference "§ 101.34(c)(1) of this title" in place thereof.

17. The last sentence of § 300.410(b) is amended by striking out the words "under Price Commission regulations or decisions" and inserting the words "under regulations or decisions issued pursuant to the Economic Stabilization Program" in place thereof.

18. Section 300.410(b) is amended by striking out the Example and inserting the following new examples in place thereof:

EXAMPLE 1. Labor costs to be incurred in the making of a custom product were estimated to be $2 million. However, $200,000 of this estimated cost was found to be nonallowable under Price Commission regulations or decisions (or by other action of an agency administering a part of the Economic Stabilization Program). Therefore, the highest amount of allowable costs for labor that may be included in determining the base price chargeable for the product is $1,800,000.

EXAMPLE 2. Labor costs to be incurred in the construction of an office building were estimated to be $2 million. Because of the action of an agency administering a part of the Economic Stabilization Program, $100,000 of this estimated cost was found to be nonallowable because it exceeded wage rates approved under a contract subject to the Program. Pursuant to another action of an agency administering a part of the Economic Stabilization Program, negotiated and approved changes in work rules resulted in an increase in labor costs of $50,000. Therefore, the highest amount of allowable costs for labor that may be included in determining the base price chargeable for the construction is $1,950,000.

19. Section 300.501 is amended by inserting the following new paragraph after paragraph (b):

§ 300.501 Records.

* * * * *

(c) *Justification.* Upon the request of an officer or employee of the Internal Revenue Service or the Price Commission, each person who applies for a price increase or increases a price, under this part, shall—

(1) Specify the records that comply with paragraph (a) of this section; and

(2) Justify that price increase or increased price.

20. Section 300.511 is revised to read as follows:

§ 300.511 Delegations to Internal Revenue Service.

Whenever the Price Commission states in this part that a function is to be performed by the appropriate District Director of Internal Revenue, the approval of the regulation by the Secretary of the Treasury constitutes a redelegation of that function from the Secretary through the Commissions of Internal Revenue to the District Director. The approval will be indicated in the preamble to the regulation stating the purpose of the amendment.

21. Paragraph (e) of Appendix 1 is amended by striking out the words "medical service" and inserting the words "health service" in place thereof.

B. Part 301 is amended as follows:

§ 301.1 [Amended]

1. Section 301.1(b) is amended by striking out the reference, in the introductory clause, to "§ 101.32(g)(2) of this title" and inserting the reference to "§ 101.33(b) of this title" in place thereof; and by revising subparagraph (3) to read as follows:

(3) Rehabilitated dwellings offered for rent in the newly rehabilitated condition for the first time after August 15, 1971, if the cost of rehabilitation exceeds one-half of either the undepreciated cost or the fair market value of the dwelling preceding the rehabilitation.

2. By revising § 301.611 to read as follows:

§ 301.611 Delegations to Internal Revenue Service.

Whenever the Price Commission states in this part that a function is to be performed by the appropriate District Director of Internal Revenue, the aproval of the regulation b ythe Secretary of the Treasury constitutes a redelegation of that function from the Secretary through the Commissioner of Internal Revenue to the District Director. The approval will be indicated in the preamble to the regulation stating the purpose of the amendment.

[FR Doc.72-5964 Filed 4-14-72;4:51 pm]

PART 305—PROCEDURAL REGULATIONS

The purpose of this amendment is to make multiple changes and additions of a perfecting and clarifying nature in Part 305 of the Commission's regulations.

Section 305.3 is revised to permit a person to name anyone he wishes to represent him before the Commission.

Section 305.21 is revised to make it clear that a person found by the Internal Revenue Service to be in violation of the Economic Stabilization Act of 1970, as amended, or the regulations of the Commission may not file an appeal to the Commission.

Sections 305.26(c) and 305.36(e) are added to make it clear that, although generally a record on reconsideration is composed of the evidence considered initially, the Commission on its own motion may consider additional evidence which it considers relevant and which in its opinion the party did not have a reasonable opportunity to present previously.

Section 305.41 is added to specify what the record will be composed of when a formal hearing is held. Sections 305.32 and 305.71 are revised to make clear that reconsideration is available only to a person whose initial request was denied in whole or in part, by the Commission.

Other minor changes of an editorial or clarifying nature have been made.

Because this amendment relates to procedural matters only, notice and public procedure thereon is not necessary and it may be made effective less than 30 days after publication.

In consideration of the foregoing, Part 305 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective April 17, 1972.

Issued in Washington, D.C., on April 13, 1972.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

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AUTHORITY: The provisions of this Part 305 issued under Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971.

Subpart A—General

§ 305.1 Purpose and scope.

(a) This part establishes procedures for—

(1) Appealing from adverse actions by the Internal Revenue Service;

(2) Initial action on requests for exception and reconsideration of denials of such requests in whole or in part;

(3) Formal hearings on price or rent increases or proposed price or rent increases;

(4) Public comments on or objections to Price Commission regulations and rulings;

(5) Appointment of Hearing Officers; and,

(6) Obtaining reconsideration of initial decisions made by the Price Commission on matters other than exceptions.

(b) This part applies to any person aggrieved by a denial of a requested action by IRS or the Commission made on and after the effective date of this part.

(c) When any small business enterprise within the meaning of section 214(a) of the Economic Stabilization Act Amendments of 1971 files a request, application or appeal under the provisions of this part, it will be accorded expedited handling by affording it priority on the dockets maintained by the Commission for the orderly conduct of its business.

§ 305.2 Definitions.

For the purpose of this part—

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adverse action" means an action by the Commission or IRS denying a requested action in whole or in part or an interpretation issued by IRS or ruling issued by the Chief Counsel's office for IRS which is contrary to the position asserted by the person seeking the interpretation or ruling.

"Commission" means the Price Commission established pursuant to Executive order or its delegate.

"District Director" means the district director of the IRS.

"Exception" means an order issued by the Commission to an individual firm waiving the specific requirements of a rule, regulation, or order issued pursuant to the Act.

"Hearing Officer" means a person appointed by the Commission to conduct a hearing.

"IRS" means the Internal Revenue Service.

"Person aggrieved" means a person who increased or seeks to increase a price or rent or a person who is required to pay an increase in rent.

"Price adjustment" means a change in the unit price or a decrease in the quality or quantity without a proportionate change in the unit price of substantially the same property or services.

"Price Commission Ruling" means a Price Commission ruling as defined in § 401.2 of this title.

"Regulation" means a regulation issued by the Commission which appears in Chapter III of Title 6, Code of Federal Regulations.

§ 305.3 Representation.

Any action which by this part is required of or permitted to be taken by a person, unless otherwise directed by the Commission, may be taken on his behalf by any person whom the person has designated to represent him.

§ 305.4 Filing of documents.

A document required to be filed with the Commission under this part is considered filed if it has been received at the Commission offices, 2000 M Street NW., Washington, DC 20508. Documents received after regular business hours are deemed filed on the next regular business day.

§ 305.5 Computation of time.

Except as otherwise provided by law, in computing a period of time prescribed or allowed by this part for the doing of any act, the day of the act, event, or default on which the designed period of time begins to run shall not be counted.

(a) If the last day of the period falls on a Saturday, Sunday, or Federal legal holiday, the period shall be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(b) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday shall not be counted.

§ 305.6 Service.

(a) All documents required to be served under this part shall be served personally or by registered or certified mail on the person specified in the regulations in this part.

(b) Whenever a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed for each document served.

§ 305.7 Extensions of time.

When an action is required to be taken within a prescribed time, an extension of time will be granted only upon good cause shown and only where the application is made before the expiration of the time prescribed.

§ 305.8 Subpenas; witness fees.

The Chairman of the Commission or a Hearing Officer may issue subpenas on written application of a party to the proceedings or on his own motion.

(a) A subpena may require the attendance of witnesses or the production of relevant papers, books, and documents in the possession or under the control of the person served or both.

(b) A subpena may be served by any person who is not a party and is not less than 18 years of age.

(c) The original subpena bearing a certificate of service shall be filed with the Commission.

(d) A witness subpenaed by any party shall be paid the same fees and mileage as are paid to witnesses in District Courts of the United States. The witness fees and mileage shall be paid by the party at whose instance the subpena was issued.

§ 305.9 Consolidations.

Upon its own initiative or upon the motion of a party, the Commission, the Chairman of the Commission or the Hearing Officer may consolidate two or more appeals or requests for exception which involve substantially the same parties or issues which are closely related, if it or he finds that such consolidation will expedite the proceedings.

Subpart B—Appeals From Adverse Actions

§ 305.20 Purpose and scope.

This subpart establishes the rules of the Commission governing the conduct of its administrative review proceedings.

(a) The Commission has jurisdiction to consider and decide appeals from adverse actions by IRS.

(b) The Commission may review all relevant questions of law and fact.

(c) Review will be limited to the evidence in the record before the IRS or the Chief Counsel's office for IRS at the time the adverse action was taken, except as otherwise directed by the Commission.

§ 305.21 Who may appeal.

Any person aggrieved by an action by IRS issued pursuant to Part 401 of this title other than a person found by IRS to be in violation of the Act or Regulations, may file an appeal with the Commission.

§ 305.22 Where to file appeal.

An appeal shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the IRS official who issued the adverse action appealed from.

§ 305.23 When to file appeal.

An appeal must be filed within 30 days of service by IRS of the adverse action upon which the appeal is based. Appellant must have exhausted his administrative remedies within IRS before filing an appeal.

§ 305.24 Contents of appeal.

(a) An appeal must include the following—

(1) The name and address of the appellant;

(2) A clear designation of the document as an appeal to the Commission;

(3) A copy of the adverse action appealed from;

(4) A concise statement of the facts and contentions; and

(5) A statement of the grounds for appeal and the relief requested.

(b) Appeals may be accompanied by briefs.

(c) Envelopes containing appeals should be clearly marked "Appeal."

§ 305.25 Screening of appeals.

The Commission will determined whether the appeal contains a prima facie showing that the adverse action was erroneous in law or in fact.

(a) When the Commission determines that the appeal is not timely the Commission may summarily reject the appeal.

(b) When the Commission determines that the appellant has failed to make a prima facie showing with regard to the requirements specified in this section, the Commission may summarily reject the appeal, notifying the applicant of its action and advise him that he has exhausted his administrative remedies. He then may seek judicial review under the Act.

(c) When the Commission determines that the appeal is timely and that appellant has established a prima facie showing of an erroneous determination, it will proceed in accordance with the provisions of §§ 305.26 through 305.28.

§ 305.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the office which took the adverse action which is the subject of the appeal will forward to the Commission its entire record in the matter.

(b) This record, together with the appeal and briefs, if any, and any statement submitted by IRS will constitute the record on appeal.

(c) The Commission on its own motion may consider any additional evidence that it deems relevant and which in its opinion the party did not have a reasonable opportunity to present below.

§ 305.27 Hearing.

(a) If the Commission in its discretion deems that a hearing is advisable, it will direct that a hearing be held before a Hearing Officer, or where the Commission deems it appropriate, before the Commission in the first instance.

(b) When a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted not less than 10 days after written notice has been served on the appellant, at such time and place as the Commission may direct.

(c) When a hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer allows.

(d) When administratively feasible, within 10 days after the close of the hearing, the Hearing Officer will submit to the Commission a report and any recommendation he deems appropriate with respect to the appellant's request for relief.

§ 305.28 Decision by Commission.

When administratively feasible, within 30 days of receipt of an appeal or within 30 days of receipt of a Hearing Officer's report when a hearing has been directed—

(a) The Commission will issue a decision in writing directed to the appellant setting forth the facts, conclusions of law, its decision, the basis therefor, and an appropriate order.

(b) A copy of the decision and order will be served upon each party to the proceedings.

(c) When the decision denies the relief requested, in whole or in part, a party may seek judicial review under the Act.

Subpart C—Requests for Exceptions

§ 305.30 Purpose and scope.

(a) Except for those filed by prenotification firms (as defined in § 300.5 of this chapter) which shall be filed directly with the Price Commission, requests for exceptions are initiated pursuant to Subpart D of Part 401 of this title.

(b) This subpart establishes the rules of practice of the Commission governing initial actions on requests for exceptions and the reconsideration of denials of such requests, in whole or in part.

(c) The Commission will not consider that an applicant has exhausted his administrative remedies until he has filed a request for reconsideration under §§ 305.32 to 305.35 and final action thereon has been taken by the Commission under § 305.38.

§ 305.31 Initial action on request for exception.

After considering the record, the Commission will issue a decision in writing and an appropriate order:

(a) When the Commission grants an exception it will serve upon the applicant a copy of its decision and order.

(b) When the Commission refuses to grant an exception in whole or in part, it will serve upon the applicant a copy of its written decision setting forth the facts, conclusions of law, its decision, the basis therefor, and an appropriate order.

§ 305.32 Who may request reconsideration.

A person whose request for exception was denied in whole or in part may request reconsideration.

§ 305.33 Where to file.

A request for reconsideration shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 305.34 When to file.

A request for reconsideration must be filed within 30 days of service of the decision refusing to grant the exception, in whole or in part.

§ 305.35 Contents of request.

A request for reconsideration shall—

(a) Be in writing and signed by the appellant;

(b) Be designated clearly as a request for reconsideration;

(c) Contain a concise statement of the grounds for reconsideration and the requested relief;

(d) Be accompanied by briefs, if any; and

(e) Be marked on the outside of the envelope — "Reconsideration — Exception."

§ 305.36 Review by Commission.

(a) The Commission will reconsider its decision and order denying an exception in whole or in part if a request for reconsideration—

(1) Is made by the person whose request for exception was denied in whole or in part;

(2) Is timely; and

(3) Makes a prima facie showing that the Commission's initial action was erroneous in fact or in law.

(b) The Commission may summarily reject a request for reconsideration which is not timely or which was filed by a person other than the one whose request for exception was denied in whole or in part.

(c) The Commission may summarily reject a request for reconsideration which fails to make a prima facie showing that the Commission's initial action was erroneous in fact or in law, in which case it will notify the applicant of its action. Such applicant may seek judicial review under the Act.

(d) When a petition for reconsideration meets the requirements set forth in paragraph (a), the Commission will proceed in accordance with §§ 305.37 through 305.38.

(e) The Commission on its own motion may consider any additional evidence that it deems relevant and which in its opinion the party did not have a reasonable opportunity to present previously.

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§ 305.37 Hearing.

(a) If the Commission in its discretion deems that a hearing is advisable, it will, within 10 days of receiving the request for reconsideration, direct that a hearing be held before a Hearing Officer, or where the Commission deems it appropriate, before the Commission in the first instance.

(b) When a hearing has been directed in accordance with paragraph (a) of this section, it will be conducted not less than 10 days after written notice has been served on the appellant, at such time and place as the Commission may direct.

(c) When a hearing is conducted in accordance with this section, the appellant may present oral argument and submit such additional documentary evidence as the Hearing Officer allows.

(d) Within 10 days after the close of the hearing, the Hearing Officer will submit to the Commission a report and any recommendation he deems appropriate with respect to the appellant's request for reconsideration.

§ 305.38 Decision by Commission.

When administratively feasible, within 30 days of receipt of a request for reconsideration, or within 30 days of a Hearing Officer's report, when a hearing has been directed, the Commission will issue a decision.

(a) When the decision grants the requested relief, a copy of the decision and order will be served upon the party to the proceedings.

(b) When the decision denies the requested relief in whole or in part, the Commission will set forth the facts, conclusions of law, its decision, the basis therefor, and an appropriate order. The party thereafter may seek judicial review under the Act.

Subpart D—Formal Hearings

§ 305.40 Purpose and scope.

(a) To the maximum extent possible, the Commission will conduct formal hearings for the purpose of hearing arguments or acquiring information bearing on a price or rent increase or proposed price or rent increase where such increase or proposed increase has or may have a significantly large impact upon the national economy.

(b) Normally, a formal hearing held pursuant to this section will be open to the public, but a private formal hearing may be held to receive information considered confidential under section 205 of the Act.

(c) Normally, a hearing held pursuant to this section will be held before a Hearing Officer and conducted as described in §§ 305.60 through 305.62. In extraordinary cases, however, the Commission itself may hold a hearing.

§ 305.41 Record.

(a) The record of formal hearings will consist of minutes made at the hearing, a summary account of the proceedings of such hearing, and all documents and exhibits submitted during the course of the hearing, and if ordered by the Commission a stenographic transcript of the proceedings.

(b) The Commission will determine whether a stenographic transcript of the hearing is to be made.

(c) A copy of the transcript of a hearing, if one is made, may be obtained by any interested person upon payment of the fee fixed therefor by the transcriber, unless the hearing is considered by the Commission to involve confidential information. If the hearing involves confidential information a copy of the transcript can be obtained only by a party to the proceeding.

Subpart E—Public Comments on or Objections to Price Commission Regulations and Rulings

§ 304.50 Purpose and scope.

(a) The provisions of 5 U.S.C. 553 will be followed for the issuance of all regulations or amendments to regulations by the Commission, to the extent such provisions apply.

(b) In addition, the Commission will accept from interested persons written comments on or written objections to its regulations or its published rulings at any time. If in the opinion of the Commission such comments or objections warrant a proceeding similar to a rule making proceeding as provided by 5 U.S.C. 553, the Commission will conduct such a proceeding pursuant to notice published in the FEDERAL REGISTER.

§ 305.51 Who may file.

Any interested person may file a comment on or objection to a regulation or published ruling at any time.

§ 305.52 Where to file.

A written comment or objection shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

Subpart F—Hearing Officers

§ 305.60 Appointment of Hearing Officer.

When a hearing is directed, it will be presided over by a Hearing Officer appointed by the Commission unless the Commission decides to conduct the hearing itself. If the Commission conducts a hearing itself, it shall have all the powers of a Hearing Officer set forth hereunder.

§ 305.61 Notice of appointment of Hearing Officer.

All parties entitled to notice will be notified of the appointment of the Hearing Officer and, thereafter, all motions, applications and other papers and documents shall be filed with the Hearing Officer.

§ 305.62 Powers and duties of the Hearing Officer.

(a) A Hearing Officer will have the powers in addition to any other specified in this part:

(1) To hold prehearing conferences;

(2) To administer oaths and affirmations;

(3) To examine or cross-examine witnesses;

(4) To issue subpenas authorized by the Act and to take or cause depositions to be taken;

(5) To rule upon offers of proof and receive evidence;

(6) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Take official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and,

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper;

(7) To hold conferences, before or during the hearing, for the settlement or simplification of issues;

(8) To rule on motions and to dispose of procedural requests or similar matters;

(9) Where appropriate, to make a report and recommendation to the Commission; and

(10) To render decisions.

(b) The Hearing Officer will conduct the hearing and make final disposition of the matter before him as expeditiously as possible.

(c) The Hearing Officer's authority will terminate:

(1) Upon the filing of an appeal from his decision or upon the expiration of the period within which an appeal to the Commission from his decision may be filed; or

(2) Upon transmission to the Commission of his report and recommendation with the record of the hearing conducted in behalf of the Commission.

Subpart G—Review of Initial Commission Decisions on Matters Other Than Exceptions

§ 305.70 Purpose and scope.

(a) Requests for obtaining initial decisions by the Commission other than for exceptions are initiated pursuant to Part 300 of this chapter.

(b) This subpart establishes the rules of the Commission governing reconsideration of denials of such requests, in whole or in part.

(c) Commission will not consider that an applicant has exhausted his administrative remedies until he has filed a request for reconsideration under §§ 305.71–305.74 and final action thereon has been taken by the Commission under § 305.38.

§ 305.71 Who may request reconsideration.

A person whose request for initial action by the Commission (other than request for exception) was denied in whole or in part may request reconsideration.

§ 305.72 Where to file.

A request for reconsideration shall be filed with the Price Commission, 2000 M Street NW., Washington, DC 20508.

§ 305.73 When to file.

A request for reconsideration must be filed within 30 days of service of the initial decision by the Commission.

§ 305.74 Contents of request.

A request for reconsideration shall—

(a) Be in writing and signed by the appellant;

(b) Be designated clearly as a request for reconsideration;

(c) Contain a concise statement of the grounds for reconsideration and the requested relief;

(d) Be accompanied by briefs, if any;

(e) Be marked on the envelope "Reconsideration—Other."

§ 305.75 Review by Commission.

(a) The Commission will reconsider its initial decision denying an initial action (other than request for exception) in whole or in part, if the request for reconsideration—

(1) Is made by the person whose original request was denied in whole or in part;

(2) Is timely; and

(3) Makes a prima facie showing that the Commission's initial action was erroneous in fact or in law.

(b) The Commission may summarily reject a request for reconsideration which is not timely or which is filed by a person other than the person whose original request was denied in whole or in part.

(c) The Commission may summarily reject a request for reconsideration which fails to make a prima facie showing that the Commission's initial action was erroneous in fact or in law, in which case it will notify the applicant of its action and advise him that he has exhausted his administrative remedies. Such applicant may seek judicial review under the Act.

(d) When a petition for reconsideration meets all three requirements set forth in paragraph (a) of this section the Commission will proceed in accordance with the provisions of §§ 305.37 and 305.38.

[FR Doc.72-5918 Filed 4-14-72;11:48 am]

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Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were unanimously recommended by the Southeastern Potato Committee established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in four copies, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 953.209 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending March 31, 1973, will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of one cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period: *Provided*, That potatoes for canning, freezing, and "other processing" as defined in the February 15, 1972, amendment to the act (Public Law 92–233) shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

Dated: April 13, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–5865 Filed 4–17–72;8:50 am]

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendment of Marketing Agreement and Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time fixed in the recommended decision, dated March 31, 1972 (37 F.R. 6857, April 5, 1972), with respect to the proposed amendment of Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of Florida tomatoes, for filing written exceptions to such decision is hereby extended 15 days, to and including May 5, 1972.

This extension is being granted to accommodate a request for additional time by the counsel for importers of Mexican tomatoes.

Dated: April 13, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72–5866 Filed 4–17–72;8:50 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Part 7]

CHILDREN'S SLEEPWEAR

Proposed Sampling Plan

On August 14, 1971, there was published in the FEDERAL REGISTER (36 F.R. 15465) a notice of finding that an amendment to the Standard for the Flammability of Children's Sleepwear, DOC FF 3–71 (36 F.R. 14062), may be needed to provide for sampling plans to detect noncomplying fabrics and garments before they are placed on the market in order to provide increased protection to the public against unreasonable risk of the occurrence of fire leading to death or personal injury or significant property damage, and that confirmation of the need would require appropriate amendment of that Standard.

PROPOSED STATISTICAL SAMPLING PLAN

After review and analysis of the comments received, analysis of information developed through further research and consultations with an ad hoc subcommittee of the National Advisory Committee for the Flammable Fabrics Act, it is hereby found that an amendment of the Standard for the Flammability of Children's Sleepwear, DOC FF 3–71 (36 F.R. 14062) is needed to provide for a sampling plan under the standard.

It is preliminarily found that the plan which is set out in full at the end thereof as Appendix I is:

(a) Needed for young children's sleepwear to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage;

(b) Reasonable, technologically practicable, and appropriate, and is stated in objective terms; and

(c) Limited to young children's sleepwear, and fabrics or related materials which are intended or promoted for use in children's sleepwear, and which have been determined to present the unreasonable risk specified in (a) above.

BASIS FOR PROPOSED STATISTICAL SAMPLING PLAN

The finding of need to amend the Standard for the Flammability of Children's Sleepwear to include a statistical sampling plan is based on the objective of giving maximum practicable assurance that the product which reaches the marketplace meets established flammability requirements. The test method which has been developed for this standard involves a destructive test, thus precluding the testing of all items covered under the standard. It is, therefore, essential to have some type of statistical sampling procedure. By providing as part of the testing procedure in the children s sleepwear standard a statistically based sampling plan for fabrics and garments, children can be given increased protection. This proposed sampling plan would also provide a framework for premarket testing, and thus assist greatly in detecting noncomplying fabrics and garments before they are placed on the market. The proposed plan, which is appended hereto, is based on well recognized statistical sampling procedures. The proposed plan would amend sections .1 and .4(b) of the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71), by adding additional definitions to section .1 and by replacing section .4(b) in its entirety.

EFFECTIVE DATE OF PROPOSED AMENDMENT

The present children's sleepwear standard (DOC FF 3–71) becomes effective July 29, 1972, with a proviso temporarily requiring a permanent and conspicuous caution label for noncomplying goods manufactured during the 12-month period after the effective date of the standard. All goods manufactured 24 months after promulgation of the children's sleepwear standard (July 29, 1973) are required to comply. An amendment to a flammability standard issued under the Flammable Fabrics Act normally becomes effective 12 months from the date on which such amendment is promulgated unless the Secretary of Commerce finds that for good cause shown that an earlier or later date is in the public interest and publishes the reason for such finding. Thus, under the normal statutory requirements of the Flammable Fabrics Act this proposed amendment could not be effective at the same time and in the same manner as the children's sleepwear standard. However, as information received by this Department indicates that compliance with the children's sleepwear standard will be substantially accelerated by the sampling plan, the Secretary proposes to make this amendment effective at the same time and in the same manner as the children's sleepwear standard.

PARTICIPATION IN PROCEEDINGS

All interested persons are invited to submit written comments relative to the proposed sampling plan within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Written comments should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and may include any data or other information pertinent to the subject.

INSPECTION OF RELEVANT DOCUMENTS

The written comments received pursuant to this notice and a background document will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7046, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, DC 20230.

Issued: April 13, 1972.

JAMES W. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

PROPOSED AMENDMENT TO CHILDREN'S SLEEPWEAR STANDARD

Section 0.1 is amended by adding the following definition:

.1 *Definitions.* • • •

• • • • •

(i) "Fabric piece" (piece) means a continuous, unseamed length of fabric, several of which make up a unit.

(j) "Fabric production unit" (unit) means any quantity of fabric up to 5,000 yards for normal sampling or 10,000 yards for reduced sampling which has a specific identity that remains unchanged throughout the unit.

(k) "Garment production unit" (unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged througout the unit except for size.

(l) "Sample" means five test specimens from the appropriate production unit.

(m) "Specimen" means an 8.9 x 25.4 cm. (3.5 x 10 in.) section of fabric. For garment testing the specimen will include a seam or trim.

Section 0.4(b) is revised to read as follows:

.4(b) *Specimens and sampling*—(1) *General.* The acceptance criteria of .3(b) shall be used in conjunction with the following fabric and garment sampling plan, or any other approved by the Department of Commerce that provides at least the equivalent level of fire safety to the consumer. Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability.

Different colors or different print patterns of the same fabric may be included in a single fabric or garment production unit, provided such colors or print patterns demonstrate char lengths and residual flame times that are not significantly different from each other.

For fabrics whose flammability characteristics are not dependent on chemical additives, the laundering requirement of .4(d)(4) is met on subsequent fabric production units if results of testing an initial fabric production unit demonstrate acceptability according to the criteria of .3(b) both before and after the appropriate laundering.

If the fabric has been shown to meet the laundering requirement .4(d)(4), the garments are not required to be laundered.

(2) *Fabric sampling.* A fabric production unit (unit) is either accepted or rejected in accordance with the following plan:

Normal sampling. Select one sample from the beginning of the first fabric piece (piece) in the unit and one sample from the end of the last piece in the unit. Test the two selected samples. If both samples meet all the acceptance criteria of .3(b), accept the unit. If either or both of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, reject the unit. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, reject the unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, select five additional specimens from the same end of the piece in which the failure occurred. If this additional sample passes all the acceptance criteria, accept the unit. If this additional sample fails any part of the acceptance criteria, reject the unit.

Reduced sampling. The level of sampling required for fabric acceptance may be reduced provided the preceding 15 units of the fabric have all been accepted using the normal sampling plan.

The reduced sampling plan shall be the same as for normal sampling except that the quantity of fabric in the unit may be increased to 10,000 yards.

Select and test two samples in the same manner as in normal sampling. Accept or reject the unit on the same basis as with normal sampling.

Reduced sampling shall be discontinued and normal sampling resumed if a unit is rejected.

Tightened sampling. The level of sampling required for acceptance shall be increased when a unit is rejected under the normal sampling plan. The tightened sampling shall be the same as normal sampling except that one additional sample shall be selected and cut from a middle piece in the unit. Neither the piece at the beginning nor the piece at the end of the unit shall be selected for the additional sample. Test the three selected samples. If all three selected samples meet all the acceptance criteria of .3(b), accept the unit. If one or more of the three selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, reject the unit. If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, reject the unit. If only one individual specimen, of the 15 selected specimens, fails the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, select five additional specimens from the same end of the same piece in which the failure occurred. If this additional sample passes all the acceptance criteria, accept the unit. If this additional sample fails any part of the acceptance criteria, reject the unit. Tightened sampling may be discontinued and normal sampling resumed after five consecutive units have all been accepted using tightened sampling. If tightened inspection remains in effect for 15 consecutive units, production must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

Disposition of rejected units. The piece or pieces which have failed and resulted in the initial rejection of the unit may not be reinspected, used or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in this subsection.

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

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The remainder of a rejected unit, after removing the piece or pieces the failure of which resulted in unit rejection, may be accepted if the following test plan is successfully concluded at all required locations. The required locations are those adjacent to each such failed piece. (Required locations exist on both sides of the "middle piece" tested in tightened sampling if failure of that piece resulted in unit rejection.) Failure of a piece shall be deemed to have resulted in unit rejection if unit rejection occurred and a sample or specimen from the piece failed any acceptance criterion of .3(b):

Select and cut a sample from each end of each adjoining piece beginning adjacent to the piece which failed. Test the two samples from the piece. If both samples meet all the acceptance criteria of .3(b), the piece is acceptable. If one or both of the two selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, the piece is unacceptable. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, the piece is unacceptable. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, select five additional specimens from the same end of the piece in which the failure occurred. If this additional sample passes all the acceptance criteria, the piece is acceptable. If this additional sample fails any part of the acceptance criteria, the piece is unacceptable.

Continue testing adjoining pieces until a piece has been found acceptable. Then continue testing adjoining pieces until three successive adjoining pieces, not including the first acceptable piece, have been found acceptable or until five such pieces not including the first acceptable piece, have been tested, whichever occurs sooner. Unless three successive adjoining pieces have been found acceptable among five such pieces, testing shall be stopped and the entire unit rejected without further testing.

The pieces of a unit rejected after retesting may not be reinspected, used or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics, and subsequent retesting in accordance with the procedures set forth in this subsection.

Records. Records of all unit sizes, test results, and the disposition of rejected pieces and units must be maintained by the manufacturer, in accordance with rules and regulations established by the Federal Trade Commission.

(3) *Garment sampling.* The garment sampling plan is made up of two parts: (1) Prototype testing, and (2) production testing. Prior to production, prototypes must be tested to assure that the design characteristics of the garment meet the acceptance criteria. Garment production units (units) are then accepted or rejected on an individual unit basis.

Prototype testing. Preproduction prototypes of a garment style or type shall be tested to assure that satisfactory garment specifications in terms of flammability are set up prior to production.

Seams. Make three samples (15 specimens) using the longest seam and three samples using each other seam, 10 inches or longer that is to be included in the garment. Test each set of three samples and accept or reject each seam design in accordance with the following plan:

If all three samples meet all the acceptance criteria of .3(b), accept the seam design. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, reject the seam design. If three or more of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, reject the seam design. If only one of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, accept the seam design.

If two of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, select three more samples (15 specimens) and retest. If all three additional samples meet all the acceptance criteria of .3(b), accept the seam design. If one or more of the three additional samples fail the 17.8 cm. (7.0 in.) average char length criterion, reject the seam design. If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, reject the seam design. If only one of the individual specimens, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time, accept the seam design.

Trim. Make three samples (15 specimens) from each type of trim to be included in the garment. Specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. The sewing or attachment shall be made in the manner in which the trim is to be attached in the garment. Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seam type. The trim shall be sewn or fastened the entire length of the specimen. Test the sets of three samples. Accept or reject the type of trim and design on the same basis as seam design.

Production testing. A unit is either accepted or rejected according to the following plan:

From each unit select at random at least three garments and cut three samples (15 specimens) from the longest seam. Test the three selected samples. If all three samples meet all the acceptance criteria of .3(b), accept the unit. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, reject the unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, reject the unit. If three or less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length and/or the 10-second residual flame time criteria, accept the unit.

Disposition of rejected units. Rejected units shall not be reinspected, used or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in this subsection.

Records. Records of all unit sizes, test results, and the disposition of rejected units must be maintained by the manufacturer, in accordance with rules and regulations established by the Federal Trade Commission.

[FR Doc.72-5793 Filed 4-17-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141, 141a, 141b, 148j]

NOVOBIOCIN

Buffer Used in Potency Assay and Storage Time of Stock Solution

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that Parts 141, 141a, 141b, and 148j be revised as follows to provide changes in the buffer used in the potency assay of novobiocin and in the storage time of the standard stock solution:

1. It is proposed that Part 141 be amended in the table in § 141.110(b) by revising the entry for novobiocin to read as follows:

§ 141.110 Microbiological agar diffusion assay.

* * * * * *

(b) * * *

Antibiotic	Working standard stock solution: Drying conditions (method number as listed in § 141.501)	Working standard stock solution: Initial solvent	Working standard stock solution: Diluent (solution number as listed in § 141.102(a))	Working standard stock solution: Final concentration units or milligrams per milliliter	Working standard stock solution: Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of activity per milliliter
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
Novobiocin	5	10,000 µg. per ml. in absolute ethyl alcohol.	3	1 mg.	5 days	6	0.200, 0.400, 0.800, 0.625, 0.781 µg.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

2. It is proposed that Part 141a be amended:

a. In § 141a.21 by revising paragraphs (a)(2) and (c)(1) to read as follows:

§ 141a.21 Capsules penicillin and novobiocin.

(a) * * *

(2) *Novobiocin content.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. To an aliquot add sufficient penicillinase to inactivate the penicillin, further dilute with 10 percent potassium phosphate buffer, pH 6.0 (solution 6) to give a reference concentration of 0.5 microgram of novobiocin per milliliter (estimated) and allow to stand for one-half hour at 37° C. Its content of novobiocin is satisfactory if it contains not less than 85 percent of the number of milligrams per capsule that it is represented to contain.

* * * * *

(c) *Novobiocin used in making the capsules*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.1 *M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to the reference concentration of 0.5 microgram of novobiocin per milliliter (estimated).

* * * * * *

b. In § 141a.100 by revising paragraphs (b)(1) (iii) and (iv) to read as follows:

§ 141a.100 Potassium phenethicillin.

* * * * * *

(b) * * *

(1) * * *

(iii) *Standard curve.* Using the stock solution, further dilute with pH 7.8 to 8.0 buffer to get final concentrations of 0.064, 0.08, 0.1, 0.125, and 0.156 unit per milliliter, and proceed as described in § 141.110 (c) and (d) of this chapter.

(iv) *Assay.* Dissolve a weighing of the sample in sufficient pH 7.8 to 8.0 buffer to give a convenient stock solution. Further dilute with buffer to give an estimated concentration equivalent to 0.1 unit per milliliter of the L-α-phenoxyethyl, penicillin potassium standard and then proceed as described in § 141.110(c) of this chapter.

* * * * * *

§ 141a.108 [Amended]

c. In § 141a.108 *Procaine penicillin-novobiocin - polymyxin - dihydrostreptomycin in oil,* in the second sentence of paragraph (a)(2) by changing the words "1 percent potassium phosphate buffer, pH 6.0," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6)."

§ 141a.109 [Amended]

d. In § 141a.109 *Procaine penicillin G-novobiocin-neomycin-dihydrostreptomycin in oil,* in the third sentence of paragraph (a)(2)(i) by changing the words "1 percent potassium phosphate buffer, pH 6.0," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6)."

3. It is proposed that Part 141b be amended:

§ 141b.112 [Amended]

In § 141b.112 *Streptomycin-polymyxin-bacitracin tablets,* in the first sentence of paragraph (b)(1)(iv) by revising the reference "§ 141a.21(c)(1)(vii)" to read "§ 141.110 (b), (c), and (d)."

4. It is proposed that Part 148j be amended:

§ 148j.1 [Amended]

a. In § 148j.1 *Nonsterile sodium novobiocin,* in the second sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.1a [Amended]

b. In § 148j.1a *Sterile sodium novobiocin,* in the second sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.2 [Amended]

c. In § 148j.2 *Calcium novobiocin,* in the second sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.3 [Amended]

d. In § 148j.3 *Sodium novobiocin tablets,* in the second sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.5 [Amended]

e. In § 148j.5 *Calcium novobiocin oral suspension,* in the third sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.6 [Amended]

f. In § 148j.6 *Sodium novobiocin for injection,* in the fourth sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

§ 148j.7 [Amended]

g. In § 148j.7 *Sodium novobiocin capsules,* in the third sentence of paragraph (b)(1) by changing the words "1 percent potassium phosphate buffer, pH 6.0 (solution 1)," to read "10 percent potassium phosphate buffer, pH 6.0 (solution 6),".

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 5, 1972.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.72-5724 Filed 4-17-72;8:45 am]

[21 CFR Part 295]

HOUSEHOLD SUBSTANCES IN LIQUID FORM CONTAINING METHYL ALCOHOL (METHANOL)

Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has determined that the accidental ingestion of household substances in liquid form containing 4 percent or more of methyl alcohol (methanol) has been a cause of serious personal injury and serious ill-

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ness to children under 5 years of age.

Methyl alcohol, also known as wood alcohol, is a constituent of a number of household substances including windshield washer antifreeze, automobile gasline antifreeze, certain paint thinners, paint and varnish removers, paint brush cleaners, and shellac solvents.

The unique toxicity of methyl alcohol and the resultant adverse effects following its ingestion have resulted in hundreds of deaths and numerous cases of blindness which are well known and thoroughly documented in medical literature. This substance is rapidly absorbed from the gastrointestinal tract and slowly eliminated from the body. The symptoms of methyl alcohol poisoning are visual disturbance ranging from mild blurring to total loss of light perception, nausea, vomiting, excruciating abdominal pain, shock, cyanosis, dyspnea, and coma. Death is usually due to respiratory failure or circulatory collapse and may be prompt or delayed a few days. The mortality rate from this type of poisoning is reported to be high. Permanent visual impairment or blindness is not uncommon following survival.

The action of methyl alcohol and its metabolites is reported to damage the gastrointestinal tract (particularly the stomach), the lungs, the kidneys, the liver, the pancreas, and most markedly the eyes. The high water content of the eye and the great solubility of methyl alcohol in water is reported to be the basis for the affinity of methyl alcohol for the eye. The toxic effects of methyl alcohol in humans are attributed to three factors: (a) Central nervous system depression, (b) a severe acidosis, and (c) a specific action of methyl alcohol metabolites on the retinal cells and optic nerve.

Data from the National Clearinghouse for Poison Control Centers on accidental ingestions of substances containing methyl alcohol by children under 5 years of age, for the 3-year period 1968–70, show 44 ingestions and three hospitalizations.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commissioner finds that the nature of the hazard to children posed by liquid household substances containing 4 percent or more of methyl alcohol, by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from ingesting such substances.

On the basis of reports and data from industry and other relevant information, and pursuant to section 3(a)(2) of the act, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. At least 15 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) that meet or exceed the effectiveness specifications of § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since such special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2(a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

. . . . . .

(8) *Methyl alcohol (methanol).* Household substances in liquid form containing 4 percent or more by weight of methyl alcohol (methanol) shall be packaged in accordance with the provisions of § 295.3 (a) and (b).

. . . . . .

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 13, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5892 Filed 4-17-72;8:52 am]

Public Health Service

[42 CFR Part 53]

MEDICAL SERVICES FOR PERSONS UNABLE TO PAY: NONDISCRIMINATION

Proposed Standards for Determining Compliance

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, and subject to the approval of the Federal Hospital Council, proposes to revise § 53.111 of Title 42, CFR, entitled "Services for persons unable to pay."

The principal purpose of the revision is to establish more specific standards, guidelines, and procedures for determining compliance with, and enforcing, assurances to provide a reasonable volume of services to persons unable to pay therefor previously given by recipients of, or to be given by applicants for, assistance under Title VI of the Public Health Service Act as amended (42 U.S.C. 291 et seq.).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision of 42 CFR Part 53, Subpart L, to the Health Care Facilities Service, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection at Room 9–05, Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

This proposed revision of Title 42 CFR 53.111 is issued under authority of section 603 of the Public Health Service Act as amended, 78 Stat. 451, 42 U.S.C. 291c.

It is therefore proposed to revise 42 CFR 53.111 to read as set forth below.

Dated: April 12, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: April 15, 1972.

ELLIOT L. RICHARDSON,
Secretary.

§ 53.111 Services for persons unable to pay.

(a) *Applicability.* The provisions of this section apply to every applicant which heretofore has given or hereafter will give an assurance that it will make available a reasonable volume of services to persons unable to pay therefor.

(b) *Definitions.* As used in this section:

(1) The term "facility" includes hospitals, facilities for long-term care, outpatient facilities, rehabilitation facilities, and public health centers;

(2) The term "applicant" means an applicant for, or recipient of, a grant, a loan guarantee or a loan under the Act;

(3) "Fiscal year" means the fiscal year of the applicant;

(4) The term "operating costs" means the actual operating costs of the applicant for a fiscal year as determined in accordance with cost determination principles and requirements under Title XVIII of the Social Security Act (42 U.S.C. 1395): *Provided*, That such "operating costs" shall be determined for the applicant's entire facility and for all patients regardless of the source of payment for such care: *And provided further*, That in determining such operating costs there shall be deducted the amount of all actual or estimated reimbursements, as applicable, for services received or to be received pursuant to Title XVIII and XIX of the Social Security Act (42 U.S.C. 1395 and 1396);

(5) The term "net income" means the net income of the applicant determined in accordance with the applicant's usual accounting methods provided that such methods are consistently applied and are compatible with accounting principles generally accepted in hospital and related fields;

(6) The term "reasonable cost" means the cost of providing services to a specific patient determined in accordance with the cost determination principles and requirements under title XVIII of the Social Security Act (42 U.S.C. 1395) and Subpart D of the regulations thereunder (20 CFR 405, 401 et seq.);

(7) The term "uncompensated services" means services which are made available to persons unable to pay therefor without charge or at a charge which is less than the reasonable cost of such services. The level of such services is measured by the difference between the amount charged for such services and the reasonable cost thereof;

(8) "Reasonable volume of services to persons unable to pay therefor" means a level of uncompensated services which meets a need for such services in the area served by an applicant and which is within the financial ability of such applicant to provide.

(c) *Assurance.* Before an application under this part is recommended by a State agency to the Secretary for approval, the State agency shall obtain an assurance from the applicant that there will be made available in the facility or portion thereof to be constructed or modernized a reasonable volume of services to persons unable to pay therefor. The requirement of an assurance from an applicant shall be waived if the applicant demonstrates to the satisfaction of the State agency, subject to subsequent approval by the Secretary, that such a requirement is not feasible from a financial viewpoint.

(d) *Presumptive compliance guideline.* An applicant which, for a fiscal year, budgets for the support of, and makes available on request, uncompensated services at a level not less than the higher of 5 percent of operating costs or 25 percent of net income shall, subject to the provisions of paragraph (h) of this section, be deemed in presumptive compliance with its assurance.

(e) *Compliance reports.* (1) Each applicant shall, not later than 120 days after the end of a fiscal year, unless a longer period is approved by the State agency for good cause shown, file with the State agency a copy of its annual statement for such year as required by section 646 of the Act and § 53.128(q), which shall set forth its operating costs and the amount of uncompensated services provided in such year. The provision of a level of uncompensated services in such year which equals or exceeds the level established pursuant to paragraph (h) of this section for such year shall constitute compliance with the assurance. If the level of services provided was less than the level of uncompensated services established pursuant to paragraph (h) of this section, the applicant shall submit with such statement (i) a justification therefor, showing that the provision of such lower level of uncompensated services was reasonable under the circumstances and (ii) a description of the steps it proposes to take to assure the availability and utilization of the level of uncompensated services to be established for the current fiscal year, which shall include an affirmative action plan, utilizing available media of mass communication as well as other appropriate means, to bring to the attention of the public the availability of such uncompensated services and the conditions of eligibility therefor.

(2) Each applicant shall file with its annual statement a copy of that portion of its adopted budget for the current fiscal year relating to the support of uncompensated services in such year. Such budget for uncompensated services shall be based on the operating costs of the applicant for the preceding fiscal year and shall give due cognizance to probable increases in operating costs. If the budget statement does not conform to the presumptive compliance guidelines, the applicant shall submit with its statement (i) a justification therefor, showing that such lower level of uncompensated services is reasonable under the circumstances, and (ii) a plan to increase such uncompensated services to meet the presumptive compliance guideline or such other level of uncompensated services as may have been established or as it requests the State agency to establish in accordance with paragraph (h) of this section.

(3) The applicant shall also submit such additional reports related to compliance with its assurance as the State agency may reasonably require.

(f) *Qualifying services.* (1) In determining the amount of uncompensated services provided by an applicant, there shall be included only those services provided to an individual with respect to whom the applicant has made a formal written determination prior to the provision of such services that such individual is unable to pay therefor under the criteria established pursuant to paragraph (g) of this section except that such determination may be made after the provision of the services where (i) there has been a change in circumstances, e.g., the patient's financial condition has changed or the cost of the services provided is greater than anticipated, (ii) an emergency or an urgent need for services has precluded a determination of the patient's ability to pay therefor or (iii) the applicant has for other good cause been unable to complete its investigation and determination prior to the provision of the services: *Provided*, That a statement of such good cause be made a part of the applicant's written determination.

(2) There shall be excluded from the computation of uncompensated services:

(i) Any amount which the applicant has received, or is entitled to receive, from a third party insurer or under a governmental program; and

(ii) The reasonable cost of any services for which payment in whole or in part would be available under a governmental program (e.g., Medicare and Medicaid) in which the applicant, although eligible to do so, does not participate, but only to the extent of such otherwise available payment.

(g) *Persons unable to pay for services.* (1) The State agency shall set forth in its State plan, subject to approval by the Secretary, criteria for identifying persons unable to pay for services, which shall include persons who are otherwise self-supporting but unable to pay the full charge for needed services. Such criteria shall be based on the following or similar factors:

(i) The health and medical care insurance coverage, personal or family income, the size of the patient's family, and other financial obligations and resources of the patient or the family in relation to the reasonable cost of the services;

(ii) Generally recognized standards of need such as (a) the State standard for the medically needy as determined for the purposes of the Aid for Families with Dependent Children program; (b) the current Social Security Administration poverty income level; (c) the current Office of Economic Opportunity Income Poverty Guidelines applicable in the area; or

(iii) Any other equivalent measures which are found by the Secretary to provide a reasonable basis for determining an individual's ability to pay for medical and hospital services.

(2) A copy of such criteria shall be provided by the applicant, upon request, to any patient or former patient of the applicant and to any person seeking services from the applicant.

(3) The State agency shall provide a copy of such criteria to any person requesting it.

(h) *Level of uncompensated services.* (1) The State agency shall set forth in its State plan procedures for the determination for each applicant of the level of uncompensated services which constitutes a reasonable volume of services to persons unable to pay therefor.

(2) The State agency shall for the purpose of making such determination, review, and evaluate the annual statement, the budget and the related documents submitted by each aplicant pursuant to paragraph (e) of this section, by applying the following criteria:

(i) The financial status of the applicant, taking account of income from all sources, and its financial ability to provide uncompensated services;

(ii) The nature and quantity of services provided by the applicant;

(iii) The need within the applicant's service area for the provision, without charge or at charge which is less than reasonable cost, for services of the nature provided or to be provided by the applicant; and

(iv) The extent and nature of joint or cooperative programs with other facil-

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ities for the provision of uncompensated services, and the extent and nature of outreach services directed to the needs of underserved areas.

(3) In accordance with its findings made after such review and evaluation, the State agency shall, within 60 days after receipt of the annual statement and related documents required by paragraph (e) of this section, for each fiscal year of an applicant which begins following the expiration of 90 days after the effective date of this regulation:

(i) Establish a level of uncompensated services for each applicant which may be equal to or less than the presumptive compliance guideline: *Provided*, That if the State agency determines, in accordance with subparagraph (2) of this paragraph, that (*a*) there is a need in the area served by an applicant for a level of uncompensated services greater than the level proposed in the applicant's budget statement, and (*b*) the applicant is financially able to provide such greater level of uncompensated services, the State agency shall establish such greater level as the level applicable to the applicant; and

(ii) Accept or modify a plan submitted pursuant to paragraph (e) of this section.

(4) The State agency shall notify the applicant in writing of the level of uncompensated services which it has established for the applicant for the fiscal year. At the time of notifying the applicant, the State agency shall also publish as a public notice in a newspaper of general circulation within the community served by the applicant the rate that has been established, a statement that the documents upon which the agency based its determination are available for public inspection at a location and time prescribed, and that persons wishing to object to the rate can do so by writing to the State agency within 20 days after publication of the notice.

(5) The applicant or any person or persons residing or located within the service area of the applicant, or any organization on behalf of such person or persons, may submit to the State agency within 20 days of the publication and sending of the notice objections to the rate established by the State agency for the applicant. Such objections may be supported in writing by factual information and argument. The State agency may, if it believes that determination of the objections will be assisted by oral evidence or by oral argument, set a public hearing on the objections and shall give notice of such hearing to all interested parties and to the public. If no hearing is set, the State agency shall give public notice of the receipt of the objections and shall make the objections and their supporting documents available for public inspection and comment. The State agency shall rule promptly upon the objections in writing, stating its reasons for sustaining or overruling them, in whole or in part, and establishing finally the rate of uncompensated services either the same as, above, or below the rate previously established, as may best accord with all of the evidence on file with or heard by the State agency. Notice of the final determination shall be mailed to all parties who filed objections or who participated in the proceedings leading to the redetermination.

(6) Within 20 days of receipt of written notice of the final determination of a State agency after ruling on objections to the rate established by the State agency, the applicant or any other interested person or organization may submit to the Secretary a written request for review of the State agency determination. Such review shall be made upon the record of the State agency determination which shall be sustained if supported by substantial evidence and is not otherwise arbitrary or capricious. If the Secretary or his designee determines that the rate established by the State agency is unsupported by the evidence in the record or is otherwise arbitrary or capricious, the Secretary or his designee shall, upon the basis of the record or upon other evidence or information which is before him or which he may obtain, establish a level of uncompensated services which he determines, in accordance with the criteria set out in subparagraph (2) of this paragraph, is appropriate.

(7) The level of uncompensated services established for an applicant under this section for any fiscal year shall constitute a reasonable volume of services to persons unable to pay therefor with respect to such applicant for such fiscal year.

(i) *Evaluation and enforcement.* The State plan shall provide for evaluation and enforcement of the assurance in accordance with the following requirements:

(1) The State agency shall, (i) at least anually, perform evaluations of the services provided in each facility with respect to which Federal assistance has been provided under the Act, to determine whether such assurance is being complied with; and (ii) establish procedures for the investigation of complaints that such assurance is not being complied with.

(2) Evaluation pursuant to subparagraph (1) of this paragraph shall be based on the annual budget of each facility for uncompensated services and on financial statements of such facilities filed pursuant to section 646 of the Act and § 53.128(q), and on such other information, including reports of investigations and hearing decisions, as the State agency deems relevant and material.

(3) The State plan shall provide for adequate methods of enforcement of the assurance, including effective sanctions to be applied against any facility which fails to comply with such assurance. Such sanctions may include, but need not be limited to, license revocation, termination of State assistance, and court action.

(j) *Reports.* (1) The State agency shall, not less often than annually, report in writing to the Secretary its evaluation of each facility's compliance with the assurance, the disposition of each complaint received by the State agency, proposed remedial action with respect to each facility found by the State agency to be not in compliance with the assurance, and the status of such remedial action.

(2) In addition, the State agency shall promptly report to the Regional Attorney and Regional Health Director of the Department of Health, Education, and Welfare the institution of any legal action against a facility or the State agency involving compliance with the assurance.

[FR Doc.72-5966 Filed 4-17-72;9:31 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-CE-10]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Dubuque, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

The VOR/DME approach to Runway 21 at the Clinton, Iowa, Municipal Airport overlies a small area of uncontrolled airspace. Consequently, the Dubuque, Iowa, transition area is being altered to include within it that airspace.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2143), the following transition area is amended to read:

DUBUQUE, IOWA

That airspace extending upward from 700 feet above the surface within an 8½-mile radius of Dubuque Municipal Airport (latitude 42°24'10" N., longitude 90°42'32" W.); and within 4½ miles northeast and 9½ miles southwest of the Dubuque VORTAC 321° radial, extending from the VORTAC to 18½ miles northwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 42°05'00" N., longitude 91°00'00" W., thence west along latitude 42°05'00" N., to and north along longitude 92°15'00" W., to and counterclockwise along the arc of a 29-mile-radius circle centered on the Waterloo, Iowa, VORTAC, to and east along the south edge of V-100, to and clockwise along the arc of a 29-mile-radius circle centered on the Dubuque VORTAC, to and southeast along the southwest edge of V-218, to and south along longitude 89°55'00" W., to and southwest along the northwest edge of V-216, to 90°08'00" W., and south to the north edge of V-172, to and north along longitude 91°00'00" W., to the point of beginning, excluding the portion which overlies the State of Illinois.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 24, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-5810 Filed 4-17-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-CE-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Jefferson City, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace at Jefferson City, Mo., new and revised approach procedures are being developed for the Jefferson City Memorial Airport. Accordingly, it is necessary to alter the Jefferson City control zone and transition area to adequately protect aircraft executing the new and revised approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to alter Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

JEFFERSON CITY, MO.

Within a 5-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.), and within 2 miles each side of the Jefferson City VOR 308° radial, extending from the 5-mile-radius zone to 8 miles northwest of the VOR, and within 2.5 miles each side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°04'40" W.) and 2.5 miles each side of the 124° bearing from the Jefferson City RBN, extending from the 5-mile-radius zone to 16 miles southeast of the VOR. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airman's Information Manual.

2. In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

JEFFERSON CITY, MO.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Jefferson City Memorial Airport (latitude 38°35'33" N., longitude 92°09'39" W.) and within 3.5 miles either side of the 118° bearing from the Jefferson City RBN facility (latitude 38°33'20" N., longitude 92°-04'40" W.) and 3.5 miles each side of the 124° bearing from the Jefferson City RBN, extending from the 8-mile-radius zone to 17.5 miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 23, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-5811 Filed 4-17-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SW-9]

TRANSITION AREA

Proposed Alteration

On February 18, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3645) stating the Federal Aviation Administration proposed to alter the Johnson City, Tex., 700-foot transition area.

Subsequent to publication of the notice of proposed rule making (Airspace Docket No. 72-SW-9), it was found that the Johnson City 700-foot transition area, as depicted on the latest issuance (January 6, 1972) of the San Antonio Sectional Aeronautical Chart, had been charted incorrectly. The portion of this sectional chart, which was provided as an attachment to Airspace Docket No. 72-SW-9, depicted the 700-foot Johnson City transition area as a 7-mile-radius area of the Johnson City Airport having a 4-mile southerly extension. This incorrect depiction was an apparent oversight since, on July 22, 1971, an amended Johnson City 700-foot transition area became effective. This amended Johnson City transition area (Airspace Docket No. 70-SW-57) described the transition area as an area extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City Airport and within 4.5 miles west and 9.5 miles east of the 175° and 355° bearings from the Johnson City RBN extending from 18.5 miles south to 10 miles north of the RBN. Attachment No. 1 to the supplementary notice indicates the correct configuration of the current Johnson City transition area. Also indicated is the incorrect transition area which is currently depicted on the latest issuance of the San Antonio Sectional Chart.

In response to the initial Airspace Docket No. 72-SW-9, several written responses were received, all favorable; however, a review of the instrument approach procedures was made to determine if the significant increase in airspace was necessary to accommodate the approach procedure for Johnson City Airport and for the Shepherd Farm Airport.

It was found that only Category A aircraft (stall speed in a landing configuration less than 91 knots and aircraft weight less than 30,001 pounds) will utilize the Shepherd Farm Airport. This fact will permit the reduction of the procedure turn area from 10 miles to 5 miles and could therefore reduce the need for a 10.5-mile radius on the east as was indicated in the notice.

It was also found that the approach procedure for Johnson City Airport could be altered by using 4,000 feet rather than 3,000 as the procedure turn altitude. This would place the approaching aircraft within the 1,200-foot transition area. The southerly extension could therefore be reduced by 3.5 miles.

A 5-mile-radius area of the Shepherd Farm Airport would be added to the transition area. Although this would enlarge the transition area to the southwest, it would also obviate the need for an increase from a 7-mile radius to a 10.5-mile radius as was initially proposed. This change back to a 7-mile-radius area, while still affording airspace necessary to accommodate the two approach procedures, will permit a substantial reduction in the extent of controlled airspace as was previously proposed.

Attachment No. 2 of this supplementary notice indicates the extent of airspace initially proposed having a 10.5-mile radius (hatched lines) and also the reduced 700-foot transition area which is now being proposed for the Johnson City area.

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In consideration of the foregoing, it is the intent of this supplemental notice to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the Johnson City transition area is amended to read:

JOHNSON CITY, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Johnson City Airport (latitude 30°15'05'' N., longitude 98°37'21'' W.); within a 5-mile radius of Shepherd Farm Airport (latitude 30°12'30'' N., longitude 98°43'20'' W.) and within 2.5 miles each side of the 175° bearing from the Johnson City RBN (latitude 30°-12'32'' N., longitude 98°37'05'' W.) extending from the 7-mile-radius area to 8 miles south of the RBN.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on April 6, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-5812 Filed 4-17-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-CE-6]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kirksville, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A VOR/DME instrument approach is being established for the Clarence Cannon Memorial Airport, Kirksville, Mo. Accordingly, it is necessary to alter the Kirksville, Mo., transition area in order to provide adequate airspace protection for aircraft executing these new instrument approaches.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

KIRKSVILLE, MO.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Clarence Cannon Memorial Airport (latitude 40°05'45'' N., longitude 92°32'50'' W.); within 3 miles each side of the Kirksville VORTAC 316° radial, extending from the 6½-mile-radius area to 8 miles northwest of the VORTAC; and within 5 miles each side of the 360° bearing from Clarence Cannon Memorial Airport, extending from the 6½-mile-radius area to 11½ miles north of the airport; and that airspace extending upwards from 1,200 feet above the surface within a 21-mile radius of the Kirksville, Mo., VORTAC and 9.5 miles northeast and 4.5 miles southwest of the 135° radial of the Kirksville, Mo., VORTAC extending from 21 miles to 29 miles.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 24, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-5809 Filed 4-17-72;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-16]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Torrance, Calif., control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Blvd., Los Angeles, CA 90045.

On or about July 20, 1972, a localizer course to serve Runway 29R at Torrance Municipal Airport, Torrance, Calif., will be commissioned. The localizer will be alined 293° M (308° T) and an instrument approach procedure will be published coincidental with the commissioning date of the facility. In order to provide controlled airspace protection for aircraft executing the prescribed instrument approach procedure while operating below 1,000 feet above the surface, a small control zone extension will be required.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (37 F.R. 2056) the description of the Torrance, Calif., control zone is amended to read as follows:

TORRANCE, CALIF.

Within a 3-mile radius of Torrance Municipal Airport (latitude 33°48'10'' N., longitude 118°20'20'' W.), within 2 miles each side of the Los Angeles VORTAC 150° radial, extending from the 3-mile-radius zone to 7 miles southeast of the VORTAC, and within 1 mile each side of the Torrance localizer course extending from the 3-mile-radius zone to 5 miles southeast of the lift-off end of Runway 11L. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 6, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-5813 Filed 4-17-72;8:46 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 71-AL-25]

RESTRICTED AREA AND CONTINENTAL CONTROL AREA

Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate a new joint-use restricted area near Blair Lakes, Alaska, and include it in the continental control area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official document will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Department of the Air Force has requested the designation of a joint-use restricted area near Blair Lakes, Alaska, extending from the surface to FL 220 north of an E/W line at latitude 64°20'00'' N., and 1,000 feet AGL to FL 220 south of this line. The purpose of the restricted area is to provide an area for tactical aircraft engaged in the delivery of air-to-ground training ordnance.

The shared use of Restricted Area R-2202 has been attempted and found unsuitable by the Air Force. This was due to U.S. Army priorities which have precluded the extensive range utilization required by the Alaskan Air Command.

In consideration of the foregoing, the Federal Aviation Administration proposes the airspace actions as hereinafter set forth.

1. The Blair Lakes, Alaska, restricted area would be designated as follows:

Boundaries.—Beginning at latitude 64°33'-00'' N., longitude 147°45'00'' W.; to latitude 64°04'00'' N., longitude 146°49'00'' W.; thence along the east bank of the Little Delta River to latitude 63°50'50'' N., longitude 146°47'30'' W.; to latitude 63°56'00'' N., longitude 147°02'00'' W.; to latitude 64°-25'00'' N., longitude 147°58'00'' W.; to latitude 64°29'32'' N., longitude 147°54'45'' W.; to point of beginning (see chart).

Time of designation.—0730 to 1730 local time Monday through Friday, other times by NOTAM issued at least 24 hours in advance.

Designated altitudes.—Within the boundaries of the proposed restricted area as follows:

A. North of an E/W line at latitude 64°-20'00'' N., surface to FL 220.

B. South of an E/W line at latitude 64°-20'00'' N., 1,000 feet AGL to FL 220.

Controlling agency.—Federal Aviation Administration, Elelson RAPCON.

Using agency.—Alaskan Air Command.

2. The description of the continental control area would be altered to include the Blair Lakes, Alaska, restricted area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 12, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-5808 Filed 4-17-72;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 91]

[Docket No. 13930; FCC 72-312]

BUSINESS RADIO SERVICE

Availability of Certain "Tertiary" Channels

Order. In the matter of amendment of § 91.554(a) of Part 91 (formerly § 11.554 (a) of Part 11), Subpart L, of the Commission's rules governing the Business Radio Service whereby certain "tertiary" channels in the 151-155 MHz band will be made available on a regular basis, Docket No. 13930.

1. On its own initiative, the Commission issued a notice of proposed rule making on February 6, 1961, asking for comments relative to making 13 new "tertiary" or 15 kHz channels available in the 150 MHz band in the Business Radio Service. The notice was published in the FEDERAL REGISTER on February 10, 1961 (FCC 61-132; 26 F.R. 1191).

2. Since the Commission issued its proposal in this proceeding, rules have been adopted in Docket No. 17703 (FCC 71-606; 36 F.R. 12102) concerning the use of tertiary frequencies in the 150-162 MHz band under Parts 89, 91, and 93 of the rules. In the proceeding, the Commission concluded that operation in the 150 MHz band with 15 kHz spacing is possible if the stations on the adjacent channels are geographically separated. Rules adopted in the proceeding made tertiary frequencies available in radio services with frequency coordination. A minimum geographical separation of 10 miles between base stations was required for Part 91.

3. The basis for the final rules in Docket No. 17703 is relevant to disposal of the Commission's proposal in this proceeding. While several parties filing comments in Docket No. 13930 did favor adoption of our proposed rules without change, the comments generally indicated that implementation of 15 kHz tertiary channels on a same area basis requires suitable geographical separation. Under the Commission's proposal there was no requirement for frequency coordination or any arrangement to maintain geographical separation between base stations operating on 15 kHz adjacencies.

4. We have decided to withdraw our proposals in this proceeding for several reasons. Our action in Docket No. 17703 established the need for geographical separation of stations operating on frequencies separated by 15 kHz and specified minimum distances in the interest of controlling interference. We have concluded that in an uncoordinated and highly shared radio service, such as the Business Radio Service at 150 MHz, the geographical spacing needed to permit use of 15 kHz spaced assignments with equipment standards based on 30 kHz spacing, would be extremely difficult to maintain. The frequency records of the Commission are not, at this time, intended to provide the current data that would be needed for case-by-case review of applications for 15 kHz assignments. Further, allocation of the proposed tertiary frequencies with a geographical spacing limitation would be of questionable usefulness. The great number of existing stations in urban areas on adjacent frequencies would be expected in most cases to preclude the availability of the tertiary frequencies in the areas where they are most needed.

5. In view of the considerations and limitations related above and pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That the proposal made by the Commission in Docket No. 13930 is withdrawn and the proceeding in the docket is hereby terminated.

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-5883 Filed 4-17-72;8:51 am]

[1] Commissioner Robert E. Lee absent; Commissioner Johnson concurring in the result.

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FEDERAL POWER COMMISSION

[18 CFR Ch. I]

[Docket No. R-438]

DEVELOPMENT OF FULLY AUTOMATED COMPUTER REGULATORY INFORMATION SYSTEM

Notice of Proposed Rule Making

APRIL 13, 1972.

The Federal Power Commission hereby gives notice pursuant to the provisions of the Administrative Procedure Act, 5 U.S.C. 553, that the Commission will undertake a series of rule making actions in the above entitled matter for the purpose of developing a fully automated computer regulatory information system. The fully automated information system will be prescribed in aid of the Commission's duties and responsibilities arising inter alia under the provisions of the Federal Power Act, 16 U.S.C. 791a et seq., and the Natural Gas Act, 15 U.S.C. 717 et seq.

The actions proposed to be taken will be phased. Generally speaking, the various Federal Power Commission reporting procedures and report forms will be adapted to computer regulatory format with accounting and other data gathering requirements to follow. Transitional periods will be used wherein existing and proposed computer reporting techniques will be observed, and thereafter, existing processes would be eliminated.

This notice is intended to initiate this overall change. The following portions of this notice describe the new reporting arrangement, the computer concepts involved, the reasons for the proposed change, the anticipated results and uses thereof. Attached appendix A lists the various existing Federal Power Commission "Approved Forms" which will be affected.[1] However, it should be noted that before any existing form or data reporting requirement is changed, the Commission proposes to give appropriate further public notice. This notice is intended to solicit comments upon the overall arrangement and thereby to provide a basis for further implementing actions. Accordingly, the Commission now advises that it proposes to:

1. Establish and operate a centralized electronic information data bank of all Federal Power Commission regulatory and administrative information.
2. Restructure the current methods of reporting data to the Commission by using Electronic Data Processing (EDP) technology.
3. Develop the Commission's regulatory computer applications (programs) utilizing the centralized data bank.
4. Apply to Commission operations the latest technology of computers, terminals, and data communications.
5. Issue Agency EDP standards related to respondent's submission of data.

[1] See 18 CFR 3.142, 3.170. Appendix A is filed as part of the original document.

The system will permit the Commission and its staff access to process data via terminals or other devices for the express purpose of regulation as provided in the Federal Power Act, 16 U.S.C. 791a, the Natural Gas Act, 15 U.S.C. 717 et seq., the National Environmental Policy Act of 1969, 42 U.S.C. 4321, and all other applicable laws and requirements.

Outline of the general plan. The major features of the fully automated computer regulatory information system plan include the following. The Commission proposes establishing and operating a centralized, electronic information data bank of all Federal Power Commission regulatory and administrative information. The Commission, having concluded that a central electronic data bank will best serve its needs, presently envisions that the bank will contain six major data files. These are:

1. *Corporate and economic information file.* This file will include, but not be limited to, data concerning balance sheet entries, summaries of utility plant and accumulated depreciation, income statements, retained earnings, source and application of funds, principal officers and points of contact, and corporate structure. In addition, this file will be structured to contain general economic and industry data which affects the regulated industries.

2. *Electric operating information file.* This file will consist of data concerning electric generating plant details, electric sales and purchases, high voltage transmission, and substation capabilities and costs, projected facility construction, existing as well as proposed pooling relationships, and related technical data.

3. *The gas operating information file.* This section of the data bank will include details on producer and transmission natural gas plant facilities, sales, purchases, contracts, reservoirs, reserves, underground storage, and other technical considerations of significance.

4. *Environmental information file.* This file will include data on current and proposed operations relating to fuel, air and water quality, plant-related recreational facilities, existing as well as projected operations of the electric power and natural gas industries with regard to the implementation of environmental requirements.

5. *The legal information data file.* This file will contain information relating to cases and dockets stemming from Commission activities, e.g., proposed projects, certification, rates, licensing, and status of current cases.

6. *Internal administrative information file.* This file will consist of data required within the Commission to support its own operations and will include data concerning personnel, payroll, projects status, and other miscellaneous data.

The establishment of this central data bank will include the conversion of existing data at the Commission so that all data can be accessed by a computer software system (data management system). The objectives of the central electronic data bank design will be:

1. To further eliminate duplication in information now collected;
2. To provide the speed of access which is required by public interest priorities and available through full computer technology;
3. To facilitate further evaluation and analysis of all data;
4. To facilitate reduction of the quantity of existing manual files; and
5. To accommodate the development of new regulatory techniques.

In developing regulatory computer applications utilizing the centralized data bank, the staff of the Commission will utilize one central information system and unified data files for the development of computer applications. Early planning of new staff projects and assignments will include the use of this central information system for implementation of the tasks. All regulatory activities will be evaluated under a continuing management program to allow computer processing of data and information retrieval. The resulting computer applications will be integrated into the general EDP management plan of the Commission.

In applying the latest technology of computers, terminals and data communications to Commission operations, the Commission plans to install the necessary terminals and communication devices in each of its organizational entities to facilitate the use of the central data bank. The installation of this equipment will be in accordance with the Commission's EDP management plan and under the direction of the Commission's EDP unit. The EDP unit will be the focal point of new computer applications within the Commission as well as maintaining state-of-the-art knowledge of computers, terminals, communications, and software as applicable to regulatory functions.

The Commission contemplates the issuance of FPC agency EDP standards. It is proposed that this will be in accordance with the requirements of Public Law 89-306 and Office of Management and Budget (OMB) Circular No. A-86, and other Federal standards. The Commission intends to issue references to Federal EDP standards and to promulgate FPC agency standards consisting of data elements and codes for respondent use when submitting data to the Commission.

Transitional arrangements. This program is to prepare for specific implementation of this plan and give all affected persons an opportunity to develop a course of action designed to comply with such action. The Commission directs attention to Appendix A hereto and the listed "Approved Forms" under the Federal Power and Natural Gas Acts. It is contemplated that a parallel reporting procedure will be used during transitional periods. The first format will continue to be as defined in the existing rules and regulations of the Commission, the second will be in electronic data processing compatible format based on data elements and as shown below under General Background, or as

defined in rulemakings currently under consideration by the Commission. Detailed formats with reporting schedules will also be proposed and made available through additional rulemaking actions.

It is anticipated that the parallel reporting mentioned above will not exceed 2 years. It is further anticipated that the Commission will issue proposed rulemakings with EDP formats and reporting schedules within 6 months of the issuance of this proposed rulemaking.

In restructuring the current methods of reporting data to the Commission by using EDP technology, the Commission contemplates the ultimate elimination of all existing "hard-copy" public use forms with appropriate exception when EDP submission is impractical. Reporting of public use form information will be replaced by the submission of individual data elements within a general data element and code scheme which will be compatible with EDP media and data communications technology. It is anticipated that this major systems revision will have as a result the reduction of the total number of data items currently transmitted to the Commission by the respondents. This proposed rulemaking does not affect any other rules or rulemakings regarding the submission of data in EDP format.

In recognizing that those utilities reporting data to the Commission also report similar data to State or other governmental agencies, the Commission will coordinate this plan with the appropriate State and other governmental agencies.

Although the public use forms will no longer be maintained in the Office of Public Information, the same data will be available on high speed microfilm readers located in OPI. It is envisioned that this will have the effect of making specific information available rapidly. Hard copy printout will also be available.

General background. Important developments in the electric and gas industry, coupled with the technological advances in the state-of-the-art of computers and communications since the installation in 1964 of the Commission's computer facility, support the need for the rule now being proposed.

In 1962, the Commission established a data processing program to meet pressing needs related to area rate regulation, natural gas reserves, costs, electric power and natural gas publications. From the beginning, this program emphasized support of regulatory activities (in contrast to internal administrative procedures) and it is planned to continue this fundamental policy as delineated in this proposed rulemaking.

During the intervening years, the Commission has expanded its computer program to accommodate a large increase in the volume of data, changes in regulatory requirements and data interchange with other governmental agencies. Simultaneously, there has been a technological revolution in the general use of computers and communications by electric power and natural gas companies, as well as Government agencies.

In general, the two industries have been making greater and more extensive use of electronic data processing. The utility industry, in particular, has been one of the more sophisticated users of electronic data processing. Some of the more common processing programs include: Automated customer service centers, load studies, tower design, automatic load dispatching, microwave communications, mathematical and financial company models, and work scheduling.

The availability of solid-state hardware and improved software combined with the initiative of utility companies has extended the use of Electronic Data Processing into sales analysis, demand forecasting, stores inventory, engineering and production control. In addition, in recent years utilities have placed great emphasis on new areas of computer application such as: Resource optimization, transformer loading programs, and power plant control.

Computers have been used by the Commission on a project-by-project and case-by-case approach to support substantial regulatory areas, such as natural gas reserves, electric power studies, pipeline design, rate analysis, etc. These initial efforts were directed at replacing and supplementing, in part, existing manual processes at the Commission.

In addition to a significant growth of the existing systems, there have been extensive new technological developments in the computer field including data management systems, operating systems, information retrieval, engineering and simulation software. The Commission, being fully aware of these developments, recognizes that they must be applied to regulatory activities in the public interest.

Another significant innovation in regulation has been a shift from annual or short-range studies to more comprehensive trend studies embracing many years of past data and projections of future events.

Concomitant with the technological computer revolution, the Commission recognizes that new national priorities relating to energy resources are coming to the foreground necessitating the collection of large amounts of new data. Regulatory responsiveness in these new areas has become a major concern. For example, natural gas supply reserves require extensive reservoir data; electric power system reliability has become increasingly important and requires future projection of generating capacity; and environmental considerations continue to have a significant role in proceedings before the Commission.

The increased consumption of energy throughout the Nation and the dependence of consumers on an uninterrupted flow of electric power and natural gas demand that the Commission have rapid access to all relevant data. The Commission has concluded that it must have at its disposal the most advanced computer system practicable in order to discharge its duties and responsibilities.

The data which is essential for the Commission's activities originate from several sources. These include, but are not limited to, numerous public use forms, thousands of filings and applications annually from industry, response to specific Commission orders and data received from other Federal agencies or governmental bodies. As a consequence, the volume of data collected and processed each year is extremely large, resulting in millions of data items processed by the staff. Much of this information is operating information about the utilities (i.e., statistical and technical information). Segments of these data will continue to be interchanged or made available to other Federal agencies and interested parties in computer media for their own use.

This program, as contemplated by the Commission, provides a common data base and a new data element and data code concept. The concept evolved, is a standard data vocabulary with each data word, called a "data element," having a single unique definition and abbreviation; a homogeneous list of subunits or values called "data items"; logical coding structures or codes; and "use identifiers" for reference purposes.

This Data Element and Code standardization program provides the basis for the centralized data bank prescribed herein. The following illustrations examine more specifically what the components of the standard data vocabulary mean:

"Data items" are defined as "the smallest meaningful pieces or subunits or information appearing in a reporting or data system and which cannot be further subdivided and retain significant meaning." Examples are "red," "Texas," "311-10-2771," "male."

A "data element" is a unit of information or data class composed of a logical grouping of homogeneous pieces or subunits of information such that:

1. Each unit has a meaning in terms of "what it is" different from any other unit of information.
2. The individual subunits (data items) in such groupings are mutually exclusive.
3. In most cases, the data items of each group are exclusive to that unit of information.

When two like data items are grouped together, such as "New York," "Akron," and a group heading put over them that describes what the group of data items are, in this case "city," a logical grouping of homogeneous pieces or subunits of information or a "data element" has been established. Another example is the group of like data items, "Australia, Brazil, and France," grouped under "country."

A "data code" is a letter, a number, or a combination of alphanumeric characters, used to represent data items in facilitating machine processing.

A "data use identifier" (DUI) is the name given to a descriptive modification of a basic data element, reflecting a specific use of or reference to it, within a data system. A DUI may be the name of a field on a card or tape or column on a report form or format. It is the

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name given to the data element within the system design.

"Data chains" are any combination of two or more data elements or date use identifiers.

Exhibit 1 is an example of data elements with numeric values and Exhibit 2 shows the relationship of the unique data element to its origin. Specifically, in Exhibit 2 the column headings have the following meanings:

Form ID: The identification of the FPC form number in which the data element is to be found.

Category: Identification of the broad classification of subject matters with which the data element is associated.
- A—Accounting.
- T—Technical.
- E—Environmental.
- G—General.

Size: The physical size of the data element, i.e., the maximum number of characters to be allocated, e.g., 012—12 spaces will be used to represent the data element.

Type: Type of data to be shown in association with the data element.
- A—alphabetic.
- N—numeric.
- AN—alphanumeric.

Class: Classification of data associated with the elements to facilitate processing.
- N—nonvariable.
- V—variable.
- S—subtotal.
- T—total.
- C—computable.

Account No.: The Uniform System of Accounts identifier associated with the data element.

In summary, the Commission finds that the time is appropriate to promulgate the aforesaid outline of the plan for the automation of regulatory and administrative information used by the Commission. The policies herein established will guide the staff of the Commission and the regulated utilities concerning the objectives and level of automation.

Any interested party may submit to the Federal Power Commission, Washington, D.C. 20426, not later than May 16, 1972, data, views, comments, or suggestions, in writing, concerning all or part of the subject matter and actions proposed herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference. The Commission will consider all such written submittals and any conference submissions before taking further action on the matters herein proposed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

EXHIBIT 1

APEX POWER COMPANY 893240 ANNUAL REPORT—1972

Element No.	Element name	Modifier	
304850	Statement of income: Net utility operating income	Current year	47,578,206
304860	do	Increase/decrease from previous year	5,424,466
304861	Statement of income: Other income	Nonutility operating income: Current year	9,415
304862	do	Nonutility operating income: Increase/decrease	8,564
304863	do	Interest and dividend income: Current year	337,216
304864	do	Interest and dividend income: Increase/decrease	448,801—
304865	do	Allow for funds used during construction: Current year	12,087,088
304866	do	Allow for funds used during construction: Increase/decrease	5,286,072
304910	do	Miscellaneous nonoperating income: Current year	20,455
304920	do	Miscellaneous nonoperating income: Increase/decrease from previous year	22,263—
304930	do	Gain on disposition of property: Current year	45,315
304940	do	Gain on disposition of property: Increase/decrease	45,315
304950	do	Total other income: Current year	12,519,489
304960	do	Total other income: Increase/decrease from previous year	4,808,777
304970	Statement of income: Other income deductions	Loss on disposition of property: Current year	6
304980	do	Loss on disposition of property: Increase/decrease	6
304990	do	Miscellaneous amortization: Current year	0
305000	do	Miscellaneous amortization: Increase/decrease from previous year	15,935—
305010	do	Miscellaneous income deductions: Current year	153,651
305020	do	Miscellaneous income deductions: Increase/decrease from previous year	5,978
305030	do	Total other income deductions: Current year	153,657
305040	do	Total other income deductions: Increase/decrease	9,851—
305050	Statement of income: Taxes on other income and deductions	Taxes—Not income: Current year	6,283
305060	do	Taxes—Not income: Increase/decrease from previous year	1,557—
305070	do	Federal income taxes: Current year	133,876
305080	do	Federal income taxes: Increase/decrease from previous year	229,923—
305090	do	Other income taxes: Current year	1,758
305100	do	Other income taxes: Increase/decrease from previous year	3,293—
305110	do	Provided for deferred income taxes: Current year	0
305120	do	Provided for deferred income taxes: Increase/decrease	0
305130	do	Income tax deferred in prior year: Current year	0
305140	do	Income tax deferred in prior year: Increase/decrease	0
305150	do	Investment tax credit adjustment: Current year	0
305160	do	Investment tax credit adjustment: Increase/decrease from previous year	0
305170	do	Investment tax credits: Current year	0
305180	do	Investment tax credits: Increase/decrease from previous year	0
305190	do	Total taxes on other income-deductions: Current year	141,017
305200	do	Total taxes on other income-deductions: Increase/decrease	234,773—
305210	Statement of income: Other income and deductions	Net other income and deductions: Current year	12,223,915
305220	do	Net other income and deductions: Increase/decrease from previous year	5,113,502
305230	Statement of income: Interest charges	Interest on long-term debt: Current year	22,041,408
305240	do	Interest on long-term debt: Increase/decrease	5,215,091

EXHIBIT 2

FEDERAL POWER COMMISSION DATA ELEMENT MASTER LIST AS OF MARCH 10, 1972

Element No.	Element name	Modifier	Form ID	Page No.	Catalog	Size	Type	Class	Account No.
304850	Statement of income: Net utility operating income.	Current year	001	0116A	A	012	N	S	
		Increase/decrease from previous year							
304860	do	Nonutility operating income: Current year	001	0116A	A	012	N	S	
304861	Statement of income: Other income	Nonutility operating income: Increase/decrease.	001	0116A	A	012	N	V	415.
304862	do		001	0116A	A	012	N	V	415.

EXHIBIT 2—Continued

FEDERAL POWER COMMISSION DATA ELEMENT MASTER LIST AS OF MARCH 10, 1972

Element No.	Element name	Modifier	Form ID	Page No.	Catalog	Size	Type	Class	Account No.
304863	do	Interest and dividend income: Current year	001	0116A	A	012	N	V	419.
304864	do	Interest and dividend income: Increase/decrease.	001	0116A	A	012	N	V	419.
304865	do	Allow for funds used during construction: Current year.	001	0116A	A	012	N	V	432.
304866	do	Allow for funds used during construction: Increase/decrease.	001	0116A	A	012	N	V	432.
304910	do	Miscellaneous nonoperating income: Current year	001	0116A	A	012	N	V	421.
304920	do	Miscellaneous nonoperating income: Increase/decrease from previous year.	001	0116A	A	012	N	V	421.
304930	do	Gain on disposition of property: Current year	001	0116A	A	012	N	V	421.1
304940	do	Gain on disposition of property: Increase/decrease.	001	0116A	A	012	N	V	421.1
304950	do	Total other income: Current year	001	0116A	A	012	N	S	
304960	do	Total other income: Increase/decrease from previous year.	001	0116A	A	012	N	S	
304970	Statement of income: Other income deductions	Loss on disposition of property: Current year	001	0116A	A	012	N	V	421.2
304980	do	Loss on dispositions of property: Increase/decrease.	001	0116A	A	012	N	V	421.2
304990	do	Miscellaneous amortization: Current year	001	0116A	A	012	N	V	425.
305000	do	Miscellaneous amortization: Increase/decrease from previous year.	001	0116A	A	012	N	V	425.
305010	do	Miscellaneous income dednctions: Current year.	001	0116A	A	012	N	V	426.
305020	do	Miscellaneous income deductions: Increase/decrease from previous year.	001	0116A	A	012	N	V	426.
305030	do	Total other income deductions: Current year	001	0116A	A	012	N	S	
305040	do	Total other income deductions: Increase/decrease.	001	0116A	A	012	N	S	
305050	Statement of income: Taxes on other income and deductions.	Taxes—Not income: Current year	001	0116A	A	012	N	V	408.2
305060	do	Taxes—Not income: Increase/decrease from previous year.	001	0116A	A	012	N	V	408.2
305070	do	Federal income taxes: Current year	001	0116A	A	012	N	V	409.2
305080	do	Federal income taxes: Increase/decrease from previous year.	001	0116A	A	012	N	V	409.2
305090	do	Other income taxes: Current year	001,	0116A	A	012	N	V	409.2
305100	do	Other income taxes: Increase/decrease from previous year.	001	0116A	A	012	N	V	409.2
305110	do	Provided for deferred income taxes: Current year.	001	0116A	A	012	N	V	410.2
305120	do	Provided for deferred income taxes: Increase/decrease.	001	0116A	A	012	N	V	410.2
305130	do	Income tax deferred in prior year: Current year.	001	0116A	A	012	N	V	411.2
305140	do	Income tax deferred in prior year: Increase/decrease.	001	0116A	A	012	N	V	411.2
305150	do	Investment tax credit adjustment: Current year.	001	0116A	A	012	N	V	411.1
305160	do	Investment tax credit adjustment: Increase/decrease from previous year.	001	0116A	A	012	N	V	411.1
305170	do	Investment tax credits: Current year	001	0116A	A	012	N	V	420.
305180	do	Investment tax credits: Increase/decrease from previous year.	001	0116A	A	012	N	V	420.
305190	do	Total taxes on other income-deductions: Current year.	001	0116A	A	012	N	S	
305200	do	Total taxes on other income-deductions: Increase/decrease.	001	0116A	A	012	N	S	
305210	Statement of income: Other income and deductions.	Net other income and deductions: Current year.	001	0116A	A	012	N	S	
305220	do	Net other income and deductions: Increase/decrease from previous year.	001	0116A	A	012	N	S	
305230	Statement of income: Interest charges	Interest on long-term debt: Current year	001	0116A	A	012	N	V	427.
305240	do	Interest on long-term debt: Increase/decrease.	001	0116A	A	012	N	V	427.

[FR Doc.72-5806 Filed 4-14-72;8:49 am]

[18 CFR Part 154]

[Docket No. R-312]

PRICE LEVELS BELOW WHICH REFUNDS WILL NOT BE ORDERED, INDEPENDENT PRODUCERS

Order Terminating Proposed Rulemaking Proceeding

APRIL 10, 1972.

The Commission has under consideration here a proposal to amend § 154.102 of its regulations under the Natural Gas Act to provide a "floor" for refund obligations of independent producers, whose increased rates are being collected subject to refund in rate proceedings under section 4(e) of the Natural Gas Act, by setting price levels below which refunds would not be ordered in the various pricing areas other than the Permian Basin Area. The proposed rule was intended as an interim measure applicable only to the period prior to the determination of just and reasonable rates in each area.

The notice of proposed rule making was issued on December 14, 1966 (31 F.R. 16279, December 20, 1966). In response to such notice, comments were received from a number of interested parties.

In light of the area just and reasonable rate determinations made by us in the Appalachian and Illinois Basin Areas, the Hugoton-Anadarko Area, the Texas Gulf Coast Area, the Southern Louisiana Area, and the Other Southwest Area, the proposal in Docket No. R-312, for the most part, is moot. We, therefore, believe it appropriate to terminate Docket No. R-312.

The Commission finds:

(1) The termination of the proposed rule making in Docket No. R-312 is appropriate and necessary for carrying out the provisions of the Natural Gas Act.

(2) For the reasons stated above, the notice, public procedure and effective date provisions of 5 U.S.C. section 553 do not apply.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), orders:

(A) Effective upon the issuance of this order, the proposed rule making in Docket No. R-312 is terminated.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5800 Filed 4-17-72;8:45 am]

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Notices

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1971 Rev., Supp. No. 17]

QUEEN INSURANCE COMPANY OF AMERICA AND ROYAL GLOBE INSURANCE COMPANY

Termination as Surety on Federal Bonds and Acceptable Surety on Federal Bonds

Queen Insurance Company of America, New York, N.Y., which holds a certificate of authority as acceptable surety on Federal bonds (36 F.R. 12957, July 9, 1971), under sections 6 to 13 of the United States Code merged into Royal Globe Insurance Co., an Illinois corporation, effective December 31, 1971. The latter company is the surviving corporation. Confirmation of this action has been received and filed in the Treasury. Accordingly, the certificate of authority held by Queen Insurance Company of America is hereby terminated, effective December 31, 1971.

The surviving corporation has assumed the assets and liabilities of the merged corporation and has been issued a certificate of authority as an acceptable surety on Federal bonds, effective January 1, 1972 with an underwriting limitation of $5,608,000 as follows:

Name of company, location of principal executive office, and State in which incorporated:

Royal Globe Insurance Company
New York, New York
Illinois

In view of the foregoing, no action need be taken by bond-approving officers by reason of the merger of Queen Insurance Company of America with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued prior to January 1, 1972, by Queen Insurance Company of America pursuant to its certificate of authority issued by the Treasury.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: April 13, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.72-5874 Filed 4-17-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 59]

TYPE 14 TOBACCO IN GEORGIA AND FLORIDA

Extension of Closing Date for Filing of Applications for 1972 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for tobacco crop insurance for the 1972 crop year on type 14 tobacco in all counties in Georgia and Florida where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1972. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.72-5869 Filed 4-17-72;8:50 am]

[Notice 60]

RICE IN ARKANSAS, LOUISIANA, AND MISSISSIPPI

Extension of Time for Filing Applications for Insurance

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for rice crop insurance for the 1972 crop year in all counties in Arkansas, Louisiana, and Mississippi where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 20, 1972. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

RICHARD H. ASLAKSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.72-5870 Filed 4-17-72;8:50 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File: 23(69)-14]

MOCAMBIQUE INDUSTRIAL S.A.R.L.

Order Terminating Indefinite Denial Order

In the matter of Mocambique Industrial S.A.R.L., Beria, Mozambique, respondent, File: 23(69)-14.

On November 17, 1969 (34 F.R. 18770), an order was entered against the above respondent denying it for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. This order was issued in accordance with § 388.15 of the Export Control Regulations because respondent failed to answer interrogatories without showing good cause for such failure.

The respondent has now furnished essential information in answer to the interrogatories. Pursuant to said § 388.15 the amobe mentioned indefinite denial order of November 17, 1969, is hereby terminated.

Dated: April 11, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-5828 Filed 4-17-72;8:47 am]

Office of Import Programs

FEDERAL BUREAU OF INVESTIGATION ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the regulations provides in pertinent part:

The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20-day period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 701.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket No. 70-00568-65-77040. Applicant: Federal Bureau of Investigation, Room 5266, 10th and Pennsylvania Avenue NW., Washington, DC 20535. Article: Double focusing spark source mass spectrometer, MS 702. Date of denial without prejudice to resubmission: December 6, 1971.

Docket No. 71-00361-00-07795. Applicant: University of California Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87544. Article: Four each lenses, Model 1060-217. Date of denial without prejudice to resubmission: January 21, 1972.

Docket No. 71-00313-16-61800. Applicant: Museum of Arts and Sciences, 137 North Halifax Avenue, Daytona Beach, FL 32018. Article: Planetarium, Model Venus. Date of denial without prejudice to resubmission: December 14, 1971.

Docket No. 71-00468-33-46500. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Ultramicrotome, Model Om U2. Date of denial without prejudice to resubmission: December 6, 1971.

Docket No. 72-00088-99-66700. Applicant: University of Cincinnati, Academic Computer Services, 1401 Crosley Tower, Cincinnati, Ohio 45221. Article: Teleprocessing projector. Date of denial without prejudice to resubmission: December 20, 1971.

Docket No. 72-00093-99-66700. Applicant: Carnegie-Mellon University, Department of Computer Sciences, 5000 Forbes Street, Pittsburgh, PA 15213. Article: Teleprinter projector. Date of denial without prejudice to resubmission: December 20, 1971.

Docket No. 70-00809-65-46070. Applicant: Massachusetts Institute of Technology, Department of Metallurgy, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Scanning electron microscope, Mark IIA. Date of denial without prejudice to resubmission: November 29, 1971.

Docket No. 71-00288-01-28200. Applicant: University of North Carolina, Department of Chemistry, Chapel Hill, N.C. 27514. Article: ESR spectrometer. Date of denial without prejudice to resubmission: November 30, 1971.

Docket No. 71-00296-00-61800. Applicant: Central Florida Museum and Planetarium, 810 East Rollins Avenue, Orlando, FL 32803. Article: Planetarium projector, Model MS-10. Date of denial without prejudice to resubmission: November 30, 1971.

Docket No. 71-00316-65-07700. Applicant: Georgia Institute of Technology, 225 North Avenue NW., Atlanta, GA 30332. Article: Oscilloscope camera and accessories. Date of denial without prejudice to resubmission: November 2, 1971.

Docket No. 71-00345-33-46500. Applicant: University of Cincinnati, Department of Laboratory Animal Medicine, College of Medicine, Eden and Bethesda Avenues, Cincinnati, OH 45219. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: November 2, 1971.

Docket No. 71-00346-33-46500. Applicant: Rutgers State University, 7 College Avenue, New Brunswick, NJ 08903. Article: Ultramicrotome, Model LKB 8800A. Date of denial without prejudice to resubmission: November 2, 1971.

Docket No. 71-00358-33-46040. Applicant: University of California, San Diego, University Hospital of San Diego County, 225 West Dickinson Street, Post Office Box 3548, San Diego, CA 92103. Article: Electron microscope, Model HU-11E. Date of denial without prejudice to resubmission: November 2, 1971.

Docket No. 71-00362-00-07700. Applicant: University of California, Los Alamos Scientific Laboratory, Post Office Box 990, Los Alamos, NM 87554. Article: Lens, Kinoptik, with barrel mount in carrying case. Date of denial without prejudice to resubmission: November 2, 1971.

Docket No. 71-00383-33-70700. Applicant: Michigan State University, MSU-AEC Plant Research Laboratory, Wilson Road, East Lansing, Mich. 48823. Article: Three channel magnetic tape recorder. Date of denial without prejudice to resubmission: November 30, 1971.

Docket No. 71-00402-33-46040. Applicant: Department of Law and Public Safety, Office of State Medical Examination, 150 Cabinet Street, Newark, NJ 07107. Article: Electron microscope, Model EM 9S-2. Date of denial without prejudice to resubmission: November 29, 1971.

Docket No. 71-00448-33-46040. Applicant: Sloan-Kettering Institute for Cancer Research, Division of Immunology, 425 East 68th Street, New York, NY 10021. Article: Electron microscope, Model EM 9S-2. Date of denial without prejudice to resubmission: November 2, 1971.

Docket No. 71-00576-33-43780. Applicant: Washington Hospital Center, Department of Pulmonary Diseases, 110 Irving Street NW., Washington, DC 20010. Article: Biopsy needle. Date of denial without prejudice to resubmission: November 30, 1971.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-5816 Filed 4-17-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-351; NDA 6-566, etc.]

OXANAMIDE AND CERTAIN OTHER DRUGS

Notice of Withdrawal of Approval of New Drug Applications

Correction

In F.R. Doc. 72-2136 appearing at page 3199 in the issue of Saturday, February 12, 1972, the last NDA No. in the table on page 3200, now reading "16-934", should read "6-934".

Office of Education

NATIONALLY RECOGNIZED ACCREDITING ASSOCIATIONS AND AGENCIES

List

For the purposes of determining eligibility for Federal assistance, pursuant to Public Law 82-550 and subsequent legislation, the U.S. Commissioner of Education hereby publishes additions to the list of nationally recognized accrediting agencies which he determines to be reliable authority as to the quality of training offered by educational institutions or programs either in a geographical area or in a specialized field, and the general scope of recognition granted to the accrediting bodies.

These additions may be added to the list previously promulgated by the Commissioner of Education on May 16, 1970, 35 F.R. 7668-7669.

ASSOCIATIONS AND AGENCIES RECOGNIZED FOR THEIR SPECIALIZED ACCREDITATION OF SCHOOLS OR PROGRAMS

BLIND AND VISUALLY HANDICAPPED EDUCATION

National Accreditation Council for Agencies Serving the Blind and Visually Handicapped (residential schools for the blind).

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FUNERAL SERVICE EDUCATION

Commission of Schools, American Board of Funeral Service Education (independent schools and collegiate departments).

HOSPITAL ADMINISTRATION

Accrediting Commission on Graduate Education for Hospital Administration (graduate programs).

LANDSCAPE ARCHITECTURE

Committee on Education, American Society of Landscape Architects (first professional degree programs).

Dated: April 10, 1972.

S. P. MARLAND, JR.,
U.S. Commissioner of Education.

[FR Doc.72-5794 Filed 4-17-72;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Memorandum and Order and Notice of Hearing on Suspension of Construction Activity at Davis-Besse Nuclear Power Station

On April 7, 1972, the U.S. Court of Appeals for the District of Columbia Circuit rendered a decision remanding the record of a determination, made by the Director of Regulation in the above proceeding under 10 CFR Part 50, Appendix D, section E, for a hearing and further consideration. "Coalition for Safe Nuclear Power et al. v. U.S.A.E.C.," No. 71-1396. Noting that the utilities would commit substantial financial resources in proceeding with construction during the period pending completion of the review under the National Environmental Policy Act of 1969 (NEPA), the court stated that the Commission should consider certain additional matters in the context of balancing environmental harm and economic cost of abandonment. In this regard, the court stated:

> On remand, the Commission should consider in detail whether this additional irretrievable commitment of substantial resources might affect the eventual decision reached on the N.E.P.A. review. The degree to which this expenditure might affect the outcome of the final N.E.P.A. process should be a paramount consideration in the decision on suspension reached after the hearings on remand.

Accordingly, we hereby order a hearing before an Atomic Safety and Licensing Board (Licensing Board) named below, on the question whether the activities under the construction permit No. CPPR-80 for the Davis-Besse facility should be suspended pending completion of final NEPA review. We treat the submission of the Coalition for Safe Nuclear Power and Living in a Finer Environment to the Court of Appeals, together with the court's action thereon, as constituting a request for a hearing. The time and place for the hearing shall be published in the FEDERAL REGISTER by the Licensing Board. The matters to be considered in this hearing shall be the factors specified in 10 CFR Part 50, Appendix D, section E.2, together with the considerations specified in the court's remand.

The remand requires return of the record to the court on or before June 6, 1972. Hence, we direct that all matters be concluded with utmost expedition. For these purposes, the proceeding shall be conducted under the following requirements:

1. The hearing will be held before a Licensing Board composed of the following members: Dr. John Lyman, Dr. Emmeth A. Luebke, and Jerome Garfinkel, Esq., Chairman. Pursuant to 10 CFR 2.785(a)(1), the Commission hereby delegates to the Atomic Safety and Licensing Appeal Board (Appeal Board) the authority and the review function which would otherwise be exercised and performed by the Commission. The Appeal Board shall be composed of the following members: the chairman, the vice chairman, and Dr. Lawrence Quarles.

2. An answer shall be filed by the licensees within three (3) days of the date of publication of this notice following 10 CFR 2.705 to the extent appropriate. A reply to an answer may be filed within three (3) days after it is served.

3. The Licensing Board shall render its initial decision on or before May 19, 1972. In order to meet this schedule, the Licensing Board shall conduct the hearing as soon as possible.

4. The Licensing Board's initial decision shall constitute the final decision of the Commission unless exceptions are filed within five (5) days after its date of issuance or unless, within the same time period, the Appeal Board or Commission directs that the record be certified to it for final decision.

Insofar as this notice and the requirements specified herein reflect shortening of time periods otherwise prescribed in 10 CFR Part 2, we find good cause for such action under 10 CFR 2.711 and 10 CFR Part 50, Appendix D, section E.4(c). We further note that the authority of 10 CFR 2.711 also extends to the Licensing Board.

For purposes of this proceeding on the question whether activities under the construction permit should be suspended pending completion of the ongoing NEPA review, the parties shall be the licensees, the Regulatory Staff, and the Coalition for Safe Nuclear Power, and Living in a Finer Environment.

The Licensing Board shall render a de novo decision based upon the criteria in 10 CFR Part 50, Appendix D, section E.2, together with the above considerations specified in the court's remand. The burden of proof shall be upon the licensees.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty (20) conformed copies of each such paper with the Commission.

A copy of the Director of Regulation's determination, and the accompanying staff discussion and findings, are available for inspection by members of the public in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of those documents are also available at the Ida Rupp Public Library, Port Clinton, Ohio, between the hours of 10 a.m. and 8 p.m., Monday through Saturday.

Commissioner Johnson did not participate in this matter.

Dated at Germantown, Md., this 12th day of April 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72-5797 Filed 4-17-72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24236; Order 72-4-51]

ALLEGHENY AIRLINES, INC.

Order Denying Application for an Order To Show Cause and Temporary Suspension, and Setting Application for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of April 1972.

Allegheny Airlines, Inc. (Allegheny), has filed an application (Docket 24236) to (1) delete Marion, Ind., from its certificate of public convenience and necessity for route 97, and (2) redesignate Muncie-Anderson-New Castle, Ind., a point on segment 9, as Muncie-Marion-Anderson-New Castle, Ind. In addition, Allegheny has filed (1) a motion seeking issuance of an order to show cause why its certificate should not be amended as requested; (2) an application to suspend service temporarily at Marion, Ind., if necessary, until the Board acts upon its application in Docket 24236.[1]

In support of its application in Docket 24236, Allegheny alleges, inter alia, that Marion has not generated sufficient passenger traffic to warrant the continuation of air service;[2] Allegheny has tried unsuccessfully to find another air taxi to provide service; Marion is not isolated as there are four other airports serving the area;[3] a reinstitution of certificated service to Marion would generate a subsidy need increase of approximately $120,408 or $36 per passenger; and it would be economically wasteful to require Allegheny to reinstitute service at Marion on April 1, 1972, pending the disposition of its deletion application.

An answer in opposition to Allegheny's application has been filed by the city of Marion (Marion), which controverts the allegations of Allegheny and requests that a hearing be held to include the additional issue of whether Muncie, Anderson, and Kokomo should be served through the Marion Airport.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Allegheny's requests for a show cause order, temporary suspension, and to set for hearing Allegheny's application to delete Marion and redesignate Muncie-Anderson-New Castle as Muncie-Marion-Anderson-New Castle. The community opposes Allegheny's application and we believe that under all the circumstances it is appropriate to consider on an evidentiary record the conflicting contentions of the parties. We note that there is no other air taxi serving Marion and that should Allegheny's application be granted, Marion will be without air service for the first time since 1952.[4]

We will deny Marion's request that the hearing include the issue of whether Anderson, Muncie, and Kokomo should be served through the Marion Airport. The city has failed to submit any supporting data which suggests that the overall public interest would best be served by a transfer of service from the Muncie and Kokomo Airports to the airport at Marion.

Accordingly, it is ordered, That:

1. The motion of Allegheny Airlines, Inc., for an order to show cause, be and it hereby is denied;

2. The application of Allegheny Airlines, Inc., for a temporary suspension, be and it hereby is denied;

3. The application of Allegheny Airlines, Inc., be and it hereby is set for hearing at a time and place to be hereafter designated; and[5]

4. This order shall be served on the city of Marion; Airport Manager, Marion Airport; State of Indiana; the Indiana Aeronautics Commission; Allegheny Airlines, Inc.; and the Postmaster General.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5856 Filed 4-17-72;8:51 am]

[1] By Order 69-11-8, dated Nov. 4, 1969, the Board temporarily suspended Allegheny's service at Marion, Ind., for a period of 5 years on the condition that a replacement air taxi operator provide at least two daily round trips between Marion and Chicago. Air Wisconsin, the air taxi presently providing the replacement service, has expressed its intention to cease its operations at Marion on Apr. 1, 1972.

[2] In 1970, Marion averaged 5.6 passengers per day each way and in 1971, 3.6 passengers each way or 1.8 each departure.

[3] In mileage and driving times from Marion the airports are as follows: Muncie is 35 miles and 45 minutes driving time, Kokomo is 23 miles and 28 minutes' driving time, Fort Wayne is 50 miles and 1 hour's driving time, Indianapolis is 66 miles and 1 hour and 19 minutes' driving time.

[4] 16 C.A.B. 886.

[5] The hearing shall determine whether the public convenience and necessity require that the certificate of Allegheny for route 97 should be altered, amended, or modified so as to (1) delete Marion, Ind. and/or (2) redesignate Muncie-Anderson-New Castle, Ind., as Muncie-Marion-Anderson-New Castle, Ind., to be served through the Muncie Airport.

[Docket No. 20291; Order 72-4-50]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Setting Matter for Oral Argument

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1972.

By Order 72-1-7, January 4, 1972, the Board deferred action on certain amendments to section XII of the Provisions for the Regulation and Conduct of IATA Traffic Conferences (Agreement CAB 1175-A29) resulting from action of the IATA Executive Committee at its 82d meeting held in Honolulu, Hawaii, on November 19, 1971. Concurrently, the Board requested comments from U.S. member carriers of IATA and invited comments thereon from any interested persons.[1]

The proposed amendments provide that, whenever unanimity among Traffic Conference members is not attainable as to the ratification of rates, fares or related intercarrier agreements, partial or bilateral agreements may be effected subject to IATA Traffic Conference and compliance machinery. Heretofore, only those agreements which met the unanimity rule were subject to the Traffic Conference provisions. Furthermore, under existing IATA rules, the Provisions for the Regulation and Conduct of the Traffic Conferences may be amended by action of the IATA Executive Committee. Additionally, an explanatory memorandum submitted as an attachment to the amendments states that such action will not deprive anyone of present voting rights in the Traffic Conferences, nor will any member be asked or be expected to be bound to any partial agreement without his consent. The memorandum further specifies that emphasis still will be upon unanimity for Conference action but where that unanimity is not attainable and carriers otherwise would have to resort to bilateral agreements as the only alternative to chaos and confusion, the IATA Traffic Conference and Compliance machinery would be made available to formalize and enforce such partial agreements. Such procedure could be invoked only upon approval by the Director General of IATA.

Comments in response to the Board's order have been received from several U.S. member carriers of IATA,[2] Seaboard World Airlines, Inc., a non-IATA carrier, the National Air Carrier Association (NACA) on behalf of its members, and the Aviation Consumer Action Project (ACAP).

Five U.S. member carriers of IATA support the amendments to section XII[3] and four oppose them.[4]

Those carriers favoring the amendments to section XII submit, in summary, that (1) past Traffic Conferences have had limited success because the veto of one carrier has frequently prevented the industry from reaching an agreement on items that a great majority of carriers believed were in the best interests of the public; (2) such past, prolonged inability to achieve unanimity has been a frustrating and costly exercise for IATA member carriers; (3) the instant amendments would not weaken individual carrier rights nor could such changes jeopardize or deprive any one carrier of its present voting rights; and (4) no carrier would be bound by an agreement without his consent and that IATA Compliance and Enforcement machinery would only be used with respect to participating carriers.

Those carriers in opposition to the amendments to section XII state, in pertinent part, that (1) the amendments were adopted by the Executive Committee which has minority U.S. carrier representation; (2) the Executive Committee bypassed IATA membership which precluded member comments or votes; (3) the instant amendments destroy the unanimity rule which has been a keystone of IATA since its inception; and (4) IATA's submission contemplates rate and fare discussions and agreements among groups of carriers independent of IATA meetings; and that U.S. carriers would be precluded from such meetings by antitrust laws or, alternatively, they would be besieging the Board with requests for authority to participate in such discussions. Additionally, the carriers suggest that procedures should be made clear that such discussions and agreements by less than the full membership of a Conference would only occur in the course of regular IATA meetings. The carriers further remark that the unanimity rule has not led to inflated fare levels but has had the effect of reducing fares; the proposed amendments, according to the carriers, seem clearly designed to raise fares.

The carriers in opposition have also indicated that such majority actions might be adopted as government-decreed rates by the governments of one or more carrier parties to the agreement, which governments might, in turn, require nonparticipating carriers to abide by the agreement whether or not approved by the Board or in the public interest. Moreover, according to such carriers, majority carriers to an agreement might be

[1] The full text of the resolution was attached to Order 72-1-7.

[2] American Airlines, Inc., Braniff International Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., the Flying Tiger Line, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

[3] American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

[4] Braniff International Airways, Inc., Delta Air Lines, Inc., the Flying Tiger Line Inc., and Northwest Airlines, Inc.

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precluded from joint routings/rates with carriers not party to the partial agreement if such majority carrier action were subject to Enforcement and Breaches Commission action. The carriers further state that such signatories to majority agreements could also apply economic pressure to minority carriers by excluding them from agreed-fare service combinations, thereby forcing them to join such agreements.

Seaboard World Airlines, Inc., proposed procedural safeguards for the processing and disposition of such agreements as may be submitted before the Board, i.e., prior Board approval of discussions, the monitoring of such discussions, service of the resultant agreement on all affected air carriers, and opportunity for public comment on and government approval of such agreements before their implementation.

NACA, on behalf of its members, asserts that nonagreeing carriers could be forced to join majority agreements by virtue of the actions of foreign government adopting such agreements and that the proposed amendment might deprive the Board of some of the limited influence it now possesses in areas of fares which may be considered unreasonable by U.S.-flag carriers and the Board itself. It has recommended that the Board should institute a hearing since information presented is insufficient to determine if the proposed amendments are adverse to the public interest.

ACAP has indicated its disapproval of the amendments to section XII and considers them adverse to the public interest. Furthermore, it states that the amendments will (1) reduce the effectiveness of the Board's regulation of IATA matters; (2) cause the Board to be faced with majority agreements U.S. carriers may be unwilling to accept; and (3) curtail freedom of individual airlines to take independent action. Moreover, according to ACAP, the unanimity rule has been a proven safeguard against fare increases by majority action. ACAP suggests that an investigation be instituted to explore possible changes of those rules.

On the basis of this record, we view the proposed amendments as raising issues of considerable significance, requiring further examination which we shall accomplish through the holding of oral argument.[5] Thus, questions have been raised whether the proposed changes would have a significant impact on the level of fares; whether they affect the Board's ability to pass effectively on IATA matters; and whether the instant proposal was appropriately effected through Executive Committee action rather than by the full membership. In addition, the present record lacks the necessary specifics on the extent to which Traffic Conference proceedings have been protracted because of the inability of the membership to arrive at unanimous accord; to what extent any resulting agreements will be considered "IATA agreements" for all purposes; whether the implementation of these limited agreements will require any further amendment of the Traffic Conference provisions; and what antitrust implications inhere in the proposal.

Accordingly, it is ordered, That:

1. CAB Agreement 1175–A29 be set for oral argument before the Board on June 1, 1972, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC; and

2. All parties of record in this proceeding who desire to participate in such oral argument shall submit a request to the Chief Examiner in writing no later than 19 days prior to such oral argument; such notification may be accompanied by a memorandum of argument not to exceed twenty pages in length, which shall be served on each person named on page 2, paragraph 1, supra. The request shall indicate the time allotment desired. The parties will be notified at a later date as to the time to be allotted them.[6]

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-5857 Filed 4-17-72;8:51 am]

[5] It should be noted that the comments of interested persons were received before the enactment of Public Law 92-259, which substantially enhances the Board's jurisdiction over rates in foreign air transportation.

[6] The time the Board can devote to oral argument is necessarily limited, and joint presentations are encouraged for organizations or persons sharing a common position.

This order shall be published in the FEDERAL REGISTER.

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order 750]

DIRECTOR OF OPERATIONS AND FINANCE SERVICE

Authority Regarding Certain Functions

FEBRUARY 14, 1972.

Authority of the Director of Operations and Finance Service to approve mergers, consolidations, and amendments of charters, certificates of district to be served, and bylaws of Federal land bank associations and production credit associations.

Whereas, the Governor of the Farm Credit Administration is authorized by the Farm Credit Act of 1971 (Sections 1.13, 2.10, 5.18; 85 Stat. 587, 597, 621) to issue and amend or modify Federal charters and the bylaws of institutions of the Farm Credit System, approve mergers and consolidations of Federal land bank associations and of production credit associations, and consolidations or divisions of the territories they serve; and approve consolidations of boards of directors and of management agreements; and

Whereas, the Governor is authorized by said Act (Section 5.13; 85 Stat. 620) to exercise and perform his powers through such other officers and employees of the Farm Credit Administration as he shall designate;

Now, therefore, *It is hereby ordered,* Effective on the day and date above written, that the Director of Operations and Finance Service be and he hereby is authorized and empowered, with respect to Federal land bank associations and production credit associations, to (1) amend or modify charters; (2) amend or modify bylaws; (3) approve agreements of merger or consolidation; (4) approve consolidations or divisions of territories they serve; (5) approve consolidations of boards of directors; (6) approve management agreements.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-5835 Filed 4-17-72;8:48 am]

[Farm Credit Administration Order 751]

DEPUTY GOVERNOR AND DIRECTOR, CREDIT SERVICE, ET AL.

Authority To Act as Governor

APRIL 12, 1972.

Authority of officers of the Farm Credit Administration to act as Governor in the event that the Governor is absent or not able to perform the duties of his office for any other reason (revocation of FCA Order No. 744).

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor and Director, Credit Service;
(2) Deputy Governor and Director, Operations and Finance Service;
(3) General Counsel;
(4) Chief Examiner;
(5) Director, Accounting, Budget and Data Management Division;
(6) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 744, dated February 16, 1971 (36 F.R. 3282).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-5836 Filed 4-17-72;8:48 am]

[Farm Credit Administration Order 752]

ASSISTANT DIRECTOR, FIELD SERVICE, ET AL.

Order of Precedence To Act as Deputy Governor and Director of Credit Service

APRIL 12, 1972.

Authority of the Deputy Governor and Director of Credit Service and order of precedence of certain officers to act as Deputy Governor and Director of Credit Service [revocation of FCA Orders Nos. 748, 739, 733].

1. The Deputy Governor and Director of Credit Service shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit function of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor and Director of Credit Service, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Credit Service:

(1) Assistant Director, Field Service;
(2) Assistant Director, Credit Supervision;
(3) Assistant to the Director.

3. This order shall be effective on the above written date and revokes Farm Credit Administration Orders No. 748, dated January 1, 1972 (37 F.R. 238); No. 739, dated November 12, 1970 (35 F.R. 17753); and No. 733, dated December 11, 1969 (34 F.R. 19830).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-5837 Filed 4-17-72;8:48 am]

[Farm Credit Administration Order 753]

ASSISTANT DIRECTOR OF OPERATIONS ET AL.

Order of Precedence To Act as Deputy Governor and Director of Operations and Finance Service

APRIL 12, 1972.

Authority of the Deputy Governor and Director of Operations and Finance Service and order of precedence of certain officers to act as Deputy Governor and Director of Operations and Finance Service.

1. The Deputy Governor and Director of Operations and Finance Service shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the operations and finance function of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor and Director of Operations and Finance Service, Farm Credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Operations and Finance Service:

(1) Assistant Director of Operations;
(2) Assistant Director of Finance;
(3) Assistant to the Director of Operations and Finance Service.

3. This order shall be effective on the above written date.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-5838 Filed 4-17-72;8:48 am]

[Farm Credit Administration Order 754]

SECRETARY TO THE GOVERNOR ET AL.

Authorization Regarding Documents and Official Records

Authorization of the Secretary to the Governor, Legal Clerical Assistant and Secretary to the General Counsel, and Secretary, to authenticate documents, certify official records, and affix seal.

1. Helen E. McWilliams, Secretary to the Governor, D. Elizabeth Frew, Legal Clerical Assistant and Secretary to the General Counsel, and Dorothy P. Smith, Secretary, severally and not jointly, are authorized and empowered:

(a) To execute and issue under the seal of the Farm Credit Administration, statements (1) authenticating copies of, or excerpts from, official records and files of the Farm Credit Administration; (2) certifying, on the basis of the records of the Farm Credit Administration, the effective periods of regulations, orders, instructions, and regulatory announcements; and (3) certifying, on the basis of the records of the Farm Credit Administration, the appointment, qualification, and continuance in office of any officer or employee of the Farm Credit Administration, or any conservator or receiver acting under the supervision or direction of the Farm Credit Administration.

(b) To sign official documents and to affix the seal of the Farm Credit Administration thereon for the purpose of attesting the signatures of officials of the Farm Credit Administration.

2. The provisions of this order shall be effective April 12, 1972, and on that date shall supersede Farm Credit Administration Order No. 731, dated November 17, 1969, 34 F.R. 18829.

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-5839 Filed 4-17-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19485, 19486; FCC 72-335]

BLOOMSBURG STATE COLLEGE AND SUSQUEHANNA UNIVERSITY OF THE EVANGELICAL LUTHERAN CHURCH

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard to applications of: Bloomsburg State College, Bloomsburg, Pa., requests: Channel 205; 840 watts; 75 feet; Docket No. 19485, File No. BPED–993; the Susquehanna University of the Evangelical Lutheran Church, noncommercial educational FM station WQSU, Selinsgrove, Pa., has: Channel 218; 10 watts, requests: Channel 205; 5.6 kw. (H); 5.6 kw. (V); 620 feet; Docket No. 19486, File No. BPED–1088; for construction permits.

1. The Commission has for consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in interference involving infringement of 1 mv/m contours. Therefore, a comparative hearing is required.

2. It appears that there will be a significant disparity in the areas and populations served by the applicants. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide fair, efficient, and equitable distribution of radio service. Inasmuch as this proceeding involves competing applicants for noncommercial educational facilities, the standard 307(b) issue shall be modified in accordance with our prior action in New York University, 10 RR 2d 215 (1967). Such a determination requires that we consider the areas and populations to be served by the applicants, as well as the number of other aural educational services available in the proposed service area of both applicants.

3. In connection with the Notice of Inquiry in Docket No. 14185, 5 FCC 2d 587 (1966), which looks toward the establishment of a nationwide table of assignments for educational FM stations, the Department of Education of the Commonwealth of Pennsylvania has submitted a proposed plan, which is presently under consideration (RM–1504), for the assignment of educational FM channels in the State. Although the proposal of Bloomsburg State College is in compli-

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ance with the Pennsylvania plan,[1] the proposal of the Susquehanna University of the Evangelical Lutheran Church (Susquehanna University) is not. Accordingly, in the event that it is determined that the Susquehanna University application should be granted, any such grant will be conditioned, as set forth below, on the outcome of the proceedings in RM–1504.

4. Bloomsburg State College has submitted a proposed program schedule which indicates daily operation Monday through Friday for a total of 35 hours per week. Susquehanna University's program schedule indicates that it has been operating Monday through Sunday for up to 70 hours per week. This apparent significant difference in the proposed hours of operation between the applicants is one factor to be considered under issue 3 below.

5. Both applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, they must be designated for hearing in a consolidated proceeding.

6. *Accordingly, It is ordered,* That the applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals.

(2) To determine the number of other aural educational services available (primary for AM, 1 mv/m or better for FM) in the proposed service area of both applicants, and the areas and populations served thereby.

(3) To determine the extent to which each of the proposed operations will be integrated into the overall educational operation and objectives of the respective applicants; or whether other factors in the record demonstrate that one applicant will provide a superior FM educational broadcast service.

(4) To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the proposals would better serve the public interest, and, therefore, which application should be granted.

7. *It is further ordered,* That, in the event of a grant of the application of Susquehanna University, the construction permit shall contain the following condition:

The grant of this application is without prejudice to whatever further action may be warranted in connection with the outcome of the proceedings in RM–1504, pertaining to the establishment of a table of assignments for educational FM stations in Pennsylvania.

8. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner specified in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594 (g) of the rules.

Adopted: April 5, 1972.

Released: April 11, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-5834 Filed 4-17-72;8:48 am]

[1] Although the site specified in the Pennsylvania plan for a Bloomsburg station is about 4.5 miles from the site, specified by the applicant, the engineering consultants retained by the Department of Education have indicated that this discrepancy in site coordinates will not "affect aspects of the * * * plan." Report submitted by Ocko Associates, December 2, 1970.

[2] Commissioner Robert E. Lee absent.

FEDERAL POWER COMMISSION

[Docket No. CP72-242]

DELHI GAS PIPELINE CORP.

Notice of Application

APRIL 14, 1972.

Take notice that on April 10, 1972, Delhi Gas Pipeline Corp. (applicant), Fidelity Union Tower Building, Dallas, Tex. 75201, filed in Docket No. CP72–242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. (Texas Eastern) at two points in Wharton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas to Texas Eastern on April 6, 1972, within the contemplation of § 2.68 of the Commission's general policy and interpretations (18 CFR 2.68) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 6,000 Mcf of gas per day at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1972, file with he Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-5921 Filed 4-17-72;8:52 am]

[Docket No. CP72-232]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

APRIL 10, 1972.

Take notice that on March 24, 1972, Kansas-Nebraska Natural Gas Co., Inc. (applicant), 300 North St. Joseph Avenue, Hastings, NE 68901, filed in Docket No. CP70–239 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to construct and operate certain facilities and to provide natural gas service to Midwest Distilling Co., Inc. (Midwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to provide natural gas to Midwest, a producer of grain ethyl alcohol, wheat starch, vital wheat gluten, and animal feed supplements, at a plant Midwest plans to construct adjacent to applicant's transmission pipeline at McCook, Red Willow County, Nebr. Midwest estimates that its annual gas requirements will be approximately 1,000,000 Mcf once full operation is achieved. The maximum daily requirement is estimated to be 3,100 Mcf. Applicant states that the location of Midwest's plant in the McCook area will benefit the economy of southwest Nebraska and northwest Kansas by providing a degree of diversification in the immediate area and by augmenting the marketing of grain crops in the Kansas and Nebraska areas. Applicant proposes to supply Midwest's fuel requirements on an interruptible basis and states that delivery of gas to Midwest's plant will be subject to the curtailment during peak system operation. Applicant states that the service proposed will not affect service to any of its firm customers or the capacity of applicant's system.

Applicant asserts that the facilities it proposes to construct include only a tap and those metering and regulating facilities required to accomplish the sale of gas. Total cost of the proposed facilities is estimated to be $20,000, which will be financed out of cash generated by operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-5798 Filed 4-17-72;8:45 am]

[Docket No. CI72-301, etc.]

NORTHERN MICHIGAN EXPLORATION CO. ET AL.

Order Setting Date for Formal Hearing, Prescribing Procedures, Permitting Interventions and Consolidating Proceedings

APRIL 10, 1972.

On November 4, 1971, Northern Michigan Exploration Co. (Northern Michigan) filed in Docket No. CP72–121[1] an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas purchased in the Southern Louisiana area to Trunkline Gas Co. (Trunkline) and Consumers Power Co. (Consumers). Northern Michigan proposes to sell 25 percent of the gas it will purchase in the South Gibson Field, Terrebonne Parish, La., to Trunkline. Northern Michigan proposes to sell the remainder of the gas it will purchase in the South Gibson Field together with all the gas it will purchase in the Cherokee Field, Terrebonne and St. Mary Parishes, La., as well as any other gas which Northern Michigan may become entitled to purchase in the Southern Louisiana area, all up to a maximum of 60,000 Mcf per day, to its parent company, Consumers. On November 9, 1971, Trunkline filed in Docket No. CP72–128 its application pursuant to section 7 of the Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities[2] for the purchase of the aforementioned gas from Northern Michigan and for the transportation to Consumers Power the volumes of gas delivered by Northern Michigan to Trunkline up to a maximum daily volume of 62,500 Mcf per day. Additionally, on November 4, 1971, Michigan Gas Storage Co. (Michigan Gas) filed in Docket No. CP72–122 its application pursuant to section 7 of the Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation of an additional volume of up to 60,000 Mcf per day for Consumers.[3]

Petitions requesting leave to intervene in Docket No. CI72–301 were timely filed by the following petitioners:

Central Illinois Light Co.
Trunkline Gas Co.
Panhandle Eastern Pipe Line Co.
Northern Illinois Gas Co.
Mississippi River Transmission Corp.

Petitions requesting leave to intervene in Docket No. CP72–128 were timely filed by the following petitioners:

Central Illinois Light Co.
Illinois Power Co.
Laclede Gas Co.
Northern Illinois Gas Co.
Mississippi River Transmission Corp.
Consumers Power Co.
Michigan Gas Utilities Co.
Northern Michigan Exploration Co.

Petitions requesting leave to intervene in Docket No. CP72–122 were timely filed by the following petitioners:

Central Illinois Light Co.
Trunkline Gas Co.
Panhandle Eastern Pipe Line Co.

The Michigan Public Service Commission filed a timely notice of intervention in Dockets Nos. CI72–301, CP72–128, and CP72–122. On January 19, 1972, the City of Indianapolis, and on January 3, the cities of Fulton and Macon, Mo., and the Illinois Municipal Utilities Association filed motions to be granted permission to file a late petition to intervene in Dockets Nos. CI72–301, CP72–128, and CP72–122. No opposition to the granting of the late petitions to intervene has been filed.

Central Illinois Light Co., the city of Indianapolis, the cities of Fulton and Macon, Mo., and the Illinois Municipal Utilities Association request that these dockets be consolidated and set for formal hearing. These petitioners state that it is not clear from Trunkline's application in Docket No. CP72–128 that it is in the public interest that substantial capacity on the Trunkline system should be used on a long-term basis to transport gas for Consumers. Central Illinois Light Co. also points out that it is not clear that it is in the public interest for a customer of Trunkline to buy gas in the field in competition with Trunkline and arrange for that gas to be transported by it. Accordingly, we shall set the proceedings pending at Dockets Nos. CI72–301, CP72–128, and CP72–122 for formal hearing. We grant the motions to consolidate these proceedings since they are plainly interdependent.

We also note that Northern Michigan states in its application in Docket No. CI72–301 that the sale of its production to Consumers will be covered by the small producer certificate issued to Northern Michigan in Docket No. CS71–1138.[4] The Commission has previously determined in Order No. 308, 34 FPC 1202, that a company affiliated with a pipeline company is not eligible for a small producer certificate. Northen Michigan, a wholly owned subsidiary of Consumers Power Co., was organized in 1967. Consumers Power is also the parent company of Michigan Gas Storage Co., an interstate pipeline company. Therefore, the issuance of a small producer certificate to Northern Michigan in Docket No. CS71–1138 will be reconsidered during the consolidated proceedings.

[1] A new docket number, i.e. CI72–301, has been assigned to this proceeding.

[2] Specifically, Trunkline proposes the construction of 2.8 miles of 12-inch gathering line within the South Gibson and Cherokee Fields and 25.9 miles of 20-inch pipeline to a point on its main line at the inlet of the Calumet Gasoline Plant near Patterson, La.

[3] Michigan Gas presently has authorization, issued February 1, 1971, in Docket No. CP71–145, to transport 700,000 Mcf per day of firm natural gas and up to 50,000 Mcf per day of best-efforts gas, purchased by Consumers from Trunkline.

[4] Northern Michigan owns a 25 percent working interest in the aforementioned Cherokee Field.

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The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gs Act that a public hearing be held on the issues presented by the applications filed in Dockets Nos. CI72–301, CP72–128, and CP72–122.

(2) Good cause exists to accept the petitions to intervene filed late by the city of Indianapolis, the cities of Fulton and Macon, Mo., and the Illinois Municipal Utilities Association.

(3) It is desirable to allow all petitioners who have so requested to intervene in these proceedings in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(4) Good cause exists to consolidate the proceedings pending at Dockets Nos. CI72–301, CP72–128, and CP72–122.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in the proceedings consolidated by ordering paragraph (B) below subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests expressly asserted in the petition to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders entered in these consolidated proceedings.

(B) The motions to consolidate the proceedings pending at Dockets Nos. CI 72–301, CP72–128, and CP72–122 are granted.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing on the issues presented by the applications filed in the proceedings consolidated by ordering paragraph (B) above will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m. on June 6, 1972. Each applicant shall file with the Commission and serve on all interveners, the Commission Staff and the Presiding Examiner its proposed direct presentation in support of its application, including the prepared testimony of witnesses and exhibits, on or before May 5, 1972.

(D) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in these consolidated proceedings and prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–5799 Filed 4–17–72;8:45 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Proposed Retention of Insurance Professionals, Inc.

Affiliated Bankshares of Colorado, Inc., Boulder, Colo., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Insurance Professionals, Inc., Loveland, Colorado. Notice of the application was initially published in the following newspapers:

Boulder Daily Camera, Boulder, Colo., January 21, 1972.
Colorado Springs Gazette-Telegraph, Colorado Springs, Colo., January 18, 1972.
The Daily Journal, Denver, Colo., January 18, 1972.
The Greeley Daily Tribune and the Greeley Reporter, Greeley, Colo., January 22, 1972.
Loveland Daily Reporter-Herald, Loveland, Colo., January 21, 1972.
Reno Evening Gazette, Reno, Nev., February 2, 1972.
Las Vegas Review Journal, Las Vegas, Nev., February 5, 1972.

Subsequently, the notice was revised and republished in the following newspapers only:

Boulder Daily Camera, Boulder, Colo., February 25, 1972.
Colorado Springs Gazette-Telegraph, Colorado Springs, Colo., February 24, 1972.
The Daily Journal, Denver, Colo., February 25, 1972.
The Greeley Daily Tribune and the Greeley Republican, Greeley, Colo., February 25, 1972.
Loveland Daily Reporter-Herald, Loveland, Colo., February 25, 1972.

Applicant states that the proposed subsidiary would engage in insurance agency activities pursuant to section 225.4(a)(9). Applicant proposes to retain voting shares of Insurance Professionals, Inc., and thereby to engage in the following activities:

To act as insurance agent or broker in offices at which applicant or its subsidiaries are otherwise engaged in business or in offices adjacent thereto with respect to the following types of insurance:

1. Property, casualty, liability, and fidelity insurance for applicant and its subsidiaries;
2. Health, accident and group term life insurance on employees of applicant or its subsidiaries;
3. Credit life and disability insurance related to the extension of credit by applicant's subsidiaries;
4. Property and casualty insurance on real or personal property that is pledged or mortgaged to secure the extension of any credit by applicant's subsidiaries; and
5. Other types of insurance which applicant's subsidiaries find is necessary when acting in a fiduciary capacity.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 8, 1972.

Board of Governors of the Federal Reserve System, April 11, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72–5850 Filed 4–17–72;8:49 am]

AMERICAN GENERAL INSURANCE CO.

Order Dismissing Applications for Acquisition of Banks

American General Insurance Co., Houston, Tex. (Applicant), has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire indirectly (through Applicant's subsidiary, Texas Commerce Bancshares, Inc., Houston, Tex.) shares of each of six banks as listed below:

1. 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the American National Bank of Beaumont, Tex.
2. 37 percent of the voting shares of Beaumont State Bank, Beaumont, Tex.
3. 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to MacGregor Park National Bank of Houston, Houston, Tex.
4. 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Reagan State Bank of Houston, Houston, Tex.
5. 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Airline Bank, Houston, Tex.
6. 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to North Freeway Bank, Houston, Tex.

On the basis of the facts of record, including the following actions and commitments by American General:

1. Exchange of all voting shares presently held of Texas Commerce for a new class of shares which, while held by American General, is nonvoting;
2. A written commitment stating that when American General disposes of such nonvoting shares, it will do so only at a public offering underwritten by investment bankers and under an agreement that no purchaser either directly or indirectly may acquire at the sale shares aggregating more than 2 percent of the then outstanding common stock of Texas Commerce;
3. A written commitment that no director, officer or policymaking employee of American General does or will serve in a similar capacity with Texas Commerce or any of its subsidiaries and American General will abstain from exercising any influence or control over Texas Commerce or any of its subsidiaries;
4. A wirtten commitment that no director, officer or policymaking employee of American General, or a person owing 25 percent or more of the shares of American General, or any combination of such persons, does or will own or control, directly or indirectly, 25 percent or more of the voting shares of Texas Commerce or any of its subsidiaries;
5. A written commitment by American General for divestiture of all nonvoting shares of Texas Commerce by January 1, 1981; the Board finds that Applicant has effected a divestiture of its ownership and control of the voting shares of Texas Commerce Bancshares, Inc., Houston, Tex., and has ceased to be a bank holding company for the purposes of the Bank Holding Company Act of 1956, as amended. Accordingly, the company's applications to acquire shares of the aforementioned banks are hereby dismissed as moot.

The Board's findings and action herein are subject to amendment, revocation, or nullification by the Board should it conclude that American General exercises control or a controlling influence over Texas Commerce or any of its subsidiaries.

By order of the Board of Governors,[1] April 11, 1972.

TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72–5851 Filed 4–17–72;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, and Sheehan. Voting against this action: Governor Robertson. Absent and not voting: Governors Daane and Maisel.

FIRST NATIONAL STATE BANCORPORATION

Acquisition of Bank

First National State Bancorporation, Newark, N.J., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First National State Bank of Central Jersey, Trenton, N.J., the successor by merger to the Security National Bank of Trenton, Trenton, N.J. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 1, 1972.

Board of Governors of the Federal Reserve System, April 11, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72–5841 Filed 4–17–72;8:48 am]

FIRST FINANCIAL CORPORATION

Order Denying Acquisition of Bank

First Financial Corp, Tampa, Fla., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Union Trust National Bank of St. Petersburg, St. Petersburg, Fla. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant has nine banks with aggregate deposits of $427 million, and is the seventh largest banking organization in Florida, controlling 2.9 percent of commercial bank deposits in the State.[1] Acquisition of Bank ($151 million in deposits) by applicant would increase its percentage share of deposits by 1 percent and would make it the sixth largest banking organization in the State. Consummation of the transaction would not result in a significant increase in concentration of banking resources in the State of Florida.

Applicant's lead bank and two other banking subsidiaries are located in the Tampa market. That market is a highly concentrated one with the three leading banking organizations located there having about 68 percent of market deposits. Applicant is the leading organization in the Tampa market with some 31 percent of deposits and is the dominant organization in the Tampa area.

Bank is located in St. Petersburg, which is located across Tampa Bay from Tampa. The St. Petersburg market, though not at highly concentrated as Tampa, still is relatively concentrated with the top four organizations having over 58 percent of market deposits. Bank is the second largest institution in St. Petersburg with 17 percent of market deposits and is only slightly smaller than the leading bank in the market.

Though Tampa and St. Petersburg are adjacent to one another and are part of the Tampa-St. Petersburg Standard Metropolitan Statistical Area, they essentially represent separate banking markets. For this reason there is little competition between applicant and Bank, and consummation of this transaction would not have a substantial adverse effect on actual competition.

However, applicant's acquisition of Bank would have substantially adverse effects on potential competition between applicant and Bank. As stated earlier, applicant is the largest organization in the adjacent Tampa market and, because of its size and orientation, is one of the most likely potential entrants into the St. Petersburg market. St. Petersburg is an attractive market for entry since the deposits per bank in St. Petersburg are considerably higher than the State average and growth prospects of the city are favorable. Thus, applicant has the capability and incentive to enter the St. Petersburg market, a market which would support the de novo establishment of a new bank. Applicant, however, is not limited to de novo entry into the St. Petersburg market; there are numerous independent banking organizations located there, the acquisition of which would not pose the competitive problems raised by applicant's proposed acquisition of Bank and would have a procompetitive effect. In such circumstances, the elimination of a likely entrant into a concentrated market by the acquisition of a leading firm in the market should be discouraged.[2] The Board concludes, therefore, that consummation of the proposed transaction would foreclose significant potential competition between applicant and Bank.

Bank is one of only two institutions remaining in Florida with deposits of over $100 million, which are not lead banks in bank holding company organizations. It, therefore, appears particularly appropriate that the Board keep alive the opportunity for the formation of new holding companies which can serve to provide additional competition for existing holding companies in Florida.

Denial of the proposed transaction would also preserve Bank as a means of entry into the Tampa-St. Petersburg SMSA by a banking organization of appropriate size from a geographic area removed from west-central Florida, which would have a beneficial effect on competition there. This consideration was recognized by the Board in its denial statement of the application of Barnett Banks to acquire Bank (1969 Federal Reserve Bulletin 615). The Board stressed in that case that the acquisition of Bank by one of the State's largest banking organizations could lead to domination of banking in the State by existing holding companies and perpetuate existing concentration in the Tampa-St. Petersburg area by increasing barriers to new entry into St. Petersburg. For similar reasons, the Board concludes that consideration of the competitive factors in the present application weighs against approval.

[1] Banking data are as of June 30, 1971, and reflect all holding company formations and acquisitions approved by the Board through Feb. 29, 1972.

[2] This position is in accordance with an earlier decision of the Board denying the application of applicant to acquire Bank of Clearwater, Clearwater, Fla., also located in the Tampa-St. Petersburg Standard Metropolitan Statistical Area (1970 Federal Reserve Bulletin 654).

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Considerations relating to the financial condition, managerial resources, and prospects of applicant, its subsidiary banks, and Bank are satisfactory though Bank has management succession problems. However, Bank is large enough to attract needed management on its own. Additionally, although applicant at present has adequate managerial resources to provide for its own needs, there is some question that it would be able to provide additional management depth for Bank without straining its own managerial resources. For these reasons, the banking factors do not provide weight for approval of the application.

Applicant proposes to improve and expand the lending capabilities and drive-in facilities of Bank. Although these proposed benefits are favorable, Bank is capable of providing such improvements by itself. Accordingly, these considerations, while consistent with approval of the application, do not outweigh the anticompetitive effects of the proposal. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[1]

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5846 Filed 4-17-72;8:49 am]

NORTH SHORE CAPITAL CORPORATION

Formation of Bank Holding Company

North Shore Capital Corp., Chicago, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 50.1 percent or more of the voting shares of the North Shore National Bank of Chicago, Chicago, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 4, 1972.

Board of Governors of the Federal Reserve System, April 12, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-5849 Filed 4-17-72;8:49 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

SOUTHWEST BANCSHARES, INC.

Order Approving Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Long Point National Bank of Houston, Houston, Tex. (Bank). The bank into which Long Point National Bank of Houston is to be merged has no significance except as a means of acquiring all of the shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls four banks with aggregate deposits of approximately $688 million, representing 2.6 percent of the total commercial bank deposits in Texas and is the fifth largest banking organization in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through March 31, 1972.) Consummation of the proposed acquisition of Bank (deposits of approximately $29 million) would increase slightly applicant's percentage of total commercial bank deposits in the State but would not change its ranking.

Applicant is the third largest banking organization in the relevant market which is approximated by the Houston SMSA. Within the market, applicant has three banking subsidiaries including the area's third largest bank and holds minority stock interests ranging from 4.2 percent to 20.3 percent in each of five other banks (of which Bank is one). The combined deposits of all eight related banks ($798.3 million) represent 12.9 percent of total commercial bank deposits in the market. Bank, with less than 0.5 percent of deposits in the relevant market, ranks 38th in size among 145 banks there.

Bank, located in a suburban area of northwest Houston, was established in 1956 under the sponsorship of principals of applicant's lead bank. Ninety-five common stockholders of Bank and applicant hold 59.5 percent of Bank's shares. In 1956, these shareholders held 52.6 percent. Of the 59.5 percent, applicant itself owns 14.7 percent of Bank's shares and applicant's officers own another 8.3 percent. Based on these facts and other facts of record, disaffiliation in the foreseeable future appears to be no more than a remote possibility.

The service area of applicant's lead bank, primarily a wholesale bank, is the entire Houston SMSA, which overlaps the service area of Bank. However, on the facts of record, including the nature and extent of the existing affiliation between the banks and the differences between the banks in size and type of operation, there appears to be no meaningful competition between them. The competition that exists between Bank and any of applicant's other banking subsidiaries, or between Bank and any of the banks in which applicant has a minority interest, is not regarded as significant. It appears that consummation of the proposed acquisition would not eliminate any meaningful existing competition nor have an adverse effect on the structure of the Houston market where there are numerous banking alternatives available. Disaffiliation appears to be an unlikely prospect and, absent disaffiliation, the development of future competition between Bank and any of applicant's subsidiaries is considered unlikely. It is concluded that competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank appear to be generally satisfactory and consistent with approval. Bank's service area has experienced considerable economic growth in recent years. Consummation of the proposal herein would enable Bank better to serve the credit requirements of large customers located in its service area. Also, applicant proposes to develop, for Bank, international, investment and trust, and industrial development services, and to make available to Bank the planning and personnel expertise of applicant's lead bank. Convenience and needs factors lend some weight in favor of approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1]

April 11, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5847 Filed 4-17-72;8:49 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Denying Approval for Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to American National Bank of Beaumont, Beaumont, Tex.

Notice of receipt of the application has been given in accordance with section 3(a) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement [1] of this date.

By order of the Board of Governors,[2] April 11, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5842 Filed 4-17-72;8:48 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 37 percent of the voting shares of Beaumont State Bank, Beaumont, Tex.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, with 10 subsidiary banks holding aggregate deposits of $969.4 million, is the second largest banking organization in New Jersey with 6.2 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1971, unless otherwise indicated, and reflect holding company formations and acquisitions approved through February 29, 1972.) Consummation of the proposed acquisition of Bank ($4 million in deposits) would increase only slightly applicant's share of State-wide commercial bank deposits, and its present ranking would remain unchanged.

Bank is one of 20 banking institutions in the New Brunswick banking market,[1] the relevant market, where it ranks 18th in size with 0.3 percent of area deposits. Applicant's subsidiary office closest to Bank is located 8 miles northeast of Bank and serves a different banking market. Apparently no significant present competition exists between Bank and this office, or any of applicant's other offices. Moreover, the presence of geographical barriers, including the Garden State Parkway, would appear to limit the development of future competition between Bank and this office.

Two of applicant's subsidiaries have received approval to open branch offices outside of Madison Township, where Bank is domiciled, but within the New Brunswick banking market. Thus, it is possible for competition to develop in the future between Bank and these approved branches. In addition, applicant has the expertise and resources to establish a de novo bank within Madison Township, a relatively underbanked community. Consequently, consummation of the present proposal may foreclose potential competition between applicant's subsidiaries and Bank. However, Bank has failed to achieve the competitive posture expected of a 4-year-old bank, and its competitive potential appears limited. Other competitors may enter the New Brunswick market through the possible acquisition of one of the

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas. Concurring statements of Governors Mitchell and Brimmer filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Maisel.

within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to American National Bank of Beaumont, Beaumont, Tex.

Notice of receipt of the application has been given in accordance with section 3(a) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's Statement [1] of this date.

By order of the Board of Governors,[2] April 11, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5842 Filed 4-17-72;8:48 am]

TEXAS COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 37 percent of the voting shares of Beaumont State Bank, Beaumont, Tex.

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, and for the reasons and upon the conditions set forth in the Board's statement [1] of this date, applicant is granted approval to acquire 37 percent or more of the voting shares of Beaumont State Bank. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] April 11, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5843 Filed 4-17-72;8:48 am]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas. Concurring statements of Governors Mitchell and Brimmer filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Maisel.

TEXAS COMMERCE BANCSHARES, INC.

Order Denying Approval for Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to MacGregor Park National Bank, Houston, Tex. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

On the basis of the record, the application is denied for the reasons set forth in the Board's statement [1] of this date.

By order of the Board of Governors,[2] April 11, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-5848 Filed 4-17-72;8:49 am]

UNITED BANK CORPORATION OF NEW YORK

Acquisition of Bank

United Bank Corporation of New York, Albany, N.Y., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Highland National Bank of Newburgh, Newburgh, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 2, 1972.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas. Concurring statements of Governors Mitchell and Brimmer filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Sheehan. Absent and not voting: Governors Daane and Maisel.

Board of Governors of the Federal Reserve System, April 12, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-5844 Filed 4-17-72;8:48 am]

UNITED JERSEY BANKS

Order Approving Acquisition of Bank

United Jersey Banks, Hackensack, N.J., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Madison State Bank, Madison Township, N.J. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, with 10 subsidiary banks holding aggregate deposits of $969.4 million, is the second largest banking organization in New Jersey with 6.2 percent of the commercial bank deposits in the State. (All banking data are as of June 30, 1971, unless otherwise indicated, and reflect holding company formations and acquisitions approved through February 29, 1972.) Consummation of the proposed acquisition of Bank ($4 million in deposits) would increase only slightly applicant's share of State-wide commercial bank deposits, and its present ranking would remain unchanged.

Bank is one of 20 banking institutions in the New Brunswick banking market,[1] the relevant market, where it ranks 18th in size with 0.3 percent of area deposits. Applicant's subsidiary office closest to Bank is located 8 miles northeast of Bank and serves a different banking market. Apparently no significant present competition exists between Bank and this office, or any of applicant's other offices. Moreover, the presence of geographical barriers, including the Garden State Parkway, would appear to limit the development of future competition between Bank and this office.

Two of applicant's subsidiaries have received approval to open branch offices outside of Madison Township, where Bank is domiciled, but within the New Brunswick banking market. Thus, it is possible for competition to develop in the future between Bank and these approved branches. In addition, applicant has the expertise and resources to establish a de novo bank within Madison Township, a relatively underbanked community. Consequently, consummation of the present proposal may foreclose potential competition between applicant's subsidiaries and Bank. However, Bank has failed to achieve the competitive posture expected of a 4-year-old bank, and its competitive potential appears limited. Other competitors may enter the New Brunswick market through the possible acquisition of one of the

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11 small-to-moderate size independent banks serving this market. The Board, therefore, concludes that consummation of the proposed acquisition would have only a slightly adverse effect on potential competition.

The financial condition and management of applicant and its subsidiaries are satisfactory and the prospects of each are favorable. However, the financial condition of Bank is unsatisfactory; it has yet to report a profit and its deposit growth is lagging. Affiliation with applicant should significantly strengthen the overall condition of Bank through the infusion of both management expertise and financial resources. Thus, considerations relating to the banking factors lend weight toward approval. Applicant further proposes to expand the range of Bank's services to include trust, investment, international banking, data processing, and other specialized services. Affiliation will also permit Bank to become more responsive to the credit needs of the community. At present, over one-half of Bank's loan portfolio represents loans purchased or Federal funds sold. Moreover, applicant intends to assist Bank in opening additional branch facilities. Thus, considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the slightly adverse effects on potential competition which would result from consummation of the proposal are more than outweighed by considerations relating to the convenience and needs of the community and banking factors, that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] April 11, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-5845 Filed 4-17-72;8:49 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in chapters 613 and 655 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore chapters 613 and 655 are set forth in full as follows:

CHAPTER 613—REGISTRATION PROCEDURES AND CREATION OF THE REGISTRANT'S SELECTIVE SERVICE FILE

OUTLINE OF PROCEDURES

The registration procedures are briefly outlined below.

1. Identification of the registrant (section 613.2, page 613–2).
2. Preparation of the Registration Card (SSS Form 1) (section 613.4, page 613–3).
3. Issuance of Registration Questionnaire (SSS Form 100) (section 613.4, page 613–3).
4. Assignment of the Selective Service Number (Section 613.6, page 613–6).
5. Preparation and Issuance of the Registration Certificate (SSS Form 2) (section 613.7, page 613–9).
6. Administrative assignment to Class 1–H (section 613.8, page 613–9).
7. Preparation and issuance of the Notice of Classification (SSS Form 110) (section 613.9, page 613–10).
8. Preparation of the Registrant File Folder (SSS Form 101) (section 613.10, page 613–10).
9. Prepare the List of Registrants (SSS Form 3) (section 613.17, page 613–15).
10. Complete administrative entries required by above actions (section 613.11, page 613–10).

SEC. 613.1 *Place and time of registration.* Any person required to be registered will present himself for and submit to registration at any designated place of registration, at the office of any local board during the usual business hours, or at a consulate office within the period which begins 30 days prior to the 18th anniversary of the day of his birth and terminates 30 days after the 18th anniversary of the day of his birth. An alien who is required to register must report for and submit to registration if he has reached age 18 and has not reached age 26, except that an alien medical specialist is required to report for and submit to registration if he has not reached age 35.

SEC. 613.2 *Identification of the registrant.* When a young man presents himself for and submits to registration at his own local board, any other local board of Selective Service, or before any duly appointed uncompensated registrar, it shall be the responsibility of the registrar to verify the prospective registrant's identity through examination of the registrant's birth certificate, Social Security account number card, driver's license, school or college activity card, credit cards, or other means of identification that he may have in his possession. A person who presents himself for registration after the lottery drawing applicable to him has been held, shall be required to present satisfactory evidence as to his date of birth. For registrations accomplished by a consular official outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam or the Canal Zone, the registrant shall be required to provide identification by means of a U.S. passport or birth certificate.

SEC. 613.3 *Registration of persons separated from the Armed Forces.* Any person not previously registered who (1) is separated from the Armed Forces of the United States after having served honorably on active duty, other than active duty for training, for not less than 6 months, or (2) has served as a commissioned officer in the National Oceanic and Atmospheric Administration or the Public Health Service for not less than 24 months, shall not be required to be registered. A registrant who has been discharged from active military service with less than 6 months' service or who is discharged after having served on active duty under conditions other than honorable for 6 or more months is required to register after discharge, providing he has not previously registered.

SEC. 613.4 *Preparation of the Registration Card (SSS Form 1).* 1. Upon the establishment of eligibility to register, the face of the Registration Card (SSS Form 1) shall be completed. The registrar will prepare the registration card or provide such assistance as the registrant requires in order for him to prepare it. It shall be typewritten or clearly printed in ink. The registrant will sign in the space provided on the reverse side. The registrar will verify the statements of the registrant, and sign in the space provided. This will constitute his registration.

2. When a man has completed the SSS Form 1 at his own local board and it would be more efficient to do so, the SSS Form 2 should be completed and issued to the registrant, he should be assigned his SSN, administratively assigned to Class 1–H and issued an SSS Form 110 at the time of registration. The SSS Form 100 will either be completed at time of registration or issued or mailed to the registrant to be returned within 10 days.

3. When a man has completed the SSS Form 1 at his own local board, and it is more efficient for the local board to delay completion of the SSS Forms 2 and 110, the registrant will be advised that these forms will be completed and mailed to him within 10 working days. In the event the SSS Form 100 is not completed at the time of registration, it shall be issued or mailed to the registrant, who is required to return it within 10 days.

4. When registration is accomplished at a place other than the registrant's local board of jurisdiction, only the completion of the SSS Form 1 (except for the SSN) is required. If possible, the SSS Form 100 may be completed and signed at that time. The registrant shall be advised that his SSS Form 1 will be forwarded to his local board of jurisdiction, which will mail him the SSS Forms 2 and 110, as well as the SSS Form 100, if it was not completed at the time of registration.

5. When the registration has been accomplished at a place other than a local board, the registrar shall inform the registrant that the SSS Forms 2 and 110 will be mailed to him by his local board. At the close of business that day, the registrar shall forward the SSS Form 1 and any SSS Form 100 which may have been completed to the local board which appointed the registrar. If the registrar is in a foreign country, the registrar shall delivery the completed SSS Form 1 to the chief registrar of the embassy or consulate office which appointed him, for transmission to the Director of Selective Service.

6. When the registration has been accomplished at a local board other than the registrant's local board of jurisdiction, at the close of business that day, the registrar shall forward the SSS Form 1 to the local board having jurisdiction over the registrant's place of residence, if known. Otherwise, it shall be forwarded to the State Director of Selective Service concerned, for transmittal to the proper local board.

SEC. 613.5 *Review and certification.* 1. After completion of the SSS Form 1 by the registrant, the registrar shall review the Registration Card for completeness and accuracy of discriptive information. The registrant must then sign the completed Registration Card in the presence of the registrar, except that if the registrant is unable or refuses to sign the Registration Card or to make a mark instead of a signature, the registrar shall sign the registrant's name and indicate that he has done so by signing his own name, followed by the word "Registrar" beneath the name of the registrant. The act of the registrar in so doing shall have the same force and effect as if the registrant had signed the Registration Card and such registrant shall thereby be registered. Upon completion of the review of the Registration Card, the registrar will then certify to the registration and enter the date of registration on the form.

2. The registrar shall require the registrant to give a sufficient address to establish the proper location of his place of residence and a mailing address for forwarding of notices. The registrant shall determine what place he desires to give as his residence when he does not reside in the same place all the time. The registrant must give a place of residence within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone, if he presents himself for registration in any of those places. If a registrant presents himself for registration outside of the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone, he should, if possible, give a place of residence within one of the above listed places, but in any case must give a place of residence when registering.

SEC. 613.6 *Local board of jurisdiction.* 1. The local board having jurisdiction over the "Place of Residence" entered on the Registration Card shall always have jurisdiction over the registrant, unless otherwise directed by the Director of Selective Service. Whenever two or more local boards have jurisdiction within the same county or corresponding political subdivision, and the offices of such local boards are located at the same site, registrants whose place of residence is within that county or corresponding political subdivision shall be assigned among the local boards in the manner as prescribed by the State Director of Selective Service. When registration was accomplished outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone and the registrant listed his place of residence outside of these places, Local Board No. 100 (Foreign), Washington, D.C., shall have jurisdiction over the registrant.

2. Upon receipt of the Registration Card, the local board will verify that the assignment to that local board is appropriate. If it is determined that the local board does not have jurisdiction over the registrant, the Registration Card shall be forwarded to the state director for transmittal to the proper local board of jurisdiction.

SEC. 613.7 *Assignment of selective service number.* 1. Utilizing the Classification Record (SSS Form 102) as a register, the local board of jurisdiction will assign a selective service number to each registrant by entering his name and date of birth in columns numbered 2 and 3 of the Classification Record, alongside the next unassigned selective service number in Column No. 1, and place that number in the appropriate block on the Registration Card. This number will consist of the following elements:

a. The first element of the selective service number representing the numerical position of the State in which the registrant is registered as shown on the following list of States, territories, and possessions:

1. Alabama.
2. Arizona.
3. Arkansas.
4. California.
5. Colorado.
6. Connecticut.
7. Delaware.
8. Florida.
9. Georgia.
10. Idaho.
11. Illinois.
12. Indiana.
13. Iowa.
14. Kansas.
15. Kentucky.
16. Louisiana.
17. Maine.
18. Maryland.
19. Massachusetts.
20. Michigan.
21. Minnesota.
22. Mississippi.
23. Missouri.
24. Montana.
25. Nebraska.
26. Nevada.
27. New Hampshire.
28. New Jersey.
29. New Mexico.
30. New York.
31. North Carolina.
32. North Dakota.
33. Ohio.
34. Oklahoma.
35. Oregon.
36. Pennsylvania.
37. Rhode Island.
38. South Carolina.
39. South Dakota.
40. Tennessee.
41. Texas.
42. Utah.
43. Vermont.
44. Virginia.
45. Washington.
46. West Virginia.
47. Wisconsin.
48. Wyoming.
49. District of Columbia.
50. New York City.
51. Alaska.
52. Hawaii.
53. Puerto Rico.
54. Virgin Islands.
55. Guam.
56. Canal Zone.

b. The second element of the selective service number shall be the number of the registrant's local board within the State. Each State Director of Selective Service shall assign each local board within his State a specific identifying number in numerical sequence beginning with the numeral 1.

c. The third element of the selective service number shall be the last two digits of the year in which the registrant was born. For example, if a registrant was born in 1954, the third element of his selective service number would be the number 54.

d. The fourth element of the selective service number shall be the number assigned to the registrant by his local board among the other registrants of the local board having the same year of birth. Every local board shall assign each of the registrants who were born in the same year a specific identifying number in numerical sequence beginning with the numeral 1. A separate series of identification numbers on separate pages shall be assigned to registrants by a method most convenient to the person assigning them, provided that each time a number is assigned the next number in sequence for a given year of birth is used.

2. Where four blocks are provided on any form for the entry of the selective service number, the first element of the selective service number shall be entered in the left block and the remaining three elements of such number entered consecutively from left to right in the remaining three blocks. For example, the selective service number to be given to a registrant in Alabama (1), registered with Alabama Local Board No. 24 (24), born in the year 1954 (54) and being number 206 among the registrants of his local board who were born in 1954, would be entered in the four blocks as follows:

1	24	54	206

Where four blocks are not provided for the entry of the selective service number, each of the four elements of the number, written from left to right, shall be separated by a hyphen. For example, the selective service number of the registrant mentioned in the paragraph above would be written without the blocks as follows: 1-24-54-206.

SEC. 613.8 *Preparation and issuance or mailing of Registration Certificate (SSS Form 2).* When registration is accomplished at the local board of jurisdiction, the Registration Certificate (SSS Form 2) may either: (1) Be prepared and copy 2 issued to the registrant at the time of his registration; or (2) be prepared and copy 2 mailed to the registrant within 10 working days of the date of registration. When registration is accomplished at other than the local board of jurisdiction, the local board of jurisdiction will prepare the Registration Certificate and mail copy 2 to the registrant within 10 working days of receipt of the Registration Card.

SEC. 613.9 *Administrative assignment to Class 1–H.* Compensated personnel at the registrant's local board of jurisdiction are authorized and directed to administratively assign each new registrant to Class 1–H. After this initial classification, further classifying can be accomplished only by board action of the appropriate local board, appeal board, or the National Selective Service Appeal Board.

SEC. 613.10 *Preparation and issuance or mailing of the Notice of Classification (SSS Form 110).* When the registration is accomplished at the local board of

[1] Includes Middlesex County except the municipalities of Plainsboro, Cranbury, Middlesex, and Dunellen, plus Franklin Township in Somerset County.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, and Sheehan. Absent and not voting: Governors Mitchell and Maisel.

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jurisdiction, a Notice of Classification (SSS Form 110) may either: (1) Be prepared and copy 2 issued to the registrant at the time of his registration; or (2) be prepared and copy 2 mailed to the registrant within 10 working days of the date of registration. When registration is accomplished at other than the local board of jurisdiction, the local board of jurisdiction will prepare the SSS Form 110 and mail copy 2 to the registrant within 10 working days of receipt of the Registration Card. A 1–H letter will accompany this initial SSS Form 110.

SEC. 613.11 *Creation of a registrant's file.* Following registration, a Registrant File Folder (SSS Form 101) will be prepared. The original of the Registration Card (SSS Form 1) shall be placed in the registrant's file folder, and the duplicate shall be used as an alphabetical locator card. The Registration Questionnaire (SSS Form 100), when received, will be placed in the SSS Form 101.

SEC. 613.12 *Administrative entries required.* 1. After registration, compensated personnel of the local board of jurisdiction will make the following entries on forms:

a. SSS Form 102: 1–H class and date assigned will be entered in the appropriate column.

b. SSS Form 101: The following entries will be made on page 2:

(1) "Registered" (the date of registration shown on SSS Form 1 will be entered in the date column).

(2) "SSS Form 2 issued/mailed" (the date of issuance or mailing of the Registration Certificate will be entered in the date column).

(3) "Administratively assigned to 1–H and SSS Form 110 issued/mailed" (the date of issuance or mailing of the Notice of Classification will be entered in the date column).

(4) "1–H letter issued/mailed" (use appropriate word) (the date of issuance or mailing of the 1–H letter will be entered in the date column).

(5) "SSS Form 100 issued/mailed" (if the SSS Form 100 is issued or mailed, use appropriate word, and enter date in date column).

2. A Registrant File Folder (SSS Form 101) will be used for establishment of a registrant's file. If a Registrant File Folder is not available, a Cover Sheet will be used. In that case, staple SSS Form 100–S to the inside of page 2 to be utilized for notation of "actions." Upon receipt of the new SSS Form 101, the information contained on the SSS Form 100–S shall be used to establish a new file so that registrants who have been registered since January 1, 1972, will all have a Registrant File Folder.

3. At the option of the local board, the Tally Sheet (SSS Form 4) may be used as a temporary work sheet of registrants' names and selective service numbers, prior to entries being made in the SSS Form 102. The use of the Tally Sheet is not mandatory.

SEC. 613.13 *Beginning and end of year registrations.* 1. A man who presents himself for registration and who attained the age of 18 during a previous year shall be assigned a selective service number from the Classification Record (SSS Form 102) appropriate for his year of birth whether or not he is a late registrant. His name should be entered in the SSS Form 102 for that previous year alongside the next unassigned selective service number.

2. A man who presents himself for registration and who will attain the age of 18 in the next calendar year shall be assigned a selective service number by placing his name on an advance page of the Classification Record (SSS Form 102) prepared for the following year.

3. In cases of either 1 or 2 above, the registrant's file folder shall be filed according to the appropriate year of birth group.

SEC. 613.14 *Early and late registrations.* 1. A young man who presents himself for and submits to registration more than 30 days prior to attaining the 18th anniversary of his date of birth will not be registered unless he completes Application for Voluntary Induction (SSS Form 254).

2. A late registrant will be registered in the same manner as any other registrant, and will be assigned a selective service number from the SSS Form 102 appropriate to his year of birth. He will be requested to submit a signed statement setting forth the reason for his failure to register at the proper time.

SEC. 613.15 *Registration procedures for inmates of institutions.* 1. An inmate of an asylum, jail, penitentiary, reformatory, or similar institution, who is required to be registered on the day he leaves such institution shall be registered in the manner prescribed in this chapter. The superintendent or warden of any such institution or any person designated by the superintendent or warden shall be appointed registrar in accord with paragraph 5 of chapter 612.

2. When the Registration Card (SSS Form 1) is being filled out, the superintendent, warden, or other designated person, acting in his capacity as registrar, shall be certain that no reference is made on the Registration Card to indicate that the inmate was registered in an institution or by an official of an institution. If the inmate does not have a permanent place of residence or an address where he intends to be or where he can be located, the address of the local board in whose area the institution is located shall be entered in item 2 of the Registration Card (SSS Form 1). Under no circumstances shall the address of the institution be given as the place of residence or as the mailing address of the inmate who is being registered.

3. The superintendent, warden, or other appointed person acting as registrar shall then explain to the registrant his obligations under the Military Selective Service Act, particularly the requirement to keep his local board advised of his current mailing address.

SEC. 613.16 *Cancellation of registration.* Whenever it is determined that a registration is to be canceled in that the registrant is deceased, he has been transferred to another local board of jurisdiction, his registration was fictitious or erroneous, or represents a duplication of registration at one or more local boards, the local board will accomplish the following action to cancel the registration:

a. If possible, request the registrant to return the Registration Certificate, SSS Form 2, and Notice of Classification, SSS Form 110, and upon receipt mark these forms "Canceled" or "Canceled—Transferred to L.B. No. ------ (If known), State of ----------." Indicate the date of cancellation and place these in his file.

b. If the registration is canceled (except for transfers to another local board), write "Canceled—----------" (date) across the top margin of the SSS Forms 1, 100, 101, and other forms in the registrant's file as appropriate. Line out the registrant's name on the SSS Form 3, and send a supplemental Form 3 reflecting the cancellation to the State director. Line out the registrant's name on the SSS Form 102 and enter "Canceled" in the remarks column.

c. When the registrant is to be transferred to another local board indicate "Transferred to L.B. No. ------ (If known), State of ----------" in the remarks column on the SSS Form 102.

d. At the next scheduled local board meeting, the cancellation will be reported in the Minutes of Local Board Meeting—Continuation Sheet, SSS Form 112–A.

e. A Notice of Classification, SSS Form 110, will be initiated recording the new classification as "CANC" in accordance with the form's procedural directive. Copy 1 shall be sent to the Data Processing Center, and the remaining copies shall be destroyed.

f. The registrant's file shall be destroyed in accordance with current administrative procedures, unless the registrant is transferred to another local board, in which case his file will be forwarded to the State director for transmittal to the State director or local board to which the registrant is to be transferred.

SEC. 613.17 *Person registered more than once.* 1. If a registrant has registered more than once and has given different places of residence in item 2 of his Registration Card (SSS Form 1), each local board to which the registrant is assigned shall have jurisdiction over the registrant until proper jurisdiction is established.

2. When duplicate registration between local boards is discovered, the place of residence indicated at the first registration, if true, will determine the local board of jurisdiction.

3. When two or more local boards of a State cannot agree on the proper assignment of a registrant, the State director will resolve the matter of jurisdiction. When local boards in different States are involved, the State directors concerned will resolve the matter by mutual agreement. When resolved, the local board which relinquishes jurisdiction will cancel the registration in accordance with section 613.15 of this chapter.

SEC. 613.18 *Preparation of the List of Registrants (SSS Form 3).* Each local board will prepare a List of Registrants (SSS Form 3) in duplicate for each month, listing consecutively by selective service number all registrants assigned during that month. The preparation of this form may be continued throughout the month. The original copy will be forwarded to State headquarters not later than the 10th of the following month.

SEC. 613.19 *Change in date of birth.* Should a registrant furnish documentation establishing a new date of birth, prior to the day before the lottery is conducted to establish his random sequence number, it will be entered on the Classification Record (SSS Form 102) and corrected on page 1 and entered on page 2 of the Registrant File Folder (SSS Form 101), and the verifying evidence placed in the file folder. Should a registrant furnish documentation establishing a new date of birth later than the day before the lottery is conducted to establish his random sequence number, the verifying evidence shall be placed in his file folder and an entry made on page 2 of the file folder, but his date of birth shown on the SSS Form 102 and page 1 of the SSS Form 101 will not be changed.

CHAPTER 655—PROCESSING OF REGISTRANTS RESIDING IN FOREIGN COUNTRIES

1. *Purpose.* The purpose of this chapter of the Registrant Processing Manual is to establish procedures for the selective service processing of registrants residing in foreign countries.

2. *Registration.* Registration in foreign countries is accomplished by diplomatic and consular officials of the Department of State and by registrars appointed by those officers in the same manner as registrations accomplished within the United States. Each male citizen of the United States shall accomplish registration by reporting to the nearest U.S. consular office or designated registrar within the period which begins 30 days prior to the 18th anniversary of the day of his birth, and which ends 30 days after the 18th anniversary of the day of his birth, unless he has been registered by or will register with a local board within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone within the prescribed period.

3. *Place of residence.* The registrant may determine what place he desires to give as his residence when he is not located in the same place all of the time. If a registrant presents himself for registration outside of the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone, he should, if possible, give a place of residence within one of those places, but in any case must give a place of residence. If the place of residence is outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone, Local Board No. 100 (Foreign), Washington, D.C., shall have jurisdiction over the registrant.

4. *Transmittal of forms and communications.* All forms and communications to be transmitted to registrants in foreign countries shall be mailed in regular franked government envelopes stamped "Air Mail". No other supplementary postage is required.

5. *Local board processing of foreign registrations.* a. All registrations initiated by diplomatic or consular officials in foreign countries will be completed by the local board of jurisdiction upon receipt of the Registration Questionnaire (SSS Form 100). Assignment of selective service number, classification, preparation and mailing of Certificate of Registration (SSS Form 2) and Notice of Classification (SSS Form 110), completion of administrative entries, and creation of a registrant's file folder will be accomplished in accordance with current directives.

b. Upon entry into the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone and establishing residence in any of these places, registrants assigned to Local Board No. 100 (Foreign) must notify that board of the address of their new place of residence. Except in cases where a registrant has a personal appearance or appeal pending, or is under an order to report for induction or alternate service, he will be transferred to the local board having jurisdiction over his new place of residence and his former registration with Local Board No. 100 (Foreign) will be canceled in accordance with current directives.

c. Registrants assigned to local boards other than Local Board No. 100 (Foreign) will not be transferred.

6. *Processing of transferred registrants.* Registrants transferred to the jurisdiction of a new local board will be processed in the same manner as a late registrant. Upon receipt of records of a transferred registrant, the new local board need not reopen and reclassify as a matter of routine.

7. *Registrant processing.* All registrants who registered in foreign countries shall be assigned random sequence numbers, classified, placed in selection groups, and processed for Armed Forces examination, induction or alternate service in lieu of induction in the same manner as registrants who registered within the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone. The above instruction applies whether or not registrants may have subsequently entered into or established residence in any of these places, or whether they continue to reside in foreign countries, and regardless of whether they are assigned to District of Columbia Local Board No. 100 (Foreign) or any other local board.

However, all regular registrants in the group described in the above paragraph who were born in 1950 or prior years who were in Class 1–A, 1–A–O, or 1–O on December 31, 1970, shall be assigned to the second or lower priority selection group.

Registrants under the age of 35 years in the categories of physicians, dentists, and allied medical specialists will be processed in accordance with current directives to meet the needs of special calls from the Department of Defense when so required.

8. *Examination of registrants in Canada and Mexico.* Registrants residing in Canada and Mexico selected for examination will be processed as follows:

a. *Local board action.* Local boards will forward the following to registrants and place a copy of each in his Registrant File Folder:

(1) An Order to Report for Armed Forces Examination (SSS Form 223) establishing "Place of Reporting" as the address of the local board, and "Date" at least 30 days after issuance.

(2) A "Transmittal Letter for Examination of Registrants Residing in Canada or Mexico," reading as per enclosed sample.

Any medical information or doctor's statements in the registrant's file folder will not be forwarded to the Armed Forces Examining and Entrance Station (AFEES) in advance of the original date of scheduled examination. This information will be forwarded to the Transfer Board upon receipt of notification that a new SSS Form 223 has been issued in accordance with paragraph 8d of this section.

b. *Action by registrant.* Registrants desiring to transfer examination shall submit a request for transfer of Armed Forces examination together with the Order to Report for Armed Forces Examination (SSS Form 223) to the State Director of Selective Service of that State proximate to the area of Canada or Mexico in which they reside. A table indicating the addresses of these State directors is listed in the "Transmittal Letter for Registrants Residing in Canada or Mexico."

c. *Action by State director.* Upon receipt of the letter from the registrant requesting transfer of Armed Forces examination, the appropriate State director shall select a local board of transfer and forward the request for transfer and the Order to Report for Armed Forces Examination (SSS Form 223) to that local board.

d. *Action by transfer board.* This board shall initiate a new Order to Report for Armed Forces Examination (SSS Form 223), establishing the place of reporting, date, and the time in accordance with a regularly scheduled examination date of that local board. A copy of this order will be transmitted directly to the local board to which the registrant is assigned.

e. *Final action by transfer board.* When the registrant's medical records and results of examination are received from AFEES, the transfer board will forward them to the State director in whose jurisdiction the registrant is assigned, for transmittal to the local board to which the registrant is assigned.

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9. *Examination of registrants residing outside the United States except those in Canada and Mexico.* Registrants residing outside the United States, except those in Canada and Mexico, selected for Armed Forces examination will be processed as follows:

a. *Local board action.* Local boards will prepare the following and forward them to the registrant and place a copy of each in his Registrant File Folder:

(1) An Order to Report for Armed Forces Examination (SSS Form 223), establishing "Place of Reporting" as the address of the local board, and "Date" at least 30 days after issuance;

(2) A "Transmittal Letter for Examination of Overseas Registrants" reading per enclosed sample.

b. *Action by registrant.* Registrants desiring to be examined overseas are required to submit a written request for accomplishment of Armed Forces examination overseas to the Commander of the Army Area in which they reside.

Army Area Commander	*A.P.O. Address*
Pacific Area:	
Commander in Chief, U.S. Army, Pacific, Fort Shafter, Hawaii.	A.P.O. 96558, San Francisco, CA.
European Area:	
Commander in Chief, U.S. Army, Europe, Heidelberg, Germany.	A.P.O. 09403, New York, NY.
Caribbean Area:	
Commander in Chief, U.S. Army Forces, Southern Command, Fort Amador, Canal Zone.	A.P.O. 09834, New York, NY.

Instructions for submitting this request are contained in the "Transmittal Letter for Examination of Overseas Registrants," attached as part of this section.

c. *Processing by the U.S. Army.* The Army area commander in whose area of jurisdiction the registrant is located shall accomplish the following:

(1) Upon receipt of letter from the registrant requesting Armed Forces examination, the examination shall be scheduled and the registrant advised of the place, time and date to report for Armed Forces examination, and a copy of the communication shall be forwarded to the registrant's local board.

(2) Perform Armed Forces examination and other processing requirements in accordance with the applicable provisions of AR 601–270.

d. *Final action by local board.* Upon receipt of Statement of Acceptability (DD Form 62) the local board will forward the duplicate copy to the registrant and retain the original copy in his Registrant File Folder.

10. *Delivery for induction of registrants residing in Canada and Mexico.* Registrants selected for induction will be issued an Order to Report for Induction (SSS Form 252) giving "place of reporting as the address of the local board and "date" at least 30 days after issuance.

Assisting local boards proximate to the U.S. borders with Canada and Mexico shall provide transportation to registrants residing in Canada or Mexico from the assisting local board to the AFEES servicing its area and advise the AFEES commander of the expected time of the registrant's arrival at his AFEES. No delivery lists or other administration will be required of assisting local boards. Registrants in Class 1–O selected for processing to alternate service in lieu of induction will be processed in accordance with current directives.

11. *Delivery for induction of certain categories of registrants residing overseas.* The following categories of Selective Service registrants who have been selected for induction are entitled to receive transportation to the continental United States, Puerto Rico or Hawaii via military airlift to permit them to present themselves and submit to induction into the Armed Forces:

Registrants assigned to Local Board No. 100 (foreign) who reside outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, and Mexico.

Registrants assigned to any other local board who registered outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone and who have not subsequently entered into and established residence in any of these places and do not reside in Canada or Mexico.

These registrants will be processed as follows:

a. *Local board action.* Local boards shall prepare an Order to Report for Induction (SSS Form 252) in five copies, establishing "place of reporting" as the address of the local board, and "date" at least 30 days after issuance, a Record of Induction (DD Form 47) in five copies, and a Transmittal Letter for Delivery for Induction of Overseas Registrants in two copies. All copies of both SSS Form 252 and DD Form 47 shall be coded:

CIC:
S61230090000001

The above code identifying the Selective Service System is to be typed on the SSS Form 252 in the blank space immediately above the block provided for the local board stamp, and is to be typed on DD Form 47 in the "remarks" block (item 17.c.). Two-line code entries are required. The top line shall read CIC:. (NOTE.—All letters must be capitalized, followed by a colon; "CIC" is the abbreviation for Customer Identification Code.) The bottom line shall read S61230090000001. These documents will be distributed as follows:

(1) The original and one copy of SSS Form 252 and one copy of the transmittal letter will be sent to the registrant.

(2) Two copies of SSS Form 252 and one copy of transmittal letter will be retained in the registrant's file.

(3) Upon receipt of notification from an overseas Army area commander that he has approved the request of a registrant residing outside the continental United States, the State of Alaska, the State of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone, to be delivered from an overseas point for induction, the local board shall prepare and/or forward to the Army area commander forms in number of copies as follows:

(a) Original and three copies of Record of Induction (DD Form 47);

(b) Original and one copy of the Report of Medical Examination (SF 88);

(c) Two copies of Report of Medical History (SF 93) with any X-ray film made at the time of Armed Forces physical examination, any waiver of disqualification, any order terminating civil custody, and any other such information concerning qualifications of the registrant for service in the Armed Forces.

In cases where the originals of the items mentioned in (b) and (c) are at the AFEES which examined the registrant, the local board shall request these items from the AFEES, so they may be forwarded to the overseas Army area commander by the local board.

(4) One copy of the Order to Report for Induction (SSS Form 252) and one copy of the Record of Induction (DD Form 47) will be forwarded to National Headquarters, Attention: ACFB.

b. *Processing by the U.S. Army area commander.* The Army area commander in whose jurisdiction the registrant resides shall complete the following:

(1) Upon receipt of letter from registrant requesting delivery for induction from overseas area, schedule such delivery by establishing time, date, and collection point for delivery processing.

(2) Authorize transportation of registrant from U.S. military airbase closest to his place of overseas residence to collection point if required.

(3) Advise registrant of the name and location of the military airbase and flight information for his transportation to the collection point and furnish him necessary travel authorization.

(4) When a registrant is to report to the collection point directly, advise him of time, date, and place of reporting for processing at collection point.

(5) Forward copy of the communication described in (3) or (4) to registrant's local board.

(6) Perform processing at collection point to determine registrant's acceptability for delivery for induction.

(7) Release registrants found not acceptable for induction into the Armed Forces during processing at the collection point. Registrants who were delivered to the collection point shall be authorized return air transportation when requested by the registrant.

(8) Provide registrants with necessary travel orders or MAC transportation requests for transportation to the United States and advise them of particular flight arrangements.

(9) Release physical examination and induction records to registrants for hand transmittal to local board and Armed Forces examining and entrance station

upon return to the continental United States.

c. *Delivery of registrants.* Registrants returning to the continental United States or Puerto Rico shall be required to report to local board aligned with port of aerial embarkation for transportation to the Armed Forces examining and entrance station handling inductions in their areas as follows:

ALIGNMENT CHART

Army area commander	Port of aerial embarkation	Local board and address	Location of AFEES
Europe	McGuire AFB, N. J.	No. 29: Carroll Bldg., 428 East State St., Trenton, NJ.	Philadelphia, Pa.
Caribbean	Charleston AFB, S.C.	No. 10: Federal Bldg., Room 333, Charleston, S.C.	Fort Jackson, S.C.
Pacific	McChord AFB, Wash.	No. 12: Hawthorne Bldg., 813 South K St., Tacoma, WA.	Seattle, Wash.
	Travis AFB, Calif.	No. 27: 422 Main St., Suisun, CA	Oakland, Calif.
	Morton AFB, Calif.	No. 130: 547 North Sierra Way, San Bernardino, CA.	Los Angeles, Calif.
Caribbean [1]	Ramey AFB, P. R.	No. 3: N. Acevedo St., Aguadilla, P.R.	San Juan, P.R.

[1] The Caribbean Army Area Commander may elect to forward certain overseas registrants to the AFEES in Puerto Rico to be processed for induction in lieu of delivering them to the continental United States when transportation arrangements so permit. In these cases, registrants will be so advised at the collection point and instructed to report to the aligned local board for delivery to AFEES accordingly.

The Pacific Army area commander has established procedures whereby registrants being delivered to Hickam Air Force Base or Honolulu International Airport in Hawaii, are to be instructed to report to the Army air traffic coordinating offices upon arrival, for transportation to the AFEES at Fort De Russy, Hawaii, for induction in lieu of reporting to a local board of Selective Service.

The registrant shall be responsible for providing his own housing, meals and transportation expenses incurred during the time between his departure from his place of residence overseas and his arrival at the overseas military air base to which he is ordered to report for delivery or processing, as well as during the time between his arrival in the United States and his reporting to the alined local board. The registrant must also pay for his housing, meals, and incidental expenses during his overseas travel and processing.

d. *Processing by alined local boards.* Alined local boards shall process overseas registrants reporting for induction as follows:

(1) Registrants shall be scheduled for special forwarding to Armed Forces examining and entrance stations handling inductions for each local area;

(2) Transportation by commercial or other expeditious means shall be provided;

(3) Registrants are to be given appropriate instructions regarding travel schedule and location of Armed Forces examining and entrance station;

(4) The commander of the Armed Forces examining and entrance station will be advised by the local board of expected time of registrant's arrival at his station.

12. *Induction of registrants residing overseas who have been selected for military service.* Registrants shall be processed by the Armed Forces examining and entrance stations for induction and disposition of records accomplished in accordance with AR 601–270.

13. *Ordering of registrants residing overseas to report for alternate service in lieu of induction.* Overseas registrants in Class 1–O selected for alternate service in lieu of induction may apply to their State director and request overseas work assignments. He shall provide guidance in the form of advice on approved employers having such work assignments available. Processing of registrants for assignments to alternate service shall be accomplished in accordance with current directives.

14. *Registrants residing overseas not inducted at Armed Forces examining and entrance stations.* Overseas registrants who fail to qualify for induction into the Armed Forces may either elect to be released from Armed Forces examining and entrance stations or request air transportation back to initial place of reporting for delivery or collection point established by the Army commander of the area of jurisdiction. In either case, the AFEES commander will return the registrant's records to his local board.

When the registrant elects to be returned overseas, the AFEES commander will prepare military travel authorization for return from the port of aerial embarkation to the overseas point at which registrant reported to the Army area commander for delivery for induction. AFEES commanders are requested to enter on all copies of military travel authorization in block 7, the rejection code as follows:

CIC:
S61240090000001

The registrant being returned shall report to the port of aerial embarkation and present military travel authorization in order to obtain return transportation overseas. The registrant shall be responsible for providing his own housing, meals and transportation expenses incurred during the time between his return to the local board from AFEES and departure of his overseas flight from the aerial port of embarkation in the United States, as well as during the time between his return to the military air base overseas at which he was originally ordered to report for delivery or processing and his arrival at his place of residence overseas. The registrant must also pay for his housing, meals, and incidental expenses during his overseas travel and processing.

Overseas registrants who fail to report for or submit to induction will be processed in accordance with AR 601–270. No further housing, feeding or return transportation to any place shall be provided.

15. *Special departure and entrance procedures.* Overseas registrants will be processed through Immigration and Customs offices at aerial ports of embarkation overseas and in the United States in accordance with Immigration and Naturalization Service and Customs Agency procedures.

SAMPLE LETTER FOR EXAMINATION OF REGISTRANTS RESIDING IN CANADA AND MEXICO

Dear _____,

You have been selected to take an Armed Forces examination to determine your acceptability for induction into the Armed Forces of the United States. The enclosed Order to Report for Armed Forces Examination (SSS Form 223) is the official notification issued by the Selective Service System. In lieu of reporting to this local board, you may be examined at an Armed Forces examining and entrance station in the United States closest to the area of Canada or Mexico in which you reside by doing the following:

CONTACT THE STATE DIRECTOR OF SELECTIVE SERVICE

Select from the following list of States the State Director of Selective Service whose State borders that part of Canada or Mexico in which you reside:

Canada

Maine:	State Director, Selective Service System, Federal Building, 40 Western Avenue, Augusta, ME 04330.
New York:	State Director, Selective Service System, Federal Building, 441 Broadway, Albany, NY 12207.
Michigan:	State Director, Selective Service System, Post Office Box 626, Lansing, MI 48903.
Minnesota:	State Director, Selective Service System, Room 1509, Post Office and Custom House, St. Paul, MN 55101.
North Dakota:	State Director, Selective Service System, Post Office Box 1417, Bismark, ND 58501.
Montana:	State Director, Selective Service System, Post Office Box 1183, Helena, MT 59601.
Washington:	State Director, Selective Service System, Post Office Box 5247, Tacoma, WA 98405.

Mexico

California:	State Director, Selective Service System, 801 I Street, Sacramento, CA 95814.
Arizona:	State Director, Selective Service System, Room 202, Post Office Building, 522 North Central Avenue, Phoenix, AZ 85004.
New Mexico:	State Director, Selective Service System, Post Office Box 5175, Sante Fe, NM 87501.
Texas:	State Director, Selective Service System, 209 West Ninth Street, Austin, TX 78701.

Write the State director immediately requesting that your Armed Forces examina-

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tion be accomplished by the Armed Forces examining and entrance station which handles the examinations for local boards in his State. You should include the following information in your letter:

a. Your full name.
b. Your Selective Service number.
c. Your present address.

d. The town or city within the United States nearest the Canadian or Mexican border in which a local board of Selective Service is located, if known to you. You may also wish to indicate a city which is most easily accessible by public means of transportation from the area of Canada or Mexico in which you reside.

YOUR EXAMINATION

The State director of Selective Service will advise you of the local board at which you are to report for transportation to the examining station and establish a new reporting date and time.

It is your responsibility to present yourself for examination at the time and place designated. Be sure to bring the Order to Report for Armed Forces Examination (SSS Form 223), to which this is attached, with you, and read all instructions carefully. You must pay all expenses going to and returning from the local board or AFEES. The Armed Forces examination is usually accomplished in one day; however, you should be prepared to be held over for special examination or tests for a period of up to 3 days if such is required to determine your acceptability or nonacceptability.

NOTIFICATION OF RESULTS OF YOUR EXAMINATION

You may be advised informally of the results of your Armed Forces examination when you take it at the military installation. However, the official notification will be sent to you by local board with which you are registered on a Statement of Acceptability (DD Form 62), which will indicate "Found Fully Acceptable" or "Found Not Acceptable" * * * "For Induction Under Current Standards".

If you are found "Fully Acceptable", you may be selected for induction into the Armed Forces of the United States when your lottery number is reached by your local board in filling calls for young men for military service.

If you are found "Not Acceptable" you may be subject to reexamination at a later date if the reason for your nonacceptability is considered of a temporary or minor nature.

SPECIAL INSTRUCTIONS

If you fail to report for the scheduled Armed Forces examination, or to contact the State Director of Selective Service nearest the area in which you reside regarding your examination, it is a serious violation of the Selective Service law, and you may be scheduled for induction into the Armed Forces in normal sequence without such examination.

By direction of the local board

SAMPLE TRANSMITTAL LETTER FOR EXAMINATION OF OVERSEAS REGISTRANT

Dear ----------,

You have been selected to take an Armed Forces examination to determine your acceptability for induction into the Armed Forces of the United States. The enclosed Order to Report for Armed Forces Examination (SSS Form 223) is the official notification issued by the Selective Service System. In lieu of reporting to this local board, you may be examined at an overseas examining facility of the U.S. Armed Forces by doing the following:

CONTACT THE ARMY COMMANDER OF YOUR OVERSEAS AREA

Select from the following list the closest Army area commander:

Army area commander	*APO address*
Pacific Area.—Commander in Chief, U.S. Army, Pacific, Fort Shafter, Hawaii.	APO 96558 San Francisco, CA.
European Area.—Commander in Chief, U.S. Army, Europe, Heidelberg, Germany.	APO 09403 New York, NY.
Caribbean Area.—Commander in Chief, U.S. Army Forces, Southern Command, Fort Amador, Canal Zone.	APO 09834 New York, NY.

Write this Army commander immediately requesting that your Armed Forces examination be accomplished at a U.S. military installation overseas. You should include the following information in your letter:

a. Your full name.
b. Your Selective Service number.
c. Your present address.

YOUR EXAMINATION

The Army commander will send you a new reporting date and place of examination. It is your responsibility to present yourself for examination at the time and place designated. Be sure to bring the enclosed prepared papers with you and read instructions on the Order to Report for Armed Forces Examination (SSS Form 223) carefully. You must pay all expenses going to, while at, and returning from the examining facility. The Armed Forces examination is usually accomplished in 1 day, however, you should be prepared to be held over for special examination or tests for a period of up to 3 days if such is required to determine your acceptability or nonacceptability.

NOTIFICATION OF RESULTS OF YOUR EXAMINATION

You may be advised informally of the results of your Armed Forces examination when you take it at the military installation. However, the official notification will be sent to you by the local board with which you are registered on a "Statement of Acceptability", DD Form 62, which will indicate "Found Fully Acceptable" or "Found Not Fully Acceptable" * * * "For Induction Under Current Standards".

If you are found "Fully Acceptable," you may be selected for induction into the Armed Forces of the United States when your lottery number is reached by your local board in filling calls for young men for military service.

If you are found "Not Acceptable" you may be subject to reexamination at a later date if the reason for your nonacceptability is considered of a temporary or minor nature.

SPECIAL INSTRUCTIONS

If you fail to report for the scheduled Armed Forces examination, or to contact the Army commander of your overseas area regarding being examined overseas, it is a serious violation of the Selective Service law, and you may be scheduled for induction into the Armed Forces in normal sequence without such examination.

By direction of the local board

SAMPLE TRANSMITTAL LETTER FOR DELIVERY FOR INDUCTION OF OVERSEAS REGISTRANT

Dear ----------,

You have been selected for induction into the Armed Forces of the United States.

Instead of reporting to this local board for delivery to the Armed Forces examining and entrance station handling inductions for this area as indicated in the Order to Report for Induction (SSS Form 252) to which this is is attached, you may request transportation from certain U.S. military airbases overseas to the United States for this induction. Upon your arrival in the United States, you are required to report to the local board of the Selective Service System aligned with the aerial port of embarkation at which you landed in the United States. That local board will provide transportation to an Armed Forces examining and entrance station where you will be inducted. If you wish to request transportation to the United States for induction, you must do the following:

CONTACT THE ARMY AREA COMMANDER

Select from the following list the closest Army area commander:

Army area commander	*APO address*
Pacific Area.—Commander in Chief, U.S. Army, Pacific, Fort Shafter, Hawaii.	APO 96558 San Francisco, Calif.
European Area.—Commander in Chief, U.S. Army, Europe, Heidelberg, Germany.	APO 09403 New York, N.Y.
Caribbean Area.—Commander in Chief, U.S. Army Forces, Southern Command, Fort Amador, Canal Zone.	APO 09834 New York, N.Y.

You must immediately write to the appropriate Army area commander, enclosing a copy of your Order to Report for Induction (SSS Form 252), to which this letter is attached, requesting that he arrange for your delivery for induction. Be sure to include in your letter the following information:

a. Your full name.
b. Your Selective Service number.
c. Your present address.

ACTION BY ARMY AREA COMMANDER

The Army area commander may advise you to report to a U.S. airbase closest to your place of overseas residence for transportation to the collection point where you will be processed before being returned to the continental United States for induction. He will forward military travel authorization which will serve as your airline ticket and advise you of the time, date and place to report for your flight, and the name of the MAC base and its location. The Army area commander may, on the other hand, advise you to report directly to the collection point at which you will be processed.

GOING TO THE OVERSEAS DELIVERY POINT

It is your responsibility to make your own transportation arrangements from your place of overseas residence to the military air base specified and to present yourself on the proper date at the time and place specified by the Army area commander. You are restricted to 66 pounds of total baggage including suitcases, briefcases and other hand luggage. You must pay for your own travel going to this military airbase. You must also pay for your housing, meals and incidental expenses during your overseas travel and processing. If you are not accepted for delivery as the result of overseas processing, you may be released if you reported directly to the collection point for processing or returned to the military airbase to which you originally reported for delivery. You should be prepared to pay for the return expenses to your overseas residence.

YOUR DELIVERY, PROCESSING OVERSEAS

You will be processed as follows:

a. Medical records from your Armed Forces physical examinaion will be reviewed and you will receive preliminary processing to determine your acceptability for military service.

b. You will be issued a MAC transportation request or travel order which will serve as your ticket for transportation via military airlift to the United States. You should have DD Form 47 available to show at all points of travel in order to assure continuous movement by MAC.

c. Since you will be requested to pass through customs and immigration stations both overseas and in the United States, be sure to accomplish the following:

(1) Bring your U.S. Passport or other proof of citizenship and immunization or vaccination records.

(2) Observe the various customs and agricultural regulations relative to transporting alcoholic beverages, drugs, plants, fruit and vegetables of a restricted nature, animals, and other items restricted from import.

d. The Army area commander's representative will provide information relative to your return flight and place your medical papers and induction record in your hands for delivery to the local board in the United States to which you must report. For overseas registrants being returned from the Pacific and Caribbean areas, the Army area commander may decide to provide transportation to Puerto Rico or Hawaii instead of the continental United States. In these cases, his representative will instruct you to report to the Armed Forces examining and entrance station in San Juan, P.R., or Honolulu, Hawaii, for induction rather than reporting to a Selective Service local board.

UPON ARRIVAL IN THE UNITED STATES

You are required to report to the local board of the Selective Service System alined with the port of aerial embarkation in the United States per the attached schedule. After processing through customs and immigration offices at the military installation, it is your responsibility to arrange and pay for your transportation to the local board office designated.

YOUR DELIVERY FOR INDUCTION

The executive secretary of the local board of Selective Service will provide a travel authorization or bus ticket for your transportation to the Armed Forces examining and entrance station servicing that area and give you instructions on reporting to the commander of the AFEES. She will advise you of the schedule for your arrival at the AFEES and advise the commander to expect you.

YOUR INDUCTION

You will be inducted into the Armed Forces under procedures which are under the control of the Department of the Army. After induction, you will be transported to an Army reception center for basic military training.

IF YOU ARE NOT ACCEPTED

If you are not accepted for induction into the Armed Forces you may (1) elect to be released from your order to report for induction at the AFEES upon your execution of a written waiver of your right to return transportation overseas, at which point you are free to leave the AFEES, or (2) request to be returned to the overseas military airbase to which you were instructed to report for delivery or processing by the overseas Army area commander in which case the following would take place:

a. The AFEES commander will provide (1) a bus ticket or travel authorization for your return from the AFEES to the local board to which you reported, and (2) a MAC transportation request or travel order for your return flight overseas to the point from which you departed for the United States and to the point of departure to the United States and travel to the military airbase to which you originally reported for delivery or processing. You should make certain that the commander of the AFEES rejecting you enters the correct code for rejection:

CIC:
S61240090000001
on the military travel authorization.

b. You must make your own arrangements for travel from the local board to the port of aerial embarkation in the United States and from the military airbase to which you originally reported for delivery or processing overseas to your place of residence, and pay for meals, housing, transportation and incidental expenses involved.

SPECIAL INSTRUCTIONS

1. If you fail to comply with the Order to Report for Induction (SSS Form 252) and this set of allied instructions, or fail to submit to induction for which you are ordered, such actions are in violation of the Selective Service law, and punishable by fine and/or imprisonment.

2. Overseas registrants arriving in the United States shall be required to report to the local board aligned with the port of aerial embarkation for transportation to the Armed Forces examining and entrance station handling inductions for their area as follows:

ALIGNMENT CHART

Army area commander	Port of aerial Embarkation	Local board and address	Location of AFEES
Europe	McGuire AFB, N.J.	No. 29: Carroll Bldg., 428 East State St., Trenton, NJ	Philadelphia, Pa.
Caribbean	Charleston AFB, S.C.	No. 10: Federal Bldg., Room 333, Charleston, S.C.	Fort Jackson, S.C.
Pacific	McChord AFB, Wash.	No. 12: Hawthorne Bldg., 813 South K St., Tacoma, WA.	Seattle, Wash.
	Travis AFB, Calif.	No. 27: 422 Mail St., Suisun, CA.	Oakland, Calif.
	Norton AFB, Calif.	No. 130: 547 North Sierra Way, San Bernardino, CA.	Los Angeles, Calif.
Caribbean[1]	Ramey AFB, P.R.	No. 3: M. Acevedo St., Aguadilla, P.R.	San Juan, P.R.

[1] The Caribbean Army Area Commander may elect to forward certain overseas registrants to the AFEES in Puerto Rico to be processed for induction in lieu of delivering them to the continental United States when transportation arrangements so permit. In these cases, registrants will be so advised at the collection point and instructed to report to the aligned local board for delivery to AFEES accordingly.

The Pacific Army area commander has established procedures whereby registrants being delivered to Hickam Air Force Base or Honolulu International Airport in Hawaii, are to be instructed to report to the Army air traffic coordinating offices upon arrival, for transportation to the AFEES at Fort De Russy, Hawaii, for induction in lieu of reporting to a local board of Selective Service.

By direction of the local board

CURTIS W. TARR,
Director.

APRIL 12, 1972.

[FR Doc.72-5787 Filed 4-17-72;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0064]

DONNER CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Donner Capital Corp., New York, N.Y., incorporated under the laws of New York on January 23, 1961, has surrendered its License No. 02/02-0064 issued by the Small Business Administration (SBA) on April 17, 1961.

Donner Capital Corp. has complied with all conditions set forth by SBA for surrender of its license including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Donner Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: April 11, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5854 Filed 4-17-72;8:49 am]

[License No. 02/02-0077]

DONNER EQUITIES CORP.

Notice of Surrender of License

Notice is hereby given that Donner Equities Corp., New York, N.Y., incorporated under the laws of New York on March 14, 1961, has surrendered its License No. 02/02-0077, issued by the Small Business Administration (SBA) on June 22, 1961.

Donner Equities Corp. has complied with all conditions set forth by SBA for surrender of its license including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Donner Equities Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: April 11, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-5855 Filed 4-17-72;8:49 am]

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INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 13, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presenty reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 75302 Sub 11, Doudell Trucking Co., now assigned May 1, 1972, at Salt Lake City, Utah, postponed to July 17, 1972, at San Francisco, Calif., in a hearing room to be later designated.

MC 113678 Sub 442, Curtis, Inc., MC 115841 Sub 412, Colonial Refrigerated Transportation, Inc., MC 117883 Sub 158, Subler Transfer, Inc., now assigned May 8, 1972, at New York, N.Y., postponed indefinitely.

No. 35481, Public Service Co. of Indiana, Inc. v. Penn Central Transportation Co., et al., now assigned April 18, 1972, at Washington, D.C., postponed to May 22, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 101186 Sub 11, Ariedge Transfer, Inc., now assigned May 8, 1972, at Des Moines, Iowa, will be held in Room 707, Federal Building, 210 Walnut Street, Des Moines, IA.

No. MC 56679 Subs Nos. 41, 48, 50, 63, Brown Transport Corp., Extension Florida Points, MC–F–11345, Brown Transport Corp.—Investigation of Control—Pool Freight Line, Inc., now being assigned prehearing conference, on June 6, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA, on June 14, 1972, in Holiday Inn—Downtown, 175 Piedmont Avenue NE., Atlanta, GA, on July 10, 1972, Holiday Inn I–85, I–85 and Parkins Mill Road Exit, Greenville, S.C., and on July 17, 1972, Holiday Inn—Downtown, 2300 Phillips Highway (Junction I–95 and U.S. Highway 1 South), Jacksonville, FL.

MC 99680 Sub 2, North Shore and Central Illinois Freight Co., now assigned May 8, 1972, at Chicago, Ill., hearing canceled and application dismissed.

MC 135772, Barrett Transfer & Storage Co., now assigned April 24, 1972, at Olympia, Wash., canceled and reassigned to April 24, 1972, at the Edgewater Inn, 2411 Alaskan Way, Pier 67, Seattle, WA.

MC 117574 Sub 209, Daily Express, Inc., now assigned April 27, 1972, at Washington, D.C., postponed to May 16, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 133095 Sub 8, Texas Continental Express, Inc., now assigned April 20, 1972, at Washington, D.C., postponed to May 23, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5875 Filed 4–17–72;8:51 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 13, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42399—*General commodities between ports in the Mediterranean and rail stations on the west coast of the United States.* Filed by Sea-Land Service, Inc. (No. 62), for itself and interested rail carriers. Rates on general commodities, between ports in the Mediterranean, on the one hand, and rail stations on the west coast of the United States, on the other.

Grounds for relief—Water competition.

Tariff—Sea-Land Service, Inc., tariff ICC 73. Rates are published to become effective on May 11, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–5876 Filed 4–17–72;8:51 am]

[Notice 52]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 12, 1972.

The following are notices of filing of applications [1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 79 TA), filed March 29, 1972. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04103. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Westport, N.Y., to points in Vermont except St. Albans Bay and Burlington, for 180 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, ME 04112.

No. MC 24583 (Sub-No. 15 TA), filed March 29, 1972. Applicant: RODNEY STEWART AND TROY STEWART, doing business as, FRED STEWART COMPANY, 129 South Clay Street, Box 665, Magnolia, AR 71753. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from points in Columbia County, Ark., to points in Louisiana, Mississippi, Oklahoma, Tennessee, and Texas (except Houston, Tex., and 50 miles radius thereof), for 180 days. Supporting shipper: The Dow Chemical Co., Louisiana Division, Plaqueminc, La. 70764. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 30844 (Sub-No. 395 TA), filed March 29, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Iowa, Illinois, Kentucky, Michigan, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commisson, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 30844 (Sub-No. 397 TA), filed March 29, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50702. Applicant's representative: Paul Rhodes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 51146 (Sub-No. 265 TA), filed March 29, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Post Office Box 2298, 54306, Green Bay, WI 54304. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Iowa City, Iowa, to points in Minnesota, for 180 days. Supporting shipper: Heinz U.S.A. Division of H. J. Heinz Co., Post Office Box 57, Pittsburgh, Pa. 15230 (John W. Pinchot, Cost Analyst). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 84692 (Sub-No. 2 TA), filed March 28, 1972. Applicant: BEKINS VAN AND STORAGE COMPANY, West Fourth and Bluff Streets, Post Office Box 777, Sioux City, IA 51102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated and crated, used and new furniture, appliances and lawn equipment* from the retail store and warehouse of Bekins Warehouse Furniture Store in Sioux City, Iowa, to points in Lyon, Sioux, Plymouth, Woodbury, Monona, Harrison, Shelby, Crawford, Ida, Cherokee, O'Brien, Osceola, Dickinson, Clay, Buena Vista, Sac, Carroll, Audubon, Calhoun, Pocahontas, Palo Alto, Emmet, Kossuth, and Humbolt Counties, Iowa; Rock, Nobles, and Jackson Counties, Minn.; Union, Lincoln, Minnehaha, Clay, Yankton, Bon Homme, Hutchinson, and Turner Counties, S. Dak.; Dakota, Dixon, Cedar, Knox, Pierce, Wayne, Thurston, Burt, Cuming, Stanton, Madison, Colfax, Dodge, and Washington Counties, Nebr., and on return movement: *Uncrated and used furniture, appliances and lawn equipment*, from the above-described destinations on initial movement to the retail store and warehouse of Bekins Warehouse Furniture Store in Sioux City, Iowa, for 180 days. Supporting shipper: Bekins Warehouse Furniture Store, Sioux City, Iowa. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 106674 (Sub-No. 89 TA), filed March 22, 1972. Applicant: SCHILLI MOTOR LINES, INC., Post Office Box 122, Delphi, IN 46923. Applicant's representative: Thomas R. Schilli (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* from Lima, Ohio, to points in Indiana and Michigan, for 180 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 109294 (Sub-No. 20 TA), filed March 29, 1972. Applicant: COMMERCIAL TRUCK CO. LTD., 230 Brunette Street, New Westminster, BC Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buoys*, from Seattle, Wash., to the international boundary line between the United States and Canada at or near Blaine or Sumas, Wash., for 180 days. Supporting shipper: Sokil Express Lines Ltd., 8830 126th Avenue, Edmonton, AB. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 111170 (Sub-No. 188 TA), filed March 29, 1972. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, 2811 North West Avenue, El Dorado, AR 71730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compound*, in bulk, from Jacksonville, Ark., to Dumas, Tex., Greeley, Colo., New Orleans, La., and Garden City, Kans., for 180 days. Supporting shipper: Transvaal, Inc., Post Office Box 69, Jacksonville, AR 72076. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 111401 (Sub-No. 362 TA), filed March 28, 1972. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry processed clay* in bulk, in tank vehicles, from Flatonia, Tex., to Wyoming and Holland, Mich., for 180 days. Supporting shipper: J. C. Nasco, assistant traffic manager, Nalco Chemical Co., 180 North Michigan Avenue, Chicago, IL 60601. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK.

No. MC 112520 (Sub-No. 259 TA), filed March 28, 1972. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from the plantsite of Sun Oil Co., at or near Jay, Fla., to Pensacola, Fla., for 180 days. Supporting shipper: Sun Oil Co., Post Office Box 2039, Tulsa, OK 74102. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 113666 (Sub-No. 64 TA), filed March 29, 1972. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank vehicles, from the international boundary between the United States and Canada located on the Niagara River to points in New York, Ohio, and Pennsylvania, and the return of *refused, damaged, or rejected shipments*, for 180 days. Supporting shipper: American Cyanamid Co., Agricultural Division, Post Office Box 400, Princeton, NJ 08540. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 119789 (Sub-No. 113 TA), filed March 29, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned animal foods*, from Vernon, Calif., to Hanover, Pa., for 180 days. NOTE: Carrier does intend to tack authority. Supporting shipper: Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, CA. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 128527 (Sub-No. 28 TA), filed March 27, 1972. Applicant: MAY TRUCKING COMPANY, a corporation, Post Office Box 398, Payette, ID 83661. Applicant's representative: John K. Gatchell, Post Office Box 195, Payette, ID 83661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as follows: *Beams, angles, bars, channels, plate, sheet, coil, flat and shapes, special steel reinforcing bar*, from Portland, Oreg., to points in Ada and Canyon Counties, Idaho, for 180 days. NOTE: Applicant states it does not intend to tack or interline authority herein applied for with other carriers. Supporting shippers: Gate City Steel, Post Office Box 8005, Boise, ID 83707; AG Equipment, Inc., Manufacturers, Caldwell, Idaho 83605; Oregon Steel Mills, 5200 Northwest Front Avenue, Portland, OR; Industrial Export Co., 406 Board of Trade Building, Portland, Oreg. 97204; Elixir Industries, Post Office Box 7986, Boise, ID 83707; Allen Steel Supply Co., 2902 Fletcher Street, Boise, ID 83706; Kit Manufacturing Co., Caldwell, Idaho 83605; Western Steel Manufacturing Co., 2601 Main Street, Boise, ID 83707; Idaho

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Pacific Steel Warehouse Co., 5320 Emerald, Boise, ID 83704; and Ace Supply, Inc., Post Office Box 1098, Caldwell, ID 83605. Send protests to: C .W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, ID 83702.

No. MC 136543 TA, filed March 30, 1972. Applicant: DODSON'S MOVING & STORAGE CO., INC., Post Office Box 452, Oak Ridge, TN 37830. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, and personal effects*, between points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Monroe, Roane, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn., Bell and Whitley Counties, Ky.; Lee, Scott, Washington, and Wise Counties, Va.; and Ash, Avery, Cherokee, Graham, Haywood, Madison, Mitchell, Swain, and Watauga Counties, N.C. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service, in containers, with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 136547 TA, filed March 28, 1972. Applicant: STAR INDUSTRIES TRANSPORT, INC., 1410 North 14th Street, St. Louis, MO 63106. Applicant's representative: Austin C. Knetzger, 722 Chestnut Street, Room 1011, St. Louis, MO 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, restricted to traffic moving in chassis mounted containers and having a prior or subsequent movement by rail, from the St. Louis-East St. Louis commercial zone and terminal area, to points in Illinois, Iowa, and Missouri, and from the Kansas City commercial zone and terminal area to points in Kansas, Missouri, Illinois, Iowa, Nebraska, North Dakota, South Dakota, Minnesota, Wisconsin, and Indiana, for 180 days. Supporting shipper: Peter Contabad for Chiquita Brands, Inc., 1250 Broadway, New York, NY. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, 1520 Market Street, Room 1465, St. Louis, MO 63101.

No. MC 136549 TA, filed March 28, 1972. Applicant: SEAWAY TRUCKING, LTD., 1900 11th Street SE., Calgary 21, AB, Canada. Applicant's representative: Jos. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, from points in Wyoming to ports of entry on the United States-Canada boundary line located at or near Sweetgrass, Mont., and Wild Horse, Mont., for 180 days. Supporting shipper: Dominion Glass Co., Ltd., Main Street North, Redcliff, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136550 TA, filed March 29, 1972. Applicant: CRANWOOD TRUCKING CO., INC., 13312 Littleton Avenue, Garfield Heights, OH 44125. Applicant's representative: Keith F. Henley, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Buffalo, N.Y., to Ashtabula, Ohio, and from Erie, Pa., to Buffalo, N.Y., for 180 days. Supporting shipper: Mid-Continent Coal and Coke Co., 105 West Adams Street, Chicago, Ill. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 136552 TA, filed March 28, 1972. Applicant: KARDUX TRANSFER, INC., 1907 Roby Avenue, Muscatine, IA 52761. Applicant's representative. William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Centrifugal pumps and equipment, materials and supplies* used in the manufacture and sale of centrifugal pumps and *pump parts*, between points in Black Hawk, Cedar, Delaware, Muscatine, and Scott Counties, Iowa, and Henry, Jo Daviess, Rock Island, and Whiteside Counties, Ill., under contract with Carver Pump Co., for 180 days. Supporting shipper: Carver Pump Co., Muscatine, Iowa 52761. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 135705 (Sub-No. 2 TA), filed March 29, 1972. Applicant: LELAND L. MELROSE, doing business as MELROSE TRUCKING COMPANY, 6360 Raderville Route, Casper, WY 82601. Applicant's representative: LeLand L. Melrose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fly ash*, in bulk, in pneumatic pressure trailers, equipped with blowers, from the site of the Dave Johnson Power Plant near Glenrock, Wyo., to Brighton and Commerce City, Conn., Kimball, Nebr., and Vernal, Utah, and (2) *powdered chemical* (expansion agent or sealant), in bulk, from points in Denver County, Colo., to stations in Wyoming and to Vernal, Utah, for 180 days. Supporting shippers: Dowell Division of the Dow Chemical Co., Petroleum Building, Casper, Wyo. 82601; Halliburton Services, 1161 East Yellowstone Highway, Casper, Wyo. 82601. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building and Post Office, 100 East B Street, Casper, Wyo. 82601.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5878 Filed 4-17-72;8:51 am]

[Notice 53]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 13, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 16903 (Sub-No. 30 TA), filed March 21, 1972. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Post Office Box 1275, Bloomington, IN 47402. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Marble chips, lawn and garden limestone and white marble play sands*, from the plantsite of the Ground Products Division of Vermont Marble Co. at Pittsford, Vt. to points in New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, and the District of Columbia and to points in the Commonwealth of Pennsylvania east of U.S. Route 15, for 180 days. Supporting shipper: Vermont Marble Co., Proctor, Vt. 05765. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Penn Street, Indianapolis, Ind. 46204.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 41951 (Sub-No. 14 TA), filed March 29, 1972. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Post Office Box 458, Cambridge, MD 21613. Applicant's representative: Marion L. Wheatley, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except frozen and coldpack, from Cambridge, Md., to South Bend, Ind., for 180 days. Supporting shipper: RJR Foods, Inc., Cambridge, Md. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 44639 (Sub-No. 52 TA), filed March 22, 1972. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lynhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Goldsboro, N.C., on the one hand, and, on the other, Wilson, N.C., and New York, N.Y., for 180 days. NOTE: To be tacked with existing authority at Crewe, Va. Supporting shipper: Sherayne Manufacturing Co., Inc., 1359 Broadway, New York, NY 10018. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 50439 (Sub-No. 48 TA), filed March 28, 1972. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18069. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bakery product*, in bulk (except in tank or hopper type vehicles), from the plantsite of Rozansky Feed Co. at Secaucus, N.J., to Lancaster and York, Pa., and Urbana, Broadway, and Harrisonburg, Va., for 150 days. Supporting shipper: John S. Roznasky, president, Rozansky Feed Co., 286 Secaucus Road, Secaucus, NJ 07094. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 74647 (Sub-No. 14 TA), filed March 28, 1972. Applicant: P. SALVINO TRANSPORT, INC., 6615 Corson Avenue South, Seattle, WA 98108. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp and lignin pitch, dry*, from Bellingham, Wash., to Seattle and Tacoma, Wash., for 180 days. Supporting shipper: Georgia-Pacific Corp., Bellingham Division, Post Office Box 898, Bellingham, WA 98225. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 83217 (Sub-No. 58 TA), filed April 4, 1972. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Avenue (57104), Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Iowa City, Iowa, to points in Minnesota, North Dakota, and South Dakota, for 180 days. Supporting shipper: Heinz U.S.A., Division of H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230, John W. Pinchot, Transportation Cost Analyst. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 83539 (Sub-No. 334 TA), filed March 28, 1972. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce Street, Post Office Box 5976, 75208, Dallas, TX 75222. Applicant's representative: Wiley C. Willingham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors*, from Longview, Tex., to points in the United States (except Hawaii), for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Capacity, Inc., Post Office Box 3165, Longview, TX 75601. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 107496 (Sub-No. 841 TA), filed March 30, 1972. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third Street, Post Office Box 855, 50304, Des Moines, IA 50309. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank vehicles, from Hastings, Minn., to Fargo, N. Dak., for 150 days. Supporting shipper: Peavey Co., 760 Grain Exchange, Minneapolis, Minn. 55415. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 113267 (Sub-No. 280 TA), filed March 29, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from plantsite and storage facilities of Michigan Lloyd J. Harris Pie Co., at or near Saugatuck, Mich., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Mississippi, Tennessee, and Texas, for 180 days. Supporting shipper: Michigan Lloyd J. Harris Pie Co., 350 Culver Street, Saugatuck, MI 49453. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 114789 (Sub-No. 38 TA), filed March 28, 1972. Applicant: NATIONWIDE CARRIERS, INC., Post Office Box 104, Maple Plain, MN 55359. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Holly Stores, Inc., from the facilities of Holly Stores, Inc., located in North Bergen, N.J.; to Allentown, Altoona, Butler, New Kensington, and Rochester, Pa.; Akron, Austintown, Cleveland, Highland Heights, Lorrain, Toledo, and Youngstown, Ohio; Elkhart, Fort Wayne, Hammond, and Mishiwaka, Ind.; Ann Arbor, Detroit (and points in its commercial zone), Flint, Livonia, Monroe, Pontiac, and Westland, Mich.; Chicago (and points in its commercial zone), Downers Grove, Elgin, Joliet, and Kankakee, Ill.; Cedar Rapids, Des Moines, and Iowa City, Iowa; Lincoln and Omaha, Nebr.; Colorado Springs, Denver (and points in its commercial zone), Fort Collins, Greeley, and Pueblo, Colo.; Albuquerque, N. Mex.; Phoenix and Scottsdale, Ariz.; Bakersfield, Escondido, Lancaster, Los Angeles (and points in its commercial zone), Oxnard, Riverside, and San Fernando, Calif., for 180 days. Supporting shipper: Holly Stores, Inc., 7373 West Side Avenue, North Bergen, NJ 07047. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 124813 (Sub-No. 93 TA), filed April 4, 1972. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: *Bentonite clay*, in bulk, and *bentonite clay*, in bags, when transported in the same vehicle and at the same time as bentonite clay in bulk, from the plantsite of American Colloid Co. near Belle Fourche, S. Dak., to points in Iowa (except Mason City), Minnesota, Nebraska, and Wisconsin, for 180 days. Supporting shipper: American Colloid Co., 5100 Suffield Court, Skokie, IL 60076. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 126780 (Sub-No. 8 TA), filed March 28, 1972. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, Post Office Box 2805 (59404), 409 14th Street SW., Great Falls, MT 59403. Applicant's representative: Howard C. Burton, Post Office Box 2265, Great Falls, MT 59403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and supplies*, from ports of entry on the international boundary line between the United States and Canada located in Montana and North Dakota, to points in Washington, Idaho, Montana, North Dakota, South Dakota, Wyoming, Oregon, Utah, Colorado, and Nevada; and (2) *silica blasting sand, stone, stone chips, and lime*, in bulk in bags and *ceramic tile and brick and masonry products*, from points in Idaho and Utah to points in Montana. Service under this authority is to be limited to Georgia-Pacific Co., Boise Cascade Corp., Materials Supply Co., Forzley Sales, Inc., Domtar Construction Materials, Ltd., and IKO Industries, Ltd. for 180 days. Supporting shippers: Boise Cascade Corp., Post Office Box 7747, Boise, ID 83707; Domtar Construction Materials, Post Office Box 6138, Montreal 101, PQ Canada; Georgia-Pacific Corp., 900 Southwest Fifth Avenue, Portland, OR; Forzley Sales, Inc., Post Office Box 2870, Great Falls, MT 59403; IKO Industries, Ltd., Post Office Box 1325, Calgary, AB, Canada; Materials Supply, Post Office Box 20317, Billings, MT 59201. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission; Bureau of Operations, Room 251, Post Office Building, Billings, Mont. 59101.

No. MC 133590 (Sub-No. 1 TA), filed March 29, 1972. Applicant: WESTERN CARRIERS, INC., 288 Franklin Street, Worcester, MA 01604. Applicant's representative: Robert L. Kendall, Jr., 1719 Packard Building, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Clinton and Leominster, Mass., to points in Alabama, Arkansas, Florida, Georgia Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Amory Chemical & Plastics Co., Inc., 184 Stone Street, Clinton, MA 01510. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building & U.S. Courthouse, 436 Dwight Street, Springfield, MA 01103.

No. MC 134588 (Sub-No. 2 TA), filed March 27, 1972. Applicant: VIKING WAY, INC., 429 Washington Boulevard, Ogden, UT 84404. Applicant's representative: Philip C. Pugsley, Suite 400, El Paso Natural Gas Building, 315 East Second Street South, Salt Lake City, UT 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Egg cartons*, from Fullerton, Calif., to points in Utah, under a continuing contract with Huntsman Container Corp., for 180 days. Supporting shipper: Huntsman Container Corp., 2300 Raymer, Fullerton, Calif. 92633 (James C. Fogg, executive vice president). Send protests to: John T. Vaughan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 136551 TA, filed March 28, 1972. Applicant: DONALD M. ELMORE, doing business as M.O.R.T. ENTERPRISES, 710 Second Street, Hoquiam, WA 98550. Mailing address: Post Office Box 616, Hoquiam, WA 98550. Applicant's representative: James J. Solan, 322 West Heron Street, Aberdeen, WA 98520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, shingles, hip and ridge boards, and associated products*, from points in Washington to points in Oregon, California, and Colorado and return, for 180 days. Supporting shippers: Cal Clark Cedar Products, Amanda Park, Wash. 98526; Red Cedar Products, Inc., Post Office Box 697, Amanda Park, WA 98526; Quinault Shingle & Lumber Co., Amanda Park, Wash. 98526. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136840 TA (Correction), filed March 10, 1972, published in the FEDERAL REGISTER, issue of March 25, 1972, corrected and republished in part as corrected this issue. Applicant: RUSSELL PARSONS, Rural Route No. 4, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. NOTE: The purpose of this partial republication is to include New York, N.Y., as an origin point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published.

MOTOR CARRIERS OF PASSENGERS

No. MC 136541 TA, filed March 24, 1972. Applicant: SCENIC RAILWAYS, INC., doing business as CUMBRES & TOLTEC SCENIC RAILROAD, Post Office Box 789, Chama, NM 87520. Applicant's representative: Fritz Baur (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, from Antonito, Colo., to Chama, N. Mex., and from Chama, N. Mex., to Antonito, Colo., using Colorado State Highway 17 and New Mexico State Highway 17, with no intermediate stops between Chama, N. Mex., and Antonito, Colo., for 180 days. Supported by: Fritz Baur, assistant manager, Post Office Box 789, Chama, N. Mex. 87520. Send protests to: District Supervisor William R. Murdoch, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, NM 87101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5879 Filed 4-17-72;8:51 am]

[Notice 48]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73496. By order of April 11, 1972, the Motor Carrier Board, on reconsideration, approved the transfer to A & J Trucking Corp., Forest City, Mo., of the operating rights in certificate No. MC-117124 issued August 1, 1958, to Silas R. Kincaid, doing business as R. & K., Pine Bluff, Ark., authorizing the transportation of sand, gravel, dirt, and rock, broken or crushed, in dump vehicles, between points in North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri. Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-73570. By order of April 11, 1972, the Motor Carrier Board approved the transfer to Noble Graham Transport, Inc., Brimley, Mich., of the operating rights in certificates Nos. MC-107162 (Sub-No. 1), MC-107162 (Sub-No. 11), MC-107162 (Sub-No. 13), MC-107162 (Sub-No. 14), MC-107162 (Sub-No. 15), MC-107162 (Sub-No. 16), MC-107162 (Sub-No. 17), MC-107162 (Sub-No. 19), MC-107162 (Sub-No. 20), MC-107162 (Sub-No. 23), and MC-107162 (Sub-No. 26) issued May 11, 1962, August 8, 1963, March 1, 1965, January 26, 1965, November 2, 1966, May 24, 1965, October 4, 1966, April 17, 1968, April 14, 1970, April 13, 1970, and June 7, 1971, respectively to Noble Graham, Brimley, Mich., authorizing the transportation of various commodities from and to specified points and areas in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, Wisconsin, and Wyoming. John D. Varda, 121 South Pinckney Street, Madison, WI 53703, attorney for applicants.

No. MC-FC-73595. By order of April 11, 1972, the Motor Carrier Board approved the transfer to Sidney Lobb, Bonnieville, Ky., of the operating rights in permit No. MC-133463 (Sub-No. 1) issued June 15, 1970, to James T. Hodges, Sonora, Ky., authorizing the transportation of dairy products (except in bulk), supplies, and materials used in the production of dairy products (except in bulk), when moving in mixed loads with dairy products, between the plantsite and storage facilities of Breakstone Sugar Creek Foods Division of Kraftco Corp., at Indianapolis, Ind., and Louisville, Ky., on the one hand, and, on the other, points in Indiana, points in Kentucky, points in that part of Illinois on and south of U.S. Highway 36, points in that part of Tennessee on and west of U.S. Highway 231, points in that part of Alabama on and north of U.S. Highway 278, points in that part of Ohio on and south of U.S. Highway 40, and points in that part of West Virginia on and west of U.S. Highway 220. LaVern Martens, 450 East Illinois Street, Chicago, IL 60611, registered practitioner for applicants.

No. MC-FC-73597. By order of April 11, 1972, the Motor Carrier Board approved the transfer to Friederich Truck Service, Inc., O'Fallon, Ill., of the operating rights as set forth in certificates Nos. MC-75798, MC-75798 (Sub-No. 1), and MC-75798 (Sub-No. 2), issued May 20, 1949, March 21, 1950, and October 10, 1950, to Forrest J. Van Winkle, doing business as Van Winkle Truck Service, Mascoutah, Ill., authorizing the transportation of: General commodities, with the usual exceptions, and livestock and agricultural commodities, between specified points in Illinois and Missouri. Delmar O. Koebel, 107 West St. Louis, Lebanon, IL 62254, attorney for applicants.

No. MC-FC-73634. By order of April 11, 1972, the Motor Carrier Board approved the transfer to Joe H. Fitzgerald and Dudley H. Fitzgerald, doing business as Joe H. Fitzgerald & Son, Cynthiana, Ky., of the operating rights as set forth in certificates Nos. MC-116091, MC-116091 (Sub-No. 1), MC-116091 (Sub-No. 3), and MC-116091 (Sub-No. 5), issued December 16, 1957, October 6, 1959, March 21, 1963, and May 22, 1970, in the name of Stanley Lemons and Claude Lemons, doing business as Lemons Brothers, Cynthiana, Ky., authorizing the transportation of: Salt, fertilizer, animal and poultry feed, empty containers or other articles used in transporting animal and poultry feed, and meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, from, to, or between points and places in Florida, Georgia, Indiana, Kentucky, Ohio, Tennessee, and West Virginia. Robert H. Kinker, Box 464, Frankfort, KY 40601, attorney for applicants.

No. MC-FC-73645. By order of April 11, 1972, the Motor Carrier Board approved the transfer to Leo O'Laughlin, Inc., Shelbina, Mo., of certificate No. MC-123804 issued March 20, 1962, to Leo O'Laughlin, Shelbina, Mo., authorizing the transportation of: Road construction materials and building supplies, in bulk, in dump vehicles, between specified points in counties in Missouri, Iowa, and Illinois. Thomas P. Rose, attorney, Post Office Box 205, Jefferson City, MO 65101.

No. MC-FC-73646. By order of April 12, 1972, the Motor Carrier Board approved the transfer to Ashton Trucking Co., Monte Vista, Colo., of permits Nos. MC-128788 (Sub-No. 1) and MC-128788 (Sub-No. 3), issued February 15, 1968, and March 25, 1969, respectively, to Tom McKee and Killian Mauz, doing business as McKee Trucking Co., Golden, Colo., authorizing the transportation of: Such commodities as are manufactured, processed, or sold by persons engaged in the milling of flour, and incidentally in the sale and distribution of feed, seed, grains, and beans, from the sites of the Colorado Milling & Elevator Co. at or near Denver, Colo., to points in New Mexico, and to Phoenix and Tucson, Ariz., and El Paso, Tex.; and mill feeds, in bulk, from the plantsites of the Colorado Milling & Elevator Co. at or near Denver, Colo., to Quinby, Kans. Dual operations authorized. Leslie R. Kehl, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5877 Filed 4-17-72;8:51 am]

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PART II

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

■

PLANT VARIETY PROTECTION

Notice of Proposed Rule Making

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 180]

PLANT VARIETY PROTECTION

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of the Plant Variety Protection Act (84 Stat. 1542), the Agricultural Marketing Service proposes to issue regulations and rules of practice (7 CFR Part 180) for the administration of said Act.

Statement of considerations. The Plant Variety Protection Act (84 Stat. 1542) was signed into law on December 24, 1970. The Act provides for the formation of a Plant Variety Protection Office and for the promulgation of regulations for administration of the Act. The Act also makes appropriate the issuance of rules of practice governing proceedings arising under the Act.

The proposed regulations and rules of practice, to be included in new Subchapter H of Chapter I, Title 7, Code of Federal Regulations, are as follows:

SUBCHAPTER H—PLANT VARIETY PROTECTION

PART 180—REGULATIONS AND RULES OF PRACTICE UNDER THE PLANT VARIETY PROTECTION ACT

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DEFINITIONS

§ 180.1 Meaning of words.

(a) *Construction of words.* Words used in the singular form in this part shall be deemed to import the plural, and vice versa, as the case may be.

(b) *Definitions.* The definitions of terms contained in the Act shall apply to such terms when used in this part. In addition, for the purposes of this part, the following terms shall be construed, respectively, to have the following meanings:

(1) "Abandoned application" means an application which has not been pursued to completion within the time allowed by the Office or has been voluntarily abandoned.

(2) "Act" means the Plant Variety Protection Act (7 U.S.C. 2321 et seq.).

(3) "Administrator" means the Administrator of the Agricultural Marketing Service of the U.S. Department of Agriculture or any other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(4) "Applicant" means the person who applied for a certificate of plant variety protection.

(5) "Application" means an application for plant variety protection under the Act.

(6) "Assignee" means a person to whom an owner assigns his rights in whole or in part.

(7) "Board" means the Plant Variety Protection Board appointed by the Secretary.

(8) "Certificate" means a certificate of plant variety protection issued under the Act by the Office.

(9) "Certified seed" means seed which: (i) Has been determined by an official seed certifying agency to conform to standards of genetic purity and identity as to variety approved by the Secretary; and (ii) bears an official label issued for such seed by a seed certifying agency certifying that the seed is of a specified class and a specified variety.

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

(10) "Commissioner" means the Examiner in Chief of the Office.

(11) "Decision and order" includes the Administrator's findings of fact; conclusions with respect to all material issues of fact and law as well as the reasons or basis therefor; and order.

(12) "Examiner" means an employee of the Plant Variety Protection Office who determines whether a certificate is entitled to be issued. The term shall, in all cases, include the Commissioner.

(13) "Foreign application" means an application for plant variety protection filed in a foreign country.

(14) "Hearing Clerk" means the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C.

(15) "Hearing Officer" means an examiner of the Office of Hearing Examiners, U.S. Department of Agriculture, or other officer or employee of the Department of Agriculture, duly assigned to preside at a hearing held pursuant to the rules of this part.

(16) "Hybrid" shall be defined as set forth in the regulations under the Federal Seed Act (§ 201.2(y) of this chapter).

(17) "Office" or "Plant Variety Protection Office" means the Plant Variety Protection Office, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture.

(18) "Official Journal" means the "Official Journal of the Plant Variety Protection Office."

(19) "Owner" means a breeder who developed or discovered a variety for which plant variety protection may be applied for under the Act or a person to whom the rights to such variety have been assigned or transferred.

(20) "Person" means an individual, partnership, corporation, association, Government agency, or other business or governmental entity.

(21) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(22) "Seed certifying agency" shall be defined as set forth in the Federal Seed Act (53 Stat. 1275).

(23) "Sale for other than seed purposes" means the transfer of title to and possession of the seed by the owner thereof to a grower or other person for reproduction for the owner, for testing, or for experimental use, and not for commercial sale of the seed or the reproduced seed for planting purposes.

ADMINISTRATION

§ 180.2 Plant Variety Protection Board.

(a) The Plant Variety Protection Board shall consist of 14 members appointed for a 2-year term. The Board shall be constituted every 2 years and shall consist of individuals who are experts in various areas of varietal development. The membership of the Board shall include farmer representation and shall be drawn approximately equally from the private or seed industry sector and from the sector of Government or the public. No member shall be eligible to act on any matter involving any appeal or questions under section 44 of the Act in which he or his employer has a direct financial interest.

(b) The functions of the Board are to: (1) Advise the Secretary concerning adoption of rules and regulations to facilitate the proper administration of the Act, (2) make advisory decisions on all appeals from the examiner or Commissioner, (3) advise the Secretary on the declaration of a protected variety open to use in the public interest, and (4) advise the Secretary on any other matters under the regulations in this part.

(c) The proceedings of the Board shall be conducted in accordance with Executive Order No. 11007 dated February 26, 1962, Administrative Regulations of the U.S. Department of Agriculture, Agricultural Marketing Service Instruction No. 109-1, and such additional operating procedures as are adopted by the members of the Board.

THE APPLICATION

§ 180.5 General requirements.

(a) Protection under this Act shall be limited to nationals of the United States, except where this limitation would violate a treaty, and except that nationals of a foreign State shall be entitled to so much of the protection afforded under this Act as is afforded by said foreign State to nationals of the United States for the same genus and species.

(b) Applications for certificates shall be made to the Plant Variety Protection Office. An application shall consist of:

(1) A completed application form, except that the section specifying that seed of the variety shall be sold by variety name only as a class of certified seed need not be completed at the time of application.

(2) A completed set of the exhibits as specified in the application form, unless the examiner waives submission of certain exhibits as unnecessary based on other claims and evidence presented in connection with the application.

(3) Language and legibility:

(i) Applications and exhibits must be in the English language and legibly written, typed, or printed.

(ii) Any interlineation, erasure, cancellation, or other alteration must be made in permanent ink before the application is signed and shall be clearly initialed and dated by the applicant to indicate knowledge of such fact at the time of signing.

(c) Application and exhibit forms shall be issued by the Commissioner after consultation with the Board. (Copies of the forms may be obtained from the Plant Variety Protection Office, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, MD 20782.)

§ 180.6 Application for certificate.

(a) An application for a plant variety protection certificate shall be signed by the applicant.

(b) The application shall state the full name, including the full first name and the middle initial or name, if any, and the capacity of the person executing it.

§ 180.7 Statement of applicant.

(a) The applicant, by signing a completed application, states by reference to section 42 of the Plant Variety Protection Act that (1) he believes himself, or his privies, to be the original and first breeder or discoverer of the variety for which he solicits a certificate; (2) he, or his privies, has sexually reproduced the variety; (3) he does not know and does not believe that the variety was ever a public variety before his, or his privies, date of determination; (4) he is a sole or joint owner of the variety; (5) the variety was not a public variety more than 1 year prior to the effective filing date of the application; (6) before the date of determination of the variety by the owner, or his privies, or more than 1 year before the effective filing date of the application, the variety was not effectively available to workers in this country and adequately described by a publication reasonably deemed a part of the public technical knowledge in this country, which description must include a disclosure of the principal characteristics by which the variety is distinguished; (7) he or his privies have not filed an application for the protection of the variety in a foreign country more than 4 years prior to the effective filing date of the application filed in the United States.

(b) If any application for protection on the same variety has been filed or granted in a foreign country, either by the applicant or his privies, the applicant shall state the names of the countries in which such application(s) were filed or protection granted and shall give the day, month, and year of filing and day, month, and year protection was granted, if any.

(c) When an applicant files an application, cross-references to other related applications may be made, when appropriate.

§ 180.8 Specimen requirements.

(a) The applicant may be required by the examiner to furnish representative specimens of the variety, or its flower, fruit, or seeds, in a quantity and at a specified stage of growth, as may be necessary to verify the statements in the application. Such specimens shall be packed and forwarded in conformity with instructions furnished by the examiner. If the applicant requests the examiner to inspect plants in the field before a final decision is made, all such inspection costs shall be borne by the applicant by payment of fees sufficient to reimburse the Office for all costs, including travel, per diem or subsistence, and salary.

(b) Plant specimens submitted in support of an application shall not be removed from the Office except by an employee of the Office or other person authorized by the Secretary.

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(c) Plant specimens submitted to the Office shall, except as provided below, and upon request, be returned to the applicant at his expense after the specimens have served their intended purpose. The Commissioner, upon a finding of good cause, may require that certain specimens be retained in the Office for indefinite periods of time. Specimens which are not returned or not retained as provided above shall be destroyed.

§ 180.9 Drawings and photographs.

(a) Drawings or photographs submitted with an application shall disclose the distinctive characteristics of the variety.

(b) Drawings or photographs shall be in color when color is a distinguishing characteristic of the variety and the color shall be described by use of Nickerson's or other recognized color chart.

(c) Drawings should be sent flat, or may be sent in a suitable mailing tube in accordance with instructions furnished by the Commissioner.

(d) Drawings or photographs submitted with an application shall be retained by the Office as part of the application file.

§ 180.10 Parts of application to be filed together.

All parts of an application, including exhibits, should be submitted to the Office together; otherwise, each part shall be accurately and clearly referenced to the application.

§ 180.11 Application accepted and filed when received.

(a) An application if materially complete when initially submitted shall be accepted and filed to await examination.

(b) If any part of an application is so incomplete, or so defective that it cannot be handled as a completed application for examination, as determined by the Commissioner, the applicant will be notified before the Office requests an examination fee. The application will be held a maximum of 6 months for completion. Applications not completed at the end of the prescribed period will be considered abandoned. The application fee in such cases will not be refunded.

§ 180.12 Number and filing date of application.

(a) Applications shall be numbered and dated in sequence in the order received in the Office. Applicants will be informed in writing as soon as practicable of the number and effective filing date of the application.

(b) An applicant may claim the benefit of the filing date of a prior foreign application in accordance with section 55 of the Act. A certified copy of the foreign application shall be filed upon request made by the examiner. If a foreign application is not in the English language, an English translation certified as accurate by a sworn or official translator shall be submitted with the application.

§ 180.13 When the owner is deceased or legally incapacitated.

In case of the death of the owner or if the owner is legally incapacitated, the legal representative (executor, administrator, or guardian) or heir or assignee of the deceased owner may sign as the applicant. If an applicant dies between the filing of his application and the granting of a certificate thereon, the certificate may be issued to the legal representative, heir, or assignee, upon proper intervention by him.

§ 180.14 Joint applicants.

(a) Joint owners shall file a joint application by signing as joint applicants.

(b) If an application for certificate is made by two or more persons as joint owners when they were not in fact joint owners, the application shall be amended prior to issuance of a certificate by filing a corrected application together with a written explanation signed by the original applicants. Such statement shall also be signed by the assignee, if any.

(c) If an application has been made by less than all the actual joint owners, the application shall be amended by filing a corrected application together with a written explanation signed by all of the joint owners. Such statement shall also be signed by the assignee, if any.

(d) If a joint owner refuses to join in a corrected application or cannot be found after diligent effort, the remaining owner may file an application on behalf of himself and the missing owner. Such application shall be accompanied by a written explanation and shall state the last known address of the missing owner. Notice of the filing of the application shall be forwarded by the Office to the missing owner at his last known address. If such notice is returned to the Office undelivered, or if the address of the missing owner is unknown, notice of the filing of the application shall be published once in the Official Journal. Prior to the issuance of the certificate, a missing owner may join in an application by filing a written explanation. A certificate obtained by one of two or more joint owners under this paragraph conveys the same rights and privileges as though all of the original owners had joined in the original application.

§ 180.15 Assigned novel varieties and certificates.

In case the whole or a part interest in a variety is assigned, the application shall be made by the owner or one of the persons identified in § 180.13. However, the certificate may be issued to the assignee or jointly to the owner and the assignee when a part interest in a variety is assigned.

§ 180.16 Amendment by applicant.

An application may be amended before or after the first examination and action by the Office, after the second or subsequent examination or reconsideration as specified in § 180.107, or when and as specifically required by the examiner. Such amendment may include a specification that seed of the variety be sold by variety name only as a class of certified seed, if not previously specified. Once such specification is made, no amendment to reverse such a specification will be permitted unless the variety has not been sold and labeled or publication made in any manner that the variety is to be sold by variety name only as a class of certified seed.

§ 180.17 Papers of completed application to be retained.

The papers submitted with a completed application shall be retained by the Office. After issuance of a certificate of protection the Office will furnish copies of the application and related papers to any person upon payment of the specified fee.

§ 180.18 Applications handled in confidence.

(a) Pending applications shall be handled in confidence. Except as provided below, no information may be given by the Office respecting the filing of an application, the pendency of any particular application, or the subject matter of any particular application, nor will access be given to, or copies furnished of, any pending application or papers relating thereto, without written authority of the applicant, or his assignee or attorney or agent. Exceptions to the above may be made by the Commissioner upon a finding that such action is necessary to the proper conduct of the affairs of the Office or as provided in section 57 of the Act and § 180.19.

(b) Abandoned applications shall not be open to public inspection, except that if an abandoned application is directly referred to in an issued certificate, and is available, it may be inspected or copies obtained by any person on written request, and with written authority received from the applicant. Abandoned applications shall not be returned.

(c) Decisions of the Commissioner on abandoned applications not otherwise open to public inspection (see paragraph (b) of this section) may be published or made available for publication at the Commissioner's discretion. When it is proposed to release such a decision, the applicant shall be notified directly or through the attorney or agent of record and a time not less than 30 days shall be set for presenting objections.

§ 180.19 Publication of pending applications.

Information relating to pending applications shall be published in the Official Journal periodically as determined by the Commissioner to be necessary in the public interest. With respect to each application, the Official Journal shall show the (a) application number and date of filing, (b) the name of the variety or temporary designation, (c) the name of the kind of seed. Additional information, such as (d) the name and address of the applicant, (e) a brief description of the novel features of the variety, and (f) whether the applicant specified that the variety is to be sold by variety name only as a class of certified seed together with a limitation in the number of generations, may be published upon request or approval received from the applicant at the time the application is filed or at any time before the notice of allowance of a certificate is issued.

§ 180.20 Abandonment for failure to respond within time limit.

(a) Except as otherwise provided in § 180.104, if an applicant fails to advance actively his application within 6 months after the date when the last request for action was mailed to him by the Office, or within such longer time as may be fixed by the Commissioner, the application shall be deemed abandoned.

(b) The submission of an amendment to the application, not responsive to the last request by the Office for action, and any proceedings relative thereto, shall not operate to save the application from abandonment.

(c) When the applicant makes a bona fide attempt to advance his application, and is in substantial compliance with the request for action, but has inadvertently failed to comply with some procedural requirement, opportunity to comply with the procedural requirement shall be given to the applicant before the application shall be deemed abandoned. The Commissioner may set a shortened period, not less than 30 days, to correct any deficiency in the application.

§ 180.21 Extension of time for reply.

The time for reply by an applicant to a request by the Office for certain action, shall be extended by the Commissioner only for good and sufficient cause, and for a specified reasonable time. A request for extension shall be filed on or before the specified time for reply. In no case shall the mere filing of a request for extension require the granting of an extension or stay the time for reply.

§ 180.22 Revival of application abandoned for failure to reply.

An application abandoned for failure on the part of the applicant to advance actively his application to its completion, in accordance with the regulations in this part, may be revived as a pending application upon a finding by the Commissioner that the failure was inadvertent or unavoidable and without fraudulent intent. A request to revive an abandoned application shall be accompanied by a written statement showing the cause of the failure to respond, a response to the last request for action, and by the specified fee.

§ 180.23 Voluntary withdrawal and abandonment of application.

(a) An application may be voluntarily withdrawn or abandoned by submitting to the Office a written request for withdrawal or abandonment signed by the applicant or his attorney or agent of record, if any, or the assignee of record, if any.

(b) An application which has been voluntarily abandoned may be revived within 3 months of such abandonment by the payment of the prescribed fee and a showing that the abandonment occurred without fraudulent intent.

(c) An original application which has been voluntarily withdrawn shall be returned to the applicant and may be reconsidered only by refiling and payment of a new application fee.

§ 180.24 Assignee.

The assignee of record of the entire interest in an application is entitled to advance actively or abandon the application to the exclusion of the applicant.

EXAMINATIONS, ALLOWANCES, AND DENIALS

§ 180.100 Examination of applications.

Examinations of applications shall include a review of all available documents, publications, or other material relating to varieties of the species involved in the application, except that if there are fundamental defects in the application, as determined by the examiner, the examination may be limited to an identification of such defects and notification to the applicant of needed corrective action. However, matters of form or procedure need not, but may, be raised by an examiner until a variety is found to be novel and entitled to protection.

§ 180.101 Notice of allowance.

(a) If, on examination, it shall appear that the applicant is entitled to a certificate, a notice of allowance shall be sent to him or his attorney or his agent of record, if any, calling for the payment of the prescribed fee, which fee shall be paid within 3 months from the date of the notice of allowance. Thereafter, a fee for delayed payment shall be made as required under § 180.175.

(b) Upon request by the Office, the applicant shall submit a reasonable quantity of the viable basic seed required to reproduce the novel variety, as determined by the Commissioner. Failure to deposit viable basic seed within 3 months of the date of request shall result in the application being considered abandoned.

§ 180.102 Amendments after allowance.

Amendments to the application after the notice of allowance is issued may be made, if the certificate has not been issued.

§ 180.103 Issuance of certificate.

(a) After the notice of allowance has been issued, the prescribed fee and sample of viable basic seed received by the Office, and the applicant has clearly specified whether or not the variety shall be sold by variety name only as a class of certified seed, the certificate shall be promptly issued. Once an election is made and a certificate issued specifying that seed of the variety shall be sold by variety name only as a class of certified seed no waiver of such rights shall be permitted by amendment of the certificate.

(b) The certificate shall be delivered or mailed to the owner or assignee of an interest therein or to the attorney or agent of record, if any.

§ 180.104 Application or certificate abandoned.

(a) Except as provided in paragraph (c) of this section, if the fee specified in the notice of allowance is not paid within 3 months from the date of the notice or request, the application shall be considered abandoned.

(b) Upon request by the Office, the owner shall replenish the viable basic seed of the novel variety. Upon request, the sample of seed which has been replaced shall be returned to the owner, otherwise it shall be destroyed. Failure to replenish viable basic seed within 3 months from the date of request shall result in the certificate being regarded as abandoned. No sooner than 1 year after the date of such request, notices of abandoned certificates shall be published in the Official Journal indicating that the variety has become open for use by the public and, if previously specified to be sold by variety name as "certified seed only," that such restriction no longer applies.

(c) If the allowance fee, the viable basic seed or the fee, if any, for delayed payment are submitted within 9 months of the final due date, it may be accepted by the Commissioner as though no abandonment had occurred.

(d) A certificate may be voluntarily abandoned by the applicant or his attorney or agent of record, if any, or the assignee of record, if any, by notifying the Commissioner in writing. Upon receipt of such notice, the Commissioner shall publish a notice in the Official Journal that the variety has become open for use by the public, and if previously specified to be sold by variety name as "certified seed only," that such restriction no longer applies.

§ 180.105 Denial of application.

(a) If the variety is found by the examiner to be not novel as claimed, the application shall be denied.

(b) In denying an application for want of novelty, the examiner shall cite the reasons the application was denied. When a reason involves the citation of certain material which is complex, the particular part of the material relied on shall be designated as nearly as practicable. The pertinence of each reason, if not obvious, shall be clearly explained.

(c) If prior domestic certificates are cited as a reason for denial, their numbers and dates and the names of the owners shall be stated. If prior foreign certificates or rights are cited, as a reason for denial, their nationality or country, numbers and dates, and the names of the owners shall be stated, and such other data shall be furnished as may be necessary to enable the applicant to identify the cited certificates or rights.

(d) If printed publications are cited as a reason for denial, the author (if any), title, date, pages or plates, and places of publication, or place where a copy can be found shall be given.

(e) When a denial is based on facts known to the examiner, and upon request

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by the applicant, the denial shall be supported by the affidavit of the examiner. Such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

(f) Abandoned applications may not be cited as reasons for denial.

§ 180.106 Reply by applicant; request for reconsideration.

(a) After an adverse action by the Office, the applicant may respond to the denial and may request a reconsideration, with or without amendment of his application. Any amendment shall be responsive to the reason or reasons for denial specified by the examiner.

(b) To obtain a reconsideration the applicant shall submit a request for reconsideration in writing and shall specifically point out the alleged errors in the examiner's action. The applicant shall respond to each reason cited by the examiner as the basis for the adverse action. A request for reconsideration of a denial based on a faulty form or procedure may be held in abeyance by the Commissioner until the question of novelty is settled.

(c) An applicant's request for a reconsideration must be a bona fide attempt to advance the case to final action. A general allegation by the applicant that certain language which he cites in his application or amendment thereto establishes novelty without specifically explaining how the language distinguishes the alleged novel variety from the material cited by the examiner shall not be grounds for a reconsideration.

§ 180.107 Reconsideration and final action.

If, upon reconsideration, the application is denied by the Commissioner, the applicant shall be notified by the Commissioner of the reason or reasons for denial in the same manner as after the first examination. Any such denial shall be final unless appealed by the applicant to the Secretary within 60 days from the date of denial in accordance with §§ 180.300–180.303. If the denial is sustained by the Secretary on appeal, the denial shall be final subject to appeal to the courts as provided in § 180.500.

§ 180.108 Amendments after final action.

(a) After a final denial by the Commissioner, amendments to the application may be made to overcome the reason or reasons for denial. The acceptance or refusal of any such amendment by the Office and any proceedings relative thereto, shall not relieve the applicant from the time limit set for an appeal or an abandonment for failure to reply.

(b) No amendment of the application can be made in an appeal proceeding. After decision on appeal, amendments can only be made to carry into effect a recommendation under § 180.302(b).

CORRECTION OF ERRORS IN CERTIFICATE

§ 180.120 Corrected certificate—Office mistake.

When a certificate is incorrect because of a mistake in the Office, the Commissioner may issue a certificate of correction stating the fact and nature of such mistake, under seal, without charge, to be issued to the owner and recorded in the records of the Office, or the Commissioner may issue a corrected certificate without charge in lieu of and with like effect as a certificate of correction, in accordance with section 84 of the Act.

§ 180.121 Corrected certificate—applicant's mistake.

When a certificate is incorrect because of a minor mistake by the applicant, and the mistake is found by the Commissioner to have occurred in good faith and does not require a further examination, the Commissioner may, upon payment of the required fee, correct the certificate by issuing a certificate of correction stating the fact and nature of such mistake, under seal, to be issued to the owner and recorded in the records of the Office, in accordance with section 85 of the Act. If the mistake requires a reexamination, a correction of the certificate shall be dependent on the results of the reexamination.

ASSIGNMENTS AND RECORDING

§ 180.130 Recording of assignments.

(a) Any assignment of an application for a certificate, or of a certificate of plant variety protection, or of any interest in a variety, or any license or grant and conveyance of an exclusive right to use of the variety, may be submitted for recording in the Office in accordance with section 101 of the Act (7 U.S.C. 2531).

(b) No instrument shall be recorded which is not in the English language or which does not identify the certificate or application to which it relates.

(c) An instrument relating to title of a certificate shall identify the certificate by number and date, the name of the owner, and the name of the novel variety as stated in the certificate. An instrument relating to title of an application shall identify an application by number and date of filing, the name of the owner, and the name of the novel variety as stated in the application.

(d) If an assignment is executed concurrently with or subsequent to the filing of an application but before its number and filing date are ascertained, the assignment shall identify the application by the date of the application, the name of the owner, and the name of the novel variety.

§ 180.131 Conditional assignments.

Assignments recorded in the Office are regarded as absolute assignments for Office purposes until canceled in writing by both parties to the assignment or by a decree of a court of competent jurisdiction. The Office shall not determine whether conditions precedent to the assignment, such as the payment of money, have been fulfilled.

§ 180.132 Assignment records open to public inspection.

(a) Assignment records relating to original or amended certificates shall be open to public inspection and copies of any recorded document may be obtained upon payment of the prescribed fee.

(b) Assignment records relating to any pending or abandoned application shall not be available for inspection except to the extent that pending applications are published as provided in section 57 of the Act and § 180.19. Copies of assignment records and information on pending or abandoned applications shall be obtainable only upon written authority of the applicant or his assignee, or attorney or agent of record. An order for a copy of an assignment shall give the proper identification of the assignment.

MARKING OR LABELING PROVISIONS

§ 180.140 After filing.

Upon filing an application for protection of a novel variety and payment of the prescribed fee, the owner, or his designee, may label the variety or containers of the seed of the variety or plants produced from such seed, substantially as follows: "Unauthorized Propagation Prohibited—(Unauthorized Seed Multiplication Prohibited)—U.S. Variety Protection Applied For."

§ 180.141 After issuance.

Upon issuance of a certificate the owner of the novel variety or his designee may label the variety or containers of the seed of the variety or plants produced from such seed substantially as follows: "Unauthorized Propagation Prohibited—(Unauthorized Seed Multiplication Prohibited)—U.S. Protected Variety."

§ 180.142 For testing or increase.

An owner who contemplates filing an application and releases for testing or increase seed of the variety or other sexually reproducible plant material produced from seed of the variety, may label such plant material or containers of the seed or plants substantially as follows: "Unauthorized Propagation Prohibited—For Testing (or Increase) Only."

§ 180.143 Certified seed only.

(a) Upon filing an application, or amendment thereto, specifying seed of the variety is to be sold by variety name only as a class of certified seed, the owner, or his designee, may label containers of seed of the variety substantially as follows: "Unauthorized Propagation Prohibited—U.S. Variety Protection Applied for Specifying That Seed of This Variety Is To Be Sold By Variety Name Only as a Class of Certified Seed."

(b) An owner who has received a certificate specifying that a variety is to be sold by variety name only as a class of certified seed may label containers of the seed of the variety substantially as follows: "Unauthorized Propagation Prohibited—To Be Sold By Variety Name Only as a Class of Certified Seed—U.S. Protected Variety."

§ 180.144 Additional marking or labeling.

Additional clarifying information that is not false or misleading may be used by the owner in addition to the above markings or labeling.

ATTORNEYS AND AGENTS

§ 180.150 Right to be represented.

An applicant may actively advance an application or he may be represented by any attorney or agent authorized in writing by him.

§ 180.151 Authorization.

Only attorneys or agents specified by the applicant shall be allowed to inspect papers or take action of any kind on behalf of the applicant in any pending application or proceedings.

§ 180.152 Revocation of authorization; withdrawal.

An authorization of an attorney or agent may be revoked by an applicant at any time, and an attorney or agent may withdraw, upon application to the Commissioner. When the authorization is so revoked, or the attorney or agent has so withdrawn, the Office shall inform the interested parties and shall thereafter communicate directly with the applicant, or with such other attorney or agent as the applicant may appoint. An assignment will not of itself operate as a revocation of authorization previously given, but the assignee of the entire interest may revoke previous authorizations and be represented by an attorney or agent of his own selection.

§ 180.153 Persons recognized.

Unless specifically authorized as provided in § 180.151, no person shall be permitted to file or advance applications before the Office.

§ 180.154 Government employees.

Officers and employees of the United States who are disqualified by statute (18 U.S.C. 203 and 205) from practicing as attorneys or agents in proceedings or other matters before Government departments or agencies, shall not be eligible to represent applicants, except officers and employees whose official duties require the prepartion and prosecution of applications for certificates of variety protection.

§ 180.155 Signatures.

Every document filed by an attorney or agent representing an applicant or party to a proceeding in the Office shall bear the signature of such attorney or agent, except documents which are required to be signed by the applicant.

§ 180.156 Addresses.

Attorneys and agents practicing before the Plant Variety Protection Office shall notify the Office in writing of any change of address. The Office shall address letters to any such person at the last address received.

§ 180.157 Professional conduct.

Attorneys and agents appearing before the Office shall conform to the standards of ethical and professional conduct generally applicable to attorneys before the courts of the United States.

§ 180.158 Advertising.

(a) The use of advertising, circulars, letters, cards, and similar material to solicit plant variety protection business, directly or indirectly, is forbidden as unprofessional conduct, and any person engaging in such solicitation, or associated with or employed by others who so solicit, shall be refused recognition to practice before the Office or may be suspended, excluded, or disbarred from further practice before the Office.

(b) The use of simple professional letterheads, calling cards, or office signs, simple announcements necessitated by opening an office, change of association, or change of address, distributed to clients and friends and insertion of listings in common form (not display) in a classified telephone or city directory, and listings and professional cards with biographical data in standard professional directories shall not be considered a violation of this section.

FEES AND CHARGES

§ 180.175 Fee and charges.

The following fees and charges apply to the services and actions specified below:

(a) Filing application	$250
(b) Search or examination	250
(c) Allowance and issuance of certificates	250
(d) To revive an abandoned application	50
(e) Reproductions of records, drawings, certificates, exhibits, or printed material (copy per page of material)	1
(f) Authentication (each document)	1
(g) Correcting certificate	10
(h) Recording assignments	5
(i) Copies of 8 x 10 photographs in color	12
(j) Additional fee for reconsideration	25
(k) Additional fee for late issue	25
(l) Additional fee for late replenishment of seed	25
(m) Appeal to Secretary	50

(n) Field inspections by a representative of the Plant Variety Protection Office made at the request of the applicant shall be reimbursable in full (including travel, per diem or subsistence, and salary) in accordance with Standardized Government Travel Regulations.

(o) Any other services not covered above will be charged for at rates prescribed by the Commissioner, but in no event shall they exceed $20 per man-hour.

§ 180.176 Fees payable in advance.

Fees and charges shall be paid at the time of making application or at the time of submitting a request for any action by the Office for which a fee or charge is payable and established in this part.

§ 180.177 Method of payment.

Checks or money orders shall be made payable to the Treasurer of the United States. Remittances from foreign countries must be payable and immediately negotiable in the United States for the full amount of the prescribed fee. Money sent by mail to the Office shall be sent at the risk of the sender.

§ 180.178 Refunds.

Money paid by mistake or excess payments shall be refunded, but a mere change of plans after the payment of money, as when a party decides to withdraw an application or to withdraw an appeal, shall not entitle a party to a refund. Amounts of $1 or less shall not be refunded unless specifically demanded.

§ 180.179 Copies and certified copies.

(a) Upon request, copies of applications, certificates, or of any records, books, papers, drawings, or photographs in the custody of the Office and which are open to the public, will be furnished to persons entitled thereto, upon payment of the prescribed fee.

(b) Upon request, copies will be authenticated by imprint of the seal of the Office and certified by the official authorized by the Commissioner upon payment of the prescribed fee.

AVAILABILITY OF OFFICE RECORDS

§ 180.190 When open records are available.

Copies of records which are open to the public and in the custody of the Office may be examined in the Office during regular business hours upon approval by the Commissioner.

PROTEST PROCEEDINGS

§ 180.200 Protests to the grant of a certificate.

Opposition on the part of any person to the grant of a certificate shall be permitted while an application is pending and for a period not to exceed 5 years following the issuance of a certificate.

§ 180.201 Protest proceedings.

(a) Opposition shall be made by submitting in writing a petition for protest proceedings, which petition shall be supported by affidavits and shall show the reason or reasons for opposing the application or certificate. The petition and accompanying papers shall be filed in duplicate. If it appears to an examiner that a variety involved in a pending application or covered by a certificate may not be or may not have been entitled to protection under the Act, a protest proceeding may be permitted by the Commissioner.

(b) One copy of the petition and accompanying papers shall be served by the Office upon the applicant or owner, or his attorney or agent of record.

(c) An answer, by the applicant or owner of the certificate or his assignee, in response to the petition may be filed with the Commissioner within 60 days after service of the petition upon such person. If no answer is filed within said period, the Commissioner shall decide the

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matter on the basis of the allegations set forth in the petition.

(d) If the petition and answer raise any issue of fact needing proof, the Commissioner shall afford each of the parties a period of 60 days in which to file sworn statements or affidavits in support of their respective positions.

(e) As soon as practicable after the petition or the petition and answer are filed or after the expiration of any period for filing sworn statements or affidavits, the Commissioner shall issue his decision as to whether the protests had been upheld or denied. The Commissioner may, following the protest proceeding, cancel any certificate issued and may grant another certificate for the same novel variety to a person who proves to the satisfaction of the Commissioner, that he is the breeder or discoverer. The decision shall be served upon the parties in the manner provided in § 180.403.

PRIORITY CONTEST

§ 180.205 Definition; when declared.

A priority contest may be instituted by the Secretary, on his own motion, or upon the request of any person who has applied for protection on the same variety for which an adverse certificate has been issued, for the purpose of determining the question of priority between two or more parties claiming development or discovery of the same novel variety: *Provided, however,* That any person shall have forfeited his right to assert priority when an adverse certificate has been issued if he fails to make a request for the institution of a priority contest within 1 year of the publication in the Official Journal of issuance of the adverse certificate by the Secretary or if he fails to make the request within the period for taking action after refusal of his application on the basis of the adverse certificate.

§ 180.206 Preparation for priority contest between applicants.

(a) Before a priority contest will be handled by the Office, an examiner must determine that the same novel variety is involved in separate applications filed by two or more parties and apparently certifiable to each of the parties, subject to the determination of the question of priority.

(b) The fact that a certificate has been issued will not prevent a priority contest.

§ 180.207 Preparation of priority papers and declaration of priority contest.

(a) When a priority question is found to exist, the examiner shall forward the pertinent files to the Commissioner together with a written statement showing the reason for the contest.

(b) The Commissioner shall institute and declare the priority contest by forwarding a notice to each of the applicants involved. Each notice shall include the name and residence of each of the other applicants or those of his attorney or agent, if any, and of any assignee, and will identify the application of each opposing party by number and filing date, or in the case of a certificate, by the number and date of the certificate. The notice shall specify the basis of the priority contest. The notice shall specify a time, not to exceed 2 months, for filing preliminary statements.

(c) When a notice is returned to the Office undelivered, or when one of the parties resides abroad and his agent in the United States is unknown, notice may be given by publication once in the Official Journal.

§ 180.208 Burden of proof.

The parties to a priority contest will be presumed to have developed their varieties in the chronological order of the filing dates of their applications for certificates involved in the priority contest, and the burden of proof will rest upon the party who last filed an application.

§ 180.209 Preliminary statement on novel variety developed in the United States.

(a) Each party to the priority contest is required to file on or before a date fixed by the Office, a concise preliminary statement giving the facts and dates relating to the development of his alleged novel variety. The preliminary statement must be signed by the owner: *Provided, however,* That in appropriate circumstances, as when the owner is dead or legally incapacitated or a showing is made of inability to obtain a statement from the owner, the preliminary statement may be made by the assignee or by someone authorized or entitled to make the statement and having knowledge of the facts.

(b) Preliminary statements shall be filed with the Office in duplicate. A copy shall be forwarded to each opposing party by the Office as soon as practicable after both parties have filed their statements within the requisite period.

(c) In filing a preliminary statement each party must show the following information:

(1) The date upon which the first determination of the novel variety was made.

(2) The date upon which the first written description of the novel variety was made. If a written description of the novel variety has not been made prior to the filing date of the application, it must be so stated.

(3) The date of the first act or acts susceptible of proof (other than making a written description or disclosing the novel variety to another person), which, if proven, would establish determination of the novel variety, and a brief description of such act or acts. If there have been no such acts, it must be so stated.

(4) The date of the actual production of the novel variety. If the novel variety had not been actually produced before the filing date of the application, it must be so stated.

(d) When an allegation as to the first written description (paragraph (c)(2) of this section) is made, a copy of such written description shall be attached to the statement.

(e) If a party intends to rely solely on a prior application, domestic or foreign, and on no other evidence, the preliminary statement shall clearly identify such prior application. Copies of the cited application and related documents will be served by the Office to all interested parties to the contest. In the case of an application filed in a foreign country, translations shall be served upon all interested parties by the party relying on the application filed in the foreign country.

§ 180.210 Preliminary statement on novel variety developed in a foreign country.

When the novel variety was developed in a foreign country, the preliminary statement must show (a) the information specified in § 180.209(c) through (e) and (b) whether, and if so, when and under what circumstances the novel variety was introduced into the United States by or on behalf of the party.

§ 180.211 Statements sealed before filing.

The preliminary statement shall be submitted in a sealed envelope bearing the name of the party filing it and the number and title of the priority contest as shown on the notice issued by the Office. The envelope should be enclosed in an outer mailing envelope marked "To Be Opened by the Commissioner."

§ 180.212 Correction of statement on motion.

In case of material error arising through inadvertence or mistake, a preliminary statement may be corrected upon a satisfactory showing to the Commissioner that the correction is of material significance. Correction of the statement must be made as soon as practicable after the discovery of the error.

§ 180.213 Failure to file statements.

If any party to a priority contest fails to file a preliminary statement, he shall be restricted to his earliest effective filing date.

§ 180.214 Access to preliminary statements.

The preliminary statements shall be open to the inspection of any party after the date set for the filing of preliminary statements (§ 180.207(b)), but shall not be open to inspection prior to that time.

§ 180.215 Dissolution at the request of commissioner.

If during a priority contest, information is submitted or found which, in the opinion of the Commissioner, may render the variety ineligible for a certificate, the priority contest may be suspended by the Commissioner and referred to an examiner for consideration of the matter and the parties will be notified of the reason for the suspension. Arguments of the parties regarding the suspension will be considered if filed within 60 days of the notification. The suspension will then be continued, modified, or dismissed in accordance with the determination by the Commissioner.

§ 180.216 Concession; abandonment.

(a) An applicant or a certificate holder involved in a priority contest may, at any time, file a written concession of priority, or abandonment of the certificate, signed by the breeder, or by the assignee, if any. Upon the filing of such an instrument by any party, the decision shall be rendered against him by the Commissioner.

(b) A concession of priority may not be made by an assignee of a part interest.

§ 180.217 Affidavits and exhibits.

Affidavits and exhibits, including official records and any special matter contained in a printed publication, pertinent to the issue involved in the contest, may be introduced in evidence in a priority contest by any party to the contest. In the case of official records and printed publications, the party introducing the evidence shall specify the record or the printed publication, the page or pages thereof to be used, indicating generally its relevancy, and submit to the Commissioner the record or authenticated copy, or the printed publication or a copy. Copies of affidavits and exhibits, including any record or publication, shall be served by the Commissioner on each of the other interested parties.

§ 180.218 Matters considered in determining priority.

In determining priority, the Commissioner will consider only priority of development based on the evidence submitted. Questions of novelty generally will not be considered in the decision on priority. If he desires, the Commissioner may refer his proposed findings of fact, conclusions, and notice of priority to the Board for an advisory decision.

§ 180.219 Recommendation by Commissioner.

The Commissioner may, either before or concurrently with his decision on the question of priority, but independently of such decision, direct the attention of the examiner to any matter not relating to priority which may come to the Commissioner's attention, and which in his opinion establishes the fact that there has been irregularity which amounts to a bar to the grant of a certificate to either of the parties. The Commissioner may suspend the priority contest and remand the case to the examiner for further consideration of the matters to which attention has been directed.

§ 180.220 Decision by commissioner.

(a) When a priority contest is concluded on the basis of preliminary statements, or otherwise, proposed findings of fact, conclusions, and notice of priority shall be issued by the Commissioner to the interested parties giving them a specified period, not less than 30 days, to show cause why such proposed findings of fact, conclusions, and notice of priority should not be made final. Any response made during the specified period will be considered by the Commissioner. Additional affidavits or exhibits will not be considered unless accompanied by a showing of cause. Thereafter, final findings of fact, conclusions, and notice of priority shall be issued by the Commissioner.

(b) The decision shall be entered by the Commissioner against a party whose preliminary statement alleges a date of determination later than the filing date of the other party's application.

§ 180.221 Status of claims of defeated applicant.

Whenever a final notice of priority has been issued by the Commissioner in a priority proceeding and the time limit for an appeal from such decision has expired, the claim or claims constituting the issue of the priority stand finally disposed of without further action by the Commissioner.

§ 180.222 Second priority contest.

A second priority contest between the same parties shall not be entertained by the Commissioner for the same novel variety.

APPEAL TO THE SECRETARY

§ 180.300 Petition to the Secretary.

(a) Petition may be made to the Secretary from any final action of the Commissioner denying an application or refusing to allow a certificate to be issued or from any adverse decision of the Commissioner made under §§ 180.18(c), 180.107, 180.201(e), and 180.220.

(b) Any such petition shall contain a statement of the facts involved and the point or points to be reviewed and the actions requested.

(c) A petition to the Secretary shall be filed in duplicate and accompanied by the prescribed fee (see § 180.175).

(d) Upon request, an opportunity to present data, views, and arguments orally, in an informal manner or in a formal hearing, shall be given to interested persons. If a formal hearing is requested, the proceeding shall be conducted in accordance with §§ 50.28 and 50.30–50.33 (§§ 50.28, 50.30–50.33 of this chapter) of the rules of practice under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.).

(e) Except as otherwise provided in the rules in this part, any such petition not filed within 60 days from the action complained of, shall be dismissed as untimely.

§ 180.301 Commissioner's answer.

(a) The Commissioner may, within such time as may be directed by the Secretary, furnish a written statement to the Secretary in answer to the appellant's petition, including such explanation of the reasons for his action as may be necessary and supplying a copy to the appellant.

(b) Within 20 days from the date of such answer, the appellant may file a reply statement directed only to such new points of argument as may be raised in the Commissioner's answer.

§ 180.302 Decision by the Secretary.

(a) The Secretary, after receiving the advice of the Board, may affirm or reverse the decision of the Commissioner in whole or in part.

(b) Should the decision of the Secretary include an explicit statement that a certificate be allowed based on an amended application, the applicant shall have the right to amend his application in conformity with such statement and such decision shall be binding on the Commissioner.

§ 180.303 Action following decision.

(a) Copies of the decision of the Secretary shall be served upon the appellant and the Commissioner in the manner provided in § 180.403.

(b) When an appeal petition is dismissed, or when the time for appeal to the courts pursuant to the Act has expired and no such appeal or civil action has been filed, proceedings in the appeal shall be considered terminated as of the dismissal or expiration date except in those cases in which the nature of the decision requires further action by the Commissioner. If the decision of the Secretary is appealed or a civil action has been filed pursuant to sections 71, 72, or 73 of the Act, the decision of the Secretary will be stayed pending the outcome of the court appeal or civil action.

GENERAL PROCEDURES IN PRIORITY OR PROTEST PROCEEDINGS

§ 180.400 Extensions of time.

Upon a showing of good cause, extensions of time not otherwise provided for may be granted by the Commissioner or, if an appeal has been filed, by the Secretary.

§ 180.401 Miscellaneous provisions.

(a) Petitions for reconsideration or modification of the decision of the Commissioner shall be filed within 20 days after the date of the decision.

(b) The Commissioner may consider on petition any matter involving abuse of discretion or the exercise of an examiner's authority, or such other matters as he may deem proper to consider. Any such petition, if not filed within 20 days from the decision complained of, may be dismissed as untimely.

§ 180.402 Service of papers.

(a) Every paper required to be served on opposing parties and filed in the Office in any proceeding must be served by the Secretary in the manner provided in § 180.403.

(b) The requirement in certain sections that a specified paper shall be served does not mean that supporting papers need not be served. Proof of such service upon other parties to the proceeding must be made before the supporting papers will be considered in a priority contest by the Commissioner.

§ 180.403 Manner of service.

Service of any paper under this part must be on the attorney or agent of the

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party if there be such or on the party if there is no attorney or agent, and may be made in either of the following ways:

(a) By mailing a copy of the paper to the person served by certified mail; the date of the return receipt will be regarded as the date of service.

(b) By leaving a copy at the usual place of business of the person served with someone in his employment;

(c) When the person served has no usual place of business, by leaving a copy at his home with a member of his family over 14 years of age and of discretion;

(d) Whenever it shall be found by the Commissioner that none of the above modes of serving the paper is practicable, service may be by notice published once in the Official Journal.

REVIEW OF DECISIONS BY COURT

§ 180.500 Appeal to U.S. courts.

Any applicant dissatisfied with the decision of the Secretary on appeal may appeal to the U.S. Court of Customs and Patent Appeals or the U.S. Courts of Appeals, or the U.S. District Court as set forth in sections 71, 72, and 73 of the Act. In such cases, the appellant shall give notice to the Secretary, state the reasons for appeal, and obtain a certified copy of the record. The certified copy of the record shall be forwarded to the Court by the Plant Variety Protection Office on order of and at the expense of the appellant.

CEASE AND DESIST PROCEEDINGS

§ 180.600 Rules of practice.

Any proceedings instituted under section 128 of the Act for false marking shall be conducted in accordance with §§ 202.10 through 202.29 of this chapter (rules of practice under the Federal Seed Act) (7 U.S.C. 1551 et seq.), except that all references in those rules and regulations to "Examiner" shall be construed to be "Hearing Officer" and not an "Examiner" as defined in the regulations under the Plant Variety Protection Act.

PUBLIC USE DECLARATION

§ 180.700 Public interest in wide usage.

(a) If the Secretary has reason to believe that a protected variety should be declared open to use by the public in accordance with section 44 of the Act, the Secretary shall give the owner of the variety appropriate notice and an opportunity to present his views orally or in writing, with regard to the necessity for such action to be taken in the public interest.

(b) Upon the expiration of the period for the presentation of views by the owner, as provided in paragraph (a) of this section, the Secretary shall refer the matter to the Plant Variety Protection Board for its advice, including advice on any limitations or rate of remuneration.

(c) Upon receiving the advice of the Plant Variety Protection Board, the Secretary shall advise the owner of the variety, the members of the Plant Variety Protection Board, and the public, by issuance of a press release, of any decision based on the provisions of section 44 of the Act to declare a variety open to use by the public. Any decision not to declare a variety open to use by the public will be transmitted only to the owner of the variety and the members of the Plant Variety Protection Board.

PUBLICATION

§ 180.800 Publication of public variety descriptions.

Voluntary submissions of varietal descriptions of "public varieties" will be accepted in accordance with instructions issued by the Office, for publication in the Official Journal. Such publication shall not constitute recognition that the variety is, in fact, novel.

Any person who wishes to submit written data, views, or arguments concerning this proposal may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27b)).

Done at Washington, D.C., on April 12, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

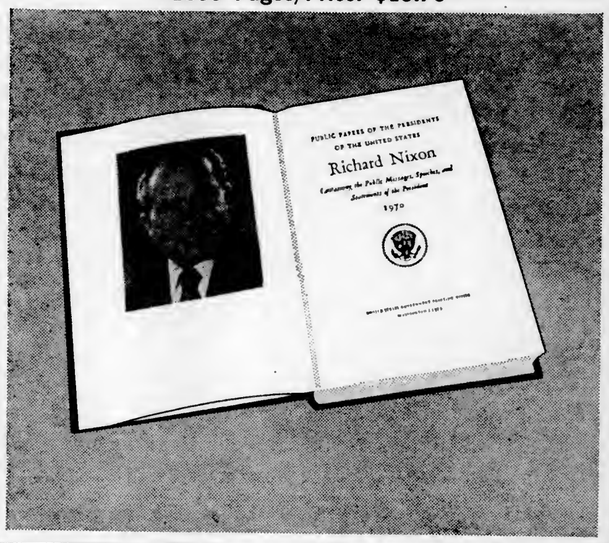
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WEDNESDAY, APRIL 19, 1972
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PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Implementation

Section 271.1(s) of Title 7, Chapter II, Code of Federal Regulations, is amended to require State agencies to implement revised FSP notices specifying purchase requirements, coupon allotments, and household income eligibility standards on the date prescribed in such notices published in the FEDERAL REGISTER.

In view of the need for placing notice FSP No. 1972–1 into effect on July 1, 1972, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this amendment.

Section 271.1(s)(1) is amended by revising subdivision (iv) to read as follows and by adding thereto a new subdivision (vii) to read as follows:

§ 271.1 General terms and conditions for State agencies.

* * * * *

(s) *Implementation.* (1) Each State agency shall:

* * * * *

(iv) Put into effect the coupon allotments, purchase requirements, and household income eligibility standards prescribed in notice FSP No. 1971–1, as amended, notice FSP No. 1971–2, as amended, and notice FSP No. 1971–3, as amended, not later than April 1, 1972.

* * * * *

(vii) Put into effect the purchase requirements, coupon, allotments, and household income eligibility standards contained in revised FSP notices issued subsequent to the notices specified in subdivision (iv) for all new applications and household recertifications on the respective effective date(s) prescribed in such revised notices, and for all other eligible households not later than 120 days after such date(s).

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2025)

Effective date. This amendment shall be effective on the date of its publication in the FEDERAL REGISTER (4–19–72).

RICHARD LYNG,
Assistant Secretary.

APRIL 13, 1972.

[FR Doc.72–5882 Filed 4–18–72;8:45 am]

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[Amdt. 3]

PART 728—WHEAT

Subpart—Wheat Set-Aside Program for Crop Years 1971–73

1973 NATIONAL DOMESTIC WHEAT ALLOTMENT

On March 17, 1972, notice of proposed rule making regarding determinations with respect to the 1973 national domestic allotment for wheat was published in the FEDERAL REGISTER (37 F.R. 5625). Interested persons were invited to submit written data, views, and recommendations regarding the determinations. No comments were received in response to such notice.

A new § 728.5 is issued in accordance with the Agricultural Adjustment Act of 1938, as amended, to determine and proclaim the 1973 national domestic allotment for wheat.

Pursuant to section 379c(a)(1) of the Act, as amended, the Secretary is required to determine and proclaim a national domestic allotment for the 1972 and 1973 crops of wheat not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. (Since April 15, 1972, falls on a Saturday, the final date for determining and proclaiming the 1973 domestic allotment is April 17, 1972.) The national domestic allotment for any crop of wheat shall be the number of acres which the Secretary determines on the basis of the estimated national yield will result in marketing certificates being issued to producers participating in the set-aside program in an amount equal to the amount of wheat which he estimates will be used for food products for consumption in the United States during the marketing year for the crop but not less than 535 million bushels. The determination in § 728.5 of the 1973 national domestic allotment for wheat is based on the estimated participation, acreage, yield, and usage set out therein.

The findings and determinations contained in § 728.5 have been made on the basis of the latest available statistics of the Federal Government as required by section 301(c) of the Act.

Part 728 is amended by adding a new § 728.5 to read as follows:

§ 728.5 1973 national domestic allotment for wheat.

Based on (a) an estimated national average yield of 31 bushels of wheat per acre and an estimated average yield on participating farms of 30.6 bushels per acre, (b) estimated producer participation in the 1973 wheat set-aside program of 95 percent, and (c) the use of 535 million bushels of wheat for food products for consumption in the United States during the marketing year beginning July 1, 1973, the 1973 national domestic allotment for wheat is determined to be 18.7 million acres, and a 1973 national domestic allotment of that amount is hereby proclaimed. The quantity of wheat estimated to be used for food products for consumption in the United States during the 1973 marketing year is 520 million bushels. Since this is less than the minimum quantity of 535 million bushels required under section 379c(a)(1) of the Agricultural Adjustment Act of 1938, as amended, to be used in determining the national domestic allotment, the quantity of 535 million bushels of wheat was used in the foregoing determination.

(Secs. 301, 375, 379c, 52 Stat. 38, as amended, 52 Stat. 66, as amended, 84 Stat. 1364; 7 U.S.C. 1301, 1375, 1379c)

Effective date. This amendment shall be effective upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 17, 1972.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.72–6021 Filed 4–17–72;3:31 pm]

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 12, Amdt. 1]

PART 944—FRUITS; IMPORT REGULATIONS

Requirements

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 12 (§ 944.108, 36

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

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F.R. 20883) are hereby amended to read as follows:

§ 944.108 Grapefruit Regulation 12.

(a) On and after April 14, 1972, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 3 15/16 inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least Improved No. 2 ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.); and

(3) Seedless grapefruit shall be not smaller than 3 7/16 inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances as specified in the U.S. Standards for Florida Grapefruit.

. . . . . .

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 71 (§ 905.535); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated April 13, 1972, to become effective April 14, 1972.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–5953 Filed 4–18–72;8:52 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection [1] Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72–513]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, a new paragraph (e)(6) relating to the State of New Jersey is added to read:

(e) * * *

(6) *New Jersey.* That portion of Ocean County comprised of Lakewood Township.

2. In § 76.2, in paragraph (e)(3) relating to the State of North Carolina, subdivision (i) relating to Hoke County and subdivision (iv) relating to Moore County are deleted.

3. In § 76.2, the reference to the State of Ohio in paragraph (f) is deleted, and paragraph (g) is amended by adding thereto the name of the State of Ohio.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 6210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Ocean County in New Jersey because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

[1] The functions prescribed in Part 76 of Chapter I, 9 CFR, have been transferred from the Animal and Plant Health Service, U.S. Department of Agriculture, to the Animal and Plant Health Inspection Service of the Department (37 F.R. 6327, 6505).

The amendments exclude portions of Hoke and Moore Counties in North Carolina from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine.

The amendments delete Ohio from the list of hog cholera eradication States in § 76.2(f), and add Ohio to the list of hog-cholera-free States in § 76.2(g). The special provisions pertaining to the interstate movement of swine and swine products from eradication and free States remain applicable to Ohio.

Insofar as the amendments impose certain further restrictions necessary to prevent the spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of April 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72–5954 Filed 4–18–72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72–SO–16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On March 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 4721), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fayetteville, N.C., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by the Air Transport Association of America (ATA). ATA objected on the basis that the instrument approach procedure to Johns Island Airport would interfere with the basic operation into Charleston AFB/Municipal Airport because simultaneous approaches could not be conducted. ATA recommended that the procedure be established from the south in lieu of from over Charleston VORTAC. A review of the proposal, in light of comments received, disclosed that the anticipated volume of IFR operations into Johns Island Airport is light and that an approach from the south is objectionable because, in addition to restricting the approach to DME equipped aircraft only (would exceed the criteria for VOR equipped aircraft only), it would require a large portion of the procedure to be conducted within Warning Area W–132. Since radar control will be exercised, we do not anticipate any appreciable delays to IFR operations at Charleston AFB/Municipal Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Fayetteville, N.C., control zone is amended to read:

FAYETTEVILLE, N.C.

Within a 5-mile radius of Fayetteville Municipal Airport (Grannis Field) (lat. 34°59'22" N., long. 78°52'52" W.); within 3 miles each side of Fayetteville VOR 015°, 060°, and 233° radials, extending from the 5-mile-radius zone to 8.5 miles north, east, and southwest of the VOR; excluding the portion within Simmons AAF control zone.

In § 71.181 (37 F.R. 2143), the Fayetteville, N.C., transition area is amended as follows:

"* * * (latitude 34°59'35" N., longitude 78°52'50" W.) * * *" is deleted and "* * * (latitude 34°59'22" N., longitude 78°52'52" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 10, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72–5899 Filed 4–18–72;8:47 am]

[Airspace Docket No. 72–SO–17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 4, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 4722), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charleston, S.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by the Air Transport Association of America (ATA). ATA objected on the basis that the instrument approach procedure to Johns Island Airport would interfere with the basic operation into Charleston AFB/Municipal Airport because simultaneous approaches could not be conducted. ATA recommended that the procedure be established from the south in lieu of from over Charleston VORTAC. A review of the proposal, in light of comments received, disclosed that the anticipated volume of IFR operations into Johns Island Airport is light and that an approach from the south is objectionable because, in addition to restricting the approach to DME equipped aircraft only (would exceed the criteria for VOR equipped aircraft only), it would require a large portion of the procedure to be conducted within Warning Area W–132. Since radar control will be exercised, we do not anticipate any appreciable delays to IFR operations at Charleston AFB/Municipal Airport.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Charleston, S.C., transition area is amended as follows:

"* * * northwest of the VORTAC * * *" is deleted and "* * * northwest of the VORTAC; within a 6.5-mile radius of Johns Island Airport (lat. 32°42'00" N., long. 80°00'00" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 11, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72–5900 Filed 4–18–72;8:47 am]

[Airspace Docket No. 72–WE–17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone and Alteration of Transition Area

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the Crows Landing, Calif., control zone and alter the description of the Crows Landing transition area.

The air traffic utilizing the Crows Landing ALF operates on an irregular weekly schedule. The effective hours of the control zone are part time and designated by NOTAM. Weather observations are taken by naval tower personnel and due to the irregular hours of activity the actual effective hours of the control zone cannot be accurately advertised and charted within the intent of the NOTAM, therefore the Department of the Navy has requested that the control zone be canceled. In order to provide controlled airspace above 700 feet above the surface for aircraft executing prescribed instrument procedures at Crows Landing ALF, additional 700-foot transition area is required to replace the control zone.

Since these amendments would be less restrictive than the currently designated airspace and would pose no additional burden on any person, notice and public procedure hereon is unnecessary.

In consideration of the foregoing in § 71.171 (37 F.R. 2056) the Crows Landing, Calif., control zone is revoked.

In § 71.181 (37 F.R. 2143) the description of the Crows Landing, Calif., transition area is amended to read as follows:

CROWS LANDING, CALIF.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Crows Landing ALF (latitude 37°24'35" N., longitude 121°06'40" W.), excluding the portion within a 1-mile radius of Patterson Field, Patterson, Calif. (latitude 37°28'05" N., longitude 121°10'06" W.), and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 37°36'00" N., on the east by the west edge of V–109, on the southwest by the northeast edge of V–107 and on the west by longitude 121°31'00" W.

Effective date. These amendments shall be effective 0901 G.m.t., June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 11, 1972.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.72–5901 Filed 4–18–72;8:48 am]

[Airspace Docket No. 72–WA–21]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Area High Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to change the name of the "Carlos, Ohio" waypoint in route J882R, to "Dayton, Ohio."

The "Carlos, Ohio" waypoint is coincident with the location of the Dayton, Ohio VORTAC. Thus, "Carlos" should be changed to "Dayton" in conformance with agency fix-naming practices and to preclude potential misunderstandings by pilots.

Accordingly, action is taken herein to change the "Carlos, Ohio," waypoint to "Dayton, Ohio." Since this amendment is minor in nature and no substantive change in the regulations is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

Section 75.400 (37 F.R. 2400) is amended as follows:

In J882R (Atlanta, Ga., to Detroit, Mich.), delete third waypoint information "Carlos, Ohio, 40°00'59" N., 84°23'49" W., Fort Wayne, Ind." and substitute "Dayton, Ohio 40°00'59" N., 84°23'49" W., Fort Wayne, Ind." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 12, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–5902 Filed 4–18–72;8:48 am]

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Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases IC–7113, IA–315]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND RULES AND REGULATIONS THEREUNDER

PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND RULES AND REGULATIONS THEREUNDER

Factors To Be Considered in Connection With Investment Company Advisory Contracts Containing Incentive Arrangements

The Securities and Exchange Commission today called the attention of all registered investment companies, their officers and directors, and their investment advisers to certain factors which must be considered in connection with investment company incentive fee arrangements in view of the provisions of the Investment Company Amendments Act of 1970, Public Law 91–547 (1970 Act) (84 Stat. 1314).

Section 205 of the Advisers Act was amended by the 1970 Act in order to provide protection against performance fee arrangements which are unfair to investment companies (Sec. 25, 84 Stat. 1432, 1433). It prohibits all performance fees unless compensation under them increases and decreases proportionately with the investment performance of the company over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation, or order may specify. The point from which increases and decreases in incentive compensation are measured must be the fee which is paid or earned when the investment performance of the company is equivalent to that of the index or other measure of performance.

Section 15 (15 U.S.C. 80a–15) of the Investment Company Act (the Act) sets forth the requirements for approval of advisory contracts of registered investment companies. Section 15(c), as amended (Sec. 8, Public Law 91–547, 84 Stat. 1418), requires investment company directors to request and evaluate, and the investment adviser to furnish, such information as may reasonably be necessary to evaluate the terms of the advisory contract.[1]

Prior to the amendment of section 205 many investment company performance fee arrangements were unfair to investment companies. Many incentive fees did not decrease for poor performance, or if they did, decreases were disproportionate to the increases. In addition, in some cases, the index against which investment company performance was measured was inappropriate and prejudicial to investment companies.

The Commission has surveyed the performance fee arrangements of registered investment companies in effect as of January 3, 1972, in order to evaluate such arrangements in view of the requirements of amended section 205 of the Advisers Act and the fiduciary standards of the Investment Company Act. Of 999 management open-end and closed-end investment companies, 103 had performance fee arrangements on that date. The survey indicated that although many of the unfair features of previous performance fee arrangements have been eliminated, some performance fee arrangements still contain features which create bias against investment companies and do not conform to the provisions of section 205 of the Advisers Act or the fiduciary standards of the Investment Company Act. These features include selection of an inappropriate index, computation of investment company average net assets and performance over different intervals and failure to reflect the reinvestment of dividends paid from investment income in computing investment company investment performance and of all cash distributions in computing the investment record of the index.[2] As is explained below, these practices result in measuring investment company performance on a basis that is unfair to the investment company, and which does not relate to the investment record of the index.

The Commission is also concerned with incentive fee arrangements which permit significant fee adjustments based on random or insignificant differences rather than meaningful differences in the performance of the investment company and the index. This may occur, for example, where the maximum incentive fee or penalty is paid for the slightest performance difference or where significant performance fee adjustments are based on random or insignificant performance differences.

The fairness of the fulcrum fee. Any consideration of the fairness of a performance fee arrangement must start with the midpoint or "fulcrum fee" (the fee paid when the investment company's performance equals that of the index). The maximum and minimum incentive fee rates and all performance increments are measured from the fulcrum fee. Thus, the selection of a fair fulcrum fee is a critical prerequisite to a fair performance fee. This means that the same factors should be considered in arriving at a fair fulcrum fee as are taken into account in establishing the proper fee under advisory contracts which do not involve incentive compensation.[3]

Selection of an appropriate index. As indicated above, section 205 requires that the investment performance of the investment company be measured against the investment record of an appropriate index of securities prices. In determining whether an index is appropriate for a particular investment company, directors should consider factors such as the volatility, diversification of holdings, types of securities owned and objectives of the investment company. For example, for investment companies that invest in a broad range of common stocks, a broadly based market value weighted index of common stocks ordinarily would be an appropriate index,[4] but an index based upon a relatively few large "blue chip" stocks would not. For investment companies that invest exclusively in a particular type of security or industry, either a specialized index that adequately represents the performance of that type of security or a broadly based market value weighted index ordinarily would be considered appropriate.[5] Of course, if an investment company invests in a particular type of security an index which measures the performance of another particular type of security would not be appropriate.[6]

[1] The Commission has previously issued a release setting forth certain of its views with respect to the approval of advisory contracts under the 1970 Act (IC Release No. 6336, February 2, 1971 (36 F.R. 3867)) and another release setting forth certain views of its Division of Corporate Regulation respecting the fiduciary duties of directors under section 36(a) of the 1970 Act (IC Release No. 640, May 10, 1971 (36 F.R. 9627)).

[2] Reinvestment means treating amounts distributed by an investment company as invested in shares of the investment company at the record dates of the distributions and treating amounts distributed by the companies which comprise the index as invested in the securities which comprise the index as soon as possible after their ex-dividend or record dates, rather than at the end of the measurement period. Such treatment gives proper effect to dividends and distributions during the measurement period.

[3] The Report of the Committee on Interstate and Foreign Commerce of the House of Representatives on the 1970 Act states that "(T)he fiduciary duty with respect to management compensation contained in • • • new section 36(b) of the Act would apply to compensation received pursuant to a performance-related contract permitted by section 205 to the same extent as it does to other types of investment advisory contracts." H. Rep. 91–1382, p. 41 (91st Cong., 2d Sess., August 7, 1970). See also S. Rep. 91–184, p. 45 (91st Cong., 1st Sess., May 21, 1969).

[4] See the Institutional Investor Study, Vol. 2, H. Doc. 92–64, 92d Cong., 1st Sess. Pt. 2, March 10, 1971, p. 408.

[5] An index may be computed on a weighted or unweighted basis, but in no event should the index be weighted by fortuitous considerations such as the price per share. Certain averages which are weighted by price give greater weight to the stocks in the index having higher market prices: An effect of this is to give proportionately less weight to stocks after price appreciation leads to a stock split. These completely fortuitous considerations penalize growth and make such averages inappropriate, regardless of the type of securities held by the investment company, as a basis for comparison with investment company investment performance.

[6] Technical methods for specifying incentive fees based upon risk or volatility adjusted returns are now being explored by the staff and a number of industry and academic groups as well as commercial enterprises. However, the Commission has not, at this time, arrived at any conclusions with respect to these methods.

Variations in periods used for computing average asset values and performance. In computing compensation for incentive fee arrangements, variations in the time interval over which average asset value and investment performance are computed can make a significant difference. The larger the asset base, the greater the amount of compensation which will be added or deducted for performance and the more volatile performance compensation will be. For example, if average assets are based upon average daily assets over the last 3 months of a 36-month performance period (or the last month of an annual performance period), it is possible that, as a result of accumulated sales, there would be greater average assets than there would be if assets were averaged over the entire period. Thus, the amount of assets to which the performance fee rate would be applied would be greater. In effect, the use of the shorter period will have raised the "performance ante." Ironically, it will also cause the amount of compensation, which supposedly is paid for "performance", to be related significantly to the amount of sales.[7]

Section 205 of the Advisers Act requires that compensation be based on the asset value of the company averaged over a specified period and increasing and decreasing proportionately with the investment performance of the company over a specified period in relation to the investment record of an appropriate index of securities prices. The use of different periods for averaging assets and computing investment performance would be unfair to the investment company and would violate section 205.[8]

Length of period over which performance is computed. Although section 205 of the Advisers Act does not require that performance be measured over a period of any particular length, there is a fiduciary obligation to use an interval sufficiently long to provide a reasonable basis for indicating the adviser's performance. All 103 investment companies surveyed measured their performance over a period of at least 1 year. Use of at least a 1 year interval minimizes the possibility that payments will be based upon random or short term fluctuations.

Computation of performance over a "rolling period". Over 43 percent of the companies surveyed (45 companies) measured their performance on the basis of a rolling period, a moving average of the number of subperiods (i.e., months or quarters) included in the full period over which performance is measured. Section 205 of the Advisers Act does not specify that either a rolling period or a flat period be used. However, there are a number of advantages, both from the shareholders' and the adviser's point of view, in using a rolling average.

For example, since section 205 requires that performance be measured over a "specified period," in the absence of a specified fixed or rolling period, compensation cannot be precisely computed or paid until that period has expired and the investment company's performance for the entire period is known. In other words, interim payments based upon interim performance are not permissible under section 205.[9] Use of a rolling period for computation of a performance fee avoids the problem of interim payments. It permits payments based upon performance to be made more frequently than annually, since each payment would be based upon performance over the preceding 12 months or longer period adopted.

Rule 2a–4 under the Investment Company Act (17 CFR 270.2a–4), requires that investment company shares be sold at their approximate net asset value. To do this, amount reflecting the performance fee must be accrued on a daily basis. Use of a rolling period avoids accruing a performance fee on the basis of periods of substantially less than 1 year and smooths out accruals resulting from short term fluctuations in performance. For contracts computed on the basis of a period of 1 year or more, but without the use of a rolling period, accruals for the performance fee near the beginning of the period would be based upon periods of substantially less than a year. Under a rolling period contract, accruals for the performance fee can be computed on the basis of a period of at least 11 months or three quarters of a year (the time elapsed, depending upon the subperiods adopted, when the daily accrual in the current computation period commences) and thus the effects on accruals of short-term performance would be minimized and accruals would better reflect overall performance and the fee ultimately payable.

Performance fee transitional periods. A difficulty arises in connection with the "startup" or transitional period for performance fees when a performance fee is based upon a period for which investment results are already known or for which the adviser has already received compensation under the previous contract. To the extent that performance during the earlier period adds to the adviser's compensation, in essence he will be compensated twice for the same period and the same performance. Moreover, the investment company's positive performance during the period prior to adoption of the performance fee gives the adviser a "running start" on the index. If such an arrangement were permitted, the investment company would not have to outperform the index during the balance of the period covered by the performance fee in order that its adviser collect a performance fee. If the investment company merely maintained its relative performance for the balance of the specified period, the adviser nevertheless would collect a fee for "outperforming" the index. For example, if a 36-month rolling performance fee were adopted which included 18 months for which performance results were already known, and during which the performance of the investment company was greater than that of the index, the investment performance of the investment company could be the same as that of the index over the next 18 months but the adviser, nevertheless, would receive a performance fee for "outperforming" the index. Elementary fiduciary standards require that performance compensation be based only upon results obtained after such contracts take effect. In other words, a performance fee contract may be instituted on a prospective basis only.[10]

A transitional problem may also result if a contract containing an investment company performance fee arrangement is canceled before its expiration date and the same adviser is rehired under a straight percentage of assets contract. Assume, for example, that an investment company's performance over the first half of the period specified in its contract is significantly worse than the investment record of the index and that it appears unlikely that the adviser will earn any incentive fee, or even the fulcrum fee, over the full term of the contract. It may be to the adviser's advantage to attempt to renegotiate his contract and to substitute a contract without a performance fee, but at a fee higher than that which it could earn under the original contract. Such substitution would be unfair to the investment company. If an adviser could cancel a performance contract during a period for which a performance fee is to be computed and recontract on a percentage of assets basis, such contracts would once again amount to the kind of "one way street" that existed prior to the enactment of section 205. To prevent this, such a new contract should provide that the fee payable until the end of the performance fee computation period of the original contract shall be the lesser of the amount which would have been paid under the original contract or the amount payable under the new contract.

Similarly, cancellation of a "rolling" performance fee contract during a period of substandard performance could be unfair to the investment company if a percentage of assets or different performance fee contract with the same ad-

[7] On the other hand, if performance has been poor, the impact of declining asset values and decreased sales could be greatest at the end of the period. This would tend to lower the asset base for investment companies which have had poor performance.

[8] Similarly, if the period over which net asset values are averaged for computing the fulcrum fee differs from the period over which net asset values are averaged for computing the performance related portion of the fee, it could result in incentive payments having a disproportionate relationship to the fulcrum fee. The section 205 requirement that "compensation" be based upon the asset value of the company "averaged over a specified period" means that the same period must be used for computing average assets for the fulcrum fee and the performance fee segments of the adviser's compensation.

[9] Of course, if a fee schedule provides for the payment of a minimum fee regardless of performance, interim payments based solely on the minimum fee would be permissible.

[10] Of course, under any performance fee arrangement incentive compensation is based upon results achieved over an earlier period. However, those results have not been determined before the contract is adopted.

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viser were substituted. The appropriate method of "winding down" a rolling performance fee contract would be to give the investment company substantial advance notice, (i.e., not less than half of the fee computation period specified in the contract) of the adviser's intention to cancel the contract and to provide that the fee payable during such "winding down" period shall be the lesser of the amount which would have been due under the original contract or the fee payable under the new contract.

Computation of the "investment performance" of the investment company and the "investment record" of the index with respect to payment of dividends from investment income and distributions of realized capital gains. As indicated in the Institutional Investor Study, the best measure of the total benefits received by investment company shareholders during a specified period is one that reflects changes in net asset value of the company's shares with adjustments to compensate for the payment of any realized capital gains distributions and dividends from investment income during the evaluation period. This measure gives effect to all increments in value received by stockholders and has been widely used without any serious challenge to its propriety.[11]

Section 205 of the Advisers Act requires that compensation increase and decrease proportionately based upon investment performance of the investment company in relation to the investment record of the index, as distinguished from the index price. In 93 percent of investment companies with performance fee arrangements capital gains distributions were treated as reinvested in computing investment performance. Such reinvestment is necessary in order that investment company performance be computed on the same basis as the index, since capital gains are neither realized nor distributed with respect to the companies comprising the index. Unless investment company capital gains distributions are treated as reinvested in computing investment company investment performance, such performance would not relate to the investment record of the index.

Similarly, dividends paid from investment income on investment company shares and cash distributions on the securities which comprise the index are significant factors which cannot be overlooked in computing the "investment record" of the index and in relating investment company investment performance to that investment record. On the average, the dividends paid from investment income by investment companies with performance fee arrangements have been less than the cash dividends paid on the securities of the companies which comprise the indices used in performance comparisons. Thus, in many cases, ignoring dividends and any other cash distributions in relating investment company investment performance to the investment record of the index can give investment advisers a substantial advantage.

To correct this, the Commission, pursuant to its authority under sections 205 and 211 of the Advisers Act, has proposed rules defining the terms "investment performance" and "investment record" as they are used in section 205 of that Act[12] to make clear that such provision requires inclusion of dividends paid from investment income and realized capital gains distributions of the investment company and of cash distributions on the securities of companies which comprise the index.

Avoid basing significant fee adjustments upon random or insignificant differences. In structuring incentive fee arrangements it is important to build in a degree of confidence that any significant incentive payments (or penalties) are attributable to the adviser's skill, or lack of skill, rather than to random fluctuations. Most investment company incentive fee contracts have "step rates."[13] Generally, these contracts have recognized the principle that small performance differences should not result in significant fee adjustments by providing a "null zone" (an interval around the point at which the performance of the investment company equals the performance of the index in which no performance fee adjustment, up or down, is payable). Other performance fee contracts decrease the significance of the payments made for slight performance differences through the use of continuous fees.[14] Only four contracts failed to include either a null zone or a continuous fee.

Despite the recognition of the principle that significant fee adjustments should not be based upon small performance differences, the survey revealed several instances where the maximum fee adjustment (i.e., the amount added to the fulcrum fee which yields the largest total fee payable under the contract) could result from insignificant performance differences. Under a number of contracts the maximum fee adjustment resulted from any difference, no matter how slight, in performance between the fund and the index. Under other contracts performance differences were measured in terms of a percent of the investment performance of the index rather than in terms of percentage point differences. Using percent differences may result in a maximum fee adjustment for small absolute differences in performance.[15] Similarly, under a substantial number of contracts the maximum fee adjustment may result from a performance difference of less than 10 percentage points. Under other incentive fee arrangements, a significant portion of the maximum fee adjustment may also result from insignificant performance differences.

As a matter of elementary fairness the performance differences from which the maximum fee adjustment results should be set so as to preclude such maximum fee adjustment resulting from insignificant or random differences. Through a statistical analysis of the performance of the investment company relative to the performance of the index throughout the year, it is possible to determine whether or not the investment performance of the investment company differs significantly from the investment record of the index. Ideally, under any particular performance fee contract there should be at least a 90 percent probability that the maximum fee adjustment will not result from random fluctuations in performance.

Although the appropriate performance difference may vary from one investment company to another and from time to time, preliminary studies of the Division of Corporate Regulation indicate that as a "rule of thumb," the performance difference should be at least ± 10 percentage points in order to provide a 90 percent probability that the maximum fee adjustment will not result from random fluctuations or insignificant differences between the performance of the investment company and the index.[16]

Because of the preliminary nature of these studies, the Commission is not recommending, at this time, that any particular performance difference exist before the maximum fee adjustment may be made.[17] However, investment company directors should consider what a significant performance difference would be under the incentive fee contracts of the investment companies they serve, taking into account the company's size, volatility (i.e., how the investment company's performance has changed in relation to that of the index over long and short term periods), diversification and variability of performance differences. They should satisfy themselves that the maximum performance adjustment will be made only for performance differences that can reasonably be considered significant.

Of course, similar considerations are required for fee adjustments that are less than the maximum. In other words, meaningful fee adjustments may occur at levels which are less than the maximum and therefore, like maximum adjustments, they should be based upon significant performance differences.[18] This may be accomplished by the use of null zones of appropriate size or of a fee structure under which the effect of small performance differences is not proportionally greater than the effect of large performance differences.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 6, 1972.

[FR Doc.72-5936 Filed 4-18-72;8:50 am]

[11] Institutional Investor Study Report, Vol. 2, H. Doc. 92-64, 92d Cong., 1st Sess. Part 2, March 10, 1971, p. 409.

[12] See Investment Advisers Act Release No. 316 (37 F.R. ------).

[13] Under such contracts fee adjustments occur only after whole percentage point performance differences.

[14] Under contracts with continuous fees, payments increase or decrease with slight performance differences and fractional differences are usually prorated.

[15] The percent method may tend to be a misleading indicator of small differences. For example, if the index increased by 1 percent, an investment company whose net asset value increased by 3 percent would outperform the index by 200 percent. This may be confusing since persons may tend to associate a much larger difference with a 200 percent difference. On the other hand, when there are large changes in the index, measuring differences in percents may prevent a performance fee adjustment even where a performance difference, expressed in percentage points, is substantial.

[16] A somewhat lower performance difference may be significant for large, well-diversified, investment companies. For investment companies which are small or are not well diversified a significantly higher performance difference than ± 10 percentage points would be required. This "rule of thumb" is based upon a measuring period of one year and the "investment record" of the S&P 500 Stock Composite Index.

[17] The Division's studies applied standard statistical tests of significance to incentive fee contracts. The formula used by the Division will be made available to interested persons upon written request. The Commission would appreciate receiving comments with respects to it from interested persons, particularly those with technical expertise.

[18] The level of confidence that such lesser fee adjustments are based upon meaningful performance differences may be less than 90 percent.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 149d—NAFCILLIN

Recodification

Correction

In F.R. Doc. 72-3285 appearing at page 4907 in the issue of Tuesday, March 7, 1972, the following changes should be made:

1. In § 149d.1(b)(6) the 18th line should read "maximum at 280±3 nanometers (The ex-".

2. The third line of § 149d.2(b)(1)(ii) should read "however, the results obtained from".

3. The second word in the sixth line of § 149d.13(a)(1) is "sodium".

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-72-161]

PART 203—MUTUAL MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Contract Rights and Obligations

A proposal was issued on January 6, 1972 (37 F.R. 144) to amend Part 203 of the Department's regulations governing contract rights and obligations for mutual mortgage insurance and insured home improvement loans on one- to four-family dwellings. The present regulation requires that, when a mortgage is assigned, the title evidence be extended to include the assignment of the mortgage to the Commissioner. The amended regulation deletes this requirement. The amendment shall be effective upon publication in the interest of making the amended procedure available as soon as possible.

Interested persons were given an opportunity to participate in the rule making through the submission of comments. No objections were received. Accordingly, 24 CFR Part 203 is amended as follows:

1. In § 203.351, a new paragraph (a)(8) is added. This section as amended reads as follows:

§ 203.351 Application for insurance benefits and fiscal data.

• • • • • •

(a) • • •

(8) *Title evidence.* All title evidence held by the mortgagee. It need not be extended to include the recordation of the assignment. If a mortgagee's title policy is furnished, the Commissioner shall be a named insured under such policy.

• • • • • •

§ 203.352 [Revoked]

2. Section 203.352 *Title evidence upon assignment,* is revoked.

(Sec. 204(a)(1), 48 Stat. 1249, as amended; 12 U.S.C. 1710(a)(1))

Effective date. This amendment of Part 203 shall become effective upon publication in the FEDERAL REGISTER (4-19-72).

EUGENE A. GULLEDGE, *Assistant Secretary-Commissioner.*

[FR Doc.72-5918 Filed 4-18-72;8:49 am]

Title 29—LABOR

Chapter I—National Labor Relations Board

PART 102—RULES AND REGULATIONS, SERIES 8

Service of Papers

Section 102.112 is amended to read as follows:

§ 102.112 Same; by parties: proof of service.

Service of papers by a party on other parties shall be made by registered mail, or by certified mail, or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. Except for charges, petitions, exceptions, briefs, and other papers for which a time for both filing and response has been otherwise established, service on all parties shall be made in the same manner as that utilized in filing the paper with the Board, or in a more expeditious manner; however, when filing with the Board is accomplished by personal service the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph. When service is made by registered mail, or by certified mail, the return post office receipt shall be proof of service. When service is made in any manner provided by the law of a State, proof of service shall be made in accordance with such law. Failure to comply with the requirements of this section relating to timeliness of service on other parties shall be a basis for either (a) a rejection of the document or (b) withholding or reconsidering any ruling on the subject matter raised by the document until after service has been made and the served party has had reasonable opportunity to respond.

This amendment is effective upon publication in the FEDERAL REGISTER (4-19-72).

GEORGE A. LEET, *Associate Executive Secretary, National Labor Relations Board.*

[FR Doc.72-5883 Filed 4-18-72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGD 72-76N]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, MICH.

Temporary Speed Limits for Vessels of 50 Gross Tons or Over

The purpose of these amendments to the anchorage and navigation regulations for the St. Marys River, Mich., is to establish temporary speed limits effective on April 19, 1972, and terminating on January 15, 1973, unless sooner amended, revoked, or extended.

The temporary speed limits are established to reduce damage to the coastal region. During the periods when the water level of the river is higher than the normal level, small boats and piers along the river have been damaged, acreage bordering the river has been destroyed by erosion, and unprotected structures have been undermined. The Coast Guard found that excessive water action during these periods of high water levels constitutes a hazard to persons and property along the shore and to small boats while underway. Some of the damage and the hazard results from the action of waves generated by passing vessels.

For the past 2 years, numerous complaints have been received by the Coast Guard and by a Member of Congress from the littoral proprietors. In order to reduce the damage and hazard to persons and property, the Coast Guard promulgated temporary speed limits in 1971 which terminated on December 15, 1971 (36 F.R. 7474 and 18526).

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On the basis of the foregoing, the Coast Guard again finds that an emergency exists and temporary reduced speed limits are necessary to protect lives and property during a presently existing high water level. Accordingly, it is hereby found that notice and public procedures thereon are contrary to public interest, and the reduced speed limits are made effective in less than 30 days.

In consideration of the foregoing § 92.49 of Title 33, Code of Federal Regulations is amended by adding temporary paragraphs (d)(1), (d)(2), (e), and (f) to read as follows:

§ 92.49 Speed limits for vessels of 50 gross tons or over.

. . . . . .

(d) . . .

(1) Between April 19, 1972, and January 16, 1973, speed limits in statute miles per hour over the ground are temporarily reduced from 10 to 9 between Everens Point and Johnson Point, from 12 to 9 between Johnson Point and Mirre Point, from 12 to 10, between Mirre Point and Middle Neebish Channel Light 50, from 15 to 10 between Nine-Mile Point and Six-Mile Point, from 12 to 8 upbound between Six-Mile Point and Mission Point, from 12 to 10 downbound between Mission Point and Six-Mile Point, and from 12 to 10 between West Neebish Channel Light 25 and Moon Island. Unless a direction of travel is indicated, each speed limit applies to both upbound and downbound vessels.

(2) Upbound and downbound vessels may pass vessels bound in the same direction between Nine-Mile Point and Six-Mile Point. The passing vessel must not exceed the temporarily reduced speed limit to 10 statute miles per hour over the ground.

(e) No upbound or downbound vessel may exceed a speed of 17 statute miles per hour over the ground between Detour Reef Light and Sweets Point Light.

(f) No upbound or downbound vessel may exceed a speed of 14 statute miles per hour over the ground between Round Island Light and Point Aux Frenes Lighted Buoy 24.

(Sec. 1–3, 29 Stat. 54–55, as amended, sec. 6(b)(1), 80 Stat. 937; 33 U.S.C. 474; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. The temporary reduced speed limits shall become effective on April 19, 1972, and terminate on January 15, 1973.

Dated: April 13, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.72–5939 Filed 4–18–72;8:51 am]

[CGFR 72–165]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Newton Creek, N.Y.

This amendment revokes the regulations for the City of New York highway bridge across Newton Creek at Vernon Avenue because this bridge has been removed.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking paragraph (a) of § 117.165.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1 (c)(4))

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER (4–19–72).

Dated: April 13, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–5940 Filed 4–18–72;8:51 am]

[CGFR 72–166]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Skagit River, South Fork, Wash.

This amendment revokes the regulations for the Skagit County drawbridge at Fir across the Skagit River, South Fork because this bridge has been replaced by a fixed bridge.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking subparagraph (2) of paragraph (f) of § 117.810.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1 (c)(4))

Effective date. This revision shall become effective on the date of publication in the FEDERAL REGISTER (4–19–72).

Dated: April 13, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–5941 Filed 4–18–72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

REVISED PROCEDURES FOR PROCESSING NEW EDITION OF GSA FORM 1584

Part 5A–16 is amended as follows:

PART 5A–16—PROCUREMENT FORMS

1. The table of contents for Part 5A–16 is amended by the addition of the following new entry:

Sec.
5A–16.950–1584–1 Instructions on completing GSA Form 1584, Contract Summary.

2. New § 5A–16.950–1584–1 is added to read as follows:

§ 5A–16.950–1584–1 Instructions on completing GSA Form 1584, contract summary.

NOTE: The instructions identified in § 5A–16.950–1584–1 are filed with the original document.

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A–72.1—Procurement of Stores Stock Items

Section 5A–72.105–23(a) is amended as follows:

§ 5A–72.105–23 Preparation and distribution of contractual information.

(a) *Term contracts.* (1) In order to simplify the administrative work involved when issuing orders under national or zone indefinite delivery type contracts, contracting officers shall summarize all pertinent contract information for each contract on GSA Form 1584, Contract Summary, and GSA Form 1584A, Contract Summary—Continuation, when required.

(2) GSA Form 1584 shall be prepared in accordance with the instructions set forth in § 5A–16.950–1584–1. (See §§ 5A–16.950–1584 and 5A–16.950–1584A.)

(3) To provide advance information, one copy of each solicitation for offers shall be forwarded to each regional procurement activity at the time solicitations are distributed to prospective bidders.

. . . . . .

PART 5A–76—EXHIBITS

§ 5A–76.306 [Deleted]

Section 5A–76.306 is deleted and reserved.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: April 6, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72–5927 Filed 4–18–72;8:49 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES

[CGFR 71–154a]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Methylacetylene–Propadiene, Stabilized

This amendment to Title 46, Code of Federal Regulations, changes the shipping name for methylacetylene-15 to 20 percent propadiene mixture and authorizes its shipment in portable tanks and motor vehicle tank trucks on cargo vessels.

On Tuesday, November 30, 1971, a notice of proposed rule making was published on this matter. A public hearing was held on this proposal on January 18, 1972. Three written comments were received on this notice.

Two of the commentors noted the following differences between the notice and the amendment published by the Hazardous Materials Regulations Board on June 2, 1971:

(a) The shipping name was not in agreement,

(b) Tank cars were proposed to be deleted in this notice where they are not deleted by the Hazardous Materials Regulations Board amendment.

Point (a) is taken up in the Hazardous Materials Regulations Board amendment as to why the shipping name was changed and the Coast Guard agrees with the Board's reasons. Point (b) was an oversight and tank cars should not have been proposed to be deleted in this notice and will be included in this amendment. The third commentor proposed changes to the italicized words in the shipping name which are being deleted for reasons stated in the Board's document.

In consideration of the foregoing Part 146 of Title 46 of the Code of Federal Regulations is amended as follows:

1. In § 146.04–5 "List of explosives and other dangerous articles and combustible liquids" delete the words "Methylacetylene-15 to 20 percent propadiene mixture" and insert in place thereof the words "Methylacetylene-propadiene, stabilized."

2. In § 146.24–100 "Table G—Classification: Compressed Gases" in column 1 delete the words "Methylacetylene-15 to 20 percent propadiene mixture" and insert in place thereof the words "Methylacetylene-propadiene stabilized" and in column 4 for the same article insert directly following the words "Tank cars complying with DOT regulations (trailerships only)" the following:

Portable tanks (DOT–51) not over 20,000 pounds gross weight.
Motor vehicle tank trucks complying with DOT regulations (trailerships and trainships only).

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

This amendment shall become effective on July 24, 1972.

Dated: April 11, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.72–5151 Filed 4–18–72;8:45 am]

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Docket No. 72–11; General Order 5, Amdt. 6]

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Uniform System of Accounts for Maritime Carriers

On March 14, 1972, the Federal Maritime Commission published in the FEDERAL REGISTER (37 F.R. 5303) a notice in which the adoption of the "Uniform System of Accounts for Maritime Carriers" was proposed.

The purpose of this amendment is to facilitate the preparation and analysis of the financial and operating form to which the Interstate Commerce Commission, the Maritime Administration, and the Federal Maritime Commission are joint parties. The composition of the accounts employed in the execution of this common form must conform to the "Uniform System of Accounts for Maritime Carriers" in order to provide for accurate and uniform reporting to the Federal Maritime Commission.

Written comments on the proposed amendment were invited and received. Two comments were received, both in favor of the amendment. One commentator, however, referred to Docket No. 67–57, a proposed rule making to revise the Reports of Rate Base and Income Account required by the Commission's General Order 11. This comment urged that preferential consideration not be given to this proceeding which would delay or prejudice the disposition of Docket No. 67–57. The adoption of the proposed amendment in the instant proceeding in no way delays, prejudices, or otherwise affects the proceeding in Docket No. 67–57.

Accordingly, pursuant to the authority of the Shipping Act, 1916 (46 U.S.C. 801, et seq.) and sections 3 and 4 of the Administrative Procedure Act (5 U.S.C. 552, 553), Title 46 CFR, Chapter IV, Part 511 is amended by adding the following sentence to § 511.5:

". . . For purposes of filing FMC–64 Reports only, the Uniform System of Accounts found in Part 282 of this title is prescribed."

This amendment, being only a procedural matter, shall become effective upon publication in the FEDERAL REGISTER (4–19–72).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–5911 Filed 4–18–72;8:49 am]

[Exemption Applications 12, 13, 14]

PART 531—PUBLICATION, POSTING, AND FILING OF FREIGHT RATES AND CHARGES IN THE DOMESTIC OFFSHORE TRADE

Exemptions

Applications for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereto, for miscellaneous cargoes, including liquid in bulk, transported between Seattle, Wash., on the one hand and on the other the Arctic Coast of Alaska between Beechey Point and Tigvariak Island (Prudhoe Bay), via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean; and for miscellaneous cargoes, excepting liquid in bulk, transported between Houston, Tex., on the one hand and on the other the Arctic Coast of Alaska between Beechey Point and Tigvariak Island (Prudhoe Bay), via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean, were filed in the FEDERAL REGISTER.

The effect of such exemption would be to permit movements by barge to the area involved with freedom from tariff filing requirements and regulation with respect to the reasonableness of rates.

The proposed operations are radically different from that usually associated with common carriage. No sailing schedules can be maintained because of the timing operations dictated by the ice conditions in Prudhoe Bay. Much of the operation will be in the nature of proprietary carriage since in most instances the full capacity of a given barge will be chartered by a single company. The specialized outfit of the vessels designated for certain cargoes will make it impractical for the carriers to provide uniform service for all shippers. Finally, special contracts as to the risk of loss and damage will be required due to the extraordinary hazards involved.

The conditions under which the operation is conducted make rate and tariff regulation an unnecessary and undue burden. However, as the building of the North Slope progresses there may be a demand for a fully diversified type of common carrier service which will require full regulatory surveillance by this Commission. In view of this, the exemption is limited to a 3-year period to expire December 31, 1974.

Any carriers indicating a desire to perform a service similar to that proposed by the applicants may file similar applications for exemption which will be expeditiously considered.

The exemption will not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory or be detrimental to commerce. Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 533 and section 35 and 43 of the

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Shipping Act, 1916, 46 U.S.C. 833(a) and 841(a);

Part 531 of Title 46 CFR is amended as follows:

Section 531.26 is amended by revising paragraph (c) to read as follows:

§ 531.26 Exemptions.

• • • • •

(c) The provisions of the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, as amended, shall not apply to direct service by water between Seattle, Wash. and Prudhoe Bay, Alaska of miscellaneous cargoes including liquid in bulk provided by Foss Launch & Tug Co., Foss Alaska Line, Inc., Puget Sound Tug & Barge Co. and Alaska Barge & Transport, Inc. for a 3-year period ending December 31, 1974; nor to direct service by water between Houston, Tex. and Prudhoe Bay, Alaska of miscellaneous cargoes not including liquid in bulk provided by Puget Sound Tug & Barge Co. for a 3-year period ending December 31, 1974. Any exemption granted to a specific carrier is applicable only to the so specified carrier and may not be used by another carrier, either by merger, change of name or adoption by another carrier. These exemptions will be subject to the submission of the following information 30 days after each voyage begins:

(1) Each contract of carriage entered into between the carriers and the shippers, indicating the services provided by the carriers and the charges assessed;

(2) If not included in the contract furnished under subparagraph (1) of this paragraph, any contractual arrangements and charges therefor for other service to shippers, such as storage, warehousing, handling charges, or any other special services provided to the shippers in connection with the movement of this cargo;

(3) To the extent not included in subparagraphs (1) and (2) of this paragraph, any contractual arrangements for liability for loss or damage and responsibility for insurance coverage;

(4) An identification of all commodities carried, the tonnage for each commodity, and the names of shippers of each such commodity;

(5) An indication of the amount of barge space contracted to each such shipper, i.e., was he chartered the full reach of a barge or merely part capacity of a barge.

• • • • •

Effective date. The exemption granted herein shall become effective upon publication of this order in the FEDERAL REGISTER (4-19-72).

Dated: April 4, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5959 Filed 4-18-72;8:52 am]

Title 6—ECONOMIC STABILIZATION

Chapter II—Pay Board

PART 201—STABILIZATION OF WAGES AND SALARIES

Merit and Deferred Pay Increases

On March 22, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5833) to provide for the treatment of merit and deferred pay increases under the authority of the Economic Stabilization Act of 1970, as amended (Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743), Executive Order No. 11627 (36 F.R. 20139, October 16, 1971, as amended), Executive Order No. 11640 (37 F.R. 1213, January 27, 1972, as amended), Executive Order No. 11660 (37 F.R. 6175, March 25, 1972), and Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971, as amended). After consideration of all such relevant comments and suggestions that were submitted by interested persons, pertaining to the proposed rules, the amendment of the regulations as proposed is hereby adopted, as set forth below.

Effective date. These amendments shall be effective on and after April 19, 1972.

GEORGE H. BOLDT,
Chairman of the Pay Board.

PARAGRAPH 1. Section 201.11 is amended by adding a new subparagraph (5) to paragraph (a) and by revising paragraphs (b) and (c). These added and revised provisions read as follows:

§ 201.11 Criteria for exceptions.

(a) *In general.* • • •

(5) *Merit increases*—(i) *Exception for qualified merit plans contained in successor employment contracts or successor pay practices.* Wages and salary increases granted pursuant to a qualified merit plan (as defined in subdivision (ii) of this subparagraph), provided for in an employment contract or pay practice previously set forth which existed prior to November 14, 1971, and which is continued in a successor employment contract or successor pay practice effective after November 13, 1971, without any changes of terms or administrative practice shall (subject to the provisions of paragraphs (b) and (c) of this section) constitute an exception to the general wage and salary standard. For purposes of the preceding sentence, a change in the maximum or minimum terminal points of a pay rate range in a qualified merit plan shall not be deemed a change of terms if the ratio of such maximum to such minimum terminal point is not increased. For purposes of this subparagraph, a qualified merit plan provided for in a pay practice which meets all of the criteria set forth in the first sentence of this subdivision, except that such pay practice is not "previously set forth" within the meaning of § 201.14(b) because the aggregate amount to be expended cannot be documented as being finally and formally decided prior to November 14, 1971, shall be treated as a successor pay practice otherwise eligible for the exception provided in this subparagraph.

(ii) *Qualified merit plan defined.* For purposes of subdivision (i) of this subparagraph, the term "qualified merit plan" means a merit plan which, prior to November 14, 1971, was reduced to writing and communicated either to the management personnel responsible for implementing the plan or to the employees covered by the plan, and which written plan—

(*a*) Applies to particular jobs, job classifications, or positions with respect to which the duties and responsibilities of employees are specified,

(*b*) Specifies merit pay rate ranges with respect to such jobs, job classifications, or positions,

(*c*) Clearly defines policies and establishes practices (with respect to review of an employee's performance) for determining merit pay and the size and frequency of merit pay increases with respect to such jobs, job classifications, or positions, and

(*d*) Establishes a system of administrative control.

(iii) *Special rules.* With respect to an appropriate employee unit, wage and salary increases granted pursuant to a merit plan provided for in an employment contract existing prior to November 14, 1971, and continued in a successor employment contract effective prior to April 19, 1972 shall (notwithstanding the provisions of paragraphs (b) and (c) of this section) be excluded from the computation of aggregate wage and salary increases. Such merit plan may continue to operate according to the following rules: Any increases applied to a rate range under such merit pay plan shall be considered a general increase in wages and salaries under the regulations in this chapter. However, individual increases within the rate range under such plans shall not be considered a wage and salary increase under such regulations.

(b) *Overall limitation on exceptions.* Except as provided in paragraph (a) (4), (5) (iii), (6), and (7) of this section, the maximum permissible annual aggregate wage and salary increase with respect to an appropriate employee unit, whether any or all of the above exceptions are applicable, shall not exceed 7 percent.

(c) *Procedures for exceptions.* Exceptions pursuant to subparagraphs (1), (2), (6), and (7) of paragraph (a) of this section shall require prior approval of the Pay Board (or its delegate). Exceptions pursuant to subparagraphs (3), (4), and (5) of paragraph (a) of this section shall be self-executing for Category II and III wage and salary increases, but reports of all such wage and salary increases shall be made to the Pay Board (or its delegate). Category I wage and salary increases, including those pursuant to subparagraphs (3), (4), and (5) of paragraph (a) of this section shall require prior approval of the Pay Board (or its delegate).

• • • • •

PAR. 2. Section 201.14 is revised to read as follows:

§ 201.14 Wage and salary increases effective after November 13, 1971.

(a) *In general.* Employment contracts and pay practices previously set forth which existed prior to November 14, 1971, will be allowed to operate according to their terms. However, any such specific contract or pay practice, when challenged by a party at interest or by two or more members of the Pay Board, is subject to a review to determine whether any wage and salary increase granted pursuant to such contract or pay practice is unreasonably inconsistent with the criteria established by the Board. In the event of a challenge, these terms shall be allowed to remain in effect unless and until the Pay Board rules otherwise. Notwithstanding any other provision of this chapter a pay practice which does not by its own terms, or by applicable provisions of paragraph (c) of this section, expire earlier, will be deemed to expire on November 13, 1972.

(b) *"Previously set forth" defined.* Except as provided in Subpart D of this part, for purposes of this section, a pay practice shall be "previously set forth" only if it can be documented that prior to November 14, 1971, an adjustment to wages and salaries, or, in the case of a merit plan, the aggregate amount to be expended, was—

(1) Decided finally and formally in accordance with established procedures, and

(2) Communicated to the management personnel responsible for implementing the pay adjustment or to the employees affected.

For purposes of the preceding sentence, a formula for determining general adjustments to wages and salaries is not a pay practice previously set forth.

(c) *Merit plans.* A merit plan provided for in an employment contract or a pay practice, referred to in paragraph (a) of this section, will be allowed to operate according to its terms in accordance with such paragraph, until such contract or pay practice expires. For purposes of this section, a merit plan contained in a pay practice previously set forth, will be deemed to expire on the day before the effective date of any of the following changes or modifications to the merit plan—

(1) An increase or change in the rates or rate ranges from those in effect on November 13, 1971;

(2) An increase in the aggregate amount to be expended for merit increases above the aggregate amount as determined prior to November 14, 1971;

(3) A change in the job classifications to which the rates or rate ranges apply; or

(4) A change in the terms or conditions of the plan with respect to any job classification to which it applies, or a change in any policy for determining the size and frequency of merit pay adjustments or a change in any administrative controls.

Expiration of a pay practice under this paragraph shall not disqualify a pay practice from being a successor pay practice under § 201.11(a)(5)(i) if it otherwise qualifies under that section.

(d) *Board review.* For purposes of the review referred to in paragraph (a) of this section, the Pay Board will consider such factors as changes in productivity and the cost of living, on-going collective bargaining and pay practices, the equitable position of the employees involved, and such other factors as are necessary to foster economic growth and to prevent gross inequities, hardships, serious market disruptions, domestic shortages of raw material, localized shortages of labor, and windfall profits.

(e) *Notice requirement.* In addition to the provisions of Part 202 of this chapter, notice shall be given to the Pay Board at least 60 days prior to the scheduled date of any increase to be paid pursuant to an employment contract or pay practice referred to in this section when such increase would affect an appropriate employee unit of 1,000 or more employees and would cause the total of such increases to be in excess of seven percent (unless such increase has been otherwise prenotified or reported pursuant to Part 202 of this chapter). However, in the case of any increase scheduled to take effect before (90 days after date of publication in FEDERAL REGISTER), with respect to which a notice would be required pursuant to the preceding sentence, such notice shall instead be given to the Pay Board before (30 days after date of publication in FEDERAL REGISTER). For purposes of the notice requirement of this paragraph, a fair and reasonable estimate shall be used in determining whether wage and salary adjustments required pursuant to contract or pay practices which are contingent (such as cost-of-living adjustments) will cause the total of such increases to exceed 7 percent.

(f) *Notification instructions.* The notice required by paragraph (e) of this section shall be submitted on forms provided by the Pay Board. Such notice shall be accompanied by a full statement of facts prepared by a party at interest showing good cause as to why such increase is not unreasonably inconsistent with the standard, exceptions, or the review criteria referred to in paragraph (d) of this section.

PAR. 3. Appendix B following Part 201 is amended by deleting therefrom item (6), and by revising item (2) to read as follows:

Appendix B—Interpretive Decisions Adopted by the Pay Board

(2) *Agreements in the construction industry (Adopted November 12, 1971.)* Wage increases under existing or future agreements in the construction industry require prenotification and approval by the Construction Industry Stabilization Committee before they can be put into effect.

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 153]

ANTIDUMPING ACT

Proposed Procedures

A notice was published in the FEDERAL REGISTER of April 13, 1971 (36 F.R. 7012), that the Treasury Department was reviewing its regulations (19 CFR Part 153) relating to procedures under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). Interested persons were invited to submit suggestions for improving the regulations to the Commissioner of Customs not later than 60 days after the publication of the notice in the FEDERAL REGISTER. On June 15, 1971, the time for submissions was extended until June 30, 1971 (36 F.R. 11526).

After consideration of all of the suggestions received pursuant to the notice, it has been concluded that certain amendments to the regulations should be proposed.

The primary purpose of the proposed amendments is to insure that the Antidumping Act continues to be administered with a view to defending U.S. industry effectively against unfair international trade practices in the dumping area, while at the same time providing for complete fairness in the antidumping investigations. To this end, the proposed amendments call, among other things, for more expeditious processing of antidumping investigations.

Notice is hereby given that it is proposed to amend certain sections of Part 153 of the Customs Regulations (19 CFR Part 153), and to add certain other sections.

1. Sections 153.30 and 153.31 are proposed to be amended to establish limits on the time within which an Antidumping Proceeding Notice normally will be published subsequent to the receipt, in satisfactory form, of information alleging injurious sales at less than fair value and on the time within which a Withholding of Appraisement Notice, a Notice of Tentative Negative Determination, or a Notice of Tentative Discontinuance of Antidumping Investigation normally will be published following the publication of an Antidumping Proceeding Notice.

2. Section 153.8 is proposed to be amended by deleting the word "reasonably" wherever it appears before the words "direct relationship" in order to make it clear that only circumstances of sale which are directly related to the sales of the merchandise under consideration will be taken into account. Under the proposal, such items as bad debts and general advertising will no longer be allowed as differences in circumstances of sale.

3. Section 153.15 is proposed to be amended to provide for the reopening of discontinued antidumping investigations by the publication, forthwith, of a Withholding of Appraisement Notice when the Secretary, subsequent to the discontinuance, has reason to believe or suspect that merchandise which was the subject of the discontinued investigation, is being, or is likely to be, sold at less than fair value. Additionally, it is proposed to amend paragraph (a) of § 153.15, by deleting the word "changed" before the word "circumstances" so as to make clear that circumstances which were not known at the time of the initiation of the investigation may be taken into account.

4. Sections 153.33 and 153.37 are proposed to be amended to provide that all requests for an opportunity to make an oral presentation be accompanied by a statement outlining the issues which the person making the request wishes to discuss, and to provide, further, that if the request is granted, the Secretary or his delegate will advise the persons involved as to which issues are appropriate for discussion.

5. In addition, a number of other technical amendments are proposed.

Based on the foregoing, it is proposed that the following amendments be made to Part 153 of the Customs Regulations (19 CFR Part 153):

PART 153—ANTIDUMPING

Section 153.8 is amended by deleting the word "reasonably" before "direct relationship" in paragraphs (a) and (b). Section 153.8, as amended, will read as follows:

§ 153.8 Fair value; circumstances of sale.

(a) *General.* In comparing the purchase price or exporter's sales price, as the case may be, with the sales, or other criteria applicable, on which a determination of fair value is to be based, reasonable allowances will be made for bona fide differences in circumstances of sale if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. Differences in circumstances of sale for which such allowances will be made are limited, in general, to those circumstances which bear a direct relationship to the sales which are under consideration.

(b) *Examples.* Examples of differences in circumstances of sale for which reasonable allowances generally will be made are those involving differences in credit terms, guarantees, warranties, technical assistance, servicing, and assumption by a seller of a purchaser's advertising or other selling costs. Reasonable allowances will also generally be made for differences in commissions. Except in those instances where it is clearly established that the differences in circumstances of sale bear a direct relationship to the sales which are under consideration, allowances generally will not be made for differences in research and development costs, production costs, and advertising and other selling costs of a seller unless such costs are attributable to a later sale of merchandise by a purchaser: *Provided*, That reasonable allowances for selling expenses generally will be made in cases where a reasonable allowance is made for commissions in one of the markets under consideration and no commission is paid in the other market under consideration, the amount of such allowance being limited to the actual selling expense incurred in the one market or the total amount of the commission allowed in such other market, whichever is less.

(c) *Relation to market value.* In determining the amount of the reasonable allowances for any differences in circumstances of sale, the Secretary will be guided primarily by the effect of such differences upon the market value of the merchandise but, where appropriate, may also consider the cost of such differences to the seller, as contributing to an estimate of market value.

Section 153.13 is amended by adding a new sentence at the end thereof reading: "If there is not a clear preponderance of the merchandise sold at the same price and weighted averages of the prices of the merchandise sold are determined by the Secretary to be inappropriate, the Secretary may use any method for determining fair value which he deems appropriate." Section 153.13, as amended, will read as follows:

§ 153.13 Fair value; sales at varying prices.

Where the prices in the sales which are being examined for a determination of fair value vary (after allowances provided for in §§ 153.7, 153.8, and 153.9), determination of fair value will take into account the prices of a preponderance of the merchandise thus sold or weighted averages of the prices of the merchandise thus sold. Unless there is a clear preponderance of merchandise sold at the same price, weighted averages of the prices of the merchandise sold normally will be used. If there is not a clear preponderance of the merchandise sold at the same price and weighted averages of the prices of the merchandise sold are determined by the Secretary to be inappropriate, the Secretary may use any method for determining fair value which he deems appropriate.

Section 153.15 is amended by substituting *"Discontinuance of antidumping Investigation."* for *"Fair value; revision of prices or other changed circumstance."* in the main heading; by substituting *"Price assurances, termination of sales or other circumstances."* for *"Discontinuance of investigation."* in the heading of paragraph (a); by inserting the words "and assurances have been received to this effect" after "revision" in subparagraph (1) and after "resumed" in subparagraph (2), by deleting the word "changed" before "circumstances," and by substituting "Notice of Tentative Discontinuance of Antidumping Investigation" for "notice to this effect" in paragraph (a); by substituting *"Notice of Tentative Discontinuance of Antidumping Investigation."* for *"Notice."* in the heading of paragraph (b); by providing that the "Notice of Tentative Discontinuance of Antidumping Investigation" shall set forth a description of the merchandise involved, that interested persons shall be given an opportunity to present their views under a procedure similar to that set forth in § 153.33(b), by substituting "discontinuance" for "termination" in the first sentence and "discontinuing" for "terminating" in the second sentence, by adding the words "or assurances of termination of sales to the United States, and price revisions" after the phrase "price assurances" in the third sentence, and by substituting "will" for "shall" wherever the latter occurs in paragraph (b); by adding a new paragraph (c), relating to the form of a statement of assurances; by adding a new paragraph (d) providing for the publication of a "Discontinuance of Antidumping Investigation" notice in the FEDERAL REGISTER; by adding a new paragraph (e) to provide for final discontinuance after withholding of appraisement or notice of tentative negative determination; by adding a new paragraph (f) to provide for periodic reports by foreign exporters; and by adding a new paragraph (g), relating to the reopening of a discontinued investigation. Section 153.15, as amended, will read as follows:

§ 153.15 Discontinuance of antidumping investigation.

(a) *Price assurances, termination of sales or other circumstances.* Whenever the Secretary of the Treasury is satisfied during the course of an antidumping investigation that either:

(1) Price revisions have been made which eliminate the likelihood of sales at less than fair value and that there is no likelihood of resumption of the prices which prevailed before such revision, and assurances have been received to this effect; or

(2) Sales to the United States of the merchandise have terminated and will not be resumed, and assurances have been received to this effect;

or whenever the Secretary concludes that there are other circumstances on the basis of which it may no longer be appropriate to continue an antidumping investigation, the Secretary may publish a "Notice of Tentative Discontinuance of Antidumping Investigation" in the FEDERAL REGISTER.

(b) *Notice of tentative discontinuance of antidumping investigation.* The notice will set forth a description of the merchandise involved and state the facts relied upon by the Secretary in publishing the notice and that those facts are considered to be evidence warranting the discontinuance of the investigation. The notice will also state that interested persons shall be given the opportunity to present their views under a procedure similar to that set forth in § 153.33(b), and unless persuasive evidence or argument to the contrary is presented within such period as is specified in the notice the Secretary will publish a final notice discontinuing the investigation. The tentative acceptance of price assurances or assurances of termination of sales to the United States, and price revisions or the termination of sales to the United States will not prevent the Secretary from making a determination of sales at less than fair value in any case where he considers such action appropriate.

(c) *Statement concerning assurances.* Assurances provided for in paragraph (a) of this section shall be in substantially the following form:

I hereby certify that I am *(an officer) (attorney-in-fact)* of *(name of foreign manufacturer, producer, or exporter)* and am authorized, on behalf of *(name of foreign manufacturer, producer, or exporter)*, to give assurances that:

(Select the applicable provision.)

1. All future sales of *(commodity)* by *(name of foreign manufacturer, producer, or exporter)* for exportation to the United States shall be made at prices which are not less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) and that *(name of manufacturer, producer, or exporter)* shall make a report to the Commissioner of Customs which shall contain or be accompanied by the information required by § 153.15(f), Customs Regulations (19 CFR 153.15(f)), for such period of time and at such intervals as the Secretary may deem appropriate; or

2. All sales of *(commodity)* by *(name of foreign manufacturer, producer, or exporter)* for exportation to the United States have terminated and shall not be resumed.

(Officer or attorney-in-fact)

(d) *Final discontinuance.* As soon as possible after the publication of a "Notice of Tentative Discontinuance of Antidumping Investigation" the Secretary will determine whether final discontinuance is warranted and, if he so determines, publish a "Discontinuance of Antidumping Investigation" notice in the FEDERAL REGISTER.

(e) *Final discontinuance after withholding of appraisement or notice of tentative negative determination.* The procedure specified in paragraphs (b) and (d) in this section will not apply if the decision to discontinue an antidumping investigation is made by the Secretary after a withholding of appraisement notice or notice of tentative negative determination has been published and interested parties have already been afforded an opportunity to present their views pursuant to the provisions of §§ 153.37 or 153.33(b). In lieu thereof, a "Discontinuance of Antidumping Investigation" notice will be published in the FEDERAL REGISTER. The notice will set forth a description of the merchandise involved and state the reasons upon which the discontinuance is based.

(f) *Periodic reports by foreign exporters.* Whenever an investigation has been discontinued by the Secretary on the basis of price assurances, the foreign manufacturer, producer, or exporter of the merchandise which was the subject of the discontinued investigation shall thereafter make a report to the Commissioner of Customs for such period of time and at such intervals as the Secretary may deem appropriate. The periodic reports to the Commissioner of Customs generally shall, as determined by the Secretary, contain or be accompanied by the following:

(1) Prices at, and the terms and conditions on which, the merchandise is being sold for export to the United States and in the applicable foreign market (or information regarding constructed value as set forth in section 206 of the Antidumping Act, 1921, as amended (19 U.S.C. 165));

(2) Published price lists, if any;

(3) Information regarding discounts, quantities involved on a per sale basis, shipping charges, packing costs, and other circumstances of sales in the two markets under consideration;

(4) Information regarding differences in cost of manufacture where similar merchandise is compared pursuant to § 153.9; and

(5) Such other information which the Secretary deems appropriate.

(g) *Reopening of discontinued investigation.* In the event that the Secretary determines, subsequent to the discontinuance of an investigation pursuant to paragraph (d) of this section, that there are reasonable grounds to believe or suspect that there are or are likely to be sales to the United States at less than fair value, he will reopen the investigation by publishing forthwith in the FEDERAL REGISTER a "Withholding of Appraisement Notice" with respect to the merchandise. If prior to the discontinuance of the investigation, importers and exporters concerned had requested a 6-month withholding of appraisement pursuant to § 153.34(b), when the investigation is reopened the Secretary may withhold appraisement for 6 months. If no such requests have been received, the Secretary may withhold appraisement pursuant to § 153.34(a). The withholding of appraisement may be made effective with respect to merchandise entered, or withdrawn from warehouse, for consumption not more than 90 days before the date of publication. Whenever an investigation is reopened, interested persons will be given the opportunity to present their views pursuant to § 153.37.

A new § 153.17, relating to fair value determinations in exporter's sales price situations involving merchandise not resold in the same condition as imported, is added to read as follows:

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§ 153.17 **Fair value; merchandise not resold in the same condition as imported.**

If exporter's sales price (as defined in section 204 of the Antidumping Act, 1921 (19 U.S.C. 163)), is applicable and the imported merchandise is not resold to an unrelated U.S. purchaser in the condition in which it was imported, the Secretary may use such reasonable basis as he deems appropriate to determine exporter's sales price.

A new § 153.18, relating to fair value comparison, which would provide for a comparison between purchase price or exporter's sales price and the applicable home market price or price to third countries at the same level of trade, is added to read as follows:

§ 153.18 **Fair value; level of trade.**

The comparison of the purchase price or exporter's sales price (as defined in sections 203 and 204, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162, 163)), as the case may be, with the applicable price in the home market of the country of exportation (or, as the case may be, price to third country markets) will generally be made at the same level of trade. However, if the Secretary finds that the sales of the merchandise to the United States or in the applicable foreign market are insufficient in number to permit an adequate comparison, the comparison will be made at the nearest comparable level of trade and appropriate adjustments shall be made for differences affecting price comparability.

Section 153.23 is amended by adding to subparagraph (3) of paragraph (c) the following: "(v) Disclose the names of particular persons from whom confidential information was obtained, if nondisclosure of the names has been requested." So that the subparagraph, as amended, reads as follows:

§ 153.23 **Availability of information in antidumping proceedings.**

* * * * *

(c) * * *

(3) *Information ordinarily regarded as confidential.* Information will ordinarily be regarded as confidential if its disclosure would:

(i) Disclose business or trade secrets;

(ii) Disclose production costs;

(iii) Disclose distribution costs, except to the extent that such costs are accepted as justifying allowances for quantity or differences in circumstances of sale;

(iv) Disclose the names of particular customers or the price or prices at which particular sales were made; or

(v) Disclose the names of particular persons from whom confidential information was obtained, if nondisclosure of the names has been requested (5 U.S.C. 552).

Section 153.30 is amended by inserting "(a) Publication of Antidumping Proceeding Notice." before the first sentence of the section; by substituting "Secretary" for "Commissioner", by deleting the phrase ", with the approval of the Secretary,"; by substituting "to" for "which may", and by substituting "will" for "shall" in the first sentence of paragraph (a); redesignating present paragraphs (a), (b), (c), and (d), as subparagraphs, respectively, (2), (3), (4), and (5); by adding a new subparagraph (1), reading "(1) A description of the merchandise involved."; by substituting "proceeding" for "information" in redesignated subparagraph (2); and by adding a new paragraph (b). Section 153.30, as amended, will read as follows:

§ 153.30 **Antidumping proceeding notice.**

(a) *Publication of antidumping proceeding notice.* If the case has not been closed under § 153.29, the Secretary will publish a notice in the FEDERAL REGISTER that information in an acceptable form has been received pursuant to § 153.25 or § 153.26. This notice to be referred to as the "Antidumping Proceeding Notice," will specify—

(1) A description of the merchandise involved.

(2) Whether the proceeding relates to all shipments of the merchandise in question from an exporting country, or only to shipments by certain persons or firms; in the latter case, the names of such persons and firms will be specified.

(3) The date on which information in an acceptable form was received and that date shall be the date on which the question of dumping was raised or presented for purposes of §§ 201(b) and 202(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b) and 161(a)).

(4) The fact that there is some evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

(5) A summary of the information received. If a person outside the Customs Service raised or presented the question of dumping, his name may be included in the notice unless a determination under § 153.23 requires that his name not be disclosed.

(b) *Time limit on publication.* Generally, antidumping proceeding notices issued pursuant to § 153.30 shall be published in the FEDERAL REGISTER within 30 days after the date that information was received pursuant to § 153.25 or § 153.26 in a form acceptable to the Commissioner.

* * * * *

Section 153.31 is amended by deleting present paragraph (b) and substituting a new paragraph (b) to read as follows:

§ 153.31 Full-scale investigation.

* * * * *

(b) *Pricing Information.* Ordinarily the Commissioner will require the foreign manufacturer, producer, or exporter to submit pricing information covering a period of at least 120 days prior to the date that information in a form acceptable to the Commissioner was received pursuant to §§ 153.25 or 153.26. The Commissioner may, however, require the submission of pricing information for such longer period as he deems necessary; and he may also require the submission of pricing information on a current basis during the course of the investigation.

Section 153.32 is amended by adding a new paragraph (c), relating to time limits on investigations, to read as follows:

§ 153.32 **Determination as to fact or likelihood of sales at less than fair value.**

* * * * *

(c) *Time limit on investigations.* Generally, within 6 months, or in more complicated investigations, within 9 months, after the date of the publication of an antidumping proceeding notice, the Secretary will publish in the FEDERAL REGISTER a "Withholding of Appraisement Notice" (§ 153.34), a "Notice of Tentative Negative Determination" (§ 153.33), or a "Notice of Tentative Discontinuance of Antidumping Investigation" (§ 153.15), as appropriate. However if the Secretary decides that the appropriate tentative decision cannot satisfactorily be made within the 9-month period, he will publish a notice of that fact in the FEDERAL REGISTER, together with the reasons therefor. The notice also will announce the length of additional time, usually not more than 3 months, within which the appropriate action will be taken.

Section 153.33 is amended by adding "a description of the merchanlise involved and" after "include" in paragraph (a); by adding a new sentence reading "All such requests shall be accompanied by a statement outlining the issues which the person wishes to discuss." after the first sentence in subparagraph (2) of paragraph (b); and by substituting the words "in regard to those issues which the Secretary or his delegate has determined to be appropriate for discussion" for "and to supply such further information or argument as may be of assistance in leading to a conclusion as to the accuracy of the information in question" in the penultimate sentence of subparagraph (2) of paragraph (b). Section 153.33, as amended, will read as follows:

§ 153.33 **Negative determination.**

(a) *Notice of tentative negative determination.* If it appears to the Secretary that on the basis of information before him a determination of sales at not less than fair value may be required, he will publish in the FEDERAL REGISTER a "Notice of Tentative Negative Determination," which will include a description of the merchandise involved and a statement of the reasons upon which the tentative determination is based.

(b) *Opportunity to present views.*—(1) *Written.* Interested persons may make such written submissions as they desire, within a period which will be specified in the notice, with respect to the contemplated action. Appropriate consideration will be given to any new or additional information or argument submitted.

(2) *Oral.* If any person believes that any information obtained by the Bureau of Customs in the course of the antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard. All such requests shall be accompanied by a statement outlining the issues which the person wishes to discuss. Upon receipt of such a request, the Secretary will notify the person who supplied any information, the accuracy of which is questioned and such other person or persons, if any, as he in his discretion may deem to be appropriate. If the Secretary is satisfied that the circumstances so warrant, an opportunity will be afforded by the Secretary or his delegate for all such persons to appear, through their counsel or in person, accompanied by counsel if they so desire, to make known, their respective points of view in regard to those issues which the Secretary or his delegate has determined to be appropriate for discussion. The Secretary or his delegate may at any time invite any person or persons to supply him orally with information or argument.

(c) *Final determination.* As soon as possible thereafter, the Secretary will make a final determination and publish his determination in the FEDERAL REGISTER.

(d) *Negative determination after issuance of a withholding of appraisement notice.* The procedure specified in paragraphs (a), (b), and (c) of this section will not apply if the decision to issue a negative determination is made by the Secretary after a withholding of appraisement notice has been issued and thereafter he has afforded interested parties an opportunity to be heard pursuant to the provisions of § 153.37. In lieu thereof a final negative determination will be published setting forth the statement of reasons.

Section 153.34 is amended by substituting "Secretary" for "Commissioner" and by deleting the phrase ", with the approval of the Secretary," wherever either occurs in paragraphs (a) and (b); by redesignating subparagraphs (1) and (2) of paragraph (a) as (2) and (3), respectively, and adding a new subparagraph (1) reading "(1) a description of the merchandise involved;"; by substituting the phrase "withholding of appraisement notice" for "investigation" in redesignated subparagraph (2) of paragraph (a); by deleting the words "by the importer and the exporter" in new subparagraph (3) of paragraph (a); by deleting the phrase "from importers and exporters concerned" in paragraph (b); by substituting "the Secretary's" for "his" and "each" for "the" preceding "district director of Customs" in paragraph (c); and by deleting paragraph (d). Section 153.34, as amended, will read as follows:

§ 153.34 **Withholding of appraisement.**

(a) *Three-month period.* If the Secretary determines during the course of his investigations that there are reasonable grounds to believe or suspect that any merchandise is being, or is likely to be, sold at less than its foreign market value (or, in the absence of such value, then its constructed value) under the Antidumping Act, and if there is evidence on record concerning injury or likelihood of injury to or prevention of establishment of an industry of the United States, he shall publish notice of these facts in the FEDERAL REGISTER in a "Withholding of Appraisement Notice" indicating:

(1) A description of the merchandise involved;

(2) That the belief or suspicion relates only to certain shippers or producers, if this is the case and that the withholding of appraisement notice is limited to the transactions of such shippers or producers; and

(3) The expiration date of the notice (which shall be no more than 3 months from the date of publication of the notice in the FEDERAL REGISTER, unless a longer period of withholding of appraisement has been requested pursuant to paragraph (b) of this section and has been approved by the Secretary). This withholding of appraisement notice will be issued concurrently with the Secretary's determination pursuant to § 153.3, unless appraisement is being withheld pursuant to paragraph (b) of this section.

(b) *Six-month period.* At any time prior to the issuance of the withholding of appraisement notice referred to in paragraph (a) of this section, importers and exporters concerned may request that the period of withholding of appraisement extend for a period longer than months, but in no case longer than 6 months. Upon receipt of such a request than 3 months, but in no case longer than the Secretary will decide whether appraisement should be withheld for a period longer than 3 months. If the Secretary decides that a period of withholding of appraisement longer than 3 months is justified, he will publish a withholding of appraisement notice upon the same basis and containing information of the same type as is required by paragraph (a) of this section, except that the expiration date of the notice may be 6 months from the date of publication of the notice in the FEDERAL REGISTER.

(c) *Advice to District Directors of Customs.* The Commissioner shall advise all district directors of Customs of the Secretary's action. Upon receipt of such advice each district director of Customs shall proceed to withhold appraisement in accordance with the pertinent provisions of § 153.48.

Section 153.35 is amended by deleting the word "adequate" in paragraph (a) and by adding the word "involved" at the end of that paragraph; and by substituting "exporter or exporters or producer or producers, if the determination covers shipments by less than all of the exporters or producers" for "suppliers, or suppliers, if practicable" in paragraph (c). Section 153.35, as amended, will read as follows:

§ 153.35 **Affirmative determination; general.**

If it appears to the Secretary on the basis of the information before him that a determination of sales at less than fair value is required, unless the withholding of appraisement notice was issued pursuant to § 153.34(b), he will publish in the FEDERAL REGISTER his determination of sales at less than fair value. This determination will include:

(a) A description of the merchandise involved;

(b) The name of each country of exportation;

(c) The name of the exporter or exporters or producer or producers, if the determination covers shipments by less than all of the exporters or producers;

(d) The date of the receipt of the information in an acceptable form;

(e) Whether the appropriate basis of comparison is purchase price or exporter's sales price; and

(f) A statement of reasons upon which the determination is based.

Section 153.37 is amended by substituting "Withholding of Appraisement Notice" for "Affirmative Determination" in the heading; by adding a new sentence following the first sentence to read: "All such requests shall be accompanied by a statement outlining the issues which the person wishes to discuss."; by substituting "in regard to those issues which the Secretary or his delegate has determined to be appropriate for discussion" for "and to supply such further information or argument as may be of assistance in consideration of the matter" in the third from last sentence; and by substituting "will" for "shall" in the next to last sentence. Section 153.37, as amended, will read as follows:

§ 153.37 **Withholding of appraisement notice; opportunity to present views.**

As soon as possible after the publication of the withholding of appraisement notice if any person believes that for any reason the withholding action is in error, he may request that the Secretary of the Treasury afford him an opportunity to present his views in this regard. All such requests shall be accompanied by a statement outlining the issues which the person wishes to discuss. Upon receipt of such a request the Secretary will notify each person who supplied any information, relied upon in connection with the withholding action, and such other person or persons, if any, as he may deem to be appropriate. If the Secretary is satisfied that the circumstances so warrant, an opportunity will be afforded by the Secretary or his delegate for all interested persons to appear, through their counsel or in person, accompanied by counsel if they so desire, to make known their respective points of view in regard to those issues which the Secretary or his delegate has determined to be appropriate for discussion. Unless for unusual reasons it is clearly impracticable, such meeting will be held within 3 weeks of the date of the publication of the notice of withholding, unless such notice was issued pursuant to § 153.34(b), when

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it will be held within 5 weeks of such publication. Reasonable notice of the meeting will be given.

Section 153.39 is amended by inserting "set forth a description of the merchandise involved and" after "which notice will" in the first sentence and by substituting "will" for "shall" in the last sentence. Section 153.39, as amended, will read as follows:

§ 153.39 Revocation of determination of sales at less than fair value; determination of sales at not less than fair value.

If the Secretary is persuaded from information submitted or arguments received that his determination of sales at less than fair value was in error, and if the Tariff Commission has not yet issued a determination relating to injury, he will publish a notice of "Revocation of Determination of Sales at Less Than Fair Value; Determination of Sales at Not Less Than Fair Value," or, if appropriate, a notice of "Modification of Determination of Sales at Less Than Fair Value," which notice will set forth a description of the merchandise involved and state the reasons upon which it was based. He will notify the Tariff Commission of his action.

Section 153.41 is amended by substituting a new paragraph (c), with the heading "Notice of Tentative Determination to Modify or Revoke Dumping Finding," for the present paragraph (c) and by adding a new paragraph (d). Paragraphs (c) and (d) of § 153.41, as amended, will read as follows:

§ 153.41 Modification or revocation of finding.

* * * * *

(c) *Notice of tentative determination to modify or revoke dumping finding.* If it appears to the Secretary that a modification or revocation of an existing dumping finding may be appropriate, he will publish in the FEDERAL REGISTER a "Notice of Tentative Determination to Modify or Revoke Dumping Finding," which will include a description of the merchandise involved and a statement of the reasons upon which the tentative determination is based. The notice will also state that interested parties will be given the opportunity to present their views under a procedure similar to that set forth in § 153.33(b), and unless persuasive evidence or argument to the contrary is presented within such period as is specified in the notice the Secretary shall publish a final determination to modify or revoke dumping finding.

(d) *Final determination.* As soon as possible after publication of a "Notice of Tentative Determination to Modify or Revoke Dumping Finding," the Secretary will make a final determination and will publish his determination in the FEDERAL REGISTER.

Section 153.48 is amended by substituting "Secretary's" for "Commissioner's" in the first sentence of paragraph (a). Paragraph (a) of § 153.48, as amended, will read as follows:

§ 153.48 Action by the district director of Customs.

(a) *Appraisement withheld; notice to importer.* Upon receipt of advice from the Commissioner of Customs pursuant to § 153.34, the district director of Customs shall withhold appraisement as to such merchandise entered, or withdrawn from warehouse, for consumption, after the date of publication of the "Withholding of Appraisement Notice," unless the Secretary's withholding of appraisement notice specifies a different effective date. Each district director of Customs shall notify the importer, consignee, or agent immediately of each lot of merchandise with respect to which appraisement is so withheld. Such notice shall indicate: (1) The rate of duty of the merchandise under the applicable item of the Tariff Schedules of the United States if known; and (2) the estimated margin of the special dumping duty that could be assessed. Upon advice of a finding made in accordance with § 153.40, the district director of Customs shall give immediate notice thereof to the importer when any shipment subject thereto is imported after the date of finding and information is not on hand for completion of appraisement of such shipment.

§§ 153.49, 153.50, 153.51 [Deleted]

Sections 153.49, 153.50, and 153.51 are deleted. Sections 153.52 through 153.59 are renumbered, consecutively, §§ 153.49 through 153.56, and the reference in renumbered § 153.50 (presently § 153.53) to § 153.54 is amended to read § 153.51. Renumbered § 153.50, as amended, will read as follows:

§ 153.50 Release of merchandise; bond.

When the district director of Customs in accordance with § 153.34(c) has received a notice of withheld appraisement or when he has been advised of a finding provided for in § 153.40, and so long as such notice or finding is in effect, he shall withhold release of any merchandise of a class or kind covered by such notice or finding which is then in his custody or is thereafter imported, unless an appropriate bond is filed or is on file, as specified hereafter in § 153.51, or unless the merchandise covered by a specified entry will be appraised without regard to the Antidumping Act 1921, as amended.

Renumbered section 153.51 (presently § 153.54) is amended by deleting "and the importer or his agent has filed a certificate on Form 3 (§ 153.49)" and substituting "and the resale price in the United States is unknown" in the first sentence of paragraph (b) thereof. Paragraph (b) of renumbered § 153.51, as amended, will read as follows:

§ 153.51 Type of bond required.

* * * * *

(b) *Bond on Customs Form 7591.* If the merchandise is of a class or kind covered by a finding provided for in § 153.40 and the resale price in the United States is unknown, the bond required by section 208 of the Antidumping Act, 1921 (19 U.S.C. 167), shall be on Customs Form 7591. In such case, a separate bond shall be required for each entry or withdrawal, and such bond shall be in addition to any other bond required by law or regulation. The record of sales required under the condition of the bond of Customs Form 7591 shall identify the entry covering the merchandise and show the name and address of each purchaser, each selling price, and the date of each sale. The face amount of such bond shall be equal to the estimated value of the merchandise covered by the finding.

Renumbered § 153.56 (presently § 153.59) is amended by inserting "where purchase price is less than foreign market value," before "the special dumping duty", and by inserting "or agreement to purchase" after "date of purchase" in the first sentence thereof; and by inserting "where exporter's sales price is less than foreign market value," after "section 207," in the second sentence thereof. Section 153.56, as amended, will read as follows:

§ 153.56 Method of computing dumping duty.

If it appears that the merchandise has been purchased by a person not the exporter within the meaning of section 207, Antidumping Act, 1921 (19 U.S.C. 166), where purchase price is less than foreign market value, the special dumping duty shall equal the difference between the purchase price and the foreign market value on the date of purchase, or agreement to purchase, or, if there is no foreign market value, between the purchase price and the constructed value, any foreign currency involved being converted into U.S. money as of the date of purchase or agreement to purchase. If it appears that the merchandise is imported by a person who is the exporter within the meaning of such section 207, where the exporter's sales price is less than foreign market value, the special dumping duty shall equal the difference between the exporter's sales price and the foreign market value on the date of exportation, or, if there is no foreign market value, between the exporter's sales price and the constructed value, any foreign currency involved being converted into U.S. money as of the date of exportation.

It is proposed that these amendments shall apply to all antidumping proceedings with respect to which neither a decision, final or tentative, nor a notice of withholding of appraisement has been published as of the date the amendments become effective.

(Secs. 201, 202, 203, 204, 205, 206, 207, 208, 209, 212, 213, 42 Stat. 11, as amended, 12, 13, as amended, 14, 15, as amended, 18, as amended; secs. 406, 407, 72 Stat. 585; sec. 486, 46 Stat. 725, as amended; 19 U.S.C. 160, 161, 162, 163, 164, 165, 166, 167, 168, 171, 172, 173, 1486)

Prior to final adoption of the proposed amendments, consideration will be given to all relevant data, views, or arguments which are summitted in writing to the Commissioner of Customs, Washington, D.C. 20226, not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions submitted will be available for public inspection in accordance with section 103(b) of the Customs regulations (19 CFR 103.3(b)) at the Bureau of Customs, Washington, D.C.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 16, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5996 Filed 4-18-72;8:52 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT

Proposed Operation and Maintenance Rates

APRIL 10, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM–3; 34 F.R. 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10–2, 10 BIAM 7.0, sections 2.70–2.75.

Notice is hereby given that it is proposed to revise §§ 221.24, 221.26, and 221.28, Subchapter T, Chapter 1, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210).

The purpose of this amendment is to establish the lump sum assessments against the Flathead, Mission, and Jocko Valley Irrigation Districts within the Flathead Irrigation Project for the 1973 season.

Since this revision will change the basic rate of operation and maintenance charges of lands within an Irrigation District, public comment and expression are deemed advisable. Accordingly, interested persons may submit written comments, suggestions, or arguments with respect to the proposed amendment to the Project Engineer, Flathead Irrigation Project, St. Ignatius, Mon. 59865, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929, March 28, 1934, August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1973 an assessment of $391,445.50 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 85,468.45 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1973 an assessment of $69,589.16 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,373.92 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1973 an assessment of $29,197.04 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,525.01 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[FR Doc.72-5888 Filed 4-18-72;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 67]

[CGD 72-74N]

GENERAL REQUIREMENTS FOR FOG SIGNALS

Proposed Loudness Levels and Testing Procedures

The Coast Guard is considering amending the Aids to Navigation regulations to revise the minimum loudness levels and establish testing procedures for fog signals on artificial islands and structures that are erected on or over the outer Continental Shelf or in U.S. waters for the purpose of exploring for, developing, removing, and transporting resources from the seabed and subsoil. This proposal also clarifies and makes other minor changes to Part 67 of Title 33 of the Code of Federal Regulations.

The requirements for fog signals in the present regulations are based on an assumed audible threshold of 55 phone loudness level on typical ships underway and on atmospheric attenuation data available in 1958. Since 1958, two significant improvements in technical information have been achieved.

First, actual background noise levels have been measured on large and small vessels underway so that a more accurate knowledge of audible thresholds is available, and second, more accurate and complete measurements have been made to describe the attenuation effect of foggy atmospheres on fog signals.

The regulations proposed in this notice are derived from standards recommended by the International Association of Lighthouse Authorities (IALA). The fog signal sound pressure level required for an "audible range" of 2 miles is that prescribed by IALA for a "usual range" of 2 miles. The sound pressure level required for an "audible range" of one-half mile is similarly derived except that the background noise level for smaller vessels is incorporated into the sound pressure level calculations.

To agree with IALA standards the proposed regulations would change the reference distance for sound pressure levels from 25 feet to 1 meter.

The existing regulations prescribe a minimum fog signal frequency of 100 Hertz. Although the existing sound pressure level curves extend only to 800 Hertz, no maximum frequency is explicitly stated in the existing regulations. The proposed regulations would require fog signals marking artificial islands and structures to have their maximum intensity in the 100 to 1,100 Hertz range to reduce annoyance and risk of hearing damage to nearby personnel and so that higher frequencies may later be utilized for buoy fog signals should such a distinction prove desirable.

The existing regulations require that fog signals be located not more than 100 feet above the water. The proposed regulations would extend this distance to 150 feet.

The proposed regulations would limit the size of fog signals to insure an adequate vertical sound pattern and to enable testing in anechoic chambers.

The Coast Guard considers that existing fog signals, the installation of which has been previously authorized, adequately protect maritime navigation so long as they are maintained in good operating condition, produce the minimum sound pressure level required by the present regulations, and are operated in accordance with the applicable regulations. Therefore the Coast Guard will not, at this time, apply the new testing

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and sound pressure level requirements to such signals. Under this proposal, after December 31, 1972, the Coast Guard would not authorize the installation of a new or replacement fog signal manufactured after December 31, 1972, unless it has been approved under the proposed regulations.

Interested persons are invited to submit written data, views, arguments, or comments regarding this proposal to the U.S. Coast Guard (CMC/82), 400 Seventh Street SW., Washington, DC 20590. Communications received on or before May 15, 1972, will be considered before final action is taken on this proposal. Copies of this proposal are available upon request to the address above, and will be available for examination at that office as well as the offices of the Coast Guard District Commanders.

Each communication received within the specified time period will be considered and evaluated before final action is taken on this proposal. Copies of written communications received will be available for examination in Room 8234, U.S. Coast Guard Headquarters, 400 Seventh Street SW., Washington, DC. The proposal contained in this document may be amended as a result of comments received.

In consideration of the foregoing, it is proposed that Part 67 of Title 33 of the Code of Federal Regulations be amended as follows:

1. By revising the title of Part 67 and the sections in Subpart 67.10 in the list of sections to read as follows:

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

Subpart 67.10—General Requirements for Fog Signals

Sec.
67.10–1 Apparatus requirements.
67.10–5 Location requirements.
67.10–10 Operating requirements.
67.10–15 Approval of fog signals.
67.10–20 Fog signal tests.
67.10–25 Application for tests.
67.10–30 Withdrawal of approval.
67.10–35 Notice of approval and withdrawal of approval.
67.10–40 Fog signals authorized for use prior to January 1, 1973.

§ 67.01–25 [Revoked]

2. By revoking § 67.01–25.

3. By revising Subpart 67.10 to read as follows:

Subpart 67.10—General Requirements for Fog Signals

§ 67.10–1 Apparatus requirements.

The fog signal required by §§ 67.20–10, 67.25–10, and 67.30–10 must—

(a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;

(b) Sound a 2-second blast every 20 seconds (2-second sound, 18-second silence) unless otherwise authorized by the District Commander;

(c) Have the audible range required by § 67.20–10, 67.25–10, or 67.30–10;

(d) Have a height not exceeding 25 feet;

(e) Have a height not exceeding eight times the wavelength of the fundamental frequency;

(f) Be approved by the Coast Guard under § 67.10–15; and

(g) Be permanently marked with—

(1) The date of Coast Guard approval;

(2) The manufacturer;

(3) A model designation not previously used on any other apparatus;

(4) The approved audible range; and

(5) The power necessary to comply with the provisions of paragraph (c) of this section.

§ 67.10–5 Location requirements.

The fog signal required by §§ 67.20–10, 67.25–10, and 67.30–10 must—

(a) Be located on the structure so that the sound signal produced is audible over 360° in a horizontal plane at all ranges up to and including the required audible range; and

(b) Be located at least 10 feet but not more than 150 feet above mean high water.

§ 67.10–10 Operating requirements.

(a) Fog signals required by §§ 67.20–10, 67.25–10, and 67.30–10 shall be operated continuously, regardless of visibility, unless the fog signal is controlled—

(1) By an attendant on the structure;

(2) Remotely by an attendant on a nearby structure; or

(3) By a fog detection device capable of activating the fog signal when the visibility in any direction is reduced to the range at which fog signal operation is required by this part.

(b) During construction and until such time as a fog signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

§ 67.10–15 Approval of fog signals.

(a) The Coast Guard approves a fog signal if—

(1) It meets the requirements for fog signals in § 67.10–1 (a), (b), (c), (d), and (e) when tested under § 67.10–20; or

(2) It is similar to a fog signal which was tested and approved under the provisions of this section and the Coast Guard has approved all variations in design, construction, production, and manufacture from the fog signal tested.

(b) A fog signal that is an identical production model of a fog signal which has been approved under paragraph (a) of this section is a Coast Guard approved fog signal.

§ 67.10–20 Fog signal tests.

(a) Fog signal tests must—

(1) Be made by the applicant in the presence of a Coast Guard representative, who certifies the test if the procedures comply with the requirements of this section;

(2) Be made with Coast Guard supplied and calibrated sound level meters and power meters; and

(3) Be made in an anechoic chamber large enough to accommodate the entire fog signal, as if installed for actual use.

(b) The sound pressure level must be measured as a function of—

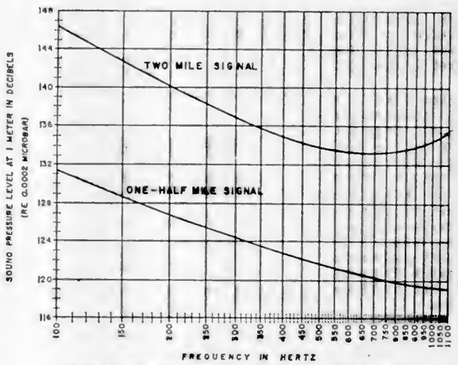
(1) Distance by using a sufficient number of points to allow a far-field extrapolation of the sound pressure level;

(2) Power at outputs up to and including the approximate power level necessary to comply with § 67.10–1(c);

(3) Horizontal angle at increments not greater than 30°; and

(4) Harmonic content to at least the third harmonic.

(c) In analyzing the test data to determine the minimum power necessary to produce the sound pressure level specified in Table A of this section the Coast Guard follows the procedures prescribed by the International Association of Lighthouse Authorities (IALA) in Supplement No. 3 to the IALA Bulletin of February 1969 for analysis of harmonic components and does not consider components above 1,100 Hertz as adding to the audible range.



FREQUENCY (Hz)	1/2 MILE (dB)	2 MILE (dB)
100	131.3	146.4
150	128.8	142.5
200	126.8	140.1
250	125.4	138.2
300	124.4	136.8
350	123.4	135.7
400	122.7	134.9
450	122.1	134.2
500	121.6	133.8
550	121.2	133.5
600	120.8	133.3
650	120.5	133.2
700	120.2	133.2
750	120.0	133.3
800	119.8	133.4
850	119.6	133.6
900	119.4	133.8
950	119.3	134.2
1000	119.2	134.5
1050	119.1	134.9
1100	119.0	135.4

TABLE A: REQUIRED SOUND PRESSURE LEVELS AT 1 METER FOR 1/2 AND 2 MILE FOG SIGNALS

§ 67.10–25 Application for tests.

A person requesting a Coast Guard representative at a test of a fog signal must—

(a) Direct a written request to U.S. Coast Guard (WAN), 400 Seventh Street SW., Washington, DC 20590, including:

(1) His name, address, and telephone number;

(2) A description of the fog signal;

(3) Audible range for which approval is requested;

(4) Location of the anechoic chamber; and

(5) Proposed test dates.

(b) Bear all the expenses of conducting the test conducted in accordance with § 67.10–20 including all expenses of the U.S. Government in sending a Coast Guard representative to the test.

§ 67.10–30 Withdrawal of approval.

The Coast Guard may withdraw approval of a fog signal if it fails to meet the requirements of § 67.10–1 (a), (b), and (c).

§ 67.10–35 Notice of approval and withdrawal of approval.

(a) The Coast Guard publishes a notice of the approval or withdrawal of approval of a fog signal in the Local Notice to Mariners.

(b) A listing of approved fog signals may be obtained from any District Commander.

§ 67.10–40 Fog signals authorized for use prior to January 1, 1973.

Any fog signal authorized for use by the Coast Guard and manufactured prior to January 1, 1973, is excepted from the requirements in this subpart, except §§ 67.10–1 (b) and (c), 67.10–5 and 67.10–10, if the fog signal has a minimum sound pressure level as specified in Table A of this subpart in effect on December 31, 1972, for the audible range required by § 67.20–10, § 67.25–10, or § 67.30–10.

4. By revising § 67.20–10 to read as follows:

§ 67.20–10 Fog signal.

(a) The owner of a class "A" structure shall—

(1) Install a fog signal with an audible range of at least 2 miles in accordance with Subpart 67.10 of this chapter, and,

(2) Operate the fog signal when the visibility in any direction is less than 5 miles.

(b) The District Commander may waive any requirements in paragraph (a) of this section if he finds that a structure is so close to other structures and so enveloped by the fog signals on other structures that it is not a hazard to navigation.

5. By revising § 67.25–10 to read as follows:

§ 67.25–10 Fog signal.

(a) The owner of a class "B" structure shall—

(1) Install a fog signal with an audible range of at least one-half mile in accordance with Subpart 67.10 of this part, except that the District Commander may—

(i) Prescribe a greater audible range, not to exceed 2 miles, under the provisions of paragraph (b) of this section; or

(ii) Exempt the structure from the requirements of this paragraph, under the provisions of paragraph (c) of this section;

(2) Operate the fog signal when the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles, under the provisions of paragraph (b) or (c) of this section.

(b) The owner of a class "B" structure shall install a fog signal with a greater audible range or operate it at times of greater visibility than required in paragraph (a) of this section if—

(1) The structure is erected on or adjacent to the edge of a—

(i) Navigable channel;

(ii) Fairway; or

(iii) Line of demarcation; and

(2) The District Commander decides a greater audible range or operation of the fog signal at times of greater visibility is necessary for the safety of marine commerce.

(c) The District Commander may waive or relax the provisions of paragraph (a) of this section, if he finds that a structure is—

(1) So close to other structures and so enveloped by the fog signals on other structures that it is not a hazard to navigation; or

(2) So located in a shoal area that it is not a hazard to navigation.

6. By revising § 67.30–10 to read as follows:

§ 67.30–10 Fog signals.

(a) The owner of a class "C" structure shall install a fog signal in accordance with Subpart 67.10 of this part if—

(1) The structure is erected on or adjacent to the edge of a—

(i) Navigable channel,

(ii) Fairway, or

(iii) Line of demarcation; and

(2) The District Commander decides it is necessary for the safety of marine commerce.

(b) Fog signals required by paragraph (a) of this section must have an audible range of at least one-half mile, unless the District Commander prescribes a greater audible range, not to exceed 2 miles.

(c) The owner of the structure shall operate the fog signal required by paragraph (a) of this section whenever the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles.

(d) Class "C" structures may have fog signals if—

(1) Authorized by the District Commander under the provisions of Subpart 66.01 of this subchapter; and

(2) The fog signal meets the requirements of § 67.10–1 (a) and (b).

(Sec. 1, 70 Stat. 226, sec. 4, 67 Stat. 462, sec. 6 (b)(1), 80 Stat. 938; 14 U.S.C. 85, 43 U.S.C. 1333, 49 U.S.C. 1655(b); 49 CFR 1.46(b))

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

APRIL 11, 1972.

[FR Doc.72-5752 Filed 4-18-72;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72-SW-26]

MOONEY MODEL M20 SERIES AIRCRAFT

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Mooney Model M20 series airplanes. There have been failures of the flight control system and landing gear system on the Mooney M20 series airplanes due to inadequate lubrication which could result in loss of control or collapse of the landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require lubrication at specified intervals and the addition of specific grease fittings on Mooney M20 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, at the office of the Regional Counsel, Southwest Region, Fort Worth, Tex., for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of the Federal Aviation Regulations by adding the following new airworthiness directive:

MOONEY. Applies to Mooney Models M20, M20A, M20B, M20C, M20D, M20E, M20F, and M20G airplanes.

Compliance required as indicated.

To prevent corrosion in the flight control and landing gear systems which may result in binding or seizure of the joints and loss of flight control or collapse of the landing gear, accomplish the following:

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(a) Within the next 25 hours' time in service after the effective date of this A.D. unless already accomplished within the last 25 hours' time in service and thereafter at intervals not to exceed 100 hours' time in service or at each annual inspection whichever comes first, lubricate all flight control system and landing gear system rod end bearings with a silicone spray lubricant.

(b) Within the next 50 hours' time in service after the effective date of this A.D. unless already accomplished, install grease fittings in the landing gear system in accordance with Mooney Service Bulletin No. M20–155 or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, FAA, Fort Worth, Tex.

NOTE: Mooney Service Bulletin No. M20–155 does not cover the Models M20 and M20A. Grease fittings are to be added to these models. Mooney Service Bulletin No. M20–155 may be used as a guide for installation of the fittings on the Models M20 and M20A.

Issued in Fort Worth, Tex., on April 6, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72–5903 Filed 4–18–72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 87]

GRANTS FOR RESEARCH AND DEMONSTRATIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH

Proposed Conditions and Procedures

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 42, Code of Federal Regulations by adding a new Part 87, as set forth below, which sets forth the conditions and procedures for awarding grants for research and demonstration projects relating to occupational safety and health under section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)).

It is proposed that these regulations be effective on the date of their republication in the FEDERAL REGISTER. The Secretary has determined that the purposes of the Act will be achieved in a more effective and expeditious manner if grants under this part are limited to public and private nonprofit agencies and institutions.

Interested persons may submit comments concerning the proposed regulations to the National Institute for Occupational Safety and Health, Room 10A–05, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received within 30 days after publication of this notice will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

Dated: March 23, 1972.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: April 12, 1972.

ELLIOT L. RICHARDSON,
Secretary.

Chapter I of Title 42 is amended by adding a new Part 87, to read as follows:

PART 87—GRANTS FOR RESEARCH AND DEMONSTRATIONS RELATING TO OCCUPATIONAL SAFETY AND HEALTH

Subpart A—Applicability and Definitions

Sec.
87.1 Applicability.
87.2 Definitions.

Subpart B—Eligibility, Award, and Termination

87.10 Nature and purpose of grant.
87.11 Eligibility.
87.12 Application for grant.
87.13 Evaluation and disposition of applications.
87.14 Grant awards.
87.15 Termination and withholding of payments.

Subpart C—Grant Conditions—Obligations of Grantee

87.20 Use of funds; changes in project and project period.
87.21 Principal investigators; project directors.
87.22 Inventions or discoveries.
87.23 Publications and copyright.
87.24 Records, reports, inspections.
87.25 Nondiscrimination.
87.26 Other conditions.

Subpart D—Grantee Accountability

87.30 Date of final accounting.
87.31 Accounting for grant award payments.
87.32 Accounting for equipment.
87.33 Accounting for grant related income.
87.34 Final settlement.

AUTHORITY: The provisions of this Part 87 issued under sec. 8(g), 84 Stat. 1600; 29 U.S.C. 657(g).

Subpart A—Applicability and Definitions

§ 87.1 Applicability.

The regulations of this part apply to grants awarded pursuant to section 20(a)(1) of the Occupational Safety and Health Act of 1970 for the support of research, experiments, demonstrations, and studies related to occupational safety and health.

§ 87.2 Definitions.

Any term defined in the Occupational Safety and Health Act of 1970 and not defined below shall have the meaning given it in the Act. As used in this part—

(a) "Act" means the Occupational Safety and Health Act of 1970.

(b) "Nonprofit agency or institution" means an agency, corporation, or association no part of the net earnings of which inures or may lawfully inure to the benefit of any shareholder or individual.

(c) "Principal investigator" for a research project or the "project director" for a demonstration project means a single individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the scientific and technical direction of the project.

(d) "Project period" means the period of time, not exceeding 7 years in the case of a research project, or 5 years in the case of a demonstration project, which the Secretary finds is reasonably required to initiate and conduct a project meriting support by means of one or more grants within the scope of § 87.10, except that such period may be extended by the Secretary beyond 7 or 5 years respectively, solely to permit continuation or completion of the same approved project by use of funds previously awarded but remaining unencumbered by the grantee at the end of such years. The project period may include the time required for initial staffing and acquisition of facilities and for the preparation and publication of the results of the project. The approval and support of a research or demonstration project for the maximum project period shall not preclude additional support of that project beyond such period if such support of the continued project is requested, evaluated and approved on the same basis as a new or initial application in accordance with §§ 87.12 and 87.13.

(e) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

Subpart B—Eligibility, Award, and Termination

§ 87.10 Nature and purpose of grant.

(a) A research project grant is the award by the Secretary of funds to an eligible institution or organization hereinafter called the "grantee," to assist in meeting the costs of conducting an identified activity or program hereinafter termed the "project" that is intended and designed to establish, discover, develop, elucidate, or confirm information or the underlying mechanisms relating to occupational safety or health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety or health problems.

(b) A demonstration project grant is the award by the Secretary of funds to an eligible institution or organization hereinafter called the "grantee," to assist in meeting the costs of conducting an identified activity or program hereinafter termed the "project" that is intended and designed to demonstrate, either on a pilot or full-scale basis, the technical or economic feasibility or application of: (1) A new or improved occupational safety or occupational health procedure, method, technique, or system; or (2) an innovative method, technique, or approach for dealing with occupational safety or health problems.

§ 87.11 Eligibility.

(a) *Eligible applicants.* Any public or nonprofit private agency or institution is eligible to apply for a grant under this part, except Federal agencies or institutions not specifically authorized by law to receive such a grant.

(b) *Projects eligible for research grants.* Any project found by the Secretary to be a research project within the meaning of § 87.10(a) shall be eligible for a grant award. Eligible projects may consist of laboratory, clinical, population, field, statistical, basic, applied, or other types of investigations, studies or experiments, or combinations thereof, and may either be limited to one, or a particular aspect of a, problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities, and resources.

(c) *Projects eligible for demonstration grants.* Any project found by the Secretary to be a demonstration project within the meaning of § 87.10(b) shall be eligible for a grant award. Eligible projects may consist of, but are not limited to, feasibility studies, design, operation, maintenance, evaluations of a new or improved procedure, method, technique, or system, and plans and specifications in connection therewith.

§ 87.12 Application for grant.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.[1] Such application shall set forth the nature, duration, purpose, and plan of the research or demonstration project, the name and qualifications of the principal investigator or project director and the qualifications of the principal staff members to be responsible for the project, the total facilities and resources that will be available, a justification of the amount of grant funds requested, and such other pertinent information as the Secretary may require.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this part.

§ 87.13 Evaluation and disposition of applications.

(a) *Evaluation.* All applications filed in accordance with § 87.12 shall be evaluated by the Secretary through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified in the areas of research or demonstration involved in the project. The Secretary's evaluation shall take into account, among other pertinent factors, the scientific merit and significance of the project, the competency of the proposed staff in relation to the type of research or demonstration involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, the adequacy of the applicant's resources available for the project and the amount of grant funds necessary for completion.

(b) *Disposition.* On the basis of his evaluation of an application pursuant to paragraph (a) of this section the Secretary shall (1) approve, (2) defer because of either lack of funds or a need for further evaluation, or (3) disapprove, support of the proposed project in whole or in part. With respect to approved projects, the Secretary shall determine the project period during which the project may be supported. Any deferral or disapproval of an application shall not preclude its reconsideration or a reapplication.

§ 87.14 Grant awards.

(a) General: Within the limits of funds available for such purpose, the Secretary shall award a grant to those applicants whose approved projects will in his judgment best promote the purposes of § 87.10 on the basis of his evaluation under § 87.13(a). The date specified by the Secretary as the beginning of the project period shall be no later than 9 months following the date of any initial or new award statement unless the Secretary finds that because of the nature of a project or the grantee's particular circumstances earlier assurance of grant support is required to initiate the project. All amounts awarded, whether provisional or otherwise, remain subject to accountability as provided under Subpart D of this part.

(b) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount equal to the total cost as found necessary by the Secretary for the carrying out of the project. In determining the grantee's share of the project costs, (i) costs for which Federal grants from other sources have been or may be claimed or received, or (ii) costs used to match other Federal grants (except as may be otherwise provided by law), or (iii) costs to be met from the Federal share of grant related income (except as may be permitted by chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual[2]), may not be included.

(c) Except as may otherwise be provided by the regulations of this part, the identification of direct and indirect costs will be consistent with the generally accepted and established accounting practices that the grantee applies to its own activities and in conformance with the applicable principles set forth in chapters 1–76, 2–65, 2–66, and 5–60 of the Department of Health, Education, and Welfare Grants Administration Manual.

(d) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which support is recommended.

(e) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof.

(f) Multiple, concurrent, initial awards: Whenever a project involves a number of different but related problems, activities or disciplines so as to require evaluation by different groups, or whenever support for a project could be more effectively administered by separate handling of separate aspects of the project, the Secretary may evaluate and approve two or more concurrent applications each dealing with one or more specified aspects of the project, and he may make two or more concurrent grant awards with respect to such a project.

(g) Supplemental and continuation awards: The Secretary may from time to time within the project period make additional grant awards with respect to any approved project continued without change except as provided in § 87.20 (b) and (c) where he finds, on the basis of such progress and accounting reports as he may require, either that (1) the amount of any prior award was less than the amount necessary to carry out the approved project within the period used for estimating the amount of such prior award (a supplemental grant), or (2) the progress made within the period with respect to which any prior awards were made justifies support for an additional, specified portion or the remainder of the project period (a continuation grant). The amount of any supplemental or continuation grant shall be determined as provided in paragraph (b) of this section.

(h) Payments: The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in account-

[1] Applications are available upon request to the Office of Extramural Activities, NIOSH Room 8145, Federal Office Building, 550 Main Street, Cincinnatti, Ohio 45202.

[2] The Department Grants Administration Manual is available for inspection at the Public Information Office of the Several Department Regional Offices and available for purchase at the Government Printing Office, GPO document No. 894–528.

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ing records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this part throughout the project period subject to such limitations as the Secretary may prescribe.

§ 87.15 Termination and withholding of payments.

(a) *Discontinuance by agreement.* Whenever in the judgment of the Secretary and the grantee, continuation of an approved project would produce results of no value in furthering the purposes of § 87.10, grant support shall be terminated.

(b) *Termination by Secretary.* Whenever the Secretary finds that a grantee has failed in a material respect to comply with the regulations of this part or the terms of the grant, he may, after affording the grantee reasonable notice and an opportunity to present its views and evidence, withhold further payments and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the regulations of this part. The views and evidence of the grantee shall be (1) presented in writing unless the Secretary determines that an oral presentation is desirable, and (2) confined to matters relevant to whether the grantee has failed in a material respect to comply with the regulations of this part or the terms of the grant.

(c) *Termination by the grantee.* A grantee may at any time terminate or cancel its conduct of an approved project by notifying the Secretary in writing setting forth the reasons for such termination.

(d) *Accounting.* Upon any termination or transfer of a grant from a grantee under § 87.21, the grantee shall render an accounting pursuant to Subpart D of this part: *Provided, however,* That to the extent the termination is due in the judgment of the Secretary to no fault of the grantee, credit shall be allowed for the amount required to settle at minimum costs any noncancellable obligations properly incurred by the grantee prior to receipt of notice of termination.

Subpart C—Grant Conditions—Obligations of Grantee

§ 87.20 Use of funds; changes in project and project period.

(a) *Use of funds.* Any funds granted pursuant to § 87.14 shall be expended by the grantee solely for carrying out the approved project in accordance with the regulations of this part, and, except as otherwise may be provided in this part, the applicable cost principles set forth in the Department of Health, Education, and Welfare Grants Administration Manual. The grantee may not in whole or in part delegate or transfer this responsibility for the use of such funds to any other person.

(b) *Changes in project.* The permissible changes by the principal investigator or the project director in the approved project shall be limited to changes in methodology, approach, or other aspects of the project that would expedite achievement of the project's objectives, including changes that grow out of the approved project and serve the best scientific strategy. Whenever the grantee and the principal investigator or project director are uncertain as to whether a change complies with these provisions, the question shall be referred to the Secretary for a final determination. Other changes in the project may be made only with the prior approval of the Secretary.

(c) *Changes in project period.* The project period determined pursuant to § 87.13(b) may be extended by the Secretary, with or without additional grant support, for such an additional period as he determines may be required to complete, or fulfill the purposes of the approved project provided the total period as extended does not exceed 7 years, in the case of a research project or 5 years in the case of a demonstration project, except with respect to the grantee's unencumbered balances as provided in § 87.2(d).

§ 87.21 Principal investigators; project directors.

All grant awards shall be subject to the condition that the principal investigator or project director designated in the application as responsible for the conduct of the approved project shall continue responsible for the duration of the project period. Whenever any such investigator or director shall become unavailable for any reason to discharge this responsibility, the grant shall be terminated unless (a) the grantee replaces such investigator or director with another person found by the Secretary to be qualified to direct and conduct the approved project, or (b) the Secretary, upon application in accordance with the provisions of § 87.12, transfers the grant to any agency or institution eligible under § 87.11 for continuation of the currently supported project provided he finds that the change in the conduct of the project is consonant with the previous evaluation and approval of the project under § 87.13.

§ 87.22 Inventions or discoveries.

Any grant award pursuant to § 87.14 is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments, or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligation. Laboratory notes, related technical data and information pertaining to inventions or discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner, as he may determine necessary to carry out such Department regulations.

§ 87.23 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a research or demonstration project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 87.24 Records, reports, inspections.

(a) *Records and reports.* Each grant award pursuant to § 87.14 shall be subject to the condition that the grantee shall maintain such progress and fiscal records, and file with the Secretary such progress and fiscal reports relating to the conduct and results of the approved project and the use of grant funds as the Secretary may prescribe. Such records shall be retained, as follows:

(1) Records may be destroyed 3 years after the end of the budget period if the grantee has been notified of the completion of the Federal audit by such time.

(2) If the grantee has not been so notified, such records shall be retained until the grantee is notified of the completion of the Federal audit or until 5 years following the end of the budget period, whichever comes first.

(3) In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.* Any application for a grant award filed pursuant to § 87.12 shall constitute the consent of the applicant to inspections at reasonable times by persons designated by the Secretary of the facilities, equipment and other resources of the applicant and to interviews with principal staff members to the extent such resources and personnel will be, or are, involved in the project. In addition, the acceptance of any grant award under § 87.14 shall constitute the consent of the grantee to inspections and fiscal audit by such persons of the supported activity and of progress and fiscal records relating to the approved project.

§ 87.25 Nondiscrimination.

Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such act which provides that no person in the United States shall, on account of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Regulations implementing title VI have been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80) and apply with respect to research or demonstration project grants awarded under this part.

§ 87.26 Other conditions.

The Secretary may with respect to any grant award or class of awards impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project or the conservation of grant funds.

Subpart D—Grantee Accountability

§ 87.30 Date of final accounting.

In addition to such other accounting as the Secretary may require, a grantee shall render, with respect to each approved project, a full accounting as provided herein, as of a termination date which shall be either (a) the end of the project period as determined pursuant to § 87.13(b) or its extension as provided in § 87.20 (c), or (b) the date of any termination of grant support as provided in § 87.15, whichever first occurs.

§ 87.31 Accounting for grant award payments.

With respect to each approved project the grantee shall account for the sum total of all amounts paid under § 87.14(h) by presenting or otherwise making available vouchers or any other evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of § 87.14: *Provided, however,* That where the amount awarded for indirect cost was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

§ 87.32 Accounting for Equipment.

As used in this section the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1–410–50 of the Department of Health, Education, and Welfare Grants Administration Manual shall be identified and reported by the grantee in accordance with such procedures, and, accounted for, or accountability waived, by one or a combination of the following methods, as determined by the Secretary:

(a) *Retention of equipment for other occupational safety and health projects.* Equipment may be used, without adjustment of accounts, on other grant supported projects (whether or not federally supported) within the scope of the Act, and no other accounting for such equipment shall be required; *Provided, however,* (1) That during such period of use no charge for depreciation, amortization or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (2) if, within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(b) *Sale or other disposition of equipment, crediting of proceeds or value.* The equipment may be sold by the grantee and the net proceeds of the sale credited to the grant account for project use, or they may be used or disposed or in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(c) *Return or transfer of equipment.* The equipment may be returned to the Federal Government by the grantee or, in accordance with the provisions of chapter 1–410–50B of the Department of Health, Education, and Welfare Grants Administration Manual, may be transferred to another grantee for the purpose of continuing the project for which the equipment was purchased.

(d) *Waiver of equipment accountability.* Where the grantee is an organization within the terms of the Act of September 6, 1958 (72 Stat. 1793; Public Law 85–934), the obligation to account for the value of any equipment may be waived by the Secretary as provided by such Act.

§ 87.33 Accounting for grant related income.

(a) *Interest.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned on grant funds to the Federal Government.

(b) *Royalties.* Royalties earned from publications or similar material produced from a grant must first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials. Royalties in excess of the costs of publishing or producing the materials shall be distributed as in paragraph (c) of this section.

(c) *Other income.* Other income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in Chapter 1–420 of the Grants Administration Manual as determined by the Secretary in the grant award.

§ 87.34 Final settlement.

There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(a) Any amount not accounted for pursuant to § 87.31;

(b) Any credits for material on hand as provided in § 87.32;

(c) Any credits for earned interest pursuant to § 87.33(a);

(d) Any other settlements required pursuant to § 87.33 (b) and (c).

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by set off or other action as provided by law.

[FR Doc.72–5910 Filed 4–18–72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239, 240, 249]

[Release 34–9555; File 57–436]

NONMEMBER BROKER-DEALERS

Offering of Securities to the Public

The Securities and Exchange Commission has announced a proposal to adopt, pursuant to section 15(b)(10) of the Securities Exchange Act of 1934 (the "Act"), Rules 15b10–8 (17 CFR 240.-15b10–8) and 15b10–9 (17 CFR 240.-15b10–9) thereunder. Section 15(b)(10) of the Act authorizes the Commission to adopt rules for those registered broker-dealers who are not members of a registered national securities association [1] (nonmember broker-dealers) which are designed "• • • to promote just and equitable principles of trade, to promote safeguards against unreasonable profits or unreasonable rates of commissions or other charges, and in general to protect investors and the public interest and to remove impediments to and perfect the mechanism of a free and open market." Proposed Rule 15b10–8 would establish standards for nonmember broker-dealers who propose to make public offerings of their securities while proposed Rule 15b10–9 would set forth specific requirements for the underwriting or participation by such nonmembers in the distribution of their own securities or those of their affiliates.

The Commission for some time has had under consideration the adoption of appropriate regulations to govern: (1) Broker-dealers "going public"; and (2) their underwriting or participation in the distribution of their own or affiliate's securities. Indeed, it had been the concern with respect to the issues of lack of arm's length bargaining and the conflicts of interest in "self-underwritings" which led the NASD and the Commission in its administration of its SECO program in the last few years to generally prohibit distributions by broker-dealers of their own or affiliate's securities. After considerable experience with this policy

[1] The National Association of Securities Dealers, Inc. (NASD) is the only such association registered with the Commission under section 15A of the Act.

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and in view of the need of many broker-dealers to improve their capital resources, the Commission has concluded that it would be more appropriate to permit such distributions if safeguards are provided to protect the investing public.[3] The NASD has had frequent discussions with the Commission on this matter and has, for similar reasons, adopted basically comparable regulations with respect to such distributions by members of the Association. The details of these proposed regulations for nonmembers of the NASD are set forth below:

SUMMARY OF PROPOSED RULES

1. Under proposed Rule 15b10–8 the following general criteria would apply to all public offerings, whether or not self-underwritten, of securities of nonmember broker-dealers.

A. *Submission of financial statements.* Every nonmember broker-dealer would be required to file and disclose in the prospectus, offering circular, or other comparable document financial statements (i.e., balance sheet, profit and loss statement, or statement of income and expense, a statement of source and application of funds and statement of retained earnings) for the immediately preceding 3 years. In those situations where the nonmember broker-dealer issuer has not been in existence for 3 years the financial statements filed would have to cover the entire period of its existence. The most recent financial statements would also be required to be as of a date not more than 90 days prior to the filing of the registration statement and 6 months prior to the effective date of the offering. Finally, the financial statements for the last calendar or fiscal year, as the case may be, or less if the nonmember broker-dealer has not been in existence for 1 year, would be required to contain an independently audited and certified balance sheet. If there was an updated balance sheet covering a period in excess of 6 months subsequent to the last full calendar or fiscal year, it would also be required to be independently audited and certified.

B. *Sales by insiders.* The rule would provide that (except for the prohibition in Rule 15b10–9 on sales by associated persons and their immediate family), no more than 25 percent of the equity interest of the owners as of the filing of the registration statement could be offered as a part of the issue.[4]

All remaining securities held by the ownership group would be restricted, except in the case of a bona fide gift or transfer by operation of law as to sale or transfer for a period of at least 1 year after the termination of the offering. The rule would also provide that generally any associated person could not offer any of his securities as a part of the offering unless they were owned by him for a period of at least 1 year prior to the filing of the registration statement.[5] Generally, these provisions, as those relating to subsequent public offerings by nonmember broker-dealers (see paragraph C below), are designed to reduce the potential for manipulation and to minimize the possibility for issuance of "cheap stock" to insiders on the eve of a public offering. Exemptions from these requirements could be granted, however, in special circumstances where the purposes of the rule are not applicable (e.g. the sale by an estate or by a person whose financial circumstances taking into consideration all relevant factors require earlier sale).

C. *Subsequent public offering by a nonmember broker-dealer.* After the nonmember broker-dealer has made an initial public offering of its securities, it would be precluded from making another offering to the public of its securities for at least 1 year after the termination of the offering. This provision would not, however, prohibit subsequent offerings within 1 year made solely to employees to effectuate employee stock options, stock purchases, or other similar types of offerings.

D. *Net worth test.* This standard would preclude a nonmember from going to the public to obtain funds to finance its broker-dealer operations in excess of three times the broker-dealer's net worth (exclusive of subordinated borrowings), as reflected in the most recent independently audited and certified balance sheet. In determining the maximum dollar amount of the distribution secondary offerings by selling stockholders would not be included.

E. *Net capital standards.* Under this standard, as of the date the distribution has been completed, the offering terminated, and settlement effected, the nonmember's net capital ratio as computed pursuant to Rule 15c3–1 (17 CFR 240.15c3–1) under the Act could not exceed 10 to 1. Provision has been made in the rule to indicate that a nonmember would comply with this provision if it had obtained a specific exemption from the net capital rule pursuant to Rule 15c3–1 (b) (1) (17 CFR 240.15c3–1(b)(1)) or (3) (17 CFR 240.15c3–1(b)(3)) thereunder.[6] To insure that the 10 to 1 net capital ratio would be met the rule would require that all proceeds of the offering be placed in an escrow account. Additionally, notice of the termination and settlement of the offering along with a computation of its net capital ratio as of the settlement date would have to be immediately provided the Commission. If the required ratio was not achieved within 60 days of the effective date of the offering all monies received from the offering would be withdrawn. These provisions, as well as the net worth standard requiring a significant capital commitment by management in relation to that of the public, are designed to provide additional "suitability" protection to the investing public.

F. *Financial reporting.* Finally, the rule would require that after a nonmember has made a distribution to the public of an issue of its securities, it must send to each of its shareholders: (1) Quarterly, a statement of its operations; and (2) annually, independently audited and certified financial statements.[7] Additionally, the Commission has under consideration amendments to Form X–17A–10 (17 CFR 249.618) under Rule 17a–10 (17 CFR 240.17a–10) of the Act to require that all publicly held nonmember broker-dealers file part III of Form X–17A–10.[8]

2. Under proposed Rule 15b10–9 a nonmember broker or dealer would generally be permitted to underwrite or participate in the distribution of its own securities (subject to meeting the requirements in proposed Rule 15b10–8) or those of an affiliate[9] if it obtained two independent underwriters to certify to the fairness of the offering price. These firms would each have to participate in the preparation of the registration statement and be subject to standards of due diligence in their examination of the offering. Additionally, these firms would carry out the responsibilities of a usual underwriter in evaluating the terms of the offering and would thus serve to protect the investing public at least partially from the lack of arm's length bargaining present in such situations. Accordingly, the rule would provide that these underwriters must undertake to assume the full legal responsibilities and liabilities of an underwriter under the Securities Act of 1933.[10]

The rule provides, however, for exemptions from the two underwriter requirements in special circumstances where compliance with this standard is not feasible. It is contemplated that in all such situations, a suitable alternative plan[11] shall be submitted with the exemption request. Of course, if the nonmember or its associated persons recommended the purchase of such securities to its customers the firm would have to maintain in its records (pursuant to Commission Rule 15b10–6 (17 CFR 240.15b10–6) under the Act) any information it relied upon in determining that such a purchase was not unsuitable in light of the customer's investment needs and objectives.

As an additional safeguard a "seasoning" requirement has been included under which both the nonmember broker-dealer issuer (or affiliated nonmember broker-dealer underwriter) and the independent underwriters and a majority of the directors of their respective boards would have to have been in the investment banking or securities business for at least 5 years, Additionally, at least 3 of those 5 years would have to have resulted in operational profits for the nonmember issuer and independent underwriters.[12]

An exception to these standards has been provided so as to permit a nonmember broker-dealer to underwrite or participate in the distribution of its or an affiliate's securities without the pricing recommendations of two qualified independent underwriters if the offering is for a class of securities for which a "bona fide active independent market" exists. Here there would normally be less need for the independent pricing underwriters since the price at which the issue would be offered to the public would generally be reflective of the current market price for the issuer's securities. In such a situation, however, the nonmember would have to meet the seasoning and profitability requirements.

Another exception would permit a nonmember broker-dealer to participate in a distribution of its or an affiliate's securities which is the subject of a firm commitment underwriting without having to obtain an additional pricing underwriter. Since a firm commitment underwriter commits its own funds, if needed, there is a greater likelihood that the terms of the offering (e.g. the price) will be fair. Such participation could not, however, be in an amount exceeding 10 percent of the total dollar amount of the issue since a greater participation might endanger the independence of the underwriter. In addition, in order for the nonmember broker-dealer to so participate it would have to meet the seasoning and profitability requirements set forth above.[13]

Finally, if pursuant to the rule a nonmember participated in the distribution of its or an affiliated broker-dealer's securities for which there was no bona fide active independent market, the nonmember-issuer's associated persons and their immediate family[14] would not be permitted to sell in the offering any portion of their ownership interest. Exemptions from this provision may be granted but only in exceptional or unusual circumstances.

TEXT OF PROPOSED RULES

The Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and more particularly sections 15(b)(10) and 23(a) thereof propose to amend Part 240 of Title 17 of the Code of Federal Regulations by adopting §§ 240.15b10–8 and 240.15b10–9 as follows:

§ 240.15b10–8 Standards for public offering of the securities of nonmember broker-dealers.

(a) No nonmember broker or dealer shall make a public offering of an issue of its securities, whether or not exempt from the registration requirements of the Securities Act of 1933, unless the following conditions are met:

(1) *Financial statements.* The nonmember broker or dealer has filed therewith and disclosed in the prospectus, offering circular or other comparable document financial statements for the immediately preceding 3 years. If such nonmember broker or dealer has not been in existence for 3 years, financial statements for the entire period of its existence must be so filed and disclosed. In either situation the most recent financial statements must be as of a date not more than 90 days prior to the filing of the registration statement and not more than 6 months prior to the effective date of the offering. The financial statements for the last calendar or fiscal year, as the case may be, or less if the nonmember has not been in existence for 1 year, must contain an independently certified balance sheet. If there is an updated balance sheet covering a period in excess of 6 months subsequent to the last full calendar or fiscal year, such must also be independently audited and certified.

(2) *Sales by stockholder of the nonmember broker or dealer.* (i) In addition to the restrictions contained in paragraph (b) of § 240.15b10–9 relating to sales by associated persons and their immediate families, in any public offering of the securities of the nonmember broker or dealer where there is no bona fide active independent market for the class of securities being offered, no more than 25 percent of the equity interest of the stockholders thereof as of the date of the filing of the registration statement may be offered as part of the issue. The remaining equity interest held by such persons shall, except in the case of a bona fide gift or transfer by operation of law, be restricted as to sale or transfer for a period of at least 1 year after the termination of the offering.

(ii) In all other public offerings for a class of securities of a nonmember broker or dealer there shall be no limitation on the percentage of stockholders' equity which may be distributed: *Provided, however,* That those securities owned by associated persons of the nonmember broker or dealer, which are not made a part of the public offering and which require a registration statement to be filed and to become effective before being sold to the public shall, except in the case of a bona fide gift or transfer by operation of law, be restricted as to sale or transfer for a period of at least 3 months after the termination of the offering. In the case of a bona fide gift or transfer by operation of law the prohibitions on sale or transfer referred to in subparagraphs (2) (i) and (ii) of this paragraph shall apply to the donee or transferee and shall be measured as of the date of the termination of the offering.

(3) *Holding period required prior to sales by associated persons of the nonmember broker or dealer.* (i) A stockholder who is an associated person of a nonmember broker or dealer, may not offer any of his securities as part of an offering if they have not been owned by him for a period of at least 1 year prior to the filing of the registration statement unless (*a*) they were acquired during the referred to 1-year period as a result of the formation of a successor corporation to a preexisting sole proprietorship or partnership in respect to which he was either the sole proprietor or a partner prior to the previous 1-year period, or (*b*) they were acquired during the referred to 1-year period as a result of a bona fide stock dividend, stock split, recapitalization, merger, or some other like event.

(4) *Exemptions.* The Commission upon written request may, in exceptional and unusual circumstances (such as, but not necessarily limited to, a sale by an estate or by a person whose financial circumstances, taking into consideration all relevant factors, requires such), exempt a broker or dealer unconditionally or on specified terms from the provisions of

[3] The Commission has also had under consideration the promulgation of standards relating to the distribution by broker-dealers of tax-sheltered programs (e.g. oil and gas programs, limited partnership interests in real estate syndications, cattle programs, etc.). However, in view of current studies in this area by the NASD and the Commission's staff and the possibility of future congressional action in certain related areas the Commission has determined to defer proposing regulations on the subject of tax-sheltered offerings at this time.

[4] Where an active independent market existed (as defined in the rule) for the nonmember broker-dealer's securities, there would be no percentage limitation on the stockholders' equity interest which could be distributed. However, in such a situation shares not sold by such stockholders, if requiring a registration statement to be subsequently sold, could not be offered for at least 3 months after the termination of the offering.

[5] For this purpose, there would be no fungibility concept. Thus, if the person owned 2,000 shares, 1,000 of which had been purchased more than a year ago, the 1,000 shares could be sold on a "FIFO" basis.

[6] If the nonmember is exempt from Rule 15c3–1 by reason of subparagraph (b)(2) thereunder, the net capital ratio may be computed in accordance with the exchange's net capital rule to which the nonmember is subject. In such situations, however, the computation must either be made by the exchange or certified by it as being correct.

[7] It should be noted that the Commission has under consideration amendments to its rules under the Exchange Act to require all broker dealers to submit specified financial information to customers. See Securities Exchange Act Release No. 9404 (Dec. 3, 1971) and the FEDERAL REGISTER of Dec. 30, 1971, 36 F.R. 25236.

[8] Rule 17a–10 requires exchange members and broker-dealers to file annual income and expense reports with the Commission or with a registered self-regulatory organization which will transmit the reports to the Commission. Part III of that report is a long form financial statement generally required of New York Stock Exchange members and firms with gross securities income exceeding $1 million.

[9] An affiliate would be defined as a company: (1) Which controls, is controlled by, or is under common control with a nonmember broker-dealer; (2) which directly or indirectly owns, controls or holds with power to vote 10 percent or more of the outstanding voting securities of a nonmember broker-dealer or person associated therewith, directly or indirectly owns, controls or holds with power to vote 10 percent or more of the outstanding securities. The term affiliate would not include, however, an investment company registered pursuant to the provisions of the Investment Company Act of 1940, a real estate investment trust as defined in sec. 856 of the Internal Revenue Code, or a tax-sheltered program.

[10] The NASD has submitted to its membership an amendment to its rules to require that such an undertaking must be given by its members.

[11] Possibilities in this regard might be the use of experienced independent financial consulting firms or other financial experts to certify to the fairness of the offering price and to discharge the other responsibilities of an underwriter. In these situations it would, of course, be expected that the firms would agree to undertake responsibilities and liabilities under sec. 11 of the 1933 Act.

[12] The above seasoning and profitability requirements would not apply, however, to an affiliated non-broker-dealer issuer.

[13] It should be noted that the firm commitment underwriter would also have to meet these requirements.

[14] Immediate family is defined as a parent, mother- or father-in-law, husband or wife, brother or sister, brother- or sister-in-law, children or any relative to whose support such persons contribute directly or indirectly.

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subparagraphs (2) and (3) of this paragraph.

(5) *Subsequent public offerings by the nonmember broker or dealer.* After an initial offering has been made by a nonmember broker or dealer to the public of an issue of its securities, no other offering to the public can be made by that nonmember of its securities for a period of at least 1 year after the termination of the offering: *Provided, however,* That offerings made solely to employees during that period, such as employee stock option, stock purchase, or other similar type offerings, shall not be prohibited.

(6) *Net worth.* The total dollar amount of an offering by a nonmember broker or dealer of its securities (exclusive of those securities attributable to selling stockholders) shall be no greater than three times the net worth (exclusive of subordinated borrowings) of the nonmember as reflected in the most recent balance sheet as of a date not more than 90 days prior to the filing of the registration statement and 6 months prior to the date of the offering.

(7) *Net capital.* As of the date the distribution has been completed, the offering terminated, and settlement effected, the nonmember broker or dealer shall not have "aggregate indebtedness" in excess of 10 times his "net capital" as those terms are defined in § 240.15c3–1 unless it has obtained a specific exemption pursuant to § 240.15c3–1(b) (1) or (3): *Provided, however,* That if the nonmember is exempt from that section by reason of § 240.15c3–1(b)(2), the ratio of aggregate indebtedness to net capital (net capital ratio) may be computed under the rule of the national securities exchange to which the nonmember is subject. In such circumstances, however, the net capital ratio shall be computed by the national securities exchange or certified by it as being correct. Notice of the termination and settlement of the offering along with a computation of the net capital ratio as of the settlement date shall be immediately provided the Commission. In addition, all proceeds of any offering of a nonmember broker or dealer's securities shall be placed in an escrow account until, and shall not be paid over to or used by the nonmember unless, such 10 to 1 net capital ratio has been met. If these requirements have not been met within 60 days after the date of the offering, all monies received from sales of securities of the offering and held in the escrow account must be returned in full to the purchasers thereof and the offering withdrawn.

(8) *Subsequent disclosures by the nonmember broker or dealer.* After a nonmember has made a distribution to the public of an issue of its securities, it shall send to each of its record security holders: Quarterly, a summary statement of its operations; and, annually, independently audited and certified financial statements.

(b) Definitions: For the purpose of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer registered under section 15 of the Act, who is not a member of a national securities association registered with the Commission under section 15A of the Act.

(2) The term "associated person" shall mean any officer, director, or branch manager of a nonmember broker or dealer (or any person occupying a similar status or performing similar functions), or any person directly or indirectly controlling or controlled by such nonmember broker or dealer, and shall include any employee of such nonmember broker or dealer.

(3) The term "bona fide active independent market" shall mean a market in a class of securities of a company which:

(i) Is registered pursuant to the provisions of section 12(b) or section 12(g) of the Act; unless the company, or an industry of which such company is part, has been specifically exempted from the registration provisions of those sections of the Act;

(ii) Has a minimum trading volume for the immediately preceding 12 months of 100,000 shares;

(iii) Has outstanding 250,000 publicly-held shares of the class of securities being offered; and

(iv) In the case of over-the-counter securities, has had at least three bona fide independent market makers for a period of at least the immediately preceding 30 business days.

(4) The term "bona fide independent market maker" shall mean a market maker which:

(i) The nonmember broker or dealer reasonably believes continually maintains net capital as determined by § 240.15c3–1 of $50,000 or $5,000 for each security in which it makes a market, whichever is less, and stands ready, willing, and able to effect transactions in reasonable amounts, and at his quoted prices, with other brokers and dealers;

(ii) Regularly publishes bona fide competitive bid and offer quotations in a recognized interdealer quotation system;

(iii) Furnishes bona fide competitive bid and offer quotations to other brokers and dealers on request.

(5) The term "financial statements" shall mean a balance sheet, profit and loss statement, or statement of income and expense, a statement of source and application of funds, and a statement of retained earnings.

(6) The term "settlement date" shall mean the date on which the distribution of the net proceeds from an offering is made to the nonmember broker or dealer issuer and/or selling stockholder.

§ 240.15b10–9—Standards for the underwriting of participation by nonmember broker-dealers in the public distribution of their own or affiliate's securities.

(a) No nonmember broker or dealer may underwrite or otherwise participate in a public offering of its own securities or those of an affiliate unless:

(1) The price at which the issue is to be distributed to the public is no higher than that recommended jointly by two qualified independent underwriters who shall each also participate in the preparation of the registration statement and the prospectus, offering circular or other comparable document; shall each exercise the usual standards of due diligence in respect thereto; and shall each otherwise agree to undertake the full legal responsibilities and liabilities of an underwriter under the Securities Act of 1933. The two qualified independent underwriters shall also be represented by a legal counsel independent of the nonmember broker or dealer and/or affiliated issuer who shall review the information contained in the registration statement and the prospectus, offering circular, or other comparable document, and issue an opinion as to whether they conform to all requirements of the Federal securities laws and, in case of an intrastate offering, whether they conform to all of the requirements of the State having jurisdiction: *Provided, however,* That in unusual or special circumstances, where compliance with this subparagraph is not feasible, the Commission may exempt a nonmember broker or dealer, upon an appropriate written request which contains therein an acceptable alternative.

(2) The nonmember broker or dealer (or its predecessor if the nonmember is a newly formed corporation) or nonmember broker or dealer affiliate, as the case may be, has been actively engaged in the investment banking or securities business for at least 5 years immediately preceding the filing of the registration statement; the nonmember in at least 3 of the 5 years immediately preceding the filing of the registration statement has had a profit from its operations; and the majority of the board of directors holding office, or general partners if the nonmember is a partnership, as of the date of the filing of the registration statement and as of the date of the offering have been actively engaged in the investment banking or securities business for the 5-year period immediately preceding the filing of the registration statement. If the nonmember is a sole proprietorship, then the proprietor must have been actively engaged in the investment banking or securities business for the 5-year period immediately preceding the filing of the registration statement.

(3) In the distribution of the securities of an affiliated nonbroker or dealer issuer:

(i) The financial statements of the issuer conform in all respects with the provisions of § 240.15b10–8; and

(ii) The issuer represents that it will after the distribution to the public send to each of its security holders quarterly, a summary statement of its operations; and, annually, financial statements certified by an independent public accountant.

(b) If pursuant to the requirements of paragraphs (a) (1) and (2) of this section, a nonmember broker or dealer distributes its or an affiliated broker or dealer's securities then the nonmember-issuer's associated persons and their immediate families may not sell, as a part of the offering; any part of their ownership interest: *Provided, however,* That an unusual or special circumstances, upon an appropriate written request, the Commission may grant an exemption from this provision.

(c) Exceptions: (1) In cases where the provisions of paragraph (a)(1) of this section have not been complied with, a nonmember broker or dealer who meets the requirements of paragraph (a)(2) of this section, may nevertheless participate as a member of the selling group in the distribution of an issue of its own securities or an issue of an affiliate-issuer's securities if the distribution is the subject of a firm commitment underwriting, managed by an underwriter who is a qualified independent underwriter and such participation does not exceed 10 percent of the total dollar amount of the offering.

(2) In cases where the provisions of paragraph (a)(1) of this section have not been complied with, a nonmember broker or dealer who meets the requirements of paragraph (a)(2) of this section may nevertheless underwrite or participate in the distribution of an issue of its own securities or an issue of an affiliate-issuer's securities if the offering is for a class of securities for which a bona fide active independent market exists as of the date of the filing of the registration statement for the current offering and as of the effective date thereof.

(d) Definitions: For the purposes of this section:

(1) The term "nonmember broker or dealer" shall mean any broker or dealer registered under section 15 of the Act, who is not a member of a national securities association registered with the Commission under section 15A of the Act.

(2) The term "associated person" shall have the same meaning as in § 240.15b10–8.

(3) The term "affiliate" shall mean a company:

(i) Which controls, is controlled by, or is under common control with a nonmember;

(ii) Which directly or indirectly owns, controls, or holds with power to vote 10 percent or more of the outstanding voting securities of a nonmember; or

(iii) In which a nonmember, or a person associated with a nonmember directly or indirectly owns, controls, or holds with power to vote 10 percent or more of the outstanding securities: *Provided, however,* That the term "affiliate" shall not be deemed to include an investment company registered under the Investment Company Act of 1940, a real estate investment trust as defined in section 856 of the Internal Revenue Code or a tax sheltered program.

(4) The term "bona fide active independent market" shall have the same meaning as in § 240.15b10–8.

(5) The term "bona fide independent market maker" shall have the same meaning as in § 240.15b10–8.

(6) The term "financial statements" shall have the same meaning as in § 240.15b10–8.

(7) The term "qualified independent underwriter" shall mean a broker or dealer which:

(i) Has been actively engaged in the investment banking or securities business for at least 5 years immediately preceding the filing of the registration statement;

(ii) In at least 3 of the 5 years immediately preceding the filing of the registration statement has had a profit from its operations;

(iii) As of the date of the filing of the registration statement and as of the date of the offering:

(*a*) If a corporation has a majority on its board of directors of persons who have been actively engaged in the investment banking or securities business for the 5-year period immediately preceding the filing of the registration statement;

(*b*) If a partnership, the majority of its general partners has been actively engaged in the investment banking or securities business for the 5-year period immediately preceding the filing of the registration statement;

(*c*) If a sole proprietorship, the proprietor has been actively engaged in the investment banking or securities business for the 5-year period immediately preceding the filing of the registration statement.

(iv) Has actively engaged in the underwriting of public offerings of securities for at least the 5-year period immediately preceding the filing of the registration statement; and

(v) Is not an affiliate of the nonmember broker or dealer and/or affiliated issuer.

(8) The term "tax-sheltered program" shall mean a program in which flow-through tax benefits are a material factor regardless of the structure of the legal entity or vehicle for distribution including, but not limited to, oil and as programs, real estate syndications (except real estate investment trusts), citrus grove developments, cattle programs and all other programs of a similar nature, regardless of the industry represented by the program, or any combination thereof.

(9) The term "registration statement" shall mean a statement provided for in section 6 of the Securities Act of 1933 and includes any amendment thereto and any report, document, or memorandum filed as a part of such statement or incorporated therein by reference: *Provided, however,* That such term shall also include a notification on Form 1–A (§ 239.90 of this chapter) filed with the Commission pursuant to the provisions of § 230.255 of this chapter under the Securities Act of 1933 and, in the case of intrastate offering, any document, by whatever name known, initiating the registration or similar process for an issue of securities which is required to be filed by the laws or regulations of the State where the offering is to be made.

(10) The term "immediate family" shall mean parents, mother-in-law, father-in-law, husband or wife, brother or sister, brother-in-law or sister-in-law, children, or any relative to whose support such persons contribute directly or indirectly.

All interested persons are invited to submit their views and comments on the proposed rules. Written statements of views and comments should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549, on or before June 5, 1972. All communications with respect to the proposed rules should refer to File No. S7–436 and all such communications will be available for public inspection.

(Sec. 15(b)(10), 48 Stat. 895, as amended 78 Stat. 565; sec. 8, 15 U.S.C. 78o.; sec. 23(a), 48 Stat. 901, as amended 49 Stat. 1379; sec. 8, 15 U.S.C. 78w)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 12, 1972.

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[17 CFR Part 275]

[Release IA–816]

"INVESTMENT PERFORMANCE" OF AN INVESTMENT COMPANY AND "INVESTMENT RECORD" OF AN APPROPRIATE INDEX OF SECURITIES PRICES

Proposed Definitions

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of a rule under the Investment Advisers Act of 1940 (the "Act") (15 U.S.C. 80b–1 et seq.), as amended by the Investment Company Amendments Act of 1970 (the "1970 Act") (Public Law 91–547, 84 Stat. 1413). The proposed rule is designed to make clear that amended section 205 of the Act (15 U.S.C. 80b–5, 84 Stat. 1432, 1433), which became effective on December 14, 1971, requires that (a) realized capital gains distributions and dividends from investment income paid by investment companies, and (b) all cash distributions paid on the stocks of the companies which comprise the index of securities prices chosen to measure the relative performance of the investment company, shall be treated as reinvested in computing "investment performance" of the investment company and the "investment record" of the index. The rule would be adopted pursuant to the authority granted to the Commission under sections 205 and 211 of the Act (15 U.S.C. 80b–5, 80b–11).

Prior to the amendment of section 205 many investment company performance fee arrangements were unfair to investment companies. Many such fees did not decrease for poor performance; or, if they did, decreases were disproportionate to increases. The amendments to section 205 were designed to align, as nearly as possible, the interests of the adviser and the investment company by correcting imbalances in incentive fees arrangements. Thus, under the section, as amended, all performance fees are prohibited unless compensation under them increases and decreases proportionately with investment performance of the company over a specified period in relation to the investment record of an appropriate index of securities prices or such other measure of investment performance as the Commission by rule, regulation or order may specify. The point from

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which increases and decreases in compensation are measured must be the fee which is paid or earned when the investment performance of the company is equivalent to that of the index.

Section 211 of the Act gives the Commission authority to issue such rules and regulations as are necessary or appropriate to the exercise of the functions and powers conferred upon it under the Act.

For investment company "investment performance" to be comparable to the "investment record" of an index within the meaning of section 205 all increments, both in the performance of the investment company and of the index, must be taken into account. A survey of existing investment company performance fee arrangements indicates that while substantially all investment companies treat realized capital gains distributions as reinvested in computing their performance, most do not accord similar treatment to dividends paid out of their investment income and to cash dividends and distributions of the companies which comprise the index of securities prices. On the average, the dividends paid by the companies whose stocks comprise an index have exceeded the dividends from investment income paid by investment companies with incentive fee arrangements. This practice of not including dividends and distributions in measuring performance has resulted in an advantage to investment advisers and is unfair to investment companies and their stockholders.

The attached rule proposal makes clear that the "investment record" of the index differs from the index price. The rule would require that in computing the "investment performance" of the investment company and the "investment record" of the index, dividends paid by the investment company out of its investment income and all cash distributions of the companies whose stocks comprise the index shall be treated as reinvested. In computing the "investment-performance" of investment companies realized capital gains shall also be treated as reinvested.

Ideally, cash dividends and any other cash distributions on the securities of the companies which comprise the index should be treated as reinvested on their ex-dividend dates or record dates. Information with which to calculate such reinvestments in this manner may not be readily available for the companies which comprise the index. To assure that such dividends and distributions are accorded appropriate weight, the rule requires that the value, computed consistently with the index, of cash distributions made by companies whose securities comprise the index, shall be included in the "investment record" of the index and shall be treated as reinvested in the index at least as frequently as the end of each quarter following the payment of the dividend.[1] Investment company capital gains distributions and dividends may be treated as reinvested at the net asset value at the close of business on the record date for the payment of such distributions or dividends.

The text of the proposed rule is as follows:

Commission action: The Commission proposes to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by adding a new § 275.205–1 reading as follows:

§ 275.205–1 Definition of "investment performance" of an investment company and "investment record" of an appropriate index of securities prices.

(a) "Investment performance" of an investment company for any period shall mean the sum of:

(1) The change in its net asset value per share during such period; and

(2) The value of its cash distributions per share accumulated to the end of such period;

expressed as a percentage of its net asset value per share at the beginning of such period. For this purpose, distributions by an investment company of realized capital gains and of dividends paid from investment income shall be treated as reinvested at the net asset value per share in effect at the close of business on the record date for the payment of such distributions or dividends.

(b) "Investment record" of an appropriate index of securities prices for any period shall mean the sum of:

(1) The change in the level of the index during such period; and

(2) The value, computed consistently with the index, of cash distributions made by companies whose securities comprise the index accumulated to the end of such period;

expressed as a percentage of the index level at the beginning of such period. For this purpose cash distributions on the securities which comprise the index shall be treated as reinvested in the index at least as frequently as the end of each calendar quarter following the payment of the dividend.

[1] For example, the latest quarterly dividends of the companies whose stocks comprise the Standard & Poor's 500 Stock Composite Index, are published monthly under "Dividends per share, 12 months moving total adjusted to index" in Standard & Poor's Trade and Securities Statistics: Current Statistics. An illustration of the manner in which this index may be adjusted for 1971 by the use of this data is set forth as an exhibit to this release.

EXHIBIT I

METHOD OF COMPUTING THE INVESTMENT RECORD OF THE STANDARD & POOR'S 500 STOCK COMPOSITE INDEX FOR CALENDAR 1971

Quarter ending—	Index value [1]	Quarterly dividend yield-composite index	
		Annual percent [2]	Quarterly percent [2] (¼ of annual)
Dec. 1970	92.15		
Mar. 1971	100.31	3.10	0.78
June 1971	99.70	3.11	.78
Sept. 1971	98.34	3.14	.79
Dec. 1971	102.09	3.01	.75

Change in index value for 1971: 102.09−92.15=9.94

Accumulated value of dividends for 1971:

Quarter ending: March June Sept. Dec.

Percent yield=1.0078×1.0078×1.0079×1.0075−1.00 =.0314

[1] Source: Standard & Poor's Trade and Securities Statistics, January 1972, p. 33.

[2] *Id.* See Standard & Poor's Trade and Securities Statistics Security and Price Index Record—1970 Edition, p. 133, for explanation of quarterly dividend yield.

[2] Quarterly percentages have been rounded to two decimal places.

Aggregate value of dividends paid, assuming quarterly reinvestment and computed consistently with the index:

(Percent yield as computed above) × (ending index value) = Aggregate value dividends paid

For 1971:

$.0314 \times 102.09 = 3.21$

Investment record of Standard & Poor's 500 stock composite index assuming quarterly reinvestment dividends:

$$\text{Investment record} = \frac{9.94 + 3.21}{92.15} = 14.27 \text{ percent}$$

The same method can be extended to cases where an investment company's fiscal quarters do not coincide with the fiscal quarters of the S & P dividend record or to instances where a "rolling period" is used for performance comparisons as indicated by the following example of the calculation of the investment record of the Standard & Poor's 500 Stock Composite Index for the 12 months ended November 1971:

Index value Nov. 30, 1971	93.99
Index value Nov. 30, 1970	87.20
Change in index value	6.79

Quarter ending—	Dividend yield		Rate for each month of quarter (⅓ of annual)
	Annual rate	¼ of annual	
Dec. 1970	3.41	0.85	0.28
March 1971	3.10	.78	.26
June 1971	3.11	.78	.26
Sept. 1971	3.14	.79	.26
Dec. 1971	3.01	.75	.25

Accumulated value of dividends reinvested:

December	=1.0026
January–March	=1.0078
April–June	=1.0078
July–September	=1.0079
October–November	=1.0053 [4]

[4] The rate for October and November would be two-thirds of the yield for the quarter ended Sept. 30 (i.e. .667×.79=5269) since the yield for the quarter ended Dec. 31 would not be available as of Nov. 30.

Dividend yield:

$1.0028 \times 1.0078 \times 1.0078 \times 1.0079 \times 1.0053 - 1.00 = .0320$

Aggregate value of dividends paid computed consistently with the index:

$.0320 \times 93.99 = 3.01$

Investment record of the Standard & Poor's 500 Stock Composite Index for the 12 months ended November 30, 1971:

$$\frac{6.79 + 3.01}{87.20} = 11.24 \text{ percent}$$

(Secs. 205, 211, 54 Stat. 852, 74 Stat. 887, 15 U.S.C 80b–205, 80b–211; Sec. 25, 84 Stat. 1432, 1433, Public Law 91–547)

All interested persons are invited to submit their written views and comments on the proposed rule to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before May 15, 1972. All communications to the Secretary in this regard should refer to File No. S7–437, and will be available for public inspection.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 6, 1972.

[FR Doc.72–5937 Filed 4–18–72;8:52 am]

PAY BOARD

[6 CFR Part 201]

TREATMENT OF CERTAIN PRODUCTIVITY INCENTIVE PROGRAMS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth below are proposed to be prescribed by the Chairman of the Pay Board. Since the rules set forth in Part 201 are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, the Board finds that the time for the submission of comments or suggestions by interested persons in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate to the Chairman of the Pay Board, Attention: Office of General Counsel, 2000 M Street NW., Washington, DC 20508, by April 29, 1972. Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request.

The proposed regulations are to be issued pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8; 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743), Executive Order No. 11640 (37 F.R. 1213, January 27, 1972) as amended; and Cost of Living Council Order No. 3 (36 F.R. 20202, October 16, 1971) and No. 6 (37 F.R. 2727, February 4, 1972).

GEORGE H. BOLDT,
Chairman of the Pay Board.

In order to conform the regulations relating to the Stabilization of Wages and Salaries (6 CFR Part 201) to the Pay Board Policy decision of February 23, 1972, announced in News Release PB–50, such regulations are amended as follows:

PARAGRAPH 1. Section 201.57 is amended by adding a new paragraph (j) to read as follows:

§ 201.57 Exclusions from adjustment computations.

* * * * *

(j) *Certain productivity incentive programs.* Increases attributable to the operation of certain productivity incentive programs described in § 201.59.

* * * * *

PAR. 2. A new § 201.59 is added immediately after § 201.58 to read as follows:

§ 201.59 Productivity incentive programs.

(a) *Existing productivity incentive programs.* A productivity incentive program (as defined in paragraph (d) of this section) in existence, or prepared for installation and communicated to employees, prior to November 14, 1971, will be allowed to operate according to its terms. Thus, any increases attributable to the operation of such a program may be excluded from adjustment computations pursuant to § 201.57(j). This paragraph shall apply to productivity incentive programs on either a plant-wide or less than plant-wide basis. In the case of a substantial revision of such a program, the provisions of paragraph (b) or (c) of this section (whichever is applicable), shall apply.

(b) *New or revised productivity incentive programs on a plant-wide basis.* Increases attributable to the operation of a new or substantially revised existing plant-wide productivity incentive program (as defined in paragraph (d) of this section) may be excluded from adjustment computations pursuant to § 201.57 (j) if—

(1) Within 30 days of the installation of such a program, or revision thereof, the employer has filed with the Pay Board (or its delegate) a certification of such installation or revision which shall include a full description of the program and (if applicable) its revision, and

(2) Increases under such program, or revisions thereof, actually reflect and are directly related to increaes in productivity.

(c) *New or revised productivity incentive programs on less than a plant-wide basis.* If, on less than a plant-wide basis, the installation of a new productivity incentive program (as defined in paragraph (d) of this section) or the installation of changes to an existing productivity incentive program which would substantially revise the terms of such program, would cause the annual aggregate wage and salary increase of an appropriate employee unit to exceed the maximum permissible annual aggregate, increases attributable to the operation of such program may be excluded from adjustment computations pursuant to § 201.57(j); provided that increases under such program, or revisions thereof, actually reflect and are directly related to increases in productivity. Prior to the installation of such a program or the implementation of revisions thereto, the employer shall provide the Pay Board with a description of such program and shall certify to the Board that the program, or revisions thereto, will substantially meet criteria appropriate for such plans or practices. Among the factors which may be considered are that the plan or practice—

(1) Provides employees the expectation of a level of earnings above base rates which will vary in relationship to changes in productivity, but which will not result in increased unit labor costs for the employer;

(2) Is designed to provide earnings opportunities sufficient to motivate the participants;

(3) Contains standards of performance and provisions for revising such standards to reflect changes in equipment, methods, quality requirements and other factors related to the basis for standards development;

(4) Contains guarantees of wages and earnings for such contingencies as downtime for reasons beyond the control of participants and for nonstandard work; and

(5) Defines the employees included and their relationship to increased productivity.

(d) *Productivity incentive program defined.* For the purposes of this part, the term "productivity incentive program" means a plan or practice which establishes a formal system whereby, in accordance with predetermined formulas, wage and salary payments to an employee or a group of employees increase as the measured productivity of such employee or group increases; provided, that where a single plan or practice is plant-wide and includes all or substantially all of the employees in a plant or firm, payments may be based on the measured increase in productivity for such plant or firm as a whole.

(e) *Discontinuance.* If a productivity incentive program is discontinued and such action results in an increase in wages and salaries to the employees affected, the employer shall certify to the Pay Board within 30 days of discontinuance that such action was taken in good faith and not for the purpose of circumventing the intent of the economic stabilization program.

(f) *Variable compensation.* Notwithstanding any other provision of this section, any plan or practice providing for the payment or award of "incentive compensation" as defined in § 201.72(e) of this part shall be governed by subpart D of this part. Plans or practices described in § 201.77 which do not meet the defini-

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tion of productivity incentive programs (as defined in paragraph (d) of this section) are governed by subpart D of this part.

PAR. 3. Section 201.77(b) of this part is amended to read as follows and a new paragraph (c) is added:

§ 201.77 Sales, commission, and production incentive plans or practices.

* * * * *

(b) *Changes in method of calculating earnings.* Except as provided in §§ 201.57 (j) and 201.59 (with respect to certain productivity incentive programs), if any change in the method of calculating the earnings of any employee in a plan or practice unit under a plan or practice described in paragraph (a) of this section results in an increase in the aggregate amount of compensation of such plan or practice unit, the amount of such increase shall be deemed to be an increase in wages and salaries for the wage year earned with respect to the covered plan or practice unit. Such increase shall be apportioned to the appropriate employee units of the employees participating in the plan or practice unit. The amount of such increase which shall be apportioned to each such appropriate employee unit shall be determined as follows: The number of employees in an appropriate employee unit who are participating in such a plan or practice unit multiplied by a fraction, the numerator of which is the amount of the increase and the denominator of which is the number of employees in the plan or practice unit.

(c) *New productivity incentive plan or practice.* Notwithstanding the provisions of this section and the provisions of §§ 201.78 and 201.79, any plan or practice described in § 201.59 shall be governed by the provisions of that section and shall be subject to the certification requirements set forth therein.

§ 201.80 [Deleted]

PAR. 4. Section 201.80 is deleted.

[FR Doc.72-6100 Filed 4-18-72;12:44 pm]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

HAND PALLET TRUCKS FROM FRANCE

Withholding of Appraisement Notice

Information was received on March 22, 1971, that hand pallet trucks from France were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of May 11, 1971, on page 8700. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of hand pallet trucks from France is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of hand pallet trucks from France in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (4-19-72). It shall cease to be effective at the expiration of 3 months from the date of this publication, unless previously revoked.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: April 13, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5905 Filed 4-18-72;8:48 am]

HAT BODIES OF FUR, NOT ON THE SKIN, FROM CZECHOSLAVAKIA

Withholding of Appraisement Notice

Information was received on June 24, 1970, that hat bodies of fur, not on the skin, from Czechoslovakia were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of August 6, 1971, on page 14483. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (sec. 203 of the Act; 19 U.S.C. 162) of hat bodies of fur, not on the skin, from Czechoslovakia is less, or is likely to be less, than the constructed value (sec. 206 of the Act; 19 U.S.C. 165).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and constructed value.

Purchase price will probably be based the ex-factory packed price.

Since the merchandise under consideration was produced in a controlled economy country, constructed value will probably be based on the home market price at which such or similar merchandise is sold by a noncontrolled economy country. The country chosen for this purpose will probably be Italy.

The home market price in Italy will probably be based on the f.o.b., delivered, packed price to wholesalers in the Italian market. Deductions will probably be made for discounts and inland freight. Adjustments will probably be made for differences in the merchandise compared and for commissions.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the constructed value.

Customs officers are being directed to withhold appraisement of hat bodies of fur, not on the skin, from Czechoslovakia in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (4-19-72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: April 13, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5908 Filed 4-18-72;8:48 am]

SULPHUR FROM CANADA

Amendment of Antidumping Proceeding Notice

An "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of February 24, 1972 (37 F.R. 3922, F.R. Doc. 72-2844), indicating a possibility that sulphur, including elemental sulphur and nonelemental sulphur, from Canada, is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The purpose of this amendment is to restrict the application of that notice to elemental sulphur from Canada.

Accordingly, the "Antidumping Proceeding Notice" referred to above is amended by inserting the word "ELEMENTAL" before the word "SULPHUR"

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in the caption and by substituting the words "elemental sulphur" for the words "sulphur, including elemental sulphur and nonelemental sulphur," in the first paragraph.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 13, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5909 Filed 4-18-72;8:48 am]

WELDED-WIRE MESH FROM BELGIUM

Withholding of Appraisement Notice

Information was received on November 23, 1970, that welded-wire mesh for concrete reinforcement from Belgium was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice," which was published in the FEDERAL REGISTER of March 3, 1971, on page 4073. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of welded-wire mesh for concrete reinforcement from Belgium is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Customs officers are being directed to withhold appraisement of welded-wire mesh for concrete reinforcement from Belgium in accordance with § 153.48, Customs Regulations (19 U.S.C. 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views of arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 14 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(a), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (4-19-72). It shall cease to be effective at the expiration of 3 months from the date of this publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 13, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-5906 Filed 4-18-72;8:48 am]

Internal Revenue Service

[Price Commission Ruling 1972-128]

PRINCIPAL PLACE AT ABODE OF A NONTRANSIT OCCUPANT

Price Commission Ruling

Facts. A lessor of Florida beach cottages proposes to increase the monthly rent for several of the cottages. The monthly rent for all of the cottages for the past several years has been $300 per month during the winter and $175 per month during the summer. Part 301 of the Economic Stabilization Regulations sets forth rules for determining the base rent of "residences or other real property" and provides for certain allowable adjustments to that base rent. Economic Stabilization Regulations, 6 CFR 301.2, 36 F.R. 25386 (December 30, 1971), defines a residence as a, "unit of housing normally occupied as a dwelling place," and states, "Whether property is used as a residence depends upon all the facts and circumstances in each case. For example, a seasonal or vacation dwelling * * * is included in the term residence if it is the principal place of abode of nontransient occupants."

Issue. Whether the lessor's cottages are seasonal or vacation dwellings. If so, whether any of those cottages is a "residence" thereby making the lessor subject to the rent regulations?

Ruling. All of the lessor's cottages are seasonal or vacation dwellings. Depending upon the facts, some cottages may be "residences" for purpose of the regulations.

A dwelling is a seasonal or vacation dwelling if, under all the facts and circumstances it is rented primarily for vacation purposes or its pattern of rental use or the rent charged is closely related to the seasons of the year. However, any particular cottage of the lessor is a "residence" for the purposes of the rent regulations only if it is the, "principal place of abode of nontransient occupants." Whether a cottage is the principal place of abode of nontransient occupants is determined on the basis of the following principles.

A person's place of abode which is his address of legal residency is always a "residence" for the purposes of § 301.2 of the regulations. With respect to that place of abode, whatever type of dwelling it might be, a person is a resident and not merely an occupant. Therefore, if any of the lessor's cottages are being rented by persons who make that place of abode the address of their legal residency, the lessor is subject to the rent regulations in Part 301.

With respect to all other places of abode which are not the address of legal residency of the person and which are seasonal or vacation dwellings, houseboats, hotel or motel-type housing units or mobile homes, a person is considered a nontransient occupant if his use of the housing unit is more than temporary. Price Commission Ruling 1972-43, 37 F.R. 3062 (February 11, 1972). Use is considered more than temporary if the tenant rents a housing unit by the month. Price Commission Ruling 1972-57, 37 F.R. 3453 (February 16, 1972).

Likewise, if the term of the rental agreement is for a time period of less than 1 month but a continuous right to possession by the lessee exceeds 1 month under a series of new agreements or renewals, then the use of the housing unit is also considered more than temporary. Such a housing unit is a residence. A hiatus in the right to possession made with the intent to change the status of a housing unit from what would be a residence into a temporary lodging is not considered to interrupt an otherwise continuous right of possession.

If a person has a right of possession of more than one place of abode, other than his address of legal residency, for more than a month at the same time, he is a nontransient occupant of all such housing units. However, only that housing unit in this group which is his "principal" place of abode is considered a residence for the purposes of the rent regulations. The housing unit which is the lessee's principal place of abode is that housing unit which he or his family physically occupy for the most days during the common period of possession.

Those housing units used for temporary occupancy, which do not fall under the rent regulations may be subject to the price regulations in part 300 of this chapter.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 11, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: April 11, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5894 Filed 4-18-72;8:47 am]

[Price Commission Ruling 1972-129]

STATUS OF HEALTH MAINTENANCE ORGANIZATIONS

Price Commission Ruling

Facts. A new Health Maintenance Organization consists of an organizational and management unit, a medical unit, and has contractual relations with a hospital to provide inpatient hospital care. It desires to adjust the rates in the contract with the hospital based on allowable costs under Economic Stabilization Regulations, 6 CFR 300.18, 36 F.R. 25384 (December 30, 1971), for institutional providers rather than under § 300.19 for noninstitutional providers of health services.

Issue. Are Health Maintenance Organizations classified as institutional or noninstitutional providers?

Ruling. The Price Commission has defined a Health Maintenance Organization as follows: "Health Maintenance Organization means a private or public organization: (a) Which provides either directly or indirectly through arrangements with others, reasonably comprehensive health services to individuals enrolled in such organizations on a per capita prepayment basis; and (b) in which the providers of health care share in the financial risk of the health plan." Whether or not the Health Maintenance Organization actually owns the hospital, it still is responsible for the care of its members and is required to lead its members through the medical care processes whether outpatient or inpatient. The same risk requirements apply to a Health Maintenance Organization whether it does nor does not own an inpatient hospital facility. Institutional providers of health services include hospitals and any other organizations which operate 24-hour inpatient health care facilities. Economic Stabilization Regulations, Appendix I, 6 CFR Part 300, 36 F.R. 25384 (December 30, 1971). Health Maintenance Organizations, for the purposes of the Commission's health services regulations, shall be considered institutional providers and subject to the provisions of § 300.18 of the regulations.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 13, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5895 Filed 4-18-72;8:47 am]

[Price Commission Ruling 1972-130]

CONNECTION TO SEWER SYSTEM AS A CAPITAL IMPROVEMENT

Price Commission Ruling

Facts. Lessor L owned five residences on land recently annexed by City A. Subsequent to August 15, 1971, the city required the lessor to connect the residences to the local sanitation district's sewer system and to cease using septic tanks. To make the required connection L made the following expenditures:

Connection fees (paid the sanitation district)	$1,625.00
Excavation	1,204.37
New interior piping	2,226.32
Total	5,155.69

L wishes to increase rents as a result of these expenditures. The previous monthly rent was $135.

Issue 1. Whether any of these expenditures constitute costs of a capital improvement because the improvement made is subject to an allowance for depreciation under the Internal Revenue Code of 1954?

Issue 2. If so, how much may the monthly rent for these residences be increased under Economic Stabilization Regulations, 6 CFR 301.103, 36 F.R. 25386 (December 30, 1971)?

Ruling. All of the expenditures constitute the costs of a capital improvement and can be used to increase the monthly rent of the residences by $18 under § 301.103 of the regulations.

Issue 1. The improvement clearly meets the first three tests of the definition of a capital improvement in Economic Stabilization Regulations, 6 CFR 301.2, 36 F.R. 25386 (December 30, 1971). The use of that improvement will continue beyond a 12-month period after its completion. The improvement does benefit the residences. The benefit did commence, i.e. the improvement first became operational, after August 15, 1971. See Price Commission Ruling 1972-58, 37 F.R. 3454 (February 16, 1972).

A deduction for depreciation is allowed under the Internal Revenue Code of 1954 (The Code) for property held for the production of income. Section 167(a) of the Code. Because the allowance is for "exhaustion, wear, tear," and "obsolescence," the depreciable property must not have an indefinite useful life. The basis on which depreciation is allowed is the adjusted basis for determining the gain or loss from the sale of the property. Section 167(g) of the Code. This basis is the cost of the property, section 1012 of the Code, plus adjustments for expenditures, "property chargeable to capital account." Section 1016(a) of the Code. Expenditures "property chargeable to capital account," include the costs of improvements and betterments to the property; but no adjustment, i.e. increase in the basis, may be made for items allowable as a deduction in computing net or taxable income for the taxable year. Section 1.1016-2 of the regulations under the Code.

Capital expenditures are "properly chargeable to capital account." They may not be dedutced in computing net or taxable income for the taxable year. Section 263(a) of the Code. Capital expenditures include amounts paid out for new buildings or for any permanent improvements or betterments, the amounts being paid or incurred to add to the value, or substantially prolong the useful life of the property or to adapt that property to a new or different use. Section 1.263(b) of the regulations under the Code.

Costs incurred to provide sewer service to unimproved lots held for sale are capital expenditures. Henry v. United States, 362 F. 2d 640 (5th Cir. 1966). Provision of sewer service to the rental residences in this case is not distinguishable. The connection with the sewer system was made to substantially prolong the useful life of the residences because without this improvement, the residences' useful life as rental property probably would have ceased. Absent a connection to the sewer system the plumbing was legally not operable, and without plumbing it is unlikely that the residences could be rented. Furthermore, for this same reason, the improvement did add to the value of the property. By maintaining the rentable status of the property, the improvement increased the value for use in the taxpayer's business activity of renting this property to gain income. Hotel Sulgrave 21 TC 619 (1954).

It is true that the cost of incidental repairs which neither materially add to the value of the property nor appreciably prolong its life, but keep it in an ordinarily efficient operating condition, may be deducted as an expense, § 1.162-4 of the regulations under the Code. However, for the reasons stated previously the costs incurred in this case did materially add to the value of the property and did appreciably prolong its useful life.

Issue 2. All of the costs enumerated in the facts were necessary to make the improvement operational. Therefore all of these costs are considered the costs of a capital improvement and a rent increase under § 301.103 can be based on these costs.

Capital improvement costs which benefit only a particular residence shall be allocated to that residence. Capital improvement costs which benefit several residences in common shall be allocated equally to each residence unless the benefits are clearly distributed unequally or the costs are clearly incurred unequally.

There are no facts in this case indicating that the costs should be allocated unequally to the residences. Therefore, the amount of rent increase is limited to 1½ percent per month of the cost of the capital improvement allocated to each residence. That increase would be $6,155.69/5 a 1½ percent or $18 per month rounded in accordance with Economic Stabilization Regulations, 6 CFR 301.102 (b), 37 F.R. 25387 (December 30, 1971). The rent increase exceeds 10 percent of the monthly rent previously charged, but since the improvement is required by local law, the rent may be increased by that amount without IRS approval, § 301.103(a), (c) of the regulations.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 13, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: April 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5896 Filed 4-18-72;8:47 am]

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[Price Commission Ruling 1972–131]

[Cost of Living Council Ruling 1972–43]

DEFINITION OF U.S. TERRITORY

Price Commission and Cost of Living Council Ruling

Facts. Company A is primarily engaged in providing marine transportation to the offshore petroleum industry on a worldwide basis with principal operations in the Gulf of Mexico.

Specifically, Company A primarily moves offshore drillings rigs from one location to another and transports various supplies to the offshore drilling rigs. A charges its customers for the service of its tug boats on a per hour basis for short term operations and by the day or month on longer contracts.

In excess of 90 percent of Company A's operations are conducted in international waters (outside the 3-mile limit of the U.S. coast) or within the waters of foreign countries along the eastern shore of Central and South America. In many instances, these tugs may operate for days or months without entering U.S. waters.

Issue 1. Is the Company A subject to price controls?

2. Does the definition of the United States as stated in § 300.5 of the Price Commission Regulations include under certain circumstances the waters referred to above, and if so, is there a 3- or 2-mile limit?

Ruling. The activities of Company A will have to be divided in a minimum of three categories: First, the services it performs wholly within U.S. territory; second, services performed partially within the United States and partially without; third, services performed wholly outside the United States. By doing this we are faced with only one question: "What is to be considered the United States?"

U.S. territory extends to a point described by the Outer Continental Shelf Lands Act, 43 U.S.C.A. 1331 et seq., 67 Stat. 462 (August 7, 1953). This act covers areas outside the 3-mile seaward boundary (43 U.S.C.A. section 1301 et seq., 67 Stat. 29 (May 22, 1953)), which "* * * the subsoil and seabed * * * appertain to the United States and are subject to its jurisdiction, control, and power" (43 U.S.C.A. 1332(a)).

Further, section 1333(a) (43 U.S.C.A. 1333(a)) provides that the Constitution and laws of the United States extended to "* * * all artificial islands and fixed structures which may be erected thereon (the seabed) for the purpose of exploring for developing, removing, and transporting resources therefrom, to the same extent as if the Outer Continental Shelf were an area of exclusive Federal jurisdiction located within a State." This section is applicable only if a mineral lease was issued or maintained under this subchapter. Therefore, there is no geographical limit, such as the 3-mile boundary, on the jurisdiction and control of the United States.

Under the above act drilling platforms in waters beyond the 3-mile limit are considered under U.S. jurisdiction. As such, services involving these platforms are considered to be performed within the United States and the companies performing such services are subject to control. Services originating in the United States but to be completed within coastal waters of a foreign country (as recognized by the United States) are partially performed in the United States and are subject to controls. Service performed wholly outside the United States are exempt. Economic stabilization Regulation 300.1(c), 6 CFR 300.1(c), 36 F.R. 23974 (December 16, 1971). Specifically, moving a drilling platform from one position from, to, or within the Outer Continental Shelf Area is a service either partially or wholly performed within the United States.

This ruling has been approved by the General Counsel's of the Price Commission and the Cost of Living Council.

Dated: April 13, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: April 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5897 Filed 4-18-72;8:47 am]

[Price Commission Ruling 1972–132]

[Cost of Living Council Ruling 1972–44]

EXEMPTION—SINGLE-FAMILY DWELLING UNITS

Price Commission and Cost of Living Council Ruling

Facts. An owner L, of one single-family dwelling X, offers X for rent. Under the freeze regulations the rent was held at $150 per month. T leased X from L on October 1, 1971, under a yearly lease which called for $200 per month rent. However, under § 300.407(b) of the Economic Stabilization Regulations, L was prohibited from collecting more than $150 rent per month after November 13, 1971. 6 CFR 300.407(b), 36 F.R. 23974 (December 16, 1971). On February 3, 1972, X became exempt from the Economic Stabilization Regulations.

Issue. May L collect $200 rent per month from T after February 2, 1972?

Ruling. Yes. Section 101.34(a)(2)(iv) provides in part that single-family dwelling units which were rented for a term longer than month to month on January 19, 1972, are exempt: *Provided,* That the owner of such units and members of his family do not own or have an interest, directly or indirectly, in more than an aggregate of four such units. 6 CFR 101.34(a)(2)(iv), 37 F.R. 2678 (February 4, 1972). This exemption became effective when the amendment which added subsection (iv) to the regulation was filed with the FEDERAL REGISTER. The amendment was filed on February 3, 1972. 37 F.R. 2678 (February 4, 1972). Thus, on February 3, 1972 any provision of the Economic Stabilization Regulations which prevented the collection of the full amount of a rent specified in a valid lease between a lessor and lessee became ineffective in regard to the exempted rental property. Thus, L may collect $200 rent per month from T after February 2, 1972.

This ruling has been approved by the General Counsels of the Price Commission and Cost of Living Council.

Dated: April 13, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 13, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-5898 Filed 4-18-72;8:47 am]

Office of the Secretary

HAND PALLET TRUCKS FROM FRANCE

Determination of Sales at Less Than Fair Value

Information was received on March 22, 1971, that hand pallet trucks from France were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that for the reasons stated below, hand pallet trucks from France are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. The information currently before the Bureau indicates that the proper basis of comparison is between purchase price and home market price.

Purchase price was based on published price list prices, f.o.b. factory, less a discount. Appropriate adjustments were made for taxes not collected by reason of exportation.

Home market price was based on published price list prices. A deduction was made for transportation charges. Adjustments were made for differences in packing, discounts and selling expenses. Adjustments were also made for differences in the merchandise.

Comparisons between purchase price and home market price revealed that purchase price was lower than home market price.

The U.S. Tariff Commission is being advised of this determination.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

APRIL 13, 1972.

[FR Doc.72-5904 Filed 4-18-72;8:48 am]

WELDED-WIRE MESH FROM BELGIUM

Determination of Sales at Less Than Fair Value

Information was received on November 23, 1970, that welded-wire mesh for concrete reinforcement from Belgium was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs is being published concurrently with this notice.

I hereby determine that welded-wire mesh for concrete reinforcement from Belgium is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons. The information currently before the Bureau reveals that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting from the f.o.b. port price for exportation to the United States the included inland freight charges and by adding internal taxes rebated or not collected by reason of exportation to the United States and export taxes.

Home market price was based on the weighted average delivered price of similar merchandise. Deductions were made for inland freight charges. Adjustments were made for internal taxes and differences in production costs, as appropriate.

Comparison between purchase price and the adjusted home market price revealed the adjusted home market price to be higher than purchase price.

The U.S. Tariff Commission is being advised of this determination.

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

APRIL 13, 1972.

[FR Doc.72-5907 Filed 4-18-72;8:48 am]

DEPARTMENT OF THE INTERIOR

National Park Service

PLATT NATIONAL PARK

Notice of Intention To Issue Concession Permit

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Superintendent, Platt National Park proposes to issue a concession permit to Tribes of the Arbuckle Indian Arts and Crafts Association, Sulphur, Okla., authorizing it to sell genuine Indian handicraft to the public at Platt National Park for a period of eight (8) months from May 1, 1972 through December 31, 1972.

The foregoing concessioner has performed its obligations under an existing permit to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the issuance of a new permit. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the date of publication of this notice. Interested parties should contact the Superintendent, Platt National Park, Post Office Box 201, Sulphur, OK 73086, for information as to the requirements of the proposed permit.

Dated: March 21, 1972.

JOHN C. HIGGINS,
Superintendent of
Platt National Park.

[FR Doc.72-5930 Filed 4-18-72;8:50 am]

YOSEMITE NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to authorize David L. Vaughn, Jack W. Vaughn, and Sharon Martha Vaughn to continue to provide food, beverage, and merchandising services and facilities for the public at the El Portal Administrative Site, Yosemite National Park, for a period of seven (7) years from January 1, 1972, through December 31, 1978, pursuant to an amendment to the concession contract under which they also operate the El Portal Market in the El Portal Administrative Site, Yosemite National Park.

The foregoing concessioners have performed their obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, are entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 7, 1972.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.72-5931 Filed 4-18-72;8:50 am]

YOSEMITE NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Dr. Charles A. Woessner, authorizing him to provide dental services for the public at Yosemite National Park, Calif., for a period of one (1) year from January 1, 1972, through December 31, 1972.

The foregoing concessioner has performed his obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 7, 1972.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.72-5932 Filed 4-18-72;8:50 am]

[Order 5]

SUPERINTENDENTS ET AL., SOUTHEAST REGION

Delegation of Authority

SECTION 1. *Superintendents.* The National Park Service Superintendents of the Southeast Region, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Director, Southeast Region, by the Director, National Park Service, except with respect to the following:

(a) Approval of master plans.

(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $5,000, and (3) payment of the full amount of the damages is offered.

(c) Sales of timber pursuant to the Federal Property and Administrative Services Act of 1949, and the Federal Property Management Regulations when the fair market value of the timber involved in any single transaction exceeds $1,000.

(d) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vege-

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tative cover, and of permits to collect rare or endangered species.

(e) Acceptance of donations of personal property valued in excess of $10,000, and acceptance of donations of money in excess of $10,000.

(f) Authority to designate areas at which recreation fees will be charged as specified by sections 1, 2, and 3 of Executive Order 11200.

(g) Authority to select from the fees established by 43 CFR Part 18, the specific fees to be charged at the designated areas in accordance with section 5(a) of Executive Order 11200.

(h) Authority to execute, approve, and administer contracts and to issue purchase orders for equipment, supplies, and services as follows:

(1) Superintendents, Grade GS–12 and below—in excess of $2,000.

(2) Superintendents, Grade GS–13—in excess of $50,000.

(3) Superintendents, Grade GS–14—in excess of $100,000.

(4) Superintendents, Grade GS–15—in excess of $200,000.

The limitations in this paragraph (h) apply only to open market or nonmandatory sources of supply. Each office may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding $2,000.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

(j) Authority to approve land acquisition priorities.

(k) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(l) Authority to issue revocable special use permits having a term of more than 10 years.

(m) Authority to hire, rent, or purchase personal property from employees.

SEC. 2. *Delegation*—(a) *Regional Chief, Office of Finance and Control.* The Regional Chief, Office of Finance and Control is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Southeast Region, except authority relating to land acquisition as hereinafter delegated to Regional Chief, Division of Lands.

(b) *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Southeast Region, except authority relating to land acquisition as hereinafter delegated to Regional Chief, Division of Lands.

(c) *Procurement Agent.* The Procurement Agent may execute and approve orders not in excess of $2,000.

(d) *Chief Archeologist, Southeast Archeological Center.* The Chief Archeologist, Southeast Archeological Center may execute and approve orders not in excess of $2,000.

(e) *Director, Florida-Caribbean District.* The Director, Florida-Caribbean District may execute and approve orders not in excess of $2,000.

(f) *Regional Chief, Division of Lands.* The Regional Chief, Division of Lands is authorized to:

(1) Approve and accept offers to sell to or exchange with the United States, lands or interests in lands and to execute all necessary agreements and conveyances incident thereto.

(2) Accept deeds conveying to the United States, lands or interests in lands.

(3) Approve on behalf of the National Park Service offers of settlement in condemnation cases.

(g) The Land Acquisition Officers stationed at Everglades National Park and Gulf Islands National Seashore are authorized to exercise authority with respect to the following:

(1) Approval and acceptance of offers to sell to, or exchange with the United States, lands or interests in lands when the amount involved does not exceed $100,000.

(2) Acceptance of deeds conveying to the United States lands or interests in lands.

SEC. 3. *Redelegation.* The authority delegated in this Order No. 5 may not be redelegated, except that a Superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* This order supersedes Southeast Office Order No. 4, dated April 28, 1966, and published in 31 F.R. 3135 (National Park Service Order No. 66 (36 F.R. 21218), dated November 4, 1971), as amended (37 F.R. 4001) dated February 25, 1972.

Dated: March 17, 1972.

DAVID D. THOMPSON, JR.,
Director, Southeast Region.

[FR Doc.72–5928 Filed 4–18–72;8:50 am]

[Order No. 5]

SUPERINTENDENTS ET AL., SOUTHWEST REGION

Delegation of Authority

SECTION 1. *Superintendents.* The National Park Service Superintendents of the Southwest Region, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Director, Southwest Region, by the Director, National Park Service, except with respect to the following:

(a) Approval of master plans.

(b) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $5,000, and (3) payment of the full amount of the damages is offered.

(c) Sales of timber pursuant to the Federal Property and Administrative Services Act of 1949, and the Federal Property Management Regulations when the fair market value of the timber involved in any single transaction exceeds $1,000.

(d) Approval of programs for destruction and disposition of wild animals which are damaging the land or its vegetative cover, and of permits to collect rare or endangered species.

(e) Acceptance of donations of personal property valued in excess of $10,000, and acceptance of donations of money in excess of $10,000.

(f) Authority to designate areas at which recreation fees will be charged as specified by sections 1, 2, and 3 of Executive Order 11200.

(g) Authority to select from the fees established by 43 CFR Part 18, the specific fees to be charged at the designated areas in accordance with section 5(a) of Executive Order 11200.

(h) Authority to execute, approve, and administer contracts and to issue purchase orders for equipment, supplies, and services as follows:

(1) Superintendents, Grade GS–12 and below— in excess of $2,000

(2) Superintendents, Grade GS–13— in excess of $50,000

(3) Superintendents, Grade GS–14— in excess of $100,000

(4) Superintendents, Grade GS–15— in excess of $200,000

The limitations in this paragraph (h) apply only to open market or nonmandatory sources of supply. Each office may continue to issue orders to GSA Centers and sources under established Federal Supply Schedules of Contracts in amounts exceeding $2,000.

(i) Authority with respect to the preservation of historical and archeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam.

(j) Authority to approve land acquisition priorities.

(k) Authority to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

(l) Authority to issue revocable special use permits having a term of more than 10 years.

(m) Authority to hire, rent, or purchase personal property from employees.

SEC. 2. *Delegation.*—(a) *Regional Chief, Office of Finance and Control.* The Regional Chief, Office of Finance and Control is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Southwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(b) *Regional Chief, Division of Property Management and General Services.* The Regional Chief, Division of Property Management and General Services, is authorized to exercise all the procurement and contracting authority now or hereafter vested in the Director, Southwest Region, except authority to contract for acquisition of land and related property, and options and offers to sell related thereto.

(c) *Regional Procurement and Property Management Assistant.* The Regional Procurement and Property Management Assistant may execute and approve purchase orders not in excess of $2,000.

(d) *Chief, Land Acquisition Officer.* The Chief, Land Acquisition Officer, is authorized to execute the land acquisition program, including contracting for acquisition of lands and related property, and options and offers to sell related thereto.

SEC. 3. *Redelegation.* The authority delegated in this Order No. 5 may not be redelegated, except that a Superintendent may, in writing, redelegate to any officer or employee the authority delegated to him by this order and may authorize written redelegation of such authority. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* This order supersedes Southwest Region Order No. 4, dated April 18, 1966, and published in 31 F.R. 8134 (National Park Service Order No. 66) (36 F.R. 21218) as amended (37 F.R. 4001 dated February 25, 1972).

Dated: March 22, 1972.

FRANK F. KOWSKI,
Director, Southwest Region.

[FR Doc.72–5929 Filed 4–18–72;8:50 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (37 F.R. 2795 and 6143) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at a previously listed establishment that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Equin
Sam Kane Packing Co.	337	(*)	(*)				
American Pork, Inc.	6906					(*)	
Farmer's Meat Produce, Inc.	7972	(*)				(*)	
New establishments reported: 3.							
Karler Packing Co.	767			(*)			
Species added: 1.							

Done at Washington, D.C., on April 13, 1972.

FRED J. FULLERTON,
Acting Associate Administrator, Meat and Poultry Inspection Program.

[FR Doc.72–5859 Filed 4–18–72;8:45 am]

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Extension of Warehouse-Storage Loans for 1970 and 1971 Crops

Pursuant to the provisions of § 1421.6 of the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grains and Similarly Handled Commodities, as amended, CCC hereby gives notice that, unless earlier demand for payment is made, the loan maturity dates for loans on 1971-crop grain sorghum and wheat and 1970-crop wheat are extended for an additional 1-year period from the current maturity dates for such loans, as provided below, with respect to producers who, prior to the current original maturity dates of loans secured by the 1971 crops of such commodities, or the current extended maturity date of loans secured by 1970-crop wheat, or such later date that may be authorized for good cause by the Deputy Administrator, State and County Operations, ASCS, notify in writing the county ASCS office through which they obtained such loans that they wish to have such maturity dates extended; loans with respect to which no requests for extension are received will mature on the current original and extended maturity dates of loans secured by the 1970 and 1971 crops of the commodities designated in this notice.

	From current maturity date	To extended maturity date
	1972	*1973*
Grain sorghum in the following counties in Texas and all counties in Texas south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Weller.	Apr. 30..	Apr. 30.
Grain sorghum in Oklahoma and all counties in Texas north of the counties with a maturity date of Apr. 30 listed above.	June 30..	June 30.
Grain sorghum in all other States....	July 31..	July 31.
Wheat in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31..	May 31.
Wheat in all other States.....	Apr. 30..	Apr. 30.

The maturity date for crops of certain commodities will occur in the near future. It is determined to be impracticable and against the public interest to comply with the public participation provisions prescribed by 5 U.S.C. 553 (b) and (c). Therefore, this notice shall be effective upon publication in the FEDERAL REGISTER (4–19–72).

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1421, 1423, 1425, 1441)

Signed at Washington, D.C. on April 11, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72–5867 Filed 4–18–72;8:45 am]

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1970-Crop Commodity Loan Programs

Unless demand is made earlier by CCC, extended warehouse-storage loans secured by 1970-crop barley, oats, grain sorghum, and wheat are due and payable on the dates indicated.

Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, That, CCC will not acquire title to any such commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamped) not later than the applicable maturity date indicated below. CCC shall have no obligation to pay for any market value which any unredeemed commodity may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a pro-

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ducer of any amount by which the settlement value of a pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amounts specified in the Warehouse Storage Note and Security Agreement and in the loan program regulations. Amounts due the producer will be paid by the appropriate county ASCS office.

	Maturity date	Final date of repayment
Barley:	*1973*	*1972*
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31.
In all other States	Apr. 30	May 1.
Grain Sorghum:		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller.	do	Do.
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above.	June 30	June 30.
In all States except Texas and Oklahoma.	July 31	July 31.
Oats:		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31.
In all other States	Apr. 30	May 1.
Wheat:[1]		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washton, and Wyoming.	May 31	May 31.
In all other States	Apr. 30	May 1.

[1] This notice does not apply to loans on wheat with respect to such producers, prior to the above maturity date, have given written notice to the county ASCS office through which they obtained such loans that they wish to have such maturity date extended.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 1421, 1425, 1441, 1447)

Effective upon publication in the FEDERAL REGISTER (4–19–72).

Signed at Washington, D.C., on April 11, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–5868 Filed 4–18–72;8:45 am]

Food and Nutrition Service

[FSP No. 1972–1]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance; 48 States and District of Columbia

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics. Therefore, notice FSP No. 1971–1, which is a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective July 1, 1972, by this notice FSP No. 1972–1.

In view of the need for placing this notice into effect on July 1, 1972, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1972–1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE; 48 STATES AND DISTRICT OF COLUMBIA

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such State or the District of Columbia prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	*Maximum Allowable Monthly Income Standards—48 States and District of Columbia*
1	$178
2	233
3	307
4	373
5	440
6	507
7	573
8	640
Each additional member	+53

"Income" as the term is used in the notice is as defined in paragraph (b) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—48 STATES AND DISTRICT OF COLUMBIA

Monthly net income	For a household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$36	$64	$92	$112	$132	$152	$172	$192
	And the monthly purchase requirement is—							
0–$19.99	0	0	0	0	0	0	0	0
$20–$29.99	$1	$1	0	0	0	0	0	0
$30–$39.99	4	4	$4	$4	$5	$5	$5	$5
$40–$49.99	6	7	7	7	8	8	8	8
$50–$59.99	8	10	10	10	11	11	12	12
$60–$69.99	10	12	13	13	14	14	15	16
$70–$79.99	12	15	16	16	17	17	18	19
$80–$89.99	14	18	19	19	20	21	21	22
$90–$99.99	16	21	21	22	23	24	25	26
$100–$109.99	18	23	24	25	26	27	28	29
$110–$119.99	20	26	27	28	29	31	32	33
$120–$129.99	22	29	30	31	33	34	35	36
$130–$139.99	24	31	33	34	36	37	38	39
$140–$149.99	26	34	36	37	39	40	41	42
$150–$159.99	26	36	40	41	42	43	44	45
$160–$169.99	26	42	46	47	48	49	50	51
$170–$189.99		44	52	53	54	55	56	57
$190–$209.99		44	58	59	60	61	62	63
$210–$229.99		44	64	65	66	67	68	69
$230–$249.99			70	71	72	73	74	75
$250–$269.99			74	77	78	79	80	81
$270–$289.99			74	82	84	85	86	87
$290–$309.99				86	90	91	92	93
$310–$329.99				86	94	97	98	99
$330–$349.99				88	98	104	107	108
$350–$369.99					102	108	116	117
$370–$389.99					104	112	122	126
$390–$409.99						116	126	130
$410–$429.99						120	130	134
$430–$449.99							134	138
$450–$469.99							136	142
$470–$489.99							138	146
$490–$509.99								150
$510–$529.99								152
$530–$549.99								
$550–$569.99								
$570–$589.99								
$590–$609.99								
$610–$629.99								
$630–$649.99								

For issuance to households of more than eight persons use the following formula:

A. *Value of the total allotment.* For each person in excess of eight, add $16 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with income of $599.99 or less per month.

2. For households with monthly incomes of $600 or more, use the following formula: For each $30 worth of monthly income (or portion thereof) over $599.99, add $4 to the monthly purchase requirement shown for an eight-person household with an income of $599.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $12 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on July 1, 1972.

RICHARD LYNG,
Assistant Secretary.

APRIL 13, 1972.

[FR Doc.72–5881 Filed 4–18–72;8:45 am]

Office of the Secretary

ORGANIZATION AND DELEGATIONS

Statement Regarding Redelegations on Temporary Basis

The notice published in 36 F.R. 21529 with respect to delegations of authority within the Department of Agriculture stated that delegations of authority to those agencies and offices reporting directly to the Secretary or Under Secretary had been reconfirmed for a 90-day period, effective October 20, 1971. The notice published in 37 F.R. 868 extended that period for an additional 90 days. Such period, as extended, is hereby further extended for an additional 90 days.

Dated: April 14, 1972.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.72–5952 Filed 4–18–72;8:51 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

INDIANA UNIVERSITY MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00249–00–46040. Applicant: Indiana University Medical Center, 630 West New York Street, Indianapolis, IN 46202. Article: Anticontamination device. Manufacturer: Siemens AG, West Germany.

Intended use of article: The article is an accessory to be used with an existing Elmiskop I electron microscope used for research purposes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–5919 Filed 4–18–72;8:49 am]

UNIVERSITY OF GEORGIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00228–00–77000. Applicant: University of Georgia, Department of Chemistry, Athens, Ga. 30601. Article: Computer interface No. DS–100. Manufacturer: AEI, Ltd., United Kingdom.

Intended use of article: The article is an accessory for an existing electron spectrometer.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to an accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–5920 Filed 4–18–72;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–72–167]

ACTING REGIONAL ADMINISTRATOR, ET AL., REGION VII (KANSAS CITY)

Designations

The officers appointed to the following listed positions in Region VII (Kansas City) are hereby designated to serve as Acting Regional Administrator, Region VII, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided,* That no officer is authorized to serve as Acting Regional Administrator unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Deputy Regional Administrator.
2. Regional Counsel.
3. Assistant Regional Administrator for Administration.

Effective date. These designations shall be effective as of March 6, 1972.

(Sec. 7(d), Department of Housing and Urban Development Act 42, U.S.C. 3535(d))

ELMER E. SMITH,
Regional Administrator.

[FR Doc.72–5945 Filed 4–18–72;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72–70N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed

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structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from August 31, 1971, to March 3, 1972 (List No. 7–72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United State Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYS, LIFE, RING, CORK, OR BALSA WOOD FOR MERCHANT VESSELS AND MOTORBOATS

The Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, no longer manufactures certain cork ring life buoys and Approval No. 160.009/32/0 was therefore terminated effective March 3, 1972.

LINE - THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

The Kilgora Corp., Toone, Tenn. 38381, Approval No. 160.040/1/5 expired and was terminated effective August 31, 1971.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

The Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, no longer manufactures certain unicellular plastic ring life buoys and Approvals Nos. 160.050/26/0, 160.050/27/0, and 160.050/28/0 were therefore terminated effective March 3, 1972.

BUOYANT VESTS, UNICELLULAR POLYETHYLENE FOAM, ADULT AND CHILD

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, no longer manufactures certain unicellular polyethylene foam buoyant vests and Approvals Nos. 160.060/10/0, 160.060/11/0, and 160.060/12/0 were therefore terminated effective March 3, 1972.

Dated: April 10, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–5944 Filed 4–18–72;8:51 am]

[CGD 71–167N]

ELIZABETH RIVER, NORFOLK HARBOR, VA.

Security Zone Closed to Navigation During Transit of the U.S.S. "Independence"

By virtue of the authority vested in the Commandant, U.S. Coast Guard, by Executive Order 10173, as amended (33 CFR Part 6), section 6(b)(1), 80 Stat. 937, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b) and the redelegation of authority to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters as contained in the FEDERAL REGISTER of September 30, 1971 (36 F.R. 19160), I hereby affirm for publication in the FEDERAL REGISTER the order of H. E. Steel, Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area, who has exercised authority as Captain of the Port, such order reading as follows:

PORTION OF THE ELIZABETH RIVER, NORFOLK HARBOR, VA., CLOSED TO NAVIGATION DURING TRANSIT OF THE U.S.S. "INDEPENDENCE"

SECURITY ZONE

Under the present authority of section 1 of title II of the Espionage Act of June 15, 1917, 40 Stat. 220, as amended, 50 U.S.C. 191, and Executive Order 10173, as amended, I declare that from 0830R April 21, 1972, until 1030R April 21, 1972, the following area is a Security Zone and I order it be closed to any person or vessel due to transit of the U.S.S. *Independence*.

The waters of the Elizabeth River, Norfolk Harbor, Va., within the area between Elizabeth River Channel lighted horn buoy 1 LL 2939 at latitude 36°59'06" N. and the Norfolk and Portsmouth Beltline Railroad Bridge which crosses the Southern Branch of the Elizabeth River at latitude 36°48'41" N.

No person or vessel shall remain in or enter this security zone without permission of the Captain of the Port, 393–9611, Extension 220.

The Captain of the Port, Hampton Roads Area, shall enforce this order. In the enforcement of this order, the Captain of the Port may utilize, by appropriate agreement, personnel and facilities of any other Federal agency, or of any State or political subdivision thereof.

For violation of this order, section 2 of title II of the Espionage Act of June 15, 1917 (40 Stat. 220 as amended, 50 U.S.C. 192), provides:

If any owner, agent, master, officer, or person in charge, or any member of the crew of any such vessel fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or obstructs or interferes with the exercise of any power conferred by this chapter, the vessel, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the United States in the same manner as merchandise is forfeited for violation of the customs revenue laws; and the person guilty of such failure, obstruction, or interference shall be punished by imprisonment for not more than 10 years and may, in the discretion of the court, be fined not more than $10,000.

(a) If any other person knowingly fails to comply with any regulation or rule issued or order given under the provisions of this chapter, or knowingly obstructs or interferes with the exercise of any power conferred by this chapter, he shall be punished by imprisonment for not more than 10 years and may, at the discretion of the court, be fined not more than $10,000.

Dated: April 14, 1972.

J. M. AUSTIN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.72–5943 Filed 4–18–72;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–329A, 50–330A]

CONSUMERS POWER CO.

Notice of Antitrust Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board) designated herein, to consider the antitrust aspects of the application filed under the Act by Consumers Power Co. (the applicant), for construction permits for two pressurized water nuclear power reactors, designated as the Midland Plant, Units 1 and 2 (the facilities), which are each designed to operate at approximately 2,452 megawatts (thermal). The proposed facilities are to be located on the applicant's site adjacent to the Tittabawasee River in Midland County, Mich.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission) consisting of Dr. Leonard W. Weiss, Hugh K. Clark, Esq., and Jerome Garfinkel, Esq., Chairman.

On September 4, 1971, the Commission published in the FEDERAL REGISTER a letter from the Attorney General dated June 28, 1971, advising the Commission that certain antitrust aspects of the application of Consumers Power Co. required a hearing. A notice published with the Attorney General's letter provided that, within 30 days, any person whose interest may be affected by the proceeding could file a petition for leave to intervene and request for an antitrust hearing. Petitions for leave to intervene were thereafter timely filed by the Wolverine Electric Cooperative, Inc., and jointly by the following: City of Traverse City, Mich., and the Traverse City Light and Power Department; City of Grand Haven, Mich., Board of Light and Power; City of Holland, Mich., Board of Public Works; City of Zeeland, Mich., and the Zeeland Board of Public Works; City of Coldwater, Mich., Board of Public Utilities; the Michigan Municipal Electric Association; and the Northern Michigan Electric Cooperative, Inc.

Answers to these petitions were filed by the applicant and the AEC regulatory staff.

The Commission has determined that the pending petitions should be ruled upon by the Board in regard to their respective requests for intervention.

A prehearing conference will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice (10 CFR Part 2). The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

The issue to be considered at the hearing is whether the activities under the permits in question would create or maintain a situation inconsistent with the antitrust laws as specified in subsection 105a of the Act. In its initial decision, the Board will decide those matters relevant to that issue which are in controversy among the parties and make its findings on the issue.

A cardinal prehearing objective will be to establish, on as timely a basis as possible, a clear and particularized identification of those matters related to the issue in this proceeding which are in controversy. As a first step in this prehearing process, the Board shall obtain from the parties a detailed specification of the matters which they seek to have considered in the ensuing hearing.

In the event the Board finds that the activities under the permits would create or maintain a situation inconsistent with the antitrust laws, it will also consider, in determining whether construction permits should be issued, continued,[1] modified or conditioned, such other factors, including the need for power in the affected area, as the Board in its judgment deems necessary to protect the public interest. The Board's consideration in the latter regard shall be based on the record submissions by the parties relevant to that matter.

The application and the Attorney General's letter have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Commission's Public Document Room, where they will be available for inspection by members of the public. Copies of all of the foregoing documents will also be available at the Grace Dow Memorial Library, 1710 West Street, Andrews Road, Midland, MI.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

In the event that the Board grants either or both pending petitions to intervene, persons permitted to intervene shall become parties to the proceeding, and shall have all the rights of the applicant and the regulatory staff to participate fully in the conduct of the hearing.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street NW., Washington, DC. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to paragraph (a)(1) of that section. The Appeal Board for this proceeding will be composed of the Chairman and two members designated in a subsequent Commission notice (10 CFR 2.787).

Dated at Germantown, Md., this 11th day of April, 1972.

UNITED STATES ATOMIC ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.72–5942 Filed 4–18–72;8:51 am]

[1] The instant application is covered by section 105c(8) of the Act pursuant to which a construction permit may be issued for certain applications filed with the Commission prior to Dec. 19, 1970, subject to subsequent antitrust review under section 105c.

[Docket No. 50–406]

TUSKEGEE INSTITUTE

Notice of Receipt of Application for Construction Permit and Facility License

The Tuskegee Institute in Tuskegee, Ala., has filed an application dated March 14, 1972, pursuant to section 104.c of the Atomic Energy Act of 1954, as amended, for the necessary licenses to receive, construct, and operate the AGN-201 (Serial No. 102) nuclear reactor presently located at the Oklahoma State University in Stillwater, Okla., and to receive the fuel for the facility. The reactor will be constructed on Tuskegee's campus in Tuskegee, Ala., and is proposed for operation at a power level of 100 milliwatts for educational training and research.

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 10th day of April 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72–5887 Filed 4–18–72;8:46 am]

[Docket No. 50–267]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission ("the Commission") in 10 CFR Part 50, Appendix D, notice is hereby given that a Draft Environmental Statement related to the proposed issuance of an operating license to the Public Service Company of Colorado for the Fort St. Vrain Nuclear Generating Station located near Platteville in Weld County, Colo., has been prepared and has been made available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Greeley Public Library, City Complex Building, Greeley, Colo. 80631. The Draft Environmental Statement is also being made available to the public at the Office of the Executive Director, Department of Local Affairs, Room 208, 1550 Lincoln Street, Denver, Colo. 80203.

Notices of the availability of the applicant's Environmental Report and Supplement No. 1 thereto were published in the FEDERAL REGISTER on June 22, 1971 (36 F.R. 11878) and on January 7, 1972 (37 F.R. 236), respectively.

Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washing-

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ton, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within seventy-five (75) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the Environmental Report, Supplement No. 1, the Draft Environmental Statement, and on the proposed issuance of an operating license for the Fort St. Vrain Nuclear Generating Station. In addition, interested persons may, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments for the Commission's consideration on the Environmental Report, Supplement No. 1, the Draft Environmental Statement, and on whether the construction permit authorizing construction of Fort St. Vrain Nuclear Generating Station should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain these documents on request); and when comments of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 17th day of April 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-6024 Filed 4-18-72;8:53 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24402; Order 72-4-49]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Weekend Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of April 1972.

By tariff revisions[1] marked to become effective April 14, 1972, Eastern Air Lines, Inc. (Eastern) proposes to extend its North to Florida weekend excursion fares to an additional 21 points, to permit travel on Saturday and Sunday (as well as Friday and Monday), and to provide discounts for youths 12 through 18 years of age. Eastern also proposes to establish somewhat similar weekend fares in approximately 200 markets not involving Florida points (which it calls "nonvacation" markets).[2]

The proposed North to Florida weekend excursion fares are essentially the same as existing weekend excursion fares applicable during the spring and fall from selected northeast points to Florida—common fared at $92.59 (plus tax),[3] and result in discounts ranging from 17 to 50 percent below regular round-trip coach fares, as compared to 17 to 40 percent for existing weekend excursion fares from northeast points to Florida. The additional fares are applicable only during the spring (April 14–July 3) and fall (September 1–December 18) seasons, whereas the existing fares from east coast points are also applicable during July and August at a slightly higher level. The proposed discount for accompanied children 12 to 18 years is 75 percent of the adult excursion fare (children 2–12 years would continue to pay 50 percent of the adult fare).

The nonvacation weekend excursion fares are proposed from Boston, New York, Philadelphia, Baltimore/Washington, Atlanta, and Chicago, on the one hand, to numerous other cities (except points in Florida) on the other. The proposed fares were constructed by taking 50 percent of the regular round-trip coach fare and adding $9.26 ($10 tax inclusive). The resulting discounts range from 21 percent in short-haul markets up to 47 percent in transcontinental markets, with the corresponding yields ranging from 13.8 to 3.2 cents per mile. The conditions of travel are the same as those which would apply to the North to Florida weekend fares. However, the nonvacation market fares would apply during the peak summer period at the same level as during the spring and fall periods, whereas the North to Florida fares are blacked out during the peak summer period from midwest points, and are approximately 10 percent higher from eastern U.S. points.

In justification of the proposed revisions in its North to Florida weekend tariff Eastern alleges that the fares were a great success during the fall of 1971. The carrier claims that during the 12 weekend periods the fares were in effect 24,010 passengers (or 2,000 per weekend) used the fares, and that based on a 60/40 percent generation/diversion ratio, this resulted in a revenue increase of $926,584 and a net contribution of $638,464.

Based on its experience in 1971, Eastern estimates that 45,700 adult passengers and 2,513 children passengers will be carried during the spring and fall periods of 1972. Assuming the same 60/40 generation/diversion ratio experienced in 1971, the proposed fares will allegedly produce revenues of $2.1 million and a net contribution of $1.5 million. The carrier also estimates that there will be an additional revenue increase of $500,000 and a net contribution of $350,000 from summer weekend fares in the northeast to Florida markets.

Braniff Airways, Inc. (Braniff), National Airlines, Inc. (National), and Northwest Airlines, Inc. (Northwest), have filed complaints requesting suspension and investigation.[4] All three complainants oppose the 25-percent discount (from the weekend fare) for children 12–18 years of age; Braniff and National oppose the expansion of applicable travel days to include Saturday and Sunday; and Braniff also opposes the expansion of the fares to additional markets and the common faring principle applied.

One or more of the complainants allege that the proposed 25-percent discount for children 12 through 18 years of age is a discount on a discount which produces uneconomic yields; challenge the reliability of Eastern's in-flight survey of its 1971 North to Florida passengers; and question the validity of applying the same generation/diversion ratio to the proposed fares since Eastern proposes to double the applicable travel days. Braniff alleges that on 3 of the 4 weekend days it experiences its highest load factor, and that if the fares are as successful as Eastern predicts regular-fare passengers will be displaced.

In answer to the complaints, Eastern alleges that the 1971 survey on which it relies was not an on-board survey as assumed by the complainants, but a telephone interview similar in structure to that conducted by Eastern in Phase 5 of the Domestic Passenger-Fare Investigation; that the addition of Saturday and Sunday as travel days will not significantly increase usage over that previously experienced because nearly any weekend round-trip traveler would have found Friday/Saturday and Sunday/Monday interchangeable travel days; and that if a Saturday morning traveler, for example, was going to be diverted to the fare he would already have been diverted by the availability of the fare on Friday evening.

In support of the nonvacation market weekend fares Eastern alleges that the proposal is an experiment to extend a proven, successful concept to a heretofore untapped source of incremental revenue. The carrier states that information from its survey indicates that a major component (55 percent) of weekend fare passengers travel for personal reasons, i.e., to visit with friends and relatives. The carrier contends that, inasmuch as its weekend fare program to Florida has been so successful, it can be assumed that the weekend fares in nonvacation markets will be generative as well. Eastern estimates that 30,334 adult and 1,682 children passengers will use the proposed fares, or approximately 2 percent of the round-trip coach traffic in applicable markets, and that assuming 55/45 generation/diversion ratio a net revenue increase of $638,506 and a net contribution of $267,826 will result.

American Airlines, Inc. (American), Braniff, Delta, Northwest, Trans World Airlines, Inc. (TWA),[5] and United Air Lines, Inc. (United), have filed complaints against the proposal requesting suspension and investigation.[6] In summary, one or more of the complainants allege that use of the North to Florida experience as a basis for projecting traffic generation in entirely different types of markets is not necessarily valid; that Eastern's estimate of the impact of the fares is unrealistic; that the proposal is inconsistent with Eastern's position in the passenger-fare investigation, particularly with respect to the favorable generation/diversion ratio and the fact that the fares would apply in many short haul markets; that the fares will require the addition of capacity or will result in the displacement of full fare traffic; and that the fares are unreasonably low, and not reasonably related to other discount fares now in effect. The complainants also allege that Eastern is a minimal participant in many of the markets, and that they will bear the risk of the experiment. Finally, the complainants allege that Eastern's traffic submission in Phase 6 indicates that it experiences its worst peaking problems at the major hubs on Fridays and Sundays, where it now proposes to implement the low fares.

Eastern has answered the complaints alleging that its estimate of traffic generation/diversion is rationally constructed from a reliable passenger survey and constitutes a reasonable marketing forecast; that the forecast usage of the fares is based on its actual experience under an identical fare concept, adjusted to reflect the different nature of the markets, and taking into consideration the greater discounts, and the short-haul markets involved; and that the suggestions that its survey is unreliable because a different generation level was found in the survey conducted by Eastern in Phase 5 of the fare investigation are misleading since the proposed fares are quite different from those surveyed in the investigation.

Eastern also contends that the deep discounts proposed are specifically related to the type of travel sought to be generated and result in reasonable fares; that the test of illegality is not availability on peak days but whether the generated traffic is likely to result in additional capacity requirements; and that its proposed fares will not affect capacity in any way. Finally, Eastern alleges that it will be bearing the risk in nearly every one of the markets involved.

Upon consideration of the tariff proposals, the complaints and answers thereto, and other relevant matters, the Board finds that the proposed "nonvacation" market weekend excursion fares and the proposed 25-percent discount from the adult weekend fare for children 12 through 18 years of age may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded that the fares should be suspended pending investigation. The Board finds that on the basis of the facts and information before us, the complaints do not set forth sufficient facts to warrant investigation of the other proposed revisions to the North to Florida weekend tariff and the requests therefor, and consequently the requests for suspension will be denied and the complaints dismissed.

With respect to the North to Florida weekend fares, we believe there may be merit to the proponent's contention that many weekend travelers would find Friday/Saturday and Sunday/Monday to be interchangeable travel days, and that most potential diversion of weekend travelers will probably occur with or without the Saturday/Sunday applicability. To the extent this is true, the extended application should tend to spread the newly generated travel over more flights and alleviate traffic peaking. The proposed expansion to the additional markets appears warranted in light of the successful results of these fares last fall. Regarding the proposed 25-percent discount for children 12 through 18, we believe there is a sufficient question of reasonableness of the fares which would result to warrant suspension pending investigation. Although the tariffs presently provide for a discount of 50 percent of the weekend fare for children 2 through 11, the proposal would expand the concept of discounts on already greatly discounted fares (up to 50 percent of the normal coach fare) to a potentially substantial number of passengers.

Turning to the fares in the nonvacation markets, our decision to suspend is based on the cumulative impact of a number of factors. First, over the years the carriers have frequently reiterated that Florida markets differ from other markets in a number of allegedly significant respects, and have used the unique nature of the market in justification for a number of special Florida fares. Nevertheless, Eastern now justifies its "nonvacation" fares substantially on the basis of its experience in the Florida market, although by characterizing the markets as nonvacation it would appear to recognize their different nature. It is true that Eastern made some adjustment in estimating the generative versus diversionary impact of the fares in the nonvacation markets. However, in our opinion, there is considerable doubt that the diversion factor in nonvacation markets will be as similar to Eastern's experience in the highly tourist Florida markets as the carrier assumes.

Additionally, the fares are proposed to apply during the summer months which constitute the peak season for at least some carriers who would be competitively affected by Eastern's proposal. While some of the particular markets involved may not be subject to the degree of traffic peaking as is experienced in a truly vacation oriented market, the summer period is generally acknowledged to be the industry's peak season (except in the Florida markets). Moreover, while the summer may be off-season from the standpoint of Eastern's domestic system as a whole, the carrier has not demonstrated that it is off-season in the particular markets involved in the proposal. In the absence of adequate load factor data from either the proponent or the complainants, the Board is unable to state with certainty that the fares would create pressure on capacity, were they permitted to become effective. By the same token, we are unable to reach a contrary conclusion.

The Board has previously questioned the soundness over the longer term of encouraging discount fare travel of the very low yield type here involved during peak seasons. Traffic peaking is an inherent problem in the domestic airline industry today, with or without the stimulus of discount fares. To the extent that a significant volume of discount fare traffic can be accommodated on peak demand services, a very real question may be raised as to the volume of capacity being offered. In any event, the carriers have a clear responsibility, which in our opinion has not been met here, to demonstrate that traffic generated by fares of the type here proposed will in fact be accommodated on existing frequencies, particularly considering the very low level of the fares, the extent to which the fares differ from the historical pattern of fares in the markets, and the possible substantial impact on competing carriers.

All of Eastern's major competitors strongly protest the proposal on the ground that each will stand to be exposed to substantial financial risk if the experiment is permitted to become effective. Although the potential risk to competing carriers does not appear as extreme as in the case of an earlier proposal which was suspended by the Board,[7] it nevertheless can be expected to be substantial, notwithstanding Eastern's allegations to the contrary. While we do not mean to place undue emphasis on market share, per se, we would be reluctant to subject the competing carriers to significant financial risk from a proposal we have found may be unreasonable.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A hereto,[8] and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and

[1] Revisions to Eastern's Tariff CAB No. 373.

[2] Various carriers have filed defensive tariffs.

[3] The proposed fares for Minneapolis and Omaha are slightly higher.

[4] Delta Air Lines, Inc. (Delta), filed an answer in support of these complaints.

[5] TWA's complaint was limited to the application of the fares in selected transcontinental markets, all of which have been withdrawn.

[6] American also filed a complaint against a defensive tariff filed by Delta which Delta has answered, and Southern Airways, Inc. (Southern), filed an answer in support of the various complaints.

[7] Order 71-1-145, Jan. 29, 1971.

[8] Partial dissenting statement of Minetti and Murphy, members, and Appendix A filed as part of the original document.

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prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [4] are suspended and their use deferred to and including July 12, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24294, 24295, 24296, 24299, 24302, 24304, 24307, and 24330 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariffs and be served upon American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Southern Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-5948 Filed 4-18-72;8:51 am]

[Docket No. 24409; Order 72-4-67]

EASTERN AIR LINES, INC., ET AL.

Order of Investigation and Suspension Regarding Advance Ticketing Rule

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1972.

By tariff revisions [1] marked to become effective April 15, 1972, Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), and Northeast Airlines, Inc. (Northeast), have filed tariff revisions proposing to reestablish advance ticketing requirements in the northeast U.S.-Florida market for the 1972/1973 Christmas/New Year holiday season. The proposed rules require tickets to be purchased from 1 hour to 12 weeks in advance of departure depending on how far in advance reservations are made. The only justification in support of the filings is a statement that the proposed rule is the same as that approved last year.

No complaints have been filed.

Upon consideration of the tariff filings and other relevant matters the Board concludes that the proposed advance ticketing rule may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. We further conclude that they should be suspended pending investigation.

We recognize that the proposed advance ticketing rule is the same as has been utilized for the past 2 years. Nevertheless, the carriers have made substantial improvements in their reservations systems, and have improved their ability to eliminate duplicate bookings.[2] The carriers have not made any showing as to the extent of protection bookings that may still exist, nor that there continues to be any necessity to have such stringent provisions as proposed—particularly the 8- and 12-week prepayment requirements. Finally, the Board has previously stated that it expects the carriers to continue to explore other means of resolving the peak-period reservation problem that would be less burdensome to persons who are not responsible for the problem, and there is no showing that any effort to do so has been made.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions of Rule 65 on Original Page 20–A of Airline Tariff Publishers, Inc., agent's SAB No. 142, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, Rule 65 on Original Page 20–A of Airline Tariff Publishers, Inc., agent's CAB No. 142 is suspended and its use deferred to and including July 13, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation ordered herein be assigned before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-5949 Filed 4-18-72;8:52 am]

[Docket No. 23333; Order 72-4-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 7, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number.

The agreement would extend through September 30, 1973, the effectiveness of the following resolutions, which govern certain Western Hemisphere cargo rates and related matters and which would otherwise expire on September 30, 1972:

Resolution 014b—Construction rule for cargo rates.
Resolution 014z—Computer constructed rates.
Resolution 045c—Involuntary change of routing of cargo from Chartered Aircraft to Scheduled Service.
Resolution 502—Low density cargo.
Resolution 507b—Use of surface transportation.
Resolution 521—Use of unit load devices.
Resolution 531—TC1 bulk unitization charges.
Resolution 551—TC1 general cargo rates.

Pursuant to authority duly delegated by the Board, in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution 100 (Mail 891) 002x, which is incorporated in Agreement CAB 22970, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22970 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days from the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-5950 Filed 4-18-72;8:51 am]

[Docket No. 24404; Order 72-4-53]

5 STAR AIR FREIGHT CORP.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of April 1972.

By tariff revisions filed March 14, and marked to become effective April 14, 1972, 5 Star Air Freight Corp. (5 Star), an air freight forwarder, proposes, inter alia, to increase its fees for collecting and remitting sums resulting from c.o.d. shipments. The forwarder's current fees are 1 cent per dollar subject to a minimum charge of $2 per c.o.d. collection, which applies to amounts collected of $200 or less. The proposed minimum is $2.50 for collecting $40 or less. For larger collections, the proposed fees would increase in accordance with a schedule based upon the amount to be collected, which vary by increments ranging from $2 to $50, a sample of which is presented below:

When the amount to be collected is—	The c.o.d. fee will be—	
	Under the current formula	Under the proposed table
$40 or less	$2.00	$2.50.
100	2.00	3.75.
200	2.00	6.00.
300	3.00	6.50.
500	5.00	7.50.
700	7.00	8.50.
950	9.50	9.75.
1,000 and over	1 cent per dollar or fraction thereof.	$10 per $1,000 or fraction thereof.

The proposed fees would range to as much as 200 percent above the currently applicable fees.

Upon consideration of all relevant factors, the Board finds that the fees proposed by 5 Star may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed rates should not be permitted to become effective pending investigation, and the tariff filing will be suspended.[1]

The forwarder's proposal would result in c.o.d. fees considerably above those in effect for most other freight forwarders, as well as all direct carriers. At present, most freight forwarders quote a minimum charge of $2 per collection, which applies variously to amounts up to and including $100 and $200. For above-minimum collections certain of these forwarders charge 1 cent per dollar (identical to 5 Star's current fees) and other forwarders charge according to designated fee schedules, higher than the above fees but lower than those proposed by 5 Star. All direct carriers have a minimum of $1 per collection and a fee of $0.50 per $100 or fraction thereof.

5 Star's justification of its higher fees is altogether inadequate. The forwarder does not present any factual support of its proposal, merely stating that it is intended "to increase c.o.d. to a reasonable and compensatory basis, and to clarify the c.o.d. rules," and to make the service competitive and nondiscriminatory. Neither does the forwarder make any showing that the current c.o.d. fees are unduly low and that the proposed rates would be reasonable.[2] Furthermore, the Board does not consider the fact that a carrier has domestic c.o.d. fees lower than international fees a significant factor justifying increasing the domestic level.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions in Rule No. 105 on Second Revised Page 10 and Second Revised Page 11 of CAB No. 1 and Rule No. 80 on Second Revised Page 8 and Second Revised Page 9 of CAB No. 2 issued by 5 Star Air Freight Corp., and rules, regulations, or practices affecting such charges and provisions, are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, Rule No. 105 of Second Revised Page 10 and Second Revised Page 11 of CAB No. 1 and Rule No. 80 on Second Revised Page 8 and Second Revised Page 9 of CAB No. 2 issued by 5 Star Air Freight Corp., are suspended and their use deferred to and including July 12, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated Docket 24404, be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be filed with the tariff and served upon 5 Star Air Freight Corp., which is hereby made a party to Docket 24404. This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-5858 Filed 4-18-72;8:45 am]

FEDERAL MARITIME COMMISSION

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary,

[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB No. 142.

[2] Also, Eastern claims that its conditional reservation rule has proven to be successful in alleviating the no-show problem.

[4] Filed as part of the original document.

[1] The carrier also proposes to revise its rules for collecting c.o.d. fees, with respect to such matters as documentation and exclusion of service for such items as shipments moving under assembly and distribution service, shipments on which the total amount to be collected on delivery exceeds $50,000, etc. The revised rules are essentially the same as those of the direct carriers and do not appear, prima facie, unreasonable.

[2] See Order 70-6-26, June 3, 1970, and Order 69-9-50, September 9, 1969, in which the Board suspended increased c.o.d. charges proposed by Shulman Air Freight and Scott Air Freight, Inc., respectively, on the ground of lack of justification. See also Increased Valuation and C.O.D. Charges Proposed by Railway Express Agency, Inc., 27 C.A.B. 542 (1958), in which the Board, after investigation, held the proposed increases in c.o.d. and other charges unjust and unreasonable, chiefly on the ground that the Railway Express Agency had failed to sustain the burden of coming forward with evidence justifying the proposed increases.

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Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. C. R. Nickerson, Executive Secretary, California Association of Port Authorities, 9 First Street, San Francisco, CA 94105.

Agreement No. 7345–16, between the members of the California Association of Port Authorities, modifies the basic agreement which provides for the establishment and maintenance of just and reasonable rates, rules, and regulations at members' terminals at ports in the State of California. The modification provides for (1) the amending of Articles 10, 14, 16, 18, and 20 of the agreement to change the title of "Secretary" to "Executive Secretary"; (2) the addition of a new subparagraph (e) to Article 3 of the agreement to provide that all actions, including tariff changes, taken by the committee on Tariffs and Practices and by the Traffic Committee of Operating Members shall be in accordance with the agreement and with procedures adopted by the Committees, approved by the Association, and filed with the Commission; (3) the addition of a new subparagraph (e) to Article 18 of the agreement to provide that the two traffic committees shall conduct their business in regular or special meetings, or in meetings by telephone or by correspondence in accordance with procedures adopted by the committees, approved by the Association, and filed with the Commission; (4) the amending of Article 19 of the agreement to provide that a quorum of the two traffic committees shall consist of not less than two-thirds of the entire membership of the respective committees; and (5) the amending of Article 20 of the agreement to provide that the vote of a member of the Association shall be cast at a meeting of the Association or at a committee meeting by the accredited delegate or alternate representative or by the holder of a written proxy from such member.

Dated: April 12, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5912 Filed 4-18-72;8:49 am]

HELLENIC MEDITERRANEAN LINES CO., LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Hellenic Mediterranean Lines Co., Ltd., Electric Railway Station Building, Post Office Box 57, Piraeus, Greece.

Dated: April 14, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5957 Filed 4-18-72;8:52 am]

HELLENIC MEDITERRANEAN LINES CO., LTD.

Notice of Issuance of Performance Certificate

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Hellenic Mediterranean Lines Co., Ltd., Electric Railway Station Building, Post Office Box 57, Piraeus, Greece.

Dated: April 14, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-5958 Filed 4-18-72;8:52 am]

FEDERAL POWER COMMISSION

[Project 2570]

OHIO POWER CO.

Notice of Availability of Environmental Statement for Inspection

APRIL 14, 1972.

Notice is hereby given that on February 3, 1972, as required by § 2.81(b) of Commission regulations under Order 415–B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission.

This statement deals with an application for license by Ohio Power Co. for unconstructed hydroelectric Racine Project No. 2570 filed pursuant to the Federal Power Act.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project which would be located on the Ohio side of the U.S. Racine Locks and Dam in Meigs County, Ohio, and Mason County, W. Va., on the Ohio River and would consist of an intake canal; a concrete powerhouse section containing 2–20 mw generating units; a tailrace; a 3.5-mile long double circuit 69-kv. transmission line; recreational facilities consisting of an overlook area with parking facilities, comfort station, picnic area, and fishing pier; and appurtenant facilities.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-5984 Filed 4-18-72;8:52 am]

[Dockets Nos. CP72-33 and RP70-42]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Amended Application

APRIL 17, 1972.

Take notice that on April 10, 1972, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-33 an amended application for a certificate of public convenience and necessity authorizing a 40,000 Mcf per day increase of service under applicant's FPC Rate Schedule S–2 and a one time sale of 3 Bcf of natural gas to Northern Illinois Gas Co., all as more fully set forth in the application which is on file with the Commission and open to public inspection. The resale customers receiving the additional storage service will relinquish 6 Bcf to Natural, of which 3 Bcf will be resold to NI, and 3 Bcf injected into Natural's storage fields.

Specifically, applicant and Northern Illinois have entered into an agreement whereby Northern Illinois agreed to reduce its withdrawal quantity under applicant's FPC Rate Schedule S–1 by 100,000 Mcf per day in return for additional sales to Northern Illinois of 3 Bcf above its curtailed level for the period of April through October 1972. The effect of this agreement is to allow both applicant and Northern Illinois to continue to fully develop and maximize their storage facilities. Through prudent storage programing, applicant will be able to offer to all of its customers except Northern Illinois additional Rate Schedule S–2 storage service equivalent to one hundred (100) days of service at 40,000 Mcf per day, thereby allowing its customers to attach additional firm space heating loads to which service is presently being denied.

Applicant's original application herein was filed on August 9, 1971, and was noticed on August 23, 1971. This amended application results from a conference of all parties hereto.

Good cause has been shown for a shorter than normal notice period. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before April 28, 1972.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6016 Filed 4-18-72;8:52 am]

FEDERAL RESERVE SYSTEM

BANK SECURITIES, INC.

Acquisition of Bank

Bank Securities, Inc., Alamogordo, N. Mex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Liberty National Bank, Lovington, N. Mex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 4, 1972.

Board of Governors of the Federal Reserve System, April 13, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5922 Filed 4-18-72;8:49 am]

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its rules regarding availability of information, notice is given that at its meeting on January 11, 1972, the Committee ratified the action taken by the members on December 23, 1971, to suspend, until close of business on the day of the next meeting, the lower limit (specified in paragraph 1(c) of the continuing authority directive with respect to domestic open market operations) on interest rates on repurchase agreements arranged by the Federal Reserve Bank of New York with nonbank dealers. The suspended provision specified that such repurchase agreements were to be made "at rates not less than (1) the discount rate of the Federal Reserve Bank of New York at the time such agreement is entered into, or (2) the average issuing rate on the most recent issue of 3-month Treasury bills, whichever is lower." (See 37 F.R. 3392.)

By order of the Federal Open Market Committee, February 3, 1972.

MURRAY ALTMANN,
Assistant Secretary.

[FR Doc.72-5923 Filed 4-18-72;8:49 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of January 11, 1972

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on January 11, 1972.[1]

The information reviewed at this meeting suggests that real output of goods and services increased more rapidly in the fourth quarter than it had in the third quarter, but the unemployment rate remained high. In recent weeks wage and price developments have reflected some increases that had been deferred under the 90-day freeze. The narrowly defined money stock, which had not grown on balance from August to November, rose somewhat in December, while both the broadly defined money stock and the bank credit proxy increased substantially. Market interest rates, particularly short-term rates, have declined in recent weeks. After international agreement was reached in December on new central exchange rates and on wider margins of permissible variation, market exchange rates for major foreign currencies against the dollar initially moved to levels a little above their new lower limits. The volume of capital reflows to the United States has been modest, however, and the underlying U.S. balance of payments remains in deficit. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consistent with the aims of the new governmental program, including sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of international developments and the forthcoming Treasury financing, the Committee seeks to promote the degree of ease in bank reserve and money market conditions essential to greater growth in monetary aggregates over the months ahead.

The Committee ratified the action taken by the members on December 20, 1971, adding the clause "while taking account of international developments" at the end of the final sentence of the current economic policy directive then in effect (see 37 F.R. 3393).

By order of the Federal Open Market Committee, February 3, 1972.

MURRAY ALTMANN,
Assistant Secretary.

[FR Doc.72-5924 Filed 4-18-72;8:49 am]

[1] The Record of Policy Actions of the Committee for the meeting of January 11, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SOUTHWEST BANCSHARES, INC.

Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Denton County National Bank, Denton, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 4, 1972.

Board of Governors of the Federal Reserve System, April 13, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-5925 Filed 4-18-72;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

APPLIED DEVICES CORP.

Order Suspending Trading

APRIL 12, 1972.

The common stock, $0.50 par value, of Applied Devices Corp., being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security

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on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1972 through April 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5890 Filed 4-18-72;8:46 am]

[File 500-1]

DASHEW BUSINESS MACHINES, INC.

Order Suspending Trading

APRIL 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, of Dashew Business Machines, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 12:30 p.m., e.s.t., April 13, 1972, through April 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5933 Filed 4-18-72;8:50 am]

[File 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

APRIL 12, 1972.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 13, 1972, through April 22, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5891 Filed 4-18-72; 8:46 am]

[70-5181]

NATIONAL FUEL GAS CO. ET AL.

Notice of Proposed Issue and Sale of Debentures at Competitive Bidding by Holding Company and Related Intrasystem Transactions

APRIL 13, 1972.

Notice is hereby given that National Fuel Gas Co., 30 Rockefeller Plaza, New York, NY 10020 (National), a registered holding company, three of its gas utility subsidiary companies, Iroquois Gas Corp. (Iroquois), United Natural Gas Co. (United), and Pennsylvania Gas Co. (Penn), and a nonutility subsidiary company of National, The Sylvania Corp. (Sylvania), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b), and 12(f) of the Act and Rules 43, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

National proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 promulgated under the Act, $23,500,000 principal amount of __ percent Debentures, series due May 1997. The interest rate of the debentures (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to National (which shall be not less than 99 percent nor more than 102 percent of the principal amount thereof) will be determined by the competitive bidding. The debentures will be issued under an indenture dated as of August 15, 1968, between National and Manufacturers Hanover Trust Co. as Trustee, as heretofore supplemented and as to be further supplemented by a Fourth Supplemental Indenture dated as of May 15, 1972. The debentures may not be redeemed prior to May 15, 1977, if such redemption is for the purpose or in anticipation of their refunding through the use, directly or indirectly, of funds borrowed by the company at an effective interest cost of less than the effective interest cost of the debentures. The proposed debentures are subject to a sinking fund of $587,500 on June 15 of each year from 1977 to 1996, inclusive.

National purposes to use the net proceeds from the sale of its debentures to acquire for cash $23,500,000 principal amount of unsecured long-term promissory notes from Iroquois ($18,400,000), Penn ($1,500,000) and Sylvania ($3,600,000). Concurrently, two of the subsidiary companies will prepay $13,500,000 of their outstanding short-term notes payable to National maturing December 31, 1972, as follows: Iroquois, $11 million; and Sylvania, $2,500,000. National will use the proceeds of these subsidiaries' note prepayments to prepay $13,500,000 of its notes payable to The Chase Manhattan Bank (N.A.), maturing December 31, 1972. The long-term notes to be issued and sold to National will mature on May 15, 1997, and will bear interest, payable semiannually, at a rate per annum equal to the effective cost of money incurred by National on its proposed sale of debentures, rounded up or down to the nearest one-tenth of 1 percent. The net proceeds derived from the sale of these long-term notes, together with funds available from current operations, will be used by the respective subsidiary companies to make additions to utility plant, to prepay short-term notes to National aggregating $13,500,000, and to increase and replenish working capital. The total cost of the 1972 plant expansion programs are estimated at $14,380,000 by Iroquois, $3,585,000 by Penn and $867,000 by Sylvania.

Iroquois, Penn, Sylvania, and United propose to issue and sell from time to time to the banks named below short-term promissory notes up to $8 million aggregate amount for Iroquois, $4 million for Penn, $2 million for Sylvania, and $7 million for United. Each such note will be dated as of the date of issue, will mature not later than 9 months thereafter, will bear interest at the prime commercial rate in effect on the issue date, and will be prepayable at any time, in whole or in part, without penalty or premium. Such 9 months' notes will amount to the following percentages of the principal amount and par value of the respective four companies' other securities outstanding as of December 31, 1971: Iroquois, 5.3 percent; United, 13.2 percent; Penn, 14.9 percent; and Sylvania, 50 percent. The proceeds derived from the sale of such short-term notes to banks will be used by Iroquois, United, Penn, and Sylvania to finance the cost of gas purchased and stored underground for current inventory purposes, and it is stated that such borrowings are expected to be repaid early in 1973 as gas is withdrawn from storage and sold.

The banks from which each company proposes to borrow, and the maximum amount to be outstanding with each bank, are as follows:

By Iroquois:	
Marine Midland Bank-Western, Buffalo, N.Y.	$3,760,000
Manufacturers & Traders Trust Co., Buffalo, N.Y.	3,600,000
Liberty National Bank & Trust Co., Buffalo, N.Y.	640,000
Total	8,000,000
By United:	
Bradford National Bank, Bradford, Pa.	300,000
Du Bois Deposit National Bank, Du Bois, Pa.	340,000
Elk County Bank & Trust Co., St. Marys, Pa.	300,000
Emporium Trust Co., Emporium, Pa.	170,000
First National Bank of Mercer County, Greenville, Pa.	200,000
First Seneca Bank & Trust Co., Oil City, Pa.	1,125,000
McDowell National Bank, Sharon, Pa.	750,000
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.	1,250,000
The Pennsylvania Bank & Trust Co., Titusville, Pa.	700,000
Producers Bank & Trust Co., Bradford, Pa.	70,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	1,795,000
Total	7,000,000
By Sylvania:	
Northwest Pennsylvania Bank & Trust Co., Oil City, Pa.	1,000,000
First Seneca Bank & Trust Co., Oil City, Pa.	1,000,000
Total	2,000,000
By Penn:	
Warren National Bank, Warren, Pa.	700,000
The First National Bank of Pennsylvania, Erie, Pa.	1,750,000
Marine National Bank, Erie, Pa	700,000
Marine Midland Chautauqua National Bank, Jamestown, N.Y.	500,000
The Pennsylvania Bank & Trust Co., Warren, Pa.	350,000
Total	4,000,000

By Order dated December 31, 1968 (Holding Company Act Release No. 16237), the Commission authorized National to issue and sell from time to time up to December 31, 1969 its commercial paper in amounts aggregating up to a maximum of $4 million at any one time outstanding, at an effective cost not to exceed the cost of equivalent borrowings from commercial banks; and on July 17, 1969 (Holding Company Act Release No. 16429), this authorization was extended to December 31, 1972. The proceeds of these commercial paper sales were loaned to Iroquois at National's actual cost of securing the funds pursuant to an Agreement between National and Iroquois, dated August 28, 1968. National now requests that the said authorization to issue and sell its commercial paper be extended through December 31, 1974, and Iroquois proposes to amend the Agreement of August 28, 1968 so as to extend the maturity date of its related Note to National from December 31, 1972 to December 31, 1974. The proposed $4 million of commercial paper amounts to approximately 2 percent of the principal amount and par value of National's other outstanding securities at December 31, 1971.

National also proposes that the certificates of notification under Rule 24, relating to the short-term borrowings, be filed on a quarterly basis.

The estimated fees and expenses to be paid by National in connection with the proposed debentures are $69,000, including counsel fees of $12,250. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder, are estimated at $15,500. The fees and expenses in connection with the proposed notes are estimated at $4,150 for National, $5,440 for Iroquois, and $210 for Penn.

It is stated that the proposed issue and sale of long-term notes by Iroquois are subject to the jurisdiction of the Public Service Commission of New York; that the proposed issue and sale of long-term notes by Penn are subject to the jurisdiction of the Pennsylvania Public Utility Commission; and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 4, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5935 Filed 4-18-72;8:50 am]

[70-5160]

OHIO EDISON CO.

Notice of and Order for Hearing Regarding Proposed Acquisition of Utility Assets from Village of Hiram, Ohio

APRIL 13, 1972.

On March 20, 1972, the Commission issued a notice (Holding Company Act Release No. 17503) of an application filed by Ohio Edison Company, 47 North Main Street, Akron, OH 44308 (Ohio Edison), a registered holding company and an electric utility company, pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 (Act), regarding a proposal of Ohio Edison to acquire from the Village of Hiram, Ohio (Hiram), the electric utility system owned and operated by Hiram. Ohio Edison bid $675,000, plus the cost of net plant additions after April 1, 1971, for the Hiram system, such bid price having been submitted and accepted pursuant to an advertisement inviting bids for the Hiram utility system. The notice gave any interested person an opportunity to file a request in writing for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted.

Certain citizens of Hiram have filed in the form of a motion to intervene, a timely petition in opposition to the acquisition by Ohio Edison. It appears to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions and that the application should not be granted except pursuant to further order of the Commission:

It is ordered, That a hearing be held herein on May 23, 1972, at 10 a.m., at the offices of the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549. On such date the Hearing Room Clerk will advise as to the room in which the hearing will be held.

It is further ordered, That a Hearing Examiner, hereafter to be designated, shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18(c) of the Act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That particular attention be directed in the hearing to the following matters, without prejudice, however, to the presentation of additional matters upon further examination:

(a) Whether the proposed acquisition by Ohio Edison of the electric utility system of Hiram meets the standards of section 10 of the Act, and particularly the requirements of sections 10(b)(1), 10(b)(2), and 10(c)(2).

(b) Whether the accounting entries to be made in connection with the proposed transactions are proper and in accord with sound accounting principles.

(c) Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount.

(d) What terms or conditions, if any, the Commission's order should contain.

(e) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the rules and regulations promulgated thereunder.

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It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That any person, other than the applicant or those persons heretofore having filed a petition to intervene, desiring to be heard in connection with this proceeding or proposing to intervene therein shall file with the Secretary of the Commission on or before May 19, 1972, a written request relative thereto as provided in Rule 9 of the Commission's rules of practice. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. Persons filing an application to participate or be heard will receive notice of any adjournment of the hearing as well as other actions of the Commission involving the subject matter of these proceedings.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this order by certified mail to Ohio Edison, to those persons heretofore having filed a petition to intervene, the City Council of Hiram, the Public Utilities Commission of Ohio, the U.S. Department of Justice, and the Federal Power Commission; and that notice to all other interested persons shall be given by a general release of the Commission and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-5934 Filed 4-18-72;8:50 am]

SMALL BUSINESS ADMINISTRATION

[MESBIC License Application 04/04-5104]

URBAN VENTURES, INC.

Notice of Application for a License as a Minority Enterprise Small Business Investment Company

An application for a license to operate as a minority enterprise small business investment company (MESBIC) under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Urban Ventures, Inc. (applicant), with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (13 CFR § 107.102 (1971)).

The officers and directors of the applicant are as follows:

William A. Wynn, Jr., 1261 Little River Drive, Miami, FL 33147, President, Director.
Edward I. H. Bennett, 2451 Brickell Avenue, Miami, FL 33129, Secretary-Treasurer.
Charles E. Clark, c/o Knight Foundation, 1 Herald Plaza, Miami, FL 33132, Director.
Maurice Ferre, c/o Maule Industries, 100 North Biscayne Boulevard, Miami, FL 33132, Director.
Roy A. Perry, c/o City National Bank of Miami, Post Office Box 3280, Miami, FL 33101, Director.
Julius W. Phoenix, c/o Haskins & Sells, 100 Biscayne Tower, Miami, FL 33132, Director.
Charles Potter c/o Burdine's, 22 East Flagler Street, Miami, FL 33131, Director.
Garth Reeves, c/o National Industrial Bank, 6013 Northwest Seventh Avenue, Miami, FL 33127, Director.
James A. Ryder, c/o Ryder Systems, Inc., 2701 South Bayshore Drive, Miami, FL 33133, Director.
Bernard Shumate, c/o First National Bank of Miami, 100 South Biscayne Boulevard, Miami, FL 33131, Director.
Howard J. Trinz, c/o General Development Corp., 1111 South Bayshore Drive, Miami, FL 33131, Director.
Leonard Usina, c/o Peoples Group of Banks, 9499 Northeast Second Avenue, Miami, FL 33138, Director.
S. H. Wills, c/o Stuyvesant Insurance Co., 1105 Hamilton Street, Allentown, PA 18104, Director.
Sonny Wright, c/o Universal Real Estate, 4600 Northwest Seventh Avenue, Miami, FL 33127, Director.

The applicant, a Florida corporation with its principal place of business located at 825 South Bayshore Drive, Miami, FL 33131, will begin operations with $152,500 of paid-in capital, consisting of 152,500 shares of common stock issued to the following stockholders:

Burdine's, 22 East Flagler Street, Miami, FL 33131.
City National Bank of Miami, Post Office Box 3280, Miami, FL 33101.
First National Bank of Miami, 100 South Biscayne Boulevard, Miami, FL 33131.
General Development Corp., 1111 South Bayshore Drive, Miami, FL 33131.
Haskins & Sells, 100 Biscayne Tower, Miami, FL 33132.
Knight Foundation, 1 Herald Plaza, Miami, FL 33132.
Miami Times, 6530 Northwest 15th Avenue, Miami, FL 33127.
Maule Industries, 100 North Biscayne Boulevard, Miami, FL 33132.
National Industrial Bank, 6013 Northwest Seventh Avenue, Miami, FL 33127.
Peoples Group of Banks, 9499 Northeast Second Avenue, Miami, FL 33138.
Ryder Systems, Inc., 2701 South Bayshore Drive, Miami, FL 33133.
Stuyvesant Insurance Co., 1105 Hamilton Street, Allentown, PA 18104.

None of the foregoing stockholders owns 10 percent or more of the outstanding stock.

Applicant will not concentrate its investments in any particular industry. According to the company's stated investment policy, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any interested person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, relevant comments on the proposed MESBIC. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: April 17, 1972.

A. H. SINGER, *Associate Administrator for Investment.*

[FR Doc.72-6073 Filed 4-18-72;10:10 am]

TARIFF COMMISSION

[337-L-49]

ELECTRONIC PIANOS

Extension of Time for Filing Written Views

On March 30, 1972, the U.S. Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by Wurlitzer Co., Chicago, Ill., alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic pianos (37 F.R. 6797). Interested parties were given until May 1, 1972, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on May 11, 1972.

Issued: April 14, 1972.

By order of the Commission:

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-5938 Filed 4-18-72;8:50 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 14, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction, No. MC 56679 Sub. Nos. 41, 48, 50, and 62, Brown Transport Corp. ext. Florida points, MC-F-11345, Brown Transport Corp.—Investigation of control—Pool Freight Line, Inc., now being assigned hearing, on June 6, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA, on June 14, 1972, in Holiday Inn Downtown, 175 Piedmont Avenue NE., Atlanta, GA, on July 10, 1972, Holiday Inn I-85, I-85 and Parkins Mill Road Exit, Greenville, SC, and on July 17, 1972, Holiday Inn Downtown 2300 Phillips Highway (junction I-95 and U.S. Highway 1 South), Jacksonville, FL.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5963 Filed 4-18-72;8:52 am]

MC 107295 Sub 562, Pre-Fab Transit Co., now assigned May 15, 1972, at Washington, D.C., hearing canceled and application dismissed.
MC 60014 Sub 30, Aero Trucking, Inc., now being assigned hearing May 16, 1972, at Columbus, Ohio, in a hearing room to be later designated.
MC 1872 Sub 70, Ashworth Transfer, Inc., now assigned May 22, 1972, at Washington, D.C., hearing canceled and application dismissed.
MC 51146 Sub 210, Schneider Transport & Storage, Inc., now assigned April 17, 1972, at Washington, DC., postponed to June 5, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.
MC 133146 Sub 5, International Transportation Service, Inc., now assigned May 25, 1972, at Washington, D.C., hearing postponed indefinitely.
MC 116073 Sub 185, Barrett Mobile Home Transport, now assigned May 1, 1972, at Washington, D.C., postponed to June 5, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.
No. 35380, National Electrical Manufacturers Association et al. V—Aberdeen and Rockfish Railroad Co., et al., now assigned May 31, 1972, at Washington, D.C., postponed to July 24, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.
W-497 Sub 7, United States Lines, Inc., continued to July 10, 1972, at San Francisco, Calif., in a hearing room to be later designated.
MC 61592 Sub 231, Jenkins Truck Line, now assigned April 18, 1972, at Washington, D.C., hearing canceled and application dismissed.
FD 27045, St. Louis Southwestern Railway Co. and St. Louis-San Francisco Railway Co. to purchase properties of each carrier, and FD 27060, St. Louis Southwestern Railway Co.—Construction—Gideon, New Madrid County, Mo., now being assigned hearing May 17, 1972 (3 days), at Malden, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5962 Filed 4-18-72;8:52 am]

ASSIGNMENT OF HEARINGS

APRIL 14, 1972.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction, No. MC 56679 Sub. Nos. 41, 48, 50, and 62, Brown Transport Corp. ext. Florida points, MC-F-11345, Brown Transport Corp.—Investigation of control—Pool Freight Line, Inc., now being assigned hearing, on June 6, 1972, in Room 305, 1252 West Peachtree Street NW., Atlanta, GA, on June 14, 1972, in Holiday Inn Downtown, 175 Piedmont Avenue NE., Atlanta, GA, on July 10, 1972, Holiday Inn I-85, I-85 and Parkins Mill Road Exit, Greenville, SC, and on July 17, 1972, Holiday Inn Downtown 2300 Phillips Highway (junction I-95 and U.S. Highway 1 South), Jacksonville, FL.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5963 Filed 4-18-72;8:52 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 14, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Montana docket number unknown, filed March 28, 1972. Applicant: THORM R. FORSETH, 2547 Burlington, Billings, MT 59102. Applicant's representative: Hugh Sweeney, 301 Mutual Benefit Life Building, 2720 Third Avenue North, Billings, MT. Certificate of public convenience and necessity sought to operate a service as follows: Transportation of *Passengers, baggage, express, and newspapers* in the same vehicle with passengers between Billings, Mont., and Helena, Mont., over Highway 3 to the junction of said Highway with U.S. Highway 12, 1 mile to the north of Lavina; thence over U.S. Highway 12 to Helena, Mont., and return over the same route, with service to and from all intermediate points. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of the State of Montana, 1227 11th Avenue, Helena, MT, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4470 (Sub-No. 9), filed March 24, 1972. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 428, Sparta, TN 38583. Applicant's representative: James Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, excluding used household goods and commodities in bulk, in intrastate commerce and coextensively in interstate commerce as follows: Route description: Between Chattanooga and Knoxville, Tenn., over the following described routes: (1) Via U.S. Highway 11, and (2) via Interstate Highway 75, using such access routes as may be convenient between those portions of Interstate Highway 75 which are completed and U.S. Highway 11. Restricted against picking up or delivering at any intermediate point, but with this authority to be used in conjunction with all of applicant's other authority, present or future, by joinder or tacking. Applicant seeks coextensive interstate authority. Both intrastate and interstate authority sought.

Hearing: August 16, 1972, 9:30 a.m., Commission's Courtroom, C-1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219 and should not be directed to the Interstate Commerce Commission.

Virginia Docket No. CC-7122, filed March 31, 1972. Applicant: INTERCITY BUS LINES, INC., Roanoke, Va. Applicant's representative: Calvin F. Major, 200 West Grace Street, Richmond, VA 23220. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between Roanoke and Clifton Forge, via Fincastle and Eagle Rock, Va. (Abbott Bus Lines, Inc., Roanoke, Va., seeks authority to transfer its certificate containing the above authority to Intercity Bus Lines, Inc., Roanoke, Va.) Both intrastate and interstate authority sought.

HEARING: June 14, 1972, 10 a.m., courtroom, State Corporation Commission, Richmond, Va. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission of Virginia, Commonwealth of Virginia, Box 1197, Richmond, VA 23209 and should not be addressed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5960 Filed 4-18-72;8:52 am]

[Notice 29]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 14, 1972.

The following publications[1] are governed by the new § 1100.247 of the Com-

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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mission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

WATER CARRIER

No. W-78 (Sub-No. 11), THE VALLEY LINE COMPANY EXTENSION—COASTWISE, filed April 7, 1972. Applicant: THE VALLEY LINE COMPANY, a corporation, 411 North Seventh Street, St. Louis, MO 63101. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. By application filed April 7, 1972, applicant seeks revision of certificate (No. W-78), to cover the following proposed changes in service: Operation as a common carrier by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment*, between ports and points along the Atlantic Coast and tributary waterways, on the one hand, and, on the other, ports and points within Valley's existing authority and ports and points along the Gulf of Mexico and tributary waterways.

Prehearing conference: June 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MOTOR CARRIERS OF PROPERTY

No. MC 8989 (Sub-No. 216) (Republication), filed June 14, 1971, published in the FEDERAL REGISTER, issues of July 15, 1971, and September 16, 1971, and republished this issue. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, MI 48904. Applicant's representative: Albert F. Beasley, 311 Investment Building, 1511 K Street NW., Washington, DC 20005. An order of the Commission, Operating Rights Board, dated January 24, 1972, and served March 13, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of automobiles, trucks, and buses as described in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, (1) from the plantsites of the General Motors Corp. at Linden, N.J., and Wilmington, Del., to Lansing, Mich.; and (2) from the plantsites of the General Motors Corp. at Linden, N.J., and Wilmington, Del., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin, restricted in (2) above to the transportation of traffic moving through Lansing, Mich. That because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 51018 (Sub-No. 8) (Republication), filed August 5, 1970, published in the FEDERAL REGISTER, issue of September 3, 1970, September 17, 1970, November 3, 1971, and republished this issue. Applicant: THE BESL TRANSFER COMPANY, a corporation, 5550 East Avenue, Cincinnati, OH 45232. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. An order of the Commission, Division 1, acting as an Appellate Division, dated March 24, 1972, and served March 28, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of commodities which, because of their size or weight require the use of special equipment, (2) of self-propelled articles, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) of related machinery, tools, parts, and supplies moving in connection with the commodities described in (2), (a) between points in Hamilton County, Ohio, and points in that part of Ohio on and south of Interstate highway 70 and on and west of Interstate Highway 75, on the one hand, and, on the other, points in Ohio, points in Dearborn County, Ind., and points in that part of Kentucky within 10 miles of the southern limits of Cincinnati, Ohio, and (b) between points in Ohio within 25 miles of Cincinnati, points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75, and points in Indiana and Kentucky within 25 miles of Cincinnati, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Pennsylvania, and West Virginia, with the provision that applicant may join the authorities contained in (a) and (b) above to provide a through service. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the appendix to the order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding showing in specific detail the manner in which it has been materially adversely affected by the grant of this authority.

No. MC 117815 (Sub-No. 162) (Republication), filed June 18, 1970, published in the FEDERAL REGISTER, issue of July 9, 1970, and republished this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 610 Hubbell Building, Des Moines, Iowa 50309. A report and order of the Commission, Division 1, acting as an Appellate Division, decided March 24, 1972, and served April 6, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of cleaning, buffing, and polishing compounds, pesticides, varnish, shaving cream, soap, household cleaning equipment and supplies, and industrial lubricating compounds, from the plantsites and storage facilities of S. C. Johnson & Son, Inc., at Racine and Waxdale, Wis., to Omaha, Nebr., Kansas City, Mo., and points in Iowa (except Clinton and Cedar Rapids, Iowa, and those points in Iowa in the Davenport, Iowa-Rock Island and Moline, Ill., commercial zone), restricted (1) against the transportation of commodities in bulk, and (2) to the transportation of traffic originating at the above-named plantsites and storage facilities and destined to the named destination points, and subject to the condition that to the extent such authority duplicates applicant's existing authority it shall not be construed as conferring more than a single operating right. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136007 (Republication), filed August 18, 1971, published in the FEDERAL REGISTER issue of October 7, 1971, and republished this issue. Applicant: EDWARD BORKOWSKI, doing business as BORKOWSKI TOWING, Post Office Box 868, 4010 Seventh Street, Winona, MN 55987. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55987. An order of the Commission, operating rights board, dated March 10, 1972, and served April 5, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked, disabled, and repossessed motor vehicles and replacement vehicles therefor, between points in Fillmore, Houston, Olmstead, Wabasha, and Winona Counties, Minn., on the one hand, and, on the other, points in Illinois, Iowa, North Dakota, South Dakota, and Wisconsin, restricted to transportation of traffic either by use of wrecker equipment or in truck-away service. Since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 60186 (Sub-No. 26) (Correction) (Notice of Filing of Petition for Modification of Certificate), filed February 15, 1972, published in the FEDERAL REGISTER issue of March 15, 1972, and republished as corrected this issue. Petitioner: NELSON FREIGHTWAYS, INC., Rockville, Conn. 06066. Petitioner's representative: Vernon V. Baker, 1250 Connecticut Avenue NW., Washington, DC 20036. NOTE: The purpose of this republication is to show the correct number of the New York Highway set forth in previous publication incorrectly as New York Highway 122. The highway referred to should have read New York Highway 112. The rest of the notice remains as previously published.

No. MC 107299 (Notice of Filing of Petition for Modification of Authority), filed March 15, 1972. Petitioner: ROBERTS CARTAGE COMPANY, 3200 South Archer Avenue, Chicago, IL 60603. Petitioner's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Petitioner states it is a motor common carrier of specialized commodities authorized to operate in interstate commerce pursuant to authority issued to it by the Interstate Commerce Commission in Docket No. MC 107299 on October 26, 1949. The specific authority which petitioner seeks to have modified by this petition presently reads as follows: "Irregular routes: *Store, restaurant, and bar fixtures and equipment*, uncrated, between Chicago, Ill., on the one hand, and, on the other, points in the United States. *Store fixtures*, from Chicago, Ill., to points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Indiana, Michigan, Ohio, Pennsylvania, New York, West Virginia, Tennessee, and Kentucky." By the instant petition, petitioner requests that the foregoing commodity descriptions be modified so as also to permit the transportation of store, restaurant, and bar fixtures and equipment when moving as displays or display materials to and from conventions, shows, expositions, and similar gatherings for exhibition purposes. NOTE: Petitioner has also stated that it has pending before the Commission in Docket No. 107299 (Sub-No. 8), an application seeking authority to transport exhibits, exhibit materials, displays and display materials, between Chicago, Ill., on the one hand, and, on the other, points in the United States; and that the modification sought in the instant petition either be granted on the basis of the evidence it has submitted herewith or, if the Commission deems an oral hearing to be necessary, that it be consolidated with its application in No. MC 107299 (Sub-No. 8). Petition states that the said application in MC 107299 (Sub-No. 8) is now set for hearing on May 15, 1972, in Chicago, Ill. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109637 (Sub-No. 288), (Notice of Filing of Petition to Extend Expiration Date of Certificate), filed March 22, 1972. Petitioner: SOUTHERN TANK LINES, INC., Lansdowne, Pa. Petitioner's representative: Harry C. Ames, Jr., and Gerald K. Gimmel, 666 11th Street, NW., Washington, DC 20001. Petitioner holds a certificate in No. MC 109637 (Sub-No. 288) to transport liquefied petroleum gas, in bulk, in tank vehicles, from Crossville, Ill., to Central City, Henderson, and Owensboro, Ky., to expire on June 9, 1971. By the instant petition, petitioner requests that the expiration date of its certificate be extended for 5 years to June 9, 1976, to permit the continuation of operations by it in service to the public. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116810 (Notice of Filing of Supplemental Petition for Alternate Gateway and Elimination of Gateways), filed February 16, 1972. Petitioner: BAIR TRANSPORT, INC., Riverside, N.J. Petitioner's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Petitioner states that it previously filed a petition to amend its general commodity operating authority by requesting alternate gateways or the elimination of gateways. Notice of petition was published in the FEDERAL REGISTER issue of August 4, 1971. The matter was set for handling under the modification procedure by Order of the Commission served September 21, 1971. Petitioner further states that publication in the FEDERAL REGISTER was disclosed to be faulty. The Commission's attention was drawn to the fact, after which order served September 21, 1971 was vacated and set aside. Petitioner states that by letter dated October 13, 1971, additional information was requested by the Commission. This is the purpose of the instant supplemental petition. Petitioner states that the petition, as originally submitted, requested amendment on three (3) counts. When published, notice of two (2) counts, No. 1 and No. 3 were made. That not published reads as follows: "Petitioner requests the elimination of the gateway of Bergen County, N.J., observing the New York, N.Y. Gateway only in connection with shipments moving between the Massachusetts and Connecticut territory described in paragraph 4 and points on Long Island, N.Y., within 150 miles of Newark, N.J., authorized in paragraph (2)." Petitioner states that its requests for amendment was only relative to that portion of its authority authorizing the transportation of general commodities (with certain exceptions) which are not pertinent here.

Petitioner further states that after modification, its authority will read as follows: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, films, silk, tobacco, new automobiles, commodities requiring tank trucks or refrigeration and those injurious or contaminating to other lading, between Delanco, N.J., on the one hand, and, on the other, points in that part of New Jersey and Maryland on and east of U.S. Highway 1; between Delanco, N.J., on the one hand, and, on the other, points in that part of Massachusetts on and east of U.S. Highway 5 and that part of Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn. Restriction: Service at Delanco, N.J., restricted to tacking of the above two paragraphs only. *General commodities*, except those of unusual value, classes A and B explosives, liquor, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, points in that part of Massachusetts on and east of U.S. Highway 5, and that part of Connecticut on and east of U.S. Highway 5, and those on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn., between New York, N.Y., on the one hand, and, on the other, points on Long Island, N.Y., within 150 miles of Newark, N.J.

Restriction: Service at New York, N.Y., restricted to tacking of the above two paragraphs only. General commodities, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, films, silk, tobacco, new automobiles,

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commodities requiring tank trucks or refrigeration, and those injurious or contaminating to other lading, between Philadelphia, Pa., on the one hand, and, on the other, points in that part of Pennsylvania east of the Susquehanna River, north of U.S. Route 309; between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey and Maryland, on and east of U.S. Highway 1. Restriction: Service at Philadelphia, Pa., restricted to tacking of the above two paragraphs only. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116822 (Notice of Filing of Petition To Add an Additional Contracting Shipper), filed March 1, 1972. Petitioner: ROBERT KRINGEN, doing business as KRINGEN TRUCK LINE, Grand Forks, N. Dak. 58201. Petitioner's representative: E. J. Hanson, Box 1177, Grand Forks, ND 58201. Petitioner states that it holds authority in its Permit No. MC 116822, issued April 29, 1970, authorizing operations as a motor contract carrier in the transportation over irregular routes, of: *Manufactured dry fertilizer, in bulk or in bags, and insecticides*, from Grand Forks, N. Dak., to points in Kittson, Marshall, Polk, Norman, Clay, Roseau, Pennington, Red Lake, Mahnmen, Becker, Clearwater, Beltrami, Lake of the Woods, and Wilkin Counties, Minn., with no transportation for compensation on return except as otherwise authorized. Restrictions: The above-described operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the following: Occidental Chemical Co., Grand Forks, N. Dak.; and Agsco Distributors, Inc., Grand Forks, N. Dak. Petitioner further states that there is located at Grand Forks, N. Dak., another fertilizer company by the name of Cominco American, Inc., which is engaged in the same type of business as are the above-referred to Occidental Chemical Co., and Agsco Distributors, Inc., and that Cominco American, Inc., is desirous of having made available to it, the contract authority which is now authorized to petitioner for the account of the other two above-said contracting shippers. By the instant petition, petitioner seeks to add the name of Cominco, Inc., as an additional contracting shipper on the same terms and conditions as Occidental Chemical Co., and Agsco Distributors, Inc. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

Nos. MC 117391 and MC 117391 (Sub-No. 8) (Notice of Filing of Petition for Modification of Permits by Changing Shipper Designations and Other Relief), filed March 22, 1972. Petitioner: E. L. REDDISH TRANSPORTATION, INC., Springdale, Ark. Petitioner's representative: A. Alvis Layne and Leo C. Franey, 915 Pennsylvania Building, Washington, D.C. 20004. Petitioner states that it presently holds authority over irregular routes, as a motor contract carrier under its lead Permit No. 117391 issued August 20, 1963, and Permit No. MC 117393 (Sub-No. 8), issued October 11, 1967, as follows: No. MC 117963, *Canned goods*, from Springdale, Lowell, and Fort Smith, Ark., and Westville, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois (except Chicago), Indiana, Iowa, Kansas (except Wichita), Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri (except St. Louis, Kansas City, Springfield, and Joplin), Maryland, Nebraska, New Jersey, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Oklahoma (except Oklahoma City and Tulsa), Pennsylvania, Tennessee (except Memphis), Texas (except Dallas and Fort Worth), Virginia, West Virginia, and Wisconsin, with no transportation for compensation on return except as otherwise authorized; *Canned goods, and materials and supplies* used in manufacturing, labeling, packing, and transporting canned goods, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois (except Chicago), Indiana, Iowa, Kansas, (except Wichita), Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri (except St. Louis, Kansas City, Springfield, and Joplin), Maryland, Nebraska, New Jersey, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Oklahoma (except Oklahoma City and Tulsa), Pennsylvania, Tennessee (except Memphis), and Texas (except Dallas and Fort Worth), to Springdale, Lowell, and Fort Smith, Ark., and Westville, Okla., with no transportation for compensation on return except as otherwise authorized; *Tin cans and lids*, from Chicago, Ill., to Springdale, Lowell, and Fort Smith, Ark., and Westville, Okla., with no transportation for compensation on return except as otherwise authorized; *Corrugated fiberboard boxes*, from Memphis, Tenn., to Springdale, Lowell, and Fort Smith, Ark., and Westville, Okla., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized hereinabove are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Steele Canning Co., of Springdale, Ark., Keystone Packing Co., of Fort Smith, Ark. (restricted to traffic moving from and to Fort Smith), Cain Canning Co., Inc., of Springdale, Ark. (restricted to traffic moving from and to Springdale); and No. MC 117391 (Sub-No. 8), *Canned goods*, from Springdale, Lowell, and Fort Smith, Ark., and Westville, Okla., to Chicago, Ill., Wichita, Kans., St. Louis, Kansas City, Springfield, and Joplin, Mo., Oklahoma City and Tulsa, Okla., Memphis, Tenn., and Dallas and Fort Worth, Tex., with no transportation for compensation on return except as otherwise authorized; from Haskell, Stigler, and Spiro, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Maryland, Nebraska, New Jersey, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, with no transportation for compensation on return except as otherwise authorized; *Canned goods and materials and supplies* used in manufacturing, packing, labeling, and transporting canned goods, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Maryland, Nebraska, New Jersey, New Mexico, North Carolina, South Carolina, North Dakota, South Dakota, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Springdale, Lowell, and Fort Smith, Ark., and Westville, Haskell, Stigler, and Apiro, Okla., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under MC 117981 Sub 8 herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Steele Canning Co. of Springdale, Ark. Petitioner further states that Keystone Packing Co., of Fort Smith, Ark., and Cain Canning Co., Inc., of Springdale, Ark., are no longer in business, The Steele Canning Co. of Springdale, Ark., has recently been purchased by Pioneer Food Industries, Inc., and its name has been changed to Steele Canning Co., Inc. Petioner requests therefore that its lead permit and Sub 8 permit be changed to show that service is being rendered under contracts with Steele Canning Co., Inc., of Springdale, Ark. By the instant petition, petitioner seeks to modify its existing permits in three ways. The first modification would eliminate the names of the above-said shippers no longer in business, the second would change the name of a shipper which has recently been purchased by another company, and the third would authorize the transportation of agricultural commodities otherwise exempt under section 203(b)(6) of the Act but for the fact that they are to be moving at the same time and in the same vehicle presently authorized and regulated commodities transported by petitioner.

Upon modification, petitioner will be serving only one shipper. In order to meet the transportation needs of this shipper in a complete and satisfactory way, it is necessary for it to be authorized to transport exempt agricultural commodities. Since these commodities will be moving both as inbound and outbound traffic, each and every commodity description presently contained in its lead and Sub 8 permit must be changed to reflect the new service required by the shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 118803 and No. MC 118803 (Sub-No. 5) (Notice of Filing of Petition for Reconsideration and Modification of Permits), filed February 28, 1972. Petitioner: ATLANTIC TRUCK LINES, INC., Paterson, N.J. Petitioner's representative: Arthur H. Priest, 71-23 Austin Street, Forest Hills, NY. Petitioner states it holds authority as a motor contract carrier, over irregular routes, in its lead permit No. MC 118803 and MC 118803 Sub 5, both issued July 14, 1971, as follows: *"MC 118803, Roofing materials*, from Clark, N.J., Philadelphia, Pa., Charleston, S.C., Birmingham, Ala., and Shreveport, La., to points in Florida south and east of the Suwannee River; and *Sheet metal, sheet metal products, and sheet metal working tools* other than power; *air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, insulating materials and adhesives; rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from the plantsite of L. Bieler & Sons, Inc., and National Elbow and Fitting Corp. located at Hauppauge, Suffolk County, Long Island City and Rochester, N.Y., Newark, N.J., Philadelphia, Lancaster, and Pittsburgh, Pa., Martins Ferry, Ohio, Chicago, Ill., Baltimore, Md., Atlanta, Ga., and Birmingham and Gadsden, Ala., to points in Florida south and east of the Suwannee River; and *Returned shipments* of the commodities specified above, from points in Florida south and east of the Suwannee River, to their respective origin points. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Southern Metal Products, Inc., of Miami, Fla., Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y. *Floor coverings*, from New York, N.Y., South Plainfield, N.J., Chicago, Ill., and Jackson, Miss., to points in Florida south and east of the Suwannee River; and *Returned shipments* of floor coverings, from points in Florida south and east of the Suwannee River, to New York, N.Y., South Plainfield, N.J., Chicago, Ill., and Jackson, Miss. Restriction: The operations authorized in the two paragraphs next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with Southern Tile Supply Corp., of Miami, Fla.

Air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, and rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators, from the plantsite of L. Bieler & Sons, Inc., and National Elbow and Fitting Corp. located at Hauppauge, Suffolk County, and Long Island City, N.Y., and from the plantsite of Bieler International Corp., and Southern Diversified Industries, Inc., located at Hauppauge, Suffolk County, N.Y., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Ohio, Delaware, Maryland, Virginia, North Carolina, Georgia, Alabama, and that part of New Jersey south of U.S. Highway 30; and *Returned shipments* of the commodities specified immediately above, from points in the destination States named above to the plantsite of L. Bieler & Sons, Inc., and National Elbow and Fitting Corp. located at Hauppauge, Suffolk County, and N.Y. Restriction: No authority is Long Island City, N.Y., and to the plantsite of Bieler International Corp., and Southern Diversified Industries, Inc., located at Hauppauge, Suffolk County, granted hereinabove to transport commodities in bulk, in tank vehicles. *Air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, grills, registers, rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from the plantsite of L. Bieler & Son, Inc., and National Elbow and Fitting Corp. located at Hauppauge, Suffolk County, and Long Island City, N.Y., and from the plantsite of Bieler International Corp., and Southern Diversified Industries, Inc., located at Hauppauge, Suffolk County, N.Y., to points in Kentucky, Tennessee, Iowa, Indiana, West Virginia, Illinois, South Carolina, New Hampshire, Maine, Michigan, Mississippi, Vermont, Wisconsin, points in Florida north and west of the Suwannee River, points in New Jersey north of U.S. Highway 30, and points in Audrain, Callaway, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Monroe, Montgomery, Perry, Pike, Ralls, St. Charles, St. Francois, St. Louis, St. Louis City, Ste Genevieve, Warren, and Washington Counties, Mo.; and

Returned shipments of the commodities described immediately above, from the immediately above-described destination points, to the plantsite of L. Bieler & Sons, Inc., and National Elbow and Fitting Corp. located at Hauppauge, Suffolk County, and Long Island City, N.Y., and the plantsite of Bieler International Corp., and Southern Diversified Industries, Inc., located at Hauppauge, Suffolk County, N.Y. Restriction: The operations authorized under the four commodity descriptions next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: L. Bieler & Sons, Inc., of Long Island City, N.Y., National Elbow and Fitting Corp. of Long Island City, N.Y.; Bieler International Corp., of Hauppauge, Suffolk County, N.Y.; Southern Diversified Industries, Inc., of Hauppauge, Suffolk County, N.Y.; and Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y. *Air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas, and Missouri (except points in Audrain, Callaway, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Monroe, Montgomery, Perry, Pike, Ralls, St. Charles, St. Francois, St. Louis, St. Louis City, Ste. Genevieve, Warren, and Washington Counties), with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: L. Bieler & Sons, Inc., of Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., National Elbow and Fitting Corp., of Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., Bieler International Corp., of Hauppauge, Suffolk County, N.Y., Southern Diversified Industries, Inc., of Hauppauge, Suffolk County, N.Y., and *No. MC 118803 (Sub-No. 5)*.

Manufactured sheet metal roofing components, roofing materials accessories, sheet metal working and roofing tools (other than power), and *related hand tools and working supplies* for use at construction sites, *metal manufactured ventilating, air conditioning and heating components and parts, metal sheets, coils, tubing, wire, bars, forgings, castings, and extrustions*, and *metal structural and ornamental building elements, accessories and materials, and related components*, from the plantsite of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp. and Southern Diversified Industries, Inc., at Hauppauge (Suffolk County), N.Y., to points in the United States (except Alaska and Hawaii); and *Returned shipments* of the commodities specified above, and *materials and related products* for use in the manufacture, fabrication, distribution and sales of the commodities described above, from points in the United States (except Alaska and Hawaii), to the plantsite of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., and Southern Diversified Industries, Inc., at Hauppauge (Suffolk County), N.Y. Restriction: The service authorized in MC 118803 Sub-No. 5 hereinabove is subject to the following conditions: The operations authorized herein are restricted against the transportation of commodities in bulk. The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: L. Bieler & Sons, Inc., of Hauppauge, N.Y.; National Elbow and Fitting Corp., of Hauppauge, N.Y.; Bieler International Corp., of Hauppauge, N.Y.; Southern Diversified Industries, Inc., of Hauppauge, N.Y.; and Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y.

Petitioner states that by the instant petition it seeks to ADD the following contracting shipper: Sevojno-Bieler Trading Co., with offices at 45 Gilpin Avenue, Suffolk County, NY 11787. The basis for the reconsideration and, modification of the permits, supra, is the request made by L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified

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Industries, Inc., and Bieler National National Industries, Inc., all of Hauppauge, Suffolk County, N.Y., to include as contracting shipper their affiliate Sevojno-Bieler Trading Co., in accordance with the projected expansion of the products to be manufactured, sold, and shipped by the six named shippers. The Sevojno-Bieler Trading Co., is an affiliate of L. Bieler & Sons, Inc., National Elbow and Fitting Corp., Bieler International Corp., Southern Diversified Industries, Inc., and Bieler National Industries, Inc. Petitioner desires to perform and conduct motor carrier operations for Sevojno-Bieler Trading Co., from points in Alabama, Georgia, Illinois, Louisiana, Maryland, Mississippi, New Jersey, New York, Ohio, Pennsylvania, and South Carolina, to points in Florida south and east of the Suwannee River, also from Hauppauge, Suffolk County, N.Y., to points in the United States (except Alaska and Hawaii), transporting the considered commodities and serving the territory set forth in permits No. MC 118803 and Sub 5, at the earliest possible date. Petitioner states it is not seeking through this petition any additional commodities or territory. Petitioner is only seeking to add the one named shipper as a contracting shipper to its permits No. 118803 and Sub 5, otherwise the permits remain unchanged. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123160 (Notice of Filing of Petition for Removal of Territorial Restriction in Certificate MC 123160), filed March 27, 1972. Petitioner: C. A. BUCK MOVING & STORAGE COMPANY, a corporation, 391 Foster Boulevard, Post Office Box 5066, San Mateo, CA. Petitioner states it is a common carrier of household goods and presently holds a certificate in No. MC 123160 issue June 13, 1961, authorizing operations over irregular routes, in the transportation of "Household goods, as defined by the Commission, between points in Contra Costa, San Francisco, Alameda, San Mateo, and Santa Clara Counties, Calif. Restrictions: The service authorized herein shall be restricted to points located in said counties which are situated on and within 5 miles of (1) that part of California Highway 17 which extends from Albany, Calif., to its intersection with U.S. Highway 101 Bypass near San Jose, Calif., and (2) that portion of U.S. Highway 101 which extends from San Francisco to Morgan Hill, Calif., including the terminal points named. Petitioner further states it has been operating under its certificate as restricted. However, it finds its inability to provide an efficient and complete service to the public is impeded because of the territorial restriction therein. Petitioner states its operations is further impeded by this restriction as its application in a given situation is often unclear. By the instant petition, Petitioner seeks removal of the said territorial restriction from its certificate. An interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127769 (Sub-No. 3) (Notice of Filing of Petition to Modify Permit by Including an Additional Shipper), filed March 10, 1972. Petitioner: SAM L. PALMER, 415 West Seventh Street, Cheyenne, WY 82001. Petitioner states that he presently holds a permit in No. MC 127769 (Sub-No. 3) which authorizes petitioner to conduct the following described motor carrier operations: "Transportation of repossessed automobiles and trucks, in driveaway service, over irregular routes, (1) between points in Colorado, Kansas, Nebraska, New Mexico, South Dakota, and Wyoming, and (2) between points in the States named in (1) above, on the one hand, and, on the other, points in the United States, except Alaska and Hawaii. The operations described hereinabove are limited to a transportation service to be performed under a continuing contract, or contracts, with General Motors Acceptance Corp. (Denver, and Cheyenne, Wyo. branches), Cheyenne Credit Bureau and Globe Finance Co." Petitioner further states that subsequent to acquiring the above-described authority in MC 127769 (Sub-No. 3), Petitioner became associated with Allied Finance Adjusters Conference, and, on or about January 1, 1971, purchased a franchise with said company and now conducts a majority of his repossession activities in the name of Allied Service Bureau, of which he is the sole owner. Petitioner further states that following discussion of his for-hire transportation and repossession of motor vehicles it has been concluded that in order to avoid any possibility of illegal or conflicting operations that Petitioner should enter into a bilateral contract with his company, Allied Service Bureau. By the instant petition, Petitioner requests the Interstate Commerce Commission to enter and order authorizing and permitting the addition of contract with Allied Service Bureau and for such other, further or different relief as may be just and equitable in the premises. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 128217 (Notice of Filing of Petition To Add Additional Contracting Shipper), filed April 7, 1972. Petitioner: REINHARDT MAYER, doing business as MAYER TRUCK LINE, Jamestown, N. Dak. Petitioner's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Petitioner holds a Permit in No. MC 128217 authorizing motor carrier operations as a contract carrier in interstate or foreign commerce, over irregular routes, transporting: Iron and steel articles, as described in Group III of Appendix V to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Broadview, Chicago, Chicago Heights, Granite City, and Sterling, Ill., and Duluth and Minneapolis, Minn., to points in Montana, limited to a transportation service that is performed under a continuing contract or contracts with LeFevre Sales, Inc., and Haybuster Manufacturing, Inc., both of Jamestown, N. Dak., and Joseph T. Ryerson & Sons, Inc., Chicago, Ill. By the instant petition, petitioner seeks to add Pacific Hide and Fur Depot, Great Falls, Mont., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OF PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 106051 (Sub-No. 46), filed March 29, 1972. Applicant: OLD COLONY TRANSPORTATION CO., INC., 676 Dartmouth Street, South Dartmouth, MA 02748. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling). Regular routes: (1) Between Malone, N.Y., and Rouses Point, N.Y., over U.S. Highway 11, serving all intermediate points and the off-route point of Burke; (2) between Malone and Lake Placid, N.Y., from Malone over New York Highway 30 to junction of New York Highway 86, thence over New York Highway 86 to Lake Placid, and return over the same route, serving all intermediate points and the off-route points of Bloomingdale, Vermontville, and Gabriels; (3) between Malone and Piercefield, N.Y., from Malone over New York Highway 30 to junction New York Highway 3, thence over New York Highway 3 to Piercefield, and return over the same route, serving all intermediate points and the off-route point of Conifer; (4) between Malone and St. Regis Falls, N.Y., from Malone over U.S. Highway 11 to junction New York Highway 95, thence over New York Highway 95 and unnumbered highway passing through Dickinson and Dickinson Center to St. Regis Falls, and return over the same route, serving all intermediate points and the off-route point of South Bangor;

(5) between Malone and Plattsburg, N.Y., from Malone over U.S. Highway 11 to junction unnumbered highway, thence over said unnumbered highway via Bellmont Center to junction New York Highway 374, thence over New York Highway 374 to junction New York Highway 3, thence over New York Highway 3 to Plattsburg, and return over the same route, serving all intermediate points; (6) between Piercefield and Gouverneur, N.Y., from Piercefield over New York Highway 3 to junction New York Highway 58, thence over New York Highway 58 to Gouverneur, and return over the same route, serving all intermediate points and the off-route point of Newton Falls; (7) between Dickinson and Gouverneur, N.Y., from Dickinson over New York Highway 11B, thence over New York Highway 11 to Gouverneur, and return over the same route, serving all intermediate points and the off-route point of Parishville; (8) between Dickinson and Ogdensburg, N.Y., from Dickinson over New York Highway 11B to junction U.S. Highway 11, thence over U.S. Highway 11 to junction New York Highway 68, thence over New York Highway 68 to Ogdensburg, and return over the same route, serving all intermediate points; (9) between Ogdensburg and Gouverneur, N.Y., from Ogdensburg over New York Highway 87 to junction U.S. Highway 11, thence over U.S. Highway 11 to Gouverneur, and return over the same route, serving all intermediate points, and the off-route points of Hermon and Russell; (10) between Hogansburg and Ogdensburg, N.Y., over New York Highway 37, and return over the same route, serving all intermediate points; (11) between Moira and Ogdensburg, N.Y., from Moira over U.S. Highway 11 to junction New York Highway 68, thence over New York Highway 68 to Ogdensburg, and return over the same route, serving all intermediate points; (12) between Moira and Gouverneur, N.Y., over U.S. Highway 11, and return over the same route, serving all intermediate points; (13) between Winthrop and Massena, N.Y., over New York Highway 420, and return over the same route, serving all intermediate points;

(14) between Potsdam and Massena, N.Y., over New York Highway 56, and return over the same route, serving all intermediate points and the off-route points of Hanna Falls, Colton, and South Colton; (15) between Canton and junction New York Highways 37 and 345 over New York Highway 345, and return over the same route, serving all intermediate points and the off-route points of Chase Mills and Louisville; (16) between Syracuse and Ogdensburg, N.Y., from Syracuse over U.S. Highway 11 to junction New York Highway 37, thence over New York Highway 37 to Ogdensburg; also from Watertown over U.S. Highway 11 to junction New York Highway 68 and thence over New York Highway 68 to Ogdensburg; also from Watertown over U.S. Highway 11 to junction New York Highway 87, thence over New York Highway 87 to Ogdensburg, and return over the same route, serving all intermediate points and the off-route points of Potsdam, Madrid, Winthrop, and Hailesboro; and (17) between Ogdensburg and Malone, N.Y., from Ogdensburg over New York Highway 37 to Malone; also from Ogdensburg over New York Highway 68 to junction U.S. Highway 11, thence over U.S. Highway 11 to Malone, and return over the same route, serving only between Ogdensburg on the one hand, and, on the other, all intermediate points. Irregular routes: From Malone, N.Y., to points in Franklin and St. Lawrence Counties, N.Y. NOTE: This application is a matter directly related to MC-F-11503, published in the FEDERAL REGISTER issue of April 5, 1972. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Albany, N.Y.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11257 (Amendment) (WATKINS MOTOR LINES, INC.—Purchase (Portion)—ALTERMAN TRANSPORTATION LINES, INC.), published in the August 11, 1971, issue of the FEDERAL REGISTER. By petition filed April 3, 1972, BILL WATKINS, join in as party applicant in control of the application. Report and order of review board No. 5, dated February 17, 1972, and served March 9, 1972, denied the application. A petition of applicant was filed April 10, 1972, seeking reconsideration and for oral hearing and/or modified procedure.

No. MC-F-11508. Authority sought for purchase by LES JOHNSON CARTAGE, 611 South 28th Street, Milwaukee, WI 53246, of a portion of the operating of C W TRANSPORT, INC., 610 High Street, Wisconsin Rapids, WI 54494, and for acquisition by SCHWERMAN TRUCKING CO., also of Milwaukee, Wis. 53246, of control of such rights through the purchase. Applicants' attorneys: David Axelrod, 39 South La Salle Street, Chicago, IL 60603, and James R. Ziperski, 611 South 28th Street, Milwaukee, WI 53246. Operating rights sought to be transferred: *Petroleum products* in bulk, in tank trucks, as a *common carrier* over irregular routes, from Green Bay, Wis., to points in a defined area of Michigan, and return with *rejected shipments; petroleum and petroleum products* (except residual fuel oils), as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from Escanaba, Mich., and points within 15 miles thereof, to points in Wisconsin; *jet fuel*, in bulk, in tank vehicles, from the terminal facilities of the American Oil Co. at or near Elk Grove Village, Ill., to points in the Upper Peninsula of Michigan. Vendee is authorized to operate as a *common carrier* in Wisconsin, Michigan, Illinois, Indiana, Iowa, North Dakota, South Dakota, Minnesota, Missouri, Ohio, Kentucky, Kansas, and Nebraska. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11510. Authority sought for purchase by BOSS-LINCO LINES, INC., 1 West Genesee Street, Buffalo, NY 14240, of the operating rights and property of BITER FREIGHT SYSTEM, INC., 1800 North Olden Avenue, Trenton, NJ 08638, and for acquisition by NOVO CORPORATION, 733 Third Avenue, New York, NY 10017, of control of such rights and property through the purchase. Applicants' attorney: Albert Stark, 143 East State Drive, Trenton, NJ 08620. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Hoboken, N.J., and Springfield, Mass., serving the intermediate points of a defined area of Connecticut and New York, N.Y.; and the off-route points of a defined area of New Jersey and Connecticut; *sulphur*, except in bulk, from Warners, N.J., to Stamford, Conn., serving no intermediate points and return with *empty sulphur containers; magnesia* and *whiting*, except such commodities in bulk, from Philadelphia, Pa., to Stamford, Conn., serving no intermediate points; and return with *empty magnesia and whiting containers; litharge*, except in bulk, from Trenton, N.J., to Stamford, Conn., serving no intermediate points; and return with *empty litharge containers; vegetable oil fibre*, solid or liquid, and *lead oleate and leather dressing*, except such commodities in bulk, from Stamford, Conn., to Philadelphia, Pa., and Providence, R.I., serving the intermediate and off-route points of Trenton, N.J., Yonkers, N.Y., Conshohocken, Pa., and Briston, Pawtucket, and Warren, R.I. restricted to delivery only; and return with *empty vegetable oil fibre, lead oleate, and leather dressing containers; wines and liquors*, except in bulk, and empty containers therefor, between Hartford, Conn., and Providence, R.I., serving the intermediate points of Putnam, Willimantic, and Danielson, Conn., between New Haven, Conn., and Boston, Mass., serving the intermediate points of Providence and Pawtucket, R.I., and the off-route point of Cranston, R.I., between East Hartford, Conn., and New London, Conn., serving the intermediate points of Glastonbury, Colchester, Norwich, and Yantic, Conn., and the off-route point of Amston, Conn.;

General commodities, with exceptions, over irregular routes: (A) Between Philadelphia, Pa., on the one hand, and, on the other, Lansdowne, Allentown, and Bethlehem, Pa., and points and places in a defined area of Pennsylvania, between Philadelphia, Lansdowne, Allentown, and Bethlehem, Pa., and points and places in the above-described area in Pennsylvania, on the one hand, and, on the other, points and places in a defined area of New Jersey, between Trenton, N.J., on the one hand, and, on the other, points in a defined area of New Jersey, between New York, N.Y., on the one hand, and, on the other, Philadelphia, Pa., and points and places in a defined area of New Jersey; (B) between

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New York, N.Y., and points and places in New Jersey within 30 miles of City Hall, New York, N.Y., on the one hand, and, on the other, points and places in Mercer, Hunterdon, and Warren Counties, N.J.; (C) between points in (B) on the one hand, and, on the other, points in (A), between East Port Chester, Conn., and Port Chester, N.Y., on the one hand, and, on the other, points in Connecticut and New York within 15 miles of Port Chester, N.Y.; *such commodities* as are dealt in by chain retail and mail order department stores, the business of which is the sale of general merchandise (except in bulk), between Danbury, Conn., on the one hand, and, on the other, points in a defined area of New York, restricted to the performance of retail delivery service; *vegetable oil fibre*, solid or liquid, and *lead oleate and leather dressing*, except such commodities in bulk, from Stamford, Conn., to Cherry Valley, Mass., and points in a defined area of Massachusetts, and return with *empty containers; castor, corn, soybean, rapeseed, chinawood, linseed, mustard seed, cottonseed, sunflower, tea seed, and rubber seed oils, in tank trucks*, from Jersey City, Guttenberg, and Bayway, N.J., to Stamford, Conn.;

Contractors' supplies (except in bulk), *and equipment, and heavy machinery*, between Stamford, Conn., and points in Connecticut within 15 miles of Stamford, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island; *boats and materials* (except in bulk), used in the repair and construction of boats, between Stamford, Conn., and points in Connecticut within 15 miles of Stamford, on the one hand, and, on the other, Lake George, N.Y., points in New Jersey, and those in the New York, N.Y., commercial zone as defined by the Commission; *scrap metals*, between Stamford, Conn., and points in Connecticut within 15 miles of Stamford, on the one hand, and, on the other, points in Massachusetts and Rhode Island, those in Westchester County, N.Y., and those in the New York, N.Y., commercial zone as defined by the Commission; *such commodities* as are dealt in or sold by retail mail-order houses (except commodities in bulk, in tank vehicles), from points in Connecticut, to Norwalk, Conn.; and return with *repossessed shipments*. Vendee is authorized to operate as a *common carrier* in New Jersey, New York, Maryland, Pennsylvania, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11511. Authority sought for control and merger by MILLER TRANSFER & RIGGING CO., Post Office Box 6077, Akron, OH 44312, of the operating rights and property of NEW ENGLAND TRANSFER & RIGGING CO., Post Office Box 6118, and for acquisition by JACK A. RODGERS, 2155 Ridgewood Road, Akron, OH 44313, and JOHN J. BRUTVAN, 2366 Short Hills Drive, Akron, OH 44313, of control of such rights and property through the transaction. Applicants' attorneys: A. David Millner, and Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Operating rights sought to be controlled and merged: *Heavy machinery, equipment, and other articles* which by reason of size or weight require the use of special devices for handling, as a *common carrier* over irregular routes, between Pittsfield, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, and New York; *prefabricated buildings*, knocked down or in sections, and *fixtures and equipment* to be installed therein, when transported in connection with the movement of the building in which such fixtures and equipment are to be installed, from Nashua, N.H., to points in Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey. MILLER TRANSFER & RIGGING CO. is authorized to operate as a *common carrier* in Pennsylvania, Ohio, New York, West Virginia, Maryland, Illinois, Indiana, New Jersey, Alabama, Minnesota, Oklahoma, California, Massachusetts, Connecticut, and the District of Columbia, and as a *contract carrier* in all of the States in the United States except Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11512. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 92d Street at State Line Road, Kansas City MO 64114, of a portion of the operating rights of EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, PA 15201, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, MO 64113, and GEORGE E. POWELL, Jr., 1040 West 57th Street, Kansas City, MO 64113, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Parkersburg, W. Va., and Cincinnati, Ohio, serving all intermediate points, and serving the off-route points of Covington, Ky., those in Hamilton, Ohio, and a defined area of West Virginia, with service to and from points in Roane, Tyler, and Wetzel Counties restricted to perishable commodities in any quantity, and other commodities in truckload lots, between Chillicothe and Cincinnati, Ohio, serving the intermediate points of Dayton and Reading, Ohio, between Mineral Wells, and Huntington, W. Va., serving all intermediate points, and serving the off-route points of Ravenswood, W. Va., and those within 5 miles of Huntington, between Wheeling and Parkersburg, W. Va., serving all intermediate points, between Marietta, Ohio, and Huntington, W. Va., serving all intermediate points, and serving the off-route points of Racine and Minersville, Ohio, Mason City, Hartford, and Point Pleasant, W. Va., and points in a defined area of West Virginia, over one alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Minnesota, Iowa, Nebraska, Colorado, Arizona, California, New Mexico, Georgia, Tennessee, South Carolina, Wyoming, South Dakota, Utah, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, New Jersey, Arkansas, Delaware, New York, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11513. Authority sought for control by WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361, of WILSON BROTHERS TRUCK LINE, INC., Post Office Box 636, Carthage, MO 64836, and for acquisition by CHESTER H. FLIESBACH, and CLARK N. WILLIAMS, both of Scottsbluff, Nebr. 69361, of control of WILSON BROTHERS TRUCK LINE, INC., through the acquisition by WEST NEBRASKA EXPRESS, INC. Applicants' attorney: Truman A. Stockton, Jr., the 1650 Grant Street Building, Denver, CO 80203. Operating rights sought to be controlled: *Numerous specified commodities*, as a *common carrier*, over irregular routes, from, to, and between specified points in the States of Kansas, Missouri, Oklahoma, Louisiana, Mississippi, Alabama, Nebraska, Iowa, South Dakota, Wyoming, Florida, Georgia, South Carolina, Texas, Wisconsin, Arkansas, North Dakota, Minnesota, North Carolina, Tennessee, Arizona, California, Colorado, Nevada, New Mexico, Utah, Montana, Illinois, Michigan, Indiana, and Kentucky, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Docket No. MC–116544 and subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating in full, the entirety, thereof. WEST NEBRASKA EXPRESS, INC., is authorized to operate as a *common carrier* in Nebraska, Colorado, Wyoming, Kansas, Iowa, Minnesota, Missouri, North Dakota, Wisconsin, South Dakota, Michigan, Indiana, Ohio, and Illinois. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5961 Filed 4-18-72;8:52 am]

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PART II



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

OPERATION OF VESSELS

Notice of Proposed Rule Making

No. 76—Pt. II——1

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 173]

[CGD 72-71]

ESPECIALLY HAZARDOUS CONDITIONS

Notice of Proposed Rule Making

The Coast Guard is considering issuing regulations establishing the criteria under which a Coast Guard Boarding Officer, when he observes a boat being used in an unsafe condition and in his judgment such use creates an especially hazardous condition, may direct the boat operator to take whatever immediate steps are necessary for the safety of those aboard, including returning to a mooring as authorized in section 13 of the Federal Boat Safety Act of 1971. Any interested person may submit written data, views, comments, suggestions, and arguments to the U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received within 45 days after the date of publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice [CGD 72-71], and give reasons and supporting data for his recommendations. All comments will be available for examination in Room 8234.

On May 17, 1972, at 9:30 a.m. a public hearing to receive the views of interested persons on the proposed regulations will be held in Room 8332, 400 Seventh Street SW., Washington, DC. Each person who wishes to make an oral statement is requested to notify the U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590, before May 15, 1972, and indicate the amount of time required for initial statement. The hearing will be an informal hearing conducted by a designated representative of the U.S. Coast Guard. It will not be a judicial or evidentiary type hearing, so there will be no cross-examination of persons presenting statements. After all initial statements have been completed, those persons who wish to make rebuttal statements will be given an opportunity to do so in the same order in which they made their initial statements.

Section 13 of the Federal Boat Safety Act of 1971 defines an unsafe condition as a boat being used without sufficient lifesaving devices or firefighting devices, or being used in an overloaded or other unsafe condition as defined in regulations. The effect of these proposed rules would be to define the other unsafe conditions.

Coast Guard Boating Statistics, published in Coast Guard Publication CG-357, summarizes the major causes of boating accidents, property damage, injuries, and deaths. The Coast Guard considers the majority of these casualties preventable and proposes that casualty causes that can be shown to be significant contributors to deaths, injuries, or property damage, be listed in § 173.07 as unsafe conditions.

It is recognized that under certain circumstances some of these unsafe conditions may not be especially hazardous. For this reason, the judgment of the Boarding Officer that continued use of the boat creates an especially hazardous condition is a precondition for requiring that corrective steps be taken.

Section 173.07(a) makes improper display of navigation lights between sunset and sunrise an unsafe condition. The requirement that boats shall be equipped with navigation lights is presently contained in 46 CFR 25.05.

Section 173.07 (b), (c), (d), and (e) deals with the prevention of boat fires and explosions. Section 173.07 (b) and (c) concerns the leakage of fuel, which is one of the basic elements of a fire or explosion. Section 173.07 (d) and (e) refers to existing requirements from 46 CFR 25.40 and 46 CFR 25.35 respectively.

Section 173.05 requires operators to comply with the instructions of the Boarding Officer to correct or end the hazardous condition. Section 173.09 provides that operators who fail to comply with the Boarding Officer's directions are subject to the provisions and penalties of section 34 and 35(b) of the Federal Boat Safety Act of 1971. The Boarding Officer's authority to arrest is contained in Title 14 of the United States Code, section 89.

The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of these proposed regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 - Seventh Street SW., Washington, DC 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council at this address.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (85 Stat. 213). The authority and responsibilities vested in the Secretary of the Department of Transportation by this Act were delegated to the Commandant of the Coast Guard on October 5, 1971 (36 F.R. 19593).

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 33 of the Code of Federal Regulations by adding a new Part 173 to read as follows:

PART 173—CORRECTION OF ESPECIALLY HAZARDOUS CONDITIONS

Sec.

173.01 Purpose and applicability.
173.03 Definitions.
173.05 Action to correct an especially hazardous condition.
173.07 Other unsafe conditions.
173.09 Penalties.

AUTHORITY: The provisions of this Part 173 issued under the Act of August 10, 1971, Public Law 92-75, section 13, 85 Stat. 213, 49 CFR 1.46(o)(1) (36 F.R. 19593).

§ 173.01 Purpose and applicability.

This part prescribes rules to implement section 13 of the Federal Boat Safety Act of 1971 which governs the correction of especially hazardous conditions on boats using waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States, except operators of—

(a) Foreign boats temporarily using waters subject to U.S. jurisdiction;

(b) Military or public boats of the United States, except recreational-type public boats;

(c) A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes and which is clearly identifiable as such;

(d) Ship's lifeboats.

§ 173.03 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (85 Stat. 213).

(b) "Boat" means any vessel—

(1) Manufactured or used primarily for noncommercial use; or

(2) Leased, rented, or chartered to another for the latter's noncommercial use; or

(3) Engaged in the carrying of six or fewer passengers.

(c) "Coast Guard Boarding Officer" means a commissioned, warrant, or petty officer of the Coast Guard having authority to board any vessel under the Act of 4 August 1949, 63 Stat. 502, as amended (14 U.S.C. 89).

(d) "Operator" means the person who is in control or in charge of a boat while it is in use.

(e) "Use" means operate, navigate, or employ.

(f) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable fo being used as a means of transportation on the water.

§ 173.05 Action to correct an especially hazardous condition.

An operator of a boat who is directed by a Coast Guard Boarding Officer to take immediate and reasonable steps necessary for the safety of those aboard the vessel, under section 13 of the Act, shall follow the direction of the Boarding Officer, which may include direction to—

(a) Correct the especially hazardous condition immediately;

(b) Proceed to a mooring, dock, or anchorage; or

(c) Suspend further use of the boat until the especially hazardous condition is corrected.

§ 173.07 Other unsafe conditions.

For the purpose of section 13 of the Act, "other unsafe condition" means a boat—

(a) Does not display the navigation lights prescribed by 46 CFR 25.05 between sunset and sunrise;

(b) Has fuel leakage from either the fuel system or engine;

(c) Has an accumulation of fuel in the bilges or a compartment other than a fuel tank;

(d) Does not meet the ventilation requirements for tanks and engine spaces prescribed by 46 CFR 25.40; or

(e) Does not meet the requirements for backfire flame control prescribed by 46 CFR 25.35.

§ 173.09 Penalties.

An operator of a boat who does not follow the directions of a Coast Guard Boarding Officer prescribed in § 173.05 is, in addition to any other penalty prescribed by law, subject to—

(a) The criminal penalties of section 34 of the Federal Boat Safety Act of 1971 which provides that "Any person who willfully violates section 12(c) of this Act or the regulations issued thereunder shall be fined not more than $1,000 for each violation or imprisoned not more than 1 year, or both," and

(b) The civil penalties of subsection 35(b) of the Federal Boat Safety Act of 1971 which provides "In addition to any other penalty prescribed by law any person who violates any other provision of this Act or the regulations issued thereunder shall be liable to a civil penalty of not more than $500 for each violation. If the violation involves the use of a vessel, the vessel, except as exempted by subsection 4(c) of this Act, shall be liable and may be proceeded against in the district court of any district in which the vessel may be found."

This proposal is made under the authority of the Federal Boat Safety Act of 1971 (Public Law 92-75, 85 Stat. 213 (Aug. 10, 1971)); 49 CFR 1.46(o)(1) (36 F.R. 19593).

Dated: April 12, 1972.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.72-5829 Filed 4-18-72;8:45 am]

[46 CFR Parts 170, 171]

[CGD 72-54PH]

VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

Notice of Proposed Rule Making

The Coast Guard is considering issuing new regulations on the numbering of vessels and reporting of vessel casualties under the Federal Boat Safety Act of 1971. The proposed regulations would establish a standard numbering system for vessels required to be numbered under the Act and a uniform vessel casualty and accident reporting system for vessels required to be numbered under the Act and for recreational vessels.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rule to the Commandant (CMC), Headquarters, U.S. Coast Guard, Washington, D.C. 20590. The comments should refer to this notice number CGD 72-54PH, and should give the reasons upon which any recommended changes are based, any specific wording recommended, and the name, address, and organization if any, of the commentator.

The Coast Guard will hold an informal hearing on May 17, 1972, at 9:30 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal.

All written comments received on or before May 31, 1972, will be considered before final action is taken on this proposal. The proposed rule may be changed in the light of comments received.

Copies of all written comments received will be available for examination in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of written comments.

On December 6, 1971, the Boating Safety Advisory Council, established under the authority of section 33 of the Federal Boat Safety Act of 1971, was consulted concerning the reasonableness and appropriateness of the proposed rule.

The proposed rule was provided to each State for review and comment. The Coast Guard considered the comments received in preparing the proposed rule which was brought before the Executive Committee of the Boating Safety Advisory Council on February 28, 1972, and the full Council on March 28, 1972. The Council advised that the rule should be published in the FEDERAL REGISTER as a notice of proposed rule making.

The need for the proposed rule is to establish a standard numbering system as prescribed by subsection 18(a) of the Federal Boat Safety Act. The proposed rules would replace rules in Subchapter S of Title 46 of the Code of Federal Regulations.

The proposed standard numbering system is based on present numbering regulations, which have been rewritten to bring them into conformity with the Federal Boat Safety Act of 1971. The Act expands jurisdiction to cover (1) waters subject to Federal jurisdiction; and (2) the "State" of American Samoa. The Act expands the applicability to require the numbering of any undocumented vessel equipped with propulsion machinery.

The effect of this proposed amendment would be to require numbers on all undocumented vessels equipped with propulsion machinery of any type, for example, canoes or sailboats with engines of less than 10 horsepower.

The proposed numbering rules would apply to undocumented vessels that are "equipped with propulsion machinery." This is a change from the Federal Boat Act of 1958. The language "equipped with propulsion machinery of any type" replaced previous language "propelled by machinery." This change in the law was made to obviate any questions concerning whether a boat not being operated at the moment by machinery comes within the numbering requirements of the Act.

Certain classes of vessels are exempted from the numbering requirements under the authority prescribed in subsection 19(a) of the Act.

Racing vessels are exempted from the requirement for numbering as they are under present numbering rules. These vessels are usually identified by the racing associations. The special construction or configuration and limited use of such vessels to organized and supervised racing events also justifies continuing the exemption of racing vessels.

Vessels used as yacht tenders are exempted from rules requiring application for a number, payment of a fee, and carriage of a certificate of number in those States where the Coast Guard is the numbering authority, if they display an identification number and meet certain other requirements.

Under this proposal, States with approved numbering systems and the Coast Guard in States without approved numbering systems would issue vessel numbers conforming to a prescribed format of alphabetic and numeric characters. The requirements for obtaining a certificate of number and for the information contained on an application and the certificate of number would be uniform. The information contained on an application for a number would be expanded to include the manufacturer's hull identification number, if assigned, and the type of vessel. The information would be included on a certificate of number.

Section 170.75 would change present § 171.15-11(a) to provide a uniform period of validity of not more than 60 days for any temporary certificate that is issued under a standard numbering system.

Section 170.29 would change requirements in present §§ 171.15-20 and 171.15-21 by adding a requirement for notice by an owner to the issuing authority when a vessel is stolen or recovered.

Present Part 173, under the authority of the Federal Boat Act of 1958, prescribes reports and statistical information required on boating accidents. The Federal Boat Safety Act of 1971 requires a uniform vessel casualty reporting system. The Federal Boat Safety Act of 1971 affects the casualty and accident reporting regulations as follows:

(a) The applicability is expanded to include recreational-type public vessels of the United States.

(b) Jurisdiction is expanded by the Act. In addition to jurisdiction on navigable waters of the United States, jurisdiction is expanded to cover all waters subject to Federal jurisdiction. This includes waters on land over which the United States has enforcement jurisdiction due to ownership or other proprietary interest, placing the waters under Federal jurisdiction.

The Federal Boat Safety Act of 1971 provides that the Secretary may issue regulations and standards for boats and associated equipment when determined to be necessary and contribute to boating safety. Statistics are required to establish the need for regulations and standards. The casualty reporting system prescribed in the proposed regulations is intended to be a source of information from which a determination may be made that a new standard or regulation is necessary.

Most of the information prescribed in the proposed regulations is presently required and was incorporated in the Coast

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Guard Boating Accident Report Form (CG–3865). Specifying this information in the regulations will achieve uniformity in State vessel casualty report forms and will provide authority to require reports to be filled in.

Vessel accidents or casualties that would be required to be reported by proposed § 170.55 are presently required to be reported by existing regulation 46 CFR 173.01–5, except reportable injuries which would be broadened to meet the needs of the States that desire that lesser injuries be reported.

Proposed § 170.55 would require a report when a person loses consciousness or receives medical attention or is disabled for more than 24 hours. Existing regulations require reports when a person is incapacitated for a period in excess of 72 hours.

A vessel subject to the reporting requirement in proposed § 170.55 is unchanged from existing regulation 46 CFR 173.01–5(c) which states in part—

A vessel subject to this subpart is considered to be involved in a "boating accident" whenever the occurrence results in damage by or to the vessel or its equipment, in injury or loss of life to any person, or in the disappearance of any person from on board under circumstances which indicate the possibility of death or injury.

Proposed § 170.53 would require immediate notification in casualties involving death to enable investigations to be conducted while witnesses, survivors, and vessels are at the scene.

Proposed § 170.57 would increase the present information requirements in § 173.01–10 on the written report so as to include a vessel's hull identification number to provide for specific identification of vessels involved in casualties.

Part 171 of the proposal is new and sets forth procedures not previously in the regulations for a State to follow to obtain approval of a numbering system. It also prescribes the requirements to be met by a State in obtaining approval of a numbering system and a vessel casualty reporting system. A State having an approved vessel casualty reporting system would be required to have a State agency to review vessel casualty reports for completeness and accuracy, to determine the cause or causes of casualties reported, and to provide written notification when problem areas in boating safety peculiar to a State are determined. Subpart D of Part 171 would require the State to forward a copy of each casualty or accident report to the Coast Guard. This requirement although not previously in the regulations reflects current practice.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (Public Law 92–75, 85 Stat. 213). The authority and responsibilities vested in the Secretary by this Act were delegated to the Commandant of the Coast Guard by the Secretary of Transportation on October 5, 1971 (36 F.R. 19593).

In consideration of the foregoing, it is proposed to revise Subchapter S, Title 46 of the Code of Federal Regulations to read as follows:

SUBCHAPTER S—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING; NUMBERING AND CASUALTY REPORTING SYSTEMS

PART 170—VESSEL NUMBERING AND CASUALTY AND ACCIDENT REPORTING

Subpart A—General

Sec.
170.1 Purpose.
170.3 Definitions.

Subpart B—Numbering

170.11 Applicability.
170.13 Exemptions.
170.15 Vessel number required.
170.17 Reciprocity.
170.19 Other numbers prohibited.
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170.23 Inspection of certificate.
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170.27 Numbers: Display; size; color.
170.29 Notification to issuing authority.
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170.35 Coast Guard validation sticker.

Subpart C—Casualty and Accident Reporting

170.51 Applicability.
170.53 Immediate notification of death or disappearance.
170.55 Report of casualty or accident.
170.57 Casualty or accident report.
170.59 Where to report.

Subpart D—Issue of Certificate of Number

170.71 Application for certificate of number.
170.73 Duplicate certificate of number.
170.75 Temporary certificate.
170.77 Validity of certificate of number.
170.79 Expiration of Coast Guard certificate of number.
170.81 Coast Guard forms for numbering and casualty reporting.
170.83 Availability of Coast Guard forms.
170.85 Coast Guard fees.

Appendix A—Issuing authorities and reporting authorities.

AUTHORITY: The provisions of this Part 170 issued under secs. 18 and 37 of the Federal Boat Safety Act of 1971, Public Law 92–75, 85 Stat. 213, 220, 227 (Aug. 10, 1971); 49 CFR 1.46(o)(1) (36 F.R. 19593).

Subpart A—General

§ 170.1 Purpose.

This part prescribes requirements for numbering vessels and for reporting casualties and accidents to implement sections 17, 18, and 37 of the Federal Boat Safety Act of 1971.

§ 170.3 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 (Public Law 92–75, 85 Stat. 213).

(b) "Issuing authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Issuing authorities are listed in Appendix A of this part.

(c) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(d) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(e) "Person" means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity and includes a trustee, receiver, assignee, or similar representative of any of them.

(f) "Reporting authority" means a State that has a numbering system approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of this part.

(g) "State" means a State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

(h) "State of principal use" means the State on whose waters a vessel is used or to be used most during a calendar year.

(i) "Use" means operate, navigate, or employ.

Subpart B—Numbering

§ 170.11 Applicability.

This subpart applies to each vessel equipped with propulsion machinery of any type used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States except—

(a) Foreign vessels temporarily using waters subject to U.S. jurisdiction;

(b) Military or public vessels of the United States, except recreational-type public vessels;

(c) A vessel whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;

(d) Ships' lifeboats;

(e) A vessel which has or is required to have a valid marine document as a vessel of the United States.

§ 170.13 Exemptions.

Where the Coast Guard issues numbers, the following classes of vessels are exempt, under section 19(a) of the Act, from the numbering provisions of the Act and this part:

(a) A vessel that is used exclusively for racing.

(b) A vessel equipped with propulsion machinery of less than 10 horsepower that—

(1) Is owned by the owner of a vessel for which a valid certificate of number has been issued;

(2) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed in § 170.27; and

(3) Is used as a tender for direct transportation between that vessel and the shore and for no other purpose.

§ 170.15 Vessel number required.

(a) Except as provided in § 170.17, no person may use a vessel to which this part applies unless—

(1) It has a number issued on a certificate of number by the issuing authority in the State in which the vessel is principally used; and

(2) The number is displayed as described in § 170.27.

(b) This section does not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the State in which the vessel is principally used.

§ 170.17 Reciprocity.

(a) Subsection 18(c) of the Act states:

When a vessel is actually numbered in the State of principal use, it shall be considered as in compliance with the numbering system requirements of any State in which it is temporarily used.

(b) Subsection 18(d) of the Act states:

When a vessel is removed to a new State of principal use, the issuing authority of that State shall recognize the validity of a number awarded by any other issuing authority for a priod of at least 60 days before requiring numbering in the new State.

§ 170.19 Other numbers prohibited.

No person may use a vessel to which this part applies that has any number that is not issued by an issuing authority for that vessel on its forward half.

§ 170.21 Certificate of number required.

(a) Except as provided in §§ 170.13 and 170.17, no person may use a vessel to which this part applies unless it has on board—

(1) A valid certificate of number or temporary certificate for that vessel issued by the issuing authority in the State in which the vessel is principally used; or

(2) For a vessel described in paragraph (b) of this section, a copy of the lease or rental agreement, signed by the owner or his authorized representative and by the person leasing or renting the vessel, that contains at least—

(i) The vessel number that appears on the certificate of number; and

(ii) The period of time for which the vessel is leased or rented.

(b) Section 20(a) of the Act states in part:

The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than 24 hours may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

§ 170.23 Inspection of certificate.

Each person using a vessel to which this part applies shall present the certificate or lease or rental agreement required by § 170.21 to any Federal, State, or local law enforcement officer for inspection at his request.

§ 170.25 Location of certificate of number.

No person may use a vessel to which this part applies unless the certificate or lease or rental agreement required by § 170.21 is carried on board in such a manner that it can be handed to a person authorized under § 170.23 to inspect it.

§ 170.27 Numbers: Display; size; color.

(a) Each number required by § 170.15 must—

(1) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by paragraph (b) or required by paragraph (c) of this section;

(2) Be in plain vertical block characters of not less than 3 inches in height;

(3) Contrast with the color of the background and be distinctly visible and legible;

(4) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (DC 5678 EF) (DC–5678–EF); and

(5) Read from left to right.

(b) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel, or be available to be shown upon demand.

(c) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(d) Each number displayed on a tender exempted under § 170.13 must meet the requirements of paragraph (a) of this section and have a space or hyphen that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number. (Examples: (DC 5678 EF 1) (DC–5678–EF–1)).

§ 170.29 Notification to issuing authority.

A person whose name appears as the owner of a vessel on a certificate of number shall, within 15 days, notify the issuing authority in a manner prescribed by the issuing authority of—

(a) Any change in his address;

(b) The theft or recovery of the vessel;

(c) The loss or destruction of a valid certificate of number;

(d) The transfer of all or part of his interest in the vessel; and

(e) The destruction or abandonment of the vessel.

§ 170.31 Surrender of certificate of number.

A person whose name appears as the owner of a vessel on a certificate of number shall surrender the certificate in a manner prescribed by the issuing authority within 15 days after it becomes invalid under paragraph (b), (c), or (d) of § 170.77.

§ 170.33 Removal of number.

The person whose name appears on a certificate of number as the owner of a vessel shall remove the number from the vessel when—

(a) The vessel is documented by the Coast Guard;

(b) The certificate of number is invalid under paragraph (c) of § 170.77; or

(c) The vessel is no longer principally used in the State where the certificate was issued.

§ 170.35 Coast Guard validation sticker.

No person may use a vessel except a vessel exempted by § 170.13 that has a number issued by the Coast Guard unless it has the validation stickers issued with the certificate of number displayed within 3 inches aft of the number and in line with the number.

Subpart C—Casualty and Accident Reporting

§ 170.51 Applicability.

(a) This subpart applies to each vessel used on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for vessels owned in the United States that—

(1) Is used by its operator for recreational purposes; or

(2) Is required to be numbered under this part.

(b) This subpart does not apply to a vessel required to have a certificate of inspection under this chapter.

§ 170.53 Immediate notification of death or disappearance.

(a) When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel, the operator shall, without delay, by the quickest means available, notify the nearest reporting authority listed in Appendix A of this part of—

(1) The date, time, and exact location of the occurrence;

(2) The name of each person who died or disappeared;

(3) The number and name of the vessel; and

(4) The names and addresses of the owner and operator.

(b) When the operator of a vessel cannot give the notice required by paragraph (a) of this section, each person on board the vessel shall notify the casualty reporting authority or determine that the notice has been given.

§ 170.55 Report of casualty or accident.

(a) The operator of a vessel shall submit the casualty or accident report prescribed in § 170.57 to the reporting authority prescribed in § 170.59 when, as a result of an occurrence that involves the vessel or its equipment—

(1) A person dies;

(2) A person loses consciousness or receives medical treatment or is disabled for more than 24 hours;

(3) Damage to the vessel and other property damage totals more than $100; or

(4) A person disappears from the vessel under circumstances that indicate death or injury.

(b) A report required by this section must be made—

(1) Within 48 hours of the occurrence if a person dies within 24 hours of the occurrence;

(2) Within 48 hours of the occurrence if a person loses consciousness or receives medical treatment or is disabled for more than 24 hours or disappears from a vessel; and

(3) Within 5 days of the occurrence or death if an earlier report is not required by this paragraph.

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(c) When the operator of a vessel cannot submit the casualty or accident report required by paragraph (a) of this section, the owner shall submit the casualty or accident report.

§ 170.57 Casualty or accident report.

Each report required by § 170.55 must be in writing, dated upon completion, and signed by the person who prepared it and must contain, if available, at least the following information about the casualty or accident:

(a) The numbers and names of each vessel involved.

(b) The name and address of each owner of each vessel involved.

(c) The name of the nearest city or town, the county, the State, and the body of water.

(d) The time and date of the casualty or accident occurred.

(e) The location on the water.

(f) The visibility, weather, and water conditions.

(g) The estimated air and water temperatures.

(h) The name, address, age or date of birth, telephone number, vessel operating experience, and boating safety training of the operator making the report.

(i) The name and address of each operator of each vessel involved.

(j) The number of persons on board or towed on skis by each vessel.

(k) The name, address, and date of birth of each person injured or killed.

(l) The cause of each death.

(m) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.

(n) The name and address of each owner of property involved.

(o) The availability and use of personal flotation devices.

(p) The type and amount of each fire extinguisher used.

(q) The nature and extent of each injury.

(r) A description of all property damage and vessel damage with an estimate of the cost of all repairs.

(s) A description of each equipment failure that caused or contributed to the cause of the casualty.

(t) A description of the vessel casualty or accident.

(u) The type of vessel operation (cruising, drifting, fishing, hunting, or other), and the type of accident (capsizing, sinking, fire, or explosion or other).

(v) The opinion of the person making the report as to the cause of the casualty.

(w) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horsepower, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year), of the reporting operator's vessel.

(x) The name, address, and telephone number of each witness.

(y) The manufacturer's hull identification number, if any, of the reporting operator's vessel.

(z) The name, address, and telephone number of the person submitting the report.

§ 170.59 Where to report.

A report required by § 170.55 must be submitted to—

(a) The reporting authority listed in Appendix A of this part where the vessel number was issued or, if the vessel has no number, where the vessel is principally used; or

(b) The reporting authority where the casualty or accident occurred, if it occurred outside the State where the vessel is numbered or principally used.

Subpart D—Issue of Certificate of Number

§ 170.71 Application for certificate of number.

Any person who is the owner of a vessel to which § 170.11 applies may apply for a certificate of number for that vessel by submitting to the issuing authority, listed in Appendix A of this part, where the vessel will principally be used—

(a) An application on a form and in a manner prescribed by the issuing authority; and

(b) The fee required by the issuing authority.

§ 170.73 Duplicate certificate of number.

If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting to the issuing authority that issued the certificate—

(a) An application on a form or in a manner prescribed or the issuing authority; and

(b) The fee required by the issuing authority, if any.

§ 170.75 Temporary certificate.

A temporary certificate valid for not more than 60 days after it is issued may be issued by an issuing authority pending the issue of a certificate of number. A temporary certificate is not valid after the date that the owner receives the certificate of number from the issuing authority.

§ 170.77 Validity of certificate of number.

(a) Except as provided in paragraphs (b), (c), and (d) of this section, a certificate of number is valid until the date of expiration prescribed by the issuing authority.

(b) A certificate of number issued by an issuing authority is invalid after the date upon which—

(1) The vessel is documented or required to be documented under Part 67 of this chapter;

(2) The person whose name appears on the certificate of number as owner of the vessel transfers all of his ownership in the vessel; or

(3) The vessel is destroyed or abandoned.

(c) A certificate of number issued by an issuing authority is invalid if—

(1) The application for the certificate of number contains a false or fraudulent statement; or

(2) The fees for the issuance of the certificate of number are not paid.

(d) A certificate of number is invalid 60 days after the day on which the vessel is no longer principally used in the State where the certificate was issued.

§ 170.79 Expiration of Coast Guard certificate of number.

A certificate of number issued by the Coast Guard expires 3 years from the date it is issued.

§ 170.81 Coast Guard forms for numbering and casualty reporting.

(a) In a State where the Coast Guard is the issuing authority, the following Coast Guard forms must be used:

(1) Each application for a certificate of number or renewal must be made on two-part Form CG–3876 and 3876A, Application for Number and Temporary Certificate.

(2) Each notifiaction required by § 170.29(b) must be made on Form CG–2921, Notification of Change in Status of Vessel.

(3) Each notification required by § 170.29(a) must be made on Form CG–3920, Change of Address Notice.

(4) Each notification required by § 170.29(c) must be made in writing.

(5) Each application for a duplicate certificate of number must be made on two-part Form CG–3919 and CG–3919A, Application for Duplicate Certificate of Number and Temporary Duplicate Certificate.

(6) Each vessel casualty required to be reported by § 170.55 must be made on Form CG–3865.

(b) Each surrender of a certificate of number required by § 170.31 may be made in any form but must contain a written statement as to why the certificate is being surrendered.

§ 170.83 Availability of Coast Guard forms.

In a State where the Coast Guard is the issuing authority, forms required by § 170.81 are available at all manned Coast Guard shore units, except light and loran stations and, except for Form CG–3865, at all first- and second-class and some third- and fourth-class post offices.

§ 170.85 Coast Guard fees.

(a) In a State where the Coast Guard is the issuing authority the fees for numbering are—

(1) Original number and two validation stickers—$6;

(2) Renewal of number and two validation stickers—$6;

(3) Duplicate certificate of number—$1; and

(4) Replacement of lost or destroyed validation sticker—$0.25 each.

(b) Fees must be paid by check or money order made payable to the "U.S. Coast Guard," except when the application is made in person by the owner, the fee may be paid in cash.

APPENDIX A

ISSUING AUTHORITIES AND REPORTING AUTHORITIES

(a) The State is the issuing authority and reporting authority in:

State	State
Alabama—AL.	Nebraska—NB.
Arizona—AZ.	Nevada—NV.
Arkansas—AR.	New Jersey—NJ.
California—CF.	New Mexico—NM.
Colorado—CL.	New York—NY.
Connecticut—CT.	North Carolina—NC.
Delaware—DL.	North Dakota—ND.
Florida—FL.	Ohio—OH.
Georgia—GA.	Oklahoma—OK.
Hawaii—HA.	Oregon—OR.
Idaho—ID.	Pennsylvania—PA.
Illinois—IL.	Puerto Rico—PR.
Indiana—IN.	Rhode Island—RI.
Iowa—IA.	South Carolina—SC.
Kansas—KA.	South Dakota—SD.
Kentucky—KY.	Tennessee—TN.
Louisiana—LA.	Texas—TX.
Maine—ME.	Utah—UT.
Maryland—MD.	Vermont—VT.
Massachusetts—MS.	Virginia—VA.
Michigan—MC.	Virgin Islands—VI.
Minnesota—MN.	West Virginia—WV.
Mississippi—MI.	Wisconsin—WS.
Missouri—MO.	Wyoming—WY.
Montana—MT.	

(b) The Coast Guard is the issuing authority and reporting authority in:

State	State
Alaska—AK.	Guam—GM.
American Samoa—AS.	New Hampshire—NH
District of Columbia—DC.	Washington—WN.

(c) The abbreviations following the names of the States listed in paragraphs (a) and (b) are the two capital letters that must be used in the number format to denote the State of principal use as prescribed in § 171.29.

PART 171—STATE NUMBERING AND CASUALTY REPORTING SYSTEMS

Subpart A—General

Sec.
171.1 Applicability.
171.3 Definitions.
171.5 Requirements for approval.
171.7 Approval procedure.

Subpart B—Numbering System Requirements

171.11 Applicability of state numbering system.
171.13 Owner or operator requirements.
171.15 Validation stickers.
171.17 Contents of application for certificate of number.
171.19 Contents of a certificate of number.
171.21 Contents of temporary certificate.
171.23 Form of number.
171.25 Size of certificate of number.
171.27 Duration of certificate of number.
171.29 Temporary certificate of number.
171.31 Terms and conditions for numbering vessels.

Subpart C—Casualty Reporting System Requirements

171.101 Applicability of state casualty reporting system.
171.103 Administration.
171.105 Owner or operator casualty reporting requirements.
171.107 Contents of casualty or accident report.

Subpart D—State Reports

171.121 Forwarding of casualty or accident reports.
171.123 Annual report of numbered vessels.
171.125 Coast Guard address.

AUTHORITY: The provisions of this Part 171 issued under sec. 18 and 37 of the Federal Boat Safety Act of 1971, Public Law 92–75, 85 Stat. 213, 220, 227 (Aug. 10, 1971); 49 CFR 1.46(o)(1) (36 F.R. 19593).

Subpart A—General

§ 171.1 Applicability.

This part establishes a standard numbering system for vessels and a uniform vessel casualty reporting system for vessels by prescribing requirements applicable to the States for the approval of State numbering systems.

§ 171.3 Definitions.

As used in this part:

(a) "Act" means the Federal Boat Safety Act of 1971 Public Law 92–75, 85 Stat. 213.

(b) "Operator" means the person who is in control or in charge of a vessel while it is in use.

(c) "Owner" means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

(d) "Reporting authority" means a State where a numbering system has been approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Reporting authorities are listed in Appendix A of Part 170 of this chapter.

§ 171.5 Requirements for approval.

The Commandant approves a State numbering system if he finds, after examination of the information submitted by a State, that the State numbering system and vessel casualty reporting system meet the requirements in this part and the provisions of sections 18 through 24 and section 37 of the Act relating to numbering and casualty reporting.

§ 171.7 Approval procedure.

To obtain approval by the Commandant of a numbering system or of any revision to a numbering system, an authorized representative of the State must submit three copies of the State laws, regulations, forms, and policy statements, if any, that pertain to the numbering system or revision to U.S. Coast Guard (BL/62), 400 Seventh Street SW., Washington, DC 20590.

Subpart B—Numbering System Requirements

§ 171.11 Applicability of State number system.

(a) Except as allowed in paragraph (c) of this section, a State numbering system must require the numbering of vessels to which § 170.11 of this chapter applies.

(b) A State numbering system may require the numbering of any vessel subject to the jurisdiction of the State unless prohibited by the regulations in Part 170 of this chapter.

(c) A State numbering system may exempt from its numbering requirements any vessel or class of vessels to which § 170.13 of this chapter applies.

§ 171.13 Owner or operator requirements.

A State numbering system must contain the requirements applicable to an owner or a person operating a vessel that are prescribed in the following sections of Part 170 of this chapter:

(a) Paragraph (a) of § 170.15 Vessel number required.
(b) Section 170.19 Other numbers prohibited.
(c) Paragraph (a) of § 170.21 Certificate of number required.
(d) Section 170.23 Inspection of certificate.
(e) Section 170.25 Location of certificate of number.
(f) Section 170.29 Notification to issuing authority.
(g) Section 170.31 Surrender of certificate of number.
(h) Section 170.33 Removal of number.
(i) Section 170.71 Application for certificate of number.
(j) Section 170.73 Duplicate certificate of number.

§ 171.15 Validation stickers.

(a) If a State issues validation stickers, its numbering system must contain the requirements that stickers must be displayed aft of the number and the stickers must meet the requirements in paragraphs (b) and (c) of this section.

(b) Validation stickers must be approximately 3 inches square.

(c) The year in which each validation sticker expires must be indicated by the colors blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1973.

§ 171.17 Contents of application for certificate of number.

(a) Each form for application for a certificate of number must contain the following information:

(1) Name of the owner.
(2) Address of the owner, including ZIP code.
(3) Date of birth of the owner.
(4) Citizenship of the owner.
(5) State in which vessel is or will be principally used.
(6) The number previously issued by an issuing authority for the vessel, if any.
(7) Whether the application is for a new number, renewal of a number, or transfer of ownership.
(8) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use.
(9) Make of vessel.
(10) Year vessel was manufactured.
(11) Manufacturer's hull identification number, if any.
(12) Overall length of vessel.
(13) Type of vessel (open, cabin, house, or other).
(14) Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other.
(15) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail and name of engine manufacturer if available.
(16) Whether the fuel is gasoline, diesel, or other.
(17) The signature of the owner.

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(b) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items 9 through 16 of paragraph (a) of this section.

(c) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit items 15 and 16 of paragraph (a) of this section.

§ 171.19 Contents of a certificate of number.

(a) Except as allowed in paragraph (b) of this section, each certificate of number must contain the following information:

(1) Number issued to the vessel.
(2) Expiration date of the certificate.
(3) State of principal use.
(4) Name of the owner.
(5) Address of owner, including zip code.
(6) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
(7) Manufacturer's hull identification number (if any).
(8) Make of vessel.
(9) Year vessel was manufactured.
(10) Overall length of vessel.
(11) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.
(12) Hull material.
(13) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.
(14) Whether the fuel is gasoline, diesel, or other.
(15) A quotation of the State regulations pertaining to change of ownership or address; documentation, loss, destruction, abandonment, theft, or recovery of vessel; carriage of the certificate of number on board when vessel is in use; rendering aid in a boat accident; and reporting of vessel casualties and accidents.

(b) A certificate of number issued to a vessel that has a manufacturer's hull identification number assigned, may omit items 8 through 14 of paragraph (a) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(c) A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit items 7 through 14 of paragraph (a) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(d) A certificate of number issued to a vessel that is to be rented or leased without propulsion machinery may omit items 13 and 14 of paragraph (a) of this section if the words "livery vessel" are plainly marked on the certificate.

§ 171.21 Contents of temporary certificate.

A temporary certificate issued pending the issuance of a certificate of number must contain the following information:

(a) Make of vessel.
(b) Length of vessel.
(c) Type of propulsion.
(d) State in which vessel is principally used.
(e) Name of owner.
(f) Address of owner, including zip code.
(g) Signature of owner.
(h) Date of issuance.
(i) Notice to the owner that the temporary certificate is invalid after 60 days from the date of issuance.

§ 171.23 Form of number.

(a) Each number must consist of two capital letters denoting the State of the issuing authority, as specified in Appendix A of Part 170 of this chapter, followed by—

(1) Not more than four numerals followed by not more than two capital letters (NH 1234 BD); or

(2) Not more than three numerals followed by not more than three capital letters (WN 567 EFG).

(b) A number suffix must not include the letters "I," "O," or "Q," which letters may be mistaken for numerals.

§ 171.25 Size of certificate of number.

Each certificate of number must be approximately 2½ by 3½ inches.

§ 171.27 Duration of certificate of number.

A certificate of number must not be valid for more than 3 years.

§ 171.29 Temporary certificate of number.

A State may issue a temporary certificate of number that is effective for not more than 60 days.

§ 171.31 Terms and conditions for vessel numbering.

A State numbering system may condition the issuance of a certificate of number on—

(a) Title to, or other proof of ownership of a vessel except a recreational-type public vessel of the United States; or

(b) The payment of State or local taxes, except for a recreational-type public vessel of the United States.

Subpart C—Casualty Reporting System Requirements

§ 171.101 Applicability of State casualty reporting system.

(a) A State casualty reporting system must require the reporting of vessel casualties and accidentc involving vessels to which § 170.51 of this chapter applies.

(b) The State casualty reporting system may require vessel casualty or accident reports resulting in property damage of less than $100.

§ 171.103 Administration.

The State casualty reporting system must be administered by a State agency that—

(a) Will provide for the reporting of all casualties and accidents prescribed by § 170.55 of this chapter.

(b) Receives reports of vessel casualties or accidents required by § 171.101;

(c) Reviews accident and casualty reports to assure accuracy and completeness of reporting;

(d) Determines the cause of casualties and accidents reported;

(e) Notifies the Coast Guard, in writing, when a problem area in boating safety peculiar to the State is determined, together with corrective measures instituted or recommended; and

(f) Reports on vessel numbering and vessel casualties and accidents as required in Subpart D of this part.

§ 171.105 Owner or operator casualty reporting requirements.

A State vessel casualty reporting system must contain the following requirements of Part 170 of this chapter applicable to an owner or a person operating a vessel:

(a) Section 170.55 Report of casualty or accident.
(b) Section 170.59 Where to report.
(c) Section 170.53 Immediate notification of death or disappearance.
(d) Section 170.57 Casualty or accident report.
(e) Section 170.61 Rendering of assistance in casualties.

§ 171.107 Contents of casualty or accident report form.

Each form for reporting a vessel casualty or accident must contain the information required in § 170.57 of this chapter.

Subpart D—State Reports

§ 171.121 Forwarding of casualty or accident reports.

Within 30 days of the receipt of a casualty or accident report, each State that has an approved numbering system must forward a copy of that report to the Commander of the Coast Guard District in which the State Capitol is located, except that Ohio and Minnesota must forward reports to the Commander, Ninth Coast Guard District, and Vermont to the Commander, Third Coast Guard District.

§ 171.123 Annual report of numbered vessels.

Before March 1 of each year, each State that has an approved numbering system must prepare and submit Coast Guard Form CGHQ–3923, Report of Certificates of Number Issued to Boats, to the Coast Guard.

§ 171.125 Coast Guard address.

The report required by § 171.123 must be sent to U.S. Coast Guard (BD/62) 400 Seventh Street SW., Washington, DC 20590.

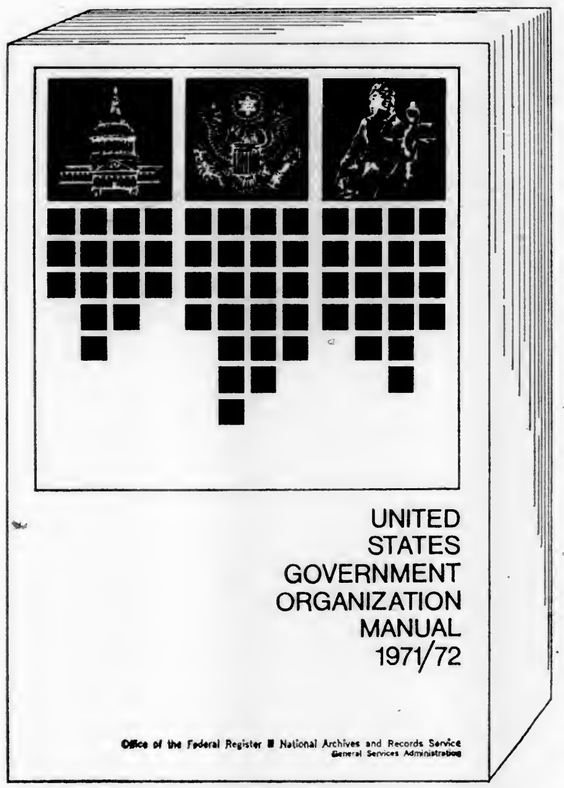
This proposal is made under the authority of sections 18 and 37 of the Federal Boat Safety Act of 1971, Public Law 92–75, 85 Stat. 213, 220, 227 (Aug. 10, 1971); 49 CFR 1.46(0)(1) (36 F.R. 19593).

Dated: April 9, 1972.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.72–5753 Filed 4–18–72;8:45 am]

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WASHINGTON, D.C.

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Title 3—The President

EXECUTIVE ORDER 11667

Establishing the President's Advisory Committee on the Environmental Merit Awards Program

On October 31, 1971, I announced the establishment of the President's Environmental Merit Awards Program. The Administrator of the Environmental Protection Agency and the Commissioner of Education sent letters to high school principals inviting them to participate in this program by establishing local tripartite committees to supervise and direct local Environmental Merit Awards Programs, and to make awards to individual students or groups of students for significant environmental accomplishments by them. These committees were to be composed of students, faculty and interested members of the community.

Today, more than 2,500 high schools, including schools in each of the 50 States, are actively involved in this program.

In view of this encouraging response, I have concluded that I should establish a national committee to advise me of ways in which this program can be further expanded and enhanced and of other ways in which the environmental accomplishments of individuals and groups may be appropriately recognized.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, it is hereby ordered as follows:

SECTION 1. (a) There is hereby established the President's Advisory Committee on the Environmental Merit Awards Program. The Committee shall be composed of a Chairman, to be designated by the President, and such members as the President may, from time to time, appoint.

(b) The Committee shall advise the President and the Administrator of the Environmental Protection Agency on ways in which the Environmental Merit Awards Program can be expanded and enhanced. The Committee shall select individuals or groups of individuals who deserve special recognition for their local environmental accomplishments and confer appropriate Environmental Merit Awards upon them on behalf of the President. The Committee shall perform such other related functions as the President may, from time to time, specify.

SEC. 2. No member of the Committee shall receive compensation from the United States by reason of service as a member of the Committee but

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such members may be allowed such travel expenses, including per diem in lieu of subsistence, as may be authorized by law.

SEC. 3. The Environmental Protection Agency shall provide, to the extent permitted by law, administrative support for the Committee and the Environmental Merit Awards Program.



THE WHITE HOUSE,
April 19, 1972.

[FR Doc.72-6171 Filed 4-19-72;11:20 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that the positions at GS–15 and below on the President's Commission on School Finance having expired of their own terms are no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–20–72), paragraph (i) of § 213.3199 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6026 Filed 4-19-72;8:50 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 29—TOBACCO

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

On February 15, 1972, notice of proposed rule making regarding revisions to Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets (7 CFR Part 29) was published in the FEDERAL REGISTER (37 F.R. 3362).

The aforesaid policy statement and regulations are concurrent and identical statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act (49 Stat. 731, 7 U.S.C. 511 et seq.) and the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended, 15 U.S.C. 714 et seq.) and the Agricultural Act of 1949, as amended (63 Stat. 1051; 7 U.S.C. 1421 et seq.).

Statement of considerations. The notice of proposed revisions included (1) advancing the closing dates for filing applications to March 15 for Flue-cured and July 15 for Burley; (2) that no oral hearing be held on an application which was denied the previous year, unless the review committee considers it to contain new and substantial evidence of such changed circumstances as would warrant oral hearing; (3) new language further defining and clarifying the time and manner of filing applications and the criteria to be considered in deciding applications; and (4) minor revisions of certain definitions.

Interested persons were given 30 days in which to submit written data, views, or arguments regarding the proposed revised regulations. No objections to the proposals were received. The proposed revisions provide a more convenient schedule for hearings and decisions on applications for tobacco inspection and price support services, and clarify these regulations in other respects. After consideration of all relevant facts, the Policy Statement and Regulations so proposed are hereby adopted without change and are set forth below.

Effective date. These regulations shall become effective 30 days following the date of publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of April 1972.

RICHARD E. LYNG,
Assistant Secretary.

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets.

Sec.
29.1 Definitions.
29.2 Policy statement.
29.3 Procedures for filing, hearing, and determination of applications.

AUTHORITY: The provisions of this Subpart A issued under sec. 14, 49 Stat 734, as amended; sec. 4, 62 Stat. 1070, as amended, 7 U.S.C. 511m, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 101, 401, 403, 63 Stat. 1051, as amended, 1054 as amended, 15 U.S.C. 714c, 7 U.S.C. 1441, 1421, 1423.

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets

§ 29.1 Definitions.

For purposes of this Subpart A, the following terms shall have the following meanings:

(a) "Additional sale" means an additional auction sale proposed to be conducted on a designated market.

(b) "Adequate set of buyers" means 5 or more buyers representing 5 or more companies or buying organizations which either will use the tobacco in the manufacture of tobacco products in this country or in foreign countries, or will pack and sell the tobacco later for use by manufacturers in this country or foreign countries, and who could reasonably be expected to purchase at least two-thirds of the total U.S. production of the kind of tobacco for which the additional services are requested.

(c) "Auction market" means a marketing center containing one or more warehouses where tobacco is delivered by producers thereof, or their agents, for sale by the auction process. There may be one or more auction sales on an auction market.

(d) "Bona fide auction sale" and "auction sale" mean the buying and selling of tobacco offered by producers by the auction process which customarily and usually consists of an adequate set of buyers; an auctioneer who takes each buyer's bid; a sales starter who makes the opening bid on each lot; and a ticket marker who records the applicable sales data on each lot.

(e) "Designated market" means an auction market designated by the Secretary under section 5 of the Tobacco Inspection Act.

(f) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) "New market" means an auction market, other than a designated market, at which inspection service under the tobacco Inspection Act was not provided on a regular basis during the preceding marketing season.

(h) "Hearing Clerk" means the Hearing Clerk of the U.S. Department of Agriculture, Washington, D.C. 20250.

(i) "Kind of tobacco" means any one of the following: Flue-cured, Burley, Fire-cured, Dark air-cured, Maryland or Virginia sun-cured.

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§ 29.2 Policy statement.

Inspection and price support services currently provided in auction marketing areas are adequate and the lack of these services is not a limiting factor to accelerated marketings or the extension of price support to producers. Consequently, the extension of inspection and price support services, without limitation, would not contribute to the effectuation of the purposes of either of these services. The additional cost incident to the unlimited extension of these services would be unjustifiable and excessive in relation to the total quantity of tobacco available for market. Accordingly, inspection and price support services shall be made available on new markets and additional sales only as hereinafter provided. Also, since these services shall be made available to new markets and additional sales only as herein provided, referenda incident to market designations shall not be conducted until auction markets seeking designation have qualified for inspection and price support services as herein provided.

(a) *Reasonable inspection and price support services.* The extension of tobacco inspection and price support services to new markets and additional sales will be conditioned upon the reasonableness of such services existing in the marketing area of the proposed new market or additional sale. Transactions in tobacco as conducted at auction markets customarily involve the sale of tobacco at a bona fide auction sale. Determination with respect to reasonableness, and consequently with respect to granting or denying additional services, will be based on evidence (1) that the proposed new market or additional sale will function as a bona fide auction sale, and (2) that additional services are justifiable in relation to other market data, including the volume of tobacco produced in the area surrounding the proposed new market or additional sale; the roads and road distances involved in moving tobacco to the proposed new market or additional sale in relation to other tobacco marketing centers; the relative availability or congestion of all facilities for redrying and packing tobacco handled or to be handled in the proposed new market or additional sale; the location of other auction markets on which tobacco produced in the marketing area of the proposed new market or additional sale may be marketed; the number of tobacco growers to be affected by the proposed new market or additional sale; the volume of tobacco likely to be sold in the proposed new market or additional sale; the relationship of sales in the proposed new market or additional sale to sales in other auction markets in the producing area for that kind of tobacco; and other economic factors affecting the marketing of tobacco, by growers, in the marketing area of the proposed new market or additional sale and in the producing area for that kind of tobacco, including limitations on sales imposed by any marketing agreement and/or order, or by any other means.

(b) *Order of priority.* If the Secretary finds that there are insufficient qualified tobacco inspectors available to service adequately all applicants otherwise found to be qualified for additional inspection service pursuant to this subpart for a kind of tobacco, those applicants found to be eligible for additional services on auction markets designated for free and mandatory inspection shall be given priority over applicants for additional inspection service on a fee basis on other auction markets. If it becomes necessary to determine which of several qualified applicants having an equal order of priority under the preceding sentence shall receive additional inspection and price support services, those auction sales or auction markets where the greatest number of growers needing such service may be served with the qualified inspectors shall have priority. If an application for an additional sale on a designated market is denied for lack of qualified inspectors, the Secretary, on application from such market, may temporarily suspend the requirement of inspection and certification on such market pursuant to section 5 of the Tobacco Inspection Act.

(c) *Price support services to be through warehouses.* Price support services on any auction market will be offered through tobacco auction warehouses operating in such market, and, notwithstanding any provision of this subpart, the offering of price support services through any auction warehouse located on any auction market will be conditioned upon a qualified, responsible warehouseman entering into an approved auction warehouse contract under the provisions of the applicable tobacco price support program, published at Part 1464 of this title.

§ 29.3 Procedures for filing, hearing, and determination of applications.

(a) *Time and place of filing.* Applications for the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets shall be filed, in triplicate, with the Hearing Clerk not later than March 15 in the case of Flue-cured tobacco, December 1 in the case of Maryland tobacco, and July 15 in the case of Burley and all other kinds of tobacco. Applications should be addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. Applications which are not received by the Hearing Clerk on or before the foregoing cutoff date for the kind of tobacco shall be rejected as untimely filed. After denial of an application for additional inspection and price support services for a marketing season, no application from the same auction market or proposed new market shall be considered for the next consecutive marketing season, unless the application contains a statement by the applicant setting forth new facts that constitute evidence of such a substantial change in conditions since the previous hearing as the review committee as specified in paragraph (h) of this section deems would warrant such further hearing.

(b) *Form and content of application.* The application shall be in writing, shall set forth the grounds for the application and shall be signed by the applicant or applicants. If an applicant is a corporation, the application shall be executed by a responsible officer of such corporation. The application shall include a statement of the name, address and form of business organization of each party to the application and the location of the proposed new market or additional sale.

(c) *Hearings on applications.* Following the closing date for filing applications for each kind of tobacco, a hearing or hearings shall be held on the applications, if any, filed for additional inspection and price support services for the kind of tobacco in question. Such hearing or hearings shall be scheduled to begin within 50 days following the closing date for such applications. Notice of hearing shall be issued by the Secretary, filed with the Hearing Clerk, and published in the FEDERAL REGISTER, and a copy shall be mailed by the Hearing Clerk to each applicant. Such publication and mailing shall be not less than 5 days prior to the opening of the hearing.

(d) *Presiding officer.* The presiding officer at each such hearing shall be a Hearing Examiner of the Office of Hearing Examiners of the U.S. Department of Agriculture or such other employee of the Department of Agriculture as the Secretary may designate to act as presiding officer at such hearing. The presiding officer shall determine the order of procedure at the hearing, shall have power to administer oaths and affirmations, to rule on and admit evidence, and, following the opening of the hearing, to recess the hearing to such other times and places as he deems desirable or necessary.

(e) *Scope of hearing and burden of proof.* Each applicant shall have the burden of presenting evidence relative to the factors specified in § 29.2(a).

(f) *Record and evidence.* The proceedings at each such hearing shall be transcribed verbatim. All oral testimony shall be under oath or affirmation. All documentary exhibits shall be submitted in triplicate by the person offering the same. The presiding officer shall, insofar as possible, exclude testimony and exhibits which are irrelevant, immaterial, or not of the sort upon which responsible persons are accustomed to rely. Cross-examination shall be allowed only to the extent that the presiding officer in his discretion deems it desirable or necessary to develop the material facts.

(g) *Briefs.* If requested at the hearing, the presiding officer shall fix a time, not to exceed 20 days from the close of the hearing, within which interested persons may mail briefs to the Hearing Clerk.

(h) *Certification and referral.* As soon as practicable following the close of the hearing, the presiding officer shall certify the transcript of the proceedings at the hearing together with all exhibits and shall transmit the same to the Hearing Clerk for referral to a review committee comprised of the Administrator, Agricultural Marketing Service, the Administrator, Commodity Stabilization Service, and a representative of the Office of the Secretary to be designated by the Secretary.

(i) *Recommended action.* The review committee shall review and consider the applications, hearing record, including exhibits, and all other available information and data relating to applications for each kind of tobacco and shall submit a recommendation thereon to the Secretary.

(j) *Final decision.* The Secretary shall issue the decision on each application and such decision shall be final: *Provided,* That any determination that additional services will be provided may be reconsidered and may be vacated if it is subsequently found that any material fact upon which such determination was based was materially erroneous or false, or that the new market or additional sale in question is not functioning as a bona fide auction sale. Such decision shall be filed with the Hearing Clerk who shall mail a true copy thereof, by certified mail, to the applicant.

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Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.80–2 of the Witchweed Quarantine regulations, 7 CFR 301.80–2, as amended, a supplemental regulation designating regulated areas, § 301.80–2a, is hereby amended as follows:

§ 301.80–2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as witchweed regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

NORTH CAROLINA

(1) *Generally infested area.*

Bladen County. The entire county.

Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1345, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville and the unincorporated communities of East Fayetteville and Bonnie Doone.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence extending north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence north along said road to its junction with the Duplin and Wayne County line, thence northeast along said county line to its junction with the Duplin and Lenoir County line, thence southeast along said county line to its intersection with State Secondary Road 1005, thence south along said road to its junction with State Secondary Road 1733, thence west along said road to its junction with State Secondary Road 1732, thence south along said road to its junction with State Secondary Road 1735, thence south along said road to its junction with State Secondary Road 1700, thence west along said road to its intersection with Cabin Creek, thence south along said creek to its junction with Limestone Creek, thence south along said creek to its intersection with State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its intersection with the Northeast Cape Fear River, thence northwest along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west, and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1101, thence southeast along said road to its intersection with State Secondary Road 1102, thence southwest along said road to its junction with State Secondary Road 1126, thence west along said road to its intersection with State Secondary Road 1100, thence southeast along said road to its junction with State Highway 41, thence southwest along said highway to its intersection with the Duplin and Sampson County line, thence northwest and northeast along said county line to the point of beginning.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence north along Hector Creek and State Secondary Road 1111 to its junction with State Secondary Road 1110, thence west along said road to its junction with State Secondary Road 1108, thence southwest along said road to its junction with State Secondary Road 1106, thence north along said road to its junction with State Highway 27, thence northeast along said road to its junction with State Secondary Road 1201, thence north along said road to its junction with Lee-Harnett County line, thence northeast along said county line to the point of beginning.

The Edwards, Charles, farm located on the north side of State Secondary Road 1128, and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Harrington, Luke, farm located on both sides of State Highway 27 and 0.4 mile west of the junction of said highway with State Secondary Road 1242.

The Harrington, Redin, farm located at the end of a dirt road and 0.8 mile north of the junction of said road with State Highway 27, and said junction being 1 mile west of the junction of said highway with State Secondary Road 1242.

The Jenkins, Cecil, farm located on both sides of State Secondary Road 1251 and 1 mile south of the junction of said road with State Secondary Road 1291.

The McLeod, Carl, farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Morgan, Robert, farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

The Parker, E. O., farm located on the north side of State Secondary Road 2034 and 0.7 mile west of the junction of said road with U.S. Highway 401.

Hoke County. All of Hoke County lying south and west of the Fort Bragg Military Reservation.

Games Preserve Plot No. 16 located on the east side of King Road and 0.7 mile northwest of its junction with Plank Road lying

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within the Fort Bragg Military Reservation.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

Lenoir County. That area bounded by a line beginning at a point where State Secondary Road 1311 and State Secondary Road 1002 junction, and extending northeast along State Secondary Road 1311 to its junction with State Secondary Road 1309, thence north along said road to its junction with State Secondary Road 1324, thence southeast along said road to its junction with State Secondary Road 1331, thence north along said road to its junction with State Secondary Road 1332, thence east along said road to its junction with State Secondary Road 1333, thence north along said road to its junction with State Secondary Road 1330, thence east along said road to its junction with State Secondary Road 1336, thence southeast along said road to its junction with State Secondary Road 1324, thence southwest along said road to Whitelace Creek, thence east and south along said creek to State Secondary Road 1161, thence west along said road to its junction with State Highway 55, thence southwest along said road to Squirrel Creek, thence north and northwest along said creek to the Neuse River, thence west along said river to Dallys Creek, thence south and west along said creek to its intersection with State Highway 55, thence west along said highway to State Secondary Road 1002, thence north along said road to the point of beginning.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvines Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence southwest along said road to its junction with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1208, thence west along said road to its junction with State Secondary Road 1206, thence northeast along said road to its intersection with State Secondary Road 1207, thence northwest along said road to its junction with State Secondary Road 1209, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15–401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highways 15A–401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15–401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15–501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said state line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Bunch, Archie W., farm located at the intersection of State Secondary Roads 1323 and 1001.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Calhoun, L. E., farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon jump zone.

The King, J. Lloyd, farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Newton, Peter F., farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Odoms, Hobson, farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and the Wayne-Lenoir County line intersect and extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with U.S. Highway 117, thence northward along said highway to its junction with State Secondary Road 1929, thence east along State Secondary Road 1929 to its intersection with State Secondary Road 1926, thence north along said road to its junction with 1918, thence northeastward along said road to its junction with State Secondary Road 1915, thence southeast and south along said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where U.S. Highway 13 and State Secondary Road 1006 intersect, and extending south along said road to its junction with State Secondary Road 1108, thence west along said road to its junction with State Secondary Road 1109, thence west along said road to its junction with State Secondary Road 1105, thence south along said road to its intersection with the Wayne-Sampson County line, thence northwest along said county line to its intersection with State Secondary Road 1009, thence north along said road to its junction with State Secondary Road 1103, thence north along said road to its junction with State Secondary Road 1101, thence east along said road to its intersection with State Secondary Road 1105, thence north along said road to its intersection with U.S. Highway 13, thence east along said highway to the point of beginning.

(2) *Suppressive area.*

Brunswick County. The Babson, N. L., farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.

The Frink, D. M., farm located on the north side of State Secondary Road 1145 at its junction with State Secondary Road 1147.

The Griffin, John, farm located on the west side of State Secondary Road 1304, and 1.3 miles northeast of junction of said road with U.S. Highway 17.

The Hughes, Luther H., farm located at the end of a farm road on the west side of State Highway 130, which farm road junctions with State Highway 130 at a point 1.1 miles south of the junction of State Highway 130 and State Secondary Road 1321.

The Inman, Frank D., farm located on the west side of State Secondary Road 1333 and 0.1 mile north of its junction with State Secondary Road 1328.

The Meares, Hobson, farm located on both sides of State Secondary Road 1165, and 2 miles south of the intersection of said road with U.S. Highway 17 at Thomasboro.

The Register, W. C., farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The Russ, John R., farm located on both sides of State Secondary Road 1308 and 1 mile west of the junction of said road with State Highway 904 at Longwood.

The Simmons, W. V., farm located on the west side of State Secondary Road 1333 and

on the north side of its junction with State Secondary Road 1328.

The Smith, B. Coda, farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

The Smith, Jessie O., farm located on the north side of State Highway 904 and its junction with State Secondary Road 1321.

The Smith, Newman, farm located on the south side of State Secondary Road 1322 at its junction with State Secondary Road 1321.

The Ward, N. G., farm located on the southwest side of State Secondary Road 1300, 0.5 mile west of the junction of said road with U.S. Highway 17.

Columbus County. The Hickman Bros., farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.

The Long, Ernest H., farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The Prince, J. Carl, farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

The Prince, Jennings L., farm located at the junction of State Secondary Road 1108 and State Secondary Road 1109.

The Squires, Alva O., farm located on the east side of State Highway 211 and 0.3 mile south of the intersection of said highway with State Secondary Road 1740.

The Suggs, Lacy, farm located at the end of a dirt road, 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1108 and State Secondary Road 1118.

The Watts, Gaddie, farm located on the southwest side of State Highway 904 at a point 136 yards southeast of the junction of said road with State Secondary Road 1127.

Duplin County. The Bostic, F. J., farm located on the west side of State Highway 50, at the junction of said highway and State Secondary Road 1730.

The Crow, T. C., farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The Faison, I. R., farm located on the east side of State Secondary Road 1301 and 1.4 miles north of its junction with State Secondary Road 1335.

The Green, Willie, farm located on both sides of State Secondary Road 1971, and 0.6 mile southwest of the junction of said road and State Highway 50.

The Jackson, Emmitt, farm located on the east side of State Secondary Road 1301 and 1.3 miles north of its junction with State Secondary Road 1335.

The Johnson, C. M., farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The Kalmar, J. N., farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Sidney J., farm located on the east side of State Secondary Road 1718 and 0.2 mile south of the junction of said road and State Highway 41.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Kissner, Henry, farm located on the southwest side of State Secondary Road 1139 and 0.7 mile northwest of its junction with State Secondary Road 1133.

The Precythe, Harold, farm located on the east side of U.S. Highway 117 and 0.1 mile south of the junction of said road and State Secondary Road 1354.

The Summerlin, Oliver, farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

Harnett County. That area bounded by a line beginning at a point where Harnett-Lee County line and State Secondary Road 1201 intersect and extending south on said road to its junction with State Highway 27, thence west on said road 0.4 mile to its junction with State Secondary Road 1106, thence south on said road to its junction with State Secondary Road 1108, thence east on said road to its junction with State Secondary Road 1110, thence southeast on said road to its junction with State Secondary Road 1111, thence extending south along Hector Creek to its junction with the Moore-Cumberland-Harnett County line, thence northwest and northeast along the Moore-Harnett County line to its junction with the Moore-Lee-Harnett County line, thence northeast along the Harnett-Lee County line to the point of beginning.

The Blalock, Clarence J., farm located at the end of a dirt road and 0.4 mile northwest of the junction of said road with State Secondary Road 1540, said junction being 0.4 mile northeast of the junction of said secondary road with State Secondary Road 1542.

The Blalock, F. P., farm located on the northeast side of State Highway 55 and 0.3 mile northwest of the intersection of said highway with State Secondary Road 1006.

The Johnson, Sr., Jonah C., farm located at the junction of State Secondary Road 1553 and 1555. The farm lies in the northeast portion of this junction.

The Parrish, Eddie L., farm located on both sides of State Secondary Road 1532 and 0.1 mile west of the junction of said road with State Secondary Road 1547.

The Wagner, W. L., farm located on both sides of State Highway 55 and 0.2 mile northwest of the intersection of said highway and State Secondary Road 1006.

Johnston County. The Barefoot, Wade H., farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Beasley, Rufus P., farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

The Blackman, Dewey, farm located on the south side of State Secondary Road 1146, and 0.4 mile east of the junction of said road with State Secondary Road 1145.

The Braswell, J. G., farm located on the east side of State Secondary Road 2519 and 0.4 mile north of the junction of State Secondary Roads 2519 and 2520.

The Davis, I. H., farm located on the southwest side of State Secondary Road 1197 and 0.1 mile southeast of the junction of said road with State Secondary Road 1198.

The Everett, Betty, farm located on the west side of State Secondary Road 2541 and 0.5 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty, farm located on a farm road and 0.6 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Everett, Jaspar, farm located on a farm road and 0.5 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Hudson, Price, Estate farm located on a farm road and 0.4 mile north of its junction with State Secondary Road 1008, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Johnson, Annie, farm located on the west side of State Secondary Road 1138 and 0.5 mile south of its junction with State Secondary Road 1144.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Lee, Blanche, Maye, and Mildred, farm located on the south side of State Secondary Road 1144 and 0.8 mile west of the junction of said road with U.S. Highway 701.

The Martin, Emitt, farm located on the east side of State Secondary Road 2519 and 0.3 mile north of the junction of State Secondary Roads 2519 and 2520.

The McArthur, Margaret, farm located on a farm road and 1.4 miles north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The Oliver, Mrs. Beulah, farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

The right-of-way of State Secondary Road 1144 beginning 1.4 miles west of its junction with U.S. 701 and extending west for one-fourth mile from this point.

Jones County. That area bounded by a line beginning at a point where State Secondary Road 1117 intersects the Jones-Onslow County line, and extending northwest along said road to its junction with State Secondary Road 1116, thence east and southeast along said road to its junction with State Secondary Road 1118, thence southwest along said road to its intersection with the Jones-Onslow County line, thence northwest and west along said county line to the point of beginning.

The Eubanks, Eugene, farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The Greene, Earl F., farm located on both sides of State Secondary Road 1127 and 0.9 mile northwest of the junction of said road and State Highway 41.

The McDaniel, W. F., farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Taylor, Mary L., farm located on the east side of State Secondary Road 1142 and 0.8 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland, farm located on the east side of State Secondary Road 1142 and 0.6 mile south of the junction of said road with State Secondary Road 1130.

The Whiley, Garland, farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

The Williams, Roscoe, farm located on the north side of State Secondary Road 1116 and 3.2 miles west of the junction of said road with State Secondary Road 1115.

Lee County. The Battle, Wilbert, farm located on the north side of State Secondary Road 1188 and 0.3 mile east of the junction of said road with State Secondary Road 1001.

The Douglass, Grady C., farm located in the northeast quadrant of the junction of State Secondary Roads 1188 and 1001.

The Douglass, Grady C., farm located on both sides of State Secondary Road 1188 and 0.5 mile east of the junction of said road with State Secondary Road 1001.

The McGilvary, Aquilla, farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

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The McIntyre, James, farm located on both sides of State Secondary Road 1188 and 0.4 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. The Barwick, Wilson, farm located in the northwest junction of State Secondary Roads 1333 and 1332.

The Blizzard, Robert E., farm located on the south side of State Secondary Road 1105 and 0.3 mile southwest of the intersection of State Secondary Road 1105 and U.S. Highway 258.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Carter, Ephrom, farm located on the south side of State Secondary Road 1116 and 1.5 miles east of its junction with State Highway 11.

The Carter, Roland, farm located on the east side of State Highway 11 and the south side of State Secondary Road 1113 at the junction of said roads.

The Chambers, Eugene, farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Davis, Earl R., farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Edwards, Kate, farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The Grady, J. D., farm located on the south side of State Secondary Road 1143 and the east side of State Secondary Road 1154 at Wootens Crossroads.

The Grady, W. Clifton, farm located on the west side of State Secondary Road 1154 and the south side of State Secondary Road 1143 at Wootens Crossroads.

The Herring, Ben D., farm located on the north side of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Howard, Clarence, farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Nobles, Hugh, farm located on both sides of State Secondary Road 1120 and 0.7 mile west of its junction with U.S. Highway 258.

The Rouse, George R., farm located on the southwest intersection of State Secondary Roads 1143 and 1167.

The Smith, Nick, farm located on the south side of State Secondary Road 1163 and 0.1 mile west of its junction with State Secondary Road 1111.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and 0.3 mile southeast of its intersection with State Secondary Road 1327.

The Whitfield, James A., farm located on the south side of State Secondary Road 1300 and 0.1 mile east of the junction of State Secondary Roads 1300 and 1305.

The Whitfield, Marietta, farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

The Whitfield, William R., farm located on the north side of State Highway 55 and 0.2 mile west of the junction of State Secondary Road 1300 and State Highway 55.

The Wood, C. W., farm located on the northwest side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

Montgomery County. The Hoover, Colon, farm located at the end of a dirt road and 0.2 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.9 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Lane, Walter, farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of the said secondary road with the Montgomery-Moore County line.

Moore County. That area bounded by a line where State Secondary Road 2075 and State Highway 211 junction and extending west along State Highway 211 to its intersection with State Secondary Road 2063, thence north and northwest along said road to its junction with State Highway 5, thence northeast along said highway to its junction with State Secondary Road 2042, thence northeast along said road to its junction with State Secondary Road 2074, thence east along said road to its intersection with State Secondary Road 2075, thence south and southwest along said road to the point of beginning.

The Barker, T. M., farm located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The Bass, M. C., farm located at the end of a dirt road and 0.1 mile south of the junction of said road and State Secondary Road 2005, said junction being 0.7 mile east of the junction of said road and State Secondary Road 1001.

The Black, Walter, farm located at the end of State Secondary Road 1289 and 0.4 mile north of the junction of said road with State Secondary Road 1216.

The Bryant, R. E., farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15–501.

The Burnette, Florence, farm located on the northeast side of State Secondary Road 1825 and 0.2 mile northwest of the intersection of said road with State Secondary Road 2005.

The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Currie, Wilbur, farm located on the east side of State Secondary Road 1806 and 0.3 mile south of the junction of said road with State Secondary Road 1805.

The Faulk, Elijah, farm located at the end of State Secondary Road 2016 and 0.4 mile east of the junction of said road with State Secondary Road 2014.

The Hardy, N. W., farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The Henninga, J. G., Estate farm located on both sides of State Secondary Road 2017 and 0.4 mile north of the intersection of said road with State Secondary Road 1001.

The Jones, Martin, farm located on the north side of State Secondary Road 2016 and 0.2 mile east of its junction with State Secondary Road 2014.

The Kelley, Herman, farm located on the west side of State Secondary Road 1229 and 0.4 mile south of the intersection of said road and State Secondary Road 1239.

The Laton, William A., farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The Martin, Conner, farm located on both sides of State Secondary Road 1802 and 0.9 mile southeast of the intersection of said road with State Secondary Road 1853.

The McCrimmon, Grover, farm located at the end of State Secondary Road 2028 and 1 mile southeast of the junction of said road with State Secondary Road 2026.

The McNeill, Lena Bell, farm located on the northwest side of State Secondary Road 2077 and 0.5 mile southwest of the junction of said road with State Highway 211.

The McSwain, Carl, farm located on the east side of U.S. Highway 1 and 0.7 mile northeast of the junction of said highway with U.S. Highway 1A.

The Page, Jack, farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The Smith, M. L., farm located on the east side of State Secondary Road 1004 and 0.8 mile north of the intersection of said road with State Secondary Road 1113.

The Thomas, Claude and Ted, farm located on the west side of State Secondary Road 1128 and 0.5 mile northwest of the junction of said road with State Secondary Road 1122.

The Vaughn, A. C., farm located on the west side of State Secondary Road 1210 and 0.4 mile south of the intersection of said road with State Secondary Road 1229.

Onslow County. The Bryant, Ira, farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The Freeman, John E., farm located on the southwest side of State Secondary Road 1434 and 1.1 miles northwest of its junction with State Secondary Road 1425.

The Henderson, Bill, farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The Henderson, Charles, farm located on the east side of State Secondary Road 1528 and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Melville, John, Sr., farm located on the east side of State Secondary Road 1434 and 0.4 mile south of its junction with State Secondary Road 1428.

The Morton, Leo E., farm located on the south side of State Secondary Road 1435 and 0.6 mile west of its junction with State Secondary Road 1434.

Pender County. The Armstrong, Willie, farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Eakins, Cecil, farm located on the northwest side of State Secondary Road 1217 and 0.2 mile north of the junction of said road with State Secondary Road 1209.

The Kea, Nora, farm located 0.1 mile west of the end of State Secondary Road 1106.

The Shaw, Katy, farm located on the east side of State Secondary Road 1520 and 8.6 miles north of the junction of said road and State Highway 210.

The Stringfield Estate, John, located on the southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Taylor, G. S., farm located on the northwest side of State Secondary Road 1408 and 0.2 mile southwest of the junction of said road and State Highway 210.

The Williams, John H., and Heirs, farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Richmond County. The Autry, J. H., farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Campbell, Dahiel, E., farm located on the southeast side of State Secondary Road 1971 and 0.7 mile northeast of the junction of said road with State Secondary Road 2001.

The David, Ethel, farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Dial, Dormic, farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Elizhbugar, Charity, farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Hailey, Annie, farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Hailey, Maria, farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin & Supply Co., farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Harrington, Will, farm located on the south side of State Secondary Road 1803 and 0.8 mile east of Osborne.

The Ingram, Rome, farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Jenkins, Dewey, farm located on a dirt road 0.2 mile southwest of its junction with State Secondary Road 1803, said junction being 0.8 mile east of Osborne.

The Jenkins, George W., farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The Jones, W. R., farm located on the south side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Layton, E. D., farm located in the southwest corner of the junction of State Secondary Road 1003 with State Secondary Road 1468.

The Little, John, farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The Long, H. A., farm located on the northwest side of State Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The Love, John T., farm located in the northeast corner of the junction of State Secondary Road 1442 with State Secondary Road 1477.

The McDonald, Leonard, farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The McLaurin, Etta, farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The McNeill, Dalton, farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Mabe, Charlie, farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Mathews, Lizzie, farm located in the southwest quadrant of the intersection of State Secondary Road 1108 a d 1971.

The Paul, B. T., farm located on the northeast side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and North Carolina Highway 38.

The Porter, Mrs. A. W., farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Quick, Douglas, farm located in the northwest quadrant of the intersection of State Secondary Roads 1802 and 1800.

The Quick, Julius, farm located on the northeast side of State Secondary Road 1992 and 0.6 mile northwest of its junction with State Secondary Road 1994.

The Rush, James, farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Scholl, H. H., farm located on the southwest side of State Secondary Road 1805 and 0.3 mile southeast of its junction with State Secondary Road 1804.

The Scholl, B. W., farm located on the southwest side of State Secondary Road 1805 and 0.5 mile northwest of its junction with N.C. Highway 381.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

The Strong, Marvin, farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Teal, Robert, farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Terry, Tom, farm located on both sides of State Secondary Road 1442 and 0.3 mile northeast of its junction with State Secondary Road 1477.

The Terry, Wade, farm on the west side of State Secondary Road 1424 and 0.4 mile south of its junction with State Secondary Road 1432.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Waddell, A. M., farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

The Wallace, Talley, farm located on both sides of State Secondary Road 1476 and 0.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Wayne County. The Brock, Odell, farm located on the north side of State Secondary Road 1210 and 0.3 mile east of its junction with State Secondary Road 1209.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Casey, Emma E., farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The Daly, J. B., farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Grant, Maggie, estate located on the west side of N.C. Highway 111 and 1.1 miles south of the junction of State Secondary Road 1730 with said highway.

The Griffin, Oliver H., farm located 0.6 mile north of Dudley and 0.2 mile west of U.S. Highway 117.

The Ham, George E., farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909 and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Herring, Thel, farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, J. D., farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The Hollaman, R. J., farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The Hollowell, D. Virgil, farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The Hollowell, H. M. and J. C., farm located at the northwest end of State Secondary Road 1240.

The Hollowell, Mrs. Mattie, farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The Lane, M. Duffey, farm located on the north side of State Secondary Road 1007 and 0.1 mile west of its intersection with the Southern Railway.

The Lofton, C. L., Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Murray, D. J., farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The Neal, N. E., farm located on both sides of State Secondary Road 1008 and 0.5 mile east of the junction of State Secondary Road 1211 with said road.

The Oliver, H. H., farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parker, Worth W., farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Perkins, Joe D., farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Rogers, Charlie, farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The Smith, Olivia, farm located on the southeast side of State Secondary Road 1122 and both sides of State Secondary Road 1124.

The Tart, John, farm located on the north side of U.S. Highway 13 and 0.1 mile east of the junction of said highway and State Secondary Road 1207.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Uzzell, Brantley, farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitfield, James Weston, farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitley, Maude and Sarah, farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

The Wise, Ella, farm located on the south side of State Secondary Road 1208 and 1.0 mile west of its junction with State Secondary Road 1209.

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Wilson County. The Francis, Marie G., farm located on both sides of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

The Harrison, J. W. Heirs, farm located 1.5 miles north of Sims on the south side of State Secondary Road 1302 0.8 mile east of the intersection of State Secondary Roads 1302 and 1301.

The Williams, Dafney, farm located on the north side of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

SOUTH CAROLINA

(1) *Generally infested area.*

Darlington County. That area bounded by a line beginning at a point where State Secondary Highway 29 and State Secondary Highway 133 junction, thence extending north along State Secondary Highway 133 to its junction with State Secondary Highway 524, thence east along said highway to its intersection with the Atlantic Coast Line Railroad, thence south along said railroad to its intersection with State Secondary Highway 29, thence east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line projected due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Highway 29, thence west along said highway to the point of beginning.

The Barr, Minnie C., farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Cooper, Robert, farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Cooper, William, farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Daly, Sarah, farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Grandy, B. L., farm located on the south side of a dirt road and 0.9 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Pickett, James and J. W., farm located on the north side of State Secondary Highway 179 and 1.5 miles east of its intersection with State Secondary Highway 35.

The Pickett, Liston J., farm located on the west side of a dirt road and 0.2 mile north of its junction with State Secondary Highway 179, said junction being 1 mile southeast of the junction of said highway and State Secondary Highway 35.

The Robinson, Charlie, farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13; thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to is junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Air Line Railroad, thence northwest along said railroad to its intersection with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highwaya 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Atlantic Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Air Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its junctions with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Carroway, Luther, farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Edwards, R. L., farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The Holliday, Henry, farm located on the west side of State Primary Highway 51 and 1.6 miles north of its intersection with State Secondary Highway 66.

The Lyde, Mamie, farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McPherson, R. F., farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

Horry County, That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said highway to its intersection with State Secondary Highway 19, thence south and southeast along said Highway 19 to its intersection with U.S. Highway 701 at Allsbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence southeast and south along said highway to its intersection with the Waccamaw River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to its intersection with U.S. Highway 17, thence southwest along said highway to its junction with State Primary Highway 90, thence west along said highway to its intersection with a dirt road known as Telephone Road, said intersection being 1.3 miles west of Wampee, thence southwest and south along Telephona Road to its end, thence northwest along a projected line for 1.9 miles to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its intersection with State Secondary Highway 548, thence west along said highway to its junction with a dirt road, thence west along said dirt road to its junction with State Secondary Highway 78, thence north along said highway to its junction with State Secondary Highway 391, thence northeast along said highway to its junction with U.S. Highway 501, thence southeast along said highway to its junction with State Secondary Highway 591, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Looeing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along the latter highway to its intersection with Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Arnett, Henry and D. C., farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, and said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The Atkinson, John A., farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Barnhill, Edgar, farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Bowens, Willie, farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Cooper, James E., farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Edge, Nina L., farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Fowler, Jennie Bell, farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The Fowler, O. B., farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Gorstown.

The Frye, L. C., farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff community.

The Gore, Sumpter, farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Graham, Bud Neals, farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Johnson, Mayberry, farm located on the south side of State Primary Highway 917 at its junction with State Secondary Highway 59.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Jordan, Blease, farm located on the north side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Lewis, Boyd, farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff community.

The Lewis, J. T., farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Martin, Daniele E., farm located on the side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Milligan, O. L., farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Page, Cordie, farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Page, Mattie C., farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and State Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Reynolds, Dick, farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Sarvis, Ida B., farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Sarvis, Ida B., farm located on the southwest side of a dirt road and 0.1 mile northwest of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The Shelley, O. R., farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The Williamson, Vida, farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bass, Phillip, farm located on the west side of State Secondary Highway 257 and 0.5 mile northeast of its intersection with State Secondary Highway 165.

The Bowen, Gus, farm located on the south side of the junction of State Secondary Highways 22 and 43, said junction being 2.9 miles northwest of Tatum.

The Caulk, C. C., farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Chavis, Dewey, farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Graham Lee, farm located on the northwest side of State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Homer, farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Conwell, Hossie, farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Croft, Lucille, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Fletcher, Oscar J., farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Hamer, Lois P., farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The Joseph, James, farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

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The McCall, Jim, Estate farm located on the south side of a dirt road and 0.4 mile west of its junction with State Secondary Highway 257, said junction being 0.4 mile northeast of the intersection of said highway and State Secondary Highway 165.

The McColl, D. D., Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 283.

The McEachern, Lula, farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The McKay, Cleveland, farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The McQueen, Mable N., farm located on the northwest side of State Secondary Highway 17 and 0.6 mile northeast of its junction with State Secondary Highway 22.

The Odom, Ina, farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The Oxendine, Kay Frances, farm located on the east side of State Primary Highway 79, 0.3 mile south of the junction of said highway and State Secondary Highway 345.

The Parker, D. M., farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Pearson, Archie, farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Daniel J., farm located on the west side of State Primary Highway 79, 1 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Queen, farm located on the east side of a dirt road and 0.7 mile southwest of its junction with State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Rainwater, D. C., farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Rogers, John B., farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Rosser, Tony, farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The Smith, James Tyson, farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Spears, James, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Steele, Pauline, farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Talbert, B. F., farm located on the north side of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The Walker, R. W., farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

(2) *Suppressive area.*

Chesterfield County. The Campbell, Coyt J., farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Chapman, C. S., farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Curry, Henry, Estate farm located on the south side of State Secondary Highway 337 and 1 mile southeast of its junction with State Secondary Highway 144.

The Evans, Jule, farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Funderburk, Abraham, farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Griggs, Fuller, farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Holdbrook, Alton, farm located on the north side of State Secondary Highway 22, and 1.5 miles east of its intersection with State Secondary Highway 20.

The Howie, James Earle, farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Johnson, Clyde, farm located on the north side of a dirt road and 1 mile west of its junction with State Primary Highway 102, said junction being 1.5 miles north of the intersection of State Primary Highway 102 and State Secondary Highway 22.

The Keith, Julius, farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile north of the junction of the latter dirt road and State Secondary Highway 114, said second junction being 0.1 mile north of the junction of State Secondary Highways 114 and 115.

The Parker, Elsie J., farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

The Rainwater, R. D., farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

Darlington County. The Carrigan, L. F., estate located on the east side of U.S. Highway 52 and 0.2 mile southwest of its junction with State Secondary Highway 133.

The County Prison Farm located on the south side of State Primary Highway 34 and 1 mile west of the junction of said highway and State Secondary Highway 42.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Griggs, Bobby, farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Jackson, McLendon, farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The Sanderson, Rebecca F., farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Florence County. The Benjamin, Willie, farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Braddy, Elnoreah, farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Burch, Corine Cherry, farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Carroway, Hattie, farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Drayfus Development Corp., farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Gause, L. J., farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Gause, Luther, farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Ham, Ralph, farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert, farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Kelly, Boyd, estate farm located on the west side of State Secondary Highway 136 and 1.2 miles northwest of its intersection with State Secondary Highway 35.

The Langston, Jimmy, farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Nowlin, Ed, farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Rogers, F. B., farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Turner, V. A., farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The Yarborough, S. L., farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Marlboro County. The Bell, Nettie, farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Holmes, T. H., farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The Strong, Marvin, farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended; 7 CFR 301.80–2)

The Deputy Administrator of Plant Protection and Quarantine Programs has determined that witchweed infestations have been found or that there is reason to believe they exist in the civil divisions, parts of civil divisions, or premises in the quarantined States listed above, or that it is necessary to regulate such areas because of their proximity to witchweed infestations or their inseparability for quarantine enforcement purposes from witchweed infested localities. The Deputy Administrator has further determined that each of the quarantined States is enforcing a quarantine or regulation with restrictions on intrastate movement of the regulated articles substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Accordingly, such civil divisions, parts of civil divisions, and premises listed above are designated as witchweed regulated areas.

The purpose of this amendment is to delete from regulation the entire counties of Craven and Pitt, and one property each from Duplin, Jones, Lee, and Pender Counties in North Carolina, and the entire counties of Clarendon and Williamsburg in South Carolina. In addition, in North Carolina, Montgomery County is again regulated, and the regulated area extended in the previously regulated counties of Duplin, Harnett, Johnston, Lenoir, Moore, Onslow, Pender, and Richmond.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice of rule making and other public procedure with respect to this amendment are impracticable and unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER (4–20–72).

Done at Washington, D.C., this 13th day of April 1972.

LEO G. K. IVERSON,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.72–5995 Filed 4–19–72;8:46 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—Feed Grain Set-Aside Program for Crop Years 1972–73

On September 11, 1971, notice of proposed rule making regarding determinations with respect to the 1972 crop of feed grains was published in the FEDERAL REGISTER (36 F.R. 18322). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days. The comments received have been duly considered.

This subpart, which is issued pursuant to the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, Public Law 91–524, 84 Stat. 1358, supersedes for the crop years 1972–73 the regulations governing the Feed Grain Set-Aside Program for Crop Years 1971–73, 36 F.R. 12835, as amended. This subpart, which incorporates the provisions of the existing regulations with the following principal changes, sets forth the conditions under which feed grain producers may set aside cropland on their farms and earn payments:

1. A new Form ASCS–516 will be used beginning with the 1972 program.

2. Provisions are added under which producers may set aside cropland in addition to the required set-aside (25 percent of the total feed grain base) and earn additional set-aside payments. Barley is a feed grain for 1972.

3. The regulations in Part 796 prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such drug-producing plants on any part of the lands owned or controlled by them are incorporated by reference.

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AUTHORITY: The provisions of this subpart issued under sec. 105, 84 Stat. 1368, 7 U.S.C. 1441 note.

§ 775.1 General.

(a) The regulations in this subpart provide terms and conditions for the feed grain set-aside program for the 1972 and 1973 crops of feed grains, respectively, under which payments are made to producers who set aside acreage from the production of any such crop of corn, grain sorghums, and barley (herein called "feed grains") to approved conservation uses and, in addition, maintain the acreage of cropland on the farm devoted in preceding years to soil-conserving uses (herein called "conserving base"), except to the extent that they elect to devote the set-aside acreage to alternate crops in lieu of conservation uses.

(b) If the operator of the farm elects to participate in the program, payments shall be made available to the producers on such farm only if such producers set aside, in accordance with this subpart, an acreage on the farm equal to the sum of the required set-aside and any additional set-aside acreage stated on Form ASCS–516, Intention to Participate and Payment Application (herein called "Form 516").

(c) In accordance with section 101 of the Agricultural Act of 1970 and the regulations in Part 795 of this chapter, as amended, the total amount of payments which a person shall be entitled to receive annually under the program shall not exceed $55,000.

(d) The program is applicable throughout the United States except in Hawaii and Alaska.

§ 775.2 Definitions.

In the regulations in this subpart and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the content or subject matter otherwise requires.

(a) The following words or phrases shall have the meanings assigned to them in Part 719 of this chapter, as amended: "Acquired farm", "agency," "base period", "combination", "county", "community committee", "county committee", "county office", "county executive director", "cropland", "Department", "Deputy Administrator", "displaced owner", "division", "farm", "operator", "person", "reconstitution", "representative of the county committee", "representative of the State committee", "Secretary", "State executive director", "State committee", and "subdivision".

(b) "Alternate crop" means any of the crops which may be produced on the acreage set aside from production under the conditions specified in § 775.15(g).

(c) "Barley acreage" means:

(1) Any acreage planted to barley, and any acreage of volunteer barley which will be harvested as grain, excluding:

(i) Any acreage of barley approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of barley destroyed by any means or used for other than grain not later than the certification date;

(iii) Any acreage of barley destroyed by natural causes after the certification date, upon written request by the operator for use as set-aside acreage.

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(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is barley and such acreage meets the requirements of subparagraph (1) of this paragraph as being barley acreage.

(d) "Certification date" means the certification date as set forth in Part 718 of this chapter, as amended.

(e) "Conserving base" means the acreage of cropland on the farm devoted in preceding years to soil-conserving uses as determined under Part 792 of this chapter, as amended.

(f) "Conservation Reserve Program" (herein called CRP) means the program authorized under the Soil Bank Act, as amended, Part 750 of this chapter, as amended.

(g) "Corn acreage" means:

(1) Any acreage planted to field corn or sterile high-sugar corn, excluding:

(i) Any acreage of corn approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of corn destroyed by any means or used for other than grain or silage not later than the certification date;

(iii) Any acreage of corn destroyed by natural causes after the certification date, upon written request by the operator for use as set-aside acreage.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is corn and such acreage meets the requirements of subparagraph (1) of this paragraph as being corn acreage.

(h) "Cropland Adjustment Program" (herein called CAP) means the program authorized under Title VI of the Food and Agriculture Act of 1965, as amended, Part 751 of this chapter, as amended.

(i) "Cropland Conversion Program" (herein called CCP) means the program authorized under section 16(e) of the Soil Conservation and Domestic Allotment Act, as amended, Part 751 of this chapter, as amended.

(j) "Current year" means the calendar year in which the feed grain crop with respect to which payment may be made under this subpart would normally be harvested.

(k) "Feed grain acreage" means the sum of the corn, grain sorghum, and barley acreages on the farm.

(l) "Feed grain planted and considered planted acreage" means the sum of the corn, grain sorghum, and barely acreages as defined in paragraphs (c), (g), and (m) of this section and:

(1) Any acreage which the county committee determines was not planted to feed grains or failed because of drought, flood, or other natural disaster or condition beyond the control of the operator;

(2) Any acreage credited as feed grain acreage (except for new farms) under the provisions of Part 719 of this chapter, as amended, for producers who do not participate and earn a payment under the program;

(3) Any acreage planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment which is not credited to cotton (except acreage which the county committee determines was not planted to wheat because of drought, flood, or other natural disaster or condition beyond the control of the operator): *Provided*, That wheat in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.5(d)(4); and

(4) Any acreage planted to soybeans for harvest as beans which is not credited to wheat or cotton: *Provided*, That soybeans shall not be considered as planted to feed grains for purposes of § 775.5(d)(4).

(m) "Grain sorghum acreage" means:

(1) Any acreage planted to grain sorghums of a feed grain or dual purpose variety (including any cross which, at all stages of growth, has most of the characteristics of a feed grain or dual purpose variety) and any acreage of sweet sorghums used for silage (haylage is a form of silage), excluding:

(i) Any acreage of grain sorghums approved as a conservation use in Part 792 of this chapter, as amended;

(ii) Any acreage of grain sorghums destroyed by any means or used for other than grain or silage not later than the certification date;

(iii) Any acreage of grain sorghums destroyed by natural causes after the certification date, upon written request by the operator for use as set-aside acreage.

(2) Any acreage devoted to a mixture of crops if the county committee determines that the predominant crop is grain sorghums and such acreage meets the requirements of subparagraph (1) of this paragraph as being grain sorghum acreage.

(n) "Great Plains Conservation Program" means the program authorized under section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, Part 601 of this title, as amended.

(o) "Total feed grain base" means the sum of the feed grain bases established for corn, grain sorghums, and barley for the farm, except that each base shall be excluded that is diverted under CAP or CCP.

(p) "Wheat Set-Aside Program" means the program authorized under title IV of the Agricultural Act of 1970, Part 728 of this chapter, as amended.

(q) "Upland Cotton Set-Aside Program" means the program authorized under title VI of the Agricultural Act of 1970, Part 722 of this chapter, as amended.

§ 775.3 Administration.

(a) The program will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service (ASCS), and shall be carried out in the field by Agricultural Stabilization and Conservation State and county committees (herein called "State and county committees") and ASCS commodity offices. Notices of base acreages and yields shall be mailed to producers. Applications for payments shall be approved by the county committee or by an authorized representative thereof.

(b) State and county committees, ASCS commodity offices, and representatives and employees thereof do not have authority to modify or waive any of the provisions of the regulations in this subpart, as amended or supplemented.

§ 775.4 Farm conserving base.

The regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to the program.

§ 775.5 Farm feed grain base.

(a) *How obtained.* Except as otherwise provided in this section, the base acreage for each of the commodities—corn, grain, sorghums, and barley—shall be the average of the 1959 and 1960 acreages of the commodity produced on the farm, based upon information available to the county committee, as adjusted by the county committee to correct for abnormal factors affecting production, and to give due consideration to tillage acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. On farms with recognized history of irrigated and nonirrigated feed grain acreage in the base period for establishing yields, the base acreage for each applicable commodity shall be established separately for the irrigated acreage and for the nonirrigated acreage. Separate bases for irrigated acreage and for nonirrigated acreage shall not be established for farms where irrigation is used only in drier years. Commodity base acreages for farms determined as set forth in this paragraph shall be approved by a representative of the State committee.

(b) *Adjustment authorized by Administrator.* The Administrator, ASCS, may, upon request of the State committee, authorize the State committee to adjust any feed grain base for farms within the State to the extent necessary to establish fair and equitable feed grain bases within such State.

(c) *Farms with no 1959 and 1960 history.* A farm shall not qualify for payments under the program if there was no feed grain acreage on the farm in 1959 and 1960 unless (1) cropland on the farm was in the conservation reserve program or the great plains conservation program during one or both of the years 1959 and 1960 and either the conservation reserve program contract or the great plains conservation program contract is no longer in effect for all or part of such land, (2) one or more feed grains were grown in 1957 or 1958 and a feed grain base was established in accordance with § 775.212(c)(2) of the 1963 feed grain program regulations, or (3) a new farm base is established in accordance with paragraph (d) of this section.

(d) *New farm base.* (1) The county committee, with the approval of the State committee, shall determine a base (herein called "new farm base") for each eligible farm for which a feed grain base is requested in writing before March 1 of the current year. Each request shall be made by the farm operator or owner on Form MQ-25, Application for New Farm Allotment or Feed Grain Base, which shall contain statements as to location and identification of the farm, name and address of the farm operator, and other data necessary to enable the county committee to determine whether the conditions of eligibility prescribed by subparagraph (2) of this paragraph have been met.

(2) Eligibility for a new farm base shall be conditioned upon the following:

(i) The farm does not otherwise qualify for a feed grain base for any commodity.

(ii) Neither the operator nor the owner of the farm covered by the application owns or operates any other farm in the United States for which a feed grain base is established for the current year.

(iii) The type of soil and topography of the land on the farm for which a base is requested is suitable for the production of the commodity and the production of the commodity on the farm will not result in an undue erosion hazard under continuous production.

(iv) The operator has adequate equipment and other facilities readily available for the successful production of the crop on the farm.

(v) The operator expects to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. Where the farm operator is a partnership, each partner must expect to derive during the current year more than 50 percent of his income from the production of agricultural commodities or products from farming. Where the farm operator is a corporation, it must have no major corporate purpose other than operation or ownership of such farm, and the officers and general manager of the corporation must expect to derive during the current year more than 50 percent of their income, including dividends and salaries, from the production of agricultural commodities or products from farming. In estimating the income of the farm operator from farming, no value shall be allowed for the estimated return from the production of the requested base. However, credit will be allowed for the estimated value of home gardens, livestock and livestock products, poultry, or other agricultural products produced for home consumption or other use on the farm. The provisions of this subdivision shall not be applicable if the county committee, with the approval of a representative of the State committee, determines that the income of the operator, from both farming and nonfarming sources, will not provide a reasonable standard of living for the operator and his family. In making such determination, the county committee shall consider such factors as size and type of farming operations, estimated net worth, estimated gross family farm income, estimated family off-farm income, number of dependents, and other factors affecting the operator's ability to provide a reasonable standard of living for himself and his family.

(vi) The applicant has at least 2 years' experience in the last 5 years producing the commodity for which a base is requested: *Provided*, That the number of years which may be used in determining whether the applicant has at least 2 years' experience may be increased from 5 years by the number of years in which the applicant could not grow the feed grain commodity because the applicant was in the armed services or the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest.

(vii) In the case of a farm which includes land returned to agricultural production after being acquired by an agency having the right of eminent domain for which the total feed grain base was pooled pursuant to Part 719 of this chapter, as amended, at least 3 years have elapsed from the date the former owner was displaced from the acquired farm to the date the request for a new farm base is considered.

(viii) If a farm with a feed grain base is reconstituted and the division of the base, as designated by the farm owner, leaves a divided part of the farm with a zero base, such part shall not be eligible for a new farm base for 3 years following the year the division became effective.

(3) In establishing a new farm base, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of feed grain under such system, and shall limit the base to the feed grain acreage planned for the farm for the current year.

(4) Notwithstanding any other provision of this subpart, if the feed grain planted and considered planted acreage for the year a new farm base is established is less than 90 percent of the base, (i) the base for such year shall be reduced to the acreage planted and considered planted to feed grains and payments computed on the basis of such reduced base, and (ii) the total feed grain base for the succeeding year shall be limited to the acreage planted and considered planted to feed grains for the prior year. Bases by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

(5) The total new farm bases approved in a State in the current year shall not exceed 1 percent of the total feed grain base acreage for all farms in the State. No part of that 1 percent shall be allocated to a farm to reflect new cropland brought into production after November 30, 1970.

(e) *Restrictive lease adjustment.* A feed grain base determined for any commodity under the preceding provisions of this section shall, for the current year only, be adjusted downward to the acreage permitted under a restrictive lease on land owned by the Federal Government. A feed grain base for any commodity as otherwise determined under the preceding provisions of this section shall remain subject to reduction as provided in paragraph (f) of this section.

(f) *Reduced bases.* Notwithstanding any other provision of this subpart—

(1) The feed grain base shall be reduced (i) to the extent requested in writing by the farm owner not later than the closing date for filing form 516, and (ii) to zero for farms permanently removed from agricultural production as determined by the county committee.

(2) If the current year's feed grain planted and considered planted acreage is less than 45 percent of the total feed grain base, the feed grain base for the succeeding year shall be reduced by the percentage by which the planted and considered planted acreage is less than one-half of the total feed grain base for the current year, but such reduction shall not exceed 20 percent of the total feed grain base. In making any such reduction, commodity bases shall be reduced proportionately. If the feed grain planted and considered planted acreage is zero for 3 consecutive years beginning in 1971, the total feed grain base shall be reduced to zero. However, no feed grain base shall be reduced or lost through failure to plant if all producers elect to limit the acres for payment at the minimum acre set-aside payment rates to the feed grain planted and considered planted acreage as provided in § 775.15(j).

(g) *National pool.* Base acreage eliminated from farms under the provisions of paragraph (f) of this section and acreage removed from the eminent domain pool pursuant to Part 719 of this chapter, as amended, shall be placed in a national pool for distribution and adjustments in accordance with instructions issued by the Deputy Administrator.

§ 775.6 County program yields.

County program yields for the current year are determined for each feed grain producing county in the United States, except for counties in Alaska and Hawaii. They are determined on the basis of the yields established for the county for the preceding crop with such adjustments as are determined necessary to provide fair and equitable yields. The county program yields for the current year are available for inspection in the county ASCS office.

§ 775.7 Farm yields and payment rates.

(a) *Farm yields.* The per acre farm yield for corn, grain sorghums, and barley shall be the county yield for the commodity, adjusted to reflect the farm productivity for the commodity and established in accordance with instruction issued by the Deputy Administrator.

(b) *Minimum set-aside payment rates.* (1) The minimum set-aside per bushel payment rates for the 1972 crops of corn, grain sorghums, and barley shall be 40 cents, 38 cents, and 32 cents, respectively. The payment rates for the 1973 crops will be announced by amendment to this subpart. (The rates provided herein shall be increased in the event they are determined to be less than the minimum rates required by section 105(b) of the Agricultural Act of 1949, as amended.)

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(2) The minimum acre payment rates for corn, grain sorghums, and barley shall be determined by multiplying the farm yield established for the commodity as provided in paragraph (a) of this section by the payment rates provided in subparagraph (1) of this paragraph.

(c) *Additional acre set-aside payment rates.* The 1972 additional acre set-aside payment rates shall be determined by multiplying the farm yield established for the commodity as provided in paragraph (a) of this section by 52 cents for corn, 49 cents for grain sorghums, and 42 cents for barley for acreage set aside under § 775.11(a), and by 80 cents for corn and 76 cents for grain sorghums for acreage set aside under § 775.11(b). Payment rates for 1973 will be announced by amendment to this subpart if payments for additional set-aside are authorized.

§ 775.8 Notice of base acreages, yields, and payment rates.

Each operator interested in the feed grain crop on a farm for which a feed grain base is established shall be notified in writing of the commodity base acreage, the established yield per acre for corn, grain sorghums, and barley, as applicable, the minimum acre set-aside payment rates, the additional acre set-aside payment rates, and the conserving base for the farm: *Provided*, That the notice shall not be mailed to any producer who has filed a written request that he not be furnished the notice but it shall be filed with the producer's request in the county office. The producer may withdraw his request at any time; however, during the period a request is in effect, the producer shall be considered as having been timely and correctly notified of the contents of the notice. Such notice will be on Form ASCS–516 (Notice), Notice of Allotment, Base Acreages, Yields, and Rates (herein called "Form 516 (Notice)").

§ 775.9 Reconstitution of farms.

Farms shall be reconstituted and feed grain bases established therefor in accordance with Part 719 of this chapter, as amended. Yields for farms which are reconstituted after yields are originally established shall be determined as follows:

(a) Combination: Multiply the commodity base by the yield for each parent farm, and divide the sum of the results for all parent farms by the sum of bases for the commodity on the parent farms.

(b) Division: Determine a yield in accordance with § 775.7. The weighted average yields for all the farms resulting from the division are limited to the yield for the parent farm, except for rounding.

(c) Any Form 516 filed for a farm before it is reconstituted shall be canceled and the farm operator notified of the cancellation. A corrected Form 516 may be prepared for the farm(s) as properly constituted even though this action is necessary after the final date for filing Form 516 as specified in § 775.12(c).

§ 775.10 Requirements for eligibility.

(a) *General.* A person is eligible for the program if he is a producer on a farm which meets the requirements of paragraph (b) of this section and he fulfills the requirements of paragraph (c) of this section.

(b) *Farm requirements.* (1) A Form 516 must be filed for the farm by the operator in accordance with § 775.12.

(2) For 1972, an acreage equal to 25 percent of the total feed grain base must be set aside from production and devoted to approved conservation uses: *Provided*, That a producer whose payments under the program are reduced because of the $55,000 payment limitation may request a downward adjustment in the set-aside requirement pursuant to the provisions in Part 795 of this chapter, as amended: *Provided further*, That if at least 55 per centum of the cropland acreage on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside on the farm.

(3) The acreage set aside from production as stated in Form 516 must be devoted to one or more approved conservation uses specified in Part 792 of this chapter, as amended, or to alternate crops and the operator must comply with the limitations on the use of such acreage also specified in such part.

(4) In addition to the acreage referred to in subparagraph (3) of this paragraph, an acreage equal to the conserving base established for the farm under Part 792 of this chapter, as amended, must be devoted to one or more of the conservation uses specified in such part. Acreage designated as diverted or set aside under any other Federal acreage reduction program shall not be counted toward maintaining the conserving base unless authorized in the regulations governing such program or Part 792 of this chapter, as amended.

(5) In the case of any farm participating in the CRP, CCP, or CAP, the acreage of feed grains and other nonconserving crops other than approved alternate crops on acreage set aside under this program, the wheat set-aside program, and the upland cotton set-aside program, plus the acreages set aside under such programs, shall not exceed the smallest number of acres of nonconserving crops permitted under the CRP, CCP, and CAP.

(6) Land owned by the Federal Government which has been leased subject to restrictions prohibiting the production of feed grains, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set aside of such acreage will not be eligible for participation in the program. Any other land owned by the Federal Government which is being occupied without a lease, permit, or other right of possession or land in a national wildlife refuge shall not be eligible for participation in the program.

(7) Producers on a farm acquired for future development for purposes other than agricultural production shall not be eligible for participation in the program, unless the county committee determines that the farm is actively engaged in the production of crops for harvest other than hay, sod, ornamentals, or timber.

(c) *Producer eligibility requirements.* (1) The producer must be a person who as landowner, landlord, tenant, or sharecropper shares in the corn, grain sorghums, or barley produced in the current year (or the proceeds therefrom) on a farm meeting the requirements of paragraph (b) of this section or would have shared in one or more of these commodities if feed grains had been produced on such farm in the current year.

(2) A minor will be eligible to participate in the program only if (i) the right of majority has been conferred on him by court proceedings; or (ii) a guardian has been appointed to manage his property and the applicable documents are signed by the guardian; or (iii) a bond is furnished under which a surety guarantees to protect the Commodity Credit Corporation from any loss incurred for which the minor would be liable had he been an adult. Notwithstanding the foregoing, payment may be made to a minor after December 31 of the current year upon a determination by the county committee that the minor has met the requirements of the program.

§ 775.11 Additional set-aside.

In addition to the acreage required to be set aside under § 775.10(b)(2), acreage may be set aside for 1972, on other than farms with new farm bases under either but not both of the options provided in paragraphs (a) and (b) of this section.

(a) In addition to the required set-aside, producers may set aside an acreage of cropland up to 10 percent of the corn and grain sorghum bases established for the farm and up to 20 percent of the barley base. Producers may also set aside an additional acreage of cropland equal to 5 percent or 10 percent of the sum of the corn and grain sorghum bases.

(b)(1) In addition to the required set-aside, producers may set aside an acreage of cropland equal to 5 percent of the corn and grain sorghum bases established for the farm and an additional acreage of cropland equal to 5 percent of the sum of the corn and grain sorghum bases. Producers electing to set aside acreage under this paragraph (b) must reduce the 1972 corn and grain sorghum acreage for the farm below the 1971 acreage for such commodities by an acreage equal to twice the amount of acreage set aside under this paragraph.

(2) For the purpose of this paragraph (b), the 1971 corn and grain sorghum acreage shall be the 1971 feed grain planted and considered planted acreage as defined in § 775.2(e) of the regulations governing the 1971 program, 36 F.R. 12835, not to exceed the larger of (i) 50 percent of the 1971 total feed grain base, or (ii) the 1971 corn and grain sorghum acreage as defined in § 775.2 (b) and (c) of the regulations governing the 1971 program, plus acreage which failed and was credited as corn or grain sorghum acreage. Notwithstanding the provisions of the foregoing sentence, when the 1971 feed grain planted and considered planted acreage is from 45 to 50 percent of the 1971 total feed grain base, the 1971 corn and grain sorghum acreage shall, for the purpose of this paragraph, be increased to 50 percent of the 1971 total feed grain base.

(3) For the purpose of this paragraph (b), the 1972 corn and grain sorghum acreage shall be the acreage defined in § 775.2 (g) and (m) plus any 1972 acreage of popcorn used for livestock feed except where such popcorn is (i) harvested primarily for human consumption and only the residue is pastured or harvested for livestock feed, or (ii) planted for human consumption but no ears are harvested for this purpose solely because of adverse weather conditions.

§ 775.12 Intention to participate in the program.

(a) *Who may file.* A Form 516 must be filed by the operator of an eligible farm if he wishes to participate in the program.

(b) *Where to file.* Form 516 shall be filed with the office of the county committee having jurisdiction over the county where the farm is located.

(c) *When to file.* Form 516 shall be filed within the period authorized by the Deputy Administrator. Notwithstanding the foregoing, the closing date may be extended by the county committee if the producers on the farm establish, to the satisfaction of the county committee, that they intended to participate in the program and the failure to file by such date was not due to the fault or negligence of the producers.

(d) *Withdrawal and revision.* The operator may, upon approval of the county committee, withdraw Form 516 by filing a written notice of withdrawal of the form with the county committee, except that the form may not be withdrawn after the operator certifies to program acreage on the farm which is found by measurement to be erroneous by an amount exceeding the tolerance, if any, authorized under provisions of Part 718 and Part 791 of this chapter, as amended. If Form 516 is withdrawn, the producers on the farm may, not later than the closing date, file a new Form 516. If the farm is reconstituted or if a revised feed grain base notice is issued for any reason, the operator shall have 15 days after the mailing date of such notice of reconstitution or revised feed grain base to file a new form 516.

§ 775.13 Designation, use, and care of set-aside acreage.

The regulations governing the designation, use, and care of land set-aside from production under this program and approved conservation uses thereon are set forth in Part 792 of this chapter, as amended.

§ 775.14 Determination of compliance.

(a) Determination of the acreage devoted to feed grains and of the acreage designated as set-aside acreage shall be made in accordance with Part 718 of this chapter, as amended.

(b) A representative of the county committee or the State committee or any authorized representative of the Secretary shall have the right at any reasonable time to enter a farm, concerning which representations have been made on any forms filed under the program, in order to measure the acreage planted to feed grains and the acreage which the operator designated as being devoted to approved conservation uses on the farm, to examine any records pertaining thereto, and otherwise to determine the accuracy of a producer's representation and the performance of his obligations under the program.

§ 775.15 Payments.

(a) Payments of any amounts due the producers on a farm shall be made only after they sign Form 516 and the farm operator certifies that the farm is in compliance with the requirements of the program. The certification of compliance after May 1 of the year following the current year shall not be accepted by the county committee unless prior approval of the State committee is obtained.

(b) Except as otherwise provided herein and in Part 791 of this chapter, as amended, payment shall not be made for a farm or to a producer when there is failure to comply fully with the regulations in this subpart.

(c) Except as provided in paragraph (j) of this section, payments at the minimum acre set-aside payment rates shall be determined by multiplying 50 percent of the feed grain base for each commodity by the applicable per acre farm payment rate as determined in accordance with § 775.7(b)(2).

(d) Payments at the additional acre set-aside payment rates for acreage set aside pursuant to § 775.11(a) shall be determined by crediting the additional set-aside proportionately to each commodity of the base and multiplying the acreage credited by the applicable per acre farm payment rate as determined in accordance with § 775.7(c). Payments at the additional acre set-aside payment rates for acreage set aside pursuant to § 775.11(b) shall be determined by crediting as much of the additional set-aside as possible to the commodity, corn or grain sorghums, with the higher payment rate, not to exceed one-half the amount that the 1972 acreage of that commodity is reduced below the 1971 acreage, crediting the remaining additional set-aside to the other commodity, and multiplying the acreage credited by the applicable per acre farm payment rate as determined in accordance with § 775.7(c).

(e) Payments will be made to producers as soon as practicable after July 1 of the current year.

(f) Subject to the provisions of the payment limitation regulations in Part 795 of this chapter, as amended, the total earned payment due each eligible producer under the program shall be determined by multiplying the total earned payment for the farm by the producer's share of such payment.

(g) Part or all of the acreage set aside under §§ 775.10(b)(2) and 775.11 may be devoted to approved alternate crops. If a producer elects to devote the set-aside acreage to approved alternate crops, a reduction shall be made in the payments otherwise computed for the farm.

(1) For 1972, the approved alternate crops are castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower. The per acre reduction for set-aside acreage devoted to approved alternate crops shall be at a fair and reasonable rate as determined in accordance with instructions issued by the Deputy Administrator.

(2) For 1973, the approved alternate crops will be announced by amendment to this subpart.

(h) If a producer declines, for personal reasons, to accept all or any part of his share of the payment computed for a farm in accordance with the provisions of this section, such payment or portion thereof shall not become available for any other producer on the farm.

(i) Payments to any producer which exceed the total payment he earns under the program with respect to any farm shall be refunded to the Commodity Credit Corporation, and, if for any reason such earned payment is zero, he shall pay interest at the rate of 6 percent per annum on the amount of the refund from the issue dates of the sight drafts to the date the payments are refunded. The provisions of the foregoing sentence requiring the payment of interest when no payment is earned shall not apply if the producer earns any wheat marketing certificates or upland cotton payments for the farm.

(j) Producers otherwise eligible for payment may elect to limit the acres for payment at the minimum acre set-aside payment rates to the feed grain planted and considered planted acreage in order to protect the feed grain base from reduction due to failure to plant. The acres for payment shall be proportionate to each commodity of the base.

§ 775.16 Division of payments and additional provisions relating to tenants and sharecroppers.

The regulations relating to the division of payments and additional provisions relating to tenants and sharecroppers are set forth in Part 794 of this chapter, as amended.

§ 775.17 Successors-in-interest.

(a) In the case of the death, incompetency, or disappearance of any producer whose name appears on Form 516, the payment due him shall be made to his successor as determined in accordance with the regulations in Part 707 of this chapter, as amended.

(b) When any person who had an interest as a producer of feed grains or would have had an interest as a producer if feed grains had been produced (herein called "predecessor") is succeeded on the farm by another producer (herein called "successor") after Form 516 has been filed, the payment to the predecessor and successor shall be divided between them on such basis as they agree is fair and equitable. If such persons are unable to agree to a division of the payment, the payment shall be issued to the producer who has the interest in the crop at the time of harvest. If the crop is completely destroyed prior to harvest, the payment

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shall be issued to the producer who had the interest at the time of destruction of the crop. In the event no crop is planted for harvest, a fair and equitable division of the payment shall be determined by the county committee.

(c) In any case where any payment due any successor producer has previously been paid to the producer who filed Form 516, such payment shall not be paid to the successor producer unless it is recovered from the producer to whom it has been paid or payment is authorized by the Deputy Administrator.

§ 775.18 Scheme or device and fraudulent representation.

(a) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have adopted any scheme or device which tends to defeat the purpose of the feed grain set-aside program shall not be entitled to receive payments under the program for the year with respect to which the scheme or device was adopted and shall refund to the Commodity Credit Corporation any payments received by him.

(b) The making of a fraudulent representation by a person in the program documents or otherwise for the purpose of obtaining payments shall render the person liable for a refund to the Commodity Credit Corporation of the payments received by him with respect to which the fraudulent representation was made.

(c) A producer who is determined by the State committee, or the county committee with the approval of the State mittee, to have knowingly (1) made a false report of the feed grain, wheat, or upland cotton acreage on a farm participating in the programs for such commodities, (2) falsely certified compliance with other provisions of the feed grain, wheat, or upland cotton set-aside programs, or (3) obstructed the county committee's efforts to determine compliance with the feed grain, wheat, or upland cotton set-aside programs, shall not be entitled to receive program benefits under the feed grain set-aside program, the upland cotton set-aside program, and the wheat set-aside program for the year in which such action occurred and shall refund any payment and return any wheat marketing certificates received by him, or in the case of certificates, pay the value thereof, to the Commodity Credit Corporation.

(d) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

§ 775.19 Setoffs and assignments.

(a) *Producer indebtedness.* The regulations issued by the Secretary governing setoffs and withholdings, Part 13 of this title, as amended, shall be applicable to this program.

(b) *Assignments.* Payments may be assigned only to the Farmers Home Administration in accordance with instructions issued by the Deputy Administrator.

§ 775.20 Appeals.

A producer may obtain reconsideration and review of determinations made under this subpart in accordance with the Appeal Regulations, Part 780 of this chapter, as amended.

§ 775.21 Performance based upon advice or action of county or State committee.

The provisions of Part 790 of this chapter, as amended, relating to performance based upon action or advice of an authorized representative of the Secretary shall be applicable to this subpart.

§ 775.22 Prohibition against payments to producers.

The regulations in Part 796 of this chapter prohibiting the making of payments to program participants who harvest or knowingly permit to be harvested for illegal use marihuana or other such prohibited drug-producing plants on any part of the lands owned or controlled by them are applicable to this program.

§ 775.23 Supervisory authority of State committee.

The State committee may take any action required by these regulations which has not been taken by the county committee. The State committee may also (a) correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this subpart, or (b) require a county committee to withhold taking any action which is not in accordance with the regulations of this subpart.

§ 775.24 Delegation of authority.

No delegation herein to a State or county committee shall preclude the Administrator, ASCS, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

Effective date: Upon publication in the FEDERAL REGISTER (4-20-72).

Signed at Washington, D.C., on April 14, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72-6040 Filed 4-19-72;8:51 am]

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 265]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.565 Navel Orange Regulation 265.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 18, 1972.

(b) *Order.* (1) The respective quantities of Naval oranges grown in Arizona and designated part of California which may be handled during the period April 21, 1972, through April 27, 1972, are hereby fixed as follows:

(i) District 1: 913,000 cartons;

(ii) District 2: 187,000 cartons; and

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 19, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6182 Filed 4-19-72;11:40 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

[Valencia Orange Reg. 386]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.686 Valencia Orange Regulation 386.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for the regulation stems from an appraisal of the current and prospective marketing conditions for Valencia oranges. The production of Valencia oranges in California-Arizona for the 1971-72 season is estimated as of March 21, 1972, at 43,000 carloads—down 2,836 carloads from the 45,386 carloads produced last season. Valencia orange production in District 2 is estimated at 20,500 carloads—down 8,175 carloads from the production of last year.

(i) It is estimated that there will be opportunity to market 20,200 carloads of California-Arizona Valencia oranges in fresh market channels. This amount represents 47 percent of the total estimated available supply of California-Arizona Valencia oranges. The remaining 53 percent of such oranges will be available for utilization in export markets and in processing outlets.

(ii) It is estimated that Valencia oranges produced in District 2 will be of such size that on July 1, 1972, 132 such oranges will pack a carton. Last season it took 150 oranges to pack a carton. It is anticipated that on July 1 only 15.17 percent of the Valencia oranges produced in District 2 will be size 180 and smaller.

(iii) Available information indicates that 180 size and smaller oranges will not provide consumer satisfaction, will cause disruption of orderly marketing, will depress grower returns, which, based on data for March 1972, are only 33 percent of parity. As there are ample supplies of the more desirable sizes (size 163 and larger) to fill all of the anticipated demand for fresh Valencia oranges, it is determined that the accompanying size regulation should be issued to prevent undesirable size Valencia oranges (size 180 and smaller) from being marketed in fresh market channels.

(3) It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (i) notice of proposed rule making concerning this regulation, with an effective date as herein specified, was published in the FEDERAL REGISTER (37 F.R. 6478) and no objection to this regulation or such effective date was received; (ii) the recommendation and supporting information for regulation during the period specified herein were submitted to the Department after an open meeting of the Valencia Orange Administrative Committee on March 21, 1972, which was held to consider recommendations for regulation, after giving due notice to this meeting, at which interested persons were afforded an opportunity to submit their views; (iii) shipments of Valencia oranges are currently being made and the regulation should be effective on the specified date to be of maximum benefit during the current season; and (iv) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period April 28, 1972, through January 15, 1973, no handler shall handle any Valencia oranges grown in District 2, which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2," shall have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 17, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6038 Filed 4-19-72;8:51 am]

[Valencia Orange Reg. 388]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.688 Valencia Orange Regulation 388.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 18, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 21 through April 27, 1972, are hereby fixed as follows:

(i) District 1: 22,277 cartons;

(ii) District 2: 30,106 cartons; and

(iii) District 3: 150,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 19, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–6183 Filed 4–19–72;11:40 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Areas Quarantined

Pursuant to the provisions of sections 1, 2, 3, and 4 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the Act of May 29, 1884, as amended, and sections 3 and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Arizona immediately before the reference to "California," and a new subparagraph (a)(5) relating to the State of Arizona is added to read:

§ 82.3 Areas quarantined.

(a) • • •

(5) *Arizona.* All of Yuma County and that portion of Mohave County south of the Colorado River, excluding that portion of the Hualpai Indian Reservation lying in Mohave County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505).

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines all of Yuma County and a portion of Mohave County in Arizona because of the existence of exotic Newcastle disease. The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of April 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[F.R. Doc.72–5994 Filed 4–19–72;8:48 am]

Title 12—BANKS AND BANKING

Chapter VII—National Credit Union Administration

PART 735—EMPLOYEE RESPONSIBILITY AND CONDUCT

A proposal to adopt the provisions of 5 CFR Part 735 was published at 36 F.R. 214 by the Administrator, National Credit Union Administration. That proposal is hereby revoked.

Notice is hereby given that the Administrator, National Credit Union Administration, has received the permission of the Civil Service Commission to adopt the provisions of 5 CFR Part 735. These regulations have been approved by the Civil Service Commission and are hereby made applicable to the employees of the National Credit Union Administration as of February 22, 1972.

This notice is published pursuant to the authority conferred in 5 CFR 735.104(F)(2).

HERMAN NICKERSON, JR.,
Administrator.

APRIL 13, 1972.

Sec.
735.101 Adoption of regulations.
735.102 Review of statements of employment and financial interests.
735.103 Disciplinary and other remedial action.
735.104 Gifts, entertainment, and favors.
735.105 Outside employment and other activity.
735.106 Financial interest.
735.107 Miscellaneous statutory provisions.
735.108 Specific provisions of agency regulations governing special Government employees.
735.109 Statements of employment and financial interests.
735.110 Supplementary statements.
735.111 Use of Government property.
735.112 Misuse of information.
735.113 General conduct prejudiced to the Government.

AUTHORITY: The provisions of this Part 735 issued under E.O. 11222; 3 CFR 1964–65 Comp., p. 306; 5 CFR 735.104.

§ 735.101 Adoption of regulations.

Pursuant to 5 CFR 735.104(f) the National Credit Union Administration (referred to hereinafter as the Administration) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: Sections 735.101–102, 735.201a, 735.202 (a), (e), (f), 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.306, 735.403(a), 735.404, 735.405–735.411, and 735.412 (b) and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 735.102 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the General Counsel. When this review indicates a conflict between the interests of an employee of special Government employee of the Administration and the performance of his services for the Government, the General Counsel shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved the General Counsel shall forward a written report on the indicated conflict to the Administrator, National Credit Union Administration.

§ 735.103 Disciplinary and other remedial action.

An employee or special Government employee of the Administration who violates any of the regulations in this part or adopted under § 735.101 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

§ 735.104 Gifts, entertainment, and favors.

The Administration authorizes the exception to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1)–(4).

§ 735.105 Outside employment and other activity.

(a) An employee of the Administration may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who engages in outside employment shall report that fact in writing in advance to the Administrator, or to the Regional Director of a regional employee is involved.

(b) Employees of the Administration may engage in teaching, writing, and lecturing provided, however, employees shall not receive compensation or anything of monetary value for any consultation, discussion, writing, lecturing or appearance, the subject matter of which is devoted substantially to the specific responsibilities, programs, or operations of the Administration, or which draws substantially on official data or ideas which have not been published or otherwise publicly released by the Administration. The foregoing limitation on the receipt of compensation or anything of monetary value shall not be construed as applying to amounts received for reimbursement for travel and other expenses incurred in performing the outside employment.

(c) Incompatible activities in which an employee may not engage include, but are not limited to, the following:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

§ 735.106 Financial interest.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts, or appears to conflict with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive Order, this section, or the Administration regulations.

§ 735.107 Special statutory provisions.

The Administration authorizes the adoption of the regulations regarding miscellaneous statutory provisions as set forth in 5 CFR 735.210.

§ 735.108 Specific provisions of Administration regulations governing special Government employees.

(a) Special Government employees of the Administration shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 735.101, except 5 CFR 735.203(b).

(b) Special Government employees of the agency may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the agency authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 735.104.

§ 735.109 Statements of employment and financial interests.

(a) Employees in the following named positions shall submit statements of employment and financial interests:

(1) Deputy Administrator.

(2) Assistant Administrator for Administration.

(b) Each statement of employment and financial interests required by this section shall be submitted to the Administrator, National Credit Union Administration, Washington, D.C. 20456.

(c) An employee who believes that his position has been improperly included in this section as one requiring the submission of a statement of employment and financial interests may obtain a review of his complaint under the Administration's grievance procedure.

§ 735.110 Supplementary statements.

Notwithstanding the filing of the annual supplementary statement of employment and financial interests on June 30 as required by 5 CFR 735.406, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts-of-interest provisions of section 208 of title 18, United States Code, or the regulations in this part or adopted under § 735.101.

§ 735.111 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 735.112 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 735.113 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

NOTE: This part was approved by the Civil Service Commission on April 6, 1972, and is effective on publication in the FEDERAL REGISTER (4–20–72).

[FR Doc.72–5983 Filed 4–19–72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–WE–52]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 18, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3645) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fortuna, Calif., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143) the Fortuna, Calif., transition area is amended to read as follows:

FORTUNA, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Fortuna VORTAC 327° radial, extending from the VORTAC to 8 miles northwest of the VORTAC; within 2 miles northeast and 4.5 miles southwest of the Fortuna VORTAC 147° radial, extending from the VORTAC to 3.5 miles southeast of the VORTAC; within 2.5 miles southwest and 3.5 miles northeast of the 129° and 309° bearings from the Rohnerville Airport (lat. 40°33'15" N., long. 124°07'53" W.), extending from 7.5 miles northwest to 3 miles southeast of the airport, and within 2 miles each side of the Fortuna VORTAC 034° radial, extending from the VORTAC to 11 miles northeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles southeast and 10 miles northwest of the Fortuna VORTAC 229° radial, extending from the VORTAC 19.5 miles southwest of the VORTAC.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 13, 1972.

H. B. HELMSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–5986 Filed 4–19–72;8:47 am]

[Docket No. 11876, Amdt. 135–31]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Additional Airworthiness Requirements: Airplanes With 10 or More Passenger Seats

The purpose of this amendment to Part 135 of the Federal Aviation Regulations is to establish procedures for the extension of the May 31, 1972, compliance date of § 135.144 which prescribes additional airworthiness requirements for reciprocating engine and turbo-propeller powered small airplanes with a passenger seating configuration, excluding any pilot seat, of 10 seats or more.

Section 135.144 was adopted by Amendment 135–18 and made effective on July 19, 1970. As adopted, the section prohibits, after May 31, 1972, any person from operating a reciprocating engine or turbo-propeller powered small airplane in Part 135 operations that has

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a passenger seating configuration, excluding any pilot seat, of 10 seats or more unless that airplane is type certificated—

(a) In the transport category;

(b) Before July 1, 1970, in the normal category and meets special conditions issued by the Administrator for airplanes intended for use in operations under Part 135;

(c) Before July 19, 1970, in the normal category and meets the additional airworthiness standards in SFAR No. 23; or

(d) In the normal category and meets the additional airworthiness standards prescribed in Appendix A to Part 135.

In recent months the FAA has learned, through request for exemptions and its own examination, that several operators have encountered difficulty in obtaining the modification kits necessary for achieving compliance with § 135.144 by May 31, 1972. This difficulty is further compounded by the fact that operators who place their orders now are faced with a lead time of 36 weeks for delivery after receipt of the order by the manufacturer. Once the kits are delivered, it is anticipated that a few more months, depending on the size of particular fleets, will be needed to complete installation on all affected airplanes. Furthermore, the FAA is aware of at least two operators who have taken steps to type certificate their airplanes in accordance with § 135.144 but who would, without the extension adopted herein or an exemption, be unable to operate. Accordingly, the FAA believes that it would be in the public interest to prevent the widespread disruption in air taxi service that would occur in the absence of the relief provided by this amendment.

Finally, it appears that several operators have delayed compliance with § 135.144 pending action by the FAA on a request which attempts to show that compliance with certain airworthiness requirements of SFAR 23 can be obtained with modifications less costly than those currently under consideration. Agency action on the substance of that request will be completed in the near future. Because we believe that the request is a good faith attempt to provide an alternate means of compliance, any associated delays in compliance should be accommodated where such action is in the public interest.

Because not all operators are in the same stage of modification, the FAA is of the opinion that an extension of the May 31, 1972 compliance date of § 135.144 that would provide flexibility is appropriate for dealing with individual situations. Accordingly, two new compliance dates have been selected, and will be available to affected operators based on their individual capabilities for compliance with § 135.144. Under this amendment, paragraph (a) of new § 135.144a permits an operator to obtain an extension, until November 30, 1972, of the May 31, 1972 compliance date by applying, prior to May 31, 1972, to the FAA Regional Director having jurisdiction over its operations. Paragraph (a) of § 135.144a requires the certificate holder to: submit its request to the FAA Principal Maintenance Inspector in the particular region; show that it has prepared and begun a program to modify the airplane in compliance with the additional airworthiness standards of § 135.144 by a certain date; describe what has been accomplished to achieve compliance as of the date of application; and submit a schedule for compliance with each requirement necessary for full compliance with § 135.144.

In order to provide for those operators who are granted an extension under paragraph (a) of § 135.144a but who are unable to achieve compliance with § 135.144 by November 30, 1972, paragraph (b) of § 135.144a permits a further extension until May 31, 1973, if the applicant shows that he has made a diligent effort to achieve compliance prior to November 30, 1972; that his inability to do so is due to circumstances beyond his control; and his request complies with the requirements of paragraph (a).

In view of the imminence of the May 31, 1972 compliance date, and since this amendment imposes no additional burden on any person, I find that notice and public procedure thereon are impracticable and that good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 135 of the Federal Aviation Regulations is amended, effective April 20, 1972, by adding a new section immediately following § 135.144 to read as follows:

§ 135.144a Special provisions for extension of the compliance date of § 135.144.

(a) A certificate holder may obtain an extension of the May 31, 1972 compliance date prescribed in § 135.144 until November 30, 1972, from the Director of the FAA Regional Office having jurisdiction over its operations if—

(1) It submits its request for an extension before May 31, 1972;

(2) It submits its request to the FAA Principal Maintenance Inspector in the region having jurisdiction over the certificate holder's operations;

(3) It shows that it has prepared and begun a program to modify the airplane in compliance with § 135.144 by a certain date;

(4) It describes what has been accomplished to achieve compliance as of the date of application; and

(5) It submits a schedule for compliance with § 135.144 with regard to each requirement necessary for full compliance therewith.

(b) A certificate holder granted an extension of the compliance date under paragraph (a) of this section may be granted a further extension of that date, but not beyond May 31, 1973, if—

(1) It submits its request after May 31, 1972, and before November 30, 1972;

(2) Its request complies with the requirements of paragraphs (a) (2) through (5) of this section; and

(3) It shows that due to circumstances beyond its control it cannot comply with the extended compliance date granted under paragraph (a) of this section.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 13, 1972.

K. M. SMITH,
Acting Administrator.

[FR Doc.72-5987 Filed 4-19-72;8:47 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2179]

PART 13—PROHIBITED TRADE PRACTICES

Ecology Corporation of America et al.

Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards;* § 13.195 *Safety:* 13.195-60 Product.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45 [Cease and desist order, Ecology Corporation of America et al., Paterson, N.J., Docket No. C-2179, March 30, 1972]

In the Matter of Ecology Corporation of America, a Corporation, North American Chemical Corporation, a Corporation, Venet Advertising, Inc., a Corporation

Consent order requiring two Paterson, N.J., corporations selling and distributing Ecolo-G detergent and their New York City advertising agency to cease misrepresenting that their detergent is safe and not hazardous, that no special precautions need be taken when using the detergent, and misrepresenting that any municipal, State or Federal agency has approved the label or any feature of their product.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Ecology Corporation of America, a corporation, its officers, representatives, agents, employees, successors and assigns and respondent North American Chemical Corp., a corporation, its officers, representatives, agents, employees, successors and assigns directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of Ecolo-G detergent or any other consumer product in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing, directly or by implication, that Ecolo-G, or any other such product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, is safe and not hazardous.

2. Representing, directly or by implication, that no special precautions to avoid harm need be taken when using Ecolo-G, or any other product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, and

3. Representing in any manner that the U.S. Government, or any agency thereof, or any State, municipal or local government, or any agency thereof, has approved the label of such product, or any part thereof, or has approved any feature of such product.

II. *It is ordered,* That respondent Venet Advertising Inc., a corporation, its officers, representatives, agents, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, created and prepared by respondent, for Ecolo-G detergent or any other home laundry products used in the cleaning of clothing in commerce, as "commerce" is defined in the Federal Trade Commission Act, forthwith cease and desist from:

1. Representing, directly or by implication, that Ecolo-G, or any other such product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, is safe and not hazardous,

2. Representing, directly or by implication, that no special precautions to avoid harm need be taken when using Ecolo-G, or any other product which is a hazardous substance within the meaning of that term as used in the Federal Hazardous Substances Act, and

3. Representing in any manner that the U.S. Government, or any agency thereof, or any State, municipal or local government, or any agency thereof, has approved the label of such product, or any part thereof, or has approved any feature of such product.

III. *It is further ordered,* That respondents Ecology Corporation of America and North American Chemical Corp. forthwith cease and desist from disseminating any advertisement for Ecolo-G detergent unless the cautionary statements required by the Food and Drug Administration under the Federal Hazardous Substances Act are clearly and conspicuously disclosed in such advertisement.

IV. *It is further ordered,* That all respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That each respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other changes in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent, within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with the order.

Issued: March 30, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5973 Filed 4-19-72;8:46 am]

[Docket No. C-2178]

PART 13—PROHIBITED TRADE PRACTICES

Marshall Lewis Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-20 Business methods and policies; § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.260 *Terms and conditions.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1760 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1905 *Terms and conditions.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Marshall Lewis Enterprises, Inc., et al., Jersey City, N.J., Docket No. C-2178, March 30, 1972]

In the Matter of Marshall Lewis Enterprises, Inc., a Corporation Doing Business as Radio Broadcasting Associates, and Dean Lewis, and Stuart Marshall, Individually

Consent order requiring a Jersey City, N.J., firm engaged in producing and coproducing radio shows and program features for radio stations to cease misrepresenting in its newspaper advertising that its courses of instruction will qualify participants as program producers, announcers or disc jockeys, misrepresenting the profits to be made by persons accepting respondents' offers, failing to reveal the costs to applicants prior to their signing a contract for tests and pilot shows, and failing to reveal all other terms and conditions of respondents' operation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Dean Lewis and Stuart Marshall individually and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the solicitation of members of the general public to enter into contractual agreements to produce or coproduce and/or host radio shows or otherwise solicit contracts for the purchase of respondents' services, facilities, air time, or courses of instruction and training in broadcasting in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting directly or by implication:

(a) That employment is being offered when in fact the purpose is to obtain purchasers of respondents' services, facilities, air time or course of instruction and training.

(b) That the radio shows of respondents' "producers" are to be broadcast over a broadcasting network or networks or otherwise misrepresenting the range of radio transmission of said radio shows.

(c) That the radio shows of respondents' "producers" will be distributed by respondents to radio stations for sale or syndication; that such distributions are successful in terms of selling or syndicating said radio shows and that the "producers" of said radio shows may realize earnings therefrom.

(d) That the course of instruction and training offered by respondents is adequate to qualify participants as program producers, radio program hosts, announcers or disc jockeys.

2. Placing advertisements in newspapers, publications or any other media without a clear disclosure in said advertisements of the full name and address of the advertiser and the business in which the advertiser is engaged.

3. Misrepresenting in any manner the earnings, profits or gains derived or which may reasonably be derived by persons who are accepted by respondents to produce or coproduce and/or host radio shows or otherwise engage respondents' services, facilities, air time or courses of instruction and training in broadcasting.

4. Failing clearly and unqualifiedly to reveal, at the outset of the initial contact with members of the general public, that the purpose of such contact is to induce said members of the public to enter into contractual agreements with respondents to purchase respondents' products, services, or facilities as the case may be which shall be identified and described with particularity, including: the amounts or costs that may be incurred by applicants prior to the signing of a contract for tests, pilot shows or any other service or facility; the total cost of reveal, at the outset of the initial contact, the number, frequency and amount of all payments to be made pursuant to the terms of any contract which may be offered to any applicant; the downpayment required on the signing of a contract and the number, frequency and amount of all payments to be made pursuant to the terms of any contract which may be offered to any applicant.

5. Failing clearly and unqualifiedly to reveal, at the outset of the political contact with members of the general public who may enter into contractual agreements with respondents, all the terms and conditions of each and every type of contract which respondents may ultimately offer to said persons; the circumstances and requirements pursuant to which each type of contract may be offered to any individual and complete details as to the manner and method by which said persons can derive income pursuant to each such contract.

6. Failing clearly and unqualifiedly to disclose orally or by written communication at the outset of the initial contact

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with members of the general public and prior to their entry into contractual agreements with respondents to produce or coproduce and/or host radio shows or engage respondents' services, facilities, air time or courses of instruction and training in broadcasting:

(a) That respondents do not undertake to obtain sponsors or lend any assistance in obtaining sponsors for radio shows of said members of the public.

(b) The percentage of persons who have entered into such contractual agreements with respondents who have obtained sponsors for their radio shows and the average income derived from sponsors for all such persons during the year preceding.

7. Failing to clearly and unqualifiedly set forth in writing in all contracts for the production of radio programs the minimum number of radio programs which must be completed in order to avoid a retroactive increase in each program's production costs and the dollar amount to be paid for each program's production costs or any other costs, retroactively, in the event the contract is canceled prior to the completion of the minimum number of radio programs.

It is further ordered, That respondents deliver a copy of this order to all present and future employees, instructors or other persons engaged in the offering for sale or sale of respondents services, facilities, air time or courses of instruction and training.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 30, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5974 Filed 4-19-72;8:46 am]

[Docket No. C-2173]

PART 13—PROHIBITED TRADE PRACTICES

Titan Enterprises, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods;* § 13.170 *Qualities or properties of product or service:* 13.170 Cosmetic or beautifying; § 13.195 *Safety:* 13.195–60 Product. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition;* § 13.1710 *Qualities or properties;* § 13.1730 *Results.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* § 13.1885 *Qualities or properties;* § 13.1890 *Safety;* § 13.1892 *Sales contract, right-to-cancel provision.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Titan Enterprises, Inc., et al., Chicago, Ill., Docket No. C-2173, March 20, 1972]

In the Matter of Titan Enterprises, Inc., a Corporation, Trading as V.I.P. International Scientific Co., and Anthony J. Damato, Individually and as an Officer of Said Corporation, and Dean Forcucci, Individually

Consent order requiring a Chicago, Ill., corporation engaged in selling surgically-implanted hairpieces to cease making false claims for its PERMATEQUE hair replacement system by misrepresenting that the replaced hair has all the characteristics of natural hair and that no maintenance costs are necessary, respondents are also required to affirmatively disclose that the application of its system involves surgery wherein discomfort, pain and medical problems may occur, they are also required to notify prospective purchasers to consult their personal physicians, no contract shall become binding prior to the third day after execution, nor shall any promissory note be negotiated to a third party until the fifth day after the physician consultation, and each prospective customer shall be notified of his right to cancel any contract within 3 days.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Titan Enterprises, Inc., a corporation, trading as V.I.P. International Scientific Co., or under any other trade name or names, its successors and assigns, and Anthony J. Damato, individually and as an officer of said corporation and Dean Forcucci, individually (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, or distribution of the Perma-Teque hair replacement system or other hair replacement product or process involving surgery (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the U.S. mails within the meaning of section 12 (a) (1) of the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

2. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, teeth, and fingernails and has the following characteristics of natural hair;

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, That respondents, in advertising and in all oral sales presentations, offering for sale, selling, or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of stainless steel sutures in the scalp, to which hair is affixed;

2. By virtue of the surgical procedure involving implantation of stainless steel sutures in the scalp, and by virtue of the stainless steel sutures remaining in the scalp, there is a high probability of discomfort and pain; and a risk of infection, skin disease, and scarring.

3. The System has been in use for too short a period of time to determine to a reasonable medical certainty the extent or seriousness of the above-described side effects, or whether there are other side effects.

4. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in subparagraph 2 of this paragraph, and such care may involve additional costs for medications and assistance.

5. The purchaser is advised to consult with his personal physician about the System before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures: *Provided however,* That in advertisements which consist of less than 10 column inches in newspapers or periodicals, and in radio or television advertisements with a running time of 1 minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby stainless steel sutures are placed in the scalp. Discomfort, pain and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least 11-point type.

It is further ordered, That respondents provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding paragraph of this order, subparagraphs 1 through 5, thereof, and that respondents require that such prospective purchasers, subsequent to receipt of such disclosure sheet, consult with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents regarding the nature of the surgery to be done, the probabilities of discomfort and pain, and risks of infection, skin disease, and scarring.

It is further ordered, That no contract for application of respondents' System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician who is not associated, directly or indirectly, financially, or otherwise, with the respondents, or after the day on which said contract for application of the System was executed, whichever day is later, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician or after the day on which said contract for application of the System was executed, whichever day is later.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician, or after the day on which said contract for application of the System was executed, whichever day is later.

4. Respondents shall obtain for each purchaser a certificate signed by the physician who was consulted as required by this order, such certificate specifying that the said physician has explained to the purchaser the nature of the surgery to be done, and has advised him of the probabilities of discomfort and pain, and risks of infection, skin disease and scarring, and specifying the date and approximate time of the consultation; and respondents shall retain all such certificates for 3 years.

It is further ordered, That respondents serve a copy of this order upon each physician participating in application of respondents' System, and obtain written acknowledgment of the receipt thereof. Respondents shall retain such acknowledgments for so long as such persons continue to participate in the application of respondents' System.

It is further ordered, That respondents forthwith distribute a copy of this order to each of their operating divisions or departments.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this order; provided that if said respondent wishes to present to the Commission any reasons why said order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with this order.

Issued: March 20, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5975 Filed 4-19-72;8:46 am]

[Docket No. C-2177]

PART 13—PROHIBITED TRADE PRACTICES

Union Mortgage Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.71 *Financing:* 13.71–10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73–92 Truth in Lending Act; § 13.155 *Prices:* 13.155–95 Terms and conditions: 13.155–95(a) Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provisions;* § 13.1905 *Terms and conditions:* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Union Mortgage Co., et al., Los Angeles, Calif., Docket No. C-2177]

In the Matter of Union Mortgage Co., a Corporation Doing Business as Union Home Loans, and Stockton Home Mortgage Co., a Corporation Doing Business as Union Home Loans, and Hacienda Home Loans, a Corporation, and Irving Tushner, Individually, and Joseph Seedman, Individually and as an Officer of Said Corporations

Consent order requiring three California companies located in Los Angeles and Sacramento engaged in arranging loans secured by real property to cease violating the Truth in Lending Act by failing to disclose in its extension of consumer credit the terms annual percentage rate, finance charge, amount financed, the number of installments, any charge for life or property insurance, and other disclosures required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Union Mortgage Co., a corporation, doing business as Union Home Loans or any other name, respondent Stockton Home Mortgage Co., a corporation, doing business as Union Home Loans or any other name, respondent Hacienda Home Loans, a corporation doing business as Hacienda Home Loans or any other name, their officers, and respondent Irving Tushner, individually, and respondent Joseph Seedman, individually and as an officer of respondent corporations, and respondents; agents, representatives, and employees, directly or thorugh any corporate or other device, in connection with the advertising, extension of "consumer credit," or arranging for "consumer credit" as defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Public Law 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Causing to be disseminated to the public in any manner whatsoever any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, which advertisement states:

a. The dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit unless it states all of the following items in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z;

(1) The amount of the loan;

(2) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(3) The amount of the finance charge expressed as an annual percentage rate; and

(4) The sum of the payments.

b. That a specific amount of credit, installment amount, or period of repayment can be arranged unless respondents usually and customarily arrange or will arrange credit amounts on installments for the stated amount and for the stated period, as required by § 226.10(a) of Regulation Z.

c. That loans at a specific annual percentage rate can be arranged unless respondents usually and customarily arrange or will arrange loans at the stated annual percentage rate.

d. Any amount represented to be the amount of credit available to borrowers other than the "amount financed" as defined in §§ 226.2(d) and 226.8(d)(1) of Regulation Z.

2. Failing to disclose the annual percentage rate computed in accordance

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with § 226.5 of Regulation Z to the nearest quarter of 1 percent, as required by §§ 226.8 and 226.10 of Regulation Z.

3. Failing to make all disclosures required by Regulation Z clearly, conspicuously, and in meaningful sequence, as required by § 226.6(a) of Regulation Z.

4. Failing to print the terms "finance charge" and "annual percentage rate," where required to be used, more prominently than the other terminology required to be used by Regulation Z, as required by § 226.6(a) thereof.

5. Failing to make all the required disclosures in one of the following three ways, in accordance with § 226.8(a) or § 226.801 of Regulation Z.

(a) Together on the contract evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of a separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "Notice: See other side for important information," with the place for the customer's signature following the full content of the document.

6. Stating, utilizing, or placing any additional information in conjunction with the disclosures required by Regulation Z to be made, which information misleads or detracts attention from the information required by Regulation Z to be disclosed.

7. Failing to identify each creditor in the transaction, as required by § 226.6(d) of Regulation Z.

8. Failing to disclose the date on which the finance charge begins to accrue when different from the date of the transaction, as required by § 226.8(b)(1) of Regulation Z.

9. Failing to disclose the due dates of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

10. Failing to include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any of the following charges incurred by the customer:

a. Any charge for credit life or disability insurance, if a specific dated and separately signed affirmative written indication of the customer's desire for such insurance is not obtained, as provided in § 226.4(a)(5) of Regulation Z;

b. Any charge for property insurance, if a specific statement in writing is not made that the customer may choose the person through whom such insurance is obtained, as provided in § 226.4(a)(5) of Regulation Z;

c. Any charge for servicing extensions of credit or for collecting payments scheduled to repay the customer's indebtedness, as required by § 226.4(a) of Regulation Z.

11. Failing to disclose the amount of the finance charge accurately, as required by § 226.8(d)(3) of Regulation Z.

12. Failing to identify any payment which is more than twice the amount of an otherwise regularly scheduled equal payment as a "balloon payment," or failing to state the conditions under which that payment may be refinanced if not paid when due, as required by § 226.8(b)(3) of Regulation Z.

13. Failing, when any existing extension of credit is refinanced within the meaning of § 226.8(j) of Regulation Z, to make all disclosures required by Regulation Z to be made as if the refinancing were a new transaction, as required by § 226.8(j) of Regulation Z.

14. Failing, in any transaction in which a security interest is or will be retained or acquired in real property which is used or is expected to be used as the principal residence of the customer, including any transaction required by § 226.8(j) of Regulation Z to be treated as a new transaction, to:

a. Provide each customer who has the right provided by § 226.9(a) of Regulation Z to rescind the transaction with two copies of the notice of right to rescind in the form required by § 226.9(b) of Regulation Z, which notice shall identify the transaction to which the right to rescind related, as required by § 226.9(b) of Regulation Z.

b. Provide each customer who has the right provided by § 226.9(a) of Regulation Z to rescind the transaction with a copy of all disclosures required under § 226.8 thereof, as required by § 226.6(e) of Regulation Z.

15. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondents cease and desist collecting monthly loan service charges on any loans consummated subsequent to July 1, 1969, in which said loan service charge was not disclosed on the truth in lending disclosure statements as part of the finance charge of those transactions.

It is further ordered, That respondents rebate or credit the account of every borrower who obtained a loan through respondents subsequent to July 1, 1969, with the amount of any monthly loan service charge imposed against those borrowers' accounts subsequent to July 1, 1971, in which said loan service charge was not originally disclosed as part of the finance charge of those transactions on the truth in lending disclosure statements provided those borrowers at the time the loans were consummated.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: March 24, 1972.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-5976 Filed 4-19-72;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or For the Treatment of Food-Producing Animals

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

DIETHYLCARBAMAZINE

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-380V) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing revised labeling regarding the safe and effective use of diethylcarbamazine including the requirement that the drug be made available only on a prescription basis. The supplemental application is approved.

The order also provides for recodification of the regulation concerning diethylcarbamazine from Part 121 to Part 135c in accordance with § 3.517 (21 CFR 3.517).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135c are amended as follows:

§ 121.214 [Deleted]

1. Part 121 is amended in Subpart C by deleting § 121.214 *Diethylcarbamazine* which is being recodified into Part 135c.

2. Part 135c is amended by adding the following new section:

§ 135c.20 Diethylcarbamazine.

(a) *Chemical name.* N,N-Diethyl-4-methyl-1-piperazine-carboxamide.

(b) *Specifications.* Each pound of the drug contains 30 grams of diethylcarbamazine (as base).

(c) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) It is administered to dogs to control large roundworms (*Toxocara canis*). It is added to the daily diet in those areas where roundworms are suspected or known to be a problem.

(2) It is administered daily in meal or moist feeds as follows:

Weight of animal in pounds	Recommended amount per day	Dosage in milligrams
20	¼ level teaspoonful	82
50	½ level teaspoonful	70
100	1 level teaspoonful	149

(3) Dogs with established heartworm infections should not receive diethylcarbamazine until they have been converted to a negative status.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4-20-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 12, 1972.

FRED J. KINGMA, *Acting Director, Bureau of Veterinary Medicine.*

[FR Doc.72-6001 Filed 4-19-72;8:46 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Los Angeles	Glendora	I 06 037 1440 03 through I 06 037 1440 05	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 64103.	Office of the City Clerk, Glendora City Hall, 116 East Foothill Blvd., Glendora, CA 91740.	Apr. 21, 1972.
Do	do	Monterey Park	I 06 037 2260 03 through I 06 037 2260 06.	do	Office of the City Engineer, 320 West Newmark Ave., Monterey Park, CA 91754.	Do.
Do	San Bernardino	Upland	I 06 071 4000 03 through I 06 071 4000 08	do	City Administrative Offices, 123 East D St., Upland, CA 91786.	Do.
Kansas	Butler	El Dorado				Do.
Minnesota	Washington	Afton	I 27 163 0040 02 through I 27 163 0040 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Afton Village Hall, Afton, Minn. 55001.	Do.
Do	Winona	Winona	I 27 169 7660 03 through I 27 169 7660 07	do	Office of the Planning Director, Room 8, Municipal Bldg., Winona, Minn. 55987.	Do.
Missouri	Monroe	Paris				Do.
New Jersey	Bergen	Lodi				Do.
New York	Erie	Evans				Do.
Pennsylvania	Dauphin	Harrisburg				Do.
Do	Montgomery	Hatfield Township.				Do.
Rhode Island	Newport	Jamestown	I 44 005 0100 03 I 44 005 0100 04	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybasset St., Providence, RI 02903.	Office of the Town Clerk, Town of Jamestown, Jamestown, R.I. 02835.	Do.
Wisconsin	Buffalo	Fountain City	I 55 011 1770 01 I 55 011 1770 02	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Clerk, 615 South Main St., Fountain City, WI 54629.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 13, 1972.

GEORGE K. BERNSTEIN, *Federal Insurance Administrator.*

[FR Doc.72-5946 Filed 4-19-72;8:45 am]

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PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	Los Angeles	Glendora	H 06 037 1440 03 through H 06 037 1440 05	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, Glendora City Hall, 116 East Foothill Blvd., Glendora, CA 91740.	Nov. 6, 1970.
Do	do	Monterey Park	H 06 037 2260 03 through H 06 037 2260 06	do	Office of the City Engineer, 320 West Newmark Ave., Monterey Park, CA 91754.	Oct. 17, 1970.
Do	San Bernardino	Upland	H 06 071 4000 03 through H 06 071 4000 08	do	City Administrative Offices, 123 East D St., Upland, CA 91786.	Jan. 8, 1971.
Kansas	Butler	El Dorado				Apr. 21, 1972.
Minnesota	Washington	Afton	H 27 163 0040 02 through H 27 163 0040 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Afton Village Hall, Afton, Minn. 55001.	Mar. 24, 1971.
Do	Winona	Winona	H 27 169 7660 03 through H 27 169 7660 07	do	Office of the Planning Director, Room 8, Municipal Bldg., Winona, Minn. 55987.	June 17, 1970.
Missouri	Monroe	Paris				Apr. 21, 1972.
New Jersey	Bergen	Lodi				Do.
New York	Erie	Evans				Do.
Pennsylvania	Dauphin	Harrisburg				Do.
Do	Montgomery	Hatfield Township.				Do.
Rhode Island	Newport	Jamestown	H 44 005 0100 03 through H 44 005 0100 04	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, RI 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, RI 02903.	Office of the Town Clerk, Town of Jamestown, Jamestown, R.I. 02835.	Nov. 20, 1970.
Wisconsin	Buffalo	Fountain City	H 55 011 1770 01 through H 55 011 1770 02	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the City Clerk, 615 South Main St., Fountain City, Wis. 54629.	Mar. 27, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 13, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-5947 Filed 4-19-72;8:45 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 479-72]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart H—Antitrust Division

CONSUMER AFFAIRS LITIGATION; SPECIAL FUNCTIONS

This order updates the Department of Justice regulations assigning responsibility for certain consumer affairs litigation to the Antitrust Division.

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509, 510, Subpart H of Part O of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

Section 0.41 is amended by revising paragraph (b) and by adding a new paragraph (h) to read as follows:

§ 0.41 Special functions.

• • • • •

(b) Upon appropriate certification by the Federal Trade Commission the institution of civil or criminal proceedings to impose penalties for violations of the unfair or deceptive practices provisions of the Federal Trade Commission Act.

• • • • •

(h) All litigation arising under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Child Protection and Toy Safety Act of 1969 (15 U.S.C. 1261, 1261 note, 1262, and 1274), the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Federal Cigarette Labeling and Advertising Act as amended by the Public Health Cigarette Smoking Act (15 U.S.C. 1331 et seq.), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), the Federal Caustic Poison Act (15 U.S.C. 401 note), sections 112, 619, and 620 of the Consumer Credit Protection Act (15 U.S.C. 1611, 1681q, and 1681r), the Wool Products Labeling Act of 1939 (15 U.S.C. 68 et seq.), the Fur Products Labeling Act (15 U.S.C. 69 et seq.), and the Textile Fiber Products Identification Act (15 U.S.C. 70 et seq.).

Dated: April 13, 1972.

RICHARD G. KLEINDIENST,
Acting Attorney General.

[FR Doc.72-6019 Filed 4-19-72;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 60—DEPARTMENT OF DEFENSE DRUG ABUSE TESTING PROGRAM

The Assistant Secretary of Defense (Health and Environment) approved the following:

Sec.
60.1 Purpose.
60.2 Applicability.
60.3 Policy and responsibilities.
60.4 Periodic review.
60.5 Testing criteria and geographic areas of responsibility.

AUTHORITY: The provisions of this Part 60 issued under sec. 301, 80 Stat. 379; 5 U.S.C. 301.

§ 60.1 Purpose.

This part establishes requirements for a systematic drug abuse testing program of military personnel on extended duty; to provide for early identification of individuals who require treatment and rehabilitation; to develop improved data on prevalence rates of drug abuse by area; and to provide a degree of deterrence for certain individuals.

§ 60.2 Applicability.

The provisions of this part apply to the Departments of Army, Navy, and Air Force.

§ 60.3 Policy and responsibilities.

(a) *General.* All members of the United States Army, Navy, Marine Corps, and Air Force on extended active duty will be screened annually using a method of random testing. Biochemical testing of urine samples is the acceptable screening method, with tests sufficiently sensitive to identify to a high degree of certainty those individuals who, at the time of testing, are excreting the drugs in question. Since biochemical tests cannot differentiate drug abusers from legitimate users, medical evaluation is essential to arrive at a diagnosis. Thus, for those individuals who may be identified as positive through the biochemical screen, medical evaluation provides the only means of differentiating drug dependent individuals, casual drug abusers, legitimate drug users, and false positives.

(b) *Characteristics and establishment of the random testing program.* (1) The overall objectives of the random testing program are to provide a deterrent effect on experimental and casual users, and enable earlier detection of drug abusers thereby enhancing their recovery from the drug abuse syndrome prior to serious physical or psychological deterioration.

(2) The detection rate is calculable in advance as a function of the number of days per year an individual uses drugs and the proration of tests performed on each man per year. This program will generate data which may also be used to identify drug abuse trends, and geographic risk areas. Also the frequency of testing may be increased to better the odds of detecting an individual during his most vulnerable periods of service.

(3) The concept of the random testing program establishes a procedure to attain the maximum realistic detection capability within certain prescribed criteria. Although the guidance contained in Optimized Method of Random Testing, DASD(DAA) No. 1–72[1] is of a detailed nature, its provision is for information and assistance only. The services are authoried to develop their own random testing program utilizing the following criteria:

(i) Ensure a relatively constant workload on the urine testing labs.

(ii) Provide a completely random system of selecting those to be tested so that an individual's chances for testing will remain relatively constant throughout the year.

(iii) Be completely unannounced to the individuals tested.

(iv) Be invulnerable to prediction by the subjects based upon historical analysis.

(v) Be capable of adjusting to changing requirements.

(vi) Use the testing frequencies prescribed in § 60.5 for guidance.

(c) *Laboratory methodology.* The military departments will develop standardized laboratory procedures for detection of users of drugs of abuse consistent with the following:

(1) Determine the specific gravity on each sample. Individuals whose samples are found to be less than 1.010 specific gravity will be required to submit another specimen for testing.

(2) Collect urine specimens for testing under direct observation, minimum volume 50 milliliters, properly label for positive identification and forward to the laboratory under secure conditions without preservation or refrigeration to arrive within 5 days of specimen collection.

(3) For drug screening, apply a single set of drug detection sensitivity levels, regardless of the screening method used, as follows:

(i) Total Morphine—0.5 microgram/milliliter

(ii) Methadone/Codeine—1.0 microgram/milliliter

(iii) Amphetamines—5.0 microgram/milliliter

(iv) Barbiturates — 1.0 microgram/milliliter

(4) For laboratory confirmation use gas liquid chromatography.

(5) The laboratory will report electrically, within 48 hours of receipt of the specimen, confirmed positive results to the originating agency for medical evaluation. A written follow-up report of results will be provided on all specimens received.

(d) *Quality control.* Pursuant to authority in 37 F.R. 3772, Secretary of the Army is designated the Executive Agent for coordinating quality control of the drug detection program of the military departments. The objective is to establish a single quality control program applicable to all in-service laboratories of the military departments and to civilian contract laboratories, with the quality control activity performed by the Armed Forces Institute of Pathology. Each of the services will support as necessary the Army's function as quality control agent for the triservice urine testing program. The provisions of the Armed Services Procurement Regulations 32 CFR 1–30 will be observed in contractual arrangements with civilian agencies.

(e) *Geographic area testing responsibilities.*[2] The assigned geographic areas of responsibility for drug testing are shown in Section II of § 60.5(b) below. Since they vary in their drug prevalence and military populations, a redistribution of testing assignments may be made in the future. The designated drug risk areas and frequency of testing shown in the Testing Criteria (§ 60.5 (a)) were determined in accordance with drug abuse experience or predicted drug availability.

(f) *Service personnel to be tested.* (1) All members of the Army, Navy, Marine Corps, and Air Force on extended active duty will be tested in accordance with random methods to at least the minimum frequencies prescribed herein. In addition, certain mandatory event testing is required:

(i) Initial entry into active duty.

(ii) DEROS (Vietnam and Thailand).

(iii) First reenlistments.

(2) The following types of military personnel are classified as high risk, for testing purposes, and shall be tested at a more frequent rate:

(i) Drug rehabilitants undergoing treatment at rehabilitation centers.

(ii) Staff members supporting rehabilitation efforts.

(iii) Rehabilitatees on return to duty.

(3) Schedules of testing for the foregoing are included in testing criteria (§ 60.5(a)).

§ 60.4 Periodic review.

Review of the testing program will be conducted on a semiannual basis with notice provided by ASD(H&E) on his designee. For planning purposes the first review will be a triservice conference scheduled for July 1972.

§ 60.5 Testing criteria and geographic areas of responsibility.[2]

(a) *Testing criteria.*—(1) *Random testing frequency.* (i) High Risk Areas–Average 3.0 Tests Per Person/Year:

(*a*) Vietnam
(*b*) Thailand
(*c*) Philippines
(*d*) Okinawa;

(ii) Moderate Risk Areas–Average 1.6 Tests Per Person/Year:

(*a*) Korea

[1] Filed as part of original. Extra copies available from each military service.

[2] Illustrative map—filed as part of original.

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(b) West Coast CONUS [3]
(c) Northeast Coast CONUS [4]
(d) Taiwan;
(iii) Minimum Risk Areas–Average 1.2 Tests Per Person/Year. All other geographical areas not listed above.

(2) *Mandatory event testing.* (i) Initial entry into Service and first reenlistment.
(ii) DEROS—Vietnam and Thailand.
(iii) Drug rehabilitation patients—a minimum of two tests per week.
(iv) Drug rehabilitation staff—one test per week, date selected randomly.
(v) Rehabilitatees on return to duty—twice a month for the first year after return to duty.
(vi) Commanders are allowed the flexibility of implementing tests peculiar to local areas or for local determined needs providing the military service responsible for the geographic area testing agrees that laboratories supporting such tests are capable of handling the extra load.

(b) *Geographical areas of responsibility.*

	Army	Navy	Air Force	Total
Conus [1]	1,070,218	1,383,838	892,646	3,346,702
Europe			415,940	415,940
Pacific	838,155			838,155
Total	1,908,373	1,383,838	1,308,586	4,600,797

[1] Navy figure includes US SOUTHCOM.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.72-6025 Filed 4-19-72;8:50 am]

SUBCHAPTER F—TRANSPORTATION

PART 178—TRANSPORTATION AND TRAFFIC MANAGEMENT

The Deputy Secretary of Defense approved the following revision to Part 178.

Sec.
178.1 Purpose and applicability.
178.2 Responsibilities.
178.3 Policies.

AUTHORITY: The provisions of this Part 178 issued under 5 U.S.C. 301 and 10 U.S.C. 2202.

§ 178.1 Purpose and applicability.

(a) This part promulgates general policies governing the use of Department of Defense (DoD)-owned transportation capability and the use of commercial transportation for the movement of cargo (including personal property) and passengers.

(b) The provisions of this part apply to all components of the DoD.

§ 178.2 Responsibilities.

The Assistant Secretary of Defense (Installations and Logistics) shall be responsible for:

(a) Establishing policies and providing guidance to DoD components concerning (1) the efficient and effective use of DoD and commercial transportation resources, and (2) the establishment and operation of Transportation Single Manager Agencies.

(b) Assuring that all DoD components are guided by and pursue policies which are consistent with applicable statutes and relevant decisions and rulings of the courts, the Office of Management and Budget, and transportation regulatory bodies.

§ 178.3 Policies.

(a) *Control and organization of transportation resources.* DoD transportation resources shall be so organized and managed as to assure optimum responsiveness, efficiency, and economy in support of the defense mission.

(b) *The DoD-owned transportation force.* There shall be maintained and operated in peacetime sufficient DoD-owned transportation resources to meet approved DoD emergency and wartime requirements, having due regard for available commercial transportation. These transportation resources will be used in peacetime to provide essential training for operational personnel and for logistic needs as appropriate to assure military effectiveness in support of national defense policies. The military capability generated thereby will be utilized in the most efficient and effective manner possible.

(c) *Selecting the means of transportation*—(1) *General.* The means of transportation selected shall be that which will meet DoD requirements satisfactorily at the lowest overall cost from origin to the final known destination (in CONUS or overseas). In determining the lowest overall cost, consideration shall be given to the extent to which expedited movement will contribute to economies through reduction in pipeline or stored supplies, personnel travel time, or other factors such as shipment preparation costs or reduction of loss or damage to cargo. In addition, the benefits of routing cargo to enable (i) consolidation of shipments and (ii) distribution of fixed costs through the use of government controlled resources shall be considered.

(2) *Foreign flag ships.* (i) Foreign flag ships will not be used for DoD traffic except to the extent necessary to meet military requirements when U.S. flagships are (*a*) not available or (*b*) available only at prices higher than private persons are charged.

(ii) No cargoes financed by the Department of Defense will be shipped from the United States on a foreign-flag ship which has called at a (*a*) Cuban port on or after January 1, 1963, or (*b*) North Vietnam port on or after January 25, 1966, unless the Secretary of Commerce, after consultation with the Secretary of State, has made a specific exception therefor.

(3) *Foreign-flag air carriers.* Foreign-flag air carriers will not be used for DOD traffic (cargo and passenger) except when (i) U.S.-flag air carriers are not available or capable of satisfying the transportation requirement, or (ii) foreign-flag air carriers will accept payment in excess or near-excess U.S.-owned foreign currencies which U.S.-flag carriers will not accept (DOD Instruction 7360.9, "Use of United States-owned Foreign Currencies", July 2, 1971).[1]

(d) *Explosives and other dangerous articles.* (1) Shipments of explosives and other dangerous articles shall conform to applicable requirements established by statute or by regulatory bodies having responsibility over such traffic.

(2) Shipments will not knowingly be tendered for transportation in a manner, form, or under conditions which will result in a carrier violation of any of the above-mentioned requirements

(3) Any proposed DOD requirement governing the movement of explosives or other dangerous articles which is more restrictive than or exceeds such requirements must be submitted to the Assistant Secretary of Defense (Installations and Logistics) for approval.

(e) *Negotiations for commercial transportation.* (1) The appropriate Transportation Single Manager or Military Department (DOD Directives 5160.2 (published at 32 F.R. 6291), 5160.10 (published at 32 F.R. 6300 and 32 F.R. 11387), 5160.53 (published at 32 F.R. 6295)) and DOD Instructions 4500.2, "Land Transportation in Overseas Areas," August 17, 1954 [1] and 4500.17, "Proceedings Before Transportation Regulatory Bodies," January 16, 1969 [1] shall (i) maintain a continuing review of applicable charges to assure that they are fair and reasonable for the DOD traffic to which they apply, and (ii) take appropriate action to obtain proper relief from those which are found to be unfair or unreasonable.

(2) In negotiations involving general rate and service matters or competitive procurement the responsible DOD element will assure that all qualified carriers are afforded an opportunity to participate on an equal basis.

(3) In negotiating for rates or services, a guarantee of tonnage apart from the contract for specific services shall not be made to individuals carriers or carrier groups or associations. This will not preclude dissemination of information as to potential movements if such information does not compromise national security.

(f) *Non-DOD use of DOD transportation.* (1) DOD transportation may be authorized for other than DOD missions when:

(i) U.S. commercial carriers cannot meet the official national interest requirements of other U.S. Government agencies, space is available on DOD tranportation resources, and use of such resources will not impair the defense mission. Reimbursement will be at a rate computed to recover all costs except those related to military personnel and capital investments, in accordance with DOD Directive 7410.4, "Regulations Governing Industrial Fund Operations", January 2, 1970.[1]

(ii) The Head of a Federal executive department or agency certifies that U.S. commercial carriers are not available to meet the national interest requirement of non-U.S. Government traffic or the service is justified by reason of statute, public health, or safety. Reimbursement by the organization or individual concerned will be at a rate computed to cover full costs to the U.S. Government, including military personnel costs and/or depreciation allowances for capital investments, in accordance with DOD Directive 7410.4, "Regulations Governing Industrial Fund Operations." January 2, 1970,[1] but shall not be lower than comparable commercial rates.

(2) Requests for such DoD transportation will be submitted to the Secretary of Defense or the Secretaries of the Army, Navy, or Air Force, and must include a certification as to the need therefor and the nonavailability of commercial transportation. When the danger to public health or safety is of such imminent seriousness as to preclude obtaining such approval, the appropriate commander will take such action as the circumstances require, with notification to the appropriate Secretary; however, the transportation will be furnished with the understanding that the DoD will be reimbursed unless reimbursement is subsequently waived by the Assistant Secretary of Defense (Comptroller).

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.72-6005 Filed 4-19-72;8:50 am]

[3] California, Oregon, Washington.
[4] Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island.

[1] Filed as part of original. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Code 300.

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

PART 1807—CONTRIBUTIONS FOR CIVIL DEFENSE PERSONNEL AND ADMINISTRATIVE EXPENSES

Cash Advances

Section 1807.10 is revised to read as follows:

§ 1807.10 Advances.

(a) States may obtain cash advances of the Federal contribution by drawing payment vouchers against letters of credit in accordance with procedures established by OCD. Each drawdown on a letter of credit shall be initiated at approximately the same time that the recipient State, or its participating political subdivision is to disburse its funds in payment of eligible civil defense personnel and administrative expenses, and shall be in the amount required to cover the Federal share of such imminent disbursement. Neither the State nor any of its political subdivisions shall accumulate Federal funds beyond the amounts needed for immediate disbursement.

(b) Unlike the States, political subdivisions are required to return to the Federal Government interest earned on advances. Proper use of the drawdown procedure should preclude the accrual of interest on funds drawn by a State or any of its political subdivisions. Failure to observe the time and amount limitations on drawdowns or to meet the reporting requirements established by OCD may result in revocation of the unobligated portion of the letter of credit.

(c) Advanced funds must be separately identified and properly accounted for as Federal funds in the fund accounts of the State and, where applicable, its political subdivisions. The Director of Civil Defense and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a Federal contribution or to an advance of Federal funds.

(64 Stat. 1255, 72 Stat. 533, 50 U.S.C. App. 2253, 2286; Reorg. Plan No. 1 of 1958, as amended, 72 Stat. 1799–1801, 23 F.R. 4991; E.O. 10952, as amended, 26 F.R. 6577; Establishment of the Office of Civil Defense and Delegation of Authority Regarding Civil Defense Functions, published 10 April 1964, 29 F.R. 5017)

Effective date. This amendment is effective immediately.

Dated: April 11, 1972.

JOHN E. DAVIS,
Director of Civil Defense.

[FR Doc.72-5972 Filed 4-19-72;8:46 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O-Ethyl S,S-Dipropylphosphorodithioate

A petition (PP 2F1204) was filed by Mobil Chemical Co., Industrial Chemicals Division, Post Office Box 677, Richmond, VA 23208, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities sugarcane and sugarcane fodder and forage at 0.02 part per million (negligible residue).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. The proposed use is not reasonably expected to result in residues of the insecticide in eggs, meat, milk, and poultry. The use is classified in the category in § 180.6(a)(3).

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.262 is revised to read as follows:

§ 180.262 *O*-Ethyl *S,S*-dipropylphosphorodithioate; tolerances for residues.

Tolerances are established for negligible residues of the insecticide *O*-ethyl *S,S*-dipropylphosphorodithioate in or on the raw agricultural commodities bananas, corn grain, corn fodder and forage, fresh corn including sweet corn (kernels plus cob with husk removed), peanuts, peanut hay, pineapples, pineapple fodder and forage, soybeans, soybean forage and hay, sugarcane, sugarcane fodder and forage, and sweetpotatoes at 0.02 part per million.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4–20–72).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 12, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5969 Filed 4-19-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–25—GENERAL

Subpart 101–25.1—General Policies

TIRE IDENTIFICATION PROGRAM

This amendment clarifies the policy with regard to tire recordkeeping required of motor vehicle manufacturers.

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Section 101-25.110-3 is revised as follows:

§ 101-25.110-3 Tires accompanying new motor vehicles.

The tire identifications and record-keeping regulations issued by the Department of Transportation require each motor vehicle manufacturer or his designee to maintain a record of tires on or in each vehicle shipped by him together with the name and address of the first purchaser.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (4-20-72).

Dated: April 14, 1972.

HAROLD S. TRIMMER, Jr.,
Acting Administrator of General Services.

[FR Doc.72-6014 Filed 4-19-72;8:49 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1030-A]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized to Operate Over Tracks of Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of April 1972.

Upon further consideration of Service Order No. 1030 (34 F.R. 11211, 15250; 35 F.R. 5334, 10661, 15294; 36 F.R. 5978, 11999, 19370, 25423), and good cause appearing therefor:

It is ordered, That: *§ 1033.1030 Service Order No. 1030-A.* (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company) be, and it is hereby vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2))

It is further ordered, That this order shall become effective at 11:59 p.m., April 11, 1972; that copies of this order and direction shall be served upon the Association of American Railroads Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6055 Filed 4-19-72;8:52 am]

[S.O. 1096]

PART 1033—CAR SERVICE

Southern Railway Co. Authorized To Operate Over Tracks of St. Louis-San Francisco Railway Co. and Over Tracks of Missouri Pacific Railroad Co. and Missouri Pacific Railroad Co. Authorized To Operate Over Tracks of Southern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 11th day of April 1972.

It appearing, that, because of general deterioration, the present crossings and track connections between the Missouri Pacific Railroad Co. and the Southern Railway Co. at Kansas City Junction, Memphis, Tenn., have become unsafe for normal operation unless undertaken with excessive precautions; that extensive rebuilding of these crossings and connections is necessary for continued operation through this area; that a general rearrangement of the use of tracks approaching Kansas City Junction, Memphis, Tenn., from the west will facilitate the prompt reconstruction of the necessary crossings and track connections at Kansas City Junction; that the Southern Railway Co. seeks authority to operate over the former northbound main track of the St. Louis-San Francisco Railway Co. (SL-SF) between SL-SF chaining station 25656+03 and SL-SF chaining station 25558+58.5 at Memphis, Tenn.; that the Missouri Pacific Railroad Co. seeks authority to operate over the former eastbound main track of the Southern Railway Co. (Sou) between Sou chaining station 103+07 and Sou chaining station 5+63 at Memphis, Tenn.; that the Missouri Pacific Railroad Co. seeks authority to operate over the westbound main track of the Southern Railway Co. (Sou) between Sou chaining station 106+68 and Sou chaining station 7+63 at Memphis, Tenn.; that the Southern Railway Co. seeks authority to operate over the former main track of the Missouri Pacific Railroad Co. (MP) between MP chaining station 15+63 and MP chaining station 21+04 at Memphis, Tenn.; that the Commission is of the opinion that operations over these tracks together with the necessary connecting tracks, at Memphis, Tenn., by the aforementioned carriers is necessary in the interest of the public and the commerce of the people pending disposition of their applications seeking permanent authority of this Commission; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1096 Service Order No. 1096.

Southern Railway Co. authorized to operate over tracks of St. Louis-San Francisco Railway Co. and over tracks of Missouri Pacific Railroad Co.; Missouri Pacific Railroad Co. authorized to operate over tracks of Southern Railway Co.

(a) The Southern Railway Co. be, and it is hereby, authorized to operate over the former northbound main track of the St. Louis-San Francisco Railway Co. (SL-SF) between SL-SF chaining station 25656+03 and SL-SF chaining station 25558+58.5, at Memphis, Tenn.;

(b) The Missouri Pacific Railroad Co. be, and it is hereby, authorized to operate over the former eastbound main track of the Southern Railway Co. (Sou between Sou chaining station 103+07 and Sou chaining station 5+63, at Memphis, Tenn.;

(c) The Missouri Pacific Railroad Co. be, and it is hereby, authorized to operate over the westbound main track of the Southern Railway Co. (Sou) between Sou chaining station 106+68 and Sou chaining station 7+63, at Memphis, Tenn.;

(d) The Southern Railway Co. be, and it is hereby, authorized to operate over the former main track of the Missouri Pacific Railroad Co. (MP) between MP chaining station 15+63 and MP chaining station 21+04, at Memphis, Tenn.; and

(e) The Missouri Pacific Railroad Co. and the Southern Railway Co., be, and they are hereby, authorized to operate over the necessary connecting tracks at Memphis, Tenn., to effect the operations authorized in paragraphs (a), (b), (c), and (d) of this section.

(f) Application: The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(g) Effective date: This order shall become effective at 11:59 p.m., April 13, 1972.

(h) Expiration date: The provisions of this order shall expire at 11:59 p.m., September 30, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10-17), 16 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6056 Filed 4-19-72;8:52 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4-20-72).

§ 28.28 Special regulations: Recreation: for the individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Entrance into the public use areas of the refuge is permitted for the purpose of nature study, photography, hiking, bicycling, snowshoeing, cross-country skiing, sunbathing, and picnicking from 6 a.m. to 9 p.m. from May 1 through October 15, and from dawn to dusk from October 16 through April 30. The landing of boats and entrance into the refuge is permitted at the Knobbs, Grape Island, and Stage Island for the purposes listed above from 6 a.m. to 9 p.m. from May 1 to October 15. Bathing and swimming are permitted in the designated area during the hours 10 a.m. to 6 p.m. from May 30 through September 1. Surf fishing is permitted day and night on the ocean beach of the public use area from May 1 through October 15 and at other times by permit. Plums and cranberries may be picked outside of the dune research natural area from August 25 to October 31, to the limit of one-half bushel per family.

Foot travel is not permitted in the dune research natural area. Cooking fires are permitted only in refuge fireplaces installed by the Bureau, or on the ocean beach of the public use area. Pets are allowed if on a leash not over 10 feet in length.

Alcoholic beverages are not permitted on the refuge. Glass beverage bottles may not be taken out of vehicles.

Designated nature trails located west of the refuge access road are available for use without securing a permit from the manager-in-charge. All other areas west of the refuge access road are closed.

Tents and camping trailers are not permitted on the refuge.

Bicycles and registered motor vehicles are permitted on the refuge access road and in designated parking areas only. Parking vehicles along the access roadside is prohibited. Snowmobiles, air cushion, all-terrain or other similar vehicles are not permitted on the refuge. A required permit may be obtained upon application to the manager-in-charge for the use of over-the-sand vehicles for surf fishing only, day and night from May 1 to May 29 and September 2 to October 15 inclusive, and during the hours from 6 p.m. to 8 a.m. from May 30 to September 1 inclusive. No vehicle shall be operated on the beach between the hours of 8 a.m. and 6 p.m., and during such hours all authorized vehicles shall exit from the refuge or remain in the designated parking area.

Applicants for over-the-sand vehicle permits must provide evidence that the vehicle is duly registered and licensed in accordance with applicable State and Federal regulations and show that it is equipped with the following: Spare tire, shovel, jack, towrope or chain, board or similar support for jack, and low pressure tire gauge. Permits are to be affixed to the vehicles as instructed at the time of issuance. Vehicles authorized by permit to operate on the beach exclusively for the purpose of surf fishing and which are equipped with self-contained water or chemical toilets and permanently installed holding tanks, having a minimum capacity of not less than 3 days waste material, may park in the designated area for a period not to exceed 72 consecutive hours. At the end of such period, the operator of said vehicle shall exit from the refuge but may be readmitted after emptying the vehicle's holding tank at designated disposal sites. Operators must be checked in, in accordance with procedures specified by the manager-in-charge.

Over-the-sand vehicles shall not be parked in the over-sand routes or interfere with moving traffic.

When the process of freeing a vehicle which has been stuck results in ruts or holes, the ruts or holes shall be filled by the operator of such vehicle before it is removed from that area.

Riding on fenders, tailgate, roof, or any other position outside of the vehicle is prohibited.

Failure to comply with the provisions of permits issued or with regulations listed above shall be grounds for immediate cancellation of the permit.

Public Use Areas which include portions of the beach, the Knobbs, Grape Island, and Stage Island are delineated on a map available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations governing recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 13, 1972.

[FR Doc.72-6018 Filed 4-19-72;8:49 am]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 101—COVERAGE, EXEMPTIONS, AND CLASSIFICATIONS OF ECONOMIC UNITS

Miscellaneous Amendments

Part 101—Coverage, Exemptions and Classifications of Economic Units was added to a new Title 6 of a new Chapter I of the Code of Federal Regulations on November 13, 1971 (36 F.R. 21788). Part 101 was amended and republished on January 27, 1972 (37 F.R. 1237), and further amended on February 4, 1972 (37 F.R. 2678), February 24, 1972 (37 F.R. 3913), March 9, 1972 (37 F.R. 5043), March 18, 1972 (37 F.R. 5700), and March 31, 1972 (37 F.R. 6827).

Subpart B is amended to add a paragraph (i) to § 101.16 to modify the prenotification requirements for price adjustments proposed or established by low-profit or loss firms to further implement the Council's and the Price Commission's policy of relief for such firms.

Subpart D is amended to add a paragraph (l) to § 101.34 to reflect a Council decision to exempt rates and other charges of U.S. tankers. The Council determined that the rates, which are subject to intense price competition, were at a very depressed level during the base period. Use of this base price could cause severe economic hardship, and relief is not feasible under Price Commission regulations. The Council also considered the fact the rates are not likely to increase materially in the future beyond levels necessary to maintain an adequate return, and since the industry itself is small, exemption would have minimum inflationary impact on the rest of the economy.

Because the purpose of these regulations is to amend and modify Part 101 to provide immediate guidance and information as to Cost of Living Council decisions, the Council finds that publication in accordance with usual rule making procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit written comments regarding the above amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, New Executive Office Building, Washington, D.C. 20507.

These amendments shall become effective when filed with the Office of the Federal Register.

DONALD RUMSFELD,
Director, Cost of Living Council.

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Part 101 of Chapter I of Title 6 of the Code of Federal Regulations is amended as follows:

1. Subpart B is revised and amended to add § 101.16(l) to read as follows:

§ 101.16 Modification of prenotification requirements.

Notwithstanding the provisions of § 101.11 the following price adjustments by price category I firms need not be prenotified.

. . . . .

(l) Price adjustments proposed or established by low-profit firms as defined in and subject to the conditions and procedures prescribed in § 300.31 of this title.

2. Subpart D is revised and amended to add § 101.34(l) to read as follows:

§ 101.34 Certain price adjustments.

. . . . .

(l) *U.S. tanker rates.* Rates for the transportation of goods in a coastwise voyage by sea as defined in 46 U.S.C. section 88, in tank vessels built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or tank vessels to which the privilege of engaging in the coastwise trade is extended by section 13 or 808 of title 46 of the United States Code.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640)

[FR Doc.72-6170 Filed 4-19-72;11:29 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 8, 15, 158]

MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

Relief From Duties

Notice is hereby given that under the authority of Revised Statute 251, as amended (19 U.S.C. 66), and section 624 of the Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to revise the Customs Regulations pertaining to relief from duties on merchandise lost, damaged, abandoned, or exported.

The proposed revision is part of the general revision of the Customs Regulations which includes a rearrangement of the sequence of parts in Chapter I of Title 19 of the Code of Federal Regulations. As part of this rearrangement, it is proposed to revise and redesignate Part 15 as Part 158, and include therein the material presently in § 8.49 of the Customs Regulations.

Changes or additions in language are proposed to clarify some provisions, eliminate inconsistencies, and conform the Customs Regulations to current administrative practices. The principal changes in the requirements and procedures in proposed Part 158 from those set forth in Part 15 and § 8.49 are as follows:

1. In the second sentence of § 158.4, the term "to the importer" has been deleted after the term "permitted," since the importing carrier's liability for shortages is the same whether the merchandise is "permitted" to the importer or to the next carrier.

2. In the last sentence of § 158.4, the term "bonded common carrier" has been changed to "bonded carrier," since liquidated damages may be assessed against any type of bonded carrier, whether a common carrier, contract carrier, freight forwarder, or private carrier.

3. In § 158.5, the term "before the liquidation of the entry becomes final" has been added for clarification, and to be consistent with the same time limit in § 158.3.

4. In § 158.5(b), the term "importing carrier" has been changed to "importing or bonded carrier, as appropriate," to allow for instances where an unconcealed shortage occurs while the merchandise is in the custody of a bonded carrier.

5. Section 158.12, which is based primarily on C.D. 679, has been added to show the treatment given to merchandise which is partially damaged, but not completely worthless, at the time of importation.

6. In § 158.45(a), the special procedure in the present § 8.49(c) for liquidated consumption entities has been eliminated, based on current practice.

The proposed revision of Part 15 as Part 158 is as follows:

PART 158—RELIEF FROM DUTIES ON MERCHANDISE LOST, DAMAGED, ABANDONED, OR EXPORTED

Sec.
158.0 Scope.

Subpart A—Lost or Missing Packages and Deficiences in Contents of Packages

158.1 Definition of "permitted" merchandise.
158.2 Shortage in packages released under immediate delivery.
158.3 Allowance for lost or missing packages included in an entry.
158.4 Liability of carrier for lost or missing packages.
158.5 Deficiencies in contents of packages—general.
158.6 Deficiencies in contents of examination packages.

Subpart B—Damaged or Defective Merchandise

158.11 Merchandise completely worthless at time of importation.
158.12 Merchandise partially damaged at time of importation.
156.13 Excessive moisture and other impurities.
158.14 Perishable merchandise condemned.

Subpart C—Casualty, Loss, or Theft While in Customs Custody

158.21 Allowance in duties for casualty, loss, or theft while in Customs custody.
158.22 Not applicable when allowances made under other provisions.
158.23 Filing of application and evidence by importer.
158.24 Place of filing.
158.25 Partial destruction or injury.
158.26 Loss or theft in public stores.
158.27 Accidental fire or other casualty.
158.28 Waiver of evidence.
158.29 Decision by district director.
158.30 Review of district director's decision.

Subpart D—Destroyed, Abandoned, or Exported Merchandise

158.41 Destruction of prohibited merchandise.
158.42 Abandonment by importer within 30 days after entry.
158.43 Abandonment or destruction of merchandise in bond.
158.44 Disposition of abandoned merchandise.
158.45 Exportation of merchandise.

AUTHORITY: The provisions of this Part 158 issued under R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624. Subpart C also issued under sec. 563, 46 Stat. 746, as amended; 19 U.S.C. 1563. Additional authority is cited in the text or following the sections affected.

§ 158.0 Scope.

This part sets forth general rules for granting relief from duties on merchandise which is lost, damaged, abandoned, or exported.

Subpart A—Lost or Missing Packages and Deficiences in Contents of Packages

§ 158.1 Definition of "permitted" merchandise.

For the purpose of this subpart, merchandise is "permitted" when Customs authorizes the carrier bringing the shipment to the port to make delivery to the consignee or the next carrier and:

(a) These parties in interest, or their agents, make a joint determination of the quantities being delivered, or,

(b) The carrier bringing the shipment to the port, at its option, independently declares the quantities available for delivery by filing with the district director, no later than the close of business on the next working day after a determination of quantities is made, a signed statement that:

(1) An independent determination of quantities of merchandise available for delivery has been made, with the date of the determination shown;

(2) At least 4 days have elapsed since the consignee or his agent was notified that Customs has authorized delivery; and,

(3) The merchandise was and is available for delivery.

§ 158.2 Shortage in packages released under immediate delivery.

An importer may file a consumption or warehouse entry for less than the invoiced and manifested number of packages in a shipment "permitted" and delivered to him or deposited in a bonded warehouse under the immediate delivery provisions of § 8.59 of this chapter, if he files with the entry a Customs Form 5931, in triplicate. The Customs Form 5931 shall be executed by both the importer and the importing carrier or bonded carrier, as appropriate, and shall contain a declaration by the carrier that the missing packages were not available for delivery within the provisions of section 448(a), Tariff Act of 1930, as amended (19 U.S.C. 1448(a)).

§ 158.3 Allowance for lost or missing packages included in an entry.

Allowance shall be made in the assessment of duties for lost or missing packages of merchandise included in an entry whenever it is established to the satisfaction of the district director before the liquidation of the entry becomes final that the merchandise claimed to be lost or missing was not "permitted." A claim for such allowance shall be made on Customs Form 5931, in triplicate, executed by the importer and the importing carrier or bonded carrier, as appropriate. When the importing or bonded carrier refuses to execute the Customs Form

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5931, a claim may be allowed if the importer properly executes the Customs Form 5931 and attaches copies of the dock receipt or other document evidencing nonreceipt of the lost or missing packages.

§ 158.4 Liability of carrier for lost or missing packages.

Upon a joint determination or independent determination of quantity as set forth in § 158.1 (a) or (b) resulting in the merchandise being "permitted," the carrier shall be responsible only for any discrepancy between the manifested quantity and the "permitted" quantity. In the case of an importing carrier, when there is a difference between the quantity shown on the inward foreign manifest and the quantity "permitted," liquidated damages or duties shall be assessed under the provisions of the carrier's bond or under the provisions of section 448, Tariff Act of 1930, as amended (19 U.S.C. 1448), unless the carrier corrects his manifest (see § 4.12 of this chapter). In the case of a bonded carrier, liquidated damages for lost or missing merchandise shall be assessed in accordance with § 18.8 of this chapter.

§ 158.5 Deficiencies in contents of packages—general.

An allowance shall be made in the assessment of duties for deficiencies in the contents of packages when, before the liquidation of the entry becomes final, the importer files:

(a) In the case of a concealed shortage, a Customs Form 5931, in triplicate, executed by the importer alone, and the district director satisfies himself as to the validity of the claim; or,

(b) In the case of an unconcealed shortage, a Customs Form 5931, in triplicate, executed by both the importer and the importing or bonded carrier, as appropriate.

§ 158.6 Deficiencies in contents of examination packages.

Allowance for deficiency in the contents of any examination package reported to the district director by a Customs officer shall be made in the liquidation of the entry. No Customs officer except one making an examination contemplated by section 499, Tariff Act of 1930, as amended (19 U.S.C. 1499), shall report a supposed deficiency to the district director unless it is established to the satisfaction of the reporting officer that the merchandise was not imported.

(Sec. 499, 46 Stat. 728, as amended; 19 U.S.C. 1499)

Subpart B—Damaged or Defective Merchandise

§ 158.11 Merchandise completely worthless at time of importation.

(a) *Nonperishable merchandise.* When a shipment of nonperishable merchandise, or any portion thereof which shall have been segregated from the remainder of the shipment under Customs supervision at the expense of the importer, is found by the district director to be entirely without commercial value at the time of importation by reason of damage or deterioration, an allowance in duties on such merchandise on the ground of nonimportation shall be made in the liquidation of the entry.

(b) *Perishable merchandise.* In the case of perishable merchandise, an allowance in duties may be made under the following conditions:

(1) An application for such allowance shall be filed with the district director on Customs Form 4315 in duplicate, within 96 hours after the unlading of the merchandise and before any of the shipment involved has been removed from the pier pursuant to the entry permit.

(2) Should an application filed in accordance with subparagraph (1) of this paragraph be withdrawn, the merchandise involved shall thereafter be released upon presentation of an appropriate permit.

(3) Allowance in duty shall be made in the liquidation of the entry on such of the merchandise covered by the application as is found by the district director to be entirely without commercial value by reason of damage or deterioration.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

§ 158.12 Merchandise partially damaged at time of importation.

(a) *Allowance in value.* Merchandise which is subject to ad valorem or compound duties and found by the district director to be partially damaged at the time of importation shall be appraised in its condition as imported, with an allowance made in the value to the extent of the damage. However, no allowance shall be made when forbidden by law or regulation; for example, schedule 6, part 2, headnote 4, Tariff Schedules of the United States (19 U.S.C. 1202), provides that no allowance or reduction of duties for partial damage or loss in consequence of discoloration or rust occurring before importation shall be made upon iron or steel or upon any article of iron or steel.

(b) *No allowance in specific duties.* In the case of merchandise subject to specific or compound duties and found to be partially damaged at the time of importation, no allowance may be made in the specific duties or in the weight, quantity, or measure (except that an allowance for any excessive moisture or other impurities may be made in accordance with § 158.13). However, any part of the shipment which is totally worthless and can be segregated from the rest of the shipment may be treated as a nonimportation in accordance with § 158.11.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

§ 158.13 Excessive moisture and other impurities.

(a) *Application by importer.* An application for an allowance in duties under section 507, Tariff Act of 1930 (19 U.S.C. 1507), for excessive moisture or other impurities not usually found in or upon such or similar merchandise shall be made by the importer on Customs Form 4315. The application shall be filed with the district director within 10 days after the report of weight or gauge has been received by the district director or within 10 days after the date upon which the entry or a related document was endorsed to show that invoice weight or gauge has been accepted by the Customs inspector or other Customs officer.

(b) *Allowance by district director.* If the district director is satisfied after any necessary investigation that the merchandise contains excessive moisture or other impurities not usually found in or upon such or similar merchandise, he shall make allowance for the amount thereof in the liquidation of the entry.

(c) *Limitations on allowance.* No allowance under this section shall be made when forbidden by law or regulation; for example, Schedule 1, Part 6, Subpart B, Headnote 2, Tariff Schedules of the United States (19 U.S.C. 1202), provides that no allowance in weight shall be made for dirt or other impurities in seed of any kind provided for in that subpart.

(Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

§ 158.14 Perishable merchandise condemned.

(a) *Application by importer.* When fruit or other perishable merchandise has been condemned by health officers or other legally constituted authorities within 10 days after landing, an importer who desires allowance in duties under section 506(2), Tariff Act of 1930, as amended (19 U.S.C. 1506(2)), shall within 5 days after such condemnation file with the district director written notice of the condemnation. The date of landing in the case of merchandise forwarded under an entry for immediate transportation is the date of arrival at the port of destination.

(b) *Allowance in duties.* If the district director is satisfied after any necessary investigation that the claim is valid, allowance in duties shall be made in the liquidation of the entry. Such allowance shall be limited to perishable goods condemned by the health officers or authorities in the original package, unless segregation of the merchandise was under constant Customs supervision at the importer's expense.

(Sec. 506(2), 46 Stat. 732, as amended; 19 U.S.C. 1506(2))

Subpart C—Casualty, Loss, or Theft While in Customs Custody

§ 158.21 Allowance in duties for casualty, loss, or theft while in Customs custody.

Section 563(a), Tariff Act of 1930, as amended (19 U.S.C. 1563(a)), provides for allowance in duties upon satisfactory proof of the loss or theft of any merchandise while in the public stores, or of the actual injury or destruction, in whole or in part, of any merchandise by accidental fire or other casualty, while in bonded warehouse, or in the public stores, or while in transportation under bond, or while in Customs custody although not in bond, or while within the limits of any port of entry and before having been landed under Customs supervision. Such allowance is subject to the conditions set forth in this subpart.

§ 158.22 Not applicable when allowances made under other provisions.

The procedures in this subpart do not apply in cases where allowances in duties are made under Subpart A or Subpart B of this part, or § 18.6 of this chapter.

§ 158.23 Filing of application and evidence by importer.

Within 30 days from the date of his discovery of the loss, theft, injury, or destruction, the importer shall file an application in duplicate on Customs Form 4315, and within 90 days from the date of discovery shall file any evidence required by § 158.26 or § 158.27.

§ 158.24 Place of filing.

The application and evidence shall be filed with the district director at the port where the loss, theft, injury, or destruction occurred. In the case of total loss of merchandise by fire or other casualty while in transportation under bond, the application and evidence shall be filed with the district director at the port at which the transportation entry was made. In the case of partial destruction of or injury to such merchandise, the application and evidence shall be filed with the district director at the port of destination, except that if the merchandise is returned to the port at which the transportation entry was made, the application shall be filed at that port.

§ 158.25 Partial destruction or injury.

In the case of partial destruction or injury, no application shall be entertained unless the district director shall have had an opportunity to examine the merchandise or the remainder thereof for the purpose of fixing the percentage of injury or destruction. Whether the duty involved is ad valorem, specific, or compound, the percentage of injury for the purpose of the allowance shall be determined by comparing the market value of comparable sound merchandise with the net salvage value of the injured merchandise computed on the basis of the market value of comparable injured merchandise, such comparison to be made as of the time and place of examination.

§ 158.26 Loss or theft in public stores.

In the case of alleged loss or theft while the merchandise is in the public stores, there shall be filed a declaration of the importer, owner, or ultimate consignee that he did not receive the merchandise and that to the best of his knowledge and belief it was lost or stolen as alleged in the application. If the alleged loss or theft consisted of only a part of an examination package and was discovered after the release of the package from Customs custody, the following evidence shall be submitted:

(a) A declaration of each cartman, lighterman, or other carrier handling the package between the public stores and the place of delivery, setting forth the condition of the package at the time of receipt and delivery by him and whether or not there was an abstraction of the merchandise while the package was in his possession.

(b) A declaration of the person who first received the package for the importer, owner, or ultimate consignee as to whether or not he examined the package at the time of receipt, and, if so, as to its condition at that time.

(c) A declaration of the person who opened the package after release from Customs custody that the alleged missing merchandise was not found by him in the package or elsewhere.

§ 158.27 Accidental fire or other casualty.

In the case of injury or destruction by accidental fire or other casualty, the following evidence shall be submitted:

(a) A declaration of the master of the vessel, the conductor or driver of the vehicle, the proprietor of the warehouse, or other person (except a Customs officer) having charge of the merchandise at the time of casualty, stating:

(1) The time, place, and nature of such casualty;

(2) That the merchandise was on board the vessel or vehicle, in the warehouse, or otherwise in his charge, as the case may be, at the time of the casualty; and

(3) That it was totally destroyed and there is no probability of recovering or saving any part thereof, or that it was injured as the result of the casualty.

(b) The bill of lading, the entry, and the invoice covering the merchandise, or certified copies of the foregoing, unless such documents are already in the possession of the district director at the port where the claim is filed.

(c) A copy of the insurance appraiser's report, if any.

§ 158.28 Waiver of evidence.

The district director may waive the production of any of the evidence required by this subpart if the validity of the claim is otherwise established to his satisfaction.

§ 158.29 Decision by district director.

When the application and evidence have been received and examined by the district director, he shall determine whether the desired abatement or refund of duty shall be made and notify the importer of his decision.

§ 158.30 Review of district director's decision.

(a) *Filing of petition.* The importer may file with the district director a petition addressed to the Commissioner of Customs for a review of the district director's decision. Such petition shall be filed in duplicate within 30 days from the date of the notice of the district director's decision, shall completely identify the case, and shall set forth in detail the objections to the district director's decision.

(b) *Decision by Commissioner.* When the petition has been filed, the district director shall promptly transmit both copies thereof and the entire file to the Commissioner, together with a full statement of his views. When the Commissioner's decision is received, the district director shall proceed in conformity therewith.

Subpart D—Destroyed, Abandoned, or Exported Merchandise

§ 158.41 Destruction of prohibited merchandise.

Merchandise regularly entered or withdrawn for consumption in good faith and denied admission into the United States by any Government agency after its release from Customs custody, pursuant to a law or regulation in force on the date of entry or withdrawal for consumption, may be destroyed under Government supervision. In such case, the destroyed merchandise is exempt from duty and any duties collected thereon shall be refunded. In lieu of destruction, the merchandise may be exported under Customs supervision in accordance with § 158.45(c).

(Sec. 558(a), 46 Stat. 744, as amended; 19 U.S.C. 1558(a))

§ 158.42 Abandonment by importer within 30 days after entry.

Allowance in duties for merchandise abandoned to the Government in accordance with section 506(1), Tariff Act of 1930, as amended (19 U.S.C. 1506(1)), shall be subject to the following conditions:

(a) *Minimum quantity to be abandoned.* The merchandise being abandoned shall represent 5 percent or more of the total value of all the merchandise of the same class or kind entered in the invoice in which the merchandise being abandoned appears.

(b) *Application within 30 days.* The importer shall file written notice of abandonment with the district director at the port where the entry was filed within 30 days after the date of entry, or, in the case of examination packages, within 30 days after release, whether or not delivery is taken by the importer immediately after entry or release as the case may be.

(c) *Delivery of merchandise.* Within the 30-day period set forth in paragraph (b) of this section, the importer shall deliver the abandoned merchandise to such place as the district director specifies, unless the district director is satisfied that the merchandise is so far destroyed as to be nondeliverable.

(d) *Identification of merchandise.* The importer shall identify the abandoned merchandise with that described in the invoice used in making entry to the satisfaction of the district director, who shall make such examination as may be necessary to verify such identification.

(e) *Segregation and repacking.* When repacking is necessary to segregate the abandoned merchandise from the remainder of the shipment, such repacking shall be done at the expense of the importer and under Customs supervision.

(Sec. 506, 46 Stat. 732, as amended; 19 U.S.C. 1506)

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§ 158.43 Abandonment or destruction of merchandise in bond.

Allowance in duties for merchandise entered under bond destroyed under section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)), or for merchandise in bonded warehouse abandoned to the Government under section 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1563(b)), shall be subject to the following conditions:

(a) *Application by importer.* The importer shall file an application for abandonment or destruction of merchandise in bond with the district director on Customs Form 3499, with the title modified to read "Application and Permit to Abandon (or Destroy) Goods in Bond." When an application is for permission to destroy, the proposed method of destruction shall be stated in the application and be subject to the approval of the district director.

(b) *Concurrence of warehouse proprietor.* An application to abandon or destroy warehoused merchandise shall not be approved unless concurred in by the warehouse proprietor.

(c) *Costs of abandonment.* When in the opinion of the district director the abandonment of merchandise under section 563(b), Tariff Act of 1930, as amended (19 U.S.C. 1563(b)), will involve any expense or cost to the Government, or if the merchandise is worthless or unsalable, or cannot be sold for a sum sufficient to pay the expenses of sale, such abandonment shall not be permitted unless the importer deposits a sum which in the opinion of the district director will be sufficient to save the Government harmless from any expense or cost resulting from such abandonment. The sum so advanced shall be placed in a special deposit account and expended to cover the cost of destruction or to meet any deficit should the merchandise be sold and the proceeds of sale be less than the expenses of such sale. After meeting such expenses or deficit, any balance remaining shall be refunded to the importer. However, the applicant may elect to destroy such merchandise under Customs supervision pursuant to the provisions of section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)).

(d) *Costs of destruction.* Destruction of merchandise under section 557(c), Tariff Act of 1930, as amended (19 U.S.C. 1557(c)), shall be at the expense of the importer.

(e) *Action by district director.* When the conditions set forth in paragraphs (a) through (d) of this section are met, the district director may grant applications and make an allowance in duties for the merchandise abandoned or destroyed. In any case where doubt exists, the matter shall be referred to the Commissioner of Customs.

(Secs. 557, 563, 46 Stat. 744, as amended, 746, as amended; 19 U.S.C. 1557, 1563)

§ 158.44 Disposition of abandoned merchandise.

(a) *General conditions.* The disposition of merchandise abandoned to the Government pursuant to section 158.42 or 158.43, and not retained for official use, shall be governed by the regulations of the General Services Administration applicable to the Bureau of Customs.

(b) *Sale of merchandise.* If the merchandise is cleared for sale, it shall be sold in accordance with the applicable provisions of Part 20 of this chapter, unless it is worthless or it appears probable that the expenses of sale will exceed the proceeds. If the merchandise is sold, no part of the proceeds shall be returned to the importer.

(c) *Disposition of worthless merchandise.* If the merchandise or any part thereof is worthless or it appears probable that the expenses of its sale will exceed the proceeds, it shall be destroyed or otherwise disposed of as the district director shall specify. The district director shall insure that such merchandise is destroyed or removed from the control of the importer to avoid the possibility of any part of the same merchandise being made the subject of another application.

(Secs. 506(1), 563(b), 46 Stat. 732, as amended, 746, as amended; 19 U.S.C. 1506(1), 1563(b))

§ 158.45 Exportation of merchandise.

(a) *From continuous Customs custody.* Merchandise in Customs custody for which entry has not been completed and merchandise which has remained in continuous Customs custody that is covered by a liquidated or unliquidated consumption entry may be exported under Customs supervision in accordance with §§ 18.25–18.27 of this chapter, with refund of any duties that have been paid.

(b) *After release from Customs custody.* Except as provided for in paragraphs (c) and (d) of this section, no refund or other allowance in duties shall be made because of the exportation of merchandise after its release from Customs custody unless a drawback of duties is expressly provided for by law (see Part 22 of this chapter).

(c) *Prohibited merchandise.* If merchandise has been regularly entered or withdrawn for consumption in good faith and is thereafter found to be prohibited entry under any law of the United States, it may be exported under Customs supervision in accordance with §§ 18.25–18.27 of this chapter, with refund of any duties that have been paid. In lieu of exportation, the merchandise may be destroyed in accordance with § 158.41.

(d) *Not legally marked merchandise.* When merchandise found to be not legally marked is exported or destroyed under Customs supervision after once having been released from Customs custody, as provided for in section 304(c), Tariff Act of 1930, as amended (19 U.S.C. 1304(c)), such exportation or destruction shall not exempt such merchandise from the payment of duties other than the marking duties.

(Sec. 558, 46 Stat. 744, as amended; 19 U.S.C. 1558)

For ready comparison there is annexed to this notice a parallel reference table showing the relation of sections in the proposed Part 158 to 19 CFR Part 15.

Prior to adoption of the revision, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 60 days from the date of publication of this notice in the FEDERAL REGISTER. Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)), in the Division of Regulations, Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 10, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in proposed Part 158 to 19 CFR Part 15.)

Proposed Part 158 Section	*19 CFR Section*
158.0	New.
158.1 (a) and (b)	15.8(a)(1).
158.2	158.8(a)(1).
158.3	15.8(a)(2).
158.4	15.8 (a)(2) and (d).
158.5 (a) and (b)	15.8(a)(3).
158.6	15.8(b).
158.11(a)	15.10(a).
158.11(b)	15.10(b).
158.12 (a) and (b)	New.
158.13(a)	15.7(a).
158.13(b)	15.7(b).
158.13(c)	New.
158.14 (a) and (b)	15.2 and footnote 3.
158.21	15.1(a) footnote 2.
158.22	15.1 footnote 1.
158.23	15.1(a).
158.24	15.1(b).
158.25	15.1(b).
158.26 (a)–(c)	15.1(c).
158.27 (a)–(c)	15.1(d).
158.28	15.1(g).
158.29	15.1(e).
158.30 (a) and (b)	15.1(f).
158.41	15.5.
158.42 (a)–(e)	15.3 (a) and (b).
158.43(a)	15.4(a).
158.43(b)	15.4(a).
158.43(c)	15.4(c).
158.43(d)	New.
158.43(e)	15.4(d).
158.44(a)	15.6(a).
158.44(b)	15.6(a).
158.44(c)	15.6(b).
158.45(a)	8.49 (a) and (c).
158.45(b)	New.
158.45(c)	8.49(b).
158.45(d)	New.

[FR Doc.72-6036 Filed 4-19-72;8:51 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-441]

NEW PRODUCER SALES OF NATURAL GAS

Notice Denying Motion for Extension of Time

APRIL 13, 1972.

Notice is hereby given that the motion filed on April 10, 1972 (37 F.R. 7345), by the Associated Gas Distributors, for a 2-week extension of time from May 1 to May 15, 1972, to submit comments in the above-designated matter is denied.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6086 Filed 4-19-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 52]

CANNED PLUMS

Proposed Standards for Grades [2]

Notice is hereby given that the U.S. Department of Agriculture is considering a revision of the U.S. Standards for Grades of Canned Plums (7 CFR 52.1781–52.1796). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this act upon request and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than October 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed revision. Current grade standards for canned plums do not provide for an allowance for pit material in the style of halves in grade A or grade B. Since these grade standards were last amended in 1962 the industry has employed a mechanical means of cutting the plums in half rather than cutting them by hand, as previously practiced. With the use of mechanical equipment to cut the plums in half, packers are experiencing considerable difficulty in packing plums entirely free from pit material as required by the current grade standards for Grade A and Grade B.

Recommended minimum drained weights are the same for both the purple and green-yellow varietal types. Information gained over the past several years indicate there may be a need for higher drained weights for the green-yellow types than for the purple type. Higher drained weights are recommended for the smaller size plums than for the larger size (less than 70 count) for No. 10 containers.

Proposed changes in the grade standards for canned plums include:

(1) The elimination of the Grade D classification since it no longer serves any purpose in marketing channels;

(2) An allowance for pit material in the style of halves in Grades A and B which would reflect good commercial practice;

(3) Separate drained weights for green-yellow varietal types which would be a slight increase over those currently recommended;

(4) A standard sample unit size which will eliminate bias due to differences in amount of product in different container sizes. This also makes the standard easier to apply since allowances are specified in numbers of units, thereby eliminating percentage calculations as currently required;

(5) Fill weight values as an alternate method of ascertaining compliance with fill of container with respect to the fruit ingredient;

(6) A partial limiting rule included in the Grade C classification for the factor of uniformity of size. A sample unit scoring in the Grade C classification for this factor would not be classified above Grade B regardless of the total score. Such a limit is not provided in the current grade standards;

(7) A slightly different format utilizing a chart form of listing various types of defects and other deviations along with applicable allowances which makes the standards easier to read.

No other changes are proposed except for slight adjustments in allowances due to rounding off percentage calculations to whole numbers in the transposition to the standard sample unit size.

The proposed revision is as follows:

PRODUCT DESCRIPTION, VARIETIES, STYLES, AND GRADES

Sec.
52.1781 Product description.
52.1782 Varietal types.
52.1783 Styles.
52.1784 Grades:

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

52.1785 Liquid media and Brix measurements for canned plums.
52.1786 Recommended fill of container.
52.1787 Recommended minimum drained weight.
52.1788 Recommended fill weights.

SAMPLE UNIT SIZE

52.1789 Sample unit size.

FACTORS OF QUALITY

52.1790 Ascertaining the grade of a sample unit.
52.1791 Ascertaining the rating for the factors which are scored.
52.1792 Color.
52.1793 Uniformity of size.
52.1794 Defects.
52.1795 Character.

ALLOWANCES FOR QUALITY FACTORS

52.1796 Allowances for quality factors.

LOT COMPLIANCE

52.1797 Ascertaining the grade of a lot.

SCORE SHEET

52.1798 Score sheet for canned plums.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090 as amended; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, VARIETIES, STYLES, AND GRADES

§ 52.1781 Product description.

"Canned plums," as defined in the standards of identity for canned fruits (21 CFR 27.45) issued pursuant to the Federal Food, Drug, and Cosmetic Act, is the food prepared from mature plums of the domestic (Prunus domestica L.) varietal groups; are packed in water or plum juice with or without nutritive sweetening ingredients; and are sealed in a container and so processed by heat as to prevent spoilage. The food may be seasoned with one or more of the optional ingredients permitted under the Federal Food, Drug, and Cosmetic Act.

§ 52.1782 Varietal types.

(a) Purple plum groups.
(b) Green-yellow plum groups.

§ 52.1783 Styles.

(a) "Whole, unpeeled, unpitted."
(b) "Whole, peeled, unpitted."
(c) "Whole, unpeeled pitted."
(d) "Whole, peeled, pitted."
(e) "Halves, unpeeled, pitted."
(f) "Halves, peeled, pitted."

§ 52.1784 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of canned plums that:
(1) Have similar varietal characteristics;
(2) Have a normal flavor and odor;
(3) Have a good, practically uniform color;
(4) Are at least reasonably uniform in size;
(5) Are practically free from defects;
(6) Have a good character; and
(7) Score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned plums that:
(1) Have similar varietal characteristics;
(2) Have a normal flavor and odor;
(3) Have a reasonably good and reasonably uniform color;
(4) Are at least fairly uniform in size;
(5) Are reasonably free from defects;
(6) Have a reasonably good character; and
(7) Score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of canned plums that:
(1) Have similar varietal characteristics;
(2) Have a normal flavor and odor;
(3) Have a fairly good color;
(4) Are fairly uniform in size;
(5) Are fairly free from defects;
(6) Have a fairly good character; and

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972. 37 F.R. 6327.

[2] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

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(7) Score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned plums that fail to meet the requirements of U.S. Grade C.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

§ 52.1785 Liquid media and Brix measurements for canned plums.

"Cut-out" requirements for liquid media in canned plums are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements for the particular varieties and respective designations are specified in Table I:

TABLE I—BRIX REQUIREMENTS

Designations	Brix measurement	
	Purple plum groups	Other varieties
Extra heavy sirup or extra heavy plum juice sirup.	26° or more but not more than 35°.	24° or more but not more than 35°.
Heavy sirup or heavy plum juice sirup.	21° or more but less than 26°.	19° or more but less than 24°.
Light sirup or light plum juice sirup.	18° or more but less than 21°.	16° or more but less than 19°.
Slightly sweetened water or slightly sweetened plum juice.	Less than 18°..	Less than 16°.
In water	Not applicable.	Not applicable.
In plum juice	do.	Do.

§ 52.1786 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with plums as full as practicable without impairment of quality, and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.1787 Recommended minimum drained weight.

(a) *General.* (1) The minimum drained weight recommendations specified in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. (2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Method for ascertaining drained weights.* The drained weight is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ±3 percent, square openings) so as to distribute the product evenly, turning the pit cavities down in halves, inclining the sieve slightly to facilitate drainage, and allowing to drain for 2 minutes. The drained weight is the weight of the sieve and plums less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights.* A lot of canned plums is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended minimum average drained weight (designated as "$\bar{X}_d$" in Table II); and

(2) The number of sample units which fail to meet the recommended drained weight lower limit for individuals (designated as "LL" in Table II does not exceed the applicable acceptance number specified in the single sampling plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables and Related Products.

TABLE II

RECOMMENDED MINIMUM DRAINED WEIGHTS

Container size (metal, unless otherwise stated)	In any liquid medium							
	Purple				Green, yellow			
	Halved unpeeled (ounces)		Whole unpeeled (ounces)		Whole peeled (ounces)		Whole unpeeled (ounces)	
	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$	LL	$\bar{X}_d$
8 Z tall (211 x 304) and 8 Z glass	4.1	4.7	3.6	4.2	4.1	4.7	3.9	4.5
No. 303 (303 x 406) and No. 303 glass	8.9	9.7	8.1	9.0	8.5	9.4	8.1	9.0
No. 2 (307 x 409):								
Any count	11.1	12.0			10.5	11.5	9.9	10.9
Less than 17			9.5	10.5				
17 or more			10.0	11.0				
No. 2½ (401 x 411):								
Any count	15.8	17.0			16.4	16.7	15.0	16.3
16 or less			14.2	15.5				
17 to 22			14.7	16.0				
23 or more			15.2	16.5				
No. 2½ Glass:								
Any count	15.7	16.8			15.2	16.5	14.7	16.0
16 or less			13.7	15.0				
17 or more			14.2	15.5				
No. 10 (603 x 700):								
Any count	60.8	63.0			59.9	62.4	58.3	60.8
Less than 70			57.5	60.0				
70 or more			59.5	62.0				

§ 52.1788 Recommended fill weights.

(a) *General.* The minimum fill weight recommendations specified in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* Fill weight is determined in accordance with the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\bar{X}'_{min}$ means the minimum lot average fill weight.

LWL_x means the lower warning limit for subgroup averages.

LRL_x means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\bar{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

Sampling allowance code means a code letter on the Sampling Allowance Chart of the Variables Control Chart Plan. This letter identifies the appropriate line which gives the amount of sampling allowance to be applied to the specification average for fill weights in order to determine compliance with requirements for fill weight averages for a sample.

(d) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 containers.

(e) *Sampling frequency.* (1) Small lots—for lots consisting of 100 cases or less which require 4 hours or more to pack use the "optional fill weight procedure" contained in the Instructions for Adaptation of the Variables Control Chart Plan to Fill Weights.

(2) Other than small lots—draw at least one subgroup per code approximately every 40 minutes.

(f) *Compliance with recommended fill weights.* Compliance with the recommended fill weights shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

TABLE III

RECOMMENDED FILL WEIGHT VALUES

Container designation (metal unless otherwise stated.)	Purple plums, whole, unpeeled							Sampling allowance code
	$\bar{X}_{min}$	$LWL'_{\bar{X}}$	$LRL'_{\bar{X}}$	LWL	LRL	$\bar{R}'$	R_{max}	
8 Z tall (211 x 304) and 8 Z glass	4.6	4.1	3.8	3.5	2.9	1.3	2.70	J
No. 303 (303 x 406) and No. 303 glass	9.8	9.2	8.8	8.4	7.7	1.6	3.4	M
No. 2 (307 x 409) less than 17	11.5	10.8	10.4	9.9	9.1	1.9	3.9	O
17 or more	12.0	11.3	10.9	10.4	9.6	1.9	3.9	
No. 2½ (401 x 411):								
Less than 17	17.0	16.1	15.6	15.0	14.0	2.3	4.9	
17 to 22	17.5	16.6	16.1	15.5	14.5	2.3	4.9	
23 or more	18.0	17.1	16.6	16.0	15.0	2.3	4.9	S
No. 2½ Glass:								
Less than 17	16.5	15.6	15.1	14.5	13.5	2.3	4.9	
17 or more	17.0	16.1	15.6	15.0	14.0	2.3	4.9	
No. 10 (603 x 700):								
Less than 70	66.0	64.5	63.7	62.6	60.9	4.0	8.4	Z
70 or more	68.0	67.5	66.7	65.6	63.9	4.0	8.4	
PURPLE PLUMS, HALVED, PEELED AND UNPEELED								
8 Z tall and 8 Z glass	5.2	4.7	4.5	4.2	3.7	1.2	2.5	I
No. 303 and No. 303 glass	10.7	10.2	9.9	9.5	8.9	1.4	3.0	K
No. 2	13.3	12.7	12.3	11.9	11.2	1.6	3.4	M
No. 2½	18.7	17.9	17.5	16.9	16.0	2.1	4.4	Q
No. 2½ glass	18.5	17.7	17.3	16.7	15.8	2.1	4.4	
No. 10	70.0	68.7	68.0	67.0	65.5	3.5	7.4	X
8 Z tall (211 x 304) and 8 Z glass	5.1	4.6	4.3	4.0	3.4	1.3	2.7	J
No. 303 (303 x 406) and No. 303 glass	10.0	9.4	9.0	8.6	7.9	1.6	3.4	M
No. 2 (307 x 409)	12.2	11.5	11.1	10.5	9.8	1.9	3.9	O
No. 2½ (401 x 411)	18.2	17.3	16.8	16.2	15.2	2.3	4.9	S
No. 2½ glass	17.9	17.0	16.5	15.9	14.9	2.3	4.9	
No. 10 (603 x 700)	67.0	65.5	64.7	63.6	61.9	4.0	8.4	Z
GREEN-YELLOW PLUMS, WHOLE, PEELED								
8 Z tall and 8 Z glass	5.3	4.8	4.5	4.2	3.6	1.3	2.7	J
No. 303 and No. 303 glass	10.5	9.9	9.5	9.1	8.4	1.6	3.4	M
No. 2	12.8	12.1	11.7	11.2	10.4	1.9	3.9	O
No. 2½	18.7	17.8	17.3	16.7	15.7	2.3	4.9	S
No. 2½ glass	18.4	17.5	17.0	16.4	15.4	2.3	4.9	
No. 10	68.8	67.3	66.5	65.4	63.7	4.0	8.4	Z

SAMPLE UNIT SIZE

§ 52.1789 Sample unit size.

Compliance with requirements for the various quality factors is based on the following sample unit size for the applicable style:

(a) Whole—25 whole plums.

(b) Halves—50 halves.

FACTORS OF QUALITY

§ 52.1790 Ascertaining the grade of a sample unit.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Varietal characteristics.

(ii) Flavor and ordor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	20
Uniformity of size	20
Defects	30
Character	30
Total score	100

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.1791 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1792 Color.

(a) *General.* The factor of color refers to the color of the skin and any exposed flesh typical for the varietal group and to the intensity and brightness of such characteristic color. Characteristic mottling on the skin for the varietal group is considered as typical color and not as lacking in uniformity of color.

(b) *Definitions of color*—(1) *Well colored.* The color is bright and well developed, typical of well-matured plums. Any exposed flesh is at least reasonably bright and with respect to purple plums the packing media is a practically clear and highly colored purple liquid.

(2) *Reasonably well colored.* The color is reasonably bright and reasonably well developed, typical of reasonably well-matured plums. Any exposed flesh is at least fairly bright and with respect to purple plums and packing media is a reasonably clear and reasonably high-colored purple liquid.

(3) *Fairly well colored.* The color is fairly bright and fairly well developed, typical of fairly well-matured plums. Any exposed flesh may be slightly dull.

(4) *Poorly colored.* The color may be dull, poorly developed, typical of immature plums, including the "dead brown" color of canned purple plums. Any exposed flesh may be excessively dull; or the plums may be off-color due to improper processing.

(c) (*A*) *classification.* Canned plums that possess a good color may be given a score of 18 to 20 points. "Good color" means that the plums are well colored and as a mass possess a practically uniform color, typical of a single varietal group; and the number of reasonably well colored plums does not exceed the number specified for the style in § 52.1796.

(d) (*B*) *classification.* Canned plums that possess a reasonably good color may be given a score of 16 or 17 points. Canned plums that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score (this is a limiting rule). "Reasonably good color" means that the plums are reasonably well colored and as a mass possess a reasonably uniform color, typical of a single varietal group; and the number of fairly well colored units does not exceed the number specified for the style in § 52.1796.

(e) (*C*) *classification.* Canned plums that possess a fairly good color may be given a score of 14 or 15 points. Canned plums that fall into this classification shall not be graded above U.S. Grade C regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the plums may be at least fairly well colored; possess a color typical of a single varietal group which have been properly processed; that such characteristic color may be markedly variable: and the number of poorly colored plums does not exceed the number specified for the style in § 52.1796.

(f) (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1793 Uniformity of size.

(a) *General.* Compliance with uniformity of size is ascertained by determining the percent by which the weight of the largest full-sized unit exceeds the weight of the smallest full-sized unit in the sample unit. Plums of halved style that are not cleanly divided into halves shall be separated into two approximately equal halves before ascertaining uniformity of size.

(b) (*A*) *classification.* Canned plums that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that the number of units that are in excess of the maximum weight variation does not exceed the number specified for the style for U.S. Grade A in § 52.1796.

(c) (*B*) *classification.* Canned plums that are reasonably uniform in size may be given a score of 16 or 17 points. "Reasonable uniform in size" means that the number of units that are in excess of the

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maximum weight variation does not exceed the number specified for the style for U.S. Grade B in § 52–1796.

(d) (C) *classification.* Canned plums that are fairly uniform in size may be given a score of 14 or 15 points. Canned plums that fall into this classification shall not be classified above U.S. Grade B, regardless of the total score (this is a partial limiting rule). "Fairly uniform in size" means that the number of units that are in excess of the maximum weight variation does not exceed the number specified for the style for U.S. Grade C in § 52.1796.

(e) (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above substandard, regardless of the total score (this is a limiting rule).

§ 52.1794 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from stems, leaves, crushed or broken units, pits or loose pits for the applicable style—damaged and seriously damaged units—and from any other defects not specifically mentioned which detract from the appearance or edibility of the product.

(b) *Definitions.* (1) A "unit," in whole style, means a whole or substantially whole plum. In halved style, any whole or partially whole plum is separated into two approximately equal halves and each half therefrom is considered a "unit."

(2) "Small stem" means the small stem or portion thereof that attaches the plum to the branch of the tree.

(3) "Harmless extraneous material" means leaves or portions thereof or other harmless plant material.

(4) "Crushed or broken" means that a unit bears marks of crushing or is otherwise crushed or broken not due to ripeness. In whole style, plums that possess broken skins or that are split to the pit cavity are not considered crushed or broken unless the entire pit cavity is exposed or the unit is mutilated to the extent that it is not intact as a whole or substantially whole plum. In halved style, halves of plums that are slightly split are not considered crushed or broken unless the unit is seriously mutilated.

(5) A "pit" means a whole pit or any portion thereof. In whole style, only "loose pits" are considered as defects. In halved style, pits are considered as defects whether loose or attached to a unit.

(6) "Damaged" means any injury which, singly or in the aggregate on a unit or in a unit (except for internal gummosis), materially affects the appearance of the unit and includes, but is not limited to:

(i) Surface areas blemished by sunburn, scab, or other discoloration (exclusive of characteristic mottling having an aggregate area exceeding that of a circle three-sixteenths of an inch in diameter not extending into the fruit tissue and materially affects the appearance or eating quality of the unit.

(ii) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area equivalent of, or less than, that of a circle three-sixteenths of an inch in diameter and extending into the fruit tissue so that the flesh is materially discolored or toughened;

(iii) Abnormalities, such as "doubles" and growth cracks, but not "shriveled" areas;

(iv) External gummosis.

(7) "Seriously damaged" means any damage that seriously affects the appearance or edibility of the unit, regardless of area.

(c) (*A*) *classification.* Canned plums that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the number of defects that may be present does not exceed the number specified for the style and respective type of defect in § 52.1796.

(d) (*B*) *classification.* Canned plums that are reasonably free from defects may be given a score of 24 to 26 points. Canned plums that fall into this classification shall not be graded above U.S. Grade B, regardles of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the number of defects that may be present does not exceed the number specified for the style and respective type of defect in § 52.1796.

(e) (*C*) *classification.* Canned plums that are fairly free from defects may be given a score of 21 to 23 points. Canned plums that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the number of defects that may be present does not exceed the number specified for the style and respective type of defect in § 52.1796.

(f) (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1795 Character.

(a) *General.* The factor of character refers to the texture and condition of the flesh, to the tenderness and firmness of the plums, and to shriveled areas of the skin.

(b) *Definitions*—(1) *Good character.* The units are thick-fleshed, tender, may be soft but hold their apparent original conformation, and otherwise possess a good texture of both skin and flesh characteristic of canned plums that have been properly processed from well-ripened or well-matured plums.

(2) *Reasonably good character.* The units may be reasonably fleshy, may be variable in texture from soft to slightly firm, and otherwise possess a reasonably good texture of both skin and flesh characteristic of canned plums that have been properly processed from reasonably well-ripened or reasonably well-matured plums.

(3) *Fairly good character.* The units may be thin fleshed, possess a fairly good texture of both skin and flesh, may be variable in texture from very soft to slightly tough but are not so soft as to show material disintegration, and may possess shriveled areas that materially affect, but do not seriously affect, the appearance of the product.

(4) *Poor character.* The units may be very thin fleshed, possess a poor texture of both skin and flesh, may be variable in texture from mushy to more than slightly tough, and may possess shriveled areas that seriously affect the appearance of the product.

(c) (*A*) *classification.* Canned plums that possess a good character may be given a score of 27 to 30 points. To score in this classification the number of units that are of reasonably good character shall not exceed the number specified for the style in § 52.1796.

(d) (*B*) *classification.* Canned plums that possess a reasonable good character may be given a score of 24 to 26 points. Canned plums that fall into this classification shall not be graded above "U.S. Grade B," regardless of the total score for the product (this is a limiting rule). To score in this classification the number of units that are of fairly good character shall not exceed the number specified for the style in § 52.1796.

(e) (*C*) *classification.* Canned plums that possess a fairly good character may be given a score of 21 to 23 points. Canned plums that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). To score in this classification the number of units that are of poor character shall not exceed the number specified for the style in § 52.1796.

(f) (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.1796 Allowances for quality factors.

TABLE IV

STYLE—WHOLE SAMPLE UNIT SIZE—25 UNITS

Factors	Maximum number of units permissible for respective grade					
	A		B		C	
Color:						
Reasonably good	2		No limit		No limit	
Fairly good	0		4		No limit	
Poor	0		0		4	
Uniformity of size:						
Variation in weight						
Exceeds 50%	1		No limit		No limit	
Exceeds 75%	0		1		No limit	
Exceeds 100%	0		0		1	
	Ind[1]	Avg[2]	Ind.	Avg.	Ind.	Avg.
Absence of defects:						
Harmless extraneous material	0	0	1	0.2	1	0.4
Small stem	1	0.6	1	N/A[3]	2	N/A
Crushed or broken	0	0	1	N/A	3	N/A
Loose pits	1	N/A	2	N/A	3	N/A
Damaged and seriously damaged	2	N/A	4	N/A	5	N/A
	including		including		including	
Seriously damaged	1	N/A	1	N/A	2	N/A
Character:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		5	

[1] N/A—Means not applicable.
[2] Ind—Means individual sample unit.
[3] Avg—Means average of all the sample units in the sample.

TABLE V—STYLE—HALVES SAMPLE UNIT SIZE—50 UNITS

Factors	Maximum number of units permissible for respective grade					
	A		B		C	
Color:						
Reasonably good color	5		No limit		No limit	
Fairly good	0		7		No limit	
Poor color	0		0		4	
Uniformity of size:						
Variation in weight						
Exceeds 50%	3		No limit		No limit	
Exceeds 75%	0		3		No limit	
Exceeds 100%	0		0		3	
	Ind[1]	Avg[2]	Ind	Avg	Ind	Avg
Absence of defects:						
Harmless extraneous material	0	0	1	0.2	1	0.4
Small stem	1	0.6	1	N/A	2	N/A[3]
Crushed or broken	0	0	2	N/A	5	N/A
Pits	1	0.5	1	N/A	2	N/A
Damaged and seriously damaged	5	0	7	N/A	10	N/A
	including		including		including	
Seriously damaged	1	N/A	2	N/A	5	N/A
Character:						
Reasonably good	5		No limit		No limit	
Fairly good	0		10		No limit	
Poor	0		0		10	

[1] N/A—Means not applicable.
[2] Ind—Means individual sample unit.
[3] Avg—Means average of all the sample units in the sample.

LOT COMPLIANCE

§ 52.1797 Ascertaining the grade of a lot.

The grade of a lot of canned plums covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 51.1798 Score sheet for canned plums.

Factors	Score points		
Color	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd)	[2] 0–13
Uniformity of size	10	(A)	18–20
		(B)	16–17
		(C)	[1] 14–15
		(SStd)	[2] 0–20
Defects	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[2] 0–20
Character	20	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[2] 0–20
Total score	100		

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Count	
Drained weight (ounces)	
Brix measurement	
Sirup designation (extra heavy, heavy, etc.)	
Varietal type	
Style (whole) (halves)	
Normal flavor and odor	
Grade	

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

Dated: April 13, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-5864 Filed 4-19-72;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Notice of Determination To Be Made With Respect to Allotment and Marketing Quota Regulations, 1970–71 and Subsequent Marketing Years.

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department is preparing to amend the regulations pertaining to lease and transfer of allotments and marketing quotas, the identification of marketings of tobacco and the records and reports incident thereto for Flue-cured tobacco.

The proposed amendment to the regulations results primarily from an extensive audit by the Office of the Inspector General of the operation of the Flue-cured tobacco marketing quota program. Results of the audit pointed up several areas where administration of the program needed to be strengthened to prevent potential violations and to facilitate the examination of records and reports to determine compliance with marketing quota regulations.

The purpose of this document is to give notice of the proposed changes in the regulations which are as follows:

1. Sections 725.51(o) and 725.94(c) would be amended to reduce the allowable rate of floor sweepings from 0.005 to 0.001 times total first sales. Purchases by the warehouseman on his own warehouse floor would also be eliminated in computing total first sales.

2. Section 725.72(p)(1) would be amended to clarify that the cancellation of a lease and transfer agreement shall not preclude application of erroneous notice provisions where such provisions are applicable.

3. Section 725.85 would be amended to make it clear that in the identification of kinds of tobacco the term "tobacco" with respect to any farm located in an area in which Flue-cured tobacco is normally produced shall include all tobacco produced on the farm, excluding other kinds of tobacco subject to marketing quotas, except where the operator of the farm furnishes satisfactory proof that the production on the acreage has been certified by Agricultural Marketing Service of this Department as a kind of tobacco not subject to marketing quotas.

4. In § 725.99, a new general statement would be added to the beginning of the section, and a new paragraph (m) would be added to provide that a warehouseman shall maintain copies of bill-out invoices to the buyer.

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5. In § 725.99(a), subparagraph (3) and the sixth sentence of subparagraph (4) would be amended to require a warehouse to include negative adjustment invoices from dealers as a part of records to be maintained and to provide orderly filing of basket tickets by sale dates.

6. In paragraph (a) of § 725.99, subparagraph (7) would be amended to require sale bills for warehouse resales to be identified as floor sweepings or leaf account tobacco and a new subparagraph (8) would be added to provide for determination by the Agricultural Marketing Service of this Department of tobacco presented for sale that is represented to be nonquota tobacco or there is question as to what kind of quota tobacco is being offered for sale.

7. Paragraphs (g)(14) of § 725.99 and (c)(4) of § 725.100 would be amended to clarify that dealers and warehousemen are responsible for the actual weighing of carryover tobacco reported on hand on final MQ–79's and MQ–80's for the season.

8. In § 725.100 the general statement at the beginning would be amended to clarify that dealer's reports and records required in this section shall be kept separately for each kind of tobacco and that adjustment invoices required to be furnished to the auction warehouse shall be identified by the appropriate warehouse and dealer number.

9. Section 725.100(d) would be amended to require a negative report from any dealer purchasing tobacco on a warehouse floor for any sale day in which there is no adjustment to the bill-out for that sale day as furnished by the warehouseman.

10. Section 725.101(a) would be amended to provide that dealers exempt from regular records and reports on MQ–79 are required to furnish adjustment invoices or buyers settlement sheets and negative reports where no adjustment is necessary for a particular sale day, as provided in § 725.100(d).

11. Section 725.102(b) would be amended to require persons engaged in the business of redrying, prizing, or stemming tobacco and storage firms handling tobacco to expand recordkeeping to include data on dealers, warehousemen or other persons for whom tobacco was received for processing or storage and to report such data, with certain exceptions, to the State ASCS office within 15 days of the end of the marketing year.

12. Section 725.107 would be amended to add warehouse bill-out invoices and the tissue copy of Form MQ–72–1 Report of Tobacco Auction Sale, to the list of records to be made available for examination upon written request by the State executive director.

It is proposed that the Flue-cured tobacco regulations for 1970–71 and subsequent marketing years be amended as follows:

1. Section 725.51(o) is revised to read as follows:

§ 725.51 Definitions.

• • • • • •

(o) *Floor sweepings.* The actual quantity of scraps or leaves of tobacco which accumulate on the warehouse floor in the regular course of business: *Provided,* That floor sweepings above the pounds determined by multiplying 0.001 times the total first sales of tobacco at auction for the season for the warehouse, shall be deemed to be leaf account tobacco. For the purpose of computing allowable floor sweepings, tobacco purchases for the warehouse leaf account shall not be included in determining total first sales. Floor sweeping tobacco shall be kept separate from any other tobacco when sold.

• • • • • •

2. Section 725.72(p)(1) is amended by adding a sentence at the end to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quota.

• • • • • •

(p) *Cancellation, dissolution or revision of transfer*—(1) *Cancellation.* • • • The provisions of this subparagraph (1) shall not preclude application of the erroneous notice provisions under § 725.70 where such provisions are applicable.

• • • • • •

3. Section 725.85 is revised to read as follows:

§ 725.85 Identification of kinds of tobacco.

Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths of a kind and type shall be considered such kind and type without regard to any factor of historical or geographical nature which cannot be determined by examination of the tobacco. The term "tobacco" with respect to any farm located in an area in which one or more of a kind and type of tobacco classified in Service and Regulatory Announcement No. 118 (Part 30 of this title) of the former Bureau of Agricultural Economics of the U.S. Department of Agriculture, is normally produced shall include all acreage of tobacco, excluding other kinds subject to marketing quotas, on a farm unless the county committee with the approval of the State committee determines from satisfactory proof furnished by the operator of the farm that a part or all of the production of such acreage has been certified by the Agricultural Marketing Service, U.S. Department of Agriculture, under the Tobacco Inspection Act (7 U.S.C. 511), and regulations issued pursuant thereto, as a kind of tobacco not subject to marketing quotas.

4. The last sentence of paragraph (c) of § 725.94 is amended to read as follows:

§ 725.94 Penalties considered to be due from warehousemen, dealers, buyers, and others excluding the producer.

• • • • • •

(c) *Leaf account tobacco.* • • • The actual quantity of floor sweepings which the State executive director determines have been properly identified as floor sweepings and sold and reported as such by the warehouseman shall be considered acceptable proof that such marketings are not marketings of excess tobacco if the amount thereof for the warehouse does not exceed the maximum allowable floor sweepings for the season determined by multiplying the limitation set forth in § 725.51(o) by producer's first sales, excluding warehouse leaf account purchases.

• • • • • •

5. In § 725.99, a general statement is added at the beginning of the section, a new paragraph (m) and a new subparagraph (8) to paragraph (a) would be added, and subparagraphs (3) and (7) of paragraph (a) and subparagraph (14) of paragraph (g) and the sixth sentence of subparagraph (4) of paragraph (a) would be revised, to read as follows:

§ 725.99 Warehouseman's records and reports.

Each warehouse shall keep the records and make the reports separately for each kind of tobacco as provided in this section.

(a) *Record of marketing.* • • •

(3) *Buyers corrections account.* Each warehouseman shall keep such records including negative adjustment invoices as will enable him to furnish a weekly report on Form MQ–71 to the State ASCS office showing the total pounds of the debits (for returned baskets, short baskets, and short weights of tobacco) and the credits (for long baskets, and long weights of tobacco) to the buyers corrections account. Where the warehouseman returns to the seller tobacco debited to the buyers corrections account, the warehouseman shall prepare an adjustment invoice to the seller. This invoice shall be the basis for a credit entry for the warehouse in the buyers corrections account and a corresponding purchase (debit entry) in the case of a dealer on his MQ–79, Dealer's Report. Any balancing figure reflected on the warehouseman's summary of bill-outs shall not be included in the buyers corrections account.

(4) *Tobacco sale bill and daily warehouse sales summary.* • • • At the end of each sale day, the tobacco sale bills shall be sorted and filed in numerical order by sale dates, and basket tickets shall be filed in an orderly manner by sale dates.

• • • • • •

(7) *Labeling tobacco sale bill for resale tobacco.* In the case of resales, each sale bill shall show resale and: (i) For dealers, the name of the dealer making each resale; and (ii) for the warehouse, the name of the warehouse and either "floor sweepings" or "leaf account" tobacco.

(8) *Nonquota tobacco or quota tobacco of a different kind.* Should tobacco be presented for sale that is represented to be nonquota tobacco or there is question as to what kind of quota tobacco is being offered, an inspection shall be obtained from the Agricultural Marketing Service of this Department (AMS) before the tobacco is weighed in and offered for sale. If an AMS inspection shows that a basket or lot of tobacco is of a different kind than that identified by the basket ticket after it is weighed in and a sale bill prepared, such tobacco shall be deleted from the original sale bill and a revised sale bill prepared.

• • • • • •

(g) *Daily warehouse sale summary.* • • •

(14) At the end of the season, each warehouseman shall: (i) Report on his final MQ–80 for the season the quantity of leaf account tobacco and floor sweepings, if any, on hand and its location, (ii) permit its inspection by a representative of ASCS, and (iii) provide for the weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been obtained as provided in subdivision (iii) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

• • • • • •

(m) *Invoice to purchaser.* Each warehouseman shall keep copies of bill-out invoices to the purchaser by grades showing the pounds purchased.

6. The general statement at the beginning of § 725.100 and paragraphs (c)(4) and (d) thereof are amended to read as follows:

§ 725.100 Dealer's records and reports.

Each dealer, except as provided in § 725.101, shall keep the records and make the reports separately for each kind of tobacco as provided by this section. Adjustment invoices, including the adjustment invoices for any sale day for which there is no adjustment to be made, required to be furnished to an auction warehouse shall be identified by the warehouse identification number and the reporting dealer's identification number as well as the names of the warehouse and dealers involved in the transaction.

• • • • • •

(c) *Record and report of purchases and resales.* • • •

(4) At the end of the dealer's marketing operation, but not later than March 1, he shall for each kind of tobacco: (i) Show the word "final" on his final report, MQ–79, for the season, (ii) report on such final MQ–79 for the season the quantity of tobacco on hand and its location, (iii) permit its inspection by a representation of ASCS, and (iv) provide for weighing of such tobacco (to be witnessed by ASCS) and furnish to ASCS at that time a certification as to the actual weight of such tobacco. After the weight of such tobacco has been determined as provided in subdivision (iv) of this subparagraph, it shall be considered as the official weight for comparing purchases and resales for the purpose of determining the amount of penalty, if penalty is due.

• • • • • •

(d) *Daily report to warehouseman for buyers corrections account.* Notwithstanding the provisions of § 725.101, reports shall be made as follows:

(1) Any dealer, buyer, or any other person receiving tobacco from or through a warehouseman at an auction sale or otherwise, which is not invoiced to him or which is incorrectly invoiced to him by the warehouseman, shall furnish to the warehouseman an adjustment invoice or buyers settlement sheet.

(2) Each dealer who purchases tobacco on a warehouse floor for any sale day in which there is no adjustment required in the account as shown on the warehouse bill-out invoice for that sale day, shall file a negative report with the warehouseman for that sale day.

(3) Such reports as required under subparagraphs (1) and (2) of this paragraph shall be furnished daily, if practicable (otherwise, they shall be furnished at the end of each week), and shall show the identification number of the purchasing dealer and the identification number of the warehouse where the purchase was made.

7. The first sentence in § 725.101(a) is amended to read as follows:

§ 725.101 Dealers exempt from regular records and reports on MQ–79; and season report for exempted dealers.

(a) Any dealer or buyer who acquires tobacco only at auction sale and resells, in the form in which tobacco ordinarily is sold by farmers, 5 percent or less of any such tobacco shall not be subject to the requirements of § 725.100, except as provided in paragraph (d) of § 725.100. • • •

• • • • • •

8. Section 725.102(b) is amended to read as follows:

§ 725.102 Records and reports of truckers, persons redrying, prizing or stemming tobacco, and storage firms.

• • • • • •

(b) Each person engaged in the business of redrying, prizing, and stemming tobacco and storage firms handling tobacco shall keep records with respect to each lot of tobacco received by him showing:

(1) The name and address of producer, dealer, warehouseman, or other person for whom the tobacco was received.

(2) The date of receipt of tobacco.

(3) The number of pounds received.

(4) The purpose for which tobacco was received.

(5) The amount of any advance or loan made by him on the tobacco.

(6) The disposition of the tobacco.

(7) Person to whom delivered and pounds involved.

Any such person shall report this information to the State ASCS office within 15 days of the end of the marketing year, except for tobacco handled for an association operating the price support program and tobacco purchased by him at auction or for which he had previously reported in Form MQ–79.

§ 725.107 [Amended]

9. Section 725.107 is amended by adding the language "warehouse bill-out invoices, and the tissue copy of Form MQ–72–1, Report of Tobacco Auction Sale", immediately following the language "documents,".

Prior to issuance of the proposed changes in the regulations, data, views, or recommendations pertaining thereto which are submitted to the Director, Commodity Stabilization Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration. To be sure of consideration, such submission should be postmarked not later than 30 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in the manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 11, 1972.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.72–6041 Filed 4–19–72;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

OVER-THE-COUNTER DRUGS

Status of Drugs Previously Reviewed Under Drug Efficacy Study (DESI); Need for Updating; Implications of "Grandfather" Provisions

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States to determine whether they are safe and effective for their labeled indications and not misbranded. In this review, the safety and effectiveness of all OTC drugs will be evaluated on a class-by-class approach in lieu of bringing regulatory action against individual products. A notice of this review, an explanation of its purpose, and proposed procedural regulations were published in the FEDERAL REGISTER of January 5, 1972 (37 F.R. 85). This review complements the Drug Efficacy Study (DESI) which was a review of drugs introduced to the market through the new drug procedures between 1938 and 1962 and which dealt primarily with prescription drugs. Implementation of the Drug Efficacy Study conclusions is nearing completion. It is estimated that 2 to 5 years will be required to complete the new review on various classes of OTC drugs.

There were 420 OTC drugs reviewed in the Drug Efficacy Study. The review of these drugs, which are broadly representative of the estimated 100,000 to

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500,000 OTC drugs on the market, showed the need for a study of the whole OTC market by means of a liberal class-by-class approach. The impracticality of a product-by-product approach has been set forth by prior publication (37 F.R. 85).

A careful review has been made of all OTC drugs which were reviewed in the Drug Efficacy Study to determine whether implementation steps relating to these products could be deferred, without significant risk to the public health, pending review of OTC drugs by appropriate OTC panels as provided for in the January 5, 1972 procedural regulations proposal.

The 420 drugs are, for the most part, representative of all OTC products. Deferral of further action under the published DESI notices pending review of the drugs in their appropriate categories (other than those listed in the section proposed below) would not represent any significant health hazard to the public for most of the products involved. Immediate action would be likely only to divert the public to competitive products, with the unfair result that NDA products would be penalized and identical, related and similar drug products would be given an advantage. To isolate many of these drugs for action prior to a review of an entire class would defeat the purpose of the planned approach to the whole OTC drug review. It would tie up the limited resources available and would not resolve the major issues presented by the OTC market.

To aid manufacturers and distributors in reviewing the status of OTC products the Commissioner of Food and Drugs proposes clarifying regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 507, 701, 52 Stat. 1040–42 as amended, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321, 352, 355, 357, 371) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120), it is proposed that the Subpart D of Part 130 proposal published on January 5, 1972 (37 F.R. 85) be amended to add the following new section:

§ 130.------ **Status of over-the-counter drugs previously reviewed under the Drug Efficacy Study (DESI).**

(a) There were 420 OTC drugs reviewed in the Drug Efficacy Study. A careful review has been made of the reports on these drugs to determine those drugs for which implementation may be deferred, without significant risk to the public health, pending review by appropriate OTC panels. Deferral of action will not be granted for any of the following:

(1) Products which are not typical OTC products and therefore will not be reviewed by OTC panels.

(2) Products which are unique and are easily separated from other marketed products for final action.

(3) Products which represent a significant health hazard.

(b) For products for which Drug Efficacy Study conclusions have been established prior to March 1, 1972 (except for the products listed in subdivisions (i) through (vii) of subparagraph (1) of this paragraph and the products listed in subdivisions (i) through (ix) of subparagraph (2) of this paragraph) all actions, requests for data, revised labeling, requests for new drug applications, abbreviated new drug applications, updated supplements, data to support less than effective claims, if any, etc. are deferred and the OTC products will be subject to review in their appropriate class.

(1) The requirements of the following DESI announcements are not deferred:

(i) Certain Surgical Sutures (DESI 4725), FEDERAL REGISTER of November 11, 1971 (36 F.R. 21612).

(ii) Absorbable Dusting Powder (DESI 6264), FEDERAL REGISTER of May 25, 1971 (36 F.R. 9475).

(iii) Certain Insulin Preparations (DESI 4286), FEDERAL REGISTER of April 9, 1971 (36 F.R. 6842).

(iv) Candette Cough Jel (DESI 11562), FEDERAL REGISTER of July 17, 1971 (36 F.R. 13281).

(v) Sulfo-Van Ointment (DESI 2230), FEDERAL REGISTER of October 8, 1970 (35 F.R. 15860).

(vi) Certain Sulfonamide-Containing Preparations for Topical, Ophthalmic, or Otic Use (DESI 3684), FEDERAL REGISTER of September 25, 1970 (35 F.R. 14954) and notice of opportunity for hearing in the FEDERAL REGISTER of February 12, 1972 (37 F.R. 3198).

(vii) Curad Medicated Adhesive Bandage containing tyrothricin-nitrofurazone (DESI 6898), FEDERAL REGISTER of February 27, 1971 (36 F.R. 3833).

(2) Deferral of requirements is not appropriate when an announcement has been published and has been followed by a final order classifying a drug either as lacking substantial evidence of effectiveness or as not shown to be safe. These products will be removed from the market, if they have not already been removed. Immediate regulatory action will also be undertaken against related products. Deferral of requirements is not appropriate for the following (the referenced document may also pertain to prescription drugs):

(i) Certain Sulfonamide-Decongestant Nasal Preparations (DESI 4850), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of October 24, 1970 (35 F.R. 16605, 16606).

(ii) Eskay's Theranates, containing strychnine, sodium, and calcium glycerophosphates, thiamine hydrochloride, alcohol, and phosphoric acid (DESI 2220), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3152).

(iii) The following topical drugs (DESI 1726), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of August 28, 1971 (36 F.R. 17368):

(*a*) Rhulitol Solution, containing tannic acid, chorobutanol, phenol, camphor, alum, and isopropyl alcohol.

(*b*) Zirnox Topical Lotion, containing phenyltoloxamine citrate and zirconium oxide.

(iv) Menacyl Tablets, containing aspirin, menadione, and ascorbic acid (DESI 6363), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of July 23, 1970 (35 F.R. 11827).

(v) Curad Medicated Adhesive Bandage containing sulfathiazole (DESI 4964), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of December 31, 1969 (34 F.R. 20441).

(vi) Drugs Containing Rutin, Quercetin, Hesperidin, or any Bioflavonoids (DESI 5960), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of July 3, 1970 (35 F.R. 10872, 10873) and October 17, 1970 (35 F.R. 16332).

(vii) Antibiotics in Combination with Other Drugs for Nasal Use (DESI 7561), for which an order revoking provision for certification was published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14469).

(viii) Antibiotic Troches (DESI 8328), for which an order revoking provision for certification was published in the FEDERAL REGISTER of July 14, 1971 (36 F.R. 13089).

(ix) Certain Drugs Containing Oxyphenisatin Acetate (DESI 10732), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of February 1, 1972 (37 F.R. 2460).

(c) For those products reviewed in the Drug Efficacy Study for which conclusions have not been published, the NAS/NRC reports will be published in the near future to give interested persons the benefit of the opinions of the review panels. FDA conclusions will not be included. Hence, appropriate action will be deferred, except for those products not granted deferral of action (subparagraphs (1), (2), and (3) of paragraph (a) of this section).

(d) Manufacturers and distributors should take notice that the information on OTC drugs provided by the Drug Efficacy Study review is valuable information as to the deficiencies in the data available to support indications for use. They are encouraged to perform additional studies to obtain adequate evidence of effectiveness for the forthcoming review of OTC drugs. In the interim, it is in the public interest that all OTC drug manufacturers and distributors effect changes in their formulations and/or labeling to bring the products into conformity with current medical knowledge and experience.

(e) Manufacturers and distributors of OTC drugs may be reluctant to make appropriate formulation and/or labeling changes for fear of losing the protection of the so-called "grandfather" provisions of the 1938 Federal Food, Drug, and Cosmetic Act (sec. 201(p)(1)) and the 1962 amendments to the act (sec. 107(c) of those amendments). To encourage and facilitate prompt changes, the Food and Drug Administration will not take legal action based on a charge that the product is a new drug and not "grandfathered" under the act as a result of the changes if the changes in formulation and/or labeling are of the following kind:

(1) The addition to the labeling of warning, contraindications, side effects, and/or precaution information.

(2) The deletion from the labeling of false, misleading, or unsupported indications for use or claims of effectiveness.

(3) Changes in the components or composition of the drug that will give increased assurance that the drug will have its intended effect, yet not raise or contribute any added safety questions.

(4) Changes in the components or composition of the drug which may reasonably be concluded to improve the safety of the drug, without diminishing its effectiveness.

(f) The forbearance from legal action for lack of "grandfather" protection is an interim procedure designed to encourage appropriate change in formulation and/or labeling during the time period required to review the various classes of OTC drugs. At such time as an applicable OTC drug monograph becomes effective, the interim procedure will automatically be terminated and any appropriate regulatory action will be initiated.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

(Secs. 201, 502, 505, 507, 701, 52 Stat. 1040–42 as amended, 1050–53 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321, 352, 355, 357, 371)

Dated: April 10, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-5977 Filed 4-19-72;8:47 am]

[21 CFR Part 295]

HOUSEHOLD PRODUCTS CONTAINING 10 PERCENT OR MORE OF SULFURIC ACID

Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has determined that accidental contact with household substances containing 10 percent or more of sulfuric acid has been a cause of serious injury to children under 5 years of age.

Sulfuric acid is a strong mineral acid that produces severe burns on contact with body tissues due to its corrosive, oxidizing, and sulfonating properties. Ingestion of this strong acid may result in severe internal corrosive burns causing esophageal strictures or perforation of the esophagus or stomach walls.

Sulfuric acid is used in household products such as certain liquid drain cleaners. Some liquid drain cleaners contain as much as 93 percent of concentrated sulfuric acid as the primary ingredient. Reports indicate that since 1967 contact with such liquid drain cleaners has resulted in 10 severe external burn injuries, one of which resulted in the death of a 17-month-old child. The capacity of household products containing 10 percent or more of sulfuric acid to cause serious personal injury and even death to children under 5 years of age is unequivocal.

The Federal Caustic Poisons Act of 1927 classified sulfuric acid, and any preparation containing free or chemically unneutralized sulfuric acid in a concentration of 10 percent or more, as a dangerous caustic or corrosive substance.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the Poison Prevention Packaging Act of 1970, the Commissioner finds that the nature of the hazard to children posed by household products containing 10 percent or more of sulfuric acid, by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from ingestion or handling of such products.

On the basis of reports and data from industry and other relevant information, and pursuant to section 3(a)(2) of the act, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to the standards proposed herein. At least 15 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications of § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since the special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

In the order published June 10, 1971 (36 F.R. 11190), which promulgated 21 CFR 191.9(a)(4) that bans certain liquid drain cleaners containing sodium and/or potassium hydroxide, notice was given that two manufacturers had suggested that acid-type liquid drain cleaners should be similarly banned. The Commissioner acknowledge the potential hazard of such household substances and indicated that they would be dealt with separately. Although the information presently available to the Food and Drug Administration is inadequate to support the suggested similar banning of acid-type liquid drain cleaners, the Food and Drug Administration solicits and will give careful consideration to any data or other information that interested persons may file with the Hearing Clerk (address given below) regarding such suggested banning. On the basis of the information presently available the Commissioner concludes that banning sulfuric acid-containing household products is not warranted at this time and that the child protection packaging standards proposed below offer the most appropriate means of dealing with the hazards of such household products. The Commissioner will take further action as appropriate if experience with the special packaging standards proposed below indicates a need for change to provide sufficient protection to children.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2 (a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

§ 295.2 **Substances requiring "special packaging."**

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

. . . . . .

(9) *Sulfuric acid.* Household substances containing 10 percent or more of sulfuric acid shall be packaged in accordance with the provisions of § 295.3 (a) and (b).

. . . . . .

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may

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be seen in the above office during working hours, Monday through Friday.

Dated: April 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6057 Filed 4-19-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-CE-3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Kearney, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

The development of an instrument approach procedure and its associated airspace to serve Brewster Field, Holdrege, Nebr., has resulted in conflicting, adjacent procedure turn areas at Brewster Field and the Kearney, Nebr., Municipal Airport, which will not permit simultaneous approaches to the two airports. This conflict can be resolved by changing the procedure turn from the west to the east side of the final approach course to Runway 26 at the Kearney Municipal Airport. Accordingly, it is necessary to alter the Kearney, Nebr., transition area to provide controlled airspace protection for aircraft executing the changed approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

KEARNEY, NEBR.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Kearney Municipal Airport (latitude 40°43'37" N., longitude 99°00'04" W.); within 4½ miles east and 9½ miles west of the Kearney VOR 360° radial, extending from the airport to 18½ miles north of the airport; within 4 miles each side of the Kearney VOR 194° radial, extending from the airport to 13 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the Kearney VOR 194° radial, extending from the airport to 18½ miles south of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on March 8, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-5988 Filed 4-19-72;8:47 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Information Requested by Attorney General for Antitrust Review of Facility License Applications

The Atomic Energy Commission has under consideration amendments of 10 CFR Part 50, Licensing of Production and Utilization Facilities, which would describe and provide appropriate references to information requested by the Attorney General for the conduct of his antitrust review and rendering of advice to the Commission with respect to facility license applications.

Following the enactment of Public Law 91-560 (84 Stat. 1472), which, among other things, amended section 105c of the Atomic Energy Act of 1954, as amended, pertaining to antitrust review of facility license applications, the Commission adopted certain amendments (35 F.R. 19655, December 29, 1970) to its rules of practice, 10 CFR Part 2, and its regulation, Licensing of Production and Utilization Facilities, 10 CFR Part 50, in implementation of that legislation. Section 50.33 of 10 CFR Part 50 relating to contents of license applications was amended to require the inclusion in the application of "• • • such information as the Attorney General determines to be appropriate in regard to the finding to be made by the Commission as to whether the activities to be licensed would create or maintain a situation inconsistent with the antitrust laws specified in section 105a of the Act." A new § 50.55b was added authorizing the Commission to incorporate a condition in certain construction permits and licenses which would among other things, require the licensee to furnish to the Commission "• • • such information as the Attorney General determines to be appropriate for the conduct of the review and the rendering of his advice with respect to the license • • •." Section 50.80 was amended by § 50.80(b) to provide that an application for transfer of a license involving the issuance of a class 103 license shall include "• • • such information as the Attorney General deems appropriate in regard to the finding to be made by the Commission as to whether the transfer of the license would create or maintain a situation inconsistent with the antitrust laws."

The proposed amendments set forth below describe and provide appropriate references to information requested by the Attorney General for the conduct of his antitrust review and rendering of advice to the Commission with respect to facility license applications.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 50 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

§ 50.33 [Amended]

1. Paragraph (k) of § 50.33 is revoked.

2. A new § 50.33a is added to read as follows:

§ 50.33a Information requested by the Attorney General for antitrust review.

If the application is for a class 103 permit or license, or for a class 104 operating license as to which a person who intervened or sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination has requested an antitrust review under section 105 of the Act within 25 days after the date of publication in the FEDERAL REGISTER of notice of filing of the application for an operating license or December 19, 1970, whichever is later, the information described in Appendix L, which the Attorney General has determined to be appropriate in regard to the finding to be made by the Commission as to whether the activities to be licensed would create or maintain a situation inconsistent with the antitrust laws specified in section 105a of the Act shall be submitted as a separate document accompanying the license application.

3. Section 50.55b is amended to read as follows:

§ 50.55b Conditions of construction permits and operating licenses pertaining to antitrust matters.

The Commission may incorporate, in construction permits for production or utilization facilities of the type described in § 50.22 for which applications were on file on December 19, 1970, and in operating licenses for production or utilization facilities of a type described in §§ 50.22 and 50.21(b)(i), as to which a person who intervened or sought by timely written notice to the Commission to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination within 25 days after the date of publication in the FEDERAL REGISTER of notice of filing of the application for an operating license on December 19, 1970, whichever is later, a condition to the effect that the license shall be subject to an antitrust review by the Attorney General pursuant to section 105c of the Atomic Energy Act of 1954, as amended; that the licensee shall furnish to the Commission the information described in Appendix L, which the Attorney General has determined to be appropriate for the conduct of the review and the rendering of his advice with respect to the license; that the Commission may hold a hearing on antitrust matters on the recommendation of the Attorney General or at the request of any person whose interest may be affected by the proceeding; that on the basis of its findings made after such hearing, the Commission will continue, rescind, or amend the license to include such conditions as the Commission deems appropriate; and that the licensee shall comply with any order or license condition made by the Commission pursuant to section 105c of the Atomic Energy Act of 1954, as amended, with respect to the licensed activities.

4. The first sentence of § 50.80(b) is amended to read as follows:

§ 50.80 Transfer of licenses.

• • • • •

(b) An application for transfer of a license shall include as much of the information described in §§ 50.33 and 50.34 with respect to the identity and technical and financial qualifications of the proposed transferee as would be required by those sections if the application were for an initial license, and, if the license to be issued is a class 103 license, the information described in Appendix L, which the Attorney General has determined to be appropriate in regard to the finding to be made by the Commission as to whether the transfer of the license would create or maintain a situation inconsistent with the antitrust laws. • • •

• • • • •

5. A new Appendix L is added to read as follows:

APPENDIX L—INFORMATION REQUESTED BY THE ATTORNEY GENERAL FOR ANTITRUST REVIEW OF FACILITY LICENSE APPLICATIONS

Introduction. The information in this appendix is that requested by the Attorney General in connection with his review, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, of certain facility license applications. The applicant shall submit the information as a separate document titled, "Information Requested by the Attorney General for Antitrust Review." Twenty (20) copies shall be submitted with the facility license application and not less than twenty-five (25) additional copies shall be retained by the applicant to be available as needed during the antitrust review.

I. Definitions

1. "Applicant" means the entity applying for authority to construct or operate subject unit and each corporate parent, subsidiary, and affiliate. Where application is made by two or more electric utilities not under common ownership or control, each utility should set forth separate responses to each item herein.

2. "Subject unit" means the nuclear generating unit or units for which application for construction or operation is being made.

3. "Electric utility" or "system" means any entity owning, controlling, or operating facilities for the generation or transmission or distribution of electric power.

4. "Coordination" means any arrangement between two or more systems for generation and transmission planning, or operation of two or more interconnected electric utilities not under common ownership or control, including but not limited to arrangements for sharing operating and installed reserves, arrangements for joint or staggered construction of generating facilities, economy energy transactions, capacity transactions based on load diversities, thermal-hydro generation pooling, common maintenance arrangements, and joint use of transmission facilities or wheeling.

5. "Coordinating power and energy" means energy transmitted in accordance with an arrangement for coordination including but not limited to emergency power, economy energy, deficiency power and associated energy, and maintenance power and energy.

6. Except where specifically mentioned otherwise, the term "reserve generating capacity" or "reserves" shall refer to installed reserves in contrast to spinning or operating reserves.

II. Required Information

1. State separately for hydroelectric and thermal generating resources applicant's most recent peak load and dependable capacity for the same time period. State applicant's dependable capacity at time of system peak for each of the next 10 years for which information is available. Identify each new unit or resource. For hydroelectric generating capacity, indicate the number of kilowatt-hours of use associated with each kilowatt of capacity during the "adverse water year" upon which dependable capacity is based. Indicate average annual kilowatt-hour loads per kilowatt, associated with each system peak shown (exclusive of interchange arrangements).

2. State applicant's estimated annual load growth for each of the next 20 years or for the period applicant utilizes in system planning. Indicate growth both in kilowatt requirements and kilowatt-hour requirements.

3. State estimated annual load growth in kilowatts and kilowatt-hours of companies or pools upon which the economic justification of the subject unit is based for each of the next 20 years or for the period applicant utilizes in system planning. Identify each company or pool member.

4. For the year the subject unit would first come on line, state estimated annual load growth in kilowatts and kilowatt hours of any coordinating group or pool of which the applicant is a member (other than the coordinating group or pool referred to in the applicant's response to Item 3) which has generating and/or transmission planning functions. Identify each company or pool member whose loads are indicated in the response thereto.

5. State applicant's minimum installed reserve criterion (as a percentage of load)[1] for the period when the subject unit will first come on line. If the applicant shares reserves with other systems, identify the other systems and provide minimum installed reserve criterion (as a percentage of load)[1] by contracting parties or pool for the period when the proposed unit will first come on line.

6. Describe methods used as a basis to establish, or as a guide in establishing the criteria for applicant's and/or applicant's pool's minimum amount of installed reserves. [E.g., (a) single largest unit down, (b) probability methods such as loss of load 1 day in 20 years, loss of capacity once in 5 years, (c) other methods and/or (d) judgment. List contingencies other than risk of forced outage that enter into the determination.]

7. Indicate whether applicant's system interconnections are credited explicitly or implicitly in establishing applicant's installed reserves.

8. List rights to receive emergency power and obligations to deliver emergency power, rights or obligations to receive or deliver deficiency power or unit power, or other coordinating arrangements, by reference to applicant's Federal Power Commission (FPC) rate schedules (i.e., ABC Power & Light Co., FPC Rate Schedule No. 15 including supplement 1-5),[2] and also by reference to applicant's state commission filings. Where documents are not on file with the FPC, supply copies, or where not reduced to writing describe arrangements. Identify for each such arrangement the participating parties other than applicant. Provide one line electrical and geographic diagrams of coordinating groups or power pools (with generation or transmission planning functions) of which applicant's generation and transmission facilities constitute a part.

9. List non-affiliated[3] electric utility systems with peak loads smaller than applicant's which serve either at wholesale or at retail adjacent to areas served by applicant. Provide a geographic one line diagram of applicant's generating and transmission facilities (including subtransmission), indicating the location of adjacent systems and as to such systems indicate (if available) their load, their annual load growth, their generating capacity, their largest thermal generating unit size, and their minimum reserve criteria.

10. List separately those systems in item 9 which purchase from applicant (a) all bulk power supply and (b) systems which purchase partial bulk power supply requirements. Where information is available to applicant, identify those item 9 systems purchasing part or all of their bulk power supply requirements from suppliers other than applicant.

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[1] Indicate whether loads other than peak loads are considered.

[2] List separately and identify certificates of concurrence.

[3] Systems not in the same holding company system.

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11. State as to all power generated and sold by applicant and most recent average cost of bulk power supply experienced by applicant (a) at site of generating facilities, (b) at the delivery points from the primary transmission (backbone) system, (c) at delivery points from the secondary transmission system, and (d) at delivery points from the distribution system, in terms of dollars per kilowatt per year, in mills per kilowatt hour, and in both the kilowatt costs and kilowatt hour costs divided by the kilowatt hours. If wholesale sales are made at varying voltages, indicate average costs at each voltage.

12. State (a) for generating facilities and (b) for transmission subdivided by voltage classes the most recent estimated cost of applicant's bulk power supply expansion program of which the subject unit is a part, in terms of dollars per kilowatt/per year, in mills per kilowatt hour and in both the kilowatt costs and kilowatt hour costs divided by the kilowatt hours.

13. List and describe all requests for, or indications of interest in, interconnection and/or coordination and purchases or sales of coordinating power and energy from adjacent utilities listed in item 9 since 1960 and state applicant's response thereto. List and describe all requests for, or indications of interest in, supply of full or partial requirements or bulk power for the same period and state applicant's response thereto.

14. List (a) agreements to which applicant is a party (reproducing relevant paragraphs) and (b) State laws (supply citations only), which restrict or preclude coordination by, with, between, or among any electric utilities or systems identified in applicant's response to items 8 and 9. List (a) agreements to which the applicant is a party (reproducing relevant paragraphs) and (b) State laws (supply citations only) which restrict or preclude subetitution of service or establishment of service of full or partial bulk power supply requirements by an electric utility other than applicant to systems identified in items 8 and 9. Where the contract provision appears in contracts or rate schedules on file with a Federal agency, identify each in the same form as in previous responses. Where the contract has not been filed with a Federal agency, a copy should be supplied unless it has been supplied pursuant to another item hereto. Where it is not in writing, it should be described.

15. State, at point of delivery, average future costs of power purchased from applicant to adjacent systems identified in applicant's response to item 9 in terms of dollars/month/kw for capacity, mill/kwh for energy and mills/kwh for both power and energy at purchaser's present load factor (a) at present load, (b) at 50 percent increase over present load, (c) at 100 percent increase over present load, and (d) at 200 percent increase over present load. [All costs should be determined under present rate schedules.] Where sales are made under contracts or rate schedules on file with a Federal agency and not included in the response to item 9, identify each in the same form as in previous responses. Where the contract has not been filed with a Federal agency, a copy should be supplied.

16. State whether applicant has prepared, caused to be prepared, or received engineering studies for generation and transmission expansion programs which include loads of each system in item 9.

17. List adjacent systems to which applicant has offered to sponsor or to conduct system surveys in contemplation of an offer by applicant to purchase, merge or consolidate with said adjacent system, subsequent to January 1, 1960.

18. List applicant's offers or proposals to purchase, merge or consolidate with electric utilities, subsequent to January 1, 1960.

19. List all acquisitions of or mergers or consolidations with electric utilities by applicant, subsequent to January 1, 1960, including:

(a) The name and principal place of business of the system prior to the acquisition, merger or consolidation;

(b) The date the acquisition merger or consolidation was consummated;

(c) Gross annual revenue and most recent peak load, dependable capacity and the largest thermal generating unit of the system, prior to the dates of consummation.

20. State applicant's six (or fewer if there are not six) lowest industrial or large commercial rates for firm electric power supply in terms of cost for power and energy in mills per kilowatt hour (and separately, the demand and energy components) and indicate the portion of the charge attributed to bulk power supply. State the rates or rate blocks applicant utilizes for its six (or fewer if there are not six) promotional services such as electric space heating, electric hot water heating, and the like, in terms of mills per kilowatt hour for power and energy and indicate the portion of the rate or rate blocks attributed to bulk power supply.

(Secs. 105, 161, 68 Stat. 938, 948; 42 U.S.C. 2135, 2201)

Dated at Germantown, Md., this 7th day of April 1972.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.72-6003 Filed 4-19-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

PIPERONYL BUTOXIDE AND PYRETHRINS

Proposed Tolerances

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the Agricultural Experiment Stations of Delaware, Massachusetts, New Jersey, New York, and Utah and the U.S. Department of Agriculture submitted a petition (PP 0E0977) proposing establishment of tolerances for residues of two insecticides from use on poultry and their premises as follows:

1. Piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) in meat, fat, and meat byproducts of poultry at 3 parts per million and eggs at 1 part per million.

2. Pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) in meat, fat, and meat byproducts of poultry at 0.2 part per million and eggs at 0.1 part per million.

Prior to December 2, 1970, the Secretary of Agriculture advised that these pesticide chemicals are useful for the purpose for which the tolerances are being proposed.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that Part 180 be amended as follows:

1. In § 180.127, by adding two new paragraphs "3 parts per million • • •" and "1 part per million • • •" after the paragraph "8 parts per million • • •", as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

• • • • •

3 parts per million in meat, fat, and meat byproducts of poultry.

1 part per million in eggs.

• • • • •

2. In § 180.128, by inserting the new paragraph "0.2 part per million • • •" after the paragraph "0.5 part per million • • •" and by revising the paragraph "0.1 part per million • • •", as follows:

§ 180.128 Pyrethrins; tolerances for residues.

• • • • •

0.2 part per million in meat, fat, and meat byproducts of poultry.

0.1 part per million (negligible residue) in eggs and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

• • • • •

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the Federal Register, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the Federal Register, file with the Objections Clerk, Environmental Protection Agency, Room 3175, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 14, 1972.

William M. Upholt,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5991 Filed 4-19-72;8:47 am]

Notices

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[PP 639]

SOIL SAMPLES

List of Approved Laboratories Authorized to Receive Interstate Shipments for Processing, Testing, or Analysis

Pursuant to the Japanese Beetle, Whitefringed Beetle, European Chafer, Soybean Cyst Nematode, Witchweed, Imported Fire Ant, and Golden Nematode Quarantines (Notices of Quarantine Nos. 48, 72, 77, 79, 80, 81, and 85; 7 CFR 301.48, 301.72, 301.77, 301.79, 301.80, 301.81, and 301.85), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the list of laboratories (36 F.R. 3272) operating under a compliance agreement and approved under said quarantines to receive interstate shipments of soil samples for processing, testing, or analysis is hereby revised as follows:

LABORATORY AND ADDRESS

A

A & H Corp., Consulting Engineers, Carbondale, Ill.

A & H Corp., Consulting Engineers, Champaign, Ill.

A & H Corp., Consulting Engineers, Chicago, Ill.

A & H Corp., Consulting Engineers, Peoria, Ill.

Abbott Laboratories, North Chicago, Ill.[1] (6-30-76) •

Ackenhell, A. C., and Associates, Inc., Pittsburgh, Pa.

Advanced Tests and Inspections, Inc., National City, Calif.

Agrico Chemical Co., Washington Courthouse, Ohio.

Agricultural Service Laboratories, Pharr, Tex.[2] (6-30-72) •

Alabama (South), University of, Department of Geology, Mobile, Ala.[2] (6-30-72) •

Allied Chemical Corp., Morristown, N.J.

Alpha Research and Development, Inc., Blue Island, Ill.

American Cyanamid Co., Princeton, N.J.

American Cyanamid Co., Agriculture Division, Princeton, N.J.[1] (6-30-73) •

American Oil Co., Soil Laboratories, Rochelle, Ga.

American Oil Co., Soil Laboratories, Holland, Tex.

American Oil Co., Soil Testing Laboratory, Yoder, Ind.

Ameron, South Gate, Calif.

Analysis Laboratories, Inc., Metairie, La.

Analytical Development Corp., Monument, Colo.

Anco Testing Laboratory, Inc., St. Louis, Mo.

Ansul Company, Marinette, Wis.

Arco Chemical Co., Fort Madison, Iowa.

Arizona, University of, Tucson, Ariz.

Arizona, University of, Department of Agricultural Chemistry and Soils, Tucson, Ariz.[2] (6-30-75) •

Arizona, University of, Department of Plant Pathology, Tucson, Ariz.[2] (6-30-77) •

Arizona State University, Tempe, Ariz.

Arizona State University, Department of Anthropology, Tempe, Ariz.[2] (6-30-74) •

Arizona Testing Laboratory, Phoenix, Ariz.

Arkansas, University of, Experiment Station, Fayetteville, Ark.

Arkansas, University of, Experiment Station, Marianna, Ark.

Arkansas Highway Department, Materials and Testing Laboratory, Little Rock, Ark.

Asphalt Institute, College Park, Md.

Asphalt Technology, Bellmawr, N.J.

Associated Laboratories, Orange, Calif.

Astrotech, Inc., Harrisburg, Pa.

Atkins Farmlab, Sacramento, Calif.

Atlanta Testing and Engineering Co., Atlanta, Ga.

ATS, Post Office Box 2141, Bakersfield, CA.[2] (6-30-76) •

Auburn University, Soil Testing Laboratory, Auburn, Ala.

B

Babcock, Edward S., and Sons, Riverside, Calif.

Baker, Michael, Inc., Rochester, Pa.

Barbot, D. C., and Associates, Inc., Florence, S.C.

Barrow-Agee Laboratories, Inc., Memphis, Tenn.[1]

Beckman, Inc., Microbics Operations, La Habra, Calif.

Biological Testing and Research Laboratory, Lindsay, Calif.

Boring Soils and Testing Co., Inc., Harrisburg, Pa.

Boswell, J. G., Co., Corcoran, Calif.[2] (6-30-76) •

Bowes and Associates, Strawberry Park Road, Steamboat Springs, Colo.[2] (6-30-76) •

Bowser-Morner Testing Laboratories, Inc., Dayton, Ohio.

Brandley, Reinard W., Sacramento, Calif.[2] (6-30-74) •

Braun, Skaggs, and Kevorkian Engineering, Inc., Fresno, Calif.

Bristol Laboratories, Syracuse, N.Y.[2] (6-30-74) •

Broeman, F. C., and Co., Cincinnati, Ohio.

Brookside Laboratory, Division of Chemical Service Laboratory, Inc., New Knoxville, Ohio.

Brown and Root-Northrop IRL, Houston, Tex.

Brucker and Thracker, St. Louis, Mo.

C

California, University of, Agricultural Extension Laboratory, Agricultural Extension Service, Riverside, Calif.

California, University of, Department of Civil Engineering, Davis, Calif.[2] (6-30-77) •

California, University of, Department of Food Science and Technology, Davis, Calif.[2] (6-30-72) •

California, University of, Soils and Plant Nutrition, Riverside, Calif.[2] (6-30-74) •

California, University of (Los Angeles), Laboratory of Nuclear Medicine and Radiation Biology, Los Angeles, Calif.

California Department of Public Works, Division of Highways Materials and Research, Sacramento, Calif.

California Institute of Technology, Jet Propulsion Laboratory, Pasadena, Calif.[2] (6-30-74) •

California State Polytechnic College, Department of Biological Sciences, Pomona, Calif.[2] (5-20-73) •

California Testing Laboratories, Los Angeles, Calif.

Campbell Institute for Agricultural Research, Riverton, N.J.[2] (6-30-74) •

Capozzoli, Louis J., and Associates, Inc., Baton Rouge, La.

Carpenter Construction Co., Inc., Virginia Beach, Va.

Cascade Agricultural Service Co., Mt. Vernon, Wash.

Central Michigan University, Department of Biology, Mount Pleasant, Mich.[2] (6-30-75) •

Central Valley Laboratory, Fresno, Calif.

Chemagro Corp., Kansas City, Mo.[2] (6-30-77) •

Chembac Laboratories, Charlotte, N.C.

Chemical Service Laboratory, Inc., Jeffersonville, Ind.

Chemical Service Laboratory, Inc., New Knoxville, Ohio.[2] (6-30-76) •

Chevron Chemical Co., Fresno, Calif.

Chevron Chemical Co., Richmond, Calif.

Chevron Oil Field Research Co., La Habra, Calif.

Clarkson Laboratory and Supply, Inc., San Diego, Calif.[2] (6-30-75) •

Clemson University, Clemson, S.C.

Clinton Corn Processing Co., Clinton, Iowa.[2] (6-30-74) •

Coenen and Associates—Engineers, Newport News, Va.

Colorado, University of, Boulder, Colo.

Colorado, University of, Department of Geological Sciences, Boulder, Colo.[2] (6-30-74) •

Colorado School of Mines, Golden, Colo.[2] (6-30-72) •

Colorado State University, Fort Collins, Colo.

Colorado State University, Department of Agronomy, Fort Collins, Colo.[2] (6-30-75) •

Commercial Laboratory, Inc., Richmond, Va.

Commercial Testing and Engineering Co., Chicago, Ill.[1]

Connecticut, University of, Soil Testing Laboratory, Plant Science Department, College of Agriculture and Natural Resources, Storrs, Conn.

Consolidated Cigar Corp., Glastonbury, Conn.[2] (6-30-74) •

Construction Aggregates Corp., Ferrysburg, Mich.

Contractors and Engineers Service, Inc., Fayetteville, N.C.

Contractors and Engineers Service, Inc., Goldsboro, N.C.

Cook Research Laboratories, Inc., Menlo Park, Calif.

Cookwell Strainer, Cincinnati, Ohio.

Cooper-Clark and Associates, Palo Alto, Calif.

Core Laboratories, Inc., Aurora, Colo.

Core Laboratories, Inc., Houma, La.

Core Laboratories, Inc., Lafayette, La.

Core Laboratories, Inc., New Orleans, La.

Core Laboratories, Inc., Shreveport, La.

Core Laboratories, Inc., Farmington, N. Mex.

Core Laboratories, Inc., Hobbs, N. Mex.

Core Laboratories, Inc., Dallas, Tex.

Core Laboratories, Inc., Casper, Wyo.

Cornell Aeronautical Laboratory, Inc., Buffalo, N.Y.

Cornell University, Department of Agronomy, Ithaca, N.Y.[2] (6-30-74) •

Cornell University, Department of Floriculture and Ornamental Horticulture, Ithaca, N.Y.[2] (6-30-76) •

[1] Date that import permit expires.

See footnotes at end of document.

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XUM

Craig Testing Laboratories, Mays Landing, N.J.
Crandall, Leroy, and Associates, Los Angeles, Calif.[2] (6–30–72) *
Crobaugh Laboratories, Cleveland, Ohio.
Custom Farm Services, Inc., East Point, Ga.[1,2] (6–30–75) *

D

Dade County Soils Laboratory, Homestead, Fla.
Dames & Moore, Los Angeles, Calif.[2] (6–30–76) *
Dames & Moore, Redwood City, Calif.
Dames & Moore, San Francisco, Calif.[2] (6–30–72) *
Dames & Moore, Atlanta, Ga.[2] (6–30–76) *
Dames & Moore, Cranford, N.J.[2] (6–30–75) *
Dames & Moore, Houston, Tex.[2] (6–30–75) *
D'Appolonia, E., Consulting Engineers, Inc., Pittsburgh, Pa.[2] (6–30–77) *
Davey Tree Expert Co., Kent, Ohio.
Daylin Laboratories, Inc., Los Angeles, Calif.
Del Monte Corp., San Leandro, Calif.
Del Monte Corp., Walnut Creek, Calif.
Delta Testing and Inspection, Inc., Baton Rouge, La.
Delta Testing and Inspection, Inc., Lafayette, La.
Delta Testing and Inspection, Inc., New Orleans, La.
Denver, University of, Denver, Colo.
Diamond Shamrock Corp., Painesville, Ohio.
Dickinson College, Department of Biology, Carlisle, Pa.[2] (6–30–73) *
Dickinson Laboratories, Inc., Mobile, Ala.
Dixie Laboratories, Inc., Mobile, Ala.
Dow Chemical Co., Walnut Creek, Calif.[2] (6–30–77) *
Dow Chemical Co., Midland, Mich.[2] (6–30–76) *
du Pont de Nemours, E. I., and Company, Inc., Wilmington, Del.[2] (6–30–72) *
du Pont de Nemours, E. I., and Co., Industrial and Biochemicals Department, Foreign Sales, Wilmington, Del.[2] (6–30–76) *
Duke University, Durham, N.C.
Duke University, Department of Botany, Durham, N.C.[2] (6–30–75) *
Duke University, Department of Zoology, Durham, N.C.[2] (6–30–76) *

E

Eagle Iron Works, Des Moines, Iowa.[2] (6–30–77) *
Earlham College, Richmond, Ind.
Earlham College, Department of Biology, Richmond, Ind.[2] (6–30–75) *
Ecto Engineers and Associates, Baton Rouge, La.
EFCO Laboratories, Tucson, Ariz.[2] (6–30–73) *
Eico Engineers and Associates, Houston, Tex.
Eisenhauer Laboratories, Los Angeles, Calif.
Ellerbe Architect, St. Paul, Minn.
Elmira College, Department of Botany, Elmira, N.Y.[2] (6–30–75) *
El Paso Testing Laboratories, El Paso, Tex.[2] (6–30–72) *
Empire Soils Investigations, Groton, N.Y.
Engineers Laboratories, Inc., Jackson, Miss.
Engineers Testing Laboratories, Phoenix, Ariz.
England, C. W., Laboratories, Inc., Beltsville, Md.[2] (6–30–73) *
Esso Research and Engineering Co., Esso Agricultural Products Laboratory, Linden, N.J.[2] (6–30–74) *
Esso Research and Engineering Co., Product Research Division, Linden, N.J.[2] (6–30–72) *
Eustis Engineering Co., Metairie, La.
Evans, Jay, Testing Laboratory, Albany, Ga.
Evans, L. T., Inc., Los Angeles, Calif.

See footnotes at end of document.

F

Farm Clinic, West Lafayette, Ind.[2] (6–30–76) *
Farr Co., El Segundo, Calif.[2] (6–30–72) *
FEC Fertilizer Co., Homestead, Fla.
Federal Chemical Co., Columbus, Ohio.
Federal Chemical Co., Nashville, Tenn.
Florida, University of, Gulf Coast Experiment Station, Bradenton, Fla.[2] (6–30–76) *
Florida, University of, Gainesville, Fla.
Florida, University of, Soils Department, McCarthy Hall, Gainesville, Fla.[2] (6–30–74) *
Florida, University of, Soils Department, Newell Hall, Gainesville, Fla.[2] (6–30–74) *
Florida, University of, Lake Alfred, Fla.
Florida Department of Agriculture and Consumer Services, Division of Plant Industry Laboratory, Gainesville, Fla.[2] (6–30–75) *
Florida Department of Agriculture and Consumer Services, Pesticide Residue Program, Tallahassee, Fla.
Florida State University, Tallahassee, Fla.
Florida State University, Department of Geology, Tallahasse, Fla.[2] (6–30–75) *
Florida State University, Department of Oceanography, Tallahassee, Fla.[2] (6–30–75) *
Florida Testing Laboratories, Inc., St. Petersburg, Fla.
Foley, Hubert L., Jr., New Albany, Miss.
Ford County Farm Bureau, Melvin, Ill.
Foundation Test Services, Inc., Bethesda, Md.
Fresno Field Station, Fresno, Calif.
Froehling and Robertson, Inc., Richmond, Va.[1]
Fruco and Associates, St. Louis, Mo.
Fuller Co., Allentown, Pa.[2] (6–30–74) *
Fuller Co., Catasaqua, Pa.[2] (6–30–74) *

G

Gardner-Webb College, Boiling Springs, N.C.[2] (6–30–72) *
Geigy Agricultural Chemicals, Geigy Corp., Ardsley, N.Y.[2] (6–30–77) *
General Foods Corp., Birds Eye Division, Woodburn, Oreg.[2] (6–30–74) *
General Testing Laboratory, Kansas City, Mo.
Geo-Survey, Inc., Camp Hill, Pa.
Geo-Testing, Inc., San Rafael, Calif.
Geochemical Surveys, Dallas, Tex.[2] (6–30–74) *
Geolabs, Inc., Van Nuys, Calif.[2] (6–30–72) *
Geologic Associates, Franklin, Tenn.
Geologic Associates, Knoxville, Tenn.
Georgia, University of, Athens, Ga.
Georgia, University of, Department of Agronomy, Athens, Ga.[2] (6–30–72) *
Georgia, University of, Institute of Ecology, Athens, Ga.[2] (6–30–72) *
Georgia, University of, Experiment, Ga.
Georgia, University of, Tifton, Ga.
Georgia Department of State Highways, Forest Park, Ga.[1]
Georgia Testing Laboratory, Atlanta, Ga.
Geotechnical Consultants, Inc., Glendale, Calif.
GHT Laboratories of Imperial Valley, Inc., Brawley, Calif.
Gillen Engineering Co., Inc., Metairie, La.,[2] (6–30–72) *
Girdler Foundation & Exploration Co., Lenexa, Va.
Glassmire, S. H., and Associates, Metairie, La.[2] (6–30–75) *
Gooch, George W., Laboratory, Ltd., Los Angeles, Calif.
Gore Engineering, Inc., Metairie, La.
Grace, W. R., and Co., Fort Pierce, Fla.[2] (6–30–76) *
Grace, W. R., and Co., Nashville, Tenn.
Green Engineering Co., Sewickley, Pa.
Gribaldo, Jones, and Associates, Mountain View, Calif.[2] (6–30–73) *
Grimes, Walter B., and Associates, Chico, Calif.
Growers Chemical Corp., Milan, Ohio.
Gulf Coast Testing Laboratory, Inc., Corpus Christi, Tex.
Gulf Oil Corp., Forest City, Iowa.
Gulf South Research Institute, Baton Rouge, La.
Gulf South Research Institute, New Orleans, La.
Gulic-Henderson Laboratories, Inc., Flushing, N.Y.[2] (6–30–72) *
GX Laboratories, Inc., Golden, Colo.

H

Hampton Roads Testing Laboratories, Newport News, Va.
Hanks, Abbot A., Testing Laboratory, San Francisco, Calif.
Harding, Miller, Lawson, and Associate, San Rafael, Calif.[2] (6–30–75) *
Harris, Inc., Frederick R., Woodbridge, N.J.[2] (6–30–76) *
Harris Laboratories, Inc., Phoenix, Ariz.[1,2] (6–30–77) *
Harvard University, Cambridge, Mass.
Harvard University, Peabody Museum, Cambridge, Mass.[2] (6–30–72)
Harvard University, Soil Mechanics Laboratory, Cambridge, Mass.
Harza Engineering Co., Chicago, Ill.[2] (6–30–77) *
Hawley and Hawley, Assayers and Chemists, Inc., Tucson, Ariz.[2] (6–30–75) *
Haynes, John H., Consulting Engineer, Dallas, Tex.
Hayssen Manufacturing Co., Sheboygan, Wis.[2] (6–30–73) *
Hazleton Laboratories, Inc., Falls Church, Va.
Hector Supply Co., Miami, Fla.[2] (6–30–74) *
Heinrichs Geoexploration Co., Tucson, Ariz.[2] (6–30–76) *
Heinz, H. J., Bowling Green, Ohio.
Hemphill Corp., Tulsa, Okla.
Herbert and Associates, Virginia Beach, Va.
Hercules, Inc., Wilmington, Del.
Hess, John D., Testing Corp., El Centro, Calif.
Hill-Harned and Associates, Redding, Calif.
Hoffmann-Laroche, Inc., Nutley, N.J.
Hollywood Testing Laboratories, Hollywood, Calif.
Horvitz Research Laboratories, Houston, Tex.
Hunt, Robert W., Company, Chicago, Ill.
Hunter College, Department of Anthropology, New York, N.Y.
Hurst-Rosche Engineers, Inc., Hillsboro, Ill.

I

IIT Research Institute, Chicago, Ill.
Illinois, University of, Urbana, Ill.
Illinois, University of, Department of Agronomy, Urbana, Ill.[2] (6–30–74) *
Illinois Division of Highways, Bureau of Materials, Chicago, Ill.
Illinois Division of Highways, Bureau of Materials, Dixon, Ill.
Illinois Division of Highways, Bureau of Materials, Effingham, Ill.
Illinois Division of Highways, Bureau of Materials, Elgin, Ill.
Illinois Division of Highways, Bureau of Materials, Paris, Ill.
Illinois Division of Highways, Bureau of Materials, Springfield, Ill.
Indiana Farm Bureau Co-op, Indianapolis, Ind.
Industrial Bio-Test Laboratories, Inc., Northbrook, Ill.
Institute for Research, Inc., Houston, Tex.
International Mineral and Chemical Corp., Mulberry, Fla.
International Mineral and Chemical Corp., Libertyville, Ill.
International Mineral and Chemical Corp., Union, Ill.
International Mineral Engineers, Inc., Golden, Colo.[2] (6–30–74) *

International Research Corporation, Mattawan, Mich.
Interpace Corporation, Los Angeles, Calif.[2] (6–30–75) *
Iowa State Highway Commission Soil Laboratory, Ames, Iowa.
Iowa State University, Department of Agronomy, Ames, Iowa.[2] (6–30–74) *
Iowa State University, Engineering Research Institute, Ames, Iowa.[2] (6–30–75)
IRI Research Institute, Inc., New York, N.Y.[2] (6–30–74) *
Iroquois PS, Inc., Watseka, Ill.

J

Jennings Laboratories, Virginia Beach, Va.
Jersey Testing Laboratories, Atco, N.J.
Jersey Testing Laboratories, Newark, N.J.
Jewell, G. K., and Associates, Columbus, Ohio.
Johnson Soil Engineering Laboratory, Palisades Park, N.J.

K

Kaiser Agricultural Chemicals Corp., Savannah, Ga.
Kaiser Agricultural Chemicals Corp., Liberty, Ind.
Kaiser Aluminum and Chemical Corp., Pleasanton, Calif.[2] (6–30–74) *
Kansas, University of, Department of Geography, Lawrence, Kans.[2] (6–30–75) *
Kansas City Testing Laboratory, Inc., Kansas City, Mo.
Kalo Innoculant Co., Quincy, Ill.
Kentucky, University of, Lexington, Ky.
Kentucky, University of, Agronomy Department, Lexington, Ky.[2] (6–30–76) *
Kleinfelder, J. H., and Associates, Fresno, Calif.
Kleinfelder, J. H., and Associates, Oakland, Calif.
Kleinfelder, J. H., and Associates, Sacramento, Calif.

L

La Salle County Farm Bureau, Soil Testing Laboratory, Ottawa, Ill.
Lake Ontario Environmental Laboratory, Oswego, N.Y.
Langford and Meredith Laboratories, New Orleans, La.
Larsen, Herluf T., Enola, Pa.
Larsen, Herluf T., Harrisburg, Pa.
Larutan Corporation, Anaheim, Calif.[2] (6–30–77) *
Larutan of the South, Hiram, Ga.
Law Engineering Testing Co., Atlanta, Ga.[1,2] (6–30–72) *
Law Engineering Testing Co., Jacksonville, Fla.[2] (6–30–72) *
Layne-Western Co., Kansas City, Mo.
Layne-Western Co., Kirkwood, Mo.
Lederle Laboratories, Pearl River, N.Y.[2] (6–30–75) *
Lerch Brothers, Inc., Hibbing, Minn.[2] (6–30–73) *
Libby, McNeill, and Libby, Janesville, Wis.[2] (6–30–76) *
Lilly, Eli, and Co., Greenfield, Ind.[2] (6–30–74) *
Lilly, Eli, and Co., Lilly Research Laboratories, Indianapolis, Ind.[2] (6–30–75) *
Louisiana Department of Highways, Baton Rouge, La.
Louisiana State University, Department of Agronomy Laboratory, Baton Rouge, La.
Louisiana State University, Coastal Studies Institute, Baton Rouge, La.
Louisiana State University, New Orleans, La.
Lowry Testing Laboratory, Sacramento, Calif.

M

M & T Chemicals, Inc., Rahway, N.J.
Maine, University of, Orono, Maine.
Maine State Highway Commission, Bangor, Maine.[2] (6–30–73) *
Manchester College, Biology Department, North Manchester, Ind.[2] (6–30–72) *
Mapco, Inc., Indiana Point Division, Athens, Ill.
Mason-Johnston, and Associates, Inc., Dallas, Tex.
Massachusetts, University of, Amherst, Mass.
Massachusetts Department of Public Works Wellesley Hills, Mass.
Massachusetts Institute of Technology Soil Mechanics Division Cambridge Mass.[2] (6–30–75) *
Maurseth Howe Lockwood and Associates, Los Angeles, Calif.[1] (6–30–75) *
Mecom, John W., Houston, Tex.[2] (6–30–73) *
Memphis State University, Memphis, Tenn.
Merck and Company, Inc., Rahway, N.J.
Merck Institute for Therapeutic Research, Rahway, N.J.[1] (6–30–72) *
Miami, University of, Department of Civil Engineering, Coral Gables, Fla.[2] (6–30–72) *
Michigan, University of, Botany Department, Ann Arbor, Mich.[2] (6–30–72) *
Michigan Department of Public Health, Bureau of Laboratories, Division of Antibiotics and Fermentation, Lansing, Mich.[2] (6–30–73) *
Michigan State University, Department of Botany and Plant Pathology, East Lansing, Mich.[2] (6–30–77) *
Michigan State University, Soil Science Department, East Lansing, Mich.[2] (6–30–76) *
Michigan State University, Soil Testing Laboratory, East Lansing, Mich.
Midwest Soil Testing Service, Danforth, Ill.
Mier, Ezra, Raleigh, N.C.
Miles Laboratories, Inc., West Haven, Conn.[2] (6–30–72) *
Miles Laboratories, Inc., Elkhart, Ind.[2] (6–30–72) *
Milwaukee, City of, Sewage Commission, Milwaukee, Wis.
Minnesota, University of, St. Paul, Minn.
Minnesota, University of, Department of Soil Science, St. Paul, Minn.[2] (6–30–75) *
Minnesota Department of Transportation, St. Paul, Minn.
Mississippi, University of, University, Miss.
Mississippi State University, State College, Miss.
Missouri, University of, Columbia, Mo.
Missouri, University of, Division of Biology, Columbia, Mo. (6–30–76) *
Missouri, University of, Department of Food Sciences and Nutrition, Columbia, Mo.[2] (6–30–73) *
Missouri Highway Department, Jefferson City, Mo.
Mobile Chemical Co., Research Laboratory, Ashland, Va.[2] (6–30–76) *
Mobile Testing Co., Corpus Christi, Tex.
Monsanto Co., St. Louis, Mo.
Morse Laboratories, Sacramento, Calif.
Mueser, Rutledge, Wentworth, and Johnston, New York, N.Y.[2] (6–30–74) *

Mc

McCallum Inspection Co., Chesapeake, Va.[1]
McClelland Engineers, Inc., Houston, Tex.[2] (6–30–74) *
McGauthy, Marshall, and McMillian, Norfolk, Va.

N

Na-Churs Plant Food Co., Marion, Ohio.[2] (6–30–75) *
National Bulk Carriers, Inc., New York, N.Y.
National Laboratories, Evansville, Ind.
National Resources Laboratory, Golden, Colo.
National Soil Services, Inc., Dallas, Tex.
National Soil Services, Inc., Houston, Tex.[2] (6–30–75) *
Nebraska, University of, Department of Geology, Lincoln, Nebr.[2] (6–30–72) *
Nebraska Department of Roads, Soil Testing Laboratory, Lincoln, Nebr.
Nelson Laboratories, Stockton, Calif.[2] (6–30–75) *
Nevada, University of, Desert Research Institute, Reno, Nev.[2] (6–30–73) *
Nevada State Highway Department Laboratory, Carson City, Nev.
New Jersey Department of Transportation, Trenton, N.J.
New Mexico State Highway Department, Sante Fe, N. Mex.
New Mexico State University, Soil Testing Laboratory, Las Cruces, N. Mex.[2] (6–30–76) *
New York, State University of, College of Forestry, Syracuse, N.Y.
New York State University College, Biology Department, Geneseo, N.Y.
Niagara Chemical Division of FMC Corp., Middleport, N.Y.[1,2] (6–30–72) *
North American Rockwell Corp., Space Division, Earth Resources Operation, Downey, Calif.[2] (6–30–72) *
North Carolina, University of, Chapel Hill, N.C.
North Carolina, University of, Department of Botany, Chapel Hill, N.C.[2] (6–30–72) * (Dr. N. G. Miller)
North Carolina, University of, Department of Botany, Chapel Hill, N.C.[2] (6–30–72) * (Dr. J. N. Couch)
North Carolina, University of, Department of Botany, Chapel Hill, N.C.[2] (6–30–73) * (Dr. R. Malcolm Brown)
North Carolina Department of Agriculture, Raleigh, N.C.
North Carolina Department of Geology, Raleigh, N.C.
North Carolina Highway and Public Works Commission, Fayetterville, N.C.
North Carolina State University, Raleigh, N.C.
North Carolina State University, Department of Soil Science, International Soil Testing Project, Raleigh, N.C.[2] (6–30–75) *
North Dakota State Highway Department, State Highway Department Laboratory, Bismarck, N. Dak.
Nu-ag, Inc., Rochelle, Ill.
Nutting, H. C., Co., Cincinnati, Ohio.

O

Ohio Florist Association, Columbus, Ohio.
Ohio State University, Columbus, Ohio.
Ohio State University, Department of Agronomy, Columbus, Ohio.[2] (6–30–74) *
Ohio State University, Botany Department, Columbus, Ohio.[2] (6–30–76) *
Ohio State University, Institute of Polar Studies, Columbus, Ohio.[2] (6–30–76) *
Ohio State University, Zoology Department, Columbus, Ohio.[2] (6–30–76) *
Oklahoma, University of, School of Civil Engineering and Environmental Science, Norman, Okla.[2] (6–30–74) *
Oklahoma State Highway Department, Materials Division, Oklahoma City, Okla.
Oklahoma State University, Stillwater, Okla.
Oklahoma State University, Department of Agronomy, Stillwater, Okla.[2] (6–30–74) *
Oklahoma State University, School of Civil Engineering, Stillwater, Okla.[2] (6–30–74) *
Oklahoma Soil Testing Laboratories, Oklahoma City, Okla.
Old Dominion University, Norfolk, Va.
Olson Management Service, Freeport, Ill.
O'Neal, Carl, and Associates, Dallas, Tex.
Onondaga Soil Testing, Inc., East Syracuse, N.Y.
Oregon State University, Soils Department, Corvallis, Oreg.[2] (6–30–76) *
Osborne Laboratories, Inc., Los Angeles, Calif.

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P

Pacific Spectro Chemical Laboratory, Los Angeles, Calif.
Pan American Laboratories, Brownsville, Tex.[3] (6-30-73) •
Parke, Davis, and Co., Detroit, Mich.[3] (6-30-73) •
Parke, Davis, and Co., Medical and Science Affairs Division, Detroit, Mich.[3] (6-30-75) •
Pattison's Laboratories, Inc., Harlingen, Tex.[3] (6-30-75) •
Penniman and Browne, Inc., Richmond, Va.
Pennsylvania State University, Department, or Agronomy, University Park, Pa.[3] (6-30-76) •
Perry Laboratory, Los Gatos, Calif.[3] (6-30-75) •
Peters, Robert B., Co., Allentown, Pa.
Pfizer, Charles, and Co., Inc., Groton, Conn.[3] (6-30-75) •
Phifer, Allen, Thorofare, N.J.
Pittsburgh Testing Laboratory, Pittsburgh, Pa.[1]
Plains Laboratory, Lubbock, Tex.
Plant Science Associates, Inc., Winter Haven, Fla.
Plantation Field Laboratory, Fort Lauderdale, Fla.
Pope, W. I., Mobile, Ala.
Portland State College, Portland, Oreg.
Princeton University, Department of Geology, Princeton, N.J.[3] (6-30-76) •
Purdue University, Lafayette, Ind.
Purdue University, Department of Agronomy, Lafayette, Ind.[3] (6-30-73) •

Q

Queens College, Flushing, N.Y.

R

Rabe, Fred N., Engineering, Inc., Fresno, Calif.
Reitz and Jens, Clayton, Mo.
Rice University, Department of Chemistry, Houston, Tex.[3] (6-30-72) •
Richfield Oil Corp., Long Beach, Calif.
Ringel and Associates, Chico, Calif.
Rocky Mountain Geochemical, Prescott, Ariz.
Rocky Mountain Geochemical, Tucson, Ariz.[3] (6-30-72) •
Rocky Mountain Technology, Inc., Golden, Colo.
Royster Company, Norfolk, Va.[1]
Rutgers, the State University, Department of Soils and Crops, New Brunswick, N.J.[3] (6-30-76) •
Rutgers, the State University, International Agricultural Programs, New Brunswick, N.J.[3] (6-30-76) •
Rutgers, the State University, Soils Extension Specialist, New Brunswick, N.J.

S

San Fernando Valley State College, Department of Biology, Northridge, Calif.[3] (6-30-72) •
Sayre, Robert D., Richmond, Va.
Schering Corp., Bloomfield, N.J.[3] (6-30-74) •
Scientific Associates, Inc., St. Louis, Mo.[3] (6-30-72) •
Scott, O. M., and Sons Seed Co., Marysville, Ohio.
Scottland Soil Laboratory, Chrisman, Ill.
Scripps Institute of Oceanography, Geological Research Division, La Jolla, Calif.[3] (6-30-72) •
Seabrook Farms, Seabrook, N.J.
Shankman Laboratories, Los Angeles, Calif.
Shannon and Wilson Co., Burlingame, Calif.
Shannon and Wilson Co., Seattle, Wash.[3] (6-30-75) •
Shell Development Co., Biological Sciences Research Center, Modesto, Calif.

See footnotes at end of document.

Shilstone Testing Laboratory, Inc., Baton Rouge, La.
Shilstone Testing Laboratory, Inc., Lafayette, La.
Shilstone Testing Laboratory, Inc., Monroe, La.
Shilstone Testing Laboratory, Inc., New Orleans, La.
Shilstone Testing Laboratory, Inc., Houston, Tex.
Signal Oil and Gas Co., Los Angeles, Calif.[3] (6-30-74) •
Skyline Laboratories, Inc., Wheat Ridge, Colo.[3] (6-30-77) •
Smith, Charles M., Circle "S" Ranch, Red Oak, Iowa.
Smith-Douglas, Chesapeake, Va.
Smithsonian Institute, Radiation Biology Laboratory, Rockville, Md.[3] (6-30-73) •
Snohomish Farm Veterinary Service, Snohomish, Wash.
Soil and Plant Laboratory, Inc., Santa Ana, Calif.[3] (6-30-77) •
Soil and Plant Laboratory, Inc., Santa Clara, Calif.[3] (6-30-75) •
Soil Consultants, Inc., Charleston, S.C.
Soil Control Laboratory, Watsonville, Calif.
Soil Engineering Services, Decatur, Ill.
Soil Engineering Services, Inc., Minneapolis, Minn.
Soil Exploration Co., St. Paul, Minn.
Soil Mechanics Services, Mount Vernon, N.Y.[3] (6-30-75) •
Soil Test, Moorestown, N.J.
Soil Testing, Burlington, Wash.
Soil Testing Services, Inc., Northbrook, Ill.[3] (6-30-75) •
South Carolina, University of, Columbia, S.C.
South Dakota, University of, Department of Zoology, Vermillion, S. Dak.[3] (6-30-75) •
South Dakota State Highway Department, Materials and Testing Department, Pierre, S. Dak.
Southern California College, Department of Natural Sciences, Costa Mesa, Calif.[3] (6-30-72) •
Southern Illinois Farm Foundation, Vienna, Ill.
Southern Laboratories, Mobile, Ala.
Southern Technical Services, Inc., Jackson, Miss.
Southern Testing and Research Laboratories, Wilson, N.C.
Southern Turf Nurseries, Tifton, Ga.[3] (6-30-73) •
Southwestern Agricultural Testing Co., Fabens, Tex.[3] (6-30-75) •
Southwestern Irrigation Field Station, Brawley, Calif.
Southwestern Laboratories, Inc., Houston, Tex.[1]
Southwestern Laboratories of Louisiana, Inc., Alexandria, La.
Southwestern Laboratories of Louisiana, Inc., Baton Rouge, La.
Southwestern Laboratories of Louisiana, Inc., Monroe, La.
Southwestern Laboratories of Louisiana, Inc., Shreveport, La.
Southwestern Materials Laboratory, Phoenix, Ariz.
Spencer Soil Solidification, Inc., Long Beach, Calif.
Folio 20698—Charge 31-10
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St. Louis Testing Laboratories, Inc., St. Louis, Mo.
Standard Brands, Inc., Fleischmann Laboratories, Stamford, Conn.[3] (6-30-73) •
Standard Fruit Co., New Orleans, La.[3] (6-30-74) •
Standard Laboratories, Goodfield, Ill.
Standard Testing and Engineering Co., Oklahoma City, Okla.[3] (6-30-76) •
Stanford Research Institute, Irvine, Calif.
Stanford Research Institute, Menlo Park, Calif.[3] (6-30-77) •
Stauffer Chemical Co., Mt. View, Calif.
Stauffer Chemical Co., Richmond, Calif.
Stillwell and Gladding, Inc., New York, N.Y.
Stone and Webster Engineering Corp., Boston, Mass.[3] (6-30-75) •
Stover Laboratories, Campbell, Calif.
Strawinsky Laboratory, Long Beach, Calif.
Suerdrup and Parcel and Associates, Inc., St. Louis, Mo.
Syracuse University Research Corp., Syracuse, N.Y.[3] (6-30-72) •

T

Techlab, Inc., Cincinnati, Ohio.
Teledyne Isotopes, Palo Alto, Calif.
Tennessee, University of, Nashville, Tenn.
Test, Inc., Memphis, Tenn.
Testing Engineers, Inc., San Jose, Calif.
Testing Service Corp., Wheaton, Ill.
Tetco Engineering Testing, Corpus Christi, Tex.
Texas, University of (at El Paso), Civil Engineering Department, El Paso, Tex.[3] (6-30-72) •
Texas A&M University, Soil and Crop Sciences Department, College Station, Tex.[3] (6-30-75) •
Texas A&M University, Soil Testing Laboratory, Agricultural Extension Service, College Station, Tex.[3] (6-30-75) •
Texas Soil Laboratory, McAllen, Tex.
Texas Technological University, Department of Agronomy, Lubbock, Tex.[3] (6-30-76) •
Texas Testing Laboratories, Dallas, Tex.
Thompson, Vester J., Jr., Inc., Mobile, Ala.
Thornton Laboratories, Inc., Tampa, Fla.[3] (6-30-76) •
Three Gee Dee, Pembroke, Fla.
Tippetts-Abbett-McCarthy-Stratton, New York, N.Y.[3] (6-30-76) •
T-M-T Chemical Co., Inc., Five Points, Calif.
Trapelo-West, Division of LFE Corp., Richmond, Calif.
Tri-State Soil Laboratory, Toledo, Ohio.
Trinity University, San Antonio, Tex.[3] (6-30-72) •
Trinity Testing Laboratories, Inc., Corpus Christi, Tex.
Triple S Laboratory, Inc., Loveland, Colo.[3] (6-30-74) •
Truesdale Laboratories, Inc., Los Angeles, Calif.
Twin City Testing and Engineering Laboratory, Inc., St. Paul, Minn.
Twin County Services Co., Murphysboro, Ill.
Twining Laboratories, Inc., Fresno, Calif.[3] (6-30-76) •
Twining Laboratory of Southern California, Long Beach, Calif.

U

U.S. Agricultural Consultants Laboratories, San Gabriel, Calif.
U.S. Borax Research Corp., Anaheim, Calif.
U.S. Laboratories, Inc., Oakland, Calif.
U.S. Plant, Soil, and Nutrition Laboratory, Ithaca, N.Y.
U.S. Terrestrial Plants Laboratory, Hanover, N.H.
U.S. Testing Co., Inc., Los Angeles, Calif.
U.S. Testing Co., Inc., Hoboken, N.J.
U.S. Testing Co., Memphis, Tenn.[3] (6-30-74) •
U.S. Testing Laboratory, Richland, Wash.
USS Agri-Chemicals, Decatur, Ga.
USS Agri-Chemicals, Belmond, Iowa.
Union Carbide Corp., Grand Junction, Colo.
Union Carbide Corp., Niagara Falls, N.Y.[3] (6-30-75) •
Union Carbide Corp., South Charleston, W. Va.
Union Oil Company of California, Brea, Calif.
United Agricultural Laboratories, Memphis, Tenn.[3] (6-30-73) •

Upjohn Co., Agricultural Product Development and Research, Biochemistry and Residue Analysis, Kalamazoo, Mich.[3] (6-30-73) •
Upjohn Co., Pharmaceutical Division, Kalamazoo, Mich.[3] (6-30-74) •
Utah State University, Logan, Utah.
Utah State University, College of Engineering, Agricultural and Irrigation Engineering, Logan, Utah.[3] (6-30-73) •

U.S. GOVERNMENT

Environmental Protection Agency, Western Environmental Research Laboratory, Las Vegas, Nev.[3] (6-30-73) •
U.S. Department of Agriculture, APHS, Plant Protection Gypsy Moth Laboratory, Otis AFB, Mass.
U.S. Department of Agriculture, APHS, Plant Protection Pesticide Monitoring Laboratory, Gulfport, Miss.
U.S. Department of Agriculture, APHS, Plant Protection Pesticide Monitoring Laboratory, Omaha, Nebr.
U.S. Department of Agriculture, APHS, Plant Protection Golden Nematode Laboratory, Hicksville, N.Y.
U.S. Department of Agriculture, APHS, Plant Protection Cyst Nematode Laboratory, Franklin, Va.
U.S. Department of Agriculture, ARS, Entomology Research Division, Beltsville, Md.[1]
U.S. Department of Agriculture, ARS, Plant Science Research Division, Beltsville, Md.[1]
U.S. Department of Agriculture, ARS, Soil and Water Conservation Research Division, Beltsville, Md.[1]
U.S. Department of Agriculture, ARS, Soil and Water Conservation Research Division, Southern Piedmont Conservation Research Center, Watkinsville, Ga.[3] (6-30-72) •
U.S. Department of Agriculture, Forest Service (FS), Washington, D.C.[1]
U.S. Department of Agriculture, FS, Southern Forest Experiment Station, Pineville, La.[3] (6-30-72) •
U.S. Department of Agriculture, FS, Wood Products Insect Laboratory, Gulfport, Miss.[3] (6-30-74) •
U.S. Department of Agriculture, SCS, Engineering Division, Washington, D.C.[1]
U.S. Department of Agriculture, SCS, Engineering and Watershed Planning Unit, Materials Testing Section, Portland, Oreg.[3] (6-30-74) •
U.S. Department of Agriculture, SCS, Soil Survey, Washington, D.C.[1]
U.S. Department of Agriculture, SCS, Soil Survey Laboratory, Lincoln, Nebr.[3] (6-30-73) •
U.S. Department of Commerce, National Bureau of Standards, Health Physics Section, Gaithersburg, Md.[3] (6-30-75) •
U.S. Department of Defense, U.S. Army, Construction Engineering Research Laboratory, Champaign, Ill.[3] (6-30-75) •
U.S. Department of Defense, U.S. Army, Corps of Engineers, Washington, D.C.[1]
U.S. Department of Defense, U.S. Army, Corps of Engineers, Engineering Division Laboratory, Sausalito, Calif.[3] (6-30-73) •
U.S. Department of Defense, U.S. Army, Corps of Engineers, Engineering Division Laboratory, Marietta, Ga.[3] (6-30-72) •
U.S. Department of Defense, U.S. Army, Corps of Engineers, Vicksburg, Miss.[3] (6-30-74) •
U.S. Department of Defense, U.S. Army, Electronics Command, Institute for Exploratory Research, Fort Monmouth, N.J.[3] (6-30-75) •
U.S. Department of Defense, U.S. Air Force, Air Force Cambridge Research Laboratories (AFSC), Laurence G. Hanscom Field, Bedford, Mass.
U.S. Department of Defense, U.S. Air Force, Air Force Weapons Laboratory, Kirkland AFB, Albuquerque, N. Mex.[3] (6-30-76) •

See footnotes at end of document.

U.S. Department of Defense, U.S. Air Force, PRECES, Civil Engineering Center, Wright Patterson AFB, Dayton, Ohio.[3] (6-30-73) •
U.S. Department of Defense, U.S. Navy, Naval Weapons Center, China Lake, Calif.[3] (6-30-74) •
U.S. Department of Defense, U.S. Navy, Naval Facilities Engineering Command, Soil Mechanics and Paving Branch, Norfolk, Va.
U.S. Department of Health, Education, and Welfare, National Communicable Disease Center, Atlanta, Ga.[3] (6-30-73) •
U.S. Department of the Interior, Geological Survey, Washington, D.C.[1]
U.S. Department of the Interior, Geological Survey, Albuquerque, N. Mex.[3] (6-30-73) •
U.S. Department of the Interior, Bureau of Indian Affairs, Soil Testing Laboratory, Gallup, N. Mex.
U.S. Department of Transportation, Federal Highway Administration, Washington, D.C.[1]
U.S. Department of Transportation, Federal Highway Administration, Fairbanks Highway Research Station, McLean, Va.[3] (6-30-72) •
U.S. Department of Transportation, Federal Highway Administration, Materials Testing Laboratory, Vancouver, Wash.[3] (6-30-72) •

V

Velsicol Chemical Corp., Chicago, Ill.[3] (6-30-75) •
Vermont, University of, Burlington, Vt.
Virginia Department of Highways, Richmond, Va.
Virginia Polytechnic Institute, Blacksburg, Va.
Virginia Truck Experiment Station, Painter, Va.
Virginia Truck Experiment Station, Virginia Beach, Va.
Vistron Company, Lima, Ohio.

W

Wahler, W. A., and Associates, Palo Alto, Calif.
Walker Laboratories, Columbia, S.C.
Walker Laboratories, Florence, S.C.
Ward, J. S., and Associates, Caldwell, N.J.[3] (6-30-76) •
Ward Lind Engineers, Inc., Jackson, Miss.
Warf Institute, Inc., Madison, Wis.
Washington, University of, College of Forest Resources, Seattle, Wash.[3] (6-30-76) •
Washington, University of, Laboratory of Radiation Ecology, Seattle, Wash.[3] (6-30-74) •
Washington State University, Department of Botany, Pullman, Wash.[3] (6-30-76) •
Washington State University, Soils Department, Pullman, Wash.[3] (6-30-72) •
Weber State College, Ogden, Utah.
West-Ag, Phoenix, Ariz.[3] (6-30-72) •
West Virginia Department of Highways, Charleston, W. Va.
Westenhoff and Novick, Inc., Chicago, Ill.[3] (6-30-72) •
Western Ag Laboratory, Redlands, Calif.[3] (6-30-72) •
Western Research Laboratories, Niagara Chemical Division, FMC, Richmond, Calif.
Wharton County Junior College, Wharton, Tex.
Wharton County Junior College, Soil Testing Laboratory, Wharton, Tex.[3] (6-30-73) •
William and Mary, College of, Williamsburg, Va.
Williams, E. V., Co., Inc., Virginia Beach, Va.
Winthrop College, Department of Biology, Rock Hill, S.C.[3] (6-30-74) •
Wisconsin, University of, Madison, Wis.
Wisconsin, University of, Department of Soil Science, Madison, Wis.[3] (6-30-72) •
Wisconsin, University of, Soils Department, Madison, Wis.[3] (6-30-74) •
Wisconsin Department of Transportation, Madison, Wis.
Wolf's, Dr., Agricultural Laboratories, Fort Lauderdale, Fla.[3] (6-30-75) •
Woodard Research Corp., Herndon, Va.
Woodson-Tenent Laboratories, Memphis, Tenn.
Woodville Lime Products, Woodville, Ohio.
Woodward, Clyde, and Associates, Orange, Calif.
Woodward, Clyde, and Associates, San Diego, Calif.
Woodward, Clyde, and Associates, Kansas City, Mo.
Woodward, Clyde, and Associates, Clifton, N.J.
Woodward, Clyde, Sherard, and Associates, Denver, Colo.[3] (6-30-75) •
Woodward, Clyde, Sherard, and Associates, St. Louis, Mo.
Woodward-Lundgren, and Associates, San Jose, Calif.
Woodward-Moorehouse, and Associates, Inc., Clifton, N.J.[3] (6-30-76) •
Wyoming, University of, Laramie, Wyo.
Wyoming, University of, Department of Botany, Laramie, Wyo.[3] (6-30-76) •

Y

Yakima Testing Laboratory, Yakima, Wash.
Yale University, New Haven, Conn.
Yeshiva University, New York, N.Y.[3] (6-30-73) •
Yule, Jordan, and Associates, Camp Hill, Pa.

(Secs. 6 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This document shall become effective upon publication in the FEDERAL REGISTER (4-20-72) when it shall supersede PPD 639 dated February 20, 1971.

Under the provisions of the regulations supplemental to the notices of quarantine cited herein, soil samples for processing, testing, or analysis may be moved interstate from any regulated area specified in the regulations to laboratories approved by the Deputy Administrator and so listed by him. A laboratory may be approved if a compliance agreement is signed; samples are packaged to prevent spilling of soil; and soil residues, hazardous water residues, and shipping containers are treated in accordance with specified procedures.

The Deputy Administrator of Plant Protection and Quarantine Programs has approved the above-listed laboratories as establishments which meet the qualifications required under the regulations. The listed establishments are, therefore, authorized to receive soil samples from the regulated areas specified in the regulations without certificates or permits attached.

This action relieves certain restrictions presently imposed. Therefore, it should be made effective promptly to be of maximum benefit to persons subject to the restrictions that are being relieved. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with regard to this action are impracticable and unnecessary, and good cause is found for making this revision effective less than 30 days after publication in the FEDERAL REGISTER.

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Done at Washington, D.C., this 13th day of April 1972.

LEO G. IVERSON,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.72-5955 Filed 4-19-72;8:45 am]

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Final Date for Redemption of Warehouse-Storage Loans

Unless demand is made earlier by CCC, warehouse-storage loans under 1971 loan programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, That CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamp) not later than the final date for repayment of such commodity. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amounts specified in the Warehouse Note and Security Agreement and in the loan program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

	Maturity date	Final date of repayment
	1972	1972
Barley:		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 31
In all other States	Apr. 30	May 1
Dry edible beans:		
In all States	Apr. 30	May 1
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31	May 31
In all other States	Apr. 30	May 1
Grain sorghum: [1]		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller	Apr. 30	May 1
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above	June 30	June 30
In all States except Texas and Oklahoma	July 31	July 31
Honey:		
In all States	June 30	June 30
Oats:		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 11
In all other States	Apr. 30	May 1
Rice:		
In all States	Apr. 30	May 1
Rye:		
In all States	Apr. 30	May 1
Soybeans:		
In all States	June 30	June 30
Tung Oil:		
In all States	Oct. 31	Oct. 31
Wheat: [1]		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming	May 31	May 31
In all other States	Apr. 30	May 1

[1] This notice does not apply to loans on grain sorghum and wheat with respect to which producers, prior to the above maturity dates, have given written notice to the county ASCS office through which they obtained such loans that they wish to have such maturity dates extended.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective upon publication in the FEDERAL REGISTER (4-20-72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-6042 Filed 4-19-72;8:51 am]

[1] National Compliance Agreement—applies to all branch laboratories in conterminous United States.

[2] Authorized to receive unsterilized foreign samples only.

[3] Authorized to receive unsterilized foreign samples also.

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 23(71)-11]

OPORTO TRADING (PTY.) LTD. AND MAURICE J. FLUXMAN

Order Denying Export Privileges for an Indefinite Period

In the matter of Oporto Trading (Pty.) Ltd., care of Maurice J. Fluxman, North State Building, corner Kruis and Market Streets, Johannesburg, South Africa, respondent; file No. 23(71)-11.

The Director, Compliance Division, Office of Export Control, Bureau of International Commerce, U.S. Department of Commerce, has applied for an order denying to the above-named respondent all U.S. export privileges for an indefinite period because the said respondent, without good cause being shown, failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested. This application was made pursuant to § 388.15 of the Export Control Regulations (Title 15, Chapter III, Subchapter B, Code of Federal Regulations).

In accordance with the usual practice, the application for an indefinite denial order was referred to the Compliance Commissioner, Bureau of International Commerce, who, after consideration of the evidence, has recommended that the application be granted. The report of the Compliance Commissioner and evidence in support of the application have been considered.

The evidence presented shows the following: The respondent is a trading firm whose address in Johannesburg, South Africa, is that of its attorney and sole director, Maurice J. Fluxman; in December 1970 the respondent ordered from a U.S. manufacturer certain plastic working machinery, concerning which a firm in Southern Rhodesia had previously requested price quotations from the U.S. manufacturer and which price quotations were given to said Southern Rhodesian firm; in February 1971 the U.S. manufacturer exported the machinery valued at $10,600 and on instructions from respondent the port to which the machinery was shipped was Lourenco Marques, Mozambique; the commercial invoice to respondent, the bill of lading, and the shipper's export declaration each contained a destination control notice showing the ultimate destination of the machinery as South Africa.

The Compliance Division is conducting an investigation into the above transaction to ascertain the details of the respondent's role in the transaction, what disposition was made of the machinery in question, and whether there were violations of the Export Control Regulations.

It is impracticable to subpena the respondent, and relevant and material interrogatories relating to its participation in the above transaction and regarding disposition of the commodities in question were served on it pursuant to § 388.15 of the Export Control Regulations. The respondent also, pursuant to said section, was requested to furnish certain specific documents relating to said transaction. The respondent has failed to furnish responsive answers to said interrogatories or to furnish the documents requested, and it has not shown good cause for such failure. I find that an order denying export privileges to said respondent for an indefinite period may properly be entered under § 388.15 of the Export Control Regulations and that such an order is reasonably necessary to protect the public interest and to achieve effective enforcement of the Export Administration Act of 1969.

Accordingly, it is hereby ordered,

I. All outstanding validated export licenses in which respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondent is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license, or other export control document; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to its agents, employees, representatives, and partners, and to any other person, firm, corporation, or business organization with which the respondent now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. This order is applicable to Maurice J. Flexman as agent or representative of the respondent.

IV. This order shall remain in effect until the respondent provides responsive answers, written information, and documents in response to the interrogatories heretofore served upon it or gives adequate reasons for failure to do so, except insofar as this order may be amended or modified hereafter in accordance with the Export Control Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondent.

VII. In accordance with the provisions of § 388.15 of the Export Control Regulations, the respondent may move at any time to vacate or modify this indefinite denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Compliance Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on April 20, 1972.

Dated: April 14, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-5990 Filed 4-19-72;8:46 am]

Office of Import Programs

NORTH CAROLINA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70-00711-01-77040. Applicant: North Carolina State University, Department of Chemistry—NCSU, Raleigh, N.C. 27607. Article: Mass spectrometer, Model MS-1201. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for research studying the mechanism of the transmission of electronic effects in the adamantane skeleton; for a study of the solvolytic behavior of the isomeric 2-substituted compounds to attempt an elucidation of the mass spectral behavior of these compounds; and for quantitative analysis of complex gaseous mixtures.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 68-00646-01-77040 which was denied without prejudice to resubmission on December 5, 1968, due to informational deficiencies contained therein. In this application the applicant alleged that the metastable performance and analytical (quantitative) accuracy of the foreign article were not matched by the instruments which were offered by domestic manufacturers, including the Model 12-90-G manufactured by Nuclide Corporation (Nuclide). A comparison of the foreign article and the Nuclide 12-90-G discloses as to the pertinent characteristics:

Metastable performance. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated September 14, 1970, that the Nuclide 12-90-G is similar to the foreign article and should have comparable metastable characteristics. The applicant, in material attached to the application, acknowledges the physical similarity of the 12-90-G to the article but points out that a representative sample of 1-bromoadamantane was sent to the companies concerned and an adequate spectrum was received from the manufacturer of the article while Nuclide replied that a 12-90-G was not available at State College (the location of Nuclide) to evaluate the sample. In this connection HEW advises: "The test run on 1-bromoadamtane [sic] with regard to metastable performance is not very conclusive. The intensity of metastables is largely a function of the length of the drift free region in front of the magnet. Intense metastables can be the result of collision induced reactions and may thus be intense with an overloaded source."

The National Bureau of Standards (NBS) advises in its memorandum dated November 17, 1970, that this application does not justify a finding different from that of its previous evaluation relating to the applicant's initial submission. NBS advised as to metastable performance in its previous evaluation:

"For mass spectrometric study of metastable species, the instrument should possess, (a) extremely good resolution, (b) wide range of accelerating voltage, and (c) a suitable long path length from the point it receives its accelerating voltage to the magnetic analyzer. Assuming its other characteristics to be equal, the mass spectrometer that provides the best "metastable" performance will be a double focusing instrument.

"The subject foreign article is a single focusing instrument. Among single focusing mass spectrometers, the instrument with the highest resolution, assuming each is comparable in the features (b) and (c) should give superior metastable

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performance. The Nuclide 12–90–G is considered comparable to the AEI–MS–1201 (the foreign article) for general purposes and should give equivalent metastable species detection."

NBS also advised that, with respect to type, geometry, and resolution, the foreign article and the 12–90–G are similar in that both feature a magnetic sector having a 12-inch radius and 90° deflection and both provide a resolution of 7,500 while, in the case of accelerating voltage, the article provides 8,000 volts regulated step wise and the 12–90–G provides 10,000 volts continuously adjustable.

Quantitative accuracy. Although rigid formal specifications were not sent to the manufacturers contacted, the applicant alleges that all contacted, including Nuclide, were requested to provide a maximum deviation of analytical results from the value of the component being analyzed of 1 percent, 1 percent, 5 percent, and 10 percent when the component represents 100 percent, 10 peroent, 1 percent, and 0.1 percent of the sample respectively. The applicant did not indicate to the manufacturers concerned the conditions under which such accuracy was to be attained. The foreign article provides the maximum deviations requested by the applicant but the manufacturer specifies, "These values may be obtained when the MS–1201 (the foreign article) is equipped with appropriate inlet systems, precision recorder, and source temperature is allowed to equilibrate for 2 hours." According to the applicant, Nuclide's reply to the request for an instrument providing the required maximum deviations was that it did not have information available pertaining to this specification. The applicant did indicate, however, that the intended uses of the required mass spectrometer were communicated to each manufacturer concerned and that Nuclide offered to furnish an instrument for these uses, i.e., the Model 12–90–G. In this connection HEW advises that: "The quantitative analysis requirements are * * * vague and depends on the quality and size of the reservoir and leak. This figure can be increased even above that stated by proper attention to enough variables (use of balanced electrometers, etc.), not a really good test of mass spectrometer quality."

Finally, NBS and HEW advise in a joint memorandum dated December 16, 1970, that the Nuclide 12–90–G could be used to accomplish the intended purposes of the applicant and that therefore a scientifically equivalent domestic instrument is available for the applicant's intended purposes.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–6004 Filed 4–19–72;8:49 am]

VETERANS ADMINISTRATION HOSPITAL, IOWA CITY, IOWA, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

Correction

In F.R. Doc. 72–5644 appearing at page 7354 in the issue for Thursday, April 13, 1972, in the fourth line of the first complete paragraph on page 7355 the word "spin" should be inserted after the word "Electron".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket 6499]

OTC ANALGESIC AND ANTIPYRETIC PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the "Proposal Establishing Status of Over-the-Counter Drugs Previously Reviewed Under the Drug Efficacy Study (DESI)" published elsewhere in this issue of the FEDERAL REGISTER.

The following analgestic and/or antipyretic drugs are included in this announcement:

1. Surfacaine Suppositories containing cyclomethycaine; Eli Lilly and Co., Indianapolis, Ind. 46206 (NDA 6–139).

2. Bufferin Tablets containing aspirin, aluminum glycinate and magnesium carbonate; Bristol-Myers Co., 225 Long Avenue, Hillside, N.J. 07207 (NDA 6–499).

3. Trigesic Tablets containing acetaminophen, aspirin and caffeine; E. R. Squibb & Sons, Division Olin Mathieson Chemical Corp., 745 Fifth Avenue, New York, N.Y. 10022 (NDA 7–289).

4. Nebs Tablets containing acetaminophen; the Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815 (NDA 7–654).

5. Apamide Tablets containing acetaminophen; Dome Laboratories, Division Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023 (NDA 8–188).

6. Metalid Tablets containing acetaminophen; Philips Roxane Laboratories, Division of Philips Roxane, Inc., 330 Oak Street, Columbus, Ohio 43216 (NDA 8–717).

7. Duplexin Tablets containing dihydroxyaluminum sodium carbonate, magnesium carbonate, aspirin, phenacetin, and caffeine; Whitehall Laboratories, Inc., Division American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017 (NDA 9–329).

8. Nysacetol Tablets containing acetaminophen; Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, N.Y. 11106 (NDA 9–870).

9. Tylenol Elixir containing acetaminophen; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pa. 19034 (NDA 9–927).

10. Tempra Drops and Tempra Syrup containing acetaminophen; Mead Johnson Laboratories, Division of Mead Johnson & Co., 2404 Pennsylvania Street, Evansville, Ind. 47721 (NDA 10–382).

11. Tralgon Elixir containing acetaminophen; E. R. Squibb & Sons (NDA 10–800).

12. Tylenol Tablets containing acetaminophen; McNeil Laboratories, Inc. (NDA 11–630).

13. Arthropan Liquid and Actasal Pediatric Drops containing chlorine salicylate; the Purdue-Frederick Co., 99–101 Saw Mill River Road, Yonkers, N.Y. 10701 (NDA 11–844).

14. Defencin Tablets, containing glyceryl guaiacolate, aspirin, and phenyltoloxamine dihydrogen citrate; Grove Division, Bristol-Myers Products, Post Office Box 7300, St. Louis, Mo. 63177 (NDA 12–622).

The NAS/NRC, Drug Efficacy Study Group, Panel on Drugs for Relief of Pain, made the following General Statements on Analgesic Preparations, which are applicable to these OTC analgesic products that are intended for oral use.

GENERAL STATEMENTS ON ANALGESIC PREPARATIONS

EVIDENCE FOR GENERAL ANALGESIC EFFECT

It is the recommendation of the Panel that, when a drug has been shown to be an effective analgesic in several different kinds of clinical pain, by suitable controlled trials using modern criteria, such a drug be entitled to consideration as an "all-purpose analgesic" unless special considerations indicate that this is not appropriate. In such cases, it would seem desirable to allow the drug to be marketed for the relief of most kinds of pain, thus avoiding the necessity for listing specific conditions.

ANALGESIC MIXTURES

There is increasing evidence, which has accumulated particularly within the past few years, that it is not always easy to predict the effects of adding one drug to another. Thus, drugs may merely summate in their activities, antagonize each other, or produce true potentiation. Since adequate trials on the relative efficacy of single drugs and mixtures are usually unavailable, it is hard for the Panel to be both fair and scientific in the evaluation of many of the mixtures which it has been asked to review.

Furthermore, some ingredients appear to have been added to these mixtures on the basis of a rationale that is not evident to the Panel. On other occasions, the rationale seems evident, but the reason for the particular doses chosen (especially those which seem homeopathic) is not clear.

In addition to the well-known objections that fixed-ratio mixtures do not allow flexibility in the doses of individual ingredients, one can object to many analgesic mixtures because they contribute little additional therapeutic benefit while increasing the risks of side effects, allergic sensitization, etc. One can perhaps justify the use of some of these mixtures when pain is present with some other symptom, such as a stuffy nose, and both symptoms can be handled reasonably well by the mixture. However, to promote such a mixture as an all-purpose remedy for all kinds of pain, including those which cannot possibly be aided by one or more of the ingredients, is, in the view of the Panel, to encourage bad therapeutics.

SEMANTIC CONFUSION

The words "synergism" and "potentiation" are subject to multiple interpretations, even among professional pharmacologists. It would seem desirable to avoid their use, focusing instead on a description of what actually was achieved in the clinical setting. The word "potency" also has different meanings to different persons. If one is talking simply about milligram potency, this is actually a trivial matter in the clinical setting and, therefore, the term "potency" should probably be avoided.

IRRELEVANT INFORMATION

Many package inserts contain material of no relevance to most practitioners. For example, the animal data are often not helpful, and are not always clearly identifiable as such. This material often seems to be used as a substitute for clinical data. Also irrelevant and not particularly helpful to the reader is a long list of clinical testimonials, only some of which bear on the points at issue, and most of which are uninterpretable because of defects in clinical design.

DRUG DEPENDENCE AND ABUSE

The following statement is proposed to bring uniformity to the claims made concerning the dependence-producing properties of narcotic analgesics and preparations containing narcotic analgesics. It is recognized that many of the claims concerning a lesser dependence-producing liability of specific narcotic analgesics reflect the fact that the particular agents are not commonly abused. However, it must also be recognized that the actual abuse rates do not accurately reflect dependence-producing potential. It is known that agents and preparations that have not been commonly abused in some social settings at some times, have been extensively abused in other settings at other times.

One of the major purposes of the existing laws and regulations concerning narcotic analgesics is to prevent abuse. Therefore, all agents that have been shown to produce morphine-like physiologic and subjective changes when administered chronically, that will produce morphine-like dependence, or that will substitute for morphine in morphine-dependent subjects, shall carry the following recommended warning: "(Name of agent) can produce dependence of the morphine type and therefore has the potential for being abused."

The only exceptions to this recommendation are substances specifically exempted from bearing the label "Warning—may be habit forming" required by Federal law or regulation.

RIGID DOSE RECOMMENDATIONS

The Panel believes that doctors should not be bound legally by dose recommendations in package inserts. These recommendations represent advice as to the dose at which most patients can be started, and the range at which the needs of most patients can be met. However, it is good practice to manipulate the dose in the event of a therapeutic failure, or in the event of untoward effects. Furthermore, tolerance to a drug may develop, and may require an increase in dose. It is the Panel's observation that some of the recommended doses are too low.

DEFICIENCIES OF METHODOLOGY

There is a need for additional methodology for the study of pain. Thus, for example, there is a paucity of information available on the comparative effects of analgesics given repeatedly to patients with chronic pain. The result with single doses may or may not be transferable to such situations. Another area of deficiency is the evaluation of topical ointments that produce obvious sensations of cooling or warmth. Such limitations in methodology should be kept in mind by the Food and Drug Administration when evaluating data on drugs, both old and new.

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, are as follows:

1. Surfacaine Suppositories containing cyclomethycaine.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "For local anesthetic or analgesic effect, as directed by the physician."
Evaluation: Effective, but * * *.
Comments: The warning concerning sensitivity should be clarified directing the patient to consult a physician if use of the medication aggravates his symptoms.

2. Bufferin Tablets containing aspirin, aluminum glycinate and magnesium carbonate.

This drug has been evaluated by the following Panels:

a. Panel on Drugs for Relief of Pain
b. Panel on Drugs Used in Rheumatic Diseases

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: "* * * for fast, effective relief of simple headache, painful discomforts of colds, minor arthritic pain, menstrual pain, muscular aches, * * * and pain of tooth extraction."
Evaluation: Effective.
Comments: This mixture contains the known analgesic, aspirin, which at recommended dose would provide relief of pain.
Indication: For "mild temporary tension."
Evaluation: Possibly effective.
Comments: There is very litle evidence that aspirin has any tranquilizing or sedative effect.

General comments. The claim is made that Bufferin is "twice as fast as aspirin." This statement is ambiguous and misleading.

While the preponderance of studies comparing blood levels of salicylate after ingestion of Bufferin and various types of unbuffered aspirin indicate that the buffered product is somewhat more rapidly absorbed from the gastrointestinal tract than plain aspirin, there is no evidence to indicate that the speed of onset of analgesic action is significantly increased.

The claim is made that Bufferin "helps prevent the stomach upset often caused by aspirin." Most of the published studies with which the panel is familiar indicate there is litle difference in the incidence or intensity of subjective gastrointestinal side effects after ingestion of Bufferin or plain aspirin.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

3. Trigesic Tablets containing acetaminophen, aspirin, and caffeine.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

Indication: "For the temporary relief of pain from muscular aches, simple headache and discomforts due to colds."
Evaluation: Effective, but * * *.
Comments: This combination contains the known analgesics, aspirin, and acetaminophen, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredient, caffeine, would detract from this effect. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

4. Nebs Tablets containing acetaminophen.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain.
b. Panel on Drugs Used in Rheumatic Diseases
c. Panel on Neurological Drugs.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief for a variety of pains (headache throb, sinus headache, tension headache, menstrual distress, colds, flu, neuritis, neuralgia, rheumatism).
Evaluation: Effective, but * * *.
Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

Indication: Relieves fever of colds and flu.
Evaluation: Effective.

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Comments: Acetaminophen is antipyretic.

Indication: "Pain-free in minutes."

Evaluation: Ineffective.

Comments: There is no evidence for lightning speed of this type.

General comments. How can a drug that has been around since 1889 be called "the most modern of pain relievers" and a product of "modern laboratory research"? This statement is "puffery" and should be removed from the insert.

The statement is made: "Unlike aspirin the active ingredient in NEBS has been shown not to irritate stomach lining. Increasingly it is being acknowledged in scientific and medical reports as safer than aspirin for many people." This claim is justifiable.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis should be deleted from brochures and package inserts.

5. Apamide Tablets containing acetaminophen.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

Indication: "For temporary relief of pain, such as simple headache, minor muscular aches, ordinary discomfort of the menstrual period, minor pain following dental work, and discomforts of the common cold."

Evaluation: Effective, but • • •.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

6. Metalid Tablets containing acetaminophen.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain.

b. Panel on Drugs Used in Rheumatic Diseases.

c. Panel on Neurological Drugs.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief of minor aches and pains of simple headache, neuralgia, arthritis, and rheumatism.

Evaluation: Effective, but • • •

Comments: The drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the Panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

7. Duplexin Tablets containing dihydroxyaluminum sodium carbonate, magnesium carbonate, aspirin, phenacetin, and caffeine.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain

b. Panel of Drugs Used in Rheumatic Diseases

c. Panel on Neurological Drugs

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Pain of headache, neuritis, neuralgia, cold distress, arthritis, rheumatism, cold discomforts, and muscle aches.

Evaluation: Effective, but • • •.

Comments: This combination contains the known analgesics, phenacetin and aspirin, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

This combination is probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

Indication: Pain of mild migraine.

Evaluation: Ineffective.

Comments: Since this is an OTC or nonprescription drug, the Panel objects to its use by the lay public for such a serious condition, which requires medical advice and diagnosis.

General comments. The claim is made: "An advance over either plain or ordinary buffered aspirin." This is an unjustifiable statement. No evidence exists that "APC" as compared to aspirin has better analgesic effect.

Claims such as "reduces muscular tensions," "calm jumpy nerves that exaggerate pain," and "soothe swollen tissues that aggravate pain" are too vague and should be deleted. It would be proper for the company to mention the antiinflammatory properties of aspirin.

There should be justification and supportive data for the inclusion of antacids in this combination.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the Panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

8. *Nysacetol Tablets* containing acetaminophen.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

Indication: For the relief of minor aches and pains due to colds.

Evaluation: Effective, but • • •.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

9. Tylenol Elixir containing acetaminophen.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain

b. Panel on Neurological Drugs

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: "Useful in mild upper respiratory infections (tonsillitis, common cold, 'grippe'), headache, myalgia, postimmunization reactions, posttonsillectomy discomfort, and gastroenteritis."

Analgesic in bronchitis, pharyngitis, tracheobronchitis, sinusitis, pneumonia, otitis media, cervical adenitis, and viral infections.

Evaluation: Effective, but • • •.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive studies on the above-mentioned conditions.

Indication: Antipyretic in bronchitis, pharyngitis, tracheobronchitis, sinusitis, pneumonia, otitis media, cervical adenitis, and viral infections.

Evaluation: Effective, but • • •.

Comments: Acetaminophen is antipyretic. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

10. Tempra Drops and Tempra Syrup containing acetaminophen.

These drugs have been evaluated by the panel on Drugs for Relief of Pain.

Indication: Relieves "discomfort due to colds, simple headaches, minor aches and pains."

Evaluation: Effective, but • • •.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

11. Tralgon Elixir containing acetaminophen.

This drug has been evaluated by the Panel on Drugs for Relief of Pain.

General comments. No insert was available. See comments on Trigesic Tablets.

12. Tylenol Tablets containing acetaminophen.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain

b. Panel on Drugs Used in Rheumatic Diseases

c. Panel on Neurological Drugs

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: "Tylenol provides effective analgesia in a wide variety of arthritic and rheumatic conditions involving musculoskeletal pain, as well as in other painful disorders such as headache, dysmenorrhea, myalgias, and neuralgias."

"Analgesic in diseases accompanied by discomfort and fever, such as the common cold and other viral infections."

Evaluation: Effective, but • • •.

Comments: This drug is an effective analgesic, and probably capable of relieving many different kinds of pain. However, there are no specific, well-controlled, and conclusive clinical studies on the above-mentioned conditions.

Indication: Antipyretic in diseases accompanied by discomfort and fever, such as the common cold and other viral infections.

Evaluation: Effective, but • • •.

Comments: Acetaminophen is antipyretic. However, there are no specific, well-controlled and conclusive clinical studies on the above-mentioned conditions.

General comments. Under "Advantages," the claims are made that Tylenol is "unusually free from side effects" and "safe for long-term use." These claims are justifiable only for short-term use, but no evidence exists for "long-term use."

Under "Advantages," the claim is made: "Nonirritating. Tylenol is not likely to cause gastric irritation often encountered with aspirin or other salicylates." This statement is justifiable.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

13. Arthropan Liquid and Actasal Pediatric Drops containing choline salicylate.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain.

b. Panel on Drugs Used in Rheumatic Diseases.

c. Panel on Neurological Drugs.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief of minor pains of arthritis, rheumatism, simple headache, and discomfort of menstrual cramps.

Evaluation: Effective, but • • •.

Comments: Choline salicylate is an effective analgesic. There is bibliographic support of the claims for arthritis and rheumatism but no acceptable and controlled studies for simple headache or menstrual cramps.

Indication: Reduce inflammation.

Evaluation: Probably effective.

Comments: Salicylates have been shown to reduce inflammation, however, there is no documentation for this formulation.

General comments. The claims are made:

a. "Faster-Acting, Long-Lasting Pain Reliever."

b. "Taken on an Empty Stomach, Starts Acting 5 Times Faster Than Aspirin."

c. "Reaches Peak of Action 12 Times Faster Than Aspirin."

d. "For Quicker, Gentler, More Convenient Temporary Relief of Minor Pains of Arthritis, Rheumatism, Simple Headache, Menstruation."

These claims assert that choline salicylate acts sooner, last longer, and reach a peak of action faster than aspirin. Adequate studies show that blood salicylate levels after choline salicylate administration are five times as high in 12 minutes and twice as high in 30 minutes as a comparable dose of aspirin. However, there are no clinical studies available to show that the onset of analgesic action is sooner, greater, or more prolonged than with aspirin. Various studies suggest that choline salicylate has analgesic activity equivalent to corresponding doses of aspirin, but these studies were not truly double-blind, in that the liquid form of choline salicylate was compared with the tablet form of aspirin. No studies were done to compare choline salicylate with sodium salicylate. Therefore, the panel finds the above claims unjustified.

The statement is made: "Arthropan Liquid does not irritate the stomach, as does aspirin in many people. As a result, Arthropan Liquid may often be taken in required doses without stomach discomfort—even by people who have a history of stomach sensitivity to aspirin." There are some clinical studies to show that choline salicylate is less irritating to the stomach.

The statement is made: "Arthropan Liquid represents an advance in temporary relief of minor pains of arthritis, rheumatism, simple headache, and menstrual cramps. It is preferable for relief of such pains because it is much less likely to irritate the stomach than aspirin." The panel dislikes the use of the word "advance" because there is doubt that the drug really offers quicker, more prolonged, or safer action than aspirin.

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the disease (e.g., osteo-arthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis, because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis, should be deleted from brochures and package inserts.

14. Defencin Tablets containing glyceryl guaiacolate, aspirin, and phenyltoloxamine dihydrogen citrate.

This drug has been evaluated by the following panels:

a. Panel on Drugs for Relief of Pain.

b. Panel on Drugs Used in Rheumatic Diseases.

c. Panel on Neurological Drugs.

d. Panel on Drugs Used in Allergy.

PANEL ON DRUGS FOR RELIEF OF PAIN

Indication: Relief of pain.

Evaluation: Effective, but • • •.

Comments: This combination contains the known analgesic, aspirin, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

Indication: Temporary symptomatic relief of minor pain of neuralgia, arthritis, rheumatism, and simple headache.

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Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic, aspirin, which at the recommended dose would provide relief of pain. There is no reason to expect that the additional ingredients would detract from or add to this effect.

This combination is probably capable of relieving many different kinds of pain. However, there are no specific well controlled, and conclusive studies on the above-mentioned conditions.

Indication: For minor muscle aches and pains due to fatigue, overexertion, exposure.

Evaluation: Effective, but * * *.

Comments: This combination contains the known analgesic, aspirin, which as stated in the first two indications would provide relief of pain. The panel, however, objects to vague and ill-defined conditions such as "fatigue, overexertion, and exposure," which may not be associated with pain. It would be better to delete these conditions.

General comments. Whether the addition of phenyltoloxamine and glyceryl guaiacolate contributes anything to the management of the clinical entities "neuralgia, arthritis, rheumatism" is not known.

The drug is advertised as a "new and different analgesic for more effective pain relief" and contains in addition to aspirin an antihistamine and an expectorant. The panel considers this unjustifiable in that there is no valid evidence of "more pain relief" and the drug is not "new" or "different."

Under "What you can expect of Defencin," the statement is made: "Clinical studies have shown that most patients who use Defencin had no side effects. Among the remainder, the principal side effects were minor stomach and intestinal irritation similar to those from aspirin alone." This may be true, but also glyceryl guaiacolate may cause stomach irritation.

Two tablets every 3 or 4 hours are recommended. This means 25 mg. phenyltoloxamine every 3 hours, i.e., presumably enough to cause drowsiness. In the light of this side effect, the panel objects to the other statements made by the company: "Defencin has been found to be sufficiently free of undesirable side effects—so safe—that it is sold without prescription. In fact, because Defencin is safe, you can use it repeatedly."

PANEL ON DRUGS USED IN RHEUMATIC DISEASES

General comments. The Panel on Drugs Used in Rheumatic Diseases recommends that certain ill-defined and vague claims be modified or deleted. The following is a list of these claims.

1. Fibrositis, myositis, arthritis, spondylitis, and torticollis.

2. Lumbago, "stiff neck," whiplash injury, rheumatism, rheumatic, and arthritides.

The claims in the first category are of such different etiologies that it would be better to specify the diseases (e.g., osteoarthritis, rheumatoid arthritis, and ankylosing spondylitis) or modify the claims to specify the etiology. The claims in the second category are imprecise and unscientific terms which are objectionable to the Panel and should be deleted. Because these claims are vague and ill-defined, the objective criteria necessary to evaluate the efficacy of a drug is greatly compromised.

PANEL ON NEUROLOGICAL DRUGS

General comments. The panel finds it impossible to evaluate for efficacy any drug used in the treatment of such unqualified conditions as neuralgia, neuritis, and radiculitis because of the multiple known and unknown causes of these conditions.

Unless specific types of disease or recognizable syndromes affecting peripheral nerves and roots are stated, reference to the use of any drug for the treatment of neuralgia, neuritis, and radiculitis should be deleted from brochures and package inserts.

PANEL ON DRUGS USED IN ALLERGY

Indication: Relief of common cold symptoms, such as runny nose and sneezing.

Evaluation: Possibly effective.

Comments: Phenyltoloxamine, in the experience of the panel, is only weakly active as an antihistamine. Several carefully controlled studies, in which different antihistamines were tried, disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit; but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

This indication was subsequently reevaluated as ineffective as a fixed combination with the following additional comments:

The evidence presented by the manufacturer that the addition of glyceryl guaiacolate improved the overall preparation was totally unconvincing. Its effectiveness in controlling runny nose, sneezing, and as a sedative was not documented.

The studies purporting to demonstrate that phenyltoloxamine improved the action of aspirin through its sedative effect was not convincing; although by inference with other studies, theoretically possible.

It has not been proven that the antihistamine contributes to the relief of cold symptoms which is provided by this combination. The majority of carefully controlled studies that have been performed with antihistamines disclosed no alleviation of symptoms or shortening of the duration of symptoms of colds. When allergic rhinitis is mistaken for a cold, antihistamines may be of benefit, but allergic rhinitis is being treated in that instance, not an upper respiratory infection.

Indication: Relief of cough.

Evaluation: Effective, but * * *. Subsequently reevaluated as ineffective as a fixed combination.

Comments: Glyceryl guaiacolate is an effective expectorant that is helpful in relieving nonproductive coughs. There is no evidence that the antihistamine or aspirin contributes significantly to this effect.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6499, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 13, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5978 Filed 4-19-72;8:47 am]

[DESI 1676]

CERTAIN OTC ANTACID PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has received reports from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, for the over-the-counter drugs listed below. Pending the results of the OTC study of drugs in this class, action on these reports will be deferred in accordance with the "Proposal Establishing Status of Over-the-Counter Drugs Previously Reviewed Under the Drug Efficacy Study (DESI)" published elsewhere in this issue of the FEDERAL REGISTER.

The following OTC antacid drugs are included in this announcement.

1. Chooz Chewing Gum Tablets containing calcium carbonate and magnesium trisilicate; Pharmaco, Inc., Galloping Hill Rd., Kenilworth, N.J. 07033 (NDA 1–875).

2. Kamat Tablets containing atropine sulfate, aluminum hydroxide, magnesium trisilicate, and kaolin; Cole Pharmacal Co., Inc., 3715–31 Laclede Ave., St. Louis, Mo. 63101 (NDA 1–952).

3. Amphojel Tablets containing aluminum hydroxide; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 2–436).

4. Gelusil Liquid containing magnesium trisilicate and aluminum hydroxide; Warner-Chilcott Laboratories, Division Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, N.J. 07950 (NDA 2–545).

5. Endo-Magsal Suspension containing magnesium trisilicate and aluminum hydroxide; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11533 (NDA 3–807).

6. Gelusil Tablets containing magnesium trisilicate and aluminum hydroxide; Warner-Chilcott Laboratories (NDA 4–380).

7. Alglyn Tablets and Alglyn Magma containing dihydroxyaluminum aminoacetate; Brayten Pharmaceuticals Co., 1715 West 38th Street, Chattanooga, Tenn. 37409 (NDA 5–668).

8. Alzinox Tablets and Alzinox Magma containing dihydroxyaluminum aminoacetate; Smith, Miller & Patch, Inc., 401 Joyce Kilmer Avenue, New Brunswick, N.J. 08902 (NDA 6–547).

9. Carmethose Suspension containing sodium carboxymethylcellulose; and

10. Carmethose with Magnesium Oxide Tablets containing sodium carboxymethylcellulose and magnesium oxide; and

11. Carmethose-Trasentine Tablets containing sodium carboxymethylcellulose, adiphenine hydrochloride, and magnesium oxide; Ciba Pharmaceutical Co., Division of Ciba Corp., 558 Morris Avenue, Summit, N.J. 07901 (NDA 6–738).

12. Resinat Capsules and Tablets containing polyaminemethylene resin; Merrell-National Drug Co., Division of Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215 (NDA 7–706).

13. Kolantyl Tablets containing dicyclomine hydrochloride, aluminum hydroxide, magnesium oxide, and methylcellulose; Merrell-National Drug Co. (NDA 7–911).

14. Dimacid B Tablets containing magnesium carbonate, bismuth subcarbonate, calcium carbonate, and magnesium glycinate; Otis Clapp and Son, Inc., 143 Albany Street, Cambridge, Mass. 02139 (NDA 8–431).

15. Kolantyl Gel containing dicyclomine hydrochloride, aluminum hydroxide, magnesium hydroxide, and methylcellulose; Merrell-National Drug Co. (NDA 8–467).

16. Rolaids Antacid Mint Tablets containing dihydroxy-aluminum sodium carbonate; American Chicle Division, Warner-Lambert Pharmaceutical Co. (NDA 9–100).

17. Rolaids Antacid Mint with HMAS Tablets containing almadrate sulfate; American Chicle Division, Warner-Lambert Pharmaceutical Co. (NDA 12–165).

18. "A" Plus Tablets containing isomylamine hydrochloride, calcium carbonate, magnesium carbonate, and magnesium trisilicate; Vick Chemical Co., Division of Richardson-Merrell, Inc., 122 East 42d Street, New York, N.Y. 10017 (NDA 12–298).

19. Belglyn Tablets containing belladonna alkaloids and dihydroxyaluminum aminoacetate; Brayten Pharmaceutical Co. (NDA 5–668).

The evaluations of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, are as follows:

1. Chooz Chewing Gum Tablets containing calcium carbonate and magnesium trisilicate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Fast relief of heartburn.
Evaluation: Probably effective.
Comments: The ingredients in this preparation are useful in this regard when heartburn is associated with gastroesophageal reflux of acid gastric contents.
Indication: Gas.
Evaluation: Ineffective.
Comments: There is no evidence supporting the claim that aerophagic symptoms can be relieved by any of the ingredients in this preparation. Furthermore, gum chewing would increase the amount of air swallowed, belching, etc., creating a vicious cycle.
Indication: Upset stomach due to "acid indigestion."
Evaluation: Possibly effective.
Comments: The term used in this indication is vague. The symptoms attributed by the patient to "acid indigestion" may be due to a variety of conditions, some pertaining to the gastrointestinal tract (duodenal ulcer, hiatal hernia, etc.) and some originating in other organs (postprandial angina, etc.).

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose schedule is limited to: "chew 1 or 2 tablets as needed." The presence of calcium carbonate in this preparation makes it imperative to establish a dosage schedule, with a warning about the possible danger of high doses for a long period, due to the inherent danger of milk-alkali syndrome, renal stones, etc., as well as the advisability of assessing the serum levels of calcium before and during the treatment periods, renal function, etc. The statement, "Hospital X-ray tests proves the superior action * * *," is not documented.

2. Kamat Tablets containing atropine sulfate, aluminum hydroxide, magnesium trisilicate and kaolin.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "For the temporary relief of gastric hyperacidity."
Evaluation: Possibly effective.
Comments: In the dosage advocated, the amount of atropine (0.260 mg.) does not have an appreciable effect on gastric acidity. The point is clearly made in some of the references provided by the manufacturer, and is common knowledge.

There is no reason to believe that this dosage potentiates the acid-neutralizing effect of the other ingredients.

No data are provided to support the claim that Kamat has any effect on gastric hyperacidity. Furthermore, the indication "for the temporary relief of gastric hyperacidity" is highly dubious, in that there is no consistent relationship between the level of gastric acidity and symptoms.

Any pharmacologic effect of this formulation can be ascribed to its content of aluminum hydroxide and magnesium trisilicate.

3. Amphojel Tablets containing aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: As an antacid.
Evaluation: Effective.
Comments: Amphojel is representative of a large group of aluminum hydroxide preparations in general use.

General comments. A warning is advisable concerning the use of aluminum hydroxide preparation by patients who have recently suffered massive upper gastrointestinal hemorrhage and therefore have a large amount of blood in the bowel; occasionally, intestinal obstruction has been induced as the result of formation of an inspissated mass of blood clot and the medication. This preparation may cause rather severe constipation and measures should be taken to guard against it.

4. Gelusil Liquid containing magnesium trisilicate and aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used In Gastroenterology.

Indication: For acid control in gastritis and hyperacidity.
Evaluation: Probably effective.
Comments: The ingredients contained in this drug, aluminum hydroxide and magnesium trisilicate have been found to elevate the pH of gastric contents when given in a sufficient dosage. While the label states this drug is indicated "for acid control, in gastritis and hyperacidity," there is the implication that hyperacidity per se requires treatment. As a rule in the clinical setting the presence of hyperacidity has not been established; neither has the presence of gastritis. The sodium concentration of the antacid should also be stated.
Indication: Adsorption.
Evaluation: Probably effective.
Comments: Both ingredients adsorb in vitro. Aluminum hydroxide gel has been shown to adsorb pepsin and in this way inhibits peptic activity. Whether the adsorption of gases, toxins, bacteria, etc., is significant is unproven.

5. Endo-Magsal Suspension containing magnesium trisilicate and aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Antacid.
Evaluation: Effective.
Comments: The ingredients in this drug (magnesium trisilicate and aluminum hyroxide) have been found to increase the pH of gastric contents when given in a sufficient dosage.

Indication: Adsorbent.
Evaluation: Possibly effective.
Comments: Both ingredients adsorb in vitro but whether adsorption of toxins, gases, bacteria, histamine, etc., in the gastrointestinal tract is clinically significant is unproved.

6. Gelusil Tablets containing magnesium trisilicate and aluminum hydroxide.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: For acid control in gastritis and hyperacidity.
Evaluation: Probably effective.
Comments: The ingredients contained in this drug, aluminum hydroxide and magnesium trisilicate have been found to elevate the pH of gastric contents when given in a sufficient dosage. While the label states this drug is indicated "for acid control, in gastritis and hyperacidity," there is the implication that hyperacidity per se requires treatment. As a rule in the clinical setting the presence of hyperacidity has not been established; neither has the presence of gastritis. The sodium concentration of the antacid should also be stated.
Indication: Adsorption.
Evaluation: Probably effective.
Comments: Both ingredients adsorb in vitro. Aluminum hydroxide gel has been shown to adsorb pepsin and in this way inhibits peptic activity. Whether adsorption of gases, toxins, bacteria, etc., is significant is unproven.

7. Alglyn Tablets and Alglyn Magma containing dihydroxy aluminum aminoacetate.

These drugs have been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "As an antacid."
Evaluation: Effective.
Comments: There is no package insert. The package labels say nothing about what an antacid is used for. Therapeutic claims are not made or implied. Alglyn and Alglyn Magma are tablet and suspension respectively, of dihydroxyaluminum aminoacetate.

Although the labels do not reflect the full scope of the usage of antacids, they make clear that dosage other than the small amounts recommended should be prescribed by the physician.

8. Alzinox Tablets and Alzinox Magma containing dihydroxyaluminum aminoacetate.

These drugs have been evaluated by the Panel on Drugs Used in Gastroenterology.

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Indication: "As an antacid for the relief of gastric hyperacidity * * *"
Evaluation: Possibly effective.
Comments: Gastric hyperacidity is not a clinical entity and there is no known relationship between the gastric acid level and symptoms. The presence of a given level of gastric acidity does not call for therapy.

Indication: "For physicians' use in the management of peptic ulcer patients."
Evaluation: Effective.
Comments: The package labels make no claims. Alzinox and Alzinox Magma are tablet and suspension respectively, of dihydroxyaluminum aminoacetate. These compounds are antacids whose activity is comparable with that of aluminum hydroxide.

9. Carmethose Suspension containing sodium carboxymethylcellulose;

10. Carmethose with Magnesium Oxide Tablets containing sodium carboxymethylcellulose and magnesium oxide;

11. Carmethose-Trasentine Tablets containing sodium carboxymethylcellulose, adiphenine hydrochloride, and magnesium oxide.

These drugs were evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "For the temporary relief of gastric discomfort due to hyperacidity."
Evaluation: Possibly effective.
Comments: Carboxymethylcellulose is a weak antacid, with a very low neutralizing capacity. The magnesium oxide combined with Carmethose probably provides the important neutralizing capacity of this combination. More evidence is needed to demonstrate that the carboxymethylcellulose makes a significant addition.
Furthermore, the indication of "gastric discomfort due to hyperacidity" is highly dubious, in that there is no consistent relationship between the level of gastric acidity and symptoms.
The addition of Trasentine to Carmethose in no way changes the evaluation of this preparation.

12. Resinat capsules and tablets containing polyaminemethylene resin.

These drugs were evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Effective for the temporary relief of gastric hyperacidity."
Evaluation: Probably effective.
Comments: Resinat has been shown to have antacid action, but its clinical efficacy in relieving symptoms induced by acid has not been compared with other standard products.
General comments. The ionic form of the resin should be stated. If the resin contains sodium, potassium, or ammonium the amount per tablet should be stated.

13. Kolantyl Tablets containing dicyclomine hydrochloride, aluminum hydroxide, magnesium oxide, and methylcellulose.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Fast temporary relief of acid indigestion or heartburn due to gastric hyperacidity."
Evaluation: Possibly effective.
Comments: This OTC preparation contains dicyclomine HCl (5 mg.), aluminum hydroxide (300 mg.), magnesium oxide (165 mg.), and methylcellulose (100 mg.). There is no package insert.
The Panel knows of no evidence that dicyclomine in the dose advised has any pharmacologic effect.
Methylcellulose is listed as an active ingredient, but there is no evidence that it makes a significant contribution.
The aluminum and magnesium compounds are effective antacids, but the additional ingredients have not been shown to contribute.
The term "indigestion" is a poorly defined colloquialism describing a variety of complaints related to many disorders. Its meaning is not clarified by adding the word "acid." The presence of digestive symptoms calls for adequate diagnostic studies and subsequent therapy should be based on the results of these studies. The sale of this type of preparation OTC may lead to dangerous self therapy.

14. Dimacid B Tablets containing magnesium carbonate, bismuth subcarbonate, calcium carbonate, and magnesium glycinate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: "Excess stomach acidity."
Evaluation: Probably effective.
Comments: The label implies that the preparation provides relief from "the effects of excess stomach acidity"; hyperacidity is a laboratory finding, not a clinical entity.

Indication: Heartburn.
Evaluation: Probably effective.
Comments: The different antacid components of this preparation have been shown to neutralize HCl. Similar preparations with the same ingredients as Dimacid B or combinations thereof have been shown to alleviate the symptom heartburn.

Indication: Gas.
Evaluation: Possibly effective.
Comments: There is no evidence supporting the claim that aerophagic symptoms can be relieved by any of the ingredients in this preparation.
Indication: "Upset or sour stomach."
Evaluation: Possibly effective.
Comments: The term used in this indication is very vague. The symptoms attributed by the patient to "upset or sour stomach" may be due to a variety of conditions, some pertaining to the gastrointestinal tract (duodenal ulcer, hiatal hernia, etc.), and some originating in other organs (postprandial angina, etc.).
General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose recommended is two tablets when needed. The presence of calcium carbonate in this preparation makes it imperative to establish a dosage schedule, with a warning about the possible danger of high doses for a long period due to the inherent danger of milk-alkali syndrome, renal stones, etc., as well as the advisability of assessing the serum level of calcium before and during the treatment periods, renal function, etc. The statement that Dimacid B does not cause "acid rebound or harmful overalkalinizing" have not been documented.

15. Kolantyl Gel containing dicyclomine hydrochloride, aluminum hydroxide, magnesium hydroxide, and methylcellulose.

This drug has been evaluated by the Panel on Drugs used in Gastroenterology.

Indication: "Fast temporary relief of acid indigestion or heartburn due to gastric hyperacidity."
Evaluation: Possibly effective.
Comments: This OTC preparation contains dicyclomine HCl, aluminum hydroxide, magnesium hydroxide, and methylcellulose. There is no package insert.
The Panel knows of no evidence that dicyclomine in the dose advised has any pharmacologic effect.
Methylcellulose is listed as an active ingredient, but there is no evidence that it makes a significant contribution.
The aluminum and magnesium compounds are effective antacids, but the additional ingredients have not been shown to contribute.
The term "indigestion" is a poorly defined colloquialism describing a variety of complaints related to many disorders. Its meaning is not clarified by adding the word "acid." The presence of digestive symptoms calls for adequate diagnostic studies and subsequent therapy should be based on the results of these studies. The sale of this type of preparation OTC may lead to dangerous self therapy.

16. Rolaids Antacid Mint Tablets containing dihydroxyaluminum sodium carbonate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Heartburn, gas, indigestion, and upset or sour stomach due to excessive gastric acidity.
Evaluation: Probably effective.
Comments: The warnings and dose schedule are inadequate.

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose schedule is limited to: "chew 1 or 2 tablets as required."

17. Rolaids Antacid Mint with HMAS Tablets containing almadrate sulfate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Heartburn, gas, indigestion, and upset or sour stomach due to excessive gastric acidity.
Evaluation: Probably effective.
Comments: No clinical data are available to the Panel, inasmuch as all the references but one are private reports. However, the relief of such symptoms by other alkaline medication has often been demonstrated and presumably will be obtained with adequate amounts of this compound. However, this compound has not been adequately tested.

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose schedule is limited to: "chew 1 or 2 tablets as required."

18. A-Plus Tablets containing isomylamine HCl, calcium carbonate, magnesium carbonate, and magnesium trisilicate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Neutralizes excess acid.
Evaluation: Probably effective.
Comments: The warnings and dose schedule are inadequate.

General comments. This preparation has no package insert and the information on the label is inadequate, as far as side effects and contraindications are concerned. The dose schedule is limited to: "chew 1 or 2 tablets as required."

19. Belglyn Tablets containing belladonna alkaloids and dihydroxyaluminum aminoacetate.

This drug has been evaluated by the Panel on Drugs Used in Gastroenterology.

Indication: Gastric hyperacidity.
Evaluation: Possibly effective.
Comments: Gastric hyperacidity is not a clinical entity and there is no known relationship between the gastric acid level and symptoms. The presence of a given level of gastric acidity does not call for therapy.
The label advises use of one tablet 1–2 hour after meals and at bedtime, not to exceed three or four tablets a day. The dose of dihydroxyaluminum aminoacetate (DAA), 0.5 g/tablet, may or may not be effective in a high percentage of instances. The content of 0.162 mg. of belladonna alkaloids is too small to have any pharmacologic effect, even if absorption from DAA were 100 percent.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be indentified with the reference number DESI 1875, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5998 Filed 4-19-72;8:46 am]

Comments: Evidence is submitted that the anticholinergic agent (Benzyl) has antimotility effects in animals, but none to support the claim that it will inhibit the motility of neurally stimulated ("nervous") stomach in man, in the dosage provided. No controlled clinical trials of this mixture are available.

Indication: "Relieves indigestion distress as no plain antacid can."
Evaluation: Possibly effective.
Comments: No clinical evidence is submitted in support of this claim. There is much experience with the relief of abdominal fullness after eating by the ingestion of antacids, this relief being due to eructation of gas and to the more rapid emptying of the stomach. Presumably, the antacid mixture offered here will provide these same benefits. However, the addition of an anticholinergic agent to the mixture may actually decrease this action by delaying the emptying of the stomach, and the claim of superiority over plain antacids should be supported by evidence.

[DESI 5213]

CERTAIN COUGH PREPARATIONS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences–National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Hydrocodone bitartrate and homatropine methylbromide, marketed as Hycodan Syrup, Tablets, and Powder, by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, NY 11533 (NDA 5–213).

2. Dimethoxanate hydrochloride, marketed as Cothera Syrup, by Ayerst Laboratories, 685 Third Avenue, New York, NY 10017 (NDA 11–174).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that these drugs are probably effective for the temporary relief of cough.

B. *Marketing status.* 1. Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as probably effective may be continued for 12 months as described in paragraphs (c), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

2. Within 60 days from publication hereof in the FEDERAL REGISTER, the holder of any approved new drug applications for such drug is requested to submit a supplement to his application to provide for revised labeling as needed, which, taking into account the comments of the Academy, furnishes adequate information for safe and effective use of the drug; is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommends use of the drug for the probably effective indication as follows:

INDICATION

SYMPTOMATIC RELIEF OF COUGH

The supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period.

3. After 60 days following publication hereof in the FEDERAL REGISTER, any such drug on the market without an approved new drug application and shipped within the jurisdiction of the Federal Food, Drug, and Cosmetic Act should be labeled in accord with this notice.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 5213, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-5979 Filed 4-19-72;8:47 am]

[DESI 7387]

DRUGS CONTAINING OXYCODONE HYDROCHLORIDE, OXYCODONE TEREPHTHALATE, HOMATROPINE TEREPHTHALATE, ASPIRIN, PHENACETIN, AND CAFFEINE; OXYCODONE HYDROCHLORIDE, OXYCODONE TEREPHTHALATE, HOMATROPINE TEREPHTHALATE, AND PENTYLENETETRAZOL; OR MEPERIDINE HYDROCHLORIDE AND PROMETHAZINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Percodan Tablets containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, aspirin, phenacetin, and caffeine; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, N.Y. 11530 (NDA 7–337).

2. Nucodan Tablets containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, and pentylenetetrazol; Endo Laboratories, Inc. (NDA 7–337).

3. Mepergan Capsules and Mepergan Fortis Capsules containing meperidine hydrochloride and promethazine hydrochloride; Wyeth Laboratories, Inc., Post Office Box 8299, Philadelphia, Pa. 19101 (NDA 11–730; see below).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness

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classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These combination drugs are possibly effective for moderate to moderately severe pain.

2. In addition, the drug containing oxycodone hydrochloride, oxycodone terephthalate, homatropine terephthalate, aspirin, phenacetin, and caffeine lacks substantial evidence of effectiveness as a fixed dose combination for antipyresis.

No new drug applications have been approved or are deemed approved for oral preparations containing meperidine hydrochloride with promethazine hydrochloride for oral use.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any approved new drug application for a drug classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking. Such a supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to do so may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised if it includes those claims for which substantial evidence of effectiveness is lacking as described in paragraph A above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (d), (e), and (f) the marketing status of a drug labeled with those indications for which it is regarded as possibly effective.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 7337, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 5, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–5980 Filed 4–19–72;8:47 am]

ROHM AND HAAS CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2783) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that § 121.2597 *Polymer modifiers in semirigid and rigid vinyl chloride plastics* (21 CFR 121.2597) be amended in paragraph (b) (2) by revising the polymer content of the finished plastic food-contact article to include not more than 5 weight-percent of polymer units derived from polymers identified in paragraph (a)(1) of § 121.2597.

Dated: April 11, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72–5999 Filed 4–19–72;8:48 am]

VELSICOL CHEMICAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 2B2782) has been filed by Velsicol Chemical Corp., 1725 K Street NW., Washington, DC 20006, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for the safe use of neopentyl glycol dibenzoate as a component of adhesives intended for use in food-contact articles.

Dated: April 11, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72–5981 Filed 4–19–72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

COMBINED STATION/TOWER AT POCATELLO, IDAHO

Notice of Relocation and Reduction in Hours of Operation

Notice is hereby given that on April 20, 1972, the Pocatello Combined Station/Tower will be decombined and the flight service station functions will be relocated to Burley, Idaho, Flight Service Station. On or about May 11, 1972, pending publication of amended instrument approach procedures, operation of the Pocatello Airport Traffic Control Tower will be reduced to 16 hours each day, 7 a.m. to 11 p.m. local time. This information will be reflected in the FAA organization statement the next time it is issued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Seattle, Wash., on April 12, 1972.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.72–5989 Filed 4–19–72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that reports entitled "Applicant's Environmental Report—Operating License Stage, August 6, 1970," and "Applicant's Supplemental Environmental Reports No. 1 and Appendices Volumes Nos. 1 and 2," and Supplement No. 2 on the Indian Point Nuclear Generating Unit No. 2, September 9 and October 15, 1971, respectively" (collectively "the report"), submitted by Consolidated Edison Company of New York, Inc., are available for public inspection in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Hendrick Hudson High School Library, Albany Post Road, Montrose, N.Y. 10548. The report is also being made available at the New York State Office of Planning Coordination, 488 Broadway, Albany, NY 12207, and the Metropolitan District Review Coordinator, Office of Planning Coordination, 1841 Broadway, New York, NY 10023.

This report discusses environmental considerations related to the proposed issuance of an operating license for the Indian Point Nuclear Generating Unit No. 2, located in the town of Buchanan, Westchester County, N.Y.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection and a draft detailed statement on the environmental considerations related to the proposed issuance of an operating license for the Indian Point Nuclear Generating Unit 2, dated April 13, 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's April 13, 1972, draft detailed statement on the environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This statement supersedes the November 20, 1970, detailed statement for which a notice of availability was published in the FEDERAL REGISTER on December 15, 1970 (35 F.R. 18989).

Pursuant to sections A.7 and D.1 of Appendix D to 10 CFR Part 50, interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft detailed statement on environmental considerations from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 14th day of April 1972.

For the Atomic Energy Commission.

RICHARD C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72–5968 Filed 4–19–72;8:45 am]

[Dockets Nos. 50–329, 50–330]

CONSUMERS POWER CO.

Order of Board Scheduling Prehearing and Hearing on Environmental Issues

In the matter of Consumers Power Co., Midland Plant, Units 1 and 2.

In accordance with the Board's order dated March 27, 1972, please be advised that the prehearing conference and hearing noted therein are scheduled as follows:

The prehearing will be held on April 28, 1972, at 9:30 a.m., local time, in the Federal Office Building No. 7, Room 2008, 726 Jackson Place NW. (entrance on 17th Street), Washington, DC 20506.

The hearing will be held on May 17, 1972, at 10 a.m., local time, in the Midland Center for the Arts, Little Theatre, 1801 West St. Andrews Road, Midland, MI 48640.

By order of the Atomic Safety and Licensing Board.

ARTHUR W. MURPHY,
Chairman.

APRIL 14, 1972.

[FR Doc.72–5967 Filed 4–19–72;8:45 am]

[Docket No. 50–344]

PORTLAND GENERAL ELECTRIC CO. ET AL.

Notice and Order for Evidentiary Hearing

The Atomic Energy Commission, by its Memorandum and Order, and Notice of Hearing on suspension of construction activities at the Trojan Nuclear Plant authorized pursuant to CPPR–79 pending completion of NEPA environmental review, both dated April 12, 1972, ordered the Atomic Safety and Licensing Board duly appointed in this case, to conduct a hearing on the question of whether construction activities under the construction permit for the Trojan Nuclear facility should be suspended pending completion of the ongoing NEPA review, and to render a de novo decision based on criteria set forth in the notice within 40 days of its publication. The parties to the proceeding as set forth in the order, shall be the licensees, the Regulatory Staff, and the joint petitioners.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the initial session of evidentiary hearing in this proceeding shall convene at 9:30 a.m., local time, on Monday, May 1, 1972, at the Cosmopolitan Airtel, 6221 Northeast 82d Street, Portland, OR.

Issued: April 18, 1972, in Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.72–6172 Filed 4–19–72;11:30 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Notice of Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director of Defense Research and Engineering (Test and Evaluation), Office of the Secretary of Defense, Office of the Director of Defense Research and Engineering.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–6029 Filed 4–19–72;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Title Change in Noncareer Executive Assignment

By notice of April 6, 1971, F.R. Doc. 71–4750 the Civil Service Commission authorized the Department of Health, Education, and Welfare to make a change in title for the position of Deputy Commissioner for Development, Office of Education, Office of the Deputy Commissioner for Development, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Deputy Commissioner for Renewal, Office of Education, Office of the Deputy Commissioner for Renewal.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–6033 Filed 4–19–72;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Director of Community Services, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–6030 Filed 4–19–72;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner, Bureau of Indian Affairs, Office of the Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–6027 Filed 4–19–72;8:50 am]

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DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Labor Standards, Wage and Labor Standards Administration, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6031 Filed 4-19-72;8:50 am]

OFFICE OF EMERGENCY PREPAREDNESS

Notice of Revocation of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Emergency Preparedness to fill by noncareer executive assignment in the excepted service the position of General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6028 Filed 4-19-72;8:50 am]

DIRECTOR, ADULT ASSISTANCE PLANNING GROUP, SOCIAL SECURITY ADMINISTRATION

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective March 16, 1972, that there is a manpower shortage for the single position of Director, Adult Assistance Planning Group, Social Security Administration, Department of Health, Education, and Welfare, Washington, D.C. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6032 Filed 4-19-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

E. I. DU PONT DE NEMOURS & CO., INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1254) has been filed by E. I. du Pont de Nemours and Co., Inc., Wilmington, Del. 19898, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide methomyl (*S*-methyl *N*-[methylcarbamoyl)oxy]thioacetimidate) in or on the raw agricultural commodities grapefruit, lemons, oranges, and tangelos at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a modification of the method of H. L. Pease and J. J. Kirkland, "Journal of Agricultural and Food Chemistry," Vol. 16, pp. 554–7 (1968), using a flame photometric detector instead of a sulfur microcoulometric detector.

Dated: April 14, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5992 Filed 4-19-72;8:47 am]

NUCLEAR POLYHEDROSIS VIRUS OF *HELIOTHIS ZEA*

Extension of Temporary Exemption From Requirement of Tolerance for Microbial Pesticide

Nutrilite Products, Inc., 5600 Beach Boulevard, Buena Park, CA 90620, was granted a temporary exemption from requirement of a tolerance for residues of the insecticide nuclear polyhedrosis virus of *Heliothis zea* in or on cottonseed on December 1, 1970 (notice was published in the FEDERAL REGISTER of December 9, 1970 (35 F.R. 18690)). The firm has requested a 1-year extension of the temporary exemption to obtain additional experimental data.

It has been determined that such extension will protect the public health. The exemption is therefore extended as requested.

Conditions under which this exemption is extended are that:

1. The insecticide will be used in accordance with the temporary permit which is being issued concurrently for distribution under the Nutrilite Products, Inc. name.

2. Each lot of active viral insecticide shall have the following specifications:

a. The level of bacterial contamination as determined by an aerobic plate count on trypticase soy agar will not exceed 10^9 colonies per gram of active viral insecticide.

b. Absence of any pathogens, e.g. *Salmonella, Shigella,* or *Vibrio.*

c. Safety to mice as demonstrated by standardized intraperitoneal injections and a standardized 21-day feeding study.

d. Integrity of the viral product as determined by standardized serological tests.

This temporary exemption expires December 1, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(a)(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 14, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5993 Filed 4-19-72;8:48 am]

3-[2-(3,5-DIMETHYL-2-OXOCYCLOHEXYL)-2-HYDROXYETHYL] GLUTARIMIDE

Notice of Reextension of Temporary Tolerance

The Upjohn Co. Kalamazoo, Mich. 49001, was granted a temporary tolerance for residues of the plant abscission agent 3-[2-(3, 5-dimethyl-2-oxocyclohexyl)-2-hydroxyethyl]glutarimide in or on the raw agricultural commodity oranges on January 23, 1970 (notice was published in the FEDERAL REGISTER of January 30, 1970 (35 F.R. 1169)). At the request of the firm, the temporary tolerance was extended to April 21, 1971. Subsequently, the firm requested and was granted an additional 1-year reextension to obtain additional experimental data (notice was published in the FEDERAL REGISTER of July 17, 1971 (36 F.R. 13290)).

The firm has requested an additional 1-year reextension to complete their experimental program. It is concluded that such reextension will protect the public health. A condition under which this temporary tolerance is reextended is that the plant abscission agent will be used in accordance with the temporary permit which is being issued concurrently by the Environmental Protection Agency and which provides for distribution under The Upjohn Co. name.

This temporary tolerance expires April 21, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 12, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5971 Filed 4-19-72;8:46 am]

S-ETHYL DIETHYLTHIOCARBAMATE

Notice of Establishment of Temporary Tolerance

Gulf Oil Corp., Pittsburgh, Pa. 15230, submitted a petition (PP 2G1214) requesting establishment of temporary tolerances for negligible residues of the herbicide *S*-ethyl diethylthiocarbamate in or on the raw agricultural commodities corn grain, corn fodder and forage and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million.

It has been determined that the temporary tolerances are safe and will protect the public health. They are therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Gulf Oil Corp. name.

These temporary tolerances expire April 12, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 12, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-5970 Filed 4-19-72;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71-85]

AIR-MAR SHIPPING, INC.

Order of Investigation and Hearing Regarding Independent Ocean Freight Forwarder Application; Notice of Enlargement

On February 23, 1972, a motion was filed in this proceeding by Hearing Counsel to amend the Federal Maritime Commission's order of investigation and hearing to include a determination of whether Air-Mar Shipping, Inc. is carrying on the business of ocean freight forwarding as defined in section 1, Shipping Act, 1916, pending resolution of civil case No. 124-72, "Air-Mar Shipping, Inc. v. Federal Maritime Commission," in violation of section 44(a) of the Shipping Act, 1916; and whether, because of the violations as set forth above, the Commission should order respondent to cease and desist such action until it is licensed by the Commission.

In response to this motion and after review and consideration of respondent's reply thereto, the Commission has determined that the order of investigation and hearing should be so amended. Furthermore, the Commission has determined that no persuasive reasons exist for further postponement of this proceeding and that accordingly it should proceed.

Therefore, it is ordered, That the order of investigation and hearing be, and it is hereby, amended to include a determination whether Air-Mar Shipping, Inc. is carrying on the business of ocean freight forwarding as defined in section 1, Shipping Act, 1916, pending resolution of civil case No. 124-72, "Air-Mar Shipping, Inc. v. Federal Maritime Commission," in violation of section 44(a) of the Shipping Act, 1916, and whether the Commission should order respondent to cease and desist such action.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6035 Filed 4-19-72;8:51 am]

STATE OF HAWAII AND SEATRAIN LINES, CALIF.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Fujio Matsuda, Director, State of Hawaii, Department of Transportation, 869 Punchbowl Street, Honolulu, HI 96813.

Agreement No. T-2523-1, between the State of Hawaii (State) and Seatrain Lines, Calif. (Seatrain), modifies the basic agreement which provides for the 20-year lease of certain terminal facilities at Sand Island, Honolulu Harbor, Hawaii, for use as a container facility and purposes related thereto. The purpose of the modification is to provide for (1) the deletion of a 900-square-foot "Easement B" from the leased premises; (2) the addition of 11,131 square feet to "Parcel 1" of the leased premises; and (3) the addition of a 900-square-foot "Parcel II" to the leased premises. Parcel II is to be used for the construction of a yard operations building for use in conjunction with Seatrain's operations at the facility. The changes contemplated by the modification result in a net effective annual rental increase of $8,114.50.

Dated: April 17, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6034 Filed 4-19-72;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. E-7712]

KENTUCKY UTILITIES CO.

Notice of Application

APRIL 11, 1972.

Take notice that on February 14, 1972, Kentucky Utilities Co. (applicant) filed an application pursuant to section 203 of the Federal Power Act, for authorization to acquire securities of a wholly owned subsidiary, Old Dominion Power Co. (Old Dominion). The securities will consist of the unsecured notes of Old Dominion which will be issued from time to time in an aggregate principal amount not to exceed $1.5 million outstanding at any one time. The notes will be payable on or before 10 years from the date of their issuance.

Applicant is incorporated under the laws of the State of Kentucky with its principal business office at Lexington, Ky., and is engaged in the electric utility in 78 counties in Kentucky and one adjoining county in Tennessee. Old Dominion is incorporated under the laws of the State of Virginia and furnishes electric services in five counties in southwestern Virginia. It is wholly owned by the applicant.

The notes which Old Dominion proposes to issue shall bear interest from the date thereof at the rate of 7½ percent per annum, and will be subject to prepayment by Old Dominion at any

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time (in whole or in part) without premium or penalty.

The proceeds from the issuance of the notes will be used by Old Dominion to finance the construction, completion, extension, and improvement of its electric utility facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 26, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6007 Filed 4-19-72;8:48 am]

[Docket No. CP72-220]

MOUNTAIN FUEL SUPPLY CO.

Further Notice of Application

APRIL 11, 1972.

Take notice that on April 3, 1972, Mountain Fuel Supply Co. (applicant), 180 East First South Street, Salt Lake City, UT 84111, filed in Docket No. CP72-220 a supplement to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity by correcting the description of the location of certain proposed facilities, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

Applicant states that the proposed 1,100 horsepower compressor station on its main gathering trunk line in the State Line Field will be located in Moffat County, Colo., and not Sweetwater County, Wyo., as is stated in the application.

Any person desiring to be heard or to make any protest with reference to said application, as supplemented, should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene or protests need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6008 Filed 4-19-72;8:48 am]

[Docket No. G-16026 etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Motion for Adoption of Settlement Agreement Relative to Consolidated Effective Tax Rate Issue

APRIL 11, 1972.

Take notice that on April 3, 1972, Natural Gas Pipeline Company of America (Natural) filed a motion for commission approval of an attached settlement agreement relative to the consolidated effective tax rate issue reserved in the above dockets (Dockets Nos. G-16026, G-18148, G-18149, RP60-5, RP61-8). The agreement arises from a petition filed by Natural on May 19, 1970, with respect to the aforementioned dockets wherein the Commission was requested to issue an order finding and declaring that Natural had no liability under the "consolidated effective tax rate" conditions contained in settlement agreements previously approved by the Commission in these dockets. Natural's petition also requested Commission approval of use of that interpretation of the consolidated effective tax rate issue in future rate proceedings before the Commission.

The settlement agreement that is the subject of the above motion relies on the Commission ruling on the consolidated tax issue in Florida Gas Transmission Co., Opinion No. 611, issued February 16, 1972. The provisions of the settlement agreement are that Natural would have no refund obligation under the above dockets relative to the consolidated effective tax rate conditions set out therein and such conditions are terminated. Additionally, if Peoples Gas (parent of Natural), through its own operations or those of any company (other than Natural) in which Peoples Gas owns, directly or indirectly, 50 percent or more of stock of such company, shall suffer tax losses, even to the extent of creation of a "loss company" in the system, such result will not and may not be used to reduce the rates of Natural below the level at which they would otherwise be.

Comments or objections to the proposed agreement as to the disposition of the consolidated effective tax issue in the above dockets may be filed with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, on or before April 21, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6009 Filed 4-19-72;8:48 am]

[Docket No. CP72-236]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 11, 1972.

Take notice that on April 3, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to construct and operate certain measuring facilities and to transport natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is currently constructing certain gas gathering system facilities to enable it to gather and transport natural gas purchased in the West Wellman Field, Terry County, Tex. Pioneer Natural Gas Co. (Pioneer), which purchases gas produced in the West Wellman Field from Caprock Pipeline Co. (Caprock), has requested applicant to transport this gas from the field for redelivery to Caprock for Pioneer's account. Applicant states that its West Wellman Gathering System is being installed to connect with its 30-inch Florey, Tex., to Plains, Tex., pipeline and will cross an existing 10-inch pipeline of Caprock en route. Applicant further states that, under the terms of a gas transportation agreement it has entered into with Pioneer, Caprock will deliver, for Pioneer's account, approximately 5,000 Mcf of gas per day to Northern at two points of intersection to be located in Terry County. Applicant will dehydrate, transport, and redeliver to Caprock at a point of interconnection in Gaines County, Tex., for the account of Pioneer, that quantity of gas which will result in Caprock's receiving the same number of B.t.u.'s as Caprock delivered to it for Pioneer's account.

Applicant indicates that it will have adequate capacity in the dehydration equipment being installed on its gathering system to dehydrate the gas received from Caprock for transportation. Pioneer will pay applicant 4 cents per Mcf of gas for all volumes Caprock delivers to applicant for dehydration, transportation, and redelivery to Caprock for Pioneer's account.

Applicant estimates that the cost of the proposed facilities is $18,300, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 (and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6010 Filed 4-19-72;8:48 am]

[Dockets Nos. CP72-100, CP72-101]

TECON GASIFICATION CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Availability of Environmental Statement for Inspection

APRIL 17, 1972.

Notice is hereby given that on March 27, 1972, as required by § 2.82(b) of Commission Regulations under Order 415-B (36 F.R. 22738, Nov. 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, Apr. 23, 1971) was placed in the public files of the Federal Power Commission. Simultaneously with such placing in the public files, the statement was also circulated for comments, pursuant to the requirements of the National Environmental Policy Act, to all appropriate Federal, State, and local agencies. The environmental statement has been prepared by Tecon Gasification Co., and Texas Eastern Transmission Corp., to accompany applications for certificates of public convenience and necessity authorizing the construction and operation of a gasification plant and appurtenant facilities, pursuant to section 7(c) of the Natural Gas Act. A summary of environmental impact has been prepared by the Federal Power Commission Staff. The environmental statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The environmental statement contains information on each of the five statutory points listed in section 102(2)(c) of the National Environmental Policy Act of 1969. The gasification plant will be constructed near South Plainfield, N.J., with storage facilities to be constructed on Staten Island, and related pipeline facilities to connect the two sites and deliver the gas to Tecon's customers. The environmental statement states that the proposed sites are primarily unimproved, unproductive areas which are zoned for heavy industrial use. The construction of the facilities has been studied toward minimizing environmental impact, and applicants believe that they will be able to avoid any detrimental environmental effects.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any differences with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of order 415-B. Written statements by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before May 12, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6017 Filed 4-19-72;8:49 am]

[Dockets Nos. G-10670, etc.]

TENNECO OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 5, 1972.

Tenneco Oil Co. (Operator) et al., Docket No. G-10670, etc.; and Mobil Oil Corp. (Operator) et al., Dockets Nos. CI71-696 and CI71-697.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, making successor corespondent, canceling FPC gas rate schedules, redesignating proceedings, accepting rate schedules for filing dismissing application in part, and canceling docket number, issued February 11, 1972, and published in the FEDERAL REGISTER, February 18, 1972 (37 F.R. 3712): paragraph (P): Change dockets Nos. "CI71-695" and "CI71-697" to "CI67-937" and "CI67-1217".

Footnote 7: Add "canceled" after "or". Under dockets Nos. CI71-696 and CI71-697 delete the filing code letter "D". Footnotes 21 and 23: Change "abandon" to "Terminate".

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6012 Filed 4-19-72;8:49 am]

[Docket No. CP65-49]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

APRIL 11, 1972.

Take notice that on March 20, 1972, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (petitioner), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP65-49 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on November 24, 1964 (32 F.P.C. 1366), by authorizing a reallocation of certain maximum daily quantities to be delivered by petitioner, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued in the subject docket petitioner is authorized to deliver to Longhorn Gas, Inc. (Longhorn), a maximum daily quantity of 155 Mcf of gas for its Crowville service area and to deliver to the village of Robeline, La. (Robeline), a maximum daily quantity of 190 Mcf of gas for its Robeline service area. On March 8, 1967, Robeline assigned its rights in its gas sales contract with petitioner dated November 1, 1964, to Longhorn. On April 17, 1967, the Commission accepted for filing the presently effective gas sales contract dated March 8, 1967, between petitioner and Longhorn providing a maximum daily quantity of 190 Mcf of gas for Longhorn's Robeline service area.

Petitioner proposes to reallocate maximum daily quantities by service areas to provide a maximum daily quantity of 205 Mcf of gas to the Crowville service area instead of 155 Mcf of gas and to provide 140 Mcf of gas to the Robeline service area instead of 190 Mcf of gas. Longhorn has advised petitioner that this reallocation is necessary because growth has been experienced in Crowville while the number of customers in Robeline has decreased.

Petitioner states that rendition of natural gas service to Longhorn after the proposed reallocation of Longhorn's maximum daily contract quantities will result in no additional cost to Tennessee and can be done with existing facilities without operating problems and without affecting petitioner's ability to render authorized natural gas service to any other customer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file

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a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6011 Filed 4-19-72;8:49 am]

[Dockets Nos. CS66-57, etc.]

WISER OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

APRIL 5, 1972.

The Wiser Oil Co. et al., Dockets Nos. CS66-57, etc.; Freeport Oil Co., a division of Freeport Minerals Co., Docket No. CS69-6; Cenard Oil & Gas Co. et al., Docket No. CS67-162.

In the findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, canceling FPC gas rate schedules, terminating rate proceedings, making successor respondent, redesignating proceedings, amending certificates, and dismissing applications, issued January 17, 1972, and published in the FEDERAL REGISTER, January 27, 1972 (37 F.R. 1261): In paragraph (L), change docket No. "CS71-729" to "CS69-6".

Docket No. CS72-162, Cenard Oil & Gas Co. et al., Under column headed "Terminated Certificate Docket No." change "CI63-1429" to "CI67-100" opposite Cancelled FPC Gas Rate Schedule No. 8.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6013 Filed 4-19-72;8:49 am]

FEDERAL RESERVE SYSTEM

JACOBUS CO. AND INLAND FINANCIAL CORP.

Application for Acquisition of Bank

Correction

In F.R. Doc. 72-5550 appearing on page 7272 of the issue for Wednesday, April 12, 1972, the first sentence should read as follows: "The Jacobus Co., Milwaukee, Wis., and its subsidiary Inland Financial Corp., Milwaukee, Wis., have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for Inland Financial Corp. to acquire directly, and the Jacobus Co. to acquire indirectly, 56.3 percent or more of the voting shares of Heritage Bank of Milwaukee, Milwaukee, Wis."

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 130 varieties of cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 F.R. 11178).

TAR[1] AND NICOTINE[2] CONTENT OF 130 VARIETIES OF DOMESTIC CIGARETTES

Name	Type	TPM dry (tar)[1] (mg./cig)	Nicotine[2] (mg./cig)
Alpine	King size, filter, menthol.	18	1.2
American Brand	King size, filter (hard pack).	19	1.3
Do	King size, filter	21	1.4
Belair	King size, filter, menthol.	17	1.3
Do	100 mm., filter, menthol.	18	1.4
Benson and Hedges.	Regular size, filter (hard pack).	17	1.2
Do	King size, filter (hard pack).	18	1.3
Do	100 mm., filter	19	1.4
Do	100 mm., filter, menthol.	20	1.4
Bull Durham	King size, filter	30	2.0
Camel	Regular size, non-filter.	25	1.6
Do	King size, filter	19	1.3
Camel Talls	100 mm., filter	20	1.4
Carlton[3]	Regular size, filter	1	0.1
Do	King size, filter	3	0.3
Chesterfield	Regular size, non-filter.	25	1.5
Do	King size, nonfilter	20	1g .28
Do	King size, filter	19	11.
Do	King size, filter, menthol.	18	.
Do	101 mm., filter	19	1.4
Domino	King size, nonfilter	27	1.4
Do	King size, filter	21	1.3
Doral	do	14	1.0
Do	King size, filter, menthol.	14	1.1
DuMaurier	King size, filter (hard pack).	17	1.2
Edgeworth	do	18	1.3
Export. Do	100 mm., filter	19	1.5
English Ovals	Regular size, non-filter (hard pack).	24	1.8
Do	King size, non-filter (hard pack)	30	2.4
Eve	100 mm., filter	17	1.3
Do	100 mm., filter, menthol.	18	1.2
Fatima	King size, non-filter.	31	1.9
Frappe	King size, filter, menthol.	10	0.4
Galaxy	King size, filter	20	1.4
Half and Half	do	24	1.7
Herbert Tareyton.	King size, nonfilter	29	1.9
Home Run	Regular size, non-filter.	19	1.4
Kent	Regular size, filter	9	0.6
Do	King size, filter (hard pack).	16	1.0
Do	King size, filter	17	1.1
Do	King size, filter, menthol.	18	1.1
Do	100 mm., filter	20	1.3
Do	100 mm., filter, menthol.	18	1.2
King Sano	King size, filter	7	0.3
Do	King size, filter, menthol.	6	0.3
Kool	Regular size, non-filter, menthol,	21	1.5
Do	King size, filter, menthol.	18	1.4
Do	100 mm., filter, menthol.	19	1.4
L&M	King size, filter (hard pack).	18	1.2
Do	King size, filter	19	1.3
Do	100 mm., filter	19	1.4
Do	100 mm., filter, menthol.	19	1.3
L.T.C	King size, filter	10	0.7
Lark	do	17	1.2
Do	100 mm., filter	18	1.2
Life[4]	do	10	0.6
Lucky Strike	Regular size, non-filter.	28	1.8
Do	King size, filter	21	1.6
Do	100 mm., filter	22	1.6
Mapleton	Regular size, non-filter.	29	1.3
Do	King size, filter	23	1.2

See footnotes at end of table.

TAR[1] AND NICOTINE[2] CONTENT OF 130 VARIETIES OF DOMESTIC CIGARETTES—Continued

Name	Type	TPM dry (tar)[1] (mg./cig)	Nicotine[2] (mg./cig)
Marlboro	King size, filter (hard pack).	18	1.3
Do	King size, filter	19	1.3
Do	King size, filter, menthol.	18	1.2
Do	100 mm., filter (hard pack).	19	1.5
Do	100 mm., filter	20	1.5
Marlboro Lights	King size, filter	13	1.1
Marvels	King size, nonfilter	26	1.0
Do[4]	King size, filter	6	0.3
Do	King size, filter, menthol.	4	0.2
Maryland	100 mm., filter, menthol.	20	1.4
Montclair	King size, filter, menthol.	19	1.4
Multifilter	King size, filter (plastic box).	14	1.1
Do	King size, filter, menthol (plastic box).	12	0.9
New Leaf	King size, filter, menthol.	19	1.2
Newport	King size, filter, menthol (hard pack).	18	1.1
Do	King size, filter, menthol.	19	1.1
Do	100 mm., filter, menthol.	21	1.3
Oasis	King size, filter, menthol.	18	1.1
Old Gold Straights.	Regular size, non-filter.	21	1.2
Do	King size, non-filter.	26	1.6
Old Gold Filters	King size, filter	20	1.3
Do	100 mm., filter	25	1.6
Pall Mall	King size, filter (hard pack).	19	1.3
Do	King size, filter	21	1.4
Do	King size, nonfilter	29	1.8
Do	100 mm., filter (hard pack).	18	1.3
Do	100 mm., filter, menthol (hard pack).	18	1.4
Do	100 mm., filter	18	1.3
Do	100 mm., filter, menthol.	18	1.3
Parliament	King size, filter (hard pack).	16	1.1
Do	King size, filter	16	1.1
Do	100 mm., filter	19	1.4
Parliament Charcoal filter.	King size, filter (hard pack).	17	1.1
Do	King size, filter	16	1.1
Peter Stuyvesant.	do	20	1.5
Do	100 mm., filter	20	1.5
Philip Morris	Regular size, non-filter.	24	1.6
Philip Morris Commander.	King size, non-filter.	30	2.0
Pleayune	Regular size, non-filter.	20	1.6
Piedmont	do	24	1.4
Players	Regular size, non-filter (hard pack).	35	2.4
Raleigh	King size, non-filter.	27	1.8
Do	King size, filter	17	1.3
Do	100 mm., filter	19	1.4
Salem	King size, filter, menthol.	19	1.4
Do	100 mm., filter, menthol.	20	1.5
Sano	Regular size, non-filter.	15	0.5
Do	Regular size, filter	3	0.2
Silva Thins	100 mm., filter	16	1.1
Do	100 mm., filter, menthol.	16	1.1
Spring	do	20	1.1
Stratford	King size, nonfilter	31	1.2
Tareyton	King size, filter	19	1.3
Do	100 mm., filter	19	1.3
Tempo	King size, filter	12	0.9
True	do	12	0.7
Do	King size, filter, menthol.	12	0.7
Vantage	King size, filter	12	0.9
Do	King size, filter, menthol.	11	0.8
Vantage	King size, filter	12	0.9
Do	King size, filter, menthol.	11	0.8

[1] TPM dry (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C. only.
[4] Cigarettes with and without perforations smoked together.

By direction of the Commission dated April 11, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5926 Filed 4-19-72;8:45 am]

TAR[1] AND NICOTINE[2] CONTENT OF 130 VARIETIES OF DOMESTIC CIGARETTES—Continued

Name	Type	TPM dry (tar)[4] (mg./cig)	Nicotine[2] (mg./cig)
Viceroy	King size, filter	17	1.3
Do	100 mm., filter	19	1.4
Virginia Slims	do	16	1.2
Do	100 mm., filter, menthol.	16	1.3
Vogue (black)	King size, filter (hard pack).	27	1.0
Vogue (colors)	do	21	0.6
Winston	do	20	1.3
Do	King size, filter	20	1.4
Do	100 mm., filter	20	1.4
Do	100 mm., filter, menthol.	20	1.4

*Prior to Aug. 1971, Life cigarette was king size, filter (85 mm).
[1] TPM dry (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C. only.
[4] Cigarettes with and without perforations smoked together.
[5] Cigarettes marketed with filters of different lengths

By direction of the Commission dated April 11, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-5926 Filed 4-19-72;8:45 am]

GENERAL SERVICES ADMINISTRATION

ELECTRIC VACUUM CLEANERS

Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold a specification development conference in connection with the following Federal specifications:

W-C-421G—Cleaner, vacuum, electric (household/commercial).
W-C-1749—Cleaner, vacuum, electric (institutional/hospital).
W-C-1750—Cleaner, vacuum, electric (commercial/industrial).

The purpose of this conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specifications for electric vacuum cleaners to the end that (1) mutual understanding by both the Government and industry of the Government's technical requirements for the items and (2) the quality of the product to be shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters, and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on May 2 and 3, 1972, at 9 a.m., in Room 1022, Building 4, Crystal Mall, 1941 Jefferson Davis Highway, Arlington, Va. Anyone who wants to attend or desires further information should contact Mr. L. W. Parsons, Federal Supply Service, Office of Standards and Quality Control, telephone number area code 703-557-7800; or should write to the General Services Administration (FMSK), Washington, DC 20406.

Issued in Washington, D.C., on April 12, 1972.

M. S. MORRIS,
Commissioner,
Federal Supply Service.

[FR Doc.72-6015 Filed 4-19-72;8:49 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (72-4)]

APOLLO PROGRAM

Final Environmental Impact Statement; Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Apollo Program of the National Aeronautics and Space Administration.

Comments on the draft Environmental Statement for the Apollo Program were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of March 18, 1971.

Copies of the draft statement were sent to the Office of Management and Budget, the Council on Environmental Quality, and the Environmental Protection Agency.

Copies of the final statement will be furnished to the Office of Management and Budget and the Council on Environmental Quality.

Copies of the final statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 800), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 13th day of April 1972.

By direction of the Administrator.

DAVID WILLIAMSON, Jr.,
Acting Associate Administrator,
National Aeronautics and Space Administration.

[FR Doc.72-5997 Filed 4-19-72;8:48 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in Chapters 604, 611, 612, 617, 621, 622, and 643 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore Chapters 604, 611, 612, 617, 621, 622, and 643 are set forth in full as follows:

CHAPTER 604—ORGANIZATION FOR REGISTRANT PROCESSING

THE LOCAL BOARD

1. *Jurisdiction.* The jurisdiction of each local board shall extend to all persons registered with, or subject to registration with that local board. It shall have full authority to do and perform all acts within its jurisdiction authorized by the selective service law.

2. *Disqualification.* a. No member of a local board shall act on his own case or on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employee or employer, or who is a fellow employee, or stands in the relation of a superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision a majority of a local board cannot act on the case of a registrant, the local board shall request the State Director of Selective Service to designate another local board to which the registrant shall be transferred for action on his case.

b. The local board shall be disqualified to consider the classification of any registrant who is an advisor to registrants, or employee of such local board and in each such case it shall advise the State Director of Selective Service of its disqualification. The State Director of Selective Service shall then designate another local board to classify such registrant, and the registrant shall be transferred for classification to the local board thus designated.

3. *Organization and meeting.* Each local board shall elect a chairman and a secretary. A majority of the members of the local board shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall

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postpone action on the question or classification until the next local board meeting or until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the local board, the chairman of the local board shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

4. *Oath of witnesses.* A member of the local board shall administer the following oath to every person testifying before the local board:

You swear (or affirm) that the evidence you give in the matter now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.

5. *Minutes of meetings.* Each local board shall keep a record of each meeting of the board on Minutes of Local Board Meeting (SSS Form 112) which shall be filed by the local board as minutes of its meetings.

6. *Signing of official papers.* Official papers issued by a local board may be signed by any compensated employee of the local board if he is authorized to do so by resolution duly adopted by and entered in the minutes of the meetings of the local board: *Provided,* That the chairman or a member of the local board must sign a particular paper when specifically required to do so by the Director of Selective Service.

7. *Interpreters.* a. When necessary, the local board is authorized to use interpreters.

b. The following oath shall be administered to an interpreter each time he is used by a local board:

You swear (or affirm) that you will truly interpret in the matter now in hearing. So help you God.

THE APPEAL BOARD

1. *Jurisdiction.* The appeal board shall have jurisdiction to review and to affirm or change any decision appealed to it from any local board in its area or any decision appealed from any local board not in its area when such appeal is either transferred to it in the manner provided in this Manual or is appealed to it by or on behalf of any registrant whose principal place of employment is located in its area or submitted to it in the manner required by law.

2. *Disqualification.* No member of an appeal board shall act on his own case or on the case of a registrant who is his first cousin or closer relation, either by blood, marriage, or adoption, or who is an employer, employee, or fellow employee, or stands in the relationship of superior or subordinate in connection with any employment, or is a partner or close business associate of the member. If because of this provision, or for any other reason, an appeal board cannot act on the case of a registrant, and there is no panel of the appeal board to which the case may be transferred, the appeal board shall transmit such case to the State Director of Selective Service for transfer to another appeal board.

3. *Organization and meeting.* Each appeal board or panel shall elect a chairman and a secretary. A majority of the members of an appeal board or panel when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on a question or classification, the board shall postpone action until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board, the chairman of the board or panel concerned shall recommend to the State Director of Selective Service that such member be removed and a new member appointed.

4. *Minutes of meetings.* Each appeal board or panel of an appeal board shall keep minutes of each of its meetings.

5. *Signing official papers.* Official papers issued by an appeal board or panel may be signed by the clerk "By direction of the Appeal Board", if he is authorized to do so by a resolution duly adopted by and entered in the minutes of such appeal board or panel, provided that the chairman or a member of an appeal board or panel must sign a particular paper when specifically required to so do by the provisions of a regulation or by an instruction issued by the Director of Selective Service.

NATIONAL SELECTIVE SERVICE APPEAL BOARD (PRESIDENTIAL APPEAL BOARD)

1. *Organization and Function.* a. Members of the National Selective Service Appeal Board (sometimes referred to as "Presidential Appeal Board" or "National Board") are appointed by the President and he designates one member as chairman. A majority of the members of the National Board shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. The National Board may sit en banc or, upon the request of the Director of Selective Service or as determined by the Chairman of the National Board, in panels, each panel to consist of at least three members. The chairman of the National Board shall designate the members of each panel and he shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board, or a panel thereof, shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the Chairman of the National Board, at any other place.

b. The National Board or panel thereof, is authorized and directed to perform all the functions and duties vested in the President by that sentence of section 10(b)(3) of the Military Selective Service Act, which reads as follows:

"The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final." The National Board, when an appeal to the President has been taken, shall classify each registrant, giving consideration to the various classifications which a local board might consider, and shall give effect to the provisions of the Military Selective Service Act and the established policies of the Director of Selective Service.

2. *Consideration of appeals.* The Director of Selective Service shall establish the order, by category, in which appeals by registrants will be considered, but he shall not determine the sequence in which appeals within a given category shall be processed.

CHAPTER 611—PERSONS REQUIRED TO REGISTER

1. Except as otherwise indicated below, it shall be the duty of every male citizen of the United States, and every other male person, except an alien male person who is in a medical, dental, or allied specialist category, residing in or who hereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall not have attained the 26th anniversary of the day of his birth on the day or any of the days fixed for registration by Presidential proclamation to present himself for and submit to registration at such time or times and place or places, and in such manner as is required by proclamation of the President and the provisions of this chapter.

2. Every alien male person who is in a medical, dental, or allied specialist category residing in the United States or who thereafter enters the United States, who shall have attained the 18th anniversary of the day of his birth and who shall have not attained the 35th anniversary of the day of his birth on the day or any days fixed for registration by Presidential proclamation is required to present himself for and submit to registration at such time or times and place or places, and in such manner as is required by proclamation of the President and the provisions of this chapter.

3. Every male person required to register shall present himself for and submit to registration before a duly designated registration official or the local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on the day or any of the days fixed for his registration. All persons waiting to register at any place of registration at the closing hour on the last day fixed for their registration by the Presidential proclamation shall be registered.

4. Any person, who upon attaining the age of 18 years is required to register, shall be registered on the day he attains the 18th anniversary of the day of his birth or within 30 days before or after such date.

5. *Persons not required to be registered.*—The following persons are not required to be registered:

(1) Commissioned officers, warrant officers, enlisted men, and aviation cadets of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the National Oceanic and Atmospheric Administration and the regular Public Health Service;

(2) Cadets, U.S. Military Academy;

(3) Midshipmen, U.S. Navy;

(4) Cadets, U.S. Air Force Academy;

(5) Cadets, U.S. Coast Guard Academy;

(6) Midshipmen, Merchant Marine Reserve, U.S. Naval Reserve;

(7) Students enrolled in an officer procurement program at the following military colleges, the curriculum of which has been approved by the Secretary of Defense:

(a) The Citadel, Charleston, S.C.
(b) Norwich University, Northfield, Vt.
(c) Virginia Military Institute, Lexington, Va.
(d) North Georgia College, Dahlonega, Ga.
(e) Pennsylvania Military College, Chester, Pa.

(8) Members of the reserve components of the Armed Forces, the Coast Guard, and the Public Health Service, while on active duty, provided that such active duty in the Public Health Service that commenced after June 30, 1967, is performed by members of the Reserve of the Public Health Service while assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or while assigned to the Coast Guard, the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration;

(9) A male alien who is now in or who hereafter enters the United States and who has not been admitted for permanent residence in the United States shall not be required to be registered unless he is (a) a conditional entrant or refugee who has been admitted to the United States and who does not possess either an immigrant or nonimmigrant status, or (b) a person who illegally enters or is illegally in the United States. A male alien who is not required to register will have in his possession an Immigration Form I-94 (Entry—Departure Record).

6. *Change of status.*—Except as otherwise provided herein, every male person who would have been required to be registered on a day or one of the days fixed by Presidential proclamation except for the fact that he was in one of the categories described above as exempt from registration shall present himself for and submit to registration before a local board when a change in his status removes him from such category.

7. *Registration of male persons separated from Armed Forces.*—Every male person who (1) has been separated from active service in the Armed Forces, the National Oceanic and Atmospheric Administration or the Public Health Service, (2) has not been registered prior to such separation, (3) would have been required to be registered except for the fact that he was in such active service on the day or days fixed for his registration by Presidential proclamation, and (4) who has not (a) served honorably on active duty (other than active duty for training, in the Armed Forces for at least 6 months, or (b) served honorably in the National Oceanic and Atmospheric Administration or the Public Health Service for at least 24 months, shall present himself for and submit to registration before a local board within the period of 30 days following the date on which he was so separated.

8. *Time period for registration of certain persons entering the United States.*—Every male person, other than a citizen of the United States or a person excepted from registration, who enters the United States subsequent to the day or days fixed by Presidential proclamation for his registration, must present himself for registration before a local board within 6 months following the date on which he enters the United States.

9. *Inmate of institution.*—Unless he has already been registered, every person subject to registration who is an inmate of an insane asylum, jail, penitentiary, reformatory, or similar institution shall be registered on the day he leaves the institution.

10. *Responsibility for performance of duty.* a. Every person subject to registration is required to familiarize himself with the rules and regulations governing registration and to comply therewith.

b. Every person who, on the day or one of the days fixed for registration, is required to be registered, is personally charged with the duty of presenting himself before the proper officials and submitting to registration.

c. The duty of every person subject to registration to present himself for and submit to registration shall continue at all times, and if for any reason any such person is not registered on the day or one of the days fixed for his registration, he shall immediately present himself for and submit to registration before the local board in the area where he happens to be.

d. Persons required to present themselves for and submit to registration shall not be paid for performing such obligation nor shall they be paid travel allowances or expenses.

11. No alien male person who is in a medical, dental, or allied specialist category shall be registered after he has attained the 35th anniversary of his birth. No other person shall be registered after he has attained the 26th anniversary of his birth.

CHAPTER 612—DUTIES IN REGISTRATION

1. *Responsibility of Director of Selective Service.* Whenever the President by Proclamation or other public notice fixes a day or days for registration, the Director of Selective Service shall take the necessary steps to prepare for registration and, on the day or days fixed, shall supervise the registration of those persons required to present themselves for and submit to registration. The Director of Selective Service shall also arrange for and supervise the registration of persons who present themselves for registration at times other than on the day or days fixed for any registration.

2. *Responsibility of State Director of Selective Service.* The State Director of Selective Service shall supervise the registration of persons who present themselves for registration in his State. Each State Director of Selective Service may, with the approval of the Director of Selective Service, make such modifications of the procedures contained in this chapter as may be necessary in order to properly effect a complete registration.

3. *Duties of Chairman of Local Board.* a. Whenever the President by Proclamation or other public notice fixes a day or days for registration, the chairman of the local board, under the general supervision and direction of the State Director of Selective Service, shall take necessary action to prepare for registration in his local board area. On the day or days fixed for registration, he shall supervise the registration of those persons who present themselves for registration.

b. No expense shall be incurred in connection with the registration except upon the prior approval of the State Director of Selective Service.

4. *Establishing and making ready places of registration.* a. The chairman of the local board shall procure, designate, and establish within the boundaries of the area of his local board as many suitable places of registration as are necessary for the efficient accomplishment of the registration.

b. The chairman of the local board shall make certain that all places of registration are made ready prior to the time fixed for registration and are open on the day or days during the hours fixed for registration in the Presidential proclamation or public notice.

5. *Registrars.* a. Any member or compensated employee of a local board may perform the duties of registrar without special appointment. The chairman of the local board may appoint as registrars qualified persons whose services can be secured without compensation. When the services of registrars cannot be secured without compensation, the chairman of the local board will recommend the appointment by the State Director of Selective Service of registrars on a compensated basis. Compensated employees of the local board shall serve as registrars whenever possible in lieu of appointing other persons as registrars to serve with compensation.

b. Each person who is appointed as registrar to serve without compensation shall execute an Oath of Office and Waiver of Pay (SSS Form 400) before undertaking any duties as registrar.

c. For each place of registration the chairman of the local board shall designate a chief registrar who shall be responsible to him for the proper conduct of the registration at each such place.

d. The chairman of the local board shall see that all registrars are instructed in their duties and are familiar with the

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regulations and procedures governing the registration.

6. *Interpreters.* Whenever the services of interpreters are necessary in conducting the registration, the chairman of the local board may appoint such interpreters as may be necessary.

7. *Care and Custody of Registration Cards and Registration Certificates.* The chairman of the local board is charged with the care and custody of the Registration Cards (SSS Form 1) and the Registration Certificates (SSS Form 2) received by him from the State Director of Selective Service. He shall guard against their loss or destruction and shall not permit anyone to tamper with them and shall warn all persons concerned against entrusting them to the custody of unauthorized persons.

CHAPTER 617—THE REGISTRATION CERTIFICATE

1. *Effect of failure to have unaltered Registration Certificate in personal possession.* Every person required to present himself for and submit to registration must, after he has registered, have in his personal possession until his liability for training and service has terminated his Registration Certificate (SSS Form 2) prepared by his local board which has not been altered and on which no notation duly and validly inscribed thereon has been changed in any manner after its preparation by the local board. The failure of any person to have his SSS Form 2 in his personal possession shall be prima facie evidence of his failure to register. When a registrant is inducted into the Armed Forces or enters upon active duty in the Armed Forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, he shall surrender his SSS Form 2 to the commanding officer of the Armed Forces Examining and Entrance Station or to the responsible officer at the place to which he reports for active duty. The responsible officer shall return the certificate to the local board that issued the form.

2. *Effect of date of birth that appears on Registration Questionnaire (SSS Form 100).* The date of birth of the registrant that appears on his Registration Questionnaire (SSS Form 100) on the day before the lottery is conducted to establish his Random Sequence Number will be conslusive as to his date of birth in all matters pertaining to his relations with the Selective Service System.

3. *Duty of Registrant separated from active duty in Armed Forces.* Every registrant who is separated from active duty in the Armed Forces and who has been previously registered with Selective Service shall, within 10 days after the date of his separation, request his local board to return his Registration Certificate (SSS Form 2) if available or issue him a duplicate SSS Form 2. The registrant shall make this request by a letter mailed to his local board or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) which he shall file with his own or any other local board.

4. *Issuing of Duplicate Registration Certificate.* a. A duplicate SSS Form 2 shall be issued to a registrant by the local board with which he is registered upon receipt of his request made by letter or SSS Form 6 and the presentation of satisfactory proof to the local board that the SSS Form 2 of the registrant has been lost, destroyed, mislaid, or stolen.

b. A registrant may complete and file a request for a duplicate Registrant Certificate (SSS Form 2) made on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) at his own or any other local board. When he makes such request by letter he may file it only at his own local board. If the registrant files a request made on Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) at any local board other than the local board with which he is registered and the registrant's own local board or the place of residence of the registrant at the time of registration is within its State, the local board with which the request is filed shall immediately mail the request to the local board having jurisdiction of the registrant. If the local board with which the request is filed has any doubt as to which other local board in its State has jurisdiction or if the registrant's own local board or his place of residence at the time of registration is not within its State, it shall mail the request to the State Director of Selective Service for transmission to the proper local board. Upon receipt of the request, the local board with which the registrant is registered shall issue a duplicate Registration Certificate (SSS Form 2) to the registrant. If the registrant has appeared in person at his local board to file the request, the local board shall deliver the duplicate Registration Certificate (SSS Form 2) to him. If the registrant has filed the request through another local board or by letter, the duplicate Registration Certificate (SSS Form 2) shall be mailed to him at his mailing address.

5. *Changes to Registration Certificate when Selective Service number remains unchanged.* The local board shall record changes in registration information which do not affect the selective service number by issuing a corrected SSS Form 2. It shall mark the "Change" block of the form, and shall mail copy 1 to the Data Processing Center and copy 2 to the registrant. Such changes shall include name change, day or month of birth change, social security number change, date of registration change, or place of birth change. Changes in descriptive information, other than those resulting from registration errors, shall not be included. No cancellation action shall be taken when any of the above changes are made.

6. *Return of Registration Certificate to local board.* Whenever a registrant at the time he receives a duplicate Registration Certificate (SSS Form 2) from his local board has in his possession any such certificate previously issued to him by the local board or he later finds or regains possession of any such certificate previously issued to him, it shall be the duty of the registrant to immediately return to the local board the certificate previously issued to him upon his receipt of the duplicate certificate or upon his finding or regaining possession of such certificate previously issued to him.

CHAPTER 621—PREPARATION FOR CLASSIFICATION BY LOCAL BOARD

SECTION 621.1. 1. *Introduction.* Preparation for classification by the local board includes all procedures necessary in order for the local board to identify and select registrants for classification and insure that the registrants' files are properly documented and complete, and ready for classification.

2. *Selection for classification.* a. Preparation for classification out of the administratively assigned 1–H classification will not be initiated for any registrant who has not been assigned a random sequence number unless review of his Registration Questionnaire (SSS Form 100), or other information in his file, indicates that he may qualify for a lower classification.

(1) A registrant whose Registration Questionnaire indicates that he may qualify for a lower classification will be requested to substantiate his status or claim by submitting the proper SSS form or other documentary evidence.

(2) Upon receipt of the necessary information, the local board will consider the registrant for a classification lower than 1–H.

b. Immediately following the lottery drawing for the appropriate year group, the Random Sequence Number (RSN) for each registrant in that year group will be entered on SSS Forms 101, 102, and as required on other forms. Any correspondence relating to the registrant will include his RSN.

c. A 1–H cutoff number will be designated by the Director as early as possible to apply against each year's First Priority Selection Group (FPSG). The designation of a 1–H cutoff number by the Director for a First Priority Selection Group is a basis for reopening the classification of those registrants in class 1–H in that selection group whose RSN's are equal to or below that cutoff number. These registrants will be classified into an available class unless they qualify for a deferred or exempt class.

3. *Preparation for classification.* a. When a registrant has been selected for classification, the local board shall review the file of each such registrant whose RSN is equal to or below the 1–H cutoff number, starting with the lowest Random Sequence Number.

(1) A Current Information Questionnaire (SSS Form 127) will be mailed to each registrant eligible for classification out of 1–H.

(2) The Registration Questionnaire (SSS Form 100) will be reviewed to determine whether any other forms or requests for documentation should be mailed to the registrant.

(3) All other information in the registrant's file folder will be reviewed and evaluated as pertaining to the classification of the registrant.

(4) If the registrant fails to return any form or submit information having a bearing on his classification prior to the time the local board considers his classification, he shall be classified on the basis of the information contained in his file.

(5) Mailings of all forms and requests for information will be entered and dated on page 2 of SSS Form 101.

b. Upon receipt, the requested information will be reviewed by local board compensated personnel for completeness and clarity prior to presentation to the local board members for classification action. If necessary, additional information will be requested from the registrant. Receipt of all forms and information will be entered on page 2 of SSS Form 101.

4. *Claims for, or information relating to, deferment or exemption.* The registrant shall be entitled to present appropriate information which he believes necessary to assist the local board in determining his proper classification. Such information should be included in or attached to the SSS Form 100 or SSS Form 127 and may include documentation, affidavits, or depositions. The affidavits and depositions shall be as brief as possible.

5. *Special form for conscientious objector.* A registrant who claims to be a conscientious objector may submit information in support of his claim as provided in the Special Form for Conscientious Objector (SSS Form 150). The local board, upon request, shall furnish to any person claiming to be a conscientious objector a copy of SSS Form 150. Issuance of SSS Form 150 and receipt of the information requested shall be noted on page 2 of SSS Form 101.

6. *Inadequate questionnaire.* When a registrant's SSS Form 100 as submitted to the local board of jurisdiction omits information, contains significant errors, or shows that the registrant failed to understand the questions, the local board shall send an SSS Form 127 or a written request for specific information to the registrant for completion. He shall be requested to reply on or before a specific date. Issuance and receipt shall be noted on page 2 of SSS Form 101.

7. *Securing information from welfare and governmental agencies.* a. The local board is authorized to request and receive information from local welfare and governmental agencies whenever such information will assist in determining the proper classification of a registrant.

b. The local board is authorized to request the State Director of Selective Service to secure information from State or national welfare and governmental agencies when such information will assist in determining the proper classification of a registrant.

8. *Subpena power of the local board.* a. To the extent necessary for carrying out its functions, the local board shall have authority:

(1) To subpena any person to appear before it,

(2) To direct such person to produce such papers and records as may be deemed necessary, and

(3) To require him to testify, under oath, in regard to any pertinent matter within his knowledge.

b. It shall be the duty of any person subpenaed to appear, to produce the papers and records described in the subpena, and to testify.

c. The local board shall use, for this purpose, a Subpena to Witnesses to Appear Before Local Board (SSS Form 161). The original of such a subpena shall be served upon the individual who is required to appear as a witness. Such service may be made by any person who is 21 years of age or over, and it shall be made in the manner provided by the law of the State in which the subpena is served. Any person subpenaed may be compelled to appear and testify before the local board in the same manner as persons subpenaed by a court of the United States may be compelled to appear and testify in proceedings before such court. The local board may apply to a court of the United States for summary aid to compel a person within its jurisdiction who has failed or refused to testify, to appear before such local board, to produce such papers and records as may be deemed necessary, or to testify.

CHAPTER 623—CLASSIFICATION PROCEDURE

1. *Commencement of classification.* a. Each registrant shall be classified as soon as practicable after his registration.

b. The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and such other written information as may be placed in his file; provided that the board shall proceed with the registrant's classification if his RSN is below the established 1–H cut off number and he fails to provide the board in a timely manner with any information concerning his status which he is requested or required to furnish. Since it is imperative that appeal agencies have available to them all information on which the local board determined the registrant's classification, oral information shall not be considered unless it is summarized in writing and the summary placed in the registrant's file. Under no circumstances shall the local board rely upon information received by a member personally unless such information is reduced to writing and placed in the registrant's file. None of the provisions of this chapter shall impair the power of the local board to take notice of the vulnerability of any registrant for induction and of the fact that the Congress has made such registrants liable for induction for military service and in the absence of any other information, when the registrant has failed to furnish such information within the time prescribed, to classify the registrant as available for military service.

2. *Consideration of classes.* Every registrant who is being considered for induction shall be placed in Class 1–A except that when grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with class 1–A–O considered the highest class and Class 1–C considered the lowest class according to the following table:

Class	Class
1–A–O	4–D
1–O	1–H
2–A	4–F
2–C	4–A
2–S	4–G
2–D	1–W
3–A	4–W
4–B	1–D
4–C	1–C

3. *Action to be taken when classification determined.* a. As soon as practicable after the local board has classified or reclassified a registrant (except a registrant who is classified in Class 1–C because of his entry into active service in the armed forces), it shall mail him a notice thereof. When a registrant is classified in Class 2–A, 2–C, 2–D, or 2–S, the date of the termination of the deferment shall be entered on the notice.

b. After each local board meeting, a notice listing the registrants who have been classified or whose classification has been changed shall be posted in a conspicuous place in the office of the local board. When a person is unable to ascertain the current classification of a registrant from this posted notice, an employee of the local board, upon request, shall consult the Classification Record (SSS Form 102) and shall furnish the person making the inquiry the current classification of such registrant.

c. In the event the local board classifies the registrant in a class other than that which he requested, it shall record its reasons for such classification in his file. The local board shall inform the registrant of such reasons in writing at the time it mails to him a notice of his classification. Every registrant will be notified on SSS Form 110 of his change or continuance in his classification.

4. *Issuing a duplicate of a lost, destroyed, mislaid or stolen Notice of Classification (SSS Form 110).* A duplicate SSS Form 110 may be issued to a registrant only by the local board which mailed the original SSS Form 110 to him, upon his written statement requesting a duplicate notice and the presentation of proof satisfactory to the local board that his Notice of Classification has been lost, destroyed, mislaid or stolen.

5. *Registrants transferred for classification.* a. After completing the Registration Questionnaire (SSS Form 100), and before the local board of origin has undertaken the classification of a registrant, he may be transferred to another local board by the State director for classification if he is so far from his local board as to make complying with notices a hardship.

b. After completing the Registration Questionnaire (SSS Form 100), a registrant may be transferred to another local board by the State director for classification at any time (1) when the

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local board cannot act on his case because of disqualification, or (2) when a majority of the members of the local board, or a majority of the members of every panel thereof if the board has separate panels, withdraw from consideration of the registrant's classification because of any conflicting interest, bias, or other reason.

c. The State director may transfer a registrant to another local board for classification at any time (1) when any member of the local board cannot act on the registrant's case because of disqualification, or (2) when the State director deems such transfer to be necessary in order to assure equitable administration of the selective service law.

6. *Procedure upon transfer for classification.* a. The local board from which the registrant is transferred shall prepare, in triplicate, an Order for Transfer for Classification (SSS Form 114), shall send one copy thereof to the registrant, and shall transmit the original to the local board to which the registrant is transferred, together with all papers pertaining to the registrant except the Registration Card (SSS Form 1) and the remaining copy of the SSS Form 114. The local board from which the registrant is transferred shall, with red ink, note the transfer in the "Remarks" column of the SSS Form 102.

b. The local board to which the registrant is transferred shall classify the registrant. It shall follow the same procedure as in the case of one of its own registrants if a request for hearing, a request for reopening, or an appeal is filed. It shall give the same notices and maintain the same records as are sent and maintained for its own registrants, except that it shall use a separate page in its SSS Form 102 for transferred registrants and shall make all entries on that page in red ink. The local board to which the registrant is transferred shall prepare a duplicate SSS Form 101. After the classification, after the hearing, when requested, and after the determination on appeal, when taken, the local board to which the registrant is transferred shall return to the local board of origin all papers pertaining to the registrant except the duplicate SSS Form 101 and the SSS Form 114. In the proper column of the SSS Form 102 the local board to which the registrant is transferred shall note the date of the returning of the papers.

c. The classification made by the local board to which a registrant is transferred shall be appealed through that local board only. The local board of origin shall accept and enter on its records, without any change, the classification reported by the board which classified the registrant. If the local board of origin receives new information that might affect the registrant's classification, the board shall send the information and the registrant's file to the board to which he was transferred for further consideration; provided, that if the disqualification of the local board or other reason for the original transfer for classification no longer exists, the local board of origin may consider the new information and classify the registrant in the same manner as if he had never been transferred for classification.

CHAPTER 643—PAROLE FOR SELECTIVE SERVICE LAW VIOLATORS

SECTION 643.1. *Parole—general.* Any person required to register under the provisions of the Military Selective Service Act and any proclamation of the President arrived under its authority, who is convicted of a violation of any of the provisions of the Military Selective Service Act, or any rules or regulations prescribed under its authority, shall be eligible for release from custody on parole for service in the Armed Forces of the United States or for alternate service in lieu of induction in the manner and under the conditions provided below.

SEC. 643.2. *Authority to grant parole.* In accordance with the procedures specified below and upon the recommendation of the Director of Selective Service, the parole of a convicted person provided for above may be granted by the Attorney General if in his judgment it is compatible with the public interest and the enforcement of the Military Selective Service Act. In recommending the parole of any such person, the Director of Selective Service shall also recommend whether he should be paroled (1) for induction into the Armed Forces of the United States, (2) for induction into the Armed Forces of the United States for noncombatant service, but only in cases in which the person's claim for exemption from combatant service has been sustained in his latest classification on its merits by his local board or by an appeal board in the case of an appeal, or (3) subject to the provisions below, for assignment to alternate service contributing to the maintenance of the national health, safety, or interest in lieu of induction into the Armed Forces of the United States. If the parole is granted by the Attorney General, it shall conform to such recommendation.

SEC. 643.3. *Application for parole and recommendation of Director of Selective Service.* 1. Any person who has been convicted of a violation described above may apply to the Attorney General for parole. He shall submit with his application a consent in writing to induction, or if he claims to be a conscientious objector to both combatant and noncombatant service, shall execute a consent to assignment to alternate service contributing to the maintenance of the national health, safety, or interest.

2. If the Attorney General determines that the application for parole should receive consideration, he shall arrange for the applicant to be physically and mentally examined in the light of Armed Forces induction standards and to be given an intelligence test. A written report shall be prepared setting forth the level of mental ability attained in the test.

3. The papers executed under the above paragraph, including the chest X-ray film and report of serology, shall be transmitted to the Director of Selective Service by the Attorney General with a request that the Director of Selective Service determine whether he will recommend the parole.

SEC. 643.4. *Action upon recommendation or advice of the Director.* The Director of Selective Service shall either recommend to the Attorney General that the registrant be paroled or shall advise the Attorney General that he does not recommend the parole of the registrant, and he shall forward the papers and chest X-ray film and report of serology, together with a copy of this recommendation or advice, to the appropriate State Director of Selective Service for transmittal to the proper local board.

SEC. 643.5 *Induction of paroled registrant.* 1. If the Attorney General grants parole to a registrant for induction into the Armed Forces, or for induction into the Armed Forces for noncombatant service only, he shall send the local board a certified copy of an order suspending parole supervision of the registrant during military service.

2. Upon receipt of the certified copy of the order suspending parole supervision, the local board shall proceed to order the registrant to report for induction. Whenever the institution in which the registrant is confined is not located within the area over which his local board has jurisdiction, the registrant shall be transferred for induction to the local board having jurisdiction of the area in which such institution is located. Arrangements shall be made by the Attorney General for the delivery of the registrant to the examining and entrance station of the Armed Forces so that he may comply with the order to report for induction.

3. In addition to other records required to be forwarded by a local board in delivering a registrant, for each paroled registrant there shall be forwarded to the examining and entrance station of the Armed Forces:

a. The written consent of the registrant to induction;

b. The certified copy of the order suspending parole supervision of the registrant during military service granted by the Attorney General;

c. A certified copy of a statement from the Director of Selective Service recommending such parole which will indicate whether the individual is paroled for induction into the Armed Forces for combatant or noncombatant service;

d. The report of the registrant's intelligence test;

e. The original and three copies of the Report of Medical Examination (SF 88) completely filled out by the examining physician of the institution of custody;

f. The Report of Medical History (SF 93);

g. Serology (SF 514c) original and duplicate copy; and

h. The chest X-ray films which were completed by the institution physician.

The Delivery List (SSS Form 261) should be separate from any other delivery list and should identify the registrants as paroled registrants.

SEC. 643.6. *Parole for assignment to alternate service in lieu of induction.* 1. No person shall be considered for parole for the purpose of assignment to alternate service in lieu of induction unless his conviction and incarceration resulted from his failure or refusal to perform alternate service ordered by his local board.

2. If the Attorney General grants parole to a person for assignment to alternate service, the Attorney General shall send to the local board a certified copy of his order paroling the registrant for such assignment.

3. Upon receipt of a certified copy of an order paroling a registrant for alternate service, the State director shall determine what alternate service would be appropriate for the registrant to perform and shall direct the local board to order him for that alternate service.

4. Any person paroled for assignment to alternate service who fails or refuses to perform any such work satisfactorily, shall be reported by the Director of Selective Service to the Attorney General.

CURTIS W. TARR,
Director.

APRIL 17, 1972.

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DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 F.R. 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those cetrificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Allegheny County Memorial Hospital, hospital; Sparta, N.C.; 1-31-73.

Arlsten's variety-department store; 314 West 63d Street, Kansas City, MO; 12-22-72.

B & W Super Market, foodstore; Bethel, N.C.; 1-31-73.

Barbecue Inn, restaurant; 116 West Crosstimbers, Houston, TX; 1-8-73.

Bashas', foodstores, 12-31-72: No. 8, Phoenix, Ariz.; No. 14, Scottsdale, Ariz.; No. 6, Tucson, Ariz.

Bernhardt Hardware Co., Inc., hardware store; 113-115 North Main Street, Salisbury, NC; 1-31-73.

Best Super Market, foodstore; 5555 East Fifth Street, Tucson, AZ; 12-31-72.

Biltmore Farms, agriculture; Biltmore, N.C.; 1-31-73.

Blackburn Jobbing Co., foodstore; Mountain City, Tenn.; 1-4-73.

Burger Chef, restaurant; 61 Hendersonville Road, Asheville, NC; 1-31-73.

Burnette Thriftown, foodstore; West Gate Plaza, Barnesville, GA; 1-31-73.

Campbell's Clothes'n' Things, Inc., variety-department store; 51 South Brown Street, Rhinelander, WI; 12-30-72.

Carlton's Foodland, foodstore; Highway 64 East, Somerville, TN; 1-11-73.

Carmi Township Hospital, hospital; Webb and Plum Streets, Carmi, Ill.; 2-14-73.

Carr's Cash & Carry, foodstore; 316 West Main, Lumberton, MS; 1-18-73.

Cooper & Ratcliff, Inc., foodstore; Brookdale Road, Martinsville, Va.; 1-1-73.

Coplon-Smith, Co., apparel store; 232 Middle Street, New Bern, NC; 1-31-73.

Davis 5 & 10c Store, variety-department store; 4061 Barrancas Avenue, Warrington, FL; 1-31-73.

Deelene Corp., restaurant; 1423 Laurel Avenue, Bowling Green, KY; 1-8-73.

Dillon Companies, Inc., foodstores, 12-31-73: No. 106, Fayetteville, Ark.; No. 107, Rogers, Ark.

Dyche Jones Food Store, foodstore; No. 4, Manchester, Ky.; 1-11-73.

Eagle Stores Co., Inc., variety-department stores, 1-31-73, except as otherwise indicated: 337 Hay Street, Fayetteville, NC; No. 30, Hemingway, S.C.; No. 42, Pageland, S.C. (2-9-73).

Eigenrauch's Tom Boy, foodstore, 121 East St. Louis Street, Nashville, IL; 1-16-73.

Ernst Foods, foodstore; Nixon, Tex.; 1-12-73.

Flynn Super Market, foodstore; 116 North Main, Pocahontas, IA; 1-17-73.

Francis Department Store, variety-department store; 125 West Court Street, Prestonburg, KY; 1-16-73.

Freeland Brown Pharmacy, drug store; 4508 South Peoria, Tulsa, OK; 1-16-73.

Goldblatt Bros., Inc., variety-department stores, 1-6-73: 9100 Commercial Avenue, Chicago, IL; Hillside Shopping Center, Hillside, Ill.

Golden Arches, Inc., restaurant; 2010 Highway 41 North, Evansville, IN; 1-31-73.

Good Samaritan Home, nursing home; 322 South Seventh Street, Wymore, NE; 12-28-72.

The Good Samaritan Village, nursing home; Hastings, Nebr.; 12-22-72.

W. T. Grant Co., variety-department stores: No. 933, Jacksonville, Fla., 1-26-73; No. 624, Carpentersville, Ill., 1-31-73; No. 667, Decatur, Ill., 2-7-73; No. 737, Kokomo, Ind., 1-2-73; No. 283, Bloomfield, N.J., 1-31-73; No. 381, Elizabeth, N.J., 1-26-73; No. 3554, Bristol, Pa., 1-15-73; No. 460, Burnham, Pa., 12-31-72; No. 105, Provo, Utah, 1-10-72 to 1-2-73; No. 19, Rutland, Vt., 1-31-73.

H. E. B. Food Store, foodstores: No. 94, Portland, Tex., 1-2-73; No. 67, San Antonio, Tex., 12-30-72.

Harrell's Table Supply, Inc., foodstore; Second Street, Soperton, Ga.; 1-31-73.

Hawkins Big Star, foodstore; No. 36, Somerville, Tenn.; 1-18-73.

Hilltop Manor Convalescent Center, nursing home; 1711 East Broad Street, Hazelton, PA; 1-1-73.

Holding's Little America, restaurant; Little America, Wyo.; 12-28-71 to 12-8-72.

Jack's Market, foodstore; 214 Main Street, Fowler, Colo.; 1-13-73.

S. S. Kresge Co., variety-department stores: No. 4087, Florence, Ala., 12-31-72; No. 4312, Huntsville, Ala., 1-17-73; No. 4403, Bradenton, Fla., 1-31-73; No. 4072, Atlanta, Ga., 1-31-73; No. 755, Decatur, Ga., 12-22-72; No. 4593, Chicago, Ill., 1-13-73; No. 4211, Chicago Heights, Ill., 1-17-73; No. 4221, Collenaville, Ill., 1-2-73; No. 4214, Des Plaines, Ill., 1-11-73; No. 4262, Dolton, Ill., 1-5-73; No. 4228, Wheeling, Ill., 12-22-72; No. 4073, Clarksville, Ind., 1-2-73; No. 4379, Lafayette, La., 12-21-72; No. 4015, Port Huron, Mich., 1-7-73; No. 4067, Fargo, N. Dak., 12-26-72; No. 495, Akron, Ohio, 1-2-73; No. 604, Columbus, Ohio, 1-22-73; No. 541, Marietta, Ohio, 12-21-72; No. 721, Anderson, S.C., 2-1-73; No. 4317, Florence, S.C., 2-1-73; No. 4033, Knoxville, Tenn., 12-22-72.

Leggett's Super Market, Inc., foodstore, 403 John Small Avenue, Washington, NC; 1-31-73.

Lerner Shops, apparel store; No. 342, Pompano Beach, Fla.; 1-10-72 to 1-4-73.

Lord's Market, foodstore; Route 2, Bangor, Maine; 12-27-72.

Lydia Mills Store, variety-department store; Poplar Street, Clinton, SC; 1-31-73.

Mac's Store, foodstore; 202 Thomas Avenue, Chickamauga, GA; 1-31-73.

Mapes Nursing Home, nursing home; 609 18th Street, Hawarden, IA; 1-7-72 to 12-28-72.

Marjuran Corp., restaurant; 2500 South Kentucky Avenue, Evansville, IN; 12-27-72.

Mason Food Market, foodstore; 115 South Woodland, Riceville, IA; 1-9-73.

McCrory-McLellan-Green Stores, variety-department stores, 1-31-73, except as otherwise indicated: No. 304, El Dorado, Ark., 12-28-72; No. 236, Delray Beach, Fla.; No. 221, Fort Lauderdale, Fla., 1-1-73; No. 250, Naples, Fla., 1-27-73; No. 178, Seminole, Fla.; No. 211, Zephyr Hills, Fla.; No. 1064, Des Moines, Iowa, 1-10-72 to 12-29-72; No. 237, Salisbury, Md., 1-10-73; No. 357, Trenton, N.J., 12-31-72; No. 566, Farmington, N. Mex., 12-28-72; No. 125, Hamilton, Ohio, 12-21-72.

McDonald's Hamburgers, restaurant; 4701 Lincoln Avenue, Evansville, IN; 1-14-73.

Mercy Hospital, hospital; East Seventh Street, Devils Lake, ND; 1-11-73.

Milaca Area Hospital, hospital; 150 10th Street Northwest, Milaca, MN; 1-31-73.

Morgan & Lindsey, Inc., variety-department stores: No. 3021, Hammond, La., 1-15-73; No. 3063, Thibodaux, La., 12-21-72; No. 3041, Kosciusko, Miss., 1-18-73; No. 3092, Vicksburg, Miss., 1-12-73; No. 3058, Beaumont, Tex., 12-21-72; No. 3066, Beaumont, Tex., 1-4-73.

G. C. Murphy Co., variety-department store; No. 333, Gastonia, N.C.; 1-17-73.

Parks Food Center, Inc., foodstore; 4014 North Cherry Street, Winston-Salem, NC; 2-1-73.

Piggly Wiggly, foodstores: Siloam Springs, Ark., 1-18-73; No. 22, Hemingway, S.C., 1-4-73.

Pleasure Ridge Super Market, foodstore; 4838 Maryman Road, Louisville, KY; 1-1-73.

Prenger's IGA Foodliner, foodstore; Centralia, Mo.; 12-28-72.

The Record Bar, Inc., music stores, 1-1-73; Chapel Hill, N.C.; 201 East Main Street, Durham, NC; Cameron Village, Raleigh, N.C.; North Hills Shopping Center, Raleigh, N.C.

Savitz Drug Store, Inc., drugstore; 129 Court Square, Abbeville, SC; 1-6-73.

Serv-All Food Store, foodstore; 214 East Austin Street, Kermit, TX; 12-23-72.

Smathers Market, foodstore; 118 Main Street, Canton, NC; 1-22-73.

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Spurgeon's, variety-department stores: 713 Story Street, Boone, IA, 12–26–72; 117 North Maple, Creston, IA, 12–29–72; 814 Avenue G, Fort Madison, IA, 12–29–72; 911 Main Street, Grinnel, IA, 1–9–73, 620 West Sheridan, Shenandoah, IA, 1–15–73.

Stephens Super Foods, foodstore; Vienna, Ga.; 1–31–73.

T. G. & Y. Stores Co., variety-department stores: No. 179, Mesa, Ariz., 12–23–71 to 11–30–72; No. 296, Kansas City, Mo., 12–22–72; No. 427, Ardmore, Okla., 1–1–73.

Temple Avenue Department Store, variety-department store; 143 Temple Avenue, Newnan, GA; 1–31–73.

Thomas Kilpatrick & Co., variety-department store; 150 Central Park, Omaha, NE; 1–7–72 to 1–1–73.

Tranquility Nursing Home, Inc., nursing home; 50 Randolph Avenue, Randolph, VT; 1–3–73.

T. A. Turner & Co., Inc., variety-department store; Pink Hill, N.C.; 1–31–73.

Victory's Food Town, foodstore; Lee and Laverne Victory, Obion, Tenn.; 12–27–72.

Wabasha Super Valu, foodstore; Wabasha, Minn.; 1–21–73.

Wagner's Supermarket, Inc., variety-department store; 523 Nebraska Avenue, Arapahoe, NE; 1–13–73.

Westside Grocery, foodstore; 1020 West First Street, Abilene, KS; 1–9–73.

Whittaker, Inc., foodstore; No. 1, Oklahoma City, Okla.; 1–18–73.

Wolff Stores, Inc., variety-department store; 328 Ninth Street, Sheldon, IA; 1–13–73.

Zumbrota Super Valu, foodstore; Zumbrota, Minn.; 1–21–73.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Barbara Joyce Shoppes, restaurants, for the occupations of salesclerk, clean up, 12 to 32 percent, 1–2–73: Tri County Plaza, Belle Vernon, Pa.; Fayette Plaza, Uniontown, Pa.

Bashas' Market Casa Grande, Inc., foodstores, for the occupations of carryout, clean-up, janitorial, 12–31–72, except as otherwise indicated: No. 4, Casa Grande, Ariz., 17 to 23 percent; No. 1, Chandler, Ariz., 20 to 27 percent; No. 11, Glendale, Ariz., 18 to 28 percent; No. 2, Mesa, Ariz., 25 to 32 percent; No. 10, Mesa, Ariz., 13 to 21 percent; No. 17, Mesa, Ariz., 20 to 27 percent; No. 3, Phoenix, Ariz., 19 to 23 percent; No. 5, Phoenix, Ariz., 13 to 21 percent; No. 9, Phoenix, Ariz., 20 to 27 percent; No. 12, Phoenix, Ariz., 20 to 23 percent; No. 13, Phoenix, Ariz., 20 to 28 percent; No. 15, Phoenix, Ariz., 15 percent, (1–14–73); No. 18, Phoenix, Ariz., 25 to 30 percent; No. 7, Scottsdale, Ariz., 11 to 14 percent; No. 16, Scottsdale, Ariz., 18 to 28 percent.

Ben Franklin Store, variety-department store; No. 3390, Warwick, R.I.; bagger; 1 to 3 percent; 1–6–73.

Bobo's Super Market, foodstore; Obion, Tenn.; stock clerk, bagger; 19 to 23 percent; 1–14–73.

Burger Chef, restaurant; 2720 North Broadway, Muncie, IN; general restaurant worker; 40 to 60 percent; 1–31–73.

The Carriage House Restaurant, restaurant; 4009 Chapman Highway, Knoxville, TN; general restaurant worker; 5 percent; 2–14–73.

Creighton Care Centre, nursing home; Creighton, Nebr.; nurse's aide, kitchen helper; 5 to 8 percent; 1–31–73.

D & D Enterprises, Inc., restaurant; 324 Wesleyan Park Plaza, Owensboro, KY; general restaurant worker; 40 to 75 percent; 1–14–73.

Dillon Cos., Inc., foodstore; No. 54, Manhattan, Kans.; cashier, checker, carryout, wrapper, clerk, maintenance; 11 to 32 percent; 1–31–73.

Edward's, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, checker, layaway clerk, pricer; 10 to 15 percent, 2–14–73, except as otherwise indicated: Bamberg, S.C., 11 to 15 percent; 983 Harborview Road, Charleston, S.C., Highway 701 North, Georgetown, SC, 7 to 11 percent; 1244 Wilson Road, Newberry, SC.

Giles Flower & Gift Shop, gift shop; 155 South Main Street, Danville, VA; delivery clerk; 8 to 10 percent; 1–31–73.

Just Rite, Inc., restaurants, for the occupation of general restaurant worker, 40 to 60 percent, 1–29–73, except as otherwise indicated: 103 West South Boulevard, Crawfordsville, IN; 1999 Fort Harrison Road, Terre Haute, IN, 40 to 70 percent.

S. S. Kresge Co., variety-department stores, for the occupation of salesclerk, 7 to 24 percent, 1–14–73: No. 4390, Orlando, Fla.; No. 4484, St. Petersburg, Fla.

McCrory-McLellan-Green Stores, variety-department store; No. 94, Wayne, Pa.; salesclerk, stock clerk, office clerk; 11 to 26 percent; 2–14–73.

McDonald's Hamburgers, restaurant; 831 Yellowstone Avenue, Pocatello, ID; general clerk, stock clerk, office clerk; 11 to 26 percent; 2–14–73.

Minyard Food Stores, Inc., foodstores, for the occupations of salesclerk, bagger, carryout, 11 to 16 percent, 2–14–73; No. 27, Corsicana, Tex.; No. 05, Irving, Tex.

Mr. Smorgasbord Restaurant, restaurants, for the occupations of food preparer, busboy (girl), cashier, dishwasher, cleanup, 54 to 82 percent, 2–14–73; Prairie and Hively Road, Elkhart, Ind.; 1102 State Road 2, Laporte, IN; 1902 South 11th Street, Niles, MI.

M. E. Moses Co., variety-department store; No. 47, Dallas, Tex.; salesclerk, stock clerk, checker; 26 to 40 percent; 2–14–73.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, janitorial, 1–31–73, except as otherwise indicated: No. 344, Minneapolis, Minn., 13 to 22 percent; No. 604, Youngstown, Ohio, 9 to 22 percent; No. 346, Anderson, S.C., 6 to 27 percent, 1–14–73; No. 334, Chattanooga, Tenn., 5 to 13 percent, 2–14–73; No. 25, Vinton, Va., 9 to 16 percent 1–14–73.

Neisner Bros. Inc., variety-department store; No. 33, Fort Lauderdale, Fla.; salesclerk, stock clerk, office clerk; 34 to 51 percent; 1–31–73.

Raylass Department Stores, variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 6 to 19 percent: 101 East Main Street, Forest City, N.C., 2–14–73; corner Main and Second Avenue, Lexington, N.C., 1–31–73.

The Record Bar, music store; State College, Pa.; salesclerk, 8 to 16 percent; 12–31–72.

Rhea's, Inc., foodstore; Monroeville Mall, Monroeville, Pa.; salesclerk; 18 to 27 percent; 1–31–73.

Rose's Stores, Inc., variety-department stores: No. 213, Jacksonville, N.C., salesclerk, stock clerk, office clerk, checker, 17 to 26 percent, 2–14–73; No. 210, Raleigh, N.C., salesclerk, 7 to 13 percent, 1–31–73; No. 211, Newport News, Va., salesclerk, 13 to 31 percent, 1–31–73.

Sam'l Levy Merc. Co., apparel store; 19 North Main Street, Butler, MO; salesclerk; 5 to 24 percent; 12–31–72.

Schowalter Villa, nursing home; 200 West Cedar, Hesston, KS.; janitorial; 5 percent; 1–31–73.

Scott Stores Co., variety-department store; No. 9243, Spencer, Iowa; salesclerk, stock clerk, office clerk; 22 to 30 percent; 2–14–73.

Sterling's, Inc., variety-department stores, for the occupations of salesclerk, stock clerk, janitorial, 2–14–73: Day Shopping Center, Blytheville, Ark., 6 to 25 percent; 217 West Main Street, Trumann, Ark., 8 to 31 percent.

Sundance Motor Inn, restaurant; 903 Main, Delta, CO; general restaurant worker; 33 to 64 percent; 12–31–72.

Sunny Knoll Care Centre, nursing home; 700 East Lake Street, Rockwell City, IA; nurse's aide, kitchen helper; 5 to 8 percent; 1–31–73.

Super Value Discount Health & Beauty Aids Store, variety-department store; 914 Arendell Street, Morehead City, NC; salesclerk, cashier; 7 to 25 percent; 1–31–73.

T.G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk: No. 254, Fort Smith, Ark., 11 to 34 percent, 1–14–73; No. 2105, Hope, Ark., 11 to 34 percent, 2–14–73; No. 651, Carpinteria, Calif., 20 to 31 percent, 1–14–73; No. 543, Norwalk, Calif., 20 to 30 percent, 1–31–73; No. 756, Cocoa Beach, Fla., 7 to 24 percent, 1–31–73; No. 458, Anadarko, Okla., 10 to 30 percent, 1–14–73; No. 161, Frederick, Okla., 10 to 30 percent, 2–14–73.

Taco Towne, restaurant; 504 Galvin Road, Bellevue, NE; general restaurant worker; 4 to 14 percent; 1–31–73.

Trading Post, foodstore; 105 Railroad Street, Poplarville, MS; bagger, stock clerk, carryout; 19 to 29 percent; 1–31–73.

Valley View Care Centre, nursing home; 2900 West E., North Platte, NE; nurse's aide, kitchen helper; 5 to 8 percent, 1–31–73.

Wood's 5 & 10c Stores, Inc., variety-department store; Tri-City Shopping Center, Rockingham, N.C.; salesclerk, stock clerk; 9 to 34 percent; 12–31–72.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 11th day of April 1972.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.72–6020 Filed 4–19–72;8:50 am]

INTERSTATE COMMERCE COMMISSION

[No. 121–72]

FAMILIES PLANNING TO MOVE

Advice Regarding Agency Rules

APRIL 17, 1972.

A word of caution was issued today for persons planning to move during the 6-month period beginning May 1.

The Interstate Commerce Commission advises that the summer months bring an upswing in family relocations, and that there is a special need for anyone shipping his household goods to be fully aware of his rights and obligations.

All interstate movements of household goods by motor common carriers are subject to a strict set of ICC rules designed to protect the public. You should become acquainted with these ICC rules designed for your protection before the moving van door closes and the vehicle heads for your new home with all your possessions.

The Commission has been active in seeking to provide you, the consumer, with better service and protection. Vigorous enforcement of the ICC rules has resulted in carrier fines and forfeitures and even individual imprisonment.

The most important action for the consumer to take is to obtain from any household goods carrier certificated by the ICC a copy of the 17-page publication entitled "Summary of Information for Shippers of Household Goods." Carriers are required to provide a free copy of this ICC booklet on request, and it should be obtained early enough to allow adequate time for review of the guidance it provides.

In essence, the booklet emphasizes the following points for consumers:

Moving plans and contact with the carrier should begin well in advance of a prospective move.

Carriers should be asked for a written estimate of charges for a move.

An estimate made by the carrier is not binding and all carriers must charge rates based upon the actual weight of the shipment, which is determined after loading of the van. Accordingly, you should arrange to view the weighing of the loaded van at the scales.

Credit arrangements should be worked out before a move begins. Otherwise, the shipper must have adequate cash or certified check on hand to insure delivery of his shipment.

To be sure of being paid full value for lost or damaged goods, you should declare an appropriate lump sum value for your shipment. There is an additional charge for such protection depending on the valued declared. See page II of the summary.

Further information on moving may be obtained from ICC offices located in 78 major cities. The addresses are listed in Public Advisory No. 3 (containing an important questionnaire) which may be obtained from the mover or by writing to:

INTERSTATE COMMERCE COMMISSION,
[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–6047 Filed 4–19–72;8:51 am]

ASSIGNMENT OF HEARINGS

APRIL 17, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 13273 Sub 2, In the Matter of the Application of E. Spencer Miller Under Section 20a(12) of the Interstate Commerce Act, now assigned June 19, 1972, at Portland, Maine, advanced to May 23, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C., for prehearing conference.

MC 133184 Sub 1, Springfield Airport Limousine, Inc., Extension Southwest Missouri, now being assigned hearing May 23, 1972, at Kansas City, Mo., in a hearing room to be designated later.

MC 124211 Sub 194, Hilt Truck Line, Inc., now assigned June 12, 1972, at Omaha, Nebr., canceled and transferred to modified procedure.

MC 125433 Sub 29, F–B Truck Line Co., now assigned June 19, 1972, at Los Angeles, Calif., hearing canceled and application dismissed.

Finance Docket No. 26706, Chicago, Kalamazoo & Saginaw Railway Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of the Penn Central Transportation Co., debtor. Abandonment between Parchment and Richland Junction, Kalamazoo County, Mich., now assigned May 4, 1972, at Kalamazoo, Mich., will be held in Room C, Kalamazoo County Center Building, 2900 Lake Street, Kalamazoo, MI.

Finance Docket No. 26706 Sub 1, Chicago, Kalamazoo & Saginaw Railway Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of the Penn Central Transportation Co., debtor. Abandonment between Richland and Doster, Kalamazoo and Barry Counties, Mich., now assigned May 4, 1972, at Kalamazoo, Mich., will be held in Room C, Kalamazoo County Center Building, 2900 Lake Street, Kalamazoo, MI.

Finance Docket No. 26859, Michigan Central Railroad Co. & George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor. Abandonment between Caro, and Bach in Tuscola and Huron Counties, Mich., now assigned May 11, 1972, at Bay City, Mich., will be held in the County Building, corner of Center and Madison Street, Bay City MI.

Finance Docket No. 26885, Chesapeake & Ohio Railway Co. Abandonment between village of Edmore and village of Lakeview, in Montcalm County, Mich., now assigned May 8, 1972, at Lakeview, Mich., will be held in the cafetorium of Lakeview High School, 9099 Youngmen Street, Lakeview, MI.

MC 61592 Sub 239, Jenkins Truck Line, Inc., now assigned May 1, 1972, MC 116763 Sub 204, Carl Subler Trucking, Inc., now assigned May 2, 1972, MC 119531 Sub 152, Dieckbrader Express, Inc., now assigned May 3, 1972, at Chicago, Ill., will be held in Room 672, 536 South Clark Street, Chicago, IL.

W–16 Sub 8, S. C. Loveland Co., Inc., W–78 Sub 10, the Valley Line Co., W–78 Sub 11, the Valley Line Co., W–104 Sub 24, Union Barge Line Corp., W–381 Sub 15, Federal Barge Lines, Inc., W–381 Sub 16, Federal Barge Lines, Inc., W–463–10, James Hughes, Inc., W–566 Sub 5, Puget Sound Tug & Barge Co., W–586 Sub 4, Puget Sound Tug & Barge Co., W–587 Sub 29, Foss L & T Co., and W–630 Sub 37, A. L. Mechling Barge Lines, Inc., now being assigned for prehearing conference on June 2, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 124706 Sub 38, Meat Packers Express, Inc., now being assigned hearing June 12, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 127042 Sub 89, Hagen, Inc., now being assigned hearing June 13, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 108119 Sub 34, E. L. Murphy Trucking Co., now being assigned hearing June 15, 1972, at Minneapolis, Minn., in a hearing room to be later designated.

MC 94350 Sub 299, Transit Homes, Inc., now being assigned hearing June 19, 1972 (1 week), at Kansas City, Mo., in a hearing room to be later designated.

MC 119641 Sub 102, Ringle Express, Inc., now assigned April 27, 1972, at Washington, D.C., hearing is canceled and application dismissed.

MC–F–11402, Continental Van Lines, Inc.—Purchase (Portion)—Elmer L. Sims, G. Grant Sims—Elmer L. Sims—trustee, now being assigned hearing July 24, 1972 (3 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 129631 Sub 25, Pack Transport, Inc., now being assigned hearing July 27, 1972 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 99565 Sub 10, Fore Way Express, Inc., now assigned April 24, 1972, at Madison, Wis., canceled and transferred to modified procedure.

No. 35531, Grain Processing Corporation v. Akron, Canton & Youngstown Railroad Company, et al., hearing canceled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–6046 Filed 4–19–72;8:51 am]

[Notice 54]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1972.

The following are notices of filing of applications[1] for temporary authority

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

V 37-77 APR 20 72 XUM

under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 58549 (Sub-No. 16 TA), filed April 5, 1972. Applicant: CLINE MUNDY, doing business as GENERAL MOTOR LINES, 526 Orange Avenue NE., Post Office Box 5157, Roanoke, VA 24016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Montgomery and Pulaski Counties, Va., on the one hand, and, on the other, Woodrum Airport at or near Roanoke, Va., restricted to traffic having a prior or subsequent movement by air, for 180 days. NOTE: Applicant states that it intends to tack the authority here applied for to other authority held by it. Supporting shippers: Piedmont Airlines, Winston-Salem, N.C.; Inland Motor Corporation of Virginia, Radford, Va.; Flow Laboratories, Dublin, Va.; Radford Community Hospital, Radford, Va. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 100666 (Sub-No. 213 TA), filed March 22, 1972. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Applicant's representatives: Paul Caplinger (same address as applicant) and W. L. Williamson, National Foundation Life Center, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board*, (1) from Houston, Tex., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, and (2) *lumber*, from Houston, Tex., to points in Louisiana, Oklahoma, and Texas, for 180 days. Supporting shippers: Holland Import Company of Houston, Inc., and Tree Plex, Inc. (a subsidiary of Holland Import Company of Houston, Tex.), Post Office Box 33249, 6811 Silsbee, Houston, TX 77033. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 111729 (Sub-No. 337 TA) (Correction), filed February 17, 1972, published in the FEDERAL REGISTER issue of March 8, 1972, corrected in part, and republished as corrected, this issue. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). (1) (b) Between Congers, N.Y., on the one hand, and, on the other, Malvern, Pleasant Gap, and Uniontown, Pa., Boonsboro, Hagerstown, and Williamsport, Md.; (e) *Between* Indianapolis, Ind., on the one hand, and, on the other, Ashland, Bowling Green, Covington, Erlanger, Frankfort, Henderson, Lexington, Louisville, Madisonville, Ownesboro, Paducah, and Shively, Ky.; Part (4) Small replacement and repair parts for ,tractors, farm *machinery and industrial and material handling equipment*, restricted to articles or packages weighing in the aggregate less than 95 pounds from one consignor to one consignee on any 1 day, etc. NOTE: The purpose of this partial republication is (1) to correctly spell Malvern in (1b) above, (2) to insert the word *between* before the territorial description and (3) to correctly set forth the commodity description in (4) above, by adding the word machinery and reflect the correct spelling of Malvern. The rest of the application remains as previously published.

No. MC 114312 (Sub-No. 25 TA), filed March 28, 1972. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, OH 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Coldwater, Mich., to points in Indiana on, north and east of a line beginning at the junction of U.S. Highway 40 and the Indiana-Ohio State line, thence west on U.S. Highway 40 to junction U.S. Highway 231, thence north on U.S. Highway 231 to junction Indiana Highway 43, thence via U.S. Highway 421 to Michigan City, Ind., for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., a Delaware corporation, 111 West Jackson Boulevard, Chicago, IL. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 117574 (Sub-No. 218 TA), filed April 5, 1972. Applicant: DAILY EXPRESS, INC., Post Office Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Applicant's representative: S. Berne Smith, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe, conduit, parts, attachments, and fittings*, from West Bend, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Tennessee, for 180 days. Supporting shipper: Fibre Products Division, McGraw-Edison Co., Post Office Box 238, West Bend, WI 53095. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, Post Office Box 869, Harrisburg, PA 17108.

No. MC 119390 (Sub-No. 12 TA), filed March 29, 1972. Applicant: MAIRS TRANSPORT, LTD., 976 Adair Street, Coquitlam, BC 7583 Edmonds Street, Burnaby, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver, BC. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Baled wastepaper*, from Seattle, Wash., to the international boundary at or near Blaine, Wash., for 180 days. NOTE: Applicant states it does intend to tack the authority with MC 119390. Supporting shipper: Belkin Paperboard Ltd., Post Office Box 490, New Westminster, B.C. Send protests to E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 133221 (Sub-No. 10 TA), filed March 29, 1972. Applicant: OVERLAND CO., INC., Route 1, Box 406 A, Lawrenceville, GA 30245. Applicant's representative: Alan E. Serby, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene shapes and forms*, from the plantsite and warehouse facilities of Dolco Packaging Corp., at Decatur, Ind., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, Ohio, Pennsylvania, South Dakota, Rhode Island, and Wisconsin, for 150 days. Supporting shipper: Dolco Packaging Corp., Post Office Box 27, Decatur, IN 46733. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 133656 (Sub-No. 2 TA), filed March 31, 1972. Applicant: REA BROTHERS LIMITED, 322 Queen Street South, Streetsville, ON, Canada. Applicant's representative: Robert D. Gunderman, Suite 1708 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber and veneer*, from ports of entry on the international boundary line between the United States and Canada on the Niagara River, to

North Tonawanda, N.Y., restricted to shipments originating at or destined to the plantsite of Goodman-Staniforth, Division of Universal Oil Products Co., Ltd., Tee Lake, Quebec, Canada, for 180 days. Supporting shipper: Goodman-Staniforth, Division Universal Oil Products, Ltd., Tee Lake, Quebec, Canada. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 135378 (Sub-No. 5 TA), filed April 5, 1972. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and food business houses (except commodities in bulk), and in connection therewith equipment, materials, and supplies, used in the conduct of such business (except commodities in bulk), for the account of Food Fair Stores, Inc., between Linden, N.J., on the one hand, and, on the other, Bethlehem, Reading, Allentown, Quakertown, Shillington, Pottstown, and Easton, Pa., under continuing contract with Food Fair Stores, Inc., for 150 days. Supporting shipper: Food Fair Stores, Inc., 320 South Stiles Street, Linden, NJ 07036. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 136344 (Sub-No. 1 TA), filed April 3, 1972. Applicant: A. L. JOHNSON AND A. R. JOHNSON, doing business as A. L. & A. R. JOHNSON, Route 2, Adairville, Ky. 42202. Applicant's representative: Robert L. Baker, 500 Court Square Building, 300 James Robertson Parkway, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer and fertilizer materials*, dry, in bulk or in bags; and (2) *agricultural chemicals*, in containers when shipped in mixed loads with fertilizer or fertilizer materials, (1) from Nashville, Tenn., to points within Simpson and Logan Counties, Ky., (2) from Clarksville, Tenn., to points within Simpson and Logan Counties, Ky., and (3) from Cherokee, Ala., to points within Simpson and Logan Counties, Ky., for 180 days. Supporting shipper: Bruce N. Maney, Motor Freight Supervisor, USS Agri-Chemicals Division, United States Steel Corp., Atlanta, Ga. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 136581 TA, filed April 4, 1972. Applicant: ALL FREIGHT DISTRIBUTION CO., INC., 28 South Front Street, Baltimore, MD 21202. Applicant's representative: James J. Doherty, Southeast corner St. Paul Place and Franklin Street, Baltimore, Md. 21202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cargo-containers and demountable trailer bodies; cargo containers and demountable trailer bodies and their contents; and general commodities* shipped in cargo containers or demountable trailer bodies having a prior or subsequent movement by water; between Baltimore, Md., Richmond and Norfolk, Va.; Wilmington, N.C.; Charleston, S.C., Wilmington, Del., Philadelphia, Pa.; and New York, N.Y., and points within 50 miles of the aforesaid-named cities, for 180 days. Supporting shippers: Seymour S. Yaffe, Samuel Meisel & Co., Inc., 918 East Fort Avenue, Baltimore, MD 21230; Texas Transport & Terminal Co., Inc., agents, 20–22 Commerce Street, Baltimore, MD 21203; Furness Withy Agencies (USA), 20–22 Commerce Street, Baltimore, MD 21203. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

MOTOR CARRIERS OF PASSENGERS

No. MC 123577 (Sub-No. 13 TA) (Amendment), filed March 1, 1972, published in the FEDERAL REGISTER, issue of March 21, 1972, amended and republished in part as amended this issue. Applicant: WARWICK-GREENWOOD LAKE AND NEW YORK TRANSIT, INC. (DONALD A. ROBINSON, TRUSTEE, 60 Galloway Road, Terminal, Warwick, NY 10990), 419 Anderson Avenue, Fairview, NJ 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. NOTE: The purpose of this partial republication is to add a restrictive clause which was not included in the previous publication of the last paragraph to read as follows: The applicant proposes to join the above-described proposed routes (1), (2), and (3) to all its existing routes in Docket MC 123577 and subnumbers thereunder in order to provide service between all points on its existing routes in New Jersey and New York via such existing routes and the proposed routes, *restricted, however, with respect to routes (2) and (3) to traffic moving to or from points north of Paterson, N.J.* The rest of the application remains the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–6051 Filed 4–19–72;8:51 am]

[Notice 49]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 17, 1972.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–73670. By application filed April 13, 1972, RAY BETHERS, Post Office Box 116, Kamas, UT 84036, seeks temporary authority to lease the operating rights of GRAHAM TRUCKING CORP., Post Office Box 488, Morgan, UT 84050, under section 210a(b). The transfer to RAY BETHERS, of the operating rights of GRAHAM TRUCKING CORP., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–6052 Filed 4–19–72;8:51 am]

[Ex Parte No. 265]

INCREASED FREIGHT RATES, 1970

Present: Lawrence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the parties to these proceedings listed in appendix A of this order have severally petitioned the Commission for relief from the provisions of the order in ex parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing their actions to correct service deficiencies set forth in the aforesaid report of the Commission;

It further appearing, that the record in these proceedings and the quarterly reports submitted by these petitioners in response to the order of the Commission disclose that the operations of the carriers listed in appendix A of this order do not have a significant effect on the overall standards of service given to shippers by the railroads as a whole.

It is ordered, That the parties named in appendix A of this order be, and they are hereby, relieved of filing with the Commission quarterly reports of their actions to correct service deficiencies.

Dated at Washington, D.C., this 12th day of April 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX A TO ORDER DATED APRIL 12, 1972

Chicago, West Pullman and Southern Railroad Company
Condon, Kinzua & Southern Railroad Company
Leona & Northern Railway Company
Manufacturers' Junction Railway Company
Mississippi & Skuna Valley Railroad Company
The River Terminal Railway Company
Roscoe, Snyder and Pacific Railway Company
St. Marys Railroad Company
Tennessee Railroad Company (Samuel Spencer and Tom J. Gentry, Receivers)
Vermont Railway, Inc.
Winifrede Railroad Company

[FR Doc.72–6053 Filed 4–19–72;8:52 am]

[Ex Parte No. 265]

INCREASED FREIGHT RATES, 1970

Present: Lawrence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

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It appearing, that pursuant to the provisions of the report and order of the Commission entered March 4, 1971 (339 ICC 125), the carrier listed below has petitioned the Commission for relief from the provisions of the order in ex parte No. 265, entered on March 4, 1971 (339 ICC 125 p. 307), requiring the filing with the Commission of quarterly reports on or before July 1, October 1, January 1, and April 1 of each year, describing its actions to correct service deficiencies set forth in the aforesaid report of the Commission

The Lehigh and Hudson River Railway Company

It further appearing, that the record in these proceedings and the quarterly reports submitted by this petitioner in response to the order of the Commission disclose that its operations have a significant effect on the overall standards of service given to shippers by the railroads as a whole; that the petition states no errors of fact or law warranting the relief sought; and for good cause appearing;

It is ordered, That the petition be, and it is hereby denied.

Dated at Washington, D.C., this 12th day of April 1972.

By the Commission, Commissioner Walrath.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6054 Filed 4-19-72;8:52 am]

[No. MC-135975]

IMEL TRUCKING, INC.

Common Carrier Application

Order. At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the fifth day of April 1972.

It appearing, that by application filed August 18, 1971, Imel Trucking, Inc., of Decatur, Ind., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of wrecked motor vehicles, between points in Indiana, Michigan, Illinois, and Ohio;

It further appearing, that the application has been processed under the Commission's modified procedure; that applicant and supporting shipper have filed verified statements in support of the application; that protestant, Joe Moss, doing business as Simpsonville Garage Wrecker Service, has filed a verified statement in opposition; and that applicant has filed a statement in rebuttal to the position advanced by protestant;

It further appearing, that supporting shipper, Decatur Salvage, Inc., employs a portable motor vehicle crushing machine to crush wrecked motor vehicles and then ships them from the customer's location on flatbed trailers to scrap brokers, scrap yards, and recycling locations where large shredders and other recycling equipment is available; that shipper performs or intends to perform this service throughout the involved area; and that shipper needs the transportation services offered by applicant;

It further appearing, that protestant, Joe Moss, is interested in the application only to the extent authority is sought to transport wrecked motor vehicles; that it has no interest in transporting the commodity produced by supporting shipper's operations; and that its interest would be satisfied if the description were changed to one which would more properly describe the commodity being transported;

It further appearing, that the commodity description employed in the application and in the resulting notice in the FEDERAL REGISTER clearly does not adequately describe the service proposed and does not, accordingly, provide notice of the issues involved to potentially interested parties, and that the commodity description set forth in our grant of authority herein more accurately describes and reflects the commodities and the issues involved;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition or other appropriate pleading;

And it further appearing, that otherwise the evidence, submitted in the form of verified statements, demonstrates that applicant has suitable and available equipment, is in compliance with the rules and regulations governing motor carrier operations, and is able, financially and otherwise, to conduct the proposed service; and that the application should be granted as set forth below subject to prior publication in the FEDERAL REGISTER;

Wherefore, and good cause appearing therefor:

We find, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of compacted scrap motor vehicles between points in Indiana, Michigan, Illinois, and Ohio; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and that an appropriate certificate should be granted, subject to the condition described in the second succeeding paragraph in this order, and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, a certificate be issued to applicant authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, in the manner described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority granted by this order.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6048 Filed 4-19-72;8:51 am]

[No. MC-121687]

KELLER'S FREIGHT LINE

Application for Certificate of Registration

Order. At a session of the Interstate Commerce Commission, Operating Rights Board, held at its office in Washington, D.C., on the 14th day of March, 1972.

It appearing, that applicant, in accordance with the requirements of section 206(a)(6) of the Interstate Commerce Act, as amended, and the Commission's rules and regulations promulgated thereunder, has made timely application for a certificate of registration as evidence of the right to conduct operations, in interstate or foreign commerce, within limits which do not exceed the scope of the intrastate operations for which applicant holds a State certificate as a common carrier by motor vehicle, solely within a single State, as set forth in the appendix hereto;

It further appearing, that applicant has been issued a State certificate of public convenience and necessity authorizing the motor carrier operations in intrastate commerce described in the appendix hereto; that interested parties withdrew their opposition during the State Commission proceeding; that the certificate issued by the State Commission satisfies the provisions of section 206(a)(6) of the Act; and that applicant has otherwise met the requirements for a certificate of registration contained in section 206(a)(6) of the Act;

And it further appearing, that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application, as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth in the appendix hereto, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced; and good cause appearing therefor:

It is ordered, That upon full compliance with the requirements of sections 215, 217, and 221(c) of the Act and the rules and regulations of the Commission thereunder, governing the filing and approval of insurance or other security for the protection of the public, common carrier rate-filing requirements, and designation of agent for service of process, within the time specified in the next succeeding paragraph herein, a certificate of registration shall be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, transporting the commodities from, to, or between the points, over the routes, or within the territory, and in the manner described below, and subject to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended, and subject to prior publication in the FEDERAL REGISTER of the actual authority granted herein.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, this application shall stand denied in its entirety effective upon the expiration of said compliance time.

By the Commission, Operating Rights Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. MC-121687]

KELLER'S FREIGHT LINE

(San Francisco, Calif.)

Description of the transportation service authorized to be conducted solely within the State of California, in intrastate commerce, as a common carrier by motor vehicle, pursuant to Certificate of Public Convenience and Necessity granted by Decision No. 79746 dated February 23, 1972, issued by the Public Utilities Commission of the State of California:

PART I

GENERAL COMMODITIES

1. Between all points and places in the San Francisco-East Bay Cartage Zone as described in Part II attached hereto.

2. Between all points and places on and within 10 miles of the following routes:

a. U.S. Highway 101 between Santa Rosa and San Jose, inclusive.

b. State Highway 17 between San Rafael and Los Gatos, inclusive.

c. Interstate Highway 80 between San Francisco and Vallejo, inclusive.

d. U.S. Highway 50 between Hayward and Livermore, inclusive.

e. State Highway 12 between Santa Rosa and junction with State Highway 29, inclusive.

f. State Highway 4 between Pinole and Antioch, inclusive.

g. State Highway 24 between Oakland and junction with State Highway 4, inclusive.

h. Interstate Highway 680 between Vallejo and Warm Springs, inclusive.

i. State Highway 29 between Vallejo and Napa, inclusive.

RESTRICTION: Commodities when transported in cargo containers shall be transported only over Routes (2a) and (2b) above, and between points and places within 10 miles of said routes.

In performing the service herein authorized, applicant may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service.

Applicant shall not transport any shipments of:

1. Used household goods and personnel effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff 4-B.

2. Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailers combined, buses and bus chassis.

3. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

4. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.

5. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

6. Commodities when transported in bulk in dump trucks or in hopper-type trucks.

7. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.

8. Logs.

9. Articles of extraordinary value.

PART II

SAN FRANCISCO-EAST BAY CARTAGE ZONE INCLUDES THE AREA EMBRACED BY THE FOLLOWING BOUNDARY:

Beginning at the point where the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to Lake Merced Boulevard; thence southerly along said Lake Merced Boulevard and Lynnewood Drive to South Mayfair Avenue; thence westerly along said South Mayfair Avenue to Crestwood Drive; thence southerly along Crestwood Drive to Southgate Avenue; thence westerly along Southgate Avenue to Maddux Drive; thence southerly and easterly along Maddux Drive to a point 1 mile west of Highway U.S. 101; thence southeasterly along an imaginary line 1 mile west of and paralleling Highway U.S. 101 (El Camino Real) to its intersection with the southerly boundary line of the city of San Mateo; thence northeasterly, northwesterly, northerly and easterly along said southerly boundary to Bayshore Highway (U.S. 101 Bypass); thence leaving said boundary line and continuing easterly along the projection of last said course to its intersection with Belmont (or Angelo) Creek, thence northeasterly along Belmont (or Angelo) Creek to Seal Creek; thence westerly and northerly to a point 1 mile south of Toll Bridge Road; thence easterly along an imaginary line 1 mile southerly and paralleling Toll Bridge Road and San Mateo Bridge and Mount Eden Road to its intersection with State Sign Route 17; thence continuing easterly and northeasterly along an imaginary line 1 mile south and southeasterly of and paralleling Mount Eden Road and Jackson Road to its intersection with an imaginary line 1 mile easterly of and paralleling State Sign Route 9; thence northerly along said imaginary line 1 mile easterly of and paralleling State Sign Route 9 to its intersection with "B" Street, Hayward; thence easterly and northerly along "B" Street to Center Street; thence northerly along Center Street to Castro Valley Boulevard; thence westerly along Castro Valley Boulevard to Redwood Road; thence northerly along Redwood Road to William Street; thence westerly along William Street and 168th Avenue to Foothill Boulevard; northwesterly along Foothill Boulevard to the southerly boundary line of the city of Oakland, thence easterly and northerly along the Oakland boundary line to its intersection with the Alameda-Contra Costa County boundary line; thence northwesterly along last said line to its intersection with Arlington Avenue (Berkeley); thence northwesterly along Arlington Avenue to a point 1 mile northeasterly of San Pablo Avenue (Highway U.S. 40); thence northwesterly along an imaginary line 1 mile easterly of and paralleling San Pablo Avenue (Highway U.S. 40) to its intersection with County Road 20 (Contra Costa County); thence westerly along County Road 20 to Broadway Avenue (also known as Balboa Road); thence northerly along Broadway Avenue (also known as Balboa Road) to Highway U.S. 40; thence northerly along Highway U.S. 40 to Rivers Street; thence westerly along Rivers Street to 11th Street; thence northerly along 11th Street to Johns Avenue; thence westerly along Johns Avenue to Collins Avenue; thence northerly along Collins Avenue to Morton Avenue; thence westerly along Morton Avenue to the Southern Pacific Co. right-of-way and continuing westerly along the prolongation of Morton Avenue to the shoreline of San Pablo Bay; thence southerly and westerly along the shoreline and waterfront of San Pablo Bay to Point San Pablo; thence southerly along an imaginary line from Point San Pablo to the San Francisco Waterfront at the foot of Market Street; thence westerly along said waterfront and shoreline to the Pacific Ocean; thence southerly along the shoreline of the Pacific Ocean to the point of beginning.

[FR Doc.72-6049 Filed 4-19-72;8:51 am]

[No. 35571]

UTAH INTRASTATE FREIGHT RATES AND CHARGES—1972

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of March 1972.

By petition filed February 22, 1972, Union Pacific Railroad Co., Southern Pacific Transportation Co., Western Pacific Railroad Co., the Denver and Rio Grande Western Railroad Co., Utah Railway Co., Carbon County Railway Co., Tooele Valley Railway Co., and Salt Lake Garfield and Western Railway Co., common carriers by railroad transporting freight

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from, to, through, and between points in the State of Utah, state that under the laws of that State, and the regulations of the Public Service Commission of Utah, they may not increase their intrastate rates on sugar and cement to the extent authorized by this Commission on the same commodities moving in interstate or foreign commerce in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 590 and 332 ICC 714, on sugar beets to the extent authorized by this Commission on the same commodity moving in interstate or foreign commerce in Ex Parte No. 262, Increased Freight Rates, 1969, 337 ICC 436, nor may they increase their intrastate rates and charges to the same extent as their interstate rates and charges as authorized by this Commission in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, 339 ICC 125, and petitioners have not sought authority from the State to increase their intrastate rates and charges on shipments moving within the State of Utah to the same extent as they increased their interstate rates and charges as a result of the authorization by this Commission, by order dated February 1, 1972, in Ex Parte No. 281, Increased Freight Rates, 1972, as the Utah Commission has refused to grant part or all of the increases in Utah intrastate freight rates and charges corresponding to the increases in rates and charges on interstate or foreign commerce previously authorized by this Commission; and

It appearing, that the petitioners allege that the increases were authorized on interstate rates and charges on the grounds of the revenue needs of the carriers based on both interstate and intrastate traffic; that the interstate rates are just and reasonable; that transportation conditions incident to the transportation of intrastate freight traffic within Utah on petitioners' lines are not more favorable than conditions incident to interstate transportation on like traffic on such lines within Utah and adjacent States; that intrastate freight rates and charges on traffic moving within the State of Utah, if increased as sought by the petitioners will not exceed a just and reasonable level; that a disparity in favor of intrastate freight rates and charges within Utah now exists as compared to the interstate freight rates and charges to, from, and within Utah; that traffic moving under the present Utah intrastate rates and charges imposed by the State of Utah fails to produce its fair share of the earnings required to enable petitioners under honest, economical, and efficient management to provide adequate and efficient transportation service at the lowest cost consistent with the furnishing of such service; that the present Utah intrastate freight rates and charges create undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce within Utah on the one hand, and interstate and foreign commerce on the other, and result in undue, unreasonable, and unjust discrimination against and undue burden on interstate and foreign commerce; thus, petitioners request that the Commission institute an investigation, under sections 3, 13(4), and 15a of the Interstate Commerce Act, of the Utah intrastate rates as more fully described above, and enter an order for the removal of the unlawfulness by prescribing the rates and charges for the transportation of intrastate traffic within the State of Utah; and that the action requested will have no effect on the environment;

And it further appearing, that there have been brought in issue by the railroad petitioners matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Utah; therefore,

It is ordered, That the petition be, and it is hereby granted.

It is further ordered, That an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the intrastate rates and charges of the petitioning carriers by railroads, or any of them, operating in the State of Utah, for the intrastate transportation of property, made or imposed by the State of Utah, as previously indicated, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those authorized on interstate traffic by this Commission in Ex Parte No. 281, Increased Freight Rates, 1972, by order of February 1, 1972, Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, supra, Ex Parte No. 262 Increased Freight Rates, 1969, supra, and Ex Parte No. 259, Increased Freight Rates, 1968, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate or foreign commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Utah, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, within 30 days of the service date of this order, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceedings, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interests extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

It is further ordered, That a copy of this order be served upon each of the said petitioners, and that the State of Utah be notified by sending copies of this order and the said petition by certified mail to the Governor of Utah, Salt Lake City, Utah, and to the Public Service Commission of Utah, Salt Lake City, Utah.

And it is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein. Interested persons shall be afforded the opportunity to inspect pleadings at the Office of the Secretary of the Commission in Washington, D.C.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6050 Filed 4-19-72;8:51 am]

[Notice 30]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 14, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Commisssion's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 340 (Sub-No. 21), filed March 20, 1972. Applicant: QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile and adhesives therefor* when moving with shipments of floor tile, from the plantsite of Armstrong Cork Co. at or near Bourbonnais Township, Kankakee County, Ill., to points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 409 (Sub-No. 44), filed March 20, 1972. Applicant: SCHROETLIN TANK LINE, INC., Post Office Box 511, Sutton, NE 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer, and fertilizer solutions and materials, and urea*, in tank or hopper-type vehicles, from the plantsite and storage facilities of Cooperative Farm Chemical Association, at or near Lawrence, Kans., to points in Missouri, Iowa, Nebraska, and Oklahoma. NOTE: Applicant states that some theoretical tacking possibilities exist between the requested authority and its existing authority, but none are proposed, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 1334 (Sub-No. 11), filed March 10, 1972. Applicant: RITEWAY TRANSPORT, INC., Post Office Box 20433, Phoenix, AZ 85036. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities*, Regular: (1) between Cortez, Colo., and Cow Springs, Ariz., serving all intermediate points, from Cortez, Colo., over U.S. Highway 164 to Cow Springs, Ariz., and return over the same route and Irregular: (2) between points in Montezuma County, Colo., and Tonalea, Davis Dam, and Red Lake, Ariz. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Cortez, Colo., or Phoenix, Ariz.

No. MC 2860 (Sub-No. 111), filed March 10, 1972. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Cleveland and Solon, Ohio, to points in Kentucky, Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Florida, Mississippi, and Louisiana. NOTE: Applicant states tacking is possible in connection with applicant's present authority on general commodities at MC 2860, Sub 37, Sheets 2 and 3 at Alexandria, Va., so as to provide service in conjunction with applicant's base authority at MC 2860, to all points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Delaware, Pennsylvania, and Maryland. Applicant further states tacking would also be possible in connection with applicant's present authority at MC 2860, Sub 37, Sheet 10 on frozen foods, and poultry and seafood other than frozen so as to provide service to Arkansas. Other tacking potentials inherent in that authority are either circuitous or are covered by the authority mentioned above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 4761 (Sub-No. 27), filed March 10, 1972. Applicant: LOCK CITY TRANSPORTATION COMPANY, a corporation, 3213 10th Street, Menominee, MI 49858. Applicant's representative: Edward Solie, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, WI 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphur dioxide and methyl chloride*, from the plantsite and storage facilities of the Ansul Co. at Marinette, Wis., to points in Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Virginia, and the District of Columbia; and (2) *sulphur dioxide*, from the plantsite and storage facilities of the Ansul Co. at Marinette, Wis., to points in New York, Pennsylvania, and West Virginia. NOTE: Applicant states it is presently authorized to transport the above-described commodities, from Marinette, Wis., to points in or points in a portion of the requested States. No duplicate authority is being sought. Common control may be involved. Applicant further states that the requested authority cannot be tacked with its existing authority,. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 4963 (Sub-No. 33), filed March 2, 1972. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, a corporation, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Ohio, restricted to traffic originating at named origins and destined to points in named territory. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 262), filed March 15, 1972. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A and C appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 10875 (Sub-No. 33), filed March 20, 1972. Applicant: BRANCH MOTOR EXPRESS COMPANY, a corporation, 114 Fifth Avenue, New York, NY 10011. Applicant's representative: G. G. Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in New York, North Carolina, Ohio, Virginia, and West Virginia, restricted to traffic originating at named origin points and destined to points in named territory. NOTE: Applicant states that the requested authority can be tacked with its existing authority from Fogelsville and Allentown, Pa., to those areas granted in applicant's previous certificates. However, applicant does not contemplate tacking at any point within the areas this application encompasses. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 31389 (Sub-No. 150), filed March 15, 1972. Applicant: McLEAN TRUCKING COMPANY, a corporation, 617 Waughton Street, Post Office Box 213, Winston-Salem, NC 27102. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, with the usual exceptions, serving the site of the United Gas Pipe Line Co. Station, near Erath, La., as an off-route point in connection with regular route operations. NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 32882 (Sub-No. 67), filed March 22, 1972. Applicant: MITCHELL BROS. TRUCK LINES, a corporation, 3841 North Columbia Boulevard, Portland, OR 97217. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, OR 97205, and Thomas E. James, Post Office Box 5976, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers and cargo vans, between points in the United States including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Houston, Tex., and Washington, D.C.

No. MC 38921 (Sub-No. 5), filed March 15, 1972. Applicant: NEEDHAM'S MOTOR SERVICE, INC., Post Office Box 138, Hightstown, NJ 08520. Applicant's representative: A. David Millner, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, restricted to traffic originating at named origins and destined to points in named territory. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 48213 (Sub-No. 33), filed March 22, 1972. Applicant: C. E. LIZZA, INC., Post Office Box 447, Latrobe, PA 15601. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber yarn and materials, equipment, and supplies* used or useful in the manufacture and distribution thereof, between Painesville, Ohio, on the one hand, and, on the other, points in Georgia, North Carolina, South Carolina, New York, Ohio, Florida, Kentucky, Alabama, Colorado, Pennsylvania, Virginia, and New Jersey, under a continuing contract or contracts with IRC Fibers Co., a wholly owned subsidiary of American Cyanamid Co. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 50069 (Sub-No. 450), filed March 21, 1972. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), OH 43616. Applicant's representative: J. A. Kundtz, 1100 National Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid ink*, in bulk, in tank vehicles, from Detroit, Mich., and points within 5 miles thereof to Huntington, Ind., Chicago and Dwight, Ill., Owensboro, Ky., Anoka, Owanatonna, Minneapolis, St. Paul, and Mankato, Minn., Elyria, Ohio, Superior, Wis.; and (2) *petrolatum*, in bulk, in tank vehicles, from Petrolia, Pa., to London, Ark. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 264), filed March 21, 1972. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, WI 54304. Applicant's representative: Charles Singer, 33 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are manufactured or distributed by manufacturers of restaurant and dairy equipment and supplies; and (2) *equipment, materials, and supplies* used in the manufacture and distribution of commodities described in (1) above, between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, the plant and warehouse sites of Haskon, Inc., Bingham-Risdon Division in the town of Ashwaubenon, Wis. NOTE: Applicant states that the requested authority could be tacked with various subs of MC 51146 and applicant will tack with its MC 51146 where feasible. Applicant has various duplicative items of authority under various subs but does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56244 (Sub-No. 29), filed March 15, 1972. Applicant: KUHN TRANSPORTATION COMPANY, INC., Rural Delivery No. 2, Post Office Box 71, Gardners, PA 17324. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, between Biglerville, Camp Hill, and Gardners, Pa., Inwood, W. Va., Bryan, Ohio, and Greenville, Ill. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 56244 (Sub-No. 30), filed March 15, 1972. Applicant: KUHN TRANSPORTATION COMPANY, INC., Rural Delivery No. 2 also Box 71, Gardners, PA 17324. Applicant's representative: John M. Musselman, Post Office Box 1146, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products, and advertising materials, equipment, and supplies* used in or incidental to the preparation, packing, sale, or distribution of prepared food products, from the plantsite and storage facilities of H. J. Heinz Co., located at Holland, Mich., to the distribution center sites of H. J. Heinz Co. located at Mechanicsburg, Pa., and at Harrison, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 61592 (Sub-No. 262), filed March 15, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: R. Conner Wiggins, Jr., 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and bottled foodstuffs*, from the plantsites of Bruce Foods Corp. at or near Cade, La., to points in Maryland, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Arkansas, and Florida; and (2) *material, equipment, and supplies* used in the processing and distribution of the commodities in (1) above, from points in the destination States named in (1) above to the plantsites of Bruce Food Corp. at or near Cade, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 61592 (Sub-No. 263), filed March 15, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, and *buildings*, in section on undercarriages, from the plantsite of Continental Modules, Inc., in New Castle County, Del., to points in the United States on and east of the western boundaries of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 264), filed March 20, 1972. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donal Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, butter, and dairy products*, from St. Louis, Mo., and its commercial zone, to points in Connecticut, Indiana, Ohio, Massachusetts, Maryland, Michigan, New York, New Jersey, Pennsylvania, Rhode Island, and Washington, D.C. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 63792 (Sub-No. 17), filed March 20, 1972. Applicant: TOM HICKS TRANSFER COMPANY, INC., 4132 Peters Road, Post Office Box 283, Harvey, LA 70058. Applicant's representative: C. W. Ferebee, Post Office Box 283, Harvey, LA 70058. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing*, from the plantsite of Tex-Tube Division Detroit Steel Corp., Houston, Tex., to points in Arkansas, Alabama, Colorado, Texas, Oklahoma, Kansas, Louisiana, New Mexico, Florida, Missouri, Wyoming, Utah, Georgia, and Mississippi. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston or Dallas, Tex.

No. MC 64932 (Sub-No. 503), filed March 13, 1972. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Maryland, Massachusetts, Nebraska, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Virginia, North Carolina, South Carolina, Louisiana, Connecticut, and Rhode Island. Applicant may presently provide service via Marshall, Ill. NOTE: Applicant states that the requested authority can be tacked at Louisville, Ky., in connection with traffic originating under its certificate at points north and east of Louisville. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 66886 (Sub-No. 28) (Amendment), filed January 11, 1972, published in the FEDERAL REGISTER, issue of February 10, 1972, and republished as amended, this issue. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated iron or steel articles* used in the construction or installation of antipollution or environmental control systems; and (2) *safes, vaults, tanks, hoppers, bins, structural steel, conveyors, and mail handling equipment*, from the plantsite and warehouse facilities of Global Steel of Arkansas, Inc., subsidiary of California Blowpipe & Steel Co., at Fort Smith, Ark., to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to redescribe the authority sought. Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.

No. MC 70083 (Sub-No. 22), filed March 20, 1972. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, NJ 08034. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in that part of Pennsylvania east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to Lemoyne, Pa., and thence along Interstate Highway 83 to the Pennsylvania-Maryland State line on the one hand, and, on the other, La Guardia and John F. Kennedy Airports at New York, N.Y., Newark Airport at Newark, N.J., and Philadelphia International Airport at Philadelphia, Pa., restricted to shipments having an immediate prior or subsequent movement by air. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 79577 (Sub-No. 40), filed March 10, 1972. Applicant: OILFIELDS TRUCKING COMPANY, a corporation, 1601 South Union Avenue, Post Office Box 751, Bakersfield, CA 93302. Applicant's representative: Phil Jackson, 510 West Sixth Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid calcium chloride*, in bulk, from, at, or near Amboy, Calif., to points in Clark County, Nev., and Pima and Maricopa Counties, Ariz. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Las Vegas, Nev.

No. MC 83539 (Sub-No. 331), filed March 6, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office

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Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite, lignite coal, treated lignite* in bags; *boards, foundation, water impedance, and foundry molding sand treating compounds*, consisting of mixtures of clay, and/or carbon (ground coal, carbon black and/or other carbons) and/or cellulose (wood flour, corn cob flour, and/or cellulose byproducts) and/or other binding or treating compounds, in bags, from the plantsite and warehouse facilities of American Colloid Co. at or near Belle Fourche, S. Dak.; Upton, Wyo.; Lovell, Wyo.; and Gascoyne, N. Dak., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Nevada, New Mexico, South Carolina, South Dakota, Tennessee, Texas, on and east of U.S. Highway 281 commencing at the Oklahoma-Texas State line and continuing to Wichita Falls, Tex., thence points on and south of U.S. Highway 82 from Wichita Falls, Tex., to the Texas-New Mexico State line, Virginia, West Virginia, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 83539 (Sub-No. 333), filed March 21, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936 2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel roofing, flooring, decking, siding, or ceiling and accessories or component parts therefor*, between Stockton, Calif., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 94350 (Sub-No. 308), filed March 10, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial shipments, from points in Madison County, La., and White County, Ark., to points in the United States (excluding Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 95084 (Sub-No. 87), filed March 10, 1972. Applicant: HOVE TRUCK LINE, a corporation, Stanhoe, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yeast culture*, from Des Moines, Iowa, to Rockford, Ohio, and (2) *feed and feed ingredients*, from Mason City, Iowa, to points in Illinois, Indiana, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 95084 (Sub-No. 88), filed March 15, 1972. Applicant: HOVE TRUCK LINE, a corporation, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements and machinery, farm machinery, farm equipment, industrial and construction machinery, and equipment and parts and attachments* for agricultural implements and machinery, farm machinery, farm equipment, and industrial and construction machinery, and equipment, (a) from Dodge City, Kans., to points in the United States (except Alaska and Hawaii), (b) from Salina, Kans., to points in Illinois, Indiana, Iowa, Kentucky, Minnesota, Ohio, Pennsylvania, South Dakota, and Tennessee, (c) from Washington Court House, Ohio, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, and (d) from Buckner, Ky., and Milford, Ind., to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota, and (2) *steel buildings*, from Washington Court House, Ohio, to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, and South Dakota. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 102567 (Sub-No. 148), filed March 20, 1972. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier City, LA 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite*, in bulk from Marrero, La., to Pine Bluff, Ark., Port St. Joe, Fla., and Redwood, Miss. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 103435 (Sub-No. 218), filed March 13, 1972. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince Street, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Clay or clay products, and machinery, equipment, supplies, and materials* incidental to, or used in mining or milling, serving points located in Crook County, Wyo., as offroute points in connection with applicant's presently authorized regular route operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 103993 (Sub-No. 699), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Noble County, Okla., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 103993 (Sub-No. 700), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D.. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Plymouth County, Mass., and to points in the United States (except Alaska and Hawaii), Rutland County, Vt.; and (2) *building and sections of buildings* on undercarriages, from points in Rutland County, Vt., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 103993 (Sub-No. 701), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames and undercarriages equipped with hitchball and/or pintle hook connectors, roof sections and component parts*, used in the manufacture of trailers designed to be drawn by passenger automobiles and *buildings in sections* on undercarriages, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103993 (Sub-No. 702), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Monroe County, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 703), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, from points in Lauderdale County, Ala., to points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 103993 (Sub-No. 704), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Henderson County, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 103993 (Sub-No. 705), filed March 20, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe, fittings, and accessories*, from Chattanooga, Tenn., and Birmingham, Ala., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota; and (2) *gypsum products, composition board, wallboard, insulating materials, roofing and roofing materials, and urethane and urethane products*, from Marrero, La., to points in the United States in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 105159 (Sub-No. 25), filed March 22, 1972. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, MN 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried egg products*, with or without additives; and (2) *commodities*, exempt under 203(b) of the Interstate Commerce Act when moving in mixed loads with commodities subject to economic regulations under the Interstate Commerce Act described in (1) above, from Marshall and Pipestone, Minn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 105813 (Sub-No. 185), filed March 20, 1972. Applicant BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106644 (Sub-No. 135), filed March 20, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, GA 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic tubing, and related plastic fittings, connections, and accessories*, from the plantsite of Tex-Tube Division of Detroit Steel Corp., Houston, Tex., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operation may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 106644 (Sub-No. 136), filed March 20, 1972. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, GA. 30301. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE, 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and/or gravel spreaders, fertilizer spreaders, feed bodies, and slurry spreaders*, from Cedar Rapids, Iowa, and Lebannon, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Common control and dual operation may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 107403 (Sub-No. 832), filed March 7, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid petroleum products*, in bulk, in tank vehicles, from Gulfport, Hattiesburg, Jackson, Laurel, Meridian, and Natchez, Miss.; Mobile, Ala., and Vidalia, La., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Virginia, restricted to traffic originating in Louisiana; (2) *Chemicals*, in bulk, in tank vehicles, (a) from Anniston, Ala., to points in West Virginia, restricted to traffic originating in Louisiana; (b) from Barfield, Ark., and points within 10 miles thereof, to points in Indiana, Iowa, Kansas, Michigan, Missouri, New Jersey, New York, Ohio, and Pennsylvania, restricted to traffic originating in Louisiana; (c) from Fox, Ala., to points in Georgia and South Carolina, restricted to traffic originating in Louisiana; (d) from Memphis, Tenn., to points in Arkansas, Illinois, Kentucky, Michigan, Ohio, Indiana, Pennsylvania, and Wisconsin, restricted to traffic originating in Louisiana; (3) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virgina, West Virgina, and Wisconsin, restricted to traffic originating in Texas. NOTE: Applicant states that the requested authority sought herein can be tacked with its present authority, but it has no present intention of doing so. Common

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control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 107403 (Sub-No. 833), filed March 14, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th Street, NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite*, in bulk, from Marrero, La., to Pine Bluff, Ark., Redwood, Miss., and Port St. Joe, Fla. NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in a unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107515 (Sub-No. 794), filed March 20, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, fruits, vegetables, and potatoes*, from Fort Dodge, Iowa, to Anniston, Ala., and Indianola, Miss. NOTE: Common control and dual operations may be involved. Applicant holds authority in its Sub 416 and Sub 1 to transport fresh and cured meats from and to the points here named. No duplicating authority, however, is sought and applicant has no objection to an appropriate restriction. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 107515 (Sub-No. 795), filed March 27, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and waxing compounds;* (2) *starch;* (3) *air fresheners and disinfectants;* (4) *mops, dusters, waxers, and brooms;* (5) *plastic bags; and* (6) *diet and nutritional foods* (except frozen), from Franklin, Ky., and Urbana, Ohio, to Atlanta, Ga.; Jacksonville, Fla.; Kansas City and St. Louis, Mo.; and points in Iowa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 796), filed March 22, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Walton, N.Y., to points in North Carolina, South Carolina, Alabama, Georgia, and Florida. NOTE: Applicant can tack the authority sought with its Sub 1 authority to serve the additional States of Tennessee, Mississippi, and Louisiana but has no intention of doing so. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 108053 (Sub-No. 114), filed March 20, 1972. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108398 (Sub-No. 42), filed March 13, 1972. Applicant: RINGSBY-PACIFIC LTD., 5773 South Prince Street, Littleton, CO 80120. Applicant's representative: Robert P. Tyler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving missile launching sites and supply points therefor, located in Tooele, Ponders, Teton, Cascade, and Chouteau Counties, Mont., as off-route points in connection with carrier's presently authorized regular operations. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 109637 (Sub-No. 386), filed March 14, 1972. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John E. Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulphur hexafluoride*, in bulk, in shipper-owned trailers, from Metropolis, Ill., to points in Pennsylvania; (2) *calcium carbide*, in bulk, from Louisville, Ky., to points in Maryland and New Jersey; and (3) *alcoholic liquors*, in bulk, in tank vehicles, from Pekin, Ill., to Cincinnati, Ohio, and Philadelphia, Pa. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111320 (Sub-No. 55), filed March 16, 1972. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, Post Office Box 668, Hudson, OH 44236. Applicant's representative: James W. Wilson, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earthmoving, construction, and contractors machinery and parts thereof* when moving at the same time or separately, from Chattanooga, Tenn., to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 471), filed March 19, 1972. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ E. Eighth Street., Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, California, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 112520 (Sub-No. 260), filed March 22, 1972. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulp mill liquor*, in bulk, in tank vehicles, from the plantsites of International Paper Co., Moss Point, Miss., to the plantsite of International Paper Co., Mobile, Ala. NOTE: Applicant states it would be possible to tack authority sought with authorities applicant now holds, but operations under such combinations of authorities would be extremely circuitous and applicant does not contemplate tacking with the authority here sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112822 (Sub-No. 230), filed March 23, 1972. Applicant: BRAY LINES, INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, OK 74023. Applicant's representative: K. Charles Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cedar slats*, from Gold Beach, Oreg., to Pine Bluff, Ark. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 112989 (Sub-No. 23), filed March 20, 1972. Applicant: WEST COAST TRUCK LINES, INC., Post Office Box 668, Coos Bay, OR 97420. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, 100 Southwest Market Street, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, pressboard, flakeboard, and wallboard*, between points in Oregon and Washington, on the one hand, and, on the other, points in Oregon, Washington, California, Arizona, Nevada, Idaho, Utah, and Colorado. NOTE: Applicant states that the requested authority can be tacked with its existing authority in Oregon and permit service from California points to balance of area. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 113267 (Sub-No. 279), filed March 20, 1972. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to points in the United States (except Pensacola, Fla., Montgomery, Ala., Atlanta, Ga., and points in New Hampshire, Rhode Island, Alaska, Hawaii, Pennsylvania, Maine, Vermont, Connecticut, Massachusetts, New York, New Jersey, Delaware, Maryland, and the District of Columbia). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 113784 (Sub-No. 46), filed March 21, 1972. Applicant: LAIDLAW TRANSPORT LIMITED, a corporation, 65 Guise Street, Hamilton 21, ON, Canada. Applicant's representative: David A. Sutherland, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from those ports of entry on the international boundary line between the United States and Canada on the Niagara River to points in Niagara, Erie, and Chautaugua Counties, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 114019 (Sub-No. 233), filed March 20, 1972. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114265 (Sub-No. 13), filed March 24, 1972. Applicant: RALPH SHOEMAKER, doing business as SHOWMAKER TRUCKING CO., 8624 Franklin Road, Boise, ID 83705. Applicant's representative: Raymond D. Givens, Box 964, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, (a) between points in Idaho south of the southern boundary of Idaho County on the one hand, and points in Oregon and Washington, on the other; (b) from points in Grant County, Oreg., to points in Cowlitz County, Wash., and points in Washington on and west of Interstate Highway 5; and (c) from points in Cowlitz, Skamania, Klickitat, and Yakima Counties, Wash., and points in Washington on and west of Interstate Highway 5 to points in Baker, Grant, Malheur, Umatilla, and Union Counties, Oreg.; and (2) *wood I-beam trusses and component parts*, from Fort Lupton, Colo., to points in Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Montana, Wyoming, and Colorado. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 114284 (Sub-No. 54), filed March 16, 1972. Applicant: FOX-SMYTHE TRANSPORTATION CO., INC., Post Office Box 82307, Stockyards Station, 1700 South Portland, Oklahoma City, OK. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Arizona, Arkansas, New Mexico, Oklahoma, and Texas, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114290 (Sub-No. 64), filed March 6, 1972. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry pet food*, when transported in the same vehicle with canned pet food, from points in California to points in Oregon and Washington. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 115669 (Sub-No. 129), filed March 23, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Catalyst*, in bulk, in tank vehicles, from McPherson, Kans., to Scottsbluff, Nebr.; (2) *anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Cominco American Inc., located 5 miles northwest of Beatrice, Nebr., to points in Iowa, Kansas, and Missouri (except St. Louis, Mo., and its commercial zone); (3) *anhydrous ammonia*, in bulk, in tank vehicles, from the terminals and storage facilities located on the Gulf Central Pipeline Co., at or near Murphy, Nebr., to points in Colorado, Iowa, Kansas, Minnesota, Missouri, North Dakota, South Dakota, and Wyoming; and (4) *fertilizer and fertilizer*

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materials, between points in Kansas and Nebraska (except from Lawrence, Kansas City, and Dodge City, Kans., and Omaha, Nebr.). NOTE: Applicant states that tacking possibilities exist with presently held authority, however, it has no intention to tack. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115826 (Sub-No. 241), filed March 6, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Towers, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carnivorous animal feed*, from Columbus, Ohio, to points in the United States on and east of U.S. Highway 85 and (2) *materials and supplies* used in the manufacture, sale and distribution of carnivorous animal feed (except in bulk), from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of Kal Kan Foods, Inc., at Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Denver, Colo.

No. MC 116947 (Sub-No. 24), filed March 20, 1972. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, GA 30310. Applicant's representative: William Addams, Suite 527, 1776 Peachtree Street SW., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, parts, and accessories thereto*, from Birmingham, Ala., to points in Arkansas, Florida, Georgia, Louisiana, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and West Virginia, under contract with Package and Chemical Supply Co., Inc., Tampa, Fla. NOTE: Applicant holds common carrier authority under 117956 and subs thereunder, therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117233 (Sub-No. 10), filed January 24, 1972. Applicant: MERCURY MOTOR FREIGHT, INC., 415 Waddell Avenue, Clairton, PA 15025. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roof trusses, precut and prefabricated building sections, and components and materials* used in the construction of prefabricated buildings from Belle Vernon and Elizabeth, Pa., to points in Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Virginia, and West Virginia, under continuing contracts with Lincoln Homes Co., Wylie Construction & Development, Inc., and Swift Development Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 117304 (Sub-No. 29), filed March 20, 1972. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, Lewiston, ID 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Houses, buildings, and components parts thereof*, (b) *trusses, beams, girders, walls, tees, panels, and articles* for reason of size and weights in excess of 15,000 pounds or excess of 8 feet wide, *equipment, parts and supplies* used in the assembling or erecting thereof, from points in Spokane County, Wash., to points in Idaho, north of the Salmon River, to points in Washington, Idaho, Oregon, Montana, Wyoming, Utah, Colorado, Arizona, Nevada, California, and Alaska. Restriction: Restricted from hauling or towing items noted (A) above, which are equipped with own wheels or axles for towing, (2) (a) *scrap metals, wrecked machines, or equipment* for scrap, salvage or remelting purposes only, and (b) *equipment, materials, and supplies* used in direct operation for dismantling, loading, and unloading of same in operation therewith, from points in Spokane County, Wash., to points in Idaho north of the Salmon River, to points in Washington, Idaho, Oregon, Montana, Wyoming, Utah, Colorado, Arizona, Nevada, California, and Alaska, and (3) (a) *return shipments* of the articles listed above which for any reason are rejected or unclaimed, and (b) *materials, equipment, and supplies* used in the handling, loading, construction, erecting or dismantling thereof, between points listed above, from or to any new construction or salvage site, from or to any of the points listed above when destined or in prior use of job site in any of the above points of previous erecting or the dismantling of materials set forth in conjunction with inbound shipments to points above. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 117565 (Sub-No. 57), filed March 20, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Route 3, Post Office Box 448, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles and accessories*, used in floral arrangements, from Kent, Ohio, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 117815 (Sub-No. 190), filed March 20, 1972. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: Larry D. Knox, 910 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Iowa, Illinois, Indiana, Michigan, Wisconsin, and Minnesota. Restriction: Restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, and Omaha, Nebr.

No. MC 117883 (Sub-No. 169), filed March 20, 1972. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Carroll, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the plantsite and/or storage facilities utilized by Farmland Industries, Inc., located at or near Carroll, Iowa, and destined to the named destination points. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119229 (Sub-No. 4), filed March 27, 1972. Applicant: ORLANDO TRUCKING, INC., 10 Glory Road, Lebanon, NJ 08833. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Upholstered furniture, couches, mattresses, box springs, headboards, beds, bedding and parts thereof*, from Linthicum Heights, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, (2) *beds, bedding and parts thereof*, from New York, N.Y., to Lebanon, N.J., (3) *beds, bedding and parts thereof*, from Lebanon, N.J., to points in New York, Connecticut, Massachusetts, Maine, Vermont, New Jersey, New Hampshire, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, Illinois, Indiana, Michigan, West Virginia, Ohio, and the District of Columbia, and (4) *materials and supplies* used in the manufacture and distribution of the above-mentioned commodities (except in bulk); *returned or damaged shipments*, from the above-described destination territory to Lebanon, N.J. and Linthicum Heights, Md. Restriction: The proposed service to be under contract with Eclipse Sleep Products, Inc. Duplicating authority is not sought. Applicant holds portion of the authority. NOTE: If a hearing is deemed necessary applicant requests it be held at New York, N.Y

No. MC 119765 (Sub-No. 29), filed March 15, 1972. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, IA 51521. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of E. W. Kneip, Inc., at or near Wahoo, Nebr., to points in Illinois. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 119789 (Sub-No. 114), filed March 10, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products*, from Louisville, Ky., to points in Arkansas, Kansas, Texas, Oklahoma, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Frankfort, Ky., or Washington, D.C.

No. MC 119864 (Sub-No. 47), filed March 17, 1972. Applicant: HOFER MOTOR TRANSPORTATION CO., a corporation, 26741 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food products, and matches*, (1) from Chicago, Ill., to points in Michigan on and south of Michigan Highway 21; and (2) from Indianapolis, Ind., to St. Louis, Mo. NOTE: Applicant states that tacking is intended from Indianapolis, Ind., on some limited items to St. Louis, Mo. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119934 (Sub-No. 177), filed March 21, 1972. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Portville, IN 46040. Applicant's representative: Robert W. Loser II, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Louisiana (except shipments originating in St. Bernard, Orleans, Jefferson, and St. John the Baptist Parishes, La.), to points in Alabama, Arkansas, Florida, Mississippi, Tennessee, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority is held, nor are there any applications pending that would involve duplicating authority. Common control may be involved. Applicant holds contract carrier authority under MC 128161 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., New Orleans, La., or Washington, D.C.

No. MC 123255 (Sub-No 17), filed March 13, 1972. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Covington, Ky., to Columbus and Bucyrus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 81968 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123255 (Sub-No. 18), filed March 13, 1972. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food, food products, beverages, and advertising matter therefor*, from Battle Creek, Mich., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, Illinois, and Indiana; (2) *foodstuffs*, (a) from Milford, Ill., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, and Indiana, and (b) from Milford, Ill., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, and Indiana; and (3) *carbonated beverages*, from Detroit, Mich., to points in Ohio, Pennsylvania, Kentucky, West Virginia, Maryland, New York, Delaware, New Jersey, Illinois, and Indiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 81968 Sub 19 and other subs, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 123294 (Sub-No. 26), filed March 13, 1972. Applicant: WARSAW TRUCKING CO., INC., 1102 West Winona, Warsaw, IN 46580. Applicant's representative: Martin J. Leavitt, 1000 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Reclaimed, nonferrous metals*, from Atwood, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *scrap insulated copper or aluminum wire and cable, scrap printer plates, and scrap nonferrous metals* for mechanical reclaiming purposes, on return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123415 (Sub-No. 19), filed March 14, 1972. Applicant: JAMES STUFFO, INC., Box 1061, Merchantville, NJ. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, 4 Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint and groundwood printing paper*, from the storage facilities utilized by Bowater Sales Co., Inc., at Providence, R.I., to New York, N.Y. NOTE: Applicant states that tacking will be made at New York, N.Y., with presently held authority in its base certificate under MC 123415 to provide a through service. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 123865 (Sub-No. 2), filed March 16, 1972. Applicant: LING TRANSFER, INC., 1220 Chestnut Street, Dixon, IL 61021. Applicant's representative: James Canfield, 1100 Rockford Trust Building, Rockford, Ill. 61101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Advertising circulars and printed advertising matter*, from Dixon, Ill., to points in Michigan, under contract with Dixon Publishing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124078 (Sub-No. 517), filed March 20, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kensington, Ga., to points in Alabama, Florida, Louisiana, and Mississippi. NOTE: Applicant states that tacking is possible, but

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not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chattanooga, Tenn.

No. MC 124078 (Sub-No. 518), filed March 20, 1972. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between points in Colorado, Illinois, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to having a prior or subsequent movement over lines of the Burlington Northern, Inc. NOTE: Applicant states that tacking is possible, but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 124211 (Sub-No. 211), filed March 22, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, equipment, materials, and supplies, and accessories*, from points in Arizona and California, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Los Angeles, Calif., or Washington, D.C.

No. MC 124211 (Sub-No. 212), filed March 23, 1972. Applicant: HILT TRUCK LINE, INC., Post Office Box 988 DTS, Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *iron and steel articles*, between points in Nance County, Nebr., on the one hand, and, on the other, points in California; and (2) *building and construction materials*, between points in Shelby County, Iowa, and Cass, Lancaster, and Nance Counties, Nebr., on the one hand, and, on the other, points in Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr.

No. MC 124212 (Sub-No. 60), filed March 22, 1972. Applicant: MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, also Post Office Box 22183, Cleveland, OH 44122. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsites of the Lehigh Portland Cement Co. located at Spokane and Metaline Falls, Wash., to points in Morrow County, Oreg. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125168 (Sub-No. 22), filed March 22, 1972. Applicant: OIL TANK LINES, INC., Box 190, Hood Road and Darby Creek, Darby, PA 19023. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Falling Rock, W. Va., and Rouseville, Pa., to Minotola, N.J., and Reynolds (Schuylkill County), Pa., under contract with Pennzoil United, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia or Pittsburgh, Pa.

No. MC 125433 (Sub-No. 30) (Amendment), filed October 12, 1971, published in the FEDERAL REGISTER, issue of November 11, 1971, and republished as amended, this issue. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Ex Parte No. MC 45, *Descriptions in Motor Carrier Certificates*, appendix V (61 M.C.C. 276), from the plantsites of Kaiser Steel Corp. at or near Fontana and Napa, Calif., to points in Colorado. NOTE: The purpose of this republication is to amend the territorial scope of the application to read as shown above in lieu of original notice. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 126473 (Sub-No. 21), filed March 21, 1972. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid fertilizer*, (a) from Walcott, Iowa, to points in Illinois and Wisconsin; (b) from Clinton, Iowa, to points in Illinois and Wisconsin; and (c) from Erie, Ill., to points in Wisconsin; (2) *anhydrous ammonia*, (a) from Bellevue, Clinton, and Muscatine, Iowa, to points in Illinois and Wisconsin; and (b) from East Dubuque and Marseilles, Ill., to points in Wisconsin; and (3) *fertilizer*, dry, in bags and in bulk, (a) from Erie, Ill., to Demotte and Nappanee, Ind., and points in Wisconsin; (b) from Clinton, Iowa, to points in Illinois and Wisconsin; (c) from Demotte and Nappanee, Ind., to points in Illinois and Wisconsin; and (d) from Arlington and Erie, Ill., to points in Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127777 (Sub-No. 16) (Amendment), filed March 10, 1972, published in the FEDERAL REGISTER, issue of April 6, 1972, and republished in part as amended this issue. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. NOTE: The purpose of this partial republication is to add Waupaca County, Wis., to the origin territory, which was erroneously omitted in the previous publication. The rest of the application remains as previously published.

No. MC 127777 (Sub-No. 17), filed March 21, 1972. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular units* (except trailers designed to be drawn by passenger vehicles and excluding buildings or buildings in sections, mounted on wheeled undercarriages), on specially designed lowboy equipment, (1) between points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Wisconsin, Iowa, Michigan, Illinois, Missouri, Indiana, Ohio, Kentucky, and Tennessee; and (2) between points in the above-named States, on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127834 (Sub-No. 71), filed March 22, 1972. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, TN 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Storage racks and shelving* from Springfield and Nashville, Tenn., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville or Frankfort, Ky.

No. MC 128030 (Sub-No. 34), filed March 16, 1972. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dampers, penthouses, screening grilles, and drapery products*, from the plantsite of Brandt Airflex Corp., at Champaign, Ill., to points in the United States, including Alaska (but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 129086 (Sub-No. 15), filed March 21, 1972. Applicant: SPENCER TRUCKING CORPORATION, Box 254 A, Route 2, Keyser, WV 26726. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ashes and cinders*, from points in Grant, Hampshire, and Mineral Counties, W. Va.; Allegany, Garrett, and Washington Counties, Md., to Gainesville, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129615 (Sub-No. 9), filed March 21, 1972. Applicant: AMERICAN INTERNATIONAL DRIVE-AWAY, 2000 West 16th Street, Long Beach, CA 90813. Applicant's representative: E. D. Helmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes and campers* (recreational vehicles), in driveaway service, between points in Ohio, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii. If a hearing is deemed necessary, applicant requests it be held at Plymouth, Ohio.

No. MC 129640 (Sub-No. 3), filed March 13, 1972. Applicant: SPENCER BROKERAGE, INC., Post Office Box 332, Spencer, IA 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precut and prefabricated farm, commercial, and industrial buildings*, from Spencer, Iowa, to points in Arkansas, Colorado, Illinois, Montana, New Mexico, Oklahoma, Texas, Wisconsin, and Wyoming, and *spare parts, poles, and pallets* on return, limited to a transportation service to be performed under a continuing contract, or contracts, with Morton Buildings, Inc., Morton, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 129984 (Sub-No. 2), filed March 20, 1972. Applicant: GLENN PETERSON, doing business as PETERSON TRANSIT, Route No. 2, Merrill, Wis. 54452. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, WI 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Manufactured wire products*, from Merrill, Wis., to points in Illinois; and (2) upon return movement *raw wire, steel tubing, bar steel, bar copper, angle iron, galvanized rods, and used pallets and empty paper containers* in barrels, in mixed loads, from points in Illinois to Merrill, Wis. Restriction: All of the foregoing transportation is proposed to be limited to a transportation service to be performed under a continuing contract or contracts with Wire Products Manufacturing Co. of Merrill, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 133713 (Sub-No. 5), filed March 17, 1972. Applicant: UELAND TRUCKING, INC., Route 1, Box 25 B, Shakopee, MN 55379. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk fertilizer and fertilizer ingredients*, from Minneapolis-St. Paul, Maplewood, Savage, and Pine Bend, Minn., to points in Iowa, and North Dakota, South Dakota, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary applicant requests it be held at Minneapolis, Minn.

No. MC 133968 (Sub-No. 2), filed March 20, 1972. Applicant: WATERFORD EXCAVATING CO., INC., Post Office Box 344, Milwaukee, WI 53201. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (1) from La Crosse, Wis., to points in Minnesota; and (2) from Minneapolis and St. Paul, Minn., to points in Wisconsin. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 134145 (Sub-No. 19), filed March 22, 1972. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Jon Miller (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, supplies, accessories, and equipment* used in the manufacture and sales of snowmobiles, boats, and motorbikes, from points in Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wyoming, to Clearbrook, Detroit Lakes, Karlstad, Minneapolis, Moorhead, Roseau, and Thief River Falls, Minn., under contract with Arctic Enterprises, Inc., and Polaris Industries, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 134163 (Sub-No. 6), filed March 21, 1972. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, PA 19405. Applicant's representative: E. Stephen Heisley, 705 McLaughlin Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations, and foodstuffs*, in vehicles equipped to protect such products from heat or cold (except in bulk, in tank vehicles), from the plantsite and/or warehouse facilities of Kraftco Corp. at or near Fogelsville and Allentown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Virginia, West Virginia, Maryland, and the District of Columbia, restricted to traffic originating at the named origins and destined to the points in the named territory. NOTE: Applicant holds contract carrier authority under MC 95762, and subs thereto, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 134229 (Sub-No. 5), filed February 28, 1972. Applicant: RICHMOND TRANSFER, INC., Post Office Box 295, Richmond, MO 64095. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Clay and Platte Counties, Mo., on the one hand, and, on the other, points in Missouri. NOTE: Applicant states that the requested authority can be tacked with its existing authority at Arley, Mo., and points within 10 miles thereof. Persons interested in the tacking possibilities are cautioned that failure to oppose that application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

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No. MC 134601 (Sub-No. 2), filed March 10, 1972. Applicant: GOOSE CREEK TRANSPORT, INC., Rural Delivery No. 1, Ashville, N.Y. 14710. Applicant's representatives: Kenneth T. Johnson and Ronald W. Malin, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses* (except hides), as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Harlan, Hartley, and Iowa Falls, Iowa, to points in Chautauqua, Cattaraugus, and Allegany Counties, N.Y., and points in Crawford, Venango, Warren, McKean, and Erie Counties, Pa., under a continuing contract with Fairbank Farms, Inc., and (b) *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses* (except hides), as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Cedar Rapids, Dennison, Des Moines, Spencer, Storm Lake, Postville, Harland, Hartley, Ottumwa, Iowa Falls, and Fort Dodge, Iowa; Dakota City, Schuyler, Omaha, and Fremont, Nebr.; Albert Lea and Austin, Minn.; Chicago, Ill.; South Bend, Ind.; Cleveland, Ohio; and Harmony (Chautauqua County), N.Y., to points in McKean County, Pa., under a continuing contract with Whitehawk Beef Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 134734 (Sub-No. 5), filed March 20, 1972. Applicant: NATIONAL TRANSPORTATION, INC., Box 31, Norfolk, NE 68701. Applicant's representative: Lanny N. Fauss, Box 37096, Millard, NE 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Norfolk, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, under contract with National Foods, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 134776 (Sub-No. 19), filed March 20, 1972. Applicant: MILTON TRUCKING, INC., Post Office Box 207, Milton, PA 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey, City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gym mats, materials, and supplies* (except in bulk), between the facilities of Resilite Sports Products, Inc. (Northumberland County), Northumberland, Pa., on the one hand, and, on the other, points in Connecticut, New York, New Jersey, Maryland, and Delaware, under contract with Resilite Sports Products, Inc., of Northumberland, Pa. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 135283 (Sub-No. 8), filed March 10, 1972. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., Post Office Box 1665, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated or dried eggs and products thereof and dehydrated powdered and rendered poultry and beef products*, from David City, Norfolk, Omaha, and Ravenna, Nebr.; Malvern, Iowa, and Springfield, Mo., to points in Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Connecticut, Illinois, Indiana, Ohio, and Michigan. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Grand Island, Nebr.

No. MC 135705 (Sub-No. 1) (Correction), filed February 29, 1972, published in the FEDERAL REGISTER of April 6, 1972, and republished in part, as corrected this issue. Applicant: LELAND D. MELROSE, doing business as MELROSE TRUCKING COMPANY, Raderville Route, Box 6360, Casper, WY 82601. NOTE: The sole purpose of this partial republication is to reflect the correct docket number as MC 135705 *Sub-No. 1*, in lieu of MC 135705 (Sub-No. 2), shown erroneously in the previous publication. The rest of the application remains the same.

No. MC 135904 (Sub-No. 2), filed March 20, 1972. Applicant: ALLTRANS EXPRESS, LTD., 4878 Manor Street, North Burnaby, BC, Canada. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment), between Seattle and Tacoma, Wash., and ports of entry on the international boundary line between the United States and Canada located at or near Blaine and Sumas, Wash., (a) over Interstate Highway 5; and (b) from Tacoma and Seattle over Interstate Highway 5 to Bellingham, Wash., thence over Alternate U.S. Highway 99 to junction Washington Highway 544, thence over Washington Highway 544 to junction Washington Highway 9 to ports of entry on the international boundary line between the United States and Canada located at or near Sumas, Wash., and return over the same route, restricted to traffic having prior or subsequent movement in foreign commerce, and serving no intermediate or off-route points. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135991, filed August 20, 1971. Applicant: COLETTA'S DOWNTOWN AUTO SERVICE, INC., 425 Richmond Street, Providence, RI 02903. Applicant's representative: B. Lucius Zarlenga, 503 Old Colony Bank Building, Providence, R.I. 02903. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, including, but not limited to, trucks and tractor trailers by tow away method, (1) between points in Rhode Island, and (2) between points in Rhode Island, on the one hand, and, on the other, points in Massachusetts, Connecticut, New Hampshire, Vermont, Maine, New York, New Jersey, Maryland, Delaware, Pennsylvania, and Virginia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 136305 (Sub-No. 2), filed March 20, 1972. Applicant: GAIL CISSELL AND ALICE CISSELL, a partnership, doing business as CISSELL TRANSFER AND STORAGE CO., 112 East Railroad Avenue, Portales, NM 88130. Applicant's representative: Edwin E. Piper, Jr., 715 Simms Building, Albuquerque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage and personal effects*, between points in Curry, DeBaca, Guadalupe, Quay, and Roosevelt Counties, N. Mex., and Bailey, and Parmer Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 136492 (Sub-No. 2), filed March 20, 1972. Applicant: G.W.G. TRUCKING, INC., 199–20 120th Avenue, St. Albans, NY 11412. Applicant's representative: Arthur J. Pikens, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods*, between points in New York, N.Y., and points in Nassau and Suffolk County, N.Y., on the one hand, and, on the other, points in Essex, Union, Hudson, Bergen, Passaic, Morris, and Middlesex Counties, N.Y., and points in the New York, N.Y., commercial zone as defined by the Commission in the *Fifth Supplemental Report in Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted under the exempt provisions provided by section 203(b)(8) of the Act (exempt zone). Restriction: The operations proposed herein are limited to a transportation service to be performed under a continuing contract or contracts with Downen Zier, Inc., Brookton Industries, Inc., and Soptra Fabrics, Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136499 (Sub-No. 1), filed March 20, 1972. Applicant: SAMUEL D. SUMMERS, doing business as S. D. SUMMERS, Rural Delivery No. 2, Box 61, Moundsville, W. Va. 26041. Applicant's representative: J. K. Chase, Jr., 509 Seventh Street, Moundsville, WV 26041. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk rock dust*, by tank vehicles, from Benwood Limestone Co., Benwood, W.Va., to Valley Camp Coal Co. Mine No. 3, Laidley's Run Portal, Washington County, Pa., under contract with Valley Camp Coal Co., Mine No. 3. NOTE: If a hearing is deemed necessary applicant does not specify a location.

No. MC 136508, filed March 1, 1972. Applicant: GALE B. ALEXANDER, 120 South Ward Street, Ottumwa, IA 52501. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, (1) from St. Paul, Minn., and Peoria, Ill., to Kirksville, Mo.; and (2) from Warsaw, Ill., La Crosse and Sheboygan, Wis., Newport, Ky., and South Bend, Ind., to Ottumwa, Iowa. NOTE: Applicant also holds contract carrier authority under MC 114389 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 136511 (Sub-No. 1), filed April 4, 1972. Applicant: VIRGINIA APPALACHIAN LUMBER CORPORATION, Post Office Box 48, Big Island, VA 24526. Applicant's representative: Frank B. Hand, Jr., Post Office Box 81, Winchester, VA 22501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, as described in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Henry County, Va., and Moore and Davidson Counties, N.C., to points in Washington, Oregon, California, Arizona, Nevada, and Utah. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Winchester, Va.

No. MC 136527, filed March 15, 1972. Applicant: J. O. BATTLES, INC., Center Road, Bradford, N.H. 03221. Applicant's representative: Richard B. Couser, 95 North Main Street, Concord, NH 03301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Saw mill and pulp mill machinery and equipment*, from Contoocook, N.H., to points in the United States (except Hawaii), and return, under contract with HMC Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 136528, filed March 15, 1972. Applicant: GREAT NORTHEASTERN, INC., Blue Ball, Pa. 17506. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pretzels*, from the plantsite and warehouses of Anderson Bakeries, Inc., at East Lampeter Township, Lancaster County, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under contract with Anderson Bakeries, Inc., of Lancaster, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 136535, filed March 13, 1972. Applicant: JAMES L. THOMPSON, doing business as ELLENSBURG TRANSFER CO., 407 West Fourth, Ellensburg, WA 98926. Applicant's representative: Douglas A. Wilson, 303 East D Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities including household goods* (but excluding articles of unusual value, classes A and B explosives, commodities in bulk and those requiring special equipment), between points in Kittitas County, Wash. NOTE: Applicant states it intends to interline with other carriers in the delivery of interstate shipments within said county, with occasional storage in transit. If a hearing is deemed necessary, applicant requests it be held at Portland or Seattle, Wash.

No. MC 136537, filed March 27, 1972. Applicant: D.M.T. TRUCKING, INC., 225 East Redwood Street, Baltimore, MD 21202. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Imported motor vehicles*, from Norfolk, Va., to points in Maryland, Virginia, West Virginia, North Carolina, Tennessee, and the District of Columbia, under a continuing contract or contracts with Volkswagen South Atlantic Distributor, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136539, filed March 27, 1972. Applicant: PETERSON TRUCKING CO., a corporation, 6904 Tujunga Avenue, North Hollywood, CA 91605. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Baby products, including chairs, strollers, toys and related items, and materials and supplies* used in the manufacture of baby products (except in bulk), between the plantsite of Peterson Baby Products Co., at Los Angeles, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136540, filed March 20, 1972. Applicant: REFINERS TRANSPORT SERVICE, INC., 4850 Bloomfield, New Orleans, LA 70121. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, corrugated boxes and pallets*, (1) from the plantsite of Owens-Illinois, Inc., and warehouse facilities at New Orleans, La., to points in Texas; and (2) from the plantsite of Owens-Illinois, Inc., and warehouse facilities at Waco, Tex., to points in Louisiana. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 136536, filed March 27, 1972. Applicant: ALCO TRANSPORTATION, INC., Post Office Box 1651, 1127 Albert Street, Lima, OH 45802. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and new furniture parts*, between Dayton, Ohio, on the one hand, and, on the other, points in Pennsylvania, Michigan, Kentucky, Indiana, Illinois, Missouri, Wisconsin, Minnesota, and Iowa, under contract with The Mead Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

MOTOR CARRIER OF PASSENGERS

No. MC 136752 (Sub-No. 5), filed March 16, 1972. Applicant: LINCOLN COACH CO., INC., 22 Midland Avenue, Port Chester, NY. Applicant's representative: Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between White Plains, N.Y., and Stamford, Conn., as follows, serving the intermediate point of Rye, N.Y. *Westbound route:* Commencing in the city of Stamford, State of Connecticut, on Atlantic Street at the intersection of Main Street, right on Main Street to South Street left on South Street to North State Street right on North State Street to entrance of Interstate Highway 95

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(No. 7), westbound on Interstate Highway 95 to Midland Avenue exit No. 13 in the city of Rye, State of New York, exiting to Midland Avenue, left on Midland Avenue to Peck Avenue, right on Peck Avenue to Station Plaza, right on Station Plaza to the Rye Railroad station, left on Third Street to Purdy Avenue, left on Purdy Avenue to Boston Post Road, left on Boston Post Road to entrance to Interstate Highway 287 (No. 12), thence westbound on Interstate Highway 287 to exit No. 6 at Orchard Street, White Plains, N.Y., left on Orchard Street to North Broadway, left on North Broadway to Hamilton Avenue, right on Hamilton Avenue to White Plains Bus Terminal, White Plains, N.Y. *Eastbound route:* Commencing in the city of White Plains, State of New York, at the White Plains Bus Terminal exiting on to Main Street, thence left on Main Street to Bronx Street, left on Bronx Street to Hamilton Avenue, right on Hamilton Avenue to North Broadway, left on North Broadway to entrance of Interstate Highway 287 (No. 6), eastbound on Interstate Highway 287 to Boston Post Road exit No. 12 in Rye, N.Y., left on Boston Post Road to Purdy Avenue, right on Purdy Avenue to Third Street, right on Third Street to Station Plaza, right on Station Plaza to Rye Railroad Station, continuing on Station Plaza to Peck Street, left on Peck Street to Midland Avenue, left on Midland Avenue to Interstate Highway 95, thence on Interstate Highway 95 eastbound to exit No. 7 in the city of Stamford, State of Connecticut, exiting on to South State Street, continuing on South State Street to Stamford Railroad Station, continuing on South State Street to Atlantic Street, left on Atlantic Street to Advocate Place, left on Advocate Place to Luther Street, left on Luther Street to Atlantic Street, left on Atlantic Street to the intersection of Main Street. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Port Chester or Rye, N.Y., (2) Stamford, Conn., or (3) White Plains, N.Y.

APPLICATION FOR WATER CARRIER

No. W-630 (Sub-No. 38), A. L. MECHLING BARGE LINES, INC.—Extension—COASTWISE, filed March 30, 1972. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, IL 60431. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. By application filed March 31, 1972, applicant seeks a revision of certificate (No. W-630), to cover the following proposed changes in service: Operating as a common carrier by water in interstate or foreign commerce by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of towage in the transportation of *articles* exceeding 19 feet in height, 12 feet in width, 90 feet in length or 100 tons in weight, *component parts thereof, and related equipment*, between ports and points along the Atlantic Coast and tributary waterways, on the one hand, and, on the other, ports and points along the Gulf of Mexico and tributary waterways.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 127840 (Sub-No. 29), filed March 20, 1972. Applicant: MONTGOMERY TANK LINES, INC., 612 Maple, Willow Springs, IL 60480. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal tallow, greases, animal fats and oils, lard and lard compounds*, in bulk, in tank vehicles, from the plantsite or storage facilities utilized by Illini Beef Packers at or near Joslin, Ill., to points in Illinois, Iowa, Indiana, Wisconsin, Minnesota, and Missouri, restricted to traffic originating at the named plantsite or storage facilities and destined to the named destinations.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-5956 Filed 4-19-72;8:45 am]

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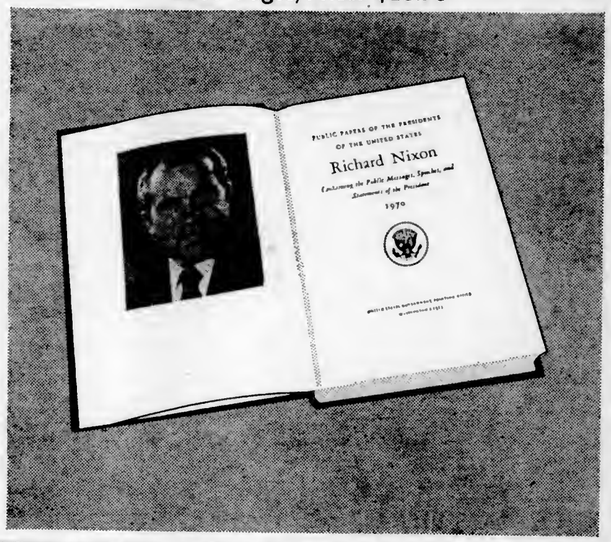
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that the position of Special Assistant to the Deputy Director is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4–21–72), paragraph (e) of § 213.3328 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–6117 Filed 4–20–72;8:51 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service [1] (Standards Inspection, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

License Fees

On March 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5046) regarding a proposed revision of regulations (other than rules of practice) (7 CFR 46.1–46.44), effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

Interested persons were given until April 9, 1972, in which to submit written data, views, or comments regarding the proposed revision of the regulations calling for an increase from $60 to $75 in the annual license fee under the Act. There were only two comments received concerning the proposed increase in license fee from a total of more than 17,700 licensed firms affected by the proposal. Both of the comments were opposed to the increase.

After due consideration of the comments presented concerning the proposed revision of the regulations, and pursuant to the authority contained in section 15, 46 Stat. 537, as amended; 7 U.S.C. 499o, the regulations, other than rules of practice (7 CFR Part 46) under the Perishable Agricultural Commodities Act, 1930, are hereby amended as follows:

Amend § 46.6 to read as follows:

§ 46.6 License fee.

The annual license fee is seventy-five dollars ($75). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

This amendment shall become effective July 1, 1972.

Done at Washington, D.C., this 18th day of April 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72–6095 Filed 4–20–72;8:49 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Termination of Existing Authorization for Export of Field-Run Dates to Certain Countries

Notice was published in the April 1, 1972, issue of the FEDERAL REGISTER (37 F.R. 6693) regarding a proposal to terminate the existing authorization for exports of filed-run Deglet Noor dates to France and Belgium. The authorization is effective pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

Section 987.56 provides, in part, that whenever the Committee concludes and the Secretary finds that the disposition of utility dates of any variety through any export outlet would tend to effectuate the declared policy of the act, the Secretary shall specify such export outlet, and dates of such variety that are inspected and certified as meeting such grade, size, container, and identification requirements as may be prescribed by the Committee with the approval of the Secretary for such outlet may be so exported. Pursuant to this authority, high quality field-run dates (utility dates) of the Deglet Noor variety were approved for export to France and Belgium in 1970 (35 F.R. 5396, 6700, 14764). Both countries have date processing and packaging plants and desired the dates to be in a form which would enable them to use these facilities. However, after some shipments of field-run dates to these countries, no further requests were received. Apparently, these two countries began receiving supplies of field-run Deglet Noor dates from other sources.

It appears that the needs of these two countries for California dates can now be better met with bulk shipments of processed dates for repacking and/or dates for further processing where almost all of the processing (except for the addition of moisture) is done in the United States. Therefore, the provisions of § 987.156(b) are no longer applicable and should be revoked.

After consideration of all relevant matter presented, including that in the notice, the unanimous recommendation of the California Date Administrative Committee, and other available information, it is hereby found and determined that the authorization in § 987.156 (b) providing for exportation of field-run Deglet Noor dates to France and Belgium no longer tends to effectuate the declared policy of the act and should therefore be terminated.

It is, therefore, ordered, That § 987.156 of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 36 F.R. 23137; 37 F.R. 1159; 37 F.R. 5282; 37 F.R. 6566; 37 F.R. 6729) is amended by revoking paragraph (b).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) After some initial exports of field-run dates to France and Belgium, no further exports of such dates to these countries have been made and none are expected in the future; (2) this action imposes no restrictions on handlers, and hence they do not need additional notice or time to prepare or to comply therewith; and (3) no useful purpose would be served by postponing the effective time of this action.

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(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 18, 1972, to become effective upon publication in the FEDERAL REGISTER (4–21–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–6139 Filed 4–20–72;8:53 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Modification of Additional Grade Requirements

Notice was published in the April 1, 1972, issue of the FEDERAL REGISTER (37 F.R. 6693) of a proposed modification of the grade requirements in § 987.203(b)(2) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; 37 F.R. 5282; and 37 F.R. 6729) for restricted dates to be disposed of in product outlets. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the California Date Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal, and one submission was received from the Committee. However, the submission was not relevant to the subject of the notice.

The submission pertained to a unanimous recommendation of the Committee to reduce the grade requirements for dates exported to Mexico to those set forth in § 987.202. The Committee indicated that the difference between the presently effective Mexico grade and the requirements set forth in § 987.202 was too insignificant to maintain and that the differences were not such as would affect the demand for dates in Mexico. However, the notice did not include a proposal to reduce the presently effective Mexico grade requirements. The matter contained in the Committee's submission is a new proposal and should be published in a notice of proposed rule making.

Section 987.203(b)(2) prescribes, among other things, grade requirements for dates withheld from handling (restricted dates) to be disposed of in product outlets. These requirements are that such restricted dates shall grade not less than U.S. Grade C or U.S. Grade C (Dry), as applicable. In addition to these requirements, Deglet Noor dates must also meet additional requirements for the factor of absence of defects (except that dates damaged by broken skin, by mashing, and by mechanical injury not affecting eating quality are not considered in determining the defect factor), and for the factor of character.

The grade requirements prescribed for dates to be disposed in product outlets should be the minimum quality standards set forth in § 987.202. This reduction will subject an additional quantity of dates to marketing program assessments and also make this quantity available for use in satisfaction of withholding obligations. Moreover, it will simplify program operations in that one grade requirement, instead of two, will be prescribed for restricted dates disposed of in product outlets.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is hereby found and determined that the modification of the grade requirements for restricted dates to be disposed of in product outlets as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, § 987.203(b) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; 37 F.R. 5282; and 37 F.R. 6729) is amended by revising subparagraph (2) to read as follows:

§ 987.203 Additional grade regulations.

* * * * * *

(b) * * *

(2) *Restricted dates to be disposed of in other approved outlets.* Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 as products shall meet the minimum standard of quality set forth in § 987.202. Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 by export to Mexico shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates, as aforesaid: *Provided*, That Deglet Noor dates shall score (i) not less than 24 points for the factor of absence of defects, except that dates damaged by broken skin, by mashing, and by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor, and (ii) not less than 29 points for the factor of character.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions on the handling of dates; (2) handlers are aware of the California Date Administrative Committee's recommendation and need no additional notice or time to comply with the change in grade requirements; and (3) no useful purpose would be served by delaying the effective time of this action.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 18, 1972, to become effective upon publication in the FEDERAL REGISTER (4–21–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agriculture Marketing Service.

[FR Doc.72–6140 Filed 4–20–72;8:53 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Loan and Purchase Regs., 1972-Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972-Crop Dry Edible Bean Loan and Purchase Program

On January 21, 1972, notice of proposed rule making regarding loan and purchase rates for 1972-crop dry edible beans and detailed operating provisions to carry out the 1972 dry edible bean program was published in the FEDERAL REGISTER (37 F.R. 936 and 937). Fourteen responses were received from interested individual farmers, farm organizations, and other interested parties. While there was variation in views, most responses recommended an increase in support rates. After considerations of all responses, it has been determined that loan and purchase rates for the individual classes remain the same as in 1971 program with certain exceptions that are necessary to bring the rates for all classes more nearly in line with historical prices. Other operating provisions for the 1972 crop remain the same as those for the 1971 crop.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) and the 1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program Regulations, 35 F.R. 8537, 36 F.R. 8362 and 9001) which contain regulations of a general nature with respect to price support operations, are further supplemented for 1972-crop dry edible beans. The material previously appearing in this subpart in §§ 1421.140 through 1421.143 remains in full force and effect as to the crop to which it was applicable.

Sec.
1421.140 Purpose.
1421.141 Availability.
1421.142 Maturity of loans.
1421.143 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.140 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops and any amendments thereto or revisons thereof, and the 1970 and Subsequent Crop Dry Edible Bean Loan and Purchase Program Regulations, and any amendments thereto, apply to loans and purchases for 1972-crop dry edible beans.

§ 1421.141 Availability.

(a) *Loans.* A producer desiring a CCC loan must request a loan on his eligible beans on or before March 31, 1973.

(b) *Purchases.* To sell dry edible beans to CCC through the purchase program, a producer must execute and deliver to the appropriate county ASCS office on or before April 30, 1973, a purchase agreement (Form CCC–614), indicating the approximate quantity of 1972-crop dry edible beans he will sell to CCC.

§ 1421.142 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1973.

§ 1421.143 Loan and purchase rates.

The rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with paragraphs (b), (c), and (d) of this section, and adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage, contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved warehouse storage in a higher loan and purchase rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher loan and purchase rate county, the loan and purchase rate shall be determined on the basis of the basic loan and purchase rate specified in paragraph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.23.

(a) *Basic county loan and purchase rates.* The basic county loan and purchase rates per 100 pounds net weight for beans of all classes grading Prime Handpicked or U.S. No. 1 are as follows:

Class and area	Rate per 100 lb. prime handpicked or U.S. No. 1 in jute or polypropylene bags
Pinto:	
Area I—In New Mexico all counties, except San Juan, Rio Arriba, Taos, McKinley, and Valencia	$6.57
Area II—Idaho, Kansas, Nebraska, Oklahoma, Texas, and Washington. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano, and Las Animas and all counties east thereof in Colorado. In Wyoming, the counties of Goshen, Laramie, and Platte	6.47
Area III—In New Mexico the counties of San Juan, Rio Arriba, Taos, McKinley, and Valencia	6.37
Area IV—Arizona, California, Montana, South Dakota, and Utah. In Wyoming, all counties not in Area II. In Colorado, all counties not in Area II	6.27
Area V—Other States	6.07
Great northern:	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	7.21
Area II—South Dakota, Montana, and Idaho. In Wyoming, all counties not in Area I and in Oregon, Malheur County	7.01
Area III—Other States and counties	6.71
Pea (Navy), U.S. No. 1 and U.S. prime handpicked pea beans:	
Area I—Michigan, New York, Maine, Minnesota, and Wisconsin	6.70
Area II—Other States	6.20
Small White and Flat Small White	7.80
Dark Red Kidney	8.51
Light Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—Idaho, Colorado, and Washington	7.47
Area II—Other States	7.42
Large lima	10.39
Baby lima	6.39

(b) *Premium.*

	Cents per 100 lb.
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

	Cents per 100 lb.
Grade U.S. No. 2	25
Paper package	00

(d) *Deduction for processing charges.* In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollars per 100 lb. from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective date: Upon publication in the FEDERAL REGISTER (4–21–72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72–6044 Filed 4–20–72;8:45 am]

[CCC Grain Loan and Purchase Regs., 1972-Crop Rice Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972-Crop Rice Loan and Purchase Program

On July 23, 1971, notice of proposed rule making regarding determinations to be made in carrying out the 1972-crop rice program was published in the FEDERAL REGISTER (36 F.R. 13322). No data, views, or recommendations were filed by interested persons. The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363 and 7781 and any amendments thereto, and the 1970 and Subsequent Crops Rice Loan and Purchase Program Regulations, published at 35 F.R. 8443 and 8873, and any amendments to such regulations, are further supplemented for the 1972 crop of rice. The material previously appearing in this subpart in §§ 1421.325 through 1421.328 remains in full force and effect as to the crop to which it was applicable.

Sec.
1421.325 Purpose.
1421.326 Availability.
1421.327 Maturity of loans.
1421.328 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1970 and Subsequent Crop Rice Loan and Purchase Program Regulations and any amendments thereto, apply to loans and purchases for the 1972-crop rice.

§ 1421.326 Availability.

(a) *Loans.* Producers must request a loan on 1972-crop eligible rice on or before March 31, 1973.

(b) *Purchases.* Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county office prior to April 30, 1973, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1973.

§ 1421.328 Loan and purchase rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse

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shall be the applicable basic rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The rate for loans on rice stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.23.

(a) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE [1]

Rough rice class	Head rice	Broken rice
	Cents per pound	
Long grains	8.42	4.33
Medium grains	7.92	4.33
Short grains	7.92	4.33

[1] These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1972.

(b) *Premium.* The basic rate determined under paragraph (a) of this section shall be adjusted by the following premium:

	Cents per 100 lb.
Grade U.S. No. 1	10

(c) *Discounts*—(1) *Grade.* The basic rate determined under paragraph (a) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 lb.
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(2) *Smut damage.* The rate for rice evidencing smut damage shall be further adjusted by the following discounts:

Percent smut damage:	*Cents per 100 lb.*
Trace	0
0.1–1.0	5
1.1–2.0	10
2.1–3.0	15
3.1 and over	26

(d) *Location differentials.* For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraphs (b) and (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area:	*Discount per 100 lb.*
Imperial County, Calif., and adjacent counties in Arizona and California	$1.31
State of Florida	1.26
States of North Carolina and South Carolina	1.19
Counties of Marion, Pike, and St. Charles, Mo.	0.85
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bosier Parish, La	0.12

Effective date: Upon publication in the FEDERAL REGISTER (4–21–72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–6045 Filed 4–20–72;8:45 am]

[CCC Grain Price Support Regs. 1972-Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972-Crop Barley Loan and Purchase Program

On September 11, 1971, notice of proposed rule making regarding loan and purchase rates for 1972-crop barley and detailed operating provisions to carry out the 1972-crop barley loan and purchase program was published in the FEDERAL REGISTER (36 F.R. 18322). No data, views, or recommendations were filed by interested persons.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363, and any amendments thereto, and the 1970 and Subsequent Crops Barley Loan and Purchase Program Regulations, published at 35 F.R. 11166 and any amendments to such regulations are further supplemented for the 1972 crop of barley. The material previously appearing in these §§ 1421.72 through 1421.77 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.72 Purpose.
1421.73 Compliance requirements.
1421.74 Availability.
1421.75 Maturity of loans.
1421.76 Warehouse charges.
1421.77 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.72 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops, the 1970 and Subsequent Crop Barley Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1972 crop of barley.

§ 1421.73 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the barley being tendered if the producer complies with the 1972 set-aside program, appearing in the regulations published in Part 775 of this title pertaining to the Feed Grain Set-Aside Program for crop years 1971–73 (36 F.R. 12835), and any amendments thereto, on the farm on which such barley was produced if such farm is in an area in which the Feed Grain Set-Aside Program is in effect.

§ 1421.74 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1972 crop of eligible barley on or before April 30, 1973, in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming and by March 31, 1973, in all other States. To sell eligible barley to CCC a producer must execute and deliver to the appropriate county ASCS office, on or before May 31, 1973, in the States named in this section and on or before April 30, 1973, in all other States, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1972 crop barley he will sell to CCC.

§ 1421.75 Maturity of loan.

Loans mature on demand but not later than: May 31, 1973, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming, and on April 30, 1973, in all other States.

§ 1421.76 Warehouse charges.

Subject to the provisions of § 1421.56 the schedule of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1973	Deduction (cents per bushel)	Maturity Date of May 31, 1973
(1)		(1)
Prior to May 28, 1972	14	Prior to June 28, 1972.
May 28–June 21	13	June 28–July 22.
June 22–July 16	12	July 23–Aug. 16.
July 17–Aug. 10	11	Aug. 17–Sept. 10.
Aug. 11–Sept. 4	10	Sept. 11–Oct. 5.
Sept. 5–Sept. 29	9	Oct. 6–Oct. 30.
Sept. 30–Oct. 24	8	Oct. 31–Nov. 24.
Oct. 25–Nov. 18	7	Nov. 25–Dec. 19.
Nov. 19–Dec. 13	6	Dec. 20, 1972–Jan. 13, 1973.
Dec. 14, 1972–Jan. 7, 1973	5	Jan. 14–Feb. 7.
Jan. 8–Feb. 1	4	Feb. 8–Mar. 4.
Feb. 2–Feb. 26	3	Mar. 5–Mar. 29.
Feb. 27–Mar. 23	2	Mar. 30–Apr. 23.
Mar. 24–Apr. 30, 1973	1	Apr. 24–May 31, 1973

[1] Date storage charges start, all dates inclusive.

§ 1421.77 Loan rates and discounts.

(a) *Basic loan rates (counties).* Basic county rates (marketing area for Alaska) for loan and settlement purposes for barley (except mixed barley) grading U.S. No. 2 or better are established as follows:

County	*Rate per bushel*
ALABAMA	
All counties	$0.87
ALASKA	
Delta	$0.96
Fairbanks	.93
Glenallen	1.04
Homer	1.00
Kenai-Sold	$1.08
Palmer	1.14
Talkeetna	1.14
ARIZONA	
Apache	$0.79
Cochise	.92
Coconino	.79
Gila	.79
Graham	.84
Greenlee	.79
Maricopa	.97
Mohave	$0.84
Navajo	.79
Pima	.95
Pinal	.98
Santa Cruz	.94
Yavapai	.79
Yuma	.99
ARKANSAS	
All counties	$0.88
CALIFORNIA	
Alameda	$1.14
Alpine	.98
Amador	1.10
Butte	1.05
Calaveras	1.10
Colusa	1.08
Contra Costa	1.11
El Dorado	1.10
Fresno	1.07
Glenn	1.07
Humboldt	.96
Imperial	1.09
Inyo	.96
Kern	1.09
Kings	1.07
Lake	1.04
Lassen	.96
Los Angeles	1.14
Madera	1.09
Marin	1.11
Mariposa	1.08
Mendocino	.99
Merced	1.09
Modoc	.96
Monterey	1.06
Napa	1.08
Orange	1.14
Placer	1.07
Plumas	.98
Riverside	$1.09
Sacramento	1.14
San Benito	1.07
San Bernardino	1.09
San Diego	1.14
San Francisco	1.14
San Joaquin	1.14
San Luis Obispo	1.06
San Mateo	1.11
Santa Barbara	1.06
Santa Clara	1.09
Santa Cruz	1.08
Shasta	.96
Sierra	.96
Siskiyou	.96
Solano	1.11
Sonoma	1.08
Stanislaus	1.11
Sutter	1.08
Tehama	1.01
Tulare	1.06
Tuolumne	1.08
Ventura	1.09
Yolo	1.11
Yuba	1.08
COLORADO	
All counties	$0.82
CONNECTICUT	
All counties	$0.88
DELAWARE	
All counties	$0.88
FLORIDA	
All counties	$0.90
GEORGIA	
All counties	$0.90
IDAHO	
Ada	$0.86
Adams	.86
Bannock	.85
Bear Lake	.84
Benewah	.93
Bingham	.84
Blaine	.85
Boise	.86
Bonner	.89
Bonneville	.84
Boundary	.87
Butte	.84
Camas	$0.85
Canyon	.86
Caribou	.84
Cassia	.86
Clark	.84
Clearwater	.92
Custer	.84
Elmore	.86
Franklin	.85
Fremont	.84
Gem	.86
Gooding	.86
Idaho	$0.92
Jefferson	.84
Jerome	.86
Kootenai	.92
Latah	.93
Lemhi	.83
Lewis	.92
Lincoln	.86
Madison	.84
Minidoka	.86
Nez Perce	$0.93
Oneida	.85
Owyhee	.86
Payette	.86
Power	.85
Shoshone	.80
Teton	.84
Twin Falls	.86
Valley	.86
Washington	.86
ILLINOIS	
Alexander	$0.94
Cook	.89
Madison	.93
St. Clair	$0.93
All other counties	.86
INDIANA	
All counties	$0.84
IOWA	
Pottawattamie	$0.90
All other counties	$0.86
KANSAS	
Allen	$0.88
Anderson	.90
Atchison	.91
Barber	.83
Barton	.83
Bourbon	.90
Brown	.90
Butler	.85
Chase	.86
Chautauqua	.86
Cherokee	.88
Cheyenne	.80
Clark	.79
Clay	.86
Cloud	.85
Coffey	.89
Comanche	.81
Cowley	.85
Crawford	.89
Decatur	.82
Dickinson	.85
Doniphan	.90
Douglas	.91
Edwards	.83
Elk	.86
Ellis	.83
Ellsworth	.84
Finney	.79
Ford	.81
Franklin	.91
Geary	.86
Gove	.81
Graham	.82
Grant	.78
Gray	.80
Greeley	.78
Greenwood	.87
Hamilton	.78
Harper	.84
Harvey	.85
Haskell	.79
Hodgeman	.82
Jackson	.90
Jefferson	.91
Jewell	.84
Johnson	.91
Kearny	.78
Kingman	.84
Kiowa	.83
Labette	.88
Lane	.81
Leavenworth	.91
Lincoln	.84
Linn	$0.91
Logan	.79
Lyon	.88
McPherson	.84
Marion	.85
Marshall	.88
Meade	.79
Miami	.91
Mitchell	.84
Montgomery	.88
Morris	.86
Morton	.76
Nemaha	.88
Neosho	.88
Ness	.82
Norton	.83
Osage	.89
Osborne	.84
Ottawa	.85
Pawnee	.83
Phillips	.83
Pottawatomie	.88
Pratt	.83
Rawlins	.81
Reno	.84
Republic	.85
Rice	.84
Riley	.88
Rooks	.83
Rush	.83
Russell	.83
Saline	.84
Scott	.80
Sedgwick	.85
Seward	.78
Shawnee	.90
Sheridan	.82
Sherman	.80
Smith	.84
Stafford	.83
Stanton	.77
Stevens	.78
Sumner	.85
Thomas	.81
Trego	.82
Wabaunsee	.88
Wallace	.78
Washington	.86
Wichita	.79
Wilson	.88
Woodson	.88
Wyandotte	.91
KENTUCKY	
All counties	$0.85
LOUISIANA	
East Baton Rouge	$1.04
Jefferson	1.04
Orleans	1.04
St. Charles	1.04
West Baton Rouge	$1.04
All other Parishes	$0.87
MAINE	
All counties	$0.88
MARYLAND	
Baltimore City	$1.06
All other counties	$0.86
MASSACHUSETTS	
All counties	$0.88
MICHIGAN	
All counties	$0.78
MINNESOTA	
Aitkin	$0.92
Anoka	.95
Becker	.84
Beltrami	.86
Benton	.92
Big Stone	.87
Blue Earth	.94
Brown	.93
Carlton	.95
Carver	.95
Cass	.88
Chippewa	.91
Chisago	.94
Clay	.83
Clearwater	.83
Cottonwood	.92
Crow Wing	.89
Dakota	.95
Dodge	.94
Douglas	.88
Faribault	.93
Fillmore	.92
Freeborn	.93
Goodhue	.94
Grant	.86
Hennepin	.95
Houston	.91
Hubbard	.86
Isanti	.94
Itasca	.91
Jackson	.90
Kanabec	.93
Kandiyohi	.93
Kittson	.80
Koochiching	.91
Lac qui Parle	.88
Lake of the Woods	.86
Le Sueur	.94
Lincoln	.88
Lyon	.91
McLeod	.94
Mahnomen	.82
Marshall	.81
Martin	$0.93
Meeker	.94
Mille Lacs	.93
Morrison	.90
Mower	.93
Murray	.90
Nicollet	.94
Nobles	.87
Norman	.82
Olmsted	.94
Otter Tail	.86
Pennington	.81
Pine	.95
Pipestone	.87
Polk	.82
Pope	.90
Ramsey	.95
Red Lake	.82
Redwood	.93
Renville	.92
Rice	.94
Rock	.84
Roseau	.81
St. Louis	.95
Scott	.95
Sherburne	.94
Sibley	.94
Stearns	.92
Steele	.94
Stevens	.88
Swift	.90
Todd	.88
Traverse	.86
Wabasha	.94
Wadena	.87
Waseca	.94
Washington	.95
Watonwan	.93
Wilkin	.84
Winona	.93
Wright	.95
Yellow Medicine	.89
MISSISSIPPI	
All counties	$0.87
MISSOURI	
Buchanan	$0.91
Clay	.91
Jackson	.91
St. Louis	$0.93
All other counties	.88
MONTANA	
Beaverhead	$0.75
Big Horn	.68
Blaine	.67
Broadwater	.79
Carbon	.73
Carter	.70
Cascade	.75
Chouteau	.73
Custer	.69
Daniels	.67
Dawson	.69
Deer Lodge	.81
Fallon	.70
Fergus	.73
Flathead	$0.85
Gallatin	.81
Garfield	.68
Glacier	.74
Golden Valley	.73
Granite	.80
Hill	.70
Jefferson	.79
Judith Basin	.72
Lake	.80
Lewis and Clark	.74
Liberty	.72
Lincoln	.85

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MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
McCone	$0.69	Roosevelt	$0.70
Madison	.81	Rosebud	.68
Meagher	.76	Sanders	.83
Mineral	.83	Sheridan	.69
Missoula	.83	Silver Bow	.81
Musselshell	.72	Stillwater	.73
Park	.79	Sweet Grass	.76
Petroleum	.71	Teton	.74
Phillips	.65	Toole	.73
Pondera	.74	Treasure	.70
Powder River	.68	Valley	.66
Powell	.81	Wheatland	.74
Prairie	.69	Wibaux	.70
Ravalli	.80	Yellowstone	.73
Richland	.69		

NEBRASKA

Adams	$0.84	Jefferson	$0.87
Antelope	.87	Johnson	.88
Arthur	.79	Kearney	.83
Banner	.78	Keith	.79
Blaine	.81	Keya Paha	.81
Boone	.87	Kimball	.78
Box Butte	.78	Knox	.87
Boyd	.84	Lancaster	.89
Brown	.81	Lincoln	.80
Buffalo	.84	Logan	.81
Burt	.89	Loup	.83
Butler	.89	McPherson	.80
Cass	.80	Madison	.88
Cedar	.87	Merrick	.87
Chase	.79	Morrill	.78
Cherry	.79	Nance	.87
Cheyenne	.78	Nemaha	.88
Clay	.85	Nuckolls	.85
Colfax	.89	Otoe	.89
Cuming	.89	Pawnee	.88
Custer	.82	Perkins	.79
Dakota	.88	Phelps	.83
Dawes	.77	Pierce	.88
Dawson	.82	Platte	.88
Deuel	.79	Polk	.88
Dixon	.87	Red Willow	.80
Dodge	.89	Richardson	.88
Douglas	.90	Rock	.82
Dundy	.79	Saline	.88
Fillmore	.87	Sarpy	.89
Franklin	.83	Saunders	.89
Frontier	.81	Scotts Bluff	.78
Furnas	.82	Seward	.89
Gage	.88	Sheridan	.78
Garden	.78	Sherman	.84
Garfield	.84	Sioux	.77
Gosper	.82	Stanton	.89
Grant	.78	Thayer	.86
Greeley	.85	Thomas	.80
Hall	.85	Thurston	.88
Hamilton	.86	Valley	.84
Harlan	.83	Washington	.89
Hayes	.79	Wayne	.88
Hitchcock	.79	Webster	.84
Holt	.84	Wheeler	.86
Hooker	.79	York	.87
Howard	.85		

NEVADA

All counties $0.90

NEW HAMPSHIRE

All counties $0.88

NEW JERSEY

All counties $0.88

NEW MEXICO

All counties $0.85

NEW YORK

Albany	$1.06	All other counties	$0.88
New York City	1.06		

NORTH CAROLINA

All counties $0.91

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.72	McKenzie	$0.69
Barnes	.81	McLean	.75
Benson	.77	Mercer	.74
Billings	.72	Morton	.74
Bottineau	.74	Mountrail	.73
Bowman	.71	Nelson	.79
Burke	.72	Oliver	.74
Burleigh	.76	Pembina	.78
Cass	.82	Pierce	.76
Cavalier	.77	Ramsey	.78
Dickey	.80	Ransom	.81
Divide	.71	Renville	.73
Dunn	.73	Richland	.83
Eddy	.78	Rolette	.75
Emmons	.75	Sargent	.82
Foster	.79	Sheridan	.76
Golden Valley	.70	Sioux	.74
Grand Forks	.81	Slope	.72
Grant	.73	Stark	.73
Griggs	.80	Steele	.81
Hettinger	.73	Stutsman	.80
Kidder	.77	Towner	.76
La Moure	.79	Traill	.81
Logan	.77	Ward	.73
McHenry	.75	Wells	.77
McIntosh	.77	Williams	.71

OHIO

All counties $0.84

OKLAHOMA

Adair	$0.84	Le Flore	$0.81
Alfalfa	.84	Lincoln	.85
Atoka	.85	Logan	.85
Beaver	.84	Love	.86
Beckham	.85	McClain	.85
Blaine	.85	McCurtain	.81
Bryan	.84	McIntosh	.85
Caddo	.85	Major	.84
Canadian	.85	Marshall	.85
Carter	.85	Mayes	.87
Cherokee	.85	Murray	.85
Choctaw	.81	Muskogee	.85
Cimarron	.84	Noble	.84
Cleveland	.85	Nowata	.89
Coal	.85	Okfuskee	.85
Comanche	.85	Oklahoma	.85
Cotton	.85	Okmulgee	.85
Craig	.88	Osage	.85
Creek	.85	Ottawa	.88
Custer	.84	Pawnee	.84
Delaware	.87	Payne	.85
Dewey	.84	Pittsburg	.85
Ellis	.84	Pontotoc	.85
Garfield	.85	Pottawatomie	.85
Garvin	.85	Pushmataha	.81
Grady	.85	Roger Mills	.84
Grant	.84	Rogers	.87
Greer	.85	Seminole	.85
Harmon	.85	Sequoyah	.83
Harper	.83	Stephens	.85
Haskell	.81	Texas	.84
Hughes	.85	Tillman	.85
Jackson	.85	Tulsa	.86
Jefferson	.85	Wagoner	.86
Johnston	.85	Washington	.88
Kay	.84	Washita	.85
Kingfisher	.85	Woods	.83
Kiowa	.85	Woodward	.84
Latimer	.81		

OREGON

Baker	$0.93	Gilliam	$0.98
Benton	.97	Grant	.94
Clackamas	1.01	Harney	.83
Clatsop	1.04	Hood River	1.01
Columbia	1.04	Jackson	.89
Coos	.87	Jefferson	.98
Crook	.95	Josephine	.89
Curry	.87	Klamath	.93
Deschutes	.95	Lake	.92
Douglas	.90	Lane	.93

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	$0.97	Tillamook	$1.01
Linn	.96	Umatilla	.96
Malheur	.88	Union	.94
Marion	.99	Wallowa	.92
Morrow	.98	Wasco	1.01
Multnomah	1.04	Washington	1.01
Polk	.98	Wheeler	.97
Sherman	1.00	Yamhill	.99

PENNSYLVANIA

Philadelphia	$1.06	All other counties	$0.88

RHODE ISLAND

All counties $0.88

SOUTH CAROLINA

Charleston	$1.06	All other counties	$0.91

SOUTH DAKOTA

Aurora	$0.79	Jackson	$0.75
Beadle	.82	Jerauld	.80
Bennett	.74	Jones	.77
Bon Homme	.83	Kingsbury	.84
Brookings	.86	Lake	.82
Brown	.80	Lawrence	.70
Brule	.79	Lincoln	.82
Buffalo	.80	Lyman	.79
Butte	.70	McCook	.80
Campbell	.74	McPherson	.77
Charles Mix	.81	Marshall	.81
Clark	.82	Meade	.71
Clay	.84	Mellette	.77
Codington	.84	Miner	.81
Corson	.71	Minnehaha	.82
Custer	.72	Moody	.85
Davison	.80	Pennington	.73
Day	.82	Perkins	.70
Deuel	.87	Potter	.80
Dewey	.74	Roberts	.84
Douglas	.80	Sanborn	.80
Edmunds	.80	Shannon	.73
Fall River	.72	Spink	.82
Faulk	.81	Stanley	.79
Grant	.85	Sully	.80
Gregory	.80	Todd	.77
Haakon	.76	Tripp	.78
Hamlin	.84	Turner	.81
Hand	.81	Union	.85
Hanson	.80	Walworth	.78
Harding	.70	Washabaugh	.75
Hughes	.79	Yankton	.83
Hutchinson	.81	Ziebach	.73
Hyde	.80		

TENNESSEE

Shelby	$0.94	All other counties	$0.88

TEXAS

Anderson	$0.99	Burnet	$0.96
Angelina	1.01	Callahan	.89
Archer	.87	Cameron	.97
Armstrong	.87	Camp	.94
Atascosa	.96	Carson	.87
Austin	1.04	Cass	.92
Bailey	.87	Castro	.87
Bandera	.95	Chambers	1.06
Baylor	.87	Cherokee	.96
Bee	1.03	Childress	.87
Bell	.98	Clay	.89
Bexar	.97	Cochran	.87
Blanco	.98	Coke	.87
Borden	.87	Coleman	.90
Bosque	.96	Collin	.94
Bowie	.91	Collingsworth	.87
Brazoria	1.04	Comal	.98
Brazos	1.02	Comanche	.92
Brewster	.77	Concho	.92
Briscoe	.87	Cooke	.91
Brown	.92	Coryell	.97
Burleson	1.02		

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Cottle	$0.87	Lamb	$0.87
Crane	.82	Lampasas	.96
Crockett	.81	Leon	1.00
Crosby	.87	Liberty	1.04
Culberson	.77	Limestone	.99
Dallam	.86	Lipscomb	.86
Dallas	.95	Live Oak	1.03
Dawson	.87	Llano	.96
Deaf Smith	.87	Loving	.78
Delta	.91	Lubbock	.87
Denton	.92	Lynn	.87
De Witt	1.00	McCulloch	.92
Dickens	.87	McLennan	.98
Dimmit	.94	Madison	1.02
Donley	.87	Marion	.94
Eastland	.91	Martin	.86
Ector	.86	Mason	.92
Edwards	.86	Maverick	.91
Ellis	.95	Medina	.95
El Paso	.76	Menard	.92
Erath	.92	Midland	.86
Falls	.99	Milam	1.00
Fannin	.91	Mills	.95
Fayette	1.02	Mitchell	.87
Fisher	.87	Montague	.90
Floyd	.87	Montgomery	1.04
Foard	.87	Moore	.86
Fort Bend	1.04	Morris	.94
Franklin	.94	Motley	.87
Freestone	.98	Nacogdoches	.98
Gaines	.87	Navarro	.97
Galveston	1.06	Newton	1.00
Garza	.87	Nolan	.87
Gillespie	.94	Nueces	1.06
Goliad	1.00	Ochiltree	.86
Gonzales	1.01	Oldham	.87
Gray	.87	Orange	1.03
Grayson	.91	Palo Pinto	.91
Gregg	.95	Panola	.97
Grimes	1.03	Parker	.94
Guadalupe	.98	Parmer	.87
Hale	.87	Pecos	.78
Hall	.87	Polk	1.02
Hamilton	.94	Potter	.87
Hansford	.86	Presidio	.77
Hardeman	.87	Rains	.95
Hardin	1.03	Randall	.87
Harris	1.06	Reagan	.81
Harrison	.94	Red River	.90
Hartley	.86	Reeves	.78
Haskell	.87	Roberts	.86
Hays	.99	Robertson	.99
Hemphill	.86	Rockwall	.92
Henderson	.97	Runnels	.89
Hidalgo	.97	Rusk	.96
Hill	.97	Sabine	.98
Hockley	.87	San Augustine	.98
Hood	.92	San Jacinto	1.04
Hopkins	.91	San Patricio	1.06
Houston	1.01	San Saba	.92
Howard	.87	Schleicher	.82
Hudspeth	.77	Scurry	.87
Hunt	.92	Shackelford	.89
Hutchinson	.86	Shelby	.98
Irion	.81	Sherman	.86
Jack	.90	Smith	.96
Jackson	1.01	Somervell	.92
Jasper	1.01	Starr	.94
Jeff Davis	.77	Stephens	.90
Jefferson	1.06	Sterling	.84
Jim Wells	1.03	Stonewall	.87
Johnson	.95	Sutton	.81
Jones	.87	Swisher	.87
Karnes	.98	Tarrant	.95
Kaufman	.94	Taylor	.88
Kendall	.94	Terrell	.81
Kenedy	1.00	Terry	.87
Kent	.87	Throckmorton	.89
Kerr	.94	Titus	.94
Kimble	.92	Tom Green	.87
King	.87	Travis	.99
Kinney	.90	Trinity	1.02
Knox	.87	Tyler	$1.01
Lamar	.90	Upshur	.94
		Upton	.82
		Uvalde	.93
		Val Verde	.87
		Van Zandt	.95
		Victoria	1.00
		Walker	1.03
		Waller	1.04
		Ward	.82
		Washington	1.02
		Wharton	1.03
		Wheeler	$0.87
		Wichita	.88
		Wilbarger	.87
		Willacy	.97
		Williamson	.99
		Wilson	.97
		Winkler	.85
		Wise	.92
		Wood	.94
		Yoakum	.87
		Young	.90

UTAH

All counties $0.87

VERMONT

All counties $0.88

VIRGINIA

Chesapeake (Norfolk)	$1.06	All other counties	$0.88

WASHINGTON

Adams	$0.95	Lewis	$1.01
Asotin	.93	Lincoln	.94
Benton	.97	Mason	.97
Chelan	.99	Okanogan	.93
Clallam	.89	Pacific	.97
Clark	1.04	Pend Oreille	.89
Columbia	.96	Pierce	1.04
Cowlitz	1.04	San Juan	.93
Douglas	.95	Skagit	.96
Ferry	.91	Skamania	1.01
Franklin	.96	Snohomish	.99
Garfield	.96	Spokane	.93
Grant	.95	Stevens	.90
Grays Harbor	.97	Thurston	1.01
Island	.97	Wahkiakum	1.01
Jefferson	.93	Walla Walla	.96
King	1.04	Whatcom	.93
Kitsap	1.01	Whitman	.94
Kittitas	.99	Yakima	.97
Klickitat	.99		

WEST VIRGINIA

All counties $0.88

WISCONSIN

Douglas	$0.95	All other counties	$0.90

WYOMING

All counties $0.80

(b) *Discounts.* The basic county rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
U.S. No. 3	3
U.S. No. 4	6
U.S. No. 5	15
Total damage (percent): [1]	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.25)	10

[1] Not applicable to barley of the class Western Barley.

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS office approximately 1 month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading U.S. No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER (4–21–72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–6043 Filed 4–20–72;8:45 am]

SUBCHAPTER C—EXPORT PROGRAMS

[GSM–4, Rev. II]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Financing of Export Sales From Private Stocks Under Export Credit Sales Program

The following is a clarifying amendment of § 1488.2(s) of the regulations governing the CCC Export Credit Sales Program, as revised and published in the FEDERAL REGISTER on April 22, 1971 (36 F.R. 7597–7602), and corrected April 29, 1971 (36 F.R. 8048), amended May 20, 1971 (36 F.R. 9437–9442), corrected June 9, 1971 (36 F.R. 11081), and amended July 2, 1971 (36 F.R. 12595–12596), to reflect the intention to regard a default by a Government-owned bank as a "political risk" within the meaning of the definition currently contained in that section. Accordingly, it is found and determined that compliance with the public participation requirements prescribed by 5 U.S.C. 553 (b) and (c) is unnecessary.

Section 1488.2(s) is amended by substituting a comma for the period at the end thereof and adding the following: or (4) failure of the foreign bank to make payment for any reason if it is an instrumentality of or is wholly owned by the foreign government.

Effective date. Shall be effective upon filing with the FEDERAL REGISTER.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

APRIL 17, 1972.

[FR Doc.72–6096 Filed 4–20–72;8:49 am]

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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-2-AD, Amdt. 39-1385]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models A150, 150, 172, 177, 182, 205, 206, 207 and 210 Airplanes; Correction

In F.R. Doc. 72-1255, appearing on pages 1357 and 1358 in the issue of Friday, January 28, 1972, in paragraph A of Amendment 39-1385, AD 72-3-3, add the phrase "and thereafter intervals not to exceed 100 hours' time in service," following the words "On all aircraft with more than 100 hours' time in service, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the previous 75 hours' time in service,".

Issued in Kansas City, Mo., on April 12, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-6081 Filed 4-20-72;8:47 am]

[Airworthiness Docket No. 69-WE-31-AD, Amdt. 39-1486]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369HS and 369HE Helicopters

Amendment 39-908 (35 F.R. 207), AD 70-1-3, imposes a reduced service life of 1,585 hours on the horizontal stabilizer assembly P/N 369A3600, P/N 369A3600-501, 601, 602, or 605 on Hughes Model 369HS and 369HE helicopters. After issuing Amendment 39-908, in consideration of additional fatigue testing, the agency has determined that the longer service lives listed in the Model 369 series Type Certificate Data Sheet No. H3WE, Revision 2, or subsequent, were applicable. Therefore, the need for AD 70-1-3 is obviated.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by rescinding Amendment 39-908 (35 F.R. 207), AD 70-1-3.

This amendment becomes effective April 25, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 12, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72-6082 Filed 4-20-72;8:47 am]

[Airspace Docket No. 72-NW-05]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On February 11, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3059) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Pasco, Wash., control zone and transition area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections have been received, and the proposed amendments are hereby adopted subject to the following editorial change:

Change the longitude of the geographical coordinates of the Pasco ILS OM to read, "• • • 119°03'30" West Longitude) • • •"

Effective date. This amendment shall be effective 0901 G.m.t. June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on April 12, 1972.

C. B. WALK, Jr.,
Director.

In § 71.171 (37 F.R. 2056) the description of the Pasco, Wash., control zone is amended in part as follows: Delete: "• • • within 5 miles each side of the Pasco VOR 036° radial extending from the 5-mile-radius zone to 8 miles northeast of the VOR • • •" and substitute therefor, "• • • within 4 miles each side of the Pasco ILS localizer northeast course extending from the 5-mile-radius zone to 10 miles northeast of the OM (46°18'41" North Latitude, 119°03'00" West Longitude) • • •"

In § 71.181 (37 F.R. 2143) the description of the Pasco, Wash., transition area is amended to read as follows: "That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 6 miles southeast of the Pasco VOR 046° and 226° radials extending from 23 miles northeast to 12 miles southwest of the VOR within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial extending from the VOR to 18.5 miles southeast of the VOR."

[FR Doc.72-6083 Filed 4-20-72;8:47 am]

[Docket No. 11675, Amdt. 806]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets for the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective May 18, 1972.

Homer, Alaska—Homer Municipal Airport; LFR-A, Amdt. 17; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective May 18, 1972.

Atlanta, Ga.—Fulton County Airport; VOR-A, Amdt. 1; Canceled.
Eureka, Calif.—Murray Field; VOR-A, Amdt. 1; Revised.
Georgetown, Del.—Sussex County Airport; VOR Rwy 22, Original; Established.

Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective May 18, 1972.

Oxford, Ohio—Miami University Airport; NDB Runway 4, Amdt. 3; Revised.
Sacramento, Calif.—Sacramento Metropolitan Airport; NDB Runway 16, Amdt. 4; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective May 18, 1972.

Sacramento, Calif.—Sacramento Metropolitan Airport; ILS Runway 16, Amdt. 5; Revised.

Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective May 18, 1972.

Eureka, Calif.—Murray Field; RNAV Runway 11, Amdt. 2; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c); 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on April 12, 1972.

J. A. FERRARESE,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-6085 Filed 4-20-72;8:45 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—____)

Designation of Representative Payee for U.S. Savings Bonds

The amendment to Regulations No. 4 of the Social Security Administration set forth below provides a simplified form of designation of payee for U.S. Savings Bonds purchased by a representative payee to conserve or invest social security benefits on behalf of the beneficiary.

Inasmuch as this revision is merely technical in nature and will facilitate the purchase and redemption of bonds by representative payees, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause that publication with notice of proposed rule making, as well as the designation of an effective date not less than 30 days after final publication, are unnecessary. However, consideration will be given to any comments pertaining to this amendment which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington, DC 20201.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

(Secs. 205 and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (4-21-72).

Dated: March 22, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 15, 1972.

ELLIOTT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration (20 CFR Part 404) are further amended as follows:

Section 404.1605 is revised to read as follows:

§ 404.1605 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 404.1607, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association if the account is either federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

_____
(Name of beneficiary)
by
_____,
(Name of representative payee)
representative payee; or

_____
(Name of beneficiary)
by
_____
(Name of representative payee)
trustee. U.S. Savings Bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

_____
(Name of beneficiary)
_____, a minor, for whom
(Social Security No.)
_____ is representative
(Name of payee)
payee for social security benefits.

U.S. Savings Bonds purchased with surplus funds by a representative payee for an incapacitated adult beneficiary should be registered as follows:

_____,
(Name of beneficiary)
_____, for whom
(Social Security No.)
_____ is representative payee for social security benefits.
(Name of payee)

A representative payee who is the legally appointed guardian or fiduciary of the beneficiary may also register U.S. Savings Bonds purchased with funds from title II payments in accordance with applicable regulations of the U.S. Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the beneficiary's funds made by the representative payee must clearly show that the payee holds the property in trust for the beneficiary.

[FR Doc.72-6107 Filed 4-20-72;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sulfadimethoxine, Ormetoprim, and Ipronidazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-089V), filed by Hoffmann-La-Roche, Inc., Nutley, N.J. 07110, proposing an amendment to the regulations to provide for combined safe and effective use of sulfadimethoxine, ormetoprim, and ipronidazole in turkey feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended as follows:

1. Section 135e.55 is amended by adding a new item 4 to the table in paragraph (e) as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

• • • • • •

(e) *Conditions of use.* It is used as follows:

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Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
4. Sulfadimethoxine and Ormetoprim.	56.75 (0.00625%) 34.05 (0.00375%)	Iprondazole	56.75 (0.00625%)	For growing turkeys only; withdraw 4 days before slaughter.	As an aid in the prevention of coccidiosis caused by all Eimeria species known to be pathogenic to turkeys, namely, *E. adenoeides*, *E. gallopavonis*, and *E. meleagrimitis*; bacterial infections due to *P. multocida* (fowl cholera); and blackhead (histomoniasis).

2. Section 135e.56 is amended in paragraph (*f*) by revising the existing item and by designating it as No. 1, and by adding a new item No. 2 as follows:

§ 135e.56 **Iprondazole.**

• • • • • • •

(e) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Iprondazole.	56.75 (0.00625%)			For growing turkeys only; withdraw 4 days before slaughter.	As an aid in the prevention of blackhead (histomoniasis) in turkeys.
2. Iprondazole.	56.75 (0.00625%)	Sulfadimethoxine and Ormetoprim.	56.75 (0.00625%) 34.05 (0.00375%)	For growing turkeys only; withdraw 4 days before slaughter.	As an aid in the prevention of blackhead (histomoniasis) and coccidiosis caused by all Eimeria species known to be pathogenic to turkeys, namely, *E. adenoeides*, *E. gallopavonis*, and *E. meleagrimitis* bacterial infections due to *P. multocida* (fowl cholera).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–21–72).

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1))

Dated: April 12, 1972.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 72–6000 Filed 4–20–72;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 43i—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE NORTHWESTERN BAND OF SHOSHONE INDIANS

APRIL 19, 1972.

This notice is published in the exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by 5 U.S.C. section 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. secs. 2 and 9).

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by the addition of a new Part 43i. The regulations contained in the new Part 43i govern the preparation of a roll to serve as the basis for distributing judgment funds awarded the Northwestern Band of Shoshone Indians as authorized by the Act of December 18, 1971 (85 Stat. 737).

The Act of December 18, 1971 (85 Stat. 737), under which these regulations are issued requires that the proposed roll of Indians eligible to receive judgment funds be prepared within 6 months following the date of enactment of the Act. The regulations contain necessary procedures on the preparation of the roll and so should be issued before the roll is prepared. Advance notice and public procedure on the regulations would delay their issuance and considerably lessen the amount of time the tribe has to prepare the roll, possibly resulting in the roll not being prepared before the end of the 6-month period. Therefore, advance notice and public procedure thereon has been deemed contrary to the public interest and is dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since the 30-day deferred effective date would also delay issuance of the regulations, possibly resulting in the roll not being prepared before the 6-month period ends, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (4–21–72).

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by adding a new Part 43i reading as follows:

Sec.

43i.1 Definitions.
43i.2 Purpose.
43i.3 Qualifications for enrollment.
43i.4 Eligibility of adopted children.
43i.5 Preparation, publication and display of proposed roll.
43i.6 Appeals.
43i.7 Filing appeals.
43i.8 Supporting evidence.
43i.9 Advising tribe.
43i.10 Action by the Director.
43i.11 Decision of the Secretary on appeals.
43i.12 Preparation and approval of roll.
43i.13 Special instructions.

AUTHORITY: The provisions of this Part 43i issued under 5 U.S.C. sec. 301, R. S. secs. 463 and 465; 25 U.S.C. secs. 2 and 9, and sec. 5(b), 25 Stat. 737.

§ 43i.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Director" means the Area Director, Portland Area Office, Bureau of Indian Affairs, or his authorized representative.

(d) "Tribe" means the Northwestern Band of Shoshone Indians.

(e) "Governing Officers" means the duly elected officers of the Northwestern Band of Shoshone Indians.

(f) "Living" means born prior to and alive on December 18, 1971.

(g) "Act" means the Act of Congress approved December 18, 1971 (85 Stat. 737).

(h) "Census rolls" means the census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction as specified in the Act.

(i) "Descendants" means those persons who are direct descendants of the individuals included in the census rolls enumerated in the Act, such as children, grandchildren, etc.

§ 43i.2 Purpose.

The regulations in this part are to govern the compilation of a roll of the Northwestern Band of Shoshone Indians living on December 18, 1971, which roll shall be used for the distribution of the judgment awarded the Northwestern Band of Shoshone Indians by the Indian Claims Commission.

§ 43i.3 Qualifications for enrollment.

All persons who meet the following requirements for eligibility shall be entitled to be enrolled to share in the distribution of the judgment funds awarded the Northwestern Band of Shoshone Indians in Indian Claims Commission Dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367:

(a) They were born prior to and living on December 18, 1971;

(b) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(1) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(2) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(3) Roll dated March 10, 1954.

(4) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(c) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(d) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

§ 43i.4 Eligibility of adopted children.

Children of Indian blood of tribes other than Shoshone and non-Indian children who have been adopted either by persons appearing on the rolls cited herein, or by descendants thereof, shall not be eligible for enrollment. Children of Shoshone blood adopted by non-Indians or Indians of other tribes shall be eligible if they otherwise meet the requirements for enrollment.

§ 43i.5 Preparation, publication and display of proposed roll.

The Governing Officers shall, with the assistance of the Director, prepare a proposed roll of members of the tribe who meet the requirements specified in § 43i.3. Such roll shall contain for each person a roll number, name, sex, date of birth, and degree of Shoshone Indian blood. For administrative purposes, but not for publication, the proposed roll shall also contain the addresses of those determined by the Governing Officers to be eligible for enrollment. The proposed roll shall be published in the FEDERAL REGISTER and in a newspaper of general circulation in the State of Utah. The Director shall forward a copy of the proposed roll to the Commissioner, Area Directors, Agency Superintendents, and Bureau Field Offices for public display for a period of 60 days from the date of publication as hereinafter specified.

§ 43i.6 Appeals.

Any person claiming membership rights in the Northwestern Band of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within 60 days from the date of publication in the FEDERAL REGISTER, or in the newspaper of general circulation, as hereinbefore provided, which ever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll in accordance with the following procedures.

§ 43i.7 Filing appeals.

The appeal shall be in writing addressed to the Secretary and must be received by the Director before the close of business on the sixtieth (60th) day after publication. In computing the 60-day period, the count begins with the day following the last date of publication and continues for 60 consecutive days. If, however, the 60th day falls on a Saturday, Sunday, or legal holiday, the period will end on the first working day thereafter.

§ 43i.8 Supporting evidence.

The appeal may be accompanied by any supporting evidence, relied upon as a basis for the appeal including copies of Bureau or tribal records having a direct bearing on the appellant's contentions. The appellant may furnish affidavits from persons having personal knowledge of the facts at issue.[1] The appellant may request additional time to submit supporting evidence. A period considered reasonable for such submissions may be granted by the official receiving the appeal. The burden of proof of establishing the improper inclusion and omission of any name is on the appellant.

§ 43i.9 Advising tribe.

The Director shall notify the Governing Officers of the receipt of the appeal and shall give the Governing Officers the opportunity to examine the appeal and to present such evidence as they may consider pertinent to the action being appealed. The Governing Officers shall have not to exceed 30 days from receipt of notification of the appeal in which to present in writing such statements as they may deem pertinent, supported by any tribal records which have a bearing on the case.

§ 43i.10 Action by the Director.

If after review of the evidence of appeal, the Director is satisfied that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and his name entered on the roll. If the Director determines the appellant is ineligible or inclusion of the name is improper, he shall so notify the appellant and shall forward the appeal, together with the complete record and his recommendation thereon to the Commissioner for transmittal to the Secretary.

§ 43i.11 Decision of the Secretary on appeals.

The Secretary will consider the record as presented, together with such additional information as he may consider pertinent. Any such additional information shall be specifically identified in his decision. The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the appellant.

§ 43i.12 Preparation and approval of roll.

The final roll shall be identical with the proposed roll except for such changes as may be required by the decisions on all appeals taken from the proposed roll. The Director shall approve the roll. The final roll shall be published in the FEDERAL REGISTER.

[1] Criminal penalties are provided by statute for knowingly filing false information in such statement. 18 U.S.C. 1001.

§ 43i.13 Special instructions.

To facilitate the work of the Governing Officers and the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 43i.

JOHN O. CROW,
Commissioner.

[FR Doc.72–6216 Filed 4–20–72;8:53 am]

Title 22—FOREIGN RELATIONS

Chapter X—Inter-American Foundation

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

In the FEDERAL REGISTER of April 13, 1972, at page 7312, the chapter and part numbers for Title 22 appeared incorrectly as Chapter VII, Part 801. They should appear as set forth above. Within the text of the regulations, the incorrect designations should be changed to reflect the above chapter and part numbers.

KENT N. KNOWLES,
Secretary to the Board of Directors, Inter-American Foundation.

[FR Doc.72–6099 Filed 4–20–72;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7188]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Taxation of Unrelated Business Income of Certain Exempt Organizations

On March 18, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 511, 512(a)(1), (2), (b) (12), (16), (17), 1504(e), and 6050 of the Internal Revenue Code of 1954 to reflect the changes made by section 121 (a), (b) (1), (2) (B), (C), (D), and (e) of the Tax Reform Act of 1969 (83 Stat. 487), and with respect to the amendment of the Regulations on Procedure and Administration (26 CFR Part 301) under section 6050 of the Internal Revenue Code of 1954 to reflect the changes made by section 121(e) of the Tax Reform Act of 1969 (83 Stat. 487),

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was published in the FEDERAL REGISTER (36 F.R. 5236). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 14, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.511 is amended by revising section 511(a)(2)(A), by revising section 511(b)(2), by striking out section 511(c) and inserting in lieu thereof a new section 511(c), and by revising the historical note. These amended and added provisions read as follows:

§ 1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.

SEC. 511. *Imposition of tax on unrelated business income of charitable, etc., organizations*—(a) *Charitable, etc., corporations taxable at corporate rates.*

. . . . . .

(2) *Organizations subject to tax.* (A) *Organizations described in sections 401(a) and 501(c).* The taxes imposed by paragraph (1) shall apply in the case of any organization (other than a trust described in subsection (b) or an organization described in section 501(c)(1)) which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a).

. . . . . .

(b) *Tax on charitable, etc., trusts.*

. . . . . .

(2) *Charitable, etc., trusts subject to tax.* The tax imposed by paragraph (1) shall apply in the case of any trust which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a) and which, if it were not for such exemption, would be subject to subchapter J (sec. 641 and following, relating to estates, trusts, beneficiaries, and decedents).

(c) *Special rule for section 501(c)(2) corporations.* If a corporation described in section 501(c)(2)—

(1) Pays any amount of its net income for a taxable year to an organization exempt from taxation under section 501(a) (or which would pay such an amount but for the fact that the expenses of collecting its income exceed its income), and

(2) Such corporation and such organization file a consolidated return for the taxable year,

such corporation shall be treated, for purposes of the tax imposed by subsection (a), as being organized and operated for the same purposes as such organization, in addition to the purposes described in section 501(c)(2).

[Sec. 511 as amended by sec. 3, Act of July 14, 1960 (Public Law 86-667, 74 Stat. 535); as amended by sec. 121(a), Tax Reform Act 1969 (83 Stat. 536)]

PAR. 2. Section 1.511-2 is amended by revising subparagraph (1) of paragraph (a), by revising subdivision (i) of subparagraph (3) of paragraph (a), by adding a new subdivision (iii) to subparagraph (3) of paragraph (a), by revising paragraph (b), and by adding new paragraphs (c) and (d). These amended and added provisions read as follows:

§ 1.511-2 Organizations subject to tax.

(a) *Organizations other than trusts and title holding companies.* (1)(i) The taxes imposed by section 511(a)(1) apply in the case of any organization (other than a trust described in section 511(b)(2) or an organization described in section 501(c)(1)) which is exempt from taxation under section 501(a) (except as provided in sections 507 through 515). For special rules concerning corporations described in section 501(c)(2), see paragraph (c) of this section.

(ii) In the case of an organization described in section 501(c) (4), (7), (8), (9), (10), (11), (12), (13), (14)(A), (15), (16), or (18), the taxes imposed by section 511(a)(1) apply only for taxable years beginning after December 31, 1969. In the case of an organization described in section 501(c)(14) (B) or (C), the taxes imposed by section 511(a)(1) apply only for taxable years beginning after February 2, 1966.

. . . . . .

(3)(i) For taxable years beginning before January 1, 1970, churches and associations or conventions of churches are exempt from the taxes imposed by section 511. The exemption is applicable only to an organization which itself is a church or an association or convention of churches. Subject to the provisions of subdivision (ii) of this subparagraph, religious organizations, including religious orders, if not themselves churches or associations or conventions of churches, and all other organizations which are organized or operated under church auspices, are subject to the tax imposed by section 511, whether or not they engage in religious, educational, or charitable activities approved by a church.

. . . . . .

(iii) For taxable years beginning after December 31, 1969, churches and conventions or associations of churches are subject to the taxes imposed by section 511, unless otherwise entitled to the benefit of the transitional rules of section 512(b)(16) and § 1.512(b)-1(i).

(b) *Trusts*—(1) *In general.* The taxes imposed by section 511(b) apply in the case of any trust which is exempt from taxation under section 501(a) (except as provided in sections 507 through 515), and which, if it were not for such exemption, would be subject to the provisions of subchapter J, Chapter 1, of the Code. An organization which is considered as "trustee" of a stock bonus, pension, or profit-sharing plan described in section 401(a), a supplemental unemployment benefit trust described in section 501(c)(17), or a pension plan described in section 501(c)(18) (regardless of the form of such organization) is subject to the taxes imposed by section 511(b)(1) on its unrelated business income. However, if such an organization conducts a business which is a separate taxable entity on the basis of all the facts and circumstances, for example, an association taxable as a corporation, the business will be taxable as a feeder organization described in section 502.

(2) *Effective dates.* In the case of a trust described in section 501(c)(3), the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1953. In the case of a trust described in section 401(a), the taxes imposed by section 511(b) apply for taxable years beginning after June 30, 1954. In the case of a trust described in section 501(c)(17), the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1959. In the case of any other trust described in subparagraph (1) of this paragraph, the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1969.

(c) *Title Holding Companies*—(1) *In general.* If a corporation described in section 501(c)(2) pays any amount of its net income for a taxable year to an organization exempt from taxation under section 501(a) (or would pay such an amount but for the fact that the expenses of collecting its income exceed its income), and if such corporation and such organization file a consolidated income tax return for such taxable year, then such corporation shall be treated, for purposes of the tax imposed by section 511(a), as being organized and operated for the same purposes as such organization, as well as for its title-holding purpose. Therefore, if an item of income of the section 501(c)(2) corporation is derived from a source which is related to the exempt function of the exempt organization to which such income is payable and with which such corporation files a consolidated return, such item is, together with all deductions directly connected therewith, excluded from the determination of unrelated business taxable income under section 512 and shall not be subject to the tax imposed by section 511(a). If, however, such item of income is derived from a source which is not so related, then such item, less all deductions directly connected therewith, is, subject to the modifications provided in section 512(b), unrelated business taxable income subject to the tax imposed by section 511(a).

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. The income of X, a section 501(c)(2) corporation, is required to be distributed to exempt organization A. During the taxable year X realizes net income of $900,000 from source M and $100,000 from source N. Source M is related to A's exempt function, while source N is not so related. X and A file a consolidated return for such taxable year. X has net unrelated business income of $100,000, subject to the modifications in section 512(b).

(3) *Cross reference.* For rules relating generally to the filing of consolidated returns by certain organizations exempt from taxation under section 501(a), see section 1504(e) of the Code and § 1.1502-100.

(4) *Effective dates.* Subparagraphs (1) through (3) of this paragraph apply with respect to taxable years beginning after December 31, 1969. For taxable years beginning before January 1, 1970, a corporation described in section 501(c)(2) and otherwise exempt from taxation under section 501(a) is taxable upon its unrelated business taxable income only if such income is payable either—

(i) To a church or convention or association of churches, or

(ii) To any organization subject, for taxable years beginning before January 1, 1970, to the tax imposed by section 511(a)(1).

(d) The fact that any class of organizations exempt from taxation under section 501(a) is subject to the unrelated business income tax under section 511 and this section does not in any way enlarge the permissible scope of business activities of such class for purposes of the continued qualification of such class under section 501(a).

PAR. 3. Section 1.512(a) is amended by revising section 512(a) and by adding at the end thereof a historical note. These amended and added provisions read as follows:

§ 1.512(a) Statutory provisions; unrelated business taxable income; definition.

SEC. 512. *Unrelated business taxable income*—(a) *Definition.* For purposes of this title—

(1) *General rule.* Except as otherwise provided in this subsection, the term "unrelated business taxable income" means the gross income derived by any organization from any unrelated trade or business (as defined in section 513) regularly carried on by it, less the deductions allowed by this chapter which are directly connected with the carrying on of such trade or business, both computed with the modifications provided in subsection (b).

(2) *Special rule for foreign organizations.* In the case of an organization described in section 511 which is a foreign organization, the unrelated business taxable income shall be—

(A) Its unrelated business taxable income which is derived from sources within the United States and which is not effectively connected with the conduct of a trade or business within the United States, plus

(B) Its unrelated business taxable income which is effectively connected with the conduct of a trade or business within the United States.

. . . . . .

[Sec. 512(a) as amended by sec. 121(b)(2), Tax Reform Act 1969 (83 Stat. 537)]

PAR. 4. Section 1.512(a)-1 is amended by revising paragraph (a), by redesignating paragraph (f) as paragraph (g), and by adding a new paragraph (f). These amended and added provisions read as follows:

§ 1.512(a)-1 Definitions.

(a) *In general.* Except as otherwise provided in § 1.512(a)-3 or paragraph (f) of this section, section 512(a)(1) defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to certain modifications referred to in § 1.512(b)-1. To be deductible in computing unrelated business taxable income, therefore, expenses, depreciation, and similar items not only must qualify as deductions allowed by chapter 1 of the Code, but also must be directly connected with the carrying on of unrelated trade or business. Except as provided in paragraph (d)(2) of this section, to be "directly connected with" the conduct of unrelated business, for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business. In the case of an organization which derives gross income from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

. . . . . .

(f) *Foreign organizations*—(1) *In general.* The unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of:

(i) The organization's unrelated business taxable income which is derived from sources within the United States but which is not effectively connected with the conduct of a trade or business within the United States, plus

(ii) The organization's unrelated business taxable income effectively connected with the conduct of a trade or business within the United States (whether or not such income is derived from sources within the United States).

To determine whether income realized by a foreign organization is derived from sources within the United States or is effectively connected with the conduct of a trade or business within the United States, see part 1 of subchapter N (section 861 and following) and the regulations thereunder.

(2) *Effective dates.* Subparagraph (1) of this paragraph applies to taxable years beginning after December 31, 1969. For taxable years beginning on or before December 31, 1969, the unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of the organization's unrelated business taxable income which—

(i) For taxable years beginning after December 31, 1966, is effectively connected with the conduct of a trade or business within the United States, whether or not such income is derived from sources within the United States;

(ii) For taxable years beginning on or before December 31, 1966, is derived from sources within the United States.

(g) *Effective date.* Paragraphs (a) through (e) of this section are applicable with respect to taxable years beginning after December 12, 1967. However, if a taxpayer wishes to rely on the rules stated therein for taxable years beginning before December 13, 1967, it may do so.

PAR. 5. Section 1.512(b) is amended by revising so much thereof that precedes paragraph (1), by revising section 512(b)(12), by adding at the end thereof new paragraphs (16) and (17), and by revising the historical note. These amended and added provisions read as follows:

§ 1.512(b) Statutory provisions; unrelated business taxable income; modifications.

SEC. 512. *Unrelated business taxable income.*

. . . . . .

(b) *Modifications.* The modifications referred to in subsection (a) are the following:

. . . . . .

(12) Except for purposes of computing the net operating loss under section 172 and paragraph (6), there shall be allowed a specific deduction of $1,000. In the case of a diocese, province of a religious order, or a convention or association of churches, there shall also be allowed, with respect to each parish, individual church, district, or other local unit, a specific deduction equal to the lower of—

(A) $1,000, or

(B) The gross income derived from any unrelated trade or business regularly carried on by such local unit.

. . . . . .

(16) Except as provided in paragraph (4), in the case of a church, or convention or association of churches, for taxable years beginning before January 1, 1970, there shall be excluded all gross income derived from a trade or business and all deductions directly connected with the carrying on of such trade or business if such trade or business was carried on by such organization or its predecessor before May 27, 1950.

(17) Except as provided in paragraph (4), in the case of a trade or business—

(A) Which consists of providing services under license issued by a Federal regulatory agency,

(B) Which is carried on by a religious order or by an educational institution (as defined in section 151(e)(4)) maintained by such religious order, and which was so carried on before May 27, 1950, and

(C) Less than 10 percent of the net income of which for each taxable year is used for activities which are not related to the purpose constituting the basis for the religious order's exemption,

there shall be excluded all gross income derived from such trade or business and all deductions directly connected with the carrying on of such trade or business, so long as it is established to the satisfaction of the Secretary or his delegate that the rates or other charges for such services are competitive with rates or other charges charged for similar services by persons not exempt from taxation.

[Sec. 512(b) as amended by Act of April 7, 1958 (Public Law 85-397, 72 Stat. 89); Act of July 17, 1964 (Public Law 88-360, 78 Stat. 333); sec. 121(b)(2), Tax Reform Act 1969 (83 Stat. 538)]

PAR. 6. Section 1.512(b)-1 is amended by revising so much thereof that precedes paragraph (a), by revising paragraph (h), and by adding at the end thereof new paragraphs (i) and (j). These amended and added provisions read as follows:

§ 1.512(b)-1 Modifications.

Whether a particular item of income falls within any of the modifications provided in section 512(b) shall be determined by all the facts and circumstances of each case. For example, if a payment

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termed "rent" by the parties is in fact a return of profits by a person operating the property for the benefit of the tax-exempt organization or is a share of the profits retained by such organization as a partner or joint venturer, such payment is not within the modification for rents. The modifications provided in section 512(b) are as follows:

. . . . . .

(h) *Specific deduction*—(1) *In general.* In computing unrelated business taxable income a specific deduction from gross income of $1,000 is allowed. However, for taxable years beginning after December 31, 1969, such specific deduction is not allowed in computing the net operating loss under section 172 and paragraph (6) of section 512(b).

(2) *Special rule for a diocese, province of a religious order, or a convention or association of churches.* (i) In the case of a diocese, province of a religious order, or a convention or association of churches, there shall be allowed with respect to each parish, individual church, district, or other local unit a specific deduction equal to the lower of $1,000 or the gross income derived from an unrelated trade or business regularly conducted by such local unit. However, a diocese, province of a religious order, or a convention or association of churches shall not be entitled to a specific deduction for a local unit which, for a taxable year, files a separate return. In the case of a local unit which, for a taxable year, files a separate return, such local unit may claim a specific deduction equal to the lower of $1,000 or the gross income derived from any unrelated trade or business which it regularly conducts.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. X is an association of churches on the calendar year basis. X is divided into local units A, B, C, and D. During 1973, A, B, C, and D derive gross income of, respectively, $1,200, $800, $1,500, and $700 from unrelated businesses which they regularly conduct. Furthermore, for such taxable year, D files a separate return. X may claim a specific deduction of $1,000 with respect to A, $800 with respect to B, and $1,000 with respect to C. X may not claim a specific deduction with respect to D. D, however, may claim a specific deduction of $700 on its return.

(i) *Transitional period for churches.* (1) (i) In the case of an unrelated trade or business (as defined in section 513) carried on before May 27, 1969, by a church or convention or association of churches (as defined in § 1.511–2(a)(3)(ii)), or by the predecessor of a church or convention or association of churches which predecessor was itself a church or convention or association of churches, all gross income derived from such unrelated trade or business and all deductions directly connected with the carrying on of such unrelated trade or business shall be excluded from the determination of unrelated business taxable income under section 512(a) for all taxable years beginning before January 1, 1976. Notwithstanding the preceding sentence, in the case of income from debt-financed property (and the deductions attributable thereto), as defined in section 514, of a church or convention or association of churches or by the predecessor of a church or convention or association of churches, the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512(b) shall apply for taxable years beginning after December 31, 1969.

(ii) The provisions of subdivision (i) may be illustrated by the following example:

Example. X, a church as defined in §1.511–2(a)(3)(ii), realizes gross income from an unrelated business (as defined in section 513) of $100,000 for calendar year 1972. X's predecessor church, Y, began conducting such unrelated business in January 1, 1968. Of the $100,000 realized for calendar year 1972, $40,000 is attributable to debt-financed property (as defined in section 514). Since the unrelated business was conducted by Y prior to May 27, 1969, and since X's taxable year begins before January 1, 1976, that amount of the income realized from such business (and all deductions directly connected therewith) which is not attributable to debt-financed property shall be excluded from the determination of unrelated business taxable income under section 512(a). Therefore, of the $100,000 realized, $60,000 ($100,000 less $40,000 attributable to debt-financed property), and all deductions directly connected therewith shall be excluded from the determination of such unrelated business taxable income for purposes of imposition of the tax under section 511(a). The remaining $40,000 and the deductions attributable thereto shall be subject to the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512(b).

(2) This paragraph shall not apply in the case of income from property, or deductions directly connected with such income, if title to the property is held by a corporation described in section 501(c)(2) for a church or convention or association of churches. Thus, if such income is derived from an unrelated trade or business, the corporation shall be liable for tax imposed by section 511(a) on such income.

(j) *Special rule for certain unrelated trades or businesses carried on by a religious order or by an educational institution maintained by such order.* (1) Except as provided in subparagraph (2) of this paragraph, gross income realized by a religious order (or an educational institution (as defined in section 151(e)(4)) maintained by such order) from an unrelated trade or business, together with all deductions directly connected therewith, shall be excluded from the determination of unrelated business taxable income under section 512(a), if—

(i) The trade or business has been operated by such order or by such institution since before May 27, 1959,

(ii) The trade or business consists of providing services under a license issued by a Federal regulatory agency,

(iii) More than 90 percent of the net income from the business is, for each taxable year for which gross income from such business is so excluded by reason of section 512(b)(17) and this paragraph, devoted to religious, charitable, or educational purposes, and

(iv) It is established to the satisfaction of an officer no lower than the Regional Commissioner that the rates or other charges for such services are fully competitive with rates or other charges charged for such services by persons not exempt from taxation. Rates or other charges for such services shall be considered as fully competitive with rates or other charges charged for such services by persons not exempt from taxation if the rates charged by such unrelated trade or business are neither materially higher nor materially lower than the rates charged by similar businesses operating in the same general area.

(2) The provisions of this paragraph shall not apply with respect to income from debt-financed property (as defined in section 514) and the deductions attributable thereto. For taxable years beginning after December 31, 1969, such income and deductions are subject to the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512(b).

PAR. 7. Section 1.1504 is amended by adding at the end thereof a new subsection (e) and by revising the historical note. These amended and added provisions read as follows:

§ 1.1504 Statutory provisions; definitions.

SEC. 1504. *Definitions.*

. . . . . .

(e) *Includible tax-exempt organizations.* Despite the provisions of paragraph (1) of subsection (b), two or more organizations exempt from taxation under section 501, one or more of which is described in section 501(c)(2) and the others of which derive income from such 501(c)(2) organizations, shall be considered as includible corporations for the purpose of the application of subsection (a) to such organizations alone.

[Sec. 1504 as amended by sec. 5, Act of Mar. 13, 1956 (Public Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657); sec. 3(f)(1), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 2(c), Act of Sept. 23, 1959 (Public Law 86–376, 73 Stat. 699); sec. 10(j), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1009); sec. 121(a)(4), Tax Reform Act 1969 (83 Stat. 537)]

PAR. 8. There is inserted immediately after section 1.1502–80 the following new section:

§ 1.1502–100 Includible tax exempt organizations.

For taxable years beginning after December 31, 1969, two organizations exempt from taxation under section 501(a), one of which is described in section 501(c)(2) and the other of which derives income from such section 501(c)(2) organization, shall be considered as "includible corporations" for purposes of the application of subsection (a) of section 1504 to such organizations alone, despite the provisions of paragraph (1) of subsection (b) of section 1504. If such organizations satisfy the requirements of section 1504(a) (relating to the definition of an "affiliated group") and the other relevant provisions of chapter 6 of the Code, then such organizations may file a consolidated return.

PAR. 9. There are inserted immediately after § 1.6049–3 the following new sections:

§ 1.6050 Statutory provisions; returns relating to certain transfers to exempt organizations.

SEC. 6050. *Returns relating to certain transfers to exempt organizations*—(a) *General rule.* On or before the 90th day after the transfer of income producing property, the transferor shall make a return in compliance with the provisions of subsection (b) if the transferee is known by the transferor to be an organization referred to in section 511 (a) or (b) and the property (without regard to any lien) has a fair market value in excess of $50,000.

(b) *Form and contents of returns.* The return required by subsection (a) shall be in such form and shall set forth, in respect of the transfer, such information as the Secretary or his delegate prescribes by regulations as necessary for carrying out the provisions of the income tax laws.

[Sec. 6050 as added by sec. 121(e), Tax Reform Act 1969 (83 Stat. 548)]

§ 1.6050–1 Returns relating to certain transfers to exempt organizations.

(a) *Requirement of reporting.* Any person (individual, corporation, partnership, etc.) who, after December 31, 1969, sells, exchanges, gives, bequeaths, or otherwise transfers income producing property with a fair market value in excess of $50,000 (without regard to any lien thereon) to any organization or trust which is known by such person to be an organization or trust exempt from taxation by reason of section 501(a) (excluding organizations described in section 501(c)(1)), or to be an organization referred to in section 511(a)(2)(B), shall make a separate return on Form 4629 with respect to each such organization or trust. The return shall include the following information:

(1) Name, address, and identifying number (as defined in § 1.6109–1) of the transferor.

(2) Name and address of the transferee.

(3) Description of property transferred.

(4) Date of transfer of the property.

(5) Fair market value of the property (without regard to any lien thereon) on the date of transfer.

(6) Whether the property was transferred subject to a mortgage or other similar lien.

(7) Amount of a mortgage or other similar lien (if any) on the property immediately after the transfer.

(b) *Time and place for filing.* The return required by this section shall be filed on or before the later of [the 90th day after publication of final regulations under this section in the FEDERAL REGISTER] or the 90th day after the date of transfer of the property with the Mid-Atlantic Service Center, Philadelphia, Pa. For extensions of time for filing returns under this section, see § 1.6081–1.

(c) *Last day for filing return.* For provisions relating to the time for performance of an act when the last day prescribed for performance falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

PAR. 10. There are inserted immediately after § 301.6049–1 the following new sections:

§ 301.6050 Statutory provisions; returns relating to certain transfers to exempt organizations.

SEC. 6050. *Returns relating to certain transfers to exempt organizations*—(a) *General rule.* On or before the 90th day after the transfer of income producing property, the transferor shall make a return in compliance with the provisions of subsection (b) if the transferee is known by the transferor to be an organization referred to in section 511 (a) or (b) and the property (without regard to any lien) has a fair market value in excess of $50,000.

(b) *Form and contents of returns.* The return required by subsection (a) shall be in such form and shall set forth, in respect of the transfer, such information as the Secretary or his delegate prescribes by regulations as necessary for carrying out the provisions of the income tax laws.

[Sec. 6050 as added by sec. 121(e), Tax Reform Act 1969 (83 Stat. 548)]

§ 301.6050–1 Returns relating to certain transfers to exempt organizations.

For provisions regarding the requirement of returns relating to certain transfers to exempt organizations, see § 1.6050–1 of this chapter (Income Tax Regulations).

[FR Doc.72–6146 Filed 4–20–72;8:53 am]

[T.D. 7182]

PART 301—PROCEDURE AND ADMINISTRATION

Property Exempt From Levy

On September 25, 1971, notice of proposed rule making to conform the regulations on procedure and administration (26 CFR Part 301) under section 6334(a) of the Internal Revenue Code of 1954 (relating to property exempt from levy) to section 945 of the Tax Reform Act of 1969 (83 Stat. 729) was published in the FEDERAL REGISTER (36 F.R. 19035). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 14, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the regulations on Procedure and Administration (26 CFR Part 301) under section 6334(a) of the Internal Revenue Code of 1954 to section 945 of the Tax Reform Act of 1969 (83 Stat. 729), such regulations are amended as follows:

PARAGRAPH 1. Section 301.6334 is amended by adding new paragraph (8) to section 6334(a) and by revising the historical note to read as follows:

§ 301.6334 Statutory provisions; property exempt from levy.

SEC. 6334. *Property exempt from levy*—(a) *Enumeration.* . . .

(8) *Salary, wages, or other income.* If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

. . . . . .

[Sec. 6334 as amended by section 406, Social Security Amendments 1958 (72 Stat. 1047); sec. 512, Excise Tax Reduction Act of 1965 (79 Stat. 170); sec. 104(c), Federal Tax Lien Act 1966 (80 Stat. 1137); sec. 945, Tax Reform Act 1969 (83 Stat. 729)]

PAR. 2. Section 301.6334–1(a) is amended by adding new subparagraph (8) which reads as follows:

§ 301.6334–1 Property exempt from levy.

(a) *Enumeration.* There shall be exempt from levy—

. . . . . .

(8) *Salary, wages, or other income.* If the taxpayer is required under any type of order or decree (including an interlocutory decree or a decree of support pendente lite) of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such order or decree. The taxpayer must establish the amount necessary to comply with the order or decree. The district director is not required to release a levy until such time as he is satisfied that the amount to be released from levy will actually be applied in satisfaction of the support obligation. The district director may make arrangements with a delinquent taxpayer to establish a specific amount of such taxpayer's salary, wage, or other income for each pay period which shall be exempt from levy. Any request for such an arrangement shall be directed to the Chief, Special Procedures Staff, for the internal revenue district in which the taxpayer resides. Where the taxpayer has more than one source of income sufficient to satisfy the support obligation imposed by the order or decree, the amount exempt from levy may at the discretion of the district director be allocated entirely to one salary, wage, or source of other income or be apportioned between the several salaries, wages, or other sources of income. This subparagraph applies with respect to levies made on or after January 30, 1970.

. . . . . .

[FR Doc.72–6147 Filed 4–20–72;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4–1—GENERAL

Procurement

This is to correct nomenclature as published at 37 F.R. 5384 March 15, 1972,

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to delete reference to Director of Management Improvement in the introductory language of § 4–1.453 and to reference source of Form AD–566 (2/72). Language changes are made for consistency with corrected nomenclature where necessary.

These amendments and corrections involve matters relating to agency management which are not subject to the notice and public procedure requirements for rule making under 5 U.S.C. 553. It is in the public interest that these provisions be made effective immediately; accordingly, they shall be effective upon publication in the FEDERAL REGISTER (4–21–72).

1. Section 4–1.453 is revised to read as follows:

§ 4–1.453 Delegation of authority for automatic data processing equipment, services, and related supplies.

(a) Those agencies delegated procurement contracting authority by the Office of Plant and Operations under § 4–1.404–1 are hereby delegated procurement contracting authority for procurement of automatic data processing equipment, services, and related supplies in the following circumstances:

(1) ADP equipment (for definition see FPMR 101–32.402–1).

(i) Such card punching, verifying, and manipulating equipment as is described as electronic accounting machines (EAM) or punch card accounting machines (PCAM) where the total dollar cost does not exceed $50,000 for purchase or annual rental.

(ii) Any other items of ADP equipment where the total dollar cost does not exceed $25,000 for purchase or annual rental: *Provided*, That no existing computer system is augmented under this delegation such that the purchase cost (cost to purchase if leased) of all the components of that system are made to exceed $200,000.

(iii) If for renewal of equipment previously authorized or procured by OMI and the terms of the original procurement have not significantly changed and the changes in costs do not exceed 10 percent of those originally approved.

(iv) None of the above-stated circumstances apply to the intergovernmental transfer (IGT) of owned or leased equipment. All IGT of equipment must be approved by OMI prior to acquisition.

(2) ADP equipment maintenance (for definition see FPMR 101–32.402–3).

(i) The services are available from a Federal Supply Schedule contract under the terms of the contract; or

(ii) The procurement does not exceed $25,000 annually.

(3) ADP Software (for definition see FPMR 101–32.402–2).

(i) The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply contract under the terms of the contract; or

(ii) The total procurement for the specific software package does not exceed $7,500 annual lease cost, excluding maintenance, or $10,000 purchase cost.

(4) ADP services obtained from other than Federal agencies (for definition of service see 5 AR 865).

(i) The cost of the ADP services involved does not exceed $25,000.

(5) ADP supplies (for definition see FPMR 101–32.402–4).

(i) The cost of the supplies does not exceed $2,500; or

(ii) The procurement will be made under a specific purchase program established by GSA. These programs include electronic data processing (EDP) tapes, tabulating machine cards, and marginally punched continuous forms. Instructions for acquisition of these supplies are set forth in FPMR 101–26.508, 101–26.509, and 101–26.604, respectively.

(b) All procurements which are not within the authorities set forth in paragraph (a) of this section must be submitted to the Director of Management Improvement. The Office of Management Improvement will either conduct the procurement or delegate the agency authority to conduct the procurement.

(c) Agencies shall report all ADP services or products acquired within the authorities delegated under paragraphs (a) and (b) of this section. Form AD–566 (2/72), Contracts for ADP Services or Products, shall be completed and submitted to the Office of Management Improvement upon the execution of an applicable contract or purchase order. Form AD–566 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

Done at Washington, D.C., this 17th day of April 1972.

FRANK B. ELLIOTT,
Assistant Secretary for Administration.

[FR Doc.72–6094 Filed 4–20–72;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Authority Delegation to Chief, Safety and Special Services Radio

Order. In the matter of amendment of § 0.331 of the Commission's rules relating to authority delegated to the Chief, Safety and Special Radio Services Bureau.

1. On May 12, 1971, the Commission adopted a report and order in Docket No. 18924 (62919, 36 F.R. 9514, FCC–71–510) to amend Parts 2, 87, and 91 of the Commission's rules to provide, among other things, that frequencies in the 216–220 MHz band, which are allocated to the Government Radiolocation Service, may also be assigned on a regular and secondary basis in the Industrial Radio Services (Part 91) for certain nonvoice land mobile radio operations. One effect of these amendments was to render unnecessary and inconsistent the provision in § 0.331(b)(20) of the Commission's rules under which the Chief, Safety and Special Radio Services Bureau, is delegated authority to act upon requests for waiver for grant of applications for the use of frequencies in the 216–220 MHz band. However, by inadvertence, this delegation of authority was not deleted in the Docket 18924 proceeding.

2. To avoid any confusion in this regard, an editorial amendment is required to delete subparagraph (20) of § 0.331(b) of the Commission's rules. Such rule amendment, being editorial and nonsubstantive in nature, may be adopted without regard to the prior notice and effective date provisions of 5 U.S.C. 533.

3. *Accordingly, it is ordered,* That, pursuant to authority contained in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, subparagraph (20) of § 0.331(b) is deleted effective April 21, 1972.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 12, 1972.

Released: April 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.72–6112 Filed 4–20–72;8:50 am]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

Frequency Coordination Requirements

Order. In the matter of amendment of §§ 89.15 and 91.8 of the Commission's rules to effect certain editorial changes with respect to frequency coordination requirements.

1. In the Commission's rules, § 89.15 (b), for the Public Safety Radio Services, and § 91.8(a)(2), for the Industrial Radio Services, set forth procedures and requirements for coordination of frequencies below 470 MHz in connection with applications for licensing.

2. It is the intent of these rule provisions, among other things, that, in lieu of conducting field studies, applicants are permitted to achieve required frequency coordination through recommendations secured from frequency advisory committees. Thus, it is intended that committee clearances for frequencies may be obtained with respect to both cochannel and adjacent channel licensees. However, as a result of inadvertence in the numbering or lettering of certain of these rule provisions, this intent is not clear or is, at least, subject to misinterpretation.

3. To eliminate any confusion in this respect, it is necessary that an editorial amendment of the rules be adopted. The amendment being editorial and nonsubstantive in nature, may be adopted without regard to the prior notice and effective date provisions of 5 U.S.C. 533.

4. *Accordingly, it is ordered,* That, pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, Parts 89 and 91 are amended effective April 21, 1972, as shown below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 12, 1972.

Released: April 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

A. Part 89 of the Commission's rules is amended as follows:

Section 89.15(b) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

* * * * *

(b) For frequencies below 470 MHz:

(1) A report based on a field study indicating the degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing cochannel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and a report based on a field study indicating the degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed, or

(2) A statement from a frequency advisory committee recommending the specified frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

* * * * *

B. Part 91 of the Commission's rules is amended as follows:

Section 91.8(a)(2) is amended to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(2) For frequencies below 470 MHz:

(i) A report based on a field study indicating the degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing co-channel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and a report based on a field study indicating the degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed, or

(ii) A statement from a frequency advisory committee recommending the specified frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service and is assignable only after coordination, the Commission's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

* * * * *

[FR Doc.72–6113 Filed 4–20–72;8:50 am]

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Services

[26 CFR Part 1]

INCOME TAX

Charitable Contributions Deduction for Annuity Trust Interests and Unitrust Interests

On April 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER to conform the Income Tax Regulations to section 201(a), relating to charitable contributions, and section 201(f), relating to bargain sales to a charitable organization, of the Tax Reform Act of 1969 (83 Stat. 549, 564). Notice is hereby given that so much of the proposed regulations as is contained in paragraph (c)(2) of § 1.170A-6, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is hereby withdrawn.

Further notice is hereby given that, in lieu of the proposed rules which are so withdrawn, the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

On April 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6082) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 201(a), relating to charitable contributions, and section 201(f), relating to bargain sales to a charitable organization, of the Tax Reform Act of 1969 (83 Stat. 549, 564). So much of such proposed regulations as is contained in paragraph (c)(2) of § 1.170 A-6, relating to the definition of annuity trust interest and unitrust interest, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is hereby withdrawn. The following rules are hereby prescribed in lieu of the rules which are so withdrawn:

§ 1.170A-6 Charitable contributions in trust.

* * * * *

(c) *Charitable contribution of an income interest in trust.* * * *

(2) *Definitions.* For purposes of this paragraph—

(i) *Annuity trust interest.* (*a*) An income interest is an "annuity trust interest" only if it is an irrevocable right pursuant to the governing instrument to receive a guaranteed annuity. An annuity is an arrangement under which a determinable amount is paid periodically, but not less often than annually, for the life or lives of a named individual or individuals or for a specified term of years. An amount is determinable if the exact amount which must be paid under the conditions specified in the governing instrument can be ascertained on the date of contribution. For example, the amount to be paid may be a stated sum for a term, or for the life of an individual, at the expiration of which it may be changed by a specified amount, but it may not be redetermined by reference to a fluctuating index such as the cost of living index. In further illustration, the amount to be paid may be expressed as a fraction or percentage of the cost of living index on the date of contribution.

(*b*) An income interest is an annuity trust interest only if it is an annuity trust interest in every respect. For example, if the income interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not an annuity trust interest.

(c) If the present value of the annuity on the date of contribution exceeds 60 percent of the aggregate fair market value of all amounts in the trust (after the payment of liabilities), the interest will not be considered an annuity trust interest unless the governing instrument of the trust prohibits both the acquisition and the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired such assets. The requirement in this (c) for a prohibition in the governing instrument against the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired the assets shall not apply to a trust executed on or before May 21, 1972.

(*d*) An annuity payable by a trust executed after May 21, 1972, will not be considered an annuity trust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*d*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the governing instrument of the trust may not provide that income of the trust in excess of the annuity shall be paid to a private party. See § 53.4947-1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*e*) The governing instrument of a trust paying an annuity trust interest may provide that income of the trust which is in excess of the amount required to pay the annuity trust interest shall be paid to or for the use of a charitable organization.

(ii) *Unitrust interest.* (*a*) An income interest is a "unitrust interest" only if it is an irrevocable right pursuant to the governing instrument to receive payment, not less often than annually, of a fixed percentage of the net fair market value of the trust assets, determined annually. In computing the fair market value of the trust assets, all assets and liabilities shall be taken into account without regard to whether particular items are taken into account in determining the income of the trust. The net fair market value of the trust assets may be determined on any one date during the year or by taking the average of valuations made on more than one date during the year: *Provided*, That the same valuation date or dates and valuation methods are used each year. Payments under a unitrust interest may be paid for a specified term of years or for the life or lives of a named individual or individuals.

(*b*) An income interest is a unitrust interest only if it is a unitrust interest in every respect. For example, if the income interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not a unitrust interest.

(c) An income interest consisting of a fixed percentage of the net fair market value of trust assets, determined annually, will not be considered a unitrust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (c), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the governing instrument of the trust may not provide that income of the trust in excess of the fixed percentage of the net fair market value of the trust assets, determined annually, shall be paid to a private party. See § 53.4947-1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*d*) The governing instrument of a trust paying a unitrust interest may provide that income of the trust which is in excess of the amount required to pay the unitrust interest shall be paid to or for the use of a charitable organization.

* * * * *

[FR Doc.72-6092 Filed 4-20-72;8:49 am]

INCOME TAX

[26 CFR Part 1]

Losses from Demolition of Buildings

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1972. Any written comments or suggestion not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to clarify the income tax treatment of the demolition of buildings situated on leased property, paragraph (b)(2) of § 1.165-3 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows:

§ 1.165-3 Demolition of buildings.

* * * * *

(b) *Intent to demolish formed subsequent to the time of acquisition.* * * *

(2) If a lessor or lessee of real property demolishes the buildings situated thereon, as required or permitted by a lease or by an agreement which resulted in a lease, no deduction shall be allowed to the lessor under section 165(a) on account of the demolition of the old buildings. However, the adjusted basis of the demolished buildings, increased by the net cost of demolition or decreased by the net proceeds from demolition, shall be considered as a part of the cost of the lease to be amortized over the remaining term thereof.

* * * * *

[FR Doc.72-6215 Filed 4-20-72;8:53 am]

[26 CFR Parts 20, 25]

ESTATE AND GIFT TAXES

Proposed Deduction for Transfers for Public, Charitable, and Religious Uses

Notice is hereby given that the regulations set forth in tentative form in the attached below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Estate Tax Regulations (26 CFR Part 20) and the Gift Tax Regulations (26 CFR Part 25) to the amendments of the Internal Revenue Code of 1954 made by section 201(d) of the Tax Reform Act of 1969 (83 Stat. 560), such regulations are amended as follows:

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PARAGRAPH 1. Section 20.2055 is amended by revising subsections (a)(2) and (3), (b)(2)(C), and (e) of section 2055, and by revising the historical note, as follows:

§ 20.2055 Statutory provisions; transfers for public, charitable, and religious uses.

Sec. 2055. *Transfers for public, charitable, and religious uses*—(a) *In general.* * * *

(2) To or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation, and such trustee or trustees, or such fraternal society, order, or association, does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office; or

* * * * *

(b) *Powers of appointment.* * * *

(2) *Special rule for certain bequests subject to power of appointment.* * * *

(C) Such surviving spouse by affidavit executed within 6 months after the death of the decedent specifies the organizations described in subsection (a)(2) in favor of which he intends to exercise the power of appointment and indicates the amount or proportion each such organization is to receive; and

* * * * *

(e) *Disallowance of deductions in certain cases.* (1) No deduction shall be allowed under this section for a transfer to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

(2) Where an interest in property (other than a remainder interest in a personal residence or farm or an undivided portion of the decedent's entire interest in property) passes or has passed from the decedent to a person, or for a use, described in subsection (a), and an interest (other than an interest which is extinguished upon the decedent's death) in the same property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to a person, or for a use,

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not described in subsection (a), no deduction shall be allowed under this section for the interest which passes or has passed to the person, or for the use, described in subsection (a) unless—

(A) In the case of a remainder interest, such interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642 (c)(5)), or

(B) In the case of any other interest, such interest is in the form of a guaranteed annuity or is a fixed percentage distributed yearly of the fair market value of the property (to be determined yearly).

* * * * *

[Sec. 2055 as amended by sec. 1, Act of Aug. 6, 1956 (Public Law 1011, 84th Cong., 70 Stat. 1075); sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 201(d) (1) and (4), Tax Reform Act 1969 (83 Stat. 560, 561); sec. 101(c), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1836)]

PAR. 2. Section 20.2055–1 is amended by revising that part of paragraph (a) that follows subparagraph (1) and by adding a new paragraph (d), as follows:

§ 20.2055–1 Deduction for transfers for public, charitable, and religious uses; in general.

(a) *General rule.* * * *

(2) To or for the use of any corporation or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), if no part of the net earnings of the corporation or association inures to the benefit of any private stockholder or individual (other than as a legitimate object of such purposes), if no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation, and if, in the case of transfers made after December 31, 1969, it does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, if the transferred property is to be used exclusively for religious, charitable, scientific, literary, or educational purposes (or for the prevention of cruelty to children or animals), if no substantial part of the activities of such transferee is carrying on propaganda, or otherwise attempting, to influence legislation, and if, in the case of transfers made after December 31, 1969, such transferee does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office; or

(4) To or for the use of any veterans' organization incorporated by act of Congress, or of any of its departments, local chapters, or posts, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

The deduction is not limited, in the case of estates of citizens or residents of the United States, to transfers to domestic corporations or associations, or to trustees for use within the United States. Nor is the deduction subject to percentage limitations such as are applicable to the charitable deduction under the income tax. An organization will not be considered to meet the requirements of subparagraph (2) or (3) of this paragraph if such organization engages in any activity which would cause it to be classified as an "action" organization under paragraph (c)(3) of § 1.501(c)(3)–1 of this chapter (Income Tax Regulations). See §§ 20.2055–4 and 20.2055–5 for rules relating to the disallowance of deductions to trusts and organizations which engage in certain prohibited transactions or whose governing instruments do not contain certain specified requirements.

* * * * *

(d) *Cross references.* (1) See section 2055(f) for certain cross references relating to section 2055.

(2) For treatment of bequests accepted by the Secretary of State or the Secretary of Commerce, for the purpose of organizing and holding an international conference to negotiate a Patent Corporation Treaty, as bequests to or for the use of the United States, see section 3 of Joint Resolution of December 24, 1969 (Public Law 91–160, 83 Stat. 443).

(3) For treatment of bequests accepted by the Secretary of the Department of Housing and Urban Development, for the purpose of aiding or facilitating the work of the Department, as bequests to or for the use of the United States, see section 7(k) of the Department of Housing and Urban Development Act (42 U.S.C. 3535), as added by section 905 of Public Law 91–609 (84 Stat. 1809).

PAR. 3. Section 20.2055–2 is amended by revising paragraphs (a) and (b), and by adding new paragraphs (e) and (f), as follows:

§ 20.2055–2 Transfers not exclusively for charitable purposes.

(a) *Remainders and similar interests.* If a trust is created or property is transferred for both a charitable and a private purpose, deduction may be taken of the value of the charitable beneficial interest only insofar as that interest is presently ascertainable, and hence severable from the noncharitable interests. Thus, in the case of decedents dying before January 1, 1970, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay the principal to a charitable organization, the present value of the remainder is deductible. See paragraph (e) of this section for limitations applicable to decedents dying after December 31, 1969. See paragraph (f) of this section for rules relating to valuation of partial interests in property passing for charitable purposes.

(b) *Transfers subject to a condition or a power.* (1) If, as of the date of a decedent's death, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to, or is vested in, charity at the time of a decedent's death and the estate or interest would be defeated by the subsequent performance of some act or the happening of some event, the possibility of occurrence of which appeared at the time of the decedent's death to be so remote as to be negligible, the deduction is allowable. If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. If by reason of all the conditions and circumstances surrounding a transfer of an income interest in property in trust it appears that the charity may not receive the beneficial enjoyment of the interest, a deduction will be allowed under section 2055 only for the minimum amount it is evident the charity will receive.

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). In 1965, A dies leaving certain property in trust in which charity is to receive the income for the life of his widow with remainder to his children. The assets placed in trust by the decedent consist of stock in a corporation the fiscal policies of which are controlled by the decedent and his family. The trustees of the trust and the remaindermen are members of the decedent's family, and the governing instrument contains no adequate guarantee of the requisite income to the charitable organization. Under such circumstances, no deduction will be allowed. Similarly, if the trustees are not members of the decedent's family but have no power to sell or otherwise dispose of the closely held stock, or otherwise insure the requisite enjoyment of income to the charitable organization, no deduction will be allowed.

Example (2). In 1975, B dies leaving $20,000 in trust with the requirement that a designated charity be paid an annuity trust interest (as defined in paragraph (e)(2)(v) of this section) of $4,100 a year, payable annually at the end of each year for a period of 5 years and that the remainder be paid to his children. The fair market value of an annuity of $4,100 a year for a period of 6 years is $20,160.93 ($4,100×4.9173), as determined under paragraph (f)(2)(iv) of this section and Table B in paragraph (f) of § 20.2031–10. The deduction with respect to the annuity trust interest will be limited to $20,000, which is the minimum amount it is evident the charity will receive.

Example (3). C dies leaving a tract of land to a city government for as long as the land is used by the city for a public park. If on the date of C's death the city does plan to use the land for a park and the possibility that the city will not use the land for a public park is so remote as to be negligible, a deduction will be allowed.

* * * * *

(e) *Limitation applicable to decedents dying after December 31, 1969*—(1) *In general*—(i) *Disallowance of deduction.* In general, in the case of decedents dying after December 31, 1969, where an interest in property passes or has passed from the decedent for charitable purposes and an interest (other than an interest which is extinguished upon the decedent's death) in the same property passes or has passed from the decedent for private purposes (for less than full and adequate consideration in money or money's worth), no deduction is allowed under section 2055 for the value of the interest which passes or has passed for charitable purposes unless the interest in property is a deductible interest described in subparagraph (2) of this paragraph. Where an interest in property passes from the decedent for a charitable purpose and an interest in the same property passes for a private purpose, it is immaterial whether the interests pass at the same time or under the same instrument. If, as of the date of a decedent's death, a transfer for a private purpose is dependent upon the performance of some act or the happening of an event in order that it might become effective, an interest in property will be considered to pass for a private purpose unless the possibility of occurrence of such act or event is so remote as to be negligible. An interest in property will not be considered as passing for private purposes or in trust merely by reason of the fact that an interest in that property does not pass to charity until the end of a reasonable period of administration or settlement within the meaning of § 1.641(b)–3 of this chapter (Income Tax Regulations) or by reason of the fact that an interest in that property is enjoyed by a private person during such period of administration or settlement. The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the property interest which passes for private purposes does not pass for an adequate and full consideration in money or money's worth:

Example (1). In 1968, H creates a trust which is to pay the income of the trust to W for her life, the reversionary interest in the trust being retained by H. H predeceases W in 1975. H's will provides that the residue of his estate (including the reversionary interest in the trust) is to be transferred to charity. For purposes of this subdivision, interests in the same property have passed from H for charitable purposes and for private purposes.

Example (2). In 1973, H creates a trust which is to pay the income of the trust to W for her life and upon termination of the life estate to transfer the remainder to S. S predeceases W in 1975. S's will provides that the residue of his estate (including the remainder interest in the trust) is to be transferred to charity. For purposes of this subdivision, interests in the same property have not passed from H or S for charitable purposes and for private purposes.

Example (3). In 1973, A dies leaving a $10,000 bequest to charity. His will provides that all income earned during the period of administration of his estate by property constituting a part of his estate shall be paid to his widow. The administration of A's estate requires 3 years, but under the circumstances this period is not considered unduly prolonged for purposes of the income tax. Upon termination of this period, A's executor transfers $10,000 in cash to the charity. For purposes of this section, no interest in the $10,000 bequest will be deemed to pass for a private purpose, or will be deemed to pass in trust, merely because of the extended period of administration or because A's widow enjoyed an interest in the property during the period of administration.

(ii) *Interest in property.* In determining whether interests in the same property pass or have passed for charitable and private purposes, a distinction is to be drawn between "property," as such term is used in this paragraph, and an "interest in property." The term "property" refers to the underlying property in which various interests exist; each such interest is not for this purpose to be considered as "property." The term "interest in property" means any beneficial interest, whether vested or contingent, in property, whether tangible or intangible. For such purpose, an interest in property may consist of a life estate, a term of years, a right to use, a remainder, a reversion, a general power of appointment, a power of invasion or consumption, or a dower or curtesy interest. The term does not include a security interest or bare legal title, such as that of a trustee, or a power of appointment which is not a general power of appointment. The term includes the interest of any possible appointees under, and possible takers in default of, a power of appointment which is not a general power of appointment. Where the possible appointees under, and possible takers in default of, a power of appointment which is not a general power of appointment consist of both a charity or charities and a private person or persons, the interest will be deemed to pass solely for private purposes. See section 2041(b) and the regulations thereunder for definition of the term "general power of appointment." The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the interest in property which passes for private purposes does not pass for an adequate and full consideration in money or money's worth:

Example (1). H transfers Blackacre to A by gift, reserving the right to the rentals of Blackacre for a term of 20 years. H dies within the 20-year term, bequeathing the right to the remaining rentals to charity. For purposes of this paragraph the term "property" refers to Blackacre and the right to rentals from Blackacre consist of an interest in Blackacre. An interest in Blackacre has passed from H for charitable purposes and for private purposes.

Example (2). H bequeaths the residue of his estate to T in trust for the benefit of W and a charity. The trust income is to be paid to W for life and upon her death the corpus is to be distributed to charity. Since no beneficial interest in the property passes to T, no interest in property passes or has passed to T for purposes of this paragraph. However, an interest in the residue of the estate has passed from H for charitable purposes and for private purposes.

Example (3). H bequeaths the residue of his estate in trust for the benefit of A and a charity. An annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the 20-year term the corpus is to be distributed to A if living. However, if A should die during the 20-year term, the corpus is to be distributed to charity upon termination of the term. An interest in the residue of the estate has passed from H for charitable purposes. In addition, an interest in the residue of the State has passed from H for private purposes, unless the possibility that A will survive the 20-year term is so remote as to be negligible.

Example (4). H bequeaths the residue of his estate in trust. Under the terms of the trust an annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the term, the corpus is to pass to such of A's children and their issue as A may appoint. However, if A should die during the 20-year term without exercising the power of appointment, the corpus is to be distributed to charity upon termination of the term. Since A does not have a general power of appointment, no interest in property has passed from H to A. However, since the possible appointees include private persons, an interest in the residue of the estate is considered to have passed from H for private purposes.

(iii) *Passes or has passed from the decedent.* Notwithstanding the designation by local law of the capacity in which a person takes, the phrase "passes or has passed from the decedent" includes any transfer, or any passing directly or indirectly, of property or any interest in property from the decedent. Thus, an interest in property passes or has passed from the decedent for purposes of this subdivision in any case in which property would be held to have been transferred from the decedent for purposes of the estate tax or to be a gift by the decedent for purposes of the gift tax. The phrase "passes or has passed" also includes a transfer or passing of property, or any interest in property which is not considered a gift by a decedent for purposes of the gift tax or a transfer from a decedent for purposes of the estate tax. For example, an interest in property passes or has passed for purposes of this paragraph if such interest passes by reason of the decedent's nonexercise of a general power of appointment (as defined in section 2041(b) and the regulations thereunder) created on or before October 21, 1942. If property or an interest in property passes or has passed from the decedent to any person subject to an obligation that any interest, vested or contingent, be transferred to another person, an interest in property will be considered to pass from the decedent to such other person.

(2) *Deductible interests.* A deductible interest for purposes of subparagraph (1) of this paragraph is a charitable interest in property where—

(i) *Undivided portion of decedent's entire interest.* The charitable interest is an undivided portion, not in trust, of the decedent's entire interest in property. An undivided portion of a decedent's entire interest in property may consist of a fraction or percentage of each interest or right owned by the decedent in such property or may consist of all or a fraction or a percentage of a specific right or interest in such property. An interest in property will not, however, be considered

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a decedent's entire interest in property for this purpose unless it extends over the entire term of the decedent's interest in such property and in other property into which such property is converted. For example, if the decedent transferred a life estate in an office building to his wife for her life and retained a reversionary interest in the office building, the devise by the decedent of one-half of that reversionary interest to charity while his wife is still alive will not be considered the transfer of a deductible interest; because an interest in the same property has already passed from the decedent for private purposes, the reversionary interest will not be considered the decedent's entire interest in the property. If, on the other hand, the decedent has given a life estate in Blackacre for the life of his wife and the decedent had no other interest in Blackacre at any time during his life, the devise by the decedent of one-half of that life estate to charity would be considered the transfer of a deductible interest; because the life estate would be considered the decedent's entire interest in the property, the devise would be of an undivided interest in such entire interest. An undivided portion of a decedent's entire interest in the property includes an interest in property whereby the charity is given the right, as a tenant in common with the decedent's devisee or legatee, to possession, dominion, and control of the property for a portion of each year appropriate to its interest in such property; it also includes an open space easement in gross in perpetuity, as defined in § 1.170A-7(b)(1)(ii) of this chapter (Income Tax Regulations).

(ii) *Remainder interest in personal residence.* The charitable interest is an irrevocable remainder interest, not in trust, in a personal residence. For purposes of this subdivision, the term "personal residence" means property used by the decedent as his personal residence even though it was not used as his principal residence. For example, a decedent's vacation home at a resort which he occupied for 2 months each year may be a personal residence for purposes of this subdivision. The term "personal residence" also includes stock owned by the decedent as a tenant-stockholder in a cooperative housing corporation (as those terms are defined in section 216(b)(1) and (2) if the dwelling which the decedent was entitled to occupy as such stockholder was used by him as his personal residence.

(iii) *Remainder interest in a farm.* The charitable interest is an irrevocable remainder interest, not in trust, in a farm. For purposes of this subdivision, the term "farm" means any land used by the decedent or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock. The term "livestock" includes cattle, hogs, horses, mules, donkeys, sheep, goats, captive fur-bearing animals, chickens, turkeys, pigeons, and other poultry. A farm includes the improvements thereon.

(iv) *Charitable remainder trusts and pooled income funds.* The charitable interest is a remainder interest in a trust which is a charitable remainder annuity trust, as defined in section 664(d)(1) and § 1.664-2 of this chapter; a charitable remainder unitrust, as defined in section 664(d)(2) and § 1.664-3 of this chapter; or a pooled income fund, as defined in section 642(c)(5) and § 1.642(c)-5 of this chapter. The charitable organization to or for the use of which the remainder interest passes must meet the requirements of both section 2055(a) and section 642(c)(5)(A), section 664(d)(1)(C), or section 664(d)(2)(C), whichever applies. For example, the charitable organization to which the remainder interest in a charitable remainder annuity trust passes may not be a foreign corporation.

(v) *Annuity trust interest.* (*a*) The charitable interest is an annuity trust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "annuity trust interest" means an irrevocable right pursuant to the instrument of transfer to receive a guaranteed annuity. An annuity is an arrangement under which a determinable amount is paid periodically, but not less often than annually, for the life or lives of a named individual or individuals or for a specified term of years. An amount is determinable if the exact amount which must be paid under the conditions specified in the instrument of transfer can be ascertained on the date of death of the decedent. For example, the amount to be paid may be a stated sum for a term, or for the life of an individual, at the expiration of which it may be changed by a specified amount, but it may not be redetermined by reference to a fluctuating index such as the cost of living index. In further illustration, the amount to be paid may be expressed as a fraction or a percentage of the net fair market value, as finally determined for Federal estate tax purposes, of the residue of the estate on the date of death, or it may be expressed as a fraction or percentage of the cost of living index on the date of death of the decedent.

(*b*) A charitable interest is an annuity trust interest only if it is an annuity trust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not an annuity trust interest.

(*c*) Where a charitable interest in the form of an annuity is not in trust, the interest will be considered an annuity trust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing annuity contracts.

(*d*) Where a charitable interest in the form of an annuity is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay an annuity trust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2055 shall be limited to the fair market value of the annuity trust interest.

(*e*) Where a charitable interest in the form of an annuity is in trust and the present value on the appropriate valuation date of such annuity interest exceeds 60 percent of the aggregate fair market value of all amounts in such trust (after the payment of estate taxes and all other liabilities), the interest will not be considered an annuity trust interest unless the governing instrument of the trust prohibits both the acquisition and the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired such assets.

(*f*) Where a charitable interest in the form of an annuity is in trust, the interest will not be considered an annuity trust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*f*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the annuity shall be paid to a private party. See § 53.4947-1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*g*) Neither the requirement in item (*e*) of this subdivision for a prohibition in the governing instrument against the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired the assets nor the provisions of item (*f*) of this subdivision shall apply to—

(*1*) A trust executed on or before May 21, 1972, if—

(*i*) The trust is irrevocable on such date,

(*ii*) The trust is revocable on such date and the decedent dies within 3 years after such date without having amended any dispositive provision of the trust after such date, or

(*iii*) The trust is revocable on such date and no dispositive provision of the trust is amended within a period ending 3 years after such date and the decedent is, at the end of such 3-year period and at all times thereafter, under a mental disability (as defined in § 1.642(c)-2(b)(2)(ii) of this chapter) to amend the trust, or

(*2*) A will executed on or before May 21, 1972, if—

(*i*) The testator dies within 3 years after such date without having amended any dispositive provision of the will after such date, by codicil or otherwise,

(*ii*) The testator at no time after such date has the right to change the provisions of the will which pertain to the trust, or

(*iii*) No dispositive provision of the will is amended by the decedent, by codicil or otherwise, within a period ending 3 years after such date and the decedent is, at the end of such 3-year period and at all times thereafter, under a mental disability (as defined in § 1.642(c)-2(b)(2)(ii) of this chapter) to amend the will by codicil or otherwise.

(*h*) For purposes of this subdivision and paragraph (*f*) of this section, the term "appropriate valuation date" means the date of death or the alternate valuation date determined pursuant to an election under section 2032.

(*i*) See section 4947(a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the annuity trust interest is in trust.

(vi) *Unitrust interest.* (*a*) The charitable interest is a unitrust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "unitrust interest" means an irrevocable right pursuant to the instrument of transfer to receive payment, not less often than annually, of a fixed percentage of the net fair market value, determined annually, of the property which funds the unitrust interest. In computing the fair market value of the property which funds the unitrust interest, all assets and liabilities shall be taken into account without regard to whether particular items are taken into account in determining the income from the property. The net fair market value of the property which funds the unitrust interest may be determined on any one date during the year or by taking the average of valuations made on more than one date during the year: *Provided*, That the same valuation date or dates and valuation methods are used each year. Payments under a unitrust interest may be paid for a specified term of years or for the life or lives of a named individual or individuals.

(*b*) A charitable interest is a unitrust interest only if it is a unitrust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not a unitrust interest.

(*c*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is not in trust, the interest will be considered a unitrust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing interests otherwise meeting the requirements of a unitrust interest.

(*d*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the interest will not be considered a unitrust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*d*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the fixed percentage of the net fair market value of the trust assets, determined annually, shall be paid to a private party. See § 53.4947-1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*e*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay the unitrust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2055 shall be limited to the fair market value of the unitrust interest.

(*f*) See section 4947(a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the unitrust interest is in trust.

(3) *Effective date.* The provisions of this paragraph apply only in the case of decedents dying after December 31, 1969, except that they do not apply—

(i) In the case of property passing under the terms of a will executed on or before October 9, 1969—

(*a*) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended any dispositive provision of the will after October 9, 1969, by codicil or otherwise,

(*b*) If the decedent dies after October 9, 1969, and at no time after that date had the right to change the portions of the will which pertain to the passing of the property to, or for the use of, an organization described in section 2055(a), or

(*c*) If no dispositive provision of the will is amended by the decedent, by codicil or otherwise, before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)-2(b)(2)(ii) of this chapter (Income Tax Regulations)) to amend the will by codicil or otherwise, or

(ii) In the case of property transferred in trust on or before October 9, 1969—

(*a*) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended, after October 9, 1969, any dispositive provision of the instrument governing the disposition of the property,

(*b*) If the property transferred was an irrevocable interest to, or for the use of, an organization described in section 2055(a), or

(*c*) If no dispositive provision of the instrument governing the disposition of the property is amended by the decedent before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)-2(b)(2)(ii) of this chapter) to change the disposition of the property.

(4) *Amendment of dispositive provisions.* For purposes of subparagraphs (2) and (3) of this paragraph, an amendment shall generally be considered as one which amends the dispositive provisions of a will or trust if it results in a change in the persons to whom the funds are to be given or makes changes in the conditions under which the funds are given. Examples of amendments which do not amend the dispositive provisions of a will or trust include the substitution of one fiduciary for another to act in the capacity of executor or trustee and the change in the name of a legatee or beneficiary by reason of the legatee's or beneficiary's marriage. On the other hand, examples of amendments which do amend the dispositive provisions of a will or trust include an increase in the share of other legatees or beneficiaries by reason of the lapse of a legacy or interest, a change in the power of a trustee to determine the allocation of income or corpus among the beneficiaries which has the effect of changing a recipient's share of the funds, or a change in the allocation of (or right to allocate) receipts or expenditures between income and principal which has the effect of changing a recipient's share of the funds.

(f) *Valuation of charitable interest*—(1) *In general.* The amount of the deduction in the case of a contribution of a partial interest in property to which this section applies is the fair market value of the partial interest at the appropriate valuation date, as defined in paragraph (e)(2)(v)(*h*) of this section. The fair market value of an annuity, life estate, term for years, remainder, reversion, and unitrust interest is its present value.

(2) *Certain decedents dying after July 31, 1969.* In the case of a transfer of an interest described in subdivision (iv), (v), or (vi) of paragraph (e)(2) of this section by decedents dying after July 31, 1969, the present value of such interest is to be determined under the following rules:

(i) The present value of a remainder interest in a charitable remainder annuity trust is to be determined under § 1.664-2(c) of this chapter (Income Tax Regulations).

(ii) The present value of a remainder interest in a charitable remainder unitrust is to be determined under § 1.664-4 of this chapter.

(iii) The present value of a remainder interest in a pooled income fund is to be determined under § 1.642(c)-6 of this chapter.

(iv) The present value of an annuity trust interest described in paragraph (e)(2)(v) of this section is to be determined under § 20.2031-10 except that, if the annuity is issued by a company regularly engaged in the sale of annuities, the present value is to be determined under § 20.2031-8.

(v) The present value of a unitrust interest described in paragraph (e)(2)(vi)

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of this section is to be determined by subtracting the present value of all interests in the transferred property that follow the unitrust interest from the fair market value of the transferred property. For such purposes the present value of all interests that follow the unitrust interest shall be determined under § 1.664–4 by treating such interests as a remainder interest in a charitable remainder unitrust.

(3) *Certain decedents dying before August 1, 1969.* In the case of decedents dying before August 1, 1969, the present value of an interest described in subparagraph (2) of this paragraph is to be determined under § 20.2031–7 except that, if the interest is an annuity issued by a company regularly engaged in the sale of annuities, the present value is to be determined under § 20.2031–8.

(4) *Other decedents.* The present value of an interest not described in subparagraph (2) of this paragraph is to be determined under § 20.2031–7 in the case of decedents dying before January 1, 1971, or under § 20.2031–10 in the case of decedents dying after December 31, 1970.

(5) *Special computations.* If the interest transferred is such that its present value is to be determined by a special computation, a request for a special factor, accompanied by a statement of the date of birth and sex of each individual the duration of whose life may affect the value of the interest, and by copies of the relevant instruments, may be submitted by the executor to the Commissioner who may, if conditions permit, supply the factor requested. If the Commissioner furnishes the factor, a copy of the letter supplying the factor must be attached to the tax return in which the deduction is claimed. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in this paragraph.

PAR. 4. Section 20.2055–4 is amended by revising the heading thereof and by adding a new paragraph (d), as follows:

§ 20.2055–4 Disallowance of charitable, etc., deductions because of "prohibited transactions" in the case of decedents dying before January 1, 1970.

• • • • •

(d) This section applies only in the case of decedents dying before January 1, 1970. In the case of decedents dying after December 31, 1969, see § 20.2055–5.

PAR. 5. The following new section is added immediately after § 20.2055–4:

§ 20.2055–5 Disallowance of charitable, etc., deductions in the case of decedents dying after December 31, 1969.

(a) *Organizations subject to section 507(c) tax.* Section 508(d)(1) provides that, in the case of decedents dying after December 31, 1969, a deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent to or for the use of an organization upon which the tax provided by section 507(c) has been imposed shall not be allowed if the transfer is made by the decedent after notification is made under section 507(a) or if the decedent is a substantial contributor (as defined in section 507(d)(2)) who dies on or after the first day on which action is taken by such organization that culminates in the imposition of the tax under section 507(c). This paragraph does not apply if the entire amount of the unpaid portion of the tax imposed by section 507(c) is abated under section 507(g) by the Commissioner or his delegate.

(b) *Taxable private foundations, section 4947 trusts, etc.*—(1) *In general.* Section 508(d)(2) provides that, in the case of decedents dying after December 31, 1969, a deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent shall not be allowed if the transfer is made—

(i) To or for the use of a private foundation or a trust described in section 4947 if such organization fails to meet the governing instrument requirements of section 508(e) (determined without regard to section 508(e)(2)(B) and (C)) in accordance with § 1.508–2(b)(1) of this chapter (Income Tax Regulations), or

(ii) To or for the use of any organization (other than a charitable trust described in section 4947(a)(1)) which is not treated as an organization described in section 501(c)(3) on the date of the decedent's death by reason of its failure to give notification under section 508(a) of its status to the Commissioner.

(2) *Transfers not covered by section 508(d)(2)(A)*—(i) *In general.* Any deduction which would otherwise be allowable under section 2055 for the value of property transferred by a decedent dying after December 31, 1969, will not be disallowed under section 508(d)(2)(A) and subparagraph (1)(i) of this paragraph—

(*a*) In the case of property passing under the terms of a will executed on or before October 9, 1969—

(*1*) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended any dispositive provision of the will after October 9, 1969, by codicil or otherwise,

(*2*) If the decedent dies after October 9, 1969, and at no time after that date had the right to change the portions of the will which pertain to the passing of the property to, or for the use of, an organization described in section 2055(a), or

(*3*) If no dispositive provision of the will is amended by the decedent, by codicil or otherwise, before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)–2(b)(2)(ii) of this chapter (Income Tax Regulations)) to amend the will by codicil or otherwise, or

(*b*) In the case of property transferred in trust on or before October 9, 1969—

(*1*) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended, after October 9, 1969, any dispositive provision of the instrument governing the disposition of the property.

(*2*) If the property transferred was an irrevocable interest to, or for the use of, an organization described in section 2055(a), or

(*3*) If no dispositive provision of the instrument governing the disposition of the property is amended by the decedent before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)–2(b)(2)(ii) of this chapter) to change the disposition of the property.

(ii) *Amendment of dispositive provisions.* For purposes of subdivision (i) of this subparagraph, the provisions of paragraph (e)(4) of § 20.2055–2 shall apply in determining whether an amendment will be considered as one which amends the dispositive provisions of a will or trust.

(c) *Foreign organization with substantial support from foreign sources.* Section 4948(c)(4) provides that, in the case of decedents dying after December 31, 1969, a deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent to or for the use of a foreign organization which has received substantially all of its support (other than gross investment income) from sources without the United States shall not be allowed if the transfer is made (1) after the date on which the Commissioner has published notice that he has notified such organization that it has engaged in a prohibited transaction, or (2) in a taxable year of such organization for which it is not exempt from taxation under section 501(a) because it has engaged in a prohibited transaction after December 31, 1969.

PAR. 6. Section 20.2106 is amended by revising section 2106(a)(2)(A) (ii) and (iii), (E), (3), and the historical note, as follows:

§ 20.2106 Statutory provisions; taxable estate.

SEC. 2106. *Taxable estates*—(a) *Definition of taxable estate.* • • •

(2) *Transfers for public, charitable, and religious uses*—(A) *In general.* • • •

(ii) To or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office; or

(iii) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation, and such trustee or trustees, or such fraternal society, order, or association, does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

• • • • •

(E) *Disallowance of deductions in certain cases.* The provisions of section 2055(e) shall be applied in the determination of the amount allowable as a deduction under this paragraph.

• • • • •

(3) *Exemption*—(A) *General rule.* An exemption of $30,000.

(B) *Residents of possessions of the United States.* In the case of a decedent who is considered to be a "nonresident not a citizen of the United States" under the provisions of section 2209, the exemption shall be the greater of (i) $30,000, or (ii) that proportion of the exemption authorized by section 2052 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

• • • • •

[Sec. 2106 as amended by sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 4(c), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1000); sec. 108(e), Foreign Investors Tax Act 1966 (80 Stat. 1572); sec. 201(d)(2) and (4), Tax Reform Act 1969 (83 Stat. 561)]

PAR. 7. Section 20.2106–1 is amended by revising paragraph (a)(2) to read as follows:

§ 20.2106–1 Estate of nonresidents not citizens; taxable estate; deductions in general.

(a) • • •

(2) A deduction computed in the same manner as the one allowed under section 2055 (see §§ 20.2055–1 through 20.2055–5) for charitable, etc., transfers, except—

(i) That the deduction is allowed only for transfers to corporations and associations created or organized in the United States, and to trustees for use within the United States, and

(ii) That the provisions contained in paragraph (c)(2) of § 20.2055–2 relating to termination of a power to consume are not applicable.

• • • • •

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

PAR. 8. Section 25.2522(a) is amended by revising that part of section 2522(a) that precedes paragraph (1) thereof, by revising section 2522(a)(2), and by adding an historical note, as follows:

§ 25.2522(a) Statutory provisions; charitable and similar gifts; citizens or residents.

SEC. 2522. *Charitable and similar gifts*—(a) *Citizens or residents.* In computing taxable gifts for the calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident the amount of all gifts made during such quarter to or for the use of—

• • • • •

(2) A corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;

• • • • •

[Sec. 2522(a) as amended by sec. 201(d)(4), Tax Reform Act 1969 (83 Stat. 562); sec. 102(c)(2), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1841)]

PAR. 9. Section 25.2522(a)–1 is amended by revising paragraph (a)(2), by revising that part of paragraph (a) that follows subparagraph (4), and by revising paragraph (b), as follows:

§ 25.2522(a)–1 Charitable and similar gifts; citizens or residents.

(a) • • •

(2) Any corporation, trust, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, if no part of the net earnings of the organization inures to the benefit of any private shareholder or individual, if no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation, and if, in the case of gifts made after December 31, 1969, it does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

• • • • •

The deduction is not limited to gifts for use within the United States, or to gifts to or for the use of domestic corporations, trusts, community chests, funds, or foundations, or fraternal societies, orders, or associations operating under the lodge system. An organization will not be considered to meet the requirements of subparagraph (2) of this paragraph, or of paragraph (b)(2) or (3) of this section, if such organization engages in any activity which would cause it to be classified as an "action" organization under paragraph (c)(3) of § 1.501(c)(3)–1 of this chapter (Income Tax Regulations). For the deductions for charitable and similar gifts made by a nonresident who was not a citizen of the United States at the time the gifts were made, see § 25.2522(b)–1. See §§ 25.2522(c)–1 and 25.2522(c)–2 for rules relating to the disallowance of deductions to trusts and organizations which engage in certain prohibited transactions or whose governing instruments do not contain certain specified requirements.

(b) The deduction under section 2522 is not allowed for a transfer to a corporation, trust, community chest, fund, or foundation unless the organization or trust meets the following four tests:

(1) It must be organized and operated exclusively for one or more of the specified purposes.

(2) It must not, by a substantial part of its activities, attempt to influence legislation by propaganda or otherwise.

(3) In the case of gifts made after December 31, 1969, it must not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

(4) Its net earnings must not inure in whole or in part to the benefit of private shareholders or individuals other than as legitimate objects of the exempt purposes.

• • • • • •

PAR. 10. Section 25.2522(a)–2 is amended by revising the heading thereof and by adding a new paragraph (c), as follows:

§ 25.2522(a)–2 Transfers not exclusively for charitable, etc., purposes in the case of gifts made before August 1, 1969.

• • • • •

(c) *Effective date.* This section applies only to gifts made before August 1, 1969. In the case of gifts made after July 31, 1969, see § 25.2522(c)–2.

PAR. 11. Section 25.2522(b) is amended by revising that part of section 2522 that precedes paragraph (1) thereof, by revising section 2522(b)(2) and (3), and by adding an historical note, as follows:

§ 25.2522(b) Statutory provisions; charitable and similar gifts; nonresidents.

SEC. 2522. *Charitable and similar gifts* • • •

(b) *Nonresidents.* In the case of a nonresident not a citizen of the United States, there shall be allowed as a deduction the amount of gifts made during such quarter to or for the use of—

• • • • •

(2) A domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;

(3) A trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office; but only if such gifts are to be used within the United States exclusively for such purposes;

• • • • • •

[Sec. 2522(b) as amended by sec. 201(d)(4), Tax Reform Act 1969 (83 Stat. 562); sec.

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102(c)(2), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1841)]

PAR. 12. Section 25.2522(c) is amended by revising section 2522(c) and the historical note, as follows:

§ 25.2522(c) Statutory provisions; charitable and similar gifts; disallowance of deductions in certain cases.

SEC. 2522. *Charitable and similar gifts.* • • •

(c) *Disallowance of deductions in certain cases.* (1) No deduction shall be allowed under this section for a gift to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

(2) Where a donor transfers an interest in property (other than a remainder interest in a personal residence or farm or an undivided portion of the donor's entire interest in property) to a person, or for a use, described in subsection (a) or (b) and an interest in the same property is retained by the donor, or is transferred or has been transferred (for less than an adequate and full consideration in money or money's worth) from the donor to a person, or for a use, not described in subsection (a) or (b), no deduction shall be allowed under this section for the interest which is, or has been transferred to the person, or for the use, described in subsection (a) or (b), unless—

(A) In the case of a remainder interest, such interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642(c)(5)), or

(B) In the case of any other interest, such interest is in the form of a guaranteed annuity or is a fixed percentage distributed yearly of the fair market value of the property (to be determined yearly).

(Sec. 2522(c) as amended by sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 201(d)(3), Tax Reform Act 1969 (83 Stat. 561))

PAR. 13. Section 25.2522(c)-1 is amended by revising the heading thereof and by adding a new paragraph (e), as follows:

§ 25.2522(c)-1 Disallowance of charitable, etc., deductions because of "prohibited transactions" in the case of gifts made before January 1, 1970.

• • • • •

(e) This section applies only to gifts made before January 1, 1970. In the case of gifts made after December 31, 1969, see § 25.2522(c)-2.

PAR. 14. The following new sections are added immediately after § 25.2522(c)-1:

§ 25.2522(c)-2 Disallowance of charitable, etc., deductions in the case of gifts made after December 31, 1969.

(a) *Organizations subject to section 507(c) tax.* Section 508(d)(1) provides that, in the case of gifts made after December 31, 1969, a deduction which would otherwise be allowable under section 2522 for a gift to or for the use of an organization upon which the tax provided by section 507(c) has been imposed shall not be allowed if the gift is made by the donor after notification is made under section 507(a) or if the donor is a substantial contributor (as defined in section 507(d)(2)) who makes such gift in his taxable year (as defined in section 441) which includes the first day on which action is taken by such organization that culminates in the imposition of the tax under section 507(c) and any subsequent taxable year. This paragraph does not apply if the entire amount of the unpaid portion of the tax imposed by section 507(c) is abated under section 507(g) by the Commissioner or his delegate.

(b) *Taxable private foundations, section 4947 trusts, etc.* Section 508(d)(2) provides that, in the case of gifts made after December 31, 1969, a deduction which would otherwise be allowable under section 2522 shall not be allowed if the gift is made to or for the use of—

(1) A private foundation or a trust described in section 4947 in a taxable year of such organization for which it fails to meet the governing instrument requirements of section 508(e) (determined without regard to section 508(e)(2)(B) and (C)), or

(2) Any organization (other than a charitable trust described in section 4947(a)(1)) in a period for which it is not treated as an organization described in section 501(c)(3) by reason of its failure to give notification under section 508(a) of its status to the Commissioner.

For additional rules, see § 1.508-2(b)(1) of this chapter (Income Tax Regulations).

(c) *Foreign organizations with substantial support from foreign sources.* Section 4948(c)(4) provides that, in the case of gifts made after December 31, 1969, a deduction which would otherwise be allowable under section 2522 for a gift to or for the use of a foreign organization which has received substantially all of its support (other than gross investment income) from sources without the United States shall not be allowed if the gift is made (1) after the date on which the Commissioner has published notice that he has notified such organization that it has engaged in a prohibited transaction, or (2) in a taxable year of such organization for which it is not exempt from taxation under section 501(a) because it has engaged in a prohibited transaction after December 31, 1969.

§ 25.2522(c)-3 Transfers not exclusively for charitable, etc., purposes in the case of gifts made after July 31, 1969.

(a) *Remainders and similar interests.* If a trust is created or property is transferred for both a charitable and a private purpose, deduction may be taken of the value of the charitable beneficial interest only insofar as that interest is presently ascertainable, and hence severable from the noncharitable interest.

(b) *Transfers subject to a condition or a power.* (1) If, as of the date of the gift, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to, or is vested in, charity on the date of the gift and the estate or interest would be defeated by the performance of some act or the happening of some event, the possibility of occurrence of which appeared on such date to be so remote as to be negligible, the deduction is allowable. If the donee or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so given by the donor, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. If by reason of all the conditions and circumstances surrounding a transfer of an income interest in property in trust it appears that the charity may not receive the beneficial enjoyment of the interest, a deduction will be allowed under section 2522 only for the minimum amount it is evident the charity will receive.

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). In 1965, A transfers certain property in trust in which charity is to receive the income for his life with remainder to his descendants. The assets placed in trust by the donor consist of stock in a corporation the fiscal policies of which are controlled by the donor and his family. The trustees of the trust and the remainderman are members of the donor's family and the governing instrument contains no adequate guarantee of the requisite income to the charitable organization. Under such circumstances, no deduction will be allowed. Similarly, if the trustees are not members of the donor's family but have no power to sell or otherwise dispose of the closely held stock, or otherwise insure the requisite enjoyment of income to the charitable organization, no deduction will be allowed.

Example (2). In 1975, B transfers $30,000 in trust with the requirement that a designated charity be paid an annuity trust interest (as defined in paragraph (c)(2)(v) of this section) of $4,100 a year, payable annually at the end of each year for a period of 6 years and that the remainder be paid to his children. The fair market value of an annuity of $4,100 a year for a period of 6 years is $20,160.93 ($4,100×4.9173), as determined under paragraph (d)(2)(iv) of this section and Table B in paragraph (f) of § 25.2512-9. The deduction with respect to the annuity trust interest will be limited to $20,000, which is the minimum amount it is evident the charity will receive.

Example (3). C transfers a tract of land to a city government for as long as the land is used by the city for a public park. If on the date of gift the city does plan to use the land for a park and the possibility that the city will not use the land for a public park is so remote as to be negligible, a deduction will be allowed.

(c) *Transfers of partial interests in property—(1) In general—(i) Disallowance of deduction.* In the case of gifts made after July 31, 1969, where a donor transfers an interest in property for charitable purposes and an interest in the same property is retained by the donor, or is transferred or has been transferred for private purposes (for less than full and adequate consideration in money or money's worth), no deduction is allowed under section 2522 for the value of the interest which is transferred or has been transferred for charitable purposes unless the interest in property is a deductible interest described in subparagraph (2) of this paragraph. Where an interest in property is transferred by the donor for a charitable purpose and an interest in the same property is transferred for a private purpose, it is immaterial whether the interests are transferred at the same time or under the same instrument. If, as of the date of the gift, a retention of an interest by a donor, or a transfer for a private purpose, is dependent upon the performance of some act or the happening of an event in order that it may become effective, an interest in property will be considered retained by the donor, or transferred for a private purpose, unless the possibility of occurrence of such act or event is so remote as to be negligible. The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the property interest which is transferred for private purposes is not transferred for an adequate and full consideration in money or money's worth:

Example (1). In 1968, H creates a trust which is to pay the income of the trust to W for her life, the reversionary interest in the trust being retained by H. In 1975, H gives the reversionary interest to charity, while W is still living. For purposes of this subdivision interests in the same property have been transferred by H for charitable purposes and for private purposes.

Example (2). In 1973, H creates a trust which is to pay the income of the trust to W for her life and upon termination of the life estate to transfer the remainder to S. In 1975, S gives his remainder interest to charity, while W is still living. For purposes of this subdivision, interests in the same property have not been transferred by H or S for charitable purposes and for private purposes.

(ii) *Interest in property.* In determining whether interests in the same property are transferred or have been transferred for charitable and private purposes, a distinction is to be drawn between "property", as such term is used in this paragraph, and an "interest in property". The term "property" refers to the underlying property in which various interests exist; each such interest is not for this purpose to be considered as "property". The term "interest in property" means any beneficial interest, whether vested or contingent, in property, whether tangible or intangible. For such purpose, an interest in property may consist of a life estate, a term of years, a right of use, a remainder, a reversion, a general power of appointment, a power of invasion or consumption, a dower or curtesy interest. The term does not include a security interest or bare legal title, such as that of a trustee, or a power of appointment which is not a general power of appointment. The term includes the interest of any possible appointees under, and possible takers in default of, a power of appointment which is not a general power of appointment consist of both a charity or charities and a private person or persons, the interest will be deemed to be transferred solely for private purposes. See section 2514(c) and the regulations thereunder for definition of the term "general power of appointment". The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the property interest which is transferred for private purposes is not transferred for an adequate and full consideration in money or money's worth:

Example (1). H transfers Blackacre to A by gift, reserving the right to the rentals of Blackacre for a term of 20 years. After 4 years H transfers the right to the remaining rentals to charity. For purposes of this paragraph the term "property" refers to Blackacre, and the right to rentals from Blackacre consist of an interest in Blackacre. An interest in Blackacre has been transferred by H for charitable purposes and for private purposes.

Example (2). H transfers property to T in trust for the benefit of W and a charity. The trust income is to be paid to W for life, and upon her death the corpus is to be distributed to charity. Since no beneficial interest in the property is transferred to T, no interest in property is transferred or has been transferred to T for puposes of this paragraph. However, an interest in property has been transferred by H for charitable purposes and for private purposes.

Example (3). H transfers property in trust for the benefit of A and a charity. An annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the 20-year term the corpus is to be distributed to A if living. However, if A should die during the 20-year term, the corpus is to be distributed to charity upon termination of the term. An interest in property has been transferred by H for charitable purposes. In addition, an interest in the same property has been transferred by H for private purposes unless the possibility that A will survive the 20-year term is so remote as to be negligible.

Example (4). H transfers property in trust, under the terms of which an annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the term, the corpus is to pass to such of A's children and their issue as A may appoint. However, if A should die during the 20-year term without exercising the power of appointment, the corpus is to be distributed to charity upon termination of the term. Since A does not have a general power of appointment, no interest in property has been transferred by H to A. However, since the possible appointees include private persons, an interest in the corpus of the trust is considered to have been transferred by H for private purposes.

(iii) *Transferred or has been transferred by the donor.* Notwithstanding the designation by local law of the capacity in which a person takes, the phrase "transferred or has been transferred by the donor" includes any transfer, directly or indirectly, of property or any interest in property by the donor. Thus, an interest in property is transferred or has been transferred by the donor for purposes of this subdivision in any case in which property would be held to be a gift by the donor for purposes of the gift tax. The phrase "transferred or has been transferred" also includes a transfer of property, or any interest in property, which is not considered a gift by a donor for purposes of the gift tax. For example, an interest in property is transferred or has been transferred for purposes of this paragraph if such interest is transferred by reason of the donor's nonexercise of a general power of appointment (as defined in section 2514(c) and the regulations thereunder) created on or before October 21, 1942. If property or a property interest is transferred or has been transferred from the donor to any person subject to an obligation that any interest, vested or contingent, be transferred to another person, an interest in property will be considered to have been transferred by the donor to such other person.

(2) *Deductible interests.* A deductible interest for purposes of subparagraph (1) of this paragraph is a charitable interest in property where—

(i) *Undivided portion of donor's entire interest.* The charitable interest is an undivided portion, not in trust, of the donor's entire interest in property. An undivided portion of a donor's entire interest in property may consist of a fraction or percentage of each interest or right owned by the donor in such property or may consist of all or a fraction or percentage of a specific right or interest in such property. An interest in property will not, however, be considered a donor's entire interest in property for this purpose unless it extends over the entire term of the donor's interest in such property and in other property into which such property is converted. For example, if the donor gave a life estate in an office building to his wife for her life and retained a reversionary interest in the office building, the gift by the donor of one-half of that reversionary interest to charity while his wife is still alive will not be considered the transfer of a deductible interest; because an interest in the same property has already passed from the donor for private purposes, the reversionary interest will not be considered the donor's entire interest in the property. If, on the other hand, the donor was given a life estate in Blackacre for the life of his wife and the donor had no other interest in Blackacre on or before the time of gift, the gift by the donor of one-half of that life estate to charity would be considered the transfer of a deductible interest; because the life estate would be considered the donor's entire interest in the property, the gift would be of an undivided interest in such interest. An undivided portion of a donor's entire interest in property includes an interest in property whereby the charity is given the right, as a tenant in common with the donor, to possession, dominion, and control of the property for a portion of each year appropriate to its interest in such property; it also includes an open space easement in gross in perpetuity, as defined in § 1.170A-7(b)(1)(ii) of this chapter (Income Tax Regulations).

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(ii) *Remainder interest in personal residence.* The charitable interest is an irrevocable remainder interest, not in trust, in a personal residence. For purposes of this subdivision, the term "personal residence" means property which is used by the donor as his personal residence even though it is not used as his principal residence. For example, a donor's vacation home at a resort which he occupies for 2 months each year may be a personal residence for purposes of this subdivision. The term "personal residence" also includes stock owned by the donor on the date of gift as a tenant-stockholder in a cooperative housing corporation (as those terms are defined in section 216(b) (1) and (2)) if the dwelling which the donor is entitled to occupy as such stockholder is used by him as his personal residence.

(iii) *Remainder interest in a farm.* The charitable interest is an irrevocable remainder interest, not in trust, in a farm. For purposes of this subdivision, the term "farm" means any land used by the donor or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock. The term "livestock" includes cattle, hogs, horses, mules, donkeys, sheep, goats, captive fur-bearing animals, chickens, turkeys, pigeons, and other poultry. A farm includes the improvements thereon.

(iv) *Charitable remainder trust and pooled income funds.* The charitable interest is a remainder interest in a trust which is a charitable remainder annuity trust, as defined in section 664(d)(1) and § 1.664–2 of this chapter; a charitable remainder unitrust, as defined in section 664(d)(2) and § 1.664–3 of this chapter; or a pooled income funds, as defined in section 642(c)(5) and § 1.642(c)–5 of this chapter. The charitable organization to or for the use of which the remainder interest is transferred must meet the requirements of both section 2522 (a) or (b) and section 642(c)(5)(A), section 664(d)(1)(C), or section 664(d)(2)(C), whichever applies. For example, the charitable organization to which the remainder interest in a charitable remainder annuity trust is transferred may not be a foreign corporation.

(v) *Annuity trust interest.* (*a*) The charitable interest is an annuity trust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "annuity trust interest" means an irrevocable right pursuant to the instrument of transfer to receive a guaranteed annuity. An annuity is an arrangement under which a determinable amount is paid periodically, but not less often than annually, for the life or lives of a named individual or individuals or for a specified term of years. An amount is determinable if the exact amount which must be paid under the conditions specified in the instrument of transfer can be ascertained on the date of gift. For example, the amount to be paid may be a stated sum for a term, or for the life of an individual, at the expiration of which it may be changed by a specified amount, but it may not be redetermined by reference to a fluctuating index such as the cost of living index. In further illustration, the amount to be paid may be expressed as a fraction or percentage of the cost of living index on the date of gift.

(*b*) A charitable interest is an annuity trust interest only if it is an annuity trust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not an annuity trust interest.

(*c*) Where a charitable interest in the form of an annuity is not in trust, the interest will be considered an annuity trust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing annuity contracts.

(*d*) Where a charitable interest in the form of an annuity is in trust and the present value on the date of gift of such annuity interest exceeds 60 percent of the aggregate fair market value of all amounts in such trust (after the payment of liabilities), the interest will not be considered an annuity trust interest unless the governing instrument of the trust prohibits both the acquisition and the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired such assets. The requirement in this (d) for a prohibition in the governing instrument against the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired the assets shall not apply to a trust executed on or before May 21, 1972.

(*e*) Where a charitable interest in the form of an annuity is in trust, and the trust is executed after May 21, 1972, the interest will not be considered an annuity trust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*e*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the annuity shall be paid to a private party. See § 53.4947–1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*f*) Where a charitable interest in the form of an annuity is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay an annuity trust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2522 shall be limited to the fair market value of the annuity trust interest.

(*g*) See section 4947 (a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the annuity trust interest is in trust.

(vi) *Unitrust interest.* (*a*) The charitable interest is a unitrust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "unitrust interest" means an irrevocable right pursuant to the instrument of transfer to receive payment, not less often than annually, of a fixed percentage of the net fair market value, determined annually, of the property which funds the unitrust interest. In computing the fair market value of the property which funds the unitrust interest, all assets and liabilites shall be taken into account without regard to whether particular items are taken into acount in determining the income from the property. The net fair market value of the property which funds the unitrust interest may be determined on any one date during the year or by taking the average of valuations made on more than one date during the year, provided that the same valuation date or dates and valuation methods are used each year. Payments under a unitrust interest may be paid for a specified term of years or for the life or lives of a named individual or individuals.

(*b*) A charitable interest is a unitrust interest only if it is a unitrust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not a unitrust interest.

(*c*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is not in trust, the interest will be considered a unitrust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing interests otherwise meeting the requirements of a unitrust interest.

(*d*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the interest will not be considered a unitrust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*d*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the fixed percentage of the net fair market value of the trust assets, determined annually, shall be paid to a private party. See § 53.4947–1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*e*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay the unitrust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2522 shall be limited to the net fair market value of the unitrust interest.

(*f*) See section 4947 (a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the unitrust interest is in trust.

(d) *Valuation of charitable interest*—(1) *In general.* The amount of the deduction in the case of a contribution of a partial interest in property to which this section applies is the fair market value of the partial interest on the date of gift. The fair market value of an annuity, life estate, term for years, remainder, reversion, and unitrust interest is its present value.

(2) *Certain transfers after July 31, 1969.* In the case of a transfer after July 31, 1969, of an interest described in subdivision (iv), (v), or (vi) of paragraph (c)(2) of this section, the present value of such interest is to be determined under the following rules:

(i) The present value of a remainder interest in a charitable remainder annuity trust is to be determined under § 1.664–2(c) of this chapter (Income Tax Regulations).

(ii) The present value of a remainder interest in a charitable remainder unitrust is to be determined under § 1.664–4 of this chapter.

(iii) The present value of a remainder interest in a pooled income fund is to be determined under § 1.642(c)–6 of this chapter.

(iv) The present value of an annuity trust interest described in paragraph (c)(2)(v) of this section is to be determined under § 25.2512–9 except that, if the annuity is issued by a company regularly engaged in the sale of annuities, the present value is to be determined under § 25.2512–6.

(v) The present value of a unitrust interest described in paragraph (c)(2)(vi) of this section is to be determined by subtracting the present value of all interests in the transferred property that follow the unitrust interest from the fair market value of the transferred property. For such purposes the present value of all interests that follow the unitrust interest shall be determined under § 1.664–4 of this chapter by treating such interests as a remainder interest in a charitable remainder unitrust.

(3) *Other transfers.* The present value of an interest not described in subparagraph (2) of this paragraph is to be determined under § 25.2512–5 in the case of transfers before January 1, 1971, or under § 25.2512–9 in the case of transfers after December 31, 1970.

(4) *Special computations.* If the interest transferred is such that its present value is to be determined by a special computation, a request for a special factor, accompanied by a statement of the date of birth and sex of each individual the duration of whose life may affect the value of the interest, and by copies of the relevant instruments, may be submitted by the executor to the Commissioner who may, if conditions permit, supply the factor requested. If the Commissioner furnishes the factor, a copy of the letter supplying the factor must be attached to the tax return in which the deduction is claimed. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in this paragraph.

(e) *Effective date.* This section applies only to gifts made after July 31, 1969.

PAR. 15. The following new section is inserted immediately after § 25.2522(d):

§ 25.2522(d)–1 Additional cross references.

(a) See section 14 of the Wild and Scenic Rivers Act (Public Law 90–542, 82 Stat. 918) for provisions relating to the claim and allowance of the value of certain easements as a gift under section 2522.

(b) For treatment of gifts accepted by the Secretary of State or the Secretary of Commerce, for the purpose of organizing and holding an international conference to negotiate a Patent Corporation Treaty, as gifts to or for the use of the United States, see section 3 of Joint Resolution of December 24, 1969 (Public Law 91–160, 83 Stat. 443).

(c) For treatment of gifts accepted by the Secretary of the Department of Housing and Urban Development, for the purpose of aiding or facilitating the work of the Department, as gifts to or for the use of the United States, see section 7(k) of the Department of Housing and Urban Development Act (42 U.S.C. 3535), as added by section 905 of Public Law 91–609 (84 Stat. 1609).

[FR Doc.72–6091 Filed 4–20–72;8:48 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Proposed Part Designations; Opportunity for Public Hearing

Title 50, Part 17, Appendix B, Designated Ports and Exceptions Thereto, is proposed to be amended by designating Honolulu, Hawaii, as a port of entry for fish and wildlife.

As amended, 50 CFR Part 17, Appendix B, paragraph 1 will read as follows:

APPENDIX B

DESIGNATED PORTS AND EXCEPTIONS THERETO

1. *Designated ports.* The following ports are designated as ports of entry for all fish and wildlife, except shellfish and fishery products imported for commercial purposes which may enter through any Customs district or port:

New York, N.Y.	Los Angeles, Calif.
Miami, Fla.	New Orleans, La.
Chicago, Ill.	Seattle, Wash.
San Francisco, Calif.	Honolulu, Hawaii.

• • • • • •

A hearing will be held in Honolulu, Hawaii, on April 25, 1972, beginning at 2 p.m., in Room 404 of the Federal Building, 335 Merchant Street. Members of the interested public are invited to submit comments, suggestions, or objections orally or in writing at the hearing. Interested persons may also submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of the notice in the FEDERAL REGISTER.

APRIL 4, 1972.

SPENCER SCHMIDT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.72–6103 Filed 4–20–72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 1108]

[Docket No. AO 243–A24]

MILK IN THE CENTRAL ARKANSAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order; Correction

In the notice of hearing issued April 10, 1972, for the Central Arkansas order certain language was inadvertently omitted from the first sentence appearing in the notice. Accordingly, the first sentence in that notice, which appeared in the FEDERAL REGISTER April 13, 1972 (37 F.R. 7341), is corrected to read as follows:

"Notice is hereby given of a public hearing to be held at the Sheraton-Little Rock, 601 East Seventh, Little Rock, AR, beginning at 9:30 a.m., May 2, 1972, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arkansas marketing area."

Signed at Washington, D.C., on April 18, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72–6141 Filed 4–20–72;8:53 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

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Animal and Plant Health Inspection Service

[9 CFR Part 317]

SLICED BACON

Proposed Package Design

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), proposes to amend § 317.8 (b)(5) of the Federal meat inspection regulations (9 CFR 317.8(b)(5)) to require that partially transparent packages containing sliced bacon be designed to expose a substantial portion of a representative slice so that a consumer can see the fat-to-lean ratio prior to purchasing and opening the package. A substantial portion would be the full width and not less than 70 percent of the length of the slice.

Statement of considerations. The Federal Meat Inspection Act in section 1(n)(4) (21 U.S.C. 601(n)(4)), defines a product as "misbranded" if its container is so made, formed or filled as to be misleading; and section 7(e) of the Act (21 U.S.C. 607(e)), authorizes the Secretary to require modification of packaging in use which he has reason to believe are misleading in any particular.

Numerous consumer complaints have been received over the past 5 years concerning the packaging of sliced bacon. Consumers have stated that when a package includes a window that reveals only the lean portion of the product, it is impossible for the consumer to judge the quality of the product and the consumer may be misled.

The Department proposes the following amendment that would provide for sufficient visibility of the sliced bacon in the package to allow the consumer to make a meaningful evaluation of the product. A study of packaging methods and package construction indicates attention should be given to modifying present packages rather than requiring a complete change of package design. Otherwise, complying with a regulatory change might cause unnecessary expense to the packers which would be passed on to the consumer.

The proposed amendment would provide for the display through the package of the full width and 70 percent of the length of a representative slice of the bacon.

The proposed amendment is as follows:

Section 317.8(b)(5) would be amended by designating the present text as subdivision (i) and adding a new subdivision (ii) to read:

§ 317.8 **False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.**

* * * * * * *

(b) * * *

(5) * * *

(ii) Packages for sliced bacon that have a transparent opening shall be designated to expose, for viewing, the full width and at least 70 percent of the length of a slice of bacon taken from the same portion of the carcass and representing approximately the same fat-to-lean ratio as the remainder of the contents of the package. Packages for sliced bacon which meet the following specifications will be accepted as meeting the requirements of the preceding paragraph provided the enclosed bacon is positioned so that the full width and 70 percent of the length of the representative slice can be visually examined:

(*a*) For shingle-packed sliced bacon, the length of the transparent window for display of the representative slice must be at least 70 percent of the length (longest dimension) of the package and 1½ inches wide. The 1-pound package may not have more than a ⅝-inch package lip (margin), and the 2-pound package may not have more than a ¾-inch package lip (margin) at the top or bottom of the package to maintain structural integrity.

(*b*) For stack-packed sliced bacon, the transparent window shall reveal the cut surface of the bacon and its length must be at least 70 percent of the length (longest dimension) of the package and at least 1½ inches wide.

* * * * * *

It is recognized that those affected by the proposed amendment would need time to exhaust existing inventories of packages, to obtain acceptable replacement packages, and to make equipment adjustments where necessary. Therefore, a period of 6 months following the issuance date of the amendment would be provided to permit the necessary adjustments if the amendment is adopted.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Standards and Services Division, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 60-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)), unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on April 10, 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-6138 Filed 4-20-72;8:53 am]

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED TOBACCO, TYPES 11–14

Notice of Advance Schedule and Grade Rates for Price Support on 1972 Crop

Consideration will be given to data, views, and recommendations pertaining to the advance rates set out in this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions, in order to be sure of consideration, must be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

These proposed rates calculated to provide the level of support 72.7 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are as follows:

§ 1464.16 1972 Crop—Flue-cured tobacco, types 11–14, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	98.25	B2L	86.25
A2F	96.25	B3L	83.25
B1L	91.25	B4L	81.25

[1] The advance rates listed are applicable to tied, and untied Flue-cured tobacco which is (1) eligible tobacco as defined in the regulations, and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card which bears the notation "Discount Variety-Limited Support" are 50 percent of the advance rates listed plus twelve and one-half cents ($0.125) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer and only if produced by a cooperator.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G," or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Grade	Advance Rate	Grade	Advance Rate
B5L	78.25	B5LV	73.25
B6L	74.25	B3FV	80.25
B1F	91.25	B4FV	76.25
B2F	86.25	B5FV	73.25
B3F	83.25	B3LS	76.25
B4F	81.25	B4LS	73.25
B5F	78.25	B5LS	70.25
B6F	74.25	B6LS	64.25
B1FR	90.25	B3FS	73.25
B2FR	85.25	B4FS	71.25
B3FR	82.25	B5FS	68.25
B4FR	79.25	B6FS	62.25
B5FR	76.25	B3KL	68.25
B6FR	71.25	B4KL	66.25
B3R	70.25	B5KL	63.25
B4R	66.25	B6KL	58.25
B5R	61.25	B3KF	67.25
B6R	57.25	B4KF	65.25
B3K	76.25	B5KF	62.25
B4K	73.25	B6KF	57.25
B5K	70.25	B3KM	71.25
B6K	65.25	B4KM	69.25
B3LV	80.25	B5KM	66.25
B4LV	76.25	B6KM	61.25
B3KR	76.25	C4FV	82.25
B4KR	73.25	C4LS	80.25
B5KR	70.25	C5LS	77.25
B4KV	67.25	C4KL	80.25
B5KV	63.25	C4KF	80.25
B6KV	59.25	C4KM	80.25
B5RR	57.25	C4KR	82.25
B4GL	70.25	X1L	88.25
B5GL	67.25	X4L	81.25
B6GL	62.25	X3L	84.25
B4GF	69.25	X4L	81.25
B5GF	65.25	X5L	77.25
B6GF	61.25	X1F	88.25
B4GR	63.25	X2F	86.25
B5GR	58.25	X3F	84.25
B6GR	53.25	X5F	77.25
B4GK	65.25	X3LV	80.25
B5GK	60.25	X4LV	77.25
B6GK	56.25	X3FV	80.25
B5RG	54.25	X4FV	77.25
B4GG	56.25	X3LS	79.25
B5GG	53.25	X4LS	75.25
H1L	91.25	X3FS	77.25
H2L	88.25	X4FS	74.25
H3L	86.25	X4KL	75.25
H4L	84.25	X4KF	75.25
H5L	81.25	X4KV	72.25
H6L	77.25	X3KM	78.25
H1F	91.25	X4KM	74.25
H2F	88.25	X4KR	78.25
H3F	86.25	X4G	71.25
H4L	84.25	X5G	66.25
H5F	81.25	X4GK	69.25
H6F	77.25	P2L	83.25
H3FR	83.25	P3L	80.25
H4FR	80.25	P4L	77.25
H5FR	77.25	P5L	72.25
H6FR	74.25	P2F	83.25
H4K	79.25	P3F	80.25
H5K	76.25	P4F	77.25
H6K	72.25	P5F	72.25
C1L	92.25	P4G	68.25
C2L	90.25	P5G	62.25
C3L	88.25	N1L	64.25
C4L	86.25	N1XL	68.25
C5L	84.25	N1K	63.25
C1F	92.25	N1R	53.25
C2F	90.25	N1GL	57.25
C3F	88.25	N1GF	56.25
C4F	86.25	N1GR	51.25
C5F	84.25	N1GG	47.25
C4LV	82.25		

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 15 U.S.C. 714b, 714c)

All comments, suggestions, or objections will be considered before the final schedule is published. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Director, Tobacco Division, during the regular business hours, 8:15 a.m. to 4:45 p.m. (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 17, 1972.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.72-6097 Filed 4-20-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

METHADONE

Proposed Special Requirements for Use; Correction

In F.R. Doc. 72-5297 appearing at page 6940 in the April 6, 1972, issue of the FEDERAL REGISTER, proposed § 130.48(b)(2)(i) is corrected by changing the figure "10" in line 18 of paragraph XII of the Form FD------ "Application for Approval of Treatment Program Using Methadone" to read "25" (page 6943, column 3).

Dated: April 14, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6056 Filed 4-20-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25]

UNIFORM TIRE QUALITY GRADING

Consumer Information

A notice proposing a Consumer Information Regulation on "Uniform Tire Quality Grading" was published September 21, 1971 (36 F.R. 18751). As a result of comments received in response to the notice, and a public meeting held November 12, 1971, the NHTSA has decided to issue a modified notice of proposed rule making with opportunity to comment thereon. This decision is hereby made public before the actual issuance of the modified proposal in order that any interested parties who may have planned action based on the existing notice will have knowledge of this agency's intentions.

This notice is issued under the authority of sections 103, 112, 119, and 203 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407, 1423) and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 14, 1972.

ROBERT L. CARTER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.72-6102 Filed 4-20-72;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 249]

[Docket No. 24329; EDR-223A]

CHARTER AIR TRAVEL

Extension of Time for Filing Comments

APRIL 18, 1972.

The Board, by circulation of notice of proposed rule making EDR-223, dated March 17, 1972, and published at 37 F.R. 5826, gave notice that it had under consideration proposed amendments to Parts 207, 208, 212, 214, and 249 of its Economic Regulations (14 CFR Parts 207, 208, 212, 214, and 249). The proposed amendments would: (1) Require that an air carrier or foreign air carrier which has been engaged to provide only one-way transportation from the United States in connection with a pro rata charter trip originating in the United States shall, before providing such transportation, ascertain that the carrier which is to perform the return flight has received full payment of its charges therefor; (2) facilitate enforcement of the Board's existing pro rata charter regulations; and (3) clarify certain of the Board's charter regulations. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 21, 1972.

By letter dated April 13, 1972, counsel for World Airways, Inc. (World), requested an extension of time for filing comments, to May 5, 1972, on the ground that their attorneys who handle these matters are presently out of the country participating in a transportation conference. They contend that the requested extension of time would not seriously inconvenience the parties.

The undersigned finds that good cause has been shown for an extension of time for filing comments, particularly since it seems that counsel for other interested persons are also out of the country now, attending the same transportation conference. However, since the Board, in EDR-223, expressed its tentative view that a final rule aimed at preventing strandings of passengers abroad should be promulgated in time to accomplish its purpose in this year's summer charter season, the undersigned finds that an extension beyond April 28, 1972, would not comport with the Board's view of the urgency of this rule making proceeding.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's

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Organization Regulations, the undersigned hereby extends the time for submitting comments to April 28, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[FR Doc.72-6129 Filed 4-20-72;8:52 am]

[14 CFR Parts 221, 231]

[Docket No. 22415; EDR-224]

PUBLICATION OF TARIFFS FOR CLASSES OF SERVICE SUBJECT TO SCHEDULE DESIGNATION AND CLASSES OF SERVICE NOT ACTUALLY PROVIDED TO THE PUBLIC

Notice of Proposed Rule Making

APRIL 14, 1972.

Notice is hereby given that the Civil Aeronautics Board has under consideration rule making action to amend Parts 221 and 231 of the economic regulations of the Board (14 CFR Parts 221 and 231) so as to provide for terms and conditions governing the publication of tariffs for classes of service subject to schedule designation and for classes of service not actually being provided to the public.

This advance notice of proposed rule making is being issued to invite participation by the industry, interested governmental agencies, affected localities, as well as interested members of the general public, in the Board's efforts to determine the scope of the problem, to decide whether the promulgation of rules is appropriate and feasible, and, if so, the content of such rules. If, in the Board's view, comments received indicate that further action is warranted, the Board may then issue a supplemental notice of rule making with proposed rules or request further comments from interested persons.

This notice is issued pursuant to the authority of sections 204(a), 403, 404(a), and 405(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445), 760; 49 U.S.C. 1324, 1373, 1374, 1375.

Interested parties may participate in this rule making proceeding by submitting twelve (12) copies of written data, views, or arguments pertaining thereto addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 1, 1972, will be reviewed and considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

It has come to the Board's attention that Part 221 of its economic regulations, governing the construction, publication, filing and posting of tariffs of air carriers and foreign air carriers, may be deficient in that it in effect permits substantial and significant changes in services and fares, or both, to be effectuated simply through the filing by a carrier of amendments to its general schedules filed with the Board pursuant to Part 231 of the economic regulations. Since such changes may take effect upon 10 days' notice and are not subject to suspension by the Board as would be a tariff filing, they are effectively insulated from prior Board investigation and review, as well as from public complaint.

The problem arises out of carrier tariffs which provide that the services and fares described therein are applicable only on such flights as are appropriately designated by the carrier in its official general schedules.[1] The Board's regulations do not place any limitation upon the carriers' discretion in this regard. Accordingly, it is possible for a carrier to "designate" a class of service and/or fare totally out of existence, while keeping the applicable tariff in effect, albeit in a dormant state. It further becomes possible for that carrier to reactivate that dormant tariff at some future time, simply by filing a schedule amendment showing certain flights "designated" to provide that service.

Under certain circumstances the carrier's unlimited discretion to add or drop services as described may effectively circumvent the tariff provisions of the Act, as was called to our attention by a complaint filed by the Commonwealth of Puerto Rico against Eastern Air Lines, Inc., and Pan American World Airways, Inc., Docket 22398, which we have dismissed this date by Board Order 72-4-77. In that case, the two named carriers discontinued "thrift" third-class service in the Miami-San Juan market and reinstituted "economy" second-class service in lieu thereof, with a resultant $7 increase one-way in the lowest generally-available fare in that market. The second-class tariff, while on file with the Board and in effect, had lain dormant in that market for almost 6 years prior to its resurrection.

The Board is of the belief that the maintenance of tariffs in specific markets pursuant to which no services are provided to the public is essentially inconsistent with section 404(a) of the Act, which provides that it "shall be the duty of every air carrier to provide and furnish interstate and overseas air transportation, as authorized by its certificate, upon reasonable request therefor • • •." A carrier's tariffs constitute its principal legal means of giving notice of services offered to the public, and fix its duties to the public from which it may not deviate. The public is charged by law with full knowledge of a carrier's tariffs. Accordingly, "[i]t seems obvious that, in the absence of restricting tariff provisions, the publication of a charge for a given service carries with it an obligation to perform the service for which the charge is named," C. S. Wells & Son v. Chicago, B. & Q.R. Co., 161 ICC 145, 148 (1930).[2]

More importantly, we feel that the fundamental thrust of the rate and tariff provisions of the Act is to bring carrier-initiated changes in services and charges to the public within the purview of the Board's powers of suspension and investigation and to provide adequate notice to the public of such changes. To the extent that the Board's rules permit a carrier to keep dormant tariffs "in reserve," to be implemented at will merely upon 10 days' notice, and insofar as these rules allow the termination or institution of specific classes of service in a market insulated from prior Board review, we believe them to be incompatible with the intent and purposes of the Act and the Board's responsibilities.

Our purpose herein shall be to determine appropriate and workable means to bring the carriers' elimination or activation of classes of service or of rates and fares in a market within the purview of the Board's power of suspension and investigation, and to provide adequate notice to the public of such changes. Rather than proposing specific rules at this time, the Board hereby requests comments from interested persons with regard to ways our objectives outlined herein may be accomplished.

For example, it may be that an amendment to the Board's economic regulations absolutely prohibiting the elimination of a class of service in a market, or the institution of such service, except upon the cancellation or amendment of the appropriate tariff, or the filing of a tariff, would be in order. On the other hand, it may be possible to subject a carrier's general schedule filings effectuating such changes to suspension and/or investigation by the Board, and provide for notice to the public similar to the statutory 30-day notice requirement pertaining to tariff filings. Moreover, it may be that, whatever restrictions are placed upon the carriers' discretion to make changes in classes of services offered in a market by general schedule filings, such restrictions should apply only in cases where the changes have substantial impact upon the public or upon air transportation in the affected market.[3] To this end, the degree of significance of such changes should be assessed, in terms, for example, of the number of the traveling public potentially affected, the nature and extent of the impact financially and otherwise, and the effect of the changes in terms of the characteristics and extent of the market involved.

It is not our intent to put in issue the impact of each carrier's "designation" tariff rules for each class of service in each and every market where such a "designation" rule applies. Rather, we intend this proceeding to develop general standards or principles which will thereafter govern the applicability of classes of service or of rates or fares to specific flights as designated by the carriers' official general schedules.

[FR Doc.72-6130 Filed 4-20-72;8:52 am]

[1] Descriptions of such tariffs are set forth in the Appendix, filed as part of the original document.

[2] *Cf.* Order 71-2-120 (Feb. 26, 1971), where the Board expressed the position that "a carrier's tariff should normally be confined to the publication of fares applicable to services actually performed."

[3] For example, the carriers' option of designating or not designating "night-coach" service may not be a change of such substance as to require prior Board review, inasmuch as few travelers are, as a rule, affected thereby. On the other hand, a change from "thrift" to "economy" fares in a major market, affecting many travelers and resulting in a significant increase in the lowest generally-available fare, as evidenced in the referenced case, may require Board suspension and/or investigation, as well as more public notice than is provided for changes in official general schedules.

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101–18]

UNIFORM ACQUISITION AND RELOCATION ASSISTANCE PRACTICES

Proposed Amendment to Federal Property Management Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the General Services Administration is considering an amendment to 41 CFR 101–18—Acquisition of Real Property. The amendment will establish agency policy for acquiring real property and for providing services and payments to persons displaced from real property in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by forwarding them in duplicate to the General Services Administration, Washington, D.C. 20405, within 30 calendar days following publication of this notice in the FEDERAL REGISTER.

Dated: April 17, 1972.

ARTHUR F. SAMPSON,
Commissioner,
Public Buildings Service.

As proposed, the amendment to the regulations would read as follows:

PART 101–18—ACQUISITION OF REAL PROPERTY

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646, establishes uniform policies for acquiring real property for Federal and federally assisted programs and provides for the fair and equitable treatment of persons displaced from real property by such programs. This amendment to Part 101–18 of the Federal Property Management Regulations sets forth the interim regulations to be followed by the General Services Administration in administering the provisions of Public Law 91–646.

The table of contents for Part 101–18 is amended by adding new Subparts 101–18.2 and 101–18.3 and by reserving Subparts 101–18.4—101–18.49, as follows:

Subpart 101–18.2—Acquisition by Purchase or Condemnation

Sec.	
101–18.200	Scope of subpart.
101–18.201	Purpose.
101–18.202	Authority.
101–18.203	Definitions.
101–18.203–1	Act.
101–18.203–2	Uneconomic remnant.
101–18.204	Basic acquisition policy.
101–18.205	Expenses incidental to transfer.
101–18.206	Litigation expenses.

Subpart 101–18.3—Relocation Assistance and Payments

101–18.300	Scope of subpart.
101–18.301	Purpose.
101–18.302	Authority.
101–18.303	Definitions.
101–18.303–1	Act.
101–18.303–2	Federal agency.
101–18.303–3	Person.
101–18.303–4	Displaced person.
101–18.303–5	Business.
101–18.303–6	Farm operation.
101–18.303–7	Mortgage.
101–18.303–8	Comparable replacement dwelling.
101–18.303–9	Initiation of negotiations.
101–18.303–10	Owner.
101–18.303–11	Dwelling.
101–18.303–12	Nonprofit organization.
101–18.303–13	Existing patronage.
101–18.303–14	Family.
101–18.303–15	Moving and related expense payments.
101–18.303–16	Replacement housing payments.
101–18.303–17	Replacement rental payments.
101–18.303–18	Notice of displacement.
101–18.303–19	Economic rent.
101–18.304	Basic policy.
101–18.305	Right of appeal.
101–18.306	General criteria for decent, safe, and sanitary housing.
101–18.306–1	Sleeping rooms.
101–18.306–2	Application of local code standards.
101–18.306–3	Exceptions.
101–18.307	Multiple occupancy.
101–18.308	Moving and related expenses.
101–18.308–1	Limitations.
101–18.308–2	Exclusions.
101–18.308–3	Direct losses.
101–18.308–4	Expenses in searching for a replacement business or farm.
101–18.308–5	Scheduled payments.
101–18.308–6	Fixed payments for displaced businesses or farms.
101–18.309	Replacement housing payments.
101–18.309–1	Eligibility.
101–18.309–2	Computation of replacement housing payment.
101–18.309–3	Upper limit of replacement housing payments.
101–18.310	Replacement rental payments.
101–18.310–1	Eligibility.
101–18.310–2	Owner-occupant who elects to rent.
101–18.310–3	Computation of renter's replacement rental payment.
101–18.310–4	Computation of purchaser's replacement rental payment.
101–18.311	Relocation assistance advisory services.
101–18.312	Availability determination.
101–18.313	Housing replacement as a last resort.
101–18.314	Planning and other preliminary expenses for additional housing.
101–18.315	Applicability to the acquisition of leasehold interest.

Subparts 101–18.4—101–18.49 [Reserved]

AUTHORITY: The provisions of Subparts 101–18.2 and 101–18.3 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101–18.2—Acquisition by Purchase or Condemnation

§ 101–18.200 Scope of subpart.

This subpart sets forth the policies and procedures governing the acquisition of real property by the General Services Administration (GSA) for its programs and projects in the United States, the Commonwealth of Puerto Rico, any territory or possession of the United States, and the Trust territory of the Pacific Islands.

§ 101–18.201 Purpose.

These regulations implement title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will serve to:

(a) Encourage and expedite the acquisition of real property by agreements with owners;

(b) Avoid litigation where possible and relieve congestion in the courts;

(c) Insure consistent treatment of owners in the many Federal programs; and

(d) Promote public confidence in Federal land acquisition practices.

§ 101–18.202 Authority.

The provisions of this subpart are issued under provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 40 U.S.C. 471; the Public Buildings Act of 1959, as amended, 40 U.S.C. 601–615; and sections 213, 301 et seq., Public Law 91–646, approved January 2, 1971, 84 Stat. 1894.

§ 101–18.203 Definitions.

For the purposes of this subpart, the following terms shall have the meanings set forth in this section.

§ 101–18.203–1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

§ 101–18.203–2 Uneconomic remnant.

"Uneconomic remnant" means that portion of an ownership remaining after acquisition, the retention of which provides no benefit to the owner because of

[4] Comment is invited as to the appropriate criteria which might be adopted for determining the types of schedule designation changes which should be exempted from any new rules.

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loss or difficulty of access, a changed highest and best use, remoteness, or any other reason resulting in burdening the owner thereof with expenses or responsibilities not commensurate with retention of such ownership.

§ 101–18.204 Basic acquisition policy.

GSA, to the greatest extent practicable, will:

(a) Make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Appraise real property before the initiation of negotiations and give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property.

(c) Establish, prior to the initiation of negotiations for real property, an amount estimated to be the just compensation therefor and make a prompt offer to acquire the property for the full amount so established. GSA will provide the owner of the real property to be acquired with a written statement of, and a summary of the basis for, the amount established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property will be separately stated. The summary statement to be furnished the owner will include the following:

(1) Identification of the real property and the estate or interest therein to be acquired;

(2) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;

(3) A statement that GSA's determination of just compensation is based on the estimated fair market value of the property to be acquired. If only part of the property is to be acquired or the interest to be acquired is less than the full interest of the owner, the statement will explain the basis for the determination of the just compensation;

(4) A statement that GSA's determination of just compensation is not less than its approved appraisal of the property; and

(5) A statement that any increase or decrease in the fair market value of the real property, prior to the date of valuation, caused by the public improvement or project for which the real property is to be acquired, or by the likelihood that the real property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation for the property.

(d) Acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property. This includes buildings, structures, or other improvements that GSA requires removed from the real property or that GSA determines will affect adversely the proposed use of the real property. If any buildings, structures, or other improvements comprising part of the real property are the property of a tenant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the tenant, will be apportioned to the landowner and the tenant so that the amount attributable to the tenant's improvements will be the greater of the:

(1) Fair market value of the buildings, structures, or other improvements to be removed from the property, or

(2) Contributive fair market value of the tenant's improvements to the fair market value of the entirety, which value should not be less than the value of his improvements for removal from the real property. Payment under paragraph (d) of this section will not be a duplication of any payment otherwise authorized by law. No payment will be made unless the landowner disclaims all interests in the tenant's improvements and the tenant in consideration for such payment shall assign, transfer, and release to the Government all his right, title, and interest in and to such improvements. The tenant may reject payment under paragraph (d) of this section and obtain payment for his property interests in accordance with other applicable laws.

(e) Obtain only one appraisal on each parcel, tract, etc., of real property to be acquired unless GSA determines that circumstances require an additional appraisal or appraisals.

(f) Maintain records to verify that the landowner or his designated representative(s) was given an opportunity to accompany the appraiser during the inspection of the real property.

(g) Pay an owner or tenant or deposit such payment in the registry of the court before requiring him to surrender his property. To the maximum extent practicable, owners and tenants will be given at least 90 days notice of displacement before being required to move from real property acquired by GSA. If permitted by GSA to remain in possession for a short period of time after Government acquisition, the rental charged for this occupancy will not be more than the fair rental value of the property to a short-term occupier.

(h) Not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property. Offer to acquire the entire property where the acquisition of a part of a property will leave the owner with an uneconomic remnant.

§ 101–18.205 Expenses incidential to transfer.

GSA will amend its real property purchase contract forms to provide for reimbursement to vendors in amounts deemed by GSA to be fair and reasonable for the following expenses:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid by the vendor for periods subsequent to the date title vests in the United States.

§ 101–18.206 Litigation expenses.

GSA will plan for and take into consideration the possible liability for the payment of litigation expenses of a condemnee as provided for in section 304 of the Act.

Subpart 101–18.3—Relocation Assistance and Payments (Interim Regulations)

§ 101–18.300 Scope of subpart.

This subpart contains the regulations governing relocation assistance practices, procedures, and payments by GSA in the acquisition of real property for its programs and projects pursuant to Subpart 101–18.2.

§ 101–18.301 Purpose.

These regulations implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will serve to insure uniform, fair, and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs designed for the benefit of the public as a whole and to safeguard against abuse of any of the underlying purposes, provisions, and policies of the Act.

§ 101–18.302 Authority.

The provisions of this subpart are issued under provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 40 U.S.C. 471; the Public Buildings Act of 1959, as amended, 73 Stat. 479, 40 U.S.C. 601–615; and Public Law 91–646, 84 Stat. 1894, approved January 2, 1971.

§ 101–18.303 Definitions.

For the purpose of this subpart, the following terms shall have the meanings set forth in this section.

§ 101–18.303–1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

§ 101–18.303–2 Federal agency.

"Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority); any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency); the Architect of the Capitol; and the Federal Reserve banks and branches thereof.

§ 101–18.303–3 Person.

"Person" means any individual, partnership, corporation, or association.

§ 101–18.303–4 Displaced person.

(a) "Displaced person" means any person who on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of:

(1) The acquisition of such real property by GSA in whole or in part; or

(2) Receipt from GSA of a written notice of displacement under a program or project undertaken by a Federal agency or with Federal financial assistance.

(b) For purposes of receiving moving and related expense payments and receiving relocation advisory assistance, a displaced person also is a person meeting the provisions of this section who conducts a business or farm operation on such real property.

(c) For purposes of qualifying for relocation benefits as provided in this Subpart 18.3 a displaced person is a person who moves as the result of the notice referenced in § 101–18.303–4(a)(2), regardless of whether his real property is actually acquired.

§ 101–18.303–5 Business.

"Business" means any lawful activity except a farm operation conducted primarily:

(a) For the purchase, sale, lease, or rental of personal and real property and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization, or

(d) For (in accordance with section 202(a) of the Act) assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

§ 101–18.303–6 Farm operation.

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 101–18.303–7 Mortgage.

"Mortgage" means such classes of liens as are commonly given to secure advances on or the unpaid purchase price of real property under the laws of the State in which the real property is located, with any credit instruments secured thereby.

§ 101–18.303–8 Comparable replacement dwelling.

"Comparable replacement dwelling" means a dwelling which, when compared with the dwelling being taken, is:

(a) Decent, safe, and sanitary (sound, clean, weathertight), and meets local housing codes and criteria specified in § 101–18.306.

(b) Functionally equivalent and substantially the same with respect to age, construction, state of repair, number of rooms, and square feet of living area.

(c) Open to all persons and meets the provisions of title VIII of the Civil Rights Act of 1968 (Public Law 90–284).

(d) Located in an area not generally less desirable than the dwelling to be acquired as to the neighborhood, public utilities, and commercial facilities and is reasonably accessible to the displaced person's place of employment.

(e) Available on the market and within the financial means of the displaced person or family.

(f) Adequate to accommodate the displaced person.

§ 101–18.303–9 Initiation of negotiations.

"Initiation of negotiation" means the date on which an official representative of GSA first contacts an owner (or his duly authorized representative) of real property to be acquired by GSA and discusses price.

§ 101–18.303–10 Owner.

"Owner" means an individual (or individuals) who:

(a) Holds the fee title, a life estate, a 99-year lease or a lease with not less than 50 years to run from the date of the acquisition of property; or

(b) Has an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit; or

(c) Is the contract purchaser of any such estates or interests listed in (a) above; or

(d) Has succeeded to any of the interests in paragraphs (a) or (b) of this section, by devise, bequest, inheritance, or operation of law. For the purposes of this subpart, if a person acquires ownership by any of the methods listed in this paragraph, the tenure of the succeeding owner shall be the same as the tenure of the preceding owner.

§ 101–18.303–11 Dwelling.

"Dwelling" means a single-family building, a one-family unit in a multifamily building, a unit of a condominium or cooperative housing project, or any other residential unit, including a mobile home which either is considered to be real property under State law, cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe, and sanitary dwelling.

§ 101–18.303–12 Nonprofit organization.

"Nonprofit organization" means a corporation, partnership, individual, or other public or private entity engaged in a business, professional, or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock-in-trade, or other tangible property for the carrying on of the business, professional, or institutional activity on the premises.

§ 101–18.303–13 Existing patronage.

"Existing patronage" is the annual average dollar volume of business transacted during the 2 taxable years immediately preceding the taxable year in which the business is relocated.

§ 101–18.303–14 Family.

"Family" means two or more individuals living together in the same dwelling who are related to each other by blood, marriage, adoption, legal guardianship, or operation of law.

§ 101–18.303–15 Moving and related expense payments.

"Moving and related expense payments" means those payments authorized by section 202 of the Act.

§ 101–18.303–16 Replacement housing payments.

"Replacement housing payments" means those payments authorized by section 203 of the Act.

§ 101–18.303–17 Replacement rental payments.

"Replacement rental payments" means those payments authorized by section 204 of the Act.

§ 101–18.303–18 Notice of displacement.

"Notice of displacement" means a written notice to vacate real property given by GSA generally 90 days prior to the date of vacation.

§ 101–18.303–19 Economic rent.

"Economic rent" means the amount of rent a displaced tenant would have to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired by the Government.

§ 101–18.304 Basic policy.

GSA, to the greatest extent practicable, will:

(a) Administer its real property acquisition programs and projects so that every person displaced because of such programs or projects will have been offered a comparable replacement dwelling which is decent, safe, and sanitary before being required to vacate the dwelling acquired by the Government.

(b) Make prompt and equitable payments to those eligible displaced persons to cover:

(1) Reasonable costs incurred for moving and related expenses;

(2) Amounts determined to be the replacement housing payments; and/or

(3) Amounts determined to be the replacement rental payments.

(c) Provide, or cause to be provided, relocation assistance advisory services in a manner to insure that the displaced person will receive assistance in relocation.

(d) Provide procedures for reviewing the application of an aggrieved applicant to encourage the prompt and proper resolution of the causes of such aggravation.

(e) Adhere to all existing GSA regulations, procedures, policies, and forms relating to the acquisition of real property and interests therein as well as project requirements except as modified by the requirements of the Act and these regulations.

§ 101–18.305 Right of appeal.

Any applicant aggrieved by a determination as to eligibility for a payment under the Act, or the amount of such payment, may submit through the Commissioner, Public Buildings Service, a request to have his application reviewed by the Administrator of General Services.

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§ 101–18.306 General criteria for decent, safe, and sanitary housing.

A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements:

(a) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations.

(b) Has a continuing and adequate supply of potable safe water.

(c) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and is connected to hot and cold water and an adequate sewage system.

(d) Has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where not normally included in new housing.

(e) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(f) Has an adequate and safe wiring system for lighting and other electrical services.

(g) Is structurally sound, weathertight, in good repair, and adequately maintained.

(h) Has a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(i) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfurnished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

§ 101–18.306–1 Sleeping rooms.

The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in § 101–18.306 (a), (d), (f) through (h), and the following:

(a) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(b) Lavatory, bath, and toilet facilities that provide privacy, including a door that can be locked if such facilities are separate from the room.

§ 101–18.306–2 Application of local code standards.

In those instances where there is no local housing code or where a local housing code does not meet all the standards listed in this section, the Administrator of General Services will determine the standards acceptable for decent, safe, and sanitary housing.

§ 101–18.306–3 Exceptions.

Exceptions may be granted to decent, safe, and sanitary standards and will be limited to items and circumstances that are beyond the reasonable control of the displaced person to adhere to the standards. Approved exceptions will not affect the computation of a replacement housing payment.

§ 101–18.307 Multiple occupancy.

Multiple occupancy will be treated as single occupancy in the case of individuals, not families, in dealing with benefits for replacement housing. However, each displaced individual may receive benefits for actual, reasonable moving expenses and for other related expenses and in the case of families, each family will be considered separately.

§ 101–18.308 Moving and related expenses.

Whenever the acquisition of real property by GSA will result in the displacement of any person on or after January 2, 1971, and such person occupied the real property acquired by GSA prior to its acquisition, GSA will make a payment to the person, upon application as approved by GSA, for the person's reasonable and actual moving expenses as follows:

(a) Transporting individuals, families, and property from acquired site, including storage, to the replacement site, not to exceed a distance of 50 miles, except where GSA determines that relocation beyond the 50-mile area is justified.

(b) Packing and crating of personal property.

(c) Advertising for packing, crating, and transportation when GSA determines that it is necessary.

(d) Storing personal property for a period generally not to exceed 12 months when GSA determines that storage is necessary in connection with relocation.

(e) Insuring loss and damage of personal property while in storage or transit.

(f) Removing, reinstalling, and reestablishing machinery, equipment, appliances, and other items, not acquired as real property, including reconnection of utilities, which do not constitute an improvement (except when required by law) to the replacement site, and which were not acquired by GSA. (Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that GSA is released from any payment for the property.)

(g) Replacing property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

(h) Paying other reasonable expenses determined proper by GSA.

§ 101–18.308–1 Limitations.

In the implementation of section 202 of the Act, GSA will apply the following limitations:

(a) When the displaced person accomplishes the move himself, the amount of payment will not exceed the estimated cost of moving commercially.

(b) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement will not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving, whichever is less.

(c) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, as determined by GSA, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junkyards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

§ 101–18.308–2 Exclusions.

In the implementation of section 202 of the Act, GSA will exclude the following moving expenses and losses from payment:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to the replacement site, except when required by law.

(k) Such other items as GSA determines should be excluded on the basis that they are not reasonable, prudent, or proper.

§ 101–18.308–3 Direct losses.

GSA will reimburse a displaced person as the result of the person's moving or discontinuing a business or a farm operation for direct losses to personal property in accordance with the following:

(a) When the displaced person does not move personal property, he will be required to make a bona fide effort to sell it.

(b) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to the difference between the replacement cost minus the sale proceeds, or the cost of moving, whichever is less.

(c) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the inplace value of the personal property and the sale proceeds, or the cost of moving, whichever is less.

(d) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the inplace value and the amount which would have been received from the sale of the item, or the cost of moving, whichever is less.

§ 101–18.308–4 Expenses in searching for a replacement business or farm.

In the implementation of section 202 (a)(3) of the Act, GSA will allow the following expenses, except that the total amount which a displaced person may be paid for searching expenses will not exceed $500, unless GSA determines that a greater amount is justified based on the circumstances involved:

(a) Travel costs up to a maximum distance of 100 miles.

(b) Reasonable costs for meals and lodging.

(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not exceeding $10 per hour.

(d) Broker or realtor fee to locate a replacement business or farm operation if GSA determines such service is necessary to effect a satisfactory relocation.

§ 101–18.308–5 Scheduled payments.

Any displaced person eligible for moving and related expense benefits heretofore enumerated may elect to receive a moving expense allowance determined in accordance with a schedule established by GSA but not to exceed $300 and a dislocation allowance of $200. These payments will be made upon application by the displaced person and need not be supported by any evidence of incurred expenses. The schedule established by GSA will be the room moving allowance schedules maintained by the respective State highway departments.

§ 101–18.308–6 Fixed payments for displaced businesses or farms.

Any eligible displaced business or farm operator who elects to accept a payment authorized by this section in lieu of the moving and related expense payments heretofore enumerated may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment will not be less than $2,500 nor more than $10,000. However, where an entire farm operation is not acquired, the payment will be made only if GSA determines that the farm met the definition of a farm operation prior to the acquisition and the property remaining after the acquisition is no longer an economic unit. In the case of a business, no payment will be made unless GSA is satisfied that the business: Cannot be relocated without a substantial loss of its existing patronage and is not part of a commercial enterprise having at least one other establishment not being acquired by the Government, which is engaged in the same or similar business. The term "average annual net earnings" means one-half of the sum of the net earnings of the business or farm operation before Federal, State, and local income taxes during the 2 taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired by GSA or during any other period that GSA determines to be more equitable for establishing such earnings. The "average annual net earnings" includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during that period.

(a) To be eligible for the payment authorized in this section, the business or farm operation must contribute materially to the income of the displaced owner. This standard is designed to eliminate those part-time family occupations which do not contribute materially to a displaced person's income.

(b) The loss of existing patronage of a business will be determined by GSA only after consideration of all pertinent circumstances, including the following:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed locations to the patronage of the displaced business.

(c) A person who is displaced from his place of business or farm may elect to receive a fixed relocation payment whether or not he discontinues or reestablishes operations. Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling will be regarded as displaced from his place of business, in addition to having been displaced from his dwelling, and is eligible in accordance with the foregoing requirements for a fixed payment based on the average annual net earnings.

§ 101–18.309 Replacement housing payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $15,000 to any eligible displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 180 days prior to initiation of negotiations for the acquisition of the dwelling. Such additional payments will include the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Government is determined to be the reasonable cost of a comparable replacement dwelling.

(b) The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing of the comparable replacement dwelling. This amount will be paid only if the dwelling acquired by the Government was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of the dwelling. Such amount will be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling over the remainder of the term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate will be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, legal, closing, and related costs, preparing conveyance contracts, credit reports, FHA and VA appraisal fees, and other costs incident to the purchase of the comparable replacement dwelling, but not including prepaid expenses.

§ 101–18.309–1 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment if he:

(1) Owned and occupied the acquired dwelling for not less than 180 days immediately prior to the initiation of negotiations for the real property; and

(2) Purchases and occupies a comparable replacement dwelling not later than the end of the 1-year period beginning on the date on which the displaced person receives from the Government final payment of all costs of the acquired dwelling or on the date on which he moves from the acquired dwelling, whichever is later.

§ 101–18.309–2 Computation of replacement housing payment.

GSA will compute the amount of the replacement housing payment by:

(a) Determining the amount necessary to purchase a comparable replacement dwelling using a schedule, or by devising a suitable alternate method to better meet local conditions. The schedule will be based on a continuing and current analysis of the market to determine a representative amount for each type of dwelling required.

(b) Selecting a comparable dwelling or dwellings which are actually available on the real estate market and which meet the definition of a comparable replacement dwelling. Asking prices will be adjusted to reflect market sales experience. A single comparable dwelling will be used only when additional comparable dwellings are not available.

(c) Cooperating with other Federal agencies causing displacement in a community to establish a uniform method of

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calculating replacement housing payments.

(d) Basing the interest payment portion of the replacement housing payment on the present value of the reasonable cost of the interest differential including points paid by the purchaser on the amount refinanced not to exceed the amount of the unpaid debt for its remaining term at the time of Government acquisition of the real property.

(e) Reimbursing the displaced person, in the amount found in the incidental expenses portion of the replacement housing payment, for costs incident to the purchase of a comparable replacement dwelling. This amount may include: Legal, closing, and related costs including costs of title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation; lenders', FHA, or VA appraisal fees; FHA application fees; certifying structural soundness when required by lender, FHA, or VA; credit report; title policies or abstracts of title; escrow agent's fee; and State revenue stamps, or sale or transfer taxes. However, no fee, cost, charge, or expense is reimbursable which is determined to be part of the finance charge under the Truth in Lending Act, title I, Public Law 90–321, and Regulation Z issued pursuant thereby the Board of Governors of the Federal Reserve System.

§ 101–18.309–3 Upper limit of replacement housing payments.

The amount established as the replacement housing payment for a comparable replacement dwelling sets the upper limit of this payment.

(a) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit of the replacement housing payment plus the purchase price paid for the Government acquired dwelling, the replacement housing payment will be reduced to the amount necessary to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling plus reasonable incidental expenses. A displaced person will be considered as having "purchased" such a dwelling if he acquires an existing dwelling, purchases and rehabilitates a substandard dwelling, relocates, or relocates and rehabilitates an existing dwelling, constructs a new dwelling, contracts to purchase a dwelling to be constructed on a site provided by a builder or developer, or enters into a contract for the construction of a dwelling on a site which he owns or acquired for the purpose.

(b) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling no differential payment will be made.

§ 101–18.310 Replacement rental payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $4,000 to any eligible displaced person not eligible to receive a replacement housing payment under § 101–18.309 who actually and lawfully occupied the dwelling acquired by the Government for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the dwelling. GSA will notify the tenant or other occupant of the property in writing of the actual date of initiation of negotiations. Such payment will be the amount, not to exceed $4,000, determined by GSA to be necessary to enable the displaced person to:

(a) Lease or rent for a period not to exceed 4 years a comparable replacement dwelling, or

(b) Make a downpayment, including incidental expenses described in § 101–18.309–2(e), on a comparable replacement dwelling, if such amount exceeds $2,000, the displaced person must match any amount in excess of $2,000 in making the downpayment.

§ 101–18.310–1 Eligibility.

A displaced person who is a tenant or an owner-occupant of less than 180 days prior to initiation of negotiations is eligible for a replacement housing payment if he meets both of the following requirements:

(a) Occupies, actually and lawfully, the dwelling for not less than 90 days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

(b) Meets the other eligibilty requirements of § 101–18.310.

§ 101–18.310–2 Owner-occupant who elects to rent.

An owner-occupant eligible for a replacement housing payment under the provisions of § 101–18.309 but who elects to rent a comparable replacement dwelling rather than purchase such a replacement dwelling is eligible for a replacement rental payment under these provisions. However, in no event will the replacement rental payment exceed the amount of his entitlement under the replacement housing payment provisions or the replacement rental payment provisions, whichever is less.

§ 101–18.310–3 Computation of renter's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to rent a comparable replacement dwelling will be determined by GSA by the establishment of a schedule, by using a comparative method, or by devising a suitable alternate method to better meet local conditions.

(a) GSA may establish a rental schedule for comparable replacement dwellings. The replacement rental payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (using the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations if such rent was reasonable, or if not reasonable, 48 times the monthly economic rent for the dwelling as established by GSA. Economic rent is the amount of rent the displaced tenant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(b) GSA may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired by the Government which is available on the market and is a comparable replacement dwelling. The payment will be computed by determining the amount necessary to rent for 4 years the comparable replacement dwelling and subtracting the amount of 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, or if not reasonable, 48 times the monthly economic rent.

(c) GSA may establish the average month's rent paid by a displaced person by using more than 3 months prior to negotiations if it is deemed advisable.

(d) All replacement rental payments for displaced persons who elect to rent instead of purchase, that exceed $500, will be made in four equal installments on an annual basis. Before making each annual payment, GSA will verify that the displaced person continues to occupy a decent, safe, and sanitary dwelling.

(e) When more than one Federal agency is causing displacement in a community or area, GSA will cooperate with those agencies in determining uniform replacement rental payments.

§ 101–18.310–4 Computation of purchaser's replacement rental payment.

Computation of the replacement rental payment for eligible displayed persons who elect to purchase instead of rent a comparable replacement dwelling will be the amount determined to be necessary to make a downpayment and to cover incidental expenses in the purchase of a replacement dwelling.

(a) Incidental expenses of closing the transaction are those heretofore described in § 101–18.309–2(e).

(b) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs shown on the closing statement.

(c) To receive payment to apply on the purchase of a replacement dwelling, a tenant or owner-occupant eligible under this section to receive a replacement housing payment, must purchase and occupy a decent, safe, and sanitary dwelling not later than 1 year subsequent to the date he vacated the dwelling acquired by GSA.

§ 101–18.311 Relocation assistance advisory services.

Whenever GSA causes displacement of persons residing on a public building site, after January 2, 1971, GSA will provide to all eligible displaced persons a relocation assistance advisory service. This service will be provided by GSA personnel or by the personnel of a contractor employed by GSA. If GSA determines that any person occupying property immediately adjacent to the real property acquired by the Government is caused substantial economic injury because of that acquisition, such person may be offered relocation assistance advisory services.

(a) GSA will cooperate to the maximum extent feasible with other Federal or State agencies to insure that displaced persons receive the maximum relocation assistance available to them.

(b) GSA relocation assistance advisory services will include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of eligible displaced persons, for relocation assistance.

(2) Provide current and continuing information on the availability, prices, and rentals of comparable replacement dwellings which are decent, safe, and sanitary and of comparable commercial properties and locations for displaced businesses.

(3) Insure that, within a reasonable time, prior to displacement, comparable replacement dwellings which are decent, safe, and sanitary will be available to replace the dwellings acquired by the Government.

(4) Assist a person displaced from his business or farm operation in obtaining and becoming established in a replacement location.

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(6) Provide other advisory services to displaced persons to minimize hardship to such persons in adjusting to relocation.

§ 101–18.312 Availability determination.

GSA will not proceed with any phase of a project which will cause the displacement of any person until it has determined that there will be available, within a reasonable time prior to such displacement, on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90–284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families displaced, decent, safe, and sanitary dwellings equal in number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(a) This determination will be based on a current survey and analysis of available replacement housing resources. This survey will take into account the competing demands on the available housing resources.

(b) GSA may waive the requirements of this section in periods of emergency and/or other extraordinary situations where immediate possession of real property is of crucial importance.

§ 101–18.313 Housing replacement as a last resort.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 206 of the Act.

§ 101–18.314 Planning and other preliminary expenses for additional housing.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 215 of the Act.

§ 101–18.315 Applicability of the acquisition of leasehold interest.

The relocation provisions of the Act do not apply to leasing actions except when persons are displaced as a result of the condemnation of a leasehold interest and lease construction of a building which has received congressional approval as a public buildings project pursuant to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606).

Subparts 101–18.4—101–18.49 [Reserved]

[FR Doc.72–6159 Filed 4–20–72;8:53 am]

OFFICE OF EMERGENCY PREPAREDNESS

[32 CFR 1710]

PRIVATE, NONPROFIT MEDICAL CARE FACILITIES

Repair, Reconstruction, Replacement

Public Law 92–209 amends the Disaster Relief Act of 1970, Public Law 91–606, by adding § 255 providing for the repair, reconstruction, or replacement of certain private medical care facilities. An amendment to Part 1710 of Title 32 of the Code of Federal Regulations is required to implement Public Law 92–209. The proposed amendment is set forth below.

Interested persons may submit written data, views, or arguments regarding the proposal by mailing them to the Director, Office of Emergency Preparedness, 604 17th Street NW., Washington, DC 20504, within 15 days after this notice is published in the FEDERAL REGISTER. Persons interested in inspecting or copying submissions received pursuant to this Notice should call 202–395–6111.

Dated: April 15, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

PART 1710—FEDERAL DISASTER ASSISTANCE

Section 1710.2 is amended by adding the following paragraphs:

§ 1710.2 Definitions.

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(s) "Medical care facility" includes, without limitation, any hospital, diagnostic or treatment center, or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operation of such medical care facilities although not contiguous thereto.

(t) "Tax exempt organization" means an organization or entity which has applied for, and currently has in effect from the U.S. Internal Revenue Service, a Ruling Letter granting tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(u) "Disaster Proofing" consists of those minimum alterations or modifications to damaged facilities which could be expected to prevent or substantially reduce future damages to the repair or reconstructed facility; i.e. to make the facility disaster resistant. The cost of disaster proofing measures is limited to a small percentage of otherwise eligible costs.

Section 1710.8 is amended by adding the following paragraph:

§ Project applications.

• • • • • •

(h) The local or State government, as an authorized applicant under the Act, must submit the project application on behalf of the interested private organization or entity for private, nonprofit medical care facilities. In addition to the completed application documents specified by OEP instructions for permanent work, the following additional documents and assurances must be submitted with the application:

(1) A copy of the Internal Revenue Service Ruling Letter which grants the organization or entity tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A–95.

(3) A copy of the following assurances by the interested private organization or entity:

(i) In addition to owning the facility, that it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(ii) That it will employ the lump sum contract method; employ competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid;

(iii) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times;

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(iv) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(v) That adequate financial support will be available for maintenance and operation when completed.

Section 1710.11 is amended to read as follows:

§ 1710.11 Repair and replacement of facilities.

(a) Repair or replacement of public facilities may be eligible in two phases, as outlined in subparagraphs (1) and (2) of this paragraph, dependent on the extent of damage and the circumstances under which repairs are to be made. Repair or replacement of private nonprofit medical care facilities may be eligible only as outlined in subparagraphs (2) and (3) of this paragraph. Emergency repair or replacement under section 203 of the Act is not authorized for private nonprofit medical care facilities.

(1) Emergency repair or replacement may be made only to the extent of providing a usable facility, where necessary, until a facility can be repaired or replaced to predisaster condition. The first phase will include only the minimum measures to make the facility temporarily operational. Examples are detours, rental of alternate facilities, and other similar measures. If circumstances are such that restoration of the facility can be delayed until permanent repair or replacement can be performed to predisaster conditions or, if no alternative is practical, eligible work will be considered only under subparagraph (2) of this paragraph.

(2) Permanent repair or replacement to predisaster condition, based on the design of the facility as it existed immediately prior to the disaster, and in conformity with applicable codes, specifications or standards, may be approved using the following criteria:

(i) The Federal contribution shall not exceed the net eligible cost of restoring each such facility.

(ii) Such net costs shall be based on the codes, specifications, and standards currently being used by the applicant for similar facilities in the locality, or in the case of medical care facilities, the applicable Federal, State, or local codes, specifications, and standards. The general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities" shall be applicable for those nonprofit medical care facilities that conformed to such general standards prior to the major disaster. For other nonprofit medical care facilities, any eligible replacement of damaged facilities shall conform generally to such standards as determined by the Regional Director to be consistent with their predisaster condition and utilization.

(iii) Written codes, specifications, and standards shall have been in use prior to the disaster to be applicable except for disaster proofing. If not in writing, the applicant must identify and a Federal inspector shall verify that the codes, specifications, and standards, to be applicable, have been in use prior to the disaster. If no codes, specifications, or standards, as prescribed above, have impact on eligible restorative work, repair, or replacement will be limited to returning the facility to predisaster condition, based on then-existing design.

(iv) If the damaged facility is economically repairable, as determined by the Regional Director, approved restorative work will be limited to the cost of eligible repairs.

(v) An applicant may, at its discretion, request a grant-in-lieu of authorized repair or replacement toward the repair or replacement of the facility to higher standards than provided for herein. Such grant-in-lieu shall not exceed the approved cost estimate of eligible work.

(vi) In every major Federal action or project involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Director or his staff to arrange for compliance with section 102, National Environmental Policy Act, Public Law 91-190.

(vii) The minimum policy objective in restoring facilities damaged by a major disaster shall be to assure consideration of the advantages or disadvantages of disaster proofing or relocation before any work or Federal expense is authorized. In restoring damaged facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a facility may not be economically restored and disaster proofed in a hazard area, he may authorize relocation to a less hazardous site provided that overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(3) The repair or replacement of private, nonprofit medical care facilities by Federal disaster assistance must be justified on the basis of need for such facilities as determined by the OEP Regional Director based on recommendations by the State Coordinating Officer, State and/or local health agency, and the appropriate regional health agency of the Department of Health, Education, and Welfare. No payment will be made for any work which is not the responsibility of the interested private organization or entity. The following general criteria apply for determining the eligibility of the medical care facility:

(i) It must have been in active use and providing significant medical services to the general public prior to the disaster.

(ii) It must have been recognized as an essential or integral part of the comprehensive plan for the provision of required medical facilities for the affected area or community.

(iii) It must be operated in a manner to carry out the tax exempt purposes of the owning organization.

(iv) Damages must have occurred as the result of a major disaster and impair the capability of the medical care facility to perform essential medical services for the general public.

(v) The State must furnish assurances that the hospital will be fully licensed following completion of repair or replacement.

(b) For the purposes of this section, functional furnishings and equipment essential to the operation of the facility will be considered as part of a facility: *Provided, however,* That used or surplus equipment shall be utilized to the extent practicable.

(c) Consumable supplies damaged or lost in a disaster will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 30-day requirement of each item so replaced. The 90-day deadline may be waived by the Regional Director where appropriate.

Section 1710.17 is amended to read as follows:

§ 1710.17 Federal assistance for projects under construction.

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility or private, nonprofit medical care facility which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement therefore shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs incurred by the applicant or one of its contractors or, in the case of a medical care facility, by the interested private organization or entity or one of its contractors, and determined to be eligible by the Regional Director in:

(i) Restoring a facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed physical conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received

pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence, or by the negligence of any interested private organization or entity, or by any contractor.

Section 1710.22 is amended by adding the following subparagraph:

§ 1710.22 Nondiscrimination.

• • • • •

(d) As a condition of receiving assistance under section 255, interested private organizations or entities restoring damaged medical care facilities shall be required to comply with this part and agree in writing that no person in the United States shall, on the grounds of race, religion, sex, color, age, economic status, or national origin, be subjected to discrimination under the subsequent operation of these medical care facilities.

(Public Law 92-209, 85 Stat. 742; Executive Order 11662)

[FR Doc.72-6062 Filed 4-20-72;8:48 am]

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Notices

DEPARTMENT OF STATE

Agency for International Development

AMBASSADOR AT ATHENS, GREECE, ET AL.

Revocation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 54, dated October 21, 1964, as amended, I hereby revoke the Redelegation of Authority made on September 27, 1965, as amended November 23, 1965, and published in the FEDERAL REGISTER for January 12, 1966 (31 F.R. 358), to the Ambassadors at Athens, Greece, and Beirut, Lebanon, and to the AID Mission Directors at Cairo, United Arab Republic, and Ankara, Turkey, in connection with the administration and implementation of certain grant agreements made by the United States of America pursuant to section 214 (a) and (b) of the Foreign Assistance Act of 1961, as amended.

This revocation of authority shall be effective immediately.

Dated: March 13, 1972.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

Concurrence:

CURTIS FARRAR,
Acting Assistant Administrator for Asia.

[FR Doc.72-6080 Filed 4-20-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH

Determination of Eligibility for Reimbursement

APRIL 11, 1972.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Section 2 of the Act of September 18, 1970 (84 Stat. 843), authorizes the Secretary of the Interior to reimburse Indians and former members of the Ute Indian Tribe of the Uintah and Ouray Reservation terminated by the Act of August 27, 1954 (68 Stat. 868), who sold project lands that were nonirrigable (determined according to the approved designation of 1964) for the construction, operation, and maintenance charges which were collected from the proceeds of such sales. The Secretary delegated his authority under the Act of September 18, 1970, to the Commissioner of Indian Affairs in section 30 (a) (49) of Secretarial Order 2508 which was published on page 229 of the January 7, 1971, FEDERAL REGISTER (36 F.R. 229).

Notice is hereby given that the individuals named in the listing below are determined to be eligible for reimbursement under section 2 of the Act of September 18, 1970 (84 Stat. 843). Any individual who has objections to any part of this listing may submit an appeal to the Regional Solicitor, Federal Building, 125 South State Street, Salt Lake City, UT 84111, no later than 90 days after the date this notice is published in the FEDERAL REGISTER. The Uintah and Ouray Agency, Bureau of Indian Affairs, will make the payments to the persons determined to be eligible or to their estates within 60 days after all appeals have been resloved or after the Agency receives the congressional appropriation, whichever occurs later.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER (4-21-72).

JOHN O. CROW,
Deputy Commissioner.

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
REIMBURSEMENT OF FULL BLOOD MEMBERS OF UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH				
FB-6	Wesley Accuttoroop, Randlett, Utah 84063	Unc 560	$25.30	$25.30
FB-16	Lee Alhandra, Randlett, Utah 84063	Unc 32	$42.74; $42.92	1,926.16
		Unc 103	$1,840.50	
FB-23	Roy J. Ankerpont, Fort Duchesne, Utah 84026	Unc 120	$6.16	6.16
FB-25	Florence A. Mills, Towaoc, Colo. 81334	Unc 44	$39.99	165.83
		Unc 72	$125.86	
FB-29	Robert Mark Ankerpont, Fort Duchesne, Utah 84026.	Unc 31	$207.84	1,138.44
		Unc 120	$4.11; $6.16	
		Unc 146	$726.68	
		Unc 163	$193.65	
FB-30	Joseph Ankerpont, Randlett, Utah 84063	Unc 31	$51.96	292.32
		Unc 120	$4.11; $6.16	
		Unc 146	$181.67	
		Unc 163	$48.42	
FB-31	Mary P. Ankerpont, Randlett, Utah 84063	U and W 439	$5.30	122.12
		Unc 289	$104.19	
		Unc 301	$12.57	
FB-32	Francis Ankerpont, Randlett, Utah 84063	Unc 31	$51.96	292.32
		Unc 120	$4.11; $6.16	
		Unc 146	$181.67	
		Unc 163	$48.42	
FB-39	Zina L. A. Cornpeach, Whiterocks, Utah 84085	U and W 250	$7.64	7.64
FB-59	Tommy Arrats, Route 1, Roosevelt, Utah 84066	U and W 126	$3.83	32.94
		Unc 395	$29.11	
FB-61	Albert S. Arrats, Route 1, Roosevelt, Utah 84066	U and W 658	$14.30	14.30
FB-62	Howard Arrats, Route 1, Roosevelt, Utah 84066	do	$14.30	14.30
FB-63	Melton Arrats, Route 1, Roosevelt, Utah 84066	do	$14.30	14.30
FB-65	James L. Arrats, General Delivery, Roosevelt, Utah 84066.	do	$14.30	14.30
FB-70	Bernelle Burns, Randlett, Utah 84063	Unc 120	$2.89	2.89
FB-73	Gladys S. Cuch, Fort Duchesne, Utah 84026	U and W 241	$0.75	.75
FB-98	Lucy Ashta, Randlett, Utah 84063	Unc 173	$128.44; $64.22	360.38
		Unc 174	$126.30	
		Unc 487	$41.62	
FB-99	Delores Ashta, Randlett, Utah 84063	Unc 173	$129.44; $64.22	318.85
		Unc 174	$126.10	
FB-101	Sidney Atwine, Post Office Box 5, Whiterocks, UT 84085.	U and W 311	$5.70; $1.89	7.59
FB-102	Eugenia J. Q. Atwine, Whiterocks, Utah 84085	U and W 482	$242.84	242.84
FB-112	Carmelita Jane A. N. McCook, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 301	$199.91	413.91
		Unc 32	$9.80	
		Unc 108	$204.80	
FB-113	Melvin Leo Atwine, 2610 West 8th St., Los Angeles, CA 90057.	U and W 301	$199.91	413.91
		Unc 32	$9.80	
		Unc 108	$204.80	
FB-119	Wallace Brown (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$5.35	5.35
FB-135	Charles J. Bush, Route 1, Roosevelt, Utah 84066	U and W 346	$10.94	10.94
FB-136	Lena A. Bush, Route 1, Roosevelt, Utah 84066	Unc 84	$14.08	81.70
		Unc 87	$3.44	
		Unc 360	$25.20	
		Unc 204	$8.64	
		Unc 592	$30.44	
FB-137	Sam Bush, Post Office Box 9, Whiterocks, UT 84085.	U and W 346	$2.18	2.18
FB-138	Mable C. Bush (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-140	Vessie I. Cesspooch, Randlett, Utah 84063	U and W 464	$71.71	2,073.32
		U and W 465	$1,840.33	
		Unc 32	$9.80	
		Unc 111	$151.48	
FB-148	Irene C. Cuch, Box 29, Fort Duchesne, UT 84026	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-150	Alice C. Colorow, Randlett, Utah 84063	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-151	Adelbert Alan Cuspooch, Randlett, Utah 84063	Unc 32	$1.14	103.78
		Unc 111	$102.64	

floor space for the first occupant and 50 [illegible] required [illegible]

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-368	Vincent Cuch, Fort Duchesne, Utah 84026	U and W 40	$2.40	22.40
		U and W 241	$20.00	
FB-372	Wilbur Cuch, Post Office Box 23, Fort Duchesne, Utah 84026	U and W 40	$2.40	22.40
		U and W 41	$20.00	
FB-379	Cleo D. Brown, 12827 Alameda St., Compton, CA 90220	Unc 120	$1.37; $0.76; $0.76	2.89
FB-412	Ernest Gardner, 4302 Sunnyside Dr., Riverside, CA 92506	U and W 658	$15.99	15.99
FB-419	Emma Jarris, 326 8th Ave., South, Great Falls, MT 59401	do	$2.37	2.37
FB-430	Willard M. Gardiner, Route 1, Roosevelt, Utah 84066	do	$2.37	2.37
FB-431	Yvonne G. Curry, Roosevelt, Utah 84066	do	$2.37	2.37
FB-432	Victoria Gardner Cuch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$2.37	2.37
FB-433	Gilbert J. Gardiner, Route 1, Roosevelt, Utah 84066	do	$2.37	2.37
FB-434	Jonathan Gardner, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$2.37	2.37
FB-435	Isabella B. Large, Rosgrell, Utah 84066	do	$2.37	2.37
FB-437	Emma Lou J. Cuch, Whiterocks, Utah 84085	do	$2.37	2.37
FB-443	Nonie Q. Green, 317 26th St., Apartment No. 5, Ogden, UT 84401	U and W 74	$1.33	1.33
		U and W 77	$0.67	1.67
FB-444	Juanita A. Groves (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 40	$1.40	1.40
FB-451	Janie Nick Hamilton, Myton, Utah 84052	Unc 120	$2.70	119.94
		Unc 138	$44.52	
		Unc 163	$72.72	
FB-454	Della Marie Ice Tom (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 2	$60.10	1,365.51
		U and W 783	$1,315.41	
FB-455	Mary Martin Ice, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 45	$312.42	312.42
FB-456	Diana May Gardiner, Fort Duchesne, Utah 84026	U and W 40	$0.80	.80
FB-459	Carl Pagwimuse Ignacio, Post Office Box 108, Fort Duchesne, Utah 84026	U and W 658	$10.62	10.62
FB-464	Winnie Arrum Screech, Lapoint, Utah 84039	Unc 289	$104.19	118.76
		Unc 301	$12.57	
FB-501	Annette Jenkins Cesspooch, Randlett, Utah 84063	U and W 40	$4.00	318.42
		U and W 45	$312.42	
		Unc 32	$1.94	5.94
FB-502	Wallace Jenkins, Ouray, Utah 84059	do	$1.34	5.34
FB-504	Ronald Boyd Jenkins, Ouray, Utah 84059	do	$1.34	5.34
FB-505	Glen Jenkins, Route 1, Roosevelt, Utah 84066	Unc 464	$2.33	2.33
FB-506	Lorna J. S. Jenks, Route 1, Roosevelt, Utah 84066	Unc 32	$4.14	4.14
FB-508	Hazel J. Black, Randlett, Utah 84063	U and W 241	$0.30	.45
		Unc 120	$0.15	
FB-511	Hugh Jenks, Ouray, Utah 84059	Unc 464	$2.33	2.33
FB-519	Mary Jenks, Ouray, Utah 84059	U and W 241	$0.30	.45
		Unc 120	$0.15	
FB-520	Roger Jenks, Ouray, Utah 84059	do	$0.15; $0.15	.45
FB-521	Ernest H. Jenks, Ouray, Utah 84059	do	$0.15; $0.15	.45
FB-522	Raymond Jenks, Ouray, Utah 84059	do	$0.15; $0.15	.45
FB-523	Robert Jenks, Ouray, Utah 84059	do	$0.15; $0.15	.45
FB-524	James Jenks, Ouray, Utah 84059	do	$0.15; $0.15	.45
FB-525	Percy Jenks, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$0.15; $0.15	.45
FB-526	Tom Jenks, Ouray, Utah 84059	do	$0.66	2.66
FB-528	Cecil Jenks, 600 North 24 Ave., Phoenix, AZ	Unc 464	$2.33	5.33
		do	$3.00	
FB-529	Dorothy Jenks, 600 North 24 Ave., Phoenix, AZ	do	$3.00	3.00
FB-530	Richard Jenks, Fort Duchesne, Utah 84026	U and W 241	$0.30	.45
		Unc 120	$0.15	
FB-543	Myton Johnson, Whiterocks, Utah 84085	U and W 74	$3.00	1,148.80
		U and W 77	$3.00	
		Unc 32	$1,141.80	
FB-546	Velman T. Johnson, Whiterocks, Utah 84085	U and W 120	$5.08	12.98
		U and W 297	$7.07	
FB-550	Obidya C. Johnson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	Unc 32	$149.61	5,908.98
		Unc 120	$773.00	
		Unc 206	$773.00	
		Unc 207	$3,866.12	
		Unc 586	$1,326.03	
		Unc 587	$105.78	
		Unc 594	$15.52	
		Unc 801	$966.80	

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calculating replacement housing payments.

(d) Basing the interest payment portion of the replacement housing payment on the present value of the reasonable cost of the interest differential including points paid by the purchaser on the amount refinanced not to exceed the amount of the unpaid debt for its remaining term at the time of Government acquisition of the real property.

(e) Reimbursing the displaced person, in the amount found in the incidental expenses portion of the replacement housing payment, for costs incident to the purchase of a comparable replacement dwelling. This amount may include: Legal, closing, and related costs including costs of title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation; lenders', FHA, or VA appraisal fees; FHA application fees; certifying structural soundness when required by lender, FHA, or VA; credit report; title policies or abstracts of title; escrow agent's fee; and State revenue stamps, or sale or transfer taxes. However, no fee, cost, charge, or expense is reimbursable which is determined to be part of the finance charge under the Truth in Lending Act, title I, Public Law 90-321, and Regulation Z issued pursuant thereby the Board of Governors of the Federal Reserve System.

§ 101-18.309-3 Upper limit of replacement housing payments.

The amount established as the replacement housing payment for a comparable replacement dwelling sets the upper limit of this payment.

(a) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit of the replacement housing payment plus the purchase price paid for the Government acquired dwelling, the replacement housing payment will be reduced to the amount necessary to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling plus reasonable incidental expenses. A displaced person will be considered as having "purchased" such a dwelling if he acquires an existing dwelling, purchases and rehabilitates a substandard dwelling, relocates, or relocates and rehabilitates an existing dwelling, constructs a new dwelling, contracts to purchase a dwelling to be constructed on a site provided by a builder or developer, or enters into a contract for the construction of a dwelling on a site which he owns or acquired for the purpose.

(b) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling no differential payment will be made.

§ 101-18.310 Replacement rental payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $4,000 to any eligible displaced person not eligible to receive a replacement housing payment under § 101-18.309 who actually and lawfully occupied the dwelling acquired by the Government for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the dwelling. GSA will notify the tenant or other occupant of the property in writing of the actual date of initiation of negotiations. Such payment will be the amount, not to exceed $4,000, determined by GSA to be necessary to enable the displaced person to:

(a) Lease or rent for a period not to exceed 4 years a comparable replacement dwelling, or

(b) Make a downpayment, including incidental expenses described in § 101-18.309-2(e), on a comparable replacement dwelling, if such amount exceeds $2,000, the displaced person must match any amount in excess of $2,000 in making the downpayment.

§ 101-18.310-1 Eligibility.

A displaced person who is a tenant or an owner-occupant of less than 180 days prior to initiation of negotiations is eligible for a replacement housing payment if he meets both of the following requirements:

(a) Occupies, actually and lawfully, the dwelling for not less than 90 days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

(b) Meets the other eligibilty requirements of § 101-18.310.

§ 101-18.310-2 Owner-occupant who elects to rent.

An owner-occupant eligible for a replacement housing payment under the provisions of § 101-18.309 but who elects to rent a comparable replacement dwelling rather than purchase such a replacement dwelling is eligible for a replacement rental payment under these provisions. However, in no event will the replacement rental payment exceed the amount of his entitlement under the replacement housing payment provisions or the replacement rental payment provisions, whichever is less.

§ 101-18.310-3 Computation of renter's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to rent a comparable replacement dwelling will be determined by GSA by the establishment of a schedule, by using a comparative method, or by devising a suitable alternate method to better meet local conditions.

(a) GSA may establish a rental schedule for comparable replacement dwellings. The replacement rental payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (using the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations if such rent was reasonable, or if not reasonable, 48 times the monthly economic rent for the dwelling as established by GSA. Economic rent is the amount of rent the displaced tenant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(b) GSA may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired by the Government which is available on the market and is a comparable replacement dwelling. The payment will be computed by determining the amount necessary to rent for 4 years the comparable replacement dwelling and subtracting the amount of 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, or if not reasonable, 48 times the monthly economic rent.

(c) GSA may establish the average month's rent paid by a displaced person by using more than 3 months prior to negotiations if it is deemed advisable.

(d) All replacement rental payments for displaced persons who elect to rent instead of purchase, that exceed $500, will be made in four equal installments on an annual basis. Before making each annual payment, GSA will verify that the displaced person continues to occupy a decent, safe, and sanitary dwelling.

(e) When more than one Federal agency is causing displacement in a community or area, GSA will cooperate with those agencies in determining uniform replacement rental payments.

§ 101-18.310-4 Computation of purchaser's replacement rental payment.

Computation of the replacement rental payment for eligible displayed persons who elect to purchase instead of rent a comparable replacement dwelling will be the amount determined to be necessary to make a downpayment and to cover incidental expenses in the purchase of a replacement dwelling.

(a) Incidental expenses of closing the transaction are those heretofore described in § 101-18.309-2(e).

(b) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs shown on the closing statement.

(c) To receive payment to apply on the purchase of a replacement dwelling, a tenant or owner-occupant eligible under this section to receive a replacement housing payment, must purchase and occupy a decent, safe, and sanitary dwelling not later than 1 year subsequent to the date he vacated the dwelling acquired by GSA.

§ 101-18.311 Relocation assistance advisory services.

Whenever GSA causes displacement of persons residing on a public building site, after January 2, 1971, GSA will provide to all eligible displaced persons a relocation assistance advisory service. This service will be provided by GSA personnel or by the personnel of a contractor employed by GSA. If GSA determines that any person occupying property immediately adjacent to the real property acquired by the Government is caused substantial economic injury because of that acquisition, such person may be offered relocation assistance advisory services.

(a) GSA will cooperate to the maximum extent feasible with other Federal or State agencies to insure that displaced persons receive the maximum relocation assistance available to them.

(b) GSA relocation assistance advisory services will include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of eligible displaced persons, for relocation assistance.

(2) Provide current and continuing information on the availability, prices, and rentals of comparable replacement dwellings which are decent, safe, and sanitary and of comparable commercial properties and locations for displaced businesses.

(3) Insure that, within a reasonable time, prior to displacement, comparable replacement dwellings which are decent, safe, and sanitary will be available to replace the dwellings acquired by the Government.

(4) Assist a person displaced from his business or farm operation in obtaining and becoming established in a replacement location.

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(6) Provide other advisory services to displaced persons to minimize hardship to such persons in adjusting to relocation.

§ 101-18.312 Availability determination.

GSA will not proceed with any phase of a project which will cause the displacement of any person until it has determined that there will be available, within a reasonable time prior to such displacement, on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families displaced, decent, safe, and sanitary dwellings equal in number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(a) This determination will be based on a current survey and analysis of available replacement housing resources. This survey will take into account the competing demands on the available housing resources.

(b) GSA may waive the requirements of this section in periods of emergency and/or other extraordinary situations where immediate possession of real property is of crucial importance.

§ 101-18.313 Housing replacement as a last resort.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 206 of the Act.

§ 101-18.314 Planning and other preliminary expenses for additional housing.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 215 of the Act.

§ 101-18.315 Applicability of the acquisition of leasehold interest.

The relocation provisions of the Act do not apply to leasing actions except when persons are displaced as a result of the condemnation of a leasehold interest and lease construction of a building which has received congressional approval as a public buildings project pursuant to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606).

Subparts 101-18.4—101-18.49 [Reserved]

[FR Doc.72-6159 Filed 4-20-72;8:53 am]

OFFICE OF EMERGENCY PREPAREDNESS

[32 CFR 1710]

PRIVATE, NONPROFIT MEDICAL CARE FACILITIES

Repair, Reconstruction, Replacement

Public Law 92-209 amends the Disaster Relief Act of 1970, Public Law 91-606, by adding § 255 providing for the repair, reconstruction, or replacement of certain private medical care facilities. An amendment to Part 1710 of Title 32 of the Code of Federal Regulations is required to implement Public Law 92-209. The proposed amendment is set forth below.

Interested persons may submit written data, views, or arguments regarding the proposal by mailing them to the Director, Office of Emergency Preparedness, 604 17th Street NW., Washington, DC 20504, within 15 days after this notice is published in the FEDERAL REGISTER. Persons interested in inspecting or copying submissions received pursuant to this Notice should call 202-395-6111.

Dated: April 15, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

PART 1710—FEDERAL DISASTER ASSISTANCE

Section 1710.2 is amended by adding the following paragraphs:

§ 1710.2 Definitions.

• • • • • •

(s) "Medical care facility" includes, without limitation, any hospital, diagnostic or treatment center, or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operation of such medical care facilities although not contiguous thereto.

(t) "Tax exempt organization" means an organization or entity which has applied for, and currently has in effect from the U.S. Internal Revenue Service, a Ruling Letter granting tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(u) "Disaster Proofing" consists of those minimum alterations or modifications to damaged facilities which could be expected to prevent or substantially reduce future damages to the repair or reconstructed facility; i.e. to make the facility disaster resistant. The cost of disaster proofing measures is limited to a small percentage of otherwise eligible costs.

Section 1710.8 is amended by adding the following paragraph:

§ Project applications.

• • • • • •

(h) The local or State government, as an authorized applicant under the Act, must submit the project application on behalf of the interested private organization or entity for private, nonprofit medical care facilities. In addition to the completed application documents specified by OEP instructions for permanent work, the following additional documents and assurances must be submitted with the application:

(1) A copy of the Internal Revenue Service Ruling Letter which grants the organization or entity tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A-95.

(3) A copy of the following assurances by the interested private organization or entity:

(i) In addition to owning the facility, that it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(ii) That it will employ the lump sum contract method; employ competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid;

(iii) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times;

(iv) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(v) That adequate financial support will be available for maintenance and operation when completed.

Section 1710.11 is amended to read as follows:

§ 1710.11 Repair and replacement of facilities.

(a) Repair or replacement of public facilities may be eligible in two phases, as outlined in subparagraphs (1) and (2) of this paragraph, dependent on the extent of damage and the circumstances under which repairs are to be made. Repair or replacement of private nonprofit medical care facilities may be eligible only as outlined in subparagraphs (2) and (3) of this paragraph. Emergency repair or replacement under section 203 of the Act is not authorized for private nonprofit medical care facilities.

(1) Emergency repair or replacement may be made only to the extent of providing a usable facility, where necessary, until a facility can be repaired or replaced to predisaster condition. The first phase will include only the minimum measures to make the facility temporarily operational. Examples are detours, rental of alternate facilities, and other similar measures. If circumstances are such that restoration of the facility can be delayed until permanent repair or replacement can be performed to predisaster conditions or, if no alternative is practical, eligible work will be considered only under subparagraph (2) of this paragraph.

(2) Permanent repair or replacement to predisaster condition, based on the design of the facility as it existed immediately prior to the disaster, and in conformity with applicable codes, specifications or standards, may be approved using the following criteria:

(i) The Federal contribution shall not exceed the net eligible cost of restoring each such facility.

(ii) Such net costs shall be based on the codes, specifications, and standards currently being used by the applicant for similar facilities in the locality, or in the case of medical care facilities, the applicable Federal, State, or local codes, specifications, and standards. The general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities" shall be applicable for those nonprofit medical care facilities that conformed to such general standards prior to the major disaster. For other nonprofit medical care facilities, any eligible replacement of damaged facilities shall conform generally to such standards as determined by the Regional Director to be consistent with their predisaster condition and utilization.

(iii) Written codes, specifications, and standards shall have been in use prior to the disaster to be applicable except for disaster proofing. If not in writing, the applicant must identify and a Federal inspector shall verify that the codes, specifications, and standards, to be applicable, have been in use prior to the disaster. If no codes, specifications, or standards, as prescribed above, have impact on eligible restorative work, repair, or replacement will be limited to returning the facility to predisaster condition, based on then-existing design.

(iv) If the damaged facility is economically repairable, as determined by the Regional Director, approved restorative work will be limited to the cost of eligible repairs.

(v) An applicant may, at its discretion, request a grant-in-lieu of authorized repair or replacement of the facility to higher standards than provided for herein. Such grant-in-lieu shall not exceed the approved cost estimate of eligible work.

(vi) In every major Federal action or project involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Director or his staff to arrange for compliance with section 102, National Environmental Policy Act, Public Law 91-190.

(vii) The minimum policy objective in restoring facilities damaged by a major disaster shall be to assure consideration of the advantages or disadvantages of disaster proofing or relocation before any work or Federal expense is authorized. In restoring damaged facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a facility may not be economically restored and disaster proofed in a hazard area, he may authorize relocation to a less hazardous site provided that overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(3) The repair or replacement of private, nonprofit medical care facilities by Federal disaster assistance must be justified on the basis of need for such facilities as determined by the OEP Regional Director based on recommendations by the State Coordinating Officer, State and/or local health agency, and the appropriate regional health agency of the Department of Health, Education, and Welfare. No payment will be made for any work which is not the responsibility of the interested private organization or entity. The following general criteria apply for determining the eligibility of the medical care facility:

(i) It must have been in active use and providing significant medical services to the general public prior to the disaster.

(ii) It must have been recognized as an essential or integral part of the comprehensive plan for the provision of required medical facilities for the affected area or community.

(iii) It must be operated in a manner to carry out the tax exempt purposes of the owning organization.

(iv) Damages must have occurred as the result of a major disaster and impair the capability of the medical care facility to perform essential medical services for the general public.

(v) The State must furnish assurances that the hospital will be fully licensed following completion of repair or replacement.

(b) For the purposes of this section, functional furnishings and equipment essential to the operation of the facility will be considered as part of a facility: *Provided, however,* That used or surplus equipment shall be utilized to the extent practicable.

(c) Consumable supplies damaged or lost in a disaster will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 90-day requirement of each item so replaced. The 90-day deadline may be waived by the Regional Director where appropriate.

Section 1710.17 is amended to read as follows:

§ 1710.17 Federal assistance for projects under construction.

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility or private, nonprofit medical care facility which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement therefore shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs incurred by the applicant or one of its contractors or, in the case of a medical care facility, by the interested private organization or entity or one of its contractors, and determined to be eligible by the Regional Director in:

(i) Restoring a facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed physical conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence, or by the negligence of any interested private organization or entity, or by any contractor.

Section 1710.22 is amended by adding the following subparagraph:

§ 1710.22 Nondiscrimination.

• • • • • •

(d) As a condition of receiving assistance under section 255, interested private organizations or entities restoring damaged medical care facilities shall be required to comply with this part and agree in writing that no person in the United States shall, on the grounds of race, religion, sex, color, age, economic status, or national origin, be subjected to discrimination under the subsequent operation of these medical care facilities.

(Public Law 92-209, 85 Stat. 742; Executive Order 11662)

[FR Doc.72-6062 Filed 4-20-72;8:48 am]

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Notices

DEPARTMENT OF STATE

Agency for International Development

AMBASSADOR AT ATHENS, GREECE, ET AL.

Revocation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 54, dated October 21, 1964, as amended, I hereby revoke the Redelegation of Authority made on September 27, 1965, as amended November 23, 1965, and published in the FEDERAL REGISTER for January 12, 1966 (31 F.R. 358), to the Ambassadors at Athens, Greece, and Beirut, Lebanon, and to the AID Mission Directors at Cairo, United Arab Republic, and Ankara, Turkey, in connection with the administration and implementation of certain grant agreements made by the United States of America pursuant to section 214 (a) and (b) of the Foreign Assistance Act of 1961, as amended.

This revocation of authority shall be effective immediately.

Dated: March 13, 1972.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

Concurrence:

CURTIS FARRAR,
Acting Assistant Administrator for Asia.

[FR Doc.72-6080 Filed 4-20-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH

Determination of Eligibility for Reimbursement

APRIL 11, 1972.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Section 2 of the Act of September 18, 1970 (84 Stat. 843), authorizes the Secretary of the Interior to reimburse Indians and former members of the Ute Indian Tribe of the Uintah and Ouray Reservation terminated by the Act of August 27, 1954 (68 Stat. 868), who sold project lands that were nonirrigable (determined according to the approved designation of 1964) for the construction, operation, and maintenance charges which were collected from the proceeds of such sales. The Secretary delegated his authority under the Act of September 18, 1970, to the Commissioner of Indian Affairs in section 30 (a) (49) of Secretarial Order 2508 which was published on page 229 of the January 7, 1971, FEDERAL REGISTER (36 F.R. 229).

Notice is hereby given that the individuals named in the listing below are determined to be eligible for reimbursement under section 2 of the Act of September 18, 1970 (84 Stat. 843). Any individual who has objections to any part of this listing may submit an appeal to the Regional Solicitor, Federal Building, 125 South State Street, Salt Lake City, UT 84111, no later than 90 days after the date this notice is published in the FEDERAL REGISTER. The Uintah and Ouray Agency, Bureau of Indian Affairs, will make the payments to the persons determined to be eligible or to their estates within 60 days after all appeals have been resloved or after the Agency receives the congressional appropriation, whichever occurs later.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER (4-21-72).

JOHN O. CROW,
Deputy Commissioner.

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
	REIMBURSEMENT OF FULL BLOOD MEMBERS OF UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH			
FB-6	Wesley Accuttoroop, Randlett, Utah 84063	Unc 560	$25.30	$25.30
FB-16	Lee Alhandra, Randlett, Utah 84063	Unc 32	$42.74; $42.02	1,926.16
		Unc 103	$1,840.50	
FB-23	Roy J. Ankerpont, Fort Duchesne, Utah 84026	Unc 120	$6.16	6.16
FB-25	Florence A. Mills, Towaoc, Colo. 81334	Unc 44	$39.99	165.85
		Unc 72	$125.86	
FB-29	Robert Mark Ankerpont, Fort Duchesne, Utah 84026.	Unc 31	$207.84	1,138.44
		Unc 120	$4.11; $6.16	
		Unc 146	$726.68	
		Unc 163	$193.65	
FB-30	Joseph Ankerpont, Randlett, Utah 84063	Unc 31	$51.96	292.32
		Unc 120	$4.11; $6.16	
		Unc 146	$181.67	
		Unc 163	$48.42	
FB-31	Mary P. Ankerpont, Randlett, Utah 84063	U and W 439	$5.36	122.12
		Unc 289	$104.19	
		Unc 301	$12.57	
FB-32	Francis Ankerpont, Randlett, Utah 84063	Unc 31	$51.96	292.32
		Unc 120	$4.11; $6.16	
		Unc 146	$181.67	
		Unc 163	$48.42	
FB-39	Zina L. A. Cornpeach, Whiterocks, Utah 84085	U and W 250	$7.64	7.64
FB-59	Tommy Arrats, Route 1, Roosevelt, Utah 84066	U and W 126	$3.93	32.94
		Unc 395	$29.11	
FB-61	Albert S. Arrats, Route 1, Roosevelt, Utah 84066	U and W 658	$14.30	14.30
FB-62	Howard Arrats, Route 1, Roosevelt, Utah 84066	do	$14.30	14.30
FB-63	Melton Arrats, Route 1, Roosevelt, Utah 84066	do	$14.30	14.30
FB-65	James L. Arrats, General Delivery, Roosevelt, Utah 84066.	do	$14.30	14.30
FB-70	Bernelle Burns, Randlett, Utah 84063	Unc 120	$2.99	2.99
FB-73	Gladys S. Cuch, Fort Duchesne, Utah 84026	U and W 241	$0.75	.75
FB-98	Lucy Ashta, Randlett, Utah 84063	Unc 173	$128.44; $64.22	360.38
		Unc 174	$126.30	
		Unc 487	$41.52	
FB-99	Delores Ashta, Randlett, Utah 84063	Unc 173	$128.44; $64.22	318.85
		Unc 174	$126.19	
FB-101	Sidney Atwine, Post Office Box 5, Whiterocks, UT 84085.	U and W 311	$5.70; $1.89	7.59
FB-102	Eugenia J. Q. Atwine, Whiterocks, Utah 84085	U and W 482	$242.84	242.84
FB-112	Carmelita Jane A. N. McCook, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 301	$199.91	413.91
		Unc 32	$9.60	
		Unc 108	$204.50	
FB-113	Melvin Leo Atwine, 2610 West 8th St., Los Angeles, CA 90057.	U and W 391	$199.91	413.91
		Unc 32	$9.50	
		Unc 103	$204.50	
FB-119	Wallace Brown (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$5.35	5.35
FB-135	Charles J. Bush, Route 1, Roosevelt, Utah 84066	U and W 346	$10.94	10.94
FB-136	Lena A. Bush, Route 1, Roosevelt, Utah 84066	Unc 64	$14.08	81.70
		Unc 87	$3.44	
		Unc 560	$25.30	
		Unc 294	$5.44	
		Unc 582	$33.44	
FB-137	Sam Bush, Post Office Box 9, Whiterocks, UT 84085.	U and W 346	$2.18	2.18
FB-138	Mable C. Bush (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-146	Vessie I. Cesspooch, Randlett, Utah 84063	U and W 464	$71.71	2,075.32
		U and W 465	$1,640.33	
		Unc 32	$4.04	
		Unc 111	$289.24	
FB-148	Irene C. Cuch, Box 23, Fort Duchesne, UT 84026.	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-150	Alice C. Colorow, Randlett, Utah 84063	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-151	Adelbert Alan Cesspooch, Randlett, Utah 84063.	Unc 32	$1.14	103.78
		Unc 111	$102.64	

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-363	Vincent Cuch, Fort Duchesne, Utah 84026	U and W 40	$3.40	26.40
		U and W 41	$20.00	
FB-372	Wilbur Cuch, Fort Office Box 29, Fort Duchesne, Utah 84026	U and W 40	$3.40	26.40
		U and W 41	$20.00	
FB-379	Clara Dorsey, 1907 Alameda St., Compton, CA 90220	Unc 120	$1.37; $6.76; $6.76	2.89
FB-412	Ernest Gardner, 4833 Sunnyside Dr., Riverside, CA 92506	U and W 666	$15.90	15.90
FB-419	Zelma G. Jarvis, 326 8th Ave., South, Great Falls, MT 59405	do	$2.37	2.37
FB-420	Wilda M. Gardner, Route 1, Roosevelt, Utah 84066	do	$2.37	2.37
FB-421	Yvonne G. Curry, Roosevelt, Utah 84066	do	$2.37	2.37
FB-422	Victor Gardner, Jr. (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$2.37	2.37
FB-423	Gilbert J. Gardner, Route 1, Roosevelt, Utah 84066	do	$2.37	2.37
FB-424	Jonathan Gardner, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$2.37	2.37
FB-425	Nancy Q. Gregg, 317 28th St., Apartment No. 5, Ogden, UT 84401	do	$2.37	2.37
FB-426	Jessica A. Grove (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$1.48	1.48
FB-427	Nora Q. Gregg, 317 28th St., Apartment No. 5, Ogden, UT 84401	do	$2.37	2.37
FB-442	Emma Lou J. Cuch, Whiterocks, Utah 84085	U and W 74	$12.00	12.00
		U and W 77	$6.00	6.00
FB-444	Jane Nick Hamilton, Myton, Utah 84052	U and W 43	$312.42	312.42
FB-454	Della Maria Ice Tom (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 40	$0.80	.80
FB-456	Michael Hart Ice, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 666	$10.63	10.63
FB-458	Dixie Mary Gardner, Fort Duchesne, Utah 84026	do	$2.37	2.37
FB-459	Carl Pinewinnee Ignacio, Post Office Box 108, Fort Duchesne, UT 84026	Unc 289	$104.19	116.76
FB-460	Winnie Airrum Silvesh, Laporte, Utah 80535	Unc 289	$104.19	116.76
FB-461	Annette Jenkins Cesspooch, Randlett, Utah 84063	Unc 32	$4.04	4.04
FB-502	Waldo Jenkins, Ouray, Utah 84060	do	$2.37	2.37
FB-504	Ronald Boyd Jenkins, Ouray, Utah 84060	do	$2.37	2.37
FB-505	Glen Jenks, Route 1, Roosevelt, Utah 84066	Unc 294	$5.44	5.44
FB-506	Leon J. S. Jenks, Route 1, Roosevelt, Utah 84066	Unc 294	$5.44	5.44
FB-508	Hazel J. Black, Randlett, Utah 84063	U and W 241	$0.45	.45
FB-509	Hugh Jenks, Ouray, Utah 84060	do	$2.37	2.37
FB-511	Mary Jenks, Ouray, Utah 84060	U and W 241	$2.37	2.37
FB-519	Roye Jenks, Ouray, Utah 84060	do	$0.45	.45
FB-520	Ernest B. Jenks, Ouray, Utah 84060	do	$0.45	.45
FB-521	Alvarado Jenks, Ouray, Utah 84060	do	$0.45	.45
FB-522	Isabel Jenks, Ouray, Utah 84060	do	$0.45	.45
FB-524	Jack Jenks, Ouray, Utah 84060	do	$0.45	.45
FB-525	Percy Jenks, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	Unc 444	$2.37	2.37
FB-526	Tom Jenks, Ouray, Utah 84060	do	$2.37	2.37
FB-528	Cecelia Jenks, 66 North 2d Ave., Phoenix, AZ 85003	do	$2.37	2.37
FB-529	Dorothy Jenks, 66 North 2d Ave., Phoenix, AZ 85003	do	$0.90	.45
FB-530	Richard Jenks, Fort Duchesne, Utah 84026	U and W 241	$0.90	.45
FB-543	Myton Johnson, Whiterocks, Utah 84085	do	$0.15	1,146.40
		Unc 74	$2.00	
		U and W 74	$12.00	
		U and W 280	$1,141.00	
FB-544	Velmer T. Johnson, Whiterocks, Utah 84085	U and W 120	$6.00	12.00
FB-546	Olgetta C. Johnson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 207	$7.57	5,902.68
		U and W 241	$0.45	
		Unc 103	$770.00	
		Unc 294	$5.44	
		Unc 297	$1,286.12	
		Unc 298	$1,286.12	
		Unc 555	$1,164.74	
		Unc 561	$630.76	
		Unc 581	$668.66	

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-548	Ray Bird Cesspooch, Fort Duchesne, Utah 84026	Unc 32	$1.14	108.78
		Unc 103	$102.64	
FB-554	Clee Cesspooch, Randlett, Utah 84063	Unc 32	$4.04	12.02
FB-555	Mary Cesspooch, Randlett, Utah 84063	Unc 120	$4.77	24.77
FB-561	Darrilla L. C. Ban Juan, Randlett, Utah 84063	Unc 32	$0.54; 0.91	1.36
FB-563	Clarinda Cesspooch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$0.18; 0.36	.54
FB-564	Frank D. Cesspooch, Randlett, Utah 84063	Unc 120	$1.33	1.33
FB-565	Frank D. Cesspooch, Jr., Randlett, Utah 84063	Unc 32	$24.77	724.77
FB-566	Rosey Cesspooch, Randlett, Utah 84063	Unc 103	$700.00	61.95
		Unc 120	$1.37	
		Unc 121	$0.58	
FB-573	Larry L. Cesspooch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	Unc 32	$1.14	12.02
FB-574	Mae Cesspooch, Randlett, Utah 84063	Unc 120	$10.88	345.13
FB-577	Ellen Ute Cesspooch, Randlett, Utah 84063	Unc 32	$4.04	4.04
FB-582	Hanna Mountain Lion Cesspooch, Randlett, Utah 84063	do	$2.37	2.37
FB-586	Nikki Q. Cesspooch, Randlett, Utah 84063	do	$1.33	1.33
FB-587	Vina L. Cesspooch, Randlett, Utah 84063	do	$1.33	1.33
FB-588	Ferron A. Chapoose, Ouray, Utah 84060	Unc 74	$12.00	12.00
FB-589	Bernice P. Chapoose, Randlett, Utah 84063	Unc 74	$12.00	96.24
		Unc 120	$84.24	
FB-590	Gertrude Q. Urrutia, Post Office Box 12, Myton, Utah 84052	U and W 582	$2.18	116.75
FB-592	David Colorow, Whiterocks, Utah 84085	Unc 60	$3.44	30.47
FB-593	Rosella M. Conetah, Myton, Utah 84052	Unc 82	$3.44	2.04
FB-594		Unc 44	$40.00	165.87
FB-595		Unc 72	$125.87	
FB-597	Fred Cowiah, Myton, Utah 84052	Unc 120	$4.08	5.00
FB-598	Edward Cuch, Fort Duchesne, Utah 84026	Unc 120	$4.08	92.95
FB-599	Esther Cornpeach, Whiterocks, Utah 84085	U and W 74	$12.00; $1.25	24.87
		U and W 77	$7.00; $0.62	
FB-600	Cecelia V. Cornpeach Ridley, Whiterocks, Utah 84085	U and W 74	$1.00	3.00
		U and W 77	$2.00	
FB-601	Shalford D. Cornpeach, Whiterocks, Utah 84085	U and W 74	$1.00	2.00
		U and W 77	$2.00	
FB-602	John Campbell, Whiterocks, Utah 84085	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-603	Albert Cornpeach, Whiterocks, Utah 84085	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-604	Paul Cornpeach, Whiterocks, Utah 84085	U and W 74	$11.00; $1.24	345.86
		U and W 77	$7.00; $0.62	
FB-606	Lyon Cornpeach, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 74	$2.00	1.87
FB-607	Ethel Cornpeach (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 74	$2.77; $1.30	4.07
FB-608	William Colorow, Ouray, Utah 84060	do	$1.30	5.43
FB-627	Alex Lee Colorow, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$1.30; $0.96	.84
FB-628	Ruben Cuch, Post Office Box 2, Whiterocks, Utah 84085	U and W 40	$4.67	6.67
FB-629	Ruben Cuch, Post Office Box 2, Whiterocks, Utah 84085	do	$4.67	2.67
FB-631	Raymond Cuch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$2.66	2.66
FB-632	Jean Cuch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	do	$2.66	2.66
FB-633	Charley Cuch, Whiterocks, Utah 84085	do	$20.00	20.00
FB-634	Charley Cuch, Post Office Box 151, Tridell, UT 84076	U and W 120	$2.95	2.95
FB-635	Rachel A. Cuch, Post Office Box 29, Fort Duchesne, Utah 84026	do	$60.00	60.00
FB-636	Henry T. Cuch, Fort Duchesne, Utah 84026	U and W 40	$2.80	22.80
		U and W 41	$20.00	
FB-640	Jerry W. Cuch, Ft. Duchesne, Utah 84026	U and W 40	$2.80	22.80
		U and W 41	$20.00	
FB-641	Mildred L. Cuch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026	U and W 40	$2.80	22.80
		U and W 41	$20.00	
FB-642	Alex Cuch Dodney, Fort Duchesne, Utah 84026	U and W 40	$2.80	22.80
		U and W 41	$20.00	
FB-643	Jesse Cuch, Fort Duchesne, Utah 84026	U and W 40	$2.80	22.80
		U and W 41	$20.00	
FB-644	Russell Cuch, Fort Duchesne, Utah 84026	U and W 40	$2.80	177.10
		U and W 41	$20.00	
		Unc 32	$1.14	
		Unc 103	$102.64	

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Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-554	Helen A. J. Cotonuts, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 40	$531.99	633.19
		Unc 560	$101.20	
FB-558	Antonio J. Kanip, 4405 West Nevada Pl., Denver, CO 80219.	Unc 32	$1.33	1.33
FB-559	Geneva Kanip, 3737 South Centinela Ave., Apartment D, Los Angeles, CA 90066.	do	$1.33	1.33
FB-580	Thomas LaRose, Jr., Whiterocks, Utah 84085	U and W 241	$0.25	.25
FB-582	Eugene LaRose, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.07	.07
FB-583	Hank L. LaRose, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.07	.07
FB-589	Fred Lonebear, Randlett, Utah 84063	Unc 32	$2.71	2.71
FB-592	Paul Lonebear, Myton, Utah 84052	Unc 172	$5.00	5.00
FB-595	Inez Ice Loney (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 217	$81.65	172.71
		Unc 219	$91.06	
FB-596	Gene Loney, Fort Duchesne, Utah 84026	Unc 217	$40.82	86.35
		Unc 219	$45.53	
FB-597	Drusilla Loney Cotonuts, Fort Duchesne, Utah 84026.	Unc 32	$2.04	88.39
		Unc 217	$40.82	
		Unc 219	$45.53	
FB-598	Lyman Loney, Post Office Box 43, Goshen, UT 84633.	Unc 217	$40.82	86.35
		Unc 219	$45.53	
FB-599	Glenn Loney, Fort Duchesne, Utah 84026	Unc 217	$244.92	604.47
		do	$40.82	
		Unc 219	$273.19; $45.54	
FB-601	Carmelita Longhair Patterson, Whiterocks, Utah 84085.	Unc 217	$18.13; $9.06; $18.15	60.46
		Unc 218	$6.05	
		do	$6.05; $3.02	
FB-602	Alvin Longhair, Route 1, Roosevelt, Utah 84066.	Unc 217	$18.13; $9.06; $18.14	60.44
		Unc 218	$6.04; $6.05; $3.02	
FB-603	Alta Mae Longhair Tindore, Post Office Box 18, Fort Hall, ID 83203.	Unc 217	$81.64	108.85
		Unc 218	$27.21	
FB-604	Clayson Longhair (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 217	$18.13; $9.04; $18.14	60.41
		Unc 218	$6.04; $6.04; $3.02	
FB-607	Clarice Cuch Lopez, Towaoc, Colorado 81334	U and W 40	$2.67	2.67
FB-609	Margaret Q. L. Rios, Post Office Box 394, Peoria, AZ 85345.	do	$1.48	1.48
FB-612	Albert Manning, Post Office Box 15, Whiterocks, UT 84085.	U and W 241	$0.75	.75
FB-613	Ferdinand Manning Jr., Whiterocks, Utah 84085.	do	$0.75	.75
FB-617	Anna I. C. Manning, Whiterocks, Utah 84085	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-628	Nellie Jolean Mart, Whiterocks, Utah 84085	U and W 482	$26.98	26.98
FB-626	Gerald Martinez, Post Office Box 653, Roosevelt, UT 84066.	U and W 126	$0.64	5.49
		Unc 395	$4.85	
FB-629	Matilda Martinez, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$1.91	16.47
		Unc 395	$14.56	
FB-630	Madeline M. Brock, Lapoint, Utah 84039	U and W 126	$0.64	5.49
		Unc 395	$4.85	
FB-633	Ethel Tom, Fort Duchesne, Utah 84026	Unc 74	$47.66	158.95
		Unc 76	$40.23	
		Unc 77	$36.70	
		Unc 78	$31.34	
FB-635	Franklin McCook, Randlett, Utah 84063	Unc 120	$34.77	34.77
FB-641	Ouray McCook, Fort Duchesne, Utah 84026	do	$34.77	34.77
FB-651	Larry McCook, Post Office Box 614, Bernalillo, NM 87004.	do	$2.89	2.89
FB-656	Charlie McKewan, Randlett, Utah 84063	U and W 241	$2.23	937.94
		Unc 74	$286.04	
		Unc 76	$241.33	
		Unc 77	$220.22	
		Unc 78	$188.12	
FB-657	Jackie McKewan Brock, Lapoint, Utah 84039	U and W 241	$6.68	46.06
		Unc 189	$21.84	
		Unc 190	$17.54	
FB-659	Dick McKewan, Randlett, Utah 84063	U and W 241	$2.23	2.23
FB-670	Harvey Mianna, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 267	$1,521.64	1,958.96
		Unc 242	$307.98	
		Unc 247	$30.34	
FB-672	Marguerita F. C. Mills Weeks, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.45	407.43
		Unc 113	$300.96	
		Unc 32	$12.02	
FB-677	Marion Miller, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$153.40	1,276.91
		Unc 135	$1,122.42	
FB-681	Carrie M. Yump, Fort Duchesne, Utah 84026	Unc 168	$129.24	129.24
FB-689	Arthur Mountain Lion, General Delivery, Roosevelt, Utah 84066.	Unc 120	$1.86	28.62
		Unc 138	$21.77	

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-697	Dorothy C. Mountain Lion, Whiterocks, Utah 84085.	U and W 40	$2.67	2.67
FB-692	Lester Mountain Lion, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.85	23.62
		Unc 138	$21.77	
FB-698	Flora Mountain Lion Taveapont, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$22.96	22.96
FB-699	Pete Mountain Sheep, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$27.74	746.98
		Unc 138	$718.24	
FB-718	Frank Myore, Randlett, Utah 84063	Unc 44	$40.00	543.47
		Unc 72	$125.87; $377.60	
FB-724	Eliza A. Myore, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 70	$445.06	445.06
FB-725	Eve M. Arrats, Route 1, Roosevelt, Utah 84066	do	$222.53	222.53
FB-727	Rosita M. A. Zamora, Bridgeland, Utah 84012	do	$222.52	222.52
FB-728	Kline Myore, Bridgeland, Utah 84012	do	$222.53	222.53
FB-729	Zoe T. Myore, 465 22d St., Apartment No. 1, Ogden, UT 84410.	Unc 32	$5.35	5.35
FB-730	Dannie Kay Myore, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$5.34	5.34
FB-734	William B. Myore, Randlett, Utah 84063	Unc 44	$40.00	543.48
		Unc 72	$125.87; $377.61	
FB-748	Mary Sue Serawop, Fort Duchesne, Utah 84026	Unc 120	$1.37; $0.76; $0.76	2.89
FB-752	Sarah N. Mann, Post Office Box 31, Tooele, UT 84074.	Unc 31	$20.79	145.00
		Unc 146	$72.67	
		Unc 149	$51.54	
FB-753	Maggie N. Blackwater, Randlett, Utah 84063	Unc 31	$20.79	145.00
		Unc 146	$72.67	
		Unc 149	$51.54	
FB-754	Violet M. N. Miller, Route 1, Box 78, Tooele, UT 84074.	Unc 31	$20.78	144.99
		Unc 146	$72.67	
		Unc 149	$51.54	
FB-755	Sandra Mae Natchees, Randlett, Utah 84063	Unc 31	$20.78	144.98
		Unc 146	$72.66	
		Unc 149	$51.54	
FB-756	Harvey Natchees, Fort Duchesne, Utah 84026	Unc 31	$20.79	145.01
		Unc 146	$72.67	
		Unc 149	$51.55	
FB-762	Leon Navanick, Randlett, Utah 84063	U and W 126	$0.48	4.12
		Unc 395	$3.64	
FB-763	Donna N. Queacut, 3671/2 East 6th South, Salt Lake City, UT 84102.	U and W 126	$0.48	4.12
		Unc 395	$3.64	
FB-764	Blake Navanick, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$0.48	4.12
		Unc 395	$3.64	
FB-765	Lorraine Navanick, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$0.48	4.11
		Unc 395	$3.63	
FB-775	Fernando Nephi, Post Office Box 343, Roosevelt, UT 84066.	U and W 311	$0.37; $0.38; $1.14; $0.64	2.53
FB-776	Darlene P. Nephi, Post Office Box 343, Roosevelt, UT 84066.	U c 84	$21.11; $14.08	107.99
		Unc 87	$5.16; $3.44	
		Unc 294	$8.16; $5.44	
		Unc 560	$50.60	
FB-782	Laura N. Chegup, Whiterocks, Utah 84085	U and W 311	$0.38; $0.38; $1.14; $0.64	2.54
FB-792	Ruth Pauline N. N. Pawwinnee, 188 C St., Salt Lake City, UT 84103.	do	$0.38; $0.38; $1.14; $0.63	2.53
FB-795	Nevet Nez, Dinchene, Utah 84021	Unc 120	$0.92	11.80
		Unc 138	$10.88	
FB-801	John Harper Nick, Myton, Utah 84052	Unc 479	$91.18	91.18
FB-807	Nettie Flora B. Oarum, Whiterocks, Utah 84085.	U and W 120	$3.92	160.19
		U and W 297	$4.72	
		Unc 84	$77.41	
		Unc 87	$18.92	
		Unc 294	$29.92	
		Unc 560	$25.30	
FB-809	Walter Oarum, Whiterocks, Utah 84085	U and W 120	$2.61	5.75
		U and W 297	$3.14	
FB-813	Leo Panowitz, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 754	$109.64	109.64
FB-815	Delbert Pargeets, Whiterocks, Utah 84085	U and W 74	$1.25	1.88
		U and W 77	$0.63	
FB-816	Christine Pargeets, Whiterocks, Utah 84085	U and W 74	$1.25	1.87
		U and W 77	$0.62	
FB-817	Alfred Parriette, Post Office Box 52, Fort Duchesne, UT 84026.	U and W 186	$451.60	451.60
FB-820	Wilford E. Parriette, 4735 Catalpa St., No. 32, Los Angeles, CA 90032.	do	$451.60	451.60
FB-829	Clarice H. Pawwinnee Ignacio, Ouray, Utah 84059.	Unc 82	$2,448.10	2,448.10

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-830	Linda Kay Pawwinnee, Ouray, Utah 84059	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-832	Charlene P. Nephi, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$104.19	116.75
		Unc 301	$12.56	
FB-834	Betty M. Pawwinnee, Randlett, Utah 84063	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-835	Zelda P. Cesspooch, Randlett, Utah 84063	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-836	Eph Pawwinnee, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-838	Elsie Pawwinnee, Ouray, Utah 84055	Unc 289	$520.95	2,456.82
		Unc 302	$1,307.46	
		Unc 301	$625.56; $97.85	
FB-839	Louise P. Cush, Fort Duchesne, Utah 84026	Unc 289	$104.19	116.75
		Unc 301	$12.56	
FB-840	Nancy Pawwinnee, 187 South 7th East, Salt Lake City, UT 84102.	Unc 289	$104.19	116.76
		Unc 301	$12.57	
FB-841	Vernon Pawwinnee, 188 C St., Salt Lake City, UT 84103.	Unc 289	$104.19	116.76
		Unc 301	$12.57	
FB-842	Sally P. Box, 109 Larch Dr., Security, CO 80911.	Unc 289	$104.19	116.76
		Unc 301	$12.57	
FB-843	Esther A. Pegaroose, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$22.96	22.96
FB-845	Nettie M. Perank, Myton, Utah 84052	Unc 70	$222.53	222.53
FB-860	Fredrick Pinnecoose, Route 1, Ignacio, Colo. 81137.	Unc 206	$50.99	64.03
		Unc 207	$2.50	
		Unc 246	$2.44	
FB-863	Guy Pinnecoose, Randlett, Utah 84063	Unc 206	$50.99	64.93
		Unc 207	$2.50	
		Unc 240	$2.44	
FB-886	Josie T. Pope, Myton, Utah 84052	Unc 55	$1,159.96	1,424.13
		Unc 84	$142.52	
		Unc 294	$55.08	
		Unc 120	$66.58	
FB-890	Henry Pryor, 72 West 2d South, Salt Lake City, UT 84101.	U & W 590	$121.38	121.38
FB-894	Charles E. Quesenut, 2216 Lincoln Ave., Ogden, UT 84409.	U & W 40	$6.67	6.67
FB-896	Charles E. Quesenut, Jr., 450 South 2d East, Salt Lake City, UT 84111.	do	$1.48	1.48
FB-897	Ethelyn G. Mendes, 2216 Lincoln Ave., Ogden, UT 84403.	do	$1.48	1.48
FB-898	Douglas M. Quesenut, Vernal, Utah 84078	do	$1.48	1.48
FB-899	Jesse Quesenut, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.48	1.48
FB-900	Linda D. G. Lindsy, Route 2, Box 8, Vernal, UT 84078.	do	$1.48	1.48
FB-901	Jerry Quesenut, 2216 Lincoln Ave., Ogden UT 84403.	do	$1.48	1.48
FB-902	Elizabeth G. Chenestudey, Route 2, Box 8, Vernal, UT 84078.	do	$1.48	1.48
FB-903	Charlene M. Redden, 842 East 24 South, Salt Lake City, UT 84102.	U and W 482	$20.24; $26.99	47.23
FB-907	Phyllis N. Henry Runner, Post Office Box 192, Heart Butte, MT 59448.	do	$20.24; $26.99	47.23
FB-908	Mary Lee N. Mountain, Route 1, Roosevelt, Utah 84066.	do	$20.22; $26.99	47.21
FB-909	Jean C. Noble, Route 1, Roosevelt, Utah 84066	do	$20.22; $26.99	47.21
FB-914	Helen A. A. Benson, Roosevelt, Utah 84066	U and W 486	$14.31	14.31
FB-917	Douglas S. Redleot, Towaoc, Colo. 81334	do	$7.18	7.18
FB-921	Charles Redleot, Whiterocks, Utah 84085	U and W 120	$5.88	12.98
		U and W 297	$7.07	
FB-929	Perkins R. Tapoof (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 486	$14.30	14.30
FB-940	Steven Ridley, Whiterocks, Utah 84085	U and W 480	$171.09	171.09
FB-948	Doris U. S. Ridley, Post Office Box 14, Whiterocks, UT 84085.	Unc 120	$1.86	23.62
		Unc 138	$21.77	
FB-969	Eva A. Saknikent, Whiterocks, Utah 84085	U and W 311	$0.37; $1.89	7.58
FB-971	Rachel C. Saknikent (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$6.01	316.43
		U and W 43	$310.42	
FB-977	Norma S. Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.74	.74
FB-978	Ina L. Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
FB-979	Veronica Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.09	.09

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-980	Dan T. Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.09	.09
FB-983	Nema M. S. Appawoo, Randlett, Utah 84063	Unc 44	$40.00	165.87
		Unc 72	$125.87	
FB-992	Frances O. Secakuku, Fort Duchesne, Utah 84026.	U and W 40	$2.50	22.50
		U and W 41	$20.00	
FB-994	Archie Serawop, Randlett, Utah 84063	U and W 241	$1.48	13.60
		Unc 32	$12.12	
FB-996	Charles Serawop, Randlett, Utah 84063	do	$2.04	2.04
FB-997	Lena O. Serawop, Randlett, Utah 84063	do	$1.89	1.89
FB-1000	David Serawop, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$18.21	82.90
		Unc 120	$60.49	
FB-1004	James Serawop, Fort Duchesne, Utah 84026	Unc 32	$12.21	12.21
FB-1006	Keith D. Serawop, General Delivery, Towaoc, Colo. 81334.	U and W 241	$0.74	.74
FB-1020	Vera Shavanaux, Randlett, Utah 84063	Unc 120	$7.44; $4.13; $4.13	15.99
FB-1021	Dru Shavanaux, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; $0.76; $0.76	2.89
FB-1023	Dale Shavanaux, Randlett, Utah 84063	do	$1.37; $4.52; $0.76; $0.76; $12.54.	19.95
FB-1024	Darrell Shavanaux Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; $4.52; $0.76; $0.76; $12.54.	19.95
FB-1025	Edmond Shavanaux, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; $4.52; $0.76; $0.76; $12.54.	19.94
FB-1026	Corrine Shavanaux, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; $4.52; $0.76; $0.76; $12.54.	19.95
FB-1028	Lottie L. Sheyo, Post Office Box 26, Fort Washakie, WY 82641.	Unc 217	$81.64; $81.64; $40.84	272.14
		Unc 218	$13.61	
		Unc 218	$27.21; $27.20	
FB-1030	Rose R. S. Sibello, Randlett, Utah 84063	U and W 126	$0.96	314.89
		Unc 32	$4.07	
		Unc 120	$305.99	
FB-1033	Stanford Bert Sibello, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$0.96	3.83
FB-1044	Emma M. Streech, Post Office Box 67, Fort Duchesne, UT 84026.	Unc 120	$17.26	17.26
FB-1046	Edith C. Streech, Randlett, Utah 84063	Unc 32	$1.14	108.78
		Unc 111	$103.64	
FB-1051	Tommy Sowsonicut, Post Office Box 8, Whiterocks, UT 84085.	Unc 74	$286.04	935.71
		Unc 76	$241.33	
		Unc 77	$220.22	
		Unc 78	$188.12	
FB-1059	James Starr, Neola, Utah 84053	U and W 512	$12.17; $12.17	24.34
FB-1060	Estelle B. Starr, Neola, Utah 84053	Unc 84	$448.57	723.06
		Unc 87	$169.93	
		Unc 294	$104.56	
FB-1064	Rufus Starr, Post Office Box 33, Fort Duchesne, UT 84026.	U and W 558	$7.15	7.15
FB-1073	Wallace Tabbee, Randlett, Utah 84063	Unc 120	$12.46; $26.50	51.96
FB-1074	Arlyne M. Tabbee, Randlett, Utah 84063	Unc 84	$40.00	165.87
		Unc 72	$125.87	
FB-1083	Tahrah Tabbee, Ouray, Utah 84059	Unc 120	$16.44	16.44
FB-1084	Katie W. Tabbee, Ouray, Utah 84059	Unc 32	$22.13	119.13
		Unc 344	$96.99	
FB-1086	Wilbur Tabbee, Roosevelt, Utah 84066	Unc 464	$120.01	120.01
FB-1099	Tom Tahgipoots, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 207	$9.09	9.99
		Unc 546	$4.38	
FB-1101	Adelbert K. C. Tapoof, Whiterocks, Utah 84085	U and W 74	$2.00	3.00
		U and W 77	$1.00	
FB-1102	Vernita T. Copperfield, Whiterocks, Utah 84085	U and W 74	$2.00	3.00
		U and W 77	$1.00	
FB-1106	Allen Tahgav, Ouray, Utah 84059	U and W 241	$0.74	.74
FB-1107	Ray TeVanpoot, Whiterocks, Utah 84085	Unc 569	$10.97	10.97
FB-1121	Victoria W. Taylor, South Browning Avenue, Ignacio, Colo. 81137.	Unc 120	$4.96	62.99
		Unc 138	$58.03	
FB-1129	Tommy Thompson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$11.64	11.64
FB-1131	Willard Thompson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.99	2.99
FB-1132	Gloria T. Arrowsqep, c/o Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.99	2.99
FB-1134	Thomas E. Thompson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.99	2.99
FB-1135	Willis Thompson, Route 1, Roosevelt, Utah 84066.	Unc 464	$100.01	100.01
FB-1137	Rita W. Tohpi, Post Office Box 241, Carnegie, OK 73015.	Unc 119	$724.00	724.00

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-1140	Glenn Tom, Post Office Box 29, Whiterocks, UT 84085.	Unc 74	$47.67	155.93
		Unc 76	$40.22	
		Unc 77	$36.70	
		Unc 78	$31.34	
FB-1141	Mary Jane Ice, 371 West South Temple St., Salt Lake City, UT 84100.	U and W 40	$4.00	316.41
		U and W 43	$312.41	
FB-1143	Ignacio Tom, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 74	$93.36	311.89
		Unc 76	$80.45	
		Unc 77	$73.40	
		Unc 78	$62.68	
FB-1146	Orson Tom, Post Office Box 36, Whiterocks, UT 84085.	Unc 74	$47.67	155.93
		Unc 76	$40.22	
		Unc 77	$36.70	
		Unc 78	$31.34	
FB-1153	Eva B. Tonegats, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 346	$4.38	4.38
FB-1160	Lucille T. Kurip, Post Office Box 21, Whiterocks, UT 84085.	U and W 77	$30.00	39.10
		Unc 552	$9.10	
FB-1161	Letitia T. C. Bow, Post Office Box 384, Cedar City, UT 84720.	U and W 77	$30.00	39.10
		Unc 552	$9.10	
FB-1166	Charma Toponotes, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 117	$109.82	109.82
FB-1171	Mary Ann Perank, Fort Duchesne, Utah 84026	Unc 32	$32.26	32.26
FB-1184	Donachana Unca Sam, Fort Duchesne, Utah 84026.	Unc 402	$178.88	178.88
FB-1190	Hugh T. Unca Sam, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$4.00	6.00
		U and W 77	$2.00	
FB-1205	Clarence Uncoplukre, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$12.02	778.22
		Unc 112	$766.20	
FB-1206	Phyllis M. Burson, Post Office Box 74, % Nettie Eker, Carlin, NV 89822.	U and W 126	$0.64	5.49
		Unc 305	$4.85	
FB-1209	Nema C. U. Whitetail, Post Office Box 10, Whiterocks, UT 84085.	U and W 40	$20.00	20.00
FB-1210	Howell Ungaska, Ouray, Utah 84059	Unc 189	$64.63	118.15
		Unc 190	$53.52	
FB-1213	Edith C. Upchego, Whiterocks, Utah 84085	U and W 74	$15.00; $1.25	24.38
		U and W 77	$7.50; $0.63	
FB-1223	Rachel Serawop Wanna, Randlett, Utah 84063	Unc 32	$12.21	12.21
FB-1229	Lorraine C. Wash, Route No. 2, Roosevelt, Utah, 84066.	do	$1.14	103.78
		Unc 111	$102.64	
FB-1240	Grace G. Washington, Whiterocks, Utah 84085	U and W 410	$160.00	160.00
FB-1241	Lorna J. W. Diaz, Post Office Box 112, Tooele, UT 84074.	do	$160.00	160.00
FB-1256	Helen G. White, 354A 2d Ave., San Francisco, CA 94118.	Unc 172	$5.00	5.00
FB-1263	Angelena S. Wissiup, Post Office Box 209, Roosevelt, UT 84066.	U and W 126	$1.28	1.28
FB-1271	John Wopsock, Whiterocks, Utah 84085	U and W 250	$7.64	7.64
FB-1290	Winifred Wyasket, Bridgeland, Utah 84012	Unc 120	$1.85	33.49
		Unc 138	$21.76	
		Unc 307	$5.00	
		Unc 546	$4.88	
FB-1292	Ramona W. John, Duchesne, Utah 84021	Unc 120	$5.55	70.84
		Unc 138	$65.29	
FB-1293	William Wyasket, Whiterocks, Utah 84085	Unc 120	$0.92	11.80
		Unc 138	$10.88	
FB-1294	Lydia O. W. Watts, General Delivery, Towaoc, Colo. 81334.	U and W 120	$2.62	5.76
		U and W 297	$3.14	
FB-1298	Molly W. Brown, Ouray, Utah 84059	Unc 32	$32.26	32.26
FB-1310	Jack Yump, Myton, Utah 84052	Unc 163	$129.24	129.24
FB-1312	Oscar Yump, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$129.24	129.24
FB-1314	Everett Yump, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.45	56.01
		U and W 246	$51.56	
FB-1326	Alverda Cotonuts, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.18; $0.36	.54
FB-1327	Belinda Cotonuts, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.68	.68
	REIMBURSEMENT TO MINORS OF UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH			
FB-1332	Jolene Jenks, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.29; $0.15	.44
FB-1337	Thomasina LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.06	.06
FB-1349	Cheryle Jean Pawwinnee, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-1356	Ann Santio, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
FB-1362	Danny Shavanaux, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.37; $0.76; $0.76	2.89
FB-1363	Clara Ann Sowsoniecut, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$153.49	1,275.92
		Unc 135	$1,122.43	
FB-1367	Rosina Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1368	Valneva T. Dalton, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 74	$23.83	78.01
		Unc 76	$20.11	
		Unc 77	$18.36	
		Unc 78	$15.71	
FB-1371	Theodore Wyasket, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.31	3.94
		Unc 138	$3.63	
FB-1378	Lavern Ice, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$2.01	158.22
		U and W 43	$156.21	
FB-1381	Judy Fay Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$2.89	2.89
FB-1382	Oliver Collin Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1383	Theron Wyasket, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.31	3.94
		Unc 138	$3.63	
FB-1384	Guy Lee Gardner, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 668	$2.37	2.37
FB-1405	Lucus Toponotes, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 117	$109.83	109.83
FB-1409	Joan Leslie Ice, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$2.01	158.22
		U and W 43	$156.21	
FB-1423	Oliver Ray Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1424	Richardine Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 74	$23.83	78.00
		Unc 76	$20.11	
		Unc 77	$18.35	
		Unc 78	$15.71	
FB-1450	Ferron Wyasket, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.31	3.94
		Unc 138	$3.63	
FB-1476	Leona Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.18; $0.36	.54
FB-1481	Venice Shavanaux, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.37; $0.76; $0.76	2.89
FB-1486	Rose Black, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.44	56.00
		U and W 246	$51.56	
FB-1497	Sandra Yump, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.44	56.00
		U and W 246	$51.56	
FB-1506	Tammy J. Gardner, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 668	$2.37	2.37
FB-1533	Felecia LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1536	Glen Earl Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.68	.68
FB-1559	Fredric Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$2.89	2.89
FB-1560	Clarissa Mae Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1566	Bennett J. Shavanaux, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.37; $0.75; $0.75	2.87
FB-1597	Persinguia LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1604	Kursh Bailey Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.68	.68
FB-1642	Bruce Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.18; $0.36	.54
FB-1654	Gwenita Pawwinnee, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-1680	Georgina M. Cesspooch, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.57	51.96
		Unc 111	$51.39	
FB-1688	Kassley LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1728	Lance Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$2.89	2.89
FB-1837	Marita Jo Sibello, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$1.27	1.27
FB-1844	Rosita R. Sibello, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.28	1.28
FB-1855	Paul M. LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1856	Ruby T. LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.06	.06

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
	OTHER REIMBURSEMENTS			
	Ute Indian Tribe, Fort Duchesne, Utah 84026	U and W 339	$46.62	46.62
	REIMBURSEMENT TO INDIVIDUALS NOT ENROLLED IN UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH			
	Diane Atwine, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 391	$199.91	413.91
		Unc 32	$9.50	
		Unc 108	$204.50	
	Lanell Capoole, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 217	$27.25; $13.64; $27.22	90.79
		Unc 218	$9.07; $9.07; $4.54	
	Laura Lee Johnson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$0.62	.93
		U and W 77	$0.31	
	Sherrie A. Johnson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$0.63	.95
		U and W 77	$0.32	
	Madeline L. Kroll, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Ben D. LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Charles LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Juanita LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.26	40.03
		Unc 138	$14.49	
		Unc 163	$24.28	
	Linda LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Patsy L. LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.41
		Unc 138	$4.14	
		Unc 163	$6.92	
	Raymond LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Thomas LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.41
		Unc 138	$4.14	
		Unc 163	$6.92	
	Clarence Lucero, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.66	20.99
		Unc 138	$19.33	
	Salvador Maez, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 658	$15.99	15.99
	Bennett Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
	Lucy C. Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.09	.09
	Andrea Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 410	$32.00	32.00
	Janice Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Kenneth B. Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Larry Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Yolanda Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Rose T. P. Van, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 186	$451.70	451.70
	Ben Vigil, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 391	$299.87	620.86
		Unc 32	$14.24	
		Unc 108	$306.75	
	Irene T. Weaver, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
	Agnes Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 552	$9.46	9.46
	David Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Dorothy Burch Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 84	$285.08	395.19
		Unc 294	$110.16	
	Edward Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 552	$9.46	9.46
	Ellen Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Fritz Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Mary Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Dallas Basil Brown, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 289	$29.99	32.46
		Unc 307	$1.25	
		Unc 546	$1.22	
	Deborah Janice Brown, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$14.99	16.22
		Unc 307	$0.62	
		Unc 546	$0.61	
	Leonora Ruth Brown, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$15.00	16.24
		Unc 307	$0.63	
		Unc 546	$0.61	
	Bradley Eagle, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$30.00	32.47
		Unc 307	$1.25	
		Unc 546	$1.22	
	John Eagle, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$30.00	32.47
		Unc 307	$1.25	
		Unc 546	$1.22	
	Jeanette Wing Eyetooth, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$5.96	5.96
	Bridget Wing Jacket, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$5.97	5.97
	Marjorie Box Janis, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 552	$9.46	9.46
	Albert Wing, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 546	$1.62	1.62
	Glen Wing, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$5.97	5.97
	Harry Shad, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 173	$96.35	96.35
	REIMBURSEMENT TO FORMER MIXED BLOOD MEMBERS OF THE UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH			
MB-3	Lorena Reed Antonio, 638 South 7th West, Brigham City, UT 84302.	U and W 439	$5.36	5.36
MB-25	Weldon Nephi Burson, Route 1, Roosevelt, Utah 84066.	U and W 126	$1.91	29.07
		U and W 187	$12.60	
		Unc 396	$14.56	
MB-57	Alice O. Copperfield, Fort Duchesne, Utah 84026.	U and W 120	$2.62	5.76
		U and W 297	$3.14	
MB-61	Reginald O. Curry, Roosevelt, Utah 84066	U and W 781	$1,688.70	1,688.70
MB-66	Richard Henry Curry, Roosevelt, Utah 84066	Unc 502	$183.08	183.08
MB-188	Doris R. Jenks, Fort Duchesne, Utah 84026	Unc 120	$33.29; $51.78	6,044.18
		Unc 126	$1,178.90	
		Unc 140	$3,299.20	
		Unc 142	$1,018.84	
		Unc 502	$366.07	
MB-199	Oreane C. J. Garcia, 501 West Green St., Gallup, NM 87301.	Unc 502	$183.08	183.08
MB-253	Barbarita L. Lee, 1604 Stanley Ave., Long Beach, CA 90801.	Unc 120	$0.84	6.99
		Unc 126	$6.45	
MB-254	Bernard Lucero, Mojave Valley Post Office, Needle, Ariz. 86440.	Unc 120	$0.55	7.00
		Unc 138	$6.45	
MB-255	Eileen Marie Lucero, Roosevelt, Utah 84066	Unc 120	$0.54	6.98
		Unc 138	$6.44	
MB-256	Fred Lucero, Whiterocks, Utah 84085	Unc 120	$0.55	7.00
		Unc 138	$6.45	
MB-257	Juanita Lucero Tabbee, care of Eileen Marie Lucero, Roosevelt, Utah 84066.	Unc 120	$0.54	6.99
		Unc 138	$6.45	
MB-258	Pete R. Lucero, 1604 Stanley Ave., Long Beach, CA 90801.	Unc 120	$0.55	7.00
		Unc 138	$6.45	
MB-281	Joseph Montes, 652 East 1225 North, Ogden, UT 84401.	U and W 546	$515.49	515.49
MB-466	Henry Wopsock, Neola, Utah 84053	U and W 250	$7.64	7.64
MB-479	Bud Wyasket, Trust Department, 1st South Main St., Salt Lake City, Utah 84111.	Unc 120	$0.93	11.81
		Unc 138	$10.88	
MB-480	Christine S. W. Shepard, Jiggs, Nev. 89827	Unc 120	$1.37; $0.76; $0.76	2.89
MB-4	Phillip Arkansas (estate), First Security Bank, Roosevelt, Utah 84066.	U and W 340	$124.51	360.89
		U and W 341	$160.17	
		U and W 342	$76.21	
MB-30	Elizabeth Bumgarner Poowegup (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 502	$183.08	183.08
MB-59	Oran Curry (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 32	$96.60	435.27
		Unc 180	$156.84	
		Unc 502	$183.08	
MB-206	Berhemia Kanapatch (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 32	$42.92	42.92
MB-312	Howard Mountain Lion (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 163	$48.42	48.42

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Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
	REIMBURSEMENT TO NON-INDIANS			
	Francis Harrison Horrocks (estate), Delbert Horrocks, Administrator, Route 1, Roosevelt, Utah 84066.	Unc 546	$19.57	19.57

[FR Doc.72-5886 Filed 4-20-72;8:45 am]

Office of the Secretary

HOWARD A. BECK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add: Florida Telephone Corp.
(3) No change.
(4) No change.

This amendment is made as of April 10, 1972.

Dated: April 10, 1972.

HOWARD A. BECK.

[FR Doc.72-6070 Filed 4-20-72;8:46 am]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 27, 1972.

Dated: March 27, 1972.

JAMES A. BROADDUS.

[FR Doc.72-6071 Filed 4-20-72;8:46 am]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 7, 1972.

Dated: April 7, 1972.

E. F. TIMME.

[FR Doc.72-6072 Filed 4-20-72;8:46 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions; New Determinations

There is set forth below general Area Wage Determination Decision No. 6723 of the Secretary of Labor. This decision specifies, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the locality specified therein. The decision is applicable to Federal and federally assisted construction in the described locality situated within the State of Colorado.

The determinations in this decision of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the locality described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

This wage determination is effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and is to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

The area wage determination decisions for localities within the above States are set forth below:

MODIFICATION AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Alabama, Arizona, Connecticut, Louisiana, Maryland, Mississippi, New Jersey, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	Date
AM-1591, AM-1593 (9693)	Aug. 6, 1971
AM-1706, AM-1713	Aug. 11, 1971
AM-445, AM-490, AM-499, AM-502, AM-503, AM-1856, AM-1859, AM-1866	Aug. 20, 1971
AM-2529 (6721), AM-2530 (6722)	Sept. 3, 1971
AM-7717 (11,414), AM-7717 (11,415)	Nov. 19, 1971
AM-9682, AM-9683	Mar. 3, 1972
AM-9690	Mar. 24, 1972
AM-11,410	Mar. 31, 1972

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decision being superseded.

These modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modification and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5. The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 14th day of April 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

State: Colorado; counties: Denver, Elbert, Douglas, Arapahoe, Adams, Clear Creek, Gilpin, Jefferson, and Boulder.
Decision No. AM-6,723; date: Apr. 21, 1972.
Description of work: Residential construction consisting of single-family homes and garden-type apartments up to and including 4 stories.

NEW DECISIONS

Classification	Basic hourly rates	Fringe benefits payments: H. & W.	Pensions	Vacation	App. Tr.	Others
Bricklayers	$7.50					
Carpenters	6.00	$0.20	$0.20	$0.20	$0.015	
Cementmasons	5.80					
Electricians	7.22	.20+.02	1%		2/10%	
Laborers	3.45					
Painters, brush	4.84					
Plumbers	7.10	.40	.35	.40	$0.06	
Roofers:						
Shinglers	5.10					
All others	6.30					
Sheet metal workers	4.50					
Soft-floor layers	6.00	.25	.30	.25	.03	
Power equipment operators:						
Bulldozers	5.50					
Backhoe	5.50					
Front-end loader	4.75					
Rollers	5.50					

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-446—36 F.R. 16586 (Aug. 20, 1971); Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties, Ala. Modification No. 2						
OMIT: Ethoun County.						
WD No. AM-1,591—36 F.R. 14582, Aug. 6, 1971; Litchfield County, Conn. Modification No. 3						
OMIT: Building, heavy, and highway construction: Painters: Spray: New Milford	$5.85					
CHANGE: Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (building only):						
Thomaston, Watertown, Woodbury	8.05	$0.25	$0.40			
Bridgewater, Kent, New Milford, Roxbury	7.50	.25	.40			
Bricklayers, cementmasons-finishers, stonemasons (heavy and highway):						
West of Housatonic River	7.65	.40	.25			
East of Housatonic River	7.60	.40	.25			
Carpenters, soft-floor layers, piledrivermen (building only): Northfield, Thomaston, Watertown, Morris	8.75	.25	.20	f	$0.02	
Electricians: Remainder of county	7.80	.25	1%+.20		½of1%	
Lathers: Remainder of county	8.75		$0.15		$0.01	
Leadburners	7.40	.30		e	.01	
Painters:						
Brush: New Milford	6.20	.20				
Structural steel: New Milford	7.20	.20				
Waterproofers: Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren	8.50	.60	.30			
Footnote: e. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceding and following the holiday.						
WD No. AM-11,410—37 F.R. 6614, Mar. 31, 1972; St. Bernard, Plaquemines, Orleans, and Jefferson Parishes, La. Modification No. 1						
CHANGE: Lathers	5.88	.20	.15		.06	
WD No. AM-490—36 F.R. 16484 (Aug. 20, 1971); Hinds County, Miss. Modification No. 7						
CHANGE: Building construction: Carpenters:						
Carpenters working creosoted and freshly painted (wet) material	5.85	.20			.02	
Carpenters working glass fiber insulation and like materials	5.75	.20			.03	

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1706—36 F.R. 14321, Aug. 11, 1971; Burlington County, N.J. Modification No. 5						
CHANGE:						
Asbestos workers: Townships of Bordentown, Burlington, Chesterfield, East Hampton, Florence, Mansfield, Mount Holly, New Hanover, Pemberton, Roebling, Springfield, Wrightstown, Woodlawn, and North Hanover	8.50	.25	.20			
WD No. AM-1,715—36 F.R. 14843, Aug. 11, 1971; Mercer County, N.J. Modification No. 6						
Asbestos workers	8.50	.25	.20			
WD No. AM-1,856—36 F.R. 16285 (Aug. 20, 1971); Lawrence County, Pa., Modification No. 3						
CHANGE:						
Building construction:						
Asbestos workers	9.11	.20	.25			
Electricians	8.75	.25	1%		.01	
Elevator constructors	8.46	.195	$0.20	2%+b&c	.005	
Elevator constructors' helpers	70% JR	.195	.20	2%+b&c	.005	
Elevator constructors' helpers (probationary)	60% JR					
Ironworkers, structural	$8.87	.35	.10		.03	
Ironworkers, ornamental	8.87	.35	.10		.03	
Ironworkers, reinforcing	8.87	.35	.10		.03	
Plumbers and steamfitters: remainder of county	7.88	.15			.03	
WD No. AM-1,859—36 F.R. 16299 (Aug. 20, 1971); Mercer County, Pa., Modification No. 3						
CHANGE:						
Building construction:						
Asbestos workers	9.11	.20	.25			
Ironworkers, structural	8.87	.35	.10		.03	
Ironworkers, ornamental	8.87	.35	.10		.03	
Ironworkers, reinforcing	8.87	.35	.10		.03	
Marble, tile and terrazzo workers	7.815					
Marble, tile and terrazzo helpers	5.015					
WD No. AM-1,866—36 F.R. 16356, Aug. 20, 1971; 29 eastern counties, Pennsylvania. Modification No. 5						
CHANGE:						
Carpenters and piledrivermen	6.56	.20	.25			
WD No. AM-499—36 F.R. 16476 (Aug. 20, 1971); Roane and Anderson Counties, Tenn. Modification No. 5						
CHANGE:						
Marble setters	7.07				.02	
Millwrights	6.475				.02	
Painters:						
Commercial	5.65		.20		.02	
Industrial	6.00		.20		.02	
Stack, tower, bridges and tanks over 80 ft. high	6.35		.20		.02	
Piledrivermen	6.30				.02	
Plumbers and steamfitters	6.95	.25	.45	30+e	.05	
ADD:						
Footnote:						
e. $0.05 holiday pay.						
WD No. AM-502—36 F.R. 16486 (Aug. 20, 1971); Knox County, Tenn. Modification No. 5						
CHANGE:						
Truckdrivers:						
3 tons, and including 4 yd., dump truck	4.24		d		.01	
3 to 5 tons, and including 6 yd., dump truck	4.44		d		.01	
5 tons and over, including dump truck over 6 yd., ready-mix concrete truck, tank trucks, floats and lowboys, winch truck and semitrailer	4.59		d		.01	
ADD:						
Footnote:						
e. $0.05 holiday pay.						
WD No. AM-503—36 F.R. 16489 (Aug. 20, 1971); Shelby County, Tenn. Modification No. 4						
CHANGE:						
Asbestos workers	7.425	.25	$0.25			
Lead burners	6.90	.20		e	.01	
Marble setters	5.75	.20				
Millwrights	6.84	.25			.06	
Roofers:						
Composition	5.40		.15			
Slate, tile, asbestos and precast tile	5.65		.15			
Terrazzo workers	5.75	.20				
Tile setters	5.75	.20				
Tile, marble and terrazzo workers' helpers	3.15					
Footnote:						
e. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday; and the regular scheduled workdays immediately preceding and following the holiday.						
WD No. AM-9,682—37 F.R. 4478 Mar. 3, 1972; Washington, D.C. Modification No. 2						
CHANGE:						
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, spandrel and ironite	7.15	.35	.20			
Helpers	4.85	.35	.20		.03	
Plasterers' tenders	6.07	.22	.20			
WD No. AM-9,683—37 F.R. 4470, Mar. 3, 1972; Montgomery and Prince Georges Counties, Md.; City of Alexandria, Va.; Arlington County, Va.; and Dulles International Airport. Modification No. 1						
CHANGE:						
Roofers:						
Composition	6.65	.35	.20			
Slate, tile, mopmen, waterproofers, sprayers, spandrel and ironite	7.15	.35	.20			
Helpers	4.85	.35	.20		.03	
Plasterers' tenders	6.07	.22	.20			

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-9,690—37 F.R. 6140 (Mar. 24, 1972); statewide, West Virginia. Modification No. 2						
CHANGE:						
Carpenters, A counties only	6.55	.20	.25			

SUPERSEDEAS DECISIONS

State: Arizona; county: Maricopa.
Decision No. AM-6,721; date of decision: Apr. 21, 1972. Supersedes Decision No. AM-2,829, dated Sept. 3, 1971, in 36 F.R. 17663.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), and heavy construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.98	$0.25	$0.40		$0.02	
Boilermakers	7.20	.20	.70	$0.45	.02	
Boilermakers' helpers	6.95	.20	.70	.45	.02	
Bricklayers; stonemasons: From city hall of Phoenix:						
Zone A (0–25 miles)	8.25	.25	.20		.02	
Zone B (25–40 miles)	9.10	.25	.20		.02	
Zone C (40–70 miles)	9.44	.25	.20		.02	
Zone D (70–100 miles)	9.77	.25	.20		.02	
Carpenters:						
Carpenters	7.45	.20	.45		.025	
Millwrights	7.525	.20	.45		.025	
Piledrivermen	7.70	.20	.45		.025	
Cementmasons	7.525	.20	.50		.025	
Drywall installers: From courthouse in Phoenix, Mesa, including Williams AFB and Luke AFB:						
tapers:						
Zone A (0–40 miles)	6.60	.225				
Zone B (40–60 miles)	7.05	.225				
Zone C (60 miles and over)	7.25	.225				
Texture sprayers:						
Zone A	6.10	.225				
Zone B	7.10	.225				
Zone C	7.25	.225				
Electricians:						
Zone A (Power Road on east from Hunt Highway on south to 1 mile south of Pinnacle Peak Road on the north; 1 mile south of Pinnacle Peak to Cotton Lane on the west; Cotton Lane to Pecos Road on the south; Pecos Road to Price Road to Hunt Highway on the south; Hunt Highway to Power Road on the east and including Luke AFB)	6.35	.20	1%		1½%	
Zone B (from outside edge of zone A through 16 roadmiles from outside edge of zone A and including Williams (AFB)	7.00	.20	1%		1½%	
Zone C (commence at 16 roadmiles from outside edge of zone A and extends to outside limits of Union jurisdiction)	7.75	.20	1%		1½%	
Elevator constructors	7.88	.185	$0.20	2%+c		
Elevator constructors' helper	70%JR	.185	.20	2%+c		
Elevator constructors' helpers (probationary)	70%JR					
Ironworkers:						
Ornamental; structural	$8.88	.43	.425		$0.04	
Reinforcing	8.38	.43	.425		.04	
Lathers:						
Zone I (up to 35 miles from Phoenix)	6.60	.175			.04	
Zone II (15 miles beyond zone I)	6.60	.175			.04	
Zone III (20 miles beyond zone II)	6.25	.175			.04	
Zone IV (area outside zone III)	6.60	.175			.04	
Marble setters: From Phoenix:						
Zone I–VI (0–40 miles)	6.84	.25	.20		.01	
Zone VII (40–60 miles)	6.965	.25	.20		.02	
Zone VIII (60–80 miles)	6.965	.25	.20		.02	
Zone IX (over 80 miles)	7.465	.25	.20		.01	
Painters:						
(Cities of Gila Bend and Sentinel):						
Brush	6.95	.24				
Steel and bridge, brush	7.13	.24				
Spray	7.95	.24				
(Remainder of county):						
Zone A (0–40 miles from courthouse in Phoenix; Williams AFB and Luke AFB):						
Brush; soft-floor layers	6.25	.275	.20	$0.15	.02	
Steel and bridge, brush	6.60	.275	.20	.15	.02	
Spray	6.50	.275	.20	.15	.02	
Spray (steel and bridge)	6.80	.275	.20	.15	.02	
Zone B (41–60 miles from courthouse in Phoenix only):						
Brush; soft-floor layers	7.25	.275	.20	.15	.02	
Steel and bridge, brush	7.60	.275	.20	.15	.02	
Spray	7.50	.275	.20	.15	.02	
Spray (steel and bridge)	7.80	.275	.20	.15	.02	
Zone C (61 miles and over from courthouse in Phoenix):						
Brush; soft-floor layers	7.75	.275	.20	.15	.02	
Steel and bridge, brush	8.10	.275	.20	.15	.02	
Spray	8.00	.275	.20	.15	.02	
Spray (steel and bridge)	8.30	.275	.20	.15	.02	
Plasterers:						
City of Sentinel and portion of county south thereof	9.12	.20	.45			
Remainder of county:						
Zone A (0–40 miles from Phoenix)	6.25	.20	.20		.025	
Zone B (40–60 miles from Phoenix)	6.60	.20	.20		.025	
Zone C (60–80 miles from Phoenix)	6.75	.20	.20		.025	
Zone D (80 miles and over from Phoenix)	6.925	.20	.20		.025	
Plumbers: (Zone base: Phoenix):						
Zone I (0–15 miles)	7.75	.25	.70		.04	
Zone II (15–30 miles)	8.25	.25	.70		.04	
Zone III (30–45 miles)	8.75	.25	.70		.04	
Zone IV (45 miles and beyond)	9.25	.25	.70		.04	
Roofers:						
Roofer and waterproofer	6.10	.20	.20		.02	
Pitch and enamelers	6.60	.20	.20		.02	
Sheet metal workers: Zone base: Phoenix:						
Zone I (0–25 miles)	7.50	.27	.32		.02	
Zone II (25–40 miles)	8.22	.27	.32		.02	
Zone III (40 miles and over)	9.56	.27	.32		.02	
	7.95	.25	.40		.06	
Sprinkler fitters						

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SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Terrazzo and mosaic workers: Zone bases: Phoenix:						
Zone I–VI (0–40 miles)	6.21					
Zone VII (40–60 miles)	7.335					
Zone VIII (60–80 miles)	7.335					
Zone IX (Over 80 miles)	7.835					
Line construction: Zone bases: Phoenix:						
Zone 1 (0–30 miles):						
Cable splicer	7.66	.23	1%+4%		½%	
Linemen	7.40	.23	1%+4%		½%	
Equipment operators	6.96	.23	1%+4%		½%	
Groundman	6.04	.23	1%+4%		½%	
Zone 2 (other areas):						
Cable splicer	8.81	.23	1%+4%		½%	
Linemen	8.55	.23	1%+4%		½%	
Equipment operators	8.11	.23	1%+4%		½%	
Groundmen	7.21	.23	1%+4%		½%	
Laborers:						
Group I: All helpers not herein separately classified; cesspool diggers and installers; chatbox man; checker, tool dispatcher; concrete dumpman—belt, pipe and/or hoseman; dumpman and/or spotter; fence builder, guardrail builder—highway; form strippers; labor, general or construction; landscape gardener and nurseryman; packing rod steel and pans; riprap stoneman	5.23	.30	$0.45		$0.06	
Group II: Cement finisher tender; concrete curer (impervious membrane); cutting torch operator; fine grader (highway, engineering and sewer work only); kettleman-tarman; power type concrete buggy	5.34	.30	.45		.06	
Group III: Bander; chucktender (except tunnel); creosote tieman; guinea chaser; powderman helper; riprap stone paver; sandblaster (pot tender); spikers and wrenchers	5.45	.30	.45		.06	
Group IV: Cement dumpers (skip-type mixer or handling bulk cement); chain saw machines (on clearing and grubbing); concrete vibrating machines; gribber and shorer (except tunnel); floor sanders—concrete; hydraulic jacks, and similar mechanical tools not separately herein classified; operators and tenders of pneumatic and electric tools; pipe caulker and/or backup man (pipeline); pipe wrapper; pneumatic gopher; rigger/signalman (pipeline)	5.53	.30	.45		.06	
Group V: Air and water washout nozzleman; asphalt rakers and ironers; driller; grade setter (pipeline); hand-guided trencher and similar operated equipment; jackhammer and/or pavement breakers; pipelayer (including but not limited to nonmetallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); rock slinger; scaler (using bos'ns chair or safety belt); tampers (mechanical—all types)	5.67	.30	.45		.06	
Group VI: Concrete cutting torch; concrete saw (hand guided); driller (core, diamond, wagon or air track); drill doctor and/or air tool repairman; gunman and mixerman (Gunite); sandblaster (nozzleman)	5.975	.30	.45		.06	
Group VII:						
Concrete road form setter; Gunite nozzleman or rodman; drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; powderman; scaler (drillers); welders and/or pipelayers installing process piping	6.485	.30	.45		.06	
Mason tenders	5.835	.30	.45		.06	
Plasterers' tenders	6.15	.30	.45		.06	.1
Employees working underground shall receive 20 cents per hour additional above the regular rate, except where herein specifically covered.						
Laborers employed where they may have a free fall over 30 feet or on construction scaffolds above 30 feet or boat'n chair above 30 feet, or where gas masks are necessary, shall receive 50 cents per hour in addition to their regular rate, except where inherent in classifications.						
Tunnel and shaft workers:						
Group I: Bull gang, muckers, trackman; dumpmen; concrete crew (includes rodders and spreaders); grout crew; swamper (brakeman and switchmen on tunnel work)	5.425	.30	.45		.06	
Group II: Nipper, chucktender, cabletender; vibratorman, jackhammer, pneumatic tools (except driller)	5.56	.30	.45		.06	
Group III: Grout gunman	5.66	.30	.45		.06	
Group IV: Timberman, retimberman—wood or steel blaster, driller powderman; cherry pickerman; powderman—primer house; steel form raiser and setter; Kemper and other pneumatic concrete placer operator miner-finisher	5.76	.30	.45		.06	
Group IV-A: Miners—tunnel (hand or machine)	5.96	.30	.45		.06	
Group V: Diamond drill	6.095	.30	.45		.06	
Group V-A: Shaft and raise miner welder	6.295	.30	.45		.06	
Power equipment operators:						
Group I: Air compressor operator; field equipment-servicemen helper; heavy duty repair helper; heavy duty welder helper; oiler; pump operator	5.98	.40	.50		.02	
Group II: Conveyor operator; generator operator—portable; power grizzly operator; self-propelled; chip spreading machine-conveyor operator; watch fireman; welding machine operator—gasoline and diesel power	6.28	.40	.50		.02	
Group III: Concrete mixer operator—skip type; dinky operator (under 20 tons); Driver-moto paver, Slurry Seal machine, and similar type equipment; motor crane driver; power sweeper operator—Self-propelled; Roes carrier or forklift operator; skip loader operator—all types with rated capacity 1½ cu. yd. or less; wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, posthole auger, mower, etc., excluding compacting equipment	6.68	.40	.50		.02	
Group IV: A-frame boom truck or winch truck operator; asphalt plant firemen; elevator hoist operator (including Tuskey hoist or similar types); grade checker (excluding civil engineer); multiple power concrete saw operator; pavement breaker, mechanical compactor operator, power propelled; roller operator—all types except as otherwise classified; screed operator; self-propelled chip spreading machine operator (including Slurry Seal machine operator) stationary pipe-wrapping and cleaning machine operator; tugger operator	7.12	.40	.50		.02	
Group V: Aggregate plant operator (including crushing screening and sand plants, etc.); asphalt laydown machine operator; asphalt plant mixer operator; belterete machine; boring machine operator; concrete mechanical tamping, spreading or finishing machine (including Clary, Johnson, or similar types); concrete pump operator; concrete batch plant operator, all types and sizes; conductor, brakeman, or handler; elevating grader operator—all types and sizes (except as otherwise classified); field equipment serviceman; highline cableway signalman; Koluman belt loader operator or similar type, w/belt width 48 in. or over; locomotive engineer (including dinky—20 tons weight and over); Moto-paver and similar type equipment operator; operating engineer rigger; pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D–W, Hancock and similar equipment) up to and including 12 cu. yd.; Power Jumbo form setter operator; pressure grout machine operator (as used in heavy engineering construction); road oil mixing machine operator; roller operator—on all types asphalt pavement; self-propelled compactor, with blade; skip loader operator—all types with rated capacity over 1½ but less than 4 cu. yd.; slip form operator (power driven lifting device for concrete forms); soil cement road mixing machine operator—single pass type; stationary central generating plant operator—rated 300 kw. or more; surface heater and planer operator; traveling pipewrapping machine operator	7.56	.40	.50		.20	
Group V-A: Heavy duty mechanic and/or welder; pneumatic tired scraper, all sizes and types over 12 cu. yd. up to and including 45 cu. yd. MRC (Turnapull, Euclid, Cat D–W Hancock, and similar equipment); tractor operator (pusher, bulldozer, scraper) up to 400 net horsepower rating; trenching machine operator	7.82	.40	.50		.02	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Group VI: Auto-Grade machine (CMI and similar equipment); boring machine operator (including Mole, Badger and similar type); concrete mixer operator—paving type, and mobile mixer concrete pump operator with boom attachment (truck mounted); crane operator—crawler and pneumatic type, under 100-ton capacity MRC; crawler type tractor operator—with boom attachment, derrick operator; forklift operator for hoisting personnel; Grade-all operator; helicopter hoist; highline cableway operator (less than 20 tons rated capacity); mass excavator operator (180 Buayrus Erie and similar types); mechanical hoist operator (2 or more drums); motor grade operator—any type power blade; motor grader operator with elevating grader attachment; mucking machine operator; overhead crane operator; piledriver engineer (portable, stationary or skid rig); pneumatic-tired scraper operator—all sizes and types (Turnapull, Euclid, Cat, D–W, Hancock and similar equipment over 45 cu. yd. MRC) power driven ditch lining or ditch trimming machine operator; skip loader operator—all types with rated capacity 4 cu. yd. but less than 8 cu. yd.; slip form paving machine operator (including Gunnert, Zimmerman and similar types); specialized power digger operator—attached to wheel-type tractor; tower crane (or similar type) operator; tractor operator (pusher, bulldozer, scraper) 400 net horsepower and over; tugger operator (2 or more); universal equipment operator—shovel, backhoe, dragline, clamshell, etc., up to 8 cu. yd.	6.10	.40	.50		.02	
Group VII: Crane operator—pneumatic or crawler (100 ton hoisting capacity and over MRC rating); helicopter pilot—FAA qualified when used in construction work; highline cableway operator, over 20-ton rated capacity and using traveling head and tail tower; remote control earth-moving equipment operator; skip loader operator—all types with rated capacity of 8 cu. yd. or more; universal equipment—shovel, backhoe, dragline, clamshell, etc., 8 cu yd. and over	6.60	.40	.50		.02	
Multiple-unit earth-moving equipment:						
Tractor operator—pneumatic-tired or track type, 2 units—40 cents per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and $1 per hour for each additional unit.						
All operators, oiler, and motor crane drivers on equipment with booms of 80 and over, including jib shall receive .0075 cent per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for 2 men.						
Truckdrivers:						
Group I: Pickup; station wagon; teamsters	5.37	.30	.45		.02	
Group II: Buggymobile, 1 cu. yd. or less; bulk cement spreader (2- or 3-axle); bus driver; dump (2- or 3-axle); flatrack (2- or 3-axle); water (under 2,500 gal.)	5.45	.30	.45		.02	
Group III: Bulk cement spreader (4-axle); dump (4-axle); Dumptor or Dumpster, less than 7 cu. yd.; flatrack (4-axle); water (2,500 gal. but less than 4,000 gal.)	5.64	.30	.45		.02	
Group IV: Bulk cement spreader (5-axle); dump (5-axle); Dumptor or Dumpster, 7 cu. yd. but less than 16 cu. yd.; Flaherty spreader or similar type equipment or leverman; flatrack (5-axle); slurry-type equipment or leverman; transit mix, 8 cu. yd. or less mixer capacity	5.95	.30	.45		.02	
Group V: Bulk cement spreader (6-axle); dump (6-axle); flatrack (6-axle); rock truck (Dart, Euclid, and other similar type end dumps, single-unit) less than 16 cu. yd.	6.08	.30	.45		.02	
Group V-A: Oil tanker or spreader truck driver and/or bootman, retortman or leverman	6.20	.30	.45		.02	
Group VI: Bulk cement spreader (7-axle); concrete pump truckdriver (when integral part of transit mix truck); dump (7-axle); flatrack (7-axle); Hydro lift, Swedish crane, Iowa 200 and similar types; Roes carrier fork lift or lifttruck; transit mix, over 10.5 cu. yd. but less than 14 cu. yd. mixer capacity	6.31 6.45	.30	.45		.02 .02	
Group VII: Bulk cement spreader (8-axle) dump (8-axle) flatrack (8-axle)						
Group VIII: Off-highway equipment driver (2- or 4-wheel power units, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; bulk cement spreader (9-axle); dump (9-axle); dumpter or dumpster, 16 cu. yd. and over; Eject-all; flatrack (9-axle); rock truck (Dart, Euclid, or other similar end dump types) 16 cu. yd. and over	7.085 7.94	.30 .30	.45 .45		.02 .02	
Heavy duty mechanic/welder	6.10	.30	.45		.02	
Heavy duty mechanic/welder helper	7.08	.30	.45		.02	
Field equipment serviceman or fuel truckdriver						
Combination man—30 cents over the highest rated work.						
Multiple-unit equipment driver—2 units 50 cents per hour more than the base single-unit rate established in Group VIII above and $1 per hour for each additional unit.						

State: Arizona: county: Pima.
Decision No. AM-6,722; date of decision: Apr. 21, 1972. Supersedes Decision No. AM-2,530, dated Sept. 3, 1971, in 36 F.R. 17689.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), and heavy construction.

Classification	Basic hourly rates	Fringe benefits payments: H. & W.	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.93	$0.35	$0.40			
Boilermakers	7.20	.30	.70	$0.45	$0.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons:						
Zone A (Tucson City limits through 10 miles)	7.175	.40	.30	.25	.02	
Zone B (Tucson City limits 10–25 miles)	7.66	.40	.30	.25	.02	
Zone C (Tucson City limits 25–40 miles)	7.925	.40	.30	.25	.02	
Zone D (Tucson City limits over 40 miles)	8.675	.40	.30	.25	.02	
Carpenters:						
Carpenters	7.45	.30	.45		.025	
Millwrights	7.525	.30	.45		.025	
Piledrivermen	7.70	.30	.45		.025	
Cement masons	7.285	.30	.45		.025	
Electricians:						
Zone A (within 16 miles of city hall, Tucson)	7.25	.30	1%		1%	
Zone B (from 16–32 miles from city hall)	7.75	.30	1%		1%	
Zone C (from 32–48 miles from city hall)	8.25	.30	1%		1%	
Zone D (48 miles and over)	8.75	.30	1%		1%	
Elevator constructors	7.98	.185	$0.25	3%+6		
Elevator constructors' helpers	70% JR.	.125	.20	2%+6		
Elevator constructors' helpers (prob. 6 mo.)	80% JR.					
Ironworkers:						
Structural and ornamental	$6.80	.45	.625		$0.04	
Reinforcing	6.85	.45	.625		.04	
Lathers:						
Zone A (area to 20 miles from Tucson)	7.65	.30				
Zone B (area 20–40 miles from Tucson)	8.10	.30				
Zone C (area 40–60 miles from Tucson)	8.41	.30				
Zone D (area outside Zone C)	9.10	.30				

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SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Painters, brush:						
Zone A (1–30 miles from Tucson Post Office)	4.93	.24				
Zone B (31–40 miles from Tucson Post Office)	5.43	.24				
Zone C (41–50 miles from Tucson Post Office)	5.68	.24				
Zone D (51 miles and over)	5.98	.24				
Painters, structural steel, brush:						
Zone A (1–30 miles from Tucson Post Office)	6.13	.24				
Zone B (31–40 miles from Tucson Post Office)	6.63	.24				
Zone C (41–50 miles from Tucson Post Office)	6.88	.24				
Zone D (51 miles and over)	7.13	.24				
Plasterers:						
Zone A (0–30 miles from Tucson Post Office)	7.62	.30	.45			
Zone B (30–40 miles from Tucson Post Office)	8.12	.30	.45			
Zone C (40–50 miles from Tucson Post Office)	8.37	.30	.45			
Zone D (over 50 miles from Tucson Post Office)	9.12	.30	.45			
Plumbers; steamfitters:						
Zone I (0–15 miles from Tucson)	7.74	.45	.70	$0.75	.06	
Zone II (15–30 miles from Tucson)	8.04	.45	.70	.75	.06	
Zone III (30–45 miles from Tucson)	8.39	.45	.70	.75	.06	
Zone IV (45 miles and beyond Tucson)	9.49	.45	.70	.75	.06	
Sheet metal workers:						
Zone A (0–17 miles from Tucson)	6.83	.38	.75		.01	
Zone B (18–23 miles from Tucson)	7.28	.38	.75		.01	
Zone C (24–31 miles from Tucson)	7.73	.38	.75		.01	
Zone D (32–43 miles from Tucson)	8.33	.38	.75		.01	
Zone E (44 miles and over from Tucson)	8.78	.38	.75		.01	
Sprinkler fitters	7.95	.25	.40		.06	
Line construction:						
Zone 1 (Tucson and 30 miles radius):						
Linemen	7.40	.23	1%+4%b		½%	
Cable splicers	7.66	.23	1%+4%b		½%	
Equipment operators	6.96	.23	1%+4%b		½%	
Groundman	6.04	.23	1%+4%b		½%	
Zone 2 (other areas):						
Linemen	8.55	.23	1%+4%b		½%	
Cable splicer	8.81	.23	1%+4%b		½%	
Equipment operators	8.11	.23	1%+4%b		½%	
Groundman	7.21	.23	1%+4%b		½%	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to vacation fund. 6 paid holidays: A through F.

b. Of gross labor payroll, employer contributes 1% to NEBF and 4% to management pension fund.

Laborers:						
Group I: All helpers not herein separately classified; cesspool diggers and installers; chat boxman; checker, tool dispatcher; concrete dumpman—belt, pipe and/or hoseman; dumpman and/or spotter; fence builder, guardrail builder, highway; form strippers; labor, general or construction; landscape gardener and nurseryman; packing rod steel and pans; riprap stoneman	5.23	.30	$0.45		$0.05	
Group II: Cement finisher tender; concrete curer (impervious membrane); cutting torch operator; fine grader (highway, engineering and sewer work only); kettleman—tarman; power type concrete buggy	5.34	.30	.45		.05	
Group III: Bander; chucktender (except tunnel); creosote fireman; guinea chaser; powderman helper; riprap stone paver; sandblaster (pot tender); spikers and wrenchers	5.45	.30	.45		.05	
Group IV: Cement dumpers (skip-type mixer or handling bulk cement); chain saw machines (on clearing and grubbing); concrete vibrating machine; cribber and shorer (except tunnel); floor sanders—concrete; hydraulic jacks, and similar mechanical tools not separately herein classified; operators and tenders of pneumatic and electric tools; pipe caulker and/or backup man (pipeline); pipe wrapper; pneumatic gopher; rigger/signalman (pipeline)	5.53	.30	.45		.05	
Group V: Air and water washout nozzleman; asphalt rakers and ironers; driller; grade setter (pipeline); hand guided trencher and similar operated equipment; jackhammer and/or pavement breakers; pipelayer (including but not limited to nonmetallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); rock slinger; sealer (using bos'ns chair or safety belt); tampers (mechanical—all types)	5.67	.30	.45		.05	
Group VI: Concrete cutting torch; concrete saw (hand guided); driller (core, diamond, wagon, or air track); drill doctor and/or air tool repairman, gunman and mixerman (Gunite); sandblaster (nozzleman)	5.975	.30	.45		.05	
Group VII: Concrete road form setter; Gunite nozzleman or rodman; drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; powderman; sealer (drillers); welders and/or pipelayers installing process piping	6.485	.30	.45		.05	
Mason tenders	5.835	.30	.45		.05	
Plasterers' tenders	6.15	.30	.45		.05	

Employees working underground shall receive 20¢ per hour additional above the regular rate, except where herein specifically covered.

Laborers employed where they may have a free fall over 30 ft. or on construction scaffolds above 30 ft. or bos'n chair above 30 ft., or where gas masks are necessary, shall receive 50¢ per hour in addition to their regular rate, except where inherent in classifications.

Tunnel and shaft workers:						
Group I: Bull gang, muckers, trackman; dumpmen, concrete crew (includes rodders and spreaders); grout crew; swamper (brakeman and switchmen on tunnel work)	5.425	.30	.45		.05	
Group II: Nipper; chucktender, cabletender; vibratorman, jackhammer, pneumatic tools (except driller)	5.55	.30	.45		.05	
Group III: Grout gunman	5.65	.30	.45		.05	
Group IV: Timberman, retimberman—wood or steel blaster, driller powderman; cherry pickerman; powderman—primer house; steel form raiser and setter; Kemper and other pneumatic concrete placer operator; miner—finisher	5.75	.30	.45		.05	
Group IV-A: Miners—tunnel (hand or machine)	5.95	.30	.45		.05	
Group V: Diamond drill	6.095	.30	.45		.05	
Group V-A: Shaft and raise miner welder	6.295	.30	.45		.05	
Power equipment operators:						
Group I: Air compressor operator; field equip—serviceman helper; heavy-duty repair helper; heavy-duty welder helper; oiler; pump operator	5.98	.40	.50		.02	
Group II: Conveyor operator; generator operator—portable; power grizzly operator; self-propelled chip spreading machine—conveyor operator; watch fireman; welding machine operator—gasoline and diesel power	6.28	.40	.50		.02	
Group III: Concrete mixer operator—skip type; dinky operator (under 20 tons weight); driver—moto paver, slurry seal machine, and similar type equipment; motor crane driver; power sweeper operator—self-propelled; Ross carrier or fork lift operator; skip loader operator—all types with rated capacity 1½ cu. yd. or less; wheel type tractor operator (Ford-Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	6.68	.40	.50		.02	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Group IV: A-frame boom truck or winch truck operator; asphalt plant fireman; elevator hoist operator (including Tuskey hoist or similar types); grade checker (excluding civil engineer); multiple power concrete saw operator; pavement breaker, mechanical compactor operator, power propelled; roller operator—all types except as otherwise classified; screed operator; self-propelled chip spreading machine operator (including slurry seal machine operator) stationary pipewrapping and cleaning machine operator; tugger operator	7.12	.40	.50		.02	
Group V: Aggregate plant operator (including crushing, screening, and sand plants, etc.); asphalt laydown machine operator; asphalt plant mixer operator; belticrete machine; boring machine operator; concrete mechanical tamping, spreading or finishing machine (including Clary, Johnson, or similar types); concrete pump operator; concrete batch plant operator, all types and sizes; conductor, brakeman, or handler; elevating grader operator—all types and sizes (except as otherwise classified); field equipment serviceman; highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48 in. or over; locomotive engineer (including dinky—20 tons weight and over); moto-paver and similar type equipment operator; operating engineer rigger; pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment) up to and including 12 cu. yd.; power jumbo form setter operator; pressure grout machine operator (as used in heavy engineering construction); road oil mixing machine operator; roller operator—on all types asphalt pavement; self-propelled compactor, with blade; skip loader operator—all types with rated capacity over 1½ but less than 4 cu. yd.; slip form operator (power driven lifting device for concrete forms); soil cement road mixing machine operator—single pass type; stationary central generating plant operator—rated 200 kw. or more; surface heater and planer operator; traveling pipewrapping machine operator	7.66	.40	.50		.02	
Group V-A: Heavy-duty mechanic and/or welder; pneumatic-tired scraper, all sizes and types over 12 cu. yd. up to and including 45 cu. yd. MRC (Turnapull, Euclid, Cat, D-W, Hancock, and similar equipment); tractor operator (pusher, bulldozer, scraper) up to 400 net horsepower rating; trenching machine operator	7.82	.40	.50		.02	
Group VI: Auto-grade machine (OMI and similar equipment); boring machine operator (including Mole, Badger, and similar type); concrete mixer operator—paving type, and mobile mixer; concrete pump operator with boom attachment (truck mounted); crane operator—crawler and pneumatic type, under 100 ton capacity MRC; crawler-type tractor operator—with boom attachment; derrick operator; forklift operator for hoisting personnel; Gradall operator; helicopter hoist; highline cableway operator (less than 20 tons rated capacity); mass excavator operator (150 Bucyrus Erie and similar types); mechanical hoist operator (2 or more drums); motor grade operator—any type power blade; motor grader operator with elevating grader attachment; mucking machine operator; overhead crane operator; piledriver engineer (portable, stationary or skid rig); pneumatic-tired scraper operator — all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yd. MRC); power driven ditch lining or ditch trimming machine operator; skip loader operator—all types with rated capacity 4 cu. yd. but less than 8 cu. yd.; slip form paving machine operator (including Gunnert, Zimmerman, and similar types); specialized power digger operator—attached to wheel-type tractor; tower crane (or similar type) operator; tractor operator (pusher, bulldozer, scraper) 400 net horsepower and over; tugger operator (2 or more); Universal equipment operator—shovel, backhoe, dragline, clamshell, etc., up to 8 cu. yd.	8.10	.40	.50		.02	
Group VII: Crane operator—pneumatic or crawler (100 ton hoisting capacity and over MRC rating); helicopter pilot—FAA qualified when used in construction work; high-line cableway operator, over 20-ton rated capacity and using traveling head and tail tower; remote control earth moving equipment operator; skip loader operator—all types with rated capacity of 8 cu. yd. or more; Universal equipment—shovel, backhoe, dragline clamshell, etc., 8 cu. yd. and over	8.60	.40	.50		.02	
Multiple-unit earth moving equipment: Tractor operator—pneumatic-tired or track type, 2 units—60 cents per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and $1 per hour for each additional unit						
All operators, oiler, and motor crane drivers on equipment with booms of 90 and over, including jib shall receive .0075 cent per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, Gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for 2 men.						
Truck drivers:						
Group I: Pickup; station wagon; teamsters	5.37	.30	.45		.02	
Group II: Buggymobile, 1 cu. yd. or less; bulk cement spreader (2- or 3-axle); bus driver; dump (2- or 3-axle); flatrack (2- or 3-axle); water (under 2,500 gal.)	5.48	.30	.45		.02	
Group III: bulk cement spreader (4-axle); dump (4-axle); dumptor or dumpster, less than 7 cu. yd. flatrack (4-axle); water (2,500 gal. but less than 4,000 gal.)	5.64	.30	.45		.02	
Group IV: Bulk cement spreader (5-axle); dump (5-axle); dumptor or dumpster, 7 cu. yd. but less than 16 cu. yd.; Flaherty spreader or similar type equipment or leverman; flatrack (5-axle); slurry-type equipment or leverman; transit mix, 8 cu. yd. or less mixer capacity	5.98	.30	.45		.02	
Group V: Bulk cement spreader (6-axle); dump (6-axle); flatrack (6-axle); rock truck (Dart, Euclid, and other similar type end dumps, single unit) less than 16 cu. yd.	6.05	.30	.45		.02	
Group V-A: Oil tanker or spreader truckdriver and/or bootman, retortman, or leverman	6.20	.30	.45		.02	
Group VI: Bulk cement spreader (7-axle); concrete pump truckdriver (when integral part of transit mix truck); dump (7-axle); flatrack (7-axle); Hydro Lift, Swedish Crane, Iowa 200, and similar types; Ross carrier forklift or lift truck; transit mix, over 10.5 cu. yd. but less than 14 cu. yd. mixer capacity	6.31	.30	.45		.02	
Group VII: Bulk cement spreader (8-axle); dump (8-axle); flatrack (8-axle)	6.65	.30	.45		.02	
Group VIII: Off-highway equipment driver (2- or 4-wheel power unit, i.e. Cat, DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; bulk cement spreader (9-axle); dump (9-axle); dumptor or dumpster, 16 cu. yd. and over; eject-alls; flatrack (9-axle); rock truck (Dart, Euclid, or other similar end dump types) 16 cu. yd. and over	7.065	.30	.45		.02	
Heavy-duty mechanic/welder	7.94	.30	.45		.02	
Heavy-duty mechanic/welder helper	6.10	.30	.45		.02	
Field equipment serviceman or fuel truckdriver	7.68	.30	.45		.02	

Combination man—20 cents over the highest rated work.

Multiple-unit equipment driver—2 units 50 cents per hour more than the base single unit rate established in Group VIII above; and $1 per hour for each additional unit.

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SUPERSEDEAS DECISIONS—Continued

State: Connecticut; county: New Haven.
Decision No. AM-9093; date: Apr. 21, 1972. Supersedes Decision No. AM-1,593 dated Aug. 6, 1971, in 36 F.R. 14560.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction and dredging.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Building, heavy, and highway construction:						
Asbestos workers	$8.365	$0.37	$0.28			
Boilermakers	7.25	.40	10%		$0.01	
Bricklayers, cementmasons—finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (Building only):						
Milford and Devon	8.47	.20	$0.40			
Ansonia and Derby	7.80	.35	.25			
Meriden	8.50	.15	.40			
Beacon Falls, Middlebury, Mixville, Naugatuck, Prospect, Waterbury, and Wolcott	8.05	.25	.40			
Remainder of county	6.35	.14	.15			
Bricklayers, cementmasons, finishers, stonemasons (heavy and highway only):						
Milford	7.65	.40	.25	j		
Remainder of county	7.60	.40	.25	j		
Carpenters, soft floor layers, piledrivermen (building only):						
Ansonia, Seymour, Derby, and Orange	7.75	.35	.20	k		
Milford	8.15	.20	.35	g		
Wallingford and Meriden	8.12	.35	.20			
Cheshire, Middlebury, Prospect, Southbury, Waterbury, Wolcott, Beacon Falls, and Naugatuck	8.75	.35	.20	h	.01	
Remainder of county	7.45	.35	.20			
Carpenters, piledrivermen (heavy and highway only)	8.30	.35	.20	j	.03	
Electricians:						
Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, and Wolcott	7.80	.25	1½+.20		½ of 1%	
Milford	7.75	.23	1½+.20		½ of 1%	
Remainder of county	7.75	.30	1½+.20		.5%	
Elevator constructors	8.02	.195	$0.20	1½%+a&b	$0.005	
Elevator constructors' helpers	5.61	.196	.20	1½%+a&b	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers	5.30	.125	.125			
Glaziers (Wallingford):						
Inside:						
Glazing coordinator	4.36					
Plate cutter	3.14					
Outside	7.21	.31	.28			
Ironworkers: Structural, ornamental, and reinforcing	9.30	.40	.44		.04	
Laborers (building only):						
Laborers, pneumatic-gas-electric tool operator, concrete saw, mason tenders, mortar mixers, pipelayers (concrete and clay), plasterers tenders, power buggy, wrecker: Milford and Devon	6.85	.15	.15			
Remainder of county:						
Laborers, carpenters' tenders, wrecking laborers	6.00	.20	.25		.05	
Jackhammer operator, mason tenders, mortar mixer, pipelayers, plasterers' tenders, and power buggy	6.25	.20	.25		.05	
Air track operators, wagon drill operators, and sand blasters	6.50	.20	.25		.05	
Open air caisson, cylindrical work and boring crew:						
Bottomman	6.50	.20	.25		.05	
Topman	6.00	.20	.25		.05	
Laborers (heavy and highway only):						
Laborers	6.00	.20	.25		.05	
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw operator, chain saw operator, fence and guardrail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill operator, tree trimmers, tree toppers, mulchers, chippers, stumpers, and all operations connected	6.25	.30	.25		.05	
Air track operators and block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Beacon Falls, Bethany, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, and Wolcott	8.75		.15		.01	
Remainder of county	8.52	.14	.20		.01	
Lead burners	7.40	.30		c	.01	
Line construction:						
Milford:						
Linemen, cable splicers, dynamitemen	6.11	.15	1%	d		
Digger, equipment operators	5.21	.15	1%	d		
Truckdrivers	4.99	.15	1%	d		
Cable splicers' helpers	4.85	.15	1%	d		
Groundmen	4.39	.15	1%	d		
Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, and Wolcott:						
Lineman, dynamiteman	5.18	.15	1%	e	½ of 1%	
Equipment operator	4.37	.15	1%	e	¼ of 1%	
Groundman, experienced	3.41	.15	1%	e	¼ of 1%	
Groundman, inexperienced	2.98	.15	1%	e	¼ of 1%	
Remainder of county:						
Linemen, dynamiteman	5.18	.10	1%	e		
Equipment operator	4.37	.10	1%	e		
Groundman, truckdriver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.17	$0.15			
Painters:						
Brush:						
Ansonia, Beacon Falls, Derby, Oxford, and Seymour	4.75	.12		f		
Milford (remainder of township)	7.00	.20	.25	f		
Cheshire, Guilford, Madison, Meriden, and Wallingford	7.25	.50	.20			
Milford (up to Gulf Street)	6.40	.20	.25			
Remainder of county	6.40	.20	.25			
Structural steel:						
Ansonia, Beacon Falls, Derby, Oxford, and Seymour	5.75	.12		f		
Milford	8.00	.20	.25	f		
Spray:						
Ansonia, Beacon Falls, Derby, Oxford, and Seymour	5.75	.12		f		
Cheshire, Guilford, Madison, Meriden, and Wallingford	10.875	.50	.20			
Milford (up to Gulf Street)	9.15	.20	.25			
Remainder of county	9.15	.20	.25			
Commercial and industrial: Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Waterbury, and Wolcott	6.00	.20	.25			
Bridge: Cheshire, Guilford, Madison, Meriden, and Wallingford	8.50	.30	.30			

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Plumbers and steamfitters:						
Milford	$8.60	.20	.20		$0.01	
Ansonia, Beacon Falls, Bethany, Naugatuck, Oxford, Prospect, and Seymour	9.15	.35	.30	2%	.02	
Middlebury, Southbury, Waterbury, Wolcott, and South Britain	6.60	.30	.30		.02	
Cheshire, Meriden, and Wallingford	6.00	.15	.20			
Remainder of county	6.35	.20	.20			
Roofers:						
Cheshire, Meriden, Prospect, Wallingford, and Wolcott:						
Composition	7.55	.225	.35	$0.30		
Composition, helpers, class A	6.975	.225	.35	.30		
Composition, helpers, class B	3.50	.225	.35	.30		
Slate and tile	8.05	.225	.35	.30		
Remainder of county:						
Composition, kettlemen	8.50	.60	.30			
Slate—tile	8.75	.60	.30			
Precast slab	8.00	.60	.30			
Precast slab helper	8.25	.60	.30			
Precast slate helpers	7.75	.60	.30			
Sheet metal workers	8.45	.50	.35		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers:						
Cheshire, Meriden, Prospect, Wallingford, and Wolcott	7.55	.225	.35	.30		
Remainder of county	8.50	.60	.30			

Welders—Receive rate prescribed for craft performing operation to which welding is incidental.
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Paid holidays: A through F.
c. Paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled days immediately preceding and following the holiday.
d. Paid holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the holiday.
e. Paid holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.
f. Paid holidays: C and D; providing the employee works the day before and the day after the holiday.
g. Paid holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.
h. Paid holidays: B through E.
j. Paid holidays: A through F plus Good Friday.
k. Paid holidays: C, D, and E.

SW-CONN-1-P:

Power equipment operators, building construction:					
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile-driver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a	b	
Tower crane, dragline, gradall, hoist, Koehring scooper loader and/or hoe, shovel, front end loader (7 yd. or over) forklift (over 4 ft. lift)	7.40	.20	.15+a	b	
	7.30	.20	.15+a	b	
Maintenance engineer	7.15	.20	.15+a	b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	
Asphalt spreader	7.50	.20	.15+a	b	
Bulldozer	6.95	.20	.15+a	b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	
Combination hoe and loader	6.90	.20	.15+a	b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), powerstone spreader					
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.85	.20	.15+a	b	
Steam Jenny, forklift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	
Roller operators	6.75	.20	.15+a	b	
Dinky machine operator, firemen (high pressure), power pavement breaker	6.60	.20	.15+a	b	
Oiler	6.30	.20	.15+a	b	

Crane with boom, 150 ft. Additional $0.25 per hour.
Crane with boom, 200 ft. Additional $0.50 per hour.
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F and Decoration Day and Good Friday.

SW-CONN-2-9-T:

Power equipment operators, heavy and highway construction:					
Erecting and handling structural steel	$7.50	.20	.15+a	b	
Front end loader (7 yd. or over), piledriver, crane shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Koehring loader (skooper)	7.44	.20	.15+a	b	
Drill (Joy heavy weight champion or equivalent) side boom, loader (Euclid), mucking machine, pumperete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	
Asphalt spreader	7.00	.20	.15+a	b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b	
Well point system, combination hoe and loader	6.85	.20	.15+a	b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b	
Front end loader (under 3 yd.), roller power chipper forklift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b	
Compressor, pump	6.52	.20	.15+a	b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b	

Crane with 150 ft. boom—additional $0.25 per hour.
Crane with 200 ft. boom—additional $0.50 per hour.
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F and Decoration Day and Good Friday.

V37-78 APR 21 72 XUM

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
1-TD-SW-CONN-1-2-3-E:						
Building, heavy, and highway construction:						
Truck drivers:						
2-axle trucks	4.70	a	b	c		
3-axle trucks	4.80	a	b	c		
4-axle trucks	4.90	a	b	c		
2-axle ready-mix	4.80	a	b	c		
3-axle ready-mix	4.85	a	b	c		
4-axle ready-mix	4.95	a	b	c		
Heavy-duty trailer—to 40 tons	4.85	a	b	c		
Heavy-duty trailer—over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas.						
Footnotes:						
a. $11 per week for employee employed over 16 hours and $0.2675 per hour for employed less than 16 hours during the week.						
b. $14 per week for employees empolyed over 24 hours and $0.30 per hour for employees employed less than 24 hours during the week.						
c. 7 holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						
Dredge 1-Atlantic-U:						
Dredging:						
Dipper and clamshell dredges:						
Operators	6.02	$0.25	$0.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckbands	4.35	.25	.15	a+5%		
Scowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic dredges:						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill boats:						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, welder, machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Holidays: A through F; Washington's Birthday and Veteran's Day.						
b. Holidays: A through F; Washington's Birthday and Veteran's Day, 6½ days of vacation with pay for 104 days of service; 1 additional day of vacation with pay for each additional 21⅔ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.						

State: Texas; counties: Jefferson and Orange. Decision No. AM-11,414; date of decision: Apr. 21, 1972. Supersedes Decision No. AM-7,717, dated Nov. 19, 1971, in 36 F.R. 22124.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers (Jefferson County)	$6.32	$0.275	$0.20			
Asbestos workers (Orange County)	7.125	.325	.10			
Boilermakers	6.50	.30	.40		.01	
Bricklayers; stonemasons:						
Southern part of Jefferson County including the cities of Port Arthur, Sabine, Port Neches, and Nederland	6.625	.175	.30			
Remainder of Jefferson County and all of Orange County	7.255	.275	.30		.04	
Carpenters:						
Carpenters	6.825				.05	
Millwrights	6.58					
Piledrivermen	6.255					
Cementmasons	6.40					
Electricians	7.625	.17	1%		1½%	
Elevator constructors	4.53	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70% JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50% JR					
Ironworkers: structural; ornamental; reinforcing	6.52	.25	.40		$0.05	
Laborers:						
Common laborer; asphalt ironer and raker	4.50	.13	.10		.02	
Carpenter tender	4.60	.13	.10		.02	
Cementmasons tender; air tool operator (Jackhammer—vibrator)	4.60	.13	.10		.02	
Mortar mixers, hod carriers and mason tender; plaster and lather tender; pipelayers, nonmetallic pipe, including handling and laying pumperete pipe	4.70	.13	.10		.02	
Sandblaster, exclusive of preparation work for painters; dumper, spotter and wagon drill; powderman-blaster; well driller	4.50	.13	.10		.02	
Machine man and nozzleman, for gunniting 1½ in. and over	4.935	.13	.10		.02	
Lathers	6.575	.20			.01	
Painters:						
Southern half of Jefferson County and all of Orange County:						
Spray	6.375					
Brush, steel, wood, wall, paperhanger, and glazier	6.05					
Sand blasters, power cleaning; brush, hot paint or creosote; all time spent rigging	6.375					

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App Tr.	Other
A premium of $0.325 for brush and $0.25 per hour for spray and other classifications for work from stage, chair, window jack, or window ledge.						
Northern half of Jefferson County:						
Brush and glaziers	6.175					
Canvas and paperhangers	6.425					
Brush, steel	6.35					
Spray	6.60					
Pipefitters	6.93	.30	.52		.68	
Plasterers	6.525	.27	.30		.02	
Plumbers	7.46				.03	
Roofers:						
Waterproofer and builtup	4.90					
Mop or roilmen	4.70					
Kettleman	4.45					
Sheet metal workers	6.575				.025	
Sprinkler fitters	7.60	.25	.40		.05	
Truckdrivers:						
Under 1½-ton and wash, grease, tiremen, fuel pump operators when used on construction	4.40					
1½ tons through 2½ tons, dump truck less than 7 yd., town driver	4.60					
Over 2½ tons, farm tractors (when used to transport personnel or material), forklifts (where used in warehouses storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85					
Euclids (not self-loading)	4.95					
Warehousemen—material checker	4.965					
Welder—receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% of basic hourly rate.						
b. Paid holidays—A through F.						
5-Texas-LC-1:						
Line construction:						
Linemen	7.625	.17	1%		1½%	
Groundmen	75%JR	.17	1%		1½%	
17-Texas-PEO-1 1:						
Power equipment operators:						
Heavy equipment operators: Heavy-duty mechanic; blade grader, self-propelled; bull clam; back filler, derrick—power operated, all types; draglines; Push Cat operator; bull dozer and all type of Cat tractors; cable-way; back-hoe; shovel; crane—power operated, all types; elevating grader, self-propelled; hoist—motor driven, 2 drums or more; mix mobile; winch truck; locomotive crane; mixer, 14 cu. ft. or more; paving mixer, all sizes; piledrivers; scraper—heavy type, over 3 cu. yd.; trench machine, all sizes; Gradall; high-lift; foundation boring machines; gasoline or diesel driven welding machines—7 to 12 machines; pumpcrete machine; drill operator—water well; DW-10, Euclid; tarnapulls; asphalt plants; crushing machines and batch-plants; scoopmobiles; fingerlift operator	7.005					
Light equipment operators: Air compressor; blade grade—Towed; flex plane; form grader, mixer—less than 14 cu. ft.; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines, 3 to 6 machines; hoist—single drum; scraper, 3 cu. yd. or less; conveyors—power operated	6.22					
Fireman	5.77					
Oiler	5.63					

State: Texas; counties: Jefferson and Orange.
Decision No. AM-7,717, dated Nov. 19, 1971, in 36 F.R. 22124.
Description of work: Residential construction consisting of single-family homes and garden-type apartments up to and including 4 stories.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers (Jefferson County)	$6.32	$0.275	$0.20			
Asbestos workers (Orange County)	7.125	.325	.10			
Boilermakers	.50	.30	.40		$0.01	
Bricklayers; stonemasons:						
Southern part of Jefferson County including the cities of Port Arthur, Sabine, Port Neches, and Nederland	6.625	.175	.30			
Remainder of Jefferson County and all of Orange County	7.255	.275	.30		.04	
Carpenters:						
Carpenters	6.825				.05	
Millwrights	6.58					
Piledrivermen	6.255					
Cementmasons	6.40					
Electricians	7.625	.17	1%		1½%	
Elevator constructors	4.53	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers: Structural; ornamental; reinforcing	$6.52	.25	.40		$0.05	
Laborers:						
Common laborer; asphalt ironer and raker	4.50	.13	.10		.02	
Carpenter tender	4.60	.13	.10		.02	
Cementmasons tender; air tool operator (Jackhammer—vibrator)	4.60	.13	.10		.02	
Mortar mixers, hod carriers and mason tender; plaster and lather tender; pipelayers, nonmetallic pipe, including handling and laying pumperete pipe	4.70	.13	.10		.02	
Sandblaster, exclusive of preparation work for painters; dumper, spotter and wagon drill; powderman-blaster; well driller	4.50	.13	.10		.02	
Machine man and nozzleman, for gunniting 1½ in. and over	4.935	.13	.10		.02	
Lathers	6.575	.20			.01	
Painters:						
Southern half of Jefferson County and all of Orange County:						
Spray	6.375					
Brush, steel, wood, wall, paperhanger and glazier	6.05					
Sand blasters, power cleaning; brush, hot paint or creosote; all time spent rigging	6.375					
A premium of $0.325 for brush and $0.25 per hour for spray and other classifications for work from stage, chair, window jack or window ledge.						
Northern half of Jefferson County:						
Brush and glazier	6.925					
Canvas and paperhangers	6.175					
Spray	6.35					

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SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Pipefitters	6.93	.30	.52		.08	
Plasterers	6.525	.27	.30		.02	
Plumbers	7.46				.08	
Roofers:						
Waterproofer and builtup	4.90					
Mop or rollman	4.70					
Kettleman	4.45					
Sheet metal workers	6.575				.025	
Sprinkler fitters	7.60	.25	.40		.05	
Truck drivers:						
Under 1½ ton and wash, grease, tiremen, fuel pump operators when used on construction	4.40					
1½ tons through 2½ tons, dump truck less than 7 yd., town driver	4.69					
Over 2½ tons, farm tractors (when used to transport personnel or material), forklifts (when used in warehouses storage yards, and where used to transport material), floats, hydraulic tail gate lifts	4.85					
Euclids (not self-loading)	4.95					
Warehousemen—material checker	4.965					
Welder—receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes: a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% o. basic hourly rate. b. Paid holidays—A through F.						
17-Texas-PEO-1:]						
Power equipment operators:						
Heavy equipment operators: Heavy-duty mechanic; blade grader, self-propelled; bull clam; back filler, derrick—power operated, all types; draglines; Push Cat operator; bull dozer and all type of Cat tractors; cable-way; back-hoe; shovel; crane—power operated, all types; elevating grader, self-propelled; hoist—motor driven, 2 drums or more; mix mobile; winch truck; locomotive crane; mixer, 14 cu. ft. or more; paving mixer, all sizes; piledrivers; scraper—heavy type, over 3 cu. yd.; trench machine, all sizes; Gradall; highlift; foundation boring machines; gasoline or diesel driven welding machines—7 to 12 machines; pumperete machine; drill operator—water well; DW-10, Euclid, Turnapulls; asphalt plants; crushing machines and batch-plants; scoopmobiles; fingerlift operator	7.005					
Light equipment operators: Air compressor; blade grade—towed; flex plane; form grader; mixer—less than 14 cu. ft.; pump; pulsometer; truck crane driver; gasoline or diesel driven welding machines, 3 to 6 machines; hoist—single drum; scraper, 3 cu. yd. or less; conveyors—power operated	6.22					
Fireman	5.77					
Oiler	5.63					

[FR Doc.72-5917 Filed 4-20-72;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF CERTAIN TANKERS

Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board to recompute the estimated foreign costs of the construction of tankers of about 225,000 d.w.t. pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on May 2, 1972, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: April 19, 1972.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-6233 Filed 4-20-72;8:53 am]

ST. LOUIS UNION TRUST CO.

Approval as Trustee

Notice is hereby given that St. Louis Union Trust Co. with offices at 510 Locust Street, St. Louis, MO, has been approved as trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: April 11, 1972.

BURT KYLE,
Chief,
Office of Domestic Shipping.

[FR Doc.72-6234 Filed 4-20-72;8:53 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-168]

AREA DIRECTOR, KANSAS CITY, KANS., AREA OFFICE, ET AL.

Designations to Serve as Area Director, St. Louis Area Office

The listed officials are designated to serve as Acting Area Director, St. Louis Area Office, in the order named, during the vacancy in that office, with all the powers, functions, and duties redelegated or assigned to the Area Directors: *Provided*, That no official here listed is authorized to serve as Acting Area Director unless and until all the officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position of Area Director, St. Louis:

1. William R. Southerland, Area Director, Kansas City, Kans., Area Office.
2. Morris Hatchett, Deputy Director.
3. Kenneth Molitor, Director, Operations Division.
4. Donald F. Flint, Area Counsel.

(The authority for this designation is set forth in 36 F.R. 3389, Feb. 23, 1971, sec. B. 2; sec. 7(d), Departmetn of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This designation shall be effective as of March 6, 1972.

ELMER E. SMITH,
Regional Administrator,
Region VII, Kansas City.

[FR Doc.72-6093 Filed 4-20-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE NO. 31

Notice of Relocation

Effective on or about May 22, 1972, the Air Carrier District Office at 3166 Des Plaines Avenue will be relocated. Services to the public formerly provided by this office, will be provided by the Air Carrier District Office at 2300 East Devon Avenue, Des Plaines, IL 60018. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Ill., on April 11, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-6085 Filed 4-20-72;8:48 am]

ENGINEERING AND MANUFACTURING DISTRICT OFFICE NO. 46

Notice of Relocation

Effective on or about May 22, 1972, the Engineering and Manufacturing Office at 3166 Des Plaines Avenue will be relocated. Services to the public formerly provided by this office, will be provided by the Engineering and Manufacturing Office at 2300 East Devon Avenue, Des Plaines, IL 60018. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Ill., on April 11, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-6084 Filed 4-20-72;8:48 am]

ATOMIC ENERGY COMMISSION

LIQUID METAL FAST BREEDER REACTOR (LMFBR) DEMONSTRATION PLANT

Notice of Availability of the General Manager's Final Environmental Statement

Notice is hereby given that the final environmental statement on the Liquid Metal Fast Breeder Reactor (LMFBR) Demonstration Plant, issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969, is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545.

The statement will also be in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Public Document Room, 376 Hudson Street, New York, NY 10014.

The final environmental statement will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 17th day of April 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-6061 Filed 4-20-72;8:46 am]

[Docket No. 50-286]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Supplement to the Environmental Report—Operating License Stage—Cooper Nuclear Station" submitted by the Nebraska Public Power District has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Auburn Public Library, 1118 15th Street, Auburn, NE 68305. The report is also being made available at the State Office of Planning and Programming, State Capitol, Box 94601, Lincoln, NE 68509, and the Southeastern Nebraska Joint Planning Commission, Humboldt, Nebr. 68370.

This report discusses environmental considerations related to the proposed operation of the Cooper Nuclear Station located near the village of Brownville, Nemaha County, Nebr. Notice of availability of report entitled "Applicants Environmental Report—Operating License Stage," was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23264).

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft environmental statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments thereon by Federal agencies and State and local officials will be available when received.

Dated at Bethesda, Md., this 14th day of April 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-6060 Filed 4-20-72;8:45 am]

[Docket No. 50-408]

NEW YORK UNIVERSITY

Notice of Receipt of Application

The New York University, pursuant to section 104.c of the Atomic Energy Act of 1954, as amended, has filed an application for licenses to construct and operate a TRIGA Mark I reactor facility on the University's campus located in Bronx, N.Y. The proposed reactor would be operated at steady-state power levels up to 250 kilowatts (thermal).

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 11th day of April 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-6074 Filed 4-20-72;8:47 am]

[Docket No. PRM-30-51]

PACKARD INSTRUMENT CO., INC.

Withdrawal of Petition

Notice is hereby given that the Packard Instrument Co., Inc., 2200 Warrenville Road, Downers Grove, IL, by letter dated March 22, 1972, has withdrawn petition for rule making PRM-30-51 dated November 17, 1971. The petition filed by Packard Instrument Co. had requested that the Commission amend its regulation 10 CFR Part 30 to increase the license exempt quantity of iodine 129 set out in § 30.71, Schedule B of Part 30, from one-tenth of a microcurie to 1 microcurie.

Notice of filing of said petition was published in the FEDERAL REGISTER on December 29, 1971 (36 F.R. 25177).

Dated at Germantown, Md., this 17th day of April 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-6059 Filed 4-20-72;8:45 am]

STATE OF NEVADA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority.

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nevada for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A narrative, prepared by the State of Nevada and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Nevada regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within

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30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Md., this 27th day of March 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEVADA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nevada is authorized under Nevada Revised Statutes 459.080 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nevada certified on March 9, 1972, that the State of Nevada (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on July 1, 1972, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at ----------, State of Nevada, in triplicate, this ------ day of ----------, 1972.

For the U.S. Atomic Energy Commission.

For the State of Nevada.

MIKE O'CALLAGHAN, *Governor.*

FOREWORD

The State of Nevada, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is ever committed to the protection of public health and safety, the Nevada State Legislature enacted the Nuclear Affairs Act.

This Act, and supplemental legislation, provides the legal structure for a comprehensive radiological health and regulatory program compatible with that of the U.S. Atomic Energy Commission and that of those States who have entered into agreement with the Commission.

The Act authorizes the Governor, on behalf of the State, to enter into an agreement with the Federal Government providing for discontinuance of certain responsibilities of the Federal Government relating to ionizing radiation and the assumption of such responsibilities by the State. The Act also designates the Nevada State Board of Health as the radiation control agency for the State.

The following narrative relates the history, current practices, proposed activities, capabilities, and resources of the State in the field of radiological health.

HISTORY

1931 The State Legislature passed a law prohibiting the use of X-rays for the treatment of the scalp or for the removal of surplus hair by cosmetologists (NRS 644.470).

1959–60 One State employee attended a U.S. Atomic Energy Commission sponsored Health Physics Course at Oak Ridge, Tenn.

A laboratory radiation counter was purchased for the purpose of determining background levels from selected stations within the State.

A course for Radiological Defense Instructors was given to personnel from State, county, and city organizations by State Health Division personnel.

A law was passed in 1960 preventing the operation or maintenance of any shoe-fitting device using fluoroscopic or radiation principles (NRS 202.245).

1961–62 During this period, a medical and dental X-ray survey of diagnostic X-ray machines in the State was conducted. This survey, which was voluntary and performed only in those installations requesting it, was accomplished by teams composed of U.S. Public Health Service and State Health Division personnel. The primary objectives of the survey were to check collimation and filtration of the X-ray units and make recommendations where necessary.

Regulations governing the manufacture, use, storage, handling, transportation and disposal of ionizing radiation producing devices and materials were prepared for and adopted by the Nevada State Board of Health in January 1962. The regulations provided standards to assure minimum exposure to personnel handling or working with ionizing radiation producing devices and materials and to the general public.

Acquisition of Federal land near Beatty, Nev. was authorized for lease to Nuclear Engineering Co. as a low-level, solid radioactive waste burial site.

The first phase of a program to establish a Radiological Defense Organization for the Nevada Civil Defense Agency was also completed during this period. This phase entailed training of Highway Department and Highway Patrol personnel as radiation monitors in the event of nuclear war. All Highway Maintenance Stations, Highway District Headquarters, Highway Patrol Stations, and approximately half of the Highway Patrol vehicles were supplied with radiation monitoring instruments.

1963–64 During this period, training and refresher courses for radiological monitors for the Civil Defense Agency were continued. Most of this training was directed at State employees. Establishment of 167 radiological fallout monitoring stations provided with 1,000 radiation detection instruments was completed. Maintenance of the radiation detection instruments was improved by the acquisition of Federal funds for a maintenance shop and technicians' salaries.

In 1963, the State Radiation Control Act was adopted for the control of ionizing radiation within the State, and enabling the State to enter into an agreement with the Federal Government to assume responsibilities relating to sources of ionizing radiation previously the responsibility of the Federal Government (NRS 459.010 to 459.160, inclusive).

Two employees attended a U.S. Atomic Energy Commission orientation class for agreement States and two employees attended a U.S. Public Health Service course on gamma spectroscopy during this period.

A voluntary resurvey of medical diagnostic X-ray units was made during June and July, 1964 by U.S. Public Health Service teams.

1965–66 State personnel surveyed all new or relocated X-ray machines. In the 2-year period, 128 new or relocated X-ray tubes in medical and dental facilities were inspected.

Participation in U.S. Public Health Service environmental programs included collecting representative portions of meals served at the State Children's Home in Carson City for analysis by the Southwest Radiological Health Laboratory at Las Vegas. Analysis for fission product residue was performed to determine the contribution of diets to radionuclide body burden for the general public. All of the milk stools in the State were sampled monthly for a similar analysis.

1969–70 In 1969, the text of the Western Interstate Nuclear Compact was enacted into law (NRS 459.200 to 459.240, inclusive). The Compact provides for a cooperative effort in nuclear and related fields to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

The State Superintendent of Public Instruction and all county supervisors were apprised of the hazards involved due to the use of cold cathode gas discharge tubes.

State personnel accompanied U.S. Atomic Energy Commission compliance inspectors on inspections of AEC-licensed facilities within the State during this biennium, as they have on many previous occasions.

1971 In 1971, legislation was passed controlling air pollution and water pollution (respectively, NRS 445.401 to 445.601, inclusive; and NRS 445.130 to 445.385, inclusive). The Commission of Environmental Protection was created by this legislation as the controlling agency for air and water pollution.

PRESENT PROGRAM

Two full-time radiation control specialists were hired by the State in September, 1971, to implement the radiation control program. Their major efforts up to this time have been the preparation of radiation control regulations, activities to enable the State to become an agreement State with the U.S. Atomic Energy Commission, participation in several lengthy training courses sponsored by the U.S. Atomic Energy Commission and the Environmental Protection Agency, and on-the-job training.

SCOPE OF ACTIVITIES

The radiation control program encompasses the regulatory program associated with licensing of radioactive materials and registration of radiation producing machines, environmental surveillance, and response to emergency situations involving sources of radiation.

Within the State of Nevada, there are an estimated 368 X-ray machines: 188 dental units; 200 medical units, fluoroscopic and diagnostic; and six reported for industrial radiography. The number of U.S. Atomic Energy Commission Licenses within the State of Nevada in effect January 1, 1972, was 44. The number of radium sources is not known; but the number of facilities reported using radium sources is eight: four medical, three industrial and one institutional. There are an estimated five particle accelerators being used, with two accelerators to begin routine operation in the latter part of 1972.

There are few installations which may necessitate environmental surveillance activities. A research reactor is operable at the University of Nevada, Reno; a commercial burial site for low-level radioactive waste is located at Beatty, Nev.; and the Nevada Test Site.

STATUTORY AUTHORITY

The following Nevada Revised Statutes (NRS) provide for the Governor to enter into an agreement with the U.S. Atomic Energy Commission, administrative procedures, authority to promulgate regulations, enforcement of regulations, administration of public health, special prohibited uses of ionizing radiation, and mutual aid in the event of nuclear incident.

NRS 459.010–459.160, inclusive, "State Radiation Control." This statute provides for Federal-State agreements concerning the responsibility for control of sources of ionizing radiation, designates the State Board of Health as the State radiation control agency, and provides the basis for radiation control.

NRS 459.200, "Western Interstate Nuclear Compact." Article VI of this statute provides for mutual aid between party States in the event of a nuclear incident.

NRS 233B, "Nevada Administrative Procedures Act." This Act establishes minimum procedural requirements for regulation-making and adjudication procedures of all agencies of the executive department of the State government and for judicial review of both functions. The provisions of the law are intended to supplement statutes applicable to specific agencies.

NRS 439, "Administration of Public Health." 439.130 requires the State Health Officer to enforce all laws and regulations pertaining to public health and empowers him to enter upon and inspect any public or private property in the State in the course of his work, and authorizes subordinates to act in his place and stead.

439.150 declares that the State Board of Health be supreme in all health matters except administrative matters and that it shall have supervision over the work of the State Health Officer.

439.200 declares that the State Board of Health shall have the power to adopt, promulgate, amend and enforce reasonable rules and regulations consistent with law and that such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations enacted inconsistent therewith.

NRS 202.245, states that no person may operate or maintain any shoe-fitting device or shoe-fitting machine which uses fluoroscopic, X-ray, or radiation principles.

NRS 644.470, prohibits the use of any X-ray machine by cosmetologists in the treatment of the scalp or in the removal of surplus hair.

NRS 445.130 to 445.385, inclusive, provides for the control of water pollution within the State.

NRS 445.401 to 445.601, inclusive, provides for the control of air pollution within the State.

PROCEDURES AND POLICIES

LICENSING AND REGISTRATION

The Bureau of Environmental Health, Division of Health, is charged with the responsibility of operating the radiation control program for the Nevada State Board of Health. The program shall regulate and control the usage of all sources of ionizing radiation within the State including radium and accelerator produced nuclides, X-ray generating machines, and particle accelerators. Registration is required for the use of X-ray machines and particle accelerators, and licensing is required for the use of radioactive materials.

The licensing program shall be essentially the same as that presently utilized by the U.S. Atomic Energy Commission and shall use criteria established by the U.S. Atomic Energy Commission. The Chief of the Bureau of Environmental Health and key staff members will evaluate each radioactive material license application, and perform preliconsing visits if deemed necessary. The U.S. Atomic Energy Commission shall be consulted concerning the nonroutine medical uses of radioactive material, and for any circumstance which indicates that advice and guidance concerning the application of radiation or radioactive material is required. Upon approval, specific licenses shall be endorsed by the State Health Officer or his duly authorized representatives for the Nevada State Board of Health.

INSPECTION

Qualified staff personnel shall conduct inspections of licensees' and registrants' facilities to assure compliance with the regulations and to evaluate the adequacy of radiation protection programs. Inspection shall be either by pre-arrangement or on an unscheduled basis during working hours.

Licensees' and registrants' facilities shall be inspected on a priority basis determined by the classification of use, degree of hazard, previous violations, training, and experience of the user and other relevant factors. The initial planned inspection frequencies are as follows:

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Category	Anticipated inspection frequency (months)
Industrial radiography	12
Operations involving waste disposal	6
Broad licenses, industrial, medical, or academic	12
Other specific licenses, industrial, medical or academic	12–24
X-ray, medical, industrial, or academic	12–24

The above inspection frequencies are subject to change due to circumstances and experience. At the start of an inspection, personal contact at management level will be made whenever possible. At the completion of each inspection, the inspector will confer with licensee management to discuss the results of his inspection, presenting oral recommendations or suggestions as required and answering questions concerning the regulatory program.

A comprehensive written report concerning each inspection shall be prepared by the inspector and reviewed by qualified Bureau of Environmental Health personnel.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions shall be determined through inspections and evaluations of inspection reports. Licensees and registrants shall be informed of the results of all inspections, orally at the time of inspection and by letter or notice from the Agency.

When items of minor noncompliance are found and the licensee or registrant agrees at the time of inspection to correct them promptly, no further action shall be taken by the inspection Agency, except that the licensee or registrant shall receive a letter from the Agency stating the items of noncompliance, and that these items shall be checked at the next scheduled inspection.

When items of major noncompliance are found, the licensee or registrant shall be informed orally at the time of inspection and subsequently by letter of the items of noncompliance and he shall be required to reply in writing within a stated time as to the corrective action taken and the completion date or anticipated completion date of the corrective action. Assurance that the corrective action has been taken shall be determined by a followup inspection or at the time of the next regularly scheduled inspection, as circumstances warrant.

A license, upon request of a licensee, may be amended to be consistent with the Act or regulations or to meet changing conditions in operations. The Agency may amend, suspend, or revoke a license in the event of continual refusal of the licensee to comply with the terms and conditions of the license, the Act, or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may without notice or hearing issue a regulation or order noting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not willing to observe the provisions of the Act, or regulations issued thereunder. After these actions, the licensee has a right to a hearing.

A court order directing a person to comply, or enjoining such practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been offered.

The Agency shall endeavor to gain compliance by cooperative and educational methods. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, shall the full weight of legal procedure normally be employed.

EFFECTIVE DATE OF LICENSE TRANSFER AND RECIPROCITY

Any person who, on the effective date of the agreement with the U.S. Atomic Energy Commission, possesses a license issued by the U.S. Atomic Energy Commission shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such a license or on the date of expiration specified in the Federal license, whichever is earlier. The Nuclear Affairs Act enacted by the Nevada Legislature and the Rules and Regulations promulgated by the Nevada State Board of Health pursuant to the above legislation provides for recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States.

RADIOLOGICAL EMERGENCY CAPABILITY

The State of Nevada Emergency Procedures Manual and Nevada Revised Statute 459.120 designates the Department of Health, Welfare, and Rehabilitation and the Nevada State Board of Health, respectively, as the responsible agencies in the event of an accident involving radioactive materials. It will be the responsibility of the Bureau of Environmental Health to respond for these agencies in such an emergency.

Notification of an emergency may be by a State licensee or by the Nevada State Highway Patrol, local enforcement agencies, or local fire departments through the Atomic Energy Commission. Nevada State Highway Patrol, local enforcement agencies, and local fire departments have, during various training courses, received cards and posters listing the telephone numbers of the Atomic Energy Commission.

Bureau of Environmental Health personnel shall respond either as the emergency response team or as the agency responsible for public health and safety. The nature of the response may vary from an office evaluation and advisement of controls to on-the-site evaluation, radiation, and radioactivity measurements, establishment of controls, and coordination of support agencies.

Upon request, the State Civil Defense and Disaster Agency shall coordinate the transportation of Bureau personnel to the site of the incident, the installation of a communication network, and the supply of any power and heavy duty equipment needed. For any transportation or communications not provided, the Bureau will depend on commercial and other State organizations.

The State of Nevada is a member of the Western Interstate Nuclear Compact. Should circumstances warrant during the course of a radiological incident, member States of the Compact shall be requested to provide assistance to the State according to the mutual aid feature of the Compact.

The Bureau of Environmental Health will make a request to the Environmental Protection Agency, Western Environmental Research Laboratory, for any radioanalysis required beyond the capability of the Bureau's laboratory instrumentation.

Future plans for emergency situations include a review and revision of existing radiological emergency procedures reflecting the enlarged staff, the acquisition of any special radiation detection instrumentation which may be required, the formation of a radiological emergency team and the preparation of radiological emergency kits which will be available for immediate use.

ORGANIZATION AND STAFF

The State Board of Health is designated as the radiation control agency for the State by the Radiation Control Act and is authorized to carry out the provisions of the Act. The State Division of Health is responsible for the radiation control program for the Board of Health, with implementation of the program performed by the Bureau of Environmental Health. The State Health Officer functions as the head of the Division of Health, and as Secretary to the Board of Health. The Radiological Control Section is under the Chief, Bureau of Environmental Health, who reports to the State Health Officer. These relationships are illustrated in Chart 1 of the Appendix.

The two radiation control specialists in the Radiological Control Section shall devote full time to the radiation control program for licensing and registration functions, inspection of licensed and registered facilities, response to emergency situations, and to all other radiation control activities within the State over which the State Board of Health has authority. This section shall maintain all records pertinent to the radiation control program including those which will permit the U.S. Atomic Energy Commission to evaluate the status of the program with regard to its compatibility with those of other agreement States, and that of the Commission. The Chief and the Assistant Chief of the Bureau shall participate in licensing and registration functions to provide greater manpower depth to the small Radiological Control Section.

The Commission of Environmental Protection is the agency responsible for the control of air and water pollution within the State. However, the regulations promulgated by the Commission will not conflict with those of the Board of Health for radiation control. The Bureau of Environmental Health is designated as the advisory and implementing agency for the Commission, and the Chief, Bureau of Environmental Health is the Control Officer for the Commission. The relationship between the Board and the Commission is illustrated in Chart 2 of the Appendix.

Position titles, education, and experience of Bureau of Environmental Health personnel directly involved in the activities of the radiological health program are listed below. Replacements for these personnel, if required, shall be recruited as soon as possible. The level of experience, education, and training shall be that required by the position descriptions contained in the Appendix.

ERNEST G. GREGORY—*Chief, Bureau of Environmental Health*

Education

University of Nevada—B.S. Civil Engineering; 1951.

Other Training

USPHS—Basic Radiological Health; 2 weeks.
USPHS—Gamma Spectroscopy; 2 weeks.

Experience

1965–Present Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1956–65 Public Health Engineer, Bureau of Environmental Health, Nevada State Health Division. Principal area of responsibility was in water pollution control. From 1958 to 1968 served as the Civil Defense Radiological Officer for the State, which included the training of Civil Defense radiation monitors and radiation monitor instructors. Held a byproduct material license for Civil Defense Model CDV-784–786 radioactive sources.

1952–56 Right-of-way Agent, Nevada State Highway Department.

1951–52 Hydrologist, U.S. Bureau of Reclamation.

Miscellaneous

Registered Professional Engineer:
Wendell D. McCurry—Assistant Chief, Bureau of Environmental Health.

Education

Murray State Agricultural College—A.S. Engineering; 1959–61.
Oklahoma State University—B.S. Civil Engineering; 1963.
Oklahoma State University—M.S. Public Health and Sanitary Engineering; 1965.
University of Florida—Post Graduate work in Environmental Engineering and Radiological Health; 1964–66.

Other Training

USPHS—Occupational Health Course; 2 weeks.
AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
USPHS—Medical X-ray Protection; 2 weeks.

Experience

1970–Present Assistant Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1966–70 Public Health Engineer II, Nevada State Health Division. Duties very similar to present position.

Miscellaneous

Registered Professional Engineer:
William C. Horton—Radiation Control Specialist III.

Education

University of New Mexico—B.S. Geology; 1958.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
EPA—Medical X-ray Protection; 2 weeks.
USPHS—Basic Radiological Health; 2 weeks.
Picker X-ray Corp.—Isotopes and X-rays for Industrial Radiography; 1 week.
Defense Atomic Support Agency and Reynolds Electrical and Engineering Company—Emergency Radiation Team Training; 1 week each course.
AEC—Ten-week Health Physics course beginning April 3, 1972.

Experience

1971–Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1967–71 Supervisor of Environmental Monitoring, Battelle Northwest, Richland, Washington. Primarily responsible for implementing the overall environmental surveillance program at Hanford. Supervised radiation monitors taking samples and performing radiation and contamination surveys in the environs. Assisted in program planning, analytical result evaluation, and program coordination. Provided liaison with analytical laboratories.

1966–67 Engineer, ACFI, Inc., Albuquerque, New Mexico. Had primary responsibility for all radiological protection in a manufacturing plant possessing numerous X-ray devices and sealed radioactive sources. Provided shielding design for radiographic facilities and radiological protection requirements for a U 235-loaded graphite testing facility. Prepared formal operating procedures governing non-destructive testing and radiological protection practices.

1959–97 Seismologist and Party Chief, Continental Oil Company, Ponca City, Oklahoma. Primary responsibility was for operation of geophysical field crew exploring for oil, and interpretation of geophysical and geological data.

Richard W. Reynolds—Radiation Control Specialist II.

Education

University of Nevada—B.S. Zoology; 1966.
University of Nevada—M.S. Nuclear Engineering; 1971.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.
EPA—Medical X-ray Protection; 2 weeks.
Reynolds Electrical & Engineering Co.—Basic Radiological Monitoring.

Experience

1971—Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1968–71 Graduate Research Fellow, Department of Nuclear Engineering, University of Nevada, Reno, Nev.

1966–68 Health Physicist, Health Physics Branch, Mare Island Naval Shipyard, Vallejo, Calif. Primary responsibility was the supervision of field surveillance of storage and usage of sources of ionizing radiation in medical, nondestructive test, instrument calibration, supply, and nuclear propulsion programs.

1964 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary duty assignment was gamma spectral analysis of filter systems used for aerosol surveillance during nuclear device testing.

1962–63 Nuclear Powerman, U.S. Army, Walter Reed Army Medical Center, Washington, D.C. Primary duty assignment was radiochemical analysis of coolant, effluent and environmental samples from research reactor areas at this installation.

1960–61 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary assignment was the radiochemical analysis of environmental and bioassay samples, collected as part of the surveillance program for GEROME, PLUTO, NERVA, and other projects.

BUDGET FOR THE RADIOLOGICAL HEALTH SECTION

Fiscal year 1971–72	
Personnel	$36,295.71
Travel (In-State)	2,833.00
Travel (out-of-State)	----------
Operating expenses	2,286.00
Capital equipment	3,000.00
Total	34,943.71
Fiscal year 1972–73	
Personnel	27,381.74
Travel (In-State)	3,500.00
Travel (out-of-State)	----------
Operating expenses	2,464.00
Capital equipment	----------
Total	33,345.74

NOTE: For the capital equipment budget for fiscal year 1971–72, it is anticipated that matching funds for procurement of radiation detection and measurement equipment will be obtained from the Federal Office of Civil Defense, Department of the Army.

INSTRUMENTATION

Listed below is the field and laboratory instrumentation and radioactive sources which the Bureau of Environmental Health will utilize for the detection and measurement of radiation during routine inspections and emergencies for the identification and measurement of radioactive materials during periodic environmental surveillance and for the standardization of instrumentation, respectively.

Field Instrumentation—Survey

	Alpha	Range
1	Eberline Alpha Counter, scintillation type, Model Pac-4.	0–2 x 10^4 c.p.m.
	Neutron	
1	Nuclear Chicago Portable Survey Meter, Model 2571.	0–2.5 x 10^4 n/cm.²/sec.
	Beta, X-rays, and Gamma	
1	Eberline Beta-Gamma Counter, GM Type, Model E-250.	0–2 R/hr. 0–6000 K c.p.m.
2	Victoreen Survey Meters, ion chamber type, Model 470.	0–300 mR/hr. and R/hr.

Calibration and Standard Measurements

2 Victoreen Condensor R-meters, Model 570.
2 Victoreen R-meter chambers, Model 130, 0–250 mR, 30–500 keV.
2 Victoreen R-meter chambers, Model 227, 0–1R, 30–500 keV.
1 Victoreen R-meter chamber, Model 552, 0–2.5R, 400–1200 keV.
2 Victoreen R-meter chambers, Model 70–5, 0–25R, 30–250 keV.
1 Victoreen R-meter chamber, Model 326, 0–10R, 30–250 keV.

Sources

1 set of Tracerlab Gamma Spectrometer Sources, Model R-35.
1 set of Eberline Pu^{239} Calibration Sources, Model SS4-1
1 Tracerlab C^{60} source, Model R210.

LABORATORY INSTRUMENTATION

Gamma Spectroscopy

1 Tracerlab Model SC-76S single channel analyzer interconnected with a Tracerlab Model SC-71 scaler, Model SC-57B Auto-Printer, and SC-57A well scintillation detector, which houses a 3-inch x 1¾-inch NaI well crystal.

Alpha, Beta, and Gamma Measurements

1 Tracerlab Model SC-71 scaler connected with a Model SC-57B Auto-Primer and FD-2 Flow Detector, used both as a geiger and proportional counter, and a SC-57A well scintillation detector.

[FR Doc.72-4877 Filed 3-30-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24868, etc.; Order 72-4-60]

AIRLIFT INTERNATIONAL, INC.

Order of Suspension Regarding Air Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1972.

By tariff revision[1] bearing the issue date of March 15 and marked to become effective April 18, 1972, Airlift International, Inc. (Airlift), proposes, inter alia, to reduce the rates on shipments of 1,000 pounds or more on office machines, radio

[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB 141.

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and television sets, and cameras,[3] from Los Angeles and San Francisco to New York and Newark to the level of rates for shipments of 10,000 pounds and over. Both the current and proposed rates are applicable only on shipments originating at points other than in the continental United States or Canada for which transportation was supplied by an ocean vessel[4] and destined to points in Europe or Africa. The export movements must be (1) on a through air waybill, or (2) by ocean carrier, in which case the air waybill must clearly show the mode of transport beyond New York/Newark. The proposed, as well as the current, rates are scheduled to expire July 1, 1972.

Complaints variously requesting rejection or in the alternative, suspension pending investigation, have been filed by American Airlines, Inc. (American), and the Flying Tiger Line, Inc. (Tiger). The complainants assert, inter alia, that the proposed rates are below competitive truck rates, and are below the carrier's costs including the operation of efficient terminal service. It is asserted that the increased out-of-pocket cost per 100 pounds for 1,000-pound shipments for extra functions will diminish or wipe out any revenue contributions that might be received from 10,000-pound shipments moving at the 10,000-pound rate. In addition, the complaints challenge the contention that such reductions are needed to meet competition from Canadian carriers and allege that the proposed rates would result in significant diversion of traffic from them, or dilution of yield from existing traffic if they are forced to reduce their rates.

In support of its proposal and in answer to the complaints, Airlift asserts that the Canadian rates[5] with which its 10,000 pound import/export rate was originally filed to compete are subject, not to a minimum weight per shipment, but to a yearly minimum of 50,000 pounds, and the traffic consists largely of 1,000- to 5,000-pound shipments. Airlift submits that data on its traffic volume, while not conclusive, show substantial growth and significant traffic volume moving under the 10,000-pound rates.

The rates proposed by Airlift come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and the lawfulness of these rates will be determined in that proceeding. The issue now before us is whether to suspend the proposed rates or to permit them to become effective, during the effective period of the tariff.

Upon consideration of the complaints and other relevant matters, the Board finds that the proposed rates should be suspended.

By order 71-6-81, the Board dismissed a complaint by Tiger and permitted Airlift to place into effect a rate of $7.52 per 100 pounds on 10,000-pound shipments of the same commodities effective July 1, 1971. In that order the Board concluded that the resultant airport-to-airport rates, after deducting the cost of import services, were not out of line with rates on other domestic movements in the same markets, that the issue of traffic generation as compared to revenue dilution could be best determined on the basis of actual experience, and that in these circumstances Airlift should not be precluded from meeting the competition of Canadian carriers.

Airlift's current proposal, $7.52 per 100 pounds, for shipments of 1,000 pounds and over, however, would effect reductions between 29 and 61 percent below currently applicable rates. They would result in significantly lower net returns to the carrier after deducting the costs of the import services to cover the line-haul movements. This is due chiefly to the significantly higher unit pickup charges for smaller shipments. Thus, while the net returns from the rates for 10,000-pound shipments are estimated to range between $5.60 and $6 per 100 pounds, the net returns for 1,000-pound shipments in the San Francisco-New York market would be, according to complainants, from $3.92 to $4.10 per 100 pounds. For 5,000-pound shipments, the net returns would range from $5.26 to $5.44 per 100 pounds. The yields per ton-mile would range between 3 and 4.2 cents per ton-mile. These returns and yields would be lower than for the rates in effect on any other commodities in this market, and a similar situation exists from Los Angeles.

In view of the suspension ordered herein, the Board does not reach the request for rejection filed by Tiger.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates from Los Angeles, Calif., to New York, N.Y.-Newark, N.J., for item Nos. 1, 2, and 6, bearing the reference "EC," subject to minimum weights of 1,000 pounds, 2,000 pounds, 3,000 pounds, and 5,000 pounds and the cancellation of the rates from Los Angeles, Calif., to New York, N.Y.-Newark, N.J., for item Nos. 1 and 2 subject to the minimum weight of 500 pounds, appearing on 18th Revised Page 24-A of Airline Tariff Publishers, Inc., agent's CAB No. 141, are suspended and their use deferred to and including July 16, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaints of American Airlines, Inc., in Docket 24358, and of the Flying Tiger Line, Inc., in Docket 24368, are dismissed; and

3. Copies of this order shall be filed with the tariff and served upon Airlift International, Inc., American Airlines, Inc., and the Flying Tiger Line, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-6131 Filed 4-20-72;8:52 am]

[3] The commodities included are in the following groups:

No. 1—Calculators, or parts thereof, n.e.s.: (a) Machines, office, namely: Card-punch, sorting, tabulating, or computing machines and parts thereof; (b) Alcohol (when in mixed shipments with articles listed in (a) above); office machines, or parts thereof, n.e.s.; and typewriters.

No. 2—Radios, receiving or transmitting sets, other than console, and radio tubes, transistors, or parts thereof; record players or phonographs; recording machines, tape or wire, or parts thereof; and television receivers or parts thereof.

No. 6—Cameras or camera parts, cinema or photographic.

[4] The rates would also apply to shipments stored at port of entry for a period not exceeding 18 months from the date the vessel was registered at the customs house at the point of entry. The rates proposed cover the following services or expenses in addition to airport-to-airport transportation at no additional charge: Initial custom house entry, wharfage fees, handling, loading, and cartage services within the origin airport city.

[5] Rates apply from Vancouver to Montreal, and are thus available for traffic originating in the Far East and terminating in Europe.

[1] Members Minetti and Murphy included a dissenting statement, filed as part of the original document.

[Docket No. 22398; Order 72-4-77]

COMMONWEALTH OF PUERTO RICO ET AL.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1972.

This matter is before the Board on a motion by the Commonwealth of Puerto Rico for review of the decision of the Director, Bureau of Enforcement, declining to institute a formal enforcement proceeding with respect to the Commonwealth's complaint charging various violations of the Federal Aviation Act of 1958 (Act) by Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan Am).[1]

The Commonwealth's complaint rests upon the following circumstances: Both Eastern and Pan Am have published and maintained in effect at all times relevant hereto tariffs showing three classes of nonstop service in the Miami-San Juan markets, which are first class (F), economy class (Y), and thrift class (K).[2] These services have been provided on dually-configured jet aircraft which can provide either F and Y or F and K services, depending upon which services are "designated" in the carrier's general schedules for each particular flight.[3] All economy class (Y) nonstop service was discontinued by the carriers by June, 1964 in favor of the less expensive and simpler thrift class (K) service, pursuant to the "designation" provisions of their applicable tariffs, and the schedules of both carriers indicate that only F/K nonstop jet services were provided in the Miami-San Juan market from June, 1964 until April 25, 1970. Then, effective April 26, 1970, Eastern and Pan Am discontinued thrift (K) service and reinstituted economy (Y) service in lieu thereof on their flights, by appropriately "designating" their flights in their official General Schedules.

It is the cessation of thrift (K) service and the substitution therefor of economy (Y) service, resulting in an increase of $7 one way in the lowest fare generally available in the Miami-San Juan market, which forms the basis of the Commonwealth's complaint. It views this action as a fare increase for which no tariffs have been filed, and alleges a number of different violations of the Act.[4]

[1] The Commonwealth of Puerto Rico filed a complaint on July 28, 1970. Answers by Eastern and Pan Am were filed on Aug. 19, 1970, and the Director's decision was entered on Apr. 23, 1971. The Commonwealth's Motion for Review of Staff Action, filed May 24, 1971, was answered by Eastern on June 3, 1971, and by Pan Am on June 4, 1971.

[2] The currently-published fares applicable to the Y and K services, exclusive of taxes, are $63 and $56 one way, respectively. F class service is not at issue herein.

[3] The filed tariffs of both carriers provide that Y and K services in the Miami-San Juan market are applicable only on flights appropriately designated in their official General Schedules filed with the Board. See Eastern Air Lines, Inc., CAB No. 326, 4th Rev. p. 10, and IATT Corp., CAB No. 404, 1st Rev. p. 10. Moreover, the "seating configuration" tariffs of both carriers show that K and Y services are provided in identical configurations. See Air Line Tariff Publishers, CAB No. 65, 42d Rev. p. 15 and 34th Rev. p. 15-A, both effective Nov. 28, 1969, and IATT Corp., CAB No. 191, 50th Rev. p. 14, effective Apr. 30, 1970. The difference between Y and K classes appears to consist of the quality of the meal service, as reflected in the carrier's schedules.

[4] The Commonwealth's complaint alleges that:

(1) Eastern and Pan Am violated section 403(c) of the Act by "raising fares" in the Miami-San Juan market without filing tariffs to effectuate that change. (The complaint also alleges that the tariffs admittedly on file in that market by both carriers showing both economy and thrift class fares violate § 221.38(a) (1), (2), (3), and (4) of the Board's economic regulations and section 403(a) of the Act by failing to adequately distinguish the respective services to which the fares are applicable, in that they do not reflect the differences in meal service which are allegedly their sole distinction.);

(2) The named carriers are failing to provide "adequate service" within the meaning of section 404(a) of the Act inasmuch as thrift service has become the legal standard of adequacy in the Miami-San Juan market by virtue of the past custom and practice of the carriers in providing such service and the preference of the traveling public for that service over first- and economy-class service;

(3) Section 404(b) of the Act is being violated since passengers from interior points or to beyond points using the Miami-San Juan route are subjected to unjust discrimination or undue or unreasonable preference or disadvantage with respect to those passengers similarly situated using the New York-San Juan route, over which thrift class service is still being provided;

(4) Eastern and Pan Am are and have been engaging in unfair or deceptive trade practices or unfair methods of competition within the meaning of section 411 of the Act by the "holding out" of economy nonstop service in the carriers' tariffs and schedules prior to April 26, 1970, and thrift nonstop service subsequent to that date, without in fact providing such services before or after that date, respectively; and that section 411 has been additionally violated in that the purported change in the class of service was not in fact accompanied by a change in the incidents of service; and

(5) That the carriers mutually "agreed" to the change in fare level without obtaining Board approval of this "agreement," thereby violating section 412 of the Act.

[5] The Director's conclusion was based on his finding that Eastern and Pan Am had in fact introduced a different service to the market pursuant to tariffs already on file with the Board, which tariffs had been reviewed and approved by the Board in the following orders: Reopened Puerto Rico Passenger-Fare Investigation (First- and Second-Class Fares) 39 CAB 238 (1963); Reopened Puerto Rico Third-Class Passenger-Fare Investigation, 39 CAB 244 (1963); Order 69-2-148 (Feb. 28, 1969); and Order 69-12-112 (Dec. 24, 1969).

Eastern and Pan Am, on the other hand, assert that this is a different service for which lawful tariffs have been and are on file with the Board, rather than a "fare increase," and that they are therefore within the Act and the Board's regulations in instituting the change in service.

The Director, Bureau of Enforcement, dismissed the Commonwealth's complaint "without prejudice to any future proceeding brought under Rules 500 et seq. or 700 et seq. of the Board's rules of practice," on the grounds that the allegations concerning violations of sections 403 and 404(b) were attacks on the tariffs per se and should therefore be resolved in a fare investigation pursuant to Rules 500 et seq. of the Board's rules of practice and section 1002(d) of the Act rather than through an enforcement proceeding under section 1002(a).[6] By the same token, the Director determined that the exclusive remedy for the allegations of failure to provide adequate service within the meaning of section 404(a) of the Act rests in the provisions of Rule 700 et seq. of the Board's rules of practice rather than within the framework of enforcement proceedings.

With respect to the Commonwealth's other allegations, the Director dismissed the section 412 complaint on grounds of insufficient evidence. He also concluded that the Bureau "would have difficulty in questioning" the practice of the carriers, alleged to violate section 411 of the Act, of keeping on file tariffs for classes of service not in fact being offered (as in the case of economy class service before April 26, 1970, and thrift class service thereafter). This conclusion was reached in light of the Board's action in Order 71-2-120 (February 26, 1971) refusing to suspend, pursuant to complaint by the Commonwealth of Puerto Rico raising this issue, unused coach fares proposed by Trans Caribbean Airways, Inc., in other East Coast-San Juan markets on the ground that "* * * other carriers in the market presently publish fares for service which is not now provided."

The Commonwealth characterizes its motion for Board review of the Director's decision as basically an appeal to the Board "to affirm the availability of an enforcement approach on each of the 403, 404, and 411 issues." The Commonwealth asserts that the denial of an enforcement remedy in the face of "unilateral carrier action to increase fares to the public and to deprive the public of a class of service heavily utilized by the public" amounts to an abdication by the Bureau of the Board's jurisdiction "to deal with problems of such importance to the Commonwealth and to the preservation of the integrity of [the Board's] tariff structure * * *[, which] may be the most significant issue before the Board in this complaint."

Upon consideration of the circumstances of this case and the matters presented, the Board agrees with the decision of the Director and is of the opinion that the complaint does not state facts warranting an enforcement investigation, or, at this time, any formal investigation of the carriers' tariffs. The Commonwealth does not allege that Eastern and Pan Am are offering services or collecting fares not provided for by tariffs. Rather, it is clear that the ultimate thrust of the Commonwealth's sections 403 and 404(b) allegations goes to the lawfulness of the tariffs applicable to the services and fares here involved. However, these tariffs have been in effect for a number of years and at no time has the Board "rejected" these tariffs pursuant to section 403(a) of the Act, nor has it otherwise found them to be unlawful, although their lawfulness has been under consideration on a number of occasions.[7] Accordingly, currently effective and legal second-class tariffs exist, and any attack thereon should initially proceed by means other than an enforcement action.[8]

We reach the same conclusion with respect to the Commonwealth's other allegations. As noted previously, the filed tariffs of both carriers provide that economy and thrift-class fares in the Miami-San Juan market are applicable only on flights appropriately designated in their official General Schedules filed with the Board. Thus, the carriers' tariff "holding out" to the public is circumscribed by the schedules required to be filed with the Board, and the Commonwealth's allegations with respect to unfair or deceptive practices within the meaning of section 411 of the Act is in essence an attack upon the carriers' tariff

[6] See cases cited in footnote 5 at 3, supra.

[7] We do not hold that enforcement remedies cannot be applied to violations of sections 403 and 404(b) of the Act; we simply find that, in the circumstances of this case, conduct violative of those sections of the Act and subject to enforcement proceedings cannot be established unless and until tariffs under which the carriers are purporting to act have been rejected or determined to be unlawful.

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rules providing for the "designation" of flights before a class of service becomes available to the public. This is not a matter for an enforcement proceeding. Nor is the Board prepared to apply enforcement remedies on this record to the allegations of section 404(a) and section 412 violations. The Commonwealth has provided no factual support as to the latter.[5] With respect to the former, the Board has never imposed a duty upon these carriers to provide thrift service in the Miami-San Juan market, and until it does so, it cannot be maintained that Eastern and Pan Am are failing to provide "adequate service" within the meaning of section 404(a) by the cessation of thrift-class service.

Notwithstanding our denial of the enforcement relief sought by the Commonwealth, the Board is concerned by what has taken place here. Eastern and Pan Am have totally eliminated the apparently popular thrift service from the Miami-San Juan market and have resurrected the long-dormant economy service, increasing the lowest generally available fare in that market by a substantial amount. It appears that this change, which conforms to the carriers' filed and effective tariffs, has affected a large segment of the passengers traveling between these two points, and, the Commonwealth alleges, may have a significant impact upon the communities involved. Yet, it was effectuated simply by a schedule filing, which is unreviewable, cannot be suspended by the Board, and provides only 10 days' notice to the public. Moreover, a member of the traveling public desiring to avail himself of the thrift fare cannot do so simply because the carriers have "designated" that fare out of existence, at their sole discretion.

The Board believes that the implementation of such major changes should be accomplished through the filing of appropriate tariffs in order that the Board may have an opportunity to investigate such changes prior to the time that they take effect, and that the public may be given notice and an opportunity to request or participate in such investigation. This is, we believe, the intent of section 403(c) of the Act.

The problem would appear to be in the Board's Economic Regulations, Part 221, which contains no express prohibition against the publication of dormant tariffs, permits carriers to file tariffs subject to schedule "designation" without any limitations, and does not otherwise circumscribe the carriers' discretion to add or drop service when such tariffs are on file. Absent this apparent deficiency in the Board's regulations, any carrier action of the scope and potential impact evidenced herein would in the usual case be accomplished through the cancellation of the old tariffs and the filing of new ones, and would thus be subject to prior Board review.

While the existing Board regulations have not caused any great difficulties in this regard up to this time, we feel that they require strengthening. Since the problem of tariffs for classes of services subject to unlimited schedule designation appears to be a general one, the Board believes that prospective action in the nature of rulemaking, applicable equally to all carriers, is in order. To this end, we have this day issued an advance notice of proposed rule making, EDR-224, Docket 24415, April 14, 1972, calling for comments by interested persons.

Accordingly, it is ordered, That:

The motion of the Commonwealth of Puerto Rico, dated May 24, 1971, requesting that the Board overrule a decision of the Director, Bureau of Enforcement, refusing to docket a petition for enforcement pursuant to a complaint filed by the Commonwealth of Puerto Rico on July 28, 1970, be and it hereby is denied, and the Commonwealth's complaint be and it hereby is dismissed.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6132 Filed 4-20-72;8:52 am]

[Docket No. 24418; Order 72-4-88]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1972.

By tariff revisions[1] marked to become effective May 1, 1972, Eastern Air Lines, Inc. (Eastern), proposes to establish local affinity youth group tour basing fares for students under 22 years of age from Atlanta, Boston, and New York to Washington[2] and return. The proposed fares apply to groups of 25 or more class members of a full-time public or private educational institution, accompanied by one adult (tour conductor, teacher, advisor, or parent) for each 25 persons; the maximum stay is restricted to 3 days in addition to the date of departure (no minimum); and the fares must be used in conjunction with a packaged tour including one sightseeing tour and one meal, with a $6.50 minimum add-on. Application for travel, reservations and payment in full must be made at least 2 weeks prior to the date of departure, with a 25-percent cancellation charge applicable thereafter.

Fares in the Atlanta/Boston-Washington markets provide discounts of 65 percent off regular round-trip coach fares for elementary school children (grade 7 and under) and 35 percent for junior/senior high school and college groups. The discount from New York is 50 percent for all groups, regardless of academic level.[3] The proposed fares apply at any time except on air shuttle flights on which travel is blacked out between the hours of 1:05 p.m. and 6:55 p.m. Monday through Friday, and between 12:05 p.m. and midnight Sunday. The fares are marked to expire June 30, 1972. United Air Lines, Inc. (United), has filed to match Eastern in the Atlanta-Washington market.

In justification of its proposal, Eastern alleges that its objective is to provide an impetus for class trips to the Washington area, most of which currently moves via surface transportation. The carrier alleges that the dual pricing structure is necessary inasmuch as the older groups have a greater propensity to travel than their younger counterparts, thereby requiring a greater discount for grade 7 and below passengers. Eastern alleges that the New York-Washington market is treated separately (50 percent discount for all) due to competition from surface modes.

Eastern alleges that diversion should be nonexistent, in that most of the traffic currently moves via surface modes; that the blackout of peak hours on air shuttle flights will greatly reduce the risk of displacing full-fare passengers; and that the advance application process will enable Eastern to place the groups on low-load factor flights, which is particularly important in connection with shuttle operations. Eastern estimates that 1,000 passengers will use the fares during the May/June experimental period, resulting in a net contribution of $16,000.

National Airlines, Inc. (National), and Northeast Airlines, Inc. (Northeast), have filed complaints against Eastern's proposal requesting that it be suspended and investigated.[4] In summary, one or both of the complainants allege that the proposed fares are unjustly discriminatory; that the restrictions proposed by Eastern merely emphasize the unjust discrimination involved; and that the Board has previously found student fares to be unjustly discriminatory (Capitol Group Student Fares, 25 C.A.B. 280 (1957)).

National also alleges that Eastern's contention that there will be no diversion is contrary to its own experience; that blocking space for groups of 25 and more to and from the Nation's capital at least 2 weeks in advance will inevitably lead to loss of higher rated traffic, or, in the case of the shuttle, extra sections; that either way, some percentage of used capacity costs must be assigned to these fares; and that even a marginal contingency allowance will render them uneconomic.

Eastern has answered the complaints stating that the fares are not unjustly discriminatory; and that since Capitol's group student fares did not have any tour basing requirement and predated Board orders permitting certain affinity and group tour basing fares it cannot be determinative of the question presented by the limited experiment proposed. Eastern also alleges that the complainants do not present any data to refute its estimate that 1,000 passengers would utilize the fares; that by steering these group travelers to underutilized flights Eastern can smooth its load factors and garner additional revenues to the benefit of Eastern and all its passengers; and that the discounts are not excessive when compared to existing discounts for youths.

Upon consideration of the tariff filing, the complaints and answer thereto, and other relevant matters, the Board concludes that the proposed fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. In view of the serious questions of discrimination inherent in the proposal, we further conclude that it should be suspended pending investigation. Contrary to Eastern's allegation, the fact that the proposed fares contain affinity, group, and tour basing requirements—types of restrictions the Board has permitted in the past—does not in any way override the discriminatory nature of the student restriction applicable to the fares. Groups other than students, even though they may have a strong affinity relationship, could not utilize the proposed fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions of Eastern Air Lines, Inc.'s, CAB No. 378 and United Air Lines, Inc.'s, CAB No. 335, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, Eastern Air Lines, Inc.'s, CAB No. 378 and United Air Lines, Inc.'s CAB No. 335 are suspended and their use deferred to and including July 29, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24354 and 24360 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the aforesaid tariffs and be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6133 Filed 4-20-72;8:52 am]

[Docket No. 23486; Order 72-4-62]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority April 13, 1972.

By Order 72-3-90, dated March 28, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement would amend an existing resolution governing economy-class excursion fares within the Western Hemisphere by the inclusion of a specified fare reflecting new direct service between Mazatlan and Denver.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72-3-90 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22982 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6134 Filed 4-20-72;8:52 am]

[Docket No. 24416; Order 72-4-81]

MACKEY INTERNATIONAL, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1972.

By Order 72-3-73, dated March 22, 1972, in Docket 24323, Mackey International, Inc. (Mackey), was granted temporary exemption authority for a period of 30 days to expire April 15, 1972, to transport mail between Miami, Fla., and Grand Turk Island, British West Indies. No service mail rate is currently in effect for this service by Mackey.

By petition filed March 16, 1972, in Docket 24323, the Postmaster General has requested the Board to fix as service mail rates for these services during the period until April 1, 1972, the rates established in Order 69-10-149, dated October 30, 1969, as amended, and from and after April 1, 1972, the rates set forth in Order 72-3-7, dated March 3, 1972, or such rates as may finally be determined and fixed in Docket 20415.

The Board has tentatively determined to fix the following rates for the transportation of mail by Mackey between Miami, Fla., and Grand Turk Island, British West Indies, for the period from March 16, through April 15, 1972: For SAM mail, 11.47 cents per nonstop great-circle ton-mile; for MOM mail, 22.11 cents per nonstop great-circle ton-mile; for all other mail, 34.43 cents per nonstop great-circle ton-mile. These are the rates proposed in Order 72-3-7, which the Board has tentatively found to be fair and reasonable for Mackey and the other carriers operating in the U.S.-Caribbean area.[1] The period of time for which Mackey's services have been authorized is of short duration, and the fixing of a single rate for the entire period will obviate the administrative burdens that would result from the establishment of separate rates applicable before and after April 1. The Postmaster General and Mackey have indicated that they are agreeable to the fixing of these proposed rates for Mackey's temporary service.

Based on the foregoing, the Board tentatively finds and concludes that the fair and reasonable rates of compensation to be paid Mackey International, Inc., by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of mail by aircraft between Miami, Fla., and Grand Turk Island, British West Indies, the facilities used and useful therefor, and the services connected therewith are:

1. For space-available mail (SAM), 11.47 cents; for military ordinary mail (MOM), 22.11 cents; and for all other mail, 34.43 cents per mail ton-mile, for the period March 16, 1972, through April 15, 1972. In computing such compensation, the mail ton-miles for each shipment of mail shall be based upon the nonstop great-circle mileage between the points of origin and destination of each shipment. The nonstop great-circle mileages shall be the mileages computed in accordance with the formula set forth in the notice to users of CAB official mileages issued May 21, 1970 (35 F.R. 8249).

2. The rates set forth in paragraph 1, above, shall be applied in accordance with the terms and conditions for each class of mail as set forth in Orders E-25654 as amended by Order E-26713, Order 69-9-8 as amended by Order 69-9-152, and Order 69-10-149 as amended.

3. The service mail rates tentatively fixed herein are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is ordered, That:

1. All interested person, and particularly Mackey International, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt

[1] No objections to Order 72-3-7 have been filed.

[1] Eastern Air Lines, Inc., tariff CAB No. 378.

[2] Baltimore is named as an alternative destination.

[3] In addition, one adult may travel for each 20 members of the group at the same fare provided for students in grade 7 and above.

[4] Delta Air Lines, Inc. (Delta), has filed an answer in support of the complaints.

[5] We are not persuaded that the mere fact of contemporaneous, although not simultaneous, action on the part of both carriers in changing the class of service offered justifies, without more, an inference of prior agreement.

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the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or, if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Mackey International, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6135 Filed 4-20-72;8:52 am]

[Docket No. 24281]

INDIVIDUAL INCLUSIVE TOUR BASING FARES TO HAWAII

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 16, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before May 3, 1972, and the other parties on or before May 10, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., April 17, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc. 72-6136 Filed 4-20-72;8:52 am]

[Docket No. 18104, etc.]

REMANDED ADDITIONAL SERVICE TO SAN DIEGO CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on May 31, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 17, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-6137 Filed 4-20-72;8:52 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate Administrator, Foreign Agricultural Service, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6118 Filed 4-20-72;8:51 am]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Foreign Economic Development Service, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6121 Filed 4-20-72;8:51 am]

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of January 6, 1971, F.R. Doc. 71-151 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Environmental Affairs. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Environmental Affairs and Director, Office of Environmental Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6128 Filed 4-20-72;8:52 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Economic Policy Review, Assistant Secretary for Economic Affairs, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6122 Filed 4-20-72;8:51 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment the position of Executive Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6123 Filed 4-20-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Administrator, Office of Interstate Land Sales Registration, Office of the Assistant Secretary for Mortgage Credit.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6124 Filed 4-20-72;8:51 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Solicitor, Office of the Solicitor, Immediate Office.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6120 Filed 4-20-72;8:51 am]

COST OF LIVING COUNCIL

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Cost of Living Council to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel, Price Commission.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6119 Filed 4-20-72;8:51 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Federal Contract Compliance, Office of the Assistant Secretary for Workplace Standards.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6125 Filed 4-20-72;8:51 am]

PHYSICIAN'S ASSISTANT, VA HOSPITAL, OKLAHOMA CITY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 29, 1972, for a single position of Physician's Assistant, GS-603-11, Veterans Administration Hospital, Oklahoma City, Okla.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

This authorization is self-canceling when the position is filled.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6126 Filed 4-20-72;8:51 am]

DIRECTOR, D.C. PUBLIC LIBRARY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective March 31, 1972, that there is a manpower shortage for the single position of Director, D.C. Public Library, District of Columbia Government. The appointee may be paid for the expenses of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6127 Filed 4-20-72;8:52 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

APRIL 18, 1972.

On November 17, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Portugal concerning exports of cotton textiles and cotton textile products in all 64 categories from Portugal to the United States over a 4-year period beginning on January 1, 1971, and extending through December 31, 1974.

The Government of Portugal has requested that the U.S. Government prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manufactured in Portugal and exported to the United States therefrom during the period beginning January 1, 1972, and extending through December 31, 1972, pending the establishment of a suitable administrative mechanism that would preclude circumvention of the export licensing system of the Government of Portugal. The U.S. Government has acceded to this request.

Accordingly, there is published below a letter of April 18, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that upon publication of that letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manufactured in Portugal and exported therefrom to the United States during the period beginning January 1, 1972, and extending through December 31, 1972, be prohibited.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of Treasury,
Washington, D.C. 20226.

APRIL 13, 1972.

DEAR MR. COMMISSIONER: This directive amended the directive issued to you on December 21, 1971, by the Chairman of the President's Cabinet Textile Advisory Committee, concerning imports of cotton textiles and cotton textile products in certain categories produced or manufactured in Portugal.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 17, 1970, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective upon publication of this letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manufactured in Portugal and which have been exported to the United States during the period beginning January 1, 1972, and extending through December 31, 1972.

Cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manu-

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factured in Portugal, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-6244 Filed 4-20-72;8:53 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Addition to Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed addition of the following commodities and services to the initial procurement list published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

Class 4210:
- Rake, forest fire ---------- 4210-203-3512

Class 4240:
- Shield, face ---------- 4240-542-2048

Class 4520:
- Electric tube dehumidifier ---------- 4520-971-8223
- Do ---------- 4520-971-8224
- Do ---------- 4520-971-8225
- Do ---------- 4520-971-8226

Class 5120:
- Float, mortar ---------- 5120-596-1076

Class 5440:
- Ladder, straight ---------- 5440-816-2585
- Do ---------- 5440-242-7151
- Do ---------- 5440-814-5084
- Do ---------- 5440-242-0995
- Do ---------- 5440-816-2575
- Do ---------- 5440-223-6029
- Do ---------- 5440-223-6030

Class 5640:
- Insulation blanket, thermal ---------- 5640-245-2478
- Do ---------- 5640-245-2482

Class 5975:
- Rod, ground ---------- 5975-296-5324

Class 6210:
- Globe light.
- Lighting fixture.
- Runway market light.
- Shipboard light.

Class 6220:
- Aircraft lights.
- Light, vehicular.
- Marine lighting.

Class 6230:
- Desk light.
- Table light.

Class 6532:
- Gown, operating surgical ---------- 6532-717-3420
- Do ---------- 6532-717-3421
- Do ---------- 6532-717-3425
- Do ---------- 6532-717-3426
- Do ---------- 6532-717-3427
- Robe, dressing ---------- 6532-044-7126
- Do ---------- 6532-044-7129
- Do ---------- 6532-044-7130
- Robe, dressing, Nomex ---------- 6532-676060
- Do ---------- 6532-676025
- Do ---------- 6532-676000
- Coats and trousers, men's ---------- 6532-105-5945
- Do ---------- 6532-094275
- Do ---------- 6532-094315
- Do ---------- 6532-105-59[illegible]
- Do ---------- 6532-931790
- Do ---------- 6532-931840
- Smock, man's pharmacist ---------- 6532-115-8774
- Do ---------- 6532-115-8775
- Do ---------- 6532-115-8776
- Do ---------- 6532-122-0475
- Do ---------- 6532-115-8777
- Do ---------- 6532-115-8778
- Do ---------- 6532-119-9606
- Smock, man's reversible ---------- 6532-115-8766
- Do ---------- 6532-115-8767
- Do ---------- 6532-115-8768
- Smock, knee length ---------- 6532-115-8769
- Do ---------- 6532-115-8770
- Do ---------- 6532-115-8771
- Do ---------- 6532-115-8772
- Do ---------- 6532-115-8782
- Do ---------- 6532-115-8783
- Do ---------- 6532-115-8784
- Do ---------- 6532-115-8773
- Coat, man's, resident physician ---------- 6532-107-2923
- Do ---------- 6532-105-2336
- Do ---------- 6532-094550
- Do ---------- 6532-126-3387
- Do ---------- 6532-484-5720
- Do ---------- 6532-286-0826
- Do ---------- 6532-107-2925
- Do ---------- 6532-117-8990
- Smock, man's dental ---------- 6532-763580
- Do ---------- 6532-763583
- Do ---------- 6532-763586
- Do ---------- 6532-763589
- Do ---------- 6532-763592
- Do ---------- 6532-763595
- Do ---------- 6532-763598

Class 6625:
- Lead set test ---------- 6625-395-9313
- Do ---------- 6625-752-7568
- Do ---------- 6625-356-0209
- Do ---------- 6625-080-0297
- Do ---------- 6625-752-8153
- Do ---------- 6625-390-5716
- Do ---------- 6625-819-1644
- Do ---------- 6625-045-4367
- Do ---------- 6625-998-0066
- Do ---------- 6625-626-6152
- Do ---------- 6625-498-3303
- Do ---------- 6625-801-1321
- Do ---------- 6625-553-1442
- Do ---------- 6625-079-1426
- Do ---------- 6625-933-5322
- Do ---------- 6625-649-4824
- Do ---------- 6625-051-3492
- Do ---------- 6625-647-3655
- Do ---------- 6625-356-0223
- Do ---------- 6625-715-3795
- Do ---------- 6625-063-1462
- Do ---------- 6626-816-4739

Class 7105:
- Chair, wood folding ---------- 7105-227-1678

Class 7110:
- Dictionary stand ---------- 7110-275-6219

Class 7210:
- Protector, hospital bed, mattress ---------- 7210-761-1470
- Do ---------- 7210-761-1471
- Tablecloths.

Class 7230:
- Curtain, doorway ---------- 7230-223-5574

Class 7240:
- Holder, garbage can ---------- 7240-082-6174

Class 7510:
- Pencil pointer ---------- 7510-171-1742
- Do ---------- 7510-237-4926
- Binders, looseleaf, special use and miscellaneous.
- Eraser typewriter.
- Pencils, lead cased, black drawing.
- Pencil assortment, colored, wood cased.

Class 7610:
- Training aids.

Class 7680:
- Training aids.

Class 8465:
- Badge, ID ---------- 8465-802-9971
- Pail, canvas ---------- 8465-582-1277

Class 9905:
- Signs and markers.

Military resale:
- Container, plastic, feed and water for dogs and cats.
- Planter boxes, redwood.
- Wine racks, redwood, assembled and unassembled.

Post Office Item:
- Mail carrier straps --- D-1216-A (Type 1)
- Do --- D-1216-B (Type 2)
- Do --- D-1216-C (Type 3)

Services:

Furniture refinishing—Sacramento, Calif., and 8-mile radius.

Furniture repair:
- Alabama—Birmingham and Mobile.
- California—Oakland, San Bernardino, San Francisco, San Jose, Santa Cruz, and Stockton.
- Colorado—Colorado Springs and Pueblo.
- Connecticut—New Haven.
- District of Columbia.
- Florida—Miami, St. Petersburg, and West Palm Beach.
- Illinois—Peoria.
- Indiana—Indianapolis and South Bend.
- Iowa—Des Moines, Iowa City and Waterloo.
- Kansas—Wichita.
- Louisiana—Shreveport.
- Michigan—Battle Creek and Jackson.
- Nebraska—Omaha.
- New York—New York.
- Pennsylvania—Lancaster and Pittsburgh.
- Oklahoma—Lawton, Muskogee, and Oklahoma City.
- Oregon—White City.
- Tennessee—Nashville.
- West Virginia—Charleston.
- Wisconsin—Madison, Milwaukee, and Racine.

Carpet cleaning:
- California—Oakland, San Francisco, and San Jose.
- Iowa—Des Moines.
- Pennsylvania—Philadelphia.
- Ohio—Dayton.
- Texas—Austin.

Grounds maintenance:
- Arizona—Tucson.
- California—Oakland, San Bernardino, San Francisco, and San Jose.
- Colorado—Colorado Springs.
- Connecticut—New Haven.
- Indiana—Indianapolis and South Bend.
- Iowa—Des Moines and Iowa City.
- Kansas—Wichita.
- Michigan—Battle Creek and Jackson.
- Nebraska—Omaha.
- Ohio—Canton.
- Oklahoma—Lawton.
- Pennsylvania—Philadelphia.
- Tennessee—Nashville.

Grounds maintenance—Continued
- Texas—Austin and Forth Worth.
- Washington—Pasco.
- Wisconsin—Milwaukee.

Janitorial:
- Arizona—Tucson.
- California—Oakland, San Francisco, San Jose, and Stockton.
- Colorado—Colorado Springs and Pueblo.
- Connecticut—New Haven.
- Illinois—Peoria.
- Indiana—Evansville and Indianapolis.
- Iowa—Des Moines and Iowa City.
- Massachusetts—Pittsfield.
- Michigan—Battle Creek and Jackson.
- Nebraska—Omaha.
- New York—New York.
- North Carlonia—Durham.
- Ohio—Canton and Dayton.
- Oklahoma—Lawton and Oklahoma City.
- Pennsylvania—Du Bois, Lancaster, Philadelphia and Pittsburgh.
- Tennessee—Nashville.
- Texas—Austin and Forth Worth.
- Washington—Pasco.
- Wisconsin—Milwaukee and Racine.

Printing:
- Arizona—Phoenix.
- California—Oakland and San Jose.
- Colorado—Colorado Springs.
- Florida—St. Petersburg.
- Indiana—Evansville, Indianapolis, and South Bend.
- Iowa—Des Moines.
- Maryland—Baltimore.
- Mississippi—Jackson.
- Nebraska—Omaha.
- New York—New York.
- Ohio—Canton, Columbus, Dayton, and Youngstown.
- Oklahoma—Tulsa.
- Pennsylvania—Johnstown, Philadelphia, and Pittsburgh.
- Tennessee—Nashville.
- Texas—Corpus Christi, Lubbock, and San Antonio.
- Wisconsin—Madison and Milwaukee.

Parking lot:
- California—Oakland, San Bernardino, and San Francisco.
- Colorado—Colorado Springs and Pueblo.
- Connecticut—New Haven.
- Florida—Miami.
- Illinois—Peoria.
- Indiana—Evansville and Indianapolis.
- Iowa—Des Moines and Iowa City.
- Massachusetts—Pittsfield.
- Michigan—Battle Creek and Jackson.
- Nebraska—Omaha.
- Ohio—Canton and Dayton.
- Oklahoma—Oklahoma City.
- Pennsylvania—Du Bois, Lancaster, and Philadelphia.
- Tennessee—Nashville.
- Texas—Fort Worth and Lubbock.
- Washington—Pasco.
- Wisconsin—Madison.

Small Appliances:
- California—Oakland, San Bernardino, San Francisco, San Jose, Santa Cruz, and Stockton.
- Colorado—Colorado Springs.
- Connecticut—New Haven.
- District of Columbia.
- Florida—Miami, St. Petersburg, and West Palm Beach.
- Louisiana—Shreveport.
- Illinois—Peoria.
- Indiana—Indianapolis and South Bend.
- Iowa—Iowa City.
- Maryland—Baltimore.
- Michigan—Battle Creek.
- Nebraska—Omaha.
- New York—New York.
- Ohio—Canton, Dayton, Toledo, and Youngstown.
- North Carolina—Durham.
- Oklahoma—Muskogee and Oklahoma City.
- Oregon—White City.
- Pennsylvania—Du Bois, Lancaster, and Pittsburgh.
- Tennessee—Nashville.
- Texas—Austin, Fort Worth, Lubbock, and San Antonio.
- West Virginia—Charleston.
- Wisconsin—Madison and Milwaukee.

Venetian blind:
- Alabama—Mobile.
- California—Oakland, San Bernardino, San Francisco, and San Jose.
- Colorado—Colorado Springs.
- Connecticut—New Haven.
- Florida—Miami and West Palm Beach.
- Illinois—Peoria.
- Indiana—South Bend.
- Iowa—Des Moines and Waterloo.
- Maryland—Baltimore.
- Michigan—Kalamazoo.
- Nebraska—Omaha.
- New York—New York.
- Ohio—Dayton.
- Oklahoma—Tulsa.
- Pennsylvania—Johnstown, Lancaster, and Philadelphia.
- Tennessee—Nashville.
- Washington—Pasco and Spokane.
- Wisconsin—Madison and Milwaukee.

Watch repair:
- California—Oakland.
- Florida—Miami.
- Maryland—Baltimore.
- Ohio—Cincinnati.
- Oklahoma—Lawton.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed addition may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 1511 K Street NW., Washington, DC 20005.

By the Committee.

DANA C. FRANDSEN,
Acting Executive Director.

[FR Doc.72-6037 Filed 4-20-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-325]

LICENSEES OF STANDARD BROADCAST STATIONS

Additional Technical Information To Be Supplied in Connection with Applications for Renewal of License, or Modification of License To Remove or Modify Dissipative Networks

APRIL 7, 1972.

On April 5, 1972, the Commission amended Part 73 of its rules and regulations to make specific and direct provision for situations where standard broadcast stations are required to deliver to their antennas power at a level which differs from the rated station power. The amended rules provide that each station license will specify two values of power for each mode of operation, the rated station power, which will henceforth be called its "nominal power," and the power delivered to its antenna (antenna input power).

To implement this system, it is necessary that applications for renewal of license include certain items of information other than those presently required by FCC Form 303. This information should be provided on a separate sheet attached to Form 303, with renewal applications filed after October 1, 1972. One each licensee has supplied this information in a renewal application, subsequent renewal applications need not include it.

The information required in each case is:

The "nominal power" of the station for each mode[1] of operation. (This is the present licensed power of the station.)

The actual measured antenna or common point resistance for each mode of operation (R).

The antenna or common point current for each mode of operation (I).

The antenna input power for each mode of operation (I²R).

For stations with nondirectional antennas, which have not been required to adjust antenna input power to a value lower than the rated transmitter power (the great majority of cases), the required information can be obtained directly from the current license (antenna input power and nominal power are of the same value).

Under both the previous and the amended rules, stations using directional antennas are permitted to deliver to their antenna systems power somewhat in excess of rated transmitter power to provide for losses in coupling elements. Heretofore, this added increment of power has been provided for in the station license by specifying a common point resistance which is 92.5 percent of the measured value for stations with rated (nominal) power of 5 kw., or less, and 95 percent of the measured value for stations with rated (nominal) power greater than 5 kw.

In the modified licensing system the rated power of the station will be called its nominal power. The common point resistance specified in the license will be the measured (and unadjusted) common point resistance, and the antenna input power will be specified, for stations with nominal power of 5 kw. or less, at a value 8 percent above nominal power, and for stations with nominal power in excess of 5 kw., at a value 5.3 percent above nominal power.

Certain stations are required to operate with antenna input power which is lower than the rated or nominal station power. The reduction in power, under the amended rules, may be accomplished by the insertion of a dissipative network in the antenna feed system, by a reduction in the output power of the transmitter below its rated level, or by a combination of both expedients.

Where a station has been authorized to operate with reduced transmitter output power, the antenna input power specified

[1] A "mode" of operation is a particular combination of power and antenna radiation pattern.

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in its license, of course, will be at a lower value than its nominal power.

For stations employing dissipative networks the antenna resistance specified in the license will be the effective resistance at the input terminals of the network.

Licensees are not required to remeasure antenna or common point resistance to obtain the information required to be submitted with Form 303, but may utilize measurements on which the values specified in their current licenses are based. However, if in a particular case the Commission finds reason to question the accuracy of the information submitted, it may request supporting data, including up-to-date measurements, if this appears desirable.

Any station presently employing a dissipative network in its antenna system, and desiring to modify or eliminate this network in conjunction with a reduction of transmitter output power may request authority to do so on FCC Form 302, furnishing in section II–A of the form the technical information pertinent to the proposed conditions of operation, and, in addition, supplying the other information required by paragraph (c) of § 73.51, as amended. If the contemplated changes would affect the method of power reduction for presunrise operation authorized pursuant to § 73.99 of the rules, appropriate modification of Presunrise Service Authority should be requested separately by letter, signed in the manner specified in § 1.513 of the rules. Neither kind of application requires the payment of a filing fee.

Action by the Commission April 5, 1972. Commissioners Burch (Chairman), Bartley, Johnson, H. Rex Lee and Reid, with Commissioner Wiley concurring.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-6114 Filed 4-20-72;8:50 am]

BROADCAST REGULATION STUDY

APRIL 6, 1972.

The Commission is instituting a study, under the supervision of Commissioner Wiley, of its rules and regulations pertaining to broadcast stations, particularly radio, to determine if its regulatory authority is being exercised in a meaningful and pragmatic manner consistent with the public interest. To this end, each rule contained in Part 73 of the rules and regulations, which contains all of the rules pertaining to Radio and Television Broadcast Services will be analyzed to determine its current validity and whether it should be continued, modified or deleted. Additionally, new rules may be proposed which more accurately reflect the present state of the broadcast art. The resultant rules may be organized in a manner which will more clearly identify those which are applicable to the various types and classes of broadcast stations. Additionally, pertinent policy statements and requirements presently associated with Commission forms may also be incorporated into the proposed new rules.

As a result of this comprehensive study, it is hoped that a simpler, more readily understandable set of rules may be developed which will better identify the Commission's current regulatory requirements with respect to broadcasting stations, particularly radio, and will also assure that the operation of these stations continues to serve the public interest, convenience, and necessity.

The study will give due consideration to Commission proceedings relating to license renewals, substantial service, and the fairness doctrine which are now the subject of rule making proceedings in Dockets Nos. 19153, 19154, and 19260. The status of other rule making proceedings pertinent to Part 73 of the rules will also be considered. In addition, the Commission will also review recommendations of the Office of Telecommunications Policy in regard to the so-called "de-regulation" of radio broadcasting.

It is contemplated that the Commission's study will simultaneously progress in several areas, limited only by the availability of manpower and other resources. It should be emphasized that the end product of this study will be a formal rule making proceeding in which all interested parties may participate. However, in the interim, any individual or representative of any organization who wishes to express views or provide the Commission with suggestions in connection with the study may do so at any time. Submissions should be addressed to:

Part 73 Task Force, Room 314, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-6115 Filed 4-20-72;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell, Assistant Vice President, American Mail Line, Ltd., 601 California Street, San Francisco, CA 94108.

Agreement No. 9971–1 modifies the basic transshipment agreement between American Mail Line, Ltd. (AML), and American President Lines, Ltd. (APL), covering the movement of cargo under through bills of lading between ports of call of AML in Washington, Oregon, and British Columbia and ports of call of APL in the Philippines with transshipment at a port in Japan by adding ports in Taiwan and Hong Kong.

Dated: April 18, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6108 Filed 4-20-72;8:50 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James E. Masure, Chairman, Japan-Atlantic & Gulf Freight Conference, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-ku, Tokyo 104, Japan.

Agreement No. 3103–50 modifies the basic agreement of the Japan-Atlantic & Gulf Freight Conference by amending Article 25(d) (1) and (2) to permit the Conference's Neutral (self-policing) Body to investigate the records of Members' container yards, container freight systems, and terminal receiving system operators.

Dated: April 18, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6109 Filed 4-20-72;8:50 am]

PACIFIC WESTBOUND CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. 57–96 modifies the basic agreement of the Pacific Westbound Conference by (1) expanding the scope of the Conference's authority to permit point-to-point through or joint rates with carriers of other modes of transportation; and (2) permit the Conference's member lines individually to establish their own through or joint routes and rates with carriers of other modes from Atlantic and Gulf ports until such time as such through or joint routes and rates are adopted by the Conference and appear in the Conference's intermodal tariff.

Dated: April 18, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6110 Filed 4-20-72;8:50 am]

[Independent Ocean Freight Forwarder License 1218]

TRAFFIC-TRANSPORTATION SERVICES

Order of Revocation

By letter dated March 28, 1972, Traffic-Transportation Services, 2148 Shawano Avenue, Green Bay, WI 54303, was advised by the Federal Maritime Commission that independent ocean freight forwarder License No. 1218 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 26, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Traffic-Transportation Services has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9–29–70);

It is ordered, That the Independent Ocean Freight Forwarder License of Traffic-Transportation Services be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Traffic-Transportation Services be and is hereby revoked effective April 26, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Traffic-Transportation Services.

AARON W. REESE,
Managing Director.

[FR Doc.72-6111 Filed 4-20-72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. E-7564]

CAROLINA POWER & LIGHT CO.

Notice of Filing of Settlement Agreement

APRIL 18, 1972.

Take notice that on April 3, 1972, Carolina Power and Light Co. (Carolina) tendered for filing in Docket No. E-7564 two proposed settlement agreements together with related revised tariff sheets. The proposed agreements would resolve all issues in Docket No. E-7564.

The settlement agreement between Carolina and the North Carolina Electric Membership Corp., representing the electric cooperative intervenors herein, provides for new rate schedule entitled "Resale Service Schedule RS–8". The settlement agreement between Carolina and Electricities of North Carolina, representing the municipal intervenors herein, provides for several modifications of terms and conditions as well as a new rate schedule entitled "Resale Service Schedule RS–9". Amounts collected by Carolina from the Municipalities and Cooperatives since May 28, 1971, in excess of those prescribed in Resale Service Schedules RS–9 and RS–8, respectively, shall be refunded by Carolina, with interest at the rate of 5½ per annum, within 60 days from the date of approval by the Commission of these settlement agreements.

Carolina requests that the Commission accept and approve the settlement agreements and concurrently accept the revised tariff sheets to be effective retroactively as of May 28, 1971.

Comments or objections to the proposed settlement agreement may be filed with the Federal Power Commission, Washington, D.C. 20426 on or before April 28, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6104 Filed 4-20-72;8:49 am]

[Docket No. E-7723]

POTOMAC EDISON CO.

Notice of Proposed Rate Increase

APRIL 18, 1972.

Take notice that on March 29, 1972, The Potomac Edison Co. tendered for filing proposed amendments to its rate schedules WS–LV, WS–DV, and WS–HV in its Electric Tariff Volume No. 2, Potomac Edison states that approximately $202,000 of additional revenues based on the 12 months ended April 30, 1972, will result from the increased rates, exclusive of revenues from the operation of the fuel adjustment clause included as a proposed amendment. Potomac Edison proposes that the increased rates become effective May 1, 1972, and requests the Commission to waive any requirements not already complied with to permit the rates to become effective.

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All of the customers who take service under the rate schedules to be amended and interested state commissions were mailed copies of the proposed rate schedules.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6105 Filed 4-20-72;8:50 am]

[Docket No. E-7725]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Application

APRIL 18, 1972.

Take notice that on April 10, 1972, Public Service Company of Indiana, Inc. (applicant) of Plainfield, Ind., filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of $60 million in unsecured promissory notes to commercial banks and to commercial paper dealers.

The promissory notes to be issued by the applicant to commercial banks will be issued on various days prior to June 30, 1973, but no note will mature more than 12 months after date of issue or renewal. The interest rate of such notes will be at the prime loan interest rate of the banks in effect from time to time.

The promissory notes issued to commercial paper dealers will be issued on various days prior to June 30, 1973, but no note will mature more than 9 months after date of issue nor will any note be extended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed $45 million, an amount which is less than 25 percent of applicant's gross revenues during the 12 months of applicant's operations ending January 31, 1972.

The proceeds from the issuance of the Notes will be used, among other things, to finance in part the applicant's construction program through 1974. Applicant estimates that construction expenditures through 1974 will total about $346,005,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6106 Filed 4-20-72;8:50 am]

[Docket No. CI72-657]

DOW CHEMICAL CO.

Notice of Application

APRIL 18, 1972.

Take notice that on April 13, 1972, the Dow Chemical Co. (applicant), 3636 Richmond Avenue, Houston, TX 77027, filed in Docket No. CI72-657 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) in Ward and Winkler Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas for 6 months commencing May 15, 1972, or until 6 million Mcf have been delivered, whichever occurs first, at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The average daily quantity to be delivered is 33,000 Mcf of gas. Applicant states that it is advised that the instant sale is necessary for the purposes of aiding Natural to assure maintenance of adequate natural gas service in its pipeline system and of furnishing gas to Natural for injection into storage facilities for use during the winter months of 1972-73 or during any earlier emergency, each of which purposes will minimize curtailment of service to Natural's customers.

Applicant, a small producer certificate holder in Docket No. CS71-318 under § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40), states that it will accept a certificate in the instant proceeding providing the Commission recognizes applicant's small producer status and provides that such status shall not be affected by the issuance of a certificate herein and that the sales under a certificate issued herein shall not be credited as part of the 10 million Mcf of gas which may be sold annually by a small producer before loss of its status as a small producer.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6087 Filed 4-20-72;8:48 am]

[Docket No. CP72-246]

INTRATEX GAS CO.

Notice of Application

APRIL 18, 1972.

Take notice that on April 13, 1972, Intratex Gas Co. (applicant), Post Office Box 1188, Houston, TX 77001, filed in Docket No. CP72-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) in Ward and Winkler Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas for 6 months commencing May 15, 1972, or until 10 million Mcf have been delivered, whichever occurs first, at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The average daily

quantity to be delivered is 55,000 Mcf of gas. Applicant states that it is advised that the instant sale is necessary for the purposes of aiding Natural to assure maintenance of adequate natural gas service in its pipeline system and of furnishing gas to Natural for injection into storage facilities for use during the winter months of 1972-73 or during any earlier emergency, each of which purposes will minimize curtailment of service to Natural's customers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6088 Filed 4-20-72;8:48 am]

[Docket No. CP72-245]

OKLAHOMA NATURAL GAS CO.

Notice of Application

APRIL 18, 1972.

Take notice that on April 12, 1972, Oklahoma Natural Gas Co. (applicant), 624 South Boston Avenue, Tulsa, OK 74119, filed in Docket No. CP72-245 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle) in Kingfisher County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver up to 40,000 Mcf of natural gas per day to Panhandle for 1 year from the date of initial delivery at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that it has been advised by Panhandle that additional volumes of flowing gas on Panhandle's system are needed to assist in maintaining injection schedules into Panhandle's underground storage reservoirs and to maintain adequate service to Panhandle's existing customers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6089 Filed 4-20-72;8:48 am]

[Docket No. CP72-247]

TENNGASCO INC.

Notice of Application

APRIL 18, 1972.

Take notice that on April 13, 1972, Tenngasco Inc. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) in Ward and Winkler Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas for 6 months commencing May 15, 1972, or until 4 million Mcf have been delivered whichever occurs first, at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The average daily quantity to be delivered is 22,000 Mcf of gas. Applicant states that it is advised that the instant sale is necessary for the purposes of aiding Natural to assure maintenance of adequate natural gas service in its pipeline system and of furnishing gas to Natural for injection into storage facilites for use during the winter months of 1972-73 or during any earlier emergency, each of which purposes will minimize curtailment of service to Natural's customers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of

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the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-6090 Filed 4-20-72;8:46 am]

FEDERAL RESERVE SYSTEM

BEZANSON INVESTMENTS, INC., AND MORAMERICA FINANCIAL CORP.

Acquisition of Bank

Bezanson Investments, Inc., Cedar Rapids, Iowa, and its subsidiary, MorAmerica Financial Corp., Cedar Rapids, Iowa, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for MorAmerica Financial Corp. to acquire directly, and for Bezanson Investments, Inc., to acquire indirectly, 76 percent of the voting shares of First Trust and Savings Bank, Wheatland, Iowa. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1972.

Board of Governors of the Federal Reserve System, April 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc. 72-6063 Filed 4-20-72;8:46 am]

CARLTON AGENCY, INC.

Formation of Bank Holding Company and Proposed Acquisition of First National Bank Insurance Agency

Carlton Agency, Inc., Carlton, Minn., has submitted an amended proposal for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Carlton National Bank, Carlton, Minn. Applicant's original application was denied by Board Order dated January 27, 1972 (37 F.R. 2698).

Carlton Agency, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First National Bank Insurance Agency, Carlton, Minn. Notice of the application was published on March 30, 1972, in the Pine Knot-News Graphic, a newspaper circulated in Carlton, Minn. (An earlier identical application was rendered moot by virtue of the Board's denial of the application to form the holding company. This application has been resubmitted as part of an amended proposal to form the holding company.)

The proposed subsidiary would perform the activity of a general insurance agency in a community that has a population of less than 5,000. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 12, 1972.

Board of Governors of the Federal Reserve System, April 14, 1972.

MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6064 Filed 4-20-72;8:46 am]

HUME BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Hume Bancshares, Inc., Hume, Mo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80.3 percent or more of the voting shares of Hume Banking Company, Hume, Mo. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a nonoperating corporation formed for the express purpose of acquiring Bank which has aggregate deposits of approximately $0.8 million. (All banking data are as of June 30, 1971.) Applicant has no present operations or subsidiaries, and consummation of the proposal would not adversely affect existing or potential competition, nor have an adverse effect on any bank in the area.

Applicant proposes to make an equal offer to all shareholders. Applicant's financial resources and future prospects are dependent upon those of Bank. However, its projected earnings appear to be sufficient to service the debt which it will incur upon consummation of the proposed transaction without adversely affecting Bank's capital structure. These considerations are consistent with approval of the application. Consummation of the proposed transaction would stabilize ownership and management of Bank, and considerations relating to the financial and managerial resources and future prospects of Bank thus weigh toward approval of the application. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] April 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6065 Filed 4-20-72;8:46 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Montrose National Bank, Montrose, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1972.

Board of Governors of the Federal Reserve System, April 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6067 Filed 4-20-72;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

UNITED TENNESSEE BANCSHARES CORPORATION

Acquisition of Bank

United Tennessee Bancshares Corp., Memphis, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Trust & Savings Bank, Paris, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1972.

Board of Governors of the Federal Reserve System, April 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6066 Filed 4-20-72;8:46 am]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Proposed Retention of Rusch Factors, Inc.

Virginia Commonwealth Bankshares, Inc., Richmond, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Rusch Factors, Inc., Richmond, Va. Notice of the application was published respectively on March 1, 2, and 3 in the following newspapers: The Richmond Times-Dispatch, a newspaper circulated in Richmond, Va.; the New York Times, a newspaper circulated in New York City, N.Y.; the Providence Journal, a newspaper circulated in Providence, R.I.

Applicant states that the subsidiary would continue to engage in the activities of factoring and commercial financing. Such activities have been specified by the Board in § 225.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 12, 1972.

Board of Governors of the Federal Reserve System, April 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6068 Filed 4-20-72;8:46 am]

VOYAGEUR BANCSHARES, INC.

Formation of Bank Holding Company and Proposed Acquisition of Citizens State Insurance Agency

Voyageur Bancshares, Inc., Montgomery, Minn., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the Citizens State Bank, Montgomery, Minn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Voyageur Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of the Citizens State Insurance Agency, Montgomery, Minn. Notice of the application was published on February 17, 1972, in the Montgomery Messenger, a newspaper circulated in Montgomery, Minn.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a)(9) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 12, 1972.

Board of Governors of the Federal Reserve System, April 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6069 Filed 4-20-72;8:46 am]

FEDERAL TRADE COMMISSION

SPECIAL REPORTS RELATING TO LARGE CORPORATE MERGERS

Requirements Concerning Notification and Submission

Notice is hereby given that the Federal Trade Commission will require firms undertaking large corporate mergers or acquisitions to notify the Commission and supply special reports pursuant to section 6 (a) and (b) of the Federal Trade Commission Act (15 U.S.C. 46 (a) and (b)).

The Commission's requirements apply to any merger or acquisition involving firms which (1) are subject to the Commission's jurisdiction, (2) have assets or sales of $10 million or more, and (3) have combined assets or sales of $250 million or more. For mergers and acquisitions meeting these criteria, the notification and reporting requirements are as follows:

(1) Within 10 days after any agreement or understanding in principle is reached to merge or to acquire assets of $10 million or more, and no less than 60 days prior to the consummation of the merger or acquisition, if the combined assets or sales of the acquiring and acquired corporations are $250 million or more, the parties to the agreement shall notify the Commission of the proposed merger or acquisition; and any such party with assets or sales of $250 million or more shall also be required to file a special report in response to an order of the Commission;

(2) Upon becoming a party to an agreement or understanding as defined in Item (1), above, any corporation with assets or sales of less than $250 million may also be required to file a Special Report in response to an order of the Commission;

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(3) Within 10 days after amassing 10 percent or more of the voting stock of another corporation with assets or sales of $10 million or more, any acquiring corporation with assets or sales of $250 million or more shall notify the Commission of such stock holdings and shall also be required to file a special report in response to an order of the Commission; and any acquiring corporation with assets or sales of less than $250 million, if the combined assets or sales of the acquiring and acquired corporations are $250 million or more, shall notify the Commission and may also be required to file a special report;

(4) At least 60 days prior to effecting a stock acquisition which will result in the acquiring corporation holding 50 percent or more of the voting stock of another corporation with assets or sales of $10 million or more, any acquiring corporation with assets or sales of $250 million or more shall notify the Commission of the proposed acquisition and shall also be required to file a special report in response to an order of the Commission; and any acquiring corporation with assets or sales of less than $250 million, if the combined assets or sales of the acquiring and acquired corporations are $250 million or more, shall notify the Commission and may also be required to file a special report;

(5) Any corporation whose voting stock has been acquired in the amount set forth in Item (3), above, or whose voting stock is the subject of a proposed acquisition as set forth in Item (4), above, may be required to file a special report in response to an order of the Commission.

Notifications filed pursuant to these requirements will constitute a part of the public records of the Commission, but the special reports filed pursuant to order of the Commission will constitute a part of the Commission's confidential records. Special reports will be made available to the Commission's staff and, upon a request complying with § 4.11(c) of the Commission's rules of practice and procedure, may be made available to the Department of Justice and other governmental agencies.

The foregoing requirements pertaining to notification will become effective for all corporations within the coverage of such requirements on the date of publication of this notice in the FEDERAL REGISTER, and this publication constitutes notice to all such corporations that they are required to comply therewith. Proper notification will consist of a letter indicating the names and mailing addresses of the corporations involved, the type of (proposed) transaction, the date of the agreement (if any), and the consummation date of the (proposed) merger or acquisition.

The effective date of the requirements pertaining to filing of special reports will be, for each corporation, the date upon which that corporation receives an order requiring filing of special report from the Commission. The date upon which the special report must be filed will be the date designated as "Reporting Date" in the special report form.

The Commission's initiation of this procedure should not be interpreted to mean that corporations must request Commission approval prior to the consummation of any mergers or acquisitions, nor should the fact that the Commission has not challenged a merger or acquisition prior to its consummation be interpreted as Commission approval of the legality of the transaction. However, the Commission will continue to provide advisory opinions, as provided by its rules of practice and procedure, regarding the legality of particular mergers and acquisitions and invites those contemplating merger to avail themselves of this program in any situation in which they are uncertain as to the legality of the proposed transaction.

Issued: April 17, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.72-6249 Filed 4-20-72;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

APRIL 13, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 16, 1972, through April 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6075 Filed 4-20-72;8:47 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 15, 1972, through April 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6076 Filed 4-20-72;8:47 am]

[File 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

APRIL 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 16, 1972, through April 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6077 Filed 4-20-72;8:47 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

APRIL 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 16, 1972, through April 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6078 Filed 4-20-72;8:47 am]

[70-6186]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks

APRIL 14, 1972.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts which is expected to be in operation in 1972. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $21 million, is estimated at $186,850,000. Its 10 sponsor companies are committed by capital fund requirements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

Vermont Yankee proposes to finance the completion of its plant by short-term borrowings from banks. Bankers Trust Co. and the First National Bank of Boston have agreed to make short-term loans to Vermont Yankee up to an aggregate at any time outstanding of $36 million, the proceeds of which will be used (i) to pay the loans under a 1971 Revolving Credit Agreement, which amounted to $14,700,000 at February 29, 1972, and (ii) to pay construction costs of the Vermont Yankee plant.

The proposed loans will be made from time to time prior to the maturity date of December 1, 1972, will be allocated between the two banks, will be evidenced by notes which will mature the earlier of (i) 90 days after the date of issuance, or (ii) the maturity date, and will bear interest at 1 percent above the best rate of Bankers Trust Co. on 90-day unsecured loans in effect at the time of each loan. Such best rate was 4¾ percent per annum on March 29, 1972. The maturity date is December 1, 1972, or if certain conditions are met, it will be extended to December 29, 1972. It is stated that no compensating balances are required to be maintained at the banks by Vermont Yankee. A commitment fee of one-half of 1 percent per annum is required on the average daily unused portion of the total commitment for the period commencing on the earlier of (i) May 31, 1972, or (ii) the date the loans exceed $21 million, through the day before the maturity date. It is stated that the proposed borrowings made will be paid out of the proceeds of long-term financing when the plant goes into commercial operation.

It is further stated that the Vermont Public Service Board has jurisdiction over the issue and sale of the notes and that no other State commission or any Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than May 4, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) anl 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6079 Filed 4-20-72;8:47 am]

TARIFF COMMISSION

IMPORTATION OF CERTAIN LIGHTWEIGHT LUGGAGE AND RECOMMENDS EXCLUSION FROM ENTRY

Reports to the President

APRIL 18, 1972.

The Tariff Commission today transmitted to the President its report of an investigation (No. 337-28) involving certain lightweight luggage. The report contains the Commission's final findings of a violation of section 337 of the Tariff Act of 1930 and its recommendation for permanent exclusion from entry of the luggage in question.

The investigation was instituted in response to a complaint filed by Atlantic Products Corp., Trenton, N.J. The Commission found (Chairman Bedell and Vice Chairman Parker not participating) unfair methods of competition and unfair acts in the importation and sale of certain lightweight luggage manufactured in accordance with the claims of U.S. Patents Nos. 3,298,480 and Re. 26,443, owned by the complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The Commission is recommending to the President that he order the permanent exclusion from entry into the United States of the articles manufactured in accordance with the claims of said patents, until the expiration of such patents, except where the importation is made under license of the registered owner of the patents.

In response to the Commission's preliminary investigation (TC Publication 391), the President, on December 13, 1971, directed the Secretary of the Treasury to enforce a temporary exclusion order against imports of the luggage in question. The Commission's report on its full investigation (TC Publication 463) was published on February 11, 1972. Section 337 of the Tariff Act of 1930 provides that, subsequent to the publication of the Commission's findings, a rehearing before the Commission may be requested, and, in addition, the importers concerned may within 60 days appeal from the Commission's findings to the Court of Customs and Patent Appeals. No request for a rehearing before the Commission and no appeal to the Court of Customs and Patent Appeals were made. Consequently, the Commission's findings have become final, and, in accordance with section 337 of the Tariff Act of 1930, the President may act on its recommendation of permanent exclusion.

Copies of the Commission's report (TC Publication 463) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, D.C. 20436.

By order of the Commission.

KENNETH R. MASON, *Secretary.*

[FR Doc.71-6098 Filed 4-20-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 18, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates.

The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FFC-46, Honolulu Freight Service-Vs-Hawaiian Express Service, Inc., now being assigned hearing June 22, 1972 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 73688 Sub 51, Southern Trucking Corp., now being held May 2, 1972, at Dallas, Tex., hearing is canceled and application, dismissed.

MC 55581 Sub 24, Utah Pacific Transport Co., now being assigned hearing June 19, 1972, (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

FD 26924, Great Western Railway Co. abandonment between Officer and Eaton, In Weld and Larimer Counties, Colo., now assigned April 24, 1972, at Greeley, Colo., postponed indefinitely.

MC 135772, Barrett Transfer & Storage, Co., now assigned April 24, 1972, at Seattle, Wash., postponed to May 15, 1972, at the Edgewater Inn, 2411 Alaskan Way, Pier 67, Seattle, Wash.

MC-F-10788, Eastern Freight Ways, Inc.—Control—E. J. Scanell, Inc., & Central States Transportation Co., Inc., and FD 26128 Eastern Freight Ways, Inc., assumption of obligation and liability, now assigned April 25, 1972, at Washington, D.C., postponed to June 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135602, Road Hog, Inc., now assigned May 8, 1972, at New York, N.Y., canceled and the application is dismissed.

MC 111812 Sub 464, Midwest Coast Transport, Inc., now assigned May 12, 1972, at Washington, D.C., postponed to July 11, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6142 Filed 4-20-72;8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42400—*Beet or cane sugar from Baltimore, Md., and Philadelphia, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3015), for interested rail carriers. Rates on sugar, beet or cane, other than raw, dry, in bulk in covered hopper cars, as described in the application, from Baltimore, Md., and Philadelphia, Pa., and points taking same rates, to Chicago, Ill., and points grouped therewith.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-729. Rates are published to become effective on May 15, 1972.

FSA No. 42401—*Clay, kaolin, or pyrophyllite to points in Southern Freight Association Territory.* Filed by M. B. Hart, Jr., Agent (No. A6303), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Aberdeen, Miss., and points taking same rates, to points in Southern Freight Association territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 97 to Southern Freight Association, Agent, tariff ICC S-711. Rates are published to become effective on May 18, 1972.

FSA No. 42402—*General commodities between ports in Hong Kong, Japan, and Korea and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 1), by "K" Line—Kerr Corp., General Agents, for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—Rates as to which relief is requested are to be found in "K" Line Intermodal Tariffs Nos. 1, 2, and 3, as soon as tariffs are completed.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6143 Filed 4-20-72;8:53 am]

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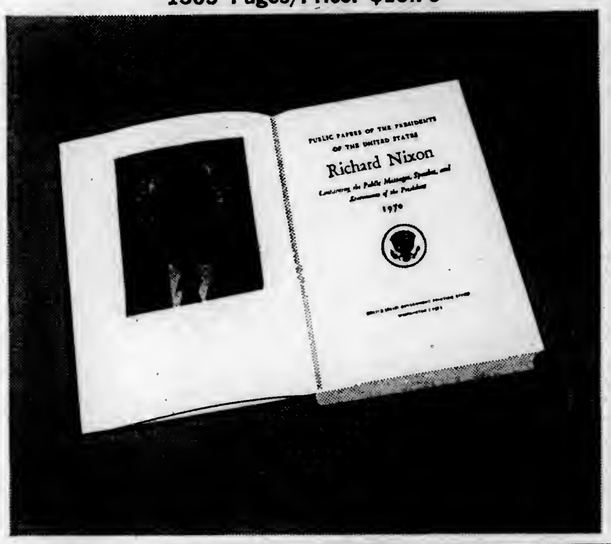
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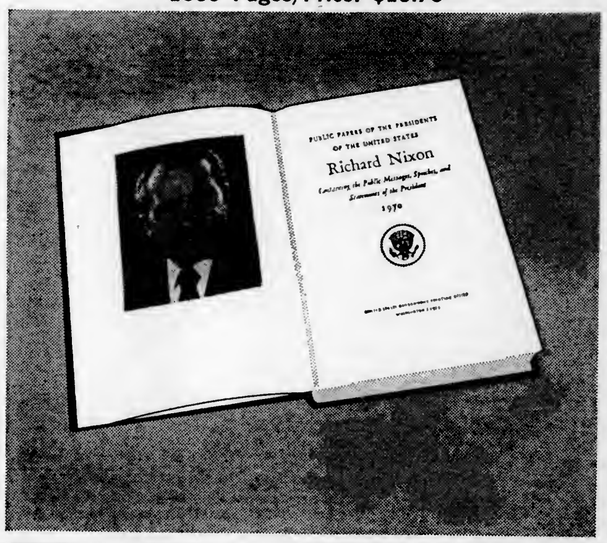
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Title 3—The President

PROCLAMATION 4124

National Check-Your-Vehicle-Emissions-Month, April, 1972

By the President of the United States of America

A Proclamation

The task of cleansing our environment calls for individual effort on the part of all Americans.

Under the Clean Air Act Amendments of 1970, we can look forward to the day when pollutants from new motor vehicles will be substantially diminished. Setting emission standards, however, is not all that we can do. Our citizens can also act now to limit exhaust pollutants entering our atmosphere from motor vehicles currently in use.

Aware of the opportunity and the responsibility of Americans to help purify the air, the Congress, by Joint Resolution, has requested the President to designate April, 1972 as National Check Your Vehicle Emissions Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim April, 1972 to be National Check Your Vehicle Emissions Month, and I call upon all Americans to recognize the need for curbing exhaust pollutants from their motor vehicles by maintaining them in good working order.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of April, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

Richard Nixon

[FR Doc.72-6325 Filed 4-21-72;9:57 am]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Regulation 264, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* This provisions in paragraph (b) (1) (i), and (ii) of § 907.564 (Navel Orange Regulation 264, 37 F.R. 7291) during the period April 14, 1972, through April 20, 1972, are hereby fixed as follows:

§ 907.564 Navel Orange Regulation 264.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 995,000 carlots.

(ii) District 2: 205,000 carlots.

* * * * * *

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 19, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6236 Filed 4-21-72;8:52 am]

[Lemon Reg. 530]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.830 Lemon Regulation 530.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the Act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 18, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 23 through April 29, 1972, is hereby fixed at 240,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 20, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6270 Filed 4-21-72;8:54 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waivers

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

In § 212.1, paragraph (a) is amended in the following respects: The heading is amended and the last sentence is amended to broaden applicability to include British subjects who are residents of the Turks and Caicos Islands.

As amended, § 212.1(a) reads as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * * *

(a) *Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, the Bahamas, Cayman Islands, and Turks and Caicos Islands.* A visa is not required of a Canadian national, and a passport is not required of

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such a national except after a visit outside of the Western Hemisphere. A visa is not required of an alien having a common nationality with Canadian nationals or with British subjects in Bermuda, who has his residence in Canada or Bermuda, and a passport is not required of such an alien except after a visit outside of the Western Hemisphere. A visa and a passport are required of a British subject who has his residence in the Bahamas except that a visa is not required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining U.S. immigration officer at Nassau, Bahamas, that he is clearly and beyond a doubt entitled to admission in all other respects. A visa is not required of a British subject who has his residence in, and arrives directly from, the Cayman Islands or the Turks and Caicos Islands and who presents a current certificate from the Clerk of Court of the Cayman Islands or the Turks and Caicos Islands indicating no criminal record.

* * * * *

(Sec. 103, 68 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (4–22–72). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 212.1 (a) confers a benefit on persons affected thereby.

Dated: April 18, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72–6226 Filed 4–21–72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72–WE–7–AD, Amdt. 39–1436]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Douglas Model DC–9 and Military C–9A (DC–9–32F) Airplanes

Amendment 39–1418 (37 F.R. 6380), AD 72–7–6, requires visual and radiographic inspections, and repair or replacement of the engine pylon aft spar upper cap, strap, adjacent pylon and fuselage internal and external structure, on certain Douglas Model DC–9–10, 20, 30, 40 series and C–9A (DC–9–32F) airplanes. After issuance of Amendment 39–1418, some operators have advised the agency that the instructions in paragraph A.1, which require visual inspection of the upper edges of the titanium strap, P/N 9958154–17 and 18, and the steel spar cap, P/N 9958154–5 and 6, at the first, second, and third fasteners outboard of the fuselage shell, would, in their opinion, require removal of a portion of the pylon upper skin, and the radiographic inspections required in paragraph B of AD 72–7–6 would in fact accomplish the inspections of those upper areas of the spar cap and strap. The AD is being superseded to add clarifying language to the accomplishment instructions of the visual inspections so as to not require removal of the skin and provide other relief.

Amendment 39–1418 refers to Douglas All Operators Letter AOL 9–66. This should be AOL 9–666 and the AD reflects the correct AOL number.

Since the issuance of Amendment 39–1418, the agency has determined that the modifications to the rear spar upper cap and strap, described in Douglas Service Bulletin 54–27, dated March 3, 1972, are considered approved modifications and constitute an appropriate terminating action when accomplished. The new AD incorporates this terminating action.

The manufacturer has made production modifications to the pylon rear spar upper cap and strap on certain Model DC–9 airplanes, which the agency has determined are equivalent to those modifications described in Douglas Service Bulletin 54–27. The applicability statement in the new AD reflects this work.

Since this amendment provides clarification, relief, alternative means of compliance and terminating action, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new airworthiness directive:

McDONNELL-DOUGLAS. Applies to all Model DC–9 series airplanes prior to serial number 47541, certificated in all categories. Compliance required as indicated.

To prevent failures of the engine mount pylon as the result of cracks in the engine pylon upper aft spar caps (P/N 9958154–5, and 6) and/or the titanium straps (P/N 9958154–17 and 18) and supporting structure, accomplish the following:

A. For aircraft with more than 8,000 hours' time in service: Within the next 150 hours' time in service after the effective date of this AD, unless already accomplished, conduct visual inspections for evidence of cracking, in accordance with the following procedure.

1. Visually inspect the upper and lower surfaces of the titanium straps, P/N 9958154–17 and 18, and the upper and lower surfaces of the steel spar caps, P/N 9958154–5 and 6, at the first, second, and third fasteners inboard of the fuselage shell; and,

2. Visually inspect the aft face and lower surface of the titanium straps, P/N 9958154–17 and 18, and the lower surface of the steel spar caps, P/N 9958154–5 and 6, at the first, second, and third fasteners outboard of the fuselage shell; and,

3. Visually inspect the bend radius and areas around the vertical line of rivets in the pylon rear spar supporting bulkhead shear clips, P/N 9912246–43 and 44, inside the fuselage shell between longerons 14 and 16; and,

4. Visually inspect the bend radius and areas around the horizontal line of rivets in the outboard leg of the intercostals, P/N 9915596–3 and 4, which attach to the fuselage skin between the pylon rear spar supporting bulkhead and next aft fuselage frame (P/N 5913596) inside the fuselage shell; and,

5. Visually inspect the bend radius and areas around the vertical line of rivets in the outboard leg of the fuselage frame shear clips (P/N 5913596–11 and 12, P/N 5913595–11 and 12), inside the fuselage shell, at the first and second fuselage frames (P/N's 5913596 and 5913595) aft of the rear spar support bulkhead.

6. If a crack is found:

a. In the pylon structure (other than the rear spar upper cap and/or strap) or adjacent fuselage structure, before further flight, replace the cracked parts with new parts of the same design, or repair in accordance with instructions prescribed in the Douglas DC–9 Structural Repair Manual, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region. After accomplishment of the above, perform the radiographic inspections specified in paragraph B.

b. In the spar cap(s), P/N 9958154–5 and/or 6, and/or strap(s), P/N 9958154–17 and/or 18, before further flight, replace the cracked parts with new parts of the same design; or, replace the cracked steel spar cap(s), P/N 9958154–5 and/or 6, with a new cap(s) of the same design, and replace the titanium strap(s), P/N 9958154–17 and/or 18, with a new design steel strap(s), P/N 5917717–3 and/or 4, using new larger diameter interference fit fasteners, in accordance with Douglas Service Bulletin S/B 54–27, dated March 3, 1972, or later FAA-approved revisions.

7. a. When a new spar cap or strap of the same (i.e. original) design is installed in accordance with the requirements in 6.b, accomplish the inspections specified in paragraph B until the existing (retained) part (cap or strap) is replaced with a new part in accordance with the requirements in 6.b, at which time the inspection requirements in paragraph 7.b apply. (NOTE: accumulation of 8,000 hours time in service is based on earliest replaced part (cap or strap)); or

b. Upon installation of both a new spar cap and a new strap of the same (i.e. original) design, the inspections required in paragraphs A and B may be discontinued until these parts accumulate 8,000 hours' time in service, at which time reinstate the program of inspections and any necessary replacement or repairs per this AD; or,

c. Upon installation of new improved design steel strap(s), P/N 5917717–3 and/or 4, in conjunction with an existing (retained) uncracked steel spar cap(s) P/N 9958154–5 and/or 6, using new larger diameter interference fit fasteners, in accordance with Douglas S/B 54–27, or later FAA-approved revisions, the inspections required in paragraphs A and B of this AD are no longer applicable.

B. If no cracks are found after accomplishment of the inspections required by paragraph A–1 through A–5, or, after repair or replacement of parts as specified in 6(a), within the next 1,500 hours' time in service after the effective date of this AD and thereafter, at intervals not to exceed 1,500 hours' time in service from the last inspection, inspect the upper aft steel spar caps, P/N 9958154–5 and 6 and titanium cap straps, P/N 9958154–17 and 18, using radiographic inspection methods in accordance with the instructions outlined in Douglas All Operators Letter, AOL 9–666 dated November 22, 1971, or equivalent inspection means approved by the Chief, Aircraft Engineering Division, FAA Western Region; or, replace the titanium strap(s), P/N 9958154–17 and/or 18, with a new steel strap(s), P/N 5917717–3 and/or 4, using new larger diameter interference fit fasteners in accordance with the instructions specified in Douglas Service Bulletin 54–27, dated March 3, 1972, or later FAA-approved revisions. Upon accomplishment of the above rear spar upper cap and strap modification specified in S/B 54–27, the inspections required in paragraph A and B may be discontinued.

NOTE: Prior to installation of the new steel strap(s) P/N 5917717–3 and/or 4 per Service Bulletin, 54–27, determine by radiographic inspection methods specified in Douglas AOL 9–666 or other FAA-approved equivalent inspection means (visual inspection is not considered satisfactory) that the existing (retained) steel cap is not cracked and shows no other signs of damage.

If cracks are found as a result of the radiographic inspections, before further flight, replace the cracked parts as specified in paragraph 6(b) and accomplish the inspections in accordance with the instructions in 7.a, 7.b, and 7.c, as applicable.

This supersedes Amendment 39–1418 (37 F.R. 6380), AD 72–7–6.

This amendment becomes effective April 25, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 12, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72–6156 Filed 4–21–72;8:46 am]

[Airspace Docket No. 71–SO–170]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On February 16, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3441) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Miami, Fla., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 71.181 (37 F.R. 2143) is amended as follows: In the Miami, Fla., transition area the phrase "(latitude 26°11'41" N., longitude 80°10'15" W.)" is deleted and the phrase "(latitude 26°11'41" N., longitude 80°10'15" W.); within a 6.5-mile radius of Pompano Beach Airpark (latitude 26°15'00" N., longitude 80°06'30" W.), and within 3 miles each side of the Pompano Beach VOR (latitude 26°14'52" N., longitude 80°06'32" W.) 319° radial, extending from the 6.5-mile radius area to 8.5 miles northwest of the VOR." is substituted therefor.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 18, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–6157 Filed 4–21–72;8:46 am]

[Airspace Docket No. 72–RM–4]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the "time of designation" of R–6413, Green River, Utah.

Due to an extension of the firing period for the Pershing Missile from R–6413, Green River, Utah, the Department of the Air Force has requested the effective period be extended to July 31, 1972.

In the notice of proposed rule making published in the FEDERAL REGISTER (36 F.R. 1911) of February 3, 1971, Airspace Docket No. 70–WE–93, it was stated that: "Each successive period would be designated by rule published in the FEDERAL REGISTER," therefore, further notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication (4–22–72), as hereinafter set forth.

In § 73.64 (37 F.R. 2373, 437) the Green River, Utah, Restricted Area R–6413, is amended as follows: In the time of designation, "June 30, 1972," is deleted and "July 31, 1972," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 18, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72–6158 Filed 4–21–72;8:46 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.659]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to enable British subjects who are residents of the Turks and Caicos Islands to enter the United States without visas under certain circumstances.

The heading and the last sentence of paragraph (a) of § 41.6 are amended to read as follows:

§ 41.6 Nonimmigrants not required to present passports, visas, or border crossing identification cards.

* * * * *

(a) *"Canadian nationals, and aliens having a common nationality with nationals of Canada or with British subjects in Bermuda, the Bahamas, Cayman Islands, and Turks and Caicos Islands.* * * * A visa shall not be required of a British subject who has his residence in, and arrives directly from, the Cayman Islands or the Turks and Caicos Islands and who presents a current certificate from the Clerk of Court of the Cayman Islands or the Turks and Caicos Islands indicating no criminal record.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER (4–22–72).

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

MARCH 31, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

APRIL 13, 1972.

[FR Doc. 72–6225 Filed 4–21–72;8:51 am]

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

PART 1—ADMINISTRATION OF FEDERAL-AID FOR HIGHWAYS

Highway Beautification: Outdoor Advertising

On April 4, 1972, the Federal Highway Administration (FHWA) published Policy and Procedure Memorandum (PPM) 80–5.2, Highway Beautification: Outdoor Advertising.

PPM 80–5.2 prescribes the policies and procedures adopted by the FHWA for administering certain of the outdoor advertising control provisions of the Highway Beautification Act of 1965, 23 U.S.C. section 131. It is being issued after coordination by the FHWA with the several State highway departments, the American Association of State Highway Officials and representatives of segments of the outdoor advertising industry.

The PPM defines control areas and zoning, acceptable conforming signs, and

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sets forth the requirements for Federal participation in the cost of acquiring the property interests necessary for removing nonconforming advertising signs, displays, and devices from the controlled areas of the interstate and primary systems. Its purpose is to provide a framework of simplified requirements which will permit a State to develop its own procedures to remove outdoor advertising signs in an efficient and expeditious manner. The PPM suggests the use of various simplified methods for valuing signs, sign sites, and interests therein which will be acceptable as bases for Federal participation under 23 U.S.C. 131(g), and it sets forth the procedures to be followed by the States for effecting the removal of the nonconforming signs, displays and devices.

The PPM supersedes paragraph 4b(2), 5, 8b(1), 8c(1), and Appendix E, of PPM 80–9, and other references and provisions relating to outdoor advertising signs in PPM 80–9.

The PPM as published herein is identical with the issuance of April 4, 1972.

This amendment is issued under the authority of 23 U.S.C. 101 et seq., 116, 123, 315, and the delegation of authority in § 1.48(b) of the regulations of the Office of Secretary, 35 F.R. 3949 (1970).

In view of the foregoing, Part 1 of Title 23 of the Code of Federal Regulations is amended by adding PPM 80–5.2 at the end of Appendix A, "Policy and Procedure Memoranda."

Issued: In Washington on April 19, 1972.

F. C. TURNER,
Federal Highway Administrator.

POLICY AND PROCEDURE MEMORANDUM 80–5.2

1. *Material transmitted.* PPM 80–5.2 Highway Beautification Outdoor Advertising.

2. *Existing issuances affected.* a. In a planned revision of the right-of-way PPM's, the entire 80-Series is being renumbered, and will be reissued in chapter form. New PPM 80–5 will cover the Highway Beautification Act of 1965. The attached PPM 80–5.2, Outdoor Advertising, is the first material to be issued under the new series.

b. In the meantime, paragraph 1, property management; paragraph 2, Disposition (and relinquishment); the portion of paragraph 4, Air Rights, relating to acquisition in limited vertical dimension; and Attachment No. 1 of PPM 80–5 issued under Transmittal 91, dated April 20, 1967, and Transmittal 112, dated December 27, 1967, remain in effect and should not be discarded until further notice. Paragraph 3 and portions of paragraph 4 have previously been superseded.

c. The attached issuance supersedes paragraphs 4b(2), 5, 8b(1), 8c(1), and Appendix E, of PPM 80–9, and other references and provisions relating to outdoor advertising signs in PPM 80–9.

3. *Effective date.* The provisions of PPM 80–5.2 are effective immediately.

F. C. TURNER,
Federal Highway Administrator.

Par. *Item*

1. Purpose.
2. Effective date and applicability.
3. Definitions.
4. State policies and procedures requirements.
5. Control area and zoning.
6. Bonus States.
7. Acceptable conforming signs.
8. Federal participation.
9 Payment to sign and site owners.
10. Program and authorization.
11. Valuation methods.
12. Valuation of sites.
13. Valuation of signs.
14. Review of estimates.
15. Negotiations.
16. Documentation for Federal participation.
17. Reports.

ATTACHMENT 1—SIGN AND SITE VALUATION FORMULA AND SCHEDULE GUIDE

1. *Purpose.* To prescribe the Federal Highway Administration policies and procedures relating to Federal participation in the costs of acquiring the property interests necessary for removal of nonconforming advertising signs, displays and devices under section 131 of title 23, United States Code, as amended by title I of the Highway Beautification Act of 1965.

The purpose of these policies and procedures is to provide a framework of simplified requirements within which a State may develop its procedures to remove outdoor advertising signs in an efficient and expeditious manner.

This policy and procedure memorandum should not be construed to authorize any additional rights in eminent domain not already existing under State law or under 23 U.S.C. 131(g).

2. *Effective date and applicability.* a. The provisions of this memorandum are effective immediately.

b. The provisions of this memorandum are applicable to all highway outdoor advertising projects on the Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof.

c. The provisions of title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 do not apply to the Highway Beautification Act of 1965 as related to the sign removal program. Title III of said Act applies. However, where complete conformity would defeat the purposes of the Uniform Act and the sign removal program, the particular requirements of title III need not be followed. For example, in the acquisition of an interest of minimal value, the observance of elaborate procedures for preparing appraisals and for giving notice to sign and site owners of their right to accompany appraisers may be modified or dispensed with when their observance would impede the expeditious implementation of the program and increase administrative costs out of proportion to the cost of the minimal interest being acquired or extinguished.

d. Funds provided by title 23 U.S.C. 131(m) may participate in the costs of acquisition of those property interests or rights necessary to permit removal of outdoor advertising signs under the highway Beautification Act of 1965.

e. When funds are provided by title 23 U.S.C. 131(m) for the acquisition of signs, the site owner shall also be compensated for the acquisition of his right to erect and maintain existing signs on qualifying sites. It is expected the site owner shall be compensated at the time or shortly after compensation is paid to the sign owner.

3. *Definitions.* The following terms are defined as to their meaning and use in the sign removal program.

a. *Sign.* An outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main traveled way of the Interstate or Primary Systems.

b. *Lease* (also called a license, an agreement, contract, or easement). An agreement, oral or in writing, by which possession or use of land or interests therein is given by the owner to another person for a specified period of time.

c. *Leasehold value.* The lessee value is the present worth of the rent saving when the contractual rent at the time of the appraisal is less than the current market rent for a comparable site. The lessor has leasehold value if the contractual rent is greater than the currently established market rent.

d. Illegal sign—One which was erected and/or maintained in violation of the State law.

e. Nonconforming sign—One which was lawfully erected, but which does not comply with the provisions of a State law passed at a later date or which later fails to comply with State law due to changed conditions.

f. 1966 Inventory—The record of the survey of advertising signs and junkyards compiled by the State highway department as requested in Instructional Memorandum 50–1–66 dated January 7, 1966.

g. Abandoned sign—One which has ceased to be maintained, and in which the owner no longer claims an interest.

4. *State policies and procedures requirements.* a. *Policy statement.* Each State shall develop for FHWA approval a policy statement regarding the procedures it proposes to follow to implement a sign removal program under a State law complying with the Highway Beautification Act of 1965, no later than 60 days after issuance of this PPM. States now implementing the Act should not delay sign removal while developing a policy statement.

b. *Operating procedures.* Operating procedures should reflect in detail the procedures and controls adopted by the State to accomplish the sign removal program.

5. *Control area and zoning.* a. The applicable control distance, 660 feet for advertising signs, shall be measured horizontally from the edges of the right-of-way along lines perpendicular to the centerline of the highway.

b. Any revision in right-of-way limits after initial control is obtained will require similar revisions in the control area. The additional expenditures are eligible for Federal participation in the same manner as the original expenditures for creation of the controlled area.

c. Placing the label "Zoned Commercial or Industrial" along areas adjacent to the highway solely for the purpose of allowing outdoor advertising to be erected or maintained is not acceptable under title 23 U.S.C. 131(d).

d. Except as stated in c above, the zoning of an area will determine applicability of the standards for control of outdoor advertising signs. Similarly, actual industrial or commercial use at any given time will determine the classification of unzoned commercial or industrial areas.

e. Where State standards are more stringent than Federal control requirements along Interstate and Primary Systems, the Administrator may approve Federal participation in costs of applying the State standards to those systems on a Statewide basis.

6. *Bonus states.* Any State which is carrying out an agreement to control outdoor advertising along the Interstate System under the 1958 bonus program may continue to receive bonus payments. Where such a State is also in compliance with the 1965 Act requirements, it must continue to carry out the bonus agreement except where the 1965 Act calls for more restrictive controls.

7. *Acceptable conforming signs.* Each State shall make provision for effective control of the erection and maintenance, along the Interstate System and the Federal-aid Primary System, of outdoor advertising signs which are within 660 feet of the nearest edge of the right-of-way and visible from the main traveled way of the System.

Under the provisions of the 1965 Act, the following signs are permitted:

a. Directional and other official signs, including signs and notices pertaining to natural wonders and scenic and historical attractions. These signs shall conform to national standards set forth in 23 CFR 21.

b. Signs advertising only the sale or lease of property upon which they are located.

c. Signs advertising only activities conducted on the property on which they are located.

d. Signs erected and maintained in areas which are zoned industrial or commercial under State law, or in unzoned industrial or commercial areas, as determined and in accordance with the provisions of the agreement between the Secretary and the State. This subsection is not applicable to on-premise signs referred to in b and c above.

8. *Federal participation.* a. Federal reimbursement will be made on the basis of 75 percent of the costs of removal paid by the State as just compensation for:

(1) Signs which were lawfully in existence on October 22, 1965;

(2) Signs lawfully on any highway made a part of the Interstate or Primary System on or after October 22, 1965, and before January 1, 1968; and

(3) Signs lawfully erected after January 1, 1968, in accordance with the criteria in the Highway Beautification Act.

b. In the event a sign was omitted in the original inventory, the State should submit adequate evidence to establish that the sign was in existence prior to October 22, 1965. Based on the evidence submitted, the division engineer may determine whether the sign removal cost is eligible for Federal participation under the provisions of the Act.

c. Federal funds may participate in the cost of removal of abandoned signs and those which are illegal under State law within the controlled areas regardless of when these signs were erected, provided such costs for removal are incurred in accordance with State law. Removal may be by State personnel on a force account basis or by contract. Federal funds may not participate in payments for rights in sites on which signs have been abandoned or illegally erected by the sign owner or in the costs of removal in cases where a new sign is erected or there has been a relocation of a sign after October 22, 1965, either as a result of a regular right-of-way taking or by the sign owner as a part of his operation and the sign in its new location is within the 660 feet controlled area.

d. Signs lawfully erected for which just compensation is provided under paragraph 8a above, and which must be removed by requirement of the Act, are not required to be removed if Federal funds are not available.

e. Federal funds may participate in payments made to a sign owner for his right, title and interest in a sign, and where applicable, his leasehold value in a sign site. Federal funds may participate in relocation of a sign only to the extent of the cost to acquire the sign, less salvage value if any. Each sign shall be treated as a separate entity without regard to the effect its removal will have on the business operation of the sign owner, except as provided in paragraph 11d.

f. Reimbursement for the Federal pro rata share of the just compensation paid for the removal of outdoor advertising signs shall not be made until the removal shall have been accomplished.

g. Except where required by State law, Federal funds will not participate in the costs of a title certificate, title insurance, title opinion or similar evidence or proof of title in connection with the acquisition of a landowner's right to erect and maintain a sign or signs when the amount of such payment to the landowner for his interest is $2,500 or less. Federal funds, however, may participate in the costs of securing some lesser evidence or proof of title such as searches and investigations by State highway department personnel to the extent necessary to determine ownership, affidavit of ownership by the owner, bill of sale, etc. The State's procedure for determining such evidence of proof of title would be set forth in the State's policy and procedure submission.

h. When a duplicate payment for a landowner's interest of $2,500 or less is necessary because of a bona fide error in ownership, Federal funds will also participate in the duplicate payment provided the State has followed its title procedures as set forth in its policy and procedure submission. Any duplicate payment shall be submitted to the division engineer for his approval before it is included in any reimbursement voucher. The State shall take all reasonable steps to recover any wrongful payment made and appropriate credit shall be made to Federal funds from the proceeds of the recovery.

i. Except as may be provided in paragraphs 11, 12, and 13, Federal funds will not participate in items generally not compensable under eminent domain.

9. *Payments to sign and site owners.* a. Payments made to the landowner and the sign owner are to be supported by schedules, formulas, value estimates, or appraisals.

b. Signs, erected without permission of the property owner, should be removed without payment to the sign owner unless the sign owner can otherwise establish his legal right to erect and maintain the sign. Signs of this nature may be removed by State personnel on a force account basis, by contract, or by compensating the landowner an amount to remove the sign if the payment involves only a minimal amount. Federal funds may participate in such costs.

c. Where compensation to landowners and sign owners is established by a schedule, formula, or other such method approved by the Federal Highway Administration, the valuation and negotiation may both be done by the same member of the staff of the State highway department: *Provided*, That any negotiated agreement does not become effective until it has been reviewed (checked) and approved by another member of the staff. Where compensation to landowners and sign owners is established by value findings, abbreviated appraisal reports, or standard appraisal reports, all such estimates shall be reviewed and approved by a State reviewing appraiser.

10. *Program and authorization.* a. *Type of project.* A sign removal project may consist of any group of proposed sign removals selected in a reasonable fashion. The signs may be those belonging to one company or those located along a single route, all of the signs in a single county or other locality, or any other similar grouping. Generally speaking, a single project should not include signs along both interstate and primary highways unless the number of signs along one system is so small that it would be more logical to include these in the project than on the other system.

A project for sign removal on other than a Federal-aid primary route basis should be identified as CAF–000B( ), continuing the numbering sequence which began with the sign inventory project in 1968.

Sign removal projects set up by interstate routes should be by route sections unless one section contains only a very limited number of signs.

Projects for the removal of outdoor advertising signs shall be programed and authorized in accordance with normal procedures and in the same manner as set forth for right-of-way projects.

b. *Division engineer approval.* Authorization to proceed with acquisitions on a sign removal project shall not be issued until such time as the State has submitted to the division engineer the following:

(1) A general statement or description of the project.

(2) A list of the signs to be removed, including the approximate location of each sign and its 1966 inventory number, if available.

(3) The total estimated cost of all sign removals within the project, including payments to sign owners, landowners and incidental costs.

c. *Project priorities.* The selection and programing of sign removal projects will be the responsibility of the State. At the 1973 fiscal year funding level contained in the 1970 Highway Act, the sign removal program, nationwide, will take 5 to 6 years. The following is the recommended order of priority in sign removal.

(1) Illegal and abandoned signs.

(2) Hardship situations.

(3) Minimum value signs.

(4) Signs in areas which have been designated as scenic under authority of State law.

(5) Product advertising on: (a) Rural interstate highway, (b) on rural primary highway, and (c) urban areas.

(6) Nontourist oriented directional advertising.

(7) Tourist-oriented directional advertising.

11. *Valuation methods.* a. *Schedules-formulas.* Schedules, formulas, or other methods to simplify valuation may be used. Attachment 1 provides guides for the development of such methods. These methods may be based on income, cost of reproduction less depreciation, or other factors. Such methods of simplified valuation do not purport to be a basis for the determination of just compensation under eminent domain principles, but are developed for the purpose of minimizing administrative and legal expenses necessarily involved in determining just compensation by individual appraisals and litigation.

Any such method shall be approved by FHWA prior to its use. Where a sign or site owner does not accept the amount computed under an approved schedule, formula, or other simplified method, an appraisal under principles of eminent domain will be required.

b. *Value finding—Appraisals.* Where appropriate the State may use its approved value finding, abbreviated appraisal, or standard appraisal report forms. When used they shall be completed in accordance with applicable Federal Highway Administration appraisal requirements.

c. *Leaseholds.* When outdoor advertising signs and sign sites involve a leasehold value, such value should be determined in the same manner as any other real estate leasehold that has value to the lessor or lessee.

d. *Special cases—Severance damages.* Generally, Federal participation will not be allowed in the payment of damages to remaining signs, or other property of a sign company alleged to be due to the taking of some of the company's signs. Unity of use of the separate properties, as required by applicable principles of eminent domain law, must be shown to exist before participation in severance damages will be allowed. Moreover, the value of the remaining signs or

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other real property must be diminished by virtue of the taking of such signs. Payments for damages to economic plants or loss of business profits are not compensable. The State shall have the burden of justifying the recognition of severance damages pursuant to PPM 80-1 and the law of the State before Federal participation will be allowed. Such cases must be submitted to the Federal Highway Administration for prior concurrence, together with complete legal and appraisal justification for payment of these damages.

To assist the Federal Highway Administration in its evaluation, the following data will accompany any submission regarding severance:

(1) One copy of each appraisal in which this was analyzed. One copy of the State's review appraiser analysis and determination of market value.

(2) A plan or map showing the location of each sign.

(3) An opinion by the State highway department's chief legal officer that severance is appropriate in accordance with State law together with a legal opinion that, in the instant case, the damages constitute severance as opposed to consequential damages as a matter of law. The opinion shall include a determination, and the basis therefor, that the specific taking of some of an outdoor advertiser's signs constitutes a distinct economic unit, and that unity of use of the separate properties in conformity with applicable principles of eminent domain law had been satisfactorily established. A legal memorandum must be furnished citing and discussing cases and other authorities supporting the State's position.

12. *Valuation of sites.* a. Normally sites will be valued by the use of schedules or formulas without requiring before and after appraisals. The additional income produced by the sign may be considered the primary indicator of value of the landowner's interest, subject to limitations of State law. Any formula or schedule developed should be based on accepted appraisal principles such as estimating the present worth of a future income stream. If the income approach is used, consideration should be given to:

(1) The terms of the lease or agreement.

(2) Annual rent received for the site.

(3) An interest rate which reflects the durability and quality of the income stream.

(4) Factors effecting the remaining life of the sign on the site.

b. The State may establish a minimum payment for sites acquired not to exceed $100 per site interest. A landowner's right to erect and maintain signs on a contiguous ownership will be considered as one site interest, regardless of the number of signs. Federal funds will not participate in the acquisition of potential sign sites or sites where signs were built during a period of time which makes them ineligible for compensation under the law. The existing sign must be removed in order to compensate the landowner.

13. *Valuation of signs.* a. The valuation of signs can be accomplished by developing formulas, cost schedules which reflect typical construction costs of signs or, by using other appropriate estimating methods. The State should obtain information from sign companies and others to support its formula or schedule methods.

b. *Minimum payment.* The State may establish a minimum payment for signs acquired not to exceed $100 per interest. A sign owner's right to erect and maintain signs located on a contiguous ownership will be considered as one interest, regardless of the number of signs.

c. *Sign removal.* Sign removal will be accomplished in accord with the State's procedural statement. The statement should include provision for:

(1) *Owner retention.* Owner may retain removed signs with no deduction from the estimated value where it has been determined the sign has only a nominal salvage value. Signs which have an apparent salvage value shall be removed in accord with the State's procedures.

(2) *State removal.* Where owners do not remove signs, the State shall remove the signs on a contract basis, or when appropriate by State force account.

14. *Review of estimates.* All estimates whether based on an approved schedule, formula, or other such method or, on a value finding, abbreviated appraisal, or standard appraisal, shall be reviewed and approved by a person other than one who prepared the estimate. Review and approval of estimates based on approved schedules shall occur before any negotiated agreement becomes effective. In the case of estimates based on value findings or appraisals, the review and approval must occur prior to the initiation of negotiations.

15. *Negotiations.* a. Negotiations with sign owners and landowners will be conducted in accordance with the State's procedural statement. Federal Highway Administration approval of fee negotiators on a project basis is required. No part of the acquisition cost of a sign or site will be eligible for Federal participation if the negotiator is paid on a percentage basis.

b. Administrative settlements shall be in accordance with the State's procedural statement.

c. Where condemnation action is necessary, the State's eminent domain procedures pertaining to condemnation of property for public purposes, or the procedures spelled out in State law on this subject, shall apply and be in accord with the State's procedural statement.

16. *Documentation for Federal participation.* The following information concerning each sign must be available in the State files prior to Federal participation in the cost of sign removals.

a. Payment to sign owner:

(1) Value documentation including proof of payment.

(2) A statement of facts showing the sign was nonconforming as of the date of taking. The statement will indicate the zoning of the land on which the sign was located and if unzoned that the sign was not located in an unzoned commercial or industrial area.

(3) A statement that the sign falls within one of the three categories shown in paragraph 8a of this memorandum.

(4) A photograph of the sign in place.

(5) Satisfactory indication of ownership of the sign and compensable interest (e.g., lease or other agreement, if any, with the property owner).

(6) Evidence that sign has been removed.

b. Payment to the landowner:

(1) Value documentation, including proof of payment.

(2) Satisfactory indication of ownership and compensable interest.

(3) Evidence that sign has been removed.

17. *Reports.* Division engineers will submit monthly reports on actual sign removals on a form to be prescribed.

F. C. TURNER,
Federal Highway Administrator.

PPM 80-5.2—ATTACHMENT 1—SIGN AND SITE VALUATION FORMULA AND SCHEDULE GUIDE

INTRODUCTION

Standardized sign industry construction methods and the simple structural nature of nonstandardized signs support the development of easily administered payment schedules and other equitable valuation techniques. These are intended to facilitate sign and site valuations, speed acquisition and substantially increase program progress.

In brief, the guide suggests procedures for the development of schedules and valuation techniques for the following parts:

I Standard Poster Panels.
II Painted Bulletins.
III Miscellaneous Signs.
IV Depreciation Techniques.
V Leasehold Value.
VI Gross Rent Multiplier.
VII Site Valuation.

The suggested methods are not mandatory. These methods were developed by State and Federal representatives with the assistance of the outdoor advertising industry. This guide will be subject to modification as improved procedures develop and additional valuation information becomes available. Industry, State, and division information and suggestions should be submitted promptly for consideration and inclusion in any revision of this guide.

METHOD OF DEVELOPING SIGN PAYMENT SCHEDULES

1. By contact with the industry and observation in the field, locate a suitable number of newly constructed signs.

2. Contact the companies that have built signs recently and obtain from them the direct and indirect costs of the specific sign construction. At the same time, request authority to audit the company's records to determine the validity of the data acquired. Obtain information on the normal useful life of each sign for the development of depreciation rates. This initial study and data is crucial to the development of the valuation techniques set forth herein.

3. Field check each sign to determine whether it was built according to the company's plans, to determine the specific type of construction, including such things as wood or metal construction, illumination one face, two face, and the area of the advertising face or faces.

4. Correlate the data obtained from the field and the audited construction data.

5. When adequate sign cost data has been collected from a sufficient number of signs, analyze the data to determine the cost of variables such as height, lighting, addition of a second face, reflectorization, quality and type of construction, and the appropriate form for schedules.

6. The data acquired should then be broken down into various categories and averaged to determine the appropriate costs and depreciation rates which can be used as a basis for the schedules.

7. In lieu of the above steps, a State may adopt another State's FHWA approved schedules after test auditing local new sign construction costs and making any necessary adjustments.

8. Obtain and evaluate industry's position concerning the payment schedule concept and the resultant formula based on the analysis in 5 above.

PART I—SCHEDULE 1, STANDARD POSTER PANEL

Definition. An outdoor advertising device built on two or more posts imbedded into the ground or attached to the wall or roof of a building which is designed to support a flat surface of 300 square feet upon which printed advertising or other messages are affixed by pasting.

	Cut out ($/S.F.)	*Modular* ($/S.F.)
A. Direct Costs:		
1. Material, labor, etc.:		
a. Construction material		
b. Material handling		
c. Construction labor		
d. Engineering		
e. Permits		
f. Equipment costs		
B. Indirect Costs (overhead or burden) attributable to construction Items to be considered:		
1. Shop overhead		
2. Insurance		
3. Salaries		
4. General office expense		
5. Utilities (not including sign illumination)		
6. Taxes		
7. Business licenses		
8. Site procurement		
9. Management		
C. Adjustments:		
1. Illumination, including power run-in		
2. Steel support		
3. Height		
4. Multiple face		
5. Other appropriate adjustments		

NOTE: Either a lump-sum or square-foot schedule may be developed with the above information.

PART II—SCHEDULE: 2 PAINTED BULLETIN

Definition. An outdoor advertising device built on one or more posts imbedded into the ground or attached to the wall or roof of a building which is designed to support one or more flat surfaces upon which at least one advertisement or other message is painted in whole or substantial part.

	Cut out ($/S.F.)	*Modular* ($/S.F.)
A. Direct Costs:		
1. Material, Labor, etc.		
a. Construction material		
b. Material handling		
c. Construction labor		
d. Engineering		
e. Permits		
f. Equipment costs		
2. Art and Display		
B. Indirect Costs (overhead or burden) attributable to construction. Items to be considered:		
1. Shop overhead		
2. Insurance		
3. Salaries		
4. General office expense		
5. Utilities (not including sign illumination)		
6. Taxes		
7. Business licenses		
8. Site procurement (not including payment to landowner)		
9. Management		
C. Adjustments:		
1. Illumination, including power run-in		
2. Steel support		
3. Height		
4. Reflectorization		
5. Multiple face		
6. Other appropriate adjustments		
7. Special costs (costs involved in special use sign design and erection specifically for the sole use of one advertiser (not to exceed 10 percent of direct and indirect costs)).		

NOTE: A lump-sum schedule may be developed where appropriate.

PART III—SCHEDULE 3: MISCELLANEOUS SIGNS

Definition. Factory-made signs produced for mass distribution, or small inexpensive signs characterized by "do-it-yourself" workmanship, and all other signs that do not fit into the standard 300-square foot poster panel or painted bulletin categories.

	Cut out ($/S.F.)	*Modular* ($/S.F.)
A. Direct Costs:		
1. Material, Labor, etc.		
a. Construction material		
b. Material handling		
c. Construction labor		
d. Engineering		
e. Permits		
f. Equipment costs		
2. Art and Display		
B. Indirect Costs (overhead or burden) attributable to construction. In those instances where these costs are applicable, use the appropriate costs under "Painted Bulletins."		
C. Adjustments:		
1. Illumination		
2. Steel support		
3. Height		
4. Reflectorization		
5. Double face		
6. Other appropriate adjustments		
D. Quantity Survey Method:		

As an alternative to the above, miscellaneous signs may also be estimated through use of a simplified quantity survey. Such methods should be supported with a table of realistic material costs developed through study of suppliers' prices. A standard form should be used to list the basic components as line items and show their quantities, costs, and extended amounts. The list of basic components could include suppliers' prices for typically used sizes of dimensioned lumber, dur-a-ply, or its equal, plywood, pipe, angle iron, I-beams, sheet metal, pressure treated poles and posts, fasteners, and other appropriate items.

Labor and overhead should be added to the material cost. These figures may be obtained from contractors through audit of sign companies' costs.

A list of adjustments should also be provided, such as in C above. They may be computed on an individual basis and include both direct and indirect costs. In addition to the adjustments in C above, this list could include adjustments for transportation, excavation and erection, and light or heavy copy.

NOTE: A lump-sum schedule may be developed when appropriate.

PART IV—DEPRECIATION

Average depreciation rate schedules should be established to reflect the depreciation of signs of similar type, size and physical condition. These schedules should include high, intermediate and low rates of depreciation to reflect the condition of the signs, their maintenance and other appropriate factors.

Generally, the age-life method of estimating depreciation should be used. The estimator should be aware of the typical economic life of the sign. Consideration should be given to past maintenance, quality of construction, type of materials, etc. A remaining economic life should be estimated and applied to each sign.

Depreciation should also reflect functional, economic, legal and other matters, such as zoning, setback easements, deed restrictions, visibility, compatibility with future use, and traffic conditions. It should not, however, reflect any decrease in value attributable to the fact that the Highway Beautification Act prevents relocation of the sign.

PART V—LEASEHOLD VALUE

If it is established that economic site rent exceeds contract site rent, the bonus value may be computed in accordance with applicable State law and accepted appraisal technique. This amount may be added to the sign owner's compensation.

PART VI—GROSS RENT MULTIPLIER

A carefully developed gross rent multiplier may be useful in valuing some signs. Development and acceptance of this technique depends upon the availability of reliable and sufficient current sales of rented signs. Sales of signs or groups of signs are preferred to sales of entire companies, but both types may be considered. The usual conditions of a fair market sale should be present, and all nonsign values (items not normally considered in eminent domain) should be deducted from the sales prices. The signs should have similar expense and revenue producing characteristics. Reasonable details on conditions of the signs and sites will show whether the gross incomes have about the same quality and duration. If sufficient sales become available and this technique proves feasible, multipliers may be prepared for consideration. Any proposed GRM's should be submitted to FHWA for approval prior to use.

PART VII—SITE VALUATION

The valuation process outlined in paragraph 12a, PPM 80-5.2, would lend itself to the adoption of a formula permitting annual income to be multiplied by a present worth factor to determine the amount of payment to the site owner. Selection of the appropriate multiplier would depend upon the judgment of the appraiser and reflect the following considerations:

1. The maximum duration of the income stream may not exceed the remaining economic life of the sign on the site.
2. Existing or proposed local ordinances.
3. Neighborhood quality and trends.
4. The effect of the existing sign(s) on the dominant use of the property.
5. Any potential change in use of the property.
6. Potential development of adjacent property which might block the view of existing sign(s).
7. Present and future traffic flow.
8. Existing zoning and potential rezoning.
9. Deed restrictions.
10. The effect of cancellation clauses and/or renewal options in the lease.
11. The ability of the tenant to pay.

In developing a payment schedule or formula, it should be recognized that the risk rate may increase on those sites having a relatively long remaining economic life.

A schedule will not apply to sites exceeding a 10-year remaining economic life without prior FHWA approval. Sites producing substantial income and having long remaining economic lives should be valued using accepted appraisal procedure.

In applying developed schedule multiples to site income, the average rental for the preceding 2 years shall be utilized.

[FR Doc.72-6227 Filed 4-21-72;8:52 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 7184]

PART 240—WINE

Use of Carbon Dioxide in Sparkling Wine

In order to conform 26 CFR Part 240, Wine, to an amendment being made in 27 CFR Part 4, Labeling and Advertising of Wine, regarding the permissible use of carbon dioxide to maintain counterpressure when transferring finished sparkling wine from bulk processing tanks to bottles or from bottle to bottle the regulations in 26 CFR Part 240 are amended as follows:

PARAGRAPH 1. Section 240.510 is amended to read as follows:

§ 240.510 General.

Sparkling wine and artificially carbonated wine may be made on bonded wine cellar premises. Where the effervescence results from fermentation of the wine within a closed container or bottle, the wine shall be classed and taxed as sparkling wine. The use of carbon dioxide gas is permitted to maintain counterpressure during the transfer of finished sparkling wines from (a) bulk processing tanks to bottles, or (b) bottle to bottle: *Provided*, That the carbon dioxide content of the wine shall not be increased by more than 0.009 gram per

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100 milliliters during the transfer operation. Where the wine is carbonated artificially (by injection of carbon dioxide into the wine) it shall be classed and taxed as artificially carbonated wine. Neither the effervescent wine nor the wine used as a base in the production thereof shall have an alcohol content in excess of 14 percent by volume; however, small quantities of wine containing more than 14 percent of alcohol may be used in preparing a dosage for finishing effervescent wine.

(72 Stat. 1383; 26 U.S.C. 5382)

PAR. 2. Section 240.511 is amended by: Striking the last sentence in its entirety; and updating the statutory citation. As amended, § 240.511 reads as follows:

§ 240.511 Segregation of operations.

Where more than one process of producing effervescent wine is employed, the portion of the premises used for the production and storage of wine made by each process (bottle fermented, bulk fermented or artificially carbonated) must be physically segregated by partitions of wire netting or other suitable material from the other portions of the premises used for effervescent wine production.

(72 Stat. 1381; 26 U.S.C. 5365)

PAR. 3. Section 240.1051 is amended by: Adding in the "Use" column for "Carbon dioxide, CO_2," the phrase: "To maintain counterpressure during the transfer of finished sparkling wines"; and adding in the "Reference or limitation" column for such material the words: "§ 240.510. The CO_2 content of the finished wine shall not be increased by more than 0.009 gram per 100 milliliters during the transfer operation."; and adding the statutory citation. As amended, § 240.1051 reads as follows:

§ 240.1051 Materials authorized for treatment of wine.

* * * * *

Materials	Use	Reference or limitation
* * *	* * *	* * *
Carbon dioxide, CO_2.	To stabilize and preserve wine.	§§ 240.531 through 240.535, 21 CFR 121.101(d)(8).
	To maintain counterpressure during the transfer of finished sparkling wines.	§ 240.510. The CO_2 content of the finished wine shall not be increased by more than 0.009 gram per 100 milliliters during the transfer operation.
* * *	* * *	* * *

(72 Stat. 1383; 26 U.S.C. 5382)

Because this Treasury decision merely conforms 26 CFR Part 240 to an amendment being made in 27 CFR Part 4, Labeling and Advertising of Wine, pursuant to a public hearing held on July 27, 1971, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b). Accordingly, this Treasury decision shall become effective the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(Sec. 7805, of Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 3, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72-6212 Filed 4-21-72;8:51 am]

Title 27—INTOXICATING LIQUORS

Chapter I—Internal Revenue Service, Department of the Treasury

[T.D. 7185]

PART 4—LABELING AND ADVERTISING OF WINE

Definitions, Standards of Identity, and Labeling Requirements

Notice of public hearing to be held in Washington, D.C., on July 27, 1971, with respect to certain proposals to amend 27 CFR Part 4, relating to the labeling and advertising of wine was published in the FEDERAL REGISTER on July 16, 1971 (36 F.R. 13221). Upon the conclusion of the said hearing, and after a thorough study of the proposals in the light of relevant testimony and documentary material and comments submitted by interested persons, the following conclusions have been reached:

1. It had been proposed (proposal No. 1 in the notice of hearing) to amend §§ 4.10(h) and 4.39(b)(1): (1) To permit wine to be described as "vintage wine" and labeled with a vintage date, notwithstanding that, during the course of its development, it may have had blended into it not in excess of 5 percent of other wines as a "topping" to replace wine lost through evaporation or leakage; (2) to delete the requirements that a bottler of vintage wine actually crush the grapes from which such vintage wine is derived and that the grapes be crushed within the particular viticultural area in which they were grown; and (3) to provide that the sale of a particular wine of a particular vintage not exceed the winemaker's total production of such wine for that year.

The proposal to amend §§ 4.10(h) and 4.39(b)(1) would permit "vintage wine" to have a maximum of 5 percent of other wines added to it to replace wine lost by evaporation and leakage during the aging period. Replacement of wine lost during aging is a customary practice in most of the foreign wine producing countries. The sole purpose of "topping" is to preserve the quality of the wine in the aging container by adding wine to replace wine lost by evaporation and leakage. Deterioration by exposure to air is held to a minimum by topping.

Topping operations are performed during aging at irregular intervals, perhaps as frequent as twice a month. Quantities of wine required for topping operations are not known in advance of actually opening the storage container and filling it to capacity. Consequently, winemakers cannot predetermine and set aside the quality of wine needed for topping operations because leakage and evaporation are affected by cellar temperatures and humidity, as well as by the physical condition and size of the cooperage in which the wine is stored.

The general method of topping is to replace the outage from another tank of wine of the same vintage and then transfer the remaining wine into smaller containers for future use in topping. This often requires the use of a number of 5-gallon demijohns which are used until depleted and then the process starts over again. All containers must be kept full, including the smaller ones for future use. Topping operations practiced today require all domestic winemakers to use like wine when topping operations are conducted and by so doing the wine is excessively handled as it is transferred from container to container. Excessive handling, pumping, and exposing the wine to air are damaging to the quality of the wine.

The proposal to delete from § 4.10(h) the requirement that vintage wine be "fermented" in the same viticultural area in which the grapes were grown parallels a similar proposal for § 4.25(a) which would also delete the requirement that wine be "fermented" within the viticultural area in which the grapes were grown in order to be eligible for an appellation of origin.

Both proposals would require that the wine be fermented or fully manufactured and finished within the State in which the viticultural area is located. This requirement is not unusual and is consistent with section 5382(b)(2)(B), I.R.C., in which Congress limited the addition of wine spirits to natural wines produced by fermentation in bonded wine cellars located within the same State.

The reasons for this proposal are because vineyards owned by wineries have been relocated in other areas due to the value of real estate; but, the wineries remain in the same place. Wine grapes are purchased by wine producers and with the advent of mechanized grape pickers and good transportation, it is no longer necessary for the winery to be located in the area where the grapes are grown. As a practical matter, there is very little direct connection between grower of the grapes and the producer of wine.

The evidence of record indicated that the present requirement that a vintage wine must be derived wholly from grapes gathered in the same calendar year, and grown and fermented in the same viticultural area is unnecessarily restrictive when viewed in the light of practices in some of the principal wine producing countries of the world. Further, an amendment of the definition of vintage wine to permit a 5 percent "topping" allowance of other wine would not be adverse to the consumer interest. Therefore, it has been decided to amend the regulations as proposed.

2. It had been proposed (proposal No. 2 in the notice of hearing) to amend § 4.36(a)(1) so as to no longer require a bottler of wine to crush the grapes from which the wine was produced as a condition precedent to the use of the phrase "produced and bottled by" on the label.

The proposal to amend § 4.36(a)(1) deletes the requirement that "crushing the grapes or other materials" be a condition to the use of the phrase "produced and bottled by" or "produced and packed by" on labels. The fact that grapes are crushed in the field has no effect on the production of wine from grapes or juice purchased by producers of wine. Improved transportation now permits grapes to be grown and crushed many miles from the winery. The person who ferments the must (juice) is the producer of the wine regardless of who grew or crushed the grapes. Advances in wine technology have shown that field crushed grapes are less susceptible to contamination and that wild fermentation can be controlled.

This proposal is consistent with the related provisions regarding "vintage wine". Therefore, it has been decided that the regulations be amended so that the phrase "produced and bottled by" or "produced and packed by" may appear on labels used by a bottler who did not crush the grapes from which the wine was produced.

3. It had been proposed (proposal No. 3 in the notice of hearing) to amend § 4.25(a) to eliminate the requirement that the wine must be "fermented" and "fully manufactured" in the viticultural area in which the grapes were grown (where the name of such viticultural area is shown on the label as an appellation of origin) provided the wine is "fermented" and "fully manufactured and finished" in the State where such viticultural area is located.

The proposal to amend § 4.25(a) deletes the requirement that the fruit be fermented in the place or region (viticultural area) where grown to make the wine eligible to an appellation of origin of that viticultural area. The character, bouquet, and quality of a wine depends, to a very large extent, on the quality of the fruit used to produce the wine. All fruits derive their basic characteristics from the climatic and soil conditions where they are grown. Accordingly, a winemaker can take grapes grown in one area, ferment them in a different area, and the wine produced will be equal in quality to wine produced in the same area where the grapes were grown.

This proposal is consistent with the related provisions regarding "vintage wine." Therefore, it has been decided to amend the regulations as proposed.

4. It had been proposed (proposal No. 4 in the notice of hearing) to amend § 4.21(b)(4) to modify the present requirement that "crackling wine," "frizzante wine," "cremant," "perlant," "reciotto," and similar sparkling wines derive their effervescence solely from limited fermentation in the bottle by permitting such wines to derive their effervescence from fermentation in the bottle or in bulk.

The proposal to amend § 4.21(b) allows the production of "crackling wine" and other similar wines by fermentation in bulk. Crackling wine is a sparkling light wine and its production is now restricted to fermentation within the bottle. Since champagne may be fermented in a closed tank, there is no reason to impose different restrictions on fermentation processes for crackling wines.

The evidence of record established a universal desire on the part of industry for "crackling wine" to derive its limited effervescence either from fermentation in the bottle or from fermentation in bulk. However, in order to protect the consumer from deception it has been decided that "crackling wine" deriving its effervescence from fermentation in bulk should be labeled: "Crackling Wine—Bulk Process" to clearly identify the method of production. Therefore, it has been decided to so amend the regulations.

5. It had been proposed (proposal No. 5 in the notice of hearing) to amend § 4.27(a) to eliminate the requirement that bottles of ⅘-gallon and ⅔-gallon sizes be of the traditional Bordeaux or Burgundy shapes and that bottles of the ½-pint size be of the traditional chianti or round shape.

The evidence of record established that the requirement for bottles of ⅘-gallon, ⅔-gallon, and ½-pint sizes to be of a specific shape serves no useful purpose to the industry or consumer. Therefore, it has been decided to amend the regulations as proposed.

6. It had been proposed (proposal No. 6 in the notice of hearing) to amend § 4.38(d) to eliminate the restriction on the placement of a label extending over the mouth of a wine bottle.

No evidence was presented in the hearing of a need for such a restriction. Therefore, it has been decided to amend the regulations as proposed.

7. It had been proposed (proposal No. 8 in the notice of hearing) to amend § 4.39(b)(2) to permit the bottling of vintage wine and the use of a vintage date on labels by a person other than the producer thereof, where such wine is shipped to the bottler in tank cars or tank trucks.

The proposal to amend § 4.39(b)(2) deletes the restriction that the year of vintage may be stated only if the container from which such wine is bottled is the original container of the permittee who produced the wine. This restriction has prevented bulk shipments of vintage wine in tank cars and tank trucks to bottlers other than the producer of the wine. Containers used for transporting vintage wine from producer to bottler need not be restricted if the bottler has available information to substantiate the vintage date. This will allow vintage wines to be transported for bottling in a like manner used in transporting other wines for bottling.

The Wine Institute requested this proposal be limited to shipments within the State of production. It has been decided that the limitation requested by the Wine Institute would discriminate against bottlers located in other States. Therefore, it has been decided to amend the regulations as proposed.

8. It had been proposed (proposal No. 9 in the notice of hearing) to amend § 4.22 by adding a new subsection to permit the use of carbon dioxide to maintain counterpressure during bottling operations of sparkling wines.

New § 4.22(c)(7) would allow domestic producers to use carbon dioxide as a counterpressure when transferring finished sparkling wine from bottle to bottle or from bulk processing tanks to bottles. Tests have been conducted and the results have shown absorption of CO_2 to be minute. While most foreign producers use carbon dioxide to maintain pressure during the filtering and bottling of sparkling wines, domestic producers have been prohibited by our regulations from such use of carbon dioxide and have been using nitrogen gas for this purpose. The use of nitrogen gas is less desirable since its presence in sparkling wine may cause "gushing" when the bottle is opened.

The evidence of record indicated unanimous agreement to allow the use of carbon dioxide to maintain counterpressure during the transfer of sparkling wine from bulk processing tanks to bottles or bottle to bottle with the limitation that the carbon dioxide content of the wine shall not be increased by more than 0.009 gm. per 100 ml. during the transfer operation. Therefore, it has been decided to amend the regulations as proposed.

Accordingly, the following amendments to 27 CFR Part 4 are hereby adopted:

PARAGRAPH 1. Section 4.10 is amended to read as follows:

§ 4.10 Meaning of terms.

* * * * *

(h) *Vintage wine.* "Vintage wine" means a wine made in accordance with the standards prescribed in Classes 1, 2, and 3 of § 4.21, deriving not less than 95 percent of its volume from grapes gathered in the same calendar year, grown in the same viticultural area, and fermented in the State in which this viticultural area is located.

* * * * *

PAR. 2. Section 4.21(b)(4) is amended to read as follows:

§ 4.21 The standards of identity.

* * * * *

(b) * * *

(4) "Crackling wine," "petillant wine," "frizzante wine" (including cremant, perlant, reciotto, and other similar wine) is sparkling light wine normally less effervescent than champagne or other similar sparkling wine, but containing sufficient carbon dioxide in solution to produce, upon pouring under normal conditions, after the disappearance of air bubbles, a slow and steady effervescence

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evidenced by the formation of gas bubbles flowing through the wine. Crackling wine which derives its effervescence from secondary fermentation in containers greater than 1-gallon capacity shall be designated "crackling wine—bulk process," and the words "bulk process" shall appear in lettering of substantially the same size as the words "crackling wine."

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PAR. 3. Section 4.22(c) is amended by adding a new subparagraph (7). As amended, § 4.22(c)(7) reads as follows:

§ 4.22 Blends, cellar treatment, alteration of class or type.

• • • • •

(c) • • •

(7) Notwithstanding the provisions of § 4.21(b) (1), (2) and (4), (c), (d)(4), (e)(5), and (f)(6) carbon dioxide may be used to maintain counterpressure during the transfer of finished sparkling wines from (i) bulk processing tanks to bottles, or (ii) bottle to bottle: *Provided*, That the carbon dioxide content of the wine shall not be increased by more than 0.009 gm. per 100 ml. during the transfer operation.

PAR. 4. Section 4.25(a) is amended to read as follows:

§ 4.25 Appellations of origin.

(a) A wine shall be entitled to an appellation of origin if (1) at least 75 percent of its volume is derived from fruit or agricultural products grown in the place or region indicated by such appellation, (2) it has been fully manufactured and finished within the State in which such place or region is located, and (3) it conforms to the requirements of the laws and regulations of such place or region governing the composition, method of manufacture, and designation of wines for home consumption.

• • • • •

PAR. 5. Section 4.35(a)(1) is amended by deleting the phrase "crushing the grapes or other materials." As amended, § 4.35(a)(1) reads as follows:

§ 4.35 Name and address.

(a) • • •

(1) If the bottler or packer is also the person who made not less than 75 percent of such wine by fermenting the must and clarifying the resulting wine, or if such person treated the wine in such manner as to change the class thereof, there may be stated, in lieu of the words "bottled by" or "packed by," the words "produced and bottled by," or "produced and packed by."

• • • • •

PAR. 6. Section 4.38(d) is amended to read as follows:

§ 4.38 General requirements.

• • • • •

(d) *Location of label.* Labels shall not obscure government stamps nor be obscured thereby.

• • • • •

PAR. 7. Section 4.39(b) (1) and (2) is amended to read as follows:

§ 4.39 Prohibited practices.

• • • • •

(b) • • •

(1) In the case of domestic vintage wine bottled or packaged in containers by the permittee who produced and clarified the wine, the year of vintage may be stated if there is also stated on the brand label, in direct conjunction with the designation required by § 4.32(a)(2), and in lettering substantially as conspicuous as such designation, the name of the viticultural area in which the grapes were grown. In no event may the quantity of wine removed from the producing winery, under labels bearing a vintage date, exceed the volume of vintage wine produced in such winery during the year indicated by such date.

(2) In the case of domestic vintage wine repackaged in containers of a capacity of 1 gallon or less by a person other than the producer thereof, the year of vintage may be stated if the wine is accompanied by appropriate records from the producer indicating the year of vintage and the name of the viticultural area where the grapes were grown. If the year of vintage is stated, there shall also be stated on the brand label, in direct conjunction with the designation required by § 4.32(a)(2), and in lettering substantially as conpicuous as such designation, the name of the viticultural area in which the grapes were grown.

• • • • •

PAR. 8. Section 4.72(a) is amended to read as follows:

§ 4.72 Standards of fill.

(a) The standards of fill for wine shall be the following, subject to the tolerances hereinafter allowed:

(1) For all wines:

4.9 gallons.	
3 gallons.	1 pint.
1 gallon.	½ pint.
½ gallon.	¼ pint.
¼ gallon.	⅛ pint.
⅛ gallon.	4 ounces.
1 quart.	3 ounces.
⅕ quart.	2 ounces.

(2) In addition, for aperitif wines only: $1\frac{5}{16}$ quart.

• • • • •

This Treasury decision shall become effective on the first day of the month that begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

(49 Stat. 981, as amended; 27 U.S.C. 205)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 14, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.72-6213 Filed 4-21-72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

UTILIZATION AND DONATION OF FOREIGN EXCESS PERSONAL PROPERTY

This amendment implements section 2 of Public Law 91-426 (84 Stat. 883; 40 U.S.C. 512). This Act provides, in part, that pursuant to regulations prescribed by the Administrator of General Services foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 202, 203(j), and 203(*l*) of the Federal Property and Administrative Services Act of 1949, as amended, whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so. This amendment does not affect the authority of the head of any executive agency to return property to the United States for further use by such agency.

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

The table of contents for Part 101–43 is amended by adding new § 101–43.104–7a and new Subpart 101–43.5 and reserving Subparts 101–43.6—101–43.48, as follows:

Sec.
101–43.104–7a Foreign excess personal property.

Subpart 101–43.5—Utilization of Foreign Excess Personal Property

101–43.500 Scope of subpart.
101–43.501 Federal Government policy.
101–43.502 Suspension of procurement.
101–43.503 Holding agency responsibility.
101–43.504 Screening and selection.
101–43.505 Assistance to ordering agencies.
101–43.506 Payment of costs.
101–43.507 Statistics and reports.
101–43.508 Donation availability.

AUTHORITY: The provisions of this Subpart 101–43.5 issued under sec. 402(c), 84 Stat. 884, 40 U.S.C. 512(c).

Subparts 101–43.6—101–43.48 [Reserved]

Section 101–43.000 is revised as follows:

§ 101–43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within and outside the United States, the Commonwealth of Puerto Rico, and the Virgin Islands.

Subpart 101–43.1—General Provisions

Section 101–43.104–7a is added as follows:

§ 101–43.104–7a Foreign excess personal property.

Any excess personal property located outside the States of the Union, the District of Columbia, Puerto Rico, and the Virgin Islands.

Subpart 101–43.5 is added as follows:

Subpart 101–43.5—Utilization of Foreign Excess Personal Property

§ 101–43.500 Scope of subpart.

This subpart prescribes the policies and methods for the return of foreign excess personal property to the United States for utilization by any Federal agency, including the Senate, the House of Representatives, the Architect of the Capitol and any activities under his direction, the District of Columbia, and mixed-ownership corporations as defined in the Government Corporation Control Act.

§ 101–43.502 Federal Government policy.

Foreign excess personal property whenever determined available for return to the United States together with domestic excess personal property is a first source of supply and shall be utilized by agencies to the fullest extent practicable. Each executive agency shall, to the maximum extent practicable, fulfill its requirements for personal property, including those of its cost reimbursement type contractors and grantees, by obtaining domestic excess personal property (see Subpart 101–43.37), or foreign excess personal property in accordance with this subpart in lieu of new procurement, or to enhance and further its program objectives.

§ 101–43.502 Suspension of procurement.

The Administrator of General Services may, as circumstances warrant, suspend the procurement of new items of property when the same items or those which can be substituted or adapted for them are available from foreign excess property sources.

§ 101–43.503 Holding agency responsibility.

Prior to disposal by sale, exchange, or lease, or in the case of medical materials or supplies (which, if situated within the United States, would be available for donation pursuant to section 203 of the Federal Property and Administrative Services Act of 1949, as amended), donation to nonprofit medical or health organizations (including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended), for use in any foreign country, the holding agency will determine the availability of foreign excess personal property in its possession for selection by the General Services Administration (GSA) and return to the United States for further Federal use or for donation as prescribed in Subpart 101–44.7.

(a) It is the responsibility of the head of each executive agency holding foreign excess personal property to make the determination whether or not it is in the interest of the United States to return foreign excess personal property from overseas areas for further Federal use or for donation as prescribed in Subpart 101–44.7. In exercising this authority, full consideration shall be given to the continuing and significant needs for excess and surplus equipment and supplies by Federal agencies and donee institutions and organizations. Federal agencies, therefore, are encouraged to make their foreign excess personal property available to GSA for selection and return to the United States for further Federal use or for donation to the maximum extent possible consistent with the national interest.

(b) Prior to making foreign excess personal property available for return to the United States for further Federal use or for donation as prescribed in Subpart 101–44.7, the holding agency may make such property available for use by recipients in authorized overseas programs. At the request of Federal activities, GSA will assist in locating and acquiring foreign excess personal property for their overseas programs.

§ 101–43.504 Screening and selection.

(a) GSA onsite representatives located in designated overseas locations will screen, on behalf of Federal agencies for return and use in the United States, foreign excess personal property made available for such purposes. The excess property shall be made available by the holding/reporting agency, including the Department of Defense (DOD), Pacific Utilization and Redistribution Agency (PURA), and the Materiel Asset Redistribution Center, Europe (MARCE), for such screening for a period of not less than 10 days unless otherwise agreed to by the holding/reporting agency and GSA.

(b) Property identified by the GSA onsite representatives as required for Federal agency use shall be designated for return to the United States. Through its onsite representatives, GSA will arrange for shipment (including containerized loads). GSA will initially pay the actual costs incurred and billed in the packing, crating, handling, and transporting of foreign excess property to GSA facilities in the United States.

(c) Care will be exercised by the GSA onsite representatives in the selection of property to insure that it is economical to return the property to the United States for Federal use. Full consideration will be given by GSA onsite representatives to transportation and accessorial costs in determining whether or not property will be returned. Each GSA onsite representative is furnished a consolidated want list of personal property items identified by Federal Supply Classification (FSC). This want list is developed from needs registered by Federal agencies with GSA regional offices. The want list shall be used by the GSA onsite representatives as a specific guide in selecting personal property for return to the United States. Available items which are not on the want list will not be selected by GSA onsite representatives for return to the United States without prior coordination with the overseas property officer, Property Management and Disposal Service (PMDS), Washington, D.C. 20406.

(d) GSA will establish procedures with agencies having excess personal property in foreign areas where GSA onsite representatives are not located to report such property to the appropriate GSA office for screening.

§ 101–43.505 Assistance to ordering agencies.

(a) To assist Federal agencies in the selection and transfer of foreign excess personal property returned from overseas, an experienced utilization officer of the Property Management and Disposal Service (PMDS) in each GSA regional office has been designated as the Regional Overseas Property Officer (RO PO) to serve as the contact point with Federal agencies in his regional area. The regional utilization officer receives information on the property needs of Federal agencies and transmits it to the GSA onsite representatives through the appropriate operations control officer. He also disseminates information on property available to Federal agencies. The GSA PMDS Central Office Staff serves as the contact point for the utilization screening of available foreign excess personal property returned to the United States with the headquarters offices of Federal agencies.

(b) The Department of Defense (DOD) has a system already in operation for the screening and utilization of foreign excess property within the Defense establishment. However, only Department of Defense (DOD) activities, the Trust Territories of the Pacific Islands, and the Agency for International Development are authorized to submit requisitions direct to the DOD holding/reporting agency in the overseas area. Federal civil agencies located in the United States shall contact the appropriate GSA Regional Overseas Property Officer (RO PO), as indicated in (a), above, for assistance in requisitioning and acquiring foreign excess property. Federal civil agencies located in overseas areas should contact the appropriate GSA onsite representative for assistance in acquiring foreign excess property.

§ 101–43.506 Payment of costs.

(a) All direct costs involved in returning foreign excess personal property to the United States under this subpart, including packing, handling, crating, and transporting, which are incurred by and billed to GSA from the point of origin to a GSA facility in the United States shall be reimbursed by the transferee agency upon appropriate billing by GSA.

(b) Transportation costs from the GSA location to the transferee agency shall be borne by the transferee agency. Payment of such transportation costs shall be made by the transferee agency to the transportation carrier.

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§ 101–43.507 Statistics and reports.

The Administrator of General Services will maintain data on the acquisition cost of foreign excess personal property transferred by GSA pursuant to this subpart and will report such data to the Congress annually and at such other times as he may deem desirable.

§ 101–43.508 Donation availability.

Foreign excess personal property made available for return to the United States under this subpart, if not required for further Federal use, as determined by GSA, shall be made available for donation in accordance with Subpart 101–44.7.

Subparts 101–43.6—101–43.48 [Reserved]

PART 101–44—DONATION OF EXCESS PERSONAL PROPERTY

The table of contents for Part 101–44 is amended by the addition of new Subpart 101–44.7, as follows:

Subpart 101–44.7—Donation of Foreign Excess Personal Property

Sec.

101–44.700 Scope of subpart.
101–44.701 Holding agency responsibilities.
101–44.702 Donation screening.
101–44.703 Donation approval.
101–44.704 Shipment.
101–44.705 Costs incurred incident to donation.
101–44.706 Definition of the term "State."
101–44.707 Statistics and reports.

AUTHORITY: The provisions of this Subpart 101–44.7 issued under sec. 402(c), 84 Stat. 884, 40 U.S.C. 512(c).

Section 101–44.000 is revised as follows:

§ 101–44.000 Scope of part.

This part prescribes policies and methods governing the donation of surplus personal property located within the United States, the Commonwealth of Puerto Rico, and the Virgin Islands, and the donation of foreign excess personal property designated for return to the United States.

Subpart 101–44.7 is added as follows:

Subpart 101–44.7—Donation of Foreign Excess Personal Property

§ 101–44.700 Scope of subpart.

This subpart prescribes the policies and methods governing the return of foreign excess personal property to the United States for donation.

§ 101–44.701 Holding agency responsibilities.

Prior to any sale, exchange, or lease, or, in the case of medical materials or supplies (which, if situated within the United States, would be available for donation pursuant to section 203 of the Federal Property and Administrative Services Act of 1949, as amended), donation to nonprofit medical or health organizations (including those qualified to receive assistance under sections 214(b) and 607 of the Foreign Assistance Act of 1961, as amended), for use in any foreign country, foreign excess personal property, if it is not required for further Federal use as determined by GSA, shall be made available by the holding agency for selection and return to the United States for donation. The donated property shall be for the purposes of education, public health, or civil defense, or for research for any such purpose. Any foreign excess personal property which has been identified as having been processed, produced, or donated by the American National Red Cross shall be made available for donation to the American National Red Cross for charitable purposes in accordance with Subpart 101–44.4, unless otherwise directed by the Administrator of General Services.

§ 101–44.702 Donation screening.

(a) To locate and select donable property usable and necessary for purposes of education, public health, or civil defense, or for research for any such purpose, the Secretary of Health, Education, and Welfare and onsite representatives of State agencies for surplus property duly accredited by the Secretary shall be permitted to screen foreign excess personal property available for return to the United States. Such property not required for further Federal use, as determined by GSA, shall be available for donation for a period of time of not less than 10 calendar days unless otherwise agreed to by the holding agency and GSA. To assist donation screening, GSA will provide the Department of Health, Education, and Welfare (HEW) with available advance information concerning foreign excess property to the maximum extent possible.

(b) Property returned to the United States for further Federal use and thereafter determined surplus shall be made available for donation by GSA for the purposes set forth in section 203(j) (3) and (4) and, with respect to such property returned from Department of Defense activities and then determined surplus, for donation by GSA for the purposes of section 203(j)(2) of the Federal Property and Administrative Services Act of 1949, as amended, without priority.

§ 101–44.703 Donation approval.

(a) The Administrator of General Services is authorized to make donations in his discretion for the purposes of this subpart.

(b) Standard Form 123, Application for Donation of Surplus Personal Property (see § 101–44.4901), prepared in accordance with instructions (see § 101–44.4903) and signed by a duly authorized official shall be forwarded to the appropriate GSA office for approval for property covered by this subpart. An information copy shall be forwarded to the holding agency.

(c) Unless otherwise authorized by GSA, no personal property shall be released by the holding agency for donation pursuant to this subpart until it has received SF 123 bearing the signed approval of the appropriate GSA office.

§ 101–44.704 Shipment.

HEW shall arrange for the allocation and shipment of personal property approved for donation pursuant to this subpart to State agencies for surplus property for distribution to eligible educational, public health, and civil defense donee institutions and organizations. Upon request of HEW the holding agency may provide packing, handling, crating, and transportation services on a reimbursable basis.

§ 101–44.705 Costs incurred incident to donation.

All transportation costs and other direct costs incurred incident to donation, including packing, handling, and crating, shall be borne by the State agency or the donee institution or organization receiving the property, including any such costs incurred and billed by GSA or the holding agency. Care shall be exercised by HEW in the selection of property to insure that it is economical to return the items to the United States for donation, giving full consideration to transportation and accessorial costs.

§ 101–44.706 Definition of the term "State."

The term "State," as used in this subpart, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

§ 101–44.707 Statistics and reports.

The Administrator of General Services will maintain data on the acquisition cost of all personal property approved by GSA for donation pursuant to this subpart and will report such data to the Congress annually and at such other times as he may deem desirable.

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (4–22–72).

Dated: April 17, 1972.

HAROLD S. TRIMMER, JR.,
Acting Administrator of General Services.

[FR Doc.72–6222 Filed 4–21–72;8:51 am]

Chapter 114—Department of the Interior

PART 114–40—TRANSPORTATION AND TRAFFIC MOVEMENT

Subpart 114–40.50—Bills of Lading

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), a new Subpart 114–40.50 is added to Chapter 114, Title 41 of the Code of Federal Regulations, as set forth below.

This new Subpart 114–40.50 shall become effective on the date of its publication in the FEDERAL REGISTER (4–22–72).

CHARLES G. EMLEY, JR.
Acting Deputy Assistant Secretary of the Interior.

APRIL 18, 1972.

Subpart 114–40.50—Bills of Lading

§ 114–40.5001 Exceptions to use of U.S. Government Bill of Lading forms.

(a) *Payment from imprest funds.* Comptroller General Decision B–163758 dated May 6, 1971, and Treasury Department Circular No. 1030, Second Revision, Amendment No. 1, dated July 6, 1971, authorizes settlement of transportation charges on small shipments by the imprest fund method of payment when advantageous to the Government and agreeable to the carrier involved. The use of imprest funds for such shipments shall be in accordance with the provisions of FPR 1–3.604, IPR 14–3.604, and 337 DM 2, Administration of Imprest Funds, subject to the following limitations:

(1) Transportation charges paid pursuant to the imprest fund procedures shall not exceed $25 for any one transaction.

(2) Imprest funds shall not be used to pay for international shipments or for household goods van shipments.

(3) Payment of transportation charges shall not be made prior to performance of the service.

(b) *Use of commercial forms and procedures.* (Applicable only to Government property.) As provided in 5 GAO 3017, the Department has administratively determined that, in many shipping situations throughout the Department, it is cumbersome and impractical to issue Government bills of lading at origin, and relatively expensive to convert commercial bills to Government bills of lading at destination, for small shipments bearing a nominal transportation charge. Subject to the following limitations and instructions, the head of each Bureau and Office may, for specific circumstances, approve the use of commercial forms and procedures to procure freight or express transportation services for designated types of small shipments when he determines that this procedure is more efficient and economical than the use of Government bills of lading or the imprest fund method of payment set forth in paragraph (a) of this section:

(1) The use of this discretionary authority is limited to those shipments for which the total estimated transportation charges do not exceed $25 per shipment.

(2) A letter of agreement must be executed by each participating carrier (or its agent), signifying acceptance of the arrangements for use of commercial forms and procedures in connection with the small shipments in question. The letter of agreement shall be retained in the files of the Bureau or Office participating in the agreement.

(3) The letter of agreement must contain the provision specifically prescribed in 5 GAO 3017.20(3), making the terms and conditions which are applicable to shipments on U.S. Government bills of lading applicable also to shipments moving on commercial bills of lading under the agreement.

(4) The administrative procedures prescribed in 5 GAO 3017.30, for processing bills for shipments made on commercial forms, are to be observed by all offices participating in small shipment carrier agreements.

(c) *Carrier agreements filed with the General Services Administration.* Certain carriers have executed agreements and filed them with the General Services Administration for use on a nationwide basis. Copies of these agreements are distributed by GSA bulletins in the FPMR series. Bureaus and Offices are authorized to make shipments under these agreements provided that the transportation charges for any single shipment do not exceed $25.

(d) *Alternate delivery receipt procedure.* As provided in 5 GAO 3035.20, the use of the alternate delivery receipt procedure is authorized for international airline shipments for delivery at foreign destinations and on international and domestic shipments of unaccompanied baggage via freight. The General Accounting Office has expanded the alternate delivery receipt procedure to apply on inbound international airline shipments (U.S. destinations), regardless of the commodity shipped, when the GBL cannot be accomplished at the destination airport. As prescribed in 5 GAO 3035.30, a certificate of billing carrier in lieu of waiver from delivering carrier should also be furnished when carriers elect to use the delivery receipt procedure on inbound airline shipments.

[FR Doc.72–6217 Filed 4–21–72;8:51 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 115]

PART 279—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS IN UNITED STATES FOREIGN COMMERCE ON THE GREAT LAKES, CONNECTING RIVERS, ST. LAWRENCE RIVER, AND GULF OF ST. LAWRENCE

The following temporary regulation relates to payment of operating-differential subsidy on an experimental basis for bulk cargo vessels engaged in U.S. foreign commerce between U.S. ports on the Great Lakes, connecting rivers and St. Lawrence River and Canadian ports on the Great Lakes, connecting rivers, St. Lawrence River, and Gulf of St. Lawrence.

The Merchant Marine Act of 1970 (Public Law 91–469, 84 Stat. 1018) amended the Merchant Marine Act, 1936, as amended (Act) (46 U.S.C. 1101–1293) in essential pertinent points hereto: It authorized payment of operating-differential subsidy for bulk cargo carrying services, granted major discretion to the Board and Administration in devising the bases for such payment and removed the explicit bar to such payment for operation in the Great Lakes.

Rule making involving operating differential subsidy is excepted from the formal requirements of section 4, Administrative Procedure Act (5 U.S.C. 553). Notwithstanding this fact, a public rule making proceeding was convened on March 7, 1972. The record thereof has been carefully considered.

The temporary regulation is designed to inform the public of the bases for operating-differential subsidy payments during an experimental period, prior to the issuance of a final regulation or the withdrawal or modification of the temporary regulation.

During the period it is effective, the regulation below will be applied uniformly to all contractors holding an operating-differential subsidy agreement covering bulk cargo operations exclusively in the Great Lakes, connecting rivers, St. Lawrence River, and Gulf of St. Lawrence.

Accordingly, a new Part 279 is hereby added to this title and chapter as follows:

Sec.

279.1 Purpose.
279.2 Definitions.
279.3 Determination of subsidy.

AUTHORITY: The provisions of this Part 279 issued under section 204(b), 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 279.1 Purpose.

The purpose of this part is to prescribe regulations concerning the operating-differential subsidy program under title VI of the Merchant Marine Act, 1936, as amended, relating to the operation of U.S.-flag bulk cargo vessels engaged in U.S. foreign commerce between U.S. ports on the Great Lakes, connecting rivers, and St. Lawrence River and Canadian ports on the Great Lakes, connecting rivers, St. Lawrence River, and Gulf of St. Lawrence.

§ 279.2 Definitions.

For purposes of this part:

(a) *Subsidized voyage.* For purposes of eligibility for operating-differential subsidy participation, pursuant to sections 601(a) and 605(a) of the Act, a subsidized voyage (1) shall commence at the time a vessel is free of cargo: *Provided,* That said vessel proceeds to load export or import commerce of the United States at the same port or other United States port or Canadian port, and shall terminate at the time said vessel completes discharging such import or export cargo: *Provided, however,* That in the event said vessel sustains a period of idleness, deviation, or delay for any reason, the operator shall report said circumstances, together with all pertinent facts, to the Maritime Administration, and the Maritime Administration shall determine whether such period of idleness, deviation, or delay could not have been avoided in whole or in part through efficient and economical operation and whether subsidy shall be payable in whole or in part for such period; and (2) is a voyage in which the vessel engages exclusively in the carriage of foreign commerce of the United States; a voyage will not be

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subsidized if a vessel carries both domestic and foreign commerce of the United States simultaneously.

(b) *Competitive vessels.* The Maritime Administration will make a determination annually of the volume of bulk cargoes carried by foreign-flag vessels in the trades described in this part. Utilizing the data thus developed, foreign-flag competition shall be determined for operating-differential subsidy purposes. The foreign flags deemed competitive shall be limited to those flags carrying 15 percent of more of the total bulk tonnage carried in all foreign-flag vessels in the areas described in this part, provided that the flag(s) so selected must carry an aggregate of not less than 60 percent of the total tonnage moved in the foreign-flag ships.

§ 279.3 Determination of subsidy.

(a) For purposes of this part, operating-differential subsidy shall be paid for the wage costs of the U.S. officers and crews, the fair and reasonable cost of insurance, maintenance and repairs not compensated by insurance, attributable to subsidized voyages and to annual out of service periods, as provided in this section.

(b) Procedures for determining subsidy.

(1) U.S.-foreign wage cost differentials for subsidized vessels shall be determined in accordance with procedures established by the Maritime Administration pursuant to section 603 of the Act. The normal manning of the subsidized vessels and the normal manning of comparable foreign-flag vessels shall form the basis for establishing wage cost differentials;

(2) The annual costs of insurance premiums, maintenance, and repairs not compensated by insurance for subsidized vessels, after application of the appropriate U.S.-foreign cost differential percentages, shall be expressed in per diem amounts of subsidy based upon the actual number of days in the navigating season for that year for the vessel(s) included in the operating-differential subsidy contract: *Provided,* That said vessel(s) operate a substantial part of the navigating season;

(3) In addition to per diem wage subsidies which are earned for subsidized voyage days under subparagraph (1) of this paragraph: (i) Wage subsidy will be paid for crew wage costs incurred for subsidized vessels during annual out-of-service periods; the amount of operating-differential wage subsidy payable for such periods will be determined by first applying the U.S.-foreign wage differential percentage to the wage costs actually incurred for the subsidized vessel(s) during such period, and then multiplying the resultant amount by a fraction, the numerator of which shall be the number of subsidized voyage days during the navigating season and the denominator of which shall be the total actual navigating days for that season; and (ii) contractor's absorptions for crew claims under the protection and indemnity insurance policy for claims arising during subsidized voyages shall be subsidized to the extent that such costs exceed comparable absorptions of the foreign-flag competition.

(4) Subsidized voyages and per diem subsidy amounts accruing thereon shall be determined in whole and fractional days based upon the actual elapsed time of such subsidized voyage(s).

(c) For purposes of determining subsidy under this section, subsidized vessels may be appropriately grouped, or treated separately, at the discretion of the Maritime Administration.

Effective date. This regulation shall be effective as of its date of publication in the FEDERAL REGISTER (4–22–72).

By order of the Acting Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

Dated: April 20, 1972.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-6263 Filed 4-21-72;8:54 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Depreciation Based on Class Lives for Property First Placed in Service Before January 1, 1971

Notice is hereby given that the regulations as set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224 by May 22, 1972. Any written comments or suggestion not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to provide an elective guideline class life system, similar to the class life asset depreciation range system, for assets placed in service before January 1, 1971, for taxable years ending after December 31, 1970, the Income Tax Regulations (26 CFR Part 1) under section 167 of the Internal Revenue Code of 1954 are amended as follows:

The following new section is added immediately after § 1.167(a)–11 to read as follows:

§ 1.167(a)–12 Depreciation based on class lives for property first placed in service before January 1, 1971.

(a) *In general*—(1) *Summary.* This section provides an elective class life system for determining the reasonable allowance for depreciation of certain classes of assets for taxable years ending after December 31, 1970. The system applies only to assets placed in service before January 1, 1971. Depreciation for such assets during periods prior to January 1, 1971, may have been determined in accordance with Revenue Procedure 62–21. Accordingly, rules are provided which permit taxpayers to apply the system in taxable years ending after December 31, 1970, to the remaining basis of such assets without the necessity of changing or regrouping their depreciation accounts other than as previously required by Revenue Procedure 62–21. The system is designed to minimize disputes between taxpayers and the Internal Revenue Service as to the useful life of assets, salvage value, and repairs. See § 1.167(a)–11 for a similar system for property placed in service after December 31, 1970. See paragraph (d)(2) of § 1.167(a)–11 for treatment of expenditures for the repair, maintenance, rehabilitation or improvement of certain property. The system provided by this section is optional with the taxpayer. An election under this section applies only to qualified property in an asset guideline class for which an election is made and only for the taxable year of election. The taxpayer's election is made with the income tax return for the taxable year. This section also revokes the reserve ratio test for taxable years ending after December 31, 1970, and provides transitional rules for taxpayers who after January 11, 1971, adopt Revenue Procedure 62–21 for a taxable year ending prior to January 1, 1971.

(2) *Revocation of reserve ratio test and other matters.* Except as otherwise expressly provided in this section and in paragraph (b)(5)(vi) of § 1.167(a)–11, the provisions of Revenue Procedure 62–21 shall not apply to any property for any taxable year ending after December 31, 1970, whether or not the taxpayer elects to apply this section to any property. See paragraph (f) of this section for rules for the adoption of Revenue Procedure 62–21 for taxable years ending prior to January 1, 1971.

(3) *Definition of qualified property.* The term "qualified property" means tangible property which is subject to the allowance for depreciation provided by section 167(a), but only if—

(i) An asset guideline class and asset guideline period are in effect for such property for the taxable year; and

(ii) The property is first placed in service by the taxpayer before January 1, 1971.

The provisions of paragraph (e)(1) of § 1.167(a)–11 apply in determining whether property is first placed in service before January 1, 1971. See subparagraph (4)(ii) of this paragraph for special rules for the exclusion of property from the definition of qualified property.

(4) *Requirements of election*—(i) *In general.* An election to apply this section to qualified property must be made within the time and in the manner specified in paragraph (e) of this section. The election must specify that the taxpayer consents to and agrees to apply all the provisions of this section. The election may be made separately for each asset guideline class. Thus, a taxpayer may for the taxable year elect to apply this section to one, more than one, or all asset guideline classes in which he has qualified property. An election to apply this section for a taxable year must include all qualified property in the asset guideline class for which the election is made.

(ii) *Special rules for exclusion of property from application of this section.* (*a*) If for the taxable year of election, the taxpayer computes depreciation under section 167(k) or computes amortization under sections 169, 185, 187, 188, or paragraph (b) of § 1.162–11 with respect to property, such property is not qualified property for such taxable year. If for the taxable year of election, the taxpayer computes depreciation under any method of depreciation (other than a method described in the preceding sentence) not permitted by subparagraph (5)(v) of this paragraph for any property in an asset guideline class (other than subsidiary assets excluded from an election under (*b*) of this subdivision), no property in such asset guideline class is qualified property for such taxable year.

(*b*) The taxpayer may exclude from an election to apply this section all (but not less than all) subsidiary assets. Subsidiary assets so excluded are not qualified property for such taxable year. For purposes of this subdivision the term "subsidiary assets" includes jigs, dies, molds, returnable containers, glassware, silverware, textile mill cam assemblies, and other equipment includable in Group One, Class 5, of Revenue Procedure 62–21 which is usually and properly accounted for separately from other property and under a method of depreciation not expressed in terms of years.

(5) *Determination of reasonable allowance for depreciation*—(i) *In general.* The allowance for depreciation of qualified property to which the taxpayer elects to apply this section shall be determined in accordance with this section. The annual allowance for depreciation is determined by using the method of depreciation adopted by the taxpayer and a rate based on a life permitted by this section.

(ii) *Reasonable allowance by reference to class lives.* The amount of depreciation for all qualified property in an asset guideline class to which the taxpayer elects to apply this section will

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constitute the reasonable allowance provided by section 167(a) and the depreciation for the asset guideline class will not be adjusted if—

(a) The taxpayer's qualified property is accounted for in one or more depreciation accounts which conform to the asset guideline class, and the depreciation for each such account is determined by using a rate based upon a life not less than the class life, or

(b) The taxpayer's qualified property is accounted for in one or more depreciation accounts (whether or not conforming to the asset guideline class) for which depreciation is determined at a rate based upon the taxpayer's estimate of the lives of the assets (instead of the class life) and the total amount of depreciation so determined for the asset guideline class is not more than would be permitted under (a) of this subdivision using the method of depreciation adopted by the taxpayer for the property.

See subdivision (vii) of this subparagraph for determination of reasonable allowance if depreciation exceeds the amount permitted by this subdivision. See paragraph (b) of this section for rules regarding the determination of "class life". For rules for regrouping depreciation accounts to conform to the asset guideline class, see subdivision (iv) of this subparagraph.

(iii) *Consistency when individual lives are used.* If the taxpayer assigns individual depreciable lives to assets in accordance with subdivision (ii)(b) of this subparagraph, even though the total amount of depreciation for the asset guideline class will not be adjusted, the lives assigned to the various assets in the asset guideline class must be reasonably in proportion to their relative expected periods of use in the taxpayer's business. Thus, although the taxpayer who uses individual asset lives normally has latitude in thereby allocating the depreciation for the asset guideline class among the assets, if the lives are grossly disproportionate (as where a short life is assigned to one asset and a long life to another even though the expected periods of use are the same), the taxpayer's allocation of depreciation to particular assets or depreciation accounts may be adjusted. For example, the taxpayer's allocation may be adjusted for purposes of determining adjusted basis under section 1016(a) or in allocating depreciation to the 50-percent limitation on percentage depletion provided by section 613(a). See paragraph (d) of this section for rules regarding the use of individual asset lives for purposes of classifying retirements as normal or abnormal.

(iv) *Regrouping depreciation accounts.* Without the consent of the Commissioner, the taxpayer may for any taxable year for which he elects to apply this section to an asset guideline class regroup his depreciation accounts for that and all succeeding taxable years to conform to the asset guideline class. However, no depreciation accounts for which the straight line or sum of the years-digits method of depreciation is adopted may be combined under this section which would not be permitted to be combined under Part III of Revenue Procedure 65–13, as in effect on January 1, 1971. For purposes of this subparagraph, a taxpayer's depreciation accounts conform to the asset guideline class if each depreciation account for the asset guideline class includes only assets of the same asset guideline class.

(v) *Method of depreciation.* The same method of depreciation must be adopted for all property in a single depreciation account. The method of depreciation which may be adopted is subject to the limitations contained in section 167 (c) and (j). Subject to such limitations, only a method of depreciation permitted by section 167(b) (1), (2), or (3) may be adopted for qualified property to which the taxpayer elects to apply this section.

(vi) *Salvage value.* In applying the method of depreciation adopted by the taxpayer, the annual allowance for depreciation is determined without adjustment for the salvage value of the property, except that no depreciation account may be depreciated below a reasonable salvage value for the account. See paragraph (c) of this section for definition and treatment of salvage value.

(vii) *Reasonable allowance when depreciation exceeds amount based on class life.* In the event that the total amount of depreciation claimed by the taxpayer on his income tax return, in a claim for refund, or otherwise, for an asset guideline class with respect to which an election is made under this section for the taxable year, exceeds the maximum amount permitted under subdivision (ii)(a) of this subparagraph—

(a) If the excess is established to the satisfaction of the Commissioner to be the result of a good faith mistake by the taxpayer in determining the maximum amount permitted under subdivision (ii)(a) of this subparagraph, the taxpayer's election to apply this section will be treated as valid and only such excess will be disallowed, and

(b) In all other cases, the taxpayers' election to apply this section to the asset guideline class for the taxable year is invalid and the reasonable allowance for depreciation will be determined without regard to this section. (See § 1.167(a)–1(b) for rules regarding the estimated useful life of property.)

(b) *Determination of class lives*—(1) *Class lives in general.* The class life determined under this paragraph (without regard to any range or variance permitted with respect to class lives under § 1.167(a)–11) will be applied for purposes of determining whether the allowance for depreciation for qualified property included in an election under this section is subject to adjustment. The taxpayer is not required to use the class life determined under this paragraph for purposes of determining the allowance for depreciation. Except as provided in subparagraph (2) of this paragraph, the class life of qualified property to which the taxpayer elects to apply this section is the shorter of—

(i) The asset guideline period for the asset guideline class as set forth in Revenue Procedure 72–10 as in effect on March 1, 1972 (applied without regard to any special provision therein with respect to property predominantly used outside the United States), or

(ii) The asset guideline period for the asset guideline class as set forth in any supplement or revision of Revenue Procedure 72–10, but only if and to the extent by express reference in such supplement or revision made applicable for the purpose of changing the asset guideline period or classification of qualified property to which this section applies. See paragraph (e)(3)(iii) of this section for requirement that the election for the taxable year specify the class life for each asset guideline class. The applicable asset guideline class and asset guideline period for qualified property to which the taxpayer has elected to apply this section will not be changed for the taxable year of election to reflect any supplement or revision thereof after the taxable year. The principles of this subparagraph may be illustrated by the following example:

Example. (i) Corporation X, a calendar year taxpayer, has assets in asset guideline class 20.4 of Revenue Procedure 72–10 which were placed in service by corporation X in 1967, 1968, and 1970. Corporation X also has assets in asset guideline class 22.1 of Revenue Procedure 72–10 which were placed in service at various times prior to 1971. Corporation X has no other qualified property. Corporation X elects to apply this section for 1971 to both classes. Assume that the class lives are determined under this subparagraph and not under subparagraph (2) of this paragraph.

(ii) The class lives for asset guideline classes 20.4 and 22.1 are their respective asset guideline periods of 12 years and 9 years in Revenue Procedure 72–10.

(iii) Accordingly, in the election for the taxable year, in accordance with paragraph (e)(3)(iii) of this section, corporation X specifies a class life of 12 years for asset guideline class 20.4 and a class life of 9 years for asset guideline class 22.1.

(2) *Class lives in special situations.* Notwithstanding subparagraph (1) of this paragraph, for the purposes of this section the class life for the asset guideline class shall be the shortest class life (within the meaning of section 4, Part II, of Revenue Procedure 62–21) which can be justified by application of section 3.02(a), 3.03(a), or 3.05, Part II, of Revenue Procedure 62–21 (other than the portion of such section 3.05 dealing with justification of a class life by reference to facts and circumstances) for the taxpayer's last taxable year ending prior to January 1, 1971. A class life justified by application of section 3.03(a), Part II, of Revenue Procedure 62–21 shall not be shorter than can be justified under the Adjustment Table for Class Lives in Part III of such Revenue Procedure. For purposes of this subparagraph, the reserve ratio test is met only if the taxpayer's reserve ratio does not exceed the upper limit of the appropriate reserve ratio range or does not exceed the appropriate "transistional upper limit" in section 3, Part II, of Revenue Procedure 65–13, during the transition period there provided. References to Revenue Procedure 62–21 include all modifications, amendments, and supplements thereto as of January 1, 1971. The guideline form of the reserve ratio test, as described in Revenue Procedure 65–13, may be applied for purposes of this subparagraph in a manner consistent with the rules contained in section 7, Part II, of Revenue Procedure 65–13 and sections 3.02, 3.03, and 3.05, Part II, of Revenue Procedure 62–21. The principles of this subparagraph may be illustrated by the following examples:

Example (1). Corporation X, a calendar year taxpayer, has all its assets in asset guideline class 20.4 of Revenue Procedure 72–10 which were placed in service by corporation X prior to 1971. Corporation X elects to apply this section for 1971. For taxable years 1967 through 1969, corporation X had used a class life (within the meaning of section 4, Part II, of Revenue Procedure 62–21) for asset guideline class 20.4 of 12 years. The asset guideline period in Revenue Procedure 72–10 in effect for 1971 is also 12 years. Assume that for 1969 corporation X's reserve ratio was below the appropriate reserve ratio lower limit. However, corporation X could not justify a class life shorter than the asset guideline period of 12 years for 1970 since corporation X had not used the 12-year class life for a period at least equal to one-half of 12 years. (See section 3.03(a), Part II, of Revenue Procedure 62–21.) Accordingly, the class life for asset guideline class 20.4 in 1971 is the asset guideline period of 12 years in accordance with subparagraph (1) of this paragraph.

Example (2). The facts are the same as in example (1) except that corporation X had used a class life of 10 years for guideline class 20.4 since 1967. Corporation X had not used the class life of 10 years for a period at least equal to one-half of 10 years. However, in 1968 corporation X's 10-year class life was accepted on audit by the Internal Revenue Service and corporation X met the reserve ratio test in 1970 for guideline class 20.4 using a test life of 10 years. (See section 3.05, Part II, of Revenue Procedure 62–21.) Accordingly, the class life of 10 years is justified for 1970 and the class life for 1971 is 10 years in accordance with this subparagraph. If the taxpayer's class life had not been audited and accepted for 1968, and in the absence of other circumstances, the taxpayer could not justify a class life shorter than the asset guideline period of 12 years since it had not used the 10-year class life for a period at least equal to one-half of 10 years. (See section 3.02, Part II, of Revenue Procedure 62–21.)

Example (3). Corporation Y, a calendar year taxpayer, has all its assets in asset guideline class 13.3 of Revenue Procedure 72–10 which were placed in service from 1960 through 1970. Corporation Y elects to apply this section for 1971. The asset guideline period in Revenue Procedure 72–10 in effect for 1971 is 16 years. Since 1969 corporation Y had used a class life of 16 years for asset guideline 13.3. At the end of 1969 corporation Y's reserve ratio for guideline class 13.3 was 36 percent. With a growth rate of 8 percent and a test life of 16 years the appropriate reserve ratio lower limit was 37 percent. Corporation Y's reserve ratio of 36 percent was below the lower limit of the appropriate reserve ratio range. Corporation Y had used the 16-year class life for at least eight years. A class life of 13.5 years for 1970 was justified by application of section 3.03(a), Part II, of Revenue Procedure 62–21 and the Adjustment Table for Class Lives in Part III of Revenue Procedure 62–21. The class life for 1971 is 13.5 years in accordance with this subparagraph.

(3) *Classification of property*—(i) *In general.* Property to which this section applies shall be included in the asset guideline class for the activity in which the property is primarily used in the taxable year of election. See paragraph (d)(5) of this section for rule regarding the classification of leased property.

(ii) *Insubstantial activity.* The provisions of Revenue Produce 62–21 with respect to classification of assets used in an activity which is insubstantial may be applied under this section.

(iii) *Special rule for certain public utilities.* An electric or gas utility which in accordance with Revenue Procedure 64–21 used a composite guideline class basis for applying Revenue Procedure 62–21 for its last taxable year prior to January 1, 1971, may apply Revenue Procedure 72–10 and this section on the basis of such composite asset guideline class determined as provided in Revenue Procedure 64–21. For the purposes of this section all property in the composite guideline class shall be treated as included in a single asset guideline class.

(c) *Salvage value*—(1) *In general*—(i) *Definition of gross salvage value.* "Gross salvage" value is the amount which is estimated will be realized upon a sale or other disposition of qualified property when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service, without reduction for the cost of removal, dismantling, demolition, or similar operations. "Net salvage" is gross salvage reduced by the cost of removal, dismantling, demolition, or similar operations. If a taxpayer customarily sells or otherwise disposes of property at a time when such property is still in good operating condition, the gross salvage value of such property is the amount expected to be realized upon such sale or disposition, and under certain circumstances, as where such property is customarily sold at a time when it is still relatively new, the gross salvage value may constitute a relatively large proportion of the unadjusted basis of such property.

(ii) *Definition of salvage value.* "Salvage value" for purposes of this section means gross or net salvage value less the amount, if any, by which reduced by application of section 167(f). Generally, as provided in section 167(f), a taxpayer may reduce the gross or net salvage value for an account by an amount which does not exceed 10 percent of the unadjusted basis of the personal property (as defined in section 167(f)(2)) in the account.

(2) *Estimation of salvage value*—(i) *In general.* The taxpayer must establish salvage value for qualified property to which he elects to apply this section. The taxpayer may determine either gross or net salvage, but an election under this section does not constitute permission to change the manner of estimating salvage for a particular depreciation account for which salvage value has previously been estimated. For the first taxable year for which the taxpayer elects to apply this section, salvage value shall be established by estimation on the basis of all the facts and circumstances existing at the close of such taxable year. Salvage value in succeeding taxable years will be established by adjustments as retirements occur of such initial salvage value for the account. The salvage value established by the taxpayer for a taxable year of election will not be redetermined merely as a result of fluctuations in price levels or as a result of other facts and circumstances occurring after the close of such taxable year. See paragraph (e)(3)(iv) of this section for requirements that the taxpayer specify in his election the aggregate amount of salvage value for an asset guideline class and that the taxpayer maintain records reasonably sufficient to identify the salvage value established for each depreciation account in the class.

(ii) *Salvage as limitation on depreciation.* In no case may an account be depreciated under this section below a reasonable salvage value, after taking into account any reduction in gross or net salvage value permitted by section 167(f). For example, if the salvage value of an account for 1971 is $75, the unadjusted basis of the account is $500, and the depreciation reserve is $425, no depreciation is allowable for 1971.

(iii) *Special rule for first taxable year.* If for a taxable year ending prior to January 1, 1971, the taxpayer had adopted Revenue Procedure 62–21 prior to January 12, 1971 (see paragraph (f)(2) of this section), and under such revenue procedure had not taken salvage value into account or had taken into account less salvage value than determined under this paragraph, no adjustment in the amount of depreciation allowable for any taxable year ending prior to January 1, 1971, shall be made solely by reason of establishing salvage value under this paragraph for any taxable year ending after December 31, 1970. The principles of this subdivision may be illustrated by the following example:

Example: Taxpayer A had adopted Revenue Procedure 62–21 prior to January 12, 1971, for taxable years prior to 1971. Taxpayer A had not established any salvage value for account No. 1 which is one of four depreciation accounts A has in the class. The reserve ratio test had been met for all years prior to 1971 and in accordance with Revenue Procedure 62–21 no adjustments in depreciable lives or salvage values were made. At the end of A's taxable year 1970, the unadjusted basis of account No. 1 was $10,000 and the reserve for depreciation was $9,990. For 1971, A elects to apply this section. Pursuant to this paragraph, A establishes a salvage value of $600 for account No. 1 at the end of 1971. This salvage value is determined to be correct. No depreciation is allowable for account No. 1 in 1971. No depreciation is disallowed for any taxable year under to 1971.

(3) *Limitation on adjustment of reasonable salvage value.* The salvage value established by the taxpayer for a depreciation account will not be redetermined if it is reasonable. Since the determination of salvage value is a matter of estimation, minimal adjustments will not be made. The salvage value established by

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the taxpayer will be deemed to be reasonable unless there is sufficient basis in the facts and circumstances existing at the close of the taxable year of election for a determination of an amount of salvage value for the account which exceeds the salvage value established by the taxpayer for the account by an amount greater than 10 percent of the unadjusted basis of the account at the close of such taxable year. If the salvage value established by the taxpayer for the account is not within the 10-percent range or if the taxpayer follows the practice of understating his estimates of salvage to take advantage of this subdivision, and if there is a determination of an amount of salvage value for the account for the taxable year which exceeds the salvage value established by the taxpayer for the account for such taxable year, an adjustment will be made by increasing the salvage value established by the taxpayer for the account by an amount equal to the difference between the salvage value as determined and the salvage value established by the taxpayer for the account. For the purposes of this subdivision, a determination of salvage value shall include all determinations at all levels of audit and appellate proceedings, and as well as all final determinations within the meaning of section 1313(a)(1). This subparagraph shall apply to each such determination.

(4) *Examples.* The principles of this paragraph may be illustrated by the following examples in which it is assumed that the taxpayer has established salvage value in accordance with this paragraph and has not followed a practice of understating his estimates of salvage value:

Example (1). Taxpayer B elects to apply this section for 1971. Assets Y and Z are in a multiple asset account. The unadjusted basis of asset Y is $50,000 and the unadjusted basis of asset Z is $30,000. B estimates a gross salvage value of $55,000 for 1971. The property qualifies under section 167(f)(2) and B reduces the amount of salvage taken into account by $8,000 (that is, 10 percent of $80,000, under section 167(f)). Thus, B establishes a salvage value of $47,000 for the account for 1971. Assume that there is not sufficient basis for determining a salvage value for the account greater than $52,000 (that is, $60,000 minus the $8,000 reduction under section 167(f)). Since the salvage value of $47,000 established by B for the account is within the 10 percent range, it is reasonable. Salvage value for the account will not be redetermined.

Example (2). The facts are the same as in example (1) except that B estimates a gross salvage value of $50,000 and establishes a salvage value of $42,000 for the account (that is, $50,000 minus the $8,000 reduction under section 167(f)). There is sufficient basis for determining an amount of salvage value greater than $50,000 (that is, $58,000 minus the $8,000 reduction under section 167(f)). The salvage value of $42,000 established by B for the account can be redetermined without regard to the limitation in subparagraph (3) of this paragraph, since it is not within the 10 percent range. Upon audit of B's tax return for 1971 (a year in which the redetermination would affect the amount of depreciation allowable for the account), salvage value is determined to be $52,000 after taking into account the reduction under section 167(f). Salvage value for the account will be adjusted to $52,000.

Example (3). The facts are the same as in example (1) except that upon audit of B's tax return for 1971 the examining officer determines the salvage value to be $58,000 (that is, $66,000 minus the $8,000 reduction under section 167(f)), and proposes to adjust salvage value for the account to $58,000 which will result in disallowing an amount of depreciation for the taxable year. B does not agree with the finding of the examining officer. After receipt of a "30-day letter," B waives a district conference and initiates proceedings before the Appellate Division. In consideration of the case by the Appellate Division it is concluded that there is not sufficient basis for determining an amount of salvage value for the account in excess of $55,000 (that is, $63,000 minus the $8,000 reduction under section 167(f)). Since the salvage value of $47,000 established by B for the account is within the 10 percent range, it is reasonable. Salvage value for the account will not be redetermined.

Example (4). For 1971, taxpayer C elects to apply this section to factory building X which is in an item account. The unadjusted basis of factory building X is $90,000. C estimates a gross salvage value for the account of $10,000. The property does not qualify under section 167(f)(2). C establishes a salvage value of $10,000 for the account. Assume that there is not sufficient basis for determining a salvage value for the account greater than $14,000. Since the salvage value of $10,000 established by C for the account is within the 10 percent range, it is reasonable. Salvage value for the account will not be redetermined.

(d) *Accounting for qualified property*—(1) *In general.* Qualified property for which the taxpayer elects to apply this section may be accounted for in any number of item or multiple asset accounts.

(2) *Retirements of qualified property*—(i) *In general.* The provisions of this subparagraph and § 1.167(a)-8 apply to retirements of qualified property to which the taxpayer elects to apply this section for the taxable year. See subdivision (iii) of this subparagraph for special rule for normal retirements.

(ii) *Adjusted basis of assets retired.* In the case of a taxpayer who depreciates qualified property in a multiple-asset account conforming to the asset guideline class at a rate based on the class life in accordance with paragraph (a)(5)(ii)(*a*) of this section, § 1.167(a)-8(c) (relating to basis of assets retired) shall be applied by assuming that the class life is the average expected useful life of the assets in the account. See § 1.167(a)-8, generally, for the basis of assets retired.

(iii) *Definition of normal retirements.* Notwithstanding § 1.167(a)-8(b), the determination whether a retirement of qualified property is normal or abnormal shall be made in light of all the facts and circumstances, primarily with reference to the expected period of use of the asset in the taxpayer's business without regard to paragraph (a)(5)(ii) of this section. A retirement is not abnormal unless the taxpayer can show that the withdrawal of the asset was not due to a cause which would customarily be contemplated (in light of the taxpayer's practice and experience) in setting a depreciation rate for the assets without regard to paragraph (a)(5)(ii) of this section. Thus, for example, a retirement is normal if made within the range of years which would customarily be taken into account in setting such depreciation rate and if the asset has reached a condition at which, in the normal course of events, the taxpayer customarily retires similar assets from use in his business. A retirement may be abnormal if the asset is withdrawn at an earlier time or under other circumstances, as, for example, when the asset has been damaged by casualty or has lost its usefulness suddenly as the result of extraordinary obsolescence.

(3) *Special rules*—(i) *In general.* The provisions of this subparagraph shall apply to qualified property in a taxable year for which an election to apply this section is made.

(ii) *Repairs.* For the purpose of sections 162 and 263 and the regulations thereunder, whether an expenditure prolongs the life of an asset shall be determined by reference to the expected period of use of the asset in the taxpayer's business without regard to paragraph (a)(5)(ii) of this section.

(iii) *Sale and lease.* For the purpose of comparison with the term of a lease of such property, the remaining life of qualified property shall be determined by reference to the expected period of use of the asset in the taxpayer's business without regard to paragraph (a)(5)(ii) of this section.

(4) *Expected period of use.* For the purposes of subparagraphs (2) and (3) of this paragraph, the determination of the expected period of use of an asset shall be made in light of all the facts and circumstances. The expected period of use of a particular asset will not necessarily coincide with the class life used for depreciation (or with the individual asset life for depreciation under the alternative method in paragraph (a)(5)(ii)(*b*) of this section for applying the class life). Thus, for example, if the question is whether an asset has been leased for a period less than, equal to or greater than its remaining life, the determination shall be based on the remaining expected period of use of the individual asset without regard to the fact that the asset is depreciated at a rate based on the class life in accordance with paragraph (a)(5)(ii)(*a*) of this section.

(5) *Leased property.* In the case of a lessor of qualified property, unless there is an asset guideline class in effect for such lessors, the asset guideline class for such property shall be determined by reference to the activity in which such property is primarily used by the lessee. See paragraph (b)(3) of this section for general rule for classification of qualified property according to primary use. However, in the case of an asset guideline class based upon the type of property (such as trucks or railroad cars), as distinguished from the activity in which used, the property shall be classified without regard to the activity of the lessee.

(e) *Election under this section*—(1) *Consent to change in method of accounting.* An election to apply this section for a taxable year ending after December 31, 1970, is a method of accounting but the consent of the Commissioner will be deemed granted to make an annual election.

(2) *Time and manner of election.* An election to apply this section to qualified property for a taxable year shall be made with the income tax return for the taxable year. If the taxpayer does not file a timely return (taking into account extensions of time for filing) for the taxable year, the election shall be filed at the time the taxpayer files his first return for the taxable year. The election may be made with an amended return only if such amended return is filed no later than the later of (*a*) the time prescribed by law (including extensions thereof) for filing the return for the taxable year or (*b*) 120 days after publication of the final regulations under this section. See subparagraph (3) of this paragraph for information required.

(3) *Information required.* The election to apply this section for a taxable year must specify:

(i) That the taxpayer makes such election and consents to, and agrees to apply, all the provisions of this section;

(ii) Each asset guideline class for which the taxpayer makes the election;

(iii) The class life for each asset guideline class for which the taxpayer makes an election and whether the class life is determined under paragraph (b)(1) or (2) of this section;

(iv) For each asset guideline class, as of the end of the taxable year of election, (*a*) the total unadjusted basis of all qualified property, (*b*) the aggregate of the reserves for depreciation of all accounts in the asset guideline class, and (*c*) the aggregate of the salvage value established for all accounts in the asset guideline class;

(v) Whether the taxpayer elects to apply Revenue Procedure 72-10 on a composite asset guideline class basis in accordance with paragraph (b)(3)(iii) of this section;

(vi) The adjusted basis, general description and asset guideline class of all property excluded from the election pursuant to paragraph (a)(4)(ii) of this section; and

(vii) Such other information as may reasonably be required, including all or any part of the type of information specified in paragraph (f)(4) of § 1.167(a)-11.

A taxpayer who makes an election to apply this section for an asset guideline class shall maintain books and records reasonably sufficient to identify the unadjusted basis, reserve for depreciation and salvage value established for each depreciation account in the asset guideline class. Forms will be provided for making the election and submission of the information required. An election may be made and the information submitted only in accordance with such forms. An election will not otherwise be rendered invalid under this paragraph so long as there is substantial compliance, in good faith, with the requirements of this paragraph.

(f) *Depreciation for taxable years ending before January 1, 1971*—(1) *Adoption of Revenue Procedure 62-21*—(i) *In general.* Except as provided in subdivision (ii) of this subparagraph, a taxpayer may elect to be examined under the provisions of Revenue Procedure 62-21 for a taxable year ending before January 1, 1971, only in accordance with the rules of this paragraph. The election must specify:

(*a*) That the taxpayer makes such election and consents to, and agrees to apply, all the provisions of this paragraph;

(*b*) Each guideline class and taxable year for which the taxpayer elects to be examined under Revenue Procedure 62-21;

(*c*) The class life claimed for each such guideline class;

(*d*) The class life and the total amount of the depreciation for the guideline class claimed on the last income tax return for such taxable year filed prior to January 12, 1971 (or in case no income tax return was filed prior to January 12, 1971, on the first income tax return filed for such taxable year);

(*e*) The class life claimed and the total amount of depreciation for the guideline class under the election to apply Revenue Procedure 62-21, in accordance with this paragraph, for the taxable year; and

(*f*) If the class life or total amount of depreciation for the guideline class is different in (*d*) and (*e*) of this subdivision, a reasonable description of the computation of the class life in (*e*) of this subdivision, the amount of difference in tax liability resulting therefrom, and the amount of any refund or reduction in any deficiency in tax.

If the class life or total amount of depreciation for the guideline class is different in accordance with (*f*) of this subdivision, the election shall be made with an amended income tax return reflecting such difference. Forms will be provided for making the election and submission of the information required. An election may be made and the information submitted only in accordance with such forms. An election will not otherwise be invalid under this paragraph so long as there is substantial compliance, in good faith, with the requirements of this paragraph.

(ii) *Special rule.* The provisions of this subparagraph shall not apply to a guideline class in any taxable year for which the taxpayer has prior to January 12, 1971, adopted Revenue Procedure 62-21 for such class. See subparagraph (2) of this paragraph for determination of adoption of Revenue Procedure 62-21 prior to January 12, 1971.

(iii) *Justification of class life claimed and limitations on refunds.* If the taxpayer elects for a taxable year to be examined under the provisions of Revenue Procedure 62-21 in accordance with subdivision (i) of this subparagraph, any of the provisions of Revenue Procedure 62-21 may be applied to justify a class life claimed on the income tax return filed for such year. However, since the reserve ratio test does not apply to such property for taxable years ending after December 31, 1970, and since adjustments to the remaining depreciable lives in such taxable years are limited in accordance with paragraph (a)(5)(ii) of this section, no class life will be accepted on audit which (after all other adjustments in tax liability for such year) results in a reduction (or further reduction) in the amount of tax liability shown on the income tax return (specified in subdivision (i)(*d*) of this subparagraph) for such taxable year, or which results in the increase of a loss carryback or carryover to any other taxable year. The shortest class life otherwise justified under Revenue Procedure 62-21 (applied without regard to this subdivision) which does not result in such a reduction or increase is the shortest class life which will be accepted on audit under Revenue Procedure 62-21 pursuant to an election in accordance with this paragraph. Thus, for example, if a class life of 8 years could be justified under Revenue Procedure 62-21 for 1969, but 10 years is the class life which does not result in such a reduction or increase, 10 years is the shortest class life for 1969 which will be accepted on audit pursuant to an election under Revenue Procedure 62-21 and this paragraph.

(iv) *Definitions.* For purposes of this paragraph, references to Revenue Procedure 62-21 include all modifications, amendments, and supplements thereto as of January 11, 1971. The terms "class life" and "guideline class" have the same meaning as in Revenue Procedure 62-21.

(2) *Determination whether Revenue Procedure 62-21 adopted prior to January 12, 1971*—(i) *In general.* For the purposes of this paragraph, a taxpayer will be treated as having adopted prior to January 12, 1971, Revenue Procedure 62-21 for a guideline class for a taxable year ending before January 1, 1971, only if—

(*a*) For the guideline class and taxable year, the taxpayer adopted Revenue Procedure 62-21 by expressly so indicating on the income tax return filed for such taxable year prior to January 12, 1971;

(*b*) For the guideline class and taxable year, the taxpayer adopted Revenue Procedure 62-21 prior to January 12, 1971, by expressly so indicating in a proceeding before the Internal Revenue Service (such as upon examination of the income tax return for such taxable year) and there is reasonable evidence to that effect; or

(*c*) There is other reasonable evidence that prior to January 12, 1971, the taxpayer adopted Revenue Procedure 62-21 for the guideline class and taxable year.

If not treated under (*b*) or (*c*) of this subdivision as having done so for the last taxable year ending before January 1, 1971, and if the taxpayer files his first income tax return for such taxable year after January 11, 1971, the taxpayer will be treated as having adopted Revenue Procedure 62-21 prior to January 12, 1971, for a guideline class for such taxable year if he expressly so indicated on

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that return, or is treated under this subparagraph as having adopted Revenue Procedure 62–21 prior to January 12, 1971, for that guideline class for the immediately preceding taxable year.

(ii) *Examples.* The principles of this subparagraph may be illustrated by the following examples:

Example (1). Taxpayer A, an individual who uses the calendar year as his taxable year, has property in Group Three, Class 16(a), of Revenue Procedure 62–21. On A's income tax return for 1968, filed prior to January 12, 1971, he adopted Revenue Procedure 62–21 for the guideline class by so indicating under "Summary of Depreciation" in the appropriate schedule of Form 1040 for 1968. Under subdivision (i)(a) of this subparagraph, A is treated as having adopted Revenue Procedure 62–21 for the guideline class for 1968 prior to January 12, 1971.

Example (2). Taxpayer B, an individual who uses the calendar year as his taxable year, has property in Group Two, Class 5, of Revenue Procedure 62–21. B filed timely income tax returns for 1966 through 1968 but did not adopt Revenue Procedures 62–21 on any of such returns. In 1969 upon audit of B's taxable years 1966 through 1968, B exercised his option to be examined under the provisions of Revenue Procedure 62–21. The Revenue Agent's report shows that B was examined under Revenue Procedure 62–21 for taxable years 1966 through 1968. B will be treated under subdivision (ii)(b) of this subparagraph as having adopted Revenue Procedure 62–21 for such years prior to January 12, 1971.

Example (3). The facts are the same as in example (2) except that B did not upon examination by the Revenue Agent in 1969 exercise his option to be examined under Revenue Procedure 62–21. B has six accounts in the guideline class, Nos. 1 through 6. The Revenue Agent proposed to lengthen the depreciable lives on accounts Nos. 2 and 3 from 8 years to 12 years. In proceedings before the Appellate Division in 1970, B exercised his option to be examined under the provisions of Revenue Procedure 62–21. This is shown by correspondence between B and the Appellate Conferee as well as by other documents in the case before the Appellate Division. The case was settled on that basis before the Appellate Division without adjustment of the depreciable lives for B's accounts Nos. 2 and 3. B will be treated under subdivision (ii)(b) of this subparagraph as having adopted Revenue Procedure 62–21 for taxable years 1966 through 1968 prior to January 12, 1971.

Example (4). Corporation X uses the calendar year as its taxable year and has assets in Group Two, Class 5, of Revenue Procedure 62–21. Beginning in 1964, corporation X used the guideline life of 10 years as the depreciable life for all assets in the guideline class. In 1967, corporation X's taxable years 1964 through 1966 were examined and corporation X exercised its option to be examined under the provisions of Revenue Procedure 62–21. Corporation X did not adopt Revenue Procedure 62–21 on any of its income tax returns, for the years 1964 through 1970. Corporation X has not been examined since 1967, but has continued to use the guideline life of 10 years for all property in the guideline class including additions since 1966. Corporation X will be treated under subdivision (ii) (c) and (d) of this subparagraph as having adopted Revenue Procedure 62–21 prior to January 12, 1971, for taxable years 1964 through 1970.

Example (5). Corporation Y uses the calendar year as its taxable year and has asset in Group Two, Class 5, of Revenue Procedure 62–21. Since 1964, corporation Y has used various depreciable lives, based on the facts and circumstances, for different accounts in the guideline class. Corporation Y was examined in 1968 for taxable years 1965 through 1967. Corporation Y was also examined in 1970 for taxable years 1968 and 1969. Corporation Y did not exercise its option to be examined under the provisions of Revenue Procedure 62–21. Corporation Y has not adopted Revenue Procedure 62–21 on any income tax return. For taxable years 1964 through 1970, corporation Y's class life (within the meaning of section 4, Part II, of Revenue Procedure 62–21) was between 12 and 14 years. In August of 1971, corporation Y filed amended income tax returns for 1968 and 1969, and an income tax return for 1970, using a depreciable life of 10 years (equal to the guideline life) for all assets in the guideline class. Corporation Y will not be treated as having adopted Revenue Procedure 62–21 prior to January 12, 1971.

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[26 CFR Parts 1, 53]

INCOME AND FOUNDATION EXCISE TAXES

Termination of Private Foundation Status and Taxable Expenditures With Respect to Certain Transfers

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1972. Any written comments or suggestions not specially designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of Federal Register. The proposed regulations are to be issued under the authority contained in seciton 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

The following regulations are prescribed in order to provide Income Tax Regulations (26 CFR Part 1) under section 507 as added by section 101(a) of the Tax Reform Act of 1969 (83 Stat. 492) and Foundation Excise Tax Regulations (26 CFR Part 53) under section 4945 as added by section 101(b) of the Tax Reform Act of 1969 (83 Stat. 512). Except where otherwise specifically provided, these regulations take effect on January 1, 1970.

PARAGRAPH 1. Immediately after § 1.-504–1 insert the following section:

§ 1.507–1 General rule.

(a) *In general.* Except as provided in § 1.507–2, the status of any organization as a private foundation shall be terminated only if—

(1) Such organization notifies the district director of its intent to accomplish such termination, or

(2) (i) With respect to such organization, there have been either willful repeated acts (or failures to act), or a willful and flagrant act (or failure to act), giving rise to liability for tax under chapter 42, and

(ii) The Commissioner notifies such organization that, by reason of subdivision (i) of this subparagraph, such organization is liable for the tax imposed by section 507(c),

and either such organization pays the tax imposed by section 507(c) (or any portion not abated under section 507(g)) or the entire amount of such tax is abated under section 507(g).

(b) *Termination under section 507 (a)(1).* (1) In order to terminate its private foundation status under paragraph (a)(1) of this section, an organization must submit a statement to the Commissioner of its intent to terminate its private foundation status under section 507(a)(1). Such statement must set forth in detail the computation and amount of tax imposed under section 507(c). Unless the organization requests abatement of such tax pursuant to section 507(g), full payment of such tax must be made at the time the statement is filed under section 507(a)(1). An organization may request the abatement of all of the tax imposed under section 507 (c), or may pay any part thereof and request abatement of the unpaid portion of the amount of tax assessed. If the organization requests abatement of the tax imposed under section 507(c) and such request is denied, the organization must pay such tax in full upon notification by the Internal Revenue Service that such tax will not be abated. For purposes of subtitle F of the Code, the statement described in this subparagraph, once filed, shall be treated as a return.

(2) Termination of private foundation status under section 507(a)(1) does not relieve a private foundation, or any disqualified person with respect thereto, of liability for tax under chapter 42 with respect to acts or failures to act prior to termination or for any additional taxes imposed for failure to correct such acts or failures to act. See subparagraph (8) of this paragraph as to the possible imposition of transferee liability in cases not involving termination of private foundation status.

(3) In the case of an organization which has terminated its private foundation status under section 507(a) and continues in operation thereafter, if such organization wishes to be treated as described in section 501(c)(3), then pursuant to section 509(c) and § 1.50(c)–1 such organization must apply for recognition of exemption as an organization described in section 501(c)(3) in accordance with the provisions of section 508(a).

(4) See § 53.4947–1(c)(7) of this chapter as to the application of section 507(a) to certain split-interest trusts.

(5) For purposes of section 508(d)(1), the Internal Revenue Service shall make notice to the public (such as by publication in the Internal Revenue Bulletin) of any notice received from a private foundation pursuant to section 507(a)(1) or of any notice given to a private foundation pursuant to section 507(a)(2).

(6) If a private foundation transfers all or part of its assets to one or more other private foundations (or one or more private foundations and one or more section 509(a) (1), (2), (3), or (4) organizations) pursuant to a transfer described in section 507(b)(2) and § 1.507–3(c), such transferor foundation will not have terminated its private foundation status under section 507(a)(1). See § 1.507–3, however, for the special rules applicable to private foundations participating in section 507(b)(2) transfers.

(7) If a private foundation transfers all of its assets to one or more persons, but less than all of its net assets to one or more organizations described in section 509(a)(1) which have been in existence and so described for a continuous period of 60 calendar months, for purposes of this paragraph such transferor foundation will not be deemed to have terminated its private foundation status under section 507(a). Such foundation will continue to be treated as a private foundation for all purposes. For example, if a private foundation transfers all of its net assets to a section 509(a)(2) organization in 1971 and receives a bequest in 1973, the bequest will be regarded as having been made to a private foundation and the foundation will be subject to the provisions of chapter 42 with respect to such funds. If a private foundation makes a transfer of all of its net assets to a section 509(a) (2) or (3) organization, for example, it must retain sufficient income or assets to pay the tax imposed under section 4940 for that portion of its taxable year prior to such transfer. For additional rules applicable to a transfer by a private foundation of all of its net assets to a section 509(a)(1) organization which has not been in existence and so described for a continuous period of 60 calendar months, see § 1.507–3(e).

(8) If a private foundation makes a transfer described in subparagraph (7) of this paragraph and prior to, or in connection with, such transfer, liability for any tax under chapter 42 is incurred by the transferor foundation, transferee liability may be applied against the transferee organization for payment of such taxes. For purposes of this subparagraph, liability for any tax imposed under chapter 42 for failure to correct any act or failure to act shall be deemed incurred on the date on which the act or failure to act giving rise to the initial tax liability occurred.

(9) A private foundation which transfers all of its net assets is required to file Form 990, Annual Information Return, and the foundation managers are required to file Form 990–AR, Annual Report of Private Foundation, or the equivalent thereof, for the taxable year in which such transfer occurs. However, neither such foundation nor its foundation managers will be required to file such forms for any taxable year following the taxable year in which the last of any such transfers occurred, if at no time during the subsequent taxable years in question the foundation has either legal or equitable title to any assets or engages in any activity.

(c) *Involuntary termination under section 507(a)(2).* (1) For purposes of section 507(a)(2)(A), the term "willful repeated acts (or failures to act)" means at least two acts or failures to act both of which are voluntary, conscious, and intentional.

(2) For purposes of section 507(a)(2)(A), a "willful and flagrant act (or failure to act)" is one which is voluntarily, consciously, and knowingly committed in violation of any provision of chapter 42 (other than section 4940 or 4948(a)) and which appears to a reasonable man to be a gross violation of any such provision.

(3) An act (or failure to act) may be treated as an act (or failure to act) by the private foundation for purposes of section 507(a)(2) even though tax is imposed upon one or more foundation managers rather than upon the foundation itself.

(4) For purposes of section 507(a)(2), the failure to correct the act or acts (or failure or failures to act) which gave rise to liability for tax under any section of chapter 42 by the close of the correction period for such section may be a willful and flagrant act (or failure to act).

(5) No motive to avoid the restrictions of the law or the incurrence of any tax is necessary to make an act (or failure to act) willful. However, a foundation's act (or failure to act) is not willful if the foundation (or a foundation manager, if applicable) does not know that it is such an act (or failure to act).

PAR. 2. Immediately after § 1.507–2, insert the following sections:

§ 1.507–3 Special rules: transferee foundations.

(a) *General rule.* (1) For purposes of Part II, Subchapter F, Chapter 1 of the Code, in the case of a transfer of assets of any private foundation to another private foundation pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization, or reorganization, the transferee organization shall not be treated as a newly created organization. Thus, in the case of a significant disposition of assets to one or more private foundations within the meaning of paragraph (c) of this section, the transferee organization shall not be treated as a newly created organization. A transferee organization to which this paragraph applies shall be treated as possessing those attributes and characteristics of the transferor organization which are described in subparagraphs (2), (3), and (4) of this paragraph.

(2) (i) A transferee organization to which this paragraph applies shall succeed to the aggregate tax benefit of the transferor organization in an amount determined as follows: Such amount shall be an amount equal to the amount of such aggregate tax benefit multiplied by a fraction the numerator of which is the fair market value of the assets transferred to such transferee and the denominator of which is the fair market value of the assets of the transferor immediately before the transfer. Fair market value shall be determined as of the time of the transfer.

(ii) Notwithstanding subdivision (i) of this subparagraph, a transferee organization which is not effectively controlled (directly or indirectly) by the same person or persons who effectively control the transferor organization shall not succeeed to an aggregate tax benefit in excess of the fair market value at the time of the transfer of the assets transferred.

(iii) This subparagraph may be illustrated by the following examples:

Example (1). Pursuant to a transfer described in section 507(b)(2), F, a private foundation, transfers to G, a private foundation, all of its assets, which have a fair market value of $400,000. Immediately before the transfer F's aggregate tax benefit was $200,000, and G's aggregate tax benefit was $300,000. After the transfer G's aggregate tax benefit is $500,000 ($200,000+$300,000).

Example (2). Pursuant to a transfer described in section 507(b)(2), M, a private foundation, transfers all of its assets, which immediately prior to the transfer have a fair market value of $100,000. The assets were transferred to the following organizations at the following fair market values (determined at the time of transfer) $40,000 to N, a private foundation, $30,000 to O, a private foundation, and $30,000 to P, an organization described in section 170(b)(1)(A)(vi). Immediately before the transfer M's aggregate tax benefit was $50,000. Therefore, N succeeds to M's aggregate tax benefit to the extent of $20,000 ($50,000×$40,000/$100,000) and O succeeds to M's aggregate tax benefit to the extent of $15,000 ($50,000×$30,000/$100,000). The remaining $15,000 of M's aggregate tax benefit is retained by M as M has not terminated under section 507.

Example (3). Assume the same facts as in Example (2) except that the transfers were made as follows: M transferred $30,000 to N on January 1, 1972, $40,000 to P on July 1, 1972, and $30,000 to O on December 31, 1972. Further, assume that the fair market value of the assets and the aggregate tax benefit do not change during 1972 and that O is not effectively controlled (directly or indirectly) by the same person or persons who effectively control M. N succeeds to M's aggregate tax benefit to the extent of $15,000 ($50,000×$30,000/$100,000). However, since $40,000 of the remaining $70,000 ($100,000—$30,000) of assets of M was transferred to P on July 1, 1972, immediately before the transfer to O, the fair market value of the assets held by M is $30,000 ($70,000—$40,000). On the other

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hand, because P is not a private foundation, M's aggregate tax benefit immediately before the transfer to O remains $35,000 ($50,000—$15,000). Therefore, before applying subdivision (ii) of this subparagraph, O would succeed to $35,000 ($35,000×$30,000/$30,000) of M's aggregate tax benefit. However, applying subdivision (ii) of this subparagraph since M transferred only $30,000 to O, O shall succeed to only $30,000 of M's aggregate tax benefit. The remaining $5,000 ($35,000—$30,000) of M's aggregate tax benefit is retained by M as M has not terminated under section 507.

(3) For purposes of section 507(d)(2), in the event of a transfer of assets described in section 507(b)(2), any person who is a "substantial contributor" (within the meaning of section 507(d)(2)) with respect to the transferor foundation shall be treated as a "substantial contributor" with respect to the transferee foundation, regardless of whether such person meets the $5,000-two percent test with respect to the transferee organization at any time. If a private foundation makes a transfer described in section 507(b)(2) to two or more transferee private foundations, any person who is a "substantial contributor" with respect to the transferor foundation prior to such transfer shall be considered a "substantial contributor" with respect to each transferee private foundation.

(4) If a private foundation incurs liability for one or more of the taxes imposed under chapter 42 (or any penalty resulting therefrom) prior to, or as a result of, making a transfer of assets described in section 507(b)(2) to one or more private foundations, in any case where transferee liability applies each transferee foundation shall be treated as receiving the transferred assets subject to such liability to the extent that the transferor foundation does not satisfy such liability.

(5) Except as provided in subparagraph (9) of this paragraph, a private foundation is required to meet the distribution requirements of section 4942 for any taxable year in which it makes a section 507(b)(2) transfer of all or part of its net assets to another private foundation. Such transfer shall itself be counted toward satisfaction of such requirements to the extent the amount transferred meets the requirements of section 4942(g).

(6) For purposes of section 4943(c)(4), (5), and (6), whenever a private foundation makes a section 507(b)(2) transfer of all or part of its net assets to another private foundation, the applicable period of time described in section 4943(c)(4), (5), or (6) shall include both the period during which the transferor foundation held such assets and the period during which the transferee foundation holds such assets.

(7) Except as provided in subparagraph (9) of this paragraph, where the transferor has disposed of all of its assets section 4945(d)(4) and (h) shall not apply during any period in which it has no assets. However, the exception contained in this subparagraph shall not apply with respect to any information reporting requirements imposed by section 4945 and the regulations thereunder for any year in which any such transfer is made.

(8) (i) Except as provided in subdivision (ii) of this subparagraph or subparagraph (9) of this paragraph, whenever a private foundation makes a transfer of assets described in section 507(b)(2) to one or more private foundations, the transferee foundation:

(*a*) Will not be treated as being in existence prior to January 1, 1970, with respect to any transferred assets;

(*b*) Will not be treated as holding the transferred assets prior to January 1, 1970; and

(*c*) Will not be treated as having engaged in, or become subject to, any transaction, lease, contract, or other obligation with respect to the transferred assets prior to January 1, 1970.

(ii) The provisions of subdivision (i) of this paragraph shall not apply to the special rules or savings provisions contained in:

(*a*) Section 4940(c)(4)(B) and the regulations thereunder with respect to basis of property,

(*b*) Section 4942(f)(4) and the regulations thereunder with respect to distributions of income,

(*c*) Section 101(*l*)(2) of the Tax Reform Act of 1969 (83 Stat. 533) with respect to the provisions of section 4941,

(*d*) Section 101(*l*)(3)(A) of the Tax Reform Act of 1969 (83 Stat. 534) with respect to the provisions of section 4942, but only if the transferor qualified for the application of such section immediately before the transfer, and at least 85 percent of the fair market value of the net assets of the transferee immediately after the transfer was received pursuant to the transfer,

(*e*) Section 101(*l*)(3)(B) through (E) of the Tax Reform Act of 1969 (83 Stat. 534) with respect to the provisions of section 4942,

(*f*) Section 101(*l*)(5) of the Tax Reform Act of 1969 (83 Stat. 535) with respect to the provisions of section 4945, and

(*g*) Section 101(*l*)(6) of the Tax Reform Act of 1969 (83 Stat. 535) with respect to the provisions of section 508(e).

(9) (i) If a private foundation transfers all of its net assets to one or more private foundations which are effectively controlled (directly or indirectly) by the same person or persons which effectively controlled the transferor private foundation, for purposes of chapter 42 (section 4940 et seq.) and part II of subchapter F of chapter 1 of the Code (sections 507 through 509) such a transferee private foundation shall be treated as if it were the transferor. However, where proportionality is appropriate, such a transferee private foundation shall be treated as if it were the transferor in the proportion which the fair market value of the assets transferred to such transferee bears to the fair market value of the assets of the transferor immediately before the transfer.

(ii) Subdivision (i) of this subparagraph shall not apply to the requirements under sections 6033, 6056, and 6104 which must be complied with by the transferor private foundation, nor to the requirement under section 6043 that the transferor file a return with respect to its liquidation, dissolution, or termination.

(iii) This subparagraph may be illustrated by the following examples:

Example (1). The trustees of X charitable trust, a private foundation, form the Y charitable corporation, also a private foundation, in order to facilitate the conduct of their activities. The trustees of X are also the directors of Y. Y has the same charitable purposes as X. All of the assets of X are transferred to Y, and Y continues to carry on X's charitable activities. Under such circumstances, Y shall be treated as if it were X for the purposes of subdivision (i) of this subparagraph. Thus, for example, Y will be permitted to take advantage of any special rules or savings provisions with respect to chapter 42 to the same extent as X could have if X had continued in existence.

Example (2). A and B are the trustees of the P charitable trust, a private foundation, and are the only substantial contributors to P. On July 1, 1973, in order to facilitate accomplishment of diverse charitable purposes, A and B create and control the R Foundation, the S Foundation and the T Foundation and transfer the net assets of P to R, S, and T. As of the end of 1973, P has an outstanding grant to Foundation W and has been required to exercise expenditure responsibility with respect to this grant under sections 4945(d)(4) and (h). Under these circumstances, R, S, and T shall each be treated as if they are P in the proportion the fair market value of the assets transferred to each bears to the fair market value of the assets of P immediately before the transfer. Since R, S, and T are treated as P, absent a specific provision for exercising expenditure responsibility with respect to the grant to W, each of them is required to exercise expenditure responsibility with respect to such grant. If, as a part of the transfer to R, P assigned, and R assumed, P's duties with respect to the expenditure responsibility grant to W, only R would be required to exercise expenditure responsibility with respect to the grant to W. Since R, S, and T are treated as P rather than as recipients of "expenditure responsibility" grants, there are no expenditure responsibility requirements which must be exercised under sections 4945(d)(4) and (h) with respect to the transfers of assets to R, S, and T.

(10) For certain rules relating to filing requirements where a private foundation has transferred all its net assets, see § 1.507-1(b)(9).

(b) *Status of transferee organization under section 507(b)(2).* Since a transfer of assets pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization or reorganization to an organization described in section 501(c)(3) or 4947 is a taxable expenditure under section 4945(d)(5), in order for such a transfer of assets not to be a taxable expenditure, it must be to an organization described in section 501(c)(3) or treated as described in section 501(c)(3) under section 4947. See § 53.4945-6(c)(3) of this chapter. Consequently, unless such a transferee is an organization described in section 509(a)(1), (2), or (3), the transferee is a private foundation and the rules of section 507(b)(2) and paragraph (a) of this section apply. On the other hand, if such a transfer of assets is made to a transferee organization which is not described in either section 501(c)(3) or 4947, and in order to correct the making of a taxable expenditure, such assets are transferred to a private foundation, section 507(b)(2) and paragraph (a) of this section shall apply as if the transfer of assets had been made directly to such private foundation.

(c) *Section 507(b)(2) transfers.* (1) A transfer of assets is described in section 507(b)(2) if it is made by a private foundation pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization, or reorganization .This shall include any organization or reorganization described in subchapter C of chapter 1. For purposes of section 507(b)(2), the terms "other adjustment, organization, or reorganization" shall include any partial liquidation or any other significant disposition of assets to one or more private foundations, other than transfers for full and adequate consideration or distributions out of current income.

(2) The term "significant disposition of assets to one or more private foundations" shall include any disposition for a taxable year where the aggregate of:

(i) The dispositions to one or more private foundations for the taxable year, and

(ii) Where any disposition to one or more private foundations for the taxable year is part of a series of related dispositions made during prior taxable years, the total of the related dispositions made during such prior taxable years,

is 25 percent or more of the fair market value of the net assets of the foundation at the beginning of the taxable year (in the case of subdivision (i) of this subparagraph) or at the beginning of the first taxable year in which any of the series of related dispositions was made (in the case of subdivision (ii) of this subparagraph). A "significant disposition of assets" may occur in a single taxable year (as in subdivision (i) of this subparagraph) or over the course of two or more taxable years (as in subdivision (ii) of this subparagraph). The determination whether a significant disposition has occurred through a series of related distributions (within the meaning of subdivision (ii) of this subparagraph) will be made on the basis of all the facts and circumstances of the particular case. However, if one or more persons who are disqualified persons (within the meaning of section 4946) with respect to the transferor private foundation are also disqualified persons with respect to any of the transferee private foundations, such fact shall be evidence that the transfer is part of a series of related dispositions (within the meaning of subdivision (ii) of this subparagraph). In the case of a series of related dispositions described in subdivision (ii) of this subparagraph, each transferee private foundation shall (on any date) be subject to the provisions of section 507(b)(2) (with respect to all such dispositions made to it on or before such date) to the extent described in paragraphs (a) and (b) of this section.

(3) A private foundation which fails to meet the requirements of section 507(b)(1)(A) for a taxable year may be required to file a return under section 6043(b) by reason of a transfer of assets to one or more section 509(a)(1), (2), or (3) organizations. Hence, such filing does not necessarily mean that a section 507(b)(2) transfer has occurred. See § 1.6043-3(f)(1).

(4) This paragraph applies to any section 507(b)(2) transfer made by a private foundation referred to in section 170(b)(1)(E)(i), (ii), or (iii).

(5) The provisions of this paragraph may be illustrated by the following examples:

Example (1). M is a private foundation on the calendar year basis. It has net assets worth $100,000 as of January 1, 1971. In 1971, in addition to distributions out of current income, M transfers $10,000 to N, $10,000 to O, and $10,000 to P. N, O, and P are all private foundations. Under subparagraph (2)(i) of this paragraph, M has made a significant disposition of its assets in 1971 since M has disposed of more than 25 percent of its net assets (with respect to the fair market value of such assets as of January 1, 1971). M has therefore made section 507(b)(2) transfers within the meaning of this paragraph, and section 507(b)(2) applies to the transfers made to N, O, and P.

Example (2). U, a tax-exempt private foundation on the calendar year basis, has net assets worth $100,000 as of January 1, 1971. As part of a series of related dispositions in 1971 and 1972, U transfers in 1971, in addition to distributions out of current income, $10,000 to private foundation X and $10,000 to private foundation Y, and in 1972, in addition to distributions out of current income, U transfers $10,000 to private foundation Z. Under subparagraph (2)(ii) of this paragraph, U is treated as having made a series of related dispositions in 1971 and 1972. The aggregate of the 1972 disposition (under subparagraph (2)(i) of this paragraph) and the series of related dispositions (under subparagraph (2)(ii) of this paragraph) is $30,000, which is more than 25 percent of the fair market value of U's net assets as of the beginning of 1971 ($100,000), the first year in which any such disposition was made. Thus, U has made a significant disposition of its assets and has made transfers described in section 507(b)(2). The provisions of paragraphs (a) and (b) of this section apply to each of the transferees as of the date on which it received assets from U.

(d) *Inapplicability of section 507(a) to section 507(b)(2) transfers.* Unless a private foundation voluntarily gives notice pursuant to section 507(a)(1), a transfer of assets described in section 507(b)(2) will not constitute a termination of the transferor's private foundation status under section 507(a)(1). Such transfer must, nevertheless, satisfy the requirements of any pertinent provisions of chapter 42. See subparagraphs (5) through (7) of paragraph (a) of this section. However, if such transfer constitutes an act or failure to act which is described in section 507(a)(2)(A), then such transfer will be subject to the provisions of section 507(a)(2) rather than section 507(b)(2). For example, X, a private nonoperating foundation, transfers all of its net assets to Y, a private operating foundation, in 1971. X does not file the notice referred to in section 507(a)(1) and the transfer does not constitute either a willful and flagrant act (or failure to act), or one of a series of willful repeated acts (or failures to act), giving rise to liability for tax under chapter 42. Under these circumstances, the transfer is described in section 507(b)(2) and the provisions of paragraph (a) of this section apply with respect to Y. The private foundation status of X has not been terminated under section 507(a).

(e) *Transfers to certain section 509(a)(1), (2), or (3) organizations.* If a private foundation transfers all or part of its assets to one or more organizations described in section 509(a)(1), (2), or (3) and, within a period of 3 years from the date of such transfers, one or more of the transferee organizations lose their section 509(a)(1), (2), or (3) status and become private foundations, then for purposes of this section, a transfer of assets within the meaning of paragraph (c) of this section to such an organization which becomes a private foundation will be treated as a transfer described in section 507(b)(2), and the provisions of paragraph (a) of this section shall be treated as applying to such a transferee organization from the date on which any such transfer was made to it.

(f) *Certain transfers made during section 507(b)(1)(B) terminations.* If—

(1) During the course of the 12-month or 60-month period described in section 507(b)(1)(B), a private foundation makes one or more transfers to one or more private foundations;

(2) Such transfers are described in § 1.507-3(c)(1); and

(3) Even though the transferor foundation thereafter meets the requirements of section 507(b)(1)(B),

then for purposes of this section, the provisions of § 1.507-2(e) shall not apply with respect to such transfers, and such transfers will be treated as transfers described in section 507(b)(2) and § 1.507-3 rather than as transfers from an organization described in section 509(a)(1), (2), or (3).

§ 1.507-4 Imposition of tax.

(a) *General rule.* Section 507(c) imposes on each organization the private foundation status of which is terminated under section 507(a) a tax equal to the lower of:

(1) The amount which such organization substantiates by adequate records (or other corroborating evidence which may be required by the Commissioner) as the aggregate tax benefit (as defined in section 507(d)) resulting from the section 501(c)(3) status of such organization, or

(2) The value of the net assets of such organization.

(b) *Transfers not subject to section 507(c).* Private foundations which make transfers described in section 507(b)(1)(A) or (2) are not subject to the tax imposed under section 507(c) with respect to such transfers unless the provisions

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of section 507(a) become applicable. See §§ 1.507–1(b), 1.507–2(a)(6) and 1.507–3(d).

§ 1.507–5 Aggregate tax benefit; in general.

(a) *General rule.* For purposes of section 507(c)(1), the aggregate tax benefit resulting from the section 501(c)(3) status of any private foundation is the sum of:

(1) The aggregate increases in tax under chapters 1, 11, and 12 (or the corresponding provisions of prior law) which would have been imposed with respect to all substantial contributors to the foundation if deductions for all contributions made by such contributors to the foundation after February 28, 1913, had been disallowed,

(2) The aggregate increases in tax under chapter 1 (or the corresponding provisions of prior law) which would have been imposed with respect to the income of the private foundation for taxable years beginning after December 31, 1912, if (i) it had not been exempt from tax under section 501(a) (or the corresponding provisions of prior law), and (ii) in the case of a trust, deductions under section 642(c) (or the corresponding provisions of prior law) had been limited to 20 percent of the taxable income of the trust (computed without the benefit of section 642(c) but with the benefit of section 170(b)(1)(A)),

(3) The amount succeeded to from transferors under § 1.507–3(a) and section 507(b)(2), and

(4) Interest on the increases in tax determined under subparagraphs (1), (2), and (3) of this paragraph from the first date on which each such increase would have been due and payable to the date on which the organization ceases to be a private foundation.

(b) *Contributions.* In computing the amount of the aggregate increases in tax under subparagraph (1) of this paragraph, all deductions attributable to a particular contribution shall be included. For example, if a substantial contributor has taken deductions under sections 170 and 2522 (or the corresponding provisions of prior law) with respect to the same contribution, the amount of each deduction shall be included in the computations under section 507(d)(1)(A). Accordingly, the aggregate tax benefit may exceed the fair market value of the property transferred.

PAR. 3. Immediately after § 1.507–6, insert the following sections:

§ 1.507–7 Value of assets.

(a) *In general.* For purposes of section 507(c), the value of the net assets shall be determined at whichever time such value is higher:

(1) The first day on which action is taken by the organization which culminates in its ceasing to be a private foundation, or

(2) The date on which it ceases to be a private foundation.

(b) *Valuation dates.* (1) In the case of a termination under section 507(a)(1), the date referred to in paragraph (a)(1) of this section shall be the date on which the terminating foundation gives the notification described in section 507(a)(1).

(2) In the case of a termination under section 507(a)(2), the date referred to in paragraph (a)(1) of this section shall be the date of occurrence of the willful and flagrant act (or failure to act) or the first of the series of willful repeated acts (or failures to act) giving rise to liability for tax under chapter 42 and the imposition of tax under section 507(a)(2).

(c) *Fair market value.* For purposes of this section, fair market value shall be determined pursuant to the provisions of § 53.4942(a)–2(c)(2) of this chapter.

(d) *Net assets.* For purposes of section 507 and the regulations thereunder, the term "net assets" shall mean the gross assets of a private foundation reduced by all liabilities of the foundation, including appropriate estimated and contingent liabilities. Thus, a determination of net assets may reflect reductions for any liability or contingent liability for tax imposed upon the private foundation under chapter 42 with respect to acts or failures to act prior to termination, for any liability or contingent liability for failures to correct such acts or failures to act, or for any liability or estimated or contingent liability with respect to expenses associated with winding up the organization. If a private foundation's determination of net assets reflects any reduction for any estimated or contingent liability, such private foundation must establish, to the satisfaction of the Commissioner, the reasonableness of such reduction. If the amount of net assets reflects a reduction for any estimated or contingent liability, at the earlier of the final determination of the contingency or the termination of a reasonable time, any excess of the amount by which the gross assets was reduced over the amount of the liability shall be treated in the same manner as if such excess had been considered part of the net assets.

§ 1.507–8 Liability in case of transfers.

For purposes of determining liability for the tax imposed under section 507(c) in the case of assets transferred by the private foundation, such tax shall be deemed to have been imposed on the first day on which action is taken by the organization which culminates in its ceasing to be a private foundation. If an organization's private foundation status is terminated under section 507(a)(2), the first day on which action is taken which culminates it is ceasing to be a private foundation (within the meaning of section 507(f)) shall be the date described in § 1.507–7(b)(2). If an organization terminates its private foundation status under section 507(a)(1), the first day on which action is taken which culminates in its ceasing to be a private foundation (within the meaning of section 507(f)) shall be the date described in §1.507–7(b)(1).

§ 1.507–9 Abatement of taxes.

(a) *General rule.* The Commissioner may at his discretion abate the unpaid portion of the assessment of any tax imposed by section 507(c), or any liability in respect thereof, if:

(1) The private foundation distributes all of its net assets to one or more organizations described in section 170(b)(1)(A) (other than in clauses (vii) or (viii)) each of which has been in existence and so described for a continuous period of at least 60 calendar months, or

(2) Effective assurance is given to the Commissioner in accordance with paragraphs (b) and (c) of this section that the assets of the organization which are dedicated to charitable purposes will, in fact, be used for charitable purposes.

The provisions of § 1.507–2(a)(2), (3), and (7) shall apply to distributions under subparagraph (1) of this paragraph. Since section 507(g) provides only for the abatement of tax imposed under section 507(c), no tax imposed under any provision of chapter 42 shall be abated under section 507(g). Where the taxpayer files a petition with the Tax Court with respect to a notice of deficiency regarding any tax under section 507(c), such tax shall be treated as having been assessed for the purposes of abatement of such tax under section 507(g) and the regulations thereunder.

(b) *State proceedings.* (1) The Commissioner may at his discretion abate the unpaid portion of the assessment of any tax imposed by section 507(c), or any liability in respect thereof, under the procedures outlined in subparagraphs (2) and (3) of this paragraph. Such tax may not be abated by the Commissioner unless he determines that corrective action as defined in paragraph (c) of this section has been taken. The Commissioner may not abate by reason of section 507(g) any amount of such tax which has already been collected since only the unpaid portion thereof can be abated.

(2) The appropriate State officer shall have 1 year from the date of notification prescribed in section 6104(c) that a notice of deficiency of tax imposed under section 507(c) has been issued with respect to a foundation, to advise the Commissioner that corrective action has been initiated pursuant to State law as may be ordered or approved by a court of competent jurisdiction. Corrective action may be initiated either by the appropriate State officer or by an organization described in section 509(a)(1), (2), or (3) which is a beneficiary of the private foundation and has enforceable rights against such foundation under State law. Copies of all pleadings and other documents filed with the court at the initial stages of the proceedings shall be attached to the notification made by the State officer to the Commissioner. Prior to notification by the appropriate State officer that corrective action has been initiated, the Commissioner shall follow those procedures which would apply with respect to the assessment and collection of the tax imposed under section 507(c) without regard to section 507(g)(2). Subsequent to notification by the appropriate State officer that corrective action has been initiated, the Commissioner shall suspend action with respect to the assessment or collection of tax imposed under section 507(c) until notified of the final determination of such corrective action, as long as any such resulting delay does not jeopardize the collection of such tax and does not cause collection to be barred by operation of law or any rule of law. In any case where collection of such tax is about to be barred by operation of section 6502 and the Commissioner has not been advised of the final determination of corrective action, the Commissioner should make every effort to obtain appropriate agreements with the foundation subject to such tax to extend the period of limitations under section 6502(a)(2). Where such agreements are obtained, action with respect to the assessment and collection of such tax may be suspended to the extent not inconsistent with this subparagraph.

(3) Upon receipt of certification from the appropriate State officer that action has been ordered or approved by a court of competent jurisdiction, the Commissioner may abate the unpaid portion of the assessment of tax imposed by section 507(c), or any liability in respect thereof, if in his judgment such action is corrective action within the meaning of paragraph (c) of this section. In the event that such action is not corrective action, the Commissioner may in his discretion again suspend action on the assessment and collection of such tax until corrective action is obtained, or if in his judgment corrective action cannot be obtained, he may resume the assessment and collection of such tax.

(c) *Corrective action.* The term "corrective action" referred to in paragraph (b) of this section means vigorous enforcement of State laws sufficient to assure implementation of the provisions of chapter 42 and insure that the assets of such private foundation are preserved for such charitable or other purposes specified in section 501(c)(3). Except where assets of the terminated private foundation are transferred to an organization described in section 509(a)(1) through (4) the State is required to take such action to assure that the provisions of section 508(e)(1)(A) and (B) are applicable to the terminated foundation (or any transferee) with respect to such assets as if such organization were a private foundation. Thus, the governing instrument of such organization must include provisions with respect to such assets—

(1) Requiring its income therefrom for each taxable year to be distributed at such time and in such manner as not to subject such organization to tax under section 4942 (as if the organization were a private foundation),

(2) Prohibiting such organization from engaging in any act of self-dealing (as defined in section 4941(d) as if the organization were a private foundation),

(3) Prohibiting such organization from retaining any excess business holdings (as defined in section 4943(c) as if the organization were a private foundation),

(4) Prohibiting such organization from making any investments in such manner as to subject such organization to tax under section 4944 (as if the organization were a private foundation), and

(5) Prohibiting such organization from making any taxable expenditures (as defined in section 4945(d) as if the organization were a private foundation). Consequently, in cases where the preceding sentence applies, although the private foundation status of an organization is terminated for tax purposes, it is contemplated that its status under State law would remain unchanged, because the tax under section 507(c) has been abated solely because the Commissioner has been given effective assurance that there is vigorous enforcement of State laws sufficient to assure implementation of the provisions of chapter 42. Therefore, in such a case while chapter 42 will not apply to acts occurring subsequent to termination which previously would have resulted in the imposition of tax under chapter 42, it is contemplated that there will be vigorous enforcement of State laws (including laws made applicable by the provisions in the governing instrument) with respect to such acts. Notwithstanding the preceding three sentences, no amendment to the organization's governing instrument is necessary where there are provisions of State law which have the effect of requiring a terminated private foundation to which the rules of subparagraphs (1) through (5) of this paragraph apply to be subject to such rules whether or not there are such provisions in such terminated private foundation's governing instrument.

PAR. 3. Paragraph (b) of § 53.4945–5 is amended by adding the following subparagraphs:

§ 53.4945–5 Grants to organizations.

* * * * *

(b) *Expenditure responsibility.* * * *

(7) *Expenditure responsibility with respect to certain transfers of assets described in section 507*—(i) *Transfers of assets described in section 507(b)(2).* For rules relating to the extent to which the expenditure responsibility rules contained in section 4945(d)(4) and (h) and this section apply to transfers of assets described in section 507(b)(2), see §§ 1.507–3(a)(7), 1.507–3(a)(8)(ii)(f), and 1.507–3(a)(9) of this chapter.

(ii) *Certain other transfers of assets.* For rules relating to the extent to which the expenditure responsibility rules contained in section 4945(d)(4) and (h) and this section apply to certain other transfers of assets described in § 1.507–3(b) of this chapter, see § 1.507–3(b) of this chapter.

(8) *Restrictions on grants (other than program-related investments) to organizations not described in section 501(c)(3).* For other restrictions on certain grants (other than program-related investments) to organizations which are not described in section 501(c)(3), see § 53.4945–6(c).

PAR. 4. Section 53.4945–6 is amended by adding the following paragraphs:

§ 53.4945–6 Expenditures for noncharitable purposes.

* * * * *

(c) *Grants to "noncharitable" organizations*—(1) *In general.* Since a private foundation cannot make an expenditure for a purpose other than a purpose described in section 170(c)(2)(B), a private foundation may not make a grant to an organization other than an organization described in section 501(c)(3) unless

(i) The making of the grant itself constitutes a direct charitable act or the making of a program-related investment, or

(ii) Through compliance with the requirements of subparagraph (2) of this paragraph, the grantor is reasonably assured that the grant will be used exclusively for purposes described in section 170(c)(2)(B).

For purposes of this paragraph, an organization treated as a section 509(a)(1) organization under § 53.4945–5(a)(4) shall be treated as an organization described in section 501(c)(3).

(2) *Grants other than transfers of assets described in § 1.507–3(c)(1).* If a private foundation makes a grant which is not a transfer of assets pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization or reorganization to any person (other than an organization described in section 501(c)(3)), the grantor is reasonably assured (within the meaning of subparagraph (1)(ii) of this paragraph) that the grant will be used exclusively for purposes described in section 170(c)(2)(B) only if the grantee organization agrees to maintain and does continuously maintain the grant funds (or other assets transferred) in a separate fund dedicated to one or more purposes described in section 170(c)(2)(B). The grantor of a grant described in this paragraph must also comply with the expenditure responsibility provisions contained in sections 4945 (d) and (h) and § 53.4945–5.

(3) *Transfers of assets described in § 1.507–3(c)(1).* If a private foundation makes a transfer of assets (other than a transfer described in subparagraph (1)(i) of this paragraph) pursuant to any liquidation, merger, redemption, recapitalization, or other adjustment, organization, or reorganization to any person, the transferred assets will not be considered used exclusively for purposes described in section 170(c)(2)(B) unless the assets are transferred to a fund or organization described in section 501(c)(3) or treated as so described under section 4947(a)(1).

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 953]

IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was unanimously recommended by the

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

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Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953). This marketing order program regulates the handling of Irish potatoes grown in the designated counties of Virginia and North Carolina and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations by the Southeastern Potato Committee are consistent with the marketing policy it unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

The marketing outlook appears more favorable than last season (when the area's average farm price was only about $2.54 per hundredweight) due to reduced potato plantings in numerous spring and early summer States, fewer overlapping supplies from California and a further advance in consumers' net disposable income with the demand for food expected to continue firm.

However, North Carolina and Virginia potato growers can expect to encounter marketing problems similar to those in other recent seasons. The heavy supply of storage potatoes, particularly in the East, has kept pressure on the farm prices. Also, recent cold storage holdings of frozen potato products have set new record highs.

Shipments of potatoes from the production area are expected to begin about June 5. The proposed regulation contains the same grade, size, and maturity requirements that have been issued for the past five seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market channels of commerce. They will also provide consumers with good quality potatoes and maximize the returns to producers for preferred grades and sizes.

The specific requirements, hereinafter set forth, will promote orderly marketing by standardizing and improving the quality of the potatoes shipped from the production area, and should thereby tend to maximize the returns to the producers pursuant to the declared policy of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in four copies with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, not later than 7 days after publication in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 953.312 Limitation of shipments.

During the period June 5 through July 31, 1972, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section. *Further provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a certificate of privilege applicable to such special purpose shipments;

(2) Obtain an approved certificate of privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's certificate of privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appeared in the act as temporarily amended February 20, 1970 (said act having been so permanently amended on February 15, 1972, by Public Law 92–233) and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

Dated: April 19, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6237 Filed 4-21-72;8:52 am]

FARM CREDIT ADMINISTRATION

[12 CFR Part 611]

FEDERAL LAND BANK ASSOCIATIONS

Compensation of District Board Members

The notice of proposed rule making published by the Farm Credit Administration in the FEDERAL REGISTER for April 12, 1972 (37 F.R. 7218), inadvertently had omitted therefrom § 611.1020 which deals with compensation of district board members. This section as proposed by the Federal Farm Credit Board, applies only to members of district boards of directors, and does not affect the public at large. It is considered, therefore, that the public interest would not be served by deferring the final date for submission of written data, views, or arguments on this proposed rule to E. A. Jaenke, Governor, Farm Credit Administration, Washington, D.C. 20578, as provided in the FEDERAL REGISTER for April 12, beyond May 12, 1972.

The proposed Part 611 of Chapter VI of Title 12 of the Code of Federal Regulations (37 F.R. 7218, 7225) is amended by adding a new § 611.1020 as follows:

§ 611.1020 Compensation of district board members.

Directors may be compensated at per diem rates not to exceed $75 for attendance at board meetings and for special assignments, including reasonable travel time from and to their residences.

(Secs. 5.9, 5.18, 5.26, 85 Stat. 619, 621, 624)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.72-6173 Filed 4-21-72;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC–7107]

BONDING OF OFFICERS AND EMPLOYEES OF REGISTERED INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of Rule 17g–1 [17 CFR 270.17g–1] pursuant to sections 17(g) and 38(a) of the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–17(g), 80a–37(a)].

As a result of the experience gained by the Commission in its administration and enforcement of the Act, including the experience derived from staff inspections of registered investment companies, it appears to the Commission that its existing rule may require amendment to include provisions as are set forth hereinbelow.

Section 17(g) of the Act authorizes the Commission to require by rules and regulations, for the protection of investors, that any officer and any employee of a registered management investment company be bonded by a reputable fidelity insurance company against larceny and embezzlement if such officer or employee has access, singly or jointly, with others, to securities or funds of any registered investment company, either directly or through authority to draw upon such funds, or to direct generally the disposition of such secu ities.

Rule 17g–1, as now in effect, in general, requires that there shall be fidelity bonds in such reasonable amount as a majority of the board of directors who are not "covered persons" may determine, subject to modification by the Commission as to the amount, type, form, and coverage of such bonds. It also requires, among other things, that a copy of the bond be filed with the Commission, and that the investent company notify the Commission immediately upon cancellation or termination of such bond.

The proposed rule sets forth minimum required amounts of coverage and provides that (1) the bond may be in the form of an individual bond for each covered person or a schedule or blanket bond covering such persons, or (2) may be in the form of a blanket bond which names the registered management investment company as the only insured, or (3) in the form of a bond which names the registered management investment company and one or more other parties as insureds: *Provided,* That such other insured parties shall be limited to (i) persons engaged in the management or distribution of the shares of the registered management investment company, (ii) other registered investment companies which are managed and/or whose shares are distributed by the same persons (or affiliates of such persons), or (iii) persons who are engaged in the management and/or distribution of shares of companies included in (ii) above.

Also, the proposed rule extends the period for notification by an insurer to the registered management investment company and the Commission from 30 days to 60 days prior to the effective date of cancellation or termination of the bond. It further requires that a majority of the board of directors of the registered management investment company who are not "interested persons" shall determine as often as their fiduciary duties require, but at least once every 12 months, the minimum amount of coverage under the bond and the portion of the premium to be paid by the registered management investment company under a joint insured bond, under which the coverage shall be at least equal to an amount computed in accordance with the schedule in the proposed rule, plus the amount of coverage, if any, which may be required of other insureds under the bond.

Each party named as an insured under the proposed rule would be required to enter into an agreement with all of the other named insureds providing that in the event of recovery under the bond as the result of loss sustained by one or more insureds, the registered management investment company would receive a portion of the recovery at least equal to the amount which it would have received had it maintained a single insured bond. Also, each of the other insureds is required to notify the registered management investment company within 10 days of the filing and of the settlement of any claim under the bond by such insureds. The amended rule would provide, as does the existing rule, that registered management investment companies comply with certain filing requirements with respect to the bond, and with respect to claims and settlements thereunder by such registered management investment companies.

Registered management investment companies and other insured parties would be required to conform their bonds to the requirements of the rule within 3 months from its effective date.

The text of Rule 17g–1 as it is proposed to be amended is as follows:

Commission action. The Commission proposes to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by revising § 270.17g–1. As so revised §270.17g–1 would read as follows:

§ 270.17g–1 Bonding of officers and employees of registered management investment companies.

(a) Each registered management investment company shall be named as an insured under a bond which shall be issued by a reputable fidelity insurance company, authorized to do business in the place where the bond is issued, against larceny and embezzlement, covering, among other persons, each officer and employee of the investment company, who may singly, or jointly with others, have access to securities or funds of the investment company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities (hereinafter referred to as "covered persons").

(b) The bond may be in the form of:

(1) An individual bond for each covered person or a schedule or blanket bond covering such persons,

(2) A blanket bond which names the registered management investment company as the only insured (hereinafter referred to as a "single insured bond") or,

(3) A blanket bond which names the registered management investment company and one or more other parties as insureds (hereinafter referred to as a "joint insured bond"), such other insured parties being limited to (i) persons engaged in the management or distribution of the shares of the registered management investment company, (ii) other registered investment companies which are managed and/or whose shares are distributed by the same persons (or affiliates of such persons) and (iii) persons who are engaged in the management and/or distribution of shares of companies included in subdivision (ii) of this subparagraph.

(c) The bond shall provide that it shall not be canceled or terminated except after written notice shall have been given by the acting party to the affected party and to the Commission not less than 60 days prior to the effective date of cancellation or termination.

(d) An insured bond shall be in such reasonable amount as a majority of the board of directors of the registered management investment company who are not "interested persons" of such investment company as defined by section 2(a)(19) of the Act shall determine as often as their fiduciary duties require, but not less than once every 12 months, with due consideration, among other factors, to the value of the aggregate assets of the registered management investment company to which any covered person may have access, the type and terms of the arrangements made for the custody and safekeeping of such assets, and the nature of securities in the company's portfolio: *Provided, however,*

(1) The amount of a single insured bond shall be at least equal to an amount computed in accordance with the following schedule:

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Amount of Registered Management Investment Company Gross Assets—at the end of the most recent fiscal quarter prior to date of determination (In dollars)	*Minimum amount of bond (In dollars)*
Up to 500,000	50,000.
500,000–1,000,000	75,000.
1,000,000–2,500,000	100,000.
2,500,000–5,000,000	125,000.
5,000,000–7,500,000	150,000.
7,500,000–10,000,000	175,000.
10,000,000–15,000,000	200,000.
15,000,000–20,000,000	225,000.
20,000,000–25,000,000	250,000.
25,000,000–35,000,000	300,000.
35,000,000–50,000,000	350,000.
50,000,000–75,000,000	400,000.
75,000,000–100,000,000	450,000.
100,000,000–150,000,000	525,000.
150,000,000–250,000,000	600,000.
250,000,000–500,000,000	750,000.
500,000,000–750,000,000	900,000.
750,000,000–1,000,000,000	1,000,000.
1,000,000,000–1,500,000,000	1,250,000.
1,500,000,000–2,000,000,000	1,500,000.
Over 2,000,000,000	1,500,000 plus 200,000 for each 500,000,000 of net assets up to a maximum bond of 2,500,000.

(2) A joint insured bond shall be in an amount at least equal to the sum of (i) the amount of coverage which would have been provided and maintained as required by the schedule hereinabove had the registered management investment company not been named as an insured under a joint insured bond, plus (ii) the amount of each bond which each named insured other than a registered management investment company would have been required to provide and maintain pursuant to Federal statutes or regulations had it not been named as an insured under a joint insured bond. No premium may be paid for any joint insured bond and each amendment thereto, unless (*a*) a majority of the board of directors of each registered management investment company named as an insured therein who are not "interested persons" of such company shall approve the portion of the premium to be paid by such company, taking into consideration the number of the other parties named as insureds, the nature of the business activities of such other parties, the amount of the joint insured bond, the amount of the premium for such bond, and other relevant factors, and (*b*) each registered management investment company named as an insured therein shall enter into an agreement with all of the other named insureds providing that (*1*) in the event recovery is received under the bond as a result of a loss sustained by the registered management investment company and one or more other named insureds, the registered management investment company shall receive a portion of the recovery at least equal to the amount which it would have received had it provided and maintained a single insured bond; and (2) each of the other named insureds shall notify the registered management investment company within 10 days of the filing and the settlement, of any claim under the bond by such other named insured.

(e) Each registered management investment company shall:

(1) File with the Commission within 10 days after the execution of the bond or any amendment thereof (i) a copy of each resolution of the board of directors of the investment company determining the amount, type, form, and coverage of each single insured bond, or a copy of each resolution of the board of directors of the investment company approving the amount, type, form, and coverage of each joint insured bond and determining the amount of each single insured bond which the investment company would have provided and maintained had it not been named as an insured under a joint insured bond, and a copy of each resolution of the board of directors of the investment company for each joint insured bond, (ii) a statement as to the period for which the premiums for each bond have been paid, (iii) a copy of each such bond and each amendment thereto, and (iv) a copy of each agreement and each amendment thereto between the investment company and all of the other named insureds under each joint insured bond entered into pursuant to paragraph (d) of this § 270.17g–1,

(2) File with the Commission, in writing, within 5 days after the making of any claim under the bond, a statement of the nature and amount thereof,

(3) File with the Commission, within 5 days of the receipt thereof, a copy of the terms of the settlement of any claim made under the bond by the investment company, and

(4) Notify by registered mail each member of the board of directors of the investment company at his last known residence address of (i) any cancellation, termination, or modification of the bond, not less than 45 days prior to the effective date of cancellation or termination or modification, (ii) the filing and of the settlement of any claim under the bond by the investment company, at the time the filings required by subparagraphs (2) and (3) of this paragraph (e) are made with the Commission, and (iii) the filing and of the settlement of any claim under the bond by any other named insured, within 5 days of the receipt of a notice from such other named insured.

(f) Each registered management investment company shall designate an officer thereof who shall make the filings and give the notices required by paragraph (e) of this § 270.17g–1.

(g) Where the registered management investment company is an unincorporated company managed by a depositor, trustee or investment adviser, the terms "officer" and "employee" shall include, for the purposes of this § 270.17g–1, the officers and employees of the depositor, trustee, or investment adviser.

(h) Not later than 3 months from the effective date of this § 270.17g–1, arrangements between registered management investment companies and fidelity insurance companies and arrangements between registered management investment companies and other parties named as insureds under joint insured bonds which would not permit compliance with the provisions of this § 270.17g–1 shall be modified by the parties so as to effect such compliance.

All interested persons are invited to file, in triplicate, their views and comments with respect to the proposed amended rule. Such communications should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549 on or before May 17, 1972, and should refer to File No. S7–435. Such communications will be available for public inspection.

(Secs. 17(g), 38(a), 54 Stat. 815, 841; 15 U.S.C. 80a–17(g), 80a–37(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 5, 1972.

[FR Doc.72–6177 Filed 4–21–72;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 72–113]

CUSTOMHOUSE BROKER'S LICENSES

Cancellation With Prejudice

APRIL 17, 1972.

Notice is hereby given that the Acting Commissioner of Customs on April 17, 1972, pursuant to section 641, Tariff Act of 1930, as amended, and § 111.51(b), Customs Regulations, as amended, upon the specific request of George Carlo canceled with prejudice customhouse broker's licenses No. 2943 issued to him on April 4, 1956, for Customs Collection District No. 10 (now the Customs Region II, N.Y.), No. 3510 issued to him on June 3, 1963, for Customs Collection District No. 18 (now the Customs District of Miami), and No. 3852 issued to him on October 20, 1966, for the Customs District of Tampa. The Commissioner's decision is effective as of April 17, 1972.

[SEAL] EDWIN F. RAINS, *Acting Commissioner of Customs.*

[FR Doc.72–6238 Filed 4–21–72;8:53 am]

[T.D. 72–114]

TEMPORARY IMPORTATION UNDER BOND

Sale of Articles to Domestic International Sales Corporation (DISC)

APRIL 18, 1972.

There is set forth below the abstract of a ruling dated March 24, 1972. This ruling clarifies the status of a temporary importation bond covering articles which are subsequently sold to a DISC.

[SEAL] LEONARD LEHMAN, *Assistant Commissioner, Office of Regulations and Rulings.*

Sale of articles imported under a temporary importation bond to a Domestic International Sales Corp. (DISC). The sale of articles imported under a temporary importation bond to a DISC subsequent to importation would not violate the conditions of the bond taken under the authority of headnote 1, subpart 5C, schedule 8, Tariff Schedules of the United States. The actual articles imported must in fact be exported in accordance with the temporary importation law. Department memorandum dated March 24, 1972. (516)

[FR Doc.72–6239 Filed 4–21–72;8:53 am]

Internal Revenue Service

[Cost of Living Council Ruling 1972—45]

DEFINITION OF "SUCH UNITS"

Cost of Living Council Ruling

Facts. Landlord X owns eight one-family dwelling units of which three are under a long-term lease on January 19, 1972, and five are occupied by month-to-month tenants.

Issue. Are the three units which were under a long-term lease on January 19, 1972, considered exempt from the controls by Economic Stabilization Regulation, 6 CFR 101.33(a)(2)(iv), 37 F.R. 2678 (February 4, 1972)?

Ruling. No. Regulation § 101.33(a)(2)(iv) exempts, single-family dwelling units and rental units in owner-occupied multifamily dwellings which were rented for a term of longer than month to month on January 19, 1972, only when, "the owner and members of his family do not own or have an interest, directly or indirectly in more than an aggregate of four such units." "Such units" means the aggregate of single-family dwelling units and rental units in an owner-occupied multifamily dwelling without regard to the rental terms in effect on January 19, 1972. As a result, none of the eight units would be considered exempt.

This ruling has been approved by the General Counsel of the Cost of Living Council.

Dated: April 14, 1972.

LEE H. HENKEL, Jr., *Acting Chief Counsel, Internal Revenue Service.*

Approved: April 14, 1972.

SAMUEL R. PIERCE, Jr., *General Counsel, Department of the Treasury.*

[FR Doc.72–6192 Filed 4–21–72;8:48 am]

[Pay Board Ruling 1972–26]

NEW ORGANIZATION

Pay Board Ruling

Facts. An inactive, but legally existing, corporate "shell" is being revived by investors. It is anticipated that the employees will participate in the employee compensation benefits which existed before the corporation became inactive.

Issue. Would the revived Corporation constitute a "new organization" under the Economic Stabilization Regulations, so as to be required to file a report with the Pay Board with respect to the establishment of variable and executive compensation plans?

Ruling. Yes. Economic Stabilization Regulations, 6 CFR 201.79(a), 37 F.R. 3357 (February 15, 1972), provides that "Any business • • • organized or established on or after November 14, 1971," must report all executive and variable compensation plans to the Pay Board within the later of 90 days after their establishment or 90 days after February 15, 1972.

Although the corporation had existed at an earlier time, the intervening period of inactivity would make the revival of the corporation analogous to the organization or establishment of a new corporation. All that would remain of the old entity would be the original paperwork through which it was created. The act of raising new capital, making business commitments, and staffing the corporation would be identical to the procedures followed in the organizing of an entirely new business. Therefore, the revived corporation would come within the thrust of Regulations § 201.79(a) and would be required to report all employee compensation benefits to the Pay Board for review.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: April 17, 1972.

LEE H. HENKEL, Jr., *Acting Chief Counsel, Internal Revenue Service.*

Approved: April 17, 1972.

SAMUEL R. PIERCE, Jr., *General Counsel, Department of the Treasury.*

[FR Doc.72–6194 Filed 4–21–72;8:48 am]

[Pay Board Ruling 1972—27]

PAY PRACTICE PREVIOUSLY SET FORTH

Pay Board Ruling

Facts. On November 13, 1971, a company announced that it would grant a prospective pay increase to employees, but did not specify how much or when the increase might be granted.

Issue. Whether the mere announcement on November 13, 1971, of a pay increase to be granted after that date constitutes a "pay practice previously set forth" within the meaning of Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21791 (November 13, 1971)?

Ruling. The mere announcement on November 13, 1971, of a prospective pay increase does not constitute a "pay practice previously set forth" within the meaning of Economic Stabilization Regulations, 6 CFR 201.14, 36 F.R. 21791 (November 13, 1971). The announcement specified neither the amount of the increase, a method or formula for determining such amount, whether the increase would be applicable to certain or all employees of the company, nor any date or dates such an increase would be put into effect after November 13, 1971.

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This ruling has been approved by the General Counsel of the Pay Board.

Dated: April 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6195 Filed 4-21-72;8:48 am]

[Pay Board Ruling 1972-28]

BASE SALARY COMPUTATION

Pay Board Ruling

Facts. A is the president of M Corporation. A's compensation is $200,000 per year payable as follows: salary in the amount of $100,000 and a number of shares of stock of M Corporation having a fair market value of $100,000.

Issue. Does the stock award in the amount of $100,000 constitute base salary within the meaning of Economic Stabilization Regulations, 6 CFR 201.72(c), 37 F.R. 3357 (February 15, 1972)?

Ruling. No. Economic Stabilization Regulations, 6 CFR 201.72(c), 37 F.R. 3357 (February 15, 1972) require that an item of base salary be paid in cash. Accordingly, the item paid in stock of M Corporation is an incentive bonus described in Economic Stabilization Regulations, 6 CFR 201.72(e), 37 F.R. 3357 (February 15, 1972).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6196 Filed 4-21-72;8:48 am]

[Pay Board Ruling 1972-29]

PARTY AT INTEREST FOR PURPOSES OF A PAY CHALLENGE

Pay Board Ruling

Facts. The X County Board of Supervisors is a governing body with authority under State law to determine salaries of county judges. Pursuant to a resolution adopted by the Board of Supervisors, the salaries of county judges were increased on January 2, 1972, by amounts in excess of the 5.5 percent wage guideline. Three of the board members, constituting a minority of the board, voted against the salary increase and desire to initiate a pay challenge with the Internal Revenue Service in accordance with Regulation 6 CFR 401.401, 37 F.R. 1016 (January 21, 1972).

Issue. Whether a minority of the board is a "party at interest" for purposes of initiating a pay challenge.

Ruling. No. A minority of the board would not be an employer who could be required to pay the wages and salaries in question and would not be a "party at interest" as that term is defined in Regulation 6 CFR 201.3, 36 F.R. 21790 (November 13, 1971). Accordingly, the minority would not be authorized to initiate a pay challenge. However, it could submit a complaint to the appropriate district office of the Internal Revenue Service pursuant to Regulation 6 CFR 401.501, 37 F.R. 1010 (January 21, 1972).

This ruling has been approved by the General Counsel of the Pay Board.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6197 Filed 4-21-72;8:48 am]

[Pay Board Ruling 1972-30]

CONSTRUCTION WORKERS

Pay Board Ruling

Facts. As employees, the members of local union A perform "in shop" maintenance on construction equipment. That is, all repair and servicing of equipment is done in a special repair shop; the only time field repair service is performed is when the field mechanic cannot make the necessary repair because of a manufacturer's warranty. Most of the shops with whom the union has contracts are manufacturer distributors under dealerships for various types of construction products and are not in direct construction or building work.

The employment contracts for shop mechanics are negotiated separately from the construction mechanic's contracts. The rates of pay for shop mechanics are substantially lower than those for members of the union working in the construction field. In addition, because of their year-round employment, as opposed to the seasonal construction employee, their fringe benefits are entirely different.

Issue. Are these employees to be considered as being "construction" workers, so that a wage agreement affecting them would require the prior approval of the Construction Industry Stabilization Committee before taking effect?

Ruling. 29 CFR 9.2(e), 36 F.R. 19577 (October 8, 1971), issued pursuant to authority granted by Executive Order No. 11588, made by the President on March 29, 1971, to implement the power delegated to him by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799), as amended, provides that:

(e) "Construction" means (1) all work relating to the erecting, constructing, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways * * * but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition.

Moreover, 29 CFR 9.2(p), 36 F.R. 19577 (October 8, 1971), defines "construction industry" as including:

Every person, firm, company, or entity * * * and every employee employed by such person, firm, company, or entity for the performance of work relating to a project of construction. Also excluded from the construction industry are * * * suppliers of * * * services or supplies to members of the industry generally, except those operation's * * * or services which are performed in connection with specific projects of consrtuction in such a manner as to make them a part thereof.

Clearly, maintenance work, performed under the above limitations, would not be within these definitions of "construction" or "construction industry." In fact, it would be closely related to the type of work specifically excepted from the definition. These workers perform maintenance on a permanent basis, within a delineated shop area, in order to keep the equipment in efficient operating condition.

Moreover, the compensation system for these workers is totally divorced from that of the construction workers, although they may be a part of the same union. The salary range is lower and the fringe benefits differ: Even the term of employment is different. The only connection with the construction industry which these workers retain is in the fact that they repair construction equipment. However, they do this work in the employ of equipment distributors, not the construction companies.

Therefore, there can be no doubt but that these workers, under the specific conditions set forth herein, are not considered to be "construction" workers, and their employment contracts would not require prior approval by the CISC before taking effect.

This ruling has been approved by the General Counsel of the Pay Board.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6198 Filed 4-21-72;8:48 am]

[Price Commission Ruling 1972—134]

RENT CHARGEABLE UNDER FORMULA DETERMINED RENTAL

Price Commission Ruling

Facts. Lessor L and lessee A executed a lease on June 1, 1971, with a 2-year term calling for a rent of $400 per month. The lease also provided that L could make an adjustment in June of each year for property taxes and maintenance costs incurred during the prior 12 months which were allocable to the residence. Assume that in June, 1972, L computes these costs and determines that A should pay $31 per month for the prior 12-month period in addition to the $400 monthly rent already charged.

Issue. What are the limitations on the amount of additional rent which L may charge A?

Ruling. The lease in this case is a formula determined rental. A formula determined rental exists where the periodic rental payments under the lease are variable and depend upon the passage of time, costs of the lessor or other external factors such as the Cost of Living Index. It makes no difference whether a formula increase is levied at the same time costs are incurred or retroactively after the costs are incurred. However, where the increase in monthly rent resulting from a cost incurred formula is retroactive to the beginning of a prior period, the costs are considered to have been incurred equally each month during that period. The rent which can be charged under the lease in this case is determined by the regulations in effect at the various times since June 1, 1971.

June 1, 1971 through August 14, 1971. There were no regulations in effect during this period. The monthly rent which can be charged is the full amount called for in the lease. That amount is $400 plus $31 or $431 per month.

August 15, 1971 through November 13, 1971. During this period, formula rental leases entered into before August 15, 1971, could operate according to the terms agreed upon by the parties except that increases in rent for the following reasons were not allowed. Cost of Living Council Economic Stabilization Circular No. 21 (October 18, 1971):

(1) Rent increases contingent upon the passage of time.

(2) Increases keyed to the consumer price index.

(3) Increases based on taxes, except surcharges or sales or excise taxes as specified in section 402(1) of Circular No. 19, which increased during the freeze period.

(4) Increases due to the import surcharges and other permitted increases in costs of imported goods.

NOTE: The landlord may pass on, under such a lease agreement, taxes which were increased and legally effective prior to August 15 (even if exact tax liability for the property is not computed until after August 15, 1971).

The monthly rent which can be charged by L during this period is thus $431 per month less any amount of the $31 formula increase which resulted from any increase in property taxes which became legally effective during the period. For example, assume that taxes on the residence were increased from $120 per year prior to September 1, 1971, to $240 per year legally effective on that date. L's total tax on the residence from June 1, 1971, to June 1, 1972, is thus $210. Prorating this tax over that 12-month period results in $17.50 of the $31 per month additional charge being attributable to taxes. If taxes had not been increased, the tax portion of the additional charge would have been $10 per month. Therefore, $7.50 of the $31 additional rent per month may not be charged during the freeze.

November 14, 1971 through December 28, 1971. During this period, formula rental leases entered into before August 15, 1971, could operate according to the terms agreed upon by the parties except increases in the "period rental price," i.e., monthly rent, for the following reasons were not allowed, Economic Stabilization Regulations, 6 CFR 300.111, 36 F.R. 23874 (December 16, 1971).

(1) Passage of time.

(2) Increases keyed to the consumer price index.

The monthly rent which can be charged during the postfreeze period prior to December 29, 1971, is $431. The formula increase in this case did not depend either on the passage of time or on an increase in the consumer price index.

After December 28, 1971. During the period after December 28, 1971, formula rental leases may operate according to the terms agreed upon by the parties. However, the total dollar amount of the monthly rent determined pursuant to that formula may not exceed the amount which would otherwise be allowable under Subpart B (rent adjustments) of the rent regulations in Part 301, Economic Stabilization Regulations, 6 CFR 301.104, 36 F.R. 25386 (December 30, 1971).

The recomputation of any monthly rent under a formula rental lease is considered a transaction for the purposes of limiting any increase to an amount not greater than the rent adjustments found in Subpart B. Aside from a capital improvement rent increase, the rent adjustments in Subpart B are 2½ percent of the base rent and any increase in allowable costs. Economic Stabilization Regulations, 6 CFR 301.102, 37 F.R. 6565 (March 31, 1972). The base rent of this residence is $400 because the lease was entered into between May 16, 1971 and August 14, 1971. Economic Stabilization Regulations, 6 CFR 301.202(b), 36 F.R. 25386 (December 30, 1971).

Therefore, the maximum rent which can be charged after December 28, 1971, is the rent determined under the formula $431, or the following, whichever is less:

(1) $400 times 2½ percent or $410 plus

(2) That portion of the $31 per month that is attributable to any increase in property taxes occurring after August 15, 1971.

The "increase" in property taxes is not the absolute level of property taxes in effect on June 1, 1972. The increase is the difference between the allowable costs in effect during the 12 months before the first payable date for an increase after August 15, 1972, and the costs which will be charged during the 12 months after that payable date. This increase is divided by 12 to determine the amount allocable to the allowable monthly rent of $410. Section 301.102 (a)(2) of the regulations and Price Commission Ruling 1972-75, 37 F.R. 4099 (February 26, 1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6199 Filed 4-21-72;8:48 am]

[Price Commission Ruling 1972—135]

RENT 10 PERCENT RULE

Price Commission Ruling

Facts. A landlord of a 100-unit apartment building requires a 1-year lease from tenants. All units in the building are substantially identical and prior to July 16, 1971, all were rented for $2,400 per year, payable $200 per month. Five leases expired between July 16 and August 14, 1971, were for the same amount, and all were renewed prior to August 14, 1971, with a 10 percent increase in rent to $2,640 per year. No other rental transactions occurred during this period.

Issue. Could the landlord, after November 13, 1971, increase the rent for leases expiring after this date to $2,640 per year?

Ruling. Yes. The landlord may renew leases expiring after November 13, 1971, at $2,640 per year. The base price for a lease of an interest in real property is the highest price charged by the lessor with respect to the same or substantially identical rental units in a substantial number of transactions during the freeze base period. The highest price in a substantial number of transactions during the freeze base period is the highest price at or above which 10 percent of the units were priced in transactions with a specific class of purchase during the freeze base period. Economic Stabilization Regulations, 6 CFR 300.407, 36 F.R. 23974 (December 16, 1971). All leases that expired during the freeze base period (beginning July 16 and ending August 14, 1971), were renewed at a yearly rental of $2,640, which is the base price for the new leases executed after November 13, 1971, because $2,640 is the highest price at or above which 10 percent of the units involved in transactions during the freeze base period were priced. This ruling is not applicable to transactions occuring after December 28, 1971, or requests for information concerning those transactions. New regulations have been issued covering transactions after December 28, 1971. See Economic Stabilization Regulations, 6 CFR 301.1 et seq., 36 F.R. 25384 (December 30, 1971).

This ruling supersedes Price Commission Ruling 1972-71, 37 F.R. 3997 (February 25, 1972).

V 37-79 APR 22 72 XUM

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6200 Filed 4-21-72;8:48 am]

[Price Commission Ruling 1972—136]

PRICE—LONG TERM CONTRACTS

Price Commission Ruling

Facts. A wholesaler W, sells a food product X. W entered into a contract with a school district S, on August 1, 1971, for the sale of X to S during the 1971–1972 school year (September 1, 1971–May 31, 1972). The price specified in the contract was $20 per unit of X. W also tered into additional contracts on August 1, 1971, which specified different per unit prices with other school districts. The price at which W had previously sold X was $15. Any price per unit which exceeds $19 will result in an increase in W's profit margin over that which prevailed during the base period.

Situation. (A) Assume that the $20 per unit price meets the substantial transaction test. (B) Assume that the $20 per unit price in the contract with S does not meet the substantial transactions test. Rather, contracts which specify a per unit price of $18 meet the substantial transaction test (i.e. less than 10 percent of W's contracts with school districts specified a per unit price in excess of $18).

Issue. (A) Whether in situation A, W may charge S the price specified in the contract with S after November 13, 1971?

(B) Whether in situation B, W may charge S the price specified in the contract with S after November 13, 1971?

Ruling. (A) Yes. The base price for X in this situation is $20 per unit. 6 CFR 300.405(a), 36 F.R. 23974 (December 16, 1971), amended 37 F.R. 3913 (February 24, 1972). Section 300.11 prohibits a person from charging a price with respect to any sale of an item of property after November 13, 1971, which exceeds the base price of that item unless another price is authorized in Subpart A. 6 CFR 300.11, 36 F.R. 23974 (December 16, 1971) amended 37 F.R. 3828 (February 23, 1972). Since the price specified in the contract does not exceed the base price of X, W may charge $20 after November 13, 1971. In this case, the provisions of § 300.101 do not apply. 6 CFR 300.101, 36 F.R. 23974 (December 16, 1971).

(B) No. The base price for X in this situation is $18 per unit. 6 CFR 300.405 (a), 36 F.R. 23974 (December 16, 1971), amended 37 F.R. 3913 (February 24, 1972). Under the provisions of § 300.11, W is prohibited from charging a price for X in excess of the base price unless another price is authorized under Subpart A. Section 300.101 provides as follows:

> The price specified in any contract for the sale of property • • • entered into before August 15, 1971, with respect to any delivery or performance occurring after November 13, 1971, shall be allowable if that contract price does not exceed that amount which would result in an increase in the person's profit margin over that prevailing during the base period. 6 CFR 300.101, 36 F.R. 23974 (December 16, 1971).

In other words, W can charge the price for X specified in this contract with S after November 13, 1971, but only to the extent that the contract price will not result in an increase in his profit margin. Price Commission Ruling 1972–86, 34 F.R. 4371 (March 2, 1972). Thus in situation B, W may charge $19 per unit of X after November 13, 1971.

This ruling has been approved by the General Counsel of the Price Commission.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc. 72-6201 Filed 4-21-72;8:48 am]

[Price Commission Ruling 1972–137]

PROFIT MARGIN—LOW-PROFIT FIRMS

Price Commission Ruling

Facts. X is a firm which has a base period profit margin (calculated in accordance with 6 CFR 300.5, 37 F.R. 3913 (February 24, 1972) of 4 percent. During its most recently ended fiscal year, however, its profit margin was 1.2 percent. X wishes to raise its prices under the "low-profit firms" regulation (6 CFR 300.31, 37 F.R. 5044 (March 9, 1972)) and there is no question that it qualifies under this provision. X has a "capital turnover ratio" of 3.9 and is therefore entitled to raise its prices as much as 8 percent over a price otherwise authorized under part 300 to bring its profit margin up to 2.6 percent by the end of the third fiscal quarter following the fiscal quarter in which prices are increased. X believes that its current low-profit situation is temporary and that even with no price adjustments its profit picture will eventually return to normal.

Issue. If X raises its prices in accordance with 6 CFR 300.31 it is "locked-in" to the 1.2 percent profit margin for the duration of the Stabilization program or may it use its "normal" 4 percent profit margin as a limitation on additional price increases at such time as it no longer qualifies as a low-profit firm?

Ruling. X is never "locked-in" to the profit margin calculated under 6 CFR 300.31. This section is a relief provision and is intended to liberalize the regulations as to qualifying firms. Section 300.31 allows firms which are "low-profit firms" to raise prices to a limited extent without cost justification to achieve a prescribed profit margin.

If X increases its prices under § 300.31 it may retain that increase as long as the "relief" profit margin is not exceeded. In X's case this would be 2.6 percent.

If the price increase made pursuant to the relief provision results in a profit margin in excess of 2.6 percent, X would no longer qualify as a low-profit firm and would thus become subject to the general rules regarding prices. X must therefore be prepared to cost justify the price increase made pursuant to § 300.31 to the extent that it results in a profit margin in excess of 2.6 percent. If it cannot, its prices must be reduced to maintain the 2.6 percent profit margin allowed under § 300.31. Again, according to the general rule, the amount of the price increase that could be justified would be limited by X's profit margin computed under the general rule of 6 CFR 300.5 ("Base Period") or 4 percent.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6202 Filed 4-21-72;8:49 am]

[Price Commission Ruling 1972–138]

REPRICING MANUFACTURERS' INVENTORIES

Price Commission Ruling

Facts. Manufacturer M requested approval from the Price Commission of price increases on certain products. The Price Commission approved the increases. On the effective date of Commission approval, M has in its inventory a supply of the items upon which the price increase has been approved.

Issue. May manufacturer M apply the approved price increase to the items in its inventory on the date of the approved price increase?

Ruling. No. Manufacturers are restricted to repricing only finished goods produced after the authorized effective date of the price increase. However, this effective date may be made retroactive by the Commission. For example, if M manufacturers the product on an annual new model basis, the Commission may set the effective date of the approved price increase so that items manufactured after the incurred cost increase and already shipped to sellers, but not yet available for sale and still in M's inventory, or in which M maintains a security interest, may be sold for the increased price.

To the extent applicable, this ruling amends Price Commission Ruling 1972–20, 37 F.R. 767 (January 18, 1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6203 Filed 4-21-72;8:49 am]

[Price Commission Ruling 1972–139]

RETAILER'S INVENTORY REPRICING

Price Commission Ruling

Facts. Retailer A has in inventory 50 items which cost him $10 per item in stock, and he receives 400 more of the same merchandise which cost him $11 per item on March 15th. A's customary initial percentage markup during the markup base period was 30 percent. He now wishes to reprice his inventory items to reflect his current landed costs.

Issue. Under the Economic Stabilization Regulations, how may a retailer reprice inventory which has been supplemented at higher cost?

Ruling. A retailer may use any pricing method to reprice inventory which does not result in a maximum selling price for any item which exceeds that price which would result from applying his customary initial percentage markup (as calculated during the markup base period) to the actual (landed) cost of merchandise. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 25386 (December 30, 1971); 6 CFR 300.13(a), 36 F.R. 23976 (December 16, 1971). Some acceptable methods of calculating the maximum selling price are:

(1) Delaying markup repricing. When he restocks with higher priced items the retailer, by means of a forecast based on his historical inventory depletion rate, determines the date on which his old, lower-priced inventory items will be entirely replaced by the new higher-cost items. On that forecast date the retailer reprices his entire inventory based upon the higher price of the replacement items. Example: If A predicts that his items will be sold at the rate of five per selling day, he can apply his 30 percent markup to the $11 replacement cost 10 selling days after receiving the higher priced goods, which in the illustration given would be on March 27 (assuming A sells on all days of the week except Sunday).

(2) Item-by-item pricing based on actual (landed) cost of each item. Example: A tags each item with its price, applying the 30 percent markup to each actual cost, and instructs his clerks to place the lower priced items on the shelves first.

(3) Averaging of new and old inventory costs so that the resulting maximum single selling price for the entire inventory reflects a weighting of lower cost stock on hand and new higher cost stock to which the retailer's customary initial percentage markup is applied. This price is applied at least until the entire inventory is sold. Example: On March 16th A reprices the item to $14.15 and sells at that price for at least 90 selling days beginning March 16th. $14.15 is computed as follows: 50 times $13, the selling price of the old items, plus 400 times $14.30, the price at which the new items could be sold if they were not mixed with the old, equals $6,370. $6,370 divided by 450 equals $14.15. In other words, A adds his customary initial percentage markup (30 percent) to the total cost ($500+$4,400 =$4,900) of the old items and the items received March 15th.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6204 Filed 4-21-72;8:49 am]

[Price Commission Ruling 1972—140]

ALLOWABLE COSTS—MUNICIPAL WATER CHARGES

Price Commission Ruling

Facts. Landlord L leases five single family residences. He charges $175 per month for each of these residences and pays for water provided by the city to each. Each residence is equipped with a water meter. L has noticed that tenant A's consumption of water has increased for the month of March to 2,000 gallons from an average of 1,000 gallons for the previous 12 months as a result of recently commenced diaper washing. The city increased the rate of water from 50 cents to 75 cents per thousand gallons on April 1, 1972. Water bills are payable when the meters are read on May 1, 1972.

Issue. How much may Landlord L increase tenant A's rent?

Ruling. L may increase A's rent 50 cents per month to reflect the increase in the per unit cost of water charged by the city on A's consumption of water for the 12 months after the increase is payable. However, L could not increase A's rent to recover the increase in allowable costs solely due to A's increased consumption of water. To determine the amount of the increase, L may reasonably estimate A's consumption during the 12 months after the increase is payable. If A's consumption decreases or the city reduces the per unit cost of water, the decrease in allowable cost for either of these reasons must be reflected in a reduced monthly rent.

Economic Stabilization Regulations, 6 CFR 301.102(a)(2), 36 F.R. 25386 (December 30, 1971), permits a rent to be charged which exceeds the base rent to reflect, "The amount of any increase in allowable costs occurring after December 28, 1971, allocable to the residence • • •"

A municipal charge for water is an allowable cost under § 301.102(b)(1)(ii) of the regulations. In the context of a product or service provided by a municipality or State the "increase" referred to in § 301.102(a)(2) is the increase in per unit cost. In this case, the increase is a jump from 50 cents per 1,000 gallons to 75 cents per 1,000 gallons or 25 cents.

Section 301.102(b)(2) provides a rule for determining the allocable increase in allowable costs. The increase is the difference between the "Allowable costs related to the residence • • • which were charged," during the 12-month period before the first installment of the increase is payable and the, "allowable costs related to the same residence • • • which will be charged," during the 12 month period after and including the increase. This increase is allocated to the monthly rent of the residence. See Price Commission Ruling 1972–75, 37 F.R. 4099 (February 26, 1972).

The total increase which "will be charged" necessarily requires both a prediction of the continuation of the increased per unit cost and A's water consumption during the 12-month period after the increase in rates. L may make a reasonable estimate of A's consumption based upon past consumption patterns and also assume that the increased cost per 1,000 gallons will hold during the 12 months after the increase. However, if the increase in allowable costs which is in fact charged is less than the estimate, either due to a reduction in rates or consumption less than predicted consumption, L must reduce the monthly rent to reflect the actual increase which he must pay. In other words, as the increase which "will be charged" becomes known and is at variance with the prediction, the actual increase must be substituted for that prediction.

If A's consumption of water is reasonably estimated by L to be 2,000 gallons per month after May 1, 1972, and the new higher rate is predicted to hold, then the yearly increased rent due to the increase in allowable costs will be 25 cents per 1,000 gallons×12 months×2,000 gallons per month or $6 per year. This results in a 50 cent per month permitted rent increase.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6205 Filed 4-21-72;8:49 am]

V 37 79 APR 22 72 XUM

[Price Commission Ruling 1972–141]

VENDING MACHINES AS RETAILERS

Price Commission Ruling

Facts. Vending Company is in the business of selling food, cigarettes and general merchandise through its vending machines. Some of the machines sell individually brewed coffee; others sell food which is heated by the machines. Vending purchases the instant coffee, individually wrapped and prepared for insertion into the machine, directly from a wholesaler. Vending also purchases some of the food products from the wholesaler, but prepares the sandwiches on its own premises.

Vending Company also owns a fleet of lunch trucks which visit individual places of employment. The driver of the truck sells the same products that are available in the machines, except that coffee, freshly brewed on Vending's premises and doughnuts purchased from a local bakery are available.

Issue. Is Vending Company a retailer under Economic Stabilization Regulations, 6 CFR 300.13, 37 F.R. 2843 (February 8, 1972) or a service organization under Economic Stabilization Regulations 6 CFR 300.14, 37 F.R. 775 (January 19, 1972)?

Ruling. Vending Company is a retailer for most of its sales and a service organization for its self-prepared items. Economic Stabilization Regulation 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971) defines "retailer" as

> A person who carries on the trade or business of purchasing property and, without substantially changing the form of that property, reselling it to ultimate consumers • • •

Packaged food, cigarettes, and general merchandise sold through a vending machine experience no change in form whatsoever. Food products heated by the machine are slightly changed in form. Similarly soft drinks mixed by the machine and instant coffee mixed and brewed by the machine undergo a change in form, but the change is not "substantial" within the meaning of the definition. The sale of the same products and doughnuts on the lunch truck by the driver is a similar activity. All of the above are considered retail sales.

The remaining functions are those of a service organization. The sales of all of the food products and coffee actually prepared by Vending are considered to be a service activity, since Vending substantially changes the form of the products before reselling them.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6206 Filed 4-21-72;8:49 am]

[Price Commission Ruling 1972—142]

CONTRACT PRENOTIFICATION

Price Commission Ruling

Facts. Manufacturer X is a category I or prenotification firm under 6 CFR 101.11, 37 F.R. 1237 (January 27, 1972). X is under a 10-year supply contract to sell product A to buyer I. The contract contains a formula which will result in the payment of an increased price per unit on June 1, 1972, for units shipped in the prior 3 months. X is also under a 3-year nonsupply contract to provide product A to buyer II with the next delivery by May 1, 1972, and payment by June 1, 1972. This contract states that the price to be paid may be increased over the previous price if certain (allowable) costs have increased. In addition X is about to sign a 6-month contract with buyer III to supply product A at a fixed price which will be higher than has been previously paid by anyone in the same class of purchasers as buyer III. The first payment under this contract will become due on June 1, 1972, for units to be shipped during the next 3 months. Increased allowable costs justifying all of these increased prices have been incurred since the last price increase. The last price increase also established the base price.

Issue. Must the firm request Price Commission approval by its prenotification procedure under § 300.51(a) of the regulations for any of these increases?

Ruling. The firm must prenotify in each case before charging the increased price. Under the facts stated, the firm could prenotify as to all three price increase on the same PC–1 form.

A manufacturer which is a prenotification firm, "[M]ay not charge a price in excess of the base price • • • until the Price Commission has approved that price in excess of the base price • • • If the Price Commission does not act upon a request under this paragraph within 30 days after receiving it • • • (the) increased price may go into effect without Commission action." 6 CFR 300.51(a), 37 F.R. 5223 (March 11, 1972). For purposes of Part 300 of the Economic Stabilization Regulations, "Charge" means to become due and payable without regard to when a contract setting the price, if any, became binding and without regard to delivery date. Progress payments and other partial payments are not considered the "charging" of a price under the regulations, however, unless the payments are allocable to and payment in full or substantially payment in full for specific portions of the products or services being provided.

This interpretation is consistent with the requirement that prenotification firms which entered into a long term contract before August 15, 1971, must comply with § 300.51 of the regulations with regard to any price specified in such contract. 6 CFR 300.101, 36 F.R. 23974 (December 16, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6207 Filed 4-21-72;8:49 am]

[Price Commission Ruling 1972—143]

DETERMINATION AND APPLICATION OF CUSTOMARY INITIAL PERCENTAGE MARKUP

Price Commission Ruling

Facts. During the markup base period and generally during periods of rising replacement prices wholesaler X, whenever he purchased an inventory item, would apply an upward adjustment to the purchase price of that item and reprice his entire inventory of that item at the price so determined. Additionally, to the inventory price so determined, X would add a percentage service fee to each total order from a customer based upon such variables as the nature and number of items sold, delivery times, and manner of purchase by the customer.

Wholesaler Y, whenever he purchased an inventory item, would apply a certain customary percentage markup to the purchase price of that item and reprice his entire inventory of that item at the price so determined.

X and Y wish to continue repricing existing inventory items under their respective methods.

Issue. May X and Y continue to utilize these methods under the provisions of the Economic Stabilization Regulations?

Ruling. No. The continuance of either practice is not in accord with existing provisions of the Economic Stabilization Regulations.

Section 300.13(a) states that a wholesaler may charge a price in excess of its base price whenever its customary initial percentage markup (CIPM) is equal to or less than its last CIPM before November 14, 1971, or, at its option, its CIPM during its last fiscal year ending before August 15, 1971. Economic Stabilization Regulations, 6 CFR 300.13(a), 37 F.R. 284 (January 8, 1972). CIPM means the markup applied to cost (puchase price plus transportation charges) when the item is first offered for sale. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971).

Under the Regulations, therefore, a wholesaler's permitted selling price is determined in relation to cost. Cost is determined by utilization of LIFO, FIFO, a weighted average, or any other generally accepted inventory cost accounting method. The CIPM is the amount (expressed as a percent of cost) which is applied to cost when the item is first offered for sale, which presumably occurs when the item or category of items is priced and made available for sale through the wholesaler's customary sales channels.

Neither practice for repricing inventory, however, constitutes an acceptable method for determining or applying the CIPM. Under the regulations, once cost is determined through the inventory cost accounting method utilized by the wholesaler, the sales price becomes fixed and determinate when the item or category of items is offered for sale. Within a stock of inventory the cost of individual items may vary under the particular inventory cost accounting method utilized, however no provision in the regulations allows such periodic upward price adjustments to inventory items which have been previously offered for sale. To allow either X or Y to continue to use his repricing practice would mean that CIPM is indeterminate until the moment of actual sale. It would also lead to the illogical consequence that whenever a wholesaler wishes to increase his prices he merely needs to find the highest price for an inventory item and purchase it at that price. Such a result is wholly inconsistent with existing provisions of the regulations.

Similarly, X's customary percentage add-on fee is an element of his CIPM and is to be determined and applied only when the item or category of items is first offered for sale. In this case a correct interpretation of the regulations requires application of the CIPM, based upon a "customary price differential," to cost when the item or category of items is first offered for sale. "Customary price differential" is defined in § 300.5 as including a price distinction based upon a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971).

Thus, if a practice of price distinction based upon such variables is customarily followed, CIPM consists of a range of separate markups where varying conditions of sale are individually provided for. The range is determined and applied when the item or category of items is first offered for sale. Separate markups within the range of markups serve only to reflect these variables and, once established, do not change. Conditions subsequent to the moment an item or category of items is first offered for sale merely determine the price differential by establishing the appropriate markup which will be utilized.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 18, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6208 Filed 4-21-72;8:49 am]

[Pay Board Ruling 1972—25; Price Commission Ruling 1972—133]

DIRECTORS' FEES

Pay Board Ruling and Price Commission Ruling

Facts. A is a director of XYZ Corporation. As a director, he is paid a specified amount for each board of directors meeting he attends. A is also president of XYZ Corporation, and receives a salary for his services as president, under the terms of an employment contract with the corporation.

Issue. Are the amounts paid to A "wages" or "prices" within the Economic Stabilization Regulations?

Ruling. Amounts paid to A as a director are fees for a "service" within the Economic Stabilization Regulations; amounts paid to A as an officer of the corporation are "wages" within the Regulations.

A director, as such, is not an employee of his corporation. No person can order a director to act or vote in a particular way. Even though stockholders are entitled to remove a director from his position, they may not dictate his actions so long as he remains in that office. 19 C.J.S. Corporations secs. 742–743.

Because a director's activities are not generally subject to the control of a superior within the corporation, he cannot therefore be classified as an "employee" for purposes of Economic Stabilization Program.

As defined in the Economic Stabilization Regulations, a "service" includes any service performed by a person for another person other than in an employment relationship. Economic Stabilization Regulations 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). Therefore the amounts paid to A by XYZ Corporation for his services as a director are fees for a service; and thus are subject to the Price Commission Regulations.

If a person who is a corporation director performs services for the corporation beyond those required of him as a director, and subject to the control of the board of directors or a superior officer of the corporation, he may be an employee. Whether or not services are performed as an employee of the corporation must be determined on the basis of all the facts and circumstances. "Wharton v. Fidelity—Baltimore National Bank," 222 Md. 177, 158 A. 2d 887 (1960).

This ruling has been approved by the General Counsels of the Price Commission and the Pay Board.

Dated: April 17, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 17, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6193 Filed 4-21-72;8:48 am]

DEPARTMENT OF THE INTERIOR

National Park Service

MAMMOTH CAVE NATIONAL PARK, KY.

Suitability as Wilderness; Public Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5, that a public hearing will be held beginning at 9 a.m. on June 23, 1972, in Room 103, Paul L. Garrett Conference Center Building, Western Kentucky University, Bowling Green, Ky., for the purpose of receiving comments and suggestions as to the suitability of lands within Mammoth Cave National Park for designation as wilderness. The park is located in Edmonson, Hart, and Barren Counties, in south-central Kentucky.

A packet containing a draft master plan, a map depicting the roadless areas studied, and providing additional information about the suitability study, may be obtained from the Superintendent, Mammoth Cave National Park, Mammoth Cave, Ky. 42259, or from the Director, Southeast Region, National Park Service, Scott-Hudgents Building, 3401 Whipple Avenue, Atlanta, GA 30344.

A topographic map of the areas studied for their suitability or nonsuitability as wilderness is available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the Hearing Officer, in care of the Superintendent, Mammoth Cave National Park, Mammoth Cave, Ky. 42259, by June 21 of their desire to appear. Those not wishing to appear in person may submit written statements on the suitability study to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral

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statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of the Congress.
(3) Members of the State Legislature.
(4) Official representatives of the counties in which the national park is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: April 13, 1972.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72-5982 Filed 4-21-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

GRAIN STANDARDS

Port Arthur, Tex., Grain Inspection Point

Statement of considerations. On February 3, 1972, there was published in the FEDERAL REGISTER (37 F.R. 2600) a notice announcing (1) a proposed transfer of the designation to operate the official grain inspection agency, as defined in section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)), at Port Arthur, Tex., and (2) the application by the Beaumont Board of Trade, Beaumont, Tex., for designation to operate the official grain inspection agency. Inspection agencies, members of the grain trade, and other interested parties were given until March 6, 1972, to submit written data, views, or arguments with respect to the proposed transfer and to make application for designation.

No comments were received from any interested parties and no applications for designation were received other than the application from the Beaumont Board of Trade.

After due consideration of all relevant matters, and pursuant to the authority contained in sections 3(m) and 7(f) of the U.S. Grain Standards Act (7 U.S.C. 75(m) and 79(f)), the designation as the official grain inspection agency at Port Arthur, Tex., is hereby transferred from the Houston Merchants Exchange, Houston, Tex., to the Beaumont Board of Trade, Beaumont, Tex.

Effective date. This notice shall become effective 30 days after publication in the FEDERAL REGISTER.

Done in Washington, D.C., on April 18, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6235 Filed 4-21-72;8:52 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service, effective Apr. 2, 1972, 37 F.R. 6327.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-579]

ROBERT L. TOWNSEND

Notice of Loan Application

APRIL 18, 1972.

Robert L. Townsend, 11158 Beacon Avenue South, Seattle WA 98178, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used wood vessel, about 45 feet in length, to engage in the fishery for salmon, albacore, tuna, and bottomfish off the coasts of Washington, Oregon, California, and Alaska.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.72-6161 Filed 4-21-72;8:46 am]

Office of Import Programs

BOWMAN GRAY SCHOOL OF MEDICINE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00102-33-46040. Applicant: Bowman Gray School of Medicine, Department of Microbiology, Winston-Salem, N.C. 27103. Article: Electron microscope, Model EM9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in research to study the interactions of bacteria and viruses with their hosts and investigations of the ultrastructure of micro-organisms, animal cells, and plant cells. The article will be used for education for courses in general microbiology and "Ultrastructure of micro-organisms and mammalian cells." Application received by Commissioner of Customs: August 18, 1971.

Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Docket No. 72-00122-33-46040. Applicant: Westfield State College, Western Avenue, Westfield, Mass. 01085. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in biological research, involving morphology and physiology, of plant and animal tissue. The article will also be used in a course in electron microscopy for beginning students. Application received by Commissioner of Customs: September 2, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Docket No. 72-00133-33-46040. Applicant: The University of Texas at Houston, M. D. Anderson Hospital & Tumor Institute, 6723 Bertner, Houston, TX 77025. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to investigate fine structural morphology of normal and neoplastic human tissues in extensive studies of a wide range of human benign and malignant tumors, categorizing their fine structure and correlating the electron microscopic findings with light microscopy. The article will also be used in training graduate students, members of the professional staff, and medical technologists in the principles and techniques of electron microscopy. Application received by Commissioner of Customs: September 15, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 17, 1972.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6191 Filed 4-21-72;8:50 am]

UNIVERSITY OF CALIFORNIA AT SAN DIEGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00173-33-43780. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, CA 92037. Article: Medical flowmeter system. Manufacturer: SE Laboratories (Engineering) Ltd., United Kingdom. Intended use of article: The article will be used to perform velocity studies on human subjects to evaluate left ventricular myocardial contractility in normal and diseased states.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 19, 1971, that for the applicant's human blood flow velocity studies the signal-to-noise ratio of the foreign article is a pertinent characteristic. HEW further advises that it knows of no comparable domestic instrument which provides a signal-to-noise ratio equivalent to that of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6186 Filed 4-21-72;8:50 am]

UNIVERSITY OF CALIFORNIA AT SANTA BARBARA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00166-01-77030. Applicant: University of California, Santa Barbara, Calif. 93106. Article: NMR spectrometer and electromagnet. Manufacturer: Bruker Scientific Inc., West Germany. Intended use of article: The article will be used for research in the nature of enzymesubstrate, enzymeinhibitor, and membrane-drug interactions by NMR spectroscopy. Preliminary work has shown that chemical shift and relaxation phenomena can be used to characterize the environment provided by the protein active site. By learning more about the active or binding centers of the systems, the applicant hopes to arrive at characteristic features and differences that can be exploited in the design of new drugs.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 29, 1969).

Reasons: The captioned application is a resubmission of Docket Numbers 70-00309-01-30500 and 70-00310-01-77030 which were denied without prejudice to resubmission due to procedural and informational deficiencies. The foreign article provides magnetic homogeneity over a 7-14 kilogauss range. The most closely comparable domestic instrument at the time the foreign article was ordered was the pulsed nuclear magnetic system, Model PS-60, manufactured by Nuclear Magnetic Specialties which utilizes a Varian 12 or 15 inch magnet. The Varian magnet does not provide magnetic homogeneity over a 7-14 kilogauss range. The foreign article will be used in work planned by the applicant to elucidate the mechanisms of nuclear relaxation in which field-dependent studies are often required. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated February 11, 1972, and the National Bureau of Standards (NBS) in its memorandum dated March 7, 1972, that the capability described above is pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model PS-60 with a Varian 12- or 15-inch magnet is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6187 Filed 4-21-72;8:50 am]

EMORY UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00091-33-46500. Applicant: Emory University, Department of Anatomy, Atlanta, Ga. 30322. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used in experiments which include: (1) Studies on the ultrastructural development of cardiac tissue in normal fetal and adult animals with hereditary or experimentally produced cardiomyopathy and heart failure; (2) experiments on variations in

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protein synthesis in normal and myopathic heart cells; and (3) structural changes in the inner membranes of mitochondria isolated from normal and diseased hearts. The article will also be used in teaching preparative techniques for electron microscopy to advanced graduate students. Application received by Commissioner of Customs: August 13, 1971. Advice submitted by Department of Health, Education, and Welfare on: February 25, 1972.

Docket No. 72-00101-33-46500. Applicant: University of California, School of Medicine, La Jolla, Calif. 92037. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in research directed at the study of the process by which the cerebral spinal fluid and materials within the cerebral spinal fluid are absorbed from around the brain back into the vascular system through the arachnoid villi. Application received by Commissioner of Customs: August 18, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Docket No. 72-00104-33-46500. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used in experiments on normal hard and soft dental tissues, the ultrastructural aspects of the osteogenic cells in regards to their osteoclastic and osteoblastic actions by determined microorganisms in the oral cavity. The article will also be used in teaching investigations of ultrastructural conditions of normal and pathological hard tissues of the oral cavity in human and experimental animals. Application received by Commissioner of Customs: August 20, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Docket No. 72-00123-33-46500. Applicant: College of William and Mary, Department of Biology, Williamsburg, Va. 23185. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in experiments which include investigation of the ultrastructural aspects of both differentiating vegetative and reproductive cells of marine red algae and the early stages of development of algal thalli (plants) derived from spore germination within controlled environment culture incubators. Cell wall otogeny, the establishment of polarity, mitosis, meiosis and cytokinesis (cell division) comprise several of the features of this poorly-studied group of plants that will be investigated. A course in "Experimental Electron microscopy" will be taught at the graduate level with the article. Application received by Commissioner of Customs: September 9, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Docket No. 72-00124-33-46500. Applicant: DHEW, PHS, HSMHA, Center for Disease Control, 255 East Paces Ferry Road, Northeast, Atlanta, GA 30305. Article: Ultramicrotome and Knifemaker. Combination. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study the ultrastructural histology in punch biopsies from experimental animals in investigating the development of glumerulonephritis. Application received by Commissioner of Customs: September 9, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Docket No. 72-00131-33-46500. Applicant: Veterans Administration Hospital, Neurology Research, 4150 Clement Street, San Francisco, CA 94121. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used for ultrastructural studies of human peripheral nerve and in electron microscopic autoradiography of experimental neuropathies in mice. Application received by Commissioner of Customs: September 14, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 17, 1972.

Docket No. 72-00132-33-46500. Applicant: State University of New York, School of Basic Sciences, Stony Brook, N.Y. 11790. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of Article: The article will be used to reveal by ultrastructural analysis the localization of rhodopsin in the frog retinal and structural changes which occur during the shortening of horseshoe crab striated muscle. In addition the article will be used for training of students in the course "Techniques in Electron Microscopy." Application received by Commissioner of Customs: September 14, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 17, 1972.

Docket No. 72-00152-33-46500. Applicant: University of Hawaii, Department of Anatomy, 1960 East-West Road, Honolulu, HI 96822. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used in a research study of the uterus and its decidual reaction at the time of pregnancy. Differences between pregnant and pseudopregnant uteri will be observed to determine: (1) Enzymatic differences employing ultracytochemistry, (2) relationships of hormonal control to enzyme systems using ultracytochemistry and autoradiography, (3) changes in cell morphology using routine electron microscopy morphological techniques. Application received by Commissioner of Customs: September 24, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 24, 1972.

Docket No. 72-00181-33-46500. Applicant: College of Medicine and Dentistry of New Jersey at Newark, 100 Bergen Street, Newark, NJ 07103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article will be used to produce positive identification of the sites of termination of selected pathways in the central nervous system of mammals and to reveal the normal ultrastructural organization of brain regions receiving the fiber pathways in question. Application received by Commissioner of Customs: October 13, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 24, 1972.

Docket No. 72-00195-33-46500. Applicant: University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to section normal and neoplastic mammalian tissue derived from experimental animals for ultrastructural studies into the mechanism of vascular growth in tumors and the mechanism of tumor parenchymal response to therapeutic agents. Application received by Commissioner of Customs: October 21, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 24, 1972.

Docket No. 72-00217-33-46500. Applicant: Huntington Institute of Applied Medical Research, 734 Fairmount Avenue, Pasadena, CA 91105. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section mammalian normal and pathological tissues collected from experimental animals previously injected with radioisotopes or electron dense markers. These sections will be investigated to (a) characterize certain barrier systems in the central nervous system, (b) determine sites of elaboration and egress of the cerebrospinal fluid, and (c) assess junctional transport of solutes in normal and pathological preparations. Application received by Commissioner of Customs: November 3, 1971. Advice submitted by Department of Health, Education, and Welfare on March 24, 1972.

Comments: No comments have been received with respect to any of the foregoing applications: Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 69-00665-33-46500), which relates to the

duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "smooth cuts are obtained when the speed of cutting (among such (other) factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6188 Filed 4-21-72;8:50 am]

OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER AND VETERANS ADMINISTRATION HOSPITAL, SAN DIEGO, CALIF.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00086-33-46040. Applicant: Ohio Agricultural Research and Development Center, Wooster, Ohio 44691. Article: Electron microscope, Elmiskop 101. Manufacturer: Siemens A. G., West Germany. Intended use of article: The article is intended to be used in research projects ranging from, the investigation of plant virus pathology of soybean, corn, and wheat-involving local lesion formation mechanisms, virus location within the tissue and general ultrastructural phenomena resulting from the infection-to pathological conditions in animals such as TGE virus in swine. Application received by Commissioner of Customs: August 9, 1971. Advice submitted by Department of Health, Education, and Welfare on: February 25, 1972.

Docket No. 72-00082-33-46040. Applicant: Veterans Administration Hospital, 3350 La Jolla Village Drive, San Diego, CA 92161. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A. G., West Germany. Intended use of article: The article is intended to be used for the following diagnostic purposes:

(1) Renal, liver, muscle and nerve, brain and tumor biopsies;

(2) Examination of smears from body secretion for the identification of viral particles;

(3) Study of sedimentation pellets of body fluid;

(4) Identification of viruses from biopsy specimens grown in cultures.

The article will also be used to train young pathologists in both technical and interpretive aspects of electron microscopy as a diagnostic tool in pathology. Application received by Commissioner of Customs: August 5, 1971. Advice submitted by Department of Health, Education, and welfare on: February 25, 1972.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forflo). The Model EMU-4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6189 Filed 4-21-72;8:50 am]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00146-00-46040. Applicant: The University of Texas at Austin, Purchasing Office, Box 7306, University Station, Austin, TX 78712. Article: High voltage cables for electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is an accessory for an existing electron microscope.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar compenents being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6185 Filed 4-21-72;8:50 am]

WASHINGTON UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific,

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and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72–00096–33–46040. Applicant: Washington University, School of Medicine, 660 South Euclid, St. Louis, MO 63110. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, the Netherlands. Intended use of article: The article is intended to be used to study the effects of a variety of experimental agents on cultured nervous tissue from various parts of the central peripheral nervous system; study the myelin sheath of the central and peripheral nervous systems; and aid in the analysis of the fine structure of the nervous system. Application received by Commissioner of Customs: August 13, 1971. Advice submitted by Department of Health, Education, and Welfare on: February 25, 1972.

Docket No. 72–00114–01–46040. Applicant: University of Texas Medical Branch, Office of the Purchasing Agent, Administration Building, Galveston, Tex. 77550. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electron Instruments, N.V.D., the Netherlands. Intended use of article: The article will be used by qualified investigators for research on biogenic amines and synaptic interconnections in the nervous system. Application received by Commissioner of Customs: August 30, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Docket No. 72–00119–33–46040. Applicant: University of California, Santa Barbara, 4219P Administration Building, Santa Barbara, Calif. 93106. Article: Electron microscope, EM 300. Manufacturer: Philips Electronic Instruments, the Netherlands. Intended use of article: The article is intended to be used in the following biological research: (1) Fine structural studies of mature and differentiating phloem cells to try to determine the relation of structure to function of the various subcellular systems; (2) cytochemical studies on mature and differentiating phloem sieve elements; (3) ultrastructure of the adrenal cortex of the domestic duck, *Anas Platyrhynchos*. Application received by Commissioner of Customs: August 31, 1971. Advice submitted by Department of Health, Education, and Welfare on: March 3, 1972.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is manufactured by the Forgflo Corp. (Forgflo). The Model EMU–4C has a specified resolving capability of 5 angstroms. (Resolving capability bears an inverse relationship to its numerical rating in angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU–4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72–6190 Filed 4–21–72;8:50 am]

Office of the Secretary

[Dept. Organization Order 10–5]

ASSISTANT SECRETARY FOR ADMINISTRATION

Designation and Authority

This amendment effective April 3, 1972, amends the material appearing at 34 F.R. 19827 of December 18, 1969.

Department Organization Order 10–5 of December 2, 1969, is hereby amended as follows:

1. In Section 3. *Scope of authority*, paragraph .02 is amended to read:

.02 The authority delegated to the Assistant Secretary for Administration in paragraph .01 above shall include:

a. Serving as "agency head" with respect to the authorities in chapter 4, title 41 of the United States Code, which deal with purchases and contracts for property or services, and other authorities of the Secretary relating to procurement.

b. Carrying out the Secretary's responsibilities for fulfilling the objectives and effecting compliance throughout the Department with the requirements of title VI of the Civil Rights Act of 1964, Executive Orders 11246, 11247, and 11375, and any other statutes, Executive orders, and regulatory provisions relating to equal opportunity under which the Secretary or the Department may have responsibilities. For purposes of carrying out these responsibilities and as required by the applicable Executive orders or implementing regulations of the Secretary of Labor or the Civil Service Commission, the Assistant Secretary for Administration is designated as the Contracts Compliance Officer and the Director of Equal Employment Opportunity for the Department and is authorized to (1) upon recommendations of the heads of operating units, and with the approval of the respective Program Secretarial Officers involved, designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the operating units; and (2) designate Deputy Contracts Compliance and Equal Employment Opportunity Officers for the Office of the Secretary.

2. In Section 4. *Office of Assistant Secretary for Administration*, section 4 is amended to read:

.01 The Office of the Assistant Secretary for Administration shall consist of:

a. The Deputy Assistant Secretary for Administration, who shall be the principal Assistant of the Assistant Secretary and shall perform the functions of the Assistant Secretary during the latter's absence.

b. The Special Assistant for Civil Rights.

c. Such departmental offices as the Assistant Secretary may establish for the purpose of assisting him in carrying out his administrative management functions.

.02 The Appeals Board is assigned to the Office of the Assistant Secretary for Administration for administrative purposes only.

Effective date: April 3, 1972.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.72–6242 Filed 4–21–72;8:53 am]

[Dept. Organization Order 45–1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

This order effective March 22, 1972 supersedes the material appearing at 35 F.R. 14472 of September 15, 1970 and 36 F.R. 11870 of June 22, 1971.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Economic Development Administration (EDA). Department Organization Order 10–4, "Assistant Secretary for Economic Development," prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of EDA.

SEC. 2. *Organization Structure.* The principal organization structure and line of authority of the Economic Development Administration shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document of the Office of the Federal Register.

SEC. 3. *Office of the Assistant Secretary for Economic Development.* .01 The Assistant Secretary directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directives prescribed by the Secretary of Commerce.

.02 The Deputy Assistant Secretary shall direct and coordinate the Regional Offices and assist the Assistant Secretary in all matters affecting the Economic Development Administration and perform the duties of the Assistant Secretary during the latter's absence.

.03 The Investigations and Inspections Staff shall investigate alleged violations of law or other impropriety on the part of applicants or recipients; conduct inspections relating to the conduct and performance of field personnel and review the suitability of applicants for financial assistance. The Staff shall also conduct special investigations requested by the Assistant Secretary, as well as inspections to assure the physical security of all EDA offices.

.04 The Indian Program Staff shall administer the Indian economic development program and advise the Deputy Assistant Secretary concerning its general effectiveness. It shall recommend approval or denial of projects proposed for Indian areas and negotiate and monitor interagency agreements relating to Indian economic development.

SEC. 4. *Deputy Assistant Secretary for Policy Coordination.* The Deputy Assistant Secretary for Policy Coordination, as the principal adviser to the Assistant Secretary on matters of policy coordination, shall:

a. Exercise responsibility for EDA's interagency and intergovernmental relations and its relations with those quasi-public and private agencies interested in economic development;

b. Develop policies for improving Federal, State, and local government economic development programing;

c. Provide staff assistance in defining policy issues, coordinate the development and formulations of policy for consideration by the Assistant Secretary, explain the position of the administration, and exercise principal staff responsibility for policy review and evaluation;

d. Represent the Administration international organizations when so designated;

e. Coordinate and manage Administration representation on interagency committees;

f. Serve as Executive Secretary and, as required, provide or arrange for staff support for the National Public Advisory Committee on Regional Economic Development;

g. Act as an alternate to the Assistant Secretary in serving as Chairman of EDA's Policy Planning Board and provide secretariat services for the Policy Planning Board; and

h. Review and evaluate legislative and administrative proposals related to economic development and intergovernmental relations for substantive and policy implications.

SEC. 5. *Deputy Assistant Secretary for Economic Development Planning.* .01 The Deputy Assistant Secretary for Economic Development Planning is the principal adviser to the Assistant Secretary on matters of development planning. Through the offices reporting to him, he shall:

a. Coordinate and direct EDA economic development planning activities relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial need;

b. Formulate and recommend to the Assistant Secretary standards and criteria for administration of economic development planning by Regional Offices;

c. Inform the Deputy Assistant Secretary for Policy Coordination of significant developments and problems affecting interagency and intergovernmental development planning for districts and areas;

d. Recommend designation of economic development districts, economic development centers, redevelopment areas, and Title I areas which fulfill the statutory criteria;

e. Conduct an annual review of the areas and districts designated for assistance under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3121) (the Act), and recommend such modifications or terminations of eligibility as may be appropriate;

f. Provide economic data, analyses and studies, and planning grants to development districts and areas; and

g. Recommend technical assistance proposals for areas and districts.

.02 The Deputy Assistant Secretary for Economic Development Planning shall direct and supervise the following organization elements:

a. The Office of Planning and Program Support which shall:

1. Have prime responsibility for coordinating the preparation, review and approval of EDA-developed planning documents;

2. Develop analyses and recommended strategies of economic development, including a system of priorities for EDA's financial assistance, for areas and districts;

3. Develop economic development planning systems that reflect EDA objectives and respond to local and regional problems and potentials;

4. Develop the methods and techniques needed to evaluate established planning systems including the ability of local representatives to understand and utilize the planning system as well as the compatibility of locally developed plans with annual agency objectives;

5. Participate in the development of budgetary requirements and coordinate with the office of Administration and Program Analysis in the allocation of resources among Regional Offices as well as among EDA programs;

6. Provide information and special services on domestic and international regional development planning;

7. Provide guidance to Regional Offices on the application of economic development planning techniques and systems to the specific problems of the Region;

8. Advise and assist Regional Offices in implementing economic planning activities after the formal designation of economic development districts and areas;

9. Guide Regional Offices in assisting development organizations to prepare Overall Economic Development Programs (OEDP's);

10. In coordination with Regional Offices, provide guidance to economic development district and area organizations on the techniques and methods of economic analysis;

11. Formulate planning and development policies and procedures for guiding the preparation and submission of district and area OEDP's, including the establishment of policies and standards for their review by Regional Offices;

12. Initiate suspension of the receipt and processing of all applications for assistance from areas and districts which fail to submit acceptable OEDP progress reports;

13. Evaluate services, efficient existing capacity, and competitive producers for use in making determinations on excess capacity, pursuant to section 702 of the Act; and

14. Identify industries which have demonstrated growth trends for the purpose of relating those industries to agency plans.

b. The Office of Economic Research which shall:

1. Direct and conduct a program of internal and external economic research designed to meet both planning and operating needs and concerned with economic development problems and opportunities for geographical subdivisions (e.g., regions, development districts, redevelopment areas, etc.);

2. Arrange for and monitor EDA-sponsored research conducted by other elements of the Department, other Government agencies, or private organizations;

3. Encourage and stimulate research and data collection on economic development, both in and out of Government;

4. Review, evaluate, integrate and disseminate (a) the results of research sponsored by EDA, and (b) current methodological and other research findings wherever generated that are relevant to EDA's objectives and programs;

5. Maintain a central reference collection of economic development materials; and

6. Study and evaluate the effects of Government policies on subnational economic development.

c. The Office of Development Organizations which shall:

1. Design and direct a program to establish multicounty development districts in consultation and with the assistance and cooperation of EDA Regional Offices, and with the concurrence of the States affected;

2. Initiate policy guidelines and criteria concerning the development district and area organizations for use by other elements of EDA, and by appropriate State and local agencies;

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3. Evaluate and approve proposed area and district economic development organizations;

4. Assist Regional Office efforts to organize economic development districts, including the recruitment of staff;

5. Develop and recommend model administrative budgets, reporting procedures, and job specifications for use by area and district economic development organizations;

6. Establish policies and standards for the review of progress reports by Regional Offices in cooperation with the Office of Planning Program Support;

7. Design a system of records to indicate progress as compared to planned objectives on all grants made under section 301(b) of the Act and assist Regional Offices in implementing system;

8. Provide guidelines to Regional Offices in order to administer planning grants made under the Act to State, district, and area agencies;

9. Evaluate and recommend candidates for appointments to professional staff positions in economic development districts in cooperation with the Regional Offices;

10. Review Regional Office recommendations for the designation and/or termination of economic development districts and economic development centers;

11. Promptly advise interested Federal, State, and local agencies of all changes affecting the eligibility status of existing or proposed economic development districts;

12. Prepare and distribute maps and related materials showing organizational and designation status of economic development districts;

13. Determine whether an area meets the statistical criteria to qualify as a redevelopment area or a Title I area;

14. Recommend changes in the qualification status of redevelopment areas and Title I areas;

15. Recommend designation or change in the designation status of redevelopment or Title I areas;

16. Conduct an annual review of area eligibility and recommend termination of areas no longer eligible for designation; and

17. Recommend minor adjustments to boundaries of redevelopment areas.

SEC. 6. *Deputy Assistant Secretary for Economic Development Operations.* .01 The Deputy Assistant Secretary for Economic Development Operations, through the offices reporting to him, shall:

a. Provide coordinated direction of all EDA activities related to financial assistance for or to physical projects which will improve local economies and supervise the execution of this aspect of EDA's programs;

b. Recommend standards, policies and criteria for the technical evaluation and processing of project applications for financial assistance, including public works grants and loans, business loans, and technical assistance;

c. Direct, conduct, coordinate, monitor and, where appropriate, originate technical assistance projects (including management assistance and feasibility studies) subject to coordination with the Deputy Assistant Secretary for Economic Development Planning on proposed technical assistance projects related to area, district or center planning;

d. Review and recommend approval or denial of project applications;

e. Evaluate activities of the Regional Offices in applying policies, standards, and procedures for processing project applications to assure efficient, effective, and economical accomplishment of approved projects;

f. Execute agreements with other Federal departments and agencies in consultation with the Deputy Assistant Secretary for Policy Coordination for the conduct of specialized technical assistance; and

g. Study and evaluate the manpower development and training needs of redevelopment areas and of economic development districts, and recommend appropriate joint action with the Departments of Labor and Health, Education, and Welfare.

.02 The Deputy Assistant Secretary for Economic Development Operations shall direct and supervise the following organization elements:

a. The Office of Public Works which shall:

1. Recommend policies, standards and procedures for accepting, processing, reviewing, and approving requests for public works grants and loans, consistent with the procedures contained in the Act;

2. Review and recommend for approval or denial public works grant and loan project applications, and suggest alternate methods of financing where indicated;

3. Maintain surveillance, evaluate progress, and submit reports on the application by Regional Offices of standards, policies, and procedures to assure efficient, effective, and economical accomplishment of the approved projects;

4. Arrange for services from other Federal agencies for the administration of approved public works grants and loans; and

5. Maintain operating liaison with Federal agencies having grant-in-aid programs which may supplement EDA programs, and with those Federal agencies delegated responsibility for administering or servicing EDA projects.

b. The Office of Business Development which shall:

1. Recommend policies, standards, and procedures for processing and approving applications for financial assistance for industrial or commercial usage, consistent with the criteria contained in the Act;

2. Review applications for commercial or industrial loans and working capital guarantees, and recommend approval or denial;

3. Maintain surveillance over the implementation by Regional Offices of policies, standards and procedures related to processing loan applications for business development to assure efficient, effective, and economical accomplishment of the business development programs;

4. Develop and implement EDA approved agreements with the Small Business Administration and other Federal agencies to secure support of the business development programs;

5. Monitor operations of industrial and commercial projects approved by EDA, including outstanding loans for projects approved under provisions of the Area Redevelopment Act, and prepare reports of accomplishments;

6. Arrange for or provide needed specialized assistance to recipients of EDA industrial and commercial loans and guarantees and Area Redevelopment Act loans;

7. Develop policies, plans, and procedures to improve or terminate projects in default of loan conditions;

8. Provide assistance in the liquidation of the affairs and functions conducted under the Area Redevelopment Act;

9. Establish contact and promote large scale involvement of the private sector in EDA's economic development activities; and

10. Maintain operating liaison with other agencies concerned with the activities of this Office.

c. The Office of Technical Assistance which shall:

1. Propose policies, standards, and procedures pertaining to the acceptance, review, and approval of requests for technical assistance, consistent with the criteria of the Act;

2. Plan and develop technical assistance projects in cooperation with other offices, where appropriate;

3. Direct or monitor the performance and implemeneation of approved technical assistance projects;

4. Recommend policies, standards, and procedures for evaluating and utilizing the results of technical assistance projects;

5. Execute agreements with other Federal departments and agencies for the the conduct of specialized technical assistance, in consultation with the Deputy Assistant Secretary for Policy Coordination;

6. Recommend, to the Deputy Assistant Secretary for Policy Coordination, policies and practices to facilitate effective relationships with other Government agencies which have complementary programs for technical assistance;

7. Maintain surveillance over the application of policies, standards, and procedures by the Regional Offices in processing project applications;

8. Review and recommend project applications for approval or denial; and

9. Coordinate the efforts of EDA in the manpower training program.

SEC. 7. *Office of Administration and Program Analysis.* The Office of Administration and Program Analysis shall be responsible for providing the full range of administrative management services and for program analysis and evaluation functions with respect to EDA's substantive programs. These functions shall be carried out through the principal organizational elements of the Office, as prescribed below, except that personnel management services, accounting for administrative funds, and in-house equal opportunity staff services shall be obtained from the appropriate Departmental offices.

.01 The Program Analysis Division shall: Develop and implement measures of resource utilization for programing and budgeting purposes; develop and conduct a systematic program evaluation effort for EDA; prepare the annual Program Memorandum and analytical studies required by the Office of Management and Budget; and develop cost benefits studies to aid the Assistant Secretary in making choices and decisions between alternative programs for economic development projects, activities, and programs in achieving the objectives of the Act and EDA.

.02 The Management Analysis Division shall: Conduct organization and management studies and surveys; plan and conduct a program for achieving maximum economy, effectiveness, and efficiency, and for obtaining optimum personnel utilization; develop and conduct a program for the efficient management of all official records, including an issuance system for administrative and program orders, and the design and control of official forms; and develop and administer a report control system for all administrative and operational reports.

.03 The Budget Division shall: Develop and manage an integrated financial management and budgeting system for EDA. It shall develop and prepare the annual budget for EDA; be responsible for the total financial program of EDA, and for the fiscal aspects of EDA programs entrusted to other Federal agencies; and operate a fiscal control system for both program and administrative expenses consistent with the requirements of the Anti-Deficiency Act, which shall include but not be restricted to, allotment of funds, operating budgets, employment limitations, and analyses of reports and proposed actions relating thereto.

.04 The Accounting Division shall: Develop and maintain accounting systems and prepare financial reports for internal and external use, according to the needs of management, the requirements of laws or regulations, and established policies; analyze financial and operating data to assure that financial and management policies are being followed; and serve as the liaison with the Office of the Secretary and other Federal agencies in all accounting matters.

.05 The Information Systems and Services Division shall: Plan, develop, acquire, and coordinate the use of automatic data processing systems and equipment for EDA; provide data processing services, including the conduct of feasibility studies and the development of systems and programs for the applications of automatic data processing techniques; develop and maintain a comprehensive information and data base system to meet specified requirements for administrative, planning, operational, program management, and program evaluation purposes; and provide periodic and special summary reports on current optional trends and performance comparisons to planned goals.

.06 The Office Services Division shall: Provide or arrange for office services for EDA's headquarters and, as required, for the Regional Offices, including the procurement of administrative supplies, vehicle hire, furniture, equipment, and the distribution of printed and bound materials; evaluate, report on, and make recommendations on the utilization of space, supplies, equipment, communications, and related services within EDA; and serve as liaison with the Office of the Secretary on office services matters.

.07 The Executive Secretariat shall: Receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and non-controlled correspondence, maintain prompt followup of replies to insure that deadlines are met; and provide a selective reference service to files as requested by EDA officials.

SEC. 8. *Office of the Chief Counsel.* The Office of the Chief Counsel shall:

a. Render all necessary legal services, subject to the provisions of Department Organization Order 10–6; and

b. Have primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Department orders.

SEC. 9. *Office of Public Affairs.* The Office of Public Affairs shall:

a. Advise on all public information matters;

b. Conduct a public information program under the policy guidance of the Assistant Secretary; and

c. Provide assistance in the editing, printing or reproduction, and distribution of technical materials and publications.

SEC. 10. *Office of Congressional Relations.* The Office of Congressional Relations shall:

a. Advise on all congressional matters pertinent to the activities under the direction of the Assistant Secretary; and

b. Serve as the primary point of coordination for continuing liaison with the Congress in collaboration with the Special Assistant of the Secretary for Congressional Relations.

SEC. 11. *Office of Civil Rights.* The Office of Civil Rights shall:

a. Advise the Assistant Secretary in the development and implementation of policy and guidance affecting equality of opportunity connected with economic development programs;

b. Maintain liaison with Federal, State and local governmental organizations and with nongovernmental organizations to coordinate and assist in planning operations aimed at achieving nondiscrimination and equality of opportunity;

c. Provide leadership, staff services and advice in matters affecting nondiscrimination to economic development program units, to organizations obligated as participants in an economic development program to achieve nondiscrimination, and to ultimate beneficiaries of economic development program activities;

d. Conduct, sponsor, or coordinate meetings, conferences, and training courses for equal employment specialists, program managers, and executives to achieve nondiscrimination in economic development programs;

e. Establish effective systems throughout EDA to obtain and monitor reports concerning the program of equality of opportunity and assure conformance thereto;

f. Establish report requirements to insure equality of opportunity by participants in economic development programs, conduct on-site inspections, and receive, investigate, and adjust complaints; and

g. Receive, investigate, reviews, adjust complaints, and evaluate EDA experience relating to the Equal Employment Opportunity program and make recommendations to the Assistant Secretary for improvement of employment practices within EDA.

SEC. 12. *Economic Development Regional Offices.* .01 The Economic Development Regional Offices, headed by Regional Directors, are as follows:

Name	Located at—	Serves
Atlantic	Philadelphia, Pa.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.
Southeastern	Atlanta, Ga.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Midwestern	Chicago, Ill.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Rocky Mountain	Denver, Colo.	Colorado, Kansas, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
Southwestern	Austin, Tex.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Western	Seattle, Wash.	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

.02 Each Regional Director, for the EDA programs in his region, shall:

a. Assist designated areas and districts in organizing, staffing, and funding for economic planning through the development of (OEDPs);

b. Assist local communities in the development of applications for financial assistance to meet the needs of areas and districts serviced by the Regional Office; and

c. Process applications for economic development assistance, monitor and service approved projects, including appropriate public works construction projects and, when appropriate, liquidate projects.

.03 The geographic areas of the EDA Regional Offices are depicted in Exhibit

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2.[3] (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

Effective date: March 22, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-6240 Filed 4-21-72;8:53 am]

[Dept. Organization Order 25-2]

MARITIME ADMINISTRATION

Organization and Functions

This order effective March 24, 1972, supersedes the material appearing at 36 F.R. 20123 of October 15, 1971, and 36 F.R. 23834 of December 15, 1971.

SEC. 1. *Purpose.* This order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8.

This revision assigns the functions of the former Assistant Administrator for Administration and Assistant Administrator for Finance, to the Assistant Administrator for Administration and Finance (Section 10). It also moves certain functions from the Office of Policy and Plans to the Assistant Administrator for Administration and Finance.

SEC. 2. *Organization Structure.* The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is filed with the original of this document with the Office of the Federal Register).

SEC. 3. *Office of the Assistant Secretary for Maritime Affairs.* .01 The Assistant Secretary for Maritime Affairs (the "Assistant Secretary"), who is ex-officio Maritime Administrator, is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

.02 The Deputy Assistant Secretary for Maritime Affairs shall assist the Assistant Secretary in carrying out his responsibilities and perform such duties as the Assistant Secretary shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Assistant Secretary. He shall also be responsible for supervision and coordination of contract compliance activities and activities under Title VI of the Civil Rights Act of 1964.

.03 The Executive Staffs shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Maritime Subsidy Board, the hearing examiners, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board.

SEC. 4. *Maritime Subsidy Board.* The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential sudsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and sections 301 (except investigations, hearings and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a), and 805(f) of the Merchant Marine Act, 1963, as amended (the Act), (2) making readjustments in determinations as to operating cost differentials under section 606 of the Act, and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act;

c. The functions with respect to investigating and determining (1) the relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

d. So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpenaing witnesses, administering oaths, taking evidence, and requiring the productions of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

SEC. 5. *Office of Policy and Plans.* The Office of Policy and Plans shall develop and recommend long-range marine affairs policies and plans, including plans for the revitalization of the U.S. Merchant Marine; in coordination with the Office of Budget and Accounts, develop and maintain a system of multiyear program planning, analysis and evaluation; direct and coordinate the development and maintenance of plans for carrying out the Administration's responsibilities and functions in the event of mobilization for war or other national emergency; conduct economic studies and operations research activities in support of the planning functions and recommend solutions to problems affecting shipping; and review and evaluate operating programs to determine their effectiveness in accomplishing established goals and objectives.

SEC. 6. *Office of the General Counsel.* The Office of the General Counsel shall, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6, serve as the law office of the Administration; review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; render legal opinions as to the interpretation of such documents and the statutes; prepare drafts of proposed legislation, executive orders, and legislative reports to Congressional committees and the Office of Management and Budget; negotiate and settle, or recommend settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represent the Administration in public proceedings involving all shipping matters before administrative agencies of the Government, and in State and Federal courts; and handle court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration.

SEC. 7. *Office of Public Affairs.* The Office of Public Affairs shall develop and coordinate a public information and publications program as needed to further the objectives of the Administration's programs; issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration; and prepare periodic and special reports, as assigned.

SEC. 8. *Office of Civil Rights.* The Office of Civil Rights shall formulate and conduct programs to assure compliance by Federal contractors and subcontractors with Executive Orders 11246 and 11375 and related regulations, and applicants for and recipients of Federal financial assistance and their contractors and subcontractors with Title VI of the Civil Rights Act of 1964 and related regulations; plan and direct special programs to assure equal opportunity in employment in the ship and boat building and repair industries, water transportation industry, and related industries as assigned; provide assistance in communicating to minority communities the career opportunities available in the Merchant Marine; assist in the recruitment of qualified minority cadet candidates for the U.S. Merchant Marine Academy and assure equal opportunity for the Academy cadets; conduct compliance reviews of the civil rights and equal employment opportunity programs relating to Maritime Administration employees, and make recommendations for improvement.

SEC. 9. *Office of International Activities.* The Office of International Activities shall plan, conduct, and coordinate Maritime Administration's participation in intergovernmental and international organizations concerned with shipping matters; keep abreast of developments in the United States and foreign countries with a foreign relations impact that may affect the U.S. Merchant Marine; take and/or coordinate action to establish and present Maritime Administration's position in these matters. Within this Office are personnel responsible for representing the Maritime Administration in international activities, as assigned, for development of maritime foreign cost data, and other technical maritime activities in foreign countries.

SEC. 10. *Office of the Assistant Administrator for Administration and Finance.* The Assistant Administrator for Administration and Finance shall be the principal assistant and adviser to the Assistant Secretary on administrative services, personnel, management and organization, financial management, automatic data processing, and management information systems matters. He shall direct the activities of the following organizational units:

.01 The Office of Administrative Services shall plan and establish national policies and programs for the conduct of facilities and supply management and office services activities, including material control and disposal of real and personal property, other than ships; administer the security program; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; administer programs for the management of mail, files, records equipment, vital records, and records disposition; and, for headquarters of the Maritime Administration, provide or obtain travel and office services, including space, communications, correspondence control, central files, and administrative property management services.

.02 The Office of Management and Organization shall conduct manpower surveys to determine staffing requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authorities, procedures, and work methods; maintain a system for the issuance of the manual of orders and other directives; administer programs for the management of reports, forms, correspondence, and committee activities; coordinate the management improvement program; and prepare special progress and administrative reports to the Office of the Secretary and others, as required.

.03 The Office of Personnel shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs. This office shall also plan and administer the equal opportunity program for employment in the Maritime Administration.

.04 The Office of Budget and Accounts shall formulate, recommend, and interpret budgetary policies and procedures; collaborate with the Office of Policy and Plans in discharging that Office's responsibilities for development and maintenance of a system of multi-year program planning, analysis and evaluation; collaborate with operating officials in the development of fiscal plans and budget estimates; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; review status of funds and program performance in relation to fiscal plans; develop and maintain financial systems of the Administration; perform accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, and audits and certification of vouchers for payment; and take necessary action to effect collection of amounts due the Administration.

.05 The Office of Financial Analysis shall render financial advice and opinions with respect to the substantive programs and contractual activities of the Administration; prescribe a uniform system of accounts for subsidized operators, agents, charters, and other contractors; administer a program of external audits of contractors' accounts (except those of research and development contractors) to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; and develop and make continuing analyses of data to determine financial condition of the American merchant marine or segments thereof.

.06 The Office of Management Information Systems shall plan and develop data processing and management information systems; develop systems and programs for the application of computer techniques; operate the electronic data processing facility, including auxiliary equipment; and plan, coordinate, and operate the Administration's management data and information center.

SEC. 11. *Office of the Assistant Administrator for Research and Development.* The Assistant Administrator for Research and Development shall be the principal assistant and adviser to the Assistant Secretary on research and development programs. He shall direct the activities of the following organizational units:

.01 The Office of Maritime Technology shall develop, coordinate and manage programs to establish a scientific and technological base for achieving a more productive and competitive U.S. Merchant Marine; initiate, solicit, develop, and recommend specific projects, such as research in hydrodynamics, structures, and oceanographic subjects which have a bearing on improvements in the merchant marine, and institutional and university research in marine science and technology appropriate to maritime affairs; and negotiate and administer technical aspects of contracts in above areas.

.02 The Office of Advanced Ship Development shall develop, organize, coordinate, and manage programs for the application of scientific and technological developments to improve ship systems, shipbuilding, ship machinery, equipment, and other components, with the objective of increasing the efficiency, productivity, and effectiveness of the U.S. Merchant Marine; initiate, solicit, develop, and recommend specific projects; and negotiate and administer technical aspects of contracts in these areas.

.03 The Office of Advanced Ship Operations shall develop, organize, coordinate, and manage programs for the application of scientific, technological, and other developments to upgrade the operational efficiency and competitive position of the U.S. Merchant Marine; develop, coordinate, and implement programs for the application of nuclear power to merchant ships; initiate, solicit, develop, and recommend specific projects in these areas, including navigation and communications, port and terminal operations, cargo handling, marine personnel requirements, automation, ship handling and other operational aspects of the ship; and negotiate and administer technical aspects of contracts in above areas.

.04 The Office of Maritime Research Centers shall plan, direct, coordinate, and control the activities of the National Maritime Research Centers, located at Kings Point, N.Y., and Galveston, Tex. These Centers shall formulate and recommend research and development projects; carry out assigned research programs and projects; serve as test and evaluation centers for appraising the effectiveness of proposed improvements for the Merchant Marine; and sponsor conferences and seminars on maritime research and related subjects.

SEC. 12. *Office of the Assistant Administrator for Operations.* The Assistant Administrator for Operations shall be the principal assistant and adviser to the Assistant Secretary on ship construction, ship operations, domestic shipping, port development, and intermodal transportation systems activities. Within his office are personnel responsible for the conduct of trial, acceptance, and guarantee surveys of ships. He shall direct the activities of the following organizational units:

.01 The Office of Ship Construction shall collect and analyze data on relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; develop preliminary

[3] Filed as a part of the original document.

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designs establishing the basic characteristics of proposed ships; review and approve ship designs submitted by applicants for Government aid; recommend and, upon request, conduct research and development projects in ship design and construction; develop or approve contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconsidering, and betterment of ships; review, obtain approval and certification of national defense features by the Department of the Navy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; administer ship construction contracts; provide naval architectural and engineering services in connection with construction of small special purpose ships for other Government agencies; approve designs, supervise construction, and undertake final acceptance of fishing vessels constructed under Public Law 86–516, as amended; maintain current records of commercial shipyard ways in the United States; and develop requirements for mobilization ship construction programs.

.02 The Office of Domestic Shipping shall formulate and implement national policies and programs for the development and promotion of domestic waterborne commerce, including the Great Lakes, inland waterways, and noncontiguous, coastwise and intercoastal trade; conduct studies, formulate plans, and make recommendations to improve the competitive position and increase the utilization of the domestic waterborne transportation; give national program direction for maintenance and preservation of the national defense reserve fleet, and for the operation, maintenance and repair of Maritime Administration-owned or acquired merchant ships, conduct of ship conditions surveys, and related activities; administer the ship sales and ship exchange programs; provide safety engineering services; approve or recommend approval of transfers of ships to foreign ownership, registry or flag; review and approve maintenance and repair costs for subsidy participation; and develop plans for the acquisition, allocation, and operation of merchant ships in time of national emergency and administer these activities as required.

.03 The Office of Ports and Intermodal Systems shall formulate national policies and programs, and conduct programs for the development and promotion of intermodal transportation systems; conduct studies and formulate plans for the promotion, development, and utilization of ports and port facilities; provide technical advice to other Government agencies, private industry and State and municipal governments in the above fields; and conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions.

SEC. 13. *Office of the Assistant Administrator for Maritime Aids.* The Assistant Administrator for Maritime Aids shall be the principal assistant and advisor to the Assistant Secretary on subsidy administration, Title XI mortgage insurance, and other Government aids programs, maritime manpower, marine insurance, and market development activities. He shall direct the activities of the following organizational units:

.01 The Office of Subsidy Administration shall process applications for construction-differential subsidy, operating-differential subsidy, Federal Ship Mortgage and/or Loan Insurance, trade-in allowances, and other forms of Government aid to shipping; conduct negotiations with applicants, obtain comments of other offices and within delegated authority, approve or recommend approval or disapproval, and take other actions in relation to the award and the administration of aid contracts; administer Construction Reserve Funds and Capital Construction Funds; approve actions relating to the administration of Special and Capital Reserve Funds; maintain control records of statutory and contractual reserve funds; collect, analyze, and evaluate costs of operating ships under United States and foreign registry; calculate and recommend operating-differential subsidy rates; analyze and recommend trade route structure and service requirements of the ocean-borne commerce of the United States, and extent of foreign flag competition on essential trade routes; and collect, maintain, analyze, and disseminate statistical data on cargo and commodity movements in the ocean-borne commerce of the United States, composition of world's merchant fleets, and utilization of U.S.-flag ships.

.02 The Office of Maritime Manpower shall analyze and advise the Administration regarding labor management relations and problems as they apply to seamen, longshoremen, and shipyard workers, including labor trends, potential areas of dispute, and the effects of technological changes and proposed legislation on labor; develop plans in cooperation with the Department of Labor to provide reserve maritime manpower for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government, and the public concerning maritime employment, wages, hours, manning, working conditions, and manpower requirements; process nominations for appointment of cadets to the U.S. Merchant Marine Academy; administer a grant-in-aid program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries under international cooperative programs; and issue merchant marine decorations and awards.

.03 The Office of Market Development shall formulate national policies and programs, and conduct programs for the promotion and development of increased trade for U.S.-flag ships in the foreign commerce of the United States; regulate, review and report on the administration of cargo preference activities under Public Law 664, 83d Congress, Public Resolution 17, 73d Congress, and other statutes, in accordance with section 901 of the Merchant Marine Act, 1936, as amended; and calculate and recommend guideline rates, terms, and conditions for transportation of Government-financed cargoes.

.04 The Office of Marine Insurance shall develop, coordinate, control, and administer the marine insurance and the marine war risk insurance activities and programs of the Maritime Administration; maintain contact with the commercial insurance markets, analyze events and trends, and take action to meet changing conditions and foster cooperation between the Federal Government and American marine insurance underwriters in helping to strengthen the domestic marine insurance market; gather, analyze, and disseminate information on marine insurance useful to ship operators and the marine insurance industry; and settle or recommend settlement of claims of a marine insurance and marine war risk insurance nature.

SEC. 14. *Field Organization.* .01a. There shall be three field organizations called Regions, each headed by a Region Director, as specified below:

Region	Headquarters location
Eastern Region	New York, N.Y.
Central Region	New Orleans, La.
Western Region	San Francisco, Calif.

b. The Regions shall have geographic areas of responsibility as shown in Exhibit 2. (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

c. The Region Directors shall be responsible for all field operations and programs of the Maritime Administration within their respective Regions, except ship construction and the U.S. Merchant Marine Academy, subject to national policies, determinations, procedures, and directives of the appropriate office chief in Washington, D.C. The programs and activities under their jurisdiction shall include the custody and preservation of ships in the national defense reserve fleet; operation, repair, and maintenance of ships; marine inspections; training for marine personnel in radar, loran, etc.; accounting and external auditing; contract compliance activities, and activities to assure equal opportunity in employment in water transportation industries, as assigned; market development; development of ports and intermodal transportation systems; procurement and disposal of property and supplies; facilities management; and administrative support activities.

.02 The U.S. Merchant Marine Academy, Kings Point, N.Y., shall develop and maintain programs for the training of U.S. citizens to become officers in the U.S. Merchant Marine.

Effective Date: March 24, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-6241 Filed 4-21-72;8:53 am]

[Dept. Administrative Order DAO 208-2]

DIRECTOR, OFFICE OF ADMINISTRATIVE SERVICES

Delegation of Procurement Authority

This order effective April 3, 1972 supersedes the material appearing at 34 F.R. 335 of January 9, 1969.

SECTION 1. *Purpose.* This order redelegates certain procurement authority of the Assistant Secretary for Administration delegated to him in Department Organization Order 10–5. It supersedes existing delegations of procurement authority rendered obsolete by centralization of most procurement performed in the Washington area.

SEC. 2. *Definitions.* .01 "Procurement" means the acquisition (and directly related matters), from non-Federal sources, of personal property, personal and nonpersonal services (including construction) by such means as purchasing, renting, leasing (including real property), contracting, or bartering, but not seizure, condemnation, donation, or requisition.

.02 "Procurement authority" means the powers of an executive agency and of an agency head to perform procurement as set forth in chapter 4, title 41 of the United States Code or other law. It also includes the power to authorize the publication of advertisements, notices, or proposals in a newspaper required by 44 U.S.C. 3702, which is delegable under 5 U.S.C. 302(b)(2). It does not include the authority to decide the objects of procurement, i.e., what procurement items or services are required. The latter is implicit in the managerial authorities of officials of the Department as delegated or assigned to them.

.03 "Contracting Officer" means an official who by delegation or designation has authority to enter into or administer procurement contracts on behalf of the Government and to make related findings and determinations, to the extent and within the limitations of the authority specified in said delegation or designation. Contracting officer includes a person authorized to make small purchases of property or services which in any one transaction do not exceed $2,500.

.04 "Field Office" means, for purpose of this order, any organizational element in a city or locality outside the Washington Metropolitan area, whose head reports to an official in a different city or locality, including the Washington area.

.05 "Management consulting services" means any survey, research study, analysis, or consultation concerned primarily with improving the management system or practices of the Department as a whole or of any of its organizational units.

SEC. 3. *Procurement Authority of Office of Administrative Services.* .01 Except as provided in section 4 and subject to the limitations contained in section 5 of this order, the Departmental Office of Administrative Services shall perform procurement for all elements of the Department. For this purpose, the Director, Office of Administrative Services, is herewith delegated procurement authority.

.02 The Director, Office of Administrative Services, may redelegate his procurement authority, with or without further conditions or limitations, to the Chief, Procurement Division, Office of Administrative Services, who may further delegate such authority of any aspect thereof, subject to further conditions or limitations, to other employees within the Division. Each such delegation or redelegation shall be made by specific written delegation or designation, and shall include or make specific reference to any conditions or limitations on the scope of authority to be exercised. The Chief, Procurement Division, shall be the chief officer responsible for procurement for the Department, subject to the general supervision of the Director, for purposes of 41 U.S.C. 257(b), except as provided in section 4 of this order.

SEC. 4. *Procurement Authority of Operating Units.* .01 The head of each operating unit, or his designee, may give to heads of field offices, with power of redelegation, authority to purchase from commercial sources, supplies, materials and services not to exceed normal imprest fund limitations.

.02 The head of each operating unit is authorized to delegate procurement authority to the head of a field office that has program responsibilities which require the field office to perform procurement beyond that specified in paragraph .01 of this section. Each such delegation shall:

a. Require the advance approval of the Assistant Secretary for Administration, who will review the need for the field office's proposed procurement activity and determine whether staffing arrangements will permit selection and designation of qualified contracting officers for the designated procurement authority.

b. Specify the kinds of procurement actions and classes of procurement items to which exercise of the authority shall be limited, the extent of redelegation of authority that is authorized, and such other conditions and limitations on the scope of authority as the head of the operating unit may desire or be required to impose.

c. Be subject to the conditions and limitations provided in Section 5 of this order.

d. Provide that the head of a field office to whom procurement authority is delegated shall be the chief officer responsible for procurement (41 U.S.C. 257(b)) for that field office, and that he may by written delegation or designation redelegate his procurement authority to other contracting officers within the field office, subject to such conditions and limitations on the scope of their authority as he may provide.

.03 The Director, Office of Administrative Services, may give specified procurement authority to a designated person or persons in the headquarters of operating units whose headquarters are principally located outside the Main Commerce building. The granting of procurement authority under this provision shall be limited to the kinds and amounts of procurement that the Director, Office of Administrative Services, determines can be procured for the operating units more advantageously under such an arrangement, all factors considered, than through the centralized procurement unit of his office. The granting of such procurement authority and the designation of a person or persons in an operating unit headquarters to serve as a contracting officer for such purpose shall be subject to the concurrence of the head of the operating unit involved, or his designee.

.04 The Assistant Secretary for Maritime Affairs is delegated procurement authority, subject to the conditions and limitations provided in section 5 of this order, for (a) general agency services for operating ships, (b) ship construction for the Government's account, and (c) ship construction subsidy contracts under section 502 of the Merchant Marine Act, as amended. The Assistant Secretary for Maritime Affairs may redelegate such authority to a chief officer responsible for procurement for purposes of 41 U.S.C. 257(b) and to other contracting officers within the Maritime Administration, by written delegation or designation, subject to such conditions and limitations on the scope of their authority as he may provide.

.05 The Assistant Secretary for Administration may, in the interests of economy and efficiency, by arrangement with affected heads of operating units, designate certain units to perform centralized field procurement, and make appropriate delegations of procurement authority to effect such operations.

SEC. 5. *Limitations Relating to Delegated Procurement Authority.* .01 The Assistant Secretary for Administration, designated in Department Organization Order 10–5 to serve as "agency head," shall make the determinations and decisions specified in 41 U.S.C. 252(c) (12) and (13), and in 41 U.S.C. 252(c)(11) for each contract or supplement thereto which requires the expenditure of more than $25,000. If the expenditure under (c)(11) is $25,000 or less, the determination shall be made only by a chief officer responsible for procurement indicated in sections 3 and 4 of this order. A determination for advance payments (41 U.S.C. 255) shall also be made by a chief officer responsible for procurement.

.02 With respect to the procurement of management consulting services by contract where the total cost of the contract or any supplement thereto is expected to be greater than $10,000, the approval of the proposed procurement shall be obtained from the Assistant Secretary for Administration prior to submission of the procurement request.

.03 Invitations for bids, requests for proposals, contractual documents, including supplements thereto, notices terminating contracts, and final determinations made by contracting officers under the disputes clause, shall be subject to such legal clearance as specified in instructions to be issued by the General Counsel or his designee with the concurrence of the Assistant Secretary for

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Administration or his designee. Legal advice shall be sought before other actions are taken in connection with contract awards or contract administration wherever it is apparent that such actions may have potential legal consequences of substance.

.04 Procurement authority shall be exercised in accord with applicable statutory requirements, Executive orders, the Federal Procurement Regulations and implementing Departmental regulations, policies, and instructions, and other related laws and regulations.

SEC. 6. *Recording Delegations of Procurement Authority.* Contracting Officers other than those designated in this order shall be selected, designated and their designations terminated in accord with 41 CFR 1–1.404. A file of each instrument of designation and termination of designation shall be maintained by the head of each office where procurement is performed. A copy of such instrument shall be forwarded promptly to the Director, Office of Administrative Services, who shall arrange to maintain a central record of contracting officers of the Department authorized to exercise procurement authority covered by this order.

SEC. 7. *Revisions.* The Assistant Secretary for Administration may amend or revise this order without the approval signature of the Secretary.

Effective date: April 3, 1972.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.72-6243 Filed 4-21-72;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Chemical and Physical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. The Institute is developing recommended biologic standards for persons exposed to a number of chemical agents in the work environment including:

1. Arsenic.
2. Benzene.
3. Toluene.
4. Parathion.
5. Malathion.
6. Methanol.

A biologic standard is the level of such agent, metabolite, or other effect of exposure which may be present within man without his suffering ill effects, taking into consideration (1) the correlation of airborne concentrations of, and extent of exposure to, such substances with effects on specific biological systems of man such as the circulatory, respiratory, urinary, and nervous system, and (2) the analytical methods for determining the amount of the substance which may be present within man.

Any person having information or data which is not readily available in "open scientific literature" in the two areas listed above or in other areas which the person considers relevant to establishing a biologic standard for persons exposed to any of the chemical agents set forth above, is invited to submit such information, with accompanying documentation, to the Assistant Director, National Institute for Occupational Safety and Health, Office of Research and Standards Development, Room 10–28, 5600 Fishers Lane, Rockville, Md. 20852, within 30 days after publication of this notice.

All information received concerning any agent will be available for public inspection after the development of the respective recommended standard.

Dated: April 18, 1972.

JAMES H. EAGEN,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.72-6209 Filed 4-21-72;8:50 am]

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Certain Airborne Dust Contaminants and Chemical and Physical Agents

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act. The Institute is developing criteria documents and recommended occupational health standards for a number of airborne dust contaminants and chemical and physical agents including,

1. Cotton textile fibers.
2. Lead and lead compounds.
3. Mercury and mercury compounds.
4. Silica.
5. Ultra violet radiation.

Each criteria document will include among other items an evaluation of available information relative to the nine areas listed below.

Any person having information or data which is not readily available in "open scientific literature" in any of the nine areas listed, or in other areas which the person considers relevant to the establishment of a safe and healthful occupational environment involving the chemical and physical agents set forth above, is invited to submit such information, with accompanying documentation, to the Assistant Director, National Institute for Occupational Safety and Health, Office of Research and Standards Development, Room 10–28, 5600 Fishers Lane, Rockville, Md. 20852, within 30 days after publication of this notice.

1. Establishment of safe occupational environment levels for such agents including levels for acute and chronic exposure to airborne concentrations of the chemical agents as well as safe practices concerning direct contact with such agents.

2. Establishment of biologic standards, i.e., the levels of such agents, metabolites, or other effects of exposure which may be present within man without his suffering ill effects taking into consideration (a) the correlation of airborne concentrations of, and extent of exposure to such substances with effects on specific biological systems of man such as the circulatory, respiratory, urinary, and nervous system, and (b) the analytical methods for determining the amount of the substance which may be present within man.

3. Engineering controls, including ventilation, environmental temperature, humidity, and housekeeping and sanitation procedures, with attention to the technological feasibility of such controls.

4. Specifications for the conditions under which personal protective devices should be required.

5. Methodology, including instrumentation, for air sampling and sample analysis of chemical agents and methodology for measuring levels of exposure to physical agents.

6. The need for medical examinations for workers exposed to such agents, the frequency of such examinations, and the specific diagnostic tests which should be used and the rationale for their selection.

7. Work practices or procedures which may be instituted for control of the workplace environment in normal operations and those which may be instituted when environmental levels are temporarily exceeded or where peak concentrations of chemical agents in man are reached.

8. The types of records concerning occupational exposure to such agents that employers should be required to maintain.

9. Warning devices and labels which should be required for the prevention of occupational diseases and hazards caused by such agents.

All information received concerning any agent will be available for public

inspection after the development of the respective criteria document.

Dated: April 17, 1972.

MARCUS M. KEY,
Director, National Institute for Occupational Safety and Health.

[FR Doc.72-6210 Filed 4-21-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO. ET AL.

Establishment of Atomic Safety and Licensing Board

On March 7, 1972, the Commission published in the FEDERAL REGISTER (37 F.R. 4925) a notice of hearing concerning the application for a construction permit for a boiling water nuclear reactor (William H. Zimmer Nuclear Power Station) filed by the Cincinnati Gas and Electric Co., Columbus and Southern Ohio Electric Co., and Dayton Power and Light Co. That notice indicated the Safety and Licensing Board for this proceeding would be designated at a later date, and the notice of its membership would be published in the FEDERAL REGISTER.

Pusuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (rules of practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Eugene Greuling, Dr. Hugh C. Paxton, and Mr. John B. Farmakides, Chairman. Dr. Forrest J. Remick has been designated as a technically qualified alternate and Mr. Michael Glaser has been designated as an alternate qualified in the conduct of administrative proceedings.

The date and place of a prehearing conference and of a hearing will be set by the Board. Notice as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 18th day of April 1972.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.72-6218 Filed 4-21-72;8:51 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Supplementary Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations for Midwest Fuel Recovery Plant

On March 13, 1972, the Atomic Energy Commission issued a "Notice of Availability of Applicant's Environmental Report and AEC Draft Detailed Statement on Environmental Considerations for Midwest Fuel Recovery Plant" (37 F.R. 5674, March 17, 1972). The notice indicated the availability for public inspection of General Electric Co.'s report discussing environmental considerations related to its Midwest Fuel Recovery Plant, in Grundy County, Ill. The notice also indicated the availability of the Commission's Draft Detailed Statement on environmental considerations related to the Midwest Fuel Recovery Plant.

The notice indicated that interested persons may, within thirty (30) days from the date of publication of the notice in the FEDERAL REGISTER, submit comments on the proposed issuance of an operating license for the facility, the report, and the Draft Detailed Statement for the Commission's consideration.

In accordance with the Commission's regulations, 10 CFR Part 50, Appendix D, notice is hereby given of additional time for submittal of comments on the report and the Draft Detailed Statement, on the proposed issuance of an operating license to the applicant authorizing operation of the Midwest Fuel Recovery Plant, and on whether the construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

Such comments may be submitted within forty-five (45) days from the date of publication of this supplemental notice in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 18th day of April 1972.

For the Atomic Energy Commission.

C. T. EDWARDS,
Assistant to the Director, Division of Materials Licensing.

[FR Doc.72-6219 Filed 4-21-72;8:51 am]

[Docket No. 50-234]

GULF OIL CORP.

Notice of Issuance of Amendment to Facility License

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 8 to Facility License No. CX-23 dated March 25, 1965. The license presently authorizes Gulf Oil Corp. to possess, use and operate the Experimental Critical Facility located at its Torrey Pines Mesa site near San Diego, Calif., at power levels up to 100 watts (thermal). The amendment extends the expiration date to May 25, 1974.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of this amendment is not required since the amendment does not present significant hazards considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated March 23, 1972, and (2) the amendment to facility license, which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of the amendment may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 11th day of April 1972.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-6220 Filed 4-21-72;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23810; Order 72-4-96]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Regarding Sales Agency Reporting Procedures in Pittsburgh Settlement Bank Area

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1972.

By Order 71-9-38, the Board made tentative findings, deferred action and requested comments from interested parties on an amendment to the "Standard Agents' Ticket and Area Settlement Plan" (the Plan) resolution of the Air Traffic Conference of America (ATC) incorporated in Agreement CAB 16874-A27. The amendment, if approved by the Board pursuant to section 412(a) of the Federal Aviation Act of 1958, would permit the ATC to implement, on a trial basis, a system of automated sales reporting for travel agents in the Pittsburgh bank area.[1]

The proposed trial of automated sales reporting for agents in the Pittsburgh bank area (Pittsburgh Test) is a result

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of discussions between the members of the ATC and various travel agency organizations, as was stated in Order 71-9-38. The original proposal to test the Pittsburgh Plan was first presented by the ATC to the travel agents on April 30, 1968, pursuant to requests by travel agents to further simplify procedures then in effect in the Pittsburgh bank area which allowed the travel agents to report to the bank without the necessity of preparing and submitting the sales report form required of other agents throughout the United States. The test is designed to decrease the amount of travel agent paperwork by increasing the use of modern data processing techniques available to area banks. According to the ATC, the specific purposes of the test are to simplify travel agent paperwork, obtain useful output data from the area bank, utilize the area bank's computer system and establish the basis for future ticket automation.

The ATC maintained that in order to accomplish the benefits anticipated for travel agents, the bank would require that agents report to the area bank once each week rather on the current 10-day cycle. Furthermore, the agents would be required to authorize the Area Settlement Bank to draw on the agent's account an amount not to exceed the total shown on the adding machine tape of the tickets being remitted by the travel agent. These two requirements, coupled with the uncertainty about the degree of benefit the agents would realize from the test, generated considerable controversy and concern among some travel agents as is evidenced by the voluminous correspondence currently on file at the Board.

In Order 71-9-38, the Board raised certain questions concerning the test. In addition, some of the travel agents raised questions and objections to the implementation of the test focusing primarily on the weekly reporting requirement and the proposal to authorize the Bank to draw upon the agent's account to collect moneys due the carriers. In an effort to answer these questions and to analyze the objections raised, the carriers and travel agents agreed to sponsor a series of meetings in Cleveland, Pittsburgh, Philadelphia, and Newark on February 1 through 4 to which all travel agents in the Pittsburgh bank area would be invited. Authorization was obtained from the Board for free transportation to agents wishing to attend these meetings. The meetings were very well attended with more than 800 agents participating. From those attending these meetings over 300 individual agent comments were received, about 60 percent of which favored the test.

Proponents believe that computer processing can provide savings in time and money; furnish a report which can be a useful sales analysis marketing guide; and, at the very least, deserves a comprehensive test. Conversely, opponents contend that the proposal will require extensive alteration of their accounting system and increase their workload, and provides no advantage over the present system. The most strenuous objection is against the authorization the agents will be required to give the Mellon Bank to draw against their own bank account. The only feature of the program generally considered acceptable by opponents is the weekly rather than the present daily reporting of credit card sales.

Consolidated comments generally supporting approval of the agreement have been received from the American Society of Travel Agents, Inc. (ASTA), the Association of Bank Travel Bureaus, Inc. (ABTB), the Association of Retail Travel Agents (ARTA), and the American Automobile Association (AAA), collectively the "travel agent organizations." These comments, in addition to relating the history of efforts to improve and simplify the operations of agents in the Pittsburgh area and confirming the fact as noted previously that there is still considerable opposition on the proposal, contain seven conditions or confirmations of understandings between the agents and the air carriers/ATC. These are paraphrased as follows:

1. Test is limited to 1 year and to the Pittsburgh bank area.

2. No change in duration of test period, its geographical scope, or its terms and conditions without concurrence of travel agency organizations and CAB approval.

3. Results are to be evaluated during and at conclusion of test by the ATC-Travel Agent Dialogue Committee. No extension or wider implementation of test without substantial concurrence of travel agency organizations.

4. Any travel agent seriously affected by the proposal has the right to immediate hearing to include dialogue committee agency representatives. Proof of such adverse effect would entitle the agent to relief from the test.

5. Agents will authorize a check to be drawn at the Mellon Bank on the third day following final date of the reporting period in an amount not to exceed the total shown on the adding machine tape less an appropriate deduction for commissions.

6. ATC to exercise reasonable flexibility in the initiation of any disciplinary proceedings.

7. The travel agent organizations have also indicated to the agents attending the four seminars that (a) the plan would not involve a reduction to 7 days in the amount of time allowed for postal delivery of the sales report, (b) the Secretary of the airlines' Accounting and Finance Conference [2] would accept a certified mail receipt as proof that a duplicate report was satisfactorily filed in the event of loss of the original mailing, (c) ATC would exercise special care to insure that no agent's check is dishonored due to problems in implementing the test, and (d) in the event Tuesday or Wednesday is a holiday, the agent is given additional time to file the report.

ATC believes that the test will benefit both the travel agents and the air carriers and that it should be approved. Additionally, on March 8, 1972, ATC submitted a letter clarifying the air carriers' position as to item No. 4 of the seven conditions and understandings described in the travel agents' comments above. ATC states that the air carriers have not agreed to give ad hoc relief to individual travel agents who experience difficulties under the new reporting system. ATC points out that if a substantial number of agents (or carriers) experience major difficulties with the system during the test, consideration will be given to its modification or termination. In addition, any difficulties which individual travel agents experience during the test will be considered by the joint travel agent/airline working group in evaluating the results of the test and formulating recommendations concerning the function of the mechanized reporting system.

In our previous order we tentatively found that the experimental reporting procedures would simplify the agents' reporting procedures; reduce the possibility of error in processing the tickets; and reduce the period of time required to process a ticket for collection. The comments subsequently filed confirm those findings. There can be little doubt that the format of the required report will be a significant improvement over the lengthy and frequent coupon tabulations which agents must undertake by hand at present. To be sure, this reduction in the sheer effort of preparing the report will be felt less by the very agents who will comprise the test—those in the Pittsburgh Settlement Area—since agents in this area already utilize the "adding machine tape method" of preparing the report. But for this very reason, inter alia, these agents were chosen for the experiment for it was felt that even they would benefit from the reduction in credit sales reporting frequency and the other refinements of the proposed plan.[3]

Moreover, most agents stand to benefit from the receipt of the detailed sales information in the report which the Bank provides to them. Most of the commenting agents appear to recognize that such information will sharpen their abilities to direct their sales efforts toward the most rewarding lines, thus comporting with their assigned principal role to promote the sale of air transportation. And nobody disputes that the air carriers will benefit from receiving more accurate reports and more speedily processed tickets and remittances.[4]

The two most significant concerns expressed by the agents who have commented in opposition to the test have dealt with (1) the effect of the experiment on their cash flow situation, and (2) the objectionableness of allowing the bank's computer to automatically debit the agent's account for the determined remittance due. We understand the reluctance to turn over control of one's checking account to the bank, and if that were the consequences of the instant proposal we would view such with great concern. But in fact the feared consequences do not seem to follow. The agent, in signing the authorization form, sets the dollar amount to be deducted and the date on which such deduction is to be made from his account (that date, of course, within the parameters of the required reporting time). In effect, then, the agent is tendering a postdated check, and should be able to account for it in his records.

The cash flow problem is less easily resolved. There is no dispute that once the system becomes regularized agents will be submitting their reports once a week instead of three times each calendar month. All of the persons submitting formal comments take the view that there will either be no adverse impact on the agent's cash flow or that there will be some positive effect. Analyses were made by ARTA and ASTA which caused them to conclude that the agent's cash flow would be improved, the extent to which would depend upon the days of the week in which sales were made. The Association of Bank Travel Bureaus conducted its own in-house studies of how weekly reporting, as proposed, would affect cash flow, and concluded that there would be a slight improvement for agents over the present 10-day cycle. Recognizing that there may be some cash flow problem for some agents, if the above-mentioned studies are correct the vast majority of agents will not be adversely affected. With this in mind, and considering the benefits projected to be derived from the experiment, we are not persuaded to terminate it even before it begins.

Rather, we think that the projections should be tested as ATC and the travel agent spokesmen propose, and subject to the "ground rules," as clarified by ATC, stated on page 3, supra. Since this Board cannot act as arbiter in cases affecting individual agents, the Board expects that the test will be conducted with due allowance for those rare but recognized "computer errors" and other "bugs" and misunderstandings which arise from novel man-machine joint ventures.

Therefore, acting pursuant to section 412(b) of the Act, the Board finds that Agreement CAB 16874–A27 is not adverse to the public interest nor in violation of the Act.

Accordingly, it is ordered, That:

1. Agreement CAB 16874–A27 be and it hereby is approved for a period of 12 months from the date of commencement thereof; and

2. Requests for extension of the 12-month period shall be filed at least 70 days prior to termination thereof.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-6228 Filed 4-21-72;8:52 am]

[Docket No. 23333; Order 72-4-61]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Agents

Issued under delegated authority April 13, 1972.

By Order 72-3-85, dated March 27, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by the Traffic Conferences of the International Air Transport Association (IATA). The agreement would have the effect of continuing through August 31, 1972, the past basis upon which the number of reduced-fare tickets are allocated to cargo agents, i.e., two tickets at a 75-percent discount per agency location per year.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72-3-85 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22968 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK, *Secretary.*

[FR Doc.72-6229 Filed 4-21-72;8:52 am]

[Docket No. 21582, etc.; Order 72-4-91]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Order Instituting an Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1972.

Applications of Pan American World Airways, Inc., Dockets 21582, Continental Air Lines, Inc., 21642, Northwest Airlines, Inc., 21683, Air Micronesia, Inc., 23871, for amendment of certificates of public convenience and necessity.

Applications of Pan American World Airways, Inc., Dockets 21646, Continental Air Lines, Inc., 21659, for exemptions pursuant to section 416(b) of the Federal Aviation Act.

Service to Saipan Case Docket 24421.

Four carriers which hold certificates of public convenience and necessity authorizing them to engage in foreign air transportation in various areas in the Western Pacific have filed applications for amendments to their certificates to permit, inter alia, the offering of service between Saipan, Mariana Islands—a point within the Trust Territory of the Pacific Islands—and Japan. Although the authority requested differs from carrier to carrier, depending on the nature of the existing authority of each, the focus of the applications (with the possible exception of Northwest) is on the Saipan-Japan market.

Pan American World Airways, Inc., currently provides service between Guam—a point not within the Trust Territory—and Japan over segment 1 of its approved service plan for route 130. The carrier desires to include Saipan as an intermediate point on the Guam-Japan service.[2] Continental Air Lines, Inc., and Air Micronesia, Inc. (hereinafter "Continental"), are certificated to provide service, inter alia, to points throughout the Trust Territory and between the Trust Territory, on the one hand, and Guam, Okinawa, and American Samoa, on the other hand. Both carriers seek authority to extend their services from American Samoa, Guam, and the Trust Territory to points in Japan.[3] Northwest Airlines, Inc. serves Japan, Okinawa, and other points in the Western Pacific but has no authority to serve Guam, points in the Trust Territory, or points in American Samoa. It has applied for authority to permit it to engage in transportation between the latter three areas, on the one hand, and points in Japan, on the other hand.[3]

On November 28, 1969, Continental filed a motion for expedited hearing on its certificate application.[4] On September 21, 1971, Pan American also filed

[1] This area includes western New York State and the States of New Jersey, Pennsylvania, and Ohio.

[2] The Accounting and Finance Conference, like the Air Traffic Conference, is an affiliate of the domestic air carriers' trade association, the Air Transport Association.

[3] Thus, it was felt, if these agents would benefit from the experiment there would be a basis for extending the program to reporting areas employing the by-hand reporting method.

[4] Several other benefits to the carriers are expected to be realized. As an example, the leveling out of paper flow from area banks to carriers will permit more orderly planning and processing by revenue accounting departments. Including credit transactions on a weekly cycle will reduce greatly the normal special handling attending such items on the present daily cycle, and all carriers will realize this benefit. Another advantage, particularly important for those carriers having less sophisticated computer systems, will be the availability of much statistical data which the area bank can very routinely provide. This, as one example, will obviate the need in some cases for individual carriers to keypunch this information for their own computer use. By smoothing out work and paper flow within the area bank, we are informed that part-time, inexperienced help, necessary today to cover peak periods, will be replaced by full-time employees. This should be of an indirect benefit to all air line participants in the plan.

[2] Docket 21582.

[3] Dockets 21642, 23871.

[4] Docket 21683.

[4] Alternatively, the carrier sought an exemption which would permit the operation of Saipan-Japan service pendente lite. The exemption application is discussed in the text, infra.

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a motion for expedited hearing on its application. Continental has filed an answer in support of that motion.[5] In support of their motions for expedited hearing the carriers note the fact that Japan Air Lines currently holds authority which would permit the operation of Saipan-Japan service and they argue that an expedited hearing should be held so as to enable the U.S. carrier selected, if any, to have equivalent authority. In the words of Pan American, "the United States should do all possible to have a U.S. carrier be the first to serve Japan-Saipan."

Upon consideration of the foregoing pleadings and the relevant facts, we have decided to institute an investigation to be set down for hearing at an early date for the primary purpose of considering the need for U.S.-flag service between points in Japan, on the one hand, and Saipan, on the other hand.[6] Although we do not intend to embark on a reexamination of matters considered in the recently concluded "Transpacific Route Investigation," Docket 16242, and the "Pacific Islands Local Service Investigation," Docket 17353, it appears that there may be a need to consider herein the award of authority between Saipan and points in the Western Pacific (other than Japan) which are already on the system of a carrier which might be selected. Authorization of such beyond operations would permit the carrier selected to propose a pattern of service to Saipan integrated with its system operations. Specifically, we will consider Pan American's request for authority to operate beyond Saipan to Guam, and in considering that authorization we will also consider whether the public convenience and necessity require the award of either local traffic rights in the Guam-Saipan market or stopover rights at Saipan for Guam-Japan traffic.[7] In order to maintain the proceeding's focus on the Japan-Saipan market, Pan American's application will be subject to a pretrial restriction requiring every flight serving Saipan to serve a point in Japan.

Specifically, we will consider herein:

(1) Whether Pan American's certificate for route 130 should be amended so as to include Saipan as an intermediate point on segment 1(b) between Guam and Japan;

(2) Whether Continental's certificate for route 171 and/or Air Micronesia's certificate for route 170 should be amended by the addition of a new segment reading as follows:

Between the terminal point Saipan, Mariana Islands, Trust Territory of the Pacific Islands, and intermediate points and a terminal point in Japan;

(3) Whether Northwest's certificate for route 129 should be amended by the addition of a segment reading as follows:

Between the terminal point Saipan, Mariana Islands, Trust Territory of the Pacific Islands, and intermediate points and a terminal point in Japan;.

To the extent that the applications filed by Pan American, Continental, Air Micronesia, and Northwest conform to the scope of the proceeding here instituted, they will be consolidated for hearing herein.

In addition to their applications for certificate amendments, both Pan American and Continental have filed applications for exemptions which would permit the operation of Saipan-Japan service pending the completion of certificate proceedings. In support of these applications, both carriers urge that grant of the exemption authority will be of substantial benefit to the economy of the Trust Territory; will provide valuable service for the traveling public; and will benefit the U.S. economy by providing U.S.-flag competition to the service of Japan Air Lines. Finally, each carrier argues that it alone is the logical choice for selection.

Both Continental and Pan American have filed answers in opposition to the exemption application of the other, directed in each case primarily to the comparative merits of one another's case for selection as the Saipan-Japan carrier. Northwest has filed an answer to both carriers in which it urges the Board to deny the exemption applications and to institute a proceeding to consider the certification of a U.S. carrier in the Japan-Saipan market. Trans World Airlines, Inc., has filed an answer in opposition to Continental's exemption application. Its arguments are largely directed to support of its position that Continental should not receive Saipan-Japan authority in any event, whether by exemption or certificate. TWA takes no position on Pan American's application. Finally, both Continental and Pan American have filed replies to the answers.

In our view, the arguments advanced by Pan American and Continental in support of their applications for exemption fall short of establishing that an exemption should be granted, particularly in circumstances where there are competing applicants for the same authority. Even if all of the assertions of either carrier are accepted as true, they amount to no more than strong support for the grant of the carriers' respective certificate applications; they do not persuade us of the desirability for the grant of an exemption to either carrier pending disposition of those applications. In the circumstances, we are unable to find that enforcement of the Act would not be in the public interest.

Accordingly, it is ordered, That:

1. A proceeding to be known as the "Service to Saipan Case," be and it hereby is instituted in Docket 24421, and shall be set down for hearing before an examiner of the Board at a time and place hereafter designated.

2. The proceeding instituted by paragraph "1" above shall be limited to consideration of:

(a) Whether the public convenience and necessity require the authorization of a U.S. carrier or carriers to engage in foreign air transportation between Saipan, Mariana Islands, the Trust Territory of the Pacific Islands, on the one hand, and points in Japan, on the other hand;

(b) Whether Pan American's certificate for route 130 should be amended so as to include Saipan as an intermediate point on segment 1(b) between Guam and Japan: *Provided,* That every flight serving Saipan shall also serve a point in Japan;

(c) Whether Continental's certificate for route 171 should be amended by the addition of a new segment reading as follows: "Between the terminal point Saipan, Mariana Islands, Trust Territory of the Pacific Islands, and intermediate points and a terminal point in Japan";

(d) Whether Air Micronesia's certificate for route 170 should be amended by the addition of a new segment reading as follows: "Between the terminal point Saipan, Mariana Islands, Trust Territory of the Pacific Islands, and intermediate points and a terminal point in Japan";

(e) Whether Northwest's certificate for route 129 should be amended by the addition of a segment reading as follows: "Between the terminal point Saipan, Mariana Islands, Trust Territory of the Pacific Islands, and intermediate points and a terminal point in Japan";

3. Insofar as they conform to the scope of the proceeding set forth in paragraph "2" above, the applications of Pan American World Airways, Inc., Docket 21582, Continental Air Lines, Inc., Docket 21642, Air Micronesia, Inc., Docket 23871, and Northwest Airlines, Inc., Docket 21683, be and they hereby are consolidated with the proceeding instituted by paragraph "1" above; to the extent not consolidated herein, the foregoing applications be and they hereby are dismissed without prejudice;

4. The applications for exemption of Pan American World Airways, Inc., Docket 21646, and Continental Air Lines, Inc., Docket 21659, be and they hereby are denied;

5. The joint motion of Continental Air Lines, Inc. and Air Micronesia, Inc., to withhold from public disclosure the contents of their Supplemental Answer to Motion of Pan American World Airways, Inc. for expedited hearing, be and it hereby is denied;

6. To the extent not specifically granted herein all motions be and they hereby are denied; and

7. Applications, motions to consolidate, and petitions for reconsideration of this order shall be filed no later than 20 days after the date of service of this order, and answers to such pleadings shall be filed no later than 10 days thereafter.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6230 Filed 4-21-72;8:52 am]

[5] Continental also filed a supplemental answer together with a motion to withhold the contents thereof from public disclosure. The motion is based on the carrier's allegation that the supplemental answer "involves current foreign relations of the United States" and includes information which, if disclosed, might "have serious impact on sensitive areas of governmental concern * * *." Examination of Continental's supplemental answer, however, persuades us that the carrier's concerns are groundless. Accordingly, the motion will be denied.

[6] Although we will not grant the motions for expedited hearing as such, we expect the case to proceed as rapidly as possible with due regard for the development of a complete record.

[7] However, we do not intend to consider the award of new authority between Japan and any point other than Saipan.

[Docket No. 18610]

SOUTHERN AIRWAYS, INC.

Notice of Oral Argument Regarding Route Realignment Investigation (New Route Authority Phase)

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on May 10, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 17, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-6231 Filed 4-21-72;8:52 am]

[Docket No. 24259]

SUPERIOR AIRWAYS, LTD.

Notice of Postponement of Hearing

The application filed in this proceeding involves an area in Canada to and from which U.S. air carrier operations are restricted by order of the Canadian Transport Commission.[1] On April 27, 1971, the Board issued an order to show cause (Order 71-4-170) proposing to amend the foreign air carrier permits of five Canadian operators so as to restrict the operations of these carriers in a manner similar to that of the U.S. carriers. In addition, there are several U.S. carriers that have applications pending before the Canadian Transport Commission requesting elimination of the foregoing service restriction.

Bureau Counsel has recommended that all procedural steps subsequent to the prehearing conference be deferred pending further action by the Board and the Canadian authorities on this matter.

Under these circumstances the hearing in this matter is postponed until further notice. (See previous notice 37 F.R. 5675, March 17, 1972.)

Dated at Washington, D.C., April 18, 1972.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.72-6232 Filed 4-21-72;8:52 am]

[1] The operational limitation applies within the area of Northwestern Ontario west of a line drawn due north from Blind River, Ontario (46°11' latitude, 82°58' W. longitude) and extending to the border between Ontario and Manitoba. The operations of U.S. carriers to resort and lake areas in Northwestern Ontario are effectively prohibited since they are limited to two stops on each flight, one being a Customs Port of Entry, the other being a licensed base of a Canadian charter commercial air carrier.

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, April 10–April 14, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803

FOREST SERVICE

Draft, April 13

Aerial Tramway, Port of Cascade Locks, Oreg. Proposed construction of a tramway to a point of land above the Columbia River with a view of the "Great Gorge of the Columbia." Topping and removal of trees will be necessary; the introduction of visitors by a mechanical means to a point of land now seldom visited will affect the ecosystem of the area. (ELR Order No. 4140, 53 pages) (NTIS Order No. PB–207 419–D)

RURAL ELECTRIFICATION ADMINISTRATION

Draft, April 6

New Madrid Station Unit 2, New Madrid County, Mo. Proposed loan of $72,180,000 to Associated Electric Cooperative, Inc., in order to help finance a 600,000 kw. coal-fired steam-electric generating unit. Thermal discharge to the Mississippi River will be 2620×10^6 B.t.u./hr. at full load. (ELR Order No. 4166, 273 pages) (NTIS Order No. PB–208 179–D)

SOIL CONSERVATION SERVICE

Draft, March 30

Oliver Bottoms Resource Conservation and Development Project, Sebastian County, Ark. Proposed installation of 1.4 miles of channel improvement and appurtenant pipe overfall structures for grade stabilization and erosion control on a 521-acre watershed. (ELR Order No. 4154, 8 pages) (NTIS Order No. PB–208 044–D)

Draft, April 7

Eagle-Tumbleweed Draw Watershed Project, Chaves and Eddy Counties, N. Mex. Proposed watershed and flood control structures, including a floodwater retarding structure, two diversions and an outlet channel. Approximately 1,229 acres of rangeland would be committed to the project. (ELR Order No. 4177, 17 pages) (NTIS Order No. PB–208 176–D)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 202—973-5391. For regulatory matters: Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, 202—973-7531.

Draft, March 23.

Surry Power Station Units 1 and 2, Surry County, Va. Proposed issuance of an operating permit to the Virginia Electric & Power Co. for the operation of Surry Units 1 and 2. Each unit has a pressurized-water reactor with a power output of 2,441 MWT which will produce 822.5 MWE. Gross capacities, however, are expected to be 2,546 MWT and 855 MWE each. Waste heat of 12 billion B.t.u./hr. will be dissipated by pumping cooling water from the James River through the station's steam condensers and back into the river. Water from the James will be heated 14° F./gal.; the discharge will be made 5.7 miles upstream from intake in order to minimize thermal effects upon nearby oyster seed beds; fish and plankton will be lost at intake; minor quantities of chemical waste will be discharged to the James; negligible quantities of radioactive gaseous and liquid effluents will be released. (ELR Order No. 4141, 209 pages) NTIS Order No. PB–208 049–D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sydney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Washington, D.C. 20230, 202—967-4335.

Draft, April 1

Expo 74, Spokane County, Wash. The project is a proposed international exposition, the theme of which is "How Man Can Live, Work and Play in Harmony With His Environment." The effects of the Expo's structures on noise, air, and water quality and waste disposal are discussed. (ELR Order No. 4131, 126 pages) (NTIS Order No. PB–208 048–D)

DEPARTMENT OF DEFENSE

DEPARTMENT OF AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202 OX 5–2889.

Draft, March 28

Eglin Air Force Base, Fla. Proposed outleasing of land to the Gulf Power Co. in order to install new 230,000 volt power transmission lines which would back up the existing power net. Approximately 812 acres of land would be required; certain weather conditions would introduce ozone into the atmosphere; some vegetation will be lost. (ELR Order No. 4111, 20 pages) (NTIS Order No. PB–207 922–D)

Draft, April 5

Keesler Air Force Base, Miss. Proposed extension of the runway from 5,000 feet to 6,000 feet, in order to accommodate flights by C–9 aircraft. (ELR Order No. 4184, 15 pages) (NTIS Order No. PB–208 193–D)

DEPARTMENT OF ARMY

Contact: George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202 OX 4–4269.

Final, March 27

Western Medical Institute of Research, Presidio of San Francisco, Calif. Proposed construction of research facilities for Phase II of the Institute's three-phase construction project. Comments made by EPA, HUD, DOI, and local agencies.

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(ELR Order No. 4054, 80 pages) (NTIS Order No. PB–199 312–F)

DEPARTMENT OF ARMY

Corps of Engineers

Contact: Col. William L. Barnes, Executive Director, Attention: DAEN–CWZ–C, Office of Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7163.

Draft, March 29

Wicomico River, Salisbury, Md. Proposed filling of South Prong of the river with dredge spoil from the North Prong. Hydraulic ecosystems would be disturbed by the dredge and fill operation. (ELR Order No. 4133, 8 pages) (NTIS Order No. PB–207 905–D)

Draft, April 3

Ediz Hook Beach Erosion Control, Clallam County, Wash. Proposed rock revetment and beach nourishment of 10,000 feet of the seaward shore of Ediz Hook. Material from the revetment would come from existing quarries; beach material from a source near Port Angeles. The purpose of the project is to provide protection for Port Angeles Harbor. (ELR Order No. 4155, 56 pages) (NTIS Order No. PB–208 046–D)

Draft, April 7

Yazoo Basin, Delta Area, Miss. Proposed construction of a pilot study program of bank stabilization works to be considered include vegetation, Gobi-block matting, transverse stone dikes, stone dike tool protection, articulated concrete mats, and other appropriate works. The estimated costs of the project is $9,500,000. Temporary disturbance and damage to streambanks and vegetation will occur. (ELR Order No. 4174, 59 pages) (NTIS Order No. PB–208 189–D)

Draft, April 6

Oil and gas exploration, Louisiana. Determination of permissibility for a permit to explore for oil or gas or develop production of such resources or other mineral resources in navigable waterways of the Gulf of Mexico. State-owned water bottoms on the Gulf and directly connected thereto are included; inland waterways and those not directly connected to the Gulf are not included; land areas, nonnavigable waterways, and privately owned waterways are not included. Granting of such permits would create obstructions to navigation and fishing; temporary turbidity; altered salinity and circulation of marsh areas; possible significant damage to ecosystems as a result of exploration, dredging and disposal, spillage and leakage of petroleum and gas, and burning of wastes and gases. (ELR Order No. 4175, 81 pages) (NTIS Order No. PB–208 188–D)

Draft, April 7

Lytle and Warm Creeks, San Bernardino County, Calif. Proposed construction of concrete channel structures, levees, a bypass weir, etc., on Lytle and Warm Creeks in the Santa Ana River. Loss of natural stream-bed areas would result. (ELR Order No. 4181, 57 pages) (NTIS Order No. PB–208 194–D)

Draft, April 11

Russian River Basin, Sonoma and Mendocino Counties, Calif. Proposed construction of riprap, flexible fence, and jacklines at seven sites on the Russian River. The purposes of the action are channel improvement and bank stabilization. Riparian habitat, and Indian and Russian fur trader archeological sites will be lost; the river's potential inclusion in the National Wild and Scenic Rivers System will be affected. (ELR Order No. 4183, 35 pages) (NTIS Order No. PB–208 177–D)

DEPARTMENT OF THE NAVY

Contact: Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of Navy, Washington, D.C. 20350, 202—697–0892.

Draft, April 4

Naval Ammunition Depot, Oahu, Hawaii. Proposed acquisition of fee title to approximately 1,177 acres of land adjacent to the West Lock Branch of the Naval Ammunition Depot. The purpose of the action is to prevent development of land now within the explosive safety zone. (ELR Order No. 4132, 53 pages) (NTIS Order No. PB–207 911–D)

Draft, April 10

Naval Submarine Base, New London, Conn. Proposed dredging in order to deepen and widen 7.5 miles of existing navigation channel on the Thames River and Long Island Sound. Temporary turbidity will affect marine ecosystems at the site of dredging and that of disposal. (ELR Order No. 4176, 13 pages) (NTIS Order No. PB–208 175–D)

FEDERAL POWER COMMISSION

Contact: Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386–6084.

Draft, April 3

Project No. 2545, Spokane, Stevens, and Lincoln Counties, Wash. Proposed approval of a relicensing application by the Washington Water Power Co. for its Spokane River Project No. 2545. The project consists of four developments with a combined generating capacity of 99,200 kw. It is also proposed that one of the developments, the Monroe Street Plant, be reconstructed. (ELR Order No. 4118, 13 pages) (NTIS Order No. PB–207 913–D)

Draft, April 4

Brainerd Hydroelectric Project, Crow Wing County, Minn. Proposed approval of an application for a permit by the Northwest Paper Co. to continue operation of the hydroelectric plant and dam. (ELR Order No. 4126, 26 pages) (NTIS Order No. PB–207 897–D)

Draft, March 31

Lacassine Project, Cameron Parish, La. Proposed construction of 22.1 miles of 30-inch pipeline by Michigan Wisconsin Pipeline Co., from Block 71 to its compressor station near Lake Arthur. (ELR Order No. 4130, 24 pages) (NTIS Order No. PB–207 926–D)

Final, April 6

Project No. 2030, Portland, Oreg. Proposed approval of an amendment to the license held by the Portland General Electric Co. for Project No. 2030, to enable the company to construct, maintain, and operate a fish hatchery at its Round Butte Powerhouse. The hatchery would return 1,800 steelhead trout and 1,200 chinook salmon to the area annually. (ELR Order No. 4164, 19 pages) (NTIS Order No. PB–199 877–F)

Final, March 9

Liquified Natural Gas (LNG), Everett, Mass., and Staten Island, N.Y. Proposed construction by Distrigas Corp. of docking areas and terminal facilities for imported LNG. Dredging operations at the two sites will affect marine ecosystems. Comments made by USDA, Army COE, EPA, DOI, State and local agencies. (ELR Order No. 4180, 62 pages) (NTIS Order No. PB–208 178–F)

GENERAL SERVICES ADMINISTRATION

Contact: Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, 202—343–6077.

Alternate contact: Aaron Wolcshin Director, Office of Environmental Affairs, GSA–AD, Washington, D.C. 20405, 202—343–4161.

Draft, April 6

Parcel A–2, Sewage Disposal Area, Pleasantown, Calif. Proposed use of the area by the Valley Community Services District for holding treated effluent from its sewage treatment plant. Vehicular traffic will increase at the site; breeding of mosquitoes may result. (ELR Order No. 4168, 12 pages) (NTIS Order No. PB–208 184–D)

Final, April 10

Army Tank Automotive Plans, Cleveland, Ohio. Proposed disposal of the 60.17-acre plant for use by the city of Cleveland as a buffer zone adjacent to the Hopkins International Airport. Comments made by DOD, EPA, DOT. (ELR Order No. 4170, 14 pages) (NTIS Order No. PB–204 562–F)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Contact: Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, 202—755–6186.

Final, March 29

Water Treatment Facilities, Custer County, Okla. Proposed construction of 5 m.g.d. pretreatment and 3 m.g.d. demineralization water treatment facilities at Foss Reservoir, near Clinton. Cost of the facilities is estimated at $2,200,000. Waste water and dissolved solids from the plant would be discharged to the Washita River. Comments made by USDA, Army, DOC, EPA, FPC, DOI, State and local agencies. (ELR Order No. 4139, 76 pages) (NTIS Order No. PB–204 460–F)

DEPARTMENT OF INTERIOR

Contact: Office of Communications, Room 7214, Washington, D.C. 20240, 202—343–6416.

BUREAU OF LAND MANAGEMENT

Draft, March 31

Proposed 1972 Outer Continental Shelf Oil and Gas General Lease Sale Offshore Eastern Louisiana. Proposed sale of 78 tracts (366,440 acres) of OSC lands in late summer, 1972. All tracts offered pose some degree of pollution risk to the marine environment and/or adjacent shoreline. (ELR Order No. 4078, 266 pages) (NTIS Order No. PB–207 792–D)

BUREAU OF MINES

Draft, March 30

Strip Mined Area Reclamation and Recreation Center Development, Lackawanna County, Pa. Proposed reclamation of 125 acres of strip mined area by filling with spoils, grading and planting. The project is to be coordinated with one being conducted by the county to provide a recreation area/mining museum. (ELR Order No. 4077, 52 pages) (NTIS Order No. PB–207 777–D)

PACIFIC NORTHWEST RIVER BASINS COMMISSION

Contact: Mr. Rob Vining, Post Office Box 908, Vancouver, WA 68660, 206—695–3606.

Draft, March 21

Willamette River Basin Comprehensive Water and Related Land Resource Study, Oregon. Proposed comprehensive development plan based upon estimated basin needs for a future 50-year period. Structural developments would include 52 reservoirs, several major and minor channel works for flood control and irrigation works, etc. (ELR Order No. 4084, 27 pages) (NTIS Order No. PB–207 920–D)

DEPARTMENT OF TRANSPORTATION

Contact: Martin Convisser, Director, Office of Program Co-ordination, 400 Seventh Street SW., Washington, DC 20590, 202—462–4357.

FEDERAL AVIATION AGENCY

Draft, March 31

Polk County, Minn. Request for Federal financial assistance to construct a new runway (75 feet by 3,500 feet), taxiway, install lighting, etc. (ELR Order No. 4116, 25 pages) (NTIS Order No. PB–207 909–D)

Litchfield Municipal Airport, Montgomery County, Ill. Proposed extension of runway, taxiway, and apron, installation of lighting, etc. (ELR Order No. 4127, 24 pages) (NTIS Order No. PB–207 916–D)

Draft, April 7

Aitkin Airport, Aitkin County, Minn. Proposed surfacing of runway (3,500 feet by 75 feet), construction of a taxiway and terminal, and installation of lighting and navigational aids. The crossing of Sissabagamah Creek would be necessary; 15 acres of public land would be taken by the project. (ELR Order No. 4157, 41 pages) (NTIS Order No. PB–208 054–D)

Town of Paris, Edgar County, Ill. Proposed acquisition of land and construction of an E/W runway (75 feet by 3,900 feet), taxiway, apron, access road, terminal, etc. An unspecified amount of land would be taken by the project; local air, noise and water pollution would increase accordingly. (ERL Order No. 4160, 44 pages) (NTIS Order No. PB–208 042–D)

Warroad Municipal Airport, Roseau County, Minn. Proposed surfacing of a 75 feet by 3,500 feet NW/SE runway, construction of a taxiway, apron, etc. (ELR Order No. 4167, 11 pages) (NTIS Order No. PB–208 185–D)

Winnsboro Airport, Fairfield County, S.C. Proposed construction of a basic utility airport adequate for propeller driven aircraft of less than 12,500 lbs. Nineteen acres would be lost to the action. (ELR Order No. 4169, 33 pages) (NTIS Order No. PB–208 190–D)

Cleveland Airport, Cuyahoga County, Ohio. Proposed acquisition of 44.532 acres at the northeast corner of the airport; construction of a Crash/Fire/Rescue and Maintenance Building, taxiway, and electrical vault and clearance of 40.2 wooded acres. Nineteen families would be displaced by the action. (ELR Order No. 4171, 12 pages) (NTIS Order No. PB–208 191–D)

Draft, April 10

Jackson Municipal Airport, Jackson, Miss. Proposed extension of a runway from 6,600 feet to 8,500 feet. (ELR Order No. 4173, 19 pages) (NTIS Order No. PB–208 192–D)

Final, April 3

Pocatello Airport, Power County, Idaho. Proposed extension of runway from 8,248 feet by 150 feet to 9,037 feet by 150 feet, construction of taxiways, installation of lighting, etc. Comments made by USDA, EPA, HUD, DOI, and State agencies. (ELR Order No. 4136, 38 pages) (NTIS Order No. PB–204 958–F)

Stapleton International Airport, Denver, Colo. Proposed construction of a new N/S runway (200 feet by 12,000 feet) with connecting taxiways. The relocation of 64th Avenue and the Rocky Mountain Arsenal railroad spur would be necessary; air and noise pollution would increase. Comments made by USDA, Army COE, EPA, HUD, DOI, State and local agencies. (ELR Order No. 4137, 96 pages) (NTIS Order No. PB–204 557–F)

I–94, Morton County, N. Dak. Proposed construction of an interchange on I–94 at the site of the Collins Avenue Separation in the city of Mandan. Three residences and one business would be displaced by the action. (ELR Order No. 4113, 19 pages) (NTIS Order No. PB–207 923–D)

Draft, March 29

Project EBU–183, U.S. 45, Cook County, Ill. Reconstruction of 4.5 miles of U.S. 45. Three residences and six businesses would be displaced by the action. (ELR Order No. 4115, 51 pages) (NTIS Order No. PB–207 910–D)

Draft, April 3

Project I–55–6(80), Will County, Ill. Proposed construction of a combined Safety Rest Area—District State Police Headquarters on I–55. A 4(f) statement is required as land would be taken from Des Plaines Conservation Area. (ELR Order No. 4120, 51 pages) (NTIS Order No. PB–207 931–D)

Project F–10–7( ), Washtenaw and Wayne Counties, Mich. Proposed construction of 12.3 miles of new Interstate quality highway along routes M–14 and I–96. Approximately 195 parcels of land, including wetlands and agricultural areas, would be lost to the action; an unspecified number of homes would be lost; a portion of the Middle Rouge River would be channeled; a 4(f) statement will be required as parkland would be taken. (ELR Order No. 4121, 52 pages) (NTIS Order No. PB–207 930–D)

Project I–275–7(1)21, Wayne County, Mich. Proposed construction of 6.5 miles of I–275, a six-lane controlled access highway. An unspecified number of residences and amount of land would be lost to the action; a 4(f) statement is required as parkland would be taken. A high local water table makes the disruption of groundwater systems probable. (ELR Order No. 4122, 37 pages) (NTIS Order No. PB–207 929–D)

Draft, April 4

U.S. 221, Ashe County, N.C. Proposed reconstruction of 7.7 miles of U.S. 221, and addition of a curb and gutter. Thirty-three families and one business would be displaced; the possibility of siltation of the New River will exist. (ELR Order No. 4123, 36 pages) (NTIS Order No. PB–207 928–D)

Final, April 10

Park Falls Municipal Airport, Price County, Wis. Proposed land acquisition and construction of a 75 feet by 3,200 feet N/S runway, a connecting taxiway, an apron; low intensity lighting, marking, etc. Air and water quality standards will be affected. Comments made by USDA, Army COE, EPA, HEW, DOI, DOT, State and local agencies. (ELR Order No. 4187, 38 pages) (NTIS Order No. PB–204 025–F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, March 23

Project SU–7240(100)C, Tulsa County, Okla. Proposed reconstruction of 3.5 miles of Avery Drive from two to four lanes. A 4(f) statement will be required as right-of-way would be taken from Chandler Park. (ELR Order No. 4082, 30 pages) (NTIS Order No. PB–207 773–D)

Draft, March 28

Project US–1169(3), Cuyahoga County, Ohio. Proposed reconstruction of 2.86 miles of S.R. 252. Six residences would be displaced by the action. (ELR Order No. 4085, 13 pages) (NTIS Order No. PB–207 899–D)

Draft, March 31

S–1078(10), Tehana County, Calif. Proposed construction of a replacement bridge over the Sacramento River, on F.A.S. 1078. Total project length is 0.45 mile, including approaches. A 4(f) statement would be required as land from adjacent county and State parks would be taken. (ELR Order No. 4086, 23 pages) (NTIS Order No. PB–207 918–D)

Project 9.8122812, Catawba County, N.C. Proposed construction of 2.1 miles of new highway between the N.C. 10–16—S.R. 1880 intersection and S.R. 1739. Fourteen residences and 35 acres would be taken by the right-of-way. The possibility of siltation in nearby streams will occur. (ELR Order No. 4089, 20 pages) (NTIS Order No. PB–207 906–D)

Draft, April 3

Projects F–673( ) and F–297–( ), Hardin County, Ohio. Proposed construction of a four-lane, 8.16 mile-long bypass which would remove routes U.S. 30S, U.S. 68, and S.R. 31 from the city of Kenton. Loss of an unspecified amount of farm land will result. (ELR Order No. 4128, 24 pages) (NTIS Order No. PB–207 917–D)

Project S–1262(6), Miami County, Ohio. Proposed widening of County Road 25A from two to four lanes, and construction of several bridges. An unspecified amount of land would be lost to the project. (ELR Order No. 4129, 20 pages) (NTIS Order No. PB–207 927–D)

Project ER–1642(1), Cuyahoga County, Ohio. Proposed replacement of a major bridge over the Cuyahoga River. Total project length, including approaches is 0.8 mile. An unspecified amount of industrial land would be taken by the project. (ELR Order No. 4134, 11 pages) (NTIS Order No. PB–207 904–D)

Draft, April 4

Project F–024–3( ), Putnam County, Tenn. Proposed construction of 5 miles of S.R. 42. Two streams will be crossed by the project; from 10 to 41 residences will be displaced depending upon which of several alternate routes is chosen. (ELR Order No. 4142, 17 pages) (NTIS Order No. PB–208 051–D)

Project I–280–2(2), Wood County, Ohio. Proposed reconstruction of 6.6 miles of four-lane I–280 to the latest interstate standards. Four families, four businesses, and an unspecified amount of land will be lost to the project. (ELR Order No. 4143, 17 pages) (NTIS Order No. PB–208 050–D)

Draft, April 5

Project No. S–120, Washington County, Iowa. Proposed reconstruction of F.A.S. Routes 595 and 2967 for a total length of

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6 miles. A 4(f) statement would be required as some of the land needed is owned by the Iowa State Conservation Commission. (ELR Order No. 4144, 7 pages) (NTIS Order No. PB-208 047-D)

Draft, April 11

Loop 499, Cameron County, Tex. Proposed construction of highway Loop 499, which would total 6.8 miles in length. Thirteen families and four businesses would be displaced by the action. (ELR Order No. 4182, 21 pages) (NTIS Order No. PB-208 187-D)

Final, April 4

Park Road 100, Cameron County, Tex. Proposed construction of 11.7 miles of two-lane highway on a 200-foot right-of-way. The highway would introduce people and vehicles to a totally undeveloped seashore area, and to Padre Island. Damage to existing protective sand dunes would occur; rapid development of the area is expected to result from the project. Comments made by Army COE, EPA, and State agencies. (ELR Order No. 4119, 19 pages) (NTIS Order No. PB-203 480-F)

Project I-65—3(54), Limestone County, Ala. Proposed construction of a rest area on I-65. The project would include parking, water, picnic, sanitary, and tourist information facilities. Comments made by USDA, AEC, Army COE, HUD, DOI, TVA, DOT, State and local agencies. (ELR Order No. 4124, 43 pages) (NTIS Order No. PB-207 900-F)

Trunk Highways 12, 23, and 71, Kandiyohi County, Minn. Proposed rerouting of the three highways to a southwesterly bypass of the city of Willman. The total project length is 10 miles. One farmstead, one residence, one church, and an unspecified amount of land will be lost to the project. Comments made by EPA, Army COE, HEW, HUD, DOI, OEO, and DOT. (ELR Order No. 4125, 38 pages) (NTIS Order No. PB-204 029-F)

Project I-80-2(41), Cheyenne County, Nebr. Proposed construction of 3 miles of I-80 and 5.4 miles of N-19. One business and an unspecified amount of land would be lost to the action. Comments made by USDA, Army COE, EPA, HUD, and DOI. (ELR Order No. 4132, 29 pages) (NTIS Order No. PB-201 237-F)

Final, March 31

F.A.S. Route 414, Kenai Peninsula Borough, Alaska. Proposed construction of 9.8 miles of F.A.S. Route 414. An unspecified number of residences and amount of land will be lost to the project. Comments made by USDA, HUD, DOI, DOT, State and local agencies, and concerned citizens. (ELR Order No. 4145, 44 pages) (NTIS Order No. PB-208 040-F)

Project SP-0056-1(4) Winston County, Miss. Proposed construction of 5.5 miles of Mississippi Highway 25, a two-lane highway with right-of-way for ultimate construction of a four-lane facility. An unspecified amount of land will be lost to the project. Comments made by USDA, Army COE, DOC, and State agencies. (ELR Order No. 4146, 13 pages) (NTIS Order No. PB-199 627-F)

Project F-024-2( ), S.R. 80, Palm Beach County, Fla. Proposed construction of S.R. 80 along a corridor between S.R. 15 and S.R. 700. An unspecified amount of land would be lost to the project. Comments made by USDA, Army COE, USCG, DOC, EPA, DOI, DOT, State and local agencies. (ELR Order No. 4147, 44 pages) (NTIS Order No. PB-202 644-F)

Project F-039-1( ), McMinn County, *Tenn.* Proposed construction of 7 miles of S.R. 30. Six residences would be displaced by the project; several small streams would be crossed. Comments made by USDA, FAA, TVA, State and local agencies. (ELR Order No. 4148, 44 pages) (NTIS Order No. PB-208 053-F)

Project S-6690(1), St. Louis County, Minn. Proposed reconstruction of two-lane County-State Aid Highway 13, for a total length of 4.2 miles. One residence, several garages, and 20 acres will be lost to the project. Comments made by USDA, EPA, HUD, and DOI. (ELR Order No. 4149, 26 pages) (NTIS Order No. PB-204 966-F)

U.S. 65, Polk County, Iowa. Proposed reconstruction of 3 miles of U.S. 65. Approximately 1,200 feet of creek channel change will be required. Comments made by USDA, EPA, DOI, State and local agencies. (ELR Order No. 4150, 19 pages) (NTIS Order No. PB-203 611-F)

I-95, Philadelphia County, Pa. Proposed construction of five sections of I-95, totaling 2.15 miles in length. It is a fully controlled limited access highway, varying in width from six to 10 lanes. An unspecified number of individuals and buildings would be displaced by the action. Comments made by USDA, EPA, HUD, and State agencies. (ELR Order No. 4151, 78 pages) (NTIS Order No. PB-208 052-F)

Project F-918-1(13), Worcester County, Md. Proposed construction of 1.6 miles of new highway and 0.8 mile of existing highway on U.S. 113. Five residences would be displaced by the action. Comments made by USDA, EPA, HUD, State and local agencies. (ELR Order No. 4152, 41 pages) (NTIS Order No. PB-201 502-F)

U.S. COAST GUARD

Contact: D. B. Charter, Jr., Commander, U.S. Coast Guard, Chief, Environmental Coordination Branch, 400 Seventh Street SW., Washington, DC 20591, 202—426-9573.

Draft, April 7

Baltimore Harbor Outer Crossing, Baltimore County, Md. Proposed approval of plans for a high level fixed bridge across the Patapsco River from Hawkins Point, Baltimore City to Sollers Point, Baltimore County. Approximately 80,000 cu. yd. of material would be dredged from the river and disposed in upland containment area. Land would be taken from two public parks—Fort Armistead and Baltimore County Park. (ELR Order No. 4156, 67 pages) (NTIS Order No. PB-208 039-D)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-6160 Filed 4-21-72;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 2F1253) has been filed by Union Carbide Corp., Tarrytown, N.Y. 10591, proposing establishment of an exemption from the requirement of a tolerance (40 CFR Part 180) for residues of α-hydro-*omega*-hydroxypoly(oxyethylene) with a molecular weight of 100,000 or more when used as an inert carrier in pesticide formulations applied to growing crops.

The analytical method proposed in the petition for determining residues of the inert carrier is a turbidimetric procedure with spectrophotometric measurement at 430 nanometers.

Dated: April 18, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator, for Pesticides Programs.

[FR Doc.72-6162 Filed 4-21-72;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 592]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 17, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

7123-C2-P-(2)-72—Miami Valley Radiotelephone (New), for a new two-way station to be located at 5091 Mosiman Road, near Middletown, Ohio, to operate on 454.075 and 454.275 MHz.

7124-C2-MP-72—American Mobile Radio, Inc. (KSV979), replace transmitter operating on 152.24 MHz, located at 2389 Raymond Avenue, Lot No. 15, Signal Hill Tract, Long Beach, CA.

7125-C2-P-(2)-72—Radio Paging, Inc. (KLF613), for additional facilities to operate on 454.075 and 454.175 MHz, located at 1010 Travis Street, The Tennessee Building, Houston, TX.

7126-C2-P-72—Airsignal International, Inc. (KIF653), replace transmitter and relocate facilities operating on 35.220 MHz to the First National Bank Building, 165 Madison, Memphis, TN.

7169-C2-P-72—Page Two, Inc. (New), for a new two-way station to be located at 236 South Academy, Galesburg, IL, to operate on 152.18 MHz and (20) dispatch station pursuant to section 21.519(a) of the rules.

7166-C2-P-72—The Allied Cos., Inc. (KAL873), for additional facilities to operate on 454.225, 454.250, and 454.350 MHz at a new site described as location No. 2: 4137 Lower Silver Lake Road, Topeka, KS.

7166-C2-P-72—Morrison Radio Relay Corp. (KKJ460), relocate facilities operating on 35.22 MHz at location No. 3 to: 600 East Lamar Street, Arlington, TX.

7167-C2-P-(2)-72—R & L Radio (KPL910), replace the repeater transmitter operating on 459.200 MHz at location No. 1: On Highway No. 13, 4.25 miles south of Clinton, Mo., and the control transmitter operating on 454.20 MHz at location No. 2: 137 South Washington Street, Clinton, MO.

7248-C2-P-72—Southwestern Bell Telephone Co. (KAA819), replace auxiliary test transmitter operating on 157.77, 157.80, 157.89, 158.01, and 158.04 MHz, located at 6213 Holmes Street, Kansas City, MO.

7244-C2-P-72—Ratel Communications Co. (KQZ799), for additional facilities to operate on 158.70 MHz, located at 813 Eighth Street, Wichita Falls, TX.

7245-C2-P-72—Southern Bell Telephone & Telegraph Co. (New), for a new two-way station to be located at 1525 Southwest Avenue E. Belle Glade, FL, to operate on 152.75 MHz.

7247-C2-P-(6)-72—Uintah Basin Telephone Association, Inc. (New), for a new two-way station to operate on 152.66 and 152.81 MHz base and 72.12 and 72.04 MHz repeater at location No. 1: 13 miles north-northwest of Altamont, Utah, at location No. 2: 1 mile east of Neola on Highway No. 121, Neola, Utah, to operate on 75.900 and 75.960 MHz for control facilities.

7246-C2-P-72—Myrtle Beach Communications (KRM944), replace transmitter operating on 152.24 MHz, located at 0.75 mile west of intersection of U.S. Highway No. 17 and 29th Avenue, (29th Avenue Extension), Myrtle Beach, SC.

7249-C2-P-72—Massachusetts-Connecticut Mobile Telephone Co. (New), for a new two-way station to be located at Horse Mountain, Northampton, Mass., to operate on 454.05 MHz.

7250-C2-P-(2)-72—Massachusetts-Connecticut Mobile Telephone Co. (KOC479), for additional facilities to operate on 454.275 and 454.925 MHz located at West Rock Ridge, 3.75 miles northwest of New Haven, Conn.

7251-C2-P-(3)-72—Radio Electronics Products Corp. (KMD687), for additional facilities to operate on 75.62 MHz control at location No. 2: 310 Lake Boulevard, Redding, CA, add 152.06 MHz base and 72.420 MHz repeater at location No. 3: Sugarloaf Lookout, 2.3 miles southwest of Delta, Calif.

5119-C2-P-72—A-Bie Answering Service (KFL907), renewal of license expiring April 1, 1972. Term: April 1, 1972 to April 1, 1974.

POINT-TO-POINT MICROWAVE RADIO SERVICE

7128-C1-AP/AL-(8)-72—Microwave Service Co. Consent to assignment of Frank K. Spain doing business as Microwave Service Co. assignor to Microwave Service Co. of Florida, Inc., assignee. Station: KIU45 Newberg, Ala., WAD22 Olive Branch, Miss.; KUV90 Ashland, Miss.; KLN74 Keowrville, Miss.; KLH80 Tupelo, Miss.; KLV82 Okolona, Miss.; KUV91 West Point, Miss., and WAD21 Memphis, Tenn.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

7129-C1-P-72—Range Telephone Cooperative, Inc. (New), 16 miles east of Ashland, Mont. Latitude 45°36'16" N. longitude 106°58'13" W. C.P. for 11,245.00V MHz toward Ashland, Mont., via passive reflector on azimuth 265°12'. From passive reflector to Ashland, Mont., on azimuth 25°40'.

7130-C1-P-72—Range Telephone Cooperative, Inc. (New), 225 feet from the intersection of Custer Street and Highway 212, Ashland, Mont. Latitude 45°35'23" N., longitude 106°15'52" W. C.P. for a new station on frequency 10,715.0V MHz toward Ashland, Mont., on azimuth 206°40'. From Ashland passive reflector to Home Creek Butte, Mont., on azimuth 84°56'.

7131-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS42), Berryessa Peak, 5.6 miles south-southwest of Brooks, Calif. Latitude 38°39'51" N, longitude 122°11'16" W. C.P. to add 4090H and change frequencies from V to H on 4010H, 3930H, 3850H, and 3770H MHz toward Clearlake Oaks, Calif.

7132-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS43), 14.7 miles northeast of Clearlake Oaks, Calif. Latitude 39°09'48" N., longitude 122°28'53" W. C.P. to add 4060H MHz and change polarization from V to H on frequencies 3970H, 3890H, 3810H, and 3730H MHz toward Berryessa Peak, Calif., and add 4050H and change polarization on frequencies from V to H to 3970H, 3890H, 3810H, and 3730H MHz toward Elk Creek, Calif.

7133-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS44), 5.5 miles south-southwest of Elk Creek, Calif. Latitude 39°30'57" N., longitude 122°33'42" W. C.P. to add 4090H MHz and change polarization on frequencies from V to H on 4010H, 3930H, 3850H, and 3770H MHz toward Clearlake Oaks, Calif., and add 4090V MHz toward Paskenta, Calif.

7134-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS46), 11 miles north of Paskenta, Calif. Latitude 40°02'45" N., longitude 122°34'13" W. C.P. to add 4060V MHz toward Elk Creek and Cottonwood, Calif.

7135-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS46), 7.5 miles East of Cottonwood, Calif. Latitude 40°22'19" N., longitude 122°08'29" W. C.P. to add 4090V MHz toward Paskenta and Bear Spring, Calif.

7136-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS51), Bear Spring, 6.6 miles northeast of Montgomery Creek, Calif. Latitude 40°54'23" N., longitude 121°49'39" W. C.P. to add 4050V MHz toward Cottonwood and Pondosa, Calif.

7137-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS52), 4 miles south-southwest of Pondosa, Calif. Latitude 41°08'30" N., longitude 121°42'30" W. C.P. to add 4090V MHz toward Bear Spring and Timber Mountain, Calif.

7138-C1-P-72—The Pacific Telephone & Telegraph Co. (KYS53), 4 miles southwest of Perez, Calif. Latitude 41°37'47" N., longitude 121°17'53" W. C.P. to add 4060V MHz toward Pondosa and Brady Butte, Calif.

7141-C1-ML-72—American Telephone & Telegraph Co. (KYJ90), 0.5 mile southwest of Faulknf, Md. Modification of license to change polarization on frequencies from V to H on 3980V and 4010V MHz toward Woodman, W. Va.

7142-C1-P-72—The Pacific Telephone & Telegraph Co. (KMB70), 140 New Montgomery Street, San Francisco, CA. Latitude 37°47'12" N., longitude 122°23'58" W. C.P. to add 11,465H MHz toward KOSM-TV, San Mateo, Calif.

7143-C1-P-72—The Pacific Telephone & Telegraph Co. (KMC67), East Bay Hills, 3750 Grizzly Peak Boulevard, Oakland, CA. Latitude 37°52'26" N., longitude 122°13'08" W. C.P. to add 4190V MHz toward KYEH-TV, San Jose, Calif.

(INFORMATIVE: Applicant, MCI Indiana-Ohio, Inc., is modifying its original proposal for specialized Common Carrier Radio Service between Cleveland, Ohio, and South Bend, Ind., and points in between, by filing the 11 new applications below. Of these new filings, eight will be replacing eight previously filed applications.

7154-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 19, Pyrmont, Ohio. C.P. for a new station, 1.6 miles south of Pyrmont, Ohio, at latitude 39°47'16" N., longitude 84°27'41" W. Frequencies 5974.8H MHz on azimuth 128°56' toward Waynesville, Ohio, 6974.8V MHz on azimuth 306°44' toward Lynn, Ind.

7155-C1-P-72—MCI Indiana-Ohio, Inc. (New), Site 20, Lynn, Ind. C.P. for a new station 8 miles northwest of Lynn, Ind., at latitude 40°02'00" N., longitude 84°58'27" W. Frequencies 6226.0V MHz on azimuth 126°27' toward Pyrmont, Ohio, 6197.2V MHz on azimuth 268°49' toward Mount Summit, Ind.

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POINT-TO-POINT MIRCOWAVE RADIO SYSTEM—continued

7156–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 21, Mount Summit, Ind. C.P. for a new station, 0.5 mile east of Mount Summit, Ind., at latitude 40°00'17'' N., longitude 85°22'53'' W. Frequencies 5945.2V MHz on azimuth 85°30' toward Lynn, Ind., 5974.8H MHz on azimuth 257°05' toward Pendleton, Ind., 3850.0H MHz on azimuth 358°42' toward Muncie, Ind., 3770.0V MHz on azimuth 294°11' toward Anderson, Ind., 5945.2H MHz on azimuth 323°14' toward Summitville, Ind.

7157–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 22, Pendleton, Ind. C.P. for a new station, 5 miles southeast of Pendleton, Ohio, at latitude 39°57'11'' N., longitude 85°-40'20'' W. Frequencies 6226.9H MHz on azimuth 76°54' toward Mount Summit, Ind., 6197.2H MHz on azimuth 252°48' toward McCordsville, Ind.

7158–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 23, McCordsville, Ind. C.P. for a new station, 1 mile west-southwest of McCordsville, Ind., at latitude 39°53'21'' N., longitude 85°56'20'' W. Frequencies 5945.2H MHz on azimuth 72°38' toward Pendleton, Ind., 11,385.0V and 11,305.0V MHz on azimuth 234°38' toward Indianapolis, Ind.

7159–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 27, Summitville, Ind. C.P. for a new station, 4.7 miles north-northwest of Summitville, Ind., at latitude 40°21'36'' N., longitude 85°43'44'' W. Frequencies 6197.2H MHz on azimuth 143°01' toward Mount Summit, Ind., 3770.0V MHz on azimuth 18°46' toward Marion, Ind., 3850.0H MHz on azimuth 292°27' toward Kokomo, Ind., 6226.9H MHz on azimuth 342°32' toward Rich Valley, Ind.

7160–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 30, Rich Valley, Ind. C.P. for a new station, 3.1 miles north of Rich Valley, Ind., at latitude 40°49'50'' N., longitude 85°-55'26'' W. Frequencies 5945.2V MHz on azimuth 162°24' toward Summitville, Ind., 3730.0V MHz on azimuth 66°58' toward Roanoke, Ind., 5974.8V MHz on azimuth 349°26' toward Mentone, Ind.

7161–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 31, Roanoke, Ind. C.P. for a new station, 2.8 miles northwest of Roanoke, Ind., at latitude 40°59'37'' N., longitude 85°24'52'' W. Frequencies 3770.0V MHz on azimuth 247°18' toward Rich Valley, Ind., 3850.0H MHz on azimuth 67°23' toward Fort Wayne, Ind.

7162–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 33, Mentone, Ind. C.P. for a new station, 2.8 miles northwest of Roanoke, Ind., at latitude 40°59'37'' N., longitude 85°24'52'' W. Frequencies 6226.9V MHz on azimuth 169°23' toward Rich Valley, Ind., 6197.2V MHz on azimuth 345°24' toward Wyatt, Ind.

7163–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 34, Wyatt, Ind. C.P. for a new station, 2.6 miles northeast of Wyatt, Ind., at latitude 41°33'12'' N., longitude 86°08'12'' W. Frequencies 5945.2V MHz on azimuth 165°19' toward Mentone, Ind., 10,735.0H and 11,135.0H MHz on azimuth 325°17' toward South Bend, Ind.

7164–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 36, Massillon, Ohio. C.P. for a new station, 3.5 miles west of Massillon, Ohio, at latitude 40°47'32'' N., longitude 81°35'10'' W. Frequencies 5974.8V MHz on azimuth 326°04' toward Medina, Ohio, 10,775.0V and 11,175.0V MHz on azimuth 88°08' toward Canton, Ohio.

7264–C1–P–72—American Telephone & Telegraph Co. (KCM82), 1.6 miles south of Littleton, Mass. Latitude 42°31'29'' N., longitude 71°27'49'' W. C.P. to add 3890V MHz toward West Andover, Maine.

7265–C1–P–72—American Telephone & Telegraph Co. (KSW25), 2.8 miles west of West Andover, Mass. Latitude 42°39'16'' N., longitude 71°13'12'' W. C.P. to add 3930V MHz toward Littleton, Maine.

7266–C1–P–72—American Telephone & Telegraph Co. (New), corner of Canal and Hampshire Streets, Lawrence, Mass. Latitude 42°42'18'' N., longitude 71°09'52'' W. C.P. for a new station on frequencies 3770H, 3850H, and 3930H MHz toward Lawrence, Maine, and 3730H, 3810H, and 3890H MHz toward West Andover, Maine.

7267–C1–P–72—American Telephone & Telegraph Co. (New), 1.2 miles south-southwest of North Pelham, N.H. Latitude 42°45'33'' N., longitude 71°21'58'' W. C.P. for a new station on frequencies 3770V and 3850V MHz toward Lawrence, Maine, and 3770H and 3850H MHz toward Ashburnham, Maine.

7268–C1–P–72—American Telephone & Telegraph Co. (KCD65), 3.5 miles northeast of Ashburnham, Mass. Latitude 42°40'27'' N., longitude 71°52'06'' W. C.P. to add 3730H and 3810H MHz toward North Pelham, N.H.

7269–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPB52), 70 South State Street, Salt Lake City, UT. C.P. to add 3750V MHz toward Camp Williams, Utah.

POINT-TO-POINT MIRCOWAVE RADIO SYSTEM—continued

7270–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPB53), 5 miles northwest of Lehi, Utah. Latitude 40°25'38'' N., longitude 111°56'12'' W. C.P. to add 3710V MHz toward Provo, Utah.

7271–C1–P–72—The Mountain States Telephone & Telegraph Co. (KPB54), 1210 West Center Street, Provo, UT. Latitude 40°14'03'' N., longitude 111°40'41'' W. C.P. to add 10,735V MHz toward Station KBYU Brigham Young University Campus, Utah.

7272–C1–TC–72—Madison Valley Telephone Co. (WJK79), Big Sky, 30.5 miles southwest of Bozeman, Mont. Application for consent to transfer of control Universal Telephone, Inc., transferor to Continental Telephone Corp., transferee.

7273–C1–ML–72—American Telephone & Telegraph Co. (KTQ69), 2 miles east of Hope, N.J. Latitude 40°54'15'' N., longitude 74°55'55'' W. Modification of license to change polarization on frequencies from H to V for 6197.2V, 6375.2V, and 6424.5V and on frequencies from V to H are 6177.5H, 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Cherryville, N.J.

7274–C1–ML–72—American Telephone & Telegraph Co. (KEA77), 0.8 mile north of Cherryville, N.J. Latitude 40°34'18'' N., longitude 74°54'22'' W. Modification of license to change polarization from H to V on frequencies 5925.5V, 5974.8V, 6034.2V, 6093.5V, and 6152.6V and from V to H on frequencies 5945.2H, 6123.1H, and 6172.5H MHz toward Hope, N.J.

The following applicant proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

7242–C1–P–72—Golden Peso (New), 15 West Sixth Street, Tulsa, OK. Latitude 36°09'01'' N., longitude 95°59'25'' W. C.P. for a new station on frequencies 2152.325 (visual) and 2150.20 (aural) toward various receiving points of system and 2158.50 (visual) and 2154.00 (aural) toward various receiving points of system.

INFORMATIVE: It appears that the following applications may be mutually exclusive subject to the Commission's rules regarding ex parte presentations, reasons of potential electrical interference.

Oklahoma—Tulsa

Golden Peso (New), file No. 7242–C1–P–72.
United Video, Inc. (New), file No. 5064–C1–P–72.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

Major Amendments

INFORMATIVE: Applicant, MCI Indiana-Ohio, Inc., is amending 16 of its previously filed applications for authority to construct a new specialized common carrier service in a two-State area from Cleveland, Ohio, to South Bend, Ind., and serving a number of other major cities in Ohio and Indiana. The applications now being amended were originally filed on June 26, 1970, and December 21, 1971. They appeared in public notice, July 6, 1970, FCC Report No. 499 and January 17, 1972, FCC Report No. 579, respectively. Each application that is now amended is referenced to the date filed. In addition, 11 new sites are now proposed. The amendments and new applications are necessitated to insure compliance with the new engineering standards set forth in the Commission's first report and order in Docket No. 18920, effective July 15, 1971, and Informative Guidelines published regarding frequency coordination in Report No. 562, FCC Common Carrier Services Information released September 20, 1971.

4124–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 3, station located 3 miles south-southeast of Medina, Ohio. Add frequency 6226.9V MHz on azimuth 145°54' toward Massillon, Ohio.

4129–C1–P–72—MCI Indiana-Ohio, Inc. (New), Site 11, station located 0.7 mile northnortheast of Vienna, Ohio. Add frequency 6256.5V MHz on azimuth 265°13' toward Springfield, Ohio.

8876–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 13, station located 2.7 miles northnorthwest of Waynesville, Ohio. Change direction of transmission of frequency 6226.9H MHz toward Mason, Ohio, to azimuth 212°03'. Add frequency 6226.9H MHz on azimuth 309°09' toward Pyrmont, Ohio.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

8871–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 15, change proposed station location to 2.8 miles south of Mason, Ohio, at latitude 39°18'59'', longitude 84°19'10''. Change direction of transmission of frequency 5945.2V MHz toward Cincinnati, Ohio, to azimuth 214°55'. Change direction of transmission of frequency 5974.8H MHz toward Waynesville, Ind., to azimuth 31°55'. Add frequencies 5974.8H MHz on azimuth 293°53' toward Hamilton, Ohio, 5945.2H MHz on azimuth 243°01' toward Middletown, Ohio.

8874–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 16, station located at Fifth and Vine Streets, Cincinnati Center, Cincinnati, Ohio. Change direction of transmission of frequency 6197.2V MHz toward Mason, Ohio, to azimuth 34°48'.

8873–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 17, station located at Rentschler Building, Second and High Streets, Hamilton, Ohio. Delete frequencies 10,775V and 10,995V MHz. Add frequency 6226.9H MHz on azimuth 131°44' toward Mason, Ohio. Delete Gano, Ohio, as a point of communication.

8872–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 18, station located at 1201 Central Avenue, Middletown, OH. Delete frequencies 6197.2V and 6315.9V MHz. Add frequency 6197.2H MHz on azimuth 161°58' toward Mason, Ohio. Delete Gano, Ohio, as a point of communication.

8868–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 24, station located at Indiana National Bank Building, 1 Indiana Square, Indianapolis, IN. Delete frequencies 11,175V and 10,935V MHz. Add frequencies 10,975.0V and 11,055.0V MHz on azimuth 54°30' toward McCordsville, Ind. Delete Pleasant View, Ind., as a point of communication.

8865–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 25, station located at Hotel Madison, 912 Meridian Street, Anderson, IN. Delete frequencies 10,835V and 11,035V MHz. Add frequency 3710.0H MHz on azimuth 114°00' toward Mount Summit, Ind. Delete Muncie, Ind., as a point of communication.

8864–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 26, station located at Wysler Building, corner of Main and Walnut Streets, Muncie, Ind. Delete frequencies 6034.2V, 6152.8V MHz, 5974.8V 6093.5V MHz, 11,325V, and 11,565V MHz. Delete Marion, Ind., Spiceland, Ind., and Anderson, Ind., as points of communication. Add frequency 3810.0H MHz on azimuth 178°42' toward Mount Summit, Ind., as a new point of communication.

8862–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 28, station located at 2200–2300 Home Avenue Building, Building No. 8, Marion, IN. Delete frequencies 6197.2V, 6315.9V MHz, 5974.8V, 6093.5V MHz, 6226.9V and 6345.5V MHz. Delete Rockford, Ind., Muncie, Ind., and Kokomo, Ind., as points of communication. Add frequency 3730.0V MHz on azimuth 198°49' toward Summitville, Ind., as a new point of communication.

8863–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 29, station located at Armstrong Lanon Building, Sycamore and Main Street, Kokomo, Ind. Delete frequencies 5974.8V and 693.5V MHz. Delete Marion, Ind., as a point of communication. Add frequency 3810.0H MHz on azimuth 112°11' toward Summitville, Ind., as a new point of communication.

8860–C1–P–70—MCI Indisna-Ohio, Inc. (New), Site 32, station located at Fort Wayne Bank Building, Corner of Berry and Calhoun Streets, Fort Wayne, Ind. Delete frequencies 10,895V and 11,135V MHz. Delete Collins, Indiana as a point of communication. Add frequency 3810.0H MHz on azimuth 247°34' toward Roanoke, Ind., as a point of communication.

8857–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 35, station located at St. Joseph Bank Building, 202 South Michigan Street, South Bend, IN. Delete frequencies 6256.5V and 6375.2V MHz. Delete Millersburg, Ind., as a point of communication. Add frequencies 11,225.0H and 11,625.0H MHz on azimuth 148°13' toward Wyatt, Ind., as a new point of communication.

8884–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 37, station located at McKinley and Fourth Streets, Canton, Ohio. Delete frequencies 6004.5H and 6123.1H MHz. Delete Apple Creek, Ohio, as a point of communication. Add frequencies 11,665.0V and 11,265.0V MHz on azimuth 268°16' towards Massillon, Ohio, as a new point of communication.

8877–C1–P–70—MCI Indiana-Ohio, Inc. (New), Site 38, station located at 34 West High Street, Springfield, OH. Delete frequencies 10,755V and 10,995V MHz. Delete Cortaville, Ohio, as a point of communication. Add frequency 5945.2V MHz on azimuth 85°06' toward Vienna, Ohio, as a new point of communication.

92–C1–P–72—The Western Union Telegraph Co. (KQG32), change polarization of frequencies 3830 and 4150 MHz on path toward Columbus, Ohio, to Vertical.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

93–C1–P–72—The Western Union Telegraph Co. (KQG31), change polarization of frequencies 3710 and 4030 MHz on path toward South Vienna, Ohio, to Vertical.

2162–C1–P–71—MCI Pacific-Mountain States, Inc. (New), C.P. for a new station 8 miles northeast of Sage, Wyo. Delete frequency 5974.8H MHz and add frequency 6226.9H MHz on azimuth 257°03' toward Providence, Utah. All other particulars are the same as reported in public notice on March 20, 1972, FCC Report No. 588.

4015–C1–P–72—American Microwave & Communications, Inc. (KYO47), change frequency 6086.0H MHz to 6123.1H MHz toward Perrinton and East Lansing, Mich. Station location: 3.5 miles north of Williamston, Mich.

3325–C1–P–68—Frank K. Spain, doing business as Microwave Service Co. (New), add frequencies 5974H, 6034H, 6094H, 6153H and 10,715H MHz on azimuth 338°30' toward a new point of communication, 1.5 miles south of Porterville, Calif. Station location: 1.5 miles southwest of Woody, Calif. All other particulars remain as reported on public notice dated October 14, 1968, and as amended in other public notices.

684–C1–P–72—Frank K. Spain, doing business as Microwave Service Co. (New), major amendment: Add frequency 10,875H MHz on azimuth 274°45'. This amendment filed simultaneously with applications for new stations which will provide service to Jackson, Miss. Location: 5.7 miles south-southeast of Meridian, Miss., at latitude 32°19'40'' N., longitude 88°41'28'' W. All other particulars same as reported in public notices dated August 16, 1971, and January 10, 1972.

Corrections

3357–C1–P–72—CPI Microwave, Inc. (New), San Antonio, Tex. Correct to read: Change frequency 6271.4H MHz toward Floresville, Tex., to 6301.0H MHz. See Reports Nos. 590 dated April 3, 1972, and 574, dated December 13, 1971.

6235–C1–P–72—MCI Kentucky Central, Inc. (New), correct longitude to read 86°01'23'' W. All other particulars same as reported in public notice No. 589, dated March 27, 1972.

6217–C1–P–72—The Bell Telephone Co. of Pennsylvania (New), Lewistown, Pa. Correct latitude of location to read: Latitude 40°35'51'' N. All other particulars same as indicated in Report No. 588 dated March 20, 1972.

6710–C1–P–72—Cincinnati Bell, Inc. (New), Gibsonburg, Ohio. Correct frequencies toward Fremont, Ohio, to read 10,915V and 10,755V MHz. All other particulars same as indicated in Report No. 590 dated April 3, 1972.

6265–C1–P–72—South Central Bell Telephone Co. (New), Eden, Ky. Correct longitude of location to read: Longitude 85°08'22'' W. All other particulars same as indicated in Report No. 589, dated March 27, 1972.

[FR Doc.72–6116 Filed 4–21–72;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY COORDINATING COMMITTEE

Order Designating Representative

APRIL 14, 1972.

The Federal Power Commission by order issued May 10, 1971, established the Coordinating Committee.

1. *FPC representative.* The FPC representative to the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Frederick H. Warren, The Advisor on Environmental Quality, Office of the Advisor on Environmental Quality, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[Doc. 72–6168 Filed 4–21–72;8:47 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS TECHNOLOGY

Order Designating Representative

APRIL 14, 1972.

The Federal Power Commission by order issued December 21, 1971, estab-

lished the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *FPC representatives.* The FPC Representatives to the Supply-Technical Advisory Task Force-Natural Gas Technology, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Dr. Jack M. Heinemann, Chief, Environmental Biologist, Office of the Advisor on Environmental Quality, Federal Power Commission.

Clement F. Linder, General Engineer, National Gas Survey, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6163 Filed 4-21-72;8:47 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-REFORMER GAS

Order Designating Representative

APRIL 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *FPC representative.* The FPS representative to the Supply-Technical Advisory Task Force-Reformer Gas, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

James R. Spor, Industry Economist, National Gas Survey, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6165 Filed 4-21-72;8:47 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-NATURAL GAS TECHNOLOGY

Order Designating an Additional Member

APRIL 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *Membership.* A present member of the Supply-Technical Advisory Task Force-Natural Gas Technology, as selected by the Chairman of the Commission with the approval of the Commission is assigned additional responsibilities as Task Force Deputy Director, as follows:

Charles H. Atkinson, Project Leader, Petroleum Engineering, Bureau of Mines, Bartlesville Energy Research Center, Department of the Interior.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6166 Filed 4-21-72;8:47 am]

NATIONAL GAS SURVEY TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-OPERATIONS

Order Designating Representative

APRIL 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *FPC representative.* The FPC Representative to the Transmission-Technical Advisory Task Force-Operations, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Richard F. Hill, Assistant Advisor on Siting Program, Office of the Advisor on Environmental Quality, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6164 Filed 4-21-72;8:47 am]

NATIONAL GAS SURVEY TECHNICAL ADVISORY COMMITTEE-SUPPLY

Order Designating Representative

APRIL 14, 1972.

The Federal Power Commission by order issued April 6, 1971, established the Technical Advisory Committee of the National Gas Survey.

1. *FPC representative.* The FPC Representative to the Technical Advisory Committee-Supply, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Robert M. Jimeson, Assistant Advisor on Environmental Quality, Office of the Advisor on Environmental Quality, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6169 Filed 4-21-72;8:47 am]

NATIONAL GAS SURVEY TRANSMISSION—TECHNICAL ADVISORY TASK FORCE—OPERATIONS

Order Designating Representative

APRIL 14, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. *FPC representative.* The FPC Representative to the Transmission—Technical Advisory Task Force—Operations, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Allen F. Crabtree, Environmental Assistant to the Advisor on Environmental Quality, Office of the Advisor on Environmental Quality, Federal Power Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6167 Filed 4-21-72;8:47 am]

[Docket No. RP72-114]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

APRIL 12, 1972.

Take notice that Algonquin Gas Transmission Co. (Algonquin) on April 3, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2.[1] The proposed changes would increase Algonquin's revenues from jurisdictional sales and service by $136,703 based on sales volumes for the 12-month period ending February 29, 1972. The proposed rate change is described in the company's transmittal letter as follows:

The rate increase reflected in the foregoing revised tariff sheets is filed to compensate only for an increase in purchased gas cost. Such increase in the cost of purchased gas results from the rate increase filed by Algonquin's sole supplier, Texas Eastern Transmission Corp. (Texas Eastern) on or about March 31, 1972, and proposed to become effective on May 1, 1972. The Texas Eastern rate increase reflects an increase in cost of purchased gas to Texas Eastern from its producer suppliers, and is in accordance with the provisions of Article III of the Stipulation and Agreement dated January 21, 1971, approved by Commission order issued March 24, 1971, in Texas Eastern Docket No. RP70-29, et al.

It is proposed that the foregoing revised tariff sheets be permitted to become effective on May 1, 1972, or such other date as the underlying increased rates proposed by Texas Eastern become effective.

It is to be noted that the Texas Eastern increase which occasions this filing is also a tracking increase. To permit Texas Eastern's increase to become effective without correspondingly permitting Algonquin's increase to become effective would not only be inconsistent as between the two regulated companies, but would also result in a loss of revenue to Algonquin which could well be irrecoverable.

Reference is made to the rate increase filing made by Algonquin on March 1, 1972, in Docket No. RP72-110, and particularly to Algonquin's cost of service contained therein. There has been no material change in Algonquin's facilities, sales volumes and cost of service other than cost of gas since the above referred to rate increase filing was made.

[1] Volume No. 1: Fourth Substitute 27th Revised Sheet No. 5, Fourth Substitute 27th Revised Sheet No. 10, Fourth Substitute 28th Revised Sheet No. 11-A, Fourth Substitute 28th Revised Sheet No. 12, Fourth Substitute 28th Revised Sheet No. 14 and Second Substitute 23d Revised Sheet No. 15-J. Volume No. 2: Fourth Substitute 28th Revised Sheet No. 4 and Fourth Substitute 25th Revised Sheet No. 57.

Inasmuch as the rate increase proposed herein by Algonquin is a tracking increase being filed to compensate only for an increase in cost of gas, the Commission is respectfully requested herewith to grant whatever special permission or waivers of compliance with any parts of its rules and regulations as are necessary to effectuate this proposal.

The above-mentioned tariff sheets are being posted in accordance with § 154.16 of the Federal Power Commission's regulations under the Natural Gas Act by mailing a copy of this filing to each of Algonquin's authorized purchasers and interested State commissions as shown on the attached list and by making it available for public inspection during normal working hours at Algonquin's general office in Boston, Mass.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 24, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6151 Filed 4-21-72;8:46 am]

[Docket No. E-7724]

IOWA PUBLIC SERVICE CO.

Notice of Application

APRIL 14, 1972.

Take notice that on April 5, 1972, Iowa Public Service Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $17 million principal amount of first mortgage bonds and 130,000 shares of cumulative preferred stock (par value $100 per share).

Applicant is incorporated under the laws of the State of Iowa, with its principal business office in Sioux City, Iowa, and is engaged in the electric utility business in northwestern, north central and east central Iowa and a few small communities in South Dakota.

Applicant proposes to sell the new bonds and the new preferred stock at competitive bidding, with the interest rate on the new bonds, the dividend rate on the new preferred stock, the price to be paid for the new bonds, and the price to be paid for the new preferred stock to be determined by the successful bidders. The new bonds and the new preferred stock will be issued on or about June 15, 1972. The new bonds are to mature June 1, 2002, and are to be issued pursuant to the mortgage and deed of trust, dated as of June 1, 1946, under which Chemical Bank is trustee, as supplemented and as proposed to be supplemented by a 12th supplemental indenture thereto. Applicant proposes to use the proceeds from the issuance of the securities to pay off short-term loans and to provide a portion of the funds required for the construction or acquisition of permanent improvements, extensions, and additions to its property. The construction program for 1972 is estimated to total $27,042,100.

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Any person desiring to be heard or to make any protest with reference to said application should, on or before May 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6174 Filed 4-21-72;8:47 am]

[Docket No. CP72-233]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

APRIL 12, 1972.

Take notice that on March 29, 1972, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-233 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities for the receipt into its pipeline system of supplies of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an agreement providing for the purchase of natural gas from Texaco Inc. produced from portions of blocks 71, 72, 87 and 88 in the block 88 field, High Island Area, offshore Texas, and the delivery of said gas on the producer's platform in block 71. In order to receive the gas into its system, Applicant proposes to construct approximately 6 miles of 16-inch pipeline onshore and 21 miles of 16-inch pipeline offshore, a side tap connection on its existing Louisiana extension transmission pipeline, measurement facilities and miscellaneous appurtenant facilities. Applicant states that the 16-inch offshore pipeline would extend in a southerly direction from its existing Louisiana extension transmission pipeline. Applicant estimates that the proven reserves dedicated under the block 88 field contract total approximately 96 million Mcf, with a corresponding availability of 58,000 Mcf per day. Further, Applicant states that the estimated proven and probable reserves total approximately 104 million Mcf.

Applicant indicates that pursuant to a concurrent liquids transportation agreement, it will transport liquid hydrocarbons (exclusive of crude oil) through the proposed facilities for Texaco Inc. at a rate of 20 cents per barrel.

Applicant states that the estimated cost of the facilities to be constructed is $5,948,000 which it plans to finance in an, as yet, undetermined manner.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 2, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6152 Filed 4-21-72;8:46 am]

[Docket Nos. RP72-23, 72-24]

TRUNKLINE GAS CO.

Order Approving Rate Settlement of Pipeline Rates

APRIL 11, 1972.

Trunkline Gas Co. (Trunkline), on February 8, 1972, tendered for approval a stipulation and agreement in the above captioned proceedings, which it proposes as the basis for settlement. The proposed

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settlement was reached after a series of conferences among the parties. Trunkline requests that the Commission approve the stipulation and agreement in settlement and disposition of all issues involved in these proceedings. The Company requests waiver of the Commission's rules and regulations, including but not limited to § 154, to the extent necessary to effectuate all of the provisions of the stipulation and agreement.

The proceedings in Docket No. RP72–23 involve a general rate increase filed by Trunkline on August 17, 1971, and a petition concurrently filed, docketed as RP72–24, requesting authorization to use liberalized depreciation with normalization for accounting and rate purposes on all eligible pre-1970 properties effective at the same time its proposed increased rates become effective in Docket No. RP72–23. The proposed increase of $36.2 million in jurisdictional revenues was suspended until February 17, 1972, by Commission order on September 16, 1971. The proposed settlement provides for an increase of $25.8 million and contains certain provisions which will permit additional rate adjustments reflecting changes in certain specified costs.

The principal provisions of the settlement proposal may be summarized as follows:

(1) Trunkline shall file revised tariff sheets, reflecting the rates shown in Appendix A hereto, to be effective as of February 17, 1972, and to refund with interest of 7 percent annually all amounts collected in excess of the rates set forth in Appendix A.

(2) A purchase gas cost adjustment clause is to be included in Trunkline's tariff which would operate when the aggregate cost change is at least 1 mill per Mcf of jurisdictional sales. After the first such adjustment, any further adjustment may be effected no sooner than 6 months after the most recent adjustment.

(3) A new advance payments adjustment provision is to be added providing for adjustments of Trunkline's rates reflecting increases or decreases in the level of advance payments reflected in the rates proposed in Appendix A. "Advance payments" shall be as defined by current Commission Regulation or any amendment thereof.

(4) Trunkline will adopt normalization for accounting and ratemaking purposes as to liberalized depreciation applicable to its pre-1970 property, effective February 17, 1972. Trunkline has further requested the appropriate permission to use deferred tax accounting for normalization of guideline lives tax depreciation and utilize Account 282—Accumulated deferred income taxes—Liberalized depreciation to reflect normalization of the difference between straight-line depreciation rates and tax straight-line depreciation rates in accordance with the provisions of the Uniform System of Accounts. If Trunkline uses guideline lives tax depreciation applicable to any period of time preceding January 1, 1972, it shall normalize therefor on its books of account for such period.

(5) Trunkline shall reduce its rates to the extent that any net additional revenues from transportation services exceed the related costs of such services.

(6) The rates as shown in Appendix A reflect an 8.5 percent overall rate of return based on the capitalization shown below.

	Amount	Ratio	Cost	Return component
			Percent	*Percent*
Debt	$242,256,000	59.69	7.11	4.24
Preferred	40,600,000	10.00	7.10	0.71
Accumulated deferred Federal income taxes—accelerated amortization	4,296,641	1.06	0.00	0.00
Common equity	118,711,118	29.25	12.14	3.55
Total	$405,863,759	100.00		8.50

We note that the issue of normalization of liberalized depreciation is pending review in the U.S. Court of Appeals for the District of Columbia in Cases Nos. 24,517 and 24,632 (Appeal of the Texas Gas Transmission Corp. Opinion Nos. 578 and 578–A), and Case No. 71–1830 (Appeal of the Transwestern Pipeline Company Opinion Nos. 597 and 597–A). Our approval of this settlement is therefore conditioned on the outcome of such final court review.

The proposed stipulation and agreement was placed into the record of this proceeding and certified to the Commission by the Presiding Examiner on February 9, 1972. Opportunity was given all parties to comment or make such objections as they may have desired as part of the record in this proceeding. No objection or protest to the settlement agreement has been received.

Based upon our review of Trunkline's filing, data distributed and made available to the parties by Staff, and the terms and provisions of the stipulation and agreement, we conclude that the proposed settlement provides a reasonable and appropriate disposition of the issues herein.

The Commission finds: The settlement of these proceedings on the basis of the stipulation and agreement submitted by Trunkline on February 8, 1972, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be approved and made effective.

The Commission orders:

(A) The stipulation and agreement submitted by Trunkline on February 8, 1972, and incorporated herein by reference, is approved.

(B) Trunkline shall fully comply with each of the provisions of the stipulation and agreement and of this order.

(C) Section 154.38(d)(3) of the Commission's general rules and regulations is waived to permit the inclusion in Trunkline's tariff of the purchase gas adjustment clause as conditioned herein.

(D) Trunkline's purchase gas adjustment clause, shall be subject to, and modified to conform with, § 154.38(d)(4)(vi) of the Commission's rules and regulations, or any substitution therefore, if adopted by the Commission in rulemaking Docket R–406.

(E) Trunkline shall be permitted to use deferred tax accounting for normalization of liberalized tax depreciation subject to final court review of the lawfulness of such normalization in the cases hereinabove described.

(F) Trunkline shall adjust its rates and refund to its customers with interest at 7 percent amounts collected as a result of normalization practices found unlawful by final nonappealable court order in the cases hereinabove described.

(G) Trunkline shall be permitted to use deferred tax accounting for normalization of guideline lives tax depreciation as requested.

(H) This order is without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Trunkline, or any other party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Trunkline or any other person or party.

(I) The settlement rates provided herein shall be effective March 25, 1972, in accordance with the regulations of the Price Commission issued on February 10, 1972 (37 F.R. 3094), and March 8, 1972 (37 F.R. 5104).

CERTIFICATION OF RATE INCREASE

In compliance with the requirements of the revised regulations of the Price Commission issued January 13, 1972, and effective January 17, 1972, relating to Public Utilities and Public Benefit Corporations 6 CFR 300.16(e), the Federal Power Commission certifies the following with respect to the price increase by Trunkline Gas Co. authorized in this proceeding:

(1) The former price, before the increase granted herein, the new price as granted, and the percentage increase in price are as follows:

Rate schedule	Average former price	Average new price	Percent increase
(a)	(b)	(c)	(d)
	Cents	*Cents*	*Percent*
G–1, P–1	36.15	40.90	13.14
R–1	35.20	39.65	12.64
SG–1	39.30	44.80	13.99
G–2, P–2	39.16	45.01	13.63
R–2	34.50	38.75	12.32
SG–2	43.50	49.76	14.39
Total weighted average	37.79	42.85	13.39

(2) The rate increase is expected to provide increased annual revenues of $25,851,999.

(3) The increase in the utility's profits stated in terms of percentage of its total sales will be from 5.65 to 7.35, 1.70 percentage points or 30.09 percent. A portion of this increase in the ratio of profits to sales can be associated with a 4 percent increase in the ratio of common stock to total capital since the company's last rate filing. Expressed as a percentage return on common equity, the rate allowed in this settlement agreement is 12.14 percent, which is 4.9 percent less than the 5-year average (1966–70) of 12.77 percent earned by the company and 1.8 percent more than the 3-year average (1968–70) of 11.93 percent. A return sufficient to attract and hold resources in a capital intensive industry such as the pipeline industry is of primary importance as a regulatory standard. The allowed return on common stock equity in this settlement consistent with this requirement, and as noted, the settlement earnings are in line with the recent earnings of the company.

(4) The increase in the utility's overall rate of return on capital (rate base) will be from 7.47 percent to 8.5 percent, 1.03 percentage points or 13.79 percent. The increase in overall rate of return reflects the high costs of the company's financing during the period since the last rate increase. For example, the company issued $40 million in new debentures at a cost of 9.42 percent and 200,000 shares of preferred stock at a cost of 9.31 percent and sinking fund requirements forced the retirement of $35 million of existing debt with an average cost of 5.05 percent. The company's cost of preferred stock and debt together account for a weighted debt cost of 4.95 percent. As an additional indication of the company's rising debt cost and revenue requirements, Standard and Poor's reduced the company's debentures from an A rating to a BBB rating in 1970. The higher overall rate of return allowed by this rate settlement is necessary to protect the company's ability to raise new capital.

(5) Sufficient evidence was taken during the course of this proceeding to determine whether or not the criteria set forth in paragraphs (d) (1) through (4) of § 300.16 of the rules and regulations of the Price Commission have been met.

(6) The rate increase granted in this proceeding meets the criteria set out in paragraphs (d) (1) through (4) of § 300.16 of the rules and regulations of the Price Commission.

[SEAL] KENNETH F. PLUMB,
By the Commission.
Secretary.

APPENDIX A

TRUNKLINE GAS COMPANY

Settlement Rates

Rate schedule		Settlement rates
G–1, P–1	Demand charge	$2.36
	Demand adjustment	.0773
	Commodity charge	.3192
R–1	Straight line rate:	
	Winter	.3985
	Summer	.3578
SG–1	Straight line rate:	.4480
G–2, P–2	Demand charge	2.27
	Demand adjustment	.0944
	Commodity charge	.3403
R–2	Straight line rate:	
	Winter	.4347
	Summer	.3875
SG–2	Straight line rate	.4976

[FR Doc.72–6153 Filed 4–21–72;8:46 am]

[Docket No. CI72–658]

JAMES M. FORGOTSON, SR.

Notice of Application

APRIL 20, 1972.

Take notice that on April 14, 1972, James M. Forgotson, Sr. (applicant), 409 Beck Building, Shreveport, La. 71101, filed in Docket No. CI72–658 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipeline Co. (United) from the Roanoke Field, Jefferson Davis Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas to United on April 7, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale for 1 year commencing at the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 5,000 Mcf of gas per day at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 1, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–6305 Filed 4–21–72;8:54 am]

[Docket No. G–2639, etc.]

J. D. BURKE ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 10, 1972.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C168-87 3-7-72 [9]	Suburban Propane Gas Corp., 2210 Mercantile Bank Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	16.06	14.65
C168-686 D 3-22-72	Pogo Producing Co. (Operator) et al., Mobil Oil Corp. 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205 (partial abandonment).	Texas Eastern Transmission Corp., Shilloh Field, Union Parish, La.	Depleted	
C169-1061 D 3-13-72	Getty Oil Co., Post Office Box 1404, Houston, TX 77001 (partial abandonment).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Block Nos. 95 and 96, and Grand Isle Blocks 33 and 34, Plaquemines and Jefferson Parishes, La.	(10)	[7]
C170-917 C 3-17-72 [2]	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Panhandle Eastern Pipe Line Co., Powder River Basin Area, Converse and Campbell Counties, Wyo.	22.75	15.025
C170-1115 3-7-72 [11]	Suburban Propane Gas Corp., 2210 Mercantile Bank Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	16.06	14.65
C171-536 D 3-15-72	Continental Oil Co., Post Office Box 2197, Houston TX 77001 (partial abandonment).	Cities Service Gas Co., East Niles Field, Canadian County, Okla.	Depleted	[2]
C172-565 (G-10607) F 3-8-72	T. P. McAdams, Jr. (successor to Eason Oil Co.), Post Office Drawer 960, Bristow, OK 74010.	Cities Service Gas Co., SE¼ sec. 30 and NE¼ sec. 31, 28 N., 5 W. Grant County, Okla.	15.0	14.65
C172-566 A 3-10-72	Champlin Petroleum Co., Post Office Box 9366, Fort Worth TX 76107.	Mountain Fuel Supply Co., Church Buttes Unit, Sweetwater and Uinta Counties, Wyo.	23.75	15.025
C172-567 A 3-10-72	do	Mountain Fuel Supply Co., Jack-knife Springs Area, Sweetwater County, Wyo.	23.75	15.025
C172-571 (C169-1213) F 3-8-72	Natural Resources Corp., (successor to King Resources Co.), 600 Denver Club Bldg., Denver Colo. 80202.	Michigan Wisconsin Pipe Line Co., Chester (West) Field, Woodward County, Okla.	[12] 18.72	14.65
C172-572 (G-8523) F 3-9-72	Buck Gas Corp. et al. (successor to Buck Royalty Co.), 500 Oil and Gas Bldg., Wichita Falls, Tex. 76301.	Lone Star Gas Co., Red Springs Field, Smith County, Tex.	15.0357	14.65
C172-573 B 3-13-72	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Atlantic Richfield Co., acreage in East Texas, Gregg County, Tex.	[13]	[2]
C172-574 B 3-13-72	Hassie Hunt Trust (Operator) et al., 1401 Elm St., Dallas, TX 75202.	Natural Gas Pipeline Co. of America, Ada Loma Field, Galveston County, Tex.	Depleted	
C172-575 A 3-13-72	Southwest Gas Producing Co., Inc., 370 Lexington Ave., New York, N.Y 10017.	Tennessee Natural Gas Pipeline Corp., Lelieux Field, Vermillion Parish, La.	26.0	15.025
C172-580 A 3-14-72	J. M. Huber Corp., 2000 West Loop South, Houston, TX 77027.	Cities Service Gas Co., acreage in Roberts County, Tex.	[14] 28.0	14.65
C172-581 B 3-15-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Government Wells, Duval County, Tex.	[15]	[2]
C172-582 B 3-15-72	do	Cities Service Gas Co., Laverne Field, Harper County, Okla.	Depleted	
C172-583 A 3-16-72	Highland Resources, Inc., 330 San Jacinto Bldg., Houston, Tex. 77002.	Michigan Wisconsin Pipe Line Co., Eugene Island Area, Offshore Louisiana.	32.0	15.025
C172-584 B 3-13-72	John E. Huff, 1010 San Jacinto Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Adams Ranch Field, Jasper County, Tex.	Depleted	
C172-585 3-13-72 [16]	American Petrofina Co. of Texas, Post Office Box 2159, Dallas, TX 75221.	Tennessee Gas Transmission Co., Ivy Field, Hutchison County, Tex.	17.24847	14.65
C172-586 A 3-17-72	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	24.0	15.025
C172-587 A 3-17-72	Atlantic Richfield Co. (Operator) et al., Post Office Box 2819, Dallas, TX 75221.	Transwestern Pipeline Co., Rock Tank Field, Eddy County, N. Mex.	[17] 30.0	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2639 E 3-20-72	J. D. Burke (successor to Phillips Petroleum Co.), Post Office Box 1586, Corpus Christi, TX 78403.	United Gas Pipe Line Co., Marshall Field, Goliad County, Tex.	19.0	14.65
G-2726 D 3-23-72	Pogo Producing Co. (Operator) et al., 1300 National Bank of Commerce Bldg., San Antonio, Tex. 78205 (partial abandonment).	Columbia Gas Transmission Corp., North Bourg Field, Terrebonne and Lafourche Parishes, La.	(1)	
G-3072 D 3-10-72	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., acreage in District 4 Area, Tex.	Assigned	
G-7648 D 3-9-72	Mobil Oil Corp., Post Office Box 1774, Houston TX 77001.	United Gas Pipe Line Co., White Point, Saxet et al., Fields, San Patricio and Nueces Counties, Tex.	Assigned	
G-9022 E 3-20-70	LaVerne M. Wilson (successor to Norton F. Wilson), 1027 Rutherford St., Shreveport, LA 71104.	United Gas Pipe Line Co., Greenwood-Waskom Field, Panola Parish, La.	13.25	15.025
G-11966 D 3-22-72 [3]	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	United Gas Pipe Line Co., Cameron Meadows et al., Field, Cameron Parish, La.	Assigned	
C160-128 E 3-20-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	20.0	15.025
C160-691 D 3-22-72	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, TX 77001 (partial abandonment).	Panhandle Eastern Pipe Line Co., Jo Mill Field, Dewey County, Okla.	Uneconomical	
C161-164 E 3-22-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Michigan Wisconsin Pipeline Co., Holly Ridge Field, Tensas Parish, La.	[3] 21.014	15.025
C161-636 D 3-24-72 [3]	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, TX 77001 (partial abandonment).	Transwestern Pipeline Co., Hell Lake Field, Lea County, N. Mex.	(4)	
C161-1327 D 3-6-72	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	Assigned	
C161-1354 D 3-22-72	Continental Oil Co., Post Office Box 2197, Houston, TX 77001 (partial abandonment).	Cities Service Gas Co., E. F. Wilkinson Unit, Leases, South Sterling Area, Comanche County, Okla.	Assigned	
C162-46 E 3-20-72	Clinton Oil Co. (successor to Amoco Production Co.) 217 North Water St., Wichita, KS 67202.	Southern Natural Gas Co., Grange Field, Lawrence and Jefferson Counties, Miss.	26.175	15.025
C163-1445 E 3-22-72	do	Florida Gas Transmission Co., Palacios Field, Matagorda County Tex.	[4] 18.5804	14.65
C165-321 E 3-22-72	do	Texas Eastern Transmission Corp., Inwood Creek Field, Jefferson County, Tex.	13.0	14.65
C165-384 E 3-27-72	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., East Timbalier Bay Field, Lafourche Parish, La.	21.625	15.025
C165-561 C 3-6-72 [4]	Cities Service Oil Co. (Operator) et al., Post Office Box 300, Tulsa, OK 74102.	Natural Gas Pipeline Co. of America, Hulit Gasoline Plant, Roosevelt County, N. Mex.	[7] 27.0	14.65
C165-594 3-7-72 [4]	Suburban Propane Gas Corp., 2210 Mercantile Bank Bldg., Dallas, Tex. 75201.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	17.06376	14.65
C166-107 E 3-27-72	Clinton Oil Co. (successor to Amoco Production Co.), 217 North Water St., Wichita, KS 67202.	Natural Gas Pipeline Co. of America, Carrick Field, Beaver County, Okla.	18.7775	14.65
C167-1051 E 3-13-71	Wrightsman Investment Co. (successor to Charles B. Wrightsman), 1648 First City National Bank Bldg., Houston, Tex. 77002.	Lone Star Gas Co., West Katie 3d Deese Sand Unit, Garvin County, Okla.	10.0	14.65

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C172-588 3-20-72 [9]	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Gas Pipe Line Co., Logansport Field, De Soto Parish, La.	[9] 19.6	15.025
C172-589 A 3-20-72	HNG Oil Co., Post Office Box 767, Midland, TX 79701.	Kansas-Nebraska Natural Gas Co., Inc., Roydon Field, West Area, Roger Mills County, Okla.	30.0	14.65
C172-599 B 3-20-72	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Northern Natural Gas Co., North Harper Ranch Field, Clark County, Kans.	Depleted	
C172-600 A 3-21-72	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	Arkansas Louisiana Gas Co., Smackover C Sand Units, A and C, Haynesville Field, Claiborne Parish, La.	[10] 24.0	15.025
C172-601 A 3-21-72	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tennece Inc., Vermilion Block 218 Field, Offshore La.	[11] 20.0	15.025
C172-602 (G-11762) F 3-15-72	T. P. McAdams, Jr. (successor to Sun Oil Co.), Post Office Drawer 960, Bristow, OK 74010.	Northern Natural Gas Co., Sec. 21 Tsp. 34 S., Range 21 W., Clark County, Kans.	18.0	14.65
C172-603 (G-12309) F 3-15-72	T. P. McAdams, Jr. (successor to Ashland Oil, Inc.), Post Office Drawer 960, Bristow, OK 74010.	do	18.0	14.65
C172-605 A 3-17-72	Coastal Production Co., a subsidiary of Florida Gas Co., 1750 Bank of New Orleans Bldg., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., a division of Tennece, Inc., Aqua Dulce Field, Nueces County, Tex.	24.25	14.65
C172-606 2-20-72 [12]	Michel T. Halbouty, 800 Bank of the Southwest Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., Bayou Boeuf Field, Lafourche Parish, La.	22.25	15.025
C172-608 (G-19401) F 3-20-72	Ladd Petroleum Corp. (successor to Sun Oil Co., 830 Denver Club Bldg., Denver Colo. 80202.	Panhandle Eastern Pipe Line Co., Wil Field, Edwards County, Kans.	17.0	14.65
C172-609 (G-19409) F 3-20-72	Oklahoma Fracturing Services, Inc. (successor to Sun Oil Co.), 630 United Founders Life Tower, Oklahoma City, Okla. 73112.	Panhandle Eastern Pipe Line Co., Wil Pool, Edwards County, Kans.	[13] 17.0	14.65
C172-610 (G-10474) F 3-20-72	Marion Lynn Russell (successor to Petroleum, Inc.), Box 430, Garden City, Kans. 67846.	Northern Natural Gas Co., Sec. 12-23-32, Hugoton Field, Finney County, Kans.	12.5	14.65
C172-611 B 3-20-72	McAlester Fuel Co., Post Office Box 10, Magnolia, AR 71753.	Texas Eastern Transmission Corp., Fort Lynn Field, Miller County, Ark.	Depleted	
C172-612 B 3-22-72	Texaco, Inc., Post Office Box 430, Bellaire, TX 77401.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Magnolia City Field, Jim Wells County, Tex.	Depleted	
C172-613 B 3-22-72	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	Depleted	
C172-614 B 3-22-72	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Texas Eastern Transmission Corp., Tatum Field, Rusk and Panola Counties, Tex.	Depleted	
C172-615 A 3-22-72	Lone Star Producing Co., 301 South Harwood St., Dallas, TX 75201.	Florida Gas Transmission Co., Flour Bluff Area, Nueces County, Tex.	[7] 24.0	14.65
C172-616 B 3-22-72	Manco Corp., Post Office Box 637, Corpus Christi, TX 78401.	Valley Gas Transmission, Inc., C. A. Winn Field, Live Oak County, Tex.	(1)	
C172-617 A 3-24-72	Texaco, Inc., Post Office Box 2100, Denver, CO 80201.	Tejas Gas Corp., Book Cliffs Unit, Grand County, Utah.	15.0	15.025
C172-618 B 3-24-72	Pioneer Production Corp. (Operator), et al., Post Office Box 2542, Amarillo, TX 79105.	Cities Service Gas Co., Laverne (Morrow) Field, Woods County, Okla.	Depleted	
C172-619 B 3-24-72	Pioneer Production Corp. (Operator), Post Office Box 2542, Amarillo, TX 79105.	Michigan Wisconsin Pipe Line Co., Gageby Creek Field, Wheeler County, Tex.	Depleted	
C172-620 A 3-27-72	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, LA 70112.	Natural Gas Pipeline Co. of America, Block 181 Field, West Cameron Area, Offshore Louisiana.	[14] 26.0	15.025
C172-621 A 3-27-72	George Mitchell & Associates, Inc., 3600 One Shell Plaza, Houston, TX 77002.	Trunkline Gas Co., Lake Creek, North Field, Montgomery County, Tex.	24.0	14.65

[1] Acreage is nonproductive.
[2] Amendment to pending application.
[3] Minus 1.236 cents per Mcf downward B.t.u. adjustment.
[4] Expiration of lease.
[5] Pursuant to Opinion No. 546.
[6] Applicant proposes to sell gas from additional acreage and provide for increased price for new gas.
[7] Subject to upward and downward B.t.u. adjustment.
[8] Applicant proposes to continue the sale of its own gas authorized in Docket No. CI65-594 to be made pursuant to Delta Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 33.
[9] Applicant proposes to continue the sale of its own gs authorized in Docket No. C168-87 to be made pursuant to Delta Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 36.
[10] Acreage is nonproductive and leases have been terminated.
[11] Applicant proposes to continue the sale of its own gas authorized in Docket No. CI70-1115 to be made pursuant to Delta Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 30.
[12] Applicant is filing for area rate of 18.72 cents per Mcf; however, the contract price is 19.72 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[13] Contract terminated.
[14] Gas-well gas. Plus 3.052 cents per Mcf upward B.t.u. adjustment.
[15] Lease sold to W. H. Doran.
[16] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-19881 to be made pursuant to V. F. Neuhaus (Operator) et al., FPC Gas Rate Schedule No. 4.
[17] Plus 0.48 cent per Mcf upward B.t.u. adjustment.
[18] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. G-3239 to be made pursuant to Hunter Oil Co., Inc.
[19] Includes 1 cent per Mcf downward adjustment for wellhead delivery per Opinion No. 607.
[20] Includes 1 cent per Mcf downward adjustment from Area Rate for wellhead delivery. Buyer may make treating charge if necessary. If it is necessary for Buyer to compress gas, the contract calls for a charge of 0.75 cent per Mcf for one-stage compression or 1.5 cents per Mcf for two-stage compression.
[21] Applicant is filing for initial price of 26 cents per Mcf; however, the contract price is 32 cents per Mcf, subject to upward and downward B.t.u. adjustment.
[22] Applicant proposes to continue the sale of natural gas heretofore authorized in Docket No. CI60-966 to be made pursuant to David C. Bintliff (Operator) et al., FPC Gas Rate Schedule No. 8.
[23] Gathering contract with Edwards County Gas Co. for gathering and compression at a cost of 7.5 cents per Mcf.
[24] Applicant is willing to accept a certificate conditioned to an initial rate of 26 cents per Mcf; however, the contract price is 32 cents per Mcf.

[FR Doc.72-6006 Filed 4-21-72;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN FLETCHER CORP.

Proposed Acquisition of Local Finance Corp.

American Fletcher Corp., Indianapolis, Ind., has applied, pursuant to section 4 (c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Local Finance Corp., Marion, Ind. Notice of the application was published on January 21, 22, 24, 25, 26, 27, 29, 31, February 2, or 3, 1972 in newspapers of general circulation in each of the 60 communities in Indiana and Michigan in which Local Finance Corp. and its subsidiaries maintain offices.

Applicant states that Local Finance Corp. and its subsidiaries engage in the activities of making instalment personal loans; purchasing instalment sales finance contracts; selling to its direct borrowers coverage under group credit life and credit disability policies; selling, in Indiana only, to its direct borrowers, casualty insurance on collateral securing such loans; providing various forms of casualty, liability, and fidelity insurance to itself and its subsidiaries; and selling, in Indiana only, "a small amount of auto insurance and homeowners insurance" to its staff members and customers, as a convenience. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 19, 1972.

Board of Governors of the Federal Reserve System, April 18, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6221 Filed 4-21-72;8:51 am]

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SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

COGAR CORP.

Order Suspending Trading

APRIL 17, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.60 par value, of Cogar Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:10 a.m., e.s.t. April 17, 1972, through April 26, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6154 Filed 4-21-72;8:46 am]

[812-3101]

DREYFUS THIRD CENTURY FUND, INC., AND ROBERT F. GOHEEN

Notice of Application

APRIL 18, 1972.

Notice is hereby given that the Dreyfus Third Century Fund, Inc., 767 Fifth Avenue, New York, NY 10022 (the "Fund"), an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), and Dr. Robert F. Goheen, Princeton University, Princeton, N.J. 08540 (Goheen) (together hereinafter called "Applicants"), have filed an application for an order pursuant to section 6(c) of the Act declaring that Goheen shall not be deemed an "interested person" of the Fund or of the principal underwriter for the continuous offering of Fund shares, the Dreyfus Sales Corp. (Dreyfus Sales), within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of the Equitable Life Assurance Society of the United States (Equitable). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The Fund was incorporated under the laws of Delaware on May 6, 1971. Its registration statement under the Securities Act of 1933 was made effective by the Commission on March 22, 1972. The application, as amended, states that Goheen and David W. Burke, a vice president of the Fund and of the Dreyfus Corp. (Adviser), the manager of the Fund, resigned from the Fund's Board of Directors on March 17, 1972. Subsequent to such resignations, the Board approved underwriting agreements between the Fund and Bache & Co., Inc., Reynolds Securities, Inc., and Kidder, Peabody & Co., Inc., underwriters for the Fund's initial offering. Because the composition of the Board prior to their resignations did not conform to that required by section 10(b)(2) of the Act as amended, such agreements could not have been approved for the Fund. The application states, however that because Goheen's background will assist the Fund in accomplishing its special objectives, it is intended that if Goheen is deemed not to be an interested person of the Fund or its principal underwriter, he will be nominated for election to the Board.

Goheen is a director of Equitable, a mutual insurance company incorporated in New York in the business of selling life insurance and annuities. Equitable sells individual variable annuities funded by separate accounts registered under the Investment Company Act of 1940, and sells HR-10 plans registered under the Securities Act of 1933 and funded by separate accounts. Equitable is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers (NASD). In December 1971, Equitable organized a wholly owned brokerage subsidiary, Equico Securities, Inc. (Equico), which is a member of the Philadelphia - Baltimore - Washington Stock Exchange. Equico is neither registered under the Securities Exchange Act of 1934 nor a member of the NASD. The Applicants are informed that Equico deals only in listed securities and acts as a broker solely for Equitable. Neither Equitable nor Equico has ever engaged in securities transactions on behalf of the Fund. Furthermore, the Fund has undertaken not to purchase or sell, knowingly, any securities to or through Equitable or Equico.

Goheen's principal occupation is the presidency of Princeton University. It is expected that in June 1972, he will leave that post and assume the chairmanship of the Council on Foundations. Goheen has been on Equitable's 36-member Board since January 1961. Applicants state that Equitable considers Goheen as an outside director. He is a member of the Agency and Insurance Operations Committee of the Board. In his capacities Goheen shares in the general responsibility for supervision of Equitable expected from a director. The application represents, however, that Goheen does not participate in the day-to-day operation of Equitable or Equico. Goheen is not a director or officer of Equico.

Because Goheen is a director of Equitable, under section 2(a)(3) of the Act, he is an affiliated person of a broker-dealer. Therefore, under section 2(a)(19) of the Act, Goheen would be an interested person of the Fund and of the Fund's principal underwriter. The application requests an order declaring that Goheen not be deemed an interested person of Dreyfus Sales, the principal underwriter for the continuous offering of the Fund's securities, in order that, pursuant to section 10(b)(2) of the Act, a majority of the Fund's Board of Directors will not consist of interested persons of such principal underwriter of the Fund.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants assert that Goheen's affiliation with Equitable does not affect and will not impair his independence to act on behalf of the Fund and its shareholders and that the requested exemption is therefore consistent with the provisions of section 6(c).

Notice is further given that any interested person may, not later than May 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6179 Filed 4-21-72;8:49 am]

[811-1804]

ISI VENTURE FUND, INC.

Notice of Filing of Application Declaring Company has Ceased To Be An Investment Company

APRIL 17, 1972.

Notice is hereby given that ISI Venture Fund, Inc. (Applicant), 100 California Street, San Francisco, Calif. 94111, a California corporation registered as a diversified open-end management company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act on February 3, 1969, by filing a Notification of Registration on Form N-8A. On November 10, 1969, Applicant filed a registration statement under the Securities Act of 1933 on Form S-5, which registration statement became effective on November 27, 1970. Applicant represents that it has not made any public offering or sale of its securities. The only investors in the Applicant were the persons who provided the initial $100,000 of capital. These were ISI Corp. (Applicant's investment adviser) and 14 individuals who are closely associated with ISI Corp. or with Applicant's principal underwriter. In November 1971, all of the investors redeemed all of their shares. Applicant has distributed all of its assets and is now in the process of dissolution.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than May 10, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6155 Filed 4-21-72;8:46 am]

[812-3132]

NARRAGANSETT CAPITAL CORP.

Notice of Filing of Application for Order

APRIL 18, 1972.

Notice is hereby given that Narragansett Capital Corp., 40 Westminster Street, Providence, Rhode Island 02903 (Narragansett), a Rhode Island corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act) and licensed as a small business investment company under the Small Business Investment Act of 1958, has filed an application pursuant to Rule 17d-1 under the Act for an order permitting under section 17(d) and Rule 17d-1, a loan by Narragansett to Bevis Industries, Inc. (Bevis). All interested persons are referred to the application on file with the Commission for a statement of Narragansett's representations which are summarized below.

Background. Narragansett, the principal and controlling stockholder of Bevis, proposes to participate in a reorganization of the financial structure of Bevis by lending it $1,500,000 on an unsecured basis, payable December 31, 1976, to bear interest, payable quarterly at an anticipated rate of 4 percent in excess of the prime rate but not in excess of 10 percent, to be determined by negotiation, subordinated to all present and future bank indebtedness. Bevis' debt to Narragansett will be evidenced by a negotiable promissory note containing the terms described above (the Bevis Note). As part of the proposed refinancing, it is contemplated that Industrial National Bank of Rhode Island (Industrial Bank) will simultaneously make a substantial term loan and will make revolving credit loans to Bevis, as more fully described below.

The Bevis Note will be senior in right of payment to an existing debt, $333,844 in principal amount, of Bevis to Royal Little (Little) an affiliated person of both Narragansett and Bevis, represented by a 5 year convertible Debenture (the Little Debenture). Little will agree to such subordination and will agree not to exercise his conversion rights under the Little Debenture until the Bevis Note is paid in full (or the expiration of its original term, if its term should be extended by Narragansett and Bevis).

The Bevis debt to Little was created in September of 1971, when Bevis borrowed $333,844 from Little in order to make a cash settlement of litigation in which Bevis was involved. Effective January 26, 1971, at the request of Bevis, Little agreed to extend the term of such debt, which was represented by a demand note secured by a pledge of 338,580 shares of Bevis common stock, by surrendering the demand note, and releasing the pledged shares, in exchange for the Little Debenture, an unsecured convertible debenture of Bevis, dated January 26, 1972, $333,844 in principal amount, payable on the fifth anniversary of the date of its issuance, convertible at any time into common stock of Bevis, par value $0.10 a share, at a conversion price of $5 a share, bearing interest payable in 20 equal quarterly installments at the rate of 6 percent (6%) per annum and subordinated to all existing and future indebtedness of Bevis to banks.

Upon the conditions referred to below, Industrial Bank has agreed to lend Bevis up to an aggregate of $4,600,000 in two separate loans. The first of such loans would take the form of an amendment to an existing loan agreement between Bevis and Industrial Bank pursuant to which Industrial Bank would make a 3-year loan of $2,200,000 in principal amount, and the second would take the form of an increase of the amounts available to Bevis under its existing revolving loan from $1,500,000 to $2,500,000. Both these loans would be secured by first mortgages on Bevis' plants located in Webster, Mass., and Baltic, Conn.

The undertaking of Industrial Bank to make the loans to Bevis described above is subject to the conditions that (a) Narragansett make the $1,500,000 loan described above, and (b) both the Commission and the Small Business Administration approve the borrowing by Bevis from Narragansett and the issuance to Narragansett of the Bevis Note.

Bevis urgently requires the proceeds of the loans from Narragansett and Industrial Bank as working capital to relieve a severe shortage of cash which it presently faces.

In order to enable Bevis to continue to pay current operating expenses and make some payments with respect to presently due or overdue trade accounts payable while the necessary approvals from the Commission and the Small Business Administration are forthcoming, it is anticipated that Industrial Bank will make interim funds available on a demand loan basis at an interest rate of 3 percent in excess of the prime rate per annum.

Narragansett now holds directly 836,952 shares, or approximately 40% of the outstanding shares of Common Stock of Bevis. Narragansett's aggregate investment at March 31, 1971, in Bevis was $1,260,016. The value of this investment on that date as determined by the Board of Directors of Narragansett was $2,042,000.

Little is Chairman of the Board and a Director of both Narragansett and Bevis. He acted as Chief Executive Officer of Bevis from March 8, 1971, to January 26, 1972. Harvey J. Sarles (Sarles) is President and a Director of Narragansett, and Vice Chairman and a Director

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of Bevis. Robert S. Davis is the Secretary of both Narragansett and Bevis.

Little owns beneficially 73,010 shares, or approximately 7.9 percent of the outstanding shares of common stock of Narragansett and Sarles owns 6,775 shares, or approximately .7 percent of such shares outstanding. Little owns 60,997 shares, or approximately 7.8 percent of the outstanding shares of common stock of Bevis and Sarles owns 3,004 shares, or approximately .1 percent of such shares outstanding. As noted above, Little holds the Little Debenture.

Commission jurisdiction. As Little is the Chairman of the Board and a Director of both Narragansett and Bevis and a creditor of Bevis, the proposed loan by Narragansett to Bevis may be viewed as a transaction prohibited by section 17(d) of the Act and Rule 17d–1 thereunder. Taken together the section and rule provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company or any affiliated person of such person, acting as principal, to participate in, or to effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company, or a company controlled by such registered company, is a participant unless an application with respect to such arrangement has been filed with and granted by the Commission. In passing upon an application, the Commission must consider whether the participation of such registered company or controlled company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Narragansett seeks an order under section 17(d) of the Act and Rule 17d–1 to the extent they may be applicable to the proposed loan by Narragansett to Bevis.

Supporting statement. Narragansett contends that the proposed transaction is consistent with the general purposes of the Act, is more advantageous to Narragansett than it is to Little, and is in the best interests of Narragansett and its shareholders.

Notice is further given, that any interested person may, no later than May 8, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Narragansett at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–6180 Filed 4–21–72;8:49 am]

[File 500–1]

TOPPER CORP.

Order Suspending Trading

APRIL 18, 1972.

The common stock, $1 par value, of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 19, 1972, through April 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–6181 Filed 4–21–72;8:50 am]

[Release No. IC–7130]

SURVEY OF INVESTMENT COMPANY INCENTIVE FEE ARRANGEMENTS

In order to assist registered investment companies, their officers and directors, and others concerned with compliance with the provisions of the Federal securities laws, especially those which relate to investment company incentive fee arrangements, the Commission is publishing a Survey of Investment Company Incentive Fee Arrangements prepared by the Division of Corporate Regulation.

As indicated in Investment Company Act Release No. 7113 (April 6, 1972)[1] there were 999 active open and closed-end investment companies registered with the Commission on January 3, 1972. Of these, 103 had performance fee arrangements in effect on that date.

Publication of this survey is not intended to indicate the Commission's approval of any of the features of investment company incentive fee arrangements contained in it. As indicated in Investment Company Act Release No. 7113, a number of investment company incentive fee contracts now in use contain features which are unfair to investment companies. Publication of the survey at this time is intended to assist those persons who must consider the fairness of such contracts in meeting their fiduciary duties.

The survey is published in Release No. IC–7130, copies of which have been filed with the Office of the Federal Register and may be obtained upon request from the Securities and Exchange Commission, 500 North Capitol Street NW., Washington, DC 20549.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

APRIL 17, 1972.

[FR Doc.72–6178 Filed 4–21–72;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 7, Revision 2, Amdt. 2]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Rescission of Delegations Relating To Disaster Operations

To effectuate the transfer of delegation of authority relating to disaster operations to the Associate Administrator for Operations and Investment, Delegation of Authority No. 7 (36 F.R. 8713), as amended (37 F.R. 2862), is hereby further amended by rescinding Amendment 1 in its entirety without prejudice to actions taken prior to the date hereof.

Effective date: April 23, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–6287 Filed 4–21–72;8:54 am]

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[1] See interpretative releases relating to the Investment Company Act of 1940 and the Investment Advisers Act of 1940 which was published in the FEDERAL REGISTER issue of Apr. 19, 1972, 37 F.R. 7690, on the subject "Factors to be Considered in Connection with Investment Advisory Contracts Containing Incentive Arrangements," 17 CFR Parts 271 and 276.

[Delegation of Authority No. 50 (Rev. 4)]

ASSOCIATE ADMINISTRATOR FOR OPERATIONS AND INVESTMENT

Delegation of Authority

Delegation of Authority No. 50 (Revision 3) (25 F.R. 7418), as amended, (26 F.R. 4440, 27 F.R. 1303, 31 F.R. 13563, 36 F.R. 12258, 36 F.R. 16613, 36 F.R. 22268, and 37 F.R. 2862) is hereby revised to read as follows:

I. Pursuant to authority vested in me by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended, the following authority is hereby delegated to the Associate Administrator for Operations and Investment:

A. *Investment.* 1. To take any and all actions necessary to carry out the provisions of Titles I, II, and III of the Small Business Investment Act of 1958, as amended, and of the regulations thereunder as amended from time to time, including without limitation all necessary action in connection with the servicing, administration, collection, sale and liquidation of partially or fully disbursed loans, obligations and property (real, personal or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under said Act, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed, tangible or intangible), and to exercise in the name of the Administration the power conferred on the Administration by section 310 of said Act to issue subpoenas.

B. *Disaster activities.* 1. To declare a disaster area and period.

2. To extend the original disaster period resulting from a disaster declaration.

3. For purposes of class A disasters only, to contract for supplies, materials, and equipment, printing (Government sources only), transportation, communications, space, and special services for the Agency.

4. For purposes of class A disasters only, to enter into contracts for supplies and services pursuant to chapter 4 of title 41, United States Code, as amended, subject to the limitations contained in sections 257 (a) and (b) of that chapter.

II. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Administrator for Operations and Investment.

III. All previous authority delegated by the Administrator under Delegation of Authority No. 50 (Revision 3) (25 F.R. 7418), as amended, is hereby rescinded without prejudice to actions taken under such delegation prior to the date hereof.

Effective date: April 23, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72–6288 Filed 4–21–72;8:54 am]

[Declaration of Disaster Loan Area 897; Class B]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the counties of Del Norte and Humboldt, Calif., suffered damage or destruction resulting from floods occurring on March 1, 2, and 3, 1972.

OFFICE

Small Business Administration Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, CA 94102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1972.

Dated: April 7, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72–6148 Filed 4–21–72;8:45 am]

[Declaration of Disaster Loan Area 898; Class B]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

(1) Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the counties of Ogle, Will, Livingston, and Kendall, Ill., suffered damage or destruction resulting from a tornado occurring on April 6, 1972.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, IL 60604.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1972.

Dated: April 13, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72–6149 Filed 4–21–72;8:45 am]

[Declaration of Disaster Loan Area 896; Class B]

WASHINGTON AND OREGON

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1972, because of the effects of a certain disaster, damage resulted to homes and business property located in the States of Washington and Oregon;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in areas constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Vancouver, Wash., and Portland, Oreg., suffered damage or destruction resulting from a tornado occurring on April 5, 1972.

OFFICE

Small Business Administration District Office, 700 Pittock Block, 921 Southwest Washington Street, Portland, OR 97205.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1972.

Dated: April 7, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72–6150 Filed 4–21–72;8:45 am]

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TARIFF COMMISSION

[AA1921–85]

FISH NETS AND NETTING OF MANMADE FIBERS FROM JAPAN

Determinations

On January 18, 1972, the Tariff Commission received advice from the Treasury Department that fish nets and netting of manmade fibers from Japan are being, and are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1] In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160 (a)), the Tariff Commission instituted investigation No. AA1921–85 to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established by reason of the importation of such merchandise into the United States.

A public hearing was held on February 29 and March 1, 1972. Notice of the investigation and hearing was published in the FEDERAL REGISTER of January 27, 1972 (37 F.R. 1277).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined by a vote of 4 to 2 that an industry in the United States is being injured by reason of the importation of fish netting of manmade fibers from Japan that is being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[2] The Commission unanimously determined that an industry in the United States is not being nor is likely to be injured, nor is prevented from being established, by reason of the importation of fish nets of manmade fibers that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of Reasons for Affirmative Determination of Chairman Bedell, Vice Chairman Parker, and Commissioner Moore[3]

The Department of the Treasury advised the Tariff Commission on January 18, 1972, that manmade-fiber fish nets and netting from Japan are being or are likely to be sold in the United States at less than fair value. Under the Antidumping Act of 1921, as amended, this determination is conclusive. Accordingly, the only issue considered herein is whether the sales at less than fair value of such articles are injuring or are likely to injure an industry in the United States, or are preventing an industry from being established.

In our opinion an industry in the United States is being injured by reason of the importation of manmade-fiber fish netting from Japan that is being sold at less than fair value (LTFV) within the meaning of the Antidumping Act. Since imports of fish nets are negligible and we have no evidence that imports are likely to increase, at this time, we believe that no U.S. industry is being, or is likely to be injured, by reason of the importation of manmade-fiber fish nets sold at LTFV.

Fish netting is made in an almost infinite number of descriptions depending principally on the combination of specifications relating to yarn size, number of plies, mesh size, and the kind of knot. Fish nets are made by cutting and piecing netting (usually of several different specifications) and then adding some combination of such items as floats, sinkers, twines, and ropes, depending on the use and type of fish to be caught. Very few nets are made by netting producers. Most nets are assembled by distributors or net shop operators; some are assembled by large fishing fleets.

The injured industry. In making our determination, we have considered the injured industry to consist of those facilities in the United States involved in the producton of manmade-fiber fish netting. Fish netting is currently being produced in the United States by approximately a dozen firms, all of which either produce or have the capabilities to produce the same specifications of fish netting as those imported from Japan, which were sold at LTFV.

Market penetration. The Treasury Department's investigation of exports from Japan during the period October 1, 1969, through September 30, 1970, showed that a high percentage of U.S. imports of Japanese manmade-fiber fish netting were sold at LTFV. We find that the price advantage afforded by such sales in the United States at LTFV enabled Japanese exporters of manmade-fiber fish netting to make severe inroads into an exceptionally stable market. During the last 7 years the U.S. market fluctuated only from 3 million to 3.2 million pounds a year. Thus, aided by the LTFV sales, the total U.S. imports of manmade-fiber fish netting from Japan increased steadily from 7.5 percent of the U.S. apparent consumption of fish netting in 1964 to 29 percent in 1971.

Total U.S. imports of manmade-fiber fish netting increased from 153,000 pounds in 1964 to 942,000 pounds in 1971. On the other hand, domestic production of manmade-fiber fish netting increased from 1,809,000 pounds in 1964 to 2,344,000 pounds in 1966 and then declined without interruption to 1,832,000 pounds in 1971.

We believe that the capture of 29 percent of the U.S. market for fish netting by Japanese imports was made possible by the practice of Japanese exporters selling manmade-fiber fish netting at LTFV in the United States.

Lost sales and price depression. The Commission's investigation shows that prices in the U.S. market of Japanese manmade-fiber fish netting are significantly lower than the corresponding prices of domestic manmade-fiber fish netting. These lower prices have resulted in loss of sales by the U.S. industry. Indeed, with respect to one popular type of netting, the imports from Japan have captured almost the entire U.S. market. To a lesser extent, there were losses of sales for other types of netting. In addition, the substantial market penetration has also resulted in marked depression or suppression of the prices of netting produced by the U.S. industry. Although the margins of dumping are a relatively small part of the margins of underselling by the Japanese, they are quite significant in the resulting displacement of the domestic product and the adverse price effects in the U.S. market.

On the basis of the foregoing, we believe that the LTFV imports have clearly contributed in substantial measure to loss of sales by the U.S. industry and a depression of its prices which occurred during a period of generally rising production costs. The extent and margin of dumping employed by Japanese exporters are significant factors in the penetration of the U.S. market, loss of sales by the U.S. industry, and the depression of domestic prices. The Japanese exporters could not but have recognized dumping as necessary to obtain sales. It is not reasonable that they would dump and accept a lower price without need.

Conclusion. In our judgment, imports of manmade-fiber fish netting from Japan which, according to the Department of the Treasury, are being sold at less than fair value have contributed to both a marked decline in prices of domestic netting in the U.S. market, and a substantial loss in sales by the U.S. industry. Accordingly, we have determined that an industry in the United States is being injured by reason of such LTFV imports.

Statements of Reasons for Negative Determination of Commissioners Leonard and Young

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. The quantum or description of injury is not disclosed in the statute.

And second, such injury (or likelihood of injury or prevention of establishment) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being or is likely to be sold at less than fair value.

If either condition is not satisfied, a negative determination must be made. In the instant investigation, we find the second condition described above is not satisfied and therefore a negative determination is required.

The industries. We find that two industries are involved in this case. One consists of the facilities in the United States (which are owned by about a dozen firms) for the production of fish netting and the other consists of the facilities in the United States (which are owned by many enterprises) for the production of fish nets.

Sales at LTFV. The Commission has little guidance in this investigation respecting the extent or severity of sales at less than fair value (LTFV) of fish nets and netting of manmade fiber from Japan. The small sample of Japanese exports examined by the Treasury Department during its investigation did not include any sales of double-knot salmon gill netting, the predominant type of fish netting shipped from Japan to the United States. Information available to the Commission indicates that such netting has probably accounted for upwards of half of U.S. imports from Japan in recent years. The absence of fair value computations by Treasury with respect to such a dominant portion of the imports makes it difficult for us to determine whether there is injury to a domestic industry because of price discrimination (sales at LTFV).

It appears also that the Treasury did not investigate any sales of fish nets by Japan to the United States to determine whether they were made at less than fair value. Shipments from Japan to the United States of fish nets, however, are known to be very small.

Fish netting. In recent years U.S. imports of fish netting from Japan, nearly all netting of manmade fiber, have increased materially, and have supplied an increasing share of the U.S. market. There is, however, little evidence either that the increased imports and rising market penetration have been by reason of the importation of fish netting to the United States at less than fair value or that the fish netting sold at less than fair value has adversely affected prices and profits of a domestic industry.

With an important exception that we note later, Japanese fish netting has undersold domestic fish netting in the U.S. market. The price data available to the Commission suggest that the margin of underselling generally has been substantial, and typically has been several times the amount by which the price of netting sold for export to the United States was less than the price of netting in the Japaneses home market (the LTFV margin). For a given specification of manmade-fiber fish netting, for example, the price of the Japanese product in the U.S. market was 45 cents below the price of the domestic product, whereas the Japanese netting had been sold for export to the United States at only 6 cents per pound below the price in the Japanese home market. Under these circumstances, the increased imports and evident market penetration, even if a substantial part of imports from Japan were sold at LTFV, could scarcely be ascribed to the existence of LTFV sales.

The prices received by domestic producers for fish netting in recent years have not followed a common trend; some prices have increased, some have declined, and some have remained unchanged. On the average, however, such prices have been almost stable over the past 3 years. To the extent prices of individual specifications of fish netting can be traced, the prices of domestic netting of those specifications which the Treasury found had been sold by Japan at less than fair value have been stronger than those of other specifications of Japanese netting. For example, the prices of domestic netting of specifications found by Treasury to have been sold at LTFV were, on the average, unchanged from the beginning of 1969 to the end of 1971. However, the prices examined relating to domestic netting of specifications not included in Treasury's sample of LTFV sales declined by 4 percent during that period. We find little evidence here of price depression by reason of importation of Japanese netting sold at less than fair value.

As noted above, double-knot salmon gill netting constitutes by far the most important type of fish netting of manmade fiber imported into the United States from Japan. Such netting accounts for about half of the imports of fish netting from Japan. Double-knot salmon gill netting of 6- or 7-filament nylon yarn was initially developed by the Japanese. The Japanese for some time have supplied a large part of the U.S. market for such netting; currently imports from Japan supply four-fifths of the annual consumption of such netting used by the U.S. salmon fishery. According to information obtained in the investigation, the Japanese product is of distinctly higher quality than that produced domestically; the knots of the Japanese netting slip less and the dyeing is superior. Largely because of its superior physical characteristics, the Japanese product has dominated the U.S. market for such netting. Thus, based on the information available, the market penetration achieved by imports of double-knot salmon gill netting from Japan could not reasonably be attributed to sales of Japanese netting at less than fair value. The price of Japanese double-knot salmon gill netting, moreover, has risen appreciably in the last 3 years, while the prices of the similar domestic netting have also increased, although to a lesser degree. Beginning in 1970 (for some specifications) and continuing into 1971, such Japaneses netting was sold in the U.S. market at prices higher than those of the domestic product. Thus, even if it were assumed that double-knot salmon gill netting was being sold by Japan at less than fair value, there would be no evidence of adverse price effects on the domestic producers.

Fish nets. The Treasury Department's determination of sales at less than fair value applied to fish nets (as well as fish netting) of manmade fibers from Japan. As noted earlier, the Treasury did not examine any sales of fish nets by Japan to the United States to determine whether they were made at less than fair value, and U.S. imports of such nets from Japan have been very small.

Fish nets are produced in the United States chiefly by a large number of "net shops" located in or near the home ports of the fishermen they serve and by distributors of fish netting. Most are custom made—the size and shape of the net, specifications of netting, and types of sinkers, twines, and ropes (which are a part of fish nets) varying according to the desires of each fisherman. In large part because of the custom-made nature of many nets, there have been few imports of commercial fishing nets into the United States, and there is little likelihood that extensive trade would develop. Accordingly, we have no evidence that a domestic industry is being, or is likely to be injured by reason of LTFV imports of fish nets of manmade fibers from Japan.

Conclusion. In view of the considerations set forth above, we have concluded that no industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of fish nets and netting of manmade fibers from Japan sold in the United States at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-6211 Filed 4-21-72;8:51 am]

[1] Notice of the Treasury Department's determination of sales at less than fair value, and the reasons therefor was published in the FEDERAL REGISTER of Jan. 19, 1972 (37 F.R. 815).

[2] Chairman Bedell, Vice Chairman Parker, and Commissioners Sutton and Moore determined in the affirmative.

[3] Commissioner Sutton concurs in the result.

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 19, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 26739 Sub 66, Crouch Bros., Inc., now assigned June 19, 1972, at Kansas City, Mo., canceled and transferred to modified procedure.

MC-F-11411, Transcon Lines—Purchase (Portion)—United Buckingham Freight

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Lines, Inc., now assigned June 19, 1972, at Billings, Mont., canceled and reassigned to June 19, 1972, at Seattle, Wash., at the Edgewater Inn., Pier 67, foot of Wall Street.
MC 116101 Sub 9, Quick Air Freight, Inc., now assigned May 16, 1972, at Columbus, Ohio, canceled and application dismissed.
MC 111812 Sub 448, Midwest Coast Transport, now assigned June 27, 1972, at Washington, D.C., postponed to July 27, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.
MC 103926 Sub 20, W. T. Mayfield Sons Trucking Co., now assigned May 22, 1972, at Washington, D.C., hearing canceled and application dismissed.
MC 106497 Sub 61, Parkhill Truck Co., now being assigned hearing July 17, 1972, at San Francisco, Calif. (1 week), in a hearing room to be later designated.
MC 128527 Sub 24, May Trucking Co., now being assigned hearing July 24, 1972 (2 days), at San Francisco, Calif., in a hearing room to be later designated.
FD 26945, Colorado & Southern Railway Co.—Construction and Operation—Near Minnequa, Pueblo County, Colo., now assigned May 8, 1972, at Pueblo, Colo., hearing postponed indefinitely.
MC 113678 Sub 431, Curtis, Inc., and MC 115826 Sub 219, W. J. Digby, Inc., now being assigned continued hearing on July 10, 1972, for applicant's evidence (1 week), and on July 26, 1972, for protestant's evidence (3 days), at San Francisco, Calif., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6246 Filed 4-21-72;8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 19, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42403—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 659), for interested rail carriers. Rates on fertilizer, iron and steel articles, and synthetic plastic, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 138 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on May 23, 1972, except that item 15942-A will become effective on June 9, 1972.

AGGREGATE OF INTERMEDIATES

FSA No. 42404—*Class and commodity rates between points in Texas.* Filed by Texas-Louisiana Freight Bureau, agent (No. 658), for interested rail carriers. Rates on fertilizer, iron and steel articles, and synthetic plastic, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 138 to Texas-Louisiana Freight Bureau, agent, tariff ICC 998. Rates are published to become effective on May 23, 1972, except that item 15942-A will become effective on June 9, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6246 Filed 4-21-72;8:53 am]

[Notice 51]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73581. By order of April 17, 1972, the Motor Carrier Board approved the transfer to RPM Distributors, Inc., doing business as Central Banana Carriers, Doswell, Va., of the operating rights set forth in Certificate No. MC-117743, issued November 24, 1961, to Peter R. Jacobs, doing business as Central Banana Carriers, Richmond, Va., authorizing the transportation of: Bananas, from Norfolk, Va., to Boston, Mass., Chicago, Ill., Indianapolis, Ind., Louisville, Ky., Huntington and Wheeling W. Va., Richmond, Va., the District of Columbia, and points in Michigan, Ohio, and Pennsylvania; from Baltimore, Md. and Charleston, S.C., to Norfolk and Richmond, Va.; from Philadelphia, Pa., to Norfolk, Va.; and from New York, N.Y., to Richmond, Va. Lewis S. Pendleton, Jr., 11 South 10th Street, Richmond, VA 23219, attorney for applicants.

No. MC-FC-73639. By order of April 14, 1972, the Motor Carrier Board approved the transfer to The White Line Corp., New York, N.Y., of a portion of the operating rights in Certificate No. MC-116792 (Sub-No. 1) issued January 14, 1958 to Fletcher Brothers, Inc., Newark, N.J., authorizing the transportation of crated and uncrated furniture from New York, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J. Stanley Nayer, 60 Shelley Lane, Great Neck, NY 11023, attorney for transferee. Martin Werner, 2 West 45th Street, New York, NY 10036, attorney for transferor.

No. MC-FC-73643. By order of April 10, 1972, the Motor Carrier Board approved the transfer to Donald D. Miller, doing business as E K Truck Line, Kansas City, Mo., of the operating rights set forth in Certificate No. MC-413, issued April 17, 1950, to R. E. Parsons, doing business as Parsons Truck Line, Fort Scott, Kans., authorizing the transportation of general commodities, with the usual exceptions, as well as other specified commodities, from, to, or between points and places in Kansas, Missouri, and Oklahoma. Floyd E. Gehrt, 400 Croix, Topeka, KS 66611, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6247 Filed 4-21-72;8:53 am]

[Notice 51-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73331. By order of April 6, 1972, Division 3, acting as an Appellate Division, approved the transfer to Nussberger Bros. Trucking Co., Inc., Prentice, Wis., of that portion of the operating rights in Certificate No. MC-115295 (Sub-No. 10) issued December 10, 1969, to Bob Utgard, doing business as Utgard Trucking, New Richmond, Wis., authorizing the transportation of feed, fertilizer, tankage, and farm machinery, from South St. Paul, Newport, St. Paul, and Minneapolis, Minn., to points in Marathon County, Wis., and animal and poultry feed and animal and poultry feed concentrates, in bulk, from Minneapolis and St. Paul, Minn., to points in Ashland, Iron, Price, Taylor, Vilas, Oneida, Lincoln, Marathon, Langlade, Forest, Florence, Marinette, Oconto, Menominee, Shawano, Outagimie, Brown, Kewaunee, and Door Counties, Wis. Dual operations were approved. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6248 Filed 4-21-72;8:53 am]

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SATURDAY, APRIL 22, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 79

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

MANUFACTURER REQUIREMENTS AND SAFETY STANDARDS

Notice of Proposed Rule Making

No. 79—Pt. II——1

V 37-79
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XUM

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 172]

[CGD 72-60PH]

MANUFACTURER REQUIREMENTS

Certification of Boats and Equipment

The Coast Guard is considering issuing regulations governing the certification of boats and associated equipment that comply with U.S. Coast Guard boat safety standards and regulations and the identification of boat hulls. Any interested person may submit written data, views, or arguments concerning this notice to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before May 31 1972, will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice (CGD 72-60) and give reasons and supporting data for any recommendations. All comments will be available for examination in Room 8234. An informal public hearing to receive comments of interested persons on this proposal will be held on May 17, 1972, in Room 8332 at 9:30 a.m. Each person who intends to make a statement is requested to notify the U.S. Coast Guard (CMC/82), before May 17, 1972.

These rules are proposed under the authority of the Federal Boat Safety Act of 1971 (85 Stat. 213), which was delegated to the Commandant of the Coast Guard on October 5, 1971 (36 F.R. 19593).

The applicability of the Act and these regulations to a particular boat depends not only on the kind of use to which it is put but also where it is used. Most of the provisions of the Act do not apply to waters that are not subject to the jurisdiction of the United States, such as lakes within the boundaries of a State that are not connected to the navigable waters of the United States. However, the applicability of the provisions in section 12(a) of the Act are expanded, by section 4(b), to include boats moving or intended to be moved in interstate commerce. Therefore, it is expected that the proposed hull identification requirements would apply to almost all boats manufactured in the United States or imported after the effective date, and the certification requirements would apply to almost all boats under 20 feet with further exceptions stated in the standards and regulations with which boats must conform. These standards and regulations are the subject of Coast Guard Notice CGD 72-61.

Subpart B of proposed Part 172 concerns certification of compliance with Coast Guard regulations and standards. Section 12(a) of the Act requires, among other things, that:

(a) No person shall—

(1) Manufacture, construct, assemble, introduce, or deliver for introduction in interstate commerce, or import into the United States, or if engaged in the business of selling or distributing boats or associated equipment, sell or offer for sale, any boat, associated equipment, or component thereof to be sold for subsequent assembly, unless—

(A) It conforms with regulations and standards prescribed under this Act, or

(B) It is intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(2) Affix, attach, or display a seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards, on, in, or with a boat or item of associated equipment, which is false or misleading;

In the Act, "boat" means any vessel—

(a) Manufactured or used primarily for noncommercial use; or

(b) Leased, rented, or chartered to another for the latter's noncommercial use;or

(c) Engaged in the carrying of six or fewer passengers.

It should be noted that, in the Act and in these proposed regulations, when the word "manufacturer" is used it means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(3) The importation into the United States for sale of boats, associated equipment, or components thereof.

The effect of the Act is to prohibit persons who build boats, persons who import boats, and persons engaged in the business of distributing and selling boats from allowing the sale to the boating public of boats that do not conform with Coast Guard regulations and standards.

The proposed certification requirements are intended to prevent sales of boats to the boating public without a determination having been made and certified to that the boat or equipment conforms to the standards and regulations. Under section 7 of the Act, the Coast Guard may require or permit the display of seals, labels, plates, insignia, or other devices for the purpose of certifying or evidencing compliance with Federal safety regulations and standards for boats and associated equipment. Sections 172.7 and 172.23 propose the Coast Guard's labeling requirements.

Proposed § 172.9 would allow those persons who only sell or distribute boats to affix the certification label and makes the certification of compliance with Coast Guard standards in place of the actual manufacturer. This recognizes the industry practice of "private labeling" whereby companies sell under their own name products manufactured by another.

Section 12(a)(1) of the Act exempts boats or associated equipment intended for export from conforming with standards and regulations issued under the Act. Proposed § 172.11 would exempt boats and associated equipment intended for export from the labeling requirements of proposed Part 172.

Since the construction or assembly of a boat may take considerable time, the selection of the date of certification, which must appear on the label, is the subject of proposed § 172.15(c). The Act, in section 5(b)(2), provides that a regulation or standard may not compel substantial alteration of a boat or item of associated equipment the construction or manufacture of which is commenced before the effective date of the regulation, except where there is substantial risk of personal injury. Therefore, under this proposal, the date selected for certifying that a boat or item of equipment meets the applicable regulations and standards need not be later than the date its construction or assembly is commenced. However, under this proposal, a date later than the commencement of construction or assembly may be selected as long as the completed boat or equipment conforms with the regulations and standards in effect on the date selected.

The latest day that may be selected for the date of manufacture is practically limited to the date the boat or equipment leaves the control of the person who is required by the proposed regulation to affix the certification label. Because of the possibility of change in the regulations or standards after delivery by a manufacturer and the prohibition in section 12(b) of the Act against a false or misleading seal, label, plate, insignia, or other device indicating or suggesting compliance with Federal safety standards, the proposed regulation would not allow a date to be selected that is after the boat or equipment leaves the place of construction, assembly or import for the purpose of sale. This proposal would allow the manufacturer maximum flexibility in certifying that his boat or associated equipment is built to standards which were put into effect after the date on which construction or assembly began.

Under proposed Part 180, which is the subject of notice CGD 72-61, some boats may display stability warning labels to comply with certain stability requirements. Proposed § 172.15 would require that the certification label indicate that these boats do not meet the safe loading standard in proposed Part 180.

The purpose of proposed Subpart C, Identification of Hulls, is to require identification markings on all boat hulls constructed in, or imported into, the United States after September 30, 1972. These markings would identify the person or company responsible for the manufacture of a hull in compliance with the standards, provide a serial number for that hull different from the number on all other hulls, and indicate when the hull was manufactured. The identity of manufacturer of the hull is needed for the purposes of section 15 of the Federal Boat Safety Act of 1971, which requires manufacturers to notify purchasers, dealers, and distributors of defects in boats that create a substantial risk of personal injury to the public and of boats

that fail to comply with a standard or regulation prescribed under section 5 of the Act. The identity of the manufacturer of a hull is needed by the Coast Guard to notify the manufacturer, under section 15(e) of the Act, when a defect or failure to comply is reported to or discovered by the Coast Guard in the hull so that the manufacturer of the hull can comply with the notice to purchasers, dealers, and distributors, requirements in section 15(a). A serial number identifying each hull is necessary for use in identifying all the individual boats of the kind in which a defect is discovered and in finding and notifying their owners.

The date of manufacture is needed not only to assist in identifying boats that may have a defect but also to identify boats to which boat safety standards and regulations prescribed by the Coast Guard under section 5 of the Act apply. As regulations and standards are adopted to implement the Act, the date of manufacture of a hull will be needed to determine whether it was built before or after the effective date of each new regulation or standard that may apply to it. The identity of specific standards applicable to a boat is also needed by manufacturers, distributors, dealers, and others to provide safety standard information to consumers. The identification of individual hulls is also needed for use in efficient State boat registration programs and for use in recovering stolen boats.

As regulations and standards are adopted for associated equipment, similar identification marking requirements may be proposed to further implement sections 12 and 15 of the Act. However, no standards for associated equipment have been proposed as of the date of this notice, and the identification marking requirements proposed in this notice would apply only to hulls.

Proposed § 172.31 indicates the address a manufacturer may write to obtain a manufacturer identification. The Coast Guard is preparing a list of known manufacturers and assigning tentative manufacturer identifications. Assignment of the manufacturer's identification will begin shortly after publication of the final rule.

The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of these proposed regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council at this address.

In consideration of the foregoing, it is proposed that a new Part 172 be added to Title 33 of the Code of Federal Regulations to read as follows:

PART 172—MANUFACTURER REQUIREMENTS

Subpart A—General

Sec.
172.1 Purpose and applicability.
172.3 Definitions.

Subpart B—Manufacturer Certification of Compliance

172.5 Purpose and applicability.
172.7 Compliance certification label required.
172.9 Affixing labels.
172.11 Exceptions to label requirement.
172.13 Removal of labels.
172.15 Contents of label.
172.17 Label numbers and letters.
172.19 Construction of labels.

Subpart C—Identification of Hulls

172.21 Purpose and applicability.
172.23 Hull identification numbers required.
172.25 Hull identification number format.
172.27 Additional characters in hull identification number.
172.29 Hull identification number display.
172.31 Manufacturer identification assigned.

AUTHORITY: The provisions of this Part 172 issued under secs. 5, 7, and 39 of the Federal Boat Safety Act of 1971, Public Law 92-75, 85 Stat. 213, 215, 216, 228 (Aug. 10, 1971); 49 CFR 1.46(o)(1).

Subpart A—General

§ 172.1 Purpose and applicability.

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

§ 172.3 Definitions.

As used in this part—

(a) "Manufacturer" means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The importation into the United States for sale of boats, associated equipment, or components thereof.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, or rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Associated equipment" means—

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, port or component;

(2) Any accessory or equipment for, or appurtenance to, a boat; and

(3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but

(4) Excluding radio equipment.

(d) "Date of certification" means the date on which a boat or item of associated equipment is certified to comply with all applicable U.S. Coast Guard boat safety standards in effect on that date.

(e) "Date of manufacture" means the month and year during which construction or assembly of a boat or item or associated equipment begins.

(f) "Model year" means the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.

Subpart B—Manufacturer Certification of Compliance

§ 172.5 Purpose and applicability.

This subpart prescribes requirements for the certification of boats and associated equipment to which section 4 of the Federal Boat Safety Act of 1971 applies and to which a boat safety standard prescribed in Part 180 of this chapter applies.

§ 172.7 Compliance certification label required.

Unless there is affixed to it a certification label that contains the information required by § 172.15—

(a) No person who manufactures, constructs, or assembles a boat or associated equipment may deliver that boat or equipment for the purpose of sale;

(b) No person may import into the United States any boat or associated equipment; and

(c) No person engaged in the business of selling or distributing boats or associated equipment may sell or offer for sale any boat or associated equipment.

§ 172.9 Affixing labels.

(a) Each manufacturer of a boat or item of associated equipment to which a standard or regulation prescribed in Part 180 of this chapter applies shall affix a certification label that contains the information required by § 172.15 to that boat or equipment before it—

(1) Leaves the place of manufacture for the purpose of sale; or

(2) Is imported.

(b) The manufacturer of a boat that is sold to a person engaged in the business of selling or distributing boats need not affix a certification label if the person engaged in the business of selling or distributing boats affixes the certification label before the boat leaves the place of manufacture.

§ 172.11 Exceptions to labeling requirement.

(a) This part does not apply to boats or associated equipment intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) If an item of associated equipment is so small that a certification label that meets the requirements in § 172.15 cannot be affixed to it, a certification label that contains the information required by § 172.15 may be printed on the smallest container in which the item is packed or on a slip packed with the item.

§ 172.13 Removal of labels.

No person may remove a label required by this part or remove or alter any information on a label required by this part, unless authorized by the Commandant.

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§ 172.15 Contents of labels.

Each label required by § 172.7 must contain—

(a) The name and address of the manufacturer or person who determines that the boat or associated equipment complies with the standards prescribed by Part 180 of this chapter.

(b) Except as provided in paragraph (d) of this chapter, the words "This (insert "Boat" or "Equipment") Complies with U.S. Coast Guard Boat Safety Standards in effect on (insert date of certification as prescribed in paragraph (c) of this section)."

(c) Date of certification must be no earlier than the date on which construction or assembly began and no later than the date on which the boat or item of associated equipment leaves the place of manufacture or assembly or import for the purposes of sale.

(d) If a boat displays the stability warning label required by § 180.23 of this chapter, the words "Except load capacity" must be inserted after the words "Boat Safety Standards" and before "In Effect" in the statement prescribed by paragraph (b).

§ 172.17 Label numbers and letters.

Letters and numbers on each label must—

(a) Be no less than one-eighth of an inch in height; and

(b) Contrast with the basic color of the label, or for date of certification, be permanently stamped, engraved, or embossed on the label.

§ 172.19 Construction of label.

(a) Each label must be made of material that can withstand exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal use of the boat or item of associated equipment without deterioration of legibility.

(b) Each label must be made of material that shows visible traces of the alteration or removal of information on the label.

Subpart C—Identification of Hulls

§ 172.21 Purpose and applicability.

This subpart prescribes the requirements for identification of hulls of boats the construction or assembly of which is begun after September 30, 1972, and to which section 4 of the Federal Boat Safety Act of 1971 applies.

§ 172.23 Hull identification numbers required.

Except as provided in paragraph (b) of this section—

(a) Each manufacturer of a boat hull, or person engaged in the selling or distributing of boats shall identify that hull with a hull identification number that meets the requirements of this subpart.

(b) Each person who imports a boat or boat hull shall identify that hull with a hull identification number that meets the requirements of this subpart, unless the manufacturer of that hull or boat has already identified the hull with a hull identification that meets the requirement of this part.

(c) Each manufacturer of a boat hull or each person who imports a boat or boat hull shall not assign the same first eight characters of a hull identification number to more than one boat hull.

§ 172.25 Hull identification number format.

Each hull identification number required by § 172.23 must consist of 12 characters as follows—

(a) The first three characters must consist of a manufacturer identification assigned under § 172.31.

(b) Characters 4 through 8 must be assigned by the manufacturer and must be letters of the English alphabet or Arabic numerals or both, except the letters I, O, and Q.

(c) Characters 9 through 12 must indicate the date of certification. The characters must be either—

(1) Arabic numerals with characters 9 and 10 indicating the month and characters 11 and 12 indicating the last two numerals of the year; or

(2) A combination of Arabic numerals and letters of the English alphabet with character 9 indicated as "M," characters 10 and 11 the last two numerals of the model year, and character 12 the month of the model year. The first month of the model year, August, must be designated by the letter "A," the second month, September, by the letter "B," and so on until the last month of the model year, July.

§ 172.27 Additional characters in hull identification number.

A manufacturer may display additional characters after the 12 characters required by § 172.25 if they are separated from the hull identification number by a hyphen.

§ 172.29 Hull identification number display.

(a) The hull identification number must be carved, burned, stamped or embossed on the outboard side of the transom above the waterline of the boat in such a way that alteration, removal, or replacement would be obvious and evident.

(b) The characters of the hull identification number must be no less than one-fourth of an inch in height.

§ 172.31 Manufacturer identification assigned.

(a) Each person required by § 172.23 to affix a hull identification number may request a manufacturer identification from the Commandant (BBC), 400 Seventh Street SW., Washington, DC 20590. There is no charge for the assignment.

This proposal is made under the authority of sections 5, 7, and 39 of the Federal Boat Safety Act of 1971, Public Law 92–75, 85 Stat. 213, 215, 216, 228 (Aug. 10, 1971); 49 CFR 1.46(o)(1) (36 F.R. 19593).

Dated: April 17, 1972.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

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[33 CFR Part 180]

[CGD 72-61 PH]

BOAT SAFETY STANDARDS

Loading, Powering, Emergency Flotation, and Marking of Capacity

The Coast Guard is considering adopting regulations for safe loading, safe powering, emergency flotation, and marking of capacity information on certain boats. Any interested person may submit written data, views, or arguments to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before May 31, 1972, will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice (CGD 72–61) and give reasons and supporting data for any recommendations. All comments will be available for examination in Room 8234. An informal public hearing to receive comments of interested persons on the proposed regulations will be held on May 17, 1972, in Room 8332 at 9:30 a.m. Each person who wishes to make a statement is requested to notify the U.S. Coast Guard (CMC/82) before May 15, 1972.

These proposed regulations do not apply to sailboats, canoes, kayaks, and inflatable boats. Regulations and standards for these boats are under consideration and may be the subject of future rule making.

These proposed regulations apply to boats manufactured, constructed, or assembled by any person, including backyard amateurs and occasional builders.

The proposed safety standards and regulations are part of a continuing effort by the Coast Guard to reduce the number of drownings associated with recreational boating. Drownings, which account for over 90 percent of all boating deaths, are most often the result of the sinking or capsizing of boats less than 20 feet long. These proposed regulations would require that these boats meet standards for loading, powering, and flotation and require the display of loading and powering information on each boat.

Proposed Subpart C, Safe Loading, is directed at the prevention of capsizings, the major cause of boating fatalities. Almost three-fourths of these capsizing fatalities involved open motorboats or rowboats less than 20 feet long. In addition, nine out of 10 deaths occurring because of overloading are on open motorboats and rowboats less than 20 feet long.

The capacity information that must be displayed on a boat contains a limit on the number of persons the boat may carry as well as the total weight of persons and gear. The limit on the number of persons is determined by a live load test, in proposed §§ 180.39 through 180.43, that requires 60 percent of the weight of persons to be distributed on one side of the boat at the outboard extremity of each passenger carrying area. This live load test is needed to account for the capability of part of the weight of the passenger load being concentrated at one side of a boat when persons move about the boat. The 60 percent factor for this part of the weight is the factor used by the American Boat and Yacht Council.

The application of these proposed standards to boats may require design changes. The regulations would allow boats not meeting these standards to continue to be built until August 1, 1973, if they are labeled with the stability warning label in § 180.23.

The Coast Guard has for many years shared with the Canadian Government and the boating industry a concern over the consequences of overpowering small boats. Jointly conducted boat powering tests over the past decade have demonstrated generally that there is a definite maximum horsepower for each boat above which its handling characteristics become erratic and often dangerous. In recognition of this, the boating industry associations of the United States and Canada have established a program for determining the maximum safe horsepower and for the voluntary display of this information on outboard boats. It is believed that the widespread acceptance of this voluntary program has been instrumental in holding the number of overpowering casualties at the present level.

The proposed standard for outboard horsepower capacity is also based on the standard of the American Boat and Yacht Council except that a "test course" method to establish maximum horsepower is not included in the proposed regulation at this time. While a performance type standard such as the test course method may be desirable, the test course method does not ensure consistent results because it depends on the skill of the driver, placement of loading, course conditions, and many other factors. Work is continuing toward the development of an objective performance standard for determining boat horsepower capacity.

The proposed flotation standard in Subpart D reflects the current industry practice for emergency flotation. In the period from 1968–70, there were 218 deaths, 51 injuries, and over $1 million in property damage resulting from sinkings of boats. A boat which will float when flooded gives its occupants a greater chance of survival because it is available to grasp until assistance arrives. For search and rescue purposes, it is far easier to find a boat than individuals in the water.

Section 5(b) of the Act requires, among other things, that a regulation specify an effective date which is not earlier than 180 days from the date of issuance, unless there exists a boating safety hazard so critical as to require an earlier effective date. The Coast Guard considers capacity requirements to be so critical as to require their adoption as soon as possible. Therefore, the Coast Guard anticipates completing this rule making action and publishing a final rule by July 1, 1972, and making the capacity marking requirements effective on October 1, 1972. The planned effective date for the flotation standard is August 1, 1973.

The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of these proposed regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council at this address.

These regulations are proposed under the authority of the Federal Boat Safety Act of 1971 (Public Law 92–75, 85 Stat. 213). The authority and reponsibilities vested in the Secretary of the Department of Transportation by this Act were delegated to the Commandant of the Coast Guard on October 5, 1971 (36 F.R. 19593).

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 33 of the Code of Federal Regulations by adding a new Part 180 to read as follows:

PART 180—BOATS AND ASSOCIATED EQUIPMENT

Subpart A—General

Sec.
180.1 Purpose and applicability.
180.3 Definitions.

Subpart B—Display of Capacity Information

180.21 Applicability.
180.23 Capacity marking required.
180.25 Display of markings.
180.27 Construction of markings.

Subpart C—Safe Loading

180.31 Applicability.
180.33 Maximum weight capacity: inboard and inboard-outdrive boats.
180.35 Maximum weight capacity: outboard boats.
180.37 Maximum weight capacity: boats without mechanical propulsion.
180.39 Persons capacity: inboard and inboard-outdrive boats.
180.41 Persons capacity: outboard boats.
180.43 Persons capacity: boats without mechanical propulsion.

Subpart D—Safe Powering

180.51 Applicability.
180.53 Horsepower capacity.

Subpart E—Flotation

180.61 Applicability.
180.63 Quantity of flotation required.
180.66 Kind of flotation.
180.67 Method for determining quantity of flotation.

AUTHORITY: The provisions of this Part 180 issued under secs. 5, 7, and 39 of the Federal Boat Safety Act of 1971, Public Law 92–75, 85 Stat. 213, 215, 216, 228 (Aug. 10, 1971); 49 CFR 1.46(o)(1).

Subpart A—General

§ 180.1 Purpose and applicability.

This part prescribes standards and regulations for boats and associated equipment to which section 12 of the Federal Boat Safety Act of 1971 applies and to which certification requirements in Part 172 of this chapter apply.

§ 180.3 Definitions.

(a) "Beam" means the maximum transverse distance between the outer sides of the hull excluding fenders, joiner strips, and other extensions.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Length" means the straight line horizontal distance between the intersection of the stem and stern profiles with the sheer excluding fenders or other extensions.

(d) "Mono-hull boat" means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or pontoon boat is not a mono-hull boat.

(e) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(f) "Sheer" means the fore and aft curve in a vertical plane of the topmost line in a vessel's side.

(g) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

Subpart B—Display of Capacity Information

§ 180.21 Applicability.

This subpart applies to mono-hull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats.

§ 180.23 Capacity marking required.

(a) Except as provided in paragraph (b) of this section, each boat must be marked in the manner prescribed in §§ 180.25 and 180.27 with the maximum weight capacity and persons capacity determined under §§ 180.33 through 180.43, and horsepower capacity determined under § 180.53.

(b) Any boat the construction or assembly of which begins before August 1, 1973, may have displayed thereon a persons capacity greater than P_2 but not greater than P_1 in §§ 180.39 through 180.43 if the boat displays at least two

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stability warning labels prescribed in paragraph (c) of this section.

(c) Each of the stability warning labels required by paragraph (b) of this section must—

(1) Be waterproof;

(2) Be displayed at normal boarding positions; and

(3) Have a plan view of the boat and the words in block letters in the sizes shown in figure 180.23 in colors that contrast with the background of the label.



Figure 180.23

§ 180.25 Display of markings.

(a) Each marking required by § 180.23 (a) must be permanently displayed in a legible manner where it is clearly visible to the operator when he is getting the boat underway.

(b) The information required to be marked by § 180.23(a) must be displayed in the following manner—

(1) For outboard boats:

U.S. Coast Guard Capacity Information

Maximum horsepower	xxx
Maximum number of persons	xxx
Maximum weight in pounds (persons, motor, and gear)	xxx

(2) For inboard boats, inboard-outdrive boats, and boats without mechanical propulsion:

U.S. Coast Guard Capacity Information

Maximum number of persons	xxx
Maximum weight in pounds (persons, and gear)	xxx

§ 180.27 Construction of markings.

Each marking required by § 180.23(a) must be—

(a) Capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss or deterioration of legibility; and

(b) Resistant to efforts to remove or alter the information without leaving some obvious sign of such efforts.

Subpart C—Safe Loading

§ 180.31 Applicability.

This subpart applies to mono-hull boats less than 20 feet in length except sailboats, canoes, kayaks, and inflatable boats.

§ 180.33 Maximum weight capacity: inboard and inboard-outdrive boats.

(a) The maximum weight capacity marked on a boat that has one or more inboard engines or inboard-outdrive units for propulsion must not exceed W in the formula.

$$W=\frac{\text{(Maximum displacement)}}{5}-\frac{\text{Boat weight}}{5}-\frac{\text{(Machinery weight)}}{5}$$

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (or transom) are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances, including machinery weight.

(3) "Machinery weight" is the combined weight of installed engines or motors, full fuel system and tanks, control equipment, drive units and batteries.

§ 180.35 Maximum weight capacity: outboard boats.

(a) The maximum weight capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must be a number that does not exceed one-fifth of the difference between its maximum displacement and boat weight.

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is transversely level and the points at which the sheer intersects the stern and transom are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances. For the purpose of this paragraph, outboard motors are not permanent appurtenances.

§ 180.37 Maximum weight capacity: boats without mechanical propulsion.

(a) The maximum weight capacity marked on a boat that is not designed or intended to have mechanical propulsion must not exceed one-fifth of the difference between the boat's maximum displacement and the boat weight .

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (transom) are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances.

§ 180.39 Persons capacity: inboard and inboard-outdrive boats.

The persons capacity marked on a boat that is designed or intended to use one or more inboard engines or inboard-outdrive units must be a whole number that does not exceed the lesser of P_1 or P_2 in the following formulas:

(a)

$$P_1=\frac{\text{(Maximum weight capacity)}}{150}$$

where "Maximum weight capacity" is that marked on the boat.

(b)

$$P_2=\frac{\text{(Live load capacity)}}{150}$$

where "Live load capacity" is determined from the following test in calm water:

(1) Float the boat, with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipment, drive units and batteries.

(2) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floor boards, until the boat assumes the maximum list or trim, or both, without water coming aboard.

(3) Compute the live load capacity in the following formula:

$$\text{Live load capacity}=\frac{A}{.6}$$

where A is the total of the weights added in subparagraph (2) of this paragraph.

§ 180.41 Persons capacity: outboard boats.

The persons capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must be a whole number that does not exceed the lesser of P_1 or P_2 in the following formulas:

(a)

$$P_1=\frac{\text{(Maximum weight capacity)}}{150}$$

where "Maximum weight capacity" is that marked on the boat.

(b)

$$P_2=\frac{\text{(Live load capacity)}}{150}$$

where "Live load capacity" is determined from the following test in calm water:

(1) Float the boat with all its permanent appurtenances.

(2) Add, in normal operating positions, the dry motor and control weight, battery weight and portable tank weight, if any, shown in table 180.67(a) for the maximum horsepower capacity marked on the boat. For permanently installed fuel tanks, add 6 pounds of weight for each gallon of fuel capacity.

(3) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floor boards until the boat assumes the maximum list or trim, or both, without water coming aboard.

(4) Compute the live load capacity in the following formula:

$$\text{Live load capacity}=\frac{A}{.6}$$

where A is the total of the weights added in subparagraph (3) of this paragraph.

§ 180.43 Persons capacity: boats without mechanical propulsion.

The persons capacity marked on a boat that is not designed or intended to have mechanical propulsion must be a whole number that does not exceed the lesser of P_1 or P_2 in the following formulas:

(a)

$$P_1=\frac{\text{(Maximum weight capacity)}}{150}$$

where "Maximum weight capacity" is that marked on the boat.

(b)

$$P_2=\frac{\text{(Live load capacity)}}{150}$$

where "Live load" is determined from the following test in calm waters:

(1) Float the boat, with all its permanent appurtenances.

(2) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floor boards until the boat assumes the maximum list or trim, or both, without water coming aboard.

(3) Compute the live load capacity in the following formula:

$$\text{Live load capacity}=\frac{A}{.6}$$

where A is the total of the weights added in subparagraph (2) of this paragraph.

Subpart D—Safe Powering

§ 180.51 Applicability.

This subpart applies to mono-hull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats, that are designed or intended to use one or more outboard motors for propulsion.

TABLE 180.53—OUTBOARD BOAT HORSEPOWER CAPACITY

COMPUTE: FACTOR=BOAT LENGTH×TRANSOM WIDTH

If factor (nearest whole number) is	0–35	36–39	40–42	43–45	46–52
Horsepower capacity is	3	5	7½	10	15

NOTE: For flat bottom hard chine boats reduce one capacity increment (e.g. 5 to 3).

If factor is 53 or more and the boat has—	Remote steering and at least 20" transom height	No remote steering, or less than 20" transom	
		For flat bottom hard chine boats	For other boats
Horsepower capacity is (raise to nearest multiple of 5).	(2×Factor)−90	(0.5×Factor)−15	(0.8×Factor)−25

Subpart E—Flotation

§ 180.61 Applicability.

This subpart applies to mono-hull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats.

§ 180.63 Quantity of flotation required.

Each boat must have—

(a) At least that quantity of flotation prescribed in § 180.67; or

(b) Enough permanent flotation to keep any portion of the boat above the surface of the water when the boat is filled with water and loaded with—

(1) A weight that, when submerged, equals the persons capacity marked on the boat times 20 pounds; and

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) For outboard motorboats, a weight that, when submerged, equals the submerged motor and control weight from table 180.67(a).

(c) For the purpose of this section "dead weight" means—

(1) For outboard boats, the maximum weight capacity marked on the boat minus the sum of—

(i) Motor and control weight, and battery weight (dry) from table 180.67(a); and

(ii) 150 pounds times the persons capacity marked on the boat; and

(2) For inboard motorboats, the maximum weight capacity marked on the boat minus 150 pounds times the persons capacity marked on the boat.

§ 180.65 Kind of flotation.

(a) Except as provided in paragraph (b) of this section, the flotation required by § 180.63 must be inherently buoyant materials that are—

(1) Capable of withstanding the combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use, including fuel oil, gasoline, grease, lubricating oil, common bilge solvents, and salt and fresh water;

(2) Capable of withstanding combined exposure to sunlight, vibration, shock and temperature variations which may be expected during normal use; and

(3) Installed in such a manner that it is fully effective when the boat is flooded or capsized.

(b) If the construction or assembly of a boat is begun before August 1, 1973, it may have two or more air chambers that—

(1) Are completely watertight, except that pressure equalization openings may be provided if these openings are fitted with means to prevent water from entering the air chambers;

(2) Maintain their watertight integrity when the boat is flooded or capsized;

(3) Are designed and arranged so that the flooding of one chamber will not result in sufficient loss of buoyancy to cause

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the boat to sink with its maximum weight capacity in normal operating position; and

(4) Are fitted with a means of being easily drained.

§ 180.67 Method for determining quantity of flotation.

The minimum quantity of flotation material required by § 180.63 must be determined by the following method:

(a) Step 1: Determine the Submerged Weight of Boat (W_s) in the formula:

$$W_s = Wh\ K_1 + Wd\ K_2 + 0.69\ We.$$

where

W_s = Submerged weight of boat.
Wh = Dry weight of hull.
Wd = Dry weight of deck and superstructure.
We = Dry weight of permanent appurtenances except motor and control weight, battery weight, and portable tank weight.
K_1 and K_2 = Conversion factors for materials used from table 180.67 (b).

(b) Step 2: Determine Submerged Weight of Engine and Related Equipment (G) as follows:

(1) For outboard boats, G equals the sum of the submerged motor and control weight, battery weight, and full fuel tank weight from table 180.67(a) for maximum horsepower capacity marked on the boat in accordance with § 180.53.

(2) For inboard boats G equals 75 percent of the installed weight of engine, drive, and fuel system.

(c) Step 3: Determine Dry Weight of Load (C) as follows:

(1) For outboard boats, C equals the maximum weight capacity as determined in § 180.35 minus the sum of dry motor and control weight, battery weight, and full fuel tank weight from table 180.67 (a).

(2) For inboard boats, C equals the maximum weight capacity as determined in § 180.33.

(d) Step 4: Determine Flotation Required (W) in the formula:

$$W = W_s \text{ (Step 1)} + G \text{ (Step 2)} + .25\ C \text{ (Step 3)}$$

(e) Step 5: Determine the Volume of Flotation Material (F) needed in the formula:

$$F = \frac{\text{Flotation Required (W)}}{\text{Buoyancy of Flotation Material}}$$

where: "Flotation Required" is that value of W determined in Step 4; and "Buoyancy of Flotation Material" is determined by subtracting from the density of fresh water the density of the flotation material. The density of the flotation material must be determined after the material immersed in fresh water for one-half hour. Where air chambers are used the "Buoyancy of Flotation Material" is 62.4 lbs./ft.^{3}.

TABLE 180.67(a)

WEIGHTS OF OUTBOARD MOTOR AND RELATED EQUIPMENT FOR VARIOUS BOAT HORSEPOWER RATINGS

Boat horsepower rating	Motor and control weight		Battery weight		Full portable[2] fuel tank weight	
	Dry	Wet[1]	Dry	Wet[1]	Dry	Wet[1]
Under 4	35	20				
4.1– 5	55	34			25	−1
5.1– 10	70	55	20	11	50	−1
10.1– 30	105	56	45	25	50	−1
30.1– 50	190	138	45	25	100	−3
50.1– 75	240	163	45	25	100	−3
75.1–150	305	218	45	25	100	−3
TRANSOMS DESIGNED FOR TWIN MOTORS						
60.9–100	380	268	45	25	100	−3
100.1–150	480	328	45	25	100	−3
150.1–300	610	413	45	25	100	−3

[1] Wet in this case means submerged.
[2] If the boat has a permanent built-in fuel tank, the tank should be full for the test and the "Full Portable Fuel Tank Weight" excluded.

TABLE 180.67(b)

FACTORS FOR CONVERTING VARIOUS BOAT MATERIALS FROM DRY TO SUBMERGED WEIGHT

Material	Sp. Gr.	Factor
Steel	7.85	0.88
Aluminum	2.73	0.63
Fiberglas	1.50	0.23
A.B.S.	1.12	0.11
Oak	0.63	−0.56
Mahogany	0.56	−0.78
Ash	0.56	−0.78
Yellow Pine	0.55	−0.81
Fir Plywood	0.55	−0.81
Mahogany Plywood	0.54	−0.83
Royalex	0.50	−0.95
Cedar	0.33	−1.95
Balsa end gr.	0.16	−4.24

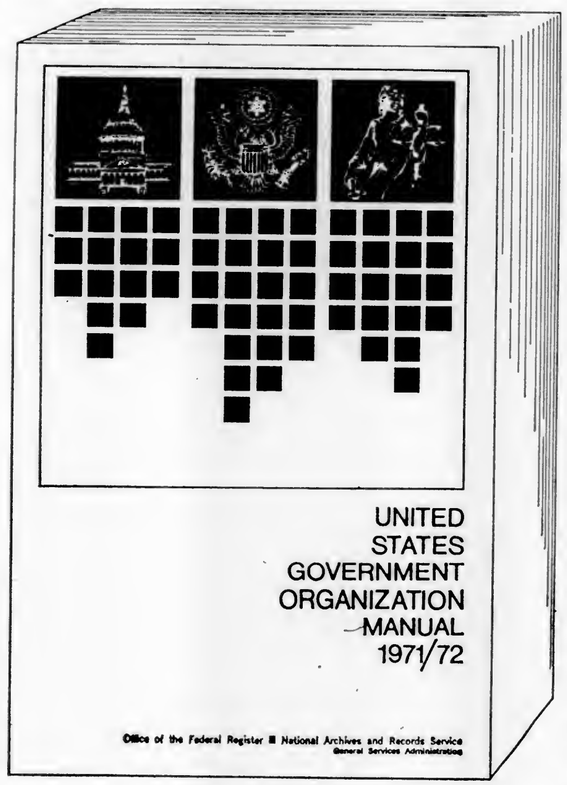
This proposal is made under the authority of secs. 5, 7, and 39 of the Federal Boat Safety Act of 1971, Public Law 92–75, 85 Stat. 213, 215, 216, 228 (Aug. 10, 1971); 49 CFR 1.46(o)(1).

Dated April 17, 1972.

A. C. WAGNER,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Boating Safety.

[FR Doc.72–6022 Filed 4–21–72;8:45 am]

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federal register

TUESDAY, APRIL 25, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 80

Pages 8051–8363

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Title 3—The President

EXECUTIVE ORDER 11668

Providing for a National Center for Housing Management

By virtue of the authority vested in me as President of the United States and in accordance with the provisions of the Department of Housing and Urban Development Act, as amended (42 U.S.C. 3531 et seq.), Title VIII of the Housing Act of 1964, as amended (20 U.S.C. 801 et seq.), and Title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), it is ordered as follows:

SECTION 1. *Policy.* The Nation's housing stock represents an important national resource which must be preserved and well managed if public and private investments are to be protected, and if we are to meet our goal of providing a decent home and suitable living environment for low and moderate income residents. The production of Federally-assisted housing has greatly expanded in recent years, creating a need for a balanced strategy to ensure that such housing remains viable for the purposes intended.

This expansion also creates a need for a growing supply of new management manpower for the years ahead. Special skills must be developed among these managers so that they can effectively overcome the social and economic problems facing many residents of Federally-assisted housing, including the elderly. Training, the improvement of career opportunities, and the upgrading of industry standards are all essential to the improvement of the Nation's housing management capability, particularly for low and moderate income housing.

SEC. 2. *Establishment of a National Center for Housing Management.* (a) The Secretary of Housing and Urban Development is directed to call upon public-spirited citizens, dedicated and experienced in the appropriate disciplines, to create, in accordance with existing laws, a new, non-governmental, not-for-profit institution to serve as a National Center for Housing Management (referred to herein as the Center).

(b) The Center should be designed to provide objective and independent leadership at the national level in helping meet the Nation's housing management and training needs and should work cooperatively with the Department of Housing and Urban Development and with the public and private organizations and institutions involved in, or affected by, its activities.

SEC. 3. *Activities of the Center.* The activities of the Center should be developed along lines that include the following objectives:

(1) Development of training and educational programs for housing management and personnel;

(2) Cooperation with public and private national, State, and local organizations and institutions in extending housing management training and educational opportunities, using to the fullest extent possible

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the services and facilities of existing agencies with expertise in training and education.

(3) Cooperation with national, State, and local organizations and institutions in establishing or expanding recruitment and placement systems that will link training in housing management to job opportunities in that field.

(4) Development of improved housing management practices and assistance in professionalizing the housing management industry; and

(5) Stimulating the creation of new management entities, and strengthening the effectiveness of existing management entities.

SEC. 4. *Assistance by Federal Agencies.* To the extent consistent with law, all other Federal executive departments and agencies shall cooperate and work with the Department of Housing and Urban Development and the Center in providing appropriate advice and financial support so as to ensure that the above described objectives are carried out with the most effective and efficient use of Federal, State and local resources, both public and private.

Richard Nixon

THE WHITE HOUSE,
April 21, 1972.

[FR Doc.72-6359 Filed 4-21-72; 3:57 pm]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to reflect the following title change: From Confidential Assistant to the Secretary to Secretary to the Secretary.

Effective on publication in the FEDERAL REGISTER (4-25-72), subparagraph (13) of § 213.3305(a) is amended and subparagraph (34) is revoked as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(13) Three Secretaries to the Secretary.

• • • • • •

(34) [Revoked]

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6284 Filed 4-24-72;8:48 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Staff Assistant to the Assistant Secretary for Mineral Resources is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4-25-72), subparagraph (38) is added to paragraph (a) of § 213.3312 as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(38) One Staff Assistant to the Assistant Secretary for Mineral Resources.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6283 Filed 4-24-72;8:48 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to reflect the following title change: From Private Secretary to the Deputy Assistant Director, Bureau of Economics, to Private Secretary to the Deputy Assistant Director, Economic Affairs Bureau.

Effective on publication in the FEDERAL REGISTER (4-25-72), paragraph (g) of § 213.3364 is amended as set out below.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

• • • • • •

(g) One Private Secretary to the Deputy Assistant Director, Economic Affairs Bureau.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72-6285 Filed 4-24-72;8:48 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

CHANGE OF AGENCY NAME

An order of the Secretary of Agriculture (37 F.R. 6327) changed the name of the Consumer and Marketing Service to the Agricultural Marketing Service and transferred to the Animal and Plant Health Inspection Service the meat and poultry inspection activities formerly administered by the Consumer and Marketing Service. An order of the Assistant Secretary for Marketing and Consumer Services (37 F.R. 6505) confirmed all delegations to the Administrator, Consumer and Marketing Service under the agency's new name, the Agricultural Marketing Service, with the exception of meat and poultry inspection activities. Accordingly, the provisions of Chapters I, IX, X, and XI, 7 CFR, are amended by changing the name "Consumer and Marketing Service" wherever it appears to "Agricultural Marketing Service."

These amendments are merely editorial. They do not affect any member of the public. Accordingly, under the provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and unnecessary, and good cause is found for making amendments effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER (4-25-72).

Done at Washington, D.C., this 20th day of April 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6298 Filed 4-24-72;8:50 am]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

U.S. Standards for Sawdust Pack Grapes (European or Vinifera Type)

On April 5, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6854) regarding the termination of United States Standards for Sawdust Pack Grapes (European or Vinifera type). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the termination of the standards. The U.S. Standards for Sawdust pack Grapes were issued in August 1928. They were last revised in October 1953 and amended in October 1962. The proposal to terminate these standards gave interested persons until April 15, 1972 to submit written data, views, or arguments regarding it. No adverse comments have been received.

The revision of the table grape standards in May 1971 provided for the certification of premium packs of grapes destined for long storage or overseas shipments. This eliminated the need for the sawdust pack standards. In the revising of the table grape standards it was stated that the U.S. Standards for Sawdust Pack Grapes would continue in effect until May 1, 1972. The termination of the sawdust pack standards was delayed so that shippers who had on hand a stock of containers marked "U.S. No. 1 Sawdust Pack" would have ample time to dispose of those containers. It was felt that one season would be sufficient time for disposal.

It is hereby found that good cause exists for not postponing the effective date of this termination beyond May 1, 1972 in that: (1) The 1972 packing season for grapes starts in May and it is in the interest of the industry that this termination be placed in effect at the earliest possible date to prevent possible confusion or error on the part of the industry; and (2) no special preparation is

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required for compliance with this termination on the part of members of the grape industry or of others.

Accordingly, the U.S. Standards for Sawdust Pack Grapes (European or Vinifera type) (7 CFR 51.2150–51.2178) shall be terminated effective May 1, 1972.

G. R. GRANGE,
Acting Administrator.

APRIL 20, 1972.

[FR Doc.72-6299 Filed 4-24-72;8:50 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

CHANGE OF AGENCY NAME

For a document changing the name of the Consumer and Marketing Service to the Agricultural Marketing Service see F.R. Doc. 72-6298, 7 CFR Ch. I, *supra*.

[Lemon Reg. 529, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provision in paragraph (b)(1) of § 910.829 (Lemon Regulation 529, 37 F.R. 7482) during the period April 16, 1972, through April 22, 1972, is hereby amended to read as follows:

§ 910.829 Lemon Regulation 529.

* * * * *

(b) *Order.* (1) * * * 250,000 cartons.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 19, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6271 Filed 4-24-72;8:47 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

CHANGE OF AGENCY NAME

For a document changing the name of the Consumer and Marketing Service to the Agricultural Marketing Service see F.R. Doc. 72-6298, 7 CFR Ch. I, *supra*.

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

CHANGE OF AGENCY NAME

For a document changing the name of the Consumer and Marketing Service to the Agricultural Marketing Service see F.R. Doc. 72-6298, 7 CFR Ch. I, *supra*.

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rice Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops, Rice Loan and Purchase Program

COMPLIANCE REQUIREMENTS AND WAREHOUSE CHARGES

On page 3753 of the FEDERAL REGISTER published on February 19, 1972, there was published a notice of proposed rule making to issue regulations amending §§ 1421.303 and 1421.307 of the 1970 and subsequent crops, rice loan and purchase program regulations.

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed amendments.

None have been received and the proposed amendments to the regulations are hereby adopted without change and are set forth below.

Effective date. These amendments to the regulations shall be effective upon publication in the FEDERAL REGISTER (4–25–72).

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

APRIL 18, 1972.

1. The amendment of § 1421.303 deletes the cross-compliance eligibility requirements for multiple farm producers and provides for determination of the eligibility for price support for rice on an individual farm basis. As amended, § 1421.303 reads as follows:

§ 1421.303 Compliance requirements.

An eligible producer shall be a producer on whose farm the rice acreage allotment established for the farm under the provisions of the Rice Acreage Allotment Regulations of Part 730 of this title has not been knowingly exceeded. If such rice was produced on a farm for which a certification is furnished under Part 718 of this title, Determination of Acreage and Compliance, and subsequent measurement of the rice acreage on such farm indicates that the acreage planted does not exceed the rice acreage allotment established for the farm by more than the larger of 0.5 acre, or 5 percent of the farm rice acreage allotment but not to exceed 15 acres, the farm rice acreage allotment will not be considered to have been knowingly exceeded.

2. The amendment to paragraph (c) of § 1421.307 provides that the receiving and loading out charges payable may not exceed those paid by Commodity Credit Corporation under its Uniform Rice Storage Agreement. The immediate effect of this amendment is to increase the maximum amount payable for such services from eight (8) cents to twelve (12) cents. As amended, paragraph (c) reads as follows:

§ 1421.307 Warehouse charges.

* * * * *

(c) *Refund of prepaid handling charges.* The receiving or the receiving and loading out charges on the rice referred to in paragraph (a) of this section and § 1421.23(i) shall be at the rate paid by the producer but not in excess of the rate for such services under the Uniform Rice Storage Agreement.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 401, and 408, 63 Stat. 1051, as amended; 15 U.S.C. 714b and 714c; 7 U.S.C. 1421, 1441, and 1428)

[FR Doc.72-6304 Filed 4-24-72;8:50 am]

Title 8—Aliens and Nationality

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSABLE ALIENS; PAROLE

Nonresident Alien Border Crossing Cards

Correction

In F.R. Doc. 72–5815 appearing at page 7584 in the issue of Tuesday, April 18, 1972, the words "Form I–75" in the third and eighth lines of § 212.6(b) should read "Form I–175".

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-469]

PART 545—OPERATIONS

Real Estate Loans

APRIL 19, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of effecting technical revisions in several sections which relate to the Board's recent revision of § 545.6–7 of said part which was published in 37 F.R. 6285. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 as follows, effective May 1, 1972:

1. Revise § 545.6–6 to read as follows:

§ 545.6–6 Lending area.

The regular lending area of a Federal association consists of the area: (a) Within a radius of 100 miles from such association's home office; (b) within a radius of 100 miles from each branch office of such association or other place of business approved by the Board as an agency of such association, to the extent that such area is also within the State in which such association's home office is located; and (c) in the case of a Federal association which is converted from a State-chartered institution, beyond 100 miles from its home office but within which area such association made loans while operating under State charter. Each converted association that desires to continue to make loans beyond 100 miles from its home office in the areas in which it made loans while operating under State charter shall file with the Board a map showing the areas within which such association made loans while operating under State charter. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "area" in which a converted association made loans beyond a radius of 100 miles from its home office while operating under State charter.

§ 545.6–14 [Amended]

2. Revise § 545.6–14 by deleting paragraph (i) thereof.

3. Revise paragraph (d) of § 545.6–16 to read as follows:

§ 545.6–16 Housing facilities for the aging.

* * * * *

(d) *Relationship to the other provisions of the regulations.* Except as expressly provided by this section, the exercise of any authority conferred on or vested in any Federal association by this section shall be subject to, and limited or restricted by, all other provisions of this part.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments are of a technical nature to clarify references to the recent revision of § 545.6–7 above referred to and do not impose additional requirements, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth, on the same date on which such revision of § 545.6–7 becomes effective.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6280 Filed 4-24-72;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11171, Amdt. 39-1438]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU–2B Airplanes

Amendment 39–1238 (36 F.R. 12091) AD 71–14–1 requires periodic inspections of the main integral fuel tank inner surface coating and repair of peeling or blistering surfaces on Mitsubishi Model MU–2B airplanes. After issuing Amendment 71–14–1, the FAA has determined that the repetitive inspections required by the AD may be terminated if the fuel tanks undergo a rework involving the complete removal of the DV 1180 top coating material and the coating of the fuel tanks with Alodine and Finch 454–4–1 sealant in accordance with the airplane manufacturer's instructions. Therefore, the AD is being amended to provide for the termination of repetitive inspections when the fuel tanks are reworked in accordance with repair instructions provided in Mitsubishi Service Bulletin No. 143B, Method II, dated January 5, 1972. In addition AD 71–14–1 is being updated to include a reference to the current service bulletin.

Since this amendment provides an updated reference and an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1238 (36 F.R. 12091), AD 71–14–1 is amended as follows:

1. By amending the last sentence of paragraph (f) to read: * * *

Remove all defective coating and rework the affected areas in accordance with repair instructions provided in Mitsubishi Service Bulletin No. 143A or 143B, Method I, dated April 23, 1971 and January 5, 1972, respectively, or an FAA approved-equivalent, or comply with paragraph (g) of this section.

2. By adding a new paragraph (g) to read: * * *

(g) Drain the fuel tanks, remove all the top coating material, and rework the fuel tanks in accordance with Mitsubishi Service Bulletin No. 143B, Method II, dated January 5, 1972, or an FAA approved-equivalent.

3. By adding a new paragraph (h) to read: * * *

(h) The repetitive inspections specified in paragraphs (d) and (e) of this section may be discontinued when the fuel tanks are reworked in accordance with paragraph (g) of this section.

This amendment becomes effective May 1, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 17, 1972.

WILLIAM C. SHREVE, JR.,
Acting Director, Flight Standards Service.

[FR Doc.72-6256 Filed 4-24-72;8:46 am]

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[Docket No. 11890, Amdt. 39-1439]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation de Havilland Model DH-114 "Heron" Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted on February 9, 1972, and made effective immediately as to all known operators of Hawker Siddeley de Havilland Model DH-114 "Heron" airplanes because of reported cracks of the fuselage rear spar transverse keel frame which could result in the loss of a wing in flight. The directive requires visual inspections of the fuselage rear spar tranverse keel frame for signs of buckling or cracking and repair, in accordance with approved instructions, as necessary. The initial inspection is required within the next 25 hours' time in service after the effective date of the AD; periodic inspections are required at intervals not exceeding 600 hours' time in service.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hawker Siddeley de Havilland Model DH-114 "Heron" airplanes by individual telegram dated February 9, 1972. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

HAWKER SIDDELEY AVIATION. Applies to de Havilland Model DH-114 "Heron" airplanes.

Compliance required as indicated.

(a) Within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 575 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection, remove the inspection doors just forward and aft of the fuselage rear spar transverse keel frame at fuselage station 43.25 and visually inspect both the front and rear face, including reinforcing sections, if installed, of the fuselage rear spar transverse keel frame for signs of buckling and cracks.

NOTE: During the inspection required by paragraph (a) of this section, particular attention should be directed to the area near the wing rear spar attachment.

(b) If cracks or other damage is found during inspections specified in paragraph (a) of this section, before further flight, repair the keel frame in accordance with ARB approved repair instructions obtained from the Product Support Department, Hawker Siddeley Aviation Ltd. Hatfield, Hertfordshire, England or an equivalent approved by the Chief, Engineering and Manufacturing Branch of an FAA Region (or in the case of the Western Region, the Chief, Aircraft Engineering Division).

This amendment is effective April 25, 1972, and was effective upon receipt for all recipients of the telegram dated February 9, 1972, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 19, 1972.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.72-6257 Filed 4-24-72;8:46 am]

[Airspace Docket No. 70-CE-98]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make a minor alteration to the Fort Leonard Wood, Mo., transition area.

The 1,200-foot floor Fort Leonard Wood, Mo., transition area designated in 35 F.R. 18193, refers to "V-72". This airway now has been renumbered "V-238". Accordingly, it is necessary to revise the 1,200-foot floor transition area designation to affect this change.

Since this change is minor in nature, notice and public procedure hereon are neither necessary nor practicable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective June 22, 1972, as hereinafter set forth:

Amend § 71.181 of Part 71, Federal Aviation Regulations by substituting "V-238" for "V-72" in the description of the Fort Leonard Wood, Mo., 1,200-foot floor transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on March 31, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-6254 Filed 4-24-72;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7181]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Multiple Corporations

On September 4, 1971, there was published in the FEDERAL REGISTER (36 F.R. 17863) a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to reflect the provisions of section 401 of the Tax Reform Act of 1969 (Public Law 91-172), relating to multiple corporations. After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendment to the regulations as proposed is hereby adopted, subject to the changes set forth below. These regulations supersede Treasury Decision 7101 (36 F.R. 5339), approved March 17, 1971.

PARAGRAPH 1. Section 1.46-1(f)(2)(i), as set forth in paragraph 4 of the appendix to the notice of proposed rule making, is changed by revising the next-to-the-last sentence to read as set forth below:

PAR. 2. The last sentences of § 1.1563-1(c)(2)(ii) and (iii), as set forth in paragraph 19 of the appendix to the notice of proposed rule making, are revised to read as set forth below:

PAR. 3. Section 1.1564-1, as set forth in paragraph 22 of the appendix to the notice of proposed rule making, is changed by revising subparagraph (2) of, and adding a new subparagraph (3) to, paragraph (b). The revised and added provisions read as set forth below:

(Secs. 46(a)(5), 179(d)(6)(B), 1562(f), 1563(b)(4), 1563(f)(3)(B), 1564(a)(2), 7805 Internal Revenue Code of 1954, 83 Stat. 603; 26 U.S.C. 46(a)(5); 83 Stat. 604; 26 U.S.C. 179(d)(6)(B); 78 Stat. 119; 26 U.S.C. 1562(f); 78 Stat. 121; 26 U.S.C. 1563(b)(4); 78 Stat. 124; 26 U.S.C. 1563(f)(3)(B); 83 Stat. 601; 26 U.S.C. 1564(a)(2); and 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 14, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.11 is amended by revising subsections (b), (c), and (d) of, and adding new subsections (e) and (f) to, section 11, and by revising the historical note. These new and revised provisions read as follows:

§ 1.11 Statutory provisions; tax imposed.

SEC. 11. *Tax imposed.* • • •

(b) *Normal tax.* The normal tax is equal to the following percentage of the taxable income:

(1) 30 percent, in the case of a taxable year beginning before January 1, 1964, and

(2) 22 percent, in the case of a taxable year beginning after December 31, 1963.

(c) *Surtax.* The surtax is equal to the following percentage of the amount by which the taxable income exceeds the surtax exemption for the taxable year:

(1) 22 percent, in the case of a taxable year beginning before January 1, 1964,

(2) 28 percent, in the case of a taxable year beginning after December 31, 1963, and before January 1, 1965, and

(3) 26 percent, in the case of a taxable year beginning after December 31, 1964.

(d) *Surtax exemption.* For purposes of this subtitle, the surtax exemption for any taxable year is $25,000, except that, with respect to a corporation to which section 1561 or 1564 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

(e) *Exceptions.* Subsection (a) shall not apply to a corporation subject to a tax imposed by—

(1) Section 594 (relating to mutual savings banks conducting life insurance business),

(2) Subchapter L (sec. 801 and following, relating to insurance companies), or

(3) Subchapter M (sec. 851 and following, relating to regulated investment companies and real estate investment trusts).

(f) *Foreign corporations.* In the case of a foreign corporation, the tax imposed by subsection (a) shall apply only as provided by section 882.

[Sec. 11 as amended by sec. 2, Tax Rate Extension Act 1955 (69 Stat. 114); sec. 2, Tax Rate Extension Act 1956 (70 Stat. 66); sec. 2, Tax Rate Extension Act 1957 (71 Stat. 9); sec. 2, Tax Rate Extension Act 1958 (72 Stat. 259); sec. 2, Tax Rate Extension Act 1959 (73 Stat. 157); sec. 201, Public Debt and Tax Rate Extension Act 1960 (74 Stat. 290); sec. 10(d), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1009); sec. 2, Tax Rate Extension Act 1961 (75 Stat. 193); sec. 2, Tax Rate Extension Act 1962 (76 Stat. 114); sec. 2, Tax Rate Extension Act 1963 (77 Stat. 72); sec. 121, Rev. Act 1964 (78 Stat. 25); sec. 104(b)(2), Foreign Investors Tax Act 1966 (80 Stat. 1557); sec. 401(b)(2)(B), Tax Reform Act 1969 (83 Stat. 602)]

PAR. 2. Section 1.11-1 is amended by revising paragraphs (a), (c), and (d) to read as follows:

§ 1.11-1 Tax on corporations.

(a) Every corporation, foreign or domestic, is liable to the tax imposed under section 11 except (1) corporations described in section 11(e); (2) corporations expressly exempt from all taxation under subtitle A of the Code (see section 501); and (3) corporations subject to tax under section 511(a). For definition of the terms "corporation," "domestic," and "foreign," see section 7701(a)(3), (4), and (5), respectively. It is immaterial that a domestic corporation subject to the tax imposed by section 11 may derive no income from sources within the United States. The tax imposed by section 11 is payable upon the basis of returns rendered by the corporations liable thereto, except that in some cases a tax is to be paid at the source of the income. See subchapter A (section 6001 and following), chapter 61 of the Code, and section 1442.

• • • • •

(c) The normal tax is at the rate of 22 percent and is applied to the taxable income for the taxable year.

(d) The surtax is at the rate of 26 percent and is upon the taxable income (computed without regard to the deduction, if any, provided in section 242 for partially tax-exempt interest) in excess of $25,000. However, in certain circumstances the $25,000 exemption from surtax may be disallowed in whole or in part. See sections 269, 1551, 1561, and 1564 and the regulations thereunder.

• • • • •

PAR. 3. Section 1.46 is amended by revising subsection (a)(5) of section 46 and the historical note to read as follows:

§ 1.46 Statutory provisions; amount of credit.

SEC. 46. *Amount of credit*—(a) *Determination of amount.* • • •

(5) *Controlled groups.* In the case of a controlled group, the $25,000 amount specified under paragraph (2) shall be reduced for each component member of such group by apportioning $25,000 among the component members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term "controlled group" has the meaning assigned to such term by section 1563(a).

• • • • •

[Sec. 46 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 963); as amended by sec. 201(d)(4), Rev. Act 1964 (78 Stat. 32); sec. 3, Act of Nov. 8, 1966 (Public Law 89-800, 80 Stat. 1514); sec. 2(a), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 401(e)(1), Tax Reform Act 1969 (83 Stat. 603)]

PAR. 4. Section 1.46-1 is amended by revising so much of paragraph (b) as follows subparagraph (1)(ii)(*b*) thereof and paragraph (f) to read as follows:

§ 1.46-1 Determination of amount.

• • • • •

(b) *Limitation based on amount of tax*—(1) *In general.* • • •

(ii) • • •

(*b*) • • •

However, such $25,000 amount may be reduced in the case of certain married individuals filing separate returns (see paragraph (e) of this section); corporations which are component members of a controlled group (see paragraph (f) of this section); trusts and estates (see paragraph (c) of § 1.48-6); and organizations to which section 593 applies, regulated investment companies or real estate investment trusts subject to taxation under subchapter M, chapter 1 of the Code, and cooperative organizations described in section 1381(a) (see § 1.46-4). The excess of the credit earned for the taxable year over the limitation described in this paragraph for such taxable year is an unused credit which may be carried back or forward to other taxable years in accordance with § 1.46-2.

• • • • •

(f) *Apportionment of $25,000 amount among component members of a controlled group*—(1) *In general.* In determining the limitation based on amount of tax under section 46(a)(2) in the case of corporations which are component members of a controlled group of corporations on a December 31, only one $25,000 amount is available to such component members for their taxable years that include such December 31. See subparagraph (2) of this paragraph for apportionment of such amount among such component members. See subparagraph (3) of this paragraph for definition of "component member".

(2) *Manner of apportionment.* (i) In the case of corporations which are component members of a controlled group on a particular December 31, the $25,000 amount may be apportioned among such members for their taxable years that include such December 31 in any manner the component members may select, provided that each such member less than 100 percent of whose stock is owned, in the aggregate, by the other component members of the group on such December 31 consents to an apportionment plan. The consent of a component member to an apportionment plan with respect to a particular December 31 shall be made by means of a statement, signed by a person duly authorized to act on behalf of the consenting member, stating that such member consents to the apportionment plan with respect to such December 31. The statement shall set forth the name, address, employer identification number, and taxable year of each component member of the group on such December 31, the amount apportioned to each such member under the plan, and the location of the Service Center where the statement is to be filed. The consent of more than one component member may be incorporated in a single statement. The statement shall be timely filed with the Service Center where the component member having the taxable year first ending on or after such December 31 files its return for such taxable year and shall be irrevocable after such filing. If two or more component members have the same such taxable year, a statement of consent may be filed by any one of such members. Such statement shall be considered as timely filed if filed on or before the due date (including any extensions of time) of such member's income tax return which includes such December 31. However, if the due date (including any extensions of time) of the return of such member is on or before December 15, 1971, the required statement shall be considered as timely filed if filed on or before March 15, 1972. Each component member of the group on such December 31 shall keep as a part of its records a copy of the statement containing all the required consents.

(ii) An apportionment plan adopted by a controlled group with respect to a particular December 31 shall be valid only for the taxable year of each member of the group which includes such December 31. Thus, a controlled group must file a separate consent to an apportionment plan with respect to each taxable year which includes a December 31 as to which an apportionment plan is desired.

(iii) If the apportionment plan is not timely filed, the $25,000 amount specified in section 46(a)(2) shall be reduced for each component member of the controlled group, for its taxable year which includes a December 31, to an amount equal to $25,000 divided by the number of component members of such group on such December 31.

(iv) If a component member of the controlled group makes its income tax return on the basis of a 52-53-week taxable year, the principles of section 441(f)(2)(A)(ii) and paragraph (b)(1) of § 1.441-2 apply in determining the last day of such taxable year.

(3) *Definitions of controlled group of corporations and component member of controlled group.* For the purpose of this paragraph, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563 (a) and (b). For purposes of applying § 1.1563-1(b)(2)(ii)(c), an electing small business

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corporation shall be treated as an excluded member whether or not it is subject to the tax imposed by section 1378.

(4) *Members of a controlled group filing a consolidated return.* If some component members of a controlled group join in filing a consolidated return pursuant to § 1.1502–3(a)(3), and other component members do not join, then, unless a consent is timely filed apportioning the $25,000 amount among the group filing the consolidated return and the other component members of the controlled group, each component member of the controlled group (including each component member which joins in filing the consolidated return) shall be treated as a separate corporation for purposes of equally apportioning the $25,000 amount under subparagraph (2)(iii) of this paragraph. In such case, the limitation based on the amount of tax for the group filing the consolidated return shall be computed by substituting for the $25,000 amount the total of the amount apportioned to each component member which joins in filing the consolidated return. If the affiliated group filing the consolidated return and the other component members of the controlled group adopt an apportionment plan, the affiliated group shall be treated as a single member for the purpose of applying subparagraph (2)(i) of this paragraph. Thus, for example, only one consent executed by the common parent to the apportionment plan is required for the group filing the consolidated return. If any component member of the controlled group which joins in the filing of the consolidated return is an organization to which section 593 applies or a cooperative organization described in section 1381(a), see paragraph (a)(3)(ii) of § 1.1502–3.

(5) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). At all times during 1970 Smith, an individual, owns all the stock of corporations X, Y, and Z. Corporation X files an income tax return on a calendar year basis. Corporation Y files an income tax return on the basis of a fiscal year ending June 30. Corporation Z files an income tax return on the basis of a fiscal year ending September 30. On December 31, 1970, X, Y, and Z are component members of the same controlled group. X, Y, and Z all consent to an apportionment plan in which the $25,000 amount is apportioned entirely to Y for its taxable year ending June 30, 1971 (Y's taxable year which includes December 31, 1970). Such consent is timely filed. For purposes of computing the credit under section 38, Y's limitation based on amount of tax for its taxable year ending June 30, 1971, is so much of Y's liability for tax as does not exceed $25,000, plus 50 percent of Y's liability for tax in excess of $25,000. X's and Z's limitations for their taxable years ending December 31, 1970, and September 30, 1971, respectively, are equal to 50 percent of X's liability for tax and 50 percent of Z's liability for tax. On the other hand, if an apportionment plan is not timely filed, X's limitation would be so much of X's liability for tax as does not exceed $8,333.33, plus 50 percent of X's liability in excess of $8,333.33, and Y's and Z's limitations would be computed similarly.

Example (2). At all times during 1970, Jones, an individual, owns all the outstanding stock of corporations P, Q, and R. Corporations Q and R both file returns for taxable years ending December 31, 1970. P files a consolidated return as a common parent for its fiscal year ending June 30, 1971, with its two wholly-owned subsidiaries N and O. On December 31, 1970, N, O, P, Q, and R are component members of the same controlled group. No consent to an apportionment plan is filed. Therefore, each member is apportioned $5,000 of the $25,000 amount ($25,000 divided equally among the five members). The limitation based on the amount of tax for the group filing the consolidated return (P, N, and O) for the year ending June 30, 1971 (the consolidated taxable year within which December 31, 1970, falls) is computed by using $15,000 instead of the $25,000 amount. The $15,000 is arrived at by adding together the $5,000 amounts apportioned to P, N, and O.

PAR. 5. Section 1.48 is amended by revising subsections (c) (2) (C), (3) (C), and (d) (2) of section 48 and the historical note to read as follows:

§ 1.48 Statutory provisions; definitions; special rules.

SEC. 48. *Definitions; special rules.* • • •

(c) *Used section 38 property.* • • •

(2) *Dollar limitation.* • • •

(C) *Controlled groups.* In the case of a controlled group, the $50,000 amount specified under subparagraph (A) shall be reduced for each component member of the group by apportioning $50,000 among the component members of such group in accordance with their respective amounts of used section 38 property which may be taken into account.

• • • • • •

(3) *Definitions.* • • •

(C) *Controlled group.* The term "controlled group" has the meaning assigned to such term by section 1563(a), except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1).

(d) *Certain leased property.* • • •

(2) If such property is leased by a corporation which is a component member of a controlled group (within the meaning of section 46(a)(5)) to another corporation which is a component member of the same controlled group, the basis of such property to the lessor.

• • • • • •

[Sec. 48 as added by sec. 2(b), Rev. Act 1962 (76 Stat. 968); as amended by sec. 203(a)(1) and (3)(A), (b), and (c), Rev. Act 1964 (78 Stat. 33, 34); sec. 201(a), Act of Nov. 13, 1966 (Public Law 89–809, 80 Stat. 1575; sec. 8, Act of June 13, 1967 (Public Law 90–36, 81 Stat. 86); sec. 401(c) (2), (3), and (4), Tax Reform Act 1969 (83 Stat. 608)]

PAR. 6. Section 1.48–3 is amended by revising paragraphs (a)(1) and (2)(iii) and (e), and by redesignating paragraph (e) as paragraph (d). These revised provisions read as follows:

§ 1.48–3 Used section 38 property.

(a) *In general.* (1) Section 48(c) provides that "used section 38 property" means section 38 property acquired by purchase after December 31, 1961, which is not "new section 38 property." See §§ 1.48–1 and 1.48–2, respectively, for definitions of section 38 property and new section 38 property. In determining whether property is acquired by purchase, the provisions of paragraph (c)(1) of § 1.179–3 shall apply, except that (i) "1961" shall be substituted for "1957", and (ii) the definition of "component member" of a controlled group of corporations in paragraph (d)(4) of this section shall be substituted for the definition of such term in paragraph (e) of § 1.179–3.

(2) • • •

(iii) In determining whether a person bears a relationship described in section 179(d)(2) (A) or (B) to a person who used property before its acquisition by the taxpayer, the provisions of paragraph (c)(1) (i) and (ii) of § 1.179–3 shall apply, except that the definition of "component member" of a controlled group of corporations in paragraph (d)(4) of this section shall be substituted for the definition of such term in paragraph (e) of § 1.179–3.

• • • • •

(d) *Dollar limitation for component members of a controlled group.*—(1) *In general.* (i) Section 48(c)(2)(C) provides that the $50,000 limitation on the cost of used section 38 property which may be taken into account for any taxable year shall, in the case of component members of a controlled group (as defined in subparagraph (4) of this paragraph) on a particular December 31, be reduced for each such member by apportioning the $50,000 amount among such component members for their taxable years that include such December 31 in accordance with their respective amounts of used section 38 property which may be taken into account, that is, in accordance with the total cost of used section 38 property placed in service by each such member during its taxable year (without regard to the $50,000 limitation or the applicable percentages to be applied in computing qualified investment).

(ii) Except as otherwise provided in this paragraph, the $50,000 amount shall be apportioned among those corporations which are component members of the controlled group on a December 31. For the taxable year of each such member which includes such December 31, the cost of used section 38 property taken into account in computing qualified investment under section 46(c)(1)(B) shall not exceed the amount which bears the same ratio to $50,000 as the cost of used section 38 property placed in service by such member for such taxable year bears to the total cost of used section 38 property placed in service by all component members of the controlled group for their taxable years which include such December 31.

(iii) If a component member of the group makes its income tax return on the basis of a 52–53-week taxable year, the principles of section 441(f)(2)(A)(ii) and paragraph (b)(1) of § 1.441–2 apply in determining the last day of such a taxable year.

(2) *Statement by the "filing member".* For purposes of this paragraph, the term "filing member" with respect to a particular December 31 means the member (or members) of a controlled group which has, among those members of the group which are apportioned part of the $50,000 amount for their taxable years which include such December 31, the taxable year including such December 31 which ends on the earliest date. The filing member of the group shall attach to its income tax return a statement containing the name, address, and employer identification number of each component member of the controlled group on such December 31 and a schedule showing the computation of the apportionment of the $50,000 amount among the component members of the group. Each such other member shall retain as part of its records a copy of the statement containing the apportionment schedule. Except as otherwise provided in subparagraph (3)(ii) of this paragraph, each member which is apportioned part of the $50,000 amount shall take such apportioned amount into account in filing its return for its taxable year which includes such December 31.

(3) *Estimate of used section 38 property to be placed in service.* (i) For purposes of subparagraphs (1) and (2) of this paragraph, if on the date (including extensions of time) for filing the income tax return of the filing member of the group with respect to a particular December 31, the total cost of used section 38 property actually placed in service by any component member of the group during such member's taxable year that includes such December 31 is not known, then such member shall estimate such cost. The estimate shall be made on the basis of the facts and circumstances known as of the time of the estimate. Any such estimate shall also be used in determining the total cost of used section 38 property placed in service by all component members for their taxable years including such December 31.

(ii) If an estimate is used by any component member of a controlled group pursuant to subdivision (i) of this subparagraph, each member may later file an original or amended return in which the apportionment of the $50,000 amount is based upon the cost of used section 38 property actually placed in service by all component members of the group during their taxable year which include such December 31. Such amended apportionment shall be made only if each component member of the group whose limitation would be changed files an original or amended return which reflects the amended apportionment based upon the cost of the used section 38 property actually placed in service by component members of the group. In such case, the new statement reflecting the amended apportionment shall be attached to the amended return of the filing member of the group, and a copy of such statement shall be retained by each such member pursuant to the requirements of subparagraph (2) of this paragraph.

(4) *Definitions of controlled group of corporations and component member of controlled group.* For purposes of this section, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563 (a) and (b), except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1). For purposes of applying § 1.1563–1(b)(2)(ii)(c), an electing small business corporation shall be treated as an excluded member whether or not it is subject to the tax imposed by section 1378.

(5) *Members of controlled group filing a consolidated return.* For the purpose of apportioning the $50,000 amount in the case of component members of a controlled group which join in filing a consolidated return, all such members shall be treated as though they were a single component member of the controlled group. Thus, in determining the limitation on the cost of used section 38 property which may be taken into account by the group filing the consolidated return, the apportionment provided in subparagraph (1)(ii) of this paragraph shall be made by using the aggregate cost of such property placed in service by all members of the group filing the consolidated return. If all component members of the controlled group join in filing a consolidated return, the group may select the items to be taken into account to the extent of an aggregate cost of $50,000; if some component members of the controlled group do not join in filing the consolidated return, then the members of the group which join in filing the consolidated return may select the items to be taken into account to the extent of the amount apportioned to such members under subparagraph (1)(ii) of this paragraph.

(6) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). (i) On December 31, 1970, corporations M, N, and O are component members of the same controlled group. The taxable years of M, N, and O end, respectively, on January 31, March 31, and April 30. During the respective taxable years of each corporation which include December 31, 1970, M places in service no used section 38 property, and N and O place in service used section 38 property with respective costs of $100,000 and $150,000. N is the "filing member" of the group since N, among the members (N and O) which are apportioned part of the $50,000 amount for their taxable years which include such December 31, has the taxable year ending on the earliest date.

(ii) The cost of used section 38 property taken into account by N for its taxable year ending March 31, 1971, may not exceed $20,000, that is, an amount which bears the same ratio to $50,000 as the cost of used section 38 property placed in service by N for its taxable year ($100,000) bears to the total cost of used section 38 property placed in service by all component members of the controlled group (M, N, and O) for their taxable years which include December 31, 1970 ($250,000). Similarly, the cost of used section 38 property taken into account by O for its taxable year ending April 30, 1971, may not exceed $30,000.

Example (2). (i) On December 31, 1971, corporations S and T are component members of the same controlled group. The taxable years of corporations S and T end, respectively, on January 31 and June 30. On April 15, 1972, S files an income tax return for its taxable year ending January 31, 1972, during which year it places in service used section 38 property costing $100,000. T estimates that it will place in service used section 38 property costing $150,000 during its taxable year ending June 30, 1972.

(ii) S, the "filing member" of the group, must file an apportionment schedule under which it may take into account as the cost of used section 38 property an amount not in excess of $20,000 ($100,000/$250,000 × $50,000). If T actually places in service during its taxable year used section 38 property costing more or less than $150,000, its income tax return for its taxable year ending June 30, 1972, may reflect the amended apportionment of the $50,000 limitation based upon the cost of used section 38 property actually placed in service by the group, provided that S attaches a new apportionment schedule to an amended return to reflect the amended apportionment. For example, if T places in service used section 38 property costing $200,000, the cost of used section 38 property taken into account by S and T for their respective taxable years could not exceed $16,667 ($100,000/$300,000 × $50,000) and $33,333 ($200,000/$300,000 × $50,000), respectively, under an amended apportionment.

PAR. 7. Section 1.48–4 is amended by revising paragraphs (c)(3)(ii) and (e) to read as follows:

§ 1.48–4 Election of lessor of new section 38 property to treat lessee as purchaser.

• • • • •

(c) *Basis of leased property.* • • •

(3) *Property transferred after February 25, 1964.* • • •

(ii) If the property is leased by a component member of a controlled group to another component member of the same controlled group (within the meaning of paragraph (f)(4) of § 1.46–1) on the date possession of the property is transferred to the lessee, the basis of the property in the hands of the lessee shall be the basis of the property in the hands of the lessor.

• • • • •

(e) *Lessor itself a lessee.* If the lessor of property is itself a lessee who is treated, under this section, as having purchased such property, and such sublessor makes a valid election under this section to treat the sublessee as a purchaser, then the basis and estimated useful life of such property in the hands of the sublessee shall be determined under paragraphs (c) and (d) of this section as if the original lessor had leased the property directly to the sublessee on the date possession of the property was transferred to the sublessee. Thus, for example, if on March 1, 1971, corporation X leases property to corporation Y, which in turn subleases the property to individual A (who is the first person to use the property for its intended function), and if both X and Y make valid elections under this section, the basis of the property to A is equal to its fair market value on the date on which possession is transferred from Y to A (regardless of whether X and Y are component members of the same controlled group), and its estimated useful life to A is the estimated useful life in the hands of X.

• • • • •

PAR. 8. Section 1.179 is amended by revising paragraphs (2)(B), (6), and (7) of section 179(d) and the historical note to read as follows:

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§ 1.179 Statutory provisions; additional first-year depreciation allowance.

SEC. 179. *Additional first-year depreciation allowance for small business.* • • •

(d) *Definition and special rules.* • • •

(2) *Purchase defined.* • • •

(B) The property is not acquired by one component member of a controlled group from another component member of the same controlled group, and

• • • • •

(6) *Dollar limitation of controlled group.* For purposes of subsection (b) of this section—

(A) All component members of a controlled group shall be treated as one taxpayer, and

(B) The Secretary or his delegate shall apportion the dollar limitation contained in such subsection (b) among the component members of such controlled group in such manner as he shall by regulations prescribe.

(7) *Controlled group defined.* For purposes of paragraphs (2) and (6), the term "controlled group" has the meaning assigned to it by section 1563(a); except that, for such purposes, the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1).

• • • • •

[Sec. 179 as added by sec. 204, Small Business Tax Revision Act 1958 (72 Stat. 1679); as amended by sec. 13(c), Rev. Act 1962 (76 Stat. 1034); sec. 401(f), Tax Reform Act 1969 (83 Stat. 603)]

PAR. 9. Section 1.179–2 is amended by revising paragraph (c) to read as follows:

§ 1.179–2 Dollar limitation.

• • • • •

(c) *Component members of a controlled group.* Component members of a controlled group (as defined in paragraph (e) of § 1.179–3) on a December 31 shall be treated as one taxpayer in applying the $10,000 limitation of this section. The allowance may be taken by any one such member or allocated (for the taxable year of each such member which includes such December 31) among the several members in any manner, pursuant to allocation by the common parent corporation if a consolidated return is filed for all component members of the group, or in accordance with an agreement entered into by the members of the group if separate returns are filed. If a consolidated return is filed by some component members of the group and separate returns are filed by other component members, then the common parent of the group filing the consolidated return shall enter into an agreement with those members who do not join in filing the consolidated return allocating the amount between the group filing the consolidated return and the other component members of the controlled group who do not join in filing the consolidated return. The amount of the allowance allocated to any member, however, shall not exceed 20 percent of the cost of the section 179 property actually purchased by the member in the taxable year. If a consolidated return is filed, the common parent corporation shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation. See § 1.179–4. If separate returns are filed by some or all component members of the group, each component member to which is allocated any part of the deduction under section 179 shall file a separate statement attached to the income tax return in which an election is made to claim an additional first-year depreciation allowance. See § 1.179–4. Such statement shall include the name, address, employer identification number, and the taxable year of each component member of the controlled group, a copy of the allocation agreement signed by persons duly authorized to act on behalf of those members who file separate returns, and a description of the manner in which the deduction under section 179 has been divided among them. If a consolidated return is filed for all component members of the group, an allocation among such members of the allowance under section 179 shall not be revoked after the due date of the return (including extensions of time) of the common parent corporation for the taxable year for which an election to take an allowance is made. If some or all of the component members of the controlled group file separate returns for taxable years including a particular December 31 for which an election to take the allowance is made, the allocation as to all members of the group shall not be revoked after the due date of the return (including extensions of time) of the component member of the controlled group whose taxable year which includes such December 31 ends on the latest date.

• • • • •

PAR. 10. Section 1.179–3 is amended by revising paragraphs (c)(1)(ii) and (e) to read as follows:

§ 1.179–3 Definitions and special rules.

• • • • •

(c) *Purchase.* (1) • • •

(ii) The property is not acquired by purchase if acquired from any one component member of a controlled group (as defined in paragraph (e) of this section) by another component member of such group.

• • • • •

(e) *Definitions of controlled group of corporations and component member of controlled group.* For purposes of section 179, the terms "controlled group of corporations" and "component member" of a controlled group of corporations shall have the same meaning assigned to those terms in section 1563 (a) and (b), except that the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in section 1563(a)(1).

• • • • •

PAR. 11. Section 1.535 is amended by revising subsection (c)(5) of section 535 and the historical note to read as follows:

§ 1.535 Statutory provisions; accumulated taxable income.

SEC. 535. *Accumulated taxable income.* • • •

(c) *Accumulated earnings credit.* • • •

(5) *Cross reference.* For denial of credit provided in paragraph (2) or (3) where multiple corporations are formed to avoid tax, see section 1551, and for limitation on such credit in the case of certain controlled corporations, see sections 1561 and 1564.

[Sec. 535 as amended by sec. 81, Technical Amendments Act 1958 (72 Stat. 1631); sec. 205, Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 9(d)(2), Rev. Act. 1962 (76 Stat. 1001); sec. 401(b)(2)(C), Tax Reform Act 1969 (83 Stat. 802)]

PAR. 12. Section 1.535–3 is amended by revising paragraphs (b)(2) and (c) to read as follows:

§ 1.535–3 Accumulated earnings credit.

• • • • •

(b) *Corporation which is not a mere holding or investment company.* • • •

(2) *Minimum credit.* Section 535(c)(2) provides for the allowance of a minimum accumulated earnings credit in the case of a corporation which is not a mere holding or investment company. Except as otherwise provided in section 243(b)(3) and § 1.243–5 (relating to effect of 100-percent dividends received deduction under section 243(b)) and section 1564 (relating to transitional rules in the case of certain controlled corporations), in the case of such a corporation, this minimum credit shall in no case be less than the amount by which $100,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. See paragraph (d) of this section for the effect of dividends paid after the close of the taxable year in determining accumulated earnings and profits at the close of the preceding taxable year. In determining the amount of the minimum credit allowable under section 535(c)(2), the needs of the business are not taken into consideration. If the taxpayer has accumulated earnings and profits at the close of the preceding taxable year equal to or in excess of $100,000, the credit, if any, is determined without regard to section 535(c)(2). It is not intended that the provision for the minimum credit shall in any way create an inference that an accumulation in excess of $100,000 is unreasonable. The reasonable needs of the business may require the accumulation of more or less than $100,000, depending upon the circumstances in the case, but such needs shall not be taken into consideration to any extent in cases where the minimum accumulated earnings credit is applicable. For a discussion of the reasonable needs of the business, see section 537 and §§ 1.537–1, 1.537–2, and 1.537–3.

• • • • •

(c) *Holding and investment companies.* Section 535(c)(3) provides that, in the case of a mere holding or investment company, the accumulated earnings credit shall be the amount, if any, by which $100,000 exceeds the accumulated earnings and profits of the corporation at the close of the preceding taxable year. Thus, if such a corporation has accumulated earnings equal to or in excess of $100,000 at the close of its preceding taxable year, no accumulated earnings credit is allowable in computing

the accumulated taxable income. See paragraph (c) of § 1.533–1 for a definition of a holding or investment company. For the accumulated earnings credit of a mere holding or investment company which is a member of an affiliated group which has elected the 100-percent dividends received deduction under section 243(b), see section 243(b)(3) and § 1.243–5. For the accumulated earnings credit of a mere holding or investment company which is a component member of a controlled group of corporations (as defined in section 1563), see section 1564.

• • • • •

PAR. 13. Section 1.804 is amended by adding a new subsection (d) to section 804 and by revising the historical note to read as follows:

§ 1.804 Statutory provisions; life insurance companies; taxable investment income.

SEC. 804. *Taxable investment income.* • • •

(d) *Cross reference.* For reduction of the $25,000 amount provided in subsection (a)(4) in the case of certain controlled corporations, see sections 1561 and 1564.

[Sec. 804 as added by sec. 2, Life Insurance Company Tax Act 1955 (70 Stat. 41); amended by sec. 2 Life Insurance Company Income Tax Act 1959 (73 Stat. 115); sec. 3, Act of Oct. 22, 1962 (Public Law 87–858, 76 Stat. 1124); sec. 214(b)(3), Rev. Act 1964 (78 Stat. 55); sec. 401(b)(2)(D), Tax Reform Act 1969 (83 Stat. 802)]

PAR. 14. Section 1.804–2 is amended by revising paragraph (d)(1) to read as follows:

§ 1.804–2 Taxable investment income.

• • • • •

(d) *Taxable investment income of a life insurance company.*—(1) *Definition.* Section 804(a)(2) defines the term "taxable investment income", for purposes of part I, as an amount (not less than zero) equal to the amount (if any) by which the net long-term capital gain exceeds the net short-term capital loss, plus the sum of the life insurance company's share (as determined under paragraph (c) of this section) of each and every item of investment yield (including tax-exempt interest, partially tax-exempt interest, and dividends received), reduced by the sum of—

(i) The life insurance company's share of interest which under section 103 is excluded from gross income,

(ii) The deduction for partially tax-exempt interest provided by section 242 (as modified by section 804(a)(3) and subparagraph (2)(i) of this paragraph) computed with respect to the life insurance company's share of such interest,

(iii) The deducton for dividends received provided by sections 243, 244, and 245 (as modified by section 804(a)(5) and subparagraph (2)(ii) of this paragraph) computed with respect to the life insurance company's share of the dividends received, and

(iv) The small business deduction provided by section 804(a)(4). For purposes of part I, such small business deduction shall be an amount equal to 10 percent of the investment yield for the taxable year, except that such amount shall not exceed $25,000, or, in the case of a component member of a controlled group of corporations (as defined in section 1563), the amount allowable under section 1564(a).

• • • • •

PAR. 15. Section 1.1562 is amended by revising so much of subsection (b)(1) of section 1562 as precedes subparagraph (A) thereof and the historical note to read as follows:

§ 1.1562 Statutory provisions; privilege of groups to elect multiple surtax exemptions.

SEC. 1562. *Privilege of groups to elect multiple surtax exemptions.* • • •

(b) *Additional tax imposed.*—(1) *General rule.* If an election under subsection (a)(1) by a controlled group of corporations is effective with respect to the taxable year of a corporation, there is hereby imposed for such taxable year on the taxable income of such corporation a tax equal to 6 percent of so much of such corporation's taxable income for such taxable year as does not exceed the amount of such corporation's surtax exemption for such taxable year. This paragraph shall not apply to the taxable year of a corporation if—

• • • • •

[Sec. 1562 as added by sec. 235(a), Rev. Act 1964 (78 Stat. 116); amended by sec. 491(b)(2)(A), Tax Reform Act 1969 (83 Stat. 602)]

PAR. 16. Section 1.1562–1 is amended by revising paragraph (b)(2) to read as follows:

§ 1.1562–1 Privilege of controlled group to elect multiple surtax exemptions.

• • • • •

(b) *Effect of election.* • • •

(2) *Additional tax.* The additional tax imposed by section 1562(b) is an amount equal to 6 percent of so much of a corporation's taxable income for the taxable year as does not exceed the amount of such corporation's surtax exemption for such taxable year. However, if a corporation computes its tax under section 1201 (relating to alternative tax) and is subject to the additional tax imposed by section 1562(b) for such taxable year, the additional tax applies only to an amount equal to the excess of the net long-term capital gain over the net short-term capital loss for such taxable year (to the extent such amount does not exceed the amount of such corporation's surtax exemption for such taxable year).

• • • • •

PAR. 17. Section 1.1562–5 is amended by revising paragraph (a)(2), examples (4), (5), and (6) of paragraph (b)(2), and paragraph (c)(1) and (2) to read as follows:

§ 1.1562–5 Continuing and successor groups.

(a) *Controlled group continuing in existence.* • • •

(2) *Brother-sister group.* A brother-sister controlled group of corporations shall be considered as remaining in existence as long as the requirements of paragraph (a)(3)(i) of § 1.1563–1 continue to be satisfied with respect to at least two corporations, taking into account the stock ownership of only those five or fewer persons whose stock ownership was taken into account with respect to the election under section 1562(a)(1).

• • • • •

(b) *Controlled group no longer in existence.* • • •

(2) *Examples.* • • •

Example (4). Smith, an individual, owns 80 percent of the only class of stock of corporations W and X on each day of 1966 and 1967. W, in turn, owns 80 percent of the only class of stock of corporation Y on each day of 1966. On April 15, 1967, X purchases 80 percent of the only class of corporation Z and on April 30, 1967, W sells all its stock in Y. Under paragraph (a)(3) of this section, the combined group remains in existence throughout 1966 and 1967 since (i) the brother-sister controlled group of corporations referred to in paragraph (a)(4)(i) of § 1.1563–1 in respect of such combined group remains in existence, and (ii) at least one corporation is a common parent of a parent-subsidiary controlled group referred to in such paragraph.

Example (5). Assume the same facts as in example (4) except that Y and Z are life insurance companies subject to taxation under section 802 of the Code. Further assume that throughout 1966 and 1967 Y owns all the stock of corporation S, and Z owns all the stock of corporation T. S and T are life insurance companies subject to taxation under section 802. Before April 15, 1967, under paragraph (a)(5)(i) of § 1.1563–1, Y and S are treated as an insurance group of corporations. After April 30, 1967, under paragraph (a)(4) of this section, Z and T are treated as an insurance group which remains in existence throughout 1966 and 1967, since the combined group remains in existence within the meaning of paragraph (a)(3) of this section throughout 1966 and 1967, and there are at all times at least two insurance companies which satisfy the requirements of paragraph (a)(5)(i) of § 1.1563–1. (However, after April 30, 1967, Y and S cease to be members of the combined group and are considered to be a new controlled group of corporations.)

Example (6). Jones, an individual, owns all the stock of corporations M and N on each day of 1966. On February 1, 1967, he gives all the stock of M to his 18-year-old son who continues to hold the M stock throughout the remainder of 1967. Since Jones (or his son) owns, or is considered as owning under paragraph (b)(5)(i) of § 1.1563–3, all the stock of M and N on each day of 1967, under paragraph (a)(2) of this section the brother-sister controlled group consisting of M and N remains in existence throughout 1967.

• • • • •

(c) *Successor groups.*—(1) *Transactions involving a former owner or owners.* If, as a result of the transfer of stock of a corporation or corporations (whether by sale, exchange, distribution, contribution to capital, or otherwise), a controlled group ("old group") goes out of existence, and a new controlled group ("new group") comes into existence, then the new group shall be considered to be a successor to the old group, provided one of the following applies:

(i) A person or persons who own stock of the new group that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(E) owned stock which met such stock ownership requirement with respect to the old group;

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(ii) A person or persons who owned more than 50 percent of the fair market value of the stock of the common parent of the old group owns, with respect to the new group, stock that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B); or

(iii) A person or persons who owned stock that met the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group owns more than 50 percent of the fair market value of the stock of the common parent of the new group.

For purposes of this paragraph, the term "owns" includes direct ownership and ownership with the application of the rules contained in paragraph (b) of § 1.1563–3. For purposes of this subparagraph, if as a result of the transfer of stock, a parent-subsidiary controlled group or a brother-sister controlled group becomes a part of a combined group, then such parent-subsidiary or brother-sister group shall be considered as going out of existence as a result of such transfer. Also for purposes of this subparagraph, if as a result of the transfer of stock, a combined group goes out of existence and a parent-subsidiary or brother-sister group which was part of such combined group remains, then such parent-subsidiary or brother-sister group shall be considered to be a new controlled group which came into existence as a result of such transfer.

(2) *Examples.* The principles of subparagraph (1) of this paragraph may be illustrated by the following examples:

Example (1). On each day of 1971, unrelated individuals Grey, Black, and Green own the following amounts of the only class of outstanding stock of each of corporations R and T: Grey owns 40 percent, Black owns 40 percent, and Green owns 20 percent. On March 1, 1972, Grey sells all his stock in both corporations to unrelated individual Clay. As a result of the transfer, the brother-sister controlled group consisting of R and T goes out of existence. Since Black and Green, who owned stock which met the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group, own stock of the new group (consisting of R and T) that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B), the new group is considered to be the successor to the old group. If Green also sold all his stock in both corporations to unrelated individual Barnes, Black would be the only stockholder of the new group whose stock ownership was taken into account in meeting the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group. Since Black would not own stock of the new group that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B), the new group would not be considered a successor to the controlled group which went out of existence.

Example 2. On each day of 1971, all the outstanding stock of corporation P is owned in the following manner: Smith owns 30 percent, Jones owns 30 percent, and White owns 40 percent. P owns all the stock of corporation S_1, S_2, W_1, and W_2. On December 31, 1971, P, S_1, S_2, W_1, and W_2 are component members of the same controlled group. If on March 1, 1972, P distributes all the stock of S_1 and S_2 equally to Smith and Jones and all the stock of W_1 and W_2 to White, the controlled group consisting of P, S_1, S_2, W_1, and W_2 goes out of existence. Since Smith and Jones, who together owned stock which met the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) with respect to the old group, now together own stock of the new group (consisting of S_1 and S_2) that meets the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B), such new group is considered the successor to the old group. On the other hand, since White, the sole shareholder of W_1 and W_2, did not own stock which met such stock ownership requirement with respect to the old group, the new group consisting of W_1 and W_2 is not considered a successor of the old group.

* * * * *

PAR. 18. Section 1.1563 is amended by revising subsection (a)(2), so much of subsection (c)(2)(A) as follows clause (i) thereof, and subsection (c)(2)(B), of section 1563 and the historical note to read as follows:

§ 1.1563 Statutory provisions; definitions and special rules.

SEC. 1563. *Definitions and special rules*—(a) *Controlled group of corporations.* * * *

(2) *Brother-sister controlled group.* Two or more corporations if five or fewer persons who are individuals, estates, or trusts own (within the meaning of subsection (d)(2)) stock possessing—

(A) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation, and

(B) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent such stock ownership is identical with respect to each such corporation.

* * * * *

(c) *Certain stock excluded.* * * *

(2) *Stock treated as "excluded stock".*

(A) *Parent-subsidiary controlled group.* * * *

(ii) Stock in the subsidiary corporation owned by an individual (within the meaning of subsection (d)(2)) who is a principal stockholder or officer of the parent corporation. For purposes of this clause, the term "principal stockholder" of a corporation means an individual who owns (within the meaning of subsection (d)(2)) 5 percent or more of the total combined voting power of all classes of stock entitled to vote or 5 percent or more of the total value of shares of all classes of stock in such corporation,

(iii) Stock in the subsidiary corporation owned (within the meaning of subsection (d)(2)) by an employee of the subsidiary corporation if such stock is subject to conditions which run in favor of such parent (or subsidiary) corporation and which substantially restrict or limit the employee's right (or if the employee constructively owns such stock, the direct owner's right) to dispose of such stock, or

(iv) Stock in the subsidiary corporation owned (within the meaning of subsection (d)(2)) by an organization (other than the parent corporation) to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly (or indirectly by the parent corporation or subsidiary corporation, by an individual, estate, or trust that is a principal stockholder (within the meaning of clause (ii)) of the parent corporation, by an officer of the parent corporation, or by any combination thereof.

(B) *Brother-sister controlled group.* For purposes of subsection (a)(2), if five or fewer persons who are individuals, estates, or trusts (referred to in this subparagraph as "common owners") own (within the meaning of subsection (d)(2)), 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock in a corporation, the following stock of such corporation shall be treated as excluded stock—

(i) Stock in such corporation held by an employees' trust described in section 401(a) which is exempt from tax under section 501 (a), if such trust is for the benefit of the employees of such corporation,

(ii) Stock in such corporation owned (within the meaning of subsection (d)(2)) by an employee of the corporation if such stock is subject to conditions which run in favor of any of such common owners (or such corporation) and which substantially restrict or limit the employee's right (or if the employee constructively owns such stock, the direct owner's right) to dispose of such stock. If a condition which limits or restricts the employee's right (or the direct owner's right) to dispose of such stock also applies to the stock held by any of the common owners pursuant to a bona fide reciprocal stock purchase arrangement, such condition shall not be treated as one which restricts or limits the employee's right to dispose of such stock, or

(iii) Stock in such corporation owned (within the meaning of subsection (d)(2)) by an organization to which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies and which is controlled directly or indirectly by such corporation, by an individual, estate, or trust that is a principal stockholder (within the meaning of subparagraph (A)(ii)) of such corporation, by an officer of such corporation, or by any combination thereof.

* * * * *

[Sec. 1563 as added by sec. 235(a), Rev. Act 1964 (78 Stat. 116); amended by sec. 401(c) and (d); Tax Reform Act 1969 (83 Stat. 602)]

PAR. 19. Section 1.1563–1 is amended by revising paragraphs (a)(3), (4), and (5)(i), example (1) of paragraph (b)(4), and paragraph (c) to read as follows:

§ 1.1563–1 Definition of controlled group of corporations and component members.

(a) *Controlled group of corporations.* * * *

(3) *Brother-sister controlled group.* (i) The term "brother-sister controlled group" means two or more corporations if the same five or fewer persons who are individuals, estates, or trusts own (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3), singly or in combination, stock possessing—

(*a*) At least 80 percent of the total combined voting power of all classes of stock entitled to vote or at least 80 percent of the total value of shares of all classes of the stock of each corporation; and

(*b*) More than 50 percent of the total combined voting power of all classes of stock entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each such person only to the extent

such stock ownership is identical with respect to each such corporation.

(ii) The principles of this subparagraph may be illustrated by the following examples:

Example (1). The outstanding stock of corporations P, Q, R, S, and T, which have only one class of stock outstanding, is owned by the following unrelated individuals:

Individuals	Corporations					Identical ownership
	P	Q	R	S	T	
A	60%	60%	60%	60%	100%	60%
B	40%					
C		40%				
D			40%			
E				40%		
Total	100%	100%	100%	100%	100%	60%

Corporations P, Q, R, S, and T are members of a brother-sister controlled group.

Example (2). The outstanding stock of corporations U and V, which have only one class of stock outstanding, is owned by the following unrelated individuals:

Individuals	Corporations		Identical ownership
	U	V	
F	5%		
G	10%		
H	10%		
I	20%		
J	55%	55%	55%
K		10%	
L		10%	
M		10%	
N		10%	
O		5%	
Total	100%	100%	55%

Corporations U and V are not members of a brother-sister controlled group because at least 80 percent of the stock of each corporation is not owned by the same five or fewer persons.

(4) *Combined group.* (i) The term "combined group" means any group of three or more corporations, if—

(*a*) Each such corporation is a member of either a parent-subsidiary controlled group of corporations or a brother-sister controlled group of corporations, and

(*b*) At least one of such corporations is the common parent of a parent-subsidiary controlled group and also is a member of a brother-sister controlled group.

(ii) The definition of a combined group of corporations may be illustrated by the following examples:

Example (1). Smith, an individual, owns stock possessing 80 percent of the total combined voting power of all classes of the stock of corporations X and Y. Y, in turn, owns stock possessing 80 percent of the total combined voting power of all classes of the stock of corporation Z. Since—

(*a*) X, Y, and Z are each members of either a parent-subsidiary or brother-sister controlled group of corporations, and

(*b*) Y is the common parent of a parent-subsidiary controlled group of corporations consisting of Y and Z, and also is a member of a brother-sister controlled group of corporations consisting of X and Y,

X, Y, and Z are members of the same combined group.

Example (2). Assume the same facts as in example (1), and further assume that corporation X owns 80 percent of the total value of shares of all classes of stock of corporation T. X, Y, Z, and T are members of the same combined group.

(5) *Insurance group.* (i) The term "insurance group" means two or more insurance companies subject to taxation under section 802 each of which is a member of a controlled group of corporations described in subparagraph (2), (3), or (4) of this paragraph. Such insurance companies shall be treated as a controlled group of corporations separate from any other corporations which are members of the controlled group described in such subparagraph (2), (3), or (4). For purposes of this section and § 1.1562–5, the common parent of the controlled group described in subparagraph (2) of this paragraph shall be referred to as the common parent of the insurance group.

* * * * *

(b) *Component members.* * * *

(4) *Examples.* * * *

Example (1). Brown, an individual, owns all of the stock of corporations W and X on each day of 1964. W and X each uses the calendar year as its taxable year. On January 1, 1964, Brown also owns all the stock of corporation Y (a fiscal year corporation with a taxable year beginning on July 1, 1964, and ending on June 30, 1965), which stock he sells on October 15, 1964. On December 1, 1964, Brown purchases all the stock of corporation Z (a fiscal year corporation with a taxable year beginning on September 1, 1964, and ending on August 31, 1965). On December 31, 1964, W, X, and Z are members of the same controlled group. However, the component members of the group on such December 31 are W, X, and Y. Under subparagraph (2)(i) of this paragraph, Z is treated as an excluded member of the group on December 31 1964, since Z was a member of the group for less than one-half of the number of days (29 out of 121 days) during the period beginning on September 1, 1964 (the first day of its taxable year) and ending on December 30, 1964. Under subparagraph (3) of this paragraph, Y is treated as an additional member of the group on December 31, 1964, since Y was a member of the group for at least one-half of the number of days (107 out of 183 days) during the period beginning on July 1, 1964 (the first day of its taxable year) and ending on December 30, 1964.

* * * * *

(c) *Overlapping groups.*—(1) *In general.* If on a December 31 a corporation is a component member of a controlled group of corporations by reason of ownership of stock possessing at least 80 percent of the total value of shares of all classes of stock of the corporation, and if on such December 31 such corporation is also a component member of another controlled group of corporations by reason of ownership of other stock (that is, stock not used to satisfy the at-least-80-percent total value test) possessing at least 80 percent of the total combined voting power of all classes of stock of the corporation entitled to vote, then such corporation shall be treated as a component member only of the controlled group of which it is a component member by reason of the ownership of at least 80 percent of the total value of its shares.

(2) *Brother-sister controlled groups.* (i) If on a December 31, a corporation would, without application of this subparagraph, be a component member of more than one brother-sister controlled group on such date, such corporation shall be treated as a component member of only one such group on such date. Such a corporation may select which group in which it is to be included by filing an election as provided in this subparagraph. The election shall be in the form of a statement designating the group in which the corporation is to be included. The statement shall provide all the information with respect to stock ownership which is reasonably necessary to satisfy the Internal Revenue officer with whom it is filed that the corporation would, but for the election, be a component member of more than one controlled group. Once filed, the election is irrevocable and effective until such time that a change in the stock ownership of the corporation results in termination of membership in the controlled group in which such corporation has been included.

(ii) Except as provided in subdivision (iii) of this subparagraph, the statement shall be signed by a person duly authorized to act on behalf of such corporation and shall be filed on or before the due date (including extension of time) for the filing of the income tax return of such corporation for the taxable year. However, in the case of an election with respect to December 31, 1970, the statement shall be considered as timely filed if filed on or before December 15, 1971. In the event no election is filed in accordance with the provisions of this subdivision, then the district director with audit jurisdiction of such corporation's return for the taxable year which includes such December 31 shall determine the group in which such corporation is to be included, and such determination shall be binding for all subsequent years unless the corporation files a valid election with respect to any such subsequent year.

(iii) If more than one corporation would, without application of this subparagraph, be a component member of more than one controlled group, a single statement shall be signed by persons duly authorized to act on behalf of each such corporation. Such statement shall designate the group in which each corporation is to be included. The statement shall be attached to the income tax return of the corporation that, among those corporations which would (without the application of this subparagraph) belong to more than one group, has the taxable year including such December 31 which ends on the earliest date. However, in the case of an election with respect to December 31, 1970, the statement may be filed by December 15, 1971, with the service center director with whom such corporation's return is filed for the taxable year which includes such December 31. In the event no election is filed in accordance with the provisions of this subdivision, then the district director with audit jurisdiction of such corporation's return for the taxable year that includes such December 31 shall determine the

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group in which each corporation is to be included, and such determination shall be binding for all subsequent years unless the corporations file a valid election with respect to any such subsequent year.

(iv) The provisions of this subparagraph may be illustrated by the following examples (in which it is assumed that all the individuals are unrelated):

Example (1). On each day of 1970 all the outstanding stock of corporations M, N, and P is held in the following manner:

Individuals	Corporations		
	M	N	P
A	60%	40%	0
B	40%	20%	40%
C	0	40%	60%

Since the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) is met with respect to corporations M and N and with respect to corporations N and P, but not with respect to corporations M, N, and P, corporation N would, without the application of this subparagraph, be a component member on December 31, 1970, of overlapping groups consisting of M and N and of N and P. If N does not file an election in accordance with subdivision (ii) of this subparagraph, the district director with audit jurisdiction of N's return will determine the group in which N is to be included.

Example (2). On each day of 1970, all the outstanding stock of corporations S, T, W, X, and Z is held in the following manner:

Individuals	Corporations				
	S	T	W	X	Z
D	60%	60%	60%	60%	60%
E	40%	0	0	0	0
F	0	40%	0	0	0
G	0	0	40%	0	0
H	0	0	0	40%	0
I	0	0	0	0	40%

On December 31, 1970, the more-than-50-percent stock ownership requirement of section 1563(a)(2)(B) may be met with regard to any combination of the corporations but all five corporations cannot be included as component members of a single controlled group because the inclusion of all the corporations in a single group would be dependent upon taking into account the stock ownership of more than five persons. Therefore, if the corporations do not file a statement in accordance with subdivision (iii) of this subparagraph, the district director with audit jurisdiction of the return of the corporation whose taxable year ends on the earliest date will determine the group in which each corporation is to be included. The corporations or the district director, as the case may be, may designate that three corporations be included in one group and two corporations in another, or that any four corporations be included in one group and that the remaining corporation not be included in any group.

PAR. 20. Section 1.1563–2 is amended by adding a new subdivision (iv) to paragraph (b)(2), by revising paragraph (b)(3), and by revising subdivision (ii) of, and adding a new subdivision (iii) to, paragraph (b)(4). These revised and added provisions read as follows:

§ 1.1563–2 Excluded stock.

* * * * *

(b) *Stock treated as excluded stock.* * * *

(2) *Stock treated as not outstanding.* * * *

(iv) *Controlled exempt organization.* Stock in the subsidiary corporation owned (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) by an organization (other than the parent corporation)—

(*a*) To which section 501 (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(*b*) Which is controlled directly or indirectly by the parent corporation or subsidiary corporation, by an individual, estate, or trust that is a principal stockholder of the parent corporation, by an officer of the parent corporation, or by any combination thereof.

The terms "principal stockholder of the parent corporation" and "officer of the parent corporation" shall have the same meanings in this subdivision as in subdivision (ii) of this subparagraph. The term "control" as used in this subdivision means control in fact and the determination of whether the control requirement of (*b*) of this subdivision is met will depend upon all the facts and circumstances of each case, without regard to whether such control is legally enforceable and irrespective of the method by which such control is exercised or exercisable.

(3) *Brother-sister controlled group.* If five or fewer persons (hereinafter referred to as common owners) who are individuals, estates, or trusts own (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) stock possessing 50 percent or more of the total combined voting power of all classes of stock entitled to vote or 50 percent or more of the total value of shares of all classes of stock in a corporation, the provisions of subparagraph (4) of this paragraph shall apply. In determining whether the stock owned by such person or persons possesses the requisite percentage of the total combined voting power of all classes of stock entitled to vote of a corporation, see paragraph (a)(6) of § 1.1563–1.

(4) *Stock treated as not outstanding.* * * *

(ii) *Employees.* Stock in such corporation owned (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) by an employee of such corporation if such stock is subject to conditions which run in favor of a common owner of such corporation (or in favor of such corporation) and which substantially restrict or limit the employee's right (or if the employee constructively owns such stock, the record owner's right) to dispose of such stock. The principles of subparagraph (2)(iii) of this paragraph shall apply in determining whether a condition satisfies the requirements of the preceding sentence. Thus, in general, a condition which extends, directly or indirectly, to a common owner or such corporation preferential rights with respect to the acquisition of the employee's (or record owner's) stock will be considered to be a condition which satisfies such requirements. For purposes of this subdivision, if a condition which restricts or limits an employee's right (or record owner's right) to dispose of his stock also applies to the stock in such corporation held by such common owner pursuant to a bona fide reciprocal stock purchase arrangement, such condition shall not be treated as one which restricts or limits the employee's (or record owner's) right to dispose of such stock. An example of a reciprocal stock purchase arrangement is an agreement whereby a common owner and the employee are given a right of first refusal with respect to stock of the employer corporation owned by the other party. If, however, the agreement also provides that the common owner has the right to purchase the stock of the employer corporation owned by the employee in the event that the corporation should discharge the employee for reasonable cause, the purchase arrangement would not be reciprocal within the meaning of this subdivision.

(iii) *Controlled exempt organization.* Stock in such corporation owned (directly and with the application of the rules contained in paragraph (b) of § 1.1563–3) by an organization—

(*a*) To which section 501(c)(3) (relating to certain educational and charitable organizations which are exempt from tax) applies, and

(*b*) Which is controlled directly or indirectly by such corporation, by an individual, estate, or trust that is a principal stockholder of such corporation, by an officer of such corporation, or by any combination thereof.

The terms "principal stockholder" and "officer" shall have the same meanings in this subdivision as in subparagraph (2)(ii) of this paragraph. The term "control" as used in this subdivision means control in fact and the determination of whether the control requirement of (*b*) of this subdivision is met will depend upon all the facts and circumstances of each case, without regard to whether such control is legally enforceable and irrespective of the method by which such control is exercised or exercisable.

* * * * * *

PAR. 21. Section 1.1563–3 is amended by revising paragraphs (d)(2)(iv) and (d)(3) to read as follows:

§ 1.1563–3 Rules for determining stock ownership.

* * * * * *

(d) *Special rule of section 1563(f)(3)(B).* * * *

(2) *Component member of more than one group.* * * *

(iv) If the application of subdivision (ii) or (iii) of this subparagraph does not result in a corporation being treated as a component member of only one controlled group of corporations on a December 31, then the determination of that group of which such corporation is to be treated as a component member

shall be made by the district director with audit jurisdiction of such corporation's return for the taxable year that includes such December 31 unless such corporation files an election as provided in this subdivision. The election shall be in the form of a statement, signed by a person authorized to act on behalf of such corporation, designating the group in which the corporation has elected to be included. The statement shall provide all the information with respect to stock ownership which is reasonably necessary to satisfy the district director that the corporation would, but for the election, be a component member of more than one controlled group. The statement shall be filed on or before the due date (including extensions of time) for the filing of the income tax return of such corporation for the taxable year. However, in the case of an election with respect to December 31, 1970, the statement shall be considered as timely filed if filed on or before December 15, 1971. Once filed, the election is irrevocable and effective until subdivision (ii) or (iii) of this subparagraph applies or until there is a substantial change in the stock ownership of such corporation.

* * * * * *

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples, in which each corporation referred to uses the calendar year as its taxable year and the stated facts are assumed to exist on each day of 1970 (unless otherwise provided in the example):

Example (1). Jones owns all the stock of corporation X and has an option to purchase from Smith all the outstanding stock of corporation Y. Smith owns all the outstanding stock of corporation Z. Since the Y stock is considered as owned by two or more persons, under subparagraph (2)(ii) of this paragraph the Y stock is treated as owned only by Smith since he has direct ownership of such stock. Therefore, on December 31, 1970, Y and Z are component members of the same brother-sister controlled group. If, however, Smith had owned his stock in corporation Z for less than one-half of the number of days of Z's 1970 taxable year, then under subparagraph (1) of this paragraph the Y stock would be treated as owned only by Jones since his ownership results in Y being a component member of a controlled group on December 31, 1970.

Example (2). Individual H owns directly all the outstanding stock of corporation M. W (the wife of H) owns directly all the outstanding stock of corporation N. Neither spouse is considered as owning the stock directly owned by the other because each of the conditions prescribed in paragraph (b)(5)(ii) of this section is satisfied with respect to each corporation's 1970 taxable year. H owns directly 60 percent of the only class of stock of corporation P and W owns the remaining 40 percent of the P stock. Under subparagraph (2)(iii) of this paragraph, the stock of P is treated as owned only by H since H owns (directly and with the application of the rules contained in paragraph (b)(1), (2), (3), and (4) of this section) the stock possessing the greatest percentage of the total value of shares of all classes of stock of P. Accordingly, on December 31, 1970, P is treated as a component member of a brother-sister group consisting of M and P.

Example (3). Unrelated individuals A and B each owns one-half of all the outstanding stock of corporation R, which in turn owns 70 percent of the only class of outstanding stock of corporation S. The remaining 30 percent of the stock of corporation S is owned by unrelated individual C. Under the attribution rule of paragraph (b)(4) of this section, A and B each is considered as owning 35 percent of the stock of corporation S. Accordingly, since five or fewer persons own at least 80 percent of the stock of corporations R and S and also own more than 50 percent identically (A and B's identical ownership each is 35 percent), on December 31, 1970, corporations R and S are treated as component members of the same brother-sister controlled group.

PAR. 22. There is added immediately following § 1.1563–4 the following new sections:

§ 1.1564 Statutory provisions; transitional rules in the case of certain controlled corporations.

SEC. 1564. *Transitional rules in the case of certain controlled corporations*—(a) *Limitation on additional benefits*—(1) *In general.* With respect to any December 31 after 1969 and before 1975, the amount of—

(A) Each additional $25,000 surtax exemption under section 1562 in excess of the first such exemption,

(B) Each additional $100,000 amount under section 535(c)(2) and (3) in excess of the first such amount, and

(C) Each additional $25,000 limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10) in excess of the first such limitation,

otherwise allowed to the component members of a controlled group of corporations for their taxable years which include such December 31 shall be reduced to the amount set forth in the following schedule:

Taxable years including—	Surtax exemption	Amount under sec. 535(c)(2) and (3)	Small business deduction limitation
Dec. 31, 1970	$20,833	$83,333	$20,833
Dec. 31, 1971	16,667	66,667	16,667
Dec. 31, 1972	12,500	50,000	12,500
Dec. 31, 1973	8,333	33,333	8,333
Dec. 31, 1974	4,167	16,667	4,167

(2) *Election.* With respect to any December 31 after 1969 and before 1975, the component members of a controlled group of corporations shall elect (at such time and in such manner as the Secretary or his delegate shall by regulations prescribe) which component member of such group shall be allowed for its taxable year which includes such December 31 the surtax exemption, the amount under section 535(c)(2) and (3), or the small business deduction limitation which is not reduced under paragraph (1).

(b) *Dividends received by corporations*—(1) *General rule.* If—

(A) An election of a controlled group of corporations (as defined in paragraph (1), or in so much of paragraph (4) as relates to paragraph (1), of section 1563(a)) under section 1562(a) (relating to privilege of a controlled group of corporations to elect to have each of its component members make its returns without regard to section 1561) was made on or before April 22, 1969, and

(B) Such election is effective with respect to the taxable year of each component member of such group which includes December 31, 1969,

then, with respect to a dividend distributed on or before December 31, 1977, out of earnings and profits of a taxable year which includes a December 31 after 1969 and before 1975, subsections (a)(3) and (b) of section 243 (relating to dividends received by corporations) shall be applied to such component members comprising an affiliated group (as defined in section 243(b)(5)) in the manner set forth in paragraph (2).

(2) *Special rules.* (A) An election under section 243(b)(2) may be made for a taxable year which includes a December 31 after 1969 and before 1975, notwithstanding that an election under section 1562(a) is in effect for the taxable year.

(B) Section 243(b)(1)(B)(ii) shall not apply with respect to a dividend distributed on or before December 31, 1977, out of earnings and profits of a taxable year which includes a December 31 after 1969 and before 1975 for which an election under section 1562(a) is in effect, and in lieu of the percentage specified in section 243(a)(3) with respect to such dividend, the percentage shall be the percentage set forth in the following schedule:

If the dividend is distributed out of the earnings and profits of the distributing corporation's taxable year which includes—	The percentage shall be—
December 31, 1970	87½ percent.
December 31, 1971	90 percent.
December 31, 1972	92½ percent.
December 31, 1973	95 percent.
December 31, 1974	97½ percent.

(C) For taxable years which include a December 31 after 1969 for which an election under section 1562(a) is in effect, section 243(b)(3)(C)(v) shall not be applied to limit the number of surtax exemptions.

(c) *Certain short taxable years. If*—

(1) A corporation has a short taxable year beginning after December 31, 1969, and ending before December 31, 1974, which does not include a December 31, and

(2) Such corporation is a component member of a controlled group of corporations with respect to such taxable year (determined by applying section 1563(b) as if the last day of such taxable year were substituted for December 31),

then subsections (a) and (b) shall be applied as if the last day of such taxable year were the nearest December 31 to such day.

[Sec. 1564 as added by sec. 401(b), Tax Reform Act 1969 (83 Stat. 600)]

§ 1.1564–1 Limitations on additional benefits for members of controlled groups.

(a) *In general.* Section 1564(a)(1) provides that, with respect to any December 31 after 1969 and before 1975, only one component member of a controlled group of corporations (as defined in section 1563(a)) shall be allowed the full amount of—

(1) The $25,000 surtax exemption under section 1562 (relating to election of multiple surtax exemptions),

(2) The $100,000 amount under section 535(c)(2) and (3) (relating to the accumulated earnings credit), and

(3) The $25,000 limitation on the small business deduction of life insurance companies under sections 804(a)(4) and 809(d)(10).

The amounts otherwise allowed to the other component members of such controlled group for their taxable years which include such December 31

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shall be reduced to the amounts set forth in the following schedule:

Taxable years including—	Surtax exemption	Amount under sec. 535(c) (2) and (3)	Small business deduction limitation
Dec. 31, 1970	$20,833	$83,333	$20,833
Dec. 31, 1971	16,667	66,667	16,667
Dec. 31, 1972	12,500	50,000	12,500
Dec. 31, 1973	8,333	33,333	8,333
Dec. 31, 1974	4,167	16,667	4,167

(b) *Election.* (1) Section 1564(a)(2) provides that, with respect to any December 31 after 1969 and before 1975, the component members of a controlled group of corporations shall elect which component member or members of such group shall be allowed for their taxable years which includes such December 31 the full amounts described in paragraph (a)(1),(2), and (3) of this section. In making such election, the members may allocate such full amounts among themselves in any manner they choose. For example, the group may select one of its members to receive the full amount of the $25,000 surtax exemption under section 1562 and another of its members to receive the full $100,000 amount under section 535(c)(2), or it may select one of its members to claim both such full amounts.

(2) The election shall be made with respect to a particular December 31 and shall be valid only if each corporation which is a component member of the controlled group on such December 31 gives its consent. The consents shall be made by means of a statement, signed by persons duly authorized to act on behalf of each of the component members (other than wholly owned subsidiaries), stating which member has been selected to receive the amount which is not reduced under paragraph (a) of this section. The member so selected shall attach the statement to its income tax return for the taxable year including such December 31. The statement shall set forth the name, address, employer identification number, and taxable years of each of the other component members (including wholly owned subsidiaries) of the controlled group. Such other members shall attach a copy of the statement to their income tax returns for their taxable years including such December 31. An election plan adopted by a controlled group with respect to a particular December 31 shall be valid only for the taxable year of each member of the group which includes such December 31.

(3) Each component member of a controlled group which is a wholly owned subsidiary of such group with respect to a December 31 shall be deemed to consent to an election with respect to such December 31, provided each component member of the group which is not a wholly owned subsidiary consents to the election plan. A component member of a controlled group shall be considered to be a wholly owned subsidiary of the group with respect to a December 31 if, on each day preceding such date during its taxable year which includes such date, all of its stock is owned directly by one or more corporations which are component members of the group on such December 31.

[FR Doc.72-6306 Filed 4-24-72;8:51 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 3-4.54—Procurement Clearance of Audio Visual Productions

On January 18, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 743) stating that the Department of Health, Education, and Welfare was considering an amendment to 41 CFR Chapter 3 by revising Subpart 3-4.54, Procurement Clearance of Audio Visual Productions. The purpose of this revision is to clarify the scope of coverage to include all steps and techniques used to procure a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar productions.

Interested persons were invited to submit relevant data, views, or arguments within 30 days after publication. No comments were received, so the regulation is revised and hereby adopted as set forth below.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (4-25-72).

Dated: April 11, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

1. The table of contents for Part 3-4 is amended by changing the title of Subpart 3-4.54 as follows:

Subpart 3-4.54—Procurement Clearance of Audio Visual Productions

The revision to subpart 3-4.54 is as follows:

Subpart 3-4.54—Procurement Clearance of Audio-Visual Productions

§ 3-4.5400 Scope of subpart.

This subpart provides for prior clearance and methods of contracting for the procurement of audiovisual productions. Refer to Chapter 1-121 of the General Administration Manual. The term "audio visual production," as used in this subpart, refers to all steps and techniques leading to the realization of a finished motion picture, video tape, slide show, film strip, audio recording, exhibitry, display, or similar materials, including design, layout, preparation of scripts, filming or taping, sound recording, editing, fabrication, or other activities leading to the creation of an audiovisual production regardless of intended use. Instructions relating to procurement of such productions obtained with grant funds are contained in Chapter 1-450 of the HEW Grants Administration Manual.

§ 3-4.5401 Responsibility.

No procurement action for acquisition of audiovisual productions shall be initiated without first obtaining proper clearance and approvals as set forth below. The Office of the Assistant Secretary for Public Affairs, Office of the Secretary (ASPA-OS), has been designated as the office of primary responsibility for the review and approval of all audiovisual productions. Requests for the procurement of audiovisual productions shall be submitted to ASPA-OS for review and approval (or disapproval).

§ 3-4.5402 Clearance for procurement.

(a) Clearances shall apply to contracts dealing, in whole or in part, with development of audiovisual productions, whether for public information, education or training purposes.

(b) All requests for approval of audiovisual productions, except requests for exhibitry shall be submitted on revised Form HEW-524, Request for Audiovisual Material. Requests for audiovisual materials will be submitted to ASPA-OS for review and approval prior to initiating any procurement action. Requests for approval of exhibitry shall be submitted to ASPA-OS in memorandum form stating the purpose as well as a general description of the content, and the circumstances under which the exhibitry will be used.

(c) Each request shall include the name of the assigned project officer. Failure to assign a project officer whose experience in audiovisual production is suitable to the project will constitute sufficient reason for disapproval of the project.

(d) Each request shall have been approved at the agency level by not lower than the principal public information officer, i.e., Assistant Commissioner for Public Affairs, Assistant Administrator for Information, etc., prior to submission to ASPA-OS.

(e) Requests shall be forwarded to ASPA-OS in triplicate by the approving agency level information officer. Two copies shall be returned by ASPA-OS to the agency level information officer together with (1) a memorandum of approval designating subsequent stages of the project at which ASPA-OS will review the material, or (2) a memorandum of disapproval documenting the reason for withholding approval.

(f) The approved original of the request shall be made a part of the permanent procurement file.

§ 3-4.5403 Methods of contracting.

(a) All procurements shall be conducted on a competitive basis whenever possible. The requirement for publicizing proposed procurements by synopsis in the Commerce Business Daily, as set forth in § 1-1.1003, Federal Procurement Regulations, shall be followed.

(b) When considered desirable and appropriate to do so, current approved bidders lists, call contracts, or procurement arrangements of another Federal agency or department may be used subject to prior concurrence of ASPA-OS, and Office of Procurement and Materiel Management, Office of the Assistant Secretary for Administration and Management (OPMM-OASAM).

(c) When operating agencies wish to supplement any qualified bidders list or call contract list with additional contractors, such additions shall be coordinated with ASPA-OS and OPMM-OASAM.

§ 3-4.5404 Competition.

(a) Contracts shall be awarded after competition and on a fixed price basis whenever feasible. Requests for sole source procurement shall receive the concurrence of ASPA-OS and OPMM-OASAM.

(b) When call contracts or procurement arrangements have already been synopsized, no further synopsis is necessary when issuing calls against the basic contract. However, this procedure does not eliminate the requirement to obtain adequate competition from sources described in § 3-4.5403(b) consistent with the nature and size of the requirement.

[FR Doc.72-6275 Filed 4-24-72;8:47 am]

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B-2.2—Solicitation of Bids

LISTING OF SUBCONTRACTORS

This order amends the procedures for the listing of subcontractors by clarifying the term "subcontractor," defining the term "subcontract," and requiring that the designations for categories of subcontractors agree with the titles (including numbers) of the appropriate sections of the project specification.

Section 5B-2.202-70 is amended to read as follows:

§ 5B-2.202-70 Listing of subcontractors.

(a) Except as otherwise provided in paragraph (b) of this section, invitations for bids shall require the bidder to name the principal subcontractors (or his own firm when it will perform the work). Contracting officers shall determine the categories of work for which subcontractors' names are to be submitted. The mechanical, electrical, and elevator and/or escalator divisions of the project specifications shall be included in the subcontractor listing by title and division number. In addition, such listing shall include, by titles and section numbers, all other general construction categories of work in the project specifications which, individually, are determined by the contracting officer to comprise at least 3½ precent of the estimated cost of the entire contract; categories estimated to cost less shall not be included.

(e) The following clause shall be included in the Special Conditions:

LISTING OF SUBCONTRACTORS

(a) For each category on the List of Subcontractors which is included as part of the bid form, the bidder shall submit the name and address of the individual or firm with whom he proposes to contract for performance of such category: *Provided*, That the bidder may enter his own name for any category which he will perform with personnel carried on his own payroll (other than operators of leased equipment) to indicate that the category will not be performed by subcontract.

(b) If the bidder intends to subcontract with more than one subcontractor for a category or to perform a portion of a category with his own personnel and subcontract with one or more subcontractors for the balance of the category, the bidder shall list all such individuals or firms (including himself) and state the portion (by percentage or narrative description) of the category to be furnished by each.

(c) If alternate bids are required under this invitation, the bidder may list both the name of the individual or firm with whom he proposes to subcontract (or his own name) if awarded the contract on the base bid only, and the name of a different individual or firm with whom he proposes to subcontract for a category (or his own name) if award is made on the basis of base bid plus an alternate (or alternates) which affects the category for which alternate subcontractors are so listed, provided that the bidder clearly indicates after each such listing the basis upon which each named individual or firm shall be deemed to be the listed subcontractor for that category.

(d) The list may be submitted with the bid or separately by telegraph, mail, or otherwise. If mailed separately, the envelope must be sealed, identified as to content, and addressed in the same manner as prescribed for submission of bids. Failure to submit the list by the time set for bid opening shall cause the bid to be considered nonresponsive except under the conditions set out in Instruction No. 7 of the Instructions to Bidders (Standard Form 22).

(e) Except as otherwise provided herein, the successful bidder agrees that he will not have any of the listed categories involved in the performance of this contract performed by any individual or firm other than those named for the performance of such categories.

(f) The term "subcontractor" for the purpose of this requirement shall mean the individual or firm with whom the bidder proposes to enter into a subcontract for manufacturing, fabricating, installing, or otherwise performing work under this contract pursuant to the project specifications applicable to any category included on the list.

(g) The term "subcontract" includes, in addition to a two-signature document, all transactions resulting from acceptance of offers by awards or notices of awards; agreements and job orders; letter agreements; letters of intent; and orders, such as purchase orders, under which the subcontract becomes effective by written acceptance or performance. It also includes modifications thereto.

(h) Nothing contained in this clause shall be construed as changing the percentage requirement in the General Conditions for the Contractor to perform with his own forces.

(i) The Contractor shall be responsible for all aspects of performance by subcontractors.

(j) No substitutions for the individuals or firms named will be permitted except in unusual situations and then only upon the submission in writing to the Contracting Officer of a complete justification therefor and receipt of the Contracting Officer's written approval. In the event the Contracting Officer finds that substitution is not justified, the Contractor's failure or refusal to proceed with the work by or through the named subcontractor shall be grounds for termination of the contract under the provisions of Clause 5 of the General Provisions.

(k) Notwithstanding any of the provisions of this clause, the Contracting Officer shall have authority to disapprove or reject the employment of any subcontractor he has determined nonresponsible or who does not meet the requirements of an applicable Specialists or Competency of Bidder clause.

(l) The Contracting Officer shall have the right to require any information and supporting evidence he may deem relevant and necessary in connection with the approval or disapproval of a request for substitution and the appropriate adjustment of the contract price in the event substitution is approved, including but not limited to certified copies of the original worksheets used in the preparation of the bid on the prime contract, certified copies of the offers submitted to the successful bidder by the named subcontractor and the proposed substitute, and affidavits as to the circumstances relating to the request for substitution or the estimated cost of performance by any subcontractor named or proposed as a substitute. The Contractor's failure or refusal to proceed with the work by or through a named subcontractor after failing or refusing for an unreasonable period of time to furnish information and supporting evidence as required by the Contracting Officer in connection with a request for approval for a substitution shall be grounds for termination under the provisions of clause 5 of the general provisions.

(m) Nothing contained in this clause shall in itself be construed to create any contract or property rights in the successful bidder or any subcontractor. The imposition of any requirements under subparagraph (k) of this clause or the Contracting Officer's refusal to approve a substitution pursuant to the provisions of subparagraphs (j) and (l) of this clause shall not give rise to any cause of action against the Government by the successful bidder or by any subcontractor engaged or proposed to be engaged by the successful bidder.

(n) If the bidder fails to comply with the requirements of subparagraph (a) or (b) or (c) of this clause, the bid will be rejected as nonresponsive to the invitation.

(o) In order to effectively implement the objectives of the foregoing provisions and to ensure the timely receipt of accurate bids, the bidder is requested to urge all subcontractors intending to submit a proposal for work involved in the project to submit to all bidders to whom they intend to bid a written proposal (or written abstract) with or without price outlining in detail the specific sections of the specifications to be included in their work as well as any exceptions or exclusions therefrom. It is suggested that such written proposal be submitted to the bidder at least 48 hours in advance of the bid opening.

• • • • • •

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (4-25-72).

Dated: April 17, 1972.

A. F. SAMPSON,
Commissioner, Public Buildings Service.

[FR Doc.72-6277 Filed 4-24-72;8:48 am]

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Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60–7—ST. LOUIS PLAN

Requirements, Terms, and Conditions of Awarding Federal Construction Contracts

On February 8, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 2847) with regard to amending Chapter 60 of Title 41 of the Code of Federal Regulations by amending Part 60–7 thereof dealing with the St. Louis Plan for equal employment opportunities in the construction trades. Interested persons were invited to submit written comments regarding the proposed amendment to the Deputy Assistant Secretary for Employment Standards, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, DC 20210, within 30 days of publication of that notice in the FEDERAL REGISTER.

Having considered all relevant material submitted, I have decided to, and do hereby amend Chapter 60, Title 41 of the Code of Federal Regulations by amending 60–7.30 thereof to read as follows:

Subpart D—Appendix A

§ 60–7.30 Appendix A.

* * * * *

REQUIREMENTS, TERMS, AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or federally-assisted construction in the city of St. Louis or St. Louis County, Mo., on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid openings, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the city of St. Louis and St. Louis County, Mo., during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 2 thereof. Minority manpower means, for the purposes of this appendix, Negroes, Spanish surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by this appendix:

Asbestos workers.
Boilermakers.
Bricklayers.
Carpenters.
Cement and concrete finishers.
Electricians.
Elevator constructors.
Glaziers.
Ironworkers.
Lathers and plasterers.
Operating engineers.
Painters and paperhangers.
Plumbers and pipefitters.
Roofers and slaters.
Sheetmetal workers.
Tile setters and terrazzo workers.

The above designated trades are those in which the underutilization of minorities is most apparent and as to which goals of minority manpower utilization falling within the range designated herein could be developed and achieved, without displacing incumbents in the trades.

Included in the above listing is the trade of Carpenters as to which there has been developed and approved by the OFCC a Supplemental Manpower Agreement to which the Carpenters District Council of St. Louis and the Associated General Contractors of St. Louis are signatories. That Agreement which meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade provides, inter alia, for a 5-year goal of twenty percent (20%) minority manpower representation in the trade.

Additionally, an affirmative action agreement has been executed by and between the National Electrical Contractors Association and Local Union No. 1, International Brotherhood of Electrical Workers, which has been accepted by the OFCC. That Agreement also meets or exceeds the requirements of the St. Louis Plan which would otherwise be applicable to this trade and provides, inter alia, for a 5-year goal of seventeen percent (17%).

Those contractors who are signatories to the aforementioned affirmative action programs and who continue to satisfactorily participate therein, shall, so long as such programs remain approved by the OFCC be relieved of their obligations to meet their goals of minority manpower utilization designated in this appendix for the trades of Carpenters and Electricians, as appropriate.

A bidder who fails or refuses to complete or submit the goals required by this Appendix A and who is not otherwise relieved from his obligation to do so, shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need not be submitted only for those trades which the contractor contemplates to be used in the performance of the federally-involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

* * * * *

Signed at Washington, D.C., this 10th day of April 1972.

J. D. HODGSON,
Secretary of Labor.

R. J. GRUNEWALD,
Assistant Secretary for Employment Standards.

GEORGE L. HOLLAND,
Director, Office of Federal Contract Compliance.

[FR Doc.72–6282 Filed 4–24–72;8:48 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Revised Fees for Facilities and Materials Licenses

On January 25, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 F.R. 1121) proposed amendments to 10 CFR Part 170 of its regulations which would revise fees charged for facilities and materials licenses. Interested persons were invited to submit written comments and suggestions for consideration within 30 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

The fees set out in the notice of proposed rule making covered the costs related to health and safety compliance and inspection, which were not included in the previous fee schedule, and also reflected increased licensing costs. The proposed revised fees were based on the principle of full cost recovery. The cost of each function or element making up the total fee base was examined separately and was assigned to the appropriate fee category. The regulatory costs associated with the processing of licenses and health and safety compliance and inspection activities were used in developing the fees. No costs related to rule making, development of standards, codes and criteria, safeguards activities, and administration of the State relations program were included. Costs associated with licenses exempt from fees were identified and excluded.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with certain modifications discussed below.

A number of persons commented that the Commission's fee schedule should take into account, with more particularity, the size and nature of licensed operations involving the use of byproduct material. Pending further consideration of these comments, the Commission is deferring adoption of the revised fee schedule for certain byproduct material licenses.

A new subparagraph (9) has been added to § 170.11(a) to exempt from fees license applications from, or licenses issued to, an agency of a State or any political subdivision thereof for byproduct material, source material, or special nuclear material.

The footnote to § 170.12(b) has been modified to clarify the intent of the Commission that fees for provisional construction permits or provisional operating licenses, which are payable, under the footnote to § 170.12(b) of Part 170, on the date of issuance of such provisional construction permits or provisional operating licenses, must be paid according to the fee schedules in effect on the date of issuance.

Paragraph 170.12(c) has been revised to clarify the due date for annual fees for licenses issued after February 5, 1971.

In view of the change in the fee schedule for nuclear power plants, footnote 1 of § 170.21 has been modified to clarify that in the case of license amendments authorizing higher power levels, the increased fees apply only to the increment. For example, if the power level of a reactor is increased from 1,800 Mw(t) to 2,000 Mw(t), the fee which must accompany the application is $19,000 (200×95=$19,000).

The Commission is required to keep the matter of license fees under continuing review. If costs of licensing services change, it may be expected that the fee schedule will be adjusted.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 552 and section 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter 1, Code of Federal Regulations, Part 170 are published as a document subject to codification to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. A new subparagraph (9) is added to § 170.11(a) of 10 CFR Part 170 to read as follows:

§ 170.11 Exemptions.

(a) No application filing fees, license fees, or annual fees shall be required for:

* * * * *

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof.

* * * * *

2. In § 170.12 the footnote to the heading of paragraph (b) and paragraph (c) is amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(b) *Construction permit fees and operating license fees.*[1] Fees for construction permits and operating licenses are payable when the construction permit or operating license is issued. No construction permit or operating license will be issued by the Commission until the full amount of the fee prescribed in this part has been paid.

(c) *Annual fees.* All licenses outstanding on February 5, 1971, are subject to payment of the annual fee prescribed by this Part 170, as amended, within 30 days after February 5, 1971, and annually thereafter: *Provided, however,* That, in the case of licenses which have been subject to license fees prior to February 5, 1971, the next annual fee will be payable 1 year from the due date of the last fee payment and annually thereafter. In the case of licenses issued after February 5, 1971, annual fees are payable 1 year following the date of issuance of the license and annually thereafter.

3. Section 170.21 of 10 CFR Part 170 is amended to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities.

Applicants for construction permits or operating licenses for production or utilization facilities and holders of construction permits or operating licenses for production or utilization facilities shall pay the fees set forth below: *Provided, however,* That annual fees shall not be paid by holders of licenses which authorize the possession but not operation of production or utilization facilities.

SCHEDULE OF FEES

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license))[1]	Application fee for construction permit	Construction[2] permit fee	Operating[4] license fee	Annual fee after issuance of operating license
(1) Power reactor[5]	$70,000	$60,000+ $80/Mw(t)[3].	$125,000+ $35/Mw(t)[3].	$12/Mw(t)[3] ($12,000 minimum).
(2) Testing facility	3,900	$10,500	$15,200	$14,500.
(3) Research reactor	600	$2,300	$3,800	$3,600.
(4) Other production or utilization facility	60,000	$155,000	$145,000	$145,000.

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity requiring a higher fee will not be accepted for filing unless accompanied by the prescribed fee, which shall be determined by multiplication of the change in power level, expressed in megawatts thermal, by $95.

[2] Thermal megawatts.

[3] When construction permits are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee for the first reactor will be $60,000 +$80/Mw(t) and $30,000+$30/Mw(t) for each additional reactor.

[4] When operating licenses are issued for two or more power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $125,000+$35/Mw(t) for the first reactor and $95,000+$30/Mw(t) for each additional reactor.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3,000 Mw(t), the fee will be computed on a maximum power level of 3,000 Mw(t).

4. Section 170.31 of 10 CFR Part 170 is amended to read as follows:

§ 170.31 Schedule of fees for materials licenses.

Applicants for materials licenses and holders of materials licenses shall pay the following fees:

SCHEDULE OF MATERIALS LICENSE FEES

Category of materials licenses[1]	Application fee[2]	Annual fee
1. Special nuclear material:		
A. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233 and plutonium, except for licenses for plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter, licenses for storage only and licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$10,000+$10 per kilogram (maximum fee $35,000).	$10,000+$10 per kilogram (maximum fee $35,000).
B. Licenses for possession and use of special nuclear material in plutonium processing and fuel fabrication plants as defined in § 70.4(r) of this chapter.	$27,000	$27,000.
C. Licenses for quantities of five (5) kilograms or more of contained uranium 235, uranium 233 and plutonium for storage only except for licenses authorizing storage only of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$2,440	$2,440.
D. Licenses for quantities of 350 grams to five (5) kilograms of contained uranium 235, uranium 233 and plutonium except for licenses for storage only and licenses authorizing possession and use of special nuclear material in sealed sources as defined in Part 70 of this chapter.	$2/gram (maximum fee $5,000).	$2/gram (maximum fee $5,000).
E. All other specific special nuclear material licenses	$120	$120.
2. Source material:		
A. Licenses for source material in quantities greater than 50 kilograms, except licenses for storage only and licenses for use only of source material in counterweights.	$80+$.10 per kilogram (maximum fee $1,300).	$80+$.10 per kilogram (maximum fee $1,300).
B. All other specific source material licenses	$80	$80.
3. Byproduct material:		
A. Licenses for possession and use of byproduct material issued pursuant to Parts 30 and 33 of this chapter for processing, or manufacturing of items containing byproduct material or quantities of byproduct material for commercial distribution.	$500	$50.
B. Licenses for byproduct material issued pursuant to Part 34 of this chapter for industrial radiography.	$150	$150.
C. Licenses for possession and use of byproduct material in quantities of 10,000 curies or more in sealed sources for irradiation of materials.	$375	$375.
D. Licenses issued pursuant to Part 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under Part 31 or 35 of this chapter.	$500	$500.
E. Licenses issued pursuant to Part 32, except § 32.11, of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of Part 30 of this chapter.	$500	$500.
4. Waste disposal:		
A. Waste disposal licenses specifically authorizing the receipt of waste by-product material, source material or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee.	$1,625	$1,625.
5. Well logging and well surveys:		
A. Licenses for possession and use of special nuclear material and by-product material for oil and gas well logging and well surveys.	$265	$265.
6. Nuclear laundries:		
A. Licenses for commercial collection and laundry of items contaminated with by-product material, source material and special nuclear material.	$265	$265.

See footnotes at end of table.

[1] For facilities as to which a notice of hearing on an application for a provisional construction permit or provisional operating license, or a notice of proposed issuance of a provisional operating license, has been published on or before Mar. 30, 1970, fees are payable when the provisional construction permit or provisional operating license, if any, is issued, in accordance with the fee schedules in effect on the date of issuance.

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SCHEDULE OF MATERIALS LICENSE FEES—Continued

Category of materials licenses [2]	Application fee [3]	Annual fee
7. All other licenses: A. All other specific materials licenses other than licenses in Categories 1A through 6A.	$25.	$25.

[2] Amendments reducing the scope of a licensee's program shall not entitle the licensee to a partial refund of any fee; applications for amendments increasing the scope of a program to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee less the amount of the currently prescribed fee for the activities already licensed.

[3] Applications for materials licenses covering more than one fee category shall be accompanied by the prescribed fee for each category.

(Sec. 501, 65 Stat. 290; 31 U.S.C. 483a)

Dated at Germantown, Md., this 18th day of April 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-6184 Filed 4-24-72;8:45 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Location of Field Offices and Monitoring Stations

Order. In the matter of editorial amendment of § 0.121(a) of the Commission's rules and regulations.

1. The location for the Engineer in Charge of several of the Federal Communications Commission's field offices has recently been changed. The following amendment will be made to the rules and regulations to appropriately reflect the change in address:

Radio district	From	To
5	Room 400, Federal Bldg., Norfolk, Va. 23510.	Military Circle, 870 North Military Highway, Norfolk, VA 23502.
10	1314 Wood St., Room 707, Dallas, TX 75202.	Room 13E7, 1100 Commerce St., Federal Bldg., U.S. Courthouse, Dallas, TX 75202.
10	1029 New Federal Bldg., Detroit, Mich. 48226.	1054 Federal Bldg., Washington Blvd., and Lafayette St., Detroit, MI 48226.
20	328 Federal Bldg., Buffalo, N.Y. 14203.	905 Federal Bldg., 111 West Huron St., at Delaware Ave., Buffalo, NY 14202.

Radio district	Address of the engineer in charge	Territory within district: States	Territory within district: Counties
• • •	• • •	• • •	• • •
5	Military Circle, 870 North Military Highway, Norfolk, Va. 23502.	North Carolina	All except District 6.
		Virginia	All except Districts 4 and 24.
• • •	• • •	• • •	• • •
10	Room 13E7, 1100 Commerce St., Federal Bldg., U.S. Courthouse, Dallas, TX 75202.	Oklahoma	All counties.
		Texas	All except District 9 and the city of Texarkana.
• • •	• • •	• • •	• • •
10	Room 13E7, 1100 Commerce St., Blvd., and LaFayette St., Detroit, MI 48226.	Oklahoma	All counties. Breathitt, Campbell-Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, and Woodford.
		Ohio	All counties.
		Michigan	All counties except District 16.
		West Virginia	All counties except District 4.
20	906 Federal Bldg., 111 West Huron St., at Delaware Ave., Buffalo, N.Y. 14202.	New York	All except District 2.
		Pennsylvania	All except District 3.

2. Since the amendment is editorial in nature the prior notice and effective date provisions of the Administrative Procedure Act are not applicable. Authority for the promulgation of this amendment is contained in sections 4(i) and 5(d) of the Communications Act of 1934, as amended, and § 0.231(d) of the rules.

3. *Accordingly, it is ordered,* Effective April 25, 1972, § 0.121(a) of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; 47 U.S.C. 154, 155)

Adopted: April 14, 1972.

Released: April 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 0 is amended as follows:

§ 0.121 Location of field offices and monitoring stations.

(a) District offices and their suboffices are located at the following addresses:

[FR Doc.72-6224 Filed 4-24-72;8:45 am]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

Order. In the matter of editorial amendment of Parts 81 and 83 of the Commission's rules and regulations.

1. Preparatory to the reprinting of the revised edition of Volume IV of the Commission's rules and regulations, numerous editorial changes were made in Parts 81 and 83. The majority of the changes involve substituting the term "hertz (Hz)" for the term "cycles per second (c/s)" in its various forms.

2. Adoption of these changes is desirable in order to delete obsolete material, and to improve the rules from an included in the revised edition of volume notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes in the Appendix are included in the revised edition of Volume IV which will be on sale at the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402 after May 1, 1972.

3. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, That effective April 25, 1972 Parts 81 and 83 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 14, 1972.

Released: April 17, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 81, Stations on Land in the Maritime Services and Alaska—Public Fixed Stations, is amended as follows:

§§ 81.74 and 81.75 [Amended]

1. In footnote 1 to §§ 81.74 and 81.75, the term "Engineer in Charge" is capitalized.

2. In § 81.104 (b) and (c), footnotes 1 through 4 are revised to read as follows:

§ 81.104 Facilities required for coast stations.

• • • • • •

[1] Use of emission A3 is permitted in Alaska only and shall be discontinued effective January 1, 1974.

[2] Capability to transmit using emission A3H shall be provided effective January 1, 1974, in Alaska.

[3] Capability to receive A3 emission shall be provided until January 1, 1977. This requirement may be fulfilled by provision of the capability to receive emission A3H.

[4] Capability to receive using emission A3H shall be provided effective January 1, 1974, in Alaska.

• • • • • •

§ 81.207 [Amended]

3. In § 81.207, the note to paragraph (a) is deleted.

4. In § 81.304, paragraphs (b)(11) (preceding the note) and (12 and (c) (1), (2), (3), (4), and (5) are revised to read as follows:

§ 81.304 Frequencies available.

• • • • • •

(b) • • •

(11) Until January 1, 1974, emission A3A, A3H, and A3J; after January 1, 1974, emission A3A and A3J: *Provided, however,* That during the period January 1, 1974, to January 1, 1978, emission A3H may be used with foreign ship stations not equipped for single sideband operation.

• • • • • •

(12) This frequency is available for use with emissions A3A and A3J until January 1, 1974: *Provided,* That harmful interference is not caused to ship station receivers employing double sideband techniques receiving a transmission on a carrier frequency positioned higher in frequency by 3.1, 3.2, or 3.5 kHz.

• • • • • •

(c) • • •

(1) Transmission of DSB emissions will not be permitted;

(2) [Reserved];

(3) Except as provided in § 81.142(d), the capability of using emissions A3A, A3H, and A3J is required;

(4) [Reserved];

(5) On 2182 kHz until January 1, 1977, public coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

• • • • • •

5. In § 81.308(a), Table 2 is revised to read as follows:

§ 81.308 Frequencies available in one or more zones of the Alaska area.

• • • • • •

TABLE 2

Zone [1] (kHz) [2]	Zone 2 (kHz) [2]	Zone 3 (kHz) [2] [3]	Zone 4 (kHz) [2] [3]	Zone 5 (kHz) [2] [3]	Zone 6 (kHz) [2] [3]
4403.0	4428.6	4399.8	4425.4	4428.6	4403.0

[1] [Reserved].

[2] Until Jan. 1, 1974, emissions 2.8A3A, 2.8A3H, and 2.8A3J; after Jan. 1, 1974, emissions 2.8A3A and 2.8A3J.

[3] Conversion from double sideband (DSB) to single sideband (SSB) emissions in the band 4361–4438 kHz shall be effected in accordance with the schedule set forth in § 81.304.

Subpart J—Limited Coast Stations and Marine-Utility Stations, Use of Telephone

6. The title of Subpart J is corrected by hyphenating the words "Marine-Utility" to read as set forth above.

§ 81.351 [Amended]

7. In § 81.351(a), the introductory text is corrected by hyphenating the words "Marine-Utility".

§ 81.356 [Amended]

8. In § 81.356, the table in paragraph (a) is amended by deleting the figures 1, 2, 3, and 4 wherever they appear in the column headed "conditions of use". In paragraph (b), subparagraphs (1), (2), (3), and (4) are deleted and designated "Reserved". Subparagraph (13) is amended by substituting the word "until" for the words "Not available for assignment prior to January 1, 1971; during the period January 1, 1971 to".

9. Section 81.360(a)(1) is amended to read as follows:

§ 81.360 Frequencies available below 4000 kHz.

(a) • • •

(1) In conversion from double sideband (DSB) to single sideband (SSB):

(i) Transmission of DSB emisisons will not be permitted;

(ii) [Reserved];

(iii) Except as provided in § 81.142(d), the capability of using emissions A3A, A3H, and A3J is required;

(iv) [Reserved];

(v) On 2182 kHz until January 1, 1977, limited coast stations are required to have the capability to receive SSB full carrier and DSB emission; after January 1, 1977, such stations are required to have the capability to receive SSB full carrier emission.

• • • • • •

§ 81.372 [Amended]

10. In § 81.372(b), the term "marine-utility" is hyphenated the two places it appears.

§ 81.708 [Amended]

11. In § 81.708(b), subparagraphs (7) (iv), (8) (iv), and (14) (iv) are amended by deleting the introductory phrase, "after January 1, 1972".

B. Part 83, Stations on Shipboard in the Maritime Services, is amended as follows.

Note 1 to Part 83 [Deleted].

1. The editorial note preceding the text of Part 83 is obsolete and therefore deleted.

§ 83.137 [Amended]

2. In § 83.137(b), footnote designator 1 is removed following ±5 kHz and the text of footnote 1 is deleted at the end of the section.

§ 83.224 [Amended]

3. In § 83.224, reference to § 83.106(d)(5) is corrected to read § 83.106(b)(5).

§ 83.263 [Amended]

4. In § 83.263(a)(4), the text is amended by placing a period after the words "United States" and deleting the remainder of the sentence.

§ 83.316 [Amended]

5. In § 83.316, paragraph (b) is amended by deleting the frequency 448 kHz and paragraph (c)(4) is deleted.

§ 83.317 [Amended]

6. In § 83.317(b), Table 1A is revised by deleting the 1st, 3d, 5th, 7th, 9th, and 11th columns of frequencies and by amending the column headings to read as follows:

(b) TABLE 1A—HIGH TRAFFIC SHIP RADIOTELEGRAPH WORKING FREQUENCIES (kHz)

Symbol	4 MHz (kHz)	6 MHz (kHz)	8 MHz (kHz)	12 MHz (kHz)	16 MHz (kHz)	22 MHz (kHz)

§ 83.318 [Amended]

7. In § 83.318(b), Table 1B is revised by deleting the 1st, 3d, 5th, 7th, 9th, 11th, and 13th columns of frequencies and amending the column headings to read as follows:

(b) TABLE 1B—SHIP RADIOTELEGRAPH CALLING FREQUENCIES (kHz)

Symbol	2 MHz (kHz)	4 MHz (kHz)	6 MHz (kHz)	8 MHz (kHz	12 MHz (kHz)	16 MHz (kHz)	22 MHz (kHz)

§ 83.319 [Amended]

8. In § 83.319(b), Table 1C is revised by deleting the 1st, 3d, 5th, 7th, 9th, 11th, 13th, 15th, 17th, 19th, 21st, and 23d columns of frequencies. In the 8th column under Group "B" for 8 MHz opposite the symbol L7, the frequency 6223.25 kHz is corrected to read 6323.25 kHz. The headings for Table 1C are revised to read as follows:

(b) TABLE 1C—LOW TRAFFIC SHIP WORKING FREQUENCIES [1] (kHz)

Symbol	4 MHz		6 MHz		8 MHz		12 MHz		16 MHz		22 MHz	
	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)	Group A (kHz)	Group B (kHz)

§ 83.320 [Amended]

9. In § 83.320(b), Table 1D is revised to add "(kHz)" centered in each column, "Available after 7-1-69" is deleted from the heading of each column and footnote 1 is amended by deleting the words "after July 1, 1969".

§ 83.324 [Amended]

10. In § 83.324, the Notes to paragraphs (b) and (h) are deleted and

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paragraph (h) is amended by substituting the frequencies "2071 kHz and 2076 kHz" for the frequencies "2072.5 kHz and 2077.5 kHz".

§ 83.351 [Amended]

11. In § 83.351(b)(64), the introductory words are amended to read: "Available until January 1, 1974; *Provided*, That • • •" and subparagraphs (c)(1) and (c)(3) are amended by deleting the words, "After January 1, 1972," at the beginning of the sentence.

§ 83.371 [Amended]

12. The introductory text of § 83.371 is amended by capitalizing the term "Engineer in Charge."

[FR Doc.72-6223 Filed 4-24-72;8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Use of the Full Absorption or Modified Full Absorption Method of Inventory Valuation; Cancellation of Hearing

Proposed amendments to the regulations under sections 61, 446, and 471 of the Internal Revenue Code of 1954, relating to gross income, methods of accounting and inventory valuation, appear in the FEDERAL REGISTER for December 15, 1971 (36 F.R. 23809).

A notice of public hearing on Tuesday, May 2, 1972, was published in the FEDERAL REGISTER for March 10, 1972 (37 F.R. 5131). As a result of the many comments to the Internal Revenue Service in response to the notice of proposed rule making, the Service is considering the issuance of a new notice of proposed rule making taking these comments into account. Accordingly, the previously announced public hearing is canceled.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

[FR Doc.72-6379 Filed 4-24-72;3:00 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3-16]

GENERAL PROVISIONS APPLICABLE TO NEGOTIATED COST-REIMBURSEMENT CONTRACTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new § 3-16.950-315 under Subpart 3-16.9, Illustration of Forms.

Any person who wishes to submit written data, views, or comments pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Office of Procurement and Materiel Management (OPMM), Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment will illustrate the revised Form 315, General Provisions (Negotiated Cost-Reimbursement Contracts). Major changes in the form, which was last revised in August 1964, are reflected in clauses entitled "Government Property," "Inspection and Reports," "Allowable Cost," and "Subcontracting." New clauses are to be entitled, "Accounts, Audit and Records," "Publication and Publicity," "Key Personnel," "Litigation of Claims," "Foreign Travel," "Questionnaires and Surveys," "Printing," and "Services of Consultants." Minor changes are being made in clauses entitled, "Definitions," "Payment," "Limitation of Cost," "Examination of Records," "Notice to the Government of Delays," "Rights in Data," "Reporting of Royalties," "Patent Rights," "Required Insurance," and "Overtime." No change is made in the clauses entitled "Changes" and "Authorization and Consent." The General Provisions will include certain clauses prescribed by Federal Procurement Regulations (41 CFR Part 1). These clauses are not being repeated here, but are identified by an appropriate cross-reference to the applicable FPR section.

As proposed, the new § 3-16.950-315 would read as follows:

§ 3-16.950-315 Form HEW-315, General Provisions (Negotiated Cost-Reimbursement Contract).

GENERAL PROVISIONS
(NEGOTIATED COST-REIMBURSEMENT CONTRACT)

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare; and the term "his duly authorized representative" means any person, persons, or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of technical direction of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the period of this contract.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

2. DISPUTES

(Text of this clause is set forth in FPR 1-7.101-12.)

3. LIMITATION OF COST

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in this contract and the Contractor agrees to use its best efforts to perform all work and all obligations under this contract within such estimated costs. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the contract, or, if at any time the Contractor has reason to believe that the total cost to the Government, for the performance of this contract, will be substantially greater or less than the estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the contract and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of such estimated cost unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in this contract has been increased by the Contracting Officer in writing, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

4. ALLOWABLE COST

(a) *Compensation for Contractor's performance.* Payment for the allowable cost, as herein defined and as actually incurred by the contractor shall constitute full and complete compensation for the performance of the work under this contract.

(b) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs actually incurred by the Contractor, either directly incident or properly allocable to the contract, in the performance of this contract in accordance with its terms. The allowable cost, direct and indirect, including acceptability of cost allocation methods, shall be determined by the Contracting Officer in accordance with:

(1) Subpart 1-15.3 of the Federal Procurement Regulations (41 CFR 1-15.3) as in effect on the date of this contract (For the provision applicable if the contract is not with an education institution, see paragraph 3 below).

(2) The terms of this contract.

(3)(i) "A Guide for Nonprofit Institutions Establishing Indirect Cost Rates for Research

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Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–5," or (1) "A Guide for State Government Agencies Establishing Cost Allocation Plans and Indirect Cost Rates for Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–6," or (1) "A Guide for Hospitals, Establishing Indirect Cost Rates for Research Grants and Contracts with the Department of Health, Education, and Welfare, DHEW Publication OASC–3," or (1) "A Guide for Local Government Agencies, Establishing Cost Allocation Plans and Indirect Cost Proposals for Grants with the Federal Government, DHEW Publication OASC–8," as in effect on the date of this contract, the same hereby incorporated herein by reference.

5. NEGOTIATED OVERHEAD RATES

(i) The following provisions shall be applicable with organizations other than educational institutions:

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost," the allowable indirect costs shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible, but not later than six (6) months after the expiration of each of the Contractor's financial years or such period as may mutually be agreed upon by the Government and the Contractor, shall submit to the Contracting Officer, with a copy to the cognizant audit agency, a proposed final overhead rate or rates for that period based on the Contractor's cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the cost principles set forth in paragraph (3) of Clause 4, as in effect on the date of this contract, and the same hereby incorporated herein by reference.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in this contract or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, the provisional or billing rates may, at the request of either party, be revised by mutual agreement, either retroactively or prospectively. Any such revision of negotiated provisional rates provided in this contract shall be set forth in an amendment to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the clause of this contract entitled "Disputes."

(g) Submission of proposed provisional and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

(ii) The following provisions shall be applicable with educational institutions when post determined rates are used:

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost" the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible, but not later than six (6) months after the close of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) as in effect on the date of contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively: (1) Provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision of negotiated provisional rates specified in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) Submission of proposed provisional and/or final overhead rates together with appropriate data in support thereof to the Secretary or his duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

(iii) The following provisions shall be applicable with educational institutions when predetermined rates are used:

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost," the allowable indirect costs under this contract shall be obtained by applying predetermined overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than three (3) months after the close of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity a proposed predetermined overhead rate or rates based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation or predetermined overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3) as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed predetermined overhead rates, (2) the bases to which the rates apply, (3) the fiscal year unless the parties agree to a different period for which the rates apply, (4) the specific items treated as direct costs or any change in the items previously agreed to be direct costs, and (5) the amount of any carryforward adjustment applied in determining the rates.

(e) Pending establishment of predetermined overhead rates for the initial period of contract performance, or for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at (1) the rates fixed for the previous fiscal year or other period, or (2) billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period of contract performance the parties fail to agree to a predetermined overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in §1–3.704–2(a) of the Federal Procurement Regulations (41 CFR 1–3.704–2(a)), as in effect on the date of this contract.

(g) Submission of proposed provisional and/or final overhead rates together with appropriate data in support thereof to the Secretary or his duly authorized representative and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements, signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

(iv) The following provisions shall be applicable with educational institutions when fixed rates subject to carryforward adjustments are used.

(a) Notwithstanding the provisions of the clause of this contract entitled, "Allowable Cost," the allowable indirect costs under this contract shall be obtained by applying negotiated fixed overhead rates to bases agreed upon by the parties; as specified below. Such negotiated fixed rates shall be subject to carryforward adjustments in subsequent years.

(b) The Contractor, as soon as possible but no later than three (3) months after the close of his fiscal year, or such other period as may be specified in the contract, shall submit to the Secretary, or his duly authorized representative, with a copy to the cognisant audit activity, a proposed fixed overhead rate or rates based on the Contractor's actual cost experience during the fiscal year, including adjustment, if any, for amounts carried forward, together with supporting cost data. Negotiation of fixed overhead rates, including carryforward adjustments, if any, by the Contractor and the Secretary, or his duly authorized representative, shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1–15.3 of the Federal Procurement Regulations (41 CFR 1–15.3), as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in an amendment to this contract, which shall specify (1) the agreed fixed overhead rates, (2) the bases to which the rates apply, (3) the fiscal year, unless the parties agreed to a different period, for which the rates apply, (4) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs, and (5) the amount of any carryforward adjustment applied in determining the rates.

(e) Pending establishment of fixed overhead rates for any fiscal year or different period agreed to by the parties, the Contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure of the parties to agree on any fixed overhead rate or rates or to the amount of any carryforward adjustment under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in the contract, the parties fail to agree to a fixed overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in section 1–3.704–2(a) of the Federal Procurement Regulations, as in effect on the date of this contract.

(g) Submission of proposed fixed, provisional, and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his duly authorized representative and agreements on fixed, provisional, and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e), above.

6. PAYMENT

(a) *Payment on account of allowable costs.* Once each month (or at more frequent intervals if approved by the Contracting Officer) the Contractor may submit to the Contracting Officer, in such form and reasonable detail as may be required, an invoice or voucher supported by a statement of costs incurred by the Contractor in the performance of this contract and claimed to constitute allowable costs. Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (b) below, make payment thereon as approved by the Contracting Officer.

(b) *Audit adjustments.* At any time or times prior to settlement under this contract the Contracting Officer may have invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayment, or increased for underpayments, on preceding invoices or vouchers.

(c) *Completion voucher.* On receipt and approval of the invoice or voucher designated by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including without limitation, the provisions relating to patents and provisions of (d) below) the Government shall promptly pay to the Contractor any balance of allowable cost. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 6 months (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(d) *Applicable credits.* The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer.

(e) *Financial settlement.* Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are susceptible to exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the contractor on the date of the execution of the release: *And provided further*, That the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

7. EXAMINATION OF RECORDS

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States and the Secretary, or any of their duly authorized representatives, shall until expiration of 3 years after final payment under this contract or of the time period for the particular records in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States, or his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20) whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

8. INSPECTION AND REPORTS

(a) *Inspection of work.* The Government shall have the right to inspect the work and activities under this contract, including, without limitation, premises where any Government property may be located, at such reasonable times and in such manner as it may deem appropriate and the Contractor shall afford the Government proper facilities and assistance for such inspection.

(b) *Reports.* The Contractor shall furnish such progress reports, schedules, financial and cost reports, and other reports concerning the work under this contract as the Contracting Officer may require or as specified elsewhere in this contract. Cost and other financial data and projections furnished pursuant to this paragraph (b) shall not relieve the Contractor of the requirements for furnishing notice specified in the clause of this contract entitled, "Limitation of Cost."

9. SUBCONTRACTING

(a) *Prior approval required.* Except as provided in (c) below, the Contractor shall not enter into any subcontract or purchase order not otherwise expressly authorized elsewhere in this contract without the prior written approval of the Contracting Officer and subject to such conditions as the Contracting Officer may require. The Contractor shall use such special and directed procurement sources as may be expressly required by the Contracting Officer.

(b) *Request for approval.* The Contractor's request for approval to enter into a subcontract pursuant to this clause shall include:

(1) A description of the supplies or services to be called for by the subcontract;

(2) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(3) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(4) Identification of the type of subcontract to be used;

(5) A copy or draft of the proposed subcontract, if available; and

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(6) Any other information which the Contracting Officer may require.

(c) *Certain purchases of property and services.* Prior written approval shall not be required for firm fixed-price subcontracts for the purchase or rental of items of personal property having a unit acquisition cost of less than $200 or for the purchase or rental by an educational institution of any item of permanent research equipment having a unit acquisition cost of less than $1,000 or for subcontracts in a total amount less than $1,000, unless otherwise specified elsewhere in the contract: *Provided, however,* That advance notification shall be given by the Contractor of any subcontract which exceeds in dollar amount 5 per centum of the total estimated cost of this contract.

(d) *Contractor's procurement system.* The Contractor shall use methods, practices or procedures in subcontracting or purchasing (hereinafter referred to as the Contractor's "procurement system") acceptable to the Contracting Officer. The Contracting Officer may, at any time during the performance of this contract, require the Contractor to provide information concerning its procurement system.

(e) *Effect of subcontracting.* Subcontracts shall be made in the name of the Contractor and shall not bind nor purport to bind the Government. The making of subcontracts hereunder shall not relieve the Contractor of any requirement under this contract (including, but not limited to, the duty to properly supervise and coordinate the work of subcontractors, and the duty to maintain and account for property pursuant to the clause of this contract entitled "Government Property"). Approval of the provisions of any subcontract by the Contracting Officer shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost. In no event shall approval of any subcontract by the Contracting Officer be construed as effecting any increase in the estimated cost set forth in this contract. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) *Procurements from contractor-controlled sources.* Procurement or transfer of equipment, materials, supplies, or services from a contractor-controlled source (any division or organizational component of the prime contractor, exclusive of the contracting component, and any subsidiary or affiliate of the Contractor under a common control) shall be considered a subcontract for the purposes of this clause.

10. ACCOUNTS, AUDIT AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies), or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1–20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract" in place of "this contract" in (B) of subparagraph (c) (ii) above.

11. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, if any one or more of the following: (a) Drawings, designs, or specifications; (b) method of shipment or packing; (c) place of inspection, delivery, or acceptance; and (d) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of this contract, or otherwise affects any other provisions of this contract, whether changed or not by any such order, an equitable adjustment shall be made (a) in the estimated cost or delivery schedule, or both, and (b) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled, "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

12. NOTICE TO THE GOVERNMENT OF DELAYS

Whenever the Contractor has knowledge that any actual or potential situation, including, but not limited to, labor disputes, is delaying or threatens to delay the timely performance of the work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

13. PATENT RIGHTS

(a) *Definitions.* As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) *Disclosure.* Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) *Determination of rights.* The Secretary, or his duly authorized representative, shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed and to determine the disposition of all rights in any invention made under this contract, including title to and rights under any patent application or patent which may issue thereon. The Secretary, or his duly authorized representative, may, upon the request of the Contractor, determine to exercise his option to waive rights to any such invention in foreign countries. The determination of the Secretary, or his duly authorized representative, on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "Disputes" shall not apply. The Contractor agrees that it will, and warrants that all of its employees who may be the inventors of any such invention will execute all documents and do all things necessary or proper to effectuate the determination of the Secretary, or his duly authorized representative, or to vest in the Government the rights granted to it under this clause and to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application.

(d) *Contractor employee and subcontractors.* The Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will have no access to technical data.

(2) Insert in each subcontract having experimental, developmental or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees.

(e) *Reports.* The Contractor shall furnish the Contracting Officer, in addition to the information called for in paragraph (b) of this clause:

(1) Interim reports on the first anniversary of the contract, where extended or renewed, and every year thereafter listing all inventions made during the period, whether or not previously reported, or certifying that no inventions were made during the applicable period; and

(2) A final report, prior to final settlement of this contract, listing all such inventions made in the course of or under this contract, including all those previously listed in interim reports, or certifying that there are no such unreported inventions.

(f) *Withholding payment for failure to comply.* At any time during the performance of this contract, the Contracting Officer may direct that payment be withheld in the amount of 10 percent of the total amount obligated by the Government with respect to this contract or $10,000, whichever is less, if the Contracting Officer determines that the Contractor has failed to furnish any of the written notices, disclosures, or reports required by paragraphs (b) and (e) above, until such time as the Contractor shall have corrected such failure. The withholding of any amount or subsequent payment thereof to the Contractor or the failure to withhold any amount shall not be construed as a waiver of any rights accruing to the Government under the contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) *Acknowledgement.* With respect to any patent application on any invention made in the course of or under this contract, the Contractor shall incorporate in the first paragraph of the patent specification, and prominently in any patent issued thereon, the following statement:

"The invention described herein was made in the course of or under a contract with the U.S. Department of Health, Education, and Welfare."

14. RIGHTS IN DATA

(a) *Subject data.* As used in this clause, the term "subject data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) *Government rights.* Subject only to the proviso of (c) below, the Government may use, duplicate or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all subject data delivered under this contract.

(c) *License to copyrighted data.* In addition to the Government rights as provided in (b) above, with respect to any subject data which may be copyrighted the Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license throughout the world to use, duplicate or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so: *Provided, however,* That such license shall be only to the extent that the Contractor now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) *Marking and identification.* The Contractor shall mark all subject data with the number of this contract and the name and address of the contractor or subcontractor who generated the data. The Contractor shall not affix any restrictive markings upon any subject data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(f) *Subcontractor data.* Whenever any subject data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that subcontractor Subject Data.

(g) *Deferred ordering and delivery of data.* The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any subject data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in subject data as provided in (b) above.

The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepts such items. When data, other than subject data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

15. REPORTING OF ROYALTIES

If this contract involves any royalty payments in excess of $250 or if the amount of any royalty payment in excess of $250 is reflected in the estimated cost, the Contractor shall report in writing to the Contracting Officer, as soon as practicable during the performance of this contract, the amount of any royalties paid or to be paid by it directly to others in connection with the performance of this contract, together with: (a) The names and addresses of licensors to whom such payments are made; (b) the patent numbers or patents application serial numbers (with filing dates) involved or other identification of the basis of such royalties; and (c) information concerning the manner of computation of such royalties.

16. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto, or any subcontract hereunder (including any lower tier subcontract).

17. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(Text of this clause is set forth in FPR 1–7.101–13.)

18. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contractor shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgment substantially as follows:

"The work upon which this publication is based was performed pursuant to Contract (insert number) with the (insert name of constituent agency), Department of Health, Education, and Welfare."

19. KEY PERSONNEL

Where "key personnel" have been identified in this contract, it has been determined that such named personnel are necessary for the successful performance of the work under this contract; and the Contractor agrees to assign such personnel to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned personnel is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer to that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such personnel with personnel of substantially equal ability and qualifications.

20. TERMINATION FOR THE CONVENIENCE OF THE GOVERNMENT

(Text of this clause is set forth in FPR 1–8.704–1.)

21. LITIGATION AND CLAIMS

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled "Allowable Cost." Except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy or insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractors; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action. If the settlement or defense of an action or claim is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action or for any costs resulting from the loss thereof, to the extent that the Contractor would have been compensated by insurance which was required by law or regulation or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence.

In any event, unless otherwise expressly provided in this contract, the Contractor shall not be reimbursed or indemnified by the Government for any liability loss, cost or expense, which the Contractor may incur or be subject to by reason of any loss, injury, or damage, to the person or to real or personal property of any third parties as may accrue during, or arise from, the performance of this contract.

22. REQUIRED INSURANCE

(a) The Contractor shall procure and maintain such insurance as is required by

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law or regulation, including, but not limited to, the requirements of Subpart 1–10.5 of the Federal Procurement Regulations (41 CFR 1–10.5), or by the written direction of the Contracting Officer. Prior written approval of the Contracting Officer shall be required with respect to any insurance policy the premiums for which the Contractor proposes to treat as a direct cost under this contract and with respect to any proposed qualified program of self-insurance. The terms of any other insurance policy shall be submitted to the Contracting Officer for approval upon request.

(b) Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall not procure or maintain for its own protection any insurance covering loss or destruction of or damage to Government property.

23. OVERTIME

Except as authorized by Section 1–12.102–5 of the Federal Procurement Regulations as in effect on the effective date of this contract or otherwise provided in this contract, the Contractor shall not perform overtime work under or in connection with this contract for which premium compensation is required to be paid, without specific written approval from the Contracting Officer.

24. FOREIGN TRAVEL

Foreign travel shall not be performed without the prior written approval of the Contracting Officer. As used in this clause "Foreign Travel" means travel outside the United States, its Territories and Possessions, and Canada.

25. QUESTIONNAIRES AND SURVEYS

In the event the performance of this contract involves the collection of information upon identical items from 10 or more persons, other than Federal employees, the Contractor shall obtain written approval from the Contracting Officer, prior to the use thereof, of any forms, schedules, questionnaires, survey plans or other documents, and any revisions thereto, intended to be used in such collection.

26. PRINTING

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: *Provided, however,* That performance of a requirement under this contract involving the duplication of less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages, such pages not exceeding a maximum image size of 10¾ by 14¼ inches, will not be deemed to be printing.

27. SERVICES OF CONSULTANTS

Except as otherwise expressly provided elsewhere in this contract, and notwithstanding the provisions of the clause of this contract entitled "Subcontracting," the prior written approval of the Contracting Officer shall be required:

(a) Whenever any employee of the Contractor is to be reimbursed as a "consultant" under this contract; and

(b) For the utilization of the services of any consultant under this contract exceeding the daily rate set forth elsewhere in this contract or, if no amount is set forth, $100, exclusive of travel costs, or where the services of any consultant under this contract will exceed 10 days in any calendar year.

Whenever Contracting Officer approval is required, the Contractor will obtain and furnish to the Contracting Officer information concerning the need for such consultant services and the reasonableness of the fees to be paid, including, but not limited to, whether fees to be paid to any consultant exceed the lowest fee charged by such consultant to others for performing consultant services of a similar nature.

28. ASSIGNMENT OF CLAIMS

(Text of this clause is set forth in FPR 1–30.703.)

29. CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1–12.303.)

30. WALSH-HEALEY PUBLIC CONTRACTS ACT

(Text of this clause is set forth in FPR 1–12.605.)

31. EQUAL OPPORTUNITY

(Text of this clause is set forth in FPR 1–12.803–2.)

32. CONVICT LABOR

(Text of this clause is set forth in FPR 1–12.203.)

33. OFFICIALS NOT TO BENEFIT

(Text of this clause is set forth in FPR 1–7.101–19.)

34. COVENANT AGAINST CONTINGENT FEES

(Text of this clause is set forth in FPR 1–1.503.)

35. BUY AMERICAN ACT SUPPLY AND SERVICE CONTRACTS

(Text of this clause is set forth in FPR 1–6.104–5.)

36. UTILIZATION OF SMALL BUSINESS CONCERNS

(Text of this clause is set forth in FPR 1–1.710–3(a).)

37. UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(Text of this clause is set forth in FPR 1–1.805–3(a).)

38. GOVERNMENT PROPERTY

(a) *Government furnished property.*

(1) The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(2) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (such property to be referred to as "Government furnished property").

In the event that Government furnished property is not delivered to the contractor by such time or times as stated, or if not stated, in sufficient time to enable the contractor to meet such delivery or performance dates under this contract, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and make appropriate equitable adjustments to any contractual provisions affected by any such delay in accordance with the provisions of the clause of this contract entitled "Changes."

In the event that Government furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, immediately upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer either (i) return or otherwise dispose of such property, or (ii) effect repairs or modifications thereto. Upon completion of (i) or (ii) above, the Contracting Officer, upon timely written request of the Contractor, shall make appropriate equitable adjustments to any contractual provisions affected thereby in accordance with the provisions of the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach or contract by reason of any delay in delivery of Government furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Title.* (For title provision applicable to contracts with educational institutions for scientific research, see paragraph (h) below.)

(1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimburseable to the Contractor under this contract, shall pass and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government property."

(2) Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity or personality by reason of affixation to any realty.

(c) *Use of Government property.* Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) *Property management and control.* The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation, control of and accountability for Government property, so as to assure its full availability and usefulness for the performance of this contract. The Contractor agrees to promptly receipt for all Government property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government property.

(e) *Risk or loss.* (1) The Contractor shall not be liable for any loss of or damage to Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the Contractor's operations at any one plant, laboratory or separate location in which this contract is being performed or (B) a separate and complete major organization, industrial or otherwise, in connection with the performance of this contract:

(ii) Which results from a failure on the part of the Contractor, due to willful misconduct or lack of good faith on the part of any of its directors, officers or other representatives mentioned in subparagraph (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (d) hereof, or (B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under paragraph (4) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of this contract;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided,* That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) If the Contractor transfers Government property to the possession and control of a subcontractor the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to Government property as set forth in (1) above. The Contractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government property while in the latter's possession or control, and the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received (except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract). *Provided, however,* That the subcontractor may be relieved from such liability only to the extent that the subcontract, with the prior approval of the Contracting Officer, so provides.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provisions for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, of any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property, or take such other action as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate, or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(f) *Disposition of Government property.*

(1) During the period of performance of this contract, the Contractor shall promptly and regularly report to the Contracting Officer, in such form and manner as the Contracting Officer may direct, concerning the status of Government property under the contract, including all Government property in the Contractor's possession which is not in use or which is excess to the needs of the contract. The Contractor shall make such disposition of Government property as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government property without the prior written approval of the Contracting Officer.

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government property which had come into the possession or custody of the Contractor under this contract. Such accounting shall include inventory schedules covering all items of Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, or for which the Contractor has not otherwise been relieved of responsibility. The Contractor shall deliver or make such other disposition of Government property covered in such inventory schedules as the Contracting Officer may direct.

(3) The net proceeds of any disposition of Government property, in accordance with (1) and (2) above, shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(g) *Restoration of premises.* Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's facility or any portion thereof which is affected by removal of any Government property.

(h) *Title to property under contracts with educational institutions for scientific research.* If this is a contract with a nonprofit educational institution for scientific research, as determined by the Contracting Officer elsewhere in this contract, the following title provision shall replace paragraph (b) above:

Title

(i) Title to all Government-furnished property shall remain in the Government.

(ii) Except as otherwise expressly provided elsewhere in this contract, title to all material, supplies and equipment purchased or otherwise acquired by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost, shall be and remain in the Contractor subject to the provisions of subparagraph (3) below: *Provided, however,* That the Contractor shall not, under any Government contract or subcontract thereunder or under any Government grant, charge for any depreciation, amortization, or use of any property title to which remains in the Contractor pursuant to this subparagraph. The Contractor agrees to use such materials, supplies, and equipment for the benefit of research under this contract and any extensions or successor contracts thereto and to continue to use such property for the benefit of research of interest to the Government.

(iii) With respect to items of equipment having an acquisition cost of $1,000 or more, title to which vests in the Contractor pursuant to subparagraph (ii) above, the Contractor agrees:

(A) To report such items to the Contracting Officer from time to time as they are acquired and to maintain a control system which will permit their ready identification and location; and

(B) To transfer title to any such items to the Government, or to a third party designated by the Government, when third party is eligible under existing statutes, in accordance with any written request therefor issued by the Contracting Officer at any time prior to final payment under this contract.

(iv) All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government pursuant to any other express provision of this contract, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

Dated: April 11, 1972.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.72–6276 Filed 4–24–72;8:47 am]

Office of Education

[45 CFR Parts 121, 125]

PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

General Provisions, Regional Resource Centers, Early Education, Deaf-Blind Centers, Auxiliary Activities, Recruitment and Dissemination, and Research

Pursuant to the authority contained in the Education of the Handicapped Act (84 Stat. 175, 20 U.S.C. 1401), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Parts 121 and 125 of Title 45 of the Code of Federal Regulations as set forth below. The proposed amendments would provide general provisions applicable to all discretionary project grants and contracts awarded under the Education of the

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Handicapped Act, as well as provide the requirements for assistance and for Federal financial participation in regional resource centers, centers and services for deaf-blind children, early education for handicapped children, auxiliary activities under section 624 of the Act, recruitment and dissemination activities, and research.

The programs to which these regulations are applicable will also be subject to Subpart A of Part 121 (45 CFR 121, published in the FEDERAL REGISTER as notice of proposed rule making on January 20, 1972, at 37 F.R. 870).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Bureau of Education for the Handicapped, U.S. Office of Education, Room 2100, Seventh and D Streets NW., Washington, DC 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered.

Dated: March 21, 1972.

S. P. MARLAND, JR.
U.S. Commissioner of Education.

Approved: April 18, 1972.

ELLIOT L. RICHARDSON,
Secretary,
Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended as follows:

1. Part 125 is revoked.

PART 121—PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

2. Part 121 is amended by adding new Subparts A–1, C–1, C–2, C–3, C–4, D–5, and E, reading as follows, and by changing the part reading as proposed at 37 F.R. 870, January 20, 1972.

Subpart A–1—Discretionary Project Grants and Contracts

GENERAL

Sec.
121.50 Scope.
121.51–121.55 [Reserved]

APPLICATIONS

121.56 Applications for grants or contracts.
121.57 Review of applications.
121.58 Disposition of applications.
121.59 Preliminary proposals.
121.60 Cooperative arrangements.
121.61–121.67 [Reserved]

SPECIAL REQUIREMENTS

121.80 Data-collection instruments.
121.81 Satisfying accountability for equipment.
121.82 Timing.
121.83 Evaluation.
121.84 Treatment of animals.
121.85–121.89 [Reserved]

FEDERAL FINANCIAL PARTICIPATION

121.90 Scope of payments.
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121.99 Termination and suspension for cause.

Subpart C–1—Regional Resource Centers

121.200 Scope.
121.201 Purpose.
121.202 Eligible parties.
121.203 Criteria for assistance.
121.204 Evaluation and dissemination.
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Subpart C–2—Centers and Services for Deaf-Blind Children

121.230 Scope.
121.231 Purpose.
121.232 Eligible parties.
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121.234 Regional center components.
121.235 Criteria for assistance.
121.236 Location of services.
121.237 Transportation.
121.238 Determination of deaf-blind children.
121.239 Construction and equipment.
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Subpart C–3—Early Education for Handicapped Children

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121.251 Eligible parties.
121.252 Purpose.
121.253 Criteria for assistance.
121.254 Advisory council.
121.255 Tuition.
121.256 Federal financial participation.
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Subpart C–4—Auxiliary Activities

121.270 Scope.
121.271 Purpose.
121.272 Eligible parties.
121.273 Criteria for assistance.
121.274 Evaluation.
121.275 Research.
121.276 Training.
121.277 Dissemination.
121.278–121.379 [Reserved]

Subparts D–1—D–4 [Reserved]

Subparts D–5—Recruitment of Personnel and Dissemination of Information

121.380 Scope.
121.381 Purpose.
121.382 Eligible parties.
121.383 Distribution of projects.
121.384–121.399 [Reserved]

Subpart E—Research in the Education of the Handicapped

121.400 Scope.
121.401 Purpose.
121.402 Eligible parties.
121.403 Criteria for assistance.
121.404 Panels of experts.
121.405–121.424 [Reserved]
121.425 Cost sharing.
121.426 Estimates and reports.
121.427–121.449 [Reserved]
121.450 Termination and suspension for non-productive results.
121.451–121.499 [Reserved]

Subpart A–1—Discretionary Project Grants and Contracts

GENERAL

§ 121.50 Scope.

Except as otherwise provided in this part, the provisions contained in this subpart apply to programs and projects assisted under the Act, except programs and projects assisted under Part B of the Act. (20 U.S.C. 1401)

§ 121.51–121.55 [Reserved]

APPLICATIONS

§ 121.56 Applications for grants or contracts.

Any applicant eligible for a grant or contract may file on or before such cut-off date or dates as the Commissioner may announce for each fiscal year, an application containing such pertinent information, and in accordance with such forms and instructions, as the Commissioner may prescribe. Such application shall be executed by the applicant or an official or representative of the applicant duly authorized to make such application. (20 U.S.C. 1401)

§ 121.57 Review of applications.

(a) Except as provided in § 121.403, the Commissioner may, prior to disposition of applications for grants or contracts, obtain the review of a panel of experts. Any such review will be in addition to the review of an application by the Commissioner in accordance with such procedures as he may establish.

(b) Review by the Commissioner and by the panel of experts may take into account such factors as:

(1) The need for the proposed services in light of the availability and quality of existing services in the area served or to be served by the applicant;

(2) Relevance to priority areas of concern as reflected in applicable provisions contained in the Act and in this part;

(3) Adequacy of qualifications and experience of personnel designated to carry out the proposed project;

(4) Adequacy of facilities and other resources;

(5) Reasonableness of estimated cost in relation to anticipated results;

(6) Expected potential for utilizing the results of the proposed project in other projects or programs for the education of handicapped children;

(7) Sufficiency of size, scope, and duration of the project so as to secure productive results; and

(8) Soundness of the proposed plan of operation, including consideration of the extent to which:

(i) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured;

(ii) Provisions are made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(iii) Where appropriate, provisions are made for satisfactory inservice training connected with project services; and

(iv) Provisions are made for disseminating the results of the program or project and for making materials, techniques, and other outputs resulting therefrom available to the general public and specifically to all those concerned with the improvement of education of the handicapped. (20 U.S.C. 1401)

§ 121.58 Disposition of applications.

(a) On the basis of the review of an application pursuant to § 121.52, the Commissioner will either (1) approve the application in whole or in part, for such amount of funds and subject to such conditions as he may deem necessary or desirable for the completion of the approved program or project, (2) disapprove the application, or (3) defer action on the application for such reasons as lack of funds or a need for further review.

(b) Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission.

(c) The Commissioner will notify the applicant in writing of the disposition of its application. A notification of grant award or contract document will be issued to notify the applicant of an approved project proposal.

(d) If the Commissioner awards a grant, the grant shall be subject to, and the grant award document will incorporate such grant terms and conditions as the Commissioner may prescribe, and may include such special terms and conditions as are appropriate. If the Commissioner awards a contract, the contract award document shall include whatever provisions are required by Federal law or regulations, or may be deemed necessary or desirable for the achievement of the purposes of the Act. (20 U.S.C. 1401)

§ 121.59 Preliminary proposals.

Where he deems it necessary or desirable for the efficient administration of a program to which this subpart is applicable, the Commissioner may require any applicant for assistance under such program to submit a preliminary proposal for review and approval prior to the acceptance of an application submitted under § 121.51. (20 U.S.C. 1401)

§ 121.60 Cooperative arrangements.

(a) Eligible parties may enter into cooperative arrangements with other eligible parties, including those in another State, to apply for assistance under the Act.

(b) In the case of each cooperative arrangement authorized under paragraph (a) of this section and receiving assistance under the Act, there shall be a single eligible agency, organization, or institution which (1) shall be the legal recipient of the grant or contract award, and (2) shall be legally responsible for administering the project assisted under such grant or contract (20 U.S.C. 1401).

§§ 121.61–121.79 [Reserved]

SPECIAL REQUIREMENTS

§ 121.80 Data-collection instruments.

(a) *Definitions.* For the purposes of this section:

(1) "Data collection instruments" includes tests, questionnaires, inventories, interview schedules or guides, rating scales, and survey plans which are used to collect information on substantially identical items from 10 or more respondents.

(2) "Respondents" means individuals or organizations from whom information is collected.

(b) *Clearance.* (1) No data collection instruments shall be used in any project assisted under this subpart unless such instruments have been approved in advance by the Commissioner. (2) To obtain approval of data collection instruments, an applicant for assistance shall submit the following data: (i) A statement which provides (*a*) the exact title of the data collection instrument submitted for approval; (*b*) the purposes of the project and the relation of such instrument thereto; (*c*) the nature and size of the sample, including the method or methods of sampling; (*d*) the locale of the project; (*e*) the provisions for anonymity and confidentiality of response; (*f*) a brief indication of the nature and extent of statistical analysis of the data; (*g*) the estimated average time required of the respondent for his participation in the project; and (*h*) a single figure giving the estimated cost of the survey as a component of the project to be assisted; and (ii) five copies of each data collection instrument to be cleared, except that copies need not be submitted of instruments which deal solely with (*a*) functions of technical proficiency, such as scholastic aptitude, school achievement, and vocational proficiency; (*b*) routine demographic information; or (*c*) routine institutional information.

(3) The Commissioner will take into account all factors specified in paragraph (b)(2)(i) of this section in any determination regarding approval of data collection instruments. Clearance will be denied where the Commissioner determines that such instruments constitute unnecessary or offensive intrusions of privacy through inquiries regarding such matters as religion, sex, or politics.

(c) *Responsibility for collection of information.* The applicant shall not in any way represent or imply (either in a letter of transmittal, in the data-gathering instruments themselves, or in any other manner) that the information is being collected by or for the Federal Government or any of its subdivisions. Basic responsibility for the study and the data-gathering instruments rests with the applicant.

(d) *Parental consent.* In the case of any survey using data collection instruments which will include children below the age of 18 as respondents, in addition to the other requirements contained in this section, the applicant for assistance shall provide assurances satisfactory to the Commissioner that informed consent will be obtained from such parents prior to the use of such instruments. (20 U.S.C. 1401)

§ 121.81 Satisfying accountability for equipment.

(a) In addition to the requirements set forth in § 121.4, each recipient of assistance shall render an accounting for equipment pursuant to the provisions contained in this section.

(b) Upon completion of its project, each recipient shall submit to the Commissioner a listing of all equipment purchased for that project except where: (1) The recipient has formally determined that the equipment has a residual value of less than $100; or (2) the original acquisition cost of the equipment is below the dollar level at which the recipient normally maintains equipment accounts in accordance with its approved accounting system; provided that, at a minimum, a listing must be furnished on all equipment having an initial acquisition cost of $300 or more; or (3) accountability has been waived pursuant to statutory authority.

(c) Information provided in such listing shall include date of purchase, descriptive nomenclature, condition (i.e., serviceability), and cost (specifying amount charged to the grant or contract account, if the recipient shared in the cost). The Commissioner will make a determination following review of the equipment listing, as to the method by which accountability will be satisfied for each item of equipment and so advise the recipient. (20 U.S.C. 1232c(a), 1404)

§ 121.82 Timing.

Assistance provided under this subpart shall be subject to the condition that projects so assisted be commenced within a reasonable period of time subsequent to the awarding of the grant or contract. (20 U.S.C. 1401)

§ 121.83 Evaluation.

Each program or project shall include procedures for effective evaluation of the extent to which program or project objectives are being met. (20 U.S.C. 1401)

§ 121.84 Treatment of animals.

If animals are utilized in any program or project receiving assistance under the Act, the applicant for such assistance shall provide assurances satisfactory to the Commissioner that such animals will be provided with proper care and humane treatment. (20 U.S.C. 1401)

§§ 121.85–121.89 [Reserved]

FEDERAL FINANCIAL PARTICIPATION

§ 121.90 Scope of payments.

Assistance to eligible parties may be provided to meet all or part of the allowable costs of programs or projects which meet the applicable requirements contained in the Act and in this part. (20 U.S.C. 1401)

§§ 121.91–121.98 [Reserved]

§ 121.99 Termination and suspension for cause.

(a) *General.* (1) Assistance under any program to which this subpart is applicable may be terminated in whole or in part if the Commissioner determines, after affording the recipient reasonable notice and an opportunity to be heard, that the recipient has failed to carry out its approved project proposal in accordance with the applicable law and the

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terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term or condition applicable to the grant or contract. (2) Subject to paragraph (c) of this section, such assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(b) *Notice.* (1) Proceedings with respect to the termination of the grant or contract shall be initiated by the mailing of a notice to the recipient setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(2) If the Commissioner determines that suspension of assistance during the pendency of such proceedings is necessary, such notice shall (i) inform the recipient of such determination, (ii) shall advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) shall offer the recipient an opportunity to show cause why such action should not be taken.

(3) (i) The notice required under paragraph (b) (2) of this section shall further advise the grantee that no expenditures or obligations made or incurred in connection with the grant during the period of the suspension will be recognized by the Government in the event that assistance is ultimately terminated. (ii) Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, will not be considered new expenditures.

(c) *Opportunity to show cause.* If the recipient requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Commissioner will, within 7 days after receiving such request, hold an informal meeting for such purpose.

(d) *Proceedings.* (1) Except as otherwise provided by statute or regulation, the grantee may appeal the Government's decision to terminate, by submitting to the Commissioner, in writing, its rebuttal of the specific grounds for the proposed termination set forth in the notice of termination, within 30 days following the date of mailing of such notice by the Government, unless an extension of such period of time has been granted in writing by the Government.

(2) The Commissioner may, at his discretion, permit oral presentations by the Government and the recipient regarding the notice of termination and the recipient's written rebuttal.

(3) The Commissioner will issue a final decision in the case of such appeal after the submission of the recipient's written rebuttal, or any oral presentations permitted by the Commissioner, whichever is later.

(4) Termination of assistance under this section will be effected by the delivery to the recipient of a notice of termination; or, where the grantee invokes the procedures applicable under this section, upon the issuance of the Commissioner's final decision under paragraph (d) (3) of this section.

(e) *Effect of termination.* (1) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended and no obligations incurred in anticipation of suspension or termination will be allowed.

(2) Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any accounts found due. (20 U.S.C. 1401)

Subpart C–1—Regional Resource Centers

§ 121.200 Scope.

The provisions contained in this subpart apply to programs and projects assisted under section 621 of the Act (20 U.S.C. 1421)

§ 121.201 Purpose.

Payment of Federal funds under this subpart may be made to assist eligible parties in the establishment and operation of regional resource centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs (20 U.S.C. 1421)

§ 121.202 Eligible parties.

Parties eligible to receive assistance under this subpart are institutions of higher education, State educational agencies, or combinations of such agencies or institutions (which combinations may include one or more local educational agencies), within particular regions of the United States (20 U.S.C. 1421)

§ 121.203 Criteria for assistance.

(a) *Need and capability.* In providing assistance under this subpart, the Commissioner will take into consideration the need for a regional resource center in the region to be served and the capability of the applicant to develop and apply, with the assistance of funds under this subpart, new methods, techniques, services, or facilities relating to educational evaluation of handicapped children.

(b) *Services.* Each regional resource center assisted under this subpart shall provide at least the following services:

(1) Testing and educational evaluation to determine the special educational needs of handicapped children referred to such center, including the development of new methods for appraising such needs;

(2) Development of educational programs to meet such needs;

(3) Assistance to schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including in appropriate cases, consultation with parents or teachers of handicapped children at such regional resource centers), periodic reexamination and reevaluation of special education programs (including programs developed at the center under paragraph (b) (2) of this section), and other technical services; and

(4) Following the educational progress of the handicapped children evaluated under paragraph (b) (1) of this section, and modification of the programs developed and assisted under paragraph (b) (2) and (3) of this section as necessary to meet the special educational needs of such children.

(c) *Location of centers.* To the extent feasible, regional resource centers will be distributed throughout the Nation, and will be located both in urban and in rural areas.

(d) *Model cities neighborhoods.* All applicants for projects in which 50 percent or more of the participating children reside within areas designated as Model Cities Neighborhoods must secure a certification of Department of Health, Education, and Welfare Model Cities Relatedness (U.S. Office of Management and Budget Form 85–0145) from the Director of the City Demonstration Agency. Such certification must be obtained prior to approval of the application by the Commissioner. The applicant shall coordinate its project with other programs in the Model Cities Neighborhoods involved, and shall provide for the participation of the residents of such neighborhoods in the planning, policy, employment, monitoring, and evaluation processes of the project. The City Demonstration Agency shall be provided with early and adequate involvement in the project.

(e) *Cross-reference.* Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1421)

§ 121.204 Evaluation and dissemination.

(a) Each regional resource center shall develop and apply effective methods for evaluating (1) the extent to which project objectives are being met, and (2) the effectiveness of the educational programs developed for handicapped children by the center.

(b) Each such center shall provide for the dissemination of information regarding its activities, including the evaluations carried out under paragraph (a) of this section. Additional dissemination activities may be carried out under Subpart C–4 of this part. (20 U.S.C. 1421, 1424)

§ 121.205 Parental participation.

If any application for assistance under this subpart provides for payments to a local educational agency or agencies, such application shall be subject to the requirements contained in § 121.13(c) regarding parental involvement and dissemination of information. (20 U.S.C. 1231d, 1421)

§ 121.206–121.229 [Reserved]

Subpart C–2—Centers and Services for Deaf-Blind Children

§ 121.230 Scope.

The provisions contained in this subpart apply to programs and projects assisted under section 622 of the Act. (20 U.S.C. 1422)

§ 121.231 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of providing (by grants to or contracts with eligible parties), through a limited number of model centers for deaf-blind children (referred to in this subpart as "Regional Centers"), a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids, that are found to be most effective to enable such children to achieve their full potential (a) for communication with, and adjustment to, the world around them, (b) for useful and meaningful participation in society, and (c) for self-fulfillment. (20 U.S.C. 1422(a))

§ 121.232 Eligible parties.

Parties eligible to receive assistance under this subpart are public or nonprofit private agencies, organizations, or institutions. (20 U.S.C. 1422(b))

§ 121.233 Cooperative arrangements.

(a) *General.* To receive assistance under this subpart, eligible parties shall enter into cooperative arrangements with other eligible parties (referred to in this subpart as "Participating Agencies"), including those in another State.

(b) *Sponsoring agency.* In the case of each cooperative arrangement established under paragraph (a) of this section there shall be a single public or nonprofit private agency, organization, or institution (1) which is designated as the "Sponsoring Agency", (2) which functions as the grant or contract applicant for the Regional Center, (3) which shall be the legal recipient of the grant or contract award, (4) which shall be legally responsible for administering the Regional Center under such grant or contract, and (5) which may enter into contracts or agreements (to the extent permitted by State and local law) for the provision of part of the services under the grant or contract.

(c) *Parties and terms of service contracts.* Such contracts or agreements may be made with Participating Agencies, as well as other agencies, institutions, or organizations, and shall (i) incorporate all rules and regulations applicable to the program, (ii) describe the services to be provided by the agency, institution, or organization, and (iii) contain provisions assuring that the Sponsoring Agency will retain supervision and administrative control over the provision of services under the contract.

(d) *Approval of service contracts.* Services to be provided by contract pursuant to paragraph (a) (5) of this section shall be specified in the project proposal or in an amendment thereto, and the proposed contract shall be submitted to the Commissioner or his designee and be approved by him in writing prior to its effective date. (20 U.S.C. 1422)

§ 121.234 Regional center components.

(a) *Sponsoring agency.* The Sponsoring Agency may serve as the locus of the Regional Center and shall be the operating agency charged with stimulating development of and coordinating and monitoring the status of contracted services for deaf-blind children in the region to be served, including the provision of those activities and services for deaf-blind children specified under § 121.235 (c) and (d).

(b) *Other center components.* Each Regional Center shall have a Regional Coordinator, a Regional Committee, adequate staffing to administer the grant or contract, and Participating Agencies.

(1) *Regional Coordinator.* The Regional Coordinator shall be responsible for (i) preparation of the grant or contract application of the Regional Center, (ii) implementation of approved program goals and those responsibilities of the Sponsoring Agency specified in § 121.233, and (iii) establishment of the Regional Committee pursuant to this paragraph.

(2) *Regional Committee.* (i) The Regional Committee shall include in its membership (but shall not be limited to): a representative from the Sponsoring Agency, at least one representative from each State in the region to be served (including the State official or officials, or their designees, who are responsible for special education), at least one parent of a deaf-blind child in the area to be served, and at least one representative from each of the allied disciplines of medicine, social service, and rehabilitation services (including the National Center for Deaf-Blind Youths and Adults). (ii) The Regional Committee shall actively assist in (*a*) the planning, development, and operation of the Regional Center, (*b*) the dissemination of information regarding the Regional Center's programs, (*c*) the assessment of regional needs regarding deaf-blind children and establishing priorities respecting such needs for the region, and (*d*) the evaluation of the extent to which the objectives of the Regional Center meet established short and long range regional goals.

(3) *Staff.* The Regional Center staff shall (i) stimulate early identification and followup of all deaf-blind children in the region, (ii) maintain adequate, organized records on each such child, and (iii) stimulate, support, and monitor services, research, training, and evaluation provided or carried out by the Regional Center.

(4) *Participating agencies.* Participating Agencies may include eligible parties which are health, education, or social service agencies or institutions in the region to be served, and which are engaged in, or responsible for, direct delivery of services to deaf-blind children and/or their families, regardless of whether such agencies are funded through contracts with the Sponsoring Agency or are funded from other public or private sources. (20 U.S.C. 1422)

§ 121.235 Criteria for assistance.

(a) *Need.* In providing assistance under this subpart, the Commissioner will take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved. (20 U.S.C. 1422(c))

(b) *Regional plan.* Each application for assistance under this subpart shall include a comprehensive plan to meet the special needs of deaf-blind children in the region to be served. In the case of an application for a continuation award, the Regional Committee established under § 121.234(b) shall actively assist in the development of such regional plan.

(c) *Services.* Each Regional Center assisted under this subpart shall provide at least the following services:

(1) Comprehensive and continuing diagnostic and evaluative services for deaf-blind children. Such services shall include (i) examinations by the following qualified personnel: Audiologists, ophthalmologists, pediatricians, pediatric neurologists, and other special consultants as needed, such as child psychologists, optometrists, orthodontists, cardiologists, otorhinolaryngologists, speech pathologists, and occupational and physical therapists and (ii) continuing psychoeducational assessments of intellectual, social-adaptive, and communication abilities, and emotional adjustment.

(2) A program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor. Such program may include adapted recreational and physical education activities and services organized to provide adequate social experiences.

(3) Effective professional consultative and counseling services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of adjustment, orientation, and education of such children. (20 U.S.C. 1422(d)(1))

(d) *Additional activities.* (1) In addition to the services specified in paragraph (c) of this section, each Regional Center shall carry out the following activities under Subpart C–4 of this part:

(i) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of deaf-blind children;

(ii) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payment of stipends for trainees and allowances for travel

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and other expenses for them and their dependents; and

(iii) Dissemination of materials and information about practices found effective in working with such children.

(2) Each Regional Center shall provide for continuing evaluation of the effectiveness of each program or project assisted under this subpart, either directly or by contract with independent organizations.

(3) Each Regional Center may also conduct research to identify and meet the full range of special needs of deaf-blind children under Subpart C–4 of this part. Any such research shall be subject to applicable requirements contained in Subpart E of this part which are not inconsistent with the provisions of section 622 of the Act.

(e) *Children to be served.* The services to be provided under paragraph (c) of this section shall be available on a continuing basis to all deaf-blind children in the geographic area to be served by the Regional Center, including deaf-blind children (1) who are enrolled in schools operated by Participating Agencies, (2) who are attending other programs for handicapped children, and (3) who are not yet able to cope with a school program.

(f) *Cross-reference.* Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1422)

§ 121.236 Location of services.

(a) Services provided to deaf-blind children by a Regional Center may be provided to such children (and, where applicable, other persons) regardless of whether they reside in the Regional Center, and may be provided at some place other than the Center.

(b) A Regional Center may utilize the facilities, services, and resources available in another Regional Center to provide needed services for its deaf-blind children and their families except where such use will interfere with the program of such other Regional Center. (20 U.S.C. 1422(d)(2))

§ 121.237 Transportation.

The services referred to in § 121.235(c) may include the provision of transportation for any such children (including an attendant), and for parents. (20 U.S.C. 1422(d)(2))

§ 121.238 Determination of deaf-blind children.

(a) As used in this subpart, the term "deaf-blind children" means children who have auditory and visual handicaps, the combination of which causes such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing handicapped child or for the visually handicapped child.

(b) Determination that a child is a deaf-blind child within the meaning of paragraph (a) of this section shall be made by the Regional Center on the basis of an extended period of evaluation, conducted in the center or elsewhere by a team of specialists (at least including specialists in the fields of hearing, vision, and education of the handicapped), who shall make appropriate recommendations to the center as to whether a child is a deaf-blind child within the criteria set forth in paragraph (a) of this section. (20 U.S.C. 1422)

§ 121.239 Construction and equipment.

Establishment and operation of Regional Centers under this subpart may include the construction of necessary facilities, including the construction of necessary residential facilities, and may include necessary equipment. (20 U.S.C. 1404, 1422(b))

§ 121.240 Parental participation.

If any application for assistance under this subpart provides for payments to a local educational agency or agencies, such application shall be subject to the requirements contained in § 121.13(c) regarding parental involvement and dissemination of information. (20 U.S.C. 1231(d))

§§ 121.241–121.249 [Reserved]

Subpart C–3—Early Education for Handicapped Children

§ 121.250 Scope.

The provisions contained in this subpart apply to programs and projects assisted under section 623 of the Act. (20 U.S.C. 1423)

§ 125.251 Eligible parties.

Parties eligible to receive assistance under this subpart are public agencies and private nonprofit organizations.

§ 121.252 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in developing and carrying out experimental preschool and early education projects for handicapped children and their parents. (20 U.S.C. 1423)

§ 121.253 Criteria for assistance.

(a) *Distribution.* Projects will be distributed to the greatest extent possible throughout the Nation, and will be carried out both in urban and in rural areas. (20 U.S.C. 1423)

(b) *Scope.* Assistance under this subpart will be limited to those projects which the Commissioner determines show the greatest promise of providing a comprehensive and strengthened approach to the special problems of handicapped children. (20 U.S.C. 1423(a))

(c) *Participating children.* (1) "Preschool and early education" refers to a period from birth to the time a child would normally complete the third grade. The term includes the prenatal period where there is evidence that a handicapped child will be born.

(2) A project may also include an older child or a limited number of older children who are functioning at a level below that which would normally be expected upon a child's completion of the third grade.

(d) *Development, parental involvement, and dissemination of information.* Each project shall include services and activities designed to accomplish the following objectives:

(1) To facilitate the intellectual, emotional, physical, mental, social, and language development of handicapped children. Such services and activities must be appropriate to the age levels, levels of development, familial situations, and handicapping conditions of the children included in the project. Such services shall include comprehensive ongoing diagnosis and evaluation of each child's development.

(2) (i) To encourage the effective participation of parents and other family members) of the children to be served in the development and operation of the project. Such participation, in addition to that provided under § 121.254, shall include (*a*) opportunities to advise and assist in the planning, development, operation, and evaluation of the project; (*b*) training for such parents and other family members (where appropriate) as a component of the project; (*c*) appropriate participation in the educational and therapeutic components of the project; and (*d*) opportunities to advise and assist in the dissemination of information regarding the project. (ii) If any application for assistance under this subpart provides for payments to a local educational agency or agencies, such application shall also be subject to the requirements contained in § 121.13(c) regarding parental involvement and dissemination of information.

(3) To acquaint the community to be served by the project, with the problems and potentialities of handicapped children. In addition, dissemination of information regarding the project shall be extended to the general public and the education and other professional communities by appropriate means. A project must be structured so that its components can be replicated or adapted for use elsewhere. (20 U.S.C. 1231d, 1423)

(e) *Coordination.* Each project shall provide for effective coordination with similar programs in the schools of the community to be served. In addition, each project shall include provisions for development of relations with State and local educational agencies, in such manner as to accomplish the following objectives:

(1) Inform such agencies of the nature and purposes of the project;

(2) Provide opportunities for mutual staff growth and interaction;

(3) Utilize available services to provide a comprehensive program for children in the project and to avoid duplication of effort;

(4) Provide opportunity for widespread visibility of the project;

(5) Develop mechanisms for future replication or adaption of program components;

(6) Relate the project to State and community planning;

(7) Alert the agencies to the number and special needs of children of school age who may be leaving the project, and work toward continuity of the educational program and comprehensive services as the children enter the local school system; and

(8) Encourage continued active parental participation in the education program of handicapped children.

(f) *Model cities neighborhoods.* All applicants for projects in which 50 percent or more of the participating children reside within areas designated as Model Cities Neighborhoods must secure a Certification of Department of Health, Education, and Welfare Model Cities Relatedness (U.S. Office of Management and Budget Form 85–0145) from the Director of the City Demonstration Agency. Such Certification must be obtained prior to approval of the application by the Commissioner. The applicant shall coordinate its project with other programs in the Model Cities Neighborhoods involved, and shall provide for the participation of the residents of such Neighborhoods in the planning, policy, employment, monitoring and evaluation processes of the project. The City Demonstration Agency shall be provided with early and adequate involvement in the project.

(g) *Priorities.* The Commissioner may establish priorities for approval of applications under this subpart (which otherwise meet the applicable requirements of the Act and of this part), including priorities for projects which will: (1) Provide or develop models which can successfully group handicapped with nonhandicapped children on a full or part-time basis and are aimed at assuring such handicapped children's entry into the regular school system, (2) serve to fulfill the goal set forth in paragraph (a) of this section, (3) serve children of specified age level and/or functional level groups within the limits provided for in paragraph (c) of this section, (4) offer significantly improved delivery of specialized services to handicapped children residing in rural areas, (5) serve handicapped children who are also economically disadvantaged, or (6) serve children with specific targeted handicapped conditions.

(h) *Cross-reference.* Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1231d, 1423(b))

§ 121.254 Advisory council.

(a) Each project shall provide for the establishment of an advisory council.

(b) The council's membership shall include parents of the children served, and may include other parents from the area to be served. At least 25 percent of the membership of the council shall be parents.

(c) The council shall actively assist in (1) the planning, development, and operation of the program, (2) acquainting the community to be served with the program, (3) disseminating information regarding the program, and (4) evaluating the success of the program.

(d) Each recipient of Federal assistance under this subpart shall provide to each member of its respective advisory council: (1) A copy of all provisions applicable to the project contained in the Act and in this part; (2) a copy of the project proposal and other award documents, including any terms and conditions applicable to the project; and (3) such other documents and information relating to the project as are reasonably necessary to permit the council to perform its functions under this section. (20 U.S.C. 1231d, 1423)

§ 121.255 Tuition.

No fees or charges shall be collected for any child participating in projects assisted under this subpart. (20 U.S.C. 1423)

§ 121.256 Federal financial participation.

(a) Payment of Federal funds under this subpart will not exceed 90 per centum of the cost of developing, carrying out or evaluating a project.

(b) Non-Federal contributions may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, and services.

(c) Federal funds provided under this subpart may not be used for costs of construction, except for minor remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures. (20 U.S.C. 1404, 1423(d))

§§ 121.257–121.269 [Reserved]

Subpart C–4—Auxiliary Activities

§ 121.270 Scope.

The provisions contained in this subpart apply to projects assisted under section 624 of the Act. (20 U.S.C. 1424)

§ 121.271 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in such activities as:

(a) Research to identify and meet the full range of special needs of handicapped children;

(b) Development or demonstration of new, or improvements in existing, methods, approaches, or techniques, which would contribute to the adjustment and education of such children;

(c) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such children, including payments of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(d) Dissemination of materials and information about practices found effective in working with such children. (20 U.S.C. 1424)

§ 121.272 Eligible parties.

The Commissioner may provide for payment under this subpart, either (a) pursuant to a grant or contract under Subparts C–1, C–2, or C–3 of this part, or (b) by separate grant to or contract with a public or nonprofit private agency, organization, or institution which operates or provides (with or without Federal assistance under Subparts C–1, C–2, or C–3 of this part) one or more of the following centers or services:

(1) A regional resource center which meets the purposes and requirements of section 621 of the Act and Subpart C–1 of this part;

(2) A center for deaf-blind children which meets the purposes and requirements of section 622 of the Act and Subpart C–2 of this part; or

(3) A program of early education for handicapped children which meets the purposes and requirements of section 623 of the Act and Subpart C–3 of this part. (20 U.S.C. 1424)

§ 121.273 Criteria for assistance.

(a) No assistance will be provided under this subpart unless the Commissioner determines that there is satisfactory assurance that:

(1) Proposed activities will serve to enhance the effectiveness of the center or services to which they will be related;

(2) Proposed activities will serve to reinforce and to complement the basic functions of the center or services to which they will be related, and will not serve to displace such functions as the primary center or service activities or responsibilities; and

(3) In addition to satisfying the requirements of § 121.10, proposed activities will be:

(i) Coordinated with similar activities (i.e., research, development, training, and dissemination activities) funded from programs authorized under other parts of the Act, and

(ii) Coordinated and integrated with the primary activities of the center or services to which they will be related.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1424)

§ 121.274 Evaluation.

Each project assisted under this subpart shall provide effective procedures for evaluating at least annually:

(1) The extent to which and manner in which the objectives of such project have been met, and

(2) The extent to which and manner in which the effectiveness of the center or services to which project activities are related has been enhanced by such activities. (20 U.S.C. 1424)

§ 121.275 Research.

Research conducted pursuant to § 121.271(a) shall be subject to applicable requirements contained in Subpart E of this part which are not inconsistent with the provisions of Part C of the Act and the applicable regulations contained in Subparts C–1, C–2, C–3, and C–4 of this part. (20 U.S.C. 1424)

§ 121.276 Training.

(a) *Inservice training.* Inservice training activities assisted under this subpart may include staff meetings, seminars, workshops, national, regional, and State institutes, demonstrations, and other related activities.

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(b) *Participants.* Trainee-participants in such activities may include present and potential project personnel and other teachers, administrators, child care workers, parents, and teacher aides.

(c) *Stipends and allowances.* In connection with training awards under this subpart, the Commissioner may authorize the payment of stipends and allowances (including but not limited to allowances for dependents and institutional fees) in such amounts as he shall determine to be appropriate for a particular training project. (20 U.S.C. 1424)

§ 121.277 Dissemination.

Projects assisted under § 121.271(d) may include publication, distribution, and demonstrations for the benefit of educational institutions and for the general public as well as for persons who are professionals in the field of the education of the handicapped. (20 U.S.C. 1424)

§§ 121.278–121.379 [Reserved]

Subparts D–1—D–4 [Reserved]

Subpart D–5—Recruitment of Personnel and Dissemination of Information

§ 121.380 Scope.

(a) The provisions contained in this subpart apply to programs and projects assisted under section 633 of the Act.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part. (20 U.S.C. 1433)

§ 121.381 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in carrying out projects for: (a) Encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers; (b) disseminating information about the programs, services, and resources for the education of handicapped children; (c) providing referral services (including referral to educational, diagnostic, and clinical facilities and services) to parents, teachers, and other persons especially interested in the handicapped; and (d) utilizing parent, volunteer, media, and other organizations to provide information concerning handicapped children to the general public. (20 U.S.C. 1433)

§ 121.382 Eligible parties.

(a) Parties eligible to receive assistance through grants or contracts under this subpart are public or private agencies, organizations, or institutions, except that no grant shall be made other than to a nonprofit agency, organization, or institution. (20 U.S.C. 1433)

§ 121.383 Distribution of projects.

Projects will be distributed to the greatest extent possible throughout the Nation, and will be carried out both in urban and in rural areas. (20 U.S.C. 1433)

§§ 121.384–121.399 [Reserved]

Subpart E—Research in the Education of the Handicapped

§ 121.400 Scope.

(a) The provisions contained in this subpart aply to programs and projects assisted under Part E of the Act.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subparts A and A–1 of this part, as well as such policies of the Department relating to research contracts with educational institutions as may be contained in 41 CFR Subparts 3–4. (20 U.S.C. 1401, 1441)

§ 121.401 Purpose.

Payment of Federal funds under Part E of the Act may be made to eligible parties (a) for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children, and (b) for research and related purposes and to conduct research, surveys, or demonstrations, relating to physical education or recreation for handicapped children. (20 U.S.C. 1441, 1442)

§ 121.402 Eligible parties.

Parties eligible to receive assistance under this subpart are States, State and local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, except that only contracts (and not grants) may be awarded to private educational or research agencies and organizations which are not nonprofit agencies and organizations. (20 U.S.C. 1441, 1442)

§ 121.403 Criteria for assistance.

(a) *Applied research and research related activities.* (1) Activities assisted under this subpart must be "applied" in nature, and must show promise of producing valid and relevant information. (2) Whether an activity is "applied" will be determined by the Commissioner on the basis of the extent to which such activity

(i) Is a direct effort to solve some critical educational problems; and

(ii) Is planned so that the final product of such activity can be reasonably expected to have a direct influence on the performance of handicapped children or on personnel responsible for the education of the handicapped.

(b) *Types of activities supported.* Activities assisted under this subpart may include projects for dissemination, demonstration, curriculum development, and media. (20 U.S.C. 1441, 1442)

§ 121.404 Panels of experts.

The Commissioner will not approve any application for a grant or contract under this subpart unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has secured the advice and recommendations of such panel. (20 U.S.C. 1443)

§§ 121.405—121.424 [Reserved]

§ 121.425 Cost sharing.

No recipient of a grant under this subpart may receive the entire cost of the program or project assisted under such grant. The amount of a potential grantee's contribution to the cost of such program or project will not affect the disposition of such grantee's application for assistance under this subpart.

(Public Law 92–48, Title III, Sec. 306, 85 Stat. 106, OMB Circular A–74; 20 U.S.C. 1441, 1442)

§ 121.426 Estimates and reports.

A recipient of Federal funds under this subpart may be required to submit, in addition to any other reports required under this part, in accordance with procedures established by the Commissioner:

(a) A description of activities to be carried on during any given budget period of the project or program;

(b) A statement of estimated total expenditures for activities to be carried on during the fiscal year, and where estimated amounts exceed the amount of available Federal funds, the availability of other funds to pay the non-Federal share of estimated costs. (20 U.S.C. 1232c, 1441, 1442)

§§ 121.427–121.449 [Reserved]

§ 121.450 Termination and suspension for nonproductive results.

(a) *General.* (1) Assistance under this subpart may be terminated in whole or in part if the Commissioner determines, after affording the recipient reasonable notice and an opportunity to be heard, that the recipient's project is no longer susceptible of productive results.

(2) Subject to paragraph (c) of this section, such assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(b) *Notice.* (1) Proceedings with respect to the termination of the grant or contract shall be initiated by the mailing of a notice to the recipient setting forth the basis of the proposed termination and the procedures available to the recipient under this section.

(2) If the Commissioner determines that suspension of assistance during the pendency of such proceedings is necessary, such notice shall: (i) Inform the recipient of such determination, (ii) shall advise the recipient of the effective date of such suspension (which will be no earlier than the date of such notice), and (iii) shall offer the recipient an opportunity to show cause why such action should not be taken.

(3) (i) The notice required under paragraph (b) (2) of this section shall further advise the grantee that no expenditures or obligations made or incurred in connection with the grant during the period of the suspension will be recognized by the Government in the event that assistance is ultimately terminated.

(ii) Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved program or project, and not in anticipation of suspension or termination, will not be considered new expenditures.

(c) *Proceedings.* (1) Except as otherwise provided by statute or regulation, been granted in writing by the Government's decision to terminate, by submitting to the Commissioner, in writing, its rebuttal of the specific grounds for the proposed termination set forth in the notice of termination, within 30 days following the date of mailing of such notice by the Government, unless an extension of such period of time has been granted in writing by the Government.

(2) The Commissioner may, at his discretion, permit oral presentation by the Government and the recipient regarding the notice of termination and the recipient's written rebuttal.

(3) The Commissioner will issue a final decision in the case of such appeal after the submission of the recipient's written rebuttal, or any oral presentations permitted by the Commissioner, whichever is later.

(4) Termination of assistance under this section will be effected by the delivery to the recipient of a notice of termination; or, where the grantee invokes the procedures applicable under this section, upon the issuance of the Commissioner's final decision under paragraph (d)(3) of this section.

(e) *Effect of termination.* (1) In the event assistance is terminated under this section, financial obligations incurred by the recipient prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that no obligations incurred during the period in which such assistance was suspended and no obligation incurred in anticipation of suspension or termination will be allowed.

(2) Within 60 days of the effective date of termination of assistance under this section, the recipient shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the recipient shall remit to the Government any accounts found due. (20 U.S.C. 1441)

§§ 121.451–121.499 [Reserved]

[FR Doc.72–6274 Filed 4–24–72;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72–CE–9]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Des Moines, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

New approach procedures are being developed for the Chariton and Knoxville, Iowa, Airports. Accordingly, it is necessary to alter the Des Moines, Iowa, transition area in order to provide controlled airspace protection for aircraft executing these approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

DES MOINES, IOWA

That airspace extending upward from 700 feet above the surface within an 18-mile radius of Des Moines Municipal Airport (latitude 41°32'05" W., longitude 93°39'35" W.); that airspace extending upward from 1,200 feet above the surface beginning northeast of Des Moines at latitude 42°00'00" N., longitude 92°58'00" W., thence west along latitude 42°00'00" N., to and south along longitude 94°00'00" W., to and west along the south edge of V–172, to and south along longitude 94°42'00" W., to V–6 to and east along the north edge of V–6, to longitude 94°23'30" W., thence southeast to latitude 40°56'30" N., longitude 93°54'00" N., thence northeast to latitude 41°02'00" N., longitude 93°30'00" W., thence south on longitude 93°30'00" W., to the north edge of V–216, thence northeast along the north edge of V–216 to latitude 40°58'30" N., longitude 92°48'30" W., thence north to the point of beginning; and that airspace upward from 3,500 feet MSL bounded by a line starting at the intersection of latitude 41°02'00" N., longitude 93°-30'00" W., south to the north edge of V–216, thence west to the east edge of V–13, thence north to latitude 40°59'00" N., longitude 93°-44'30" W., thence to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 4, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72–6255 Filed 4–24–72;8:46 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 221]

[Docket No. 24426; EDR–226]

AIR FREIGHT FORWARDERS AND DIRECT AIR CARRIERS

Proposed Information Required To Be Submitted With Tariff Publications Filed With Board

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to § 221.165 of the Economic Regulations (14 CFR 221.165) which would rescind in part the current exemption of air freight forwarders and international air freight forwarders from the requirement that air carriers submit with the filing of certain tariff publications with the Board, in or attached to their transmittal letters, supporting economic data and information and a table of comparisons of proposed rates with current rates. The amendment also would make it clear that the submission by air carriers, direct or indirect, of economic data and information in support of tariff filings is mandatory, rather than optional, and that estimates of costs of service must be accompanied by substantiating detail and sources. Finally, the proposed amendment would require all air carriers, direct or indirect, specifically to identify competing rates or fares whenever meeting such rates or fares is relied upon as the basis for an exception from the requirement for furnishing supporting data and information or the table of rate comparisons to which reference is made, above.

The principal features of the proposed amendment are set forth in the Explanatory Statement and proposed rule. The amendments are proposed under the authority of sections 204(a) and 403 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758; 49 U.S.C. 1324, 1373).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 22, 1972, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room

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712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

Dated: April 20, 1972.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK, *Secretary.*

EXPLANATORY STATEMENT

Section 221.165 of the Board's tariff regulations sets forth the requirements for information to be submitted to the Board by the issuing air carrier or agent in or attached to the transmittal letters accompanying tariff publications containing tariff changes or new matter related to interstate or overseas air transportation. The information falls into three categories, which may be generally described[1] as follows:

(a) An explanation of and the reasons for the proposal, including the basis of ratemaking employed:

(b) Economic data in support of the proposal, including estimates of costs of service and estimates of the effect of the proposal upon the carrier's traffic and revenue, together with explanations of the basis of the estimates; and

(c) Comparisons, in tabular form, of the proposed rates and current rates for a sample of pairs of points.

1. *Freight forwarders.* Tariff proposals, with certain exceptions, are subject to rejection if not accompanied by the above information. One of the exceptions, contained in § 221.165(d)(1)(iii), relieves air freight forwarders and international air freight forwarders from the requirement of furnishing the material generally described in paragraphs (b) and (c), supra. This exception was effected by an amendment of Part 221 contained in ER–493, 32 F.R. 7453, May 19, 1967. At that time the Board stated that the rates and charges of freight forwarders were heavily influenced by the level of the rates of the direct air carriers, by competition among the large number of authorized forwarders, and by the type of service performed by the particular forwarder. Accordingly, we found, at that juncture, that the burden which would be imposed on forwarders by requiring compliance with paragraphs (b) and (c) of § 221.165 did not appear warranted by the benefits of the additional information.

We believe that review of the exemption of forwarders from the above requirements may now be warranted because the factors upon which the exemption was based seem no longer to be valid. While the level of forwarder rates is influenced by direct carrier rates as the Board found in 1967, there is no consistent relationship between airline rates and forwarder rates for various shipment sizes or between changes in airline and in forwarder rates. There are also significant differences among the rates published by various forwarders, both in level and in structure. Changes in airline rates have frequently resulted in different percentage changes in forwarder rates for shipments of various sizes and in different markets, and in different percentage changes by various forwarders. Finally, certain forwarders have recently been moving many of their shipments by chartered aircraft, thus severing the relation between the rates they charge and the rates for scheduled transportation charged by direct carriers as a cost element.

Although in the past the Board has not found it necessary to subject all forwarder rates to vigorous economic analyses, this situation may be changing. One of the factors has been forwarder use of chartered aircraft referred to above, and tariff filings by forwarders of numerous sharply reduced rates based on these charter operations. These filings have evoked protests by direct carriers claiming significant competitive impact, and certain of those filings have been set for investigation or suspended by the Board. It may be anticipated that the higher volume of controverted tariff filings by forwarders will be maintained.

Moreover, other circumstances also appear to warrant a revision of the general exemption. Since the present rule was adopted the air freight forwarding industry has grown substantially with forwarders now handling some 40 percent of domestic air freight and approximately 50 percent of the transcontinental business. Thus, to a very substantial extent the shipping public is paying forwarder rates rather than direct air carrier rates. Some forwarders charge relatively high rates, and in recent months a number of rate increases have been proposed by freight forwarders which have required close scrutiny by the Board .

The lack of justification (showing economic data and comparisons of current and proposed rates) in support of comprehensive rate changes by forwarders has resulted in significant workload for the Board and its staff. In a number of instances, complaints against forwarder proposals have evoked answers by the forwarders containing supporting data, thus leaving the complainant with no established procedures to refute such data or contentions. The above factors are especially troublesome in view of the time constraints related to the 30-day notice requirement contained in section 403(c) of the Federal Aviation Act. Requiring forwarders to submit the same justification as direct carriers would be consistent with the general rule that a carrier should support rate filings with the factual basis for its proposals.

The Board recognizes, however, that the new requirement to furnish economic data and rate comparisons could prove burdensome to the many small operators. Currently, there are approximately 200 forwarders authorized as indirect air carriers by the Board, and fewer than 10 percent account for over 80 percent of the forwarders' revenues. Accordingly, we propose to limit the requirement at this time to the larger forwarders, i.e., those with annual revenues exceeding $5 million. In view of current circumstances, undue burden on forwarders of this size.

2. *Economic justifications.* It should also be noted that under the current regulation tariff filings by direct air carriers have sometimes been accompanied by statements of justification which failed to provide adequate economic support for the tariff proposed. While § 221.165 of the regulations calls for a full explanation of the proposal, including the reasons therefor, and details the types of economic data which should normally be supplied by way of justification, § 221.165(b) does contain a phrase which has led to problems: That provision refers to economic data • • • "on which the filing air carrier intends that the Board rely," including, in cases where pertinent, various estimates, etc. Although the Board wished to afford some flexibility to the carriers as to the extent of the economic justifications presented, depending upon the nature and importance of the tariff filing and on whether the tariff could be expected to be controversial, it is possible that the above-quoted language may have misled some carriers into believing that they could furnish incomplete or abbreviated data in any case at their option—or even no information at all. This was not our intention,[2] but in any event experience has shown that a requirement which may depend on an interested carrier's characterization of its tariffs can lead to difficulties. In practice, some significant filings have lacked adequate economic justification, and this has worked to the detriment of potential complainants as well as proving troublesome to the Board and its staff. Therefore, we shall require the filing of detailed economic data in all cases, and to remove any doubt as to the mandatory nature of § 221.165 we shall delete the above-quoted phrase. We shall not delete the phrase "where pertinent" from § 221.165(b), since there may be some tariff filings where some of the data or information generally to be included under the mandate of that section would not provide relevant support.[3] However, all carriers are put on notice that failure to supply the data or information listed in § 221.165(b), whenever reasonably pertinent, will subject the tariff proposal to rejection.

The Board also proposes to add to the rule a specific requirement that estimates of costs of service be accompanied by supporting details and references to sources. This information has not always been furnished in the past, but it is of material assistance in analyzing and assessing proposed tariffs and should be supplied by all carriers.

[1] The requirements are detailed in paragraphs (a), (b), and (c) of § 221.165.

[2] See ER–493, cited above, which spoke in terms of the "requirements" of the provisions here in question and of the "burden" of requiring compliance under the existing circumstances—terms which would not appear consistent with an interpretation that the carrier is free in all cases to decide what, if any, material it will file.

[3] For example, cost data may not be pertinent in some cases where the tariff publication provides for a rule change other than a rate or fare.

3. *Identifying competing rates.* Subject to the provisions[4] of § 221.165(d)(1)(iv), all tariff publications filed "to meet competition" are also currently excepted from the requirement that they be accompanied by supporting data and comparisons in accordance with § 221.165 (b) and (c). However, at present the filing carriers are not specifically required to identify the competing rates or fares where this exception is relied upon, and due to the vast numbers of rates and fares on file with the Board the failure to provide identifying tariff references has resulted in much inconvenience. Therefore, we propose to remedy this condition by requiring all carriers subject to § 221.165, both direct and indirect, to supply complete tariff references which will identify the competing tariff matter which their tariff publication purports to meet, in any case where meeting competition is relied upon as a reason for the tariff filing.

It is proposed to amend Part 221 of the Board's Economic Regulations (14 CFR Part 221) by:

1. Amending § 221.165 by revising paragraphs (b)(1), (d)(1)(iii), and by adding a new (*d*) to paragraph (d)(1)(iv) to read as follows:

§ 221.165 Explanation and data supporting tariff changes and new matter in tariff publications.

• • • • •

(b) Economic data and/or information in support of the new or changed matter, including, in cases where pertinent,

(1) Estimates of cost of service, with supporting details and references to sources, and

• • • • •

(d) • • •

(1) • • •

(iii) By air freight forwarders or international air freight forwarders, as defined in Parts 296 and 297 of this subchapter, whose revenues from forwarder operations during their most recent fiscal year prior to the filing of the tariff publication were less than $5 million, or

(iv) • • •

(*d*) In any case where new or changed matter is filed to meet competition the filing carrier or agent must supply in or attached to the transmittal letter the complete tariff references which will serve to identify the competing tariff matter which the tariff publication purports to meet.

• • • • •

[FR Doc.72-6290 Filed 4-24-72;8:50 am]

[4] To qualify for the exemption the filings must involve rate or fare reduction or the establishment of new rates or fares similar to the level and services of those in effect for competing carriers.

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545, 556]

[72-423]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Eligibility Requirements for Branch Offices and Mobile Facilities

APRIL 4, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 541, 545, and 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 541, 545, 556) for the following purposes:

1. To add a definition of "net worth".

2. To revise the branch office eligibility requirements for Federal savings and loan associations by (i) permitting applications in cases where the proposed branch office is to be redesignated as the association's home office and it will take more than 12 months from date of approval to open such branch; and (ii) removing the requirements relating to minimum percentage of reserves and surplus and pledge of savings accounts.

3. To revise the mobile facility eligibility requirements by removing the requirements relating to minimum percentage of reserves and surplus and pledge of savings accounts.

4. To revise the statement of policy relating to applications by Federal associations for branch offices and mobile facilities to state the Board's policy regarding adequacy of net worth as a factor in the preliminary determination of supervisory objection.

Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 541, 545, and 556 as follows:

PART 541—DEFINITIONS

1. Amend said Part 541 by adding, immediately after § 541.8 thereof, a new § 541.8–1, to read as follows:

§ 541.8–1 Net worth.

The term "net worth" means the sum of all general reserves, surplus, and any other accounts of a Federal association which may be designated as part of net worth pursuant to the provisions of this subchapter.

PART 545—OPERATIONS

2. Amend said Part 545 by revising paragraphs (b) and (c) of § 545.14 thereof to read as follows:

§ 545.14 Branch office.

• • • • •

(b) *Eligibility.* (1) Except as provided in subparagraph (2) of this paragraph, a Federal association shall be eligible to have an application for permission to establish a branch office considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof;

(ii) More than 12 months have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area, as determined by the Supervisory Agent, but this requirement shall be applicable only if the association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications have been disapproved by the Board;

(iii) The association submits in support of its application evidence giving reasonable assurance, in the judgment of the Supervisory Agent, that the proposed branch office, if approved, will be opened within the following applicable time period after the date of approval by the Board:

(*a*) Twelve months, except as otherwise provided in (*b*) and (*c*) of this subdivision;

(*b*) Twenty-four months, if the proposed branch office is to be redesignated as the association's home office; or

(*c*) Thirty-six months, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space.

(2) The Board may, with respect to particular applications or classes of applications, determine to consider and process such applications without regard to the eligibility requirement contained in subdivision (i) of subparagraph (1) of this paragraph.

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. Such application and prescribed "Outline of Information To Be Submitted in Support of an Application for Permission to Establish a Branch Office" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

• • • • • •

3. Amend said Part 545 by revising paragraphs (b) and (d) of § 545.14–4 thereof, to read as follows:

§ 545.14–4 Mobile facility.

• • • • •

(b) *Eligibility.* No application for permission to establish a mobile facility by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the

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date on which such application is filed with the Board:

(1) The association has not been in operation for a period of at least 3 years;

(2) Less than 12 months have expired from the date of publication of the notice of application for the association's most recently approved mobile facility, if not yet opened;

(3) The association does not submit in support of its application evidence giving reasonable assurance that the proposed mobile facility, if approved, will be opened within 15 months after the date on which the application is filed;

(4) The association has on file any other application for permission to establish a mobile facility with respect to which action by the Board is pending; or

(5) A period of at least 9 months has not elapsed since disapproval by the Board of an application by the association for permission to establish a mobile facility to serve any substantial part of the same savings service area as determined by the Supervisory Agent.

• • • • •

(d) *Application form; supporting information.* An application for permission to establish and operate a mobile facility shall be in form prescribed by the Board and shall be supported in accordance with the prescribed "Outline of Information To Be Submitted in Support of an Application for Permission to Establish and Operate a Mobile Facility." Such application shall show that there is a need for such facility at each proposed location and that it is not feasible to establish a full-time office at any such location. An application shall be deemed to be complete when the foregoing requirements of this paragraph (d) have been met.

• • • • •

PART 556—STATEMENTS OF POLICY

4. Amend said Part 556 by revising subdivision (ii) of paragraph (a)(7) and subdivisions (i) and (iii) of paragraph (b)(4) of § 556.5 thereof, to read as follows:

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

(a) *Internal processing procedure.* The Board deems it advisable that applicants for permission to organize Federal savings and loan associations and Federal associations who are applicants for permission to establish branch offices and mobile facilities, and persons who are interested in such applications, be informed of certain general instructions by the Board governing staff handling of applications and of the timetable for handling applications which the Board has adopted as objective, as follows:

• • • • •

(7) *Branch and mobile facility applications — supervisory considerations.* • • •

(ii) *Preliminary determination of supervisory objection—(a) Procedure.* The Director of the Office of Examinations and Supervision is authorized, with respect to any application for a branch office or mobile facility, to make a preliminary determination that there is no basis for supervisory objection, and the Supervisory Agent is authorized, within limits fixed by such Director, to make such determination. If the Director of the Office of Examinations and Supervision is of the opinion that there is any supervisory matter which might afford a basis for preliminary supervisory objection, he should submit the matter to the Board for its decision, together with a report and recommendation. The Director of the Office of Examinations and Supervision shall issue instructions to assure that there is no delay for supervisory reasons in the processing of an application of an association whose policies, condition, or operation, as determined by the Supervisory Agent within limits fixed by the Director, do not afford a basis for preliminary supervisory objection, and, in other cases, to assure that the preliminary determination, or submission to the Board for decision, is made within 30 days from the date of filing of the application.

(*b*) *Adequacy of net worth.* If the net worth of an applicant association is in an amount less than 3 percent of its savings accounts, this factor shall afford a basis for preliminary supervisory objection unless the Supervisory Agent finds in writing that the applicant association meets all of the following criteria:

(*1*) Adequacy of net worth to support the particular branch office or mobile facility applied for;

(2) Sound management;

(3) Sound lending practices;

(*4*) Assets of above-average quality; and

(5) Satisfactory operating results.

• • • • •

(b) *Policy on approval of branch office and mobile facilities.* • • •

(4)(i) As a general policy under § 545.14(b) of this chapter, the Board will not consider or process any application by a Federal association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraph (1) of § 545.14(b) of this chapter. However, under subparagraph (2) of paragraph (b) of § 545.14 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirement contained in subdivision (i) of subparagraph (1) of § 545.14(b) of this chapter.

• • • • •

(iii) In addition to permitting special treatment under subparagraph (2) of paragraph (b) of § 545.14 of this chapter for applications for branches to serve certain low-income, inner-city areas, the Board may permit the consideration and processing of branch office applications for all Federal associations servicing particular geographical areas, e.g., State, county, or city, upon recommendation by the Supervisory Agent that the eligibility requirement of subdivision (i) of subparagraph (1) of § 545.14(b) of this chapter could cause a competitive hardship to such associations. Following approval by the Board of such a recommendation by a Supervisory Agent, branch office applications from such Federal associations may be considered and processed with such frequency as the Board may determine to be appropriate for the particular geographical area.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further, that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by May 26, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6278 Filed 4-24-72;8:48 am]

[12 CFR Parts 582, 582b]

[No. 72-424]

DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

Proposed Eligibility Requirements for Branch Offices

APRIL 4, 1972.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 582 and 582b of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Parts 582, 582b) for the following purposes:

1. To revise the branch office eligibility requirements by (i) permitting applications in cases where the proposed branch office is to be redesignated as the association's home office and it will take more than 12 months from date of approval to open such branch; and (ii) removing the requirements relating to minimum percentage of reserves and surplus and pledge of savings accounts.

2. To revise the statement of policy relating to applications for branch offices to state the Board's policy regarding adequacy of net worth as a factor in the preliminary determination of supervisory objection.

Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 582 and 582b as follows:

PART 582—OFFICES

1. Amend Part 582 by revising paragraphs (b) and (c) of § 582.1 thereof to read as follows:

§ 582.1 Branch offices.

• • • • •

(b) *Eligibility.* (1) Except as provided in subparagraph (2) of this paragraph, an association shall be eligible to have an application for permission to establish a branch office considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof;

(ii) More than 12 months have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area, as determined by the Supervisory Agent, but this requirement shall be applicable only if the association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications have been disapproved by the Board;

(iii) The association submits in support of its application evidence giving reasonable assurance, in the judgment of the Supervisory Agent, that the proposed branch office, if approved, will be opened within the following applicable time period after the date of approval by the Board:

(*a*) 12 months, except as otherwise provided in (*b*) and (*c*) of this subdivision;

(*b*) 24 months, if the proposed branch office is to be redesignated as the association's home office; or

(*c*) 36 months, if the proposed branch office is to be located in a shopping center having not less than 400,000 square feet of shopping space.

(2) The Board may, with respect to particular applications or classes of applications, determine to consider and process such applications without regard to the eligibility requirement contained in subdivision (i) of subparagraph (1) of this paragraph.

(c) *Application form; supporting information.* An application for permission to establish a branch office shall be in form prescribed by the Board. Such application and prescribed "Outline of Information To Be Submitted in Support of an Application for Permission to Establish a Branch Office" may be obtained from the Supervisory Agent. Information shall be furnished in support of the application in accordance with such Outline designed to show: (1) There will be at the time the branch is opened a necessity for the proposed branch office in the community to be served by it; (2) there is a reasonable probability of usefulness and success of the proposed branch office; and (3) the proposed branch office can be established without undue injury to properly conducted existing local thrift and home-financing institutions. An application shall be deemed to be complete when the foregoing requirements of this paragraph (c) have been met.

• • • • •

PART 582b—STATEMENTS OF POLICY

2. Amend Part 582b by revising §§ 582b.2 and subparagraph (2) of paragraph (g) of § 582b.3 to read as follows:

§ 582b.2 Policy with respect to inner-city branch offices.

(a) As a general policy under § 582.1(b) of this chapter, the Board will not consider or process any application by an association for permission to establish a branch office unless the applicant association meets all of the eligibility requirements contained in subparagraph (1) of § 582.1(b) of this chapter. However, under subparagraph (2) of paragraph (b) of § 582.1 of this chapter, the Board may, in its discretion, permit the consideration and processing of particular branch applications even if the applicant association fails to meet the eligibility requirement contained in subdivision (i) of subparagraph (1) of § 582.1(b) of this chapter. It is the intention of the Board to permit this special treatment in connection with applications for branches to serve low-income, inner-city areas which are inadequately served by existing savings and loan facilities.

(b) Applicant associations wishing such special treatment with respect to a particular application must furnish the Supervisory Agent with detailed information demonstrating that the application (or a prior branch application, if less than 4 months have expired from the date of publication of notice thereof) is for a branch office (1) to be located within an area characterized by substandard family incomes, chronically high unemployment, a high percentage of welfare recipients, and substandard housing, and (2) to fulfill the objectives of facilitating the granting of loans in such area, particularly for construction or rehabilitation of housing, stimulating thrift and providing financial guidance among low-income residents of such area, and providing opportunities for employment or job training for residents of such area. If the Supervisory Agent is satisfied that the above criteria for special treatment of the application have been met, he may determine that the association is eligible under § 582.1(g) of this chapter, and the application may be processed as provided therein.

§ 582b.3 Internal processing procedure for applications for branch offices.

The Board deems it advisable that applicants for permission to establish branch offices, and persons who are interested in such applications, be informed of certain general instructions by the Board governing staff handling of applications and of the timetable for handling applications which the Board has adopted as an objective, as follows:

• • • • •

(g) *Supervisory considerations.* • • •

(2) *Preliminary determination of supervisory objection—(i) Procedure.* The Director of the Office of Examinations and Supervision is authorized, with respect to any application for a branch office, to make a preliminary determination that there is no basis for supervisory objection, and the Supervisory Agent is authorized, within limits fixed by such Director, to make such determination. If the Director of the Office of Examinations and Supervision is of the opinion that there is any supervisory matter which might afford a basis for preliminary supervisory objection, he should submit the matter to the Board for its decision, together with a report and recommendation. The Director of the Office of Examinations and Supervision shall issue instructions to assure that there is no delay for supervisory reasons in the processing of an application of an association whose policies, condition, or operation, as determined by the Supervisory Agent within limits fixed by the Director, do not afford a basis for preliminary supervisory objection, and, in other cases, to assure that the preliminary determination, or submission to the Board for decision, is made within 30 days from the date of filing of the application.

(ii) *Adequacy of net worth.* If the net worth of an applicant association (as defined in § 561.13 of this chapter) is in an amount less than 3 percent of its savings accounts, this factor shall afford a basis for preliminary supervisory objection unless the Supervisory Agent finds in writing that the applicant association meets all of the following criteria:

(*a*) Adequacy of net worth to support the particular branch office applied for;

(*b*) Sound management;

(*c*) Sound lending practices;

(*d*) Assets of above-average quality; and

(*e*) Satisfactory operating results.

• • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by May 26, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6279 Filed 4-24-72;8:48 am]

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FEDERAL MARITIME COMMISSION

[Docket No. 72-4]

[46 CFR Part 510]

INDEPENDENT OCEAN FREIGHT FORWARDERS

Proposed Licensing Requirements; Enlargement of Time To File Answer

APRIL 18, 1972.

Upon request of interested persons, and good cause appearing, time within which answers to Hearing Counsel's reply may be filed in this proceeding (37 F.R. 4219, Feb. 29, 1972) is enlarged to and including April 21, 1972.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6296 Filed 4-24-72;8:49 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-18]

UNIFORM ACQUISITION AND RELOCATION ASSISTANCE PRACTICES

Proposed Amendment to Federal Property Management Regulations

Correction

In F.R. Doc. 72-6159 appearing at page 7905 in the issue for Friday, April 21, 1972, in the second paragraph, line 5, following "General Services Administration" insert "(P)".

Notices

DEPARTMENT OF STATE

[Public Notice 356]

EXCHANGE-VISITOR SKILLS LIST

Pursuant to the provisions of section 212(e) of the Immigration and Nationality Act, as amended (84 Stat. 116; 8 U.S.C. 1182(e)), and 22 CFR 41.65(b), the Secretary of State hereby designates the following list of fields of specialized knowledge or skill and those countries which clearly require the services of persons engaged in one or more of such fields. Any alien who is a national or resident of one of those countries and obtains an exchange-visitor visa and/or becomes a participant in an Exchange-Visitor Program involving a designated field of specialized knowledge or skill after the effective date of this public notice or after the effective date of any subsequent designations, shall be subject to the 2-year foreign residence (home-country physical presence) requirement of section 212(e) of said Immigration and Nationality Act as provided by said section and 22 CFR 41.65(b).

This list, which shall be referred to as the "Exchange-Visitor Skills List," will be reviewed on a continuing basis and will be amended on or about January 1 of each year, if necessary. Suggested amendments should be sent to the Director, Facilitative Services Staff, Bureau of Educational and Cultural Affairs, Department of State, Washington, D.C. 20520. The list follows:

EXCHANGE-VISITOR SKILLS LIST

PART I—GENERAL LIST OF DESIGNATED FIELDS OF SPECIALIZED KNOWLEDGE OR SKILL

Group (1) Fields in the Administration of Public or Public-Orientated Affairs

1A. Public Administration (including but not limited to: City Planning and Rural Development).
1B. Public Social Administration (including, but not limited to: Welfare, Dietetics, Nutrition, Family Planning, and Public Health).
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F Hospital Administration.
1G. Labor Union Administration.

Group (2) Fields in the Social Arts and Professions

2A. General Practice of Medicine.
2B. Recognized Medical Specializations (including, but not limited to: Anesthesiology, Dermatology, Internal Medicine, Neurological Surgery, Obstetrics and Gynecology, Ophthalmology, Orthopedic Surgery, Otolaryngology, Pathology, Pediatrics, Physical Medicine and Rehabilitation, Plastic Surgery, Preventive Medicine, Proctology, Psychiatry and Neurology, Radiology, Surgery, Thoracic Surgery, and Urology).
2C. Nursing (including, but not limited to: Registered nurses, practical nurses, physician's receptionists, and medical records clerks).
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing (except Medicine, Nursing, Dentistry, Chiropractic, Osteopathy, and Optometry).
2J. Sociology (except Economics, and, including Criminology).
2K. Psychology.
2L. Law (including Judicature).
2M. Religion (including, but not limited to, Ministry).
2N. Primary School Teaching (including, but not limited to: Kindergartens, Nursery Schools).
2O. Secondary School Teaching (including, but not limited to: Remedial Teaching, and, Teaching of English as a Foreign Language).
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology (except Agriculture).
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools (including, but not limited to, lecturers).
2V. Teaching in Law Schools (including, but not limited to, lecturers).

Group (3) Fields in Communication, Transport, and Construction Professions and Skills

3A. Journalism (including, but not limited to editors and reporters; and, including text-book writers).
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture (including Marine Architecture).
3F. Construction (including, but not limited to, builders, but not including skilled and unskilled laborers).
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4) Fields in Scientific Professions and Skills

4A. Chemistry (including chemical engineers and all branches and specialities in Chemistry, but excepting Pharmacy).
4B. Life Sciences (including, but not limited to, Pharmacy and Biology).
4C. Physics (including physical chemists, metallurgists, and all branches and specialities in Physics).
4D. Mathematics.
4E. Laboratory Technology (including, but not limited to, physical and chemistry laboratory technicians).
4F. Metal Fabrication (including, but not limited to skilled metal craftsmen).
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology (including, but not limited to, marine and flight engineers).
4I. Civil Engineering (including Airport Engineering).
4J. Mechanical Engineering (including, but not limited to: systems, safety, and production engineers, and, including Automatic Data Processing).
4K. Electrical Engineering.
4L. Electronic Engineering (including Radio Engineering).
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy (including veterinarians and plant pathologists).
4O. Forestry.
4P. Fisheries (or other marine products).
4Q. Geology (including all branches and specialities, e.g., Oceanology and all branches of Applied Geology, and, including geophysicists and geochemists).
4R. Hydrology (including, but not limited to, Water Pollution).
4S. Desalinization.
4T. Surveying (including Oceanography).

Group (5) Fields in Business

5A. Industrial and Business Administration and Management (including, but not limited to, programers).
5B. Economics.
5C. Statistics.
5D. Insurance (including actuaries).
5E. Administration of Financial Institutions (including, but not limited to Savings and Loan Organizations and Credit Unions).
5F. Banking.

Group (6) Field of Library Science

6A. Library Science (including, but not limited to, Electric Data Storage and Retrieval).

PART II—SPECIFIC LIST OF FIELDS OF SPECIALIZED KNOWLEDGE OR SKILL CLEARLY REQUIRED BY EACH COUNTRY

Afghanistan

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

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Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Algeria

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Argentina

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4L. Electronic Engineering.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5C. Statistics.

Bahrain

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Bangladesh

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Bolivia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Botswana

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Brazil

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2J. Sociology.
2K. Psychology.
2M. Religion.
2N Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.

Group (6)

6A. Library Science.

Bulgaria

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

All fields listed in Part I.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Burundi

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Cameroon

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

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2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Central African Republic

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Ceylon

Group (4)

4C. Physics.
4H. Marine and Aeronautical Engineering and Technology.
4J. Mechanical Engineering.

Group (5)

5C. Statistics.

Chad

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Chile

Group (1)

All fields listed in Part I.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2E. Dentistry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.

Group (4)

All fields listed in Part I.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Colombia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.

1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1G. Labor Union Administration.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

Group (4)

4P. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4O. Forestry.
4P. Fisheries.
4Q. Geology.

Group (5)

5A. Industrial and Business Administration and Management.
5C. Statistics.

Group (6)

6A. Library Science.

Costa Rica

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Czechoslovakia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2M. Religion.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Dahomey

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

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Group (6)

6A. Library Science.

Dominican Republic

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2M. Religion.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Ecuador

Group (1)

1A. Public Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.

Group (2)

2D. Medical Technology.
2F. Dental Technology.
2J. Sociology.
2K. Psychology.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5C. Statistics.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

El Salvador

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

3D. Airplane Piloting.

Group (4)

4A. Chemistry.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Equatorial Guinea

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Fiji

Group (1)

1A. Public Administration.
1B. Public Social Administration.

Group (2)

2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.

2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2M. Religion.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Gabon

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Gambia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Ghana

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agricultural and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Guatemala

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1G. Labor Union Administration.

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Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2I. All Therapies, Prosthetics, and Healing.
2U. Teaching in Medical Schools.

Group (3)

3H. Skilled Operation of Construction Machines.

Group (4)

4B. Life Sciences.
4P. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4P. Fisheries.

Group (5)

5A. Industrial and Business Administration and Management.
5F. Banking.

Guinea

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5P. Banking.

Guyana

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Honduras

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Hungary

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4N. Agriculture and Agronomy.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Indonesia

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Iran

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Ivory Coast

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering, Engineering, and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Jamaica

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Jordan

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio operation.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4S. Desalination.

Group (5)

5B. Economics.
5C. Statistics.
5D. Insurance.
5E. Administration of Financial Institutions.

Kenya

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Khmer Republic

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

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Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechnical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5B. Economics.
5C. Statistics.
5F. Banking.

Group (6)

6A. Library Science.

Korea

Group (2)

2A. General Practice of Medicine.
2C. Nursing.
2D. Medical Technology.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.

Group (3)

3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4C. Physics.

Lebanon

4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.

Group (5)

5A. Industrial and Business Administration and Management.
5C. Statistics.

Kuwait

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practices of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Laos

All fields listed in Part I, groups (1), (2), (3), (4), (5), and (6).

Group (1)

All fields listed in Part I.

Group (2)

2C. Nursing.
2E. Dentistry.
2F. Dental Technology.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.

4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Libya

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Malawi

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2K. Psychology.
2L. Law.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Malaysia

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Mali

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Malta

Group (1)

All fields listed in Part I.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2J. Sociology.
2K. Psychology.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

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Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

All fields listed in Part I.

Mauritania

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2R. Agricultural School Teaching.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Mauritius

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1P. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Morocco

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical School.

Group (3)

3B. Electrical Communication Technology.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

Nicaragua

Group (1)

1A. Public Administration.
1B. Public Social Administration.

1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2F. Dental Technology.
2H. Chiropractic and Osteopathy.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3E. Architecture.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

Niger

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching in Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Nigeria

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Oman

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.

Group (3)

3B. Electrical Communication Technology
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Pakistan

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.

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2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Panama

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2E. Dentistry.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (4)

4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5D. Insurance.

Paraguay

Group (1)

1B. Public Social Administration.
1F. Hospital Administration.

Group (2)

2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2F. Dental Technology.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2M. Religion.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (3)

3H. Skilled Operation of Construction Machines.

Group (4)

4G. Mining and Lumbering Engineering and Technology.

Group (5)

5A. Industrial and Business Administration and Management.

Peru

All fields listed in Part I, Group (1), (2), (3), (4), (5), and (6).

Philippines

Group (2)

2A. General Practice of Medicine.
2B. Certain Medical Specializations, including *only* Pathology, Psychiatry and Neurology, Orthopedic Surgery, Thoracic Surgery, Surgery, Urology, and Internal Medicine.
2C. Nursing, including *only* registered nurses in a recognized nursing specialty.
2F. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2U. Teaching in Medical Schools.

Group (3)

3D. Airplane Piloting.

Group (4)

4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Poland

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5B. Economics.
5C. Statistics.

Qatar

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.

Group (5)

5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.

Group (6)

6A. Library Science.

Romania

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Rwanda

Group (1)

1A. Public Administration.

1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Science, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration.
5B. Economics.
5C. Statistics.
5E. Administration of Financial.
5F. Banking.

Saudi Arabia

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.

Group (5)

6A. Library Science.

Senegal

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Sierra Leone

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics and Healing.
2J. Sociology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Singapore

Group (1)

All fields listed in Part I.

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Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2G. Optometry.
2I. All Therapies, Prosthetics, and Healing.
2K. Psychology.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3B. Electrical Communication Technology.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3H. Skilled Operation of Construction Machines.

Group (4)

4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Somalia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

South Africa

Group (1)

1B. Public Social Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.

Group (4)

4F. Metal Fabrication.
4M. Repair and Maintenance Technology.

Spain

Group (1)

1A. Public Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.

Group (2)

2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (4)

4K. Electrical Engineering.
4L. Electronic Engineering.

Sudan

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical and Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

All fields listed in Part I.

Swaziland

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Switzerland

Group (2)

2C. Nursing.
2D. Medical Technology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.

Group (3)

3B. Electrical Communication Technology.
3D. Airplane Piloting.
3H. Skilled Operation of Construction Machines.

Group (4)

4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4F. Metal Fabrication.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4R. Hydrology.
4T. Surveying.

Tanzania

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.

Group (3)

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4B. Life Sciences.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Tonga

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Trinidad and Tobago

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.

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4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

All fields listed in Part I.

Group (6)

6A. Library Science.

Tunisia

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

All fields listed in Part I.

Group (5)

All fields listed in Part I.

Turkey

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3H. Skilled operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Upper Volta

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.

United Arab Emirates (Abu Dhabi, 'Ajam, Dubai, Fujairah, Sharja, Ras Al Khaimah and Umm Al Qaywain)

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Uruguay

Group (1)

All fields listed in Part I.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3F. Construction.
3H. Skilled Operation of Construction Machines.

Group (4)

4H. Marine and Aeronautical Engineering and Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4R. Hydrology.
4S. Desalinization.

Group (5)

5A. Industrial and Business Administration and Management.
5E. Administration of Financial Institutions.
5F. Banking.

Venezuela

Group (1)

All fields listed in Part I.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

All fields listed in Part I.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.

Group (6)

6A. Library Science.

4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Vietnam

All fields listed in Part I, Groups (1), (2), (3), (4), (5), and (6).

Zaire

Group (1)

1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.
1G. Labor Union Administration.

Group (2)

2A. General Practice of Medicine.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts, and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

All fields listed in Part I.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Zambia

Group (1)

1A. Public Administration.
1B. Public Social Administration.
1C. Primary School Administration.
1D. Secondary School Administration.
1E. Technical or Vocational School Administration.
1F. Hospital Administration.

Group (2)

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

Group (3)

3A. Journalism.
3B. Electrical Communication Technology.
3C. Radio Operation.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

Group (4)

4A. Chemistry.
4B. Life Sciences.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4O. Forestry.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4T. Surveying.

Group (5)

5A. Industrial and Business Administration and Management.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

Group (6)

6A. Library Science.

Unless otherwise specified, the designations made in Part II hereof shall include all of the related fields of specialized knowledge or skill which are indicated along with the primary fields designated in Part I.

In order to provide time for the dissemination of this list to Foreign Service posts abroad and to interested persons and organizations in the United States, the foregoing designations shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: April 18, 1972.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.72-6144 Filed 4-24-72;8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R-27]

CALIFORNIA

Notice of Classification of Public Lands for Disposal by Exchange

Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1272) as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0-3, the following described lands are hereby classified for disposal through private exchange, under section 8 of the Act of June 28, 1934, as amended (48 Stat. 1272; 43 U.S.C. 315g; 43 CFR Part 2200), for lands within the Bakersfield District.

This proposal has been discussed with the District Advisory Board, local government officials and other interested parties. Information from discussions and other sources indicate that these lands meet the criterion of 43 CFR 2430.4 (d), "for exchange under appropriate authority where they are found to be chiefly valuable for public purposes because they have special values, arising from the interest of exchange proponents, for exchange for other lands which are needed for the support of a Federal program".

No adverse comments were received following publication of the notice of proposed classification (37 F.R. 4969) on March 8, 1972.

Pursuant to the regulations in 43 CFR 2202.5, the lands included in formal application R-27 are segregated from applications under the public land laws, including the mining laws.

Information concerning these lands is available at the Bakersfield District Office, 800 Truxtun Avenue, Room 311, Bakersfield, CA 93301.

This classification shall be subject to the exercise of supervisory authority by the Secretary of the Interior for the purposes of administrative review as provided for in 43 CFR 2461.3. Interested parties may submit comments, suggestions, or objections to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240, on or before May 26, 1972.

The lands affected by this classification are located in Kern County, Calif. and are described as follows:

MOUNT DIABLO MERIDIAN

T. 30 S., R. 35 E.,
Sec. 34, SE¼SE¼.
T. 31 S., R. 35 E.,
Sec. 2, lots 1, 8, 9, 16, E½SE¼;
Sec. 4, all;
Sec. 6, all;
Sec. 8, all;
Sec. 10, all;
Sec. 12, all;
Sec. 14, all;
Sec. 16, all;
Sec. 18, all;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all; and
Sec. 28, all.
T. 31 S., R. 36 E.,
Sec. 18, all;
Sec. 20, all; and
Sec. 30, all.

The above described area contains 10,204.78 acres.

For the State Director.

LOUIS A. BOLL,
District Manager.

[FR Doc.72-6286 Filed 2-24-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to the authority delegated to the Administrator of the Agricultural Marketing Service in section 40 of the Statement of Organization and Delegations appearing at 29 F.R. 16212, the notices of the Secretary appearing in 36 F.R. 21529 and 37 F.R. 6327, and the delegations from the Assistant Secretary for Marketing and Consumer Services appearing in 36 F.R. 21529 and 37 F.R. 6505, the Statement of Organization, Functions, and Delegations of Authority of the Consumer and Marketing Service appearing at 36 F.R. 13169 is hereby superseded by the following Statement of Organization, Functions, and Delegations of Authority of the Agricultural Marketing Service.

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Agricultural Marketing Service was created by the Secretary of Agriculture on November 2, 1953, pursuant to his authority under 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 67 Stat. 633; and related authority. The name was changed to the Consumer and Marketing Service on February 8, 1965. Effective April 2, 1972, the Secretary authorized the Assistant Secretary for Marketing and Consumer Services to delegate functions and responsibilities for meat and poultry inspection activities to the Animal and Plant Health Inspection Service, and this has been done. The meat and poultry inspection activities were formerly carried out by the Consumer and Marketing Service. The Secretary also changed the name of the Consumer and Marketing Service to the Agricultural Marketing Service. The central office of the Agricultural Marketing Service is located at Washington, D.C., but a large part of the program activity is carried on through various field offices. The functions and authorities delegated to the Agricultural Marketing Service are published at 34 F.R. 19474, 35 F.R. 19701, 36 F.R. 3385 and 5809, with the exception of responsibilities relating to meat and poultry inspection activities. All functions and authorities delegated to the Agricultural Marketing Service are subject to the provisions of sections 1-40 of the Statement of Organization and Delegations at 29 F.R. 16210 et seq.

SEC. 2. *The Office of the Administrator*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to the Agency. He reports to the Assistant Secretary for Marketing and Consumer Services.

(b) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of the Agency.

(2) Directing and coordinating the administration of the marketing service programs, including the standardization, inspection, grading, and classing of agricultural commodities; market news, expansion of market outlets, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, U.S. Grain Standards Act, programs and related activities involving the Agricultural Marketing Act of 1946, as amended, Export Apple and Pear, Naval Stores, Export Grape and Plum, Processed and Renovated Butter, the Tobacco Seed and Plant Exportation, Tobacco Inspection, Tobacco Statistics, U.S. Cotton Standards, and Egg Products Inspection Acts; assigned defense mobilization activities; and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco), located at Washington, D.C., and by field offices of these Divisions, by the Matching Fund Program Staff and Plentiful Foods Program Staff.

(c) *Deputy Administrator, Regulatory Programs.* The Deputy Administrator for Regulatory Programs is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of the Agricultural Marketing Service; and

(2) Directing and coordinating the administration of marketing regulatory programs and related activities involving the Perishable Agricultural Commodities, Federal Seed, U.S. Warehouse, Plant Variety Protection, Produce Agency, Cotton Research and Promotion, Agricultural Fair Practices, Wheat Research and Promotion, and Potato Research and Promotion Acts; freight rate services under section 201 of the Agricultural Adjustment Act of 1938 and section 203(j) of the Agricultural Marketing Act of 1946, as amended; assigned defense mobilization activities; marketing agreements and orders; and other related programs and activities. These programs are carried out by six commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Poultry, and Tobacco), and one functional Division (Transportation and Warehouse), located at Washington, D.C., and by field offices of these Divisions, except milk marketing orders which are carried out through market administrators and fruit and vegetable marketing orders which are administered by administrative committees in the field.

(d) *Deputy Administrator, Management.* The Deputy Administrator, Management, is responsible for:

(1) Participating with the Administrator in the overall planning and formulation of all policies, programs, and activities of the Agricultural Marketing Service:

(2) Directing and coordinating the administration of the overall administrative management programs of the Agency including financial management, personnel, administrative services, and automated data processing, as necessary to meet the requirements of the marketing and regulatory programs of the Agency, and assigned civil defense mobilization, and related programs and activities. These programs and activities are carried out by the Automated Data Systems Staff and Administrative Services, Financial Management, and Personnel Divisions, located at Washington, D.C., and by field offices of the Administrative Services Division; and

(3) Civil rights program coordination in the Agricultural Marketing Service.

SEC. 3. *Information Division.* The Information Division, under the direction and supervision of the Administrator, is responsible for planning and administering a public information program involving the activities of the Agency and, by arrangement, the Food and Nutrition Service. In addition to the central office located at Washington, D.C., this program is carried on through Regional Offices.

SEC. 4. *Statistical Services Staff.* The Statistical Services Staff, under the direction and supervision of the Administrator, is responsible for providing statistical leadership, coordination, analyses, and services necessary to meet requirements of the overall programs and activities of the Agency.

SEC. 5. *Marketing Services and Regulatory Programs.* The Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse Divisions, Matching Fund Program Staff, and the Plentiful Foods Program Staff, under administrative direction of the Administrator and the functional and technical direction of the Deputy Administrators for Marketing Services and Regulatory Programs, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulations, marketing agreements and orders, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton Futures provisions of the Internal Revenue Code of 1954; U.S. Cotton Standards Act, as amended; Cotton Statistics and Estimates Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Cotton Research and Promotion Act; and other authorities; and

(2) Executing assigned defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for milk and its products, and such other commodities as may be assigned; processed and renovated butter, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for milk and dairy products as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Processed and Renovated Butter Act; Agricultural Fair Practices Act of 1967; and other authorities;

(2) Formulating policies and technical direction for market news services for dairy and dairy products which are administered by the Poultry Division; and

(3) Executing assigned defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal (including purchase, diversion, and export programs) purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, marketing guides for vegetables including potatoes and sweet potatoes, and related programs for fruits and vegetables, their products and other assigned commodities; the Produce Agency Act, as amended; Perishable Agricultural Commodities Act of 1930, as amended; Export Apple and Pear Act; Export Grape and Plum Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Potato Research and Promotion Act; Agricultural Fair Practices Act of 1967, and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for fruits, vegetables, nuts, hops, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay, and other commodities as assigned; administering the U.S. Grain Standards Act, as amended; the Federal Seed Act, as amended; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Wheat Research and Promotion Act; Agricultural Fair Practices Act of 1967; Plant Variety Protection Act; and other authorities;

(2) Planning and administering marketing agreement and other programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for seed and such other commodities as may be assigned; and

(3) Executing assigned defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, and grading), surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, expansion of market outlets for meat, meat products, wool, mohair, and related commodities as authorized by the Wool Standards Act; section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Agricultural Fair Practices Act of 1967; and other authorities; and

(2) Executing assigned defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering standardization, inspection, and grading, surplus removal (including purchase, diversion, and export programs), purchases under section 6 of the National School Lunch Act for assigned commodities, marketing guides for poultry and eggs, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by section 32 of the Act of August 24, 1935, as amended; Agricultural Marketing Act of 1946, as amended; Agricultural Fair Practices Act of 1967; and other authorities;

(2) Administering the Egg Products Inspection Act;

(3) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for poultry and poultry products and such other commodities as may be assigned;

(4) Formulating policies and directing market news service for poultry and poultry products, and domestic rabbits; administrative direction of market news services for dairy and dairy products; and

(5) Executing assigned defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing regulatory, surplus removal, expansion of market outlets, statistical reporting, and related programs for tobacco, tobacco products and byproducts, naval stores, and related commodities as authorized by the Tobacco Stocks and Standards Act of 1929, as amended; Tobacco Inspection Act, as amended;

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Tobacco Seed and Plant Exportation Act; Naval Stores Act, section 32 of the Act of August 24, 1935, as amended; and other authorities;

(2) Planning and administering marketing agreement and order programs authorized by the Agricultural Marketing Agreement Act of 1937, as amended, for tobacco, and the products thereof, and such other commodities as may be assigned; and

(3) Executing assigned defense mobilization activities.

(h) *Transportation and Warehouse Division.* The Transportation and Warehouse Division is responsible for:

(1) Administering the U.S. Warehouse Act, as amended;

(2) Warehouse examination functions in connection with warehouses storing commodities pursuant to contracts or agreements with Commodity Credit Corporation;

(3) Administering provisions of section 201 of the Agricultural Adjustment Act of 1938, section 203(j) of the Agricultural Marketing Act of 1946, as amended, except with respect to improvement of transportation service, facilities and rates for the export of agricultural commodities and farm supplies which involves action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involves working directly with individual ocean carriers or groups of such carriers, and other authorities covering adjustments in transportation and services for farm commodities, food, and farm supplies;

(4) Acting for, or assisting on assignment from the Office of the Administrator in planning, directing, and coordinating activities and operations assigned to Agricultural Marketing Service with respect to emergency preparedness programs in connection with defense mobilization; and

(5) Executing other marketing services programs and activities as assigned.

(i) *Plentiful Foods Program Staff.* The Plentiful Foods Program staff is responsible for:

(1) Planning and administering programs designed to expand markets for foods which are in plentiful supply; facilitating and increasing the movement of plentiful foods to consumers through normal channels of trade; and

(2) Executing assigned defense mobilization activities.

(j) *Matching Fund Program Staff.* The Matching Fund Program staff is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States.

(2) Reviewing and approving such projects proposed by the State Department of Agriculture, Bureaus of Markets, and similar State agencies; and

(3) Coordinating the matching fund programs with the overall Federal-State marketing program.

SEC. 6. *Management Services.* The Administrative Services, Financial Management and Personnel Divisions, and the Automated Data Systems Staff, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, Management, are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement and supply, real and personal property, communications, directives, forms, records, reports, manual systems, and related management services programs necessary to meet requirements of the overall programs and activities of the Agricultural Marketing Service.

(2) Approving, for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents and contracts under the Agricultural Marketing Act of 1946, as amended:

(3) Developing standards and procedures for the preparation of program dockets and authorities, and clearing for conformance with governing rules and regulations materials to be published in the FEDERAL REGISTER and the Code of Federal Regulations; and

(4) Providing staff assistance to the Deputy Administrator, Management, with respect to committee management and title VI civil rights activities in the Agency.

(b) *Financial Management Division.* The Financial Management Division is responsible for:

(1) Planning and administering the financial management and related programs necessary to meet the requirements of the overall programs and activities of the Agency;

(2) Developing, installing, and revising accounting systems, methods, and procedures for the Agency including administrative committees and market administrators operating under marketing agreements and orders assigned to the Agency.

(c) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, position classification, wage and salary, manpower utilization and position management, employment, employee relations, labor management relations, training, award, safety, and health phases of a personnel program to meet requirements of the overall programs and activities of the Agency.

(d) *Automated Data Systems Staff.* The Automated Data Systems Staff is responsible for planning and administering an automated data systems program to meet the overall requirements and needs of the Agency.

DELEGATIONS OF AUTHORITY

SEC. 7. *Deputy Administrators.* The Deputy Administrator, Marketing Services; the Deputy Administrator, Regulatory Programs; and the Deputy Administrator, Management, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator. Each Deputy Administrator shall be primarily responsible for the programs and activities of the Agricultural Marketing Service herein or hereafter assigned to him:

(1) The Deputy Administrator, Regulatory Programs, is hereby delegated the authority to designate Market Administrators and Committees administering market agreements and order programs;

(2) The Deputy Administrator, Marketing Services, is hereby delegated the authority to consider and determine appeals from findings of fact of contracting officers within the scope of any disputed provisions, which provides a method for final and conclusive determination of disputed questions of fact, in any purchase contracted under purchase and donation programs carried out pursuant to section 6 of the National School Lunch Act and section 32 of Public Law 320, 74th Congress; and

(3) The Deputy Administrator, Regulatory Programs, is hereby delegated the authority to consider and determine appeals involving coercion or conspiracy by Agricultural Commodity handlers against a producer in the exercise of his right to join and belong to a cooperative under the Agricultural Fair Practices Act of 1967.

SEC. 8. *Information Division.* The Director of the Information Division is hereby delegated authority, in connection with the respective functions herein assigned to him, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator.

SEC. 9. *Marketing Services, Regulatory, and Management Services Divisions.* The Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Transportation and Warehouse Divisions, Matching Fund Program Staff, and the Plentiful Foods Program Staff are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Deputy Administrators. The Directors of the Administrative Services, Financial Management, and Personnel Divisions, and the Automated Data Systems Staff and Statistical Services Staff are hereby delegated authority in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation except when prohibited) except such authority as is reserved to the Administrator and Deputy Administrators.

SEC. 10. *Concurrent authority and responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, or each Deputy Administrator, from exercising any of the powers or functions or from performing any of the duties conferred upon them herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator. The officers to whom authority is delegated herein shall: (a) Maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other Federal Agencies, other Agencies of the Department, other Divisions or offices of the Agency, or other governmental or private organizations or groups.

SEC. 11. *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions, and Delegations of Authority shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action heretofore taken under prior delegations or redelegations of authority or assignments of functions.

RESERVATION OF AUTHORITY

SEC. 12. *Reservation of authority.* There is hereby reserved to the Administrator, or to the individual designated to act in his stead, the approval of regulations relating to the travel of seasonal inspectors.

AVAILABILITY OF INFORMATION AND RECORDS

SEC. 13. *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of the Agency should address his request to the Director of the particular Division or office, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. The availability of information and records of the Agency and its Divisions and offices is governed by the rules and regulations as published in the Code of Federal Regulations, Title 7, Chapter II, Part 295, Subpart—Public Information.

Issued at Washington, D.C., this 19th day of April 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6272 Filed 4-24-72;8:47 am]

MARKET NEWS SERVICE LEASED WIRE NETWORK

General Statement of Basis and Purpose of Private Direct Connections

Pursuant to the Organic Act of the U.S. Department of Agriculture (R.S. 520; 7 U.S.C. 2201), the Cotton Statistics and Estimates Act (50 Stat. 62; 7 U.S.C. 473b), section 9 of the Tobacco Inspection Act (§ 9, 49 Stat. 733; 7 U.S.C. 511h), and paragraphs (g), (k), and (n) of section 203 of the Agricultural Marketing Act of 1946 (§ 203, 60 Stat. 1087; 7 U.S.C. 1622 (g), (k), (n)), the Secretary of Agriculture has the authority and the duty to "acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense 'of that word," including marketing reports and other items of interest to the agricultural community, by the most expeditious means possible, and for the benefit of the general public.

The Market News Service was initiated in 1915 and the Market News Service leased wire network has been in operation continuously since 1917. Largely as a consequence of improved technology, the Market News Service has been expanded from time to time over the years. The present leased wire network of more than 19,000 miles connects the field and Washington offices of the Market News Service and the Federal-State market reporters who gather market news at more than 200 permanent and seasonal markets and producing areas. Market reports are issued to the public as promptly as possible by all available practical means on cotton, fruits, vegetables, dairy and poultry products, livestock, meat, grain, feeds, tobacco, and other agricultural products. The reports include such matters as market supplies, demands, activity, prices, and trends. The Market News Service is an invaluable tool to producers, handlers, and dealers in all major agricultural commodities produced in the United States, and the Department of Agriculture is constantly striving to improve the efficiency of the Marketing News Service so as to better accommodate these sectors of our economy in the public interest.

In a notice published in the FEDERAL REGISTER on May 25, 1963 (28 F.R. 5240), the Department of Agriculture described the fact that it maintains and operates a network of teletypewriter circuits which it leases from a telephone company for the rapid dissemination of agricultural market news among its Washington and field offices throughout the United States; stated that, in order to facilitate more rapid and more extensive dissemination of market news, the Department was considering granting permission for newspapers, radio and television stations, commercial firms, cooperatives, and any other interested persons to have direct connections or private "drops" on the USDA teletypewriter Market News Service leased wire circuit; and afforded an opportunity for any interested person to submit comments regarding the matter.

In July 1963, after careful consideration of all responses to the notice, the Department announced its decision to inaugurate the new direct extension system by granting permission for any interested person to acquire a direct connection to a USDA leased wire circuit for direct receipt of public market news information as it is being transmitted to USDA Market News Service offices for immediate release to the public. The announcement was made in a widely distributed USDA bulletin, AMS-510, which declared that the new system was being instituted for the purpose of "speed[ing] the dissemination of market reports and widen[ing] the area to which they are disseminated." The new system was implemented on August 1, 1963, and has been operative continuously since that date.

In the case of P.A.M. News Corp. v. Hardin, 440 F. 2d 255, 258, note 4 (C.A.D.C., 1971), the Court stated that under section 4 of the Administrative Procedure Act (now 5 U.S.C. 553) it was incumbent upon the Department to publish in the FEDERAL REGISTER its determinations with respect to the direct extension system and to set forth a "concise general statement" of the basis and purpose therefor. This general statement of the basis and purpose of the direct extension system of the Department of Agriculture's Market News Service is being published pursuant to the Court's opinion.

By a letter dated September 20, 1963, the Secretary of Agriculture transmitted to Senator Spessard L. Holland, Chairman, Agriculture Subcommittee of the Senate Committee on Appropriations, a document entitled "Developments Regarding Use of the Federal-State Market News Leased Wire System." The letter and document were published in the Congressional Record on September 25, 1963 (109 Cong. Rec. 18006-18008). That document which contains a concise general statement of the developments leading to the direct extension connection system and the basis and purpose of the system, and answers to the arguments advanced in opposition to the system, is set forth below:

DEVELOPMENTS REGARDING USE OF THE FEDERAL-STATE MARKET NEWS LEASED WIRE SYSTEM

U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C., SEPTEMBER 19, 1963

The U.S. Department of Agriculture has been collecting and disseminating agriculture market news since 1915 in cooperation with State departments of agriculture. The reports consist of prices, stocks, and movement of cotton and cottonseed, dairy and poultry products, fruits and vegetables, grain and feeds, livestock, meat and wool, molasses, naval stores, and tobacco.

For many years market news reports have been transmitted among the 135 Federal-State market news offices over a national leased wire system. The reports are then made available from each market news office. It is essential to collect, transmit, and

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release these market reports with the least possible delay if they are to be of maximum usefulness. For example, many livestock producers look to the reports from Kansas City, Chicago, or other markets before making their plans each day for direct or auction sales of cattle and hogs.

Market news offices release their reports in many ways. Daily mimeographed reports are sent out by mail; summaries are given to local newspapers and broadcast stations; long distance collect telephone calls or telegrams are sent to individuals at their request; recorded telephone tapes are cut for automatic playback to callers; reports are posted at stockyards and other public markets; and many persons visit the market news offices daily at the time when certain reports are due to be released. Special summaries are supplied several times daily to the Associated Press, United Press International, and other news services at points throughout the United States.

Because of the delays or lack of completeness in the relaying system through the local market news offices, users of the market news service have requested that teletypewriter receiving machines be installed at their place of business. In 1950, the Western States Meat Packers Association established a leased wire circuit to distribute market news reports to its members. The Market News office in San Francisco serviced this circuit by relaying the livestock reports on a sending machine which the association located in this office. In 1955, a similar circuit and arrangement was set up by the National Independent Meat Packers Association which was serviced by the Market News office in Chicago. Also in 1955, the Colorado Cattle Feeders Association established its circuit with service out of the Denver office. The USDA agreement with these associations specified that they would derive no profit from the arrangement and would permit any private subscriber willing to pay the costs to join their leased wire circuits.

These private arrangements resulted in duplicate line charges because their lines paralleled the Federal-State circuits in many instances. For example, a livestock marketing firm in Billings, Mont., would have to pay its pro rata costa for a line from San Francisco even though the Federal-State circuit, which carries the same reports, runs directly through Billings. This duplication led to requests to be able to "tap on" to the circuit at the nearest market news office. In addition, other commodity groups who depend on the Federal-State reports in carrying out their daily operations, wished to avail themselves of this faster service at their expense.

Direct connections to the leased wire circuits would probably have been initiated long before August 1, 1963, if it had not been for the mechanical problem of screening out administrative messages or incomplete market news data, which are consolidated by one of the receiving Federal-State offices prior to public issuance. Although automatic selector equipment for screening messages has been available for a number of years, the Federal-State Market News Service does not have this equipment on its sending machines. Indirectly, the present arrangement is an outgrowth of the action of the 87th Congress directing a joint Department of Agriculture-Weather Bureau survey in 1962 to explore the possibility of coordination of the use of their separate leased wire circuits. As a result of this survey, USDA officials learned (1) of the extensive arrangements which the Weather Bureau has for over 1,000 private subscribers on its leased wire circuits throughout the country, and (2) of the fact that automatic selector equipment could be attached to the receiving machines, at no cost to the Government, for the purpose of screening out messages. The joint report by the U.S. Departments of Commerce and Agriculture, which was submitted to Congress in April 1962, includes the following statement:

"At present, only Federal and Federal-State Market News offices are connected with the AMS (USDA) leased wire network. No radio stations, TV stations, or other private subscribers have direct access to the AMS leased wire circuit. Therefore, any weather information on this circuit would have to be relayed from the market news offices to the press. This method of communication would not be faster nor more effective than the existing arrangements for distributing weather information.

"With the increased capacity and automatic selectivity feature of the AMS network provided for under its proposed modernized leased wire plan, consideration is being given to the desirability of opening the AMS network to private subscribers who would pay the machine rental and the added mileage costs. If this plan were adopted, it is possible that radio stations, TV stations, and newspapers in certain sections would wish to install a private drop. Under such a plan, establishment of AMS-Weather Bureau exchange points at strategic locations would make it possible to transmit selected weather information to stations on the AMS network along with the market news reports."

The Department started relaying market news reports for transmission on the first of the Weather Bureau networks in June 1962. These leased wire networks transmit detailed weather news and forecasts to radio and TV stations, newspapers, public utilities, and various private firms.

The Department filed a request on April 9, 1962, with the American Telephone & Telegraph Co. to provide "Extension" service on the market news leased wire circuits similar to the arrangement which had been approved by the Federal Communications Commission for the Weather Bureau. A letter dated August 7, 1962, was received from A.T. & T. advising that it could furnish such service. The Department deferred further action on this matter until after the congressional hearings on its 1964 appropriations. The proposal was then discussed on March 8, 1963, at the House subcommittee hearings (Department of Agriculture appropriations for 1964, pt. III, pp. 1469–1471).

In accordance with the appropriation hearing discussion, the Department issued a press release on May 20 and published a notice in the FEDERAL REGISTER on May 25, 1963, asking for comments prior to making a final decision on the initiation of this expanded service. This notice received wide circulation—102 replies were received; 68 favored the proposal, 19 opposed, and 15 were noncommittal. Nineteen farm or trade organizations approved the proposal and one was noncommittal. Thirteen newspapers, broadcast stations, or other news media either approved the proposal or simply requested further information for their own evaluation in utilizing the service and one firm opposed it.

Careful consideration at each stage of its development was given to all foreseeable features of this plan. As the result of this consideration, the Department concluded that this plan would make a proper and useful contribution to the Federal-State Market News Service. Accordingly, the Department announced on July 10, 1963, that direct hookups to the Federal-State market news network would become effective on August 1, 1963.

The American Newspaper Publishers Association, in its August 20, 1963, memorandum, lists six arguments against allowing private firms and individuals to connect to the leased wire circuits of the Federal-State market news service. Following are the arguments and the USDA comments on them:

ANPA ARGUMENT NO. 1

Under our concept of freedom, it is improper for the Government to engage in the business of news gathering and dissemination. It can too easily become a propaganda agency. The longstanding policy of Small Business Administration (and its predecessor agency the Reconstruction Finance Corporation) has been not to make loans to newspapers or broadcast stations because it does not wish to create any implication of Government influence on editorial content. The same policy should apply to the Department of Agriculture.

USDA COMMENT

Federal, State, and county governments have been engaged for more than 100 years in gathering and disseminating specialized reports, data, and other information. Examples are weather reports, census reports, agricultural crop estimates, and agricultural market news reports. Federal laws authorize these services.

Congress, in establishing the U.S. Department of Agriculture in 1862, specifically authorized the new Department "to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of the word."

The Agricultural Marketing Act of 1946 provides that "the Secretary of Agriculture is directed and authorized to collect and disseminate marketing information, including adequate outlook information on a market-area basis, for the purpose of anticipating and meeting consumer requirements, aiding in maintenance of farm income, and bringing a balance between production and utilization of agricultural products.

Congress each year in its appropriation actions reviews and directs the operation of these services.

The bug-a-boo of these services becoming propaganda agencies is completely foreign to American concepts. This presupposes that the executive branch of the Government would have the desire (and ability) to use for propaganda purposes its staff of meteorologists or statisticians or agricultural marketing specialists; that Congress would abdicate its responsibilities and fail to exercise its powers of direction; and that the American people would tolerate such actions.

The Small Business Administration's policy against making loans to newspapers or broadcast stations in order not to imply any Government influence on editorial content is not germane to this issue. Agricultural market news reports have no connection with editorial policy or content. These reports are limited to specialized, technical data for the use of farmers and others who buy and sell agricultural commodities. The excerpts on page 6 from typical market news reports show their scope and content. The fact that the Chicago hog market opened at $17 to $17.25 per hundredweight and closed at $16.50 to $16.75 may have been very significant to many persons in making their marketing plans for the following day. It is hardly conceivable, however, that the collection and dissemination of this information by the Government could be used to influence editorial content.

ANPA ARGUMENT NO. 2

Government should not engage in an enterprise in competition with existing private ownership which is able to provide satisfactory service, as the U.S. Department of Agriculture will be doing in this case.

USDA COMMENT

There is no such existing private ownership. Comprehensive, detailed market news reports on a national basis are collected and disseminated only by the U.S. Department of Agriculture in collaboration with State departments of agriculture. There are private marketing analysts or commodity specialists who provide their services to their customers through newsletters or other media. Some of them collect certain marketing information; most of them utilize the Government market reports for their primary data; and none of them duplicates the extent and scope of the Government reports.

The objection to competition with a privately owned firm apparently refers to the P.A.M. News Corp. This firm was purchased by the New York Journal of Commerce from its owner-operator on May 1, 1963. P.A.M. (under a different firm name) was started during the 1940's for the purpose of relaying to fresh fruit and vegetable growers and shippers Federal-State market news reports plus certain supplemental market information which it collects directly. P.A.M. leases wire circuits for this purpose and states that it presently has about 300 customers. The Federal-State market news reports are transmitted via a special hookup maintained by P.A.M. from the USDA leased wire center in Washington, D.C., to the P.A.M. office in New York City. This arrangement has existed for many years. P.A.M. then relays these Government reports to its customers via its own leased wire circuit. P.A.M. discontinued use of its special hookup in August and is now obtaining the Federal-State market news reports by direct connections on USDA leased wire circuits.

The daily supplies and prices of fresh fruits and vegetables fluctuate more rapidly and widely than any other agricultural commodity group. Therefore, maximum speed in receiving the Government market news reports from the major wholesale markets and production areas is of primary importance. The opportunity for fresh fruit and vegetable growers and shippers, at their expense, to obtain direct connections on the Federal-State leased wire circuits is of concern to the P.A.M. News Corp. because these wire connections will reduce the lag in time for the receipt of Federal-State market reports directly from their source. Whether this arrangement will affect the P.A.M. News Corp. may depend upon the value its customers place on the supplemental market information which it collects and sells to them.

ANPA ARGUMENT NO. 3

The announcement sets up a system of censorship by giving the Department of Agriculture authority to cancel the service of anyone who allegedly abuses the service by "Misrepresentation" of reports, or for any other reason when, in its sole judgment, such cancellation is desirable.

USDA COMMENT

No system of censorship or management of the press is involved in any manner. This objection is drawn from a misinterpretation of a statement in AMS Bulletin 510 which was issued to explain the expanded leased wire arrangement. Unfortunately, the Agricultural Marketing Service wrote this statement in such a capsule form that it is easily subject to misinterpretation.

The statement in AMS Bulletin 510 was as follows:

"The new service is available to all who want it, and no application need be made to USDA to receive service. However, USDA reserves the right to cancel at any time the connection of any or all subscribers who abuse the service by misinterpretation of reports, or for any other reason when, in its sole judgment, such cancellation is desirable."

This statement is intended to cover only two kinds of situations. First, notice of reservation by USDA of the right to cancel service to an individual subscriber if he should issue false or fraudulent market news reports, which be designates as being Federal-State market news reports. Second, notice of reservation by USDA of the right to cancel the new service in its entirety and in the sole judgment of USDA if, for some unforeseen reason, it should turn out to be detrimental to the best interests of agricultural producers as a whole.

Objections related to censorship would have to be based on the possible cancellation action against individual subscribers. Guarding against the unlikely possibility of false or fraudulent reports, ascribed to the Federal-State Market News Service, is not a capricious or unreasonable safeguard. For example, intermingling of data from other sources so that they appear as part of the Federal-State report should be considered as a false report.

The agreement which has been in effect between USDA and P.A.M. News Corp. for several years contains similar restrictions and cancellation provisions. No objection has ever been received from P.A.M. to these provisions which are as follows:

"P.A.M. News Corp. will retransmit official market news reports without amendment or modification; will credit all market news reports originating in Agricultural Marketing Service as USDA; and will credit all non-USDA market reports as independent or by specific private agency so as to indicate no responsibility on the part of USDA. Either party may terminate this agreement upon 30 days notice in writing to the other party."

Working relationships under this agreement with P.A.M. News Corp. have been very satisfactory and no question of termination has ever risen.

If cancellation of the service to an individual subscriber should arise, the established procedure for withdrawal of other voluntary fee services provided under the Agricultural Marketing Act of 1946 (i.e., inspection, grading, and classing services) would be followed. This procedure calls for affording the respondent an opportunity to file a written statement or, at his option, to have an oral hearing to show cause why the service should not be withdrawn. The procedure next requires that the respondent be served with a proposed suspension order consisting of tentative findings, conclusions, and decision specifying the suspension period and giving him 20 days in which to file exceptions. After ruling on exceptions received, the Administrator or Deputy Administrator of AMS may issue a formal suspension order for a specified period of time.

In addition to the safeguards of individual rights contained in this USDA procedure, the Administrative Procedure Act gives any person adversely affected by such action the right of judicial review. This act provides, among other things, that the reviewing court shall decide all relevant questions of law and shall hold unlawful and set aside agency actions found to be arbitrary, capricious, an abuse of discretion, contrary to constitutional rights, or for certain other specified reasons. (Now contained in 5 U.S.C. 701 et seq.)

ANPA ARGUMENT NO. 4

Future expansion of this service—as is indicated in a Department of Agriculture background memorandum—could easily lead to a complete national news wire in direct competition with Associated Press and United Press International.

USDA COMMENT

The basis for this sweeping charge is so vague that it is difficult to find a meaningful comment. The USDA is not engaged, or authorized to engage, in the operation of a complete national news wire. AMS Bulletin 510 makes very clear that there will be no changes made in the informational material transmitted on the leased wire network as the result of private subscribers. It states that:

"The primary purpose of the leased wire network is to relay information throughout the country, for use by market news offices in preparing and issuing reports. The network continues to serve this purpose, and no changes can be made in its operation because of the addition of private subscribers. USDA cannot add to, subtract from, or modify its reports solely as a service to any private subscriber. Many of the reports move on the circuit in abbreviated telegraphic language in order to get the most traffic transmitted, and subscribers will receive the reports in this form."

There is only a nominal amount of unused capacity on the leased wire circuits. In fact, they operate at a much higher rate than is normally scheduled for wire circuits. Therefore, there is no opportunity for use of the market news leased wire circuits to transmit any significant amount of other traffic.

Federal-State offices mailed out about 20 million mimeographed market news reports last year. It is as farfetched to say that the market news leased wire system could be turned into a complete national news wire service as it would be to say that these mimeographed reports could be turned into complete newspapers.

ANPA ARGUMENT NO. 5

The announced plan has monopolistic implications in that only A.T. & T. wires can be used although the present privately owned news service in this field uses wires leased from Western Union. FCC policies and actions have been aimed at preserving competition in the leased wire filed between A.T. & T. and Western Union.

USDA COMMENT

The USDA obtains its leased wire services under a contract (TPS 72907) made by the General Services Administration for all civil Federal agencies. USDA has no jurisdiction over the awarding of contracts to provide these long line services.

ANP ARGUMENT NO. 6

The American taxpayers should not be expected to pay for news wire services to anyone.

USDA COMMENT

As set forth in AMS Bulletin 510, private subscribers pay directly to the telephone company all costs of their connections. USDA pays for the cost of its trunklines and connections to the Federal-State market news offices—exactly as it has in the past.

The USDA pays the same tariff rates, approved by the Federal Communications Commission, as any other public agency or private firm. Rates vary dependent upon transmission speed, hours per day of operation, and type of equipment—not on the identity of the leasing party. For example, USDA pays the same mileage charge per month for a 75-word-per-minute line as does P.A.M. News Corp.

The cost of conducting the agricultural market news service is borne by Federal and State appropriated funds. However, the expanded service is being paid for entirely by the private subscribers at no additional cost to the taxpayers.

One private subscriber expressed the following views in a recent letter:

"The information on livestock market prices will be of real value in helping to keep our staff informed on market conditions. As a result, we will be able to better serve our members in the livestock industry. This improved dissemination of market news infor-

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mation will be of value in stabilizing livestock prices in the market. With the individual subscriber paying all costs of the service, this step forward should be approved by all segments of the industry."

The direct extension connection or "drop" system, instituted on August 1, 1963, after careful and thorough consideration is found to be a desirable additional feature of the Market News Service. It is our opinion that the system does not abridge the constitutional guarantees of any person, and that the long-standing administrative policy of the Department of providing the most prompt and accurate market news information to all interested segments of the public by the most expeditious means available far outweighs the specious arguments advanced in opposition to the system. Therefore, the direct extension connection or "drop" system under the conditions described herein is hereby reaffirmed.

All interested persons have had actual and timely notice of the system for many years. All comments submitted pursuant to the notice published in the FEDERAL REGISTER on May 25, 1963, and all other data, views, and arguments brought to the attention of the Department during the more than 8 years the system has been in operation have been carefully considered, and it does not appear that further public procedure with respect to this matter would develop any further useful information regarding the matter. Accordingly, it is found for good cause that further public procedure with respect to the direct extension connection or "drop" system is unnecessary and this reaffirmation of the system shall become effective upon issuance.

Done at Washington, D.C., this 19th day of April 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6301 Filed 4-24-72;8:50 am]

Farmers Home Administration

STATE ADVISORY COMMITTEES

Establishment

In accordance with established policies and delegated authorities of the Farmers Home Administration (FHA), Advisory Committees have been established for each State for the purpose of assisting in the coordination of communications regarding the many programs between FHA and the community. Where two or more States are under the jurisdiction of one State Director, the State Director may apply to the Administrator for permission to establish one Committee for all of those States rather than a separate Committee for each State.

Composition. Each Committee will be composed of five lay members from different geographical areas of the State(s), the Dean of the College of Agriculture and/or Director of Extension Service who will serve as ex officio members, and such other ex officio members as may be appointed by the Administrator. Variations in the number or composition of the Committees require the prior approval of the FHA Administrator. All Committee members should be individuals who are interested in the FHA's objective of strengthening family farms, developing strong rural communities, and eliminating rural poverty. One of the five lay Committee members should be actively engaged in farming. One should be a person with experience in agricultural financing. The other three lay Committee members should be individuals interested in the broad spectrum of our programs, particularly in rural housing and community development.

Functions. The functions of the State Advisory Committees will be:

1. To advise the State Director with respect to adapting broad national FHA policies to local conditions in the respective States, and to submit recommendations that may be helpful in shaping the future program of the FHA.

2. To consider the problems and advise the State Director concerning agricultural credit and other needs of operators of family-type farms, the needs of rural residents and of rural communities in the State, and to suggest ways for the FHA to meet these needs more effectively.

3. To inform the State Director and the Administrator of the Committeemen's reactions, and of the reactions of the public in general, to the FHA program.

4. To assist in coordinating the FHA program with the activities and programs of other agencies operating in the field of agriculture in the State.

5. To advise the State Director regarding the need for emergency credit in the State.

Eligibility. The eligibility requirements set forth below will be adhered to strictly in the selection of State Committeemen, and any Committeeman who, subsequent to appointment, does not meet such requirements will become immediately ineligible to serve as such Committeeman.

1. No FHA borrower, nor the wife or husband of a borrower, is eligible for appointment as a member of a State Advisory Committee if he or she is currently indebted to the Government by virtue of an FHA loan, an FHA insured loan, or a loan secured through the Farm Security Administration, the Emergency Crop and Feed Loan Division of the Farm Credit Administration, or the Regional Agricultural Credit Corporation.

2. Persons who perform any of the following functions or services for an FHA-financed association or organization are not eligible for appointment if they are to continue to perform such functions or services after appointment: Serve as officials; perform any administrative or employee function with respect to any phase of the business; and perform clerical services, maintain financial or other records, prepare financial reports, or develop operating budgets. In addition, persons who are members of grazing associations unincorporated Economic Opportunity Cooperatives, or of insured rental housing and closely held labor housing organizations are not eligible for appointment.

3. Members must meet the legal and regulatory requirements for appointment and service in the Federal Government. In this connection the State Director determines that the nominee meets the citizenship requirements for Federal employment; his appointment will not be in violation of the dual pay and employment provisions of sections 5531–5537 of title 5, United States Code; and that his appointment will not be in violation of the laws and Executive orders regarding political activity and the holding of State or local office.

4. It is also the State Director's responsibility to make the determination that the nominee's appointment would be clearly consistent with national security. National security is defined as the protection and preservation of the military, economic, and productive strength of the United States, including the security of the Government in domestic and foreign affairs, against or from espionage, sabotage, and subversion, and any and all other illegal acts designed or tending to weaken or destroy the United States. Such determinations will be accomplished by adequate verbal inquiry of reliable local sources. State Directors will observe the criteria given in the FPM, Chapter 732, Subchapter 2, in making an evaluation relative to the character, reputation, and activities of the nominee. His determination will be evidenced by adding the following certification to each recommendation for appointment on Standard Form 52, "Request for Personnel Action":

Based on the information which I have received in answer to verbal inquiries the appointment of the nominee will be clearly consistent with the interests of the National security.

5. The State Director determines further that he has not been separated from the Federal Service under Public Law 733, 81st Congress, now sections 7531–7533 of title 5, United States Code. In making this determination, it is well to remember that only a person separated after August 26, 1950, need be questioned, and any exception to this requirement must be requested from the National Office in writing, giving complete information regarding the separation of the employee for approval by the Civil Service Commission as required by FPM Chapter 732, Subchapter 1.

Dated: April 3, 1972.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.72-6300 Filed 4-24-72;8:50 am]

Forest Service

MULTIPLE-USE PLAN—SNYDER HILL PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a Multiple-Use Plan—Snyder Hill Planning Unit, USDA–FS–DES(Adm) 72–30.

The environmental statement concerns a proposal to manage a 6,500 acre existing roadless area for the timber, wildlife, esthetic, and research values, with limited road construction and timber management activities.

This draft environmental statement was filed with CEQ on April 14, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agricultural Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.

Colville National Forest, Federal Building, Colville, Wash. 99114.

A limited number of single copies are available upon request to Robert A. Smart, Forest Supervisor, U.S. Forest Service, Colville National Forest, Federal Building, Colville, Wash. 99114.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Robert A. Smart, U.S. Forest Service, Colville National Forest, Federal Building, Colville, Wash. 99114. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

APRIL 19, 1972.

[FR Doc.72-6273 Filed 4-24-72;8:47 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-169]

DEPUTY REGIONAL ADMINISTRATOR ET AL.

Designation To Act as Acting Regional Administrator, Region II

The officials appointed to the following listed positions in Region II (New York) are hereby designated to serve as Acting Regional Administrator, Region II (New York), during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator: *Provided*, That no official is authorized to serve as Acting Regional Administrator unless all other officials whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Assistant Regional Administrator for Administration.
3. Assistant Regional Administrator for Housing Management.
4. Assistant Regional Administrator for Community Development.
5. Assistant Regional Administrator for Equal Opportunity.
6. Assistant Regional Administrator for Housing Production and Mortgage Credit.
7. Assistant Regional Administrator for Community Planning and Management.
8. Regional Counsel.

This designation supersedes the designation effective March 2, 1971 (36 F.R. 7026, April 13, 1971).

(Redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: This designation shall be effective upon publication in the FEDERAL REGISTER (4–25–72).

S. WILLIAM GREEN,
Regional Administrator,
Region II.

[FR Doc.72-6307 Filed 4-24-72;8:50 am]

[Docket No. D-72-170]

ASSISTANT REGIONAL ADMINISTRATOR FOR ADMINISTRATION ET AL.

Designation To Act as Acting Regional Administrator, Region X

The officers appointed to the following listed positions in Region X (Seattle) are hereby designated to serve as Acting Regional Administrator, Region X, during the absence of the Regional Administrator and the Deputy Regional Administrator Region X, with all the powers, functions, and duties delegated or assigned to the Regional Administrator: *Provided*, That no officer is authorized to serve as Acting Regional Administrator, Region X, unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Assistant Regional Administrator for Administration.
2. Assistant Regional Administrator for Community Planning and Management.
3. Assistant Regional Administrator for Community Development.
4. Regional Counsel.

(This designation supersedes the designation published at 36 F.R. 11530, June 15, 1971)

Effective as of the 25th day of July 1971.

OSCAR PEDERSON,
Regional Administrator,
Region X (Seattle).

[FR Doc.72-6306 Filed 4-24-72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 40-8102]

HUMBLE OIL & REFINING CO.

Notice of Availability of Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR Part 50, Appendix D, notice is hereby given that a draft detailed statement dated April 5, 1972, on the environmental considerations related to the proposed issuance of a license for the Highland Uranium Mill located in Converse County, Wyo., has been prepared and has been made available for public inspection in the Commission's Public Document at 1717 H Street NW., Washington, DC, and in the Converse County Library, Douglas, Wyo. 82633. The draft detailed statement is also being made available to the public at the Wyoming State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo.

A notice was published in the FEDERAL REGISTER on November 5, 1971 (36 F.R. 21298), concerning the availability of Humble Oil & Refining Co.'s environmental report for public inspection at the above designated locations. Notice of availability of the supplemental report was published in the FEDERAL REGISTER March 11, 1972 (37 F.R. 5265). These reports have been analyzed by the Commission's Division of Materials Licensing in the preparation of the draft detailed statement.

Copies of the Commission's draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within seventy-five (75) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the draft detailed statement for the Commission's consideration. Federal agencies and State and local officials are being provided with copies of the draft detailed statement. Such comments as may be received from Federal agencies and State and local officials will be made available for public inspection at the above designated locations. Members of the public should address comments on the draft detailed statement to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Materials Licensing.

Dated at Bethesda, Md., this 18th day of April 1972.

For the Atomic Energy Commission.
C. T. EDWARDS,
Assistant to the Director,
Division of Materials Licensing.

[FR Doc.72-6250 Filed 4-24-72;8:45 am]

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[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Convening Evidentiary Hearing on May 17, 1972

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station Unit No. 2), Docket No. 50-247.

At an evidentiary session of hearings convened on April 5, 1972, the Atomic Safety and Licensing Board, in accordance with the rules of practice inquired concerning the convenience of all participants for the next session of evidentiary hearings. This was determined to be May 17, 1972, and the Board announced that a formal order would be issued for that date.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that an evidentiary session of hearings in this proceeding shall convene at 9:30 a.m. on Wednesday, May 17, 1972, in the all-purpose room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, NY.

Issued: April 18, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-6260 Filed 4-24-72;8:46 am]

[Dockets Nos. 50-329A, 50-330A]

CONSUMER POWER CO.

Notice and Order for Prehearing Conference

In the matter of Consumer Power Co. (Midland Plant, Units 1 and 2).

Take notice, that pursuant to the Atomic Energy Commission's Notice of Antitrust Hearing, published in the FEDERAL REGISTER (37 F.R. 7726, April 19, 1972), and in accordance with said Commission's rules of practice, a prehearing conference will be held in the subject proceeding on May 25, 1972, at 10 a.m., in Courtroom No. 1, U.S. Tax Court, 1111 Constitution Avenue NW., Washington, DC 20044.

The Attorneys for the respective parties are hereby directed to:

1. Confer in advance of the prehearing conference and to report to the Atomic Safety and Licensing Board (Board) at the time of the conference on the prospect of settlement.

2. Submit to the Board the following:

(a) A written stipulation or statement of the uncontested facts.

(b) A written statement which shall contain, under proper topical heading, the following: A concise summary of the essential facts; and a recital of the contested issues of fact and law.

(c) A written statement regarding the nature and scope of discovery required to be undertaken, indicating the length of time required for completion of such discovery.

(d) Written exhibits and printed documents which will be offered in evidence at the formal hearing of this proceeding.

(e) The names and addresses of prospective witnesses.

The prehearing conference can be more expeditiously conducted if the attorneys for the respective parties wil, prior to the conference, exchange the written statements required under subdivision 2(b) cited above, and permit inspection of exhibits and documents to be submitted as required under subdivision 2(d) above.

At the prehearing conference, this Board will consider:

1. Preliminary motions addressed to:

(a) Any jurisdictional question.

(b) The letter of advice of the Assistant Attorney General, dated June 28, 1971.

(c) Any other matter relevant to the proceeding.

2. The simplification of issues.

3. The extent of discovery that will be required.

4. The identity of known witnesses, including expert witnesses.

5. The desirability of trial briefs.

6. The prospect of settlement.

7. Estimated time to be required by the parties for the actual presentation of their case.

8. Such other matters as may aid in the disposition of the instant proceeding.

In addition, at the instant prehearing conference, the Board will hear oral argument on the petitions to intervene filed in this matter. The petitioners, as well as the parties, will be permitted to be heard in this regard.

Each party shall be represented at the prehearing conference by the attorney who expects to present the case at the formal hearing.

Issued: April 19, 1972, Washington, D.C.

By order of the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-6261 Filed 4-24-72;8:46 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Convening and Designating Place for Hearing

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station).

On March 30, 1972, the Atomic Safety and Licensing Board, after consultation with attorneys for the parties as to their readiness to proceed with presentation of evidence, issued an order canceling the evidentiary session scheduled for April 10, 1972, and setting the next session of evidentiary hearing in the above proceeding to convene at 2:30 p.m. on Tuesday, May 30, 1972, in Brattleboro, Vt., at a location therein to be later designated by order.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the next evidentiary session of hearings in this proceeding shall convene at 2:30 p.m. on Tuesday, May 30, 1972, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, Vt.

Issued: April 19, 1972, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.72-6262 Filed 4-24-72;8:46 am]

[Dockets Nos. 50-275, 50-323]

PACIFIC GAS AND ELECTRIC CO.

Notice of Hearing on Suspension of Construction Activities Authorized Pending Completion of NEPA Environmental Review

In the matter of Pacific Gas and Electric Co. (Diablo Canyon Nuclear Power Plant, Units 1 and 2), Dockets Nos. 50-275, 50-323.

On December 7, 1971, the Director of Regulation of the Atomic Energy Commission published in the FEDERAL REGISTER, 36 F.R. 23265, pursuant to 10 CFR Part 50, Appendix D, section E, a determination with certain exceptions, not to suspend construction activities at the Diablo Canyon Nuclear Power Plant, Units 1 and 2, pending completion of an environmental review under the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), 10 CFR Part 50, Appendix D.[1] A request for a hearing was filed on December 30, 1971, by the Scenic Shoreline Preservation Conference, Inc. (petitioner).

Upon analysis of the request and the responses filed by the Regulatory Staff and the Pacific Gas and Electric Co. (licensee), it has been determined by memorandum and order dated April 21, 1972, that a hearing is warranted and that a hearing will be held. Accordingly, pursuant to 10 CFR Part 50, Appendix D, section E.4(b) and § 2.703 of the Commission's "Rules of Practice," 10 CFR Part 2, notice is hereby given that a hearing will be held at a time and place to be announced by the Atomic Safety and Licensing Board specified below, and published in the FEDERAL REGISTER.

The issue to be considered at the hearing will be whether the activities under the construction permits for the Diablo Canyon Nuclear Power Plant, Units 1 and 2, should be suspended pending completion of the NEPA environmental review. In resolving that issue, the following criteria should be considered and balanced:

Criteria. (a) Whether it is likely that continued construction during the review

[1] Construction of these units is authorized by Construction Permits Nos. CPPR-39 and CPPR-69.

period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of the permit or license result from the ongoing NEPA review.

(b) Whether continued construction during the prospective review period would foreclose subsequent adoption of alternatives in facility design or operation of the type that could result from the ongoing NEPA environmental review.

(c) The effect of delay in facility construction or operation upon the public interest. Of primary importance under this criterion are the power needs to be served by the facility; the availability of alternative sources, if any, to meet those needs on a timely basis; and delay costs to the licensee and to consumers.

(d) In the context of balancing environmental harm and economic cost of abandonment, a paramount consideration shall be whether the commitment of substantial financial resources, in proceeding with construction pending completion of the NEPA review, might affect the eventual decision reached on that review; and, if so, the degree to which such an effect might occur.[1]

The Licensing Board shall render a de novo decision based upon the criteria above. The burden of proof shall be upon the licensees.

For purposes of this proceeding, on the question whether activities under the construction permits should be suspended pending completion of NEPA review, the parties shall be the licensee, the Regulatory Staff, and the petitioner. An answer shall be filed by the licensee within 3 days of the date of publication of this notice following 10 CFR § 2.705 to the extent appropriate. A reply to an answer may be filed within 3 days after it is served.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

A copy of the Director of Regulation's determination and the accompanying staff discussion and findings are available for inspection by members of the public in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of those documents are also available at the San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, CA, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

We direct that all matters involving the above question be concluded with utmost expedition so that final decision will be reached within 60 days of publication of this notice. For these purposes, the proceeding shall be conducted under the following requirements:

1. The hearing will be held before an Atomic Safety and Licensing Board (Licensing Board) composed of the following members: Dr. Franklin C. Daiber, Dr. M. Stanley Livingston, and Michael Glaser, Esq., Chairman. Pursuant to 10 CFR § 2.785(a)(1), the Commission hereby delegates to the Atomic Safety and Licensing Appeal Board (Appeal Board) the authority and the review function which would otherwise be exercised and performed by the Commission. The Appeal Board shall be composed of the following members: Dr. John H. Buck, Dr. Lawrence R. Quarles, and Algie A. Wells, Esq., Chairman.

2. The Licensing Board shall render its initial decision within 40 days from the date of publication of this notice. In order to meet this schedule, the Licensing Board shall conduct the hearing as soon as possible.

3. The Licensing Board's initial decision shall constitute the final decision of the Commission unless exceptions are filed within 5 days after its date or unless, within the same time period, the Appeal Board or Commission directs that the record be certified to it for final decision.

Insofar as this notice and these requirements reflect shortening of time periods otherwise prescribed in 10 CFR Part 2, we find good cause for such action under 10 CFR § 2.711 and 10 CFR Part 50, Appendix D, section E.4(c). We further note that the authority of 10 CFR § 2.711 also extends to the Licensing Board.

Dated: April 21, 1972.

By the Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.72-6407 Filed 4-24-72;10:42 am]

[1] See Coalition for Safe Nuclear Power et al. v. U.S.A.E.C., D.C. Cir., No. 71-1396.

CIVIL AERONAUTICS BOARD

[Docket Nos. 24353, 24374; Order 72-4-101]

EASTERN AIR LINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of April 1972.

U.S. Mainland-Puerto Rico/Virgin Islands Fares, Docket 24353, San Juan/Virgin Islands-Florida excursion fares proposed by Eastern Air Lines, Inc., Docket 24374.

By tariff revisions[1] marked to become effective April 23, 1972, Eastern Air Lines, Inc. (Eastern) proposes to establish round-trip excursion fares from San Juan, St. Croix, and St. Thomas to Daytona Beach, Kennedy Space Center, Melbourne, Orlando, and Tampa, and return. The round-trip fares are $139 from St. Croix or St. Thomas (with a stopover permitted at San Juan, Miami or Ft. Lauderdale) and $126 from San Juan (with a stopover permitted at Miami or Ft. Lauderdale). The fares are subject to a 3-day minimum and 21-day maximum stay in Florida, and are marked to expire December 15, 1972.

In support of its proposal, Eastern states that the significant increase in travel from Caribbean points to the Disney World area experienced during the fourth quarter of 1971, indicates that the excursion fares will be financially successful. It expects to generate at least 2,100 passengers and to realize a net contribution to profit of approximately $122,000.

Pan American World Airways, Inc. (Pan American) has filed a complaint against the proposal requesting its suspension and investigation. Pan American alleges that Eastern has failed to demonstrate that the markets involved, already highly stimulated by the opening of Disney World, require fare reductions of the magnitude proposed. It further alleges that Eastern has significantly overestimated traffic generation (40 percent) and understated traffic diversion (60 percent)—particularly in light of the potential diversion of traffic currently destined for Miami.

Eastern answers that it is precisely because the Disney World area is a prime attraction that the fares will encourage family travel. It alleges that its success with other circle-trip excursion fares, identical in principle to the instant proposal and at levels comparable to those here proposed, supports its generation/diversion estimate. Finally, the carrier alleges that the truly price conscious passenger could use existing fares which are lower than the fares in the instant filing if he desired to travel only to Miami.

Eastern's proposal to establish round-trip excursion fares from Puerto Rico and the U.S. Virgin Islands to points in Florida and return comes within the scope of the investigation of mainland-U.S.-Puerto Rico/Virgin Island fares in Docket 24353, and its lawfulness will be determined in that proceeding. The question then is whether to permit the proposal to become effective, or to suspend it pending investigation. Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant suspension, and the request therefor will be denied and the complaint dismissed.

On the basis of Eastern's experience with similar types of excursion fares, we have no reason to conclude that the 40-percent generation estimated in connection with the fares here involved is unreasonable. Moreover, the minimum/maximum stay requirement and directional nature of the fares should reduce the potential for diversion. Finally, the discounts involved (19 to 25 percent) are not out of line with existing excursion fares in other markets.

[1] Revisions to Eastern Air Lines, Inc. Tariff C.A.B. No. 326.

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Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. The complaint of Pan American World Airways, Inc., in Docket 24374 is dismissed; and

2. A copy of this order be served upon Eastern Air Lines, Inc., and Pan American World Airways, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6292 Filed 4-24-72;8:50 am]

[Docket No. 23486; Order 72-4-74]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority April 14, 1972.

By Order 72-3-108, dated March 30, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by Joint Conference 1-2 of the International Air Transport Association (IATA). The agreement relates to the sale in foreign currencies of winter group inclusive tour (GIT) fares during the month of April.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 72-3-108 will herein be made final.

Accordingly, it is ordered, That

Agreement C.A.B. 22990 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6291 Filed 4-24-72;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Application

On January 8, 1972, the Administrator of the Environmental Protection Agency, by notice published in the FEDERAL REGISTER (37 F.R. 302), called a public hearing pursuant to section 209(b) of the Clean Air Act, as amended (42 U.S.C. 1857 f-6a(a), 81 Stat. 501, Public Law 91-604), concerning the request by the State of California that the Administrator waive application of the prohibitions of section 209(a) to the State of California with respect to State emission standards applicable to 1973 through 1976 model year gasoline powered motor vehicles under 6,001 pounds g.v.w. section 209(b) requires the Administrator to grant such waiver, after public hearing, unless he finds that the State of California does not require standards more stringent than applicable Federal standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Clean Air Act, as amended.

The public hearing was held in Los Angeles, Calif., on February 8, 1972. The record of the public hearing was kept open until February 23, 1971, for the submission of written material, data or arguments by interested persons.

Having given due consideration to the record of the public hearing, all material submitted for that record, and other relevant information, I find that:

1. The State of California had, prior to March 30, 1966, adopted standards (other than crankcase emission standards) for the control of emissions from new motor vehicles and new motor vehicle engines;

2. The State of California requires standards more stringent than applicable Federal Standards to meet compelling and extraordinary conditions;

3. The California State emission standards applicable to 1973 and 1974 model year light-duty vehicles, when considered as a total regulatory program including related assembly-line testing and enforcement procedures, are more stringent than the applicable Federal standards, are required to meet California's compelling and extraordinary conditions, and are consistent with section 202(a) of the Clean Air Act, as amended, except that application of the 1973 standards to off-road utility vehicles manufactured during the 1973 model year does not give manufacturers of such vehicles the period of time necessary to develop and apply the requisite technology.

4. The request that the Administrator waive application of the prohibitions of section 209(a) with respect to the California State emission standards applicable to 1975 model year light-duty vehicles should be held under consideration pending development of additional information by the Environmental Protection Agency.

5. The request that the Administrator waive application of the prohibitions of section 209(a) with respect to the California State emission standards applicable to 1976 model year light-duty vehicles was withdrawn by the State of California at the public hearing.

Therefore, I hereby waive the application of section 209(a) to the State of California with respect to the following identified State standards and test procedures:

1. Provisions of title 13, California Administrative Code (as amended September 15, 1971):

(a) Section 1946 (Exhaust emission standards for 1973 through 1976 model vehicles under 6,001 pounds gross vehicle weight), insofar as applicable to the 1973 and 1974 model-years only;

(b) Section 2109(1) (test procedures), insofar as applicable to the 1973 and 1974 model-years only;

(c) Section 2208(e) (test procedures), insofar as applicable to the 1973 and 1974 model-year only.

2. California Exhaust Emission standards and Test Procedures for 1973 through 1976 Models Gasoline-Powered Motor Vehicles under 6001 pounds gross vehicle weight, adopted by the Air Resources Board, September 15, 1971. *Provided,* That due to considerations of lead-time and technological feasibility, this waiver for such standards and procedures shall not become applicable with respect to emissions from 1973 model off-road utility vehicles (as defined at 45 CFR 85.1(a)(8), 36 F.R. 22449) unless provision is made for calculating emissions equivalent to that provided at 45 CFR 85.87(b), 37 F.R. 671.

This waiver is applicable only with respect to the model years specified above as defined in the applicable test procedures.

Certified copies of the above standards and procedures are available for inspection at Office of the Director, Mobile Source Enforcement Division, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Copies of the standards and procedures may be obtained from the California Air Resources Board, 4321 South San Pedro Street, Los Angeles, CA 90013 or 1025 P Street, Sacramento, CA 95814.

Dated: April 19, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-6259 Filed 4-24-72;8:46 am]

ORYZALIN

Notice of Establishment of Temporary Tolerance

Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, submitted a petition (2G1201) requesting establishment of a temporary tolerance for negligible residues of the herbicide oryzalin (3,5-dinitro-*N*⁴,*N*⁴-dipropylsulfanilamide) in or on the raw agricultural commodity soybeans at 0.1 part per million.

It has been determined that a temporary tolerance of 0.1 part per million for negligible residues of the herbicide in or on soybeans is safe and will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurcurently by the Environmental Protection Agency and which provides for distribution under the Elanco Products Co. name.

This temporary tolerance expires April 19, 1973.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 19, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6251 Filed 4-24-72;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC MARITIME ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:
Mr. Edward D. Ransom, Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. T-2591-1, between the members of the Pacific Maritime Association (PMA), modifies the basic agreement, which provides for the creation of a maritime collective bargaining employers association. The purpose of the modification is to conform the membership requirements contained in the bylaws of the PMA to provisions in the recently negotiated collective bargaining agreement between the PMA and the International Longshoremen and Warehousemen's Union which includes references to container freight stations (CFS) and operations of CFS within the port area CFS zones.

Dated: April 19, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6294 Filed 4-24-72;8:49 am]

[Independent Ocean Freight Forwarder License 1373]

FIRM OF JUAN B. FIGUEROA

Order of Revocation

Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa, Post Office Box 2826, Old San Juan, PR 00903, wishes to submit its Independent Ocean Freight Forwarder License No. 1373 for voluntary revocation, provided that License No. 599, a license number once held by Juan B. Figueroa, doing business as The Firm of Juan B. Figueroa, be reactivated and assigned to Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/29/70);

It is ordered, That the Independent Ocean Freight Forwarder License No. 1373 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa be and is hereby revoked effective May 1, 1972, and that FMC License No. 599, be reissued effective May 1, 1972, in the name of Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Rigoberto Figueroa, doing business as The Firm of Juan B. Figueroa.

AARON W. REESE,
Managing Director.

[FR Doc.72-6295 Filed 4-24-72;8:49 am]

R. J. SAUNDERS, INC., ET AL.

Independent Ocean Freight Forwarder License; Listing of Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

R. J. Saunders, Inc., 1 World Trade Center, New York, NY 10048.

Officers and Directors:

William R. Casey, Chairman.
George F. Busha, President and Director.
August Priemer, Corporation Director.
Herbert J. Knox, Director of Export.

Natco International, Ltd., 2185 Lemoine Avenue, Fort Lee, NJ 07024.

Officers:

Allen F. Herman, Vice President.
Alan H. Galer, President-Treasurer.
Neddie Herman, Secretary.

Gavel Forwarding Corp., 336 Northern Boulevard, Great Neck, NY 11022.

Officers:

John R. Gavel, President-Treasurer.
Esther N. Gavel, Secretary.

Dated: April 19, 1972.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-6297 Filed 4-24-72;8:49 am]

[Docket No. 72-15]

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE

Order of Investigation Regarding Rates, Practices, Rules and Regulations Relating to Movement of Heavy Lift Cargo

The North Atlantic Mediterranean Freight Conference (Med-Conference) is a group of common carriers operating under Commission-approved Agreement No. 9548 in the trade from North Atlantic ports in the North Atlantic Hampton Roads/Eastport, Maine Range to all ports served on the Mediterranean Sea (except Spanish and Israeli ports), on the Sea of Marmara and Black Sea, and on the Atlantic Coast of Morocco. The Med-Conference currently has on file with the Commission Freight Tariff FMC-3, which sets forth the rates, charges, rules and regulations of the member lines for ocean transportation of freight in the trades covered by Agreement No. 9548.

Rule 27 of the Med-Conference tariff provides for the assessment of extra charges to be added to the regular tariff rates on heavy lift cargo. Rule 30-A(VII) and Rule 30-VI of the tariff require assessment of heavy-lift charges to any single piece or package within a container if such piece or package exceeds the weights set forth in Rule 27.

Whereas the Conference membership formerly consisted only of carriers operating conventional break bulk vessels for which the heavy lift scale was originally constructed, the membership has now changed to include carriers operating a mix of conventional vessels, Roll-On/Roll-Off and container line vessels.

While the advanced design and technology incorporated in the Roll-On/Roll-Off and container line vessel permit the loading and discharging of heavy lift cargo with significant economic benefit to the operator, the Conference has refused to amend Rule 27, Rule 30-A(VII) or Rule 30-VI to reflect rate allowances related to the carriers' actual expense. In lieu thereof, the heavy lift charges appear to be predicated upon the conventional vessel operator's costs.

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Furthermore, despite the fact that heavy lift services and expenses originally envisaged by Rule 27 may be significantly reduced or eliminated in the operation of vessels having container and roll-on/roll-off cargo handling capability, the Rule has not been modified except to the extent that equivalent charges designated as "positioning, lashing, and securing" are now applied against cargo moving on roll-on/roll-off vessels. Since the transportation of cargo which is rolled on and off a vessel does not involve a mechanical lifting operation by special vessel rigging or shoreside crane, the propriety of assessing a heavy lift or equivalent charge on such cargo is doubtful as is the assessment of heavy lift charges on containerized cargo moving on a house-to-house basis where the carrier is not required to handle the cargo separately. Indeed the application of Rule 27 as modified and Rules 30–A(VII) and 30–VI appears to result in the assessment of charges for which no services are performed or if services are performed, at levels which are not related to carriers' actual expense.

The application of Rule 27 as modified may also be unfair to the particular carrier members of the Conference who operate containerized and roll-on/roll-off vessels and their shippers in that such carriers are not permitted to relieve cargo of expenses which are not incurred in their particular modes of operation. Furthermore, Rule 27 may otherwise be contrary to the public interest, detrimental to the commerce of the United States, unjustly discriminatory or unreasonably prejudicial in violation of law.

Now, therefore, it is ordered, Pursuant to sections 22, 15, 16, 17, and 18(b)(5), that an investigation be instituted to determine whether the provisions of the Med-Conference tariff related to heavy lift cargoes violate the Shipping Act, 1916, because they: (1) Constitute unjust discrimination or unfair treatment as between carriers, shippers, exporters, or otherwise operate to the detriment of the commerce of the United States or are contrary to the public interest in violation of section 15 of the Act. (2) Make or give an undue or unreasonable advantage to any particular person, locality or description of traffic in any respect whatsoever, or subject any particular person, locality or description of traffic to any undue prejudice or disadvantage in any respect whatsoever in violation of section 16 First. (3) Result in charging or collecting rates or charges which are unjustly discriminatory between shippers contrary to section 17. (4) Result in rates or charges so unreasonably high or low as to be detrimental to the commerce of the United States contrary to section 18(b)(5).

It is further ordered, That in the event the rates, practices, rules or regulations of the Med-Conference as they concern charges for heavy lift shipments are found to violate the provisions of the Shipping Act, 1916, the investigation shall determine what action would best ameliorate the condition. In such event consideration should be given but not limited to the possibility of withdrawing from the Med-Conference its authority over rates governing the movement of heavy lift cargo by requiring that such rates be declared "open" or that Agreement 9548 be otherwise appropriately modified.

It is further ordered, That the North Atlantic Mediterranean Freight Conference and its member lines, as set forth in Appendix "A" hereto, be named as respondents in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That: (I) A copy of this order shall forthwith be served on the respondents herein; (II) the said respondents be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of hearing be served upon respondents;

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72);

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

RESPONDENTS

Mr. D. M. McNeil, Chairman, North Atlantic Mediterranean Freight Conference, 17 Battery Place, New York, NY 10004.
American Export Isbrandtsen Lines, Inc., 26 Broadway, New York, NY 10004.
Atlantica S.p.A., Via E. De Amicis No. 2, 16122 Genoa, Italy.
Concordia Line, Christian Haaland, Managing Owners, Haugesund, Norway.
Constellation Line, GCC Shipping Co., Ltd., 53 Filinos Street, Piraeus, Greece.
Hellenic Lines, Hellenic Lines Limited of Piraeus, Greece, Akti Miaouli, Piraeus, Greece.
Italian Line, "Italia"—Societa Per Azioni Di Navigazione of Genoa, Piazza De Ferrari 1, Genoa, Italy.
Prudential-Grace Lines, Inc., 3 Hanover Square, New York, NY 10004.
Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, NJ 07207.
Torm Lines, Dampskibsselskabet Torm A/S, Holmens Kanal 42, Copenhagen, Denmark.
Zim Israel Navigation Co., Limited, 7–9 Ha'atsmaut Road, Haifa, Israel.

[FR Doc.72–6293 Filed 4–24–72;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. RI72–203 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 14, 1972.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date suspended until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until dipsosition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
R172-203..	Atlantic Richfield Co.	178	[18]	El Paso Natural Gas Co. (Aztec, Ballard, and South Blanco Fields, San Juan County, N. Mex., (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	178	9	do	$3,872	3-17-72		9-17-72	[8] 15.2869	[3] 22.0	R169-381.
					(4)	3-17-72		9-17-72	[8] 15.2869	[3] 28.0	R169-381.
	do	179	[18]	El Paso Natural Gas Co. (Aztec and South Blanco Fields, San Juan County, N. Mex., (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	179	9	do	15,633	3-17-72		9-17-72	[8] 15.2869	[3] 22.0	R169-381.
					(4)	3-17-72		9-17-72	[8] 15.2869	[3] 28.0	R169-381.
	do	180	[14]	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo., San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	180	15	do	57,716	3-17-72		9-17-72	[8] 15.0	[3] 22.0	R169-288.
					(4)	3-17-72		9-17-72	[8] 15.0	[3] 28.0	R169-288.
	do	249	[17]	El Paso Natural Gas Co. (Fulcher Kutz Field, San Juan County, N. Mex., San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	249	8	do	472	3-17-72		9-17-72	13.2501	[3] 22.0	R169-286.
					(4)	3-17-72		9-17-72	13.2501	[3] 28.0	
	do	251	[19]	El Paso Natural Gas Co. (Fulcher Kntz Field, San Juan County, N. Mex.) (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	251	10	do	(4)	3-17-72		9-17-72	13.2501	[3] 22.0	R169-286.
					(4)	3-17-72		9-17-72	13.2501	[3] 28.0	R169-286.
	do	281	[18]	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin).		3-17-72	4-17-72	[12] Accepted			
	do	281	9	do	3,850	3-17-72		9-17-72	[8] 13.2501	[3] 22.0	R171-262.
					(4)	3-17-72		9-17-72	[8] 13.2501	[3] 28.0	R171-262.
					110,722	3-17-72		9-17-72	[7] 14.2693	[3] 22.0	R169-381.
					(4)	3-17-72		9-17-72	[7] 14.2693	[3] 28.0	
	do	293	[13]	do		3-17-72	4-17-72	[12] Accepted			
	do	293	4	do	5,126	3-17-72		9-17-72	14.0	[3] 22.0	R169-275.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	R169-275.
	do	301	[13]	El Paso Natural Gas Co. (San Juan Basin Area, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	301	4	El Paso Natural Gas Co. (San Juan Basin Area, N. Mex.).	154,320	3-17-72		9-17-72	14.0	[3] 22.0	R169-275.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	R169-275.
	do	306	[13]	El Paso Natural Gas Co. (San Juan Basin, Rio Arriba County, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	306	4	do	7,213	3-17-72		9-17-72	13.0	[3] 22.0	
					(4)	3-17-72		9-17-72	13.0	[3] 28.0	
	do	333	[18]	El Paso Natural Gas Co. (San Juan Basin, San Juan County, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	333	9	do	5,475	3-17-72		9-17-72	21.33	[3] 22.0	R172-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	R172-69.
	do	334	[17]	do		3-17-72	4-17-72	[12] Accepted			
	do	334	8	do	503	3-17-72		9-17-72	21.33	[3] 22.0	R172-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	R172-69.
	do	335	[17]	do		3-17-72	4-17-72	[12] Accepted			
	do	335	8	do	141	3-17-72		9-17-72	21.33	[3] 22.0	R172-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	R171-69.
Atlantic Richfield Co.		498	[16]	El Paso Natural Gas Co. (San Juan Basin, Rio Arriba and San Juan Counties, N. Mex.).		3-17-72	4-17-72	[12] Accepted			
	do	498	17	do	11,015	3-17-72		9-17-72	21.33	[3] 22.0	R172-69.
					(4)	3-17-72		9-17-72	21.33	[3] 28.0	R172-69.
	do	502	[16]	El Paso Natural Gas Co. (Blanco and San Juan Fields; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[12] Accepted			
	do	502	7	do	29	3-17-72		9-17-72	[8] 15.28856	[3] 22.0	R169-383.
					(4)	3-17-72		9-17-72	[8] 15.28856	[3] 28.0	R169-383.
	do	512	[13]	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[12] Accepted			
	do	512	4	do	59	3-17-72		9-17-72	[13] 2295	[3] 22.0	R164-107.
					(4)	3-17-72		9-17-72	[13] 2295	[3] 28.0	R164-107.
	do	513	[15]	El Paso Natural Gas Co. (Highway and North Farmington Fields; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[12] Accepted			
	do	513	6	do	13,693	3-17-72		9-17-72	[8] 15.2510	[3] 22.0	R169-383.
					(4)	3-17-72		9-17-72	[8] 15.2510	[3] 28.0	R169-383.

See footnotes at end of table.

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Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
	do	552	[1] 9	El Paso Natural Gas Co. (Basin Dakota Field; San Juan County N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[13] Accepted			
	do	552	10	do	132,169	3-17-72		9-17-72	14.0	[3] 22.0	RI70-1197.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI70-1197.
	do	580	[1] 2	El Paso Natural Gas Co., (Blanco Mesa Verde Field; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-71	4-17-72	[11] Accepted			
	do	580	3	do	690	3-17-72		9-17-72	14.0	[3] 22.0	RI68-383.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI68-383.
	do	[11] 638	[1] 1	El Paso Natural Gas Co., (San Juan Basin Area Field; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[11] Accepted			
	do	[11] 638	2	do	810	3-17-72		5-18-72	13.0	[3] 22.0	
					(4)	3-17-72		9-17-72	13.0	[3] 28.0	
RI72-204	Hondo Oil & Gas Co	2	[1] 2	El Paso Natural Gas Co. (La Plata County, Colo.)(San Juan Basin Area).		3-17-72	4-17-72	[11] Accepted			
	do	2	3	do	[10]	3-17-72		9-17-72	12.0	[3] 22.0	
					(4)	3-17-72		9-17-72	12.0	[3] 28.0	
	do	4	[1] 2	El Paso Natural Gas Co. (Basin Dakota Field; San Juan County, N. Mex.) (San Juan Basin Area).		3-17-72	4-17-72	[11] Accepted			
	do	4	[1] 3	do	1,600	3-17-72		9-17-72	14.0	[3] 22.0	RI69-269.
					(4)	3-17-72		9-17-72	14.0	[3] 28.0	RI69-269.
RI72-205	Atlantic Richfield Co	499	3	El Paso Natural Gas Co. (San Juan Basin Area, La Plata County, Colo.).		3-17-72	4-17-72	[12] Accepted			
	do	499	4	do	[10]	3-17-72		9-17-72	13.0	[3] 22.0	
					(4)	3-17-72		9-17-72	13.0	[3] 28.0	
RI72-206	Getty Oil Co	196	5	Transwestern Pipeline Co. (Bluitt-North (Wolfcamp) Field, Roosevelt County, N. Mex., Permian Basin).	603	3-17-72		[13] 5-18-72	[14] 18.0866	[14] 19.091	RI71-299.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Contract amendment.
[2] Applicable to gas production from wells completed prior to June 1 1970.
[3] Applicable to gas production from wells completed on or after June 1, 1970.
[4] No production at present.
[5] Includes 1-cent minimum guarantee for liquids.
[6] Pictured Cliff Formation.
[7] Mesa Verde Formation.
[8] Not used.
[9] Not used.
[10] No sales at present.
[11] Contract dated after Oct. 1, 1968.
[12] On one day after issuance of certificate, whichever is later.
[13] Accepted, 30 days after filing. These amendatory agreements among other things provide for the proposed prices.
[14] The pressure base is 14.65 p.s.i.a.

The proposed increase of Getty Oil Co. and one of the proposed increases contained in Supplement No. 2 to Atlantic Richfield Co.'s FPC Gas Rate Schedule No. 638 do not exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended herein for 1 day.[1]

The remaining proposed increases for sales to El Paso in San Juan Basin exceed the corresponding rate filing limitations imposed in Southern Louisiana and therefore are suspended for 5 months.

All of the producers' proposed rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(1)(3) of the Price Commission rules and regulations, 6 CFR Part 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1 et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No 423 (36 F.R. 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR Part 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued, adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.72-6175 Filed 4-24-72;8:45 am]

[1] Atlantic's increase relates to a contract dated on or after Oct. 1, 1968, and is within the ceiling for 1-day suspensions for such vintage gas.

[Docket No. CS71-1154 etc.]

EL PAM CO., INC., ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 13, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 8, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS71-1154	5-24-71	El Pam Co., Inc., 5900 Tramway Blvd. NE., Albuquerque, NM 87108.
CS71-1155	5-24-71	Horace F. McKay, Jr., 5900 Tramway Blvd. NE., Albuquerque, NM 87108.
CS72-905	3-28-72	Inter-American Petroleum Corp., Post Office Box 1707, Denver, CO 80201.
CS72-906	3-28-72	Rocario Production Co., 4411 First National Bank Bldg., Dallas, Tex. 75202.
CS72-907	3-24-72	Northland Resources Co., 152 Petroleum Center Bldg., Farmington, N. Mex. 87401.
CS72-908	3-29-72	Amarex Drilling Partnership No. A-3, 313 Hightower Bldg., Oklahoma City, Okla. 73102.
CS72-909	3-29-72	John N. Singletary, Globe Life Bldg., 311 West Sheridan, Oklahoma City, OK 73102.
CS72-910	3-29-72	Frances S. McMillin, 2813 First National Bldg., Oklahoma City, Okla. 73102.
CS72-911	3-27-72	Phil O'Neal, d.b.a. O'Neal Drilling, Post Office Box 12278, Oklahoma City, OK 73112.
CS72-912	3-24-72	Manana Gas, Inc., Post Office Box 11, Cochiti, NM 87041.
CS72-913	3-24-72	Louise P. Johnson et al., 604 Johnson Bldg., Shreveport, La. 71101.
CS72-914	3-27-72	Russell E. Richards and Mary Richards, Route 1, Harrisville, W. Va. 26362.
CS72-915	3-29-72	D. J. Pickrell, Post Office Box 82, Midland, TX 79701.
CS72-916	3-29-72	Dan H. Sebastian, Post Office Box 82, Midland, TX 79701.
CS72-917	3-30-72	Larry Bedford, Post Office Box E, Farmington, NM 87401.
CS72-918	3-30-72	Merigale Manziel Pyron, Post Office Box 3005, Station A, Tyler, TX 75701.
CS72-919	3-30-72	Southwestern Oil & Refining Co., Post Office Box 9217, Corpus Christi, TX 78408.
CS72-920	3-29-72	Chester Oil Co., 370f Rawlins, Suite 416, Dallas, TX 75219.
CS72-921	3-30-72	Mormac Oil & Gas Co., 1216 Guaranty Bank Plaza, Corpus Christi, Tex. 78401.
CS72-922	3-31-72	A. M. Rogers, Post Office Box 45, Odessa, TX 79760.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS72-923	3-31-72	Lynn Wisenbaker Price, c/o Price Wells, 8204 Elmbrook Dr., Suite 101, Dallas, TX 75247.
CS72-924	3-24-72	Edward M. Hartman, Post Office Box 11, Cochiti, NM 87041.
CS72-925	3-31-72	Wednesday Night Corp., 1012 Pere Marquette Bldg., New Orleans, La. 70112.
CS72-926	3-30-72	Staats, Inc., Post Office Box 3407, Enid, OK 73701.
CS72-927	4-3-72	Kalda Co., 300 City National Bldg., Wichita Falls, Tex. 76301.
CS72-928	4-3-72	J. E. Hill Estate, 3437 Overbrook Lane, Houston, TX 77027.
CS72-929	4-3-72	Roger C. Hanks, Post Office Box 82, Midland, TX 79701.
CS72-930	4-3-72	Paul D. Anderson, Post Office Box 136, Midland, TX 79701.
CS72-931	4-3-72	Warren D. Anderson, Post Office Box 136, Midland, TX 79701.
CS72-932	4-3-72	Payton V. Anderson, Post Office Box 136, Midland, TX 79701.
CS72-933	4-3-72	W. D. Anderson & Sons, Post Office Box 136, Midland, TX 79701.
CS72-934	4-3-72	Jack R. Hall, Post Office Box 1650, Lubbock, TX 79400.
CS72-935	4-3-72	Wood, McShane & Thams 602, Ltd., Post Office Box 82, Midland, TX 79701.
CS72-936	4-5-72	M. Robert Gallop, 245 Park Ave., New York, NY 10017.
CS72-937	4-5-72	Ran Ricks, Jr., 1606 First National Bldg., Oklahoma City, Okla. 73102.
CS72-938	3-31-72	Perry, Adams & Lewis Inc., 1012 Baltimore Ave., Kansas City, MO 64105.
CS72-939	3-30-72	Glen Dale Skinner, d.b.a. Skinner Energy & Development Co., 6509 Kingswood, Fort Worth, TX 76133.
CS72-940	4-5-72	Stewart A. Hoge, 313 Hightower Bldg., Oklahoma City, Okla. 73102.
CS72-941	4-5-72	Julius Karosen, 425 East Pico Blvd., Los Angeles, CA 90015.
CS72-942	4-6-72	Virginia M. Bailey and Joseph G. Mitchell, 825 Pyramid Life Bldg., Little Rock, Ark. 72201.

[FR Doc.72-6176 Filed 4-24-72;8:45 am]

[Docket No. E-7701]

MISSOURI POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

APRIL 21, 1972.

Take notice that Missouri Power & Light Co. on March 28, 1972, tendered for filing proposed changes in its Rate Schedule: F.P.C. No. 33. The proposed changes would increase by 6 percent the rates charged to customers under FPC Rate Schedule No. 33. The proposed rate change is described in the company's transmittal letter as follows:

In 1971, I.S. rate was increased approximately 6 percent, permitted by two orders handed down by the Missouri Public Service Commission referred to in III(A) and III(B). This 6 percent was applied uniformly to Missouri Power & Light Co. customers affected, namely residential, commercial and industrial.

Missouri Public Service Commission Order No. 868 dated July 27, 1971, provided for an interim increase of approximately 3.3 percent. This increase reflects the increased cost of purchased power from the applicant's major supplier, Union Electric Co., and is subject to refund pending final disposition of Docket No. E-7571 currently pending before the Federal Power Commission.

Missouri Public Service Commission Order No. 17,108 dated December 12, 1971, provided for an increase of approximately 2.7 percent. This increase reflects the outcome of rate case No. 17,108, which covered the test period July 1, 1969, through June 30, 1970. The order was delayed ninety (90) days by the price freeze and was officially put into effect December 23, 1971. Based on operations of the test period as adjusted by the Missouri Public Service Commission, the increase would allow a rate of return on common equity of approximately 11.95 percent.

The five municipalities, as all other I.S. customers were included in the rate case. Based on Missouri Public Service Commission's above findings, Missouri Power & Light Co. requests to increase Rate Schedule F.P.C. No. 33 by approximately 6 percent effective May 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6323 Filed 4-24-72;8:50 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Barnett Bank of North Jacksonville, Jacksonville, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6264 Filed 4-24-72;8:46 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Banks

First City Bancorporation of Texas, Inc., Houston, Tex., has applied in four

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separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by acquisition of assets and assumption of liabilities to each of the following banks:

(1) First State Bank of Clear Lake City, Clear Lake City, Tex.;

(2) Highland Village State Bank, Houston, Tex.;

(3) South Main Bank, Houston, Tex.; and

(4) Heights State Bank, Houston, Tex.

The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6265 Filed 4-24-72;8:47 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN EL SALVADOR

Entry or Withdrawal From Warehouse for Consumption

APRIL 21, 1972.

On April 19, 1972, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of El Salvador concerning exports of cotton textiles and cotton textile products from El Salvador to the United States over a 5-year period beginning on April 1, 1972. Among the provisions of the agreement were those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 1/2/3/4, 9, 31, and 61 for the first agreement year which began on April 1, 1972.

There is published below a letter of April 21, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61 produced or manufactured in El Salvador which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 1, 1972, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Previously, the Chairman of the President's Cabinet Textile Advisory Committee issued a directive, pursuant to Article 3 of the Long-Term Arrangement Regarding International Trade in Cotton Textiles, limiting imports of cotton textiles in Category 9 from El Salvador for the 12-month period beginning October 29, 1971. The letter published below also cancels and supersedes this directive.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 21, 1972.

DEAR MR. COMMISSIONER: This directive cancels and supersedes the directive issued to you on December 14, 1971 by the Chairman, President's Cabinet Textile Advisory Committee, regarding imports of cotton textiles in Category 9 produced or manufactured in El Salvador.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of April 19, 1972, between the Governments of the United States and El Salvador, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning April 1, 1972, and extending through March 31, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61, produced or manufactured in El Salvador, in excess of the following levels of restraint:

Category		12-month levels of restraint [1]
1/2/3/4	pounds	260,870
9	square yards	2,000,000
31	number	1,436,781
61	dozen	84,210

[1] These levels have not been adjusted to reflect any entries made on or after Apr. 1, 1972.

Cotton textiles and cotton textile products in the above categories produced or manufactured in El Salvador and which have been exported prior to April 1, 1972, shall not be subject to this directive.

Cotton textiles and cotton textile products in the above categories which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-6349 Filed 4-24-72;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY-6981]

AMERICAN TRUCK SERVICE CLUB, INC.

Order Temporarily Suspending Exemption, Statement of Reasons, and Notice of Opportunity for Hearing

APRIL 18, 1972.

I. American Truck Service Club, Inc. (ATSC), 26 Platt Street, New York, NY 10038, incorporated in the State of Delaware on May 1, 1968, filed with the Commission on November 20, 1969, a notification on Form 1-A and an offering circular relating to an offering of 50,000 units, consisting of one share of common stock and four warrants, at $6 per unit for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder.

Kenneth Bove & Co., Inc., a registered broker-dealer having its principal place of business in New York City, was named as underwriter. The offering was to be conducted on a "best efforts all or none" basis. The offering commenced on March 16, 1970, and according to the Form 2-A filed by ATSC was completed on April 2, 1970.

II. The Commission on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The notification and offering circular of ATSC contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading with respect to:

(1) The names of the actual promoters, affiliates and principal stockholders of ATSC;

(2) The criminal records of two of the affiliates and principal stockholders of ATSC;

(3) The sale of unregistered securities of ATSC by its affiliates;

(4) Liabilities of ATSC which arose as a result of loans made to ATSC by and on behalf of its control persons;

(5) The use of proceeds of its public offering to repay loans made to it by and on behalf of its controlling persons;

(6) The number of its shares owned by its principal stockholders; and

(7) The actual method of distribution for its offering pursuant to regulation A.

B. The regulation A exemption was not available to ATSC because Martin Clare, a promoter and affiliate of ATSC presently connected with it, has been convicted of a crime specified in Rule 252(d)(1) within 10 years of the filing of ATSC's notification.

C. The offering was made in violation of sections 5 and 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of the investors that the exemption of the issuer under regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion, may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6266 Filed 4-24-72;8:47 am]

[812-3091]

ISRAEL CORP. LTD.

Notice of Filing of Application Exempting Company or, in Alternative, for Order Declaring That Company Is Not an Investment Company

APRIL 18, 1972.

Notice is hereby given that the Israel Corporation Ltd. (Applicant), 9 Ahad Haam Street, Tel Aviv, Israel, a corporation organized under the laws of the State of Israel, has filed an application for an order pursuant to section 6(c) of the Investment Company Act of 1940 (Act) exempting it from all provisions of the Act or, in the alternative, pursuant to section 3(b)(2) of the Act declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicant was incorporated on August 29, 1968, in order to engage in business in Israel in industry, utilities, tourism, finance, agriculture and service related industries. In order to implement these purposes, the Applicant has raised and intends to continue to raise capital in many countries, including the United States. At least 80 percent of the capital of Applicant will be held by nonresidents of Israel and it is intended that its initial shareholders should be wealthy, sophisticated individuals.

The Applicant, under its prospectus dated June 5, 1969, has offered its securities to residents of the United States in units consisting of 100 Ordinary Shares, Series "A" (par value $1,000 per share) at a purchase price of $100,000 per unit, and has sold $7,300,000 of its Ordinary Shares, Series "A" to residents of the United States. The Applicant expects that its next series of shares will be offered in the United States and elsewhere during 1972 and said offering is expected also to be made in terms of units of at least $100,000.

To date, the Applicant has implemented two major transactions. It has acquired 50 percent of the issued share capital of Zim Israel Navigation Co. Ltd. (Zim), Israel's largest shipping company, and 26 percent of the voting shares of Haifa Refineries Limited (HLR), Israel's only refiner of petroleum products. The Applicant acquired its 50 percent interest in Zim for a purchase price of IL. 58,537,288, subject to adjustment under certain circumstances based upon the profit of Zim, and acquired its 26 percent interest in HRL for a purchase price of IL. 42,163,000. The Government of Israel owns the remaining 50 percent and 74 percent interest in Zim and HRL, respectively.

In its application, Applicant asserts that it may, from time to time, temporarily fall within the definition of the term "investment company" contained in section 3(a)(3) of the Act, due to the fact that it may own or may propose to acquire investment securities having a value exceeding 40 percent of its total assets. However, Applicant contends that it has implemented its two major acquisitions in a manner which has yielded it control over the business and activities of Zim (a majority-owned subsidiary of the Applicant) and which will enable it to exercise a controlling influence over the management and affairs of the business of HRL.

The Applicant presently has total assets (exclusive of cash) on an unconsolidated basis as follows:

Securities of majority-owned subsidiaries:		
Zim, issued share capital	IL	58,537,288
Zim, long-term loan		2,625,000
Yehuda Hotels Ltd., issued share capital		3,484,774
Securities of companies of which Applicant claims control:		
HRL, issued share capital		42,163,000
Other Assets		
Nonmarketable Israel Government Bonds		432,000
Total assets	IL	107,242,062

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns and proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. The above chart indicates that investment securities represented by applicant's holdings of less than majority-owned companies aggregate IL. 42,595,000 or approximately 39.72 percent of its total assets (exclusive of cash) on an unconsolidated basis.

In connection with the acquisition of 50 percent of the issued share capital of Zim, the applicant has acquired, pursuant to an agreement with the Government of Israel, dated August 2, 1970, 50 percent of the voting and management power in Zim. In accordance with the terms of that agreement, applicant can nominate the Chairman of the Board of Directors, Managing Director, and Chairman of the Finance Committee of Zim, and at least one-half of the membership in all Committees of the Board of Zim.

In connection with the acquisition of 26 percent of the voting securities of HRL, the Applicant has received certain contractual and statutory privileges either by agreement with the Government of Israel, or under Israel law, as follows:

1. The right to appoint directors of HRL in proportion to share ownership.

2. The right to 26 percent of the voting power in HRL, which right may not be diluted and which carries with it the ability to block the taking of certain crucially important actions by HRL including all actions which require the passing of an extraordinary resolution under Israel law.

3. The right to representation on all committees of the HRL Board of Directors, as well as the Boards of Directors of HRL's subsidiaries and affiliates and committees of such Boards.

4. The right to designate the Vice Chairman of the Board of Directors of HRL and to be consulted with respect to the appointment of senior staff members.

5. The right to appoint the Chairman of the Finance Committee of HRL.

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6. The right to participate in the choice of the Managing Director of HRL in that the said Managing Director shall be elected only with the approval of the directors appointed by the applicant, which election or reelection will take place annually.

7. The right to require arbitration with respect to expenditures by HRL which are opposed by directors appointed by applicant, under certain circumstances.

In view of the above-mentioned contractual and statutory rights conferred upon applicant by the Government of Israel, applicant asserts that HRL is a controlled company of applicant and that applicant is engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

Section 3(b)(2) of the Act, among other things, excepts from the definition of an investment company in section 3(a)(3), any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 10, 1972, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6267 Filed 4-24-72;8:47 am]

TARIFF COMMISSION

[AA1921-86/90]

LARGE POWER TRANSFORMERS FROM FRANCE, ITALY, JAPAN, SWITZERLAND, AND THE UNITED KINGDOM

Determinations of Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on January 20, 1972, that large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted joint investigations Nos. AA1921-86/90 to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held March 7-10, 13, and 14, 1972. Notice of the joint investigations and hearing was published in the FEDERAL REGISTER of January 29, 1972 (37 F.R. 1509).

In arriving at its determinations, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigations, the Commission has unanimously determined[1] that an industry in the United States is being injured by reason of the importation of large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS OF CHAIRMAN BEDELL AND COMMISSIONER MOORE[2]

In our opinion, an industry in the United States is being injured by reason of the importation of large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom that are being sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended.

The imported product. The term "large power transformers" as used in this determination includes all transformers rated 10,000 kv.-a. or above, by whatever name designated, used in the generation, transmission, distribution, and utilization of electrical power, including but not limited to shunt reactors, autotransformers, rectifier transformers, and power rectifier transformers.

The industry. In making these determinations, we have considered the injured industry to consist of the facilities of the United States used in producing large power transformers of the type described above.

Conditions of competition. Large power transformers are custom-made articles, not "off the shelf" articles. The purchasers of such articles plan their needs several years in advance of delivery and then solicit bids on units made according to their specifications. Orders are placed about 1 to 2 years in advance of delivery except in emergencies arising from a failure in the system. It takes from 1 to 2 years to build the largest units. Prices are generally established at the time an order is accepted. Thus, price competition occurs at the time an order is placed, not at the time of delivery; consequently, the level of pricing in effect in a given year will significantly affect the earnings of a producer 1 or 2 years later.

Most purchasers of large power transformers, when considering offers, compare prices on the basis of an "evaluated bid price" rather than the "raw bid price." That is, they compare the total cost of each transformer in terms of its delivered cost plus the estimated expenses of installation and operation during its anticipated life (including power losses).

Ten firms produce large power transformers in the United States. In the last 6 years, U.S. producers' shipments of such transformers have doubled, measured in terms of megavolt amperes (MVA) or dollars. To keep pace with the increase in demand during the period, the industry has made large increases in its capacity to produce large power transformers.

Margins of dumping and underselling. The Treasury Department compared the purchase price of 38 transformers (imported from the five countries named in its determination) with the foreign market price of similar transformers and found that 28 were sold at LTFV. Efforts by Treasury to obtain pricing information on other transactions were frustrated by a lack of response on the part of some foreign producers. The dumping margins (percent of price discrimination, i.e., percent by which foreign market price was reduced with respect to export sales) were as high as 46 percent, with the weighted country averages ranging from 9.8 to 33.0 percent.

Of the 28 instances of specific sales of LTFV transformers, the Commission was able to obtain information on the competitive bids involved in the sales of 20 such transformers. In every one of them the foreign producer undersold the lowest U.S. bidder by a margin in the range of 2.8 to 33.7 percent, based on evaluated bids. In every one the margin of dumping constituted a substantial part of the margin of underselling, and in most of them it completely underwrote the amount of underselling.

By analyzing the repeat purchases of virtually identical transformers by specific systems, it was determined that in nine out of fourteen analyses the producers of LTFV exports were the price leaders in the U.S. market. The underselling (price leadership) by the producers of LTFV exports was concentrated in the medium-to-large capacity transformers.

Consequences of underselling. As a direct result of the underselling, contract awards to LTFV suppliers have taken an appreciable share of the domestic market for large power transformers, based on the aggregate MVA and the value of such awards. The market penetration represented by awards to LTFV suppliers, on a cumulative basis (almost 7 percent in 1967-69) is more than adequate to warrant an injury determination, i.e., it is more than de minimis.

The primary injury resulting from the prices of the LTFV transformers in this case is due, not to the loss of individual transformer orders, but to the depressant effect those prices had on the price level of the total U.S. market for large power transformers. Prices for large power transformers increased during the years 1965-68; however, despite increasing production costs and a continuing large backlog of orders, prices underwent a significant decline in 1969. This decline in the overall level of pricing was attributable in large part to LTFV sales to investor-owned utilities, which constitute 85 percent of the total U.S. market for large power transformers. Foreign purchases by investor-owned utilities had been minimal prior to 1967, when one large company placed significant contracts with a foreign supplier. In 1968 and 1969, other large investor-owned utilities began purchasing foreign-made transformers from LTFV suppliers, and price deterioration commenced.

Prior to the large market penetration by LTFV imports, the industry was receiving a modest return on its sales. After sales of LTFV imports reached their peak, the annual industry returns became nominal, and then the industry began to experience a net loss on sales. During the years 1965-69, the industry was profitable; in 1970, earnings from large-power-transformer operations declined to just above the break-even point; and in 1971, the industry experienced a 4.5-percent loss on its net sales. Price depression that occurred in 1969 and thereafter affected profit levels in 1970 and 1971.

An analysis of the bid-pricing practices of the producers in each of the five countries named by the Treasury Department in its determination showed that each country had producers that undersold U.S. producers by appreciable margins. Following a well-established precedent of this Commission, we perceive no reason for separating any country from this affirmative determination. Each country made a substantial contribution to the injuries incurred by the LTFV imports.

Conclusion. In summary, the LTFV imports of large power transformers from France, Italy, Japan, Switzerland, and the United Kingdom have had a substantial disruptive effect on the domestic market for such transformers. The dumping margins have undergirded substantial margins of underselling in the United States, with a resulting loss of a significant share of the market and a resulting suppression or depression of market prices to the point where the national industry is no longer able to operate at a profitable level. If these dumping practices are allowed to continue, there is adequate capacity among these nations to threaten the continued existence of the large-power-transformer industry.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-6289 Filed 4-24-72;8:48 am]

[1] Commissioners Sutton and Leonard did not participate in the investigations.

[2] Vice Chairman Parker and Commissioner Young concur in the result.

[AA1921-95]

HAND PALLET TRUCKS FROM FRANCE

Notice of Investigation and Hearing

Having received advice from the Treasury Department on April 17, 1972, that hand pallet trucks from France are being, or are likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on June 13, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: April 20, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-6268 Filed 4-24-72;8:47 am]

[AA1921-94]

WELDED-WIRE MESH FROM BELGIUM

Notice of Investigation and Hearing

Having received advice from the Treasury Department on April 17, 1972, that welded-wire mesh for concrete reinforcements from Belgium is being, or is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m. e.d.s.t., on June 6, 1972. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: April 20, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-6269 Filed 4-24-72;8:47 am]

TENNESSEE VALLEY AUTHORITY

COLBERT STEAM PLANT AND THOMAS H. ALLEN STEAM PLANT

Final Environmental Statements; Notice of Availability

Notice is hereby given that copies of documents entitled "Environmental Statement, Gas Turbine Peaking Plant Addition, Units 1-8, Colbert Steam Plant" dated March 31, 1972, and "Environmental Statement, Gas Turbine Peaking Plant Addition, Units 17-20, Thomas H. Allen Steam Plant" dated March 31, 1972, have been made available to the President, the Council on Environmental Quality, and to the public as required by section 101(2)(C) of the National Environmental Policy Act. Copies of the documents are available for public examination in the office of the Director of Information, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets NW., Washington, DC 20444.

Single copies of the final statements will be furnished upon request addressed to the Director of Information at the above address.

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Dated at Knoxville, Tenn., this the 14th day of April 1972, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.72-6253 Filed 4-24-72;8:46 am]

WATTS BAR NUCLEAR PLANT

Draft Environmental Statement; Notice of Availability

Notice is hereby given that a document entitled "Draft Environmental Statement, Supplements and Additions, Watts Bar Nuclear Plant Units 1 and 2" dated April 7, 1972, has been prepared by the Tennessee Valley Authority and distributed for Federal and State review pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Copies of the document have been placed for public examination in the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, at the Washington Office, Tennessee Valley Authority, 435 Woodward Building, 15th and H Streets, Washington, DC 20444, and in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902. The statement is also available for examination in the office of the County Judge of Rhea County, Tenn., at Dayton, Tenn.

Single copies of the draft statement will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 14th day of April 1972, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.72-6252 Filed 4-24-72;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

GENERAL INSTRUMENT CORP.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Joliet, Ill., plant of General Instrument Corp. (TEA-W-132). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before April 28, 1972.

Signed at Washington, D.C. this 19th day of April 1972.

EDGAR I. EATON,
Director,
Office of Foreign Economic Policy.

[FR Doc.72-6281 Filed 4-24-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 20, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD No. 27022, The Colorado & Wyoming Railway Co.—Construction and Operation—Pueblo County, Colo., now assigned May 8, 1972, at Pueblo, Colo., hearing postponed indefinitely.

MC-F-11449, Howard Wolsy—Investigation of Control—Air-Freight Trucking Service, Inc., and Aft Services, Inc., now being assigned hearing June 8, 1972 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 125066 Sub 10, M. I. Loker and Pauline Loker, doing business as Seaway Coach Lines, now assigned May 15, 1972, at Erie, Pa., postponed to June 5, 1972, at the Erie County Courthouse, Sixth Street, Erie, PA.

MC 111812 Sub 455, Midwest Coast Transport, Inc., now assigned June 13, 1972, at Washington, D.C., hearing postponed to July 18, 1972, at the offices of the Interstate Commerce Commission in Washington, D.C.

No. 35564, Bus fares, between New York and New Jersey, now being assigned hearing July 10, 1972, at New York, N.Y., in a hearing room to be later designated.

I & S No. 8720, Icing Services, U.S. railroads, now being assigned hearing June 12, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S M-25603, Bus fares between New York, N.Y., and New Jersey points, now being assigned hearing June 5, 1972, at New York, N.Y., in a hearing room to be later designated.

MC 111812 Sub 461, Midwest Coast Transport, Inc., now assigned June 21, 1972, at Washington, D.C., postponed to July 25, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 123068 Sub 1, J & J Motor Service, Inc., now being assigned hearing May 15, 1972, in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC 107295 Sub 564, Pre-Fab Transit Co., now assigned June 8, 1972, at Columbus, Ohio, hearing canceled and application dismissed.

MC 110585 Sub 15, Republic Van & Storage Co., Inc., now assigned April 24, 1972, at Washington, D.C., postponed to May 15, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6312 Filed 4-24-72;8:49 am]

[Notice 50]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73526. By order of April 10, 1972, the Motor Carrier Board approved the transfer to Gambrell Trans-Mobile, Inc., Augusta, Ga., of the operating rights set forth in certificates Nos. MC-127634 and MC-127634 (Sub-No. 2), and MC-127634 (Sub-No. 3), issued March 28, 1967, September 20, 1971, September 20, 1971, respectively, to James J. Gambrell, doing business as Gambrell Mobile Home Trailer Towing, Augusta, Ga., authorizing the transportation of: Mobile homes, in initial movements, in truckaway service, from Milledgeville, Ga., to points in Alabama, Florida, Louisiana, Mississippi, South Carolina, North Carolina, and Tennessee; and from Sparta, Ga., to points in Alabama, Florida, Mississippi, South Carolina, North Carolina, and Tennessee. Ariel V. Conlin, 53 Sixth Street NE., Atlanta, GA 30308, attorney for applicants.

No. MC-FC-73534. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Art Pape Transfer, Inc., Dubuque, Iowa, of the operating rights in certificate No. MC-111467 and subs thereunder issued to Arthur J. Pape, doing business as Art Pape Transfer, Dubuque, Iowa, authorizing the transportation of general commodities, with exceptions, and various other named commodities of a general commodity nature, fertilizer, livestock, and numerous and various other agricultural commodities, from and to specified points and parts in Iowa, Illinois, Wisconsin, Missouri, and Indiana, and to points in Iowa, Illinois, Minnesota, Wisconsin, Missouri, and Nebraska, varying with the commodity involved. William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC-FC-73539. By order of April 14, 1972, the Motor Carrier Board approved the transfer to V. B. Hunt Transport, Inc., Atlanta, Ga., of the operating rights in certificate No. MC-129054 Sub. No. 5, issued August 4, 1969, to Gilder Trucking Co., a corporation, Atlanta, Ga., authorizing the transportation of polystyrene forms and shapes from Lawrenceville, Ga., to points in the United States on and east of U.S. Highway 85, except points in North Carolina, South Carolina, Virginia, and a specified portion of Tennessee. Virgil H. Smith, 431 Title Building, Atlanta, Ga. 30303, attorney for applicants.

No. MC-FC-73542. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Lyle Schladweiler, Ellsworth, Wis., of the operating rights in Certificates Nos. MC-32182 and MC-32182 (Sub-No. 1) issued October 16, 1967, and May 21, 1971, respectively, to Arnold Schladweiler, Ellsworth, Wis., authorizing the transportation of livestock and farm products, from points in the Towns of Hartland, Trenton, Trimbelle, and Ellsworth, Pierce County, Wis., to South St. Paul, St. Paul, Minneapolis, Red Wing, and Newport, Minn., feed, seed, fertilizer, farm machinery, and farm supplies, from South St. Paul, St. Paul, Minneapolis, Red Wing, and Newport, Minn., to points in the above-specified Wisconsin Towns; and animal and poultry feed, from Hager City, Wis., to Minneapolis, Minn., subject to restrictions. Robert R. Gavic, Attorneys Building, Spring Valley, Wis. 54767, attorney for applicants.

No. MC-FC-73610. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Airport Limousine Service, Inc., Newark, N.J., of a portion of the operating rights set forth in certificate No. MC-128823, issued by the Commission May 16, 1969, in the name of Robert C. Bell, Jr., doing business as N.J. & N.Y. Airport Limousine, and subsequently transferred to N.J. & N.Y. Airport Limousine, Inc., Newark, N.J., pursuant to No. MC-FC-72376 approved September 18, 1970 and consummated January 11, 1971, and subsequently acquired by N.J. & N.Y. Airport Limousine, Inc., Hackensack, N.J., pursuant to No. MC-FC-72711 approved February 26, 1971, and consummated April 16, 1971, authorizing the transportation of: Passengers and their baggage, and pets, in the same vehicle with passengers, with certain restrictions, over specified routes, between John F. Kennedy International Airport (N.Y.) and Ramsey, N.J., via La Guardia Airport (N.Y.), serving all intermediate points. Herbert L. Weisman, 535 Fifth Avenue, New York, NY 10017, attorney for applicants.

No. MC-FC-73638. By order of April 14, 1972, the Motor Carrier Board approved the transfer to Esbit Transportation & Storage Co., Inc., Glendale, N.Y., of a portion of the operating rights in certificate No. MC-116792 (Sub-No. 1) issued January 14, 1958, to Fletcher Brothers, Inc., Newark, N.J., authorizing the transportation of crated and uncrated furniture from New York, N.Y., to points in Fairfield County, Conn. Martin Werner, 2 West 45th Street, New York, NY 10036, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6310 Filed 4-24-72;8:49 am]

[Notice 55]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 18, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 108884 (Sub-No. 22 TA), filed April 3, 1972. Applicant: ROGERS TRANSFER, INC., Route 46, Post Office Box 175, Great Meadows, NJ 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in less-than-truckload shipments, in refrigerated equipment, from plantsite of Avoset Food Corp., Newburgh, N.Y., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and Vermont, for 180 days. Supporting shipper: Avoset Food Corp., 162 South Robinson Avenue, Newburgh, NY 12550. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 126537 (Sub-No. 28 TA), filed March 31, 1972. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN L. TURNER, doing business as TURNER EXPEDITING SERVICE, Post Office Box 21333, Standiford Field, Louisville, KY 40221. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, KY 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artist paint and supplies*, from the plantsite of Boucour Artists Colors, Inc., at Garnerville, N.Y., to the plantsite of American Greetings Corp. near Danville, Ky., for 180 days. Supporting shipper: James H. Edler, Transportation Manager, American Greetings Corp., 10500 American Road, Cleveland, OH 44144. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Louisville, Ky. 40202.

No. MC 128075 (Sub-No. 17 TA), filed March 28, 1972. Applicant: LEON JOHNSRUD, Post Office Box 447, Highway 9 West, Cresco, IA 52136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, between Chicago, Ill., on the one hand, and, on the other, Cresco and Fredricksburg, Iowa, for 180 days. Supporting shipper: Land O'Lakes Inc., Post Office Box 116, Minneapolis, MN 55440. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 133095 (Sub-No. 26 TA), filed April 3, 1972. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., Post Office Box 434, 2603 West Euless Boulevard, Euless TX 76039. Applicant's representative: Rocky Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages*, from Hammondsport, N.Y., to Little Rock, Ark.; Shreveport and New Orleans, La.; and Dallas and Houston, Tex., for 180 days. Supporting shipper: Gold Seal Vineyards, Inc., Southwest Division Office, 13709 Brookgreen Circle, Dallas, TX 75240. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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No. MC 136030 (Sub-No. 1 TA), filed March 30, 1972. Applicant: CAVALIER TRANSPORTATION CO., INC., Post Office Box 7, Riverside, NJ 08075. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products* (except in bulk) and *building materials* as described in appendix VI to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from the plant and warehouse sites of Kaiser Gypsum Co., Inc., at Delanco, N.J., to points in Hudson, Essex, and Union Counties, N.J., and, on the return *materials, supplies, and equipment* used in connection with the manufacture and distribution of such products, restricted to a service having a prior or subsequent movement in interstate or foreign commerce, for 180 days. Supporting shipper: Kaiser Gypsum Co., Oakland, Calif. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 136478 (Sub-No. 1 TA), filed March 31, 1972. Applicant: BENSON TRANSPORT, INC., Route 3, Post Office Box 386, Lakeville, MN 55044. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pizza* from Minneapolis-St. Paul, Minn., commercial zone to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, California, Nevada, Utah, and Arizona and *materials and supplies* used in the manufacture and distribution of frozen pizzas on return for the account of Totino's Finer Foods, Inc., Minneapolis, Minn., for 180 days. Supporting shipper: Totino's Finer Foods, Inc., 7350 Commerce Road, Minneapolis, MN 55432. Send protests to: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136565 TA, filed March 31, 1972. Applicant: TRANS AMERICAN EXCHANGE, INC., Post Office Box 1949, Brownsville, TX 78520. Applicant's representative: Robert M. Reynolds (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and frozen fish and shrimp*, when moving at the same time and in the same vehicle with frozen foods, from Brownsville, Tex., to Savannah, St. Simons Island, and Brunswick, Ga., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Trade Winds Co., Post Office Box 1867, Brownsville, TX 78521. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6311 Filed 4-24-72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 20, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42405—*Perlite, vermiculite, and volcanic ash between points in WTL and southern territories.* Filed by Western Trunk Line Committee, agent (No. A-2663), for interested rail carriers. Rates on perlite, vermiculite, and volcanic ash, other than crude, in carloads, as described in the application, between points in western trunkline territory, on the one hand, and points in southern territory, on the other.

Grounds for relief—Short-line distance formula and grouping.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6313 Filed 4-24-72;8:49 am]

[Revised S.O. 994; ICC Order 63; Amdt. 2]

LOUISVILLE AND NASHVILLE RAILROAD CO. AND BIRMINGHAM SOUTHERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 63 and good cause appearing therefor:

It is ordered, That: ICC Order No. 63 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., April 30, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the FEDERAL REGISTER.

Issued at Washington, D.C., April 19, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.72-6309 Filed 4-24-72;8:50 am]

PAY BOARD

[Order 2, Amended]

CONSTRUCTION INDUSTRY STABILIZATION COMMITTEE

Authorization Regarding Wages, Salaries and Other Economic Adjustments

In order to more clearly delineate the delegation of authority from the Pay Board to the Construction Industry Stabilization Committee (CISC), the Pay Board has determined that it would be appropriate to amend Pay Board Order No. 2.

Pursuant to the authority vested in the Pay Board by Executive Order No. 11640, and Cost of Living Council Order No. 3, as amended, it is hereby ordered as follows:

1. The Pay Board authorizes the Construction Industry Stabilization Committee (CISC) to administer Pay Board regulations to the extent applicable with respect to collective bargaining agreements in the construction industry. CISC shall also administer CISC "Substantive Policies" as approved by the authorized construction subcommittee of the Pay Board, which are attached as a supplement to this order.

2. All wage and salary increases and other economic adjustments contained in collective bargaining agreements in the construction industry scheduled to take effect on or after August 16, 1971, require approval of CISC regardless of the number of employees involved.

3. Pay adjustments shall be governed by Pay Board regulations as provided in the "Substantive Policies" of CISC. Pay Board regulations established subsequent to this date shall be made applicable to collective bargaining agreements in the construction industry to the extent specifically provided in such regulations, or as otherwise modified following consultation between the Pay Board and CISC.

4. In administering the foregoing regulations of the Pay Board, CISC shall comply with the following procedures:

a. CISC shall make regular reports to the Pay Board, particularly relating to (i) cases received for processing by CISC, (ii) the current administrative report and the agenda of cases to be considered by CISC, (iii) the results of cases approved and denied, and the cases returned to the parties for modification or further negotiation. It shall also report with respect to such other matters, such as significant activities of the craft boards, as are deemed by CISC to be responsive in carrying out the delegation of authority under this order, or are in response to specific requests of the Pay Board.

b. CISC shall consult with the Pay Board on a timely basis with respect to any matter of unusual import or of special significance to the effectiveness of the stabilization objectives, particularly in those situations or application of policy which may establish precedents outside of the construction industry.

c. Because of the relation of construction contract administration to the general administration of Pay Board regulations or policies, if special instances arise where CISC wishes to make exceptions to applicable Pay Board regulations or policies or to modify or add to the approved "Substantive Policies," CISC will first work out an agreement with respect thereto with the construction subcommittee of the Pay Board.

d. CISC and the Pay Board will each appoint a liaison committee and provide for alternates to serve in place of members of the liaison committees. The purpose of the liaison committees will be to consult regularly and to coordinate procedures, policies, and general activities of CISC and the Pay Board insofar as they relate to matters delegated to CISC. The Executive Directors of the Pay Board and CISC shall consult as to any case where a question of appropriate jurisdiction is raised.

e. CISC shall refer to the Pay Board any request for legal action by the Justice Department to enforce compliance with wage stabilization standards or CISC orders.

f. Significant CISC public information releases, and public reports, including annual reports, shall be reviewed by the construction subcommittee of the Pay Board before being issued. Provisions can be made for the issuance of routing repetitive reports or releases.

SUPPLEMENTARY "SUBSTANTIVE POLICIES"

(1) The CISC will carry out its responsibilities in the framework of the general regulations of the Pay Board, and where applicable, Pay Board regulations will be used by CISC. However, specific regulations of the Pay Board with respect to matters such as tandem relationships, deferred increases, merit increases, incentives, and the like may not be directly applicable in all instances to construction and will need supplementation. In addition, CISC will apply the policies set forth below. Together, they constitute a complete substitute for the standards set forth in sections 6(a) and 6(b) of Executive Order 11588 dated March 29, 1971. These CISC policies shall be applied so as to conform as closely as the special conditions of the construction industry permit to those of the Pay Board.

(2) No agreement is automatically entitled to the "general wage and salary standard" or the exceptions thereto of the Pay Board. Moreover, the application of equal percentage adjustments to all crafts in any locality is often not a practical basis for stabilization; on occasion cents-per-hour developments among some or all crafts may be more appropriate.

(3) Pending final resolution of treatment of fringe benefits exempt under section 203(g) of the Economic Stabilization Act Amendments of January 9, 1971, these benefits, together with all other benefits, will be considered in determining economic adjustments subject to the review of the CISC.

(4) In the application of exceptions in individual cases providing for adjustments in excess of the "general wage and salary standard," the following principles are to be applied:

(a) There are some few situations with long established formulas for setting wage rates on the basis of averaging other construction rates for the same craft in other localities. The adjustments provided by these formulas may be approved except where they are shown to have an unstabilizing effect, or where the formula includes deferred increases which are themselves found to be unreasonably inconsistent with stabilization. The CISC will not approve "me-too" clauses, but will examine all economic adjustments provided by contract clauses.

(b) There are a few intercraft relationships, often within a single international union, which are so well recognized that adjustments, at least to a degree, to restore appropriate relationships among these classifications may be approved. The case of plumbers and fitters or plaster tenders, lathers and plasterers may be illustrative in some localities.

(c) In general, any restoration to appropriate historic relationships among crafts or localities should be spread over a period of 2 or 3 years or more. The CISC in reviewing historical relationships will also give attention to clear evidence of changing historical relationships over the past decade.

(d) Attention should be directed to questions of appropriate differentiation of rates by crafts among branches of the industry, such as heavy and highway, housing and commercial work, and local parties and craft boards may be urged to review or consider such differentiations.

(e) The CISC may give special consideration to agreements which provide for significant changes in the geographical structure of bargaining, including the development of wage zones under one agreement, where such changes would promote the stabilization of collective bargaining and the effective utilization of manpower and management resources.

(5) Deferred increases which would cause unstabilizing effects on wage relationships in a locality or among localities (i.e., which would prove unreasonably inconsistent with the application of such standards to a locality or a branch of the industry), should be promptly reviewed and agreement sought on adjustments at a local level or the adjustment spread over a sufficiently long period to reduce unstabilizing effects and to achieve settlements at reasonable amounts. In general, such deferred increases are now held up and may not be placed into effect without approval of the CISC. The CISC is to proceed promptly to identify those cases on a locality by locality basis and to seek revisions in agreements. The CISC ordinarily intends to handle these cases directly with the International Unions and the national offices of contractor associations in the first instance, rather than with the craft dispute boards.

(6) In the consideration of all applications in 1972, the CISC recognizes the necessity to show continued retardation in the rate of increases permitted for 1972 as measured by Pay Board standards. The CISC shall also apply this principle to agreements extending into 1973 and 1974.

(7) The CISC is to continue to apply its policy on economic adjustments which are broader than wages and fringe benefits, that is, which would include the money value of all economic adjustments including work rules.

(8) The CISC is to seek to improve the role of the craft boards and to enhance their contribution to the improvement of collective bargaining and procedures for dispute settlements in the industry.

Effective date. This amendment shall be effective on the date of publication in the FEDERAL REGISTER.

GEORGE H. BOLDT, *Chairman.*

[FR Doc.72-6431 Filed 4-24-72;3:21 pm]

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federal register

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PART II

DEPARTMENT OF THE TREASURY

Internal Revenue Service

■

GUN CONTROL

Published Ordinances of Political Subdivisions of States

No. 80—Pt. II——1

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

GUN CONTROL

Published Ordinances of Political Subdivisions of States

Pursuant to the provisions of section 921(a)(19), Title 18, United States Code, and section 178.24, Title 26, Code of Federal Regulations (26 CFR Part 178), the following is the annual revised compiled list of the published laws of political subdivisions of States, which are determined to be relevant to the enforcement of Chapter 44, Title 18, United States Code, relating to firearms.

The list of ordinances of each State is preceded by relevant State statutes pertaining to the purchase and possession of firearms.

This revised compilation is in implementation of Title I of the Gun Control Act of 1968 (18 U.S.C. Chapter 44; 82 Stat. 1213) and supersedes that list published on April 2, 1971 (36 F.R. 6202).

[SEAL]

REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, U.S. Treasury Department.

ALABAMA

State Law

ALA. CODE ANN. TITLE 14

170. *Selling, etc., pistol or bowie knife to minor.* Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

171(1). *Sale of firearms or ammunition to residents of adjoining states; purchase in adjoining states.* (1) Any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state, or have it delivered to his place of residence.

(2) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama, may take delivery of said weapons either in the state where they were purchased, or in Alabama.

172. *Definitions.* As used in this article, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length; "crime of violence" means any of the following crimes, or an attempt to commit any of them, namely, murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny; "person" includes any firm, partnership, association or corporation.

174. *Certain persons forbidden to possess pistol.* (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

178. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

179. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; the triplicate he shall retain for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

181. *Dealer's licenses, by whom granted and conditions thereof.* The duly constituted licensing authorities of any city, town or political subdivision of this state may grant licenses in forms prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell pistols at retail within this state subject to the following conditions in addition to those specified in section 179 of this title, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this article. The business shall be carried on only in the building designated in the license. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. No pistol shall be sold in violation of any provisions of this article, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years. No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of any premises where it can readily be seen from the outside. The fee for issuing said license shall be fifty cents which fee shall be paid into the state treasury.

182. *Certain transfers forbidden.* No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

183. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

184. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

185. *Antique pistols.* This article shall not apply to the purchase, possession, or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

ALA. CODE ANN. TITLE 35

175. *Commanding officer may order certain places closed.* When any part of the militia of Alabama is in active service by order of the governor or other civil magistrate, to aid in the enforcement of the laws, the commanding officers of such troops may order the closing of any places where intoxicating liquors, arms, ammunition, dynamite, or other explosives are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town, or village where the troops are on duty, or in the vicinity of such place, or for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order or not; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendant of the county, city, or town, or villages may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

ALA. CODE ANN. TITLE 57

94(1). *Defacement of trade or other identifying marks on motors, guns, machinery, etc.* Any person who defaces, or permits same to be done, with intent to defraud any trademark or other identifying mark on any automobile motor or other motor, pistols, guns, electrical equipment, radios, motor vehicles, refrigerators, furniture, household or office equipment or any other personal property when said property is encumbered with a mortgage, conditional sale contract or other lien, shall be guilty of a misdemeanor and shall, on conviction, be fined not less than twenty-five dollars nor more than five hundred dollars and may be imprisoned in the county jail or sentenced to hard labor for not more than six months.

94(2). *Presumption of guilt.* Any person (other than the absolute owner of said property, while same is free and clear of mortgages, retention of title contracts or other encumbrances) found in possession of such property under any claim of right, with knowledge that said property has been defaced by a person or persons with intent to defraud after said trademarks or other identifying marks have been defaced shall be presumed to be guilty of defacing said marks and shall be punished as provided in section 94(1) hereof unless said person in possession overcomes the presumption by clear and convincing proof.

Anniston

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Birmingham

56–3. *Delivery of pistol or Bowie knife to minor.* No person shall sell give or lend to any minor any pistol or Bowie knife or other knife of like kind or description.

56–12. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

Pistol. Any firearm with a barrel less than twelve inches in length.

56–14. *Possession by certain person prohibited.* (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control. (b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

56–20. *Statement required of persons desiring to purchase—Filing.* At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by

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licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

56–22. *Delivery to purchaser.* No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

56–24. *Delivery to certain persons forbidden.* No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

14–22. *Prohibiting sale of firearms, alcoholic beverages, etc., authorized.* Whenever any mob, riot or tumult has occurred in the city or there is reasonable cause to apprehend an occurrence thereof, the mayor may in his judgment issue his proclamation ordering the closing of all shops or other places where the business of selling arms, ammunitions, dynamite, or other explosives is carried on, and forbidding the selling, lending, giving away, bartering or otherwise disposing of any of such articles, until such time as in his judgment such occupation may be carried on without danger to the public peace and safety. It shall be unlawful for any person with knowledge of such proclamation or after having been informed thereof by a policeman, fireman or other employee of the city or any peace or military officer of the state or the United States of America to violate the same. • • •.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

5. No seller, within the corporate limits of the City of Brighton, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. • • • This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Decatur

19–28. *Firearms—Selling during riot.* Whenever any mob, riot or tumult occurs in the city, all persons therein who sell arms, ammunition, dynamite or other explosives, shall immediately close their shops, or other places where such business is carried on, and keep them closed and refrain from selling, bartering, lending or giving away any of the articles above mentioned, until such time as public notice shall be given by the sheriff, mayor or chief of police, that such places may be opened and such business carried on, and any person failing to close such shop or other place where any of the businesses above mentioned are carried on, or who sells, barters or gives away any of the articles above mentioned, after knowing, or having good reason to believe, that a riot, mob or tumult has occurred, or is then going on shall forfeit his license, and forever thereafter be debarred from engaging in such business, and may be punished as provided in section 1–8 of this Code. • • •.

Eufaula

884. *Definitions.* As used in this chapter the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, and the term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms, and the term "nonexempt person" shall mean any person other than an exempt person.

885. *Permit to Receive Pistol Required.* It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

886. *Same—application;* • • •. Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. • • •

891. *Ex-convict not to possess pistol.* No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

892. *Altering, obliterating or removing names or numbers from pistols.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

894. *Sale to or possession by minor of toy pistol.* No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as hereinafter provided.

896. *Delivery of pistol or bowie knife to minor.* Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be punished as hereinafter provided.

Florence

15–39. *Selling to or use by minors.** It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.

Gardendale

2. *Definitions.* As used in this Ordinance, the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, • • •.

6. *Ex-convict not to possess pistol.* No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7. *Altering, obliterating or removing names or numbers from pistols.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

11. *Delivery of pistol or bowie knife to minor.* Any person who sells, gives or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be punished as provided in Section 2 of Ordinance #13.

Irondale

376. *Misdemeanor, offense against town.* Any person who does any act which under the laws of the State of Alabama is held to be a misdemeanor, or made punishable as such, shall be guilty of such offense against the Town of Irondale, and on conviction, must be punished as prescribed.

Midfield

5. No seller, within the corporate limits of the City of Midfield, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement he has never been convicted in this state or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Mobile

4. *After proclamation of a civil emergency,* the Mayor of the City of Mobile may also in the interest of public safety and welfare make any or all of the following orders: • • • (g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of an character whatsoever. (h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

Montgomery

45–4. *Selling or giving small pistols to minors.** It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

45–5. *Possession of small pistols by minors.* It shall be unlawful for any minor in the city to have in his possession or use any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Oxford

1. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

2. The seller receiving a statement filed as provided in Section One shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of this city. The duplicate copy of such statement shall be retained by the seller for six years.

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

4. The provisions of Sections One–Three shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Selma

29–43. *Firearms—Sale to minors.* No person shall sell, give or lend to any minor any pistol • • • in the city.

Sylacauga

16–31. *Required to receive.* It shall be unlawful for any exempt or nonexempt person, or any employee, servant, or agent of any exempt or nonexempt person to sell, give, lend or deliver a pistol to any nonexempt person unless the latter has in his possession and shall deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him or her to receive a pistol.

16–32. *Required to acquire.* It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person has in his or her possession and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Tuscaloosa

34–13. *Definitions.* For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. The term "crime of violence" means any of the following crimes, or an attempt to commit any of them: Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34–15. *Sale or delivery to minors, drug addicts, prohibited.* No person shall sell, give or deliver a pistol to any person under the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

34–16. *Sale to unknown purchaser.* No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34–17. • • •; *Delivery to purchaser.* • • • No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

34–20. *Certain purchases and sales excepted from article.* This article shall not apply to the purchase or sale of pistols as curiosities or ornaments, nor shall the same apply to purchases by licensed retailers, manufacturers, wholesalers or jobbers.

ALASKA

State Law

ALASKA STATS. ANN.

11.55.030. *Possession by convicts.* A person who has been convicted of a felony, or a misdemeanor involving assault and battery, assault with a dangerous weapon, burglary, robbery and like crimes, by a court in the state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, or carry concealed about his person a knife with a blade over two inches long or a dirk or dagger, slingshot, metal knuckles, or an instrument by the use of which injury could be inflicted upon the person or property of another.

11.55.070. *Possession of firearm while under influence of intoxicating liquor or drug.* A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than $1,000, or by imprisonment in a jail for not more than one year, or by both.

Kodiak

3. *Minors—firearms.* It shall be unlawful for any person to give, barter, sell, lease, or otherwise make available to any person under the age of eighteen (18) years, any firearm, including but not limited to pistols, rifles, and shotguns, within the City.

Fairbanks

(5) No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years without written permission of his parent or guardian.

(1) No person shall cast, throw, light, or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(2) No person shall exhibit, or have in his possession with intent to give away, or sell, or offer for sale, within the City of Fairbanks, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

ARIZONA

State Law

ARIZ. REV. STATS. TITLE 13

13–917.02. *Regulation of firearms by state.* Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

13–918. *Sale or gift of firearm to minor; punishment.* A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

13–919. *Possession of pistol by criminal; definitions.* A. It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, its territories, districts or possessions, or of the several states, to possess a pistol, unless such person has been pardoned for such crime or has by law regained full status as a citizen.

C. "Pistol" within the provisions of this section means any weapon with a barrel less than twelve inches in length, which is designed to expel a projectile by the action of expanding gas.

D. "Crime of violence" within the provisions of this section means murder, manslaughter with a dangerous weapon or implement other than an automobile, assault with a dangerous weapon, rape, mayhem, kidnaping, robbery, burglary or assault with intent to commit any offense punishable by imprisonment for more than one year.

13–924. *Firearm purchase in other states.* A. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90–618, § 922, subsection (C)[1] and the Code of Federal Regulations, Volume 26, § 178.96, subsection (C).

B. For purposes of this section, all terms are to be given the meaning prescribed by the Federal Gun Control Act of 1968, Public Law 90–618, § 921.[2] Added Laws 1971, Ch. 42, § 1.

*COMPILER'S NOTE: Alabama State Law indicates a minor is a person who is under eighteen years of age.

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(NOTE: Because of the restrictions in Federal Gun Control Act (Public Law 90–618) Arizona residents are authorized to purchase only rifles and shotguns in contiguous states only, i.e., California, Colorado, Nevada, Utah and New Mexico.)

ARIZ. REV. STATS. TITLE 26

26–178. *Illegal possession of equipment; penalty.* A. A person having in his possession a uniform, arms, equipment, supplies or other military property of the state or United States, who secretes, disposes of, offers for sale or in any manner pledges, retains or refuses to deliver to an officer entitled to demand possession of the property, or who, being a member of the national guard, wears, when not on duty, such uniform or equipment without permission of his commanding officer, is, if the property is of a value more than fifty dollars, guilty of a felony, and if the value is less than fifty dollars, guilty of a misdemeanor punishable as provided by law.

Jerome

2. *Any person, firm or corporation who shall sell,* give, rent, barter or furnish within the town of Jerome, any rifle, carbine, shot-gun, pistol, revolver or any firearm whatsoever, or any ammunition or cartridge for any rifle, carbine, shot-gun, pistol, revolver or any firearm whatsoever to any person unless such person shall at the time have and show the permit herein provided for from the Marshal of the town of Jerome shall be guilty of a misdemeanor * * *.

Phoenix

23–48.1. *Unlawful to make, possess or dispose of a fire bomb; penalties; exceptions.* (a) Definitions. Disposes of—To give, give away, loan, offer, offer for sale, sell, transfer, hurl, throw, or cause to be hurled or thrown.

Fire bomb—A breakable container containing a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this Section.

(b) Offenses. A person is guilty of a misdemeanor who: (1) Possesses any of the component parts of a fire bomb with intent to wilfully and maliciously use such material, substance or device to set fire to or burn any buildings or property. (2) Possesses, manufactures or disposes of a fire bomb.

(c) Exceptions. The provisions of Subsections (a) and (b) of this Section shall not prohibit: (1) The authorized use or possession of any material, substance or device described in such Subsections by a member of the Armed Forces of the United States or National Guard of the State of Arizona, or by firemen, police officers or peace officers authorized by the properly constituted authorities and acting in the course of their official duties; (2) The use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for any lawful burning; (3) The manufacture or disposal of a fire bomb for the parties or purposes described in this Subsection.

ARKANSAS

State Law

ARK. STATS. TITLE 41

41–4507. *Uniform machine gun act—Definitions.* "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41–4509. *Offensive or aggressive purposes—Penalty.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of (not less than ten (10) years).

41–4510. *Offensive or aggressive purpose defined.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [§ 41–4514] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

41–4511. *Evidence of possession or use of machine gun.* The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41–4518. *Tear gas—Carrying or possession a misdemeanor.* Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor.

41–4525. *Residents of this state authorized to purchase rifles, shotguns or ammunition in an adjacent state.* Hereafter, a resident of this State shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state; such sales are hereby expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968 * * *.

El Dorado

23–27. *Weapons; carrying, bartering, etc.* * * * Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any dirk or bowie knife, or a sword, or a spear in a cane, brass or metal knucks or any pistol of any kind whatever, any kind of cartridges for any firearm, shall be guilty of a misdemeanor. * * *.

Little Rock

25.96. *Pistols, sale and transfer regulated—Definitions.* (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheel-lock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25–97. *Same—License required; sales restricted.* (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25–98. *Same—Possession by certain persons prohibited; permit to display serial number; record of sales.* (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Morrilton

11–64. *Same—Sale of weapons and ammunition.* Any person who shall sell, barter or exchange or otherwise dispose of or in any manner furnish to any person, any dirk, or bowie knife, or a sword or a spear in a cane, brass or metal knucks, or any kind of pistol of any kind whatever except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale in the city shall be deemed guilty of a misdemeanor.

CALIFORNIA

State Law

WEST'S ANN. CALIF. CODES, PENAL CODE

12001. *Definitions.* "Pistol," "revolver" and "firearm capable of being concealed upon the person" as used in this chapter apply to and include any device, designed to be used as a weapon, from which is expelled a projectile

by the force of any explosion, or other form of combustion, and which has a barrel less than twelve inches in length. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

12303.4 *Discharged probationer; change of plea or vacation of verdict; dismissal of charge; release from penalties and disabilities; application; pleading prior conviction in prosecution for subsequent offenses.* (a) Every defendant who has fulfilled the conditions of his probation for the entire period thereof or has been discharged from probation prior to the termination of the period thereof shall, at any time thereafter, if he is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall thereupon dismiss the accusations or information against the defendant and he shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation pursuant to this section does not permit a person to own, possess, or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

This subdivision shall apply to all applications for relief under this section which are filed on or after the effective date of the amendment of this section enacted at the 1970 Regular Session of the Legislature.

(b) Subdivision (a) of this section does not apply to any misdemeanor which is within the provisions of subdivision (b) of Section 42001 of the Vehicle Code, or to any infraction.

12020. *Blackjacks, etc., manufacture, sale or possession; concealed explosive or dagger; offense; punishment.* Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a black jack, slung shot, billy, sandclub, sandbag, sawed off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

12021. *Concealable firearms; ownership or possession by alien, former felon or addict; offense; punishment; exceptions.* (a) Any person who is not a citizen of the United States and any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars ($1,000), or received both such punishments.

12028. *Daggers or firearms as nuisance; surrender and destruction; restoration of stolen weapons to owner.* (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of a felony, or an attempt to commit a felony, is, upon a conviction of the defendant, a nuisance.

(c) Whenever a felony charge is reduced to a misdemeanor charge and a conviction is obtained based upon the unlawful use of a firearm, the weapon is a nuisance and shall be subject to disposition as provided in this section.

(d) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the magistrate before whom the person is taken, except that in any city or county the weapons shall be surrendered to the head of the police or sheriff's department. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in business involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

12071. *Retail licenses; business regulations.* The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

3. No pistol or revolver shall be delivered.

(a) Within 5 days of the application for the purchase, and when delivered shall be unloaded and securely wrapped.

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

12072. *Prohibited transfers; delivery of weapon; transfer to stranger; offense.* No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within 5 days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this State who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

12076. *Register of sales; violations; mailing copies; possession by unauthorized persons.* The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his legal name and affix his residence address and date of birth to the register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

The triplicate sheet of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the Bureau of Criminal Identification and Investigation at Sacramento and the duplicate shall be mailed, postage prepaid, to the chief of police, or other head of the police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the duplicate sheet shall be mailed to the sheriff of the county wherein the sale is made.

If, on receipt of the triplicate sheet, it appears to the bureau that the purchaser resides in a district other than that to which the duplicate is required to be mailed, the bureau shall make an additional copy and transmit it to the head of the municipal police department, if any, in the district in which the purchaser resides or, if none, to the sheriff of the county in which he resides.

If the bureau determines that the purchaser is a person described in Section 12021 of this code or Section 8100 or 8103 of the Welfare and Institutions Code, it shall immediately notify the dealer of such fact.

12078. *Exemption of sales to government officers; identification; report of sale.* The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Bureau of Criminal Identification and Investigation a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

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12090. *Unauthorized alteration; punishment.* Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification, including any distinguishing number or mark assigned by the State Bureau of Criminal Identification and Investigation, on any pistol or revolver, without first having secured written permission from the bureau to make such change, alteration or removal shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

12091. *Presumption that possessor altered mark.* Possession of any pistol or revolver upon which the name of the maker, model, manufacturer's number or other mark of identification has been changed, altered, removed, or obliterated, shall be presumptive evidence that the possessor has changed, altered, removed, or obliterated the same.

12094. *Unmarked pistol; purchase, sale or possession; offense.* Any person who knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol or revolver which does not bear the manufacturer's number or other mark of identification in its original condition or as restored, or a distinguishing number or mark assigned to it by the State Bureau of Criminal Identification and Investigation is guilty of a misdemeanor.

12200. *Definition.* The term "machine gun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger and includes any frame or receiver which can only be used with such weapon.

12201. *Exceptions.* Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshals' offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sheriff's office, or city marshal's office when on duty and such use is within the scope of their duties.

12220. *Transporting or possession unlawful.* Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars ($5,000), or by both such fine and imprisonment.

12230. *Authority to issue; showing necessary.* Chief of the Bureau of Criminal Identification and Investigation may issue permits for the possession and transportation or possession or transportation of such machine guns, upon a showing satisfactory to him that good cause exists for the issue thereof to the applicant for such permit but no permit shall be issued to a person who is under 21 years of age.

12231. *Applications; contents; uniformity.* Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to whioh the firearms are to be put.

Applications and permits shall be uniform throughout the State on forms prescribed by the Bureau of Criminal Identification and Investigation.

12250. *Authority to grant license; revocation; business regulations.* The Chief of the Bureau of Criminal Identification and Investigation may grant licenses in a form to be prescribed by him effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machine guns subject to all of the following conditions, upon breach of any of which the license shall be revoked:

3. No machine gun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

12301. *Definition* (a) The term "destructive device," as used in this chapter, shall include any of the following weapons:

(1) Any projectile containing an explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

12302. *Exemptions.* Nothing in this chapter shall prohibit the sale to, purchase by, or possession of destructive devices by:

(a) Any sheriff, constable, marshall, policeman, member of the California Highway Patrol, or other duly appointed peace officer while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his employment.

12303. *Sale, possession or transportation; other than fixed ammunition; punishment.* Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars ($5,000) or both such fine and imprisonment.

12303.6. *Sale or transportation; other than fixed ammunition; punishment.* Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony.

12304. *Sale, possession or transportation of fixed ammunition; punishment; subsequent conviction.* Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars ($1,000), or by both such fine and imprisonment.

A second or subsequent conviction shall be punished by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison for a term not to exceed three years, or by a fine not to exceed three thousand dollars ($3,000), or by both such fine and imprisonment.

12305. *Permits to conduct business; fee.* Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Chief of the Bureau of Criminal Identification and Investigation. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars ($50). Such permit shall be valid for a period of one year only.

12306. *Permits; non-business purposes; fee.* Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Chief of the Bureau of Criminal Identification and Investigation before possessing or transporting any destructive device. The chief may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars ($10). The chief shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

12500. *"Silencer" defined.* The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind designed, used or intended for use in silencing the report of a firearm.

12501. *Exemptions.* Nothing in this chapter shall prohibit any city or county, state or federal officer, or the military or naval forces of this State or of the United States from possessing silencers for official use in the discharge of their duties.

12520. *Possession; offense; punishment.* Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars ($5,000), or by both.

12550. *Necessity of parental consent; violation; misdemeanor.* No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

12551. *Sale of firearms to minor. Misdemeanor.* Every person who sells to a minor under the age of 18 years any firearm, airgun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

12560. *Violation; penalty.* Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both such term of imprisonment and such fine.

12570. *Purchase in contiguous state; laws applicable.* Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

Alameda

16–512. *Maxim silencer.* It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16–517. *Firearms and air rifles—Use or possession of by minors.* It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

16–521. *Sale, etc., except to permit holder unlawful.* It shall be unlawful for any person, firm, association or corporation to sell, lease or otherwise transfer a pistol, revolver or other firearm of a size capable of being concealed upon the person, unless the person to whom the same is sold, leased or otherwise transferred, shall first exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such weapon.

16–522. *Permit to acquire firearm—Application—Issuance—Sale not to be made without permit—Endorsement.* Upon satisfactory proof being made to him that the person applying therefor is of good moral character and that good cause exists for the issuance thereof, the Chief of Police may issue to such person a numbered permit authorizing such person to purchase, lease or otherwise acquire a pistol, revolver or other firearm of a size capable of being concealed on the person, such application shall be made in the applicant's own handwriting, and shall set forth his name, residence, business and business address, the kind of firearm desired and the reason for his application. The permit, which shall be issued in duplicate, shall show the name, residence and business of the person to whom issued and his description, including height, weight, age, color of hair, skin and eyes, and be countersigned by the permittee himself at the time of issuance. The Chief of Police shall retain the duplicate copy in the files of his office. No such sale, lease or other transfer of such a firearm shall ever be made without such a permit and unless the description of the person desiring such acquisition shall correspond with the description in such permit, nor unless such permit is then and there surrendered to the person from whom such firearm is received. The person selling, leasing or otherwise transferring such firearm shall endorse upon the permit the make, number and caliber of such firearm and immediately transmit the permit to the Chief of Police.

16–523. *Register of sales, etc.* Every person, firm, association or corporation who sells, leases, or otherwise transfers a pistol, revolver or other firearm of a size capable of being concealed on the person shall keep a register of the time, date, place and the signature of the person acquiring the same, together with the make, model, manufacturer's number and caliber thereof, and in addition thereto, the number of the permit issued by the Chief of Police authorizing the person to acquire the same.

16–524. *Purchase or acceptance of firearm without permit unlawful.* It shall be unlawful for any person in the City of Alameda to purchase or accept delivery from any person, firm, association or corporation, outside the City, of any pistol, revolver or other firearm of a size capable of being concealed on the person, without first having procured a permit from the Chief of Police as provided in Section 16–522.

16–525. *Article not applicable to officers or dealers receiving or transporting firearms.* Nothing in this chapter shall apply to duly elected or appointed peace officers of any political subdivision of the State, or to bona fide dealers receiving or transporting unloaded pistols, revolvers or other firearms in the regular course of business.

Alhambra

2642. *Section one:* It shall be unlawful for any person, firm or corporation to sell, exchange, give, loan or furnish to any person under eighteen years of age, any spring back knife, sling shot or sling device having a rubber band more than one-eighth of an inch (1/8 in.) in width; or any gun, revolver, pistol, BB gun, pellet gun, or firearm of any description which discharges or propels any missile; or any crossbow or bow more than three feet (3 ft.) in length; or any metal or pointed tipped arrows; or any spring gun, air gun or blow gun designed or intended to discharge any shot or other deadly or dangerous missile; or any ammunition, cartridge or shell; or any other device containing any explosive substance designed and intended for use in any of the weapons enumerated herein.

Artesia

I. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

II. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Baldwin Park

3508. No person shall sell at retail within the city, pistols, revolvers, or other firearms capable of being concealed upon the person without first having obtained a permit from the Chief of Police authorizing such person to make such sale. For the purpose of this section the Chief of Police is hereby designated as the licensing authority.

3509. The Chief of Police may issue a permit for the sale of firearms upon receiving an application in conformity with the form prescribed by the Attorney General and further in conformity with Article 4, Chapter 1, Title 2, Part 4 of the Penal Code of the State of California.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile.

3520.1 Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in the City of Baldwin Park the giving, loaning, or furnishing to any person under the age of eighteen (18) years any articles mentioned in Sections 3520, and 3521 hereof, nor to prohibit any persons under the age of eighteen (18) years from having in his or her care, custody, or control, any article mentioned in Section 3520.2 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person, or in the event that such person is under the direct supervision and control of some adult person.

Bellflower

3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designated, or intended, to discharge, or capable of discharging, of any dangerous missile.

3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3403. Nothing in Sections 3400, 3401, • • • shall be deemed or construed to prohibit in said City of Bellflower the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof; • • •

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Belmont

11.6. *Sale of firearms to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Buena Park

18–13. *Possession or use of firearms prohibited.* No person under the age of eighteen years shall use or have in his possession any firearm, spring gun, air rifle, slingshot or ammunition within the city.

18–14. *Giving, selling, etc., of firearms to minors.* No person shall give, sell or loan to any person under the age of eighteen years any firearm, spring gun, air rifle, slingshot or ammunition.

Burbank

20–57. *License to sell firearms at retail.* Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Department, the purpose of this Section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. No license shall be issued by the License Department hereunder unless first approved by the Chief of Police, in writing. Said license shall be in form as prescribed by the Attorney General and subject to the conditions prescribed by Section 12071 and amendments thereto of the Penal Code of the State of California.

20–58. *Unlawful to sell without prior notice to chief of police.* No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee. * * *.

20–63. *Sale of ammunition to minors.* No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, BB shot, shot or other missile designed for use in any firearm or spring or air gun or gas operated gun of any description. Shooting galleries and ranges may furnish ammunition to person under sixteen (16) years of age to be expended at the gallery or range under the supervision of a responsible adult, provided the parent or guardian personally appears and consents in writing.

8–14. *Firearms.* Every person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms, shall pay for revenue purposes a license fee of one (1%) percent of the total gross receipts collected from the sale or rental of such firearms; provided, however, that in no event shall the license fee be less than Twelve ($12.00) Dollars per year.

Cabazon

3508. No person shall sell at retail within the City, a pistol, revolver, or other firearm capable of being concealed upon the person without first having received a permit from the County Sheriff authorizing such persons to make such sale.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Cabazon for any person, firm, or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, springgun, air gun, sling, sling-shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Cabazon for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fire from, any gun, revolver, pistol, or firearm.

3520.3. Nothing in this chapter shall be deemed or construed to prohibit in said City of Cabazon the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

Cerritos*

1. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Dairy Valley, for any person, firm or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile.

2. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Dairy Valley for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

4. Nothing in this ordinance shall be deemed or construed to prohibit in said City of Dairy Valley the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof; * * *.

Chula Vista

508–1. *Firearms—"Sale to Minors".* No person shall sell, exchange, give or loan to any person under the age of 16 years any spring back knife, gun, revolver, pistol or firearm of any description or any spring or airgun or other device designed or intended to discharge any pellets, or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

508–2. *Firearms—"Minors Possession of".* No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

750–1. *Permit from Chief of Police.* No person shall engage in the business of selling or otherwise transferring, or advertise for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the Chief of Police. * * *.

*Note: Formerly known as Dairy Valley.

Clovis

4–6.07. *Sale of firearms.* (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, either title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold; leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person.

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any spring-back knife, rifle, pistol, revolver, gun, slungshot, slingshot, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.

Compton

3603. *Firearms—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.

3603.1 *Minors—Possession of.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Contra Costa County

3300. *Possession of Firearms by minors under sixteen.* No minor under the age of sixteen (16) years shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

3303. *Sale of ammunition to minors under sixteen (16).* No person shall sell or give to any minor under the age of sixteen (16) years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.

Corona

4–4–1. *Minors, firearms, etc., sale, etc., to.* No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any airgun, "B-B gun", gas operated or spring gun, or any ammunition therefor, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or any mechanical devices; or any instrument, toy, or weapon commonly known as a "slingshot", or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such intrument is called by any name set forth above or by any other name.

4–4–2. *Possession prohibited.* No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 4–4–1 except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian, or having in his possession written permission signed by such parent or guardian permitting him to have any of said articles in his possession.

Culver City

36–9. *Minors—Sale of firearms to.* It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description, or any spring or air gun designed or intended to discharge, or capable of discharging, any dangerous missile.

36–10. *Same—Possession of firearms.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding Section.

Daly City

16–5. *Firearms, explosives, cartridge or metallic caps—Sale, exchange, etc., to minors under eighteen years of age.* No person shall expose for sale, sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of eighteen years, any pistol or other firearm or any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap, whether loaded or not with ball.

16–6. *Same—Possession by minors under eighteen years of age.* No person under the age of eighteen years shall have in his possession, expose, use or discharge any pistol or other firearm, or have in his possession any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap whether loaded with ball or not.

Downey

4112. *Weapons. Furnishings to minors.* Except as otherwise provided in Section 4114 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any springback knife, gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4113. *Minors. Possession.* Except as otherwise provided in Section 4114 hereof, no person under the age of eighteen years shall fire, discharge, shoot, or operate, or have in his or her possession, care, custody, or control, any springback knife, gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

4114. *Exceptions.* Nothing in Sections 4112 or 4113 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in said Sections, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in said Sections hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; * * *.

El Cajon

18–12. *Sale to minors.* No person shall sell within the city to any minor child any dart, arrow or sharp pointed missile, pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.

El Cerrito

3501. *Sale of firearms to minors.* It shall be unlawful for any person to sell to any minor in the City of El Cerrito, or to allow any such minor to carry any firearm, or gun, or rifle or other gun or device discharging by the use of powder, air or springs, or any sling or sling-shot except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.

El Monte

12.3. *Permits required. a. Permits shall be obtained:* (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5. *General requirements. a.* The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, as herein defined, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

4250. *Firearm. Defined.* For the purposes of this Part, a firearm is defined as any object capable of discharging or projecting any missile, including but not limited to: shotgun, rifle, pistol, revolver, slingshot, air rifle, B-B gun, target pistol, target gun, nigger shooter, peashooter, tommy gun, wham-o gun, or any other similar device for the discharging or propelling of missiles capable of inflicting injury to person or property.

4251. *Same. Possession by minors prohibited.* No person under the age of 16 years shall own, possess, shoot, discharge, or use any firearm.

4252. *Same. Parental duty.* No parent, guardian, custodian or person in charge of any person under the age of 16 years shall permit any such person under the age of 16 years to own, possess or use any firearm.

4253. *Same. Sale to minors prohibited.* No person shall give, lend, sell, deliver, or transfer possession of any firearm to a person under the age of 16 years.

Fontana

174–1. Ordinance No. 157, Sect. 9, is hereby amended to read as follows: No person shall sell, exchange, give or lend to any person under 18 years of age any snap-blade, springblade, or gravity knife, gun, revolver, pistol or firearm of any description or any spring or air gun or other device designed or intended to discharge any pellets, B–B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

No portion of this section shall prohibit the giving, lending or possession of any air rifle, pellet gun, rifle, shotgun or pistol, or any ammunition for such firearm, air rifle or pellet gun * * * nor prohibit the selling * * * provided the minor has the written consent of a parent or legal guardian.

Fremont

3–3100. *Sale of weapons to minors.* Except as otherwise provided in section 3–3103 of this Code, no person shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

3–3101. *Sale of ammunition to minors.* Except as otherwise provided in section 3–3103 of this Code, no person shall sell, give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

3–3102. *Possession and use of weapons by minors.* Except as otherwise provided in section 3–3103 of this Code, no person under the age of sixteen years shall fire, discharge, shoot, or operate, or participate in the firing, discharging, shooting, or operating, or have in his possession, care, custody, or control, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or other firearm.

3–3103. *Prohibition does not apply to licensed hunters.* Nothing in sections 3–3100, 3–3101 or 3–3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3–3100 and 3–3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3–3102 of this Code. Nothing in this chapter shall be deemed or construed to prohibit any person under the age of sixteen years from firing, discharging, shooting, or operating any article mentioned in section 3–3102 of this Code, when such person is the holder of a valid state hunting license and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed, or is lawfully engaged in shooting at any inanimate target or trap-shooting device while accompanied by, and under the direct care and control of some responsible adult person, at an established shooting range with a safe background.

Fullerton

7.20.010. *Firearms—Providing prohibited.* No person shall sell, exchange, give or loan any gun, revolver, pistol or firearms of any description, to any person under the age of eighteen years.

7.20.020. *Cartridge or shell—Providing prohibited.* No person shall sell, exchange, give or loan any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, containing any explosive, to any person under the age of eighteen years.

7.20.040. *Firearms—Possession by minor prohibited.* No person under the age of eighteen years shall have in his or her possession, care, custody or control any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or

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other device designated and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive.

7.20.050. *Exceptions—Permit from police.* The provisions of this chapter shall not be applicable to sales, exchanges, gifts or loans to persons over the age of fourteen years and under the age of eighteen years who have secured a permit from the Chief of Police. • • •.

Gardena

3–3.101. *Definitions.* For the purposes of this article, certain words and terms used herein are defined as follows: (a) "Firearm" shall include, but not be limited to, any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot, or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, spring, or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

3–3.103. *Possession of firearms by minors.* No person under eighteen (18) years of age shall have in his possession, care, custody, or control any knife, any blade of which exceeds three (3") inches in length, or any snap-blade or spring-blade knife, regardless of the length of the blade, or any firearm.

3–3.104. *Furnishing firearms to minors.* It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Glendale

11–10. *Firearms and weapons generally—Selling, lending, etc., to persons under eighteen years of age.* No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned in the city, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

11–11. *Same—Selling, lending, etc., ammunition to persons under age of eighteen.* No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned in the city, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive, to any person under the age of eighteen years.

11–13. *Same—Persons under age of eighteen not to possess firearms, ammunition, etc.* No person under the age of eighteen years shall have in his possession, care, custody or control in the city, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Hawaiian Gardens

3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Hawaiian Gardens for any person, firm or corporation to sell, give, lend or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Hawaiian Gardens, for any person, firm or corporation, to sell, give, lent, or in any way furnished, or to cause or permit to be sold, given, lent, or in any furnished, to any person under the age of eighteen (18) years any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3403. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Hawaiian Gardens the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof; • • •.

Hawthorne

8–302. *Firearms and ammunition to minors.* (a) Selling, etc. No person shall sell, exchange, give or loan any gun, revolver, pistol or other firearm, or any cartridge, shell, ammunition, or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen (18) years.

(b) Possession, etc. No minor under the age of eighteen (18) years shall have in his possession, care, custody or control any gun, revolver, pistol, or other firearm, or any cartridge, shell, ammunition, or other device, containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or other firearm.

Hayward

3–4.00 *Dangerous weapon. Definition. Dangerous weapon shall mean and include:*

6. Any rifle, gun, pistol, revolver, air rifle, B-B gun, air gun, sling, sling shot, or other similar instrument or device designed or intended to discharge or capable of discharging a bullet shot, or other missile of any kind.

3–4.10 *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided herein, it shall be unlawful for any person in the City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3–4.11 *Same. Exceptions.* Nothing in this Article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision 6 of Section 3–4.00 • • •.

Inglewood

4222. *Same. Sale to minors.* No person shall sell, exchange, give or loan to any person under eighteen years of age, any spring-blade knife, gun, revolver, pistol or firearm of any description or any spring or air gun or other device designed or intended to discharge any B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, whether designed or intended for use in any weapons enumerated herein or not.

Isleton

42.1. *It shall be unlawful for any person,* firm, co-partnership, association or corporation to sell at retail within the Town of Isleton any pistol, revolver or other firearm capable of being concealed upon the person, as such firearms are defined by the terms of Chapter 339 of the Statutes of the State of California of the year 1923, without first procuring from said Town of Isleton, a license so to do.

2–3. *No pistol or revolver shall be delivered* (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Lakewood

3520. *Unlawful Sale, Gift or Furnishing.* Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, bows, arrows, or bows and arrows, or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Lakewood the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof. • • •.

La Mesa

10.28.010. *Firearm defined.* As used in this chapter, the word "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive. The word "explosive" includes, but is not limited to, compressed air.

10.28.020. *Possession of firearm by infant.* No person under the age of eighteen shall be allowed to have in his possession within the city limits of the city of La Mesa any firearm presently capable of expelling a projectile.

La Mirada*

4200. Except as otherwise provided in Section 4203 hereof, it shall be unlawful in the City of Mirada Hills for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

4201. Except as otherwise provided in Section 4203 hereof, it shall be unlawful in the City of Mirada Hills, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years (18), any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4203. Nothing in Sections 4200, 4201, • • • shall be deemed or construed to prohibit in the City of Mirada Hills the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian

*NOTE: Formerly known as City of Mirada Hills.

of such person, any article mentioned in Sections 4200 and 4201 hereof; • • •.

Long Beach

4180.7. *Possession by minor under eighteen of firearms, air guns or ammunition.* No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

Los Angeles

45.01. *Firearms—Knives—Sale to minors.* No person shall sell, exchange, give or loan to any person under 18 years of age any springback knife, gun, revolver, pistol or firearm of any description or any spring or airgun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

45.02. *Firearms — Minors — Possession of.* No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

103.314. *Sellers of concealable firearms:* (a) Definition. "Seller of Concealable Firearms" shall be any person who sells or offers for sale at retail any pistols, revolvers, or other firearms capable of being concealed upon the person, including any pistol, revolver or gun which detonates or fires an explosive compound in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) Permit required. No person shall engage in, conduct, manage, or carry on the business of seller of concealable firearms without a written permit from the Board.

(c) Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made at said fixed location.

Los Angeles County

1567–1. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

1567–2. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of said Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

1567–4. Nothing in this ordinance shall be deemed or construed to prohibit in said Los Angeles County the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Section 1 and 2 hereof; • • •.

Los Gatos

17–13. *Sale to minors; possession and use by minors.* No person shall sell to any minor in the town under the age of sixteen years, and no person shall sell or give to any minor in the town under the age of eighteen years, without written consent of his parent or guardian, any rifle, gun, pistol, revolver, air rifle, B-B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected.

Lynwood

701–2. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Lynwood for any person, association of persons, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

701–4. Nothing in this ordinance shall be deemed or construed to prohibit in said City of Lynwood the selling, giving, loaning or furnishing to any person under the age of eighteen years upon the written consent of the parent or guardian of such person any article mentioned in Section 1 and 2 hereof, • • •.

Montclair

4–5.01. *Definitions.* For the purposes of this chapter, certain words and phrases used herein are defined as follows:

(a) "Firearm" shall mean and include, but shall not be limited to, any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, slingshot, or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance or spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

4–5.03. *Possession by minors.* No person under eighteen (18) years of age shall have in his possession, care, custody, or control any knife any blade of which exceeds three (3") inches in length, or any snap blade or spring blade knife regardless of the length of the blade, or any firearm.

4–5.04. *Sales to minors.* It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Monterey Park

4233. *Firearms—to minors.* No person shall give, sell or loan to any person under the age of eighteen years, any firearm, spring gun, air rifle, sling shot or ammunition.

4234. *Possession prohibited.* No person under the age of eighteen years, shall use or have in his possession any firearm, spring gun, air rifle, sling shot or ammunition within the City.

Norwalk

4302. *Miners, Selling or Giving Weapons to.* Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of 18 years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

4303. *Same, Providing Ammunition to.* Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4305. *Same, Exception to.* Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; • • •.

Oakland

2–2.30. *Firearms and air rifles. Use or possession of by minors.* It shall be unlawful for any person to sell or give to any minor in the City of Oakland under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, air rifle, B–B gun, or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

2–2.31. *Maxim silencers.* It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

Paramount

30–33. *Sale to minors.* Except as otherwise provided in section 30–36, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, spring gun, air gun, slingshot or device designed or intended to discharge, or capable of discharging, any dangerous missile.

30–34. *Sale of ammunition to minors.* Except as otherwise provided in section 30–36, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

30–36. *Exceptions to sections 30–33 to 30–35.* Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 30–33 and 30–34; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 30–35 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any

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article mentioned in section 30–35 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in the city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.

Pico Rivera

3520. *Unlawful sale, gift or furnishing.* Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, bows, arrows, or bows and arrows, or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm, or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile.

3520.3. Nothing in this chapter shall be deemed or construed to prohibit in said City of Pico Rivera the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, * * *.

Piedmont

12.5. *Firearms, etc.—Sales or gifts to minors; use or possession by minors; exceptions.* It shall be unlawful for any person to sell or give to any minor in the city, under the age of eighteen years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, air rifle, B-B gun, slingshot or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, however, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs or organizations and educational institutions authorized to give firearm instructions, while such firearms or other instruments are being used as a part of such instructions, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

Pittsburg

583.2. No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object; provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such minors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.

Placentia City

(c) *It shall be unlawful to sell,* give away, barter, or trade, any gun, pistol, or firearms or any air gun or pistol or any spring gun or pistol or any device that shoots or propels pellets or missiles by any means, to any minor under the age of eighteen years without the written consent of the Police Department.

(d) *It shall be unlawful to sell,* give away, barter, or trade any ammunition, pellets, missiles or any device used for shooting from pistols, guns or fire arms, or any spring-loaded gun or pistol or device that shoots or propels or missiles by any means to any person under the age of eighteen years without the written consent of the Police Department.

(e) *It shall be unlawful for any parent,* juvenile, or any person, to transport or have shipped into the City of Placentia, any of the above-mentioned items for the use of any person under the age of eighteen years.

Red Wood City

3250.5. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designated to discharge a solid projectile propelled by the expansion of a gas. (Added by Ordinance No. 1315, adopted 8–15–58.)

3255.2.c. *No pistol or revolver shall be delivered* (1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

3255.3. *Copies of register sheet, disposition of.* Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

San Bernardino

1. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, or any air-gun, "B-B gun," gas-operated gun or spring gun, or any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle or other mechanical devices; or any instrument, toy or weapon commonly known as a "slingshot," or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name.

2. No person under the age of 18 years shall have in his possession, care, custody or control any of the articles mentioned in Section One of this ordinance except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian.

San Bruno

16–6. *Firearms—Sale to and possession by minors.* (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Carlos

7330. *Definition of "firearms."* Firearms is defined as a cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, "BB" gun, air gun, pellet gun, or any other weapon of similar nature designed to discharge a projectile by the expansion of a gas.

7335. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Diego

21.1201. *License required.* It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the Tax Collector of the County of San Diego as provided in this chapter.

21.1207. *Delivery of firearms.* No concealable weapon shall be delivered: (a) Within five days of the application for the purchase thereof; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Francisco

521. *Sale of firearms and explosive cartridges to minors prohibited.* It shall be unlawful for any person or persons within the limits of the City and County of San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of seventeen years any pistol or other firearm or any toy pistol or imitation of any pistol or firearm, or instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or cap, whether loaded or not with ball.

613. *Regulating sale of concealed weapons.* It shall be unlawful for any person in the business of selling, leasing or otherwise transferring pistols, revolvers or other firearms of a size capable of being concealed on the person, to sell, lease or otherwise transfer such pistol, revolver or other firearm, unless the person to whom such sale, lease or transfer is made shall exhibit a permit issued by the Chief of Police of this city and county authorizing such person to purchase, lease or otherwise acquire such pistol, revolver or other firearm.

617. *Exceptions.* This section and Sections 612 to 616, inclusive of this Article, shall not apply to wholesale dealers, in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jose

4258. *Selling pistol to minor.* No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, air gun or other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

San Leandro

4–1–100. No person shall within this City:

4–1–104. Sell, loan, or give any firearm or ammunition to any person under 18 years of age without his parents' prior written consent.

4–1–105. Sell, loan, or give any firearms or ammunition to any person under 16 years of age.

San Marino

14.3 *Firearms, Ammunition, etc.—selling, etc., to minors.* 1. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen years.

2. *Sale, etc., of ammunition to minors.* It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description, containing any explosive to any person under the age of eighteen years.

4. *Unlawful possession by minors.* It shall be unlawful for any person under the age of eighteen years to have in his possession, care, custody or control any gun, revolver, pistol, spring or BB or air gun or firearms of any description, or any cartridge, shell or other device containing any explosive or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive.

San Mateo County

3250.5. *Sale of certain firearms prohibited to minors.* No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

3255.0. *Portions of penal code adopted.* The provisions of Sections 12070–12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Santa Barbara

9.36.010. *Definitions.* For the purposes of this chapter the following words and phrases when used in this chapter shall have the meanings respectively ascribed to them by this section: (1) "Business" means retail and not wholesale business. (2) "Convicted" means entry of plea of guilty, or found guilty by court or jury. (4) "Firearms" means any gun, rifle, shotgun, pistol, revolver or any other device which projects a missile by an explosive type of ammunition, including but not limited to firearms capable of being concealed upon the person. (5) "Permit" means any permit issued under and as provided in this chapter. (6) "Permittee" means any person issued a permit under the provisions of this chapter.

9.36.040. *Certain persons not permitted to sell, transfer, etc.* No permittee under this chapter shall permit anyone, to whom the transfer of any firearm is prohibited, to sell, deliver, lease, rent or in any manner transfer any firearm.

9.36.090. *Delivery of firearms to minors prohibited.* No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.

9.36.130. *Sale of ammunition to certain persons prohibited—Exception.* No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.

9.36.160. *Dealings without permit prohibited.* No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise transferring or advertising for the sale of any firearms.

Santa Fe Springs

15–17. *Sale to minors.* No person shall give, sell or loan to any person under the age of eighteen years, any gun, firearm, spring gun, air rifle, slingshot or ammunition.

15–18. *Possession, use and sale of firearms, slingshots, ammunition, etc., permitted with consent and supervision of parents.* Nothing in section * * * 15–17 shall be deemed or construed to prohibit any of the following: (a) The selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in section 15–17.

Santa Maria

17–8. *Firearms—Sales to or possession by minors.* It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, or to carry any sling or slingshot, except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

3505. *Retailer's permit for the Sale of Certain Firearms.* No person shall sell at retail within the City any pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Chief of Police authorizing such person to make such sale.

3509. *Firearms, knives, and other devices. Sale to minors.* No person shall sell, exchange, give, or loan to any person under 18 years of age any spring-back knife, gun, revolver, pistol, or firearm of any description or any spring or airgun or any sling or slingshot or other device designed or intended to discharge or propel any pellets, B-B shot, shot, or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

3510. *Same. Possession by Minors.* No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

3511. *Same. Exceptions.* It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person under the age of 18 years from having in his possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian for the purpose of lawfully engaging in contests or games of skill and lawfully shooting at targets upon established target ranges, whether public or private, while such person is using such article or device upon such target ranges, or while going to and from such ranges and, provided further, that such person is accompanied by and under the direct care and control of some person over the age of 21 years.

South Lake Tahoe

18–13. *Definitions.* For the purposes of this article, the term "dangerous weapon" shall mean and include: (f) Any rifle, gun, pistol, revolver, air rifle, B-B gun, air gun, slingshot, or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

18–16. *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided in Sec. 18–17, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this article only, a minor is a person who is under the age of 18 years.

18–17. *Exceptions.* Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Sec. 18–13; nor to prohibit such minor from using or having in his possession, care, custody, or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of 21 years.

South San Francisco

1. *It shall be unlawful for any person,* persons, firm or corporation, within the limits of the City of South San Francisco, to sell any gun, rifle, revolver, pistol, or other firearms, or any air-gun, or any instrument of any kind or character which throws or projects bullets or missiles of any kind, to any distance, by means of the elastic force of air, or by means of any explosive substance, except to such person, persons, firm or corporation as shall have first received a written permit from the City Marshal of said City to purchase the same.

Stockton

4–044. *Sale of firearms and/or ammunition to minors:* It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.

4–045. *Sale of concealed firearms:* It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the

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person, at retail, within the City of Stockton, without a license * * *.

4-046. *License to sell:* The City Manager is hereby authorized to issue licenses to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person. Such licenses shall be issued in the form prescribed by the Attorney General and shall be effective for not more than one year from date of issue.

4-046.1 *License*—Chief of police to approve: The said licenses shall be issued only after a report in writing concerning said prospective licensee has been made by the Chief of Police to the City Manager. Said licenses shall not be issued to any person who: (a) Has been convicted of a felony and has served a term of imprisonment therefor in a State or Federal prison, (b) Has been convicted of any violation of the Dangerous Weapons Control Law of the State of California, or (c) Is not of good moral character.

Torrance

45.3.6. *Firearms, air guns, etc. in possession of minors.* It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Union City

1. *Dangerous weapon, definition.* Dangerous weapon shall mean and include: * * * f. Any rifle, gun, pistol, revolver, air rifle, B-B gun, air gun, sling, sling shot, or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot or other missile of any kind.

2. *Use, possession, discharge, sale of dangerous weapons.* Except as otherwise provided herein it shall be unlawful for any person in the City of Union City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3. *Same: exceptions.* Nothing in this Ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian or such minor, any dangerous weapon as defined in subdivision of Section 1; nor prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Upland

4270.1. *Firearms defined.* The words "Firearm" or "Firearms" as used in this Part, includes, but is not limited to: any gun, revolver, pistol, firearm, spring gun, air gun, gas gun, sling, sling shot or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

4270.2. *Deadly or dangerous weapons defined.* The words "Deadly or Dangerous Weapon" as used in this Part, includes, but is not limited to: any dirk or dagger; any knife with a blade three inches or more in length, any snapblade, gravity or spring-blade knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight edge razor or any razor or other blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of the State of California restricting the use thereof; and any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm and any firearm.

4270.4 *Minors. Possession of firearms, knives, etc.* That no person under eighteen years of age shall have in his possession, care, custody or control, any knife, any blade of which exceeds three inches in length; or any snapblade, gravity, or spring blade knife, regardless of the blade, or any firearm or firearms.

4270.5. *Minors. Giving firearms, etc., prohibited.* It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any firearm or firearms as defined in Section 4270.1 of this Part.

4270.10. *Exceptions.* The aforegoing shall not apply or be deemed to apply in the following cases:

(a) When the firearm or weapon is in the possession of any peace officer for use in the enforcement of law;

(b) When the firearm or weapon is in the possession of a person who has a valid permit to possess and carry the same issued by a duly authorized governmental authority;

(c) When any such firearm is being used at or in connection with the operation of any lawful pistol or rifle range in accordance with rules and regulations approved by the Chief of Police of the City of Upland, or the City Council of said City, and

(d) In the case of ordinary rifles, shotguns, tools or sports equipment possessed or carried in good faith for uses of honest work, trade or business or for the purpose of legitimate game hunting, sport or recreation.

Walnut Creek

3-6.04. *Sale of weapons to minors.* It shall be unlawful for any person to sell to any minor under eighteen (18) years of age, or to allow any such minor to carry ammunition for, any firearm, gun, rifle, or other gun or device discharging by the use of powder, air, or springs, or any sling or slingshot, except when accompanied by an authorized person over eighteen (18) years of age; provided, however, that the provisions of this chapter shall not apply to the possession of such firearms, or other instruments or ammunition therefor, by such minors in bona fide shooting galleries, or on a pistol and rifle range, the locations of which have been approved by the Council.

West Covina

4402. *Providing minors with firearms unlawful.* No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other devise containing any explosive device designed and intended for use in any of the weapons enumerated herein.

4403. *Possession of firearms by minor prohibited.* No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in Section 4402 hereof.

Whittier

4260.12. *Minors—Firearms, etc., selling, etc., to prohibited.* No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm, spring gun, air gun, sling, sling shot, or device designed or intended to discharge or capable of discharging any dangerous missile. The provisions of this Section shall not apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.

4260.12(a). *Same—Ammunition, explosives, etc., selling to prohibited.* No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

4260.12(b). *Same—Possession of—Prohibited.* No person under the age of eighteen years shall have in his possession, care or control any gun, revolver, pistol, firearm, spring gun, air gun or similar device, except as provided in this Part.

COLORADO

State Law

COLO. REV. STATS.

40-11-10. *Possession of firearms or deadly weapons by certain felons.* (1) Any person previously convicted of murder, voluntary manslaughter, assault to commit murder, assault with a deadly weapon, or robbery, burglary, rape, mayhem, arson, larceny, or, of possession of narcotics, within the immediately preceding ten years, who shall use or carry concealed upon his person any firearms, as defined by law, or any pistol, revolver, bowie knife, dagger, sling shot, brass knuckles, or other deadly weapon shall be guilty of a felony, and upon conviction thereof, for the first offense shall be punished by imprisonment in the penitentiary for a term of not less than two years nor more than ten years, and for a second or subsequent offense, shall be punished by imprisonment in the penitentiary for a term of not less than five years nor more than ten years.

(2) The foregoing provisions of this section shall not apply to any person carrying firearms properly cased to and from a range for the purpose of engaging in target practice or lawful hunting.

40-12-101. *Definitions.* (1) The following definitions apply to this article: (a) "Blackjack" includes any billy, sand club, sand bag, or other hand-operated striking weapon consisting, at the striking end of an encased piece of lead or other heavy substance, and at the handle end, a strap or springy shaft which increases the force of impact.

(b) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

(c) "Short rifle" means a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches.

(d) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

(e) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

(f) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 53-7-3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) The provisions of this article shall not be held to prohibit any act by a peace officer in the lawful discharge of his duties.

40-12-102. *Possessing an illegal weapon.* (1) As used in this section, the term "illegal weapon" means a blackjack, bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, metallic knuckles, gravity knife, or switchblade knife.

(2) A person other than a peace officer or member of the armed forces of the United States or Colorado national guard commits a class 1 misdemeanor if he knowingly possesses an illegal weapon.

40-12-103. *Possession of a defaced firearm.* A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed.

40-12-106. *Prohibited use of weapons.* (1) A person commits a class 2 misdemeanor if: (d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under 40-12-106(2)(c), is no defense to a violation of this subsection.

40-12-108. *Possession of weapons by previous offenders.* Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in sections 40-12-101 to 40-12-106, commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

53-6-3. *Declaration of policy—residents.*—(1)(a) It is hereby declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements: (b) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968", applicable to interstate transactions other than at the licensee's business premises.

53-4-1. *Insurrection — firearms prohibited.*—Whenever in the opinion of the governor a condition of riot, insurrection or invasion exists in this state, or in any county, city, town, or district in this state, he shall have the right to declare the state or any such county, city, town, or district, to be in a state of riot, or insurrection, or invasion, by proclamation, and to prohibit the purchase, manufacture for sale or use, receiving, carrying or use, or the selling, giving away, transportation, or otherwise disposing of, or the permitting of others to obtain possession of, any firearms or ammunition in the places covered by said proclamation or in any other portion of the state designated by him during the time that said proclamation remains in force.

53-4-2. *Permit to bear arms.*—If the governor at any time shall issue his proclamation as provided in section 53-4-1, declaring the state, or any county, city, town, or district within the state to be in a state of riot, or insurrection, or invasion, it shall be unlawful while said proclamation is in force, for any person, firm or corporation within the territory covered by said proclamation to purchase, manufacture for sale or use, receive, transport, carry or use, any firearm or ammunition, or to sell, give away, or otherwise dispose of, or permit others to obtain possession of any firearm or ammunition, without a written permit from the governor or his regularly authorized representative. No permit shall be issued by the governor or his representative unless and until the person so desiring such permit shall satisfy the governor or his representative that the same is to be used in defense of his home, person or property. This section shall not apply to legally authorized peace officers, or sheriffs, designated by the governor or his representative, or members of the national guard of Colorado. No permit shall be issued to allow the purchase, manufacture for sale or use, receipt, use, transportation or disposing of firearms or ammunition by anyone not a citizen of the United States or to anyone who has not been a resident of the state of Colorado for more than one year prior to the issuance of the proclamation mentioned in section 53-4-1.

Aurora

10-3-2. *Sale of weapons.* It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Boulder

36-11. *Sales, etc., to drunkards, drug addicts and minors.* It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Brighton

7-443. *Unlawful to sell weapons to intoxicated persons.* It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years. Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by Brighton to such person, firm or corporation.

Commerce City

14-112. *Furnishing to certain persons prohibited.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Cortez

13-84. *Unlawful to sell weapons to intoxicated persons.* A. It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

Denver, City and County of

.5. *Identification and records concerning sales, etc.* .5-1. Every person who sells, rents, or exchanges at retail any weapon described in Section 846.1-1 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

.5-3. It shall be unlawful for any person who purchases, rents, or exchanges any weapon described in Section 846.1-1 or Section 846.4 of this Code to give a false or fictitious name, or any other false, fraudulent or incorrect information to the person from whom such weapon is purchased or rented or with whom it is exchanged at the time such purchase, rental, or exchange is made.

.6. *Unlawful to sell weapons to intoxicated persons.* .6-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Section 846.1-1 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

.8. *Incendiary or explosive device.* .8-2. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or an explosive device, to possess, handle, store, transport or sell any such device, knowing the same is to be thrown, placed or caused to be placed for the purpose of causing injury to any person or damage to property.

.8-3. An incendiary or explosive device includes, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

Edgewater

.6. *Unlawful to sell weapons to intoxicated persons.* .6-1. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Section 846.4 of 846.1-1 to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Grand Junction

19-60. *Furnishing to intoxicated persons.* No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greeley

15-125. *Firearms sale to intoxicated persons, drug addicts, minors.* It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Las Animas

23-6. *Sale, rental, etc., of firearms to certain persons prohibited.* It shall be unlawful

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for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability. Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

Littleton

26.6 *Sale, etc., of firearms to certain persons prohibited.* It shall be unlawful for any person to purchase for or to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

CONNECTICUT

State Law

CONN. GEN. STATS. ANN. TITLE 29

29-27. *"Pistol" and "revolver" defined.* The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

29-31. *Display of permit to sell. Record of sales.* No sale of any pistol or revolver shall be made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity. The vendor of any pistol or revolver shall keep a record of each pistol or revolver sold in a book kept for that purpose, which record shall be in such form as is prescribed by the commissioner of state police and shall include the date of the sale, the caliber, make, model and manufacturer's number of such pistol or revolver and the name, address and occupation of the purchaser thereof, and shall be signed by the purchaser and by the person making the sale, each in the presence of the other, and shall be preserved by the vendor of such pistol or revolver for at least six years.

29-33. *No sale to aliens. Application to purchase. Waiting period.* No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of one week from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

29-34. *False information. Sale to minors prohibited.* No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

29-36. *Altering or removing identification mark.* No person shall alter, remove or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name has been altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed or obliterated the same.

CONN. GEN. STATS. ANN. TITLE 53

53-202. *Machine guns.* (1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device. "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who possesses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. * * * (9) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

CONN. LEGISLATIVE SERVICE 1971, PA 400, P. 437

AN ACT CONCERNING THE OUT-OF-STATE PURCHASE OR ACQUISITION OF RIFLES OR SHOTGUNS BY RESIDENTS OF THIS STATE

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN GENERAL ASSEMBLY CONVENED:

1. For the purposes of the federal gun control act of 1968, Public Law 90-618, 18 U.S.C. 921 et seq., and any law amendatory thereof, any person resident in this state, including a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise receive delivery of a rifle or shotgun in the states of New York or Rhode Island or in the Commonwealth of Massachusetts, unless such purchase or receipt of delivery violates any applicable law of this state, any applicable law of the state in which such purchase or receipt of delivery takes place, or any applicable provision of said gun control act of 1968, as amended.

2. Nothing in section 1 of this act shall be deemed to deprive any such resident of this state of any rights granted to such resident under title 18 U.S.C. section 922(a)(5), section 922(b)(3)(B) or section 922(b)(3)(C).

Approved June 9, 1971.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

18-12. *Firearms and ammunition; sales to children.* No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.

Seymour

13-7. *Same—Sale to children prohibited.* It shall be unlawful and is hereby prohibited for any person or persons, firm, corporation or association to sell or offer for sale to any person under the age of sixteen (16) years any air gun or rifle or pistol, B-B gun, spring gun or pistol, or rifle, or any other implement which impels with force a pellet of any kind or any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder, or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

13-8. *Same—Ownership, possession, use by children prohibited; exception.* It shall be unlawful and is hereby prohibited for any person or persons, under the age of sixteen (16) years to own, possess, use or carry any air gun or rifle or pistol, B-B gun, spring gun or rifle or pistol, or any other implement which impels with force a pellet of any kind or any gun, rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

Provided, however, that a person under sixteen (16) years of age can have the use of a rifle or other device described in this section, provided they are with their parents or guardians and under their supervision.

DELAWARE

State Law

DEL. CODE ANN. TITLE 11

464. *Possession or sale of spring or air weapon or silencer; exceptions.* (a) Whoever owns, possesses, sells, or in any manner has control of—

(3) any device, including what is commonly known as a maxim silencer, which may be attached to any weapon or firearm for the purpose of silencing or making less audible the sound of the discharge or firing thereof, shall be fined in such amount or imprisoned, for such term, or both, as the court, in its discretion, may determine.

(d) No child under 16 years of age shall have possession of any firearm or what is commonly known as a B.B. or air rifle or the shot therefor unless under the direct supervision of a full adult. The parents or the legal guardian of a child violating the provisions of this subsection shall be fined an amount not to exceed $25 and shall be held financially liable for any property damage or physical injury that occurs as the result of such violation.

(e) Subsections (c) and (d) of this section shall apply only to New Castle County. As amended 52 Del. Laws, Ch. 33, eff. May 5, 1959.

465. *Possession of machine gun; exceptions.* Whoever, other than the State military forces or duly authorized police departments, has a machine gun in his possession within this State, is guilty of a felony and shall be fined in such amount or imprisoned for such term, or both, as the court, in its discretion, may determine.

466B. *Purchase and possession of firearms by certain persons prohibited.* Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any firearm during the commission of such felony, or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in Delaware that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, who purchases, owns, possesses, or controls any firearm or weapon capable of firing a missile or projectile with sufficient force to cause death or serious bodily injury shall be fined not less than $500 nor more than $2,000, or imprisoned not less than 90 days nor more than 5 years, or both.

Any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium shall be granted 60 days from the enactment of this Act to procure and possess a certificate from the State Board of Trustees of the Mental Health Department stating that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm.

Any person having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, or having been convicted for the unlawful use, possession, or sale of a narcotic or non-narcotic drug, may apply to the State Board of Pardons for permission to purchase, own, or possess a firearm. The decision of the Board shall be final. The Board may adopt such rules, regulations, and procedures as are necessary to effectuate the provisions of this section.

DEL. CODE ANN. TITLE 24

901. *Necessity for license; exceptions.* No person shall sell or expose to sale, any pistol or revolver, or revolver or pistol cartridges, stiletto, steel or brass knuckles, or other deadly weapon made especially for the defense of one's person, without first having obtained a license therefor, which license shall be known as "Special License to Sell Deadly Weapons". No person licensed or unlicensed shall possess, sell, or offer for sale any switch blade knife.

This section shall not apply to toy pistols, pocket knives, or knives used in the domestic household, or surgical instruments or tools of any kind.

902. *Application and fee for license; duration.* Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of section 901 of this title shall apply to the State Tax Department and obtain a license to conduct such business, for which he shall pay the sum of $50. The license shall entitle the holder thereof to conduct such business until the first day of June next succeeding its date.

903. *Sale to minors or intoxicated persons.* No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of section 901 of this title.

DELAWARE CODE ANN. TITLE 28

802. Lawful Acts. It shall be lawful for a person residing in this State (including a corporation or other business entity maintaining a place of business in this State) to purchase or otherwise obtain a rifle or shotgun in a State contiguous to this State and to receive or transport such rifle or shotgun into this State, subject however, to such other laws of the State or its political subdivision as may be applicable and subject to the provisions of Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 U.S.C. Section 921 et seq.

Delmar

13-2. No person shall offer for sale any gun, pistol, rifle or BB-Gun or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.

Dover

20-34. *Sales to intoxicated persons and minors prohibited.* It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in Section 20-29(a) and -31(a) to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.

DISTRICT OF COLUMBIA

D.C. CODE TITLE 22

22-3201. *Possession, sale, transfer, and use of dangerous weapons—Definition.* "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3203. *Unlawful possession of a pistol.* No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the District of Columbia, if—

(1) he is a drug addict;

(2) he has been convicted in the District of Columbia or elsewhere of a felony;

(3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or

(4) he is not licensed under section 22-3210 to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a

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person, knowing that he has been so convicted or that he is a drug addict. Whoever violates this section shall be punished as provided in section 22–3215, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be imprisoned for not more than ten years.

22–3207. *Selling pistol to minors and others.* No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22–3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22–3208. *Transfers of firearms regulated.* No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he is not forbidden by section 22–3203 to possess a pistol. The seller shall, within six hours after such application, sign and attach his address and deliver one copy to such person or persons as the superintendent of police of the District of Columbia may designate, and shall retain the other copy for six years. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22–3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22–3209. *Dealers of weapons to be licensed.* No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, or blackjack without being licensed as provided in section 22–3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

22–3210. *Licenses of dealers of weapons—Records—By whom granted—Conditions thereof.* The commissioners of the District of Columbia may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the District of Columbia subject to the following conditions in addition to those specified in section 22–3209, for breach of any of which the license shall be subject to forfeiture and the licensee subject to punishment as provided in this chapter.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22–3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22–3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

22–3211. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry the same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the District of Columbia, give false information or offer false evidence of his identity.

22–3212. *Alteration of identifying marks of weapons prohibited.* No person shall within the District of Columbia change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

22–3213. *Exceptions.* This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22–3214. *Possession of certain dangerous weapons prohibited—Exceptions.* (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, slung shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed under section 22–3210.

22–3215a. *Manufacture, transfer, use, possession or transportation of molotov cocktails, or other explosives for unlawful purposes, prohibited—definitions—penalties.* (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property.

(c) No person shall, during a state of emergency in the District of Columbia declared by the Commissioner pursuant to law, or during a situation in the District of Columbia concerning which the President has invoked any provision of chapter 15 of title 10, United States Code, manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, except at his resident or place of business.

(d) Whoever violates this section shall (1) for the first offense, be sentenced to a term of imprisonment of not less than one and not more than five years, (2) for the second offense, be sentenced to a term of imprisonment of not less than three and not more than fifteen years, and (3) for the third or subsequent offense, be sentenced to a term of imprisonment of not less than five years and of any term of years up to life imprisonment. In the case of a person convicted of a third or subsequent violation of this section, chapter 402 of title 18, United States Code (Federal Youth Corrections Act) shall not apply.

POLICE REGULATIONS OF THE DISTRICT OF COLUMBIA

50. *Definitions.* 1. When used in these Regulations (Article 50 through 55 of the Police Regulations of the District of Columbia), unless the context requires otherwise, the terms "pistol," "sawed-off shotgun," "machine gun," "person," and "sell" and "purchase" shall have the meanings ascribed to them in the Act of Congress entitled "An act to control the possession, sale, transfer and use of pistols and other dangerous weapons in the District of Columbia," as amended, approved July 8, 1932 (47 Stat. 650, D.C. Code, sec. 22-3201 et seq.). Other terms used in these Regulations, unless the context otherwise requires, shall have the meanings ascribed to them as follows:

(a) "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(b) "Chief of Police" and "Chief" mean the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(c) "District" means the District of Columbia.

(d) "Firearm" means any pistol, rifle or shotgun which will or is designed to, or may readily be converted to, expel a projectile by the action of an explosive; or the frame or receiver of any such pistol, rifle, or shotgun; but does not include a firearm that is not designed or redesigned to use rim fire or center fire fixed ammunition or manufactured in or before 1898.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifle bore for each single pull of the trigger.

(f) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and a weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

(g) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(h) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm, machine gun, short-barrel rifle or sawed-off shotgun.

(i) The term "destructive device" means any firearm, weapon or automatic weapon which is not a pistol, rifle, shotgun, sawed-off shotgun or machine gun defined herein and includes any explosive not commonly

used for lawful commercial purposes, explosive bomb, poison gas bomb, tear gas or tear gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to expel a projectile by the action of any explosive and having any barrel with a bore of one-half inch or more in diameter; excluding however,

(1) a pneumatic gun, spring gun, or B–B gun which expels a single globular projectile not exceeding 0.18 inch in diameter;

(2) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition; or

(3) any device used exclusively for signalling or safety, and required or recommended by the U.S. Coast Guard or the Interstate Commerce Commission.

(j) "Dealer" means (i) any person engaged in the business of selling firearms or ammunition, (ii) any person engaged in the business of manufacturing or repairing firearms or of making or fitting special barrels, stocks or trigger mechanisms to firearms, or (iii) any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money. The term "licensed dealer" means any dealer licensed under the provisions of these Regulations.

(k) "Manufacturing" means manufacturing, producing, making or remaking any firearm, destructive device or ammunition for sale or distribution.

(l) "Act" means the Act of Congress, entitled "An Act to control the possession, sale, transfer and use of pistols and other dangerous weapons, in the District of Columbia," as amended, approved July 8, 1932 (41 Stat. 650, D.C. Code, sec. 22–3201 et seq.).

(m) The term "these Regulations" means the regulations and provisions contained in Articles 50 through 55 of the Police Regulations of the District of Columbia as adopted by the District of Columbia Council and any orders issued by the Commissioner pursuant to authority transferred to him by the Council in such Articles.

(n) "Carry" means to carry, transport or possess on or about one's person, or in such close proximity to one's person as to be easily and readily accessible.

51. *Requiring the registration of firearms in the District of Columbia.* 1. Except as herein provided, no person shall within the District, possess, or keep under his control, or sell or otherwise dispose of any pistol, or rifle or shotgun unless such person is the holder of a valid registration certificate for such pistol, rifle or shotgun.

2. (a) Each licensed dealer who sells a pistol, rifle or shotgun to a person in whose possession the pistol, rifle or shotgun must be registered shall require from the purchaser a completed application for the registration of the pistol, rifle or shotgun and shall file the application with the Chief of Police at the time of sale.

(b) Each person who within the District possesses, or keeps under his control any pistol, rifle or shotgun purchased or acquired prior to the effective date of these Regulations, shall make an application to register such pistol, rifle or shotgun within 120 days immediately following the effective date of these Regulations.

(c) Each person who brings into the District any pistol, rifle or shotgun acquired outside of the District, or who causes a rifle or shotgun to be lawfully delivered to him within the District, shall make an application to register such pistol, rifle or shotgun within forty-eight hours after he brings such pistol, rifle or shotgun into the District or within forty-eight hours after such rifle or shotgun is delivered to him in the District.

(d) Each person within the District who otherwise acquires possession or control of any pistol, rifle or shotgun shall make an application to register such pistol, rifle or shotgun within forty-eight hours after he acquires possession or control of the same; except as provided in Art. 55, sec. 6 of these Regulations.

7. It shall be the duty of the registered owner of a pistol, rifle or shotgun—

(b) to notify the Chief of Police in writing of the sale, transfer or other disposition of any pistol, rifle or shotgun registered to him within forty-eight hours following such sale, transfer or disposition, except as provided for in Art. 55, sec. 6 of these Regulations. Such notification shall contain—

(1) the name, residence and business address within the District, the occupation, and date of birth of the person to whom the pistol, rifle or shotgun has been sold or transferred;

(2) the make, model, caliber or gauge, manufacturer's identification number, serial number, and other identifying marks of the pistol, rifle or shotgun sold or transferred; and

(3) the number of the registration certificate issued to the registered owner.

(c) to return to the Chief of Police of registration certificate for any pistol, rifle or shotgun which is lost, stolen or destroyed, or which he sells, transfers or otherwise disposes of at the time he notifies the Chief of Police of such loss, theft, destruction, sale, transfer or other disposition.

8. No person shall within the District—

(a) lend or give, or allow the use of a registration certificate issued to him by any other person for identification; except, that when a registered owner of a pistol, rifle or shotgun lends or delivers the same to another person in accordance with the provisions of Art. 55, sec. 6 of these Regulations he shall deliver to such other person the registration certificate for each pistol, rifle or shotgun so loaned or delivered.

(b) represent himself as the owner of a registration certificate issued to another person.

10. This Article of these Regulations shall not apply to—

(a) any person licensed under Art. 55 of these Regulations as a licensed retail dealer; provided, that this exception shall only apply to pistols, rifles or shotguns acquired by such person in the normal conduct of his business and kept by such person at his place of business; and further, provided, that this exception shall not apply to such person for any pistol, rifle or shotgun kept by him for his private use or protection, or for the protection of his business; or

(b) any non-resident of the District participating in any lawful recreational activity in the District involving the use of pistols, rifles or shotguns; or transporting such pistol, rifle or shotgun to or from such lawful recreational activity; provided, that such non-resident shall upon demand of any enforcement officer exhibit proof that his possession of such pistol, rifle or shotgun is registered and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not require registration of a pistol, rifle or shotgun;

(c) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a pistol, rifle or shotgun and who is carrying a pistol, rifle or shotgun while on duty in the performance of his official authorized functions; • • •

52. *Regulating the sale and carrying of firearms in the District of Columbia.* 1. (a) Any person who is not subject to any of the disabilities enumerated in Sec. 7 of the Act (D.C. Code, sec. 22-3207) shall be entitled to purchase a pistol within the District, and a seller is lawfully entitled to sell a pistol to such a person. No such person shall be denied the purchase of a pistol except as provided in the Act.

(c) Any person who is not subject to any of the disabilities set forth in sec. 5(c) of this article shall be entitled to purchase and carry a rifle or shotgun in the District, and a seller shall be entitled to sell a rifle or shotgun to such a person.

2. (b) No person shall purchase, own, possess or carry on or about his person any rifle or shotgun unless he possesses a valid rifle and shotgun license therefor issued to him pursuant to Sec. 5 of this Article.

(c) No person shall within the District sell or transfer any rifle or shotgun to a purchaser who is not a retail dealer licensed under Art. 54 of these Regulations; and no person who is not a licensed retail dealer shall purchase or otherwise acquire any rifle or shotgun from any seller unless—

(1) the purchaser exhibits to the seller a valid rifle and shotgun license issued according to Section 5 of this Article; and

(2) the seller forwards to the Chief of Police at the time of the sale the purchaser's application register the rifle or shotgun being sold pursuant to Art. 51, Sec. 2(a) of these Regulations; or within forty-eight hours following the sale a written notification of sale pursuant to Art. 51, Sec. 8(b).*

(d) No person within the District shall import or cause to be delivered to him within the District any rifle or shotgun unless he shall within forty-eight hours following delivery to him, submit an application to register the rifle or shotgun pursuant to Art. 51, Sec. 2(c) of these Regulations.

3. Each person who is required by Sec. 6 of the Act (D.C. Code, sec. 22–3208) to submit a statement when applying to purchase a pistol, or who is required by Sec. 4 of the Act (D.C. Code, sec. 22–3204) to have a license to carry a pistol, or who is required by sec. 2(b) of this Article to have a license to purchase or carry a rifle or shotgun shall submit such statement to the seller or an application for such license directly to the Chief of Police in the form and number prescribed by the Chief.

4. (a) Each statement on application to purchase a pistol shall be signed by the applicant purchaser and the seller, and each application for a license shall be signed by the applicant for the license.

(b) Each such statement or application shall contain that information prescribed by the Chief of Police which in his judgment is necessary to conduct efficient and thorough investigations, and to effectuate the purposes of the Act and these Regulations. Each statement or application shall contain at least the following information:

(1) the full name, and any other name by which the applicant is or has been known;

(2) the home address, and any other address at which the applicant has resided within five years immediately prior to the submission of the statement or application.

(3) the present business or occupation, any business or occupation in which the applicant has engaged for five years immediately prior to the application, and the addresses of such businesses or places of employment;

(4) the date and place of birth of the applicant;

(5) the sex of the applicant;

(6) a statement by the applicant that he is not ineligible to purchase or possess a pistol under Section 7 of the Act (D.C. Code,

* NOTE: Apparently should read Art. 51, sec. 7(b).

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sec. 22–3207) or not ineligible for a license to carry a pistol under Sec. 6 of the Act (D.C. Code, sec. 22–3206), or not ineligible under Sec. 5(c) of this Article to purchase or carry a rifle or shotgun; and indicating whether he has previously been denied any pistol, or rifle or shotgun license, registration certificate or permit by the Federal Government or any state government or subdivision thereof including the District Government; and whether he has been involved in any mishap involving a pistol, or rifle or shotgun, including the date, place, and circumstances and the names of any persons injured or killed;

(7) a statement by the applicant of his need to purchase or carry a pistol, rifle or shotgun, and his intended use of the same;

(8) the caliber, make, model, manufacturer's identification number, serial number, and any other identifying marks on the pistol, rifle or shotgun to be purchased or carried; and

(9) the name and address of the seller, and his retail license number if he is a licensed dealer under Art. 55 of these Regulations.

5. (a) No person shall be approved by the Chief of Police to purchase a pistol if the Chief after investigation determines that a pistol could not lawfully be sold to such person under Section 7 of the Act (D.C. Code, sec. 22–2307).

(b) No person shall be issued a license to carry a pistol by the Chief of Police if the Chief after investigation determines that such person is ineligible for such license under Section 6 of the Act (D.C. Code, sec. 3206).

(c) Except as provided for in subsection (d) of this section, no person shall be issued a license to purchase or carry a rifle or shotgun if the Chief of Police determines after investigation that such person—

(1) is under the age of twenty-one years;

(2) is not of sound mind; provided, that the Chief of Police shall determine that the person is not of sound mind to purchase, possess and carry a rifle or shotgun if he determines that such person has been adjudicated mentally incompetent, or has been acquitted of any criminal charge by reason of insanity by any court or has been adjudicated a chronic alcoholic by any court and provided, that three years after such conviction adjudication or acquittal, the Chief of Police shall disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a pistol in a safe and responsible manner.

(3) is a drug addict; provided, that the Chief of Police shall determine that the person is a drug addict if he determines that such person (i) is an abusive user of narcotic drugs as defined by section 4731 of the Internal Revenue Code 1954, as amended (Aug. 16, 1954, 68A Stat. 557, ch. 736; Apr. 22, 1960, 74 Stat. 57 Pub. L. 88–429, sec. 4(a), (b); 26 U.S.C., sec. 4731); or (ii) is an abusive user of dangerous drugs as defined by or under the Act entitled the "Dangerous Drug Act for the District of Columbia", approved July 24, 1956 (70 Stat. 612, title II, sec. 202 D.C. Code, sec. 33–701);

(4) has been convicted in any jurisdiction of a crime involving the use of physical force against a person punishable by imprisonment for more than one year, or is under indictment for such a crime; or

(5) he has been convicted in any jurisdiction of any of the following offenses punishable by imprisonment for less than one year; any offense involving a physical assault; any offense committed while carrying a firearm or weapon; using, possessing or selling any narcotic or dangerous drug; or any violation of a law restricting the sale, receipt, possession, use or transportation of a firearm or destructive device; provided, that three years after such conviction, the Chief of Police may disregard the disabilities of this subsection if, after an investigation, he is satisfied that the applicant is mentally and physically capable of owning, possessing and using a rifle or shotgun in a safe and responsible manner; or

(6) suffers from a physical defect which would make it unsafe for him to use a rifle or shotgun; or

(7) has indicated by threatening speech or other behavior that he is likely to make unlawful use of a rifle or shotgun; or

(8) has been adjudicated negligent in a firearms mishap causing death or injury to another human being; or

(9) is otherwise ineligible to purchase or possess a pistol under section 3 of the Act (D.C. Code, sec. 22–3203).

(d) The Chief of Police shall deny a rifle or shotgun license if the Chief determines, after investigation or test, that the applicant—

(1) does answer to one or more of the descriptions enumerated in subparagraphs (c)(1) through (c)(9) of this section; or

(2) has failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to rifles and shotguns and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief of Police; or

(3) has vision less than that required to obtain a valid driver's license under the laws of the District; provided, that possession of a valid driver's license shall be prima facie evidence that an applicant's vision is not deficient.

(e) The Chief of Police shall issue to applicant a numbered rifle and shotgun license if the Chief determines, after investigation that the applicant does not answer to any of the descriptions enumerated in subparagraphs (c)(1) through (c)(9) of this section.

(f) The Chief of Police may issue to an applicant between the ages of eighteen and twenty-one years old who is otherwise qualified under subsection (c) a numbered restricted rifle and shotgun license if—

(1) the application is accompanied by a signed statement by the parent or guardian of the applicant (i) that the applicant has the permission of the parent or guardian to use a rifle or shotgun, and (ii) that the parent or guardian assumes civil liability for all damages resulting from the actions of the applicant in the use of the rifle or shotgun; and

(2) if the applicant is not disqualified by subsection (d) in any respect except his age.

9. (a) Section 2(b) of this Article shall not apply to—

(1) any person directly transporting any rifle or shotgun to any police precinct house to surrender the same to the Chief of Police;

(2) any nonresident of the District actively participating in any lawful recreational activity in the District involving the use of a rifle or shotgun, transporting a rifle or shotgun directly to or directly from such lawful recreational activity; provided, that such nonresident shall upon demand of any law enforcement officer exhibit proof that his carrying about of a rifle or shotgun is permitted and legal in the jurisdiction in which he resides; or proof of residence in a jurisdiction which does not license the carrying about of a rifle or shotgun;

(3) any officer, agent or employee of the District of Columbia or the Federal Government, or any officer, agent or employee of the government of any state or subdivision thereof, or any member of the armed forces of the United States, the National Guard or the Organized Reserves, when such officer, agent, employee or member is authorized to carry a rifle or shotgun, and who is carrying a rifle or shotgun while on duty in the performance of his official authorized functions;

(4) any person between the ages of 15 and 18 years of age uses a rifle or shotgun as authorized by Art. 55, sec. 8(b) of these Regulations.

(b) Notwithstanding any provision of this Article, it shall be lawful in the District for a seller to sell a rifle or shotgun to a nonresident of the District who is a citizen of the United States and who does not have a license issued under this Article; provided, that such nonresident purchaser possesses and exhibits to the seller a valid license or permit for the purchase, possession or use a rifle or shotgun issued to him by the United States government or by any state or subdivision thereof.

(c) Any rifle or shotgun being carried shall, except when lawful use is imminent, be unloaded and securely wrapped or encased in a closed container.

53. *Regulating the sale of firearm ammunition.* 1. No person shall within the District sell or otherwise transfer ammunition for a firearm to another unless

(a) The sale or transfer is made in a face-to-face transaction;

(b) The purchaser exhibits at the time of the sale or transfer a valid certificate of registration issued under these regulations;

(c) The ammunition sold or transferred is of the same caliber or gauge as the firearm described in the certificate of registration and suitable for use therein;

(d) The purchaser signs a receipt for the ammunition, which receipt shall be maintained by the seller for six months.

2. No person shall within the District of Columbia purchase or possess ammunition for a firearm unless he is the holder of a valid certificate of registration issued under the regulations; and unless the ammunition is of the same gauge or caliber as the firearm described in the certificate of registration issued to such person.

3. For purposes of Secs. 1 and 2 above, a valid firearm registration certificate issued by the United States or any state or subdivision thereof shall be sufficient to authorize ammunition sales to and purchases by persons who are not residents of the District.

4. This Article shall not apply to sales or transfers to government agencies, duly appointed law enforcement officers, or persons duly licensed as dealers of weapons under Section 10 of the Act (D.C. Code, sec. 22–3210).

5. This Article shall not apply to bona fide collectors of ammunition who are purchasing ammunition for their collections. Any such collector may obtain an ammunition collector's certificate from the Chief of Police, upon proof, submission of a statement, verified by the Chief, that he is, in fact, a bona fide collector. This certificate shall be exhibited to the seller whenever the collector purchases ammunition for his collection. The seller shall keep records of all ammunition sales to collectors for six months.

54. *Regulating and licensing dealers in dangerous weapons.* 1. (a) No person shall within the District engage in the business of selling, or manufacturing, or repairing any pistol, rifle, shotgun, or ammunition without first obtaining a license as provided in sec. 2 of this Article.

(b) The Commissioner may grant licenses, effective for not more than one year from date of issue, permitting the licensee to sell, or to manufacture, or to repair pistols, rifles, shotguns or ammunition. Whenever any such licensee breaches any condition upon which his license was issued or violates any provision of these Regulations or of any provision of section 7 of the Act (D.C. Code, sec. 22–3207), which is applicable to any such licensee or any applicable regulation made pursuant to such Act, the license shall be suspended or revoked and the licensee shall be subject to punishment as provided in these Regulations.

4. (a) Any dealer within the District who transports or delivers firearms to another dealer in the District shall, before delivery of the firearm, furnish to the Chief of Police an invoice listing his name, his home and business addresses, his license number, the name and address of the dealer to whom such firearms are to be delivered, the place of origin of the shipment, the quantity of firearms transported, and the serial number of each firearm in the shipment.

(b) If such shipment is by common carrier, a copy of the invoice shall be delivered to the common carrier. No common carrier shall knowingly deliver a shipment of firearms to a dealer within the District without having received a copy of such invoice. The copy of the invoice shall be left with the dealer at the time of delivery.

(c) If such shipment is by other than common carrier, the copy of the invoice shall be furnished to the dealer at the time of delivery.

5. (a) No person licensed under this Article shall sell a pistol, rifle, shotgun, or ammunition to any person whom he knows or has reasonable cause to believe is ineligible to own a pistol, rifle or shotgun under Section 7 of the Act (D.C. Code, sec. 22–3207) or Article 52, sec. 5(c) of these Regulations.

7. Beginning one year after the effective date of these Regulations, no retail dealer licensed under this Article shall sell or offer for sale in the District any pistol, rifle or shotgun, which does not have imbedded into the metal portion of such pistol, rifle or shotgun a unique manufacturer's identification number or serial number unless the retail dealer shall have imbedded into the metal portion of such pistol, rifle or shotgun a unique dealer's identification number.

8. (a) No pawnbroker in the District shall sell or offer for sale any firearm or ammunition, or loan money secured by mortgage, deposit or pledge of any firearm or ammunition without obtaining a license under this Article.

(b) No licensed dealer shall take or receive any firearm by way of mortgage, pledge or pawn without also taking and retaining during the term of such pledge or pawn, the registration certificate of the firearm mortgaged, pledged or pawned. If such firearm is not redeemed, the dealer shall return the registration certificate to the Chief of Police and register the firearm in his own name.

55. *Miscellaneous provisions.* 1. (a) It shall be unlawful for any person purchasing any pistol, rifle, shotgun or ammunition, or applying for any certificate of registration or license under these Regulations, or in giving any information pursuant to the requirements of these Regulations, to give false information or offer false evidence of his identity.

(b) It shall be unlawful for anyone to forge or alter any application, registration certificate, temporary evidence of registration, or license submitted, retained or issued under these Regulations.

(c) It shall be unlawful for any person within the District to change, alter, remove, or obliterate the name of the maker, model, manufacturer's identification number, serial number, or other mark of identification on any pistol, rifle or shotgun; provided, that nothing contained in this section shall apply to any officer or agent of any department or agency of the United States or the District Government who is engaged in research or experimental work.

(d) It shall be unlawful for any person within the District to own, possess, sell, offer for sale, purchase or offer to purchase any destructive device, or military type weapon including weapons known as hand grenades, cannons, anti-tank guns and bazookas; provided, that this section shall not apply to any agency or department of the District of Columbia or Federal Government or to any person licensed or authorized by the Federal Government to own, possess, sell or purchase such weapons.

4. (c) The Commissioner may prohibit the sales of ammunition when he determines that the design, construction or material composition of such ammunition makes it unsuitable or unsafe for any lawful use.

6. Except for transfers to licensed dealers, no person shall loan or otherwise allow another person to possess, carry or use any firearm unless such firearm is being loaned for a legitimate purpose, and for a period not to exceed 30 days; and unless—

"(a) the person to whom the firearm is loaned possesses a valid license for such firearm issued to him pursuant to section 6 of the Act (D.C. Code, sec. 22–3206) or to Art. 52 of these Regulations; or

(b) such person to whom the firearm is loaned is at least fifteen years of age, does not possess a valid license because of his age, and is a member or student of an organization or school which teaches firearm safety and use. Where such circumstances exist, it shall be lawful to loan a rifle or shotgun to such person for instruction, military or military type drill, or legitimate recreational activity; provided, that the use of the rifle or shotgun is immediately supervised by a person licensed pursuant to Art. 52 of these Regulations; and provided, the rifle or shotgun is registered to the organization, school, parent or guardian of the user; and further provided, that the rifle or shotgun is surrendered immediately following its use to the organization, school, or parent or guardian of the user."

7. (a) Except as provided in the immediately preceding section, no person shall within the District keep any firearm or ammunition for, or intentionally make any firearm or ammunition available to any person who would not qualify under these Regulations for a License for such firearm.

(b) No person shall hold a firearm or loan any money on a firearm as security for the payment or repayment of any debt or pledge, except as otherwise provided for in Art. 55, sec. 8 of these Regulations.

8. No person shall within the District sell or otherwise transfer a firearm or ammunition to a purchaser who is under the influence of alcohol or a narcotic or dangerous drug. No person shall within the District carry or use any firearm while under the influence of alcohol or a narcotic or dangerous drug.

10. (a) "Applications required by these Regulations for registration or licensing of firearms possessed, purchased or acquired by, or delivered to, persons within the District prior to the effective date of these regulations must be submitted within 120 days after that date. No such person shall be deemed in default under the registration provisions of these regulations if his application to register is submitted within that time. Nor shall any such person be deemed in default under the licensing provisions of these regulations while his application for a license, submitted within that time, is still pending.

(b) The registration and licensing requirements established by these regulations shall be immediately effective, from the effective date of these Regulations, for firearms purchased or acquired by, or delivered to, persons within the District after that date."

14. "These Regulations shall become effective on February 15, 1969; provided that the Chief of Police may accept applications for registration of firearms immediately upon adoption of these Regulations."

FLORIDA

State Law

FLA. STATS. ANN.

250.32. *Commanding officer's control of arms sales.* When any part of the militia of Florida is in active service by the order of the governor to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any places where arms, ammunition, dynamite, explosives, or intoxicating liquors, are sold, and forbid the selling, bartering, lending or giving away of any of said commodities in the city, town or village where the troops are on duty, or in the vicinity of such place, for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether any civil officer has issued a similar order; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor or intendent of the county, city, town or village may have prescribed an earlier or different date after which such selling, bartering, lending or giving away shall be carried on.

790.001 *Definitions.* The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires.

(1) "Antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(3)(b) "Tear gas gun," "chemical weapon" or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one half (½) ounce of chemical.

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shells, cartridges or ammunition for firearms;

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(b) Fireworks as defined in § 791.01;

(c) Smokeless propellent powder or small arms ammunition primers, if possessed, purchased, sold, transported or used in compliance with § 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the department of insurance, when used for or intended to be used for the manufacture of target and sporting ammunition or for use in muzzle loading flint or percussion weapons.

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the armed forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for or going to or from military duty, or under orders;

(d) Employees of the state prisons or correctional systems who have been so designated by the division of adult corrections of the department of health and rehabilitative services or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys, United States attorneys, county solicitors, and county prosecutors and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "Short barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(11) "Short barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

790.17. *Furnishing weapons to minors under eighteen years of age, etc.* Whoever sells, hires, barters, lends or gives any minor under eighteen (18) years of age any pistol, dirk, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding three (3) months, or by fine not exceeding fifty dollars ($50.00).

790.18. *Selling arms to minors by dealers.* It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles or sling shot, and every person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

790.22. *Use of BB guns, air or gas operated guns or firearms by child under sixteen; limitation.* (1) The use for any purpose whatsoever of BB guns, air or gas operated guns or a firearm as defined in this act, by any child under the age of sixteen (16) years is prohibited unless such use is under the supervision and in the presence of an adult.

(2) Any adult responsible for the welfare of any child under the age of sixteen (16) years who knowingly permits such child to use or have in his possession any BB gun, air or gas operated guns or any firearm in violation of the provisions of subsection (1) of this section, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or not more than three hundred dollars ($300.00) or by imprisonment in the county jail for not longer than thirty (30) days.

790.221 *Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty.* (1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

COMPILER'S NOTE: Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

790.23. *Felons; possession of firearms unlawful; exception; penalty.* (1) It is unlawful for any person who has been convicted of a felony in the courts of this state, or of a crime against the United States, which is designated as a felony, or convicted of an offense in any other state, territory or country punishable by imprisonment for a term exceeding one (1) year, to own or to have in his care, custody, possession or control any firearm, as defined herein, or to carry a concealed weapon, as defined herein, but to include all tear gas guns, chemical weapons or devices.

(2) This section shall not apply to a person having been convicted of a felony whose civil rights have been restored or to a person convicted of a felony for antitrust violation, unfair trade practice, restraints of trade, nonsupport of dependents, bigamy or other similar offenses.

(3) Any person convicted of violating this section shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than twenty (20) years.

Bay Harbor Islands

2. Any person who shall have in his possession in the Town of Bay Harbor Islands any pistol, revolver, or other firearm, or any dangerous or deadly weapon of a size which may be concealed upon the person, without a written license therefor, issued to him as hereinafter prescribed, shall be guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

11. Every license issued pursuant to this ordinance shall expire on the first day of May after the date of issuance, provided, however, that any such license may be limited as to time to expire on a date fixed in the license prior to such date. Each license issued to possess a weapon not to be carried on the person shall specify the place where the licensee shall possess the same. Each original application for a license to carry a weapon on the person shall be accompanied by a photograph of the applicant in duplicate which photograph shall be taken within thirty (30) days prior to the filing of such application and one copy of which shall be attached to the license and the other remain with the application.

13. This ordinance shall not apply to sheriffs, policemen, or to other duly appointed peace officer, nor to duly authorized members of military or civil organizations when parading, nor to the members thereof when going to and from the place of meeting of their respective organizations.

Belle Glade

17-40. *Weapons—Procedure for acquiring.* (a) It is unlawful for any person to purchase, acquire or receive delivery of any pistol or revolver of any description unless he has first filed a notice of intent to acquire same with the chief of police.

(c) It is unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person without having previously obtained the registration certificate hereinbefore described from the person seeking actual delivery of such firearm and, upon receipt of such certificate, it is unlawful to fail to report to the chief of police within twenty-four (24) hours thereafter the serial number of such revolver or pistol and the name and address of the person to whom it is delivered.

Boynton Beach

17-60. *Same—Sale, purchase from, furnishing to persons under influence of drugs, alcohol, etc.; minors.* It shall be unlawful for any person to purchase from, sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor.

Clearwater

13-32. *Buying or receiving goods from minors.* It shall be unlawful for any person conducting an auction house, or for any pawnbroker, junk dealer or secondhand dealer to loan money to or buy or receive from any minor any goods, chattels or other article of personal property; provided, however, this section shall not apply to any minor who has in his possession the written consent to the proposed transaction signed by a parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

13-34. *Chapter applies to guns, pistols, etc.* All the provisions herein provided for receiving, registering, reporting, holding and disposing of personal property generally shall specifically apply to pistols, guns and firearms of all kinds.

Cocoa Beach

15-35. *Weapons—Dangerous—Sale, loans, etc., to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable

cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

15-36. *Firearms—Possession by felons, intoxicated persons, etc.* It shall be unlawful for any person who has been convicted of a felony, or who is under the influence of alcohol or a narcotic or drug to wear or have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

Coral Gables

20-15. *Firearms—Sale.* (a) Definition. The word "firearm" as used in this section shall be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26-inches, rifles having barrels less than 16-inches, and shotguns having a barrel length of less than 18-inches, machine guns, submachine guns and machine pistols or any fully automatic weapons capable of firing more than one shot at each pull of the trigger. This section shall not apply to any antique weapons with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in writing, on a form to be supplied by the chief of police, a duplicate statement containing true and correct information which shall be signed by the applicant, * * *.

(c) Sale of firearms to minors restricted. It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in section 20-15(b) hereof.

(d) Sale of firearms to felons prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(e) Sale of firearms to users of narcotics prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give, or deliver any firearm to any person addicted to the use of narcotics, or users of drugs, stimulants or depressants.

(f) Sale of firearms to persons under the influence of intoxicating beverages. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

20-16.1. *Same—Waiting period required; investigation.* (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearms, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four (24) hour waiting period, only, under the circumstances and to those persons listed below:

(1) Applicant must furnish any United States of America, State of Florida, County, or Municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

(2) Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) or twenty-four (24) hour waiting period required:

(1) Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(2) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of sections 20-15, 20-16, and 20-16.1, the following information shall be imprinted on the application:

The issuing agency or authority;

The card number;

The name and address identical to that on the card.

(3) Persons who are on record with the police department as having previously purchased a pistol, revolver, or firearm as defined in section 20-15 (a) hereof.

(4) Persons trading an operable pistol, revolver or firearm, as defined in section 20-15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of section 20-16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

Dade County

21-7. *Sale of firearms to.* It shall be unlawful for any person to sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

21-16. *Sale, loan, etc., weapons to intoxicated persons, etc.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the county to such person.

21-20. *Registration of sales and transfers required;* * * *. (c) Waiting period required. The person to whom such pistol, revolver or other firearm is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such pistol, revolver or other firearm.

(d) Fictitious name prohibited. Any person signing a fictitious name or address in such register is guilty of a violation of this section.

(e) Exceptions. This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the county, nor to sales or transfer of firearms that do not use a self-containing cartridge.

21-20.1. *Definitions.* (a) The word firearm as used in this division, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The word sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

21-20.2. *License—Required to sell.* (a) It shall be unlawful for any person who, without being licensed as provided in this division, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in section 21-20.1 or to engage in the business of repairing firearms or in the business of gunsmithing.

This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provision of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

21-20.13. *Sale of firearm with serial number defaced prohibited.* It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

21-20.14. *Sale or delivery of firearms or ammunition to certain classes of persons.* It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

De Land

21-21. *Weapons—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

21-25. *Same—Machine guns.* It shall be unlawful for any person to possess, use, keep or store any machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city.

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Fort Pierce

19–50. *Weapons—Permit of purchasers required.* (a) It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, blackjack, metallic knuckles, handcuffs or other similar equipment used primarily by police officers, within the corporate limits of the city, unless and until a permit shall have first been obtained from the chief of police of the city by the person to whom such articles are to be sold or delivered.

Gainesville

18–40. *Sale to minors.* It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

Green Cove Springs

11–8. *Firearms—Permit for sale.* It shall be unlawful for any person to sell to any person any such pistols, revolvers, firearms which may be concealed upon the person or rifles of a caliber larger than .22 caliber without first having obtained a permit in writing from the chief of police or mayor of the city approving such sale to such person, which permit shall be kept by such person, on file for inspection by city officials for a period of one year from the date of such sale or other disposition.

11–9. *Same—Sale to minor, incompetent.* No person shall sell, give, lend or otherwise place in the possession of any minor, known habitual drunkard or known incompetent any pistol, revolver, firearm which may be concealed upon the person or rifle of a caliber larger than .22 caliber.

Hallandale

782–1. *Definitions.* (a) The word "firearm" as used in this ordinance, shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, but the word "firearm" shall not be contrued to mean guns that do not use self-contained cartridges.

(b) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

782–2. *Unlawful to sell firearm without a license:* (a) It shall be unlawful for any person who, without being licensed as provided in this ordinance, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in Section 1 of this ordinance, or to engage in the business of repairing firearms or in the business of gunsmithing. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers, or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized non-profit, state or national organization.

782–3. *Licenses to sell.* The city commission may grant licenses in the form prescribed by the city commission permitting the licensee to sell said firearms within the city on the premises named therein.

782–12. *Sale or delivery of firearms or ammunition to certain classes of persons.* It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the Seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is an habitual alcoholic, or is of unsound mind, or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

Hialeah

21–31. *Minors—Weapons, unlawful to distribute to.* It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen years of age; or to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

21–42. *Weapons—Sales to minors under eighteen.* No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone under the age of eighteen years.

21–44. *Same—Blank cartridges and pistols.* No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the City.

Hollywood

39.40. *Same—Dealer's license.* (1) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license from the city and the cost of same shall be fifty dollars per year.

790.17. *Furnishing weapons to minors under eighteen years of age, etc.* Whoever sells, hires, barters, lends or gives any minor under eighteen (18) years of age any pistol, dirk, or other arm or weapon, other than an ordinary pocketknife, without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barters, lends or gives to any person of unsound mind any dangerous weapon, other than an ordinary pocketknife, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment not exceeding three (3) months, or by fine not exceeding fifty dollars ($50.00).

790.18. *Selling arms to minors by dealers.* It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, bowie knife, or dirk knife, brass knuckles or sling shot, and every person violating this section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of fifty dollars or by imprisonment in the county jail not more than six months.

790.23. *Felons; possession of firearms unlawful; exception; penalty.* (1) It shall be unlawful for any person who has been convicted of a felony to own or to have in his care, custody, possession or control any pistol, sawed-off rifle or sawed-off shotgun. A sawed-off rifle or sawed-off shotgun is defined for the purposes of this section as being any rifle or shotgun with a calibre greater than twenty-two calibre and with a barrel less than sixteen inches long.

(2) This section shall not apply to a person having been convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section shall be guilty of a felony, and upon conviction, shall be punished by imprisonment in the state prison for not more than ten years.

Jacksonville

328.101. *Certificate from sheriff required for license to deal in certain firearms.* No office of the City shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the Sheriff a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. • • •.

328.202. *Allowing minors or habitual drunkards to obtain firearms.* It shall be unlawful and a Class D offense against the City for any person to sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

328.205. *Machine guns.* It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the City. The provisions of this section shall not apply to the Armed Forces or any duly constituted and authorized law-enforcement officer of the United States government, the State of Florida, or the City.

Jacksonville Beach

16–10. *Concealable weapons—Certificate from city council prerequisite to license to deal in.* No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. • • •.

16–11. *Same—Registry of firearms sold; information to be registered; weekly report to police of sales; permit for each sale.* • • • provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the chief of police or city manager approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

16–13. *Same—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

Lantana

16–25. *Same—Sale prohibited without permit.* No dealer or vendor in firearms, shall sell, hire, barter, lend or give to any other person any pistol, gun or other firearm, except upon written permit of the chief of police, provided that nothing in this section shall prevent the sale, hire, barter, loan or gift of any such weapon to any duly authorized law enforcement officer of the United States, State of Florida, or any political subdivision thereof, for such officer's use in the discharge of his duties.

Miami

61–1. *Sale of firearms generally.* (a) "Firearm" defined. The word "firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however 1. any pneumatic gun, spring gun, or B–B gun which expels a single globular projectile not exceeding .18 inch in diameter; 2. any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or 3. any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(d) "Sale to minors restricted." It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one unless accompanied by a parent or guardian, in which event both the minor and the parent or guardian shall be required to fill out the application form.

(e) "Sale to felons prohibited." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(f) "Sale to users of narcotics prohibited." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person addicted to the use of narcotics or users of drugs, stimulants or depressants.

(g) "Sale to persons under the influence of intoxicating beverages." It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

61–2. *Delivery of firearms.* (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm, and also description of the firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four hour waiting period only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, state, county or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of such I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

2. The applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two hour or twenty-four hour waiting period required:

1. Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour or twenty-four hour waiting period, as set forth in the foregoing provisions, the following information shall be imprinted on the application:

a. The issuing agency or authority.

b. The card number.

c. The name and address identical to that on the card.

3. Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 61–1(a).

4. Persons trading an operable pistol, revolver or firearm, as defined in section 61–1 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

61–3. *Sale of weapons, firearms, tear gas pens, etc., to minors.* (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

61–4. *Purchase by other persons of prohibited articles for minors.* It shall be unlawful for any minor to engage or utilize the services of any other person, and it shall be unlawful for any person, whether for remuneration or not, to procure for such minor any article which the minor himself is prohibited by law to purchase.

61–5. *Sale, etc., of firearms to intoxicated, etc., persons.* It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulate or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

7670–2. *Authority of City Manager to declare emergency measures.* Whenever the City Manager declares that a state of emergency exists, the emergency measures provided in Section 4 of this Ordinance shall thereupon be in effect during the period of said emergency and throughout the city, and the City Manager may order and promulgate all or any of the emergency measures provided in Section 4 of this Ordinance, in whole or in part, and with such limitations and conditions as he may deem appropriate, and any such emergency measure so ordered and promulgated shall thereupon be in effect during the period of said emergency, and in the area or areas for which the emergency has been declared. Upon the declaration of an emergency by the City Manager, as soon as practicable, the Commission shall immediately convene for the purpose of determining whether or not an emergency does exist. Their finding in the matter shall be conclusive. Upon finding that no emergency does in fact exist, this Ordinance shall not be operative.

7670–3. *Definitions.* "Firearm". The term "firearm" shall mean any revolver, pistol, automatic loading pistol, shotgun or rifle, machine gun, submachine gun, machine pistol or any fully automatic weapon capable of firing more than one shot at each pull of the trigger.

7670–4. *Emergency measures.* (a) The sale or other transfer of possession, with or without consideration, offer to sell or so transfer, and the purchase of any ammunition or firearms of any size or description is prohibited.

(c) The possession in a public place of a firearm by any person, except a duly authorized law enforcement official or person in military service acting in the official performance of his duty, is prohibited.

(d) The possession of any firearm in any place, public or private, by a non-resident who has not been issued a permit for the purchase and possession of firearms, is prohibited.

Miami Beach

25.104. *Sale of firearms, generally.* (a) "Firearms" defined. The word "firearm" as used in this section and the following sections shall be construed to mean any revolver, pistol, automatic pistol, shotgun, rifle, machine gun, sub-machine gun, machine pistol, or any fully automatic weapon capable of firing more than one shot at each pull of the trigger, or any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, or any firearm muffler or any firearm silencer, or any part or parts of such firearms. This section and the following section, shall not apply to any automatic weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique or replicas of cartridge pistols, or rifles using ammunition which is no longer manufactured or commonly sold, or to stud guns used as tools by tradesmen.

25.105. *Sale of firearms.* It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police.

25.110. No firearm shall be delivered to any person until 72 hours after the sale of any firearm.

25.112. It shall be unlawful for any person knowingly and wilfully to sell, lease, lend, give or deliver any firearm to any person under the age of 21; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

25.112.1. The following persons shall be exempt from the provisions of this ordinance: (a) Members of the militia, national guard, Florida state guard, army, navy, air force, marine corps, coast guard, the organized reserves, and other armed forces of the state and of the United States, when on duty, or when training or preparing themselves for military duty, or while subject to recall or mobilization;

(b) Sheriffs, marshals, prison or jail wardens, constables, policemen, Florida highway patrolmen, game wardens, revenue officers, forest officials, and other peace and law enforcement officers, their full-time paid deputies and assistants; full-time paid peace officers of other states, and of the federal government who are carrying out official duties while in Florida;

(c) Officers or employees of the state or United States duly authorized to carry a concealed weapon.

25.112.2. The following shall be exempt from the 72-hour waiting period required: (a) Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their

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business intercourse with other retail dealers in the regular or ordinary transportation of unloaded firearms.

(b) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or Municipal) as special police officers. The applicant must present an I.D. card from the issuing authority. Whenever an identification card is utilized for the waiver of the 72-hour waiting period as set forth in the foregoing provisions, the following information shall be imprinted on the application: (1) The issuing agency or authority. (2) The card number. (3) The name and address identical to that on the card.

(c) Persons who are on record with the Police Department as having previously purchased a pistol, revolver or firearm.

25.115. No person shall engage in the business of selling firearms unless a license shall have been procured from the City Council as herein provided, and it shall be unlawful for any person to engage in the business of selling firearms without first procuring such license from the City Council.

Neptune Beach

16–69. *Weapons—Certificate from city council prerequisite to license to deal in.* No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. • • •.

16–70. *Same—Registry of firearms sold; information to be registered; weekly report to city marshal of sales; permit for each sale.* It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapons without first having obtained a permit in writing from the city marshal or city council approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

16–72. *Same—Allowing minors or habitual drunkards to obtain firearms.* No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

North Palm Beach

3. *Sales to intoxicated persons and minors.* No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ocala

15–96. *Firearms—Sale to intoxicated persons or minors.* It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Palm Beach Gardens

17–10. *Concealed weapons; selling weapons; possession of weapons. No person within the city shall:* (g) Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years, or to any known convicted felon who has not had his civil rights restored according to law.

Palm Springs

Village of Palm Springs Ordinance No. 7 adopted Florida State Statute, Chapter 790, Sections 790.01 through 790.25.

Pinellas Park

13–16 (67). *Guns, dealers in revolvers, pistols, ammunition, etc.* Approval of city manager with the recommendation of police department as well as separate license in addition to other retail merchant's license required.

Pompano Beach

31.16. *Firearms, discharging; sale of ammunition.* (a) It shall be unlawful for any person, except such as may be authorized by law, to discharge any firearm, including air rifles and air pistols (commonly known as BB guns), within the limits of the city.

(b) It shall be unlawful for any person to sell, barter or give to any other person under the age of sixteen (16) years in the city, ammunition for a firearm, air rifle or air pistol (commonly known as BB guns); provided, however, that this ordinance shall not apply to parents or guardians giving such ammunition to their own children, in case of a parent, or to the children over whom they may have lawful custody and control, in the case of a guardian.

Quincy

35–1. *License to sell—Required.* No person shall, within the corporate limits of the city: (a) Engage in the sale of pistols, machine guns or submachine guns, or (b) Operate or manage any business where pistols, machine guns or submachine guns are sold, without first procuring a license for the sale of same as provided herein.

35–9. *Licensee may not sell outside place of business.* No licensee shall make sale of, or sell, any pistols, machine guns or submachine guns outside of the place of business licensed hereunder.

35.12. *Registration of pistols, machine guns and submachine guns required.* No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

Riviera Beach

13–36. *It shall be unlawful* for any dealer in arms, guns, rifles or other weapons, to sell to minors any pistol, rifle, repeating rifle, tear gas, gun, flair, gun, bowie knife or dirk knife, brass knuckles, slingshot or any type of air pressure rifle discharging B.B. shot or pellets, or any other type of dangerous weapon.

South Miami

15–25. *Firearms-Notice of intent to purchase.* It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station, in the city, giving his name, information concerning his residence, a full description of said firearm, and the place where such weapon will be obtained.

15–26. *Same—Selling or receiving without certificate.* It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate • • •, from the person seeking actual delivery of such firearm, • • •.

St. Petersburg

25.76. *Same—sale to minors.* It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

25.77. *Same—registration of sales of pistols, revolvers, and other like weapons.* (1) Every retail dealer who dealer who deals in and sells pistols, revolvers, or any other weapons which are generally described and referred to as a "hand gun" shall require the purchaser to register his name, age and place of residence in a book the dealer shall keep for that purpose. The dealer shall record in said book the date of sale, the make, model, type, and the number of the weapon purchased. This register shall be available for the inspection of any law enforcement officer, and be kept available for two years from the date of purchase. A card shall be furnished to the police department containing the particulars aforesaid on a form furnished by such department within a reasonable time after each sale.

(2) It shall be unlawful for any dealer of weapons described in Paragraph (1) or any agent or employee to fail or refuse to comply with the provisions of said Paragraph.

(3) It shall be unlawful for any person purchasing a weapon as described in Paragraph (1) to give a false name, age or place of residence as provided in this Section.

(4) This section shall not be applicable to the sale of any bona fide antique weapon that is incapable of being fired.

Tallahassee

3. *It shall be unlawful* for any person, firm or corporation within the City of Tallahassee to sell, give, lend or otherwise place in the possession of any minor any pistol, revolver or other firearm which may be concealed on the person.

Tampa

24–114. *Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited.* It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun or shotgun or rifle having a barrel of less than twenty inches in length, or any firearm equipped with a silencer, or any other firearm, except a pistol or revolver, which is capable of being concealed on the person. This section shall not apply to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county, or municipal law enforcement officers.

24–116. *Molotov cocktail, firebombs, etc.;* • • •. (a) It shall be unlawful for any person to make, carry, possess or use any type of "Molotov cocktail," gasoline or petroleum base firebomb, or any other incendiary missile or any explosive bomb, device or missile unless the same is otherwise permitted as a lawful act pursuant to the laws and ordinances of this city.

West Miami

14–16. *Minors—sale of weapons to.* It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age. It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

West Palm Beach

51.1. *Permit for purchase, sale, etc.—Required.* It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, blackjack, knuckles, handcuffs or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

GEORGIA

State Law

GEORGIA CODE ANN. TITLE 26

26–1404. *Criminal possession of explosives.* A person commits criminal possession of explosives when he possesses, manufactures, or transports any explosive compound and either intends to use such explosive to commit a felony or knows that another intends to use such explosive to commit a felony. A person convicted of criminal possession of explosives shall be punished by imprisonment for not less than one nor more than 10 years.

26–1405. *Criminal possession of an incendiary.* (a) A person commits criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and bridges.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States, or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding $1,000 or by both.

26–2905. *Furnishing weapons to minors.* A person commits a misdemeanor when he knowingly sells to or furnishes to a person under the age of 21 years a pistol, metal knuckles, or knife designed for the purpose of offense and defense.

26–2906. *Machine guns; sale, etc., illegal.* A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26–2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26–2907. *Exemptions.* Sections 26–2901, 26–2902, 26–2903, and 26–2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract.

A prosecution based upon a violation of sections 26–2901, 26–2902, 26–2903, or 26–2906 need not negative any exemptions.

CHAPTER 26–99A. CRIMINAL PROVISIONS UNOFFICIALLY CODIFIED.

26–9910a. *Georgia firearms and weapons act; short title.* This law [§§ 26–9910a through 26–9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26–9911a. *Same; possession of certain types of firearms, dangerous weapons and silencers prohibited.* No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26–9914a.

26–9912a. *Same; punishment.* A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer, as defined in this law [§§ 26–9910a through 26–9916a], and upon conviction for such he shall be punished by imprisonment for not less than one nor more than five years.

26–9913a. *Same; definitions.* (a) The term "sawed-off shotgun," as used in this law [§§ 26–9910a through 26–9916a], shall mean any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosives in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger, and which has an overall length of 15 inches or less.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun," as used in this law, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or "recoilless rifle," which fires explosive or nonexplosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "mortar" which fires high explosive from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from a shot, bullet or projectile may be discharged by an explosive.

26–9914a. *Same; exceptions to provisions of law.* The provisions of this law [§§ 26–9910a through 26–9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U.S.C. 5841–5862).

26–9915a. *Same; burden of proof of exceptions, etc.* In any complaint, information, accusation or indictment, and in any action or proceeding brought for the enforcement of any provision of this law [§§ 26–9910a through 26–9916a], it shall not be necessary to negative any exception, excuse, proviso or exemption contained in this law, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

26–9916a. *Same; construction of law.* This law [§§ 26–9910a through 26–9916a] shall be deemed and shall be construed to be cumulative of and supplemental to any existing laws of this State applicable to the subject or subjects governed by this law: *Provided*, however, that in the event any provisions of this law are in conflict with existing laws, then the provisions in this law shall govern and take precedence.

GEORGIA CODE ANN. TITLE 86

86–1302. *Closing places where firearms and ammunition are sold, etc.* Whenever any force of the organized militia is or has been called out for the performance of any duty under the provisions of section 86–106, it shall be lawful for the commanding officer of such force, if in his judgment the maintenance of law and order in the area into which such force has been ordered will be thereby promoted, to close places where arms and ammunition are sold, and all places where disorder is likely to occur.

86–9907. *Unlawful sale or disposal of arms or ammunition, etc.* Any person who shall sell or dispense arms or ammunition in viola-

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tion of an order of a commanding officer under the authority of section 86–1302, or who shall maintain a place ordered to be closed under said authority, shall be guilty of a felony, and upon conviction thereof shall be confined to the penitentiary for not less than two nor more than five years.

GEORGIA CODE ANN., TITLE 92A

92A–901. *License for dealers.* Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the Department of Public Safety a license permitting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A–1601. *Purchase by Georgia residents in contiguous States.* Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

Atlanta

20–55. *Definition of "pistol."* A "pistol", for the purpose of this article, is any small firearm fired by hand, capable of being concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

20–56. *License to deal in pistols; required, prerequisite to issuance.* No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the mayor and board of aldermen to deal in pistols.

20–73. *Definitions.* As used in this article unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U.S. military identification card, baptismal or christening certificate, employee's identification card provided same shows age and home address of employee and U.S. passport.

Person includes an individual, partnership, association or corporation.

20–74. *Identification of purchaser.* No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining said firearm shall furnish identification to the said dealer setting forth his name, present address and age.

Chatham County

Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate shall be on a form as prescribed by the Chatham County Commissioners.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon. A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

14–64. *Same—Notice; investigation; approval; waiting period.* No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character, and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character, or that the pistol or cartridges are desired for illegal purposes, or for other than purely defensive purposes, he shall disapprove the proposed sale, and when so disapproved, it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department in charge of such department during the absence of the chief.

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14–65. *Dangerous weapons; prohibited.* No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

14–66. *Exclusion from chapter.* The preceding sections of this chapter are not applicable to pawnbrokers and pawnbrokers' sales stores, they being regulated by provisions of this Code specifically relating to them; but this chapter is applicable to all other persons, and the words "persons" or "person," as used herein, shall in addition to them, include their managers, agents, clerks and employees.

15–8. *Prohibited items—Receiving.* No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches, knucks, dirk, sword-cane, blackjack, Bowie-knife, spring-back knife, switch-blade knife, or any knife with a blade exceeding four inches in length; but it is not the intention hereof to prohibit case knives, butcher knives or other knives customarily used for domestic or industrial purposes only.

15–9. *Same—Possessing.* No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15–10. *Pistols and cartridges; sale, notice, police findings.* All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation, and should he, in his discretion, find that the prospective purchaser is of good moral character and that such pistol or cartridges are desired for legal and purely defensive purposes only, he shall approve the sale; but if, on the other hand, the chief of police should find that the prospective purchaser is not of good moral character or that the pistol or cartridges are desired for illegal purposes, or for other than purely defensive purposes, he shall disapprove the proposed sale, and when so disapproved, it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. In the absence of the chief of police, his duties and discretion hereunder shall be performed and exercised by the officer of the police department in charge of such department during the absence of the chief.

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Jackson

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or possess any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

Macon

14–28. *Permit required to sell or purchase pistol or revolver.* (a) It shall be unlawful for any person, merchant or pawnbroker in the City of Macon to sell any pistol or revolver to any person unless said person first presents to such person, merchant or pawnbroker a written permit issued to said person by the chief of police of the City of Macon authorizing him to purchase a pistol or revolver.

(b) It shall be unlawful for any person to purchase in the City of Macon any pistol or revolver from any person, merchant, or pawnbroker without first having secured from the chief of police of the City of Macon a written permit authorizing him to purchase a pistol or revolver.

(j) The provisions of section 14–28 of said Code, as herein enacted, shall not apply to sales of pistols or revolvers at wholesale by persons, firms and corporations, licensed by the City of Macon to sell the same at wholesale, to persons, firms or corporations, licensed by the City of Macon to sell pistols and revolvers at wholesale or retail, nor to sales at wholesale by such licensed wholesalers to any bona fide wholesale or retail dealer in pistols and revolvers whose establishment is located and whose business is transacted outside the corporate limits of the City of Macon, nor shall the provisions of section 14–28 of said Code, as herein enacted, apply to purchase of pistols and revolvers by such wholesale and retail dealers, it being the purpose and intent of this paragraph to exempt the bona fide sale at wholesale of pistols and revolvers from the application of section 14–28 of said Code.

(k) No person, who is the holder of a valid and subsisting license to carry a pistol or revolver, issued to him by the Ordinary of the County of his residence in the State of Georgia, pursuant to sections 26–5103 and 26–5104 of the Code of Georgia, 1933, annotated, shall be required to secure a permit from the chief of police in order to purchase a pistol or revolver in the City of Macon and sales of pistols and revolvers to persons, so licensed, are hereby authorized without the requirement of issuance of permits to purchase the same being issued to them by the chief of police.

Rossville

61. Be it ordained by the Mayor and the Council of the City of Rossville, Georgia: 1. That, from and after the final adoption of this Ordinance, all wholesale and retail sellers, vendors, and merchants selling, exchanging, or otherwise changing ownership or title to any and all types of firearms within the City of Rossville, Georgia, or conveying or transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. • • •

Savannah

"24–105. *Fire arms—Sale—Report and record.* Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, containing his full name, address, height, weight, race, date of birth, place of birth, and social security (or other identification) number, the type of weapon, model, caliber or gauge, serial number and manufacturer. The application in duplicate may take the form of the United States Department of Treasury, Internal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record."

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Savannah.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Savannah, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Chief of Police of Savannah.

No person within the City of Savannah shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

• • •. Within the seventy-two hour waiting period required by this Section, the Chief of Police of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind.

It shall be unlawful for any person to fail, refuse, or neglect to comply with the provisions of this Section."

Tifton

Be it enacted by the City of Tifton, by and through the Board of City Commissioners of said city, and it is hereby enacted by the authority of the same that from and after passage of this Ordinance it shall be unlawful for any person, firm, or corporation within the said city to keep on hand for sale or barter, or to sell to any person, firm or corporation, any pistols or revolvers, without first obtaining fom the authorities of said city a license to sell said pistols or revolvers.

Be it further enacted that any person engaged in the sale of revolvers or pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor.

Valdosta

18–39. *Weapons—Sales of, regulated.* (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, dirk or switch-blade knife without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement as to whether applicant has been convicted of any crime of violence or charged with the violation of criminal law in this or any other state.

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. In so doing the merchant or dealer shall give full and complete information with respect to the proposed purchaser, his name, age, color, place of residence, criminal record, if any, and such other information as the police may require. Failure to furnish truthful information on the part of such purchaser shall be deemed a violation of this section.

Waycross

1. *Definitions.* The following words as used in this chapter shall have the meanings ascribed to them: (1) *Firearm.* The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action,

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caliber or gauge. (2) *Ammunition.* The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

2. *Permit to purchase, receive or accept—Required.* It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give, or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

6. *Same—Transfer at time of sale and at time of reports.* It shall be the duty of any person who sells, transfers, or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. It shall be the duty of any such person who sells, transfers or gives away any firearm or ammunition to deliver such permit to the chief of police at the time the report of such sale or gift is made, as provided in this chapter, (8–18–42, § 8.)

7. *Same—Chapter not to be construed as permit.* Nothing contained in this chapter shall be in any manner construed as a permit to carry a revolver, pistol or like firearm contrary to any ordinance of the city or the laws of the state. (8–18–42, § 9.)

8. *Reports of sales and gifts required.* Every person who sells, delivers or gives to any person in the city, except to regular dealers in such articles, any firearm or ammunition, shall, within twenty-four hours after making such sale or gift, make and file with the chief of police a legible report, written in the English language, stating therein the date of such sale or gift, the correct name, age, residence, height, weight, nationality and race of such purchaser or donee, and such written report shall also contain the make, kind, description, caliber, model, manufacturer's number or other marks of identification of such firearm or ammunition sold or delivered; provided, that each day of failure to make such report shall be a separate offense.

West Point

16–82. *Registration of firearms.* • • • Every person who shall sell or otherwise dispose of any firearm in the city, shall report such sale to the city clerk at the city hall on forms furnished by said city within twenty-four (24) hours after the sale or disposal of such firearm. The said registration form shall contain the same information as required by the form described above for the registration of firearms and shall also include the name of the person to whom said firearm is sold or delivered. Failure to register the ownership, purchase or sale of any such firearm as outlined above shall be a violation of this section.

GUAM

Territorial Law

GOV'T CODE, TERRITORY OF GUAM

8900. *Definition.* As used in this Chapter: "Firearms" means a weapon, the operating force of which is an explosive, and includes, without being limited to, pistols, revolvers, rifles and shotguns.

8901. *Registration.* No person shall own, or possess, or use any firearm of any description, whether usable or unusable, unless it shall have been registered with the Department of Public Safety and a certificate of registration obtained therefor. The application for registration and certificate of registration shall be on such forms as may be designated by the Director of Public Safety and shall include a description of the class of firearm, together with the name of the maker and the factory number, if known or ascertainable, the source from which possession was obtained, and a full description of the owner of the firearm. No firearm shall be registered to any person under the age of 18 years, or who has been convicted of any felony, or who is not a citizen of the United States.

8901.1. *Permits to acquire.* (a) No person shall acquire the ownership of a firearm of any description, whether usable or unusable, either by purchase, gift, inheritance or in any other manner, until he has first procured a permit to acquire such firearm from the Director of Public Safety. Further, no person shall use or have in his possession any such firearm which is owned by another, whether registered or unregistered and irrespective of whether or not such use or possession is with the consent of the owner, without a permit from the Director of Public Safety.

Any person acquiring ownership of a firearm under the provisions of this section shall register the same as provided in § 8901.

(b) No person shall sell, give, loan or deliver any firearm into the possession of one not holding a permit issued under this section.

8902. *Same: Automatic firearms and cannon.* No machine gun, submachine gun or other firearm designed to be fired automatically, or any cannon, mortar or other explosive or noxious gas projector shall be registered unless the barrel has been permanently spiked or plugged and the firing pin removed, so as to be permanently useless as a firearm.

8905. *Possession prohibited; felons and aliens.* No person who has been convicted of any felony or who is not a citizen of the United States of America shall own, possess, use, or have under his control any firearm.

8905.1. *Same: temporary suspension.* The privilege of owning, possessing or using any firearm in the Territory of Guam shall be suspended for a period of one (1) year following the conviction of any person over the age of twenty-one (21) years of his third violation of the game laws of the territory. The court having jurisdiction over such offender shall notify the Department of Public Safety of the third such conviction and any certificate of registration previously issued to such person shall be revoked and no new certificate issued for one (1) year.

8908. *Provisions not applicable: when.* The provisions of Sections 8901 through 8907 shall not apply (a) to persons employed by, or in the armed forces of, the territory of Guam or the United States or any state or territory of the United States or political subdivision thereof whose duties require them to be armed, while such persons are in the performance of their respective duties, or while going to and from their respective places of duty; or (b) to any firearm owned or possesed by any person described in (a) above which is required by him in the performance of his duties.

8909. *Alteration of identification marks prohibited.* No person shall alter, remove or obliterate any mark of identity on any firearm. Possession of a firearm upon which any mark of identity has been altered, removed or obliterated shall be presumptive evidence that such possessor has altered, removed or obliterated the same.

8910. *Sale, gift, or transfer.* Before any person sells, transfers, loans or gives any firearm, he shall obtain from the Director of Public Safety a written statement to the effect that the intended buyer, transferee, borrower, or recipient of said firearms has registered the same pursuant to Section 8901 of this Chapter.

8925. *Definitions.* For purposes of this Chapter: (a) "Explosives" means gun powders, dynamite, blasting powder, all forms of high explosives, initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, detonating fuses, or any other such chemical compounds, mechanical mixtures or devices which may be designated by regulation as materials which the protection of life and property requires to be considered as explosives.

(b) The term "explosives" does not include small arms ammunition designed for use in firearms which are entitled to registration pursuant to Chapter X.

8926. *Permit to receive explosives.* No person shall receive or possess any explosives without first having secured a permit therefor from the Director of Public Safety, and it is unlawful for any person to sell, give away or deliver explosives to any person who does not present such a permit.

8927. *Same: persons under twenty-one (21) years of age.* No explosives shall be sold, given or delivered to any person under twenty-one (21) years of age, whether such person is acting for himself or for another person, nor shall any such person be eligible to obtain any permit to receive explosives.

HAWAII

State Law

HAWAII REVISED STATUTES

376–21. *Definitions.* As used in this part: "Person" means any natural person, partnership, association, or corporation; "Manufacturer" means any person who is engaged in the manufacture of explosives or who otherwise produces any explosive; and "Dealer" means any person, not a manufacturer, engaged in the business of buying and selling explosives.

376–26. *Sale of explosives; permits for purchase.* No dealer shall sell or deliver explosives to any person who does not hold a certificate of fitness and a permit for the purchase thereof secured from the director of labor and industrial relations or his authorized subordinates; and no dealer shall sell or deliver explosives except of the types or kinds and in the quantities as prescribed by, and in compliance with all the terms and conditions contained in the permit.

Application for the permits shall state (1) the name and address of applicant, (2) the number of his certificate of fitness if it is numbered, (3) the type or kind and quantity of explosive desired, (4) the locality or localities where the explosive is to be used, (5) the nature of the work to be done, (6) the facts showing a reasonable necessity for the use of explosives, and (7) the quantity of explosives estimated to be reasonably necessary for such work.

If it appears that the applicant does not possess a certificate of fitness, or that the nature of the work to be done does not require explosives of the type or kind applied for, or that there is no reasonable necessity for the use of explosives, the application shall be denied. If it appears that the quantity of explosives applied for is not reasonably necessary for such work, the application for explosives in excess of the quantity determined to be reasonably necessary shall be denied.

The permits shall be in the form prescribed by the director and shall be made out in quadruplicate. The original and duplicate shall be delivered to the applicant and the triplicate retained by the officer issuing the permit and the quadruplicate forthwith transmitted to the director. Upon the purchase of explosives the original shall be delivered to the dealer from whom the explosive is obtained for his permanent records, and the duplicate shall be held by the person obtaining the explosive until it has been entirely used and consumed. The person obtaining the explosive shall make a written report to the director showing the amount of explosive remaining on hand at the end of each such month, until it has been entirely used and consumed.

376–27. *Unlawful use or possession of explosives.* It shall be unlawful for any person to use any explosives unless he has a certificate of fitness or is using the explosives under the immediate supervision and direction of a holder of the certificate. It shall be unlawful for any person, other than a manufacturer or dealer, to have any explosives in his possession unless he has a permit therefor, or unless he has the explosives in his possession under the direction and for the purposes of a holder of the certificate.

376–29. *National emergency.* Any permit or certificate issued under this part may, during any time of national emergency or crisis, be suspended or canceled by the director of labor and industrial relations, and all explosives in the possession or control of any person may be purchased or seized and held in possession by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the owner thereof and the government of the United States or the government of the State may agree upon some other disposition of the explosives. A national emergency or crisis shall be deemed to exist when such has been so determined as in section 134–34 provided.

376–30. *Exceptions.* This part shall not apply to the armed forces of the United States or employees of the United States who are authorized by the United States to handle explosives.

134–1. *Definitions.* As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Crime of violence" means any of the following crimes, namely: murder, manslaughter, rape, kidnapping, robbery, burglary, and those certain crimes set forth in sections 724–4, 724–5, and 724–6.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

134–2. *Registration, mandatory.* Every person arriving in the State who brings with him firearms of any description, whether usable or unusable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business or if there be no place of business, his residence, or if there be neither place of business, or if there be no place of sojourn.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained.

Within ten days after the end of each month the respective chiefs of police shall furnish to the department duplicate copies of all registrations made during the preceding month.

No fee shall be charged for the registration.

Any person who fails to comply with this section shall be fined not more than $250.

134–3. *Permits to acquire; registration; penalty.* No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place or business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; provided, when title to any such firearm is acquired by inheritance or bequest, the foregoing permit shall be obtained before taking possession of same. Further, no person shall keep in his possession any such firearm which is owned by another, irrespective of whether or not the owner has consented to its possession, without a permit from the chief of police of the aforesaid county; provided, that any pistol or revolver, which is registered under, and in respect of which the owner has fully complied with, this chapter, may be loaned to another even though he be a minor, upon a target range, for a period not longer than to allow the other person to then and there use it for target shooting, without a permit.

Each chief of police may issue permits, within his jurisdiction, to acquire such firearms, to citizens of the United States, of the age of twenty years or more, and to duly accredited official representatives of foreign nations. Each chief of police may also issue permits to aliens of the age of twenty years or more for use of rifles and shotguns for a period not exceeding sixty days, after the alien had first procured a hunting license under sections 191–1 to 191–6.

Applications for the permits shall be signed by the applicant upon forms to be specified by the department of the attorney general and shall be signed by the issuing authority. One copy of the permit shall be retained by the issuing authority, as a permanent official record. The permit shall be void unless used within ten days after the date of issue. In all cases where possession is acquired from another person in the State the permit shall be signed in ink by the holder thereof and shall be delivered to and taken up by the person who is transferring title to the firearm, who shall make entry thereon setting forth in the space provided, the name of the person to whom the firearm was transferred, and the make, style, caliber, and number as applicable. He shall then sign it in ink and cause it to be delivered or sent by registered mail to the issuing authority within forty-eight hours. In case receipt of the firearm is had by mail, express, freight or otherwise, from sources without the State, the person to whom the permit has been issued shall make the prescribed entries thereon, sign it in ink, and cause it to be delivered, or sent by registered mail to the issuing authority within forty-eight hours after taking possession of the firearm. No person shall sell, give, loan, or deliver into the possession of another any firearm or ammunition except in accordance with this section.

Any person acquiring a firearm under this section shall, within five days of acquisition, register it in the manner prescribed by section 134–2.

No fee shall be charged for permits under this section.

134–4. *Transfer of rifles and shotguns.* No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of twenty years, and no person under the age of twenty years shall possess any such rifle or shotgun, except as provided by section 134–5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191–1 to 191–6 and a firearms permit under section 134–3.

134–5. *Possession by licensed hunters and minors.* Any person of the age of sixteen years or over, and any person under the age of sixteen years while accompanied by an adult, who has procured a hunting license under sections 191–1 to 191–6, may, while actually engaged in hunting or while going to and from the place of hunting, or while actually engaged in target shooting upon a target range, carry and use any lawfully acquired rifle or shotgun and suitable ammunition therefor.

134–7. *Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; • • •* (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any State, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor.

134–8. *Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty.* The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, submachine guns, automatic rifles, or rifles with barrel lengths less than 16 inches, or shotguns with barrel length less than 18 inches, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any bomb or bombshell is prohibited. Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation.

134–10. *Alteration of identification marks prohibited; penalty.* No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. Any person who violates this section shall be imprisoned for a term of not less than one year nor more than two years, without probation.

134–11. *Exemptions.* Sections 134–6 to 134–9 shall not apply:

(1) To members of police departments, sheriffs, members of military and naval forces of the State and of the United States, mail carriers, and law enforcement officers;

(2) To regularly enrolled members of any organization duly authorized to purchase or

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receive the weapons from the United States or from the State, provided the members are at, or going to or from their places of assembly, or target practice;

(3) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while the persons are in the performance of their respective duties, or while going to and from their respective places of duty;

(4) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that State to carry firearms without registration. The governor of the State or his duly authorized representative may enter into compacts with other States to carry out this section.

Nor shall sections 134–2 and 134–3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

134–31. *License to sell and manufacture firearms; fee.* The annual fee for a license to sell and manufacture firearms for sale in the State either at wholesale or retail, shall be $10.

134–32. *License to sell and manufacture firearms; conditions.* Every license issued pursuant to this part shall be issued and shall be regarded as having been accepted by the licensee subject to the following conditions:

(1) That the licensee shall at all times comply with all provisions of law relative to the sale of firearms.

(2) That the license may during any time of national emergency or crisis, as defined in section 134–34, be canceled or suspended.

(3) That all firearms in the possession and control of any licensee may at any time of national emergency or crisis, as defined in section 134–34, be seized and held in possession or purchased by or on the order of the governor until such time as the national emergency or crisis has passed, or until such time as the licensee and the government of the United States or the government of the State may agree upon some other disposition of the same.

134–34. *National emergency, when.* A national emergency or crisis shall be deemed to have arisen when the governor, the commanding general of the U.S. Army, Pacific, and the commandant of the 14th Naval District and Hawaiian Sea Frontier have, in the exercise of their discretion, so determined.

IDAHO

State Law

COMPILER'S NOTE: No applicable Idaho firearms laws. Previous Statutes including provisions permitting residenta to purchase rifles and shotguns in contiguous States contained in 18–3314 Idaho Code, repealed by S.L. 1971, Chapter 143, Section 5, effective January 1, 1972.

ILLINOIS

State Law

ILL. ANN. STATS. (SMITH-HURD) CHAPTER 38

24–1. *Unlawful use of weapons.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; or

(4) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver or other firearm; or

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

24–2. *Exemptions.* (a) Subsections 24–1(a)(3) and 24–1(a)(4) shall not apply to or affect any of the following: (1) Peace officers or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty.

(3) Members of the Armed Services or Reserve Force of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad to perform police functions while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; watchmen while actually engaged in the performance of the duties of their employment.

(5) Manufacture, transportation, or sale of weapons to persons authorized under (1) through (4) of this Subsection to possess such.

(b) Subsection 24–1(a)(4) shall not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are using their firearms on such target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the governor.

(3) Licensed hunters or fishermen while engaged in hunting or fishing.

(4) Transportation of weapons broken down in a non-functioning state or not immediately accessible.

(c) Subsection 24–1(a)(7) shall not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this Subsection to possess such provided the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Subsection 24–1(a)(1) shall not apply to the purchase, possession or carrying of a black-jack or sling-shot by a peace officer.

(e) Subsection 24–1(a)(8) shall not apply to any owner, manager or authorized employee of any place specified in such Subsection. Nor shall such Subsection be applicable to any law enforcement officer.

(f) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such exemptions.

24–3. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

24–3.1. *Unlawful possession of firearms and firearm ammunition.* (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(b) Penalty.

A person convicted of unlawful possession of firearms or firearm ammunition shall be fined not to exceed $1000 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

24–5. *Defacing identification marks of firearms.* (a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm shall be fined not to exceed $500 or imprisoned in a penal institution other than the penitentiary not to exceed one year, or both.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

83–1. *Legislative declaration.* It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24—3.1 of the "Criminal Code of 1961", as amended,[1] from acquiring or possessing firearms and firearm ammunition.

83–1.1. *Definitions.* For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

83–2. *Requisites for acquisition or possession—Exempted persons or entities.* (a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

83–3. *Requisites for transfer.* (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Chapter 38, § 83–2.)

83–6. *Contents of identification card.* A Firearm Owner's Identification Card, issued by the Department of Public Safety at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION—This card does not permit bearer to UNLAWFULLY carry or use firearms."

83–7. *Duration of identification card.* Except as provided in Section 8 of this Act (Chapter 38, § 83–8), a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 5 years from the date of issuance.

83–8. *Denial of application or revocation and seizure of identification card—Grounds.* The Department of Law Enforcement has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years; or

(f) A person who is mentally retarded.

Addison

2. *Permit.* It shall be unlawful for any person to sell or give away to any person within the Village of Addison any firearm unless such person so purchasing or receiving such firearm shall have a valid State of Illinois Gun Owner's Identification Card and shall have secured a written permit for the purchase of said firearm from the Chief of Police, and it shall be the duty of the person selling or giving away firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the Chief of Police or his deputy to enter for inspection during normal business hours, all stock on hand and shall on request of such officer, produce for inspection all written permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept. It shall be the duty of the Chief of Police to refuse such permits to:

(A) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; (B) A person under 21 years of age who does not have the written consent of his parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not have a currently valid Firearm Owner's Identification Card; (C) A person convicted of a felony under the laws of this or any other jurisdiction within the prior 5 years or a person confined to a penitentiary within the prior 5 years; (D) A person addicted to narcotics; (E) A person who has been a patient of a mental institution within the past 5 years; or (F) A person who is mentally retarded.

In case the Chief of Police shall find the applicant not to possess any of the above disqualifications, it shall be his duty to grant such permit.

3. *Minors.* It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.

Alsip

442–4. *After the proclamation of a civil emergency,* the Mayor of the Village of Alsip may also, in the interest of public safety and welfare, make any or all of the following orders: • • •.

(d) order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Alton

698. *Firearms—minors.* No person shall sell, loan, or furnish to any minor any gun, pistol, revolver or other firearm within the City of Alton; provided, that minors may be permitted, with the consent of their parents or guardians to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

2588.1. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, shot gun and rifle (capable of being concealed on the person), antique firearms, stiletto, sword, bayonet, and machette of

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all descriptions with a blade three or more inches in length or blackjack or sap, or other weapon of like character, which can be concealed on the person, without securing a license so to do • • •.

Berwyn

36–6. *Definition.* "Firearms," for the purposes of this article, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

36–7. *License to sell concealable firearms required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

36–9. *Licensee not to sell concealable firearms; exception.* No person having secured a license required by section 36–7 of this Code, shall sell, loan or give away any firearm described in section 36–6 of this Code to any person who has not secured a permit from the chief of police to purchase such firearm.

36–11. *Persons ineligible for permits.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Bloomington

69. *Minors—selling, etc., weapons to prohibited.* No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or toy firearm in which any explosive substance can be used or any Bowie knife, dirk, dagger, switch blade knife, or other deadly weapon of a like character.

Blue Island

License. It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell, lease, loan, or give to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, without securing a license so to do • • •, and no person, firm, or corporation having secured such a license, shall sell or give away such weapon to any person within this City, who has not secured a permit from the Chief of Police to purchase such weapon • • •.

Permit. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, without first securing from the Chief of Police a permit so to do. • • •

Cahokia

4. *No person, firm or corporation* shall sell or give or loan to any person under the age of 18 years any firearm or other deadly weapon in the Village of Cahokia, Illinois.

Caseyville

3. *Sale of certain weapons to minors prohibited.* No person, firm or corporation shall sell or deliver, or loan or barter, either directly or inadvertently, to any minor under the age of twenty-one (21) years, any kind of firearms, bowie knife, spring back knife, razor, metal knuckles, sword, cane, dagger, sling shot, or any other similar deadly weapon, without the consent of the parent or guardian of such minor.

Centreville

204. *Weapons.* No pawnbroker shall receive or have in his possession as a pledge or purchase any revolver, pistol, blackjack, machine gun, or sawed-off shotgun.

Chicago

11.1–4. At the time of sale the seller shall complete a registration form, designed or approved by the City Collector, which shall contain the date of the sale or gift, the full name, address, age, physical description and occupation of the person to whom the firearm is sold or given, the price of the firearm, the kind, description and serial number or other identifying marks of the firearm, the purpose for which it is purchased and obtained, the permit number, and other relevant information deemed necessary by the City Collector.

11.1–5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of the law.

11.1–6. The completed registration form, signed by both the seller and the purchaser, shall be mailed by the seller to the office of the City Collector no later than 48 hours after the sale.

11.1–8. The City Collector shall forward to every purchaser, recipient, or possessor of a registered firearm a registration certificate within 30 days of registration. The certificate shall state the full name, address, age, physical description of the registrant, the kind, description and serial number or other identifying marks of the individual firearm to which it applies, which will not be transferable and shall be carried simultaneously with the firearm and shall be exhibited to any police officer upon his demand for inspection. Registration shall not make lawful the carrying or possession of a firearm if prohibited by any other law. The registration provisions of this Chapter shall not apply to manufacturers, transporters or wholesale or retail sellers of firearms or those persons with exempt status pursuant to subsections (a)(1), (a)(2), and (a)(3) of Section 24–2 of the Illinois Criminal Code.

11.1–14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1–15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction of penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1–16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

183–1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

183–6. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 183–1, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the commissioner of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

183–7. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 183–1, which can be concealed on the person without first securing from the commissioner of police a permit so to do. • • • It shall be the duty of the commissioner of police to refuse such permit to any person having been convicted or any crime, and any minor. Otherwise, in case he shall be satisfied that the applicant is of good moral character, it shall be the duty of the commissioner of police to grant such permit upon the payment of a fee of two dollars.

183–9.1. *Gunsmiths.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

Cicero

38–9. *Sale or gift of deadly weapons concealable on person—License—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

38–12. *Application to, permission from, superintendent of police required.* No pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon can be sold unless application is made to the superintendent of police of the town stating that a request has been made for the purchase of a pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon, fully describing the type of weapon sought to be purchased, the name, address and age of purchaser and for what purpose said weapon is about to be purchased. Then if the superintendent of police of the town grants authority for said sale, then said sale shall be consummated. If in the discretion of the superintendent of police the sale of such weapons might jeopardize the safety and welfare of the people, he shall refuse to grant permission for the sale of said weapon. The same proceeding shall be followed in the event a licensee desires to give away a weapon as a gift.

38–14. *Prohibited to other than licensed dealers, or persons granted permits.* It shall be unlawful for any person to sell, barter, or give away to any person within the town, any deadly weapon mentioned in section 38–9, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police of the town as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

38–15. *Purchasers required to obtain permit; permits prohibited to minors and persons convicted of crime.* It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38–9 which can be concealed on the person without first securing from the superintendent of police of the town a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit, and the applicant shall present such evidence of good character as the superintendent of police at his discretion may require.

It shall be the duty of the superintendent of police to refuse such permit to any person having been convicted of any crime, and a permit shall be refused to all minors.

Clarendon Hills

156. *Selling fire arms to minors unlawful.* No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other fire arm, air gun or toy pistol on which percussion caps are used, within the Village of Clarendon Hills, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

Crest Hill

1. *Violation.* It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, Bowie knife, dagger or other weapons of like character without securing a license to do so.

3. *Sale to minors.* None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.

5. *Permit.* No sale of any revolver, pistol, Bowie knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a permit for the purchase thereof, issued by the chief of police of this city. • • • It shall be the duty of the chief of police to refuse such permit to all minors or persons having been convicted of any crime.

Creve Coeur

6–2–17: *Unlawful use of weapons:* (A) *It shall be unlawful for any person to:* 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; • • •.

Decatur

1. *Firearms.* 1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance can be used; or any bowie knife, dirk, dagger, slingshot or metallic knuckles, or other deadly weapon of like character.

East Peoria

29. *Unlawful use of weapons.* (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

1. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell or give away to any person within the City, or to bargain or negotiate with any person within the City for any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or other weapon of like character, which can be concealed on the person, without securing a license so to do • • •.

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police • • •.

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, knife, dirk, stiletto with a blade three or more inches in length, or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit so to do • • •.

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Elgin

30–801. *Definitions.* (a) A civil emergency is hereby defined to be: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or (2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City of Elgin, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

30–804. *Emergency orders.* After the proclamation of a civil emergency, the Mayor of the City of Elgin may also in the interest of public safety and welfare make any or all of the following orders: (c) Order the discontinuance of selling, distributing, or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle. (d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Elmhurst

51.19 *Firearms to minors.* No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.

Elmwood Park

52–3. *Definition of "firearm".* Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52–7. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien. Application for permit shall state the type of firearm desired, the name, age, sex, residence, nationality, height, weight, and complexion.

52–8. *Sales, etc., of firearms to persons without permit.* No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52–11. *Sale, etc., of firearms to minors.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48–6. *Permit for purchase of pistol; inspection of stock, etc.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police, • • •.

It shall be the duty of the chief of police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

In case the chief of police shall be satisfied that the applicant is of good moral character, it shall be his duty to grant such permit.

48–7. *Selling firearms to minors.* It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.

Evergreen Park

32–11. *License required to engage in business or to sell or give away deadly weapons.* It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk or other deadly weapon, which can be concealed on the person without securing a license so to do.

32–18. *Purchaser required to secure permit to purchase deadly weapon;* • • • It shall be unlawful for any person to purchase any deadly weapon mentioned in section 32–11, which can be concealed on the person without first securing from the chief of police a permit so to do.

32–36. *License required to engage in business.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer or other firearm, which can be concealed on the person without securing a license so to do.

Franklin Park

17–202. *Affidavit required for sales.* (a) No person licensed under the provisions of this article having secured such a license, shall sell or give away any deadly weapons as defined in this division to any person within this village who has not filled out, signed and had witnessed by a notary public a federal firearms affidavit.

(b) It shall be unlawful, for any person to purchase any deadly weapon as defined in this article without filling out a federal firearms affidavit in writing, setting forth in such affidavit the name, address, age, height, weight, complexion, nationality and other elements of identification. Upon witnessing the identification of the applicant, the officer of the company, clerk or secretary, holding a notary public seal from the state shall notarize the affidavit. It shall be the duty of the notary, upon witnessing the identification of the applicant to affix his notary seal and sign the affidavit, refusing any applicant whom he concludes is a minor, lacks proper identification, shows physical signs of being a narcotic, or is unemployed.

17–211. *Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the village, any deadly weapon as defined in this article, without securing a license so to do as provided in this division and the general licensing provisions of this chapter.

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Glencoe

24–47. *Weapons—Carrying concealed prohibited.* It shall be unlawful for any person within the village to carry or wear under his clothes, or conceal about his person, or within ready access in his automobile or vehicle, any revolver, pistol, slingshot, blackjack, cross knuckles or knuckles of lead, brass or other metal, or Bowie knife, kirk, razor, dagger or sawed-off gun, machine gun, submachine gun, or any device for releasing or discharging tear gas or any other obnoxious or poison gas or for laying a smoke screen, or any other dangerous or deadly weapon.

24–49. *Sale of weapons which can be concealed.* It shall be unlawful to sell any firearms which can be concealed on or about the person in the village.

24–50. *Sale, etc., to minors.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun within the village.

Glen Ellyn

12.23 (e) *Sales to Intoxicated Persons and Minors.* No person shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen years.

Granite City

1: It shall henceforth be unlawful for any person, firm, or corporation to sell, display for sale, or offer to sell to any minor, any revolver, pistol, shotgun or rifle or any air gun, "BB" gun, gas-operated gun, spring gun, or any instrument, toy or weapon commonly known as a six-shooter, sling shot, whether such instrument is called by any name set forth above or by any other name. 2: It shall be unlawful to sell or offer to sell to any minor any shell, cartridge, charge, pellet, ammunition or other device to be used, discharged or propelled from any of the items mentioned in Section 1 hereof.

Harvey

29–374. No person shall sell, loan, or furnish to any minor, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm, in which any explosive substance can be used, or any air-gun, spring-gun, slung-shot, or any similar weapon or device within the city, • • •.

1811–1. *Definitions:* (a) A civil emergency is hereby defined to be: (1) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute by three or more persons acting together without authority of law; or: (2) Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the City of Harvey, resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

1811–4. After the proclamation of a civil emergency, the Mayor of the City of Harvey may also in the interest of public safety and welfare make any or all of the following orders: (c) Order the discontinuance of selling, distributing or giving away gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle. (d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

Joliet

32–19. *License required.* It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, Bowie knife, dagger or other weapons of like character without first securing a license to do so. • • •

32–21. *Sales to minors.* None of the articles governed by this article or of like character, shall be sold to any minor.

32–22. *Permit required for concealable weapons.* (a) No sale of any revolver, pistol, Bowie knife, or other deadly weapon which can be concealed on the person shall be made by any licensee under this article to any purchaser unless the purchaser shall first exhibit to the licensee a permit for the purchase thereof, issued by the chief of police of the city.

La Grange

63–3. *Fixed ammunition—license.* Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols or shotguns shall be entitled to a license upon application made as provided in Chapter 28 of this code, provided that such licensee shall not have on hand at any time more than 25,000 rounds of such ammunition.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.

Lindenhurst

41.01. *Gun dealers—license required.* No person shall engage in the business of selling or sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so. • • •.

41.06. *Restrictions on sale or gift.* It shall be unlawful for any person to sell, barter or give away to any person within the village any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the village marshal as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the village.

41.07. *Permit to purchase weapon.* It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the village marshal a permit to do so. • • •.

Lockport

15–1. *License—Manner of issuance.* It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, or offer for sale or give away to any person within the City limits any pistol, rifle, shotgun, revolver, bowie-knife, dagger or other weapons of like character without securing a license to do so.

15–3. *Sale to minors.* None of the articles enumerated above, or of like character, shall be sold to any minor.

15–5. *Permit.* No sale of any revolver, pistol, bowie-knife, or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to said licensee a permit for the purchase thereof, issued by the Chief of Police of this City. It shall be the duty of the Chief of Police to refuse such permit to all minors or persons having been convicted of any crime.

Lombard

9.16.040. *Selling firearms to minors unlawful.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, in which any explosive substance can be used, within the limits of the village.

Maywood

8.259. *It shall be unlawful for any person* to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, Bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license so to do.

8.265. *It shall be unlawful for any person* to purchase any deadly weapon mentioned in Section 8.259, which can be concealed on the person without first securing from the Chief of Police a permit so to do. • • •.

It shall be the duty of the Chief of Police to refuse such permit to any person having been convicted of any crime, and any minor. • • •.

8.268. *It shall be unlawful for any person* to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

McCook

9–10–3. *License to sell:* Firearms for the purposes of this Chapter are pistols, revolvers, guns, and small arms of a size and character that may be concealed upon or about the person. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. And no person, having secured such license, shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

9–10–4. *Purchasers of firearms:* No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age or an alien. • • •

9–10–8. *Sale or gift:* No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearm of a size which may be concealed upon the person.

Melrose Park

93.1 *Generally:* • • • No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the Village of Melrose Park. • • • No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the Village of Melrose Park, any pistol, revolver, derringer, bowie knife, dirk or other weapon, of light character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police or President of the Village to purchase such weapon in the manner hereinafter provided. • • •.

93.2 *License to sell firearms:* Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the foregoing Section shall make application in writing to the President of the Village, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation the name and residence of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. • • •.

93.3 *Other requirements:* (b) It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police or the President of the Village a permit so to do. Before any such permit is granted, an application in writing shall be made therefore, setting forth in the application the name, address, age, height, weight, complexion, nationality and other elements of identification, of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue, from two persons who shall be known to the Chief of Police or the President as persons of reputation and residents of the Village at least one year, or who shall appear to be taxpayers residing within the Village.

Midlothian

6–4–4. *Sale to minors prohibited.* It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any BB gun, pellet gun, or other weapon capable of projecting or discharging projectiles of any type by any force, bean blowers, or any other dangerous or deadly weapon or instrument of like character.

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any ammunition, BB's or other projectiles which could be used as ammunition with any of the weapons referred to in the foregoing provisions of this Section.

6–4–8. *Shotguns; sale to minors.* It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

Moline

27–47. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly: • • •

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or • • •

27–48. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict • • •

Morton Grove

132.100 *Selling deadly weapons; sales to minors.* (B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the village any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used, or any bowie knife, dirk, dagger, or other deadly weapon of a like character, • • •.

Niles

22–44. *Affidavit to purchase firearms.* (a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit affirming the requirements stated below, and it shall be the duty of the person dealing in firearms to receive and keep such affidavit in a permanent file for inspection purposes. • • •

(b) The following persons are covered by the section and not eligible to purchase a firearm:

(1) Any person convicted of a felony;

(2) Any minor under the age of eighteen (18) years;

(3) A narcotic addict.

22–45. *Selling, furnishing firearms to minors.* It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

Oak Park

45.1. *Definition of "firearms".* "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

45.2. *Sale of firearms and other weapons prohibited.* It shall be unlawful to sell any firearms, air guns, air pistols, spring guns or spring pistols or other device which is calculated or intended to propel or project a bullet, pellet, pointed arrow or similar projectile to any person who has been previously convicted of a crime or to any person under eighteen years of age or to an alien.

45.3. *Application to purchase firearms.* No person shall be permitted to purchase a firearm with out first filing an application therefor with the seller. • • • A copy of the application shall be forthwith furnished to the Chief of Police and no firearm shall be delivered to the purchaser until two days have elapsed from the filing of the application with the Chief of Police.

45.4. *License and permit to deal in firearms—required.* It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

45.9. *Defacing identification marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

45.10. *Sale, etc., of firearms to infants or aliens.* No person shall sell or give to any alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Oregon

8–6–3: *Firearms:* No person shall sell, loan, exchange, deliver or give away to any minor any gun, pistol, fowling piece or other firearm within the corporate limits of the City.

Peoria

41–4. *License to sell, etc.—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, Bowie knife, dirk or other deadly weapon, which can be concealed on the person, without securing a license so to do.

41.8. *Required certificate.* It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon except, to licensed dealers, without first obtaining from the customer a signed statement in which the customer states that he is over twenty-one years of age, that he is not a drug addict, nor a fugitive from justice, nor under indictment, and that he has not been convicted of a crime of violence. The signature of the customer on such statement shall be witnessed by the person making such sale, exchange or loan.

41.11. *Restriction on sale.* It shall be unlawful for any person to sell, barter or give away, to any person within the city, any deadly weapon to any person known to him to be under twenty-one years of age, or of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Peoria Heights

1. *License required.* It shall be unlawful for any person to engage in the business of selling any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

5. *Restrictions on sale or gift.* It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Pinckneyville

39. *Minors not to have certain weapons.* No person, not being the father, guardian or employer of a minor, shall, by himself, agent, servant, or employee, directly or indirectly, sell, give, loan, hire or barter to any such minor, within the city, any pistol, revolver, derringer, bowie knife, dirk, slung shot or other weapon of like character.

Rockford

19–52. *Bullets, pellets, etc.; sale to minors prohibited.* It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile to any person under the age of eighteen and it shall be unlawful for any person under the age of eighteen years to obtain any ammunition, ball, bullet, pellet, steel-tipped arrow or other missile or projectile by purchaser, sale or gift, or in any other manner.

7–260. *License required.* It shall be unlawful for any person to engage in the business of repairing or selling, or to repair, sell or give away to any person within the city a new or used pistol, revolver, derringer, bowie knife, dirk or other weapon of similar character which can be concealed upon the person, without first having secured a license.

7–261. *Permit to purchase required.* It shall be unlawful for any person to purchase or receive as a gift any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed upon the person without first securing a permit from the chief of police, whose duty it shall be to refuse all permits to persons who have been convicted of any crime and all minors.

7–262. *Sale—Restricted to licensed dealers and holders of permits.* It shall be unlawful for any person to sell, barter, exchange or give away to any person within the city, any pistol, revolver, derringer, dirk, or other weapon of like character which can be concealed upon the person, except to a licensed dealer and to persons who have secured a permit for the purchase of such articles from the chief of police.

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7–263. *Same—Minors.* It shall be unlawful for any person to give, loan or sell any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon or similar character to any person under the age of twenty-one years.

Rolling Meadows

13–36. *Same—Handling, possession by minors.* (a) *Prohibited.* It shall be unlawful for any parent or guardian of any child under the age of eighteen (18), to permit, suffer or allow any such child to handle or have in his possession within the city any cannon, gun, pistol or any toy gun, toy cannon, toy pistol, air gun or any other similar weapon which if discharged is of sufficient force or power to inflict bodily injury.

Skokie

27–17. *Permit.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Skokie, any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police, • • •. It shall be the duty of the Chief of Police to refuse such permits to:

(A) All persons having been convicted of any crime;

(B) All minors.

27–18. *Minors.* It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.

South Beloit

32. *Firearms—canon—not to furnish to minors.* No person shall fire or discharge any gun, pistol, revolver, fowling-piece or other firearm within the corporate limits of the City, nor shoot, discharge or fire off any canon or piece of artillery in said City, and no person shall sell, loan or furnish to any minor any such gun, pistol, revolver, fowling-piece or other firearms. This shall not apply to officers and persons authorized by law to carry and use such firearms.

South Elgin

18. *Unlawful use of weapons.* No person shall commit the offense of unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: (1) sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, slungshot, sand-club, sand-bag, shotgun with a barrel less than 18 inches in length, • • •.

(6) possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Springfield

31.45. *Minors not to handle or possess firearms, air guns, etc.* It shall be unlawful for any parent or guardian of any child under the age of eighteen, to permit, suffer or allow any such child to handle or have in his possession within the city, any cannon, gun, pistol or any toy gun, toy cannon, toy pistol, air gun or any other similar weapon, or which if discharged is of sufficient force or power to inflict bodily injury.

Summit

6–7–1: *License required:* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon, any air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any bullet, pellet, or other object can be expelled by means of air pressure or any explosive substance without securing a license so to do, and no person having secured such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

6–7–5: *Permit required:* It shall be unlawful for any person to purchase any weapon described in Section 6–7–1 hereof, without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application, the name, address, age, height, weight, complexion, nationality, and other elements of identification of such person desiring such permit. Such application shall also contain a recommendation from two (2) persons who shall appear to be taxpayers residing within the Village that the permit shall issue.

Streamwood

19.1001. *Definition of firearm.* Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1002. *Definition of deadly weapon.* A deadly weapon is a firearm as hereinabove defined including but not limited to knives, axes, hatchets, swords, black jacks, slingshot, razor, tear gas, bomb, any object containing noxious liquid, gas or substance.

19.1005. *Permit to purchase firearms.* No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Tuscola

18–51. *Same—Selling or furnishing to minors.* Whoever, not being the father, guardian or employer of a minor by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person shall be subject to penalty as provided by section 1–8 of this Code.

Urbana

21.56. *Weapons—infants.* Any person who, not being the father, guardian or employer of a minor, by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, Bowie-knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, shall be subject to the penalties set out in section 1.6 of this Code.

Venice

9–5–4: *Weapons:* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, blackjack or sawed-off shotgun; and no pawnbroker shall display in his window or shop any such weapons for sale.

Wauconda

2103.3. *Unlawful use of weapons.* A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any bludgeon, black-jack, sling-shot, sand-club, sand-bag, shotgun with barrel less than 18 inches in length • • •.

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

2103.5. *Unlawful sale of firearms.* A person commits the offense of unlawful sale of firearms when he knowingly: (a) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

2103.7 *Defacing identification marks of firearms.* (b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Waukegan

44.16. *Dealers in deadly weapons.* (a) License Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, dagger, stiletto, billie, derringer, bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so • • •.

(b) Approval. The Chief of Police shall approve the application before a license shall be issued.

(f) Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

(g) Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality, and other elements of identification of the person desiring such permit. It shall be the duty of the Chief of Police to refuse such permit to any person convicted of any crime, and any minor.

44.17. *Gunsmiths.* (a) License Required. No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so • • •.

44.18. *Air rifles and toy weapons.* (a) License required. No person shall engage in the business of selling or sell or give away any air rifle or air gun, or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used without securing a license to do so as provided in chapter 41.

(b) Permit. No such licensee shall sell or give away any such weapon to any person within the city who has not secured a permit from the Chief of Police to purchase such weapon in the manner herein provided.

(g) Permit required. It shall be unlawful for any person to purchase any air rifle or air gun or any toy firearm or other toy in the nature of a firearm in which any explosive substance can be used without first securing from the Chief of Police a permit to do so.

71.30. *Sale of weapons to minor or alien.* No person shall sell or give to any alien or to any minor under the age of 18 years any firearms or dangerous or deadly instruments of any character.

Wheaton

17–83. *Enumeration of dangerous, deadly weapons.* The term "dangerous or deadly weapon" as used herein shall include pistols, revolvers, rifles or other firearms, daggers, billies, bowie knives, and any other deadly weapons which, except for this article, may be lawfully possessed by any person.

17–84. *Selling, furnishing to minors; exceptions.* It shall be unlawful for any person to sell, give, or loan to any minor under the age of eighteen (18) years any deadly or dangerous weapon. • • •

17–93. *License—required.* It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (hereafter called a dealer) in the city without securing a license therefor.

Wilmette

5–10.1. *License required;* • • •. It is unlawful for any person to engage in the business of making, selling, or repairing firearms of any type, size or description without first having obtained a license therefor.

5–10.2. *Permit to purchase.* It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. • • •

It shall be the duty of the Chief of Police to refuse such permits to:

(a) All persons having been convicted of a crime.

(b) All minors.

Winnetka

5–44. *Weapons.* No pawnbroker shall receive as a pledge or purchase any revolver, pistol, machine gun, blackjack or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

13–51. *Weapons—Sale to minors prohibited.* No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun, within the limits of the village.

Zion

28–1. *Unlawful use or carrying of weapons—defined.* (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; • • •

28–14. *To be licensed.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, dagger, stiletto, billy, derringer, Bowie knife, dirk, or other deadly weapon which can be concealed on the person, without securing a license to do so.

28–34. *License required.* It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

INDIANA

State Law

IND. STATS. ANN. (BURNS) TITLE 10

10–4701. *Intoxicated persons—Sale or gift of weapons to.*—Whoever sells, barters, gives, or delivers any pistol, dirk, bowie-knife, dagger, or any other dangerous or deadly weapon, to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, shall upon conviction be fined in any sum not exceeding one thousand dollars ($1,000) or imprisoned in the county jail not less than thirty (30) days nor more than six (6) months or both such fine or imprisonment in the discretion of the court.

10–4702. *Minors—Sale or gift of weapons to.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one (21) years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of twenty-one (21) years any cartridges manufactured and designed to be used in a pistol or revolver. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five dollars ($5.00) nor more than fifty dollars ($50.00).

10–4712. *Machine guns and bombs—Ownership, possession, or control.* Whoever shall be the owner of, or have in his possession, or under his control, in an automobile, or in any other way, a machine gun or bomb loaded with explosives, poisonous or dangerous gases, shall be deemed guilty of a felony, and upon conviction thereof, shall be imprisoned for a term of not less than one (1) year nor more than five (5) years.

10–4713. *Machine guns and bombs—Operation and discharge.* Whoever shall discharge, fire off, or operate any loaded machine gun, or whoever shall drop from an airplane, automobile, or from any building or structure, or who shall throw, hurl, or drop from ground or street, or keep in his possession and under his control any bomb filled with deadly or dangerous explosives, or dangerous or poisonous gases, shall be deemed guilty of a felony and upon conviction shall be imprisoned for a term of not less than two (2) nor more than ten (10) years.

10–4714. *Machine guns and bombs—Exceptions from application of act.* The provisions of this act shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) To machine guns or bombs kept for display as relics and which are rendered harmless and not usable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with and in the furtherance of their duties; (d) to persons lawfully engaged in the display, testing or use of fireworks; or (e) to persons, firms, agencies of the state government; or corporations and the employees, servants or agents of such persons, firms, agencies, or corporations authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordinance [ordnance] equipment or supplies while or when acting within the scope of and in furtherance of such business.

10–4734. *Uniform firearms act—Definitions* The term "pistol," as used in this act, means any firearm with barrel less than twelve (12) inches in length.

"Crime of violence," as used in this act, applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, voluntary manslaughter, kidnaping, kidnaping for the purpose of ransom, rape in the first degree, malicious mayhem, assault or assault and battery with intent to commit a felony, robbery, bank robbery, automobile banditry, burglary in the first or second degree.

"Person," as used in this act, includes firm, partnership, association or corporation.

10–4739. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10–4740. *Regulation of sales.* No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase for a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six (6) hours after such application, sign and attach his address and forward by registered mail one (1) copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven (7) days be sent by him with his address to the superintendent of the state police; the triplicate he shall retain for six (6) years. This section shall not apply to sales at wholesale.

10–4740a. *Interstate firearms sales.*—Any resident of this state who is eighteen (18) years of age or over and not otherwise prohibited by IC 1971, 35–23–4–6 [§ 10–4739], IC 1971, 35–1–79–3 [§ 10–4702], or IC 1971, 35–23–5–1 [§ 10–4736], or any applicable law of another state or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for either a rifle or shotgun in Ohio, Kentucky, Michigan or Illinois. Any resident of those states who is eighteen (18) years of age or over and not otherwise prohibited by IC 1971, 35–23–4–6 [§ 10–4739], IC 1971, 35–1–79–3 [§ 10–4702], or IC 1971, 35–23–5–1 [§ 10–4701] or the laws of his domicile or of the United States from obtaining, possessing, or using a firearm in this state or his home state, may purchase or obtain a rifle, shotgun, or ammunition for either a rifle or shotgun in this state. Any such transaction shall be for the purposes and under the conditions prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3). [IC 1971, 35–23–10–1, as added by Acts 1971, P.L. 467, § 1, p. —.]

10–4743. *Prohibited transfers.* No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this act.

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10–4744. *False statements.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

10–4745. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10–4746. *Firearms excepted from act.* This act shall not apply to antique pistols unsuitable for use as firearms (and possessed as firearms) and possessed as curiosities or ornaments.

Hammond

27–201. *Explosives—Permit.* 1. No person or corpoartion shall keep, sell or offer for sale, or give away, anywhere within the City any gunpowder, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or other high explosives of similar nature, in any quantity, whether in bulk or made up or kept in packages or cartridges, or kept, sell or offer for sale, or give away, anywhere within the City, any loaded paper or metallic shot shells or cartridges designed or intended to be used for shot guns, pistols, rifles or other firearms, or percussion caps or primers with or without anvils, without a license permit issued for that purpose as hereinafter provided; Provided however that nothing herein contained shall be held to prevent any person from keeping on his own premises, for his own use, a quantity of gunpowder not exceeding one pound, or loaded shells or cartridges not exceeding five hundred in number.

Indianapolis

10–607. *Firearms for minors.* No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the city; except that minors over fifteen years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club, or rifle club, or to shoot game birds, in accordance with other provisions of this code, or the law.

10–1008. *Selling weapons to narcotic users, etc.* No person shall sell, give, barter, exchange, lend, or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie-knife, or stiletto, or any spring gun, or sword-cane, or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person.

Marion

1. *Sale and use of firearms by minors.* Be it ordained by the Common Council of the City of Marion, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city, to any minor, any rifle or gun for shooting powder and ball, or any air rifle, air gun, flipper or sling shot or other gun, rifle or device for shooting and propelling missiles and it shall be unlawful for any minor to have in his possession any such gun, rifle, flipper, sling shot or device on any of the public streets, alleys, lanes, avenues or commons of said city.

New Whiteland

8. *Selling weapons to narcotic users, etc.* No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, or any knucks, billy, sandbag, dagger, dirk, bowie knife, or stilletto, or any spring gun, or sword-cane, or any other dangerous weapon of any similar character, which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; or any tools or devices or jimmies, commonly used for burglary: Provided, however, that ordinary pocket-knives, with blades not exceeding five inches in length and as so known and sold in legitimate trade, shall not be included in the terms of this section, and also that the provisions of this section shall not apply to any military forces, peace officers, or other persons so excepted by law for the possession, use, or disposal of any such things.

IOWA

State Law

IOWA CODE ANN.

695.18. *Sale of dangerous weapons prohibited.* It shall be unlawful to sell, to keep for sale, or offer for sale, loan, or give away, dirk, dagger, stiletto, metallic knuckles, sandbag, or skull cracker, silencer, and no pistol or revolver shall be sold to any person under the age of twenty-one years. The provisions of this section shall not prevent the selling or keeping for sale of hunting and fishing knives.

695.26. *Selling firearms to minors.* No person shall knowingly sell, present, or give any pistol or revolver to any minor. Any violation of this section shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than thirty days. Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the state of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

695.29 *Purchase or sale of firearms in contiguous states.* A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with Gun Control Act of 1968, 18 U.S.C. section nine hundred twenty-two (922) (b) (3) (A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the Federal Gun Control Act of 1968.

696.1. *Possession.* No person, firm, partnership, or corporation, except law enforcement officers, shall knowingly have in his or its possession or under his or its control any machine gun of any nature or kind.

696.2. *Aiding possession.* No person, firm, partnership, or corporation shall do any act with the intent to enable any other person, firm, partnership, or corporation to obtain possession of such gun.

696.4. *Exceptions.* Sections 696.1 to 696.3, inclusive, shall not apply to:

1. Peace officers as herein provided.

2. Persons who are members of the national guards.

3. Persons in the service of the government of the United States.

4. Banks.

696.5. *Interpretative clause.* Section 696.4 shall not be construed to exempt any person therein specified when the possession charged had no connection with the official duties or service of said person.

696.6. *Relics* It shall be a defense that the machine gun or machine which the accused is charged with possessing was a gun which was in general use prior to November 11, 1918, and was, prior to the commencement of the prosecution, rendered permanently unfit for use, and was possessed solely as a relic.

696.7. *Additional exception.* This chapter shall not apply to any person or persons, firm, or corporation engaged or interested in the improvement, the invention, or manufacture of firearms.

697.10 *Definitions.* As used in this Chapter, unless the context otherwise indicates:

1. "Explosive device" means any material, container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, 1 such proportions, quantities or packing that an ignition by fire, by friction, by concussior or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contigu us objects.

2. "Incendiary device" means any inflammable material or container containing an inflammable liquid or material whose ignition, by fire, friction, concussion, detonation, or other method is intended to produce destructive effects primarily through combustion rather than explosion.

3. "Molotov cocktail" means a breakable container containing an explosive or inflammable liquid or other substance, having a wick or similar device capable of being ignited, and may be described as either an explosive or incendiary device. A "molotov cocktail" is not intended to mean a device commercially manufactured primarily for the purpose of illumination or other such uses.

697.11 *Unlawful materials—exceptions.* It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture a bomb, bombshell, grenade, or incendiary or explosive device including but not limited to black powder bombs and molotov cocktails, or, with intent to assemble them, the materials which may be assembled into any such device and any person violating any of the provisions of this section shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars or by imprisonment in the penitentiary or men's or women's reformatory for not more than five years, or by both such fine and imprisonment, or by imprisonment in the county jail for not more than six months; provided, however, that this section shall not apply to military and law-enforcement agencies and their personnel, and persons, firms, or corporations engaged in business, occupational or recreational use of

commercial explosives, fireworks, firearms, or ammunition when possession and use is otherwise authorized or permitted by law. Section 697.10 and this Section shall have no application to the possession or sale of rifle, pistol, or shotgun ammunition; nor shall it prohibit the use, sale, or possession of primers, percussion caps, brass, powder, and other components and supplies for hand loading or reloading rifle, pistol, or shotgun ammunition or loading muzzle-loading arms, where the same is for lawful purposes.

Cedar Rapids

63.16. *Prohibition against bombs.* No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26–11. *Report to chief of police.* Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, * * *.

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

Marshalltown

75. *It shall be unlawful:* 13. *Weapons—Minors.* To sell, loan or give any pistol or revolver to any person under the age of 21 years.

14. *Sale of arms—license.* To sell or keep for sale or exchange or to give away to any person, any revolver, pistol, pocket billy, or other weapon of a like character, which can be concealed on the person, without first securing a permit from the proper officer, having authority to issue such permit.

Sac City

(e) *Sales to intoxicated persons and minors.* Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

KANSAS

State Law

KAN. STAT. ANN. TITLE 21

21–4201. *Unlawful use of weapons.* (1) Unlawful use of weapons is knowingly: (*a*) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; or

(*g*) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) *Exemptions.* (*a*) Subsections (1) (*a*), (*b*), (*c*), (*d*) and (*g*) of this section shall not apply to or affect any of the following: (*i*) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (*ii*) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (*iii*) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (*iv*) Manufacture of, transportation to, or sale of weapons to person authorized under (*i*) through (*iii*) of this subsection to possess such weapons.

(*b*) Subsection (1) (*d*) of this section shall not apply to or affect the following: (*i*) Watchmen while actually engaged in the performance of the duties of their employment; or (*ii*) Licensed hunters or fishermen while engaged in hunting or fishing; or (*iii*) Persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

21–4203. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly:

(*a*) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(*b*) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(*c*) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

21–4204. *Unlawful possession of a firearm.* (1) Unlawful possession of a firearm is:

(*a*) Possession of any firearm by an habitual drunkard or narcotics addict; or

(*b*) Possession of a firearm with a barrel less than twelve (12) inches long by a person who, within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Violation of subsection (1) (*a*) of this section is a class B misdemeanor; violation of subsection (1) (*b*) is a class D felony.

21–4205. *Defacing identification marks of a firearm.* (1) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

(3) Defacing identification marks of a firearm is a class B misdemeanor.

21–4206. *Confiscation and dispostion of weapons.* (1) Upon conviction of a violation of sections 21–4201, 21–4202 or 21–4204 of this article, any weapon seized in connection therewith shall remain in the custody of the trial court.

(2) Any stolen weapon so seized and detained, when no longer needed for evidentiary purposes, shall be returned to the person entitled to posession, if known. All other confiscated weapons when no longer needed for evidentiary purposes, shall in the discretion of the trial court, be destroyed, preserved as county property, or sold and the proceeds of such sale shall be paid to the county general fund.

21–4209. *Unlawful disposal of explosives.* (1) Unlawful disposal of explosives is knowingly selling, giving or otherwise transferring any explosive or detonating substance to: (*a*) A person under eighteen (18) years of age; or (*b*) An habitual drunkard or narcotic addict; or (*c*) A person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years after his release from a penal institution or within five (5) years after his conviction if he has not been imprisoned. (2) Unlawful disposal of explosives is a class A misdemeanor.

KANS. STAT. ANN. TITLE 48

48–1801. *Public crisis or emergency; proclamation by governor, when; contents and scope of proclamation; powers and duties of governor; orders, rules and regulations.* During times of public crisis resulting from disaster, rioting, catastrophe or other public emergency within this state, or reasonable apprehension of immediate danger thereof, the governor may, upon his own volition or upon application of the mayor of any city or the person legally acting for the mayor in his absence or the county attorney of any county or the attorney general of the state proclaim a state of emergency. Prior to the issuance of such proclamation, the governor shall find by investigation or otherwise that because of disaster, rioting, catastrophe or other emergency condition, the public peace and safety is imperiled, that human life and property is endangered by such emergency conditions and that the normal and ordinary processes of state and local government are inadequate to safeguard the public peace and safety and the lives and property of citizens.

The proclamation of the governor shall recite his findings, shall declare that a state of public emergency exists, and shall designate the boundaries of the affected area. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly, and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors and cereal malt beverages; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives, or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the time and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded from time to time by the governor during the pendancy of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

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48–1903. *Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions.* It is hereby declared to be lawful for a resident of this state to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such states; and

(b) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922(c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

Atchison

21–124. *Unlawful use of weapons.* (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; • • •.

21–129. *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

21–130. *Defacing identification marks of a firearm.* (1) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Cherryvale

10–138. *Firearms in possession of minors.* Every minor who shall have in his possession any pistol, revolver, or toy pistol by which cartridges may be exploded or any dirk, bowie knife, brass knucks, slung shot, or other dangerous weapons, shall be guilty of a misdemeanor.

10–139. *Firearms, furnishing to minors.* Every person who shall trade, give, loan, or otherwise furnish any pistol, revolver, toy pistol, or any dirk, bowie knife, brass knucks, slung shot or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Concordia

15–37. *Unlawful use of weapons generally.* 15–37(a). The following acts shall constitute unlawful use of weapons and a misdemeanor: (1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sand-club, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; • • •.

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

15–40. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Dodge City

20–118. *Unlawful use of weapons.* (1) *Prohibited uses. Unlawful use of weapons is knowingly:* (a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sand-club, shotgun with a barrel less than eighteen (18) inches in length, • • •

20–121 *Unlawful disposal of firearms.* (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or (b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or (c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary. (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

20–122. *Defacing identification marks of a firearm.* (1) Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm. (2) Possession of an; firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Hutchison

24–1001. *Unlawful use of weapons.* (a) Unlawful use of weapons is knowingly: • • •.

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

24–1003. *Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:* (1) Selling, giving or other wise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Independence

17–212. *Furnishing weapons to minors.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, Bowie knife, brass knuckles, slung shots or other dangerous weapons to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars ($100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

Junction City

18–3a101. *Registration.* 1. From and after the effective date of this ordinance, no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Junction City, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the Chief of Police of the City.

18–3a103. *Persons not eligible for certificate of registration.* 3. No certificate of registration shall be issued to any of the following classes of persons:

a. Any person under the age of 21 years.

b. Any person convicted of a felony as defined in K.S.A. 21–2611.

c. Any person who is addicted to the use of narcotics or is mentally retarded or is an habitual drunkard.

18–3a104. *Waiting period.* 4. No firearms as herein described shall be delivered into the possession of the purchaser thereof until a period of 48 hours shall have transpired from the time of issuance of such certificate of registration and said certificate shall have been presented to the seller.

18–3a105. *Exclusions.* 5. The provisions of this Ordinance shall not apply to any duly authorized police officer, marshal, sheriff, constable, or other law enforcement officer designated by the federal, state, county or municipal governments, who purchase weapons to be used in the performance of their duties.

Kansas City

39–4. *Permit to purchase or receive pistol or revolver—Required; exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

39–6. *Same—issuance.* After fifteen (15) days, the Chief of Police may, in his discretion, issue such permit required by Section 39–4 to any person filing the proper application, except dope addicts, alcoholics, or persons having been convicted of a crime involving violence or the use of firearms, and upon obtaining a clearance from the F.B.I. Identification Division for the applicant.

39–7. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Leavenworth

14–1001. *Unlawful use of weapons.* Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches (18") in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; • • •.

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

14–1003. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Manhattan

2609–1. From and after the effective date of this ordinance, no person, partnership or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than 10 inches, may deliver possession of such firearms, until the expiration of forty-eight (48) hours from the date the sale of said firearm is consummated. For the purpose of this ordinance, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

2609–2. Any dealer subject to the provisions of Section 1 hereof shall forthwith upon the consummation of the sale of such firearms as defined herein, report such sale to the Chief of Police of Manhattan, Kansas, within twenty-four (24) hours after the consummation of the sale of said firearm, describing therein the firearms sold. The description shall contain the serial number, caliber and make or manufacturer of the firearm if such information is available. Further, the Chief of Police shall be notified of the purchaser's name and address and the date and time when the possession of said firearm will occur.

2609–3. Any dealer who shall violate or fail to comply with the provisions of this ordinance, or any person who as a buyer of such firearms shall give false information to said dealer or otherwise visible any of the provisions of this ordinance, shall upon conviction be fined One Hundred Dollars ($100.00) or imprisoned in the City Jail for not more than thirty (30) days, or both such fine and imprisonment.

Merriam

3—*Permit to purchase or receive pistol or revolver—Required: Exceptions* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration, or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than 9 inches long, unless the purchaser, borrower, or person accepting the same has then and there a permit, dated less than 10 days prior to such sale, loan, or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within five days of the sale. This Section shall not apply to sales of collectors' items made and consummated at hobbists' conventions, nor to firearms that do not use a fixed, metallic cartridge.

6: *Small firearms To* be stamped with trademark, name of maker, model and serial number.

No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver, or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy, or in anywise procure the possession of any pistol, revolver, or the firearm, of the size which can be concealed upon the person, unless such firearm is stamped as required by this Section. Nothing in this Section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers, or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this Section or not.

Mission

283–3. *Permit to purchase or receive pistol or revolver—Required. Exceptions:* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

283–6. *Small firearms to be stamped with trademark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped upon the metallic portion thereof the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in anywise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Newton

17–1001. *Unlawful use of weapons.* (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen (18) inches in length, metal knuckles or any knife, commonly referred to as a switchblade, which has a blade which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement; • • •.

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

17–1003. *Unlawful disposal of firearms.* Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearm to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

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Olathe

8–311. *Minors or incompetents, furnishing weapons to.* It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pisto' by which cartridges or caps may be exploded, or any dirk, bowie knife, knucks, slung shot, or other dangerous weapon to any minor person or person of unsound mind.

Pittsburg

15–605. *Furnishing weapons to minors or persons of unsound mind.* Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, or any dirks, Bowie knife, brass knuckles, sling shots or other dangerous weapons to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than $5.00 nor more than $100.00.

15–606. *Possession of weapons by minors.* Any minor who shall have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded or any dirk, Bowie knife. brass knuckles, sling shot or other dangerous weapon shall, upon conviction thereof, be fined in any sum not less than $1.00 nor more than $10.00.

Roeland Park

279–3. *Permit to purchase or receive pistol or revolver—Required: Exceptions.* It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

279–6. *Small firearms to be stamped with trade mark, name of maker, model and serial number.* No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Topeka

12–217. *Furnishing weapons to minors or persons of unsound mind.* Any person who shall sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, or any dirk, Bowie knife, knucks, slung shot, or other dangerous weapons to any minor, or to any person of notorious unsound mind, shall be deemed guilty of a misdemeanor.

Wichita

5.88.040. *Machine guns, sawed off rifles and shotguns.* It shall be unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a machine rifle, machine gun, submachine gun or any shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

KENTUCKY

State Law

KEN. REV. STAT. (BALDWIN'S)

435.230. *Carrying concealed deadly weapon; selling deadly weapon to minor.* (1) Any person, not expressly authorized by law, who carries concealed a deadly weapon, other than an ordinary pocket knife, on or about his person, or any person who sells a deadly weapon, other than an ordinary pocket knife, to a minor, shall be confined in the penitentiary for not less than two nor more than five years.

KENTUCKY ACTS OF GENERAL ASSEMBLY, 1970, CHAP. 27, p. 101

Section 2. A new section of Chapter 237 of the Kentucky Revised Statutes is created to read as follows: (1) Residents of the Commonwealth of Kentucky shall have the right to purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in States contiguous to the Commonwealth of Kentucky. (2) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's State.

Danville

1. No person, firm or corporation whether a licensed or unlicensed dealer or one who sells in a casual sale, shall sell any pistol, revolver, Derringer, Bowie knife, dirk or other weapon of like character which can be concealed on or about the person except to one to whom a permit for the purchase of a weapon has been issued as is provided in No. 2 of this Ordinance. Only one such weapon shall be sold for each permit so issued.

Erlanger

1010–I. That it shall be unlawful in the City of Erlanger, Kentucky for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Erlanger and signed by the Chief of Police of the City of Erlanger • • •.

II. It shall be unlawful for any person in the City of Erlanger to purchase or otherwise receive any pistol, revolver, derringer, or other weapon of like character, which can be concealed on the person without first securing from the City of Erlanger, a weapon permit signed by its Chief of Police • • •.

Fort Thomas

IV. *During the existence of a civil* emergency as proclaimed under Section II hereof, no person shall make, carry, possess or use any type of gasoline or petroleum base fire bomb, "Molotov Cocktail", or other incendiary missile.

Lexington

13–57. *Weapons—License and permits for concealed deadly weapons—Required.* It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on or about the person, without securing a license so to do, • • •, and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase a weapon • • •.

13–59. *Same—Permit for purchase, refusal of permit when.* (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, bowie knife or dirk, or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

14–40. *Supplying small arms ammunition.* No person shall sell, give, or otherwise supply to any child under the age of eighteen years in the city any small arms ammunition, and no person shall purchase for the use of or place such small arms ammunition in the possession of any such child in the city.

Louisville

I. *Definitions.* When used in this Ordinance, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) Any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition, or (2) uses rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Collector. Any person who acquires, holds, or disposes of firearms as curios or relics.

Concealable firearm. Any pistol, or revolver, or other weapon by whatsoever name known, other than an antique firearm as herein defined, designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such a weapon; the term "concealable firearm" shall include any other such weapons irrespective of their original design which have received such extensive modification to stock, barrel or otherwise as to make them sufficiently small to be readily concealable on the person; in addition, the term "concealable firearm" shall include tear gas guns, tear pens, tear gas pencils, pen guns, mace cans, or other similar devices capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious to human health or safety.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms which are certified by the curator of a municipal, state or federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event.

Dealer. Any person engaged in the business of selling concealable firearms at wholesale or retail; any person engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks or trigger mechanisms to concealable firearms; or any person who is a pawnbroker.

Felony. Any offense punishable by imprisonment for a term exceeding one (1) year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two (2) years or less.

Frame or receiver. That part of a concealable firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Indictment. Includes an indictment or information in any Court under which a crime punishable by imprisonment for a term exceeding one (1) year may be prosecuted.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, or any concealable firearm as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

II. *Sale or transfer of concealable firearms.* No sale, transfer or delivery of a concealable firearm shall be made within the City of Louisville to any of the following:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent, or any person who is a known drug addict;

(f) A person who is not a resident of the Commonwealth of Kentucky;

(g) A person who has been convicted of public drunkenness three (3) or more times within the year last past before the proposed sale, transfer or delivery;

(h) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

IV. *Licensing of dealer.* Any person who engages in the business of a dealer as defined in this Ordinance in the City of Louisville shall secure a license from the City to conduct such business and shall pay an annual license fee of Twenty-five dollars ($25.00). No person shall be so licensed unless he is the holder of a current Federal license issued by the Internal Revenue Service under the provisions of Title 18, U.S.C., Chapter 44. Any such license issued to a dealer hereunder shall authorize him to do business only at the premises stated on such license and any change of address or location of a dealer's business shall be reported to the office of the Chief of Police and to the office of the Commissioners of the Sinking Fund within twenty-four (24) hours of such change.

IX. *Collectors license.* Any person qualifying as a collector as defined in this Ordinance may make application to the Louisville Division of Police for issuance of a "Collectors License" and shall pay for said license the sum of Ten dollars ($10.00); said license shall be renewable annually for an additional fee of Five dollars ($5.00) for each subsequent renewal thereof; said license shall permit the licensee to buy firearms qualifying as curios and relics under the provisions of this Ordinance from any person and to buy from, sell to, trade with or otherwise dispose of or acquire such items from others similarly licensed who are residents of the City of Louisville or the Commonwealth of Kentucky and shall further authorize said licensee to transport any such firearms into or through the City of Louisville for display at a gun show or similar gathering or function.

XIII. *Exclusions.* 1. Despite any language to the contrary contained herein, it shall be lawful for the following persons to acquire, transfer, or purchase concealable firearms from a dealer or pawnbroker without the necessity of the affidavit and waiting period required by this Ordinance:

(a) Any governmental agency which is authorized to own or acquire firearms;

(b) Licensed dealers, manufacturers, wholesalers in all transactions between similiarly licensed persons, in their usual course of business;

(c) Licensed pawnbrokers accepting a firearm as security or pledge for loan, unless or until the pawnbroker makes a sale or transfer or the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance and the waiting period shall be complied with, and the report of such sale or transfer shall be made as provided herein.

2. Despite any language to the contrary contained herein, it shall be lawful for the following persons to transport, possess and lawfully use concealable firearms for lawful purposes:

(a) Non residents of Louisville who are regularly enrolled members of any state or federal organization, service or agency whose members are legally authorized to purchase, or receive and transport concealable firearms;

(b) Non residents of Louisville regularly enrolled as members of clubs organized for firearms collecting or organized target shooting while such members are going to or from collectors gun shows, competitions and other organized convocations of such clubs;

(c) Non residents while lawfully engaged in hunting, fishing, or camping or going to or returning from hunting, fishing or camping;

(d) Non residents engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representative of such person while engaged in the lawful course of such business.

Newport

117.01. *Licensing of dealer.* Every person, firm or corporation, hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the City of Newport, and shall pay an annual license fee of $25.00 to conduct the business of buying or selling pistols, revolvers and like or similar instruments, and said $25.00 license fee shall be in addition to any other business license held by said dealer.

117.04. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

117.07. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer" at any time.

117.08. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

117.09. *Wholesalers excepted.* Nothing contained in this Ordinance shall apply to sales at wholesale to a licensed "Dealer".

Park Hills

I. *Licensing of dealer:* Every person, firm or corporation hereinafter called "Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the City of Park Hills, and shall pay an annual license fee of $25.00 to conduct the business of buying or selling pistols, revolvers and alike or similar instruments, and said $25.00 license fee shall be in addition to any other business license held by said dealer.

IV. *Purchaser's qualifications.* No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged

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with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

VII. *Sale to unlicensed "dealers."* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer," at any time.

VIII. *Sale to minors.* It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

LOUISIANA

State Law

LA. STATS. ANN. R.S., TITLE 14

91. *Unlawful sales to minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense.

95. *Illegal carrying of weapons.* A. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

LA. STATS. ANN. R.S., TITLE 29

30. *Closing certain business places when military forces on active duty.* Whenever any of the military forces of this state are on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where arms, ammunition, dynamite, or other explosives or intoxicating liquors are sold, and he may forbid the sale, barter, loan, or giving away of any of these articles as long as any of the troops remain on duty in the vicinity.

LA. STATS. ANN. R.S., TITLE 40

1751. *Definitions.* For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

1752. *Handling of machine guns unlawful; exceptions.* No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard and organizations may possess, carry, and transport machine guns while on duty.

(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

1753. *Transfers of possessions permitted in certain cases; method.* No manufacturer or merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the Government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

1755. *Penalty.* A. Any manufacturer who:

(1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40: 1753; or

(2) Fails to keep an accurate register, as required in R.S. 40: 1754; or

(3) Fails to produce or account for a sheriff's permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 40: 1753, shall be imprisoned at hard labor for not less than one year nor more than five years.

1781. *Definitions.* For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length; or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

1782. *Exemptions from part.* This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

1783. *Registration with department of public safety.* Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

1784. *Application to possess or transfer.* No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written applications in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

1785. *Possession or dealing in unregistered or illegally transferred weapons.* No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

1803. *Purchase of rifle or shotgun or ammunition.* It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

Baton Rouge

5. *Orders mayor-president authorized to issue.* After the proclamation of any civil emergency, the mayor-president, or in the event of his absence or inability to act, the president pro tempore of the parish council, may also in the interest of the public safety and welfare make any or all of the following orders:

(g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms, or ammunition of any character whatsoever.

(h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms or ammunition.

Bogalusa

59. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

60. *Illegal carrying of weapons.* Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Crowley

8-44. *Weapons—Illegal carrying.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(b) Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor.

Deridder

7-68. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

East Baton Rouge Parish

94. *Illegal use of weapons or dangerous instrumentalities.* (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Houma

9-31. *Illegal carrying.*

(a) *Defined.* Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon at anytime by an enemy alien.

Jefferson Parish

12-17. *Firearms—Definitions.* (a) Dealer means any person, not a manufacturer or importer, engaged in this parish in the business of selling any firearm. The term includes wholesalers, pawnbrokers and other persons dealing in new and/or used firearms.

(b) Firearm means a shotgun having a barrel of less than twenty inches in length, or a rifle having a barrel of less than sixteen inches in length, or any other weapon, including a pistol or revolver, from which a shot, discharged by an explosive, if that weapon is capable of being concealed on the person; and includes a muffler or silencer from any firearm whether or not the firearm is included in this definition.

(c) Muffler or silencer includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, shotgun, fowling piece or other device from which a shot, bullet or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined herein.

(d) Crime of violence means murder, manslaughter, except negligent homicide arising out of a traffic accident, rape, mayhem, kidnapping, burglary, robbery, assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one (1) year, and includes any crime defined as a felony under the laws of the State of Louisiana.

(e) Weapon means any instrument, by whatever name known, which is designed to expel a projectile or projectiles by the action of any explosive.

(f) Fugitive from justice means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

12-17.1 *Permit required to purchase.* (a) Any person purchasing or acquiring ownership of any firearm shall immediately thereafter, within a period of 48 hours, excluding legal holidays, make application for a permit as herein after provided.

12-17.2. *Same—Unlawful to sell to minor without consent of parents.* It shall be unlawful for any person to sell any weapon to any person under eighteen (18) years of age without first having received the written consent of said person's parents.

12-18. *Same—Application for permit to purchase.* Any person purchasing or acquiring ownership of any firearm shall file a written application, in triplicate form, issued in blank for that purpose, with the permit department of the sheriff's office for this parish.

12-18.2. *Same—Who is entitled to permit.* Any person over eighteen (18) years of age making an application shall be entitled to be issued a permit for a firearm unless he shall have been convicted of a crime of violence in a court of this State or any other state, territory, or District of Columbia and who has not had his civil rights restored (whether by official act or termination of time) or he is under arrest (whether released on bond or not) or under indictment for a crime of violence or who is a fugitive from justice or convicted of drug addiction or habitual drunkenness or who has been confined to a mental institution, or belongs to any group or organization which is regarded as subversive under the laws of this state or United States or is now or has been engaged in any subversive activity.

12-18.3. *Same—Investigation of applicant for permit.* The hour and date shall be written on the application and a reasonable length of time shall be allowed, not to exceed seventy-two (72) hours from the time of application, excluding legal holidays, within which to investigate and verify statements contained in the application and the identity of the person making it before the application is approved as of right.

12-18.4. *Same—Exceptions.* The provisions of sections 12-17—12-18.3 shall not apply to the sheriff, his deputies, or any duly, legally, constituted officer of the law or law enforcement officer while acting in their official capacity, nor shall same apply to the arms, accoutrements and equipment of the military and naval forces of the United States, or of any other officers of the United States authorized by law to possess firearms of any kind; nor shall same apply to the arms, accoutrements and equipment of the militia, any firearm which is unserviceable and which is transferred as a curiosity or ornament, nor shall same apply to a licensed authorized dealer in firearms.

Jennings

60. *Illegal carrying of weapons* is, • • • (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Lafayette City

B. *No person shall sell, at wholesale or retail,* pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in Title 47, Section 382 and Section 383, and without first obtaining the license imposed by this Ordinance authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette Parish

B. *No person shall sell, at wholesale or retail,* pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in Section 32 of this Ordinance, or without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lake Charles

15-40. *Gun and ammunition dealers—wholesale.* Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges and all rifles except .22 and .25 caliber, and rifle cartridges, except .22 and .25 caliber, shall pay an annual license tax on the business, • • •.

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

15-41. *Same—retailers.* Every retail dealer in pistols or pistol cartridges, blank pistols or blank pistol cartridges, or rifles, except rifles of .22 and .25 caliber, or rifle cartridges, except rifle cartridges of .22 and .25 caliber, shall pay an annual license tax on the business.

Monroe

10-20. *Dangerous weapons—Illegally carrying.* It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is:

(2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Morgan City

10-11. *Knives, brass knuckles, etc.; sale of firearms to minors.* It shall be unlawful for any person to sell, offer or expose for sale within the corporate limits of the city, any gimlet knife, dirk knife, stiletto spring knife, brass knuckles, iron knuckles, or slingshots or to sell firearms to minors.

New Orleans

87-7. *Unlawful to sell, etc., certain weapons to persons under eighteen.* It shall be unlawful for any person to sell, lease or give through himself or any other person any pistol, dirk, Bowie knife, toy pistol for which cartridges are used or other dangerous weapon which may be carried concealed to any person under the age of eighteen years.

87-10. *Sale of pistols, etc., forbidden except upon compliance with article.* It shall be unlawful for any person in the city to sell,

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give away, lend, exchange or otherwise dispose of or transfer in the city or for any person to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

67–11. *Application to purchase articles referred to in preceding section.* Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the person desiring to obtain any such article shall file a written application, in duplicate, with the Superintendent of Police of the city. • • • The Superintendent of Police may also require the fingerprints of the applicant as part of such application.

67–12. *Oath that applicant has not been charged with felony.* Each applicant for a permit under the provisions of this article shall be required to swear under oath, before the Superintendent of Police or any other officer of the Department of Police, designated by the Superintendent, that he has not been previously charged with or convicted of any felony.

67–13. *Approval stamp on application; use of application.* The Superintendent of Police or other officer or agent designated by him shall write or stamp the hour and the date on which any application to purchase articles is filed and may require a reasonable time thereafter, not to exceed seventy-two hours, within which to investigate and verify the statements contained in the application and the identity of the person making it before the application is approved, as of right.

The date and hour of approval shall be written on the application, together with the name of the officer approving it. Such application shall not be used by any other person than the one signing it.

67–14. *How transfer made.* The transfer under applications to purchase articles under this article shall be made only between the hours of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

67–17. *Unlawful to obtain for or transfer to another, etc.* It shall be unlawful for any person to obtain the transfer of any article for the account of, or to sell, give away, lend, exchange or otherwise dispose of any such article to another person and it shall be unlawful for any person to employ or procure anyone to apply for or obtain the transfer of any such article or to aid and abet in such violation of this article.

Welsh

59. *Unlawful sales to minors and purchases by minors.* Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Westwego

457–I. Be it ordained by the Mayor and Board of Aldermen of the City of Westwego, that it shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

Zachary

11–41. (a) *Illegal carrying of weapons is* • • •. (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

MAINE

State Law

MAINE REV. STATS. ANN. TITLE 12

2458. *Silencers; automatics; capacity.* No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. Whoever violates any provision of this section shall forfeit such firearm or firearms and the device or silencer, and shall further be subject to the penalties of section 3060. Any sheriff, deputy sheriff, constable or warden may seize any firearm and any device or silencer found in possession of any person in violation of this section, and on conviction of the party from whom such firearm is seized, such firearm shall be sold and the proceeds paid to the Treasurer of State, and the device or silencer shall be destroyed. This section does not apply to military organizations authorized by law to bear arms, or to the National Guard in the performance of its duty.

MAINE REV. STATS. ANN. TITLE 15

391. *Definitions.* The following words and phrases when used in this chapter are defined as follows:

"Pistol," "revolver" and "firearm" mean a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

392. *Application.* The penal provisions of section 393 shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the 5-year period next immediately following his discharge or release from prison.

393. *Possession forbidden.* It shall be unlawful for any person who has been convicted of a felony under the laws of the United States or of the State of Maine, or of any other state, to have in his possession any pistol, revolver or any other firearm capable of being concealed upon the person until the expiration of 5 years from the date of his discharge or release from prison or termination of probation. Such a person convicted of any offense, except misdemeanors, the maximum punishment for which is a fine of $100 or less, or imprisonment for 90 days or less, during the 5-year period, shall be forever barred from having in his actual or constructive possession any of the weapons described herein. Anyone violating any of the provisions of this chapter shall be guilty of a felony, and upon conviction thereof, shall be punished by by imprisonment for not less than one nor more than 5 years.

MAINE REV. STATS. ANN. TITLE 17

502. *Construction, assembling or possession.* Except for lawful purposes in any instance, whoever knowingly constructs, assembles, or knowingly has in his possession any device, bomb or infernal machine capable of being exploded, or knowingly possesses materials appropriate for the construction thereof, shall be punished by a fine of not more than $1,000 or by imprisonment of not more than 15 years, or by both.

853. *Selling firearms, dangerous weapons or ammunition to children.* Whoever gives, furnishes or sells to any child under the age of 16 years any dangerous weapon or firearm or ammunition, except in cases where the parents, guardians, teachers or instructors of children may furnish them with such weapons for hunting or target shooting outside the thickly settled portions of any town or city, or where such weapons may be used in any licensed shooting gallery, shall be deemed guilty of encouraging, causing or contributing to the delinquency or distress of such child and, upon conviction, shall be punished by a fine of not more than $100 or by imprisonment for not more than 60 days.

2321. *Crime.* It shall be unlawful for any person to possess a machine gun within the geographical boundaries of the State of Maine.

2322. *Definition.* Machine gun shall be a weapon of any description, by whatever name known, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanisms.

2323. *Right to possess, carry or transport.* Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with The National Firearms Act, as amended, shall be exempt from this chapter.

2324. *Confiscation and seizure.* Any machine gun as defined in section 2322, possessed in violation of this chapter, is declared to be contraband and is subject to forfeiture to the State. Any law enforcement officer shall have the power to seize the same with due process.

MAINE REV. STATS. ANN. TITLE 25

1163. *Equipment not to be sold.* The clothes, arms, military outfits and accoutrements furnished by or through the State to any member of the National Guard or other authorized state military or naval forces shall not be sold, bartered, exchanged, pledged, loaned or given away. No person not a member of the military forces of this State or the United States, or duly authorized officer or agent of the State or of the United States, who has possession of any such clothes, arms, military outfits or accoutrements so furnished and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein; but the same shall be seized and taken wherever found by any officer of the state, civil or military, and shall thereupon be delivered to any commanding officer or other officer authorized to receive the same, who shall make an immediate report to the Adjutant General. The possession of any such clothes, arms, military outfits or accoutrements by any person not a member of the military forces of the State or of the United States shall be presumptive evidence of such sale, barter, exchange, pledge, loan or gift.

1164. *Sale of equipment; penalty.* Any person who shall sell, or offer for sale, barter, exchange, pledge, loan or give away, secrete or retain after demand made by any officer of the State, civil or military, any clothes, arms, military outfits or accoutrements furnished by or through the State to a member of the National Guard or other authorized state military or naval forces, or who shall receive by purchase, barter, exchange, pledge, loan or gift, any such clothes, arms, military outfits or accoutrements shall be guilty of a misdemeanor and punished by a fine of not more than $100 or by imprisonment for not more than 6 months, or by both.

1268. *Closing of liquor and ammunition stores.* Whenever any part of the National Guard or other authorized state military or naval forces is on active duty, pursuant to the order of the Governor or call of civil authority, to aid in the enforcement of the laws, the commanding officer of such troops may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the selling, bartering, lending or giving away any of said articles so long as any of the troops remain on duty in such places or in the vicinity thereof, whether any civil officer has forbidden the same or not.

2041. *Purchase by Maine residents in another state.* Residents of the State may purchase rifles and shotguns in a state contiguous to the State of Maine, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the law applicable to such purchase in the state of Maine and in the contiguous state in which the purchase is made.

Cape Elizabeth

1. *No person, firm, or corporation in* the Town of Cape Elizabeth shall sell and deliver to any person, or shall give or lend to any person except members of the household or upon the grounds of and for use at an established target range, any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. *A hand gun shall mean* a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such hand gun to sign a certificate • • •.

4. *Such person, firm,* or *corporation* shall deliver such certificate to the Chief of Police of the Town of Cape Elizabeth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven calendar days after delivery of said certificate to make an examination of the records contained in the police department of the Town of Cape Elizabeth, in the police department of any other municipality listed as an address on such certificate, and in State Police Headquarters at Augusta, Maine to determine whether the person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm, or corporation filing such certificate.

5. *Any person, firm, or corporation* selling and delivering, giving or lending a hand gun to any person without complying with the provisions of this Ordnance, or before the expiration of said seven calendar days or when notified within said period by the Chief of Police, or his duly authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; or has been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00 to be recovered for the use of the Town of Cape Elizabeth upon complaint to the District Court.

6. *Any person* who signs a certificate containing false information for the purpose of complying with the provisions of this Ordinance, or who accepts a hand gun without complying with the provisions of this Ordinance, shall be guilty of a violation of this Ordinance and subject to a fine of not more than $100.00 to be recovered for the use of the Town of Cape Elizabeth upon complaint to the District Court.

Lewiston

113. *Sale of weapons.* It shall be unlawful for any person in the City of Lewiston to sell or offer for sale any pistol, rifle, air rifle, gun, dirk, bowie knife, slingshot, or any other weapon of like kind to any child under the age of eighteen years.

113.2. *No person, firm, or corporation* in the City of Lewiston shall sell, rent, or exchange to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

113.3. *Hand gun defined:* For the purpose of this article, a hand gun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition.

113.4. *Such person, firm, or corporation* desiring to sell, rent, or exchange such hand gun shall require the person seeking to purchase or obtain such hand gun to sign an application • • •.

113.6. *The person, firm, or corporation* proposing to sell, rent, or exchange said hand gun shall deliver to the Lewiston Police Department the required application, upon which shall be endorsed the time of receipt by the officer receiving said application. Upon receipt of said application, the Lewiston Police Department shall as soon as possible, but within 72 hours thereafter make an examination of its records, the records of the Maine State Police and the records of such other law enforcement agencies as necessary to determine whether the person signing said application has been convicted of, or is under complaint or indictment for assault, assault and battery, threatening display of or carrying a concealed firearm or weapon, or any felony; has been convicted of the sale, use or possession of marijuana or any other depressant, stimulant, or other narcotic drug; or has ever been adjudged by a court to be a mental defective or has been voluntarily or involuntarily committed to a mental institution.

113.7 *No person, firm, or corporation shall sell,* rent, or exchange any hand gun to said applicant during the said period of investigation or thereafter if notified during said period by the Lewiston Police Department that the applicant has been convicted of, or is under indictment or complaint for assault, assault and battery, threatening display of or carrying a concealed firearm or weapon, or any felony; has been convicted of the sale, use or possession of marijuana or any other depressant, stimulant, or other narcotic drug; or has ever been adjudged by a court as a mental defective or has been voluntarily or involuntarily committed to a mental institution. Said notification shall be delivered to the person, firm, or corporation proposing to sell, rent, or exchange said hand gun by an officer of the Lewiston Police Department, obtaining at the time of delivery a receipt or acknowledgement of said notification and the time and date received, whenever possible.

Portland

318.1 *No person, firm, or corporation* in the City of Portland shall sell, give, or deliver to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

318.2 *A hand gun shall mean* a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

318.3 *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such hand gun to sign a certificate • • •.

318.4 *Such person, firm, or corporation* shall deliver such certificate to the Chief of Police of the City of Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Portland and in State Police Headquarters at Augusta, Maine to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm, or corporation filing such certificate.

318.5 *Any person, firm, or corporation selling,* giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that a person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant, or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution shall be guilty of a violation of this ordinance and subject to a fine of not more than $100.00.

Presque Isle

20. *Sale and use of firearms.* A. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

South Portland

6–4–2.7. *Sales to intoxicated persons and minors.* No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

6–4–2.8.1. *No person, firm, or corporation* in the City of South Portland shall sell, give, or deliver to any person any hand gun except in accordance with provisions of the following sections:

6–4–2.8.2 *Such person, firm, or corporation* shall require the person seeking to purchase or obtain such firearm to sign a certificate • • •.

6–4–2.8.3. *Such person, firm or corporation* shall deliver such certificate to the Chief of Police of the City of South Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have seven (7) days after receipt of said certificate to make an examination of the records contained in the Police Department of the City of South Portland and in the State Police Headquarters at Augusta, Maine, and other appropriate records to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for assault, assault and battery, or a felony; is a user of or addicted to marijuana or any other depressant, stimulant or narcotic drug; or has ever been judged by a Court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such finding to the person, firm or corporation filing such certificate.

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Westbrook

24–14. *Defined.* A handgun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition.

24–15. *Disposition regulated.* No person in the city shall sell, give or deliver to any person any handgun as hereinbefore defined, except in accordance with the provisions of the following sections.

24–16. *Purchaser, etc., to sign certificate; contents; penalty.* (a) A person selling, giving or delivering a handgun to any person shall require such person to sign a certificate * * *.

24–17. *Police chief to run investigation on purchasers.* One disposing of a handgun shall deliver the certificate required by the preceding section to the chief of police at police headquarters, and the chief shall have seven (7) days after receipt of such certificate to make an examination of the records contained in the police department and in the state police headquarters, in Augusta, Maine, or other departments, to determine from such records whether the person signing such certificate has been convicted of, or is under complaint or indictment for, assault, assault and battery or a felony; is a user of or addicted to marijuana or any other depressant, stimulant or narcotic drug; or has ever been judged by a court as a mental defective or has been committed to, or voluntarily been a patient at, a mental institution and to report such findings to the person filing such certificate.

MARYLAND

State Law

MD. ANN. CODE, ARTICLE 27

372. *Definitions.* "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

374. *Use of machine gun for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

375. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in § 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

377. *Exceptions.* Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

379. *Registration of machine guns.* Every machine gun now in this State shall be registered with the Superintendent of the Maryland State Police, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

406. *Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions.* It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

441. *Definitions.* (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

442. *Sale or transfer of pistols and revolvers.* (a) Right to regulate sales preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer.—No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the superintendent of the Maryland State Police.

(c) Same—Disposition of copies.—The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required.—The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than two years, or a fine of not more than $1,000, or both."

(e) Same—Information required.—The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least twenty-one years of age.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee.

(g) Sale prohibited to disapproved applicant; exceptions.—No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts pursuant to subsection (h) below.

(h) Hearing; judicial review.—Any prospective purchaser or transferee aggrieved by the action of the State Police may request a hearing within 30 days from the date when written notice was forwarded to such aggrieved person by writing to the Superintendent of State Police, who shall grant the hearing within fifteen days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(i) Notification of completed transaction; permanent record of sales and transfers.—Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section.—Nothing in this section shall be construed to affect sales and/or transfers for bonafide resale in the ordinary course of business of a person duly licensed under § 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard.

(k) Penalties.—Any person who knowingly gives any false information or makes any material misstatement in an application required by this section, or who fails to promptly forward such application to the Superintendent of the Maryland State Police or his duly authorized agent or agents, or who sells or transfers a pistol or revolver to a person other than the one by whom application was made, or who otherwise sells, transfers, purchases, or receives transfer of a pistol or revolver in violation of this section, shall upon conviction thereof be subject to the penalties hereinafter provided in § 448 of this subtitle.

445. *Restrictions on sale, transfer and possession of pistols and revolvers.* (a) Right to regulate transfer and possession of pistols and revolvers preempted by State.—All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc.—It shall be unlawful for any dealer or person to sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under twenty-one years of age.

(c) Possession by criminal, fugitive, etc.—It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

446. *Sale, transfer, etc., of stolen pistol.* It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

447. *Antique or unserviceable firearms excepted.* The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

481A. It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

Annapolis

17–9. *Same—Sellers of firearms or ammunition to register with city clerk.* Each person engaged in the selling or exchanging of any kind of firearms or ammunition within the city shall register his name and place of business with the city clerk.

17–10. *Same—Selling, giving, etc., firearms or ammunition to minor under eighteen.* It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away any firearms whatsoever or other deadly weapons or any ammunition therefor to any minor under the age of eighteen years, except with the express and written permission of a parent or guardian of such minor.

The provisions of this section shall not apply to a member of any organized militia in the State, when such member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Baltimore

81. *Definitions.* (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

85. *Convicts not to possess.* No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

88. *Delivery to minors and others.* No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

89. *Order required for transfer.* No seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, * * *. Such application shall be executed in triplicate. Said Police Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is under the age of twenty-one (21) years or has been convicted of a crime of violence, or is an habitual drunkard, or a drug addict, or is of unsound mind, said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. Said order shall contain a place for the signature of the purchaser, transferee or donee, and no seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee unless the signature of such purchaser, transferee or donee shall be affixed to such order in triplicate in the presence of the seller, transferrer or donor and unless it shall appear that the signature affixed to such order is the same signature as the signature which appears on the application. * * *.

90. *False information.* No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

18–7. *Purchase, sale, etc., in connection with minors.* (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or use, or prospective possessor or user, shall first file with the police department a statement of possession or use, which statement shall be retained by the police department. Such statement shall be endorsed by the parents or guardians of such person, under twenty-one years of age, attesting to the knowledge of the parents or guardians of the acquisition, use or possession, or prospective acquisition, use or possession of any firearms. Such endorsement executed by the parents or guardians also shall provide clearly and with no exceptions or qualifications that any negligence of such person under twenty-one years of age in the use or possession of any firearm shall be imputed to the parents or guardians, and that the parents or guardians shall be jointly and severally liable with such person under twenty-one years of age for any civil damages caused by such negligence. All statements as required and provided for under this section shall be signed and sworn to before a person authorized to administer oaths. Nothing in this section shall be construed as requiring the registration or listing of firearms by serial number, or otherwise except as firearms.

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any

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other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police department, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, be he licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.

Cumberland

19–11. *Firearms—Pistols, revolvers, etc.—permit required.* No person shall sell, give or lend to any person within the city a revolver, pistol or other small firearm, unless such person has a permit from the Chief of Police authorizing the possession of such revolver, pistol or other small firearm. This section shall apply to all persons within the city, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not.

19–12. *Firearms—permit required for possession.* Upon application by any person to the Chief of Police for a permit to possess a revolver, pistol or other small firearm, it shall be within the discretion of the Chief of Police to refuse to grant such permit if the Chief of Police believes that an improper use is to be made of such revolver, pistol or other small firearm, and in no event shall the Chief of Police be compelled to issue such permit until two days after the filing of such application.

No person shall have possession of a revolver, pistol or other small firearm without such permit.

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, air-gun, bow and arrow (other than an infant's toy), sling-shot, bean shooter, or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice" as above provided and permitted.

Montgomery County

109–1. *Definitions.* The following words and phrases, as used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

"Crime of violence." Murder, voluntary manslaughter, rape, mayhem, kidnapping robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with a deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

"Fixed ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Fugitive from justice." Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

"Gun." Any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

"Pistol or revolver." Any gun with a barrel less than sixteen inches in length that uses fixed ammunition.

"Sell or purchase." Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

"Subversive organization." Any "subversive organization" or "foreign subversive organization" as defined by article 85A, section 1, Annotated Code of Maryland, 1957.

"Superintendent of police." The Superintendent of Police for the County or his duly authorized agents.

109–6. *Transfer of rifles or shotguns to minors.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile therefor within the county to a minor under the age of eighteen years; provided, that nothing contained within this section shall be construed to apply where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

109–7. *Unlawful ownership or possession of firearms.* It shall be unlawful for any person to use, carry, transport or keep a rifle or shotgun, or discharge a pistol, or have a rifle or shotgun in his possession, custody, or control within the County, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in Section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in Section 4731 (a) of the Internal Revenue Code of 1954), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of Article 27, Sections 441 to 448, subtitle "Pistols", Annotated Code of Maryland, 1957 or any Federal firearms control law; or

(c) He is a fugitive from justice; or

(d) He has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that in his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He is a member of a subversive organization, or of any Communist organization (as that term is defined in the Internal Security Act of 1950, as amended), or

(f) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

109–9. *Exemptions from provisions of chapter.* Nothing in this chapter shall apply to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun.

109–10A. *Certificate of Good Conduct.* Any person disqualified from the ownership, use or possession of firearms by section 109–7 (b) (except a person so disqualified because of a conviction of a crime involving the use of a firearm or other weapon) may apply for a Certificate of Good Conduct for relief from such disability; provided, however, that any person convicted of a violation of the Gun Control Act of 1968 or the National Firearms Act shall not be eligible to apply for a Certificate of Good Conduct for a period of one year after the entry of a final judgment of conviction of any such violation. The application shall be filed with the Superintendent of Police who may relieve the applicant from such disability by issuing a Certificate of Good Conduct. The Superintendent shall issue such a Certificate if it is established to his satisfaction that the circumstances regarding the applicant's conviction and the applicant's record and reputation are such that the applicant would not be likely to act in a manner dangerous to the public safety and the granting of the Certificate, in the opinion of the Superintendent, would not be contrary to the public interest. The decision of the Superintendent may, within 30 days after the decision is rendered, be appealed by the applicant to the Circuit Court.

Prince George's County

11–1963(2) It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon as above described designed to use explosive ammunition or any projectile therefor within Prince George's County to a minor under the age of seventeen years except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person and the minor.

Takoma Park

4. It shall be unlawful for any person or persons to sell to any child or children under the age of eighteen (18) years, firearms, ammunition, gunpowder, gun caps, or other explosives in any quantity or quantities: povided, toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

MASSACHUSETTS

State Law

MASS. GEN. LAWS ANN. CHAPTER 140

121. *Definitions; exceptions.* In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun, or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous pull of the trigger and includes a sub-machine gun. The words "purchase" and "sale" shall include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilty, or a plea of guilty, whether or not final sentence is imposed. Sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, and section one hundred and thirty-one A shall not apply to any firearm made prior to eighteen hundred and ninety-seven, including matchlock, flintlock, percussion cap or similar early type ignition system or a replica thereof, whether actually made before or after the year eighteen hundred and ninety-seven, and also any firearm using fixed ammunition made prior to eighteen hundred and ninety-eight, for which ammunition is no longer made in the United States and is not readily available in the ordinary channels of commercial trade.

123. *Conditions of licenses granted under § 122.* A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions:—First, That the provisions in regard to the nature of the license and the building in which the business may be carried on under it shall be strictly adhered to. Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of public safety and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number in the case of a firearm or the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. Said book shall be open at all times to the inspection of the police. Third, That the license or a copy thereof, certified by the official issuing the same, shall be displayed on the premises in a position where it can easily be read. Fourth, That no firearm, rifle or shotgun, or machine gun shall be displayed in any outer window of said premises or in any other place where it can readily be seen from the outside. Fifth, That the licensee shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to the commissioner of public safety. Sixth, That every firearm, rifle or shotgun shall be unloaded when delivered. Seventh, That no delivery of a firearm or of ammunition therefor shall be made to any minor nor to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any delivery of a rifle or shotgun or ammunition therefor be made to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B may be made by the licensee to the purchaser's residence or place of business. Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under section one hundred and thirty-one. Ninth, That upon the sale, rental or lease of a firearm, subject to a permit to purchase issued under the provisions of section one hundred and thirty-one A, the licensee under section one hundred and twenty-two shall take up such permit to purchase and shall endorse upon it the date and place of said sale, rental or lease, and shall transmit the same to the commissioner of public safety; and that upon the sale, rental or lease of a machine gun shall endorse upon the license to possess the same the date and place of said sale, rental or lease, and shall within seven days transmit a notice thereof to said commissioner. In case of a sale under the provisions of section one hundred and thirty-one E the licensee under section one hundred and twenty-two shall write in the sales record book the number of the license to carry firearms issued the purchaser under the provisions of section one hundred and thirty-one, or the number of the firearm identification card issued the purchaser under the provisions of section one hundred and twenty-nine B, whichever is applicable under the provisions of condition Eighth of this section. Tenth, That this license shall be subject to forfeiture as provided in section one hundred and twenty-five for breach of any of its conditions, and that, if the licensee hereunder is convicted of a violation of any such conditions, this license shall thereupon become void. Eleventh, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. Such records shall be kept open for inspection by the police at all times. Twelfth, That any licensee shall keep records of each sale, rental or lease of a rifle or shotgun, specifying the description of said rifle or shotgun, together with the name and address of the purchaser, renter or lessee, and the date of such transaction. No licensee shall sell any rifle or shotgun, contrary to the provisions of section one hundred and thirty.

128A. *Sales, etc., by certain unlicensed residents who sell, etc., not more than four firearms, etc., within calendar year, etc.* The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed, as provided in section one hundred and twenty-two, sells, exposes for sale, or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year; provided, however, the seller has a firearm identification card or a license to carry firearms, is an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-one C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty of this chapter, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and firearm identification card number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

128B. *Reports by residents and nonresidents purchasing or obtaining firearms, etc.* Any resident of the commonwealth who purchases or obtains a firearm, rifle or shotgun or machine gun from any source within or without the commonwealth, other than from a licensee under section one hundred and twenty-two or a person authorized to sell firearms under section one hundred and twenty-eight A, and any nonresident of the commonwealth who purchases or obtains a firearm, rifle, shotgun or machine gun from any source within or without the commonwealth, other than such a licensee or person, and receives such firearm, rifle, shotgun or machine gun, within the commonwealth shall within seven days after receiving such firearm, rifle, shotgun or machine gun, report, in writing, to the commissioner of public safety the name and address of the seller or donor and the buyer or donee, together with a complete description of the firearm, rifle, shotgun or machine gun, including the caliber, make and serial number.

129. Whoever in purchasing, renting or hiring a firearm, rifle, shotgun or machine gun, or in making application for any form of license or permit issued in connection therewith, or in requesting that work be done by a gunsmith, gives a false or fictitious name and address or knowingly offers or gives false information concerning the date or place of birth, his citizenship status, occupation, or criminal record, shall for the first offense be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both; and for a second or subsequent offense, shall be punished by imprisonment for not less than two and one-half years nor more than five years in the state prison.

129B. *Firearm identification card; disqualification of applicants; time for denial, etc., of application; suspension or revocation; form; renewal; reports, etc., on applicant.* Any person residing or having a place of business within the jurisdiction of the licensing authority may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant (*a*) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from a state prison or penitentiary where such person was serving a sentence for a felony conviction; or (*b*) has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or (*c*) has within the last five years been convicted of

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a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment for or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician to the effect that the physician knows the applicant's history of treatment and that in his opinion the applicant is deemed cured, or (d) is at the time of the application under the age of fifteen, or (e) is at the time of the application fifteen years of age or over but under the age of eighteen, except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card.

The licensing authority may not prescribe any other condition for the issuance of a card and it shall within thirty days from the date of application either approve the application and issue the card or deny the application and notify the applicant of the reason for such denial in writing. Pending issuance of the card, a receipt for the fee paid shall, after five days from issuance, serve as a valid substitute, unless the applicant is disqualified. Written notice of denial of the application shall void the receipt and require its immediate surrender. A card may be revoked by the licensing authority or his delegate or suspended for such period as he may set, only upon the occurrence of any event which would have disqualified the holder from being issued the card. Any suspension or revocation of a card shall be in writing and shall state the reason therefor. Upon revocation or suspension, the licensing authority shall take possession of said card and receipt for fee paid for such card.

Any applicant or holder aggrieved by a denial, revocation or suspension of a card may within ninety days after receipt of notice appeal to the district court for a review of such action.

Said card shall be in a form prescribed by the commissioner and shall contain an identification number, the name and address of the holder, his place and date of birth, his height, weight, and hair and eye color, and his signature and shall be captioned "Firearm Identification Card". The application for a card shall be made in multiple on a form prescribed by the commissioner which shall require the applicant affirmatively to state that he is not disqualified for any of the foregoing reasons from possession of a card.

Said card shall be valid for five years; provided, that the licensing authority may renew such card on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years from the date of original issue, and shall be subject to automatic renewal upon application and affirmative statement, without investigation, unless the licensing authority has reason to believe that the status of the applicant has changed since the previous application. The fee for an application and card, or for renewal of a card, shall be two dollars which shall be payable to the licensing authority and shall not be prorated or refunded in case of revocation or denial.

Upon receipt of an application for a card, the licensing authority shall forward a copy of such application to the commissioner of public safety, who shall within twenty-one days advise in writing of any disqualifying criminal record, if any, of the applicant and whether there is reason to believe that the applicant is disqualified for any of the foregoing reasons for possessing a card. The licensing authority may make inquiries concerning the applicant to the department of mental health for the purpose of determining eligibility for the firearm identification card and shall receive prompt and full cooperation from such department for that purpose in any investigation of an applicant.

129C. *Same subject; restrictions on possession, transfer, etc., of firearms, etc.; reports; persons and uses exempted from provisions of section; purchases by certain exempt persons.* No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle or shotgun unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition therefor other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver.

A seller shall, within seven days, report all such transfers to the commissioner of public safety according to the provisions set forth in section one hundred and twenty-eight A, and in the case of loss or theft of any firearm, rifle or shotgun similar report shall be made to both the commissioner and the licensing authority in the city or town where the owner resides within fourteen days of the discovery by the owner of the loss or theft.

The provisions of this section shall not apply to the following exempted persons and uses:

(a) Any device used exclusively for signalling or distress use and required or recommended by the United States Coast Guard or the Interstate Commerce Commission, or for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing;

(c) To a person voluntarily surrendering a firearm, rifle or shotgun to a licensing authority, the commissioner or his designee if prior written notice has been given by said person to the licensing authority or the commissioner, stating the place and approximate time of said surrender;

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier;

(e) Possession by retail customers for the purpose of firing at duly licensed target concessions at amusement parks, piers and similar locations, provided that the firearms, rifles or shotguns to be so used are firmly chained or affixed to the counter and that the proprietor is in possession of a firearm identification card or license to carry firearms;

(f) Possession of rifles and shotguns by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns by nonresidents while on a firing or shooting range;

(h) Possession of rifles and shotguns by nonresidents traveling in or through the commonwealth, providing that any rifles or shotguns are unloaded and enclosed in a case;

(i) Possession of rifles and shotguns by nonresidents while at a firearm showing or display organized by a regularly existing gun collectors' club or association;

(j) Any new resident moving into the commonwealth, or any resident of the commonwealth upon being released from active service with any of the armed services of the United States with respect to any firearm, rifle or shotgun then in his possession, for sixty days after such release or after the time he moves into the commonwealth;

(k) Any person under the age of fifteen with respect to the use of a rifle or shotgun by such person in hunting or target shooting, provided that such use is otherwise permitted by law and is under the immediate supervision of a person holding a firearm identification card or a license to carry firearms, or a duly commissioned officer, noncommissioned officer or enlisted member of the United States Army, Navy, Marine Corps, Air Force or Coast Guard, or the National Guard or military service of the commonwealth or reserve components thereof, while in the performance of his duty;

(l) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate supervision of a holder of a firearm identification card or a license to carry firearms;

(m) The temporary holding, handling or firing of a firearm for examination, trial or instruction in the presence of a holder of a license to carry firearms, or the temporary holding, handling or firing of a rifle or shotgun for examination, trial or instruction in the presence of a holder of a firearm identification card, or where such holding, handling or firing is for a lawful purpose;

(n) The transfer of a firearm, rifle or shotgun upon the death of an owner to his heir or legatee shall be subject to the provisions of this section, provided that said heir or legatee shall within one hundred and eighty days of such transfer, obtain a firearm identification card or a license to carry firearms if not otherwise an exempt person who is qualified to receive such or apply to the licensing authority for such further limited period as may be necessary for the disposition of such firearm, rifle or shotgun;

(o) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them, provided, however, that private or sporting use of such firearms, rifles or shotguns shall be subject to the provisions applicable to non-exempt persons and uses;

(p) Possession of rifles and shotguns by nonresidents bearing a current license, permit or identification card to possess any firearm, rifle or shotgun in the state in which they reside;

(q) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(r) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions;

(s) Possession by federal, state and local historical societies, museums, and institutional collections open to the public, provided such firearms, rifles or shotguns are unloaded, properly housed and secured from unauthorized handling.

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable. * * *.

130. *Penalty for Selling, etc., firearms, etc., to minor or alien.* Whoever sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license, and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall be punished by a fine of not less than one hundred or more than five hundred dollars. Nothing in this section or section one hundred and thirty-one E shall be construed to prohibit a parent or guardian from allowing his child or ward, who has not attained age fifteen, the supervised use of a rifle or shotgun or ammunition therefor, according to the provisions of section one hundred and twenty-nine C nor from furnishing his child or ward, who has attained age fifteen, with a rifle or shotgun or ammunition therefor, provided said child or ward, being fifteen years of age or older, has a valid firearm identification card, issued to him, nor shall it be construed as prohibiting an instructor from furnishing rifles or shotguns or ammunition therefor to pupils, provided said instructor has the consent of the parent or guardian of the minor.

131A. *Permits to purchase, rent, or lease firearm; penalty.* A licensing authority under section one hundred and thirty-one, upon the application of a person qualified to be granted a license thereunder by such authority, may grant to such a person, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. The commissioner of public safety or a person authorized by him, upon the application of a person licensed under section one hundred and thirty-one F, may grant to such licensee, other than a minor, a permit to purchase, rent or lease a firearm if it appears that such purchase, rental or lease is for a proper purpose, and may revoke such permit at will. Such permits shall be issued on forms furnished by the commissioner of public safety, shall be valid for not more than ten days after issue, and a copy of every such permit so issued shall within one week thereafter be sent to the said commissioner. Whoever knowingly issues a permit in violation of this section shall be punished by imprisonment for not less than six months nor more than two years in a jail or house of correction.

131E. *Purchase by licensed resident; purchase for use of another, etc., prohibited; penalty.* Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a firearm identification card issued to him, a hunting or sporting license issued to him, and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. Any person who uses said license to carry firearms or firearm identification card for the purpose of purchasing a firearm, rifle or shotgun for the unlawful use of another, or for resale to or giving to an unlicensed person, shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than six months nor more than two years in a jail or house of correction, or by both such fine and imprisonment. A conviction of a violation of this section shall be reported forthwith by the court to the licensing authority which issued the license or firearm identification card, which shall immediately revoke the license or firearm identification card of such person. No new license or firearm identification card under section one hundred and twenty-nine B or section one hundred and thirty-one shall be issued to any such person within two years after the date of said revocation.

131F. *Temporary license to carry firearms issued to non-residents, etc.* A license, otherwise in accordance with provisions of this section, may be issued to a nonresident employee, whose application is endorsed by his employer, of a federally licensed Massachusetts manufacturer of machine guns to possess within the commonwealth a machine gun for the purpose of transporting or testing relative to the manufacture of machine guns, and the license shall be marked "temporary license to possess a machine gun" and may be issued for any term not to exceed two years and shall expire in accordance with the provisions of section one hundred and thirty-one.

131H. *Permit to possess, etc., firearms by aliens.* No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said commissioner may deem proper. The fee for such permit shall be two dollars and twenty-five cents. Upon issuing such permit said commissioner shall so notify, in writing, the chief of police or the board or officer having control of the police in the city or town in which such alien resides. Each such permit card shall expire at twelve midnight on December thirty-first next succeeding the effective date of said permit, and shall be revocable for cause by said commissioner. In case of revocation, the fee for such permit shall not be prorated or refunded. Whenever any such permit is revoked, said commissioner shall given notification as hereinbefore provided. The permit issued to an alien under this section shall be subject to sections one hundred and twenty-nine B and one hundred and twenty-nine C except as otherwise provided by this section.

Violation of any provision of this section shall be punished by a fine of fifty dollars or by imprisonment for not more than one month, or both. If, in any prosecution for violation of this section, the defendant alleges that he has been naturalized, or alleges that he is a citizen of the United States, the burden of proving the same shall be upon him. Any firearm, rifle or shotgun owned by an alien or in his possession or under his control in violation of this section shall be forfeited to the commonwealth. Any such firearm, rifle or shotgun may be the subject of a search warrant as provided in chapter two hundred and seventy-six.

The director of law enforcement of the department of natural resources, his assistants, natural resource officers, deputy natural resource officers, wardens as defined in section one of chapter one hundred and thirty-one, members of the state police, members of the metropolitan district commission police in areas over which they have jurisdiction, and all officers qualified to serve criminal process shall arrest, without a warrant, any person found with a firearm, rifle or shotgun in his possession if they have reason to believe that he is an alien and if he does not have in his possession a valid permit as provided in this section.

MASS. GEN. LAWS ANN. CHAPTER 148

35. *Possession of bombs and explosives; penalty.* No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

MASS. GEN. LAWS ANN. CHAPTER 266

102A. *Possession of infernal machine; notice of seizure.* Whoever, other than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under his control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

102B. *Possession, etc., of molotov cocktail or similar device; exceptions; penalties.* Whoever makes, sells, uses or has in his possession or under his control a bottle or other

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breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one half years, or both.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

MASS. GEN. LAWS ANN. CHAPTER 269

10. *Penalty for unlawfully carrying dangerous weapons, possessing machine gun, etc.* Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, loaded or unloaded, without permission under sections one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty; or whoever so carries any stiletto, dagger, dirk knife, any knife having a double-edged blade, or a switch knife, or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches, or a slung shot, black jack, metallic knuckles or knuckler of any substance which could be put to the same use and with the same or similar effect as metallic knuckles, or a sawed-off shotgun; or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a breach or disturbance of the public peace, is armed with or has on his person, or has on his person or under his control in a vehicle, a billy or other dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than two and one half years nor more than five years in the state prison, or for not less than six months nor more than two and one half years in a jail or house of correction, except that, if the court finds the defendant has not been previously convicted of a felony, he may be punished by a fine of not more than fifty dollars or by imprisonment for not more than two and one half years in a jail or house of correction; or whoever, after having been convicted of any of the aforesaid offenses commits the like offense or any other of the aforesaid offenses, shall be punished by imprisonment in the state prison for not less than five years, for a third such offense, by imprisonment in the state prison for not less than seven years, and for a fourth such offense, by imprisonment in the state prison for not less than ten years. The sentence imposed upon a person who, after a conviction of an offense under this paragraph, commits the same or a like offense, shall not be suspended, nor shall any person so sentenced be eligible for parole or receive any deduction from his sentence for good conduct. Whoever, except as provided by law, possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter, shall be punished by imprisonment in the state prison for life or for any term of years. Upon conviction of a violation of this section, the firearm or other article shall, unless otherwise ordered by the court, be confiscated by the commonwealth. The firearm or article so confiscated shall, by the authority of the written order of the court be forwarded by common carrier to the commissioner of public safety, who, upon receipt of the same, shall notify said court or justice thereof. Said commissioner may sell or destroy the same, and, in case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

The court may, if the firearm or other article was lost by or stolen from the person lawfully in possession of it, order its return to such person, and where it has been the finding of the court that a person has been guilty of unlawful possession of a firearm, but makes the further finding that such possession was in ignorance of the law, the court may order the return of said firearm to its owner upon his compliance with those regulations relative to the establishment of lawful possession.

Whoever, within this commonwealth, produces for sale, delivers or causes to be delivered, orders for delivery, sells or offers for sale, or fails to keep records regarding, any rifle or shotgun without complying with the requirement of a serial number, as provided in section one hundred and twenty-nine C of chapter one hundred and forty, shall for the first offense be punished by confinement in a jail or house of correction for not more than two and one-half years, or by a fine of not more than five hundred dollars.

Whoever fails to keep records or report serial numbers, if required to do so by section one hundred and twenty-nine C of chapter one hundred and forty, shall be punished by imprisonment in a jail or house of correction for not more than two and one half years or by a fine or not more than five hundred dollars.

Whoever owns, possesses, or transfers possession of a firearm, rifle, shotgun or ammunition therefor without complying with the requirements relating to the firearm identification card provided for in section one hundred and twenty-nine C of chapter one hundred and forty shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than five hundred dollars.

A second violation of this paragraph shall be punished by imprisonment in a jail or house of correction for not more than two years or by a fine of not more than one thousand dollars or both.

Whoever knowingly fails to deliver or surrender a revoked or suspended license to carry firearms issued under the provisions of sections one hundred and thirty-one or one hundred and thirty-one F of chapter one hundred and forty, or firearm identification card, or receipt for the fee for such card, or a firearm, rifle or shotgun, as provided in section one hundred and twenty-nine D of chapter one hundred and forty, unless an appeal is pending, shall be punished by imprisonment in a jail or house of correction for not more than two and one-half years or by a fine of not more than one thousand dollars.

Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any college or university without the written authorization of the board or officer in charge of said college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year or both. For the purpose of this paragraph "firearm" shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

For the purpose of this section "sawed-off shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

10A. *Sale, etc., of silencers for firearms.* Whoever sells or keeps for sale, or offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. Upon conviction of a violation of this section, the instrument, attachment, or other article shall be confiscated by the commonwealth and forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall destroy said article.

11A. *Definitions.* For the purpose of this section and sections eleven B, eleven C and eleven D, the following words shall have the following meanings:

"Firearm", a firearm as defined in section one hundred and twenty-one of chapter one hundred and forty, or a rifle or shotgun.

"Serial number", the number stamped or placed upon a firearm by the manufacturer in the original process of manufacture.

"Identification number", the number stamped or placed upon a firearm by the commissioner of public safety under authority of section eleven D.

11C. *Removing, defacing, etc., serial or identification number of firearm.* Whoever, by himself or another, removes, defaces, alters, obliterates or mutilates in any manner the serial number or identification number of a firearm, or in any way participates therein, and whoever receives a firearm, with knowledge that its serial number or identification number has been removed, defaced, altered, obliterated or mutilated in any manner, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not less than one month nor more than two and one half years. Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. Upon a conviction of a violation of this section said firearm or other article shall be forwarded, by the authority of the written order of the court, to the commissioner of public safety, who shall cause said firearm or other article to be destroyed.

11E. *Firearms sold, etc., by manufacturers and dealers to have serial identification numbers; penalty.* All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered. No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly

manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

12. *Manufacturing, etc., slung shot, etc.* Whoever manufactures or causes to be manufactured, or sells or exposes for sale, an instrument or weapon of the kind usually known as a dirk knife, switch knife or any knife having an automatic spring release device by which the blade is released from the handle, having a blade of over one and one half inches, slung shot, sling shot, bean blower, sword cane, pistol cane, bludgeon, blackjack, or metallic knuckles or knuckles of any other substance which could be put to the same use and with the same or similar effect as metallic knuckles, shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than six months; provided, however, that sling shots may be manufactured and sold to clubs or associations conducting sporting events where such sling shots are used.

MICHIGAN

State Law

MICH. COMP. LAWS ANN. TITLE 28

28.91. *Terms defined.* 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.92. *Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols.* 2. No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for said pistol within 5 days after his arrival into this state The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 21 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order. Applications for such licenses shall be signed by the applicant under oath upon forms provided by the commissioner of the Michigan state police. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the commissioner of the Michigan state police and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the commissioner of the Michigan state police. Such license shall be void unless used within 10 days from the date of its issue. The provisions of this section shall not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. The provisions of this section shall not prevent the transfer of ownership of pistols which are inherited provided the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

28.98. *Inapplicability of certain sections.* 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

28.419. *Definitions.* 222. "Pistol" as used in this chapter means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm. "Purchaser" means any person who receives a pistol from another by purchase, gift or loan. "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

28.420 *Selling pistols and firearms.* 223. (1) Any person who sells a pistol without complying with section 2 of Act No. 372 of the Public Laws of 1927, as amended, being section 28.422 of the Compiled Laws of 1948, shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age shall be guilty of a misdemeanor.

28.421. *Selling, etc., machine guns, silencers, blackjacks, etc.; exceptions.* 224. Any person who shall manufacture, sell, offer for sale or possess any machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, blackjack, slung shot, billy, metallic knuckles, sand club, sand bag, or bludgeon or any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than $2,500.00. The provisions of this section shall not apply to any person manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state municipality or any subdivision thereof, or to any person duly licensed to manufacture, sell or possess any machine gun or gas ejecting device, weapon, cartridge, container or contrivance above mentioned.

28.426. *Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale.* 229. Any pawnbroker who shall accept a pistol in pawn or any second-hand or junk dealer, as defined in Act No 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

28.427. *Alteration of pistols; presumptive evidence of alteration.* 230. Any person who shall wilfully alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identity of any pistol, shall be guilty of a felony, punishable by imprisonment in the state prison not more than two [2] years or fine of not more than one thousand (1,000) dollars. Possession of any such firearm upon which the number shall have been altered, removed or obliterated, shall be presumptive evidence that such possessor has altered, removed or obliterated the same.

28.429(1). *Purchaser of pistol without license, false statement in application.* 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor. Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

28.434. *Possession or use of fire-arm by person under influence of liquor or drug.* 237. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

28.559(1). *Explosives; furnishing to minor.* 327a. Any person who sells or furnishes to any minor under the age of 18, without first having procured the written consent of the parent or guardian of the minor, any bulk gunpowder, dynamite, blasting caps or nitroglycerin is guilty of a misdemeanor.

MICH. COMP. LAWS ANN. TITLE 3

3.4(1). *Governor's power to declare emergency, designate area involved; power to regulate traffic and transportation, public and private; places of assembly; alcoholic beverages, firearms, other dangerous weapons, ammunition; explosives, inflammable materials.* 1. During times of great public crisis, disaster, rioting, catastrophe, or similar public emergency within the state, or reasonable

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apprehension of immediate danger thereof, when public safety is imperiled, either upon application of the mayor of a city, sheriff of a county, the commissioner of the Michigan state police, or upon his own volition, the governor may proclaim a state of emergency and designate the area involved. Following such proclamation or declaration, the governor may promulgate such reasonable orders, rules and regulations as he deems necessary to protect life and property, or to bring the emergency situation within the affected area under control. Without limiting the scope of the same, said orders, rules and regulations may provide for the control of traffic, including public and private transportation, within the area or any section thereof; designation of specific zones within the area in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated; control of places of amusement and assembly, and of persons on public streets and thoroughfares; establishment of a curfew; control of the sale, transportation and use of alcoholic beverages and liquors; control of the possession, sale, carrying and use of firearms, other dangerous weapons, and ammunition; and control of the storage, use, and transportation of explosives or inflammable materials or liquids deemed to be dangerous to public safety. Such orders, rules and regulations shall be effective from the date and in the manner prescribed in such orders, rules and regulations and shall be made public as provided therein. Such orders, rules and regulations may be amended, modified, or rescinded, in like manner, from time to time by the governor during the pendency of the emergency, but shall cease to be in effect upon declaration by the governor that the emergency no longer exists.

4.127(1). *Residents purchasing firearms in contiguous states.* Section 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

Allen Park

(d) *It shall be unlawful for any person* under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Belding

12.11 *Dangerous weapons.* No person shall possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as blackjack, slingshot, sand club, sandbag, switch-blade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Bloomfield Hills

7.01. It stall be unlawful for any person to sell a firearm to any person under 18 years of age.

Buchanan

11.4. *Dangerous weapons.* No person shall possess any machine gun, sawed off shot gun, or any instrument or weapon of the kind commonly known as blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Center Line

8–108. *Dangerous weapons; possession prohibited, exceptions.* (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Clawson

8–109. *Dangerous weapons; possession prohibited, exceptions.* (a) No person shall within the city possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Dearborn Heights

9.215. *Sale or purchase.* It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Detroit

66–1–1. *"Firearm" defined.* The word "firearm," as used in this article, shall be construed to include any shot gun, rifle or other device of a similar character, except pistols.

66–1–2. *Permit required to purchase pistols.* No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

66–4–1. The word "Firearm," except as otherwise specifically defined in this Code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

66–4–4. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Ecorse

3–4.2 *Unregistered firearms—sale or purchase of firearms.* Any person who shall own or possess any pistol, weapon or device without the same being registered as required by Section 9 of Act 272 of the Public Acts of the State of Michigan for the year 1927, as amended; and also any person who shall purchase or sell a pistol, weapon or device without license as required by Act 272 of the Public Acts of the State of Michigan for 1927, as amended, shall be guilty of a misdemeanor and shall be punished as provided in Article I, Chapter I of this Code.

Escanaba

(D) *Dangerous weapons.* No person shall possess any machine gun, sawed off shot gun, or any instrument or weapon of the kind commonly known as blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Fenton

7–116. *Possessing dangerous weapons.* (a) No person shall, within the city, possess any machine gun, sawed-off shotgun, any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sand bag, or switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Flushing

7–117. *Weapons.* No person in the city shall: 5. "Sales to Intoxicated Persons or Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Gladstone

504.06. *Possession of Weapons.* No child under the age of 18 years shall be allowed to have in his possession or control, or use, any air guns, sling shots, shot guns, rifles or other dangerous weapons within the City.

504.07. *Sale to Minors of Weapons.* No person shall sell, furnish, or give to or permit any child under the age of 18 years to have in his possession or use any air rifle, sling shot, shot gun, rifle or other dangerous weapon within the City.

Grand Haven

8–209. *Dangerous weapons; possession prohibited.* No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Grosse Pointe Farms

24. *Firearms, sale to minors.* It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. It shall be unlawful for any person under the age of eighteen (18) years to transport a firearm on any public street or in any public place unless such person be accompanied by a parent or guardian and such transportation be to or from a duly constituted target range, or location for hunting if such person has in his possession a valid Hunting License issued by State authority.

Hazel Park

15. *Dangerous weapons; possession prohibited.* (a) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a black-jack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

4 It shall be unlawful for any person to sell, give, furnish or deliver to any person or

persons, any pistol, revolver or other small firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Keego Harbor

4–4. *Offenses Against Public Safety.* No person in the city shall: (1) Weapons—(e) "Sales to Intoxicated Persons and Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Lapeer

19.09. *Firearms.* (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.

Lincoln Park

D. *It shall be unlawful* for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Marshall

20.02. *Firearms.* (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word "firearm" includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Oak Park

5. *It shall be unlawful* for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years.

Pontiac

The city of Pontiac ordains: 1. In times of public danger or emergency, or during times of great public crisis when the public health, safety, welfare or person or property is imperiled, or in times when the maintaining of law and order is imperiled, because of disaster, rioting, civil disturbances, or other similar public catastrophe; or when there is reasonable apprehension of public danger or emergency, or of great public crisis or of the public health, safety, welfare or person or property being imperiled; or when there is reasonable apprehension of jeopardy to the maintaining of law and order because of impending disaster, rioting, civil disturbance or other similar public catastrophe; the Mayor may proclaim a state of public danger or emergency, and designate the area or areas within the City involved. In the absence of the Mayor or in the event of his disability, the Mayor Pro-Tem shall have the powers and authority herein given to the Mayor, and if neither the Mayor nor the Mayor Pro-Tem are able or available to exercise such powers and authority, the City Commission, either at a regular or special meeting, shall have such power and authority.

2. Following such proclamation as set forth in Section 1 of this ordinance, the Mayor or other proclaiming authority as set forth in Section 1, may promulgate such reasonable orders, rules and regulations as he or they deem to be necessary to protect life and property and to maintain law and order, and preserve the public health, safety, and welfare, or to bring the emergency situation within the affected area or areas under control, or to provide safeguards against threatened encroachment upon the public health, safety, welfare and preservation and maintenance of law and order. Said orders, rules and regulations may provide for the control of traffic of all types, designation of specific zones within the area or areas in which occupancy and use of buildings and ingress and egress of persons and vehicles may be prohibited or regulated, control of places of amusement and assembly, and control of persons on public streets and thoroughfares, establishment of a curfew, control of the sale, transportation, dispensing and use of alcoholic beverages and liquors, of every form and type, and control of the sale, carrying, possession, storing and use of firearms or other dangerous weapons, ammunition, explosives and inflammable materials or liquids, deemed to be dangerous to the public safety.

3. Said orders, rules, regulations and proclamations, referred to or provided for in this ordinance, shall be effective from the date, time, and in the manner therein prescribed and shall be made public by announcement through any news media of general publication or general broadcasting in the Pontiac area, and if no such media is publishing or broadcasting at the time of the proclamation or is unable for any reason to disseminate said announcement, then said orders, rules, proclamations and regulations shall be made public by posting the text thereof in three conspicuous public places within the City. Such orders, rules, proclamations and regulations may be amended, modified or rescinded in like manner from time to time by the Mayor, or other issuing authority as provided for in Section 1 of this ordinance, during the pendency of the emergency, but shall cease to be in effect upon declaration by the Mayor, or said issuing authority, that the emergency no longer exists.

Royal Oak

(c) *It shall be unlawful* for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, slingshot, airgun, or other light weapon to any minor in the City of Royal Oak, who is under the age of sixteen years.

Saginaw

807. *Failure to complete and return license to purchase pistol.* 807.1 It shall be unlawful for the purchaser or any pistol to be or remain in possession thereof if the completed license to purchase the same shall not have been returned to the licensing authority within ten (10) days of the purchase of the pistol, as required by law.

Three Rivers

79–1. The City of Three Rivers ordains, That it shall not be lawful for any person directly or indirectly, himself or by his clerk, agent or employe, to sell, keep for sale, give away, furnish or use, within the limits of the City of Three Rivers, any firecracker, blank cartridge, toy pistol, dynamite or any other explosive or any cap or other device containing any explosive; Provided, however. That this provision shall not apply to the sale of gun powder or gun or revolver ammunition in the regular course of trade nor to the sale of dynamite that is to be used for a necessary purpose.

Trenton

9.171. *Dangerous weapon.* (1) No person shall possess any machine gun, sawed off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sand bag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Troy

9.79. *Regulation, control of the possession and transportation of firearms within the city.* (3) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Warren

8–210. *Dangerous weapons.* (1) No person shall possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switch-blade knife, or metal knuckles, nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

Waterford

61–IX. *Sales to Minors.* It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm, sling shot, air gun, air rifle, air pistol or other like weapon to any person in the Township of Waterford who is under the age of twenty-one years.

61–X. *Unlawful act of parent or guardian.* It shall be unlawful for any parent, guardian or other person having custody or charge of any person under the age of twenty-one years to knowingly permit such minor to have in his possession or use any firearm, sling shot, air gun, air rifle, air pistol, or other weapons, as defined herein, except in a duly licensed shooting gallery or target range.

MINNESOTA

State Law

M.S.A. PUBLIC HEALTH AND SAFETY

609.02. *Definitions.* 1. "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment or fine or both.

2. "Felony" means a crime for which a sentence of imprisonment for more than one year may be imposed.

3. "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than $300 or both may be imposed.

4. "Gross misdemeanor" means any crime which is not a felony or misdemeanor.

5. "Conviction" means any of the following accepted and recorded by the court:

(1) A plea of guilty; or

(2) A verdict of guilty by a jury or a finding of guilty by the court.

6. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

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609.66. *Dangerous weapons.* 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than $100:

(6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or

(8) In any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.

609.67. *Machine guns.* 1. "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

2. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $5,000, or both.

3. The following persons may own or possess a machine gun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns as war relics, museum pieces, or as objects of curiosity, ornament, or keepsake, and not useable as a weapon.

5. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

624.71. *Gun control, application of federal law.* 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90–618).*

Arden Hills

1. *Definitions.* Deadly weapons. The term "deadly weapons" as used herein shall include the following: (1) all firearms; (2) bows and arrows when the arrows are pointed or tipped; (3) all instruments used to expell at high velocity any pellets of any kind, including, but not limited to, BB guns and air rifles; (4) sling shots; (5) metal knuckles; and (6) switchblade knives, being knives with retractable blades.

4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

*NOTE.—Because of the restrictions in the Federal Gun Control Act of 1968 (Public Law 90–618) Minnesota residents are authorized to purchase only rifles and shotguns in contiguous states and not other types of firearms.

Appleton

6.06. *Weapons, sale to minors.* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer of this village.

6.07. *Minors not to use firearms.* No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by his parent or guardian any firearm, air or gas rifle of any kind for hunting or target practice, or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Blaine

101. *Weapons* .01. The term "deadly weapons" as used herein shall include the following: (1) All firearms; (2) Bows and arrows when arrows are point tipped; (3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B–B guns and air rifles; (4) Sling shots; (5) Sand clubs; (6) Metal knuckles; and (7) Daggers, dirks and knives.

101.03. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

101.04. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Buhl

510:02. *Deadly weapons.* It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a slingshot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stiletto, pocket bill, sand bag, skull cracker, razor or other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.

Coon Rapids

7–1000. *Weapons.* 7–1001. The term "deadly weapons" as used herein shall include the following:

(1) All firearms;

(2) Bows and arrows when arrows are pointed tipped;

(3) All instruments used to expel at high velocity any pellets of any kind, including, but not limited to B-B guns and air rifles;

(4) Sling shots;

(5) Sand clubs;

(6) Metal knuckles; and

(7) Daggers, dirks, and knives.

7–1002. *Subdivision 1.* Whoever does any of the following is guilty of a misdemeanor: (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; • • •.

7–1003 The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

7–1004. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Cottage Grove

27–13. *Furnishing to minors.* No person, within the limits of the village, shall: • • • (b) Furnish a minor under eighteen years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent, guardian, the police department or magistrate of this village.

27–14. *Silencers.* No person, within the limits of the village, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Crystal

1. *Definitions.* 1.02. Specific terms: The following terms have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Military type weapon" shall mean any firearm such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons.

(c) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass by means of explosives or gas.

(d) "Hand gun" shall mean any firearm having a barrel of less than twelve inches in length.

2. *Prohibitions relating to military type weapons.* 2.01. No person within the corporate limits of the City of Crystal shall own, keep, carry or have possession of any military type weapon as defined in this ordinance.

Duluth

49–6. *Possession, use, etc., of firearm silencers prohibited.* No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

49–8. *Possession of firearms by minors.* No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose.

49–20. *Sales and rentals to minors.* No person shall sell, rent, give, loan or in anywise furnish any firearm, air gun or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.

Eagan

9.01—*Definitions.* 5.—*Assault weapons* shall mean any weapon other than firearms having personal assault characteristics including, but not limited to dagger, switchblade knife, stiletto, dirk, spring blade knife, push-button knife, blackjack, sand club, pipe club, chain club, brass knuckles, molotov cocktails, grenades and explosive devices.

9.02—*Prohibition.* 3.—*Persons prohibited.* It shall be unlawful for any person within the Town of Egan to own, possess, carry or have in his custody or control any firearms or ammunition unless such person:

A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.

B. Shall not within the previous five years have been: 1. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons. 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

4.—*Possession and transporting of assault weapons.* It shall be unlawful for any person within the Town of Eagan to carry on his person or to transport by any means any assault weapon for any purpose whatever except by law enforcement officers or military personnel in the course of their duties.

Ely

410:02. *Deadly weapons.* No person shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or weapon of the kind usually known as sling shot, sand club, or metal knuckles; or without the written consent of a magistrate, shall sell or give any pistol or firearm to a person under the age of eighteen years.

Fairmont

6.20. *Dangerous weapons and articles.* 1. Acts prohibited. It is unlawful for any person to: • • • F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; • • •

Farmington

6–1–15. *Dangerous weapons:* It shall be unlawful for any person to do any of the following: • • • (G) Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; • • •

Granite Falls

6.06. *Weapons, sale to minors.* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to any minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of this city.

Hibbing

Firearms, sale and possession. 7–14.1. It shall be unlawful in the Village of Hibbing for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a slingshot, sand club, metallic knuckles, dirk, dagger, sword, pistol, revolver, air gun, stiletto, pocket billy, sand bag, skull cracker, razor or other offensive and dangerous weapon or instrument, or to give or sell any pistol or fire-arm to a person under age of eighteen (18) years, without the written consent of a magistrate or the president of the said village or the chief of police or marshall of said village • • •.

Hopkins

4. *Sale of firearms to minors.* Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a misdemeanor.

6. *Minors not to use firearms.* No minor under the age of fourteen years shall handle, or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Every person violating any of the foregoing provisions or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Hoyt Lakes

2. *Use of fire arms by minors.* No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any fire arm or air gun of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

International Falls

1. No person within the limits of the City of International Falls shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument, or weapon of the kind usually known as a dirk, dagger, sword, pistol, stiletto, metallic knuckles, pocket billie, sand bag, skull cracker, sling shot, or other offensive and dangerous weapons or instruments, or without the written consent of the Mayor shall sell or give any revolver or firearm of any description to a person under the age of eighteen years.

Lauderdale

2. *Specific terms.* The following terms shall have the following meanings. (a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(d) "Assault weapon" shall mean any weapon other than a firearm or military type weapon having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, sand-club, pipe club, chain club, or metal knuckles.

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(f) "Secured container" shall mean a locked case legibly marked "firearms" having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle, or ties.

2. *Persons prohibited from possessing firearms.* (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the Village of Lauderdale except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the Village of Lauderdale who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

4. *Weapons prohibited.* No person shall own, keep, carry, or have in his possession anywhere in the Village of Lauderdale any military type weapons, or any assault weapon, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

6. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Lauderdale without first obtaining a license to do so from the Village Council. The fee for such license shall be $10.00, payable annually to the Village Council and Village Clerk. Upon application fo. issuance or renewal of license the licensee shall provide to the Village Clerk his name, address, and location of his business. Such license may be revoked by the Council for violation of any ordinance or law related to the conduct of the business.

7. *Permits and registrations.* Permits and registrations required hereunder shall be accomplished in the following manner: (1) Any organization may register as a target shooting or sportsman's club by filing a statement with the Chief of Police setting forth the names and addresses of the officers of said club, which shall be kept current by the club as the officers shall change from time to time. There shall be no fee for such registration, which may be revoked at any time by the Council for any violation of laws or ordinances relating to firearms.

(2) Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type of assault weapon as a collectors' item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. Such application shall set forth the applicant's full name, address and citizenship, the date of acquisition of the weapon and the source of acquisition, the caliber, make, model and manufacturer's number of the weapon and the use to which the weapon is to be put. The Chief shall issue such permit, without fee, if he concludes the applicant is of good moral character and intends to use the weapon for a lawful purpose.

Mankato

9.30. *Dangerous weapons and articles.* 1. Acts Prohibited. It is unlawful for any person to: • • • F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or G. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parents or guardian or of the Police Department.

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Maplewood

1210.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing him to purchase, receive or accept such revolver or pistol and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of Maplewood to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

1210.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name, address and nationality, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Mendota Heights

5. *Possession of Weapons by Minors.* No minor under the age of eighteen years shall, within the corporate limits of the Village of Mendota Heights, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, or any slingshot, sling, air-gun, bow and arrow, springgun, or the like; nor shall any such minor, within the corporate limits of the Village, fire or discharge any such fire-arm, sling, slingshot, bow and arrow, spring-gun or the like, whether accompanied by his parent or guardian, or otherwise.

Section 6. Sale to minors. No person, firm, or corporation shall, within the corporate limits of the Village of Mendota Heights, give, sell, or otherwise furnish any firearms or air-guns of any kind, or any ammunition of any kind for use therein, to any minor under age of eighteen years, without the written consent of the parent or guardian of the said minor. Said permission shall be preserved by the person furnishing such arms or ammuntion, and shall be open to inspection at all reasonable times by all members of the Police Department, the Sheriff or his deputies, or the Judges of any court of record in this State.

Section 9. Definitions.

B. Specific terms. The following terms shall have the following meanings:

(1) *Firearm.* Shall mean any weapon from which is propelled any missile, projectile, bullet, or other means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(2) *Handgun.* Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(3) *Military type weapon.* Shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(4) *Assault weapon.* Shall mean any weapon other than a firearm or military type weapon having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, and sand-club, chain club, or metal knuckles.

(5) *Ammunition.* Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(6) *Secured container.* Shall mean a locked case legibly marked "firearm" having no mechanical features designed for immediate weapons removal or use and containing no other non-related objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle or ties.

12. *Sale, gift, or delivery of firearms.* A. No person shall purchase, receive or accept a handgun within the Village of Mendota Heights without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun.

The Chief of Police shall, upon application, issue a written permit to purchase or receive a handgun within the Village of Mendota Heights to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has good cause to fear an injury to his person or property, or that such handgun is to be used for a lawful purpose. Such permit shall be valid for a period of five days from its date.

D. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Paragraph (B) hereinabove. The person making such sale, loan, gift, or delivery shall, within five days thereafter, mail or deliver said permit to the Chief of Police.

E. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

F. Nothing contained in this section shall apply to sales at wholesale to dealers.

13. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Mendota Heights without first obtaining a license to do so from the Village Council.

Minneapolis

877.010. *Definitions.*

2. *Specific terms.* The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

(f) "Assault weapon" shall mean any weapons other than firearms or military type weapons having the designed personal assault characteristics of any dagger, dirk, stiletto, switchblade knife, spring blade knife, push button knife, blackjack, sand-club, pipe club, chain club, or metal knuckles.

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(j) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. *Persons prohibited.* It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.040. *Weapons prohibited.* It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type or assault weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. *Sales, gift or delivery of weapons and ammunition.* It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon or assault weapon and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. *Report of sale, gift, or delivery of handguns.* Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, • • •.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. *Permit for military type and assault weapons.* The owner or purchaser of a military type or assault weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Montevideo

5-1-32: *Firearms; minors:* No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this Section.

5-1-71: *Weapons; sale to minors:* No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the City.

Mound

51.30. *Minors—Firearms.* No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm, air gun, ammunition or dynamite to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the village, nor sell, give, loan or in anywise furnish any fireworks to any person.

North St. Paul

101.010. *Permit.* No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

101.020. *Sale without permit prohibited.* No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

101.030. *Restrictions of permit.* The Chief of Police shall upon application, issue a written permit to purchase a revolver or pistol within the Village of North St. Paul to any citizen of the United States who is of good moral character and has never been convicted of a felony, if it appears that such person has a reasonable and lawful purpose in mind for the purchase of such pistol or revolver and that the same will be used only for a lawful purpose. Such permit issued by the Chief of Police shall be valid for a period of five (5) days from its date of issuance.

101.040. *Transfer of permit.* Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement containing his full name and address, the date of the sale or transfer, the caliber, make, model and manufacturer's serial number of the weapon. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement and such seller shall indorse upon such statement his signature. This copy of the statement shall be indorsed by the Chief of Police and retained for his permanent records. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

101.050. *Terms.* The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

101.060. *Wholesale to dealers does not apply.* Nothing contained herein shall apply to the sales at wholesale to dealers.

Plymouth

1.14. *Dangerous articles.* (b) It shall be unlawful to sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate.

Richfield

5.29. *Firearms.* 1. *Definitions.* The following terms have the meanings ascribed to them in this section: (1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

2. *License required.* It is unlawful for any manufacturer or dealer to sell at wholesale or retail, to lease or to pledge or accept as security for a loan, any firearm without first having procured a license.

9. *Unlawful disposition of firearms.* It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. *Dangerous weapons.* No person shall: • • • (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, airgun, ammunition or explosive without the written consent of the parent or guardian, or of the police department.

Roseville

160.090. *Sale to minors under 18.* No person shall give, sell or otherwise furnish any firearms or air guns of any kind, or any ammunition of any kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable time by all law enforcement officers or the Judges of any court of record in the State.

161.010. *Registration required.* No person shall purchase, sell, trade, own or have in his possession any revolver or hand gun without registering the same with the Chief of Police.

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Shakopee

V. *Silencers prohibited.* No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

VII. *Possession of firearms by minors.* No minor under the age of 14 years shall handle or have in his or her possession or under his or her control except while accompanied by and under the immediate charge of a parent or legal guardian, any firearm of any kind for hunting or target practice or any other purpose.

Shoreview

1211.101. *Definitions.* Weapon means any gun, pistol, revolver, slingshot, sand club, metal knuckles, daggers, dirk, bowie knife, razor, air rifle, air gun, B–B gun, spring gun, bow and arrow, switch blade, firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership or corporation.

1211.050. *License required.* No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, bow and arrow or knife.

1211.056. *Conditions of license.* Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the Shoreview Municipal Code or other Ordinance or State Law. (2) No weapon of any sort shall be sold or furnished to any person under twenty-one (21) years of age.

South St. Paul

808.01. *Firearms purchase restricted.* No person shall purchase, receive or accept a revolver, pistol, and other firearm having a barrel of 10 inches or less in length, without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such a firearm.

808.02. *Firearms sale restricted.* No person shall sell, deliver, or otherwise transfer a pistol, revolver, or other firearm having a barrel of 10 inches or less in length, within the City to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such firearm.

808.03. *Firearm permit required.* Applications for permits to purchase receive and accept any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, shall be made to the Chief of Police upon blanks to be provided therefor and shall give the name of the applicant, his age, occupation, place of residence, height, weight, complexion, nationality, and such other information and elements of identification and good character as the Chief of Police may require. No person applying for such permit shall give false or untrue information, or offer false evidence of his identity. It shall be the duty of the Chief of Police to refuse such permits to all persons having been convicted of a felony, and to minors, drug addicts and such persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied, after investigation made that the applicant is a suitable person of sound mind and discretion and of good moral character, and that such firearm is to be used for a lawful purpose, he shall grant to the applicant a written permit authorizing him to purchase, receive or accept such firearm. The Chief of Police may at any time revoke any and all such permits so issued.

808.04. *Record of firearm permits.* The Chief of Police shall at all times keep on file in his office a register containing the names, addresses and descriptions of any and all such persons to whom a permit has been granted by him.

808.05. *Report of firearm sale.* Every person, who sells, delivers or gives to any person in the City any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, except to regular dealers in such articles, shall within 24 hours after making any such sale or gift make and file with the Chief of Police a legible, written report, stating therein the date of such sale or gift, the true name, age, place or residence, height, weight, complexion, color of hair and eyes, and nationality of such purchaser or donee, and the number, kind, description and price of the firearm sold or given to the purchaser or donee, with the calibre, make, model, manufacturer's number or other mark of identification on such firearm.

St. Louis Park

1.02. *Specific terms.* The following terms have the following meanings: (c) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass by means of explosives or gas.

4:701. *Firearms for minors.* No person shall sell, give away, or in any wise furnish any firearms or ammunition or switch blade knife to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate."

St. Paul

425.01. *Definitions.* 1. "General Terms." Terms used in this ordinance, unless expressly defined shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms. 2. "Specific Terms." The following terms shall have the following meanings.

(a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

425.02. *Persons prohibited from possessing firearms.* (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the City of St. Paul except when he is accompanied by his parent or legal guardian, while participating under supervision as a member of a registered target shooting or sportmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the City of St. Paul who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

425.04. *Weapons prohibited.* No person shall own, keep, carry, or have in his possession anywhere in the City of St. Paul any military type weapons, or any assault weapon, or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

425.06. *Sale, gift, or delivery of firearms.* 1. No person shall purchase, receive or accept a handgun within the City of St. Paul without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun.

2. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferrer a statement containing his full name, address and citizenship, the date of the sale or transfer, the caliber, make, model and manfacturer's number of the weapon. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement, and if it appears that the person to whom such weapon is sold or to be transferred has been permitted to purchase, accept or receive such handgun, the Chief of Police shall endorse upon ruch statement his approval of the purchase or transfer.

4. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Subdivision 2. The person making such sale, loan, gift, or delivery shall, within five days thereafter, mail or deliver said permit to the Chief of Police.

5. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

425.07. *License required to sell firearms.* No person shall engage in the business of selling or dealing in firearms or ammunition in St. Paul without first obtaining a license to do so from the City Council.

St. Paul Park

d. *No minor* under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind and use for hunting, target practice or any other purpose.

St. Peter

1. Whoever does any of the following shall be guilty of a misdemeanor:

(5) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm.

(7) Without the parent's or guardian's consent, furnishes to a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or handle ammunition or explosive.

(8) Furnishes a minor under 18 years of age with a firearm, air gun, ammunition, or explosive, without the written consent of his parent or guardian or of the city Police Department.

2. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

Two Harbors

(e) *Sales to intoxicated persons and minors.* No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Virginia

3. *Dangerous weapons.* It shall be unlawful for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell or keep for sale, offer or otherwise dispose of, any instrument or weapon of the kind usually known as sling-shot, sanuclub or metal knuckles, or to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; or to attempt to use against another or with intent so to use, to carry, conceal or possess any of the weapons hereinbefore specified, or any dagger, dirk, knife, pistol or other dangerous weapon.

8. *Use of arms by minors.* No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any fire arm of any kind for hunting or target practice, or any other purpose and it shall be unlawful for any person or persons to aid or knowingly permit any such minor to have such fire arms in his possession while unaccompanied by or under the immediate charge of his parent or guardian.

Waseca

8.20. *Dangerous weapons and articles.* Subd. 1. Acts prohibited. It is unlawful for any person to: F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

West St. Paul

52.02. *Deadly weapons.* • • • (f) Purchase of Revolvers. No person shall purchase, receive, or accept a revolver or pistol within the city without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive, or accept such revolver or pistol, providing the seller or transferor with his full and true name, address and date of birth in writing on a form approved by the Chief of Police.

(g) Sale of Revolvers. No person shall sell, deliver, offer for sale, or otherwise transfer a pistol or revolver within the city to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive, or accept such revolver or pistol, and in no case shall any person to whom it is sold or to be transferred, until such sale or transfer is approved by the Chief of Police in writing, until the purchaser or recipient of such firearm shall in the presence of the seller or transferor, write his name, address and date of birth, on the form as provided in paragraph (f). The seller or transferor shall then complete the form, giving the manufacturer or make of the pistol or revolver, model or type, caliber, barrel length and serial number. The form shall be signed by the seller or transferor and transmitted to the Chief of Police within Ten (10) days.

(h) Terms Defined. The words pistol or revolver shall be construed as meaning any firearm, gun, or weapon with a barrel less than 12 inches in length and shall also include hand guns which propel pellets or bullets by the use of compressed air or compressed gas.

White Bear Lake

1303.050. *Dangerous weapons.* No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein, or any slingshot, sling, air-gun, spring-gun, or the like; nor shall any such minor fire or discharge any such fire-arm, sling, slingshot, air-gun, spring-gun or the like, whether accompanied by his parent or guardian, or otherwise.

No person shall give, sell, or otherwise furnish any firearms or air-guns of any kind, or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.

MISSISSIPPI

State Law

MISS. CODE ANN. TITLE 11

2079. *Carrying of deadly weapons.* Any person who carries, concealed in whole or in part, any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, slingshot, pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as follows:

The possession of any deadly weapon as hereinabove described by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of this section.

However, it shall not be a violation of this or any other statute for pistols, firearms or other suitable and appropriate weapons to be carried by duly constituted bank guards, company guards, watchmen, railroad special agents, or duly authorized representatives, agents or employees of a patrol service, guard service, or a company engaged in the business of transporting money, securities or other valuable, or persons similarly employed, and engaged, while actually engaged in the performance of their duties as such, provided that such persons are under bond in a sum of not less than one thousand dollars ($1,000.00) for the lawful and faithful performance of their duties, the cost of which bond shall be paid by the employer of such persons, or game and fish law enforcement officers; and further provided that such persons have first made written application and obtained a permit so to do from the sheriff of the county in which they are employed. Provided, however that where the duties of any person covered by the provisions of this paragraph may carry him into more than one county, such person may file a bond in the sum of two thousand dollars ($2,000.00) with the secretary of state, for the lawful and faithful performance of his duties, the cost of the bond shall be paid by the employer of such person or game and fish law enforcement officers; and provided further that such person has first made written application with and obtained a permit so to do from the secretary of state, and said permit shall be valid as a state-wide permit, for which the secretary of state shall collect a fee of two dollars ($2.00). No such permit shall be issued to any person who has ever been convicted of a felony under the laws of this or any other state or of the United States.

2081. *Carrying deadly weapons—Not applicable to certain persons.* Any person indicted or charged for a violation of section 2079 of this Code may show as a defense:

(a) That he was threatened, and had good and sufficient reason to apprehend a serious attack from any enemy, and that he did so apprehend; or

(b) That he was traveling and was not a tramp, or was setting out on a journey and was not a tramp; or

(c) That he was a law enforcement or peace officer in the discharge of his duties; or

(d) That he was at the time in the discharge of his duties as a mail carrier; or

(e) That he was at the time engaged in transporting valuables for an express company or bank; or

(f) That he was a member of the Armed Forces of the United States, National Guard, State Militia, Civil Defense Corps, guard or patrolman in a state or municipal institution while in the performance of his official duties; or

(g) That he was in lawful pursuit of a felon; or

(h) That he was lawfully engaged in legitimate sports; or

(i) That at the time he was a company guard, bank guard, watchman or other person enumerated in the last paragraph of section 2079 and was then actually engaged in the performance of his duties as such, and then held a valid permit from the sheriff or the secretary of state to carry the weapon.

2083. *Deadly weapons—Cartridges not sold to infant or drunk person.* It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and, on conviction thereof, he shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars, or imprisonment in the county jail not exceeding three months, or both.

2143.5. *Explosives—Illegal possession of—Search and seizure.* 1. It is unlawful for any person to have in his possession dynamite caps, nitro glycerine caps, fuses, detonators, dynamite, nitro glycerine, explosives, gas or stink bombs, or other similar explosives peculiarly possessed and adapted to aid in the commission of a crime; except such person or persons who are engaged in a lawful business which ordinarily requires the use thereof in the ordinary and usual conduct of such business, and who possess said articles for the purpose of use in said business; and upon conviction of any person thereof, he shall be punished by imprisonment in the penitentiary not exceeding five years, or in the county jail not exceeding one year, and the possession of such explosives by one who does not customarily use same in his regular and ordinary occupational activities shall be prima facie evidence of an intention to use same for such unlawful purposes.

§ 2376 *Sound mufflers not to be used on firearms—Unlawful to manufacture.* It shall

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be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the state of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device Any person, corporation or manufacturing establishment violating this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than twenty-five dollars and not more than one hundred dollars, or imprisoned in the county jail not less than thirty days nor more than sixty days, or both.

MISS. CODE ANN. TITLE 2[illegible]

7015–31. *Explosives—Seller to keep records—When sale of explosives unlawful.* Every person who sells or otherwise disposes of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives, shall keep an accurate record of the name of the purchaser, his address, quantity, and the general purpose of its intended use. It shall be unlawful to sell dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives unless the person making the sale knows the purchaser and the general purpose for which such explosive or its counterpart will be used.

7015–32. *Sales of explosives to be reported—Regulation by municipalities.* Every seller of dynamite, nitroglycerine, explosives, gas bombs, dynamite caps, nitroglycerine caps, fuses, detonators or other similar explosives shall report any sale, transfer of title, or removal to the sheriff of the county where such transfer or removal took place within twenty-four (24) hours on forms to be provided. Should the sale, transfer of title or removal of explosives be within a municipality, then a report shall also be made within twenty-four (24) hours to the chief of police on forms to be provided. The governing authorities of municipalities shall have the power to adopt ordinances for the further regulation and control of dynamite, nitroglycerine and similar explosives.

MISS. CODE ANN. TITLE 31

8576. *National Guard—how ordered out.* When the state is threatened with invasion, insurrection, flood, or other catastrophe, or when there exists a riot, mob, unlawful assembly, breach of the peace or resistance to the execution of the laws of the state, or imminent danger thereof, and if in the opinion of the governor, the civil authorities are unable to repeal or suppress the same, or if the sheriff or judge of the circuit court of any county, call upon the governor for the aid of the troops, it shall be the duty of the governor to order out the Mississippi National Guard, or such part thereof as he may deem necessary for the purpose. Provided, that if the troops be ordered into any county in the aid of civil authorities at the request of the sheriff or the judge of the circuit court of said county, the governor shall be the sole judge of the number of troops to be ordered out on such service, and that the cost of such service shall be borne by the state.

Whenever any part of the military forces of this state is on active duty pursuant to the order of the governor, the commanding officer may order the closing of any place where intoxicating liquors, arms, ammunition, dynamite or other explosives are sold, and forbid the sale, barter, loan, or the giving away of any of these articles so long as any of the troops remain on duty in the vicinity where the place ordered closed may be located.

8610–41. *Governor may proclaim state of emergency, when.* The Governor, upon finding that a riot or mob violence exists or is imminent within this State or any part thereof which affects life, health, property or public peace, may proclaim a state of emergency in the area affected. No such proclamation of a state of emergency shall be made, however, until the local official primarily in charge of law enforcement shall first have advised the Governor that such riot or mob violence is imminent or is out of control and beyond his capacity to manage.

8610–43. *Governor's powers during existence of state of emergency.* The Governor, during the existence of a state of emergency, by proclamation, may prohibit any of the following: (c) the manufacture, transfer, use, possession or transportation of a Molotov Cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) the transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) the possession of firearms, or any other deadly weapon by a person in a place other than that person's place of residence or business except for law enforcement officers;

8610–54. *Acts and activities which may be prohibited during emergency.* After proclamation of a civil emergency, the chief administrative officer may at his discretion, in the interest of public safety and welfare:

(c) Order the discontinuance of the manufacture, transfer, use, possession or transportation of a Molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion.

(d) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

8621. *Weapons to be registered—exceptions.* 1. Every person in this state who now owns or has in his possession or who shall hereafter acquire any pistol or revolver, or any machine guns, sub-machine guns, and/or similar firearms or any other high power rifle with a velocity of more than 2,000 feet per second at the muzzle, shall be required to register such weapon in the manner and within the time hereinafter specified; provided, however, that the provisions of this act shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and provided, further, that the provisions of this act shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the armed forces of the United States for their use.

2. This act shall not apply to collectors of firearms whose collection is registered with the National Rifle Association or other licensed national collectors firearms associations.

8622. *Time and place of registration.* All registrations of weapons under the provisions of this act shall be made with the sheriff of the county in which the person owning or possessing same resides, or if such person has no fixed residence within this state, then such weapon shall be registered with the sheriff of the county in which such weapon is usually kept or maintained. All such weapons now owned or possessed by any person or which may be hereafter acquired within eighty (80) days after the effective date hereof shall be registered with such sheriff within ninety (90) days after the effective date of this act, and thereafter all such weapons which shall be acquired, owned or possessed shall be registered with such sheriff within ten (10) days after the acquisition thereof by such person. [Supersedes § 8624, Code of 1942.]

8630. *Transfer of firearms.* It will not be necessary to register firearms under this act but one time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

8631.5. *Purchase of rifles and shotguns in contiguous states.* It is declared that it is in the public interest to authorize residents of this State to purchase or otherwise obtain rifles and shotguns in states contiguous to this State in compliance with such other laws of this State or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90–618, 18 U.S.C. 921 et seq.

As used in this act, the term "a state contiguous to this State" shall mean any state with a border touching a border of this State. As used in this act, all other terms shall be given the meaning prescribed in 18 U.S.C. 921 (the Gun Control Act of 1968, Public Law 90–618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this State (including a corporation or other business entity maintaining a place of business in this State) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State.

This act shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Vicksburg

14–93. *Dispensing to minor or intoxicated person.* It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

MISSOURI

State Law

V.A.M.S. TITLE 38

407.500. *Missouri residents may purchase rifles and shotguns in contiguous states, when* Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968,[1] and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the contiguous state in which the purchase is made.

564.590. *Machine gun, possession a felony—Exceptions.* It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less

than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

564.600. *Machine gun—Defined.* The term "machine gun" as used in section 564.590 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

564.610. *Dangerous and concealed weapons, prohibitions concerning—Exceptions—Penalty.* If any person shall carry concealed upon or about his person a dangerous or deadly weapon of any kind or description, or shall go into any church or place where people have assembled for religious worship, or into any school room or place where people are assembled for educational, political, literary or social purposes, or to any election precinct on any election day, or into any courtroom during the sitting of court, or into any other public assemblage of persons met for any lawful purpose other than for militia drill, or meetings called under militia law of this state, having upon or about his person, concealed or exposed, any kind of firearms, bowie knife, springback knife, razor, metal knucks, billy, sword cane, dirk, dagger, slung shot or other similar deadly weapons or shall, in the presence of one or more persons, exhibit any such weapons in a rude, angry or threatening manner, or shall have any such weapon in his possession when intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by imprisonment by the department of corrections for not more than five years, or by imprisonment in the county jail not less than fifty days nor more than one year, but nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrests, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

564.620. *Pistol, revolver or firearms to be plainly marked.* No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

564.630. *Concealed weapon permits—How obtained.* 1. No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use or permit granted to another.

5. No permit shall be required for an antique firearm or replica thereof. The term "antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

564.640. *Weapons must be stamped.* No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 564.620; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 564.630.

Belton

6.9. *Weapons.* (e) "Sales to intoxicated persons and minors." No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Blue Spring

15–28. *Mayor's authority during state of emergency; curfew regulations; penalty for violation of section.* (a) Proclamation of state of emergency. The mayor is hereby authorized, in the event of riot or civil disobedience or when actions of riot or civil disobedience appear imminent, to declare, by proclamation, that a state of emergency exists in the city.

(b) Emergency curfew. The mayor is hereby authorized in the event of the declaration of such emergency, to order an emergency curfew, at such hours as he shall deem necessary, to be in effect not to exceed seventy-two (72) hours at any one time without further orders of the board of aldermen.

(d) Certain businesses and establishments to be closed. The following businesses and establishment shall be ordered closed during the time and term of said curfew: (3) Any establishment selling firearms or ammunition.

Boonville

49.08. *Sale of weapons to minors.* No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, dirk, dagger, or any knife not made to open and shut.

Branson

52. *Permits required—a. Permits shall be obtained:* (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition * * *.

Bridgeton

16–60. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.

Cape Girardeau

18–100. *Sale of weapons to minors; restrictions.* No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger or switch blade knife.

Charleston

12–59. *Selling ammunition to minors.* Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, bowie knife or dagger, shall be deemed guilty of a misdemeanor.

Columbia

7.1500. *Weapons—Carrying concealed; delivering to minors.* If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or * * * shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

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Crestwood

53.09. *Sale of firearms or ammunition to minors.* No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.

El Dorado Springs

19. If any person within the corporate limits of the city • • • having upon or about his person any kind of firearms, bowie knife, dirk, dagger, sling shot, or other deadly weapon • • • shall directly or indirectly sell or deliver, loan or barter, to any minor any such weapon without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than fifty or more than one hundred dollars.

Flat River

79. *Sale to minors.* Any person within the corporate limits of this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open and shut shall be deemed guilty of a misdemeanor.

Fulton

18–8. *Sale, etc., of deadly weapons to minor.* No person within the city shall sell, deliver, loan or barter to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, Bowie knife, dirk, dagger, or any knife not made to open and shut.

Jefferson City

3. *Explosives, firearms and weapons.* 3.1 No person shall, in this City, • • • having upon or about his person any kind of firearms, • • • directly or indirectly sell, deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; • • •.

1268. *Sale of pistols, knives and cartridges to children, prohibited.* Any person, within this city, who shall sell to any child under the age of sixteen ysars, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open and shut, shall be deemed guilty of a misdemeanor

Joplin

38 132. *Weapons—Sale, etc., to minor of firearm, air gun, etc.* It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, or any air rifle, air gun or similar gun from which shot, pellets, bullets, or projectiles can be fired.

Kansas City

26.181. *Sale of firearms to minors.* No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, or air gun or other device designed or intended to discharge any pellets, B-B shot, shot or other deadly or dangerous missile, casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

26.186. *Machine guns.* (a) Possession prohibited. Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars ($500.00) or by both such fine and imprisonment.

(d) Definition. The term "machine gun," as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

26.188. *Explosive or flammable devices.* It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a molotov cocktail, containing flammable, combustible or explosive material or substance which can be used as a fire bomb either by igniting the fuse or breaking the device; provided however, any person who can show that he is engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control, is hereby exempt from the operation of this section.

Kirksville

46. *Carrying deadly weapons, etc.* If any person within the city of Kirksville • • • having upon or about his person any kind of fire arms, bowie-knife, dirk, dagger, slungshot, or other deadly weapon, • • • shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed three months.

Marceline

9. *No person* • • • having upon or about his person, any kind of firearms • • • directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor.

Marshall

20–29. *Weapons—Carriage, display.* It shall be unlawful for any person • • • having upon or about his person, • • • any kind of firearms, • • • directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; • • •.

Monroe City

4.3. *Sale of Pistols, Knives, and Cartridges to children prohibited.* Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, bowie-knife, dirk, dagger, or any knife not made to open and shut shall be deemed guilty of a misdemeanor.

Nevada

23–28. *Same—sale or furnishing to minors.* No person in the city shall sell, give, furnish or procure or deliver any revolver, pistol, shotgun, rifle or other firearm capable of propelling a metal object or projectile by means of an explosive substance to any minor under the age of eighteen years without the written consent of the parent, guardian or other person having control of the minor.

Poplar Bluff

22.440. If any person shall, within the limits of this City, • • • having upon or about his person any kind of firearms, bowie knife, dirk, dagger, slingshot or other deadly weapon, • • • shall directly or indirectly sell or deliver, lend or barter to any minor any such weapon, shall, upon conviction, be punished by a fine of not less than Fifty nor more than One Hundred Dollars, or by imprisonment in the City Jail not less than five days nor more than three months, or by both such fine and imprisonment.

Richmond

10. *If any person* • • • having upon or about his person, any kind of fire-arm, • • • shall directly or indirectly loan or barter to any minor, any such weapon without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Shrewsbury

5. *No person shall sell* to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Sikeston

9–206. *Dangerous or deadly weapons.* (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any dangerous or deadly weapon without the written consent of such minor's parent or guardian.

Slater

1. If any person shall, • • • having upon or about his person, • • • any kind of firearms, • • • directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be deemed guilty of a misdemeanor • • •.

Springfield

26–10. • • • *Sale of weapons to minors.* No person shall • • • sell or deliver, loan or barter to any minor any • • • weapon without the consent of the parent or guardian of such minor.

Stanberry

Sale of firearms etc., to children prohibited. Any person within the city who shall sell to any child under age of sixteen years, without consent in writing of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, bowie knife, dirk, dagger, or any knife not made to open or shut shall be deemed guilty of a misdemeanor.

St. Joseph

16–161. *Machine guns.* (a) *Possession.* It shall be unlawful for any person within the city, to possess any firearm of the kind commonly known as a machine gun, as hereinafter defined.

(b) *Scope of section.* Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

(d) *Definition.* The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

St. Louis

754.020. *Sale of weapons to minors.* No dealer or merchant who sells toys, firearms, guns or similar weapons, shall sell deliver or give any air rifle, air gun or pistol, spring gun, or gun or rifle operated with a gas-propelled cartridge, metal or sharp pointed arrow, tear gas gun, vapor gas gun, or any other similar weapon, to any minor under the age of 17 years.

754.030. *Sale of certain weapons to minors prohibited.* No person shall sell or deliver, loan or barter, either directly or indirectly, to any minor under the age of 21 years, any kind of firearms, bowie knife, spring back knife, razor, metal knucks, bill, sword cane, dirk, dagger, slung shot, or other similar deadly weapon, or tear gas gun, vapor gas gun, or any other similar weapon, without the consent of the parent or guardian of such minor.

756.010. *Definition.* As used in this Chapter, the term "minor" shall mean anyone under the age of 21 years.

777.070. Carrying weapons by felons prohibited.—No person convicted of a felony within the next five (5) years immediately preceding under any State or Federal law shall own, possess or carry on or about his person in the City of St. Louis any firearm, pistol, revolver, shotgun or rifle.

Sweet Springs

.31–116. Any person who shall within the city directly or indirectly sell or deliver loan or barter to any minor any kind of firearms within the city limits without the consent of the parent or guardian of such minor shall upon conviction thereof shall be deemed guilty of a misdemeanor.

Webb City

17–61. *Same—Firearms and ammunition not to be provided to minors.* It shall be unlawful for any person within the city to sell, give away or otherwise dispose of, to any minor, firearms or ammunition of any type, including but not limited to blank cartridges, air guns and air pistols, excepting toy pistols which shoot paper caps only, or to allow such to be done by any person in his employ or under his control.

c. *Small arms ammunition* shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns.

50. *Permits required.* a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

Wentzville

7–504. *Offenses against public safety.* No person in the city shall: (2) Weapons. (e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish, any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

MONTANA

State Law

REV. CODE OF MONTANA

11–957. *Fire hazardous manufactories—firearms—concealed weapons.* The city or town council has power: To regulate, restrain, or prevent the carrying on of manufactories dangerous in causing or producing fires, and to prevent and suppress the sale of firearms, and carrying of concealed weapons.

69–1901. *Definitions.* The term "explosive" or "explosives" whenever used in this act shall be held to mean and include any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

69–1902. *Prohibitions and exceptions.* No person shall manufacture, have, keep, or store explosives in this state, except in compliance with this act, except that explosives may be manufactured without compliance with this act in the laboratories of schools, colleges and similar institutions, for the purpose of investigation and instruction.

It shall be unlawful to sell, give away, or otherwise dispose of, or deliver to any person under eighteen (18) years of age any explosives, whether said person is acting for himself or for any other person.

69–1919. *Existing ordinances not affected.* Nothing contained in this act shall affect any existing ordinance, rule or regulation of any city or municipality not less restrictive than this act governing the manufacture, storage, and sale of explosives, or affect, modify, or limit the power of cities or municipalities in this state to make ordinances, rules, or regulations not less restrictive than this act, governing the manufacture, storage, sale, use, or transportation of explosives within their respective corporate limits.

94–3101. *Definitions.* "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than six shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

94–3104. *Presumption of possession or use for offensive or aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fida permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreignborn person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in section 94–3108 and has not been registered as in said section required; or

(d) When empty or loaded pistol shells of 30 (.30 in. or 7.68 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

94–3106. *Exceptions.* Nothing contained in this act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94–3108. *Registration of machine guns now in state and hereafter acquired—presumption from failure to register.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state, on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration date shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

94–35–184. *Sale or manufacture of Maxim silencers and various explosives for wrongful use a felony.* Any person who shall make, manufacture, compound, buy, sell, give away, offer for sale or to give away, transport, or have in possession any Maxim silencer, bomb, nitroglycerin, giant, oriental, or thunderbolt powder, dynamite, ballistite, fulgarite, detonite, or any other explosive compound, or any inflammable material, or any instrument or agency, with intent that the same shall be used in this state or anywhere else for the injury or destruction of public or private property, or the assassination, murder, injury, or destruction of any person or persons, either within this state or elsewhere, or knowing that such explosive compounds or such materials, instruments, or agencies are intended to be used by any other person or persons for any such purpose, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not less than five years nor more than thirty years, or by a fine of not less than one thousand dollars nor more than twenty-thousand dollars, or by both such fine and imprisonment.

94–35–186. *Same—possession presumptive evidence of what.* The possession of any Maxim silencer or bomb of any kind, or chemical compounds intended only for the destruction of life or property, shall be presumptive evidence that the same are intended to be used in the destruction of or injury to property or life, within the meaning of this Act.

MONTANA SESSION LAWS 1969, CHAPTER No. 87 (HOUSE BILL No. 336) APPROVED FEBRUARY 24, 1969.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

1. Residents of Montana may purchase any rifle or rifles and shotgun or shotguns in a state contiguous to Montana, provided that

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such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Montana and in the state in which the purchase is made.

3. This act is effective upon its passage and approval.

Deer Lodge

2. It shall be unlawful for any person, firm, co-partnership, Association, or Corporation, to sell to any person under the age of 18 years, BB guns, air rifles, or rifles or firearms unless such person is accompanied by his or her guardian.

NEBRASKA

State Law

NEB. R.R.S.

28–1010. *Machine guns; sale unlawful; exceptions; penalty.* It shall be unlawful for any person, firm or corporation, its or their agents or servants, to sell or cause to be sold or otherwise to dispose of any machine gun to any person in the State of Nebraska, except officers of the law, agents of the United States government, or agents of the law enforcement department of the State of Nebraska. If any person, firm or corporation, or its or their agents or servants, violate any of the provisions of this section, they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one thousand dollars nor more than ten thousand dollars.

28–1011.10. *Pistol; person under eighteen, unlawful to possess; exception; violation; penalty.* It shall be unlawful for any person under the age of eighteen years to possess a pistol, revolver, or any other form of short-barreled hand firearm. The provisions of this section shall not apply to the issue of pistols, revolvers, or any other form of short-barreled hand firearms to members of the armed forces of the United States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not to exceed one hundred dollars or by imprisonment in the county jail for not to exceed thirty days, or by both such fine and imprisonment.

28–1011.14. *Fugitive from justice, defined.* As used in sections 28–1011.14 to 28–1011.19, fugitive from justice shall mean any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony.

28–1011.15. *Fugitive from justice; firearms; knuckles; possession; unlawful.* It shall be unlawful for any person who has been convicted of a felony, or who is a fugitive from justice, to possess any firearm with a barrel less than twelve inches in length, or brass or iron knuckles. Such felony conviction may have been had in any court of the United States, the several states, territories, or possessions, or the District of Columbia.

28–1011.16. *Fugitive from justice; pistol; receive, possess, sell, lease; unlawful.* It shall be unlawful for any person to receive, possess, sell, or lease, other than by delivery to law enforcement officials, any pistol from which the manufacturer's identification mark or serial number has been removed.

28–1011.17. *Bomb, bombshell, grenade, explosive substance; receive; possess; sell; purchase; manufacture; unlawful; exception.* It shall be unlawful for any person to receive, possess, sell, purchase, or manufacture any bomb, bombshell, grenade, bottle, or other such container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; Provided, that this section shall not apply to military and law enforcement agencies and personnel, and persons, firms, or corporations engaged in businesses or occupations involving commercial explosives, fireworks, firearms, ammunition, or agriculture, when possession and use is otherwise authorized or permitted by law.

LEGISLATURE OF NEBRASKA, EIGHTIETH SESSION, LEGISLATIVE BILL 1381, APPROVED JUNE 27, 1969.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

6. (1) A person is guilty of the crime of assault on emergency personnel if he assaults or threatens in a menacing manner or strikes or wounds a person coming within the definition of emergency personnel which is committed in an area: (a) In which a declared state of emergency exists; or (b) Within the immediate vicinity of which a riot is occurring or is threatening to occur.

(2) Emergency personnel shall include peace officers, firemen, ambulance attendants, utility workers, doctors, nurses, and other persons lawfully engaged in providing essential services during the emergency.

(3) Dangerous weapon or substance shall mean a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, molotov cocktails, or any deadly weapon, ammunition, explosive, incendiary device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when probable cause exists that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when probable cause exists that such part or ingredient will be so used.

7. (1) Except as otherwise provided in this section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance as defined in subsection (3) of section 6 of this act, in any area: (a) In which a declared state of emergency exists; or (b) Within the immediate vicinity of which a riot is occurring.

(2) The provisions of this section shall not apply to emergency personnel.

(3) Any person convicted of a violation of the provisions of this section shall be fined in a sum not to exceed five hundred dollars, or be imprisoned in the county jail for not more than six months.

8. (1) Whenever a state of emergency has been declared to exist pursuant to section 9 of this act, the emergency measures provided in subsection (2) of this section shall thereupon be in effect during the period of such emergency and within the area defined in the declaration of such state of emergency.

(2) (a) The sale or other transfer of possession, with or without consideration, offer to sell or so transfer, and the purchase of any ammunition guns and other firearms of any size or description is prohibited.

(b) The displaying by or in any store or shop of any ammunition, guns and other firearms of any size or description is prohibited. The owner or one in possession of such store or shop shall, during the existence of such emergency, place such items in a locked, fireproof container stored away from public access.

(c) The possession in a public place of a pistol, revolver, rifle or a shotgun by any person, except emergency personnel, is prohibited.

(g) The sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid, except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter and necessary for the propulsion thereof, is prohibited.

(h) The possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid is prohibited.

(4) The provisions of this section shall not apply to emergency personnel as defined in subsection (2) of section 6 of this act.

9. (1) A mayor of a municipality, a chairman of the board of county commissioners and the Governor, within their respective jurisdictions, may declare the existence of a state of emergency for all or part of such jurisdiction according to the provisions of subsection (2) of this section: *Provided*, that when the Governor determines that a state of emergency exists, he must further find that local control of the emergency is insufficient to assure adequate protection for lives and property. Local control shall be deemed insufficient only if: (a) Needed control cannot be imposed locally because local authorities responsible for preservation of the public peace have not taken steps necessary for effectual control of the emergency that has arisen; (b) the area in which the state of emergency exists has spread across local jurisdictional boundaries and the local control measures of the jurisdictions are conflicting or uncoordinated to the extent that efforts to protect life and property are, or unquestionably will be, severely hampered; or (c) the scale of the emergency is so great it exceeds the capability of local authorities to cope with it.

(2) Whenever the appropriate official determines that there has been an act of violence or a flagrant and substantial defiance or resistance to a lawful exercise of public authority, and that, partly on account thereof, there is probable cause to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience to the law, and substantial injury to persons or to property, all of which constitute a threat to public peace or order, he may declare that a state of emergency exists: *Provided*, That the proclamation declaring such state of emergency must contain a clear and concise statement of the area to which it applies.

(3) All prohibitions and restrictions imposed by proclamation shall take effect immediately upon publication of the proclamation in the area affected unless the proclamation sets a later time. For the purpose of requiring compliance, publication may consist of reports of the substance of the proclamation in the mass communications media serving the affected area or other effective means of disseminating the necessary information quickly. As soon as practicable, appropriate distribution of the full text of any proclamation shall be made.

15. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

LEGISLATURE OF NEBRASKA, EIGHTIETH SESSION, LEGISLATIVE BILL 469, APPROVED JUNE 26, 1969.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NEBRASKA:

1. The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, • • • rifles, shotguns, ammunition, reloading components • • • in states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3)(A) of Public Law 90–618 of the 90th Congress, Second Session.

3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.

Aurora

2. *It shall be unlawful* for any person to sell or give away to any person under the age of sixteen (16) years any rifle, gun, pistol, air gun, blank cartridge revolver or any other firearm, or any sling shot loaded with rock or leaden or other dangerous missiles. It shall be unlawful for any person under the age of sixteen (16) years to have in his possession any firearm or weapon as described above or any ammunition designed for use in said above described firearms or weapons unless said individual is accompanied by a person of legal age.

Gering

6–4–3: *Sale to minors:* It shall be unlawful for any person within the Corporate Limits of the City to sell or give away to any minor under the age of twenty-one (21) years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Grand Island

22–10. *Same—Furnishing, etc., to minors.* It shall be unlawful for any person to sell, loan, give or furnish to any minor, any gun, fowling piece, or other firearm including air rifles or sling shots, within the city.

Hastings

11–511. *Sale to intoxicated persons and minors.* No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Kimball

6–4–4. *Sale to minors forbidden.* It shall be unlawful for any person to sell or give away to any minor under the age of twenty-one (21) years, or for any minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Lincoln

9.28.020. *Minors not to be furnished with firearms and weapons.* It shall be unlawful for any person to sell, loan or furnish to any minor any gun, fowling piece, or other firearm, or any pocket knife having a blade more than three inches in length; provided, it shall be lawful to sell, loan or furnish shotguns, rifles, and .22-caliber pistols, of a type commonly used for hunting, to persons eighteen years of age or older.

Omaha

25.53.010. *Possession of an unregistered firearm.* It shall be unlawful for any person to own, have possession of or maintain control over any firearm which has not been registered with the Chief of Police • • •.

25.53.030. *Manner of registration.* Any person desiring to register a firearm shall make an application to the Chief of Police stating therein that he (1) is a citizen of the United States of America, (2) is over the age of 21 years and (3) has never been convicted of a felony. The application shall inquire as to any record of mental disorder or misdemeanor convictions of the applicant and the purpose of the applicant for acquiring the firearm.

25.53.040. *Issuance or denial of a permit.* Upon the filing of an application for registration of a firearm, the Chief of Police shall issue a permit or deny a permit and furnish the applicant the specific reasons for the denial in writing. A failure to furnish the applicant a written denial shall constitute issuance of a permit.

25.53.050. *Time allowed to consider an application.* The Chief of Police shall be permitted 7 days in which to consider an application for registration of a firearm. The Chief of Police may take custody of the firearm in the applicant's possession while the application is under consideration whenever he determines that it is in the best interests of public safety to do so.

25.93.010. *Sale of a firearm to a minor.* It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. *Purchasing or renting a firearm.* It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit form the Chief of Police as provided for in this Title.

25.93.040. *Pawning a firearm.* It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

NEVADA

State Law

NEVADA REVISED STATUTES

202.260. *Infernal machines.* 1. It shall be unlawful for any person to manufacture or procure any dynamite machine or device or other device for the destruction of life or property, or to have either of the same in his possession.

2. Any person violating the provisions of this section shall be guilty of a felony.

202.300. *Use of firearms by minor under 14 years.* 1. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of an adult person, any firearm of any kind for hunting or target practice or for other purposes.

2. Every person violating any of the provisions of subsection 1, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

202.310. *Sales of certain firearms to minors under 18 years unlawful.* 1. Any person in this state who sells or barters to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360. *Alien, ex-felon not to possess firearm capable of being concealed on person; penalty.* 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

4. Nothing in this section applies to or affects:

(a) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed police officers.

(b) Any person summoned by any such officers to assist in making arrests or preserving the peace while the person so summoned is actually engaged in assisting such officer.

(c) Members of the Armed Forces of the United States when on duty.

202.370. *Definitions.* 1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous or solid substances intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380. *Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions.* 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this State or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390. *Weapon to bear name of manufacturer and serial number; penalty for removal.* 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

2. No person shall change, alter, remove or obliterate the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon. Possession of any such weapon upon which the same shall have been changed, altered, removed or obliterated, shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same.

3. Any person who violates any of the provisions of this section is guilty of a gross misdemeanor.

202.400. *Permit for possession, transportation, protective system, to be issued by director of Nevada highway patrol.* 1. It shall be lawful for the director of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the director that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which

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is accurately and completely described in the application for the permit.

202.440. *Licenses for retail sale of bombs, weapons; conditions.* The director of the Nevada highway patrol may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, subject to the following conditions, upon breach of any of which the license shall be subject to forfeiture:

1. Such business shall be carried on only in the building designated in the license.

2. Such license or certified copy thereof must be displayed on the premises in a place where it may easily be read.

3. No such shell, cartridge, bomb, or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent. No sale shall be made unless the permit authorizing possession and transportation of shells, cartridges, bombs or weapons is displayed to the seller and the information herein required is copied therefrom. This record shall be open to the inspection of any peace officer or other person designated by the director of the Nevada highway patrol.

598.060. *Sales of rifles, shotgun to residents of Nevada and contiguous states in accordance with provisions of federal law.* 1. Residents of the State of Nevada may purchase rifles and shotguns in states contiguous to Nevada if:

(a) Such residents conform to the applicable provisions of the federal firearms control law (18 U.S.C. § 921 et seq.) and any regulation promulgated thereunder.

(b) Such residents conform to the provisions of law applicable to such a purchase in Nevada and in the state where the purchase is made. • • •.

Carson City

8.20.020. *Sale of dangerous weapons to minors prohibited.* It shall be unlawful for any person, firm or association to sell or dispose of any dirk, dirk knife, sword, sword cane, billy, slung shot, revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010. *Definitions.* In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

Dealer: The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

Firearms capable of being concealed. The term "firearm capable of being concealed" shall mean any gun, pistol, revolver or other firearm the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives, springs, gas or air, as a means of propulsion.

12.04.020. *Dealing in pistols without permit unlawful.* It shall be unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

12.04.030. *Business to which pistol permits may be issued.* Applications for pistol permits to buy, sell or accept pistols as security for loans under this chapter, shall be accepted only from hardware stores, gunsmith shops, sporting goods stores, antique gun dealers and pawn shops, licensed by Clark County.

12.04.050. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism • • •.

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

12.04.060. *Prohibited sales and transfer of a pistol.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided, however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080. *Time between sale and delivery of pistol.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. When delivered, all pistols must be securely wrapped and be unloaded, and must be accompanied by a receipt signed by the dealer, setting forth the name, address, and description of the purchaser or transferee, a complete description of the pistol (including the manufacturer, model and manufacturer's serial number thereof), the date and time of sale, and the date and time of delivery, of such pistol, and advise to the purchaser or transferee that the pistol must be registered with the sheriff within twenty-four hours.

12.04.090. *Exceptions to Section 12.04.080.* The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.120. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150. *Sale of homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

12.04.160. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.170. *Unlawful to permit persons under eighteen years to have possession or control of pistol.* It shall be unlawful within the unincorporated area of Clark County, for any person to aid, or knowingly permit, another under eighteen years of age to handle, or have in his or her possession, or under his or her control, any pistol, except while accompanied, by or under the immediate charge of, his or her parent, guardian, or other responsible adult and while engaged in hunting, target practice, or other lawful purpose.

12.04.200. *Registration of firearms capable of being concealed.* It is hereby made unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.

12.04.210. *Unlawful transfer of firearms capable of being concealed.* It shall be unlawful for any person to sell, give away, or permanently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes said weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

8.98.040. *Exchange of weapons to be registered.* It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof with the chief of police, by the seller, giver or person permanently passing possession thereof.

Las Vegas

6-4-1. *Pistol defined.* The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled by means of explosives, springs, gas or air, except any smooth bore pistol designed and manufactured exclusively for propelling BB shot not exceeding .177 caliber by means of springs, gas or air.

6-4-2. *Person defined.* The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3. *Dealer defined.* The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4. *Dealing in pistols without permit unlawful.* It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7. *Sales to certain persons prohibited.* It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

A. Who is under the age of 18 years.

B. Who is under the influence of intoxicating beverages.

C. Who is a fugitive from justice.

D. Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.

E. Who is an unlawful user or seller of narcotics.

F. Who is a member of an association advocating criminal syndicalism as defined in Section 203.160 through 203.190 of the Nevada Revised Statutes.

G. Who is foreign born and not a naturalized citizen of the United States of America.

H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

6-4-8. *Certain persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9. *Seventy-two hours must elapse between sale and delivery of pistol.* When any sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-12. *Sale or possession of certain pistols prohibited.* It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14. *Sale of foreign made pistols with ammunition restricted.* No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15. *Sale of home-made pistols prohibited.* No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16. *Condition of pistols sold.* All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

6-4-17. *Unlawful to permit persons under 18 years to have possession or control of pistol.* It shall be unlawful for any person to aid or knowingly permit another under the age of 18 years to handle or have in his or her possession or under his or her control any pistol except while accompanied by or under the immediate charge or his or her parent, guardian or responsible adult and while engaged in hunting, target practice or other lawful purpose.

North Las Vegas

7.22.100. *Furnishing minor with ammunition.* It is unlawful for any person to sell, offer to sell or to give or lend any minor under the age of eighteen years any ammunition for any firearms.

7.23.010. *Definitions.* Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this chapter.

Dealer. The term "dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

7.23.080. *Waiting period.* When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the state of Nevada or any subdivision thereof who is regularly employed and paid by the state or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the chief of police to waive the seventy-two hour waiting period.

7.23.110. *Satisfactory pistol identification required.* It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the chief of police, in which case the means of identification shall be noted upon the registration card.

7.23.120. *Persons prohibited from purchasing or owning pistols.* It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof.

(b) Is a fugitive from justice.

(c) Is an unlawful user or seller of narcotics.

(d) Is an habitul drunkard.

(e) Is a member of an organization advocating criminal syndicalism • • •.

(f) Is foreign born and not a naturalized citizen of the United States of America.

(g) Has been adjudged insane in this state or any other state and has not subsequently been adjudged sane.

7.23.130. *Prohibited sales and transfers of pistols.* It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages.

(b) Is mentally ill or disturbed.

(c) Is under eighteen years of age.

(d) Is a person prohibited from purchasing a pistol as provided in Section 7.23.120.

7.23.150. *Sales of foreign made pistols.* No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

7.23.160. *Homemade pistols prohibited.* No homemade pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

7.23.170. *Condition of pistols sold.* All secondhand and used pistols except antique pieces, sold or purchased shall be in a safe, operable condition.

7.23.200. *Blank cartridge pistols prohibited.* Possession, transportation, sale or use of a blank cartridge pistol, except for theatrical purposes or for the training or exhibiting of dogs or for signal purposes in athletic sports or by railroads for signal purposes or for use by the United States Armed Forces or any organization of war veterans or by peace officers, is prohibited.

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NEW HAMPSHIRE

State Law

N.H.R.S.A. CHAPTER 158

158:19. *Control of explosives.* Whenever in his judgment the common defense of public safety of the state requires such action, the governor is hereby authorized to direct the adjutant general of this state to control the storage, sale, and use of explosives, except small arms ammunition, for the purpose of preventing such explosives from endangering the public safety by coming into the possession of unfriendly forces, domestic or foreign, and for the purpose of advising the military, naval, and civil defense authorities of this state of the quantities and location of such explosives for use in the common defense of this state. Upon the governor so directing, the adjutant general is hereby authorized to promulgate regulations requiring dealers to register their stocks and sales of such explosives, and requiring boards of firewards, police officers, or selectmen, as the case may be, to assist in such control measures as he shall institute in the exercise of this authority. No records of the location and amounts of explosives compiled by the adjutant general hereunder shall be deemed public records, but shall be subject to such security classification and restricted to such military, naval, and civil defense uses as the adjutant general, with the approval of the governor and council, may prescribe.

N.H.R.S.A. CHAPTER 159

159:1. *Definition.* Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3. *Possession by aliens; felons.* No unnaturalized foreign-born person, and no person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, except as hereinafter provided. Whoever violates the provisions of this section shall be imprisoned not more than two years, and upon conviction the pistol or revolver shall be confiscated and destroyed.

159:7. *Permit to purchase.* No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who is an unnaturalized foreign-born person, or has been convicted of a felony against the person or property of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both.

159:8. *License to sell.* The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the licensee shall be subject to forfeiture:

III. No pistol or revolver shall be delivered to a purchaser not personally known to the seller or who does not present clear evidence of his identity; nor to an unnaturalized foreign-born person or a person who has been convicted of a felony unless he has a permit as required by section 7.

159:8-a. *Sales to nonresidents; Attorney General.* No person holding a license issued under the provisions of section 8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the state of his residence.

159:11. *False information.* If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12. *Sale to minors.* Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be fined not more than one hundred dollars, or imprisoned not more than three months, or both. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:13. *Changing marks.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any pistol or revolver. Possession of any such firearms upon which the same shall have been changed, altered, removed or obliterated shall be presumptive evidence that such possessor has changed, altered, removed or obliterated the same. Whoever violates the provisions of this section shall be fined not more than two hundred dollars, or imprisoned no more than one year, or both.

N.H.R.S.A. CHAPTER 159-A

159-A:1. *Purchase in contiguous states.* Residents of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

N.H.R.S.A. CHAPTER 571

571:23. *Ammunition furnished to minors.* Any person who shall sell, barter, hire, lend or give to any minor under the age of sixteen years any cartridges or shot shells suitable for discharge in any rifle, pistol, revolver or shotgun shall be fined not more than one hundred dollars or imprisoned not more than three months or both. This section shall not apply to fathers, mothers, or guardians of such minor children

NEW JERSEY

State Law

N.J. STATS. ANN.

2A:151-1. *Definitions.* The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

b. Pistol or revolver includes any firearm with an over-all length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with over-all length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States pharmacopeia.

2A:151-2. *Pawnbrokers not to deal in weapons.* Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5, laws of 1952 (C. 2A:151-62), stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filings, razor blades imbedded in wool slivers, handcuffs, iron claws, grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151-5. *Additional sentence for armed criminals.* Any person who commits or attempts to commit an assault, robbery, larceny burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind usually known as a blackjack, sling shot, slung shot, billy, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife or knife as defined in chapter 5 of the laws of 1952 (C. 2A:151-62), razor, stiletto, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal

filings, razor blades imbedded in wood slivers, handcuffs, iron claws, grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mistaken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151-8. *Persons not to have firearms or dangerous instruments.* Any person, having been convicted in this state or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a narcotic or nonnarcotic drug or who is registered as a narcotic drug offender under chapter 230 of the laws of 1952 (N. J. S. Cum. Supp. 2A:169A), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another state, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction of a crime which in said state, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

2A:151-9 *Sale of weapons to certain persons forbidden.* Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151-10. *Sale of weapons or explosives to minors; exceptions.* Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151-10.1. *Sale of weapons or explosives to minors; liability for civil damages.* Any person who knowingly offers, sells, lends, leases or gives such explosives, chemical compounds, ingredients or instructions in violation of this act shall be liable for personal injury and property damage resulting from such violation, if the injury or damage is caused by an explosion for which a person under 18 years of age is directly responsible. In a suit for damages under this act, the doctrines of assumption of the risk and contributory negligence shall not be a defense to bar recovery by any person.

Nothing in this act shall be construed so as to prevent the use of materials in the teaching of science or related subjects in public or private elementary or secondary schools or institutions of higher education or the free circulation of books and materials from public libraries, reading rooms or the libraries of duly incorporated educational or scientific foundations.

2A:151-11. *Unlawful acquisition of firearms or explosives by minors; exceptions.* Any person under the age of 18 years who purchases, barters, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151-12. *Manufacture or sale of dangerous instruments prohibited.* a. Any person who manufactures or causes to be manufactured, or sells or keeps for sale, or offers, gives or disposes of any dangerous instrument of the kinds usually known as a sling shot, slung shot, sandclub, sandbag, bludgeon, metal knuckles, dagger, dirk, knife as defined in chapter 5 of the laws of 1952 (C. 2A:151-62), stiletto, grenade, bomb, or other explosive, cestus, or similar band studded with metal for fitting on the knuckles, loose wool imbedded with metal filing, razor blades imbedded in wood slivers, to any person, except in accordance with federal or state law is guilty of a misdemeanor.

2A:151-14. *Silencers forbidden.* Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151-15. *Altering serial number, etc., of firearm; sale.* Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151-18. *Antiques and ornaments excepted.* This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

2A:151-24. *Conditions.* d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person;

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2 Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. The certification shall be retained by the dealer and shall for law enforcement purposes be made available for inspection by regular police officers of an organized police department of the county in which the retail business is located, county prosecutors and members of their staffs authorized by them, and members of the state police.

2A:151-28. *Duplicate copies to be delivered.* Within 5 days of the date of the sale, assignment or transfer, the dealer shall deliver or mail by certified mail, return receipt requested to the office of the chief of police of the municipality in which the purchaser resides, or to the office of the captain of the precinct of the municipality in which the purchaser resides, and to the superintendent, legible copies of the entries in the register on the duplicate copies of the register forms. If hand delivered a receipt shall be given to the dealer therefor.

Where a sale, assignment or transfer is made to a purchaser who resides in a municipality having no chief of police, the dealer shall, within 5 days of the transaction, mail a duplicate copy of the register sheet to the clerk of the county within which the purchaser resides.

2A:151-32. *Permit and purchaser identification card required.* A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under

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this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151–33, and shall contain his name, address and firearms purchaser identification card number of dealer's registration number, and which shall be retained by the seller as provided in section 2A:151–24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151–33. *Permit to purchase; identification card; who may obtain.* No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section of other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any person addicted to narcotics, or who is a habitual user of goofballs or pep pills, to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151–34. *Permit or identification card; issuance.* The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent in all other cases shall, upon application, issue to any person qualified under the provisions of section 2A:51–33, a permit to purchase a pistol or revolver or a firearm purchaser identification card.

2A:151–36. *Granting of permit, identification card; fee; validity.* The application for the permit to purchase a pistol or revolver, or for the firearms purchase identification card, together with a fee of $2.00 shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 10 days from the date of receipt of the application for residents of this state and within 15 days for nonresident applicants. A permit to purchase a pistol or revolver shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid permanently or until such time as the holder becomes subject to any of the disabilities set forth in section 2A:151–33, whereupon the card shall be void and shall be returned within 5 days by the holder to the superintendent, who shall then advise the licensing authority.

2A:151–39. *Number of weapons permitted.* A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in section 2A:151–32B for each transaction.

2A:151–48. *False representations in applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a firearms purchaser identification card or a permit to purchase or a permit to carry a pistol, revolver, or other firearm, or in completing the certificate or any other instrument required by this act in purchasing or otherwise acquiring delivery of any rifle, shotgun, pistol, revolver or other firearm, is guilty of a high misdemeanor.

2A:151–49. *"Machine gun or automatic rifle" defined.* The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the weapon, mechanism or instrument and fired therefrom.

2A:151–50. *Sale, purchase or possession of machine guns; penalty.* Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151–51. *Exceptions to section 2A:151–50.* Section 2A:151–50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151–52. *License to procure machine gun; application; reference and approval; issue of license.* Any person who desires to purchase, have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. Upon the application being presented to the judge, he shall refer it to the sheriff of the county or to the chief police officer of the municipality in which the applicant resides, for his investigation and approval. If the application is approved by the sheriff or chief police officer, the judge may issue a license under his hand and the seal of the court to the applicant to purchase, have and possess a machine gun or automatic rifle, for his own protection and for the protection of his servants and employees.

2A:151–55. *False representations in permit applications or in purchases.* Any person who gives or causes to be given any false information, or signs a fictitious name or address, in applying for a permit to purchase or possess a machine gun or automatic rifle, or in purchasing or otherwise acquiring delivery thereof, is guilty of a high misdemeanor.

2A:151–58. *Possession or carrying of bombs.* Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151–59. *Possession of bombs, molotov cocktails with intent to use unlawfully; as evidence of intent; exceptions.* Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incendiary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2A:170–17. *Persons possessing ammunition, explosive missiles, fuses, etc., to notify police; presentation for inspection.* Any person who has or becomes the possessor of any ammunition, explosive missile, shell, projectile, fuse designed for use with any weapon, or other explosive weapon, which is loaded or as to which it cannot be determined by casual inspection whether or not it is loaded, except such as is possessed for any lawful commercial or other purpose in connection with which the use of explosives is authorized, or is suitable for use in a pistol, revolver, shotgun or rifle, shall notify the police authorities of the municipality in which he resides or the state police that the same is in his possession and shall present the same to them for inspection.

Belleville

1. *The manufacture, storage or display for sale* at retail or wholesale, or the sale at retail or wholesale of fireworks and cartridges, is hereby prohibited within the limits of the Town of Belleville, in the County of Essex.

3. *The storage or display for the sale* at retail or wholesale, or the sale at retail or wholesale of cartridges whether loaded or blank, is prohibited within the limits of the Town of Belleville, in the County of Essex.

Clementon

28. *Sell, barter, give or distribute* any ammunition of an explosive nature for firearms or any pistol, rifle, shotgun or firearm of any description or kind to any person or child under the age of twenty-one years.

Cresskill

246–5. *Purchasing or selling a firearm.* Any resident of the Borough of Cresskill purchasing or selling a firearm of any description within the Borough of Cresskill shall report the same forthwith to the Chief of Police, giving a full and complete description of said firearm.

Fairlawn

12.3 *Permits required.* a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5. *General Requirements.* a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, * * *, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

Irvington

22–14. *Same—Parents, etc., not to purchase for minors under sixteen or permit such minors to purchase, possess.* * * * No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, * * * any of the articles or guns or devices described in section 22–13.

Kenilworth

1. Except as hereinafter excepted, no person shall discharge or use any air rifle, air gun, spring gun, slingshot, bow and arrow, shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

Lincoln Park

1. *The storage and sale of fire works, gun powder and ammunition* in the Borough of Lincoln Park shall be subject to the following rules and regulations:

A permit for the storage and sale of fire works, gun powder and ammunition must be obtained from the Clerk of the Borough. All such permits shall expire on the first day of January after the issuance thereof. All permits issued as aforesaid shall be exposed in a conspicuous place in the place of business of the applicant.

No blank cartridge pistol or blank cartridge shall be sold or kept in stock; no pistol or fire arm of any description shall be sold to anyone under the age of fifteen years.

Manasquan

II. No person shall possess, carry, sell, exchange, store or retain any firearm or other device as defined in Section I hereof, except in accordance with the provisions of 2A:151–1 through 2A:151–55 of the Revised Statutes of New Jersey.

Millburn

25–1–7. *Regulations concerning minors; responsibility of father or guardian.* No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, or other instrument of any kind known as a black-jack, slingshot, billy, sand-club, sandbag, bludgeon, metal knuckles, dagger, dirk, dangerous knife, stiletto, bomb or other high explosive, or any instrument or weapon commonly known as a toy pistol in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges for any such pistol. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, toy pistol or other firearm, or any instrument or weapon in which any loaded or blank cartridges may be used, * * *.

Northfield

1. *That from and after the passage of this ordinance,* it shall be unlawful for any person, persons or corporation, to offer for sale, make sale of or use, any gun or guns, pistol or pistols, firearms or fireworks, of any description whatsoever, within the limits of the City of Northfield, without a special permit or license therefor.

Paulsboro

35–1. *Permission for use required.* It shall be unlawful to sell or use within the limits of the Borough of Paulsboro, at any time, any blank cartridge, pistol or gun, cap pistol or gun, cartridge cannon, toy gun, pistol or cannon firing an explosive of any kind or character, firecrackers, cap bombs, torpedoes, skyrockets, roman candles, pinwheels, sparklers or any other article, apparatus or device within the general category of fireworks, and fireworks of all kinds and descriptions, without permission first had and obtained in writing for the same * * *.

Piscataway

7–7–1. *It shall be unlawful* for any person to carry or possess a loaded gun or any firearm until licensed or authorized by State or Federal Authorities, or both.

Prospect Park

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Sea Girt

41–1. *Definitions.* "Firearm or Firearms"—Includes any pistol, revolver, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon, from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. The term "firearm" or "firearms" shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol, carbon dioxide or compressed-air gun or pistol, or any other device which employs as a propelling force a spring, elastic band, carbon dioxide, compressed or other gas, vapor or compressed air, and which is capable of ejecting any bullet, pellet or missile whatsoever with sufficient force to injure a person.

"Person"—Includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; the plural as well as the singular in any gender.

41–3. *Possession or sale prohibited; exception.* No person shall possess, carry, sell exchange, store or retain any firearm or other device as defined in § 41–1 hereof except in accordance with the provisions of 2A:151–1 through 2A:151–55 of the Revised Statutes of New Jersey.

Tenafly

4. *Any purchase or sale* of a firearm of any description within the Borough of Tenafly shall be made in compliance with the Laws of the State of New Jersey applicable thereto.

Winfield

5. *An ordinance to regulate the manufacture, storage, sale, keeping or conveying of gun powder, nitroglycerine, dynamite and other explosives.* 1. No person, firm or corporation shall manufacture, store, sell, keep or convey gun powder, nitroglycerine, dynamite or other explosives within the limits of this Township.

6. *An ordinance to regulate and prohibit the sale and use of guns, pistols, fire arms, and fire works.* 1. No person, firm or corporation shall sell or use guns, pistols, fire arms or fire works within this Township without having previously obtained a permit for same from the Township authorities.

NEW MEXICO

State Law

40A–7–8. *Firearms—Sale and purchase.* Residents of states contiguous to New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.*

Alamagordo

5–6–4. *Transactions with minors.* It shall be the responsibility of each person or firm who buys, sells or loans money on second-hand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Artesia

21.36. *Sale of firearms to minors.* No person shall sell, deliver or transfer to any person under the age of eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

East Las Vegas

3–4. *Deadly weapons—Furnishing or selling to minors.* It shall be unlawful for any person to furnish, sell, or offer for sale any firearm, blackjack, metallic knuckles, switchbladed knife, or knife with a blade over two and one-half inches in length, or other deadly weapon, to any person under the age of sixteen years.

Las Cruces

G. *Sales to minors:* It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

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*NOTE: Because of the restrictions in the Federal Gun Control Law of 1968 (Public Law 90–618) the above legislation will authorize New Mexico residents to purchase only rifles and shotguns in contiguous states and not other types of firearms.

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Lovington

7-1-14. *Deadly weapons.* (g) *Sales to minors.* It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of eighteen years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Raton

F. *Unlawful sale of a deadly weapon* consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Santa Fe

15-31. *Weapons—Furnishing firearms, etc., to persons under sixteen.* It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, air gun or slingshot within the city.

NEW YORK

State Law

NEW YORK CONSOL. LAWS (McKINNEY'S) PENAL LAW

265.00. *Definitions.* As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person.

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, cleaning, polishing, engraving or trueing, or who performs any mechanical operation on, any pistol or revolver. Gunsmith shall not include a wholesale dealer.

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver. Dealer in firearms shall not include a wholesale dealer.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk a county judge of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

265.05. *Possession of weapons and dangerous instruments and appliances.* 1. Any person who has in his possession any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use is guilty of a class D felony.

2. Any person who has in his possession any firearm which is loaded with ammunition, or who has in his possession any firearm and, at the same time, has in his possession a quantity of ammunition which may be used to discharge such firearm is guilty of a class D felony. Such possession shall not, except as provided in subdivision three of this section, constitute a felony if such possession takes place in such person's home or place of business.

3. Any person who has in his possession any firearm, gravity knife, switchblade knife, cane sword, billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

4. Any person under the age of sixteen years who has in his possession any of the weapons, instruments, appliances or substances specified in the first three subdivisions of this section, or any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring or air, or any gun, or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, or any dangerous knife, shall be adjudged a juvenile delinquent.

5. Any person not a citizen of the United States who has in his possession any dangerous or deadly weapon other than those prohibited to him in the first two subdivisions of this section is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

6. Any person who has in his possession a rifle or shotgun and who has been convicted anywhere of a felony or any one of the misdemeanors or offenses mentioned in section five hundred fifty-two of the code of criminal procedure is guilty of a class A misdemeanor.

NOTE: The pertinent provisions of section five hundred fifty-two of the code of criminal procedure referred to in subsection 6 of 265.05, above, are as follows:

4. (a) The following offenses defined in the former penal law as in force and effect immediately prior to September first, nineteen hundred sixty-seven: illegally using, carrying or possessing a pistol or other dangerous weapon; making or possessing burglar's instruments; buying or receiving stolen property; unlawful entry of a building; aiding escape from prison; that kind of disorderly conduct defined in subdivisions six and eight of section seven hundred and twenty-two of such former penal law; violations of sections four hundred eighty-three, four hundred eighty-three-b, four hundred eighty-four-h and article one hundred six of such former penal law; that kind of sodomy or rape which was designated as a misdemeanor; violation of section seventeen hundred forty-seven-d and seventeen hundred forty-seven-e of such former penal laws; any violation of any provision of article thirty-three of the public health law relating to narcotic drugs which was defined as a misdemeanor by section seventeen hundred fifty-one-a of such former penal law, and any violation of any provision of article thirty-three-A of the public health law relating to depressant and stimulant drugs which was defined as a misdemeanor by section seventeen hundred forty-seven-b of such former penal law.

(b) The following offenses defined in the penal law: Illegally using, carrying or possessing a pistol or other dangerous weapon; possession of burglar's tools; criminal possession of stolen property in the third degree; escape in the third degree; jostling; fraudulent accosting; that kind of loitering defined in subdivision three of section 240.35; endangering the welfare of a child; the offenses defined in article two hundred thirty-five; issuing abortional articles; permitting prostitution; promoting prostitution in the third degree; the offenses defined in article one hundred thirty; the offenses defined in article two hundred twenty.

7. Any person who has in his possession any explosive substance with intent to use the same unlawfully against the person or property of another is guilty of a class B felony.

8. Any person who knowlingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

10. Any person who knowingly has in his possession a rifle, shotgun or firearm in or upon a building or the grounds, used for educational purposes, of any school, college or university without the written authorization of such educational institution, is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

265.10. *Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances.* 1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. Any person who manufactures or causes to be manufactured any switchblade knife, gravity knife, billy, blackjack, bludgeon, metal knuckles, sandbag, sandclub or slungshot is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision three of section 265.05 is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in subdivision four of section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who wilfully defaces any machine-gun or firearm is guilty of a class D felony.

265.20. Exemptions. a. Sections 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in sections 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, peace officers as defined in section one hundred fifty-four of the code of criminal procedure and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

2. Possession of a machine-gun, firearm, switchblade knife, gravity knife, billy or blackjack by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00.; provided, that such a license shall not preclude a conviction for the offense defined in subdivision ten of section 265.05.

4. Possession of a rifle or shotgun by a person who has been convicted as specified in section 265.05, subdivision six to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

265.40. * * * It shall be lawful for a person or persons residing in this state to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

270.00. *Unlawfully dealing with fireworks.* 1. Definition of "fireworks." The term "fireworks," as used in this section, is defined and declared to be and to include any blank cartridge, blank cartridge pistol, or toy cannon in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, bombs, sparklers or other combustible or explosive of like construction, or any preparation containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, or other device containing any explosive substance. The provisions of this definition however, shall not be deemed to include (1) flares of the type used by railroads or any warning lights commonly known as red flares, or marine distress signals of a type approved by the United States Coast Guard or (2) toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

4. Sales of ammunition not prohibited. Nothing contained in this section shall be construed to prevent, or interfere in any way with the sale of ammunition for revolvers or pistols of any kind, or for rifles, shot guns, or other arms, belonging or which may belong to any persons whether as sporting or hunting weapons or for the purpose of protection to them in their homes, or, as they may go abroad; and manufacturers are authorized to continue to manufacture, and wholesalers and dealers to continue to deal in and freely to sell ammunition to all such persons for such purposes.

5. Notwithstanding the provisions of subdivison four of this section, it shall be unlawful for any dealer in firearms to sell any ammunition designed exclusively for use in a pistol or revolver to any person, not authorized to possess a pistol or revolver. The violation of this section shall constitute a class B misdemeanor.

270.05. *Unlawfully possessing noxious material.* 1. As used in this section, "noxious material" means any container which contains any drug or other substance capable of generating offensive, noxious or suffocating fumes, gases or vapors, or capable of immobilizing a person.

2. A person is guilty of unlawfully possessing noxious material when he possesses such material under circumstances evincing an intent to use it or to cause it to be used to inflict physical injury upon or to cause annoyance to a person, or to damage property of another, or to disturb the public peace.

3. Possession of noxious material is presumptive evidence of intent to use it or cause it to be used in violation of this section.

Unlawfully possessing noxious materials is a class B misdemeanor.

400.00. *Licenses to carry, possess, repair and dispose of firearms.* 1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or any one of the misdemeanors or offenses mentioned in section five hundred fifty-two of the code of criminal procedure; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

2. Types of licenses. A license for gunsmith or dealer in firearms shall be issued to engage in such business. A license for a pistol or revolver shall be issued to (a) have and possess in his dwelling by a householder; (b) have and possess in his place of business by a merchant or storekeeper; (c) have and carry concealed while so employed by a messenger employed by a banking institution or express company; (d) have and carry concealed while so employed by a regular employee of an institution of the state, or of any county, city, town or village, under control of a commissioner of correction of the city or any warden, superintendent or head keeper of any state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, provided that application is made therefor by such commissioner, warden, superintendent or head keeper; and (e) have and carry concealed, without regard to employment or place of possession, by any person when proper cause exists for the issuance thereof.

3. Applications. Applications shall be made and renewed, in the case of a license to carry or possess a pistol or revolver, to the licensing officer in the city or county, as the case may be, where the applicant resides, is principally employed or has his principal place of business as merchant or storekeeper; and, in the case of a license as gunsmith or dealer in firearms, to the licensing officer where such place of business is located. Blank applications shall, except in the city of New York, be approved as to form by the superintendent of state police. An application shall state the full name, date of birth, residence, present occupation of each person or individual signing the same, whether or not he is a citizen of the United States, whether or not he complies with each requirement for eligibility specified in subdivision one of this section and such other facts as may be required to show the good character, competency and integrity of each person or individual signing the application. An application shall be signed and verified by the applicant. Each individual signing an application shall submit one photograph of himself and a duplicate for each required copy of the application. Such photographs shall have been taken within thirty days prior to filing the application. In case of a license as gunsmith or dealer in firearms, the photographs submitted shall be two inches square, and the application shall also state the previous occupation of each individual signing the same and the location of the place of such business, or of the bureau, agency, subagency, office or branch office for which the license is sought, specifying the name of the city, town or village, indicating the street and number and otherwise giving such apt description as to point out reasonably the location thereof. In such case, if the applicant is a firm, partnership or corporation, its name, date and place of formation, and principal place of business shall be stated. For such firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the same, and for such corporation, by each officer thereof.

6. License: validity. Any license issued pursuant to this section shall be valid notwithstanding the provisions of any local law or ordinance. No license shall be transferable to any other person or premises. A license to carry or possess a pistol or revolver, not otherwise limited as to place or time of possession, shall be effective throughout the state, except that the same shall not be valid within the city of New York unless a special permit granting validity is issued by the police commissioner of that city. Such license to carry or possess shall be valid within the city of New York in the absence of a permit issued by the police commissioner of that city, provided that (a) the firearms covered by such license are being transported by the licensee in a locked container; and (b) the trip through the city of New York is continuous and uninterrupted. A license as gunsmith or dealer in firearms shall not be valid outside the city or county, as the case may be, where issued.

7. License: form. Any license issued pursuant to this section shall, except in the city of New York, be approved as to form by the superintendent of state police. A license to carry or possess a pistol or revolver shall have attached the licensee's photograph, and a coupon which shall be removed and retained by any person disposing of a firearm to the licensee. Such license shall specify the

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weapon covered by calibre, make, model, manufacturer's name and serial number, or if none, by any other distinguishing number or identification mark, and shall indicate whether issued to carry on the person or possess on the premises, and if on the premises shall also specify the place where the licensee shall possess the same. If such license is issued to an alien, or to a person not a citizen of and usually a resident in the state, the licensing officer shall state in the license the particular reason for the issuance and the names of the persons certifying to the good character of the applicant. Any license as gunsmith or dealer in firearms shall mention and describe the premises for which it is issued and shall be valid only for such premises.

12. Records required of gunsmiths and dealers in firearms. Any person licensed as gunsmith or dealer in firearms shall keep a record book approved as to form, except in the city of New York, by the superintendent of state police. In the record book shall be entered at the time of every transaction involving a firearm the date, name, age, occupation and residence of any person from whom a firearm is received or to whom a firearm is delivered, and the calibre, make, model, manufacturer's name and serial number, or if none, any other distinguishing number or identification mark on such firearm. Before delivering a firearm to any person, the licensee shall require him to produce either a license valid under this section to carry or possess the same, or proof of lawful authority as a peace officer or other exempt person pursuant to section 265.20. The licensee shall remove and retain the attached coupon and enter in the record book the date of such license, number, if any, and name of the licensing officer, in the case of the holder of a license to carry or possess, or the shield or other number, if any, assignment and department or unit, in the case of an exempt person. The record book shall be maintained on the premises mentioned and described in the license and shall be open at all reasonable hours for inspection by any peace officer. In the event of cancellation or revocation of the license for gunsmith or dealer in firearms, or discontinuance of business by a licensee, such record book shall be immediately surrendered to the licensing officer in the city of New York and county of Nassau, and elsewhere in the state to the executive department, division of state police.

NEW YORK CONSOL. LAWS (McKINNEY'S) LABOR LAW

451. *Definitions.* Whenever used in this article: 1. "Explosives" means gunpowder, powders used for blasting, high explosives, blasting materials, detonating fuses, detonators and other detonating agents, smokeless powder and any chemical compound or any mechanical mixture containing any oxidizing and combustible units, or other ingredients in such proportions, quantities, or packing that ignition by fire, friction, concussion, percussion or detonation of any part thereof may and is intended to cause an explosion, but shall not include gasoline, kerosene, naphtha, turpentine, benzine, acetone, ethyl ether and benzol. Fixed ammunition and primers for small arms, fire-crackers, safety fuses and matches shall not be deemed to be explosives when, as may be determined by the board in its rules, the individual units contain any of the above-mentioned articles or substances in such limited quantity, of such nature and so packed that it is impossible to produce an explosion of such units to the injury of life, limb or property.

10. "Dealer" means any person engaged in the business of buying and selling explosives.

11. "Issuing authority" means any officer of the state or its civil or political subdivisions who is authorized to issue any certificate or license, the issuance of which is provided for in this article.

458. *Licenses and certificates.* 1. No person shall purchase, own, possess, transport or use explosives unless a license therefor shall have been issued as provided in this article.

Application for such a license shall be made to the commissioner on forms provided by him and shall contain such information as the commissioner may require. Where the commissioner finds that the applicant has complied with the requirements of this article and the rules of the board, the commissioner shall issue a license or renewal thereof which shall be valid for one year from the date of issuance. Such application and each renewal thereof shall be accompanied by a fee of ten dollars non-refundable to be payable to the commissioner.

2. No person shall manufacture, deal in, sell, give or dispose of explosives unless a license therefor shall have been issued to him for that purpose by the commissioner as provided in this article, nor shall any person sell, give or dispose of explosives to, or manufacture explosives for any person who does not hold a license as provided by subdivision one of this section.

Application for such a license, which shall be renewed annually, shall be made to the commissioner on forms provided by him and shall contain such information as the commissioner may require. The commissioner after investigation of the application, shall issue a license or renewal thereof, which shall be valid for one year from the date of issuance, where he finds that the applicant has complied with the requirements of this article and the rules of the board. Each application for such a license, or for its renewal, shall be accompanied by a fee of twenty-five dollars non-refundable to be payable to the commissioner.

NEW YORK CONSOL. LAWS (McKINNEY'S) VILLAGE LAW

89. *General powers of the board of trustees.* 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

130. *Town ordinances.* 5. Fire prevention. Regulating the erection of buildings where extrahazardous business is to be carried on and the carrying on of such business: Regulating the attendance in public buildings and the use of aisles as standing room for spectators and the erection of fire escapes on all public buildings: Regulating the construction and use of all heating systems and devices employing heat or fire or conducting smoke for any purpose: Establishing fire limits and prohibiting the erection of frame buildings or structures therein: Preventing and extinguishing fires and regulating conduct thereat: Regulating the use, sale, storage and transportation of firearms, fireworks, explosives and inflammables or prohibiting the use, sale, storage and transportation of any of them: • • •.

NEW YORK CONSOL. LAWS (McKINNEY'S) GENERAL MUNICIPAL LAW

209-m. *Outside service by local police; civil disturbance control.* 6. a. Notwithstanding any inconsistent provision of law, general or special, in the event of natural disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any local government, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive officer thereof that the public safety is imperiled thereby, such chief executive officer may proclaim a state of emergency within any part or all of the territorial limits of such local government. Following such proclamation and during the continuance of such state of emergency, the chief executive officer may promulgate the following orders to protect life and property or to bring the emergency situation under control. Such orders may, within any part or all of the territorial limits of such local government, provide for:

(6) the regulation and control of the possession, storage, display, sale, transport and use of firearms, other dangerous weapons and ammunition;

(7) the regulation and control of the possession, storage, display, sale, transport and use of explosives, and flammable materials and liquids.

Buffalo

1403. *License required for the possession and sale of fixed ammunition for small arms.* No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses upon the approval of the chief of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. • • •.

Mount Vernon

78-15. *Prohibition against fire bombs or "Molotov Cocktails".* (a) Prohibition: No person or organization shall assemble, manufacture, produce, distribute, store or possess fire bombs or "Molotov Cocktails" or any similar devices which employ the use of gasoline or any other flammable or combustible substance. (b) Fire Bomb or "Molotov Cocktail" defined:—

A glass or other breakable or collapsible portable container in which is contained gasoline or other flammable or combustible liquid with a wick attached thereto, which upon impact will burn, explode or ignite. (c) Penalties: Any violation of a provision of this ordinance shall be punishable by a fine which shall not exceed $150.00 in amount or to imprisonment not exceeding 150 days, or to both fine and imprisonment. (d) The provisions contained in this section shall not apply to duly authorized members of the organized Militia of the State of New York or the Armed Forces of the United States.

New York City

436-6.0. *Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns.* Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, pistol or revolver, except such person employed by any agency of government of the city, state, or nation, or employed in the repair or adjustment of arms for the United States military forces or any subdivision thereof. Gunsmith shall not include a wholesale dealer.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10 "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436-6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436-6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436-6.1. *Licensing of gunsmiths and dealers in firearms.* a. It shall be unlawful for any person to engage in the business of gunsmith or dealer in firearms unless such person has obtained a license in the manner prescribed in this section.

b. Such licenses shall be issued by the commissioner. The commissioner shall establish uniform rules and regulations with respect to the requirements for such licenses and to secure compliance with and the enforcement of the provisions of this section, and shall apply such rules and regulations uniformly to each applicant. Each applicant and licensee shall be a citizen of the United States, shall be over the age of twenty-one years, and shall maintain a place of business in the city.

c. Any person who has been convicted in this state or elsewhere of a felony or any of the misdemeanors mentioned in section five hundred fifty-two of the code of criminal procedure shall not be entitled to a license issued under this section. • • •.

436-6.3. *Licensing of dealers in rifles and shotguns.* No person shall engage in the business of purchasing, selling, licensing, or in any manner disposing of shotguns or rifles unless he has been issued a permit for the purchase and possession of shotguns and rifles, and prominently displays in his place of business a license as a registered dealer in shotguns and rifles. • • •.

436-6.6. *Permits for possession and purchase of rifles and shotguns.* It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or

2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436-6.9. *Certificates of registration.* a. It shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

c. Disposition of rifles and shotguns—No person lawfully in possession of a rifle or shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition.

2—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436-6.10. *Exemptions.* The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

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b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436–6.11. *Sale and purchase of ammunition.* At any time after one year from the effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

436–6.13. *Identifying marks.* a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

Rochester

47–5. *Rifles, guns, revolvers and dangerous instruments.* A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is compressed air, compressed gas, a spring or any elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.

Utica

16–4. *Fireworks, firearms, pyrotechnics.* (a) *Definitions.* (2) "Small arms ammunition" whenever used in this section, shall be held to mean any shotgun, rifle, pistol, or revolver cartridges.

(b) *Sale, manufacture, delivery, use.* No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of, or discharge any firearms except as provided in the Penal Code, nor any pyrotechnics or small arms ammunition within the city without permission from the common council or written permission from the commissioner of public safety, or the mayor.

NORTH CAROLINA

State Law

N.C.G.S.

14–269. *Carrying concealed weapons.* If anyone, except when on his own premises, shall wilfully and intentionally carry concealed about his person any bowie knife, dirk, dagger, sling shot, loaded cane, brass, iron or metallic knuckles, razor, pistol, gun or other deadly weapon of like kind, he shall be guilty of a misdemeanor and shall be fined or imprisoned at the discretion of the court. This section shall not apply to the following persons: Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties.

14–288.1. *Definitions.* Unless the context clearly requires otherwise, the definitions in this Section apply throughout this Article:

"Chairman of the Board of County Commissioners." The chairman of the board of county commissioners or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the county has specified who is to act in lieu of the chairman with respect to a particular power or duty set out in this Article, the term "chairman of the board of county commissioners" shall apply to the person generally authorized to act in lieu of the chairman.

"Dangerous Weapon or Subetance." Any deadly weapon, ammunition, explosive, incendiary device, or any instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property; or any instrument or substance that is capable of being used to inflict serious bodily injury, when the circumstances indicate a probability that such instrument or substance will be so used; or any part or ingredient in any instrument or substance included above, when the circumstances indicate a probability that such part or ingredient will be so used.

"Mayor." The mayor or other chief executive official of a municipality or, in case of his absence or disability, the person authorized to act in his stead. Unless the governing body of the municipality has specified who is to act in lieu of the mayor with respect to a particular power or duty set out in this Article, the word "mayor" shall apply to the person generally authorized to act in lieu of the mayor.

"Municipality." Any active incorporated city or town, but not including any sanitary district or other municipal corporation that is not a city or town. An "active" municipality is one which has conducted the most recent election required by its charter or the general law, whichever is applicable, and which has the authority to enact general police-power ordinances.

"State of Emergency." The condition that exists whenever, during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives or property, or whenever the occurrence of any such condition is imminent.

14–288.7. *Transporting dangerous weapon or substance during emergency; possessing off premises; exceptions.* (a) Except as otherwise provided in this Section, it is unlawful for any person to transport or possess off his own premises any dangerous weapon or substance in any area: (1) In which a declared state of emergency exists; or (2) Within the immediate vicinity of which a riot is occurring.

(b) This Section does not apply to persons exempted from the provisions of Section 14–269 with respect to any activities lawfully engaged in while carrying out their duties.

14–288.8. *Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions.* (a) Except as otherwise provided in this Section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This Section does not apply to: (1) Persons exempted from the provisions of Section 14–269 with respect to any activities lawfully engaged in while carrying out their duties. (2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses. (3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts. (4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes; (1) Any explosive, incendiary, or poison gas: Bomb; or Grenade; or Rocket having a propellant charge of more than four ounces; or Missile having an explosive or incendiary charge of more than one-quarter ounce; or Mine; or Device similar to any of the devices described above; or (2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or (3) Any machine gun, sawed-off shotgun, or other weapon designed for rapid fire or inflicting widely-dispersed injury or damage (other than a weapon of a type particularly suitable for sporting purposes); or (4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled.

The term "weapon of mass death and destruction" does not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with Chapter 44 of Title 18 of the United States Code.

14–288.12. *Powers of municipalities to enact ordinances to deal with states of emergency.* (a) The governing body of any municipality may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by this Section may permit prohibitions and restrictions: * * *; (4) Upon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances, and gasoline; * * *. The ordinances may delegate to the mayor of the municipality the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

(c) This Section is intended to supplement and confirm the powers conferred by Sections 160–52, 160–200(7), and all other general and local laws authorizing municipalities to enact ordinances for the protection of the public health and safety in times of riot and other grave civil disturbance or emergency.

14–288.13. *Powers of counties to enact ordinances to deal with states of emergency.* (a) The governing body of any county may enact ordinances designed to permit the imposition of prohibitions and restrictions during a state of emergency.

(b) The ordinances authorized by the Section may permit the same prohibitions and restrictions to be imposed as enumerated in Section 14–288.12(b). The ordinances may delegate to the chairman of the board of county commissioners the authority to determine and proclaim the existence of a state of emergency, and to impose those authorized prohibitions and restrictions appropriate at a particular time.

14–288.15. *Authority of Governor to exercise control in emergencies.* (a) When the Governor determines that a state of emergency exists in any part of North Carolina, he may exercise the powers conferred by this Section if he further finds that local control of the emergency is insufficient to assure adequate protection for lives and property.

(c) The Governor when acting under the authority of this Section may: (1) By proclamation impose prohibitions and restrictions in all areas affected by the state of emergency; and * * *.

(d) The Governor in his discretion, as appropriate to deal with the emergency then occurring or likely to occur, may impose any one or more or all of the types of prohibitions and restrictions enumerated in Section 14–288.12(b), and may amend or rescind any prohibitions and restrictions imposed by local authorities.

14–315. *Selling or giving weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, brass knucks, bowie-knife, dirk, loaded cane or slingshot, he shall be guilty of a misdemeanor.

14–316. *Permitting young children to use dangerous firearms.* (a) It shall be unlawful for any parent, guardian, or person standing in loco parentis, to knowingly permit his child under the age of twelve years to have the possession, custody or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such weapon be loaded or unloaded, except when such child is under the supervision of the parent, guardian or person standing in loco parentis. It shall be unlawful for any other person to knowingly furnish such child any weapon enumerated herein. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

14–402. *Sale of certain weapons without permit forbidden.* It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger, slung-shot, blackjack or metallic knucks.

It shall be unlawful for any person or persons to receive from any postmaster, postal clerk, employee in the parcel post department, rural mail carrier, express agent or employee, railroad agent or employee, within the State of North Carolina any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucks without having in his or their possession and without exhibiting at the time of the delivery of the same and to the person delivering the same, the permit from the sheriff as provided in § 14–403. Any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than six months, or both, in the discretion of the court.

14–403. *Permit issued by sheriff; form of permit.*—The sheriffs of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in this article from any person, firm, or corporation offering to sell or dispose of the same.

14–409. *Machine guns and other like weapons.* It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, sub-machine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United State army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shot-guns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or sub-machine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred ($500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

14–409.1. *Purchase of rifles and shotguns out of State.* It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

14–409.2. *"Antique firearm" defined.* The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

14–415.1. *Possession of firearms, etc., by felon prohibited.* (a) It shall be unlawful

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for any person who has been convicted in any court in this State, in any other state of the United States or in any federal court of the United States of a crime, punishable by imprisonment for a term exceeding two years, to purchase, own, possess or have in his custody, care or control, any hand gun or pistol. Every person violating the provisions of this section shall be guilty of a felony and shall be imprisoned for not more than 10 years in the State prison or shall be fined an amount not exceeding five thousand dollars ($5,000).

(b) In all cases where the person is charged under the provisions of this section, the record or records of prior convictions of any offense whether in courts in this State, or in courts of any other state or in any court of the United States shall be admissible in evidence, but only for the purpose of proving that said person has been convicted of a previous offense the punishment for which may be more than two years. The term 'conviction' is defined as a final judgment in any case of any offense having a maximum permissible penalty of more than two years without regard to the plea entered or to the sentence imposed. A judgment of a conviction or a plea of guilty to such an offense certified to a superior court of this State from the custodian of records of any state or federal court under the same name as that by which the defendant is charged shall be prima facie evidence that the identity of such person is the same as the defendant so charged and shall be prima facie evidence of the facts so certified.

(c) The indictment charging the defendant under the terms of this section shall be separate from any indictment charging him with other offenses related to or giving rise to a charge under this section. An indictment which charges the person with violation of this section must set forth the date that the prior offense was committed, the type offense and the penalty therefor, and the date that the defendant was convicted or plead guilty to such offense, the identity of the court in which the conviction or plea of guilty took place and the verdict and judgment rendered therein."

Section 2. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of this act.

G.A.N.C. 1971 SESSION, RATIFIED BILL, CH. 929, H.B. 1484

AN ACT TO PROTECT PERSONS ON THE PROPERTY OF ANY PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION FROM PERSONS CARRYING FIREARMS OR OTHER WEAPONS.

The General Assembly of North Carolina do enact: Section 1. It shall be unlawful for any person to possess, or carry, whether openly or concealed, any gun, rifle, pistol, dynamite cartridge, bomb, grenade, mine, powerful explosive as defined in G.S. 14-284.1, bowie knife, dirk, dagger, slungshot, leaded cane, switch-blade knife, blackjack, metallic knuckles or any other weapon of like kind, not used solely for instructional or school sanctioned ceremonial purposes, in any public or private school building or bus, on any public or private school campus, grounds, recreational area, athletic field, or other property owned, used or operated by any board of education, school, college, or university board of trustees or directors for the administration of any public or private educational institution. For the purpose of this Section a self-opening or switch-blade knife is defined as a knife containing a blade or blades which open automatically by the release of a spring or a similar contrivance, and the above phrase "weapon of like kind" includes razors and razor blades (except solely for personal shaving) and any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. This Section shall not apply to the following persons: Officers and enlisted personnel of the armed forces of the United States when in discharge of their official duties as such and acting under orders requiring them to carry arms or weapons, civil officers of the United States while in the discharge of their official duties, officers and soldiers of the militia and the national guard when called into actual service, officers of the State, or of any county, city, or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties, any pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties.

Section 2. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the Court by fine or imprisonment or by both such fine and imprisonment, not to exceed five hundred dollars ($500.00) fine or six months imprisonment.

Charlotte

11-18(246a). *Pistols, dealers in pistols, etc.* License required of dealers in pistols and/or metallic pistol cartridges or cartridges used in pistols.

Durham County

6. Altering identification marks is misdemeanor; • • •. (a) It shall be a misdemeanor for any person to change, alter or obliterate the name of the make, model, manufacturer's number or any other mark of identification on any pistol, revolver, short-arm machine gun or submachine gun and upon conviction may be punished by fine or imprisonment at the discretion of the court.

Edenton

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of materials restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Elizabeth City

6-3.1. *Public safety.* I: It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business.

II: A new section shall be added to such ordinance, designated as Section III.1, reading as follows: All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed merchant to engage in the sale of pistols without being first licensed in accordance with the above provisions.

Franklinton

1(e) During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew to possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosive, firearms, ammunition, or dangerous weapon of any kind.

(a) *"Molotov cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov Cocktail or other firebomb.

Mount Holly

1. *State of emergency: Curfew authorized.* (e) During the existence of a proclaimed state of emergency the Mayor (of the City of Mt. Holly) may impose by proclamation any or all of the following restrictions:

(1) Prohibit or regulate the possession off one's premises of explosives, firearms, ammunition, or dangerous weapons of any kind, and prohibit the purchase, sale, transfer or other disposition thereof.

Pineville

(F) During the existence of a proclaimed state of emergency when a curfew has been defined and imposed, it shall be unlawful for anyone subject to curfew: (2) To possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition or dangerous weapon of any kind.

Southern Pines

9-8. *Same—Permitting possession or use by child.* Any person, being the parent or guardian of, or standing in loco parentis to, any child under the age of twelve (12) years, who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever, any gun, pistol or other dangerous firearm, whether such firearm is loaded or unloaded, or any other person who shall knowingly furnish such child any such firearm, shall be guilty of a misdemeanor.

Warsaw

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of materials restricted.* It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Williamston

(a) *"Molotov Cocktail"* is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) *"Firebomb"* is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. *Prohibited acts.* It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. *Possession of material restricted.* It shall be unlawful for any person or group of persons to possess all the items o. materials needed to manufacture Molotov Cocktails or otrer firebombs, other than on his or their premises.

Wilson

20-49. *Same—Parental responsibility.* Any person being the parent or guardian of or standing in loco parentis to any child under the age of sixteen (16) years who shall knowingly permit such child to have the possession or custody of, or use in any manner whatever any air rifle, air gun or pistol or who shall knowingly furnish such child with any such gun shall be deemed guilty of a misdemeanor.

20-65. *Prohibited activities.* During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew: • • •

(b) To possess off one's own premises, buy, sell, give away, or otherwise transfer or dispose of any explosives, firearms, ammunition, or dangerous weapon of any kind; • • •.

Zebulon

1—*State of emergency curfew authorized:* Prohibit or regulate the possession of one's own permits of explosives, firearms, ammunition, or dangerous weapon of any kind, and prohibit the purchase, sale, transfer or other disposition thereof; • • •.

NORTH DAKOTA

State Law

N.D.C.C. CHAPTER 62

62-01-01. *"Pistol" defined.* "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-02. *Committing crime when armed—Punishment.* Any person who shall commit or attempt to commit murder, manslaughter, except manslaughter arising out of the operation of an automobile, kidnaping, mayhem, assault to do great bodily harm, or any other aggravated assault, robbery, burglary, extortion, larceny, making or possessing burglar's instruments, buying or receiving stolen property, aiding escape from prison, or unlawfully possessing or distributing habit-forming narcotic drugs, when armed with a pistol, may be punished by imprisonment for not more than ten years in addition to the punishment provided for the crime.

62-01-04. *Who not to possess pistols.* The following persons shall not own a pistol or have one in their possession or under their control: 1. A person who has been convicted anywhere within the last ten years of any of the crimes of murder, manslaughter, robbery, burglary, kidnaping, arson, extortion, mayhem, forcible rape, unlawful entry, and any assault except simple assault and battery or any other crime involving the use of or possession of a pistol.

2. A person who is under the age of seventeen years or who is a drug addict an alcoholic, or who is emotionally unstable.

62-01-05. *Carrying pistols prohibited—Exceptions.* Except as otherwise provided in this section no person without a license shall carry a pistol, either openly or concealed, in any vehicle or on or about his person, save on his own land, in his own abode or fixed place of business, or on a target range. This prohibition, however, shall not apply to:

1. Marshals, sheriffs, prison or jail wardens or their regularly employed deputies, policemen, or other law-enforcement officers of any state or political division thereof;

2. Members of the armed forces of the United States when on duty or when going to or from duty;

3. The members of the national guard, organized reserves, or state guard organizations, when on duty or going to or from duty;

4. Officers or employees of the United States duly authorized to carry a pistol;

5. Any person engaged in manufacturing repairing, or dealing in pistols or the agent or representative of such person possesing using, or carrying a pistol in the usual or ordinary course of such business;

6. Any common carrier; or

7. Any person permitted by law to possess a pistol while carrying such pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair, or back to his home or place of business, or in moving from one place of abode or business to another.

62-01-09. *Regulation of sales of pistols.* No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol, and the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol. The person transferring the pistol, within seven days after such transfer, shall sign and attach his address to and forward by registered or certified mail the original statement signed by the person obtaining the pistol to the secretary of state, the duplicate to the chief of police of the city, marshall of the village, or sheriff of the county of which the person so transferring the pistol is a resident, and he shall retain the other copy for six years. This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

62-01-11. *Selling pistol to minors prohibited—Penalty.* Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than one thousand dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment.

62-01-12. *Prohibited transfers.* No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than 30 days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-14. *Dealers' licenses—By whom granted and conditions thereof.* Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture:

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol;

62-01-16. *False information prohibited.* No person, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, shall give false information or offer false evidence of his identity.

62-01-17. *Prohibited alterations in pistols.* No person shall change, alter, remove, or obliterate any mark of identification on a pistol, such as the name of the maker, model, or manufacturer's number. Possession of any pistol upon which any such identification mark has been changed, altered, removed, or obliterated shall be evidence sufficient to justify a court or jury in finding that the possessor has violated the provisions of this section.

62-01-19. *Antique pistols.* This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old nor to the transportation of such pistols unloaded and in a bag, box, or securely wrapped package, but not concealed on the person.

N.D.C.C. CHAPTER 62-02

62-02-01. *Definitions.* The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. *License required.* No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-05. *License — Provisions — Records.* The license shall permit the licensee to purchase, sell, have or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases for his own protection and for the protection of his servants and employees. It shall contain a description of the gun or rifle licensed, including the name of the manufacturer, the number and caliber of the weapon, or if the license is for a bomb, an accurate description thereof together with any identifying marks thereon. The license shall be issued in duplicate and the district judge shall send the duplicate copy to the superintendent of criminal identification,

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who shall file and preserve the same in his office as a permanent record.

62–02–06. *Penalty for selling, delivering, or possessing machine gun, automatic rifle, submachine gun, or bomb.* Any person who shall sell, give, loan, furnish, deliver, purchase, have, or possess any machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or any bomb loaded with explosives or poisonous or dangerous gases, without a license, shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not more than ten years or by a fine of not more than three thousand dollars, or by both such fine and imprisonment.

62–02–07. *Persons exempt from provisions of this chapter.* The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

N.D.C.C. CHAPTER 62–04.

62–04–01. *Use and sale of "silencer" prohibited—Penalty.* Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ninety days nor more than six months, or by both such fine and imprisonment. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62–04–05. *Manufacture, use, and sale of blank cartridge firearms and firecrackers prohibited.* Any person who manufactures, uses, sells, or keeps for sale within this state any blank cartridge pistol, blank cartridge revolver, or other blank cartridge firearm, or blank cartridge caps containing dynamite, or firecrackers exceeding more than three inches in length and one-half inch in diameter, is guilty of a misdemeanor.

N.D.C.C. CHAPTER 62–05

62–05–01. *Declaration of policy.* The legislative assembly finds that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states contiguous to this state in compliance with such other laws of this state as may be applicable, and in compliance with section 102 of the Gun Control Act of 1968, Public Law 90–618, 18 U.S.C. section 921 et seq.

62–05–02. *Resident may purchase rifle or shotgun in contiguous state.* It shall be lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport such rifle or shotgun into this state.

62–05–04. *Definitions.* 1. As used in this chapter the term "a state contiguous to this state" shall mean any state having a common border with this state. 2. As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C. section 921, Gun Control Act of 1968, Public Law 90–618, and the regulations promulgated thereunder as presently enacted or promulgated and as hereafter modified.

Fargo

25–2701. *"Pistol" defined.* The term "pistol" as used in this article means any firearm having a barrel less than twelve inches long.

25–2702. *License to sell pistols required—Expiration of license.* No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25–2705. *Regulation of sales of pistols by dealer or individuals.* No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall: 1. Exhibit a license to carry a pistol; or 2. Be one of the persons exempted under the provisions of section 62–01–05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol and the caliber, make, model, and manufacturer's number of the pistol.

Grafton

1. *Definitions:* 1. "Retail Dealer" shall be any person, firm or corporation purchasing pistols for resale. 2. "Pistols" shall be any firearm having a barrel less than twelve (12) inches long. 3. "Purchaser" shall be any person, firm or corporation obtaining a pistol either by purchase or gift, or by any other means, from a retail dealer.

2. No retail dealer in pistols shall sell a pistol within the City limits of the City of Grafton before he has obtained a license from the City.

3. Any license issued in accordance with this Ordinance shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture: (3.) No pistol shall be delivered: a. On the day of the application for the purchase; b. Unless the purchaser either is personally known to the seller, or shall present clear evidence of his identity; nor c. Unless the purchaser shall exhibit a license to carry a pistol issued in his name; nor d. Unless the Chief of Police shall have been notified at least twenty-four (24) hours before delivery of a pistol of the name of the prospective purchase and the caliber of the pistol intended to be sold.

Mandan

6–0401. *Firearms not to be furnished to minors.* It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of the city of Mandan.

6–0403. *Blank cartridges, pistols, etc.; manufacture, use, and sale of.* No person shall manufacture, use, sell, or keep for sale within the city of Mandan any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite, or firecrackers exceeding three inches in length and exceeding one-half of an inch in diameter.

Minot

8–0103(2)(e). *Sales to intoxicated persons and minors.* No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Valley City

8–9. *Pistol defined.* The term "pistol" means any firearm having a barrel less than twelve inches long.

8–11. *License—Required; term.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol without first obtaining a license as provided in this article. All licenses granted under the provisions of this article shall expire at the expiration of one year from the date of issue.

8–12. *Same—Qualifications.* No person may obtain a retail dealer's pistol license within the city without first being licensed by the federal government to sell pistols and exhibiting such federal license to the city auditor, and unless the applicant is a resident of the city.

8–13. *Weapons—Conditions of issuance.* (c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol.

OHIO

State Law

OHIO REV. CODE (PAGE'S) TITLE 7

715.60. *Regulation of explosives.* Any municipal corporation may regulate the transportation, keeping, and sale of gunpowder and other explosives or dangerous combustibles and materials, and provide or license magazines therefor.

OHIO REV. CODE (PAGE'S) TITLE 29

2903.05. *Sale of toy pistols to minors under sixteen years.* No person shall sell or exhibit for sale, to a minor under sixteen years of age, a pistol manufactured of a metallic or hard substance, commonly known as a "toy pistol" or an air gun, or any form of explosive gun.

2903.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

2907.021. No person shall possess the materials for the manufacture of fire bombs with the intention of using such materials for the manufacture of fire bombs.

No person shall manufacture, distribute, possess or use fire bombs.

For purposes of this section, a "fire bomb" means a container containing gasoline, kerosene, fuel oil, or similar substance with a flash point of one hundred seventy degrees fahrenheit or less, having a wick or other device capable of igniting such liquid, but no device commercially manufactured and used for the purpose of illumination shall be deemed to be a fire bomb.

Nothing in this section shall prohibit the authorized manufacture, use, or possession of any material, substance, or device by a member of the armed forces of the United States, firemen, or law enforcement officers; nor does this section prohibit the manufacture, use, or possession of any material, substance, or device to be used solely for scientific research, educational purposes, or any lawful purpose.

2923.03. *Definition of machine gun.* As used in sections 2923.04 to 2923.06, inclusive, of the Revised Code:

(A) Machine gun, light machine gun, or submachine gun is any firearm which shoots, or is designed to shoot, automatically, or any firearm with a bore and chamber greater than .22 caliber which shoots, or is capable of shooting, more than eighteen shots semi-automatically without reloading.

(B) As used in this section:

(1) "Automatically" means that class of firearms which, by a single function of the trigger on the firearm, continues to fire successive shots and delivers sustained fire for relatively long periods.

(2) "Semiautomatically" means that class of firearm which, by a single function of the trigger, discharges one shot only, no manual reloading operation being necessary between successive shots.

(3) "Firearm" means any weapon which is designed to expel a projectile or projectiles by the action of an explosive.

2923.04. *Permit for possessing firearms; requirements.* No person shall own, possess, transport, have custody of, or use a shotgun with barrel less than eighteen inches in length, or rifle with a barrel of less than sixteen inches in length, or shotgun or rifle with an overall length of less than twenty-six inches, or machine gun, light machine gun or submachine gun, unless he first procures a permit therefor from and at the discretion of the adjutant general, or having such permit, use or consent to the use by another of such weapon in an unlawful manner. The adjutant general shall keep a complete record of each permit so issued. A separate permit shall be obtained for each gun so owned, possessed, or used. The adjutant general shall require each applicant for such permit to give an accurate description of such weapon, the name of the person from whom it is to be obtained, the name of the person to have custody thereof, and the place of residence of the applicant and the custodian. Before obtaining such permit each applicant shall give bond to this state, to be approved by the adjutant general, in the sum of five thousand dollars, conditioned to save the public harmless by reason of any unlawful use of such weapon while under the control of such applicant or under the control of another with his consent; and any person injured by such improper use may have recourse on said bond. This section does not affect the right of the national guard of Ohio, state highway patrol, sheriffs, regularly appointed police officers of municipal corporations, regularly elected constables, wardens and guards of penitentiaries, jails, prisons, penal institutions, or financial institutions maintaining their own police force, and such special officers as are authorized to possess and use such weapons when on duty.

2923.05. *Restrictions for sale or transfer of firearms; record of transaction.* No person shall sell, barter, or give to another a shotgun with barrel less than eighteen inches in length, or rifle with a barrel of less than sixteen inches in length, or shotgun or rifle with an overall length of less than twenty-six inches, or machine gun, light machine gun, or submachine gun, without first requiring exhibition of the permit provided by section 2923.04 of the Revised Code, and using the information contained in such permit to make a complete record of such transaction, containing the date of the permit and of the transfer together with the names of the parties thereto, which record shall be preserved by such transferor for a period of five years.

Whoever violates this section shall be imprisoned not less than one nor more than five years.

2923.06. *War trophies.* Sections 2923.03 to 2923.05, inclusive, of the Revised Code do not apply to captured war trophies which are kept for museum purposes and which are in unserviceable condition.

2923.56. *Persons prohibited from obtaining or having firearms.* (A) Except as provided in division (C) of this section, no person shall purchase, own, possess, receive, carry, control, or use any firearm, if such person is a fugitive from justice, is under indictment or has been convicted of any felony of violence and involving moral turpitude or adjudged a juvenile delinquent for commission of any act which if committed by an adult would be such felony in this or any other State, the United States or any of its territories or possessions, or the District of Columbia, is addicted to or illegally uses any narcotic drug, hallucinogen, or other dangerous drug, is an habitual drunkard, or is under adjudication of mental incompetence. No person shall sell, furnish, or deliver any firearm to another, knowing or having reasonable cause to believe that such other person is prohibited by this section from purchasing, owning, possessing, receiving, carrying, controlling, or using any firearm.

Whoever violates this section shall be imprisoned not less than one nor more than five years.

(B) No person who purchases, owns, possesses, receives, carries, or controls a firearm in violation of this section shall be prosecuted for such violation if he reports his possession of firearms to any law enforcement authority, describes the same and where they may be found, and voluntarily surrenders them to such authority, but such immunity does not apply if the surrender of firearms occurs when such person is taken into custody or during a pursuit or attempt to take such person into custody, under circumstances indicating that such surrender is made under threat of force. No person in violation of this section solely by reason of his having been indicted for a felony shall be prosecuted for such violation if, within ten days after service of the indictment, such person voluntarily surrenders all firearms in his possession to any law enforcement authority pursuant to this section, for safekeeping pending disposition of the indictment or of an application for relief under division (C) of this section.

(C) Any person who, solely by reason of having been convicted of or indicted for a felony or adjudged a juvenile delinquent for commission of any act which if committed by an adult would be a felony, is prohibited by division (A) of this section from purchasing, owning, possessing, receiving, carrying, controlling, or using any firearm, may petition the Court of Common Pleas in the county where he resides for relief from such prohibition. The petition shall recite each conviction of indictment for felony or adjudication of deliquency for conduct amounting to felony and the date thereof, the court which rendered judgment or before which an indictment is pending, the style and number of the case, the sentence imposed and served, and probation, parole, or pardon granted, or other disposition of the case. The petition shall also state facts showing the petitioner to be a fit subject for relief under this section. A copy of the petition shall be served on the County Prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals. Upon hearing, if it appears that the petitioner has been fully discharged from imprisonment, probation, and parole, or released on bail or recognizance, that he has led a law-abiding life since such discharge, or release and appears likely to continue to do so, that he is not otherwise prohibited by law from purchasing, owning, possessing, receiving, carrying, controlling, or using any firearm, and that the public safety will not be endangered by relieving the petitioner from the prohibition contained in division (A) of this section, the court may relieve the petitioner from such prohibition with respect to his previous convictions of or pending indictments for felony and adjudications of juvenile delinquency for conduct amounting to felony. Costs of the proceedings shall be taxed as in other civil actions and paid by the petitioner. A person to whom relief is granted pursuant to this section may purchase, own, possess, receive, carry, control, or use any firearm in any lawful manner and for any lawful purpose, but such relief may be revoked by the court at any time for good cause shown and upon notice to the petitioner.

(D) As used in this section, "Firearm" means any weapon which is designed to eject or propel one or more projectiles by the action of an explosive or combustible propellant, but does not include firearms which are inoperable and cannot be rendered operable.

2923.57. *Transactions in firearms permitted between Ohio and contiguous States.* Any resident of this State eighteen years of age or over and not prohibited by Section 2923.56 of the revised code or any applicable law of another State or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, • • •. Any such transaction shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3).

OHIO REV. CODE (PAGE'S) TITLE 37

3743.01. *Definitions.* As used in sections 3743.01 to 3743.26, inclusive, of the Revised Code: (A) "Explosive" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion; that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator or any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

3743.02. *Prohibitions and exceptions.* • • •. No person shall sell, give away, or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, whether said person is acting for himself or for any other person.

3743.51. *Falsification prohibited.* No person shall obtain or attempt to obtain any explosives by the use of a false name, or the giving of a false address, or giving a false age or by stating a false purpose for the purchase of any explosives.

Akron

369.01. *Definitions.* (a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(e) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which or one of the purposes of which, is the establishment, control, conduct, seizure, or overthrow of the Govern-

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ment of the United States or of any state or political subdivision thereof, by the use of force, violence, military measures, or threats of one or more of the foregoing. (Ord. 982–1957. Passed 10–29–57.)

369.02. *Possession restricted.* (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within this City.

(b) No person who is a member of a subversive organization shall possess a firearm within this City.

(c) No person under the age of eighteen shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia, or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(d) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in paragraph (c) above.

369.03. *Removal of serial numbers.* No person shall receive, possess, sell, lease, or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

369.05. *Sales, transfers and displays, regulated.* (a) No manufacturer or dealer except a manufacturer or dealer having a license issued under the provisions of this chapter shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend, or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard or a member of a subversive organization.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

369.08. *False information.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in subsections (a) and (b) of Section 369.02, or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Alliance

557.02. *Permit required to purchase or exchange certain weapons.* No person shall buy, purchase or obtain in exchange any revolver, pistol, bowie knife, dirk or other weapon of like character having a blade more than three inches in length without first having obtained a permit from the Police Chief to make such purchase or exchange.

557.04. *Delivery of permit to seller; monthly returns.* The permit issued by the Police Chief • • • shall be delivered by the applicant to and retained by the person selling such weapon. The person selling such weapon shall preserve and retain all permits and shall, on the first day of each and every month, deliver to the Police Chief all the permits collected in accordance with which any weapons have been sold.

557.05. *Selling to person without permit to purchase.* No person shall sell, exchange or offer for sale or exchange any weapon described in Section 557.02, except to a person who has first obtained a permit therefor from the Police Chief.

Amberley Village

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Ashtabula

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

549.01. *Definitions.* (a) "Firearms" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler; or firearm silencer.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(e) "Subversive organization" means any group, committee, club, league, society, association, or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

549.02. *Possession restricted.* (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(b) No person who is a member of a subversive organization shall possess a firearm within the City.

(c) No person under the age of eighteen shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(d) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age, except as provided in subsection (c) hereof.

549.03. *Nonserialized pistols.* No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

549.05. *Sales, transfers and displays regulated.* (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this chapter, shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

549.08. *False information prohibited.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in subsections (a) and (b) of Section 549.02, or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Avon Lake

587.06. *Sale of weapons.* No person shall sell, barter, furnish or give to a minor under the age of eighteen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Bay Village

591.07(d) *Sale of firearms to minors.* "No person shall barter, trade, furnish or give to a minor under the age of 18 years a musket, rifle, shotgun, tear gas pen, revolver, pistol, or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Bedford

547.08. *Weapon dealers; license required.* No person shall engage in the business of selling, or sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so. No person having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

547.12. *Limitation on purchase and sale.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person who:

(a) Has been convicted and sentenced for any felony or other crime other than traffic misdemeanors;

(b) Constitutes a suspicious person or is a vagabond, vagrant or transient;

(c) Is under twenty-one of age;

(d) Refuses or neglects to give information to the seller as required by law. • • •.

No holder of a permit as required by Section 547.08 shall, sell one of the weapons named in Section 547.08 without first obtaining the information in proper affidavit form as required herein. Failure to comply with these regulations shall be grounds for revocation of the permit license.

Beachwood

550.01. *Definitions.* (a) "Chief of Police" means the Chief of Police of the City of Beachwood, or his duly authorized agent.

(b) "Encased" means enclosed in a case, container, or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) "Firearms Dealer" means any person, firm, or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Beachwood, whether as the principal business of such person, firm, or corporation, or in addition thereto.

(f) "Fugitive from Justice" means a person who flees, escapes from custody, conceals, or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a place of residence within the limits of the City of Beachwood, Ohio.

(h) "Non Resident" means any person who does not have a place of residence within the limits of the City of Beachwood, Ohio.

(i) "Minor" means any person under the age of twenty-one (21) years.

550.03. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is, at that time, under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized, or has received hospital treatment for any mental disorder, alcoholism, or narcotic addiction within the previous ten (10) years, unless a doctor indicates, in writing, that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug or stimulants as defined by Title 21 of the United States Code, Section 321(v), known as the Drug Abuse Control Amendments of 1965 effective February 1, 1966.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio, or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive, or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period, or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver, or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

550.05. *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun unless such person has a handgun owner's identification card issued to him and in effect pursuant to this Section, or unless such person has been issued a Dealer's License pursuant to Section 550.07 of the Codified Ordinances, or unless such person is exempt from the requirements of an identification card pursuant to Section 550.06 of the Codified Ordinances.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 550.03 of the Codified Ordinances from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition.

(2) A minor.

(3) A person convicted of an illegal use or possession of narcotics.

(4) A person with more than one (1) conviction of being drunk or disorderly within three (3) years prior to his application for such identification card.

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within ten (10) years prior to his application for such identification card.

(h) A non-resident of the City who owns, manages, or operates a business within the City, or whose terms of employment require him to own, possess, or have on or about his person a handgun during his employment with the City, or any non-resident of the City passing through Beachwood who complies with the pre-requisites of this ordinance, may make application for and obtain a handgun owner's identification card, pursuant to the provisions of this Section.

(4) Non-residents of the City of Beachwood who are residents of the State of Ohio, provided that such persons are not prohibited by the provisions of Sections 550.03 and 550.05 of the Codified Ordinances of the City of Beachwood, and possess and exhibit upon request, such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun; and provided, further, that handguns in the possession of or under the control of non-residents shall at all times be unloaded and encased, except while on a suitable firing range, or while unloaded at a public firearms display, show, or exhibition. The requirements of a valid permit, authorization, or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show, or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization; or identification provided for in this subsection shall be valid for thirty (30) days only from the date thereof.

(5) Non-residents of the City of Beachwood, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose, provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

550.07. *Dealer's license.* (a) Every firearms dealer in the City of Beachwood shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 550.08 of the Codified Ordinances, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior license has been revoked, nor to any applicant who has been convicted of a violation of any section of this ordinance until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of Section 550.02 of the Codified Ordinances. No person, firm, or corporation shall be issued a firearms dealer's license who does not meet the qualifications required to secure a handgun owner's identification card. The license issued pursuant to this Section shall be prominently displayed by every firearms dealer at his place of business.

Belpre

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefore, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

(C) This section is not applicable to a minor under the age of 17 years who is hunting in accordance with sec. 1533.13 of the Revised Code.

Bexley

4–47–1. *License to sell firearms.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, or give away to any person, within the city, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, nor shall any person, firm or corporation doing business as a pawn broker, sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license so to do as hereinafter provided, and no person, firm or corporation, having secured such a license, shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Mayor to purchase, acquire, redeem or remove such weapon in the manner hereinafter provided.

4–47–5. *Permit to purchase.* It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the Mayor a permit so to do. • • •.

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4–47–6. *Fee.* It shall be the duty of the Mayor to refuse such permit to (a) All persons having been convicted of any crime, (b) All vagabonds, (c) All minors. * * *.

Bowling Green

587.06. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor. * * *.

Brunswick

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Cambridge

529.03. *Sale of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm or ammunition therefor, * * *.

Canton

527.02. *Permit required to purchase or exchange.* It shall be unlawful for any person to buy, purchase, or obtain in exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first having a permit from the chief of police to make such purchase or exchange.

527.06. *Selling to person without permit to purchase.* It shall be unlawful for any person to sell, exchange, or offer for sale or exchange, any revolver, pistol, bowie knife, dirk or other weapon of like character which can be concealed on the person, except to a person who has first obtained a permit therefor from the chief of police.

527.09. *Furnishing or permitting minor under seventeen to use firearms, etc.* It shall be unlawful for any person owning or having charge or control of any musket, rifle, shot gun, revolver, pistol or any other firearm, or ammunition therefor, to sell, barter, furnish or give the same to a minor under the age of seventeen years, or knowingly to permit any such weapon to be used by a minor under such age.

Centerville

38.12. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Chagrin Falls

545.10. *Reporting sale of firearms.* No place of business or agent of any place of business shall sell any firearm within the Municipality without furnishing in writing to the Chief of Police the name and address of the purchaser of the firearm, the type of gun, the trade name of the firearm and the manufacturer's serial number. Such name, address and other information shall be furnished within thirty days after the sale of the firearm.

Cincinnati

7. *Emergency orders.* The city manager, or the mayor if he has assumed command as provided in Section 6 above, or the vice-mayor if he has assumed command in the absence of the mayor, may, as he deems advisable in the interest of the public peace, health, safety or welfare and in regard to the specific area or areas of the city imperiled by the public danger or emergency or the city as a whole, as he deems advisable, make and enforce orders to do any or all of the following: * * *.

(f) Order the closing of gasoline stations and other establishments engaged in the retail sale, distribution or dispensing or giving away of liquid flammable or combustible products.

(g) Prohibit or restrict the sale, distribution, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(h) Order the closing of any and all establishments or portions thereof engaged in the sale, distribution, dispensing or giving away of firearms and/or ammunition.

(i) Prohibit or restrict the carrying or possession on the public streets or public sidewalks or in any public park or square or any other public place a weapon or any object intended to be used as a weapon including but not limited to firearms, bows and arrows, air rifles, sling shots, knives, razors, broken bottles, fire bombs, missile of any kind, clubs, blackjacks, billies, chains or similar items.

708–1. *Aliens.* No alien shall own or have in his possession or under his control a dangerous weapon.

708–3. *Minors.* No person shall sell, barter, lend or give to a minor under the age of sixteen (16) years, an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk or any other dangerous weapon, and no minor under the age of sixteen (16) years shall buy, barter, hire, borrow, receive or possess an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, bowie knife, dirk, or any other dangerous weapon.

708–7. *Obliterating identification marks prohibited.* No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any dangerous weapon.

No person shall keep in his possession or under his control any dangerous weapon upon which the name of the maker, model, manufacturer's number or other mark of identification has been to his knowledge changed, altered, removed or obliterated.

708–9. *Dealers in weapons; license fees.* Every retail dealer in firearms, ammunition for firearms, or dangerous weapons, shall pay a license fee of two hundred thirty-four dollars and fifty cents ($234.50) per annum, and such license may be granted by the city manager upon written application of any such dealer. Where a dealer deals only in shotguns and rifles of regulation size manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be the sum of twelve dollars and fifty cents ($12.50). The application shall set forth the place of business of the applicant, the nature of the business, the names of all the partners, if a partnership, and the names of all officers, if a corporation. The city manager may authorize the city treasurer to issue a license to the applicant, if he is satisfied that the applicant is of good repute in the conduct of such business, and that the conduct of such business will not be detrimental to the public safety and welfare. * * *.

708–11. *Restriction on pawnbrokers.* If a dealer licensed under the provisions of Section 708–9 carries on the business of pawnbroker or second-hand dealer, he shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

708–13. *Form of application to purchase dangerous weapon.* The city manager shall prescribe a form of application covering the purchase of dangerous weapons. Such form shall provide for the recording of the following facts: * * *.

708–15. *Restriction on sale of weapons.*

No dealer shall sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 708–13. No dealer shall sell such weapon to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person who is personally known to him.

The application shall be executed in triplicate. The dealer shall mail the original of each application to the city manager at the close of each business day. One copy shall be delivered to the purchaser and one preserved in the files of the dealer. The dealer's copies of used application blanks, and all unused application blanks, shall be kept by the dealer so as to be open for inspection by city police officers at all times.

The provisions of this section and of Section 708–13 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve (12) inches in length.

708.17. *Sale of pistol ammunition.* No dealer shall sell pistol ammunition to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person with whom he is personally acquainted.

Cleveland

11.2301. *Permit to dispose of concealable weapon.* It shall be unlawful for any person, firm, or corporation to engage in selling, or to sell or give away any pistol, revolver, derringer, knife, dirk, or other weapon which can be concealed on the person without first securing a permit so to do.

No person, firm, or corporation having such permit shall sell, barter, trade or give away any such weapon unless the purchaser has first obtained a permit for such purchase.

11.2305. *Permit to purchase concealable weapon.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, knife, dirk, or other weapon which can be concealed on the person without first securing a permit to purchase from the Chief of Police.

11.2306. *Sale of firearms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose or receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instruction and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that said Instructor is the parent of the person receiving such instruction.

11.2307. *Sale of ammunition—record required.* It shall be unlawful for any person, firm or corporation to sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver, or other weapon of like character which can be concealed on the person unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

11.2309. *Duties of Chief of Police.* It shall be the duty of the chief of police to refuse such permit to: (a) All persons having been convicted of any crime; (b) All vagabonds; (c) All minors. Otherwise, it shall be the duty of the chief of police to grant such permit.

Cleveland Heights

925.01. *Definitions.* (a) *"Chief of Police"* means the Chief of Police of the City of Cleveland Heights or his duly authorized agents.

(b) *"Encased"* means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) *"Firearm"* means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) *"Handgun"* means any pistol, revolver or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) *"Firearms dealer"* means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) *"Fugitive from justice"* means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) *"Resident"* means any person who has a factual place of residence within the limits of the City of Cleveland Heights, Ohio.

(h) *"Nonresident"* means any person who does not have a factual place of residence within the limits of the City of Cleveland Heights, Ohio. (i) *"Minor"* means any person under the age of twenty-one (21) years.

925.03. *Prohibitions.* (a) *No person shall purchase,* own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is at that time under court adjudication of mental incompetence.

(b) *No person shall purchase,* receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) *No person shall purchase,* own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) *No person shall knowingly sell,* transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

925.05. *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to section 925.06 of the Codified Ordinances of the City of Cleveland Heights, Ohio.

(d) A handgun owner's identification card shall not be issued to any person who is: (1) A person prohibited by section 925.03 of the Codified Ordinances of the City of Cleveland Heights, Ohio, from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly within one (1) year prior to his application for such identification card.

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one (1) year prior to his application for such identification card.

(h) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through Cleveland Heights who complies with the prerequisites of this ordinance, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City of Cleveland Heights who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of sections 925.03 or 925.05 of the Codified Ordinances of the City of Cleveland Heights, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of Cleveland Heights, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

925.07. *Further prohibitions—sales—purchases—transfers.* (a) No person shall, in the City of Cleveland Heights, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to section 925.05 of the Codified Ordinances of the City of Cleveland Heights, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to section 925.06 of the Codified Ordinances of the City of Cleveland Heights, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to section 925.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to section 925.06 of the Codified Ordinances of the City of Cleveland Heights.

(c) Any person in the City of Cleveland Heights, who shall sell, transfer, give away, or otherwise dispose of a handgun to any other person, shall, within five (5) days following said sale, transfer, gift, or other disposition, report same to the Chief of Police of the City of Cleveland Heights, together with the manufacturer's name of said handgun, the caliber and serial number of said of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

925.08. *Dealers license.* (a) Every firearms dealer in the City of Cleveland Heights shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in section 925.09 of the Codified Ordinances of the City of Cleveland Heights, Ohio, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior license has been revoked, nor to any applicant who has been convicted of a violation of any section of this ordinance until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of section 925.02 of the Codified Ordinances of the City of Cleveland Heights. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications required to secure a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

Columbus

123.02. *Proclamations.* When a state of emergency has been proclaimed as provided

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in Section 123.01 of the Codes of the City of Columbus, Ohio, 1959, any of the officers named therein, acting in accordance therewith, is authorized to issue such proclamations as he deems necessary to protect life and property. Said proclamation may include, but is not limited to, the establishment of curfew prohibiting the sale of beer or intoxicating liquor; prohibiting the sale of firearms; restricting or prohibiting movement into, out of, or within the affected area or areas; or prohibiting or limiting the assemblage of persons.

545.01. *License required; purchase permits.* It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon • • •.

545.02. *License application; fee.* Any person desiring a license authorizing the sale, disposition or redemption, or removal from deposit or pledge, of any of the deadly weapons mentioned in C.C. 545.01 shall make application in writing to the Director of Public Safety, setting out in such application the full name and residence of the applicant, if an individual, and if a firm or corporation, the names and residences of each of its members or officers. Such application shall also set out the location at which it is intended or desired to conduct such business. Upon the receipt of such application, it shall be the duty of the Director of Public Safety to issue a license to the applicant upon his payment to the City Treasurer of the annual license fee of five dollars ($5.00).

545.05. *Purchase permit applications;* • • •. It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. • • •.

545.06. *Prohibited permittees; fees.* It shall be the duty of the Director of Public Safety to refuse the permit required by C.C. 545.05 to the following persons:

(a) All persons having been convicted of any crime.

(b) All vagabonds; and

(c) All minors.

Otherwise it shall be the duty of the Director of Public Safety to grant such permit upon the payment of a fee of one dollar ($1.00).

Cortland

1. That any person not a citizen of the United States and not registered under a similar registration act residing or entering the Village of Cortland be and hereby is required to register with and furnish fingerprints to the Mayor • • •.

2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Cuyahoga Falls

545.08. *Sale of explosives to minors.* No person shall sell, give away or otherwise dispose of or deliver to any person under twenty-one years of age any explosives, as defined in Ohio R. C. 3743.01(A), whether such person is acting for himself or for any other person.

545.10. *Possession of firearms by certain persons prohibited.* (a) Definitions. (1) "Firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition. (2) "Pistol" means any firearm with a barrel less than twelve inches in length. (3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail. (4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding. (5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which or one of the purposes of which is the establishment, control, conduct, seizure, or overthrow of the Government of the United States or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) Possession prohibited. (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict or an habitual drunkard, shall possess a firearm within the City. (2) No person who is a member of a subversive organization shall possess a firearm within the City. (3) No person under the age of eighteen shall possess a pistol. The provisions of this subsection (b)(3) do not apply to the issuance of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

545.11. *Sales and transfers regulated.* (a) No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(b) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of Section 545.12, shall sell any firearm at wholesale or retail.

(c) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(d) When delivered, all pistols must be securely wrapped and must be unloaded.

(e) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age except as provided in Section 545.10.

545.12. *Manufacturers' and dealers' licenses* • • •. Application for a manufacturer's or dealer's license shall be made to the Safety Director of the City on forms prescribed and furnished by the City. • • •.

545.13. *False information prohibited.* (a) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(b) No person shall give false information concerning the matters referred to in Section 545.10 or concerning his age or his name and address, or offer false evidence of his identity when purchasing a pistol.

Dayton

1036-6. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

1038. *Firearms sold to minors.* That it shall be unlawful for any pawnbroker or dealer in firearms in said City to sell any revolver or other pistol, of any kind whatsoever, to any minor or minors.

East Cleveland

545.11. *Definitions.* (a) "Firearms" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(b) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(c) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of East Cleveland, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(e) "Resident" means any person who has a factual place of residence with the limits of the City of East Cleveland, Ohio.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of East Cleveland, Ohio.

(g) "Minor" means any person under the age of twenty-one (21) years.

545.12. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

545.14. *Identification card required—registration of handguns required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(f) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 545.12 of the Codified Ordinances of the City of East Cleveland, Ohio, from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly with one (1) year prior to his application for such identification card;

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one (1) year prior to his application for such identification card.

(k) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through East Cleveland who complies with the prerequisites of this ordinance may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City of East Cleveland who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Sections 545.12 or 545.14 of the Codified Ordinances of the City of East Cleveland, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this sub-section shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of East Cleveland, Ohio moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

545.16. *Further prohibitions—Sales—Purchases—Transfers.* (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 545.14 of the Codified Ordinances of the City of East Cleveland, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 545.14, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(c) No person in this City shall sell, transfer, give away, or otherwise dispose of a handgun to any other person unless, within five (5) days following said sale, transfer, gift, or other disposition, he shall report same to the Chief of Police of the City of East Cleveland, together with the manufacturer's name of said handgun, the caliber and serial number of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

545.17. *Dealers license.* (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 545.18 of the Codified Ordinances of the City of East Cleveland, Ohio, the Chief of Police shall issue a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this ordinance until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications of a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

(c) Ninety (90) days after the adoption of this ordinance, no person, firm, or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. Each day of continuing violation of this section shall be deemed a separate offense.

Elyria

721.01. *Permit required for purchases.* It shall be unlawful for any person to purchase in the City any pistol, revolver, bowie knife, dirk, black jack or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

721.03. *Granting permits.* It shall be the duty of the Chief of Police to refuse to grant such permit, to (a) all persons having been convicted of any crime, (b) all vagabonds, and (c) all minors. Otherwise it shall be the duty of the Chief of Police to grant such permit, as provided in this chapter.

721.05. *Sale to persons without permits.* It shall be unlawful for any person to sell any person within the City any pistol, revolver, bowie knife, dirk, black jack or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold shall present to such person selling the same, a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen (15) days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person make and file a report of such sale with the Chief of Police as provided in this chapter.

Englewood

11. *Firearms sold to minors:* It shall be unlawful for any dealer in firearms in said Village to sell any revolver or other pistol of any kind whatever to any minor or minors.

Euclid

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other fire-arm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

751.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without securing a permit to do so; • • • and no person having secured such a permit, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such.

751.05. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk, or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

Fairview Park

532.01. *Permit to dispose of concealable weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the city, any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

532.02. *Application for license.* Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the preceding section shall make application in writing to the Chief of Police • • •.

532.05. *Sale of fire arms or ammunition to minors.* No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition there-

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for, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this Section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

532.07. *Permit to purchase concealable weapons.* It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit so to do. * * *.

532.08. *Duties of chief of police.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of a felony; (b) All persons having been convicted of a misdemeanor involving moral turpitude or convicted of assault and battery; (c) All minors; * * *.

Findlay

49.5 *No firearms, etc., for minors under seventeen.* It shall be unlawful for any person or persons, in the city, to sell, barter, furnish or give to a minor under the age of seventeen years, a resident of the city, an air-gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Franklin

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Green Springs

38.12. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Greenville

509.03. *Sale of firearms.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio Revised Code 1533.13, or to persons exempted under Ohio Revised Code 2903.07.

Grove City

131.06 *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Hamilton

729.01. *Record of sale.* It shall be unlawful to sell any firearm, dagger, stiletto, brass or iron knuckles, or billy, unless at the time of such sale the vendor records in a book to be kept for that purpose:

(a) The name and address of the purchaser;

(b) The purpose for which the purchase is made;

(c) The date of such purchase and the hour when such purchase was made;

(d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;

(e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and color of his eyes, and any other identifying marks or characteristics;

(f) A description of the clothing worn by the purchaser;

(g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and

(h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. *Sale to minors.* It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

729.04. *Dangerous weapons dealers license.* A license is hereby required, to be obtained in the manner provided in this code, for every dangerous weapons dealer operating in the City of Hamilton.

1309.01. *Identifying marks on weapons.* It shall be unlawful to change, alter, remove, or destroy the name of maker, model, manufacturer's number, or other mark of identification or to sell any dangerous weapon, or to keep or have in possession dangerous weapon capable of use, on which any such mark of identification has been changed, altered, removed, or destroyed, to the knowledge of the person having or selling such weapon.

1315.18. *Possession of explosive, flammable devices regulated.* No person shall make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Independence, Village of

781.01. *License to dispose of concealable weapons.* No person shall engage in the business of selling within the City any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without securing a license to do so as hereinafter provided, and no person having secured such a permit, shall sell or give away any such weapon except in strict accordance with all Municipal, State and Federal laws pertaining to firearms.

781.04. *Prohibition of sale.* If the Chief of Police or officer designated by him shall find during the forty-eight-hour period commencing with receipt by the Police Department of the report of sale that the purchaser or donee has violated any ordinance or State or Federal law pertaining to the use, possession or sale of firearms or concealable weapons, the sale or gift of such weapon to such person shall be prohibited and the Chief of Police or officer designated by him shall give written notice of such prohibition to the licensee and to the purchaser or donee of such weapon.

Ironton

134.3. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, b/b gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner, or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Kent

545.10. *License to sell weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so as provided in Section 545.11 and no person having secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

545.14. *Application for permit to buy weapons.* No person shall purchase any pistol revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

Before any such permit is granted an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring such permit. Such application shall also contain a recommendation that the permit shall issue from two persons, who shall be known to the Chief of Police as persons of good reputation and residents of the City for at least one year, or who shall appear to be taxayers residing within the City.

545.15 *Issuance of permit.* It shall be the duty of the Chief of Police to refuse such permit to all persons having been convicted of any crime, all vagabonds and all minors. Otherwise it shall be the duty of the Chief of Police to grant such permit.

Lakewood

573.01. *License to sell weapons.* No person, firm or corporation shall engage in the business of selling, or sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so as hereinafter provided, and no person, firm or corporation having secured such a license shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

573.05. *Permit to purchase weapons; application.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *.

573.06. *Issuance of permit.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of any crime; (b) All vagabonds; and (c) All minors. Otherwise it shall be the duty of the Chief of Police to grant such permit.

Lima

993.05. *Authority of Mayor in case of riot.* When there is, in the opinion of the Mayor a tumult, riot, mob or body of men acting together with the intent to commit a felony or to do or offer to do violence to person or property and resist the laws of the State within the corporate limits or there is reasonable apprehension thereof, the Mayor may issue his proclamation prohibiting the traffic in, sale, giving away or furnishing of firearms, ammunition and explosives to any person within the City. Upon the issuance of the proclamation, it shall be unlawful for any person to traffic in, sell, give away or furnish firearms, ammunition or explosives of whatsoever kind to any person within the corporate limits.

993.07. *Selling weapons to minors.* It shall be unlawful for any person to sell, barter, furnish or give to a minor under the age of seventeen years, an air-gun, B-B gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly to permit it to be used by a minor under such age.

Lockland

114.04. *Firearms trade.* No pawnbroker or second-hand dealer shall sell, pawn, take in trade, loan money on or deal in firearms.

136.03. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Lorian

545.10. *Sale and possession of firearms and explosives.* (a) *Definitions.* As used in this section:

(1) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(2) "Pistol" means any firearm with a barrel less than twelve inches in length.

(3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This subsection is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

(c) *Possession restricted.* (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm within the City.

(3) No person under the age of eighteen shall possess a pistol. The provision of this subparagraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(4) No person shall sell, lease, lend or otherwise transfer a pistol to any person under seventeen years of age, except as provided in subparagraph (3) hereof.

(d) *Nonserialized pistols.* No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(e) *Sales, transfers and displays regulated.* (1) No manufacturer or dealer, except a manufacturer or dealer having a license issued by the Sheffield Lake Division of Police, shall sell any firearm at wholesale or retail.

(2) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(3) When delivered, all pistols must be securely wrapped and must be unloaded.

(f) *False information prohibited.* (1) No person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (c) (1) and (c) (2) or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

Lyndhurst

529.03 *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Mansfield

40.20. *Sale of explosives to minors.* It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

82.10. *Sale of firearms to minors.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge thereof, knowingly permit it to be used by a minor under such age.

Marietta

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

Marion

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio Revised Code, Section 1533.13 or to persons exempted under Ohio Revised Code, Section 2903.07.

Marysville

131.06. *Sale of firearms to minors.* No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *.

Mayfield Heights

587.02. *Sale license, purchase permit required.* No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, or B-B guns, knives described in Section 587.01, other weapons, ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police, as hereinafter provided. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon, in the manner hereinafter provided.

587.06. *Sale to or purchase by minors.* (a) No person, firm or corporation shall sell any firearm, air gun or B-B gun, knife with a blade longer than two and one-half inches, other weapon, ammunition, explosives or fireworks to a minor under the age of eighteen years.

Moraine

134.05. *Selling firearms to minors.* No pawnbroker or dealer in firearms in the city shall sell any revolver or other pistol or any kind whatsoever to any minor.

North Canton

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. * * *.

Ontario

545.12. *License required for sale of weapons; * * *.* (a) No person shall engage in the business of selling, or sell or give away to any person within the Municipality any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of similar character which can be concealed on or about the person, without first securing a license to do so * * *.

Orrville

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by

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a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance wtih Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Parma

783.01. *Sales license and purchase permit required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person, having secured a license, shall sell or give away any weapon to any person within this City who has not secured a permit from the Safety Director to purchase such weapon in the manner hereinafter provided.

783.08. *Purchase permit;* • • •. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Safety Director a permit to do so. • • •.

783.07. *Sale of ammunition to minors prohibited.* It shall be unlawful for any person to sell, give, barter or otherwise dispose of any ammunition for use in any air gun, musket, rifle, shotgun, revolver, pistol or other firearm to a minor under the age of seventeen years.

783.09. *Permits restricted.* It shall be the duty of the Safety Director to refuse such permit to: (a) All persons having been convicted of any crime; (b) All vagabonds; (c) All minors.

Portsmouth

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

705.32. *Dealers in firearms and ammunition;* • • •. All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of ten dollars ($10.00) per annum.

Reading

85–82–I. No person shall sell, barter, furnish, or give to a minor under the age of 17 years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, • • •.

Shaker Heights

709.04. *Definitions.* (a) *"Chief of Police"* means the Chief of Police of the City of Shaker Heights or his duly authorized agents.

(b) *"Encased"* means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but shall not include a holster for a pistol or revolver.

(c) *"Firearm"* means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) *"Handgun"* means any pistol, revolver or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) *"Firearms dealer"* means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Shaker Heights whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) *"Fugitive from justice"* means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) *"Resident"* means any person who has a factual place of residence within the limits of the City of Shaker Heights, Ohio.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of Shaker Heights, Ohio.

(i) "Minor" means any person under the age of twenty-one (21) years.

709.07. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is at that time under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized, or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten (10) years, unless a doctor indicates in writing that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio, or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

709.09. *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person has been issued a permit to carry a firearm pursuant to Section 709.18 of the Codified Ordinances, or unless such person has been issued a Dealer's License pursuant to Section 709.11 of the Codified Ordinances, or unless such person is exempt from the requirements of an identification card pursuant to Section 709.10 of the Codified Ordinances.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 709.07 of the Codified Ordinances from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use of possession of narcotics;

(4) A person with more than one (1) conviction of being drunk or disorderly within one (1) year prior to his application for such identification card;

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within two (2) years prior to his application for such identification card.

(h) A nonresident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City, or any nonresident of the City passing through Shaker Heights who complies with the prerequisites of this ordinance, may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Nonresidents of the City of Shaker Heights; provided that such persons are not prohibited by the provisions of Sections 709.07 or 709.09 of the Codified Ordinances from possessing or using handguns, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match.

(5) New residents of the City of Shaker Heights, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

709.11 *Dealer's license.* (a) Every firearms dealer in the City of Shaker Heights shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each separate permanent location. Application for such license shall be made to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 709.12 of the Codified Ordinances, the Chief of Police shall issue a license to engage in business as a firearms dealer. The Chief of Police shall not issue a license to any applicant whose prior license has been revoked, nor to any applicant who has been convicted of a violation of any section of this ordinance until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. The Gun Control Appeals Board may authorize the issuance of such a permit within a lesser period of time if an appeal is taken to it under the provisions of Section 709.06 of the Codified Ordinances. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications

required to secure a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

Shelby

33–68–1. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, own, possess, receive, have on or about his person, or use any pistol, rifle, shotgun, or other firearm, or a knife with a blade longer than three inches, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of the State of Ohio or any other state or federal laws, unless said person has received written permission to do by the Chief of Police of the City of Shelby, Ohio.

33–68–2. No person within the corporate limits of the City of Shelby, Ohio, shall purchase, receive, have on or about his person, or use any firearm while under the influence of alcohol, intoxicating liquor, any narcotic drug, hallucinogen, or other dangerous drug.

33–68–3. No person within the corporate limits of the City of Shelby, Ohio shall purchase, receive, have on or about his person, or use any firearm, if such person is a fugitive from justice or is under adjudication of mental incompetence.

Sidney

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting • • •.

South Euclid

587.01. *License required for sale of weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon.

587.05. *Permit to buy weapon.* No person shall purchase or acquire by gift or otherwise any pistol, revolver, derringer, bowie knife, dirk, billy, blackjack, brass knuckles or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so.

587.06. *Refusal to issue permit or license.* It shall be the duty of the Director of Public Safety to refuse such license to engage in the business of selling, or to sell or to give away, any of the deadly weapons hereinbefore mentioned, and it shall be the duty of the Chief of Police to refuse such permit to purchase or acquire by gift or otherwise any such weapon, to any person who has been convicted of any crime, any vagrant, any suspicious person or any minor.

Springdale

38.24. *Sale of firearms to unknown persons and felons.* It shall be unlawful for any dealer to sell firearms to any person at retail, unless such person shall fill out and sign an application blank in triplicate, as provided for in section 38.22, and unless such dealer is either personally acquainted with the purchaser or the purchaser is identified to the dealer by a person acquainted with the dealer and the purchaser. It shall be unlawful for a dealer to sell a firearm to any person who has been convicted of a felony within the previous five years.

Springfield

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give away to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

Steubenville

791.01. *License required.* It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase or receive the weapon • • •.

791.05. *Application for permit by individual to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. • • •.

791.06. *Permit to purchase firearms to be refused—when.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of any crime. (b) All vagabonds. (c) All minors.

791.07. *American citizenship required for sale or purchase of firearms.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the City and no permit shall be issued under the provisions of this chapter either of sale or to purchase firearms by any person not a citizen of the United States.

Stow

547.04. *Possession of firearms by certain persons prohibited.* A. Definitions. That as used herein the following definitions shall be applicable: a. The term "firearms" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but shall not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotshell ammunition. b. The term "pistol" shall mean any firearm with a barrel less than twelve inches in length. c. The term "manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail. d. The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding. e. The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals, as listed by the United States Government Justice Department.

B. Possession prohibited. It shall be unlawful for any person who is a fugitive from justice, or of unsound mind, or a drug addict, to possess a firearm, within this City. It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within this City. It shall be unlawful for any person under the age of eighteen to possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia, or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

C. Sales and transfers regulated. That it shall be unlawful for any person to receive, possess, sell lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed. It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this Ordinance, to sell any firearm at wholesale or retail within the corporate limits. It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, or a member of a subversive organization. When delivered all firearms must be unloaded. It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in Section 547.04(B) hereof.

E. False information. That no person in applying for a license as a manufacturer or dealer shall give false information or offer false evidence of his identity. No person shall give false information concerning the matters referred to in this enactment or concerning his age or his name and address or offer false evidence of his identity when purchasing a firearm.

Tiffin

134.3. *Sale of firearms to minors.* (a) No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Toledo

17–19–1. *Definitions.* 1. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

2. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

3. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm, or corporation, or in addition thereto.

4. "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

5. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

6. "Nonresident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

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7. "Minor" means any person under the age of twenty-one years.

17–19–2. *Prohibitions.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

2. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

3. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

4. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17–19–4. *Identification card required.* 1. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17–19–5 of the Toledo Municipal Code.

4. A hand gun owner's identification card shall not be issued to any person who is:

A. A person prohibited by Section 17–19–2 of the Toledo Municipal Code from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

B. A minor;

C. A person convicted of an illegal use or possession of narcotics;

D. A person with more than one conviction of being drunk and disorderly within one year prior to his application for such identification card;

E. Any person with more than one conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one year prior to his application for such identification card.

17–19–5. *Exemptions.* 1. The requirements of a handgun owner's identification card contained in Section 17–19–4 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

A. Any state of the United States, or any political subdivision, department, or agency of either;

B. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

C. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

D. Nonresidents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17–19–2 or 17–19–4 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the city with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty days only from the date thereof.

E. Nonresidents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

F. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

G. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

H. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States.

2. No person shall purchase or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 17–19–4 of the Toledo Municipal Code knowing such claim of exemption to be false.

17–19–6. *Further prohibitions.* 1. No person in this city shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17–19–4 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17–19–5 of the Toledo Municipal Code.

17–19–7. *Dealers license.* 1. Every firearms dealer in this city shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this city shall procure a separate license for each such permanent location.

17–19–9. *Records.* 3. No firearms dealer or any agent or employee of such dealer shall fail to comply with this section or knowingly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

Trotwood

545.13. *Sale license, purchase permit required.* No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B–B guns, knives described in Section 545.02, or other weapons, ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police, as hereinfater provided. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the Municipality who has not secured a permit from the Chief of Police to purchase such weapon, in the manner hereinafter provided.

545.16. *License or permit refusal.* It shall be the duty of the Chief of Police to refuse such license to engage in the business of selling or permit to purchase any of the weapons hereinbefore mentioned to any person who has been convicted of any crime, other than traffic offenses, any vagrant, any suspicious person, any minor under the age of eighteen years or any person having violated the provisions of this chapter during the preceding year.

University Heights

593.01. *Definitions.* (a) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(b) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(c) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of University Heights, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(e) "Resident" means any person who has a factual place of residence within the limits of the City of University Heights.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City of University Heights, Ohio.

(g) "Minor" means any person under the age of twenty-one (21) years.

593.02. *Prohibitions.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

593.04. *Identification card required.* (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 593.05 of the Codified Ordinances of the City of University Heights, Ohio.

(d) A handgun owner's identification card shall not be issued to any person who is:

(1) A person prohibited by Section 593.02 of the Codified Ordinances of the City of University Heights, Ohio, from purchasing, owning, possessing, receiving, having on or about his person, or using any firearm or ammunition;

(2) A minor;

(3) A person convicted of an illegal use or possession or narcotics;

(4) A person with more than one (1) conviction of being drunk and disorderly within one (1) year prior to his application for such identification card.

(5) Any person with more than one (1) conviction of a misdemeanor involving the use of force and violence, or the threat of the use of force and violence against the person of another within one (1) year prior to his application for such identification card.

(i) A non-resident of the City who owns, manages or operates a business within the City, or whose terms of employment require him to own, possess or have on or about his person a handgun during his employment within the City or any non-resident of the City passing through University Heights who complies with the prerequisites of this ordinance may make application for and obtain a handgun owner's identification card pursuant to the provisions of this section.

(4) Non-residents of the City of University Heights who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 593.02 or 593.04 of the Codified Ordinances of the City of University Heights, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for thirty (30) days only from the date thereof.

(5) Non-residents of the City of University Heights, Ohio, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

593.06. *Further prohibitions—sales—purchases—transfers.* (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 593.04 of the Codified Ordinances of the City of University Heights, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 593.05 of the Codified Ordinances of the City of University Heights, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 593.04, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 593.05 of the Codified Ordinances of the City of University Heights, Ohio.

593.07. *Dealers license.* (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

(b) Upon application and payment of the fee prescribed in Section 593.08 of the Codified Ordinances of the City of University Heights, Ohio, the Chief of Police shall issue a license to engage in business as a firearms dealer. No license shall be issued to any applicant whose license has been revoked nor to any applicant who has been convicted of a violation of any section of this article, until the expiration of five (5) years from the effective date of such revocation or five (5) years from the date of conviction. No person, firm or corporation shall be issued a firearms dealer's license who does not meet the qualifications or a handgun owner's identification card. The license issued pursuant to this section shall be prominently displayed by every firearms dealer at his place of business.

Wadsworth

529.02. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2908.07.

Wapakoneta

134.03. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Warren

545.04. *Sale of firearms; dealer's license; purchaser's permit.* No person shall engage in the business of selling or sell or give away to any person within the City any pistol, revolver, derringer, blackjack or other weapon of like character, which can be concealed on the person, without securing a license to do so. No person, having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

545.08. *Permit required of purchaser.* No person shall purchase any pistol, revolver, derringer, blackjack or any weapon of like character which can be concealed on the person, without first securing from the Police Chief a permit to do so.

545.10. *Qualifications of permittee.* It shall be the duty of the Police Chief to refuse such permits to: (a) all persons having been convicted of any crime, (b) all vagabonds, (c) all minors. Otherwise it shall be the duty of the Police Chief to grant such permit.

Warrensville Heights

741.01. *Permit to dispose of concealable weapons.* No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such permit shall give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

741.05. *Permit to purchase concealable weapons; application.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. * * *

741.06 *Duties of chief of police.* It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime.

(b) All vagabonds;

(c) All minors.

Otherwise, it shall be the duty of the Chief of Police to grant such permit.

741.08 *Gift or sale to minors.* (b) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2908.07.

West Carrollton

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the

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age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

West Milton

131.06. *Sale of firearms to minors.* (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen, an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

(B) This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Sec. 1533.13 of the Revised Code. (RC Sec. 2903.06) Penalty, see Sec. 130.99.

Whitehall

549.09. *Sale of firearms generally to minors.* (a) No person shall sell, barter, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol or other firearms, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. • • •.

549.11. *Sale or gift of deadly weapons; license required.* (a) No person shall sell or give away to any person within the City any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned without securing a license to do so from the Chief of Police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required in Section 549.12.

549.12. *Purchase of deadly weapons; permit required.* (a) No person shall purchase, redeem or remove from deposit or pledge any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so. • • •.

Wickliffe

597.01. *Permit to dispose of concealable weapons.* No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit, shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon • • •.

597.05. *Permit to purchase concealable weapons.* No person shall purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. • • •.

Wintersville

771–1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the Village, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon • • •.

771–2. It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. • • •.

771–3. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either of sale or to purchase firearms by any person not a citizen of the United States.

Worthington

529.03. *Sale of firearms.* No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is receiving instruction in marksmanship or the use of firearms on a suitable range from his parent or a competent adult instructor representing a State approved organization.

Yorkville

774–1. *License required.* It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell or give away to any person within the Village of Yorkville, any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without securing a license to do so, • • •, and no person, firm, or corporation having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon • • •.

774–5. *Application for permit by individual to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. • • •

774–6. *Permit to purchase firmarms to be refused—when.* It shall be the duty of the Chief of Police to refuse such permit to: (a) All persons having been convicted of any crime. (b) All vagabonds. (c) All minors.

774–7. *American citizenship required for sale or purchase of firearms.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either for sale or to purchase firearms by any person not a citizen of the United States.

Youngstown

133.04. *Possession of firearms by aliens.* It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the city. Any person who violates the provisions of this section, shall for the first offense be fined not less than fifty dollars and not more than one hundred dollars; for the second offense they shall be fined not less than one hundred dollars and not more than two hundred dollars or be imprisoned for not less than thirty days nor more than sixty days, or both. For a third or subsequent offense they shall be fined not less than two hundred dollars nor more than three hundred dollars and be imprisoned not less than ninety days nor more than six months, or both.

133.05. *License to sell weapons required.* (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the city any pistol, revolver, derringer, bowie knife, dagger, machine gun, bomb, or other weapon of like character, which can be concealed, without securing a license so to do.

(b) It shall be unlawful for any person whether or not licensed under the provisions of this section, to sell or give away or loan to any person under the age of twenty one years any pistol, revolver, derringer, bowie knife, dagger or other weapon of like character, which can be concealed.

133.09. *Weapon purchaser.* It shall be unlawful for any person to purchase any weapon mentioned in section 133.05 unless he furnishes to the dealer the information required by section 133.08. It shall be unlawful for any person to purchase any weapon for a person under the age of twenty-one or to otherwise give, sell or loan such weapon to a person under the age of twenty-one years.

OKLAHOMA

State Law

OKL. ST. ANN. TITLE 21

1272. *Carrying weapons.*—It shall be unlawful for any person in the State of Oklahoma to carry upon or about his person any pistol, revolver, bowie knife, dirk knife, switchblade knife, spring-type knife, knife having a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, loaded cane, billy, metal knuckles, or any other offensive or defensive weapon.

1273. *Selling weapons to minors.* It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated in the two preceding sections.

1321.1. *Citation.* This Act shall be known and referred to as the Oklahoma Riot Control and Prevention Act.

1321.2. *Definitions.* As used in this Act:

"State of Emergency" means an emergency proclaimed as such by the Governor pursuant to Section 3 of the Act.

"Governor" means the Governor of this State or, in case of his removal, death, resignation, or inability to discharge the powers and duties of his office, then the person who may exercise the powers of Governor pursuant to the Constitution and laws of this State relating to succession in office.

1321.4. *Acts which may be proclaimed prohibited.* (a) The Governor during the existence of a State of Emergency, by proclamation, may, in the area described by the proclamation, which said proclamation shall not cover any part or portion of the State not affected by public disorder, disaster, or riot at the time said proclamation is issued, prohibit:

(3) the manufacture, transfer, use, possession, or transportation of a Molotov Cocktail or any other device, instrument, or object designed to explode or produce uncontained combustion;

(4) the transporting, possessing, or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operations of motor vehicles, normal home use or legitimate commercial use;

(5) the possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business.

1288. *Purchase of firearms, ammunition and equipment in contiguous states by Oklahoma residents* • • • (a) Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which the purchase is made. • • •.

FIREARMS ACT OF 1971, CHAPTER 159, H.B. No. 1248, APPROVED MAY 24, 1971. BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1. *Oklahoma Firearms Act of 1971.* This act may be known and cited as the "Oklahoma Firearms Act of 1971."

2. *Legislative findings.* The Legislature finds as a matter of public policy and fact that it is necessary for promotion of the safe and lawful use of firearms to curb and prevent crime wherein weapons are used by enacting legislation having the purpose of control of use of firearms, and of prevention of their use, without unnecessarily denying their lawful use in defense of life, home and property, and their use by the United States or state military organizations and as otherwise provided by law, including their use and transportation for lawful purposes.

3. *"Pistols" defined.* "Pistols" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

4. *"Rifles" defined.* "Rifles" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle."

5. *"Shotguns" defined.* "Shotguns" as used herein shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun."

12. *Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs—Displaying notice.* It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, nor shall it be lawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer.

Ada

395.60. *Weapons prohibited to certain persons.* • • •. It shall be unlawful for any Licensee under this Chapter to sell, loan or give away any firearm, knife or other dangerous weapon to a minor, a known drunkard, or any person known to be under the influence of intoxicating liquors or drugs, or to any person who is known as an habitual user of drugs, or to any person who is commonly known to be a "police court character", which is defined to be a person who has been convicted of three or more offenses against the ordinances of this City other than traffic offenses in the police court of this City, or to any person known to have been previously convicted of any felony. Before such firearm, knife or other weapon may be sold, loaned or given to any person, such person's identification shall be determined by such Licensee. • • •.

551.B. *Furnishing certain weapons to minors unlawful.* It shall be unlawful for any person within the City of Ada, Oklahoma, to sell or give to any minor any of the arms or weapons designated in the preceding section.

Healdton

2. *It shall be unlawful for any person* to sell to a minor any pistol, revolver, bowie knife, dirk, dagger, sling shot, sword, sword cane, spear, metal knuckles, or any other kind of knife or instrument manufactured or sold for the purpose of defense or offense, within the corporate limits of the City of Healdton.

Hominy

14c. *Weapons, selling or giving them to minors.* The act of selling or giving to any minor any pistol, revolver, device, bowie knife, dirk, dagger, billy club, metal knucks or any other dangerous weapon is a public offense.

Lawton

6–54. Purchase of pistol: Permit required. It is unlawful for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Lawton, Oklahoma, without first having obtained a written permit from the police department of the City of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Provided, that regular dealers in such articles may accept such articles without a permit at any time.

6–55. No sale to person without permit. No person, firm, or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City of Lawton, Oklahoma, to any person who is not a holder of a written permit from the police department of Lawton, Oklahoma, authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm, or corporation deliver a pistol, revolver, or other like firearm to the person to whom it is to be sold or transferred until approved by the police department of Lawton, Oklahoma, • • •.

6–57. *Persons ineligible for permit; investigation.* It is the duty of the police department of Lawton, Oklahoma, to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such other persons as he has reasonable cause to believe are not of sound mind and discretion and of good moral character. When he has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes, it shall be the duty of the police department to issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty days.

6–60. *Duty of seller.* It shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, to require the holder of such permit to deliver the permit to such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm; and it shall be the duty of any person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm to deliver such permit to the police department of Lawton, Oklahoma, at the time the report of such sale or gift is made, as provided in this article.

Midwest City

5–39. *"Pistol" and "revolver" defined.* The word "pistol" or "revolver", as used in this article, means any firearm with a barrel less than twelve (12) inches long.

5–40. *Purchase; permit required.* It is unlawful for any person to purchase, receive, or accept in any manner any revolver, pistol, or other like firearm within the City of Midwest City without first having obtained a written permit from the chief of police of the City of Midwest City, authorizing such person to receive or accept such revolver, pistol, or other like firearm.

5–41. *Sale without permit; exception.* No person, firm, or corporation shall sell, deliver, barter, give, or otherwise transfer a pistol, revolver, or other like firearm within the City of Midwest City to any person who is not the holder of a written permit from the chief of police of Midwest City authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the chief of police of Midwest City in the manner provided hereinafter.

5–42. *Application for permit.* Applications for permits to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the chief of police of Midwest City upon blanks to be provided therefor. • • • no person applying for such permit shall give false information or offer false evidence of his identity.

5–43. *Persons ineligible for permit; investigation.* It is the duty of the chief of police of Midwest City to refuse such permits to all persons having been convicted of a felony under the laws of the State of Oklahoma, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign-born persons, and such persons as he has reasonable cause to believe are not of sound mind. If the chief of police is satisfied after investigation made that the applicant is a suitable person of sound mind and discretion and of good moral character, and that such revolver, pistol, or other like firearm is to be used for lawful pur-

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poses, it shall be the duty of the chief of police to issue to such applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or like firearm.

5–46. *Duty of seller.* It is the duty of the person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, to require the holder of such permit to deliver the permit to such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm. It is the duty of any such person, firm, or corporation who sells, transfers, or gives away any pistol, revolver, or like firearm to deliver such permit to the chief of police of Midwest City, Oklahoma, at the time the report of such sale or gift is made • • •.

5–48. *Antiques.* Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

5–49. *Hours sales prohibited.* It is unlawful for any person, firm, or corporation to purchase, receive, or accept in any manner, or to barter or give away any pistol, revolver, or other like firearm between the hours of 5:00 o'clock p.m. and 8:00 o'clock a.m.

Muskogee

14–44. *Rules governing sale of weapons.* All persons handling, selling, or offering for sale, transferring or delivering, any pistol, revolver, dirk, bowie knife, dagger, billy, brass, iron, or other metal knucks, or any knife having a spring handle, or any similar dangerous or deadly weapon capable of being carried or concealed upon the person, shall, at the time of the sale or delivery thereof, to any purchaser or person receiving such weapon or weapons, require the purchaser or one receiving the same to sign and swear to an application for the purchase thereof upon a written blank showing the name, age, sex, occupation, color of hair, color of eyes, weight, height, complexion, place of residence, the length of time such applicant has resided at such place of residence, and containing a description of the weapon for the purchase of which application is made, including the make, caliber, and factory number, if any thereon. The dealer or person selling or delivering any such weapon shall, at the time of the sale or delivery to such purchaser, require that the application have shown thereon for the purpose of identification, the finger prints of the purchaser. It is the duty of all persons subject to the provisions hereof to deliver to the police department of the City of Muskogee, not later than the day following any delivery or sale of any weapon hereunder, the application containing the information above required and the signature and finger prints of the purchaser.

Oklahoma City

21–53. *Receipt of pistol; permit required.* No person shall purchase, receive, or accept in any maner any pistol without first having obtained a written permit from the Chief of Police authorizing the person to receive or accept the pistol.

21–54. *Transfer of pistol to person without permit.* (a) Transfer without permit. No person shall transfer a pistol to any person who is not a holder of a written permit from the Chief of Police authorizing the person to purchase, receive or accept the pistol.

(b) Delivery of pistol only after Police approval. No person shall deliver a pistol to the person to whom it is to be transferred until approved by the Chief of Police in the manner provided in this Division.

21–55. *Application for permit to receive pistol.* (a) Contents of application. Applications for permits to purchase, receive or accept any pistol shall be made to the Chief of Police upon blanks to be provided. The application shall give the name of the applicant, his age, occupation, place of residence, height, weight, race, and nationality and other information and evidence of identification and good moral character as the Chief of Police may require.

(b) False information in pistol application. No person applying for a permit shall give false information or offer false evidence of his identity.

21–56. *Persons ineligible for pistol permit; investigation.* The Chief of Police shall refuse to issue the permits described in Sections 21–53 and 21–55 to all persons having been convicted of a felony under the laws of the State, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied after an investigation that the applicant is a suitable person of sound mind and discretion and of good moral character, and that the pistol is to be used for lawful purposes, he shall issue the applicant a written permit authorizing him to purchase, receive or accept the pistol.

21–58. *Transfer of pistols to be reported; separate offense for each day of failure to report.* Every person who transfers to any person, except to regular dealers in these articles, any pistol shall, within twenty-four (24) hours after making the transfer, make and file with the Chief of Police a legible report, written in the English language, stating the date of the transfer, the correct name, age, residence, height, weight, color of hair, eyes, race and nationality of the transferee. This written report shall also contain the make, kind, description, caliber, model, manufacturer's number, or other marks of identification of the pistol transferred. Each day of failure to make this report shall be a separate offense.

21–59. *Transfers of pistols.* No person shall purchase, receive or accept in any manner, or transfer any pistol between 5:00 P.M. and 6:00 A.M.

21–62. *Antique pistols excepted.* Nothing contained in this Division shall be deemed to apply to antique pistols which are incapable of being used as pistols.

21–165. *Sale or gift of explosives to minors.* No person shall sell, give, or deliver to any minor any of the following explosives: Gunpowder, blasting powder, giant powder, gun cotton, nitroglycerin, dynamite, dynamite caps, or other explosives of a similar character.

21–166. *Sale to or possession of weapons by minors.* (a) No person under the age of twenty-one (21) years shall carry, discharge, use or be in possession of any firearm, weapon, air gun, gas-operated gun, or any bow or sling type instrument made for the purpose of throwing or projecting missiles of any kind and capable of inflicting injury. (b) No person shall sell to a minor any of the firearms or weapons named in Subsection (a).

Shawnee

48–3. *Sale of weapons to minors prohibited.* It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in Section 46–1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed fifty dollars.

48–6. *"Pistol" and "revolver" defined.* The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48–7. *Applicability of article.* Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48–8. *Permit to purchase, receive, etc.—Required.* No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48–9. *Same—Application.* Applications for permits to purchase, receive or accept any revolver, pistol or other similar firearm shall be made to the chief of police upon blanks to be provided therefor, • • •, and no person applying for such permit shall give false information or offer false evidence of his identity.

48–10. *Same—Prerequisites to issuance; issuance.* It shall be the duty of the chief of police to refuse permits for pistols, revolvers and other similar firearms to all persons who have been convicted of a felony under the laws of the state, any other state or the United States, and to all minors, drug addicts, unnaturalized foreign-born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the chief of police is satisfied, after investigation made, that the applicant is a suitable person, of sound mind and discretion and of good moral character, and that such revolver, pistol, or other similar firearm is to be used for lawful purposes, it shall be the duty of the chief of police to issue to such applicant a written permit authorizing him to purchase, receive or accept such revolver, pistol or similar firearm.

48–12. *Sale of pistols, revolvers, etc.* (a) No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the required permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tulsa

443. *Sales permitted—Rules.* All persons trading, selling or offering for sale, any pistol, revolver, dirk, dagger, bowie knife, capable of being carried concealed upon the person, shall at the time any such weapons are sold or delivered, require such person receiving or purchasing such weapon to sign an application for the purchase of such weapon, upon blanks to be furnished by the City of Tulsa to the dealers in weapons of the above description. • • • The dealer selling such weapon shall also, at the time of sale or delivery, require such person to make and leave with such dealer, a record of such purchaser's finger prints, such prints to be made upon suitable blanks to be furnished to such dealer by the said City of Tulsa. • • •

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein defined between individuals who are not dealers in such weapons; nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

Yukon

5–34. *Sale of pistols and other sidearms.* Every person, firm, or corporation keeping, selling, or dealing in new or used pistols, revolvers, or other sidearms within the City of Yukon, shall keep an accurate account and record of all such pistols, revolvers, or other sidearms, showing the make, model, serial number, date acquired, from whom acquired, date sold, and name or names and address of purchaser or purchasers of said article. Said record shall be available for inspection by any police officer of the City of Yukon at any reasonable time. It shall be the duty of any person, firm, or corporation purchasing said article to disclose to the seller of same the name and address of the person or persons obtaining the same and the purpose or purposes for which obtained.

OREGON

State Law

O.R.S.

166.210. *Definitions.* (1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250. *Unlawful possession of weapons.* (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290, or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.280, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260. *Persons not affected by ORS 166.250.* ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy, or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270. *Aliens and convicts forbidden to possess arms.* Any unnaturalized foreign-born person or any person who has been convicted of a felony against the person or property of another or against the Government of the United States or of this state, or of any political subdivision of this state, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person, or machine gun, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.430. *Licenses to sell at retail.* Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(3) No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is personally known to the seller or presents clear evidence of his identity.*

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.450. *Obliteration or change of identification marks on firearms.* Any person who changes, alters, removes or obliterates the name of the maker, model, manufacturer's number, or other mark of identification on any pistol or revolver, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years. Possession of any such firearm upon which the same has been changed, altered, removed or obliterated, is presumptive evidence that the possessor has changed, altered, removed or obliterated the same.

166.460. *Antique firearms excepted.* ORS 166.230, 166.250 to 166.270, 166.280, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470. *Limitations and conditions for sales of concealable firearms.* No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.*

166.480. *Sale or gift of explosives and firearms to children.* Any person who sells, exchanges, barters or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barters or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barters or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490. *Purchase of firearms in certain other states.* (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun, unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

480.070. *Fire bombs prohibited; exceptions.* (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

*COMPILERS NOTE: Oregon State Law Chapter 464, House Bill No. 1725 increases the waiting period for delivery of firearms from 24 hours to 120 hours effective January 1, 1972.

Corvallis

41. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor. • • •.

Gresham

483–1. On and after October 1, 1968, it will be necessary for any person, firm or corporation to do business within the City of Gresham for the sale of firearms, particularly pistols, revolvers and other firearms, to secure an annual City license for the sale of such firearms. • • • All licenses issued for the sale of firearms shall be subject to the following conditions:

3. No pistol or revolver shall be delivered on the day of the application for the purchase, or unless the purchaser either is per-

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sonally known to the seller or presents clear evidence of his identity; • • •.

Klamath Falls

47–13. *Sale, offering for sale, etc., prohibited.* No person shall sell, offer for sale, or give away, either as the owner or the agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids, to blind, or impair the eyesight, or sicken, or disable a human being. Such gun is hereby declared to be a dangerous weapon.

47–14. *Permit required to carry on person; exception.* No person shall carry or have on or about his person, or in his possession, any weapon described in section 47–13, without first securing a permit from the chief of police of the city or the sheriff of the county, granting him to such privilege; except that duly authorized peace officers, are not included in this section. The chief of police shall use his discretion in issuing such permits.

Myrtle Creek

5–6.5. (e) *Sales to intoxicated persons and minors.* No person shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Oregon City

6–4–1. *License and permit required.* Any person engaging in the business of selling or offering to sell any pistol, revolver, bowie knife or other weapon of like character that can be concealed upon the person, shall first obtain a license as a dealer in deadly weapons to sell or give away any such weapon to any person who has secured a permit from the Chief of Police to purchase the weapon in the manner hereafter provided.

6–4–3. *Application; permit to purchase.* It shall be unlawful for any person to purchase any pistol, revolver, bowie knife, dirk or other weapon of like character, which can be concealed upon the person, without first securing from the Chief of Police a permit so to do • • • the provisions set forth in this Section shall not apply to retail dealer's or wholesale dealers in weapons, having an established place of business in the City.

6–4–4. *Refusal of permit.* It shall be the duty of the Chief of Police to refuse a permit to: (A) All persons having been convicted of a felony. (B) All vagabonds. (C) All minors.

Portland

7.168.010. *Fees.* (a) Dealers in weapons. Dealers in deadly weapons or firearms shall pay an annual license fee of fifty dollars.

7.168.020. *Deadly weapon or firearm dealer defined.* Any person engaging in the business of selling or offering for sale at retail or wholesale any pistol, revolver, derringer, bowie knife or other weapon of like character that can be concealed upon the person, is considered a dealer in deadly weapons or firearms.

7.168.040. *Conditions of license.* Every license issued under the provisions of this chapter is issued upon the following terms and conditions:

(1) The licensee shall observe all the provisions of the ordinances of the city, of the laws of the state relating to the business of dealing in deadly weapons or firearms; the licensee will not sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe is an alien or who has been convicted of a felony, nor will he sell, deliver, or otherwise transfer any such weapon to any minor under the age of eighteen years:

(4) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped; or unless the purchaser either is personally known to the seller or shall present clear evidence of his identity; • • •

14.04.020. *Dangerous or deadly weapon.* As used in this code, "dangerous or deadly weapon" includes any revolver, pistol or other firearm, metal knuckles, a straight razor, any instrument or weapon of the kind commonly known as a blackjack or sap, or any type of knife other than an ordinary pocket knife with a blade not longer than three and one-half inches. When carried with intent to use the same unlawfully against another, "dangerous or deadly weapon" also includes any instrument or device capable of inflicting injury to the person or property of another.

14.32.060. *Sale or distribution of miniature firearms and ammunition.* It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the city.

14.32.080. *Sale or distribution of dangerous or deadly weapons or ammunition to minors—Possession by minors.* It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen years of age any dangerous or deadly weapon as defined in Section 14.04.020; and it is unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any dangerous or deadly weapon as defined in Section 14.04.-020; and it is unlawful for any such minor to have any such dangerous or deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a dangerous or deadly weapon or ammunition in his or her possession.

PENNSYLVANIA

State Law

PENN. STATS. ANN. (PURDON'S) TITLE 18

3853. *Purchase of rifles and shotguns in contiguous states.* It is lawful for a person residing in this Commonwealth (including a corporation or other business entity maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or transport such rifle or shotgun into this Commonwealth.

4626. *Sale of weapons and explosives to minors.* Whoever knowingly and wilfully sells or causes to be sold, to any person under sixteen years of age, any deadly weapon, or knowingly and wilfully sells or causes to be sold to any such minor any cartridge, gunpowder, or other dangerous and explosive substance, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500), or undergo imprisonment not exceeding one year, or both.

4626.1 *Sale of starter pistols to minors.* Whoever sells, causes to be sold, gives or furnishes to any person under the age of eighteen years, or whoever being under the age of eighteen years purchases, accepts, receives or possesses, any pistol, commonly referred to as "starter pistol", especially designed to receive and discharge blank cartridges only or similar pistol, is guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or undergo imprisonment for not more than one (1) year, or both. Nothing in this section, however, shall prohibit the use of said starter pistols for the purpose of officiating at athletic events, use in dramatic productions, or other similar events.

4628. *Uniform Firearms Act—Definitions.* (a) As used in this section:

"Firearm" means any pistol or revolver with a barrel less than twelve inches, any shotgun with a barrel less than twenty-four inches, or any rifle with a barrel less than fifteen inches.

"Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder, rape, mayhem, aggravated assault and battery, assault with intent to kill, robbery, burglary, breaking and entering with intent to commit a felony, and kidnapping.

"Person" includes firm, partnership, association, or corporation; and the masculine shall include the feminine and neuter.

(d) No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

(g) No person shall deliver a firearm to any person under the age of eighteen, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

(h) No seller shall deliver a firearm to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased and a statement that he has never been convicted in this Commonwealth or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief or head of the police force or police department of the city, or the sheriff of the county of the seller's place of business, the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Commissioner of the Pennsylvania State Police, the triplicate he shall retain for six (6) years, and the quadruplicate with the proper signature and address of the seller shall, within six (6) hours after such application, be forwarded by registered mail to the chief or head of the police force or police department of the city or to the sheriff of the county of which the buyer is a resident. This clause shall not apply to sales at wholesale.

(l) No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this section.

(m) No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

(n) No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm, upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

(o) This section shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

4629. *Traffic in machine guns.* Whoever sells, gives, transfers, purchases, owns, or has in possession any machine gun, is guilty of a felony, and on conviction thereof, shall be sentenced to pay a fine not exceeding two thousand dollars ($2,000), or undergo imprisonment, by separate or solitary confinement at labor, not exceeding five (5) years, or both.

Nothing contained in this section shall prohibit the manufacture for, and sale of, machine guns to the military forces of the United States, or of the Commonwealth of Pennsylvania, or to any police department of this Commonwealth, or of any political subdivision thereof, nor to the purchase or possession of machine guns by such governments and departments, nor prohibit any organization, branch, camp or post of veterans, or any veteran of any war in which the United States was engaged, from owning and possessing a machine gun as a relic, if a permit for such ownership or possession has been obtained from the sheriff of the county, which permit is at all times attached to such machine gun. Any sheriff, upon application and the payment of a fee of one dollar ($1.00), may issue permits for the ownership and possession of machine guns by veterans and organizations, branches, camps or posts of veterans, upon production to the sheriff of such evidence as he may require that the organization, branch, camp or post is a bona fide organization of veterans, or that any such veteran applicant is a veteran of good moral character and reputation, and that the ownership and possession of such machine gun is actually desired as a relic.

4699.12. *Sale of gasoline in glass containers; incendiary devices.* (a)—Whoever sells gasoline in a glass container shall upon conviction thereof in a summary proceeding be sentenced to pay a fine not exceeding one hundred dollars ($100) or to undergo imprisonment not exceeding thirty (30) days.

(b) Whoever owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "Molotov cocktail," shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to undergo imprisonment not exceeding one (1) year, or both. For the purposes of this section, the term "incendiary device" means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type. The provisions of this section shall not apply to authorized personnel of the United States government, the Commonwealth of Pennsylvania, or any of its political subdivisions who use incendiary devices as part of their duties.

Abington Township

Sale or furnishing weapons to persons under the age of eighteen years. 2. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle, air rifle or air gun of any description in the Township of Abington, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Clifton Heights Borough

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with intent to use or discharge and/or to use or discharge within the limits of the BOROUGH OF CLIFTON HEIGHTS any air gun, air pistol, spring gun, or pistol, starter guns, blank guns, beebe guns, sling shots or any implement not a firearm which impels with force a pellet of any kind. "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bonafide dealer therein.

Harrisburg

721.02. *Emergency measures.* 1. Whenever the Mayor pursuant to Section 721.01 of this Code of Ordinances declares that a state of emergency exists, (a) the emergency measures provided in Paragraph 2 of this Section shall thereupon be in effect during the period of said emergency and throughout the City.

2. (a) The sale or transfer of possession, with or without consideration, the offering to sell or so transfer and the purchase of any ammunition, guns or other firearms of any size or description is prohibited. (b) The displaying by or in any store or shop of any ammunition guns or other firearms of any size or description is prohibited. • • •.

Lancaster

747.03. *Sale of deadly weapons.* The provisions of this article shall not apply to air guns or pistols, gas-powered guns or pistols having rifled barrels and being commonly used for target practice and the shooting of small game. For the purposes of this article, such articles shall be deemed to be deadly weapons and may be sold by dealers licensed to sell firearms after proper application has been made by the purchaser thereof on forms prepared by the Commissioner of Police and supplied by him to the dealer. The dealer shall have the prospective purchaser or such weapon fill out the application and shall immediately thereafter file a copy of said application with the Commissioner of Police. If the Commissioner of Police does not notify the dealer that he has any objection to the sale within a period of forty-eight (48) hours thereafter, then the dealer may complete the sale and file a record of such completion with the Commissioner of Police on forms to be supplied by said Commissioner.

Lower Moreland Township

69–1a. Any person in Lower Moreland Township under eighteen (18) years of age, unless acting under the supervision of and in the presence of a parent or guardian, who purchases or possess any pellets or shot for an air gun or ammunition for a rifle or other firearm, shall upon summary conviction by any Justice of the Peace of this Township, pay a fine not in excess of Fifty ($50.00) Dollars and in default of payment shall undergo imprisonment not in excess of twenty (20) days."

69–1b. Any person in Lower Moreland Township who shall sell, furnish or give any pellets or shot for an air gun or ammunition for a rifle or other firearm to any person under eighteen (18) years of age, unless the minor receiving the aforesaid shot, pellets or ammunition is accompanied by and acting under the supervision of a parent or guardian, shall upon summary conviction by any Justice of the Peace of Lower Moreland Township pay a fine not in excess of One Hundred ($100.00) Dollars and in default of payment shall undergo imprisonment not in excess of thirty (30) days.

69–2. Whoever knowingly and wilfully sells or causes to be sold, to any person under eighteen (18) years of age any rifle, air rifle, or air gun of any description in the Township of Lower Moreland, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars ($50.) and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Marcus Hook Borough

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell any device known as air rifles, B. B. guns, or guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

McKeesport

1. *Be it ordained and enacted by the City of McKeesport* in Council assembled, and it is hereby ordained and enacted by the authority of the same, That from and after the passage of this ordinance, it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, • • •.

2. *It shall be unlawful for any person or persons,* firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Mt. Lebanon Township

3. *No person, firm or corporation shall* sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township Manager of said Township, or his authorized agent, • • •.

Mt. Oliver Borough

5: No person other than duly authorized personnel of the Borough, City, County, State or Federal law enforcement agencies, shall carry, sell, or display, barter, loan, give away, transfer, transport, discharge, or use any weapon, ammunition or explosive device of any kind or nature whatsoever including firearms, air rifles, bows and arrows, swords, knives, razors, bayonets, axes, hatchets, bombs, missiles or any other weapon or device designed or intended to inflict bodily harm or injury to property at any place within the Borough.

Philadelphia

10–814. *Acquisition or transfer of firearms* (1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Department. Department of Licenses and Inspections.

(2) Prohibited conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(4) License. (a) No license shall be issued unless the Police Department, after due investigation, approves the application.

(5) Duty of transferor or vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise

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the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section.

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

9–606. *Ammunition.* (2) *Definitions.* In this Section the following definitions apply: (a) *Ammunition.* Any material used in discharging any type of firearm or any projectile discharged by said firearm. (b) *Minor.* Any person under the age of 18 years.

(3) *Prohibitions.* (a) Any person engaged in the business of selling ammunition shall be required to comply with the following: • • •

(b) No person shall sell, give or delivery any ammunition to minors; provided, that this Section shall not apply to ammunition supplied by a parent or guardian to his child or children, for lawful purposes.

(c) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(4) *Licenses.* (a) No person shall sell any ammunition unless he first receives a license from the Department.

Scranton

1. The Council of the City of Scranton ordains that for the purpose of preventing the carrying of concealed deadly weapons and the commission of other crimes and breaches of the peace, it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) slung-shot, handy-billy, dirk-knife, or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor accompanied by payment of a fee of $1.00 to the Superintendent of the Bureau of Police for the use of the City of Scranton. Said application shall set forth the reasons why such purchase or acquisition is desired and such other information as said Superintendent may require. If said Superintendent shall deem such application well grounded and such applicant to be of good moral character, he shall grant a non-transferable permit, which shall be signed by the applicant in the presence of said Superintendent or his duly authorized representative.

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

Shamokin Borough

52–4. *Purchase, sale or discharge of fireworks, etc., prohibited; exception.* From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any firecrackers, rockets, squibs, guns, pistols or other firearms or fireworks of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Springfield Township

545–3. The Board of Commissioners of the Township of Springfield does ordain: Whoever knowingly and willfully sells or causes to be sold or supplies or furnishes to any minor person any rifle, air rifle, or air gun of any description or ammunition or pellets for the same, or bow and arrows, or shotguns, guns or any firearm or weapon from which a shot or other object is discharged by an explosive force, in the Township of Springfield shall upon conviction thereof in a summary proceeding before a Justice of the Peace, be sentenced to pay a fine not exceeding $50.00 and in default of the payment of fine and costs, shall be sentenced to imprisonment in the County Jail not exceeding ten days.

Swissvale Borough

1464–3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579–2. *Every prospective purchaser* of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as to the said Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Southampton

3: *Whoever knowingly and willfully* sells or causes to be sold or supplies or furnishes to any person under eighteen years of age, any gun, rifle, air rifle, or air gun, or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred ($100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in the County Jail for a period not exceeding thirty (30) days.

West Conshohocken Borough

246–3. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations, to transfer, store, sell, offer or expose for sale, or to have possession with intent to sell any gun, pistol, shotgun, rifle or other firearm within the Borough of West Conshohocken, unless duly licensed according to law.

Wyomissing Borough

578–1(c) *Dealing with Minors and Certain Other Persons.* Purchase from, or sell, loan, give, trade, deliver or otherwise furnish any weapon described in sub-section (b) herein, or ammunition therefor, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 16 years; excepting bows and arrows with respect to minors.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.

PUERTO RICO

L.P.R.A. Title 25

413. *Sale or transportation of machine guns.* Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. *Possession of machine gun or sawed-off shotgun.* Any person who possesses or uses a machine gun, or a sawed-off shotgun, shall be guilty of a felony. This section shall not be applicable to the possession or use of machine guns in the discharge of their official duties by members of the police, by wardens, superintendents, or any of their deputies of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases or any other public peace officers; nor shall it apply to the possession or use of machine guns by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

416. *Possession of pistol or firearm without license.* Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor and, if previously convicted of any violation of this chapter, or of any of the offenses specified in section 427 of this title, or uses the weapon in the commission of any of such offenses, shall be guilty of a felony.

420. *Possession or sale of silencer.* Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard, nor to the members of the armed forces of the United States.

421. *Serial number or name of owner on firearm—Removal or defacement.* Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who:

(a) Willfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who:

(c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

425. *License to possess firearms; weapons for farmers.* The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue licenses to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

427. *Grounds for refusing to issue license.* The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247–1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

430. *Persons who may lawfully carry weapons.* (a) The following may lawfully have, possess, bear, transport and carry weapons:

1. Members of the Armed Forces of the United States and of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The members of the Police of Puerto Rico under the provisions of the regulations of the said organization.

3. The Superintendent of Prisons, heads of Commonwealth penitentiaries and jail wardens, under the regulations provided by the Secretary of Justice.

4. Penal guards and convict guards, under the regulations provided by the Secretary of Justice.

5. United States customs and immigration officials, while in the discharge of their duties.

(b) A revolver or pistol may be lawfully owned, possessed, borne, transported, and carried by:

1. The judges and prosecuting attorneys of the courts of justice.

2. Any officer of the Government of Puerto Rico when a permit to carry firearms should, in the opinion of the Chief of Police of Puerto Rico, be issued to the said officer by reason of the duties of his position and the said permit is issued to him by the Chief of Police of Puerto Rico.

3. Mail carriers in the performance of their duties.

4. The marshals and deputy marshals of any tribunal or court.

5. Carriers of public funds while such funds are in their custody.

6. Carriers of private funds and custodians of private funds in banking institutions while such funds are in their custody, upon issuance to them of a permit by the Superior Court of Puerto Rico, before which such carriers or custodians, or their employers, shall have justified their need for such permit.

7. Internal-revenue collectors and agents while in the performance of their duties and provided they have been so authorized by the Chief of Police of Puerto Rico at the request of the Secretary of the Treasury of Puerto Rico to carry a revolver or a pistol.

436. *Conditions for dealers' operations; records of transactions.* Any person, partnership or corporation, to whom or to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

437. *Acquisition of weapons by persons authorized in section 430.* The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

438. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales slip, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales slip has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase, and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have and possess a firearm.

445. *Hunting and target shooting arms excepted.* The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

446. *Collections of antique weapons; certificates of uselessness.* No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

454. *Definitions.* For the purposes of this chapter, the phrases and terms hereinafter listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in firearms or ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico

541. *Concealed weapons and instruments.* It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could

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produce explosion through combustion, including among such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. *Exceptions.* Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

RHODE ISLAND

State Law

R.I.L. TITLE 11

11–13–3. *Sale of fulminate cartridges or contrivances to minors.* No person shall sell to any child under the age of fifteen (15) years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate. Nothing in this section shall authorize the sale of any blank cartridge except as provided in § 11–13–5. Every person violating the provisions of this section shall be fined not less than ten dollars ($10.00) nor more than twenty dollars ($20.00) for each offense.

11–13–4. *Toy canes or devices for firing blanks.* No person or persons shall sell expose for sale, or have in his or their possession with intent to sell or use, or shall discharge or use, within this state, any repeating toy cane for discharging any explosive, any toy pistol or any other toy device designed or used for the discharge of blank cartridges.

11–13–8. *Delivery or transportation of unmarked explosives or inflammable substances.* Every person who shall knowingly deliver or cause to be delivered to any person or carrier any box, can or other package of nitroglycerine, gunpowder, naphtha or other equally inflammable and explosive substance, material or fluid, not marked with a plain and legible label describing its contents, or who shall remove or cause to be removed any such label or mark, or who shall carry or cause to be carried on any vessel, car or vehicle operated in the transportation of passengers by a common carrier, which vessel, car or vehicle is carrying passengers for hire, any box, can or other package of nitroglycerine, gunpowder, naphtha, guncotton or substance or material containing guncotton, or any other equally inflammable and explosive material, substance or fluid, shall be fined not more than ten thousand dollars ($10,000) or imprisoned not more than five (5) years.

11–47–2. *Definition of terms.* When used in §§ 11–47–1 to 11–47–56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" shall include any weapon which shoots automatically and any weapon other than twenty-two (22) caliber rim fire which shoots more than fourteen (14) shots semi-automatically without reloading.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

11–47–5. *Possession of arms by person convicted of crime of violence or who is a fugitive from justice.* No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm.

11–47–6. *Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard.* No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s). If said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11–47–7. *Possession of pistol or revolver by alien.* No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11–47–8. *License required for carrying pistol—possession of machine gun.* No person shall, without a license therefor, issued as provided in §§ 11–47–11, 11–47–12, and 11–47–18, carry a pistol or revolver in any vehicle or conveyance or on or about his person whether visible or concealed, except in his dwelling house or place of business or on land possessed by him or as provided in §§ 11–47–9 and 11–47–10, and no person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter. Every person violating the provision of this section shall, upon conviction, be punished by imprisonment for not less than one (1) nor more than five (5) years and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor of probation.

11–47–20. *Sale or possession of silencers.* It shall be unlawful within this state to manufacture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one (1) year and one (1) day.

11–47–21. *Restrictions on possession or carrying of explosives or noxious substances.* Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bomb-shell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11–47–23. *False information in securing pistol or license.* No person shall in purchasing or otherwise securing delivery of a pistol or revolver or in applying for a license to carry the same, give false information or offer false evidence of his identity. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11–47–24. *Alteration of marks of identification on firearms.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same. Violation of the provisions of this section may be punished by imprisonment for not more than one (1) year and one (1) day.

11–47–25. *Antique firearms and collections.* Sections 11–47–1 to 11–47–56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms as curios, souvenirs, or for educational, scientific or any similar purpose without intent to use such firearms.

11–47–30. *Sale of firearms to minors.* It shall be unlawful within this state for any person to sell any firearm to any person under fifteen (15) years of age.

11–47–31. *Sale of ammunition to minors.* It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under fifteen (15) years of age.

11–47–32. *Possession of ammunition by minor.* Except as provided in § 11–47–33, it shall be unlawful within this state for any person under fifteen (15) years of age to possess and use ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm.

11–47–33. *Possession of firearms by minors.* It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in § 11–47–34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11–47–34. *Firearms permits to minors.* The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of junior divisions of senior gun clubs incorporated in the state of Rhode Island shall be prima facie evidence of such person under fifteen (15) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11–47–35. *Sale of concealable weapons.* No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver.

(APPLICATION FORM OMITTED)

The seller shall on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of said application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his residence or place of business shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The triplicate copy duly signed by the seller shall within seven (7) days be sent by him by registered mail to the attorney-general. The seller shall retain the original copy duly receipted by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It shall be the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to check the applicant's record to ascertain whether he falls under the provisions of §§ 11–47–5, 11–47–6, 11–47–7, or 11–47–23. If after the lapse of seventy-two (72) hours from twelve o'clock noon of the day following application, no disqualifying record has been received from the investigating police authority by the seller, he will deliver the firearm applied for to the applicant. Upon the finding of no record that would disqualify the applicant under the provisions of the above cited sections of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. The provisions of this section shall not apply to bona fide sales at wholesale to duly licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of § 11–47–39.

11–47–37. *Delivery to minors and others forbidden.* No person shall deliver a concealable firearm to any person under the age of twenty-one (21) or to one who he has reasonable cause to believe falls under the provisions of §§ 11–47–5, 11–47–6, 11–47–7, or 11–47–23.

Central Falls

17–25. *Same—Sale to minors.* No person shall sell or dispose of to any minor who has no special license to have the same in his possession any of the articles or contrivances mentioned in the two preceding sections. Any person violating this section shall be held responsible for any damage or injury caused as a result of his act.

East Providence

20–14. No person shall sell or offer to sell any rifle, gun, pistol, air gun, spring gun, sling shot or similar contrivance arranged to discharge missiles to any person under the age of twenty-one years.

SOUTH CAROLINA

State Law

S.C. CODE

15–1388. *Selling, etc., weapons to minors.* If any person shall knowingly sell, offer for sale, give or in any way transfer to a minor any pistol or pistol cartridge, brass knucks, bowie knife, dirk, loaded cane or slingshot he shall be guilty of a misdemeanor. Any person being the parent or guardian of or attending in loco parentis to any child under the age of twelve years who shall knowingly permit such child to have the possession or custody of or use in any manner whatever any gun, pistol or other dangerous firearm, whether such firearm be loaded or unloaded, or any person who shall knowingly furnish such child any firearm shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

16–121. *Machine gun defined.* For the purpose of this article the words "machine gun" apply to and include all firearms commonly known as machine rifles, machine guns and submachine guns of any calibre whatsoever capable of automatically discharging more than eight cartridges successively without reloading in which the ammunition is fed to such gun from or by means of a clip, disk, belt or other separable mechanical device.

16–123. *Storing, keeping or possessing.* It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession, except as hereinafter provided, any machine gun or firearm commonly known as a machine gun.

16–124. *Selling, renting or giving way.* It shall be unlawful for any person to sell, rent or give away or be interested, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun.

16–125. *Exceptions.* The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, State constable, member of the highway patrol, railway policeman, warden, superintendent, head keeper or deputy of any State prison, Penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun may possess machine guns when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns kept for display as relics and which are rendered harmless and not usable.

16–126. *Application for permission to keep; registration and permit.* Every person permitted by § 16–125 to possess a machine gun and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, immediately after such election, shall file in the office of the Secretary of State on a blank to be supplied by the Secretary of State on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, description including sex, race, age, weight, height, color of eyes and color of hair, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun which he possesses or desires to possess. Thereupon, the Secretary of State shall file such application in his office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun in his possession. Such registration shall be made on the date application is received and filed with the Secretary of State and shall expire on December thirty-first of the year in which the license is issued.

16–129. *Definitions.* When used in this article: (a) "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to

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avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the goverment of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

16–129.2. *Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols.* It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

16–129.5. *Giving false information in applying for license.* No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

66–4. *Regulation of sale of explosives.* No person shall sell, deliver or dispose of dynamite or similar powerful explosives, except ordinary gunpowder, unless such person knows the purchaser or the person to receive such explosive and is satisfied that the explosive is not to be used for killing fish, and then only upon a written application from the person desiring to purchase, stating the purpose for which he desires to use such explosives.

THE GENERAL ASSEMBLY OF THE STATE OF SOUTH CAROLINA, EFFECTIVE JUNE 17, 1971, ENACTED THE FOLLOWING PROVISIONS:

Section 1 of Public Act 444: Any resident of this State, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same in this State; provided, that the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Aiken

14–42. *Weapons—Firearms—Pistols, manufacturing, carrying and selling.* It shall be unlawful in the city for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight; * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Anderson

1. When used in this Ordinance: (a) Pistol means any firearm designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearms generally recognized or classified as antique, curiosity, or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "Dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "Crime of Violence" means murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "Fugitive from Justice" means any person who has fled from or who is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "Subversive Organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which is the establishment, control, conduct seizure or overthrow of the Government of the United States or any State or Political Subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "Conviction" as used herein shall include pleas of guilty, pleas of nolo contendre and forfeit of bail.

3. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the City of Anderson any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the Several States, Commonwealths, Territories, possessions or the District of Columbia, or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or Reserve, National Guard, State Militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by Order of a Circuit Judge or County Court Judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any Police Officer, or by any prosecuting officer of this State, or sua sponte, by the Court, but any person who shall be the subject of such application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c), or (d) of this Section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

4. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as hereinafter provided.

37–3. *Pistols less than twenty inches long and three pounds in weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

Charleston

49–2. *Possession, sale, etc., of tear gas bombs, etc.* It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Florence

19–55. *Weapons—carrying, sale, etc., of pistols of certain size and weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight. * * *; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Greenville

38–4. *Pistols less than twenty inches long and three pounds in weight.* It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

Greer

29–7. *Sale, etc., of pistols to certain persons unlawful; possession or acquisition of pistols by certain persons unlawful; stolen pistols.* It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Lake City

11. *Firearms—carrying and sale generally.* It shall be unlawful for any person to carry about the person, whether concealed or not, any firearm less than twenty inches long or less than three pounds in weight. It shall also be unlawful for any person to sell or offer for sale any firearm of less length or weight than herein stated; provided, however that this section shall not apply to peace officers in the actual discharge of their duty, nor to keeping and carrying pistols by persons while on their own premises.

Newberry

10–74. *Same—Sale of pistols, rifles, etc.* It shall be unlawful for any person, or any agent of any person in the city, to sell to any person any pistol, rifle or other species or kinds of firearms, except shotguns, unless the person purchasing the same, if a citizen of the city, has a permit in writing from the chief of police to purchase the same, or if not a citizen of the city, has a permit in writing from the sheriff of the county to purchase the same, such permit to specify the kind and amount of firearms allowed to be purchased thereunder and to be filed with the person from whom the same is purchased, who shall within ten days after any sale file the permit with the officer issuing the same.

10–75. *Same—Purchasing or receiving pistol, rifle, etc., without permit.* It shall be unlawful for any person to purchase or receive in the city any firearm enumerated in the preceding section, without first having obtained the permit as provided in the preceding section.

Rock Hill

25–36. *Sale restricted.* No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Spartanburg

24–72. *Same—Firearms—Pistols under twenty inches long or three pounds in weight.* It shall be unlawful for any person to carry about his person in the city, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city, any pistol of less length and weight. * * *.

SOUTH DAKOTA

State Law

SDCL 1967, CHAPTER 23–7

23–7–1. *Definition of terms.* "Pistol," as used in this chapter, means any firearm with a barrel less than sixteen inches in length and designed to expel a projectile or projectiles by the action of an explosive.

"Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence," as used in this chapter, means any of the following crimes or an attempt to commit any of the same, namely: murder, manslaughter, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, kidnaping, and larceny.

"Person," as used in this chapter, includes firm, partnership, association, or corporation.

23–7–2. *Antique pistols excepted from chapter.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

23–7–3. *Person convicted of crime of violence—owning or possessing pistol forbidden.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

23–7–4. *Delivery of pistol to incapacitated person prohibited.* No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

23–7–9. *Delivery of pistol to purchaser—waiting period—wrapped and unloaded.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded.

23–7–10. *Application for purchase of pistol—statement delivered to seller, form and contents, distribution of copies.* At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, make, model, and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application sign and attach his address and forward by registered or certified mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the secretary of state; the triplicate he shall retain for six years.

23–7–11. *Regulation does not apply to sale of pistols at wholesale.* Sections 23–7–9 and 23–7–10 shall not apply to sales at wholesale.

23–7–12. *False information or false evidence of identity to secure pistol or license prohibited.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

23–7–13. *Transfer of pistol contrary to chapter forbidden.* No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

23–7–14. *License required of retail dealer.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided in § 23–7–15.

23–7–16. *Retail dealer—place of business.* A business licensed pursuant to § 23–7–15 shall be carried on only in the building designated in the license.

23–7–18. *Sale of pistol by retail dealer—restrictions.* No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

23–7–21. *Identification marks on pistols—alteration prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

23–7–26. *Guns for military and scientific purposes and small caliber machine guns excepted from chapter.* Nothing contained in this chapter shall prohibit or interfere with:

(1) The manufacture for and sale of machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber for a purpose manifestly not aggressive or offensive.

23–7–27. *Register of machine guns kept by manufacturer—required contents.* Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery, or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given, or delivered or from whom received.

23–7–30. *Registration by owners of guns—Office of secretary of state—Time.* Every machine gun in this state adapted to use cartridges of any caliber shall be registered in the office of the secretary of state within twenty-four hours after its acquisition, and annually thereafter on July first.

23–7–31. *Registration blanks—data required—not subject to public inspection.* Blanks for registration shall be prepared by the secretary of state and furnished upon application. To comply with § 23–7–30 the application as filed must show the model and serial number of the gun, the name, address, and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public.

23–7–32. *Failure to register gun—Possession for offensive or aggressive purpose pre-*

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sumed. Any person failing to register any gun as required by § 23–7–30 shall be presumed to possess the same for offensive or aggressive purpose.

23–7–33. *Conditions raising presumption of possession of gun for offensive or aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found; or

(2) When in the possession of or used by an unnaturalized foreign-born person or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in § 23–7–30 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

23–7–34. *Possession or use of gun for offensive or aggressive purpose—Punishment.* Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not more than fifteen years.

23–7–40. *Purchase of rifles and shotguns by residents of South Dakota • • •—Implementation of federal provisions.* The state of South Dakota herewith permits • • • residents of this state, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components • • • in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3)(A) of Public Law 90–618 of the 90th United States Congress, second session.

SDCL, CHAPTER 26–10

26–10–9. *Restrictions on use of firearms by children under fifteen—misdemeanor—penalty.* It shall be unlawful for any person under the age of fifteen years to have or use any kind of firearm without the knowledge and consent of his parent or guardian. It shall be unlawful for any parent or guardian having legal charge or control of a person under fifteen years of age to permit such minor to have or use while loaded, any firearm, in or within one mile of the platted portion of any city or town. Any parent, guardian, or minor violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty dollars.

SDCL, CHAPTER 34–36

34–36–2. *Registration of explosive sales required—contents of entry—noncompliance as misdemeanor.* No person shall sell any dynamite or other high explosive, except ordinary gunpowder, to any person unknown to the seller unless introduced by some person known to the seller, and on every sale the seller shall, before delivery, make entry on a book kept for that purpose stating the date of sale, the name and address of the purchaser, the name and quantity of the article sold, the purpose for which it is required, and the name of the person, if any, who introduced the purchaser. Any person failing to comply with this section shall be guilty of a misdemeanor.

Aberdeen

9.1601. *License.* Any person, persons, firm or corporation desiring to engage in the business of selling pistols at retail shall, before engaging in such business, file with the City Auditor a written statement and application setting forth his or its intentions to engage in such business • • •.

Huron

5.44.010. *License to sell.* Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the city auditor, a written statement and application setting forth his or its intention to engage in such business • • •.

Pierre

G. *Sales to Minors.* It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, air rifle, air gun or B-B gun, or ammunition for any firearm to any person under the age of 18 years • • •.

Sioux Falls

8.1802. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer within the limits of the City of Sioux Falls, any pistol without being licensed as hereinafter provided.

Watertown

12.0801. *License to sell—Any person, persons, firm, or corporation,* desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the City Auditor, a written statement and application setting forth his or its intention to engage in such business and shall give a description by lot and block of the premises on which said business is to be carried on. Said statement and application shall be accompanied by a fee of five dollars; two dollars of said fee is to be remitted by the City to the State Treasurer when the license is granted, and the three dollars to cover the expense of the City in making an investigation and having license issued, such license to be for the period of one year or fraction thereof and shall expire on the 31st day of December in the year issued.

TENNESSEE

State Law

T.C.A. TITLE 39

39–4901. *Carrying dangerous weapons—Penalty.* Any person who shall carry in any manner whatever, with the intent to go armed, any razor, dirk, bowie knife or other knife of like form, shape or size, sword cane, ice pick, sling shot, blackjack, brass-knucks, spanish stiletto, or a fountain pen pistol or gun, or like instrument containing a firing pin capable of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon, shall be guilty of a misdemeanor.

39–4904. *Selling or disposing of dangerous weapons.* It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any knife or other prohibited weapon mentioned in § 39–4901; and the person guilty thereof, for each knife or other prohibited weapon shall, upon conviction, be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500), and be imprisoned in the county jail not less than one (1) month nor more than six (6) months, such jail sentence to be in the discretion of the trial judge. Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant.

The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under § 39–4902. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business. • • •

39–4905. *Selling or giving weapons to minor—Penalty.* Any person who sells, loans, or gives to any minor a pistol, bowie knife, dirk hunter's knife, or like dangerous weapon except a gun for hunting, is guilty of a misdemeanor, and shall be fined not less than one hundred dollars ($100) and be imprisoned in the county jail, in the discretion of the court.

39–4915. *Purchase of rifles and shotguns in contiguous states by residents of Tennessee.* Any resident of the state of Tennessee who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Chattanooga

25–10. *Dangerous weapons—Sale.* It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, dirk, large knife or brass knucks; provided, that this section shall not apply to the sale of regular army and navy pistols.

Greeneville

5–101. *Sale of firearms.* Only persons, firms, or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to person desiring same for the protection of their homes or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale.

The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Knoxville

28–103. *Firearms—Sale.* (b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, serial number, finish of the firearm, such as nickel.

Lebanon

10–212.1. *Selling or disposing of dangerous weapons.* It shall be unlawful to sell, or offer to sell, or to bring into the City of Lebanon for the purpose of selling, giving away, or otherwise disposing of any knife, or other prohibited weapon mentioned in section 10–212. Provided, however, any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days notice of pending sale provided for above must be made by registered mail and return receipt requested unless the chief of police, personally acknowledges receipt of such notice. The said certificate to be filed with the chief of police shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearms, as set out above, from making an occasional sale of a used or second-hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the State of Tennessee to engage in such business.

Provided, however, before any person, firm, or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun in the City of Lebanon, such person, firm, or corporation shall first obtain a permit.

McMinnville

12–54. *Selling, giving weapons to minor.* Any person who sells, loans, or gives to any minor a pistol, bowie knife, dirk, hunter's knife, or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

Nashville

41–2–1. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

41–2–2. *Persons to whom firearms not to be sold, loaned or otherwise transferred.* It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

41–2–3. *Persons forbidden to possess firearms.* It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

41–2–4. *Stolen firearms.* It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

41–2–5. *Obliteration, removal or alteration of manufacturer's identification mark or number.* It shall be unlawful for any person to obliterate, remove, change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufac-

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turer's identification mark or number, unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or defaced at the time of purchase.

41–2–9. *Sale, lease or transfer to persons under twenty-one.* No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

41–2–10. *False information • • • in purchasing firearm.* • • • No person shall give false information concerning his name and address or offer false evidence of his identity when purchasing a firearm.

Red Bank—White Oak

1. *It shall be unlawful* for any person to sell or offer for sale in the City any pistol, pistol cartridges, dirk, large knife or brass knucks: provided that this section shall not apply to the sale of regular army and navy pistols.

TEXAS

State Law

TEX. PENAL ANN. (VERNON'S)

Art. 483. *Unlawfully carrying arms.* "(a) Any person who shall carry on or about his person, saddle or in his saddlebags, or in his portfolio or purse any pistol, dirk, dagger, slung shot, blackjack, hand chain, night stick, pipe stick, sword cane, spear, knuckles made of any metal or any hard substance, bowie knife, switch blade knife, spring blade knife, throw blade knife, a knife with a blade over five and one half (5½) inches in length, or any other knife manufactured or sold for the purposes of offense or defense shall be punished by a fine of not less than One Hundred Dollars ($100) nor more than Five Hundred Dollars ($500) or by confinement in jail for not less than one (1) month nor more than one (1) year, except that if the offense is committed by a person while in any premises covered by a permit or license issued under the provisions of the Texas Liquor Control Act or at any dance where the public is invited and alcoholic beverages are openly sold, served, or consumed, he is guilty of a felony and upon conviction shall be punished by imprisonment in the state penitentiary for not less than two (2) years nor more than five (5) years.

489. *Sale of weapon to minor.* 1. Whoever shall knowingly sell, or offer for sale, give or barter, or cause to be sold, given or bartered to any person within this State, a switch blade knife, spring blade knife or throw blade knife, or knuckles made of metal or any hard substance shall be punished by a fine of not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200) or be imprisoned in jail for a period of time not to exceed one (1) year or by both such fine and imprisonment. It shall be a defense to this Act if such switch blade knife, spring blade knife or throw blade knife shall be an antique bought and sold by collectors of such items.

This Act shall not apply to antique or curio firearms which were manufactured prior to 1898 and which may have, as an integral part, a folding knife blade or other characteristics of items prohibited by this Act.

2. Whoever shall knowingly sell, give or barter, or cause to be sold, given or bartered to any minor a pistol, dirk, dagger, slung shot, blackjack, hand chain, night stick, pipe stick, sword cane, spear, bowie knife or a knife with a blade over five and one half (5½) inches in length, without the written consent of the parent or guardian of such minor, or of someone standing in lieu thereof, shall be fined not less than Twenty-five Dollars ($25) nor more than Two Hundred Dollars ($200), or be imprisoned in jail for a period of time not to exceed one year or by both such fine and imprisonment.

489b. *Machine guns: Definition, sale, penalty, and exception of peace officers and others.* 1. "Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five (5) shots or bullets may be automatically discharged from a magazine by a single functioning of the firing device.

"Person" applies to and includes firm, partnership, association or corporation.

2. Whosoever shall possess or use a machine gun, as defined in Section 1, shall be guilty of a felony and upon conviction thereof, shall be confined in the State Penitentiary, for not less than two (2) nor more than ten (10) years.

3. Whoever shall sell, lease, give, barter, exchange, or trade, or cause to be sold, leased, given, bartered, exchanged, or traded, a machine gun as hereinabove defined to any person shall be guilty of a felony and upon conviction thereof, shall be confined to the State Penitentiary, for not less than two (2) nor more than ten (10) years.

4. Nothing contained in Section 2 of this Act shall prohibit or interfere with:

(1) The possession of machine guns by the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose.

(2) The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake.

(3) The possession of machine guns by officials and employees of the Texas State Prison System.

5. Nothing contained in this Act shall prohibit or interfere with the sale, lease, barter, exchange or gift of a machine gun as defined in this Act, or the transportation required for such purpose to the Adjutant General of the State of Texas, the duly qualified and commissioned Sheriff of a county in Texas, to a duly qualified and commissioned Chief of Police of any municipality within the State of Texas, the duly authorized purchasing agent for the Texas State Prison System, the military forces or peace officers of the United States.

489c. *Possession of prohibited weapons by persons convicted of certain felonies.* 1. No person who has been convicted of a felony involving an act of violence may possess away from the premises upon which he lives a prohibited weapon, or a firearm having a barrel of less than 12 inches in length. "Prohibited weapon" means any weapon specified by Article 483, Penal Code of Texas, 1925, as amended.

2. A person who violates any provision of this Act is guilty of a felony and upon conviction is punishable by imprisonment in the penitentiary for not less than two nor more than 10 years.

3. Definitions. The following words and phrases when used in this Act are defined as follows, to wit:

(a) "Pistol," "revolver" and "firearm" means a weapon capable of being concealed upon the person and shall include all firearms having a barrel of less than twelve (12) inches in length.

(b) The use of the masculine gender includes the feminine gender.

4. The penal provisions of this Act shall not apply to any person commissioned as a peace officer, employed as a guard or watchman nor to any person who has not been convicted of a penal offense during the five-year period next immediately following his discharge or release from the penitentiary.

489d. *Outstate purchases of firearms.* A resident of Texas may, if not otherwise precluded by law, purchase firearms, rifles shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Texas. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90–618, 90th Congress.

1723. *Offenses in connection with bombs.* 1. The term "bomb," as used in this Act means:

(a) Any explosive, inflammable or combustible substance controlled in any form of container whatsoever whereby the same is susceptible of being set off or exploded, or which automatically explodes when coming in contact with heat, fire, mechanical contrivance or chemical process or which will ignite, detonate or dissemble in any manner so as to cause injury or harm to any person, animal or plant life, or which will damage property in any manner.

(b) Any substance classified by scientists as being fissionable or capable of liberating subatomic or nuclear energy in quantities destructive of life and property.

(c) Any collection of nitroglycerine, dynamite, gunpowder, guncotton or other form of explosive matter including caps, fuses or fuseheads capable by their ignition or explosion of causing damage to persons or property.

(d) Any container which may conceal or segregate bacteria, disease germs, poisons, poisonous gases or contagious matter of any kind that is capable of causing sickness, nausea, disability or death to any person or animal, or which may inoculate plant life, contaminate water, air or food, or damage property.

(e) Any time bomb, booby trap, land mine, dynamite stick, infernal machine or any other contrivance reasonably believed by the arresting person to be intended to be used for unlawful purposes.

(f) Any capsules, ampules, tubes, torpedoes or encased containers that may contain disease-spreading, inflammable, combustible, harmful or explosive substance of any kind or which if commingled with other substances would cause an explosion or any condition or situation which might endanger life, health or property.

2. Whoever shall manufacture, own, store, keep, sell, transport, possess or have in his control a bomb, as defined in Section 1, shall be guilty of a felony and upon conviction shall be confined in the State Penitentiary for not less than five (5) years and not more than twenty-five (25) years and fined not less than One Thousand Dollars ($1,000) and not more than Ten Thousand dollars ($10,000), either or both. If mayhem or death shall result from such act, then the death penalty may be assessed.

3. Whoever shall be found with a bomb on his person, or in any container carried by him or if he is shown to have just cast from him a bomb to avoid capture with it in his possession, or who is shown to have deposited the same at a place where he intended for it to be exploded or where it might have exploded and caused damage to the life, health or property of another, or who has in his possession any component part of such bomb which, if combined with any other material or contrivance, could or would be calculated to explode and damage property, life or health, shall be punished as herein set forth.

9. The provisions of this Act shall not apply to duly constituted police or law enforcement officers, or to members of the military, naval or air force establishments when acting within their official capacities, or to licensed and recognized manufacturers, storers or dealers in pest destroyers, chemical substances or laboratory supplies of any kind, or to licensed physicians, surgeons, chemists, pharmacists, nurses or hospital employees in their usual employment. Nor shall it apply to railroads, commercial truckers or

recognized operators or licensed dealers who transport or use dynamite or other explosives in legitimate mining, oil developing, manufacturing or displaying of fireworks, or to torpedoes, fusees and other inflammable or explosive substances used by railroads as warning or signal devices, or to persons manufacturing, storing, transporting or selling ammunition where the said persons are engaged regularly in the legitimate business of dealing in such substances. Nor shall it apply to any substances or containers used or intended to be used for industrial, mechanical, laboratory or medical purposes, or for use in the arts and sciences, or for use as economic poisons, antifreeze preparations, or fuels. This Act shall exempt the following items: small arms propellent powder, and small arms primers, and percussion caps, and old fashioned black powder.

9A. *Sale to exempt persons; identification; records.* (a) Any person selling any explosive, inflammable or combustible substance which is classified as a bomb in Section 1 of this Act to a person claiming to be exempt under the provisions of Section 9 of this Act shall require the purchaser to identify himself by presenting a driver's license or some similar form of identification. The seller shall keep a record of all sales, including the name and address of the purchaser, for a period of two (2) years.

(b) Any person who violates the requirements of Subsection (a) of this section is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than Ten Dollars ($10) nor more than One Thousand Dollars ($1,000), or by confinement in the county jail for not less than thirty (30) days nor more than one year, or by both fine and imprisonment.

Ballinger

Selling pistol to minor. 48. If any person, within the Corporate limits of the City of Ballinger, Texas, shall knowingly sell, rent, or lease any pistol to a minor or to any other person under the heat of passion, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten, nor more than two hundred dollars.

Deer Park

4. *After proclamation of a civil emergency,* the Mayor of the City of Deer Park, Texas may also, in the interest of public safety and welfare, make any or all of the following orders: (g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunitions of any character whatsoever. (h) Order the closing of an or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

1. *No person shall* make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Deer Park, Texas. 2. The words "Molotov Cocktail", as used herein, shall mean a gasoline or kerosene filled bottle or container, with a fuse or wick inserted in the neck.

Denton

Whereas, in present times a crisis can develop, and lead into wartime or disaster conditions, in such a rapid manner as to possibly overtax the law enforcement agencies of the City of Denton before this Council could meet and act and regulate or control the particular situation in existance at that moment; and whereas, a delay in controlling such conditions which could at any time prevail may increase general criminal activity, inhibit disaster control, or delay emergency relief measures, as to become a menace to the preservation of property, public peace, safety, health, morals and welfare; now therefore,

The Council of the City of Denton, Texas, hereby ordains: I. That the following definitions shall apply to this ordinance and shall be liberally construed to effectuate its general purpose, which is declared to be the prevention of any sale or transfer of any potentially dangerous product to any person not under the Mayors direct supervision, to reduce the availability of such dangerous products to a minimum, and to keep all unauthorized persons off public property, and from gathering into groups having riot or looting potential.

(d) *Dangerous product:* Any material or product which could reasonably be expected to be used as a tool of arson, explosive, or weapon, including but not limited to: gasoline and other liquid flammable and combustible products; dynamite and other explosives; firearms and ammunition; and knives and other dangerous weapons.

Falfurrias

2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City Limits of the City of Falfurrias, Texas, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, cap or cartridge, or other combustible fireworks of any kind in the City of Falfurrias, Texas, provided, however, that this section shall not apply to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Falfurrias, Texas, or to the sale by wholesalers for private or public demonstration as hereinafter provided.

Fort Worth

15–423. *Small arms ammunition.* A. *"Small arms ammunition" defined.* Small arms ammunition, whenever used in this article, shall mean any shotgun, rifle, pistol or revolver cartridge.

B. *Manufacture.* No person shall manufacture any small arms ammunition within the city. This provision shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

C. *Sale, etc.* No person shall store for sale, sell or present for sale any small arms ammunition without a permit.

22–1. *Definitions. Secondhand dealer.* The term "secondhand dealer" is used in its ordinary and usual trade acceptance meaning, and shall also mean and include any person engaged in any of the following:

Collecting, handling, buying, trading, selling or engaging in the sale or traffic of any of the following:

Used or secondhand wearing apparel consisting of hats, shoes, overcoats, raincoats and any and all kinds of clothing; used or secondhand watches, jewelry, diamonds, luggage, musical instruments, shotguns, rifles, revolvers and all other kinds of firearms; and any and all kinds of used goods, wares and merchandise which are handled by pawnbrokers and secondhand dealers in the usual course of trade.

Junk dealers, junk dealer and dealers in junk. The term "junk dealers", "junk dealer", "dealers in junk" and "secondhand dealers", are hereby used synonymously, and unless otherwise expressly stated, shall include both class "A", secondhand dealers and class "B" junk dealers, as the same are classified in Section 22–8.

22–3. *License requirements generally.* No junk dealer or secondhand dealer shall transact or engage in business within the city unless and until he shall have obtained an annual license therefor, which license may be procured by complying with the following provisions:

(g) *Requirements as to bond in case of class "A" dealers.* If the application for a license shall be for junk dealer of class "A" or a secondhand dealer, such license shall not issue unless and until the applicant shall execute a bond in accordance with the terms of section 22–4.

Harlingen

III. *It shall hereafter be unlawful for any adult person* to deliver to or place in the hands of, any minor under the age of seventeen (17) years any fire-arm, air-rifle, sling-shot, or other device for the propelling of destructive missiles, or to place any such fire-arm, air-rifle, sling-shot, or other device for the propelling of destructive missiles in a place readily accessible to any minor under the age of seventeen (17) years.

IV. *Fire-arms as used herein shall be defined* to include any pistol, rifle, shot-gun, designed to propel any bullet, pellet, slug or metal object or other solid substance by means of force of an explosion of gun powder, explosive liquid of any kind, or explosive gas of any kind.

San Antonio

28-27. *Explosives, etc.; furnishing to minors.* It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to or place in the possession of any person under the age of sixteen years, any gun or toy gun* capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

15–135. *Manufacture prohibited.* (a) No person shall manufacture, within the limits of the city, small arms ammunition. This shall not be construed as prohibiting, the hand loading of small arms ammunition for private use and not for resale. For this purpse not more than 15 pounds of smokeless powder and 1,000 small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand, without a permit.

15–136. *Permit required.* No person shall store, sell or offer for sale any small arms ammunition without permit.

UTAH

State Law

UTAH CODE ANN. TITLE 76

76–23–1. *Selling or giving to child under fourteen.* Any person who sells, gives away, or disposes of, or offers to sell, give away, or dispose of, any pistol, gun, target gun or other firearm to any person under the age of fourteen years is guilty of a misdemeanor.

76–23–2 *Child in possession of deemed delinquent.* Any person under the age of fourteen years who carries or has in his possession any pistol, gun, target gun or other firearm, unless he is accompanied by a parent or guardian, shall be deemed a delinquent child

76–23–10. *Lawful for resident to purchase firearms in contiguous states.*—It shall be lawful for any resident of this state, pursuant to and in compliance with the applicable provisions of the Gun Control Act of 1968 18 U.S.C. section 921 et seq., to purchase firearms in states contiguous to this state.*

*COMPILERS NOTE: Because of the restrictions in the Federal Gun Control Act of 1968 (Public Law 90–618) Utah residents are authorized to purchase only rifles and shotguns in contiguous states and not other types of firearms.

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Logan City

12-7-10. *Revolvers, sale to minors, display prohibited.* It shall be unlawful for any person, firm or corporation to exchange with, buy from, or sell to any minor under the age of eighteen (18) years any gun, pistol or revolver; or to show or display any pistol or revolver in any window or showcase in this city.

12-12-9. *Sales to intoxicated persons and minors.* No person in Logan City shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years of age.

Murray

17-6 *Sales of firearms and other weapons prohibited.* It shall be unlawful for any person to sell, give or furnish to any minor any firearm, air gun or other instrument designed to throw missiles.

20-23. *Firearms and explosives—Permit for purchase.* It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of police authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. • • • No such permit shall be issued to any minor.

20-24. *Same—Register to be kept;* • • •. It shall be unlawful for any person to sell, loan, or give away any pistol, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, • • •.

Provo

12.12.040. *Minors—Sale to—Prohibited.* It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm or air gun.

12.12.050. *Sale of firearms to be recorded—Purchaser to register weapon.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose, • • •

Salt Lake City

32-6-5. *Unlawful to sell firearms to children under fourteen.* It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, airgun, rubber flipper, bow and arrow, or any other such type instrument designed to propel or throw missiles.

32-6-6. *Prohibited sale of pistols and revolvers.* It shall be unlawful, except as hereinafter provided, for any person, firm or corporation, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive within the city limits of Salt Lake City, any pistol or revolver using explosive ammunition, unless the buyer, borrower, or person receiving such weapon, shall first complete a record form to be kept by the seller, lender or other person furnishing such pistol or revolver. Said form shall contain such statements of identity, address, and purpose of use as may be prescribed by the chief of police upon forms to be furnished to all such sellers or lenders by the chief of police. Said completed forms shall be made available to the police department for inspection and filing in the manner and at the times to be designated by the chief of police.

Provided, however, that no form need be completed for sales or shipments from or to a manufacturer or wholesaler of such pistols or revolvers to or from a wholesaler or retail dealer for the purpose of commerce.

Salt Lake County

16-4-1. *Unlawful use of weapons.* (1) A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any • • • shotgun with a barrel less than eighteen inches in length, • • • or

(f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16-4-3. *Record of sale.* It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, • • •.

16-4-4. *Seller to require permit.* It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16-4-5. *Obtaining weapons without permit illegal.* It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16-4-6. *Possession by minors.* It shall be unlawful for any minor to possess or have in his or her possession in any place, whether public or private, within the limits of the county, any gun, revolver, or firearm, or any kind of airgun, rubber flipper, bow and arrow or other weapon or instrument of similar nature designed to throw missiles, unless permission for the possession and use of such instrument be given in writing to such minor by his or her parent, or guardian, or person having the charge or control of such minor.

16-4-8. *Furnishing to minors.* It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell or to furnish to any minor, any instrumentality named in the above-mentioned provisions.

VERMONT

State Law

VT. STATS. ANN. TITLE 13

4007. *Furnishing firearms to children.* A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than $50.00 nor less than $10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

4008. *Possession of firearms by children.* A child under the age of sixteen years shall not, without the consent of his parent or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. A child who violates a provision of this section shall be deemed a delinquent child under the provisions of chapter 11 of Title 33.

4010 *Gun silencers.* A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined $25.00 for each offense. The provisions of this section shall not prevent the use or possession of gun silencers for military purposes when so used or possessed under proper military authority and restriction.

4013. *Zip guns; switchblade knives.* A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, or a weapon commonly known as a switchblade knife, the blade of which is three inches or more in length, shall be imprisoned not more than ninety days or fined not more than $100.00.

4014. *Purchase of firearms in contiguous states.* Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

VIRGINIA

State Law

VA. CODE ANN. TITLE 15

15.1-523. *Pistols and revolvers; license tax on dealers.* The governing body of any county may impose a license tax of not more than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

15.1-524. *Same; reports of sales.* The governing body of any county may require sellers of pistols and revolvers to furnish the clerk of the circuit court of the county, within ten days after sale of any such weapon, with the name and address of the purchaser, the date of purchase, and the number, make and calibre of the weapon sold. The clerk shall keep a record of the reports.

15.1-525. *Same; in certain counties.* Chapter 297 of the Acts of 1944, approved March twenty-nine, nineteen hundred forty-four, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

VA. CODE ANN. TITLE 18.1

18.1-78.6. *Manufacture, possession, use, etc., of fire bombs.* (a) For the purpose of this section, "fire bomb" means a container containing gasoline, kerosene, fuel oil, derivative thereof, or similar substance, with a flash point of one hundred seventy degrees Fahrenheit or less, having a wick or other substance or device which, if set or ignited, is capable of igniting such gasoline, kerosene, fuel oil, derivative thereof or similar substance; provided that no similar device commercially manufactured and used solely for the purpose of illumination shall be deemed to be a fire bomb.

(b) It shall be unlawful for any person to possess materials with which fire bombs can be made with the intent to manufacture fire bombs. If other circumstances surrounding the case shall show that fire bombs are intended to be made, possession of such materials with which fire [bombs] may be made shall be prima facie evidence of an intent to manufacture fire bombs.

(c) It shall be unlawful to manufacture, distribute, possess or use a fire bomb.

(d) Violators of this section shall be guilty of a felony, and shall be confined in the penitentiary not less than one nor more than five years.

(e) Nothing in this section shall prohibit the authorized manufacture, use or possession of any material, substance, or device by a member of the armed forces of the United States, firemen or law-enforcement officer; nor shall it prohibit the manufacture, use or possession of any material, substance or device to be used solely for scientific research, educational purposes or for any lawful purpose.

18.1-258. *Definitions.* When used in this article: (1) "Machine gun" applies to and includes a weapon of any description by whatever name known loaded or unloaded, from which more than seven shots or bullets may be rapidly, automatically or semiautomatically, discharged from a magazine, by a single function of the firing device, and also applies to and includes weapons, loaded or unloaded, from which more than sixteen shots or bullets may be rapidly, automatically, semiautomatically or otherwise discharged without reloading.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1-260. *Use of machine gun for aggressive purpose.* Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of from one to ten years.

18.1-261. *What constitutes aggressive purpose.* Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun is of the kind described in § 18.1-265 and has not been registered as in such section required; or

(4) When empty or loaded shells of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

18.1-263. *What article does not apply to.* Nothing containing in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) Machine guns and automatic arms issued to the National Guard of Virginia by the United States or such arms used by the United States Army or Navy or in the hands of troops of the National Guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; or

(4) The possession of a machine gun other than one adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or larger caliber, for a purpose manifestly not aggressive or offensive.

18.1-265. *Registration of machine guns.* Every machine gun in this State adapted to use cartridges of thirty (thirty one-hundredths inch or seven and sixty-three one-hundredths millimeter) or large caliber shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor, and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the "sawed-off" shotgun and apply for its confiscation as provided in § 18.1-268.9 [§ 18.1-268.8]. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

18.1-268.1. *Definitions.* When used in this article: (1) "Sawed-off" shotgun applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons Weapons of less than 225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, housebreaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

18.1-268.3. *Possession or use of "sawed-off" shotgun for offensive or aggressive purpose.* Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not less than ten years.

18.1-268.4. *What constitutes offensive or aggressive purpose.* Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is found in the possession of an individual at the scene of a riot or civil disturbance, unless such possession is on premises owned or rented by the individual for residential, recreational or business purposes and obviously for defense of his person, family or property during such riot or civil disturbance;

(2) When the "sawed-off" shotgun is in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the "sawed-off" shotgun is of the kind described in § 18.1-268.1 and has not been registered as required in § 18.1-268.8 [§ 18.1-268.7]; or

(4) When the "sawed-off" shotgun is found in the possession of an individual under circumstances indicating his preparation to participate in a riot or civil disturbance or his preparation for the commission of a crime of violence.

18.1-268.5. *Exceptions to application of article.* Nothing contained in this article shall prohibit or interfere with:

(1) The manufacture for, and sale of "sawed-off" shotguns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia; or such arms as may be provided for the officers of the State Police or officers of penal institutions;

(3) The possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

18.1-268.7. *Registration of "sawed-off" shotguns.* Every "sawed-off" shotgun in this State shall be registered with the Department of State Police annually. It shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a misdemeanor, and punishable by a fine of not less than five nor more than one thousand dollars, and any peace officer may, without warrant, seize the "sawed-off" shotgun and apply for its confiscation as provided in § 18.1-268.9 [§ 18.1-268.8]. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

18.1-344. *Furnishing certain weapons to minors.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, • • • such person shall be guilty of a misdemeanor • • •.

VA. CODE ANN. TITLE 59

59.1-148.1. *Purchase of firearms in contiguous state.* Any resident of the Commonwealth of Virginia, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same into the Commonwealth of Virginia provided the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Abingdon

29-6. *Selling pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. • • •.

Alexandria

41-8. *Procedure for sale of pistols or revolvers; sale to certain persons prohibited.* Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an applica-

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tion for the purchase of a pistol or revolver. • • • Forms for such applications shall be furnished by the superintendent of police at the expense of the city. It shall be unlawful for any person to give false information or offer false evidence of his identity in making such application or in acquiring a pistol or revolver. No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

A crime of violence, as used in this section, shall be taken to mean murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, robbery, larceny, assault with intent to kill, commit rape or robbery, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment in the penitentiary or an attempt to commit any of such crimes.

41–13. *Permits for engaging in business as dealers—Required.* Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the superintendent of police to permit to deal in such weapons. This permit shall be in addition to the revenue licnae required by section 58–394, of the Code of Virginia, and of any city revenue license.

Appomattox

17–4. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, piatol, cartridge, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Arlington County

CHAPTER 297, ACTS OF ASSEMBLY OF 1944

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

11–47. *Pistol dealers.* Every person selling pistols in the county shall pay for the privilege an annual license tax of twenty-five dollars, which tax shall not be prorated. Before issuing any license under the provisions of this section the Commissioner of the Revenue shall obtain from the applicant evidence that he has obtained a permit from the Chief of Police in accordance with Acts of Assembly 1944, Chapter 297.

Bedford

25–4. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Bridgewater

4–37. *Prohibiting sales to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, bowie knife, black jack, metal knucks, tear gas pen or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.

Brunswick County

Report of sales of pistols and revolvers; penalty. All sellers of pistols and revolvers shall furnish the Clerk of the Circuit Court of Brunswick County, Virginia, within ten (10) days after sale of any such weapon, with the name and address of the purchaser, the date of purchase and the number, make and calibre of the weapon sold. The Clerk shall keep a record of the reports. Any person, persons, business, or agency failing to comply with this requirement shall be subject to a fine of not exceeding one hundred dollars and imprisonment in jail for not exceeding six months, either or both.

Sellers to obtain identity of purchaser; presumption. In obtaining the name and address of the purchaser, as hereinabove provided, if the purchaser be not personally known to the seller, the seller shall use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment, and proof of failure to do so shall establish a presumption that the above-required report has not been furnished if it be proved that said name and address, or either of them, were incorrect at the time of sale.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

19–85. *Firearms—Sales, etc., to minors.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, dirks, switch-blade knives or Bowie knives, having good cause to believe such minor to be under eighteen years of age.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

19–85.1. *Firearms—Sale of firearms, dirks or Bowie knives—Permit required.* No person shall sell firearms, dirks or Bowie knives without having first procured the annual written consent of the city manager to engage in such business. This same consent shall be used by such person in applying for his business license under the License Tax Ordinance.

Chesapeake

23–50. *Same—Permit for persons under 18 years of age.* It shall be unlawful for any person under the age of 18 years to shoot, carry or use any firearms within the City of Chesapeake unless a permit is first obtained from the Chief of Police, except when on a properly established target shooting range which is being supervised by a representative of the Armed Services of the United States or the State of Virginia, or an instructor certified by the National Rifle Association. Application for such permit shall be made in person to the Chief of Police of the City of Chesapeake and the Applicant shall be accompanied by his parent or guardian who shal' give his approval to the issuance of the permit.

17–60. No person shall sell, lease, rent, give or otherwise furnish within the City any pistol, dirk, switch blade knife, sling shot or any weapon of like kind, unless and until a permit, granted by the Chief of Police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the City.

Chesterfield

7–20. *Weapons—pistol dealers—License required; tax.* Any person engaged in the business of selling pistols and revolvers to the public shall obtain an annual county pistol dealer's license and shall pay therefor the sum of twenty-five dollars.

Clifton Forge

13–44. *Selling or furnishing to minors.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen (18) years of age, a pistol, dirk, bowie knife, having good cause to believe him to be a minor under eighteen (18) years of age.

Colonial Heights

12–80. *Dirks, Bowie knives, firearms, etc.* Every person who engages in the business of dealing in or selling of dirks, Bowie knives or other kinds of firearms or weapons not otherwise taxed shall pay a license tax of $100.00; provided, however, that nothing in this section shall apply to any person regularly licensed as a retail merchant under section 12–110.

The tax provided for in this section shall not be prorated nor shall such license be transferable.

16–52. *Weapons—Furnishing to minors under eighteen.* It shall be unlawful for any person to sell, barter, give, furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen years of age, a pistol, dirk, or Bowie knife, having good reason to believe him to be a minor under eighteen years of age.

Covington

31–3. *Furnishing pistol, dirk, etc., to minor under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol, dirk, switchblade knife, Bowie knife, or any air rifle, air pistol or like devise, having good cause to believe him to be a minor under eighteen years of age.

31–4. *Selling cartridges, etc., to persons under eighteen years of age:* It shall be unlawful for any person to sell, give, lend, barter or furnish or cause to be sold, given, lent, bartered or furnished to any person under the age of eighteen years any gunpowder or similar explosive substance, shells, cartridges, shot or pelleta.

31–5. *Possession, transportation, etc., of guns, etc., by persons under eighteen years of age.* It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge or exploding any powder or similar substance or propelling any ball, bullet, shot or pellet or similar object, by any means, for a distance of more than fifty feet.

Culpeper

27–4. *Furnishing certain weapons to minors.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. • • •

Elkton

33–2. *Sale of certain weapons to minors under age of eighteen years.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk, Bowie knife, black jack, metal knucks, tear gas, pen or gun, or other weapon of like kind, having good cause to believe him to be a minor under eighteen years of age.

Emporia

14–75. *Same—Pistol permit required prior to purchase.* It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase.

14–76. *Same—Exhibiting pistol permit to seller.* It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

Fairfax

1966–2B. (A) *Definitions.* The following terms, whenever used in this article shall have the meanings respectively set forth in this section, unless a different meaning is clearly required by the context:

"Applicant." Any person, firm, or corporation applying to the Chief of Police for certificate of registration to sell firearms or for authority to purchase a pistol.

"Chief of Police." The Chief of the City of Fairfax Police Department or his designated agent.

"Crime of Violence." Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem, and assault.

"Fixed Ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Habitual Drunkard." Any person who has been convicted of being drunk in public three or more times within a period of one year.

"Licensed Dealer." Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the City of Fairfax, who is either licensed, or required to be licensed, as such under State or Federal Law.

"Person." As used in this Ordinance includes individual, firm, association, or corporation.

"Pistol." Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

(B) *Dealers registration required* • • • (1) Any person, before engaging in the business of selling at retail or renting pistols in the City of Fairfax, Virginia, shall be required to register with the Chief of Police on application forms furnished by the Chief of Police. • • •

(C) *Dealers not to sell, etc., without registration.* (1) It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail or renting pistols without having in force a registration approved by the Chief of Police as hereinbefore provided. • • •

(E) *Dealers not to sell, etc., to minors and other persons.* (1) No licensed dealer, or other person, shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 21 years of age, a pistol, having good cause to believe him to be a minor under 21 years of age nor shall any licensed dealer or other person sell, lend, rent, or otherwise transfer any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past 10 years, or is a drug addict, or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent, or otherwise acquire a pistol by the Chief of Police under the provisions of this article.

(F) *Acquisition of pistols from dealers or other persons.* (1) Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer or other person shall make application under oath on forms provided by the Chief of Police • • •.

(G) *Approval of application.* (1) No licensed dealer or other person shall sell, rent, or transfer, any pistol to any purchaser who does not exhibit an application approved by the Chief of Police.

(H) *Waiting period for sale of pistols.* (1) Except as hereinafter provided the Chief of Police shall approve the application of a purchaser of a pistol within 72 hours of the delivery of the same to the Chief of Police, excluding Saturdays, Sundays, and Holidays, unless he shall find one or more of the enumerated statements on the application to be untrue.

(2) Where the applicant is a nonresident of the City of Fairfax, but has been a resident of the State of Virginia for more than 3 years, immediately preceding the date of application the aforesaid time shall be extended to 5 days.

(3) Where the applicant is a nonresident or has not resided in the State of Virginia for a period of 3 years next preceding the date of application the time shall be extended to 30 days.

(I) *Notice of rejection.* (1) If, within the prescribed period, the Chief of Police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the application was rejected for one or more of the following reasons, (a) the applicant is under the age of 21 years, or (b) has been committed to an institution for treatment of mental illness, or drug addiction, and has not been discharged therefrom for a period of 10 years preceding the date of said application, or (c) has been convicted of a crime of violence, or (d) has been convicted of a felony within the past 10 years, or (e) is an habitual drunkard, or (f) the applicant is a fugitive from justice, or (g) that a statement on the application is untrue, it shall be unlawful for the dealer to deliver the pistol to the applicant.

(2) A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

(K) *Exemptions.* (1) This article shall not apply to: (a) purchases by any licensed dealer registered in accordance with the provisions of this article; (b) rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range; (c) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs; (d) a wholesale purchase from a licensed dealer by any person, firm or corporation engaged in the business of manufacturing, repairing, or selling pistols at retail.

Fairfax County

Article I. In general. 28–1. *Definitions.* For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Gun. The term "gun" shall include any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas or compressed air.

Missile. The term "missile" shall mean any projectile propelled by a self contained propellant. • • •.

28–4. *Transfer, etc., of guns to minors prohibited; exceptions.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun, as defined by section 28–1, or any projectile therefor within the county to a minor under the age of eighteen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

28–8. *Same—Application; forms; rules and regulations; fee.* Any dealer other than a dealer licensed to sell firearms desiring a license to sell, lend, rent or otherwise transfer guns or projectiles therefor, shall make appli-

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cation to the supervisor of assessments of the county who shall provide the necessary forms and shall prescribe by reasonable rules and regulations the information to be contained in such application. The applicant for such dealer's license shall pay a fee of five dollars per annum.

28–11. *Dealers not to sell, etc., to minors.* It shall be unlawful for any licensed dealer to sell, lend, rent or otherwise transfer guns or projectiles therefore to a minor.

28–12. *Giving, lending, etc., to minors.* It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or projectiles therefor to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between person and the minor.

28–16. *Definitions.* The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

Chief of police. The chief of the county police department or his designated agent.

Crime of violence. Any of the following crimes or an attempt to commit any of the same: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and assault.

Habitual drunkard. Any person who has been convicted of being drunk in public three or more times within a period of one year.

Fired ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

Licensed dealer. Any person engaged in the business of selling at retail or renting pistols in the county who is either licensed or required to be licensed as such under state or federal law.

Pistol. Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

28–17. *Registration of dealers—Required; application; granting or denial; appeal from denial.* Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police. The application form shall contain the following information: • • •

28–18. *Same—Engaging in business while unregistered prohibited; display of registration certificate.* It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police as hereinbefore provided.

The registration statement shall be displayed on the premises where the pistols are sold or rented.

28–20. *Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited.* No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.

28–21. *Application for acquisition of pistol.* Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application on forms provided by the chief of police, • • •.

28–22. *Waiting period prior to delivery of pistol to purchaser—required.* No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police. The chief of police shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

28–23. *Same—Grounds for prohibiting delivery; notice to dealer of prohibition.* If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, (2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application, (3) has been convicted of a crime of violence or (4) is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the chief of police shall be furnished the applicant by the licensed dealer.

28–25. *Exemptions from article.* This article shall not apply to:

(a) Marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers currently employed as such.

(b) Any person having state department diplomatic immunity or any official branch of a federal, state or local government.

(c) Purchases by any licensed dealer registered in accordance with the provisions of this article.

(d) Rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range.

(e) The delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment, for safekeeping or for repairs.

(f) A wholesale purchase from a licensed dealer by any person engaged in the business of manufacturing, repairing or selling pistols at retail.

Falls Church

26–1. *Definitions.* 26–1.01. Pistols as used in this Chapter, means any firearm with a barrel less than twelve inches in length.

26–1.02. Sawed-off shotgun as used in this Chapter, means any shotgun with a barrel less than twenty inches in length.

26–1.03. Machine gun any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or 22 calibre rifle.

26–1.04. Person as used in the Chapter, includes individual, firm, association or corporation.

26–1.05. Sell and purchase and the various derivatives of such words, as used in this Chapter, shall be construed to include letting or hiring and similar forms of transferring.

26–1.06. City as used in this Chapter means the City of Falls Church, Virginia.

26–1.07. Crime of violence as used in this Chapter means any of the following crimes, or any attempt to commit any of the same; namely, murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnaping, burglary, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

26–3. *Unlawful possession of a pistol.* No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the City if:

(1) he is a drug addict;

(2) he has been convicted in the City or elsewhere of a felony;

(3) he has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house;

(4) he is not licensed to sell weapons, and he has been convicted of violating Section 26–2; or

(5) he is a habitual drunkard.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard.

26–7. *Selling pistol to persons under 21 and others.* No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by Section 26–3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

26–8. *Transfers of firearms regulated.* No seller shall within the City deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, except that the Chief of Police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. • • • No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in Section 26–14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the City. This Section shall not apply to sales at wholesale to licensed dealers..

26–9. *Dealers of weapons to be licensed.* No retail dealer shall within the City sell or expose for sale or have in his possession with intent to sell, any pistol, machinegun, sawed-off shotgun, or blackjack without being licensed as provided in Section 26–10. No wholesale dealer shall, within the City, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

26–10. *Licenses of dealers of weapons* • • •. The City Council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns, and blackjacks at retail within the City subject to the following conditions, in addition to those specified in Section 26–9 for breach of any of which the license shall be subject to forfeiture and the licensee subject to the punishment as provided in this Chapter.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by Section 26–3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in Section 26–14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the Chief of Police of the City.

26–11. *False information forbidden in sale of weapons.* No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun, or blackjack within the City, give false information or offer false evidence of his identity.

26–12 *Alteration of identifying marks of weapons prohibited.* No person shall within the City change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same within the City; provided, however, that nothing contained in this Section shall apply to any officer or agent of any of the departments of the United States or the City engaged in experimental work.

26–13. *Exceptions:* This Chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

26–14. *Possession of certain dangerous weapons prohibited—Exceptions.* No person shall within the City possess any machine gun, sawed-off shotgun, or any instrument or weapon of the kind commonly known as a blackjack, sling shot, sand club, sandbag, switchblade knife, or metal knuckles, nor any instrument, attachment, or appliance for causing the firing of any fireram to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, however, that machine guns, or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy, or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities, or other valuables, wholesale dealers and retail dealers licensed.

Farmville

16–17. *Firearms—Sale to minors.* It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk or Bowie knife, having good reason to believe him to be a minor under eighteen years of age.

16–62. (a) *Issuing of permits; purchase of weapons, etc.* No person within the Town of Farmville shall purchase or otherwise procure as his own property, or for temporary use, any pistol, dirk, bowie knife, black jack or any weapon of like kind, unless and until, such person shall procure from the Chief of Police of the Town of Farmville a permit, in writing, signed by the Chief of Police, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the Town of Farmville any pistol, dirk, bowie knife, black jack or any weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Franklin

31–7. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor • • •.

Front Royal

15–61. *Pistol dealers.* For every license for engaging in the business of selling pistols, there shall be paid a license tax of fifteen dollars per year. Such license tax shall not be prorated.

32–2. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor • • •.

Galax

20–128. *Weapons—Sales etc., to minors.* If any person shall give, sell, barter, furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, dirks, switchblade knives or Bowie knives, having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than ten dollars nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols", "toy guns", or otherwise.

Greensville County

On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greensville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greensville County, Virginia, authorizing such purchase. On or after 1 January 1966, it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greensville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greensville County, Virginia, authorizing such purchase.

Hampton

41–4. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor • • •.

Harrisonburg

17.37. *Furnishing to persons under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, dirk, or bowie knife, having good cause to believe him to be a minor under eighteen years of age.

Henrico County

3. *Permits.* (a) Every person desiring a license under the provisions of chapter 1 for furnishing detective service, detective, medicine vendor, solicitor of orders for books, magazines or periodicals or desiring to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the Chief of Police for a permit and shall produce to the Chief of Police, evidence of the good character of the individual, the members of the firm, or the chief officers of the corporation, as the case may be.

Hopewell

41–2. *Possession of pistols, etc., of home-made construction.* It shall be unlawful for any person within the city to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, however, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

41–3. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor • • •.

Jarratt

I. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(C) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

(D) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

II. (A) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.

(B) On or after the 23rd day of January, 1968, it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.

Leesburg

24–7. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor

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under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lexington

27–5. *Sale, etc., of guns, dirks, etc., to minors under age of eighteen years.* If any person sells, barters, gives or furnishes, or causes to be sold, bartered, given of furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Luray

28–5. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* If any person sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Lynchburg

33–2. *Selling, etc., dangerous weapons to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, any firearms, cartridges, dirks or Bowie knives, air rifles, air guns, hunting arrows or fireworks in any form, having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Narrows

45. Be it ordained by the council of the town of Narrows that it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any air-rifle, gravel shooter, sling-shot, or small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such air-rifle, gravel shooter, sling-shot or small caliber firearm.

Newport News

42–1. *Sale of certain firearms, etc., to minors under eighteen years of age.* It shall be unlawful for any person to sell to any minor under eighteen years of age any firearm or deadly weapon of any description, or the ammunition therefor.

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet, by the action of gunpowder exploded within it.

42–24–1. *Permit to purchase, sell, rent, etc., pistols or revolvers.* (1) It shall be unlawful for any person to sell, exchange, lease or rent, either directly or indirectly, any pistol or revolver to any person who has not first obtained permission from the chief of police or the judge of any court not of record of the city authorizing the purchase, exchanging, leasing or renting of such pistol or revolver for which permission must be obtained.

(2) It shall be unlawful for any person to buy, exchange, lease or rent any pistol or revolver from any other person without first obtaining a permit from the chief of police or the judge of any court not of record of the city authorizing the purchase, exchanging, leasing or renting of such pistol or revolver.

(3) The chief of police or judge of any court not of record in this city is hereby authorized to issue permits for the purchase, exchange, lease or rent of any pistol, revolver or handgun to any resident of this city over eighteen years of age who is not a drug addict or an habitual drunkard, has not been convicted of a felony or carrying a concealed weapon nor convicted of vagrancy or adjudged insane.

Norfolk

51–5. *Furnishing certain weapons to minors under eighteen; permitting minors under eighteen to own etc., certain weapons.* No person shall, within the city, purchase for or sell, lease, give or lend to any minor child under the age of eighteen years, any pistol, rifle, air rifle, gun, dirk, Bowie knife, slungshot, slingshot, whip of more than thirty-six inches in length or any weapon of like kind.

51–7. *Permit for purchase of certain weapons.* No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Petersburg

48–8. *Permits to buy, etc., pistol, dirk, slung shot.* No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol, dirk, Bowie knife, slung shot, blackjack or any weapon of the like kind, or any pistol or rifle ammunition, unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such a purchase or to procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give or deliver to any person within the city any pistol, dirk, Bowie knife, slung shot, blackjack or any other weapon of the like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low-powered rifles or rifle ammunition therefor of 22-calibre and under, commonly used for target practice purposes.

48–11. *Sale of certain weapons to minors under age of eighteen years.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Portsmouth

38–7. *Sale, etc., to minors.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk or Bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

38–9. *Required; definitions.* No person shall sell, rent, give or otherwise furnish (hereinafter referred to as "sell") to any person within the city any pistol, dirk, Bowie knife, sling shot, switch-blade knife or any weapon of a like kind, unless and until the recipient thereof (hereinafter referred to as "purchaser") shall present to such person (hereinafter referred to as "dealer") a permit granted by the chief of police authorizing the purchaser to purchase or acquire such weapon.

38–10. *Issuance; regulations applicable when weapon is to be carried concealed.* Whenever the applicant for a permit as required in section 38–9 produces a certified order of the judge of the court of hustings authorizing the applicant to carry the subject weapon as a concealed weapon, the chief of police shall issue such permit.

In cases where the subject weapon is not to be carried as a concealed weapon, the chief of police shall issue the permit to purchase or acquire subject to the following regulations:

(1) The applicant must personally sign and complete a written application for the permit.

(2) The applicant must be fingerprinted by the police department.

(3) A report of the police records of the applicant must be obtained by the police department from the Federal Bureau of Investigation.

(4) The applicant must show a lawful use for the subject weapon.

(5) When such investigation discloses that the public welfare will be prejudiced by permitting a person of known mental instability or criminal activity involving breach of the peace, such a permit shall not be granted.

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, dirk, Bowie knife, black jack or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, dirk, bowie knife, black jack or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

Richmond

40–1. *Definitions.* When used in this chapter the following words shall have the meanings ascribed to them as follows:

"Ammunition." An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol, or toy rifle.

"Firearm." A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

"Minor." A person under the age of twenty-one years.

40–4. *Sale or exchange.* No person shall sell or exchange within the city limits any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such is sold or exchanged, and on request shall be exhibited for inspection by any police officer of the city.

40–5. *Purchase.* No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, dirk, Bowie knife, slung shot, switchblade knife or any weapon of a like kind, or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that nothing in this section shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

40–11. *Same—Sale, etc., of ammunition firearms to; exceptions.* It shall be unlawful for any person to sell, give or lend ammunition to a minor.

It shall be unlawful for any person to sell, give or lend a firearm to a minor.

The provisions of this section shall not apply to persons who are members of the armed forces of the United States or the state when such persons and minors who are members of such forces are acting under armed forces orders.

The provisions of this section shall not apply to persons who lend firearms to minors who are members of the cadet corps of public, private or parochial schools for use in connection with their membership in such cadet corps.

The provisions of this section shall not apply to persons who are engaged in instructing others, including members of the cadet corps of public, private or parochial schools, in the use of firearms; provided, that such persons have had valid written permits issued to them by the director of public safety authorizing such instruction. The director of public safety shall issue such permits upon the written application of such persons therefor when he is satisfied after investigation that the place at which such instruction is to be given is a safe place therefor and that such persons are of good moral character and are qualified to instruct others in the use of firearms.

Rocky Mount

12–86. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.

Salem

31–6. *Selling, etc., pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, switchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age.

Smithfield

Any person, firm, corporation, or association in the Town of Smithfield, Virginia, which sells any pistol or revolver, shall, when requested by a prospective purchaser to sell him such a firearm, first send the purchaser to the Chief of Police of the Town of Smithfield, or his authorized representative * * *. The Chief shall fill out a report either authorizing or declining to authorize, as the case may be, the purchase or the weapon, and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if not so authorized, then the said seller shall not complete the sale.

Southampton County

12–1. *Pistol permit.* No person shall purchase a pistol within the county without obtaining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser. In order to obtain such a permit, the applicant shall be eighteen years of age or older, a resident of the county and shall not be a known felon or a former inmate of a mental institution. All nonresidents of the county shall present a letter to the sheriff of the county from the chief of police or sheriff of his city, town or county, stating that such applicant can qualify for a permit under this section and is a resident of that city, town or county, prior to obtaining a permit under this section.

12–6. *Selling pistols, etc., to minors under eighteen years of age.* No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age.

Stanley

31. *Prohibiting sales to minors.* It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol, dirk, bowie knife, blackjack, metal knucks, tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.

Staunton

30–2. *Selling, etc., to minor under eighteen.* If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, dirk, switch-blade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than one hundred dollars.

Suffolk

13–38. *Weapons—Permit for purchase of pistols, cartridges, dirks, etc.* No person shall sell, within the city, any pistol, dirk, bowie knife, slung shot or any weapon of like kind or pistol cartridges unless and until the proposed purchaser shall present to such seller a permit, granted by the Chief of Police of the city or the judge of the circuit court of the city, allowing purchase of such weapon or cartridges.

Virginia Beach

38–5. *Permit prerequisite to purchase of certain weapons.* No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, dirk, Bowie knife, slungshot or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof; shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city.

Warrenton

11–51. *Pistol dealers.* Every person selling pistols in the town, in addition to any other tax provided, shall pay for the privilege a license tax of ten dollars per annum, which license tax shall not be prorated.

24–6. *Selling pistols, etc., to minors under eighteen years of age.* If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, dirk, awitchblade knife or bowie knife, having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor * * *.

Waverly

Be it ordained by the Council of the Town of Waverly, that no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.

Waynesboro

16–14. *Firearms, knives, explosives, etc.—Sales, etc., to minors prohibited.* No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, pellet guns, dirks, Bowie knives, black powder or any other explosives.

The term "firearms", as used in this section, shall be construed to include any gun, pellet gun, rifle or pistol adapted to the use of any form of powder and shot (or balls) or cartridges, whether such firearms be called "toy pistols", "toy guns" or otherwise, and shall include pellet guns using air pressure.

Woodstock

28–6. *Furnishing pistols, dirks, etc., to minors under eighteen years of age.* It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, dirk, switchblade knife or Bowie knife, having good cause to believe him to be a minor under eighteen years of age. * * *.

11–51. *Pistol dealers.* Every person selling pistols in the town, in addition to any other tax provided, shall pay for the privilege a license tax of ten dollars per annum, which license tax shall not be prorated.

VIRGIN ISLANDS

V.I. CODE ANN. TITLE 23

451. *Definitions.* As used in this chapter, unless the context clearly requires otherwise

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the busi-

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ness of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

452. *Applicability of chapter.* No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

453. *Persons who may lawfully carry firearms.* (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

1. Members of the Armed Forces of the United States or of the organized reserves;

2. Officers and employees of the United States duly authorized by Federal law to carry firearms;

3. Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

4. Members of the Police Force of the Virgin Islands, marshals, or other duly authorized peace officers;

5. Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or heads of their respective services or departments.

454. *Persons who may be licensed to carry firearms.* A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this Chapter:

1. An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

2. An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; and provided, that the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

3. A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

4. A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

5. With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

455. *Application for license; form, oath; fees.* (a) Every application for a license to have and possess a firearm shall be made under oath and on forms which the Commissioner shall prepare for such purpose. For the purposes of the enforcement of the provisions of this chapter, the applicant shall furnish all information as may be required of him by the Commissioner.

457. *Contents of license.* A license issued pursuant to the provisions of section 454 of this chapter shall provide for the following:

1. That the same is not transferable and shall be carried by the licensee at all times when in possession of the firearm for which it was issued;

2. The term thereof, which shall not exceed one year;

3. Places where, times when, and circumstances under which the firearm may be carried;

4. Description of the firearm authorized to be carried, showing the serial number, if any;

5. Grounds for issuance;

6. Grounds for revocation;

7. A dealer's coupon which shall be removed and retained by any person who sells or otherwise provides the licensee with any firearm contemplated in such license.

458. *Grounds for refusing to issue license.* The Commissioner shall not issue a license to have and possess a firearm to any person convicted in or outside the Virgin Islands of any crime of violence; or of any violation of a narcotic or "harmful drug" law; nor to any person who is mentally incompetent, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions of this chapter; nor to any person who for justifiable reasons is deemed to be an improper person by the Commissioner.

460. *Reciprocal recognition of out-of-state licenses.* Unless otherwise prohibited by any state or federal law, a license to possess or to carry firearms, issued by any competent authority of any state or territory of the United States and in accordance with the same or similar requirements as set forth in the preceding sections pertaining to the applicant's eligibility, and the establishment of his reputation through fingerprints, shall be recognized as valid within the Virgin Islands and shall allow the holder thereof to exercise all of the privileges in connection therewith, while said licensee is a visitor or transient resident herein.

461. *License to sell firearms and/or ammunition gunsmiths; report of transactions; private transfer sales to minors or aliens.*

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

465. *Conditions for dealers' operations; records of transactions.* Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

466. *Sales of weapons and ammunition without licenses prohibited; sales slips.* No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

476. *Collections of antique firearms; certificates of uselessness.* No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

480. *False information forbidden in sale of weapons.* No person shall, in purchasing a firearm or in applying for any license or in making any report hereunder give or offer false or misleading information or offer false evidence of his identity.

481. *Alteration of identifying marks of weapons prohibited.* No person shall within the Virgin Islands change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same within the Virgin Islands: Provided, however, that nothing contained in this section shall apply to any officer or agent of the United States or the Government of the Virgin Islands engaged in experimental work.

485. *Regulations.* The Commissioner may issue, modify and amend, from time to time, such rules and regulations, not inconsistent with this chapter or the provisions of other law, which he may deem necessary or appropriate to carry out the purposes of this chapter, which rules and regulations, upon approval by the Governor, shall have the force and effect of law.

WASHINGTON

State Law

WASH. REV. CODE ANN. TITLE 9

9.40.110. *"Fire bombs"—Definitions.* For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120. *Penalty.* Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

9.40.130. *Exceptions.* RCW 9.40.120 shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120 shall not prohibit the manufacture or disposal of a fire bomb for the parties or purposes described in this section.

9.41.010. *Terms defined.* "Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: "Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

9.41.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.080. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. *Sales regulated—Application to purchase—Grounds for denial.* In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093. *Exemptions.* The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.110. *Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited.* The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the license subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of licenses; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

9.41.130. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

9.41.140. *Alteration of identifying marks—Exceptions.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. *Exemptions.* RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. *Alien's license to carry firearms.* It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars; PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. *Machine guns prohibited.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200. *Machine gun defined.* For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

9.41.240. *Use of firearms by minor.* No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

WASH. REV. CODE ANN. TITLE 19

19.70.010. *Out-of-state purchasing authorized.* Residents of Washington may purchase rifles and shotguns in a state other than Washington: *Provided*, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States Secretary of the Treasury: *And pro-*

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vided further, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

Aberdeen

4. It shall be unlawful for any person within the City of Aberdeen to sell, give away, loan or cause to be sold, given or loaned, to any minor under the age of 18 years, any gun, revolver, pistol or the cartridges therefor. • • •

8. It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time within the City of Aberdeen any shotgun, rifle or other firearms without first having obtained a license from the Director of Licenses as provided by Section 9.41.160 RCW.

Auburn

7.04.360. *Short firearm and crime of violence defined.* "Short firearm" as used in Sections 7.04.370 through 7.04.530 means any firearm with a barrel less than twelve inches in length. "Crime of violence" as used in Sections 7.04.370 through 7.04.530 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.04.371. *Definitions.* The following words and phrases shall have the following meanings:

(1) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(3) "Fugutive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(4) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

7.04.372. *Pistol sale—Record sent to police chief.* It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any such merchant, business or secondhand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record, in triplicate, of every pistol sold or disposed of. The written record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, date and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy of the record shall within six hours after the signing be sent by registered mail to the chief of police, or in the alternative, may be personally delivered to the office of the chief of police within such period of time, and the chief of police, shall, within seventy-two hours, exclusive of Sundays and legal holidays, investigate the information contained in the record, and shall notify the merchant within such time period if the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter.

7.04.373. *Pistol sale—Waiting period required.* It is unlawful for any merchant, business, or secondhand dealer, or any clerk agent, representative or employee of any merchant, business or secondhand dealer, to deliver any pistol to any purchaser unless the merchant, business or secondhand dealer has mailed or personally delivered a copy of the record to the chief of police as required by Section 7.04.372 and the seventy-two hour waiting period after delivery of the notice as provided in Section 7.04.372 has expired without the receipt of a notice from the chief of police that the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter, provided that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers as specified in RCW 9.41.060.

7.04.374. *Pistol purchase forbidden to convicted persons.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol, in the city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

7.04.380. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

Bellevue

7.28.010. *Definitions.* "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than 12 inches in length. "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary, and kidnaping.

7.28.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

7.28.080. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

7.28.090. (2) No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, said pistol shall be securely wrapped and shall be unloaded. • • •. This section shall not apply to sales at wholesale.

7.28.100. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.120. *Alteration of identifying marks on pistol prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

7.28.130. *False information in obtaining pistol.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

7.28.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.28.160. *Machine gun defined.* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

7.28.170. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Bellingham

17.32.040. *Sale to minor prohibited.* The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.

Bothell

10.1. *Firearm defined.* The word firearm shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or spring, or similar device.

10.2. *Dangerous weapon defined.* The word dangerous weapon shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and shall include compressed air rifles and pistols and slingshots.

10.3. *Pistol defined.* The word pistol as used in this ordinance means any firearm with a barrel less than twelve (12) inches in length.

10.4. *Certain persons forbidden to possess firearms.* No person who has been convicted in this state of elsewhere of a crime of violence, shall own a firearm or have one in his possession or under his control.

10.7. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.9. *Sale of cartridge, ammunition or gunpowder forbidden to certain minors.* No person shall give, sell, or otherwise make available to any minor under the age of 16 years any cartridge or ammunition for firearms or the ingredients thereof: Provided that this section shall not apply to a parent or guardian who provides such minor with ammunition for a use which is lawful.

10.12. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birthplace, the date and hour of application, the calibre, make, model and manufacturers number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller, within 6 hours after such application is made, shall sign and attach his addres and forward by registered mail or deliver by hand one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.13. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

10.14. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit, or pledge of a firearm for a loan. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies, or otherwise deliver a pistol contrary to the provision of this ordinance.

10.15. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.16. *False information forbidden.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity or address.

10.17. *Exceptions.* This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

10.18. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of a police officer to seize said machine gun, or parts thereof.

Buckley

10.40.010. *Definitions.* The term "crimes of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping. "Short firearm," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

10.40.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

10.40.080. *Delivery restricted.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.40.090. *Selling.* In addition to the other requirements of RCW Sections 9.40.010 through 9.41.150, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he had never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller, shall, by the end of the business day, sign and attach his address and deliver the original of such application to the town marshal or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the town marshal or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The town marshal or the county sheriff shall maintain a file containg the original of the application to purchase a pistol.

10.40.100. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110 and 18 U.S.C. Sec. 923.

10.40.110. *Dealer loans—Transfer of pistols.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.40.120. *Altering pistol identification.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark has been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.40.130. *False information in obtaining pistol.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

10.40.140. *Antique pistols excepted.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10.40.150. *Machine guns prohibited.* It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

10.40.160. *Machine gun defined.* For the purpose of this chapter "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

10.40.170. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are declared to be contraband, and it shall be the duty of all police officers to seize said machine guns, or parts thereof, wherever and whenever found.

Camas

6.12.010. *Giving to minors under eighteen or intoxicated persons prohibited.* It shall be unlawful for any person, persons, firm or corporation, to sell, barter, exchange, give or otherwise dispose of any firearm or dangerous explosive, to any minor under the age of eighteen (18) years, or to any person in an intoxicated condition within the city limits of the City of Camas, Washington.

Centralia

5.96.010. *License to sell required.* Any person engaging in the business of selling or offering to sell any pistol, revolver, derringer, bowie knife, or other weapon of like character that can be concealed on the person, shall first obtain a license as a dealer in deadly weapons or firearms, and it shall be unlawful for any person licensed, to sell or give away any such weapon without reporting the sale or gift in the manner provided in Section 5.96.040, and to sell or give away any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon as herein provided.

5.96.020. *Permit required for purchase.* It shall be unlawful for any person to purchase any pistol, revolver, derringer, bowie knife, dirk or weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of the person desiring the permit. The chief of police may, at his discretion, require a recommendation that the permit shall be issued, from two persons who shall be known to the chief of police as persons of good reputation and residents of the city for at least one year.

5.96.030. *Persons prohibited from purchase.* It shall be the duty of the chief of police to refuse such permit to:

(1) All persons having been convicted of any felony;

(2) All vagabonds;

(3) All minors; otherwise it shall be the duty of the chief of police to grant such permit.

Chelan

27 *Minors,* • • • *selling* • • • *firearm to.* Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

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Des Moines

41. *Certain persons forbidden to possess arms.* No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

46. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

47. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded.

53. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

54. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

55. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possesed are hereby declared to be contrabrand, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

Everett

4.23.010. *License—Required.* It shall be unlawful for any person, firm or corporation engaged in the business of selling or disposing of short firearms to sell or give away to any person within the City of Everett any pistol, revolver or short firearm or weapon of like character which can be concealed on the person without securing a license so to do as hereafter provided from the City of Everett and the State of Washington.

4.23.020. *Dealer's license—Required.* Any person, firm or corporation engaged in the business of selling or disposing of pistols, revolvers or short firearms shall first secure and have in his or its possession and in full force and effect a dealer's license issued by the City of Everett and a dealer's license as provided by R.C.W. 9.41.110 of the laws of the State of Washington.

6.14.010. *Sale to persons under sixteen—Unlawful.* It shall be unlawful for any person or persons to sell or offer for sale any revolver, pistol or toy pistol, within this City, and every person who shall sell, give, furnish or cause to be furnished to any person under the age of 16 years, any revolver, pistol, toy pistol, or other pocket weapon in which explosives may be used, shall be deemed guilty of a misdemeanor. • • •.

6.22.010. *Identification required—Investigation.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless (1) the person is personally known to the seller or shall present clear evidence of his identity, and (2) unless the merchant or secondhand dealer shall complete a true record in triplicate of every pistol sold or disposed of and submit the record to the chief of police of the city of Everett. One copy shall be sent by registered mail to the chief of police of the city of Everett on the same date as the record is completed. The chief of police of the city of Everett, shall within seventy-two hours, exclusive of Saturdays, Sundays and holidays, investigate the information contained in the record.

6.22.020. *Delivery regulations.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealers to deliver any pistol to any purchaser within seventy-two hours exclusive of Saturdays, Sundays or holidays after the dealer has mailed a copy of the complete record in accordance with Section 6.22.010. Also it is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any person known by the merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to be a person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution. • • • This section shall not apply to sales at wholesale or to sales to law enforcement officers.

6.22.030. *Prohibited purchasers.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Fircrest

9.24.040. *Possession of arms—Certain persons prohibited.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. The term "crime of violence" as used in this penal code means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.24.070. *Delivery to minors and addicts.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

9.24.120. *Exceptions.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.24.130. *Machine guns.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, provided, however, that such limitation shall not apply to any police officer in the discharge of official duty.

9.24.140. *Machine gun defined.* For the purpose of this penal code a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

9.24.150. *Machine guns or parts contraband.* All machine guns or parts thereof, illegally held or possessed are hereby declared to be contraband.

King County

1. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

2. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. • • • One copy shall within six hours be sent by registered mail to the Sheriff of King County who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the Sheriff that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the Sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the Sheriff as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

8.40.020. *Supplying firearms or ammunition to minor unlawful.* It is unlawful for any person in King County, state of Washington, outside the boundaries of incorporated cities and towns within King County, to sell, barter, hire, loan or give, or permit to be sold, bartered, hired, loaned or given to any minor under the age of twenty-one years, any revolver, pistol or similar firearm or any ammunition for the same.

Kirkland

11.28.030. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

11.28.120. *Pistol—delivery to purchaser.* In addition to the other requirements of Sections 11.28.110 through 11.28.180, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

11.28.130. *Pistol—purchasing—information required—procedure.* At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or has never been legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the city. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter, unless the seller is notified in writing by the chief of police of the city of denial. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere, of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police for the city shall maintain a file containing the original of the application to purchase a pistol.

11.28.150. *Pistol—dealer—license required.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as a dealer pursuant to RCW Chapter 9.41.

11.28.170. *Possession of firearms by prohibited persons unlawful.* It is unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" as amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.28.180. *Noncitizens—license required.* It is unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to noncitizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

Longview

15–8. *Sales by dealers.* Sales by dealers shall be regulated as hereinafter provided: (a) The City Clerk of said city shall grant licenses in forms prescribed by the Washington State Director of Licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and upon conviction of any such breach the licensee shall be deemed guilty of a misdemeanor and punished as provided in Sec. 1–8 of this Code of Ordinances. (1) The business shall be carried on only in the building designated in the license. (2) The license or copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read. (3) No pistol shall be sold (a) in violation of any provisions of this Chapter, nor, (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

15–12. *Alteration of identifying marks.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

15–13. *Antiques; excepted.* This Chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

Lynwood

10.04.360. *Crime of violence defined.* The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

10.04.370. *Firearm defined.* The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

10.04.400. *Persons convicted of crimes of violence not to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

10.04.450. *Delivery to minors and certain other persons.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

10.04.460. *Use of firearms by minor.* No minor under the age of sixteen years shall handle or have in his possession, or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind, for hunting or target practice, or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such party to violate the same, shall be guilty of a misdemeanor.

10.04.470. *Regulating sales—Purchaser's statement.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birthplace, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.04.480. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.04.490. *Certain transfers of weapons prohibited.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.04.500. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

10.04.510. *Purchasing weapon by use of false information.* Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

10.04.520. *Antique pistols excepted.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Marysville

6.64.010. *Definitions. Short firearm, pistol.* The term "short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length. *Crime of violence.* The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnaping.

6.64.040. *Convicted persons.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

6.64.080. *Prohibited pistol delivery.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.64.090. *Commercial sales of pistols—records.* The chief of police shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue, permitting the licensee to sell pistols within this city • • •.

6.64.100. *Pistol dealers—license required.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

6.64.110. *Prohibited transfer of pistols.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawn-brokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

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6.64.120. *Pistol identifying mark alteration.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

6.64.140. *Unusable pistols.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.64.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

6.64.160. *Machine gun defined.* For the purpose of this chapter a "machine gun" is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separate mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Mountlake Terrace

5.07.010. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015. *Sales regulated.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * * One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5.07.016. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. * * * No person shall lend or give a firearm to another known, or with reasonable knowledge believed to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this ordinance.

5.07.018. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

5.07.019. *False information forbidden.* No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

5.07.020. *Exceptions.* This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

5.07.021. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

5.07.022. *Dangerous weapons—evidence.* Every person who shall manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as sling shot, sand club, zipgun, or metal knuckles; shall furtively carry, or conceal any dagger, dirk, knife, or other dangerous weapon or firearm; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

5.07.023. *Definitions.* The word firearm shall include but be not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

Ocean Shores

7.28.080. *Delivery to minors and certain others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. *Pistol sales regulated.* No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

7.28.100. *Pistol dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.110. *Certain transfers of pistols forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock or pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

7.28.120. *Alteration of identifying marks on pistol prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

7.28.140. *Exceptions for unusable pistols.* This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.28.150. *Machine guns prohibited.* It shall be unlawful for any person to manufacture, own, buy, sell loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.28.160. *Machine gun defined.* For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Olympia

9.41.040. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. * * *.

9.41.080. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. *Sales regulated—application to purchase—grounds for denial.* In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof * * *.

9.41.093. *Exemptions.* The following shall be exempt from the provisions of RCW 9.41.090 as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.100. *Dealers to be licensed.* No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

9.41.120. *Certain transfers forbidden.* No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

9.41.140. *Alteration of identifying marks—exceptions.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. *Exemptions.* RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. *Alien's license to carry firearms—exception.* It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: *Provided*, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. * * *.

9.41.190. *Machine guns prohibited.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: *Provided, however*, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

9.41.200 *Machine gun defined.* For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

Pasco

9.24.060. *Selling revolvers and pistols to minors.* It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Raymond

5.04.010. *Unlawful to sell firearms or air rifles to minors.* It shall be unlawful for any person, firm or corporation to sell any firearms or air rifles, or B. B. guns to minors.

Renton

5–15. *Machine guns—Prohibition.* That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun: Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

5–16. *Machine gun defined.* For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

5–17. *Machine guns or parts contraband.* All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

2424–I: The following words and phrases used herein shall have the following meanings, to-wit: A. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

B. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

C. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

D. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

2424–II: It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any such merchant, business, or second-hand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record, in triplicate, of every pistol sold or disposed of. * * *. One copy of such record shall within six (6) hours after the signing thereof be sent by registered mail to the Chief of Police of the City of Renton, or in the alternative, may be personally delivered to the office of the Chief of Police within said period of time, and the Chief of Police shall, within seventy two (72) hours, exclusive of Sundays and Legal Holidays, investigate the information contained in said record, and report his findings to the merchant, business or second-hand dealer.

2424–III: It is unlawful for any merchant, business, or second-hand dealer, or any clerk, agent, representative or employee of any merchant, business or second-hand dealer, to deliver any pistol to any purchaser until said merchant, business, second-hand dealer has received a report from the Chief of Police that said purchaser is not a fugitive from justice and has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction, or habitual drunkenness and has never been confined to a mental institution; provided that if such merchant, business or second-hand dealer does not receive such report from the Chief of Police within seventy-two (72) hours, exclusive of Sundays and Legal Holidays, after he has mailed or personally delivered a copy of the record to the Chief of Police as required by Section II, then such merchant, business or second-hand dealer may deliver the pistol to the purchaser; provided further that this Section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers as specified in RCW 9.41.060.

2424–IV: It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in the City of Renton, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Richland

1.28. *Selling, etc., of revolvers and pistols to minors less than eighteen years of age.* It shall be unlawful for any person within the City to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Seattle

1. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

2. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. * * *. One copy shall within six hours be sent by registered mail to the chief of police of The City of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said

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record and report his findings to the merchant or secondhand dealer.

3. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

4. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5. Any person violating or failing to comply with any of the provisions of this ordinance shall upon conviction thereof be fined in a sum not to exceed five hundred dollars or imprisoned in the city jail for a term not exceeding one hundred eighty days, or both so fined and imprisoned.

Snohomish

9.04.360. *Selling, etc., of revolvers and pistols to minors.* It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

20. *Certain persons forbidden to possess arms.* No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

25. *Sales regulated.* No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. • • •. This section shall not apply to sales at wholesale.

30. *False information forbidden.* No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

35. *Alteration of identifying marks prohibited.* No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such marks shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same; Provided, that this section shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments

45. *Delivery to minors and others forbidden.* No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

46. *Unlawful to manufacture, sell or possess certain weapons or to use silencer on firearms.* No person shall manufacture, sell, dispose of or have in his possession any instrument or weapon of any kind usually known as slung shot, sand club, metal knuckles, spring-blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device; or furtively carry or conceal any dagger, dirk, knife or other dangerous weapon; or use any contrivance or device for suppressing the noise of any firearm.

Tacoma

8.66.080. *Definitions.* The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

8.66.090. *Records required before sale.* It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. • • •. One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. *Delivery prohibited prior to receipt of records.* It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. *Sales prohibited to certain persons.* It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

WEST VIRGINIA

State Law

W. VA. CODE ANN.

61–6–1a. *Control of riots and unlawful assemblages.* Members of the department of public safety, sheriffs and mayors, and those acting under their order, may, when engaged in suppressing a riot, rout or unlawful assemblage, cordon off any area or areas threatened by such riot, rout or unlawful assemblage, and may take all actions which are necessary and reasonable under the emergency to restore law and order, and such actions may be, but are not limited to, the following:

(a) Prohibit the sale, offering for sale, dispensing, furnishing or transportation of firearms or other dangerous weapons, ammunition, dynamite or other dangerous explosives in, to or from such areas.

(b) Prohibit the sale, offering for sale, dispensing, furnishing or consumption of alcoholic beverages or nonintoxicating beer in a public place in such areas, and prohibit the transportation of alcoholic beverages or nonintoxicating beer in, to or from such areas.

(c) Impose curfews, as required, to control movement of persons in, to and from such areas.

(d) Enter a private dwelling or other building or other private place in such areas when in fresh pursuit of a rioter, when in search of a sniper who has fired upon a person from such a dwelling or other building or place or when in search of firearms, other dangerous weapons, ammunition, dynamite or other dangerous explosives when there is reason to believe that such items are stored in the said dwelling, building or place and that they will be removed therefrom before a search warrant could be obtained.

No person shall willfully fail to obey a lawful order of any mayor, sheriff, deputy sheriff, municipal police officer, member of the department of public safety, or other officer, given pursuant to this section.

Any person who violates an order given pursuant to the authority of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

61–7–8. *Possession of machine guns, high-powered rifles, or ammunition therefor; permits; aliens may not possess firearms.* It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, sub-machine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of pistols, and all such licenses, together with the numbers identifying such rifles, shall be certified to the superintendent of the department of public safety: Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are free-

holders or tenants for a fixed term in this State, at their usual or customary place of practice, or licensed hunters in the actual hunting of game animals. No such permit shall be granted by said superintendent except in cases of riot, public danger, and emergency, until such applicant shall have filed his written application with said superintendent, in accordance with the rules and regulations that may be from time to time prescribed by said department of public safety relative thereto, which application shall be accompanied by a fee of two dollars to be used in defraying the expense of issuing such permit, and such application shall contain the same provisions as are required to be shown under the provisions of section two [§ 61–7–2] of this article, by applicants for pistol license, and shall be duly verified by such applicant, and at least one other reputable citizen of this State. Any such permit as granted under the provisions of this section may be revoked by the governor at his pleasure, and upon the revocation of any such permit, the department of public safety shall immediately seize and take possession of any such machine gun, sub-machine gun, high-powered rifle, or gun of similar kind and character, held by reason of such permit, and any and all ammunition therefor; and the department of public safety shall also confiscate any such machine gun, sub-machine gun, and what is commonly known as a high-powered rifle, or any gun of similar kind and character, and any and all ammunition therefor, so owned, carried, transported or possessed contrary to the provisions of this section, and shall safely store and keep the same, subject to the order of the governor.

No alien shall own, keep or possess any firearm of any kind or character.

61–7–9. *Display of dangerous weapons for sale or hire; sale to unnaturalized person; penalties for violation of this section or 61–7–8.* It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, dirk, bowie knife, slung shot, or other dangerous weapons of like kind or character or any machine gun, sub-machine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber, and report the same at once in writing to the superintendent of the department of public safety. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person.

61–7–14. *Purchase of firearms in contiguous state.* Any resident of this State, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle, shotgun or any other legal firearm, or any part thereof, in this State, may purchase the same in a state contiguous to this State and transport or receive the same into this State provided the sale meets the lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer or private collector.

Beckley

5. *Sale or rental.* It shall be unlawful for any person to rent or sell any revolver, pistol, dirk, bowie knife or other dangerous weapon of like kind or character, or any machine gun, or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his or her parents, or one of them, or by the minor's legal guardian.

Benwood

210.02. *Selling or giving to minors.* No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol, dirk, bowie knife, switch blade knife, slingshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

210.07. *Purchase without permit.* No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 210.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

210.13. *Exceptions.* Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Bluefield

Weapons. The fee for every license to sell or expose for sale pistols, revolvers, dirks, sling shots, billies, bowie knives, false knuckles or weapons of any kind shall be $25.00 per year.

Charleston

7. *Sale of firearms, fireworks or explosives to children.* No person shall sell to any child under the age of sixteen years firearms, gunpowder, gun caps as defined under W. Va. Code, Ch. 29, Art. 3, Section 28, fireworks or other explosives, in any quantity.

Clarksburg

14–60. *Sale of weapons.* On every license to sell or offer for sale pistols, revolvers dirks, slung shots, billies, bowie knives, metallic or other false knuckles or other weapons of like kind, the annual license fee shall be one hundred dollars.

Martinsburg

35–5. *Display of dangerous weapons for sale or hire; sale to unnaturalized person.* • • •. It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in article 7, chapter 61, Michie's West Virginia Code, 1961, to an unnaturalized person.

Morgantown

31–8. *License—Required.* No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapon, including, but not by way of limitation, any revolver, pistol, dirk, Bowie knife, sling shot, billies, metallic or false knuckles or other weapons of like kind within the city without first obtaining a license to engage in any such business.

31–15. *Sale, etc., to intoxicated persons, minors under eighteen, etc.* It shall be unlawful for any person or dealer licensed under this article to sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years, or to an unnaturalized person.

Moundsville

73. *Weapons.* The annual license fee to sell or offer for sale, pistols, revolvers, dirks, slung shots, billies, bowie knives, metallic or other false knuckles, or other weapons of like kind, shall be ten dollars. No license shall be issued without the prior certification of the chief of police of the city.

Weirton

553.06 *Sale of arms to unnaturalized person or minor.* No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall sell any of the arms mentioned in this article to any minor under the age of sixteen years.

Wheeling

537.02 *Selling or giving to minors.* No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol, dirk, bowie knife, switch blade knife, slingshot, razor, billy, metallic or other false knuckles, or any other dangerous or deadly weapon of like kind or character.

537.05. *Sale, transfer of concealed weapons.* No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06. *Sale to person not holding permit.* No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07. *Purchase without permit.* No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10. *Vendor to demand permit from purchaser.* At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13. *Exceptions.* Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

537.14. *False information.* No person shall give or issue any false information or data for the purpose of obtaining, or aiding and abetting another in obtaining, a pistol, revolver or other firearm of the kind described in Section 537.05 in violation of the terms and provisions of this article.

WISCONSIN

State Law

WISC. STATS. ANN.

164.01. *Definitions.* (1) "Machine gun" applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnaping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

164.03. *Possession for aggressive purpose.* Possession or use of a machine gun for offensive or aggressive purpose is hereby

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declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

164.04. *Possession when presumed for aggressive purpose.* Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person, who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

164.06. *Exceptions.* Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

164.08. *Owner to register machine gun.* Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered by the owner in the office of the secretary of state on May 15, 1933 and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any guns, as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

164.20. *Machine guns and other weapons; use in certain cases; penalty.* (1) No person shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of not less than one year nor more than three years.

(3) The provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any national guardsman in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers; nor shall the restriction on transportation apply to common carriers.

175.30. *Purchase of firearms in contiguous states permitted.* It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

939.22. *Words and phrases defined.* In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

941.22. *Possession of pistol by minor.* (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than $500 or imprisoned not more than one year in county jail or both.

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long.

943.06. *Molotov cocktails.* (1) As used in this section, "fire bomb" means a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb may be fined not more than $500 or imprisoned not more than 6 months or both.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

8.01. (4) *Sale of dangerous weapons to minors prohibited.* No person shall buy for, sell or give away to any minor any dangerous weapon except household purpose knives or knives having blades less than 3 inches long without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: blackjack, billy, sandclub, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon in which loaded or blank cartridges are used, crossknuckles of any metal, barbed or blade type bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by a slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, or straight-edge razor or any other knife having a blade 3 inches or longer.

Beloit

(3) No person shall sell any firearm, blackjack, billy, bludgeon, cross-knuckles, knuckles of any metal, bowie knife, dirk-knife, dirk dagger or switch blade knife, or loan such items to any minor within the City.

Cudahy

(2) *Sale and use of dangerous weapons and guns.* (b) It shall be unlawful for any person to purchase any blackjack, billy, bludgeon, metal knuckles, revolver or pistol upon which any loaded or blank cartridges are used. Every person who deals in dangerous weapons or guns shall make out and deliver to the Chief of Police of the City of Cudahy at the end of each month on forms provided by the Police Department, a legible and correct report of every sale or gift, which report shall contain the date of such sale or gift, the name of the purchaser or donor, his address, age, number and make of such weapon or gun. However, it shall not be necessary for any person engaged in the buying and selling of such weapons or guns in wholesale lots to make such report. No sale shall be made to persons having been convicted of a felony or to minors, unless written permission shall be presented at the time of sale by the parent or guardian, giving consent to such purchase.

15.07. *Use of fire bombs and other similar devices.* (1) No person shall make, carry possess, sell, give, or use any type of "Molotov Cocktail", which is defined to mean a flammable liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Glendale

24.20. *Making, possession, transfer or use of fire bombs and other similar devices.* (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Hales Corners

14.01. (1) *Definitions: Dangerous weapon.* The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade 3 inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

(3) *License for sale of weapons.* (a) No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon.

(4) *Selling weapons to minors prohibited.* No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, except household purpose knives or knives having blades less than 3 inches.

(6) *Permit required for purchase of dangerous weapons.* No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, air rifle, weapon used solely for target practice purposes, sporting goods, as hereinbefore defined, straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions or sports. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

Kenosha

11.02–R. *Possession or use of fire bombs and other similar devices.* (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. *Dangerous weapons.* B. "Sale Forbidden". No person shall sell, loan or give away any gun, pistol, revolver or other dangerous or deadly weapon to any minor or intoxicated person.

Madison

25.01. *Sale of firearms.* (1) Definition: For the purpose of this section: (a) "Firearm." The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose. (b) "Rifle." The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger. (c) "Shotgun." The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(4) No person under twenty-one years of age shall go armed with a pistol or revolver and no person shall intentionally sell, loan or give a pistol or revolver to any person under twenty-one years of age. This subsection does not apply to a person under twenty-one years of age who is armed with a pistol or revolver when such pistol or revolver is used in target practice under supervision of an adult nor does it apply to an adult who transfers a pistol or revolver to a person under twenty-one years of age for use only in target practice under his direct supervision.

(5) No person under the age of eighteen shall go armed with a firearm of any type nor a pneumatic pellet gun and no person under the age of eighteen years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm or pneumatic pellet gun or ammunition therefor to any person under the age of eighteen years. This subsection shall not apply to anyone under eighteen years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen years of age for use only in target practice or any hunting under his direct supervision.

Middleton

16.01–(b) *Possession of Ammunition and sale to minors.* No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, spring gun, air gun or pneumatic pellet gun. No person shall intentionally sell or give away any firearm, rifle, spring gun, air gun or pneumatic pellet gun, or ammunition therefor, to any person under the age of 18 years.

Milwaukee

105.34. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight-edge razor or any other knife having a blade three inches or longer. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

105–34.4. *Use of fire bombs prohibited.* (1) No person shall make, carry, possess, sell, give, or use any type of "Molotov Cocktail," which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

105.43. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105–34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions, or sports, without securing a license so to do as provided in Section 105–44, and no person, firm, or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in Section 105–46. It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

105.43.5. *Unlawful to sell weapons to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18 any weapon listed or defined as dangerous in Section 105–34, except household purpose knives or knives having blades less than three inches.

105.46. *Permit required for purchase of dangerous weapon.* It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105–34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods as defined in Section 105–43, straight-edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. • • • No person shall mutilate a shotgun or rifle or destroy the identification marks of any firearm. No shotgun or rifle shall be shortened to barrell length of less than 18 inches nor shall anyone remove the serial number from any weapon.

New Berlin

(g) Under no circumstances shall any person sell, keep for sale, manufacture or bring into the city for use therein any fire balloon, mortars, except mortars used for special display purposes, or cannon, or any explosive cane, toy pistol, toy revolver or other contrivance using explosive caps or cartridges, any Chinese firecrackers more than two inches in length or more than three-eighths inch in diameter, outside measurements of container, or any article containing a compound of mercury or yellow phosphorous.

Oshkosh

18–24. *Furnishing firearms to minors prohibited.* No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Port Washington

9.11. *Sale of weapons.* (1) *License required.* No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any blackjack, slingshot, billy, sandclub, sandbag, bludgeon, metal knuckles, revolver, pistol, air rifle or other instrument or weapon which uses loaded or blank cartridges, except rifles and shotguns used for hunting purposes, without securing a license so to do as herein provided, and no person having such license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police • • •.

(5). *Permit to purchase.* No person shall purchase or possess any of the weapons or articles enumerated in subsection (1) until he has obtained a permit for such purpose from the Chief of Police.

Racine

25.06. *Dangerous or concealed weapons.* (2) The term "dangerous weapon" means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, sling shot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross knuckles, knuckles of

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any metal, barbed or blade type, arrowhead, bowie knife, dirk knife, dirk dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straightedge razor or any other knife having a blade three inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

(5) No person shall engage in the business of buying or selling, or sell or give away to any minor under the age of 18, any dangerous weapon, except household purpose knives or knives having blades less than 3 inches.

25.41 *Possession or use of fire bombs and other similar devices.* (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(3) The provisions of paragraphs 1 and 2 of this Section shall not apply to any device used in any training program authorized by the Chief of the Racine Fire Department or the Chief of the Racine Police Department, nor to any person engaged in such an authorized training program while so engaged.

Shorewood

13–601. *Definition.* The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: blackjack, billy, sandclub, sandbag, bludgeon, slingshot, slung shot, pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, cross-knuckles, knuckles of any metal, barbed or blade type arrowhead, bowie knife, dirk knife, dirk, dagger, switch blade knife, or any knife which has a blade that may be drawn without the necessity of contact with the blade itself but is instead automatically opened by slight pressure on the handle or some other part of the knife and is commonly known as a switch blade knife, straight edge razor or any other knife having a blade three (3) inches or longer. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

13–604. *Permit required for purchase of dangerous weapons.* (1) It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13–601 except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods, as defined in Section 13–605, straight edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, crafts, professions or sports. • • •

(3) No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than 18 inches nor shall anyone remove the serial number from any weapon.

13–605. *License for sale of weapons.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 13–601, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, straight edge razors, household purpose knives, any knife having a blade less than three inches, or instruments necessary to certain trades, professions, or sports, without securing a license so to do as provided in Section 13–607, and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13–604.

13–606. *Unlawful to sell to minors.* It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13–601, except household purpose knives or knives having blades less than three inches.

13–610. *Possession of pistol by minor.* (a) It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, load or give a pistol to a minor.

(d) In this Section, "pistol" means any firearm having a barrel less than twelve (12) inches long.

Wauwatosa

6.06. *Sale and use of dangerous weapons and guns.* (1) Definitions. In this section, unless the context otherwise requires: "Dangerous Weapon," means any blackjack, slingshot, billy, sandclub, sandbag, bludgeon, metal knuckles, any knife having a blade of 3 inches or more, or other similar article.

"Dangerous gun" means any revolver, pistol, air rifle, including all types of BB guns, rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

"Person" means any person, firm, or corporation.

(2) No person shall engage in the business of selling or giving away any dangerous weapon or gun without obtaining a license as hereinafter provided, and no person having such license shall sell or give away any such dangerous weapon or gun who has not secured a permit from the Chief of Police to obtain such dangerous weapon or gun as hereinafter provided.

This provision does not apply to rifles or shot guns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport, straight edge razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions or sports.

(5) No person shall purchase any dangerous weapon or gun without securing a permit therefor from the Chief of Police. • • •.

This subsection shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined in any of those items that further interest in the commonly accepted fields of sport, straight edged razors, household purpose knives, any knife having a blade less than 3", or instruments necessary to certain trades, crafts, professions, or sports, except as to persons convicted of crime or to minors.

(7) No person shall mutilate any revolver, pistol, shotgun, rifle, or any other firearm or destroy the identification marks thereon.

West Milwaukee

3.15. *Firearms.* (2) *Sale and display prohibited.* No person, firm or corporation shall engage in the business of selling, sell or give away any blackjacks, sling shots, billy, sand bag, sand club, bludgeon, metal knuckles, revolvers, pistols, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles or any sign, poster, display card or other matter advertising or suggesting the sale of any such weapon, cartridge, shell, gas, explosive or projectile, except in accordance with a dealer's license issued pursuant to Subsection (3) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to Subsection (4), and who is at least eighteen years of age.

(3) *Dealers' licenses.* Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May first following the date thereof, and shall be issued upon the filing of a written application in form approved by said chief of police and presentation of a receipt showing the payment of the annual fee of Five ($5.00) Dollars to the Village Treasurer. Every such licensee shall make out and deliver to the chief of police every day before the hour of twelve o'clock noon, a legible and correct report of any sale or gift made under authority of such license during the preceding twenty-four (24) hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee, his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's license and the purpose for which said weapon was acquired.

(4) *Buyers' licenses.* Buyers' licenses shall be issued by the Chief of Police upon an application in writing, setting forth the name, address, age, height, weight, complexion, nationality and other means of identification of the applicant; also the purpose for which said weapon is to be used and full detail as to conviction of the applicant of any crime. Such application shall also contain a written recommendation of two (2) taxpayers residing in the Village that such license be granted, and each such license shall expire Thirty (30) days following the date of same. No license issued pursuant to subsections (3) or (4) shall be granted to any person who has been convicted of crime or to a minor. Each buyer's license shall be delivered to the seller or donor of such weapon who shall preserve the same and file it with the Chief of Police at the time of making the report provided for in Subsection (3).

(5) *Purchase of.* No person, firm or corporation shall purchase or receive any of the weapons mentioned in Subsection (2) without first securing a license so to do as provided in Subsection (4).

3.22. *Use of fire bombs and other similar devices.* (1) No person shall make, carry, possess, sell, give, or use any type of "Molotov Cocktail," which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

White Fish Bay

15.12. *Weapon dealers.* (1) *Sale and display prohibited.* No person shall engage in the business of selling, sell or give away any blackjack, sling shot, billy, sand bag, sand club, bludgeon, metal knuckles, revolvers, pistols, shot guns, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles or any sign, poster, display card or other matter advertising or suggesting the sale of any such weapon, cartridge, shell, gas, explosive or projectile, except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) *Dealers' licenses.* Dealers' licenses shall be issued by the Chief of Police and shall expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police • • •.

(3) *Buyers' licenses.* Buyers' licenses shall be issued by the Chief of Police upon an application in writing, setting forth the name, address, age, height, weight, complexion, nationality and other means of identification of the applicant; also, the purpose for which said weapons is to be used and full detail as to conviction of the applicant of any crime. • • •.

(4) *Purchase of.* No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) *Rifles and shot guns for hunting purposes excepted.* The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

Wisconsin Dells

11. *No person shall sell* any firearm, blackjack, billy, bludgeon, crossknuckles, knuckles of any metal, bowie knife, dirk knife, dirk, dagger, switch blade knife or any other knife having a blade three inches or longer to any minor in the City of Wisconsin Dells • • •.

WYOMING

State Law

WYO. STATS. ANN. TITLE 6

6–240. *Furnishing deadly weapons to minor.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or bowie-knife, slung-shot, knucks or other deadly weapon that can be worn or carried concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol; and any person who shall violate any of the provisions of this section shall be fined in any sum not more than fifty dollars.

6–241. *Possession of weapons by aliens.* Every person, not being a citizen of the United States, who shall own, possess, wear or carry any dirk, pistol, shot gun, rifle, or other fire arm, bowie knife, dagger, or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be fined in any sum not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) or imprisoned in the county jail not more than six months, or by both such fine and imprisonment.

6–243. *Dealer's and pawnbroker's firearms register—Required to be kept; information to be shown.* All wholesalers, retailers, dealers and pawn brokers are hereby required to keep a record of all firearms which may come into their possession, whether new or second hand, which record shall be known as the firearms register. Such register shall contain the following information, to-wit: The name of the manufacturer, person, persons, firm or corporation from whom the firearm was obtained, the date of its acquisition, its manufacturer's number, its color, its caliber, whether the same is new or second hand, whether it is an automatic, a revolver, a single shot pistol, a rifle, a shotgun or a machine gun, the name of the party to whom said firearm is sold in such purchaser's handwriting and the date of such sale.

6–244. *Same—To be signed by purchasers.* Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearm register, at the time of the delivery to him of any firearm so purchased.

6–246.1. *Rifles and shotguns—Defined.* Rifle—a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun—a weapon designed and redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

6–246.3. *Same—Resident may purchase or receive delivery; restrictions and requirements.* It is hereby declared by the State of Wyoming that it is lawful for a resident of the State of Wyoming, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to the State of Wyoming, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(b) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. § 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Cheyenne

46–1. *Definitions.* Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges or pistols as security for loans. Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

46–5. *Possession of firearms—Criminals, drug addicts, etc.* No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is drug addict or a habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

46–6. *Same—Minors.* No person under the age of eighteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia, R. O. T. C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

46–7. *Sale, possession, etc., of firearms without manufacturer's identification mark prohibited.* No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

46–9. *Exceptions.* This chapter shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

46–14. *Pistols—Sale and delivery.* When any sale of a pistol, the overall length of which is less than six inches, is made under this article, forty-eight hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

46–16. *Sales, etc., to criminals, dope addicts, etc.* No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

46–17. *Sales, etc., to minors.* No dealer shall sell, lease, lend or otherwise transfer a firearm to any person under twenty-one years of age except as provided in section 46–6.

Cody

34–4. *Furnishing deadly weapons • • • to minors.* It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, knife, slingshot, knucks, or any other deadly weapon of any kind, which can be worn or concealed upon the person. It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Powell

8.24. *Disposing of weapons to minors.* It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, dirk, bowie knife, slingshot, knucks, or any other deadly weapon of any other kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

8.25. *Police excepted.* The provisions of this Article shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

Sheridan

19–44. *Weapons—Sale, etc., to minors.* It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol, dirk or Bowie knife, slingshot, knucks or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

[FR Doc.72–5499 Filed 10–24–72;8:45 a.m.]

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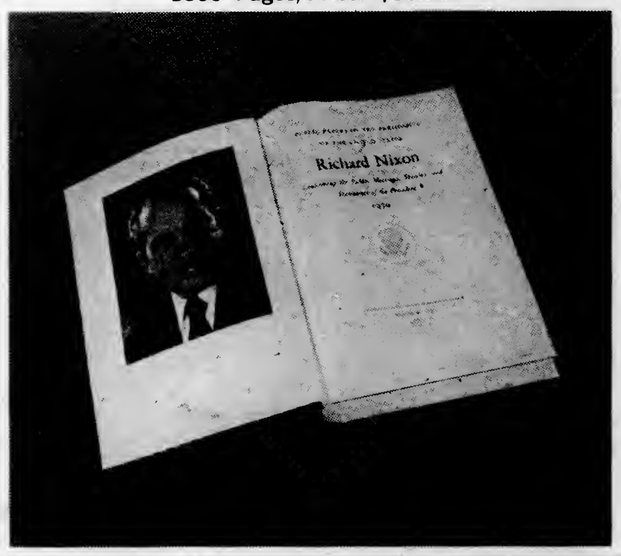
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PROCLAMATION 4125

Adjustment of Duties on Certain Ceramic Tableware

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to the authority vested in him by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and section 201 of the Trade Expansion Act of 1962 (19 U.S.C. 1821) (hereinafter referred to as "the TEA"), the President, by Proclamations No. 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103); No. 2867 of December 22, 1949 (64 Stat. A380); No. 2888 of May 13, 1950 (64 Stat. A405); No. 2929 of June 2, 1951 (65 Stat. c12); No. 3105 of July 22, 1955 (69 Stat. c44); No. 3513 of December 28, 1962 (77 Stat. 970, 979); and No. 3822 of December 16, 1967 (82 Stat. 1455), proclaimed such modifications of existing duties as were found to be required or appropriate to carry out certain trade agreements into which he had entered;

2. WHEREAS among the proclaimed modifications were modifications in the rates of duty on certain kinds of ceramic tableware which are now included within items 533.28, 533.31, 533.33, 533.35, 533.36, 533.38, 533.71, 533.73, and 533.75 of the Tariff Schedules of the United States (hereinafter referred to as "ceramic tableware");

3. WHEREAS the United States Tariff Commission has submitted to the President a report of its Investigation No. TEA–I–22 under section 301 of the TEA (19 U.S.C. 1901), on the basis of which investigation and a hearing duly held in connection therewith the said Commission has determined that ceramic tableware is, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause serious injury to the domestic industry producing like or directly competitive products;

4. WHEREAS section 351(a)(1) of the TEA (19 U.S.C. 1981 (a)(1)) authorizes the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to proclaim such increase in, or imposition of, any duty or other import restriction on the articles causing or threatening to cause serious injury to such industry as he determines to be necessary to prevent or remedy serious injury to such industry;

5. WHEREAS section 302(a)(2) and section 302(a)(3), respectively, of the TEA (19 U.S.C. 1902(a)(2) and 19 U.S.C. 1902(a)(3))

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authorize the President, upon receiving an affirmative finding of the Tariff Commission under section 301(b) of the TEA with respect to an industry, to provide with respect to such industry that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under Chapter 2 of Title III of the TEA (19 U.S.C. Chapter VII, Subchapter III, Part II) and that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3 of Title III of the TEA (19 U.S.C. Chapter VII, Subchapter III, Part III);

6. WHEREAS I have determined that the rates of duty hereinafter proclaimed are, when coupled with the adjustment assistance hereinafter provided, necessary to remedy serious injury to the industry producing earthen tableware;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 350(a)(1)(B) of the Tariff Act of 1930, as amended; and sections 201(a)(2), 302(a)(2) and (3), and 351(a) of the Trade Expansion Act of 1962; and in accordance with Article XIX of the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A58; 8 UST (pt. 2) 1786), do proclaim that—

1. The tariff concessions on ceramic tableware for items 533.28, 533.31, 533.33, 533.35, 533.36, 533.38, 533.71, 533.73 and 533.75 in Part I of Schedule XX to the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade (19 UST (pt. 2) 1530 *et seq.*) are modified to conform with the provisions set forth in the annex to this proclamation for such time and to such extent as this proclamation remains in effect.

2. Subpart A of Part 2 of the Appendix to the Tariff Schedules of the United States is modified by the insertion, after item 922.50 and before item 923.31, of such new items as are set forth in the annex to this proclamation.

3. The modifications in rates of duty established by paragraphs 1 and 2 shall be effective as to articles entered, or withdrawn from warehouse, for consumption on and after May 1, 1972.

4. Provision is hereby made with respect to the industry producing earthen tableware that its firms may request the Secretary of Commerce for certifications of eligibility to apply for adjustment assistance under Chapter 2 of Title III of the Trade Expansion Act of 1962 and that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3 of Title III of the Trade Expansion Act of 1962.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord one thousand nine hundred and seventy-two and of the Independence of the United States of America the one hundred and ninety-sixth.

Richard Nixon

ANNEX

Item	Articles	Rates of duty 1	Rates of duty 2
	Articles chiefly used for preparing, serving, or storing food or beverages, or food or beverage ingredients:		
	Of fine-grained earthenware or of fine-grained stoneware:		
	Available in specified sets:		
923.01	In any pattern for which the aggregate value of the articles listed in headnote (2b) of subpart C, part 2 of schedule 5 is over $12 but not over $22 (provided for in item 533.28)	10¢ per doz. pcs. + 21% ad val.	No change
	Not available in specified sets:		
923.03	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.31)	10¢ per doz. pcs. + 25% ad val.	No change
923.05	Cups valued not over $0.50 per dozen; saucers valued not over $0.30 per dozen; plates not over 9 inches in maximum diameter and valued not over $0.50 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $1 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $1 per dozen (provided for in item 533.33)	5¢ per doz. pcs. + 14% ad val.	No change
923.07	Cups valued over $0.50 but not over $3.10 per dozen; saucers valued over $0.30 but not over $1.75 per dozen; plates not over 9 inches in maximum diameter and valued over $0.50 but not over $2.85 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $1 but not over $4.85 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $1 but not over $6.20 per dozen (provided for in items 533.35, 533.36, and 533.38)	10¢ per doz. pcs. + 21% ad val.	No change
	Of nonbone chinaware or of subporcelain:		
	Household ware:		
923.11	Steins and mugs, if valued not over $3.60 per dozen (provided for in item 533.71)	45% ad val.	No change
923.13	Cups valued not over $1.35 per dozen; saucers valued not over $0.90 per dozen; plates not over 9 inches in maximum diameter and valued not over $1.30 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued not over $2.70 per dozen; and creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued not over $4.50 per dozen (provided for in item 533.73)	10¢ per doz. pcs. + 48% ad val.	No change
923.15	Cups valued over $1.35 but not over $4 per dozen; saucers valued over $0.90 but not over $1.40 per dozen; plates not over 9 inches in maximum diameter and valued over $1.30 but not over $3.40 per dozen; plates over 9 but not over 11 inches in maximum diameter and valued over $2.70 but not over $6 per dozen; creamers, sugars, vegetable dishes or bowls, platters or chop dishes, butter dishes or trays, gravy boats or gravies and stands, any of the foregoing articles valued over $4.50 but not over $11.50 per dozen (provided for in item 533.75)	10¢ per doz. pcs. + 55% ad val.	No change

[FR Doc.72-6425 Filed 4-24-72; 12:53 pm]

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lime Reg. 32]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided will tend to effectuate the declared policy of the act.

(2) The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. Limited shipments of limes are currently being made subject to grade and size restrictions which became effective November 15, 1971 (36 F.R. 22008). Shipments of limes, in volume, are expected to begin on or about May 1, 1972. The grade and size requirements specified herein are the same as those in effect during the period November 15, 1971, through April 30, 1972, and are necessary to prevent the handling, on and after May 1, 1972, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida limes are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the regulation herein specified for the period May 1 through May 31, 1972, is identical with that currently in effect; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 12, 1972, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; other necessary supplemental information was submitted to the Department on April 18, 1972; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, except for the effective period thereof, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with this regulation, will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.334 Lime Regulation 32.

(a) Order: During the period May 1, 1972, through May 31, 1972, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 21, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6375 Filed 4-25-72;8:49 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 72-475]

PART 545—OPERATIONS

Change of Office Location by Federal Savings and Loan Associations

APRIL 19, 1972.

Resolved that, notice and public procedure having been afforded (37 F.R. 243) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) relating to change of office locations by Federal savings and loan associations for the purpose of requiring publication of notice of such proposed changes and providing opportunity for the filing of protest to such changes of locations. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising § 545.16 to read as follows, effective May 26, 1972:

§ 545.16 Change of office location.

(a) *General provisions.* A Federal association may not change the location of

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its home office or any branch office without prior approval by the Board or its Supervisory Agent, as provided in this section. All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to the Board's Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant association is located or any other officer or employee of such bank designated by the Board as agent as provided in § 501.10 or § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with applications for permission to change the location of any office shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

(b) *Application form; supporting information.* An application for permission to change the location of an office shall be in form prescribed by the Board and may be obtained from the Supervisory Agent. Information shall be furnished in support of the application designed to show the need for the change of location from the standpoint of the future operation of the association and to show that the operation of the office in its new location will not cause undue injury to properly conducted existing local thrift and home-financing institutions.

(c) *Supervisory objection.* No application for permission to change the location of an office shall be approved if, in the opinion of the Board, the policies, condition, or operation of the applicant association afford a basis for supervisory objection to the application.

(d) *Processing of application by Supervisory Agent; public notice; inspection.* (1) Upon determination by the Supervisory Agent that an application for permission to change the location of an office is complete, and if it has been preliminarily determined that there is no basis for supervisory objection to approval of the application, the Supervisory Agent shall advise the applicant, in writing, to publish within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community to be served by the office at the new location, a notice of the filing of the application in the following form:

NOTICE OF FILING APPLICATION FOR CHANGE OF OFFICE LOCATION

Notice is hereby given that, pursuant to the provisions of § 545.16 of the rules and regulations for the Federal Savings and Loan System, the _____ Federal Savings and Loan Association, _____, _____, has filed
(City) (State)
an application for permission to change the location of its office which is now located at _____,
(Street Address)
_____, _____, to or in the immediate vicinity of _____,
(City) (State)
_____,
(Street Address)
_____, _____. The application has been delivered to the Office of the Supervisory Agent of the said Board, located at the Federal Home Loan Bank of _____, _____,
(City)
_____, _____. Any person may file communications, including briefs, in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of this publication. Four copies of any communications should be filed. The application and all communications in favor or in protest thereof are available for inspection by any person at the aforesaid Office of the Supervisory Agent.

_____ Federal Savings and Loan Association _____

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, and person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications pursuant to the preceding sentence or may waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(5) The provisions of subparagraphs (1) to (4) of this paragraph shall not be applicable if the Supervisory Agent determines that there is no reasonable likelihood that a change of office location will cause undue injury to properly conducted local thrift and home-financing institutions.

(e) *Approval by Supervisory Agent.* If (1) no objection has been filed, pursuant to the public notice of the application, by any institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation and which is located within the same savings service area as the new location, (2) it has been determined that there is no supervisory objection to approval of the application, and (3) the Supervisory Agent has determined that the new location of an office will serve substantially the same savings service area as the existing location, the Supervisory Agent is authorized in his discretion to approve the application. All other applications shall be forwarded by the Supervisory Agent to the Board with a recommendation as to approval or disapproval.

(f) *Oral argument*—(1) *General provisions.* Oral argument on the merits of any application filed pursuant to this section may be heard upon the written request of an applicant or of any person who has filed a communication in protest of an application within the time specified in subparagraph (3) of paragraph (d) of this section, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in said subparagraph for filing communications in protest of an application. Such oral argument shall also be heard if the Supervisory Agent, after review of the application and all pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant and to all persons who have filed a communication in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of the notice.

(2) *Procedure.* The Supervisory Agent, or any other person designated by the Board, shall have authority to hear oral argument and determine all matters relating to the conduct of such argument. The oral argument with respect to any such application may be made in person or by authorized representatives, but the oral argument should be based on written information which has been filed in connection with the application. A reasonable time shall be allowed for oral argument, but, unless waived, not less than 1 hour shall be allowed for all oral argument against an application and not less than 1 hour shall be allowed for all oral argument in favor of an application. A transcript shall be made of any oral argument and shall be included in the application file.

(g) *Temporary change of location.* The Supervisory Agent is authorized in his discretion to approve an application for permission to change temporarily the location of an office to a new location, not more than one-half mile distant, pending construction, alteration, repair, or improvement of premises at an existing office location. If the Supervisory Agent determines that such an application should not be approved, he shall forward it to the Board for decision, together with his recommendation as to disapproval. An application under this paragraph shall not be subject to the provisions of paragraphs (d), (e), and (f) of this section unless the Supervisory Agent is of the opinion that the construction, alteration, repair, or improvement of premises at an existing location will probably require more than 2 years.

(h) *Change of designation of home office and a branch office.* The requirements and procedure specified in this section shall not apply to the designation

of the location of an existing branch office as the new location of the home office of a Federal association and the designation of the former home office location as the new location of such existing branch office. However, a Federal association shall not make such changes in designation except upon application to and approval by the Board and upon appropriate amendment of its charter as to the location of its home office. The application shall show the desirability of the designation of the new home office location from the standpoint of the future operation of the association. The Supervisory Agent may approve any such application on behalf of the Board, but shall forward to the Board with his recommendation any such application which he deems should be acted on by the Board itself. In the case of a change of location of a home office to a location at which there is no existing branch office, with retention of the existing home office location as a branch office location, the association shall first make application under § 545.14 for permission to establish a branch office at the new location. The application under this paragraph for change of designation of the home office and the new branch office shall be made concurrently with such application for permission to establish the new branch office which, if approved, is to be redesignated as the home office. In such a case, the following language shall be published preceding the notice required to be published pursuant to § 545.14:

NOTICE

_____ Federal Savings and Loan Association, _____, _____, has filed
(City) (State)
an application with the Federal Home Loan Bank Board to redesignate its existing home office as a branch office and to redesignate a new office as its home office. In order to obtain such a new office, it has also filed with said Board an application for permission to establish a branch office which, if approved, will be redesignated as its home office. The following notice is therefore given pursuant to applicable regulations: (here insert notice required by § 545.14).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6351 Filed 4-25-72;8:48 am]

Title 22—FOREIGN RELATIONS

Chapter X—Inter-American Foundation

PART 1002—AVAILABILITY OF RECORDS

A new Part 1002 is added to Title 22 to read as follows:

Sec.
1002.1 Introduction.
1002.2 Definitions.
1002.3 Access to Foundation records.
1002.4 Written requests.
1002.5 Records available at the Foundation.
1002.6 Records of other departments and agencies.
1002.7 Fees.
1002.8 Exemptions.
1002.9 Denial of records; review.

AUTHORITY: The provisions of this Part 1002 issued under 5 U.S.C. 552, and 31 U.S.C. 483(a).

§ 1002.1 Introduction.

(a) It is the policy of the Inter-American Foundation that information about its operations, procedures, and records be freely available to the public in accordance with the provisions of the Freedom of Information Act.

(b) The Foundation will make the fullest possible disclosure of its information and identifiable records consistent with the provisions of this Act and the regulations in this part.

§ 1002.2 Definitions.

As used in this part, the following words have the meaning set forth below:

Act. "Act" means the Act of June 5, 1967, sometimes referred to as the "Freedom of Information Act" or the Public Information Section of the Administrative Procedure Act, as amended, Public Law 90–23, 81 Stat. 54, and codified at 5 U.S.C. 552.

Foundation. "Foundation" means the Inter-American Foundation.

President. "President" means the President of the Foundation.

Records. The word "records" includes all books, papers, or other documentary materials made or received by the Foundation in connection with the transaction of its business which have been preserved or are appropriate for preservation by the Foundation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities, or because of the informational value of data contained therein. Library or other material acquired and preserved solely for reference or exhibition purposes, and stocks of publications and processed documents are not included within the definition of the word "records."

§ 1002.3 Access to Foundation records.

Any person desiring to have access to Foundation records should call or apply in person between the hours of 10 a.m. and 4 p.m. on weekdays (holidays excluded) at the Foundation offices at 1515 Wilson Boulevard, Arlington, VA 22209. Requests for access should be made to the Director, Administration and Finance Division (A&F Director) at the Foundation offices. If request is made for copies of any record, the Office of A&F will assist the person making such request in seeing that such copies are provided according to the rules in this part.

§ 1002.4 Written requests.

In order to facilitate the processing of written requests, every petitioner should:

(a) Address his request to:

Director, Administration and Finance Division, Inter-American Foundation, Fifth Floor, 1515 Wilson Boulevard, Arlington, VA 22209.

(b) Identify the desired record by name or brief description, or number, and date, as applicable. The identification should be specific enough so that a record can be readily identified and found;

(c) Include a check or money order to the order of the "Inter-American Foundation" covering the appropriate search and copying fees, or request a determination of fee;

(d) Allow a reasonable amount of time for reply. Furnishing the requested information will involve search and retrieval of records, copying and mailing;

(e) Blanket requests or requests for "the entire file of" or "all matters relating to" a specified subject will not be accepted.

§ 1002.5 Records available at the Foundation.

The Administration and Finance Division will make available, to the extent not authorized to be withheld, the following works or classes of information:

(a) A copy of Agency regulations, including a copy of Title 22 of the Code of Federal Regulations, or of any other title of the Code in which Agency regulations may have been published;

(b) Final unclassified reports;

(c) Copies of grants, loans, or other agreements in force;

(d) Personnel information affecting the public;

(e) Procurement information affecting the public;

(f) Contracts;

(g) Reimbursable agreements with other agencies.

§ 1002.6 Records of other Departments and Agencies.

Requests for records that have been originated by or are primarily the concern of another U.S. Department or Agency will be forwarded to the particular Department or Agency involved, and the petitioner notified. In response to requests for records or publications published by the Government Printing Office or other Government printing activity, the Foundation will refer the petitioner to the appropriate sales office and refund any fee payments therefor which accompany the request.

§ 1002.7 Fees.

Except as otherwise specifically provided by the Foundation, a fee will be levied for all searches for, or copies of, records. These fees will be computed so as to recover the full cost of searching and copying.

(a) *Advance payment and deposits.* When the amount of a fee can be readily computed (as, for example, when a specified number of copy pages are requested) advance payment will be required. When the amount cannot be readily computed (as, for example, when an unknown amount of staff time must be used in complying with a request), the A&F Director may require payment of a reasonable deposit before undertaking to collect the requested records. At the earliest practicable time, the A&F Director will determine the full amount of the fee and, before complying fully

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with the request, will require payment of any balance due or refund any overpayment.

(b) *Schedule of fees.* The following fees apply for services rendered to the public:

(1) Searching for records and collateral assistance, per hour or fraction thereof	$5.00
(2) Making copies (Xerox or comparable) per page	.40

Should a situation arise which is not covered by the above schedule, the fee to be charged will include all direct and indirect costs of the service, including but not limited to materials, labor, and the like. The amount of the fee (including charges, if any, for records printed by contractors or grantees will be determined by the A&F Director.

(c) *Revision of schedule.* The fee schedule will be revised from time to time, without notice, to assure recovery of the cost of rendering information services to any person. The revised schedule will be available without charge.

§ 1002.8 Exemptions.

The Act authorizes exemption from disclosure of records and information concerning matters that are:

(a) Specifically required by Executive order to be exempt from disclosure in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices by the Foundation;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from any person which is privileged or confidential;

(e) Interagency or intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Foundation;

(f) Personnel and medical files and similar files the disclosure of which would constitute an unwarranted invasion of personal privacy;

(g) Investigatory files (including security investigation files and files concerning the conduct of employees) compiled for law enforcement purposes except to the extent available by law to a private party.

The Foundation will not honor requests for exempt records or information.

§ 1002.9 Denial of records; review.

If a request for records is denied, the person who made the request is entitled to have the denial reviewed by the Foundation President as promptly as circumstances permit. If the President determines that the withholding is improper, he will direct in writing that the requested records be made available in accordance with these regulations. If he determines that the withholding is proper, he will so notify such person in writing, and his determination will constitute the final Foundation decision.

[FR Doc.72-6354 Filed 4-25-72;8:47 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. R-406; Order 452]

PART 154—RATE SCHEDULES AND TARIFFS

Purchased Gas Cost Adjustment Provision in Natural Gas Pipeline Companies' FPC Gas Tariffs

APRIL 14, 1972.

On October 22, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 16743) wherein it proposed to amend § 154.38(d) of its regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, to permit the inclusion of a purchased gas cost adjustment provision (PGA clause) in natural gas pipeline companies' FPC Gas Tariffs. Interested persons were given until November 17, 1970, to submit data, views, comments, and suggestions in writing. This date was extended on request until January 12, 1971.

Forty-eight written comments were filed; 25 express support,[1] 11 express opposition,[2] and 12 indicate neither support for nor opposition to the proposed rule.[3] Upon request of the parties, a conference among interested parties and Commission Staff was held on February 24, 1971, to discuss the proposed amendment.

[1] Algonquin Customer Group; Mr. Alex H. Calvert; Cincinnati Gas and Electric Co.; Cities Service Gas Co.; Colorado Interstate Gas Co.; Columbia Gas System Service Corp.; Consolidated Gas Supply Corp.; El Paso Natural Gas Co.; Florida Gas Transmission Co.; General Services Administration; Great Lakes Gas Transmission Co.; Independent Natural Gas Association of America; Iowa-Illinois Gas and Electric Co.; Michigan-Wisconsin Pipe Line Co.; Natural Gas Pipeline Co. of America; New York Public Service Commission; Northern Illinois Gas Co.; Northern Natural Gas Co.; Panhandle Eastern Pipe Line Co., et al.; Phillips Petroleum Co.; Southwest Gas Corp.; Tennessee Gas Pipeline Co., et al.; Texas Gas Transmission Corp.; Transcontinental Gas Pipe Line Corp.; United Natural Gas Co.

[2] American Industrial Clay Co. of Sandersville, et al.; American Public Gas Association; Brooklyn Union Gas Co.; California Public Utilities Commission; City Council of International Falls, Minn.; Iowa Electric Light and Power Co., et al.; Memphis Light, Gas and Water Division; Minnesota Natural Gas Co.; Mr. Saul T. Penn; Philadelphia Gas Works Division of UGI Corp.; Tennessee Valley Municipal Gas Association.

[3] Algonquin Gas Transmission Co.; Laclede Gas Co.; Louisville Gas and Electric; North Central Public Service Co.; Metropolitan Utilities District of Omaha; U.G.I. Corp.; Washington Gas Light Corp.; Willmut Gas and Oil Co.; Wisconsin Public Service Commission; Iowa Electric Light and Power Co.; Illinois Power Co.; Chattanooga Gas Co.

For most natural gas pipeline companies the cost of purchased gas constitutes the largest single component of their cost of service. If their suppliers become obligated to make refunds, pipeline companies must flow through the jurisdictional portion of the refunds to their jurisdictional customers. Texas Eastern Transmission Corp., 39 FPC 630 (1968), aff'd, 414 F. 2d 344 (CA5, 1969), cert. denied, 398 U.S. 928 (1970). It is thus the responsibility of pipeline companies to protect themselves against supplier rate increases by filing rate increases of their own to cover such additional costs. Many pipeline companies, consequently, have been making "tracking" filings based on supplier rate increases. Tracking authority has generally been a product of settlement agreements between pipeline companies and their customers. Not all pipeline companies have obtained tracking authority through settlement procedures. When provided for, tracking authority has been limited to 1 or 2 years' duration.

In the absence of tracking authority it is likely that general rate increase applications by pipeline companies would have been more frequent. It is desirable to curb the frequency of general rate increase applications because of resulting administrative delays in the final determination of rates for all companies. The inclusion of a PGA clause in pipeline companies' tariffs would permit pipeline companies to protect themselves against supplier rate increases without frequent general rate increase applications, would make purchased gas adjustments available to all pipeline companies, and would make adjustments available for more than a temporary period of time. To the extent that the procedures adopted herein have a limiting effect on the number of rate increase applications to be filed in the future, charges collected from the pipeline companies' customers subject to refund should be greatly reduced with corresponding reductions in the refund obligations of the pipeline companies. As a result, therefore, the frequency of extensive shifts in charges to consumers of natural gas would be reduced. Also, our action herein should help prevent a backlog of "pancaked" rate filings which cause prolonged delays in the final determination of proper rate levels and frustrate the administrative process. The ratepayer is protected under our new rule since it requires companies to automatically reduce rates to reflect purchased gas cost decreases and provides for periodic review and investigation into the companies' total cost of service.

In opposition to the proposed amendment it is argued that PGA clauses are not permissible because they are prohibited by sections 4 and 5 of the Natural Gas Act. These sections deal with the Commission's authority to fix just and reasonable rates. The Commission, however, is "not bound by the use of any single formula or combination of formulae in determining rates," F.P.C. v. Hope Natural Gas Co., 320 U.S. 591, 602 (1944).

It is therefore within the scope of the Commission's authority to allow tariff provision which permit adjustments to a rate previously determined to be just and reasonable. This authority is being exercised herein with adequate safeguards for consumer interests by means of provisions for Commission surveillance and review of PGA clauses and PGA rate changes.

Subdivision (i) of § 154.38(d)(4) as proposed has been modified to require that the cost study accompanying the proposed PGA clause conform with the requirements of § 154.63 of the Commission's regulations under the Natural Gas Act. This type of cost study allows flexibility in the selection of filing dates, averts a crush of filings, and ensures that recent data are used. If a cost-of-service study having a base period ending less than 12 months before the proposed PGA clause is submitted is on file in another docket, that study may be utilized instead of a study based upon most recently available data. A comment filed herein suggested that permitting companies to use the former study (in which some items may be normalized for known changes in the 9 months following the base period as is done in sections 4 and 5 cases) discriminates against companies which must use the latter study (in which normalization for such changes is not permitted) where the other is not available. The purpose of a cost study here is to test the appropriateness of rates existing at the time the PGA clause is proposed and not to justify the existing rates on the basis of future changes. The company using the study with normalization is not favored because our review will focus on the costs as they exist at the time the PGA clause is proposed.

Subdivision (ii) of § 154.38(d)(4) permits new purchases to be annualized and other significant changes in purchase pattern to be reflected in determining changes in purchased gas cost. As adopted herein, this provision satisfies the comments of several persons. A suggestion was also made that small producer rates should not be included. The added provision for the cost of gas purchased from small producers to be shown separately facilitates review under the provisions of Order No. 428 (issued March 18, 1971). This review will provide adequate surveillance over small producer rates for PGA rate changes. It was suggested that the Commission prescribe in its regulations the manner in which PGA rate changes should be applied. This provision as adopted herein appears in subdivision (ii).

The 1 mill per Mcf triggering level for PGA rate changes has been retained in subdivision (iii) of § 154.38(d)(4). Suggestions were made that other triggering levels be used to avert losses. The 1-mill level has been used with favorable results in tracking authorizations. No loss will be incurred by pipeline companies with increased costs, or by customers due reductions, which are individually too small to trigger a PGA rate change, because of the method of deferred accounting being adopted for these items (see subdivision (d)(4)(iv) infra).

Subdivision (iv) of § 154.38(d)(4) provides for deferred accounting for certain supplier rate changes, including those of producers, and thus assures the recovery of all purchased gas costs. Suggestions were made that PGA rate changes be limited to infrequent intervals. Other suggestions were made that any lag in reflecting cost changes be eliminated. Pipeline supplier rate changes amounting to 1 mill are permitted to be flowed through immediately, rather than accumulated, because of their relatively larger impact as a cost item. The clearing-account concept utilized herein accomplishes a reduction in the frequency of PGA rate changes on account of producer rate changes.

Subdivision (v) of § 154.38(d)(4) has been modified to require 45 days' notice of any PGA rate changes. Some persons suggested that the notice period be longer, and some suggested that it be eliminated. A 45-day period has been adopted because it allows time for pipeline companies' customers to seek adjustment of their rates, for the Commission to verify the supplier rate changes, and for deficiencies to be cured without delay of the PGA rate changes.

Subdivision (vi) of § 154.38(d)(4) has been revised to provide for companies to file a cost study and tariff sheets(s) restating their Base Tariff Rate and the adjustment resulting from the operation of the PGA clause as a single rate. In case a reduction in jurisdictional rates below the new Base Tariff Rate is necessary as a result of review, the last previous effective rate establishes a floor, and the extent of liability for refunds will be known. Any rate reductions below the last previous effective rate will be prospective and not retroactive in ratemaking effect. Thus objections by several persons against retroactivity are satisfied. Suggestions were made that cost studies be required in less than 3-year intervals. Adequate surveillance and review have been provided so that more frequent cost studies are unnecessary.

Subdivision (vii) of § 154.38(d)(4) as adopted provides for the flow through of refunds with interest. This provision corresponds with filed comments. Other requirements for refunds are left to be decided by pipeline companies and interested persons or by the Commission.

Upon consideration of these matters and the comments from interested persons, it is concluded that the regulations under the Natural Gas Act should be amended to permit the inclusion of a PGA clause in natural gas pipeline companies' FPC Gas Tariffs. The amendment adopted herein embodies certain changes in the amendment proposed in the October 22, 1970, notice based on the comments submitted.

The Commission finds:

(1) Adoption of this amendment to the Commission's regulations under the Natural Gas Act is necessary and appropriate for the administration of the Natural Gas Act.

(2) The notice and opportunity to participate in this rule making proceeding with respect to the matter presently before this Commission through the submission of written comments and presentation of data, views, comments, and suggestions at a conference held on February 24, 1971, in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. section 553.

(3) Since the revisions to the originally proposed regulations for Purchased Gas Cost Adjustment Provisions in Natural Gas Pipeline Companies' FPC Gas Tariffs result essentially from suggestions made by the respondents to the notice of proposed rule making herein and since these revisions do not impose a further burden on persons subject to these regulations and do not amount to a substantial departure from that originally proposed, no further notice and hearing prior to adoption is necessary.

(4) Good cause exists for the amendment herein adopted to become effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Natural Gas Act as amended, particularly sections 4, 10, and 16 (52 Stat. 822, 826, and 830; 76 Stat. 72; 15 U.S.C. secs. 717c, 717i, and 717o), orders:

(A) Subchapter E, regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations, is amended by deleting the words "purchased gas cost adjustment clauses" in § 154.38(d)(3) and by adding a new paragraph (d)(4) immediately after paragraph (d)(3) as follows:

§ 154.38 Composition of rate schedule.

* * * * * * *

(d) * * *

(4) A natural gas pipeline company may submit a purchased gas cost adjustment provision (PGA clause) to flow through changes in its cost of purchased gas.[4] No PGA clause shall become effective until approved by the Commission. No request for approval of a PGA clause will be considered by the Commission unless the proposed PGA clause indicates the following terms and conditions:

(i) The proposed PGA clause shall be accompanied by a cost study in conformity with the requirements of § 154.63. This study must be based upon actual costs for the 12 months of most recently

[4] For the purposes of this subparagraph, purchased gas cost represents the cost of wellhead purchases, field line purchases, plant outlet purchases and transmission line purchases from existing suppliers at existing delivery points. Nonconcurrent exchange transactions may be reflected as a cost of purchased gas. If a company has underground storage, the cost of purchased gas included in Accounts 800, 801, 802, 803, and where applicable, Account 806, shall be debited or credited to reflect the net injections or withdrawals from underground storage. This adjustment shall be prorated between pipeline and producer supply. Liquefied natural gas, synthetic natural gas, and gas from coal gasification shall not be reflected in a PGA clause.

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available actual experience and may include annualization for changes which actually occurred in the 12 month period. If a cost-of-service study having a test period ending less than 12 months prior to the date of submission of the proposed PGA clause is on file in another docket, that cost study may be utilized in lieu of filing a cost study with the proposed PGA clause.

(ii) The method(s) of determining changes in cost of gas purchased from producer and pipeline suppliers shall be separately established. Increases in cost of gas purchased from small producers shall be shown separately, and the provisions of Order No. 428 shall apply to these increases. Producer rate changes shall be applied to the commodity component of the existing rates of a pipeline company's two-part rates and to the volumetric rates of a pipeline company's one-part rates. Pipeline supplier rate changes shall be applied "as billed" to a pipeline company's two-part rates and shall be applied to a pipeline company's volumetric rates in the manner which maintains the pipeline company's existing one-part rate design.

(iii) The purchased gas cost adjustment shall be reflected in the company's rates only when it represents a dollar amount equal to at least 1 mill ($0.001) per Mcf of annual jurisdictional sales. This limitation is not applicable to the unrecovered purchased gas costs for which provision is made in subdivision (iv) of this subparagraph.

(iv) Rate changes shall be computed and filed not more frequently than semi-annually to reflect the current cost of producer purchases. Rate changes shall be computed and filed to coincide with the effective date of pipeline supplier rate changes if the change represents a change of at least 1 mill ($0.001) per Mcf of annual jurisdictional sales.

(*a*) To assure the recovery of all purchased gas costs, the Commission Staff has been directed to propose an accounting change to the Uniform System of Accounts for natural gas companies. The new account will provide that the costs of purchased gas, which are includible in the utility rate schedules on file with the Commission and are not subject to immediate tracking provisions, may be deferred and recovered under future rate schedules. This account will also be used to accumulate purchased gas cost reductions that cannot be incorporated into the existing tariff.

(*b*) After the initial 6-month period following the effectiveness of the PGA clause and after the company has chosen to maintain an unrecovered purchase gas cost account, the company shall adjust its rate(s), either positively or negatively, to include a surcharge to recover or return the balance which has accumulated in the unrecovered purchase gas cost account in the preceding 6-month period. This procedure will be followed in each succeeding 6-month period.

(*c*) In the interim, pipeline companies may use Account 186, Miscellaneous Deferred Debits, under the following conditions:

(*1*) Account 186 shall only be used to include purchased gas costs related to Commission approved PGA clauses when such costs are not includible in the utility's rate schedules on file with the Commission. The account shall be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs. After a change in a rate schedule recognizing the increases or decreases in purchased gas costs in this account is approved by the Commission, Account 186 shall be debited or credited, as appropriate, with contra entries to gas purchased accounts so that the balance accumulated in this account will be amortized over the succeeding 6-month period. Separate subaccounts shall be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchased gas increases or decreases, as applicable, so as to keep each period separate. The amounts in Account 186 provided for above will not be allowed in the rate base, nor will carrying charges be allowed on any balances pertaining to unrecovered purchased gas costs.

(v) The company shall file with the Commission and post pursuant to § 154.16 at least forty-five (45) days prior to the date on which any change(s) in its existing rates is to become effective, a single tariff sheet, entitled Original PGA–1, which contains the information in the margins as set out and required in § 154.33(d) and which shows the following:

NOTICE OF PURCHASED GAS COST ADJUSTMENT RATE CHANGE

Rate schedule	Base tariff rate [1]	Current adjustment	Cumulative adjustment	Rate after current adjustment

[1] The Base Tariff Rate is the jurisdictional rates which the Commission lists as the pipeline company's just and reasonable rates in its order approving the pipeline company's proposed PGA clause.

Simultaneously with the filing of the above described tariff sheet, the company shall furnish the Commission, jurisdictional customers, and interested state commissions a report containing detailed computations which clearly show the derivation of the Current Adjustment to be applied to its existing rates. Exhibit A [2] hereto details the information which is necessary for the Commission to verify the accuracy of the proposed adjustment. In the event the material submitted is deficient, the company will be notified of the deficiencies. If they are properly cured within 15 days from the date date of such notification, the requisite supplementary material will be deemed to have been filed as of the same date as the initial submittal of the proposed Current Adjustment; otherwise no filing date will be assigned until the deficiencies are eliminated.

(vi) Upon the passage of 36 months the company shall file a tariff sheet(s) restating its rates to establish a new Base Tariff Rate. The company shall state its agreement that this filing will automatically be subject to refund concurrently with the filing at the end of 36 months of the tariff sheet(s) establishing a new Base Tariff Rate until the reasonableness of any rate subsequent to the last effective rate is determined. If a section 4(e) or 5(a) case is adjudicated during the interim, the 36-month period shall start running and a new base rate shall be calculated at the effective date of the final Commission order in that case. With this tariff sheet(s), the company shall file a study in the form and with the content prescribed by § 154.63 to support the new Base Tariff Rate. This study shall be based upon actual costs for the 12 months of most recently available experience, and annualization for changes which actually occurred in the 12 months will be permitted. This study shall be served on the company's jurisdictional customers and interested State commissions no later than 90 days after the end of the 12-month period on which it is required to be based. If either as a result of conferences among the company, its jurisdictional customers, interested State commissions, and the Commission staff, or as a result of Commission determination after hearing, it is found, based on the aforementioned study, that the jurisdictional cost of service is lower than the jurisdictional revenues, collected for the same 12-month period, as adjusted, the company shall file with the Commission a revised tariff sheet(s) reflecting a reduction in its jurisdictional rates by an amount equal to the excess revenues agreed upon or determined, and shall refund to its jurisdictional customers any excess amounts collected from the date the rates were collected subject to refund to the date of billing under the revised tariff sheets, with interest to such date. Such refund obligation shall be limited to the amount collected in excess of the last effective rate, and rate reductions, if any, below the last effective rate shall be prospective from the date of the Commission's final order determining a new Base Tariff Rate.

(vii) The jurisdictional portion of all refunds received from suppliers applicable to purchases after initiation of the PGA clause shall be flowed through with interest to the company's jurisdictional customers. Refunds shall be made at 6-month intervals and shall be utilized, in conjunction with balances which have accumulated in the account provided for in subdivision (iv) of this subparagraph, to establish the surcharge for the subsequent 6-month period. Any requirement for the serving and the filing of reports, showing details of the computations of any such refunds, shall be either as agreed in settlement discussions held among the company, jurisdictional customers, interested State commissions, other interested parties, and the Commission staff, or as prescribed by Commission order.

(B) The amendment to the Commission's regulations under the Natural Gas Act contained in ordering paragraph (A) above is effective as of the date of issuance of this order.

(C) Pipeline companies with a PGA clause in effect are required to conform it with this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6324 Filed 4-25-72;8:46 am]

[2] Filed as a part of the original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Aminopropazine Fumarate

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications for aminopropazine fumarate solution for injection (34–477V) and aminopropazine fumarate tablets (11–877V), filed by Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, Mo. 64141, proposing the safe and effective use of the products in dogs, cats, and horses. The supplemental applications are approved.

To facilitate referencing, Jensen-Salsbery Laboratories is being assigned a code number and placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135, 135b, and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code No. 062, as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *

Code No.	Firm name and address
* * *	* * *
062	Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., Kansas City, Mo. 64141.
* * *	* * *

2. Part 135b is amended by adding the following new section:

§ 135b.42 Aminopropazine fumarate sterile solution injection, veterinary.

(a) *Specifications.* Each milliliter of aminopropazine fumarate sterile aqueous solution, veterinary, contains aminopropazine fumarate equivalent to 25 milligrams of aminopropazine base.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used for reducing excessive smooth muscle contractions, such as occur in urethral spasms associated with urolithiasis in cats and dogs and in colic spasms in horses.

(2) It is administered intramuscularly or intravenously to dogs and cats at a level of 1 to 2 milligrams per pound of body weight. It is administered intramuscularly or intravenously to horses at a level of 0.25 milligrams per pound of body weight. Dosage can be repeated every 12 hours, as indicated.

(3) Not for use in animals intended for food purposes.

(4) For use only by or on the order of a licensed veterinarian.

3. Part 135c is amended by adding the following new section:

§ 135c.53 Aminopropazine fumarate tablets.

(a) *Specifications.* The drug is in tablet form. Each tablet contains aminopropazine fumarate equivalent to 25 milligrams of aminopropazine base.

(b) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in dogs and cats for reducing excessive smooth muscle contractions, such as occur in urethral spasms associated with urolithiasis.

(2) It is administered at a dosage level of 1 to 2 milligrams per pound of body weight. The dosage can be repeated every 12 hours, as indicated.

(3) Not for use in animals intended for food purposes.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–26–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 18, 1972.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.72-6341 Filed 4-25-72;8:47 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER A—NATIONAL INSURANCE DEVELOPMENT PROGRAM

[Docket No. R–72–174]

PART 1906—STANDARD REINSURANCE CONTRACT

Terms and Conditions of Reinsurance Contracts

The purposes of the following amendments to Part 1906 are (1) to update those provisions of the part which have applicability only to the Standard Reinsurance Contract for the 1971–72 contract year, and (2) to eliminate the necessity for annual revisions of this part by making the provisions of the part applicable to all Standard Reinsurance Contracts, commencing with the Standard Reinsurance Contract for the 1972–73 contract year.

Pursuant to § 1906.40, which became effective upon publication in the FEDERAL REGISTER at 37 F.R. 6185–86, on March 25, 1972, each reinsurance contract, commencing with the Standard Reinsurance Contract for the 1972–73 contract year, is to be offered by publication in the FEDERAL REGISTER of a notice of offer to provide reinsurance which shall include an offer, a statement of the method by which the offer may be accepted, and the terms and conditions of the Standard Reinsurance Contract being offered. The notice of offer of the Standard Reinsurance Contract (1972–73) was published on March 25, 1972, at 37 F.R. 6219–22. These amendments are consistent with and complement the offer of reinsurance made therein.

Since these amendments are for the purposes of clarification and the updating of those provisions of this part which become outdated as of the termination of coverage under the Standard Reinsurance Contract (1971–72), notice and public procedure on these amendments are unnecessary, and good cause exists for making these amendments effective on publication in the FEDERAL REGISTER.

Part 1906 of Subchapter A of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. In § 1906.21, paragraphs (h) and (i) are amended, and paragraph (o) is revised, to read as follows:

§ 1906.21 Definitions.

* * * * * * *

(h) "Losses" means all claims proved, approved, and paid by the company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of the contract, after making proper deduction for salvage and for recoveries other than reinsurance together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of eight per centum (8%) of the first $25,000 of any such claim, plus three per centum (3%) of the amount by which such claim exceeds $25,000 but is less than $100,000, plus one per centum (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under the contract.

(i) "Net retention" means the amount of aggregate losses that the company must stand before the reinsurer's liability attaches under the contract and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of two and one-half per centum (2½%) to the specified percentage of the company's direct premiums earned in the State for the calendar year in which the annual contract period commences on those lines of insurance reinsured;

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(o) "State pool" means any State Fair Plan pool or other insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb–3—1749bbb–6a);

2. Section 1906.22 is revised to read as follows:

§ 1906.22 Offer to provide reinsurance.

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, and subject to the terms and conditions set forth in this part and in the contracts offered pursuant to this part, the reinsurer shall offer annually to enter into a contract to pay, as reinsurance of any eligible company, the amount of the company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as may be designated by the company separately for each State.

3. Section 1906.23 is revised to read as follows:

§ 1906.23 Effective date of offer.

The reinsurer's offer to provide reinsurance under the terms and conditions set forth in this part shall be effective upon publication in the FEDERAL REGISTER of the notice of offer to provide reinsurance required pursuant to § 1906.40.

4. Section 1906.24 is revised to read as follows:

§ 1906.24 Acceptance of offer.

Acceptance of the reinsurer's offer shall be in the manner specified in the notice of offer to provide reinsurance which is published in the FEDERAL REGISTER pursuant to § 1906.40.

5. The introduction in paragraph (a) of § 1906.25 is amended to read as follows:

§ 1906.25 Policies reinsured.

(a) Reinsurance, under a Standard Reinsurance Contract provided pursuant to this part, shall apply to:

• • • • •

6. Section 1906.26 is revised to read as follows:

§ 1906.26 Premiums.

(a) The aggregate basic premium due the reinsurer for the reinsurance coverage provided under the contract shall be computed by applying the percentage rate determined by the reinsurer in accordance with the requirements of the Act and specified in the contract to an aggregate premium base consisting of the sum of the products of a reinsured company's direct premiums earned in each State in each reinsured line for the calendar year in which the annual contract period commences, multiplied by the specified percentage of such earned premiums, as defined in § 1906.21 (f) and (m).

(b) The contract may also provide for an additional premium which shall be due the reinsurer in such amounts and under such conditions as are specified in the contract: *Provided*, That an additional premium payment or payments shall only be required if the total amount of all excess aggregate losses paid by the reinsurer under all contracts for the contract period exceeds the total amount of all aggregate basic premiums paid or payable to the reinsurer under all contracts for that period.

(c) An advance premium, which shall be an estimated premium only, shall be computed by each reinsured company on the basis of its direct premiums earned in the calendar year preceding the calendar year in which the annual contract period commences, in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of the contract for which a reinsured company had no premium writings in the calendar year preceding the calendar year in which the annual contract period commences, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of the contract. In no event shall the advance premium be less than $25 for each State in which reinsurance is provided under the contract. The advance premium shall be paid to the reinsurer without demand within 30 days from the effective date of coverage. The actual amount of the aggregate basic premium shall subsequently be computed and adjusted in accordance with the provisions of this section and § 1906.31.

(d) If the contract requires payment of an additional premium, the reinsurer shall have the option of requiring payment of the additional premium as an additional advance premium on an estimated basis: *Provided*, That an estimated additional premium payment or payments may only be required if the total amount of all excess aggregate losses paid by the reinsurer under all contracts for the contract period exceeds the total amount of all advance premiums collected by the reinsurer under all contracts for that period. If payment of an additional premium on an estimated basis is required under the contract, the actual amount of the additional premium shall subsequently be computed and adjusted in accordance with the provisions of this section and § 1906.31.

(e) With the exception of the advance premium which is due without demand of the reinsurer within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the reinsurer. Interest shall accrue at six per centum (6%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

(f) The aggregate basic premium, together with any additional premium which may be due the reinsurer in accordance with the preceding paragraphs, shall constitute the minimum reinsurance premium payable for coverage under the contract; and such reinsurance premium shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in § 1906.30.

7. The introductory paragraph of § 1906.27 is amended to read as follows:

§ 1906.27 Assessments.

If any company (or companies) reinsured by the reinsurer under a Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of the contract, which in total exceed its net retention for all such lines and as a result lodges claims against the reinsurer, then each reinsured company, on demand of the reinsurer, shall pay to the reinsurer an assessment sufficient to meet the company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the unused net amount of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30 of the calendar year during which the annual contract period expires (including interest earned thereon), for reinsurance in such State. Such share shall be in the proportion that—

• • • • •

8. Paragraphs (a) and (d) of § 1906.28 are amended to read as follows:

§ 1906.28 Claims.

(a) Each reinsured company shall advise the reinsurer by letter (1) of all losses from a single occurrence which exceed $50,000, and (2) whenever it appears that aggregate losses have been incurred in an amount equal to ninety per centum (90%) of the company's net retention in any State, on the basis of its direct premiums earned and reported to the reinsurer for the calendar year preceding the calendar year in which the annual contract period commences.

• • • • •

(d) Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year preceding the calendar year in which the annual contract period commences shall be recomputed and adjusted at the termination of the coverage provided by the contract on the basis of direct premiums earned in reinsured lines for the calendar year in which the annual contract period commences.

9. In § 1906.29, paragraph (a) is revised, and paragraph (b) is amended, to read as follows:

§ 1906.29 Inception and expiration dates.

(a) Provided a company has requested coverage by States and lines of coverage in the manner specified in the notice of offer published pursuant to § 1906.40, on or before April 30 of any year, the contract shall be in effect from 12:01 a.m., e.s.t., on May 1 of that year, and shall expire at 12 p.m. (midnight), e.s.t., on the following April 30, unless sooner terminated.

(b) If a company applies for coverage on or after May 1 of any year, the contract shall be effective from 12:01 a.m., e.s.t., on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the company requests coverage by State and line and otherwise complies with the eligibility requirements of the contract.

• • • • • •

10. In § 1906.30, paragraphs (c) (2) and (d) are amended to read as follows:

§ 1906.30 Cancellations.

• • • • •

(c) • • •

(2) The total number of days of coverage provided under the contract from the inception of such coverage up to and including April 30 of the calendar year in which the annual contract period expires.

(d) In the event of any cancellation of reinsurance coverage under this § 1906.30, the net retention and assessment of such company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year during which the annual contract period commenced. Refunds of premiums, if any, due a company upon cancellation may, at the discretion of the reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of § 1906.31.

11. In § 1906.31, paragraphs (a) and (c) are amended to read as follows:

§ 1906.31 Adjustments.

(a) Each reinsured company shall report to the reinsurer within 60 days after request its direct premiums earned for the calendar year in which the annual contract period commenced in all reinsured lines in all States for which reinsurance was provided under the contract, for the purpose of computing and adjusting the reinsurance premium due to the reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which a company had no premuim writings in such line in the calendar year in which the annual contract period commenced shall be the direct premiums earned for the first 4 months of the calendar year in which the annual contract period expires, as estimated by the company, subject to audit by the reinsurer.

• • • • • •

(c) On or before July 31 of the calendar year in which the annual contract period expires, or such later date as may be permitted at the option of the reinsurer, each reinsured company shall report to the reinsurer its aggregate losses.

• • • • • •

12. Paragraph (c) of § 1906.36 is amended to read as follows:

§ 1906.36 Limitations on reinsurance.

• • • • • •

(c) Notwithstanding the foregoing provisions, reinsurance may at the election of the company be continued, up to and including April 30 of the calendar year in which the contract term expires, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this § 1906.36, provided the company pays the reinsurance premiums in such amounts as may be required. For the purposes of this § 1906.36, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made.

• • • • • •

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); sec. 1103, 82 Stat. 566; 12 U.S.C. 1749bbb–17; and Secretary's delegation of authority published at 34 F.R. 2680, Feb. 27, 1969)

Effective date. These amendments shall be effective on publication in the FEDERAL REGISTER (4–26–72).

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72–6348 Filed 4–25–72;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Subpart 5A–72.1—Procurement of Stores Stock Items

AMENDED MONTHLY SUPPLY POTENTIAL AND METHOD OF AWARD CLAUSES AND CORRESPONDING GUIDELINES

Section 5A–72.105–16 is amended as follows:

§ 5A–72.105–16 Monthly Supply Potential (MSP) and Method of Award clauses.

• • • • •

(c) • • •

(4) Normally, the estimated peak monthly requirement (EPMR), if it is stated in the solicitation, represents a quantity which is higher than the monthly average of the estimated quantity. This may be the result of (i) anticipated seasonal or other upward fluctuation in requirements or (ii) the Government's ordering pattern, primarily economic order quantity (EOQ) buying, whereby orders are placed during the life of a contract at irregular and usually greater than monthly intervals. As an extreme example of the latter situation, a single order could be placed during a 1-year life of a contract for approximately the total estimated quantity. As a rule, the larger the estimated total quantity, the greater will be the ordering frequency and the closer will be the EPMR in relation to the average monthly quantity. Conversely, if the total estimated quantity is small, it would be ordered less frequently than monthly. If the EPMR furnished by the Office of Supply Control on the basis of the EOQ is so high that the contractor's obligation appears unreasonable compared to the estimated quantity and the latter is small compared with the estimated quantity for similar items in the solicitation and contractors can be reasonably expected to be capable of furnishing the entire estimated quantity regardless of when ordered, omission of the EPMR for these items should be considered. When establishing the EPMR consideration shall be given to the estimated quantity provided by the Office of Supply Control. If the EPMR is to be omitted, its omission must be authorized by a branch chief in the Procurement Operations Division; the Director, Special Programs Division; the Director, ADP Procurement Division; or the chief of a regional Procurement Division, as applicable. Such authorization is also required when the EPMR to be included in solicitations exceeds 150 percent of the average monthly quantity.

(d) *The Monthly Supply Potential clause.*

MONTHLY SUPPLY POTENTIAL

This provision applies only to those items or groups of items for which estimated requirements for the period of this contract and estimated peak monthly requirements are set forth in the schedule of items. In order to preclude the placement of orders with any Contractor in excess of his production capacity, offerors are requested to indicate in the spaces provided the total quantity per month which they are willing to furnish of any item or group of items involving the use of the same production facilities. Since the number of items or groups of items on which any offeror may be eligible for award cannot be determined in advance of opening of offers, offerors are urged, in setting their monthly supply potentials, to group as many items or groups of items as possible. Such grouping will make it possible for the Government to make fullest use of the production facilities of each offeror. For example, if an offeror's production facilities can be used to produce any of the items or groups of items covered by the solicitation, the offeror may insert a single overall limitation on the quantity he can supply applicable to all items or groups of items. Bidders are cautioned that in order to qualify for an award, the offeror's monthly supply potential must cover the Government's estimated peak monthly requirement for each group or individual item to be awarded to the offeror. Groups or individual items will not be subdivided for award purposes.

Inasmuch as the spaces provided below are for offerors to indicate their monthly supply potential on items showing an estimated peak monthly requirement, offerors are requested to avoid any reference to items for which no estimated peak monthly requirement is shown. If an offeror includes a reference to items for which no estimated peak monthly requirements are specified, it will be disregarded.

OFFEROR'S MONTHLY SUPPLY POTENTIAL

Items or groups of items	*Offeror's monthly supply potential*

The Government is obligated to place pursuant to this contract all orders for the supplies covered herein except (1) orders for less than that which may be specified in a

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Minimum Order Limitation clause, (2) orders in excess of that which may be specified in a Maximum Order Limitation clause, and (3) in the case of exigencies as specified in the Scope of Contract clause.

The Government's estimated peak monthly and estimated requirements for the period of this contract are furnished for the information of offerors, but shall not be construed to represent any amount which the Government shall be obligated to purchase under the contract (except as may be provided in a Guaranteed Minimum Clause).

If an offeror *does not provide a monthly supply potential*, he will be deemed to offer to furnish one hundred and twenty-five percent (125%) of the Government's estimated peak monthly requirement for the item or group of items, which quantity shall then be considered as his stated monthly supply potential.

For each item or groups of items awarded him pursuant to this solicitation, the successful offeror (Contractor) shall be obligated to fill all orders received by him during any 1 month of the contract, calculated from the commencement of the contract, the total of which does not exceed either his stated monthly supply potential or one hundred and twenty-five percent (125%) of the estimated peak monthly requirement for the item or group of items, *whichever is less.*

The Contractor may, with respect to any item(s) or group of items, refuse to accept orders, or portions thereof, received during any 1 month which exceed *the monthly quantities he is required to accept; Provided,* That such refusal to accept is communicated in writing to the office issuing such order(s) within 5 days of receipt of the order by the Contractor. Further, the Contractor is requested to notify the Contracting Officer when he has reached the required monthly quantity and will not accept additional orders for that month. Failure to communicate the refusal to accept to the office issuing the order within the time required shall be deemed to be acceptance of the order by the Contractor. Delivery (or Shipment, as the case may be) of all orders, or portions thereof, in excess of the required monthly quantity which have been accepted, or deemed to have been accepted, by the Contractor shall be made within the same number of days as is required for those orders not in excess of the required monthly quantity. The Contractor shall not accept any of these orders against the required monthly quantity for the succeeding month. Orders, or portions thereof, which have been properly refused by the Contractor may be procured outside of this contract without prejudice to either party.

(e) * * *

METHOD OF AWARD

(a) (1) *Items or groups of items for which estimated peak monthly requirements are set forth in the schedule of items:*

Award will be made in accordance with (b), below, on the basis of the Government's estimated peak monthly requirements to the low responsive offeror(s) up to their stated monthly supply potentials. Within the limits prescribed by the offeror, the Government will apply offeror's monthly supply potential to any items or groups of items offered, as the Government's interests require. In order to qualify for an award, the offeror's monthly supply potential must cover the Government's estimated peak monthly requirement for each group or individual item to be awarded to the offeror. Groups or individual items will not be subdivided for award purposes.

2. *Items or groups of items for which no estimated peak monthly requirements are set forth in the schedule of items:*

Award will be made in accordance with (b), below, to the low responsive offeror(s). With respect to any quantities ordered, where no estimated peak monthly requirement is set forth in the solicitation, the Contractor's delivery obligation stated in the Scope of Contract clause applies.

(b) Award will be made as follows:

1. Groups----------: In the aggregate by group. The low aggregate offeror will be determined by multiplying the unit price submitted on each item by the estimated quantity specified and adding the resultant extensions. In order to qualify for an award on a group, prices must be submitted on each item within the group.

2. Items----------: Item-by-item.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective 30 days after the date shown below but may be observed earlier.

Dated: April 14, 1972.

M. S. MEEKER,
Commissioner,
Federal Supply Service.

[FR Doc.72-6353 Filed 4-25-72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5206]

[Arizona 6598]

ARIZONA

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

1. The departmental order of October 16, 1931, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 21 W.,
Sec. 30, E½NE¼, NE¼SE¼.

The area described aggregates 120 acres in Mohave County.

2. This revocation is in furtherance of a Federal program to acquire privately owned lands within the Lake Mead National Recreation Area by exchange under the provisions of the Act of October 8, 1964, 78 Stat. 1039, 16 U.S.C. section 460n–1 (1970). Accordingly, the lands described in this order have been classified as being suitable for such exchange. The lands, therefore, will not be subject to other use or disposition under the public land laws, including the mining and mineral leasing laws, in the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 20, 1972.

[FR Doc.72-6315 Filed 4-25-72;8:45 am]

[Public Land Order 5207]

[Idaho 3874]

IDAHO

Withdrawal for National Forest Recreation and Scenic Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, in aid of the programs of the Department of Agriculture:

SAWTOOTH NATIONAL FOREST

BOISE MERIDIAN

Five Points Recreation Area

T. 2 N., R. 14 E.,
Sec. 5, lot 3.

Worswick Hot Springs Recreation Area

T. 3 N., R. 14 E.,
Sec. 28, S½SW¼NE¼, S½SE¼NW¼, NE¼SW¼, NW¼SE¼, N½SW¼SE¼.

BOISE AND CHALLIS NATIONAL FORESTS

BOISE MERIDIAN

Middle Fork Salmon Scenic River Area

T. 14 N., R. 9 E.,
Sec. 24.

T. 14 N., R. 10 E. (Unsurveyed),
Secs. 19, 29, and 30.

Beginning at the E. ¼ sec. cor., sec. 24, T. 14 N., R. 9 E. (an iron post/brass-capped monument of the U.S. Public Land Survey, in place), with coordinates X=160,973.52; Y=1,048,180.52, thence along the east-west centerline of sec. 24, E., to a point intersecting the westerly boundary of the Middle Fork Salmon Wild River Area, thence in a southeasterly direction along the Wild River area boundary to an intersecting point with Dagger Creek, thence on a course approximating the alignment of Dagger Creek to the Middle Fork Salmon River, thence on a direct line to point 120 on the easterly boundary of the Middle Fork Salmon Wild River Area, thence northwesterly along the Wild River Area boundary to a point intersecting the east-west centerline of unsurveyed sec. 19, T. 14 N., R. 10 E., thence along the east-west centerline to the point of beginning, and more particularly described as follows:

ANGLE POINTS

From—	To—	Bearing	Distance (feet)
E. ¼ sec. Cor. sec. 24, T. 14 N., R. 9 E.	A	N. 88°05' W.	1,094
A	99	S. 6°26' E.	3,541
99	C	S. 32°26' E.	4,238
C	99a	N. 64°59' E.	357
99a	99b	N. 26°15' E.	416
99b	99c	N. 37°17' E.	334
99c	99d	N. 62°22' E.	364
99d	99e	N. 80°37' E.	352
99e	120	N. 59°26' E.	1,922
120	121	N. 43°26' W.	3,117
121	B	N. 10°51' W.	875
B	East ¼ sec. Cor.	N. 89°05' W.	4,013

Said ¼ section corner (east), sec. 24, T. 14 N., 9 R. E. Boise meridian, being the point of beginning.

X=East.
Y=North.

The areas described aggregate 600.78 acres in Camas, Custer, and Valley Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 20, 1972.

[FR Doc.72-6316 Filed 4-25-72;8:45 am]

[Public Land Order 5208]

[Colorado 12469, 13142]

COLORADO

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. section 416 (1970), it is ordered as follows:

1. The departmental orders of September 4, 1936, and March 15, 1946, withdrawing lands for the Western Slopes Survey, and the Blue River-South Platte Project respectively, are hereby revoked so far as they affect the following described lands:

WESTERN SLOPES SURVEY

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 86 W.,
Sec. 19, All; and
Sec. 20, N½, SW¼.
T. 1 N., R. 87 W.,
Sec. 25, W½NW¼, NW¼SW¼;
Sec. 26, S½NE¼, SE¼NW¼, and S½;
Sec. 27, S½SE¼;
Sec. 34, NE¼; and
Sec. 35, NW¼NE¼, N½NW¼.

BLUE RIVER-SOUTH PLATTE PROJECT

SIXTH PRINCIPAL MERIDIAN

T. 7 S., R. 80 W.,
Sec. 3, lots 10, 11, E½SW¼, and SE¼;
Sec. 4, lots 13, 14, 15, NW¼SE¼;
Sec. 9, lots 1 to 4, inclusive, and W½; and
Sec. 10, lots 1 to 5, inclusive, NE¼, E½NW¼, NE¼SW¼, N½SE¼, and SE¼SE¼.

The areas described aggregate 3,362.78 acres in Eagle and Garfield Counties.

2. The described lands are within and part of the White River and Routt National Forests. A portion of the lands described as lots 14 and 15, NW¼SE¼, sec. 4, and lots 1 and 2, sec. 10, T. 7 S., R. 80 W., are withdrawn from any form of disposition as may by law be made of national forest lands, including the U.S. mining laws, and from leasing under the mineral leasing laws, for Federal Power Project No. 2511, pursuant to the filing of an application for a preliminary permit on March 3, 1965. Portions of the lands described as sec. 19, All, N½NW¼ NE¼, N½NW¼, sec. 20, T. 1 N., R. 86 W., and the NW¼NW¼, sec. 25, N½S½NE¼, SW¼, SW¼NE¼, NW¼NW¼SE¼, S½SE¼NW¼, NE¼SE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼, sec. 26, S½SE¼, sec. 27, N½N½NE¼, SW¼NW¼NE¼, sec. 34, and the N½NW¼NW¼, sec. 35, T. 1 N., R. 37 W., are withdrawn from all forms of location, entry, and purchase under the U.S. mining laws, but not from leasing under the mineral leasing laws, for national forest campgrounds and recreation areas, by Public Land Orders No. 1467 and No. 2589 of August 9, 1957, and January 15, 1962, respectively. All of these described lands will remain so withdrawn.

3. At 10 a.m., May 26, 1972, all of the lands except those described in paragraph 2 of this order, shall be open to such forms of disposition as may by law be made of national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 20, 1972.

[FR Doc.72-6317 Filed 4-25-72;8:45 am]

[Public Land Order 5209]

[Arizona 5951]

ARIZONA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

COCONINO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Pinegrove Campground

T. 19 N., R. 9 E.,
Sec. 16, Those parts of the SW¼NW¼, NW¼SW¼, and N½SW¼SW¼ not included in the area withdrawn by Public Land Order No. 3152 for Forest Highway No. 3 roadside;
Sec. 17, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼, and N½S½SE¼.

The areas described aggregate 333.12 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 20, 1972.

[FR Doc.72-6318 Filed 4-25-72;8:45 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-57; Amdts. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21]

PART 171—GENERAL INFORMATION AND REGULATIONS

PART 172—COMMODITY LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 170–189 OF THIS CHAPTER

PART 173—SHIPPERS

PART 174—CARRIERS BY RAIL FREIGHT

PART 175—CARRIERS BY RAIL EXPRESS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Classification of Corrosive Hazards; Notice of Board Action To Authorize Immediate Compliance

On March 23, 1972, the Hazardous Materials Regulations Board published Docket No. HM-57; Amendments Nos. 171-14, 172-14, 173-61, 174-14, 175-7, 177-21 (37 F.R. 5946) prescribing new regulations for the classification, packaging, marking, labeling, and transportation of corrosive materials. It was stated that these amendments became effective December 31, 1972, however, compliance was authorized as of October 1, 1972.

The Board has been advised that the 3-month period authorized effectively limits the conversion period in a manner that precludes efficient changeover, particularly where leadtimes in packaging orders and disposal of existing stock are highly variable. It has been suggested that compliance be authorized immediately to permit the needed latitude. The Board Members for the Federal Aviation Administration, the Federal Highway Administration, and the Federal Railroad Administration have agreed to expand the implementation period and to advise the public by notice thereof in the FEDERAL REGISTER effective with the publication of this notice.

Accordingly, all amendments in Docket No. HM-57 continue to be effective December 31, 1972; however, compliance with the regulations as amended in this docket is authorized immediately.

Issued in Washington, D.C., on April 21, 1972.

ALAN I. ROBERTS,
Secretary.

[FR Doc.72-6338 Filed 4-25-72;8:47 am]

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Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 121]

ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Notice of Proposed Rule Making

APRIL 18, 1972.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to revise Part 121, Subchapter K, Chapter I, Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 161 of the Revised Statutes (5 U.S.C. 301).

In the main, this revision consists of the realignment of materials to present a more logical sequence; the deletion of material regarded as advisory rather than regulatory in nature; and the addition of certain material which more fully encompasses the authorities found in the statutes. In addition, certain additions, changes and deletions in these proposed regulations are designed to more fully explain and implement the policy of the Secretary of the Interior.

The major changes and revisions are as follows:

1. Section 121.1(e): A definition of competency is set out, whereas previously there was no such standard of general application in Part 121. This definition is the only precise standard for the determination of competency set out by the Congress, and, although it was prescribed in an act which applies only to the Five Civilized Tribes (Act of Aug. 11, 1955 (69 Stat. 666)), it seems reasonable that the standard be used generally.

2. Section 121.2: This provides for withholding action to be applied in order to facilitate consolidation of Indian lands where possible. The addition will make regulatory the principles of the December 4, 1961, memorandum of the Commissioner of Indian Affairs and provide, in addition, a right of appeal from withholding action.

3. Section 121.5(a): Under the present regulations if an applicant is competent, the issuance of a fee patent is mandatory. This revision would reflect the authority derived from the authorizing acts and allow the exercise of discretion in the issuance of fee patents as it may now be exercised in the issuance of orders removing restrictions and certificates of competency.

4. Section 121.5(d): This implements and explains the Act of June 30, 1954 (68 Stat. 358), which grants unrestricted rights in oil and gas to certain Indians of the Fort Peck Reservation and makes provision for the future issuance of fee patents covering oil and gas, as well as the issuance of fee patents covering the entire interest in certain land.

5. Section 121.12(b): This section has been changed to permit negotiated sales of lands belonging to certain members of the Five Civilized Tribes after the issuance of a conditional order removing restrictions. Under the present regulations (§ 121.37) the land included in a conditional order removing restrictions must be advertised.

6. Section 121.14: This section simplifies the procedure for an administrative appeal from a decision to issue an order removing restrictions to a member of the Five Civilized Tribes without application under the Act of August 11, 1955 (69 Stat. 666). It provides that to the extent possible, such appeals will be handled under the procedure prescribed in Part 2.

7. The heading for former §§ 121.9 through 121.22, Sales and Exchanges of Individually Owned Trust or Restricted Land, Exclusive of Five Civilized Tribes Land, is now applicable to §§ 121.17 through 121.32 and the heading has been changed to "Sales, Exchanges and Conveyances of Trust or Restricted Lands", to permit such sales by members of the Five Civilized Tribes if no statutory authority exists to prevent such transfers under these sections.

8. Section 121.32: This section has been changed pursuant to the Solicitor's Opinion M–36708 dated July 18, 1967, as to lands owned or acquired by an Indian in fee simple status.

9. Section 121.33: This section implements the Act of May 18, 1916 (39 Stat. 127; 25 U.S.C. 378), which authorizes the Secretary, in certain instances, to partition an inherited trust allotment without the consent of all heirs.

10. Section 121.35: This section has been changed to permit deferred payments sales under such terms as are acceptable to the Secretary and the Indian owners.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Bureau of Indian Affairs, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

LOUIS R. BRUCE,
Commissioner.

PART 121—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

Sec.
121.1 Definitions.
121.2 Withholding action on application.

ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

121.3 Information regarding status of applications for removal of Federal supervision over Indian lands.
121.4 Application for patent in fee.
121.5 Issuance of patent in fee.
121.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.
121.7 Application for certificate of competency.
121.8 Issuance of certificate of competency.
121.9 Certificates of competency to certain Osage adults.
121.10 Application for orders removing restrictions, except Five Civilized Tribes.
121.11 Issuance of orders removing restrictions, except Five Civilized Tribes.
121.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.
121.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.
121.14 Removal of restrictions, Five Civilized Tribes, without application.
121.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.
121.16 Effect of order removing restrictions, Five Civilized Tribes.

SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

121.17 Sales, exchanges, and conveyances by, or with the consent of the individual Indian owner.
121.18 Sale with the consent of natural guardian or person designated by the Secretary.
121.19 Sale by fiduciaries.
121.20 Sale by Secretary of certain land in multiple ownership.
121.21 Sale or exchange of tribal land.
121.22 Secretarial approval necessary to convey individual owned trust or restricted lands or land owned by a tribe.
121.23 Applications for sale, exchange or gift.
121.24 Appraisal.
121.25 Negotiated sales, gifts and exchanges of trust or restricted lands.
121.26 Advertisement.
121.27 Procedure of sale.
121.28 Action at close of bidding.
121.29 Rejection of bids; disapproval of sale.
121.30 Bidding by employees.
121.31 Cost of conveyance; payment.
121.32 Irrigation fee; payment.

PARTITIONS OF INHERITED ALLOTMENTS

Sec.
121.33 Partition.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

121.34 Approval of mortgage and deeds of trust.
121.35 Deferred payment sales.

AUTHORITY: The provisions of this Part 121 issued under R.S. 161; 5 U.S.C. 301. Interpret or apply sec. 7, 32 Stat. 275, 34 Stat. 1018, sec. 1, 35 Stat. 444, sec. 1 and 2, 36 Stat. 855, as amended, 856, as amended, sec. 17, 39 Stat. 127, 40 Stat. 579, 62 Stat. 236, sec. 2, 40 Stat. 606, 68 Stat. 358, 69 Stat. 666; 25 U.S.C. 378, 379, 405, 404, 372, 373, 483, 355, unless otherwise noted.

CROSS REFERENCES: For further regulations pertaining to the sale of irrigable lands, see Parts 129, 128 and § 211.4 of this chapter. For Indian money regulations, see Parts 104, 101, 107, 105, and 102 of this chapter. For regulations pertaining to the determination of heirs and approval of wills, see Part 15 and §§ 11.30–11.32C of this chapter.

§ 121.1 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Agency" means an Indian agency or other field unit of the Bureau of Indian Affairs having trust or restricted Indian land under its immediate jurisdiction.

(c) "Restricted land" means land or any interest therein, the title to which is held by an individual Indian, subject to Federal restrictions against alienation or encumbrance.

(d) "Trust land" means land or any interest therein held in trust by the United States for an individual Indian.

(e) "Competent" means the possession of sufficient ability, knowledge, experience, and judgment to enable an individual to manage his business affairs, including the administration, use, investment, and disposition of any property turned over to him and the income or proceeds therefrom, with such reasonable degree of prudence and wisdom as will be apt to prevent him from losing such property or the benefits thereof. (Act of August 11, 1955 (69 Stat. 666).)

(f) "Tribe" means a tribe, band, nation, community, group, or Pueblo of Indians.

§ 121.2 Withholding action on application.

Action on any application, which if approved would remove Indian land from restricted or trust status, may be withheld, if the Secretary determines that such removal would adversely affect the best interest of other Indians, or the tribes, until the other Indians or the tribes so affected have had a reasonable opportunity to acquire the land from the applicant. If action on the application is to be withheld, the applicant shall be advised that he has the right to appeal the withholding action pursuant to the provisions of Part 2 of this chapter.

ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

§ 121.3 Information regarding status of applications for removal of Federal supervision over Indian lands.

The status of applications by Indians for patents in fee, certificates of competency, or orders removing restrictions shall be disclosed to employees of the Department of the Interior whose duties require that such information be disclosed to them; to the applicant or his attorney, upon request; and to Members of Congress who inquire on behalf of the applicant. Such information will be available to all other persons, upon request, 15 days after the fee patent has been issued by the Bureau of Land Management, or 15 days after issuance of certificate of competency or order removing restrictions, or after the application has been rejected and the applicant notified. Where the termination of the trust or restricted status of the land covered by the application would adversely affect the protection and use of Indian land remaining in trust or restricted status, the owners of the land that would be so affected may be informed that the application has been filed.

§ 121.4 Application for patent in fee.

Any Indian 21 years of age or over may apply for a patent in fee for his trust land. A written application shall be made in the form approved by the Secretary and shall be completed and filed with the agency having immediate jurisdiction over the land.

§ 121.5 Issuance of patent in fee.

(a) An application may be approved and fee patent issued if the Secretary, in his discretion, determines that the applicant is competent. When the patent in fee is delivered, an inventory of the estate covered thereby shall be given to the patentee. (Acts of Feb. 8, 1887 (24 Stat. 388), as amended (25 U.S.C. 349); June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483), and other authorizing acts.)

(b) If an application is denied, the applicant shall be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of Part 2 of this chapter.

(c) White Earth Reservation: The Secretary will, pursuant to the Act of March 1, 1907 (34 Stat. 1015), issue a patent in fee to any adult mixed-blood Indian owning land within the White Earth Reservation in the State of Minnesota upon application from such Indian, and without consideration as to whether the applicant is competent.

(d) Fort Peck Reservation: Pursuant to the Act of June 30, 1954 (68 Stat. 358), oil and gas underlying certain allotments in the Fort Peck Reservation were granted to certain Indians to be held in trust for such Indians and provisions was made for issuance of patents in fee for such oil and gas or patents in fee for land in certain circumstances.

(1) Where an Indian or Indians were the grantees of the entire interest in the oil and gas underlying a parcel of land, and such Indian or Indians had before June 30, 1954, been issued a patent or patents in fee for any land within the Fort Peck Reservation, the title to the oil and gas was conveyed by the act in in fee simple status.

(2) Where the entire interest in the oil and gas granted by the act is after June 30, 1954, held in trust for Indians to whom a fee patent has been issued at any time, for any land within the Fort Peck Reservation, or who have been or are determined by the Secretary to be competent, the Secretary will convey, by patent, without application, therefor, unrestricted fee simple title to the oil and gas.

(3) Where the Secretary determines that the entire interest in a tract of land on the Fort Peck Reservation is owned by Indians who were grantees of oil and gas under the act and he determines that such Indians are competent, he will issue fee patents to them covering all interests in the land without application.

§ 121.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.

Whenever the Secretary determines that trust land, or any interest therein, has been acquired through inheritance or devise by a non-Indian, or by a person of Indian descent to whom the United States owes no trust responsibility, the Secretary may issue a patent in fee for the land or interest therein to such person without application.

§ 121.7 Application for certificate of competency.

Any Indian 21 years old or over, except certain adult members of the Osage Tribe as provided in § 121.9, who holds land or an interest therein under a restricted fee patent may apply for a certificate of competency. The written application shall be made in the form approved by the Secretary and filed with the agency having immediate jurisdiction over the land.

§ 121.8 Issuance of certificate of competency.

(a) An application may be approved and a certificate of competency issued if the Secretary, in his discretion, determines that the applicant is competent. The delivery of the certificate shall have the effect of removing the restrictions from the land described therein. (Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372).)

(b) If the application is denied, the applicant shall be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of Part 2 of this chapter.

§ 121.9 Certificates of competency to certain Osage adults.

Applications for certificates of competency by adult members of the Osage Tribe of one-half or more Indian blood shall be in the form approved by the Secretary. Upon the finding by the Secretary that an applicant is competent, a

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certificate of competency may be issued removing restrictions against alienation of all restricted property and terminating the trust on all restricted property, except Osage headright interests, of the applicant.

CROSS-REFERENCE: For regulations pertaining to the issuance of certificates of competency to adult Osage Indians of less than one-half Indian blood, see Part 123 of this chapter.

§ 121.10 Application for orders removing restrictions, except Five Civilized Tribes.

Any Indian not under legal disability under the laws of the State where he resides or where the land is located, or the court-appointed guardian or conservator of any Indian, may apply for an order removing restrictions from his restricted land or the restricted land of his ward. The application shall be in writing setting forth reasons for removal of restrictions and filed with the agency having immediate jurisdiction over the lands.

§ 121.11 Issuance of orders removing restrictions, except Five Civilized Tribes.

(a) An application for an order removing restrictions may be approved and such order issued by the Secretary, in his discretion, if he determines that the applicant is competent or that removal of restrictions is in the best interests of the Indian owner. The effect of the order will be to remove the restrictions from the land described therein.

(b) If the application is denied, the applicant will be notified in writing, given the reasons therefor and advised of his right to appeal pursuant to the provisions of Part 2 of this chapter.

§ 121.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.

When an Indian of the Five Civilized Tribes makes application for removal of restrictions from his restricted lands under authority other than section 2(a) of the Act of August 11, 1955 (69 Stat. 666), such application may be for either unconditional removal of restrictions or conditional removal of restrictions, but shall not include lands or interest in lands acquired by inheritance or devise.

(a) If the application is for unconditional removal of restrictions and the Secretary, in his discretion, determines the applicant should have the unrestricted control of the land described in his application, the Secretary may issue an order removing restrictions therefrom.

(b) When the Secretary, in his discretion, finds that in the best interest of the applicant all or part of the land described in the application should be sold with conditions concerning terms of sale and disposal of the proceeds, the Secretary may issue a conditional order removing restrictions which shall be effective only and simultaneously with the execution of a deed by said applicant upon completion of an advertised sale or negotiated sale acceptable to the Secretary.

§ 121.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.

When an Indian of the Five Civilized Tribes makes application for removal of restrictions under authority of section 2(a) of the Act of August 11, 1955 (69 Stat. 666), the Secretary will determine the competency of the applicant.

(a) If the Secretary determines the applicant to be competent, he shall issue an order removing restrictions having the effect stated in § 121.16.

(b) If the Secretary rejects the application, his action is not subject to administrative appeal, notwithstanding the provisions concerning appeals in Part 2 of this chapter.

(c) If the Secretary rejects the application, or neither rejects nor approves the application within 90 days of the application date, the applicant may apply to the State district court in the county in which he resides for an order removing restrictions. If that State district court issues such order, it will have the effect stated in § 121.16.

§ 121.14 Removal of restrictions, Five Civilized Tribes, without application.

Section 2(b) of the Act of August 11, 1955 (69 Stat. 666), authorizes the Secretary to issue an order removing restrictions to an Indian of the Five Civilized Tribes without application therefor. When the Secretary determines an Indian to be competent, he shall notify the Indian in writing of his intent to issue an order removing restrictions 30 days after the date of the notice. This decision may be appealed under the provisions of Part 2 of this chapter within such 30 days. All administrative appeals under that part will postpone the issuance of the order. When the decision is not appealed within 30 days after the date of notice, or when any dismissal of an appeal is not appealed within the prescribed time limit, or when the final appeal is dismissed, an order removing restrictions will be issued.

§ 121.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.

When an order removing restrictions is issued, pursuant to § 121.14, a copy of such order will be delivered to the Indian, to any person acting in his behalf, and to the Board of County Commissioners for the county in which the Indian resides. At the time the order is delivered written notice will be given the parties that under the terms of the Act of August 11, 1955 (69 Stat. 666), the Indian or the Board of County Commissioners has, within 6 months of the date of notification, the right to appeal to the State district court for the district in which the Indian resides for an order setting aside the order removing restrictions. The timely initiation of proceedings in the State district court will stay the effective date of the order removing restrictions until such proceedings are concluded. If the State district court dismisses the appeal, the order removing restrictions will become effective 6 months after notification to the parties of such dismissal. The effect of the issuance of such order will be as prescribed in § 121.16.

§ 121.16 Effect of order removing restrictions, Five Civilized Tribes.

An order removing restrictions issued pursuant to the Act of August 11, 1955 (69 Stat. 666), on its effective date shall serve to remove all jurisdiction and supervision of the Bureau of Indian Affairs over money and property held by the United States in trust for the individual Indian or held subject to restrictions against alienation imposed by the United States. The Secretary shall cause to be turned over to the Indian full ownership and control of such money and property and issue in the case of land such title document as may be appropriate; *Provided*, That the Secretary may make such provisions as he deems necessary to insure payment of money loaned to any such Indian by the Federal Government or by an Indian tribe; *And provided further*, That the interest of any lessee or permittee in any lease, contract, or permit that is outstanding when an order removing restrictions becomes effective shall be preserved as provided in section 2(d) of the Act of August 11, 1955 (69 Stat. 666).

SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

§ 121.17 Sales, exchanges and conveyances by, or with the consent of the individual Indian owner.

Pursuant to the Acts of May 27, 1902 (32 Stat. 275; 25 U.S.C. 379); May 17, 1906 (34 Stat. 197), as amended August 2, 1956 (70 Stat. 954; 48 U.S.C. 357); March 1, 1907 (34 Stat. 1018; 25 U.S.C. 405); May 29, 1908 (35 Stat. 444; 25 U.S.C. 404); June 25, 1910 (36 Stat. 855; 25 U.S.C. 372), as amended May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); and May 14, 1948 (62 Stat. 236; 25 U.S.C. 483); and pursuant to other authorizing acts, trust or restricted lands acquired by allotment, devise, inheritance, purchase, exchange, or gift may be sold, exchanged, and conveyed by the Indian owner with the approval of the Secretary or by the Secretary with the consent of the Indian owner.

§ 121.18 Sale with the consent of natural guardian or person designated by Secretary.

Pursuant to the Act of May 29, 1908 (35 Stat. 444; 25 U.S.C. 404), the Secretary may, with the consent of the natural guardian of a minor, sell trust or restricted land belonging to such minor; and the Secretary may, with the consent of a person designated by him, sell trust or restricted land belonging to Indians who are minor orphans without a natural guardian, and Indians who are non compos mentis or otherwise under legal disability. The authority contained in this act is not applicable to lands in Oklahoma, Minnesota, and South Dakota, nor to lands authorized to be sold by the

Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

§ 121.19 Sale by fiduciaries.

Guardians, conservators, or other fiduciaries appointed by State courts, or by tribal courts operating under approved constitutions or law and order codes, may, upon order of the court, convey with the approval of the Secretary or consent to the conveyance by the Secretary of trust or restricted land belonging to their Indian wards who are minors, non compos mentis or otherwise under legal disability.

§ 121.20 Sale by Secretary of certain land in multiple ownership.

Pursuant to the Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372), if the Secretary decides that one or more of the heirs who have inherited trust land are incapable of managing their own affairs, he may sell any or all interests in that land. This authority is not applicable to lands authorized to be sold by the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483).

§ 121.21 Sale or exchange of tribal land.

Certain tribal land may be sold or exchanged pursuant to the Acts of February 14, 1920 (41 Stat. 415; 25 U.S.C. 294); June 18, 1934 (48 Stat. 984; 25 U.S.C. 464); August 10, 1939 (53 Stat. 1351; 25 U.S.C. 463(e)); July 1, 1948 (62 Stat. 1214); June 4, 1953 (67 Stat. 41; 25 U.S.C. 293(a)); July 28, 1955 (69 Stat. 392), as amended August 31, 1964 (78 Stat. 747; 25 U.S.C. 608–608c); June 18, 1956 (70 Stat. 290; 25 U.S.C. 403a–2); July 24, 1956 (70 Stat. 626); May 19, 1958 (72 Stat. 121; 25 U.S.C. 463, Note); September 2, 1958 (72 Stat. 1762); April 4, 1960 (74 Stat. 13); April 29, 1960 (74 Stat. 85); December 11, 1963 (77 Stat. 349); August 11, 1964 (78 Stat. 389), and pursuant to other authorizing acts. Except as otherwise provided by law, and as far as practicable, the regulations in this Part 121 shall be applicable to sale or exchanges of such tribal land.

§ 121.22 Secretarial approval necessary to convey individual-owned trust or restricted lands or land owned by a tribe.

(a) *Individual lands.* Trust or restricted lands, or any interest therein, may not be conveyed without the approval of the Secretary. Moreover, inducing an Indian to execute an instrument purporting to convey any trust land or interest therein, or the offering of any such instrument for record, is prohibited and criminal penalties may be incurred. (See 25 U.S.C. 202 and 348.)

(b) *Tribal lands.* Lands held in trust by the United States for an Indian tribe, lands owned by a tribe with Federal restrictions against alienation and any other land owned by an Indian tribe may only be conveyed where specific statutory authority exists and then only with the approval of the Secretary unless the Act of Congress authorizing sale provides that approval is unnecessary. (See 25 U.S.C. 177.)

§ 121.23 Applications for sale, exchange or gift.

Applications for the sale, exchange or gift of trust or restricted land shall be filed in the form approved by the Secretary with the agency having immediate jurisdiction over the land. Applications may be approved if, after careful examination of the circumstances in each case, the transaction appears to be clearly justified in the light of the long-range best interest of the owner or owners or as under conditions set out in § 121.25(d).

§ 121.24 Appraisal.

Except as otherwise provided by the Secretary, an appraisal shall be made indicating the fair market value prior to making or approving a sale, exchange, or other transfer of title of trust or restricted land.

§ 121.25 Negotiated sales, gifts and exchanges of trust or restricted lands.

Those sales, exchanges, and gifts of trust or restricted lands specifically described in the following paragraphs (a), (b), (c), and (d) of this section may be negotiated; all other sales shall be by advertised sale, except as may be otherwise provided by the Secretary.

(a) *Consideration not less than the appraised fair market value.* Indian owners may, with the approval of the Secretary, negotiate a sale of and sell trust or restricted land for not less than the appraised fair market value: (1) When the sale is to the United States, States, or political subdivisions thereof, or such other sale as may be for a public purpose; (2) when the sale is to the tribe or a member of the tribe of the reservation where the land is located; or (3) when the Secretary determines it is impractical to advertise.

(b) *Exchange at appraised fair market value.* With the approval of the Secretary, Indian owners may exchange trust or restricted land, or a combination of such land and other things of value, for other lands or combinations of land and other things of value. The value of the consideration received by the Indian in the exchange must be at least substantially equal to the appraised fair market value of the consideration given by him.

(c) *Sale to coowners.* With the approval of the Secretary, Indian owners may negotiate a sale of and sell trust or restricted land to a coowner of that land. The consideration may be less than the appraised fair market value, if in the opinion of the Secretary there is a special relationship between the coowners or special circumstances exist.

(d) *Gifts and conveyances for less than the appraised fair market value.* With the approval of the Secretary, Indian owners may convey trust or restricted land, for less than the appraised fair market value or for no consideration when the prospective grantee is the owner's spouse, brother, sister, lineal ancestor of Indian blood or lineal descendant, or when some other special relationship exists between the grantor and grantee or special circumstances exist that in the opinion of the Secretary warrant the approval of the conveyance.

§ 121.26 Advertisement.

(a) Upon approval of an application for an advertised sale, notice of the sale will be published not less than 30 days prior to the date fixed for the sale unless a shorter period is authorized by the Secretary.

(b) The notice of sale will include (1) terms, conditions, place, date, hour, and methods of sale, including explanation of auction procedure as set out in § 121.27 (b)(2) if applicable; (2) where and how bids shall be submitted; (3) a statement warning all bidders against violation of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders or potential bidders; and (4) description of tracts, all reservations to which title will be subject and any restrictions and encumberances of record with the Bureau of Indian Affairs and any other information that may improve sale prospects.

§ 121.27 Procedure of sale.

Advertised sales shall be by sealed bids except as otherwise provided herein.

(a) (1) Bids, conforming to the requirements set out in the advertisement of sale, along with a certified check, cashier's check, money order, or U.S. Treasury check, payable to the Bureau of Indian Affairs, for not less than 10 percent of the amount of the bid, must be enclosed in a sealed envelope marked as prescribed in the notice of sale. A cash deposit may be submitted in lieu of the above-specified negotiable instruments at the bidder's risk. Tribes submitting bids pursuant to this paragraph may guarantee the required 10 percent deposit by an appropriate resolution; (2) the sealed envelopes containing the bids will be publicly opened at the time fixed for sale. The bids will be announced and will be appropriately recorded.

(b) The policy of the Secretary recognizes that in many instances a tribe or a member thereof has a valid interest in acquiring trust or restricted lands offered for sale. (1) With the consent of the owner and when the notice of sale so states, the tribe or members of such tribe shall have the right to meet the high bid. (2) Provided the tribe is not the high bidder and when one or more acceptable sealed bids are received and when so stated in the notice of sale, an oral auction may be held following the bid opening. Bidding in the auction will be limited to the tribe, and to those who submitted sealed bids at 75 percent or more of the appraised value of the land being auctioned. At the conclusion of the auction the highest bidder must increase his deposit to not less than 10 percent of his auction bid.

§ 121.28 Action at close of bidding.

(a) The officer in charge of the sale shall publicly announce the apparent highest acceptable bid. The deposits submitted by the unsuccessful bidders shall be returned immediately. The deposit submitted by the apparent successful bidder shall be held in a special account.

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(b) If the highest bid received at an advertised sale is less than the appraised fair market value of the land, the Secretary with the consent of the owner may accept that bid if the amount bid approximates said appraised fair market value and in the Secretary's judgment is the highest price that may be realized in the circumstances.

(c) The Secretary shall award the bid and notify the apparent successful bidder that the remainder of the purchase price must be submitted within 30 days. (1) Upon a showing of cause the Secretary may, in his discretion, extend the time of payment of the balance due. (2) If the remainder of the purchase price is not paid within the time allowed, the bid will be rejected and the apparent successful bidder's 10 percent deposit will be forfeited to the landowner's use.

(d) The issuance of the patent or delivery of a deed to the purchaser will not be authorized until the balance of the purchase price has been paid, except that the fee patent may be ordered in cases where the purchaser is obtaining a loan from an agency of the Federal Government and such agency has given the Secretary a commitment that the balance of the purchase price will be paid when the fee patent is issued.

§ 121.29 Rejection of bids; disapproval of sale.

The Secretary reserves the right to reject any and all bids before the award, after the award, or at any time prior to the issuance of a patent or delivery of a deed, when he shall have determined such rejection to be in the best interests of the Indian owner.

§ 121.30 Bidding by employees.

Except as authorized by the provisions of Part 251 of this chapter, no person employed in Indian Affairs shall directly or indirectly bid, make, or prepare any bid, or assist any bidder in preparing his bid. Sales between Indians, either of whom is an employee of the U.S. Government, are governed by the provisions of Part 251 of this chapter (see 25 U.S.C. 68 and 441).

§ 121.31 Cost of conveyance; payment.

Pursuant to the Act of February 14, 1920 (41 Stat. 415), as amended by the Act of March 1, 1933 (47 Stat. 1417; 25 U.S.C. 413), the Secretary may in his discretion collect from a purchaser reasonable fees for work performed or expense incurred in the transaction. The amount so collected shall be deposited to the credit of the United States as general fund receipts, except as stated in paragraph (b) of this section.

(a) (1) The amount of the fee shall be $22.50 for each transaction.

(2) The fee may be reduced to a lesser amount or may be waived, if the Secretary determines circumstances justify such action.

(b) (1) If any or all of the costs of the work performed or expenses incurred are paid with tribal funds, an alternate schedule of fees may be established, subject to approval of the Secretary, and that part of such fees deemed appropriate may be credited to the tribe.

(2) When the purchaser is the tribe which bears all or any part of such costs, the collection of the proportionate share from the tribe may be waived.

§ 121.32 Irrigation fee; payment.

Collection of all construction costs against any Indian-owned lands within Indian irrigation projects is deferred as long as Indian title has not been extinguished. (Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 386a).) This statute is interpreted to apply only where such land is owned by Indians either in trust or restricted status.

(a) When any person whether Indian or non-Indian acquires Indian lands in a fee simple status that are part of an Indian irrigation project he must enter into an agreement, (1) to pay the pro rata share of the construction of the project chargeable to the land, (2) to pay all construction costs that accrue in the future, and (3) to pay all future charges assessable to the land which are based on the annual cost of operation and maintenance of the irrigation system.

(b) Any operation and maintenance charges that are delinquent when Indian land is sold will be deducted from the proceeds of sale unless other acceptable arrangements are made to provide for their payment prior to the approval of the sale.

(c) A lien clause covering all unpaid irrigation construction costs, past and future, will be inserted in the patent or other instrument of conveyance issued to all purchasers of restricted or trust lands that are under an Indian irrigation project.

CROSS-REFERENCE: See Part 128 and Part 129 and cross-references thereunder in this chapter for further regulations regarding sale of irrigable lands.

PARTITIONS OF INHERITED ALLOTMENTS

§ 121.33 Partition.

(a) *Partition without application.* If the Secretary of the Interior shall find that any inherited trust allotment or allotments (as distinguished from lands held in a restricted fee status or authorized to be sold under the Act of May 14, 1948 (62 Stat. 236; 25 U.S.C. 483)), are capable of partition to the advantage of the heirs, he may cause such lands to be partitioned among them, regardless of their competency, patents in fee to be issued to the competent heirs for their shares and trust patents to be issued to the incompetent heirs for the lands respectively or jointly set apart to them, the trust period to terminate in accordance with the terms of the original patent or order of extension of the trust period set out in said patent. (Act of May 18, 1916 (39 Stat. 127; 25 U.S.C. 378).) The authority contained in the Act of May 18, 1916, is not applicable to lands authorized to be sold by the Act of May 14, 1948, nor to land held in restricted fee status.

(b) *Application for partition.* Heirs of a deceased allottee may make written application, in the form approved by the Secretary, for partition of their trust or restricted land. If the Secretary finds the trust lands susceptible of partition, he may issue new patents or deeds to the heirs for the portions set aside to them. If the allotment is held under a restricted fee title (as distinguished from a trust title), partition may be accomplished by the heirs executing deeds approved by the Secretary, to the other heirs for their respective portions.

MORTGAGES AND DEEDS OF TRUST TO SECURE LOANS TO INDIANS

§ 121.34 Approval of mortgages and deeds of trust.

Any individual Indian owner of trust or restricted lands, may with the approval of the Secretary execute a mortgage or deed of trust to his land. Prior to approval of such mortgage or deed of trust, the Secretary shall secure appraisal information as he deems advisable. Such lands shall be subject to foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State in which the lands are located. For the purpose of foreclosure or sale proceedings under this section, the Indian owners shall be regarded as vested with unrestricted fee simple title to the lands (Act of March 29, 1956 (70 Stat. 62; 25 U.S.C. 483a)).

§ 121.35 Deferred payment sales.

When the Indian owner and purchaser desire, a sale may be made or approved on the deferred payment plan. The terms of the sale will be incorporated in a memorandum of sale which shall constitute a contract for delivery of title upon payment in full of the amount of the agreed consideration. The deed executed by the grantor or grantors will be held by the Superintendent and will be delivered only upon full compliance with the terms of sale. If conveyance of title is to be made by fee patent, request therefor will be made only upon full compliance with the terms of the sale. The terms of the sale shall require that the purchaser pay not less than 10 percent of the purchase price in advance as required by the Act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372); terms for the payment of the remaining installments plus interest shall be those acceptable to the Secretary and the Indian owner. If the purchaser on any deferred payment plan makes default in the first or subsequent payments, all payments, including interest, previously made will be forfeited to the Indian owner.

[FR Doc.72-6356 Filed 4-25-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte 286]

DETERMINATION OF AVOIDABLE LOSSES

Order To Show Cause

APRIL 14, 1972.

It appearing, that by notice of proposed rulemaking and order (36 F.R. 8327) entered herein on March 23, 1971, the Commission instituted this proceeding and made the National Railroad Passenger Corporation (Amtrak) and all railroads providing intercity rail passenger service and operating in interstate commerce within the United States subject to the Interstate Commerce Act respondents;

It further appearing, that the notice of March 23, 1971: *Provided*, That initial statements should be filed on or before June 24, 1971 (a requirement with which several parties have complied) and that reply statements should be filed by July 14, 1971;

It further appearing, that Amtrak subsequently filed four requests for extensions of time to file initial statements, and that pursuant to its request filed February 10, 1972, the date for filing initial statements was fixed as April 3, 1972, and the date for filing replies as April 24, 1972;

It further appearing, that in its petition of February 10, 1972, Amtrak also requested an indefinite postponement of this proceeding, and that Southern Pacific Transportation Co., the trustees of the Penn Central Transportation Co., and the Pennsylvania Public Utilities Commission and city of Philadelphia jointly replied;

It further appearing, that by petition filed April 3, 1972, Amtrak seeks a further extension of the date for filing initial statements for an additional 30 days;

And it further appearing, that the continued failure of Amtrak, a necessary party to this proceeding, to file its initial statements has hampered the Commission in carrying out its statutory mandate to develop a formula for the determination of avoidable losses under the Rail Passenger Service Act of 1970, and good cause therefore having been shown:

It is ordered, That all respondents herein be, and they are hereby, required to show cause, within 30 days of publication of this order in the FEDERAL REGISTER, why the Commission should not proceed promptly to a final determination and conclusion of this proceeding on the basis of the record as heretofore made;

And it is further ordered, That notice of this order be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissioners or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Dated at Washington, D.C., this 10th day of April 1972.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.72-6371 Filed 4-25-72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED APRICOTS

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering a revision of the U.S. Standards for Grades of Canned Apricots (7 CFR 52.2641–52.2657). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624) which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon request of the applicant and upon payment of a fee to cover the cost of such services.

All persons who desire to submit written views, data, or arguments for consideration in connection with the proposed revision should file the same in duplicate, not later than October 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed revision. Prior to the start of the canning season of 1971 the standards committee of the California Canners League requested the U.S. Department of Agriculture review the grade standards for canned apricots with specific reference to the "Solid-Pack" portion. The request indicated a need for reflecting a quality level higher than the current maximum level of "Grade C."

Canned apricots are covered by Federal Food and Drug standards of identity and quality. These standards do not, however, cover solid-pack canned apricots. For this reason, and in consideration of the request of the Canners League of California, the Department is concurrently proposing the issuance of separate grade standards for canned solid-pack apricots and a revision of the current grade standards to include only the regular packs, which are covered by the Food and Drug standards.

The proposed revision of the current standards include the following major changes:

(1) A standard sample unit size which will remove the bias caused by varying amounts of product in different container sizes;

(2) A new format of presentation of definitions in the various quality factors which will provide for more clarity;

(3) Presentation of allowances for the various quality factors in table form making the allowances more readily accessible;

(4) Inclusion of fill weight and drained weight values for three new container sizes not covered in the current standards; and

(5) Exclusion of "Solid Pack" canned apricots which will be covered by a separate standard.

(6) Exclusion of the "Grade D" classification since this no longer serves a useful purpose in marketing channels.

No changes in the allowances for the various quality factors or in the drained weight or fill weight requirements are intended at this time. Slight differences in allowances that may occur are due solely to rounding off fractional numbers to whole numbers in the transposition to the standard sample unit size.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2641 Product description.
52.2642 Styles.
52.2643 Grades.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

52.2644 Liquid media and Brix measurements.
52.2645 Fill of container.
52.2646 Recommended minimum drained weights.
52.2647 Recommended minimum fill weights.

SAMPLE UNIT SIZE

52.2648 Sample unit size.

FACTORS OF QUALITY

52.2649 Ascertaining the grade.
52.2650 Ascertaining the rating for the factors which are scored.
52.2651 Color.
52.2652 Uniformity of size and symmetry.
52.2653 Defects.
52.2654 Character.

ALLOWANCES FOR QUALITY FACTORS

52.2655 Allowances for quality factors.

LOT INSPECTION AND CERTIFICATION

52.2656 Ascertaining the grade of a lot.

SCORE SHEET

52.2657 Score sheet for canned apricots.

AUTHORITY: The provisions of this subpart issued under secs. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

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PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2641 Product description.

(a) Canned apricots: "Canned apricots" is the product represented as defined in the Standards of Identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act, and prepared in one of the styles specified in § 52.2642; in one of the liquid media specified in § 52.2644; and is sealed in a container and so processed by heat as to prevent spoilage.

(b) The food may be seasoned with one or more of the optional ingredients permitted in the aforementioned standards of identity.

§ 52.2642 Styles.

(a) "Halves" are pitted apricots cut approximately in half along the suture from stem to apex.

(b) "Slices" are pitted apricots cut into thin sectors or strips.

(c) "Whole" is unpitted, apricots with stems removed.

(d) "Mixed pieces of irregular sizes and shapes" are cut apricot units that are predominantly irregular in size and shape which do not conform to a single style or which are a mixture of two or more of such styles.

(e) When the apricots are unpeeled the name of the style is preceded or followed by the word "unpeeled".

(f) When the apricots are peeled, the name of the style is preceded or followed by the word "peeled".

§ 52.2643 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of any style of canned apricots, except mixed pieces of irregular sizes and shapes that:

(1) Have similar varietal characteristics;

(2) Have normal flavor and odor;

(3) Have at least a reasonably good color that scores not less than 17 points;

(4) Are at least reasonably uniform in size and symmetry for the applicable styles except for limits of off-suture cuts in the style of halves;

(5) Are reasonably free from defects;

(6) Have a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have a reasonably good color;

(4) Are at least fairly uniform in size and symmetry for the applicable styles except for the limits of off-suture cuts in the style of halves;

(5) Are reasonably free from defects;

(6) Have a reasonably good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of canned apricots of any style that:

(1) Have similar varietal characteristics;

(2) Have a normal flavor and odor;

(3) Have a good color;

(4) Are fairly uniform in size and symmetry;

(5) Are fairly free from defects;

(6) Have a fairly good character; and

(7) For those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned apricots that fail to meet the requirements of U.S. Grade C.

(e) Grade restrictions: A sample unit of mixed pieces of irregular sizes and shapes may be assigned a score in the Grade A range for one or more applicable quality factors but may not be classified above U.S. Grade B (or U.S. Choice) regardless of the total score for the product.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS, AND FILL WEIGHTS

§ 52.2644 Liquid media and Brix measurements.

"Cut-out" requirements for liquid media in canned apricots are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The designations of liquid packing media and the Brix measurements, where applicable, are as follows:

Designations	*Brix measurement*
"Extra heavy sirup" or "Extra heavy apricot juice sirup".	25° or more but not more than 40°.
"Heavy sirup" or "Heavy apricot juice sirup".	21° or more but less than 25°.
"Light sirup" or "Light apricot juice sirup".	16° or more but less than 21°.
"Slightly sweetened water" or "Slightly sweetened apricot juice".	Less than 16°.
"In water"	Not applicable.
"In apricot juice"	Do.
"Artificially sweetened"	Do.

§ 52.2645 Fill of container.

The standard of fill of container for canned apricots is the maximum quantity of the apricot units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned apricots that do not meet this requirement are "Below Standard in Fill".

§ 52.2646 Recommended minimum drained weights.

(a) *General.* (1) The minimum drained weight recommendations for the various styles in Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(2) The recommended minimum drained weights are based on equalization of the product 30 days or more after the product has been canned.

(b) *Definitions of symbols.* (1) $\overline{X}_4$—The minimum average drained weight of all the sample units in the sample.

(2) LL—Lower limit for the drained weight of an individual sample unit.

(c) *Method for ascertaining drained weight.* The drained weight of canned apricots is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(d) *Compliance with recommended minimum drained weights.* A lot of canned apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\overline{X}_4$ in Table II; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table II does not exceed the applicable acceptance number specified in Table I.

TABLE I.—SINGLE SAMPLING PLAN FOR DRAINED WEIGHTS

Sample size (number of sample units)	3	6	13	21	29	39	48	60	70
Acceptance No.	0	1	2	3	4	5	6	7	8

TABLE III—RECOMMENDED FILL WEIGHT VALUES FOR CANNED APRICOTS

Container size (metal unless otherwise stated)	Designation	Dimensions	$\overline{X}_{min}$	LWL$\overline{x}$	LRL$\overline{x}$	LWL	LRL	$\overline{R}'$	R_{max}	Sampling plan code
UNPEELED OR PEELED HALVES—FILL WEIGHT VALUES										
5 Z		211 x 200	*Ounces* 3.0	*Ounces* 2.6	*Ounces* 2.4	*Ounces* 2.2	*Ounces* 1.8	*Ounces* 0.9	*Ounces* 2.6	G
5 Z		211 x 202	3.3	2.9	2.7	2.5	2.1	0.9	2.6	
7 Z		211 x 212	4.4	3.9	3.7	3.4	2.9	1.2	2.6	
8 Z tall		211 x 304	5.3	4.8	4.6	4.3	3.8	1.2	2.6	I
No. 300		300 x 407	10.4	8.9	8.6	8.3	7.7	1.3	2.7	J
No. 303 glass			10.4	9.2	9.6	9.2	8.6	1.4	3.0	
No. 303		303 x 406	10.4	9.0	9.6	9.2	8.6	1.4	3.0	K
No. 303		307 x 409	12.6	12.0	11.6	11.2	10.6	1.4	3.0	M
No. 2½ glass			18.0	17.2	16.8	16.2	15.3	2.1	4.4	
No. 2½		401 x 411	18.4	17.6	17.2	16.6	15.7	2.1	4.4	Q
No. 10		603 x 700	68.5	68.2	67.5	66.1	66.0	3.5	7.4	X
WHOLE UNPEELED—FILL WEIGHT VALUES										
5 Z		211 x 200	4.6	4.1	3.8	3.5	2.9	1.3	2.7	J
7 Z		211 x 202	8.3	7.7	7.4	7.0	6.3	1.5	2.2	L
No. 303 glass			9.2	8.6	8.2	7.8	7.1	1.6	3.4	
303		303 x 406	9.2	8.6	8.2	7.8	7.1	1.6	3.4	M
2			11.4	10.7	10.3	9.8	9.0	1.8	4.0	O
2½ glass			16.2	15.3	14.8	14.2	13.2	2.3	4.9	
10			16.6	15.6	15.1	14.5	13.5	2.3	4.9	S
8 Z tall			66.0	62.4	62.7	61.6	59.9	4.0	8.4	
300			8.9	8.3	8.0	7.6	6.9	1.5	2.7	Z
No. 303 glass			8.9	8.3	8.0	7.6	6.9	1.5	3.4	
303			9.9	9.3	8.9	8.5	7.8	1.6	3.4	L
No. 2			12.9	12.3	11.9	11.4	10.4	1.9	3.9	M
2½ glass			17.0	16.1	15.6	15.0	14.0	2.3	4.9	O
2½			17.5	16.6	16.1	15.5	14.5	2.3	4.9	S
10			66.8	65.0	64.2	63.1	61.4	4.0	8.4	Z
PEELED OR UNPEELED SLICED—FILL WEIGHT VALUES										
5 Z		211 x 200	3.2	2.9	2.7	2.5	2.1	0.8	1.7	F
7 Z		211 x 202	3.5	3.2	3.0	2.8	2.4	0.8	1.7	
8 Z tall		211 x 212	4.7	4.3	4.1	3.8	3.3	1.1	2.2	H
No. 300		211 x 304	5.6	5.2	5.0	4.7	4.2	1.1	2.2	
No. 303 glass		300 x 407	11.0	10.4	10.2	9.9	8.4	1.2	2.6	I
No. 303			11.0	10.6	10.2	9.9	9.3	1.3	2.7	J
No. 2		303 x 406	13.3	12.8	12.5	12.1	11.5	1.4	3.0	K
No. 2½ glass		307 x 409	19.0	18.3	18.0	17.5	16.7	1.7	3.7	N
No. 2½			19.4	18.7	18.4	17.9	17.1	1.7	3.7	
No. 10		401 x 411	72.5	71.3	70.7	68.9	68.6	3.0	6.4	V
		603 x 700								
MIXED PIECES OF IRREGULAR SIZES AND SHAPES—FILL WEIGHT VALUES										
No. 2½			18.7	17.9	17.5	16.9	16.0	2.1	4.4	Q
No. 10			70.5	69.2	68.8	67.5	66.0	3.5	7.4	X

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED APRICOTS

Container size (metal, unless otherwise stated)	Designation	Dimensions	Unpeeled or peeled halves; sliced; mixed pieces of irregular sizes and shapes		Whole unpeeled		Whole peeled	
			LL	$\overline{X}_4$	LL	$\overline{X}_4$	LL	$\overline{X}_4$
			Ounces	*Ounces*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
IN EXTRA HEAVY AND HEAVY SIRUPS								
5 Z		211 x 200	2.1	2.7				
7 Z		211 x 202	3.4	4.0				
8 Z tall		211 x 304	4.2	4.8	3.7	4.3	3.8	4.5
No. 300		300 x 407	7.9	8.6	6.8	7.6	7.2	8.0
No. 303 glass			8.7	9.5	7.6	8.5	8.0	8.9
No. 303		303 x 406	8.7	9.5	7.6	8.5	8.0	8.9
No. 2½ glass		307 x 409	10.6	11.5	9.6	10.5	9.9	10.8
No. 2½			15.2	16.3	13.6	14.9	13.9	15.2
No. 10		401 x 411	15.7	16.8	13.8	15.1	14.4	15.7
		603 x 700	59.7	62.0	87.5	90.0	87.9	60.4
IN ANY OTHER LIQUID MEDIUM								
5 Z		211 x 200	2.2	2.8				
7 Z		211 x 202	2.5	3.1				
8 Z tall		211 x 212	3.6	4.1				
No. 300		211 x 304	4.3	4.9	3.8	4.4	3.9	4.6
No. 303 glass		300 x 407	8.1	8.8	7.0	7.8	7.4	8.2
No. 303			8.9	9.7	7.8	8.7	8.2	9.1
No. 2		303 x 406	8.9	9.7	7.8	8.7	8.2	9.1
No. 2½ glass		307 x 409	10.9	11.8	9.7	10.7	10.1	11.1
No. 2½			15.7	16.8	14.0	15.3	14.3	15.6
No. 10		401 x 411	16.0	17.2	14.2	15.5	14.8	16.1
		603 x 700	61.7	64.0	90.0	91.5	90.5	62.0

§ 52.2647 Recommended minimum fill weights.

(a) *General.* The minimum fill weight recommendations for the various styles in Table III are not incorporated in the grades of the finished product since fill weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining fill weight.* The fill weight of canned apricots is determined in accordance with the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

(c) *Definitions of terms and symbols.* "Subgroup" means a group of sample units representing a portion of a sample.

$\overline{X}_{min}$ means the minimum lot average fill weight.

LWL$\overline{x}$ means the lower warning limit for subgroup averages.

LRL$\overline{x}$ means the lower reject limit for subgroup averages.

LWL means the lower warning limit for individual fill weight measurements.

LRL means the lower reject limit for individual fill weight measurements.

$\overline{R}'$ means a specified average range value.

R_{max} means a specified maximum range for a subgroup.

(d) *Subgroup size.* The subgroup size for the determination of fill weights shall be 5 sample units.

(e) *Sampling frequency.*—(1) *Small lots.* For lots consisting of 100 cases or less which require 4 hours or more to pack use the "optional fill weight procedure" contained in the Instructions for Adaptation of the Variables Control Chart Plan to Fill Weights.

(2) *Other than small lots.* Draw at least one subgroup per code approximately every 40 minutes.

(f) *Compliance with recommended fill weights.* Compliance with the recommended fill weights for canned apricots shall be in accordance with the acceptance criteria specified in the U.S. Department of Agriculture's "Variables Control Chart Plan" and adaptations thereto, as applicable to processed fruits and vegetables and related products.

SAMPLE UNIT SIZE

§ 52.2648 Sample unit size.

(b) *Whole, 25 whole apricots.* In the case of the factors of color and defects only with respect to minor defects a whole apricot shall be considered halved along the suture and each half therefrom is a unit and the sample unit size thereby becomes 50 halves.

§ 52.2648 Compliance with requirements for the various quality factors is based on the following sample unit sizes:

(a) *Halves.* 50 halves.

V 37 N 81
APR 26 72
XUM

(c) *Slices.* 50 slices.

(d) *Mixed pieces of irregular sizes and shapes.* 30 ounces drained fruit finished product, 33 ounces raw fruit for in-plant control.

FACTORS OF QUALITY

§ 52.2649 Ascertaining the grade.

(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Uniformity of size and symmetry	20
(iii) Defects	30
(iv) Character	30
Total score	100

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned apricots are free from objectionable flavors and objectionable odors of any kind.

§ 52.2650 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2651 Color.

(a) *General.* (1) The color of canned apricots other than canned "spiced" apricots refers to the characteristic color of the outer, uncut surfaces of the units; and the varying degrees of pale yellow areas, light greenish-yellow areas, and light green areas.

(2) The factor of color for canned spiced apricots is not based on any detailed requirement and is not scored but the color shall be normal for canned spiced apricots; the other three factors (uniformity of size and symmetry, defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Definitions*—(1) *Well colored.* Well colored means that the units have a typical color characteristic of well-matured apricots. The units may have pale yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(2) *Reasonably well colored.* Reasonably well colored means that the units have a color typical of reasonably well matured apricots. The units may have pale yellow areas not exceeding one-half of the outer surface area or may have light greenish-yellow areas not exceeding one-fourth of the outer surface area and are free from brown color due to oxidation, improper processing, or other causes.

(3) *Fairly well colored.* Fairly well colored means that the units have a typical color characteristic of fairly well matured apricots. The units may have pale yellow areas, may have light greenish-yellow areas not exceeding one-half of the outer surface area, or have light green areas not exceeding one-fourth of the outer surface area. The units may have a slight brown color due to oxidation, improper processing, or other causes.

(4) *Poorly colored.* Poorly colored means that the units have light greenish-yellow areas exceeding one-half of the outer surface area, and/or may have more than a slight brown color due to oxidation, improper processing, or other causes.

(c) (*A*) *classification.* Canned apricots that possess a good color may be given a score of 18 to 20 points. "Good color" means that the apricots are well colored; the sample unit as a mass is practically uniform in color, and the number of units that may be reasonably well colored does not exceed the number specified for the style in § 52.2655.

(d) (*B*) *classification.* Canned apricots that possess a reasonably good color may be given a score of 16 to 17 points. Canned apricots that score 16 points shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the apricots are at least reasonably well colored; the sample unit as a mass is reasonably uniform in color; and the number of units that may be fairly well colored does not exceed the number specified for the style in § 52.2655.

(e) (*C*) *classification.* Canned apricots that possess a fairly good color may be given a score of 14 or 15 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the apricots are fairly well colored; the sample unit as a mass is fairly uniform in color, and the number of poorly colored units does not exceed the number specified for the style in § 52.2655.

(f) (*SStd*) *classification.* Canned apricots that fail to meet the color requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2652 Uniformity of size and symmetry.

(a) *General.* The factor of uniformity of size and symmetry for the styles of slices and mixed pieces of irregular sizes and shapes is not based on any detailed requirement and is not scored; the other three factors (color, defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score. Uniformity of size and symmetry for the styles of halves and whole pertains to the percent by which the weight of the largest full-sized unit exceeds the weight of the smallest full-sized unit, and the number of off-suture cuts and detached or partially detached pieces in the style of halves. A unit that possesses an off-suture cut and is scoreable as such and in addition possesses a partially detached piece is scoreable either as an off-suture cut or a partially detached piece but not both.

(b) *Definitions*—(1) *Off-suture cut.* "Off-suture cut" in the style of halves means a halved unit which has been cut at a distance from the suture greater than one-fourth inch at the widest measurement from the suture.

(2) *Detached piece.* Detached piece is a piece in the style of halves which has the appearance of a slice resulting from an off-suture cut or improper cutting that is completely separated from the half from which cut.

(3) *Partially detached piece.* A partially detached piece in the style of halves, is a piece which has the appearance of a slice resulting from an off-suture cut or improper cutting and is detached more than one-third the length of the half along the suture or approximately parallel with the suture. A partially detached piece, together with the unit to which it is attached is considered as one unit.

(c) (*A*) *classification.* The styles of halves and whole canned apricots that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" means that the units are very symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces in the style of halves, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(d) (*B*) *classification.* The styles of halves and whole canned apricots that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. A sample unit of the style of halves that possess more than 5 units which have off-suture cuts shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and symmetry" means that the units are reasonably symmetrical; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(e) (*C*) *classification.* The styles of halves and whole canned apricots that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Except for off-suture cuts in the style of halves, canned apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product; a sample unit of halves style that possesses more

than 8 units that have off-suture cuts shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and symmetry" means that the units may vary in size, thickness, and symmetry; and that the number of units that exceed the maximum weight variation, the number of detached or partially detached pieces, and/or the number of units of halves style that possess off-suture cuts do not exceed the applicable number specified in § 52.2655.

(f) (*SStd*) *classification.* Canned apricots that fail to meet the uniformity of size and symmetry requirements for Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2654 Defects.

(a) *General.* (1) The factor of defects refers to the degree of freedom from pit material, loose pits, harmless extraneous material, short stems, peel, minor blemishes, major blemishes, and crushed or broken units.

(2) Canned whole apricots shall be considered as halved along the suture and each half therefrom considered a separate unit in evaluating the factor of defects with respect to minor blemishes only. Each whole apricot shall be considered as a separate unit in ascertaining compliance with allowances for major blemishes.

(b) *Definitions*—(1) *Harmless extraneous material.* "Harmless extraneous material" means any harmless vegetable substance (such as, but not limited to, a leaf or portion thereof or a large stem) that is harmless.

(2) *Short stem.* A "short stem" means the short, thick, woody, stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.* "Pit material" means any whole pit in all styles other than whole styles or any portion of an apricot pit, regardless of size, except when whole apricot pits or apricot kernels are permitted as seasoning ingredients in other than whole style.

(4) *Loose pit.* A "loose pit" means a whole, unbroken pit not adhering to the flesh of a unit in the styles of whole apricots.

(5) *Minor blemish.* "Minor blemish" in unpeeled styles includes "freckles" and also means:

(i) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle one-eighth inch in diameter but do not exceed in the aggregate the area of a circle one-fourth inch in diameter; or

(ii) Single dark brown surface areas that do not exceed the area of a circle one-eighth inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle one-eighth inch in diameter and which do not affect materially the appearance of the unit are not considered "defects".

(6) *Major blemish.* "Major blemish" in canned apricots includes units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(i) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle one-fourth inch in diameter;

(ii) Blemishes that extend into the fruit tissue regardless of area or depth;

(iii) Single dark brown surface areas in unpeeled styles that exceed the area of a circle one-eighth inch in diameter, whether or not the unit is affected by minor blemishes; or

(iv) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(7) *Crushed or broken.* "Crushed or broken" means that:

(i) A unit in halves or whole style of canned apricots is "crushed" if the unit has definitely lost its normal shape and is crushed not due to ripeness; and

(ii) A unit in halves or whole style of canned apricots is "broken" if severed into definite parts; halves of canned apricots that are slightly or partially split or mashed from the edge to the pit cavity are not considered broken, or units in the style of peeled whole apricots that are mashed or very soft due to ripeness to the extent that the pit cavity is exposed or a seed missing therefrom is not crushed or broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining compliance with the allowances for this defect.

(c) (*A*) *classification.* Canned apricots that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655; and

(2) The number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(d) (*B*) *classification.* Canned apricots that are reasonably free from defects may be given a score of 24 to 26 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655;

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(e) (*C*) *classification.* Canned apricots that are fairly free from defects may be given a score of 21 to 23 points. Canned apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that:

(1) The amount of peel that may be present in peeled styles does not exceed the amount specified in § 52.2655;

(2) With respect to all styles, the number of other defects that may be present does not exceed the number specified for the applicable style in § 52.2655.

(f) (*SStd*) *classification.* Canned apricots that fail to meet the defect requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2654 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture, and condition of the flesh, the firmness and tenderness of the canned apricots and their tendency to retain their apparent original conformation and size without disintegration.

(b) *Definitions*—(1) *Good character.* "Good character" means that the units have a practically uniform tender, fleshy texture, typical of well-ripened, properly prepared and properly processed canned apricots; the units may be soft but hold their original conformation and size without material disintegration.

(2) *Reasonably good character.* "Reasonably good character" means that the units have a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or slightly ragged but are not mushy.

(3) *Fairly good character.* "Fairly good character" means that the units have a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy; the units may be lacking uniformity of tenderness; the units may be very soft to moderately firm or markedly ragged with frayed edges.

(4) *Poor character.* "Poor character" means the units may be lacking in fleshiness; may be not tender or may be very firm or may be mushy.

(c) (*A*) *classification.* Canned apricots that have a good character may be given a score of 27 to 30 points. To score in this classification, the number of units that possess reasonably good character does not exceed the number specified for the style in § 52.2655.

(d) (*B*) *classification.* Canned apricots that possess a reasonably good character may be given a score of 24 to 26 points. To score in this classification, the number of units that possess fairly good character does not exceed the number specified for the style in § 52.2655.

(e) (*C*) *classification.* Canned apricots that possess a fairly good character may be given a score of 21 to 23 points. Canned apricots that fall into this classification shall not be graded above U.S.

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TABLE V

STYLE—SLICED

Factor	Maximum allowances permitted					
	A		B		C	
	Indv.[1]	Avg.[2]	Indv.	Avg.	Indv.	Avg.
Color:						
Reasonably good	2		No limit		No limit	
Fairly good	0		0		No limit	
Poor	0		0		0	
Defects:						
Harmless extraneous material (Number of pieces)	0		1	0.15	1	0.5
Short stems	1	0.6	1		2	1.5
Peel	3/4 sq. in.		3/4 sq. in.		3/4 sq. in.	
Pit material (count)	1	0.3	1	0.8	1	0.8
Blemished—Minor	3		6	Including	10	Including
—Major	Including		1		6	
Character:						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		8	

[1] Indv.—means individual sample unit.
[2] Avg.—means average of all the sample units in the sample.

TABLE VI

STYLE—MIXED PIECES OF IRREGULAR SIZES AND SHAPES

Factor	Maximum allowances permitted					
	A		B		C	
	Indv.[1]	Avg.[2]	Indv.	Avg.	Indv.	Avg.
Color (ounce):						
Reasonably good	2		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	
Defects:						
Harmless extraneous material (number of pieces)	0		1	0.6	2	
Short Stem (count)	4		4		6	
Peel (peeled style only)	1/4 sq. in.		1/4 sq. in.		1 sq. in.	
Pit material (count)	2	0.7	2	0.7	2	0.7
Blemished—Minor (oz.)	1.5		3		6	
Major (oz.)	Including 0.75		Including 1		Including 3	
Character (ounce):						
Reasonably good	1.5		No limit		No limit	
Fairly good	0		3		No limit	
Poor	0		0		3	

[1] Indv.—means individual sample unit.
[2] Avg.—means average of all the sample units in the sample.

LOT INSPECTION AND CERTIFICATION

§ 52.2656 Ascertaining the grade of a lot.

The grade of a lot of canned apricots covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

SCORE SHEET

§ 52.2657 Score sheet for canned apricots.

Grade C, regardless of the total score for the product (this is a limiting rule). To score in this classification, the number of units that possess poor character does not exceed the number specified for the style in § 52.2655.

(f) *(SStd) classification.* Canned apricots that fail to meet the character requirements for Grade C may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

ALLOWANCES FOR QUALITY FACTORS

§ 52.2655 Allowances for quality factors.

TABLE IV

STYLES—HALVES AND WHOLE

Factors	Maximum allowances permitted					
	A		B		C	
	Indv.[1]	Avg.[2]	Indv.	Avg.	Indv.	Avg.
Color: (Number of units):						
Reasonably good	2		No limit		No limit	
Fairly good	0		1		No limit	
Poor	0		0		3	
UNIFORMITY OF SIZE (Number of units)						
Whole:						
Weight variation:						
More than 50%	1		No limit		No limit	
More than 75%	0		1		3	
More than 100%	0		0		3	
Halves:						
More than 50%	3		No limit		No limit	
More than 75%	0		3		8	
More than 100%	0		0		8	
Halves:						
Off-suture cuts and/or	2		7		15	
Detached and partially detached pieces	2		Including 7		Including 15	
Defects:						
Harmless extraneous material (No. of pieces)	0		1	0.6	2	
Short stem (count) peel	2		3		8	
	3/4 sq. in.		3/4 sq. in.		1 1/4 sq. in.	
Loose pits (whole style only—count)	3	1	5	1	5	1
Pit material (halves—count)	3	1	3	1	3	1
Crushed or Broken—						
Halves	2		2		2	
Whole	1		2		2	
Blemished—halves—minor	5		10		20	
	Including		Including		Including	
Major	2		5		10	
Whole: minor	1		2		20	
	Including		Including		Including	
Major	1		2		8	
Character:						
(Halves):						
Reasonably good	2		No limit		No limit	
Fairly good	0		5		No limit	
Poor	0		0		8	
(Whole):						
Reasonably good	1		No limit		No limit	
Fairly good	0		2		No limit	
Poor	0		0		2	

[1] Indv.—means individual sample unit.
[2] Avg.—means average of all the sample units in the sample.

Size and kind of container	
Container mark or Identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces); ( ) Heavy pack	
Brix measurement	
Sirup designation (Extra heavy, heavy, etc.)	
Style	
Count (halves, whole)	

Factors		Score points	
Color	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Uniformity of size and symmetry	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd)	[1] 0–13
Defects	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[1] 0–20
Character	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd)	[1] 0–20
Total score	100		

Varietal characteristics: ( ) Similar; ( ) Dissimilar	
Normal flavor and odor	
Grade	

[1] Limiting rule.

Dated: April 20, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6302 Filed 4-25-72;8:45 am]

[7 CFR Part 52]

CANNED SOLID-PACK APRICOTS

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the issuance of U.S. Standards for Grades of Canned Solid-Pack Apricots. This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than October 1, 1972, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed standard. Canned Solid-Pack apricots are at present included in the U.S. Standards for Grades of Canned Apricots.

The Canners League of California, representing a large number of the canners of the product, requested that the USDA amend the U.S. Standards for Grades of Canned Apricots to allow Canned Solid-Pack apricots to be assigned score points commensurate with the actual quality level, for color, defects, and character, while maintaining the present grade restriction.

Presently Canned Solid-Pack apricots are restricted to the Grade C score point range and a maximum grade of U.S. Grade C—Solid Pack.

A study of the problem provided the following facts:

(1) Canned apricots and Canned Solid-Pack apricots are actually two distinctive products differing in the number of applicable quality factors, product description, packing and processing methods. There is also little direct competition between the two products in the marketplace.

(2) Canned Solid-Pack apricots as they are presently packed vary enough to allow establishment of two meaningful quality levels.

(3) Because of the many styles and the multiple Food and Drug Standards of Identity requirements, the U.S. Standards for Grades of Canned Apricots, in effect now, is in need of simplification and revision.

(4) The Food and Drug Administration Standard of Identity covers Canned Apricots but not Canned Solid-Pack apricots.

The Department agrees that changes are required to make the U.S. Standards for Grades of Canned Apricots more effective and useful as a marketing tool. In regard to Canned Solid-Pack apricots, it is also apparent that an amendment to the present standard would not serve this purpose adequately.

Therefore, it is proposed to separate the product Canned Solid-Pack apricots from the present canned apricot standard and promulgate separate U.S. Standards for Grades of Canned Solid-Pack apricots.

The new standard, as here proposed, would cover two quality grades above substandard: U.S. Grade B (or U.S. Choice) and U.S. Grade C (U.S. Standard). The normal top quality classification of U.S. Grade A (or U.S. Fancy) has been omitted since the solid-pack product is not commensurate with this quality level.

The proposed standard is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.6241 Product description.
52.6242 Grades of canned solid-pack apricots.

FILL OF CONTAINER, DRAINED WEIGHTS

52.6243 Recommended fill of container.
52.6244 Recommended drained weights.

SAMPLE UNIT SIZE

52.6245 Sample units size.

FACTORS OF QUALITY

52.6246 Ascertaining the grade of a sample unit.
52.6247 Ascertaining the rating for the factors which are scored.
52.6248 Color.
52.6249 Defects.
52.6250 Character.

LOT INSPECTION AND CERTIFICATION

52.6251 Ascertaining the grade of a lot.

SCORE SHEET

52.6252 Score sheet for canned solid-pack apricots.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.6241 Product description.

Canned solid-pack apricots are prepared from mature, sound apricots (prunus armeniaca), pitted and peeled or unpeeled or any combination of peeled and unpeeled. The product is packed with or without dry nutritive sweetening ingredients, and is sufficiently processed by heat in hermetically sealed containers to assure its preservation.

§ 52.6242 Grades of Canned Solid-Pack Apricots.

(a) "U.S. Grade B" or "U.S. Choice" is the quality of the product that:
(1) Has normal flavor and odor;
(2) Has at least a reasonably good color;
(3) Has at least a reasonably good character;
(4) Is reasonably free from defects; and
(5) Scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade C" or "U.S. Standard" is the quality of the product that:
(1) Has normal flavor and odor;
(2) Has at least a fairly good color;
(3) Has at least a fairly good character;
(4) Is fairly free from defects; and
(5) Scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality that fails to meet the requirements of "U.S. Grade C".

FILL OF CONTAINER, DRAINED WEIGHTS

§ 52.6243 Recommended fill of container.

The recommended fill of container for canned solid-pack apricots is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of apricots as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

§ 52.6244 Recommended minimum drained weights.

(a) *General.* The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) *Definitions of symbols.* (1) LL—Lower limit for individual drained weights.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

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(2) $\overline{X}_d$—Minimum sample average drained weight value.

(c) *Method for ascertaining drained weight.* (1) The drained weight is determined by emptying the contents of the container upon a U.S. Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing the product to drain for 2 minutes.

(2) The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 12 inches in diameter is used.

(d) *Compliance with recommended minimum drained weights.* A lot of canned solid-pack apricots is considered as meeting the minimum drained weight recommendations if the following criteria are met:

(1) The average of the drained weights from all the sample units in the sample meets the recommended average drained weight (designated as $\overline{X}_d$) in Table I; and

(2) The number of sample units which fail to meet the recommended minimum drained weight for individuals (designated as LL) in Table I does not exceed the applicable acceptance number specified in Table II.

TABLE I—RECOMMENDED DRAINED WEIGHTS FOR CANNED SOLID-PACK APRICOTS

	LL	$\overline{X}_d$
	Ounces	*Ounces*
No. 10.	89.5	92.0

TABLE II—ACCEPTANCE NUMBERS FOR RECOMMENDED DRAINED WEIGHT

Sample size (number of sample units).	3	6	13	21	29	38	48	60	72
Acceptance No.	0	1	2	3	4	5	6	7	8

SAMPLE UNIT SIZE

§ 52.6245 Sample unit size.

For purposes of evaluating quality factors, the sample unit size shall be the entire contents of a No. 10 container or equivalent.

FACTORS OF QUALITY

§ 52.6246 Ascertaining the grade of a sample unit.

In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(a) *Factors not rated by score points.* (1) Flavor and odor.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
Color	20
Defects	40
Character	40
Total score	100

(c) *Definition of flavor and odor.* "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.6247 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which are scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.6248 Color.

(a) *General.* The color of canned solid-pack apricots refers to the characteristic color of the outer, uncut surfaces of the units, the varying degrees of "pale yellow areas", "light-greenish yellow areas", and "light green areas"; and the uniformity of the individual sample unit when viewed in mass.

(b) *Definitions*—(1) Reasonably well colored means that the units possess a color typical of reasonably well matured apricots. The units may possess pale yellow areas not exceeding one-half of the outer surface area, or may possess light greenish-yellow areas not exceeding one-fourth of the outer surface area. The units may possess a slight brown color due to oxidation, or other causes.

(2) Fairly well-colored means that the units may be pale yellow or may possess light greenish-yellow areas not exceeding one-half of the outer surface area, or greenish areas not exceeding one-fourth of the outer surface and/or may possess more than a slight brown color due to oxidation, or other causes, but not off-color.

(3) Poorly colored means that the units may possess light greenish-yellow areas exceeding one-half of the outer surface area, or green areas exceeding one-fourth of the outer surface area, or are off-color for any reason.

(c) *(B) classification.* Canned solid-pack apricots that possess a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that (1) the sample unit, in mass, is at least reasonably uniform in color; and (2) the apricots are at least reasonably well-colored, except that the weight of units that are fairly well-colored, and poorly colored does not exceed the weight specified in Table III.

(d) *(C) classification.* Canned solid-pack apricots that possess a fairly good color may be given a score of 14 to 16 points. "Fairly good color" means that (1) the sample unit, in mass, may be variable in color; and (2) the apricots are at least fairly well-colored, except that the weight of the units that are poorly colored does not exceed the weight specified in Table III. Canned solid-pack apricots that fall into this classification shall not be graded above U.S. Grade C, regardless of the total score for the product (this is a limiting rule).

(e) *(SStd) classification.* Canned solid-pack apricots that fail to meet the requirements of U.S. Grade C may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6249 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from pit material, harmless extraneous material, short stems, minor blemishes and major blemishes, severe blemishes, and from any other defect not specifically mentioned.

(b) *Definitions and explanations of defects*—(1) *Harmless extraneous material.* Any vegetable substance (such as, but not limited to, a leaf or portion thereof or a large stem) that is harmless.

(2) *Short stem.* The short, thick, woody stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.* Any whole pit or any hard portion of an apricot pit, regardless of size.

(4) *Minor blemish.* (i) Light brown to brown surface areas, including "freckles" which singly or in combination on a unit, exceed in aggregate the area of a circle one-eighth inch in diameter but do not exceed in the aggregate the area of a circle one-fourth inch in diameter.

(ii) Any blemish or abnormality whether or not specifically defined which more than slightly but not materially affects the appearance or eating quality of the product.

(5) *Major blemish.* (i) Light brown to brown surface areas which, singly or in the aggregate on a unit, exceed the area of a circle one-fourth-inch diameter.

(ii) Dark brown surface areas which singly or in the aggregate on a unit, exceed the area of a circle one-eighth inch in diameter, but do not exceed the area of a circle three-eighth inch in diameter whether or not the unit is affected by minor blemishes.

(iii) Blemishes that extend into the fruit tissue regardless of area or depth.

(iv) Any blemish whether or not specifically defined which materially affects the appearance of the unit.

(6) *Severe blemish.* (i) Dark brown surface areas which singly or in the aggregate, exceed the area of a circle three-eighth inch in diameter.

(ii) Any blemish or abnormality whether or not specifically mentioned that seriously affects the appearance of the unit.

(c) *(B) classification.* Canned solid-pack apricots that are reasonably free from defects may be given a score of 34 to 40 points. "Reasonably free" from defects means that the defects present do not exceed the allowances specified in Table III.

(d) *(C) classification.* Canned solid-pack apricots that are fairly free from defects may be given a score of 28 to 33 points. "Fairly free" from defects means that the defects present do not exceed the allowances specified in Table III. Canned solid-pack apricots that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard regardless of the total score for the product (this is a limiting rule).

(e) *(SStd) classification.* Canned solid-pack apricots that fail to meet the defect requirement of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6250 Character.

(a) *General.* The factor of character refers to the degree of ripeness, the texture and condition of the flesh, the firmness, and tenderness of the canned solid-pack apricots.

(b) *Definitions*—(1) *Reasoanbly good character.* "Reasonably good character" means that the units possess at least a reasonably uniform, reasonably tender texture typical of properly ripened apricots that are properly processed; the texture is at least reasonably fleshy, and the units are at least reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or ragged, but are not mushy.

(2) *Fairly good character.* "Fairly good character" means that the units possess a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy and the units may be lacking uniformity of tenderness or may be markedly ragged with frayed edges or may be very soft or mushy, or may be moderately firm.

(3) *Poor character.* "Poor character" means that the units may be very mushy or may be very firm.

(c) *(B) classification.* Canned solid-pack apricots that possess a reasonably good character may be given a score of 34 to 40 points. To score in this classification, the weight of the units that possess fairly good character and poor character does not exceed the weight specified in Table III.

(d) *(C) classification.* Canned solid-pack apricots that possess a fairly good character may be given a score of 28 to 33 points. To score in this classification, the weight of units that possess poor character does not exceed the weight specified in Table III. Canned solid-pack apricots that fall into this classification shall not be graded above U.S. Grade C or U.S. Standard, regardless of the total score for the product (this is a limiting rule).

(e) *(SStd) classification.* Canned-solid pack apricots which fail to meet the requirements of U.S. Grade C may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE III—ALLOWANCES FOR QUALITY FACTORS

Quality Factors	Grade B	Grade C
	(Ounces)	*(Ounces)*
Color:		
Fairly well-colored	9	
Poorly colored	Including 1	14
	(No. of defects)	*(No. of defects)*
Defects:		
Harmless extraneous material	0	3
Short stems	3	6
Pit material	3	6
Units affected by minor, major, and severe blemishes	18	36
Major blemishes	9	18
Severe blemishes	0	2
	(Ounces)	*(Ounces)*
Character:		
Fairly good character	9	
Poor character	2	15

LOT INSPECTION AND CERTIFICATION

§ 52.6251 Ascertaining the grade of a lot.

The grade of a lot of canned solid-pack apricots covered by these standards is determined by the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products". (§§ 52.1 through 52.87, 22 F.R. 3535)

SCORE SHEET

§ 52.6252 Score sheet for canned solid-pack apricots.

Size and kind of container			
Container mark or identification			
Label			
Net weight (ounces)			
Vacuum (inches)			
Drained weight (ounces)			
Degrees Brix (if sweetened)			

Factors		Score points	
Color	20	(B)	17–20
		(C)	[1] 14–16
		(SStd)	0–13
Defects	40	(B)	34–40
		(C)	[1] 28–33
		(SStd)	[1] 0–27
Character	40	(B)	34–40
		(C)	[1] 28–33
		(SStd)	[1] 0–27
Total score	100		

Normal flavor and odor	
Grade	

[1] Indicates limiting rule.

Dated: April 20, 1972.

G. R. GRANGE,
Acting Administrator.

[FR Doc.72-6303 Filed 4-25-72;8:45 am]

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of limes grown in Florida by establishing grades and sizes, pursuant to § 911.52 *Issuance of regulations,* which was recommended by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 36 F.R. 14125), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. While shipments of limes for the current season are currently underway a heavier volume of shipments is expected to begin on or about June 1, 1972. The size and grade requirements specified herein are designed to prevent the handling, on and after June 1, 1972, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 911.335 Lime Regulation 33.

(a) Order: During the period June 1, 1972, through April 30, 1973, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color, with not less than 75 percent, by count, of the limes in any container thereof grading at least U.S. No. 1, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags,

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may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirements.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

Dated: April 21, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6376 Filed 4-25-72;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 1]

[Docket No. 72-1]

CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL EFFECTS

Proposed Guidelines and Instructional Memorandum

Notice is hereby given that the Federal Highway Administration is considering the adoption of guidelines and instructional memorandum set forth below pursuant to section 136(b) of the Federal-Aid Highway Act of 1970, 23 U.S.C. 109(h). The purpose of the memorandum and the guidelines is to assure that all possible adverse economic, social, and environmental effects relating to any proposed highway project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects, and the following:

(1) Air, noise, and water pollution;

(2) Destruction or disruption of manmade and natural resources, aesthetic values, community cohesion and the availability of public facilities and services;

(3) Adverse employment effects, and tax and property value losses;

(4) Injurious displacement of people, businesses and farms; and

(5) Disruption of desirable community and regional growth.

The purpose of these guidelines is to build into State highway procedures specific processes whereby social, economic, and environmental effects will be considered, and to require, as part of the requirements of obtaining either design or location approval from the Federal Highway Administration, that adverse effects have been recognized and considered in making the determination to go forward with the project.

The proposed instructional memorandum changes PPM 20–8 by grouping the 23 factors listed in paragraph 4(c) of that memorandum into six general headings which are also expanded to encompass the matters set forth in section 136(b) of the 1970 Federal-Aid Highway Act. This memorandum further requires States, as part of their submissions for location or design approval after the effective date of the memorandum, or if such approvals have been given, upon a request for approval of plans, specifications and estimates to prepare a discussion of adverse social, economic, environmental, and engineering effects. The discussions must include a recognition of such adverse effects, an analysis of reasonable and prudent measures to eliminate or minimize such effects and the estimated cost of alternate measures considered. As much of this material has formerly been submitted in response to highway requirements under PPM 20–8 and the National Environmental Policy Act, State highway departments may make reference to studies formerly conducted if they meet the requirements of the memorandum.

It is contemplated that in order to meet the requirements of section 136(b) this instructional memorandum would take effect no later than October 1, 1972.

The process guidelines require each State highway agency to develop an action plan for meeting the requirements of section 136(b) within the framework set forth in those guidelines by October 1, 1973. It was viewed as impossible to have the States meaningfully meet the requirements of these guidelines before that date. The action plan adopted by each State will require the early identification of economic, social and environmental effects to permit complete analysis and consideration while alternatives are being formulated and evaluated. The plan will also require the involvement of other governmental agencies and the public early enough to influence both technical studies and final decisions of the plan, and will require full consideration of reasonable alternatives.

Other governmental agencies and the public must be fully informed of highway planning and their views solicited and considered at all phases of the highway planning procedure. In keeping with the requirements of the National Environmental Policy Act of 1969, a systematic, interdisciplinary approach to assure the integrated uses of the natural and social sciences and the environmental design arts in planning and decisionmaking is also to be structured into the action plan to assure that these goals are reached. Decisionmaking is required to be responsive to the technical studies, consideration of alternates, involvement of the public and interdisciplinary approach specified by the action plan.

The action plan would be formulated by each State highway department to meet the particular social, economic, and environmental conditions in various areas of the State and will be sufficiently detailed to assign responsibilities for the conduct of technical studies and for decisionmaking. The technical studies will be prepared as early as possible and meshed with the planning for highway projects within the State. Alternates will be required to be considered throughout the highway planning process in order to minimize adverse social, economic and environmental effects. The alternative of no highway construction and of serving transportation needs by means other than construction of highways must be specifically evaluated.

The proposed process guidelines further provide that these studies, public involvement, etc., are to be considered not only during project planning but during system planning as well. Because various regions of the individual States may demand different procedures in order to maximize the consideration of social, economic and environmental effects, different procedures may be adopted for these various regions. Further, because the full implementation of an action plan will require partial restructuring of highway departments, and the employment and training of persons in skills, in part, foreign to State highway departments, the guidelines also propose that the action plan may be implemented in stages.

Informal drafts of these guidelines have already been discussed with some interested groups and distributed to State highway departments.

Interested persons are invited to participate in the adoption of the proposed memorandum and guidelines by submitting written data, views, and arguments. Six copies of comments should be submitted to the Office of Environmental Policy, Federal Highway Administration, 400 Seventh Street SW., Washington, DC 20590. All comments received by May 15, 1972, will be considered before action is taken on the proposed guidelines.

Issued: Washington on April 12, 1972.

F. C. TURNER,
Federal Highway Administrator.

PPM 90—PROCESS GUIDELINES FOR CONSIDERATION OF ENVIRONMENTAL EFFECTS

A partial response to section 136(b) of the Federal-Aid Highway Act of 1970.

1. *Purpose.* To provide to highway agencies and Federal Highway Administration field offices guidelines for the development of Action Plans to assure adequate consideration of possible social, economic, and environmental effects of proposed highway projects and that the decisions on such projects are made in the best overall public interest. These guidelines identify issues to be considered in reviewing the present organization and processes of a highway agency as they relate to social, economic, and environmental considerations, and in developing desirable improvements. The guidelines recognize the unique situation of each State and do not prescribe specific organizations or procedures.

2. *Authority.* a. Title 23 U.S.C., section 109 (h) as contained in section 136(b) of the Federal-Aid Highway Act of 1970, Public Law

91–605, directs the following: "(h) Not later than July 1, 1972, the Secretary, after consultation with appropriate Federal and State officials, shall submit to Congress, and not later than 90 days after such submission, promulgate guidelines designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project on any Federal-aid system have been fully considered in developing such project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe and efficient transportation, public services, and the costs of eliminating or minimizing such adverse effects and the following:

"(1) Air, noise, and water pollution;

"(2) Destruction or disruption of manmade and natural resources, esthetic values, community cohesion and the availability of public facilities and services;

"(3) Adverse employment effects, and tax and property value losses;

"(4) Injurious displacement of people, businesses and farms; and

"(5) Disruption of desirable community and regional growth.

"Such guidelines shall apply to all proposed projects with respect to which plans, specifications and estimates are approved by the Secretary after the issuance of such guidelines."

3. *Definitions*—a. *Highway agency.* The State highway department or State Department of Transportation with the primary responsibility for initiating and carrying forward the planning, design, and construction of Federal-aid highway projects.

b. *Human environment.* The aggregate of all external conditions and influences (esthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the lives of humans.

c. *Environmental effects.* The totality of the effects of a highway project on the human and natural environment.

d. *A–95 Clearinghouse.* Those agencies and offices in State, metropolitan areas, and multi-State regions, which perform the coordination functions called for in the Office of Management and Budget Circular A–95.

e. The following definitions are provided solely to clarify the usage of the terms system planning, location, and design as they are used in these guidelines. A highway agency, however, may choose to use different definitions in responding to these guidelines. If not stated otherwise, the following definitions will be assumed to be applicable:

(1) *System planning.* Regional analysis of transportation needs and the identification of transportation corridors.

(2) *Location.* From the end of system planning through location approval.

(3) *Design.* From the completion of location approval through the approval of plans, specifications, and estimates.

4. *Policy.* It is the Federal Highway Administration's policy to assure that full consideration is given to economic, social, and environmental effects in the development of proposed Federal-aid projects, and that decisions are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing possible adverse economic, social, and environmental effects. To assure that project development procedures merit public confidence, it is the Federal Highway Administration's policy that:

a. Economic, social, and environmental effects are identified and studied early enough to permit analysis and consideration while alternatives are being formulated and evaluated;

b. Other agencies and the public are involved in project development early enough to influence technical studies and final decisions;

c. Appropriate consideration be given to reasonable alternatives, including the alternative of not building the project, and alternative modes.

5. *Application.* These guidelines apply to State highway agencies that propose projects for which plans, specifications, and estimates are approved by the Secretary. Other agencies forwarding projects for the approval of the Federal Highway Administration need not develop the "Action Plan" specified herein, but shall be guided by the principles herein in the development of such Federal-aid highway projects.

6. *Procedures.* a. To meet the requirements of these guidelines each highway agency shall develop an Action Plan which describes the organization and the processes to be followed in the development of Federal-aid highway projects from initial planning through design.

b. The Action Plan should be consistent with the requirements of PPM's 20–8, 90–1, and of other applicable directives.

c. Involvement of other State and local agencies, officials, and interested groups should be sought, including A–95 Clearinghouses, throughout the development stages of the Action Plan. Comments on the proposed Action Plan should be solicited from these agencies, groups, and individuals, and the plan forwarded to the Federal Highway Administration should include a summary of significant comments and views on the major features of the plan and the State's disposition of them. The Action Plan should also describe the steps taken to involve other agencies and the public during development of the plan.

d. The Action Plan shall be submitted to the Governor of the State for review and endorsement as a means of obtaining a high degree of interagency and intergovernmental coordination.

e. After approval by the Governor, the action plan shall be submitted to the Federal Highway Administration not later than April 1, 1973, for approval. The Federal Highway Administration will not give location approval on projects after October 1, 1973, unless the action plan has been approved.

7. *Implementation and revision.* a. The Federal Highway Administration may review the States' implementation of their action plans at appropriate intervals. The Federal Highway Administration may withhold approvals of requests for location approval if the plan is not followed.

b. If a Highway Agency prepares an Action Plan which requires major changes in organization and procedure which cannot be implemented by October 1, 1973, a program of staged implementation can be developed and described in the Plan. The Federal Highway Administration may withhold approval of requests for location approval if the schedule outlined by the State for staged implementation is not met.

c. The Action Plan may be revised by the Highway Agency. Major revisions will be reviewed and approved by the Federal Highway Administration by the same process as the initial Action Plan.

8. *Contents of the Action Plan.* a. The Action Plan shall indicate the procedures to be followed and the designation of positions, organizational units, or other agencies by the chief administrative officer within the Highway Agency to meet the requirements of these guidelines. Where participation of other agencies or consultants may be utilized, this should be so indicated.

b. The Action Plan shall detail the procedures to be followed and the assignment of responsibilities for the overall development of highway projects in accordance with these guidelines as elaborated in sections 9 through 15 of these guidelines.

c. The Highway Agency shall indicate the steps to be taken to implement the Plan, as elaborated in sections 16 through 18 of these guidelines.

CONDUCT OF STUDIES

9. *Identification of social, economic, and environmental effects.* a. Identification of potential social, economic, and environmental effects of alternative courses of action, both beneficial and adverse, should be made as early in the study process as feasible, in accordance with PPM 20–8 and IM.[1] Timely information on such effects should be produced so that the development and consideration of alternatives and studies can be influenced accordingly. Further, the costs, dollar and otherwise, of eliminating or minimizing possible adverse social, economic and environmental effects should be determined.

b. The Action Plan should identify:

(1) The assignment of responsibility for:

(a) Providing information on social, economic, and environmental effects in project studies (planning, location, and/or design stages);

(b) The control of technical quality of social, economic, and environmental studies;

(c) Monitoring current social, economic, and environmental research; monitoring environmental effects of completed projects, where appropriate; and for disseminating "state-of-the-art" information within the agency.

(2) Procedures to be followed to insure that timely information on social, economic, and environmental effects:

(a) Is developed in parallel with project alternatives and related engineering data, so that the development and selection of alternatives and other elements of technical studies can be influenced appropriately;

(b) Indicates the manner and extent to which specific groups and interests are beneficially and adversely affected by alternative proposed highway improvements;

(c) Is made available to other agencies and to the public early in project studies;

(d) Is developed with participation of staffs of local agencies and interested citizens;

(e) Is developed sufficiently to allow the estimates of costs of eliminating or minimizing the identified adverse effects.

10. *Consideration of alternative courses of action.* a. Alternatives considered should include, where appropriate, alternative types and scales of highway improvements and improvements to other transportation modes. The option of no highway improvement should be considered and used as a reference point for determining the beneficial and adverse effects of other alternatives. Appropriate alternatives which might minimize or avoid adverse social, economic, or environmental effects should be studied and described, particularly where there are unresolved conflicts concerning the use of available resources. The key trade-offs among the alternatives should be presented.

b. The Action Plan should identify the assignment of responsibility for and the procedures to be followed to insure that:

(1) The consequences of the no-highway-improvement option are set forth, with data of a level of completeness and of detail consistent with that developed for other alternatives;

(2) A range of alternatives is considered at each stage from system studies through final design;

(3) Nontransportation components of a comprehensive course of action, such as replacement housing programs, joint development and multiple use of rights-of-way, etc.,

[1] Proposed Instructional Memorandum, Exhibit C, Attached.

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are considered in effective coordination with transportation components.

(4) Suggestions from outside the agency are given careful consideration.

11. *Involvement by other agencies and the public.* a. The President has directed Federal agencies to "develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties" (Executive Order 11514). Policy and Procedure Memorandum 20–8 contains similar provisions. Interested parties should have adequate opportunities to express their views early enough in the study process to influence the course of studies, as well as the actions taken. Information about the existence, status, and results of studies should be made available to the public throughout those studies. The required public hearings (PPM 20–8) should be only one component of the agency's program to obtain public involvement.

b. The Action Plan should identify the assignment of responsibility and procedures to be followed:

(1) To ensure, throughout the duration of project studies that information made available to other agencies and the public is as clear and comprehensible as practicable concerning:

(a) The alternatives being considered;

(b) The effects of alternatives, both beneficial and adverse, and the manner and extent to which specific groups are affected;

(c) Right-of-way and relocation assistance programs and relocation plans;

(d) The proposed time schedule of project development.

(2) To ensure that interested parties, including local governments and metropolitan, regional, State and Federal agencies, and the public have an opportunity to participate in an open exchange of views throughout the stages of project development.

(3) To select and coordinate procedures, in addition to formal public hearings, to be used to obtain public involvement.

(4) To utilize appropriate agencies with areawide responsibilities to assist in the coordination of viewpoints during project development.

(5) To involve appropriately the organization which is officially established in urbanized areas of over 50,000 population to conduct continuing, comprehensive, cooperative transportation planning (consistent with PPM 50–9 and IM 50–3–71).

12. *Systematic interdisciplinary approach.* a. The National Environmental Policy Act of 1969 requires that agencies use "a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."

b. The Action Plan should indicate procedural arrangements or assignments of responsibilities which will be necessary to meet this requirement, including:

(1) The organization and staffing of interdisciplinary project teams, including the possible use of consultants and representatives of other State or local agencies.

(2) Recruitment and training of personnel with skills which are appropriate to add on a full-time basis, and the development of appropriate career patterns, including management opportunities;

(3) Additional training for present personnel to enhance their capabilities to operate as members of interdisciplinary teams.

PROCESS MANAGEMENT.

13. *Decisionmaking process.* a. The process of reaching various decisions on highway improvement projects should be reviewed to assure that it provides for the appropriate consideration of all economic, social, environmental, and transportation factors as required by these guidelines.

b. The Action Plan should identify:

(1) The processes through which other State and local agencies, Government officials, and/or private groups may contribute to reaching decisions, and the authority, if any, which other agencies or Government officials can exercise over decisions;

(2) Different decision processes, if any, for various categories of projects (e.g., interstate, primary, secondary, TOPICS) and for various geographic regions of the State (e.g., in various urban and rural regions) to reflect local differences in the nature of potential environmental effects or in the structure of local governments and institutions.

(3) The processes to be used to obtain participation in decisions by officials of appropriate agencies in other States for those situations in which the potential social, economic, and environmental effects are of interstate concern.

14. *Interrelation of system and project decisions.* a. Many significant economic, social, and environmental effects of a proposed project are difficult to anticipate at the system planning stage and become clear only during location or design studies. Conversely, many significant environmental effects of a proposed project are set at the system's planning stage. Decisions at the system and project stages shall be made with consideration of their social, economic, environmental, and transportation effects to the extent possible at each stage.

b. The Action Plan should identify:

(1) Procedures to be established to:

(a) Ensure that potential social, economic, and environmental effects are identified insofar as practicable in system planning studies as well as in later stages of project studies,

(b) Provide for reconsideration of earlier decisions which may be occasioned by further study, the availability of additional information, or the passage of time between decisions.

(2) Assignment of responsibility for ensuring that project studies are effectively coordinated with system planning on a continuing basis.

15. *Levels of action.* a. A highway agency may develop different procedures to be followed depending upon the economic, social, environmental, or transportation significance of the highway section to be developed. Different procedures may also be adopted for various categories of projects, such as TOPICS, new route location, or secondary roads; and for various regions of the State, such as urban areas or zones of particular environment significance.

b. The Action Plan should identify:

(1) The categories which the highway agency proposes to establish to distinguish the different degrees of effort which under normal circumstances will be devoted to various types of projects;

(2) Assignment of responsibility for determining, initially and in periodic reviews, the category of each ongoing highway project;

(3) Procedures to be followed for each category (including identification of impacts, public involvement, decision process, and other issues covered in these guidelines).

IMPLEMENTATION OF THE ACTION PLAN

16. *Responsibility for implementation.* Assignment of responsibility for implementation of the Action Plan should be identified.

17. *Fiscal and other resources.* a. An important component of the Action Plan is identification of resources of the highway agency and of other agencies required to perform the identified procedures and execute these responsibilities.

b. The Action Plan should identify:

(1) The resources of the highway agency (in terms of personnel and funding) that will be utilized in implementing and carrying out the plan.

(2) Resources that are available in other agencies to provide to the highway agency required information on social, economic, and environmental effects.

18. *Consistency with existing laws and directives.* The highway agency should identify and report, either in the Action Plan or otherwise, areas where existing Federal and State laws and administrative directives prevent or hamper full compliance with these guidelines, and should indicate planned or proposed actions to overcome such difficulties, including recommendations for new legislation, changes in administrative directives, and addition of trained personnel, fiscal, or other resources.

GUIDELINES FOR CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL EFFECTS (PPM 20–8 AMENDMENT)

1. *Purpose.* a. This memorandum is issued to assure that:

(1) Possible adverse economic, social, and environmental effects relating to any proposed federally funded project on any Federal-aid highway system have been fully considered in developing such project.

(2) Final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects.

b. Policy and Procedure Memorandum 20–8, issued January 14, 1969, provided guidance for the consideration of social, economic, and environmental effects in the design and location of highways. This instructional memorandum consolidates the list of effects in paragraph 4.c. of PPM 20–8 and the effects listed in 23 U.S.C. 109(h), and sets forth reporting procedures to assure that the general types of consequences that may be expected from construction of the proposed highway improvement are being considered with respect to costs, gains and losses.

2. *Authority.* Sections 135(a), 135(b) and 136(b) of the Federal-Aid Highway Act of 1970; 23 U.S.C. 109(h), 128(a) and 128(b).

3. *Application.* This memorandum applies to proposed projects which have not received PS&E (plans, specifications, and estimates) approval as of the effective date of this memorandum. These guidelines do not apply to projects which are already in various stages of construction or are exempt under the emergency provisions of paragraph 3.c. of PPM 20–8.

4. *Procedures.* a. As of the effective date of this memorandum, projects which have received design approval (as defined in PPM 90–1), may receive PS&E approval if otherwise satisfactory, on the basis of past State Highway Department submissions which identify and document the economic, social and environmental effects previously considered with respect to these advanced projects, together with a supplemental report, if necessary, covering the consideration and disposition of the items not previously covered and now listed herein in paragraph 4.b. The supplemental report shall be prepared by the State and submitted to the division engineer not later than the time of submission of PS&E documents for the next Federal-aid improvement of the highway section. This supplemental documentation may take the form of statements in the program submission (PR–1 or PR–9 forms and attachments), relative to the overall proposal being advanced, unless the division engineer determines that a more detailed report is warranted.

b. After the effective date of this memorandum a State highway department request for location and design approval, as required under PPM 20–8, shall be accompanied by reports and other documents showing that the development of the project has taken into consideration the need for fast, safe, and efficient transportation toegther with highway costs, traffic benefits and public services including provisions of national defense; and which discuss the anticipated economic, social, and environmental effects of the proposal and alternatives under consideration, to the extent applicable, on the following:

(1) "Regional and Community Growth" including general plans and proposed land use, total transportation requirements, and status of the planning process.

(2) "Conservation and Preservation" including soil erosion, sedimentation, and general ecology of the area; as well as man-made and natural resources, such as: Park and recreational facilities, wildlife and waterfowl areas, historic and natural landmarks.

(3) "Public Facilities and Services" including religious, health and educational facilities, and the availability of public utilities, fire protection and other emergency services.

(4) "Community Cohesion" including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.

(5) "Displacement of People, Business, and Farms" including relocation assistance, availability of adequate replacement housing, economic activity (employment gains and losses, etc.).

(6) "Air, Noise, and Water Pollution" including consistency with approved air quality implementation plans, FHWA noise level standards [if location approval was secured after July 1, 1972], and any relevant Federal or State water quality standards.

(7) "Aesthetic and Other Values" including visual quality, such as: "view of the road" and "view from the road", and the joint development and multiple use of space.

c. In addition to coverage of the significant differences and reasons supporting the alternative locations and designs, discussions of the above items and other economic, social, and environmental effects, which were raised during public hearings or which were otherwise considered, shall include: (1) Identification of the adverse effects, (2) appropriate measures to eliminate or minimize the adverse effects,

(3) The estimated costs (expressed in either monetary, numerical or qualitative terms) of the measures considered.

d. The degree of analysis of the items may vary, depending upon the scope and the nature of the project, the stage of project development, and the extent of the adverse effect.

e. Where material required by this memorandum has been previously submitted pursuant to other requirements, such as those in PPM's 20–8 or 90–1, the State highway department may either resubmit such material or make reference to it.

5. *Effective date.* The effective date of this memorandum is ----------[1].

[FR Doc.72–6357 Filed 4–25–72;8:49 am]

[1] At present, the effective date of this memorandum is not known. It will be within 90 days after the submission of the report to Congress, as required under section 136(b) of the Federal-Aid Highway Act of 1970, but not later than October 1, 1972.

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Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 95]

ASSISTANT ADMINISTRATOR FOR POPULATION AND HUMANITARIAN ASSISTANCE

Delegation of Authority Regarding Functions and Authorities

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, dated November 3, 1961 (26 F.R. 10608), from the Secretary of State and in furtherance of my decision relating to the establishment of a Bureau for Population and Humanitarian Assistance in the Agency for International Development, as announced in A.I.D. General Notice of February 1, 1972, it is hereby ordered as follows:

SEC. 1. There is hereby delegated to the Assistant Administrator for Population and Humanitarian Assistance, all of the authorities and functions which are specified in any regulation (published or unpublished), manual order, policy directives or determinations, manual circular or circular airgram or instruction or communication of any nature, relating to:

a. The coordination of foreign disaster relief operations;

b. The furnishing of humanitarian assistance (excluding assistance under title II of Public Law 480); and

c. The development and implementation of interregional programs involving private nongovernmental entities excluding universities and labor unions.

SEC. 2. The authorities and functions enumerated above shall include the authority to sign or approve Project Implementation Orders—Technical Services (PIO/T) and grants relating to the above areas of responsibility.

SEC. 3. Each of the following delegations of authority is amended by inserting among the names of the Assistant Administrators in those delegations, the title of the following officer: "Assistant Administrator for Population and Humanitarian Assistance."

a. Delegation of Authority No. 19, dated October 3, 1962 (27 F.R. 10374), as amended, with respect to Participating Agency Service Agreements.

b. Delegation of Authority No. 40, dated April 17, 1964, (29 F.R. 5695), relating to Waivers of Procurement Source Requirements.

SEC. 4. Delegation of Authority No. 41, dated May 8, 1964 (29 F.R. 6892), relating to the Furnishing of Services and Commodities pursuant to section 607 of the Foreign Assitance Act of 1961, as amended, is amended by inserting the title "Assistant Administrator for Population and Humanitarian Assistance" after the title "Assistant Administrator for Administration" in paragraph 2.

SEC. 5. Delegation of Authority No. 76, as amended, is hereby revoked. The Assistant Administrator for Population and Humanitarian Assistance shall exercise the functions set forth in section 203 of Public Law 480 as amended, and in section 216 of the Foreign Assistance Act of 1961, as amended, of authorizing payment of transportation costs of shipments by voluntary agencies.

SEC. 6. The authorities made available hereunder may be exercised by an officer serving in an acting capacity and may be redelegated by the Assistant Administrator for Population and Humanitarian Assistance.

SEC. 7. Currently effective redelegations of authority issued by the Director, Office for Private Overseas Programs are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

SEC. 8. This delegation of authority shall be effective immediately.

Dated April 18, 1972.

JOHN A. HANNAH,
Administrator.

[FR Doc.72-6337 Filed 4-25-72;8:47 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

CAST IRON SOIL PIPE FITTINGS FROM POLAND

Withholding of Appraisement Notice

Information was received on January 14, 1971, that cast iron soil pipe fittings from Poland were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of July 20, 1971, on page 13338. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of cast iron soil pipe fittings from Poland is less, or is likely to be less, than the constructed value (section 206 of the Act; 19 U.S.C. 165).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and constructed value.

Purchase price will probably be calculated by deducting ocean freight charges from the C & F east coast price.

Since the merchandise under consideration was produced in a controlled economy country, constructed value will probably be based on the home market prices at which such or similar merchandise is sold by a non-controlled economy country. The country chosen for this purpose will probably be West Germany.

The home market price in West Germany will probably be based on the ex-factory price in the West German market. A deduction will probably be made for a discount. Adjustments will probably be made for differences in the merchandise.

Customs officers are being directed to withhold appraisement of cast iron soil pipe fittings from Poland in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), (153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (4-26-72). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 24, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-6475 Filed 4-25-72;9:25 am]

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCES. For a document relating to a joint call for report of condition of insured banks, issued jointly by the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see F.R. Doc. 72-6335, Federal Deposit Insurance Corporation, *infra.*

Internal Revenue Service

[Price Commission Ruling 1972-144]

CUMULATIVE PRICE INCREASES BY NONINSTITUTIONAL PROVIDERS

Price Commission Ruling

Facts. Dr. X, a noninstitutional provider of health services, last raised his fees on January 1, 1971. It had been his practice to review his prices every 2 years and update them depending on the general increase in the cost of living as it applied to his practice. It also was his practice not to make an adjustment in his fees if the adjustment would be less than 5 percent. Under Economic Stabilization Regulations, 6 CFR 300.19(c), 36 F.R. 25384 (December 30, 1971), he would be limited to a 2½-percent increase based on allowable costs. It is not his desire to increase his fees 2½ percent even though the allowable cost increases since his last fee increase would more than justify it. However, in accordance with his normal practice he would like to review his fees on January 1, 1973, and make an adjustment, if justified, for the period since his last increase. He intends, if cost justified, to add the 2½ percent that he could take January 1, 1972, to the 2½ percent that would be justified January 1, 1973 or, in other words, to increase his fees 5 percent on January 1, 1973.

Issue. May Doctor X carry over any unused portion of the 2½ percent allowed increase from 1 year to the next?

Ruling. Yes. If Doctor X does not raise his fees on an aggregate basis up to the limit of 2½ percent in 1972 based on allowable costs incurred since January 1, 1971, or his last price increase, he may adjust his fees January 1, 1973, up to 5 percent by adding the 2½ percent justified by allowable costs in 1973 and the portion of 1972 not previously taken.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 20, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel, Internal Revenue Service.

Approved: April 20, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel, Department of the Treasury.

[FR Doc.72-6319 Filed 4-25-72;8:45 am]

[Price Commission Ruling 1972-145]

DEFINITION OF CONTROL

Price Commission Ruling

Facts. F, a large nonfood franchiser with gross sales of $500 million per year, leased to X the right to open up an outlet. X put up a limited amount of his own capital and received financing from F's credit subsidiary. F will then construct the outlet and X will manage the outlet. X must buy all his supplies from F. X has now opened the outlet and has annual revenues of $150,000.

Issue. Is X exempted from the posting requirements by Economic Stabilization Regulation, 6 CFR 300.13(e), 37 F.R. 1244 (January 27, 1972)?

Ruling. X is exempt from the posting requirements by § 300.13(e). Section 300.13(e) provides, "that paragraphs B and C don't apply to retailers with revenues of less than $200,000 annually * * *.". Economic Stabilization Regulation, 6 CFR 300.5, 37 F.R. 3913 (February 24, 1972) defines a retailer, "a person who carries on the trade or business of purchasing property and without substantially changing the form of the property, reselling it to ultimate consumers, and whenever the Price Commission considers it appropriate, includes any retailing subsidiary, division, affiliate or similar entity that is a part of, or is directly or indirectly controlled by, another person".

The franchiser's economic control over the franchisee does not bring the franchisee within the meaning of control in § 300.5. Since F has no interest in X other than selling products, X is deemed not to be controlled by F and does not have to post base prices, but is required to post signs announcing the availability of base price information.

This ruling has been approved by General Counsel of the Price Commission.

Dated: April 20, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel, Internal Revenue Service.

Approved: April 20, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel, Department of the Treasury.

[FR Doc.72-6320 Filed 4-25-72;8:45 am]

[Price Commission Ruling 1972-147]

LIQUOR AS A FOOD PRODUCT

Price Commission Ruling

Facts. Retailer is in the business of selling alcoholic beverages to be consumed off the premises. He owns stores in two States. In State A, retail prices are controlled by the State. There is no price regulation in State B.

Issue. What base prices must retailer post?

Ruling. Retailer must post base prices for all of his alcoholic beverages. Economic Stabilization Regulations 6 CFR 300.13(b)(1)(i), 37 F.R. 2843 (February 8, 1972) requires a retailer to post base prices for all of its food products. The term "food products" was intended by the Price Commission to be interpreted in its broadest sense, i.e., anything serving as material for consumption. The word "food" would have been used had the Price Commission intended to restrict base price posting to solid edibles. "Food products" was used to include beverages, food additives, preservatives, spices and any other consumable product not generally regarded as food. As a general guide, retailers should consult the Standard Industrial Classification Manual. Alcoholic beverages are included in Major Group 20, Food and Kindred Products.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 20, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel, Internal Revenue Service.

Approved: April 20, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel, Department of the Treasury.

[FR Doc.72-6321 Filed 4-25-72;8:45 am]

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bowman, Albert R., Gay Street, Salisbury, Pa., convicted on March 24, 1956, in the Court of Quarter Sessions of Somerset County, Pa.

Clemons, Daniel Clinton, 1405 Garden Avenue, Waterloo, IA, convicted on or about October 6, 1965, in the Delaware County District Court, State of Iowa; and on or about August 23, 1968, in the Black Hawk County District Court, State of Iowa.

Cogburn, Alvin Lee, 4511 Bryan Street, Apartment T, Dallas, TX, convicted on March 14, 1958, in the Superior Court for Los Angeles County, Calif.

Cote, Rene L., Saco Avenue, Old Orchard, Maine, convicted on June 1, 1967, in the York County Court, Maine.

Crum, Wayne Edward, Ferrum, Va., convicted on May 4, 1964, June 20, 1964, and on or about November 17, 1967, in the U.S. District Court for the Western District of Virginia, Roanoke Division.

Endsley, Leon Edwin, Route 1, Box 1355, Roseburg, OR, convicted on January 2, 1969, in the Superior Court of the State of California, in and for the County of Merced.

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Falconieri, Joseph Richard, Central Avenue, Peak's Island, Portland, Maine, convicted on July 11, 1960, in the Cumberland County Superior Court, Portland, Maine; and on March 4, 1961, in the Portland Municipal Court, Portland, Maine.

Fleischer, Eugene, Rural Route 3, McGregor, Minn., convicted on March 23, 1949, and on March 17, 1952, in the Ramsey County District Court, St. Paul, Minn.; and on April 29, 1955, in the Hennepin County District Court, Minneapolis, Minn.

Fowler, David Junius, Route 2, Box 97, Courtland, VA, convicted on June 30, 1958, and on December 8, 1959, in the Nansemond County Circuit Court, Va.

Huff, Tommy Lawrence, 1510 Bradner Place South, Seattle, WA, convicted on August 8, 1966, in the Superior Court of the State of Washington for King County.

Hurst, Oscar Barnes, Route 1, Hiwassee, Va., convicted on September 1, 1944, in the Pulaski County Circuit Court, State of Virginia.

Kirk, Edgar, Box 234, Jonesville, VA., convicted on September 13, 1968, in the U.S. District Court, Western District of Virginia, Abingdon Division.

McCurdy, Raymond L., Jr., Box 182, Homer City, PA., convicted on February 20, 1961, in the Quarter Sessions Court, Ind.

Maldonado, George, 2095 Grand Concourse, Bronx, NY, convicted on November 24, 1952, in the Bronx County Court, N.Y.

Morgan, Paul Emmanuel, 3004 Brightseat Road No. 202, Lanham, MD, convicted on November 17, 1960, in the U.S. District Court for the District of Columbia.

Muloch, Wesley Harold, 105 Lost Street, Bonanza, OR, convicted on October 30, 1931, in the Superior Court of California in and for the County of San Diego.

Novitch, Robert Melvin, Sr., 3521 28th Avenue West, Seattle, WA, convicted on or about April 19, 1957, on or about October 14, 1957, on October 26, 1964, and on June 16, 1966, in the Cuyahoga County Court of Common Pleas, Ohio.

Paluch, Daniel Joseph, 5934 Chene Street, Detroit, MI, convicted on August 21, 1953, in the Recorder's Court for the city of Detroit, Mich.; and on August 15, 1955, in the Presque Isle County Circuit Court, Michigan.

Paradise, Thomas Joseph, 151 Mystic Street, Arlington, MA, convicted on September 14, 1954, in the Superior Court of Norfolk County, Mass.

Pitcher, David LaMar, 334 North Main, Smithfield, UT, convicted on March 9, 1964, in the First District Court of Utah, Logan, Utah.

Potterf, Albert Raymond, 2525 Cleveland Avenue, Everett, WA, convicted on October 4, 1965, in the Superior Court of the State of Washington, in and for the County of Jefferson.

Sanslow, Harold E., 270 West Second South No. 37, Salt Lake City, UT, convicted on September 22, 1952, in the District Court in and for Carbon County, State of Utah.

Scott, Alfred W., 52 Kingsgate Drive, Columbia, SC, convicted on February 16, 1964, in the U.S. District Court in and for the Eastern District of South Carolina.

Spann, William Fred, 443 Harvey Street, Pontiac, MI, convicted on October 9, 1963, and on December 18, 1962, in the Oakland County Circuit Court, State of Michigan.

Steele, David L., Rocky Ford Route, Porcupine, S. Dak., convicted on October 18, 1966, in the U.S. District Court for the District of South Dakota, Western Division.

Suiter, Donald E., 644 St. Joe Street, Spearfish, SD, convicted on June 22, 1970, in the Circuit Court of the Eighth Judicial Circuit, Lawrence County, S. Dak.

Van Nest, Charles William, Post Office Box 493, Nogales, AZ, convicted on September 4, 1959, in the Superior Court of San Bernardino County, Calif.; and on October 5, 1959, in the Municipal Court of Riverside Judicial District, Riverside County, Calif.

Wilson, Gary A., 3124–60 Street, Kenosha, WI, convicted on December 9, 1968, and on December 5, 1969, in the Kenosha County Court, Branch III, Kenosha, Wis.

Wolfe, Linnie Vale, R.F.D. Box 60, Ferndale, CA, convicted on May 24, 1968, in the Superior Court of California, County of Humboldt, Eureka, Calif.

Signed at Washington, D.C., this 19th day of April 1972.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco and Firearms Division.

[FR Doc.72–6374 Filed 4–25–72;8:49 am]

Office of the Secretary

[Treasury Dept. Order 82, Supp. 1]

OFFICE OF SECURITY

Transfer of Departmental Functions

By virtue of the authority granted to the Secretary by Reorganization Plan No. 26 of 1950, and delegated to me by Treasury Order No. 190 (Revision 7), the Office of Security is hereby abolished and its functions, with related staffing and records, transferred as follows:

To the Office of Personnel: Personnel security, pursuant to E.O. 10450, as amended.

To the Office of Administrative Programs: document security; communications security; buildings security; industrial security program, pursuant to E.O. 10865, as amended.

Program provisions of the following issuances remain in effect, modified only to the extent of the above transfer of functions:

1. Treasury Department Order No. 82, revised March 9, 1966.
2. TDO No. 160, revised July 16, 1968.
3. TDO No. 160–1.
4. TDO No. 160–3.
5. TDO No. 194, Rev. 2.
6. TDO No. 209, revised February 6, 1969.
7. Treasury Personnel Manual Chapter 736.
8. Administration Circular No. 208, April 5, 1971.
9. Administration Circular No. 191.
10. OAP Order No. 1.

Dated: April 20, 1972.

WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.72–6373 Filed 4–25–72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4977]

CALIFORNIA

Opening of National Forest Lands

APRIL 17, 1972.

Pursuant to the vacating order of the Federal Power Commission issued January 6, 1972, and by virtue of the authority contained in Section 24 of the Act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and in accordance with the authority redelegated to me by the State Director, California State Office, Bureau of Land Management, effective January 12, 1972 (37 F.R. 491), it is ordered as follows:

1. The Commission finds that the lands are no longer needed for power development and that the withdrawal for Project No. 237 should be vacated. The areas described below are hereby restored to disposition under applicable laws from the withdrawal for Federal Power Project No. 237, withdrawn on July 25, 1921, and April 6, 1922, subject to valid existing rights and the provisions of existing withdrawals.

TAHOE NATIONAL FOREST
MOUNT DIABLO MERIDIAN

T. 17 N., R. 10 E.,
Sec. 2, S½NE¼, NE¼SW¼, S½SW¼, NW¼SE¼;
Sec. 3, SE¼NE¼, lots 3 and 4, S½NW¼ (NW¼), SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 4, lots 1, 2, 3, 6, 7, and 13, portions of lots 37, 39, and 44A (NE¼, part of S½NW¼, and part of SW¼);
Sec. 9, lot 3 (part of N½NW¼), lot 4 and portion lot 39 (SW¼NW¼); and
Sec. 10, N½N½.
T. 18 N., R. 10 E.
Sec. 24, lot 1, SW¼SE¼ (S½SE¼);
Sec. 25, lot 4, lots 1 and 5 (N½NE¼), lot 6, portion lot 68 (NE¼NW¼), portion lot 8, lots 7 and 12, portion lots 68 and 69 (S½NW¼), lot 13, S½NE¼SW¼, NW¼SW¼ (N½SW¼), SW¼SW¼;
Sec. 34, SE¼SW¼, lots 9 and 10, portion lot 75 (S½SE¼);
Sec. 35, lots 1 and 2, W½NE¼ (NE¼), lot 7 and portion lot 75 (NW¼SW¼), lot 3 and NW¼SE¼ (N½SE¼), SW¼SE¼; and
Sec. 36, lots 1, 2, 9, 10, 11, and 12, W½NE¼, lot 6 (NW¼NW¼, NW¼SE¼).
T. 18 N., R. 11 E.,
Sec. 10, S½NE¼, NE¼SW¼, N½N½SW¼ SW¼, N½SE¼SW¼, N½S½SE¼SW¼, NW¼SE¼;
Sec. 12, N½N½, SE¼;
Sec. 14, lot 1, portion lot 68, NE¼SW¼, NW¼SE¼ (N½SW¼, NW¼SE¼);
Sec. 15, lots 5, 6, and 11, portion lots 38, 67, and 68, SE¼SW¼, W½SE¼ (S½SW¼, N½SE¼, SW¼SE¼);
Sec. 16, lots 2 and 3, lot 4 of NE¼, lot 4 of SW¼, lot 6, portion of lots 38, 51, and 52, and portion M.S. 3919, NE¼NE¼, SW¼NE¼, N½SW¼, SE¼SW¼, W½SE¼ (NE¼NE¼, S½NE¼, SW¼, NW¼SE¼, S½SE¼);
Sec. 17, lot 6, E½SE¼;
Sec. 19, lots 9 and 10;
Sec. 20, NE¼NE¼, W½NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 21, N½N½;
Sec. 30, lots 1 and 2, N½ lot 3, lot 13, portion lot 48 and M.S. 3803 (lot 8), lots 9 and 10, N½NE¼, SW¼NE¼, NW¼SE¼; and
Sec. 31, lot 1, NE¼NW¼.
T. 18 N., R. 12 E.,
Sec. 2, lots 1, 2, 3, and 4, SE¼NW¼;
Sec. 6, lot 7, SE¼SW¼, S½SE¼ (S½S½); and
Sec. 7, lots 1, 2, and 3, NE¼NE¼, W½NE¼, E½NW¼, NE¼SW¼.
T. 19 N., R. 12 E.,
Sec. 24, E½, SE¼NW¼, N½SW¼, SW¼SW¼;
Sec. 26, NW¼NE¼, NE¼NW¼, S½NW¼;
Sec. 32, SE¼SE¼;
Sec. 34, N½NW¼, SW¼NW¼; and
Sec. 36, W½NW¼.

The area described aggregates approximately 6,372.25 acres in Nevada County within the Tahoe National Forest. Some of the lands are embraced in other withdrawals and some are patented.

2. At 10 a.m., May 29, 1972, the unappropriated lands shall be open to such forms of disposal as may by law be made of national forest lands, subject to existing withdrawals, and the requirements of applicable laws and regulations.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.72–6355 Filed 4–25–72;8:48 am]

Office of the Secretary

ROBERT W. THOMAS, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) I am no longer a stockholder in the Columbia Corp.
(3) None.
(4) None.

This statement is made as of March 31, 1972.

Dated: April 5, 1972.

R. W. THOMAS, Jr.

[FR Doc.72–6336 Filed 4–25–72;8:47 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

FEDERAL BUREAU OF INVESTIGATION ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles appearing at page 7642 in the FEDERAL REGISTER of Tuesday, April 18, 1972, the following docket should be deleted:

Docket No. 71–00296–00–61800. Applicant: Central Florida Museum and Planetarium, 810 East Rollins Avenue, Orlando, FL 32803. Article: Planetarium projector, Model MS–10. Date of denial without prejudice to resubmission: November 30, 1971.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72–6329 Filed 4–25–72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6550]

CERTAIN DRUGS CONTAINING METHOXYPHENAMINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

Orthoxine Hydrochloride Tablets and Syrup, containing methoxyphenamine hydrochloride; The Upjohn Co., 7171 Portage Road, Kalamazoo, Mich. 49002 (NDA 6–550).

These drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Methoxyphenamine hydrochloride in the recommended dose is possibly effective for use in bronchial asthma, allergic rhinitis, acute urticaria, gastrointestinal allergy, and allergic headache.

B. *Marketing status.* Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 6550, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6342 Filed 4–25–72;8:47 am]

[DESI 12056]

CERTAIN SULFONAMIDES IN COMBINATION WITH PHENAZOPYRIDINE HYDROCHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Azo Gantanol Tablets containing sulfamethoxazole and phenazopyridine hydrochloride; Roche Laboratories, Division of Hoffmann-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 17110 (NDA 13–294).

2. Azo Kynex Tablets containing sulfamethoxypyridazine and phenazopyridine hydrochloride; Lederle Laboratories, Division of American Cyanamid Co., West Middletown Road, Pearl River, N.Y. 10965 (NDA 12–056).

The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that these fixed combination drugs will have the effects that they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, including their recommended use in certain urinary tract infections associated with pain or discomfort, and that each component of the combination contributes to the total effects claimed for the drug.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above-listed new-drug applications.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for these drugs and any interested person who might be adversely affected by their removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the FEDERAL REGISTER.

To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered

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on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS–NRC reports for these drugs is made to give notice to persons who might be adversely affected by their withdrawal from the market. Any related drug for human use, not the subject of an approved new-drug application, may be affected by this action.

A copy of the Academy's report has been furnished to each firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 12056, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 11, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6344 Filed 4–25–72;8:48 am]

[Docket No. FDC–D–456]

DELTA LABORATORIES

Zinc Bacitracin-Neomycin Sulfate-Polymyxin Ointment; Notice of Withdrawal of Approval of New Animal Drug Application

In the FEDERAL REGISTER of August 5, 1970 (35 F.R. 12494, DESI 0053NV), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of the report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Triple Antibiotic Ointment, Towne (a product which contains zinc bacitracin, neomycin sulfate, and polymyxin B sulfate) manufactured by Delta Laboratories, Division of Anabolic, Inc., 1050 West Florence Avenue, Inglewood, Calif. 90302.

Delta Laboratories advised the Commissioner that they no longer manufacture drugs.

Based on the grounds set forth in said announcement and the firm's response, the Commissioner concludes that the antibiotic application for the above-named product should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of the antibiotic application for the above-named product is hereby withdrawn effective on the date of publication of this document.

Dated: April 17, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6340 Filed 4–25–72;8:47 am]

[DESI 9410]

TALBUTAL TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Lotusate Tablets containing talbutal, marketed by Winthrop Laboratories Division of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016 (NDA 9–410).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that talbutal tablets are:

1. Probably effective for use as a sedative and hypnotic;

2. Lacking substantial evidence of effectiveness when labeled for use in alcoholism, delirium tremens, psychosis, hysteria, and cardiovascular failure; and

3. Possibly effective for their other labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new-drug application for a drug which is classified in paragraph A.2 above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an indications section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A.2 above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74); and recommend use of the drug for the probably effective indication as follows: (The possibly effective indications may also be included for 6 months).

INDICATIONS

For use as a sedative and hypnotic.

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (d), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective and possibly effective.

A copy of the Academy's report has been furnished to the firm referred to above. Communications forwarded in response to this announcement should be identified with the reference number DESI 9410, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Requests for the Academy's report: Drug Efficacy Study Information Control (BD–67), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 7, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6343 Filed 4–25–72;8:47 am]

[DESI 6811]

ISONIAZID

Drugs for Human Use; Drug Efficacy Study Implementation; Labeling; Correction

In F.R. Doc. 71–14676 appearing at page 19520 in the October 7, 1971, issue of the FEDERAL REGISTER, the labeling section titled "Acute Poisoning" is corrected to read "Overdosage", and the first line of the paragraph immediately following is corrected to read, "Isoniazid overdosage is characterized • • •"

Dated: April 12, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–6345 Filed 4–25–72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

COMMANDANT OF THE COAST GUARD

Delegation of Authority

Pursuant to the authority of section 205 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U.S.C. section 486), the Administrator for General Services has delegated authority to the Secretary of Transportation with respect to the leasing of certain property from the University of Connecticut (Federal Property Management Regulations, Temporary Regulation D–33, issued February 7, 1972).

The property is located at the University of Connecticut Extension Facility at Groton, Conn., and will be used by the Coast Guard as a research and development laboratory. The delegation to the Secretary permits redelegation of the authority within the Department of Transportation.

Therefore, the Commandant of the Coast Guard is delegated authority to perform all functions in connection with leasing approximately 50,000 square feet of space in Building 23 and several smaller facilities located on the University of Connecticut Extension Facility, Groton, Conn. This delegation of authority is subject to the limitations and conditions as set forth in Temporary Regulation D–33, Federal Property Management Regulations, and may be redelegated within the Department of Transportation.

This delegation is effective February 7, 1972.

Issued in Washington, D.C., on March 20, 1972.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.72–6322 Filed 4–25–72;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission ("the Commission") has issued, effective as of the date of issuance, Amendment No. 3 to Facility License No. CX–21, as amended November 17, 1969. The license authorizes the National Aeronautics and Space Administration (NASA) to possess, use and operate a critical experiment facility (designated the Zero Power Reactor II) on NASA's Lewis Research Center site in Cleveland, Ohio, at steady state power levels up to 100 watts (thermal). The amendment increases (from 10,000 pounds to 15,000 pounds) the amount of depleted uranium that NASA is authorized to receive, possess and use in connection with operation of the subject facility and extends the expiration date of the license from April 12, 1972 to April 12, 1980, in accordance with NASA's application dated February 11, 1972. This increase in the quantity of source material does not alter presently approved operating plans nor the safety considerations associated with operation of the facility.

The Commission has found that the application for the license amendment dated February 11, 1972, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations, which are set forth in the amendment, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission also has found that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated February 11, 1972, and (2) the amendment to the facility license, both of which are available for public inspetcion at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of item (2) above may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of April 1972.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72–6326 Filed 4–25–72;8:46 am]

[Docket No. 50–297]

NORTH CAROLINA STATE UNIVERSITY

Order Extending Construction Permit Completion Date

North Carolina State University having filed a request dated March 28, 1972, for an extension of the latest completion date specified in Construction Permit No. CPRR–106 which authorizes construction of the PULSTAR nuclear research reactor facility on the University's campus at Raleigh, N.C.; and

Good cause having been shown for this extension pursuant to section 185 of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.55(b) of the Commission's regulations: *It is hereby ordered*, That the latest completion date of Construction Permit No. CPRR–106 is extended from May 1, 1972 to September 1, 1972.

This order is effective as of the date of issuance.

Date of Issuance: April 14, 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc. 72–6327 Filed 4–25–72;8:46 am]

[Docket No. 50–367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Order Scheduling Prehearing Conference

On December 29, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER a notice of hearing to consider the application filed by the Northern Indiana Public Service Co. for a construction permit which would authorize the construction of a boiling water reactor, identified as Bailly Generating Station, Nuclear 1. Notice of the establishment of an Atomic Safety and Licensing Board and of its membership was issued by the Commission on January 12, 1972, authorizing the Board designated therein to set the date and place of the hearing and the date and place of a prehearing conference in advance of the hearing. Pursuant to such authorization, notice is hereby given that a prehearing conference in the captioned proceeding will be held on May 9, 1972, in Valparaiso, Ind.

All members of the public are entitled to attend this prehearing conference and any subsequent prehearing conferences as well as the full evidentiary sessions of

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the hearing in this proceeding. The prehearing conference on May 9, 1972, however, will be conducted in accordance with § 2.752 of 10 CFR Part 2 of the Commission's rules of practice which provides for the development of procedures for the evidentiary hearing which will be scheduled for a later time and public notice given. The procedures to be considered on May 9 will be related to identification of parties, simplification and clarification of issues, discussion of procedures to be followed at the hearing and other matters which will aid in the conduct and expeditious disposition of the case to be presented in a full public hearing at a later date.

The prehearing conference on May 9, 1972, will not receive any evidence, nor will there be an opportunity for presentation of statements from members of the public who desire to make limited appearances for that purpose. All statements that members of the public desire to make in this proceeding by way of limited appearance pursuant to § 2.715 of the rules of practice will be received on the initial day or days of the evidentiary hearing which will be scheduled at a later date, public notice of which will be given, both by publication and by notice sent by mail directly to all members of the public who have requested to be notified.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a prehearing conference in this proceeding shall convene at 10 a.m. on Tuesday, May 9, 1972, in the courtroom, Circuit and Superior Court, Courthouse, Lincolnway Street, Valparaiso, Ind. 46383.

Issued: April 20, 1972, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.72-6314 Filed 4-25-72;8:45 am]

[Docket No. 50-139]

UNIVERSITY OF WASHINGTON

Notice of Issuance of Facility License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 9 to Facility License No. R-73. The license presently authorizes the University of Washington to possess, use and operate the Argonaut-type nuclear reactor located on its campus in Seattle, Wash., at steady-state power levels up to 100 kilowatts (thermal). The amendment incorporates technical specifications in the license for operation of the reactor which include provisions for an increase (from 0.60 percent to 2.3 percent delta k/k) in the core excess reactivity in accordance with the University's request notarized March 22, 1972. In addition, the amendment restates the license in its entirety, in current license format, incorporating pertinent provisions of previously issued Amendments Nos. 1 through 8 thereto.

The Commission has found that the application for the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission has also found that prior public notice of proposed issuance of this amended license is not required since the operation of the facility in accordance with the terms of the amended license does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the University of Washington's application for license amendment notarized March 22, 1972, and (2) Amendment No. 9 to Facility License No. R-73 (including the technical specifications), both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. A copy of item (2) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 12th day of April 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-6328 Filed 4-25-72;8:46 am]

[Docket No. 50-346]

TOLEDO EDISON CO. ET AL.

Notice and Order for Evidentiary Hearing

In the Matter of The Toledo Edison Co. et al., (Davis-Besse Nuclear Power Station Unit 1).

In accordance with the Atomic Energy Commission's Notice of Hearing on Suspension of Construction Activity, published in the FEDERAL REGISTER on April 18, 1972 (37 F.R. 7644), and with the Commission's rules of practice, the Atomic Safety and Licensing Board directs that the hearing for the taking of evidence in the above-captioned proceeding shall commence on May 2, 1972, at 10 a.m. local time, in the Grand Jury Room of the U.S. Courthouse, Toledo, Ohio 43624. Said hearing will run without a continuance through May 5, 1972, unless completed earlier.

Under the Commission's memorandum and order, dated April 12, 1972, this Board, impaneled to hear the instant matter de novo, will consider the question of whether the activities under the construction permit No. CPPR-80 for the Davis-Besse facility should be suspended pending completion of the final NEPA review.

More specifically, the matters to be considered in the hearing shall be the factors specified in 10 CFR Part 50, Appendix D, section E.2, together with the considerations specified in the remand order of the States Court of Appeals for the District of Columbia in Coalition for Safe Nuclear Power, et al. v. United States Atomic Energy Commission, No. 71-1396.

The parties to this proceeding shall be the licensees, the Regulatory Staff, and the Coalition for Safe Nuclear Power, and Living in a Finer Environment.

Issued: April 21, 1972, Washington, D.C.

By order of the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-6427 Filed 4-25-72;8:49 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, each insured bank is required to make a report of condition as of the close of business April 18, 1972, to the appropriate agency designated herein, within 10 days after notice that such report shall be made: *Provided,* That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 481,[1] and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original report of condition on Federal Reserve Form 105—Call 203[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original report of condition on FDIC Form 64—Call No. 99[1] and shall send the same to the Federal Deposit Insurance Corporation.

[1] Filed as part of original document.

The original report of condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1971.[1] The original report of condition required to be furnished hereunder to the Federal Reserve Bank of the district wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated December 1970, and any amendments thereto.[2] The original Report of Condition required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original report of condition on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

WILLIAM B. CAMP,
Comptroller of the Currency.

J. L. ROBERTSON,
Vice Chairman, Board of Governors of the Federal Reserve System.

[FR Doc.72-6335 Filed 4-25-72;8:47 am]

FEDERAL POWER COMMISSION

[Docket No. CI72-662]

SUN OIL CO.

Notice of Application

APRIL 24, 1972.

Take notice that on April 14, 1972, Sun Oil Co. (applicant), Post Office Box 2880, Dallas, TX 75221, filed in Docket No. CI 72-662 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the East Dykesville Field, Claiborne Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on March 15, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) at the rate of 35 cents per Mcf at 15.025 p.s.i.a. Applicant proposes to deliver up to 3,000 Mcf of gas per day.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6458 Filed 4-25-72;8:49 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document relating to a joint call for report of economic condition of insured banks, issued jointly by the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see F.R. Doc. 72-6335, Federal Deposit Insurance Corporation, *supra.*

BEVERLY HILLS FIDELITY BANK

Order Approving Acquisition of Assets

Beverly Hills Fidelity Bank, Beverly Hills, Calif., a newly organized, member State bank of the Federal Reserve System, has applied, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), for the Board's prior approval to acquire assets and assume liabilities of Fidelity Bank, Beverly Hills, Calif. ($85 million in deposits), and as an incident thereto to operate its main office at the location of the present main office of Fidelity Bank in Beverly Hills and branch offices at the locations of two present branches of Fidelity Bank in Los Angeles and Manhattan Beach.

Published notice of the proposed acquisition of assets and assumption of liabilities and requests for reports on the competitive factors involved therein have been dispensed with as authorized by the Bank Merger Act.

The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks involved, and the convenience and needs of the communities to be served and finds that:

On the basis of the information before the Board, including communications from the State Banking Department of the State of California, the Board finds that an emergency situation exists so as to require that the Board act immediately pursuant to the provisions of the Bank Merger Act in order to safeguard depositors of Fidelity Bank.

Such anticompetitive effects as will be attributable to consummation of the transaction will be clearly outweighed in the public interest by considerations relating to and involved in the emergency situation found to exist. From the record in the case, it is the Board's judgment that any disposition of the application other than approval would be inconsistent with the best interests of the depositors of Fidelity Bank, and the Board concludes that the proposed transaction should be approved on a basis that would not delay consummation of the proposal.

It is hereby ordered, On the basis of the record, that the application be and hereby is approved and that the acquisition of assets and assumption of liabilities and the establishment of the branch offices may be consummated immediately but in no event later than 3 months after the date of this order unless such period is extended for good cause by the Board, or the Federal Reserve Bank of San Francisco pursuant to delegated authority.

[2] Filed as part of original document.

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By order of the Board of Governors,[1] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6333 Filed 4-25-72;8:46 am]

CITIZENS CENTRAL BANK

Order Approving Application for Merger of Banks

The Citizens Central Bank, Arcade, N.Y. (Citizens Central), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Citizens State Bank, Lyndonville, N.Y. (State Bank), under the charter and title of Citizens Central. As an incident to the merger, the present office of State Bank would become a branch of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Citizens Central ($42 million deposits),[1] a subsidiary of Charter New York Corp., New York City, operates six offices in New York State's Ninth Banking District wherein it holds 1.2 percent of the district's commercial bank deposits as the 11th largest of the district's 31 banks. State Bank ($5 million deposits) operates its only office in Lyndonville and is the only bank headquartered in Orleans County, the relevant market, where it controls approximately 9 percent of commercial bank deposits. A large New York banking organization operates four banking offices in the market and controls the remaining 91 percent of market deposits. State Bank ranks as the 29th largest bank in the Ninth Banking District with 0.2 percent of the District's total commercial bank deposits.

The nearest offices of the merging banks are approximately 30 miles apart and their service areas do not overlap. Consummation of the proposal would not significantly increase the concentration of banking deposits in any relevant area. No meaningful existing competition would be eliminated by the proposal between the proposed merging banks nor between any of the banking offices of Charter New York Corp. and State Bank.

Citizens Central is prohibited from de novo branching into Lyndonville by home office protection afforded by New York State laws, and, absent this, the growth potentials of the Lyndonville area would limit somewhat de novo entry. State Bank, as a small unit bank, is not likely to expand into the area served by Citizens Bank by de novo branching. Consequently, it appears unlikely that consummation of the proposed merger would foreclose any significant amount of potential competition between Citizens Central, State Bank or between any of the banking offices of Charter New York Corp. Based on the foregoing, and the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market; rather, the replacement of the small unit banking office by the subsidiary of a large statewide holding company would likely increase competition with the offices of the large New York State banking organization.

The financial and managerial resources of Citizens Central and State Bank are satisfactory and the prospects for the resulting bank would be favorable. Consequently, banking factors are consistent with approval of the application. Consummation of the proposed merger would improve the present banking services available to customers of State Bank by increased lending capabilities and improving the banking services to include the addition of credit card services, automatic saving plans, and personal and corporate trust services. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application and lend some weight thereto. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6330 Filed 4-25-72;8:46 am]

FIRST NATIONAL CITY CORP.

Order Approving Acquisition of Bank

First National City Corp., New York, N.Y., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to State Bank of Honeoye Falls, Honeoye Falls, N.Y. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the second largest banking organization in New York, has three subsidiary banks that control deposits of $13.4 billion, representing 14.1 percent of the commercial bank deposits in the State. (Unless otherwise noted, banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions to date.) Consummation of the proposal would not change Applicant's present ranking nor significantly increase its share of State deposits.

Bank, with deposits of $7.4 million, operates its sole office in Honeoye Falls and is the 12th largest of 16 banks in the Rochester banking market, controlling 0.4 percent of deposits in that market.[1] Applicant's nearest existing subsidiary bank is 102 miles from Bank. No significant existing competition would be foreclosed by consummation of the proposal.

In addition, the Rochester banking market is highly concentrated (four of the 16 banks control over 90 percent of deposits) and applicant's acquisition of Bank will likely have a procompetitive effect since Bank, with applicant's support, should compete more aggressively with the larger organizations.

Considerations related to the financial and managerial resources and future prospects of applicant, its subsidiary banks and Bank are generally satisfactory and consistent with approval. Although the banking needs of the communities involved are already being adequately met, applicant proposes to provide, through Bank, a major alternative source of specialized banking services. Accordingly, considerations relating to convenience and needs lend weight toward approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[2] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6331 Filed 4-25-72;8:46 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

[2] All banking data are as of Dec. 31, 1971, except branch deposit data are as of June 30, 1970.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

[1] Data related to market share are as of June 30, 1970.

[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

MARSHALL & ILSLEY CORP.

Order Approving Acquisition of Banks

Marshall & Ilsley Corp., Milwaukee, Wis., a bank holding company within the meaning of the Bank Holding Company Act, has filed separate applications for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the following banks in Wisconsin: Bank of Watertown, Watertown (Watertown Bank); and Citizens American Bank, Merrill (Merrill Bank).

Notice of receipt of the applications has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, the second largest bank holding company and banking organization in Wisconsin on the basis of commercial bank deposits, controls 13 banks with aggregate deposits of approximately $684 million, representing 6.8 percent of total deposits held by all banks in Wisconsin. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through March 31, 1972.) Upon acquisition of Watertown Bank ($15 million in deposits) and Merrill Bank ($16 million in deposits), applicant's share of State deposits would be increased by only 0.3 percentage points and its rank as the State's second largest banking organization would not change.

Watertown Bank operates its only office in the city of Watertown, approximately 46 miles west-northwest of Milwaukee. Although Watertown Bank is the largest of the three city banks and the 16 banks competing in the relevant market wherein it holds 14.8 percent of deposits; the second, third, and fourth largest banks in this market hold, respectively, 14.6, 13.9, and 10.8 percent of the total deposits. It thus appears that Watertown Bank does not dominate banking in the area and that consummation of the proposal would not adversely affect any of the area banks.

The sole office of Merrill Bank is located in the city of Merrill, approximately 210 miles northwest of Milwaukee. Merrill Bank is the smaller of the two banks in Merrill and the fifth largest of 13 banks competing in the relevant market wherein it holds 7.3 percent of deposits. The three largest banks hold 59 percent of market deposits. Consummation of the proposal would not adversely affect any area banks.

Applicant's nearest subsidiaries are 30 milest northeast of Watertown Bank and 75 miles southeast of Merrill Bank, respectively. There is no meaningful competition between any of applicant's subsidiaries and the proposed subsidiaries, nor between the Watertown and Merrill banks, and in view of the distances separating the banks, the numerous intervening banks, and State laws restricting branching, it appears unlikely that significant competition would develop in the future. Consummation of the proposal would have no adverse effects on existing or potential competition.

The financial condition and management of applicant and the proposed subsidiaries are generally satisfactory, and prospects for applicant appear favorable as do the prospects for the Merrill and Watertown banks under applicant's control. Banking factors are, therefore, consistent with approval of the applications.

Although the major banking needs of the areas involved appear to be satisfied by existing facilities, the control of the proposed subsidiaries by applicant would likely enhance their services to the public through larger loans made available by participations with applicant's subsidiaries and through the addition to both Merrill and Watertown banks of new services which will include leasing, trust, and computer services. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application and lend some support thereto. It is the Board's judgment that consummation of the proposed acquisitions would be in the public interest, and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6332 Filed 4-25-72;8:46 am]

VALLEY OF VIRGINIA BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

Valley of Virginia Bankshares, Inc., Harrisonburg, Va., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to Rockingham National Bank, Harrisonburg, Va. (Rockingham Bank), and the Commercial and Savings Bank, Winchester, Va. (Commercial Bank). The banks into which Rockingham Bank and Commercial Bank are to be merged have no significance except as a means of acquiring all of the shares of Rockingham Bank and Commercial Bank. Accordingly, the proposed acquisitions of the shares of the successor organizations are treated herein as the proposed acquisitions of the shares of Rockingham Bank and Commercial Bank.

Notice of receipt of the application has been given in accordance with section (3)(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant is a newly organized corporation. Consummation of the proposal herein would result in applicant controlling approximately $79 million deposits, representing 0.9 percent of total commercial bank deposits in the State, and applicant would become the ninth largest bank holding company in Virginia.[1]

Rockingham Bank ($54.4 million in deposits), the proposed lead bank, is headquartered in Harrisonburg and has six offices and two branches serving the southern part of Rockingham County and the northeast quadrant of Augusta County. Rockingham Bank controls about 20 percent of commercial bank deposits and is the third largest bank, in that market.[2] It competes with 10 other banks, six of which are branches or affiliates of organizations which rank among the seven largest banking organizations in Virginia.

Commercial Bank ($24.4 million in deposits), centered in Winchester, has a main office and four branches, and operates in the Frederick County banking market where it is the third largest of four banks, controlling 21.5 percent of deposits.[2] The largest bank in that market is twice as large as Commercial Bank.

The record indicates that Rockingham Bank and Commercial Bank do not compete with each other, and the development of such competition in the future appears unlikely. The nearest offices of the two banks are 68 miles apart, and under Virginia's restrictive branching laws this separation cannot be materially reduced. It appears that the affiliation of the two banks in a holding company would not have any adverse effects on other banks in these markets. Affiliation may actually promote competition by creating a larger institution which can then operate in an environment in which large banking systems are very prominent. On the basis of the record before it, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area.

The financial and managerial resources of each bank appear satisfactory. It appears that applicant would begin operations in satisfactory condition and

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

[1] Unless otherwise noted, all banking data are as of June 30, 1971, adjusted to reflect holding company formations and acquisitions approved by the Board through Feb. 29, 1972.

[2] Banking data concerning market control are as of June 30, 1970.

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with competent management. In addition, the capital accounts of both banks will be increased by a combined $170,000 upon affiliation. Applicant's future prospects, which are largely dependent upon those of its two subsidiaries, also appear favorable. Although there is no evidence that the existing banking needs of the communities involved are not being met, affiliation of both banks with applicant would lead to the availability of larger lines of credit than either bank could offer and other services offered by each bank would be expanded. These considerations relative to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] April 19, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6334 Filed 4-25-72;8:47 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Correction

In F.R. Doc. 72-5926 appearing at page 7834 of the issue for Thursday, April 20, 1972, the following changes should be made in the entries for "Chesterfield" and "Lucky Strike": (1) The entry under the heading "Nicotine" for Chesterfield "King Size, nonfilter", which now reads "28", should read "1.8"; (2) the entry under the heading "Nicotine" for Chesterfield "King size, filter", which now reads "11.", should read "1.3"; (3) the entry under the heading "TPM dry" for Chesterfield "King size, filter, menthol", which now reads "18", should read "1.2"; (4) the entry directly beneath "Lucky Strike", which now reads "Do", should read "Lucky Filters".

SELECTIVE SERVICE SYSTEM

CENTRAL AND FIELD ORGANIZATION

Pursuant to 5 U.S.C. 552 the following description of the central and field organization of the Selective Service System, the established places at which the public may obtain information, and the general course and methods by which its functions are channeled and determined is published for the guidance of the public.

Creation and authority. The Selective Service System was established by the Military Selective Service Act (62 Stat. 604 as amended; 50 U.S.C. App. 451-471).

The Military Selective Service Act requires the registration of male citizens of the United States and all other male persons except certain alien nonimmigrants and alien medical, dental, or allied specialists who are in the United States who are between the ages of 18 and 26 years. (Alien medical, dental, or allied specialists are liable to register until age 35 years.) The act imposes liability for training and service in the Armed Forces upon registrants who are between the ages of 18 years and 6 months and 26 years except that aliens are not liable for training and service until they have remained in the United States for more than 1 year. Some persons who have been deferred remain liable for training and service until age 35. Persons in a medical, dental, or allied specialist category who enter the United States after age 26 are liable for training and service until age 35. Conscientious objectors who are found to be opposed to any service in the Armed Forces are required to perform civilian work in lieu of induction into the Armed Forces.

The President is authorized prior to July 1, 1973, to select and induct into the Armed Forces not more than 140,000 persons as may be required to maintain the strengths of the forces in the fiscal year ending June 30, 1973, and also to provide for the selection and induction into the Armed Forces of persons qualified in needed medical, dental, or allied specialist categories pursuant to special requisitions submitted by the Secretary of Defense.

The act exempts members of the active Armed Forces and foreign diplomatic and consular personnel from registration and liability for training and service. Likewise exempted are categories of aliens, as specified by the President, who are not admitted to the United States for permanent residence. Other exemptions or deferments from training and service are provided by the act, and the President is authorized to provide, by rules and regulations, for deferments involving occupations, some kinds of study, dependency and fitness.

The President by Executive Order 11623 has delegated to the Director of Selective Service authority, subject to certain restrictions, to issue regulations to carry out the Military Selective Service Act.

Pursuant to the provisions of section 672(a) of title 10 of the United States Code (72 Stat. 1440), the Director of Selective Service determines the availability of members of the Standby Reserve of the Armed Forces for order to active duty in time of war or national emergency declared by Congress.

Purpose. The purpose of the Selective Service System is to supply the Armed Forces manpower adequate to insure the security of the United States, with concomitant regard for the maintenance of an effective national economy.

ORGANIZATION AND ACTIVITIES

Director of Selective Service. The Selective Service System is headed by the Director of Selective Service, who is appointed by the President with the consent of the Senate. The Director is responsible directly to the President for carrying out the functions of the System. The Director decides appeals from the determinations of appeal boards as to the availability of members of the Standby Reserve for order to active duty. The Deputy Director performs all the duties of the office of the Director in case of a vacancy in that office or in case of the absence or disability of the Director.

National Headquarters. The National Headquarters functions under the supervision of the Director and assists him. The operations of the Selective Service System are largely decentralized.

State Headquarters. Each State headquarters is headed by a State director of Selective Service, who is appointed by the Director in the name of the President upon recommendation of the Governor. The State director is responsible for carrying out the functions of the Selective Service System within his area of jurisdiction. He is responsible to the Director of Selective Service for the coordination and supervision of the activities of the local boards, appeal boards, and other selective service agencies under its jurisdiction.

Local Boards. At least one local board has been established in each county or political subdivision corresponding thereto except where, upon recommendation of the respective Governors, intercounty local boards have been established for areas not exceeding five counties. A local board consists of three or more civilian members, residents of a county in the local board area, who are appointed by the President upon recommendation of the Governor and serve without compensation. A special local board, with jurisdiction over all persons registered who do not have a place of residence within the United States has been established in the District of Columbia.

Each local board has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from, training and service of all men registered in, or subject to registration in, the local board area. The decisions of a local board are final, except where an appeal to an appeal board is authorized and is taken. Each local board is responsible for the registration, examination, classification, selection, delivery to the Armed Forces for induction, ordering to perform civilian work in lieu of induction, and maintenance of the records of men who are required to register and who are within its area of jurisdiction.

Appeal Boards. Appeal boards have been established for each Federal judicial district in each of the States and in Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Members of appeal boards are civilians resident in the appeal board area and are appointed by the President upon recommendation of the Governor and serve without compensation. The functions of an appeal board are to decide anew the cases of registrants and members of the Standby Reserve appealed to it.

National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists. The National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists is located at National Headquarters. The members of this committee are appointed by the President. The functions of the National Committee are to advise the Director of Selective Service and to coordinate the work of State and local volunteer advisory committees established to cooperate with the National Committee, with respect to the availability of needed medical, dental, and allied specialist categories of persons for service in the Armed Forces. The National Committee is independent of the Selective Service System.

SOURCES OF INFORMATION

Publications. The following are examples of Selective Service publications available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402: "Registrants Processing Manual, and Curriculum Guide to the Draft." Selective Service Regulations appear in Chapter XVI of Title 32, Code of Federal Regulations.

The following are available from the Public Information Office, Selective Service System: "Perspective on the Draft; Hardship Deferment"; "Conscientious Objector"; "It's Your Choice"; "Lottery and Class 1-H"; "The Draft: Past, Present and Future"; "Doctors Draft"; and "Aliens."

Employment. Inquiries and applications should be directed to the Director, Selective Service System, Attention: AP, 1724 F Street NW., Washington, DC 20435.

Procurement. Inquiries should be directed to Director, Selective Service System, Attention: AAPB, 1724 F Street NW., Washington, DC 20435.

For further information including names of State Directors and addresses of State Headquarters, contact the Office of Public Information, Selective Service System, 1724 F Street NW., Washington, DC 20435.

Approved: April 21, 1972.

CURTIS W. TARR,
Director of Selective Service.

[FR Doc.72-6358 Filed 4-25-72;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

DETERMINATION OF NATIONAL "OFF" INDICATOR

Federal-State Extended Unemployment Compensation; Announcement of Ending of Extended Benefit Period

The following notice of determination and announcement is made pursuant to the provisions of section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 (Public Law 91-373, Title II), hereinafter the Act, and 20 CFR 615.16(a):

1. I find that the rate of insured unemployment (seasonally adjusted) for all States was 4.30 per centum for the month of December 1971; 4.09 per centum for the month of January 1972 and 4.25 per centum for the month of February 1972.

2. Since with respect to each of the three most recent calendar months ending before the week of March 5-11, 1972 the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 per centum as specified in the Act, it is my determination that there is a national "off" indicator for the week of March 5-11, 1972, within the meaning of the Act.

3. In accordance with the provisions of section 203(a)(2) of the Act an extended benefit period in the case of any State shall end with the third week after a week for which there is both a national and a State "off" indicator.

4. Accordingly, I announce that the extended benefit period ended on April 1, 1972 (the last day of the third calendar week following the week of March 5-11, 1972) in all States except those named below with respect to which there has not been a State "off" indicator. The extended benefit period will continue in each of these States until the third week following a week for which there is State "off" indicator with respect to that State:

Alabama.	New Jersey.
Connecticut.	New York.
Hawaii.	Ohio.
Illinois.	Oklahoma.
Indiana	Pennsylvania.
Iowa.	Puerto Rico.
Maine.	Vermont.
Maryland.	West Virginia.
Massachusetts.	Nevada.
Minnesota.	

Signed at Washington, D.C., this 21st day of April 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-6439 Filed 4-25-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[No. 35539]

ALABAMA GREAT SOUTHERN RAILROAD ET AL.

Louisiana Intrastate Freight Rates and Charges—1971

APRIL 17, 1972.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 13th day of March 1972.

By petition filed December 27, 1971, as amended by petition filed February 28, 1972, Alabama Great Southern Railroad, Arkansas & Louisiana Missouri Railway Co., Chicago, Rock Island & Pacific Railroad Co., Atchison, Topeka and Santa Fe Railway Co., Gulf, Mobile and Ohio Railroad Co., Illinois Central Railroad, Kansas City Southern Railway Co., Louisiana & Arkansas Railway Co., Louisiana Southern Railway Co., Louisville and Nashville Railroad Co., Missouri Pacific Railroad Co., New Orleans & Lower Coast Railroad Co., New Orleans Terminal Co., St. Louis Southwestern Railway Co., Southern Pacific Transportation Co., The Texas & Pacific Railway Co., and Tremont & Gulf Railway Co., common carriers by railroad parties to rates and charges for the intrastate transportation of property between points in Louisiana, state that under the law of the State of Louisiana, common carriers by railroad may not increase their intrastate rates and charges except upon a hearing before the Louisiana Public Service Commission and a finding by that Commission that a proposed increase is justified; that the present intrastate rates and charges do not include general increases in the same amounts as has been authorized by this Commission for property moving in interstate or foreign commerce in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971, 339 I.C.C. 125, Ex Parte Nos. 262, Increased Freight Rates, 1969, 337 I.C.C. 436, Ex Parte No. 259, Increased Freight Rates, 1968, 332 I.C.C. 590 and 332 I.C.C. 714, Ex Parte No. 256, Increased Freight Rates, 1967, 329 I.C.C. 854 and 332 I.C.C. 280, Ex Parte No. 223, Increased Freight Rates, 1960, 311 I.C.C. 373,[1] and Ex Parte No. 212, Increased Freight Rates, 1958, 302 I.C.C. 665 and 304 I.C.C. 289; and

It appearing, that the petitioners allege that to the extent the intrastate rates and charges do not include the general increases in the amounts authorized on interstate or foreign commerce, the intrastate rates and charges do not and will not contribute their fair share of the revenues required by the carriers to meet increased expenses and costs which have been incurred in handling all traffic; that the intrastate rates and charges cause unjust discrimination against, and undue burden on interstate commerce, which is forbidden and declared unlawful under section 13 of the Interstate Commerce Act; and that, therefore, the petitioners request that an investigation into the lawfulness of intrastate rates and charges be instituted by this Commission, the aforesaid common carriers by railroad be named as respondents; the State of Louisiana and

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, and Sheehan. Absent and not voting: Governor Brimmer.

[1] Petitioners refer to Ex Parte 223 authority to increase switching and minimum less than carload charges, 1960, and Ex Parte X-223 Increased freight rates, 1958; by the general reference petitioners have included the various subnumbered proceedings, for instance, Ex Parte No. 223 (Sub-No. 1), Minimum Charges Per Car, 313 I.C.C. 563, Ex Parte No. 223 (Sub-No. 2), Increased Switching Charges, 315 I.C.C. 199, 318 I.C.C. 485, and 322 I.C.C. 560, Ex Parte No. 223 (Sub-No. 3), Increased Rates on Iron Ore, 313 I.C.C. 549, Ex Parte No. 223 (Sub-No. 5), Increased Rates on Coal and Petroleum Coke, 316 I.C.C. 159, Ex Parte No. 223 (Sub-No. 9), Increased Rates on Fresh Fruits and Vegetables, 318 I.C.C. 519, and Ex Parte No. 223 (Sub-No. 10), Increased Freight Rates, 1960 (Rule 7), 318 I.C.C. 471.

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the Louisiana Public Service Commission be notified of the proceeding; special expedition be given to the hearing and decision in said investigation; the Commission find that the rates and charges cause the unlawfulness complained of; and this Commission issue an order requiring the removal of the unlawfulness;

And it further appearing, that there have been brought in issue by the railroad petitioners matters sufficient to require an investigation into the lawfulness of intrastate rates and charges made or imposed by the State of Louisiana, therefore,

It is ordered, That the petition, as amended, be, and it is hereby granted.

It is further ordered, That an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the intrastate rates and charges of the petitioning carriers by railroads, or any of them, operating in the State of Louisiana, for the intrastate transportation of property, made or imposed by the State of Louisiana, as previously indicated, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those authorized on interstate traffic by this Commission in Ex Parte Nos. 265 and 267, Increased Freight Rates, 1970 and 1971), supra, Ex Parte No. 262, Increased Freight Rates, 1969, supra, Ex Parte No. 259, Increased Freight Rates, 1968, supra, Ex Parte No. 256, Increased Freight Rates, 1967, supra, Ex Parte No. 223, Increased Freight Rates, 1960, supra, Ex Parte No. 223 (Sub-No. 1), Minimum Charges Per Car, supra, Ex Parte No. 223 (Sub-No. 2) Increased Switching Charges, supra, Ex Parte No. 223 (Sub-No. 3), Increased Rates on Iron Ore, supra, Ex Parte No. 223 (Sub-No. 5), Increased Rates on Coal and Petroleum Coke, supra, Ex Parte No. 223 (Sub-No. 9), Increased Rates on Fresh Fruits and Vegetables, supra, Ex Parte No. 223 (Sub-No. 10), Increased Freight Rates, 1960 (Rule 7), supra, and Ex Parte No. 212, Increased Freight Rates, 1958, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce on the one hand, and those in interstate or foreign commerce, on the other, or any undue, unreasonable, or unjust discrimination against, or undue burden on, interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum, rates and charges should be prescribed to remove the unlawful advantage, preference, discrimination or undue burden, if any, that may be found to exist.

It is further ordered, That all carriers by railroad operating within the State of Louisiana, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the secretary, Interstate Commerce Commission, within 30 days of the service date of this order, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceedings, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving of filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time within which initial statements and replies must be filed.

It is further ordered, That a copy of this order be served upon each of the said petitioners, and that the State of Louisiana be notified by sending copies of this order and the said petition, as amended, by certified mail to the Governor of Louisiana, Baton Rouge, La., and to the Louisiana Public Service Commission, Baton Rouge, La.

And it is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication therein. Interested persons shall be afforded the opportunity to inspect pleadings at the Office of the Secretary of the Commission in Washington, D.C.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6370 Filed 4-25-72;8:48 am]

ASSIGNMENT OF HEARINGS

APRIL 21, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 26825, St. Louis-San Francisco Railway Co. abandonment between Winona and Chicopee, in Shannon and Carter Counties, Mo., now assigned May 15, 1972, at Van Buren, Mo., will be held in courtroom, County Courthouse, Main Street, Van Buren, Mo.

No. 35407, Increased rates and charges by Matson Navigation, No. 35407 Sub 1, increased rates and charges, Seatrain Lines, Calif., No. 35407 Sub 2, increased rates and charges, Matson Navigation Co., No. 35407 Sub 3, increased rates and charges, Matson Navigation Co., No. 35407 Sub 4, increased rates and charges, Seatrain Lines, California, No. 35407 Sub 5, lumber and related commodities, west coast to Hawaii, and No. 35407 Sub 6, various commodities, between California and Hawaii, now assigned July 10, 1972, at San Francisco, Calif., postponed to October 2, 1972, at San Francisco, Calif., in a hearing room to be later designated.

FD 26876, St. Louis Southwestern Railway Co. abandonment between Gideon and Deering Junction, in New Madrid and Pemiscot Counties, Mo., now assigned May 17, 1972, FD 26876 Sub 1, St. Louis Southwestern Railway Co. abandonment between Trumann, Ark., and Leachville Junction, Mo., in Poinsett, Craighead, and Mississippi Counties, now assigned May 17, 1972, FD 26879 Sub 1, St. Louis-San Francisco Railway Co. abandonment between Parma, New Madrid County, and Holcomb, Dunklin County, Mo., FD 26879, St. Louis-San Francisco Railway Co. abandonment between Senath, Mo., and Leachville, Ark.

FD 26879 Sub 2, St. Louis-San Francisco Railway Co. abandonment between Campbell and Gibson, Dunklin County, Mo., FD 26879 Sub 3, St. Louis-San Francisco Railway Co. abandonment between Malden and Clarkton, Dunklin County, Mo., FD 27045, St. Louis Southwestern Railway Co. and St. Louis-San Francisco Railway Co. to purchase properties of each carrier, FD 27060, St. Louis Southwestern Railway Co.—Construction—Gideon, New Madrid County, Mo., now assigned May 17, 1972, at Malden, Mo., will be held in the City Council Chambers, City Hall, Malden, Mo.

MC 128879 Subs 16 and 18, C-B Truck Lines, Inc., now being assigned continued hearing May 1, 1972, at the New Mexico Motor Carrier's Association, 1500 Hannett Avenue NE., Albuquerque, NM.

FD 26904, Seaboard Coast Line Railroad Co. abandonment between Garland and Hanover, in Sampson, Pender, and New Hanover, Counties, N.C., now assigned June 12, 1972, at Wilmington, N.C., canceled and transferred to modified procedure.

MC 75302 Sub 11, Doudell Trucking Co., now assigned July 17, 1972, at San Francisco, Calif., postponed to July 24, 1972, at San Francisco, Calif., in a hearing room to be later designated.

MC 61231 Sub-58, Ace Lines, Inc., now assigned May 23, 1972, at St. Louis, Mo., will be held in room 1711, 1520 Market Street, St. Louis, Mo.

MC 135649 Sub-1, Friederich Truck Service, Inc., now assigned May 22, 1972, MC 135944, Air Cargo Transporters, Inc., now assigned May 24, 1972, at St. Louis, Mo., the hearing will be held in Room 1612, 1520 Market Street, St. Louis, Mo.

MC 99902 Sub-4, Dave's Motor Transportation, Inc., now assigned May 31, 1972, at Boston, Mass., will be held in Room 2211B John Fitzgerald Kennedy Building, Government Center, Boston, Mass.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6381 Filed 4-25-72;8:48 am]

[No. MC-C-7750]

DRUG AND TOILET PREPARATION TRAFFIC CONFERENCE AND NATIONAL SMALL SHIPMENTS TRAFFIC CONFERENCE

Filing of Petition for Institution of Investigation; Minimum Weight Charges

APRIL 21, 1972.

Joint petitioners: Drug and Toilet Preparation Traffic Conference and the National Small Shipments Traffic Conference; petitioners' representative: Myron Smith, 685 Third Avenue, New York, NY 10017.

By joint petition filed March 29, 1972, petitioner seeks the institution of an investigation proceeding to explore the motor carrier practice of assessing minimum charges on shipments weighing less than a specified number of pounds. Petitioners contend that on shipments of less than a stated number of pounds (viz: 500, 5,000, or 10,000 pounds) certain motor carriers apply the charge for the stated number of pounds as a minimum charge. Petitioners state that any such tariff publication is a direct service limitation, and an embargo by tariff provision on shipments of less than the stated number of pounds specifically restricting services 'o less than the carrier's full certificated authority in violation of the following provisions of the Interstate Commerce Act: Sections 203 (a) (14)—holding out of services; 216 (b)—requirement to provide safe and adequate service; and 216(d)—unreasonable and discriminatory conduct. In addition, petitioners assert that the said tariff provisions, which have involved weight minimums other than those mentioned, are violative of this Commission's regulation 49 CFR 1307.27(k) which states (1) that tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority; (2) that no provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full operating authority or which exceed such authority; and (3) that tariff publications containing such provisions are subject to rejection or suspension for investigation.

Petitioners ask that this Commission require motor carriers to explain their conduct in these situations in an investigation proceeding in the light of this Commission's decision in Restrictions on Service by Motor Common Carriers, 111 M.C.C. 151 (1970) and the requirements established pursuant thereto. Petitioners specifically direct this Commission's attention to recent publications proposing to "embargo" certain service that were filed by the Eastern Central Motor Carriers Association, Inc., Campbell "Sixty Six" Express, Inc., Eastern Freight Ways, Inc., Kent Freight Lines, Inc., Werner Continental, Inc., Wooleyhan Transport Company, and Cooper-Jarrett, Inc.

Any interested person desiring to participate in the matter may file an original and seven copies of his written representations, views, and arguments in support of, or against, the petition on or before June 15, 1972. A copy of such representations should be served upon petitioners' representative at the address indicated above.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 72-6368 Filed 4-25-72;8:49 am]

[Section 5a; Application 87; Amdt. 5]

NATIONAL ASSOCIATION OF SPECIALIZED CARRIERS

Application for Approval of Amendment to Agreement

MARCH 16, 1972.

The Commission is in receipt of an application in the above-entitled proceeding for approval of amendments to the agreement therein approved.

Filed January 14, 1972, by: Mert Starnes, Robinson, Felts, Starnes & Nations, Post Office Box 2207, Austin, TX 78767.

The amendments involve: (1) Amend Article X to increase Board of Directors to 20 members in lieu of 10 members and provide for the election of 10 members each year for continuity, and increase to 11 members, in lieu of eight, the required quorum for board meetings and action on a mail vote, and (2) revise Article XII to increase the membership of the Standing Rate Committee to 15 members in lieu of 10 members, modify the election procedure, and increase the committee quorum requirements for the increased membership.

The complete amended application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing within 20 days from the date of publication of this notice in the FEDERAL REGISTER. As provided by the general rules of practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

By the Commission.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6372 Filed 4-25-72;8:48 am]

[Ex Parte No. MC-19; Sub-No. 17]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Filing of Petition Regarding Waiver of Order for Service

APRIL 21, 1972.

Petitioner: Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, VA 22201. Petitioner's representatives: Francis L. Wyche and Dabney T. Waring, Jr. (same address as petitioner). By petition filed March 16, 1972, petitioner seeks the amendment of § 1056.9 of the Commission's general rules and regulations (49 CFR 1056.9) so as to permit waiver of the requirement for an order for service on shipments moving on a Government bill of lading and on shipments moving under the third proviso of the definition of household goods set forth in 49 CFR 1056.1(a)(3), when so requested in writing by the shipper. Petitioner contends that whatever value the order for service might have for an individual owner-shipper of personal effects, it constitutes an unnecessary paperwork burden and actually has a negative value with respect to certain types of large-establishment shippers. Petitioner asserts that for the past 1.5 years, orders for service have not been issued on shipments of the Department of Defense, the largest shipper of household goods in the country, because the Commission's staff had acquiesced to such a waiver. Neither the Commission, the Department, nor the carrier have, it is argued, any reason to regret that policy; and the terms of the regulation should be changed to reflect that policy. Neptune World Wide Moving, Inc., also has filed a statement supporting the relief sought.

Any interested person desiring to participate shall file an original and seven copies of his written representations, views, and arguments in support of, or against, the relief sought on or before June 16, 1972. A copy of such representations should be served upon petitioner at the address indicated above.

Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6369 Filed 4-25-72;8:49 am]

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[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 21, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

Alaska Docket No. 72-93-MP/X, filed March 17, 1972. Applicant: WESTOURS MOTOR COACHES, INC., 900 IBM Building, Seattle, Wash. 98101. Applicant's representatives: A. T. Wendells, 3933 Seattle First National Bank Building, Seattle, Wash., and Shirle A. Debenham, 511 West Fourth Avenue, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a sightseeing, tour, and charter common carrier service as follows: Transportation of *passengers*, by bus between Anchorage, Alaska, and Fairbanks, Alaska, via Alaska Highways No. 1 and 3, with service to, from, and at McKinley National Park and off-route service to and from Kantishna, and to and from points of tour and sightseeing interest within 50 miles on either side of said Highways 1 and 3. Both intrastate and interstate authority sought.

HEARING: Date, time, and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4776 (Sub-No. 1), filed April 7, 1972. Applicant: SHELBYVILLE EXPRESS, INC., Faydur Court, Nashville, Tenn. 37219. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk, and those requiring special equipment, between Shelbyville, Tenn., and Memphis, Tenn., over the following routes: (1) From Shelbyville via U.S. Highway 231 to Fayetteville, thence via U.S. Highway 64 to Memphis, and return over the same route, serving no intermediate points; and (2) from Shelbyville via U.S. Highway 231 to its junction with Interstate Highway 24, thence via Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points. Said authority to be used in conjunction with applicant's existing authority subject only to the following restriction: "Restricted against the handling of traffic which originates at, is destined to, or interchanged at Nashville, Tenn." Both intrastate and interstate authority sought.

HEARING: July 13, 1972, 9:30 a.m., at the Commission's courtroom, C1-110 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4978 (Sub-No. 1), filed April 7, 1972. Applicant: S & W FREIGHT LINES, INC., 1136 Haley Road, Post Office Box 667, Murfeesboro, TN 37130. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except household goods, classes A and B explosives, commodities in bulk, and those requiring special equipment, between Murfreesboro, Tenn., and Memphis, Tenn., as follows: (1) From Murfreesboro, Tenn., to Memphis, Tenn., via Interstate Highway 24 to its junction with Interstate Highway 40, thence via Interstate Highway 40 to Memphis, and return over the same route, serving no intermediate points; and (2) from Murfreesboro, Tenn., to Memphis, Tenn., via Tennessee Highway 96 to its junction with Tennessee Highway 100, thence via Tennessee Highway 100 to Memphis, and return over the same route, serving no intermediate points. Said authority to be used in conjunction with applicant's existing authority subject only to the following restrictions: "Restricted against the handling of traffic which originates at, is destined to, or interchanged at Nashville, Tenn." Both intrastate and interstate authority sought.

HEARING: June 1, 1972, 9:30 a.m., at the Commission's courtroom, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be addressed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6363 Filed 4-25-72;8:48 am]

[Notice 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 21, 1972.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 613) (Cancels Deviation No. 493), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed March 30, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express, and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Fayetteville, N.C., over Interstate Highway 95 to junction U.S. Highway 301 south of Lumberton, N.C., thence over U.S. Highway 301 to junction Interstate Highway 95 at the North Carolina-South Carolina State line, thence over Interstate Highway 95 to junction access highway approximately 2 miles south of Santee, S.C., thence over access highway to junction U.S. Highway 15, with the following access routes: (1) From Florence, S.C., over U.S. Highway 52 to junction Interstate Highway 95, (2) from Florence, S.C., over U.S. Highway 76 to junction Interstate Highway 95, (3) from Manning, S.C., over U.S. Highway 521 to junction Interstate Highway 95, and (4) from Summerton, S.C., over access highway to junction Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Charleston, S.C., over U.S. Highway 17 to Jacksonboro, S.C., thence over South Carolina Highway 64 to Walterboro, S.C., thence over Alternate U.S. Highway 17 to Pocotaligo, S.C., thence over U.S. Highway 17 to Brunswick, Ga., and return over the same route.

No. MC-1515 (Deviation No. 615), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, CA 94106, filed April 6, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 80 and California Highway 21 (Cordelia Junction), over California Highway 21 to junction Interstate Highway 680, thence over Interstate Highway 680 to junction California Highway 24 (North Walnut Creek Junction), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Sacramento, Calif., over Interstate Highway 80 to junction unnumbered highway west of Sacramento (Broderick Junction), thence over unnumbered highway (West Capitol Avenue) to junction Interstate Highway 80 (Yolo Causeway), thence over Interstate Highway 80 to junction unnumbered highway north of Fairfield (North Fairfield Junction), thence over unnumbered highway via Fairfield to junction Interstate Highway 80 west of Fairfield (West Fairfield-Junction), thence over Interstate Highway 80 to junction unnumbered highway west of Crockett (Crockett Junction), thence over unnumbered highway via Rodeo, Pinole and Richmond to junction Carlson Boulevard and Interstate Highway 80 (West El Cerrito), thence over Interstate Highway 80 to East Bay Traffic Distribution Structure (Oakland);

(2) From Crockett Junction over Interstate Highway 80 to West El Cerrito; (3) from junction Interstate Highway 80 and California Highway 4 (Franklin Canyon Junction), over California Highway 4 to junction unnumbered highway (Barrydale Junction), thence over unnumbered highway to junction California Highway 4 (West Martinez Junction), thence over California Highway 4 to junction unnumbered highway south of Martinez (Martinez Junction), thence over unnumbered highway via Martinez, Port Chicago, Willow Pass Junction, and Pittsburg to junction California Highway 4 (Antioch), thence over California Highway 4 to Stockton; (4) from Oakland over unnumbered highway (Broadway) to junction California Highway 24 (Temescal Junction), thence over California Highway 24 to junction Interstate Highway 680 (Walnut Creek), thence over Interstate Highway 680 to junction California Highway 24 (Monument), thence over California Highway 24 to Concord, thence over unnumbered highway to junction California Highway 4 (Concord Junction), thence over California Highway 4 to junction unnumbered highway (Camp Stoneman Junction), thence over unnumbered highway to junction unnumbered highway west of Pittsburgh) (Willow Pass Junction); and (5) from junction California Highway 4 and unnumbered highway south of Martinez (Martinez Junction), over unnumbered highway via West Monument to junction California Highway 24 (Pleasant Hill Overpass), and return over the same route.

No. MC-3210 (Deviation No. 2), ST. LOUIS-CAPE BUS LINE, INC., 16 North Frederick Street, Cape Girardeau, MO 63701, filed November 26, 1971, amended April 12, 1972. Carrier's representative: James A. Cochrane, Jr., 325 Broadway, Cape Girardeau, MO 63701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Interstate Highway 55 and U.S. Highway 61, south of Festus and Crystal City, Mo., over Interstate Highway 55 to junction U.S. Highway 61, 1 mile south of Fruitland, Mo., with the following access routes: (1) From junction Interstate Highway 55 and Ste. Genevieve County Route E over Ste. Genevieve County Route E to junction U.S. Highway 61 at Bloomsdale, Mo.; (2) from junction Interstate Highway 55 and Ste. Genevieve County Route O over Ste. Genevieve County Route O to junction U.S. Highway 61 south of Bloomsdale, Mo.; (3) from junction Interstate Highway 55 and Missouri Highway 32, over Missouri Highway 32 to junction U.S. Highway 61 at Ste. Genevieve, Mo.; (4) from junction Interstate Highway 55 and Ste. Genevieve County Route J, over Ste. Genevieve County Route J to junction U.S. Highway 61 north of St. Marys, Mo.; (5) from junction Interstate Highway 55 and Ste. Genevieve County Route Z, over Ste. Genevieve County Route Z to junction U.S. Highway 61 south of St. Marys, Mo.; (6) from junction Interstate Highway 55 and unnumbered access road, over unnumbered access road to junction U.S. Highway 61 north of Brewer, Mo.; (7) from junction Interstate Highway 55 and Missouri Highway 51, over Missouri Highway 51 to junction U.S. Highway 61 at Perryville, Mo.; and (8) from junction Interstate Highway 55 and Cape Girardeau County Route KK, over Cape Girardeau County Route KK to junction U.S. Highway 61 south of Old Appleton, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Jackson, Mo., to Cape Girardeau, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6364 Filed 4-25-72; 8:48 am]

[Notice 31]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 21, 1972.

The following publications[1] are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 117395 (Sub-No. 21) (Republication), filed August 19, 1971, published in the FEDERAL REGISTER, issue of September 30, 1971, and republished this issue. Applicant: SOUTHERN CEMENT TRANSPORT, INC., Post Office Box 188, Okay, AR 71854. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. An order of the Commission, Operating Rights Board, dated March 24, 1972, and served April 17, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of dry fertilizer, in bulk, from points in Polaski County, Ark., to points in Bowie County, Tex.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act, and the Commission's rules and regulations thereunder and an appropriate certificate, should be issued concurrently with or subsequent to the issuance to applicant of appropriate certificates and the cancellation of applicant's outstanding permits in No. MC-117395 and subnumbers thereunder; and, that should the conversion proceeding be disapproved by the Commission, the instant application will stand denied in its entirety. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 117574 (Sub-No. 200) (Republication) filed April 30, 1971, published in the FEDERAL REGISTER, issue of May 20, 1971, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. A report and recommended order of the hearing examiner was made effective March 10, 1972, and notice was served April 11, 1972. The said report and order finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) tractors (except those with vehicle beds, bed frames, and fifth wheels), (2) equipment designed for use in conjunction with tractors, (3) agricultural, industrial, and construction machinery and equipment, (4) trailers designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles), (5) attachments for the above-described commodities, (6) internal combustion engines, (7) parts of the above-described commodities when moving in mixed loads with such commodities, and (8) materials, equipment, and supplies (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) through (7) above. Between Grand Island, Nebr., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The operations herein authorized are restricted to the transportation of traffic (a) originating at Grand Island and destined to points in the States named in each respective application, or (b) originating at points in the States named above in each respective application and destined to Grand Island, except that the restrictions in (a) and (b) shall not apply to traffic moving in foreign commerce. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings of this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121642 (Sub-No. 1) (Republication), filed September 24, 1971, published in the FEDERAL REGISTER, issue of October 29, 1971, and republished, this issue. Applicant: BEAMER BROTHERS TRUCKING COMPANY, 8188 Camargo Road, Cincinnati, OH. Applicant's representative: Jack B. Josselson, Atlas Bank Building, 524 Walnut Street, Cincinnati, OH 45202. An order of the Commission, Operating Rights Board, dated March 23, 1972, and served April 17, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of brick and building materials, between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Kentucky and Ohio, restricted against the transportation of traffic to or from Stanton, Ky., and to and from points in Monroe, Lawrence, and Morgan Counties, Ind. (except from the plantsite of General Shale Co. at Mooresville (Morgan County, Ind.); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder and that an appropriate certificate should be issued subject (1) to the coincidental cancellation on applicant's written request of its Certificate of Registration No. MC 121642, and (2) because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack or proper notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135975 (Republication), filed August 18, 1971, published in the FEDERAL REGISTER, issue of September 30, 1971, and republished this issue. Applicant: IMEL TRUCKING CO., INC., Rural Route No. 3, Post Office Box 133, Decatur, IN. Applicant's representative: Walter R. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. An order of the Commission, Review Board No. 2, dated April 5, 1972, and served April 13, 1972, finds: That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of compacted scrap motor vehicles between points in Indiana, Michigan, Illinois, and Ohio. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 14) (Republication), filed August 20, 1971, published in the FEDERAL REGISTER issue of October 15, 1971, and republished this issue. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Street, Minneapolis, MN. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. An order of the Commission, operating rights board, dated March 10, 1972, and served April 7, 1972, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of passengers and their baggage, in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Chicago, Washington, Ramsey, Hennepin, Carver, McLeod, Sibley, Renville, Redwood, Lyon, Lincoln, Yellow Medicine, Chippewa, and Lac Qui Parle Counties, Minn., Codington and Deuel Counties, S. Dak., and St. Croix, Barron, Polk, and Burnett Counties, Wis., and extending to points in the United States (except Alaska and Hawaii); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 117493 (Sub-No. 1) (Notice of Filing of Petition for Elimination of Certain Restrictions From Petitioner's Certificate) filed March 30, 1972. Petitioner: DIAL MOTOR LINES, INC., Cornwell Heights, Pa. Petitioner's representative Alexander Markowitz, 1180 Karin Street, Post Office Box 793, Vineland, NJ. Petitioner states it holds a certificate of Public Convenience and Necessity in No. MC 117493 (Sub-No. 1), issued August 17, 1970, authorizing operations as follows: "Regular route: *General commodities*, except those of unusual value, classes A and B explosives, automobiles, dairy products, livestock, fish, poultry, petroleum products, baggage, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Trenton, N.J., and Philadelphia, Pa., serving the intermediate point of Camden, N.J.: From Trenton over U.S. Highway 206 to junction U.S. Highway 130, thence over U.S. Highway 130 to Camden, N.J., thence across the Delaware River to Philadelphia, and return over the same route. The service authorized above is subject to the restriction that no traffic which originates at or is destined to Philadelphia, Pa., shall be transported to or from Trenton, N.J. Restriction: So long as the above-named carrier (Dial Motor Lines, Inc.), is under the control of Harvey, Weiner, the service authorized herein is subject to the following conditions: Carrier may not interchange or interline traffic with Reisch Trucking and Transportation Co., Inc. Carrier may not employ personnel of Reisch Trucking and Transportation Co., Inc., or any other respondents in the proceeding in MC-F 9603, or use employees in common with other respondents. Carrier may not use equipment owned, leased, controlled, or otherwise used in the operations of Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the proceeding in MC-F 9603. Carrier may not use, jointly or in common, facilities such as terminals or call-stations with Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the proceeding in MC-F 9603. Carrier may not participate, directly or indirectly, with Reisch Trucking and Transportation Co., Inc., or other respondents in the proceeding in MC-F 9603, in any activity which would be construed as evidencing affiliation or management in a common interest with Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the aforementioned proceeding. Carrier may not accept, for its own benefit, financial assistance from Reisch Trucking and Transportation Co., Inc., or persons in control of Reisch Trucking and Transportation Co., Inc."

Petitioner further states it is herein seeking removal of certain restrictions presently set forth in its above-said Sub 1 certificate. Such restrictions presently shown and proposed to be removed are as follows: "Restriction: So long as the above-named carrier (Dial Motor Lines, Inc.) is under the control of Harvey Wiener, the service authorized herein is subject to the following conditions: Carrier may not interchange or interline traffic with Reisch Trucking and Transportation Co., Inc. Carrier may not use equipment owned, leased, controlled or otherwise used in the operations of Reisch Trucking and Transportation Co., Inc., or other carriers respondents in the proceeding in MC-F 9603. Carrier may not use (jointly) facilities such as terminals or call stations with Reisch Trucking and Transportation Co., Inc., or other carrier respondents in the proceeding in MC-F 9603". Petitioner further states that the purpose of seeking removal of the identified restrictions in its MC 117493 (Sub-No. 1), is that petitioner seeks to restore and maintain normal interchange of traffic between itself and Reisch Trucking and Transportation Co., Inc., one of the respondents in MC-F 9063, under proper operational application subject in all instances to the rules and regulations of the Commission governing such interchange between carriers, and privileges, responsibilities, and obligations upon the parties and in the same manner as is presently available to any motor common carrier, joining with one or more similar carriers in establishing joint through rates and services as permitted by Section 216 of the Interstate Commerce Act.

Such interchange may then be conducted in a practical manner, at such interchange points as are common to the authorities of Dial and Reisch at which proper facilities are available for that purpose, subject to divisions of revenue, trailer interchange arrangements available to the parties in full compliance with Ex Parte M.C. 43 leasing regulations, and all other arrangements which may properly be instituted between such parties and no more. The authorities of Dial and Reisch indicate frequent opportunities for interchange of traffic to or from points authorized for service to one or the other, via applicable gateways at which Dial or Reisch are presently authorized to operate, so as to obtain the maximum benefits for themselves and for the public, or the use of all of the authority of either carrier to facilitate through movement and joint rates, between points served by Dial on the one hand and by Reisch on the other. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments, in support of, or against the petition within 30 days from the date of this publication in the FEDERAL REGISTER.

No. MC 127721 (Notice of Filing of Petition for Amendment of Permit), filed April 6, 1972. Petitioner: DEPENDABLE DELIVERY SERVICE, INC., Havertown, Pa. Petitioner's representative: Edwin L. Scherlis, 1209 Lewis Tower Building, Philadelphia, Pa. 19102. Petitioner states it holds authority in No. MC 127721 authorizing operations as a contract carrier by motor vehicle, as follows: "Such merchandise as is ordinarily dealt in by retail stores and mail-order houses, between Philadelphia and King of Prussia, Pa., and Audubon, N.J., on the one hand, and, on the other, points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, and Philadelphia Counties, Pa. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the transportation of any parcels, packages, or articles weighing in the aggregate more than 500 pounds from one consignor at any one location to one consignee at any one location on any one day. The operations authorzied herein are limited to a transportation service to be performed, under a continuing contract, or contract, with J. C. Penney Co., Inc., of New York, N.Y., and W. & J. Sloane, Inc., of New York, N.Y." By the instant petition, petitioner seeks to add the name of Bloomingdales, 60th Street and Lexington Avenue, New York, N.Y., as an additional supporting shipper, and to perform contract carrier service for said additional shipper in the same area it now served the other two above-said shippers. The petition is accompanied by a verified statement by the additional shipper in support of the petition. Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 43038 (Sub-No. 450), filed March 22, 1972. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, MI 48174. Applicant's representatives: Bertram S. Silver,

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140 Montgomery Street, San Francisco, CA 94104, and E. P. Malone, 3800 Frederica Street, Owensboro, KY 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vehicles, motor*, such as chassis, freight, including tractors (driving tractors for vehicles), and dump trucks; passenger, including ambulances, hearses, and buses; motorcycles and motorcycle sidecars; *vehicles, other than motor*, but for use with motor vehicles, such as, freight carts, trucks, trailers, or wagons; trailer cars, carts or coaches, passenger, house or sleeper; *cab or bodies* for vehicles above described, *mobile searchlights, mobile generators, parts, spare parts, or extra parts* of the above described vehicles when accompanying the shipment of the vehicle to which it belongs or for which it is intended; *auto show vehicle exhibits with exhibit equipment and accompanying advertising matter*, between points in California. NOTE: The instant application is a matter directly related to MC–F–11498 published in the FEDERAL REGISTER issue of April 5, 1972. Common control may be involved. Applicant states that the requested authority can be joined with its existing authority at common points in California, such as Los Angeles, San Francisco, Oakland, and others, but does not identify the points or territories which can be served through tacking. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11514. Authority sought for purchase by BRADLEY'S EXPRESS, INCORPORATED, 441 Ninth Avenue, New York, NY 10001, of the operating rights of CARGO DISTRIBUTION CORPORATION, 20 Enterprise Avenue, Secaucus, NJ 07094, and for acquisition by NELSON RESOURCE CORP., and in turn by WILLIAM A. NELSON, JR., both of 20 Enterprise Avenue, Secaucus, NJ 07094, of control of such rights through the purchase. Applicants' attorney: A. David Milliner, 744 Broad Street, Newark, NJ 07102. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, a defined area in New Jersey, New York, and Connecticut, between points in Hudson County, N.J., on the one hand, and, on the other, a defined area in New Jersey and New York, from points in Nassau County, N.Y., to points in Suffolk County, N.Y., with restriction. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, New York, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11515. Authority sought to purchase by BOWMAN TRANSPORTATION, INC., Post Office Box 2188, Gadsden, AL 35903, of a portion of the operating rights of SUPERIOR MOTOR EXPRESS, INC., Post Office Box 98, Gold Hill, NC 28071, and for acquisition by RALPH M. BOWMAN, 2161 Moreland Avenue SE., Atlanta, GA 30316, of control of such rights through the purchase. Applicants' attorneys: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, DC 20036, and Francis J. Ortman, 1100 17th Street NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, except those requiring special equipment, and those of unusual value, and cement, as a *common carrier* over irregular routes, between points in a defined area of North Carolina, with restriction. Vendee is authorized to operate as a *common carrier* in Georgia, South Carolina, North Carolina, Maryland, Alabama, Florida, Tennessee, Illinois, Indiana, Ohio, Mississippi, Arkansas, Kentucky, Louisiana, Virginia, West Virginia, Michigan, Missouri, Delaware, District of Columbia, New York, Connecticut, New Jersey, Iowa, Kansas, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, North Dakota, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11516. Authority sought for control by JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764, of NEYLON FREIGHT LINES, INC., 541 South First Street, Lincoln, NE 68508, and for acquisition by HARVEY JONES, also of Springdale, Ark. 72764, of control of NEYLON FREIGHT LINES, INC., through the acquisition by JONES TRUCK LINES, INC. Applicants' attorneys: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764, and Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Operating rights sought to be controlled: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Omaha, and Liberty, Nebr., between Washington, Kans., and Kansas City, Mo. between Washington, Kans., and Omaha, Nebr., between Belleville, and Oberlin, Kans., between Republic, Kans., and Kansas City, Mo., from Kansas City, Mo., to Haddam, Kans., between Morrowville, Kans., and Kansas City, Mo., serving various intermediate and off-route points, the intermediate and off-route points restricted in some instances as to the commodities moving to and from such points; *livestock and eggs*, from Haddam, Kans., to Kansas City, Mo., serving intermediate and off-route points within 15 miles of Haddam, Kans., and the off-route point of Belleville, Kans., restricted to pickup only; the intermediate point of Kansas City, Kans., restricted to delivery of livestock only; and the off-route point of North Kansas City, Mo., without restriction; *household goods*, as defined by the Commission, from Kansas City, Mo., to Belleville, Kans., serving intermediate and off-route points within 15 miles of Belleville, restricted to delivery only;

Livestock, hardware, furniture, and iron and steel, between Morrowville, Kans., and Omaha, Nebr., serving the intermediate point of Lincoln, Nebr., and intermediate and off-route points in Kansas and Nebraska within 15 miles of Morrowville; *livestock*, between Morrowville, Kans., and Grand Island, Nebr., serving intermediate and off-route points in Kansas and Nebraska within 15 miles of Morrowville, between Republic, Kans., and Omaha, Nebr., serving intermediate and off-route points within 25 miles of Republic, from Superior, Nebr., to Wichita, Kans., serving the intermediate point of Chester, Nebr.; *oil and grease*, from Belleville, Kans., to Haldrege, Nebr.; serving the intermediate points of Clay Center and Hastings, Nebr., for delivery only; *general commodities*, excepting among others, household goods and commodities in bulk, over irregular routes, between all points in the State of Nebraska, with restriction. JONES TRUCK LINES, INC., is authorized to operate as a *common carrier* in Florida, Georgia, Massachusetts, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, Arizona, California, Idaho, Nevada, Oregon, Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Texas, Mississippi, Illinois, Nebraska, Indiana, Iowa, Louisiana, Alabama, Ohio, Kentucky, Michigan, Wisconsin, Maryland, New Jersey, Colorado, Minnesota, North Dakota, South Dakota, New Mexico, Connecticut, Delaware, Utah, Washington, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11517. Authority sought for purchase by ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57101, of a portion of the operating rights of CRAWFORD FREIGHT LINES, INC., Aberdeen, S. Dak. 57401, and for acquisition by BUFFALO EXPRESS, INC., and in turn by H. LAUREN LEWIS, both of Sioux Falls, S. Dak. 57101, of control of such rights through the purchase. Applicants' attorney and representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603, and H. Lauren Lewis, Post Office Box 769, Sioux Falls, SD 57101. Operating rights sought to be transferred: *General commodities*, excepting those among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Ellendale and Mandan, N. Dak., serving certain specified intermediate and off-route points in North Dakota, between Ellendale and La Moure, N. Dak., serving all intermediate points; and the off-route point of Edgeley, N. Dak., between the North Dakota-South Dakota State line approximately 6 miles south of Ashley, N. Dak., and the North Dakota-South Dakota State line approximately 5 miles southwest of Venturia, N. Dak., serving all intermediate points, between Aberdeen, S. Dak., and Ellendale, N. Dak., serving no intermediate points, with restriction. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Iowa, Nebraska, Illinois, Indiana, North Dakota, Wisconsin, Kentucky, Michigan, Ohio, Kansas, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11518. Authority sought for purchase by LAWRENCE-MAYFLOWER MOVING & STORAGE CO., 20th and Jay Streets, Post Office Box 1194, Sacramento, CA 95806, of the operating rights of CAMELOT VAN & STORAGE CO. (EDWARD M. WALSH, Trustee in Bankruptcy), 126 Hyde Street, San Francisco, CA 94102, and for acquisition by DAVID MACAULAY, also of Sacramento, Calif. 95806, of control of such rights through the purchase. Applicants' attorney: W. S. Pilling, 100 Bush Street, San Francisco, CA 94104. Operating rights sought to be transferred: *Used household goods*, as a *common carrier*, over irregular routes, between points in a defined area of California, with restriction. Vendee is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11519. Authority sought for purchase by DEWEY FREIGHT SYSTEM, INC., 7722 West 94th Terrace, Overland Park, KS 66212, of a portion of the operating rights of APPLE LINES, INC., Post Office Box 507, Madison, SD 57042, and for acquisition by WILLIAM R. DEWEY, also of Overland Park, Kans. 66212, of control of such rights through the purchase. Applicants' attorney: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier*, over irregular routes, from New Athens, Ill., and St. Louis, Mo., to Colby, Kans., and points in that part of Kansas east of U.S. Highway 83, not including points in Cherokee, Crawford, Labette, and Montgomery Counties, Kans. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11520. Authority sought for purchase by CARDINAL FREIGHTWAYS, 3308 Bandini Boulevard, Los Angeles, CA 90023, of the operating rights of CITY TRANSFER COMPANY, 3002 East Illini, Phoenix, AZ 85040, and for acquisition by AJO TRUCKING CORPORATION, 1825 South Black Canyon Highway, Phoenix, AZ 85009, and in turn by CHESTER W. L'ECLUSE, 3308 Bandini Boulevard, Los Angeles, CA 90023, ROBERT MILLER and ROSEMARY GOOD, both of 3030 East Vernon Avenue, Vernon, CA 90058, of control of such rights through the purchase. Applicants' attorney: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points in Maricopa, Pinal, and Pima Counties, Ariz. (except Tucson, Ariz., and points in its commercial zone as defined by the Commission); *fertilizer and insecticides*, between points in Arizona; *fiberboard containers*, from Glendale, Ariz., to a defined area of California, Colorado, New Mexico, and Texas; fiberboard, from El Paso, Tex., to Glendale, Ariz.; *fire extinguishing compounds* in *bags*, from Phoenix, Ariz., to points in New Mexico. Vendee holds no authority from this Commission. However, it is affiliated with DUQAL, LTD., 3308 Bandini Boulevard, Los Angeles, CA 90023, which is authorized to operate as a *common carrier* in Arizona and California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11521. Authority sought for control and merger by YELLOW FREIGHT SYSTEM, INC., 92d Street, at State Line Road, Kansas City, MO 64114, of the operating rights and property of CENTRAL MOTOR EXPRESS, INC., 2909 South Hickory Street, Chattanooga, TN 37407, and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, MO 64113, and GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, MO 64113 of control of such rights and property through the transaction. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, and Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Tennessee, Alabama, and Georgia, with certain restrictions, serving various intermediate and off-route points, over one alternate route for operating convenience only, as more specifically described in Docket No. MC–68078 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. YELLOW FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Minnesota, Iowa, Nebraska, Colorado, Arizona, California, New Mexico, Georgia, Tennessee, South Carolina, Wyoming, South Dakota, Utah, Wisconsin, Pennsylvania, Maryland, Virginia, Alabama, New Jersey, Arkansas, Delaware, New York, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–6365 Filed 4–25–72;8:48 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

APRIL 21, 1972.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

No. MC–4941 (Sub-No. 4) (Deviation No. 3), QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403, filed March 24, 1972, amended April 14, 1972. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Brockton, Mass., over Massachusetts Highway 24 to junction Massachusetts Highway 128, thence over Massachusetts Highway 128 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y.; (2) from Perryopolis, Pa., over Pennsylvania Highway 51 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 76 (Pennsylvania Turnpike), thence over Interstate Highway 76 to junction U.S. Highway 11, thence over U.S. Highway 11 to junction Interstate Highway 83, thence over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction New Jersey Highway 57, thence over New Jersey Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95, at New York, N.Y.; and (3) from Perryopolis, Pa., over Pennsylvania Highway 51 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 76 (Pennsylvania Turnpike), thence over Interstate Highway 76 to junction Interstate Highway 276 (Pennsylvania Turnpike), thence over Interstate Highway 276 to junction New

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Jersey Turnpike, thence over the New Jersey Turnpike to New York, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Boston, Mass., over Massachusetts Highway 9 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 to junction Alternate U.S. Highway 5 at a point approximately 3 miles north of Meriden, Conn., thence over Alternate U.S. Highway 5 to junction U.S. Highway 5, thence over U.S. Highway 5 to North Haven, Conn., thence over Alternate U.S. Highway 5 to New Haven, Conn., thence over U.S. Highway 1 to New York, N.Y.; (2) from Boston, Mass., over U.S. Highway 1 to Providence, R.I., thence over Rhode Island Highway 3 to Westerly, R.I., thence over U.S. Highway 1 to New Haven, Conn., thence over the route specified in (1) above to New York, N.Y.; (3) from Brockton, Mass., over Massachusetts Highway 123 to junction U.S. Highway 1; and (4) from Pittsburgh, Pa., and points in Pennsylvania within 45 miles thereof, over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6362 Filed 4-25-72;8:48 am]

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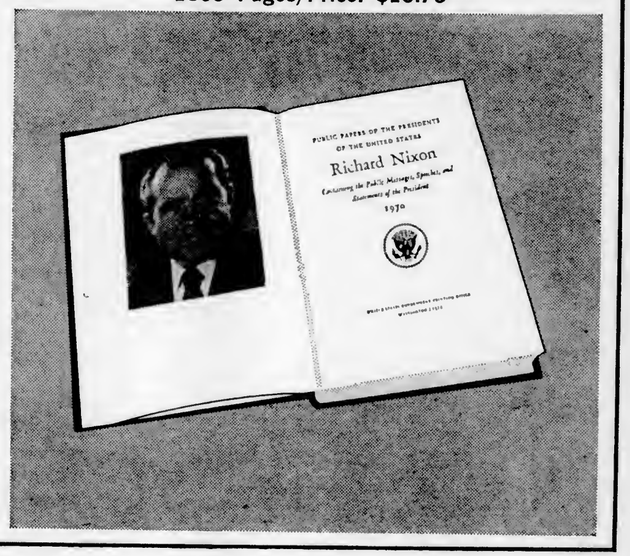
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PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that the position of Confidential Assistant (Economic Utilization Policy) to the Director, Defense Supply Agency, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–27–72), paragraph (d) of § 213.3306 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 C.F.R. 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–6474 Filed 4–26–72;8:52 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the position of Director, Office of Minerals and Solid Fuels, is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (4–27–72), subparagraph (16) of paragraph (a) of § 213.3312 is revoked.

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.72–6473 Filed 4–26–72;8:52 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Preparations Subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970

In the FEDERAL REGISTER of October 15, 1971 (36 F.R. 20046), the Commissioner of Food and Drugs proposed child protection packaging standards for substances subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513; 84 Stat. 1236 et seq.; 21 U.S.C. 801 et seq.). The 30-day period allowed for comments thereon was extended to January 19, 1972, by subsequent notices (36 F.R. 21832, 25235).

Thirteen comments were received in response. The principal points raised and the Commissioner's conclusions are as follows:

A. *Support with suggestions.* 1. A consumer interest group supports the proposal but recommends adoption of a broader regulation to require child protection packaging for all potentially toxic prescription and nonprescription drugs. Such an approach is presently being considered and will be the subject of future proposals.

2. The American Academy of Pediatrics supports the proposal but recommends that it include a statement of the intent of the Poison Prevention Packaging Act of 1970 regarding the noncomplying package exemption for prescribed drugs. The Commissioner concludes that this is unnecessary because section 4(b) of the act clearly indicates that prescribed drugs requiring special packaging can be dispensed in noncomplying packages only by order of a medical practitioner licensed to prescribe or upon request by the purchaser.

B. *Effectiveness specifications.* A packaging development firm suggests that child-resistant effectiveness greater than 85–90 percent and approaching 100 percent be required to prevent a child from obtaining a toxic or harmful amount of contents. The firm objects to packaging being called "special packaging" on the basis solely of closures which if opened by a child allow access to the entire contents of the package. The Commissioner concludes that to require 100 percent child resistance is prohibited by section 2(4) of the act. If experience with special packaging demonstrates a need for changing the effectiveness specifications, such changes may be made if the resulting special packaging is technically feasible, practicable, and appropriate. Although § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) provides for testing special packaging of unit package type, section 3(d) of the act expressly prohibits prescribing specific packaging designs in establishing special packaging standards.

C. *Noncomplying package.* A State pharmaceutical association objects to the requirement that a pharmacist must dispense prescribed drugs in special packaging unless otherwise directed by the prescribing licensed practitioner or upon request of the purchaser. The association suggests that a prescribed drug be dispensed in a noncomplying package at the discretion of the pharmacist as well as under the above two conditions (stated in section 4(b) of the act) because older citizens are unable to use the special packaging. The Commissioner concludes that section 4(b) of the act provides the only conditions by which prescribed drugs can be dispensed in noncomplying packages and that there is no statutory authority to permit a pharmacist to dispense prescribed drugs in noncomplying packages at his discretion.

D. *Applicability.* 1. A pharmaceutical trade association suggests that the standards should not apply to those drugs containing controlled substances in combination with noncontrolled substances which vitiate the potential for abuse and therefore are exempt from the Comprehensive Drug Abuse Prevention and Control Act of 1970. The Commissioner disagrees because a finding that a combination drug is exempt from that act due to vitiation of potential for abuse does not necessarily mean that the drug is not potentially injurious if accidentally ingested by children under 5 years of age. For example, a number of preparations exempt from control by regulations promulgated under that act contain aspirin, and the Commissioner has found that aspirin-containing preparations, a leading cause of fatalities and hospitalizations of children under 5 years of age, must be specially packaged (36 F.R. 17512). The Commissioner concludes that to protect children from serious personal injury or serious illness special packaging is required for any preparation consisting in whole or in part of any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

2. Three pharmaceutical manufacturers and a pharmaceutical trade association object to the statement in proposed § 295.2(a)(4) that controlled substances in dosage forms customarily consumed, used, or stored in or about the household shall be specially packaged. They contend that as written the statement could be considered to require that even bulk shipments be in special packaging if the preparations are in dosage form suitable for use in the household. In response to these comments the regulation has been changed for clarification. (See paragraph G below for further discussion of the subject of nonconsumer packages.)

3. Two pharmaceutical manufacturers recommend that the standards apply only to those controlled drugs which most readily lend themselves to child abuse or which have great inherent danger and the greatest frequency of use in and around the household where children are present. Since all drugs subject to control under the Comprehensive Drug

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Abuse Prevention and Control Act of 1970 are potentially injurious if accidentally ingested by children, the Commissioner concludes that special packaging is required for all such drugs to protect children from serious personal injury or serious illness.

E. *Technically feasible, practicable, and appropriate.* Three pharmaceutical manufacturers and one pharmaceutical trade association question the technical feasibility, practicability, and appropriateness of the proposed special packaging. Also, the trade association requests that the Commissioner publish the reasons for his finding in this matter as required by section 3(c) of the Poison Prevention Packaging Act of 1970. On the basis of reports and data from industry and other relevant information, the Commissioner finds that the special packaging required herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. At least 15 different special packages have been tested in accordance with § 295.10 that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications in § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since the special packaging is not detrimental to the integrity of the subject substances and will not interfere with their storage or use.

No comments were received concerning the finding made by the Commissioner pursuant to section 3(a)(1) of the act, and the finding is hereby confirmed.

F. *Sample packages.* A pharmaceutical manufacturer and a pharmaceutical trade association object to proposed § 295.2(b) which would require the submission of sample packages. The manufacturer objects that it will require an inordinate number of packages from any one manufacturer, and the association objects that the act does not specifically provide for submission of samples. The Commissioner concludes that this requirement is necessary to accomplish the purposes of the act and will assist in determining whether a substance offered by a manufacturer or packer in a noncomplying package is also being supplied by such manufacturer or packer in popular size packages complying with the standards. Section 295.2(b), which was promulgated in the final order for special packaging of aspirin preparations (Feb. 16, 1972; 37 F.R. 3427), was modified to reduce the number of packages that must be submitted by each manufacturer or packer.

G. *Nonconsumer packages.* Seven pharmaceutical manufacturers and a pharmaceutical trade association variously request that the standards not apply to bulk shipments of pharmaceuticals, to packages of prescription drugs larger than the normal prescription size, to unit packaged drugs for institutional use and those distributed as physicians samples, and to drugs being investigated in outpatient clinical trials, and that the standards establish pharmacists' responsibility for distributing prescription drugs in special packaging. The Commissioner concludes that the person who places a household substance subject to these standards into a container or package must determine if that container is in fact a package in which the substance may be delivered to the consumer for use or storage in the household. If it is not, these standards do not apply. The responsibility, however, for repackaging prescribed drugs in accordance with these standards rests with the individual dispensing such substances at the retail or user level.

H. *Supplemental new-drug applications.* Approved new-drug applications (NDA's) are in effect for some controlled drugs that are subject to the new-drug provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations thereunder (21 CFR Part 130). A pharmaceutical manufacturer and a trade association request that provision be made for manufacturers or packers of these drugs to implement use of special packaging complying with the standards prior to receiving approval of supplemental new-drug applications submitted to provide for such packaging changes. Since packaging changes may be significant variations in the approved NDA, the Commissioner concludes that implementation of special packaging prior to approval of a supplemental NDA is not appropriate. However, the processing of such applications will be expedited by FDA to facilitate implementation of the child protection packaging standards.

I. *Conflicting requirements.* A pharmaceutical manufacturer comments that the proposed standards are incompatible with various sealing techniques employed to comply with the requirement of the Comprehensive Drug Abuse Prevention and Control Act of 1970 that containers of certain controlled substances be securely sealed (21 U.S.C. 825(d), 21 CFR 302.07). The manufacturer requests that a determination be made as to which requirement takes precedence at the pharmaceutical manufacturer's level. The Commissioner, after consultation with the Bureau of Narcotics and Dangerous Drugs, concludes that the above-named act does not preclude a pharmaceutical manufacturer from changing sealing techniques to be adaptable to special packaging which will be required by these standards and that compliance with both statutes is required.

J. *Effective date.* Three pharmaceutical manufacturers and one pharmaceutical trade association express concern over the effective date of the proposed standards in light of the length of time required to obtain suitable special packaging, to conduct stability and compatibility tests, and to modify production lines to utilize the special packaging. One manufacturer requests an effective date of at least 9 months after publication of this order in the FEDERAL REGISTER. Another manufacturer and the trade association request an effective date of 1 year after publication. The trade association also states that compliance with the proposed standards within 1 year will be impossible for some of the products involved and requests procedure for deferring application of the standards to such products. The Commissioner concludes that a period of 180 days is a necessary, reasonable, and sufficient time to allow affected persons to achieve full compliance with these standards. A sufficient amount of special packaging for controlled drugs is not presently available to permit an effective date of less than 180 days.

K. *Exemptions.* A pharmaceutical trade association and a pharmaceutical manufacturer recommend that dosage forms or packages that are not involved in child poisonings be exempted from these standards by a general regulation. Specifically, they name vials, disposable syringes, aerosols, ointments, ampoules, powders, and suppositories. The legislative history of the Poison Prevention Packaging Act of 1970 indicates that exemptions from special packaging standards may be granted, and the preamble to the document promulgating § 295.10 (published Nov. 20, 1971; 36 F.R. 22151) indicates that the Commissioner is prepared to grant individual exemptions. A request for exemption must be directed in writing to the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852, and must furnish reasonable grounds therefor, including, but not limited to, available human experience data, relevant experimental data, toxicity information, product and packaging specifications, labeling, marketing history, and the justification for the exemption. If the request furnishes reasonable grounds therefor, the Commissioner will publish in the FEDERAL REGISTER a proposal to amend the standards. Following such publication the proceedings shall be the same as prescribed by section 5 of the act.

Therefore, having considered the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to the Commissioner (21 CFR 2.120), a new subparagraph (4) is added to § 295.2(a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of Feb. 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

• • • • •

(4) *Controlled drugs.* Any preparation consisting in whole or in part of any substance subject to control under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et. seq.) shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

• • • • •

Effective date. This order shall become effective 180 days after its date of publication in the FEDERAL REGISTER.

(Secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: April 21, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6488 Filed 4-26-72;8:52 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Introduction of Oil and Water Base Solutions

On November 19, 1971, there was published in the FEDERAL REGISTER (36 F.R. 22053) an amendment to the regulations governing the inspection of poultry and poultry products (7 CFR Part 81) pertaining to the preparation and labeling of certain raw poultry products that are processed with solutions. The amendment was based on information and data submitted by interested persons in response to the notice of proposed rulemaking published in the FEDERAL REGISTER on October 8, 1970 (35 F.R. 15817), and other available information. The amendment provides for the introduction of 3 percent of a specified solution for basting or other product improvement purposes in the thick muscles (breast and legs) of ready-to-cook whole poultry carcasses, separate poultry parts therefrom and poultry roasts, including chunked and formed products.

On the basis of the comments, opinions and views submitted in response to the October 8, 1970, notice, it did not appear that further public rulemaking procedure on the amendment would make additional information available to the Department. Accordingly, it was determined that further proceedings were impracticable and unnecessary, and the amendment was made effective 90 days after publication in the November 19, 1971, FEDERAL REGISTER.

However, comments received by the Department since said amendment of the regulations was published indicate that further study should be directed to the circumstances associated with raw poultry roasts and especially to such items that are processed with solutions. It appears from the comments that some persons did not previously supply significant information and data that they have and which is related to the ready-to-cook poultry roasts made with and without solutions. Such comments indicate that the requirements with respect to poultry roasts could prevent the production of poultry roasts since the prescribed liquid addition rate may be inadequate for the satisfactory production of the roasts.

Under the circumstances, the Department considers it necessary that opportunities be provided for the submission and review of such pertinent information and that, in the interim, the regulations be amended to delete poultry roasts, including chunked and formed products, from the requirements of § 81.134(c)(7).

Therefore, § 81.134(c)(7)(i) is amended to read:

§ 81.134 Product specifications for labeling purposes.

• • • • •

(c) • • •

(7) Ready-to-cook poultry products to which solutions are added.

(i) Butter alone, or solutions of poultry broth, poultry stock, water, or edible fats, or mixtures thereof, in which are included functional substances such as spices, flavor enhancers, emulsifiers, phosphates, coloring materials, or other substances, approved by the Administrator in specific cases, may be introduced by injection into the thick muscles (breast and legs) of ready-to-cook poultry carcasses and may be introduced by injection or marinating into any separate bone-in part therefrom for the purpose of providing a basting medium or similar function. The ingredients of the added materials and the manner of addition to the products must be found acceptable by the Administrator in all cases. The introduction of the added materials shall increase the weight of the processed product by approximately 3 percent over the weight of the raw product after washing and chilling in compliance with § 81.50. The weight of the added materials introduced into the poultry products as provided in this subparagraph shall be included as part of the weight of the poultry for purposes of the net weight labeling provisions in § 81.130(a)(3).

• • • • •

(Sec. 8(b), 82 Stat. 799, 21 U.S.C. 457; sec. 14, 71 Stat. 447, as amended, 21 U.S.C. 463; 37 FR. 6327)

The comments received indicate sufficient reason why requirements with respect to introduction of solutions into ready-to-cook poultry roasts should be further reviewed to make certain they are properly prepared and labeled. To insure a minimum of processing disruptions during the period required for a thorough review and so poultry roast products with familiar characteristics are available to consumers, the amendment described above should be implemented at the earliest date. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment is impracticable and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective upon publication hereof in the FEDERAL REGISTER (4-27-72).

Done at Washington, D.C., on April 17, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-6423 Filed 4-26-72;8:48 am]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 266]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.566 Navel Orange Regulation 266.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period

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specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 25, 1972.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period April 28, 1972, through May 4, 1972, are hereby fixed as follows:

(i) District 1: 924,000 cartons.

(ii) District 2: 176,000 cartons.

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 26, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–6558 Filed 4–26–72;11:20 am]

[Valencia Orange Reg. 389]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.689 Valencia Orange Regulation 389.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 25, 1972.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period April 28, 1972, through May 4, 1972, are hereby fixed as follows:

(i) District 1: 22,451 cartons;

(ii) District 2: 77,578 cartons;

(iii) District 3: 200,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 26, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–6559 Filed 4–26–72;11:20 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (4–27–72).

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Travel by motor vehicle or on foot is permitted on designated travel routes for the purpose of nature study, photography, and sightseeing during daylight hours. Pets are allowed if on a leash not over 10 feet in length. Picnicking is permitted in designated areas where facilities are provided. Fishing and hunting under special regulations may be permitted on parts of the refuge.

The refuge area, comprising 6,344 acres, is delineated on maps available at refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement, the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1972.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

APRIL 20, 1972.

[FR Doc.72–6412 Filed 4–26–72;8:48 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 72–476]

PART 528—NONDISCRIMINATION REQUIREMENTS

APRIL 21, 1972.

Resolved that, notice and public procedure having been afforded (37 F.R. 811) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Subchapter B of Chapter V of Title 12, CFR, for the purpose of prohibiting discrimination by member institutions in their lending and employment practices and in their advertising and requiring that such institutions display an Equal Housing Lender Poster. Accordingly, the Federal Home Loan Bank Board hereby amends said Subchapter B by adding thereto a new Part 528 to read as follows, effective May 1, 1972:

Sec.

528.1 Definitions.
528.2 Nondiscrimination in lending and other services.
528.3 Nondiscrimination in applications.
528.4 Nondiscriminatory advertising.
528.5 Equal Housing Lender Poster.
528.6 [Reserved].
528.7 Nondiscrimination in employment.
528.8 Complaints.

AUTHORITY: The provisions of this Part 528 issued under title VIII, Public Law 90–284, 82 Stat. 81, 42 U.S.C. 3601–3619; 18 Stat. 144, 14 Stat. 27, 42 U.S.C. 1981, 1982; E.O. 11063, 27 F.R. 11527; title VII, Public Law 88–352, 78 Stat. 253, 42 U.S.C. 2000e—2000e–15; E.O. 11246, 30 F.R. 12319; sec. 17, 47 Stat. 736, as amended, 12 U.S.C. 1437; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071.

§ 528.1 Definitions.

As used in this Part 528—

(a) *Member institution.* The term "member institution" means any institution which is a member of a Federal Home Loan Bank, other than:

(1) A savings bank whose deposits are insured by the Federal Deposit Insurance Corporation,

(2) An insurance company, or

(3) The Federal Home Loan Mortgage Corporation.

(b) *Dwelling.* The term "dwelling" means any building, structure, or portion thereof, including a mobile home, which is occupied as, or designed or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereon of any such building, structure, or portion thereof.

§ 528.2 Nondiscrimination in lending and other services.

No member institution shall deny a loan or other service rendered by the member institution for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or discriminate in the fixing of the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of such loan or other service because of the race, color, religion, or national origin of

(a) An applicant for any such loan or any other service rendered by the member institution;

(b) Any person associated with such applicant in connection with such loan or other service or the purposes of such loan or other service;

(c) The present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other service is to be made or given; or

(d) The present or prospective owners, lessees, tenants, or occupants of other dwellings in the vicinity of the dwelling or dwellings in relation to which such loan or other service is to be made or given.

§ 528.3 Nondiscrimination in applications.

No member institution shall refuse or decline to allow, receive, or consider any application, request, or inquiry with respect to a loan or other service rendered by the member for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or discriminate in the imposition of conditions upon, or in the processing of, any such application, request, or inquiry, or make statements which discourage any such application, request, or inquiry because of the race, color, religion, or national origin of any prospective borrower or other person who

(a) Makes application for any such loan or other service;

(b) Requests forms or papers to be used to make application for any such loan or other service; or

(c) Inquires about the availability of such loan or other service.

§ 528.4 Nondiscriminatory advertising.

No member institution which directly or through third parties engages in any form of advertising shall use words, phrases, symbols, directions, forms, or models in such advertising which imply or suggest a policy of discrimination or exclusion in violation of the provisions of title VIII of the Civil Rights Act of 1968. To the extent feasible, as prescribed by the Board, advertisements other than for savings shall include a facsimile of the following logotype and legend:

EQUAL HOUSING LENDER

§ 528.5 Equal Housing Lender Poster.

(a) Each member institution shall post and maintain one or more Equal Housing Lender Posters, the text of which is prescribed in paragraph (b) of this section, in the lobby of each of its offices in a prominent place or places readily apparent to all persons seeking loans. The poster shall be at least 11 by 14 inches in size, and the text shall be easily legible. It is recommended that member institutions post a Spanish language version of the poster in offices serving areas with a substantial Spanish-speaking population.

(b) The text of the Equal Housing Lender Poster shall be as follows:

WE DO BUSINESS IN ACCORDANCE WITH THE FEDERAL "FAIR HOUSING LAW"

IT IS ILLEGAL, because of race, color, religion, or national origin, to:

Deny a loan for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling

or

Discriminate in fixing of the amount, interest rate, duration, application procedures or other terms or conditions of such a loan.

If you believe you have been discriminated against, you may discuss the matter with the management of this institution or send a complaint to:

Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20410.

or call your local HUD or FHA office.

§ 528.6 [Reserved]

§ 528.7 Nondiscrimination in employment.

(a) No member institution shall, because of an individual's race, color, religion, sex, or national origin:

(1) Fail or refuse to hire such individual;

(2) Discharge such individual;

(3) Otherwise discriminate against such individual with respect to such individual's compensation, promotion, or the terms, conditions, or privileges of such individual's employment; or

(4) Discriminate in admission to, or employment in, any program of apprenticeship, training, or retraining, including on-the-job training.

(b) No member institution shall limit, segregate, or classify its employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect such individual's status as an employee because of such individual's race, color, religion, sex, or national origin.

(c) No member institution shall discriminate against any employee or applicant for employment because such employee or applicant has opposed any employment practice made unlawful by Federal, State, or local law or regulation or because he has in good faith made a charge of such practice or testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of such practice by any lawfully constituted authority.

(d) No member institution shall print or publish or cause to be printed or published any notice or advertisement relating to employment by such member institution indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, or national origin.

(e) This regulation shall not apply in any case in which the Federal Equal Employment Opportunities law is made inapplicable by the provisions of section 2000e–1 or sections 2000e–2 (e) through (j) of title 42, United States Code.

(f) Any violation of the Department of the Treasury regulations, 41 CFR, Subpart 10–12.8—Equal Opportunity in Employment, as amended from time to time, by a member institution subject to such regulations shall be deemed to be a violation of this Part 528.

§ 528.8 Complaints.

Complaints regarding discrimination in lending by a member institution should be referred to the Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Washington, D.C. 20410. Complaints regarding discrimination in employment by a member institution should be referred to the Equal Employment Opportunity Commission, Washington, D.C. 20506.

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Resolved further that, since the above amendment must be effective by May 1, 1972, in order to effectuate a waiver granted by the Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Development under 24 CFR 110.25(b) (37 F.R. 3430), publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is impracticable; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

Resolved further that the Board, in adopting the above amendment, which is only a part of the published regulatory proposal (37 F.R. 811), determined to defer final consideration of § 528.6 of said published proposal pending further staff study of comments received and consultation with the other financial regulatory agencies.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.72-6377 Filed 4-26-72;8:45 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 11, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Sales of Government Property

On February 25, 1972, there was published in the FEDERAL REGISTER (37 F.R. 3993) a notice that the Administrator of the Small Business Administration proposed to amend the definition of a small business for the purpose of sales to other than manufacturers and stockpile purchasers, of Government-owned personal property. More specifically it was proposed to lower the size standard in question from $5 million in average annual receipts to $1 million in average annual receipts.

Interested parties were given 30 days in which to submit written statements of facts, opinions, and arguments concerning the proposal.

On the basis of all the information available it has been determined to adopt the proposal. Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-9(a)(2) to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

* * * * *

(a) * * *

(2) Other than manufacturers. Any concern which is primarily not a manufacturer (except as specified in subparagraph (3) of this paragraph) is small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

* * * * *

Effective date: This amendment shall become effective thirty days after publication in the FEDERAL REGISTER.

Dated: April 20, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-6388 Filed 4-26-72; 8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 72-SW-10, Amdt. 39-1437]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A and 206B Helicopters

A proposal was published in 32 F.R. 4721 to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the reinforcing straps, P/N 206-031-200-23 and 24 for proper fit and for cracks and loose rivets and requiring an inspection of the support fittings, P/N 206-031-202-1 and 3, for cracks and loose rivets. It was also proposed to require replacement of a cracked strap, loose rivets or a cracked support fitting, and to require a 50-hour repetitive inspection for poorly fitted straps on Bell Model 206A and 206B helicopters.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. The manufacturer recently revised Service Bulletin No. 206-20 to add item 8, a procedure for replacing a cracked support fitting. It was initially proposed to require the replacement of a cracked support; however, no specific procedure was provided. Item 8 of the revised service bulletin is considered a satisfactory procedure for such replacement and is recognized as an alternate means of compliance with the applicable paragraph of the A.D. Therefore, notice and public procedure hereon of this change is considered unnecessary, and the amendment may be made effective in 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A and 206B helicopters, serial numbers 204, 210, 218, 221, 226, 227, 231, 236, 237, 241, 243, 246, 248, 254, 256, 257, 260, 261, 262, 267, 268, 272, 275, 278, 279, 282, 283, 288, 296, 299, 303, 345, 350, 351, 352, 358 thru 362, 368, 382 thru 395, 397 thru 497, 499 thru 654, 656 thru 689, 693, 694, 697, 698, 701, 715 thru 725, 727, 728, 730, 733, 734, 735, 738, 742, and 744, certificated in all categories.

Compliance required within 25 hours' time in service after the effective date of this A.D., unless already accomplished within the last 25 hours, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

To detect cracks in the straps, P/N 206-031-200-23 and 24, and mating support fitting, P/N 206-031-202-1 and 3 and to determine proper fit of these straps to the support fitting and to the upper cabin roof beam, accomplish the following:

(a) Remove the interior lining at the upper cabin roof beam from station 90 to station 115 and remove any residue sealant on the straps on both sides of the roof beam bottom surface.

(b) Inspect the 10 high shear rivets, P/N NAS 1054, in each strap for looseness and inspect the remaining rivets in the strap and support fitting for looseness. If five or more high-shear rivets are loose, replace the rivets prior to next flight. If one to four high-shear rivets or other rivets in the strap or support fitting are loose, the aircraft may be flown only to a repair base in accordance with FAR 21.197 where these rivets must be replaced prior to the next flight.

(c) Inspect straps, P/N 206-031-200-23 and 24 for deformation and lateral location in accordance with items 3 and 4 of Bell Helicopter Company Service Bulletin No. 206-20 dated December 10, 1971 (hereinafter referred to as SB 206-20) or later approved revision. If the strap is deformed or mislocated in excess of that specified in items 3 or 4 of SB 206-20, the strap must be additionally inspected for cracks as specified in item 5 of SB 206-20.

(1) If both fingers on either strap are cracked, replace the strap in accordance with item 7 of SB 206-20 or later approved revision, prior to next flight.

(2) If either strap has a detectable crack, replace the strap in accordance with item 7 of SB 206-20 or later approved revision. The aircraft may be flown only to a base in accordance with FAR 21.197 where the strap must be replaced prior to the next flight.

(d) If cracks are found in the straps, inspect the left and right support fittings, P/N 206-031-202-1 and 3 for cracks in the area around the six rivets which go into the box beam and inboard radii areas just forward and aft of these rivets, using a dye penetrant or equivalent inspection method. If cracks are found in support fitting, replace the fitting and the strap in accordance with items 7 and 8 of Service Bulletin No. 206-20, Revision A, dated February 21, 1972 or later approved revision, prior to next flight.

(e) The repetitive inspections specified in this A.D. will no longer be required,

(1) If the strap is not deformed or mislocated in excess of that specified in items 3 and 4 of SB 206-20 or later approved revision, or

(2) After the strap has been replaced in accordance with item 7 of SB 206-20 or later approved revision.

(f) Equivalent means of compliance with this A.D. may be approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, FAA, Post Office Box 1689, Fort Worth, TX 76101.

This amendment becomes effective May 27, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 17, 1972.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.72-6405 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-AL-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment and Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to realign Red 39 Federal airway segment between McGrath, Alaska, and Nenana, Alaska; and alter the Minchumina, Alaska, reporting point from compulsory to on request.

The Minchumina radio range is scheduled to be converted to a radio beacon effective June 22, 1972. Associated with this facility conversion, action is taken herein to redescribe the segment of Red 39 airway which is presently described by use of the Minchumina facility. In addition, it has been determined that the Minchumina facility is no longer required as a compulsory reporting point, but should be retained as an on-request reporting point.

Since these amendments are minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

1. In § 71.107 (37 F.R. 2008) In R-39 "Minchumina, Alaska, RR;" is deleted and "Minchumina, Alaska, RBN;" is substituted therefor.

2. In § 71.211 (37 F.R. 2323) "Minchumina, Alaska, RR" is deleted.

(Sec. 307(a), of Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 20, 1972.

ROBERT S. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6398 Filed 4-26-72;8:47 am]

[Airspace Docket No. 71-GL-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 1408 of the FEDERAL REGISTER dated January 28, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of the Federal Aviation regulations so as to alter the control zone and transition area at Hibbing, Minn.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendments.

No objections have been received and the amendments as so proposed are hereby adopted, subject to the following change:

Line 4 of the Hibbing, Minn., transition area description recited as "tude 47°23'18" N., longitude 92°50'19" W.);" is changed to read "tude 47°23'10" N., longitude 92°50'19" W.);".

This amendment shall be effective 0901 G.m.t., June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on April 6, 1972.

HAROLD W. POGGEMEYER,
Acting Director, Great Lakes Region.

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

HIBBING, MINN.

That airspace within a 5-mile radius of Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'15" W.); within 2 miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to 15 miles northwest of the VORTAC; within 1½ miles each side of the Hibbing VORTAC 313° radial extending from the 5-mile radius zone to the VORTAC.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

HIBBING, MINN.

That airspace extending upward from 700 feet above the surface within an 11½-mile radius of the Chisholm-Hibbing Airport (latitude 47°23'10" N., longitude 92°50'19" W.); within 3 miles each side of the Hibbing VORTAC 313° radial, extending from the 11½-mile radius area to 23 miles northwest of the VORTAC; within an 11-mile radius of Eveleth-Virginia Airport (latitude 47°25'-55" N., longitude 92°30'03" W.); and within 9½ miles north and 4½ miles south of the Eveleth VOR 092° radial, extending from the 11-mile radius area to 18½ miles east of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 27-mile radius of the Hibbing VORTAC, extending from the Hibbing VORTAC 196° radial clockwise to the Hibbing VORTAC 340° radial; within a 13-mile radius of Hibbing VORTAC extending from the Hibbing VORTAC 095° radial clockwise to the Hibbing VORTAC 196° radial; within 4½ miles northeast and 9½ miles southwest of the Hibbing VORTAC 313° radial, extending from the 27-mile radius area to 33½ miles northwest of the VORTAC, excluding the portion which overlies the Duluth, Minn. transition area.

[FR Doc.72-6396 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-SW-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Laredo, Tex., control zone.

On February 29, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 4218) stating the Federal Aviation Administration proposed to alter the Laredo, Tex., control zone.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Laredo, Tex., control zone is amended by deleting "to 16 miles northwest of VORTAC, within 2 miles each side of the Laredo VORTAC 149°" and substituting therefor "to 16 miles northwest of the VORTAC; within 2 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6" N., longitude 99°35'50.2" W.) to 7 miles northwest; within 2 miles each side of the VORTAC 149°."

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Fort Worth, Tex., on April 18, 1972.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.72-6395 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-EA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 5256 of the FEDERAL REGISTER for March 11, 1972, the Federal Aviation Administration published proposed regulations which would alter the Martinsburg, W. Va., control zone (37 F.R. 2104).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 14, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Martinsburg, W. Va., control zone and insert the following in lieu thereof:

Within a 5.5-mile radius of the center 39°24'03" N., 77°59'09" W. of Martinsburg Municipal Airport, Martinsburg, W. Va.; within a 9.5-mile radius of the center of the airport, extending clockwise from a 230° bearing from the airport to a 269° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 269° bearing to a 285° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 285° bearing to a 315° bearing

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from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 315° bearing to a 003° bearing from the airport.

[FR Doc.72-6394 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-EA-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 5257 of the FEDERAL REGISTER for March 11, 1972, the Federal Aviation Administration published proposed regulations which would alter the Endicott, N.Y., transition area (37 F.R. 2188).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t., June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 14, 1972.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Endicott, N.Y., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center 42°04'42" N., 76°05'49" W. of Tri-Cities Airport, Endicott, N.Y.; within a 10.5-mile radius of the center of the airport, extending clockwise from a 020° bearing to a 090° bearing from the airport; within a 12-mile radius of the center of the airport, extending clockwise from a 090° bearing to a 125° bearing from the airport; within a 13-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 235° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 263° bearing from the airport and within 3.5 miles each side of the Binghamton, N.Y., VORTAC 340° radial, extending from the 10-mile radius area to 11.5 miles north of the VORTAC.

[FR Doc.72-6397 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-SO-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area and Alteration of Transition Area

On March 10, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5132), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke the Bartow, Fla., transition area and alter the Lakeland, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Bartow, Fla., transition area is revoked.

In § 71.181 (37 F.R. 2143), the Lakeland, Fla., transition area is amended to read:

LAKELAND, FLA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15" N., long. 82°00'55" W.); within 5 miles each side of Lakeland VORTAC 235° radial, extending from the 8.5-mile-radius area to 8.5 miles southwest of the VORTAC; within a 7-mile radius of Bartow Municipal Airport (Lat. 27°57'00" N., long. 81°47'00" W.); within a 5-mile radius of Plant City Municipal Airport (lat. 28°00'00" N., long. 82°09'40" W.); within a 6.5-mile radius of Gilbert Field Municipal Airport, Winter Haven, Fla. (Lat. 28°03'40" N., Long. 81° 45'15" W.); within 2.5 miles each side of Lakeland VORTAC 074° radial, extending from the 6.5-mile-radius area to the Lakeland Municipal Airport 8.5-mile-radius area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 18, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-6401 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-SO-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Marathon, Fla., transition area.

The Marathon transition area is described in § 71.181 (37 F.R. 2143). The NDB RWY 7 Instrument Approach Procedure to Marathon Flight Strip, for which the controlled airspace was designated, was canceled effective March 31, 1972. It is necessary to revoke the Marathon transition area. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (37 F.R. 2143), the Marathon, Fla., transition area is revoked.

(Sec. 307(a), of Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 18, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-6400 Filed 4-26-72;8:47 am]

[Airspace Docket No. 72-WA-23]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Terminal Control Area at New York, N.Y.

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the New York, N.Y., terminal control area by raising the TCA floor from 1,500 feet MSL to 1,800 feet MSL in an area northeast of Teterboro Airport, extending the helicopter route up the East River to the north end of Welfare Island, and redesignating the floor of the "B" area south of JFK Airport as "above 500 feet MSL." These changes will provide additional airspace below the TCA floor. These changes have been discussed with and concurred in by the FAA-User New York TCA Working Group.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary. However, these amendments will become effective more than 30 days after publication to provide sufficient time for revisions to aeronautical charts.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 71.401 (37 F.R. 2327) the New York, N.Y., terminal control area is amended as follows:

1. *Area B.* Delete the phrase "• • • upward from 500 feet MSL • • •" and substitute "• • • upward from above 500 feet MSL • • •" therefor.

2. *Area D.* a. Delete the phrase "• • • the JFK VORTAC 314° radial; • • •" and substitute "• • • the north end of Welfare Island; • • •" therefor.

b. Change "LGA VORTAC" to read "LGA VOR."

3. *Area F.* Amend to read as follows:

That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VOR 337° radial and the Erie Lackawanna Railroad tracks, thence south along the railroad tracks to the east branch of the Hackensack River, thence south and west along the river to the LGA VOR 299° radial, thence direct to the intersection of the 6-mile radius circle of LGA VOR and the LGA VOR 264° radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile-radius circle centered at lat. 40°41'30" N., long. 74°10'00" W., to and southwest along New Jersey Highway Route No. 22 to and clockwise along a 10-mile radius circle centered at Lat. 40°41' 30" N., long. 74°10'00" W., to LGA VOR 283° radial, thence direct to the point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 18, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6399 Filed 4-26-72;8:47 am]

[Airspace Docket No. 71-AL-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On February 26, 1972, F.R. Doc. 72-2848, published in the FEDERAL REGISTER (37 F.R. 4073) described the Big Delta, Alaska, 700-foot floor transition area as an amendment to the Big Delta transition area. The transition area is newly designated airspace and should have been identified accordingly.

Since this action effects no substantive change to the rule as initially adopted, the effective date of the final rule as published may be retained.

In consideration of the foregoing, F.R. Doc. 72-2848 is corrected as hereinafter set forth:

In the text describing the Big Delta, Alaska, transition area delete "amended" and substitute "designated" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on April 21, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-6496 Filed 4-26-72;8:52 am]

[Airspace Docket No. 71-AL-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On February 26, 1972, F.R. Doc. 72-2849, published in the FEDERAL REGISTER (37 F.R. 4074) described the Nenana, Alaska, 700-foot floor transition area as an amendment to the Nenana transition area. The transition area is newly designated airspace and should have been identified accordingly.

Since this action effects no substantive change to the rule as initially adopted, the effective date of the final rule as published may be retained.

In consideration of the foregoing F.R. Doc. 72-2849 is corrected as hereinafter set forth:

In the text describing the Nenana, Alaska, transition area delete "amended" and substitute "designated" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Anchorage, Alaska, on April 21, 1972.

JACK G. WEBB,
Director, Alaskan Region.

[FR Doc.72-6497 Filed 4-26-72;8:52 am]

[Airspace Docket No. 71-WE-58]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Redesignation of Jet Route

On December 1, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 22848) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route from Phoenix, Ariz., to Abilene, Tex., via Truth or Consequences, N. Mex., and Roswell, N. Mex.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

It has been determined that the portion of this proposed route from Roswell, N. Mex., to Abilene, Tex., would not be used because of the terminal procedures at Greater Southwest, Tex., and is therefore not included in this amendment. Since this change is minor in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 75.100 (37 F.R. 2382) is amended as follows:

Jet Route No. 65 is amended to read:

Jet Route No. 65 (Roswell, N. Mex., to Red Bluff, Calif.)

From Roswell, N. Mex., via Truth or Consequences, N. Mex.; Phoenix, Ariz.; INT Phoenix 272° and Blythe, Calif. 096° radials; Blythe; Palmdale, Calif.; INT Palmdale 291° and Bakersfield, Calif. 149° radials; Bakersfield; Fresno, Calif.; Sacramento, Calif.; to Red Bluff, Calif.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 21, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 72-6393 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-WA-25]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change to Area High Route Waypoint

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to make a change of the name Henly, Tex., to Hye, Tex., in area high route J971R.

A policy to eliminate the duplication of names for air navigation aids has been adopted by the Federal Aviation Administration. Therefore, action is taken herein to make this change.

Since this amendment is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 25, 1972, as hereinafter set forth.

Section 75.400 (37 F.R. 2400 and 2767) is amended as follows:

In J971R "Henly, Tex., 30°14'02"/ 98°26'56" Austin, Tex." is deleted "Hye, Tex., 30°14'02"/98°26'56" Austin, Tex." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 20, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6391 Filed 4-26-72;8:46 am]

[Airspace Docket No. 72-WA-26]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration to Area High Routes

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to change the reference facility for the "Rosewood, Ohio," waypoint in area high route J881R. This change of reference facilities is desirable to provide improved overall signal coverage for this route and for three more routes to be designated in the future proposing to use the "Rosewood" waypoint.

Since this amendment is minor in nature with no substantive change in the regulation, notice and public procedure thereon are unnecessary. However, since sufficient time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 75.400 (37 F.R. 2400) is amended as follows:

In J881R delete second waypoint information "Rosewood, Ohio 40°17'16" N. 84°02'36" W. Fort Wayne Ind." and substitute "Rosewood, Ohio 40°17'16" N. 84°02'36" W. Rosewood, Ohio." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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Issued in Washington, D.C., on April 20, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6392 Filed 4-26-72;8:46 am]

[Docket No. 11891, Amdt. 807]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20591, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAP's, effective May 25, 1972.

Washington, D.C.—Washington National Airport; VOR/DME-1, Original; Canceled.
Washington, D.C.—Washington National Airport; VOR/DME Runway 15, Original; Canceled.

2. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective May 25, 1972.

Kodiak, Alaska—Kodiak Airport; LFR Runway 26, Amdt. 1; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective May 25, 1972.

Bennington, Vt.—Bennington State Airport; VOR-A, Amdt. 3; Revised.
Benton Harbor, Mich.—Ross Field; VOR Runway 9, Amdt. 2; Revised.
Benton Harbor, Mich.—Ross Field; VOR Runway 27, Amdt. 10; Revised.
Carlsbad, N. Mex.—Cavern City Air Terminal; VOR Runway 32L, Amdt. 1; Revised.
Concord, Calif.—Buchanan Field; VOR Runway 19R, Amdt. 5; Revised.
Crystal Lake, Ill.—Crystal Lake Airport; VOR Runway 26, Amdt. 1; Revised.
Eugene, Oreg.—Mahlon-Sweet Field; VOR-A, Amdt. 2; Revised.
Fresno, Calif.—Fresno-Chandler Downtown Airport; VOR-A, Amdt. 1; Revised.
Huntsville, Ala.—Huntsville-Madison County Jetport-Carl T. Jones Field; VOR-B, Amdt. 5; Revised.
Kenosha, Wis.—Kenosha Municipal Airport; VOR Runway 14, Original; Established.
Lewisburg, W. Va.—Greenbrier Valley Airport; VOR-A, Amdt. 2; Revised.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 8, Amdt. 1; Revised.
Lewiston, Idaho—Lewiston-Nez Perce County Airport; VOR Runway 26, Amdt. 7; Revised.
Lihue, Hawaii—Lihue Airport; VOR-2, Amdt. 6; Canceled.
Lihue, Hawaii—Lihue Airport; VOR-A, Original; Established.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; VOR Runway 30, Amdt. 1; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR-Runway 7L/R, Amdt. 7; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 25L, Amdt. 1; Revised.
Los Angeles, Calif.—Los Angeles International Airport; VOR Runway 25R, Amdt. 1; Revised.
Mount Vernon, Ill.—Mount Vernon-Outland Airport; VOR Runway 5, Amdt. 3; Revised.
Mount Vernon, Ill.—Mount Vernon-Outland Airport; VOR Runway 23, Amdt. 1; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; VOR Runway 26L, Amdt. 16; Revised.
Porterville, Calif.—Porterville Municipal Airport; VOR Runway 30, Amdt. 1; Revised.
Salina, Kans.—Municipal Airport; VOR Runway 17, Amdt. 7; Revised.
Salinas, Calif.—Salinas Municipal Airport; VOR Runway 13, Amdt. 6; Revised.
San Antonio, Tex.—International Airport; VOR Runway 17, Amdt. 20; Revised.
Coffeyville, Kans.—Coffeyville Municipal Airport; VOR/DME-A, Original; Established.
Commerce, Tex.—Commerce Municipal Airport; VOR/DME-A, Original; Established.
Connersville, Ind.—Mettel Field; VOR/DME-A, Original; Established.
Covington, Ga.—Covington Municipal Airport; VOR/DME Runway 27, Original; Established.
Elkhart, Ind.—Elkhart Municipal Airport; VOR/DME Runway 35, Original; Established.
Eugene, Oreg.—Mahlon-Sweet Field; VOR DME Runway 16, Amdt. 1; Canceled.
Eugene, Oreg.—Mahlon-Sweet Field; VOR TAC Runway 16, Original; Established.
Eugene, Oreg.—Mahlon-Sweet Field; VOR/DME Runway 34, Amdt. 3; Canceled.
Eugene, Oreg.—Mahlon-Sweet Field; VOR TAC Runway 34, Original; Established.
Kodiak, Alaska—Kodiak Airport; VORTAC Runway 25, Amdt. 1; Revised.
Lake Havasu City, Ariz.—Lake Havasu City, Airport; VOR/DME-A, Original; Established.
Lihue, Hawaii—Lihue Airport; VOR/DME Runway 21, Amdt. 1; Canceled.
Lihue, Hawaii—Lihue Airport; VORTAC Runway 21, Original; Established.
Mineola, Tex.—Mineola Wisener Field; VOR/DME-A, Original; Established.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; VOR/DME Runway 8R, Amdt. 5; Revised.
Sacramento, Calif.—Sacramento Metropolitan Airport; VOR/DME Runway 34, Amdt. 3; Revised.
Salinas, Calif.—Salinas Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Salina, Calif.—Salinas Municipal Airport; VOR/DME Runway 13, Amdt. 1; Revised.
Sherman-Denison, Tex.—Grayson County Airport; VOR/DME-A, Original; Established.
South Lake Tahoe, Calif.—Lake Tahoe Airport; VOR/DME-1, Amdt. 3; Canceled.
South Lake Tahoe, Calif.—Lake Tahoe Airport; VOR/DME-A, Original; Established.
Springtown, Tex.—Springtown Airport; VOR/DME Runway 17, Original; Established.
Union City, Tenn.—Everett-Stewart Airport; VOR/DME-A, Amdt. 2; Revised.
Yazoo City, Miss.—Barrier Field; VOR/DME-A, Amdt. 4; Revised.
Yazoo City, Miss.—Barrier Field; VOR/DME-Runway 17, Amdt. 1; Revised.

4. Section 97.25 is amended by establising, revising, or canceling the following SDF-LOC-LDA SIAP's, effective May 25, 1972.

Atlanta, Ga.—Fulton County Airport; LOC-A, Original; Established.
Benton Harbor, Mich.—Ross Field; LOC(BC) Runway 9, Original; Established.
Benton Harbor, Mich.—Ross Field; LOC Runway 27, Amdt. 2; Revised.
Cordova, Alaska—Cordova Mile 13 Airport; LOC/DME Runway 27, Amdt. 3; Revised.
Dothan, Ala.—Dothan Airport; LOC Runway 31, Amdt. 1; Revised.
Harrisburg, Pa.—Capital City Airport; LOC Runway 8, Original; Canceled.
Islip, N.Y.—Islip-MacArthur Airport; LOC (BC) Runway 24, Amdt. 2; Revised.
Lewisburg, W. Va.—Greenbrier Valley Airport; LOC Runway 4, Original; Established.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport;; LOC(BC) Runway 12, Amdt. 1; Revised.
Los Angeles, Calif.—Los Angeles International Airport; LOC(BC) Runway 6L/R, Amdt. 2; Revised.
Los Angeles, Calif.—Los Angeles International Airport; LOC(BC) Runway 7R, Amdt. 6; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; LOC(BC) Runway 26L, Original; Established.
Sacramento, Calif.—Sacramento Metropolitan Airport; LOC(BC) Runway 34, Amdt. 3; Revised.
St. Paul, Minn.—St. Paul Downtown-Holman Field; LOC Runway 30, Amdt. 1; Revised.
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater International Airport; LOC(BC) Runway 35, Amdt. 9; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; LOC(BC)-A, Amdt. 14; Revised.

5. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAP's, effective May 25, 1972.

Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport; NDB Runway 27L, Amdt. 6; Revised.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport; NDB Runway 27R, Amdt. 6; Revised.
Bardstown, Ky.—Samuels Field; NDB(ADF) Runway 20, Amdt. 1; Canceled.
Bardstown, Ky.—Samuels Field; NDB-A, Original; Established.

Benton Harbor, Mich.—Ross Field; NDB Runway 27, Amdt. 2; Revised.
Coffeyville, Kans.—Coffeyville Municipal Airport; NDB Runway 35, Amdt. 2; Revised.
Cordova, Alas.—Cordova Mile 13 Airport; NDB-A, Amdt. 1; Revised.
Covington, Ky.—Greater Cincinnati Airport; NDB Runway 36, Amdt. 23; Revised.
Eugene, Oreg.—Mahlon-Sweet Field; NDB Runway 16, Amdt. 21; Revised.
Fayetteville, N.C.—Fayetteville Municipal/Grannis Field; NDB Runway 8, Amdt. 6; Revised.
Florence, S.C.—Florence Municipal Airport; NDB Runway 9, Original; Established.
Fresno, Calif.—Fresno-Chandler Downtown Airport; NDB-A, Amdt. 1; Revised.
Hawthorne, Calif.—Hawthorne Municipal Airport; NDB-A, Amdt. 1; Revised.
Islip, N.Y.—Islip-MacArthur Airport; NDB Runway 6, Amdt. 11; Revised.
Kenosha, Wis.—Kenosha Municipal Airport; NDB Runway 14, Amdt. 3; Revised.
Lewisburg, W. Va.—Greenbrier Valley Airport; NDB Runway 4, Amdt. 1; Revised.
Lexington, Nebr.—Lexington Municipal Airport; NDB Runway 14, Original; Established.
Long Beach, Calif.—Long Beach (Daugherty Field) Airport; NDB Runway 30, Amdt. 1; Revised.
Los Angeles Calif.—Los Angeles International Airport; NDB Runway 24L/R, Amdt. 6; Revised.
Los Angeles Calif.—Los Angeles International Airport; NDB Runway 25L/R, Amdt. 34; Revised.
Miami, Fla.—Dade-Collier Training and Transition Airport; NDB Runway 9, Amdt. 3; Revised.
Mount Vernon, Ill.—Mount Vernon-Outland Airport; NDB Runway 23, Original; Established.
Natchitoches, La.—Natchitoches Municipal Airport; NDB Runway 34, Amdt. 1; Revised.
Osceola, Wis.—Osceola Municipal Airport; NDB Runway 28, Amdt. 3; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; NDB-A, Amdt. 1; Revised.
Salina, Kans.—Municipal Airport; NDB Runway 35, Amdt. 5; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; NDB-A, Amdt. 3; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; NDB Runway 9, Amdt. 12; Revised.
Statesboro, Ga.—Statesboro Municipal Airport; NDB Runway 31, Original; Established.
Trinidad, Colo.—Las Animas County Airport; NDB(ADF)-1, Original; Canceled.
Trinidad, Colo.—Las Animas County Airport; NDB-A, Original; Established.
Union City, Tenn.—Everett-Stewart Airport; NDB Runway 18, Amdt. 3; Revised.
Union City, Tenn.—Everett-Stewart Airport; NDB Runway 36, Amdt. 1; Revised.
Wake Island—Wake Island Airport; NDB (ADF) Runway 10, Amdt. 10; Canceled.
Wichita Falls, Tex.—Kickapoo Airport; NDB-A, Original; Established.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective May 25, 1972.

Albany, Ga.—Albany-Dougherty County Airport; ILS Runway 4, Original; Established.
Atlanta, Ga.—Fulton County Airport; ILS Runway 8R, Amdt. 1; Canceled.
Atlanta, Ga.—The William B. Hartsfield Atlanta International Airport; ILS Runway 27R, Original; Established.
Covington, Ky.—Greater Cincinnati Airport; ILS Runway 9R, Amdt. 1; Revised.
Covington, Ky.—Greater Cincinnati Airport; ILS Runway 36, Amdt. 25; Revised.
Eugene, Oreg.—Mahlon-Sweet Field; ILS Runway 16, Amdt. 25; Revised.
Fayetteville, N.C.—Fayetteville Municipal/Grannis Field; ILS Runway 8, Amdt. 6; Revised.
Florence, S.C.—Florence Municipal Airport; ILS Runway 9, Original; Established.
Grand Junction, Colo.—Walker Field; ILS Runway 11, Amdt. 3; Revised.
Harrisburg, Pa.—Capital City Airport; ILS Runway 8, Original; Established.
Islip, N.Y.—Islip-MacArthur Airport; ILS Runway 6, Amdt. 12; Revised.
Long Beach, Calif.—Long Beach (Daugherty Field); ILS Runway 30, Amdt. 24; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 7L, Amdt. 5; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 24L/R, Amdt. 2; Revised.
Los Angeles, Calif.—Los Angeles International Airport; ILS Runway 25L/R, Amdt. 2; Revised.
Miami, Fla.—Dade-Collier Training and Transition Airport; ILS Runway 9, Amdt. 3; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; ILS Runway 8R, Original; Established.
Richmond, Va.—Richard Evelyn Byrd International Airport; ILS Runway 6, Amdt. 17; Revised.
Salina, Kans.—Municipal Airport; ILS Runway 35, Amdt. 6; Revised.
San Diego, Calif.—San Diego International-Lindbergh Field; ILS Runway 9, Amdt. 2; Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAP's, effective May 25, 1972.

Abilene, Tex.—Abilene Municipal Airport; Radar-1, Amdt. 1; Revised.
Covington, Ky.—Greater Cincinnati Airport; Radar-1, Amdt. 13; Revised.
Long Beach, Calif.—Long Beach (Daugherty Field); Radar-1, Amdt. 6; Revised.
Los Angeles, Calif.—Los Angeles International Airport; Radar-1, Amdt. 28; Revised.
Phoenix, Ariz.—Phoenix Sky Harbor International Airport; Radar-1, Amdt. 4; Revised.

8. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective May 25, 1972.

Indianapolis, Ind.—Indianapolis Municipal-Weir Cook Airport; RNAV Runway 4L, Amdt. 1; Revised.
Moses Lake, Wash.—Grant County Airport; RNAV Runway 21, Original. Established.
Muskegon, Mich.—Muskegon County Airport; RNAV Runway 14, Amdt. 2; Revised.
Salina, Kans.—Salina Municipal Airport; RNAV Runway 17, Amdt. 1, Revised.
San Antonio, Tex.—International Airport; RNAV Runway 30L, Amdt. 2; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on April 19, 1972.

WILLIAM G. SHREVE, JR.,
Acting Director, Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.72-6404 Filed 4-26-72;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-7127]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Sales of Debentures Guaranteed by Small Business Administration; Correction

In F.R. Doc. 72-5916 appearing at page 7589 in the issue of Tuesday, April 18, 1972, of the FEDERAL REGISTER, the subheading reading "[Release No. IC-7137]" should read "[Release No. IC-7127]."

For the Commission pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

APRIL 21, 1972.

[FR Doc.72-6438 Filed 4-26-72;8:50 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.660]

PART 14—EMPLOYEE-MANAGEMENT RELATIONS

On March 15, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5387), a notice of proposed rule making to issue regulations establishing procedures and defining rights necessary to implement Executive Order 11636, Employee-Management Relations in the Foreign Service of the United States (36 F.R. 24901). These regulations will be added to Title 22 of the Code of Federal Regulations as Part 14.

Interested persons were invited to submit written comments, suggestions, or objections regarding the proposed regulations not later than April 14, 1972. After consideration of all such revelant matter presented, the regulations for Part 14 are hereby adopted, subject to the following changes:

1. In § 14.2 the scope is amended to conform with E.O. 11636.

2. In paragraphs (b) through (k) of § 14.3 the definitions are amended to conform with E.O. 11636.

3. Section 14.5 is amended to authorize the Board of the Foreign Service to request and use the services and assistance of other agencies.

4. Paragraph (b) of § 14.7 is deleted, the remaining paragraphs are redesignated accordingly, and a new paragraph (e) is added to state that consultations shall be in accordance with the procedures, rulings and decisions of the Commission.

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5. Section 14.8(b) is amended to authorize a grievant to request the exclusion of the organization representative from part or all of a grievance proceeding to protect the grievant's right to privacy.

6. Section 14.12(d) is amended to specify that the Secretary of State will review all final reports and forward his recommendations to the President.

7. Section 14.13(c) is amended to clarify the authority of the heads of agencies to regulate the use of the agency's facilities.

8. In paragraph (d) of § 14.13 the time for consultation is increased from forty (40) to forty-eight (48) hours with a proviso that the time limit will not apply during the first three months following recognition of an exclusive representative, and that the head of each agency may extend the permissible time in the interest of reaching agreement.

Effective date. These regulations shall become effective April 20, 1972.

WILLIAM P. ROGERS,
Secretary of State.

APRIL 20, 1972.

Sec.
14.1 Purpose.
14.2 Scope.
14.3 Definitions.
14.4 General policy and responsibilities.
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14.6 Recognition.
14.7 Scope of consultations.
14.8 Consultation procedures.
14.9 Appeals.
14.10 Disputes panel.
14.11 Conferral.
14.12 Changes and amendments.
14.13 Organizational activities.
14.14 Miscellaneous.

AUTHORITY: The provisions of this Part 14 issued under secs. 4, 11, 14, and 16, E.O. 11636, 36 F.R. 24901, Dec. 24, 1971.

§ 14.1 Purpose.

The regulations in this part contain policies and procedures to implement the employee-management relations system for the Foreign Service of the United States. Their purpose is to promote effective, equitable, and uniform implementation of the policies, rights, and responsibilities prescribed by Executive Order 11636 for the Department of State, the U.S. Information Agency, and the Agency for International Development (or its successor agency or agencies).

§ 14.2 Scope.

These regulations and Executive Order 11636 are applicable to all members of the Foreign Service and to the foreign affairs agencies: *However*, The head of a foreign affairs agency may, in his sole judgment, suspend temporarily any provision of this order with respect to any post, bureau, office, or activity in the United States or abroad, when he determines in writing in emergency situations that this is necessary in the national interest.

§ 14.3 Definitions.

As used in this part, the following definitions shall apply:

(a) "Order" means Executive Order 11636, "Employee-Management Relations in the Foreign Service of the United States" (36 F.R. 24901, December 24, 1971).

(b) "Foreign affairs agency" or "agency," "employee," "management official," "confidential employee," "agency management," "organization," "commission," "Board," "Secretary," all have the meaning set forth in section 2 of the order.

(c) "Recognized organization" means an organization with the status of exclusive representative for the employees of an agency for purposes of the order.

(d) "Head of the agency" means: (1) for the Department of State, the Secretary; (2) for the U.S. Information Agency, the Director; and (3) for the Agency for International Development, the Administrator.

(e) "Executive Secretary" means the Executive Secretary of the Board.

(f) "Eligible employee" means any employee except a management official or confidential employee.

All other terms shall have the meanings prescribed in the order or the regulations by the Commission.

§ 14.4 General policy and responsibilities.

(a) The effective participation by the men and women of the Foreign Service in the formulation of personnel policies and procedures affecting the conditions of their employment is essential to the efficient administration of the Foreign Service and to the well-being of its members. All eligible employees of the foreign affairs agencies have the right to choose whether or not they wish to be represented by an organization for purposes of this participation and which, if any, organization they wish to represent them. It is the policy of the foreign affairs agencies that, if the employees of an agency choose to be represented by an organization, in accordance with procedures established under the order, consultation and conferral between the management of the agency and that organization are essential to the efficient administration of the Foreign Service and to the well-being of its members.

(b) To effectuate this policy, each employee of the Foreign Service has the right, subject to the limitations set forth below, freely and without fear of penalty or reprisal, to form, join, and assist any organization or to refrain from any such activity, and agency management shall not discriminate against employees in their exercise of these rights.

(c) Except as limited in paragraph (d) of this section, the right to assist an organization extends to participation in the management of an organization and acting for an organization in the capacity of an organizational representative, including presentation of an organization's views to agency management, officials of any part of the executive branch, the Congress, or other appropriate authority.

(d) Nothing in this section shall authorize participation in the management of an organization or acting as a representative of an organization by a management official or a confidential employee, or by an employee when the participation would result in a conflict, or apparent conflict, of interest or otherwise be incompatible with law or with the official duties of the employee. The head of each agency, or his designee, shall provide appropriate guidance for employees in order to avoid such potential conflicts.

(e) Recognition of an organization as the exclusive representative of the employees of an agency shall not preclude informal consultations or other dealings with lawful associations (not eligible for the status of organization) regarding topics of particular interest to those lawful associations as prescribed by section 7(e) (2) and (3) of the order.

(f) Recognition shall also not preclude an employee, or a group of employees, regardless of affiliation, from bringing matters of personal concern to the attention of appropriate officials of an agency under applicable laws, rules, regulations or established policies, or from choosing his or their own representative in a grievance or other administrative adjudication: *However*, This section does not permit an employee or group of employees to meet with agency management through an organization which is not recognized as the representative of the employees in that agency to discuss a matter which is a proper subject for consultation.

(g) When the head of an agency temporarily suspends any provision of the order or these regulations because of an emergency situation, both agency management and the organization recognized as the representative of the employees of that agency shall, to the extent practical, considering the requirements of the emergency situation, conduct themselves in accordance with the policies of the order. The head of the agency ordering such a suspension, or his designee, shall instruct the parties regarding the proper conduct during such emergencies, including, but not by way of limitation, by issuing directives as to which of these provisions is to apply during the suspension and by providing other appropriate guidance; such guidance shall, if practicable, be provided after conferral with the heads of the other agencies having employees at that post, and the recognized organizations (if any) for the affected agencies. No such suspension, however, shall operate to deny access by an employee or a group of employees to the grievance procedure established under section 10 of the order.

(h) All management officials and confidential employees shall, to the extent consistent with their right to join an organization, maintain strict neutrality in any public participation in the affairs of an organization with regard to matters covered by the order and shall avoid expressions of preference concerning representation by organizations in general or by any specific organization.

§ 14.5 Organs of administration.

(a) The Secretary shall exercise the following functions in the administration of the order:

(1) Prescribe regulations for the Board in the administration of its functions under the order;

(2) Establish procedures for recognized organizations to have access to agency management for the purposes of consultation and conferral;

(3) Prescribe regulations for the use of official time for consultation, conferral, and other representational activities by organizations and their agencies;

(4) Supervise the foreign affairs agencies in the implementation of the order; and

(5) Report to the President concerning the implementation of the order, after receiving the views of the Board, and make recommendations to the President regarding amendments to the order.

(b) The head of each respective foreign affairs agency, or his designee, shall exercise the following functions in the administration of the order:

(1) Prescribe regulations for the agency after consultation with the recognized organization if any, and, if none, with all participating organizations to implement the order and the regulations promulgated by the Secretary and the Commission. Such regulations shall include, but shall not be limited to: (i) A clear statement of the rights of the employees of the agency under the order; (ii) procedures with respect to consultation and conferral with recognized organization; (iii) policies with respect to the use of agency facilities by organizations; and (iv) policies and practices regarding consultation with other lawful associations, as appropriate;

(2) Suspend temporarily any or all of the provisions of the order or this part at any post, bureau, office, or activity, when he determines in writing that an emergency situation necessitates such suspension in the national interest, subject to the conditions he prescribes, and issue temporary regulations governing employee-management relations during such suspension; and

(3) Perform such other functions as the Secretary may, by regulation, or otherwise, prescribe.

The following offices shall be responsible for the administration of the employee-management relations system for each respective agency: (i) For the Department of State, the Special Assistant for Employee-Management Relations to the Director General of the Foreign Service; (ii) for the U.S. Information Agency, the Personnel Planning Staff; and (iii) for the Agency for International Development, the Welfare and Grievance Staff, Office of Personnel and Management. Matters relating to the administration of the order by an agency should be directed to those officials, and any notice, paper, request, or other material served upon them shall be considered as served upon the agency.

(c) The Board shall perform the following functions in the administration of the order:

(1) Consider and make recommendations to the Secretary concerning any subject of a substantive nature appropriate for the implementation of the order.

(2) Interpret this part and the order, except for those provisions reserved to the functions of the Commission;

(3) Perform such other functions as the Secretary may, by regulation or otherwise, prescribe;

(4) Perform such other functions as prescribed in section 4(a) of the order. All papers or materials to be submitted to the Board shall be directed to the Executive Secretary and shall be submitted in triplicate, at least ten (10) working days before the date of the meeting of the Board at which such papers or materials are to be considered. In performing the duties imposed on it by section 4(a) of the order, the Board may request and use the services and assistance of employees of other agencies in accordance with section 1 of the Act of March 4, 1915 (38 Stat. 1084, as amended; 31 U.S.C. 686).

§ 14.6 Recognition.

(a) Any organization seeking recognition under the order shall, in addition to meeting the requirements of the regulations established by the Commission, submit to the relevant agency a copy of the organization's constitution and bylaws, a statement of its objectives, and a roster of its officers.

(b) Recognition shall be accorded only following an election conducted by the head of that foreign affairs agency, under supervision of the Commission, among all the employees of the agency.

(c) Recognition of an organization certified by the Commission as the choice of the eligible employees of an agency shall be accorded by that agency following the receipt of a notification from the Commission informing the agency of the certification of the results of an election. Recognition shall be accorded by means of a letter from the head of the agency to the principal executive officer (or his designee) of the organization to be recognized.

(d) Recognition of an organization shall be withdrawn upon the presentation to the foreign affairs agency of a ruling by the Commission that the recognized organization has been found ineligible for recognition for any reason, or of a certification by the Commission of the results of an election in which the majority of the ballots cast indicate that the eligible employees of the agency have selected another organization as their exclusive representative, or that they do not wish to be represented by that organization.

(e) Whenever a foreign affairs agency receives information which creates a substantial question that an organization certified by the Commission as the winner of a representation election is ineligible for recognition because of noncompliance with Part 304 of this title or for any other reason acceptable to the Commission, the head of the agency or designee shall petition to the Commission in accordance with its regulations.

(f) Whenever the head of an agency receives information which creates a good faith doubt that the employees of an agency desire to have the recognized organization continue to represent them he shall, at the earliest time possible under the regulations of the Commission, petition to the Commission for the purpose of conducting an election pursuant to Part 302 of this title.

§ 14.7 Scope of consultation.

(a) Appropriate subjects for consultation between the recognized organization and the foreign affairs agency are those personnel policies and procedures, including grievance procedures, which affect working conditions of the employees which are within the authority of the foreign affairs agency.

(b) The obligation to consult does not include matters with respect to the mission of a foreign affairs agency; its budget; its organization; the number of employees; and the numbers, types, and grades of positions or employees assigned to an organizational unit, work project or tour of duty; the technology of performing its work; or its internal security practices. Consultations will not extend to foreign policy matters or other substantive responsibilities of the foreign affairs agencies. This paragraph shall not preclude consultation with respect to providing appropriate arrangements for employees adversely affected by the impact of realignment of work forces or technological change.

(c) If consultations are desired for personnel policies or procedures which directly affect more than one foreign affairs agency, such consultations shall be conducted jointly among the managements of all agencies involved and the organizations, if any, recognized by those agencies.

(d) The obligation to consult shall not deny the authority and obligation of the management of such foreign affairs agency to: (1) direct employees of the agencies; (2) hire, promote, transfer, assign, and retain employees in positions within the foreign affairs agencies, and suspend, demote, discharge or take other disciplinary action against employees; (3) relieve employees from duties because of the lack of work or for other legitimate reasons; (4) maintain the efficiency of the Government operations entrusted to them; (5) determine the methods, means, and personnel by which operations are to be conducted; and (6) take whatever actions may be necessary to carry out the missions of the agencies in situations of emergency. Such authority and obligation shall remain with the management of the agency in the administration of the policies and practices which result from the consultation process.

(e) Consultation shall be in accordance with the procedures, rulings, and decisions of the Commission.

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§ 14.8 Consultation procedures.

(a) Agency management and the recognized organization shall to the extent consistent with applicable law and regulations have the mutual obligation to consult regularly and prior to the adoption of proposed or revised personnel policies and procedures which affect working conditions of employees for the purpose of arriving at mutually acceptable policies, changes, or revisions. Such obligation does not, however, compel either party to agree to any specific proposal advanced by the other party during such consultations, nor does it require the making of a concession on any specific matter.

(b) After an organization is recognized, a procedure for the resolution of grievances shall be established by the agency after consultation with the recognized organization. The establishment of such a procedure shall not limit the right of the individual employee or group of employees to choose his or their representative. When a grievance is brought under that procedure by an employee or group of employees and the representative chosen by the grievant or grievants is other than the recognized organization, the recognized organization may be present at all sessions of the procedure at which the representative may be present, but the recognized organization may not intercede or present arguments of its own unless permission to do so has been granted by the Executive Secretary on the grounds that the resolution of the grievance would have an important effect upon consultation rights. In situations where the Executive Secretary has not specifically granted permission the grievant or grievants may ask the Executive Secretary that the representative of the organization be excluded from part or all of the proceedings in order to protect the privacy of the grievant or grievants.

(c) Consultations shall be conducted at reasonable times and places which are mutually agreeable to the agency management and the recognized organization. Agency management shall inform the recognized organization whenever a change or revision in any personal policy or practice affecting the agency's employees—other than foreign policy matters or other substantive responsibilities of the foreign affairs agencies—is contemplated. The organization may propose such changes or revisions on its own initiative. Agency management shall not institute such a change until the parties have had a reasonable opportunity to consult and reach agreement or, if the parties do not agree as to the obligation to consult, until the Commission resolves the issue of whether an obligation to consult exists. Such a revision or change may be instituted without the concurrence of the recognized organization if that organization does not request consultation within ten (10) days after its receipt of the notification that the agency intends such a change or revision.

(d) The head of each agency shall issue regulations setting forth the procedure for such consultations.

(e) The results of consultation shall not be effective until signed by the head of the agency or his designee.

(f) When consultation does not result in agreement on a substantive issue, the recognized organization may appeal the final or last position of the agency to the Board. During the pendency of such an appeal, the agency shall not institute any change or modification in the matter under consideration unless the head of the agency determines that immediate implementation is required by the national interest, in which case a statement of the reasons for such action shall be supplied to the recognized organization and to the Board.

§ 14.9 Appeals.

(a) When, after a reasonable period of consultation, no agreement is reached on a substantive issue the recognized organization may appeal the final or last position of the foreign affairs agency to the Board. Such an appeal shall be made only after agency management has informed the organization that its position is final or after the organization has informed management that it considers that management's position will not be substantially changed as a result of further consultations. Unless agency management agrees to reconsider its position within five (5) days after that time, an appeal must be filed with the Board within ten (10) days from the date the organization informs agency management that it considers an appeal to be timely or from the date the agency management informs the organization that its position is final. If no appeal is filed with the Board within ten (10) days, the final or last position of agency management may be implemented as though agreement had been reached on the matter.

(b) All appeals shall be made in writing to the Board, stating the last or final position of the agency, the position of the organization; the reasons for the organization's position, the prior positions of the parties during consultation, the reasons the organization believes a substantive question is involved, and any additional facts needed for the Board to consider the appeal. A copy of all material submitted to the Board shall be provided to the agency at the same time.

(c) Within ten (10) days from the date the organization submits its material to the Board and to the agency, the agency may submit a reply to any or all of the points raised by the appeal and supporting papers. A copy of any reply shall be provided to the organization at the same time. The agency may request certain matters be given priority attention if their immediate implementation is considered important.

(d) All papers and other material submitted to the Board shall be reviewed by the Executive Secretary for purposes of determining whether additional material is necessary, formulating a summary, and making a recommendation to the Board regarding the existence of a substantive question. If the Executive Secretary determines no additional material is required in order to resolve the issue of whether a substantive question has been raised, he shall submit a summary of the relevant facts and his recommendation to the Chairman of the Board within ten (10) days following the time specified for the receipt of the agency's reply materials, and shall provide a copy of such to the organization and the agency.

(e) The Executive Secretary may request oral or written statements from the parties in order to determine whether the appeal involves a substantive question if the material filed by the parties is insufficient.

(f) The Board shall initially determine whether a substantive question is raised by the appeal. For purposes of this section, a substantive question is raised when the subject under consideration creates, defines, or changes rights of the employees or organizations or the conditions relating to such rights.

(g) The Board shall issue its decision as to whether a substantive question is raised as expeditiously as possible following the receipt of the Executive Secretary's recommendation.

(h) If the Board finds that the appeal does not raise a substantive question, it shall dismiss the appeal, and the agency may implement its last or final position immediately.

(i) If the Board finds a substantive question has been raised, the appeal shall be referred to a disputes panel for a finding of fact and recommendation in accordance with § 14.10.

(j) After receiving the findings of fact and recommendations of the disputes panel, the Board may request or receive the views of or assistance from any party, person, organization, or agency. As expeditiously as possible after receipt of the panel's findings of fact and recommendations the Board shall issue its decisions, which will be binding on the parties, unless overruled by the head of the agency.

(k) When the head of the foreign affairs agency overrules the decision of the Board, he shall issue a statement explaining the reasons for which the Board's decision is unacceptable and the position he adopts is required. A copy of such statement shall be provided to the organization, the Board, and the Commission.

(l) The organization and agency management may, at any time, remove an appeal from consideration by the Board or disputes panel by mutual agreement.

§ 14.10 Disputes panel.

(a) A disputes panel to assist the Board in the consideration of appeals shall be appointed by the Chairman of the Board. The panel shall consist of two Foreign Service employees of any foreign affairs agency who are not part of agency management or organization officials, one representative of the Department of Labor, one member of the Federal Service Impasses Panel, and one public member.

(b) The disputes panel shall present findings of fact and recommendations to the Board for the disposition of the appeal of the dispute, and it may, in cases

it deems appropriate, mediate disputes or otherwise attempt to promote agreement between the parties. The panel may not impose binding arbitration, but it may take whatever steps in an advisory capacity it considers helpful in assisting the parties to reach agreement.

(c) The panel shall conduct its own investigation in its factfinding capacity. It may request written or oral statements or arguments from the parties and may request information, including documents or witnesses (or depositions, if more appropriate) from the parties or from any other source it considers appropriate.

(d) The presentation of the panel's findings of fact to the Board shall be limited to subjects which have been considered by the parties in the consultation process. Its recommenations to the Board shall be within the scope of the final or last positions taken by the parties.

(e) The disputes panel shall issue its findings of fact and recommendations to the Board within thirty (30) days after receiving the question, unless the appeal has been withdrawn earlier. The panel may request an extension of time from the Board if additional time is needed to permit the parties to reach agreement. All findings of fact and recommendations shall be provided to the recognized organization and the agency.

§ 14.11 Conferral.

(a) The head of each agency whose employees are represented by an organization shall appoint appropriate representatives of agency management to meet regularly with the organization for purposes of conferral and review in regard to matters affecting or affected by the employee-management relations system.

(b) Such meetings shall be held at times and locations agreed upon by the parties. These meetings may be scheduled as periodic meetings. Notwithstanding an agreement to hold such meetings periodically, the organization or the agency may request a meeting at any reasonable time; agency management or the organization shall grant such requests whenever practical.

(c) There shall be no limitation upon the topics which may be discussed during conferral and review meetings provided some relationship exists between the topic and employee-management relations: *However*, Matters specifically excluded from the obligation to consult by the terms of the order shall be proper topics for conferral only if the parties specifically agree.

(d) Agency management and the recognized organization may confer in order to establish a procedure for resolution of issues relating to working conditions of employees at any post which would not affect the foreign service generally. The results of such conferral, or the positions of the parties if agreement is not attained within a reasonable time, may be submitted to the Board in the form of a recommendation of a change in the implementation of the order.

(e) All recognized organizations and agencies shall meet annually to review the implementation and administration of the employee-management relations system established by the order. All recommendations or conclusions arrived at after such meetings shall be submitted to the Board for consideration.

(f) Meetings shall be held with the recognized employee organizations, if any, so that the Secretary and the Director may take into account the views of the organizations in designating their respective members on the Board of the Foreign Service.

§ 14.12 Changes and amendments.

(a) All recommendations by any person for amendments to the order or changes in its implementation shall be made directly to the Board: *However*, The agency or the recognized organization shall make such recommendations only following conferral upon them.

(b) Upon the receipt of a recommendation from any source, or upon its own initiative, the Board may review the implementation of the order, proposed amendments to the order or this part, or any topic related to the effectuation of the policies of the order. An announcement of such a review shall be provided to the foreign affairs agencies, all known interested organizations, all employees of the Foreign Service, and the public.

(c) Following such announcement the Board may request or otherwise receive the views of any interested party.

(d) Within a reasonable time after the issuance of the announcement, not to exceed ninety (90) days, the Board shall issue either a final or interim report to the Secretary, including, if appropriate, its recommendations for amendments to the order or this part. The Secretary shall review all final reports and forward his recommendations to the President.

§ 14.13 Organizational activities.

(a) All organizations shall be given reasonable opportunities to solicit membership and support for their organizational activities among the members of the Foreign Service. Subject to the limitation prescribed by the head of the agency, representatives of such organizations shall be permitted, upon request, to post notices or distribute literature or to hold organizational meetings at any post. Such permission shall not extend to meetings during official duty hours or to activities which disrupt or tend to disrupt the proper functioning of the post's activities.

(b) Official time may not be used by representatives of organizations for the purposes of soliciting memberships or support among the employees of the agency or for any purpose not relating directly to the representation of the employees to management (i.e., consultations, conferral, grievance representation , and hearings directed by the Commission or the Board).

(c) The use of agency facilities, including the interoffice or interdepartmental distribution system, will be governed by the regulations of the head of the agency. Use of mail facilities to or from posts normally used by the public shall be available to organizations on the same basis as to any member of the public. Telecommunication facilities may only be used following a request to, and written permission by, the Secretary or his designee.

(d) The amount of official time spent by representatives of a recognized organization for the consultation process shall be limited to that reasonably required to reach agreement but not to exceed four (4) hours each month or forty-eight (48) hours each fiscal year. Such time limits will not be applicable during the first 3 months following recognition of an exclusive representative of all the employees of an agency. The head of each agency may extend the permissible time in the interest of reaching agreement. The number of organization representatives who are employed by the foreign affairs agencies and who are on official time normally shall not exceed the number of agency representatives. If an appeal has been taken under § 14.9, the Board may request that the head of the agency permit a representative or representatives of the organization a reasonable amount of official time for purposes of appeals.

(e) The amount of official time spent by representatives of an organization for conferral and review shall be over and above the time used for consultation and shall be limited to that reasonably necessary. The number of organization participants at conferral shall normally not exceed the number of the agency participants.

(f) Neither overtime, compensatory time off, nor travel time will be available to organizational representatives because of time spent in the process of consultation or conferral.

§ 14.14 Miscellaneous.

(a) Nothing in this part, the results of consultations, or any agreement between the agency and an organization shall be construed to limit the authority of agency management to establish policies and practices directly affecting those employed by the agency other than eligible employees.

(b) Nothing in the order, this part, the result of any consultation, or any agreement shall in any way limit the authority and responsibility of the head of an agency to seek any and all appropriate judicial and/or administrative action to terminate or prohibit a strike, work stoppage, slowdown, or any other such concerted action which tends to affect detrimentally the operations of an agency.

(c) All employees of the Foreign Service and all persons employed by or assigned to a foreign affairs agency shall provide full cooperation to the Board, the Commission, and disputes panels, and provide those organs with any and all information or assistance requested by them.

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(d) Both agency management and all organizations shall be bound by the decisions of the Board (unless the head of the agency directs otherwise in a decision on an appeal under § 14.9) and the Commission.

(e) Nothing in the order, this part, the results of consultation, or any agreement shall prevent the head of an agency from excluding any person, party, documents, or information from any other party or proceeding if, in his sole discretion, he determines in writing that such exclusion is required to protect national interest. Such exclusion shall not be interpreted as an admission of any position.

(f) In computing any period of time prescribed by or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, official Federal holiday or local legal holiday (if the action directly involves a foreign post) in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, official Federal holiday, or local legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, official Federal holidays, and local legal holidays shall be excluded from the computations. When the regulations in this part require the filing of any paper, such document must be received by the designated recipient before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted. Whenever a party has the right or is required to do some act pursuant to the regulations in this part within a prescribed period after service of a notice or paper and the notice or paper is served on him by mail within the United States, three (3) days shall be added to the prescribed period or if outside the United States an appropriate amount of time: *Provided, however,* That such additional time may not be added if any extension of time may have been granted.

(g) When an act is required or allowed to be done at or within a specified time, the time period may be altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the order.

(h) The regulations in this part shall be construed liberally to effectuate the purposes and provisions of the order.

[FR Doc.72-6406 Filed 4-26-72;8:48 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Eligible Communities

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of eligible communities.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Mobile	Chickasaw	I 01 097 0670 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Apr. 28, 1972.
California	Marin	Belvedere				Do.
Connecticut	Hartford	Hartford	I 09 003 0280 02 through I 09 003 0280 06	Department of Environmental Protection, Director of Water and Related Resources, Room 225 State Office Bldg, Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Commission of the City Plan, Fourth Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103. Office of the City Clerk, First Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103.	Do. Do.
Georgia	Clayton	Unincorporated areas.				Do.
Illinois	Kankakee	do.				Do.
Massachusetts	Norfolk	Holbrook	I 25 021 0488 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Planning Board, Town Hall, Holbrook, Mass. 02343.	Do.
Minnesota	Nicollet	North Mankato	I 27 103 5280 02	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City of North Mankato Municipal Bldg., 1001 Belgrade Ave., North Mankato, MN 56001.	Do.
Do	Washington	Lakeland Shores	I 27 163 3650 01	do	Office of the Mayor, Village of Lakeland Shores, Lakeland, Minn. 55043.	Do.
Missouri	Phelps	Newburg	I 29 161 5610 01	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Clerk, City of Newburg, City Hall, Newburg, Mo. 65550.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 20, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-6346 Filed 4-26-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

• • • • • • •

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Alabama	Mobile	Chickasaw	H 01 097 0670 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Office of the City Clerk, Chickasaw City Hall, 224 North Craft Highway, Chickasaw, AL 36611.	Feb. 28, 1971.
California	Marin	Belvedere				Apr. 28, 1972.
Connecticut	Hartford	Hartford	H 09 003 0280 02 through H 09 003 0280 06.	Dept. of Environmental Protection, Director of Water and Related Resources, Room 225 State Office Bldg, Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, CT 06115.	Commission of the City Plan, Fourth Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103. Office of the City Clerk, First Floor, Municipal Bldg., 550 Main St., Hartford, CT 06103.	July 1, 1970.
Georgia	Clayton	Unincorporated areas.				Apr. 28, 1972.
Illinois	Kankakee	do.				Do.
Massachusetts	Norfolk	Holbrook	H 25 021 0488 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Office of the Planning Board, Town Hall, Holbrook, Mass. 02343.	Aug. 7, 1970.
Minnesota	Nicollet	North Mankato	H 27 103 5280 02	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City of North Mankato, Municipal Bldg., 1001 Belgrade Ave., North Mankato, MN 56001.	Nov. 6, 1970.
Do	Washington	Lakeland Shores	H 27 163 3650 01	do	Office of the Mayor, Village of Lakeland Shores, Lakeland, Minn. 55043.	Apr. 8, 1971.
Missouri	Phelps	Newburg	H 29 161 5610 01	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the City Clerk, City of Newburg, City Hall, Newburg, Mo. 65550.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 20, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-6347 Filed 4-26-72;8:45 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

N-(AMINOETHYL) ETHANOLAMINE SALT OF DODECYLBENZENE SULFONIC ACID

A petition (PP 1F1052) was filed by the Witco Chemical Corp., 400 North Michigan Avenue, Chicago, IL 60611, proposing establishment of an exemption from requirement of a tolerance for residues of the emulsifier *N*-(aminoethyl) ethanolamine salt of dodecylbenezene sulfonic acid when used as an inert ingredient in liquid emulsifiable herbicide concentrates.

Part 120, Chapter I, Title 21 was redesignated Part 420, Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that the emulsifier is useful in pesticide formulations as proposed and exemption from the requirement of a tolerance will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by alphabetically inserting a new item in the table in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • • •

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
N-(Aminoethyl) ethanolamine salt of dodecylbenzene sulfonic acid.	For use only in liquid emulsifiable herbicide concentrates.	Do.
• • •	• • •	• • •

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room

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3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6419 Filed 4-26-72;8:48 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

PROPIONIC ACID

A petition (PP 2F1203) was filed by BP Chemical International Ltd., Devonshire House, Piccadilly, London, WIX 6AY, England, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the fungicide propionic acid in or on the raw agricultural commodities the grains of barley, corn, oats, sorghum, and wheat at 20,000 parts per million from postharvest application. Subsequently, it was concluded that an exemption from the requirement of a tolerance for residues of propionic acid would be appropriate based on the following facts:

1. Propionic acid is a natural component of rumen fluid ("Journal of Agricultural Food Chemistry," vol. 19, p. 1204 (1970)).

2. In nonruminates, propionic acid is one of the metabolic products of several of the amino acids normal to animals.

3. Propionic acid is present as a fermentation byproduct in alfalfa hay and is a normal constituent of other feeds and of the metabolic pools of mammals.

4. Propionic acid and/or its sodium salt are (is) generally regarded as safe or are (is) exempted from the requirement of a tolerance under §§ 180.2(a), 180.1001(c), 180.1015, 121.101(d) (Title 21), and 121.101(h) (Title 21).

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424). Subsequently, Part 420, Chapter III, Title 21 was redesignated Part 180 and transferred to Subchapter E, Chapter I, Title 40 (36 F.R. 22369).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the fungicide is useful for the purpose for which an exemption is being established and the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.304 is deleted from Subpart C and a new section is established in Subpart D to read as follows:

§ 180.1023 Propionic acid; exemption from the requirement of a tolerance.

Propionic acid is exempt from the requirement of a tolerance for residues when used as a fungicide in or on the grains of barley, corn, oats, sorghum, and wheat from postharvest application. These grains are for use only as animal feeds.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 409 (d) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6418 Filed 4-26-72;8:48 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15-3—PROCUREMENT BY NEGOTIATION

Subpart 15-3.1—Use of Negotiation

DISSEMINATION OF PROCUREMENT INFORMATION

Section 15-3.103, dissemination of procurement information, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations. Interested parties and Government agencies are invited to submit written comments to the Director, Contracts Management Division, Environmental Protection Agency, Washington, D.C. 20460. Relevant comments will be considered and may be incorporated at a later date.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (4-27-72).

Dated: April 24, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

§ 15-3.103 Dissemination of procurement information.

(a) Debriefing of unsuccessful offerors.

(1) *Purpose.* This section provides Environmental Protection Agency (EPA) policy and procedures for debriefing unsuccessful offerors in competitive negotiated procurements.

(2) *Policy.* (i) The policy of the EPA is to provide a debriefing, when requested in writing, to an offeror that has unsuccessfully competed for an EPA procurement. Exceptions to or deviations from debriefing policy and procedures will be approved by the Director, Contracts Management Division.

(ii) A debriefing is intended to:

(*a*) Tell an unsuccessful offeror which areas of his proposal were judged to be weak and deficient and whether the weaknesses or deficiencies were factors in his not having been selected;

(*b*) Identify the factors which were the basis for selection of the successful contractor. If the quality of his proposal to satisfy the mission requirement was the basis, the unsuccessful offeror should be so informed, and given a general comparison of significant areas but not a point-by-point comparison of all the elements considered in the evaluation criteria. If the successful offeror was selected on the basis of cost, the unsuccessful offeror should be told that such is the case. If selection was based on other factors, they should be specified.

(iii) If an unsuccessful offeror feels that his exclusion from the award was not justified, he will rely, at least in part, on the information given him in the debriefing to determine whether he should seek recourse against that exclusion. Accordingly, it is essential that a debriefing be conducted in a scrupulously fair, objective, and impartial manner, and that the information given the unsuccessful offeror be absolutely factual and consistent with the findings of the Contracting Officer and the basis on which he made his decision.

(iv) A debriefing should not reveal:

(*a*) Confidential business information, trade secrets, techniques, or processes of the other offerors; and

(*b*) The relative merits or technical standing of the unsuccessful offerors.

(3) *Procedures.* (i) Once a procurement action has been initiated, through the evaluation process, and even after the selection of a contractor, all contractor queries as to the relative merits of the submitted proposal shall be courteously but firmly directed to the appropriate procurement official. All other personnel will avoid exchange of comments with all offerors.

(ii) Promptly after making awards in any procurement in excess of $10,000, the Contracting Officer shall give written notice to the unsuccessful offerors that their proposals were not accepted. The notice should name the successful contractor and state the amount of the award. It is also permissible to give the number of proposals received, but not the prices quoted by other unsuccessful offerors. Upon request, unsuccessful offerors shall be furnished the reasons why their proposals were not accepted, in accordance with subparagraph (2) of this paragraph.

(iii) Any EPA employee who receives from an unsuccessful offeror a request, written or oral, for a debriefing shall immediately refer the request to the Director of the Contracting Operations. This official or his designee shall be present at all debriefings, and shall review written debriefings prior to release.

(iv) In come cases it may be necessary to arrange informal debriefings to contractor personnel by EPA evaluation participants. This determination will be made by, and meeting arrangements will be the responsibility of, the Director of the Contracting Operations.

(v) It is most important that all EPA personnel engaged in the evaluation and selection process be aware of the foregoing policies and procedures. Detailed and complete records will be maintained by key technical and business participants in a manner which will facilitate either a written or oral debriefing of any unsuccessful offeror's proposal.

(4) *Report.* When a debriefing is held, a brief report, summarizing the results of the debriefing, will be prepared and placed in the contract file.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.72-6454 Filed 4-26-72;8:51 am]

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 25]

CUSTOMS BONDS

Notice of Proposed Rule Making

Notice is hereby given that under the authority of sections 623 and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 1623, 1624), it is proposed to amend Part 25 of the Customs Regulations by adding a new § 25.2 relating to the filing of a Bond Transcript in connection with Customs bonds in certain cases, and by amending subparagraphs (16), (19), and (25) of § 25.4(a) relating to Customs bonds which are approved by district directors of customs.

The amendments set forth below in proposed form are designed to enable the Bureau of Customs to institute an Automated Bond Information System in order to facilitate the processing of term bonds, to relieve the principals on such bonds where two or more ports of entry are involved of the burden of furnishing copies of those bonds for all ports of entry covered thereby, and to provide Customs officers current information regarding bonds and the charges that have been placed against them.

It is proposed to initiate this system with the automation of the following bonds:

1. Customs Form 7553—Immediate Delivery and Consumption Entry Bond (Term).
2. Customs Form 7563–A—Bond for Temporary Importations (Term).
3. Customs Form 7569—Vessel, Vehicle, or Aircraft Bond (Term).
4. Customs Form 7595—General Term Bond for Entry of Merchandise.
5. Customs Form 7599—Bond for Use in Connection with Requests for Overtime Services Made by or on behalf of Parties in Interest (Term).

Under the present procedure the bond principal identifies on each of the abovementioned bonds the ports of entry (including Customs stations and places of Customs preclearance) at which the bond may be used. Under the proposed procedure, except for Customs Form 7553, which, as now, will cover entries only at a single port, the bond will be valid at all ports of entry (including Customs stations and places of Customs preclearance) at which transactions covered by the bond may be effected.

Present law (6 U.S.C. 7) requires that a surety company on a Federal bond appoint an agent for the service of process in each judicial district in which he does business. Many of the surety companies which hold certificates of authority as acceptable sureties on Federal bonds do not have agents for the service of process in each judicial district of the United States. In these circumstances, in order that no such surety company be prevented from writing the four types of Customs bonds which will be valid at all ports of entry, it is proposed to amend Customs Forms 7563–A, 7569, 7595, and 7599 when the automated system is instituted to include in each bond the condition that the surety agrees to accept service of process on the Clerk of the U.S. District Court in the judicial district where any entries thereunder are made in which it has failed to appoint an agent.

In order that bond data may be automated, a form of Bond transcript tentatively identified as Customs Form 53 will be required to be completed and filed with each of the above-mentioned bonds. The proposed form of Bond Transcript is as follows:

BOND TRANSCRIPT

Principal's name on bond:

---

1. Principal's importer No.: _____
2. Type of bond (Customs Form No.): _____
3. Bond amount: _____
4. Bond expiration date (MM/DD/YY): _____
5. Surety No.: _____
6. Surety's bond No.: _____
7. Power of attorney Soc. Sec. No.: _____
8. To terminate bond currently on file check here ☐. Complete all sections above only and submit with signed request from principal to terminate bond. Show requested date of termination: _____
9. District/port location and code where bond filed: _____
10. List below all additional names on the bond of principals, and those under which the principals do business as, including their importer number(s) and suffix:

Importer name	*Number*
_____	_____
_____	_____
_____	_____

Certification by Customs:

_____ _____
(Approved by) (District)

The Department of the Treasury.
Bureau of Customs.

To insure that the information with respect to each bond covered by this proposal can be sent to the Customs Data Center, Silver Spring, Md., and disseminated by computer printout to all ports of entry before the bond becomes effective, it is necessary to require that the bond and bond transcript be filed with a district director of customs at least 60 days prior to the date on which the bond is to become effective. This requirement for 60-day advance filing would also apply to requests for premature termination of bonds.

Under the present regulations the Temporary Importation Bond (Term) may be furnished in an amount as low as $1,000 if it is given to cover the entry of merchandise at only one port and in a minimum of $10,000 when the bond is to cover importations at more than one port. Since the Temporary Importation Bond when taken on a term basis under the automated procedure will be valid at all ports of entry, the minimum amount of the bond under the proposed amendment will be $10,000.

The terms of the proposed amendment are as follows:

Section 25.2 is added, reading:

§ 25.2 **Bond Transcript.**

(a) There shall be furnished to the district director of customs with each bond on Customs Forms 7553, 7563–A, 7569, 7595, and 7599 a completed Bond Transcript on Customs Form 53, in triplicate. The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective.

(b) Each request to terminate a bond of a type named in paragraph (a) of this section, before the expiration of the period covered by the bond shall be accompanied by a completed Customs Form 53, in triplicate, appropriately marked to show that it involves a request for bond termination. The termination shall take effect on the date requested if the request and bond transcript are filed at least 60 days in advance of the requested date. If they are not so filed, the termination shall take effect on the 60th day after receipt by the district director of customs of the request and bond transcript. A bond transcript shall also be required to terminate an existing bond when a superseding bond (also with appropriate bond transcript) is filed to take effect before completion of the period covered by the bond to be superseded.

§ 25.4 [Amended]

Section 25.4(a) is amended as follows:

1. Subparagraph (16) is amended to read:

(16) Term bond for temporary importations, Customs Form 7563–A, in the amount of $10,000 or such larger amount as may be fixed by the district director of customs at the port where the bond is filed.

2. Subparagraph (19) is amended by deleting the final sentence. As amended, subparagraph (19) reads as follows:

(19) Vessel, vehicle, or aircraft term bond, Customs Form 7569, in the amount of $10,000, or such larger amount as may be fixed by the district director of customs at the port where the bond is filed.

3. Subparagraph (25) is amended to read:

(25) General term bond for the entry of merchandise, Customs Form 7595, in the amount of $100,000, or such larger amount as may be fixed by the district director of customs at the port where the bond will be filed. A principal desiring to execute this form of bond shall file with the district director an application for permission to file the bond. The application shall show the general character of the merchandise to be entered and the total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director of customs. Such total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption, even though some or all of the merchandise may have been entered under bond. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

(Secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 1623, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3(b)) at the Bureau of Customs, Washington, D.C., during regular business hours.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: April 14, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72-6422 Filed 4-26-72;1:00 pm]

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Special Rules for Reduction of Creditable Foreign Taxes in the Case of Foreign Mineral Income

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 29, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 29, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 901(e) of the Internal Revenue Code of 1954 (relating to taxes on foreign mineral income), as added by section 506(a) of the Tax Reform Act of 1969 (83 Stat. 634), and to section 904(b) of such Code (relating to election of overall limitation), as amended by section 506(b) of the Tax Reform Act of 1969 (83 Stat. 635), such regulations are amended as follows:

PARAGRAPH 1. Section 1.901 is amended to read as follows:

§ 1.901 **Statutory provisions; taxes of foreign countries and of possessions of the United States.**

SEC. 901. *Taxes of foreign countries and of possessions of the United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under sections 902 and 960. Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences), against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries) or under section 1351 (relating to recoveries of foreign expropriation losses), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the applicable limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

(1) *Citizens and domestic corporations.* In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) *Resident of the United States or Puerto Rico.* In the case of a resident of the United States and in the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

(3) *Alien resident of the United States or Puerto Rico.* In the case of an alien resident of the United States and in the case of an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any foreign country; and

(4) *Nonresident alien individuals and foreign corporations.* In the case of any nonresident alien individual not described in section 876 and in the case of any foreign corporation, the amount determined pursuant to section 906; and

(5) *Partnerships and estates.* In the case of any individual described in paragraph (1), (2), (3), or (4), who is a member of a partnership or a beneficiary of an estate or trust, the amount of his proportionate share of the taxes (described in such paragraph) of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(c) *Similar credit required for certain alien residents.* Whenever the President finds that—

(1) A foreign country, in imposing income, war profits, and excess profits taxes, does not allow to citizens of the United States residing in such foreign country a credit for any such taxes paid or accrued to the United States or any foreign country, as the case may be, similar to the credit allowed under subsection (b)(3),

(2) Such foreign country, when requested by the United States to do so, has not acted to provide such a similar credit to citizens of the United States residing in such foreign country, and

(3) It is in the public interest to allow the credit under subsection (b)(3) to citizens or subjects of such foreign country only if it allows such a similar credit to citizens of the United States residing in such foreign country, the President shall proclaim that, for taxable years beginning while the proclamation remains in effect, the credit under subsection (b)(3) shall be allowed to citizens or subjects of such foreign country only if such foreign country, in imposing income, war profits, and excess profits taxes, allows to citizens of the United States residing in such foreign country such a similar credit.

(d) *Corporations treated as foreign.* For purposes of this subpart, the following corporations shall be treated as foreign corporations:

(1) A corporation entitled to the benefits of section 931, by reason of receiving a large percentage of its gross income from sources within a possession of the United States; and

(2) A corporation organized under the China Trade Act, 1922 (15 U.S.C., chapter 4), and entitled to the deduction provided in section 941.

(e) *Foreign taxes on mineral income*—(1) *Reduction in amount allowed.* Notwithstanding subsection (b), the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession which would (but for this paragraph) be allowed under such subsection shall be reduced by the amount (if any) by which—

(A) The amount of such taxes (or, if smaller, the amount of the tax which would be computed under this chapter with respect to such income determined without the deduction allowed under section 613), exceeds

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(B) The amount of the tax computed under this chapter with respect to such income.

(2) *Foreign mineral income defined.* For purposes of paragraph (1), the term "foreign mineral income" means income derived from the extraction of minerals from mines, wells, or other natural deposits, the processing of such minerals into their primary products, and the transportation, distribution, or sale of such minerals or primary products. Such term includes, but is not limited to—

(A) Dividends received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income, and

(B) That portion of the income of partnerships attributable to foreign mineral income.

(f) *Cross reference.* (1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States, see sections 164 and 275.

(2) For right of each partner to make election under this section, see section 703(b).

(3) For right of estate or trust to the credit for taxes imposed by foreign countries and possession of the United States under this section, see section 642(a)(2).

(4) For reduction of credit for failure of a U.S. person to furnish certain information with respect to a foreign corporation controlled by him, see section 6038.

[Sec. 901 as amended by sec. 3 (a) and (b), Act of Sept. 14, 1960 (Public Law 86-780, 74 Stat. 1013); secs. 9(d)(3) and 12(b)(1), Rev. Act 1962 (76 Stat. 1001, 1031); sec. 207(b)(7), Rev. Act 1964 (78 Stat. 42); sec. 1(c)(2), Act of April 8, 1966 (Public Law 89-384, 80 Stat. 102); sec. 106 (a) (4) and (5) and (b)(1) and (2), Foreign Investors Tax Act 1966 (80 Stat. 156Q); secs. 301(b)(9) and 506(a)(1) and (2), Tax Reform Act 1969 (83 Stat. 585, 634)]

PAR. 2. Section 1.901-2 is amended by revising paragraph (a) to read as follows:

§ 1.901-2 Definitions.

(a) The term "amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year" means taxes proper, paid or accrued during the taxable year on behalf of the taxpayer claiming credit. No credit is given for amounts representing interest or penalties. For reduction in the amount of such taxes paid or accrued with respect to foreign mineral income, see section 901(e) and § 1.901-3.

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PAR. 3. The following new section is added immediately after § 1.901-2:

§ 1.901-3 Reduction in amount of foreign taxes on foreign mineral income allowed as a credit.

(a) *Determination of amount of reduction.*—(1) *In general.* For purposes of determining the amount of taxes which are allowed as a credit under section 901(a) for taxable years beginning after December 31, 1969, the amount of any income, war profits, and excess profits taxes paid or accrued, or deemed to be paid under section 902, during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income (as defined in paragraph (b) of this section) from sources within such country or possession shall be reduced by the amount, if any, by which—

(i) The smaller of—

(*a*) The amount of such foreign income, war profits, and excess profits taxes, or

(*b*) The amount of the tax which would be computed under chapter 1 of the Code for such year with respect to such foreign mineral income if the deduction for depletion were determined under section 611 without regard to the deduction for percentage depletion under section 613, exceeds

(ii) The amount of the tax computed under chapter 1 of the Code for such year with respect to such foreign mineral income.

The reduction required by this subparagraph must be made on a country-by-country basis whether the taxpayer uses for the taxable year the per-country limitation under section 904(a)(1), or the overall limitation under section 904(a)(2), on the amount of taxes allowed as credit under section 901(a).

(2) *Determination of amount of tax on foreign mineral income.*—(i) *Foreign tax.* For purposes of subparagraph (1)(i)(*a*) of this paragraph, the amount of the income, war profits, and excess profits taxes paid or accrued during the taxable year to a foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession is an amount which is the greater of—

(*a*) The amount by which the total amount of the income, war profits, and excess profits taxes paid or accrued during the taxable year to such country or possession exceeds the amount of such taxes that would be paid or accrued for such year to such country or possession without taking into account such foreign mineral income, or

(*b*) The amount of the income, war profits, and excess profits taxes that would be paid or accrued to such country or possession if such foreign mineral income were the taxpayer's only income for the taxable year,

except that in no case shall the amount so determined exceed the total of all income, war profits, and excess profits taxes paid or accrued during the taxable year to such country or possession. For such purposes taxes which are paid or accrued also include taxes which are deemed paid under section 902. In the case of a dividend described in paragraph (b)(2)(i)(*a*) of this section which is from sources within a foreign country or possession of the United States and is attributable in whole or in part to foreign mineral income, the amount of the income, war profits, and excess profits taxes deemed paid under section 902 during the taxable year to such country or possession with respect to foreign mineral income from sources within such country or possession is an amount which bears the same ratio to the amount of the income, war profits, and excess profits taxes deemed paid under section 902 during such year to such country or possession with respect to such dividend as the portion of the dividend which is attributable to foreign mineral income bears to the total dividend. For purposes of (*a*) and (*b*) of this subdivision, foreign mineral income is to be reduced by any credits, expenses, losses, and other deductions which are properly allocable to such income under the law of the foreign country or possession of the United States from which such income is derived.

(ii) *U.S. tax.* For purposes of subparagraph (1)(ii) of this paragraph, the amount of the tax computed under chapter 1 of the Code for the taxable year with respect to foreign mineral income from sources within a foreign country or possession of the United States is the greater of—

(*a*) The amount by which the tax under chapter 1 of the Code on the taxpayer's taxable income for the taxable year exceeds a tax determined under such chapter on the taxable income for such year determined without regard to such foreign mineral income, or

(*b*) The amount of tax that would be determined under chapter 1 of the Code if such foreign mineral income were the taxpayer's only income for the taxable year.

For purposes of this subdivision the tax is to be determined without regard to any credits against the tax and without taking into account any tax against which a credit is not allowed under section 901(a). Moreover, the foreign mineral income is to be reduced only by expenses, losses, and other deductions properly allocable under chapter 1 of the Code to such income. However, the foreign mineral income is to be computed without any deduction for personal exemptions under section 151 or 642(b).

(iii) *U.S. income tax computed without deduction allowed by section 613.* For purposes of subparagraph (1)(i)(*b*) of this paragraph, the amount of the tax which would be computed under chapter 1 of the Code (without regard to section 613) for the taxable year with respect to foreign mineral income from sources within a foreign country or possession of the United States is the amount of the tax on such income that would be computed under such chapter by using as the allowance for depletion cost depletion computed upon the adjusted depletion basis of the property. For purposes of this subdivision the tax is to be determined without regard to any credits against the tax and without taking into account any tax against which credit is not allowed under section 901(a). If the greater tax with respect to the foreign mineral income under subdivision (ii) of this subparagraph is the tax determined under (*a*) of such subdivision, the tax determined for purposes of subparagraph (1)(i)(*b*) of this paragraph is to be determined by applying the principles of (*a*) (rather than of (*b*)) of subdivision (ii) of this subparagraph. On the other hand, if the greater tax with respect to the foreign mineral income under subdivision (ii) of this subparagraph is the tax determined under (*b*) of such subdivision, the tax determined for purposes of subparagraph (1)(i)(*b*) of this paragraph is to be determined by applying the principles of (*b*) (rather than of (*a*)) of subdivision (ii) of this subparagraph.

(3) *Special rules.* (i) The reduction required by this paragraph in the amount of taxes paid, accrued, or deemed to be paid to a foreign country or possession of the United States applies only where the taxpayer is allowed a deduction for percentage depletion under section 613 with respect to any part of his foreign mineral income for the taxable year from sources within such country or possession, whether or not such deduction is allowed with respect to the entire foreign mineral income from sources within such country or possession for such year.

(ii) For purposes of this section, the term "foreign country" or "possession of the United States" includes the adjacent continental shelf areas to the extent, and in the manner, provided by section 638(2) and the regulations thereunder.

(iii) The provisions of this section are to be applied before making any reduction required by section 1503(b) in the amount of income, war profits, and excess profits taxes paid or accrued to foreign countries or possessions of the United States by a Western Hemisphere trade corporation.

(iv) In all cases in which a taxpayer has any foreign mineral income from sources within a foreign country or possession of the United States with respect to which the deduction under section 613 is allowed, he must attach to his return a schedule showing the computations required by subdivisions (i), (ii), and (iii) of subparagraph (2) of this paragraph.

(v) A taxpayer who has elected to use the overall limitation under section 904(a)(2) on the amount of the foreign tax credit for any taxable year beginning before January 1, 1970, may, for his first taxable year beginning after December 31, 1969, revoke his election without first securing the consent of the Commissioner. See paragraph (d) of § 1.904-1.

(b) *Foreign mineral income defined.*—(1) *In general.* The term "foreign mineral income" means income (determined under chapter 1 of the Code) from sources within a foreign country or possession of the United States derived from—

(i) The extraction of minerals from mines, wells, or other natural deposits,

(ii) The processing of minerals into their primary products, or

(iii) The transportation, distribution, or sale of minerals or of the primary products derived from minerals.

Any income of the taxpayer derived from an activity described in either subdivision (i), (ii), or (iii) of this subparagraph is foreign mineral income, since it is not necessary that the taxpayer extract, process, and transport, distribute, or sell minerals or their primary products for the income derived from any such activity to be foreign mineral income. Thus, for example, an integrated oil company must treat as foreign mineral income from sources within a foreign country or possession of the United States all income from such sources derived from the production of oil, the refining of crude oil into gasoline, the distribution of gasoline to marketing outlets, and the retail sale of gasoline. Similarly, income from such sources from the refining, distribution, or marketing of fuel oil by the taxpayer is foreign mineral income, whether or not the crude oil was extracted by the taxpayer. In further illustration, income from sources within a foreign country or possession of the United States derived from the processing of minerals into their primary products by the taxpayer is foreign mineral income, whether or not the minerals were extracted, or the primary products were sold, by the taxpayer. Section 901(e) and this section apply whether or not the extraction, processing, transportation, distribution, or selling of the minerals or primary products is done by the taxpayer. Thus, for example, an individual who derives royalty income from the extraction of oil from an oil well in a foreign country has foreign mineral income for purposes of this paragraph. Income from the manufacture, distribution, and marketing of petrochemicals is not foreign mineral income. Foreign mineral income is not limited to gross income from the property within the meaning of section 613(c) and § 1.613-3.

(2) *Income included in foreign mineral income.*—(i) *In general.* Foreign mineral income from sources within a foreign country or possession of the United States includes, but is not limited to—

(*a*) Dividends from such sources, as determined under paragraph (d)(1) of § 1.902-3, received from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, to the extent such dividends are attributable to foreign mineral income described in subparagraph (1) of this paragraph. The portion of such a dividend which is attributable to such income is that amount which bears the same ratio to the total dividend received as the earnings and profits out of which such dividend is paid that are attributable to foreign mineral income bear to the total earnings and profits out of which such dividend is paid. For such purposes, the foreign mineral income of a foreign corporation is its foreign mineral income described in this paragraph (including any dividends described in this (*a*) which are received from another foreign corporation), whether or not such income is derived from sources within the foreign country or possession of the United States in which, or under the laws of which, the former corporation is created or organized. A foreign corporation is considered to have no foreign mineral income for any taxable year beginning before January 1, 1970.

(*b*) Any section 78 dividend to which a dividend described in (*a*) of this subdivision gives rise, but only to the extent such section 78 dividend is deemed paid under paragraph (*a*)(2)(i) of this section with respect to foreign mineral income from sources within such country or possession and to the extent it is treated under paragraph (d)(1) of § 1.902-3 as income from sources within such country or possession.

(*c*) Any amounts includible in income of the taxpayer under section 702(a) as his distributive share of the income of a partnership consisting of income described in subparagraph (1) of this paragraph.

(*d*) Any amounts includible in income of the taxpayer by virtue of section 652(a), 662(a), 671, 682(a), or 691(a), to the extent such amounts consist of income described in subparagraph (1) of this paragraph.

(ii) *Illustration.* The provisions of this subparagraph may be illustrated by the following example:

Example. (a) Throughout 1974, M, a domestic corporation, owns all the one class of stock of N, a foreign corporation which is not a less developed country corporation within the meaning of section 902(d). Both corporations use the calendar year as the taxable year. N is incorporated in foreign country Y. During 1974, N has income from sources within foreign country X, all of which is foreign mineral income. During 1974, N also has income from sources within country Y, none of which is foreign mineral income. N is taxed in each foreign country only on income derived from sources within that country. Neither country X nor country Y allows a credit against its tax for foreign income taxes. N pays a dividend of $40,000 to M for 1974. For purposes of section 902, the dividend is paid from earnings and profits for 1974.

(b) N's earnings and profits and taxes for 1974 are determined as follows:

Foreign mineral income from country X		$100,000
Less:		
Intangible drilling and development costs	$21,000	
Cost depletion	3,000	24,000
Taxable income from country X		76,000
Income tax rate of country X		×50%
Tax paid to country X		38,000
Income from country Y		100,000
Less deductions		25,000
Taxable income from country Y		75,000
Income tax rate of country Y		×60%
Tax paid to country Y		45,000
Total taxable income		151,000
Less total foreign income taxes		83,000
Total earnings and profits		68,000
Taxable income from foreign mineral income		76,000
Less: Tax paid on foreign mineral income		38,000
Earnings and profits from foreign mineral income		38,000

(c) For 1974, M has foreign mineral income from country Y of $49,636.68, determined in the following manner and by applying this section, § 1.78-1, and § 1.902-3(d)(1):

Portion of dividend from country Y attributable to foreign mineral income (subdivision (i)(*a*) of this subparagraph) ($40,000×$38,000/$68,000)	$22,352.94
Foreign income tax deemed paid by M to country Y under section 902(a)(1) ($83,000×$40,000/$68,000) (§ 1.902-3(a)(2))	48,823.53

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Foreign income tax deemed paid by M to country Y with respect to foreign mineral income from country Y (paragraph (a)(2)(i) of this section) ($48,823.53 × $22,352.94/$40,000)	$27,283.74
Foreign mineral income from country Y:	
Dividend attributable to foreign mineral income from country Y	22,352.94
Sec. 78 dividend deemed paid with respect to foreign mineral income (subdivision (i)(b) of this subparagraph	27,283.74
Total foreign mineral income	49,636.68

(c) *Limitations on foreign tax credit*—(1) *In general.* The reduction under section 901(e) and paragraph (a)(1) of this section in the amount of foreign taxes allowed as a credit under section 901(a) is to be made whether the per-country limitation under section 904(a)(1) or the overall limitations under section 904(a)(2) is used for the taxable year, but the reduction in the amount of foreign taxes allowed as a credit under section 901(a) must be made on a country-by-country basis before applying the limitation under section 904(a) to the reduced amount of taxes. If for the taxable year the separate limitation under section 904(f) applies to any foreign mineral income, that limitation must also be applied after making the reduction under section 901(e) and paragraph (a)(1) of this section.

(2) *Carrybacks and carryovers of excess tax paid*—(i) *In general.* Any amount by which (*a*) any income, war profits, and excess profits taxes paid or accrued, or deemed to be paid under section 902, during the taxable year to any foreign country or possession of the United States with respect to foreign mineral income from sources within such country or possession exceed (*b*) the reduced amount of such taxes as determined under paragraph (a)(1) of this section may not be deemed paid or accrued under section 904(d) in any other taxable year. See § 1.904–2(b)(2)(iii). However, to the extent such reduced amount of taxes exceeds the applicable limitation under section 904(a) for the taxable year it shall be deemed paid or accrued under section 904(d) in another taxable year as a carryback or carryover of an unused foreign tax. The amount so deemed paid or accrued in another taxable year is not, however, deemed paid or accrued with respect to foreign mineral income in such other taxable year. See § 1.904–2(c)(3).

(ii) *Carryovers to taxable years beginning after December 31, 1969.* Where, under the provisions of section 904(d), taxes paid or accrued, or deemed to be paid under section 902, to any foreign country or possession of the United States in any taxable year beginning before January 1, 1970, are deemed paid or accrued in one or more taxable years beginning after December 31, 1969, the amount of such taxes so deemed paid or accrued shall not be deemed paid or accrued with respect to foreign mineral income and shall not be reduced under section 901(e) and paragraph (a)(1) of this section.

(iii) *Carrybacks to taxable years beginning before January 1, 1970.* Where income, war profits, and excess profits taxes are paid or accrued, or deemed to be paid under section 902, to any foreign country or possession of the United States in any taxable year beginning after December 31, 1969, with respect to foreign mineral income from sources within such country or possession, they must first be reduced under section 901(e) and paragraph (a)(1) of this section before they may be deemed paid or accrued under section 904(d) in one or more taxable years beginning before January 1, 1970.

(d) *Illustrations.* The application of this section may be illustrated by the following examples, in which the surtax exemption provided by section 11(d) and the tax surcharge provided by section 51(a) are disregarded for purposes of simplification:

Example (1). (a) M, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country W. For 1971, M's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country W and is subject to the allowance for depletion. During 1971, M incurs intangible drilling and development costs of $15,000, which are currently deductible for purposes of the tax of both countries. Cost depletion amounts to $2,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country W. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country W on such foreign mineral income is $41,500, and the U.S. tax on such income before allowance of the foreign tax credit is $30,240, determined as follows:

	U.S. tax	*W tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling and development costs	15,000	15,000
Cost depletion	------	2,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $85,000)	22,000	------
Taxable income	63,000	83,000
Income tax rate	48%	50%
Tax	30,240	41,500

(b) Without taking this section into account, M would be allowed a foreign tax credit for 1971 of $30,240 ($30,240×$63,000/$63,000), and foreign income tax in the amount of $11,260 ($41,500 less $30,240) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $31,900, determined as follows:

Foreign income tax paid on foreign mineral income		$41,500
Less reduction under sec. 901(e):		
Smaller of $41,500 (tax paid to country W on foreign mineral income) or $39,840 (U.S. tax on foreign mineral income of $83,000 ($83,000×48%), determined by by deducting cost depletion of $2,000 in lieu of percentage depletion of $22,000)	$39,840	
Less: U.S. tax on foreign mineral income (before credit)	$30,240	$9,600
Foreign income tax allowable as a credit		31,900

(d) After taking this section into account, M is allowed a foreign tax credit for 1971 of $30,240 ($30,240×$63,000/$63,000). The amount of foreign income tax which may be first carried back to 1969 under section 904(d) is reduced from $11,260 to $1,660 ($31,900 less $30,240).

Example (2). (a) M, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country X. For 1972, M has gross income under chapter 1 of the Code of $100,000, all of which is foreign mineral income from a property in country X and is subject to the allowance depletion. During 1972, M incurs intangible drilling and development costs of $50,000 which are currently deductible for purposes of the U.S. tax but which must be amortized for purposes of the tax of country X. Percentage depletion of $22,000 is allowed as a deduction by both countries. For purposes of the U.S. tax, cost depletion for 1972 amounts to $15,000. It is assumed that no other deductions are allowable under the law of either country. Based upon these facts, the income tax paid to country X on such foreign mineral income is $27,200, and the U.S. tax on such income before allowance of the foreign tax credit is $13,440, determined as follows:

	U.S. tax	*X tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling & development costs	50,000	10,000
Percentage depletion	22,000	22,000
Taxable income	28,000	68,000
Income tax rate	48%	40%
Tax	13,440	27,200

(b) Without taking this section into account, M would be allowed a foreign tax credit for 1972 of $13,440 ($13,440×$28,000/$28,000), and foreign income tax in the amount of $13,760 ($27,200 less $13,440) would first be carried back to 1970 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $23,840, determined as follows:

Foreign income tax paid on foreign mineral income		$27,200
Less reduction under sec. 901(e):		
Smaller of $27,200 (tax paid to country X on foreign mineral income) or $16,800 (U.S. tax on foreign mineral income of $35,000 ($35,000×48%), determined by deducting cost depletion of $15,000 in lieu of percentage depletion of $22,000)	$16,800	
Less: U.S. tax on foreign mineral income (before credit)	13,440	3,360
Foreign income tax allowable as a credit		23,840

(d) After taking this section into account, M is allowed a foreign tax credit of $13,440 ($13,440×$28,000/$28,000). The amount of foreign income tax which may be first carried back to 1970 under section 904(d) is reduced from $13,760 to $10,400 ($23,840 less $13,440).

Example (3). (a) N, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country Y. For 1972, N's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country Y and is subject to the allowance for depletion. During 1972, N incurs intangible drilling and development costs of $15,000, which are currently deductible for purposes of the U.S. tax but are not deductible under the law of country Y. Depreciation of $40,000 is allowed as a deduction for purposes of the U.S. tax; and of $20,000 for purposes of the Y tax. Cost depletion amounts to $10,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country Y. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country Y on such foreign mineral income is $14,000, and the U.S. tax on such income before allowance of the foreign tax credit is $11,040, determined as follows:

	U.S. tax	*Y tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling and development costs	15,000	------
Depreciation	40,000	20,000
Cost depletion	------	10,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $45,000)	22,000	------
Taxable income	23,000	70,000
Income tax rate	48%	20%
Tax	11,040	14,000

(b) Without taking this section into account, N would be allowed a foreign tax credit for 1972 of $11,040 ($11,040×$23,000/$23,000), and foreign income tax in the amount of $2,960 ($14,000 less $11,040) would first be carried back to 1970 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $11,040, determined as follows:

Foreign income tax paid on foreign mineral income		$14,000
Less reduction under sec. 901(e):		
Smaller of $14,000 (tax paid to country Y on foreign mineral income) or $16,800 (U.S. tax on foreign mineral income of $35,000 ($35,000×48%), determined by deducting cost depletion of $10,000 in lieu of percentage depletion of $22,000)	$14,000	
Less: U.S. tax on foreign mineral income (before credit)	11,040	2,960
Foreign income tax allowable as a credit		11,040

(d) After taking this section into account, N is allowed a foreign tax credit for 1972 of $11,040 ($11,040×$23,000/$23,000), but no foreign income tax is carried back to 1970 under section 904(d) since the allowable credit of $11,040 does not exceed the limitation of $11,040.

Example (4). (a) D, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in foreign country Z. For 1971, D's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country Z and is subject to the allowance for depletion. During 1971, D incurs intangible drilling and development costs of $85,000, which are currently deductible for purposes of the U.S. tax but are not deductible under the law of country Z. Cost depletion in the amount of $10,000 is allowed as a deduction for purposes of both the U.S. tax and the tax of country Z. Percentage depletion is not allowed as a deduction under the law of country Z and is not taken as a deduction for purposes of the U.S. tax. It is assumed that no other deductions are allowable under the law of either country. Based upon the facts assumed, the income tax paid to country Z on such foreign mineral income is $27,000, and the U.S. tax on such income before allowance of the foreign tax credit is $2,400, determined as follows:

	U.S. tax	*Z tax*
Foreign mineral income	$100,000	$100,000
Less:		
Intangible drilling & development costs	85,000	------
Cost depletion	10,000	10,000
Taxable income	5,000	90,000
Income tax rate	48%	30%
Tax	2,400	27,000

(b) Section 901(e) and this section do not apply to reduce the amount of the foreign income tax paid to country Z with respect to the foreign mineral income since for 1971 D is not allowed the deduction for percentage depletion with respect to any foreign mineral income from sources within country Z. Accordingly, D is allowed a foreign tax credit of $2,400 ($2,400×$5,000/$5,000), and foreign income tax in the amount of $24,600 ($27,000 less $2,400) is first carried back to 1969 under section 904(d).

Example (5). (a) R, a domestic corporation using the calendar year as the taxable year, is an operator drilling for oil in the United States and in foreign country Z. For 1971, R's gross income under chapter 1 of the Code is $250,000, of which $100,000 is foreign mineral income from a property in foreign country Z and $150,000 is from a property in the United States, all being subject to the allowance for depletion. During 1971, R incurs intangible drilling and development costs of $125,000 in the United States and of $25,000 in country Z, all of which are currently deductible for purposes of the U.S. tax. Of these costs of $25,000 incurred in country Z, only $2,500 is currently deductible under the law of country Z. Cost depletion in the case of the U.S. property amounts to $60,000; and in the case of the property in country Z, to $5,000, which is allowed as a deduction under the laws of such country. Percentage depletion is not allowed as a deduction under the law of country Z. In computing the U.S. tax for 1971, R is required to use cost depletion with respect to the mineral income from the U.S. property and percentage depletion with respect to the foreign mineral income from the property in country Z. It is assumed that no other deductions are allowed under the law of either country. Based upon the facts assumed, the income tax paid to country Z on the foreign mineral income from sources therein is $37,000, and the U.S. tax on the entire mineral income before allowance of the foreign tax credit is $8,640, determined as follows:

	U.S. tax	*Z tax*
Gross income (including foreign mineral income)	$250,000	$100,000
Less:		
Intangible drilling and development costs	150,000	2,500
Cost depletion	60,000	5,000
Percentage depletion on foreign mineral income (22% of $100,000, but not to exceed 50% of [$100,000−$25,000])	22,000	------
Taxable income	18,000	$92,500
Income tax rate	48%	40%
Tax	8,640	37,000

(b) Without taking this section into account, R would be allowed a foreign tax credit for 1971 of $8,640 ($8,640×$18,000/$18,000), and foreign income tax in the amount of $28,360 ($37,000 less $8,640) would first be carried back to 1969 under section 904(d).

(c) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1971 with respect to foreign mineral income from country Z is $25,440, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country Z (determined under paragraph (a)(2)(ii)(a) of this section):

U.S. tax on total taxable income		$8,640
Less U.S. tax on taxable income other than foreign mineral income from country Z:		
Income from U.S. property	$150,000	
Intangible drilling and development costs	125,000	
Cost depletion	60,000	
Taxable income	0	
Income tax rate	48%	
U.S. tax	0	0
Excess tax		8,640

(2) U.S. tax on foreign mineral income from country Z (determined under paragraph (a)(2)(ii)(b) of this section):

Foreign mineral income		$100,000
Intangible drilling and development costs		25,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $75,000)		22,000
Taxable income		53,000
Income tax rate		48%
U.S. tax		25,440

(d) Under paragraph (a)(2)(iii) of this section, the amount of the U.S. tax which would be computed for 1971 (without regard to section 613) with respect to foreign mineral income from sources within country Z is $33,600, computed by applying the principles of paragraph (a)(2)(ii)(*b*) of this section:

Foreign mineral income	$100,000
Intangible drilling and development costs	25,000
Cost depletion	5,000
Taxable income	70,000
Income tax rate	48%
U.S. tax	33,600

(e) Pursuant to paragraph (a)(1) of this section, the foreign income tax allowable as a credit against the U.S. tax for 1971 is reduced to $28,840, determined as follows:

Foreign income tax paid on foreign mineral income		$37,000
Less reduction under sec. 901(e):		
Smaller of $37,000 (tax paid to country Z on foreign mineral income) or $33,600 (U.S. tax on foreign mineral income of $70,000, as determined under paragraph (d) of this example	$33,600	
Less: U.S. tax on foreign mineral income of $53,000, as determined under paragraph (c) of this example	25,440	8,160

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Foreign income tax allowable as a credit	$28,840

(f) After taking this section into account, R is allowed a foreign tax credit for 1971 of $8,640 ($8,640×$18,000/$18,000). The amount of foreign income tax which may be first carried back to 1969 under section 904(d) is reduced from $28,360 to $20,200 ($28,840 less $8,640).

Example (5). (a) B, a single individual using the calendar year as the taxable year, is an operator drilling for oil in foreign countries X and Y. For 1972, B's gross income under chapter 1 of the Code is $250,000, of which $150,000 is foreign mineral income from a property in country X and $100,000 is foreign mineral income from a property in country Y, all being subject to the allowance for depletion. The asumption is made that B's earned taxable income for 1972 is insufficient to cause section 1348 to apply. During 1972, B incurs intangible drilling and development costs of $16,000 in country X and of $9,000 in country Y, which are currently deductible for purposes of both the U.S. tax and the tax of countries X and Y, respectively. Cost depletion in the case of the X property amounts to $8,000, and in the case of Y property, to $7,000; and such amounts are allowed as a deduction for purposes of both the U.S. tax and the tax of countries X and Y, respectively. For 1972, B uses the overall limitation under section 904(a)(2) on the foreign tax credit. Percentage depletion is not allowed as a deduction under the law of countries X and Y. It is assumed that the only other allowable deductions amount to $2,250. None of these deductions is attributable to the income from the properties in countries X and Y, and none is deductible under the laws of country X or country Y. Based upon the facts assumed, the income tax paid to countries X and Y on the foreign mineral income from each such country is $71,820 and $25,200, respectively, and the U.S. tax on B's total taxable income before allowance of the foreign tax credit is $99,990, determined as follows:

	U.S. tax	X tax	Y tax
Total income (including foreign mineral income from countries X and Y)	$250,000	$150,000	$100,000
Intangible drilling and development costs	25,000	16,000	9,000
Cost depletion	15,000	8,000	7,000
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000; plus 22% of $100,000, but not to exceed 50% of $91,000)	55,000		
Adjusted gross income	170,000		
Other deductions	2,250		
Personal exemption	750		
Taxable income	167,000	126,000	84,000
Income tax rate		57%	30%
Foreign tax		71,820	25,200
U.S. tax ($53,090 plus 70% of $67,000)	99,990		

(b) Without taking this section into account, B would be allowed a foreign tax credit for 1972 of $97,020 ($71,820+$25,200), but not to exceed the overall limitation under section 904(a)(2) of $99,990 ($99,990×$167,750/$167,750). There would be no foreign income tax carried back to 1970 under section 904(d) since the allowable credit of $97,020 does not exceed the limitation of $99,990.

(c) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1972 with respect to foreign mineral income from sources within country X is $69,760, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country X (determined under paragraph (a)(2)(ii)(a) of this section):

U.S. tax on total taxable income		$99,990
Less U.S. tax on taxable income other than foreign mineral income from country X:		
Foreign mineral income from country Y	$100,000	
Intangible drilling and development costs	9,000	
Percentage depletion (22% of $100,000, but not to exceed 50% of $91,000)	22,000	
Adjusted gross income	69,000	
Other deductions	2,250	
Personal exemption	750	
Taxable income	66,000	
U.S. tax ($26,390 plus 64% of $6,000)		30,230
Excess tax		69,760

(2) U.S. tax on foreign mineral income from country X (determined under paragraph (a)(2)(ii)(b) of this section):

Foreign mineral income from country X	$150,000.00
Intangible drilling and development costs	16,000.00
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000)	33,000.00
Adjusted gross income	101,000.00
Other deductions	2,250.00
Taxable income	98,750.00
U.S. tax ($46,190 plus 69% of $8,750)	52,227.50

(d) Under paragraph (a)(2)(iii) of this section, and by applying the principles of paragraph (a)(2)(ii)(a) of this section, the amount of the U.S. tax which would be computed for 1972 (without regard to section 613) with respect to foreign mineral income from sources within country X is $87,920, which is the excess of the U.S. tax ($127,990) determined under subparagraph (1) over the U.S. tax ($40,070) determined under subparagraph (2):

(1) U.S. tax on total taxable income determined without regard to section 613:

Total income	$250,000
Intangible drilling and development costs	25,000
Cost depletion	15,000
Adjusted gross income	210,000
Other deductions	2,250
Personal exemption	750
Taxable income	207,000
U.S. tax ($53,090 plus 70% of $107,000)	127,990

(2) U.S. tax on total taxable income other than foreign mineral income from country X, determined without regard to section 613:

Foreign mineral income from country Y	$100,000
Intangible drilling and development costs	9,000
Cost depletion	7,000
Adjusted gross income	84,000
Other deductions	2,250
Personal exemption	750
Taxable income	81,000
U.S. tax ($39,390 plus 68% of $1,000)	40,070

(e) Under paragraph (a)(2)(i) of this section, the amount of income tax paid to country X for 1972 with respect to foreign mineral income from sources within such country is $71,820. This is the amount determined under both (a) and (b) of paragraph (a)(2)(i) of this section, since, in this case, there is no income from sources within country X other than foreign mineral income, and there are no deductions allowed under the law of country X which are not allocable to such foreign mineral income.

(f) Pursuant to paragraph (a)(1) of this section, the foreign income tax with respect to foreign mineral income from sources within country X which is allowable as a credit against the U.S. tax for 1972 is reduced to $69,760, determined as follows:

Foreign income tax paid to country X on foreign mineral income		$71,820
Less reduction under sec. 901(e):		
Smaller of $71,820 (tax paid to country X on foreign mineral income) or $87,920 (U.S. tax on foreign mineral income from sources within country X, as determined under paragraph (d)) of this example	$71,820	
Less: U.S. tax on foreign mineral income from sources within country X, determined under paragraph (c) of this example	69,760	2,060
Foreign income tax of country X allowable as a credit		69,760

(g) Under paragraph (a)(2)(ii) of this section, the amount of the U.S. tax for 1972 with respect to foreign mineral income from sources within country Y is $48,280, which is the greater of the amounts of tax determined under subparagraphs (1) and (2):

(1) U.S. tax on total taxable income in excess of U.S. tax on taxable income excluding foreign mineral income from country Y (determined under paragraph (a)(2)(ii)(a) of this section):

U.S. tax on total taxable income		$99,990
Less U.S. tax on taxable income from country Y:		
Foreign mineral income from country X	$150,000	
Intangible drilling and development costs	16,000	
Percentage depletion (22% of $150,000, but not to exceed 50% of $134,000)	33,000	
Adjusted gross income	101,000	
Other deductions	2,250	
Personal exemption	750	
Taxable income	98,000	
U.S. tax ($46,190 plus 69% of $8,000)		51,710
Excess tax		48,280

(2) U.S. tax on foreign mineral income from country Y (determined under paragraph (a)(2)(ii)(b) of this section):

Foreign mineral income from country Y	$100,000
Intangible drilling and development costs	9,000
Percentage depletion (22% of $100,000, but not to exceed 50% of $91,000)	22,000
Adjusted gross income	69,000
Other deductions	2,250
Taxable income	66,750
U.S. tax ($26,390 plus 64% of $6,750)	30,710

(h) Under paragraph (a)(2)(iii) of this section, and by applying the principles of paragraph (a)(2)(ii)(a) of this section, the amount of the U.S. tax which would be computed for 1972 (without regard to section 613) with respect to foreign mineral income from sources within country Y is $58,800, which is the excess of the U.S. tax ($127,990) determined under paragraph (d)(1) of this example over the U.S. tax ($69,190) on total taxable income other than foreign mineral income from country Y, determined without regard to section 613, as follows:

Foreign mineral income from country X	$150,000
Intangible drilling and development costs	16,000
Cost depletion	8,000
Adjusted gross income	126,000
Other deductions	2,250
Personal exemption	750
Taxable income	123,000
U.S. tax ($53,090 plus 70% of $23,000)	69,190

(i) Under paragraph (a)(2)(i) of this section, the amount of income tax paid to country Y for 1972 with respect to foreign mineral income from sources within such country is $25,200. This is the amount determined under both (a) and (b) of paragraph (a)(2)(i) of this section, since, in this case, there is no income from sources within country Y other than foreign mineral income, and there are no deductions allowed under the law of country Y which are not allocable to such foreign mineral income.

(j) Pursuant to paragraph (a)(1) of this section, the foreign income tax with respect to foreign mineral income from sources within country Y which is allowable as a credit against the U.S. tax for 1972 is not reduced from $25,200, as follows:

Foreign income tax paid to country Y on foreign mineral income		$25,200
Less reduction under sec. 901(e):		
Smaller of $25,200 (tax paid to country Y on foreign mineral income) or $58,800 (U.S. tax on foreign mineral income from sources within country Y, as determined under paragraph (h) of this example)	$25,200	
Less: U.S. tax on foreign mineral income from sources within country Y, as determined under paragraph (g) of this example	46,280	
Foreign income tax of country Y allowable as a credit		25,200

(k) After taking this section into account, B is allowed a foreign tax credit for 1972 of $92,470 ($69,760+$25,200), but not to exceed the overall limitation under section 904(a)(2) of $99,990 ($99,990×$167,750/$167,750). There would be no foreign income tax carried back to 1970 under section 904(d) since the allowable credit of $92,470 does not exceed the limitation of $99,990.

Example (7). (a) P, a domestic corporation using the calendar year as the taxable year, is an operator mining for iron ore in foreign country X. For 1971, P's gross income under chapter 1 of the Code is $100,000, all of which is foreign mineral income from a property in country X and is subject to the allowance for depletion. For 1971, cost depletion amounts to $5,000 for purposes of the tax of both countries, and only cost depletion is allowed as a deduction under the law of country X. It is assumed that deductions (other than for depletion) attributable to the mineral property in country X amount to $8,000, and these deductions are allowable under the law of both countries. Based upon the facts assumed, the income tax paid to country X on such foreign mineral income is $39,150, and the U.S. tax on such income before allowance of the foreign tax credit is $37,440 determined as follows:

	X tax	U.S. tax
Foreign mineral income	$100,000	$100,000
Less:		
Percentage depletion (14% of $100,000, but not to exceed 50% of $92,000)	14,000	
Cost depletion		5,000
Other deductions	8,000	8,000
Taxable income	78,000	87,000
Income tax rate	48%	45%
Tax	37,440	39,150

(l) Without taking this section into account, P would be allowed a foreign tax credit for 1971 of $37,440 ($37,440×$78,000/$78,000), and foreign income tax in the amount of $1,710 ($39,150 less $37,440) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced to $37,440, determined as follows:

Foreign income tax paid on foreign mineral income		$39,150
Less reduction under sec. 901(e):		
Smaller of $39,150 (tax paid to country X on foreign mineral income) or $41,760 (U.S. tax on foreign mineral income of $87,000 ($87,000×48%), determined by deducting cost depletion of $5,000 in lieu of percentage depletion of $14,000)	$39,150	
Less: U.S. tax on foreign mineral income (before credit)	37,440	1,710
Foreign income tax allowable as a credit		37,440

(d) After taking this section into account, P is allowed a foreign tax credit for 1971 of $37,440 ($37,440×$78,000/$78,000), but no foreign income tax is carried back to 1969 under section 904(d) since the allowable credit of $37,440 does not exceed the limitation of $37,440.

Example (8). (a) The facts are the same as in example (7), except that P is assumed to have received dividends for 1971 of $25,000 from R, a foreign corporation incorporated in country X which is not a less developed country corporation within the meaning of section 902(d). Income tax of $2,500 ($25,000×10%) on such dividends is withheld at the source in country X. It is assumed that P is deemed under section 902(a)(1) and § 1.902-3(d) to have paid income tax of $22,500 to country X in respect of such dividends and that under paragraphs (a)(2)(i) and (b)(2)(i) of this section such dividends are deemed to be attributable to foreign mineral income from sources in country X and that such tax is deemed to be paid with respect to such foreign mineral income. Based upon the facts assumed, the U.S. tax on the foreign mineral income from sources in country X is $60,240 before allowance of the foreign tax credit, determined as follows:

Foreign mineral income from country X:		
Income from mining property	$100,000	
Dividends from R	25,000	
Sec. 78 dividend	22,500	$147,500
Less:		
Percentage depletion (14% of $100,000, but not to exceed 50% of $92,000)		$14,000
Other deductions		8,000
Taxable income		125,500
Income tax rate		48%
U.S. tax		60,240

(b) Without taking this section into account, P would be allowed a foreign tax credit for 1971 of $60,240 ($60,240×$125,500/$125,500), and foreign income tax in the amount of $3,910 ([$39,150+$22,500+$2,500] less $60,240) would first be carried back to 1969 under section 904(d).

(c) Pursuant to paragraph (a)(1) of this section, however, the foreign income tax allowable as a credit against the U.S. tax is reduced from $64,150 to $60,240, determined as follows:

Foreign income tax paid, and deemed to be paid, to country X on foreign mineral income ($39,150+$22,500+$2,500)		$64,150
Less reduction under sec. 901(e):		
Smaller of $64,150 (tax paid and deemed paid to country X on foreign mineral income) or $64,560 (U.S. tax on foreign mineral income of $134,500 ($134,500×48%), determined by deducting cost depletion of $5,000 in lieu of percentage depletion of $14,000)	$64,150	
Less: U.S. tax on foreign mineral income (before credit)	60,240	3,910
Foreign income tax allowable as a credit		60,240

(c) After taking this section into account, P is allowed a foreign tax credit for 1971 of $60,240 ($60,240×$125,500/$125,500), but no foreign income tax is carried back to 1969 under section 904(d) since the allowable credit of $60,240 does not exceed the limitation of $60,240.

PAR. 4. Section 1.902-3 is amended by revising paragraph (a)(1) to read as follows:

§ 1.902-3 **Credit for domestic corporate shareholder of a foreign corporation (after amendment by Revenue Act of 1962).**

(a) *Domestic shareholder owning stock in a first-tier corporation*—(1) *In general.* If a domestic shareholder (meaning for purposes of section 902 a domestic corporation owning at least 10 percent of the voting stock of a foreign corporation, such foreign corporation for purposes of section 902 being referred to as a first-tier corporation) receives dividends in any taxable year from its first-tier corporation, the credit for foreign income taxes allowed by section 901 includes, subject to the conditions and limitations prescribed in subparagraphs (4) through (8) of this paragraph, the foreign income taxes deemed, in accordance with subparagraphs (2) and (3) of this paragraph, to be paid by such domestic shareholder for such year. For purposes of this section, § 1.902-4, and § 1.902-5, the term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war

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profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States. For rules relating to reduction of the amount of foreign income taxes deemed paid or accrued with respect to foreign mineral income, see section 901 (e) and § 1.901–3.

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PAR. 5. Section 1.904 is amended by revising subsection (b) (1) and (2) of section 904 and the historical note to read as follows:

§ 1.904 Statutory provisions; limitation on credit.

SEC. 904. *Limitation on credit.* • • •

(b) *Election of overall limitation*—(1) *In general.* A taxpayer may elect the limitation provided by subsection (a)(2) for any taxable year beginning after December 31, 1960. An election under this paragraph for any taxable year shall remain in effect for all subsequent taxable years except that it may be revoked (A) with the consent of the Secretary or his delegate with respect to any taxable year or (B) for the taxpayer's first taxable year beginning after December 31, 1969.

(2) *Election after revocation.* Except in a case to which paragraph (1)(B) applies, if the taxpayer has made an election under paragraph (1) and such election has been revoked, such taxpayer shall not be eligible to make a new election under paragraph (1) for any taxable year, unless the Secretary or his delegate consents to such new election.

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[Sec. 904 as amended by sec. 42(a), Technical Amendments Act 1958 (72 Stat. 1639); sec. 1, Act of Sept. 14, 1960 (Public Law 86–780, 74 Stat. 1010); secs. 10 and 12(b)(2), Rev. Act 1962 (76 Stat. 1002, 1031); sec. 234 (b)(6), Rev. Act 1964 (78 Stat. 116); sec. 106(c), Foreign Investors Tax Act 1966 (80 Stat. 1570); sec. 506(b), Tax Reform Act 1969 (83 Stat. 635)]

PAR. 6. Section 1.904–1 is amended by revising paragraph (d)(1) to read as follows:

§ 1.904–1 Limitation on credit for foreign taxes.

• • • • •

(d) *Election of overall limitation*—(1) *In general*—(i) *Manner of making election.* The initial election under section 904(b) of the overall limitation provided by section 904(a)(2) may be made by the taxpayer for any taxable year beginning after December 31, 1960, without securing the consent of the Commissioner. The taxpayer may, for the first taxable year for which the election is to be made, make such election at any time before the expiration of the period referred to in paragraph (d) of § 1.901–1 for choosing the benefits of section 901 for such taxable year. Having made the initial election, the taxpayer may, within the time prescribed for making such election for such taxable year, revoke such election without the consent of the Commissioner. If such revocation is timely and properly made, the taxpayer may make his initial election of the overall limitation for a later taxable year without the consent of the Commissioner. If, however, the taxpayer makes the initial election for a taxable year and the period prescribed for making such election for such taxable year expires, the taxpayer must continue the election of the overall limitation for all subsequent taxable years (whether or not foreign taxes were paid or accrued for any such year and notwithstanding that a deduction for foreign taxes under section 164 was claimed for any such year) until revoked with the consent of the Commissioner. See section 904(b)(1). If the election for any taxable year is revoked with the consent of the Commissioner, the taxpayer may not make a new election for such taxable year or for any subsequent taxable year without the consent of the Commissioner. If the election of the overall limitation is revoked for a taxable year, the per-country limitation shall apply to such taxable year and to all taxable years thereafter unless a new election of the overall limitation is made, either with or without the consent of the Commissioner in accordance with this section.

(ii) *Revocation for first taxable year beginning after December 31, 1969.* Notwithstanding subdivision (i) of this subparagraph, if the taxpayer has made an initial election under section 904(b) of the overall limitation for a taxable year beginning before January 1, 1970, and the period prescribed for making such election for such taxable year has expired, or if he has made a new election for such a taxable year with the consent of the Commissioner, he may revoke such election effective with respect to his first taxable year beginning after December 31, 1969, without the consent of the Commissioner. Such revocation may be made within the time prescribed for making an initial election for such first taxable year beginning after December 31, 1969. If such revocation is timely and properly made, the taxpayer may make a new election of the overall limitation for a later taxable year without the consent of the Commissioner. Such new election for a later taxable year may be made at any time before the expiration of the period referred to in paragraph (d) of § 1.901–1 for choosing the benefits of section 901 for such taxable year. The revocation of an election, or the making of a new election, pursuant to this subdivision shall be made in the same manner provided in subparagraph (2) of this paragraph for revoking or making an initial election. This subdivision applies even though the taxpayer is not required under section 901(e) and § 1.901–3 to reduce the amount of any foreign taxes paid, accrued, or deemed to be paid with respect to foreign mineral income for any taxable year beginning after December 31, 1969.

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PAR. 7. Section 1.904–2 is amended by adding subdivision (iii) to paragraph (b)(2) and by adding subparagraph (3) to paragraph (c), as follows:

§ 1.904–2 Carryback and carryover of unused foreign tax.

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(b) *Years to which carried.* • • •

(2) *Definitions.* • • •

(iii) The term "unused foreign tax" does not include any amount by which the income, war profits, and excess profits taxes paid or accrued, or deemed to be paid, to any foreign country or possession of the United States with respect to foreign mineral income are reduced under section 901(e)(1) and § 1.901–3(b)(1).

• • • • •

(c) *Tax deemed paid or accrued.* • • •

(3) *Unused foreign tax with respect to foreign mineral income.* If any portion of an unused foreign tax for any taxable year beginning after December 31, 1969, consists of tax paid or accured, or deemed to be paid, with respect to foreign mineral income, as defined in § 1.901–3(c), such portion shall not be deemed paid or accrued with respect to foreign mineral income in the taxable year to which it is carried under section 904(d).

• • • • •

[FR Doc.72–6352 Filed 4–26–72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

2,4–D; Proposed Tolerances

A pesticide petition (PP 1E1136) was submitted by the Bureau of Reclamation, U.S. Department of the Interior, to the Environmental Protection Agency in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide 2,4–4 (2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt to irrigation ditch banks at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 8462.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective Dec. 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the proposed tolerance should be established for the residues which occur in potable water as a result of application of 2,4–D dimethylamine salt to irrigation ditch banks.

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), it is proposed that § 121.1204 be revised to read as follows:

§ 121.1204 2,4–D.

Tolerances are established for residues of the herbicide 2,4–D (2,4-dichlorophenoxyacetic acid) as follows:

2 parts per million in the milled fractions (except flour) derived from barley, oats, rye, and wheat to be ingested as food or to be converted to food. Such residues may be present therein only as a result of application to the growing crop of the herbicides identified in Title 40, § 180.142.

0.1 part per million (negligible residues) in potable water. Such residues may be present therein only as a result of application of the dimethylamine salt of 2,4–D to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture and the Corps of Engineers, U.S. Department of Defense.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 409(d) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72–6417 Filed 4–26–72;8:48 am]

[21 CFR Part 295]

HUMAN PRESCRIPTION DRUGS IN ORAL DOSAGE FORMS

Proposed Child Protection Packaging Standards

Through investigations by the Food and Drug Administration and from other available information, the Commissioner of Food and Drugs has determined that the accidental ingestion of orally administered prescription drugs for human use has been a significant cause of hospitalizations and fatalities of children under 5 years of age.

A prescription drug (that is, a drug which by Federal law may be dispensed only by prescription of a practitioner licensed by law to administer such drug) is often so categorized because of its toxicity or other potentiality for harmful effect.

In view of the large number of prescription drugs for oral administration dispensed annually, and the fact that the major burden of complying with child protection packaging standards for such substances under the Poison Prevention Packaging Act of 1970 will fall on retail pharmacists, the Commissioner has sought the most practical and efficient approach to rapid implementation of the act in this area. Two basic alternate approaches have been considered: (1) The preparation of a list of specific prescription drugs requiring such packaging and (2) a comprehensive across-the-board approach applicable to all prescription drugs for oral administration in humans.

The Food and Drug Administration has sought the views of five professional societies representing practicing pharmacists as to the more appropriate approach; namely, American Pharmaceutical Association, National Association of Chain Drug Stores, Inc., American Society of Hospital Pharmacists, National Pharmaceutical Association, and National Association of Retail Druggists. Three of the four responding strongly support the across-the-board approach as the most effective means to accomplish the purposes of the act. The fourth is concerned as to availability of the required containers and suggests that experience should be gained with a limited approach before the across-the-board requirement is adopted.

Upon consideration of these responses and in the interest of most efficiently accomplishing the objectives of the act, the Commissioner concludes that the comprehensive, across-the-board approach is the appropriate course of action.

After review of the above information and upon consultation, pursuant to section 3, with the Technical Advisory Committee convened in accordance with section 6 of the act, the Commissioner finds that the nature of the hazard to children posed by orally administered prescription drugs for humans, by reason of their availability and packaging, is such that special packaging is necessary to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances.

On the basis of reports and data from industry and other relevant information, and pursuant to section 3(a)(2) of the act, the Commissioner finds that the special packaging proposed herein is:

1. Technically feasible because technology exists to produce special packaging conforming to these standards. At least 15 different special packages have been tested in accordance with § 295.10 *Testing procedure for special packaging* (21 CFR 295.10; 36 F.R. 22151, 37 F.R. 741) that meet or exceed the effectiveness specifications of § 295.3(b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicate a capability adequate to meet the needs of affected industries.

3. Appropriate since such special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

The demands for special packaging are expected to be substantial and will increase rapidly as implementation of the act for drugs continues. Manufacturers and pharmacists are encouraged to stock adequate supplies of special packaging in order to meet the effective dates for special packaging requirements for drugs. The Food and Drug Administration encourages the pharmaceutical industry and pharmacists to cooperate and start the use of special packaging for all drug products where any potential for hazard to children exists. The objective of the act warrants initiatives toward special packaging that should not await the time-consuming procedures necessary to establish legally enforceable requirements.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that a new subparagraph be added to § 295.2(a) as follows (§§ 295.2 and 295.3 were promulgated in the FEDERAL REGISTER of February 16, 1972; 37 F.R. 3427):

§ 295.2 Substances requiring "special packaging."

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

• • • • •

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

• • • • •

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding

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this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 24, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6487 Filed 4-26-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SO-34]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Washington, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Washington transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Washington-Wilkes County Airport (latitude 33°47'20" N., longitude 82°48'30" W.); within 2.5 miles each side of Athens VOR 112° radial, extending from the 6.5-mile radius area to 25 miles east of the VOR.

The proposed designation is required to provide controlled airspace protection for IFR operations at Washington-Wilkes County Airport. A prescribed instrument approach procedure to this airport, utilizing the Athens, Ga. VOR, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 18, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-6402 Filed 4-26-72;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 72-EA-44]

CONTROL ZONE

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Westhampton Beach, N.Y. control zone and alter the Calverton, N.Y. control zone (37 F.R. 2067).

The U.S. Air Force has submitted an airspace proposal to establish a part-time control zone at Suffolk County Airport, Westhampton Beach, N.Y. The airport meets the communications, weather observation and reporting requirements for control zone designation. The proposed control zone will overlap a small portion of the existing Calverton, N.Y. control zone. Therefore an editorial change is required in the Calverton control zone so as to exclude the airspace which is coincident with the proposed Westhampton Beach control zone.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Westhampton Beach, N.Y., proposes the airspace action hereinafter set forth:

1. Amend §71.171 of Part 71, Federal Aviation Regulations so as to add a Westhampton Beach, N.Y. control zone as follows:

WESTHAMPTON BEACH, N.Y.

Within a 5.5-mile radius of Suffolk County Airport (latitude 40°59'39" N., longitude 72°37'49" W.). This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

2. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to alter the Calverton, N.Y. control zone as follows:

In the text, delete "12.5 miles east of the VORTAC." and substitute, "12.5 miles east of the VORTAC excluding the portion within the Westhampton Beach, N.Y. control zone.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on April 7, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.72-6403 Filed 4-26-72;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 231]

[Docket No. 22415; EDR-225]

PUBLICATION OF TARIFFS FOR CLASSES OF SERVICE SUBJECT TO SCHEDULE DESIGNATION AND CLASSES OF SERVICE NOT ACTUALLY PROVIDED TO THE PUBLIC

Notice of Proposed Rule Making

Correction

In F.R. Doc. 72-6130 appearing at page 7904, in the issue of Friday, April 21, 1972, the EDR designation should read as set forth above.

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4–D; Proposed Tolerance

The Bureau of Reclamation, U.S. Department of the Interior, submitted a pesticide petition (PP 1E1136) proposing establishment of tolerances for negligible residues of the herbicide 2,4–D (2,4-dichlorophenoxyacetic acid) in or on various raw agricultural commodities from application of its dimethylamine salt to irrigation ditch banks at 0.1 part per million. (For a related document, see this issue of the FEDERAL REGISTER, page 8460.)

Based on consideration given data submitted in the petition and other relevant material it is concluded that:

1. The pesticide is useful for the purpose for which the tolerances are proposed.

2. Livestock are to be excluded from treated ditch banks, and there is no reasonable expectancy of 2,4–D residues in meat or milk from this use.

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and trator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9036), it is proposed that § 180.142 be amended by inserting new paragraph (c) after paragraph (b), as follows:

§ 180.142 2,4–D; tolerances for residues.

• • • • •

(c) Tolerances are established for negligible residues of 2,4–D (2,4-dichlorophenoxyacetic acid) from application of its dimethylamine salt to irrigation ditch banks in the Western United States in programs of the Bureau of Reclamation; cooperating water user organizations; the Bureau of Sport Fisheries, U.S. Department of the Interior; Agricultural Research Service, U.S. Department of Agriculture; and the Corps of Engineers, U.S. Department of Defense, at 0.1 part per million in or on the crop groupings: Citrus; cucurbits; forage grasses; forage legumes; fruiting vegetables; grain crops; leafy vegetables; nuts; pome fruits; root crop vegetables; seed and pod vegetables; small fruits, stone fruits; and the individual raw agricultural commodities avocados, cottonseed, hops, and strawberries.

Where tolerances are established at on the subject crops, the higher tolerance applies also to residues from the irrigation ditch bank use cited above.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6416 Filed 4-26-72;8:48 am]

PAY BOARD

[6 CFR Part 205]

PAY BOARD PROCEDURAL REGULATIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Chairman of the Pay Board. Since rules set forth in Part 205 are essential to the expeditious implementation of the Economic Stabilization Act of 1970, as amended, the Board finds that the time for the submission of comments or suggestions by interested persons in accordance with usual rule making procedures is impracticable and that good cause exists for promulgating them in less than 30 days. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Chairman of the Pay Board, Attention: Office of General Counsel, 2000 M Street NW., Washington DC 20508, by May 8, 1972. Any written comments or suggestions not specifically designated as confidential may be inspected by any person upon written request.

The proposed revision of the rules as set forth below is issued pursuant to the authority vested in the Pay Board by the Economic Stabilization Act of 1970, as amended (Public Law 92–210, 85 Stat. 743), Executive Order No. 11640 (37 F.R. 1213, Jan. 27, 1972), as amended, and Cost of Living Council Orders No. 3 (36 F.R. 20202, Oct. 16, 1971) and No. 6 (37 F.R. 2727, Feb. 4, 1972).

GEORGE H. BOLDT,
Chairman of the Pay Board.

Subpart A—General

Sec.
205.1 Purpose and scope.
205.2 Definitions.
205.3 Representation.
205.4 Filing of documents.
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Subpart B—Appeals From Adverse Actions

205.20 Purpose and scope.
205.21 Who may appeal.
205.22 Where to file appeal.
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205.28 Decision by Board.
205.29 Further review.

Subpart C—Requests for Exceptions and Pay Challenges

205.30 Purpose and scope.
205.31 Initial action on requests for exception.
205.32 Application for leave to participate in pay challenge proceedings.
205.33 Initial action on pay challenges.
205.34 Scope of review.
205.35 Who may request review.
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205.38 Contents.
205.39 Informal hearings.
205.40 Decision by Board on review.
205.41 Request for reconsideration.

Subpart D—Petition and Comment on Rule Making

205.50 Scope.
205.51 Where to file.
205.52 When to file.

Subpart E—Formal Hearings

205.60 Purpose and scope.
205.61 Appointment of Hearing Officer.
205.62 Notice of hearing.
205.63 Powers and duties of the Hearing Officer.
205.64 Record.

Subpart F—Retroactive Pay Adjustments

205.80 Purpose and scope.
205.81 Retroactive pay adjustment challenges; proceedings.
205.82 Board decisions.

AUTHORITY: The provisions of this Part 205 are issued under the Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; Executive Order No. 11640 (37 F.R. 1213, Jan. 27, 1972), as amended; Cost of Living Council Orders No. 3 (36 F.R. 20202, Oct. 16, 1971) and No. 6 (37 F.R. 2727, Feb. 4, 1972).

Subpart A—General

§ 205.1 Purpose and scope.

(a) This part establishes procedures for—

(1) Appeals from adverse actions by the Internal Revenue Service;

(2) Initial action on requests for exceptions or pay challenges and review of denials of such requests or challenges, in whole or in part;

(3) Petitions and comments on rule making;

(4) Formal hearings on certain wage and salary increases; and

(5) Initial action on retroactive pay adjustments and review of denials of such adjustments.

(b) Pursuant to section 214(b)(3) of the Economic Stabilization Act of 1970, as amended, if any small business enterprise files a request, challenge, application, or appeal under the provisions of this part, such request, challenge, application, or appeal will be accorded expeditious handling by affording it priority on the dockets maintained by the Board for the orderly conduct of its business.

§ 205.2 Definitions.

For purposes of this part—

"Act" means the Economic Stabilization Act of 1970, as amended.

"Adverse action" means an action by the Board or IRS denying the position, in whole or in part, of a party at interest (as defined by § 201.3 of this chapter) with respect to a pay adjustment, or an interpretation issued by IRS or ruling issued by the Office of the Chief Counsel for the Internal Revenue Service which is contrary to the position asserted by the person seeking the interpretation or ruling.

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"Board" means the Pay Board as established by Executive Order No. 11627, and as continued by Executive Order No. 11640 and 11660, or its delegate. The term delegate, as here used, does not encompass IRS or the Office of the Chief Counsel for the Internal Revenue Service.

"District Director" mean a district director of the IRS.

"Exception" means an order issued by the Board or its delegate to a person as defined by § 201.3 of this chapter waiving requirements of a specific rule, regulation, or order issued pursuant to the Act.

"Hearing Officer" means a person appointed by the Board for purposes of conducting a hearing in accordance with Subparts B, C, E, and F of this part.

"IRS" means the Internal Revenue Service.

"Pay adjustment" means a change in wages or salaries.

"Pay challenge" means an objection to an existing contract or pay practice previously set forth in accordance with § 201.14 of this chapter, filed by—

(a) A party at interest as defined in § 201.3 of this chapter; or

(b) Two or more members of the Board.

"Person aggrieved" means:

(a) In cases where the IRS or Board has denied the position, in whole or in part, of a party at interest (as defined by § 201.3 of this chapter) with respect to a pay adjustment, a person who is a party at interest; or

(b) In cases in which the IRS has issued an interpretation or the Office of the Chief Counsel for the Internal Revenue Service has issued a ruling, a person who requested such interpretation or ruling and asserts a position contrary thereto.

"Petition" means a written objection to or proposal for a published ruling or regulation promulgated by the Board.

"Regulation" means a regulation issued by the Board which appears in Chapter II of Title 6, Code of Federal Regulations.

§ 205.3 Representation.

Representation by counsel or other individuals under this part shall be in accordance with the rules governing authority to practice before IRS prescribed in § 401.702 of this title. The Board may permit any other individual to represent any person when circumstances indicate that such representation is justified.

§ 205.4 Filing of documents.

(a) A document required to be filed directly with the Board under this chapter is considered filed when it has been received at the Pay Board offices. Documents received after regular business hours are deemed filed on the next regular business day.

(b) A person filing—

(1) A request for an exception,

(2) A challenge,

(3) A prenotification or report of a pay adjustment,

(4) A retroactive pay adjustment,

(5) An appeal or request for review or reconsideration, or

(6) Briefs and other documents in support of his position,

must at the same time serve copies of each such document on all parties at interest and on any other parties to the proceedings. If, however, such parties at interest are unrepresented employees, they shall be notified by their employer of the nature of the proceeding before the Board and that they may inspect copies of the above described documents filed with the Board if they so request. Reasonable rules shall be established by the employer with respect to such inspections.

(c) A certificate of service or notification, as appropriate, shall accompany all such documents filed with the Board.

§ 205.5 Computation of time.

(a) In computing any period of time prescribed or allowed by this chapter for the performance of any act, the day of the act, event, or default or which the designated period of time begins to run will not be counted.

(b) If the last day of the period falls or a Saturday, Sunday, or a Federal legal holiday, the period will be extended to the next day which is not a Saturday, Sunday, or Federal legal holiday.

(c) If the period prescribed or allowed is 7 days or less, an intervening Saturday, Sunday, or Federal legal holiday will not be counted.

§ 205.6 Service.

(a) All documents required to be served under this part are to be served personally, by registered or certified mail, or, where circumstances render such service impracticable, service will be effected as provided for by § 205.6(e).

(b) If a person is represented by a duly authorized representative, service on the representative shall constitute service on the person.

(c) A certificate of service shall be filed with the Board for each document served.

(d) Service by registered or certified mail is complete upon mailing.

(e) Whenever the Board serves a determination, decision or order with respect to a pay adjustment upon a person, a copy of such determination, or decision and order will also be served on all parties at interest and other parties to the proceedings. If, however, such parties at interest are unrepresented employees, the Board will provide the employer of such employees with a copy of such determination, or decision and order. Such employer shall immediately advise the employees affected of the nature of the determination, or decision and order and make available to them upon request a copy of such determination, or decision and order.

§ 205.7 Extension of time.

If an action is required to be taken within a prescribed time under this chapter, an extension of time will be granted only upon a showing of good cause.

§ 205.8 Subpenas; witness fees.

(a) The Chairman of the Board or his duly authorized agent may sign and issue subpenas.

(b) A subpena may require the attendance of witnesses and the production of relevant papers, books, and documents in the possession or under the control of the person served.

(c) A subpena may be served by any person who is not a party and not less than 18 years of age.

(d) The original subpena bearing a certificate of service shall be filed with the issuing official.

(e) A witness subpenaed by any party shall be paid the same fees and mileage as are paid witnesses in District Courts of the United States.

§ 205.9 Consolidations.

Upon the initiative of the Board, the Chairman of the Board, a Hearing Officer, or in response to a party's motion, two or more appeals, requests for exception, pay challenges or other cases which involve substantially the same parties or issues which are closely related, may be consolidated if it is found that such consolidation will expedite the proceedings.

Subpart B—Appeals From Adverse Actions

§ 205.20 Purposes and scope.

(a) The purpose of this subpart is to establish the rules of practice of the Board which govern the conduct of its administrative review proceedings.

(b) The Board has jurisdiction to consider and decide appeals from adverse actions by IRS and the Office of the Chief Counsel for the Internal Revenue Service.

(c) The Board may review all relevant questions of law and fact.

(d) Review will be limited to the evidence in the record before IRS or the Office of the Chief Counsel for the Internal Revenue Service at the time the adverse action was taken except as otherwise directed by the Board.

(e) Determinations, decisions and other actions of the Board pursuant to §§ 205.25 through 205.28 will be rendered by the Chairman or his delegate unless the Pay Board or a panel of the Board directs otherwise.

§ 205.21 Who may appeal.

Any person aggrieved by an action of IRS or the Office of the Chief Counsel for the Internal Revenue Service taken or issued pursuant to Part 401 of this title, or in accordance with delegated authority, other than a person found by IRS to be in violation of the Act or Regulations, may file an appeal with the Board.

§ 205.22 Where to file appeal.

An appeal shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508, and a copy of the appeal shall be sent to the official who issued the adverse action being appealed. At the same time, appellant shall serve copies of such appeal and supporting documents on the parties at interest (as defined by § 201.3 of this chapter). If, however, such parties at interest are unrepresented employees appellant shall notify them of such appeal in accordance with § 205.4 (b) and (c).

§ 205.23 When to file appeal.

Before filing an appeal with the Board, a recipient of an adverse action by a District Director must have exhausted his administrative remedies within IRS by filing a timely appeal within IRS as permitted by section 601 of Part 401. An appeal to the Board must be filed within 30 days of service by IRS of the adverse action upon which the appeal is based.

§ 205.24 Contents.

An appeal may be accompanied by a brief and must include the name and address of the appellant (and of other parties at interest if the appeal is with respect to a pay adjustment), a clear designation that the document is an appeal to the Board, a copy of the adverse action appealed from, a concise statement of the facts and contentions, grounds for appeal, and the relief requested, and a certification that he has complied with §§ 205.22 and 205.23.

§ 205.25 Screening of appeals.

(a) The Board will determine whether an appeal makes a prima facie showing that the adverse action—

(1) Was erroneous in fact or in law; or

(2) In the case of a decision denying—

(i) A Request for Exception, or

(ii) A retroactive pay adjustment,

was erroneous in fact or in law or appears to be otherwise inequitable.

(b) Where the Board determines that the appeal has failed to make a prima facie showing, the Board may summarily reject the appeal, serve a copy of its determination upon appellant, and advise him that he may request further review in accordance with § 205.29 if appropriate. If further review is not available under § 205.29, appellant will be advised that he may seek judicial review under the Act. If the determination is with respect to a pay adjustment, a copy of such determination will also be served on the other parties at interest in accordance with § 205.6(e).

(c) Where the Board determines that the appellant has made a prima facie showing, it will proceed in accordance with the provisions of §§ 205.26 through 205.28.

§ 205.26 Obtaining record.

(a) Upon receipt of a copy of an appeal, the office which took the adverse action on the subject of the appeal will forward to the Board its entire file on the matter.

(b) This file, together with the appeal and briefs, if any, and any statement submitted by IRS will constitute the record on appeal.

(c) The Board on its own motion may request any additional evidence it deems necessary.

§ 205.27 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it may direct that an informal hearing be held before the Board, its delegate, or a Hearing Officer.

(b) The Board will notify the appellant and other parties, as appropriate, in writing, of the time and place of the hearing.

(c) The appellant and other parties, as appropriate, may present oral argument and submit such additional documentary evidence as the Hearing Officer or the Board deems necessary to fully disclose the position of the party or parties.

(d) If a Hearing Officer is used, he will conduct the hearing as expeditiously as possible in accordance with instructions received from the Board.

(e) Within 30 days after the close of the hearing, the Hearing Officer, if one is appointed, will submit a report to the Board and, if the Board so directs, a recommendation with respect to the appellant's request for relief.

§ 205.28 Decision by Board.

After receipt of an appeal and the IRS record (see § 205.26) or at the conclusion of a hearing, if a hearing has been provided for—

(a) The Board will issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;

(b) A copy of the decision and order will be served upon the appropriate parties in accordance with § 205.6(e); and

(c) If the decision denies the relief requested, in whole or in part, any person aggrieved will be advised that he may request further review in accordance with § 205.29 if appropriate. If further review is not available under § 205.29 appellant will be advised that he may seek judicial review under the Act.

§ 205.29 Further review.

(a) Any person aggrieved by a determination under § 205.25(a)(2) of this subpart or by the Board's decision under § 205.28, with respect to a pay adjustment, may request further review within 14 days of service of such determination or decision. Further review will not, however, be granted unless three members of the full Board or a majority of a committee or panel of the Board certify that such a review is appropriate.

(b) If further review is denied, the Board will serve a copy of its determination upon appellant, advise him that he has exhausted his administrative remedies and that he may seek judicial review under the Act. A copy of such determination will also be served on the other parties, as appropriate, in accordance with § 205.6(e).

(c) If further review is granted, the Board will so notify the appellant and other parties at interest and proceed to render its decision on the record. Such record will consist of the request, any written submissions by the applicant and other parties at interest to IRS or the Office of Chief Counsel for the Internal Revenue Service prior to the IRS or Office of Chief Counsel decision, any information developed by IRS or the Office of Chief Counsel, and all previous decisions or determinations made by IRS or Office of Chief Counsel, and the Board. No additional information documents or other submission will be considered unless relevant as determined by the Board, or submitted in response to a specific request by the Board. Notwithstanding the foregoing, the Board, in its discretion, may allow oral presentations or provide for hearings.

(d) The Board will issue a decision in writing and direct it and an appropriate order to the parties at interest. If the decision allows or denies the relief requested, in whole or in part, an aggrieved party may seek judicial review under the Act.

Subpart C—Requests for Exceptions and Pay Challenges

§ 205.30 Purpose and scope.

(a) The purpose of this subpart is to establish procedures for initial action by the Board on requests for exceptions or pay challenges and for review or reconsideration, as appropriate, by the Board of denials of such requests or challenges.

(b) This subpart shall not apply to those requests for exceptions or retroactive pay adjustments in which initial action is taken by IRS pursuant to authority delegated by the Board. In those cases on which initial action is taken by IRS, appeals from adverse actions may be filed with the Board in accordance with the regulations under Subpart B of this part.

(c) In all cases under paragraph (a) or (b) of this section, filing and processing of—

(1) Requests for exceptions shall be filed in accordance with the regulations issued under Subpart D of Part 401 of this title unless the Board directs otherwise.

(2) Pay challenges to existing contracts and pay practices previously set forth by parties at interest shall be filed and processed in accordance with the regulations issued under Subpart E of Part 401 of this title unless the Board directs otherwise.

(d) Determinations, decisions, and other actions of the Board pursuant to §§ 205.31 through 205.33 will be rendered by the Chairman or his delegate pursuant to delegated authority or by the Pay Board or a panel of the Board.

(e) If the initial decision of the Board is rendered by—

(1) The Chairman or his delegate, requests for review will be considered by the Pay Board (or a panel of the Board) pursuant to §§ 205.34 through 205.40, and

(2) The Pay Board (or a panel of the Board), requests for reconsideration will be considered by the Pay Board (or a panel of the Board) pursuant to § 205.41.

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§ 205.31 Initial action on requests for exception.

(a) The Board in its discretion may invite the applicant, other parties at interest and other parties, if appropriate, to make an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the request, any written submissions by the applicant and other appropriate parties to the IRS or the Board, if appropriate, at the time of the request, and any information developed by the IRS. However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record the Board will issue a decision in writing directed to the person filing the request for exception setting forth the facts, conclusions of law, its decision and the basis therefor, and an appropriate order.

(d) If the Board grants an exception, it will—

(1) Serve upon the applicant and other parties at interest a copy of its decision and order, and

(2) Advise any person aggrieved that he may request review of the Board's action pursuant to §§ 205.34 through 205.40 or reconsideration pursuant to § 205.41, as appropriate. Notwithstanding the foregoing, failure to request reconsideration pursuant to § 205.41 shall not constitute a failure to exhaust administrative remedies for purposes of judicial review.

(e) If the Board denied an exception, in whole or in part, it will—

(1) Serve upon the applicant and other parties at interest a copy of its decision and order, and

(2) Advise any person aggrieved that he may request review of the Board's action pursuant to §§ 205.34 through 205.40 or reconsideration pursuant to § 205.41, as appropriate. Notwithstanding the foregoing, failure to request reconsideration pursuant to § 205.41 shall not constitute a failure to exhaust administrative remedies for purposes of judicial review.

§ 205.32 Application for leave to participate in pay challenge proceedings.

(a) Upon receipt of a pay challenge, the Board will notify the parties at interest as defined in § 201.3 of this chapter that a pay challenge has been filed and that they may participate in the proceedings by submitting a brief or other documentary evidence, or otherwise in accordance with § 205.33.

(b) In addition, a person who is—

(1) An employer whose competitive position in a labor market would be adversely affected if the challenge were upheld, or

(2) An employee representative, or, in the absence of such representative, an employee whose bargaining position would be adversely affected if the challenge were upheld,

may make timely application to the Board for leave to participate in its proceedings, such person shall state his name and address, identify the docket number of the challenge, if known, state specifically the manner in which he is interested in the challenged adjustment, specify the relief sought, and sign the application for leave to participate.

(c) Upon receipt of an application filed in accordance with paragraph (b) of this section, the Board will determine whether the applicant's participation in the proceedings will contribute to the equitable disposition of the challenge.

(d) If the applicant meets the requirement of paragraph (c) of this section, he will be granted leave to participate. In such case, the Board will notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

(e) If the Board denies leave to participate in the proceedings, it will so notify the applicant in writing.

§ 205.33 Initial action on pay challenges.

(a) The Board in its discretion may allow an oral presentation, or provide for an informal hearing (pursuant to § 205.39), or a formal hearing (pursuant to Subpart E of this part).

(b) In general, the Board will render its decision on the record which will consist of the challenge, any information developed by IRS and other written submissions by the parties at interest and other persons granted leave to participate under § 205.32(d). However, if a presentation or hearing is conducted in accordance with paragraph (a) of this section, the record will also contain an account of such presentation or hearing. The Board will determine whether such account will be in the form of a report, minutes, or transcript.

(c) After considering the record, the Board will issue a decision in writing directed to the person filing the pay challenge setting forth its decision and the basis therefor and an appropriate order.

(d) Where the Board allows the challenged pay adjustment to stand or overturns such pay adjustment, in whole or in part, it will serve upon each party at interest and other parties to the proceedings a copy of its decision and order.

(e) Any person aggrieved by a decision of the Board under paragraph (c) of this section may request reconsideration by the Board (or a panel of the Board) pursuant to § 205.41. Notwithstanding the foregoing, failure to request reconsideration pursuant to § 205.41 shall not constitute a failure to exhaust administrative remedies for purposes of judicial review.

§ 205.34 Scope of review.

(a) The Board will review the approval or the denial of an exception by the Chairman or his delegate if the request for review makes a prima facie showing that—

(1) The initial action was erroneous in fact or in law or

(2) It appears to be otherwise inequitable.

(b) If the Board determines that the request for review failed to make a prima facie showing, the Board may summarily reject the request for review, notify the applicant and other parties at interest of its action, and advise the applicant that he has exhausted his administrative remedies and that he may seek judicial review under the Act.

(c) If the Board determines that the request for review has made a prima facie showing, it will proceed in accordance with the provisions of §§ 205.39 and 205.40.

§ 205.35 Who may request review.

Any person aggrieved or other party to the initial proceedings conducted by the Chairman or his delegate may request review by the Board.

§ 205.36 Where to file.

A request for review shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.37 When to file.

A request for review must be filed within 14 days of service of the decision allowing or denying the relief requested.

§ 205.38 Contents.

A request for review shall—

(a) Be in writing and signed by the party requesting such review;

(b) Be designated clearly as a request for review;

(c) Include a copy of the adverse action from which review is requested;

(d) Contain a concise statement of the grounds for review and the requested relief;

and, such request may be accompanied by briefs.

§ 205.39 Informal hearings.

(a) If the Board in its discretion deems that a hearing is advisable, it may direct that an informal hearing be held before the Board, its delegate, or a Hearing Officer.

(b) The Board will notify the parties at interest and other parties, as appropriate, in writing, of the time and place of the hearing.

(c) The appellant and other parties, as appropriate, may present oral argument and submit such additional documentary evidence as the Hearing Officer or the Board deems necessary to fully disclose the position of the party or parties.

(d) If a Hearing Officer is used, he will conduct the hearing as expeditiously as possible in accordance with instructions received from the Board.

(e) Within 30 days after the close of the hearing, the Hearing Officer, if one is used, will submit a report to the Board, and, when the Board so directs, a recommendation with respect to the disposition of the case.

§ 205.40 Decision by Board on review.

The Board will—

(a) Issue a decision in writing directed to the appellant setting forth its decision, the basis therefor, and an appropriate order;

(b) Serve upon the parties at interest and other parties to the proceedings a copy of the decision and order; and

(c) Advise each aggrieved party that he may seek judicial review under the Act if the decision denies the relief requested. Such action by the Board will occur within 30 days of receipt of a request for review or within 10 days of a Hearing Officer's report if a Hearing Officer was used or within 20 days after a hearing before the Board is concluded, or as soon thereafter as administratively practicable.

§ 205.41 Request for reconsideration.

(a) Any person aggrieved or other party to the initial proceedings may request the Board (or a panel of the Board) to reconsider its initial decision. Such a request must be filed with the Board within 14 days of service of the decision allowing or denying the relief requested.

(b) A request for reconsideration shall be in writing, be signed by the party requesting such reconsideration, be designated clearly as a request for reconsideration, and contain a concise statement of the grounds for reconsideration including any errors of record.

(c) After considering the record, the Board will issue a decision in writing and serve it and an appropriate order on the parties, as appropriate, in accordance with § 205.6(e). An aggrieved party may seek judicial review under the Act.

Subpart D—Petition and Comment on Rule Making

§ 205.50 Scope.

The Board shall afford any interested person the right to petition or comment on the issuance, amendment, or repeal of any ruling or regulation promulgated by the Board.

§ 205.51 Where to file.

Petitions or comments shall be filed with the Pay Board, 2000 M Street NW., Washington, DC 20508.

§ 205.52 When to file.

A petition or comment may be filed at any time.

Subpart E—Formal Hearings

§ 205.60 Purpose and scope.

(a) To the maximum extent possible, the Board will conduct formal hearing for the purpose of hearing arguments or acquiring information bearing on a wage or salary increase or proposed wage or salary increase if such increase or proposed increase has or may have a significantly large impact upon the national economy.

(b) A formal hearing held pursuant to this subpart will be open to the public, but such hearings may be closed to the public for the purpose of receiving information considered to be confidential under section 205 of the Act.

§ 205.61 Appointment of Hearing Officer.

If a formal hearing is directed by the Board in accordance with § 205.60, a Hearing Officer may be appointed by the Board to preside over such hearing.

§ 205.62 Notice of hearing.

At the Board's discretion, notice will be published in the FEDERAL REGISTER of the nature, date, and time of the hearing and of the appointment of the Hearing Office if appropriate. Thereafter, all documents and other papers shall be filed with the Hearing Officer, or in the absence of the appointment of a Hearing Officer, with the Executive Secretariat of the Board.

§ 205.63 Powers and duties of the Hearing Officer.

(a) In addition to any other powers specified in this part, a Hearing Officer shall have the power:

(1) To administer oaths and affirmations;

(2) To examine or cross-examine witnesses;

(3) To issue subpenas authorized by the Act;

(4) To rule upon offers of proof and receive evidence;

(5) To regulate the course and conduct of the hearing, including—

(i) Continuing the hearing from day to day or adjourning it to a later date or different place by announcement thereof at the hearing or by other appropriate notice;

(ii) Taking official notice of any material fact not appearing in evidence in the record;

(iii) Excluding from the hearing persons who engage in misconduct; and

(iv) Striking all related testimony of a witness who refuses to answer questions ruled to be proper;

(6) To rule on motions and to dispose of procedural requests or similar matters; and

(7) To issue recommendations and prepare orders.

(b) The Hearing Officer will conduct the hearing as expeditiously as possible, in accordance with instructions received from the Board in each individual case. Within 30 days after the close of the hearing, he will transmit the record of the hearing together with his recommendations and proposed order, if any, to the Board. A copy of any such recommendation or proposed order will be served on the parties at interest and other parties to the proceedings.

(c) The Hearing Officer's authority in each case will terminate upon transmitting the record of the hearing and his recommendation and proposed order, if any, to the Board.

§ 205.64 Record.

(a) The record of a formal hearing will consist of an account of the proceedings of such hearing and all documents and exhibits submitted during the course of such hearing.

(b) The Board will determine whether the account of the hearing shall be in the form of a report, minutes or transcript. If the hearing is conducted by a Hearing Officer, such determinations will be part of the instructions given to such Officer pursuant to § 205.63(b).

(c) Copies of the account of the hearing may be obtained by any party upon payment of the fees fixed therefor, if any.

Subpart F—Retroactive Pay Adjustments

§ 205.80 Purpose and scope.

(a) The purpose of this subpart is to establish procedures for initial action by the Board on requests for retroactive pay adjustments and for review or reconsideration, as appropriate, by the Board (or a panel of the Board) of denials of such requests.

(b) This subpart shall not apply to those requests for retroactive pay adjustments in which initial action is taken by IRS pursuant to authority delegated by the Board. In those cases in which initial action is taken by IRS, appeals from adverse actions may be filed with the Board in accordance with the regulations under Subpart B of this part.

(c) In all cases under paragraphs (a) and (b) of this section, requests for retroactive pay adjustments shall be filed with the Board or IRS as expressly provided for by the substantive provision under which application is being made (see §§ 201.13 and 201.15 of this chapter).

§ 205.81 Retroactive pay adjustment challenges; proceedings.

(a) For purposes of this subpart, a challenge to a retroactive pay adjustment may be filed by a party at interest (as defined in § 201.3 of this chapter) or two or more members of the Board. Such challenge must be filed within 28 days of prenotification or within 28 days of providing any additional information requested by the Board.

(b) Upon receipt of such a challenge, the Board will notify the parties at interest that a challenge to a retroactive pay adjustment has been filed and that they may participate in the proceedings by submitting a brief or other documentary evidence, or otherwise if the Board so directs.

(c) In addition, a person who is—

(1) An employer whose competitive position in a labor market would be adversely affected if the challenge were upheld or

(2) An employer-representative, or, in the absence of such representative, an employee whose bargaining position would be adversely affected if the challenge were upheld,

may make timely application to the Board for leave to participate in its proceedings, such person shall state his name and address, identify the docket number of the challenge, if known, state specifically the manner in which he is interested in the challenged adjustment, specify the relief sought, and sign the application for leave to participate.

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(d) Upon receipt of an application filed in accordance with paragraph (c) of this section, the Board will determine whether the applicant's participation in the proceedings will contribute to the equitable disposition of the challenge.

(e) If the applicant meets the requirement of paragraph (d) of this section, he will be granted leave to participate. In such case, the Board will notify the applicant in writing and afford him a reasonable opportunity to submit documentary evidence or briefs in support of his position.

§ 205.82 Board decisions.

The procedural regulations contained in §§ 205.33 through 205.41 (relating to pay challenges) are generally adopted with respect to retroactive pay adjustments.

[FR Doc.72-6489 Filed 4-26-72;8:52 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Part 1631]

ALLOCATION FOR INDUCTIONS

Action by Local Board

Pursuant to the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 United States Code App., sections 451 et seq.).

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the General Counsel, National Headquarters, Selective Service System, 1724 F Street NW., Washington, DC 20435, within 30 days following the publication of this notice in the FEDERAL REGISTER.

The proposed amendments follow:

Paragraph (d)(5) of § 1631.6 is amended, and new paragraph (e) is added, to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(d) * * *

(5) Any registrant who for 90 consecutive days remains a member of the Extended Priority Selection Group, fully available for induction or alternate service, and whose RSN is not reached in the Extended Priority Selection Group during those 90 days, shall be assigned to the Second Priority Selection Group.

* * * * *

(e) Notwithstanding the provisions of paragraph (b) of this section, the following sequence of actions shall be adhered to during the calendar year 1972:

(1) Nonvolunteers to whom orders to report for induction have been issued and as to whom the dates on which they were to report for induction have been postponed to a month in which there is an outstanding call will be forwarded for induction in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1 of this chapter.

(2) Volunteers who have not attained the age of 26 years shall be selected and ordered to report for induction in the sequence in which they have volunteered for induction.

(3) Nonvolunteers in the First Priority Selection Group shall be selected and ordered to report for induction in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

CURTIS W. TARR,
Director.

APRIL 25, 1972.

[FR Doc.72-6530 Filed 4-26-72;9:25 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Postlicensing Issuance of Securities

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, as amended (Act) 15 U.S.C. 661 et seq., it is proposed to amend, as set forth below, Part 107 of Subchapter B, Chapter I of Title 13 of the Code of Federal Regulations, revised as of January 1, 1971, by amending § 107.805. Prior to final adoption of such amendments, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

Information. The proposed amendment to § 107.805 would permit licensed small business investment companies registered under the Investment Company Act of 1940, as amended, to issue "qualified" stock options as defined in section 422 of the Internal Revenue Code subject to the limitations set forth in the proposed amendment.

By order dated May 14, 1971, the Securities and Exchange Commission granted a conditional exemption pursuant to section 6(c) from sections 18, 19, and 23 of the Investment Company Act of 1940 to permit the issuance by registered Small Business Investment Companies of stock options. The exemption is limited to such options as qualify under section 422 of the Internal Revenue Code as amended, and is conditioned on the adoption by the Small Business Administration of regulations satisfactory to the Commission with respect to the issuance of qualified options by such companies. The proposed regulation complies with this limitation and with this condition. The limitation and the condition would not apply to Small Business Investment Companies which are not registered under the Investment Company Act of 1940, as amended.

It is proposed that Part 107 be amended by adding a new paragraph (b) to § 107.805, to read as follows:

§ 107.805 Postlicensing issuance of securities.

* * * * *

(b) A licensee which is registered as an investment company under the Investment Company Act of 1940 may issue stock options provided each such option is a "qualified stock option" as defined in section 422 of the Internal Revenue Code and is granted pursuant to a plan which provides that—

(1) The option by its terms shall provide that it is exercisable by the individual to whom it is granted only if at all times during the period beginning with the date of the granting of the option and ending 3 months before the date of such exercise, such individual was an employee or officer of either the licensee which granted such option or a wholly owned subsidiary thereof, or a successor licensee or a wholly owned subsidiary thereof;

(2) The aggregate number of shares of any class of stock which may be issued under options pursuant to the terms of the plan shall not exceed 7½ percent of the total number of outstanding shares of such class (less shares reacquired and held in the treasury) at the time the plan is adopted;

(3) The individuals who are officers or employees of the licensee or of a wholly owned subsidiary thereof at the time the plan is adopted may not receive options to acquire more than an aggregate of 66⅔ percent of the total number of shares of each class of stock which may be issued under options pursuant to the terms of the plan; and

(4) No individual may receive an option or options to purchase more than 35 percent of the aggregate number of shares of each class which may be issued under options pursuant to the terms of the plan.

Dated: April 19, 1972.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.72-6390 Filed 4-26-72;8:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR IRAN

Information for Investors

The Agency for International Development (AID) has advised the Industrial Development and Renovation Organization (the "Borrower"), an instrumentality of the Imperial Government of Iran that, upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $25 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in section 221 of the Foreign Assistance Act of 1961, as amended (the "Act"). Proceeds of the loan will be used for workers housing projects in Iran.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Iranian Economic Mission,
5530 Wisconsin Avenue,
Chevy Chase, MD 20015

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the 25th anniversary of the final disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D. A.I.D. will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director or Deputy Director,
Office of Housing,
Agency for International Development,
Room 501, SA-16
Washington, D.C. 20523

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

STANLEY BARUCH,
Director, Office of Housing, Agency for International Development.

APRIL 19, 1972.

[FR Doc.72-6457 Filed 4-26-72;8:51 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 6030]

ARIZONA

Notice of Proposed Classification of Public Lands for Transfer Out of Federal Ownership

1. Pursuant to the Taylor Grazing Act of June 28, 1934 (48 Stat. 1275, as amended, 43 U.S.C. 315), and the regulations in 43 CFR Part 2462, it is proposed to classify the public lands described below for transfer out of Federal ownership by exchange. The transfers would be accomplished under authority of section 8 of the Taylor Grazing Act.

2. Publication of this notice has the effect of segregating the described lands from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, except that these lands will remain open to filing of State exchange applications. If and when these lands are classified for exchange, applications for private exchange may be filed in accordance with the regulations in 43 CFR Part 2202.

3. The public lands proposed for classification in this notice are located in the vicinity of the Planet Ranch on the Bill Williams River in Mohave and Yuma Counties. These public lands have potential for residential development in conjunction with planned developments on private lands at the Planet Ranch. The transfer of these public lands out of Federal ownership by exchange will enable the United States to acquire State and private lands elsewhere along the Bill Williams River Valley and in the surrounding desert mountains, to help block up and preserve Federal land management areas with significant wildlife, recreation, and primitive values.

4. The public lands proposed for classification in this notice are shown on maps on file and available for inspection in the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, AZ 85017; the Kingman Office, Kingman, Ariz. 86401; and the State Office, 3022 Federal Building, Phoenix, Ariz. 85025.

5. The lands involved are located in Mohave and Yuma Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 16 W.,
Sec. 1, lots 3 and 4, S½NW¼, and SW¼;
Sec. 2, SW¼;
Sec. 3, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 5, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 6, lots 1 to 7, inclusive, SE¼NW¼, S½NE¼, E½SW¼, and SE¼;
Sec. 7, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 9;
Sec. 11;
Sec. 12, W½;
Sec. 13, W½;
Sec. 15;
Sec. 16, N½, N½SW¼, SW¼SW¼, and SE¼;
Sec. 17;
Sec. 19, lots 1 to 4, inclusive, E½W½, and E½;
Sec. 23;
Sec. 24, W½;
Sec. 25, NW¼, NW¼SW¼, and SW¼NE¼;
Sec. 27, N½N½; and
Sec. 29, NW¼ and W½NE¼.
T. 11 N., R. 17 W.,
Sec. 34, NE¼NE¼; and
Sec. 36, SE¼NE¼.
T. 10 N., R. 16 W.,
Sec. 3, N½N½;
Sec. 4, N½N½;
Sec. 5, lot 1, N½NE¼, and NE¼NW¼; and
Sec. 6, lot 1.

The lands described aggregate approximately 9,646.37 acres of public land.

6. For a period of 60 days from date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views to the State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025.

JOE T. FALLINI,
State Director.

APRIL 21, 1972.

[FR Doc.72-6418 Filed 4-26-72;8:48 am]

[Wyoming 32606]

WYOMING

Notice of Classification

APRIL 19, 1972.

Pursuant to 43 CFR 2462.1, the lands described below are hereby classified for disposal through exchange, under section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272) for lands within the Casper District.

The lands affected by this classification are described as follows:

SIXTH PRINCIPAL MERIDIAN, WYOMING

NATRONA COUNTY

T. 37 N., R. 79 W.,
Sec. 17, all;
Sec. 20, all.
T. 36 N., R. 80 W.,
Sec. 1, lots 1 to 4, inclusive, S½N½, and S½;
Sec. 4, S½;
Sec. 9, all;
Sec. 29, all.

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T. 37 N., R. 80 W.,
Sec. 13, SW¼SW¼.
T. 38 N., R. 80 W.,
Sec. 31, NW¼NE¼, and NE¼NW¼.
T. 38 N., R. 81 W.,
Sec. 23, SE¼NW¼;
Sec. 26, NW¼NW¼;
Sec. 34, NW¼NW¼, and NW¼SW¼.

The areas described aggregate 3,790.66 acres.

For a period of 30 days, interested parties may submit comments to the Secretary of the Interior, LLM, 320, Washington, D.C. 20240 (43 CFR 2462.3).

JESSE R. LOWE,
Acting State Director.

[FR Doc.72-6381 Filed 4-26-72;8:45 am]

[Wyoming 34023]

WYOMING

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 72-5597 appearing at page 7352 in the issue of Thursday, April 13, 1972, the fourth line of the land description, now reading "T. 20 N., R. 64 W.,", should read "T. 26 N., R. 64 W.,".

National Park Service

GLACIER NATIONAL PARK, MONT.

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), and in accordance with departmental procedures as identified in 43 CFR 19.5 that public hearings will be held beginning at 1:30 p.m. on June 27, 1972, in the Rainbow Room, Rainbow Hotel, 20 Third Avenue North, Great Falls, MT, and on June 29 at the Elks Club, Highway 93 South, Kalispell, Mont., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 907,400 acres within the Glacier National Park, Flathead and Glacier Counties, Mont.

A packet containing a draft master plan and preliminary wilderness study report, and providing additional information about the proposal may be obtained from the Superintendent, Glacier National Park, West Glacier, Mont. 59936, or from the Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, NE 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, DC.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Superintendent, Glacier National Park, West Glacier, Mont. 59936, by June 23 of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address for inclusion in the official record, which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: April 10, 1972.

THOMAS FLYNN,
Deputy Director,
National Park Service.

[FR Doc.72-6414 Filed 4-26-72;8:48 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DEMONSTRATION OF MISS SYSTEM FOR SPRUCE BUDWORM CONTROL, MONTANA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for a proposed Demonstration of the Modular Internal Spray System for Spruce Budworm Control in Montana, USDA-FS-DES(Adm) 72-31.

The environmental statement concerns a proposal to conduct an aerial spray demonstration on approximately 3,000 acres of western spruce budworm infested timber on the Ninemile Ranger District of the Lolo National Forest in western Montana.

This draft environmental statement was filed with CEQ on April 14, 1972.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, DC 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.
Lolo National Forest, 2801 Russell, Missoula, MT 59801.

A limited number of single copies are available upon request to Mr. Steve Yurich, Regional Forester, U.S. Forest Service, Federal Building, Missoula, Mont. 59801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for $3 each. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Mr. Steve Yurich, U.S. Forest Service, Federal Building, Missoula, Mont. 59801. Comments must be received within 30 days of the date of publication of this notice in order to be considered in the preparation of the final environmental statement.

Dated: April 24, 1972.

THOMAS C. NELSON,
Deputy Chief, Forest Service.

[FR Doc.72-6472 Filed 4-26-72;8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

PUBLIC HEALTH SERVICE AND FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92, dated Feb. 25, 1970) is amended to reflect the redesignation of the Immediate Office of the Commissioner and the establishment of the Office of the Associate Commissioner for Medical Affairs.

Section 6B is amended as follows:

SECTION 6B *Organization.* • • •

• • • • •

(aa) *Immediate Office of the Commissioner.* The Commissioner and the Deputy Commissioner are responsible for the efficient and effective implementation of FDA's mission.

(a) *Office of the Associate Commissioner for Medical Affairs.* Functions as principal advisor to the Commissioner on medical matters which impact on policy and direction, and long-range program goals.

Provides leadership on medical matters and stimulates medical effort and achievement in the Agency.

Provides for the continuing appraisal of FDA medical research programs and projects.

Serves as a member or chairman of FDA's medical advisory and planning committees such as the FDA Drug Advisory Council.

Provides medical opinions on special and overall program problems which cross Bureau lines and also where medical aspects are controversial or critical.

Serves as an adviser on medical research contracts, medical committees, and special medical projects of agency-wide scope.

Evaluates medical research results originating from other Government agencies and private institutions for potential utilization in FDA.

Proposes, develops, and implements policies, regulations, standards, and field inspectional and laboratory programs relating to reducing injuries and eliminating hazards from unsafe or ineffective medical devices.

(a-1) *Office of Medical Devices.* Develops standards and scientific policy, and conducts research with respect to the efficacy, reliability, and safety of medical devices.

Operates a national medical device monitoring system.

Plans, coordinates, and evaluates the Agency's surveillance and compliance medical device programs; and initiates compliance actions on medical device matters as necessary.

Evaluates the safety and efficacy and labeling of medical devices.

Develops and coordinates the development of regulations, standards, and field inspectional and laboratory programs covering medical device industry practices and fosters the development of good manufacturing practices.

Provides assistance in the handling of legal actions on medical device matters.

Collects and evaluates data on significant hazards to the public health caused by the use of medical devices and proposes necessary laws and regulations to protect the public.

Provides the Commissioner with authoritative advice on significant existing and anticipated problems related to FDA responsibilities in the area of medical device safety.

Develops and disseminates information materials on medical device problems.

Collects and evaluates data for classification of all medical devices into regulatory categories.

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Dated: April 21, 1972.

STEVEN D. KOHLERT,
Deputy Assistant Secretary for Management.

[FR Doc.72-6456 Filed 4-26-72;8:51 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS AND ELECTRIC CO. ET AL.

Notice and Order for Prehearing Conference

In the matter of Cincinnati Gas & Electric Co., Columbus & Southern Ohio Electric Co., Dayton Power & Light Co. (Wm. H. Zimmer Nuclear Power Station), Docket No. 50-358.

The Atomic Energy Commission, by its Notice of Hearing for Application for Construction Permit, published in the FEDERAL REGISTER on March 7, 1972 (37 F.R. 4925), provided that the date and place of a prehearing conference and of the evidentiary hearing will be set by the Atomic Safety and Licensing Board in the matter of the application filed by the Cincinnati Gas & Electric Co., et al. to construct the William H. Zimmer Nuclear Power Station, Unit No. 1.

Accordingly, a prehearing conference has been scheduled for May 12, 1972, at the Clermont County Court House, Batavia, Ohio.

All members of the public are entitled to attend this prehearing conference, as well as the full evidentiary hearing in this proceeding. The evidentiary hearing will be scheduled at a later date and public notice thereof will be given. The prehearing conference will be conducted in accordance with § 2.752 of the Commission's rules of practice, 10 CFR 2.752, which provides for development of procedures for the evidentiary hearing.

The procedures to be considered at this prehearing conference will be related to simplification and clarification of issues, possibility of obtaining stipulations and admissions of fact in order to avoid duplication in presentation of evidence, and other matters which will aid in an orderly disposition of the case to be presented in a full public hearing.

The prehearing conference on May 12, 1972, will not receive any evidence, nor will there be opportunity for presentation of statements from members of the public who desire to make limited appearances for that purpose. All statements that members of the public desire to make in this proceeding by way of limited appearance pursuant to § 2.715 of the rules of practice will be received on the initial day of the evidentiary hearing.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that the initial session of the prehearing conference in this proceeding shall convene at 9:30 a.m. local time, on Friday, May 12, 1972, at the Clermont County Court House, 270 Main Street, Batavia, OH.

Issued: April 21, 1972, Washington, D.C.

By order of the Atomic Safety and Licensing Board.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.72-6426 Filed 4-26-72;8:49 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Issuance of Facility Operating License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 1 to Facility Operating License No. DPR-28, dated March 21, 1972. The license, as originally issued, authorized the Vermont Yankee Nuclear Power Corp. to load fuel and perform low-power testing, at power levels not to exceed 15.9 megawatts (thermal), of the Vermont Yankee Nuclear Power Station. Amendment No. 1 modifies the license to authorize the receipt, possession and use of (1) an additional gram of U-235 (previously authorized for storage under License No. SNM-1151) as fission detectors for use in the reactor instrumentation system, and (2) five additional curies of americium 241 as a sealed source and eight sources of 1,200 curies each of antimony 124 as sealed sources (all of which were previously authorized for storage under Byproduct Material License No. 44-13669-01).

The Commission has found that the amendment complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act) and of the rules and regulations of the Commission and that the public health, safety, and interest require that the amendment be made effective immediately.

Within twenty (20) days from the date of publication of the notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by the issuance may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or appropriate order.

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Dated at Bethesda, Md., this 21st day of April 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-6408 Filed 4-26-72;8:48 am]

DEPARTMENT OF COMMERCE

Office of Import Programs

COLD SPRING HARBOR LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00117-99-43780. Applicant: Cold Spring Harbor Laboratory, Post Office Box 100, Cold Spring Harbor, NY 11724. Article: Floating current clamps. Manufacturer: University of Bristol, United Kingdom.

Intended use of article: The article will be used in teaching a course in practical neurobiology in which the article will pass a nano amp current between two intercellular microelectrodes without passing any current across the neuron membrane.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for passing nanoampere currents between two intercellular microelectrodes without passing any current across the neuron membrane. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 3, 1972, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advises it knows of no comparable domestic instrument which is scientifically equivalent to the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6445 Filed 4-26-72;8:50 am]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00597-75-20700. Applicant: Columbia University, Nevius Laboratories, Post Office Box 137, 136 South Broadway, Irvington, NY 10533. Article: 50 pieces of polished lead glass. Manufacturer: Ohara Optical Glass Manufacturing Co., Ltd., Japan.

Intended use of article: The articles will be used with photomultiplier tubes and associated electronics to detect very high energy electrons and protons which deposit all their energy in the lead glass.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires glass suitable for the construction of a Cerenkov type radiation detector. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 8, 1972 that (1) the stated requirements for a high lead content and for optical clarity are pertinent to the applicant's intended use, (2) the specifications for the foreign article satisfies these pertinent characteristics, and (3) NBS knows of no domestic manufacturer of an item scientifically equivalent to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6446 Filed 4-26-72;8:50 am]

CORNELL UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00012-98-20700. Applicant: The Johns Hopkins University, Purchasing Department, Charles and 34th Streets, Baltimore, MD 21218. Article: Glass, 100 pieces Type PEHG4 (SF5) 673321. Manufacturer: Ohara Optical Glass Manufacturing, Ltd., Japan.

Intended use of article: The article will be used to construct a detector which will allow measurement of gamma energy by electromagnetic shower production and subsequent observation of that shower via emitted Cerenkov radiation. The gamma rays are manifestations of exotic phenomena such as magnetic monepole formation or parton annihilation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires glass suitable for the construction of a Cerenkov type radiation detector. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 9, 1972, that (1) glass for use in Cerenkov type detectors must have a high lead content and must have high optical clarity, (2) the foreign article satisfies these pertinent requirements, and (3) NBS knows of no domestic manufacturer of an item scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6449 Filed 4-26-72;8:50 am]

JOHNS HOPKINS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00012-98-20700. Applicant: The Johns Hopkins University, Department of Pathology, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Electron microscope, Model HS-8, and accessory. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for educational purposes for introduction of electron microscopy as an elective for successive groups of 3-4 medical students, for graduate students and residents. Fundamentals of electron microscopy, with emphasis only on basic procedures in the operation of an electron microscope are covered. This introduction is also given as part of Course 593 *"Special Topics in Pathology"* to graduate students in each academic year. Application received by Commissioner of Customs: February 23, 1972.

Docket No. 72-00406-00-07500. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Closed bomb reaction calorimeter assembly. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to a Reaction and Solution Calorimetric System being used in a program to determine the heats of formation of those compounds which are of interest in nuclear and high-temperature technology. Examples of such compounds are $NaVO_3$, Na_3VO_4, CS_2VO_4, CS_2O, TH^{+4} (aq), UL_3 and UL_4. Application received by Commissioner of Customs: February 23, 1972.

Docket No. 72-00407-00-46000. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Counting chamber, Manufacturer: Hawksley & Sons, United Kingdom. Intended use of article: The article is an accessory to an electron microscopy intended to be used by faculty, graduate students and many classes in the microbiology department in examinations of bacterial suspensions. Application received by Commissioner of Customs: February 29, 1972.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires glass suitable for the construction of a Cerenkov type radiation detector. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 9, 1972, that (1) glass for use in Cerenkov type detectors must have a high lead content and must have high optical clarity, (2) the foreign article satisfies these pertinent requirements, and (3) NBS knows of no domestic manufacturer of an item scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6450 Filed 4-26-72;8:51 am]

N.Y.S. INSTITUTE FOR RESEARCH IN MENTAL RETARDATION

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00391-33-46040. Applicant: N.Y.S. Institute for Research in Mental Retardation, 1050 Forest Hill Road, Staten Island, NY 10314. Article: Electron microscope, Model HS-8-2, Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for studies of viruses and virus infected cells and tissues. Determination of the purity, ultrastructure and particle/infectivity ratio of the viruses under study, will provide information as to the nature of the viral infection at the cellular and subcellular level. By studying cell cultures or tissues derived from patients or sick animals, important knowledge will be obtained as to the pathogenesis of the viral disease and the possible role of dual virus infection in some of the diseases. The article will also be used for training junior scientists and technicians in electron microscope techniques. Application received by Commissioner of Customs: February 17, 1972.

Docket No. 72-00384-33-90500. Applicant: Swedish Covenant Hospital, Department of Pathology, 5145 North California Avenue, Chicago, IL 60625. Article: Lanco assembly apparatus, Manufacturer: Langendorf Watch Co., Lanco-Economic, Switzerland. Intended use of article: The article is intended to be used in experimental medical laboratory testing which will include study of time and motion on laboratory tests in the hospital when regulated by the article. Application received by Commissioner of Customs: February 11, 1972.

Docket No. 72-00405-33-46040. Applicant: University of Rochester, School of Medicine, Department of Pathology, 260 Crittenden Boulevard, Rochester, NY 14642. Article: Electron microscope, Model HS-8, and accessory. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for educational purposes for introduction of electron microscopy as an elective for successive groups of 3-4 medical students, for graduate students and residents. Fundamentals of electron microscopy, with emphasis only on basic procedures in the operation of an electron microscope are covered. This introduction is also given as part of Course 593 *"Special Topics in Pathology"* to graduate students in each academic year. Application received by Commissioner of Customs: February 23, 1972.

Docket No. 72-00406-00-07500. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Closed bomb reaction calorimeter assembly. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory to a Reaction and Solution Calorimetric System being used in a program to determine the heats of formation of those compounds which are of interest in nuclear and high-temperature technology. Examples of such compounds are $NaVO_3$, Na_3VO_4, CS_2VO_4, CS_2O, TH^{+4} (aq), UL_3 and UL_4. Application received by Commissioner of Customs: February 23, 1972.

Docket No. 72-00407-00-46000. Applicant: Indiana University, Bloomington, Ind. 47401. Article: Counting chamber, Manufacturer: Hawksley & Sons, United Kingdom. Intended use of article: The article is an accessory to an electron microscopy intended to be used by faculty, graduate students and many classes in the microbiology department in examinations of bacterial suspensions. Application received by Commissioner of Customs: February 29, 1972.

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application For Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00335-00-46040. Applicant: National Institutes of Health, National Heart and Lung Institute, Building 10, Room 5N204, Bethesda, Md. 20014. Article: 70 mm. film camera for EM6B electron microscope. Manufacturer: AEI Scientific Apparatus, Ltd., United Kingdom.

Intended use of article: The article will be used with an existing electron microscope to record the transmission electron microscopic image of the entire

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Docket No. 72-00408-33-46500. Applicant: State University of New York, Upstate Medical Center, 766 Irving Avenue, Syracuse, NY 13210. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in a research program concerned with lipid metabolism and the pathogenesis of lipid accumulation in mammalian cells, either maintained in the laboratory in continuous tissue culture or obtained from experimental animals and human patients. The article will be used to prepare ultrathin sections of plastic embedded mammalian cells for observation with the electron microscope in order to localize the original site of lipid droplet accumulation. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00409-01-77040. Applicant: University of California, Space Sciences Laboratory, Berkeley, Calif. 94720. Article: Mass spectrometer, Model MAT 311. Manufacturer: Varian MAT GmbH, West Germany. Intended use of article: The article is intended to be used in various studies including the study of lunar carbon chemistry and its relationships to that of light stable elements, volatile elements and rare gases and monitoring of ultra-organic clean and dry facility for study of special pristine returned lunar samples. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00410-90-59500. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: High Intensity pulsed xenon arc lamps. Manufacturer: I. Weinberger, Switzerland. Intended use of article: The articles will be used to supply light for high speed photography of vapor explosions. The specific investigation will be of pre-explosion mixing in a molten NaCl-H_2O system to determine the effect of mixing on the explosion efficiency. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00411-33-46500. Applicant: New York City Health & Hospital Corp., 125 Worth Street, New York, NY 10013. Article: Ultramicrotome, Model OM U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in clinical applications in patient care to diagnose various kidney diseases and to investigate aspects of carcinogenesis. In addition the article will be used for the investigations of ferritin biosynthesis in mouse liver and in phycomyces blakesleeanus as well as the recently discovered embryonic antigen studies. The article will also be used in teaching the house staff, particularly the residents in pathology, to become acquainted with the electron microscopic studies. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00412-33-46040. Applicant: National Heart and Lung Institute, Laboratory of Biochemical Genetics, Building 10, Room 6D18, National Institutes of Health, Bethesda, Md. 20014. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in studies on the neuronal properties of cultural neuroblastoma cell clones. This research will involve the following aspects:

(1) Comparing the ultrastructure of various clones and of somatic cell hybrids whose biochemical characteristics are being studied.

(2) Study of interactions between neuroblastoma cells and between such cells and muscle cells.

(3) Characterization of fibrous organelles and proteins isolated from the neuroblastoma cells, including comparison of these with brain cell counterparts.

Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00413-01-77040. Applicant: The City College of the City University of New York, Department of Chemistry, 138th Street and Convent Avenue, New York, NY 10031. Article: Mass Spectrometer, Model MS 902S. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for research in the following areas:

A. Structural studies:
(1) Products and intermediates in chemical reactions.
(2) Products and intermediates in enzymic reactions.
(3) Natural products:
(a) Terpenes, sterols, alkaloids, and steroids.
(b) Hormones.
(c) Amino acids and polypeptides.
(d) Lipids of all classes.
B. Analysis:
(1) Study of biosynthetic pathways with stable isotopes.
(2) Study of organic chemical reactions with stable isotopes.
(3) Study of mass spectral fragmentation patterns with stable isotopes.
(4) Composition of membranes.
(5) Identification of drugs and drug metabolites.
C. Reaction mechanisms:
(a) Mass spectral reaction mechanisms and the exploration of the relationship between photochemical and electron-impact induced processes.
(b) Study of the mechanism of metastable ion formation and the use of metastable ions in structure elucidation.

Some selected examples of current research requiring high resolution mass spectrometry are (1) tautomerization and dimerization studies, (2) hidden exchange of formyl hydrogens in strong aqueous acid, and (3) polyhalosulfolipids and phytoflagellates. The article is also intended to be used for educational purposes in conjunction with a basic laboratory course in research techniques in organic chemistry which is required of all graduate students majoring in organic chemistry. This course covers the theory, practice and application of spectrometric methods to structure elucidation problems. Application received by Commissioner of Customs: February 29, 1972.

Docket No. 72-00414-33-46500. Applicant: Veterans Administration Hospital, Laboratory Service, 4801 Linwood Boulevard, Kansas City, MO 64128. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of a wide variety of pathologic human tissue for diagnostic interpretation with emphasis on hepatic, renal, hematologic and neoplastic pathology. Many of these objects of study will require differentiation and cellular interrelationships of fibrillar protein such as collagen, myosin, fibrin and amyloid. Cytological characterization of canine lymphoma and leukemia will be accomplished. The interaction of antigen and antibody involving cellular and subcellular location of antigen in synovial membrane and the fate of antigen will be investigated. Application received by Commissioner of Customs: March 1, 1972.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6442 Filed 4-26-72;8:50 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00113-75-27000. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 04720. Article: Electron tubes. Manufacturer: Compagnie Generale de Telegraphie Sans Fil France.

Intended use of article: The article will be used in a protondeuteron accelerator complex (the Bevatron) to furnish power at approximately 200 MHz for the second of three stages of acceleration, a 50 Mev. linear accelerator. The ultimate goal of the Bevatron is to provide protons or deuterons to high energy physics experiments involved in the exploration of nuclear structure of matter. Application received by Commissioner of Customs: August 27, 1971.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to components for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used.

The Department of Commerce knows of no similar components being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6443 Filed 4-26-72;8:50 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00445-79-50600. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Four fission chambers, neutron sensitive; overall diameter, 1.5 inches; overall diameter, 22 feet; neutron sensitivity, 0.1 counts per second of unit flux; plus associated signal cables that can operate reliably in the range of 800° F. to 1400° F. Manufacturer: Twentieth Century Electronics, Ltd., United Kingdom.

Intended use of article: The fission counters are being procured for evaluation for application to monitoring neutron flux in uncooled instrument thimbles of the Liquid Metal Fast Breeder Reactors (LMFBR).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant is evaluating fission chambers for use in neutron flux monitoring in a breeder reactor for reliability of operation to a maximum temperature between 800° F. and 1400° F. Comparable domestic instruments have been evaluated and found unsatisfactory. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 16, 1972, that the availability of the article for the evaluation described above is pertinent to the applicant's investigation. NBS further advises that it knows of no domestic manufacturer of an instrument scientifically equivalent to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-6444 Filed 4-26-72;8:50 am]

UNIVERSITY OF KENTUCKY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00611-90-46070. Applicant: University of Kentucky, College of Agriculture, Lexington, Ky. 40506. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instruments, United Kingdom.

Intended use of article: The article will be used as a research tool in a variety of programs which involve bone and muscle structure, wearing potential of the alloy and tooth enamel; behavior of wood fiber after chemical treatment and relationships of fiber geometry to tensile rupture; morphological and structure/function studies of leafhoppers and acarina; cracks and fractions in ceramics, fracture behavior of titanium alloys, topography of radiation damages in silicon and precipitate effect on aluminum/copper alloys. The educational uses of the article will consist of demonstrations of a variety of phenomena in both Engineering and Biology in undergraduate and graduate courses.

Comments: No comments have been received with respect to this application. Letter dated March 16, 1972 from Advanced Metals Research Corp. (received after the expiration of the comment period) is being treated as additional information in accordance with section 701.10(a) of the regulations to the extent that it contains factual information.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 22, 1969).

Reasons: Captioned application is a resubmission of Docket No. 70-00369-65-46070 which was denied without prejudice to resubmission on October 23, 1970 due to informational deficiencies contained therein. The foreign article provides an 18° focused and 11° collimated 2 theta deflection of the beam which permits the production of meaningful pseudo Kikuchi patterns in the normal scanning mode of operation. The published specifications of available domestic scanning electron microscopes do not indicate a similar capability. We are advised by the National Bureau of Standards (NBS) in its memorandum dated March 16, 1972, that the foreign article's capability for "Kikuchi-like" reflection patterns in the normal scanning mode of operation permits investigation of strain distributions and is, therefore, pertinent to the applicant's intended use in microcrystallography analysis. NBS further advises that it knows of no domestically manufactured instrument which would provide a capability scientifically equivalent to the foreign article for this pertinent characteristic as of the purchase date of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6448 Filed 4-26-72;8:50 am]

UNIVERSITY OF ROCHESTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00507-00-84300. Applicant: University of Rochester, River Station, Rochester, N.Y. 14627. Article: Wind tunnel balance, Model 528. Manufacturer: T.E.M. Instruments, United Kingdom.

Intended use of article: The article will be used with an existing MAS wind tunnel in order to investigate aerodynamic forces on aircraft in subsonic flight.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a sliding weight wind tunnel balance measuring lift, drag and pitching movement designed for use with the smaller type and size of wind tunnel normally used in Universities, Technical Colleges etc. Other available balances utilize strain

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gage electronics. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 25, 1972, that the simplicity and visability of the article are of pertinent advantage, when compared to the normal electronic balances in the applicant's intended use. NBS further advises that it knows of no comparable domestic instrument providing a capability equivalent to the article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6451 Filed 4-26-72;8:51 am]

VETERANS ADMINISTRATION HOSPITAL, KANSAS CITY, MO.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00110-33-07500. Applicant: Veterans' Administration Hospital, 4801 Linwood Boulevard, Kansas City, MO 64128. Article: LKB Microcalorimeter. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used in research to measure the heats of various proteins reactions such as substrate binding, and the kinetic measurements of enzyme systems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 17, 1972, that the applicant's use of the foreign article includes measurement of heats of reaction of enzyme systems which will require the best sensitivity available with the smallest size of sample. HEW further advises that comparable domestic instruments which match the foreign article's flow sensitivity (0.1 microcalories/second), particularly with small samples, is not available.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.72-6452 filed 4-26-72;8:51 am]

WISCONSIN STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00108-99-54900. Applicant: Wisconsin State University, Grand Avenue, Superior, Wis. 54880. Article: Scanning stereoscope, ODSS III. Manufacturer: N.V. Optische Industrie "De Oude Delft," the Netherlands.

Intended use of article: The article is intended to be used for university level instruction in the following courses: (1) Airphoto Interpretation with special emphasis on the scientific analysis of environmental problems; (2) Environmental and Urban Planning—the effects of the urban development on the environment will also be studied; (3) Independent Study—scientific analysis of air photos.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 17, 1972, that the foreign article's capability for permitting the student and instructor to view the same photographs simultaneously is pertinent to teaching air photograph interpretation. HEW further advises that it knows of no comparable domestic instrument that provides the pertinent capability.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 72-6453 Filed 4-26-72;8:51 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23287; Order 72-4-116]

AIR FREIGHT FORWARDERS

Order Instituting Charters Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of April 1972.

In EDR-198,[1] the Board issued an advance notice of proposed rule making with respect to the possibility of, inter alia, limiting the regularity and frequency of charters by air freight forwarders. In the explanatory statement (p. 1) the Board noted that its present regulations [2] reflect a policy, evolved particularly between 1948 and 1959, permitting air freight forwarders (both domestic and international) [3] to charter aircraft from direct air carriers (both scheduled and supplemental) and also permitting air freight forwarders to joint load, including joint loading on charters. Yet, because the policy had evolved at a time when the practices in question were so infrequent as to render the matter rather academic, the Board further noted that comments filed in connection with the Airlift/Shulman/WTC arrangements (Docket 22057)[4] had prompted the Board to "reexamine the matter of chartering by air freight forwarders" (p. 2). These arrangements involved all the various aspects of the problem, since the agreement filed on March 27, 1970, by Airlift and Shulman (CAB 21699) provided for a long-term charter of an aircraft to an air freight forwarder, to be operated from New York to Los Angeles 5 days a week, and the cargo was to be that of Shulman or of WTC, another air freight forwarder, pursuant to a joint-loading agreement (CAB 21800).[5] Having noted that the Airlift/Shulman/WTC arrangements are "within the permissible scope of our present regulations" (ibid.), the Board proceeded to observe:

> However, conditions in the industry have changed since the present regulations were adopted and we believe that the question of whether air freight forwarders should be allowed to charter aircraft, particularly on a regular basis should be re-examined in light of present conditions.

Thirty-four comments on EDR-198 were filed with the Board.[6] The filed comments have not contributed significantly to our understanding of the problem nor been particularly helpful in furnishing empirical information which might suggest an appropriate resolution. However, we have been able to glean from these comments the principal arguments that can be made for and against the Board's continuing to permit freight forwarders to charter aircraft on a regular basis.

The arguments in favor of continuing the Board's present policy of permitting freight forwarders to charter aircraft on a regular basis are: (1) Lower rates, obtained by the chartering forwarders, could be passed on to the shipping public; (2) lower rates will benefit the entire industry by attracting new business; (3) restrictive rules at this time would be premature, since the practice poses no present threat to scheduled cargo carriers. Arguments against the Board's present policy are: (1) Charters by freight forwarders—especially on a regular basis—tend to operate in favor of the few large forwarders and to the detriment of most forwarders, who are too small to charter aircraft; (2) in light of the direct carriers' present overcapacity, a few dominant forwarders could (a) wield undue economic leverage in negotiating rates, and (b) unduly influence the type and quality of service to be provided; (3) development of scheduled air cargo service could be hindered by diversion of volume cargo; (4) charters of aircraft by forwarders from supplemental carriers on a regular basis would be inconsistent with the charter concept; (5) the practice is about to proliferate, so that restrictive regulations should be adopted at this time, before investments and arrangements are made on the basis of the existing permissive rules.

It has become increasingly clear in the progress of the instant proceedings that there is a dearth of hard facts available to help the Board decide which rules, if any, should be proposed. As indicated above, the comments thus far filed have not included the kind of data essential to determining the proper course of regulatory action. At the same time it has also become increasingly clear that the problem is very substantial, and that present industry conditions militate in favor of the Board's studying it with promptness and thoroughness.

We have therefore concluded that a formal evidentiary hearing is the most satisfactory means of resolving all of the issues raised in the rule making proceeding. Accordingly, we are herein instituting a general investigation to determine what the Board's policy should be with respect to the chartering of aircraft by domestic and international air freight forwarders; what amendments, if any, should be made in Part 296 (classification and exemption of indirect air carriers) and Part 297 (classification and exemption of international air freight forwarders) of the Board's Economic Regulations to implement the chosen policy; and whether we should continue to permit joint loading on charters on an unrestricted basis by domestic and international air freight forwarders. Although the subsidiary issues will be subject to precise delineation and refinement at the prehearing conference, we fully expect the record in this proceeding to be developed on such critical decisional factors as the effect that restricted or unrestricted chartering of aircraft and joint loading on charter flights by domestic and international air freight forwarders will have on cargo rate levels; the impact of such cargo rate levels on: Cargo load factors for both combination and all-cargo aircraft in scheduled service; the economics of cargo operations for scheduled air carriers and air freight forwarders; the quality of scheduled air cargo services; the generation of new air cargo traffic; air cargo growth rates; cargo diversion from scheduled air service and surface modes; and the further concentration of economic power in the air freight forwarder industry. We also expect the parties to develop the record on the effect of joint loading agreements on the volume of charter activity by air freight forwarders and the desirability of closed and open-ended joint loading agreements.[7] Finally, we expect an adequate record to be developed as to whether it is consistent with the statutory limitations on supplemental air carriers' operating authority for these carriers to perform charter flights for air freight forwarders.

There remains the question as to what administrative action, if any, the Board should take, pending the outcome of this proceeding with respect to agreements calling for scheduled charter services for forwarders. Although the Airlift/Shulman/WTC arrangement appears to involve the only such charter presently before the Board,[8] the filed comments in the rule making proceeding indicate that there is good reason to believe that the practice may soon spread.[9] The Board has determined, for the time being, to maintain the present legal status of such charters under our existing rules and policies. However, carriers and forwarders alike are on notice that these rules and policies may be changed as a result of the investigation herein instituted. Consequently, any investment and long-term arrangements made by forwarders and carriers on the basis of existing rules and policies during the pendency of this proceeding will be undertaken at the parties' own risk.

Accordingly, it is ordered, That:

1. Action on Agreements CAB 21699, 21699-A2, 22722,[10] and 22727 be and it hereby is deferred further;

2. Action in Docket 22057 is also deferred further; [11]

3. An investigation to be known as Air Freight Forwarders' Charters Investigation be initiated for the purpose of considering the issues discussed above and deciding, in light of the evidence, what further action should be taken with respect thereto, including the adoption of rules to amend all or any of the following: Parts 207, 208, 212, 214, 296, and 297 of the Board's Economic Regulations (14 CFR Parts 207, 208, 212, 214, 296, 297) and Part 399 of the Board's Policy Statements (14 CFR Part 399);

4. Said investigation be and it hereby is set for hearing before an examiner of the Board at a place and time to be hereafter designated; and

5. This order shall be served on WTC, Shulman, Airlift, Flying Tiger, and Airborne; the Air Freight Forwarders Association; the Departments of Justice and Transportation; all persons who filed comments in this rule making proceeding; and each one of the above is hereby made a party to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6461 Filed 4-26-72;8:51 am]

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[1] Dated Apr. 14, 1971, Docket 23287.

[2] 14 CFR Parts 296, 297.

[3] The charter authority of international air freight forwarders is presently subject to some restrictions. See § 297.23.

[4] On Mar. 27, 1970, Airlift International, Inc., an all-cargo carrier, and Shulman, Inc., an air freight forwarder, filed an agreement (CAB 21699) providing for the charter of a DC-8-63F aircraft from Airlift to Shulman to operate from New York to Los Angeles 5 days a week for a 1-year period beginning Apr. 1, 1970. On Mar. 31, 1971, the parties filed an agreement extending the arrangement for 1 year (CAB 21699-A-2). The basic agreement provides that the cargo shall be that of Shulman or another air freight forwarder, WTC Air Freight, Inc., pursuant to a joint-loading agreement (CAB 21800). The Flying Tiger Line Inc., another all-cargo carrier, filed a motion seeking an order to show cause why the charter agreement should not be disapproved (Docket 22057). In the advance notice of rule making, the Board stated that it was deferring action on the Airlift/Shulman/WTC agreements and Flying Tiger's motion for a show cause order pending the outcome of the rule making proceeding.

[5] CAB agreement 22727, filed by Shulman and WTC on Oct. 8, 1971, supersedes CAB 21800.

[6] Nine comments from scheduled combination route carriers, two from all-cargo carriers, 16 from air freight forwarders, one from NACA and six from various other trade associations. In addition, Emery Air Freight filed a petition requesting an evidentiary hearing and an answer thereto was filed by Delta.

[7] The precise issue of open-ended joint loading agreements in forwarders' charters is the subject of Board Order 71-10-38, Oct. 8, 1971. However, that issue might not be reached in view of the superseding agreement (CAB 22727) filed by the parties on Oct. 8, 1971.

[8] As indicated above, in Docket 22057 (Flying Tiger's motion seeking an order to show cause why the Shulman/WTC Air Freight joint-loading agreement should not be disapproved), the Board has only deferred approval of the agreement under section 412 and, in the absence of the Board's disapproval, the parties can continue operations under the agreement.

[9] For example, Flying Tiger alleged that it had recently received a number of requests from forwarders for quotations on daily charter service. NACA asserted that forwarder charters are emerging as a prime means of promoting new traffic; and, indeed, NACA emphasized that such charters constitute an important "potential market" on which the supplemental carriers "rely in their equipment purchases and long-term planning."

[10] Agreement CAB 22722 is between Airlift and WTC and is similar to CAB 21699 between Airlift and Shulman.

[11] Our action herein will not affect Order 71-10-88 which pertains to the question whether Airborne Freight Corporation, an air freight forwarder, should be entitled to become a party to the Shulman/WTC joint-load agreement.

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[Docket No. 24112]

BRANIFF AIRWAYS, INC.

Notice of Reassignment of Hearing Regarding U.S. Mainland-Hawaii First-Class Excursion Fares

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding heretofore assigned to be held on April 27, 1972 (37 F.R. 7537, April 12, 1972), is reassigned to be held on May 2, 1972, at 10:00 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

Additionally, Bureau Counsel's due date for filing Direct Exhibits, Testimony, and Rebuttals is moved forward to April 28, 1972.

Dated at Washington, D.C., April 24, 1972.

[SEAL] RICHARD M. HARTSOCK,
Hearing Examiner.

[FR Doc.72-6460 Filed 4-26-72;8:51 am]

[Docket No. 24428; Order 72-4-112]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding East-South-West Family Excursion Fares

By tariff [1] marked to become effective May 8, 1972, Eastern Air Lines, Inc. (Eastern) proposes to establish round-trip family excursion fares between points in the Northeast United States and the west coast via San Juan and/or various points in the State of Florida. The proposed fare level is the same as existing transcontinental family excursion fares, i.e., full fare for the head of household and $99 for the spouse and/or accompanying children 2 through 21 years of age. Free stopovers are permitted at intermediate points [2] named in the routing and the return limit is 30 days. The fares are to be applicable from May 8, 1972, through December 15, 1972, except for blackouts from June 30 through July 10 and August 31 through September 11, 1972.

Eastern alleges that the purpose of the filing is to generate long-haul family travel by providing the incentive of multiple destinations. The carrier states that it previously matched the existing transcontinental family excursion fares of other carriers but, due to its route structure, connecting service is required for travel between east coast points and Los Angeles, Portland, and Seattle, and that in order to offset the inconvenience of its connecting service it is necessary to provide an inducement to passengers to travel via Eastern. The option of free stopovers at intermediate points is expected to provide such an inducement.

American Airlines, Inc. (American), National Airlines, Inc. (National), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), Trans World Airlines, Inc. (Trans World), and United Air Lines, Inc. (United) have filed complaints against the proposal, requesting its suspension and investigation. The complainants allege, inter alia, that considering the mileage circuity involved, the fares produce extremely low yields which cannot be justified economically; that Eastern is a minimal participant at best in the transcontinental market and while "the risk of revenue dilution is nonexistent" for Eastern it most clearly would not be so for the direct transcontinental carriers; and that in permitting the existing transcontinental family excursion fares the Board relied heavily on the fact that the maximum stay limit was four days, whereas an earlier proposal 4 days whereas an earlier similar proposal which would have permitted stays up to 14 days was suspended.

Eastern answers that a family which has planned to visit the opposite coast will not normally travel via Florida or San Juan, but a family which has not contemplated air travel for its vacation might be encouraged to do so by the availability of multiple destinations. It further asserts that it expects to generate 250 passengers over the duration of the tariff and that the likelihood that these passengers would create any pressure on capacity or displace higher fare passengers is de minimis.

Upon consideration of the proposal, the complaints and answer thereto, and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

The special transcontinental family excursion fare which Eastern seeks to match is a very low fare presently effective only until May 31, 1972, and originally intended to attract family members of business travelers making trips of no more than 4 days' duration. On the other hand, the proposed fares are designed to attract vacation traffic and, the circuitous fares result in extremely low fares per mile—so low as to raise a substantial question whether the fares are reasonably related to the cost of providing the service. Moreover, the fares would be applicable during the summer when transcontinental traffic volume is high.

Eastern contends that the northeast-Florida/San Juan and Florida-west coast markets are markets in which it has a substantial participation, and that any diversion in these two principal markets would be at its own expense. However, the proposal does not apply to passengers originating at points on the east coast and traveling to Florida and return, or to traffic between Florida and the west coast. Rather, it involves passengers traveling from points in the Northeast United States, to west coast points or vice-versa, with a routing through Florida or San Juan. Since Eastern's participation in the transcontinental markets involved is very small, any diversion of traffic which may occur, and we believe it might be significant notwithstanding the circuitous routing involved, will be almost entirely at the expense of the carriers providing direct transcontinental service.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions of Eastern Air Lines, Inc.'s CAB No. 379, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, Eastern Air Lines, Inc.'s CAB No. 379 is suspended and its use deferred to and including August 5, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24375, 24378, 24383, 24379, 24380, and 24381 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order be filed in the aforesaid tariff and be served upon American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[3]
Secretary.

[FR Doc.72-6462 Filed 4-26-72;8:51 am]

[Docket No. 24430; Order 72-4-117]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension Regarding Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1972.

By tariff revisions [1] marked to become effective April 29, 1972, Eastern Air Lines, Inc. (Eastern), proposes to establish directional round-trip proportional excursion fares of $9.26 ($10 tax inclusive) from Boston to New York, and New York to Washington, to be used in conjunction with round-trip transportation from other points on its domestic system [2] to Boston or New York. The fares apply for travel only on Saturdays, with the return portion to be completed by midnight the same day. Purchase of the tickets must be made prior to leaving the point of origin and the trip must commence within 7 days of a passenger's arrival at Boston or New York. Children's fares are 50 percent of the proposed proportional fares, or $4.63. The fares are marked to expire with August 31, 1972.

In justification of its proposal, Eastern alleges that the primary objective of the fare is to provide additional traffic on an off-peak day in the Air Shuttle markets. Eastern alleges that in 1971 the Saturday load factor in Air Shuttle markets was only 47 percent, as compared with an average of 58.7 percent on all other days, and contends that Saturday has the lowest traffic level of any day.

In addition, Eastern alleges that, since the fare is not applicable to cities in close proximity to New York and Boston, the majority of the users will come from distant points, and that the trip is, in essence, a "1-day bonus feature" analogous to the sightseeing trips offered by various airlines. The carrier states that it has no data which would indicate the number of passengers who take a side trip to either Washington or New York; however, Eastern alleges that it can be assumed that the number is miniscule.

Northeast Airlines, Inc. (Northeast), and Northwest Airlines, Inc. (Northwest), have filed complaints requesting that the proposed fares be suspended and investigated.[3] The complainants allege that the proposed fares do not cover the cost of providing the service; that Eastern has not estimated how much new traffic the fares will generate; and that rather than generate new traffic the fares will simply result in diversion. For example, Northeast points out that a Miami-Boston passenger wishing to stop in New York would normally pay a regular fare of $184.26, or $142.59 for a weekend 7-21-day excursion. However, under Eastern's proposal, this same passenger would be encouraged to travel an extra 374 miles with a total fare of $179.64 or $129.63, respectively. Northwest also alleges that the fares apply in two of the most congested markets in the east and during the peak summer season; that Eastern itself was and remains a strong proponent of hub surcharges in contested markets; and that the fares, which reflect a discount of 79 percent and a yield of 2.3/2.4 cents per mile, are uneconomic.

Eastern has answered the complaints alleging that no one but a tourist would be likely to value highly a Saturday in New York or Washington; that full fare passengers would not be diverted since business travelers would find a Saturday visit to either point of little value; and that although summer may be a peak travel period in general, the Saturday shuttle markets have low-load factors year round. Eastern also alleges that the complainants' contentions with respect to costs fail to consider the nature of the shuttle operation; and that the only added costs are passenger liability expense and credit card discounts, totaling about 40 cents per passenger.

Upon consideration of the tariff proposal, the complaints and answers thereto, and all other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposal should be suspended pending investigation.

Due to the extremely low level of the fares, the question of generation versus diversion is particularly critical. There is very little margin for diversion, and in the New York-Washington market, for example, one diverted full fare passenger would offset the revenue generated by more than five proportional fare passengers without regard to the cost of carrying such passengers. In view of this, and since the carrier was unable to provide a basis for making a reasonable generation/diversion estimate, we find that a sufficient question of reasonableness is raised to warrant investigation of the proposal, and suspension pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A attached hereto,[4] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto [4] are suspended and their use deferred to and including July 27, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24345 and 24346 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated;

5. Copies of this order be filed in the aforesaid tariffs and be served upon Eastern Air Lines, Inc., Delta Air Lines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,[4]
Secretary.

[FR Doc.72-6463 Filed 4-26-72;8:51 am]

[Dockets Nos. 21866-6A, 21866-9, Order 72-4-111]

FRONTIER AIRLINES, INC.

Order Dismissing Complaints Regarding Standard-Class Fares and Service

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of April 1972.

By tariff revisions [1] marked to become effective April 30, 1972, Frontier Airlines, Inc. (Frontier) proposes to implement a single class of service (standard class) throughout its system and to establish related standard fares in place of the four basic classes of service and fares it now provides—jet first class, propeller first class, jet deluxe coach, and jet coach. The proposal involves both aircraft configuration (jet aircraft only) and fare changes.

Frontier's proposal to implement single-class service generally entails seating configuration modification of its B-737 aircraft only, as its propeller aircraft (CV-580) are presently operated in a single-class configuration which will remain unchanged.[2] Currently, the carrier's B-737 aircraft provide accommodations for 24 passengers (five-abreast seating) at a 36-inch pitch in deluxe coach, and 73 passengers (six abreast) at a 34-inch pitch in coach. Under the proposal, Frontier plans to install "2 plus 2" or "twin seating" (six abreast with a fold-down center console) at a 38/39-inch minimum/maximum pitch, with the same total density as now exists—97 seats.

Most fares are not being changed, since a substantial majority of Frontier's markets are served exclusively by propeller equipment for which fares will not be changed, but merely redesignated.[3] The

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[1] Eastern Air Lines, Inc. Tariff CAB No. 379.

[2] Stopovers in the State of Florida are limited to Miami or Fort Lauderdale and one of the following points: Daytona Beach, Kennedy Space Flight Center, Melbourne, Orlando, and Tampa.

[3] Dissenting statement of Minetti and Murphy, Members, filed as part of the original document.

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 136 and 142.

[2] The proportional fares do not apply in conjunction with round-trip transportation to Boston or New York from Baltimore/Hartford/New Haven/New York/Philadelphia/Providence/Washington/Wilmington.

[3] Delta Air Lines, Inc. (Delta), has filed an answer in support of both complaints.

[4] Appendix A and dissenting statement of Minetti and Murphy, members, filed as part of the original documents.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff CAB Nos. 65, 136, and 142.

[2] Fifty-passenger capacity, four-abreast seating, 36-inch minimum/maximum pitch.

[3] Frontier is also adding numerous military standby and reservation fares, and making adjustments to other discount fares in in-

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fare changes will occur generally in markets where Frontier operates both propeller and jet service, or jet service only. In these markets the various present fares compare to the trunkline jet coach formula fares as follows:
stances where a change results in the new standard fare.

	Percent
Jet first class	130
Propeller first class	120
Jet deluxe coach	115
Jet coach	100

Under the proposal the standard fares would be 118 percent of coach for both jet and propeller service, except in competitive markets where the present jet coach level generally would be maintained. The increases range from $0.92 to $16.67.

In justification of its proposal, Frontier alleges that its new "S" service is a distinctly new class of service materially superior to its existing service; and that in addition to the improved meal service and other amenities, the new standard-class configuration in jet equipment will be equal to or better than seating accommodations afforded passengers by other local service carriers (in that the new "2 plus 2" configuration provides an armside table when passenger loads permit, substantially improved elbow and hip room, and more liberal seat pitch).

The carrier contends that the seating configuration fully conforms to the standards tentatively prescribed by the Board in Phase 6A of the Domestic Passenger-Fare Investigation; that the service will be operated at a seating density which falls between first-class and coach service, as contemplated by the Board's decision, and will therefore warrant the "S" fare premium over coach fares; and that the Board has consistently allowed the local service carriers to implement standard-class service at fares exceeding coach-fare levels.

Frontier alleges that in a number of low-density markets where it alone provides jet service, the "S" fares will be established at levels up to 118 percent of the jet coach formula to reflect the higher quality of its new standard-class service; that in a majority of these markets, however, the "S" fare level will average only 110 percent of the existing coach-fare level; and that most of the local service carriers have inaugurated their new "S" fares with no change in the quality of existing service. In the great majority of its markets, Frontier alleges that its new "S" fares will be identical to the current coach or propeller fare, and that in competitive markets where it now offers both coach- and deluxe-coach-class service the "S" fares will be at the coach level, thus affording lower fares for passengers heretofore using deluxe-coach service.

Frontier estimates that it will cost $291,000 to install "2 plus 2" seating in all of its jet aircraft, and that the company expects to realize $831,000 in additional annual revenue in those markets where the "S" fare will be priced to reflect the new standard-class service, an amount constituting less than 1 percent of its total 1971 revenue. Moreover, Frontier anticipates that standard-class service and fares will result in increased efficiencies and economies; and that the new service will greatly simplify passenger understanding of the fare structure and will improve fare quotation efficiency from a reservations and ticketing standpoint.

Braniff Airways, Inc. (Braniff), the Bismarck and Minot Chambers of Commerce, the mayor of Bismarck, and the North Dakota State Aeronautics Commission have filed complaints against the proposal requesting that it be suspended and investigated.

Braniff's complaint is directed essentially at that facet of the proposal which would apply coach-fare levels to the newly configured B–737 aircraft. Braniff alleges that this is at odds with the Board's tentative determination in the Domestic Passenger-Fare Investigation; that the proposal would reduce the revenue potential of Frontier's aircraft; that Frontier's jet services with the expanded pitch are overwhelmingly in competitive markets and severely limited in noncompetitive markets; that the new service priced at the coach level would divert traffic from Braniff; and that the proposal would expand the seating war. The complainant asserts that Frontier could adopt a single-class configuration with the same desirable economies without introducing the pitch proposed.

Frontier has answered Braniff's complaint contending that its proposed pitch falls within seating parameters tentatively set by the Board. Frontier also alleges that more than half of the markets in which it provides jet service are noncompetitive, and that in nearly all of the competitive markets the trunkline is the dominant carrier; that Braniff has made no showing that the fares are unreasonable; and that the new service will enable it to remain an effective competitor in markets served in common with trunkline carriers.

The complaints by the various civic parties and the North Dakota State Aeronautics Commission are limited to unsupported requests for suspension and/or investigation except for a statement in the latter's complaint that the proposal constitutes 14.6-percent and 16.6-percent increases in the Bismarck-Denver and Minot-Denver markets, respectively. They indicate formal detailed complaints will follow, but only the Aeronautics Commission has so filed.

Frontier's proposal, both the fares and the B–737 seating configuration comes within the scope of the Domestic Passenger-Fare Investigation, Docket 21866, and its lawfulness will be determined in that proceeding. The question then is whether to permit the proposal to become effective, or to suspend it pending investigation. Upon consideration of all relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant suspension, and the requests therefor will be denied and the complaints dismissed.

The proposed standard service is a new class of service and the proposed fares are consistent, in terms of seating configuration, with fares for comparable service now provided by other local service carriers.[4] The 118-percent relationship to coach fares is likewise consistent with the prevailing level of fares for this class of service, as is the proposal to hold fares in competitive markets to the coach-fare level.[5] Finally, we are not persuaded that Braniff will be placed at an undue disadvantage in the limited number of markets in which the two carriers compete, particularly in view of the substantially greater number of jet frequencies which it offers.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaints of Braniff Airways, Inc., in Docket 24351, and the mayor, city of Bismarck, N. Dak., in Docket 24388 are dismissed; [6] and

2. A copy of this order be served upon Braniff Airways, Inc., Frontier Airlines, Inc., and the mayor, city of Bismarck, N. Dak.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–6464 Filed 4–26–72;8:52 am]

[Docket No. 24180; Order 72–4–118]

HAWAIIAN AIRLINES, INC.

Order Setting Application for Hearing Regarding Authority To Temporarily Suspend Service at Hana, Maui, Hawaii

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1972.

On January 26, 1972, Hawaiian Airlines, Inc. (Hawaiian), filed an application for authority to temporarily suspend service at Hana, Maui, Hawaii, on the carrier's route 33.

In support of its application, Hawaiian alleges that, inter alia since 1957 Hawaiian's enplanements at Hana have average 12.2 per day; for the year 1971, the carrier's losses were $88,000; Hawaiian's need to standardize its fleet with all-jet equipment would preclude Hana's service since that point cannot accommodate jet aircraft; Hana is adequately served by Royal Hawaiian Air Service, an air taxi operator; and acceptable ground air taxi operator; and acceptable ground transportation is available to an alternative source of certificated scheduled air service, Kahului, some 55 miles away.

An answer was filed by the Air Line Pilots Association, International (ALPA), opposing Hawaiian's application. ALPA argues that Hawaiian, if permitted to suspend service, would then retire its Convair equipment leaving it unable to reinstitute service. ALPA urges that at the very least, a hearing should be held to determine the service needs at Hana.

In a reply filed by Hawaiian, the carrier states that if traffic levels at Hana increase and if airport facilities can be improved to support jet aircraft, Hawaiian will reinstitute service.[1]

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Hawaiian's request for temporary suspension of service and set for hearing the matter of Hana's future air service needs. We note that although the carrier has requested a temporary suspension of service, a serious question is presented as to whether, if the application were granted, the carrier would be in a position to reinstitute service at Hana. Moreover, if Hawaiian's application is granted Hana will be without federally certificated air service for the first time since 1950. We believe that under all the circumstances it is appropriate to consider, on an evidentiary record, the conflicting contentions of the parties.

The issues in such proceeding will include the question of whether Hawaiian should be permitted to suspend service at Hana for a fixed term [2] or whether the carrier's authority should be deleted. Although deletion has not been requested by the carrier, we wish to have a full-range of options available to us. It may be that a deletion would be preferable to an indefinite suspension from the standpoint of encouraging new certificated or noncertificated service at Hana.[3]

Accordingly, it is ordered, That:

1. The application of Hawaiian Airlines, Inc., be and it hereby is set for hearing, said hearing to determine whether the public convenience and necessity require that Hawaiian's authorization to serve Hana, Maui, Hawaii, on its route 33, be temporarily suspended or deleted; and

2. This order shall be served on Hawaiian Airlines, Inc.; Air Line Pilots Association, International; Mayor, Wailuku, Maui, Hawaii; Governor of Hawaii; the Postmaster General; and the Airport Manager, Hana, Maui, Hawaii.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–6465 Filed 4–26–72;8:52 am]

[Docket No. 23333; Order 72–4–57]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Agents

Issued under delegated authority, April 13, 1972.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement relates to IATA requirements that cargo agencies applying for reduced-fare transportation must have been continuously approved without interruption for a period of 12 months prior to the date of application for travel, and is necessitated by delays in the processing of cargo agency approvals by the IATA Cargo Registration and Review Boards. The agreement provides that a cargo agency previously approved under former IATA agency registration provisions that expired on February 29, 1972 (Resolution 810b) shall not be deemed to have had a lapse in its continuity of IATA approval if an application pursuant to new agency registration provisions (Resolutions 811 and 811a) had been lodged with the Agency Administrator prior to January 1, 1972.

While we propose herein to approve the agreement, we note that reference is made only to reduced-fare travel under the provisions of new Resolution 203c, which purports to alter the basis upon which the number of reduced-fare tickets would be allocated to agencies and which has not been approved by the Board.[4] Accordingly, we propose to condition our contemplated approval so as to assure that the provisions of the instant agreement shall apply only with respect to Resolutions 203a and 203d, which were approved by Order 72–4–61 for an extended period of effectiveness through August 31, 1972.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, which are incorporated in Agreement CAB 22986, are adverse to the public interest or in violation of the Act; provided that eventual approval is subject to the condition hereinafter ordered.

IATA Resolutions:
100 (Mail 893) 203g.
200 (Mail 129) 203g.
300 (Mail 372) 203g.
JT12 (Mail 784) 203g.
JT23 (Mail 294) 203g.
JT31 (Mail 211) 203g.
JT123 (Mail 683) 203g.

Accordingly, it is ordered, That:

Action on Agreement CAB 22986 be and hereby is deferred with a view toward eventual approval subject to the condition that the provisions of said agreement shall be applicable only to reduced fare transportation permitted pursuant to Resolutions 203a and 203d and shall not apply to travel governed by Resolution 203c.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–6466 Filed 4–26–72;8:52 am]

[Docket No. 21866–9; Order 72–4–121]

NATIONAL AIRLINES, INC.

Order Dismissing Complaint Regarding Reduced Florida Stopover Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1972.

By tariff revisions [1] marked to become effective May 5, 1972, National Airlines, Inc. (National) proposes to reduce to $0.93 the existing $10.19 charge for stopovers at Miami applicable in connection with transcontinental transportation in certain markets. Currently a $0.93 stopover charge applies at four other Florida cities, and National states that its purpose is to conform the charge at all points in the State. The tariff does not bear an expiration date.

Northeast Airlines, Inc. (Northeast) has complained against the proposed change requesting suspension and investigation. It alleges that the current stopover charge provides sufficient incentive to stimulate travel via Miami; that a $0.93 charge would not cover any of the cost involved; that National has failed to justify its proposal; and that extension of the charge to the additional market will result in unjustifiable revenue dilution.

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[1] Letters from public officials, interested citizens, and business concerns in opposition to the application have been received.

[2] This issue will permit consideration of an unconditional suspension and a suspension contingent upon air taxi replacement service.

[3] Of course, at this time we are merely placing deletion in issue, and the above remarks are not intended to do more than raise a question which is to be resolved on the basis of an evidentiary record.

[4] See Orders 71–10–19 (dated Oct. 5, 1971) and 72–1–52 (dated Jan. 17, 1972) which deferred action on the new Resolution 203c provisions.

[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB No. 136.

[4] The proposed fares are also consistent with the Price Commission Regulations regarding the pricing of new service.

[5] We recognize that the standard-class fares will be substantially higher than the coach fares in certain Bismarck markets. However, this stems from the fact that the coach fares in these markets have been relatively low. Since the fares resulting from Frontier's proposal will be in line with those applying throughout its system, suspension does not appear warranted on this ground.

[6] While the complaints from the various civil parties and the North Dakota State Aeronautics Commission were not timely filed we nevertheless have considered them in reaching our conclusions herein.

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In answer to the complaint, National contends that Northeast has not demonstrated that a 4.2-percent reduction in the normal coach fare (including stopover) will result in an unreasonably low fare, particularly in view of the narrow purpose of that fare; that the Miami-Los Angeles market is not large and the service requires all the supporting traffic that can be reasonably directed to or through it; that this lower charge is needed for consistency with other Florida points; and that there is no merit in Northeast's contention that the removal of all but a token stopover charge means that the cost of the stopover will not be met.

The question of the proper fare for trips involving stopovers is within the scope of the Domestic Passenger-Fare Investigation, Docket 21866-9. The question here then is whether to permit the proposal to become effective, or to suspend it pending investigation. Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant suspension, and the request therefor will be denied and the complaint dismissed.

National operates very little through-plane service between its northeast points and the west coast via Miami. Since a change of plane is therefore generally required, little additional cost will be incurred by permitting a stopover at Miami. A charge of $0.93 presently applies for stopovers in the Disney World area in connection with travel from numerous northeast/midwest points to Florida; and also for stopovers at Las Vegas on transcontinental trips. Stopovers at these points would generally involve some additional cost to the carrier since they involve interruption of what would otherwise be through travel on a through flight. In this light, there would seem no reason to require a higher charge at Miami where the transportation usually involves a change of plane in any event.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof:

It is ordered, That:

1. The complaint of Northeast Airlines, Inc., in Docket 24370 is hereby dismissed; and

2. A copy of this order be served upon National Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6468 Filed 4-26-72;8:52 am]

ENVIRONMENTAL PROTECTION AGENCY

PPG INDUSTRIES, INC.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), PPG Industries, Inc., 1 Gateway Center, Pittsburgh, Pa. 15222, has withdrawn its petition (PP 1F1175), notice of which was published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14513), proposing establishment of a tolerance for residues of the plant regulator CIPC (isopropyl *N*-(3-chlorophenyl carbamate) in or on the raw agricultural commodity sweetpotatoes at 50 parts per million from post-harvest application.

Dated: April 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6420 Filed 4-26-72;8:48 am]

W. R. GRACE & CO.

Notice of Withdrawal of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), W. R. Grace & Co., Washington Research Center, Clarksville, Md. 21029, has withdrawn its petition (FAP 2H5005), notice of which was published in the FEDERAL REGISTER of January 27, 1972 (37 F.R. 1261), proposing establishment of a food additive tolerance (21 CFR Part 121) of 20,000 parts per million for residues of ammonium isobutyrate in or on processed foods intended for feeding animals.

Dated: April 21, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6421 Filed 4-26-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

The following application was tendered March 8, 1972, seeking the identical facilities of former station KVIN, Vinita, Okla. The application for renewal of the license of KVIN was denied June 16, 1971, Vinita Broadcasting Co., Inc., et al., 30 FCC 2d 458, 22 RR 2d 195; reconsideration denied, 32 FCC 2d 501, 23 RR 2d 262, an appeal from the Commission action has been dismissed, and that proceeding is now terminated. Accordingly, we have waived the provisions of note 2 to § 1.571 of the Commission's rules and have accepted this application for filing. Similarly, we will accept any other application for consolidation which proposes essentially the same facilities.

New, Vinita, Okla., Green Country Broadcasting Co., Inc., Req: 1470 kc, 500 w, Day.

Pursuant to the provisions of §§ 1.227 (b)(1), 1.591(b) and note 2 to § 1.571 of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than May 30, 1972.

The attention of any party in interest desiring to file pleadings concerning this application, pursuant to section 309(d)(1) of the Communication Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: April 20, 1972.

Released: April 20, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-6428 Filed 4-26-72;8:49 am]

[Docket Nos. 18456, 18457; FCC 72R-115]

HARVIT BROADCASTING CORP. AND THREE STATES BROADCASTING CO., INC.

Memorandum Opinion and Order Modifying Issue

In regard applications of Harvit Broadcasting Corp., Williamson, W. Va., Docket No. 18456, File No. BPH-6075; Three States Broadcasting Co., Inc., Matewan, W. Va., Docket No. 18457, File No. BPH-6157, for construction permits.

1. This proceeding involves the mutually exclusive applications of Harvit Broadcasting Corp. (Harvit) and Three States Broadcasting Co., Inc. (Three States) for construction permits for new FM broadcast stations at Williamson and Matewan, W. Va., respectively. By Commission Order, FCC 69-180, 16 FCC 2d 806, released March 7, 1969, these applications were designated for consolidated hearing on a Surburban issue against Three States, and areas and populations, section 307(b), and contingent comparative issues. Subsequently, in response to a request by Harvit, the Review Board, by memorandum opinion and order, released September 29, 1971 (31 FCC 2d 876, 22 RR 2d 1062), added several issues against Three States relating to its operation of standard broadcast Station WHJC at Matewan. Among the issues specified was one inquiring into whether Three States had violated §§ 17.25, 17.47, 17.48, and/or 17.49 of the Commission's rules with respect to tower lighting and attendant requirements. Presently before the Board are: (1) A petition to enlarge inquiry and change issue, filed October 27, 1971, by Harvit, seeking the addition of a § 1.65 issue against Three States and a change of the tower lighting issue;[1] and (2) a petition to enlarge issues, filed December 2, 1971, seeking the addition of a § 1.615 issue against Three States.[2]

RULES 1.65 AND 1.615 ISSUES

2. Harvit's October petition requests a § 1.65 issue against Three States based on allegations that that applicant failed to notify the Commission of a change in its officers. Arising out of factual responses made in Three States' opposition to Harvit's petition, Harvit filed its December petition requesting a § 1.615 issue against Three States. Since both requests are predicated on the same factual allegations, they will be considered together. Harvit bases its request for a § 1.65[3] issue on a newspaper advertisement in the Williamson Daily News, dated September 23, 1971, which indicates that Clifton Branham is now president of Three States.[4] According to Harvit, Three States' application represents that Florence Morningstar is its president. Harvit states that within at least 30 days after the appearance of the newspaper advertisement, Three States had still failed to notify the Commission of this change in the presidency, or to amend its application, thereby violating § 1.65 of the Commission's rules. Additionally, Harvit, in its December petition, submits that Three States, in its opposition to Harvit's October petition (see paragraph 3, infra), indicated that it failed to file a revised ownership report until November 17, 1971, almost 4 months after the change in officers occurred, thereby violating § 1.615 of the Commission's rules.[5] The Broadcast Bureau supports the request for a § 1.65 issue unless a satisfactory explanation is given by Three States. The Bureau also believes that a comparative issue based on the § 1.615 violation is warranted.

* * * * *

3. In opposition, Three States concedes that Clifton Branham was, in fact, its president on September 23, 1971, when the newspaper advertisement appeared, and still is, and that Branham was elected to the presidency on July 22, 1971, replacing Florence Morningstar. Three States alleges, however, that Branham is neither a director nor a stockholder in Three States; that Florence Morningstar is still treasurer, a stockholder, and a director of the corporation; that, simultaneously with the filing of its opposition, Three States filed a petition for leave to amend reflecting the change in officers;[6] that such action was not previously taken by Three States because of a misunderstanding between Three States and its former communications counsel; that an Ownership Report was filed on November 17, 1971 (and that no benefits accrued to Three States by failing to file earlier); and that Three States seeks no comparative advantage by the inclusion of Branham in its board of officers. Thus, Three States argues that: it claims no comparative advantage; the delay in notifying the Commission was mere inadvertence; and Harvit is attempting to unduly delay and prolong this proceeding to the detriment of the public interest. Accordingly, Three States urges, further inquiry into Harvit's requests for §§ 1.65 and 1.615 issues against Three States is not warranted. In addition, Three States submits that Harvit's request for a § 1.615 issue is late filed because Harvit knew of the facts on October 27, 1971, when it filed its petition to enlarge inquiry and change issue and could have ascertained at that time that a possible § 1.615 violation had occurred.

4. In reply to the opposition to the § 1.65 issue, Harvit argues: that a misunderstanding does not relieve Three States of its obligation to update its application; that since George Warren (Executive Vice-President of Three States) directed the preparation of the original application and submitted six amendments thereto, he should have known it was his obligation to amend the application; and, finally, that Warren's explanation and reasons for the election are doubtful. Therefore, contends Harvit, the whole matter warrants an evidentiary inquiry. In its later reply, Harvit contends that had it been able to do so it would have filed for addition of both the §§ 1.65 and 1.615 issues at the same time but that its counsel had difficulty ascertaining between September 1971, and October 1971, whether Three States had ever filed the required ownership report, and it was not until Three States admitted such violation in its opposition, filed November 19, 1971, that Harvit had actual knowledge.[7]

5. The Board will not add § 1.65 or § 1.615 issues against Three States. It is well established that where there has been a substantial change in information furnished by an applicant, § 1.65 requires such applicant, as promptly as possible, but within 30 days, unless good cause is shown, to amend or request amendment of its application. The rule is intended to apply where a substantial change may be of significance to the Commission's determination of the public interest. Report and Order in Docket 14867, Reporting of Changed Circumstances, 29 FR 15516, 3 RR 2d 1622 (1964). See also Chapman Radio and Television Co., 25 FCC 2d 855, 20 RR 2d 411 (1970). Likewise, Rule 1.615 requires that a supplemental ownership report be filed by each licensee or permittee within 30 days after any change in officers has occurred. Since the change in Three States' presidency did not result in a change in ownership or in proposed owner-management integration, the information, while concededly late in coming to the Commission, is not of such decisional significance as to necessitate a § 1.65 evidentiary inquiry. See Warwick Broadcasting Corp., 16 FCC 2d 1030, 15 RR 2d 973 (1969); Chapman Radio and Television Co., supra. Compare Harrison Radio, Inc., 22 FCC 2d 283, 18 RR 889 (1970). There is no showing that Three States attempted to conceal facts from or mislead the Commission. Significantly, the change in officers has "no effect on the legal, financial or other qualifications of the applicant." Auburn Publishing Co., FCC 72R-82, ____ FCC 2d ____, released March 30, 1972. The change should have been reported to the Commission within 30 days of its occurrence, but the applicant's failure to do so does not automatically warrant an issue. Cf. Media, Inc., 22 FCC 2d 486, 18 RR 2d 970 (1970). As we stated in Auburn, "the Board has frequently refused to specify a § 1.65 issue where, as here, the violation was unintentional and there was no attempt to mislead or conceal, no pattern of violations has been shown, and the violation was of questionable significance." Auburn Publishing Co., supra. See also our prior memorandum opinion and order in this proceeding, 32 FCC 2d 656, 23 RR 2d 328, released December 6, 1971.

6. In reference to the requested §1.615 issue, we believe that, besides being without merit, Harvit's petition is untimely and should have been filed at the same time as its October petition. Additionally, Three States filed the required ownership report on November 17, 1971, which it alleges was as soon as it became aware of its oversight. This was prior to

[1] Also before the Review Board are the following related pleadings: (a) Reply (opposition), filed November 19, 1971, by Three States; (b) comments, filed November 8, 1971, by the Broadcast Bureau; and (c) reply, filed December 2, 1971, by Harvit.

[2] Also before the Review Board are the following related pleadings: (a) Opposition, filed December 7, 1971, by Three States; (b) comments, filed December 14, 1971, by the Broadcast Bureau; and (c) reply, filed December 17, 1971, by Harvit.

[3] Section 1.65 requires disclosure from an applicant when the information furnished in the application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred.

[4] A copy of the advertisement is attached to Harvit's October petition.

[5] Section 1.615, in pertinent part, provides: (c) A supplemental ownership report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the ownership report from that previously reported. Such report shall include without limitation:

[6] The petition was granted and the amendment tendered therewith accepted by the Hearing Examiner by Order, FCC 71M-1941, released December 20, 1971.

(2) Any change in officers and directors;

[7] Harvit alleges that its counsel tried and was unable to obtain WHJC's ownership file at the Commission before filing its Oct. 27, 1971, pleading.

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Harvit's late-filed December petition.[8] In view of all the foregoing circumstances, neither a § 1.65 nor a § 1.615 issue against Three States is warranted.

MODIFICATION OF TOWER LIGHTING ISSUE

7. Finally, Harvit requests that the tower lighting issue specified against Three States (see paragraph 1, supra) be changed to include §§ 17.21 and 17.56 of the Commission's rules, as well as the rules already mentioned in the issue. Harvit concedes that reference to these rules was omitted in its original petition to enlarge, but points out that each section was mentioned in Harvit's reply pleading. The Broadcast Bureau interposes no objection to the requested modification. Three States, in opposition, argues that Harvit's petition is not timely filed because more than 15 days have elapsed since the order was released; that Harvit has not explained this tardiness; and that Harvit states no reason to justify the inclusion of these two rules at this time. In reply, Harvit alleges that its request is timely because the change was requested within 30 days of the release of the Board's memorandum opinion and order. Harvit explains that the omission of the two rules in the original petition was due to the vast multiplicity of the rules involved.

8. The Review Board agrees with Harvit and the Broadcast Bureau that the tower lighting issue should be modified to encompass an inquiry into possible violation of §§ 17.21 and 17.56. Concededly, Harvit's request is untimely filed under § 1.229(b) of the Commission's rules. However, the hearing is still in progress and will not be unduly disrupted by the grant of the request, and §§ 17.21 and 17.56 are closely related to the other rules already in issue. Therefore, no prejudice would be caused to Three States by granting the requested modification. Under the circumstances, the Review Board will modify the tower lighting issue, as requested. Cf. Day-Nite Radio Message Service Corp., 23 FCC 2d 665 (1970).

9. *Accordingly, it is ordered,* That the petition to enlarge inquiry and change issue, filed October 27, 1971, by Harvit Broadcasting Corp., is granted to the extent indicated below and is denied in all other respects; that the petition to enlarge issues, filed December 2, 1971, by Harvit Broadcasting Corp. is denied; and

10. *It is further ordered,* That issue (c) added by Review Board Memorandum Opinion and Order (31 FCC 2d 876, 22 RR 2d 1062), released September 29, 1971, is modified to read as follows:

To determine whether Three States Broadcasting Co., Inc., has violated §§ 17.21, 17.25, 17.47, 17.48, 17.49, and/or 17.56 of the Commission's rules with respect to tower lighting and attendant requirements.

Adopted: April 19, 1972.

Released: April 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[9]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.72-6429 Filed 4-26-72;8:49 am]

[8] The Board finds unpersuasive Harvit's argument concerning its attorney's alleged difficulty in obtaining WHJC's file between September 30th and October 27th. There is no showing that Harvit's counsel requested the Commission to locate or to be of assistance in procuring the ownership report. Counsel simply explains that the file was "temporarily misplaced." Thus, Harvit's December petition, filed some 2 months after acquiring knowledge of the change in officers, is untimely and good cause has not been shown for the late filing. For that reason alone, it could be denied. Cf. Phil D. Jackson, ——— FCC 2d ———, 23 RR 2d 1030 (1972).

[9] Board Member Berkemeyer absent.

FEDERAL POWER COMMISSION

[Docket No. CI72-661]

KERR-McGEE CORP.

Notice of Application

APRIL 24, 1972.

Take notice that on April 17, 1972, Kerr-McGee Corp. (applicant), Kerr-McGee Building, Oklahoma City, Okla. 73102, filed in Docket No. CI72-661 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Carthage (Hill S. W.) Field, Panola County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on March 27, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act. The contract for the subject sale provides for the rate of 24 cents per Mcf at 14.65 p.s.i.a. and is subject to 1.056 cents per Mcf upward B.t.u. adjustment. Applicant states that it is willing to accept a certificate conditioned to the initial rate of 23.5 cents per Mcf providing it is issued on or before the end of the 60-day emergency period.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-6459 Filed 4-26-72;8:51 am]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Acquisition of Bank

Atlantic Bancorporation, Jacksonville, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire not less than 70 percent of the voting shares of University Atlantic Bank, Jacksonville, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 20, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-6409 Filed 4-26-72;8:48 am]

EXCHANGE BANCORPORATION, INC.

Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Citizens Bank of Clermont, Clermont, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 20, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-6410 Filed 4-26-72;8:48 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent or more of the voting shares of Capital National Bank of Tampa, Tampa, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 20, 1972.

[SEAL] MICHAEL A. GREENSPAN, *Assistant Secretary.*

[FR Doc.72-6411 Filed 4-26-72;8:48 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-5]

SPACE SHUTTLE PROGRAM

Public Notice Regarding Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of the draft Environmental Impact Statement for the Space Shuttle Program of the National Aeronautics and Space Administration.

The Space Shuttle will be a reusable space vehicle which will carry out various space missions in earth orbit. The objectives of the program are to reduce substantially the cost of space operations and to provide future capability designed to support a wide range of scientific, defense, and commercial uses of benefit to the Nation. Test flights are planned to begin in 1976, manned orbital test flights in 1978, and the complete space shuttle vehicle is to be operational before 1980. The initial launch and landing site will be at the Kennedy Space Center, Fla. Toward the end of the decade, it is planned that a second operational site will be phased in by the Department of Defense at Vandenberg Air Force Base, Calif.

Comments on the draft environmental statement and on matters set forth therein are solicited from and may be submitted by State and local agencies and members of the public. Such comments should be submitted to the Associate Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received within 60 calendar days of the publication of this notice in the FEDERAL REGISTER in order to be considered in the preparation of the final environmental statement.

Copies of the draft statement may be purchased (price $1 each) or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), Independence Avenue S.W., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), Post Office Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(f) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(g) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(h) Manned Spacecraft Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) Mississippi Test Facility, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Station, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

Done at Washington, D.C., this 19th day of April 1972.

By direction of the Administrator.

- DAVID WILLIAMSON, JR., *Acting Associate Administrator, National Aeronautics and Space Administration.*

[FR Doc.72-6440 Filed 4-26-72;8:50 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT TAX ACT

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. section 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1972, shall be at the rate of 7½ cents.

Dated: April 19, 1972.

By authority of the Board.

[SEAL] RICHARD F. BUTLER, *Secretary of the Board.*

[FR Doc.72-6382 Filed 4-26-72;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

APPLIED DEVICES CORP.

Order Suspending Trading

APRIL 21, 1972.

The common stock, $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, and otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1972 through May 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6430 Filed 4-26-72;8:49 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 21, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 25, 1972, through May 4, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6432 Filed 4-26-72;8:49 am]

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[File 500-1]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

APRIL 21, 1972.

The common stock, 2-cent par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 23, 1972, through May 2, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6433 Filed 4-26-72;8:49 am]

[70-5187]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

APRIL 21, 1972.

Notice is hereby given that Michigan Wisconsin Pipe Line Co., One Woodward Avenue, Detroit, MI 48226 (Michigan Wisconsin), a subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Michigan Wisconsin proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, $50 million principal amount of First Mortgage Pipe Line Bonds, —— percent Series due June 15, 1992. The interest rate of the bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be received by Michigan Wisconsin (which shall be not less than 98½ nor more than 101½ percent of the principal amount thereof) are to be determined by the competitive bidding. The bonds are to be issued under Michigan Wisconsin's mortgage and deed of trust dated as of September 1, 1948, between Michigan Wisconsin and First National City Bank, trustee, as heretofore supplemented and as to be further supplemented by a 25th supplemental indenture to be dated as of June 1, 1972, and which includes a prohibition until June 15, 1977, against refunding the issue with or in anticipation of the proceeds from borrowings at a lower cost. The Series 1992 bonds will be subject to a sinking fund commencing June 15, 1977, designed to retire 100 percent of the aggregate principal amount thereof by maturity. The net proceeds from the sale of the bonds will be used to finance in part Michigan Wisconsin's 1972 construction program (estimated to be $140 million).

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement as to the fees and expenses to be paid by Michigan Wisconsin in connection with the proposed issuance and sale of the bonds are to be supplied by amendment.

Notice is further given that any interested person may, not later than May 16, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6434 Filed 4-26-72;8:49 am]

[70-5159]

MIDDLE SOUTH UTILITIES, INC., AND ARKANSAS-MISSOURI POWER CO.

Notice of Filing of Application for Exception From Competitive Bidding

APRIL 21, 1972.

Notice is hereby given that Middle South Utilities, Inc., 280 Park Avenue, New York, NY 10017 (Middle South), a registered holding company, and its subsidiary holding company Arkansas-Missouri Power Co., 405 West Park Street, Blytheville, AR 72315 (Ark-Mo), have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), for an exception from competitive bidding, designating Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

The Commission, by order dated May 5, 1971 (Holding Company Act Release No. 17116), authorized Middle South to acquire all the outstanding shares of preferred stock and common stock of Ark-Mo. This order was granted subject to certain conditions, including the condition that Ark-Mo dispose of its gas utility properties and its gas utility subsidiary company, Associated Natural Gas Co. (Associated).

Ark-Mo now proposes to commence the divestiture of these gas utility properties and requests exception from the competitive bidding provisions of Rule 50. Ark-Mo's gas properties in northeastern Arkansas and southeastern Missouri are adjacent and complementary to those of Associated and the principal gas supply for the Ark-Mo and Associated gas systems is obtained under a joint contract from Texas Eastern Transmission Corporation (Texas Eastern). Ark-Mo states that available gas supply is presently insufficient to meet anticipated peak demand and that to supplement its peak capacity Ark-Mo has commenced construction of a liquefied natural gas facility near Blytheville, Ark., at a cost of $4 million.

It is represented that due to the relationship of Ark-Mo's and Associated's gas operations, the combined sale of the two gas properties may be a practical necessity. It is further represented that the separate sale of those gas properties not dependent upon the operation of the system as a whole (approximately 25 percent of the Associated properties) may be required, and that exception from the competitive bidding procedures would also afford Ark-Mo the necessary flexibility to dispose of these properties on the best possible terms.

Ark-Mo states that upon receipt of the requested order granting the exception from the competitive bidding provisions of Rule 50, it will send a letter to each person, firm, municipality, or organization which has expressed an interest in acquiring the gas properties, as well as to any other parties who might be expected to have an interest. Each party will be notified that Ark-Mo is exploring the possibility of the sale of its gas properties and its holdings of the common stock of Associated. Ark-Mo states that a similar notice will be published after which it will request, under competitive conditions, definitive proposals from those who expressed serious interest in the properties. Prior to the time set for the submission of proposals, Ark-Mo states it will make the same information available to each of the interested parties. Ark-Mo further states that upon receipt of all proposals, it will evaluate each and may accept any one, reject all, or designate one or more as evidencing an adequate basis for further negotiations. In the event that Ark-Mo receives acceptable proposals, it will negotiate further with such party or parties as have submitted acceptable proposals and, if there is more than one such party, the negotiations will continue to be held under competitive conditions.

No sale of any of the gas utility company securities or properties will be consummated until a declaration has been filed with the Commission notifying it of the results of the negotiations, and a further order, pursuant to Rule 44 of the Act, has been entered by the Commission permitting the declaration to become effective.

It is stated that Ark-Mo does not expect to incur any fees, commissions, or expenses in connection with the instant application, except for legal fees and miscellaneous expenses, which are estimated not to exceed $3,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 16, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6435 Filed 4-26-72;8:49 am]

[File 7-4120—7-4138]

ARIZONA PUBLIC SERVICE CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

APRIL 21, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Arizona Public Service Co	7-4120
Bolt Beranek and Newman, Inc	7-4121
Boston Edison Co	7-4122
Columbus & Southern Ohio Electric Co	7-4123
First Chicago Corp	7-4124
Horizon Corp	7-4125
Louisville Gas & Electric Co	7-4127
International Chemical & Nuclear Corp	7-4126
Montana Power Co	7-4128
Pacific Lighting Corp	7-4129
Pacific Power & Light Co	7-4130
Pacific Telephone & Telegraph Co	7-4131
Peoples Gas Co	7-4133
Portland General Electric Co	7-4134
Pato Consolidated Gold Dredging Ltd	7-4132
Southwestern Public Service Co	7-4135
Union Corporation (The)	7-4136
Vikoa, Inc	7-4137
Wheelabrator-Frye Inc	7-4138

Upon receipt of a request, on or before May 8, 1972, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc. 72-6436 Filed 4-26-72;8:49 am]

[70-4935]

QUINNEHTUK CO. AND NORTHEAST UTILITIES

Notice of Post-Effective Amendment Regarding Proposed Sale of Generating Station

APRIL 21, 1972.

Notice is hereby given that Northeast Utilities, Selden Street, Berlin, Conn. 06037 (Northeast), a registered holding company, and its subsidiary company, The Quinnehtuk Co. (Quinnehtuk), have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to section 12(d) of the Public Utility Holding Company Act of 1935 (Act) and Rule 44 promulgated thereunder regarding the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 1, 1970 (Holding Company Act Release No. 16918), the Commission authorized Northeast and Quinnehtuk to sell by public invitation for bids a hydroelectric generating plant (the Station) on the Chicopee River in the City of Chicopee, Mass., with a nameplate rating of 1,440 kilowatts. Presently, Quinnehtuk leases the Station to Western Massachusetts Electric Co. (WMECO), another electric utility subsidiary of Northeast, at an annual rental of $6,000. WMECO also pays all taxes, insurance, operating, maintenance, and repair costs for the Station. The current lease term expires on August 31, 1972; however, it is proposed that WMECO and Quinnehtuk mutually will terminate the lease upon the consummation of the proposed transaction. The depreciated book value of the Station as of June 30, 1970 was $160,116. The projected cost of continuing to operate the Station over the next 30 years is estimated to exceed by more than $260,000 the cost to purchase an equal amount of capacity and energy to that provided by the Station.

The post-effective amendment states that, after having received no bids to purchase the Station, Quinnehtuk initiated negotiations with a number of parties for the sale of the Station, including the city of Chicopee, adjacent landowners, and persons who had requested bidding papers but who had not submitted bids. None of these negotiations were successful. After extensive negotiations, Quinnehtuk has reached an agreement, subject to Commission approval, to sell the Station for $1 to Sanifill Corp., Inc., a Massachusetts corporation.

In support of its application, Quinnehtuk states that the Station cannot be run economically as a generating facility and that adapting the property for other uses would be costly. Among the factors which make sale of the Station difficult are that any deed to the Station would contain numerous restrictions and obligations including (a) the necessity, under certain circumstances, to convey a small

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portion of the Station property to Quinnehtuk's grantor, who has a right to draw a contracted amount of water, and (b) protection of a water pipe in the bed of the canal. Under the Massachusetts general laws, dam owners are required to keep dams under reasonable repair, and during the past several years, Quinnehtuk has experienced serious maintenance problems along the power canal. It is stated that by relinquishing the Station, Quinnehtuk will avoid maintenance costs within the next 2 years of between $66,500 and $77,500. The costs of demolishing the generating station and the dam are estimated at $441,000. Additional savings are achieved by avoiding payment of the annual property tax of $19,200 and reducing Federal income taxes by $63,000 as a result of the sale.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 15, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney by law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6437 Filed 4-26-72;8:49 am]

[812-3161]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT A OF THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Application for an Exemption

APRIL 20, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), a mutual life insurance company organized under the laws of the State of New York, and Separate Account A of Equitable, 1285 Avenue of the Americas, New York, NY 10019, (Separate Account A) (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of exemption, to the extent noted below, from the provisions of section 22(d) of the Act. Equitable established Separate Account A on August 1, 1968, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for equity investments for variable annuity contracts issued by Equitable in connection with particular tax-deferred retirement programs. Separate Account A is an open-end, diversified investment company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Variable annuity contracts are currently being offered by Equitable under which purchase payments are made annually or more frequently until the annuitant's selected retirement date or his prior death. If payments are discontinued under one of these variable annuity contracts, the contract remains in effect as a paid-up deferred annuity and payments may be resumed at any time before the retirement date or before the contract is surrendered for redemption. In addition to these contracts, Equitable currently offers variable annuity contracts funded through Separate Account A which may be purchased by a single payment (single payment contracts). There are two general kinds of single payment variable annuity contracts: (i) Immediate annuity contracts under which annuity payments will normally begin 1 month after the contract is purchased; and (ii) deferred annuity contracts under which the net amount of the purchase payment will be allocated to either a fixed or variable accumulation or a combination, and the cash values of the accumulations may be applied at retirement to provide a fixed or variable annuity or a combination.

The single payment for either an immediate or deferred annuity contract is subject to deductions for sales expenses of 5.5 percent of the payment and for administrative expenses of 2 percent of the first $5,000 of the payment. When the contract is purchased with the proceeds of a life insurance policy or an annuity contract issued by Equitable, the current deduction is 2.665 percent of the payment for sales expense, and 2.06 percent of the first $5,000 of the payment for administrative expenses. No deductions for administrative expenses are made from the amount of payment in excess of $5,000.

On October 9, 1970, the Commission issued an order (Investment Company Act Release No. 6204) pursuant to section 6(c) granting an exemption from section 22(d) of the Act to permit a variation in the rate of deductions as between the single payment variable annuity contracts purchased with the proceeds of life insurance policies or annuity contracts issued by Equitable and the single payment variable contracts otherwise purchased. Based on Equitable's analysis and experience in regard to the issuance of single payment contracts since October 1970 (when the single payment contracts were first offered), Equitable proposes to revise its charges in connection with such contracts in order to increase the charge for administrative expenses to 2.5 percent of the first $7,500 of the payment, and, if the purchase is made with the proceeds of an Equitable life insurance policy or annuity contract, to eliminate the deduction for sales expense.

The application states that the variation in the rate of deduction does not arbitrarily or unfairly discriminate between different categories of investors. With respect to single payment variable annuity contracts purchased with the proceeds of a life insurance policy or an annuity contract issued by Equitable, Applicants state that the latter policies and contracts have previously been subjected to sales charges, and that no additional sales commissions are paid. As a result of the substantial savings which are realized on such purchases, Applicants consider the imposition of a sales load on such purchases of single payment variable annuity contracts to be unwarranted and not in the public interest or consistent with protection of investors.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

Applicants request that an exemption from the provisions of section 22(d) be granted pursuant to section 6(c) of the Act to permit the variation in the rate of deductions as between the single payment variable annuity contracts purchased with the proceeds of life insurance policies or annuity contracts issued by the Equitable and the single payment variable annuity contracts otherwise purchased.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 4, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6383 Filed 4-26-72;8:45 am]

[812-3094]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNT C OF THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

Notice of Amended Application for Exemption

APRIL 20, 1972.

Notice is hereby given that the Equitable Life Assurance Society of the United States (Equitable), a mutual life insurance company organized under the laws of the State of New York, and Separate Account C of the Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, NY 10019 (Separate Account C) (herein collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order of exemption to the extent noted below from the provisions of sections 22(d) and 27(c)(2) of the Act. Applicants initially applied for an exemption from section 27(c)(2) of the Act. A notice of the Application was published on February 15, 1972 (Investment Company Act Release No. 7002). Subsequent to publication of the notice, Applicant amended its application in order to broaden the scope of the exemption which it was seeking. A notice of the amended application was published on March 8, 1972. On April 12, 1972, Applicant further amended its application to request an exemption to the extent noted below from section 22(d) of the Act. All interested persons are referred to the Application, as amended, on file with the Commission, for a statement of the representations contained therein, which are summarized below.

Equitable established Separate Account C on March 20, 1969, pursuant to the provisions of section 227 of the New York Insurance Law to afford a medium for equity investments for certain variable annuity contracts issued and administered by Equitable. Variable annuity contracts which are purchased by a single payment and provide monthly annuity payments commencing 1 month from the date of purchase (Immediate Contracts) are currently being offered by the Applicants. In addition to these contracts, the Applicants propose to offer deferred variable annuity contracts (Deferred Contracts) under which payments may be made to Equitable annually or more frequently until the Deferred Contract retirement date, the date the Contract is surrendered for its cash value, or the annuitant's death, whichever first occurs. (The Immediate Contracts and the Deferred Contracts are herein collectively referred to as the "Contracts".) The Deferred Contracts, and upon issuance of the Deferred Contracts, the Immediate Contracts, may be deemed to be "periodic payment plans," and payments thereunder (other than for any disability provision) are subject to deductions for sales and administrative expenses, a collection charge (in the case of Deferred Contracts) and any applicable state premium tax. After such deductions the net payment is invested in Separate Account C. At the Deferred Contract retirement date, if the annuitant is then living and another form of benefit has not been elected, the cash value of the Deferred Contract will be applied to provide a variable annuity funded through Separate Account C and payable monthly until the death of the annuitant or the end of 10 years, whichever is later. The assets of Separate Account C will, at most times, be invested primarily in common stocks. Interests in the Account are subject to the usual risks inherent in the ownership of a diversified portfolio of securities, the value of which varies up or down depending upon investment performance. Consequently, the cash value of the Deferred Contracts and the amount of any monthly variable annuity payments under the Contracts, will fluctuate in accordance with the investment performance of Separate Account C.

SECTION 22(d)

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus. This section has been construed as prohibiting variations in the sales load except on a uniform basis.

The single payment for an Immediate Contract is currently subject to a deduction of 5.5 percent of the payment for sales expenses, and 2 percent of the first $5,000 of the payment for administrative expenses. However, when an Immediate Contract is purchased with the proceeds of a life insurance policy or annuity contract issued by Equitable, the current deductions are 2.665 percent of the payment for sales expense and 2.06 percent of the first $5,000 of the payment for administrative expenses. No deductions for administrative expenses are made from the amount of payment in excess of $5,000.

On March 24, 1970, the Commission issued an order (Investment Company Act Release No. 6010) pursuant to section 6(c) granting certain exemptions from the Act, including an exemption from section 22(d) thereof in order to permit a reduced sales charge and variation in the deduction for administrative expenses when Immediate Contracts participating under Separate Account C are purchased with the proceeds of an insurance policy or annuity contract issued by Equitable. Based on Equitable's analysis and experience in regard to the issuance of Immediate Contracts since March 1970 (when the Immediate Contracts were first offered), Equitable proposes to revise its charges in connection with such contracts in order to increase the charge for administrative expenses to 2.5 percent of the first $7,500 of the payment, and, if the purchase is made with the proceeds of an Equitable life insurance policy or annuity contract, to eliminate the deduction for sales expense.

The amended application states that the variation in the rate of deduction does not arbitrarily or unfairly discriminate between different categories of investors. With respect to Immediate Contracts purchased with the proceeds of a life insurance policy or an annuity contract issued by Equitable, Applicants state that the latter policies and contracts have previously been subject to sales charges, and that no additional sales commissions are paid. On this basis, Applicants consider the imposition of a sales load on such purchases of Immediate Contracts to be unwarranted and not in the public interest or consistent with the protection of investors.

SECTION 27(c)(2)

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited

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with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a) (2) and (3) for trust indentures of a unit investment trust.

Applicants represent that the dangers against which sections 27(c)(2) and 26 (a) are directed are not present here in view of the manner in which the Contracts will be administered. In addition, Equitable is subject to extensive supervision and regulation of the New York Insurance Department, which conducts comprehensive periodic examinations of all aspects of Equitable's business, including the handling of policyholder's funds. Under the New York law, Equitable cannot abandon its obligations to contract owners or annuitants until they have been fully discharged. In this connection, although the terms of the Contracts will legally insulate the reserves and other contract liabilities with respect to Separate Account C from liabilities arising out of any other business Equitable may conduct, Equitable's considerable assets will be available to protect against any loss in the event of any misfeasance or mishandling of payments. Furthermore, Equitable maintains a general blanket bond of $1 million under which each of its officers, employees and commission agents is covered. The bond has a $50,000 deductible clause which in effect makes Equitable a self-insurer for the first $50,000 of any loss.

In the foregoing circumstances, it is submitted that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, the Applicants request that an exemption from section 27(c)(2) be granted.

Applicants have consented to the requested exemption being subject to the following conditions: (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose; and (2) that the payment of sums and charges out of the assets in Separate Account C shall not be deemed to be exempted from regulation by the Commission by reason of this order: *Provided*, That the Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in Separate Account C other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than May 4, 1972, at 5 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6384 Filed 4-26-72;8:45 am]

WORLD ACCEPTANCE CORP. (DEL.) AND INTERNATIONAL PROFESSIONAL COLLEGE, INC.

[Files 500-1]

Order Suspending Trading

APRIL 19, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of World Acceptance Corp. (Del.) and International Professional College, Inc., being traded otherwise than on a national securities exchange, is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period commencing at 10:30 a.m., e.s.t., on April 19, 1972 through April 28, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6385 Filed 4-26-72;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 899; Class B]

OHIO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Ohio;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Logan County, Ohio, suffered damage or destruction resulting from floods and explosion occurring on April 12, 1972.

Office: Small Business Administration District Office, 50 West Gay Street, Columbus, OH 43215.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1972.

Dated: April 18, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-6386 Filed 4-26-72;8:46 am]

[Declaration of Disaster Loan Area 900; Class B]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1972, because of the effects of certain disasters damage resulted to homes and business property located in the State of Tennessee;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, Therefore, as Assistant Administrator for Administration and Operations of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Springfield, Tennessee, suffered damage or destruction resulting from a tornado occurring on April 15, 1972.

OFFICE

Small Business Administration District Office, 500 Union Street, Nashville, TN 37219.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to October 31, 1972.

Dated: April 18, 1972.

CLAUDE ALEXANDER,
Assistant Administrator for Administration and Operations.

[FR Doc.72-6387 Filed 4-26-72;8:46 am]

[License 02/02-0271]

HEMISPHERE CAPITAL CORP.

Notice of Surrender of License

Notice is hereby given that Hemisphere Capital Corp., Rockville Centre, N.Y., incorporated under the laws of New York on January 2, 1969, has surrendered its License No. 02/02-0271 issued by the Small Business Administration (SBA) on May 29, 1969.

Hemisphere Capital Corp. has complied with all conditions set forth by SBA for surrender of its license including repayment of all indebtedness owing to SBA.

Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Hemisphere Capital Corp. is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: April 20, 1972.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.72-6389 Filed 4-26-72;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 24, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133184, Sub-1, Springfield Airport Limousine, Inc., Extension—southwest Missouri, now assigned May 23, 1972, at Kansas City, Mo., hearing will be held in Room 147B, 601 East 12th Street, Kansas City, MO.

MC-F-11308, International Transport, Inc.—Purchase—Dawes Transfer, Inc., now assigned June 5, 1972, MC-F-11358, Cedar Rapids Steel Transportation, Inc.—Purchase (portion)—Lee Brothers, Inc., now assigned May 31, 1972, at Chicago, Ill., hearing will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL.

MC-C-7566, W. T. Mayfield Sons Trucking Co., Inc.—Investigation and revocation of certificates, now assigned May 16, 1972, MC-C-7715, Mangum Trucking Co., Inc., investigation and revocation of certificates, now assigned May 22, 1972, MC 106644 Sub 130, Superior Trucking Co., Inc., now assigned May 23, 1972, MC 135608, Inman Transport, Inc., now assigned May 15, 1972, at Atlanta, Ga., in Room 305, 1252 West Peachtree Street NW., Atlanta, Ga.

MC-F 11048, Colonial Motor Freight Line, Inc.—Control—Griggs Trucking Co., MC 120528 Sub 2, Griggs Trucking Co., now assigned May 25, 1972, at Columbia, S.C., hearing will be held in Room 204, Federal Building, 901 Sumter Street, Columbia, SC.

MC 135886, Action Air Freight, Inc., now assigned May 8, 1972, at New York, N.Y., canceled and reassigned to Holiday Inn, 80 Clinton Street, Hempstead, NY., same day and time.

MC-C-7632, Hanson Transfer, Inc.—Investigation and revocation of certificate, now assigned May 1, 1972, at Bismarck, N. Dak., hearing is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6471 Filed 4-26-72;8:52 am]

[Notice 52]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206 (a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73447. By order of April 18, 1972, the Motor Carrier Board approved the transfer to Craig Movers, Inc., Oakton, Va., of the operating rights in Certificate No. MC-63919 issued July 20, 1956, to James Craig, Jr., Earl S. Craig, Frederick C. Craig, and Robert E. Craig, a partnership, doing business as J. H. Craig's Sons, Oakton, Va., authorizing the transportation of agricultural commodities, from Vienna, Va., and points in Virginia within 25 miles thereof, to Washington, D.C. and Baltimore, Md.; empty boxes and baskets for agricultural commodities, from Baltimore, Md., and Washington, D.C., and Baltimore, Md.; points within 25 miles thereof; fertilizer, from Baltimore, Md., to points in Fairfax County, Va.; household goods, between Vienna, Va., and points within 25 miles thereof, on the one hand, and, on the other, points in Maryland and the District of Columbia; and livestock, between points in Virginia and the District of Columbia, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, North Carolina, and the District of Columbia. Frank D. Swart, Post Office Box 400, Fairfax, VA 22030, attorney for applicants.

No. MC-FC-73511. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Central Ind-Ill Trucking Inc., Terre Haute, Ind., of the operating rights set forth in Certificate No. MC-78684, issued August 11, 1960, to Wallace Kosiba, Gary, Ind., authorizing the transportation of: Fertilizer, roofing, farm supplies and equipment, lumber, livestock, emigrant movables, feed, agricultural commodities, wood, limestone, gravel, coal, and farm machinery, from, to, or between specified points in Illinois, and Indiana. W. L. Jordan, 2609 Fenwood Avenue, Terre Haute, IN 47803, registered practitioner for applicants.

No. MC-FC-73531. By order of April 20, 1972, the Motor Carrier Board approved the transfer to Dennis L. Page, doing business as Page Transfer & Storage Co., Peterstown, W. Va., of the operating rights set forth in Certificate No. MC-33131, issued May 16, 1969, to Dennis L. Page and Thurmond E. Taylor, doing business as Page & Taylor Transfer & Storage Co., Peterstown, W. Va., authorizing the transportation of: Household goods, as defined by the Commission, between points in Monroe County, W. Va., and Wiles County, Va., on the one hand, and, on the other, points in Virginia and West Virginia. Dennis L. Page, Post Office Box 416, Peterstown, W. Va. 24963, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6469 Filed 4-26-72;8:52 am]

[Notice 52-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-73578. By application filed

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April 14, 1972, PEZZA TRANSPORTATION, INC., 60 Armento Street, Johnston, RI 02919, seeks temporary authority to lease the operating rights of VOUTOUR'S EXPRESS, INC. (U.S. Internal Revenue Service, Successor in Interest), Room 434, Federal Building, 595 Main Street, Worcester, MA 01601, under section 210a(b). The transfer to PEZZA TRANSPORTATION, INC., of the operating rights of VOUTOUR'S EXPRESS, INC. (U.S. Internal Revenue Service, Successor in Interest), is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6470 Filed 4-26-72;8:52 am]

[Notice 32]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 21, 1972.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 2202 (Sub-No. 405), filed March 27, 1972. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Friedman Industries, Inc., at or near Lone Star, Tex., to points in North Carolina and Wisconsin. NOTE: Applicant states that tacking is possible within the State of North Carolina, although tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2368 (Sub-No. 34), filed March 23, 1972. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Post Office Box 495, Richmond, VA 23204. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW., Suite 705, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuming nitric acid and nitric acid propellant*, in bulk, in tank vehicles, from Buffalo, N.Y., to Vandenberg Air Force Base, Calif., and Cape Kennedy, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2900 (Sub-No. 224), filed March 30, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the Olin Corp. at or near St. Marks, Fla., as an off-route point in connection with applicant's existing regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C., or Jacksonville, Fla.

No. MC 2900 (Sub-No. 225), filed March 30, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), serving the plantsite and warehouse facilities of the General Tire and Rubber Co., at or near Mount Vernon, Ill., as an off-route point in connection with applicant's existing regular-route authority. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Atlanta, Ga., or Jacksonville, Fla.

No. MC 2900 (Sub-No. 226), filed March 31, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) serving the plantsite and warehouse facilities of Reynolds Metals Building Products Division located at or near Ashville, Ohio, as an off-route point in connection with carrier's existing regular routes; and (2) serving the plantsite and warehouse facilities of Freeman Shoe Co., a division of United States Shoe Corp., at or near Beloit, Wis., as an off-route point in connection with carrier's existing regular routes. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 3977 (Sub-No. 3), filed February 9, 1972. Applicant: DEWEY LONG CARTAGE, INC., 1551 West 102d Street, Rear, Cleveland, OH 44102. Applicant's representative: Ambrose A. Such, 5275 Ridge Road, Cleveland, OH 44129. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products and materials, supplies, and machinery*, used in the production thereof, from Cleveland, Ohio, to Congo, W. Va., plantsite of Quaker State Oil, under contract with Westvaco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 25399 (Sub-No. 8), filed March 27, 1972. Applicant: A-P-A TRANSPORT CORP., 2100 88th Street, North Bergen, NJ 07047. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious of contaminating to other lading, between Scranton, Pa., on the one hand, and, on the other, New Windsor, N.Y. for operating convenience only. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unretricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 27578 (Sub-No. 5), filed March 22, 1972. Applicant: BALDWIN TRANSPORTATION CORPORATION, 554 West 38th Street, New York, NY 10018. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between points in that portion of the New York, N.Y., commercial zone as defined in the fifth supplemental report in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act (the exempt zone), on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y. (exempt Great Neck Estates, Floral Park, and Valley Stream, in Nassau County, and Yonkers, Mount Vernon, Pelham, North Pelham, and Pelham Manor, in Westchester County). NOTE: Applicant states that the requested authority can be tacked at New York, N.Y., to serve points in Essex, Passaic, Middlesex, Union, Hudson, and Bergen Counties, N.J. Applicant further states that the purpose of the instant application is to remove the restriction contained in its present authority which limits the same to shipments having a prior movement by rail. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 29910 (Sub-No. 113), filed March 23, 1972. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Applicant's representative: Thomas Harper, Kelley Building, Post Office Box 43, Fort Smith, AR 72901. Authority Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Plastic pipe, tubing, conduit, valves, and fittings, compounds, joint sealer, bonding cement, primer coating, thinner, and hand tools*, used in the installation of such products (except commodities in bulk, in tank vehicles), from Slidell and New Orleans, La., to points in Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Michigan, North Carolina, South Carolina, and Georgia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 30605 (Sub-No. 150), filed March 13, 1972. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, KS. 67202. Applicant's representative: F. J. Steinbrecher, 80 East Jackson Boulevard, Chicago, IL 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, Kans., and Woodward, Okla.; from Wichita over Kansas Highway 2 to junction of U.S. Highway 281, thence over U.S. Highway 281 to its junction with Oklahoma Highway 15, thence over Oklahoma Highway 15 to Woodward, and return over the same routes, serving all intermediate points in Oklahoma. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Woodward, Okla., or Wichita, Kans.

No. MC 30844 (Sub-No. 399), filed March 27, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representative: Truman A. Stockton, 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garden and lawn sprinklers, and garden and lawn implements*, from the plantsite and facilities of Melnor Industries at or near Moonachie, N.J., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments originating at the above-named origin when destined to the named States. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 35628 (Sub-No. 329), filed March 29, 1972. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville SW., Grand Rapids, MI 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Eaton Corp. at or near Glasgow, Ky., as an off-route point in connection with carrier's operations to and from Louisville, Ky., and Evansville, Ind., as authorized in MC 35628. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 41432 (Sub-No. 121), filed March 27, 1972. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, Post Office Box 10125, Dallas, TX 75207. Applicant's representative: W. P. Furrh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis and Millington, Tenn., from Memphis over U.S. Highway 51 to Millington, and return over the same route, serving the plantsite of Pulvair Corp., located in Shelby County, Tenn., as an off-route point in connection with applicant's regular-route authority to and from Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 51603 (Sub-No. 6), filed March 10, 1972. Applicant: REESE TRUCK LINE, INCORPORATED, Kerr Drive, 700 Petroleum Building, Jackson, Miss. 39204. Applicant's representative: John A. Crawford 700 Petroleum Building, Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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New Orleans, La., and Osyka, Miss.: From New Orleans, La., over U.S. Highway 61 and/or Interstate Highway 10 to junction U.S. Highway 51 and/or Interstate Highway 55 at or near Laplace, La., thence over U.S. Highway 51 and/or Interstate Highway 55 to Osyka, Miss., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. NOTE: If a hearing is deemed necessary, applicant requests it be held at McComb, Miss., Jackson, Miss., or New Orleans, La.

No. MC 52110 (Sub-No. 125), filed March 13, 1972. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA 50312. Applicant's representative: Homer E. Bradshaw, First Floor Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Wilson Certified Foods, Inc., at Marshall, Mo., to points in Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Louisville, and Covington, Ky., and the District of Columbia, restricted to traffic originating at Marshall, Mo., and destined to points in the named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Des Moines, Iowa, or St. Louis, Mo.

No. MC 55889 (Sub-No. 40), filed March 31, 1972. Applicant: COOPER TRANSFER CO., INC., Post Office Box 2207, Dothan, AL 36301. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, over regular routes: (1) Between New Orleans, La., and Jacksonville, Fla., from New Orleans over U.S. Highway 90 to Jacksonville (also over Interstate Highway 10), and return over the same route; (2) between Thomasville, Ga., and St. Petersburg, Fla., from Thomasville over U.S. Highway 19 to St. Petersburg, and return over the same route; (3) between Albany, Ga., and Miami, Fla., from Albany over U.S. Highway 82 to Tifton, Ga., thence over Interstate Highway 75 to Tampa, Fla., (also from Tifton over U.S. Highway 41 to Tampa), thence over U.S. Highway 41 to Miami, and return over the same routes; (4) between Bainbridge, Ga., and Miami, Fla., from Bainbridge over U.S. Highway 27, and return over the same route; (5) between junction of Interstate Highway 72 and Florida's Turnpike at or near Wildwood, Fla., and Miami, Fla., from junction Interstate Highway 75 and Florida's Turnpike over Florida's Turnpike to Miami, and return over the same route; (6) between Naples, Fla., and Fort Lauderdale, Fla., from Naples over Florida Highway 84 to Fort Lauderdale, and return over the same route; (7) between Jacksonville, Fla., and Miami, Fla., from Jacksonville over U.S. Highway 1 to Miami (also over Interstate Highway 95), and return over the same routes;

(8) Between Baldwin, Fla., and junction Florida's Turnpike, from Baldwin over U.S. Highway 301 to junction Florida's Turnpike at or near Wildwood, Fla., and return over the same route; (9) between Daytona Beach, Fla., and St. Petersburg, Fla., from Daytona Beach over U.S. Highway 92 to St. Petersburg, (also over Interstate Highway 4), and return over the same routes; (10) between Tampa, Fla., and junction Florida's Turnpike, from Tampa over Florida Highway 60 to junction Florida's Turnpike at or near Yeehaw Junction, Fla., and return over the same route, serving, in connection with Routes 1 through 10 above, (1) all intermediate points in Alabama, Georgia, and those in Florida on and west of Florida Highway 87 and on and east of the Apalachicola River; (2) all other points in Florida on and west of Florida Highway 87 and on and east of the Apalachicola River as off-route points; and (3) all intermediate points in Mississippi, with service at Mississippi points restricted to the transportation of shipments moving from or to points in Florida; (11) between Columbus, Ga., and Bainbridge, Ga., from Columbus over U.S. Highway 431 to Dothan, Ala., thence over U.S. Highway 84 to Bainbridge, and return over the same routes, serving Dothan and points between Dothan and Bainbridge as intermediate points and (12) between Geneva and Dothan, Ala., from Geneva over Alabama Highway 52 to Dothan, and return over the same route, serving all intermediate points, restricted to the transportation of shipments moving from or to points in Florida. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Jacksonville, Fla.

No. MC 61592 (Sub-No. 216) (Amendment), filed May 21, 1971, published in the FEDERAL REGISTER issue of June 10, 1971, and republished as amended, this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Antipollution systems, equipment, and parts, liquid cooling and vapor condensing systems equipment and parts; environmental control and protective systems, equipment and parts; (B) equipment, materials, and supplies used in the construction or installation of antipollution and environmental control and protective systems, and liquid cooling and vapor condensing systems (except commodities in bulk), between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to reflect a change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 63417 (Sub-No. 41), filed March 15, 1972. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Post Office Box 2888, Roanoke, VA 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *new furniture*, from Macon, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas, restricted against tacking with existing authority to perform northbound service from Macon, Ga., to points north of the northern boundary of South Carolina. NOTE: Applicant states that (1) This proposed authority could be combined with Sub 5 (new furniture from points in Alabama to Stanleytown, Va.) and Sub 6 (new furniture from Stanleytown, Va.) to provide through service from Macon, Ga., to points in Illinois, Indiana, Kentucky, Michigan, Tennessee, and Virginia; (2) This proposed authority could be combined with Sub 18 (new furniture from Sumter, S.C.) to provide through service from Macon, Ga., to points in West Virginia, Maryland, Pennsylvania, Ohio, New York, Delaware, New Jersey, Kentucky, Illinois, Indiana, Michigan, Virginia, and (via Sub 6, new furniture from Roanoke, Va.) North Carolina, Tennessee, and the District of Columbia. The operations outlined in (1) and (2) above would be prohibited by the restriction against tacking to perform through northbound service, as applied for here by Blue Ridge; (3) By combining Sub 5 general commodity authority to Rocky Mount, Va., with Sub 6 new furniture authority from Rocky Mount, Va., to points in Georgia, and with this proposed authority, Blue Ridge would be able to transport new furniture from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia, to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas. (This service is now authorized to points in Alabama, Florida, and South Carolina), and (4) by combining Sub 30 new furniture authority from Sumter, S.C., to points in Georgia with this proposed authority, Blue Ridge would be able to provide through service in the transportation of new furniture from Sumter, S.C., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Oklahoma, and Texas. (This service is now authorized to points in Alabama and Florida.) If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 65580 (Sub-No. 18), filed March 27, 1972. Applicant: MUSHROOM TRANSPORTATION COMPANY, INC., 845 East Hunting Park Avenue, Philadelphia, PA 19124. Applicant's representative: Joseph A. Malloy, Jr., 1738 Philadelphia National Bank Building, Philadelphia, Pa. 19124. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Phillipsburg, N.J., and Erie, Pa., from Phillipsburg, N.J., over Interstate Highway 78, thence over Interstate Highway 78 to junction Pennsylvania Highway 309, thence over Pennsylvania Highway 309 to junction Interstate Highway 81, thence over Interstate Highway 81 to junction Interstate Highway 80, thence over Interstate Highway 80 to Interstate Highway 79, thence over Interstate Highway 79 to Erie, and return over the same route, as an alternate route for opening convenience only, in connection with applicant's authorized regular route authority, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, or Erie, Pa., or Trenton, N.J.

No. 66686 (Sub-No. 30), filed March 24, 1972. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, MO 64108. Applicant's representative: Ralph A. Wood (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, supplies, and equipment* used or useful in the maintenance and operation of printing and publishing houses (restricted to the transportation of commodities which because of size or weight or other inherent nature require the use of special equipment for the transportation or handling thereof), between points in Missouri, Kansas, Illinois, Iowa, Nebraska, Colorado, Oklahoma, and Texas and (2) *parts, attachments, accessories, and components of commodities* named in (1) above, between points in the States named in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 69635 (Sub-No. 4), filed March 31, 1972. Applicant: THE FORTUNE CORPORATION, 91 South Connecticut Street, Seattle, WA 98134. Applicant's representative: Horace Raphael (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in King, Pierce, and Snohomish Counties, Wash., restricted to traffic having a prior or subsequent movement by water, land, or air. NOTE: Applicant states that the requested authority can be tacked at Seattle, Wash., with its authority under MC 69635 Subs (1), (2), and (3). If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 76032 (Sub-No. 294), filed March 27, 1972. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, (a) from Kansas City, Kans., to points in Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Indiana; (b) from St. Louis, Mo., to points in Missouri, Illinois, and Iowa; (c) from Chicago, Ill., to points in Indiana, Wisconsin, Illinois, Iowa, Michigan, and Minnesota; (d) from Council Bluffs, Iowa, to points in Nebraska, North Dakota, South Dakota, Iowa, and Minnesota; (e) from Inver Grove, Minn., to points in South Dakota, North Dakota, Wisconsin, and Minnesota; (f) from Denver, Colo., to points in Colorado, Nebraska, South Dakota, and Wyoming, restricted to the transportation of traffic (a) moving in chassis mounted containers and (b) having a prior or subsequent movement by rail. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 76429 (Sub-No. 5) (Amendment), filed December 27, 1971, published in the FEDERAL REGISTER issue of January 27, 1972, and republished as amended, this issue. Applicant: WILLIAM A. STEWART, doing business as STEWART TRUCK LINE, Dry Ridge, Ky. 41035. Applicant's representative: Rudy Yessin, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Sherman, Ky., and Corinth, Ky., serving all intermediate points and points within five (5) miles thereof, over U.S. Highway 25; and (2) Between Dry Ridge, Ky., and Warsaw, Ky., serving all intermediate points and points with 5 miles of said route, except points in Indiana over the following route: Over Kentucky Highway 22 to Owenton to its junction with U.S. Highway 127, thence over U.S. Highway 127 to Owenton, thence over U.S. Highway 127 to its junction with Kentucky Highway 35, thence over Kentucky Highway 35 to its junction with Interstate Highway 71, thence over Interstate Highway 71 to its intersection with Kentucky Highway 455, thence over Kentucky Highway 455, to Warsaw, Ky., and/or over U.S. Highway 127 to its junction with U.S. Highway 42, thence over U.S. Highway 42 to Warsaw. NOTE: Applicant states it will tack at common points. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 83539 (Sub-No. 335), filed March 30, 1972. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, Post Office Box 5976, Dallas, TX 75222. Applicant's representative: Thomas E. James (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in cargo containers and cargo vans, between all points in the United States (including Alaska but excluding Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., Houston, Tex., and Washington, D.C.

No. MC 84449 (Sub-No. 4), filed March 27, 1972. Applicant: CALVALCADE TRUCKING, INC., Old Tyburn Road, Fairless Hills, Pa. 19030. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, other than empty cargo containers or empty glass containers, and *such other materials, supplies, parts, and equipment* used or useful in the manufacture, production, assembly, and distribution of containers (except commodities in bulk), between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. NOTE: Applicant now has authority to transport tinware, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 88161 (Sub-No. 86), filed March 24, 1972. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Avenue South, Seattle WA 98108. Applicant's representative: Richard J. Howard, White-Henry-Stuart Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in Oregon, Idaho, and

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Montana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128203 Sub-1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 90373 (Sub-No. 31), filed March 30, 1972. Applicant: C & R TRUCKING CO., a corporation, Inman Avenue, Avenel, N.J. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastics articles*, between Washington, N.J., Macedon, N.Y., and Canandaigua, N.Y., on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, and the District of Columbia, under a continuing contract, or contracts with Mobil Chemical Co., Plastics Division. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 94350 (Sub-No. 309), filed March 27, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road, Greenville, SC 29602. Applicant's represenative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments, from points in Onslow County, N.C. (excluding Jacksonville) and from points in Chatham County, N.C., to points in the United States east of the Mississippi River, including Louisiana and Minnesota. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 95540 (Sub-No. 841), filed March 27, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Frozen citrus products*, from points in Florida to points in Connecticut, Maine, Maryland, Massachusetts, Rhode Island, and Vermont; and (B) *citrus products*, not canned and not frozen, from points in Florida to points in Rhode Island. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 842), filed March 27, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Burlington, Mass., to points in New York, Pennsylvania, New Jersey, Delaware, West Virginia, Maryland, Ohio, Indiana, Kentucky, Tennessee, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Kansas, and Nebraska. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 95540 (Sub-No. 843), filed March 27, 1972. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Burlington, Mass., to points in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Florida, and the District of Columbia. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 102616 (Sub-No. 869), filed March 29, 1972. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, OH 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acids and liquid chemicals*, in bulk, from points in the United States (except Alaska and Hawaii), to Bay City and Midland, Mich., restricted to traffic destined to Bay City and Midland, Mich., and points in their respective commercial zone. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 103498 (Sub-No. 24), filed March 16, 1972. Applicant: W. D. SMITH TRUCK LINE, INC., Post Office Box 68, De Queen, AR 71832. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Howard and Polk Counties, Ark., to points in Louisiana, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Georgia, and those in Missouri on and north of U.S. Highway 36. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 105566 (Sub-No. 68), filed March 28, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Waterloo, Iowa to points in Baxter, Clay, Craighead, Cross, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Mississippi, Poinsett, Randolph, and Sharp Counties, Ark.; Alexander, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Wayne, White, and Williamson Counties, Ill.; Brown, Crawford, Daviess, Dubois, Gibson, Greene, Knox, Lawrence, Martin, Monroe, Orange, Perry, Pike, Posey, Spencer, Sullivan, Vanderburgh, and Warrick Counties, Ind.; Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, McCracken, McLean, Marshall, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky.; Bollinger, Butler, Cape Girardeau, Carter, Crawford, Dent, Douglas, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Perry, Phelps, Pulaski, Reynolds, Ripley, Ste. Genevieve, St. Francois, Scott, Stoddard, Shannon, Texas, Washington, Wayne, and Wright Counties, Mo.; Lake and Obion Counties, Tenn. NOTE: Applicant states that applicant holds no authority to which the requested authority could be tacked or joined. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 105566 (Sub-No. 69), filed March 28, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of the Kitchens of Sara Lee at or near New Hampton, Iowa, to points in New York, Pennsylvania, Virginia, West Virginia, New Jersey, Maryland, Delaware, Ohio, Tennessee, Kentucky, and the District of Columbia, restricted to traffic originating at said plantsite and destined to the above named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 105566 (Sub-No. 70), filed March 28, 1972. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: (1) *Carnivorous food products*, in packages, from Columbus, Ohio, to all points in the United States on and east of U.S. Highway 85, and (2) *Materials and supplies* used in the manufacture, sale, and distribution of carnivorous food products (except in bulk), from points in the United States (except Alaska and Hawaii), to Columbus, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington. D.C.

No. MC 105566 (Sub-No. 71), filed March 28, 1972. Applicant: SAN TANKSLEY TRUCKING, INC., Post Office Box 1119, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and animal feed* (except in bulk), in vehicles equipped with mechanical refrigeration from points in Alexander, Union, and Wilkes Counties, N.C., and Accomack and Hanover Counties, Va., to points in the United States west of the Mississippi River (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 593), filed March 23, 1972. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, fiberboard, pulpboard, adhesive cement, plastic and fiberglass plate and sheets, nails, wood mouldings, aluminum flashings, and eave filler strips*, from plantsite of Barclay Industries, Inc., in Lodi, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106497 (Sub-No. 67), filed March 27, 1972. Applicant: PARKHILL TRUCK COMPANY, a corporation, Post Office Box 912, Business Route I–44 East, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and parts, implements, attachments, accessories, and supplies*, from New Orleans, La., to points in Alabama, Arkansas, Mississippi, Illinois, Louisiana, and Tennessee. NOTE: Applicant states that the requested authority can be tacked with its Sub No. 4 where "size or weight" commodities are involved, but tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Dallas, Tex.

No. MC 106603 (Sub-No. 122), filed March 27, 1972. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Masonry building products, and materials, and supplies* used in the installation thereof (except commodities in bulk), from Ypsilanti, Mich., to points in Ohio, Indiana, Illinois, Pennsylvania, West Virginia, and Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 46240 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 107002 (Sub-No. 416), filed March 23, 1972. Applicant: MILLER TRANSPORTERS, INC., Post Office Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Applicant's representative: H.D. Miller, Jr., Post Office Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Harrison and Jackson Counties, Miss., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 107107 (Sub-No. 420), filed March 24, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C, appendix I, to the report in 61 M.C.C. 209 and 766 (except commodities in bulk, and hides, skins, and pieces thereof), from the plantsite and storage facilities utilized by Swift & Co. at or near St. Charles, Ill., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina (restricted to traffic originating at the plantsite and storage facilities of Swift & Co. at or near St. Charles, Ill.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 107107 (Sub-No. 421), filed March 24, 1972. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* in vehicles equipped with mechanical refrigeration, from New Orleans, La., to points in Alabama, Mississippi, Georgia, South Carolina, and Florida and the return of such products as may be required from these States to New Orleans, La. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107515 (Sub-No. 797), filed March 29, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Appleton, Wis., to points in Kentucky, Alabama, Florida, Georgia, Tennessee, Arkansas, Oklahoma, Texas, Louisiana, Mississippi, North Carolina, South Carolina, West Virginia, and Virginia, restricted to traffic originating at and destined to the points named. NOTE: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 108449 (Sub-No. 341); filed March 16, 1972. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bulk, from Winona, Minn., to points in Iowa, Minnesota, and Wisconsin; and (2) *fly ash*, from points in Marathon County, Wis., to points in Illinois, Iowa, Minnesota, Upper Peninsula of Michigan, and Wisconsin. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore

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does identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 108587 (Sub-No. 15), filed March 21, 1972. Applicant: SCHUSTER'S EXPRESS, INC., 48 Norwich Avenue, Colchester, CT 06415. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), between Boston, Mass., and Buffalo, N.Y., serving Springfield and Worcester, Mass., and all intermediate points in New York, and the off-route points in New York on and south of a line extending along the shoreline of Lake Ontario to Oswego, N.Y., thence along New York Highway 57 to Syracuse, N.Y., thence along New York Highway 5 through Utica, N.Y., to Schenectady, N.Y., thence along New York Highway 7 to Troy, N.Y., thence along New York Highway 66 to junction New York Highway 43, and thence along U.S. Highway 43 to the New York-Massachusetts State line; and off route points in Onondaga and Jefferson Counties, N.Y., From Boston, Mass., over Interstate Highway 90 to Buffalo, N.Y., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; or Hartford, Conn.

No. MC 108884 (Sub-No. 23), filed March 30, 1972. Applicant: ROGERS TRANSFER, INC., Route 46, Post Office Box 175, Great Meadows, NJ 07838. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from New York, N.Y., Newark and Jersey City, N.J., Philadelphia, Pa., Wilmington, Del., and Norfolk, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, Kentucky, Arkansas, Ohio, Indiana, Illinois, Michigan, Missouri, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109397 (Sub-No. 269), filed March 19, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear and byproduct materials, radioactive materials, related reactor equipment, component parts, and associated materials*, between the facilities of Jersey Nuclear, Inc., located at or near Richland, Wash., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska). NOTE: Common control may be involved. Applicant states that the requested authority can be tacked with its Sub No. 150 between points in Washington, but indicates that it has no present intention to tack and, therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Portland, Oreg.

No. MC 109397 (Sub-No. 270), filed March 22, 1972. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Business Route I-44 East, Joplin, MO 64801. Applicant's representative: A. N. Jacobs, Post Office Box 113, Joplin, MO 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel shop equipment, office equipment, pallet racks, storage and wardrobe lockers*, from Santa Ana, Calif., to points in the United States (except California and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, or San Francisco, Calif.

No. MC 109478 (Sub-No. 123), filed March 14, 1972. Applicant: WORSTER MOTOR LINES, INC., Gay Road, Rural Delivery No. 1, North East, PA 16428. Applicant's representative: Joseph F. Mackrell, 23 West 10th Street, Erie, PA 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food preparations and foodstuffs*, in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles, from the plantsite and/or warehouse facilities of Kraftco Corp., at or near Fogelsville and Allentown, Pa., to points in New York, Ohio, and Pennsylvania, restricted to traffic originating at the named origins and destined to points in the named territory. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or New York, N.Y.

No. MC 111729 (Sub-No. 341), filed March 10, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds*, (a) Between Oak Brook, Ill., and Madison, Wis.; (b) between Philadelphia, Pa., on the one hand, and, on the other, Hampton, Newport News, Norfolk, Portsmouth, and Richmond, Va.; (c) between Quantico, Va., on the one hand, and, on the other, Albany, Ga.; Beaufort, Parris Island, S.C.; Cherry Point, and Jacksonville, N.C.; and Philadelphia, Pa.; (d) between Bird International Airport, Richmond, Va., and Quantico, Va., having an immediately prior or subsequent movement by air; and (e) between Tiffin, Ohio, and Fort Wayne, Ind. NOTE: Applicant holds authority under MC 112750 and subs, therefore, common control and dual operations may be involved. It further states a portion of the requested authority could be tacked with certain existing authorities, however, applicant does not, at present, have any intentions to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113678 (Sub-No. 452), filed March 27, 1972. Applicant: CURTIS, INC., 4810 Pontiac Street, Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representative: Duane W. Acklie, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Carroll, Iowa, to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Maine, Maryland, Massachusetts, Montana, New Hampshire, New York, Nevada, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Denver, Colo., or Washington, D.C.

No. MC 114239 (Sub-No. 30) (Amendment), filed January 3, 1972, published in the FEDERAL REGISTER issue of February 3, 1972, and republished as amended this issue. Applicant: FARRIS TRUCK LINE, a corporation, Faucett, Mo. Applicant's representative: Warren H. Sapp, 450 Professional Building, 1103 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, from the plantsite and warehouse facilities of Atlas Chemical Industries located at or near Atlas, Mo., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Nebraska, and Oklahoma under a continuing contract or contracts with W. R. Grace & Co. NOTE: The purpose of this republication is to remove the restriction "except in tank vehicles". If a hearing is deemed necessary, applicant requests it be held at Kansas City, St. Joseph, or Joplin, Mo.

No. MC 114312 (Sub-No. 24), filed March 23, 1972. Applicant: ABBOTT TRUCKING, INC., Route 3, Delta, Ohio 43515. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Coldwater, Mich., to points in Indiana which are on north and east of a line beginning at the junction of U.S. Highway 40 and the Indiana-Ohio State line, thence west on U.S. Highway 40 to junction U.S. Highway 231, thence north on U.S. Highway 231 to junction Indiana Highway 43, thence via U.S. Highway 421 to Michigan City, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 114533 (Sub-No. 250), filed March 15, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Arnold Burke, Suite 1133, 127 North Dearborn, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film and incidental dealer handling supplies* (except motion picture films and materials and supplies used in connection with commercial and television motion pictures), between St. Louis, Mo., on the one hand, and, on the other points in Riley, Leavenworth, and Wyandotte Counties, Kans.; and (2) *proofs, cuts, copy, and other graphic arts material*, between Hillsboro, Ill., on the one hand, and, on the other, Kansas City, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128616, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 114632 (Sub-No. 50), filed March 16, 1972. Applicant: APPLE LINES, INC., Box 507, Madison, SD 57042. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except dairy products and commodities in bulk, in tank vehicles), (1) from the plantsites and storage facilities of Tony Downs Food Co. at St. James and Madelia, Minn., and Butterfield Foods, Inc., at Butterfield, Minn., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Oklahoma, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) from the plantsite of Wadco, Inc., at Estherville, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Oklahoma, and Wisconsin, restricted in (1) and (2) above to traffic originating at the named plantsites and storage facilities and destined to the named States. NOTE: Applicant holds contract carrier authority under MC 129706, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 115826 (Sub-No. 234) (Amendment), filed December 27, 1971, published in the FEDERAL REGISTER issue of February 3, 1972, and republished as amended, this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products, and advertising material and specialties, and related equipment and supplies*, when moving with cheese and cheese products, from Logan, Utah, to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to reflect the amended commodity description as shown above, and the addition as destination points, Utah and Wisconsin. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 115826 (Sub-No. 242), filed March 13, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representative: Robert R. Digby, 217 Luhrs Tower, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products* not frozen, from points in Idaho, Oregon, and Washington, to points in Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Boise, Idaho.

No. MC 115840 (Sub-No. 76), filed March 13, 1972. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic fittings, connections, valves, hydrants, extrusions, and gaskets*, (except commodities in bulk), from the plantsite of Precision Polymers of Arkansas, located at or near East Camden, Ark., and Precision Polymers, Inc., located at or near Rockaway, N.J., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials, and supplies* used in the manufacture of commodities in Part (1) (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to the plantsites of Precision Polymers of Arkansas, located at or near East Camden, Ark., and Precision Polymers, Inc., located at or near Rockaway, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Birmingham, Ala.

No. MC 119539 (Sub-No. 17), filed March 22, 1972. Applicant: BEVERAGE TRANSPORT, INC., Post Office Box 88, East Broomfield, NY 14443. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from (1) Egypt, Rushville and Red Creek, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset and Union Counties, N.J.; and (2) from Waterloo, N.Y., to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, N.J.; and Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 119632 (Sub-No. 52), filed March 23, 1972. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the plantside and warehouse facilities of the General Tire & Rubber Co. at or near Mount Vernon, Ill., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, the Lower Peninsula of Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and West Virginia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119741 (Sub-No. 43), filed March 23, 1972. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., Post Office Box 1235, also R.F.D. 2, Port

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Dodge, IA 50501. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Needham Packing Co., Inc., located at Omaha, Nebr. and Sioux City, Iowa, to points in Indiana, Michigan, and Ohio, restricted to traffic originating at the named origins and destined to the named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 119789 (Sub-No. 115), filed March 27, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and waxing compounds;* (2) *starch;* (3) *air fresheners and disinfectants;* (4) *mops, dusters, waxers, brooms, and carpet sweepers;* (5) *plastic bags;* and (6) *diet and nutritional foods* (except frozen), from Urbana, Ohio, and Franklin, Ky., to Kansas City, Mo., and St. Louis, Mo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119789 (Sub-No. 116), filed March 27, 1972. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James K. Newbold (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning, polishing, and waxing compounds,* (2) *starch;* (3) *air fresheners and disinfectants;* (4) *mops, dusters, waxers, and broom, and carpet sweepers* (5) *plastic bags,* and (6) *diet and nutritional foods* (except frozen), from Urbana, Ohio, and Franklin, Ky., to Atlanta, Ga., and Jacksonville, Fla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 121114 (Sub-No. 3), filed March 23, 1972. Applicant: OAKLAND VAN & STORAGE, INC., 867 Isabella Street, Oakland, CA 96407. Applicant's representative: W. S. Pilling, 100 Bush Street, 21st Floor Shell Building, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, (1) between San Francisco and Oakland, Calif., on the one hand, and, on the other, points in California, (2) between points in Los Angeles County, Calif.; and (3) between points in San Diego County, Calif. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 123069 (Sub-No. 14), filed March 28, 1972. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, OH 43212. Applicant's representative: Thomas F. Kilroy, Post Office Box 624, Springfield, VA 22150. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Carnivorous food products*, in packages, from Columbus, Ohio, to points in Kentucky, West Virginia, Tennessee, Indiana, Illinois, the Lower Peninsula of Michigan, points in the St. Louis, Mo., commercial zone as defined by the Commission, and those points in New York, Maryland, Virginia, and Pennsylvania on and west of Interstate Highway 81, and (2) *materials and supplies* used in the manufacture, sale, and distribution of carnivorous food products (except in bulk), from points in Kentucky, West Virginia, Tennessee, Indiana, Illinois, the Lower Peninsula of Michigan, points in the St. Louis, Mo., commercial zone as defined by the Commission, and those points in New York, Maryland, Virginia, and Pennsylvania on and west of Interstate Highway 81, to Columbus, Ohio. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 123389 (Sub-No. 14), filed March 27, 1972. Applicant: CROUSE CARTAGE COMPANY, a corporation, Carroll, Iowa 51401. Applicant's representative William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* distributed by meat packinghouses as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Carroll, Denison, and Iowa Falls, Iowa, to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and West Virginia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 124211 (Sub-No. 200) (Amendment), filed August 9, 1971, published in the FEDERAL REGISTER issue of September 30, 1971, and republished as amended, this issue. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, and plumbing supplies*, except commodities in bulk, from Omaha, Nebr., to points in Connecticut, Florida, Georgia, Maryland, Massachusetts, Mississippi, New York, North Carolina, Pennsylvania, South Carolina, and New Jersey; (b) *Foods*, from points in Lancaster, Madison, Platte, and Saline Counties, Nebr., to points in Michigan, Minnesota, Wisconsin, and those in that part of New York and Pennsylvania on and west of U.S. Highway 15; (c) *animal foods*, except commodities in bulk, from points in Montgomery County, Iowa, to points in the United States (except Alaska and Hawaii); and (d) *junk and scrap, nonferrous metals, and waste materials*, except in bulk, between points in Lancaster, Nance, and Platte Counties, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, Louisiana, Mississippi, and Texas. Restriction: The authority sought herein to the extent it duplicates any authority presently held by carrier, shall not be construed as conferring more than one operating right, severable by sale or otherwise. NOTE: Applicant states it will tack with its existing authority at origins and destinations involved. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is sought. The purpose of this republication is to redescribe the authority sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124606 (Sub-No. 2), filed March 23, 1972. Applicant: FORD TRUCK LINE, INC., 1389 South Third Street, Memphis, TN 38106. Applicant's representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to

operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Memphis, Tenn., and Clarksville, Tenn.; From Memphis over Interstate Highway 40 to its junction with U.S. Highway 70, northeast of Jackson, Tenn., thence over U.S. Highway 70 to Huntingdon, Tenn., thence over Tennessee Highway 22 to McKenzie, Tenn., thence over U.S. Highway 79 to Clarksville, Tenn., and return over the same route, serving no intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 124679 (Sub-No. 50), filed March 20, 1972. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Aluminum sheets* with plastic impregnation, from Salt Lake City, Utah, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 128813 and subs, therefore dual operations may be involved. No duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Salt Lake City, Utah.

No. MC 124692 (Sub-No. 90), filed March 27, 1972. Applicant: SAMMONS TRUCKING, Post Office Box 1447, Missoula, MT 59801. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, faced or finished with decorative or protective material, and *accessories and supplies* used in the installation thereof, from Denver, Colo., to points in Nebraska, Kansas, Wyoming, Montana, Utah, Idaho, Washington, and Oregon. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Denver, Colo.

No. MC 125522 (Sub-No. 2), filed March 6, 1972. Applicant: SUNBURY TRANSPORT, LIMITED, Hoyt, New Brunswick, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and hardwood flooring*, (1) from ports of entry on the international boundary line between the United States and Canada located at or near Houlton, Vanceboro, Calais, Madawaska, Fort Kent, and Jackman, Maine to points in Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Michigan, Indiana, Ohio, and the District of Columbia; and (2) from ports of entry on the international boundary line between the United States and Canada located at or near Beechers Falls, N.H.; Norton, Derby Line, Richford, and Swanton, Vt.; Rouses Point, Rooseveltown, Alexandria Bay, Niagara Falls, and Buffalo, N.Y., and Detroit, Mich., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Michigan, Indiana, Ohio, and the District of Columbia, restricted to traffic originating at Estcourt (Temiscouata County), Quebec, Canada. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 125627 (Sub-No. 1), filed March 27, 1972. Applicant: I & L TRUCKING, INC., 69 William Street, Belleville, NJ. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpeting, linoleum, tiling, materials, equipment and supplies*, used or useful in the installation and sale of carpets, carpeting, linoleum, and tiling (except commodities in bulk), from the Sussman and Spiegel Distribution Center, at Linden, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, Orange, Rockland Counties, N.Y., and Fairfield County, Conn. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125627 (Sub-No. 2), filed March 27, 1972. Applicant: I & L TRUCKING, INC., 69 William Street, Belleville, NJ. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NY 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, from the piers in New York Harbor to the facilities of Sussman and and Spiegel, Distribution Center, Inc., Belleville, N.J. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 125813 (Sub-No. 11), filed March 23, 1972. Applicant: CRESSLER TRUCKING, INC., 153 West Orange Street, Shippensburg, PA 17257. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Valves, air separators, vacuum breakers, thermostatic traps, float traps, bucket traps, thermo-disc traps, temperature regulators, pressure regulators, water hammer arresters, expansion joints, elbows and their fittings and connectors, vent tees, and distribution flow tees*, (b) *components, accessories and parts of plumbing and drainage systems, and heating and air conditioning systems*, (c) *pumps and pump parts*, and (d) *installation manuals and advertising materials* for the commodities in parts (a), (b), and (c) above, between Shippensburg, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Illinois, Kentucky, Maine, Maryland, Michigan, New Hampshire, Ohio, Pennsylvania (except Philadelphia), Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *components, accessories and parts of heating and air conditioning systems*, between Shippensburg, Pa., on the one hand, and, on the other, points in California, Masschusetts, New Jersey, New York, Oregon, Texas, Washington, and Philadelphia, Pa. NOTE: Common control may be involved. Applicant states it would be able to tack at Shippensburg, Pa., or Peru or Indianapolis, Ind. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 126039 (Sub-No. 17), filed March 29, 1972. Applicant: MORGAN TRANSPORTATION SYSTEM, INC., INTL. U.S. 6 and 15, New Paris, Ind. 46553. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment*, used or useful in the maintenance and operation of printing houses (except commodities in bulk, in tank vehicles), between Warsaw, Ind., on the one hand, and, on the other, points in Ohio and Kentucky, except Louisville. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126276 (Sub-No. 64), filed March 27, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Non-Ferrous scrap metals*, between points in Minnesota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Maine, New Hampshire, Vermont, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, and Florida, under contract with Diversified Metals,

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NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126539 (Sub-No. 9), filed March 17, 1972. Applicant: KATUIN BROS., INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy products*, from Gladbrook and Marshalltown, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, and Wisconsin. NOTE: Applicant also holds contract carrier authority, under MC 129135 and subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines or Cedar Rapids, Iowa.

No. MC 126555 (Sub-No. 15), filed March 27, 1972. Applicant: UNIVERSAL TRANSPORT INC., Box 268, Rapid City, S.D. 57701, Mail Post Office Box 100, Newcastle, WY. Applicant's representative: Stockton and Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, in bulk, in tank vehicles, from Colony, Wyo., to Definance, Ohio. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, St. Paul, Minn., or Chicago, Ill.

No. MC 127042 (Sub-No. 94), filed March 27, 1972. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Wilson Certified Foods, Inc., at or near Marshall, Mo., to points in Colorado, Idaho, Montana, Oregon, Utah, and Washington, restricted to traffic originating at above origin and destined to the above named destination States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Kansas City, Mo.

No. MC 128320 (Sub-No. 5), filed March 27, 1972. Applicant: ART QUIRING, Coin, Iowa 51636. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionaries and related advertising, packaging and display, equipment, supplies and materials*, from Davenport, Iowa, to points in Idaho, Washington, Oregon, California, Texas, Florida, and Georgia, under contract with Lusk Candy Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Davenport, Iowa, or Chicago, Ill.

No. MC 128633 (Sub-No. 8), filed March 25, 1972. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, NJ. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper cakes and scrap copper*, between Carteret, N.J., Perth Amboy, N.J., and Seymour, Conn., under continuing contract with Cities Service Co. NOTE: Applicant holds common carrier authority under MC 128058 Sub 3, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129600 (Sub-No. 6), filed March 27, 1972. Applicant: POLAR TRANSPORT, INC., 27 York Avenue, Randolph, MA 02368. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and restaurant supplies* (except in bulk), (a) from Watertown, Mass., to Los Angeles, Calif., Miami, Fla., Atlanta and East Point, Ga., Chicago, Ill., Arlington, Dallas, and Houston, Tex., and points in Connecticut, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Vermont; and (b) from New York, N.Y., to Watertown, Mass., and *returned and rejected shipments* of the above-described commodities, from the above-named respective destination points to the above-named respective origin point, and *pallets*, between Watertown, Mass., and Los Angeles, Calif., Miami, Fla., Atlanta and East Point, Ga., Chicago, Ill., Arlington, Dallas, and Houston, Tex., and points in Connecticut, Maine, Maryland, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, and Vermont, under a continuing contract, or contracts, with Howard Johnson Co., of New York, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 129659 (Sub-No. 5), filed March 31, 1972. Applicant: T–P STORAGE AND LEASING, INC., 4 Colonial Terrace, Pompton Plains, NJ 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel pipe, piling, railway track accessories, bridge and highway railing, piledrivers, pile extractors, and parts and materials thereof*, between points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129973 (Sub-No. 6), filed March 23, 1972. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, New York, NY 10022, Mailing: 466 Lexington Avenue, 10017. Applicant's representative: William J. Lippman, 1819 H Street NW., Suite 960, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Books, educational materials, equipment, and supplies*, for the account of Encyclopaedia Britannica, between points in New Jersey on the one hand, and, on the other, points in Nassau, Suffolk, and Westchester Counties, N.Y., under contract with Encyclopaedia Britannica. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133337 (Sub-No. 3), filed March 22, 1972. Applicant: B & H TRANSPORT COMPANY, a corporation, 2125 Commercial Street, Waterloo, IA 50702. Applicant's representative: Allen E. Kroblin, Box 5000, Waterloo, IA 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard-talo, and shortening, and blends thereof*, in bulk, from Waterloo and Columbus Junction, Iowa, to Austin and Albert Lea, Minn., and Omaha, Nebr., restricted to shipments originating at the plantsite and facilities of the Rath Packing Co. NOTE: Applicant states that no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 133780 (Sub-No. 3), filed March 27, 1972. Applicant: WILLIAM A. SPARGER, 16501 South Crawford Avenue, Markham, IL 60477. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dip-n-dressing, fruit juices, and yogurt*, from the plantsite and storage facilities of Sealtest Foods Division of Kraftco Corp., at Milwaukee, Wis., to points in Cook County, Ill., under continuing contract or contracts with Sealtest Foods Division of Kraftco Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133977 (Sub-No. 10), filed March 27, 1972. Applicant: GENE'S INC., 302 Maple Lane, Arcanum, OH 45304. Applicant's representative: Paul F. Berry, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), from Washington Court House, Ohio, to points in Kansas, Oklahoma, Texas, Nebraska, Arkansas, Colorado, and Utah; and (2) *returned, rejected, and damaged shipments*, of the above-specified commodities, from the above-specified destination points to Washington Court House, Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134449 (Sub-No. 4), filed March 20, 1972. Applicant: LESTER V. MOZNIK, 3753 Grandview Highway, Burnaby, BC, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets, counter tops, and parts thereof*, from ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, Wash., to points in California (except those in Alameda, San Francisco, Contra Costa, Marin, San Mateo, Santa Cruz, Santa Clara, Sonoma, and Solano Counties, Calif.), Las Vegas and Reno, Nev., and Phoenix, Ariz., under contract with Crestwood Kitchens, Ltd. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134548 (Sub-No. 3), filed March 9, 1972. Applicant: ZENITH TRANSPORT LTD., 2040 Alpha Avenue, Burnaby 2, BC, Canada. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper felt products* in rolls, from the port of entry on the international boundary line between the United States and Canada at or near Blaine, Wash., to the plantsite of Nicolet of California, Inc., Hollister, Calif. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134645 (Sub-No. 3), filed March 27, 1972. Applicant: LIVESTOCK SERVICE, INC., 1413 Second Avenue South, Post Office Box 944, St. Cloud, MN 56301. Applicant's representative: Bruce E. Mitchell, Suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and of articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of Robel Beef Packers, Inc., at St. Cloud, Minn., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Maryland, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Wisconsin, and the District of Columbia, restricted (a) against the transportation of commodities in bulk, and hides, and (b) to the transportation of shipments originating at the above-named plantsite and storage facilities. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of the instant application is to convert its existing contract authority issued in No. MC 124071 and No. MC 124071 (Sub-No. 4) to common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 135095 (Sub-No. 2), filed March 16, 1972. Applicant: SUDDATH OF SAVANNAH, INC., 5003 Liberty Parkway, Savannah, GA 31402. Applicant's representative: Lee Roy Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, unaccompanied baggage, and personal effects*, between points in Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, Long, Tattnall, and Tombs Counties, Ga., and is restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 135152 (Sub-No. 6), filed March 24, 1972. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, Harrison, Ohio 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets*, in mixed loads with uncrated caskets, from Brookville, Ind., and Knoxville, Tenn., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135273 filed March 10, 1972. Applicant: HARRY B. DANIELS, doing business as DANIELS MOVING AND STORAGE COMPANY, 2325 North Sinton Road, Colorado Springs, CO 80907. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* restricted to the transportation of traffic having a prior or subsequent movement in containers and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic, between points in El Paso, Pueblo, Teller, and Fremont Counties, Colo. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 135513 (Sub-No. 6), filed March 19, 1972. Applicant: ECHO TRUCKING COMPANY, a corporation, Post Office Drawer AY, Benson, AZ 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and equipment* used or useful in mining, milling, and smelting operations, concentrates and copper cement, between points in Arizona and points in Grant and Hidalgo Counties, N. Mex., as a contract carrier for Phelps Dodge Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix and Tucson, Ariz.; Silver City, N. Mex., or El Paso, Tex.

No. MC 135971 (Sub-No. 2), filed March 13, 1972. Applicant: LOGISTEC CORPORATION, 109 Dalhousie Street, Quebec City, PQ Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement in bulk*, from ports of entry on the international boundary line between Canada and the United States located in Maine, to points in Maine. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 136008 (Sub-No. 3), filed March 29, 1972. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., Post Office Box 1669, Ardmore, OK 73401. Applicant's representative: Rufus H. Lawson, 106 Sixler Building, Post Office Box 75124, Oklahoma City, OK 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed gypsum rock*, in bulk, from the plantsite of Harrison Gypsum Co., near Cement, in Caddo County, Okla., to Fort Worth and Dallas, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136013 (Sub-No. 1), filed March 27, 1972. Applicant: BAKERSFIELD EXPRESS, INC., 719 Union Street, Montebello, CA 90640. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Olidale, Calif., to points in Arizona, Idaho, Nevada, and Utah, under contract with Mobile Chemical Co., Plastics Division. NOTE: Common control and dual

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operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 136089 (Sub-No. 2), filed March 10, 1972. Applicant: WILLIAM W. WILLIAMS, 507 Cline Avenue, Port Orchard, WA 98366. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and chemical compounds*, in containers, from Barberton, Ohio, to points in Washington and Oregon, under contract with Malco Products, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136254 (Sub-No. 1), filed March 24, 1972. Applicant: HOWARD SMITH AND GENEVA SMITH, a partnership, doing business as ARIZONA MOBILE HOME MOVERS, 3140 North Oracle Road, Tucson, AZ 85705. Applicant's representative: Hugh M. Caldwell, Jr., Suite 801, 4400 East Broadway, Tucson, AZ 85711. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from Hidalgo County, N. Mex., to points in Arizona. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Dallas, or Lubbock, Tex., or Tucson, Ariz.

No. MC 136296 (Sub-No. 1), filed March 16, 1972. Applicant: ROBBINS TRANSPORT, INC., 105 College Street, Post Office Box 37, Auburn, KY 42206. Applicant's representative: John M. Nader, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour, corn meal, pet foods, animal feeds, canned meat, canned meat sauces, and unprocessed grain* (except in bulk, in tank or hopper type vehicles), from Auburn, Ky., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and points in all States east thereof; (2) *pet foods, canned meat, and canned meat sauces*, from Springfield and Nashville, Tenn., and New Albany, Ind., to Auburn, Ky.; (3) *flour*, from Orlinda and Memphis, Tenn., to Auburn, Ky.; and (4) *materials and supplies* (except commodities in bulk), used in the manufacture, sale, and distribution of flour and corn meal, from points in New York, Ohio, Tennessee, Illinois, and Indiana, to Auburn, Ky., restricted to a transportation service to be performed under contract with Auburn Roller Mills, Auburn, Ky., and Buhler Mills, Inc., Memphis, Tenn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 136522 (Sub-No. 1), filed March 24, 1972. Applicant: SUPERMARKET WAREHOUSING COMPANY, a corporation, Post Office Box 44, New Brunswick, NJ 08903. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Molded pulp egg cartons, plates, dishes, and trays*, from the warehouse of Supermarket Warehousing Co. at or near New Brunswick, N.J., to points in the New York, N.Y., commercial zone and points in Nassau, Suffolk, and Westchester Counties, N.Y., and Philadelphia, Pa., under a continuing contract, or contracts with Diamond International Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136529, filed March 15, 1972. Applicant: MISSOURI BEEF EXPRESS, INC., 630 Amarillo Building, Amarillo, Tex. 79101. Applicant's representative: Donal L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from the plantsite and storage facilities of or used by Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in the United States (except Alaska and Hawaii); (b) from points in Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Kansas, Texas, Colorado, North Dakota, South Dakota, Washington, Oregon, and California, to the plantsite and storage facilities of or used by Missouri Beef Packers, Inc., at or near Boise, Idaho; and (2) *such commodities as are used by meatpackers in the conduct of their business* when destined to and for use by meatpackers, including *machinery, equipment, and supplies*, from points in the United States (except Alaska and Hawaii), to the plantsite and storage facilities of or used by Missouri Beef Packers, Inc., at or near Boise, Idaho. All transportation service hereunder is to be performed under a continuing contract, or contracts, with Missouri Beef Packers, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136530, filed March 16, 1972. Applicant: NORBET TRUCKING CORP., 100 Nassau Terminal Road, New Hyde Park, NY 11040. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, coated and uncoated, and *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture, distribution, and production of iron and steel articles, between New Hyde Park, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Ohio, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Restrictions: (1) The above authority is restricted to traffic originating at or destined to the facilities of American Strip Steel, Inc., at New Hyde Park, N.Y., and (2) the above authority is restricted to the transportation of traffic moving under continuing contract or contracts with American Strip Steel, Inc., New Hyde Park, N.Y. NOTE: The applicant states that the applicant is commonly controlled with the shipper and the purpose of this application is to substitute the commonly controlled contract carrier for private carriage. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136532, filed March 13, 1972. Applicant: LOYD SIMPSON, doing business as LOYD SIMPSON TRUCKING, 125 Houston Street, Durant, OK 74701. Applicant's representative: Jenese Simpson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nursery pots and sleeves*, from Leominster, Mass.; Newark, N.J.; and Troup, Tex.; and points in Florida to San Francisco, Calif. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136548 (Sub-No. 1), filed March 27, 1972. Applicant: G. M. S. TRUCKING CORPORATION, 246–17 57 Drive Douglaston, NY 11362. Applicant's representative: Norman J. Bergman, 11 West 42d Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and yarn*, between the New York, N.Y., commercial zone, Hicksville and Bay Shore, N.Y., on the one hand, and on the other, Linden, N.J., under contract with Widder Bros. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 136570, filed March 20, 1972. Applicant: BARNETT BROS., INC., Post Office Box 532, Henderson, KY 42420. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from the plantsite of Nelson Concrete Products, Inc., at or near Centralia, Ill., to points in Missouri, Indiana, Kentucky, Ohio, Tennessee, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., Evansville, Ind., or Louisville, Ky.

No. MC 136571, filed March 27, 1972. Applicant: HAROLD H. TRICE, 2700 Lyle, Waco, TX 76708. Applicant's representative: John E. McKelvey, 109 North Main Street, Electra, TX 76360. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles and pickups*, in secondary movement, from points in the continental United States (excluding Alaska and Hawaii) to Killeen, Bell County, Tex. NOTE: If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Dallas, or Waco, Tex., or Oklahoma City, Okla.

No. MC 136574, filed March 31, 1972. Applicant: B & P REFRIGERATED LINES, INC., 301 East Greenwood, La Habra, CA 90631. Applicant's representative: Walter T. Evans, 615 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food preparations* (except commodities in bulk, frozen foods, canned goods, meats, meat products, and meat byproducts) in hermetically sealed containers in vehicles equipped with mechanical refrigeration from the plantsites and warehouse facilities of Avoset Food Corp. at (1) Gustine, Calif., to points in Alabama, Arkansas, Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, George, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Maryland, Massachusetts, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to shipments originating at the plantsites and warehouse facilities of Avoset Food Corp. at Gustine, Calif., and Washington Court House, Ohio, and to a transportation service to be performed under a continuing contract or contracts with Avoset Food Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 136585, filed March 23, 1972. Applicant: BUD COFER, 4102 Creekside Avenue, Toledo, OH 43612. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hides*, between points in Lucas County, Ohio, on the one hand, and, on the other, points in Connecticut, Georgia, Kentucky, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, under contract with A. Mindel & Son, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 136597, filed March 27, 1972. Applicant: WEST KENTUCKY MOTOR EXPRESS, INC., 112 North Sequoia Drive, Springfield, TN 37172. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, those of unusual value and those requiring special equipment), (1) between Nashville, Tenn., and Paducah, Ky., from Nashville, over U.S. Highway 41–A to Hopkinsville, Ky., thence over Kentucky Highway 91 to Princeton, Ky., thence over U.S. Highway 62 to Paducah, Ky., and return over the same route, serving all intermediate points in Kentucky west of the Tennessee River, but excluding service at any point in Indiana; (2) between Clarksville, Tenn., and Paducah, Ky., from Clarksville over U.S. Highway 79 to junction with Tennessee Highway 119, thence over Tennessee Highway 119 to the Tennessee-Kentucky State line, thence over Kentucky Highway 121 to Mayfield, Ky., thence over U.S. Highway 45 to Paducah, Ky., and return over the same route, serving all intermediate points in Kentucky, and serving Clarksville, Tenn., for joinder only, and excluding service at any point in Indiana; (3) between Murray, Ky., and Calvert City, Ky., from Murray over Kentucky Highway 641 to junction with U.S. Highway 68, thence over U.S. Highway 68 to junction with Kentucky Highway 95, thence over Kentucky Highway 95 to Calvert City, Ky., and return over same route, serving all intermediate points; (4) between Hopkinsville, Ky., and Hardin, Ky., from Hopkinsville over U.S. Highway 68 to junction with Kentucky Highway 80, thence over Kentucky Highway 80 to Hardin, Ky., and return over the same route, serving no intermediate points, and serving Hopkinsville for joinder only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.

No. MC 136598, filed March 25, 1972. Applicant: TRANSPORT EDDY VEILLEUX LTEE., 760 Salaberry Street, Ville de Laval, PQ, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber products*, from the ports of entry on the international boundary between the United States and Canada located at or near Champlain, N.Y., Highgate Springs, and Derby Line, Vt., to points in New York, Vermont, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Ohio, and Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 176), filed March 23, 1972. Applicant: GREYHOUND LINES, INC., 1400 West Third Street, Cleveland, OH 44113. Applicant's representative: Barrett Elkins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *Regular routes: Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Cincinnati, Ohio, and Richmond, Ind., serving all intermediate points: From Cincinnati, Ohio, over U.S. Highway 127 to Hamilton, Ohio, thence over Ohio Highway 129 to its junction with U.S. Highway 27 at Millville, Ohio, thence over U.S. Highway 27 to Richmond, Ind., and return over the same route; (2) between specified points in Maine as alternate route for operating convenience only serving no intermediate points as follows: (a) From the junction of U.S. Highway 1 and Maine Highway 109 over Maine Highway 109 to the junction of Interstate Highway 95 (Maine Turnpike—Interchange No. 2) and return over the same route; (b) from the junction of U.S. Highway 1 and Maine Highway 35 over Maine Highway 35 to the junction of Interstate Highway 95 (Maine Turnpike—Interchange No. 3) and return over the same route; and (c) from the junction of U.S. Highway 1 and Maine Highway 111 over Maine Highway 111 to the junction of Interstate Highway 95 (Maine Turnpike—Interchange No. 4) and return over the same route; and (3) over Interstate Highway 270 (Columbus, Ohio, Circumferential Highway), in its entirety, encompassing Columbus, Ohio, constructed for bypass purposes, with the right of access and egress to and from all interchanges on Interstate Highway 270 to and from all authorized routes to and through Columbus, Ohio as an alternate route for operating convenience only, and (B) *irregular routes: Passengers and their baggage*, in one-way and round-trip charter operations, originating at points on Route 1 described in Item A above and extending to points in the United States, including Alaska, but excluding Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 111504 (Sub-No. 9), filed March 15, 1972. Applicant: STARR TRANSIT CO., INC., 2531 East State St. Extension, Trenton, NJ 08619. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, (1) beginning and ending at points in Bucks County, Pa., on and east of Pennsylvania Highway 263 and on and south of U.S. Highway 202 (except Langhorne, Pa., and points within 3 miles of Philadelphia, Pa.) and extending to points in the United States (including Alaska but excluding points in Hawaii, Connecticut, Delaware, Florida, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, and (2) beginning and ending at points in Mercer County, N.J., and extending to points in the United States (including Alaska

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but excluding points in Hawaii, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Florida, and the District of Columbia. NOTE: Applicant states it seeks no duplicating authority and will accept a restriction to that effect. By the instant application, it merely seeks to enlarge the destination territory it now serves in special operations, in round-trip sightseeing and pleasure tours, from the same origin areas it is now authorized to serve. It is also an authorized contract carrier operating under MC 129525 and subs. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J.

No. MC 115116 (Sub-No. 24), filed March 16, 1972. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, NJ 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Trenton, N.J., and Hightstown, N.J.; from Trenton, N.J., over New Jersey Highway 33 to its junction with County Highway 526 in Washington Township, N.J., thence over County Highway 526 to its junction with County Highway 539 in Allentown, N.J., thence over County Highway 539 to Hightstown, N.J., and return over the same route, serving all intermediate points. NOTE: Applicant states it proposes to provide service to and from New York, N.Y., by joining the proposed route with its existing authorized routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 125021 (Sub-No. 2), filed February 28, 1972. Applicant: BOISE-WINNEMUCCA STATES, INC., 1105 La Pointe, Boise, ID 83705. Applicant's representative: Shirley Achabal (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, aliens, from Malheur, Baker County, Oreg., and points below the Salmon River to points in California under contract with U.S. Department of Immigration and Naturalization. NOTE: Applicant presently holds common carrier passenger operations under MC 52334. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129646 (Sub-No. 5), filed April 3, 1972. Applicant: SEAWAY COACH LINES, INC., 28 North Perry Square, Erie, PA 16501. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Erie County, Pa., and extending to points in the United States, including Alaska (but excluding Hawaii). NOTE: If a hearing is deemed necessary, applicant requests it be held at Erie, Pa.

No. MC 136424 (Sub-No. 1), filed February 23, 1972. Applicant: SIDNEY NICHOLAS AND EVELYN P. NICHOLAS a partnership, doing business as LANDTREK, 2557 Laurel Pass, Los Angeles, CA 90046. Applicant's representative: (John R. Simon), Cox, Castle, Nicholson, and Weekes, 1800 Century Park East, Suite 200, Los Angeles, CA 90067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, beginning and ending in Los Angeles, Calif., and extending to points in the United States (including Alaska, but excluding Hawaii). NOTE: Applicant states the operation proposes low cost camping treks, with applicant supplying all necessary camping equipment. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, San Francisco, San Diego, or Sacramento, Calif.

APPLICATION FOR WATER CARRIER

No. W-630 (Sub-No. 38) (Correction), A. L. MECHLING BARGE LINES INC. Extension—COASTWISE, filed March 30, 1972, published in the FEDERAL REGISTER issue of April 21, 1972, and republished in part as corrected this issue. Applicant: A. L. MECHLING BARGE LINES, INC., 51 North Desplaines Street, Joliet, IL 60431. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, NY 10017. NOTE: The purpose of this partial republication is to show the correct origin as Atlantic Coast in lieu of "Atlanta Coast", which was erroneously published. The rest of the application remains as previously published.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 107515 (Sub-No. 798), filed March 27, 1972. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles distributed by meat packinghouses* as described in section C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 when transported in the same vehicle and at the same time with meats, meat products, and meat byproducts (now authorized), from the plantsite of Oscar Mayer & Co. at Madison, Wis., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, restricted to traffic originating at and destined to the points named. NOTE: Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority.

APPLICATION FOR A POSTAL CERTIFICATE

Interstate Commerce Commission, No. MC-137014 (Notice of Filing an Application for a Postal Certificate of Public Convenience and Necessity), filed January 18, 1972. Applicant: DEWITT TRANSFER AND STORAGE COMPANY, a California corporation, 6060 North Figueroa Street, Los Angeles, CA 90042. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006. By application filed January 18, 1972, applicant seeks a Postal Certificate of Public Convenience and Necessity to transport *Mail* between the following points: (1) Los Angeles, Calif., Las Vegas, Nev., and Salt Lake City, Utah; (2) Phoenix, Ariz., Yuma, Ariz., and Indio, Calif., and Los Angeles, Calif.; (3) Los Angeles, Calif., and Pasadena, Calif.; (4) Los Angeles, Long Beach, Wilmington, San Pedro, Harbor City, Lakewood, Paramount, Bellflower, Lomita, and Artesia, Calif.; (5) Los Angeles, Calif., and San Bernardino, Calif.; (6) Oakland, San Jose, Salinas, San Luis Obispo, Santa Maria, Ventura, and Los Angeles, Calif.; (7) Paramount, Los Angeles, and Van Nuys, Calif. Appended to the application are copies of seven postal contracts held by applicant which are apparently in effect on July 1, 1971, the critical "grandfather" date: Route No. 90090 relating to service between Los Angeles (TA), Calif., to Salt Lake City (Annex), Utah; Route No. 85221 (formerly route No. 85241) relating to service between Phoenix and Los Angeles (Calif.), Cheli Term; Route No. 90027 relating to service between Los Angeles and Pasadena; Route No. 90710 relating to service between Los Angeles, Long Beach, Lomita, and Artesia; Route No. 90026 relating to service between Los Angeles and San Bernardino; Route No. 907RJ relating to service at Paramount, Calif.; Route No. 94522 relating to service between the Oakland Post Office and Los Angeles (Cheli), and Contract No. 1015 relating to temporary mail messenger service from Paramount, Calif., to Van Nuys, Cheli Term., and Los Angeles. Applicant holds motor carrier authority in No. MC-93734 and states that applicant's president is sole owner of Short's Van & Storage, No. MC-135593 TA.

Any interested person desiring to oppose the application may file with this Commission, an original and one copy of his written representations, views, or arguments in opposition to the application within 30 days from the date of this publication in the FEDERAL REGISTER. A copy of each such pleading should be served upon applicant's representative.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6360 Filed 4-26-72;8:45 am]

[Notice 56]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 19, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub-No. 44 TA), filed March 30, 1972. Applicant: MIDWEST MOTOR EXPRESS, INC., Box 1058, 1205 Front Avenue, Bismarck, ND 58501. Applicant's representative: F. J. Smith, Suite 221, MDU Office Building, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk and commodities requiring special equipment), from (1) Beach, N. Dak., to Glendive, Mont., serving the intermediate point of Wibaux, Mont., over U.S. Highway No. 10 and I-94; (2) Wilton, N. Dak., to Mercer, N. Dak., and North Dakota Highway No. 41; thence to Bowdon, N. Dak., over North Dakota Highway No. 7, serving the intermediate points of McClusky, Denhoff, Goodrich, Hurdsfield, and Chaseley, N. Dak.; (3) Hurdsfield, N. Dak., to Steele, N. Dak., over North Dakota Highways Nos. 7 and 3, serving the intermediate point of Tuttle, and return over the same routes, for 180 days. NOTE: Tacking said routes, and return routes to existing operating authorities under MC-2153 and subs. Supported by: There are approximately 118 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 19778 (Sub-No. 79 TA), filed March 31, 1972. Applicant: MILWAUKEE MOTOR TRANSPORTATION COMPANY, 516 West Jackson Boulevard, Room 508, Chicago IL 60606. Applicant's representative: R. H. Tietz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities unsafe for highway transportation), (1) between Harlowton, Bozeman, Miles City, and Three Forks, Mont., on the one hand, and, on the other, Billings, Mont.; (a) from Harlowton, Mont., over U.S. Highway 12 to junction of U.S. Highway 12 and Montana Highway 3, thence over Montana Highway 3 to Billings, Mont., and return over the same route; (b) from Three Forks, Mont., over Interstate Highway 90, and U.S. Highway 10 to Bozeman, Mont., thence over Interstate Highway 90 and U.S. Highway 10 to Billings, Mont., and return over the same route; and (c) from Miles City, Mont., over Interstate Highway 94 and U.S. Highway 10 to Billings, Mont., and return over the same route, for 120 days. Supporting shipper: G. H. Kronberg, Vice President, Traffic, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 516 West Jackson Boulevard, Chicago, IL 60606. Send protests to: District Supervisor Wm. J. Gray, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 113908 (Sub-No. 224 TA), filed March 31, 1972. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Box 31880, Springfield, MO 65804. Applicant's representative: LeRoy Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from Kansas City, Kans., to Soso, Miss., Gainesville, Ga., and Danville, Ark., for 180 days. Supporting shipper: Thompson-Hayward Chemical Co., 5200 Speaker Road, Kansas City, KS 66110. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 118142 (Sub-No. 46 TA), filed March 30, 1972. Applicant: M. BRUENGER & CO., INC., 6330 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt with in wholesale, retail, and chain grocery and food business houses and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points within a 100-mile radius of Wichita, Kans., on the one hand, and on the other, Denver, Colo.; Chicago and Peoria, Ill.; Fort Wayne and Indianapolis, Ind.; Des Moines, Iowa; New Orleans, La.; Minneapolis, Minn.; Kansas City and St. Louis, Mo.; Omaha, Nebr.; Fargo, N. Dak.; Oklahoma City and Tulsa, Okla.; Memphis, Tenn.; Dallas, Fort Worth, and Houston, Tex.; and Milwaukee, Wis.; for 180 days. Supporting shipper: Consolidated American Industries, Inc., 622 East Third Street, Wichita, KS 67202. Send protests to: Interstate Commerce Commission, M. E. Taylor, District Supervisor, 501 Petroleum Building, Bureau of Operations, Wichita, Kans. 67202.

No. MC 119422 (Sub-No. 52 TA), filed April 3, 1972. Applicant: EE-JAY MOTOR TRANSPORT, 15th and Lincoln, East St. Louis, Ill. 62204. Applicant's representative: Ernest A. Brooks II, 1301-02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyethylene plastic granules*, in bulk, in tank vehicles, from East St. Louis, Ill., to points in Kansas, Iowa, Nebraska, Missouri, Indiana, Ohio, Tennessee, and Kentucky, restricted to shipments having a prior movement by rail, for 150 days. Supporting shipper: John J. Noone, Manager, Domestic Traffic, Celanese Corp., 245 Park Avenue, New York, NY 10017. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 119489 (Sub-No. 26 TA), filed March 31, 1972. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Post Office Box 249, Norfolk, NE 68701. Applicant's representative: L. Agnew Myers, Jr., 1122 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and fertilizers*, from North Bend, Randolph, and Wakefield, Nebr., to points in Iowa, Kansas, Minnesota, Missouri, and South Dakota, for 150 days. Supporting shipper: Terra Chemicals International, Inc., Post Office Box 1828, Sioux City, IA 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 119493 (Sub-No. 92 TA), filed March 31, 1972. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Post Office Box 1196, Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds* (herbicides) in containers, from Military, Kans., to points in North

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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Dakota, for 180 days. Supporting shipper: Gulf Oil Co., U.S. Post Office Box 2100, Houston, TX 77001. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 124383 (Sub-No. 11 TA), filed April 4, 1972. Applicant: STAR LINE TRUCKING CORPORATION, 18460 West Lincoln Avenue, New Berlin, WI 53151. Applicant's representative: Frank M. Coyne, 1 West Main Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed lime* in bulk, from Eden and Knowles, Wis., to Chicago, Ill., and Gary and Burns Harbor, Ind., for 180 days. Supporting shipper: Western Lime and Cement Co., 125 East Wells Street, Milwaukee, WI 53202 (V. F. Nast III, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124735 (Sub-No. 14 TA), filed March 30, 1972. Applicant: R. C. KERCHEVAL, JR., 2201 Sixth Avenue, South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts of mobile homes and utility trailers, automotive springs, suspensions and parts thereof, brake drums, brake assemblies and parts thereof, tailgate hoists and parts thereof, wheels and wheel attaching parts, and parts for motor vehicle chassis and motor vehicle undercarriage*, from Detroit, Wyandotte, Romulus, Jackson, and Lansing, Mich.; Elkhart, Mishawaka, and Winnemac, Ind.; Cleveland and Akron, Ohio; Rockford, Quincy, Chicago, Ridge, and Mundelien, Ill.; Tonawanda, N.Y.; Des Moines and Armstrong, Iowa; and Newton, Kans., to Boise, Idaho, and Salt Lake City, Utah, under a continuing contract with Henderson Rim and Wheel, of Salt Lake City, Utah, for 180 days. Supporting shipper: Henderson Rim and Wheel, 1825 South Second West, Salt Lake City, UT 84115. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No MC 136279 (Sub-No. 3 TA), filed March 24, 1972. Applicant: J. H. WARE, Post Office Box 398, Fulton, MO 65251. Applicant's representative: Dale E. Sporteder, Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, in carcasses and part carcasses and boxed meat, restricted to traffic originating at the plantsite and/or warehouse of Dugdale Packing Co., St. Joseph, Mo., to points in Illinois, Indiana, Virginia, South Carolina, Massachusetts, and New Hampshire, for 180 days. Supporting shipper: Dugdale Packing Co., Post Office Box 697, St. Joseph, MO 64502. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136476 (Sub-No. 1 TA), filed March 30, 1972. Applicant: TRANSPORT WEST, INC., 2115 Birchwood, Eugene, OR 97401. Applicant's representative: Gene E. Cook (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *60-foot reinforcing steel*, from McMinnville, Oreg., to San Jose, Calif., for 180 days. Supporting shipper: Cascade Steel Rolling Mills, Inc., Post Office Box 687, 3200 North Highway 99W, McMinnville, OR 97128. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 136564 TA, filed March 30, 1972. Applicant: SHIPPERS LEASING, INC., 870 North First Street, San Jose, CA 95112. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Office supplies, equipment, accessories, and related articles* manufactured by Globe-Weis Systems Co., other than furniture, from Wauseon, Ohio, to Fresno, Calif., with intermediate points at Springfield, Ill., Springfield, Mo., Oklahoma City, Okla., Austin, Tex., Albuquerque, N. Mex., Phoenix, Ariz., Los Angeles, Calif., St. Louis, and Kansas City, Mo., Denver, Colo., Salt Lake City, Utah; Reno, Nev., Sacramento, Stockton, San Francisco and San Jose, Calif., Chicago, Ill., Des Moines, Iowa; Lincoln, Nebr., Cheyenne, Wyo., Boise, Idaho; Olympia and Seattle, Wash., Portland and Auburn, Oreg., and Redding, Calif.; and (2) *office supplies, equipment and accessories*, other than furniture, from Fresno, Calif., to Wauseon, Ohio, with intermediate points at Reno, Nev., Salt Lake City, Utah; Denver, Colo., Omaha, Nebr., Chicago, Ill., Cheyenne, Wyo., Grand Island and Lincoln, Nebr., Kansas City, Mo., Indianapolis, Ind., Los Angeles, Calif., Phoenix, Ariz., Albuquerque, N. Mex., Amarillo, Tex., Oklahoma City, Okla., and Springfield, Ill., for 180 days. Supporting shipper: Globe-Weis Systems Co., Sheller-Globe Corp., Wauseon, Ohio. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 136567 TA, filed March 30, 1972. Applicant: McGRATH INTRASTATE TRUCKING, INC., Rural Delivery 1, Box 169, Medford, NJ 08055. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, PA 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious to or contaminating of other lading), from the warehouse of Willis Warehousing Co., in Moorestown Township, Burlington County, N.J., to points in Fairfield, Middlesex, and New Haven Counties, Conn., Delaware, Maryland, New York, Pennsylvania, and the District of Columbia, *and return of pallets* used to transport said commodities, under a continuing contract or contracts with Willis Warehousing Co., for 180 days. Supporting shipper: Willis Warehousing Co., 550 Glen Avenue, Moorestown, NJ 08057. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 136568 TA, filed March 31, 1972. Applicant: MISSISSIPPI MOVING & STORAGE COMPANY, 5570 North McRaven Road, Jackson, MS. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, and *unaccompanied baggage and personal effects*, between Jackson and Meridian, Miss., on the one hand, and, on the other, points in Clarke, Copiah, Hinds, Issaquena, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Rankin, Scott, Sharkey, Simpson, Smith, Warren, and Yazoo Counties, Miss., and Choctaw, Greene, Hale, Marengo, and Sumter Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement in containers, except as to unaccompanied baggage and personal effects, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136576 (Sub-No. 1 TA), filed April 4, 1972. Applicant: ARMSTRONG TRANSFER & STORAGE COMPANY, INC., 6500 South Washington Street, Box 1860, Amarillo, TX 79105. Applicant's representative: Boyce Cairnes (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material, and supplies, including tools* used in construction and maintenance of telephone system and communication, between Amarillo, Tex., and points in the counties of Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Oldham, Potter, Carson, Gray, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, and Briscoe, Tex., for 180 days. Supporting shipper: D. L. Hansen, Resident Transportation Manager, Western Electric, 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6366 Filed 4-26-72;8:45 am]

[Notice 57]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 20, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 223 TA), filed April 5, 1972. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Post Office Box 2408, Jacksonville, FL 32203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the United Gas Pipe Line Co., located near Erath, La., as an offroute point in connection with existing regular routes between Houston, Tex., and New Orleans, La., for 180 days. Supporting shipper: United Gas Pipe Line Co., Shreveport, La. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 30144 (Sub-No. 5 TA), filed April 7, 1972. Applicant: GEORGE W. JEWETT & SON, INC., Route No. 5, Cornish, East Baldwin, ME 04020. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, between the plantsite of H. P. Hood & Sons at Agawam, Mass., on the one hand, and, on the other, at Newport, Maine, under a continuing contract or contracts with H. P. Hood & Sons, of Portland, Maine, for 180 days. Supporting shipper: H. P. Hood & Sons, 349 Park Avenue, Portland, ME 04104. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 30944 (Sub-No. 398 TA), filed April 5, 1972. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Post Office Box 5000, Waterloo, IA 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 36556 (Sub-No. 25 TA), filed April 3, 1972. Applicant: BLACKMON TRUCKING, INC., Post Office Box 186, 1111 120th Avenue, Somers, WI 53171. Applicant's representative: Earle Munger, Schwartz Building, 520 58th Street, Kenosha, WI 53140. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers; and advertising material and commodities* for the sale and distribution of said beverages, from the plantsite of Falstaff Brewing Corp., from Fort Wayne, Ind., to the warehouse of C. J. Wavro & Son, Inc., Kenosha, Wis., *and empty containers and pallets on return*, for 180 days. Supporting shipper: C. J. Wavro & Son, Inc., 3637 30th Avenue, Kenosha, WI 53140 (Robert W. Wavro, vice president). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 52556 (Sub-No. 11 TA), filed April 5, 1972. Applicant: G. KAY, INC., Post Office Box 18, Fairmont, NE 68354. Applicant's representative: William Boren (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags and in bulk, from Fairmont, Nebr., to Downs and Stockton, Kans., for 180 days. Supporting shipper: G. L. Hadley, Regional Traffic Manager, West Central Region, Morton Salt Co., 6175 Paseo, Kansas City, MO 64110. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 64932 (Sub-No. 504 TA), filed March 30, 1972. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: William F. Farrell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined coal tar*, in bulk, in tank vehicles, from the plantsite of Allied Chemical Co., Ironton, Ohio, to Mercury, Nev., for 180 days. Supporting shipper: H. Melchin, Distribution Analyst, Semet Solvay Division, Allied Chemical Corp., Post Office Box 1013, Morristown, NJ 07960. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 80428 (Sub-No. 79 TA), filed March 30, 1972. Applicant: McBRIDE TRANSPORTATION, INC., Post Office Box 430, 289 West Main Street, Goshen, NY 10924. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from Newburgh, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Florida, Georgia, Maryland, New York, North Carolina, Pennsylvania, South Carolina, and Virginia, for 180 days. Supporting shipper: Avoset Foods Corp., 162 South Robinson Avenue, Newburgh, NY. Send protests to: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

No. MC 101474 (Sub-No. 19 TA), filed April 10, 1972. Applicant: RED TOP TRUCKING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt mix storage tanks, and parts thereof*, from Kansas City, Mo., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Haven Steel Co., Kansas City, Mo. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

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No. MC 103993 (Sub-No. 707 TA), filed April 10, 1972. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, from points in Granville County, N.C., to points in Minnesota and Louisiana and points in the United States east of the Mississippi River, for 180 days. Supporting shipper: C. O. Smith Ind., Oxford, N.C. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 107295 (Sub-No. 610 TA), filed April 7, 1972. Applicant: PRE-FAB TRANSIT COMPANY, 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories*, except iron and steel pipe (except commodities which because of size or weight require the use of special equipment), from Springfield, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and North Dakota, for 180 days. Supporting shipper: Charles W. Hall, Assistant Director-Transportation, Armco Steel Corp., Middletown, Ohio 45042. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 107295 (Sub-No. 611 TA), filed April 7, 1972. Applicant: PRE-FAB TRANSIT COMPANY, Post Office Box 146, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mortar cement; carpet and linoleum adhesives, waterproofing, and cleaning compounds*, from Houston, Tex., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, and Tennessee, for 180 days. Supporting shipper: E. W. Humphrey, Director of Operations, C. E. Kaiser Co., Houston, Tex. 77008. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 108188 (Sub-No. 13 TA), filed April 3, 1972. Applicant: ROLLO TRUCKING CORPORATION, INC., 295 Broadway, Keyport, NJ 07735. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral oil*, in tank vehicles, from Perth Amboy, N.J., to Jefferson City, Mo., and Worcester, Mass., for 180 days. Supporting shipper: Chesebrough-Pond's Inc., John Street, Clinton, Conn. 06413. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 108207 (Sub-No. 343 TA), filed April 3, 1972. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Ames, Iowa, to points in the Kansas City, Kans., and Kansas City, Mo., commercial zone; and St. Joseph and Springfield, Mo., for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shippers: Pronto Food Kitchens, Inc., Post Office Box 723, Ames, IA 50010; Carriage House Meat & Provision Co., Inc., 1131 Dayton Road, Ames, IA 50010. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 108676 (Sub-No. 43 TA), filed March 30, 1972. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: A. A. Metler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite of Ford Motor Co., Nashville Glass Plant, Nashville, Tenn., to points in Minnesota, Iowa, Missouri, Oklahoma, Texas, and all States east thereof, for 180 days. Supporting shippers: ASG Industries, Inc., Kingsport, Tenn.; Nashville Glass Plant, Ford Motor Co., Nashville, Tenn. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 111302 (Sub-No. 68 TA), filed April 5, 1972. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 10470, 1500 Amherst Road 37921, Knoxville, TN 37919. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake* (crude sulphate of soda), in bulk, from Port Rayon, Tenn., to Westover, Ga., for 180 days. Supporting shipper: Beaunit Corp. 2020 Remount Road, Gastonia, NC 28052. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 113362 (Sub-No. 234 TA), filed April 7, 1972. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½–8th Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from New Hampton, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 114533 (Sub-No. 251 TA), filed April 6, 1972. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, accessories and supplies*, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois lying in those counties on and south of the northern boundaries of Adams, Brown, Cass, Menard, Logan, De Witt, Piatt, Champaign, and Vermilion; and points in Indiana lying in those counties on and west of the eastern boundaries of the counties of Parke, Clay, Greene, Martin, Dubois, and Perry. Restricted to shipments weighing not more than 100 pounds, for 180 days. Supporting shipper: American Motors Sales Corp., 1101 Research Boulevard, St. Louis, MO 63132. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 115654 (Sub-No. 17 TA), filed April 5, 1972. Applicant: TENNESSEE CARTAGE CO., INC., Post Office Box 1193, 809 Ewing Avenue, Nashville, TN 37202. Applicant's representative: Steven George (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, confectionery products, chocolates and related chocolate items, and advertising and promotional materials* moving in conjunction with said commodities from Cincinnati, Ohio to points in Bath, Bell, Boyle, Breathitt, Carter, Casey, Clark, Clay, Elliott, Estill, Floyd, Garrard, Harlan, Jackson, Jessamine, Johnson, Knott, Laurel, Lawrence, Leslie, Lee, Letcher, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Mercer, Montgomery, Morgan, Owsley, Pike, Perry, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, Wolfe, and Woodford Counties, Ky., for 180 days. Supporting shippers: M&M Mars, Hackettstown, N.J.; Hollywood Brands, A Consolidated Foods Co., Centralia, Ill., Hershey Foods Corp., Hershey, Pa., and Peter Paul, Inc., Frankfort, Ind. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 133450 (Sub-No. 2 TA), filed March 30, 1972. Applicant: CLARK COUNTY WHOLESALE MERCANTILE COMPANY, 512 South Main Street, Las Vegas, NV 89101. Applicant's representative: Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, gypsum plaster, gypsum lath, and gypsum wallboard*, in interstate or foreign commerce, from points in Clark County, Nev., to points in San Diego, San Luis Obispo, Santa Barbara, and Ventura Counties, Calif., for 180 days. Supporting shippers: Building Products Group, Gypsum Products Division, 1650 South Alameda Street, Los Angeles, CA 90054; The Flintkote Co., U.S. Lime Division, 2244 Beverly Boulevard, Los Angeles, CA 90057. Send protests to: District Supervisor Wm. E. Murphy, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 133470 (Sub-No. 15 TA), filed April 6, 1972. Applicant: S. J. DURRANCE COMPANY, INC., Room 207, Administration Building, State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pizzas* when moving in the same vehicle with frozen seafood, frozen hush puppies, frozen onion rings, and frozen seafood dinners, or either of such commodities, except commodities in bulk, between the plantsites and warehouse facilities of Sea Pak, Division of W. R. Grace and Co. in Glynn and Chatham Counties, Ga., and the facilities of the Georgia State Docks at Brunswick and Savannah, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at and destined to the plantsites and warehouse facilities of Sea Pak, Division of W. R. Grace and Co. and at the facilities of the Georgia State Docks at Brunswick and Savannah, Ga. Applicant presently holds authority under its Sub No. 1 grant to transport the above-described commodities throughout the territory described with the exception of pizzas and this application merely seeks to transport pizzas for the supporting shipper along with the other commodities which applicant is now authorized to transport for the same shipper. In addition, this application seeks a portion of the authority sought in applicant's Sub No. 4 application which is now unopposed and pending disposition by the Commission, for 180 days. Supporting shipper: Sea Pak, Division of W. R. Grace and Co., Glynn and Chatham Counties, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 134387 (Sub-No. 12 TA), filed March 31, 1972. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, CA 90280. Applicant's representative: Warren N. Grossman, 825 City National Bank Building, 606 South Olive Street, Los Angeles, CA 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from points in Los Angeles and Alameda Counties, Calif., to points in Washoe County, Nev., for 180 days. Supporting shipper: Brockway Glass Co. Inc., 8717 G Street, Oakland, CA. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135200 (Sub-No, 3 TA), filed April 6, 1972. Applicant: W. H. SAPP AND HILTON SAPP, doing business as, SAPP BROS. TRUCKING CO., Tifton Highway, R.F.D. 1, Box 135–A, Barney, GA 31625. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus pulp and citrus pulp pellets*, in bulk, in other than tank vehicles, from points in Florida to points in Georgia, for 180 days. Supporting shipper: I. S. Joseph Co., Inc., Flour Exchange Building, Minneapolis, Minn. 55413. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135218 (Sub-No. 1 TA), filed April 4, 1972. Applicant: MONTI MOVING & STORAGE, INC., 209 MacDougal Street, Brooklyn, NY 11233. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in New Jersey and those points in New York which are south of Greene, Delaware, and Columbia, but not including those three counties, that is, the counties that are included are Sullivan, Ulster, Duchess, Putnam, Orange, Rockland, Westchester, New York County, Bronx, Kings, Queens, Nassau, Suffolk, and Richmond. Restriction: The service herein is restricted to the transportation of traffic and further restricted to the performance of the pickup and delivery services in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shipper: Cartwright Van Lines, Inc., 4411 East 119th Street, Grandview, MO 64030. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135845 (Sub-No. 2 TA), filed March 30, 1972. Applicant: CATER, INC., 920 Holiday Drive, Moorhead, MN 56560. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup solids and dextrose*, from Keokuk and Clinton, Iowa, to points in Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, and Minnesota, for 180 days. Supporting shipper: Clark O. Orth Co., Box 129, Moorhead, MN 56560. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, N. Dak. 58102.

No. MC 136464 (Sub-No. 1 TA) (Correction), filed March 20, 1972, published in the FEDERAL REGISTER, issue of April 4, 1972, corrected and republished in part as corrected this issue. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, NC 28052. Applicant's representative: Philip R. Hedrick, Eighth Floor, City National Bank Building, Charlotte, NC 28202. NOTE: The purpose of this partial republication is to include the origin and the destination points, from Stanley, N.C., La Grange, Ga., and Morton, Miss., to points in California, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 136534 TA, filed March 30, 1972. Applicant: RICHARD L. CLAPP, doing business as CMC FURNITURE TRANSPORT COMPANY, Post Office Box 10103, 611 Gaston Street, Raleigh, NC 27603. Applicant's representative: Richard L. Clapp (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Catawba County, N.C., to all points in Eastern Tennessee, north, south, and east of Davidson County, including Davidson County, to points in California, Utah, New Mexico, Nevada, Texas, and Arizona, for 180 days. Supporting shippers: Gordon's Inc., Johnson City, Tenn.; Gaines Manufacturing Co., Inc., Dresden, Tenn.; Athens Table Co., Inc., Post Office Box 190, Athens, TN 37303; McEwen's, 17–21 West State Street, Redlands, CA 92373; Carolina Tables, Inc., Post Office Box 2448, Hickory, NC 28601. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136566 TA, filed March 30, 1972. Applicant: COMMERCIAL TRANSPORT & CONSTRUCTION INC., Route 2, Box 277A, Monroe, WA 98272. Applicant's representative: Ruth L. Frantz, Post Office Box 378, Monroe, WA. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed, fertilizer, and building materials*, from Monroe and Kenmore, Wash., to points in Washington, Oregon, California, Idaho, and Montana, for 180 days. Suporting shippers: Olympic Forest Products, Inc., Post Office Box 382, Kenmore, WA 98028; Wolfkill Feed and Fertilizer Corp., Post

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Office Box 126, Monroe, WA 98272. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 136569 TA, filed March 30, 1972. Applicant: H. CARROLL VAN HOVE, Buffalo Center, Iowa 50424. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resin, gun roving, catalyst, and gelcote*, from Minneapolis, Minn., to Buffalo Center, Iowa for 180 days. Supporting shipper: Shafar Industries, Inc., Buffalo Center, Iowa 50424. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 136574 (Sub-No. 1 TA), filed April 7, 1972. Applicant: B & P REFRIGERATED LINES, INC., 301 East Greenwood, La Habra, CA 90631. Applicant's representative: Walter T. Evans, 615 Perpetual Building, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, and food preparations* (except commodities in bulk, frozen foods, canned goods, meats, meat products, and meat byproducts) in hermetically sealed containers in vehicles equipped with mechanical refrigeration, from the plantsites and warehouse facilities of Avoset Food Corp. at (1) Gustine, Calif., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin; and (2) Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Maine, Massachusetts, Louisiana, Michigan, Minnesota, Maryland, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. Restriction: This application is restricted to shipments originating at the plantsites and warehouse facilities of Avoset Food Corp. at Gustine, Calif., and Washington Court House, Ohio, to a transportation service to be performed under a continuing contract or contracts with Avoset Food Corp., for 180 days. Supporting shipper: Avoset Food Corp., 80 Grand Avenue, Oakland, CA. Send protests to: Philip Yallowitz, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136590 TA, filed April 7, 1972. Applicant: MOUNTAINEER TRUCK LINE, INC., Post Office Box 727, Darien, GA 31305. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of shoes, and component parts of shoes and boots, from points in the continental United States to Darien, Ga.; and (2) *shoes and boots*, from Darien, Ga., to points in the continental United States, for 180 days. Supporting shipper: Atlanta Delta Corp., Post Office Box 727, Darien, GA 31305. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6367 Filed 4-26-72;8:45 am]

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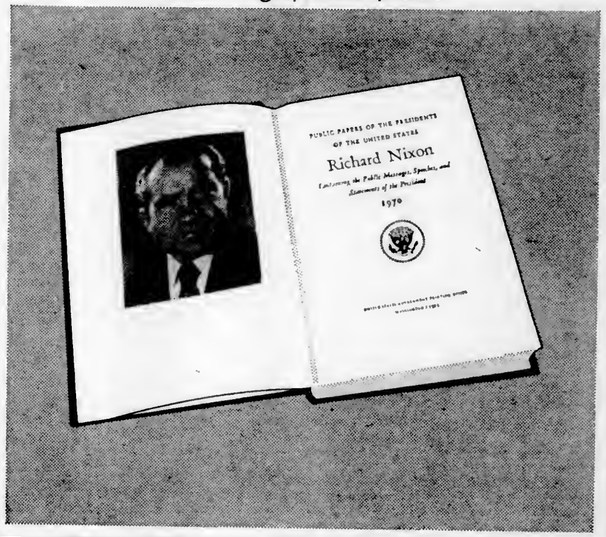
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Title 7—AGRICULTURE

Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on April 4, 1972 (37 F.R. 6745), that there were under consideration proposals regarding expenses of the Control Committee (established under the Amended Marketing Agreement and Amended Order No. 195 (7 CFR Part 1201)) regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia and related rate of assessment for the fiscal period ending January 31, 1973. The amended marketing agreement and amended order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matters presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the Control Committee for the fiscal period ending January 31, 1973, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1973.

(a) Expenses: Expenses in the amount of $7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1973.

(b) Rate of assessment: The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said amended marketing agreement and amended order, as his pro rata share of the aforesaid expenses is hereby fixed at $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1973.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

It is hereby further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (a) the relevant provisions of said amended marketing agreement and amended order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1972, and the rate of assessment herein fixed will automatically apply to all such assessable tobacco beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 25, 1972.

ALBERT DOUB, Jr.,
Acting Director, Tobacco Division, Agricultural Marketing Service.

[FR Doc.72-6535 Filed 4-27-72;8:51 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

Miscellaneous Amendments

Executive Order 11652, pertaining to classification and declassification of national security information and material, published in the FEDERAL REGISTER on March 10, 1972 (37 F.R. 5209), effective June 1, 1972, supersedes Executive Order No. 10501 of November 5, 1953, as amended. Accordingly, to conform thereto the references to Executive Order No. 10501 contained in Chapter I of Title 8 of the Code of Federal Regulations, the following amendments are hereby prescribed:

In § 103.2. the fifth sentence of paragraph (b)(2) is revised. As amended, § 103.2(b)(2) reads as follows:

§ 103.2 Applications, petitions, and other documents.

* * * * * * *

(b) *Evidence.* * * *

(2) *Inspection of evidence.* An applicant or petitioner shall be permitted to inspect the record of proceeding which constitutes the basis for the decision, except as hereinafter provided. If the decision will be adverse to the applicant or petitioner on the basis of derogatory evidence considered by the Service and of which the applicant or petitioner is unaware, he shall be advised thereof and offered an opportunity to rebut it and present evidence in his behalf before the decision is rendered, except that classified evidence shall not be made available to him. Any explanation, rebuttal, or evidence presented by or in behalf of the applicant or petitioner shall be included in the record of proceeding. A determination of statutory ineligibility shall not be valid unless based on evidence contained in the record of proceeding. In exercising discretionary power when considering an application or petition, the district director or the officer in charge, in any case in which he is authorized to make the decision, may consider and base his decision upon information not contained in the record and not made available for inspection by the applicant or petitioner, provided the regional commissioner has determined that such information is classified under Executive Order No. 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972; effective June 1, 1972), that it is relevant to the disposition of the case and, in his discretion, has concluded that its disclosure would be prejudicial to the national security and safety. If the decision of the district director or officer in charge is based in whole or in part upon information not contained in the record, the decision shall so state and cite the authority therefor.

In § 242.17, the third sentence of paragraph (a) is revised. As amended, § 242.17(a) reads as follows:

§ 242.17 Ancillary matters, applications.

(a) *Creation of the status of an alien lawfully admitted for permanent residence.* The respondent may apply to the special inquiry officer for suspension of deportation under section 244(a) of the Act, for adjustment of status under section 245 of the Act, or under section 1 of the Act of November 2, 1966, or for creation of a record of lawful admission for permanent residence under section 214 (d) or 249 of the Act; such applications shall be subject to the requirements contained in Parts 244, 245, and 249 of this chapter. The special inquiry officer shall inform the respondent of his apparent eligibility to apply for any of the benefits enumerated in this paragraph and shall afford him an opportunity to make application therefor during the hearing. In exercising discretionary power when considering an application under this paragraph, the special inquiry officer may consider and base his decision upon information not contained in the record and not made available for inspection by the respondent, provided the Commissioner has determined that such information is classified under Executive Order No. 11652 of March 8, 1972 (37 F.R. 5209, March 10, 1972; effective June 1, 1972), that it is relevant to the disposition of the case and, in his discretion, has concluded that its disclosure would be prejudicial to the national security and safety. If the decision of the special inquiry officer is based in whole or in part

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upon information not contained in the record, the decision shall so state and cite the authority therefor.

* * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.2 (b)(2) and 242.17(a) are technical in nature.

Effective date. This order shall become effective on June 1, 1972.

Dated: April 25, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.72-6516 Filed 4-27-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-12-AD, Amdt. 39-1440]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 99 Series (Serial Numbers U-1 and Up) Airplanes

There have been reports of cracked or broken Beech P/N 50-524590-3 cast aluminum control wheel adapters installed on Beech Model 99 airplanes which can result in sudden and unexpected loss of aileron and elevator control. To correct this condition the manufacturer has issued Beechcraft Service Instruction 0380-155, Rev. 1, which recommends inspection of the adapters for cracks and provides a new improved replacement. Since the condition described herein may exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring repetitive dye penetrant inspection of all control wheel adapters presently in service on Beech Model 99 Series airplanes per FAA Advisory Circular 43.13-1 until replaced by the new Beech P/N 99-524036-33 control wheel adapters.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model 99 Series (Serial Nos. U-1 and up) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To assure security of control wheel adapters, accomplish the following:

(A) Within 25 hours' time in service after the effective date of this AD, remove all paint from Beech P/N 52-524590-3 control wheel adapters and dye penetrant inspect said adapters in accordance with FAA Advisory Circular 43.13-1. Repeat the inspection at 100 hour intervals thereafter. If a crack is found during any of the inspections required by this AD, prior to further flight, replace with Beech P/N 99-524036-33 control wheel adapters, except that the aircraft may be flown in accordance with FAR 21.197 to a location where the replacement may be performed.

(B) When the old Beech P/N 50-524590-3 control wheel adapters are replaced by the new Beech P/N 99-524036-33 control wheel adapters the inspections called for herein are no longer required.

(C) Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction No. 0380-155, Rev. 1, pertains to this subject.

This amendment becomes effective May 2, 1972.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 21, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-6486 Filed 4-27-72;8:46 am]

[Airspace Docket No. 72-WE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area; Correction

On April 6, 1972 F.R. Doc. 72-5277 was published in the FEDERAL REGISTER (37 F.R. 6924). This document altered the descriptions of the Prescott, Ariz., control zone and transition area. A review of the document revealed that the longitude in the geographical coordinates of Prescott Municipal Airport was incorrect. Action is taken herein to affect this change.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing, F.R. Doc. 72-5277 (37 F.R. 6924) is amended by deleting "* * * Longitude 122°25'15" W.); * * *" in the descriptions of the Prescott, Ariz., control zone and transition area and substituting "* * * Longitude 112°25'15" W.); * * *" therefor.

Effective date. The effective date of the original document (0901 G.m.t., May 25, 1972), may be retained.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 18, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-6490 Filed 4-27-72;8:46 am]

[Airspace Docket No. 72-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On March 31, 1972, F.R. Doc. 72-4920 was published in the FEDERAL REGISTER (37 F.R. 6573). This document altered the description of the Ely, Nev., transition area. A review of the description of the transition area revealed that a cardinal point had been omitted from the text.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing F.R. Doc. 72-4920 (37 F.R. 6573) is amended by inserting the word "south" after the word "miles" in the last line of the text.

Effective date. The effective date of the original document (0901 G.m.t., May 25, 1972) may be retained.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 18, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-6491 Filed 4-27-72;8:46 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs., Amdt. 37]

PART 379—TECHNICAL DATA
PART 390—GENERAL ORDERS

Miscellaneous Amendments

Parts 379 and 390 are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp)

Effective date: April 24, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

§ 379.4 [Amended]

In § 379.4(e)(1), subdivision (iii) (*p*), (*q*), (*r*), (*s*), (*t*), are redesignated subdivision (iii) (*o*), (*p*), (*q*), (*r*), (*s*) respectively; subdivision (iii) (*v*) is redesignated subdivision (iii) (*t*); and subdivision (iii) (*w*), (*x*), (*y*), (*z*), (*aa*), (*aa-1*), (*bb*), (*cc*), (*dd*), (*ee*), (*ff*), (*gg*), (*hh*), and (*ii*) are redesignated subdivision (iii) (*u*), (*v*), (*w*), (*x*), (*y*), (*z*), (*aa*), (*bb*), (*cc*), (*dd*), (*ee*), (*ff*), (*gg*), and (*hh*) respectively.

§§ 390.5, 390.6 [Deleted]

Sections 309.5 and 390.6 are deleted.

[FR Doc.72-6521 Filed 4-27-72;8:51 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 310—QUANTITY LIMIT RULES UNDER SECTION 2(a) OF THE CLAYTON ACT AS AMENDED BY THE ROBINSON-PATMAN ACT

Part 310 of Chapter I of Title 16 of the Code of Federal Regulations is revoked.

By direction of the Commission dated April 24, 1972.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-6485 Filed 4-27-72;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 0B2568) filed by National Starch and Chemical Corp., 1700 West Front Street, Plainfield, N.J. 07063, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of a mixture of (2-alkenyl) succinic anhydrides, in which the alkenyl groups are derived from olefins which contain not less than 95 percent of C_{18}–C_{22} groups, as a sizing agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended for use in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2526(a)(5) by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
(2-Alkenyl) succinic anhydrides mixture, in which the alkenyl groups are derived from olefins which contain not less than 95 percent of C_{18}–C_{22} groups.	For use only as a sizing agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard and limited to use at a level not to exceed 1 percent by weight of the finished dry paper and paperboard fibers.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (4-28-72).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: April 19, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6517 Filed 4-27-72;8:50 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Apra Inner Harbor, Island of Guam

Pursuant to the provisions of Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.808 is hereby prescribed establishing and governing the use of a restricted area in Apra Inner Harbor, Island of Guam, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.808 Apra Inner Harbor, Island of Guam, restricted area.

(a) *The restricted area.* The waters within Apra Inner Harbor and adjacent waters of Apra Outer Harbor inclosed by a line beginning at the northeast corner of a pier at latitude 13°26'32.1", longitude 144°39'02.8"; thence to the northern tip of a small island at latitude 13°26'40.2", longitude 144°39'28.1", and thence to the northwest corner of the point of land at latitude 13°26'28.1", longitude 144°39'52.5".

(b) *The regulations.* (1) All swimmers and all vessels and craft except public vessels of the United States are prohibited from entering this area without prior permission of the enforcing agency.

(2) The regulations in this section shall be enforced by Commander Naval Forces Marianas and such agencies as he may designate.

(3) The water areas of the outer boundaries of the restricted area will not be marked but signs will be posted at the designated boundary coordinates to warn against trespassing in the restricted area.

[Regs. April 13, 1972, 1522-01 (Estab. of Restricted Area for Apra Inner Hbr, Island of Guam) DAEN-CWO-N] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-6476 Filed 4-27-72;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration), Department of Housing and Urban Development

[Docket No. R-72-160]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing; Appendix

In the FEDERAL REGISTER issue for Saturday, May 1, 1971 (36 F.R. 8213-8232) prototype per unit cost schedules were published pursuant to section 209 (a) of the Housing and Urban Development Act of 1970. While these schedules are currently being evaluated in light of public comments received pursuant to invitation in the issuing order, consideration of subsequent factual project cost data received from the Seattle, Wash. area office indicates that certain prototype per unit cost schedules should be

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added for remote Alaskan villages. Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these revised limits, and good cause exists for making them effective on the date of publication in the FEDERAL REGISTER.

For the foregoing reasons the following appendix to Part 275 is amended as follows with respect to the locations named:

Delete the Kenai, Alaska schedule under Region X and substitute in lieu thereof the revised prototype per unit cost schedule shown on the attached appendix entitled Prototype Per Unit Cost Schedule revised April 17, 1972.

(Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This rule is effective upon publication in the FEDERAL REGISTER (4-28-72).

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE
REGION X

	Number of bedrooms						
	0	1	2	3	4	5	6
Dillingham, Alaska:							
Detached and semidetached	13,050	15,800	19,450	23,250	27,900	31,050	32,550
Row dwellings							
Walkup							
Elevator-structure							
Fort Yukon, Alaska:							
Detached and semidetached	14,700	17,750	21,850	26,150	31,400	34,900	36,600
Row dwellings							
Walkup							
Elevator-structure							
Galena, Alaska:							
Detached and semidetached	15,750	19,050	23,450	28,050	33,650	37,450	39,250
Row dwellings							
Walkup							
Elevator-structure							
Kenai, Alaska:							
Detached and semidetached	12,000	14,550	17,900	21,400	25,700	28,550	29,950
Row dwellings							
Walkup							
Elevator-structure							
Kotzebue, Alaska:							
Detached and semidetached	14,100	17,100	21,050	25,150	30,200	33,550	35,200
Row dwellings							
Walkup							
Elevator-structure							
Noorvik, Alaska:							
Detached and semidetached	14,100	17,100	21,050	25,150	30,200	33,550	35,200
Row dwellings							
Walkup							
Elevator-structure							
Point Barrow, Alaska:							
Detached and semidetached	19,550	23,650	29,100	34,800	41,750	46,450	48,700
Row dwellings							
Walkup							
Elevator-structure							
Teller, Alaska:							
Detached and semidetached	13,050	15,800	19,450	23,250	27,900	31,050	32,550
Row dwellings							
Walkup							
Elevator-structure							
Yakutat, Alaska:							
Detached and semidetached	10,400	12,550	15,450	18,500	22,200	24,700	25,900
Row dwellings							
Walkup							
Elevator-structure							
Coastal area north of Aleutians, Alaska:							
Detached and semidetached	19,200	23,250	28,600	34,200	41,050	45,950	47,900
Row dwellings							
Walkup							
Elevator-structure							

[FR Doc.72-6424 Filed 4-27-72;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60-2—AFFIRMATIVE ACTION PROGRAMS

Correction

In F.R. Doc. 71-17789 appearing at page 23152 in the issue of Saturday, December 4, 1971, in the fourth line of § 60-2.2(c) delete the word "to".

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5181]

ALASKA

Withdrawal of Lands for Classification and Study as Possible Additions to National Wildlife Refuge System

Correction

In F.R. Doc. 72-3947, appearing at page 5584 in the issue of Thursday, March 16, 1972, the date "March 29, 1972" following the signature should read "March 9, 1972."

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 501—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority to Associate Administrator for Traffic Safety Programs

The purpose of this notice is to amend the reservation of the delegation by the National Highway Traffic Safety Administrator to the Associate Administrator for Traffic Safety Programs, with respect to NHTSA duties under the Clean Air Amendments of 1970.

Part 501 of Title 49 was amended by notice in the FEDERAL REGISTER on July 29, 1971 (36 F.R. 13994) to add a new subparagraph (3) to § 501.8(d). Under subparagraph (3) the Associate Administrator for Traffic Safety Programs must notify the Deputy NHTSA Administrator 10 days in advance of informing the Environmental Protection Administrator, pursuant to the Clean Air Amendments of 1970, if a determination has been made by NHTSA "that State agency grants (for a State vehicle emission system inspection and emission testing and control programs) are not consistent with any highway safety program developed pursuant to 23 U.S.C. 402."

The NHTSA is amending § 501.8(d) to substitute "State agency programs" for "State agency grants." This amendment will make the text conform more closely to the terms of the Clean Air Amendments, under which grants for vehicle emission programs cannot be made by EPA unless "such program is consistent with any highway safety program developed pursuant to section 402 of title 23 of the United States Code" (42 U.S.C. 1857f-6b(2)).

In consideration of the foregoing, § 501.8(d) of Title 49, Code of Federal Regulations, is revised to read:

§ 501.8 Delegations.

. . . . . .

(d) . . .

(3) Notify the Environmental Protection Administrator, pursuant to 42 U.S.C. 1857f-6b(2), that a State agency program is not consistent with the State highway safety program developed pursuant to 23 U.S.C. 402.

. . . . . .

Effective date: April 28, 1972. Since this amendment relates only to the internal management of the Administration, notice and public procedure therein are not required and the amendment may be made effective in less than 30 days.

This notice is issued under the authority of section 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1407) and the delegation of authority at 49 CFR 1.51.

Issued on April 24, 1972.

DOUGLAS W. TOMS,
Administrator.

[FR Doc.72-6531 Filed 4-27-72;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 72-342]

PART 1—PRACTICE AND PROCEDURE

Participation by Corporate Officers and Employees on Behalf of Corporation

Order. In the matter of amendment of § 1.21 participation by corporate officers and employees on behalf of the corporation, RM-1537.

1. The Commission has before it a petition for rule making (RM-1537) filed by The Telephone Co., Inc., asking that the Commission's rules be amended so as to clearly provide that a corporate officer who is not an attorney may represent the corporation in all matters before the Commission. An officer of the company had previously been authorized by the Review Board to represent the company in a Commission hearing proceeding. "Advanced Electronics, et al.," 21 FCC 2d 239 (1970). No statements supporting or opposing the petition were filed.

2. It is clear, we believe, that a duly authorized corporate officer or employee who is not an attorney should be permitted to represent the corporation in all matters which do not involve an evidentiary hearing. To make it clear that this is the case, we are amending § 1.21 of the rules and regulations by adding a statement to that effect. We draw no distinction between officers and employees.

3. The judgment as to whether a nonattorney corporate officer or employee should be permitted to represent the corporation in a hearing proceeding, on the other hand, turns on a number of factors (which vary appreciably from case to case) and is best left to the discretion of the presiding officer. Such factors include the complexity of the hearing, the qualifications of the corporate officer, the financial resources of the corporation, and the likelihood of delay or of burden on other parties if the request is granted. The presiding officer is in the best position to weigh these and other pertinent factors and, considering the interests of all parties, to make a decision which is just. Accordingly, we are amending § 1.21 to provide that the appearance of a corporate officer or employee in an evidentiary hearing on behalf of the corporation lies within the discretion of the presiding officer. The presiding officer's ruling will apply to the hearing and to all subsequent stages of the proceeding.

4. The amendment is set forth in the attached below. Authority for the amendment is contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment concerns a matter of agency practice, the notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are inapplicable.

5. *Accordingly, it is ordered,* That the petition for rule making filed by The Telephone Co., Inc. is granted to the extent reflected in this order and denied in all other respects; *And it is further ordered,* effective May 2, 1972, that § 1.21 of the rules and regulations is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

In Part 1 of Chapter I of Title 47 of the Code of Federal Regulations, § 1.21(d) is added to read as follows:

§ 1.21 Parties.

. . . . . .

(d) Except as otherwise expressly provided in this chapter, a duly authorized corporate officer or employee may act for the corporation in any matter which has not been designated for an evidentiary hearing and, in the discretion of the presiding officer, may appear and be heard on behalf of the corporation in an evidentiary hearing proceeding.

[FR Doc.72-6510 Filed 4-27-72;8:48 am]

[Docket No. 19264; FCC 72-354]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Certain Cities in Nevada, South Carolina, Indiana, and Nebraska

Report and order. In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations (Carson City, Nev.; Charleston, S.C.; Ft. Wayne and Auburn, Ind.; and Seward, Nebr.), Docket No. 19264, RM-1594, RM-1605, RM-1595, RM-1607.

1. The Commission here considers the notice of proposed rule making in this proceeding, adopted June 16, 1971 (36 F.R. 12041).

2. Family Stations, Inc., licensee of FM Station KEAR, San Francisco, Calif., by letter from its counsel, dated July 30, 1971, withdrew its proposal to change a channel assignment at Carson City, Nev. The other proposals in order of the rule making petitions are as follows:

City	Channel No.	
	Present	Proposed
Fort Wayne, Ind.	236, 247, 269A, 288A	236, 247, 269A, 280A, 288A
Seward, Nebr.		245
Charleston, S.C.	236, 245, 278	236, 245, 278, 300

Our notice noted the 1970 populations of the cities, their respective counties, and other data and information as concerns populations; these are repeated:

City	Population	County	Population
Fort Wayne, Ind.	177,671	Allen	280,455
Seward, Nebr.	5,294	Seward	14,460
Charleston, S.C.	66,945	Charleston	247,650

Note was made that Ft. Wayne and Charleston are Standard Metropolitan Statistical Areas (SMSA); the Ft. Wayne SMSA consists only of Allen County; and the Charleston SMSA consists of Charleston and Berkeley Counties, with a total population of 303,849. Only Ray G. Smith, the petitioner in RM-1607, and Shepard Broadcasting Corp. (Shepard Broadcasting), licensee of AM Station WLYV, Fort Wayne, Ind., supporting the petition in RM-1605, filed comments. Shepard Broadcasting's comments were late filed, but it requested and is granted leave for late filing.

3. Charleston, S.C. (RM-1595): As pointed out in the notice, John H. Pembroke petitioned for the assignment of a fourth FM channel to Charleston so that he might apply for it in order to program exclusively for Black interests at night. The only other aural facility providing such service is a daytime-only AM station (there are four other full-time AM stations). Our notice stated that substantiation was lacking as to the population and the number of blacks that would be served within the 1 mv/m contour.[2] A preclusion study indicated that the assignment of Channel 300 to Charleston would affect the use of Channels 297, 298, and 299 in limited areas all with relatively small populations and having FM channel(s) allocated to them.

4. No one filed supporting comments. In this respect, paragraph 16 of the notice (showings required.) stated that the Commission at least expects petitioner to resubmit the petition and express an intention to apply for the channel, if assigned, and, if authorized, to promptly build the station. We also said that:

Failure to make these showings may result in denial of the proposal.

5. While our notice stated that the public interest, convenience, and necessity would be served by putting out the proposal for rule making, in the absence of comments from the petitioner or someone else, there is no presumption that anyone is interested in going forward to implement the allocation, if

[1] Commissioners Johnson and H. Rex Lee absent.

[2] Petitioner's estimates were 168,000 and 61,500 respectively.

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made to Charleston at this time. In short, failure of anyone to support the proposal following the notice leaves us little alternative but to deny the proposal at this time.

6. Fort Wayne, Ind. (RM–1605): Our notice indicated that an adequate showing had been made that the public interest might be served by adding a fourth channel—280A—to Fort Wayne, on the basis of population, its being an SMSA, the number of broadcast services, and certain other economic data filed by the petitioner, Burnup & Sims, Inc. Petitioner filed no comments; however, as noted above, Shepard Broadcasting Corp., licensee of AM Station WLYV did so on March 16, 1972, with a petition for leave to file late comments.

7. Shepard Broadcasting filed data and information underscoring Fort Wayne's importance as a cultural, educational, and commercial center. For example, the existence of the Fort Wayne Fine Arts Foundation (with member groups) is a center of activities for northeastern Indiana and bordering Ohio counties; a downtown Fine Arts Foundation is being constructed. Shepard Broadcasting points out that three local corporations—Magnavox Corp., Central Soya Co., and Essex International—are included in the upper portion of the 1969 "Fortune" magazine list of 500 largest industrial companies in the United States and 16 other firms in the same ratings have local operations. This party also notes that Fort Wayne is the seat of eight institutions of higher learning including Indiana-Purdue Regional Campus (with a 1968–69 student body of 11,000); Saint Francis College (2,345); and Indiana Institute of Technology (960). Finally, Shepard Broadcasting expresses its intention to apply for the channel, if allocated to Fort Wayne.

8. On the basis of the showing made, and that Channel 288A, although allocated to Fort Wayne, actually is utilized as Station WIFF–AM at Auburn, Indiana,[3] about 20 miles north of Fort Wayne, it is felt that the public interest, convenience, and necessity would be served by the assignment of Channel 280A to Fort Wayne, Ind., and Channel 288A to Auburn (see paragraph 12 of the notice).

9. Seward, Nebr. (RM–1607): Our notice pointed out that petitioner Ray G. Smith, doing business as Central Communications sought allocation of Channel 245 as the first FM assignment to Seward, Nebr., population 5,294. We also noted that Seward is the seat of Seward County, population 14,460, and that the assignment would be made without affecting present assignments in other communities.

10. Our notice indicated that we had some doubts as to the propriety of allocating a Class C channel to a community of this size where normally a Class A is assigned. Petitioner, in this respect, had urged that a Class C assignment is needed to provide service to small towns and rural areas not adequately served by other aural stations; with "reasonable facilities", i.e., 100 kw. E.R.P. at 640 feet antenna height a.a.t., there would be service to an unserved area of 190 square miles with 6,878 persons and an underserved area of 1,070 square miles with a population of 23,506 persons. We also noted the minimal short-spacing on a reference point basis to Channel 245 at Grand Island, Nebr.; in other words, a satisfactory transmitter site at Grand Island would depend on the location at Seward.

11. Petitioner's comments affirmed its interest and that Smith intends to apply for a construction permit with 100 kw. E.R.P. and a 640 foot a.a.t. antenna which our notice indicated was the minimum facility we would allow for this assignment.

12. We find that the public interest, convenience, and necessity would be met by assigning channels to the named communities. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

13. In accordance with the foregoing: *It is ordered*, That effective June 2, 1972, the FM Table of Assignments (§ 73.202 (b) of the rules) is amended, with respect to the cities listed below, to read as follows:

City	*Channel No.*
Auburn, Ind..	288A
Fort Wayne, Ind	236, 247, 269A, 280A
Seward, Nebr..	[1] 245

[1] Any application for this channel must specify an effective radiated power of 100 kw and antenna height of 650 feet above average terrain or equivalent.

14. *It is further ordered*, That the petition of John H. Pembroke to assign Channel 300 to Charleston, S.C. (RM–1595), is denied.

15. *It is further ordered*, That the petition of Family Stations, Inc., in view of that party's request to withdraw, is dismissed.

16. *It is further ordered*, That Shepard Broadcasting Corp. is granted leave to file its comments late.

17. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–6514 Filed 4–27–72;8:48 am]

[3] Auburn has a population of 7,337; it is the seat of DeKalb County, population 30,837.

[2] Commissioners Johnson and H. Rex Lee absent; Commissioner Wiley concurring in the result.

[Docket No. 19404; FCC 72–356]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Fredericksburg, Va.

Report and order. In the matter of amendment of § 73.606, *Table of Assignments*, Television Broadcast Stations (Fredericksburg, Va.), Docket No. 19404, RM–1798.

1. This proceeding, begun by notice of proposed rule making issued January 21, 1972 (FCC 72–63), involves the assignment of a UHF television channel to Fredericksburg, Va. The original petition requested the assignment of Channel 66, but as discussed and proposed in the notice, comments were requested on the assignment of Channel 69 to Fredericksburg. The petitioners (Charles McDaniel and Jerry Leonard) filed comments in support of the assignment of Channel 69 as proposed and stated that they would promptly apply for a construction permit if Channel 69 is assigned to Fredericksburg, Va. No other comments, pro or con, were filed in the proceeding.

2. The assignment of Channel 69 to Fredericksburg will be its first commercial assignment and will involve no short spacings and it will conform to all the technical rules of the Commission. As set forth in the petition, which data is incorporated by reference, the city of Fredericksburg shows a population of 14,450 according to the Advance Reports of the U.S. Census for 1970. It is situated astride Stafford and Spotsylvania Counties and is not located in an urbanized area or a Standard Metropolitan Statistical Area (SMSA). Fredericksburg is located between Richmond, Va., and Washington, D.C. about 50 miles from each. It is claimed that the city together with the four surrounding counties has an area of 1,500 square miles and a population of about 100,000. The Advance Census indicates a population for those four counties of Stafford (24,587), Spotsylvania (16,424), Caroline (13,925), and King George (8,039) that total 62,975. The economic base of the area is mixed in that there is industry, agriculture, and tourism throughout the area. American Viscose has a plant in Fredericksburg that employs 1,600 persons and it is the largest plant in the world making cellophane. Other industries include clothing, electrical products, and various building materials.

3. Certain updated economic data has been submitted concerning the area. As of 1970 (as opposed to 1963), there are 966 retail firms (up from about 500) in the area that have gross sales of $98,627,605 (up from $51,489,000). In Fredericksburg, retail establishments have increased from 286 to 300 and wholesale outfits from 36 to 46. Selective service receipts have increased from $5.2 million to $6.1 million and the Fredericksburg banks and savings and loan associations now have total assets of $102 million. Three new shopping centers are projected and in 1971, Moore Business Forms and Westinghouse Electric opened new plants employing in excess of 1,000 persons. Virginia Electric and Power Co. (Vepco) is building a new nuclear generating facility in the county and adjacent counties at a cost of $1 billion with a $75 million annual operating cost. There is a recreational park in the Vepco facility, which will further increase the current annual tourism receipts of $24.5 million (up from $17.5 million in 1963). Also located within 25 miles of Fredericksburg are three military installations: Camp A. P. Hill, Dahlgren Naval Weapons Laboratory, and the Quantico Marine Corps complex.

4. As set forth in the petition and/or notice, there is a daily (except Sunday) newspaper (The Free Lance-Star) with a circulation of 16,490. Radio Stations WFLS(AM) (1350 kHz, 1 kw., Day, Class III); WFLS–FM (Class B); WFVA(AM) (1230 kHz, 250 w., 1 kw.–LS–U, Class IV) and WFVA–FM (Class B) are operating stations assigned to Fredericksburg. The city does not receive a Grade A commercial television signal, but is on the outer edges of the Grade B signals from Richmond and Harrisonburg, Va., and Washington, D.C. It does receive a Grade A educational signal from Channel *53 that is operating from Goldvein, Va., which is located approximately 14 miles northwest of Fredericksburg.

5. We have considered the notice proposal and find it to be in the public interest and it is hereby adopted. It will bring a first local service to Fredericksburg, Va., which is consistent with the priorities and policies of the Commission.

6. In view of the foregoing: *It is ordered*, That, effective June 2, 1972, pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, § 73.606(b) of the Commission's rules, the *Table of Television Assignments*, is amended to read as follows:

City	*Channel No.*
Fredericksburg, Va	*53, 69

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–6515 Filed 4–27–72;8:48 am]

[1] Commissioners Johnson and H. Rex Lee absent.

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 75—MANDATORY SAFETY STANDARDS, UNDERGROUND COAL MINES

Fire Suppression Devices and Fire-Resistant Hydraulic Fluids on Underground Equipment; Extension of Effective Date

In accordance with the provisions of section 311(e) of the Federal Coal Mine Health and Safety Act of 1969 and pursuant to the authority vested in the Secretary of the Interior under section 301(d) of the Act, there was promulgated in the FEDERAL REGISTER on October 8, 1971 (36 F.R. 19583), §§ 75.1107–1 through 75.1107–15 of Part 75, Subchapter O, of Chapter I, Title 30, Code of Federal Regulations, which set forth specifications for fire suppression devices required to be installed on underground equipment and for fire-resistant hydraulic fluids to be used in the hydraulic systems of such equipment. The effective date of these standards was extended, due to a work stoppage which was in effect in numerous mines, from November 22, 1971 to December 31, 1971, by a notice published in the FEDERAL REGISTER December 9, 1971 (36 F.R. 23370). The effective date of the proposed standards was further extended to April 29, 1972, by a notice published in the FEDERAL REGISTER of January 4, 1972 (37 F.R. 17), to allow further and full investigation of fire protection devices, systems and methods and to develop improved standards to permit use of devices, systems, and methods of equivalent or superior protection which would have been precluded under those which had been promulgated.

On Thursday, March 21, 1972, there was published in the FEDERAL REGISTER (37 F.R. 5756), a notice of proposed rule making, setting forth proposed new improved mandatory standards. Pursuant to section 101 of the Act it was proposed to revoke §§ 75.1107–1 through 75.1107–15 as promulgated on October 8, 1971 and substitute in lieu thereof new §§ 75.1107–1 through 75.1107–16.

A period of 30 days following publication was fixed for interested persons to submit written data, comments, suggestions, and objections to the proposed new standards. The period of time expired on April 20, 1972.

In order to allow sufficient time to review and consider the written data, comments, suggestions, and objections received and to publish and promulgate the new mandatory standards, notice is hereby given that the effective date of April 29, 1972, of the standards promulgated on October 8, 1971, is suspended until July 28, 1972.

JOHN B. RIGG,
Assistant Secretary of the Interior.

APRIL 27, 1972.

[FR Doc.72–6258 Filed 4–27–72;10:20 am]

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Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1820]

LANDS AND MINERALS APPLICATIONS IN CALIFORNIA

Places for Execution and Filing of Forms; Correction

On page 7004 of the FEDERAL REGISTER of April 7, 1972, there was published a notice and text of a proposed amendment to Part 1820 of Title 43, Code of Federal Regulations. The purpose of the amendment is to improve the efficiency of administering the public land laws and improving service to the public in regard to filing and processing public lands and minerals applications and cases in California. The proposed amendment would also correct the address and titles of certain other offices.

A 30-day period was given for receiving public comments. The expiration date for receiving comments, however, was not clearly stated. The purpose of this notice is to clearly establish the expiration date for receiving public comments as May 8, 1972.

Written comments, suggestions, or objections with respect to the proposed rules should be submitted to the Director (210), Bureau of Land Management, Washington, D.C. 20240.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 21, 1972.

[FR Doc.72-6484 Filed 4-27-72;8:46 am]

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY GAME BIRDS

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711) it is proposed to amend Part 10, Title 50, Code of Federal Regulations.

Proposed amendments to the basics. The basic migratory game bird hunting regulations have been organized into subparts which present the regulations in a more logical arrangement and a more orderly sequence. Each State game department was provided a draft proposal and suggestions received from those responding to that initial draft have been taken into consideration in the preparation of the amendments now being proposed for adoption.

Proposed amendments to the schedule of hunting seasons, limits, and shooting hours. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1972–73 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain northeastern States will be proposed for final adoption not later than August 20, 1972, to become effective on or before September 1, 1972. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 20, 1972, to become effective on or before October 1, 1972.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for doves in the Virgin Islands, will be proposed for final adoption no later than June 20, 1972, to become effective on or after July 1, 1972.

As amended and redesignated, the basic migratory game bird hunting regulations will read as follows:

PART 10—MIGRATORY BIRDS

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10.2 Relation to other provisions.

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Subpart J—Feathers or Skins

10.91 Commercial use of feathers.
10.92 Personal use of feathers or skins.

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

10.101–10.121 [Reserved]

Subpart L—Administrative and Miscellaneous Provisions

10.131 Extension of seasons.
10.132 Native use in Alaska.

Subpart M—Wildlife Development Areas

10.141 Approval of area development program.
10.142 Revocation of program approval.
10.143 Notice and hearing.

AUTHORITY: The provisions of this Part 10 issued under the Migratory Bird Treaty Act of July 3, 1918, as amended, 40 Stat. 755:16 U.S.C. 703–711.

Subpart A—Introduction

§ 10.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to the hunting of migratory game birds.

(b) *Procedural and substantive requirements.* Migratory game birds may be taken, possessed, transported, shipped, exported, or imported only in accordance with the restrictions, conditions, and requirements contained in this part.

(c) *Authority.* These regulations are promulgated under authority of the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703–711).

§ 10.2 Relation to other provisions.

(a) *Migratory bird permits.* The provisions of this part shall not be construed to alter the terms of any permit or other authorization issued pursuant to Part 16 of this chapter.

(b) *Migratory bird hunting stamps.* The provisions of this part are in addition to the provisions of the Migratory Bird Hunting Stamp Act of 1934 (48 Stat. 451, as amended; 16 U.S.C. 718a),

(c) *National wildlife refuges.* The provisions of this part are in addition to, and are not in lieu of, any other provision of law respecting migratory game birds under the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927, as amended; 16 U.S.C. 668dd) or any regulation made pursuant thereto.

(d) *State laws for the protection of migratory birds.* Nothing in this part shall be construed to prevent the several States from making and enforcing laws or regulations not inconsistent with the conventions between the United States and any foreign country for the protection of migratory birds or with the Migratory Bird Treaty Act, or which shall give further protection to migratory game birds.

Subpart B—Definitions

§ 10.11 Meaning of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of the Interior or his authorized representative.

(b) *Migratory game birds.* Those game birds included in the terms of conventions between the United States and any foreign country for the protection of migratory birds, for which open seasons are prescribed, are listed as follows:

(1) Anatidae (wild ducks, geese, brant, and swans);

(2) Columbidae (wild doves and pigeons);

(3) Gruidae (little brown cranes);

(4) Rallidae (rails, coots, and gallinules); and

(5) Scolopacidae (woodcock and snipe).

A complete list of migratory birds protected by the international conventions and the Migratory Bird Treaty Act appears in § 1.11 of this chapter.

(c) *Person.* Individual, club, association, partnership, or corporation, any one or all, as the context requires.

(d) *Take.* Pursue, hunt, shoot, capture, collect, kill or attempt to hunt, shoot, capture, collect, or kill.

(e) *Open season.* Calendar days on which migratory game birds may lawfully be taken. Each period prescribed as an open season shall be construed to include the first and last days thereof.

(f) *Closed season.* Calendar days on which migratory game birds shall not be taken.

(g) *Transport.* The act of transporting, carrying, or conveying, including delivering for transportation, receiving for transportation, or causing to be transported when performed by a person other than the postal service or a common carrier.

(h) *Ship.* The act of shipping, carrying, or conveying, including delivering for shipment or causing to be shipped, when performed by the postal service or a common carrier.

(i) *State.* Any State, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(j) *Daily bag limit.* The maximum number permitted to be taken by one person in any one day during the open season in any one specified geographic area for which a daily bag limit is prescribed.

(k) *Aggregate daily bag limit.* The maximum number permitted to be taken by one person in any one day during the open season when such person hunts in more than one specified geographic area for which a daily bag limit is prescribed. The aggregate daily bag limit is equal to, but shall not exceed, the largest daily bag limit prescribed for any one of the specified geographic areas in which taking occurs.

(l) *Possession limit.* The maximum number permitted to be possessed by any one person when lawfully taken in the United States in any one specified geographic area for which a possession limit is prescribed.

(m) *Aggregate possession limit.* The maximum number, lawfully taken in the United States, permitted to be possessed by any one person when taking and possession occurs in more than one specified geographic area for which a possession limit is prescribed. The aggregate possession limit is equal to, but shall not exceed, the largest possession limit prescribed for any one of the specified geographic areas in which taking and possession occurs.

(n) *Personal abode.* One's principal or ordinary home or dwelling place, as distinguished from his temporary or transient place of abode or dwelling such as a hunting club, or any club house, cabin, tent, or trailer house used as a hunting club, or any hotel, motel, or rooming house used during a hunting, pleasure, or business trip.

(o) *Commercial preservation facility.* Any person, place, establishment, or cold-storage or locker plant that, for hire or other consideration, receives, possesses, or has in custody any migratory game birds belonging to another person for purposes of picking, cleaning, freezing, processing, storage, or shipment.

Subpart C—Taking

§ 10.21 Hunting methods.

Migratory birds on which open seasons are prescribed in this part may be taken by any method except those prohibited in this section. No person shall take migratory game birds:

(a) With a trap, snare, net, crossbow, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance;

(b) With a shotgun of any description capable of holding more than three shells, unless it is plugged with a one-piece filler, incapable of removal without disassembling the gun, so its total capacity does not exceed three shells;

(c) From or by means, aid, or use of a sinkbox or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water;

(d) From or by means, aid, or use of any motor vehicle, motor-driven land conveyance, or aircraft of any kind;

(e) From or by means of any motorboat or other craft having a motor attached, or any sailboat, unless the motor has been completely shut off and/or the sails furled, and its progress therefrom has ceased: *Provided,* That a craft under power may be used to retrieve dead or crippled birds; however, crippled birds may not be shot from such craft under power except in the seaduck area as permitted in Subpart K.

(f) By the use or aid of livestock as a blind or means of concealment;

(g) By the use or aid of live birds as decoys; although not limited to; it shall be a violation of this paragraph for any person to take migratory waterfowl on an area where tame or captive live ducks or geese are present unless: (1) Such birds are and have been for a period of ten consecutive days prior to such taking, confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of wild migratory waterfowl, or (2) such birds are maintained at a distance of more than one-half mile from the place where waterfowl hunting occurs;

(h) By the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds;

(i) By means or aid of any motor-driven land, water, or air conveyance or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird; or

(j) By the aid of baiting or on or over any baited area. As used in this paragraph, "baiting" shall mean the placing, exposing, depositing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed so as to constitute for such birds a lure, attraction or enticement to, on or over any areas where hunters are attempting to take them; and "baited area" means any area where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed whatsoever capable of luring, attracting, or enticing such birds is directly or indirectly placed, exposed, deposited, distributed, or scattered; and such area shall remain a baited area for 10 days following complete removal of all such corn, wheat or other grain, salt, or other feed. However, nothing in this paragraph shall prohibit:

(1) The taking of all migratory game birds, including waterfowl, on or over standing crops, flooded standing crops (including aquatics), flooded harvested crop lands, grain crops properly shocked on the field where grown, or grains found scattered solely as the result of normal agricultural planting or harvesting; and

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt or other feed has been distributed or scattered solely as the result of valid agricultural operations or procedures.

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§ 10.22 Closed seasons.

No person shall take migratory game birds during the closed seasons.

§ 10.23 Shooting hours.

No person shall take migratory game birds except during the hours open to shooting as prescribed in Subpart K.

§ 10.24 Daily limit.

No person shall take in any one day, more than the daily bag limit or aggregate daily bag limit, whichever applies.

§ 10.25 Wanton waste of migratory game birds.

No person shall kill or cripple any migratory game bird pursuant to this part without making a reasonable effort to retrieve the bird and include it in his daily bag limit.

Subpart D—Possession

§ 10.31 Prohibited if taken in violation of Subpart C.

No person shall at any time, by any means, or in any manner, possess or have in custody any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

§ 10.32 During closed season.

No person shall possess any freshly killed migratory game birds during the closed season.

§ 10.33 Possession limit.

No person shall possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies.

§ 10.34 Opening day of a season.

No person on the opening day of the season shall possess any freshly killed migratory game birds in excess of the daily bag limit, or aggregate daily bag limit, whichever applies.

§ 10.35 Field possession limit.

(a) No person shall possess, have in custody, or transport more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds, tagged or not tagged, at or between the place where taken and either (1) his automobile or principal means of land transportation; or (2) his personal abode or temporary or transient place of lodging; or (3) a commercial preservation facility; or (4) a post office; or (5) a common carrier facility.

§ 10.36 Tagging requirement.

No person shall put or leave any migratory game birds at any place (other than at his personal abode), or in the custody of another person for picking, cleaning, processing, shipping, transportation, or storage (including temporary storage), or for the purpose of having taxidermy services performed, unless such birds have a tag attached, signed by the hunter, stating his address, the total number and species of birds, and the date such birds were killed.

§ 10.37 Custody of birds of another.

No person shall receive or have in custody any migratory game birds belonging to another person unless such birds are tagged as required by § 10.36.

§ 10.38 Possession of live birds.

Every migratory game bird wounded by hunting and reduced to possession by the hunter shall be immediately killed and become a part of the daily bag limit. No person shall at any time, or by any means, possess or transport live migratory game birds taken under authority of this part.

§ 10.39 Termination of possession.

Subject to all other requirements of this part, the possession of birds taken by any hunter shall be deemed to have ceased when such birds have been delivered by him to another person as a gift; or have been delivered by him to a post office, a common carrier, or a commercial preservation facility and consigned for shipment by the Postal Service or a common carrier to some person other than the hunter.

Subpart E—Transportation and Shipment Within the United States

§ 10.41 Prohibited if taken in violation of Subpart C.

No person shall at any time, by any means, or in any manner, transport or ship any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

§ 10.42 Transportation of birds of another.

No person shall transport migratory game birds belonging to another person unless such birds are tagged as required by § 10.36.

§ 10.43 Species identification requirement.

No person shall transport or ship within the United States any migratory game birds, except doves, unless the head or one fully feathered wing remains attached to each such bird at all times while being transported or shipped from the place where taken until they have arrived at the personal abode of the possessor or a commercial preservation facility.

§ 10.44 Marking package or container.

No person shall ship migratory game birds unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart F—Exportation

§ 10.51 Prohibited if taken in violation of Subpart C of this part.

No person shall at any time, by any means, or in any manner, export or cause to be exported any migratory game bird or part thereof, taken in violation of any provision of Subpart C of this part.

§ 10.52 Species identification requirement.

No person shall export migratory game birds unless one fully feathered wing remains attached to each such bird while being transported or shipped from the United Sates and/or any of its possessions to any foreign country.

§ 10.53 Marking package or container.

No person shall export migratory game birds via the postal service or a common carrier unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart G—Importations

§ 10.61 Importation limits.

No person shall import during any one-calendar work beginning on Sunday migratory game birds in excess of the following importation limits:

(a) *Doves and pigeons.* Not to exceed 25 doves, singly or in the aggregate of all species, and 10 pigeons, singly or in the aggregate of all species from any foreign country.

(b) *Waterfowl.* Not to exceed 10 ducks, singly or in the aggregate of all species, and five geese including brant, singly or in the aggregate of all species from any foreign country except Canada.

§ 10.62 Species identification requirement.

No person shall import migratory game birds unless each such bird has one fully feathered wing attached, and such wing must remain attached while being transported or shipped between the port of entry and the personal abode of the possessor or between the port of entry and a commercial preservation facility.

§ 10.63 Foreign export permits.

No person shall import, possess, transport, or ship any migratory game birds killed in a foreign country unless such birds are accompanied by export permits, tags, or other documentation required by applicable foreign laws or regulations.

§ 10.64 Processing requirement.

No person shall import migratory game birds killed in any foreign country, except Canada, unless such birds are dressed (except as required in § 10.62), drawn, and the head and feet are removed: *Provided*, That this shall not prohibit the importation of legally taken, fully feathered migratory game birds consigned for mounting purposes to a taxidermist who holds a current taxidermist permit issued to him pursuant to § 16.12 of this chapter and who is also licensed by the U.S. Department of Agriculture to decontaminate such birds.

§ 10.65 Marking of package or container.

No person shall import migratory game birds via the postal service or a common carrier unless the package or container in which such birds are shipped has the name and address of the shipper and the consignee and an accurate statement of the numbers of each species of birds therein contained clearly and conspicuously marked on the outside thereof.

Subpart H—Federal, State, and Foreign Law

§ 10.71 Violation of Federal law.

No person shall at any time, by any means or in any manner, take, possess, transport, ship, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any Act of Congress or any regulation issued pursuant thereto.

§ 10.72 Violation of State law.

No person shall at any time, by any means or in any manner, take, possess, transport, ship, or export any migratory bird, or any part, nest, or egg of any such bird, in violation of any applicable law or regulation of any State.

§ 10.73 Violation of foreign law.

No person shall at any time, by any means, or in any manner, import, possess, transport, or ship any migratory bird, or any part, nest, or egg of any such bird taken, bought, sold, transported, shipped, possessed, or exported contrary to any applicable law or regulation of any foreign country, or State or province thereof.

Subpart I—Commercial Preservation Facilities

§ 10.81 Tagging requirement.

No commercial preservation facility shall receive or have in custody any migratory game birds unless such birds are tagged as required by § 10.36.

§ 10.82 Records required.

No commercial preservation facility shall:

(a) Receive or have in custody any migratory game birds unless accurate records are maintained showing (1) the number of each species; (2) the date such birds were received; (3) the name and address of the person from whom such birds were received; (4) the date such birds were disposed of; and (5) the name and address of the person to whom such birds were delivered or

(b) Destroy any records required to be maintained under this section for a period of 1 year following the last entry on the record.

§ 10.83 Inspection of premises.

No commercial preservation facility shall prevent any person authorized to enforce this part from entering such facilities at all reasonable hours and inspecting the records and the premises where such operations are being carried on.

Subpart J—Feathers or Skins

§ 10.91 Commercial use of feathers.

Any person may possess, purchase, sell, barter, or transport for the making of fishing flies, bed pillows ,and mattresses, and for similar commercial uses the feathers of migratory waterfowl (wild ducks, geese, brant, and swans) killed by hunting pursuant to this part, or seized and condemned by Federal or State game authorities, except that:

(a) No person shall purchase, sell, barter, or offer to purchase, sell, or barter for millinery or ornamental use the feathers of migratory game birds taken under authority of this part; and

(b) No person shall purchase, sell, barter, or offer to purchase, sell, or barter mounted specimens of migratory game birds taken under authority of this part.

§ 10.92 Personal use of feathers or skins.

Any person for his own use may possess, transport, ship, import, and export without a permit the feathers and skins of lawfully taken migratory game birds.

Subpart K—Annual Season, Limit, and Shooting Hour Schedules

§§ 10.101–10.121 [Reserved]

Subpart L—Administrative and Miscellaneous Provisions

§§ 10.131 and 10.132 [Redesignated]

Present §§ 10.4(h) and 10.5 are redesignated as §§ 10.131 and 10.132 under this subpart.

Subpart M—Wildlife Development Areas

§§ 10.141, 10.142 and 10.143 [Redesignated]

Present §§ 10.71, 10.72, and 10.73 are redesignated as §§ 10.141, 10.142, and 10.143 under this subpart.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

APRIL 24, 1972.

[FR Doc.72-6526 Filed 4-27-72;8:50 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED TOBACCO, TYPES 11–14

Notice of Advance Schedule and Grade Rates for Price Support on 1972 Crop

Correction

In F.R. Doc. 72-6097 appearing at page 7902 in the issue for Friday, April 21, 1972, the following changes should be made in the table in § 1464.16:

1. The entry between Grades H3F and H5F should read "H4F------84.25."

2. The entry between Grades X1L and X3L should read "X2L------86.25."

3. A new entry should be inserted between Grades X3F and X5F, reading "X4F------81.25."

Rural Electrification Administration

[7 CFR Part 1701]

CONSTRUCTION OF REA-FINANCED TRANSMISSION LINES

Transmission Line Manual

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a revision of REA Bulletin 62–1, Transmission Line Manual (Mechanical Design) to be used as a guide in developing design criteria for wood pole-type transmission lines.

Persons interested in data and information in this bulletin may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division during regular business hours.

A copy of the proposed revision of the Transmission Line Manual may be secured in person or by written request from the Director, Power Supply, Management, and Engineering Standards Division.

The major changes included in the proposed revisions of this bulletin are as follows:

REVISION OF REA BULLETIN 62–1

TRANSMISSION LINE DESIGN MANUAL

The primary purpose of this Transmission Line Manual is to furnish engineering information as a basic guide for use in designing wood pole-type transmission lines and developing data for REA approval.

The previous Transmission Line Manual was dated May 1961. The proposed revision is a general updating of the manual to incorporate major changes in technology and technical data that have been developed since the 1961 publication. One of the more significant changes is the increased usage of higher voltage electric lines to transmit large blocks of power. Some of the REA systems have already constructed these higher voltage lines and additional mileages are proposed. In the general updating of the manual the most significant changes are as follows:

1. Design data on 230 and 345 kV wood pole transmission lines are included. Although the existing data calculations related to strength of structures are applicable for any voltage, data on clearance and other technical information were added for 230 and 345 kV lines.

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2. Environmental considerations in design, routing, construction, operation and maintenance of transmission facilities have been added. Although REA systems have always been concerned with the protection of the environment, the present emphasis on environmental protection and aesthetics makes protection of the environment a factor that must be thoroughly considered in the construction of transmission facilities.

3. Several other changes and additions proposed in the general updating and design considerations are: Revision of tabulations of pole strengths by sizes and species to conform to the latest ANSI wood pole standards; the latest available Isotach and Isokeraunic Charts are included, providing data on wind and lightning conditions in the United States; the general updating of technical terminology, etc.

Dated: April 25, 1972.

JAMES N. MYERS,
Assistant Administrator.

[FR Doc.72-6536 Filed 4-27-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 191]

HAZARDOUS SUBSTANCES

Test for Eye Irritants

The Commissioner of Food and Drugs believes the present method for testing hazardous substances for eye irritation perscribed in § 191.12 (21 CFR 191.12) can be improved by the revision proposed below.

The Commissioner is concerned that the eye irritation test presently prescribed by § 191.12 does not realistically reflect the eye contact that could reasonably be expected from exposure to household substances. The revision of the eye irritation test method proposed below provides for the use of two groups of animals. In one group the test eyes are washed after a 5-minute exposure. The eyes of the second group are exposed to the test substance for 24 hours and then examined before washing. An early observation at 1 hour is provided for both groups, and the minimum period for holding and observing test animals is extended to 7 days. Animals exhibiting the most severe reactions at 7 days are to be retained an additional 7 or 14 days. New provisions are also proposed to define substances that are corrosive to the eye and to describe positive and negative test results for such substances.

The Commissioner expects that the revised method proposed below will be of greater assistance in resolving situations where borderline eye irritation and possibility of permanent eye injury are issues. The proposed new protocol would require that a minimum of eight animals be used rather than the six called for by the presently prescribed method. The proposed use of the 5-minute and 24-hour exposure groups will permit an evaluation of the benefit to be anticipated from prompt first aid treatment.

The "Illustrated Guide for Grading Eye Irritation by Hazardous Substances" referenced in the present § 191.12(c) and proposed § 191.12(i) is currently out of stock and is being revised. It is anticipated that the revised guide will be available soon and notice of the date that the revised guide will be available will be published in the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Hazardous Substances Act (sec. 10(a), 74 Stat. 378; 15 U.S.C. 1269) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that § 191.1(g)(3) and (h) and § 191.12 be revised as follows:

§ 191.1 Definitions.

* * * * * * *

(g) * * *

(3) *Eye irritants.* A substance is an irritant to the eye if the available data on human experience indicate that it is an irritant to the eye, or if a positive test result as to irritancy is obtained when the substance is tested by the method described in § 191.12.

(h) *Corrosive.* A "corrosive substance" is one that causes visible destruction or irreversible alterations in the tissue at the site of contact. A test for a corrosive substance is whether, by human experience, such tissue destruction occurs at the site of application. A substance would be considered corrosive to the skin, if when tested on the intact skin of the albino rabbit by the technique described in § 191.11 the structure of the tissue at the site of contact is destroyed or changed irreversibly in 24 hours or less. A substance would be considered corrosive to the eye if a positive test result as to corrosiveness is obtained when the substance is tested by the method described in § 191.12. Other appropriate tests should be applied when contact of the substance with other than skin or eye tissue is being considered."

§ 191.12 Test for eye irritants.

(a) *Maintenance, selection, and dosing of animals.* Eight albino rabbits are used for each test substance. Animal facilities for such procedures shall be so designed and maintained as to exclude sawdust, wood chips, or other extraneous materials that might produce eye irritation. Both eyes of each animal in the test group shall be examined (with the aid of a binocular loupe, hand slit-lamp, or other suitable means that permit thorough examination) before testing, and only those animals without eye defects or irritation shall be used. The animal is held firmly but gently until quiet. The test material is placed in one eye of each animal by gently pulling the lower lid away from the eyeball to form a cup into which the test substance is instilled. The lids are then gently held together for one second and the animal is released. The other eye, remaining untreated, serves as a control.

(b) *Protocol.* Details of test procedures are as outlined in the following table with footnotes:

	Group I (five animals)	Group II (three animals)
Test substance:		
Liquids	0.1 milliliter by volume.	0.1 milliliter by volume.
Pastes, foams [1], Solids [2]	50 milligrams by weight.	50 milligrams by weight.
	...do	Do.
Powders, granules, flakes [3]	0.1 milliliter by volume.	0.1 milliliter by volume.
Aerosols, pressurized containers. [4]	...do	1-second spray at 4 inches.
Exposure [5]	5 minutes	24 hours.
Treatment [6]	Wash for 2 minutes with 300 milliliters of water immediately following the 5-minute exposure period.	Wash for 2 minutes with 300 milliliters of water immediately following the first 24-hour examination.
Examination schedule.	1 hour after wash. [7]	1 hour after instillation.
	24 hours [7]	24 hours. [6, 7]
	48 hours	48 hours.
	72 hours [7]	72 hours. [7]
	7 days [7]	7 days. [7]
	14 days [7]	14 days. [6]
	21 days [6]	21 days. [6]

[1] For pastes and foams, a 50-milligram aliquot of the test material is weighed on glassine paper and applied to the inside surface of the lower eyelid of each test eye.

[2] Solids which because of their physical dimensions cannot be placed in the eye should be so comminuted that a 50-milligram aliquot can be instilled into each test eye.

[3] For substances that have a variable bulk density, such as powders, granules, flakes, or other particulate form, the weighed amount equivalent to a volume of 0.1 milliliter is tested. The substance is gently compacted without altering the individual particles, into a 5-milliliter, conical bottom, centrifuge tube which is graduated from the tip to 1 milliliter in 0.1-milliliter subdivisions. In such a case the weight of each 0.1-milliliter test dose is recorded, averaged, and reported for each test group.

[4] For aerosols and contents in pressurized containers, the effluent is collected in a chilled (ice bath) 50-milliliter Erlenmeyer flask, and 0.1 milliliter is instilled into each test eye of group I (five animals). Group II (three animals) is subjected to a 1-second spray at a distance of 4 inches. The animal's eyelids are held apart manually during the spray period.

[5] Group I (five animals) is exposed to the test substance for 5 minutes and then washed. Group II (three animals) is exposed to the test substance for 24 hours and then examined before washing. The reason for the two different exposure periods is to identify severe eye irritants. After the first 24-hour reading, the 24-hour exposure group is also washed for 2 minutes with 300 milliliters of water.

[6] Eyes should be washed with a gentle, continuous stream of water so regulated as to deliver a volume of 300 milliliters in 2 minutes.

[7] At the above-indicated times, after grading eye reaction, one drop of fluorescein sodium ophthalmic solution U.S.P. or equivalent is instilled directly onto the cornea of the group I and group II eyes. After a few seconds the excess stain is flushed out with 20 milliliters of sodium chloride solution U.S.P. or water and the eyes reexamined.

[8] The 14-day reading is required when ulceration or opacity is present at 7 days, and the 21-day reading is required when ulceration or opacity is present at 14 days.

(c) *Grading ocular reactions.* The eyes are examined at the times indicated in the table in paragraph (b) of this section. Reading of reactions is facilitated by use of binocular loupe hand slit-lamp, or other expert means. At certain times indicated in said table by use of the superscript numeral "7," fluorescein staining is used after grading ocular reactions. Injured tissues are stained yellow and are best visualized in a darkened room under ultraviolet illumination. Flourescein staining is useful primarily for accurately delineating areas of involvement and in determining when full recovery has occurred. Grades are assigned for presence and/or degree of ulceration or opacity of the cornea and iris and for redness, chemosis, and ulceration or necrosis of the conjunctival mucosa, as outlined in the following table:

GRADES FOR OCULAR REACTIONS

	Grade
CORNEA	
No ulceration or opacity	0
Scattered or diffuse areas of opacity, details of iris clearly visible	[1] 1
Easily discernible translucent areas of opacity, details of iris slightly obscured	[1] [2] 2
Nacreous areas of opacity, no details of iris visible, size of pupil barely discernible	[1] [2] 3
Complete corneal opacity, iris not discernible	[1] [2] 4
Ulceration, absence of a gross patch of corneal epithelium	[2] 4
IRIS	
Normal	0
Markedly deepened folds, congestion, swelling, moderate circumcorneal injection (any of these or combination of any thereof), iris still reacting to light (sluggish reaction is positive)	[1] 1
No reaction to light, hemorrhage, gross destruction (any or all of these)	[1] 2
CONJUNCTIVAE	
Redness (refers to palpebral and bulbar conjunctivae excluding cornea and iris):	
Vessels normal	0
Some vessels definitely injected	1
Diffuse, crimson red, individual vessels not easily discernible	[1] 2
Diffuse beefy red	[1] 3
Chemosis:	
No swelling	0
Any swelling above normal (includes nictitating membrane)	1
Obvious swelling with partial eversion of lids	[1] 2
Swelling with lids about half closed	[1] 3
Swelling with lids more than half closed	[1] 4
Ulceration or necrosis of palpebral and bulbar conjunctivae or nictitating membrane	[2] 4

[1] Grades considered positive for irritation.

[2] Grades considered positive for corrosiveness. In addition, grade 1 opacity evident for any 6 or more days will also be considered as corrosive.

(d) *Description of positive reactions as to irritancy.* An animal shall be considered as exhibiting a positive irritant reaction if the test substance produces at any of the required readings (other than the 1-hour reading) ulceration of the cornea (other than a fine stippling), or opacity of the cornea (other than a slight dulling of the normal luster), or inflammation of the iris (other than a slight deepening of the folds (or rugae) or a slight circumcorneal injection of the blood vessels), or if such substance produces in the conjunctivae (excluding the cornea and iris) an obvious swelling with partial eversion of the lids or a diffuse crimson redness with individual vessels not easily discernible.

(e) *Determination of positive and negative test results as to irritancy.* For the purposes of this test, grading ocular reactions at 1 hour postinstillation or postwash is intended only to establish the immediate effects of the test material and provide a reference point for evaluating the effects of treatment (washing) or lack thereof on the test eye. The following outlines the method for determining whether the overall test is negative or positive for irritancy:

GROUP I (5-MINUTE EXPOSURE)

FIRST TEST

Positive irritant reaction exhibited in 0/5 or 1/5 animals=negative test, irritancy.
Positive irritant reaction exhibited in 3/5 or more animals=positive test, irritancy.
Positive irritant reaction exhibited in 2/5 animals=positive test, irritancy, unless repeated (optional) in a second group of 5 animals not previously used for such tests.

SECOND TEST (IF PERFORMED)

Positive irritant reaction exhibited in 0/5 animals=negative test, irritancy.
Positive irritant reaction exhibited in 2/5 or more animals=positive test, irritancy.
Positive irritant reaction exhibited in 1/5 animals=positive test, irritancy, unless repeated (optional) in a third group of 5 animals not previously used for such tests.

THIRD TEST (IF PERFORMED)

Positive irritant reaction exhibited in 0/5 animals=negative test, irritancy.
Positive irritant reaction exhibited in 1/5 or more animals=positive test, irritancy.

GROUP II (24-HOUR EXPOSURE)

FIRST TEST

Positive irritant reaction exhibited in 0/3 animals=negative test, irritancy.
Positive irritant reaction exhibited in 2/3 or all 3 animals=positive test, irritancy.
Positive irritant reaction exhibited in 1/3 animals=positive test, irritancy, unless repeated (optional) in a second group of 3 animals not previously used for such tests.

SECOND TEST (IF PERFORMED)

Positive irritant reaction in 0/3 animals=negative test, irritancy.
Positive irritant reaction in 1/3 or more animals=positive test, irritancy.

(f) *Description of positive reactions as to corrosiveness.* An animal shall be considered as exhibiting a positive corrosive reaction if the test substance produces at any of the required readings (other than the 1-hour reading) ulceration of the cornea (other than a fine stippling), or opacity grade 1 from the 24-hour through the 7-day reading, opacity grade 2 or higher, or if there is obvious ulceration or necrosis of the conjunctivae.

(g) *Definition of positive and negative test results as to corrosiveness.* The sequential procedure is identical to that in paragraph (e) of this section, substituting the word "corrosive" for the word "irritant," and the word "corrosiveness" for the word "irritancy," wherever it is appropriate.

(h) *Categorization of results.* The following tabulation is presented to aid in evaluating the overall test as to potential for eye injury:

Category	Ocular reaction	Group I (5-minute exposure) [1]	Group II (24-hour exposure) [1]
1. Negative	No opacity, iritis, or conjunctivitis.	Negative at 1-7 days	Negative at 1-7 days.
2. Marginal	Generally redness or chemosis, grade 1 on group I eyes. [2]	...do	Positive at 24 hours; eyes returned to normal at 48 hours.
3. Irritant	Primarily conjunctivitis—redness and chemosis, scores of grade 2 and above.	Positive at 24 hours; eyes returned to normal at 72 hours.	Positive at 24 hours; eyes returned to normal at 72 hours.
4. Strongly irritant.	Iritis and conjunctivitis.	Positive at 24 hours; all eyes are below a positive score or returned to normal at 72 hours.	Positive at 24 hours; eyes returned to normal at 7th day.
5. Extremely irritant and/or corrosive.	...do	Positive at 24 hours; one or more eyes still positive at 72 hours.	Positive at 24 hours; one or more eyes still positive at 7th day.
	Opacity [3] and/or ulceration. [3]	Positive	Positive.

[1] The terms "positive" and "negative" as used in this table refer to positive or negative test results determined as described in paragraph (e) or (g) of this section.

[2] The score should not exceed grade 1 on more than one of the group I eyes.

[3] Corrosiveness, as defined in paragraph (f) of this section.

(i) *Illustrated grading guide.* To assist testing laboratories and other interested persons in interpreting the results obtained when a substance is tested in accordance with the method described in this section, an "Illustrated Guide for Grading Eye Irritation by Hazardous Substances" is sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The guide includes color plates depicting responses of varying intensity to specific test solutions. (The grade of response and the substance used to produce the response are indicated.)

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: April 20, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 72-78 PH]

SAN FRANCISCO BAY, SAN PABLO BAY, CARQUINEZ STRAIT, SUISUN BAY, SAN JOAQUIN RIVER, AND CONNECTING WATERS, CALIF.

Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations of

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San Francisco Bay and connecting waters presently described in 33 CFR 110.224.

The volume and nature of maritime traffic utilizing these waters has undergone substantial changes over the past century, and most significantly in the past 20 years. One of the most notable changes has been in the ratio of vessels at anchor to vessels underway at any given moment. Commercial vessels no longer lay at anchor for days or weeks at a time. The economics of the modern merchant marine dictate that in-port time be kept to an absolute minimum. At the same time, the number and size of vessels calling at the port has increased. It appears that the existing anchorage grounds occupy a disproportionate share of the available deep water.

The proposed amendments to the anchorage regulations were developed with the advice of the San Francisco Bay Vessel System Committee, a maritime oriented group representing all facets of commercial and recreational marine interests and various Federal agencies. The proposed anchorage grounds are consistent with and a necessary prerequisite to a voluntary system of vessel traffic routing which will be implemented in the near future to evaluate its potential in increasing maritime safety. The proposed anchorage grounds and traffic route will be marked with buoys at appropriate boundaries.

The establishment of a Voluntary Traffic Separation System in San Francisco Bay and San Pablo Bay is not a subject of this notice of proposed rule making. However, that plan bears an important relationship to the proposed changes to the anchorage regulations contained in this proposal.

In order to acquaint all concerned regarding the future plans for a Voluntary Traffic Separation System the following information is provided:

(1) The variety of types, purposes and destinations of maritime traffic in this area has resulted in a proliferation of routes through the bay, each is responsive to the requirements of a particular user or interest, but is often incompatible with other routes. As a result, meeting and crossing situations, the most frequently encountered element in marine collisions and near misses, occur frequently in all parts of the bay. Reducing the frequency of meetings and crossings, or even increasing their predictability restricting them to specific geographic areas, should effect a corresponding reduction of accidents or near accidents.

(2) In buoyed channels or narrow rivers, the application of the "Keep to Starboard" provisions of the Rules of the Road serves to separate traffic proceeding in opposite directions effectively, and there is little or no cross traffic to be concerned with. In open areas such as San Francisco Bay, there is no natural separation so a traffic separation system consisting of lanes designated on charts and by buoys and traffic directions designated on charts is proposed.

(3) Although the principal benefits will accrue to larger vessels, the system and its benefits will be applicable in varying degrees to all users of the bay. Vessels 300 tons and over would operate within the prescribed lanes and in accordance with the prescribed traffic flow. Vessels less than 300 tons would follow the prescribed traffic flow when within the prescribed lanes, but could operate outside the prescribed lanes. Special procedures for those vessels that cannot comply with the prescribed traffic flow would be part of the Voluntary Traffic Separation System. Small, noncommercial vessels might find it impractical to comply with either the prescribed traffic flow or special procedures at all times, but would benefit by the knowledge of the established flow and therefore be able more readily to determine the intentions of vessels using the system.

(4) No vessel using the system would be relieved from complying with the rules of the road. Participation in the planned traffic separation system would be voluntary.

Additional details on the implementation and operation of the Voluntary Traffic Separation System can be obtained from the Commander, Twelfth Coast Guard District (Vessel Traffic Systems), 630 Sansome Street, San Francisco, Calif. 94126.

In order to accomplish the above, it is proposed to make the following changes:

1. Delete portions of § 110.224(a)(2) *Anchorage 4 (general)*, (a)(5) *Anchorage 7 (temporary)*, and (b)(2) *Anchorage 19 (general)*.

2. Delete entire § 110.224(a)(6) *Anchorage 8 (general)* and (a)(9) *Anchorage 12 (naval)*.

3. Relocate (a)(3) *Anchorage 5 (general)*.

4. Redefine boundaries of (a)(5) *Anchorage 7 (temporary)* and (a)(6) *Anchorage 8 (temporary)*.

5. Redefine boundaries of (a)(7) *Anchorage 9 (general)*.

6. Redefine boundaries of (a)(9) *Anchorage 12 (naval)*.

7. Establish a new (a)(9) *Anchorage 12 (explosives anchorage)*.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Twelfth Coast Guard District, 630 Sansome Street, San Francisco, CA 94126. Each person submitting comments should include his name and address, identify this notice (CGD 72–78 PH), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination by interested persons at the office of the Commander, Twelfth Coast Guard District.

The Commander, Twelfth Coast Guard District will hold a Public Hearing on this proposal at 10 a.m., P.d.s.t., Wednesday, May 24, 1972, at the Presidio Theater, Moraga Avenue, The Presidio of San Francisco, CA, to consider amendments to the Anchorage Regulations. All interested persons are invited to be present or to be represented at this Public Hearing, especially officials of any county, town, city, or local association whose interests may be affected by the proposed regulations. All persons will be given opportunity to express their views as to the suitability of the proposed regulations and to suggest any changes that may be considered desirable. Oral statements will be heard, but for completeness and accuracy of the record, all facts and arguments should be presented in writing at the hearing.

The Commander, Twelfth Coast Guard District will forward any comments received before May 27, 1972, and his recommendations to the Commandant (CMC), U.S. Coast Guard, who will evaluate all comments and communications received and take final action on the proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that § 110.224 be revised to read as follows:

§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Straits, Suisun Bay, San Joaquin River, and connecting waters, Calif.

(a) *San Francisco Bay Anchorage Grounds*—(1) *Anchorage No. 3, general anchorage.* That portion of Belvedere Cove bounded by the shore and a line beginning at latitude 37°52'20", longitude 122°27'02"; thence southwest to latitude 37°51'43" and longitude 122°27'25".

(2) *Anchorage No. 4, General Anchorage.* (i) Bounded by the westerly shore of San Francisco Bay and the following lines: Beginning on the shore south of Point San Quentin at latitude 37°56'15", longitude 122°29'14"; thence east to latitude 37°56'19", longitude 122°28'00"; thence southeast to latitude 37°54'58", longitude 122°27'08"; thence southwest to latitude 37°54'13", longitude 122°27'24"; thence southeast to the shore of Tiburon Peninsula at Point Chauncey at latitude 37°53'40.5", longitude 122°26'55", excluding Explosives Anchorage 13 and the forbidden anchorage surrounding it.

(ii) Special regulation: No vessel anchored in this anchorage may project into the San Francisco Bay North Channel.

(3) *Anchorage No. 5, General Anchorage.* (i) In San Francisco Bay beginning on the northwest shore of Red Rock at latitude 37°55'48", longitude 122°25'52"; thence west to San Francisco Bay North Channel Lighted Buoy 10 at latitude 37°55'43", longitude 122°26'33"; thence south to San Francisco Bay North Channel Lighted Buoy 8 at latitude 37°54'49", longitude 122°26'39"; thence southeast to latitude 37°53'23", longitude 122°25'09"; thence north to Southampton Shoal Channel Lighted Buoy 5SS at latitude 37°55'19", longitude 122°25'29.5"; thence to the southeast shore of Red Rock at latitude 37°55'42", longitude 122°25'45".

(ii) Special regulation: No vessel anchored in this anchorage may project into the San Francisco Bay North Channel or the Southampton Shoal Channel.

(4) *Anchorage No. 6, General Anchorage.* Bounded by the easterly shore of San Francisco Bay and the following lines beginning at the shore of the southernmost extremity of Point Isabel at latitude 37°53'46", longitude 122°19'19"; thence westerly along the northerly shore of Brooks Island to the jetty extending westerly therefrom; thence westerly along the jetty to its bayward end at latitude 37°54'13", longitude 122°23'27"; thence south-southeast to latitude 37°49'53", longitude 122°21'39"; thence southeast to latitude 37°49'32.5", longitude 122°21'20.5"; thence east to latitude 37°49'34", longitude 122°20'13"; thence east-southeast to latitude 37°49'30", longitude 122°19'45.5"; thence east-northeast to the shore at Emeryville at latitude 37°50'04", longitude 122°17'41"; excluding from this area, however, the Channel to Berkeley Marina delineated by lines joining the following points:

Latitude	*Longitude*
37°52'08"	122°19'07"
37°52'03"	122°19'17.5"
37°52'00"	122°19'15.5"
37°51'01"	122°22'07"
37°50'43"	122°22'00"
37°50'53"	122°21'32"
37°51'47"	122°18'59"

(5) *Anchorage No. 7, Temporary Anchorage.* (i) In San Francisco Bay bounded by the westerly shore of Treasure Island and the following lines: Beginning at the most westerly shore of Treasure Island at latitude 37°49'36", longitude 122°22'40"; thence to latitude 37°50'00", longitude 122°23'26"; thence south to San Francisco Bay South Channel Lighted Buoy 1 at latitude 37°49'-23.5", longitude 122°23'25"; thence southeast to latitude 37°48'42", longitude 122°22'34"; thence to the shore of Treasure Island at latitude 37°48'52", longitude 122°22'14".

(ii) Special regulation: (*a*) No vessel anchored in this anchorage may project into the San Francisco Bay South Channel.

(*b*) This anchorage is primarily for the use of vessels undergoing examination by quarantine, customs, immigration, Coast Guard, and other governmental authorities. Upon completion of these examinations, vessels shall move promptly to a regular anchorage. This anchorage may also be utilized by vessels requiring a temporary anchorage waiting to proceed to pier facilities.

(*c*) Vessels utilizing this anchorage shall not remain for more than 12 hours without a written permit from the Captain of the Port. Should traffic volume warrant, the Captain of the Port may assign specific berths within this anchorage. These berths are circular areas having a radius of 300 yards, the centers of which are located at:

Berth	Latitude	Longitude
7A	37°49'43"	122°23'14"
7B	37°49'25.5"	122°23'12.5"
7C	37°49'12.5"	122°22'55.5"
7D	37°49'00"	122°22'41"

(*d*) The master of every vessel using this anchorage shall maintain his vessel in such condition that the vessel can move promptly upon notification by the Captain of the Port.

(6) *Anchorage No. 8, Temporary Anchorage.* (i) In San Francisco Bay bounded by the westerly shore of the Naval Air Station, Alameda and the following lines: Beginning at Oakland Inner Harbor Light 2 at latitude 37°47'52", longitude 122°19'54"; thence west northwest to latitude 37°48'03", longitude 122°20'57.5"; thence south southwest to latitude 37°47'56", longitude 122°21'-22.5"; thence southwest to latitude 37°-47'26", longitude 122°21'41"; thence south southeast to San Francisco Bay South Channel Lighted Buoy 3 at latitude 37°47'00", longitude 122°21'30"; thence southeast to the Alameda Naval Air Station Channel Entrance Lighted Bell Buoy 1 at latitude 37°46'38", longitude 122°20'24"; thence northeast to the most westerly shore of Alameda Naval Air Station at latitude 37°46'57", longitude 122°19'53".

(ii) Special regulation: This anchorage is primarily for use as a temporary holding ground for vessels waiting to proceed to pier facilities in the Oakland Harbors. No vessel shall remain in this anchorage for more than 6 hours without written permission from the Captain of the Port. No vessel anchored in this anchorage may project into the San Francisco Bay South Channel.

(7) *Anchorage No. 9, general anchorage.* (i) In San Francisco Bay bounded on the north by the shore, the breakwater and turning basin at the Alameda Naval Air Station and a line beginning at the Alameda Naval Air Station Channel Lighted Buoy 6 at latitude 37°46'23", longitude 122°19'02"; thence west to the Alameda Naval Air Station Channel Entrance Lighted Buoy 2 at latitude 37°46'27", longitude 122°20'24.5"; thence west southwest to San Francisco Bay South Channel Lighted Buoy 5 at latitude 37°46'17.5", longitude 122°21'-48"; thence south southeast to San Bruno Shoal Channel Light 1 at latitude 37°41'44", longitude 122°20'17.5"; thence south southeast to San Bruno Shoal Channel Light 5 at latitude 37°-38'37", longitude 122°18'43"; thence southeast to latitude 37°36'05", longitude 122°14'13.5"; thence east northeast to the shore at latitude 37°37'38.5", longitude 122°09'02"; and bounded on the east by the shore; including all of San Leandro Bay excluding the pipeline areas therein. When Explosives Anchorage 12 is activated by the Captain of the Port, this anchorage and the forbidden anchorage zone surrounding it are excluded from Anchorage No. 9, general anchorage.

(ii) Special regulation: No vessel anchored in this anchorage may project into San Francisco Bay South Channel on into San Bruno Shoal Channel.

(8) *Anchorage No. 10, naval anchorage.* (i) In San Francisco Bay bounded by the easterly shore of Sausalito and the following lines: Beginning on the shore of Sausalito at latitude 37°51'20", longitude 122°28'38"; thence southeast to latitude 37°50'52.5", longitude 122°-27'57"; thence southwest to the shore of Sausalito at latitude 37°50'36", longitude 122°28'34".

(ii) Special regulation: This anchorage is for the use of public vessels of the United States, but may be used by yachts when not required for use by public vessels. All yachts making use of this anchorage shall be prepared to move immediately upon notice should the anchorage be required for public vessels. With the permission of the Captain of the Port, permanent yacht moorings may be placed within this anchorage, not more than 300 yards from the shore.

(9) *Anchorage No. 12, explosives anchorage.* (i) In San Francisco Bay east of the city of San Francisco a circular area having a radius of 500 yards centered at latitude 37°44'32.5", longitude 122°20'27.5".

(ii) Special regulation. (*a*) No vessel may use this anchorage except the vessel that is loaded with, loading or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(*b*) This anchorage and the surrounding forbidden anchorage zone are temporarily activated as needed, by the Captain of the Port. When this anchorage is not activated it is a part of Anchorage No. 9, general anchorage. Notification of activation and deactivation will be disseminated by the U.S. Coast Guard in "Local Notice to Mariners", and by direct notice to the various pilot and shipping organizations.

(*c*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 3,000 tons.

(*d*) The 667-yard-wide area surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(10) *Anchorage No. 13, explosives anchorage.* (i) In San Francisco Bay east of the Tiburon Peninsula a circular area having a radius of 333 yards centered at the Explosives Anchorage 13 Buoy EX at latitude 37°55'26", longitude 122°27'-27".

(ii) Special regulation: (*a*) No vessel may use this anchorage except the vessel that is loaded with, loading, or unloading explosives and lighters and barges lying alongside that vessel for transfer of cargo.

(*b*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 50 tons; except that, with the permission of the Captain of the Port, vessels in transit, loaded with explosives in excess of this limitation, may anchor temporarily in this anchorage provided the hatches to the holds containing explosives are not opened.

(*c*) The 667-yard-wide zone partially surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(11) *Anchorage No. 14, explosives anchorage.* (i) In San Francisco Bay east of Hunters Point an area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles with radii of 500 yards and center, respectively

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at latitude 37°42'52", longitude 122°19'32.5", and latitude 37°42'14", longitude 122°18'47"; and the side boundaries of which are parallel tangents joining said semicircles. This anchorage is marked at each extremity, respectively, by Explosives Anchorage 14 Lighted Buoy EX–A and Explosives Anchorage 14 Buoy EX–B.

(ii) *Special regulation.* (*a*) No vessel may use this anchorage except vessels loaded with, loading, or unloading explosives and lighters and barges lying alongside vessels for transfer of cargo.

(*b*) The maximum total quantity of explosives that may be on board a vessel moored in this anchorage shall be limited to 3,000 tons. Vessels will be assigned berths in this anchorage by the Captain of the Port on the basis of the maximum quantity of explosives that will be on board the vessel.

(*c*) The 667-yard-wide area surrounding this anchorage is a forbidden anchorage zone. No vessel may anchor in this forbidden zone while this anchorage is activated.

(*d*) This anchorage and the surrounding forbidden anchorage zone may be temporarily discontinued by the Captain of the Port when the area is required for general anchorage purposes.

(b) *San Pablo Bay Anchorage Grounds*—(1) *Anchorage No. 18, general anchorage.* In San Pablo Bay bounded by the westerly shore of San Pablo Bay and the following lines: Beginning at the shore at Point San Pedro at latitude 37°59'16", longitude 122°26'47"; thence east to latitude 37°59'16", longitude 122°26'26"; thence northerly to latitude 38°03'46", longitude 122°25'52.5"; thence northwesterly to the shore south of the entrance to Novato Creek at latitude 38°05'13.5", longitude 122°29'04"; excluding from this area, however, the channel to Hamilton Field and the extension of this channel easterly to the boundary of the anchorage, and the pipeline area therein.

(2) *Anchorage No. 19, general anchorage.* In San Pablo Bay bounded by the northeasterly shore of San Pablo Bay and the following lines: Beginning at the shore of Tubbs Island at latitude 38°07'39", longitude 122°25'18"; thence southerly to latitude 38°00'36", longitude 122°25'20"; thence northeasterly to latitude 38°03'13", longitude 122°19'46"; thence east-northeasterly to latitude 38°03'37", longiture 122°17'13"; thence northerly to the long dike extending southwesterly from Mare Island at latitude 38°03'52.5", longitude 122°17'10"; thence along the long dike to the shore at Mare Island. Vessels anchored in this anchorage shall insure that they do not project into the Pinole Shoal Channel.

NOTE: See § 204.215 of this title establishing a target area in San Pablo Bay adjacent to the westerly shore of Mare Island for use of the Mare Island Navy Yard.

(3) *Anchorage No. 20, general anchorage.* In San Pablo Bay bounded by the southeasterly shore of San Pablo Bay and the following lines: Beginning at the northeast corner of Parr Terminal No. 4 at Point San Pablo at latitude 37°57'59", longitude 122°25'35"; thence northeast to latitude 38°01'27.5", longitude 122°21'33"; thence east-northeast to the Union Oil Co. Pier at Oleum at latitude 38°03'18", longitude 122°15'37"; and thence along this pier to the shore.

(4) *Anchorage No. 21, naval anchorage.* In San Pablo Bay south of Mare Island a rectangular area beginning at latitude 38°03'53", longitude 122°15'36"; thence easterly to latitude 38°03'58", longitude 122°15'00"; thence southerly to latitude 38°03'44", longitude 122°14'56"; thence westerly to latitude 38°03'39", longitude 122°15'32.5"; thence northerly to the point of beginning.

(c) *Carquinez Strait Anchorage Grounds*—(1) *Anchorage No. 24, general anchorage.* (i) Bounded by the northerly shore of Carquinez Strait and the following lines: Beginning on the shore at Dillon Point at latitude 38°03'44", longitude 122°11'29"; thence southeast to latitude 38°03'34", longitude 122°11'10"; thence south-southeast to latitude 38°03'17", longitude 122°11'04"; thence southeast to the shore of Benicia at latitude 38°02'37.5" longitude 122°09'55".

(ii) Special regulation: Each vessel anchoring in this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

(2) *Anchorage No. 25, general anchorage.* (i) Bounded by the south shore of Carquinez Strait and the following lines: Beginning on the shore at Point Carquinez at latitude 38°02'09", longitude 122°10'22"; thence east southeast to latitude 38°01'47", longitude 122°08'57"; thence southeast to the shore of Martinez at latitude 38°01'20", longitude 122°08'42".

(ii) Special regulation: Each vessel anchoring in this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

(d) *Suisun Bay Anchorage Grounds*—(1) *Anchorage No. 26, general anchorage.* On the west side of Suisun Bay, adjacent to and northeast of the City of Benicia within the following boundaries: Beginning on the shore northeast of Army Point at latitude 38°02'54", longitude 122°07'37"; thence south-southeast along the Southern Pacific Bridge to latitude 38°02'38", longitude 122°07'24"; thence east to latitude 38°02'42", longitude 122°07'07.5"; thence northeast to Suisun Bay Anchorage 26 Lighted Buoy B at latitude 38°05'42", longitude 122°04'06"; thence northwest to the shore at latitude 38°05'58", longitude 122°04'28"; thence along the shore to the point of beginning.

NOTE: A portion of Anchorage 26 is occupied by the Suisun Bay Reserve Fleet of the Maritime Administration and § 207.900 of this title establishes a restricted area in the vicinity of the Reserve Fleet.

(2) *Anchorage No. 27, general anchorage.* In the northeast portion of Suisun Bay bounded by the northern shore and the following lines: Beginning on the shore of Crizzly Island at latitude 38°08'13", longitude 122°02'42.5"; thence south to tripod at Preston Point on Roe Island at latitude 38°04'16", longitude 122°02'42"; thence along the south shore of Roe Island to latitude 38°04'05", longitude 122°01'35"; thence east-southeast to latitude 38°03'42.5", longitude 121°58'54"; thence east to the shore of Chipps Island at latitude 38°03'42.5", longitude 121°55'05".

(e) *San Joaquin River Anchorage Grounds*—(1) *Anchorage No. 28, general anchorage.* The area bounded on the east by the shore of Lower Sherman Island and the following lines: Beginning at Point Sacramento on Lower Sherman Island at latitude 38°03'45", longitude 121°50'17.5"; thence southwest to latitude 38°03'37.5", longitude 121°50'31"; thence south southeast to latitude 38°02'11", longitude 121°49'58"; thence to the shore of Lower Sherman Island at latitude 38°02'23", longitude 121°49'49".

(2) *Anchorage No. 30, explosives anchorage.* (i) The portion of the Old San Joaquin River Channel bounded on the west by the shore of Mandeville Point and the following lines: Beginning on the shore of Mandeville Point at latitude 38°04'01", longitude 121°32'05"; thence northeast to latitude 38°04'07.5", longitude 121°31'58"; thence southeast to latitude 38°04'02.5", longitude 121°31'42.5"; thence west to the shore of Mandeville Point at latitude 38°03'47.5", longitude 121°31'56".

(ii) Special regulation: (*a*) This anchorage is for the use of vessels, lighters, and barges loaded with, loading, or unloading explosives or explosives materials.

(*b*) No other vessel may enter or remain in this anchorage when the anchorage is occupied by vessels loaded with explosives. At all other times the anchorage is open to navigation.

(c) Notice of loading and unloading operations will be given by notice published by the United States Coast Guard in "Local Notice to Mariners", and by notice given by the Port of Stockton to local radio stations and newspapers, and by telephonic means to any organization that may request that such advice be given. In all cases the notice will state how long the operation will be in progress and on what days.

(f) *Sacramento River, Decker Island Restricted Anchorage Grounds for Vessels of the U.S. Government*—(1) *The anchorage ground.* An elongated area in the Sacramento River bounded on the west by the shore of Decker Island and the following lines: Beginning on the shore at Decker Island North End Light at latitude 38°06'16", longitude 121°42'32.5"; thence east to latitude 38°06'15", longitude 121°42'27"; thence south to latitude 38°05'22", longitude 121°42'30"; thence southwest to latitude 38°05'08", longitude 121°42'40"; thence west southwest to latitude 38°05'02", longitude 121°42'50"; thence northwest to the shore of Decker Island at latitude 38°05'04", longitude 121°42'52.5".

(2) *Special regulation.* No vessel or other craft except those owned by or operating under contract with the United States may navigate or anchor within 50 feet of any moored Government vessel in the area. Commercial and pleasure craft shall not moor to buoys or chains of Government vessels, nor may they, while moored or underway, unreasonably obstruct the passage of Government or other vessels through the area.

(g) *General regulations.* The following regulations apply to each anchorage described in this section:

(1) No vessel may anchor in the navigable waters of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, New York Slough, San Joaquin River Deep Water Channel, and the Stockton Turning Basin, Calif., outside of the anchorage areas established in this section except when unforseen circumstances create conditions of imminent peril or with the written permission of the Captain of the Port. Each vessel anchoring in imminent peril or heavy fog shall immediately inform the Captain of the Port of her position and reason for anchoring.

(2) No vessel may anchor within a tunnel, cable, or pipeline area shown on a Government chart.

(3) No vessel may moor, anchor, or tieup to any pier, wharf, or other vessel in such a manner as to extend into a channel.

(4) No vessel in such a condition that it is likely to sink or otherwise become a menace or obstruction to navigation or anchorage of other vessels may occupy an anchorage, except when unforeseen circumstances create conditions of imminent peril to personnel and then only for such period as may be authorized by the Captain of the Port.

(5) The Captain of the Port may require any vessel in a designated anchorage area to moor with two or more anchors.

(6) Each vessel that will not have sufficient personnel on board to weigh anchor at any time shall anchor with two anchors with mooring swivel, unless otherwise authorized by the Captain of the Port.

(7) Light-draft barges shall anchor away from the deeper portions of the anchorage, so as not to interfere with the anchoring of deep draft vessels.

(8) Barges towed in tandem to any anchorage area shall nest together when anchoring.

(9) Each vessel that is notified by the Captain of the Port or his authorized representative to shift her position shall promptly shift her position.

(10) No person may use these anchorages for any purpose other than the purposes stated in the special anchorage regulations.

(11) Nothing in this section may be construed as relieving any vessel or the owner or person in charge of any vessel from the penalties of law for obstructing navigation or for obstructing or interfering with range lights or for not complying with the laws relating to lights, day signals, and fog signals, and other navigation laws and regulations.

(12) Explosive anchorages:

(i) Unless otherwise authorized by the Captain of the Port, no vessel other than a vessel carrying explosives may anchor in an explosives anchorage.

(ii) Each vessel carrying explosives shall be entirely within one of these areas when anchored, except as provided by subdivision (X) of this subparagraph.

(iii) No vessel may transport explosives to be loaded on, or that have been unloaded from, another vessel in an explosives anchorage area unless she carries written permission from the Captain of the Port.

(iv) No vessel carrying explosives or on which explosives are to be loaded may proceed to an explosives anchorage or occupy a berth in an explosives anchorage without written permission from the Captain of the Port, which may be revoked at any time.

(v) The Captain of the Port may issue permission to vessels carrying flammable liquids, flammable solids, oxidizing materials, corrosive liquids, compressed gases, and poisonous substances to occupy a berth in an explosives anchorage. Such a permit must be obtained before entering the anchorage and may be revoked at any time.

(vi) The Captain of the Port may require any person having business on board a vessel which is laden or being on-loaded or off-loaded with explosives to have a document that is acceptable to the Coast Guard for identification purposes and to show that document to the Captain of the Port.

(vii) The Captain of the Port may require a nonself-propelled vessel, or a self-propelled vessel that is unable to maneuver under its own power, that occupies an explosives anchorage to be attended by a tug.

(viii) Each vessel loading, unloading, or laden with explosives, while within an explosives anchorage, shall display at her masthead, or at least 10 feet above the upper deck if the vessel has no masthead, a red flag 16 square feet or more.

(ix) When a vessel is conducting loading operations from barges at any explosives anchorage and is displaying a red flag by day, passing vessels shall reduce speed so as to insure that their wake does not interfere with cargo transfer operations.

(x) The District Engineer, Corps of Engineers, may issue written permission for anchoring a single barge carrying explosives in quantities considered by him as safe and necessary in the vicinity of work being done directly under his supervision or under a Department of the Army permit. When the District Engineer issues such permission, he shall prescribe the conditions under which the explosive must be stored and handled and shall furnish a copy of the permit and a copy of the rules and regulations for storing and handling to the Captain of the Port.

(13) No vessel other than a vessel under Federal supervision may go alongside or in any manner moor to any Government-owned vessel, mooring buoy, or pontoon, boom, their anchor cables, or any of their appendages. No vessel other than a vessel under Federal supervision may obstruct or interfere in any manner with the mooring, unmooring, or servicing of vessels owned by the United States.

(14) Each vessel anchoring in the San Joaquin River Deep Water Channel or the Stockton Turning Basin because of imminent peril or heavy fog shall be positioned as near the edge of the channel or turning basin as possible so as not to interfere with navigation, or obstruct the approach to any pier, wharf, slip, or boat harbor and shall move as soon as the imminent peril or heavy fog ceases or when notified to move by the Captain of the Port.

(15) No vessel may permanently moor in areas adjacent to the San Joaquin River Deep Water Channel except with the written permission of the Captain of the Port.

These proposals are made under the authority of section 7, 38 Stat. 1053, as amended (33 U.S.C. 471), section 6(g)(1)(A), 80 Stat. 937 (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46 (c)(1), 33 CFR 1.05–1(c)(2) 136 F.R. 19160.

Dated: April 25, 1972.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.72-6523 Filed 4-27-72;8:48 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-WE-18]

CONTROL ZONE

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a temporary control zone at San Luis Obispo, Calif.

Interested persons may participate in the proposed rule making by submittng such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The 162d Mobile Communications Group, California Air National Guard

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will hold a summer encampment at San Luis Obispo County Airport beginning August 20 through September 1, 1972. During this period a temporary air traffic control tower will be manned by FAA certificated Air National Guard personnel. In order to enhance safety and provide for the performance of air traffic control services it is proposed to establish a temporary control zone that will be effective during the hours that the control tower will be in operation.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (37 F.R. 2056) the following control zone is added:

SAN LUIS OBISPO, CALIF.

Within a 3-mile radius of San Luis Obispo County Airport (latitude 35°14'16" N., longitude 120°38'20" W.). This control zone is effective from 0800 to 2000 local time daily August 20 through September 1, 1972.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 18, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.72-6492 Filed 4-27-72;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[41 CFR Part 15-16]

PROCUREMENT FORMS

Illustration of Forms

Notice is hereby given that the Environmental Protection Agency proposes a new amendment to 41 CFR Ch. 15, by adding new § 15-16.901-2-A, *General provisions*, under Subpart 15-16.9, Illustration of Forms, Part 15-16, Procurement Forms, to read as set forth below.

Interested parties may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Environmental Protection Agency, Contracts Management Division, Washington, D.C. 20460. All communications received within thirty (30) days from the date of piblication of this notice in the FEDERAL REGISTER will be considered prior to adoption of the final regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, Room 3220C, Waterside Mall, Washington, D.C. 20460.

Dated: April 24, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15-16.9—Illustration of Forms

§ 15-16.901-2A General provisions.

GENERAL PROVISIONS

FOR USE IN COST-REIMBURSEMENT CONTRACTS WITH PROFIT-MAKING ORGANIZATIONS

1. *Definitions.* As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(b) Except as otherwise provided in this contract, the term "Subcontracts" includes purchase orders under this contract.

(c) The term "EPA" means the Environmental Protection Agency.

2. *Disputes.* (a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish to the Contractor a written copy of his decision. Such decision shall be final and conclusive unless within 30 days from the date of receipt of such copy, the Contractor appeals therefrom by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Administrator, Environmental Protection Agency. The decision of the Administrator or his duly authorized representative upon such appeal shall be final and conclusive unless the decision is determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

3. *Changes.* The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, specifications, or services, (ii) method of shipment or packing, (iii) place of inspection, delivery, or acceptance, and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the cost of, or the time required for performance of this contract or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (1) in the contract price or time of performance, or both, and (ii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed;

4. *Termination for default or for convenience of the government.* (a) The performance of work under the contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part;

(1) Whenever the Contractor shall default in performance of this contract in accordance with its terms (including in the term "default" any such failure by the Contractor to make progress in the prosecution of the work hereunder as endangers such performance), and shall fail to cure such default within a period of 10 days (or such longer period as the Contracting Officer may allow) after receipt from the Contracting Officer of a notice specifying the default; or

(2) Whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government.

Any such termination shall be effected by delivery to the Contractor of a notice of termination specifying whether termination is for the default of the Contractor or for the convenience of the Government, the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective. If, after notice of termination of this contract for default under (1) above, it is determined for any reason that the Contractor was not in default pursuant to (1), or that the Contractor's failure to perform or to make progress in performance is due to causes beyond the control and without the fault or negligence of the Contractor pursuant to the provisions of the clause of this contract relating to excusable delays, the notice of termination shall be deemed to have been issued under (2) above, and the rights and obligations of the parties hereto shall in such event be governed accordingly.

(b) After receipt of a notice of termination and except as otherwise directed by the Contracting Officer, the Contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the notice of termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(3) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the notice of termination;

(4) Assign to the Government, in the manner and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders or subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts;

(5) With the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final and conclusive for all purposes of this clause, settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, the cost of which would be reimbursable in whole or in part, in accordance with the provisions of this contract;

(6) Transfer title to the Government (to the extent that title has not already been transferred) and deliver in the manner, at the times, and to the extent directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in respect of the performance of, the work terminated by the Notice of Termination; (ii) the completed or partially completed plans, drawings, information, and other property which, if the contract had been completed, would be required to be furnished to the Government; and (iii) the jigs, dies, and fixtures, and other special tools and tooling acquired or manufactured for the performance of this contract for the cost of which the Contractor has been or will be reimbursed under this contract;

(7) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (6) above: *Provided, however*, That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further*, That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(8) Complete performance of such part of the work as shall not have been terminated by the notice of termination; and

(9) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

The Contractor shall proceed immediately with the performance of the above obligations notwithstanding any delay in determining or adjusting the amount of the fee, or any item of reimbursable cost, under this clause. At any time after expiration of the plant clearance period, as defined in Subpart 1-8.1 of the Federal Procurement Regulations (41 CFR 1-8.1), as the definition may be amended from time to time, the Contractor may submit to the Contracting Officer a list certified as to quantity and quality of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination the Contractor shall submit to the Contracting Officer his termination claim in the form and with the certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than 1 year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such 1-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such 1-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (e), and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount of amounts to be paid (including an allowance for the fee) to the Contractor by reason of the total or partial termination or work pursuant to this clause. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount.

(e) In the event of the failure of the Contractor and the Contracting Officer to agree in whole or in part, as provided in paragraph (d), as to the amounts with respect to costs and fee, or as to the amount of the fee, to be paid to the Contractor in connection with the termination of work pursuant to this clause, the Contracting Officer shall, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amount determined as follows:

(1) If the settlement includes cost and fee—

(i) There shall be included therein all costs and expenses reimbursable in accordance with this contract, not previously paid to the Contractor for the performance of this contract prior to the effective date of the notice of termination, and such of these costs as may continue for a reasonable time thereafter with the approval of or as directed by the Contracting Officer: *Provided, however*, That the Contractor shall proceed as rapidly as practicable to discontinue such costs;

(ii) There shall be included therein so far as not included under (i) above, the cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(5) above, which are properly chargeable to the terminated portion of the contract;

(iii) There shall be included therein the reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of termination inventory: *Provided, however*, That if the termination is for default of the Contractor there shall not be included any amounts for the preparation of the Contractor's settlement proposal; and

(iv) There shall be included therein a portion of the fee payable under the contract determined as follows—

(A) In the event of the termination of this contract for the convenience of the Government and not for the default of the Contractor, there shall be paid a percentage of the fee equivalent to the percentage of the completion of work contemplated by the contract, less fee payments previously made hereunder; or

(B) In the event of the termination of this contract for the default of the Contractor, the total fee payable shall be such proportionate part of the fee (or, if this contract calls for articles of different types, of such part of the fee as is reasonably allocable to the type of article under consideration) as the total number of articles delivered to and accepted by the Government bears to the total number of articles of a like kind called for by this contract.

If the amount determined under this subparagraph (1) is less than the total payment theretofore made to the Contractor, the Contractor shall repay to the Government the excess amount.

(2) If the settlement includes only the fee, the amount thereof will be determined in accordance with subparagraph (1)(iv) above.

(f) The Contractor shall have the right of appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right of appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) If there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer, or (2) if an appeal has been taken, the amount finally determined on such appeal.

(g) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other payments theretofore made to the Contractor, applicable to the terminated portion of this contract, (2) any claim which the Government may have against the Contractor in connection with this contract, and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause and not otherwise recovered by or credited to the Government.

(h) In the event of a partial termination, the portion of the fee which is payable with respect to the work under the continued portion of the contract shall be equitably adjusted by agreement between the Contractor and the Contracting Officer, and such adjustment shall be evidenced by an amendment to this contract.

(i) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments and payments on account against costs incurred by the Contractor in connection with the terminated portion of the contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum, for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until 10 days after the date of such retention or

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disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(j) The provisions of this clause relating to the fee shall be inapplicable if this contract does not provide for payment of a fee.

5. *Printing.* Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: *Provided, however,* That performance of a requirement under this contract involving the duplication of less than 5,000 units of only one page, or less than 25,000 units in the aggregate of multiple pages, such pages not exceeding a maximum image size of 10¾ by 14¼ inches, will not be deemed to be printing.

6. *Stop Work Order.* (a) The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of ninety (90) days after the order is delivered to the Contractor, and for any further period to which the parties may agree. Any such order shall be specifically identified as a Stop Work Order issued pursuant to this clause. Upon receipt of such an order, the Contractor shall forthwith comply with its terms and take all reasonable steps to minimize the incurrence of cost allocable to the work covered by the order during the period of work stoppage. Within a period of ninety (90) days after a Stop Work Order is delivered to the Contractor, or within any extension of that period to which the parties shall have agreed, the Contracting Officer shall either:

(i) Cancel the Stop Work Order, or

(ii) Terminate the work covered by such order as provided in the clause of this contract, entitled "Termination for Default or for Convenience of the Government."

(b) If a Stop Work Order issued under this clause is canceled or the period of the order or any extension thereof expires, the Contractor shall resume work. An equitable adjustment shall be made in the delivery schedule, the estimated cost, the fee, or a combination thereof, and in any other provisions of the contract that may be affected, and the contract shall be modified in writing accordingly, if

(i) The Stop Work Order results in an increase in the time required for, or in the Contractor's cost properly allocable to, the performance of any part of this contract, and

(ii) The Contractor asserts a claim for such adjustment within thirty (30) days after the end of the period of work stoppage: *Provided,* That, if the Contracting Officer decides the facts justify such action, he may receive and act upon any such claim asserted at any time prior to final payment under this contract.

Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

(c) If a Stop Work Order is not canceled and the work covered by such order is terminated for the convenience of the Government, the reasonable costs resulting from the Stop Work Order shall be allowed in arriving at the termination settlement.

7. *Inspection.* The Government, through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

8. *Excusable delays.* Except with respect to defaults of subcontractors, the Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the failure of a subcontractor to perform or make progress, and if such failure arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be deemed to be in default, unless (a) the supplies or services to be furnished by the subcontractor were obtainable from other sources, (b) the Contracting Officer shall have ordered the Contractor in writing to procure such supplies or services from such other sources, and (c) the Contractor shall have failed to comply reasonably with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that any failure to perform was occasioned by any one or more of the said causes, the delivery schedule shall be revised accordingly, subject to the rights of the Government under the clause hereof entitled "Termination for Default or for Convenience of the Government." (As used in this clause, the terms "subcontractor" and "subcontractors" mean subcontractor(s) at any tier. The Contractor shall notify the Government immediately if it is determined that a subcontractor is failing to perform or make reasonable progress under the terms and conditions of the subcontract.)

9. *Subcontracts.* (a) Except as may be otherwise stated in the schedule of this contract, the Contractor shall give a minimum of ten (10) days advance notification to the Contracting Officer of any proposed subcontract hereunder which (1) is a construction contract, (2) is a cost-reimbursement, time and materials or a labor-hour contract, or (3) is a fixed-price contract and exceeds the dollar amount of $25,000 or five percent (5%) of the total estimated cost of this contract, (4) has experimental, developmental, or research work as one of its purposes. This information shall include but not be limited to the following:

(i) A description of the supplies or services to be called for by the contract, including a copy of the draft document;

(ii) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained;

(iii) The proposed subcontract price, together with the Contractor's cost or price analysis thereof;

(iv) The subcontractor's current, complete, and accurate cost or pricing data and Certificate of Current Cost or Pricing Data when such data and certificate are required by other provisions of this contract, to be obtained from the subcontractor; and

(v) Identification of the type of contract to be used.

(b) The Contractor shall obtain the written consent of the Contracting Officer prior to placing any subcontract for which advance notification is required under (a) above, and prior to placing any subcontract which provides for the fabrication, purchase, rental, installation, or other acquisition, of any facilities, equipment, or special tooling having a dollar value in excess of $1,000. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (b).

(c) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(d) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(e) The Contractor shall, in accordance with the clause entitled "Litigation and Claims," give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

(f) Except as otherwise stated in the schedule of this contract and notwithstanding (b) above, the Contractor may enter into subcontracts within (2) and (3) of (a) above, or, if the subcontract is for facilities, equipment, or for special tooling, without the prior written consent of the Contracting Officer if the Contracting Officer has in writing approved the Contractor's purchasing system and the subcontract is within the limitations of such approval.

10. *Competition in subcontracting.* (The following clause is applicable if the amount of this contract exceeds $2,500.)

The Contractor shall select subcontractors (including suppliers) on a competitive basis to the maximum practical extent consistent with the objectives and requirements of the contract.

11. *Government Property.* (a) *Government-Furnished Property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the schedule or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contracting Officer, make a determination of the delay, if any, occasioned the Contractor and shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provisions affected by any

such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." In the event that Government-furnished property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of the property or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the estimated cost, fixed fee, or delivery or performance dates, or all of them, and any other contractual provision effected by the return or disposition, or the repair or modification in accordance with the procedures provided for in the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-Furnished Property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property furnished or to be furnished by the Government under this contract, and/or (ii) substitute other Government-owned property for property to be furnished by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the schedule to make available for the performance of this contract, the Contracting Officer, upon the written request of the Contractor (or, if the substitution of property causes a decrease in the cost of performance, on his own initiative,) shall equitably adjust such contractual provisions as may be affected by the decrease, substitution or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under the contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance on this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-furnished property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) *Property Administration.* The Contractor agrees to maintain and administer a property control system in accordance with EPA publication "Guide for Control of Government Property by Contractors" supplied by the Government. While the Contractor is responsible for the Government property (Government furnished and Contractor acquired), the Government will maintain the official accountability records.

(e) *Use of Government Property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(f) *Maintenance of Government Property.* The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection, and preservation of Government property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection and disposition of Government property.

(g) *Risk of loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any one of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who has supervision or direction of—

(A) All or substantially all of the Contractor's business; or

(B) All or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed; or

(C) A separate and complete major industrial operation in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in subparagraph (i) above—

(A) To maintain and administer, in accordance with sound industrial practice, the program for utilization, maintenance, repair, protection, and preservation of Government property as required by paragraph (f) hereof, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (f) hereof; or

(B) To establish, maintain, and administer, in accordance with (d) above, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the schedule;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

(2) If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception. The Contractor shall obtain the approval of the Contracting Officer prior to transferring any Government property to a subcontractor. If the Contractor transfers Government property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to the property as set forth above. However, the Contractor shall require the subcontractor to assume the risk of, and be responsible for, any loss or destruction of or damage to the property while in the latter's possession or control, except to the extent that the subcontract, with the prior approval of the Contracting Officer, provides for the relief of the subcontractor from such liability. In the absence of such approval, the subcontract shall contain appropriate provisions requiring the return of all Government property in as good condition as when received, except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of the prime contract.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provisions of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government property, the Contractor shall notify the Contracting Officer thereof, take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order and furnish to the Contracting Officer a statement of—

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, he shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction, or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where the subcontractor has not been relieved from liability for any loss or destruction of or damage to Government property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government property for the benefit of the Government.

(h) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located.

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(i) *Final Accounting and Disposition of Government Property.* Upon the completion of this contract, or at such earlier dates as may be fixed by the Contracting Officer, the Contractor shall submit to the Contracting Officer in a form acceptable to him, inventory schedules covering all items of the Government property not consumed in the performance of this contract, or not theretofore delivered to the Government, and shall deliver or make such other disposal of such Government property as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct. The foregoing provisions shall apply to scrap from Government property; provided, however, that the Contracting Officer may authorize or direct the Contractor to omit from such inventory schedules any scrap consisting of faulty castings or forgings, or cutting and processing waste, such as chips, cuttings, borings, turnings, short ends, circles, trimmings, clippings, and remnants, and to dispose of such scrap in accordance with the Contractor's normal practice and account therefor as a part of General overhead or other reimbursable cost in accordance with the Contractor's established accounting procedures.

(j) *Restoration of Contractor's Premises and Abandonment.* Unless otherwise provided herein, the Government:

(i) May abandon any Government property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(ii) Has no obligation to the Contractor with regard to restoration or rehabilitation of the Contractor's premises, neither in case of abandonment (paragraph (j)(i) above), disposition on completion of need or of the contract (paragraph (i) above), nor otherwise, except for restoration or rehabilitation costs caused by removal of Government property pursuant to paragraph (b) above.

(k) *Communications.* All communications issued pursuant to this clause shall be in writing.

12. *Key Personnel.* The personnel specified in the schedule of this contract are considered to be essential to the work being performed hereunder. If these individuals are unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer and shall submit justifications (including proposed substitutions) in sufficient detail to permit evaluation of the impact on the program. Prior to substitution of key personnel, the Contractor shall obtain the written consent of the Contracting Officer as to the acceptability of the succeeding personnel; provided that the Contracting Officer may ratify in writing such substitution and such ratification shall constitute the consent of the Contracting Officer required by this clause.

13. *Overtime.* (a) Allowable cost shall not include any amount on account of overtime premiums except when (i) specified in (c) below or (ii) paid for work—

(A) Necessary to cope with emergencies such as those resulting from accidents, natural disasters, breakdowns of production equipment, or occasional production bottlenecks of a sporadic nature;

(B) By indirect labor employees such as those performing duties in connection with administration, protection, transportation, maintenance, standby plant protection, operation of utilities, or accounting;

(C) In the performance of tests, industrial processes, laboratory procedures, loading or unloading of transportation media, and operations in flight or afloat, which are continuous in nature and cannot reasonably be interrupted or otherwise completed; or

(D) Which will result in lower overall cost to the Government.

(b) The cost of overtime premiums otherwise allowable under (a) above shall be allowed only to the extent the amount thereof is reasonable and properly allocable to the work under this contract.

(c) The Contractor is authorized to perform overtime, in addition to that performed under (a)(ii), to the extent that the overtime does not exceed the amount set forth in the schedule.

(d) Any request for overtime, in addition to any amount specified in (c) above, which can be estimated with reasonable certainty to be required for the remainder of the contract shall contain the following:

(i) Identification of the work unit, such as the department or section in which the requested overtime will be used, together with present workload, manning and other data of the affected unit, sufficient to permit an evaluation by the Contracting Officer of the necessity for the overtime;

(ii) The effect that denial of the request will have on the delivery or performance schedule of the contract;

(iii) Reasons why the required work cannot be performed on the basis of utilizing multishift operations or by the employment of additional personnel; and

(iv) The extent to which approval of overtime would affect the performance of payments in connection with any other Government contracts, together with any identification of such affected contracts.

14. *Foreign travel.* Unless otherwise provided in this contract, foreign travel shall not be performed without the prior written approval of the Contracting Officer. As used in this clause, "foreign travel" means travel outside the United States, its territories and possessions, and Canada.

15. *Services of consultants.* Except as otherwise expressly provided elsewhere in this contract, and notwithstanding the provisions of the clause of this contract entitled "Subcontracting," the prior written approval of the Contracting Officer shall be required:

(a) Whenever any employee of the Contractor is to be reimbursed as a "consultant" under this contract; and

(b) For the utilization of the services of any consultant under this contract.

Whenever Contracting Officer approval is required, the Contractor will obtain and furnish to the Contracting Officer information concerning the need for such consultant services and the reasonableness of the fees to be paid, including, but not limited to, whether fees to be paid to any consultant exceed the lowest fee charged by such consultant to others for performing consultant services of a similar nature.

16. *Insurance.* (a) The Contractor shall procure and maintain such insurance as is required by law or regulation, including that required by Subpart 1–10.5 of the Federal Procurement Regulation as of the date of execution of this contract, and such insurance as the Contracting Officer prescribes by written direction.

(b) At a minimum, the Contractor shall procure and maintain the following types and amounts of insurance:

(1) Workmen's compensation and occupational disease insurance in amounts sufficient to satisfy State law.

(2) Employer's liability insurance, where available.

(3) Public liability insurance, on the comprehensive form of policy, in the amount of $200,000 per claimant and $500,000 per incident.

(c) With respect to any insurance policy all or part of the premiums of which the Contractor proposes to treat as a direct cost under this contract, and with respect to any proposed qualified program of self-insurance, the written approval of the Contracting Officer shall be obtained prior to any claim for payment therefor.

(d) The terms of any other insurance policy held by Contractor shall be submitted to the Contracting Officer for review and/or approval upon request of the Contracting Officer.

17. *Litigation and claims.* The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which may be allowable under the clause entitled, "Allowable Cost, Fixed Fee and Payment." Except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy or insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action. If the settlement or defense of an action or claim is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action to the extent that the Contractor would have been compensated by insurance which was required by law, regulation, by this contract, or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence.

18. *Notice to the Government of delays.* (a) Whenever the Contractor has knowledge that any actual or potential situation or labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph (b), in any subcontract hereunder as to which a situation or labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential situation or labor dispute, the subcontractor shall immediately notify its next higher tier subcontractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

19. *Allowable cost, fixed fee, and payment.* (a) For the performance of this contract, the Government shall pay to the Contractor—

(i) The cost thereof (hereinafter referred to as "allowable cost") determined by the Contracting Officer to be allowable in accordance with—

(A) Subpart 1–15.2 of the Federal Procurement Regulations as in effect on the date of this contract, and

(B) The terms of this contract; and

(ii) Such fixed fee, if any, as may be provided for in the schedule.

(b) Payments, as approved by the Contracting Officer, will be made to the Contractor monthly, subject to the conditions in subparagraph (d) below, upon (1) submission to an authorized representative of the Contracting Officer of an invoice or voucher, supported by an itemized statement of costs claimed to have been incurred by the Contractor in the performance of the contract during the period covered by the invoice or voucher and (2) receipt and approval by the Contracting Officer of a progress report covering work performed during the period, or certification by the Contracting Officer that the amount for which payment is approved does not exceed the value of the written and graphic technological data and materials generated in the performance of the contract during the period covered by the invoice or voucher, and that title thereto has passed to and vested in the Government under the terms hereof.

(c) Promptly after receipt of each invoice or voucher and statement of cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of (d) below, make payment thereon as approved by the Contracting Officer. Payment of the fixed fee, if any, shall be made to the Contractor as specified in the schedule: *Provided, however,* That after payment of eighty-five percent (85%) of the fixed fee set forth in the schedule, further payment on account of the fixed fee shall be withheld until a reserve of either fifteen percent (15%) of the total fixed fee, or fifteen thousand dollars ($15,000), whichever is less, shall have been set aside.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(e) A "completion invoice" or "completion voucher" shall be submitted

(i) Upon the physical completion of all performance provisions and

(ii) When all costs applicable to the contract have been incurred.

The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may in his discretion approve in writing) form the date of such completion. Upon the completion of the final audit and the receipt of a "final invoice" or "final voucher," the Government shall promptly pay to the Contractor any balance of allowable costs, and any part of the fixed fee, which has been withheld pursuant to (c) above or otherwise not paid to the Contractor.

(f) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver—

(i) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(ii) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract subject only to the following exceptions—

(A) Specified claims in stated amounts, or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(B) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract, provided, that such claims are not known to the Contractor on the date of execution of the release: *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment whichever is earlier; and

(C) Claims for reimbursement of costs (other than expenses of the Contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute allowable costs under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at his expense or without cost to the Government.

20. *Limitation of cost.* (a) It is estimated that the total cost to the Government for the performance of this contract, exclusive of any fee, will not exceed the estimated cost set forth in the schedule, and the Contractor agrees to use his best efforts to perform the work specified in the schedule and all obligations under this contract within such estimated cost. If, at any time, the Contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding sixty (60) days, when added to all costs previously incurred, will exceed seventy-five percent (75%) of the estimated cost set forth in the schedule, or if, at any time, the Contractor has reason to believe that the total cost to the Government for the performance of his contract, exclusive of any fee, will be greater or substantially less than the then estimated cost, hereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception of this clause, the Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the schedule, and the Contractor shall not be obligated to continue performance under the contract (including actions under the termination clause) or otherwise to incur costs in excess of the estimated cost set forth in the schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the Contractor for any costs in excess of the estimated cost set forth in the schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the schedule has been increased, any costs incurred by the Contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) If (1) the Contractor stops performance before completion of all work hereunder because it has incurred costs in the amount of or in excess of the estimated cost set forth in the contract, and (2) the Contracting Officer elects not to increase such estimated costs, the Contractor's fixed-fee will be equitably reduced to reflect the actual amount of work performed as compared with the full amount of the work required in the contract. In the event of failure to agree as to the amount of such reduction, the Contracting Officer shall determine the amount, subject to the right of the Contractor to appeal therefrom pursuant to the clause in the contract entitled "Disputes." This paragraph shall not, in any way, limit the rights of the Government under the clause in the contract entitled "Termination for Default or for the Convenience of the Government."

(d) Change orders issued pursuant to the Changes clause of this contract shall not be considered an authorization to the Contractor to exceed the estimated cost set forth in the schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

21. *Limitation on withholding of payments.* If more than one clause or schedule provision of this contract authorized the temporary withholding of amounts otherwise payable to the Contractor for work performed under this contract, the total of the amounts so withheld at any one time shall not exceed the greatest amount which may be withheld under any one such clause or schedule provision at that time: *Provided,* That this limitation shall not apply to:

(a) Withholdings pursuant to any clause relating to wages or hours of employees;

(b) Withholdings not specifically provided for by this contract; and

(c) The recovery of overpayments.

22. *Interest.* Notwithstanding any other provision of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of 6 percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract; (ii) the date of the first written demand for payment, consistent with this contract, including demand consequent upon default termination; (iii) the date of transmittal by the Government to the Contractor

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of a proposed supplemental agreement to confirm completed negotiations fixing the amount; or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

23. *Audit and records.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.)

(a) The Contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representatives. In addition, for purposes of verifying the cost or pricing data submitted, in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, was accurate, complete, and current, the Contracting Officer or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in 41 CFR Part 1–20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) If this contract is completely or partially terminated the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract or (C) costs and expenses of this contract as to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) (1) The Contractor shall insert the substance of this clause, including the whole of this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the Contractor; to add "of the Government prime contract" after "Contracting Officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) above.

(2) The Contractor shall insert the substance of the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds $100,000, except those subcontracts covered by subparagraph (3) below:

AUDIT

(a) For purposes of verifying the certified cost or pricing data submitted in conjunction with the negotiation of this contract or any contract change or other modification involving an amount in excess of $100,000, was accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) The subcontractor agrees to insert this clause including this paragraph (b), in all subcontracts hereunder which when entered into exceed $100,000, unless the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(3) The Contractor shall insert the following clause in each firm fixed-price or fixed-price with escalation subcontract hereunder which when entered into exceeds $100,000 where the price is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

AUDIT—PRICE ADJUSTMENTS

(a) This clause shall become operative only with respect to any change or other modification of this contract, which involves a price adjustment in excess of $100,000, unless the price adjustment is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation: *Provided*, That such change or other modification to this contract must result from a change or other modification (1) to the Government prime contract, or (2) authorized under the provisions of the Government prime contract.

(b) For purposes of verifying that any certified cost or pricing data submitted in conjunction with a contract change or other modification were accurate, complete, and current, the Contracting Officer of the Government prime contract, or his authorized representative, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(c) The subcontractor agrees to insert the substance of this clause including this paragraph (c) in all subcontracts hereunder which when entered into exceed $100,000.

24. *Examination of records by Comptroller General.* (a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500, and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising but of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

25. *Price reduction for defective cost or pricing data.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.)

(a) If the Contracting Officer determines that any price, including profit or fee, negotiated in connection with this contract or any cost reimbursable under this contract was increased by any significant sums because the Contractor, or any subcontractor pursuant to the clause of this contract entitled "Subcontractor Cost or Pricing Data" or "Subcontractor Cost or Pricing Data—Price Adjustments," or any subcontract clause therein required, furnished incomplete or inaccurate cost or pricing data or data not current as certified in his Contractor's Certificate of Current Cost or Pricing Data, then such price or cost shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

(b) Failure to agree on a reduction shall be a dispute concerning a question of fact within the meaning of the "Disputes" clause of this contract.

NOTE—Since the contract is subject to reduction under this clause by reason of defective cost or pricing data submitted in connection with certain subcontracts, it is expected that the Contractor may wish to include a clause in each such subcontract requiring the subcontractor to appropriately indemnify the contractor. It is also expected that any subcontractor subject to such indemnification will generally require substantially similar indemnification for defective cost or pricing data required to be submitted by his lower tier subcontractors.

26. *Subcontractor cost and pricing data.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds $100,000.)

(a) The Contractor shall require subcontractors hereunder to submit in writing cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, change or other modification, the price of which is expected to exceed $100,000; and

(2) Prior to the award of any other subcontract, the price of which is expected to exceed $100,000 or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(b) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor in the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (a) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the subcontract or subcontract change or modification.

(c) The Contractor shall insert the substance of this clause including this paragraph (c) in each of his cost-reimbursement type, time and material, labor-hour, price redeterminable, or incentive subcontracts hereunder, and in any other subcontract hereunder which exceeds $100,000 unless the price thereof is based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation. In each such excepted subcontract hereunder which exceeds $100,000, the Contractor shall insert the substance of the following clause:

SUBCONTRACTOR COST AND PRICING DATA-PRICE ADJUSTMENTS

(a) Paragraphs (b) and (c) of this clause shall become operative only with respect to any change or other modification made pursuant to one or more provisions of this contract which involves a price adjustment in excess of $100,000. The requirements of this clause shall be limited to such price adjustments.

(b) The Contractor shall require subcontractors hereunder to submit cost or pricing data under the following circumstances:

(1) Prior to award of any cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable subcontract, the price of which is expected to exceed $100,000; and

(2) Prior to award of any other subcontract, the price of which is expected to exceed $100,000, or to the pricing of any subcontract change or other modification for which the price adjustment is expected to exceed $100,000, where the price or price adjustment is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or prices set by law or regulation.

(c) The Contractor shall require subcontractors to certify, in substantially the same form as that used in the certificate by the Prime Contractor to the Government, that, to the best of their knowledge and belief, the cost and pricing data submitted under (b) above are accurate, complete, and current as of the date of the execution, which date shall be as close as possible to the date of agreement on the negotiated price of the contract modification.

(d) The Contractor shall insert the substance of this clause including this paragraph (d) in each subcontract hereunder which exceeds $100,000.

27. *Pricing of adjustments.* When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provision of this contract, such costs shall be in accordance with Part 1–15 of the Federal Procurement Regulations as in effect as of the date of this contract.

28. *Negotiated overhead rates.* (a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost, Fixed Fee, and Payment" the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than 90 days after the expiration of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal. In the event the Contractor has more than one contract with EPA, only one submittal shall be required with respect to each applicable rate.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (b) of the clause of this contract entitled "Allowable Cost and Fixed Fee and Payment."

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively, (1) provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision or negotiated provisional rates provided in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) Nothing in this clause shall preclude the Contracting Officer from negotiating final overhead rates applicable to this contract, for any period, for the purpose of contract closeout, provided that (1) the negotiated amount of overhead costs applicable hereto does not exceed $200,000 for any 1 fiscal year; (ii) there is agreement between the Government and the Contractor that there will be no adjustment against other Government contracts for over or under recovery under this contract disclosed through a subsequent, regular final overhead rate negotiation or determination; and (iii) this contract is appropriately modified to reflect the finality of this negotiation and the fact that other contracts shall not be affected by any over or under recovery resulting therefrom.

29. *Assignment of claims.*—(a) Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or any other person not entitled to receive the same. However, a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

30. *Utilization of small business concerns.* (The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for the supplies and services for the Government be placed with small business concerns.

(b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

31. *Utilization of labor surplus area concerns.* (The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government to award contracts to labor surplus area concerns that (1) have been certified by the Secretary of Labor (hereafter referred to as certified-eligible concerns with first or second preferences) regarding the employment of a proportionate number of disadvantaged individuals and have agreed to perform substantially (i) in or near sections of concentrated unemployment or underemployment or in persistent or substantial labor surplus areas or (ii) in other areas of the United States, respectively, or (2) are non-certified concerns which have agreed to perform substantially in persistent or substantial labor surplus areas, where this can be done consistent with the efficient performance of the contract at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) Certified-eligible concerns with a first preference which are also small business concerns; (2) other certified-eligible concerns with a first preference; (3) certified-eligible concerns with a second preference which are also small business concerns; (4) other certified-eligible concerns with a second preference; (5) persistent or substantial labor surplus area concerns which are also small business concerns; (6) other persistent or substantial labor surplus area concerns; and (7) small business concerns which are not labor surplus area concerns.

32. *Utilization of minority business enterprises.* (The following clause is applicable if the amount of this contract is $5,000 or over.)

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(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

33. *Equal opportunity.* (The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR Ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection of training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, Executive Order No. 11375 of October 13, 1967, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraph (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or Vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter such litigation to protect the interests of the United States.

34. *Contractor and subcontractor listing requirement.* (The following clause is applicable if the amount of this contract is $10,000 or over or where 400 man-days of effort will be involved.)

(a) As provided by 41 CFR Part 50–250, the Contractor agrees that all employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by the contract, and including those occurring at an establishment of the Contractor other than the one wherein the contract is being performed but excluding those of independently operated corporated affiliates, shall, to the maximum extent feasible, be offered for a listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such periodic reports to such local office regarding employment opening and hires as may be required: *Provided*, That this provision shall not apply to openings which the Contractor fills from within the Contractor's organization and that the listing of employment openings shall involve only the normal obligations which attach to the placing of job orders.

(b) The Contractor agrees further to place the above provision in any subcontract directly under this contract.

35. *Walsh-Healey Public Contracts Act.* If this contract is for the manufacture or furnishing of materials, supplies, articles, or equipment in an amount which exceeds or may exceed $10,000 and is otherwise subject to the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35–45), there are hereby incorporated by reference all representations and stipulations required by said Act and regulations issued thereunder by the Secretary of Labor, such representations and stipulations being subject to all applicable rulings and interpretations of the Secretary of Labor which are now or may hereafter be in effect.

36. *Contract Work Hours and Safety Standards Act—overtime compensation (40 U.S.C. 327–333).* This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and interpretations of the Secretary of Labor.

(a) *Overtime requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of eight hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours Standards Act unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records containing the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

37. *Convict labor.* In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

38. *Buy American Act.* (a) In acquiring end products, the Buy American Act (41 U.S.C. 10a–d) provides that the Government give preference to domestic source end products. For the purpose of this clause:

(1) "Components" mean those articles, materials, and supplies which are directly incorporated in the end products;

(2) "End products" mean those articles, materials, and supplies which are to be acquired under this contract for public use; and

(3) A "domestic source end product" means (A) an unmanufactured end product which has been mined or produced in the United States and (B) an end product manufactured in the United States if the cost of the components thereof which are mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. For the purposes of this (a)(3)(B), components of foreign origin of the same type or kind as the products referred to in (b)(2) or (3) of this clause shall be treated as components mined, produced, or manufactured in the United States.

(b) The Contractor agrees that there will be delivered under this contract only domestic source end products, except end products:

(1) Which are for use outside the United States;

(2) Which the Government determines are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality;

(3) As to which the Administrator determines the domestic preference to be inconsistent with the public interest; or

(4) As to which the Administrator determines the cost to the Government to be unreasonable.

(The foregoing requirements are administered in accordance with Executive Order No. 10582, dated December 17, 1954.)

39. *Officials not to benefit.* No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

40. *Covenant against contingent fees.* The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

41. *Gratuities.* (a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, (to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract: *Provided*, That the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than three nor more than 10 times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

42. *Patents and inventions.* The clause published in the FEDERAL REGISTER dated February 19, 1972, with corrections published in the FEDERAL REGISTER dated February 26, 1972, and possible further additions or changes, will be included.

43. *Authorization and consent.* The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

44. *Rights in data.* (a) Definitions:

(1) The term "technical data" as used herein includes writings, sound recordings, magnetic recordings, pictorial reproductions, drawings, or other graphical representations, data processing or computer programs, and works of any similar nature, whether or not copyrighted, which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and other information incidental to contract administration.

(2) "Limited rights" means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data, be (a) released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture, or (c) used by a party other than the Government, except for:

(i) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work, provided that the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or

(ii) Release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above.

(3) "Unlimited rights" means rights to use, duplicate or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(b) Government rights:

(1) The Government shall have unlimited rights in:

(i) Technical data resulting directly from performance of experimental, developmental or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) Technical data necessary to enable manufacture of end-items, components and modifications, or to enable the performance of processes, when the end-items, components, modifications, or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was specified as an element of contract performance, except technical data pertaining to items, components or processes developed at private expense.

(iii) Technical data constituting corrections or changes to Government-furnished data;

(iv) Technical data pertaining to end-items, components, or processes which was prepared for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit, and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(v) Manuals or instructional materials prepared for installation, operation, maintenance, or training purposes;

(vi) Other technical data which has been, or is normally furnished without restriction by the Contractor or subcontractor; and

(vii) Technical data listed or described in an agreement incorporated into the schedule of this contract, which the parties have predetermined, on the basis of subparagraphs (i) thru (vi) above, and agreed will be furnished with unlimited rights.

(2) The Government shall have limited rights in technical data, listed or described in an agreement incorporated into the schedule of this contract, which the parties have agreed will be furnished with limited rights provided that each piece of data to which limited rights are to be asserted is marked with the following legend in which is inserted the number of the prime contract under which the technical data is to be delivered and the name of the Contractor or subcontractor by whom the technical data was generated:

This technical data, furnished under United States Government Contract No. ----------, shall not, without the written permission of ----------, be either (a) used, released or disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or (c) used by a party other than the Government, except for: (i) emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work provided that the release or disclosure hereof outside the Government shall be made subject to a prohibition against further use, release, or disclosure; or (ii) release to a foreign government, as the interest of the United States may require, only for information or evaluation within such government or for emergency repair or overhaul work by or for such government under the conditions of (i) above. This legend shall be marked on any reproduction hereof in whole or in part.

No legend shall be marked on, nor shall any limitation on rights of use be asserted as to, any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this paragraph (b)(2) shall not impair the right of the Government to use similar or identical data if such data is or becomes a part of the public domain or public knowledge by publication or otherwise, or is acquired by the Government from other sources. In preparation of the final report (if required under the contract), any and all technical data in which the Government has limited rights as set forth in (b)(2) above, shall be submitted under separate cover with the final report and marked with the legend set forth above. However, the final report shall include a complete disclosure of all materials, processes, and equipment employed in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in the circumstances to enable any person skilled in the art to comprehend the results of the work performed under the contract.

(c) Material covered by copyright:

(1) Notwithstanding the provisions of (b) above, the Contractor agrees to and does hereby grant to the Government, and to its officers, agents; and employees acting within the scope of their official duties, a royalty-free, nonexclusive and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No copyrighted matter shall be included in technical data furnished hereunder without the written approval of the Contracting Officer unless there has been obtained the written permission of the copyright owner for the Government to use such copyrighted matter in the manner described in paragraph (c)(1) above.

(3) The Contractor shall report to the Government (or higher-tier Contractor)

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promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) Except for those items set forth in (b)(2) above, the Contractor shall not affix any restrictive markings upon any technical data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such markings.

(e) Relation to Patents: Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(f) Right to Publish: The Contractor agrees that he will not publish, have published, or otherwise disseminate any information of whatever nature resulting from the work being performed under this contract except as may be approved by the Project Officer.

(g) Acquisition of Data from Subcontractors:

(1) Whenever any technical data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's or the Contractor's rights in that subcontractor data which is required for the Government.

(2) Technical data required to be delivered by a subcontractor shall normally be delivered to the next higher-tier Contractor. However, when there is a requirement in the prime contract, or in any deferred order, for data which may be supplied with limited rights pursuant to (b)(2) above, a subcontractor may fulfill such requirement by submitting such data directly to the Government rather than through the prime Contractor.

(3) The Contractor and higher-tier subcontractors will not use their power to award subcontracts as economic leverage to acquire rights in data from their subcontractors for themselves.

45. *Data requirements.* (a) To the extent that the following data is not elsewhere required to be furnished to the Government under this contract, and is of the type customarily retained in the normal course of business, the Contractor, upon written request of the Contracting Officer at any time during contract performance or within 1 year after final payment, shall furnish the following:

(1) A set of engineering drawings which will be sufficient to enable the manufacture of items or equipment furnished under this contract (other than components or items of standard commercial design, or items fabricated heretofore) by a firm skilled in the art of manufacturing items or equipment of the general type and character of the items or equipment furnished under this contract or a set of flowsheets and engineering drawings which will be sufficient to enable performance of any process developed with this contract by a firm skilled in the art of practicing processes of the general type and character of such process. Such set or sets of drawings and flowsheets shall be reproducible copies incorporating all changes made in the equipment or process in the form in which it was delivered to the Government.

(2) Any of the following data which is necessary to explain or help Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government:

(i) A copy (which shall be a reproducible master if one is so requested) of drawings and other technical data used in or prepared in connection with the development, practice, and testing of any process or processes required under the contract, or with the development, fabrication, and testing of prototype models of equipment or items (other than items of standard commercial design or items fabricated heretofore), if required under the contract.

(ii) A report of all studies made in planning the work and in developing background research for the work, including citation references to all such background research, and a copy of all compilations, digests, or analyses of such background research compiled in connection with the performance of this contract.

(iii) A copy (which shall be a reproducible master if one is so requested) of design studies, research notes, parameter and tolerance studies, drawings, including Contractor's identification of symbols and markings, specifications, test results, and any other technical information used in any research, development, design, engineering, and testing required in the performance of this contract, including test equipment and related items, together with any information as to safety precautions which may be necessary in connection with the manufacture, storage, or use of the equipment, material, or process, if any, in the event that an equipment, material, or process is the subject of research under this contract.

The Contractor shall not be required to furnish any background data which may be described in (ii) and (iii) above unless such data is essential and closely related to the contract work.

(b) All reports, data, and recorded information which are required to be furnished by the Contractor under this provision, as well as all other reports of a technical nature required to be furnished under this contract, are "Technical Data" within the meaning of the clause of the General Provisions of this contract entitled "Rights in Data."

(c) Nothing contained in this "Data Requirements" clause shall require the Contractor to deliver data previously developed by parties other than the Contractor, independently of this contract and acquired by the Contractor prior to this contract under conditions restricting the Contractor's right to disclose the name. If any of the data requested is in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where it may be found.

(d) Any reproducible copies requested under this "Data Requirements" clause shall be of a type and prepared in accordance with good commercial practice.

(e) In the event the Contracting Officer requests the delivery of data by the Contractor, as contemplated by (a) above, prior to final payment, such request shall be treated as a change under the clause of this contract entitled "Changes" and an equitable adjustment in the price, if this is a fixed-price contract, or estimated cost and any fixed fee, if this is a cost-type contract, shall be made to cover the cost of preparing drawings called for in (a)(1) above, and of collecting, preparing, editing, duplicating, assembling, and shipping the data requested under (a) above, but only to the extent that the Contractor warrants that such costs were not included in the price (or estimated cost and fixed fee) of the contract. The Contractor shall comply with requests of the Contracting Officer made under (a) above, within 1 year following final payment: *Provided*, That suitable provision is made for reimbursement of the additional costs of complying with such request, together with a reasonable fee or profit thereon, such additional costs being limited to the costs set forth above, and warranted to have been excluded from the price (or estimated cost and fixed fee) of the contract. Any adjustment or payment under this paragraph (e) shall not include any amount for the value of the data, as distinguished from the costs set forth above.

46. *Notice and assistance regarding patent and copyright infringement.* (The provisions of this clause shall be applicable only if the amount of this contract exceeds $10,000.)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

47. *Economic stabilization.* (a) By the execution of this contract, the Contractor certifies that he is in complete compliance and will continue to comply with the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

(b) Prior to the payment of invoices under this contract, the Contractor shall place on, or attach to, each invoice submitted the following certification:

"I hereby certify that amounts involved herein do not exceed the maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971."

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended)

[FR Doc.72-6455 Filed 4-27-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 2, 21, 43]

[Docket No. 19493; FCC 72-360]

COMMON CARRIER RADIO STATIONS IN MULTIPOINT DISTRIBUTION SERVICE

Proposed Licensing and Regulation

In the matter of amendment of Parts 1, 2, 21, and 43 of the Commission's rules and regulations to provide for licensing and regulation of common carrier radio stations in the Multipoint Distribution Service.

1. The Commission's rules make provision for common carrier use of the band 2150–2160 MHz to provide a nonbroadcast omnidirectional service. Little use has been made of the band for a number of years, but within the last year, subsequent to our action which removed a 3.5 MHz bandwidth limitation formerly imposed by the rules,[1] there have been a number of applications filed proposing such service. These applications, in essence, propose to provide a relay service for closed circuit television from a central location to a multiplicity of points as desired by the customer. The applicants in general see a need for such service to provide for relay of instructional and training television to schools, industry, municipal government, and for other miscellaneous uses such as the coverage of business, industry, or medical conventions.

2. The common carrier rules pertaining to such service are now contained only in the frequency allocation and bandwidth limitation provisions of Part 21, Subpart I, the Point-to-Point Microwave Radio Service. Clearly, the requirements of an omnidirectional service differ substantially from those of a fixed point-to-point service. Accordingly, it is proposed herein to establish new rules for this service, to be called the Multipoint Distribution Service, as set forth in the Appendix hereto. The Commission believes that the rules proposed are largely self-explanatory and need no detailed remarks. However, the following comment is provided on several aspects.

3. The most important matter concerns potential congestion. Despite the history of virtual nonuse of the band, we are now faced with a demand for frequencies far in excess of the supply. As of March 31, 1972, 148 common carrier applications have been filed, with multiple filings in 93 cities. Moreover, the band is shared with private users, and in another proceeding the Commission has proposed to permit shared use with Aural Broadcast STL operations.[2] When such potential use is considered in context with the current bandwidth requirement of 6 MHz for the transmission of a television signal, it is rather clear that there is a problem. Even in those cities where existing applicants and STL needs can be satisfied, there is no potential for future growth. If this common carrier service proves successful and meets a real public need, the demand in many of the larger cities is likely to outstrip the capacity of a one-channel system.

4. Therefore, provision is being made for a second television channel to accommodate the existing or potential demand by permitting sideband overlap into the next higher band between 2160 and 2162 MHz. Such frequencies are part of the 2 GHz point to point microwave allocations (2110–2130 and 2160–2180 MHz) which are limited to narrow band common carrier communications. These bands, thus far, have received light use in larger cities since they have been used primarily for low capacity telephone routes in essentially rural areas. In conjunction with the joint proceeding in Docket Nos. 19130 and 19494, issued simultaneously herewith, it is also proposed to allocate the use of frequencies 2110–2113 MHz, which frequencies are generally paired by carriers with 2160–2163 MHz for duplex public message communications, for STL use. Under this proposal applicants in this service and for Aural Broadcast STL facilities would be permitted to utilize frequencies 2160–2162 MHz[3] and 2110–2113 MHz, respectively, in the specified metropolitan areas.[4] New assignments of these frequencies in the same metropolitan areas for common carrier point-to-point use would be limited to those carriers that could show no reasonable alternatives. For details of the 2110–2113 MHz proposal, see the notice in Docket Nos. 19130 and 19494, and § 21.501(e) below. See footnote 2 to §§ 21.701(a) and 21.901 below for the 2160–2162 MHz details.

5. Notwithstanding efforts to provide for potential growth, omnidirectional assignments must be made with exceptional care if maximum utilization is to be obtained. Consideration has been given to requiring the submission of calculated service area contours, but that approach has been rejected as too involved and time consuming for both the applicant and the Commission. Basically, it is tentatively decided to control potential interference problems by limiting the transmitting power (in terms of effective radiated power) and requiring the submission of an engineering showing of possible electrical impact on any other existing or proposed station within 50 miles that operates or proposes operation on the same frequency. Furthermore, in order to protect the use of these frequencies in areas of likely future development, applicants would be required to make the same showing of possible impact to be made if the proposed transmitter would be located within 50 miles of one of the top 50 metropolitan areas.

6. In the context of potential congestion in this band, it is noted that many common carrier applicants have proposed to use two channels (one 6 MHz and one 3.5 MHz wide) which would occupy virtually the entire band. In view of the shared use of the band, the possibility of adding a second television channel and the untested requirements for this type of service, it does not appear that one applicant should be authorized 10 MHz at this time. Therefore, as a matter of policy the Commission does not propose to initially authorize any one user more than one 6 MHz channel in a given area. Once a carrier has operational experience in this service and can show a definite need for additional facilities, an application for a second channel will be considered where no service conflict exists, consistent, of course, with any subsequent decision we may reach with regard to shared use of the band with other services.

7. Most proposals now before the Commission propose that the transmitter be located at a permanent location. However, at least two applicants propose a temporary fixed operation. This does offer one obvious advantage for the carrier: It eliminates the problem of getting the program material to the carrier's transmitting location, as the carrier can relocate the station to the site most convenient to the subscriber.[5] Of course, there is a major disadvantage in using temporary fixed facilities in this service: The potential and varying impact on other facilities. If an omnidirectional transmitter can be located at any number of sites in a given city, it may be difficult or impossible to intelligently plan co-channel use in another city unless it is a substantial distance away.

8. Accordingly, the Commission does not, as a regular practice, propose to authorize temporary fixed facilities in this service. However, there may be circumstances or areas where such facilities would not be likely to impede co-channel usage in adjacent communities. Therefore, it is proposed that applications for temporary fixed authorization would be considered where it can be shown that substantial public benefit (as compared to a station at a permanent location) is offered and that there are no cities of 100,000 or more population within 50 miles. Where such facilities are authorized it is anticipated that the operational area of the station would be restricted to the smallest area practicable for providing reasonable service to the community. Temporary fixed stations must, of course, operate to avoid interference to other

[1] See Memorandum Opinion and Order regarding § 21.703(g), released July 31, 1970 (FCC 70-819).

[2] See notice of proposed rule making in Docket No. 19130, released January 25, 1971, FCC 71-56, 36 FR 1425.

[3] This contemplates television channel assignments at 2150–2156 and 2156–2162 MHz, which of course provides for no guard band. If comments to this proposed rule making supply engineering data which show that a modest guard band (not exceeding 1 MHz) would be of substantial benefit, the restriction could possibly be extended to 2163 MHz. Also, the possibility of modified technical standards may be commented upon where such modifications could eliminate or alleviate possible adjacent or co-channel interference. In this regard consideration should be given to the possible establishment of receiver technical specifications, e.g. minimum selectivity requirements.

[4] The applicable metropolitan areas are identified in item 7(c) of the Appendix. Comments with respect to the proposed limitations in the 2110–2113 MHz band should be submitted in connection with Docket No. 19494. Also, it is noted that the use of frequencies 2110–2113 MHz would continue to be subject to coordination with satellite earth stations transmitting in the 2110–2120 MHz band. Such stations operate only at Goldstone, Calif., Kauai, Hawaii, and Guam, and they are not expected to cause problems to the use of the frequencies in major metropolitan areas. See §§ 2.106 (US90) and 21.706 (c) and (d).

[5] In the case of a station at a permanent location provision must be made to get the subscriber's programing to the carrier's transmitter. This could be done with a local link provided by the telephone company or possibly a CATV system, or through temporary fixed or mobile microwave facilities. If the program material is on tape, there would apparently be little interconnection problem since the tape could be run at the transmitting site. Another possibility would involve the subscriber's use of a studio provided by the carrier. However, in such circumstances a carrier must be careful not to become involved in any substantial way in the production of the programing or else his eligibility as a common carrier will be jeopardized.

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authorized stations at permanent locations; however, the Commission does not propose to authorize in this service any two stations, whether permanent or temporary fixed, to operate in the same area on the same channel.[6]

9. One other matter deserving comment concerns the receiving facilities. A number of the pending applications make no mention of the operation of receiving equipment. Common carriers utilizing microwave radio have traditionally controlled their receiving as well as transmitting facilities. Two reasons for this, which would appear to be equally applicable to this service, are to insure an adequate quality of service on an end-to-end basis and to help preserve the privacy of the transmitted intelligence. From a practical standpoint the carrier should be in a better position than the customer to install and maintain the proper receiving equipment[7] necessary to good reception without harmful interference. Where the carrier anticipates that the service to be rendered to a given customer does not warrant installation of a permanent receiving facility, he may be allowed to utilize a number of portable receiving units which may be relocated once service is completed. Accordingly, it is tentatively concluded that the operation of the receiving facilities in this service should be limited to the carrier.

10. The future development of this service is not entirely clear at this time. The various uses as projected by the applicants appear to be limited to instructional and business closed circuit television. While we do not anticipate that these facilities would be used to reach a mass market for closed circuit entertainment programing, a substantial entertainment market would appear to be possible. For example, an entreprenuer could arrange through the carrier to have programing (e.g., sports or movies)[8] distributed for several hours a day or week to a number of hotels in a city, or in several cities if inter-city connections were provided. While such arrangements would not be likely to reach the mass audiences anticipated in connection with subscription television or cablecasting, the audience could be substantial nonetheless. Therefore, we raise the question whether some antisiphoning rules similar to those adopted in our "Report and Order" in Docket No. 18893, released March 29, 1972 (FCC 72-263), would be appropriate. We solicit comments on this question, including whether and to what degree this service is likely to develop into a device for serving substantial entertainment audiences. It is appropriate to note that other types of common carrier facilities, e.g., point-to-point microwave and cable, are also used for closed circuit television distribution. Therefore, it is possible that the Commission may want to consider the matter in a broader context than this proceeding.

11. Pending the final decision in this proceeding the Commission will process applications on file in normal order. Those that are consistent with the rules proposed herein will be acted upon. Action on applications which are mutually exclusive or inconsistent with the proposed rules will not be taken prior to finalization of this proceeding.[9]

12. Authority for this proposed rule making is contained in sections 4(i), 303, and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before July 5, 1972, and reply comments on or before August 7, 1972. In reaching its decision in this matter the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

13. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: April 19, 1972.

Released: April 26, 1972.

FEDERAL COMMUNICATIONS COMMISSION[*]

[SEAL] BEN F. WAPLE,
Secretary.

It is proposed to amend Parts 1, 2, 21, and 43 of Chapter I of Title 47 of the Code of Federal Regulations as follows:

1. In § 1.1113 of the following fee schedule is added to follow the schedule for the Local Television Transmission Service:

§ 1.1113 Schedule of fees for Common Carrier Services.

* * * * *

	Filing fee	Grant fee
Multipoint distribution service:		
Application for initial construction permit or for modification involving relocation of station or addition or change of frequencies	$100	$150
Application for other modification of construction permit or license	25	25
Application for renewal of license	25	100

* * * * *

§ 2.106 [Amended]

2. In § 2.106 add new footnote NG, and reference it to the band 2160–2180 MHz in the table (FCC column). The text of footnote NG is to read as follows:

NG Frequencies in the band 2160–2162 MHz are shared between directional and omnidirectional stations as provided for in § 21.901 of this chapter.

3. In § 21.1 the following definition is added in appropriate alphabetical order:

§ 21.1 Definitions.

* * * * *

Television transmitter peak power. The power over a radio frequency cycle corresponding in amplitude to synchronizing peaks when transmitting a specified television signal. The aural power as specified is not included.

* * * * *

4. In § 21.35 amend paragraph (a) to read as follows:

§ 21.35 License period.

(a) Licenses for stations in the Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, Local Television Transmission and Multipoint Distribution Services will be issued for a period not to exceed 5 years; in the case of common carrier Television STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use such frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered except that licenses for developmental stations will be issued for a period not to exceed 1 year. Unless otherwise specified by the Commission, the expiration of regular licenses shall be on the following dates in the year of expiration:

Domestic Public Land Mobile Radio Service (miscellaneous carriers), April 1;
Domestic Public Land Mobile Radio Service (telephone carriers), July 1;
Domestic Public Land Mobile Radio Service (all authorizations pursuant to § 21.521), September 1;
Rural Radio Service, November 1;
Point to Point Microwave Radio Service, February 1;
Local Television Transmission Service, February 1;
Multipoint Distribution Service, May 1.

The expiration date of developmental licenses shall be 1 year from the date of grant thereof. When a license is granted subsequent to the last renewal date of

[6] Where an application for a temporary fixed station has been filed prior to the release date of this document and where the applicant cannot qualify for temporary fixed authorization under these newly proposed restrictions, he may amend his application to propose a regular fixed station without losing any mutually exclusive rights he may have already acquired if such amendment does not create new conflicts.

[7] The receiving equipment, at minimum, includes a directional antenna (which must be accurately located and oriented) and a receiver which converts the microwave frequency received to a lower frequency that is compatible with ordinary television receivers.

[8] If the rules are amended to provide for a second television channel as proposed, it is anticipated that mutually exclusive situations involving only two applicants can be resolved by the later filing applicant amending his proposal to specify the second channel. No applications proposing use of the second television channel will be accepted for filing pending finalization of the rules.

[9] Commissioner Bartley dissenting and issuing a statement which is filed as part of the original document; Commissioners Johnson and H. Rex Lee absent; Commissioner Wiley concurring in the result.

the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

* * * * *

§ 21.107 [Amended]

5. In § 21.107(b) add the following to footnote 2:

Also, see Subpart K for exception in the band 2,150–2,162 MHz.

6. In § 21.501 amend paragraph (e) to read as follows:

§ 21.501 Frequencies.

* * * * *

(e) On a shared basis with fixed stations in the Point-to-Point Microwave Radio Service, frequencies in the bands 2110–2130 MHz and 2160–2180 MHz may be authorized for use by control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service on the condition that the emission bandwidth is limited to the minimum necessary to serve the purpose required: *Provided, however,* no new assignments will be made in the band 2160–2162 MHz for stations located within 50 miles of the coordinates of the principal city (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States"), of one of the top 50 standard metropolitan statistical areas, as ranked by the U.S. Census Bureau, except upon a showing that no alternative frequencies are available. Similarly, no new assignments in the band 2110–2113 MHz will be made within 50 miles of the coordinates of: Albany, N.Y.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Houston, Tex.; Los Angeles, Calif.; New York, N.Y.; Salt Lake City, Utah; San Francisco, Calif.; or San Juan, P.R., except upon a showing that no alternative frequencies are available; provided, however, all common carrier assignments in said areas are subject to the condition that no interference be caused to Aural Broadcast STL Stations. Channel bandwidths in excess of 800 kHz will not be authorized. In each of these bands, the highest frequency which will not cause harmful interference to any other station shall be assigned.

* * * * *

§ 21.701 [Amended]

7. § 21.701(a) is revised as follows:

a. 2,150–2,160 MHz is deleted from table.

b. Footnote 1 is revised to read:

Frequencies in the band are shared with control and repeater stations in the Domestic Public Land Mobile Radio Service and with Stations in the International Fixed Public Radio Communication Services in part of Florida and in U.S. possessions in the Caribbean area. Additionally, 2,110–2,113 MHz and 2,160–2,162 MHz are shared with Aural Broadcast STL stations and stations in the Multipoint Distribution Service, respectively.

c. Footnote 2 is revised to read:

No new assignments will be made in the band 2160–2162 MHz for stations located within 50 miles of the coordinates of the principal city (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States") of one of the top 50 standard metropolitan statistical areas, as ranked by the U.S. Census Bureau, except upon a showing that no alternative frequencies are available. Similarly, no new assignments in the band 2110–2113 MHz will be made within 50 miles of the coordinates of: Albany, N.Y.; Chicago, Ill.; Dallas, Tex.; Denver, Colo.; Houston, Tex.; Los Angeles, Calif.; New York, N.Y.; Salt Lake City, Utah; San Francisco, Calif.; or San Juan, P.R., except upon a showing that no alternative frequencies are available; *Provided, however,* All common carrier assignments in said areas are subject to the condition that no interference be caused to Aural Broadcast STL Stations.

d. Footnote 2 is referenced to the frequency bands 2110–2130 MHz and 2160–2180 MHz in the table.

§ 21.703 [Amended]

8. § 21.703(g) is revised to delete reference to the frequency band 2150–2160 MHz.

9. The following new Subpart K is added to Part 21.

Subpart K—Multipoint Distribution Service

§ 21.900 Eligibility.

Authorizations for stations in this service will be granted to existing and proposed communications common carriers. Applications will be granted only in cases where it can be shown that: (a) The applicant is legally, financially, technically, and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience, and necessity would be served by a grant thereof. The applicant (including any affiliated company) shall not, to any substantial degree, be involved in the organization or production of any program material which would be transmitted over the proposed facilities. In addition, the applicant shall submit a statement indicating whether there is any affiliation or relationship to any intended or likely subscriber or program originator. an applicant will not be eligible for authorization in this service unless it can be shown with reasonable certainty that at least 50 percent of the service rendered will be to subscribers who are not affiliated or related to the applicant.

§ 21.901 Frequencies.

Frequencies in the band 2150–2160 MHz are available for assignment to fixed stations in the Multipoint Distribution Service. Frequencies in this band may be shared with nonbroadcast omnidirectional radio systems which are licensed under other part of the Commission's rules. The primary channel for television transmission shall be 2150–2156 MHz. Applications for assignments of 4 MHz bandwidth or less shall be made between 2156–2160 MHz. A secondary television channel may be authorized at 2156–2162 MHz within one of the top 50 standard metropolitan statistical areas as ranked by the U.S. Census Bureau when the primary channel at 2150–2156 MHz is unavailable, upon a showing that said operation is not likely to interfere with the operation of the primary channel and any existing licensees in the band 2160–2162 MHz.

§ 21.902 Interference.

(a) Since the band authorized for this service is limited and is shared with other services, exceptional efforts must be made to avoid possible harmful interference to other users and to avoid blocking potential use of the band in other cities. In areas where major cities are in close proximity, careful consideration should be given to minimum power requirements and to the location and height of the antenna and its radiation patterns.

(b) Where a transmitting antenna is proposed to be located within 50 miles of the transmitting antenna of an authorized station or another proposed station in a prior filed application which station(s) utilize or would utilize the same frequency or an adjacent potentially interfering frequency, a showing shall be included with the application analyzing the potential for harmful electrical interference with said station(s). Also, if a transmitting antenna is proposed to be located within 50 miles of the coordinates of the principal city (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States") of one of the top 50 standard metropolitan statistical areas, as ranked by the U.S. Census Bureau, a showing shall be submitted with the application analyzing possible frequency impact on the future development of a similar station in that city on the same, or a potentially interfering, frequency. For purposes of analysis, it may be assumed that a transmitting antenna would be located at the principal city coordinates. If the proposed transmitting antenna is not within 50 miles of an authorized cochannel station, an earlier proposed cochannel station, or a top 50 metropolitan area, a statement to that effect should be included in the application.

(c) Existing licensees and prospective applicants are expected to cooperate fully in attempting to resolve problems of potential electrical interference before bringing the matter to the attention of the Commission.

§ 21.903 Purpose and permissible service.

(a) Multipoint distribution stations are intended to provide, by means of omnidirectional transmission, communications from a single fixed location to a multiplicity of fixed points. Stations in this service may render any kind of service, consistent with the purpose and requirements of the rules, provided for in the legally applicable tariff of the carrier, unless otherwise directed or conditioned in the applicable instrument of authorization.

(b) The service offered shall include the transmission of the signal provided by the subscriber to multiple receiving

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facilities located at points designated by the subscriber. The carrier shall control and operate all receiving facilities, including equipment necessary to convert the signal to a standard television channel.

§ 21.904 Transmitter power.

(a) The transmitter power of the station shall be limited to that necessary to adequately serve the area of intended operation.

(b) For television transmission, the peak effective radiated power of the visual signal shall not exceed 100 watts and the peak effective radiated power of the accompanying aural signal shall not be more than 20 percent nor less than 10 percent of the peak effective radiated power of the visual signal, except as permitted pursuant to § 21.907(b).

(c) The effective radiated power of any other signals authorized in this service shall not exceed 100 watts.

(d) Operating power shall not exceed the authorized power by more than 10 percent at any time.

§ 21.905 Emissions and bandwidth.

(a) A station in this service transmitting a television signal will normally employ vestigial sideband, amplitude modulation (A5C) for the visual signal and frequency modulation (F3) for the accompanying aural signal.

(b) The maximum bandwith authorized in this service for television transmission (visual signal plus accompanying aural signal) shall be 6 MHz.

(c) For purposes other than television transmission, types of emission other than those specified in paragraph (a) of this section may be authorized upon an adequate showing of need therefor. An applicant requesting such authorization shall fully describe the modulation, emission, and bandwidth desired and shall specify the bandwidth to be occupied. The bandwidth shall be no wider than that needed to provide the intended service.

§ 21.906 Antennas.

(a) Transmitting antennas shall be omnidirectional except that a directive antenna with a main beam sufficiently broad to provide adequate community service may be used to avoid possible interference to other users in this frequency band. Directive receiving antennas shall be used at all points.

(b) The transmitting antenna should be elevated no higher than necessary to provide reasonable service to the community. The use of elevated receiving antennas is preferable to the use of elevated transmitting antennas or greater power to provide the desired service.

(c) Where receiving antennas are to be proposed to be placed at a number of temporary fixed locations, the number of such locations shall be specified in the application and a sketch provided showing details of a typical installation. (See § 21.114 for restrictions on the location of temporary fixed antennas.)

(d) The use of horizontal or vertical plane wave polarization or right hand or left hand rotating (circular) polarization may be used to minimize the hazard of harmful interference between systems.

§ 21.907 Television transmission standards.

(a) VHF transmission standards set forth in § 73.682(a) of this chapter shall apply to stations in this service transmitting television signals except that the requirement of § 21.906(d) shall replace that of § 73.682(a)(14) of this chapter.

(b) As an exception to paragraph (a) of this section for authorizations in which the authorized bandwidth does not exceed 4.0 MHz for the visual and accompanying aural signal, the requirements of § 73.682(a) (1), (2), (3), (4), (5), (9), (19), and (20) of this chapter shall not apply. Additionally, the effective radiated power of the aural signal may be less than 10 percent of the effective radiated power of the visual signal.

(c) As a further exception to the requirements of paragraphs (a) and (b) of this section, the transmission standards may vary from those specified therein to the extent that such variations result from reversal of the positions of the visual and aural carriers and all transmitted components of the signals in the authorized radio frequency channel, i.e., from positioning the visual carrier 1.25 MHz below the upper boundary of the channel and the aural center frequency 4.5 MHz below the visual carrier frequency, and transmitting an attenuated upper, rather than lower, sideband of the visual signal.

§ 21.908 Television transmitting equipment.

(a) Except as otherwise provided in this section, the requirements of paragraphs (a), (b), (c), (d), (e), and (i) of § 73.687 of this chapter shall apply to stations in this service transmitting television signals.

(b) The provisions of § 21.101 shall apply with respect to the frequency tolerance for the visual carrier in lieu of § 73.687(c)(1) of this chapter except for the frequency of the aural carrier which shall be maintained in accordance with § 73.687(c)(1) of this chapter.

(c) The requirements of § 73.687(c)(2) of this chapter will be considered to be satisfied insofar as measurements of operating power are concerned if the transmitter is equipped with instruments for determining the combined visual and aural operating power. However, licensees are expected to maintain the operating powers within the limits specified in § 21.904. Measurements of the separate visual and aural operating powers should be made at sufficiently frequent intervals to insure compliance with the rules and in no event less than once a month.

(d) Transmitting equipment designed for stations whose authorized bandwidth is 4.0 MHz or less for the visual and accompanying aural signal is subject to the provisions of § 21.101 with respect to the frequency tolerance of the visual and aural carriers in lieu of paragraph (b) of this section. Such equipment also is subject to paragraphs (a) and (c), of this section, except that the provisions of § 73.687 (a), (b), and (c)(1) of this chapter shall not apply.

(e) As a further exception to the other requirements specified in this section, transmitting equipment characteristics may vary from these requirements to the extent that such variations result from reversal of the positions of the visual and aural carriers and all transmitted components of the signals in the authorized radio frequency channel, i.e., from positioning the visual carrier 1.25 MHz below the upper boundary of the channel and the aural center frequency 4.5 MHz below the visual carrier frequency, and transmitting an attenuated upper, rather than lower, sideband of the visual signal.

§ 21.909 Stations at temporary fixed locations.

(a) An application for a temporary fixed station shall clearly and precisely define the intended area of transmitter operation, which should be as small as possible, consonant with the requirements of the community to be served. Stations in this service will not be authorized to operate at temporary fixed locations unless it is shown that:

(1) Substantially more public benefit can be attained by the use of a temporary-fixed station as compared to a fixed station;

(2) The placement of the transmitting facilities anywhere in the specified area of operation will not adversely affect the operation of any other authorized station; and

(3) The operation will not inhibit the operation of a fixed station on another channel in the same city, or any station in any other city having a metropolitan population of 100,000 or more whose coordinates (as defined in § 21.902(b)) are within 50 miles of the intended area of transmitted operation.

(b) Where the Commission finds that the operation of a station in this service at temporary fixed locations would be in the public interest, the authorization will be subject to the following conditions:

(1) When a fixed station is to remain at a single location for less than 6 months, the location is considered to be temporary. Services which are initially known to be of longer than 6 months' duration shall not be provided under a temporary fixed authorization but rendered pursuant to a regular license.

(2) When a fixed station authorized to operate at temporary locations is installed and it subsequently becomes necessary for the station to operate from such location for more than 6 months, applications (FCC Forms 401 and 403) for a station authorization to specify the permanent location shall be filed at least 60 days prior to the expiration of the 6 month period.

(3) The antenna structure height employed at any location shall not exceed the criteria set forth in § 17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See § 21.114.

(c) Applications for authorizations to operate stations at temporary locations under the provisions of this section shall be made upon FCC Form 401 and may be accompanied by completed FCC Form 403 for simultaneous consideration provided the equipment to be used is of "packaged" design.

§ 21.910 Notification of station operation at temporary locations.

(a) The licensee of stations which are authorized pursuant to the provisions of § 21.909 shall notify the Commission, and its Engineer-in-Charge of the radio district wherein operation is to be conducted, of each period of operation at least 5 days prior to installation of the facilities. This notification shall include:

(1) The call sign, output power and specific location of the transmitter.

(2) The maintenance location for the transmitter.

(3) If more than a single frequency has been authorized the exact frequency to be used.

(4) The public interest, convenience and necessity to be served by operation of the proposed installation.

(5) The commencement and anticipated termination dates of operation from each location. In the event the actual termination date differs from the previous notification, written notice thereof promptly shall be given to the Commission and its Engineer in Charge.

(6) Where the notification contemplates initially a service which is to be rendered for a period longer than 90 days, the notification shall contain a showing as to why application should not be made for regular authorization.

(b) A copy of the foregoing notification shall be posted with the station license (see § 21.214).

10. The following new section is added to Part 43.

§ 43.72 Reports of operators in the Multipoint Distribution Service.

(a) Each common carrier in the Multipoint Distribution Service shall file with the Commission, not later than March 1 of each year for the preceding calendar year, two copies of a report, certified as to accuracy by a corporate officer (or entrepreneur if not a corporation), which shall include the following:

(1) Name and address of respondent;

(2) Condensed balance sheet as of the end of the calendar year including as separate items thereon the investment in and book depreciation reserve related to the Multipoint Distribution Service plant and equipment;

(3) Condensed income statement for the calendar year showing as separate items revenues and expenses related to Multipoint Distribution Service; and

(4) In addition, each report shall include the following statistical information (preferably in tabular form) for each station or channel the respondent operates in the Multipoint Distribution Service:

(i) The identity of each subscriber served;

(ii) The number of separate occasions on which each named subscriber was served;

(iii) The total hours of service provided to each named subscriber;

(iv) The number of receiving locations to which each named subscriber was provided service (if the number varies, provide an average); and

(v) Whether each named subscriber is affiliated or related to the carrier in any way.

(b) A copy of each year's report shall be retained in the principal office of the carrier and shall be filed in such manner as to be readily available for reference and inspection.

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[47 CFR Parts 2, 74]

[Dockets Nos. 19130, 19494; FCC 72-361]

AURAL BROADCAST STL OPERATIONS, INTERCITY RELAY STATIONS, AND CERTAIN LOW POWER BROADCAST AUXILIARY STATIONS

Further Notice of Proposed Rule Making

In the matters of amendment of Parts 2 and 74 of the Commission's rules to permit Aural Broadcast STL operations in the band 2150–2160 MHz and to accommodate STL, Intercity Relay Stations and certain low power broadcast auxiliary stations within the frequency band 947–952 MHz, Docket No. 19130; and amendment of Parts 2 and 74 of the Commission's rules to permit Aural Broadcast STL operations in the band 2110–2113 MHz, Docket No. 19494.

1. On January 20, 1971, the Commission adopted a notice of proposed rule making and Notice of Inquiry in Docket No. 19130 which was published in the FEDERAL REGISTER on January 29, 1971 (FCC 71-56; 36 F.R. 1425). Comments and reply comments were due initially on or before March 2, 1971, and March 12, 1971, respectively. In response to a petition filed by the National Association of FM Broadcasters, the comments and reply comment dates were extended to April 19 and April 29, 1971, respectively. At the request of the consulting firm of A. Earl Cullum, Jr. and Associates, the date for filing reply comments was further extended to May 13, 1971. No further requests for extension of filing time have been received.

2. The purpose of the notice of proposed rule making and Notice of Inquiry in Docket No. 19130 was, in summary, to deal with the frequency needs of Aural Broadcast STL stations in view of the Commission's decision in Docket No. 18262 which reallocated the lower half of the 942–952 MHz band to the land mobile service. Basically the notice proposed making available to Aural Broadcast STL Stations, access to the 2150–2160 MHz band on a shared basis with the common carrier services and Operational Fixed Stations to which the band is presently allocated for omnidirectional use; suggested certain conditions of accessibility to the 2150–2160 MHz band for Aural Broadcast STL stations, if so allocated; requested comments concerning the feasibility and practicability of reducing the width of channels for Aural Broadcast STL Stations using the 947–952 MHz band and changing other technical standards now applicable to such stations and proposed a disposition of those auxiliary broadcasting stations now "out of band" as a result of the reallocation of the band 942–947 MHz in Docket No. 18262.

3. Comments were filed by:

Browne-Renaud Associates, Inc. (Browne Renaud) [1]
Carter Publications, Inc. (Carter)
(With engineering statement on Carter's behalf filed by Jules Cohen)
Chicago Communication Service, Inc. (Chicago)
Columbia Broadcasting System, Inc. (CBS)
Midwest Radio Television, Inc. (Midwest)
Marti Electronics, Inc. (Marti)
Moseley Associates (Moseley)
National Association of Broadcasters (NAB)
National Association of FM Broadcasters (NAFMB)
National Broadcasting Company, Inc. (NBC)
Taft Broadcasting Company (Taft)
(With engineering statement on Taft's behalf filed by Bernard R. Segal)
Utilities Telecommunications Council (UTC)
World Ventures, Inc. (World)
Varian Associates, Solid State Division (Varian)

Reply comments were filed by the NAB, National Association of Educational Broadcasters (NAEB), NBC, Varian and World. In addition, an engineering statement was submitted by Thomas A. Wright on behalf of the firm of A. Earl Cullum, Jr., and Associates (Cullum). All of these comments, engineering statements and reply comments have been considered by the Commission.

4. Summaries of the comments filed in Docket No. 19130 are as follows. With reference to the proposed shared use of the band 2150–2160 MHz by Aural Broadcast STL stations, a basic issue in the Commission's proposal, supporting comments were received from Moseley, Midwest, Carter, NAFMB, and NBC. Opposing comments regarding this issue were filed by Chicago, Varian, Taft, Marti, Browne Renaud and World. Most opposing comments were based on the belief that Aural Broadcast STL occupation of the band would hamper its use by services to which the band is currently available, and made reference to the increasing interest in the use of the band for omnidirectional video service on the part of common carriers. (Further treatment of this aspect will be dealt with after the summaries of comments filed.) Varian's

[1] These comments were designated for Docket No. 18262, but their contents were applicable to Docket No. 19130.

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comments expressed the belief that the mixing of omnidirectional and point-to-point operations in the same band would greatly increase the possibility of mutual interference because the omnidirectional TV service would employ multiple receiving locations anywhere within a 360-degree pattern with directional antennas which may be oriented toward STL transmitters capable of causing harmful interference. Comments were also received regarding other possible uses of the band 2150–2160 MHz, for other than Aural Broadcast STL purposes. For example, the comments of NAB urged that provision should also be made in that band for aural intercity relay, as well as STL operations, on the basis that both are essential to providing broadcast stations with program material of high technical quality. This was based on the belief that the high loading in the band 947–952 MHz by STL stations would require intercity relay operations to go to other bands. Further, the NAB comments also urged that Low Power Auxiliary Broadcasting Stations be excluded from the band 2150–2160 MHz because of the unpredictable interference they might cause to others in the band. The comments of Browne Renaud recommend that because of the light loading of TV auxiliary channels in the Band A (1900–2110 MHz and 2450–2500 MHz), one of these channels could be reserved for Aural Broadcast STL use in lieu of the band 2150–2160 MHz.

5. The Commission's proposal invited comments regarding whether applicants for Aural Broadcast STL Stations in the band 2150–2160 MHz should be required to demonstrate, by a special showing, that operation in the band 947–952 MHz would result in harmful interference to or from existing users before access to the band 2150–2160 MHz would be permitted. Further, with reference to the possible Aural Broadcast STL use of the 2150–2160 MHz band, our notice indicated that the STL stations would be assigned frequencies as close as possible to the upper or lower edges of the band to preclude fragmentation of the band to the detriment of those with a wide-band requirement. A number of comments referred to these points. UTC and Varian supported the requirement for a special showing. On the other hand, Moseley, NAB and NAEB believed that the choice of bands should be left to the discretion of the applicant. In part, this was based upon the belief that this choice would encourage the development and availability of STL equipment for the band 2150–2160 MHz. The comments of Chicago urged that, in the event Aural Broadcast STL assignments were permitted in the 2150–2160 MHz band, they should be limited to a total of 2 MHz at most, and Taft suggested that such assignments be limited to 2 MHz at the upper or lower ends of the band.

6. Regarding the examination of the channeling and technical standards now required for Aural Broadcast STL stations in the band 947–952 MHz band, as proposed in our notice, a number of very helpful comments were filed. A change from 500 kHz channels to 250 kHz channels was widely advocated. Moseley, NBC, Varian, Taft, Marti, NAB, and NAEB filed comments recommending this change. Several, including Moseley, stated that one 250 kHz channel would be adequate for monaural FM STL use and two 250 kHz channels would be adequate for stereo FM use. There was general agreement that such bandwidths would provide high quality program channels and, in addition would leave space for the multiplexing of SCA (subsidiary communications) and transmitter control circuits. A reduction to 250 kHz was opposed by Midwest, based on its opinion that a 500 kHz channel was necessary to provide space for two STL stereo transmitting channels for left and right channels, and Carter's comments indicated that channels less than 250 kHz wide would preclude the "piggybacking" of control circuits and subsidiary communications (SCA). Carter and NAB also advocated the use of 250 kHz channels in the band 2150–2160 MHz for Aural Broadcast STL assignments made in that band. Both Moseley and Segal recommended that, based upon 250 kHz channeling for Aural Broadcast STL stations in the 947–952 MHz band, the first assignable frequency should be 947.125 MHz.

7. Regarding the question of possible adoption of channels less than 250 kHz wide for Aural Broadcast STL stations serving AM Broadcast stations, as raised in the Commission's proposal. Cohen's engineering statement advocated the use of the same bandwidth to permit the same basic equipment to be used by both, although he acknowledged that the requirements for a standard broadcast aural STL may not be as rigorous as those serving an FM Broadcast Station. Moseley's comments express a strong belief that a channeling assignment plan based on the narrowest known requirement, viz., 30 kHz for standard broadcast stations, would lead to interference among users and would be extremely difficult to administer.

8. Moseley and Marti recommend reductions in the frequency tolerance for Aural Broadcast STL stations. Moseley recommended that § 74.561 be amended to change the frequency tolerance of the operating frequency of STL stations to within .001 percent of the assigned frequency. Marti recommends that transmitter and receiver tolerance be restricted to .0005 percent, or better. (Section 74.561, which has been in effect for a number of years, requires a frequency tolerance of 0.005 percent for Aural Broadcast STL and Intercity Relay Stations.) Marti also recommends the use of cross-polarization of antennas on adjacent channels.

9. The Commission's proposed disposition of "out-of-band" operations in the band 942–947 MHz was supported by NAB and NAEB. Both recommended that all present broadcast use of the band be permitted to continue on a secondary basis to the land mobile service to which the band was reallocated in Docket 18262.

10. Midwest and NAB comments supported the Commission's proposal to preclude use of the band 947–952 MHz by TV Broadcast STL Stations relaying the aural portion of TV program material, as now provided under § 74.603(b), and to reserve the band for use by Aural Broadcast STL Stations serving AM and FM stations, only. In general, those comments expressed the belief that it was now normal practice to carry the aural portion of TV program material by means of a subcarrier, along with the video program material, in higher frequency bands already available for television STL stations. The NBC comments express the view that better program continuity can be maintained by the use of separate STL stations for relaying aural and video program material to TV stations and that in smaller markets there would be sufficient Aural Broadcast STL channels to permit their shared use by AM, FM and TV stations. Moseley stated that the number of Aural Broadcast STL channels in the band 947–952 MHz and the additional channels in the band 2150–2160 MHz would make it unnecessary to preclude such shared use by TV stations.

11. A number of comments urged that current provisions in the rules be continued to permit the operation of Low Power Broadcast Auxiliary Stations in the 900 MHz region. The NBC comments stated that restricting the operation of such stations to the band 947–952 MHz would severely impair their usefulness at political conventions and other events of wide interest to the public and that experience at the 1968 Democratic and Republican National Conventions demonstrated that all of the 10 MHz of spectrum space was required for satisfactory operation of the numerous units used simultaneously by the three national networks. On that basis, NBC urged that these Low Power Broadcast Auxiliary Stations be permitted to continue to operate on any frequency within the band 942–952 MHz. The comments of CBS stated that Low Power Broadcast Auxiliary Stations, licensed under § 74.437 of the Commission's rules, included such devices as cue and control signal transmitters and wireless microphones, licenses for which may currently be issued to television, as well as AM and FM broadcast station licensees in bands including 942–952 MHz. The CBS comments further stated that this is the only band in which Low Power Broadcast Auxiliary Stations may be used for the transmission of synchronizing signals and various control signals to portable or hand-carried TV cameras under the provisions of § 74.437(c) of the rules and assumed that the Commission did not intend, in Docket No. 19130, to preclude their continued use. The Cullum comments support those of CBS but recommend that any rules adopted should permit the continued availability of the 947–952 MHz band for Low Power Broadcast Auxiliary Station uses now permitted under § 74.437(c) and (e) of the rules. The reply comments of NAEB supported those of the networks, and

others, which urged retention of existing provisions for Low Power Broadcast Auxiliary Station operations within the band 947–952 MHz.

12. In addition to the above summaries of comments on the subjects indicated, certain comments which were filed dealt, in part, with matters clearly not within the scope of this joint proceeding. The NAB comments, for example, refer to a petition which NAB filed with the Commission on January 8, 1971 (RM–1735) in the matter of revising Part 74 Subparts D, E and F which, if granted, would, among other things, provide a 1 MHz band (for ten 100 kHz channels) in the upper part of the 947–952 MHz band for "transmitter-studio-links (TSL)" use, on a secondary basis. These links would provide for the transmission of telemetry information to a remote control location prior to the activation of the main transmitter, and NAB stated that such links must be provided for as requested in the above referenced filing. The Varian comments suggested that, as part of this present rule making action, the Commission should eliminate § 91.554(b)(22) of the rules, which provides for the use of various frequencies in the 952–960 MHz band for central station commercial protection service use, and that the band 2150–2160 MHz be reserved for the exclusive use of common carriers for "subscriber-programmed television service and related publicly available non-video services." Because of the reason given above, the comments summarized in this paragraph will not be considered further in this proceeding.

13. A number of comments received indicated that the Commission's notice of proposed rule making and Notice of Inquiry in Docket No. 19130 did not state with sufficient clarity whether it proposed that Low Power Broadcast Auxiliary Stations licensed to TV station licensees be excluded from operating on frequencies in the 900 MHz region, such as now provided in § 74.437 (c) and (e) of the rules. It was the Commission's intention to propose that such operations not be permitted in the band 2150–2160 MHz, because of the unpredictable nature of the interference which such stations could cause to others operating in the band. The Commission recognizes the importance of such stations for the transmission of synchronizing and various control signals to portable and hand-carried TV cameras, as well as the transmission of wireless microphone and cue signals.

14. Earlier reference was made above, in paragraph 4, to the increased interest recently shown in the use of the 2150–2160 MHz band for omnidirectional common carrier services and it was stated that this aspect would be treated further. This interest was strongly reflected in the comments filed. The comments of Chicago, for example, requested that all of the band be reserved for the exclusive use of omnidirectional television services on a common carrier basis. The comments further described a survey by Chicago and Varian which indicated to them that there is a large potential market for such services, including applications such as video instructional training in industry, continuing professional education, instruction in public and private schools and in municipal government functions. Chicago stated that it had initially requested the use of a 6 MHz channel, but indicated that it was also interested in other services which could be provided in the remaining 4 MHz. Chicago's comments also stated that a need exists for higher definition TV requiring an 8 MHz channel, instead of 6 MHz, to meet special needs such as the demonstration of new concepts in surgery by medical groups. Varian opposed any use of the band by Aural Broadcast STL Stations, at least for the present. World expressed a need for the entire band for omnidirectional common carrier services, as did Taft and Browne Renaud. In general, the above respondents went to considerable length to underscore and describe the large demands which they believed would be made on the band for omnidirectional common carrier services, including video and additional other types of transmissions. Of perhaps more significance is the fact that since the 3.5 MHz bandwith limitation was removed in 1970 for omnidirectional common carrier use of the band 2150–2160 MHz, the Commission has currently pending 148 applications in 93 cities for wide band common carrier services to be conducted in the band. This is in direct contrast to the previous light usage made of the band, as indicated in the Commission's notice of proposed rule making and notice of inquiry in Docket No. 19130.

15. Because of the developments outlined above, the Commission, after further review, has concluded that the present indicated requirements for omnidirectional common carrier use of the band 2150–2160 MHz would severely limit any shared future use of the band by Aural Broadcast STL Stations, especially since the maximum anticipated requirements for both uses appear to be in a relatively small number of our larger cities. Although the band is also now available for use by omnidirectional point-to-point stations in all other services except broadcast and auxiliary broadcast, no assignments in such services have been made. Accordingly, the Commission is withdrawing those portions of our notice of proposed rule making and notice of inquiry in Docket No. 19130 which concern the proposed shared use of the band 2150–2160 MHz by Aural Broadcast STL Stations. As indicated in the title of this document, the Commission is now proposing, in a new Docket No. 19494, the use of frequencies between 2110 and 2113 MHz for such STL stations. The matters now become the subject of a joint proceeding. Further, the Commission believes that it would be inappropriate to take final action at this time on other matters previously proposed in Docket No. 19130 regarding the future accommodation of certain Broadcast Auxiliary Stations in the 900 MHz region of the spectrum, because such matters are directly related to the possible use of frequencies between 2110 MHz and 2113 MHz for Aural Broadcast STL Stations, as proposed herein.

16. In the Commission's rules (§ 2.106), the band 2110–2130 MHz is allocated in the United States to the Fixed Service for use by stations in the domestic fixed public service which are operated by "wireline" common carriers. Current FCC service rules governing the use of the band are in Part 21, "Domestic Public Radio Services (Other than Maritime Mobile)". These rules make the band available for use by stations operating in the "Point-to-Point Microwave Radio Service" and, on a shared basis, by control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service. At present, there are no assignments to stations in the latter category between 2110 MHz and 2113 MHz. The band 2110–2130 MHz is now used primarily for narrow band, common carrier stations in the Point-to-Point Microwave Radio Service, with generally paired assignments in the 2160–2180 MHz band for full duplex transmission. In a concurrent notice of proposed rule making,[1] the Commission is proposing to provide in the larger cities, two wideband (6 MHz) channels for use by omnidirectional common carrier video services between 2150 MHz and 2162 MHz (plus the possible use of an additional 1 MHz for a guard band between these channels). This space is proposed for use by a new Multi-Point Distribution Service. Such a 2 MHz or 3 MHz incursion into the lower end of the band 2160–2180 MHz could efficiently permit the 3 MHz at the lower end of the band 2110–2130 MHz to be made available for use by Aural Broadcast STL Stations without substantially further limiting the potential of the band for two-way communications. Studies indicate that the common carrier use of the band 2110–2130 MHz and the band 2160–2180 MHz are primarily in rural areas, which would be compatible with the proposals herein involving certain larger metropolitan areas only.

17. More specifically, the Commission is proposing in this joint proceeding that applicants for Aural Broadcast STL Stations, who are also licensees of AM and FM Broadcast Stations, would be permitted to utilize frequencies between 2110 MHz and 2113 MHz in ten of our larger cities where it appears that the band 947–952 MHz cannot be expected to provide sufficient channels for such stations to meet growing requirements. In those few cases where existing common carrier operations would serve to preclude such shared STL use, it is proposed to require such operations to shift to other frequencies. Footnote US90 in Section 2.106 would require that the use of frequencies between 2110 MHz and 2113 MHz by Aural Broadcast STL Stations would be subject to coordination with satellite earth stations in the band 2110–2120 MHz. Such earth stations presently operate only at Goldstone, California;

[1] See notice of proposed rule making in Docket No. 19493, adopted April 19, 1972.

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Kauai, Hawaii and Guam. This is not expected to present problems in the use of frequencies between 2110 MHz and 2113 MHz in major metropolitan areas. Also, footnote NG23 provides that frequencies in the band 2110–2200 MHz may also be assigned to stations in the international fixed public radio service located south of 25°30′ north latitude in the State of Florida and in U.S. possessions in the Caribbean area. It is proposed that Rule provisions for this would be made by adding a new footnote applicable to the band 2110–2130 MHz in the Table of Frequency Allocations and by amendments to appropriate rule sections in Part 74 governing Broadcast Auxiliary Stations. Specific rule amendments are not proposed herein because they can be evolved only after careful review of the anticipated comments in response to this further notice of proposed rule making. New assignments for common carrier use of frequencies between 2110 MHz and 2113 MHz near the ten cities would be limited to those carriers which could show that no reasonable alternative was available and on the condition that they cause no interference to Aural Broadcast STL Stations, as proposed in the concurrent notice of proposed rule making referred to in footnote 1. It is proposed to make frequencies between 2110 MHz and 2113 MHz available only to Aural Broadcast STL Stations serving AM and FM Broadcast Stations, which would not provide for the STL use of those frequencies for the relaying of the aural portion of TV program material to TV Broadcast Stations and would also not provide for the use of such frequencies by Aural Broadcast Intercity Relay Stations or Low Power Broadcast Auxiliary Stations.

18. Comments are invited regarding this further notice of proposed rule making which proposes the use of frequencies between 2110 MHz and 2113 MHz by Aural Broadcast STL Stations and related matters. The summaries of comments filed in response to the previous notice of proposed rule making and notice of inquiry in Docket 19130 have been included because they deal with the matter of total frequency requirements of Aural Broadcast STL stations, and to some extent, with the matter of technical requirements which may be made applicable to Aural Broadcast STL operations in the 2000 MHz region of the radio spectrum. Based on those comments, the current technical standards for common carrier operations in the band 2110–2130 MHz, and other information available, the Commission proposes to adopt rules providing a 250 kHz channeling plan for Aural Broadcast STL operations between 2110 MHz and 2113 MHz. It is believed that one 250 kHz channel would be capable of providing a program channel of high technical quality, as well as multiplex sub-channels for SCA and remote control transmissions. Also, it is proposed that the rules should permit the authorization of two 250 kHz channels to provide for the greater bandwidth requirements of Aural Broadcast STL Stations serving FM Stereo Broadcast Stations, if applicants provide an adequate showing of need. These two 250 kHz channels would be adjacent, in the case of composite stereo STL operations, but would not need to be adjacent where individual STL facilities are used for left and right stereo program channels. However, there appear to be unresolved questions concerning which of the two systems offers the greater advantage, especially from the standpoint of better frequency utilization and management. Regarding the possible improvement in frequency tolerance for STL stations, it appears that its value should be reduced from plus or minus .005 percent to plus or minus .001 percent, or less, of the assigned frequency. Further, comments are requested regarding whether a tighter tolerance should also be adopted applicable to stereo Aural Broadcast STL Stations using two offset carriers for left and right channels. The value presently required in § 74.502(a) is .001 percent of the assigned frequency for such operations. Attention is invited to the comments of Moseley and Martl, summarized in paragraph 8, above.[3]

19. Specific comments are also invited concerning the question of whether applicants for Aural Broadcast STL stations on frequencies between 2110 MHz and 2113 MHz should be required to demonstrate by a special showing that their STL operation could not be accommodated in the band 947–952 MHz without resulting in harmful interference to or from stations already authorized to use the latter band. Also, comments are invited on the subject of how channels and frequencies should be selected for assignment to Aural Broadcast STL stations between 2110 MHz and 2113 MHz, if those frequencies become available for such stations. It is pointed out that in the Table of Frequency Allocations (§ 2.106) existing footnote NG10 requires that frequency assignments for common carrier stations in the band 2110–2130 MHz should be selected on the basis of using the highest frequency which will not result in harmful interference to stations in the same area already assigned frequencies in accordance with the Table of Frequency Allocations. This indicates that more efficient use of the band and fewer frequency conflicts would result if assignments to Aural Broadcast STL Stations were made from the lower edge of the band (2110 MHz) upward, the first assignable frequency being 2110.125 MHz if a 250 kHz channel width were to be adopted.

20. In paragraph 17, above, it was stated that the Commission was herein proposing the use of frequencies between 2110 MHz and 2113 MHz by Aural Broadcast STL Stations in 10 of our larger cities where the frequency requirements for such stations appear greatest. Because it appears that common carrier operations in or near most of these cities are minimal, it is believed that interference conflicts with STL operations in the same areas can be avoided if frequency assignments are properly engineered.[4] Although the greatest requirements for Aural Broadcast STL assignments are generally limited to a relatively few of our larger cities (or urbanized areas), their population is not the determining factor. Instead, these requirements are also greatly influenced by other factors such as the topography of the area, the location and height of the taller buildings which make up the "sky line" of a city and the number and locations of broadcast stations serving the area. In addition, there are factors such as the availability and reliability of high-quality wire line circuits to carry program material and other transmissions from studios to transmitter sites under a wide variety of conditions, and of course, economic considerations are involved when broadcasters choose between the use of wire lines and STL facilities. Accordingly, our studies show that the largest demand for channels for Aural Broadcast STL Stations presently occurs in the following principal cities in the order listed:

1. Los Angeles, California
2. San Juan, Puerto Rico
3. San Francisco, California
4. Dallas, Texas
5. Denver, Colorado
6. Chicago, Illinois
7. Salt Lake City, Utah
8. Houston, Texas
9. Albany, New York
10. New York, New York

The Commission proposes to permit Aural Broadcast STL assignments within 50 miles of the coordinates of the above cities (as set forth in the U.S. Department of Commerce publication "Air Line Distances Between Cities in the United States"). That distance appears adequate to also accommodate STL requirements in nearby large cities such as Oakland, Calif.; Fort Worth, Tex., and Schenectady and Troy, N.Y. However, comments are invited concerning the composition and adequacy of the above list, including the rationale and data employed in arriving at conclusions reached.

[3] Because the equipment employed by Aural Broadcast STL and Intercity Relay Stations is, with few exceptions, identical, our present rules setting forth the technical standards applicable to such stations are the same. (See Part 74, Subpart E.) Accordingly, it is proposed that any changes in such standards applicable to Aural Broadcast STL Stations which are adopted in this proceeding will also be made applicable to Aural Broadcast Intercity Relay Stations, as appropriate.

[4] A preliminary survey of the areas in question indicates little likelihood of conflict between existing users and potential STL use, with the possible exception of San Juan, Puerto Rico, and Los Angeles, California. However, in those few cases where existing common carrier stations are found to block full use of frequencies between 2110 MHz and 2113 MHz by Aural Broadcast STL Stations, the common carrier stations would be required to shift to other frequencies in the band 2110–2130 MHz. In essence, it is proposed that, in the ten areas specified, common carrier operations would be on a secondary basis to Aural Broadcast STL operations on frequencies between 2110 MHz and 2113 MHz. This would be stipulated in appropriate rule amendments.

21. Authority for this proposed rule making is contained in section 4(i), 303 and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before July 5, 1972, and reply comments on or before August 7, 1972. In reaching its decision in this matter the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

22. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: April 19, 1972.

Released: April 26, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-6509 Filed 4-27-72;8:51 am]

[47 CFR Parts 2, 74]

[Docket No. 17022; FCC 72-343]

AUDIO FREQUENCIES

Report and Order Regarding Terminating Proceeding

In the matter of amendment of Parts 2 and 74 of the Commission's rules to reallocate the frequency bands 450.5–451 MHz and 455.5–456 MHz to the Land Mobile Service in general (other than remote pickup) and to reduce to 50 kHz the spacing between assignable frequencies in the bands 450–450.5 MHz and 455–455.5 MHz for use by remote pickup stations, Docket No. 17022.

1. On November 30, 1966, the Commission adopted a notice of proposed rule making (31 F.R. 15491) proposing to reduce the spacing between assignable frequencies in the remote pickup broadcast auxiliary bands in the range 450–460 MHz and to reallocate half of each of these bands to other land mobile services, excluding remote pickup. It was the Commission's intent in those proposals to provide some limited relief to the congested services by increasing the utilization of the lightly used remote pickup bands.

2. Comments filed in response to the notice (a list of parties filing comments and replies is attached) generally supported the channel splitting proposal. Broadcasters, however, strongly opposed any loss of remote pickup spectrum based on their own projected frequency needs. The Commission now has before it a petition to terminate proceedings in this docket filed by the National Association of Broadcasters (NAB). NAB contends that the proposals made in this proceeding in 1966 are no longer meaningful in light of the more recent FCC decisions in Dockets 13847, 18261, and 18262[1] dealing broadly with land mobile frequency requirements. NAB views continuation of the instant proceeding as an unnecessary deterrent to the further growth of remote pickup facilities and asks that the proposals be withdrawn and the proceeding terminated.

3. As mentioned above, it was the Commission's purpose in this proceeding to correct what appeared to be an imbalance in channel loading between the remote pickup UHF bands and those allocated to other land mobile services. At the time the notice was issued, utilization of the remote pickup bands was relatively light compared with that of other land mobile allocations which were becoming congested in some of the larger metropolitan areas. Through channel splitting and reallocation of a portion of the remote pickup spectrum, the Commission hoped to afford some temporary relief to the congested services without seriously affecting remote pickup operations. However, as pointed out by NAB, the Commission has since completed a number of other rule making actions which, when fully implemented, will provide more general long term relief to the land mobile service. Moreover, examination of the Commission's assignment records indicates considerable growth in the number of remote pickup assignments in the UHF bands. Most, if not all, of the presently available channels in this range are now assigned in many of the larger metropolitan areas. For example, only one unassigned channel was found in Chicago and none in the cities of New York and Los Angeles. Clearly, additional channels will be needed if the service is to continue to grow in these areas.

4. Considering the above, the Commission has decided to grant NAB's request and is withdrawing the proposal to reallocate a portion of the remote pickup bands to other land mobile radio services. Also, it is noted that there is pending before the Commission a petition by NAB (RM 1735) requesting a number of amendments to Part 74 of the Commission's rules dealing with the Auxiliary Broadcast Services in general. Included in that petition is a proposed frequency assignment plan for the NHF remote pickup bands based on reduced separation between assignable frequencies. The Commission will therefore defer a final decision on channel splitting in these bands pending consideration of RM 1735 in a separate proceeding.

5. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that the proceeding in Docket 17022 is hereby terminated.

Adopted: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

PARTIES FILING COMMENTS AND REPLY COMMENTS IN DOCKET NO. 17022

COMMENTS

Martl Electronics
Moseley Associates, Inc.
Springfield Broadcasting, Inc.
Siouxland Broadcasting, Inc.
Hawkeye Broadcasting, Inc.
Grand Island Broadcasting Co., Ltd.
Salina Broadcasting, Inc.
Cornbelt Broadcasting Corp., Inc.
Maine Radio and Television Co.
WLBZ Television, Inc.
Maine Broadcasting Co.
WRDO, Inc.
Carter Publications, Inc.
Functional Broadcasting, Inc.
With, Inc.
WKEE, Inc.
The City of Dallas
The Times-Herald Printing Co.
The Sparks Broadcasting Co.
Atlantic-Richfield Co.
National Association of Broadcasters
American Automobile Association, Inc.
American Broadcasting Cos., Inc.
Central Committee on Communication Facilities of The American Petroleum Institute
Greater Indianapolis Broadcasting Co., Inc.
Central Station Electrical Protection Association & Controlled Cos., American District Telegraph Co.
Golden West Broadcasters
Royal Street Corp.
RKO General, Inc.
Sis Broadcasting, Inc.
American Trucking Associations, Inc.
Columbia Broadcasting System, Inc.

REPLY COMMENTS

Columbia Broadcasting System, Inc.

[FR Doc.72-6513 Filed 4-27-72;8:48 am]

[47 CFR Part 73]

[Docket No. 19491; FCC 72-355]

FM BROADCAST STATIONS IN CERTAIN CITIES IN VIRGINIA, CALIFORNIA, AND PUERTO RICO

Table of Assignments

In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations (Front Royal, Va.; Morro Bay, Calif.; Vieques, P.R.), Docket No. 19491, RM–1769, RM–1789, RM–1792.

1. We have before us, for consideration, three petitions, each requesting the institution of rule making looking toward the assignment of a new FM channel. They each deal with different communities and will be discussed seriatim. All population statistics cited are from the 1970 U.S. Census.

RM–1769, FRONT ROYAL, VA.

2. On March 19, 1971, WFTR, Inc. (WFTR) filed a petition with this Commission requesting the assignment of FM

[1] Second Report and Order, Docket 13847, 33 F.R. 3114; First Report and Order, Docket 18261, 35 F.R. 8634; First Report and Order and Second Notice of Inquiry, Docket 18262, 35 F.R. 8644.

[2] Commissioners Johnson and H. Rex Lee absent.

[5] Commissioners Johnson and H. Rex Lee absent.

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Channel 237A to Front Royal, Va. No other revisions in our Table of Assignments were proposed. No comments were filed in respect to the petition.

3. Front Royal, Va. (population 8,211) is the county seat of Warren County (population 15,301). The only standard broadcast station in Front Royal (WFTR), a Class IV operation, is licensed to the petitioner. Channel 257A is occupied by Wayside Broadcasting Corp. which holds a CP for WFFV at Front Royal. It is the only FM assignment in the community.

4. Petitioner commences its public interest showing concerning the need for an additional FM assignment at Front Royal by stating:

> Front Royal, Va., is the gateway to the Shenandoah National Forest and the Skyline Drive. The industry of the area is largely dependent on the heavy tourism. During 1970, there were 2,411,500 visitors to the Shenandoah National Forest. It is anticipated that this number of tourists will substantially increase as Route 66 linking Washington, D.C., to Front Royal, is partially completed, and a link from Front Royal to Route 81 is almost completed. Completion of these routes will not only increase the number of tourists visiting Front Royal, but will also result in rapid growth and industrialization of the community.

It is asserted that only 12 of Virginia's 96 counties have a higher per capita income than Warren County, and that only eight have a higher median income. A showing is made that over one-half of the population of Warren County is under 31 years of age, and that the average family size of the population is 3.42 persons. Over two-thirds of these families have children under 18 years of age. Thus, it is submitted that Warren County and Front Royal are dynamic and growing areas. WFTR points out that its AM operation is severely limited in its nighttime coverage and that the proposed FM service would increase the nighttime coverage of its present programing from nine square miles to 615 square miles.

5. In light of the facts that, no oppositions have been filed, no existing FM assignments will be disturbed under the proposal and, that a preliminary showing appears to have been made that Front Royal needs an additional aural broadcast service, we consider it in the public interest to explore WFTR, Inc.'s proposal to assign Channel 237A to Front Royal, Va., in this rule making proceeding.[1]

RM–1739, MORRO BAY, CALIF.

6. On April 9, 1971, Mineral King Broadcasters and Mr. Elbert H. Dean, a joint venture doing business as Morro Bay Broadcasters (Bay Broadcasters), filed a petition (supplemented on May 14, 1971) with this Commission requesting the assignment of FM Channel 283B to Morro Bay, Calif. No other changes in our FM allocation table are required or proposed. No comments concerning the petition were filed.

7. San Luis Obispo County, Calif., has a population of 105,690 persons. It contains the small city of Morro Bay with 7,109 residents. Our FM Table of Assignments contains no assignment for Morro Bay. KBAI expects to serve the community as a daytime-only standard broadcast station. Petitioner presently holds a CP (BP–14338) for its construction.

8. Petitioner advises us that the majority of the people in San Luis Obispo County reside in a relatively narrow 12 mile strip along the Pacific Coast and that the immediate Morro Bay shopping area contains approximately 27,000 people since it includes persons living in Cambria, San Simeon and Baywood Park. It is maintained that Morro Bay, as many other communities in California, has a very high level of population growth. Too, it is projected that the relative importance of Morro Bay to San Luis Obispo County will continue to increase (in 1950 the city held 4.9 percent of the total population of the county, a figure that it expected to increase to 10.6 percent by 1975). The community has the only natural landlocked harbor, with a navigable entrance, between San Francisco and Los Angeles. Although an important part of the community's economics rests on tourism, there are a significant number of persons who are permanent residents and employed as managers, officials, and proprietors, craftsmen, foremen, and service workers. The labor force is predominantly engaged in services, wholesale and retail trade and contract construction, with a substantial number also engaged in transport, communications, and utilities industries. It is projected that the city of Morro Bay will increase its share of San Luis Obispo County's personal income from 6.4 percent in 1960 to 9.4 percent by 1985. Bay Broadcasters maintains that the proposed FM station could be used to provide Morro Bay and the surrounding area with broadcasts of agricultural reports, community events, and public affairs programming not now, and not expected to be, available on a local basis during evening and nighttime hours. During times of emergency, a nighttime FM service, petitioner forwards, could be most helpful by broadcasting storm warnings and road condition notices. Petitioner points out that Morro Bay has substantial mountains to the north, east and south with the Pacific Ocean lying to the west. Because of these topography facts it is maintained that the community and surrounding area need a Class B rather than a Class A fulltime radio service.[2] A showing is also made which indicates that the assignment of Channel 283B to Morro Bay will not have a preclusionary effect on other assignments which would be opposed to the public interest.

9. In view of the foregoing, we have come to the judgment that the public interest would be served by setting forth petitioner's proposal (the assignment of Channel 283B to Morro Bay, Calif., in this rule making proceeding, in order to explore the public interest factors involved in such an allocation.

RM–1792, VIEQUES, P.R.

10. On May 7, 1971, Mr. Carlos Juan Colon Ventura filed a petition with the Commission requesting the assignment of FM Channel 255B to Vieques, P.R., as a simple "drop-in". The record contains an opposition, in the form of a letter, from Mr. Riggin Dapena.

11. There is no FM assignment on the small isand of Vieques, P.R., with its population of 7,767 residents. WIVV, a standard broadcast station, is licensed to the Calvary Baptist Mission of Puerto Rico, on Vieques. On July 30, 1970, Vieques Radio Corp. (with which Mr. Dapena is connected) tendered an application for a new standard broadcast station to be located on Vieques Island. Accompanying the application was a request for a waiver of our "freeze" on AM applications. The application and request for a waiver are presently under consideration by the Commission.

12. Vieques Island is located approximately 9 miles east of the main island of Puerto Rico. It measures 5 miles in width by 20 miles in length with a total land area of 52 square miles. Petitioner points out that in addition to the normal residents on the island, the island is host to approximately 3,000 military personnel located at the island's U.S. Naval base. Vieques produces approximately 50,000 to 60,000 tons of sugarcane annually, apparently its main crop. Fishing in the Caribbean around Vieques is both a sport and a business. It is asserted that:

> • • • there are 161 business establishments on Vieques, including three wholesale trade establishments, 137 retail establishments, and 21 service establishments • • • Tourists are attracted to Vieques by the excellent beaches, a phosphorescent bay and the rolling pasture and sugarcane country. Transportation to Vieques is supplied by ferry from Fajardo and by air from San Juan and several other Puerto Rican towns. To stimulate the tourist trade and the economic development of Vieques, the local government is sponsoring a program to restore "El Fortin," one of the island's historical attractions, and to include a cultural center and a restaurant in the project • • • A proposal has also been made to develop the island as a free port or free trade zone to further stimulate commercial development, and both the Governor of Puerto Rico and the Administrator of Economic Development have promised to accelerate industrial development in Vieques.
>
> This development of Vieques will add to the economic support of an FM station located on this island. But, even more significantly, a Vieques FM station will help to stimulate Vieques' development by providing a needed source of information about events on the island and by offering the only diversified broadcast service to civilian and military residents and visitors alike • • • Without this assignment, the people of Vieques will be left without any local FM service and without any truly local commercial broadcast service • • •

Petitioner brings to our attention the fact that WIVV primarily broadcasts religious programing and is, basically, supported by donations. Mr. Ventura states his proposed operation, in contrast, would provide local commercial programming concerning news, public affairs, political discussion and entertainment. In conclusion, the petition makes a showing that FM Channel 255B can be assigned to Vieques without precluding the assignment of this channel or, any of the 6 adjacent channels at any community of more than 2,500 persons which does not already have an FM assignment.

13. Mr. Dapena opposes the assignment of any FM channel to Vieques primarily on two grounds: First, he believes that FM radio service is, in some way, inferior to AM radio service. In support of this belief he alleges that there are exceedingly few FM receivers on Vieques. Second, Mr. Dapena holds the belief that the ultimate issuance of a construction permit for an FM assignment at Vieques will prevent the issuance of a construction permit for the AM station he and Vieques Radio Corp. seek to establish on the island. With regard to Mr. Dapena's first point, we must comment that the number of FM receivers presently, or in the future, in the hands of the Vieques public is a factor which surely will be considered, as part of a business judgment, by any applicant for an FM station on Vieques. In respect to Mr. Dapena's second point, we must point out simply that he is mistaken. The issuance of a construction permit for any FM channel to be assigned to Vieques will not necessarily preclude the issuance of a construction permit for an AM station there. All applications are considered on the basis of whether they are in the public interest. To clarify an additional misconception held by Mr. Dapena, the grant of the subject petition for an FM assignment at Vieques in no way determines the ultimately successful applicant for the use of that FM frequency. If an assignment is made, applications for the frequency's use will be entertained from any member of the public.

14. From the above, we conclude that it is in the public interest to explore the possible assignment of FM Channel 255B to Vieques, P.R. in this rule making proceeding.

15. With the above material and public interest findings before us, we propose, for consideration, the following revisions in our FM Table of Assignments (§ 73.202 of our rules) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Morro Bay, Calif.		283
Vieques, P.R.		255
Front Royal, Va.	257A	237A, 257A

16. Authority for the actions proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

17. Showings required: All proponents of the proposed allocations should file comments with respect to the need of the proposed assignments. They may do so, in large part, by describing the economics, sociology, and importance of the subject community. This, in order to give the Commission the information it must have to render the required judgment that the assignment would be in the public interest. In the event a proponent is of the view that an adequate public interest showing has been made, a comment should be filed incorporating formal pleadings by reference and stating a current intent to apply for the FM channel of interest, if assigned. Failure to file may lead to denial of the request.

18. Cutoff procedure: As in other recent FM rule making proceeding, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that they will not be considered in connection with the decisions herein.

19. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before June 2, 1972, and reply comments on or before June 12, 1972. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

20. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

21. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters at 1919 M Street NW., Washington, DC.

Adopted: April 19, 1972.

Released: April 25, 1972.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–6512 Filed 4–27–72;8:48 am]

[3] Commissioners Johnson and H. Rex Lee absent.

[1] Due to the existence of Station WQMC on Channel 237A at Charlottesville, Va., the transmitter site for any Front Royal station established on Channel 237A would have to be located approximately 4 miles north of the community.

[2] It is contended that a Class B FM station, operating with 50 kilowatts and antenna height of 500 feet above average terrain at Morro Bay would provide service to 200,384 persons in an area of 2,639 square miles and that, although it would not provide a first service, it would provide a second service, to 4,090 persons in an area of 698 square miles, or 2.05 percent of the population and 26.5 percent of the area within the 1 mv/m contour. In contrast thereto, Bay Broadcasters asserts that a Class A FM station, operating with a maximum facility, would provide service to 56,561 persons in an area of only 426 square miles, and a second service to 53 persons in an area of 13 square miles, or 0.09 percent of the population and 3.1 percent of the area within the 1 mv/m contour.

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Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Price Commission Ruling 1972–151]

AGGREGATE PRICING SYSTEM

Price Commission Ruling

Facts. Retailer B operates a shoe store. He customarily employs a pricing practice for women's shoes by which he determines all item prices within the category of women's shoes in the following manner. B specifies a weighted average markup of 50 percent to be achieved for the season resulting from all sales expected to be made in that season. The specified markup, purchase order costs, tentative retail prices, and projected sales volume are submitted for computer analysis to achieve the specified markup. If the analysis does not yield the specified markup, the tentative retail prices are adjusted until the mix of retail prices is arrived at which will achieve the specified weighted average markup. If the data used in the calculation to establish the initial selling price changes during the season, selling prices are adjusted accordingly to achieve the specified markup. B plans to continue to establish and adjust his prices by using this same practice.

Issue. May B price women's shoes in this manner for the summer season and be in compliance with § 300.13 of the regulations?

Ruling. Yes, so long as the prices actually charged by B do not result in a weighted average markup for the category of women's shoes during this year's seasonal pricing period which exceeds the weighted average markup actually achieved during the same pricing period during his last fiscal year ending before August 15, 1971. B is using one type of aggregate pricing system to determine selling prices. The customary initial percentage markup under the system used in this case is the weighted average markup achieved on the category during the same pricing period during B's last fiscal year ending before August 15, 1971.

Section 300.13(a)(1) of the regulations, 6 CFR 300.13(a)(1), 37 F.R. 284 (January 8, 1972), permits a retailer to charge a price in excess of the base price after November 13, 1971, for any merchandise only if such price does not result in a "customary initial percentage markup" (CIPM) which exceeds the retailer's last CIPM before November 14, 1971, or at its option, its CIPM, "[D]uring its last fiscal year ending before August 15, 1971." CIPM is defined in section 300.5 of the regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971), to mean:

"The markup applied to the cost (purchase price actually paid by the selling person and transportation charges to be allocated to the merchandise) of merchandise when first offered for sale, determined on an item, product line, department, store, or other pricing unit basis, according to the person's customary pricing practice.

If a retailer's customary pricing practice is the use of an aggregate pricing system, he may continue to use that practice. A firm that qualifies as a category pricer for all or a portion of its operations must continue to apply the applicable category markups at the lowest level of aggregation of goods to which those markups have been customarily applied. A firm is using an aggregate pricing system if its prior practice was:

(1) To determine prices for a group of items in order to achieve a particular weighted average markup for the entire group. A firm that uses average markup objectives for management control purposes (such as target overall markup percentage for a department) does not necessarily qualify as a category pricer. or,

(2) To determine prices by applying a single markup to a group of items, classified on the basis of such factors as volume purchased, class of customer, or type of products.

It is the responsibility of the retailer to document that his customary pricing practice is the use of an aggregate pricing system.

The maximum category markup for each category is determined by obtaining a weighted average of the markups applied for that category during the company's last fiscal year ending prior to August 15, 1971. In the event a firm determines the prices for all items within the category at the same time, the maximum category markup is, at the option of the firm, the weighted average markup for the last fiscal year as described in the previous sentence or the last category markup applied prior to November 14, 1971.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 26, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: April 26, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–6567 Filed 4–27–72;8:47 am]

[Price Commission Ruling 1972–152]

ITEM PRICING SYSTEM—DEPARTMENT STORE

Price Commission Ruling

Facts. Retailer A operates a department store. In order to maintain profit control, he establishes "target" rates of return over merchandise cost for each department. Customarily he has set and changed prices on each item within a department to reflect cost and cost changes on that item. A's "target" rate of return for women's accessories is 50 percent. Markups used on individual items in this category range from 25 percent to 100 percent. The cost of handbags has increased. A wants to increase the prices on all accessories, including handbags, over those which would be permitted if the firm were to apply the customary initial percentage markup (CIPM) for each item to the cost of each item. By doing so, A would offset the increased cost of handbags and, therefore, maintain the target rate of 50 percent return for the whole department.

Issue. Would the price adjustments planned by A be in compliance with § 300.13 of the regulations?

Ruling. No. A has customarily set and changed prices on items within each department to reflect cost and cost changes on that item. Therefore, A has used an item system of pricing in the past and the prices established now on each item must not result in a CIPM on that item in excess of the CIPM allowed under 6 CFR 300.13(a)(1), 37 F.R. 284 (January 8, 1972).

Section 300.13(a)(1) of the regulations permits a retailer to charge a price in excess of the base price for any merchandise after November 13, 1971, only if such price does not result in a CIPM which exceeds the retailer's last CIPM before November 14, 1971, or at its option its CIPM, "[D]uring its last fiscal year ending before August 15, 1971." The limiting CIPM under § 300.13 of the regulations is thus either the last markup for the item applied prior to November 14, 1971, or the top markup in the range of markups which was applied to the item during the retailer's last fiscal year ending before August 15, 1971. Section 300.13(a)(1) of the regulations permits a retailer to select either of these markups and price merchandise now so that the markup used does not exceed the selected markup.

Although A uses categories, such as women's accessories for profit and management control, this is not construed as sufficient evidence of an aggregate pricing system which would permit the use of a category CIPM instead of the CIPM on each item. A may increase prices over base prices only on the handbag items for which he has incurred cost increases, or which he is selling below the limiting CIPM for that item as determined by the interpretation of § 300.13 of the regulations stated above.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 26, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: April 26, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–6568 Filed 4–27–72;8:47 am]

[Price Commission Ruling 1972–153]

ITEM PRICING SYSTEM—GROCERY STORE

Price Commission Ruling

Facts. Retailer D operates a grocery store. He prices items by taking into account the supply, demand, and competitive conditions prevailing in his locality at any given time. Although C has set a gross profit control "target" rate of 28 percent over costs for the entire store, he has historically priced goods in a manner that produced a certain percentage markup on each product. The cost of frozen vegetables has increased by 10 percent. Because of competitive conditions, C plans to increase prices over base prices for a variety of grocery products in order to offset the increase in frozen vegetable's cost and to maintain the 28 percent markup goal for the entire store.

Issue. Would the price adjustments planned by D be in compliance with § 300.13 of the regulations?

Ruling. No. D has historically priced goods in a manner that produced a certain percentage markup on each product. Therefore, D has used an item system of pricing in the past and the prices established now on each item must not result in a CIPM on that item in excess of the CIPM allowed under 6 CFR 300.13(a)(1), 37 F.R. 284 (January 8, 1972).

The limiting CIPM under § 300.13 of the regulations is either the last markup for the item applied prior to November 14, 1971, or the top markup in the range of markups which was applied to the item during the retailer's last fiscal year ending before August 15, 1971. Price Commission Ruling 1972–152 (Item Pricing System—Department Store.) Although D uses his whole store as a pricing unit for profit control, this is not construed as sufficient evidence of an aggregate pricing system which would permit the use of a storewide CIPM instead of the CIPM on each item. D may increase prices over base prices only on the items for which he has incurred cost increases, or which he is selling below the limiting CIPM for that item as determined by the interpretation of § 300.13 of the regulations stated above. The burden is on the retailer to document his customary pricing procedure.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 26, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: April 26, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72–6569 Filed 4–27–72;8:47 am]

Office of the Secretary

[Treasury Dept. Order 150–78]

COMMISSIONER OF INTERNAL REVENUE

Delegation of Authority Regarding Requests for Exemptions

Delegation of authority to deny requests for exemptions that are the same or substantially the same as exemption requests considered and denied by the Cost of Living Council.

By virtue of the authority delegated to me as Secretary of the Treasury by Cost of Living Council Order No. 9 (37 F.R. 6883), the authority delegated is hereby redelegated to the Commissioner of Internal Revenue.

The authority delegated herein shall be exercised in consultation with the Secretary, and where major policy issues are involved, with the approval of the Secretary.

This order shall be effective at 12:01 a.m., April 24, 1972.

Dated: April 24, 1972.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.72–6543 Filed 4–27–72;8:50 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

IMPERIAL NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 9 a.m. on June 30, 1972, at the Palo Verde Unified High School, Blythe, Imperial County, Calif., and continued at 9 a.m. on July 1, 1972, at the Yuma City-County Library, Yuma, Yuma County, Ariz., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including the Imperial Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 9,475 acres within Imperial National Wildlife Refuge, which is located in Yuma County, State of Arizona, and Imperial County, State of California.

A study summary containing a map and information about the Imperial Wilderness proposal may be obtained from the Refuge Manager, Imperial National Wildlife Refuge, Post Office Box 1032, Yuma, AZ 85364, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, 500 Gold Avenue SW., Albuquerque, NM 87103.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by August 1, 1972.

E. V. SCHMIDT,
Acting Deputy Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.72–6519 Filed 4–27–72;8:50 am]

MINGO NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–577; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 7:30 p.m. on June 26, 1972, at the Puxico Elementary School, Puxico, Stoddard County, Mo., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Mingo National Wildlife Refuge within the National Wilderness Preservation System. The wilderness proposal consists of 1,705 acres of the Mingo National Wildlife Refuge, which is located in Wayne and Stoddard Counties, State of Missouri.

A brochure containing a map and information about the Mingo Refuge Wilderness proposal may be obtained from the Refuge Manager, Mingo National Wildlife Refuge, Puxico, Mo. 63960, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by July 28, 1972.

E. V. SCHMIDT,
Acting Deputy Director, Bureau of Sport Fisheries and Wildlife.

APRIL 21, 1972.

[FR Doc.72–6520 Filed 4–27–72;8:50 am]

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Office of Hearings and Appeals

[Docket No. M72-35]

GATEWAY COAL CO.

Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of Gateway Coal Co. for modification of mandatory safety standard (sec. 303(f)), Docket No. M72-35.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (1970)), notice is given that Gateway Coal Co. has filed a petition to modify the application of 30 CFR 75.305 to its Gateway Mine.

30 CFR 75.305 is a repetition of section 303(f) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 863(f) (1970), which reads as follows:

(f) In addition to the preshift and daily examinations required by this section, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of this Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

Petitioner states that the Gateway Mine is an old mine with many worked-out areas and that the return air entries from Browns Run Shaft to the mouth of the river cannot be traveled today because of numerous roof falls. Petitioner asserts that exorbitant expenditures and years of work would be required to restore the returns to a travelable condition. Petitioner proposes to establish five air measuring stations at certain locations in the returns at which methane and air readings will be made by a certified person and that this will assure that the criteria of section 303(f) will be met. Petitioner asserts that this alternate procedure will guarantee to the miners no less than the measure of protection afforded by section 303(f).

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

APRIL 20, 1972.

[FR Doc.72-6482 Filed 4-27-72;8:46 am]

[Docket No. M72-36]

POCAHONTAS FUEL CO.

Notice of Petition for Modification of Mandatory Safety Standard

In regard petition of Pocahontas Fuel Co. for modification of mandatory safety standard (sec. 308(f)), Docket No. M72-36.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 861(c) (1970)), notice is given that the Pocahontas Fuel Co., a division of Consolidation Coal Co., has filed a petition to modify the application of section 308(f) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 868(f) (1970), to the Itmann Nos. 1, 2, 3, and 4 Mines, Bishop Nos. 33 and 34 Mines, and Jenkinjones Mine.

Section 308(f) reads as follows:

(f) Couplers that are used with medium-voltage or high-voltage power circuits shall be of the three-phase type with a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, no less effective couplers constructed of materials other than metal. Couplers shall be adequate for the voltage and current expected. All exposed metal on the metallic couplers shall be grounded to the ground conductor in the cable. The coupler shall be constructed so that the ground check continuity conductor shall be broken first and the ground conductors shall be broken last when the coupler is being uncoupled.

Petitioner states that it is using high-voltage potheads at the mines listed and that the potheads were designed as cable terminations rather than cable couplers and are therefore not subject to section 308(f). It states, however, that the Bureau takes the position that the potheads are couplers and are not in compliance with section 308(f). Petitioner asserts that if this is so the application of the standards set forth in section 308(f) will result in a diminution of safety in its mines. It requests that it be permitted to continue the use of the potheads as they are presently installed.

Parties interested in this petition should file their answers or comments within 30 days from the date of publication of this notice in the FEDERAL REGISTER with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.72-6483 Filed 4-27-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

UTAH

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Utah natural disasters have caused a general need for agricultural credit:

Counties:	
Box Elder.	Utah.
Davis.	Washington.
Salt Lake.	Weber.

Emergency loans will not be made in the above-named counties under this designation pursuant to applications received after December 31, 1972, except subsequent loans to qualified borrowers who received initial loans under this designation. Emergency loans will be made under this designation only to producers of fruit in the above-named counties.

The urgency of the need for emergency loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of April 1972.

EARL L. BUTZ,
Secretary.

[FR Doc.72-6504 Filed 4-27-72;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-461; NADA No. 7-987V]

WINTHROP LABORATORIES

Chloroquine Hydrochloride; Notice of Opportunity for Hearing

In an announcement in the FEDERAL REGISTER of October 4, 1969 (34 F.R. 15504, DESI 7-987V), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Aralen Hydrochloride NADA (new animal drug application) No. 7-987V (a product containing chloroquine hydrochloride), marketed by Winthrop Laboratories, Division of Sterling Drug, Inc., Rensselaer, New York 12144. The announcement invited the holder of said new animal drug application and any other interested persons to submit revised labeling or adequate documentation in support of the labeling used.

No approvable revised labeling has been submitted in response to said announcement and available information fails to provide substantial evidence that this drug will have the effect it purports to have when administered in accordance with the conditions of use prescribed, recommneded, or suggested in its labeling.

Therefore, notice is given to Winthrop Laboratories and to any other interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b) withdrawing approval of NADA No. 7-987V, including all amendments and supplements thereto.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner hereby gives the applicant, and any interested persons who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of NADA No. 7-987V should not be withdrawn. Promulgation of the order will cause any drug similar in composition to the above cited drug product and recommended for similar conditions of use to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to appropriate regulatory action.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing:

1. To avail themselves of the opportunity for a hearing; or
2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner, without further notice, will enter a final order withdrawing approval of the new animal drug application.

Failure of such persons to file a written appearance of election within 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing concerning a method or process that the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to the grounds for this notice of opportunity for a hearing. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact requiring a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

Responses to this notice will be available for public inspection in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: April 19, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 72-6518 Filed 4-27-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-60V]

BOATING SAFETY

Designation of Source of Information for Grants

The U.S. Coast Guard, by authority of the Federal Boating Safety Act of 1971, 46 U.S.C. § 1451 et seq., and the delegation of authority to the Commandant from the Secretary of Transportation, 49 CFR § 1.46(o)(1), is authorized to establish grants to national nonprofit-public service organizations for the purpose of conducting national boating safety activities. Full details may be obtained by contacting:

Chief, Office of Boating Safety, U.S. Coast Guard Headquarters, 400 Seventh Street, SW., Washington, DC 20590, Telephone: (202) 426-1080, Attention: LCDR Harry E. Obedin.

Dated: April 25, 1972.

W. L. MORRISON,
Rear Admiral,
U.S. Coast Guard, Chief Counsel.

[FR Doc.72-6524 Filed 4-27-72;8:48 am]

Coast Guard

[CGD 72-72N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from February 24, 1972, to March 7, 1972 (List No. 8-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/142/3, mechanical davit, steel straight boomsheath screw, Type 24-40, MKII; approved for a maximum working load of 12,000 pounds per set (6,000 pounds per arm), identified by general arrangement dwg. 5011-1E, alteration E dated April 13, 1967, and drawing list GA-5011-2D dated April 14, 1967, manufactured by Marine Safety

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Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 2, 1972. (It is an extension of Approval No. 160.032/142/3 dated May 11, 1967 and change of address of manufacturer.)

Approval No. 160.032/173/0, gravity davit, Type 26–15; approved for a maximum working load of 15,000 pounds per set (7,500 pounds per arm) using two-part falls; identified by general arrangement dwg. D1–F–006, Revision C dated April 14, 1967, and drawing list DL–DIF–006 dated April 28, 1967, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 2, 1972. (It is an extension of Approval No. 160.032/173/0 dated May 18, 1967, and change of address of manufacturer.)

HAND PROPELLING GEAR, LIFEBOATS, FOR MERCHANT VESSELS

Approval No. 160.034/10/2, Type X, hand-propelling gear identified by assembly dwg. No. 99–2, revision B dated April 12, 1957, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective March 2, 1972. (It is an extension of Approval No. 160.034/10/2 dated June 1, 1967, and change of address of manufacturer.)

LIFEBOATS

Approval No. 160.035/89/4, 16.0' x 5.71' x 2.3' steel, oar-propelled lifeboat, nine-person capacity, identified by general arrangement and construction dwg. No. 49R–1612 dated August 27, 1950 and revised January 28, 1972, if mechanical disengaging apparatus is fitted, it shall be of an approved type and the installation in this particular lifeboat shall be approved by the Commandant, approved for 12-person capacity for replacement lifeboats, 46 CFR 160.035–13(c) Marking, Weights: (steel gunwale) Condition "A"=1,050 pounds; Condition "B"=3,615 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective February 28, 1972. (It reinstates and supersedes Approval No. 160.035/89/3 terminated December 4, 1971.)

LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

Approval No. 160.040/3/0, Kilgore's general arrangement dwg. No. BP–4158–1–1 dated January 12, 1972, dwg. No. SP–150 revised May 31, 1956; dwg. CP–4140–1–1 dated December 21, 1971; dwg. No. CP–4153–1–1 dated December 21, 1971; dwg. No. BP–4160–1–1 dated January 13, 1972, and drawing list dated February 24, 1972, Model No. GR–52–A2, rockets made to dwg. No. BP–4137–1–1; BP–4136–1–1; CP–4153–1–1, and CP–4140–1–1 with Approval No. 160.040/3/0 may be used with Kilgore's Launcher Model GR–52–A1, manufactured by Kilgore Corp., Toone, Tenn. 38381, effective February 24, 1972.

KITS, FIRST AID, FOR MERCHANT VESSELS

Approval No. 160.041/3/0, first-aid kit, Model No. 600 M, dwg. No. 100A dated February 25, 1952, manufactured by Medical Supply Co., 1027 West State Street, Rockford, IL 61102, effective March 1, 1972. (It is an extension of Approval No. 160.041/3/0 dated May 2, 1967.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/511/0, Type I, Model AK–1, adult kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's, Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.047/511/0 dated May 9, 1967.)

Approval No. 160.047/512/0, Type I, Model CKM–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's, Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.047/512/0 dated May 9, 1967.)

Approval No. 160.047/513/0, Type I, Model CKS–1, child kapok buoyant vest, U.S.C.G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's, Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.047/513/0 dated May 9, 1967.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/206/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c) (1) (i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, for Herter's Inc., Waseca, Minn. 56093, effective March 3, 1972. (It is an extension of Approval No. 160.048/206/0 dated May 9, 1967.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/350/0, Type II, Model BVA, adult vinyl-dip coated unicellular plastic foam buoyant vest, dwg. No. 1001, Rev. 1 dated December 23, 1966, manufactured by Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, for Buddy Schoellkopf Products, Inc., 148 Fordyce Street, Dallas, TX 75207, effective March 3, 1972. (It is an extension of Approval No. 160.052/350/0 dated May 26, 1967.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/68/0, Type IB, Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160.055–IB (Sheet 1 and 2), manufactured by Crawford Manufacturing Co., Third and Decatur Streets, Richmond, VA 23212, effective March 2, 1972. (It is an extension of Approval No. 160.055/68/0 dated May 25. 1967.)

Approval No. 160.055/69/0, Type IB, Model 67, child cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and dwg. No. 160055–IB (sheet 3 and 4), manufactured by Crawford Manufacturing Company, third and Decatur Streets, Richmond, VA 23212, effective March 2, 1972. (It is an extension of Approval No. 160.–055/69/0 dated May 25, 1967.)

Special Purpose Water Safety Buoyant Devices for Designated Use on All Motorboats and for General Use on Motorboats of Classes A, 1, or 2 Not Carrying Passengers for Hire

Approval No. 160.064/1/2, adult medium, competition vest, model GT–5, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 6, 1972.

Approval No. 160.064/2/2, child medium, competition vest, model GT–5, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 6, 1972.

Approval No. 160.064/12/0, 18-inch koroseal foam ring buoy, model XS–18, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–12, manufactured by Carlon Rubber Products Co., 1 New Haven Avenue, Derby, CT 06418, effective March 7, 1972.

Approval No. 160.064/13/0, 19-inch ring buoy, vinyl dipped unicellular plastic foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–16, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 7, 1972.

Approval No. 160.064/18/2, adult large, competition vest, model GT–5, cloth covered PVC foam, manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ–16, manufactured by Gentex Corporation, Carbondale, Pa. 18407, effective March 6, 1972.

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/8/0, Fig. 629 pop safety valve, bronze body, for steam heating boilers and unfired steam generators dwg. No. S4785, dated February 27, 1952, approved for a maximum pressure of 30 p.s.i. in the following sizes:

CAPACITY—POUNDS PER HOUR

Size (inches)	At 15 p.s.i.	At 30 p.s.i.
¾	98	148
1	163	246
1¼	204	307
1½	294	443
2	457	688
2½	653	983
3	980	1,475

manufactured by The Lunkenheimer Co., Post Office Box 360, Annex Station, Cincinnati, OH 45214, effective March 2, 1972. (It is an extension of Approval No. 162.012/8/0 dated May 3, 1967.)

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/9/0, RAECOLITH magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–76; F.R. 1866 dated August 9, 1941, approved for use without other insulating material as meeting Class A–60 requirements in a 1¾ inch thickness, manufactured by Raecolith Flooring Co., 5622 Corson Avenue, Seattle, WA 98108, effective March 1, 1972. (It is an extension of Approval No. 164.006/9/0 dated May 2, 1967.)

Approval No. 164.006/23/0, DEX-O-TEX MAGNABOND No. 1 composite and magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TP 367–116; F.R. 2395 dated July 11, 1945, approved for use without other insulating material as meeting Class A–15 requirements in the thickness noted below:

DEX-O-TEX Subkote No. 1 underlay one-fourth inch plus magnesite overlay three-eighths inch.

Manufactured by Crossfield Products Corp., 140 Valley Road, Roselle Park, NJ 07204, effective March 1, 1972. (It is an extension of Approval No. 164.006/23/0 dated May 5, 1967.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/7/0, Gold bond A–C board, asbestos cement board type incombustible material identical to that described in National Gypsum Co. letter dated June 4, 1943, manufactured by National Gypsum Co., Buffalo, N.Y. 14202, effective March 1, 1972. (It is an extension of Approval No. 164.009/7/0 dated May 2, 1967.)

Approval No. 164.009/98/0, "J–M Foil-Faced Marine Microlite Duct Insulation," aluminum faced fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2141:F.R. 3678 dated March 1, 1967, and Commandant (MMT–3) letter dated March 9, 1967, approved in a density of 0.6 through 2 pounds per cubic foot, manufactured by Johns-Manville Sales Corp., 22 East 40th Street, New York, NY 10016, Plant: Defiance, Ohio, effective March 1, 1972. (It is an extension of Approval No. 164.009/98/0 dated March 9, 1967.)

Dated: April 25, 1972.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.72–6525 Filed 4–27–72;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–171]

PHILADELPHIA ELECTRIC CO.

Notice of Issuance of Provisional Operating License Amendment

The Atomic Energy Commission (the Commission) has issued, effective as of the date of issuance, Amendment No. 4 to Provisional Operating License No. DPR–12. The license presently authorizes the Philadelphia Electric Co. to possess, use, and operate the Peach Bottom Atomic Power Station Unit No. 1 located in York County, Pa., at power levels up to 115 megawatts' (thermal). Amendment No. 4 amends the license to permit the receipt, possession and use of 25 grams of plutonium 239 for use in test fuel elements in connection with operation of the facility, in accordance with the company's application Amendment No. 18 dated April 10, 1972.

The Commission has found that the application for the amendment complies with the provisions of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I, and has concluded that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public. The Commission also has found that prior public notice of proposed issuance of this license amendment is not required since the operation of the facility in accordance with the terms of the license, as amended, does not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the licensee's application for license amendment dated April 10, 1972, and (2) Amendment No. 4 to the license, both of which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of item (2) may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of April 1972.

For the Atomic Energy Commission.

DUDLEY THOMPSON,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72–6498 Filed 4–27–72;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20650; Order 72–4–114]

AIR TRAFFIC CONFERENCE OF AMERICA

Order Disapproving Agreements and Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of April 1972.

Agreements among the members of the Air Traffic Conference of America establishing new financial standards and fees for travel agents, Agreements CAB 20727 and 20727–A1, Docket 20650.

By this order we are disapproving that part of a resolution adopted by the air carrier members of the Air Traffic Conference of America (ATC) which establishes credit evaluation procedures to review the applications of travel agents holding or seeking appointment to represent domestic air carriers. We are deferring action on that part of the resolution dealing with the establishment of a revised fee schedule for agents (not to be confused with travel agent's commissions) to allow the ATC carriers to sort out from such part those aspects which relate to the credit evaluation procedures.

Background. By Order 71–8–5, August 2, 1971, the Board deferred action and invited comment on the agents' financial responsibility resolution (hereinafter denominated as the financial resolution) submitted by the ATC proposing extensive revisions in the business relationships between the ATC carriers and their sales agents. The financial resolution would, inter alia, (a) delete the requirement that agents procure a bond for the benefit of ATC members, (b) establish, in lieu of bonding, specific credit evaluation procedures and criteria for both prospective and existing agents under an ATC-administered program,[1] (c) increase agents' application and an-

[1] The program contemplates the following: (a) Each applicant submits to ATC prescribed financial and credit data; (b) such data is evaluated by the ATC staff; if deemed satisfactory, the applicant is approved from a financial standpoint; (c) if the evaluation does not support such an approval, the application is referred by the Executive Secretary of ATC to the Credit Review Subcommittee of the ATC Agency Committee (NOTE: when the financial statement of an applicant (or of an approved agent) fails to reflect a cash balance of $10,000 or a tangible net worth of at least $15,000 the matter is automatically referred to the subcommittee for review); (d) if the subcommittee findings are unfavorable, the matter must be referred to the full ATC Agency Committee, which is empowered to approve or disapprove the application; and (e) as a last resort the matters may be submitted to arbitration.

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nual fees,[1] and (d) increase the annual fee payable by certain carriers concurring in the ATC standard agent's ticket and area settlement plan (settlement plan).

Comments were filed by the air carrier members of ATC; the American Society of Travel Agents, Inc. (ASTA); the Association of Retail Travel Agents (ARTA); Victor O. Schinnerer and Co., Inc. (Schinnerer); the U.S. Department of Justice (DOJ); and various individual travel agencies.

In Order 71-8-5 the Board raised the question of whether ATC should be so closely involved in passing on the financial credentials of applicants and existing agents alike. In light of what appeared to be an unmistakable element of subjectivity inherent in the proposed credit evaluation system, the Board posed the question as to whether the carriers' interest might not best be served by having the financial evaluation of agents conducted on an independent and impartial basis. Thus, the Board asked whether cogent reasons could be advanced to rebut any claim that the proposed credit review procedures would be used to restrict unduly entrance into the travel agency field.

Replies to Order 71-8-5. The ATC carriers assert, inter alia, that it is entirely proper for them to be intimately and exclusively involved in the credit evaluation of prospective agents for it is axiomatic that he who bears the financial risk of agency default should have the right to evaluate that risk. In addition, the carriers claim that the procedures built into the evaluation system initially assure fairness[2] and should dispel any doubts the Board may have that the evaluation would be conducted in any arbitrary or capricious manner.[3] ATC notes that the ATC credit evaluation worksheet is as objective as possible, recognizing that credit evaluation is an unprecise science. Experience under the program, according to ATC, would dictate what changes, if any, would be required to improve the fairness and objectivity of the criteria.[5]

As concerns the proposed increases in travel agent application and annual fees, ATC points out that such increases are fully justified on the basis of costs of administering the agency program, including those related to the proposed credit evaluation system. Various tables submitted by ATC reflect receipts and expenses of the proposed agency program based upon 1971 data. One such table shows that if the proposed fee schedule and credit program had been in effect in 1971, total fees collected would have been $1,012,775 (for both applicants and existing agents) and total expenses would have been $1,396,392, presenting a deficit of $383,617.[6]

DOJ opposes approval of the agreement on the basis that the proposal may unnecessarily restrain admittance into the travel agency industry and constitute an illegal boycott under the Sherman Act. In view of past efforts of ATC to impose selection and retention standards on travel agencies, DOJ believes the financial resolution must be regarded as an effort to limit entry into the travel agency industry and to reduce the present participants in that industry.

ASTA expresses the view that while the financial resolution meets many of the objections of agents to the present bonding system, an extensive reexamination of the various proposals is not now warranted. ASTA asserts that there are currently before Congress various bills which would provide for Federal regulation of travel agents, including rules providing for "sound financial practices by registered travel agents." In the light thereof and because of DOJ's views, ASTA suggests that the Board defer action on the matter pending the outcome of the Federal licensing proposals. In the meantime, ASTA asks that the present bonding requirements be reduced.

ARTA reiterates its opposition to the present bonding system, but states that it cannot support a program where ATC would act as prosecutor, judge and jury—"such resolution could prove more onerous than the present system." ARTA believes action on the financial resolution should be deferred until the Board's investigation of the ATC bylaws is completed.[7] Alternatively, ARTA requests that Board approval of the financial resolution be conditioned (a) to disapprove the worksheet and compel development of a new worksheet by airline and agency representatives, (b) to require the inclusion of agent representatives on the ATC Credit Review Subcommittee, and (c) to provide that agents not having a late remittance during the foregoing year be exempted from the review process.

Schinnerer supports the position of DOJ and argues that the subjective criteria embodied in the financial resolution create an undue risk that ATC will use the criteria to limit entry into the agency business.

On November 5, 1971, ATC carriers filed a consolidated reply to the comments of DOJ, ARTA, ASTA, and Schinnerer stating, inter alia, that (1) the financial resolution is a sincere effort to assure the financial integrity of travel agents, (2) the airline industry has no intention of using the financial resolution as an invidious tool for restricting entry into the travel agency industry, and (3) there is no basis for a reduction in the bond requirement as suggested by ASTA; in fact ATC asserts that if the credit evaluation program is disapproved the carriers will consider increasing the level of bond coverage. ATC also rejects

[1] The total fee schedule applicable to agents is as follows:

Application fees	Present	Proposed	Nonrefundable
New agent	$50	$500	$100
Additional location	30	250	100
Transfer	50	250	100
New location	30	100	50
Change of name		25	

If an application is disapproved, the fee is refundable except to the extent shown above. Based upon 1969 application volumes, ATC estimates that the proposed fees above would have resulted in collections of $422,350 versus expenses of $439,641.

Annual fees	Present	Proposed	Nonrefundable
Main office	[1] $20	$75	
Branch office	[1] 10	50	

[1] (Note: The Board, by Order 72-2-7, dated Feb. 2, 1972, approved an increase in these fees to $50 for the calendar year 1972.)

[2] ATC cites the four opportunities an applicant would have to pass the credit evaluation test; i.e., (1) evaluation of the credit standing of an applicant or agent by a member of the ATC credit staff; (2) review by the Credit Review Subcommittee of an applicant or agent whose credit standing was found to be deficient by a member of the credit staff; (3) review by the full ATC Agency Committee of a finding by the Credit Review Subcommittee that an applicant's or agent's credit rating is unsatisfactory; and (4) in the event the Agency Committee renders a decision disapproving an applicant or agent, the right of the disapproved party to submit such decision to binding arbitration.

[3] ATC rejects ARTA's proposal that the initial credit analysis be conducted by an independent third party selected by ATC and the agents with equal representation of agents and airlines on any review committee. In this connection, ATC cites the undesirability of agents judging the credit of present or potential competitors. However, ATC asserts that it might accept a third party credit evalutation, provided the third party is the CAB or a financial expert appointed by the CAB.

[5] ATC notes the worksheet uses a numerical rating to quantify the basic three C's of credit, i.e., character, capacity, and capital. It gives 50 percent weight to character and capacity and 50 percent to capital. Three points are given to an agent who has operated an agency 5 years or more. If the applicant or agent has engaged in other business activities with reasonable success, it obtains five points. According to ATC, if the past business activities were profitable, they were reasonably successful. If the owner or management of the applicant or agent is of good character, educational and business background and has a good prior employment record, it may obtain up to eight points. Character would be rated on the basis of honest dealing. In a similar manner, if an applicant or agent has a current ratio of 4+ it can obtain 12 points. If the principal has at least nominal outside income one point is given. A high bank opinion regarding owners or management results in two points for the applicant or agent. Another 29 points can be obtained by meeting various other financial tests. Thus 60 points is the maximum that can be obtained. Thirty-one points are needed under the proposal to show a satisfactory credit standing. In this connection, ATC states: "If it is the [ATC] working group's opinion, based upon the closely monitored experience under the program, that the 31 points passing score is too generous, the passing score will be raised. If, on the other hand, it is the opinion of the working group that the 31 points passing grade is too strict the number of points required to pass will be lowered * * *"

[6] ATC states that the four categories of expenses for servicing home offices and branch locations on the agency list are: Publications, ticketing equipment, credit investigations, and general and administrative costs.

[7] See Order 71-6-127, June 24, 1971, initiating the ATC Bylaws Investigation, Docket 23542; the prehearing conference is scheduled for May 1, 1972.

ARTA's suggestions for a travel agent representative on the Credit Review Subcommittee and for exemption of certain agents from the credit review requirement. Insofar as the proposed fee schedules in the financial resolution, ATC asserts that even if the Board should disapprove the credit evaluation phase of the resolution the Board should approve the new fee schedule.

Most individual travel agencies filing comments and expressing opinion on the credit evaluation procedures and revised fee schedule were against such procedures and fees. On the other hand, half (4) of the agents who expressed opinions on the bonding program were in favor thereof. In addition, one agency suggested that the Board consider an inventory method—through the prepayment of air transportation, for establishing financial responsibility.

Determination of the Board. As noted above, ASTA suggests action here be deferred pending outcome of Federal licensing proposals; ARTA asks that a decision be held over until after completion of the ATC Bylaws Investigation. Although there may be a relationship between the instant proposal and the other matters mentioned, it is not apparent that issues are sufficiently intertwined to warrant withholding a decision on the resolution.

Upon consideration of the foregoing, the Board has decided to disapprove the credit evaluation portion of the agreement and those related provisions and procedures which would become effective upon implementation of the proposed credit evaluation system.

In weighing the advantages and disadvantages of the credit evaluation portion of the instant proposal, it is important to recall the nature of the system to which the new procedures are intended to apply. Thus, on June 10, 1959, in issuing its opinion and order in Docket 8300, et al., the ATC Agency Resolution Investigation,[8] the Board stated:

> It must always be realized that the entire system of joint carrier screening of travel agencies is a substantial departure from the normal free competitive practices of our economy, and that it would be clearly in violation of the Federal antitrust laws were it not for the immunity extended by section 414 of the Act * * *

And in this connection, the Board had earlier noted:

> Where an agreement has among its significant aspects elements which are plainly repugnant to established antitrust principles, approval should not be granted unless there is a clear showing that the agreement is required by a serious transportation need or in order to secure important public benefits.[9]

Although we are not here reexamining the need for the agency program as a whole, we are concerned, through the financial resolution, with what is undoubtedly the single most important factor in the relationship between carriers and agents. The proposed financial standards not only affect the continued appointment of more than 7,000 existing agents but, as importantly, will have a substantial impact on those presently unknown persons who in the future may seek to enter the agency field. This latter fact in particular places special responsibilities on the Board, bearing in mind the antitrust immunity which protects the system as a whole.

Two purposes of the financial resolution, as stated in our earlier order and not disputed, are: (1) To provide a mechanism for examining the financial health of applicant-agents and approved agents; and (2) to protect carrier funds in the hands of approved agents to a greater degree than is possible under the present bonding system. In short, the proposal is bottomed to a large degree on the belief that the carriers' interests will be more adequately protected under an ATC-administered credit program than under one which relies on bonding for the achievement of the above objectives.

The instant proposal presents the Board with a difficult choice. The carriers believe they have devised a good, workable procedure which has been made as objective as possible. They are also of the opinion that adoption of the financial resolution was responsive to expressions of concern within the agency industry over the efficacies of the bonding program. By contrast, major groups within the agency industry are not today of one mind, and, in fact, seemingly are somewhat undecided on a proper course of action.

In our earlier order in this proceeding we outlined the events which led to adoption by ATC of the bonding program. Suffice it to say here, such program reflected a strong desire on the part of the Board for the carriers to turn away from the use of broad and indefinite standards in judging agents' qualifications in favor of more objective requirements.[10] A major question, therefore, is whether the credit evaluation system now before us is any more acceptable than the requirement for agents to show a "satisfactory credit standing," which we overturned in favor of bonding. We have concluded that it is not, and we find no reason to permit a return to the use of a system which in large part utilizes essentially subjective procedures.

ATC contemplates use of the worksheet and various levels of review to determine if an applicant or agent is financially qualified for approval or retention as an agent. It appears, however, that the worksheet and the numerical rating system are manifestly subjective. For example, standards based on consideration of such matters as "reasonable success" of other business activities, "character, educational and business background, prior employment record, etc.," and "record of previous business failure," are undefined and subject to nonuniform interpretation.[11] Furthermore, such a system, coupled with the substantial increase in application fees, places in the hands of ATC the means of restricting entry into the travel agency industry. As DOJ has pointed out, the proposed credit system removes the element of impartiality that exists under the present bonding program.

Admittedly, the instant proposal may be more scientific and specific than that which was in effect prior to bonding, and we do not question the good faith and sincerity of the carriers in their claim that the proposed credit evaluation procedure is as fair and objective as they can make it. The fact is, however, that the Board has no valid basis for judging the reasonableness of the "point" proposal; basically, acceptance would have to be at face value. Bearing in mind the antitrust implications, this is unacceptable. Nor would the Board have an adequate basis for evaluating future changes in the proposed system, which changes, we note, are already contemplated.[12] In this connection, it is not clear that a persuasive defense could be offered in rebuttal of a possible claim that in altering the procedure later on because experience proved it to be "too generous," the carriers were not in fact controlling entry into the agency field.[13]

The Board has stated before, and reiterates here, its concern that the carriers (and the public) be served by qualified and responsible agents. Yet there is nothing in the record to support a claim that the financial effect on the carriers under bonding is less acceptable than under the carrier-administered system which bonding supplanted. Nor do we have convincing evidence that the instant proposal will serve the carriers' objectives better than bonding. Agents have attacked bonding principally from the standpoint of its usefulness in protecting carrier funds; no importance has been placed on its significant value as a financial screening device. Some part of the cost obviously must be assigned to the latter aspect. A substitute arrangement would not be devoid of the cost to individual agents, e.g., the costs of the proposed ATC credit evaluation procedures are built into the fee schedule.

[8] 29 CAB 258, 264 (1959).

[9] Local Cartage Agreement Case, 15 CAB 850, 853 (1952).

[10] Bonding also expedites ATC's review of agents' qualifications.

[11] Similar considerations led the Board, in Order 69-2-125, Feb. 25, 1969, to disapprove certain portions of ATC resolutions governing agents' appointments (CAB 5044-A-129 and 138).

[12] We recognize that an agent has four opportunities to pass the credit evaluation test: (1) ATC professional credit staff, (2) ATC Credit Review Subcommittee, (3) ATC Agency Committee, and (4) arbitration. In this connection, ATC notes that the Board is "certainly capable of dealing with problems, if any should arise," in the administration of the financial responsibility program. The Board is not convinced, however, that it could or should enmesh itself into the inner workings of this program to the extent necessary to achieve effective oversight of the ATC-administered procedures.

[13] Footnote 5, supra.

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Balancing all aspects of the matter, the Board is unable to conclude on this record that the costs of bonding warrant abandonment of the program.[14]

ATC has asked the Board to approve the proposed application and annual fee schedule even if it should disapprove the credit evaluation phase of the pending agreement. ATC points out that the present annual costs, even without the additional cost associated with the credit evaluation system, are already in excess of the proposed fees. Similarly, ATC notes that revenue derived from the proposed application fees would be insufficient to cover the cost of processing the five types of applications.[15]

In Order 71-8-5, the Board indicated that "a more detailed justification is needed of the basis of all proposed increases in fees." In replying, ATC submitted separate schedules showing generally allocations of total cost for items covered by both annual and application fees.[16] Furthermore, ATC offered to provide the data on which such schedules are based.

The Board finds that it does need additional information concerning these fees. In several instances the specific nature of the expense is not evident; [17] the absolute amounts of the proposed increases are very substantial; [18] and as presently constructed both types of fees include charges for credit investigations under the proposal which we have disapproved.[19] Then, too, it would appear appropriate for ATC to comment on the proposed increases in light of Phase II of the Economic Stabilization Program.[20] It would also be desirable to receive an explanation/justification for the various changes contemplated in the resolution concerning the procedures utilized in determining the amount of a fee or its allocation (e.g., as contemplated in sections I.V and III.E).[21]

Based on the foregoing, the Board finds that all provisions of the financial resolutions, except those provisions relating to applicant and agency fees and fees paid by carriers concurring in the area settlement plan, are adverse to the public interest and should not be approved. The Board further finds, for the reasons expressed above, that it will defer action on the aforementioned provisions concerning fees and related matters.

Accordingly, it is ordered, That:

1. Action on sections I.C, I.P.1, I.T, I.V, II.A, II.D, III.A, III.C, III.E, IV, V, and VIII, of the financial resolution (Agreement CAB 20727 as amended by Agreement CAB 20727-A1) be and it hereby is deferred for consideration by the carriers in accordance with the review expressed herein;

2. All remaining sections and provisions of the financial resolution not described in ordering paragraph 1 above be and they hereby are disapproved;

3. All other requests in Docket 20650 be and they hereby are denied; and

4. This order shall be served upon the Air Traffic Conference of America, the American Society of Travel Agents, the Association of Bank Travel Bureaus, Inc., the Association of Retail Travel Agents, Victor O. Schinnerer and Co., Inc., and the Department of Justice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[22]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6532 Filed 4-27-72;8:49 am]

[Docket No. 24215]

AIRLIFT INTERNATIONAL, INC.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 13, 1972, at 10 a.m., e.d.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Merritt Ruhlen.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 24, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 24, 1972.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[FR Doc.72-6533 Filed 4-27-72;8:49 am]

[Docket No. 18610]

SOUTHERN AIRWAYS, INC.

Postponement of Oral Argument

Route realignment investigation, new route authority phase.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter, now assigned for May 10, 1972 (37 F.R. 8019, April 22, 1972), is hereby postponed to May 24, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 25, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-6534 Filed 4-27-72;8:49 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE CZECHOSLOVAK SOCIALIST REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

APRIL 25, 1972.

On August 29, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Czechoslovak Socialist Republic concerning exports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic to the United States over a 2-year period beginning on May 1, 1969. The bilateral agreement was extended for an additional 2-year period beginning May 1, 1971. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit a specific limit on Category 26 (other than duck).

There is published below a letter of April 25, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in Category 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1972, and extending through April 30, 1973, be limited to the designated level. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 25, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 1, 1972 and for the 12-month period extending through April 30, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 26 (other than duck)[1], produced or manufactured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,157,625 square yards.

Cotton textile products in Category 26 (other than duck)[1] produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1972, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period of May 1, 1971 through April 30, 1972. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)[1] may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1972 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Czechoslovak Socialist Republic and with respect to imports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-6580 Filed 4-27-72;8:51 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

APRIL 25, 1972.

On November 3, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Haiti concerning exports of cotton textiles and cotton textile products from Haiti to the United States over a 5-year period beginning on October 1, 1971, and extending through September 30, 1976. Among the provisions of the agreement are those establishing a consultation level of 350,000 square yards equivalent for cotton textile products in each category not having a specific limit in Categories 39 through 63 for the first agreement year which began on October 1, 1971. Imports of cotton textile products in Category 51 from Haiti have exceeded the consultation level for the first agreement year.

Accordingly, there is published below a letter of April 25, 1972, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that upon publication of that letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 51, produced or manufactured in Haiti and exported therefrom to the United States during the period beginning October 1, 1971, and extending through September 30, 1972, be prohibited.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

APRIL 25, 1972.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 3, 1971, between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective upon publication of this letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 51, produced or manufactured in Haiti and which have been exported to the United States during the period beginning October 1, 1971, and extending through September 30, 1972.

Cotton textile products in Category 51, produced or manufactured in Haiti, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton textiles and cotton textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-6581 Filed 4-27-72;8:51 am]

DELAWARE RIVER BASIN COMMISSION

CERTAIN WATER RESOURCES PROJECTS

Notice of Public Hearing Regarding Payment of Fees and Charges

Notice is hereby given that the Delaware River Basin Commission will hold

[14] The record in this proceeding does not provide a basis for determining whether either an upward or downward adjustment in the bonding requirement is appropriate. The Board shares the interest of the carriers and agents in keeping bond requirements (and cost) as low as possible. It would expect of course, that any proposal advanced by either carriers or agents to change the present formula would be fully documented.

[15] New agent; new branch; ownership; location change; and name change.

[16] The schedules presented by ATC are quoted in appendices A and B hereto, filed as part of the original document.

[17] We wish to know the basis for each expense item (labor, postage, printing, etc.) and more specifically the nature of each such item, e.g., what is included in "site inspections/reports" costing $179, and in "processing applications" costing $73; what is the basis for the "imprinter" cost ($89) and why is the amount paid to ATC rather than to the manufacturer?

[18] Footnote 2, supra.

[19] Presumably, the allocation for credit investigations ($24 in the annual fee schedule; $49 in the application fee schedule) should be omitted, along with other items of expense, if any, related to the credit evaluation system.

[20] See Order 72-2-7, Feb. 2, 1972.

[21] ATC should also provide justification for (a) those increased or additional carrier fees specified in this note, infra, and (b) the purpose for which such fees are to be utilized.

The Board will defer action on the following provisions of the financial resolution which concern ATC fees paid by applicants and agents, or matters related to such fees: Secs. I.C, I.P.1, I.T, I.V, II.A, II.D, IV, V, and VIII. The Board will also defer action on the following provisions of the financial resolution which increase or add fees to be paid by certain airlines concurring in the ATC settlement plan, or specify the purpose for which such fees are to be used: Secs. III.A, II.C, and III.E.

[22] Vice Chairman Gilliland dissenting.

[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:

320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

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a public hearing on Wednesday, April 26, 1972, in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The subjects of the hearing are as follows:

I. Proposed regulation requiring the payment of fees and charges in connection with review of certain water resources projects. The text of the proposed regulation is as follows:

Whereas, review of proposed water resources projects pursuant to section 3.8 of the Delaware River Basin Compact has become a substantial program activity representing a major public cost; and

Whereas, certain categories of project review cases demand extended staff analysis and the use of expert consultants, the cost of which cannot always be forecast within the Commission's budget; and

Whereas, it is timely and in the public interest to initiate a program of allocating a portion of the costs of reviewing water resources projects to the applicant or project sponsor; now therefore

Be it resolved by the Delaware River Basin Commission:

1. A filing fee shall be paid to the Commission, according to the schedule herein, at the time of submission of each application for project review pursuant to section 3.8 of the Delaware River Basin Compact, subject to the provisions of section 2-3.5(a) of the Rules of Practice and Procedure.

2. The schedule of project review fees is the greater of (a) and (b) as follows:

(a) Minimum fee: $25 for any project; and

(b) Alternative fee: One-tenth of 1 percent of the estimated project cost.

3. Project review fees under this regulation shall be required for the following categories of projects:

(a) Impoundments;

(b) Divisions of water into or out of the Delaware River Basin;

(c) Industrial water use and waste treatment facilities;

(d) Electric generating and transmission facilities;

(e) Petroleum product pipelines;

(f) Stream encroachments; and

(g) Withdrawal of ground water.

4. Water resources projects sponsored by other public agencies shall be exempt from fees or charges pursuant to this regulation. Projects subject to a charge by another signatory agency may be exempt from this regulation if such charge represents a reasonable reflection of the cost to the public of performing the project review.

5. Hearing charges: If any adversary hearing is required pursuant to the rules of practice and procedure, one-half of the charges of the official stenographer shall be paid by the sponsor or applicant and the hearing examiner may apportion the remainder for payment by the objectors. No apportionment of hearing costs may be made to any objector who withdraws prior to the hearing.

6. Revenues received pursuant to this regulation shall be covered into the Commission's general fund and be subject to specific appropriation by the Commission.

II. Proposed revisions to the eighth annual Water Resources Program as mandated by section 13.2 of the Delaware River Basin Compact. Revisions relate to development of water resources programs in the Basin.

III. Proposal to approve the following water pollution abatement schedule as submitted in accordance with section 3-4.2(2) of the Basin Regulations-Water Quality:

(a) *A-72-2—GAF Corp.* Plant is located in Gloucester City, N.J., discharging into Zone 3 of the Delaware Estuary. Schedule would require recycling of all contaminated wastewater and that facilities to accomplish this go into operation no later than July 31, 1973. The allocation of 3,430 pounds per day of carbonaceous (first stage) oxygen demand for this discharge would be withdrawn and returned to the Zone 3 reserve.

IV. Proposal to amend the comprehensive plan so as to include the following project:

(a) *Greater Pottsville Industrial Development Corp.* A well water supply project to provide water service in the Frackville Industrial Park, Frackville, Schuylkill County, Pa. The new well would be designed to yield 40,000 gallons per day initially and 250,000 gallons per day ultimately. The water will pass through the city of Frackville sewage treatment system and discharge ultimately into the Susquehanna River Basin.

Copies of the proposed revisions to the Water Resources Program may be obtained from the Commission upon request. Documents relating to the other items listed for hearing may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission (Telephone (609) 883-9500).

W. BRINTON WHITALL,
Secretary.

APRIL 14, 1972.

[FR Doc.72-6527 Filed 4-27-72;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Comments

Appendix I below contains a listing of draft environmental impact statements which the Environmental Protection Agency (EPA) has reviewed and commented upon in writing during the period from March 16, 1972, to March 31, 1972, as required by section 102(2)(C) of the "National Environmental Policy Act" of 1969 and section 309 of the "Clean Air Act", as amended. The listing includes the Federal agency responsible for the statement, the number assigned by EPA to the statement, the title of the statement, the classification of the nature of EPA's comments, and the source for copies of the comments.

Appendix II below contains definitions of the four classifications of EPA's comments. Copies of EPA's comments on these draft environmental impact statements are available to the public from the EPA offices noted.

Appendix III below contains a listing of the addresses of the sources for copies of EPA comments listed in Appendix I below.

Copies of the draft environmental impact statements are available from the Federal department or agency which prepared the draft statement or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated: April 21, 1972.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I

ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN MARCH 16, 1972, AND MARCH 31, 1972

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-00035-45: Rover Fuels Processing Facility	2	A
Do	D-AEC-00032-54: Contaminated Soil Removal Facility, Richland, Wash.	1	A
Do	D-AEC-00025-19: Bedrock Waste Storage Exploration	2	A
Do	D-AEC-00022-48: Rio Blanco Gas Stimulation Project	2	A
Do	D-AEC-00040-30: Pilgrim Nuclear Power Station	1	A
Do	D-AEC-00039-21: Turkey Point Plant Units 3 and 4	2	A
Do	D-AEC-00038-26: Point Beach Nuclear Plant	3	A
Do	D-AEC-00037-12: Calvert Cliffs Nuclear Power Plant	2	A
Corps of Engineers	D-COE-32317-04: Maintenance Andrews River, Harwich, Mass.	2	B
Do	D-COE-32310-07: Maintenance of Newton Creek, N.Y., Navigation Project.	1	C
Do	D-COE-30026-12: Coastal Engineering Research Center Pier, Assateague Island, Md.	3	D
Do	D-COE-61135-20: Savannah National Recreation Area Ga. and S.C.	2	E
Do	D-COE-32151-25: Lower Detroit River and River Rouge, Wayne County, Mich.	2	F
Do	D-COE-32150-30: South Fork Zumbro River, Rochester, Minn.	1	F
Do	D-COE-25017-26: Milwaukee Diked Disposal Area, Milwaukee County, Mich.	1	F
Do	D-COE-36109-33: Red River Emergency Bank Protection, La. and Ark.	1	G
Do	D-COE-32323-34: Alpine Lake Project, Alpine, Tex	2	G
Do	D-COE-36110-53: Lower Columbia Bank Protection Project.	2	K
Do	D-COE-32316-57: Tesoro Tank Farm and Barge Slip	2	K

APPENDIX I—Continued

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Do	D-DOT-41105-57: FA Route 7 Spur, Cook County, Ill.	2	F
Do	D-DOT-40977-29: Defiance 15-14.00, Railroad Grade Separation Replacement, Defiance County, Ohio.	1	F
Do	D-DOT-40961-39: State Route 112, Lucas County, Ohio.	1	F
Do	D-DOT-41106-32: Arrow head Airport, Canadian, Okla.	1	G
Do	D-DOT-41134-32: Pryor Airport Pryor Creek, Okla.	1	G
Do	D-DOT-51149-32: Chandler Municipal Airport, Okla.	2	G
Do	D-DOT-51148-32: Ponca City Municipal Airport Ponca City, Okla.	2	G
Do	D-DOT-51121-34: Garner Field, Uvalde, Tex.	1	G
Do	D-DOT-41120-32: Lawton Municipal Airport Lawton, Okla.	1	G
Do	D-DOT-51119-32: Antlers Municipal Airport Antlers, Okla.	2	G
Do	D-DOT-41126-33: Interstate 630 Little Rock, Ark.	2	G
Do	D-DOT-41124-34: State Highway 350 In Big Spring	2	G
Do	D-DOT-41123-34: State Highway 71, 1.6 Miles east of West Point to Bastrop County line in Fayette County, Tex.	2	G
Do	D-DOT-41104-34: Farm Market Road 2791, in Queen City North, Cass County, Tex.	1	G
Do	D-DOT-41109-28: RFC C-2 Project, Ky.	2	H
Do	D-DOT-41113-41: Highway Project AS-(02) Lanigdon, N. Dak.	2	I
Do	D-DOT-51126-44: Manti-Ephriam Airport, Utah	2	I
Do	D-DOT-41115-41: Lanigdon, N. Dak., Airport Improvement.	2	I
Do	D-DOT-61164-48: Phoenix Deer Valley Municipal Airport, Ariz.	2	J
Do	D-DOT-41130-55: Oregon Coast Highway-Waterline Drive Section Newport Lincoln County, Oreg.	1	K
Federal Power Commission	Docket No. E-7644-34: Palo Pinto Generating Station Unit No. 3, Texas.	2	O
Do	D-FPC-40001-00: Proposed Revised Tariff, El Paso Natural Gas.	2	J
Department of Housing and Urban Development.	D-HUD-88084-64: King County Multipurpose Stadium and Convention/Exhibition Complex.	2	K

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

(1) *General agreement/lack of objections.* The Agency generally:

(a) Has no objections to the proposed action as described in the draft impact statement;

(b) Suggest only minor changes in the proposed action or the draft impact statement; or

(c) Has no comments on the draft impact statement or the proposed action.

(2) *Inadequate information.* The Agency feels that the draft impact statement does not contain adequate information to access fully the environmental impact of the proposed action. The Agency's comments call for more information about the potential environmental hazards addressed in the statement, or ask that a potential environmental hazard be addressed since it was not addressed in the draft statement.

(3) *Major changes necessary.* The Agency believes that the proposed action, as described in the draft impact statement, needs major revisions or major additional safeguards to adequately protect the environment.

(4) *Unsatisfactory.* The Agency believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the safeguards which might be utilized may not adequately protect the environment from the hazards arising from this action. The Agency therefore recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX III

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

APPENDIX I—Continued

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Department of Defense	D-DOD-10017-18: Bombing and Target Range, BT-3	2	E
Department of the Interior	D-DOI-03010-08: Brigantine Wilderness Area, N.J.	1	C
Do	D-DOI-03034-21: Big Cypress National Fresh Water Reserve, Fla.	1	E
Do	D-DOI-03013-21: St. Marks Wilderness Area Refuge, Fla.	1	E
Do	D-DOI-02012-19: Cape Romain Wilderness Area Charleston County, S.C.	1	E
Do	D-DOI-03033-34: Padre Island Wilderness Area, Ga., Tex.	1	E
Do	D-DOI-04037-34: Padre Island National Seashore, Tex.	2	O
Do	D-DOI-01030-41: Chase Lake National Wildlife Refuge, N. Dak.	2	I
Do	D-DOI-01029-41: Lostwood National Wildlife Refuge, N. Dak.	2	I
Do	D-DOI-04026-00: Pueblo Dam and Reservoir Fryingpan Ark. Project.	2	I
Do	D-DOI-02016-46: Deep Well Drilling for Geothermal Resource Investigations Imperial Valley, Calif.	2	J
Do	D-DOI-36107-48: Proposed Concrete Lining of Main Outlet Drain, Colorado River Front Work and Levee System, Ariz.	2	J
Department of Transportation	D-DOT-41110-05: Reconstruction Route 202, Plymouth, Conn.	3	B
Do	D-DOT-51120-07: East-West Runway at Stewart Airport.	3	C
Do	D-DOT-41096-11: L.R. 1052 Sec. 4 Cross Valley Expressway, Lanterne County, Pa.	2	D
Do	D-DOT-40823-00: U.S. Route 202, Concord Pike (I-95 to Delaware-Pennsylvania line).	2	D
Do	D-DOT-50041-00: Route 288 Bridge and Approaches, Smithfield.	2	D
Do	D-DOT-41170-13: Route 92-Naamans Road, U.S. 13 to U.S. 202, New Castle County, Del.	2	D
Do	D-DOT-41151-13: Route 141 Centre Road, New Castle County, Del.	2	D
Do	D-DOT-41106-18: U.S. Highway 19E Bypass, Mitchell County, N.C.	1	E
Do	D-DOT-41107-23: U-006-3 Davidson County, Tenn.	1	E
Do	D-DOT-41114-22: S-302-F State Route 29, Lauderdale County, Ala.	2	E
Do	D-DOT-41155-21: State Roads 41 and 43, Hillsborough and Pasco Counties, Fla.	2	E
Do	D-DOT-41116-17: KY. 15-Hazard Bypass, Perry County, Ky.	1	E
Do	D-DOT-41142-22: Brewton South Bypass, Escambia County, Ala.	1	E
Do	D-DOT-41140-23: Widening of Chickamauga Dam Bridge and Construction of New Bridge and State Route 153, Hamilton County, Tenn.	1	E
Do	D-DOT-41139-22: SU-5005(10) Jerry Hill Road, Montgomery County, Ala.	1	E
Do	D-DOT-41138-18: New Connector between U.S.-29-601 and I-85, Salisbury, Rowan County, N.C.	1	E
Do	D-DOT-41137-17: AP-100-35-01 Sommerset-London Road, Pulaski County, Ky.	1	E
Do	D-DOT-41118-18: U.S.-220 Guilford-Randolph Counties, N.C.	1	E
Do	D-DOT-51161-26: Fannin County Airport, Blue Ridge, Ga.	1	E
Do	D-DOT-51147-30: Greene County Airport, Greensboro-Union Point, Ga.	1	E
Do	D-DOT-51146-18: Astie County Airport, West Jefferson, N.C.	1	E
Do	D-DOT-51127-21: Fort Lauderdale-Hollywood International Airport.	1	E
Do	D-DOT-40800-26: Stadium Freeway, Milwaukee County, Wis.	1	F
Do	D-DOT-41109-27: FA Route 171 (Illinois 78) Boone County, Ill.	2	F
Do	D-DOT-41106-29: St. Mary's South Connector, Auglaize County, Ohio.	1	F

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B. Director of Public Affairs, Region I, Environmental Protection Agency, Room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, PA 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street NE., Atlanta, GA 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, IL 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, TX 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, MO 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, CO 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, CA 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

[FR Doc.72-6415 Filed 4-27-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19122-19125; FCC 72R-114]

STAR STATIONS OF INDIANA, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Star Stations of Indiana, Inc., Docket No. 19122, Files Nos. BR-1144, BRH-1276, for renewal of license of WIFE and WIFE-FM, Indianapolis, Ind.; Indianapolis Broadcasting, Inc., Docket No. 19123, File No. BP-18706, for a construction permit for a standard broadcast station Indianapolis, Ind.; Central States Broadcasting, Inc., Docket No. 19124, Files Nos. BR-516, BRH-992, for renewal of license of KOIL and KOIL-FM, Omaha, Nebr.; Star Broadcasting, Inc., Docket No. 19125, File No. BR-1027, for renewal of license of KISN Vancouver, Wash.

1. This proceeding involves the mutually exclusive applications of Star Stations of Indiana, Inc. (Star), for renewal of license for Stations WIFE and WIFE-FM, Indianapolis, Ind.; and Indianapolis Broadcasting, Inc. (Indianapolis), for a construction permit for a standard broadcast station on the same frequency in Indianapolis, Ind. These applications were consolidated with the renewal applications of Central States Broadcasting, Inc., for renewal of license for Stations KOIL and KOIL-FM, Omaha, Nebr., and Star Broadcasting, Inc., Station KISN, Vancouver, Wash. (also Star stations), and the six applications were designated for hearing by Commission Order, FCC 70-1256, 35 F.R. 19209, published December 18, 1970.[1] The Commission specified 25 issues, one of which (Issue No. 23) is a financial qualifications issue against Indianapolis inquiring into: "(a) Whether Jerry L. Kunkel (an Indianapolis stock subscriber) has sufficient funds to meet his stock purchase commitment; (b) whether the applicant can raise the $250,000 in unencumbered capital upon which its bank loan is contingent; and (c) whether in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified." Presently before the Review Board is a petition to enlarge issues, filed November 30, 1971, by Star requesting misrepresentation, failure to disclose, lack of candor, and § 1.65 issues against Indianapolis, and clarification of Issue (23).[2]

FAILURE TO DISCLOSE § 1.65 AND RELATED ISSUES

2. Star alleges that Indianapolis misrepresented certain financial aspects of its application to the Commission, and, in addition, violated § 1.65 of the Commission's rules by failing to disclose substantial and material changes in the financial aspects of its proposal. The charges and counter-charges made in the pleadings involve five of 12 Indianapolis stock subscribers and are somewhat complex. Therefore, in order to simplify the presentation of alleged facts, and to clarify petitioner's requests and Indianapolis' and the Broadcast Bureau's oppositions, we will set forth the arguments of all three as they relate to each of the five Indianapolis principals Star alleges have failed to adequately report their financial position and changes therein. First, according to Star, Jack C. Brinson is pledged to purchase 62½ shares or $31,250 worth of Indianapolis stock and is relying upon his personal assets to meet the commitment. Star asserts that Brinson has failed to report the following facts to the Commission: (1) That the "in excess of $35,000" of stock listed on the American Stock Exchange reported in Brinson's balance sheet has been sold; (2) that 3 months prior to the designation order he incurred a $150,000 liability to the American Fletcher National Bank which he did not report in his balance sheet; and (3) that Brinson has purchased a home upon which there is a $37,500 mortgage. Consequently, Star argues, Brinson has substantially reduced his liquid asset position and this reduction raises serious questions as to his ability to meet his subscription commitment. Star, however, is not challenging Brinson's ability to meet his stock subscription agreement, but rather Indianapolis' failure to inform the Commission, as required by § 1.65, of these allegedly material and substantial changes in Brinson's financial position.

3. Indianapolis, in opposition, maintains that Brinson has paid $6,687.50 of his commitment, thereby leaving a balance of $24,562.50. Indianapolis submits that by a petition for leave to amend, filed December 1, 1971, and granted by the Hearing Examiner on December 6, 1971 (FCC 71M-1891), Brinson reported his intention to meet his stock subscription commitment through a bank loan.[3] Indianapolis further argues that Brinson never indicated an intention to rely upon any particular assets to meet his stock subscription. Indianapolis concedes that Brinson's liquid position has changed, but maintains that the Commission has never required a stock subscriber to always have liquid assets.[4] The Broadcast Bureau's argument essentially parallels that of Indianapolis with the additional argument that Star has failed to show that Brinson has insufficient assets to meet the subscription commitment. The Bureau alleges that Brinson's current balance sheet, dated November 15, 1971, and submitted into evidence at the hearing, shows that Brinson's assets total $520,218 and his liabilities total $187,500, thereby leaving a net worth of $332,718, which is certainly sufficient, in the Bureau's view, to meet the balance of approximately $22,000 which he owes on the subscription.[5]

4. Second, Star argues that Stanley C. Cederquist misrepresented or is guilty of lack of candor with respect to his financial showing. According to Star, Cederquist has subscribed to $25,000 worth of Indianapolis stock. Star alleges that Cederquist omitted the following facts on his balance sheet: (1) That he personally guaranteed a loan for $420,000; (2) that he is personally liable for approximately $24,000 on revolving line-of-credit; and (3) that he has subsequently sold $3,000 worth of stock. Star alleges that Cederquist testified at the deposition hearing that his present liquid assets would be insufficient to meet his subscription commitment and that he would have to rely upon a bank loan; however, Star asserts, Cederquist failed to report to the Commission his present need to rely upon a bank loan. In opposition, Indianapolis recites that Cederquist has paid $6,750 of his subscription, leaving a balance of $18,250. Indianapolis contends that Cederquist did not report the obligations upon which he is secondarily liable because they are contingent in nature and corporations are primarily liable for them; further, Cederquist, in Indianapolis' amendment of December 1, 1971, submitted a letter from a bank extending him credit, therefore indicating his intention to rely upon a bank loan to meet his stock subscription.[6] In its opposition, the Bureau notes that the $420,000 guarantee agreement was made after the balance sheet was filed in 1969. The Bureau also notes that Cederquist's current balance sheet, filed November 15, 1971, and introduced into evidence at the hearing, shows very little change from the balance sheet filed with the application which revealed assets of $770,000 and liabilities of approximately $55,000; therefore, the Bureau urges, these contingent liabilities do not affect his financial position.

5. Third, Star argues that although Indianapolis principal, Walter S. Blackburn, subscriber of $12,500 worth of stock, expressed in Indianapolis' application his intention to meet his commitment by a loan from the Indiana National Bank, Blackburn failed to indicate in his balance sheet certain liabilities which, Star asserts, might affect Blackburn's ability to secure his loan. The omissions, Star recites, are his failure to report the following: (1) A personal liability on a loan of $140,000 by Indiana National Bank to a corporation in which Blackburn is a principal stockholder; (2) a line-of-credit of $50,000; (3) a $3,000 liability for an investment in a liquor store; and (4) a long-term mortgage of $50,000. In opposition, Indianapolis asserts that Blackburn has paid $1,875 of his commitment leaving a balance of $10,625. According to Indianapolis, Blackburn is secondarily liable on the $140,000 loan which is also secured by an office building; the $40,000 line-of-credit on which he is secondarily liable has only been used twice and paid back since its creation in 1969; and his $11,000 liability on the liquor store is not due for 2 years. Furthermore, argues Indianapolis, Blackburn's assets have increased from $79,000 to $183,950, and his net worth from $54,100 to $80,550. The Broadcast Bureau asserts that Blackburn testified at his deposition that he has had various discussions with officials of the Indiana National Bank and that at no time did any official indicate to him that the loan to meet his subscription was not still available. The Bureau therefore argues that it is safe to presume that Blackburn's loan is still available.

6. Fourth, Star alleges that, although Herbert Simon also submitted a bank letter indicating the availability of a line-of-credit to meet his stock subscription commitment, he has failed to report to the Commission: (1) That stocks owned by him have since been sold or have decreased in value; (2) that he is a guarantor on a loan to finance real estate ventures; and (3) that he is a guarantor on several other notes. In opposition, Indianapolis notes that Simon has paid $10,125 of his subscription, leaving a balance of $27,375. Indianapolis represents that the corporation which Simon is associated with is primarily liable on all loans and that all loans are secured by real estate and buildings. According to Indianapolis, if Simon should become liable on any notes which he guaranteed, he would still be able to meet his commitment. The Bureau expresses the opinion that Star has not shown that the loan is not still available.

7. Finally, Star asserts that Indianapolis made false representations concerning subscriber Jerry Kunkel's interest in Indianapolis. According to Star, Indianapolis represented in its application that Kunkel's subscription for 62½ shares of stock ($31,250) was to be met in the same manner as the other subscribers; however, Kunkel's deposition revealed that he was only to pay for $10,000 worth of stock and the rest of the stock was to be given to him for services rendered as general manager of Indianapolis' proposed station. Star notes that a financial qualifications issue has been specified against Indianapolis to determine Kunkel's ability to meet his subscription commitment. See paragraph 1, supra. In opposition, Indianapolis explains that it has been its intention all along that Kunkel was to receive 10 percent (50 shares) of the stock offering for his services in the preparation and prosecution of Indianapolis' application and that he was to pay in cash for an additional 2½ percent ($6,000). According to Indianapolis, Kunkel has paid $1,867.50, leaving a balance of $4,562.50. As further proof that it intended Kunkel to receive stock for services performed, Indianapolis notes that it only relied on $225,000 in new capital in its original application, and not on the full $250,000, which would result from 500 shares subscribed to at $500 per share. The Broadcast Bureau asserts that it is not necessary for an applicant to report in the application that one of its principals will receive stock for services performed; therefore, failure to report the arrangement would not warrant addition of a misrepresentation issue.

8. In reply, Star argues that both Indianapolis and the Bureau have premised their oppositions to Star's petition on two faulty assumptions. First, each assumes that Indianapolis' financial position is sound which, according to Star, has not been proven; and, second, the opposition arguments disregard the main purpose behind § 1.65, which is complete disclosure of all significant facts called for by the Commission. Star contends that § 1.65 removes from the applicant and places before the Commission the discretion to determine whether significant changes in an applicant's circumstances bear upon its basic qualifications. Star further asserts that presentation of all necessary information may save needless hearing time. With respect to this point, Star cites Indianapolis' failure to report Kunkel's stock-for-services agreement, which Indianapolis concedes should have been reported and if reported would have spared the Commission the necessity of adding Issue 23 (the financial issue against Indianapolis).

9. Section 1.65 requires an applicant to amend his application "when the information furnished in (the) application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred." Lake Erie Broadcasting Company, FCC 72R-91, ------ FCC 2d ------, released April 4, 1972. Furthermore, an applicant's failure to voluntarily disclose such information, even though the applicant may not believe the information to be of any decisional value to the Commission, may bear adversely on the applicant's qualifications to be a Commission licensee. See Horne Industries, Inc., 28 FCC 2d 454, 21 RR 2d 851 (1969). See also report and order in Docket 14867, Reporting of Changed Circumstances, 29 F.R. 15516, 3 RR 2d 1622 (1964). Considered separately, perhaps the failure of each individual Indianapolis stock subscriber to initially disclose in the application or later report changes in his financial position would not require the addition of issues against Indianapolis; however, for the reasons hereinafter stated and because the omissions are numerous and involve five out of 12 stock subscribers,[7] appropriate issues are necessary. Since the charges made by Star involve the sale of assets and the acquisition of liabilities both before and after Indianapolis' application was filed, we will specify an issue permitting exploration of possible violations of both §§ 1.65 and 1.514(a).[8] Cf. Lake Erie Broadcasting Company, supra.

10. Indianapolis' contention that Brinson's, Cederquist's and Blackburn's liabilities on notes were not required to be reported because they were only secondarily liable is incorrect. The Board has held on several occasions that secondary liabilities must be reported by broadcast applicants. See e.g. Folkways Broadcasting Co., Inc., 36 F.R. 3847, 3848, 21 RR 2d 211, 214 (1971). Indianapolis' reliance on Mace Broadcasting Co., 25

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[1] The Commission recently redesignated this proceeding for hearing (FCC 72-148, released Feb. 24, 1972); as a result, the instant petition will be regarded as having been timely filed. See WPIX, Inc., (WPIX), FCC 72R-88, ------ FCC 2d ------, released Mar. 31, 1972.

[2] Also before the Review Board are the following related pleadings; (a) Opposition, filed Dec. 17, 1971, by Indianapolis; (b) opposition, filed Dec. 17, 1971, by the Broadcast Bureau; and (c) reply, filed Dec. 30, 1971, by Star.

[3] Brinson submitted a letter from the American Fletcher National Bank, dated Nov. 30, 1971, extending a line-of-credit for $25,000.

[4] Indianapolis also argues that Star used discovery proceedings as a fishing expedition in order to seek enlargement of issues. However, the Board has recently held, in a similar situation, that facts revealed at a discovery proceeding for the first time can be utilized as a basis for requesting enlargement of issues. See Folkways Broadcasting Co., Inc., 33 FCC 2d 813, 816 n. 16, 23 RR 2d 944, 948-949 n. 16 (1972).

[5] The Bureau also predicates its entire opposition on the contention that the petition is untimely. However, as indicated in footnote 1, supra, the petition will be regarded as having been timely filed. Moreover, Star's petition raises serious public interest questions which warrant consideration on the merits. See The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966).

[6] Cederquist submitted a letter from the Indiana National Bank, dated Nov. 26, 1971, extending to him a line-of-credit for $20,000.

[7] The Broadcast Bureau argues that Star has failed to comply with § 1.229 by not submitting supporting affidavits with its petition. Although Star has not submitted affidavits from persons having personal knowledge of the facts relied upon, as required by § 1.229(c), it does rely upon testimony taken at prehearing discovery depositions. Furthermore, the facts relied upon have not been contested by Indianapolis.

[8] Section 1.514(a) requires that: "Each application shall include all information called for by the particular form on which the application is required to be filed • • •." FCC Form 301 requires all liabilities of an applicant's principals to be reported. See paragraph 10, infra.

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FCC 2d 621, 19 RR 2d 1135 (1970), for the proposition that the fluctuations in a stockholder's liquid assets do not constitute such a "substantial change" as to warrant a § 1.65 or misrepresentation issue, is misplaced. Mace is factually distinguishable from the instant case. In Mace, the petitioner argued that the applicant had violated § 1.65 by not reporting a decrease in the value of stock owned by one of its stockholders and that the stock constituted a substantial part of the applicant's liquid assets. The Board held that the decrease in the value of the stock was not a "substantial change" warranting § 1.65 issue because stocks by their very nature fluctuate in value and it would be difficult to develop criteria to determine what constitutes a substantial change without the necessity of the applicant reporting every change in value. In this case, however, we are not presented with only one isolated instance or with just the matter of fluctuating stock values, but with the sale of assets and the acquisition of liabilities by several Indianapolis stock subscribers. Likewise, Indianapolis' citation of Virginia Broadcasters, 16 FCC 2d 1024, 15 RR 2d 1016 (1969), to support its argument that an applicant's stockholder need not always have liquid assets, is inapposite. In Virginia, we did not add § 1.65 issue because we did not believe that the petitioner had shown that the acquisition of two business interests by an applicant's stockholder could affect the applicant's financial position. In the instant case, it is undisputed that more than one stock subscriber has omitted reporting liabilities which, we believe, could raise serious questions as to the soundness of the applicant's financial position. FCC Form 301, section III, 4(b), states that, "For each person (except financial institutions) who has agreed to furnish funds or purchase stock, but who has not already done so, submit a balance sheet or, in lieu thereof, a financial statement showing all liabilities and containing current and liquid assets * * *." Indianapolis does not appear to have complied with this requirement. The Board, therefore, will add appropriate issues to inquire into these matters at the hearing. In our opinion, however, the facts do not warrant the addition of separate lack of candor or misrepresentation issues. Cf. United Television Co., 19 FCC 2d 1060, 17 RR 2d 467 (1969). Nevertheless, the general question of Indianapolis' candor may be examined under the issues being specified herein. Folkways Broadcasting Co., Inc., supra, 36 F.R. at 384 n. 8, 21 RR 2d at 215 n. 8.

11. Next, the Board is of the opinion that the circumstances surrounding Indianapolis' failure to report Kunkel's stock for services agreement warrants further inquiry at the hearing. We cannot agree with the Broadcast Bureau or Indianapolis that the $25,000 difference between the $250,000 Indianapolis indicates will come from the sale of 500 shares of stock at $500 per share and the total existing and new capital stated as $225,000 shows that Kunkel was to receive stock for services. Furthermore, if, as Indianapolis now asserts, Kunkel was from the beginning to receive stock for services then it would appear that the bank commitment letter to Kunkel, submitted in Indianapolis' amendment of December 31, 1971, for the amount of $28,000 and stating that the money is to be used by Kunkel to acquire Indianapolis stock, was unnecessary. In any event, sufficient questions have been raised concerning this matter to warrant exploration at the hearing. We do not agree with the Bureau that North American Broadcasting Co., Inc., 17 FCC 2d 299, 15 RR 2d 1329 (1969), stands for the proposition that an applicant need not report stock for services agreements in its application. In North American, the Board found that the applicant was not relying on monetary consideration as part of its financial proposal. The applicant specifically denied such an arrangement. In the instant case, Indianapolis in its opposition pleading has admitted the stock for services agreement with Kunkel; therefore, since the stock for services agreement is part of Indianapolis' financial proposal, the Board believes it should have been reported. In light of the apparent contradiction in statements by Indianapolis, i.e., that a stock for services agreement existed at the time it filed its application and the submission of a bank line-of-credit for Kunkel covering the entire cost of his subscription for 62½ shares, we believe a serious question arises as to whether Indianapolis misrepresented facts in its application. Consequently, we will add a misrepresentation issue against Indianapolis limited to an inquiry surrounding the stock for services agreement.

CLARIFICATION OF FINANCIAL ISSUE

12. Finally, Star requests the Review Board to clarify the scope of the financial issue specified against Indianapolis (Issue 23). See paragraph 1, supra. Star requested a clarification of Issue 23 from the Hearing Examiner but the Examiner refused to clarify the issue. The Examiner, Star explains, interpreted the issue as limited solely to Kunkel's financial position. Under the existing issue, Star asserts, Indianapolis should have the burden of proceeding with the evidence to establish the availability of the necessary funds for each of Indianapolis' principals to meet their subscription obligations.

13. We agree with the Broadcast Bureau's contention that Star's requested clarification of the financial issue is in reality an unauthorized appeal from the Examiner's ruling. In its petition, Star states that its request for clarification of the issue from the Examiner was denied because of "* * * his (the Examiner's) belief that the parties were, in fact, requesting a holding whether or not Indianapolis had met its burden of proof, a decision which was premature prior to the holding of the hearing itself." Thus, it is clear that Star's request seeks to have the Examiner's ruling regarding the scope of Issue 23 reversed. Since the Examiner's permission to appeal has not been obtained by Star, its request must be dismissed. See § 1.301 (a) and (b) of the rules. Cf. 5 KW, Inc., 31 FCC 2d 871, 22 RR 2d 1056 (1971).

14. *Accordingly, it is ordered,* That the petition to enlarge issues, filed November 30, 1971, by Star Stations of Indiana, Inc., is granted to the extent indicated below, is dismissed as it relates to the request for clarification of Issue No. 23, and is denied in all other respects; and

15. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether Indianapolis Broadcasting, Inc., has failed to comply with the provisions of §§ 1.514 and/or 1.65 of the Commission's rules, and, if so, to determine the effect of such noncompliance on the applicant's basic or comparative qualifications to be a Commission licensee; and

(b) To determine whether Indianapolis Broadcasting, Inc., misrepresented facts to the Commission, and, if so, whether such conduct reflects adversely on the basic or comparative qualifications of Indianapolis Broadcasting, Inc., to be a Commission licensee.

16. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issues added herein shall be upon Star Stations of Indiana, Inc., and the burden of proof under such issues shall be upon Indianapolis Broadcasting, Inc.

Adopted: April 19, 1972.

Released: April 21, 1972.

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] BEN F. WAPLE, *Secretary.*

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01062---	Mayfair Tankers, Ltd.: Mayfair Prestige.
01191---	Leif Erichsens Rederi A/S and D/S A/S Forto: Geira.
01334---	American President Lines, Ltd.: President Van Buren.
01360---	Midland Enterprises, Inc.: B. John Yeager.
01428---	The Ocean Steam Ship Co., Ltd.: Akosombo.

[FR Doc.72-6506 Filed 4-27-72;8:48 am]

*Board member Berkemeyer absent.

Certificate No.	*Owner/operator and vessels*
01449---	The Cairn Line of Steamships, Ltd.: Cairnrover.
01861---	BP Tanker Co., Ltd.: British Surveyor.
02037---	Shosen Mitsui Kyakusen K.K.: Nippon Maru.
02496---	United States Steel Corp.: Hughes 115.
02962---	Nippon Kisen Kabushiki Kaisha: Shunyo Maru.
03067---	Vickers Towing Co., Inc.: Star. Betty. Cathy. Flora. Nita Vickers.
03501---	Osaka Shosen Mitsui Senpaku K.K.: Chikumasan Maru. Kunimisan Maru.
03517---	Tokyo Kaiji Kabushiki Kaisha: Satsuki Maru.
03974---	Crosbie Services, Ltd.: George Crosbie.
04136---	Thomas Marine Co.: J. F. Lamb. SC–30.
05007---	Northern Transportation Co., Ltd.: Frank Broderick. Pinnebog.
05010---	Mt. Vernon Barge Cleaning, Inc.: MVBC–2.
05036---	Companhia Nacional de Navegacao: Ana Mafalda.
05579---	Black Sea Shipping Co.: Zadonsk. Zorinsk. Parizhskaia Kommuna. Valentin Khutorskoy. Kapitan Shantsberg. Svetlogorsk. Kapitan Alekseev.
05704---	Murmansk Shipping Co.: Tonia Bondarchuk.
06060---	Sunshine Shipping Co., S.A., Panama: Nicolaos H.
06177---	Burmah Oil Tankers, Ltd.: Burmah Topaz.
06184---	First Silver Cloud Shipping, Inc.: Silver Cloud.
06248---	Commercial Corp. "Sovrybflot": Okhotskoye-More.
06278---	Ianmaris Corp. S.A., Panama: Dinos M.
06399---	Tokumaru Kaiun K.K.: Daitoku Maru No. 7.
06489---	Dionysos Cia Naviera Sa Panama: Dodone.
06492---	Transitoil Corp.: Delaware.
06515---	Avon Shipping Co. of Liberia: World Happiness.
06657---	Kydon Compania Naviera S.A.: Mt. Lena.
06676---	Overseas Maritime, Ltd.: Majesty.
06686---	Forest Shipping Corp.:[1] Forest Lake.
06722---	Cox Towing Corp.: Wildcat.
06744---	Genangel Companio Naviera S.A.: Sissy.
06768---	Sea Contracting Corp.: Volta Wisdom. Volta Peace.
06788---	Navieros Mundiales S.A.: M/V Pothiti.
06799---	Compagnie Generale Transbaltique (C.G.T.B.); Claude Debussy.
06804---	Taurus Navigation Corp.: Tavros.
06813---	Astro Dinamico Compania Naviera S.A.: Laertis.
06817---	Compania Micasa S.A.: Nagata.
04269---	National Marine Service, Inc.: N.M.S. No. 1400. N.M.S. No. 1401. N.M.S. No. 3100. N.M.S. No. 3101.
05577---	Far Eastern Shipping Co.: Suchan.
05578---	Baltic Shipping Co.: Nikolai Krylenko. Boris Zhemchuzhin.
06820---	Carnical Cruise Lines, Ltd.: TSS Mardi Gras.
06821---	Anglo-Eastern Bulkships, Ltd.: Chemical Explorer.
06822---	Port Marine Service, Inc.: W–112.
06824---	Ocean Transport, Inc.: M/V Aragonite Islander.
06833---	Mediterranean Klif Shipping Co., Ltd., & A. H. Basse & T. Gulnar Jensen & J. Poulsen Dannesboe: Mediterranean Klif.
06835---	Partrederiet for T/T Sea Soldier: Sea Soldier.
06851---	Kulu Tanker Corp., Ltd.: Kulu.
06852---	Naves Galantes Navegacion, S.A.: Gondwana.
06853---	Shipping Co. Knud I. Larsen: Eva Sif. Inger Kansas. Gudrun Kansas. Dorrit Lea. Anne Lea. Margrethe Sandved. Svend Sif. Peter Sif. Ole Sif. Nikolaj Sif. Martin Sif. Leon Sif. Knud Sif. Holger Sif. Hermann Sif. Henrik Sif. Hans Sif. Eyvind Sif. Carsten Sif.
06854---	United International Ore Carriers, Ltd.: Trentwood.
06855---	South Atlantic Transport Co. of Liberia, Inc.: Piso.
06857---	Estrella Neptunea Navegacion S.A.: Lady Clio.
06859---	Tridente Galante Navegacion S.A.: Santa Maja.
06868---	Pronia Shipping Co., Inc.: Anangel Providence.
06869---	Armonia Shipping Corp.: M/V Armonia.
06872---	Maritime Services Corp.: New Victory.
06874---	Margarita Compania Naviera S.A. Panama: Margarita.
06878---	Italnavi Societa di Navigazione Per Azioni: Santa Augusta. Santa Anna Prima. Santa Cristina Prima. Ambronia. Aspra. Bordighera. Acradina. Sicilmotor. Italmotor.
06883---	Toyo Yusen K.K.: Oriental Queen.
06886---	Laodice Shipping Co., Ltd.: Laodice.
06887---	Devcon International Corp.: Trident.

[1] Erroneously published as a revoked on Apr. 13, 1972.

By the Commission.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.72-6528 Filed 4-27-72;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CI72-688]

ALMOS GAS GATHERING CO.

Notice of Application

APRIL 25, 1972.

Take notice that on April 19, 1972, Almos Gas Gathering Co. (applicant), 508 Broadway National Bank Building, 1177 Northeast Loop 410, San Antonio, TX 78209, filed in Docket No. CI72–668 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Silva Area, Bee County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on March 12, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (157.29) and proposes to continue said sale for 1 year from the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 22,500 Mcf of gas per month at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protests with reference to said application should on or before May 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections

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7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6493 Filed 4-27-72;8:46 am]

[Docket No. CI72-669]

GENERAL CRUDE OIL CO. ET AL.

Notice of Application

APRIL 25, 1972.

Take notice that on April 19, 1972, General Crude Oil Co. (Operator) et al. (applicant), Post Office Box 2252, Houston, TX 77001, filed in Docket No. CI72-669 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Lake Verret Field, Assumption Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to United on April 13, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 20,000 Mcf of gas per day at 35 cents per Mcf at 15.025 p.s.i.a.

It appears reasonable and consistent with the public interest to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 5, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6494 Filed 4-27-72;8:47 am]

NATIONAL GAS SURVEY

Order Amending Orders

APRIL 25, 1972.

The Commission, on February 23, 1971, 36 F.R. 3851, issued an order authorizing the establishment of National Gas Survey Advisory Committees and prescribing procedures. On April 6, 1971, 36 F.R. 6922, the Commission issued an order establishing National Gas Survey Executive Advisory Committee and designating its membership and chairmanship. This committee constitutes "• • • the principal policy advisory committee to the Commission and its staff in the Commission's planning, conduct and execution of the National Gas Survey", order issued April 6, 1971, paragraph "1. Purpose."

As a part of both of these orders, provision is made for the keeping of minutes of Executive Advisory Committee meetings in lieu of a verbatim transcript; order issued February 23, 1971, paragraph "4. Minutes",[1] and order issued April 6, 1971, paragraph "4." incorporating, by reference inter alia, the aforementioned paragraph "4." of the February 23 order. The meetings of the Executive Advisory Committee are conducted in accordance with the requirements of these orders, as well as the provisions of Executive Order No. 11007, 27 F.R. 1875.

Section 7 of the Executive order provides in part "The head of each • • • agency • • • may prescribe additional regulations, consistent with • • • this order, to govern the formation or use of such committees • • •." In accordance therewith, and considering the nature of the Executive Advisory Committee, the chairman of the Commission has determined that all meetings of the Executive Advisory Committee convened hereafter shall be open to members of the general public, as well as to Committee members; and that a verbatim transcript shall be kept of all such meetings of the Executive Advisory Committee. The transcript shall be retained within the public records of the Commission.

The Commission's aforesaid orders issued February 23, 1971, and April 6, 1971, are hereby amended in the following respects:

(A) Paragraph "4. Minutes" of the Commission's order issued February 23, 1971, is hereby changed to read:

4. *Minutes.* The chairman of the Commission having made a finding with respect to committees other than the Executive Advisory Committee that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the secretary of each committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by each committee. A verbatim transcript shall be kept of all proceedings at all meetings of the Executive Advisory Committee convened hereafter, including as a part of the transcript the names of all persons present, their affiliation and the capacity in which they attend, all matters discussed, conclusions reached, and copies of all reports received, issued, or approved by the Committee.

(B) Paragraph "4. The following paragraphs of the aforementioned ordered issued February 23, 1971 • • • 4. Minutes. • • •" of the Commission's order issued April 6, 1971, is hereby changed to reflect therein the provisions of paragraph (A) above.

The secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER in accordance with the provisions of the Office of Management and Budget Circular No. A-63.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6495 Filed 4-27-72;8:47 am]

[1] States as follows:
4. *Minutes.* The chairman of the Commission having made a finding that maintenance of a verbatim transcript would be impracticable and not in the public interest, there shall be kept by the secretary of each committee, in lieu thereof, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by each committee.

FEDERAL RESERVE SYSTEM

NONDISCRIMINATION IN REAL ESTATE LOAN ACTIVITIES

Poster Requirement

On December 29, 1971, the Board of Governors published in the FEDERAL REGISTER (36 F.R. 25168) a statement on Civil Rights Act Nondiscrimination Requirements in Real Estate Loan Activities to encourage compliance with and increase public awareness of the requirements of title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601). The Board's statement included a design of a poster, incorporating a facsimile of a logotype, to be displayed in the public lobbies of banking offices of State member banks.

In lieu of the poster design and logotype set forth in the December 29, 1971 notice, State member banks shall, effective May 1, 1972, display a revised poster, the design of which is set forth below. The Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Developmen has granted a waiver to State member banks, in view of the Board's poster requirements, from the Fair Housing Poster Requirements described by Part 110 of that agency's regulations (24 CFR 110.25(b)).

Copies of the revised poster are being distributed free of charge to all State member banks.

Board of Governors of the Federal Reserve System, April 19, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

EQUAL HOUSING
LENDER

We Do Business in Accordance With the Federal Fair Housing Law

IT IS ILLEGAL, BECAUSE OF RACE, COLOR, RELIGION, OR NATIONAL ORIGIN, TO:

- Deny a loan for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or
- Discriminate in fixing of the amount, interest rate, duration, application procedures or other terms or conditions of such a loan.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, YOU MAY SEND A COMPLAINT TO:

Assistant Secretary for Equal Opportunity,
Department of Housing and Urban Development,
Washington, D.C. 20410.

or call your local HUD or FHA office.

[FR Doc.72-6380 Filed 4-27-72;8:45 am]

CAPITAL MANAGEMENT, INC.

Formation of Bank Holding Company and Proposed Retention of Brady Insurance Agency

Capital Management, Inc., Aurora, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to form a bank holding company through ownership of 80 percent or more of the voting shares of Bank of Brady, Brady, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Capital Management, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1943(c)(8) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the assets of Brady Insurance Agency, Brady, Nebr. Notice of the application was published on February 15, 1972, in the Tri-City Tribune, a newspaper circulated in Dawson County, Nebr.

Applicant states that it will continue to engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 15, 1972.

Board of Governors of the Federal Reserve System, April 21, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6499 Filed 4-27-72;8:47 am]

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FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank in Arlington, Arlington, Tex. (Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls seven banks with aggregate deposits of $1.3 billion, which amounts to 4.7 percent of deposits in commercial banks in Texas. (Banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved to date.)

Bank (with deposits of $43.4 million) is the fifth largest of 44 banks in the Fort Worth banking market and controls 2.4 percent of the deposits in that market. Since Applicant's closest subsidiary is located over 200 miles from Bank and Texas' laws prohibit branching, it appears that consummation of the proposed transaction would not eliminate any meaningful existing or potential competition. Additionally, the three largest banks in the market control 64 percent of such deposits and consummation of the proposal would have a procompetitive effect by enhancing Bank's ability to compete.

Applicant will provide Bank with expertise in construction and mortgage lending, business and industrial development, and international banking. In addition, Bank will benefit from expanded lending capability through loan participations and the availability of credit as needed. Considerations related to the convenience and needs of the communities to be served lend weight in favor of approval. The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] April 21, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-6477 Filed 4-27-72;8:45 am]

FIRST NATIONAL HOLDING CORP.

Order Approving Acquisition of Dixie Finance Co.

First National Holding Corp., Atlanta, Ga., a bank holding company registered under the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Dixie Finance Co. (Dixie), Atlanta, Ga. Notice of the application affording opportunity for interested persons to submit comments and views has expired and those received have been considered.

Applicant's banking subsidiary, First National Bank of Atlanta (First National), is the third largest bank in the State of Georgia and the second largest bank in the Atlanta Standard Metropolitan Statistical Area (SMSA), which is comprised of Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties, and holds deposits of $699.7 million representing 22.8 percent to total deposits in the Atlanta SMSA. (All banking data are as of June 30, 1970, unless otherwise indicated.) First National makes consumer installment loans through its headquarters office and branch offices throughout the Atlanta SMSA. As of December 31, 1970, First National held personal loans amounting to $22.4 million, constituting 12.4 percent of the total personal loans made by the 58 banks and 79 finance companies making such loans in the Atlanta area. First National is thereby the largest personal lender in the Atlanta SMSA.

Dixie is a consumer finance company with total assets of $17.5 million. It operates 54 offices in Georgia, of which five are in the Atlanta SMSA, 13 offices in Louisiana, and one office in Florida. Dixie makes direct cash loans on an installment basis to individuals and families under State small loan laws and sells credit insurance in connection with its lending activities. The five Atlanta offices of Dixie hold personal loans in the amount of $1.6 million, constituting 0.9 percent of the market, and thereby ranks 26th of the 137 competitors in the Atlanta personal loan market.

Although First National and Dixie both compete for personal loan business in the Atlanta SMSA, consummation of the proposed acquisition would not have any significant adverse effect on existing competition since the market share of First National would be increased only 0.9 percent and there would remain a substantial number of independent competitors in the market.

Georgia branching law precludes the establishment of banking offices outside the Atlanta SMSA by First National. Therefore, the development of competition between First National and Dixie beyond the Atlanta SMSA is unlikely. Applicant is able to enter markets served by Dixie outside of the Atlanta area through the establishment of its own personal loan companies. However, the existence of many potential entrants into such personal loan markets diminishes any possible adverse effects that consummation of the proposed acquisition might have upon potential competition. The Board concludes that consummation of the proposed acquisition would not have a serious adverse effect upon existing or potential competition between Applicant and Dixie. Further, there is no significant possibility that the acquisition will have adverse effects on credit availability to independent finance companies.

It is anticipated that Dixie's affiliation with Applicant will give Dixie access to the greater resources of Applicant, and enable it to compete more effectively with other consumer finance companies in the areas in which it operates. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects that are not outweighed by public benefits that may be reasonably expected to be produced by consummation of the proposed acquisition.

Based upon the foregoing and other considerations reflected in the record, the Board hereby approves the application. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] April 21, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-6478 Filed 4-27-72;8:45 am]

FIRST NATIONAL HOLDING CORP.

Order Approving Acquisition of Wholly Owned Consumer Finance Subsidiaries of Gulf Financial Corp.

First National Holding Corp., Atlanta, Ga., a bank holding company within the meaning of the Bank Holding Company Act of 1956, as amended, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of the wholly owned consumer finance subsidiaries of Gulf Financial Corp. (Gulf), Atlanta, Ga., also a registered bank holding company. Notice of the application affording opportunity for interested persons to submit comments and views has been duly published. Time for filing comments and views has expired and those received have been considered.

Applicant's banking subsidiary, First National Bank of Atlanta (First National), is the third largest bank in the State of Georgia and the second largest bank in the Atlanta Standard Metropolitan Statistical Area (SMSA), which is comprised of Clayton, Cobb, DeKalb, Fulton, and Gwinnett Counties, and holds deposits of $762.4 million representing 22.8 percent of total deposits in the Atlanta SMSA as of June 30, 1970. (All banking data are as of June 30, 1971, unless otherwise indicated.)

The wholly owned consumer finance subsidiaries of Gulf had total loans outstanding of $6.6 million as of June 30, 1971, and operate 38 offices in the State of Mississippi. Collectively, these subsidiaries constitute the third largest consumer finance operation licensed under Mississippi Small Loan Laws. These subsidiaries make high-risk direct cash loans on an installment basis to individuals and families and sell credit-related insurance in connection with their lending activities.

Although, as indicated above, First National does extend consumer credit, it is legally prohibited from operating an office outside of Fulton and DeKalb Counties and, therefore, is effectively prevented from competing for personal loan business in Mississippi. Applicant is able to enter the State of Mississippi de novo through the establishment of personal loan companies. However, the existence of many potential entrants into Mississippi personal loan markets diminishes any possible adverse effects that consummation of the proposed acquisitions might have upon potential competition in that State. The Board concludes that consummation of the proposed acquisition would not eliminate any existing or significant potential competition between applicant and the wholly owned consumer finance subsidiaries of Gulf. Further, there is no significant probability that the acquisition will have adverse effects on credit availability to independent finance companies.

Gulf Financial Corp. is a registered bank holding company holding total assets of approximately $22.2 million as of December 31, 1970. It is anticipated that affiliation of Gulf's wholly owned consumer finance subsidiaries with applicant would give those subsidiaries access to the greater resources of applicant and enable them to compete more effectively with other consumer finance companies in the areas in which they operate. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board hereby approves the application. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

By order of the Board of Governors,[1] April 21, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc. 72-6479 Filed 4-27-72;8:45 am]

FIRST STATE BANKING CORP.

Order Approving Formation of Bank Holding Company

First State Banking Corp., Miami, Fla., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of the following banks located in Florida: First State Bank of Miami, Miami (Miami Bank); Hialeah-Miami Springs First State Bank, Hialeah (Hialeah Bank); North Hialeah First State Bank, Hialeah (North Hialeah Bank); Airport First State Bank, Miami (Airport Bank); and Miami Lakes First State Bank, Miami (Miami Lakes Bank).

Notice of receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant, a nonoperating corporation, was formed for the purpose of acquiring the proposed group of five banks. Upon acquisition of Miami Bank (deposits of $101 million); Hialeah Bank (deposits of $75 million); North Hialeah Bank (deposits of $17 million); Airport Bank (deposits of $11 million); and Miami Lakes Bank which was opened December 1, 1971, applicant would control 1.38 percent of the State's deposits in commercial banks and would be Florida's 16th largest bank holding company (all banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved through February 29, 1972).

The five proposed banks are located in the northeastern portion of the Miami banking market, and upon consummation of this proposal, applicant would control 6 percent of the total deposits in the market and be the fourth largest banking organization. Although the service areas of the five banks overlap, no meaningful present competition would be eliminated by the proposed formation since this proposal represents a corporate reorganization of the five banks which have been closely affiliated over a long period of time. Common shareholders control 51 percent or more of the outstanding stock of each bank, and the group has a common directorate and shares banking services. The group competes with three larger banking organizations in the market controlling 27, 9, and 9 percent, respectively, of market deposits, one of which is the State's largest holding company. It appears that disaffiliation of the group is unlikely even in the absence of this proposal, and, therefore, consummation of the proposed formation would not significantly affect potential competition, nor have an adverse effect on other area banks.

The financial and managerial resources of applicant and the proposed subsidiaries are satisfactory and consistent with approval, and it appears that prospects for the group are favorable. The formation would have no immediate effect on the convenience and needs of the communities involved, however some expansion and improvement in present services offered by the proposed subsidiaries are likely. Considerations relating to the convenience and needs of the communities to be served are, therefore, consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] April 21, 1972.

[SEAL] TYNAN SMITH, *Secretary of the Board.*

[FR Doc.72-6481 Filed 4-27-72;8:46 am]

IMPERIAL BANCORP

Order Approving Acquisition of Rayor Realty Co.

Imperial Bancorp, Los Angeles, Calif., a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire voting shares of the Rayor Realty Co., Los Angeles, Calif. (Rayor). Notice of the application affording opportunity for interested persons to submit comments and views was

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

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duly published. The time for filing comments and views has expired and all received have been considered.

Applicant owns Imperial Bank in Los Angeles, whose deposits of $84.4 million represent 0.3 percent of deposits in the Los Angeles banking market.[1]

Rayor, a nonoperating company, was formed in 1957 to engage in real estate brokerage activities. It has not engaged in such activities for the past 5 years[2] nor has Rayor engaged in mortgage banking activities in recent years. Accordingly, Applicant's acquisition of Rayor may be viewed as similar to de novo entry into mortgage banking. Therefore, Applicant's acquisition of Rayor will have no adverse effect on either existing or potential competition and will have the procompetitive effect of adding an additional firm to the mortgage banking industry.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] April 21, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6480 Filed 4-27-72;8:45 am]

OLD KENT CORP.

Formation of One-Bank Holding Company

Old Kent Corp., Grand Rapids, Mich., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 80 percent of the voting shares of Old Kent Bank and Trust Co., Grand Rapids, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 17, 1972.

Board of Governors of the Federal Reserve System, April 21, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6500 Filed 4-27-72;8:47 am]

GENERAL SERVICES ADMINISTRATION

PAINT; LATEX BASE, INTERIOR, FLAT

Industry Specification Development Conference

Notice is hereby given that the Federal Supply Service, General Services Administration, will hold an Industry Specification Development Conference in connection with proposed Federal Specification TT-P-29H, Paint, Latex Base, Interior, Flat.

The purpose of the conference is to provide a forum for consideration of suggestions, ideas, or ways and means to improve the specification to the end that: (1) Mutual understanding by both the Government and industry of the Government's technical requirements for the items, and (2) the quality of the products shipped to the Government will be enhanced. It will be open to all those in the private sector who have an interest or concern for these matters and all other Government departments or agencies having an interest therein are also being invited to send their representatives.

The conference will be held on June 1, 1972, at 10 a.m., General Services Administration Auditorium, 18th and F Streets, NW., Washington, DC. Anyone who wants to attend or desires further information should contact Mr. A. P. Baldwan, General Services Administration, Federal Supply Service, Office of Standards and Quality Control, telephone No. (area code 703) 557-7899; or should write to the General Services Administration (FMSB), Washington, D.C. 20406.

Issued in Washington, D.C., on April 18, 1972.

M. S. MEEKER,
Commissioner.

[FR Doc.72-6529 Filed 4-27-72;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3038]

BLOCK ENGINEERING INC.

Notice of Filing of Application

APRIL 24, 1972.

Notice is hereby given that Block Engineering, Inc., 19 Blackstone Street, Cambridge, MA 02139 (Applicant), a Delaware corporation which is controlled by E. I. du Pont de Nemours and Co. (du Pont), which in turn is controlled by Christiana Securities Co. (Christiana), a Delaware corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a)(3) of the Act certain transactions or classes of transactions involving proposed loans by Applicant to its employees.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Relationship of the parties. Christiana, a registered investment company, owns approximately 28 percent of the outstanding common stock of du Pont which in turn owns approximately 33 percent of the common stock of Applicant. Thus, pursuant to section 2(a)(9) of the Act, Applicant is presumed to be controlled by du Pont which is presumed to be controlled by Christiana and accordingly, Applicant is presumed to be a controlled person of Christiana. By reason of the above-mentioned relationships, Applicant's employees, under section 2(a)(3) of the Act, are affiliated persons of an affiliated person (Applicant) of a registered investment company (Christiana).

The proposed transaction or class of transactions. Applicant proposes, pursuant to a resolution of the Executive Committee of its Board of Directors and subject to the Commission granting the requested order, to establish an employee loan program whereby Applicant would make or guarantee loans to employees of Applicant and its wholly owned subsidiaries, Sadtler Research Laboratories, Inc., Digilab, Inc., and Blackstone Realty Corp. (other than officers or directors of Applicant of any affiliated company). It is proposed that Applicant would make or guarantee loans to eligible employees (1) to assist new or transferred employees to meet transportation, relocation and settling in expenses incurred in relocating, other than those expenses otherwise reimbursed by Applicant as a matter of normal policy, (2) to purchase a home, and (3) to meet emergencies, such as unusual, serious and costly medical expenses and expenses of accidents and other casualties.

The amount to be loaned to any individual at any time is not to exceed (1) $25,000 or (2) 3 years' gross salary for such individual, whichever is less, and the aggregate amount of all such loans outstanding at any time is limited to $75,000. All loans under the program are to be evidenced by a promissory note and, except in the case of interest-free temporary loans (no longer than 3 months) to purchase a new home because of relocation; all loans and loan guarantees will bear interest at rates comparable to those charged by local lending institutions on loans of similar types. Loans or loan guarantees will be made for the shortest possible term consistent with the borrowing employee's financial status. The maximum term of any loan under the program will be 3 years. No collateral security will be required for loans made under the program.

With respect to loans up to an aggregate of $500, the approval of one of applicants, President, Treasurer, or any of its Vice President is required and such loans must be reported to applicants Executive Committee. Loans in excess of an aggregate of $500 must receive the recommendation of both applicant's Treasurer and either its President or one of its Vice Presidents and must also be approved by the Executive Committee of applicant's Board of Directors.

Statements in support of applicant's request for an exemptive order. Applicant represents that, in its opinion, the proposed employee loan program is necessary to enable applicant to recruit and retain its employees and compete in the employment market. The application states that on the basis of its audited balance sheet at May 31, 1971, applicant and its consolidated subsidiaries had total assets of $4,452,177 and a net worth of $1,374,097. The application further states that based on its unaudited balance sheet at February 27, 1972, applicant and its consolidated subsidiaries had total assets of $4,537,589 and a net worth of $1,519,528. Applicant represents that the proposed limitation of $75,000 on the aggregate amount of loans and loan guarantees which may be outstanding at any time is not sufficient in relation to either its total assets or net worth, as set forth above.

In addition, applicant represents that the terms of the proposed employee loan program, as described above, are reasonable and fair and do not involve overreaching on the part of any of the persons concerned; that the terms of the loan program are consistent with the policies of the registered investment company concerned as recited in its registration statement and reports filed under the Act and that they are consistent with the general purposes of the Act.

Applicable statutory provisions. Section 17(a) of the Act, as here pertinent, provides that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person to borrow money or other property from any company controlled by such registered investment company.

Section 17(b) provides that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the Commission finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Notice is further given that any interested person may, not later than May 15, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6503, Filed 4-27-72;8:47 am]

[File 500-1]

UNIVERSAL AIRLINES CO.

Order Suspending Trading

APRIL 24, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of Universal Airlines Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 24, 1972, through May 3, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6501 Filed 4-27-72;8:47 am]

[70-5049]

VERMONT YANKEE NUCLEAR POWER CORP. ET AL.

Notice of Post-Effective Amendment Regarding Proposed Issuance and Sale of Additional Subordinated Notes

APRIL 24, 1972.

Notice is hereby given that Vermont Yankee Nuclear Power Corp., 77 Grove Street, Rutland, VT 05701 (Vermont Yankee), an electric utility company and a subsidiary company of both Northeast Utilities (Northeast) and New England Electric System (NEES), registered holding companies; New England Power Co. (NEPCO), an electric utility subsidiary company of NEES; Western Massachusetts Electric Co. (WMECO), The Connecticut Light & Power Co. (CL&P), and The Hartford Electric Light Co. (Hartford), three public-utility subsidiary companies of Northeast; and Montaup Electric Co. (Montaup), an electric utility subsidiary company of Eastern Utilities Associates, a registered holding company (referred to collectively as "applicant-sponsors"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 (Act) regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts which is expected to be in operation in 1972. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $21 million, is estimated at $186,850,000. Its 10 sponsor companies are committed by capital fund requirements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

By order dated August 30, 1971 (Holding Company Act Release No. 17252), the Commission authorized Vermont Yankee to issue and sell, and the sponsors to acquire, an aggregate of $49,500,000 of its subordinated notes. The applicant-sponsors agreed to acquire 34.5 percent of the subordinated notes in the following percentages: NEPCO 20 percent, CL&P 6 percent, Hartford 3.5 percent, Montaup 2.5 percent, and WMECO 2.5 percent. The remaining amount was to be issued to the other sponsors, but the acquisition thereof was not subject to the approval of this Commission. The notes were to mature within 1 year from the date of issue and were to bear interest at an annual rate 1½ percent in excess of the lowest prime rate for commerical loans in effect at any bank in New York City on the date of issue thereof. The notes were to be subordinated as to both principal and interest to senior indebtedness. It was represented that substantially all of Vermont Yankee's short-term indebtedness would be refunded by the issuance of debt and equity securities.

It is now proposed that the amount of subordinated notes to be issued by Vermont Yankee and acquired by the sponsor companies be increased from $49,500,000 to $60,500,000. The proceeds from

[1] Deposit data is based on June 1971 data; banking market share data is as of June 1970.

[2] Applicant realizes that real estate brokerage is not a permissible activity under section 4(c)(8) and has assured the Board that Rayor will not engage in real estate brokerage activities.

[3] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, and Sheehan. Absent and not voting: Governors Daane, Maisel, and Brimmer.

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the sale of subordinated notes will be used in the following manner: $21 million for the payment when due of notes issued pursuant to a loan agreement with The Chase Manhattan Bank, $3,500,000 to refund at maturity, October 14, 1972, subordinated notes now outstanding, and $36 million to meet capital requirements for construction of the generating plant, including repayment of loans made for such purpose. The terms and conditions of the issuance and sale of the subordinated notes remain unchanged.

It is stated that The Vermont Public Service Board has jurisdiction over the issue and sale of the notes and that the Massachusetts Department of Public Utilities has jurisdiction over the acquisition of the notes by the Massachusetts sponsors. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed additional subordinated notes will be filed by amendment.

Notice is further given that any interested person may, not later than 12 noon on May 15, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-6502 Filed 4-27-72;8:47 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in Chapter 622 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore Chapter 622 is set forth in full as follows:

CHAPTER 622—CLASSIFICATION RULES AND PRINCIPLES

SECTION 622.1 *General principles of classification.* 1. It is the local board's responsibility to decide, subject to appeal, the class in which each registrant shall be placed. Each registrant will be considered as available for military service until his eligibility for deferment or exemption from military service is clearly established to the satisfaction of the local board. The local board will receive and consider, at the appropriate time, all information presented to it pertinent to the classification of a registrant. The mailing by the local board of a Current Information Questionnaire (SSS Form 127) to the latest address furnished by a registrant shall be notice to the registrant that unless information is presented to the local board, within the time specified for the return of the questionnaire, which will justify his deferment or exemption from military service, the registrant will be classified on the basis of the information in his file, and the applicable rules and regulations.

2. In classifying a registrant there shall be no discrimination for or against him because of his race, creed, or color, or because of his membership or activity in any labor, political, religious, or other organization. Each registrant shall receive equal consideration.

SEC. 622.2 *Classes.* Each registrant shall be classified in one of the following classes:

CLASS 1

Class 1-A: Available for military service.
Class 1-A-O: Conscientious objector available for noncombatant military service only.
Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 1-D: Member of reserve component or student taking military training.
Class 1-H: Registrant not currently subject to processing for induction.
Class 1-O: Conscientious objector available for alternate service.
Class 1-W: Conscientious objector performing alternate service in lieu of induction.

CLASS 2

Class 2-A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study.
Class 2-C: Registrant deferred because of agricultural occupation.
Class 2-D: Registrant deferred because of study preparing for the ministry.
Class 2-S: Registrant deferred because of activity in degree study.

CLASS 3

Class 3-A: Registrant with a child or children; and registrant deferred by reason of extreme hardship to dependents.

CLASS 4

Class 4-A: Registrant who has completed military service.
Class 4-B: Official deferred by law.
Class 4-C: Alien.
Class 4-D: Minister of religion.
Class 4-F: Registrant not qualified for military service.
Class 4-G: Registrant exempted as a surviving son from service during peace.
Class 4-W: Conscientious objector who has completed alternate service in lieu of induction.

SEC. 622.10 *Class 1-A: Available for military service.* In Class 1-A shall be placed every registrant who has failed to establish to the satisfaction of the local board, subject to appeal, that he is eligible for classification in another class.

SEC. 622.11 *Class 1-A-O: Conscientious objector available for noncombatant military service only.* In class 1-A-O shall be placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the armed forces.

SEC. 622.12 *Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.* In Class 1-C shall be placed:

1. Every registrant who is, or who by enlistment, induction, or appointment becomes a commissioned officer, a warrant officer, an enlisted man, or an aviation cadet of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the National Oceanic and Atmospheric Administration or the regular Public Health Service.

2. Every registrant who is a cadet, U.S. Military Academy; or a midshipman, U.S. Naval Academy; or a cadet, U.S. Air Force Academy; or a cadet, U.S. Coast Guard Academy.

3. Except for periods of active duty for training only, every registrant who is a member of a reserve component of the Armed Forces and is on active duty, and every member of the Reserve of the Public Health Service on active duty on or before June 30, 1967, or who after such date is on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration.

SEC. 622.13 *Class 1-D: Member of reserve component or student taking military training.* 1. Upon receipt of a Record of Military Status of Registrant (DD Form 44) indicating a registrant is entitled to classification in Class 1-D, the local board shall consider him for classification in 1-D and if granted, retain him in 1-D until information is received indicating a change in his classification is warranted.

The Armed Forces will submit a DD Form 44 when a registrant enters a reserve component and when a change in his status occurs.

2. In Class 1-D shall be placed any registrant, other than a registrant referred to in paragraph 3 of this section, who—

a. Prior to the issuance of orders for him to report for induction; or

b. Prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction; or

c. Prior to the date scheduled for his induction; or pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction;

enlists or accepts appointment in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard. Such registrant shall remain eligible for Class 1-D so long as he serves satisfactorily as a member of a Ready Reserve or National Guard.

3. In Class 1-D shall be placed any registrant who (1) has been selected for enrollment or continuance in the Senior Division (entire college level) of the Army Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, or the Naval Reserve Officers' Training Corps, or the Naval and Marine Corps officer candidate program of the Navy, or the platoon leader's class of the Marine Corps, or the officer procurement programs of the Coast Guard and the Coast Guard Reserve, or is appointed an ensign, United States Naval Reserve, while undergoing professional training; (2) has signed an agreement to accept a commission, if tendered, and to serve subject to order of the Secretary of the military department having jurisdiction over him (or the Secretary of Transportation with respect to the U.S. Coast Guard), not less than 2 years on active duty after receipt of a commission; and (3) has signed an agreement to remain a member of a regular or reserve component until the sixth anniversary of his receipt of a commission. Such registrant shall remain eligible for Class 1-D until completion or termination of the course of instruction and so long thereafter as he continues in a reserve status upon being commissioned except during any period he is eligible for Class 1-C.

4. To assist local boards in continuing a uniform procedure in classifying registrants who are satisfactorily participating in an ROTC program, the following comments set forth our understanding with the Department of Defense:

(1) *Four-year program.* Upon enrollment into an ROTC program and after completion of an "ROTC Deferment Agreement" the responsible professor of military science, professor of naval science or professor of aerospace studies will submit a DD Form 44 (Record of Military Status of Registrant) to the enrollee's selective service local board. Upon receipt of a DD Form 44, the registrant's local board shall place him in Class 1-D, and retain him in this classification until reason for a change in his classification is a matter of record in his selective service file.

If a DD Form 44 is issued after a registrant has been issued an order to report for induction, he will be expected to report for induction under the guidelines provided for induction of other students.

(2) *Two-year program.* The local board shall postpone the induction of a registrant providing the professor of military science or professor of aerospace studies furnishes a form letter during the spring term confirming the registrant's acceptance for training in an ROTC basic camp that following summer. If he is under an order to report for induction and an enrollment letter is received, he shall be issued an SSS Form 264 (Postponement of Induction) and the reporting date postponed until October 31 of that year. If he is accepted for the summer basic camp and is later reached for induction, his local board will issue an SSS Form 252 (Order to Report for Induction) and postpone his date of induction until October 31, providing the appropriate form letter is in his selective service file.

If the registrant enters an advanced ROTC program that fall, the professor of military science or professor of aerospace studies will issue a DD Form 44 and upon its receipt, the registrant will be considered for Class 1-D. If a DD Form 44 is not received by October 31, if the registrant drops from the basic camp, or if he fails to enroll in the fall course, his postponement shall be terminated at the time and he shall be placed on the local board's induction call when he is reached.

(3) Registrants who have been awarded ROTC scholarships but who have not yet enrolled in the ROTC program will be issued their orders to report for induction, when reached, and then postponed until October 31 of that year. If a registrant is under an outstanding order to report for induction, he shall be postponed until October 31 of that year.

If the registrant enrolls in college and enters the ROTC program on an ROTC scholarship and a DD Form 44 is received, he will be considered for Class 1-D. If a DD Form 44 is not received by October 31, his postponement shall be terminated at that time and he shall be placed on the local board's induction call when reached.

5. In Class 1-D shall be placed any registrant who is a fully qualified and accepted aviation cadet applicant of the Army, Navy, or Air Force, who has signed an agreement of service and is within such numbers as have been designated by the Secretary of Defense. Such registrant shall be retained in Class 1-D during the period covered by such agreement but in no case in excess of 4 months.

6. In Class 1-D shall be placed any registrant who is a student enrolled in an officer procurement program in one of the following colleges, the curriculum of which has been approved by the Secretary of Defense:

(a) The Citadel, Charleston, S.C.;
(b) Norwich University, Northfield, Vt.;
(c) Virginia Military Institute, Lexington, Va.;
(d) North Georgia College, Dahlonega, Ga.; and
(e) Pennsylvania Military College, Chester, Pa.

SEC. 622.14 *Class 1-O: Conscientious objector available for alternate service.* In Class 1-O shall be placed every registrant who would have been classified in Class 1-A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces.

SEC. 622.16 *Class 1-W: Conscientious objector performing alternate service in lieu of induction.* In Class 1-W shall be placed any registrant who has entered upon and is performing alternate service contributing to the maintenance of the national health, safety, or interest, in accordance with the order of the local board.

SEC. 622.18 *Class 1-H: Registrant not currently subject to processing for induction.* 1. The 1-H classification applies only to registrants subject to a regular call.

2. Registrants subject to a regular call are eligible for Class 1-H unless eligible for a lower class if they are:

a. Members of the first priority group whose random sequence number is above the 1-H cutoff number which will be designated by the Director from time to time;

b. Members of the second or lower priority groups;

c. Registrants, in the year of their 19th birthday, whose random sequence number is above the 1-H cutoff number designated by the Director for the following year's first priority group;

d. Registrants, in the year of their 19th birthday who have been assigned RSN's but for whom no 1-H cutoff has yet been set;

e. Registrants age 26 or older;

f. Registrants who have not yet been assigned a random sequence number;

g. Registrants, not in one of the above categories, who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide relationship in their home.

3. The following registrants are specifically ineligible for classification into Class 1-H by local board action:

a. Volunteers;

b. Registrants in the extended priority group;

c. Registrants in the first priority group below the 1-H cutoff number;

d. Registrants, in the year of their 19th birthday, whose RSN is below the 1-H cutoff number designated for the following year's first priority group;

e. Any registrant who qualifies for Class 4-F, 4-A, 4-G, 1-W, 4-W, 1-D, or 1-C.

f. Registrants subject to special calls.

4. Every registrant will be administratively assigned to Class 1-H at the time of registration. Compensated employees

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of the Selective Service System are authorized and directed to administratively assign newly registered registrants to Class 1–H. Any 1–H classification after this initial administrative assignment must be made by local board or appeal board action. Any new registrant who qualifies for a class lower than 1–H will be classified out of 1–H and into that lower class by the local board as soon as practicable.

5. The 1–H cutoff number will be designated by the Director pertaining to a specific first priority group. If the 1–H cutoff number were to be established as 200, 1–H registrants whose RSN's were 001–200 would be considered for 1–A. Those with RSN 201–365(366) would continue in 1–H.

6. The designation of a 1–H cutoff number by the Director for the following year's first priority group is a basis for reopening the classification of those registrants in Class 1–H who are below the cutoff and who will attain the age of 20 in the following year. Unless information in their file indicates these registrants are eligible for another class, they will be reclassified into Class 1–A.

7. When local boards classify a registrant into Class 1–H, they will send a letter to each registrant with his Notice of Classification (SSS Form 110), clarifying his 1–H status. This letter will also be given or mailed to registrants who are administratively assigned into Class 1–H at the time of registration. A letter to be used for this purpose is attached to this chapter, and may be obtained through normal supply channels.

8. After priority is given to the processing of registrants who are or may be vulnerable for induction in the near future, local boards should reclassify eligible registrants into Class 1–H in the following priority:

a. Deferred or exempt registrants with RSN's above the 1–H cutoff number for the 1972 First Priority Selection Group who are in classes 1–S, 2–A, 2–C, 2–S, 2–D, 3–A, 4–B, 4–C, and 4–D, and who would therefore become new members of or reenter the first priority group;

b. Present members of the 1972 first priority group with RSN's above the 1972 1–H cutoff number.

c. Registrants who will be in the 1973 first priority group, whose RSN's are above the 1–H cutoff number established for the 1973 first priority group.

d. Second or lower priority registrants.

e. Registrants, not in one of the above categories, who have a wife whom they married on or before August 26, 1965, and with whom they maintain a bona fide relationship in their homes.

Conversion of registrants into Class 1–H by local boards according to the preceding schedule will be accomplished as time and workload permits, but in no event later than December 31, 1972.

SEC. 622.20 *General rules for classification in Class 2.* 1. The local board has primary responsibility, under applicable rules and instructions in this chapter, for deciding which men should be deferred because of their civilian activities. Civilian activities which are contributing to the national health, safety, or interest should be disrupted as little as possible, consistent with the fundamental purpose of the Military Selective Service Act.

2. No deferment from training and service shall be granted in the case of any registrant except upon the basis of his individual status, as reflected in his selective service file.

3. The local board may avail itself of the assistance of all Federal, State, or local agencies to obtain information which will help it to determine whether a claim for deferment should be granted.

SEC. 622.21 *Length of deferments in Class 2.* 1. Class 2 deferments shall be for a period of 1 year or less. If there is a change in the registrant's status during the period of deferment which would affect his eligibility for Class 2, his classification shall be reopened and considered anew.

2. After the expiration of the period of a registrant's deferment in Class 2, his classification shall be reopened and he shall be classified anew based upon the information in his selective service file, and applicable rules and regulations. The registrant may be continued in Class 2 for a further period of 1 year or less if such classification is considered warranted by the classifying board. The same procedures shall apply when classifying a registrant at the end of each successive period for which he has been classified in Class 2.

3. Nothing in this section is intended to require or permit the local board to retain in Class 2 any registrant when the reason for his classification has ceased to exist.

SEC. 622.22 *Class 2–A: Registrant Deferred Because of Civilian Occupation (except agriculture) or Nondegree Study.* 1. In Class 2–A shall be placed any registrant whose continued employment is found to be necessary to the maintenance of the national health, safety, or interest in an activity which may be identified as essential by the Director of Selective Service upon the advice of the National Security Council. Any registrant who was classified into Class 2–A prior to April 23, 1970, or who was later classified into Class 2–A as a result of a request filed prior to April 23, 1970, may be retained in such class so long as he qualifies under the provisions of paragraph 1 of section 622.23 and remains on the same job. Any registrant who qualified for deferment in Class 2–A as an apprentice in an approved program will be qualified for the 2–A status until he completes his apprentice program or ceases to satisfactorily pursue the course of training.

2. In Class 2–A shall be placed any registrant who: (1) Was satisfactorily pursuing an approved full-time course of instruction, not leading to a baccalaureate degree, in a junior college, community college or technical school during the 1970–71 academic school year, (2) is engaged in an apprentice training program approved and begun prior to July 1, 1971, or (3) is satisfactorily pursuing approved full-time training, begun prior to July 1, 1971, in a technical or trade school not on an academic year. Deferment under the authority of this paragraph will continue until such registrant fails to pursue satisfactorily such full-time course of instruction or training or until the expiration of the period of time normally required to complete such course of full-time instruction or training.

SEC. 622.23 *Necessary employment defined.* 1. A registrant's continued employment in an occupation identified in the preceding section shall be considered to be necessary to the maintenance of the national health, safety, or interest only when all of the following conditions exist:

a. The registrant is, or but for a seasonal or temporary interruption would be, engaged in such activity.

b. The registrant cannot be replaced because of a shortage of persons with his qualifications or skill in such activity.

c. The removal of the registrant would cause a material loss of effectiveness in such activity.

2. A registrant's activity as an apprentice in an apprentice training program will qualify him for deferment when all of the following conditions exist:

a. The apprentice training program meets the standards and requirements prescribed in section 622.23a based upon the recommendations of the secretary of Labor.

b. The program has been accepted by the Director or State Director of Selective Service for deferment purposes.

c. The registrant is satisfactorily pursuing his training in the program and meeting the requirements and standards of performance as prescribed in section 622.23a.

SEC. 622.23a *Standards and requirements for apprentice training programs and acceptance of such programs for deferment purposes.* 1. The apprentice training program must be an organized plan, written or implied, embodying the terms and conditions of employment, training, and supervision of one or more apprentices in one or more apprenticeable occupations, as defined in paragraph 2 of this section, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program. The sponsor may be an employer of labor, a joint apprenticeship committee, a trade union, a group of employers of labor, or an association of journeymen.

2. The apprentice training program must offer apprentice training in an occupation which:

a. Customarily has been learned in a practical way through on-the-job training;

b. Requires 4,000 or more hours of work experience to learn;

c. Is clearly identified and commonly recognized throughout the industry;

d. Requires during each year of apprenticeship the completion of 144 hours or more of organized and systematic related trade instruction designed to provide the apprentice with learning in theoretical and technical subjects related to the occupation;

e. Is not merely a part of an occupation normally learned through apprenticeship;

f. Involves a development of skill sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one employer; and

g. Does not fall within any of the following categories:

(1) Selling, retailing, or similar occupations in the distributive field;

(2) Managerial occupations;

(3) Clerical occupations;

(4) Professional or semiprofessional occupations including occupations for which entrance requirements customarily include education of college level; or

(5) Agricultural occupations which include occupations such as the growing of crops, fruits, or nuts, and the raising of livestock or poultry.

3. A registrant's activity in an apprentice training program will qualify him for deferment when all of the following conditions exist:

a. The program sponsor has submitted to the local board a request for the occupational deferment of the registrant accompanied by the certificate of the sponsor that (1) the apprentice training program has been accepted for the purpose of deferment by the State Director of Selective Service for the State within which the program is being operated or by the Director of Selective Service, and (2) the registrant is meeting the conditions prescribed in the following paragraph.

b. The registrant currently is meeting all the standards and requirements of the apprentice training program and is satisfactorily performing and progressing in his on-the-job training and related trade instruction.

4. All approved apprentice training programs with deferred participants should be reviewed by the State Director periodically to determine whether the required standards are being maintained.

SEC. 622.24 *Class 2–C: Registrant Deferred Because of Agricultural Occupation.* 1. In Class 2–C shall be placed any registrant who was classified in Class 2–C prior to April 23, 1970, or who was later classified into Class 2–C as a result of a request filed prior to April 23, 1970, and who continues to be employed in the same agricultural activity, but only when all of the conditions described in paragraph 1 of section 622.23 are found by the local board to exist, and he is endeavoring to maintain the same or higher level of production.

SEC. 622.25 *Class 2–S: Registrant Deferred Because of Activity in Degree Study.* 1. In Class 2–S shall be placed any registrant who requests such classification, who was satisfactorily pursuing a full-time course of instruction leading to a baccalaureate degree at a college, university, or similar institution of learning during the 1970–71 regular academic school year and who is satisfactorily pursuing such course, such classification to continue until the registrant completes the requirement for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the 24th anniversary of the date of his birth, whichever occurs first.

2. A registrant will be deemed to be satisfactorily pursuing a full-time course of instruction when he is making proportionate progress toward his degree. For example, if the registrant is enrolled in a 4-year course of instruction, the registrant should complete at least one-fourth of the total requirements by the end of the first academic year, at least one-half by the end of the second academic year, at least three-fourths by the end of the third academic year, and should graduate by the end of the fourth academic year. If the registrant is in a course of instruction for which the curriculum has been prescribed in the official college catalog as requiring 5 or more years duration, he must make similar proportionate progress, such as completing one-fifth of the requirements each year of a 5-year course. The registrant's academic year, for the purpose of this section, shall terminate on the anniversary of his entrance into the course of study.

3. When a registrant transfers from a junior college or community college to a baccalaureate degree granting institution, even though some of his credits are not accepted through no fault of his own, he shall be eligible for continued deferment so long as he remains a full-time student and maintains satisfactory progress from the status in which he was accepted for transfer.

4. It shall be the registrant's duty to provide the local board each academic year with verification from a college, university, or similar institution of learning that he is satisfactorily pursuing a full-time course of instruction at that institution of learning.

SEC. 622.26 *Class 2–S: Registrant Deferred Because of Activity in Graduate Study.* In Class 2–S shall be placed any registrant who is satisfactorily pursuing a full-time course of graduate study in medicine, dentistry, veterinary medicine, osteopathy, optometry or podiatry. It shall be the registrant's duty to provide the local board each academic year with verification from a college, university, or similar institution of learning that he is satisfactorily pursuing a full-time course of instruction in one of these fields of study at such institution of learning. Any registrant who is ordered to report for induction or alternate service, and who has or receives a firm acceptance into the next beginning class in courses of study, shall have his reporting date for induction or alternate service postponed until the beginning of such course of study, and upon entry into such course of study, his classification shall be reopened.

SEC. 622.27 *Class 2–D: Registrant Deferred Because of Study Preparing for the Ministry.* 1. In Class 2–D shall be placed any registrant preparing for the ministry under the direction of a recognized church or religious organization, who requests such deferment and who:

a. Is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school, or

b. Is satisfactorily pursuing a full-time course of instruction required for his entrance into a recognized theological or divinity school in which he has been preenrolled, and

c. Is a student in a full-time program preparing for the ministry under the direction of a recognized church or religious organization.

2. It shall be the duty of any registrant who is a theological or divinity student to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization, and

b. He is satisfactorily pursuing a full-time course of instruction in a recognized theological or divinity school.

3. It shall be the duty of any registrant who is a pretheological student to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization, and

b. He is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been preenrolled.

4. It shall be the duty of any registrant who is a student in a full-time program preparing for the ministry to provide the local board each year with evidence that:

a. He is a student preparing for the ministry under the direction of a recognized church or religious organization,

b. His studies relate to and lead toward entry into service as a regular or duly ordained minister of religion, as defined in section 622.43 of this chapter, and

c. He is making appropriate progress in his studies.

5. The local board or appeal board may require from the church religious organization, or school detailed information in order to determine whether or not the theological or divinity school is in fact recognized and whether or not the church or religious organization which is sponsoring the registrant is recognized.

6. A school, to be recognized as a theological or divinity school, should enjoy a good reputation, and its graduates should be acceptable, by the church sponsoring the registrant, for ministerial duties, either as an ordained or regular minister.

7. A church or religious organization should be able to show that it was established on the basis of a community of faith and belief, doctrines and practices of a religious character, and that it engages primarily in religious activities.

8. If the local board or appeal board considers the information it has received to be insufficient for the purpose of making a determination, it should request assistance or additional information from the State Director of Selective Service. When the church or religious organization, or the theological or divinity school is located in another State, the State Director may contact the appropriate State Director for advice and recommendation, or may request advice

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from the Director of Selective Service. In any case, the advice of the State Director or the Director of Selective Service shall not be binding upon the local board.

SEC. 622.30 *Class 3–A: Registrant with a Child or Children: and Registrant Deferred by Reason of Extreme Hardship to Dependents.* 1. In Class 3–A shall be placed any registrant whose induction into the armed forces would result in extreme hardship to his wife, divorced wife, child, parent, grandparent, brother, or sister who is dependent upon him for support, except that a person shall be considered to be a dependent of a registrant under the paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

2. The term "child" as used in this section shall include a legitimate or illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

3. In Class 3–A shall be placed any registrant who prior to April 23, 1970 submitted to his local board information establishing his eligibility for deferment on the grounds of fatherhood under regulations in effect prior to that date, or who was classified in Class 3–A prior to that date, and who continues to maintain a bona fide family relationship in their home with his child or children, except that this paragraph shall not apply to any registrant who subsequently becomes a physician or allied medical specialist.

4. Request for deferment based upon extreme hardship:

a. A person shall be considered financially dependent upon the registrant only if such person depends upon the registrant for his maintenance, and not if he receives only partial help to live more comfortably.

b. The phrase "extreme hardship" must be interpreted with emphasis on the word "extreme" which means, in any case, that there exists a severe condition of physical or mental dependency or extreme economic factors. Keep in mind that the interruption of a family routine, the difference in pay, and other factors may be hardships to some degree, but are no different than those experienced by thousands of others who enter the service and are generally not grounds for hardship deferment.

c. A registrant may file a written claim for hardship deferment at any time. The claim may be by letter or other writing such as Dependency Questionnaire (SSS Form 118), which indicates that such deferment is desired.

d. After the issuance of an Order to Report for Induction, or Selection for Alternate Service, a request for, or submission of, a Dependency Questionnaire (SSS Form 118) does not constitute a basis for delay of a registrant's processing for induction or alternate service. Such a delay will not be permitted, unless information is presented which, if true, would be a basis for reopening a registrant's classification, and the late submission of the information is due to reasons beyond the registrant's control.

5. Preclassification action:

a. Prior to a local board classifying or reclassifying a registrant who has claimed extreme hardship, the local board shall furnish the registrant a Dependency Questionnaire (SSS Form 118) and request the registrant to furnish such additional information to support his claim for deferment as he may desire.

b. In the event the registrant fails to return the SSS Form 118 within the time indicated on the form, the local board shall consider the registrant's claim without the benefit of the information on the form. The local board shall not postpone a registrant's induction or alternate service to allow the filing of the form.

c. Classification need not be based solely upon the information contained in the questionnaire. When the local board determines that the information in the file is inadequate, it may request further information from the registrant, his dependents, or other government or civilian agencies.

6. Financial hardship:

a. Information to be considered:

(1) Financial needs of the claimed dependent.

(2) Reasonableness of such claim.

(3) Earnings of the claimed dependent if employed and/or other income.

(4) Income of other members of the registrant's family and their ability to contribute to the claimed dependent.

(5) Financial effect of entry into military service including all pay and allowances, and the Soldiers and Sailors Relief Act.

(6) Indebtedness of the registrant or claimed dependent.

b. For the purpose of determining whether or not the induction of a registrant would result in extreme hardship to his dependent(s), the local board must consider the pay, along with clothing allowances, lodging and food, which the registrant would receive as a member of the Armed Forces, the free medical care for the member and his dependents, as well as the allowances which are payable by the United States to dependents of persons serving in the Armed Forces. However, the fact that such pay and allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the grounds for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents.

c. The following table sets forth, according to pay grade, the amount of pay and the allowance for quarters, the amount deducted from the enlisted man's pay, and the total amount payable to his dependents for each month:

Pay grade	Monthly pay	Allowance for quarters—one or more dependents	Amount deducted from soldier's pay	Total dependency allowance—with one or more dependents
E–1	$288.00	$105.00	$40.00	$145.00
E–2	320.70	105.00	40.00	145.00
E–3	333.60	105.00	40.00	145.00
E–4	346.80	121.50	40.00	161.50

7. Physical or mental hardship:

a. Medical documentation of the dependent should be evaluated as to degree of disability, the length of time the medical condition has been in existence and the prognosis as to the continuation of the medical condition. The dependent's ability to care for himself, or be cared for without the aid of the registrant shall be considered.

b. Doctors' statements must verify any claimed disability of dependents. It must be determined that the registrant alone is responsible for the care of the dependent. The normal anxiety attributable to a son or husband entering the armed forces should not be a basis for deferment. The prognosis for the registrant's dependent must also be considered to determine if this is a short- or long-term condition.

8. Paternity claims:

a. April 23, 1970, was the termination date for eligibility for paternity deferments. Young men who register after that date shall be eligible for consideration for a Class 3–A paternity deferment only if documentation is presented prior to his classification into Class 1–A which establishes that the registrant's child was conceived prior to April 23, 1970, and prior to the time set for registration of the claimant.

b. Since June 30, 1967, registrants who have received a student deferment in Class 2–S have not been eligible for deferment in Class 3–A solely on the basis of having a child or children with whom they may maintain a bona fide family relationship. These registrants may qualify for Class 3–A on the basis of extreme hardship upon presentation of convincing evidence to the classifying board which conclusively substantiates the claim.

9. Postponement of Induction. Whenever facts are presented to a local board which establish that extreme hardship to a registrant's dependent(s) would result if the registrant is inducted within the ensuing 6-month period, but would not result if the registrant is inducted after such 6-month period, it is recommended that the local board request the State director to postpone the registrant's induction for the appropriate length of time, rather than utilizing a 3–A classification which would be of short duration.

SEC. 622.40 *Class 4–A: Registrant who has completed military service.* 1. In Class 4–A shall be placed any registrant who falls within any of the following categories:

a. A registrant discharged or transferred to a reserve component of the Armed Forces after having served honorably on active duty for a period of not less than 6 months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard.

b. A registrant who has served on active duty for a period of not less than 24 months as a commissioned officer in the National Oceanic and Atmospheric Administration or in the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned reserve officer commencing after June 30, 1967, shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration.

c. A registrant who has served on active duty for a period of not less than 12 months in the Armed Forces of any of the following nations which are certified by the Department of State to be nations with which the United States is associated in mutual defense activities.

Argentina.	Iran.
Australia.	Italy.
Barbados.	Jamaica.
Belgium.	Japan.
Bolivia.	Korea, Republic of (South).
Brazil.	Luxembourg.
Canada.	Mexico.
Chile.	Netherlands.
China, Republic of.	New Zealand.
Colombia.	Nicaragua.
Costa Rica.	Norway.
Denmark.	Spain.
Dominican Republic.	Thailand.
Ecuador.	Tobago.
France.	Trinidad.
Germany, Federal Republic of.	Turkey.
Greece.	United Kingdom.
Guatemala.	Uruguay.
Haiti.	Venezula.
Honduras.	Vietnam, Republic of (South).
Iceland.	

When an alien believes he qualifies for exemption from training and service under the provisions of this paragraph, he must request a certificate verifying his military service from his country's diplomatic mission in Washington, D.C. or from the nearest consular office of his country. The mission or the consular office, after verification of the alien's service, will provide a certificate written in English evidencing such service, direct to the local board of jurisdiction.

d. A registrant who has completed 6 years of satisfactory service as a member of one or more of the armed forces including the reserve components thereof.

2. For the purpose of computation of periods of active duty referred to in subparagraphs a or b of paragraph 1, of this section, no credit shall be allowed for—

a. Periods of active duty training performed as a member of a reserve component pursuant to an order or call to active duty solely for training purposes;

b. Periods of active duty in which the service consisted solely of training under a college training program under the jurisdiction of the Army, Air Force, Navy, Marine Corps, or Coast Guard;

c. Periods of active duty as a cadet at the U.S. Military Academy, U.S. Air Force Academy, or U.S. Coast Guard Academy, or as a midshipman at the U.S. Naval Academy, or in a preparatory school after nomination as a principal, alternate, or candidate for admission to any such academies;

d. Periods of active duty in any of the Armed Forces while being processed for entry into or separation from any educational program or institution referred to in subparagraphs b or c of this paragraph; or

e. Periods of active duty performed by medical, dental, or allied specialists in student programs prior to receipt of the appropriate professional degree or in intern training.

f. Periods of active duty of members of the Reserve of the Public Health Service other than when assigned to staff any of the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration.

SEC. 622.41 *Class 4–B: Official Deferred by Law.* In Class 4–B shall be placed any registrant who is the Governor of a State, Territory, or possession, or any other official chosen by the voters of the entire State, Territory, or possession; a member of a legislative body of the United States or of a State, Territory, or possession; a judge of a court of record of the United States or of a State, Territory, or possession, or the District of Columbia.

SEC. 622.42 *Class 4–C: Aliens.* 1. In Class 4–C shall be placed any registrant who is an alien and who has not resided in the United States for one year, including any period before his registration. When such a registrant has been within the United Statese for two or more periods and the total of such periods equals one year, he shall be deemed to have resided in the United States for one year. In computing the length of such periods, any portion of one day shall be counted as one full day. When any such registrant has resided in the United States for one year, he shall be classified as available for military service unless he is found to be eligible for another classification for a reason other than his alien status.

2. In Class 4–C shall be placed any registrant who is an alien who furnishes documentation establishing that he is a national of any of the following countries ("treaty alien") and who has made application to be exempted from liability for training and service in the Armed Forces of the United States:

Argentina.	Italy.
Austria.	Latvia.
China, Republic of (Nationalist).	Liberia.
Costa Rica.	Norway.
Estonia.	Paraguay.
Honduras.	Spain.
Ireland.	Switzerland.
	Yugoslavia.

3. In Class 4–C shall be placed any registrant who is an alien and who has departed from the United States. If any registrant so classified under this paragraph returns to the United States, his classification shall be reopened and he shall be classified anew. No reopening and reclassification under the provisions of this paragraph will cancel any outstanding order to report for induction or alternate service.

4. In Class 4–C shall be placed any alien who has registered at a time when he was required by the selective service law to register and thereafter has acquired status within one of the groups of persons exempt from registration.

5. In Class 4–C shall be placed any registrant who is an alien lawfully admitted for permanent residence, and who by reason of occupational status (such as employment at the World Bank or United Nations) is subject to adjustment to nonimmigrant status, but who executes a waiver of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status. A registrant placed in Class 4–C under the authority of this paragraph shall be retained in Class 4–C only for so long as such occupational status continues.

6. Treaties between the United States and the countries listed below, relating to military obligations in certain cases of double nationality, provide that a person possessing two or more nationalities who habitually resides in one of the countries whose nationality he possesses, and who is in fact most closely connected with that country, shall be exempt from all military obligations in the other countries:

Australia.	Netherlands.
Austria.	Niger.
Belgium.	Nigeria.
Brazil.	South Africa.
Burma.	Swaziland.
Colombia.	Sweden.
Cuba.	United Kingdom of Great Britain and Northern Ireland, and all parts of the British Empire which are not separate members of the League of Nations.
Cyprus.	
El Salvador.	
Finland.	
Germany.	
Indonesia.	
Malawi.	
Malta.	
Mauritania.	

A registrant who is a national of both the United States and any of the above listed countries, and who meets the above requirements, as evidenced by information submitted on Special Form for Alien or Dual National (SSS Form 131) and documentation of his claim, shall be classified in Class 4–C. This exemption may involve the loss of the nationality of the other country or countries.

7. Agreements between the United States and Switzerland, and between the United States and Norway, provide that a person born in Switzerland or Norway, of parents who are nationals of the United States, and who is a national of both the United States and the other country, and who habitually resides in

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the other country is exempt from liability for military service in the United States. A registrant who qualifies for exemption under this provision as evidenced by information submitted on Special Form for Alien or Dual National (SSS Form 131) and documentation of his claim, shall be classified in Class 4–C.

SEC. 622.43 *CLASS 4–D: Minister of Religion.* 1. In Class 4–D shall be placed any registrant who is a regular or duly ordained minister of religion.

2. The term "duly ordained minister of religion" means a person who has been ordained, in accordance with the ceremonial ritual or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

3. The term "regular minister of religion" means one who as his customary vocation preaches and teaches the principles of religion of a church, religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

4. The terms regular or duly-ordained minister of religion do not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and do not include any person who may have been duly ordained a minister in accordance with the ceremonial rite or discipline of a church, religious sect or organization, but who does not regularly, as a bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship, as embodied in the creed of principles of his church, sect, or organization.

SEC. 622.44 *Class 4–F: Registrant Not Qualified for Military Service.* 1. In Class 4–F shall be placed any registrant who is found under applicable physical, mental, and moral standards to be not qualified for service in the Armed Forces, except that no such registrant whose further examination or reexamination may be justified shall be placed in Class 4–F until such further examination as the Director of Selective Service deems appropriate has been accomplished and such registrant continues to be found not qualified for military service.

2. In Class 4–F shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of physical disqualification.

SEC. 622.45 *Class 4–G: Registrant Exempted as a Surviving Son From Service During Peace.* 1. Prior to September 28, 1971, when admendments to the Military Selective Service Act of 1967 were adopted, the law and regulations made provision for exemption from service for only the registrant who was the sole surviving son of a family of which the father or one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service. Dates of service or death of the family member were not specified.

2. As of September 28, 1971, Section 6 of the Military Selective Service Act reads as follows:

> Except during the period of a war or national emergency declared by Congress, no person may be inducted for training and service under this title unless he volunteers for such induction—(1) if the father or a brother or a sister of such person was killed in action or died in line of duty while serving in the Armed Forces after December 31, 1959, or died subsequent to such date as a result of injuries received or disease incurred in line of duty during such service, or (2) during any period of time in which the father or a brother or a sister of such person is in a captured or missing status as a result of such service.
>
> As used in this subsection, the term "brother" or "sister" means a brother of the whole blood or a sister of the whole blood as the case may be.

Section 101(d)(3)9 P.L. 92–929 provides:

> Notwithstanding the (above quoted paragraph), except during the period of a war or a national emergency declared by Congress, the sole surviving son of any family in which the father or one or more sons or daughters thereof were killed in action before January 1, 1960, or died in line of duty before January 1, 1960, while serving in the Armed Forces of the United States, or died subsequent to such date as a result of injuries received or disease incurred before such date during such service shall not be inducted under the Military Selective Service Act unless he volunteers for induction.

3. As explained above, provisions now exist for the local board to consider the exemption of both sole surviving sons, and surviving sons and brothers. Dates of service and death of the family member have been prescribed and will establish which of the above provisions applies in each individual case. The dates of December 31 1959, and January 1, 1960, set forth in the law, apply only to sole surviving son and surviving son classifications made after September 28, 1971.

4. The following examples may be of assistance to local boards in considering claims for exemption under this section:

a. The father of John Smith, an only child, served in the Navy from 1943 until 1945 when he was discharged because of multiple wounds. He died in 1950 from those injuries. John is eligible for exemption as a sole surviving son.

b. Same as above, except John's father died in 1964 from wounds sustained in 1945. John qualifies for exemption as a sole surviving son.

c. Same as above, except the father's death was due to an automobile accident in 1961. John does not qualify for exemption as the death was not from a service connected cause.

d. John's father and mother were divorced in 1946. His mother, who gained custody of John, remarried and bore a son by her second husband. John's father died in 1950 from wartime wounds. John qualifies for exemption, even though he has a half-brother, because he was the only son of a man who died from wounds sustained while in the Navy. (John's half-brother would not qualify as he was not a son of John's father).

e. John joined the Marines in 1962. He was killed by a land mine in 1964. His half-brother would not qualify for exemption as he was not of the whole blood.

f. William Miller's half-brother joined the Army and was killed in 1969 in Vietnam. William would not be eligible for exemption as the deceased was not a brother of the whole blood.

g. James Nelson had four brothers of the whole blood. Tom, the second oldest, died in service on January 4, 1963. All three remaining brothers qualify for exemption from service as surviving brothers.

h. Edward Kolski's mother, a reserve officer in the WAC, was killed in a plane crash during her annual 2 weeks tour of active duty. Edward would not qualify for exemption since there is no provision for exemption based on the death of a mother.

i. Robert Duran's father died in 1961 from World War II injuries. Robert has two brothers who are still living. None of the sons qualify for exemption because there is no sole surviving son.

5. Determinations by the Armed Forces or the Veterans' Administration as to the status of the registrant's father, brother or sister who was killed or who died or who is captured or missing will be conclusive as to facts to which they pertain.

SEC. 622.46 *Class 4–W: Registrant Who Has Completed Alternate Service in Lieu of Induction.* In Class 4–W shall be placed any registrant who subsequent to being ordered by the local board to perform alternate service in lieu of induction has been released from such service by the local board after satisfactorily performing the work for a period of 24 consecutive months or has been released from such service by the Director of Selective Service.

(SAMPLE LETTER TO 1–H REGISTRANT)

Dear ----------,

The enclosed notification advises you that you have been placed in Class 1–H. This is a holding classification for registrants who are not currently subject to processing for induction. If your lottery number is high enough, you will be left in Class 1–H indefinitely, with the realization that each year your likelihood of being selected for induction is decreasing.

If at any future time, your lottery number and priority group fall in the range of those being selected for induction, you will be reclassified out of 1–H. At that time, you will have the opportunity to present any claim for deferment and you will be classified into an appropriate class. You will also have the procedural rights of personal appearance and appeal during the 15-day period following the issuance of the notice that you have been reclassified.

As a 1–H registrant, you are required to inform the local board of any change in your address. However, it will not be necessary for you to inform the local board of any change in your occupational, marital, family, or dependency status or of your physical condition until such time as your local board requests further information.

By direction of the local board.

CURTIS W. TARR,
Director.

[FR Doc.72–6505 Filed 4–27–72;8:47 am]

VETERANS ADMINISTRATION

ENVIRONMENTAL IMPACT PROGRAM

Notice is hereby given of the publication of procedures of the Veterans Administration to implement section 102 (2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–190, Jan. 1, 1970, 83 Stat. 852); section 2(f), Executive Order 11514 (Mar. 5, 1970, 35 F.R. 4247, 3 CFR Part 104, 1970 compilation), and the guidelines issued by the Council on Environmental Quality (Apr. 23, 1971, 36 F.R. 7724).

Interested persons are invited to submit written comments regarding these procedures to the following office:

Mr. Arthur W. Farmer, Assistant Chief Medical Director for Administration and Facilities, Room 600, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420.

All relevant comments received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered with a view to later revision of the procedures if necessary.

Set forth below is VA Manual MP–1, General Administrative, Part I, Chapter 9, "VA Environmental Impact Program." The numbering system used is that of the VA manual.

Dated: April 24, 1972.

By direction of the Administrator.

FRED B. RHODES,
Deputy Administrator.

Included in MP–1, Part I, Chapter 9 but not published in this notice are:

A. National Environmental Policy Act of 1969 (Public Law 91–190, Jan. 1, 1970, 83 Stat. 852).

B. Executive Order 11514, Protection and Enhancement of Environmental Quality (Mar. 5, 1970, 35 F.R. 4247, 3 CFR 104, 1970 Comp.).

C. Executive Order 11507, Prevention, Control and Abatement of Air and Water Pollution at Federal Facilities (Feb. 4, 1970, 35 F.R. 2573, 3 CFR, 1970 Comp.).

D. Council on Environmental Quality Guidelines, Statements on Proposed Federal Actions Affecting the Environment and Memorandum to the Heads of Agencies, April 23, 1971.

E. Office of Management and Budget Bulletin No. 72–6, September 14, 1971, Proposed Federal Actions Affecting the Environment.

F. Office of Management and Budget Circular No. A–85, Revised, January 20, 1971, Consultation with Heads of State and Local Governments in Development of Federal Regulations.

G. Office of Management and Budget Circular No. A–95, Revised, February 9, 1971, Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects, as amended July 26, 1971.

H. FEDERAL REGISTER Notices of Availability.

I. Format for Notice of Intent to Prepare a 102 Statement.

CHAPTER 9—VA ENVIRONMENTAL IMPACT PROGRAM

1. *Purpose.* This chapter establishes policies and procedures to facilitate VA compliance with various legal requirements and guidelines concerning the environmental impact of proposed actions, coordination with Federal, State, and local government authorities, and formulation of detailed Environmental Impact Statements (hereafter referred to as 102 statements). These 102 statements are required on all proposals for legislation and other major VA actions significantly affecting the quality of the human environment by section 102 (2)(C) of NEPA (National Environmental Policy Act of 1969, Public Law 91–190). (See Appendix A.) One of the general purposes of title IV of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577) was to provide that the chief executives of State and local governments will be given a reasonable opportunity to comment on major proposed Federal rules, regulations, standards, procedures, and guidelines, major interagency agreements concerning program operations, and major organization changes, any of which have a significant and nationwide effect on State and local governments. This will sometimes require assistance by the ACIR (Advisory Commission on Intergovernmental Relations). (See OMB Circular No. A–85 Revised, Appendix F.) Other requirements to be observed are set forth in Executive Orders 11514 and 11507 (see Appendixes B and C); in CEQ (Council on Environmental Quality) guidelines (see Appendix D); and in OMB (Office of Management and Budget) directives (see Appendixes E–G).

2. Responsibilities—a. *Department of Medicine and Surgery.* Under the general direction of the Deputy Administrator, the ACMD for Administration and Facilities is responsible for the formulation of overall policies, plans and procedures governing the VA environmental impact program.

b. *The Assistant Administrator for Management and Evaluation.* The AA/M&E is responsible for liaison with the Director, Office of the Federal Register, General Services Administration on matters relating to the publication of public notices in the FEDERAL REGISTER announcing the availability of 102 statements or other environmental program material requiring publication in the FEDERAL REGISTER.

c. *Department and Staff Office Heads.* Staff or department heads will supplement this chapter as necessary to make its provisions and policies effective in their areas of jurisdiction. In carrying out these responsibilities they will seek the advice and guidance of the ACMD for Administration and Facilities and the AA/M&E, as appropriate.

3. *Scope.* The need for the preparation of a 102 statement will be based on the criteria established for each of the following categories of VA action:

a. *Major land purchases and improvements.* A 102 statement will normally be prepared for any major land purchase and improvement thereon.

b. *Major new building or facility.* A 102 statement will normally be prepared when a major new building or facility is constructed at an existing facility or site and the new building or facility will have a significantly adverse environmental impact in relation to the existing facility or site.

c. *Major replacement building or facility.* A 102 statement will normally be prepared when a major replacement building or facility is constructed at an existing facility and the adverse environmental impact of the replacement building or facility is greater than that of the building or facility being replaced.

d. *Nursing home and State home grants.* (1) Each application for a nursing home or State home grant will be reviewed by the central point prior to approval of such grant.

(2) A 102 statement will normally be prepared when remodeling of an existing nursing home or State home will result in an adverse environmental impact significantly greater than that which previously existed.

(3) A 102 statement will normally be prepared when construction of a new nursing home or State home will result in a significantly adverse environmental impact.

e. *Major pollution abatement measures.* (1) A 102 statement will normally be prepared when such measures have a significantly adverse environmental impact.

(2) A 102 statement will normally not be prepared when such measures maintain the environment at the existing level or result in a reduced adverse environmental impact.

f. *Standards and criteria governing the approval of residential developments in VA home loan financing.* The preparation of a 102 statement will be determined by the Veterans Administration and the Department of Housing and Urban Development based on criteria jointly developed.

g. *Recommendations or reports relating to legislation and appropriations.* All such recommendations or reports which have potential or actual adverse environmental impact will be reviewed by the central point. The need for a 102 statement will be based on the criteria established in this paragraph and

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normally be prepared when such recommendation or report will result in an adverse environmental impact significantly greater than that existing at the time of implementation of such recommendation or report.

h. *Federal leases, permits, licenses, certificates, or other entitlements for use.* The need for a 102 statement will normally be based on the criteria established in this paragraph and normally be prepared if such leases, permits, licenses, certificates, or other entitlements for use will result in an adverse environmental impact significantly greater than that presently existing.

i. *Policy or procedure making.* The need for a 102 statement will normally be based on the criteria established in this paragraph and a 102 statement will normally be prepared if such policy or procedure results in an adverse environmental impact significantly greater than that existing prior to the implementation of such policy or procedure.

j. *Removal or disturbance of a site, building, or object which has a significant historical value.* A 102 statement will normally be prepared for removal or disturbance of such site, building, or object.

4. *A 102 statement defined.* A 102 statement is a detailed statement by the Administrator discussing the following considerations:

a. The environmental impact of the proposed actions.

b. Any adverse environmental effects which cannot be avoided should the proposal be implemented.

c. Alternatives to the proposed action.

d. The relationship between a local short-term use of man's environment and the maintenance and enhancement of long-term productivity.

e. Any irreversible or irretrievable commitment of resources which would be involved in the proposed action should it be implemented.

5. *The principal characteristics of a 102 statement.* In general a 102 statement will have the following characteristics:

a. It will contain a description of the physical and environmental aspects of the proposed action.

b. It will be sufficiently descriptive to allow evaluation and appraisal of the favorable and adverse environmental effects of each proposal.

c. Its length will be suited to the proposal and the nature of its impact.

d. It will be submitted as a separate document and not as an enclosure or an appendix to another document.

e. It will not be based on ultimate conclusions, but should show consideration of the potential impact of the proposal on the environment.

f. It will summarize information and cite sources of overall appraisals with attention to the following:

(1) Include and comment on the views of those opposing the proposal for environmental reasons.

(2) Summarize the views of agencies having environmental responsibilities.

(3) Include a full and objective appraisal of the environmental effects, good and bad, and of available alternatives.

(4) Do not overstate favorable effects.

(5) Discuss regional significance when the environmental impact extends beyond the immediate area.

(6) Include significant relationships between the proposal and other developments, both existing and authorized.

6. *The format of a 102 statement.* The completed 102 statement should have the following general structure:

a. *A Project description.* (1) The name of the project or action.

(2) Its location.

(3) Its purposes.

(4) The authorizing document if available.

(5) The current status of the action.

b. *A description of the environmental setting without the project.* (1) Describe the area.

(2) Mention the present level of economic development.

(3) Disclose the existing land and water uses, and other environmental determinants.

(4) Discuss the setting on a regional basis.

(5) Discuss the interrelations of projects and alternatives proposed, under construction, or in operation by the agency or organization.

(6) Discuss existing levels of pollution in the project area.

c. *A statement of the anticipated environmental impact of the proposed action.* (1) Identify the various environmental impacts anticipated, viewed as changes or conversions of environmental elements which result from the direct and indirect consequences of the proposed action.

(2) Describe such impacts in a dispassionate manner to provide a basis for a meaningful treatment of the trade-offs involved.

(3) Set forth quantitative estimates of ecological gains or losses whenever practicable.

(4) Discuss both the beneficial and detrimental aspects of the environmental changes or conversions. Place some relative value on the impacts described. Include such items as:

(a) A discussion of the impacts in terms of their effects.

(b) An identification of the recipient of these effects.

(c) A discussion of these effects regionally.

(5) Identify remedial, protective, and mitigative measures which would be taken in response to adverse effects of environmental impacts.

d. *A statement of any adverse environmental effects which cannot be avoided should the proposal be implemented.* (1) Discuss the unavoidable adverse effects and their implications.

(2) Identify the abatement or mitigative measures proposed to rectify the adverse effects and the extent of their effectiveness.

(3) Identify the nature and extent of the principal adverse effects and the parties affected.

(4) Present and comment on the objections of all concerned parties.

(5) Consider such specific items as:

(a) Loss of given acreage.

(b) Water and air pollution.

(c) Damage to life systems.

(d) Urban congestion.

(e) Threats to health.

(f) Other consequences adverse to the environmental goals set out in section 101(b) of the NEPA.

(g) Generation and disposal of solid wastes.

e. *A résumé of alternatives to the proposed action.* (1) Describe the various alternatives considered, their environmental impact, and the reasons why each was not recommended.

(2) Identify the alternatives as to their beneficial and detrimental effects on the environmental elements.

(3) Specifically take into account the alternative of NO ACTION. This last alternative requires a projection of the future environmental setting if the project is not accomplished.

(4) A discussion of both natural and man-induced changes.

(5) A discussion of economically justified alternatives.

f. *An evaluation of the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* (1) Assess the cumulative and long-term impacts of the proposed action with the view that "each generation is trustee of the environment for succeeding generations."

(2) Give special attention to considerations that would narrow the range of beneficial uses of the environment for succeeding generations.

(3) Consider that the priority of any action should be weighed against the potential for damage to man's life support system.

(4) Consider temporary environmental impacts such as air, water, noise, pollution, etc.

g. *A review of any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* (1) Discuss irrevocable uses of resources.

(2) Discuss changes in land use.

(3) Discuss destruction of archeological or historical sites.

(4) Discuss unalterable disruptions in the eco-system.

(5) Discuss any other effects that would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented.

h. *A synopsis of coordination with other Agencies.* (1) List all government and private entities with whom coordination has been accomplished.

(2) Discuss public participation efforts.

(3) Specify coordination measures taken with those having environmental interest.

(4) Summarize and identify all views, both pro and con.

(5) Attach a copy of all comments received concerning the proposal to the 102 statement.

i. *A summary sheet which will accompany each draft and final 102 statement.* This summary sheet consisting of no more than one page, will contain the following information:

Check one:
( ) Draft.
( ) Final 102 statement.

Name of responsible Federal agency (with name of operating division where appropriate).

(1) Name of action. Check one:
( ) Administrative action.
( ) Legislative action.

(2) Brief description of action indicating what States (and counties) particularly affected.

(3) Summary of environmental impact and adverse environmental effects.

(4) List alternatives considered.

(5) (a) (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

(b) (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

(6) Dates draft statement and final statement made available to CEQ and public.

7. *Plans and procedures.* a. The following considerations are associated with the preparation and use of a 102 statement:

(1) Consultation with Federal, State, and local agencies, the CEQ, and the OMB.

(2) Planning procedures for the use of the 102 statement.

(3) 102 statement filing procedures.

(4) Public information.

b. Each of these considerations is explained in more detail below, in the order of their listing:

(1) *Consultation with Federal, State, and local agencies, the CEQ, and the OMB.* VA must coordinate 102 statements with the CEQ, the OMB, and the EPA (Environmental Protection Agency) along with other Federal agencies having relevant environmental expertise or jurisdiction by law. The views of State and local agencies authorized to develop and enforce environmental standards will be sought. This will sometimes require assistance by the ACIR. (See Appendix F.)

(a) The appropriate agencies will be consulted concerning VA actions, reports, or proposals for:

1. Legislation.

2. Other major Federal actions significantly affecting the quality of the human environment.

(b) Recommendations or reports on proposals for legislation include:

1. VA recommendations on their own proposals for legislation.

2. VA reports on legislation initiated elsewhere. In this case, only the agency which has primary responsibility for the subject matter will prepare a 102 statement.

(c) Coordination of 102 statements with responsible agencies will be done as follows:

1. Transmit draft 102 statements to responsible agencies for review and comment. Review and comment will be requested from the EPA on all such matters.

2. A 30-day time limit for reply is established. After this time period has passed, it may be presumed that the agency has no comment to make.

3. Upon receipt, comments from agencies will be reviewed by the VA and, where appropriate, summarized in the final 102 statement.

4. Copies of comments from these agencies will be included as attachments to the final 102 statement when forwarded for further action.

5. Comments from agencies and the views expressed should be no older than:

a. Twelve months for new projects or proposals.

b. Three calendar years for previously authorized projects or proposals.

6. More recent coordination will be required if significant changes in the project or proposal or in the associated environment have occurred in the meantime.

7. Where emergency circumstances make it necessary to take an action with significant environmental impact without regard to minimum periods for review and advance availability of 102 statements, the cognizant office should notify the "Central Point" who will consult with the CEQ about alternative arrangements.

(d) When seeking comments from Federal, State, and local agencies, it will be kept in mind that:

1. Existing mechanisms for obtaining the views of responsible agencies will be used to the fullest extent possible.

2. OMB Bulletin No. 72–6 outlines requirements for:

a. Proposed legislation and reports on bills.

b. Preparation of Annual Budget Estimates.

c. Water resource project reports.

3. OMB Circular No. A–95 outlines requirements regarding direct Federal development projects, federally assisted programs, and programs requiring State plans as a condition of assistance.

4. OMB Circular No. A–85 outlines requirements for consultation with the heads of State and local governments.

5. Where the above procedures are not appropriate, review by State and local agencies authorized to develop and enforce environmental standards, and their comments on environmental impact may be obtained directly by distributing the draft 102 statement to the appropriate State, regional, and metropolitan clearing houses.

6. In accordance with section 309 of the Clean Air Act, as amended, the EPA will be requested to review and comment (or proceed as indicated) on:

a. Legislation proposed by the VA,

b. Newly authorized Federal projects for construction and any major Federal action (other than a project for construction) to which section 102(2)(C) of NEPA applies, and

c. Proposed regulations published by VA.

d. A period of 45 days will be allowed for such review and comment.

e. The EPA will be provided with information and asked to comment on proposed legislation or regulations where the matter affects the areas of EPA's jurisdiction and no 102 statement is to be filed (i.e. air and water quality, solid waste, pesticides, radiation standards, noise).

(2) *Planning procedures for the use of 102 statements.* Planning for the use and preparation of the 102 statement will be as follows:

(a) Preliminary identification and assessment of possible environmental impacts and effects should be made at an early stage. Consideration of environmental elements will be included:

1. Geological elements.
2. Hydrological elements.
3. Botanical elements.
4. Zoological elements.
5. Archeological—historical—cultural elements:
a. Ruins.
b. Artifact sites.
c. Battlefields.
d. Cemeteries.
e. Ethnic colonies.

(b) At the next stage:

1. All anticipated environmental impacts and effects of each solution under consideration will be identified and discussed.

2. Views of interested agencies, groups, and citizens will be sought and considered.

(c) At a late stage:

1. Discussion regarding the proposals and alternatives will be specific and thorough regarding environmental impacts and effects.

2. The range of feasible alternatives will be pursued on projects which were recommended, authorized, or under construction prior to the NEPA. Application of all the procedures regarding 102 statements shall apply to existing actions having a significant effect on the environment even though they arise from projects or programs initiated prior to the enactment of the Act on January 1, 1970.

a. Further incremental major actions will be shaped to minimize adverse environmental consequences.

b. Consider environmental consequences not fully taken into account at the start of the project.

3. Do not duplicate the clearance process.

4. Do not take administrative action subject to section 102(2)(C), NEPA, sooner than 90 days after a draft 102 statement has been circulated for comment, furnished to the CEQ and made available to the public.

5. Do not take administrative action subject to section 102(2)(C), NEPA, sooner than 30 days after final text of a 102 statement (together with comments) has been made available to the CEQ and the public.

6. Regarding proposals for legislation to which section 102(2)(C), NEPA, applies, the final text of the 102 statement will be made available to Congress and the public in advance of any relevant congressional hearings.

(3) *102 statement filing procedures.* The following will be supplied to CEQ:

(a) Ten copies of draft 102 statements (when prepared).

(b) Ten copies of all comments received thereon (when received).

(c) Ten copies of the final text of the 102 statements.

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(4) *Public information.* (a) When the VA prepares a 102 statement, VA is obligated to disclose the draft and final 102 statement along with comments to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552). In addition, certain groups of people will be using the 102 statement as a valid source of information. Among these groups are:

1. General public.
2. Environmental action groups.
3. Trade and special interest associations.
4. Governmental agencies.
5. Congressional committees.
6. Press, radio, and television.

(b) For the above reasons, public dissemination of a 102 statement is of the utmost importance. The following procedures will be adhered to:

1. Make a 102 statement available through publication of a draft notice and final notice in the FEDERAL REGISTER advising the public where it may be examined or obtained. (See appendix H.)

2. Provide timely public notice of an undertaking. Procedures to accomplish this should include, where appropriate:

a. Public hearings.

b. Providing the public with relevant information.

c. Include information concerning alternative courses of action.

3. Where recommendations or reports on proposals for legislation are involved, the 102 statement and comments will be made available to the public the same time they are made available to Congress.

4. Where administrative actions are involved:

a. The draft 102 statement will be made available to the public the same time it is circulated for comment and furnished to the CEQ.

b. The final 102 statement and comments will be made available to the public when it is furnished to the CEQ.

5. When the VA holds public hearings, a draft 102 statement will be made available to the public 15 days prior to the time of the relevant hearings.

6. Requirements for public availability of a 102 statement and comments must be met.

a. Availability at VA Central Office.

b. Availability at appropriate State, regional and metropolitan clearinghouses.

8. *Initiating and controlling the preparation, coordination and administration of 102 statements.* a. Under the general direction of the Deputy Administrator, the "Central Point" in the VA for the control and administration of the program concerning 102 statements will be located in DM&S, under the Assistant Chief Medical Director for Administration and Facilities, in Engineering Service.

b. The office with cognizance of an action requiring a 102 statement will initiate action to prepare a notice of intent, a draft and a final 102 statement. Prior to submission to the Administrator, these statements will be fully coordinated with all appropriate staff elements including the General Counsel and Information Service.

c. The Office of Construction, the Department of Medicine and Surgery, the Department of Veterans Benefits and staff office heads having cognizance of any of the categories of VA actions or administrative responsibilities related thereto outlined in paragraph 3 will:

(1) Designate officials who will perform liaison duties in connection with 102 statements. Provide names and telephone numbers to the "Central Point" in DM&S.

(2) Subject all major actions to the environmental assessment process. This process should commence at the earliest possible point in the development of major legislative and administrative actions. It shall consist of a thorough study of the proposed action to identify and evaluate the expected and potential environmental impacts of the action and alternatives to it. It will determine whether a significant impact is anticipated from the proposed action. When the assessment indicates there will be a significant environmental impact, prepare a notice of intent to prepare a draft 102 statement. The notice of intent shall briefly describe the action, its location and the issues involved. (See Appendix I.) Preparation of the notice of intent will be based on the criteria established in paragraph 3, "Scope," above.

(a) Provide notices of intent to prepare 102 statements on major land purchases and improvements, major buildings or facilities and major pollution abatement measures after the projects have been approved by OMB.

(b) Provide notices of intent to prepare 102 statements on nursing home grants and State home grants after the applications for grants have been approved.

(c) The need for a 102 statement and notice of intent on standards and criteria governing the approval of residential developments in VA home loan financing will be mutually determined between the VA and the Department of Housing and Urban Development.

(d) Provide notices of intent to prepare 102 statements on recommendations or reports relating to legislation and appropriations and on policy or procedure making when the recommendations and reports are being made or when the policy or procedures are approved.

(e) Provide notices of intent to prepare 102 statements on Federal leases, permits, licenses, certificates, or other entitlements for use when such entitlements are approved.

(f) Provide notices of intent to prepare 102 statements on the removal or disturbance of sites, buildings, or objects which have significant historical value when projects are approved.

(3) Provide information to the "Central Point" at inception of any action or at the earliest possible time so that assistance may be given in the environmental assessment process in determining the need for a 102 statement. The final decision as to the need for a 102 statement will be made by the "Central Point."

(4) Secure information from local, State, and regional offices of Federal agencies during site selection visits or other preliminary investigations involving proposed action which may have a bearing on the environment, such as:

(a) Maps and photographs.
(b) Topographic layouts.
(c) Utilities provided and required.
(d) Roads.
(e) Streams, rivers, lakes, etc., nearby.
(f) Neighboring activities, structures.
(g) Housing in the area.
(h) Accessibility.
(i) Public transportation.
(j) Botanical and zoological elements.

(5) A draft 102 statement will be submitted to the "Central Point" a minimum of 6 months prior to proposed action for which a 102 statement is required.

(6) Provide sufficient information for a draft statement and subsequent final 102 statement on previously authorized or ongoing actions requiring a 102 statement.

(7) Hold public hearings as necessary, and provide relevant information on proposed environmental action, including information on alternate courses of action.

(8) As outlined in OMB Bulletin No. 72–6, provide Summary List of section 102(2)(C) Statements information (Exhibit 1 of Appendix E).

(9) Provide 30 copies of the notice of intent to the "Central Point" for distribution to Government agencies, private groups, and the public. Provide a list of the proposed recipients of the notice of intent.

(10) Provide 30 copies of the draft 102 statement to the "Central Point" for distribution to CEQ, Federal, State, and local government agencies and for response to requests from the public.

(11) Provide 30 copies of the final 102 statement including comments for submission to CEQ and for information copies to be distributed to all Federal, State, and local government agencies, private groups and citizens with which the statement was coordinated.

(12) Information Service will submit a notice of intent to prepare a 102 statement to the local news media (see Appendix I).

(13) Information Service will determine the need for the issuance of a news release stating that draft or final environmental impact statements, as appropriate, are available from the VA, after notice of completion of the draft or final 102 statement has been given by the "Central Point."

(14) The Office of the Controller, Budget Service, will appoint an official to perform liaison duties in connection with environmental statements, with the "Central Point" and between his office and cognizant department and staff offices. The Budget Service liaison official will:

(a) Assure that all information required by paragraph 3b of OMB Bulletin No. 72–6 is available to complete the summary list indicated in Exhibit 1 of that Bulletin. (See Appendix E.)

(b) Set a time limit for the receipt of the above information prior to submission of the annual budget estimates.

(c) Forward the completed list to OMB along with annual budget estimates.

(15) Submit all VA regulations having an impact on the environment to the "Central Point" for review and comment and final determination of need for a 102 statement.

9. *The VA "Central Point."* Under the general direction of the Deputy Administrator, the ACMD for Administration and Facilities (Engineering Service), DM&S will coordinate, evaluate, and provide guidance in preparing and processing 102 statements. This will be the "Central Point" in VA for matters involving environmental statements. The "Central Point" will:

a. Review decisions by the cognizant department and staff offices regarding whether or not environmental statements are to be made on actions and make final decisions thereon.

b. Review, comment on, and have revised where necessary, all draft and final environmental statements.

c. Distribute copies of notice of intent to prepare a 102 statement.

d. Forward copies of draft and final 102 statements to CEQ. Ten copies of the draft and the final 102 statements with all comments will be forwarded to CEQ.

e. Provide liaison with the CEQ, EPA, and OMB on matters under the NEPA.

f. Distribute draft 102 statements to the appropriate State, regional, and metropolitan clearinghouses.

g. Provide draft 102 statements, consult with and secure comments from Federal, State and local government agencies and from private organizations and citizens on proposed action.

h. Notify the cognizant department or staff office when final 102 statements are filed with CEQ. Copies of the final 102 statements will be provided to the cognizant offices at this time.

i. Review the need for public hearings with the assistance of the General Counsel. A review of comments from government agencies, private groups, and citizens on proposed action will be used to determine whether or not public hearings are required.

j. Notify the Information Service when the notice of intent, draft or final 102 statements have been completed.

k. Submit proposed FEDERAL REGISTER notices of availability of draft or final 102 statements through AA/M&E to the Office of the Administrator, to advise the public where they may be examined or copies obtained. (See Appendix H.)

l. Have the responsibility for consultation in connection with the preparation of a 102 statement by other Federal agencies when such consultation or comments are requested from the VA. The "Central Point" may request VA comments on 102 statements submitted by other agencies or from other VA departments or staff offices at its discretion. A time limit for comments will be indicated in the referral from the "Central Point."

m. Set time limits for the completion of draft and final 102 statements as required by the proposed action after coordination and consultation with the concerned department or staff offices.

n. Review and comment on VA regulations which have an impact on the environment.

[FR Doc.72–6522 Filed 4–27–72;8:51 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 25, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 89084 Sub 4, Interstate Heavy Hauling, Inc., now assigned May 1, 1972, at Salt Lake City, Utah, canceled and the application is dismissed.

MC 97394 Sub 11, Bowling Green Express, Inc., now being assigned hearing May 22, 1972, at Holiday Inn, Interstate 65 Interchange, Cave City, Ky.

MC 71652 Sub 3, Athel Hupp Hudley, Inc., now assigned May 1, 1972, at Salt Lake City, Utah, canceled and the application is dismissed.

MC–C–7624, Great Lakes Express Co., investigation and revocation of certificates, now assigned May 4, 1972, at Chicago, Ill., postponed indefinitely.

MC 2153 Sub 41, Midwest Motor Express, Inc., Extension—Glendive, Mont., now being assigned hearing July 10, 1972, at Bismarck, N. Dak. in a hearing room later to be designated.

FD 26115, Boston and Maine Corp. Reorganization, now assigned May 1, 1972, at Boston, Mass., will be held in Court Room No. 3, 12th Floor, John W. McCormack Building, Post Office, Courthouse, Post Office Square, instead of Room 2211B, John F. Kennedy Building, Government Center, same day and time.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–6540 Filed 4–27–72;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 25, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42406—*Phosphates between points in Southwestern Illinois Freight Association and WTL Territories.* Filed by Southwestern Freight Bureau, agent (No. B–312), for interested rail carriers. Rates on diammonium phosphate, monoammonium phosphate, and superphosphate, in carloads, as described in the application, between points in southwestern territory, on the one hand, and points in Illinois Freight Association and western trunkline territories, on the other.

Grounds for relief—Market and carrier competition.

Tariff—Supplement 59 to Southwestern Freight Bureau, agent, tariff ICC 4941. Rates are published to become effective on June 1, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–6539 Filed 4–27–72;8:49 am]

[Special Permission No. 72–3700, Amdt. 2]

INCREASED RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 20th day of April 1972.

Advance effective date of corrected rates and charges and provisions in tariff of increased rates and charges X–281–A.

By special permission application No. C–2950, as amended, filed by Traffic Executive Association—Eastern Railroads, Agent, for and in behalf of carriers parties to Ex Parte No. 281, authority is sought to advance the effective date of Supplement 3 to its Tariff of Increased Rates and Charges X–281–A, ICC C–908, joint with other agents, from May 20, 1972 to May 1, 1972, including authority to correct errors made in Supplement No. 3, upon 1 day's notice, as set forth in the application. A full investigation of the matters and things involved in the application having been made, which application is hereby referred to and made a part hereof:

It appearing, that, the proposal would reduce published increases, and correct errors, and good cause for the action sought having been shown,

It is ordered, that, special permission application No. C–2950, as amended, be, and it is hereby, granted, except effective upon not less than 7 days' notice.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72–6541 Filed 4–27–72;8:50 am]

[Special Permission No. 72–3700; Amdt. 1]

WAIVER OF TARIFF PUBLISHING RULES

At a General Session of the Interstate Commerce Commission, held at its office

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in Washington, D.C., this 14th day of March 1972.

Ex Parte No. 281, increased freight rates and charges, 1972; waiver of tariff publishing rules.

Upon consideration of the petition dated and filed March 10, 1972, by James L. Tapley and other attorneys for and on behalf of respondent carriers, amending the original statement of proposed selective increases, insofar as it requests amendment of the Special Permission No. 72–3700, which granted relief from certain tariff publishing rules, so as to include therein references to the petition as now amended and to amend the first ordering paragraph to substitute "not exceeding those" in place of "as" following the words "rates and charges", in order to permit publication in the initial master tariff of the new greater and lesser increases identified in the petition and also unspecified selective increase (or no-increase) provisions which are different from but in no case higher than those specifically set forth in the petition as amended March 10, 1972.

For good cause shown, it is ordered that:

1. The Special Permission No. 72–3700, dated March 6, 1972, be and it is hereby amended as requested; in all other respects the terms of the original permission shall remain the same.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6542 Filed 4-27-72;8:50 am]

[Notice 53]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73348. By order of April 18, 1972, the Motor Carrier Board approved the transfer to WMA Interstate Motor Lines, Inc., Washington, D.C., of the operating rights in Certificate No. MC–3677 and subnumbers thereunder issued to WMA Transit Company, a corporation, Bradbury Heights, Md., authorizing the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over regular routes, between Washington, D.C., and Andrews Field, Camp Springs, Md., and numerous other points in Maryland, serving all intermediate points. L. C. Major, Jr., and Russell R. Sage, Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314, attorneys for applicants.

No. MC–FC–73380. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Taylor Trucking Co., Inc., East Rutherford, N.J., of the operating rights in Certificate No. MC–133704 (Sub-No. 1), issued July 14, 1971, to Dependable Container Service, Inc., Brooklyn, N.Y., authorizing the transportation of general commodities, with usual exceptions, from Philadelphia, Pa., to New York, N.Y., and from points in New Jersey, Delaware, and Maryland, to Philadelphia, Pa.; electric fixtures and supplies, from New York, N.Y., to Philadelphia, Pa., and from Philadelphia, Pa., to points in New Jersey; equipment, materials, and supplies used in connection with dog-shows, not including animals between points in New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Connecticut, and Massachusetts; teletype machines and equipment, between Philadelphia, Pa., on the one hand, and, on the other, New York, N.Y., and points in New Jersey, Maryland, and Delaware; and glassware, from New York, N.Y., to Philadelphia, Pa. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, registered practitioner for applicants.

No. MC–FC–73488. By order of April 18, 1972, the Motor Carrier Board approved the transfer to Empire Fuel & Transfer Co., a corporation, Coos Bay, Oreg., of that portion of the operating rights set forth in Certificate No. MC–113466, issued May 29, 1961, to Cecil E. Alto and Robert A. Alto, doing business as Alto Bros. Trucking, Eureka, Calif., authorizing the transportation of: Logs, lumber, piling, plywood, poles, posts, and wooden shingles, between points in Klamath, Jackson, Josephine, Curry, Coos, and Douglas Counties, Oreg. Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201.

No. MC–FC–73518. By order of April 21, 1972, the Motor Carrier Board approved the transfer to L. B. Transport, Inc., Bradgate, Iowa, of the operating rights in Certificates Nos. MC–117386 (Sub-No. 1), MC–117386 (Sub-No. 3), and MC–117386 (Sub-No. 5), issued May 4, 1959, October 21, 1960, and June 18, 1971, respectively, to Lee S. Burris, Bradgate, Iowa, authorizing the transportation of liquid fertilizer, in bulk, in tank vehicles, from Humboldt, Iowa, to specified parts in Minnesota and Nebraska; and from the plantsite of Farmland Industries, Inc., at Humboldt, Iowa, to specified points in South Dakota. Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501, representative for applicants.

No. MC–FC–73524. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Wright Trucking, Inc., Jamestown, N. Dak., of Certificate No. MC–129972, issued June 11, 1969, to Gerald D. Wright, Jamestown, N. Dak., authorizing the transportation of malt beverages and articles dealt in by wholesale beverage distributors, from Minneapolis and St. Paul, Minn., and La Crosse and Milwaukee, Wis., to Jamestown and Bismarck, N. Dak. Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC–FC–73560. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Carroll's Torrington Express Co., a corporation, Torrington, Conn., of Certificate of Registration No. MC–97925 (Sub-No. 1), issued June 30, 1964, to George F. Carroll, doing business as Carroll's Torrington Express, Torrington, Conn., evidencing a right to engage in transportation in interstate commerce as described in certificate C–1154, dated January 19, 1951, as amended October 22, 1956 issued by the Public Utilities Commission of Connecticut. Richard M. Krezek, 41 Tallwood Drive, Southington, CT 06489, attorney for applicants.

No. MC–FC–73612. By order of April 21, 1972, the Motor Carrier Board approved the transfer to M. H. Mesenbring, doing business as Mike's Trucking, Bourbonnais, Ill., of the operating rights in Certificates No. MC–119777 (Sub-No. 1) and MC–119777 (Sub-No. 31) issued October 16, 1967, and November 10, 1965, respectively to Ligon Specialized Hauler, Inc., Madisonville, Ky., authorizing the transportation of various commodities from Kankakee, Ill., to points in New York and Pennsylvania. Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005, attorney for applicants.

No. MC–FC–73619. By order of April 6, 1972, the Motor Carrier Board approved the transfer to Scholastic Transit Co., a corporation, Northbrook, Ill., of the operating rights in Certificate No. 43263 issued January 6, 1967, to United Motor Coach Co., a corporation, Des Plaines, Ill., authorizing the transportation of passengers and their baggage in special or charter service, from Des Plaines, Ill., and points within 20 miles thereof, to points in Illinois, Indiana, and Wisconsin, and return. Abraham A. Diamond, 33 North Dearborn Street, Chicago, IL 60602, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6537 Filed 4-27-72;8:49 am]

[Notice 58]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 27, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1641 (Sub-No. 96 TA), filed April 7, 1972. Applicant: PEAKE TRANSPORT SERVICE, INC., Post Office Box 366, Chester, NE 68327. Applicant's representative: R. B. Parker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, from Denison, Iowa, to points in Kansas, Missouri, and Nebraska, for 180 days. Supporting shipper: R. O. Brown, Manager Operations, Standard Oil Division, American Oil Co. (Western Region), 114 East Armour Boulevard, Kansas City, MO 64111. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 61496 (Sub-No. 232 TA), filed April 7, 1972. Applicant: HERMAN BROS. INC., 2501 North 11th Street, Post Office Box 189, Downtown Station 68110, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in packages, from plantsite of Penn-Dixie Cement Corp., from near Kingsport, Tenn., to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Penn-Dixie Cement Corp., Post Office Box 152, Nazareth, PA 18064. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 96925 (Sub-No. 3 TA), filed April 7, 1972. Applicant: JACKSONVILLE TRANSFER & STORAGE, INC., 127 Willowbranch Avenue, Jacksonville, FL 32205. Applicant's representative: James E. Wharton, Post Office Box 231, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and household goods as defined by the Commission) over the following routes: Between Orlando, Fla., and Ocala, Fla., serving all intermediate points and the off-route points of Eustic and Altamonte Springs, Fla.: From Orlando over U.S. Highway 441 to Ocala, and return over the same route; between Orlando, Fla., and Leesburg, Fla., serving all intermediate points: From Orlando over Florida Highway 50 to junction Florida Highway 33, thence over Florida Highway 33 to junction U.S. Highway 27, and thence over U.S. Highway 27 to Leesburg, and return over the same route; between De Land, Fla., and Eustis, Fla., serving all intermediate points: From De Land over Florida Highway 44 to Eustis, and return over the same route; between De Land, Fla., and Altoona, Fla., serving all intermediate points: From De Land over Florida Highway 42 to Altoona, and return over the same route; between Eustis, Fla., and Groveland, Fla., serving all intermediate points: From Eustis over Florida Highway 19 to Groveland, and return over the same route; between Ocala, Fla., and Barberville, Fla., serving all intermediate points and the off-route points of Moss Bluff, Fort McCoy, Orange Springs, Starke's Landing, and Connor, Fla.:

From Ocala over Florida Highway 40 to Barberville, and return over the same route; between Sanford, Fla., and Mount Dora, Fla., serving all intermediate points: From Sanford over Florida Highway 46 to Mount Dora, and return over the same route; between Astor Park, Fla., and Clermont, Fla., serving all intermediate points: From Astor Park over Florida Highway 445 to junction Florida Highway 19, thence over Florida Highway 19 to junction Florida Highway 561, and thence over Florida Highway 561 to Clermont, and return over the same route; between Jacksonville, Fla., and New Smyrna Beach, Fla., serving all intermediate points and the off-route point of Ormond Beach, Fla.: From Jacksonville over U.S. Highway 1 to New Smyrna Beach, and return over the same route; between Jacksonville, Fla., and Greenland, Fla., as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, serving no intermediate points: From Jacksonville over Alternate U.S. Highway 1 (via John E. Matthews Bridge), to junction U.S. Highway 1, thence over U.S. Highway 1 to Greenland, and return over the same route; between Hawthorne, Fla., and Palatka, Fla., serving all intermediate points and the off-route point of Edgar, Fla.: From Hawthorne over Florida Highway 20 to Palatka, and return over the same route; between St. Augustine, Fla., and Bunnell, Fla., serving all intermediate points: From St. Augustine over Florida Highway 207 to Palatka, Fla., thence over Florida Highway 100 to junction Florida Highway 20, and thence over Florida Highway 20 to Bunnell, and return over the same route; between De Land, Fla., and New Smyrna Beach, Fla., serving all intermediate points: From De Land over Florida Highway 44 to New Smyrna Beach, and return over the same route; between De Land, Fla., and Daytona Beach, Fla., serving all intermediate points: From De Land over U.S. Highway 17 to junction U.S. Highway 92, thence over U.S. Highway 92 to Daytona Beach and return over the same route; between De Land, Fla., and Bunnell, Fla., serving all intermediate points: From De Land over U.S. Highway 17 to junction Florida Highway 11, and thence over Florida Highway 11 to Bunnell, and return over the same route; between Bunnell, Fla., and Flagler Beach, Fla., serving all intermediate points: From Bunnell over Florida Highway 100 to Flagler Beach, and return over the same routes; between Jacksonville, Fla., and Ocala, Fla., serving all intermediate points:

From Jacksonville over Florida Highway 228 to Maxville, Fla., thence over U.S. Highway 301 to Waldo, Fla., thence over U.S. Highway 441 to Ocala, and return over the same route; between Jacksonville, Fla., and Lake City, Fla., serving all intermediate points: From Jacksonville, Fla., over U.S. Highway 90 to Lake City, Fla., and return over the same route; between Lake City, Fla., and Gainesville, Fla.: From Lake City, Fla., over U.S. Highway 441, to Gainesville, Fla., and return over the same route; between New Smyrna Beach, Fla., and Melbourne, Fla., serving all intermediate

[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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points: From New Smyrna Beach, Fla., over U.S. Highway No. 1 to Melbourne, Fla., and return over the same route; between Melbourne, Fla., and Orlando, Fla., serving all intermediate points: From Melbourne, Fla., over U.S. Highway 192 to Ashton, Fla., thence over Florida State Road 15 to Orlando, Fla., and return over the same route; between Lake City and Quincy, Fla., over U.S. Highway 90, serving all intermediate points: Between Lake City and point of intersection between Interstate Highway 10 and U.S. Highway 90 near Falmouth, Fla., as follows: From Lake City, Fla., over U.S. Highway 441 to points of intersection with Interstate Highway No. 10, thence over Interstate Highway No. 10 to point of intersection with U.S. Highway 90 near Falmouth, Fla., and return over the same routes serving no intermediate points as an alternate route for operating convenience only. Between Gainesville, Fla., and Tallahassee, Fla., over the following route: From Gainesville, Fla., over Interstate Highway 75 to Alachua, Fla., thence over U.S. Highway 27 to Tallahassee, Fla., and return over the same route serving no intermediate points as an alternate route for operating convenience only.

In connection with the above routes, applicant seeks to serve all other points as intermediate and off-route points in a section of Florida bordered on the east by the Atlantic Ocean, on the south by a line commencing at the Atlantic Ocean at Melbourne, Fla., thence along U.S. Highway 192 to point of intersection with the eastern boundary of Osceola County, thence along the eastern boundary of Osceola County south to the southern boundary of Osceola County, thence westerly along the southern boundary of Osceola County to the eastern boundary of Polk County, thence along the eastern boundary of Polk County in a northerly direction to intersection with the western boundary of Orange County, thence northerly along the western boundary of Orange County to point of intersection with State Road 50, thence along State Road 50 to Groveland, Fla., thence north on State Road 33 to point of intersection with the Sunshine State Parkway, thence along the Sunshine State Parkway in a northwesterly direction to point of intersection with Interstate Highway 75 near Wildwood, Fla., thence along Interstate Highway 75 to point of intersection with Interstate Highway No. 10, thence east along Interstate Highway 10 to point of intersection with U.S. Highway 441, thence north along U.S. Highway 441 to the Florida-Georgia State line and bordered on the north by the Florida-Georgia State line to point of intersection with the Atlantic Ocean. Applicant also seeks authority to serve all other points as intermediate and off-route points in connection with same described routes in the counties of: Gadsden, Leon, Jefferson, Madison, Hamilton, Suwannee, Columbia, Baker, and Duval, for 180 days. NOTE: Applicant seeks authority to tack the authority requested hereinabove with its existing authority as presently issued to it by this Commission. Supporting shippers: There are approximately 25 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 107403 (Sub-No. 834 TA), filed April 6, 1972. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bauxite*, from Marrero, La., to Redwood, Miss., for 180 days. Supporting Shipper: Allied Chemical Corp., Post Office Box 1139R, Morristown, NJ 07960. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 115826 (Sub-No. 243 TA), filed April 5, 1972. Applicant: W. J. DIGBY, INC., 1960 31st Street, Post Office Box 5088, Denver CO 80217, Terminal Annex 80216. Applicant's representative: Ezekial Gomez (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food, frozen fruit and vegetables, frozen and nonfrozen potato products*, from points in Oregon and Washington to Turlock and Atwater, Calif., and cold storage facilities utilized by Banquet Foods, and the commercial zones thereof, for 180 days. Supporting shipper: Banquet Foods Corp., Post Office Drawer 1809, Turlock, CA 95380. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116077 (Sub-No. 324 TA), filed April 6, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Delmas W. Heinke (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chromic sulfuric solutions and etchants*, from Garland, Tex., to Eau Claire, Wis., *and spent etchants*, from Eau Claire, Wis., to Garland, Tex., for 180 days. Supporting shipper: Southern California Chemical Co., Inc., Barry N. Dees, Branch Manager, 1000 Profit Drive, Garland, TX 75040. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 116077 (Sub-No. 325 TA), filed April 6, 1972. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77027. Applicant's representative: Delmas W. Heinke (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chromic sulfuric solutions and etchants*, from Garland, Tex., to Tampa, Fla., *and spent etchants*, from Tampa, Fla., to Garland, Tex., for 180 days. Supporting shipper: Southern California Chemical Co., Inc., Barry N. Dees, Branch Manager, 1000 Profit Drive, Garland, TX 75040. Send protests to: District Supervisor John C. Redus, Bureau of Operations, Interstate Commerce Commission, Post Office Box 61212, Houston, TX 77061.

No. MC 116459 (Sub-No. 43 TA), filed April 6, 1972. Applicant: RUSS TRANSPORT, INC., Post Office Box 4022, Riverville Road, Route 5, Chattanooga, TN 37405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk chemicals* (except fertilizer and fertilizer materials), from the plantsite of Bulk Distribution Centers, Inc., Chattanooga, Tenn., to points in Alabama, Georgia, North Carolina, and Tennessee, for 100 days. Supporting shipper: Bulk Distribution Centers, Inc., Post Office Box 19022, Louisville, KY 40219. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 119118 (Sub-No. 35 TA), filed April 7, 1972. Applicant: McCURDY TRUCKING, INC., Post Office Box 388, Rural Delivery No. 4, Latrobe, PA 15650. Applicant's representative: Lewis W. McCurdy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising materials*, (a) from Frankenmuth, Mich., to points in Illinois, Indiana, Kentucky,

New York, Ohio, Wisconsin, Pennsylvania, West Virginia, and St. Louis, Mo., and Baltimore, Md., and (b) from Baltimore, Md., to points in Illinois, Kentucky, and St. Louis, Mo., for 120 days. Supporting shipper: Carling Brewing Co., 610 Lincoln Street, Waltham, MA 02154. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 124083 (Sub-No. 43 TA), filed April 4, 1972. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, IN 46203. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from South Bend, Elkhart, Kokomo, Columbus, and Indianapolis, Ind., to Three Rivers, Mich., for 180 days. Supporting shipper: Hurwich Iron Co., Inc., Lafountain Square, 3825 South Lafountain Street, Kokomo, IN 46901. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 126038 (Sub-No. 8 TA), filed April 7, 1972. Applicant: PENINSULA PRODUCTS, INC., 47 Northeast Middlefield Road, Portland, OR 97211. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wooden shakes and shingles*, from points in Washington to points in California, under contract with International Paper Co., for 180 days. Supporting shipper: International Paper Co., Box 579, Longview, WA 98632. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 126539 (Sub-No. 10 TA), filed April 5, 1972. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soy products*, from Gladbrook, Iowa, to Marion, Ohio, for 180 days. Supporting shipper: Central Iowa Bean Mill, Gladbrook, Iowa 50635. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 128608 (Sub-No. 5 TA), filed April 6, 1972. Applicant: M.D.I. TRUCKING CORP., 307 Oliver Building, Pittsburgh, Pa. 15222. Applicant's representative: David E. Rosenberg, Box 481, Washington, PA 15301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Formed metal building products, materials, supplies, and equipment* for the erection thereof, from the plantsite of Plasteel Products Corp., Washington, Pa., to the River Project Navajo Generating Station, Page, Ariz., no return movement other than returned or rejected material, for 180 days. Supporting shipper: Plasteel Products Corp., Box 481, Washington, PA 15301. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 135182 (Sub-No. 2 TA), filed April 6, 1972. Applicant: TRANS-WAYS CO., Moscow, Pa. 18444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and products*, used in or produced by the food processing industry, for the account of Welch Foods, Inc., between Erie, North East, Pa., Westfield, Dunkirk, Buffalo, and Newark, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, Maryland, and the District of Columbia, for 180 days. Supporting shipper: Welch Foods, Inc., Westfield, N.Y. 14787. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135809 (Sub-No. 1 TA), filed March 3, 1972. Applicant: B–H TRANSFER CO., Post Office Box 269, Sandersville, GA 31082. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Suite 600, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and clay slurry*, restricted to traffic having a subsequent movement by water, and *empty cargo containers* in return movement, from Sandersville, Ga., and Kaolin, Ga., to points in Chatham County, Ga., and Charleston, N.C., and Port Royal, S.C., for 180 days. Supporting shippers: Georgia Kaolin Co., 433 North Broad Street, Elizabeth, NJ 07207; GITC, Inc., 2 Whitaker Street, Post Office Box 126, Savannah, GA 31402; Angle-American Clays Corp., 52 Executive Park South, Atlanta, GA 30329; United Sierra, Box 1201, Trenton, NJ 08606; Burgess Pigment Co., Sandersville, Ga. 31082; J. K. Ebberwein Foreign Freight Forwarder, Savannah, Ga. 34102; Strachan Shipping Co., Chatham County, Ga.; Georgia Ports Authority, 1131 Healey Building, Atlanta, Ga. 30303. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 136014 (Sub-No. 2 TA), filed April 5, 1972. Applicant: INTERNATIONAL CONTAINER SERVICE, INC., 2416 North Marine Drive, North Portland, OR 97043. Applicant's representative: James T. Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except household goods as defined by the Commission, in cargo containers only, between ports of entry at Blaine, Seattle, Tacoma, Longview, and Vancouver, Wash., and Astoria and Portland, Oreg., on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Montana, and Nevada, limited to traffic having an immediate, prior or subsequent movement by water, or air; and (2) *empty cargo containers and chassis*, between the same points and areas, for 180 days. Supporting shippers: Williams, Dimond & Co., 1515 Pacific Building, Seattle, Wash. 98104; Ziegler International, 260 Spear Street, San Francisco, CA 94105; Olympic Steamship Co., Inc., World Trade Building, Portland, Oreg. 97204; Port of Portland, Box 3529, Portland, OR 97208; Acme Trading & Supply Co., 4927 Northwest Front Avenue, Portland, OR 97210; Mindel Brokerage Co., Post Office Box 336, Lake Oswego, OR 97034; Empire

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Metals Corp., Post Office Box 14250, Portland, OR 97214; Cahen Trading Co., Inc., Post Office Box 17006, Portland, OR 97217. Send protests to: District Supervisor W. J. Huetig Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136561 (Sub-No. 1 TA), filed April 7, 1972. Applicant: HOLLIS ELLIS, doing business as MORSE TRANSFER & STORAGE COMPANY, 401 West Broadway, Sweetwater, TX 79556. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone systems and communications, between points in Nolan County, Tex., and points in the counties of Nolan, Kent, Stonewall, Scurry, Fisher, Coke, Tom Green, Concho, Schleicher, Mitchell, Menard, Sutton, and Kimble, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136562 (Sub-No. 1 TA), filed April 7, 1972. Applicant: TEXAS FIREPROOF STORAGE COMPANY, INC., 11th Street and Mary Avenue, Waco, Tex. 76703. Applicant's representative: V. D. Pollard (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communications, between points in McLennan County, Tex., and points in the counties of Bell, Falls, Limestone, Coryell, McLennan, Hill, Bosque, and that portion of Freestone County lying west of Interstate Highway No. 45 in Texas, for 180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136584 (Sub-No. 1 TA), filed April 7, 1972. Applicant: J. D. MOORE TRANSFER, INC., 249 Cherry Street, Abilene, TX 79604. Applicant's representative: Lloyd A. Anderson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communication, between points in Taylor and Jones Counties, Tex., and points in the counties of Taylor, Jones, Knox, Haskell, Callahan, Runnels, and Coleman, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136595 TA, filed April 5, 1972. Applicant: FRANK J. WILLIAMS, doing business as EASTSIDE MOBILE HOME TRANSPORTING, 1440 South A Street, Springfield, OR 97477. Applicant's representative: Frank J. Williams (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Factory built sectionalized buildings*, from points in the commercial zone and terminal areas of Eugene, Oreg., to points in Washington, for 180 days. Supporting shipper: Bohemia Lumber Co., Inc., 2280 Oakmont Way, Eugene, OR 97401. Send protests to: A. E. Odoms, District Supervision, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 136577 (Sub-No. 1 TA), filed April 7, 1972. Applicant: CENTRAL FORWARDING, INC., Post Office Box 1519, Waco, TX 76703. Applicant's representative: Henry Alexander (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communication, between points in Dallas County, Tex., and points in the counties of Dallas, Ellis, Navarro, and Kaufman, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Wood Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 136579 (Sub-No. 1 TA), filed April 7, 1972. Applicant: BINYON O'KEEFE STORAGE COMPANY, 800 Calhoun Street, Fort Worth, TX 76102. Applicant's representative: O. D. Shackelford (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone system and communications, between points in Tarrant County, Tex., and points in Tarrant, Wise, Parker, Hood, Somervell, and Johnson Counties, Tex., for 180 days. Supporting shipper: Western Electric Co., 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6538 Filed 4-27-72;8:49 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modification and/or Supersedeas Decisions to Area Wage Determinations for Specified Localities in Certain States

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Arkansas, California, Connecticut, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, Montana, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas.

Area Wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–1591, AM–1592, AM–1603, AM–1604, AM–1605	Aug. 6, 1971
AM–332 (8599), AM–334, AM–337 (8598), AM–351 (8600), AM–357 (8602), AM–359 (8601), AM–363	Aug. 13, 1971
AM–395 (8603), AM–396 (8604), AM–397 (8605), AM–422	Aug. 18, 1971
AM–479 (9694), AM–1849, AM–1850, AM–1851, AM–1855, AM–1857, AM–1858, AM–1861, AM–1866	Aug. 20, 1971
AM–3573 (11,416), AM–3616 (6724), AM–3626, AM–3627 (11,417)	Aug. 25, 1971
AM–2513, AM–2514, AM–2516, AM–2518, AM–2519, AM–2520, AM–2521, AM–2522, AM–2523	Aug. 27, 1971
AM–2525	Sept. 3, 1971
AM–6131	Nov. 12, 1971
AM–6242	Nov. 19, 1971
AM–8582	Feb. 11, 1972
AM–9684, AM–9685, AM–9686, AM–9687, AM–9688, AM–9689	Mar. 10, 1972
AM–8588	Mar. 17, 1972
AM–11,408, AM–11,409, AM–11,410	Mar. 31, 1972
AM–9691, AM–9692	Apr. 14, 1972

are hereby modified and/or superseded as set forth below. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

These modification and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 13–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in the foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

The modification and/or supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. No. 553 is set forth in the document being modified.

The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Signed at Washington, D.C., this 21st day of April 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM–8,588—57 F.R. 5654 (Mar. 17, 1972); Arkansas, Louisiana, Mississippi, and Tennessee.						
CHANGE:						
Description of work to read: For construction of all river, harbor and flood control work on the Mississippi River and tributaries in Tennessee, Mississippi, Louisiana, and Arkansas, excluding the metropolitan areas of Vicksburg, Greenville, and Natchez, Miss.; Pine Bluff, Little Rock, and Fort Smith, Ark.; Memphis, Tenn.; and New Orleans, Baton Rouge, Alexandria, Monroe, and Shreveport, La.						
WD No. AM–8,585—56 F.R. 17708; Sept. 5, 1971. The 46 northern California counties are all those located north of Kern and San Luis Obispo Counties and west of Inyo and Mono Counties. Modification No. 7						
CHANGE:						
Laborers:						
Bridge; brush loaders and piler; cleanup; dumpman; general; landscape; limbers; toolroom attendant	$5.185	$0.50	$0.90	$0.70	$0.06	
Asphalt shovelers; cement dumper; chipper; choker setter and rigger; chuck tender; concrete; guinea chaser; high pressure nozzleman—hydraulic monitor; nipper; pneumatic-gas-electric tool operator (not otherwise classified); sloper; loading, unloading, handling materials for reinforcing concrete construction	5.285	.50	.90	.70	.06	
Aligners; asphalt ironers and rakers; bucker; buggymobile; chainsaw; compactors; concrete saw and pan work; cribber and/or shoring; curb setter; form raiser; faller; headerboard man; posthole digger (air-gas-electric); jackhammer; kettleman; log loader; magnesite and mastic workers; pavement breaker pipelayer; pipewrapper; power broom sweeper; riprap stonepaver and rockslinger; rotary scarifier; Rototiller; sandblaster; Barko, wackers and similar type tampers; tank cleaners; tree climber; vibrator; Vibra-screed bull float	5.435	.50	.90	.70	.06	
Burning and welding	5.485	.50	.90	.70	.06	
Pipelayers; caulkers; banders (Contra Costa County only)	5.635	.50	.90	.70	.06	
Blasters; drills (diamond-wagon); high scaler; powderman; tree topper	5.66	.50	.90	.70	.06	
Laborers on general construction work on or in bell mole footings and shaft	5.985	.50	.90	.70	.06	
Gunite laborers:						
Nozzleman; rodman; gunman; groundman	5.895	.50	.90	.70	.06	
Reboundman	5.305	.50	.90	.70	.06	
*Area 1: Power equipment operators:						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	6.15	.59	.75	.60	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman, hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	6.41	.59	.75	.60	.24	

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
* Area 1: Power equipment operators—continued						
Gronp III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); Rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports, and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	6.86	.59	.75	.60	.24	
Group IV: Ballast jack tamper: ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); forklift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	6.99	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	7.15	.59	.75	.60	.24	
Group VI: BLH Lima Road Pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); grade setter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Maginnis internal full slag vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell, Bridge Deck, or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (Perault, CRC, or similar types); slip form pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	7.25	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual-drum mixer; fuller-Kenyon pump and similar types; instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt Barber-Greene and similar; mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe-bending machine (pipelines only); pipe-cleaning machine (tractor-propelled and supported); pipe-wrapping machine (tractor-propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator; small tractor (with boom); soil tested; truck type loader	7.36	.59	.75	.60	.24	
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipelaying machine combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy-duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber-tired earth moving equipment (up to and including 45 cu. yd. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; woodsmixer (and other similar pugmill equipment)	7.66	.59	.75	.60	.24	
Group IX: Canal finger drain digger, Chicago boom; combination mixer and compressor (Gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); Lull hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (1-6 or larger and similar)	7.83	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including ¼ cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); Do-more loader and Adams elegrader; elevating grader operator; rubber-tired scraper, self-loading (paddle wheels, etc.); heavy-duty rotary drills rigs including caisson foundation work and Robbins type drills); Koehring skooper (or similar); lift slab machine (Vagtborg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); multiple engine earth moving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (Gurries or other automatic type); track laying type—earth-moving machine (single engine with tandem scrapers); tractor, compressor drill combination; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons)	7.98	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader (over ½ cu. yd. m.r.c.); continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, Hammerhead and Gantry); Gradeall (up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom type lifting device (center mount) (over 10 tons); self-propelled boom type lifting device (center mounted) (over 15 tons)	8.07	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons, up to and including 125 tons); continuous flight tieback auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); rubber tired earth-moving machines (multiple propulsion power units and 2 or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, Grindealls (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes, mobile; single engine rubber tired earth-moving machine (with tandem scrapers); Universal Liebher and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whirley cranes (over 25 tons)	8.19	.59	.75	.60	.24	
Group XI-A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multipurpose earth-moving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); bandwagons (in conjunction with wheel excavator) wheel excavator (over 750 yd. per hour); cranes (over 125 tons).	9.00	.59	.75	.60	.24	
Group XI-B: Loader (over 18 cu. yd.)	9.20	.59	.75	.60	.24	
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth-moving equipment	9.42	.59	.75	.60	.24	
**Area 2: Power equipment operators:						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	7.28	.59	.75	.60	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman, hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	7.54	.59	.75	.60	.24	
Group III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); Rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports, and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	7.09	.59	.75	.60	.24	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
** Area 2: Power equipment operators—continued						
Group IV: Ballast jack tamper; ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	8.12	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	8.28	.59	.75	.60	.24	
Group VI: BLH Lima Road Pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); grade setter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons); Maginnis internal full slab vibrator (on airports, highways, canals, and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell, Bridge Deck or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (Perault, CRC, or similar types); slip form pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	8.38	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller-Kenyon pump and similar types; instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe-bending machine (pipelines only); pipe-cleaning machine (tractor-propelled and supported); pipe-wrapping machine (tractor-propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator; small tractor (with boom): soil tester; truck type loader	8.49	.59	.75	.60	.24	
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipelaying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; Push cat; rubber tired earth moving equipment (up to and including 45 cu. yd. "struck", m.r.c., Euclids, Tournapulls DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; Tri-batch paver; tunnel mole boring machine operator; welder; Woods-mixer (and other similar pugmill equipment)	8.79	.59	.75	.60	.24	
Group IX: Canal finger drain digger; Chicago boom; combination mixer and compressor (Gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); Lull Hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (1)-6 or larger or similar)	8.96	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including ½ cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); Do-more loader and Adams Elegrader; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring Skooper (or similar); lift slab machine (Vagtborg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); multiple engine earth-moving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire-wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (Gurries or other automatic type); track-laying type earth-moving machine (single engine with tandem scrapers); tractor, compressor drill combination; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons)	9.11	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader over ½ cu. yd. m.r.c.); continuous flight tieback auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, Hammerhead and Gantry); Gradeall up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	9.20	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tieback auger over 1 cu. yd. (including crane); Drott Travelift 650-A-1 or similar (45 tons or over); rubber tired earth-moving machines (multiple propulsion power units and 2 or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, gradealls (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes, mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earth-moving machine (with tandem scrapers); Universal Liebher and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whirley cranes (over 25 tons)	9.32	.59	.75	.60	.24	
Group XI-A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multipurpose earth-moving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); bandwagons (in conjunction with wheel excavator); wheel excavator (over 750 yd. per hour); cranes (over 125 tons)	10.13	.59	.75	.60	.24	
Group XI-B: Loader (over 18 cu. yd.)	10.33	.59	.75	.60	.24	
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth-moving equipment	10.55	.59	.75	.60	.24	

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CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS

**Area 2: All areas not included within Area 1 as defined below.

*Area 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the southerly line of township 19S,

Thence easterly along the southerly line of township 19S, crossing the Mount Diablo meridian to the southwest corner of township 19S, range 6E, Mount Diablo base line and meridian.
Thence southerly to the southwest corner of township 20S, range 6E.
Thence easterly to the southwest corner of township 20S, range 13E.
Thence southerly to the southwest corner of township 21S, range 13E.
Thence easterly to the southwest corner of township 21S, range 17E.
Thence southerly to the southwest corner of township 22S, range 17E.
Thence easterly to the southeast corner of township 22S, range 17E.
Thence southerly to the southwest corner of township 23S, range 18E.
Thence easterly to the southeast corner of township 23S, range 18E.
Thence southerly to the southwest corner of township 24S, range 19E, falling on the southerly line of Kings County, thence easterly along the southerly boundary of Kings County and the southerly boundary of Tulare County, to the southeast corner of township 24S, range 29E.
Thence northerly to the northeast corner of township 21S, range 29E.
Thence westerly to the northwest corner of township 21S, range 29E.
Thence northerly to the northeast corner of township 13S, range 28E.
Thence westerly to the northwest corner of township 13S, range 28E.
Thence northerly to the northeast corner of township 11S, range 27E.
Thence westerly to the northwest corner of township 11S, range 27E.
Thence northerly to the northeast corner of township 10S, range 26E.
Thence westerly to the northwest corner of township 10S, range 26E.
Thence northerly to the northeast corner of township 9S, range 25E.
Thence westerly to the northwest corner of township 9S, range 25E.
Thence northerly to the northeast corner of township 8S, range 24E.
Thence westerly to the northwest corner of township 8S, range 24E.
Thence northerly to the northeast corner of township 6S, range 23E.
Thence westerly to the southeast corner of township 5S, range 19E.
Thence northerly to the northeast corner of township 5S, range 19E.
Thence westerly to the northwest corner of township 5S, range 19E.
Thence northerly to the northeast corner of township 3S, range 18E.
Thence westerly to the northwest corner of township 3S, range 18E.
Thence northerly to the northeast corner of township 2S, range 17E.
Thence westerly to the northwest corner of township 2S, range 17E.
Thence northerly crossing the Mount Diablo baseline to the northeast corner of township 2N, range 16E.
Thence westerly to the northwest corner of township 2N, range 16E.
Thence northerly to the northeast corner of township 3N, range 15E.
Thence westerly to the northwest corner of township 3N, range 15E.
Thence northerly to the northeast corner of township 4N, range 14E.
Thence westerly to the northwest corner of township 4N, range 14E.
Thence northerly to the northeast corner of township 5N, range 13E.
Thence westerly to the northwest corner of township 5N, range 13E.
Thence northerly to the northeast corner of township 10N, range 12E.
Thence easterly to the southeast corner of township 11N, range 14E.
Thence northerly to the northern corner of township 11N, range 14E.
Thence westerly to the northeast corner of township 11N, range 10E.
Thence northerly to the northeast corner of township 15N, range 10E.
Thence easterly to the southeast corner of township 16N, range 11E.
Thence northerly to the northeast corner of township 16N, range 11E.
Thence easterly to the southeast corner of township 17N, range 14E.
Thence southerly to the southwest corner of township 14N, range 15E.
Thence easterly to the southeast corner of township 14N, range 15E.
Thence southerly to the southwest corner of township 13N, range 16E.
Thence easterly to the southeast corner of township 13N, range 16E.
Thence southerly to the southwest corner of township 12N, range 17E.
Thence easterly along the southern line of township 12N to the eastern boundary of the State of California;
Thence northwesterly, thence northerly along the eastern boundary of the State of California to the northeast corner of township 17N, range 18E.
Thence westerly to the northwest corner of township 17N, range 11E.
Thence northerly to the northeast corner of township 20N, range 10E.
Thence westerly to the northwest corner of township 20N, range 10E.
Thence northerly to the northeast corner of township 21N, range 9E.
Thence westerly to the northwest corner of township 21N, range 9E.
Thence northerly to the northeast corner of township 22N, range 8E.
Thence westerly to the northwest corner of township 22N, range 8E.
Thence northerly to the southwest corner of township 27N, range 8E.
Thence easterly to the southeast corner of township 27N, range 8E.
Thence northerly to the northeast corner of township 28N, range 8E.
Thence westerly to the northwest corner of township 28N, range 7E.
Thence northerly to the northeast corner of township 30N, range 6E.
Thence westerly to the northwest corner of township 30N, range 1E.
Thence northerly along the Mount Diablo meridian to the northeast corner of township 34N, range 1W;
Thence westerly to the northwest corner of township 34N, range 6W.
Thence southerly to the northeast corner of township 32N, range 7W.
Thence westerly to the northwest corner of township 32N, range 7W.
Thence southerly to the southwest corner of township 30N, range 7W.
Thence easterly to the southeast corner of township 30N, range 7W.
Thence southerly to the southwest corner of township 16N, range 6W.
Thence easterly to the southeast corner of township 16N, range 6W.
Thence southerly to the southwest corner of township 14N, range 6W.
Thence westerly to the southeast corner of township 14N, range 7W.
Thence northerly to the northeast corner of township 14N, range 7W.
Thence westerly to the northwest corner of township 14N, range 7W.
Thence northerly to the northeast corner of township 15N, range 8W.
Thence westerly to the southeast corner of township 16N, range 12W.
Thence northerly to the northeast corner of township 16N, range 12W.
Thence westerly to the northwest corner of township 16N, range 12W.
Thence northerly to the northeast corner of township 18N, range 13W.
Thence westerly to the northwest corner of township 18N, range 14W.
Thence southerly to the southwest corner of township 18N, range 14W.
Thence easterly to the southeast corner of township 18N, range 14W.
Thence southerly to the southwest corner of township 16N, range 13W.
Thence westerly to the northwest corner of township 15N, range 14W.
Thence southerly to the southwest corner of township 14N, range 14W.
Thence easterly to the southeast corner of township 14N, range 11W.
Thence southerly to the southwest corner of township 13N, range 13W.
Thence easterly to the southeast corner of township 13N, range 13W.
Thence southerly to the southwest corner of township 11N, range 12W.
Thence easterly to the southeast corner of township 11N, range 12W.
Thence southerly along the eastern line of range 12W to the Pacific Ocean excluding that portion of northern California within Santa Clara County included within the following line: Commencing at the northwest corner of township 6S, range 3E, Mount Diablo baseline and meridian.
Thence in a southerly direction to the southwest corner of township 7S, range 3E.
Thence in a easterly direction to the southeast corner of township 7S, range 4E.

CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS—continued

Thence in a northerly direction to the northeast corner of township 6S, range 4E.
Thence in a westerly direction to the northwest corner of township 6S, range 3E, to the point of beginning, which portion is a part of Area 2.
Area 1 also includes that portion of northern California within the following lines: Commencing in the Pacific Ocean on an extension of the southerly line of township 2N, Humboldt baseline and meridian.
Thence easterly along the southerly line of township 2N to the southwest corner of township 2N, range 1W.
Thence southerly to the southwest corner of township 1N, range 1W.
Thence easterly along the Humboldt baseline to the southwest corner of township 1N, range 2E.
Thence southerly to the southwest corner of township 2S, range 2E.
Thence easterly to the southeast corner of township 2S, range 2E.
Thence southerly to the southwest corner of township 4S, range 3E.
Thence easterly to the southeast corner of township 4S, range 3E.
Thence northerly to the northeast corner of township 2S, range 3E.
Thence westerly to the northwest corner of township 2S, range 3E.
Thence northerly crossing the Humboldt baseline to the southwest corner of township 1N, range 3E.
Thence easterly along the Humboldt baseline to the southeast corner of township 1N, range 3E.
Thence northerly to the northeast corner of township 9N, range 3E.
Thence westerly to the northwest corner of township 9N, range 2E.
Thence northerly to the northeast corner of township 10N, range 1E.
Thence westerly along the northerly line of township 10N, into the Pacific Ocean.
Area 1 also includes that portion of northern California included within the following line: Commencing at the northerly boundary of the State of California at the northwest corner of township 48N, range 7W, Mount Diablo baseline and meridian.
Thence southerly to the southwest corner of township 44N, range 7W.
Thence easterly to the southeast corner of township 44N, range 7W.
Thence southerly to the southwest corner of township 43N, range 6W.
Thence easterly to the southeast corner of township 43N, range 5W.
Thence northerly to the northeast corner of township 48N, range 5W, on the northerly boundary of the State of California.
Thence westerly along the northerly boundary of the State of California to the point of beginning.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Others
WD No. AM–6,151—36 F.R. 21785—November 12, 1971—Amador, Contra Costa, Marin, Merced, Monterey, Nevada, Placer, Sacramento, San Francisco, San Joaquin, Santa Clara, Solano, Sonoma, Sutter, Yolo and Yuba Counties, Calif., Modification No. 4.						
CHANGE:						
Laborers:						
Bridge; brush loaders and piler; cleanup; dumpman; general; landscape; limbers tool room attendant	$5.185	$0.50	$0.90	$0.70	$0.06	
Asphalt shovelers; cement dumper; chipper; choker setter and rigger; chuektender; concrete; guinea chaser; high pressure nozzleman-hydraulic monitor; nipper; pneumatic-gas-electric tool operator (not otherwise classified); sloper; loading, unloading, handling materials for reinforcing concrete consetruction	5.285	.50	.90	.70	.06	
Aligners; asphalt ironers and rakers; bucker; buggymobile; chainsaw; compactors; concrete saw and pan work; cribber and/or shoring; curb setter; form raiser; faller; headerboard man; post hole digger (air-gas-electric); jackhammer; kettleman; log loader; magnesite and mastic workers; pavement breaker pipelayer; pipewrapper; power broom sweeper; riprap stonepaver and rockslinger; rotary scarifier; roto-tiller; sandblaster; Barko, wackers and similar type tampers; tank cleaners; tree climber; vibrator; vibra-screed bull float	5.435	.50	.90	.70	.06	
Burning and welding	5.485	.50	.90	.70	.06	
Pipelayers; caulkers; banders (Contra Costa County only)	5.635	.40	.90	.70	.06	
Blasters; drills (diamond-wagon); high scaler; powderman; tree topper	5.66	.50	.90	.70	.06	
Laborers on general construction work on or in bell hole footings, and shaft	5.985	.50	.90	.70	.06	
Gunite laborers:						
Nozzleman; rodman; gunman; groundman	5.895	.50	.90	.70	.06	
Reboundman	5.305	.50	.90	.70	.06	
Area 1: Power equipment operators:						
Group I: Assistants to engineers (Brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	$6.15	.59	.75	.60	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); Conveyor belt operator (tunnel), fireman hot plant- hydraulic monitor; mechanical roaveyor (handling building materials); mixer box operator (concrete plant); pump operator, spreader boxman (with screeds); tar pot fireman (power agitated)	6.41	.59	.75	.60	.24	
Group III: Box operator (bunker); locomotive; motorman; oiler rodman or chainman; Ross carrier (construction job site); rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	6.56	.59	.75	.60	.24	
Group IV: Ballast jack tamper; Ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction ob site); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	6.99	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	7.15	.59	.75	.60	.24	
Group VI: BLH Lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similiar types); mechanical burrn, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power Jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (perault, CRC, or similar types); slip forms pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	7.25	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled Elevating grade plane; slusher operator; small tractor (with boom); Soil tester; truck type loader	7.36	.59	.75	.60	.24	

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
*Area 1: Power equipment operators—continued						
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber tired earth moving equipment (up to and including 45 cu. yd. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; woodsmixer (and other similar pugmill equipment)	$7.66	.59	.75	.60	.24	----------
Group IX: Canal finger drain digger; Chicago boom; Combination mixer and compressor (gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); lull hi-lift or similar (20 ft. or over); mucking machine; Tractor (with boom) (D-6 or larger and similar)	7.83	.59	.75	.60	.24	----------
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; Combination backhoe and loader (up to and including ½ cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); Do-more loader and Adams elegrader; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring skooper (or similar); lift slab machine (Vagtborg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); Multiple engine earthmoving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (Gurries or other automatic type); track laying type-earth moving machine (single engine with tandem scrapers); tractor, compressor drill comb.; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons)	$7.98	.59	.75	.60	.24	----------
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); Combination backhoe and loader (over ½ cu. yd. m.r.c.); Continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); grade all (up to and including 1 cu. yd.); Power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mounted) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	8.07	.59	.75	.60	.24	----------
Group XI: Automatic concrete slip form paver; Automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer w/ditching attachment; cranes (over 25 tons up to and including 125 tons); Continous flight tie back Auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); rubber tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yds. up to and including 12 cu. yds.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, gradalls (over 1 yd. up to and including 7 cu. yds. m.r.c.; self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)	$8.19	.59	.75	.60	.24	----------
Group XI-A: Loader (over 12 cu. yds. up to and including 18 cu. yds.); rubber tired multipurpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); power shovels and draglines (over 7 cu. yds. m.r.c.); band wagons (in conjunction with wheel excavator) wheel excavator (over 750 yds. per hour); cranes (over 125 tons)	9.00	.59	.75	.60	.24	----------
Group XI-B: Loader (over 18 cu. yds.)	9.20	.59	.75	.60	.24	----------
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth moving equipment	9.42	.59	.75	.60	.24	----------
**Area 2: Power equipment operators:						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	$7.28	.59	.75	.60	.24	----------
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	7.54	.59	.75	.60	.24	----------
Group III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); lugger hoist, single drum	7.69	.59	.75	.60	.24	----------
Group IV: Ballast jack tamper; Ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	8.12	.59	.75	.60	.24	----------
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	8.28	.59	.75	.60	.24	----------
Group VI: BLH lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradesetter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Maginis internal full slab vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (perault, CRC, or similar types); slip forms pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	$8.38	.59	.75	.60	.24	----------
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); mine or shaft hoist; mixer mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operators; small tractor (with boom); Soil tester; truck type loader	8.49	.59	.75	.60	.24	----------

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
**Area 2: Power equipment operators—continued						
Group VIII: Armor-Coater (or similar); asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yds.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat.; rubber tired earthmoving equipment (up to and including 45 cu. yds. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; woodsmixer (and other similar pugmill equipment)	$8.79	.59	.75	.60	.24	----------
Group IX: Canal finger drain digger; Chicago boom; combination mixer and compressor (Gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); lull hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D-6 or larger and similar)	8.96	.59	.75	.60	.24	----------
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including ½ cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); do-more loader and Adams elegrader; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring skooper (or similar); lift slab machine (Vagtborg and similar types); loader (2 yds. up to and including 4 yds.); locomotive (over 100 tons) (single or multiple units); multiple engine earthmoving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (gurries or other automatic type); track laying type-earthmoving machine (single engine with tandem scrapers); tractor, compressor drill comb.; train loading station; vacuum cooling plant; single engine scraper over 45 yds.; Whirley crane (up to and including 25 tons)	9.11	.59	.75	.60	.24	----------
Group X-A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader over ½ cu. yd. m.r.c.); continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); grade all up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	9.20	.59	.75	.60	.24	----------
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); rubber tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes gradalls (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whirley cranes (over 25 tons)	9.32	.59	.75	.60	.24	----------
Group XI-A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multipurpose earthmoving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); band wagons (in conjunction with wheel excavator) wheel excavator (over 750 yd. per hour); cranes (over 125 tons)	10.13	.59	.75	.60	.24	----------
Group XI-B: Loader (over 18 cu. yd.)	10.33	.59	.75	.60	.24	----------
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earth moving equipment	10.55	.59	.75	.60	.24	----------

CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the southerly line of township 10S.

Thence easterly along the southerly line of township 10S, crossing the Mount Diablo meridian to the southwest corner of township 10S, range 6E, Mount Diablo base line and meridian.

Thence southerly to the southwest corner of township 20S, range 6E.
Thence easterly to the southwest corner of township 20S, range 13E.
Thence southerly to the southwest corner of township 21S, range 13E.
Thence easterly to the southwest corner of township 21S, range 17E.
Thence southerly to the southwest corner of township 22S, range 17E.
Thence easterly to the southeast corner of township 22S, range 17E.
Thence southerly to the southwest corner of township 23S, range 18E.
Thence easterly to the southeast corner of township 23S, range 18E.
Thence southerly to the southwest corner of township 24S, range 19E, falling on the southerly line of Kings County, thence easterly along the southerly boundary of Kings County and the southerly boundary of Tulare County, to the southeast corner of township 24S, range 29E.
Thence northerly to the northeast corner of township 21S, range 29E.
Thence westerly to the northwest corner of township 21S, range 29E.
Thence northerly to the northeast corner of township 13S, range 28E.
Thence westerly to the northwest corner of township 13S, range 28E.
Thence northerly to the northeast corner of township 11S, range 27E.
Thence westerly to the northwest corner of township 11S, range 27E.
Thence northerly to the northeast corner of township 10S, range 26E.
Thence westerly to the northwest corner of township 10S, range 26E.
Thence northerly to the northeast corner of township 9S, range 25E.
Thence westerly to the northwest corner of township 9S, range 25E.
Thence northerly to the northeast corner of township 8S, range 24E.
Thence westerly to the northwest corner of township 8S, range 24E.
Thence northerly to the northeast corner of township 6S, range 23E.
Thence westerly to the southeast corner of township 8S, range 19E.
Thence northerly to the northeast corner of township 5S, range 19E.
Thence westerly to the northwest corner of township 5S, range 19E.
Thence northerly to the northeast corner of township 3S, range 18E.
Thence westerly to the northwest corner of township 3S, range 18E.
Thence northerly to the northeast corner of township 2S, range 17E.
Thence westerly to the northwest corner of township 2S, range 17E.
Thence northerly crossing the Mount Diablo baseline to the northeast corner of township 2N, range 16E:
Thence westerly to the northwest corner of township 2N, range 16E.
Thence northerly to the northeast corner of township 3N, range 15E.
Thence westerly to the northwest corner of township 3N range, 15E.
Thence northerly to the northeast corner of township 4N, range 14E.
Thence westerly to the northwest corner of township 4N, range 14E.
Thence northerly to the northeast corner of township 5N, range 13E.
Thence westerly to the northwest corner of township 5N, range 13E.
Thence northerly to the northeast corner of township 10N, range 12E.
Thence easterly to the southeast corner of township 11N, range 14E.
Thence northerly to the northeast corner of township 11N, range 14E.
Thence westerly to the northeast corner of township 11N, range 10E.
Thence northerly to the northeast corner of township 15 N, range 10E.
Thence easterly to the southeast corner of township 16N, range 11E.

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CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS—continued

Thence northerly to the northeast corner of township 16N, range 11E.
Thence easterly to the southeast corner of township 17N, range 14E.
Thence southerly to the southwest corner of township 14N, range 15E.
Thence easterly to the southeast corner of township 14N, range 15E.
Thence southerly to the southwest corner of township 13N, range 16E.
Thence easterly to the southeast corner of township 13N, range 16E.
Thence southerly to the southwest corner of township 12N, range 17E.
Thence easterly along the southern line of township 12N to the eastern boundary of the State of California.
Thence northwesterly, thence northerly along the eastern boundary of the State of California to the northeast corner of township 17N, range 18E.
Thence westerly to the northwest corner of township 17N, range 11E.
Thence northerly to the northeast corner of township 20N, range 10E.
Thence westerly to the northwest corner of township 20N, range 10E.
Thence northerly to the northeast corner of township 21N, range 9E.
Thence westerly to the northwest corner of township 21N, range 9E.
Thence northerly to the northeast corner of township 22N, range 8E.
Thence westerly to the northwest corner of township 22N, range 8E.
Thence northerly to the southwest corner of township 27N, range 8E.
Thence easterly to the southeast corner of township 27N, range 8E.
Thence northerly to the northeast corner of township 28N, range 8E.
Thence westerly to the northwest corner of township 28N, range 7E.
Thence northerly to the northeast corner of township 30N, range 6E.
Thence westerly to the northwest corner of township 30N, range 1E.
Thence northerly along the Mount Diablo meridian to the northeast corner of township 31N, range 1W.
Thence westerly to the northwest corner of township 31N, range 6W.
Thence southerly to the northeast corner of township 32N, range 7W.
Thence westerly to the northwest corner of township 32N, range 7W.
Thence southerly to the southwest corner of township 30N, range 7W.
Thence easterly to the southeast corner of township 30N, range 7W.
Thence southerly to the southwest corner of township 16N, range 6W.
Thence easterly to the southeast corner of township 16N, range 6W.
Thence southerly to the southwest corner of township 14N, range 5W.
Thence westerly to the southeast corner of township 14N, range 7W.
Thence northerly to the northeast corner of township 14N, range 7W.
Thence westerly to the northwest corner of township 14N, range 7W.
Thence northerly to the northeast corner of township 15N, range 8W.
Thence westerly to the southeast corner of township 16N, range 12W.
Thence northerly to the northeast corner of township 16N, range 12W.
Thence westerly to the northwest corner of township 16N, range 12W.
Thence northerly to the northeast corner of township 18N, range 13W.
Thence westerly to the northwest corner of township 18N, range 14W.
Thence southerly to the southwest corner of township 18N, range 14W.
Thence easterly to the southeast corner of township 18N, range 14W.
Thence southerly to the southwest corner of township 16N, range 13W.
Thence westerly to the northwest corner of township 15N, range 14W.
Thence southerly to the southwest corner of township 14N, range 14W.
Thence easterly to the southeast corner of township 14N, range 14W.
Thence southerly to the southwest corner of township 13N, range 13W.
Thence easterly to the southeast corner of township 13N, range 13W.
Thence southerly to the southwest corner of township 11N, range 12W.
Thence easterly to the southeast corner of township 11N, range 12W.
Thence southerly along the eastern line of range 12W to the Pacific Ocean excluding that portion of northern California within Santa Clara County included within the following line: Commencing at the northwest corner of township 6S, range 3E, Mount Diablo baseline and meridian.
Thence in a southerly direction to the southwest corner of township 7S, range 3E.
Thence in an easterly direction to the southeast corner of township 7S, range 4E.
Thence in a northerly direction to the northeast corner of township 6S, range 4E.
Thence in a westerly direction to the northwest corner of township 6S, range 3E, to the point of beginning, which portion is a part of Area 2.

Area 1 also includes that portion of northern California within the following lines: Commencing in the Pacific Ocean on an extension of the southerly line of township 2N, Humboldt baseline and meridian.
Thence easterly along the southerly line of township 2N to the southwest corner of township 2N, range 1W.
Thence southerly to the southwest corner of township 1N, range 1W.
Thence easterly along the Humboldt baseline to the southwest corner of township 1N, range 2E.
Thence southerly to the southwest corner of township 2S, range 2E.
Thence easterly to the southeast corner of township 2S, range 2E.
Thence southerly to the southwest corner of township 4S, range 3E.
Thence easterly to the southeast corner of township 4S, range 3E.
Thence northerly to the northeast corner of township 2S, range 3E.
Thence westerly to the northwest corner of township 2S, range 3E.
Thence northerly crossing the Humboldt baseline to the southwest corner of township 1N, range 3E.
Thence easterly along the Humboldt baseline to the southeast corner of township 1N, range 3E.
Thence northerly to the northeast corner of township 9N, range 3E.
Thence westerly to the northwest corner of township 9N, range 2E.
Thence northerly to the northeast corner of township 10N, range 1E.
Thence westerly along the northerly line of township 10N, into the Pacific Ocean.

Area 1 also includes that portion of northern California included within the following line: Commencing at the northerly boundary of the State of California at the northwest corner of township 48N, range 7W, Mount Diablo baseline and meridian.
Thence southerly to the southwest corner of township 41N, range 7W.
Thence easterly to the southeast corner of township 41N, range 7W.
Thence southerly to the southwest corner of township 43N, range 6W.
Thence easterly to the southeast corner of township 43N, range 5W.
Thence northerly to the northeast corner of township 48N, range 5W, on the northerly boundary of the State of California, thence westerly along the northerly boundary of the State of California to the point of beginning.

MODIFICATIONS

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-6,242-36 F.R. 22005—November 19, 1971—Alameda, Fresno, Napa, and San Mateo Counties, Calif. Modification No. 3						
CHANGE:						
Laborers:						
Bridge; brush loaders and piler; cleanup; dumpman; general; landscape; timbers tool room attendant	$5.185	$0.50	$0.90	$0.70	$0.06	
Asphalt shovelers; cement dumper; chipper; choker setter and rigger; chucktender; concrete; guinea chaser; high pressure nozzleman-hydraulic monitor; nipper; pneumatic-gas-electric tool operator (not otherwise classified); sloper; loading, unloading, handling materials for reinforcing concrete construction	5.285	.50	.90	.70	.06	
Aligners; asphalt ironers and rakers; bucker; buggymobile; chainsaw; compactors; concrete saw and pan work; cribber and/or shoring; curb setter; form raiser; paller; headerboard man; posthole digger (air-gas-electric); jackhammer; kettleman; log loader; magnesite and mastic workers; pavement breaker pipelayer; pipewrapper; power broom sweeper; riprap stonepaver and rockslinger; rotary scarifier; rototiller; sandblaster; Barko, wackers and similar type tampers; tank cleaners; tree climber; vibrator; vibra-screed bull float	5.435	.50	.90	.70	.06	
Burning and welding	5.485	.50	.90	.70	.06	
Pipelayers; caulkers; banders (Contra Costa County only)	5.635	.50	.90	.70	.06	
Blasters; drills (diamond-wagon); high scaler; powderman; tree topper	5.66	.50	.90	.70	.06	
Laborers on general construction work on or in bell hole footings, and shaft	5.985	.50	.90	.70	.06	
Gunite laborers:						
Nozzleman; rodman; gunman; groundman	5.895	.50	.90	.70	.06	
Reboundman	5.305	.50	.90	.70	.06	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
*AREA 1: Power equipment operators:						
Group 1: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	$6.15	.59	.75	.60	.24	
Group 11: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	6.41	.59	.75	.60	.24	
Group 111: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	6.56	.59	.75	.60	.24	
Group 1V: Ballast jack tamper; Ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	6.99	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	7.15	.59	.75	.60	.24	
Group VI: BLH lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradesetter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals and warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similar types); mechanics burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled compactor (single engine); self-propelled pipelinewrapping machine (perault, CRC, or similar types), slip forms pumps (lifting device for concrete forms); small rubber tired tractors; Surface heater	$7.25	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator, small tractor (with boom); soil tester; Truck type loader	7.36	.59	.75	.60	.24	
Group VIII: Armor-coater (or similar); Asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yd.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber tire dearth moving equipment (up to and including 45 cu. yds. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scarper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole toring machine operator; welder; woodsmiter (and other similar pugmill equipment)	$7.66	.59	.75	.60	.24	
Group 1X: Canal finger drain digger; Chicago boom; combination mixer and compressor (Gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); Lull hi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D-6 or larger and similar)	7.88	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; Combination backhoe and loader (up to and including ½ cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); do-more loader and Adams elegrader; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring skooper (or similar); lift slab machine (Vagtborg and similar types); loader (2 yd. up to and including 4 yd.); locomotive (over 100 tons) (single or multiple units); multiple engine earth-moving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (P & H or equal); subgrader (gurries or other automatic type); track laying type-earthmoving machine (single engine with tandem scrapers); tractor, compressor drill comb.; train loading station; vacuum cooling plant; single engine scraper over 45 yd.; Whirley crane (up to and including 25 tons)	$7.98	.59	.75	.60	.24	
Group X-A: Backhoe (hydraulic) (up to including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader (over ½ cu. yd. m.r.c.); continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); Gradall (up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	8.07	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; Canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); rubber tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yds. up to and including 12 cu. yds.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, Gradalls (over 1 yd. up to and including 7 cu. yds. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; trencher (pulling attached shield); tower cranes mobile; single engine rubber tired earthmoving machine (with tandem scrapers); Universal Liebher and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yds. per hour); Whirley cranes (over 25 tons)	8.19	.59	.75	.60	.24	
Group XI-A: Loader (over 12 cu. yds. up to and including 18 cu. yds.); rubber tired multipurpose earthmoving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); power shovels and draglines (over 7 cu. yds. m.r.c.); band wagons (in conjunction with wheel excavator) wheel excavator (over 750 yds. per hour); cranes (over 125 tons)	9.00	.59	.75	.60	.24	
Group XI-B: Loader (over 18 cu. yds.)	9.20	.59	.75	.60	.24	
Group XI-C: Operator of helicopter (when used in erection work); remote controlled earthmoving equipment	9.42	.59	.75	.60	.24	

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
**AREA 2: Power equipment operators:						
Group I: Assistants to engineers (brakeman; fireman; heavy duty repairman helper; oiler; deckhand; signalman; switchman; tar pot fireman); partsman (heavy duty repair shop parts room)	$7.28	.59	.75	.60	.24	
Group II: Compressor operator; concrete mixer (up to and including 1 yd.); conveyor belt operator (tunnel); fireman hot plant; hydraulic monitor; mechanical conveyor (handling building materials); mixer box operator (concrete plant); pump operator spreader boxman (with screeds); tar pot fireman (power agitated)	7.54	.59	.75	.60	.24	
Group III: Box operator (bunker); locomotive; motorman; oiler; rodman or chainman; Ross carrier (construction jobsite); rotomist operator; screedman (except asphaltic concrete paving); self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); trenching machine (maximum digging capacity 3 ft. depth); tugger hoist, single drum	7.69	.59	.75	.60	.24	
Group IV: Ballast jack tamper; Ballast regulator; ballast tamper multipurpose; boxman (asphalt plant); fork lift or lumber stacker (construction jobsite); line master; lubrication and service engineer (mobile and grease rack); material hoist (1 drum); shuttlecar; tie spacer; towermobile	8.12	.59	.75	.60	.24	
Group V: Compressor operator (2 to 7); concrete mixers (over 1 yd.); concrete pumps or pumpcrete guns; generators (100 kw. or over); press-weld (air-operated); pumps (2 to 7); welding machines (gasoline or diesel) (2 to 7)	8.28	.59	.75	.60	.24	
Group VI: BLH lima road pactor or similar; boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); concrete saws (self-propelled unit) on streets, highways, airports, and canals; drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); gradesetter, grade checker (mechanical or otherwise); highline cableway signalman; locomotives (steam or over 30 tons) Magnuis internal full slab vibrator (on airports, highways, canals and warehouses); mechanical finishers (concrete) (Clary, Johnson, Bidwell bridge deck or similar types); mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; portable crushers; power jumbo operator (setting slip forms, etc. in tunnels); roller; screedman (Barber-Greene and similar) (asphaltic concrete paving); self-propelled compactor (single engine); self-propelled pipeline wrapping machine (perault, CRC, or similar types); slip forms pumps (lifting device for concrete forms); small rubber tired tractors; surface heater	$8.38	.59	.75	.60	.24	
Group VII: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); concrete conveyor, building site; deck engineers; dual drum mixer; Fuller Kenyon pump and similar types; instrument man; material hoist (2 or more drums); mechanical finishers or spreader machine (asphalt, Barber-Greene and similar; mine or shaft hoist; mixer-mobile; pavement breaker with or without compressor combination; pavement breaker, truck mounted with compressor combination; pipe bending machine (pipe lines only); pipe cleaning machine (tractor propelled and supported); pipe wrapping machine (tractor propelled and supported); refrigeration plant; self-propelled boom type lifting device; self-propelled elevating grade plane; slusher operator; small tractor (with boom); soil tester; truck type loader	8.49	.59	.75	.60	.24	
Group VIII: Armor-coater (or similar); asphalt plant engineer; cast-in-place pipe laying machine; combination slusher and motor operator; concrete batch plant (multiple units); dozer; heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; loader (up to 2 yds.); mechanical shield operator (or similar); mechanical trench shield; portable crushing and screening plants; push cat; rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" m.r.c., Euclids, T-pulls, DW-10, 20, 21 and similar); tractor drawn scraper; self-propelled compactor with dozer; sheepfoot; tractor; trenching machine; tri-batch paver; tunnel mole boring machine operator; welder; Woodsmixer (and other similar pugmill equipment)	$8.79	.59	.75	.60	.24	
Group IX: Canal finger drain digger; Chicago boom; combination mixer and compressor (gunite); combination slurry mixer and/or cleaner; highline cableway (5 tons and under); hull bi-lift or similar (20 ft. or over); mucking machine; tractor (with boom) (D–6 or larger and similar)	8.96	.59	.75	.60	.24	
Group X: Boom-type backfilling machine; bridge crane; Cary-lift (or similar); chemical grouting machine; chief of party; combination backhoe and loader (up to and including ½ cu. yd. m.r.c.); derricks (2 operators required when swing engine remote from hoist); derrick barges (except excavation work); do-more loader and Adams elegrader; elevating grader operator; rubber tired scraper, self-loading (paddle wheels, etc.); heavy duty rotary drills rigs (including caisson foundation work and Robbins type drills); Koehring skooper (or similar); Lift slab machine (Vagtborg and similar types); loader (2 yds. up to and including 4 yds.); locomotive (over 100 tons) (single or multiple units); multiple engine earthmoving machine (Euclids, dozers, etc.) (no tandem scraper); prestress wire wrapping machine; shuttle car (reclaim station); soil stabilizer (PAUl or equal); subgrader (gurries or other automatic type); track laying type-earthmoving machine (single engine with tandem scrapers); tractor, compressor drill comb.; train loading station; vacuum cooling plant; shigle engine scraper over 45 yds.; Whirley crane (up to and including 25 tons)	9.11	.59	.75	.60	.24	
Group X–A: Backhoe (hydraulic) (up to and including 1 cu. yd. m.r.c.); backhoe (cable) (up to and including 1 cu. yd. m.r.c.); combination backhoe and loader over ½ cu. yd. m.r.c.); continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); cranes (not over 25 tons, hammerhead and gantry); Gradall up to and including 1 cu. yd.); power shovels, clamshells, draglines (up to and including 1 cu. yd. m.r.c.); power blade; self-propelled boom-type MMM lifting device (center mount) (over 10 tons); self-propelled boom-type lifting device (center mounted) (over 15 tons)	9.20	.59	.75	.60	.24	
Group XI: Automatic concrete slip form paver; automatic railroad car dumper; canal finger drain backfiller; canal trimmer; canal trimmer with ditching attachments; cranes (over 25 tons up to and including 125 tons); continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650–A–1 or similar (45 tons or over); rubber tired earthmoving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yd. "struck" m.r.c.); highline cableway (over 5 tons); loader (over 4 yd. up to and including 12 cu. yd.); power blades operator (multiengine); power shovels, clamshells, draglines, backhoes, Gradalls, (over 1 yd. up to and including 7 cu. yd. m.r.c.); self-propelled compactor (with multiple propulsion power units); slip form paver (concrete or asphalt); tandem cats; tower cranes mobile; treneher (pulling attached shield); tower cranes mobile; single engine rubber tired earthmoving machine (with tandem scrapers); Universal Liebher and tower cranes (and similar types); wheel excavator (up to and including 750 cu. yd. per hour); Whirley cranes (over 25 tons)	9.32	.59	.75	.60	.24	
Group XI–A: Loader (over 12 cu. yd. up to and including 18 cu. yd.); rubber tired multipurpose earthmoving machine (2 units) (over 75 cu. yd. "struck" m.r.c.); power shovels and draglines (over 7 cu. yd. m.r.c.); haul wagons (in conjunction with wheel excavator) wheel excavator (over 750 yd. per hour); cranes (over 125 tons)	10.13	.59	.75	.60	.24	
Group XI–B: Loader (over 18 cu. yd.)	10.33	.59	.75	.60	.24	
Group XI–C: Operator of helicopter (when used in erection work); remote controlled earth moving equipment	10.55	.59	.75	.60	.24	

CALIFORNIA AREA DEFINITIONS FOR POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2:

Commencing in the Pacific Ocean on the extension of the southerly line of township 19S.

Thence easterly along the southerly line of township 19S, crossing the Mount Diablo meridian to the southwest corner of township 19S, range 6E, Mount Diablo base line and meridian.

Thence southerly to the southwest corner of township 20S, range 6E.
Thence easterly to the southwest corner or township 20S, range 13E.
Thence southerly to the southwest corner of township 21S, range 13E.
Thence easterly to the southwest corner of township 21S, range 17E.
Thence southerly to the southwest corner of township 22S, range 17E.
Thence easterly to the southeast corner of township 22S, range 17E.
Thence southerly to the southwest corner of township 23S, range 18E.
Thence easterly to the southeast corner of township 23S, range 18E.
Thence southerly to the southwest corner of township 24S, range 19E, falling on the southerly line of Kings County, thence easterly along the southerly boundary of Kings County and the southerly boundary of Tulare County, to the southeast corner of township 24S, range 29E.
Thence northerly to the northeast corner of township 21S, range 29E.
Thence westerly to the northwest corner of township 21S, range 29E.
Thence northerly to the northeast corner of township 13S, range 28E.
Thence westerly to the northwest corner of township 13S, range 28E.
Thence northerly to the northeast corner of township 11S, range 27E.
Thence westerly to the northwest corner of township 11S, range 27E.
Thence northerly to the northeast corner of township 10S, range 26E.
Thence westerly to the northwest corner of township 10S, range 26E.
Thence northerly to the northeast corner of township 9S, range 25E.
Thence westerly to the northwest corner of township 9S, range 25E.
Thence northerly to the northeast corner of township 8S, range 24E.
Thence westerly to the northwest corner of township 8S, range 24E.
Thence northerly to the northeast corner of township 6S, range 23E.
Thence westerly to the southeast corner of township 5S, range 19E.
Thence northerly to the northeast corner of township 5S, range 19E.
Thence westerly to the northwest corner of township 5S, range 19E.
Thence northerly to the northeast corner of township 3S, range 18E.
Thence westerly to the northwest corner of township 3S, range 18E.
Thence northerly to the northeast corner of township 2S, range 17E.
Thence westerly to the northwest corner of township 2S, range 17E.
Thence northerly crossing the Mount Diablo baseline to the northeast corner of township 2N, range 16E.
Thence westerly to the northwest corner of township 2N, range 16E.
Thence northerly to the northeast corner of township 3N, range 15E.
Thence westerly to the northwest corner of township 3N, range 15E.
Thence northerly to the northeast corner of township 4N, range 14E.
Thence westerly to the northwest corner of township 4N, range 14E.
Thence northerly to the northeast corner of township 5N, range 13E.
Thence westerly to the northwest corner of township 5N, range 13E.
Thence northerly to the northeast corner of township 10N, range 12E.
Thence easterly to the southeast corner of township 11N, range 14E.
Thence northerly to the northeast corner of township 11N, range 4E.
Thence westerly to the northeast corner of township 11N, range 10E.
Thence northerly to the northeast corner of township 15N, range 10E.
Thence easterly to the southeast corner of township 16N, range 11E.
Thence northerly to the northeast corner of township 16N, range 11E.
Thence easterly to the southeast corner of township 17N, range 14E.
Thence southerly to the southwest corner of township 14N, range 15E.
Thence easterly to the southeast corner of township 14N, range 15E.
Thence southerly to the southwest corner of township 13N, range 16E.
Thence easterly to the southeast corner of township 13N, range 16E.
Thence southerly to the southwest corner of township 12N, range 17E.
Thence easterly along the southern line of township 12N to the eastern boundary of the State of California, thence northwesterly, thence northerly along the eastern boundary of the State of California to the northeast corner of township 17N, range 18E.
Thence westerly to the northwest corner of township 17N, range 11E.
Thence northerly to the northeast corner of township 20N, range 10E.
Thence westerly to the northwest corner of township 20N, range 10E.
Thence northerly to the northeast corner of township 21N, range 9E.
Thence westerly to the northwest corner of township 21N, range 9E.
Thence northerly to the northeast corner of township 22N, range 8E.
Thence westerly to the northwest corner of township 22N, range 8E.
Thence northerly to the southwest corner of township 27N, range 8E.
Thence easterly to the southeast corner of township 27N, range 8E.
Thence northerly to the northeast corner of township 28N, range 8E.
Thence westerly to the northwest corner of township 28N, range 7E.
Thence northerly to the northeast corner of township 30N, range 6E.
Thence westerly to the northwest corner of township 30N, range 1E.
Thence northerly along the Mount Diablo meridian to the northeast corner of township 34N, range 1W:
Thence westerly to the northwest corner of township 34N, range 6W.
Thence southerly to the northeast corner of township 32N, range 7W.
Thence westerly to the northwest corner of township 32N, range 7W.
Thence southerly to the southwest corner of township 30N, range 7W.
Thence easterly to the southeast corner of township 30N, range 7W.
Thence southerly to the southwest corner of township 16N, range 6W.
Thence easterly to the southeast corner of township 16N, range 6W.
Thence southerly to the southwest corner of township 14N, range 5W.
Thence westerly to the southeast corner of township 14N, range 7W.
Thence northerly to the northeast corner of township 14N, range 7W.
Thence westerly to the northwest corner of township 14N, range 7W.
Thence northerly to the northeast corner of township 15N, range 8W.
Thence westerly to the southeast corner of township 16N, range 12W.
Thence northerly to the northeast corner of township 16N, range 12W.
Thence westerly to the northwest corner of township 16N, range 12W.
Thence northerly to the northeast corner of township 18N, range 13W.
Thence westerly to the northwest corner of township 18N, range 14W.
Thence southerly to the southwest corner of township 18N, range 14W.
Thence easterly to the southeast corner of township 18N, range 14W.
Thence southerly to the southwest corner of township 16N, range 13W.
Thence westerly to the northwest corner of township 15N, range 14W.
Thence southerly to the southwest corner of township 14N, range 14W.
Thence easterly to the southeast corner of township 14N, range 14W.
Thence southerly to the southwest corner of township 13N, range 13W.
Thence easterly to the southeast corner of township 13N, range 13W.
Thence southerly to the southwest corner of township 11N, range 12W.
Thence easterly to the southeast corner of township 11N, range 12W.
Thence southerly along the eastern line of range 12W to the Pacific Ocean excluding that portion of northern California within Santa Clara County included within the following line: Commencing at the northwest corner of township 6S, range 3E, Mount Diablo baseline and meridian.
Thence in a southerly direction to the southwest corner of township 7S, range 3E.
Thence in a easterly direction to the southeast corner of township 7S, range 4E.
Thence in a northerly direction to the northeast corner of township 6S, range 4E.
Thence in a westerly direction to the northwest corner of township 6S, range 3E, to the point of beginning, which portion is a part of Area 2.

Area 1 also includes that portion of northern California within the following lines: Commencing in the Pacific Ocean on an extension of the southerly line of township 2N, Humboldt baseline and meridian.
Thence easterly along the southerly line of township 2N to the southwest corner of township 2N, range 1W:
Thence southerly to the southwest corner of township 1N, range 1W.
Thence easterly along the Humboldt baseline to the southwest corner of township 1N, range 2E.
Thence southerly to the southwest corner of township 2S, range 2E.

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CALIFORNIA AREA DEFINATIONS FOR POWER EQUIPMENT OPERATORS—continued

Thence easterly to the southeast corner of township 2S, range 2E.
Thence southerly to the southwest corner of township 4S, range 3E.
Thence easterly to the southeast corner of township 4S, range 3E.
Thence northerly to the northeast corner of township 2S, range 3E.
Thence westerly to the northwest corner of township 2S, range 3E.
Thence northerly crossing the Humboldt baseline to the southwest corner of township 1N, range 3E.
Thence easterly along the Humboldt baseline to the southeast corner of township 1N, range 3E.
Thence northerly to the northeast corner of township 6N, range 3E.
Thence westerly to the northwest corner of township 6N, range 2E.
Thence northerly to the northeast corner of township 10N, range 1E.
Thence westerly along the northerly line of township 10N, into the Pacific Ocean.
Area 1 also includes that portion of northern California included within the following line: Commencing at the northerly boundary of the State of California at the northwest corner of township 48N, range 7W, Mount Diablo baseline and meridian.
Thence southerly to the southwest corner of township 44N, range 7W.
Thence easterly to the southeast corner of township 44N, range 7W.
Thence southerly to the southwest corner of township 43N, range 6W.
Thence easterly to the southeast corner of township 43N, range 5W.
Thence northerly to the northeast corner of township 48N, range 5W, on the northerly boundary of the State of California.
Thence westerly along the northerly boundary of the State of California to the point of beginning.

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,691—36 F.R. 14568, Aug. 6, 1971; Litchfield County, Conn. Modification No. 4						
CHANGE:						
Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, stonemasons (heavy and highway):						
West of Housatonic River	$7.65	$0.40	$0.25	h		
East of Housatonic River	7.60	.40	.25	h		
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	.44		$0.04	
Lathers:						
Barkhamsted, Colebrook, New Hartford, Norfolk, Winchester	9.15	.25	.30		.01	
Kent, Salisbury, Sharon	7.70	9%	.55		.01	
Painters: New Milford:						
Brush	6.20	$0.25				
Structural steel	7.20	.25				
Plumbers:						
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston, and Watertown	7.97	.48	.30		.05	
Remainder of county	7.35	.40	.30			
WD No. AM-1,692—36 F.R. 14556, Aug. 6, 1971; Middlesex County, Conn. Modification No. 3						
CHANGE:						
Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, stonemasons (heavy and highway only)	7.60	.40	.25	f		
Carpenters, soft-floor layers (building only):						
Marlborough	8.12	.30	.20			
Remainder of county	7.62	.30	.20			
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	.44		.04	
Lathers:						
Cromwell-East Haddam-East Hampton-Middlefield-Middletown-Portland	9.15	.25	.30		.01	
Remainder of county	8.62	.25	.20		.01	
Leadburners	7.40	.30		d	.01	
Plumbers and steamfitters:						
Clinton-Westbrook-Killingworth	6.35	.20	.20			
Essex-Old Saybrook-Ivoryton-Saybrook	8.75	.20	.20			
Sheet metal workers	8.45	.50	.36		.02	
Footnotes:						
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled workdays immediately preceding and following the holiday.						
WD No. AM-9691—37 F.R. 7452, Apr. 14, 1972; Fairfield County, Conn. Modification No. 1						
CHANGE:						
Building, heavy, and highway construction:						
Carpenters, soft-floor layers (building only): Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull	8.15	.25	.35	f		
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	.44		.04	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.75		.15		.01	
Greenwich-Stamford-New Canaan	7.91	.25	.20	$0.75	.01	
Remainder of county	8.10	.25	.25		.01	
Lead burners	7.40	.30		c		
Painters:						
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Darien-Stamford:						
Brush	6.00	.25	.20			
Structural steel	6.00	.25	.20			
Spray	6.00	.25	.20			
Remainder of county:						
Brush	7.00	.25	.25	e		
Structural steel	8.00	.25	.25	e		
Footnote:						
c. Holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceeding and following the holiday.						

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-9692—37 F.R. 7455, Apr. 14, 1972; Hartford County, Conn. Modification No. 1						
CHANGE:						
Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (building only): Remainder of county	8.70	.40	.25			
Carpenters, soft-floor layers, piledrivermen (building only): Southington	8.75	.35	.20	5	.02	
Electricians: Hartland	7.80	.25	1%+.20		¼ of 1%	
Ironworkers: Structural, ornamental, reinforcing	9.30	.45	$0.44		$0.04	
Lathers:						
Bristol-Southington	8.75		.15		.01	
Remainder of county	9.15	.25	.30		.01	
Lead burners	7.40	.30		e	.01	
Sheet metal workers	8.45	.50	.36		.02	
Footnote:						
e. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled workdays preceding and following the holiday.						
WD No. AM-534—36 F.R. 15175, Aug. 18, 1971; Madison County, Ill., Modification No. 7						
CHANGE:						
Painters:						
Commercial and residential:						
Brush	7.65	.25	.15			
Rollers, cut-in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable and similar rigs	7.90	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying, conventional and air-less, with less than 24-in. fan	8.65	.25	.15			
Spraying, air-less, with 24-in. fan or over	8.65	.25	.15			
Industrial:						
Brush	7.90	.25	.15			
Roller and cut-in men	8.40	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.15	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.65	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying, conventional and air-less, with less than 24-in. fan	8.90	.25	.15			
Spraying, air-less, with fan 24-in. or over	9.30	.25	.15			
Hazardous work (bridges, TV and radio towers, high line towers, water towers, smokestacks and grain elevators):						
Brush	8.15	.25	.15			
Roller or cut-in men	8.65	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.40	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc.	8.90	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying, conventional and air-less, with less than 24-in. fan	9.15	.25	.15			
Spraying, air-less, with fan 24-in. or over	9.65	.25	.15			
WD No. AM-565—36 F.R. 15555, Aug. 18, 1971; Vanderburgh County, Ind. Modification No. 5						
CHANGE:						
Electricians:						
Total contract over $4,500	$7.26	.20	1%		.125%	
Total contract over $4,500	5.52	.20	1%		.125%	
WD No. AM-8,582—37 F.R. 5140, Feb. 11, 1972; Bartholomew County, Ind. Modification No. 3						
CHANGE:						
Carpenters (balance of county):						
Carpenters and soft-floor layers	6.95	.25	.25		.02	
Millwrights and piledrivermen	7.20	.25	.25		.02	
WD No. AM-3,686—36 F.R. 16736, Aug. 25, 1971; East Baton Rouge Parish, La. Modification No. 6						
CHANGE:						
Bricklayers	6.66	.20	.15		.01	
Stonemasons	6.66	.20	.15		.01	
WD No. AM-11,410—37 F.R. 6614, Mar. 31, 1972; St. Bernard, Plaquemines, Orleans, and Jefferson Parishes, La. Modification No. 2						
CHANGE:						
Sheet metal workers	7.105	.20	.30	$0.25	.04	
WD No. AM-9,684—37 F.R. 5170, Mar. 10, 1972; Barnstable County, Mass., Modification No. 1						
CHANGE: Mass.-1-TD-2-3-C:						
Truckdrivers: Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks	5.41	.35	.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators	5.51	.35	.50	a+b		
3-axle equipment and tiremen	5.56	.35	.50	a+b		
4- and 5-axle equipment	5.66	.35	.50	a+b		
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup)	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veterans Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-9,685—37 F.R. 5172, Mar. 10, 1972; Essex County, Mass., Modification No. 2						
CHANGE: Mass.-1-TD-2-3-C:						
Truckdrivers: Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks	5.41	.35	.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators	5.51	.35	.50	a+b		
3-axle equipment and tiremen	5.56	.35	.50	a+b		
4- and 5-axle equipment	5.66	.35	.50	a+b		
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup)	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						
WD No. AM-9,686—37 F.R. 5174, Mar. 10, 1972; Hampden County, Mass. Modification No. 1						
CHANGE: Mass.-1-TD-2-3-C:						
Building, heavy and highway construction: Ironworkers, structural, ornamental and reinforcing	7.41	.20	.35+.50		.07	
Truckdrivers: Heavy and highway construction:						
Station wagons, panel trucks and pick-up trucks	5.41	.35	$0.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators	5.51	.35	.50	a+b		
3-axle equipment and tiremen	5.56	.35	.50	a+b		
4- and 5-axle equipment	5.66	.35	.50	a+b		
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup)	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						
WD No. AM-9,687—37 F.R. 5181, Mar. 10, 1972; Middlesex County, Mass. Modification No. 2						
CHANGE: Mass.-1-TD-2-3-C:						
Building, heavy and highway construction: Cambridge, Medford, Malden, Everett, Woburn, c. Arlington and Melrose: Lead burners	7.40	.30		c	.01	
Footnote:						
Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
Truckdrivers: Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks	5.41	.35	.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators	5.51	.35	.50	a+b		
3-axle equipment and tiremen	5.56	.35	.50	a+b		
4- and 5-axle equipment	5.66	.35	.50	a+b		
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup)	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						
WD No. AM-9,688—37 F.R. 5177, Mar. 10, 1972; Suffolk County, Mass. Modification No. 2						
CHANGE: Mass.-1-TD-2-3-C:						
Building, heavy and highway construction: Leadburners	7.40	.30		c	.01	
Footnote:						
c. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
Truck drivers: Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks	5.41	.35	.50	a+b		
2-axle equipment; helpers on lowbed when assigned at the discretion of the employer, warehousemen, forklift operators	5.51	.35	.50	a+b		
3-axle equipment and tiremen	5.56	.35	.50	a+b		
4- and 5-axle equipment	5.66	.35	.50	a+b		
Specialized earth-moving equipment under 35 tons other than conventional type trucks, lowbed, Vachaul, mechanics, paving restoration equipment, mechanics	5.76	.35	.50	a+b		
Specialized earth-moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earth-moving equipment (double hookup)	6.26	.35	.50	a+b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days, provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day, and Veteran's Day after 30 days employment, provided an employee works 2 days of the calendar week in which the holiday falls.						

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-9689—37 F.R. 5179, March 10, 1972, Worcester County, Mass., Modification No. 2						
CHANGE:						
Building, heavy and highway construction:						
Leadburners	7.40	.30		d	.01	
Roofers	8.50					
Footnotes:						
d. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, providing the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.						
Mass.-1-TD-2-3-C:						
Truckdrivers:						
Heavy and highway construction:						
Station wagons, panel trucks and pickup trucks	5.41	.35	.50	a+b		
2-axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift operators	5.51	.35	.50	a+b		
3-axle equipment and tiremen	5.56	.35	.50	a+b		
4- and 5-axle equipment	5.66	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, mechanics	5.76	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.01	.35	.50	a+b		
Trailers for earthmoving equipment (double hookup)	6.26	.35	.50	a+b		
Paid holidays:						
A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. One-half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.						
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans Day after 30 days employment provided an employee works 2 days of the calendar week in which the holiday falls.						
WD No. AM-2,514—36 F.R. 17085, August 27, 1971, Cascade County, Mont., Modification No. 2						
CHANGE:						
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yds	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd	5.73	.38	.25			
Over 10 cu. yds.—additional $0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5 batch increment.						
Dumpman, gravel spreader box: Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5 cu. yd. increment.						
Dumpsters	5.37	.38	.25			
DW 20, DW 21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Servicemen	5.98	.38	.25			
Over 30 cu. yd. additional $0.06 per hour each additional 5 cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; tiremen	5.71	.38	.25			
Lowboys, four-wheel trailer, float semi-trailer	5.59	.38	.25			
Lumber carriers, lift trucks; Power Broom	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gals and under	5.24	.38	.25			
Over 2,500 gals to and including 4,500 gals	5.53	.38	.25			
Over 4,500 gals to and including 6,000 gals	5.73	.38	.25			
Over 6,000 gals to and including 8,000 gals	5.79	.38	.25			
Over 8,000 gals to and including 10,000 gals	5.87	.38	.25			
Over 10,000 gals—additional $0.08 per hour each additional 2,000 gals increment:						
Winch, A-frame, Swedish crane, hydralift, groutcrete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						
WD No. AM-2,516—36 F.R. 17091—August 27, 1971 Flathead County, Mont Modification No. 5						
CHANGE:						
Ironworkers:						
Reinforcing	7.38	.43	.40		.08	
Ornamental, structural	7.38	.43	.40		.03	
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd	5.73	.38	.25			
Over 10 cu. yds.—additional $0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5 batch increment.						

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Truckdrivers—Continued						
Dumpman, gravel spreader box: Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yds. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5 cu. yd. increment.						
Dumpsters	5.37	.38	.25			
DW 20, DW 21, or Euclid tractors, pulling F.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yds. additional $0.06 per hour each additional 5 cu. yds. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; firemen	5.71	.38	.25			
Lowboys, four-wheel trailer, float semi-trailer	5.59	.38	.25			
Lumber carriers, lift trucks; Power Broom	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gals and under	5.24	.38	.25			
Over 2,500 gals to and including 4,500 gals	5.53	.38	.25			
Over 4,500 gals to and including 6,000 gals	5.73	.38	.25			
Over 6,000 gals to and including 8,000 gals	5.79	.38	.25			
Over 8,000 gals to and including 10,000 gals	5.87	.38	.25			
Over 10,000 gals—additional $0.08 per hour each additional 2,000 gals increment.						
Winch, A-frame, Swedish crane, hydralift, grout-crete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						

WD No. AM-2,518—36 F.R. 17097, August 27, Lewis & Clark County, Mont., Modification No. 2

CHANGE:						
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu yd	5.73	.38	.25			
Over 10 cu. yd.—additional $0.08 per hour each additional 2 cu. yd. increment	5.32	.38	.25			
Distributor driver and helper						
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5 batch increment.						
Dumpman, gravel spreader box: Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yds. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5 cu. yd. increment.						
Dumpsters	5.37	.38	.25			
DW 20, DW 21, or Euclid tractors, pulling F.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Servicemen	5.98	.38	.25			
Over 30 cu. yd. additional $0.06 per hour each additional 5 cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; firemen	5.71	.38	.25			
Lowboys, four-wheel trailer, float semi-trailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gals and under	5.24	.38	.25			
Over 2,500 gal to and including 4,500 gal	5.53	.38	.25			
Over 4,500 gal to and including 6,000 ga	5.73	.38	.25			
Over 6,000 gal to and including 8,000 ga	5.79	.38	.25			
Over 8,000 gal to and including 10,000 gal	5.87	.38	.25			
Over 10,000 gals—additional $.08 per hour each additional 2,000 gal increment.						
Winch, A-frame, Swedish crane, hydrallft, grout-crete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments			
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-2,519—36 F.R. 17101—August 27, 1971 Missoula County, Mont., Modification No. 4						
CHANGE:						
Ironworkers:						
Reinforcing	7.38	.43	.40		.03	
Ornamental; Structural	7.38	.43	.40		.03	
Plumbers; Steamfitters	6.05	.30	.15	$0.30	.02	
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yds	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd	5.73	.38	.25			
Over 10 cu. yd.—additional $0.08 per hour each additional 2 cu. yds. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5 batch increment.						
Dumpman, gravel spreader box: Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5 cu. yd. increment.						
Dumpsters	5.37	.38	.25			
DW 20, DW 21, or Euclid tractors, pulling F.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Servicemen	5.98	.38	.25			
Over 30 cu. yds. additional $0.06 per hour each additional 5 cu. yds. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; firemen	5.71	.38	.25			
Lowboys, four-wheel trailer, float semi-trailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gal. and under	5.24	.38	.25			
Over 2,500 gal. to and including 4,500 gal	5.53	.38	.25			
Over 4,500 gal. to and including 6,000 gal	5.73	.38	.25			
Over 6,000 gal. to and including 8,000 gal	5.79	.38	.25			
Over 8,000 gal. to and including 10,000 gal	5.87	.38	.25			
Over 10,000 gal.—additional $0.08 per hour each additional 2,000 gal. increment.						
Winch, A-frame, Swedish crane, hydralift, grouterete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						

WD No. AM-2,520—36 F.R. 17105, Aug. 27, 1971, Silver Bow County, Mont. Modification No. 2

CHANGE:						
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd	5.73	.38	.25			
Over 10 cu. yd—additional $0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5 batch increment.						
Dumpman, gravel spreader box: Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5 cu. yd. increment.						
Dumpsters	5.37	.38	.25			
DW 20, DW 21, or Euclid tractors, pulling F.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Servicemen	5.98	.38	.25			
Over 30 cu. yd. additional $0.06 per hour each additional 5 cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; firemen	5.71	.38	.25			
Lowboys, 4-wheel trailer, float semitrailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.33	.38	.25			

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Truckdrivers—Continued						
Water tank drivers, petroleum products drivers:						
2,500 gal. and under	5.24	.38	.25			
Over 2,500 gal. to and including 4,500 gal	5.53	.38	.25			
Over 4,500 gal. to and including 6,000 gal	5.73	.38	.25			
Over 6,000 gal. to and including 8,000 gal	5.79	.38	.25			
Over 8,000 gal. to and including 10,000 gal	5.87	.38	.25			
Over 10,000 gal.—additional $0.08 per hour each additional 2,000 gal. increment.						
Winch, A-frame, Swedish crane, hydralift, grouterete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						

WD No. AM-2,521—36 F.R. 17107, Aug. 27, 1971; Yellowstone County, Mont. Modification No. 2

CHANGE:						
Plumbers, steamfitters	6.80	.40	.40		1½%	
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd	5.73	.38	.25			
Over 10 cu. yd.—additional $0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5 batch increment.						
Dumpman, gravel spreader box: Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5 cu. yd. increment.						
Dumpsters	5.37	.38	.25			
DW 20, DW 21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Servicemen	5.98	.38	.25			
Over 30 cu. yd. additional $0.06 per hour each additional 5 cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; tiremen	5.71	.38	.25			
Lowboys, 4-wheel trailer, float semitrailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gal. and under	5.24	.38	.25			
Over 2,500 gal. to and including 4,500 gal	5.53	.38	.25			
Over 4,500 gal. to and including 6,000 gal	5.73	.38	.25			
Over 6,000 gal. to and including 8,000 gal	5.79	.38	.25			
Over 8,000 gal. to and including 10,000 gal	5.87	.38	.25			
Over 10,000 gal.—additional $0.08 per hour each additional 2,000 gal. increment.						
Winch, A-frame, Swedish crane, hydralift, grouterete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						

WD No. AM-2,522—36 F.R. 17109, Aug. 27, 1971; eastern counties, Mont. Modification No. 4. Blaine, Carter, Custer, Daniels, Dawson, Fallon, Garfield, McCone, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux

CHANGE:						
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd	5.73	.38	.25			
Over 10 cu. yd.—additional $0.08 per hour each additional 2 cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5 batch increment.						
Dumpman, Gravel spreader box: Pickup driver, hauling materials; pilot car driver; teamsters and helpers; warehousemen, partsmen, cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5 cu. yd. increment.						

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
CHANGE—Continued						
Truckdrivers—Continued						
Dumpsters	5.37	.38	.25			
DW 20, DW 21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Servicemen	5.98	.38	.25			
Over 30 cu. yd. additional $0.06 per hour each additional 5 cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; tiremen	5.71	.38	.25			
Lowboys, 4-wheel trailer, float semitrailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gal. and under	5.24	.38	.25			
Over 2,500 gal. to and including 4,500 gal	5.53	.38	.25			
Over 4,500 gal. to and including 6,000 gal	5.73	.38	.25			
Over 6,000 gal. to and including 8,000 gal	5.79	.38	.25			
Over 8,000 gal. to and including 10,000 gal	5.87	.38	.25			
Over 10,000 gal.—additional $0.08 per hour each additional 2,000 gal. increment.						
Winch, A-frame, Swedish crane, hydralift, grout-crete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10% additional.						

WD No. AM-2,525—36 F.R. 17116, Aug. 27, 1971: western counties, Montana. Modification No. 4: Beaverhead, Big Horn, Broadwater, Carbon, Cascade, Chouteau, Deer Lodge, Fergus, Flathead, Gallatin, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Pondera, Powell, Ravalli, Rosebud, Sanders, Silver Bow, Stillwater, Sweetgrass, Teton, Toole, Treasure, Wheatland, and Yellowstone

CHANGE:						
Ironworkers (Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Sanders):						
Fence erectors, structural	7.38	.43	.40		$0.03	
Reinforcing	7.38	.43	.40		.03	
Truckdrivers:						
Combination truck; concrete mixer and transit mixer:						
To and including 4 cu. yd	5.49	.38	.25			
Over 4 cu. yd. to and including 6 cu. yd	5.57	.38	.25			
Over 6 cu. yd. to and including 8 cu. yd	5.65	.38	.25			
Over 8 cu. yd. to and including 10 cu. yd	5.73	.38	.25			
Over 10 cu. yd.—additional $0.08 per hour each additional 2-cu. yd. increment.						
Distributor driver and helper	5.32	.38	.25			
Dry batch trucks:						
3 batch or under	5.24	.38	.25			
Over 3 batch to and including 5 batch	5.37	.38	.25			
Over 5 batch to and including 10 batch	5.53	.38	.25			
Over 10 batch to and including 15 batch	5.69	.38	.25			
Over 15 batch—additional $0.15 per hour each additional 5-batch increment.						
Dumpman, gravel spreader box: Pickup driver, hauling materials; pilot car driver, teamsters and helpers; warehousemen, partsmen, Cardex men, warehouse expediter	5.24	.38	.25			
Dump trucks and similar equipment water level capacity, including sideboards:						
7 cu. yd. or less	5.24	.38	.25			
Over 7 cu. yd. to and including 10 cu. yd	5.37	.38	.25			
Over 10 cu. yd. to and including 15 cu. yd	5.53	.38	.25			
Over 15 cu. yd. to and including 20 cu. yd	5.67	.38	.25			
Over 20 cu. yd. to and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Over 30 cu. yd. to and including 35 cu. yd	5.85	.38	.25			
Over 35 cu. yd. to and including 40 cu. yd	5.91	.38	.25			
Over 40 cu. yd. to and including 45 cu. yd	5.97	.38	.25			
Over 45 cu. yd.—additional $0.06 per hour each additional 5-cu. yd. increment.						
Dumpsters	5.37	.38	.25			
DW-20, DW-21, or Euclid tractors, pulling P.R. 21 or similar dump wagons:						
To and including 25 cu. yd	5.73	.38	.25			
Over 25 cu. yd. to and including 30 cu. yd	5.79	.38	.25			
Servicemen	5.98	.38	.25			
Over 30 cu. yd.—additional $0.06 per hour each additional 5-cu. yd. increment.						
Flat trucks:						
To and including 3 tons	5.24	.38	.25			
Over 3 tons factory rating	5.59	.38	.25			
Fuel truck; service; tiremen	5.71	.38	.25			
Lowboys, 4-wheel trailer, float semitrailer	5.59	.38	.25			
Lumber carriers, lift trucks; power broom	5.33	.38	.25			
Water tank drivers, petroleum products drivers:						
2,500 gal. and under	5.24	.38	.25			
Over 2,500 gal. to and including 4,500 gal	5.53	.38	.25			
Over 4,500 gal. to and including 6,000 gal	5.73	.38	.25			
Over 6,000 gal. to and including 8,000 gal	5.79	.38	.25			
Over 8,000 gal. to and including 10,000 gal	5.87	.38	.25			
Over 10,000 gal.—additional $0.08 per hour each additional 2,000-gal. increment.						
Winch, A-frame, Swedish crane, Hydralift, Grout-crete, and combination mulching, seeding and fertilizing	5.49	.38	.25			
Truck mechanic	5.91	.38	.25			
All tunnel and underground work 10 percent additional.						

WD No. AM-2,515—36 F.R. 17129, Aug. 27, 1971; Ward County, N. Dak. Modification No. 3

CHANGE:						
Sheet metal workers	$7.00					

WD No. AM-422—36 F.R. 15965, Aug. 18, 1971; Green, Miami, Montgomery, and Preble Counties, Ohio. Modification No. 1

CHANGE:						
Electricians	5.00		1%		¼%	

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MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,849—36 F.R. 16257, Aug. 20, 1971; Berks County, Pa. Modification No. 2.						
CHANGE:						
Pa.-22-LAB-TD-2-3-K:						
Heavy and highway:						
Carpenters/piledrivermen	6.56	.20	$0.25			
Laborers: Asphalt tampers and asphalt rakers, concrete pitmen, puddlers and rubbers, highway slab reinforcement placers, laborers, landscape, planters, seeders and arborists, magazine tenders, railroad trackmen and signalmen	4.84	.20	.20			
Pneumatic tool operators, jackhammers, paving breakers, concrete saws, wacker, vibrators, chain saws, steward	5.04	.20	.20			
Pipelayers	5.04	.20	.20			
Caisson, open air, below 8 feet; cofferdam, open air, below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point; form setters (road); wagon drill, diamond point drill, Gunite nozzle operators	5.35	.20	.20			
Blasters	5.56	.20	.20			
Reinforcing steel placers, bonding, aligning and securing	5.62	.20	.20			
Concrete surfacers	5.97	.20	.20			
Free air tunnels and rock shafts:						
Outside laborers in conjunction with tunnels and rock shafts	5.43	.20	.20			
Chuck tenders, muckers, nippers, miners' and drillers' helpers, inside laborers	5.70	.20	.20			
Miners, drillers, plasters, pneumatic shield operators, lining, spotting and timber workmen	6.15	.20	.20			
Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready-mix and Dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment; back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, lowbed trailers	2.09					
Pa.-22-PEO-3-G:						
Highway construction: Power equipment operators:						
Wage group 1: Pile drivers or engineers working with dock builders and pile drivers; all types of cranes; all types of backhoes; draglines; keystones; all types of shovels; derricks; trench shovels; trenching machines; pavers 21E and over; Gradalls; all front-end loaders, 4 cu. yd. and over; tandem scrapers; Pippin type backhoes; boat captains; batch plant with mixer; drill, self-contained (Drillmaster type); CMI Autograde; machines similar to above	7.68	4.6%	6.5%		.7%	
Wage group 2: Conveyor loader (Euclid type); scrapers and Tournapulls; spreaders; high- or low-pressure boilers; concrete pumps; bulldozers and tractors; asphalt plant engineers; rollers (high grade finishing); all loaders under 4 cu. yd.; mechanic-welders; motor patrols; machines similar to above	6.92	4.6%	6.5%		.7%	
Wage group 3: Welding machines; well points; compressors; pumps; heaters; farm tractors; form line graders; fine grade machines; ditch witch type trencher; road finishing machines; concrete breaking machines; rollers; seaman pulverizing mixer; power broom; seeding spreader; fireman (for power equipment); conveyor loaders other than Euclid type; conveyors; machines similar to above	6.47	4.6%	6.5%		.7%	
Wage group 4: Fireman	6.07	4.6%	6.5%		.7%	
Wage group 5: Oilers and deck hands	5.57	4.6%	6.5%		.7%	
Wage group 6: On all machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	7.93	4.6%	6.5%		.7%	
150 ft. and over	8.18	4.6%	6.5%		.7%	
200 ft. and over	8.43	4.6%	6.5%		.7%	
WD No. AM-1850—36 F.R. 16260, Aug. 20, 1971; Dauphin County, Pa., Modification No. 4						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
WD No. AM-1851—36 F.R. 16262, Aug. 20, 1971; Cumberland County, Pa. Modification No. 4						
CHANGE:						
Heavy and highway: truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
WD No. AM-1855—36 F.R. 16281, Aug. 20, 1971; Lackawanna County, Pa. Modification No. 4						
CHANGE:						
Building, heavy and highway: Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
WD No. AM-1857—36 F.R. 16291, Aug. 20, 1971; Lehigh County, Pa. Modification No. 5						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1858—36 F.R. 16294, Aug. 20, 1971; Luzerne County, Pa. Modification No. 3						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper stake, body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
WD No. AM-1,861—36 F.R. 16310, Aug. 20, 1971; Northampton County, Pa. Modification No. 5						
CHANGE:						
Heavy and highway: Truckdrivers:						
Class I: Helper stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
WD No. AM-1866—36 F.R. 16335, Aug. 20, 1971; 29 eastern counties, Pennsylvania. Modification No. 4						
CHANGE:						
Class I: Helper, stake body truck (single axle), dumpster	5.57					
Class II: Dump trucks, tandem and batch trucks, semitrailers, agitator mixer trucks, ready mix and dumperete type vehicles, asphalt distributors, farm tractor when used for transportation, stake body truck (tandem)	5.64					
Class III: Euclid type, off-highway equipment—back or belly dump trucks and double-hitched equipment, straddle (Ross) carrier, low-bed trailers	6.09					
WD No. AM-1603—36 F.R. 14600, Aug. 6, 1971; Bristol, Kent, and Providence Counties, R.I. Modification No. 3						
CHANGE:						
Building construction:						
Bricklayers, cement masons, plasterers, stonemasons, marble, tile, and terrazzo workers: Woonsocket, North Smithfield, Burrillville, and Cumberland Hill	8.12	.25	$0.30		$0.01	
Lead burners	7.40	.30		c	.01	
WD No. AM-1604—36 F.R. 14606, Aug. 6, 1971; Newport County, R.I. Modification No. 3						
CHANGE:						
Building construction:						
Carpenters: Little Compton, Tiverton:						
Carpenters and soft-floor layers	7.40	.30	.30			
Millwrights	7.75	.30	.30			
Lead burners	7.40	.30		c	.01	
WD No. AM-1605—36 F.R. 14610, Aug. 6, 1971; Washington County, R.I. Modification No. 4						
CHANGE:						
Building construction:						
Cement masons: Exeter, Narragansett, North Kingstown, Gould	8.15	.15				
Lead burners	7.40	.30		c	.01	
Marble, tile, and terrazzo workers: Exeter, North Kingstown, Narragansett (including the Pier of Point Judith)	7.50	.25	.35			
WD No. AM-11,408—37 F.R. 6617, Mar. 31, 1972; Harris County, Tex. Modification No. 2						
CHANGE:						
Building construction:						
Carpenters: Piledrivermen	6.35	.40	.22			
Plumbers	6.95	.22	.42	$0.50	.06	
WD No. AM-11,409—37 F.R. 6619, Mar. 31, 1972; Lubbock County, Tex. Modification No. 2						
CHANGE:						
Building construction: Asbestos workers	6.85	.30	.25		.02	

SUPERSEDEAS DECISIONS

State: Arkansas; county: Pulaski.
Decision No.: AM-11,416; date: Apr. 28, 1972. Supersedes Decision No. AM-3,573, dated Aug. 25, 1971, in 36 F.R. 16733.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
10-Arkansas-1-2-J:						
Asbestos workers	$6.25	$0.15				
Boilermakers	6.50	.30	$0.40		$0.01	
Bricklayers: Stonemasons; cleaners; pointers; caulkers	6.55	.15			.02	
Carpenters:						
Carpenters, floor men	5.70	.25	.15		.01	
Millwrights, piledrivers	5.95	.25	.15		.01	
Cementmasons	5.75	.15				
Electricians:						
Electricians	7.25		1%		¼%	
Cable splicers	7.375		1%		¼%	
Elevator constructors	5.19	.17	$0.185	2%+a+b		
Elevator constructors' helpers	70% JR	.17	.185	2%+a+b		
Elevator constructors' helpers (probationary)	50% JR					
Glaziers	$5.41				.01	
Ironworkers: Structural; ornamental; reinforcing	6.58	.25	.25		.02	
Laborers:						
Construction laborer, carpenter helper, concrete laborer	3.90	.10	.20			
Mechanical too. operator, motorized georgia buggy, tenders (plasterers, brickmason, cement and stone), mortar m ter, sanitary tile layer, asphalt raker	4.15	.10	.20			
Powderman	4.80	.10	.20			
Lathers	6.05		.10	$0.25	.01	
Marble masons	5.25					
Marble mason helpers	2.20					

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SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits paymedts H & W	Pensions	Vacation	App. Tr.	Other
10—Arkansas–1–2–J—Continued						
Painters:						
Brush	4.85		.20			
Structural steel	5.10		.20			
Spray	5.45		.20			
Plasterers	6.09				.02	
Plumbers; pipefitters	7.30				.02	
(Outside 10-mile radius of Pulaski County Court House)	7.60				.02	
Roofers:						
Roofers	5.45					
Roofers' helpers	2.00					
Sheet metal workers	6.40	.20	.20		.8	
Sprinkler fitters	7.05	.25	.40		$0.05	
Terrazzo workers	5.25					
Terrazzo workers' helpers	2.20					
Tile layers	5.25					
Tile layers' helpers	2.20					
Truckdrivers:						
Pickups, light	1.60					
Stake body or flatbed	1.60					
Semitrailer, dump, batch	1.70					
Winch and A-frame	2.00					
Welders; receive rate prescribed for craft performing operation to which welding is incidental.						

Footnotes:
a. 1st 6 months, none; 6 months to 5 years, 2 percent, over 5 years, 4 percent of basic hourly rate.
b. Paid Holidays: A through F.
c. Apprenticeship fund shall be $0.50 per month per journeyman and apprentice employed.

Paid Holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Power equipment operators:						
Group I: Cranes, draglines, and shovels equipped with 100 ft. of boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments 5 cu. yd. or over, as rated by manufacturer; and operators of all tower, climbing cranes, and derricks required to work 25 ft. or over from the ground	6.65	.25	.25			
Group II: Cranes, draglines, and shovels equipped with less than 100 ft. of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yd, as rated by the manufacturer; all backhoes capable of a 360° swing; all derricks, floating, tractor or truck types; all piledrivers, land or floating; all overhead and traveling cranes, all cableways; cherry pickers or tractors with boom attachments; Whirley; paving mixers with boom; Gradalls; scrapers or pull-in tandem; all above equipment irrespective of motive power; leaverman (engineer) hydraulic and bucket dredges, irrespective of size; mechanics and/or welders; blacksmiths	5.95	.25	.25			
Group III: Heavy equipment operators: Hydro truck crane, multiple drum hoist, irrespective of motive power; all bulldozers, front-end loaders, side booms, push tractors mounted on rubber or tracks; all single-unit pull scrapers regardless of size and regardless of trade name; all motor graders; all hydraulic backhoes not capable of 360° swing; all trenching machines, wheels, bucket chain, or conveyor types regardless of size or motive power; all backfillers; all central mixing plants 10S and larger and concrete spreaders; all boiler firemen high or low pressure; all asphalt spreaders; rollers and finishing machines; all rotary, cable tool, core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power; first assistant engineer (dredge); boat and dredge tender operator	5.65	.25	.25			
Group IV: Semiheavy equipment operators: Single-drum hoists, winches and air tuggers, irrespective of motive power; winch or A-frame trucks, forklifts, skytracks, dirt rollers of types and pull tractors, regardless of size; elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator; conveyor; batch plant concrete mixers under 10S, pumpcrete, spray machine and pressure grout machine; air compressors 365 c.f.m. and over; all dewatering pumps when used in connection with well point systems; second assistant engineer (dredge)	4.90	.25	.25			
Group V: Light equipment operators: All air compressors under 365 c.f.m.; welding machines; light plants; pumps, irrespective of size, irrespective of motive power, oiler driver motor crane; asphalt distributor; chip spreader; form grader; end dump Euclid and like equipment; third assistant engineer (dredge)	4.60	.25	.25			
Group VI: Miscellaneous operators: Equipment greaser; oiler; mechanic helper; drilling machine helper; space heaters; safety boat operator; oiler on dredge	4.25	.25	.25			

State: Illinois; county: St. Clair.
DECISION No. AM-8598; date: Apr. 28, 1972.
Supersedes Decision No. AM-337, dated Aug. 13, 1971, in 36 F.R. 15194.
Description of work: building construction, (excluding single-family home and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments H. & W.	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.53	$0.20	$0.17			
Boilermakers	7.35	.40	.65		$0.01	
Boilermakers' helpers	7.10	.40	.65		.01	
Bricklayers and stonemasons:						
Belleville, O'Fallon, Shiloh, Lebannon Mascoutah, Scott AFB, Freeburg and area approximately 5 miles southeast of Belleville	6.30		.30	$0.60		
East St. Louis and vicinity	7.44	.40		10%		
Carpenters (building, heavy and highway)	8.385	.25	.25			
Cementmasons:						
Building construction	8.525	.25	.25			
Heavy and highway construction	8.375	.25	.25			
Electricians	8.11	3½%	1%+.25	.40	.25%	
Elevator constructors	5.56	$0.105	$0.125	½%+a&b	$0.006	
Elevator constructors' helpers	70%JR	.105	.125	½%+a&b	.006	
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	$7.46	c	.40	8%+d	.01	
Ironworkers, structural and ornamental	8.50	.30	.30			
Ironworkers, reinforcing	8.50	.30	.30			
Laborers (building and heavy construction):						
Vicinity of East St. Louis, Washington Park, Brooklyn, Fairmont City, French Village, Dupo, Pearl Harbor, Alcoa, Alorton, Caseyville, Midway, Mapewood, Canokia, National City, North Dupo, Canteen, and Centerville:						
Laborers, common	6.75	.25	.35		.035	
Asphalt rakers, creosote workers	7.00	.25	.35		.035	
Bottommen on sewer work	7.00	.25	.35		.035	
Mastic cookers	7.00	.25	.35		.035	
Dynamitemen	8.275	.25	.35		.035	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers—Continued						
Hod carriers (Plastering)	7.25	.25	.35		.035	
Hod carriers (masonry)	7.45	.25	.35		.035	
Work in cess pools, dry wells or septic tanks	7.60	.25	.35		.035	
Motor buggy operator	7.60	.25	.35		.035	
Vicinity of Belleville (building and heavy construction):						
Laborers	7.15		.20		.035	
Men putting out and taking in lights or tend fires and salamanders for drying	7.15		.20		.035	
All work performed in septic tanks, cess pools or dry wells; all feeders, mixers or nozzlemen on Gunite or sandblasting work; raking or luting asphalt; handling creosoted materials; burning or cutting with a torch; alltypes or cased wells; cooking and mixing and supplying of mastic; men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sewer pipe	7.40		.20		.035	
Hod carriers	7.65		.20			
Plasterers' tenders	7.65		.20			
Dynamitemen and powdermen	8.65		.20		.035	
Vicinity of O'Fallon, Mascoutah, Scott AFB, Shiloh and Lebannon (building and heavy):						
Laborers, unskilled, semiskilled	7.15		.20		.035	
Working on bottom doing caulking, laying or final grading on sewer pipe	7.40		.20		.035	
Burning or cutting torches	7.40		.20		.035	
Cooking and handling creosoted material	7.40		.20		.035	
Chain saws	7.40		.20		.035	
Iligh work 25 ft. or more	7.40		.20		.035	
Dynamitemen	8.00		.20		.035	
Brickmason tenders	7.65		.20		.035	
Mortar mixers	7.65		.20		.035	
Plasterers' tenders	7.65		.20		.035	
Vicinity of Lenzburg (building construction):						
Laborers	6.65		.20		.035	
All brick and plaster masons tenders	7.15		.20		.035	
Workmen cutting and burning with a torch	6.90		.20		.035	
Dynamitemen	8.25		.20		.035	
Freeburg and Vicinity (building and heavy construction):						
Laborers	7.00		.20		0.35	
All sewer work	7.25		.20		0.35	
Workmen cutting and burning w/a toreb	7.25		.20		0.35	
Mason tenders	7.50		.20		0.35	
Plasterers' tender	7.50		.20		0.35	
Dynamitemen	8.60		.20		0.35	
New Athens and vicinity (building construction):						
Laborers	6.50		.20		.035	
Asphalt rakers	6.65		.20		.035	
Plumber helpers, workmen while cutting and burning with a torch and men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sewer pipe	6.75		.20		.035	
Masons and plaster tender	6.90		.20		.035	
Dynamitemen	8.05		.20		.035	
Marissa and vicinity (building construction):						
Laborers	4.35		.20			
Mason and plaster tenders, men working on bottom of sewer trenches on final grading, laying or caulking of preformed sectional sanitary or sewer pipe	4.60		.20			
Line construction:						
Linemen	7.98	3½%	1%		.25%	
Groundmen equipment operators	6.92	3½%	1%		.25%	
Groundmen truckdrivers: With winch	5.63	3½%	1%		.25%	
Groundmen truckdrivers: Without winch	5.63	3½%	1%		.25%	
Pickups or jeeps	5.25	3½%	1%		.25%	
Groundmen	5.21	3½%	1%		.25%	
Marble setters	7.19	$0.17	$0.45			
Millwrights	8.385	.25	.25			
Lathers	5.175	.15		$0.45		
Lead burners	6.90	.30		f	$0.01	
Piledrivermen	8.385	.25	.25			
Plasterers	8.775				.01	
Plumbers and steamfitters: (East St. Louis and Vicinity)	7.60	.20	5%	5%		
Plumbers and steamfitters: (Belleville, and Vicinity and Scott AFB)	8.15		$0.30			
Roofers:						
Composition	6.45	.27	.30	$0.40	.03	
Kettlemen	4.65	.27	.30	.40	.03	
Slate and tile	6.45	.27	.30	.40	.03	
Sheet metal workers	7.95	.15	.15	6%	.01	
Sprinkler fitters	8.60	.25	.40		.06	
Terrazzo workers	5.65					
Terrazzo workers' helpers and floor machine operator	4.60					
Terrazzo base machine operator	4.90					
Tile setters	5.91	.175	.45			
Soft floor layers	8.385	.25	.25			
Welders—receive rate prescribed for craft performing operation to which welding is incidental.						

Paid holidays (where applicable): A—New Years Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business mcre than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
b. 6 paid holidays: A through F.
c. Employer contributes $45.67 per month per employee.
d. 10 paid holidays: A through F plus Washington's Birthday; Columbus Day; Veterans Day; and Friday after Thanksgiving Day.
e. Includes employer's contribution to pension fund.
f. 8 paid holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled workdays immediately preceding and following the holiday.

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SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers heavy construction:						
Clinton County: Trenton and vicinity; Jersey County; Macoupin County; Carlinsville, Olrard, and Palmyra and vicinity:						
Common laborers	7.20				.035	
All brick and plaster masons tenders	7.70				.035	
Workmen cutting and burning w/s torch	7.45				.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking or preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.45				.035	
Dynamitemen	8.80				.035	
Bond County; Calhoun County; Clinton County; New Baden and vicinity; Greene County; Macoupin County; Gillespie, Mount Olive, Shipman, and Staunton and vicinities; Madison County; Highland, Livingston, Marine, and St. Jacobs and vicinities; Randolph County; St. Clair County; Lenzberg and vicinity and Washington County:						
Common laborers	7.00		.20		.035	
All brick and plaster masons tenders	7.50		.20		.035	
Workmen cutting and burning w/a torch	7.25		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile, but not including box culverts, tin whistles or multiplate culverts)	7.25		.20		.035	
Dynamitemen	8.60		.20		.035	
Laborers—Highway construction:						
Belleville; O'Fallon:						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	7.35		.20		.035	
Tending to brick masons	7.75		.20		.035	
Dynamitemen	8.775		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles, or multiplate culverts)	7.50		.20		.035	
East St. Louis:						
Laborers	6.75	.25	.35		.035	
Asphalt raker, applying, cooking and heating of all mastics; weighman on asphalt platform	6.85	.25	.35		.035	
Tending to all brick masons	7.25	.25	.35		.035	
Dynamitemen	8.275	.25	.35		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles, or multiplate culverts)	7.00	.25	.35		.035	
Freeburg, Lenzburg, Marissa, Mascoutah, and New Athens:						
Laborers	7.15		.20		.035	
Asphalt raker, applying, cooking and heating of all mastics	7.25		.20		.035	
Weighman on asphalt platform	7.225		.20		.035	
Tending to all brick masons	7.65		.20		.035	
Dynamitemen	8.675		.20		.035	
Men working on the bottom of sewer trenches on the final grading, laying or caulking of preformed sectional sanitary or storm sewer pipe (including reinforced concrete tile but not including box culverts, tin whistles, or multiplate culverts)	7.40		.20		.035	
Painters:						
Residential and commercial:						
Brush	7.65	.25	.15			
Rollers, cut-in men, hand taping, sanding dry wall, and work performed on stages, boatswain chairs, picks or scaffolds supported by ropes or cable and similar rigs	7.90	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns taping tools, etc	8.40	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24 in. fan	8.65	.25	.15			
Spraying air-less with 24 in. fan or over	8.65	.25	.15			
Industrial:						
Brush	7.90	.25	.15			
Roller and cut-in men	8.40	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.15	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.65	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24-in. fan	8.90	.25	.15			
Spraying air-less with fan 24 in. or over	9.30	.25	.15			
Hazardous work (bridges, TV and radio towers, high line towers, water towers, smoke stacks and grain elevators):						
Brush	8.15	.25	.15			
Roller or cut-in men	8.65	.25	.15			
Work performed on stages, boatswain chairs, picks, or scaffolds supported by ropes or cable and similar rigs	8.40	.25	.15			
Mechanical tools and devices such as power sanders, buffers, needle guns, taping tools, etc	8.90	.25	.15			
Sandblasting, water blasting, steam cleaning and spraying conventional and air-less with less than 24-in. fan	9.15	.25	.15			
Spraying air-less with fan 24 in. or over	9.95	.25	.15			
Building and heavy construction:						
Power equipment operators:						
Cranes, dragline, shovels, skimmer scoops, clamshells or orange peels, derricks or derricks boats, piledrivers, crane-type backhoe, asphalt plant operators, concrete plant operators, ditching machine or backfillers (requiring oilers), dredges, asphalt spreading machines, all locomotives, cable ways or tower machines hoist—2-drum or more (where oiler or fireman is required)	8.10	.30	.85			
Hydraulic backhoe, ditching machine, or backfiller (not requiring oiler), hoists—2-drum or more (where oiler or fireman is not required), cherrypickers, overhead cranes roller, steam or gas, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags), boat operators (25 ft. and over)	8.10	.30	.85			
Drills (other than derrick type), one drum hoist, mud jacks or well drilling machines, boring machines, or track jacks, conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2), siphon or jets (2), winch heads or apparatuses (2), light plants (2), mixers (2 or 3 bags)	8.10	.30	.85			
Motor graders or pusheats, scoops or Tournapulls, bulldozers, endloaders or forklifts, power blade or elevating graders, winch cats, boom or winch trucks, or boom tractors, pipe wrapping or painting machines	8.10	.30	.85			
All tractors regardless of size (straight tractor only), fireman or stationary boilers, automatic elevators, form grading machines, finishing machines, power subgrader or ribbon machines, longitudinal floats boat operators (under 25 ft.), conveyors (1), distributor operators on trucks, siphons or jets (1), winch heads or apparatuses (1), light plants (1), mixers (under 2 bags)	8.10	.3	.85			
Air compressor (1), water pumps—regardless of size (1), welding machine (1)	7.325	.30	.85			
Firemen, asphalt spreader oiler	6.75	.30	.85			
Heavy equipment oiler (truck cranes, dredges, monigans, large cranes, etc.)	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Heavy-duty mechanics	8.10	.30	.85			
Hard rock mining $0.25 per hour premium pay above existing rate.						
Engineers operating under air pressure	10.25	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Engineers operating in air over 10 lb. pressure	10.55	.30	.85			
Apprentices operating in air over 10 lb. pressure	9.00	.30	.85			

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Highway construction:						
Power equipment operators:						
Cranes, dragline, shovels, skimmer scoops, clamshells or derrick boats, piledrivers, crane-type backhoes, asphalt plant operators, concrete plant operators, ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, all locomotives, cableways or tower machines, hoists—2-drum or more (where oiler or firemen is required)	8.10	.30	.85			
Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) hoists—2-drum or more (where oiler or firemen is not required), cherrypickers, overhead cranes, roller, steam or gas, concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat operators (25 ft. and over)	8.10	.30	.85			
Motor graders or pusheats, scoops or Tournapulls, bulldozer, endloaders or forklifts, power blade or elevating graders, winch cats, boom or winch trucks or boom tractors, and pipe wrapping or painting machines	8.10	.30	.85			
Drills (other than derrick type) 1-drum hoists, mud jacks or well drilling machines, boring machines or track jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2), siphons or jets (2), winch heads or apparatuses (2) and light plants (2)	8.10	.30	.85			
Mixers (under 2 bags), all tractors regardless of size (straight tractor only), fireman on stationary boilers, automatic elevators, form grading machines, finishing machines, power subgrader or ribbon machine	8.10	.30	.85			
Longitudinal floats, boat operators (under 25 ft.), conveyors (1), distributor operators on trucks, siphons or jets (1) winch heads or apparatuses (1), lights plants (1)	8.10	.30	.85			
Air compressors (1), water pumps regardless of size (1), welding machines (1)	7.325	.30	.85			
Firemen and asphalt spreader oilers	6.75	.30	.85			
Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.)	6.65	.30	.85			
Oiler or apprentice	6.40	.30	.85			
Master mechanic operator	8.60	.30	.85			
Assistant master mechanics	8.10	.30	.85			
Heavy-duty mechanics	8.10	.30	.85			
Hard rock mining—additional 25 cents per hour.						
Engineers operating under air pressure	10.25	.30	.85			
Engineers operating in air over 10 lb. pressure	10.55	.30	.85			
Apprentices operating under air pressure	8.50	.30	.85			
Apprentices operating in air over 10 lb. pressure	9.00	.30	.85			
Truckdrivers (building, heavy and highway):						
Drivers on 4-wheel trucks, dumperetes, scoopmobile 5 cu. yd. and under or less than 7½ tons, mixer trucks 3 cu. yd. and under, air compressors and welding machines, including those pulled by separate units, hatch trucks, wet or dry, 2—34 E batches or less, truckdrivers' helpers, warehousemen, mechanics' helpers, greasers, firemen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yd. or less, and small pallet-type forklift operator, and driver on pilot trucks	6.45	.30	a			
Drivers on 4-wheel trucks, over 5 cu. yd. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, bug-bottom dumps, Tournatrailers, Tournarockers, or similar equipment when used for transportation purpose under 9 cu. yd. or less than 13½ tons, tandems and semitrailer service trucks, mixer trucks, mixer trucks over 3 cu. yd. and including 6½ cu. yd. forklift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks—wet or dry—over 2 up to and including 4—34 E batches	6.66	.30	a			
Drivers on heavy equipment 9 cu. yd. or 13½ tons and/or truck licensed for 50,000 lbs. gross up to and including 16 yd. or 24 tons, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, bug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydrolift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yd., batch trucks—wet or dry—over 4—34 E batches, single-axle lowboy trailers, 6-wheel pole trailers and 2-man oil distributors	6.85	.30	a			
Drivers on heavy equipment over 16 cu. yd. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids, bug dumps, Tournapulls, Tournarockers, or similar equipment when used for transportation purposes and drivers on oil distributors, 1-man operation, pole trailers over 6-wheels, water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics	7.05	.30	a			

Footnote:
a. Employer contributes $9 per week per each employee.

State: Illinois; county: Kane.
Decision No.: AM-8,599; date: Apr. 28, 1972. Supersedes Decision No. AM-332, dated Aug. 13, 1971, in 36 F.R. 15166.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories); heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.25	$0.40	$0.275		$0.05	
Boilermakers	8.35	.50	.75	2%	.01	
Boilermakers' helpers	8.25	.50	.75	2%	.01	
Bricklayers and stonemasons	8.50	.30	.61			
Carpenters and piledrivermen:						
Building	7.68	.35	.47			
Heavy and highway	6.92	.20	.15	$0.06		
Cementmasons (building, heavy and highway)	8.90	.30	.50			
Electricians and line construction:						
Northern half of county:						
Electricians	8.30	3%	1%	4%	½ of 1%	
Linemen, digger operator	7.65	$0.15	1%		.25%	
Groundmen	5.00	.15	1%		.25%	
Groundmen, equipment operator and tractor operator	5.20	.15	1%		.25%	
Southern half of county:						
Electricians	8.80	3%	1%	4%	½%	
Linemen	7.65	$0.15	1%		.25%	
Groundmen	5.00	.15	1%		.25%	
Groundmen, equipment operator and tractor operator	5.20	.15	1%		.25%	
Glaziers	7.65	.15	$0.25		$0.01	
Ironworkers: Structural, ornamental and reinforcing	9.65	.25	.125		.045	
Laborers (building construction)	6.25	.25	.30			
Power vibrator	6.35	.25	.30			
Jackhammer and airspade operator	6.50	.25	.30			
Chain saw	6.50	.25	.30			
Mortar mixers	6.40	.25	.30			
Common laborer	6.25	.25	.30			
Dynamiters	6.75	.25	.30			
Tile layers and bottomman	6.60	.25	.30			
Lathers	8.11	.30			.01	
Leadburners	8.90	.30	a		.01	
Millwrights	7.68	.35	.47			

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SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Painters:						
Brush	6.725	.25	.20		.02	
Spray	7.125	.25	.20		.02	
Plasterers	8.90	.30	.50			
Laborers: Heavy and highway construction:						
Common laborers	5.80	$0.25	.15			
Asphalt laborers and helpers	5.80	.25	.15			
Tile layers and bottommen	6.15	.25	.15			
Air tampers and vibrators	5.85	.25	.15			
Chain saw men	6.05	.25	.15			
Jackhammer men, drill men, concrete breakers and air spades	6.05	.25	.15			
Stringline and form setters on concrete highways, streets, alleys, etc	5.95	.25	.15			
Sheeting and cribbing men	5.95	.25	.15			
Asphalt plant laborer	5.80	.25	.15			
Black top rakers and lutemen	5.95	.25	.15			
Stripping laborer	5.80	.25	.15			
Concrete saw, self-propelled saw	5.80	.25	.15			
Machine screwmen	5.95	.25	.15			
Mixers (mortar and concrete)	5.90	.25	.15			
Caisson diggers	6.30	.25	.15			
Dynamiters	6.30	.25	.15			
Plumbers and steamfitters:						
Vicinity of Elgin	7.78	.28	.20	$0.34	.01	
Vicinity of Aurora	6.90	.19	.14	.15	.02	
Roofers	7.30	.30		.20		
Sheet metal workers	7.56	.30	.15	.57	.02	
Soft-floor layers	7.68	.35	.47			
Sprinkler fitters	8.00	.25	.40		.05	
Tile setters	7.75	.30 —5%	.325		.06	
Tile setters' helpers	6.90	.30 —5%				
Terrazzo workers	7.50	→				
Terrazzo workers' helpers and floor machine	6.85	→				
Base machine operator	7.10	→				

Welders; receive rate prescribed for craft performing operation to which welding is incidental.
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. 8 paid holidays: A through F, plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled workdays immediately preceding and following the holiday.

Power equipment operators:

Building construction:					
Asphalt plant, asphalt spreader, Autograde, batch plant, Benoto (requires 2 engineers) boiler and throttle valve, caisson rigs, central Redi-mix plant combination backhoe front-end loader machine, compressor and throttle valve, concrete breaker (truck mounted) concrete conveyor, concrete paver over 27E cu. ft., concrete paver 27E cu. ft. and under, concrete placer, concrete tower, cranes (all), cranes, hammerhead; derricks (all), derricks, travelling, grader, elevating grading machines, highlift shovels, or front-end loader 2¼ yd. and over, hoists, 1, 2, and 3 drum, hoists, 2 tugger, 1 floor, hydraulic boom trucks, locomotives (all), motor patrol, pile-drivers and skid rig, posthole digger, prestress machine, pump cretes dual ram (requiring frequent lubrication and water) pump cretes, squeeze Cretesecrew type pumps, gypsum bulker and pump, rock drill (truck mounted) scoops, tractor boom and side boom, Trenchines, mechanics	8.65	.30	.40	.20	.02	
Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag and over) conveyor, portable forklift trucks, greaser engineer, highlift shovels of front-end loaders under 2¼ yd., hoists, automatic hoists, all elevator hoists, tugger, single drum, rollers, all steam generators, stone crushers tractors (all), winch trucks with A-frame	7.60	.30	.40	.20	.02	
Air compressor, small, 125 and under (1 to 5 not to exceed a total of 300 ft.); air compressor, large, over 125, combination, small equipment operator; generators, large, over 50 kw.; heaters, mechanical; pumps over 3 in. (1 to 2 not to exceed a total of 300 ft.); pumps, well points, welding machines (2 through 5); winches, 4 small electric drill winches	6.80	.30	.40	.20	.02	
Heavy and highway construction:						
Class I: Asphalt plant, asphalt heater and planer combination, asphalt spreader, Autograde belt loader, caisson rigs, central Redi-mix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer concrete tube float, cranes (all attachments), cranes—Linden, Peco and machine of a like nature, derricks (all), derricks (boats), derricks (traveling); dredges, Euclid loader, elevating type, Gradall and machines of a like nature, grader elevating hoists; 1 2, and 3 drum; locomotives (all), mucking machine, 1 cu. yd. and over, mucking machine, under 1 cu. yd., piledrivers and skid rig, prestress machine, Pump-cretes—dual ram (requiring frequent lubrication and water); rock drill—crane type, slip-form paver, straddle buggies, tractor with boom, Tractaire—with attachments, trenching machines, underground boring and/or mining machines 5 ft. in diameter and over; tunnel etc.—underground boring and/or mining machines under 5 ft., wheel excavator, widener (Apsco)	$7.80	.30	.20		.02	
Class II: Mechanic-welder, batch plant, bituminous mixer, bulldozers, combination backhoe front-end loader machine, concrete breaker or Hydro hammer, concrete grinding machine, concrete mixer or paver 78 series to and including 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine and sealing machine, finishing machine—concrete, grader motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front-end loader, hydraulic boom trucks (all attachments), locomotives, dinky; pumperetes; Squeezecretes, screw type pumps, gypsum bulker and pump rock drill (self-propelled); rototiller, Seaman, etc., self-propelled, Scoops, tractor-drawn, self-propelled compactor, spreader, chipetone, etc., scraper, tank car heater, tractors, push, pulling sheeps foot, disc compactor, etc., tugboats	7.30	.30	.20		.02	
Scraper, prime mover in tandem (regardless of size); additional $1 to class II hourly rate for each hour and for each machine attached thereto. Additional $1 to class II hourly rate for for each hour).						
Class III: Boilers, boiler and throttle valve, brooms (all power propelled); cement supply tender, compressor and throttle valve, concrete mixer (2 bag and over); conveyor, portable, fireman on boilers; forklift trucks, greaser engineer gronting machine, hoists, automatic, hoists, all elevators; hoists, tugger, single drum, jeep diggers, pipe jacking machines posthole digger, power saw, concrete power driven, pug mills, rollers (all), steam generators, stone crushers, stump machine, winch trucks with A-frame, work boats, Tamperform, motor driven	6.70	.30	.20		.02	
Class IV: Air compressors, all, generators, heaters, mechanical; light plants, all (1 through 5); pumps (all), pumps, well points, Tractaire, welding machines (2 through 6)	6.10	.30	.20		.02	
Class V: Oilers	5.50	.30	.20		.02	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Truckdrivers (building, heavy and highway):						
Bulk tank trucks, buses, dry batch trucks, dump or conveyor trucks, fuel trucks, grease trucks, lowboys, service trucks, scissor trucks, telescope trucks, water trucks:						
2- or 3-axle trucks	5.45	a8.00	a10.00			
4-axle trucks	5.60	a8.00	a10.00			
5-axle trucks	5.80	a8.00	a10.00			
6-axle trucks	6.00	a8.00	a10.00			
A-frame truck when used for transportation purposes, air compressors and welding machines including those pulled by cars, pickup trucks and tractors, ambulances, batch gate lockers, batch hopperman, carryalls, forklift and hoisters, helpers, mechanic helpers and greasers	5.45	a8.00	a10.00			
Car and truck washers	5.30	a8.00	a10.00			
Dispatcher	5.55	a8.00	a10.00			
Dumpcrete and agitators under 7 yd., mixer trucks under 7 yd	5.60	a8.00	a10.00			
Dumpcrete and agitators 7 yd. or over, explosive and/or fission material trucks, mixer trucks, 7 yd. and over	5.80	a8.00	a10.00			
Master mechanic	6.00	a8.00	a10.00			
Dumpsters, track trucks, Euclids, hng bottom dump Tournatrailers or Tournapulls when pulling other than self-loading equipment or similar equipment:						
Under 16 cu yd	5.60	a8.00	a10.00			
Over 16 cu yd	5.80	a8.00	a10.00			
Mechanic	5.65	a8.00	a100.0			
Oil distributors, 2-man operation, pavement breakers, pole trailer, up to 40 feet, power mower tractors, self-propelled chip spreader, skipman, slurry trucks, 2-man operation, teamsters, unskilled dumpmen, warehousemen and dockmen, winch trucks, 2 axles	5.45	a8.00	a10.00			
Ready-mix plant hopper operator	5.60	a8.00	a10.00			
Mobile crane while in transit, oil distributors, 1-man operation, pole trailer, over 40 feet, slurry trucks, 1-man operation, winch trucks, 3 axles or more	5.80	a8.00	a10.00			

Footnote:
a. Per week per employee.

State: Indiana; County: Allen.
DECISION No. AM-8609; date: Apr. 28, 1972.
Supersedes Decision No. AM-351, dated Aug. 13, 1971, in 36 F.R. 15277.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$9.00	$0.25	$0.15			
Boilermakers	8.95	.50	.65		$0.01	
Bricklayers	7.91	.20	.20		.01	
Stonemasons	7.91	.20	.20		.01	
Carpenters (building)	7.15	f4%			.04	
Millwrights	7.50	f4%			.04	
Piledrivermen	7.50	f4%			.04	
Carpenters (heavy and highway)	7.78	$0.30	.30		.02	
Cementmasons (building, heavy and highway)	6.90	.30				
Cementmasons (swing scaffold 5 ft. or over)	7.15	.30				
Electricians	7.70	.18	10%		.04	
Elevator constructors	7.17	.17	$0.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (probationary)	50% JR					
Ironworkers	$8.25	.40	.65		.01	
Lathers	6.15		.15			
Lead burners	6.90	.30		d	.01	
Marble setters	7.91	.20	.20		.01	
Marble setters' helpers	4.35					
Painters, brush, roller and paper hanger	5.90	.22	.22		.06	
Painters, spray and sandblasting	6.90	.22	.25		.05	
Painters, highwork, 31 ft. to 60 ft	6.30	.22	.25		.05	
Painters, highwork, 61 ft. to 100 ft	6.70	.22	.25		.05	
Painters, highwork, over 100 ft	6.90	.22	.25		.05	
Plasterers	6.61	.30				
Plumbers and steamfitters	8.005	.15	.175		.07	
Roofers	6.95		.10			
Sheet metal workers	6.77	.20	.15			
Soft-floor layers	7.15	f4%			.04	
Sprinkler fitters	8.00	$0.25	.40		.06	
Terrazzo workers	6.60					
Terrazzo workers' helpers	4.35					
Tile setters	6.60					
Tile setters' helpers	4.35					
Truckdrivers:						
Up to and including 1 ton	5.38	c	e			
Sweeper attached and distributor, water wagon	5.68	c	e			
1½ to and including 3 tons and forklift	5.48	c	e			
Tandem or double or lowboy	5.58	c	e			
Semi	5.53	c	e			
Winch or boom	5.58	c	e			
Helpers, spotters	5.38	c	e			

Welders—receive rate prescribed for craft performing operation to which welding is incidental.
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F.
b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. $6 per week for each employee.
d. Holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceding and following the holiday.
e. $8 per week for each employee.
f. 4% for health and welfare includes pension.

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SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers: Building construction:						
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up 3 in., mason tenders	5.45	.18	.25		.07	
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operators, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, Hyster operators, pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	5.65	.18	.25		.07	
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer	5.75	.18	.25		.07	
Group D: Tunnel work in free air: Muckers or tunnel laborers, bottom men, concrete men (bottom), miners and header men	6.05	.18	.25		.07	
Group E: Dynamite men	6.45	.18	.25		.07	
Laborers: Heavy and highway construction:						
Dynamite and powdermen	5.15	.18	.25		.07	
Asphalt lutemen, asphalt rakermen, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.95	.18	.25		.07	
Common laborers, unskilled	4.80	.18	.25		.07	
Laborers (sewer and tunnel):						
Top laborer	4.92	.18	.25		.07	
Well point lead man	4.97	.18	.25		.07	
Jackhammer and air tool operators	5.02	.18	.25		.07	
Bottomman	5.22	.18	.25		.07	
Pipelayer	5.22	.18	.25		.07	
Free air tunnel and caisson work:						
Miners or beadermen	6.00	.18	.25		.07	
Muckers and tunnel laborers	5.50	.18	.25		.07	
Bottommen and concretemen	5.40	.18	.25		.07	
Topmen	5.30	.18	.25		.07	
Line construction:						
North Indiana exclusive of Calumet area:						
Linemen	6.68	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.09	.15	1%		.25%	
Class B	5.33	.15	1%		.25%	
Senior ground truckdriver with winch	4.48	.15	1%		.25%	
Ground truckdriver with winch	4.20	.15	1%		.25%	
Ground truckdriver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 mo	3.45	.15	1%		.25%	
After 12 mo	4.11	.15	1%		.25%	
Calumet area:						
Linemen	6.97	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.15	.15	1%		.25%	
Class B	5.39	.15	1%		.25%	
Senior ground truckdriver with winch	4.58	.15	1%		.25%	
Groundman truckdriver with winch	4.26	.15	1%		.25%	
Groundman truckdriver without winch	3.77	.15	1%		.25%	
Groundman:						
0 to 12 mo	3.54	.15	1%		.25%	
After 12 mo	4.22	.15	1%		.25%	
Building construction:						
Power equipment operators:						
Air compressor (2 or 1 over 200 cu. ft.), mechanical heaters (2, 3, or 4), pumps (2, 3, or 4), pumps (2, 3, or 4) tractor, welding machines (2, 3, or 4)	5.65	.15	$0.20		$0.02	
Angle dozer, bulldozer, push dozer, auto patrol, back filler, boom cat, concrete pump, ditching and trenching machine, elevators (when used to hoist material), mechanic on jobsite, scoop, tractorfarm type, backhoe over ⅜ yd	6.53	.15	.20		.02	
Backhoe, caisson drilling machine, clamshell, crane, derrick, dragline, dredge, piledriver, shovel, tower crane	6.68	.15	.20		.02	
Concrete mixer (dual drum)	6.73	.15	.20		.02	
Concrete mixer (21 cu. ft. or over)	6.48	.15	.20		.02	
Crane, electric overhead, dinkey engine in tunnel, forklift, locomotive, tractor with winch	6.58	.15	.20		.02	
Ditching and trenching machine (over 24 in.) hoist, Tournapull (or similar) tractor shovel	6.63	.15	.20		.02	
Fireman	5.75	.15	.20		.02	
Helicopter	7.40	.15	.20		.02	
Power blade	6.18	.15	.20		.02	
Rollers on earth	5.70	.15	.20		.02	
Rollers on stone, blacktop or brick	6.43	.15	.20		.02	
Ross carrier, tractor—farm with attachments (Fordson or comparable size), boatman	6.23	.15	.20		.02	
Throttle valve, well point system	6.03	.15	.20		.02	
Track jack	5.55	.15	.20		.02	
Heavy and highway construction:						
Power equipment operators:						
Group I: Auto patrol, backhoe (on farm-type tractor over 50 hp.), ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (including clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part elevating grader, Euclid loader, formless paver, Gradall, gravel processing machine, operator of guardrail post driver high lift shovel 1½ yd. and over), hoist (2 drums and over), keystone (skimmer scoop) locomotive operator, mucking machine, panel board concrete plant (central mix type), pavar—Hetherington, piledriver—skid or crawler, road paving mixer, rock crusher, roller—asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater and planer, tandem push cat, Tournapull, or similar equipment, Tournapull tandem, tractor (boom or winch), tractor (push) tractor with scoop, tractor mounted spreader trench machine (over 24 in.) tug boat operator, well drilling machine, winch truck with A-frame	6.60	.25	.20		.04	
Group II: Backfiller, backhoe on farm-type tractor with less than 50 hp., bull float, concrete pump, concrete mesh depresser (independently operated) concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, gunite machine, head greaser, mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader—power control, Ross carrier, sheepfoot roller (self-propelled), tamper—multiple vibrating—asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24 in. and under), welder	6.25	.25	.20		.04	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Heavy and highway construction—Continued						
Power group operators—Continued						
Group III: Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.), curb machine, farm tractor (including farm tractor with all attachments except backhoe, and including high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist (1 drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry, seal machine (R.R.), tamper—multiple vibrating—earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, tractair with drill, tractor (50 hp. or over), wellpoint system, widener (Apsco or similar type)	5.90	.25	.20		.04	
Group IV: Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deckhand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, operator 2 pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw—concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractair, tractor (below 50 hp.), truck crane oiler—driver, water pump, welding machine	5.25	.25	.20		.04	
Sewer construction:						
Power equipment operators:						
Oilers and greasers	5.15	.15	.20		.02	
Air compressor (less than 200 cu. ft.) pump (over 2 in.), welding machine	5.15	.15	.20		.02	
Concrete mixer conveyor	5.30	.15	.20		.02	
Truck crane drivers	5.40	.15	.20		.02	
Track jack	5.45	.15	.20		.02	
Air compressor (2 or 1 over 200 cu. ft.), pumps (2, 3, or 4), tractor, welding machines (2, 3, or 4)	5.55	.15	.20		.02	
Rollers on earth	5.60	.15	.20		.02	
Firemen	5.65	.15	.20		.02	
Forklift—machinery moving, throttle valve, well point system	5.93	.15	.20		.02	
Power blade	6.08	.15	.20		.02	
Ross carrier, tractor-farm with attachment, Fordson or comparable size, boatman	6.13	.15	.20		.02	
Rollers on stone, blacktop or brick	6.33	.15	.20		.02	
Concrete mixer (21 cu. ft. or over)	6.38	.15	.20		.02	
Angle dozer, bull dozer, push dozer, auto patrol, back filler, boom cat, concrete pump, ditching and trenching machine, elevators (when used to hoist material) scoop, tractor (farm-type, backhoe over ⅜ yd.)	6.43	.15	.20		.02	
Crane electric overhead, dinkey engine in tunnel, forklift building construction, locomotive, tractor with winch	6.48	.15	.20		.02	
Ditching and trenching machine (over 24 in.), hoist, Tournapull or similar equipment, tractor shovel	6.53	.15	.20		.02	
Backhoe, caisson drilling machine, clamshell, crane, derrick, dragline, dredge, piledriver, shovel, tower crane	6.58	.15	.20		.02	
Concrete mixer (dual drum)	6.63	.15	.20		.02	
Helicopter	7.30	.15	.20		.02	
Heavy and highway construction:						
Truckdrivers:						
Group A: Acey wagons over 3 buckets	4.95	a	b			
Group B: Acey wagons to and including 3 buckets	4.90	a	b			
Group C: Tandem-tandem semitrucks—truck mechanics—heavy equipment type water wagon over 5,000 gal.—tri-axle trucks pulling tilt-top trailers—low-boys, tandem-tandem axle	4.85	a	b			
Group D: Tri-axle trucks—tandem axle semitrucks—equipment not self-loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom and hug-bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. tandem axle trucks pulling tilt-top trailers—lowboys, tandem axle—tri-axle batch truck	4.80	a	b			
Group E: Tandem "Dog-Legs" trucks—semiwater trucks—sprinkler trucks—heavy equipment type water wagon 5,000 gal. and under	4.75	a	b			
Group F: Truck mounted pavement breakers—tandem trucks over 15-ton payload single-axle semitrucks—farm tractors hauling material—equipment not self-loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug-bottom dump, Tournarockers, Athey wagons, or similar equipment, 12 cu. yd. and under—mixer trucks, all types—single-axle trucks pulling tilt-top trailer—low-boys, single axle	4.70	a	b			
Group G: Tandem axle fuel trucks—tandem axle water trucks—bituminous distributor, 1 man	4.65	a	b			
Group H: Single axle "Dog Legs"—tandem trucks or "Dog-Legs"—winch trucks or A-frames used for transportation—batch trucks, wet or dry over 3 (34E) batches grease and maintenance trucks servicing tandem axle trucks	4.60	a	b			
Group I: Single-axle fuel trucks—single-axle water trucks—bituminous distributors, 2-man	4.55	a	b			
Group J: Single-axle straight trucks—batch trucks, wet or dry 3 (34E) batches or less—grease and maintenance trucks servicing single-axle trucks	4.50	a	b			
Group K: Helpers, greasers, tire men, batch board tenders	4.45	a	b			
Group L: Pickup trucks	4.35	a	b			

Footnotes:
a. $6 per week for each employee on payroll of employer 30 days or more.
b. $5 per week for each employee on payroll of employer 30 days or more.

State: Indiana; county: Marion.
Decision No.: AM-8,601; date: Apr. 28, 1972. Supersedes Decision No. AM—359, dated Aug. 13, 1971, in 36 F.R. 15327.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$8.10	$0.20	$0.20		$0.02	
Boilermakers	8.95	.50	.65		.01	
Bricklayers and stonemasons	8.05	.25	.20		.03	
Carpenters:						
Building	8.15	.40	.27		.05	
Heavy and highway	7.78	.30	.30		.02	
Cementmasons (building, heavy and highway)	6.63				.04	
Electricians	7.78	2%	3%		.5%	
Elevator constructors	7.96	$0.195	$0.20	2%+b&c	$0.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+b&c	.005	
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	$7.99					

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Ironworkers: Structural, ornamental, reinforcing	6.55	.25	.45		.02	
Laborers, wrecking:						
Wrecking laborers, salamander and mason tenders	5.20	.18	.25		.07	
Jackhammer, drill and compactor operators, chain saw operator, mechanical wheelbarrows and buggies; gas powered floor sweeper; laborers working over 3 stories or 35 ft. in height	5.40	.18	.25		.07	
Cutting torch or burner	5.60	.18	.25		.07	
Lathers	6.10	.15			015	
Leadburners	6.90	.30		e	.01	
Marble setters	7.90		.20		.03	
Marble and tile setters' helpers	5.10					
Millwrights	8.15	.40	.27		.08	
Painters:						
Brush, dry wall, tapers, finishers	6.60	.20	.20			
Spray and sandblasting	7.40	.20	.20			
Rollers	6.60	.20	.20			
Sign painters	4.20			b&d		
Sign painters' helpers, 1st year	2.60			b&d		
Sign painters' helpers, 2d year	3.10			b & d		
Sign painters' helpers, 3d year	3.43			b & d		
Plasterers	7.95	.25			.01	
Plumbers	7.90	.25	.15		.04	
Piledrivermen	8.15	.40	.27		.05	
Pipefitters and steamfitters	7.70	.25	.35		.04	
Roofers, composition	6.60	.15	.15			
Roofers, slate and tile	6.85	.15	.15			
Roofers, helpers	5.25	.15	.15			
Sheet metal workers	7.53	.40	.40		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Soft-floor layers	6.15	.25			.05	
Terrazzo workers	7.65	.25	.20			
Terrazzo workers' helpers	5.20					
Terrazzo base machine operator	5.40					
Tile setters	7.90		.20		.03	
Truckdrivers:						
Up to and including 3 tons, and helpers	5.175	a	f			
Over 3 tons, semitrailers, tandem (double bottom), winch trucks when used with winch	5.325	a	f			
Truck mechanics	5.25	a	f			

Welders receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:
a. $5 per week for each employee.
b. Holidays: A through F.
c. Employer contributes 4 percent of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 1 week's paid vacation after 1 year's employment; 2 weeks' after 3 years; and 3 weeks' after 20 years.
e. Holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceding and following the holiday.
f. $6 per week for each employee.

Laborers: Building construction:					
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in.	4.95	$0.18	$0.25		.07
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of Unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipelayers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operators, pumperete assemblers, conveyor assemblers, core drill operators, cement lime or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic)	5.15	.18	.25		.07
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	5.25	.18	.25		.07
Group D: Tunnel work in free air: Muckers or tunnel laborers, bottommen, concrete men (bottom), miners and header men	5.55	.18	.25		.07
Group E: Dynamite men	5.95	.18	.25		.07
Stacks and chimneys: Base to 25 ft., $0.25 per hour over base rate; 25 ft. to 50 ft., $0.50 per hour over base rate; 50 ft. to 75 ft., $0.75 per hour over base rate; 75 ft. to 100 ft., $1 per hour over base rate; 100 ft. to 150 ft., $1.25 per hour over base rate; 150 ft. to 200 ft., $1.50 per hour over base rate; 200 ft. to 250 ft., $1.75 per hour over base rate; 250 ft. and up, $2.00 per hour over base rate.					
Laborers: heavy and highway construction:					
Dynamite and powdermen	5.15	.18	.25		.07
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	4.95	.18	.25		.07
Common laborers, unskilled	4.80	.18	.25		.07
Laborers:					
Tunnel and sewer construction:					
Common laborers	4.80	.13	.20		
Jackhammer, drill, air spades, air tamp and vibrator operators, operators of mechanical equipment (which replaces wheelbarrows and buggies), chipping and cutting hammers, laborers, laborers, in ditches deeper than 6 ft. not sheeted or sloped	5.00	.13	.20		
Sewer pipelayers	5.20	.13	.20		
Free air tunnel work:					
Miner or header man	5.60	.13	.20		
Muckers and tunnel laborers	5.10	.13	.20		
Bottommen	5.00	.13	.20		
Topmen	4.90	.13	.20		
Concrete men	5.00	.13	.20		
Line construction:					
Linemen	6.77	.25	1%		2½%
Cable splicers	6.77	.25	1%		2½%
Heavy equipment operator A	6.47	.25	1%		2½%
Heavy equipment operator B	5.33	.25	1%		2½%
Powderman	5.21	.25	1%		2½%
Equipment mechanic	5.21	.25	1%		2½%

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers—Continued						
Line construction—Continued						
Senior groundman truck driver with winch	4.47	.25	1%		2½%	
Groundman truckdriver with winch	4.30	.25	1%		2½%	
Groundman truckdriver without winch	3.77	.25	1%		2½%	
Senior groundman after 5 years	4.20	.25	1%		2½%	
Senior groundman after 12 months	4.17	.25	1%		2½%	
Groundman 0–12 months	3.55	.25	1%		2½%	
Building construction:						
Power equipment operators:						
Air compressor, concrete mixer (under 21 cu. ft.), conveyor mechanical heater, oilers or greasers, pump, welding machine	4.95	.15	$0.20		$0.02	
Truck crane driver	5.05	.15	.20		.02	
Throttle valve, well point system	5.70	.15	.20		.02	
Roller on earth, tractor	5.73	.15	.20		.02	
Mechanical heaters (2, 3, 4, or 5)	5.55	.15	.20		.02	
Batcher plant (automatic dry batch), concrete saw (power driven) finishing machine, firemen, flex plane, form grader, paving joint machine	6.05	.15	.20		.02	
Tractor, farm with attachments	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Bituminous paver, bull float, concrete curing machine, subgrader	6.30	.15	.20		.02	
Tractor, farm with backhoe	6.35	.15	.20		.02	
Dinky engine, track jack	5.80	.15	.20		.02	
Bituminous plant engineer	6.45	.15	.20		.02	
Hydrohammer	6.55	.15	.20		.02	
Concrete mixer (21 cu. ft.), drilling machine, elevators (when used to hoist materials)	6.56	.15	.20		.02	
Auto patrol, boom cat, bulldozer, concrete pump, ditching machine, forklift (material and machinery handling on job), hoist, mechanic on job, mucking machine, pushdozer, roller on stone, blacktop, brick, Ross carrier, scoops, Tournapull or similar type, tractor shovel (high lift), tractor with winch, truck with winch	6.61	.15	.20		.02	
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24 in.), dredge, drilling machine (caisson), electric overhead crane, piledriver, tower crane	6.71	.15	.20		.02	
Helicopter (other than transportation)	7.40	.15	.20		.02	
Heavy and highway construction:						
Power equipment operators:						
Group I: Auto patrol, backhoe (on farm type tractor over 50 h.p.), ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachments (including clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, Euclid loader, formless paver, Gradall, gravel processing machine, operator of guardrail post driver high-lift shovel 1½ yd. and over), hoist (2 drums and over), keystone (skimmer scoop) locomotive operator, mucking machine, panel board concrete plant (central mix type), paver—Hetherington, piledriver, skid or crawler, road paving mixer, rock crusher, roller—asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater and planer, tandem push cat, Tournapull or similar equipment, Tournapull tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24 in.) tugboat operator, well-drilling machine, winch truck with A-frame	6.60	.25	.20		.04	
Group II: Backfiller, backhoe on farm type tractor with less than 50 h.p., bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine and bull float, Gunite machine, head greaser, mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader—power control, Ross carrier, sheepfoot roller (self-propelled), tamper—multiple vibrating—asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24 in. and under), welder	6.25	.25	.20		.04	
Group III: Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (including farm tractor with all attachments except backhoe, and including high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (1 drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine (R.R.), tamper—multiple vibrating—earth and subbase material, throttle valve, throttle valve and compressor or Clever-Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, Tractair with drill, tractor (50 h.p. or over), well-point system, widener (Apsco or similar type)	5.90	.25	.20		.04	
Group IV: Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, Coleman type screen, conveyor (portable), deck hand, digger—posthole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanic's helper, mechanical heater, operator, 2 pieces of minor equipment, outboard or inboard motorboat, power curing spraying machine, power saw—concrete (power driven), pull broom (power type), Seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, Tractair, tractor (below 50 h.p.), truck crane oiler-driver, water pump, welding machine	5.25	.25	.20		.04	
Sewer and tunnel construction:						
Power equipment operators:						
Air compressor (1, any size), concrete mixer under 21 cu. ft., conveyor, oilers, greasers, pump (1), welding machine (1)	5.03	.15	.20		.02	
Truck-crane driver	5.13	.15	.20		.02	
Firemen, roller, throttle valve, tractor, well-point system	5.73	.15	.20		.02	
Dinky engine in tunnel	6.23	.15	.20		.02	
Finishing machine, flex plane, form grader	6.05	.15	.20		.02	
Tractor (farm, with attachments)	6.10	.15	.20		.02	
Boatman	6.21	.15	.20		.02	
Tractor (farm with backhoe)	6.28	.15	.20		.02	
Bituminous paver bull float, subgrader	6.30	.15	.20		.02	
Concrete mixer, 21 cu. ft. and over	6.56	.15	.20		.02	
Auto patrol, back filler, boom cat, bulldozer, concrete pump, concrete saw, ditching machine (under 24 in.), hoist, Hydrohammer, mechanic on job, push dozer, scoops, Tournapul and similar equipment, tractor shovel (high lift), tractor with winch, truck with winch, drilling machine	6.66	.15	.20		.02	
Concrete mixer (dual drum), crane with any attachments, derrick, ditching machine (over 24 in.), dredge, orange-peel bucket, piledriver, shovels, mucking machine	6.71	.15	.20		.02	
Helicopter other than transportation	7.43	.15	.20		.02	

Air compressor (2), pumps (2, 3 or 4), welding machine (2, 3 or 4)—*Combination rate.
*Combination rate shall mean $0.25 per hr. extra for each additional machine.

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Laborers—Continued						
Truckdrivers (heavy and highway):						
Group A: Acey wagons over 3 buckets	5.00	a6.00	a6.00			
Group B: Acey wagons to and including 3 buckets	4.95	a6.00	a6.00			
Group C: Tandem-tandem semitrucks; truck mechanics; heavy equipment type water wagon over 5,000 gal.; tri-axle trucks pulling tilt-top trailers; lowboys, tandem-tandem axle	4.90	a6.00	a6.00			
Group D: Tri-axle trucks; Tandem axle semitrucks; equipment not self-loaded or pusher-loaded such as Koehring or similar dumpster; track truck, Euclid bottom dump and hug-bottom dump; Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd.; tandem axle trucks pulling tilt-top trailers; lowboys, tandem axle; tri-axle batch truck	4.85	a6.00	a6.00			
Group E: Tandem "dog-legs" trucks; semi water trucks; sprinkler trucks; heavy equipment-type water wagon, 5,000 gal. and under	4.80	a6.00	a6.00			
Group F: Truck-mounted pavement breakers; tandem trucks over 15 ton payload; single-axle semitrucks; farm tractors hauling material; equipment not self-loaded or pusher-loaded such as Koehring or similar dumpster; track truck, Euclid bottom dump and hug-bottom dump; Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cu. yd. and under; mixer trucks, all types; single-axle trucks pulling tilt-top trailer; lowboys, single-axle	4.75	a6.00	a6.00			
Group G: Tandem-axle fuel trucks; tandem-axle water trucks; bituminous distributor, 1 man	4.70	a6.00	a6.00			
Group H: Single-axle "dog legs"; tandem trucks or "dog legs"; winch trucks or A-frames used for transportation; batch trucks, wet or dry over 3 (34E) batches; grease and maintenance trucks servicing tandem-axle trucks	4.65	a6.00	a6.00			
Group I: Single-axle fuel trucks; single-axle water trucks; bituminous distributors, 2-man	4.60	a6.00	a6.00			
Group J: Single-axle straight trucks; bateb trucks, wet or dry 3 (34E) batches or less; grease and maintenance trucks servicing single-axle trucks	4.55	a6.00	a6.00			
Group K: Helpers, greasers, tiremen, batch board tenders	4.50	a6.00	a6.00			
Group L: Pickup trucks	4.40	a6.00	a6.00			

Footnotes:
a. Per week for each employee.

State: Indiana; county: Lake.
Decision No.: AM-8,602; date: Apr. 28, 1972. Supersedes Decision No. AM-357, dated Aug. 13, 1971, in 36 F.R. 15310.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction and dredging.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building construction:						
Hammond area:						
Asbestos workers	$6.50	$0.30	$0.125		$0.05	
Boilermakers	8.95	.50	.65		0.1	
Bricklayers and stonemasons	8.65	.30	.45	$0.50		
Carpenters (building, heavy and highway)	8.66	.40	.40		.02	
Millwrights	8.66	.40	.40		.02	
Piledrivermen	8.66	.40	.40		.02	
Cementmasons (building)	7.52	.25	.25		.01	
Cementmasons (highway, bridges, and airport)	7.77	.25			.01	
Electricians	8.50	4%	4.3%+1%		.01	
Elevator constructors	7.64	$0.17	$0.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (probationary)	50% JR					
Ironworkers, structural and ornamental	$9.27	.40	.53		.04	
Ironworkers, reinforcing	9.27	.40	.53		.04	
Lathers	7.05	.10				
Leadburners	6.90	.30		d	.01	
Marble setters	8.65	.30	.45	$0.50		
Marble setters' helpers	5.45	.10		c		
Painters:						
Commercial:						
Brush	6.85	.32	.25		.02	
Spray and sandblasting	7.60	.32	.25		.02	
Structural steel	7.55	.32	.25		.02	
Paperhangers	7.10	.32	.25		.02	
Industrial:						
Brush	7.55	.32	.25		.02	
Spray and sandblasting	8.30	.32	.25		.02	
Pipefitters	7.65	.17	.30		.02	
Plasterers	6.80	.25				
Plumbers	8.10	.30	.30			
Roofers	8.61	.30	.30			
Sheetmetal workers	8.57	.38	.34		.08	
Soft-floor layers	8.66	.40	.40		.02	
Sprinkler fitters (within 30-mile radius of Chicago City Hall)	8.24	.16	.40		.03	
Sprinkler fitters (remainder of county)	8.00	.25	.40		.05	
Terrazzo workers	8.65	.30	.45	$0.50		
Terrazzo workers' helpers	5.75	.10		c		
Tile setters	8.65	.30	.45	$0.50		
Tile setters' helpers	5.45	.10		c		

Paid holidays: A—New Years Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F.
b. Employer contributes 4 percent of regular rate to vacation pay credit for employee who has worked in the business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.
c. 1 week paid vacation after 1 year's employment and 2 weeks after 2 years.
d. Holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceding and following the holiday.
Remainder of County:

Asbestos workers	6.50	.30	.125		.05	
Boilermakers	8.95	.50	.65		.01	
Bricklayers and stonemasons	8.65	.30	.45	$0.50		
Carpenters (building, heavy, and highway)	8.66	.40	.40		.02	
Cementmasons (building)	6.52	.25	.25			
Cementmasons; machine operator, color work, highway straight-edgemen	6.77	.25	.25			
Cementmasons (highway, bridge and airport)	7.52	.25	.25		.01	
Electricians	8.50	4%	4.3%+1%		.5%	
Elevator constructors	7.64	$0.17	$0.185	2%+a&b	$0.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building construction—Continued						
Remainder of county—Continued						
Elevator constructors' helpers (probationary)	50% JR					
Glaziers	$7.05					
Ironworkers, structural and ornamental	9.27	.40	.53		.04	
Ironworkers, reinforcing	9.27	.40	.53		.04	
Lathers	7.05	.10				
Leadburners	6.90	.30		d	.01	
Marble setters	8.65	.30	.45	$0.50		
Marble setters' helpers	5.45	.10		c		
Millwrights	8.66	.40	.40		.02	
Painters:						
Brush—commercial	6.95	.32	.25		.02	
Brush—industrial	7.80	.32	.25		.02	
Sandblasting and spray—commerical	7.70	.32	.25		.02	
Piledrivermen	8.66	.40	.40		.02	
Pipefitters	7.65	.27	.30		.02	
Plasterers	7.55	.25				
Plumbers	8.19	.35	.35			
Roofers	8.61	.30	.30			
Sheet metal workers	8.57	.38	.34		.08	
Sprinkler fitters (within 30-mile radius of Chicago City Hall)	8.24	.16	.40		.03	
Sprinkler fitters (remainder of county)	8.00	.25	.40		.05	
Soft-floor layers	8.66	.40	.40		.02	
Terrazzo workers	8.65	.30	.45	$0.50		
Terrazzo workers' helpers	5.75	.10		c		
Tile setters	8.65	.30	.45	$0.50		
Tile setters' helpers	5.45	.10		c		

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. Holidays: A through F.
b. Employer contributes 4 percent of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in the business less than 5 years.
c. 1 week's paid vacation after 1 year's employment and 2 weeks after 2 years.
d. Holidays: A through F plus Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceding and following the holiday.
Building construction:
Laborers:
Group A: Building and construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers and cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior and exterior), cement finisher helper, carpenter helper, all portable water pumps with discharge up to 3 in., mason tenders | 5.70 | .18 | .25 | | .07 | |
Group B: Waterproofing, handling of creosote lumber or like treated material (excluding railroad material), asphalt rakers and lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, and all other pneumatic tool operators, jackmen and sheeting men working in ditches deeper than 6 ft., laborers working in ditches 6 ft. in depth or deeper, assembly of Unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipelayers (metallic and nonmetallic), motor-driven wheelbarrows and concrete buggies, hyster operator, pumpcrete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine and winch operator, water main and cable ducking (metallic and nonmetallic) | 5.90 | .18 | .25 | | .07 | |
Group C: Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer | 6.00 | .18 | .25 | | .07 | |
Group D: Tunnel work in free air: Muckers or tunnel laborers, bottommen, concrete men (bottom), miners and header men | 6.30 | .18 | .25 | | .07 | |
Group E: Dynamite men | 6.70 | .18 | .25 | | .07 | |
Stacks and chimneys: Base to 25 ft., $0.25 per hour over base rate; 25 ft. to 50 ft., $0.50 per hour over base rate; 50 ft. to 75 ft., $0.75 per hour over base rate; 75 ft. to 100 ft., $1 per hour over base rate; 100 ft. to 150 ft., $1.25 per hour over base rate; 150 ft. to 200 ft., $1.50 per hour over base rate; 200 ft. to 250 ft., $1.75 per hour over base rate; 250 ft. and up, $2 per hour over base rate. | | | | | | |
Heavy and highway construction:
Laborers:
Laborers, unskilled | 5.40 | .18 | .25 | | .07 | |
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag), concrete puddlers, dynamite and powdermen, hand blade operator, power tools and power equipment, side rail setters (for sidewalks, side ditches, radii and pavements), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated) | 5.55 | .18 | .25 | | .07 | |
Tunnel and sewer construction:
Hammond and vicinity:
Laborers (sewer and tunnel):
Top laborers, sheeting and form men, well-point system men, bottommen, bricklayer tender, pipelayer (sewer), catch-basin diggers, mortarmen, cement carriers, rodmen and chainmen, toolhousemen and waterboys | 5.325 | .13 | .25 | | .02 | |
Air tool operators, jackhammer, chain saw, tempers, vibrator and core drill operators | 5.40 | .13 | .25 | | .02 | |
Remainder of the county:
Laborers:
Sewer:

Top laborers	5.20	.13	.25		.02
Sheeting and form men	5.35	.13	.25		.02
Well-point system man	5.35	.13	.25		.02
Jackhammer, air tool and vibrator operator	5.40	.13	.25		.02
Bottomman	5.35	.13	.25		.02
Bricklayer tender	5.35	.13	.25		.02
Pipelayers (sewer)	5.45	.13	.25		.02
Catch-basin diggers	5.35	.13	.25		.02
Mortarmen	5.35	.13	.25		.02
Cement carriers	5.35	.13	.25		.02
Cement mixers	5.35	.13	.25		.02
Scaffold men	5.35	.13	.25		.02
Burners	5.35	.13	.25		.02
Rodmen and chainmen	5.35	.13	.25		.02
Toolhousemen and waterboys	5.20	.13	.25		.02
Common laborers on trenches below 5 ft. in depth from normal ground level	5.20	.13	.25		.02
All other common laborers	5.20	.13	.25		.02

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Tunnel and sewer construction—Continued						
Remainder of county—Continued						
Laborers—Continued						
Compressed air:						
Jackhammer men	5.625	.13	.25		.02	
Air hoist operators	5.575	.13	.25		.02	
Bricklayers tenders	5.575	.13	.25		.02	
Cement (invert) labor	5.575	.13	.25		.02	
Dynamiters	5.575	.13	.25		.02	
Drillers for blasting	5.575	.13	.25		.02	
Concrete blower operators	5.575	.13	.25		.02	
Lock tenders	5.575	.13	.25		.02	
Miners	5.575	.13	.25		.02	
Power knife operators	5.575	.13	.25		.02	
Keyboard operators	5.575	.13	.25		.02	
Erector operators	5.575	.13	.25		.02	
Pebble-placer operators	5.45	.13	.25		.02	
Mortarmen	5.45	.13	.25		.02	
Muckers	5.45	.13	.25		.02	
Signalmen	5.375	.13	.25		.02	
Car pushers	5.35	.13	.25		.02	
Concrete laborers	5.35	.13	.25		.02	
Grout machine operators	5.25	.13	.25		.02	
Grout laborers	5.35	.13	.25		.02	
Steel setters	5.35	.13	.25		.02	
Cage tenders	5.25	.13	.25		.02	
Skinners	5.25	.13	.25		.02	
Switchmen	5.25	.13	.25		.02	
Track layers	5.25	.13	.25		.02	
Dumpmen	5.225	.13	.25		.02	
Top laborers	5.225	.13	.25		.02	
Line construction:						
North Indiana exclusive of Calumet area:						
Linemen	6.68	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.09	.15	1%		.25%	
Class B	5.33	.15	1%		.25%	
Senior ground truck driver with winch	4.48	.15	1%		.25%	
Ground truck driver with winch	4.20	.15	1%		.25%	
Ground truck driver without winch	3.70	.15	1%		.25%	
Groundman:						
0 to 12 months	3.45	.15	1%		.25%	
After 12 months	4.11	.15	1%		.25%	
Calumet area:						
Linemen	6.97	.15	1%		.25%	
Heavy equipment operators:						
Class A	6.15	.15	1%		.25%	
Class B	5.39	.15	1%		.25%	
Senior ground truckdriver with winch	4.58	.15	1%		.25%	
Groundman truck driver with winch	4.26	.15	1%		.25%	
Groundman truckdriver without winch	3.77	.15	1%		.25%	
Groundman:						
0 to 12 months	3.64	.15	1%		.25%	
After 12 months	4.22	.15	1%		.25%	
Building construction; power equipment operators:						
Mechanic (with truck $1 per hour more) asphalt plant, Autograde, batch plant, Benoto (requires 2 engineers) boiler and throttle valve; caisson rigs, central Redi-mix plant, combination tugger hoist and air compressors, compressor and throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete paver 27E cu. ft. and under, concrete tower, cranes (all), cranes, tower, derricks (all), derricks, traveling, forklift—full type, forklift—10 ton and over, hoists, 1, 2, and 3 drum, hoists, 2-tugger, 1-floor, hydraulic boom truck, locomotives (all), piledrivers and skid rig, pit machines, prestress machine, Pumperetes and similar types, rock drill (self-propelled), rock drill (truck-mounted), slip form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractor	9.02	.30	$.40		$0.02	
Asphalt spreader, boilers, bulldozers, combination backhoe front-end loader, engineer acting as conductor in charge of crew, grader, elevating, greaser engineer, grouting machines, highlift shovels of front-end loader, hoists, automatic, Corboy drilling; machines, hoists, all elevators, hoists, tugger, single-drum, motor patrol, posthole digger, rollers (all), scoops—tractor drawn, stone crushers, Tournapull, winch trucks	8.55	.30	.40		.02	
Concrete mixer (2 bag and over), conveyor, portable, steam generators, tractors, farm and similar type, air compressor, forklift trucks generators, pumps (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches	7.25	.30	.40		.02	
Heaters, mechanical, oilers, switchmen	6.30	.30	.40		.02	
Heavy and highway construction: power equipment operators:						
Oiler, deck hand, mechanical heater (1 to 5), outboard or inboard motor boat, concrete power saw (power driven), water pump, grasscutters, helper on C.M.I. and similar type machine, Hetherington assistant greaser	5.60	.30	.30	$0.10	.04	
Air compressors, all conveyors, fireman on boiler, generator, assistant mechanic, power-curing spraying machine, pull broom (power propelled), Seaman tiller, spike machine, striping machine, paint—motor driven, throttle valve, welding machine, well-point system	6.15	.30	.30	.10	.04	
Assistant plant engineer, back filler, broom and belt machine, concrete finishing machine, concrete spreader—power driven, posthole digger—power driven, finishing machine and bull float, form tamper—motor driven, hoist—1 drum, multiple tamping machine, paving breaker, roller—earth and subbase material, sheepfoot roller (self-propelled), subgrader, tamper—multiple vibrating—earth and subbase material, Tractaire, Tractaire with drill, tractor, with all attachments except backhoe and including highlift endloaders of 1 cu. yd. capacity and less, bituminous distributor	6.95	.30	.30	.10	.04	
Auto patrol, automatic dry batch plant, backhoe, ½ yd. and over, ballast regulator (R.R.), concrete mixer, 27 cu. ft. or over, concrete pump, core drilling machine, crane or derrick, dredge engineer, dredge operator, Euclid loader, Gradall, highlift shovel—2 yd. and over, hoist—2 and 3 drums, locomotive operator, mechanic, mucking machine, panelboard concrete plant (central mix type), paver—Hetherington, piledriver, road-paving mixer, Ross carrier, throttle valve and compressor on Clever-Brooks type combination, throttle valve and firemen combination on horizontal or upright boiler, Tournapull or similar type equipment, tractorboom trench machine, tugboat operator, winch truck with A-frame	7.65	.30	.30	.10	.04	
Scoops, Tournapulls or similar type machines used in Tandem	8.65	.30	.30	.10	.04	
Backhoe—tractor mounted (less than ½ yd.) bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, concrete mixer (less than 27 cu. ft.) elevating grader, elevating loader, portable greaser, highlift shovel under 3 yd., Jersey spreader or base paver, mechanic, pull grader, power control, asphalt roller, waterbound macadam, bituminous macadam, brick surface heater and planer, tamper—multiple vibrating asphalt waterbound macadam, bituminous macadam, brick surface, tractor—push, tractor with scoop, widener Apsco or similar type	7.35	.30	.30	.10	.04	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Tunnel and sewer construction: Power equipment operators:						
Class I: Mechanic (with truck $1 more per hour) asphalt plant, Autograde, batch plant, boiler and throttle valve, caisson rigs, central Redi-mix plant, combination, tugger hoist and air compressor, compressor and throttle, concrete breaker (truck mounted), concrete conveyor, concrete paver 27E cu. ft. and under, concrete paver over 27E cu. ft., concrete tower, cranes (all), cranes (tower), derricks (all), derricks (traveling), forklift (Lull type), forklift (10 ton and over), hoists—1, 2, and 3 drum, hoists—2 tugger 1 floor, hydraulic boom truck, locomotives (all), piledrivers and skid rig, pit machines, prestress machine, Pumperetes and similar types, rock drill (self-propelled), rock drill (truck mounted), slip-form paver, straddle buggies, tractor with boom and side boom, trenching machine, winch tractors	9.02	.30	.40		.02	
Class II: Asphalt spreader, boiler, bulldozers, combination backhoe front-end loader, elevating grader, grouting machines, highlift shovels or front-end loader, hoists (automatic), Corboy drilling machines, hoists (all elevators), hoists (tugger, single drum), motor patrol, posthole digger, roller (all), scoops—tractor drawn, stone crushers, Tournapull, winch trucks	8.55	.30	.40		.02	
Class III: Concrete mixer (2 bag and over), conveyor (portable), tractors (farm and similar type), air compressor, forklift trucks, generators, pumps (1 to 3, not to exceed a total of 325 ft.), pumps, well points, welding machines (2–5), winches, 4 small electric drill winches	7.25	.30	.40		.02	
Class IV: Heaters (mechanical), oilers	6.30	.30	.40		.02	
Building, heavy and highway:						
Truckdrivers:						
4-wheel trucks	5.00	a7.00	a8.00	.20		
6-wheel trucks	5.15	a7.00	a8.00	.20		
10-wheel and semidump trucks	5.35	a7.00	a8.00	.20		
Carryalls and lowboys	5.35	a7.00	a8.00	.20		
Winch trucks	5.35	a7.00	a8.00	.20		
Readymix trucks:						
3 cu. yd. and under	5.15	a7.00	a8.00	.20		
Over 3 cu. yd. and including 4½ yd.	5.30	a7.00	a8.00	.20		
Over 4½ yd. to and including 6 yd.	5.40	a7.00	a8.00	.20		
Over 6 yd.	5.60	a7.00	a8.00	.20		
Dumpsters, track trucks, Euclids, hug bottoms, Tournatrailers or Tournapulls when pulling other than self-loading equipment.						
Under 16 cu. yd.	5.35	a7.00	a8.00	.20		
16 cu. yd. and over	5.50	a7.00	a8.00	.20		
Oil distributors:						
1-man operation	5.50	a7.00	a8.00	.20		
2-man operation	5.15	a7.00	a8.00	.20		
Service trucks	5.00	a7.00	a8.00	.20		
Service trucks, heavy duty	5.15	a7.00	a8.00	.20		
Tandem and semitrailer trucks	5.15	a7.00	a8.00	.20		
Forklifts and hoisters	5.15	a7.00	a8.00	.20		
Pavement breakers	5.15	a7.00	a8.00	.20		
Air compressors and welding machines including those pulled by cars, pickup trucks and tractors	5.00	a7.00	a8.00	.20		
A-frame trucks when used for transportation purposes	5.15	a7.00	a8.00	.20		
Batch trucks	5.30	a7.00	a8.00	.20		
Pole trailers	5.15	a7.00	a8.00	.20		
Teamsters	5.00	a7.00	a8.00	.20		
Helpers	5.00	a7.00	a8.00	.20		
Warehousemen	5.00	a7.00	a8.00	.20		
Hoppermen	5.00	a7.00	a8.00	.20		
Skipmen	5.00	a7.00	a8.00	.20		
Unskilled dumpmen	5.00	a7.00	a8.00	.20		
Tank trucks over 400 gal. capacity	5.00	a7.00	a8.00	.20		
Tri-axle dumps	5.00	a7.00	a8.00	.20		
Fuel tank trucks (over 400 gal. capacity)	5.35	a7.00	a8.00	.20		
A-frame truck	5.50	a7.00	a8.00	.20		
Footnote:	5.35	a7.00	a8.00	.20		
a. Per week per employee.						
Dipper and hydraulic dredging:						
Chief engineer	7.5850	.25	.15		a	
Operators	7.52875	.25	.15		a	
Assistant engineers	7.25125	.25	.15		a	
Firemen, oilers	6.44875	b3.00	.25		a	
Welder	7.17125	.25	.15		a	
Deckhands	6.40375	b3.00	.25		a	
Scowman—Chicago and South Chicago	6.425	b3.00	.25		a	
Scowman—other ports	6.40375	b3.00	.25		a	
Pipeline men	6.40375	b3.00	.25		a	
Cranemen—dipper dredging	7.17125	.25	.15		a	
Spill barge operator—hydraulic dredging	7.17125	.25	.15		a	
Drill boats:						
Engineers	7.1575	.25	.15		c	
Blasters	7.2675	.25	.15		c	
Firemen	6.88	.25	.15		c	
Drillers, welders or machinists	7.18875	.25	.15		c	
Oilers and helpers	6.73875	.25	.15		c	
Tug engineers and operators	6.94125		.40		a	
Tug firemen, linemen, and oilers:						
Chicago and South Chicago (Michigan City, Ind. to Waukegan, Ill. both included)	6.54	b3.00	.40		a	
All other parts	6.505	b3.00	.25		a	
Floating equipment (clamshell dragline and marine construction):						
Engineer and operator	8.55f				d&e	
Equipment operator	7.86f				d&e	
Firemen	7.47f				d&e	
Oilers	7.18f				d&e	
Engineer helpers, rangermen, rodmen sweepers:						
Engineer helpers, rangermen, rodmen or sweepmen	5.10	b3.00			a	
Service truckdrivers	4.73	b3.00			a	

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, 1 additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in 1 calendar year. Employee not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.

b. Per day, per employee.

c. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, 1 additional day of vacation with pay for each additional 21¾ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 days' vacation with pay for each full 24 days of service in 1 calendar year.

d. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in 1 calendar year.

f. Plus $0.90 in fringe benefits.

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SUPERSEDES DECISIONS—Continued

State: Kentucky; county: Fayette.
Decision No.: AM-9604; date: Apr. 28, 1972. Supersedes Decision No. AM-479, dated Aug. 20, 1971, in 36 F.R. 16432.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
34-Kentucky-0:						
Building construction:						
Asbestos workers	$7.50	$0.25	$0.20			
Boilermakers	7.95	.30	.60		$0.01	
Boilermakers' helpers	7.70	.30	.60		.01	
Bricklayers	6.70	.15	.10			
Stonemasons	6.70	.16	.10			
Carpenters:						
Carpenters	6.85	.30	.30		.02	
Millwrights and piledrivers	7.35	.30	.30		.02	
Cementmasons	7.05					
Electricians:						
Electricians	7.90	.35	1%	$0.30	¼%	
Linemen	7.90	.35	1%	.30	¼%	
Elevator constructors	8.03	.195	$0.20	2%+a&b	$0.005	
Elevator constructors	70% J R	.195	.20	2%+a&b	.005	
Elevator constructors' helpers (probationary)	60% J R					
Glaziers	$6.00					
Ironworkers:						
Structural	7.75	.40	.65		.04	
Ornamental	7.75	.40	.65		.04	
Reinforcing	7.75	.40	.65		.04	
Leadburners	6.90	.30		c	.01	
Lathers	4.55		.10			
Marble setters	6.75			$0.25		
Painters:						
Brush	5.97					
Hazardous	6.72					
Spray	6.47					
Plasterers	6.50					
Plumbers and steamfitters	7.95	.25	.35	d	.02	
Sheet metal workers	6.50	.30	.30		.02	
Soft-floor layers	6.85	.30	.30		.02	
Sprinkler fitters	8.20	.25	.40		.05	
Terrazzo workers	6.75			$0.25		
Terrazzo workers' helpers	4.40					
Tile setters	6.75			.25		
Tile setters' helpers	4.40					
Roofers	4.15					
Welders; receive rate prescribed for craft performing operation to which welding is incidental.						

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.
Footnotes:
a. 6 paid holidays: A through F.
b. Employer contributes 4 percent of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2 percent of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
c. 9 paid holidays: A through F plus Washington's Birthday, Christmas Eve, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled workdays immediately preceding and following the holiday.
d. Employee on payroll November 24 through December 23 will receive 1 paid holiday—Christmas Eve.

Kentucky-1-PEO-G:						
Building and heavy construction: Power equipment operators:						
Class A operators: Auto patrol, batcher plant, bituminous paver, cableway clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, orangepeel bucket, piledriver, power blade, roller (bituminous), scarifier, shovel—tractor, shovel—truck crane, well points, winch truck, push dozer, grout pump, high lift, forklift (regardless of lift height), all types of boom cats, multiple operation, core drill, tow or push boat, A-frame winch truck, concrete paver, Gradall, hoist, hyster, material pump, Pumpcrete, Ross carrier, sheepfoot, side boom, tail boom, throttle valve man, rotary drill, joint sealing machine, power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), Hydrocrane, tugger, backfiller, gurrie-, subgrader, electric vibrator compactor	6.65	.25	.25			
Class B operators: All air compressors (200 c.f.m. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, Flex-plane, firemen, boom type tamping machine, self-propelled drill, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper Whirley oiler, air track drill, Ingersoll-Rand track drill, self-propelled compactor, Tractair and road widening trencher	5.50	.25	.25			
Class C operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 h.p.) vibrator, oiler, air compressor (under 200 c.f.m., capacity), concrete saw, burlap and curing machine, Hydro-seeder, power form handling equipment, deckhand oiler and hydraulic boatdriver	5.10	.25	.25			
34-Ky-TD:						
Building construction: Truckdrivers:						
3 tons and under	4.64					
Over 3 tons	5.04					
Semitrailer, or pole trailers (pulling building material or equipment)	5.04					
Dump truck, tandem axle	5.04					
Euclid and other heavy earth-moving equipment and lowboy	5.04					
Winch trucks and A-frames (when used to transport building materials)	5.04					
Mechanics	4.97					
Helpers	4.69					
Greasers, fire changer and mechanics' helpers	4.69					
Distributors	5.04					
Pavement breakers	5.04					
Mixer trucks (all types)	5.04					

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
34-Kentucky-Lab-F:						
Building construction: Laborers:						
Toolroom checkers, carpenters, tenders, landscapers, roofers, helpers, sheeting and shoring, construction laborers	3.80	.15	.15			
Air track drills, jackhammers, wagon drills, pavement breakers, chain saws, Barco tampers, all types of vibrators for concrete and grade work, concrete saws, sewer pipelayers, all storm sewers, sanitary sewers, signalmen, asphalt men, rakers, batchmen, plant scalemen, form setters (street or highway), hand spiker	4.00	.15	.15			
Gunnite nozzlemen	4.20	.15	.15			
Gunnite nozzle machine operator	4.40	.15	.15			
Powderman and blasters	4.40	.15	.15			
Powder helpers	4.20	.15	.15			
Tunnels and cofferdams	4.30	.15	.15			
Caisson holes (6 ft. and over including tools)	5.00	.15	.15			
Sandhogs (free air)	4.30	.15	.15			
Sandhogs (pressure air)	5.00	.15	.15			
Miners, tunnel or cofferdam	4.40	.15	.15			
Hod carriers (motor), mortar mixers and buggy operators	4.15	.15	.15			
Ky.-Zone 3-A:						
Heavy and highway construction:						
Carpenters	5.21	.15	.15			
Cementmasons	5.94	.20				
Electricians	6.62	.16	1%+.16	.495	1%	
Ironworkers: Structural and reinforcing	6.75	.225	$0.35			
Painters, brush	5.53	.15	.15			
Piledrivermen	5.46	.15	.15			
Kentucky 1-TD:						
Heavy and highway construction: Truck drivers:						
Drivers (3 tons and under), greaser, tire changer and mechanics' helper	4.59	.15	a6.00			
Driver (over 3 tons), distributions, dump truck tandem axle, semitrailer or pole trailer (when used to pull building material or equipment)	4.70	.15	a6.00			
Driver, Euclid and other heavy earth-moving equipment, lowboy, forklift truck (when used to transport building materials), pavement breakers, winch truck and A-frame (when used in transporting materials)	4.87	.15	a6.00			
Driver, mixer (trucks (all types), truck mechanic	4.77	.15	a6.00			
Truck helper	4.47	.15	a6.00			
Footnote:						
a. Per week per employee when employed a minimum of 20 workdays within any 30-day consecutive period.						
Ky.-3-Lab:						
Heavy and highway construction: Laborers:						
Aging and curing of concrete, grade checkers, guardrail and fence installers, laborers, landscaping (seeders, planters, tree trimmers), mesh handlers and placers	4.08	.15	.15			
Air track drillers, asphalt lute and raker men	4.35	.15	.15			
Caisson workers	5.53	.15	.15			
Gunnite nozzlemen, tunnel muckers (free air)	4.73	.15	.15			
Gunnite operators, tunnel laborers (free air)	4.58	.15	.15			
Hand blade operators, batch truck dumpers, riprap and grouters	4.15	.15	.15			
Operator and deck hand scowmen, power-driven tools, wagon drills, jackhammers, chain saws, concrete saws, sewer pipelayers (all storm sewers), bottommen, dry-cement handlers, concrete rubber, mason tenders, concrete green cutting, sandblasting, concrete chippers, vibrator operators, power wheelbarrow or buggies	4.18	.15	.15			
Powdermen, blasters and side rail setters	4.48	.15	.15			
Tunnel miners, blasters (free air), drillers	5.08	.15	.15			
Kentucky-2-PEO-J						
Highway construction: Power equipment operators:						
Class A operators: Auto patrol, batch plant, bituminous paver, cableway, clamshell, concrete mixer, (21 cu. ft. or over) concrete pump, crane, crusher plant derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, motor scraper, bulldozer mechanic, orangepeel-bucket, piledriver, power blade, roller (bituminous), scarifier, shovel tractor shovel, truck crane, well points, winch truck, push dozer, grout pump, high lift, forklift (regardless of lift height), all types of boom cats, multiple operation core drill, tow or push boat, A-frame winch truck, concrete paver, Gradall, hoist, hyster, material pump, Pumperete, Ross carrier, side boom, tail boom, throttle valve man, rotary drill (5 in. and over), power generator, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), Hydrocrane, tugger, backfiller, gurries, subgrader, electric vibrator compactor	5.43	.15	a6.00			
Class B operators: All air compressors (200 c.f.m. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motorboat, Flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, Tractair and road widening trencher, joint sealing machine, rotary drill (under 5 in.)	4.68	.15	a6.00			
Class C operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractor (under 50 h.p.), concrete saw, burlap and curing machine, Hydro-seeder, power form handling equipment, deckhand oiler and hydraulic-post driver, vibrator, oiler, air compressor (under 200 c.f.m. capacity)	4.33	.15	a6.00			
Footnote:						
a. Per week, per employee.						

State: Louisiana; parishes: Caddo and Bossier.
Decision No.: AM-11,417; date: Apr. 28, 1972. Supercedes Decision No. AM-3,627, dated Aug. 25, 1971, in 36 F.R. 16738.
Description of work: Building construction (excluding family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
12-La.-1-2-y:						
Asbestos workers	$6.925	$0.15	$0.175		$0.025	
Boilermakers	6.50	.30	.40		.01	
Bricklayers	6.90					
Carpenters:						
Carpenters; soft-floor layers, linoleum	5.90		.10		.03	
Piledrivers	6.15		.10		.03	
Millwrights	6.40		.10		.03	
Cementmasons:						
Cementmasons	5.55					
Troweling machine operators	5.80					

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
12–La.–1–2–y:						
Electricians:						
Cable splicers	6.90	.25	1%		.004%	
Electricians	6.40	.25	1%		.004%	
Elevator constructors	5.65	.17	.185	2%+a+b		
Elevator constructors' helpers	70%JR	.17	.185	2%+a+b		
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	$5.40					
Ironworkers:						
Structural; ornamental	6.05	.20	.25		$0.04	
Reinforcing	6.05	.20	.25		.04	
Sheeters	6.05	.20	.25		.04	
Laborers:						
Laborers	3.60	.10	.10			
Mason tenders; plasterers' tenders; asphalt rakers and smoothers	3.70	.10	.10			
Mortar mixers	3.75	.10	.10			
Pipelayers (concrete and clay); air jack vibrator operator	3.80	.10	.10			
Lathers	5.675				.01	
Marble setters	5.80					
Marble setters' helpers	3.00					
Painters:						
Painters, tape and float and paperhangers; stage, window jacks and structural steel	5.25					
Stage, window jacks and structural steel:						
Heights exceeding 30 ft	5.50					
Heights exceeding 75 ft	5.75					
Sandblasting	5.85					
Spray	5.85					
Plasterers	5.55				.125	
Plumbers, pipefitters	6.51		.30	$0.55	.06	
Roofers:						
Roofers	4.90				.01	
Helpers	2.80				.01	
Kettleman	3.17				.01	
Sheet metal workers	6.22	.30	.25		.05	
Sprinkler fitters	7.30	.25	.40		.05	
Stonemasons	6.90					
Tile setters and terrazzo workers	5.50					
Terrazzo workers' helpers	3.30					
Terrazzo machine operator	3.65					
Truckdrivers:						
½ to 1 ton trucks; and mechanic helper; truck helper, spotter and dumpers of dirt, gravel, asphalt and rock, material checkers and warehouseman	4.02					
Stake bodies, flatbeds 1½ tons to 3 tons	4.10					
Single-axle dump and batch and water trucks, 1½ to 3 tons, transit mix up to 6 yards	4.35					
Mechanic	4.40					
Tandem-axle dump, batch and water trucks over 3 tons, pickups with trailer	4.50					
Mississippi wagons, floats, tractor trailers, rubber tired tractors and wobble wheels	4.65					
Euclids, lowboys, Dempsey dumpsters, Koehring-dumps, 5-axle trucks, transit mix over 6 yd., fuel truck	4.85					
Master mechanic, forklift	5.20					

Footnotes:
a. 1st 6 months—none; 6 months to 5 years—2 percent; over 5 years—4 percent of basic hourly rate.
b. Paid holidays: A through F.

Paid holidays: A—New Years' Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

La.–3–PEO–1–L:

Power equipment operators:						
Heavy duty operators: Asphalt spreader; backhoe; bulldozer, over D–4 and equivalent; cableways; concrete mixer, over 16–S; cranes; derricks; ditching or trenching machines; draglines; forklifts (setting steel, machinery or pipe); front-end loaders (except farm-type tractors); greaseserviceman; hoist, 1 drum, 4 stories or more; hoist, 2 drums and over; Hydrolifts; heavy duty mechanic; motor patrols; piledrivers; pump, concrete (6 in. and over); road pavers; rollers on asphalt or brick; Scoopmobiles; scrapers; sideboom cats; shovels; Tractorvators; welder, journeyman; well-point system; winch cats (hoisting); winch truck, A-frame (handling steel or pipe)	6.35	.10	.15			
Light duty operators: Air compressor; asphalt plant operator; bullfloats; concrete spreader; finishing machines; concrete mixer (16–S or less); concrete saw; distributors (bituminous surface); dowell bar machine; farm-type tractor (with all attachments except backhoe); fireman; forklifts (other than setting steel, machinery or pipe); hoist, 1 drum less than 4 stories; Kolum buff machine; pull cats; pump (3 in. and over); pump, concrete (under 6 in.); rollers, except on asphalt or brick; straddle buggies; sweepers on streets and roads (motorized); winch truck, A-frame (other than handling steel or pipe)	5.46	.10	.15			
Scaleman	5.25	.10	.15			
Oiler-driver	5.21	.10	.15			
Mechanic helper	4.99	.10	.15			
Oiler	4.79	.10	.15			

State: Michigan; counties: Genesee, Macomb, Monroe, Oakland, Washtenaw, and Wayne.
Decision No.: AM–8,603; date: Apr. 28, 1972. Supersedeas Decision No. AM–396, dated Aug. 8, 1971, 36 F.R. 15883.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Carpenters:						
Macomb, Oakland and Wayne Counties	$8.06	$0.60	7%	8%	$0.02	
Genesee and Washtenaw Counties	7.28	.35	$0.40		.01	
Cement finishers; cementmason	6.76	.30	.10			
Laborers:						
Line form setter for curb or pavement	6.55	.30	.20	$0.40		
Pipelayers	6.33	.30	.20	.40		
Asphalt raker	6.20	.30	.20	.40		
Asphalt tamper and asphalt raker's helper	6.01	.30	.20	.40		
Finishers' tenders, guardfence builders, bottomman, powderman, wagon drill laborer, curb and siderail setters helper, air track operator, diamond and core drills, tunnel miner (highway work only)	6.12	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), power chain saw operator, concrete puddlers, paving batch truck dumpers, concrete saw (under 20 h.p.)	6.01	.30	.20	.40		
Cement handler or dockmen, topmen, asphalt dust handlers	5.95	.30	.20	.30		
Mason's or bricklayer's tender on manholes, headwalls, etc	5.92	.30	.20	.40		

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers—Continued						
Asphalt shovelers or loaders asphalt plant (miscellaneous), axe men, batch bin (no power burlap men, carpenters' helpers, subgrade labor (handtools), yardmen, guardfence builders' helpers, dumpers (wagon, truck, etc.,) jetting laborer, joint filling laborer (miscellaneous), unskilled laborer, powdermonkey (helper), sprinkler labor, form setting laborer, grade checker, pavement reinforcing handling and placing, asphalt screed checker, tunnel mucker (highway work only)	5.92	.30	.20	.40		
Operating engineers:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, piledriving operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), Autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid-type), endloader operator (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt) mechanic, pump operator (6 in. discharge or over, gas, diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over ⅜ yd. bucket), side boom tractor (D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (and similar type machine), asphalt planer (self-propelled), asphalt paver (self-propelled), batch plant (concrete), slurry machine (asphalt)	7.32	.40	.45		.02	
Screening plants, washing plants, crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D–R type or equivalent)	7.07	.40	.45		.02	
Air compressors (600 c.f.m., or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm-type with attachment)	6.57	.40	.45		.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), Flexplanes, Cleftplanes, graders self-propelled fine-grade of form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (undar 1 yd. capacity), rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 h.p. or over), power bins plant driers (asphalt), vibratory compaction equipment (6 ft. wide or over), guardpost drivers (power driven) all mulching equipment, stump remover	6.42	.40	.45		.02	
Teamsters:						
Truckdrivers	6.64	a14.50	a12.00	.15		
Truckdrivers (8 cu. yd. capacity or over)	6.74	a14.50	a12.00	.15		
Drivers, Euclid type equipment	6.89	a14.50	a12.00	.15		

Footnotes:
a. Per week per employee.

Sign installers:						
Sign installer, class A	4.42					
Sign installers, class B	3.60					
Line construction:						
Macomb and Wayne Counties; Oakland County (excluding township of Holly); Monroe County; townships of Milan, London, Exeter, Ash, Berlin, Frenchtown, Monroe, Raisinville, Ida, Summerfield, and Dundee; Washtenaw County; townships of Dexter, Webster, Northfield, Salem, Superior, Ann Harbor, Scio, Lima, Freedom, Lodi, Pittsfield, Ypsilanti, Augusta, York, Saline and Bridgewater:						
Linemen	8.66	.48	1%+2%+4%	10%	¼ of 1%	
Cable splicer	9.04	.48	1%+2%+4%	10%	¼ of 1%	
Combination equipment operator and groundmen	7.04	.48		10%	¼ of 1%	
Combination driver and groundmen	6.66	.48		10%	¼ of 1%	
Groundmen	6.15	.48		10%	¼ of 1%	
Oakland County: Holly Township; Monroe County: townships of Bedford, Erie, La Salle, and Whiteford; Washtenaw County; townships of Lyndon, Manchester, Sharon, and Sylvan and Genesee County:						
Linemen	6.57	.15	1%		¼ of 1%	
Combination digger operator or tractor operator—groundman	5.16	.15	1%		¼ of 1%	
Combination winch truckdriver—groundmen:						
1st year	3.82	.15	1%		¼ of 1%	
2d year	4.35	.15	1%		¼ of 1%	
Combination truckdriver groundmen	3.71	.15	1%		¼ of 1%	
Cable splicer	6.83	.15	1%		¼ of 1%	

State: Michigan; counties: Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer Lenawee, Livingston, Midland, Montcalm, Muskegon, Ottawa, Saginaw, Sanilac, Shiawassee, St. Clair, St. Joseph, Tuscola, and Van Buren.
Decision No. AM–8,604; date: Apr. 28, 1972. Supersedeas Decision No. AM–396, dated Aug. 18, 1971, 36 F.R. 15885.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Teamsters (A, B, E):						
Truckdrivers	$6.54	a$14.50	a$12.00	$0.15		
Truckdrivers (8 cu. yd. capacity or over)	6.64	a14.50	a12.00	.15		
Drivers, Euclid type equipment	6.69	a14.50	a12.00	.15		
Teamsters (Lapeer, Lenawee, Livingston, and St. Clair Counties):						
Truckdrivers (less than 8 cu. yd.)	6.64	a14.50	a12.00	.15		
8 cu. yd. and over	6.74	a14.50	a12.00	.15		
Euclid type equipment	6.89	a14.50	a12.00	.15		
Cementmasons (C, D):						
Cementmasons (Livingston, Ingham, St. Clair, Ionia, Kent, and Saginaw Counties)	6.76	.30	.10			
Cementmasons (remainder of counties)	6.76	.30	.10			
Operating engineers (F, G, H):						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders piledriving operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type) slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader operator (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanic, pump operator (6 in. discharge or over, gas, diesel-powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over ⅜ yd. bucket), side boom tractor (type D–4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (and similar type machine), asphalt planer (self-propelled), asphalt paver (self-propelled), batch plant (concrete) slurry machine (asphalt)	7.23	.40	.45		$0.02	
Screening plants, washing plants, crushers, backhoe (with ⅜ yd. bucket or less), side boom tractor (smaller than D–R type or equivalent)	6.94	.40	.45		.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more, less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm type with attachment)	6.44	.40	.45		.02	
Boiler firemen, oiler, firemen, mechanics helper, trencher (service), Flexplanes, Cleftplanes, graders self-propelled fine-grade form (concrete), finishing machine (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity), rollers (other than asphalt), curing equipment (self-propelled) concrete saws (40 j.p. or over), power bins, plant driers (asphalt), vibratory compaction equipment (6 ft. wide or over), guardpost drivers (power driven), all mulching equipment, stump remover	6.16	.40	.45		.02	

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers (C, D):						
Line form setter for curb or pavement	6.03	.30	.20	.40		
Pipelayers	5.80	.30	.20	.40		
Cement handler or dockmen, topmen, asphalt dust handlers	5.42	.30	.20	.40		
Asphalt raker	5.89	.30	.20	.40		
Asphalt tamper and asphalt rakers' helpers	5.70	.30	.20	.40		
Finishers tenders, guardfence builders, bottommen powderman, wagon drill labor, curb and siderail setters' helpers, air track operator diamond and core drills, tunnel miner (highway work only)	5.64	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.,) power chain saw operator, spreader boxman (asphalt, stone gravel, etc.) concrete paddler, power chain saw operator, paving batch truck dumper, concrete saw (under 20 h.p.)	5.48	.30	.20	.40		
Masons' or bricklayers' tender on manhole, headwalls etc., asphalt shovelers or loaders, asphalt plant (miscellaneous), axe man, batch bin (no power), burlap men, carpenters' helpers, subgrade labor (hand tools), guardfence builders' helpers, dumpers (wagon, truck, etc.), jetting labor, joint filling labor, miscellaneous unskilled labor, powder-monkey (helper), sprinkler labor, form setting labor, grade checker pavement reinforcing handling and placing, asphalt screed checker tunnel mucker (highway work only)	5.34	.30	.20	.40		
Sign installers:						
Sign installer, class A	3.99	.30	.20	.20		
Sign installer, class B	3.22	.30	.20	.20		
Line construction:						
Huron, Lapeer, Lenawee, Sanilac, St. Clair, and Tuscola Counties; Ingham Co.: Townships of Le Roy, Locke, Wheatfield, White Oak, and Williamston; Livingston County (entire county except townships of Cohoctah, Derrfield, Tyrone, and Unadilla):						
Linemen	8.66	.48	3.4%	.1%	.25%	
Cable splicer	9.04	.48	3.4%	.1%	.25%	
Combination equipment operator and goundmen	7.04	.48	3.4%	.1%	.25%	
Combination driver and goundmen	6.66	.48	3.4%	.1%	.25%	
Groundmen	6.15	.48	3.4%	.1%	.25%	
Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Ionia, Jackson, Kalamazoo, Kent, Midland, Montcalm, Muskegon, Ottawa, Saginaw, Shiawassee, St. Joseph, and Van Buren Counties; Livingston County: townships of Cohoctah, Deerfield, Tyrone, and Unadilla; Ingham County (entire county except townships of Le Roy, Locke, Wheatfield, Oak, and Williamston):						
Linemen	6.57	.15	1%		¼ of 1%	
Combination digger operator—or tractor operator—groundmen	5.16	.15	1%		¼ of 1%	
Combination winch truckdriver—groundmen:						
1st year	3.82	.15	1%		¼ of 1%	
2d year	4.35	.15	1%		¼ of 1%	
Combination truckdriver groundmen	3.71	.15	1%		¼ of 1%	
Cable splicer	6.83	.15	1%		¼ of 1%	
Footnotes:						
a. $14 per week per employee.						
Carpenters:						
Allegan, Barry, Berrien (except townships of New Buffalo, Chickaming, and Three Oaks); Branch, Calhoun, Cass, Eaton (townships of Vermontville, Kalamo, Bellevue, and Walton); Hillsdale, Ionia (except townships of Orange, Portland, Sovewa, and Danby); Kalamazoo, Kent, Livingston (townships of Deerfield, Tyrone, Osceola, Hartland, Genoa, and Brigbton); Montcalm, Muskegon, Ottawa, St. Joseph and Van Buren Counties	7.15	.35	$0.40		$0.01	
Bay, Clinton, Eaton (except the townships of Vermontville, Kalamo, Bellevue, and Walton); Gratiot, Huron, Ingham, Ionia (townships of Orange, Portland, Sebewa, and Danby); Jackson, Lapeer, Lenawee, Midland, Saginaw, Sanilac (the part of county west of a line projected north and continuing the East Lapeer and West St. Clair County line to the south Huron County line); Shiawassee, and Tuscola Counties	7.28	.35	.40		.01	
Livingston (Deerfield, Tyrone, Osceola, Hartland, Geona and Brighton Townships); Sanilac (the part of county east of a line projected north and continuing the East Lapeer and West St. Clair County line to the South Huron County line); and St. Clair Counties	8.06	.60	7%	8%	.02	
Berrien (Chickaming, New Buffalo, and Three Oaks Towaships) County	8.66	.40	$0.40		.02	

State: Michigan; counties: Alcona, Alger, Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweena, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft, and Wesford.
Decision No.: AM-8,605; date: Apr. 28, 1972. Supersedes Decision No. AM-397, dated Aug. 18, 1971, 36 F.R. 15888.
Description of work: Highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Teamsters:						
Truckdrivers	$6.48	a	b	$0.15		
Truckdrivers (8 cu. yds. capacity or over)	6.58	a	b	.15		
Drivers, Euclid type equipment	6.73	a	b	.15		
Cement finishers: Cementmasons	6.44	$0.30	$0.10			
Operating engineers:						
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, piledriving operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), Autograder, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (Euclid type), endloader operator (1 yd. capacity and over), bulldozer, hoisting engineer, tractors, finishing machines (asphalt), mechanic, pump operator (6 in. discharge or over, gas, diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over ⅜ yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), sweeper (Wayne type and similar equipment), Gradall (and similar type machine, asphalt-propelled), batch plant (concrete), slurry machine (asphalt)	7.14	.40	.45		$0.02	
Screening plants, washing plants, crushers, backhoes (with ⅜ yd. bucket or less), side boom tractor (smaller than D-R type or equivalent)	6.94	.40	.45		.02	
Air compressors (600 c.f.m. or more), air compressors (2 or more—less than 600 c.f.m.), wagon drills, concrete breakers, tractors (farm-type with attachments)	6.39	.40	.45		.02	
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), Flexplanes, Cleftplanes, graders, self-propelled fine-grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. capacity) rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 h.p. or over) power bins, plant driers (asphalt), vibratory compaction, equipment (6 in. wide or over), guardpost drivers (power driven), all mulching equipment, stump remover	6.14	.40	.45		.02	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Laborers (C, D):						
Line form setter for curb or pavement	5.67	.30	.20	.40		
Pipelayers	5.37	.30	.20	.40		
Asphalt raker	5.65	.30	.20	.40		
Asphalt tamper and asphalt rakers' helpers	5.47	.30	.20	.40		
Finishers' tenders, guardfence builders, bottommad, powderman, wagon drill labor curb and side rail setters' helper, air track operator, diamond and core drills, tunnel miner (highway work only)	5.32	.30	.20	.40		
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer etc.) power chain saws spreader boxmen (asphalt stone, gravel, etc.), concrete paddlers, paving batch truck dumpers, concrete saw (under 20 h.p.)	5.12	.30	.20	.40		
Cement bandler or dockmen, topmen, asphalt dust handlers	5.02	.30	.20	.40		
Mason or bricklayers' tender on manholes, headwalls, etc.	4.97	.30	.20	.40		
Asphalt shovelers or loaders asphalt plant (miscellaneous) axe men, batch bin (no power), burlap men, carpenters' helpers, subgrade labor (hand tools), yardmen, guardfence builders' helpers, dumpers (wagon, truck, etc.), jetting labor, joint filling labor, miscellaneous unskilled labor, powdermonkey (helper), sprinkler labor, form setting labor, grade checker pavement reinforcing handling and placing asphalt screed checker, tunnel mucker (highway work only)	4.97	.30	.20	.40		
Footnotes:						
a. $14.50 per week, per employee.						
b. $12.00 per week, per employee.						
Michigan 3-Highway:						
Carpenters:						
Alcona, Alpena, Antrim, Benzie (except Crystal Lake, Gilliam, Blaine, Joyfield, Weldon, and Colfax), Charlevoix, Cheboygan, Crawford, Emmet, (Grand Traverse, Kalkaska, Lake, Leelenau, Missaukee, Montmorency, Oscoela, Oscoda, Otsego, Presque Isle, Rosecommon, and Wexford Counties	7.04	.35	.40		.01	
Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keewena, Luce, Mackinac, Marquette, Menominee, Ontonogan, and Schoolcraft Counties	6.99	.35	.40		.01	
Arenac, Clare, Gladwin, Iosco, Isabella, and Ogemaw Counties	7.28	.35	.40		.01	
Benzie (Crystal Lake, Gilliman, Blaine, Joyfield, Weldon, Colfax), Newaygo, and Oceana Counties	7.15	.35	.40		.01	
Michigan Hwy.-3-E:						
Alcona, Alpena, Antrim, Arenac, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelenau, Manistee, Mason, Mecosta, Missaukee, Montmorency:						
Sign installers:						
Sign installers, class A	3.99					
Sign installers, class B	3.22					
Line construction:						
Chippewa, Luce, Mackinac, and Schoolcraft Counties:						
Linemen	5.82	.15	1%		¼ of 1%	
Combination digger operator or tractor operator groundmen	4.57	.15	1%		¼ of 1%	
Combination winch truckdriver—groundmen:						
1st year	3.39	.15	1%		¼ of 1%	
Over 1 year	3.85	.15	1%		¼ of 1%	
Combination truckdriver—groundman	3.28	.15	1%		¼ of 1%	
Groundmen	3.28	.15	1%		¼ of 1%	
Noncllmbing linemen	4.66	.15	1%		¼ of 1%	
Alger, Baraga, Dickinson, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon, and Isle Royale Counties:						
Linemen	5.40	.15	1%		¼ of 1%	
Combination digger operator—groundmen, combination tractor operator—groundmen	4.24	.15	1%		¼ of 1%	
Combination winch truckdriver—groundmen:						
1st year	3.14	.15	1%		¼ of 1%	
2d year	3.57	.15	1%		¼ of 1%	
Combination truckdriver—groundman	3.04	.15	1%		¼ of 1%	
Groundmen	3.04	.15	1%		¼ of 1%	
Noncllmbing linemen	4.32	.15	1%		¼ of 1%	
Cable splicers	5.61	.15	1%		¼ of 1%	
Distribution line truckdriver, operator, groundmen	3.73	.15	1%		¼ of 1%	
Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Rosecommon and Wexford Counties:						
Linemen	5.82	.15	1%		¼ of 1%	
Combination digger operator, or tractor operator—groundmen	4.57	.15	1%		¼ of 1%	
Combination winch truck driver—groundmen:						
1st year	3.39	.15	1%		¼ of 1%	
2d year	3.85	.15	1%		¼ of 1%	
Combination truckdriver—groundmen	3.28	.15	1%		¼ of 1%	
Cable splicer	6.05	.15	1%		¼ of 1%	
Linemen (nonclimbing)	4.66	.15	1%		¼ of 1%	
Gogebic County:						
Linemen	5.50	3%	1%	6%		
Equipment operator	4.50	3%	1%	6%		
Combination groundmen and driver with winch	4.00	3%	1%	6%		
Combination groundmen and driver without winch	3.75	3%	1%	6%		
Groundmen	3.50	3%	1%	6%		
Delta County:						
Linemen	5.40	$0.15	1%		¼ of 1%	
Cable splicer	5.61	.15	1%		¼ of 1%	
Combination digger operator—groundmen and combination tractor operator—groundmen	4.24	.15	1%		¼ of 1%	
Combination truckdriver—groundmen or groundmen	3.04	.15	1%		¼ of 1%	
Combination winch truckdriver groundmen:						
1st year	3.14	.15	1%		¼ of 1%	
Over 1 year	3.57	.15	1%		¼ of 1%	

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SUPERSEDAS DECISIONS—Continued

States: Missouri and Kansas; counties: Cass, Clay, Jackson, Platte, and Ray, Mo.; Johnson and Wyandotte, Kans.
Decision No.: AM-4,724; date: Apr. 26, 1972. Supersedes Decision No. AM-3,618, dated Aug. 25, 1971, in 36 F.R. 16863.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
10-Missouri-1-c:						
Building construction:						
Cass, Clay, Jackson, Platte, and Ray Counties, Mo.:						
Roofers' helpers:						
1st 6 months	$4.56	$0.18	$0.40		$0.04	
2d 6 months	4.88	.18	.40		.04	
3d 6 months	5.21	.18	.40		.04	
4th 6 months	5.53	.18	.40		.04	
5th 6 months	5.86	.18	.40		.04	
Truckdrivers:						
Flatbed, pickup, and dump—under 10 yd	4.225					
Dump—10 yd. and over	4.30					
Heavy and highway construction:						
Cement masons (excluding Cass County)	8.905	.20	.45	$0.50	.05	
Carpenters (Cass County only)	6.92	.23	.15			
Building construction:						
Cass, Clay, Jackson, Platte, and Ray Counties, Mo.:						
Asbestos workers	7.95	.30	.30		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.55	.30	.85		.02	
Bricklayers	6.475	.20	.15			
Carpenters; millwrights; piledrivermen	7.55	.23	.15		.04	
Carpenters (Cass County, Mo.):						
Carpenters	7.30	.23	.15		.04	
Millwrights; piledrivermen	7.55	.23	.15		.04	
Cementmasons:						
Cementmasons	6.025	.10	.15			
Composition	6.275	.10	.15			
Electricians:						
Western half of Clay and Jackson Counties not including Blue Springs; northern half of Platte County; northwestern portion of Cass County not including Pleasant Hill:						
Electricians (except residential)	7.95	.15	1%+.20	.70	.03	
Electricians (residential)	6.29	.15	1%+.20	.70	.03	
Remainder of Clay, Jackson, Platte, and Cass Counties:						
Electricians (contracts over $5,000 except residential)	7.95	.15	1%+.20	.70	.03	
Electricians (contracts under $5,000 except residential)	7.45	.15	1%+.20	.70	.03	
Electricians (residential)	5.69	.15	1%+.20	.70	.03	
Ray County:						
Electricians (contracts over $5,000 except residential)	7.95	.15	1%+.20	.70	.03	
Electricians (contracts under $5,000 except residential)	6.90	.15	1%+.20	.70	.03	
Electricians (residential)	5.69	.15	1%+.20	70	.03	
Elevator constructors	7.29	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70%	.175	.20	2%+a+b		
Elevator constructors' helpers (probationary)	50%					
Glaziers	$7.41	.35	.20	7%+d	.01	
Ironworkers:						
Structural; ornamental; riggers	8.50	.25	.25	$0.25	.05	
Reinforcing	8.50	.25	.25	.25	.05	
Lathers	6.75	.20				
Marble, Terrazzo, and tile workers	8.675	3.65%	3.25%			
Marble and tile helpers	6.68					
Terrazzo helpers	4.55					
Terrazzo base machine grinders	4.90					
Painters:						
Painters, brush	7.52	$0.20	$0.20			
Paperhangers	8.02	.20	.20			
Bridges	8.27	.20	.20			
Structural steel (exterior)	8.27	.20	.20			
All interior surfaces over 27 ft. from the floor including structural steel	8.27	.20	.20			
All exterior work performed on swing stages, window jacks or with belts (over 7 ft. above ground level)	8.27	.20	.20			
Storage bins and storage tanks (over 7 ft. above ground level)	8.27	.20	.20			
All work performed by air, steam aggregate and/or sandblasting	8.27	.20	.20			
Structural steel, exterior over 75 ft. in height	8.52	.20	.20			
All work in elevator shafts above 27 ft.	8.27	.20	.20			
Tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	9.27	.20	.20			
Plasterers	6.90	.20				
Pipefitters	8.02	.38	.75		.06	
Plumbers	8.45	.30	.40		.06	
Roofers	6.51	.18	.40		.04	
Sheet metal workers	8.225	.25	.25			
Soft-floor layers (not including Cass County, Mo.)	6.59	.275	.25	7%	.06	
Sprinkler fitters	8.485	.25	.40		.05	
Welders; receive rate prescribed for craft performing operation to which welding is incidental.						

Footnotes:
a. 1st 6 months—none; 6 months to 5 years—2 percent; over 5 years—4 percent of basic hourly rates.
b. Paid holidays: A through G.
c. Employees having 1 year continuous service shall receive 1 week vacation with pay and employees having 3 years or more continuous service shall receive 2 weeks vacation with pay.
d. Employers contribution of 3.02 percent for each hour paid plus fringes into the paid holiday trust fund: 7 paid holidays, A through G.
• Residential work shall be defined to mean the construction, maintenance and repair of single and multifamily dwellings not exceeding 3 stories in height.
Paid holidays: A—New Years' Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day; G—Friday after Thanksgiving.

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
10-Missouri-1-c—Continued						
Building construction: Laborers:						
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)	5.36	.15	.15			
Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds	5.455	.15	.15			
Stonemason tenders; cutting torch or burner men; georgia buggies (self-propelled); brick tenders; plasterer tenders; forklift (up to 9 ft.); hoseman; insulation man	5.555	.15	.15			
Mortar men (hod carriers); scaffolding (swinging or tubing) hod carriers	5.605	.15	.15			
Barco, Jackson or similar tamp operators; asphalt rakers; powdermen; mastic hotkettlemen; sandblasting and Gunite nozzlemen; wagon and churn drill operators	5.75	.15	.15			
Missouri-7-LAB-1-a:						
Building construction (Ray County):						
Laborers:						
Common labor; wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; floor cleaners; landscape men; sod layers; wreckers (for alterations or entire projects)	5.20	.15	.15			
Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and back filling); power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds	5.275	.15	.15			
Stonemason tenders; cutting torch or burner men; georgia buggies (self-propelled); brick tenders; forklift (up to 9 ft.); hoseman; insulation man	5.375	.15	.15			
Mortarmen (hod carriers); scaffolding (swinging or tubing) hod carriers	5.45	.15	.15			
Barco, Jackson or similar tamp operators; asphalt rakers; powdermen; mastic hotkettlemen; sandblasting and Gunite nozzlemen; wagon and churn drill operators	5.55	.15	.15			
Mo.-3-PEO-1-j:						
Building construction (Cass, Clay, Jackson, Platte, and Ray Counties, Mo.):						
Power equipment operators:						
A-frame trucks; boilers (1); brooms—power operated (all types); chips preader (frontman); Clef plane operators; compressor (1) 105 ft. or over; concrete saws, self-propelled; conveyor operator; crab-power operated; curb finishing machine; elevator; finishing machine; firemen on rigs; Flex plane; floating machine; form grader; forklift—all types and sizes; greaser; hoist; hoist, endless chain—power operated; hopper—power operated; Hydrahammer (all types); Lad-A-Vator; mixers (with side loaders); pumps (with well points); pump (water—well points); pump (water) rollers (all types); siphons, jets and Jennys; subgrader; tractors over 50 h.p.	6.90	.25	.25		.02	
Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; backfillers; backhoe, all types; Barber-Greene loader; blade, power, all types; boats—power; boilers (2); boring machine (all types); cableways; cherry pickers (all types); chip spreaders clamshells; combination concrete hoist and mixer; such as mixers—mobile (with tower, 50¢ per hour additional), compressors (2) 105 ft. or over not more than 20 ft. apart; compressors—tandem (any sizes); compressors—single, truck mounted; concrete ready-mixed plant, portable (jobsite); concrete mixer paver; crane or rigs (all types); crane—overhead; crusher; rock; derricks and derrick cars (power operated); ditching machines; dozers; draglines; dredges, any type power; Gradall; hoist, endless chain—power operated with power travel; loaders—all types; locomotives—all types; mechanic and welder; mucking machine; orangepeels; pilledrivers; pumps—material—all types; push cats; scoops (all types); self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man	7.15	.25	.25		.02	
Crane—tower or climbing	7.65	.25	.25		.02	
Clamshells, crane or rigs, draglines and piledrivers with 80 ft. of boom or over (including jib)	7.40	.25	.25		.02	
Crane or rigs over 200 ft.	7.65	.25	.25		.02	
Hoists—each additional drum over 1 drum	7.15	.25	.25		.02	
Master mechanic	8.15	.25	.25		.02	
Master mechanic—assistant	7.90	.25	.25		.02	
Oiler, tractors (except when hauling material) less than 50 h.p.	6.35	.25	.25		.02	
Oiler driver—all types	6.60	.25	.25		.02	
Ready-mixed concrete plants:						
Crane operator	6.83	.25	.25		.02	
Conveyor; loader operator; plant man	6.63	.25	.25		.02	
Mo.-91-TD-2-3:						
Heavy and highway construction (Cass County, Mo.):						
Truckdrivers:						
Flatbed trucks, single-axle	6.40	.25	.25			
Flatbed trucks, tandem-axle	6.55	.25	.25			
Station wagons	6.40	.25	.25			
Pickup trucks	6.40	.25	.25			
Materials trucks, single-axle	6.40	.25	.25			
Materials trucks, tandem-axle	6.55	.25	.25			
Semitrailers and/or pole trailers	6.62	.25	.25			
Winch trucks, fork trucks and steel trucks	6.62	.25	.25			
Distributor drivers and operators	6.62	.25	.25			
Agitator and transit mix trucks	6.62	.25	.25			
Tank wagon, single-axle	6.51	.25	.25			
Tank wagon, semitrailer	6.40	.25	.25			
Tank wagon, tandem-axle	6.62	.25	.25			
Insley wagons; dumpsters; half-tracks; Speedace; Euclids and other similar equipment	6.55	.25	.25			
A-frame and derrick trucks	6.62	.25	.25			
Warehouseman	6.62	.25	.25			
Float or lowboy	6.30	.25	.25			
Power equipment operators (Cass County, Mo.):	6.62	.25	.25			
Asphalt finishing machine and trench widening spreader; asphalt plant console operator; Autograder; automatic slip-form paver; backhoe, blade operator—all types; boat operator—tow; boilers—2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader; hoisting engine—2 active drums; Lauchhammer wheel; locomotive operator—standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; Quad Trac; scoop operator—all types; shovel operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane	8.30	.40	.25		.05	
A-frame; asphalt hot-mix silo; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; asphalt roller operator; backfiller operator; Barber-Greene loader; boat operator (bridges and dams); chip spreader; compressor maintenance operator—2; concrete mixer operator; skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; forklift; greaser—fleet; hoisting engine—1; locomotive operator, narrow gauge; multiple compactor; pavement breaker; powerbroom, self-propelled; power shield; rooter; side discharge concrete spreader; slip form finishing machine; stumpcutter machine; throttle man; tractor operator (over 50 h.p.); welding machine maintenance operator—2; winch truck	8.10	.40	.25		.05	

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Mo.-91-TD-2-3—Continued						
Power equipment operators (Cass County, Mo.)—Continued						
Boilers—1; chip spreader (front man); churn drill operator; Clef plane operator; compressor maintenance operator—1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman—rig; Flex plane operator; float operator; form grader operator; generator—maintenance operator; light plant—maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening and washing plant operator; siphons and jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler and booster); tractor operator (50 h.p. or less); Ulmac, Ulric or similar spreader; vibrating machine operator; welding machine maintenance operator—1	7.90	.40	.25		.05	
Oiler	7.15	.40	.25		.05	
Clamshells, 3 yd. or over; crane, rigs or piledrivers 100 ft. to 200 ft. of boom (including jib); draglines, 3 yd. or over; hoists—each additional active drum over 2 drums; shovels, 3 yd. or over	8.55	.40	.25		.05	
Tandem scoop; crane, rigs or piledrivers, 200 ft. of boom or over (including jib)	8.80	.40	.25		.05	
Mo.-22-LAB-2-3:						
Heavy and highway construction (Cass County, Mo.):						
Laborers:						
General labor: Carpenter tenders; salamander tenders; dumpman and ticket takers on stockpiles; flagmen; loading trucks under bins, hoppers and conveyors; trackmen and all other general laborers	6.45	.40	.40		.10	[2]
First semiskill: Air tool operator; cement handler—bulk or sack; dumpman on earth fill; georgia buggie man; material batch hopper man; scaleman; spreader on asphalt machine; material mixer man (except on manholes); cofferdams; riprap pavers—rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman	6.60	.40	.40		.10	[2]
Second semiskill: Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipelayer on sewer work; topper of standing trees; batterboard man on pipe and ditch work; vibratorman; feederman on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 ft. where compressed air is not used; abutment and pier hole men working 6 ft. or more below ground; men working in cofferdams for bridge piers and footings in the river	6.75	.40	.40		.10	
Third semiskill: Laser beam man; asphalt raker; Barco tamper; Jackson or any other similar tamp; wagon driller; churn drills; air track drills; all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortarmen on brick or block manholes; sand blasting and Gunite nozzlemen; rubbing concrete; air tool operator in tunnels; caulker and leadman; screedman on asphalt machine; chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or powerplants over 10 ft. above ground; grade checker on cuts and fills	6.95	.40	.40		.10	
Fourth semiskill: Manhole builders—brick or block; dynamite and powdermen; welder	7.20	.40	.40		.10	
10-Missouri-LAB-2-3:						
Heavy and highway construction (Clay, Jackson, Platte, and Ray Counties, Mo.):						
Laborers:						
General laborer: Carpenter tenders; salamander tenders; dumpman and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; trackmen and all other general laborers	6.805	.40	.40	.50	.10	
First semiskill: Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; Georgia buggies man; material batch hopperman; scaleman; material mixer man (except on manholes, cofferdams, abutments and pierhold men working below ground); riprop pavers, rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)	6.90	.40	.40	.50	.10	
Second semiskill: Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy materials (where special protection is required); head pipelayer on sewer work; topper of standing trees; batterboard man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used	7.00	.40	.40	.50	.10	
Third semiskill: Spreader or screedman on asphalt machine; asphalt raker; lawn beam man; Barco tamper; Jackson or any other similar tamp; wagon driller, churn drills, air track drill and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving, curb, cutters etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortarmen on brick or block manholes; sand blasting and Gunnite nozzlemen; rubbing concrete; air tool operator in tunnels	7.125	.40	.40	.50	.10	
Fourth semiskill: Manhole builder (brick or block); dynamite and powdermen	7.225	.40	.40	.50	.10	
HEAVY & HIGHWAY CONSTRUCTION						
10-Missouri-TD-2-3:						
Truck drivers (Clay, Jackson, Platte, and Ray Counties, Mo.):						
1 team; station wagons; pickups; material, single axle; tank wagon, single axle	7.39	.25	.50	.50		
2 teams; material, tandem; semitrailers; winch; fork; distributor drivers and operators; agitator and transit mix; tank wagon, tandem or semitrailer; Insley wagons; dump; excavating, 5 cu. yd. and over; dumpsters; half-tracks; Speedace, Euclids and other similar excavating equipment	7.59	.25	.50	.50		
A-frame; lowboy; boom	7.90	.25	.50	.50		
Mechanics and welders	8.05	.25	.50	.50		

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
10-Missouri-PEO-2-3:						
Heavy and highway construction (Clay, Jackson, Platte, and Ray Counties, Mo.):						
Power equipment operators:						
Group I: Asphalt paver and spreader; asphalt plant console operator; Autograder; backhoe; blade operator, all types; boilers—2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator—2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drilled with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader—forklift; hoisting engine—2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; piledriver operator; Pitman crane operator; pump—2; Quad-Trac; scoop operator—all types; scoops in tandem; self-propelled rotary drill (Leroy or equal—not Air Trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slipform paver (CMI, Rex, or equal); throttle man; truck crane; welding machine maintenance operator—2	8.00	.40	.40	.50	.10	
Group II: A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine—1 drum; LaTourneau Rooter; multiple compactor; pavement breaker, self-propelled, of the Hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator—over 50 h.p.	7.75	.40	.40	.50	.10	
Group III: Boilers—1; chip spreader (front man); churn drill operator; compressor maintenance operator—1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; oiler driver, all types; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; subgrading machine operator; tank car heater operator—combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator—1	7.50	.40	.40	.50	.10	
Group IV: Mechanic's helper, oiler	7.25	.40	.40	.50	.10	
Clamshells, 3 yd. capacity or over	8.25	.40	.40	.50	.10	
Crane or rigs, 80 ft. of boom or over (including jib)	8.25	.40	.40	.50	.10	
Crane or rigs, over 200 ft. of boom (including jib)	8.50	.40	.40	.50	.10	
Draglines, 3 yd. capacity or over	8.25	.40	.40	.50	.10	
Piledrivers, 80 ft. of boom or over (including jib)	8.25	.40	.40	.50	.10	
Shovels, 3 yd. capacity or over	8.25	.40	.40	.50	.10	
Missouri-Line Construction No. 2:						
Line construction (Cass, Clay, Jackson, Platte, and Ray Counties, Mo.):						
Lineman	7.10	.10	1%+.15		1%%	
Lineman operator	6.70	.10	1%+.15		1%%	
Lineman mechanic	5.69	.10	1%+.15		1%%	
Groundman, jackhammer operator	4.625	.10	1%+.15		1%%	
Groundman, driver	4.625	.10	1%+.15		1%%	
Groundman, powderman	4.88	.10	1%+.15		1%%	
Groundman	4.625	.10	1%+.15		1%%	
Groundman (1st year)	4.28	.10	1%+.15		1%%	
20 Kansas-1-w:						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Asbestos workers	7.95	.30	$0.30		$0.02	
Boilrmakers	7.80	.30	.85		.02	
Bollermakers' helpers	7.55	.30	.85		.02	
Bricklayers; stonemasons	6.325	.20	.30			
Carpenters; millwrights; piledrivermen	7.55	.23	.15		.04	
Cementmasons:						
Cementmasons	6.025	.10	.15			
Composition	6.275	.10	.15			
Electricians	7.95	.15	1%+.20	$0.70	.03	
Elevator constructors	7.29	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (probationary)	50%JR					
Glaziers	$7.41	.35	.20	7%+c	.01	
Ironworkers: Ornamental; reinforcing; riggers; structural	8.50	.25	.25	$0.25	.05	
Lathers	6.75	.20				
Marble setters	8.425	3.65%	3.25%			
Marble setters' helpers	6.68					
Painters:						
Painters	7.52	$0.20	$0.20			
Paperhangers	8.02	.20	.20			
All interior surfaces over 27 ft. from the floor including structural steel; all exterior work performed on swing stages, with jacks or with belts (over 7 ft. above ground level); storage bins and storage tanks (over 7 ft. above ground level); all work performed by air, steam, aggregate and/or sandblasting; all work in elevator shafts above 27 ft.; bridges; structural steel (exterior); structural steel, exterior over 75 ft. in height; tapers using power machine (Bazooka)	8.27	.20	.20			
Spray	9.27	.20	.20			
Pipefitters	8.02	.38	.75		.06	
Plasterers	6.90	.20				
Plumbers	8.45	.30	.40		.06	
Roofers	6.51	.18	.40		.04	
Sheet metal workers	8.225	.25	.25			
Soft-floor layers	6.59	.275	.25	7%	.05	
Sprinkler fitters	8.485	.25	.40		.05	
Terrazzo workers; tile setters	8.425	3.65%	3.25%			
Terrazzo workers' helpers	4.65					
Terrazzo base grinders	4.90					
Tile setters' helpers	6.66					
Cementmasons (heavy and highway construction)	8.905	$0.20	$0.45	$0.50	.05	

Welders: Receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day; G—Friday after Thanksgiving Day.

Footnotes:

a. 1st 6 months—none; 6 months to 5 years—2 percent; over 5 years—4 percent of basic hourly rate.
b. Paid holidays: A through F.
c. Paid holidays: A through G.

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SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
Kans.-1-TD-1-h:						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Truckdrivers:						
Warehousemen and stockman	4.175					
Flatbeds	4.225					
Pickups	4.225					
Dump trucks, under 10 yd	4.225					
Dump trucks, 10 yd. and over	4.30					
Straddle trucks	4.425					
Wheel tractors (when used for towing)	4.425					
Steel trucks	4.30					
Hydrolift trucks	4.425					
Hydraulically operated serial lifts	4.425					
Distributor truckdrivers and operators	4.325					
Semitruck drivers	4.30					
Heavy hauling, A-frame winch and forklifts	4.425					
Heavy excavating (dumpter, Euclid, etc.)	4.425					
Oilers, greasers and mechanics' helpers	4.325					
Mechanics	4.525					
Transit mix, 5 yd. and over	4.375					
Transit mix, under 5 yd	4.275					
Double bottom units (20 tons cap. and over)	4.425					
Kansas-20-Lab-1-B:						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Laborers:						
Common labor, wire mesh handlers or setters; carpenter tender; trackmen; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape men; sod layers; wrecker (for alterations or entire projects)	5.36	.15	.15			
Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and backfilling), power tool operators; pierhole diggers (over 10 ft.); vibrator, jackhammer and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch witch operators; swinging scaffolds	5.455	.15	.15			
Stonemason tenders; cutting torch or burner men; georgia buggies (self-propelled); brick tenders; plasterers tenders; forklift (up to 9 ft.); hoseman; insulation man	5.555	.15	.15			
Mortarmen (hod carriers); scaffolding (swinging or tubing) hod carriers	5.605	.15	.15			
Barco, Jackson or similar tamp operators; asphalt rakers; powdermen; mastic hot kettlemen; sandblasting and gunite nozzlemen; wagon and churn drill operators	5.75	.15	.15			
Kans.-10-PEO-1-h:						
Building construction (Johnson and Wyandotte Counties, Kans.):						
Power equipment operators:						
A-frame trucks; boilers (1); brooms, power operated (all types); chip spreader (frontman); Clef Plane operator; compressor (1) 105 ft. or over; concrete saws, self-propelled; conveyor operator; crab—power operated; curb finishing machine; elevator; finishing machine; firemen on rigs; Flex Plane; floating machine; form grader; forklift—all types and sizes; greaser; hoist, endless chain—power operated; hopper—power operated; Hydrahammer (all types); Lad-A-Vator; mixers (with side loaders); pumps (with well points); pump (water); rollers (all types); siphons, jets and Jennys; subgrader; tractors over 50 h.p.	6.90	.25	.25		.02	
Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator backfillers; backhoe, all types; Barber-Greene loader; blade—power, all types; boats—power; boiler (2); boring machine (all types); cableways; cherry pickers (all types); chip spreader; clamshells; combination concrete hoist and mixer, such as mixermobile (with tower, 50¢ per hour additional); compressors (2) 105 ft. or over, not more than 20 ft. apart; compressors—tandem (any sizes); compressors—single, truck mounted; concrete ready-mixed plant, portable (jobsite); concrete mixer paver; crane or rigs (all types); crane—overhead; crusher, rock; derricks and derrick cars (power operated); ditching machines; dozers; draglines; dredges, any type power; Gradall; hoist, endless chain—power operated with power travel; loaders—all types; locomotives—all types; mechanic and welder; mucking machine; orangepeels; pliedrivers; pumps—material—all types; push cats; scoops (all types); self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man	7.15	.25	.25		.02	
Crane—tower or climbing	7.65	.25	.25		.02	
Clamshells, crane or rigs, draglines and pliedrivers with 80 ft. of boom or over (including jib)	7.40	.25	.25		.02	
Crane or rigs over 200 ft	7.65	.25	.25		.02	
Hoists—each additional drum over 1 drum	7.15	.25	.25		.02	
Master mechanic	8.15	.25	.25		.02	
Master mechanic—assistant	7.90	.25	.25		.02	
Oiler; tractors (except when hauling material) less than 50 h.p.	6.35	.25	.25		.02	
Oiler driver—all types	6.60	.25	.25		.02	
Ready-mixed concrete plants: Crane operator	6.83	.25	.25		.02	
Conveyor, loader operator; plant man	6.63	.25	.25		.02	

SUPERSEDEAS DECISIONS—Continued

Classification	Basic hourly rates	Fringe benefits payments H & W	Pensions	Vacation	App. Tr.	Other
100-Kan.-PEO-2-3-h:						
Site preparation and grading, heavy and highway construction (Johnson and Wyandotte Counties, Kans.):						
Power equipment operators:						
Group I: Asphalt paver and spreader; autograder; backhoe; blade operator, all types; boilers—2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator—2; concrete plant operator—central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader—forklift; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; Pitman crane operator; pump—2; Quad-Trac; scoop operator—all types; scoops in tandem; self-propelled rotary drill (Leroy or equal—not Air Trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; throttle man; truck crane; welding machine maintenance operator—2	8.00	.40	.40	.50	.10	
Group II: A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant operator; asphalt roller operators; backfiller operator; chip spreader; concrete batch plant, dry—power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine—1 drum; LeTourneau Rooter; multiple compactor; pavement breaker, self-propelled, of the Hydrahammer or similar type; power shield; stump cutting machine; towboat operator; tractor operator—over 50 hp	7.75	.40	.40	.50	.10	
Group III: Boilers—1; chip spreader (frontman); enurn drill operator; compressor maintenance operator—1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; oiler driver, all types; pump; pump maintenance operator, other than dredge; roller operator, other than type asphalt; screening and washing plant operator	7.50	.40	.40	.50	.10	
Self-propelled street broom or sweeper; siphons and jets; subgrading machine operator; tank car heater operator—combination boiler and booster; tractor—50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator—1	7.50	.40	.40	.50	.10	
Group IV:						
Mechanic's helper; oiler	7.25	.40	.40	.50	.10	
Clamshells, 3 yd. or over	8.25	.40	.40	.50	.10	
Crane or rigs, 80 ft. of boom or over (including jib)	8.25	.40	.40	.50	.10	
Crane or rigs 200 ft. of boom or over	8.50	.40	.40	.50	.10	
Dragline, 3 yd. or over	8.25	.40	.40	.50	.10	
Hoisting engine—each additional drum over 1 drum	8.00	.40	.40	.50	.10	
Pilediivers, 80 ft. of boom or over (including jib)	8.25	.40	.40	.50	.10	
Shovels, 3 yd. or over	8.25	.40	.40	.50	.10	
Men working in tunnels or shafts (not air shafts or cofferdams) of 25 ft. or more in length or depth will be paid 50 cents per hour above the regular classification.						
Site preparation and grading, heavy and highway construction (Johnson and Wyandotte Counties, Kans):						
Laborers:						
General laborer: General laborer, carpenter tenders, salamander tenders, dumpman and ticket takers on stock piles, flagmen, loading trucks under bins, hoppers and conveyors, trackmen and all other general laborers	6.805	.40	.40	.50	.10	
First semiskill: Air tool operator, cement handler (bulk or sack), chain or concrete saw, deck hands, dumpman on earth fill, grade checkers on cuts and fills, georgia buggies man, material batch hopper man, scaleman, material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground, riprap pavers, rock, block or brick, signalman, scaffolds over 10 ft. not self-supported from ground up, skipman on concrete paving, vibrator man, wire mesh setters on concrete paving, all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipelines, power tool operator, all work in connection with hydraulic or general dredging operations, form setter helpers, puddlers (paving only)	6.90	.40	.40	.50	.10	
Second semiskill: Crusher feeder, men handling creosote ties or creosote materials, men working with and handling epoxy material or materials (where special protection is required), head pipelayer on sewer work, topper of standing trees, batterboard man on pipe and ditch work, feederman on wood pulverizers, board and willow mat weavers and cable tiers on river work, all laborers working on underground tunnels where compressed air is not used	7.00	.40	.40	.50	.10	
Third semiskill: Spreader or screedman on asphalt machine, asphalt raker, laser beam man, Barco tamper, Jackson or any other similar tamp, wagon driller, churn drills, air track drills and all other similar drills, cutting torch man, form setters, liners and stringline men on concrete paving, curb, gutters etc., hot mastic kettleman, hot tar applicator, hand blade operators, manhole builders helpers and mortarmen on brick or block manholes, sandblasting and Gunnite nozzlemen, rubbing concrete, air tool operator in tunnels	7.125	.40	.40	.50	.10	
Fourth semiskill: Manhole builder (brick or block), dynamite and powdermen, welder, leadman or working foreman, tunnel leadman or working foreman	7.225	.40	.40	.50	.10	
100-Kansas-TD-2-3-d:						
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Lineman operator	6.70	.10	1%+.15		1%	
Lineman mechanic	5.60	.10	1%+.15		1%	
Groundman, jackhammer operator	4.625	.10	1%+.15		1%	
Groundman, driver	4.625	.10	1%+.15		1%	
Groundman, powderman	4.88	.10	1%+.15		1%	
Groundman	4.625	.10	1%+.15		1%	
Groundman (1st year)	4.28	.10	1%+.15		1%	

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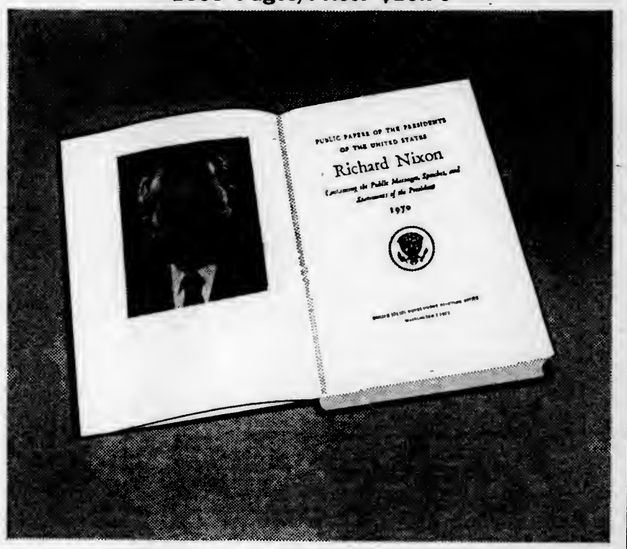
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Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

[Docket No. 72-516]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2 paragraph (e) (4) relating to the State of South Carolina is amended to read:

(e) • • •

(4) *South Carolina.* (i) That portion of Florence County bounded by a line beginning at the junction of State Highway 57 and State Highway 66; thence, following State Highway 57 in a southeasterly direction to State Highway 41, 51; thence, following State Highway 41, 51 in a southerly direction to the Lynches River; thence, following the north bank of the Lynches River in a generally northwesterly direction to State Highway 49; thence, following State Highway 49 in a northwesterly direction to State Highway 66; thence, following State Highway 66 in a northerly, then northeasterly direction to its junction with State Highway 57.

(ii) That portion of Kershaw County bounded by a line beginning at the junction of the Twenty-Five Miles Creek and the Wateree River; thence, following the west bank of the Wateree River in a generally southeasterly direction to Interstate Highway 20; thence, following Interstate Highway 20 in a southwesterly direction to the dirt road extension of Secondary Road 756; thence, following the dirt road extension in a northwesterly direction to Secondary Road 757; thence, following Secondary Road 757 in a northwesterly direction to Secondary Road 21; thence, following Secondary Road 21 in a northwesterly direction to the Twenty-Five Miles Creek; thence, following the south bank of the Twenty-Five Miles Creek in a generally northeasterly direction to its junction with the Wateree River.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Kershaw County in South Carolina because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined area.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of April 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-6600 Filed 4-28-72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-EA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 5395 of the FEDERAL REGISTER for March 15, 1972, the Federal Aviation Administration published proposed regulations which would alter the Batavia, N.Y., transition area (37 F.R. 2154).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Batavia, N.Y., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 43°01'45" N., 78°10'15" W., of Genesee County Airport, Batavia, N.Y., and within 2.5 miles each side of the Rochester, N.Y., VORTAC 257° radial, extending from the 5.5-mile-radius area to 19.5 miles west of the VORTAC.

[FR Doc.72-6553 Filed 4-28-72;8:46 am]

[Airspace Docket No. 72-NW-03]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 17, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5640) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Burley, Idaho, transition area.

Interested persons were given 30 days in which to submit written comments. No objections were received.

In consideration of the foregoing, the proposed regulation is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958 as amended, 49 U.S.C. 1348(a); sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Seattle, Wash., on April 20, 1972.

C. B. WALK, Jr.,
Director, Northwest Region.

In § 71.181 (37 F.R. 2143) the description of the Burley, Idaho, transition area is amended as follows:

At the beginning of the text delete all before "• • • and that airspace extending upward from 1,200 feet • • •" and substitute therefor:

That airspace extending upward from 700 feet above the surface within 5.5 miles each side of the Burley VORTAC 121° radial, extending from the VORTAC to 27 miles southeast of the VORTAC; within 5.5 miles each side of the Burley VORTAC 292° radial extending from the VORTAC to 17 miles west of the VORTAC; within 4.5 miles each side of the Burley VORTAC 323° radial extending from the VORTAC 11 miles northwest of the VORTAC; • • •

[FR Doc.72-6551 Filed 4-28-72;8:45 am]

[Airspace Docket No. 72-GL-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Faribault, Minn.

The airways in the area of Faribault and Owatonna, Minn., have been redesignated and the numbering changed. This requires the change of the Faribault-Owatonna transition area description. This change is editorial only and does not increase or decrease the transition area, therefore notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately, as hereinafter set forth:

In § 71.181 (37 F.R. 2143), under the Faribault-Owatonna transition area description, delete "V-170" and insert in place "V-219".

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Des Plaines, Ill., on April 6, 1972.

H. W. POGGEMEYER,
Acting Director, Great Lakes Region.

[FR Doc.72-6552 Filed 4-28-72;8:46 am]

[Airspace Docket No. 72-EA-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 5395 of the FEDERAL REGISTER for March 15, 1972, the Federal Aviation Administration published a proposed rule which would designate a Reedsville, Pa., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), of Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Reedsville, Pa., 700-foot floor transition area as follows:

REEDSVILLE, PA.

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the center 40°40'44" N., 77°37'22" W. of Mifflin County Airport, Reedsville, Pa., and within 3.5 miles each side of the 228° bearing from a point 40°36'55" N., 77°43'09" W. extending from said point to a point 11.5 miles southwest.

[FR Doc.72-6555 Filed 4-28-72;8:46 am]

[Airspace Docket No. 72-EA-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 5395 of the FEDERAL REGISTER for March 15, 1972, the Federal Aviation Administration published a proposed rule which would designate a Vincentown, N.J., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulatio.. is hereby adopted, effective 0901 G.m.t., June 22, 1972.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1972.

ROBERT H. STANTON,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Vincentown, N.J., 700-foot floor transition area as follows:

VINCENTOWN, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center 39°54'15" N., 74°45'00" W. of Red Lion Airport, Vincentown, N.J.

[FR Doc.72-6554 Filed 4-28-72;8:46 am]

[Airspace Docket No. 70-WA-43B]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Route and Change of Waypoint Name

On February 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 1912) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate 10 area high routes in the western United States as part of the overall program to establish an area navigation route structure.

J857R has been successfully flight inspected and is being designated in this rule. Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In J852R and J855R the Ceres, Calif., waypoint is located at the Modesto, Calif., VOR. To prevent the use of two names for the same location, the Ceres, Calif., waypoint is changed to Modesto, Calif., in this rule.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 22, 1972, as hereinafter set forth.

Section 75.400 (37 F.R. 2400 and 5489) is amended as follows:

a. In J852R and J855R "Ceres, Calif., 37°37'39" N./120°57'25" W. Fresno, Calif.", is deleted and "Modesto, Calif., 37°37'39" N./120°57'25" W. Fresno, Calif.", is substituted therefor.

b. J857R is added to read:

Waypoint name	N. Lat./W. Long.	Reference facility
*J857R DENVER, COLO., TO SALT LAKE CITY, UTAH		
Kremmling, Colo.	40°00'10"/106°26'31"	Meeker, Colo.
Ioka, Utah	40°12'52"/110°07'16"	Myton, Utah.
Fairfield, Utah	40°16'30"/111°58'23"	Delta, Utah.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 25, 1972.

ROBERT G. CARNAHAN,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-6556 Filed 4-28-72;8:46 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev. of the Export Regs., Amdt. 35]

PART 378—SPECIAL NUCLEAR CONTROLS

PART 379—TECHNICAL DATA

Adherence to Nuclear Test Ban Treaty and Export Restrictions on Technical Data and Equipment

Parts 378 and 379 are amended to read as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp)

Effective date: April 20, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

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Supplement No. 1 to Part 378, Countries Adhering to the Nuclear Test Ban Treaty, is amended by adding Tonga to the listing of such countries.

Section 379.4(e)(1)(iii) is amended by adding the following entry:

§ 379.4 General License GTDR: Technical data under restriction.

. . . . . .

(e) . . .
(1) . . .
(iii) . . .

(*ii*) Aerial films and plates, and continuous tone aerial duplicating films and plates, (*1*) having a spectral sensitivity extending above 7,200 or below 2,000 angstroms, or (*2*) capable of a resolution (when measured with a 1,000:1 high contrast test object) of 100 or more line pairs per millimeter for aerial camera films and plates, or of more than 300 line pairs per millimeter for aerial duplicating films and plates, or (*3*) having a base thickness before coating of less than 0.004 inches (Export Control Commodity No. 862).

. . . . . .

[FR Doc.72-5893 Filed 4-28-72;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 34-9588]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Fees for Nonmember Broker-Dealers for Fiscal Year 1972

On April 14, 1972, in Securities Exchange Act Release No. 9571, which was published in the FEDERAL REGISTER for April 15, 1972, at 37 F.R. 7533, the Securities and Exchange Commission announced a proposal to amend Rule 15b9-2 under the Securities Exchange Act of 1934 (the Act) (17 CFR 240.15b9-2) and to adopt Form SECO-4-72 (17 CFR 249.504f), to set annual assessments for the fiscal year 1972 payable by registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. (nonmember broker-dealer). Interested persons were invited to submit their comments by April 25, 1972. The Commission has considered the comments which were received. Accordingly, the Commission has adopted the amendment and the form as proposed.

Sections 15(b)(8) and 15(b)(9) under the Act authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to nonmember broker-dealers. Pursuant to these sections the Commission has adopted Rule 15b9-1 (17 CFR 240.15b9-1) (32 F.R. 7849, May 30, 1967) to establish initial fees and Rule 15b9-2 (33 F.R. 7075, May 11, 1968) to provide for annual assessments. The rules prescribe the fee structure and the actual fees are set in the applicable forms required to be filed.[1]

ANNUAL FEES—RULE 15b9-2

In general, Rules 15b9-2 provides for an annual assessment payable by nonmember brokers or dealers which is comprised of: (1) A base fee applicable to all such brokers or dealers; (2) a fee for each associated person engaged, directly or indirectly in securities activities for or on behalf of the broker or dealer; and (3) a fee for each office of the broker or dealer which was maintained prior to May 15 during the fiscal year, at any time in which the firm was a nonmember. The present amendment deletes the third category of fees. As amended, paragraph (b) of Rule 15b9-2 reads as follows:

(b) *Fees.* On or before June 1 of each year every broker or dealer to whom this rule applies shall file the Form SECO-4 provided for the particular fiscal year and pay the total fees prescribed by the form. Such fees shall include: (1) A base fee applicable to all brokers or dealers, and (2) a fee for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer prior to May 15 during the fiscal year, at any time in which the broker or dealer was a nonmember broker or dealer: *Provided, however,* That the fee shall not be paid for any person who confines his securities activities to areas outside the United States, its territories and possessions, and who does not deal with or act for any U.S. resident or national wherever located.

. . . . . .

I. Section 240.15b9-2 is amended by deleting therefrom subparagraph (3) of paragraph (b), and as so amended, it reads as follows:

§ 240.15b9-2 Annual fees for registered brokers and dealers not members of a registered national securities association.

. . . . . .

(b) *Fees.* On or before June 1 of each year every broker or dealer to whom this section applies shall file Form SECO-4 (§ 249.504 of this chapter et seq.) provided for the particular fiscal year and pay the total fees prescribed by the form. Such fees shall include: (1) A base fee applicable to all such brokers or dealers, and (2) a fee for each associated person engaged, directly or indirectly, in securities activities for or on behalf of the broker or dealer prior to May 15 during the fiscal year, at any time in which the broker or dealer was a nonmember broker or dealer: *Provided, however,* That the fee shall not be paid for any person who confines his securities activities to areas outside the United States, its territories and possessions, and who does not deal with or act for any U.S. resident or national wherever located.

. . . . . .

II. A new § 249.504f is adopted to read as follows:

§ 249.504f Form SECO-4-72; 1972 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed on or before June 1, 1972, pursuant to § 240.15b9-2 of this chapter, accompanied by the annual assessment fee required thereunder and as specified in this form, for the fiscal year ended June 30, 1972, by every registered broker and dealer not a member of a reigstered national securities association.

The Commission hereby declares that the foregoing amendments shall be effective on June 1, 1972. Copies of the Form SECO-4-72 as adopted have been filed with the Office of the Federal Register, and additional copies are available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

(Secs. 15(b), 23(a), 48 Stat. 895, 901, as amended, sec. 8, 49 Stat. 1379, sec. 6, 78 Stat. 565, 15 U.S.C. 78o(b), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

APRIL 27, 1972.

[FR Doc.72-6657 Filed 4-28-72;8:50 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter II—Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration], Department of Housing and Urban Development

[Docket No. R-72-181]

ELIMINATION OF ADJUSTED PREMIUM CHARGE AND TERMINATION CHARGE

Under present Federal Housing Administration regulations, when the principal obligation of any mortgage accepted for insurance is paid in full before the due date of the 120th scheduled monthly payment, the mortgagee must, with some exceptions, pay to the Commissioner an adjusted premium of 1 percent (2 percent for multifamily mortgages) for loans prepaid in full within 5 years from the date of initial insurance endorsement) of the original principal amount of the prepaid mortgage or loan. Similarly, in the event the Commissioner receives a request for voluntary termination of the insurance contract before the due date of the 120th scheduled monthly payment, the mortgagee, must, with some exceptions, pay to the Commissioner a termination charge equal to 1 percent (2 percent for multifamily mortgages or loans voluntarily terminated within 5 years from the date of initial insurance endorsement) of the original principal amount of the mortgage or loan. The Commissioner has decided to amend the regulations to eliminate both the adjusted premium charge and the termination charge for all mortgage or loan insurance contracts terminated by either prepayment or voluntary termination on or after the effective date of these regulations. The requirement that the Mortgage Insurance Certificate or mortgage note for home mortgages or loans be submitted to FHA for cancellation of the insurance endorsement is also being eliminated in accordance with the instructions contained in Commissioner Letter No. 65-8 dated August 4, 1965. Since the elimination of these charges and the requirement for submission of the Mortgage Insurance Certificate or mortgage note for cancellation does not adversely affect the right of any party to the mortgage insurance transaction, it is found upon good cause that notice and public comment with respect to the amendments are unnecessary under the provisions of 5 U.S.C. 553(b).

Accordingly, Chapter II of 24 CFR is amended as follows:

A. The tables of contents contained in Chapter II are amended as follows:

1. The table of contents of Part 203 is amended by inserting the following at the appropriate places:

Sec.
203.22 Payment of insurance premiums or charges; prepayment privilege.
203.285 Computation of adjusted premium [Revoked]
203.286 Maximum adjusted MIP [Revoked]
203.287 Prepayments excepted from adjusted premium charge [Revoked]
203.288 Discontinuance of adjusted premium charge.
203.296 Computation of voluntary termination charge [Revoked]
203.297 Maximum voluntary termination charge [Revoked]
203.298 Exception from voluntary termination charge [Revoked]

2. The table of contents of Part 207 is amended by inserting the following at the appropriate place:

Sec.
207.253 Termination by prepayment and voluntary termination.

3. The table of contents of Part 210 is amended by inserting the following at the appropriate places:

Sec.
210.253 Adjusted premium and termination charge rate [Revoked]
210.260 Adjusted premium and termination charge not due [Revoked]

4. The table of contents of Part 213 is amended by inserting the following at the appropriate places:

Sec.
213.261 Termination of mortgage insurance—prepayment in full and voluntary termination—investor project [Revoked]
213.262 Termination of mortgage insurance—prepayment in full, management, purchasing cooperative, sales and existing construction project mortgages [Revoked]
213.263 Termination of mortgage insurance—voluntary termination—management, purchasing cooperative, sales and existing construction project mortgages [Revoked]
213.264 Termination of insurance—prepayment in full and voluntary termination—supplementary loans [Revoked]
213.265 Modifications and consolidations.
213.513 Payment of insurance premiums or charges; prepayment privilege.

5. The table of contents of Part 221 is amended by inserting the following at the appropriate places:

Sec.
221.254 Mortgage insurance premiums.
221.760 Adjusted premium and termination charges [Revoked]

6. The table of contents of Part 222 is amended by inserting the following at the appropriate place:

Sec.
222.254 Prepayment premiums [Revoked]

7. The table of contents of Part 224 is amended by inserting the following at the appropriate place:

Sec.
224.260 Adjusted premium and termination charges [Revoked]

8. The table of contents of Part 225 is amended by inserting the following at the appropriate place:

Sec.
225.260 Adjusted premium and termination charges [Revoked]

9. The table of contents of Part 227 is amended by inserting the following at the appropriate place:

Sec.
227.253 Adjusted premium and termination charges [Revoked]

10. The table of contents of Part 234 is amended by inserting the following at the appropriate place:

Sec.
234.37 Payment of insurance premiums or charges; prepayment privilege.

11. The table of contents of Part 235 is amended by inserting the following at the appropriate place:

Sec.
235.720 Adjusted premium charge [Revoked]

12. The table of contents of Part 236 is amended by inserting the following at the appropriate place:

Sec.
236.270 Adjusted premium charge [Revoked]

13. The table of contents of Part 241 is amended by inserting the following at the appropriate place:

Sec.
241.265 Termination of insurance [Revoked]

B. The text of Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

§ 203.22 [Amended]

1. Section 203.22 is amended as follows:

a. The heading of § 203.22 is revised to read as follows: Payment of insurance premiums or charges; prepayment privilege.

b. Section 203.22(a) is amended by adding the following subheading:

"Payment of insurance premiums or charges."

c. Section 203.22(b) is revised to read as follows: (b) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days advance notice in writing of intention to prepay, but shall not provide for the payment of any charge on account of such prepayment.

§ 203.251 [Amended]

2. Section 203.251 (l) and (m) are revoked.

3. The introductory paragraph of § 203.269 is revised to read as follows:

§ 203.269 Pro rata payment of initial MIP.

If termination of the contract of insurance occurs before the due date of the initial MIP, the mortgagee shall pay to the Commissioner the portion of the initial premium due to the first of the month following the effective termination date, which shall be computed from:

. . . . . .

4. Section 203.278(a) is revised to read as follows:

§ 203.278 Pro rata payment of annual MIP.

(a) *In general.* If the insurance contract is terminated after the due date of the initial MIP, the mortgagee shall pay to the Commissioner that portion of the current annual MIP prorated from the due date of the last annual MIP through the end of the month in which the contract of insurance is terminated. The pro rata payment of MIP shall be remitted to the Commissioner with the notice of prepayment or request for voluntary termination.

. . . . . .

§§ 203.285, 203.286 and 203.287 [Revoked]

5. Sections 203.285, 203.286, and 203.287 are revoked.

[1] The initial fees now in effect and which remain unchanged are as follows: $150 fee required to accompany Form SECO-5 which is filed on behalf of the broker-dealer; $35 fee required by Form SECO-2 which is filed for each associated person of the broker-dealer.

Mortgagor is borrower

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6. Part 203 is amended by adding a new § 203.288 to read as follows:

§ 203.288 Discontinuance of adjusted premium charge.

Notwithstanding any provision in the mortgage instrument, there shall be no adjusted mortgage insurance premium due the Commissioner on account of the prepayment of any mortgage on or after May 1, 1972.

7. Section 203.295 is amended as follows:

a. The centered heading preceding § 203.295 is revised to read as follows: Voluntary Termination.

b. Section 203.295 is revised to read as follows:

§ 203.295 Voluntary termination.

Upon request by the mortgagor and mortgagee the Commissioner may terminate the insurance contract on any mortgage under this part covering a 1-to-4 family residence. The mortgagee shall cancel the insurance endorsement on the mortgage insurance certificate or note upon receipt of notice from the Commissioner that the contract of insurance is terminated. Notwithstanding any provision in a mortgage instrument, there shall be no voluntary termination charge due the Commissioner on account of the voluntary termination of any mortgage insurance contract where the request for termination is received by the Commissioner on or after May 1, 1972.

§§ 203.296, 203.297, and 203.298 [Revoked]

8. Sections 203.296, 203.297, and 203.298 are revoked.

9. Section 203.309 is revised to read as follows:

§ 203.209 Pro rata payment of open-end charge.

Upon termination of the insurance contract, the mortgagee shall pay to the Commissioner (in addition to any pro rata MIP) a portion of the current open-end insurance charge prorated from the beginning of the open-end insurance charge period to the end of the month in which termination occurred.

10. Section 203.319 is revised to read as follows:

§ 203.319 Pro rata payment of premiums and charges.

No contract of insurance shall be terminated until the mortgagee has paid to the Commissioner the pro rata portion of the current annual MIP or open-end insurance charge as set forth in this subpart.

11. Section 203.457 is revised to read as follows:

§ 203.457 Voluntary termination of contract.

Upon request by the borrower and lender the Commissioner may terminate the insurance contract on the loan. The lender shall cancel the insurance endorsement on the insurance certificate or note upon receipt of notice from the Commissioner that the contract of insurance is terminated.

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X)

12. Section 205.251(a) is revised to read as follows:

§ 205.251 Incorporation by reference.

(a) All of the provisions of §§ 207.251 et seq. (Part 207, Subpart B) of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply to mortgages on a land development insured under title X of the National Housing Act, except the following provisions:

Sec.
207.251 Definitions.
207.252 First, second, and third premiums.
207.253 Termination by prepayment and voluntary termination.

* * * * *

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

13. Section 207.253 is revised to read as follows:

§ 207.253 Termination by prepayment and voluntary termination.

All rights under the insurance contract and all obligations to pay future insurance premiums shall terminate on the following conditions:

(a) *Termination by prepayment.* Notice of the prepayment in full of the mortgage or loan shall be given to the Commissioner, on a form prescribed by the Commissioner, within 30 days from the date of prepayment. The insurance contract shall terminate, effective as of the date of prepayment. No adjusted premium charge shall be due the Commissioner on account of such termination by prepayment.

(b) *Termination by voluntary agreement.* Receipt by the Commissioner of a written request, by the mortgagor and mortgagee or lender for termination of the insurance on the mortgage or loan, on a form prescribed by the Commissioner, accompanied by the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met. No voluntary termination charge shall be due the Commissioner on account of such termination by voluntary agreement.

(c) Upon termination of the mortgage or loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the mortgagee or lender for the account of the mortgagor or borrower an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to (1) the date of the prepayment or (2) the effective date of the voluntary termination of the contract of insurance.

(d) Notwithstanding any provision in the mortgage instrument, this section shall apply to all mortgage or loan insurance contracts terminated by either prepayment or voluntary termination where (1) the mortgage is prepaid in full or (2) the Commissioner receives a request for voluntary termination, on or after May 1, 1972.

14. Section 207.253a(a) is revised to read as follows:

§ 207.253a Termination of insurance contract.

(a) *Reason for termination.* The happening of any of the following events shall constitute an additional reason for terminating the contract of insurance in cases where the mortgagee has elected to convey the property to the Commissioner:

* * * * *

PART 210—MULTIFAMILY PROJECTS, WAR HOUSING MORTGAGE INSURANCE (SEC. 608)

15. Section 210.251(a) is revised to read as follows:

§ 210.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to war housing multifamily project mortgages insured under section 608 of the National Housing Act except the following provisions:

Sec.
207.259 Insurance benefits.
207.264 Effective date.

* * * * *

§§ 210.253 and 210.260 [Revoked]

16. Sections 210.253 and 210.260 are revoked.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

17. Section 213.251(a) is revised to read as follows:

§ 213.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to mortgages insured under section 213 of the National Housing Act, except the following provisions:

Sec.
207.251 Definitions.
207.252 First, second, and third premiums.
207.254 Form of endorsement.

* * * * *

§§ 213.261, 213.262, 213.263, and 213.264 [Revoked]

18. Sections 213.261, 213.262, 213.263, and 213.264 are revoked.

19. Section 213.265 is revised to read as follows:

§ 213.265 Modifications and consolidations.

Where a mortgage covering an investor sponsored project is modified and consolidated with the mortgage of a purchasing nonprofit cooperative housing corporation or trust, it shall be deemed to be paid in full as of the date of such modification and consolidation.

20. Section 213.513 is revised to read as follows:

§ 213.513 Payment of insurance premiums or charges; prepayment privilege.

(a) *Payment of insurance premiums or charges.* The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Commissioner. If the mortgage contains a provision permitting the holder to make future "open-end" advances or is amended or modified to include such a provision, the mortgage may provide for a monthly payment by the mortgagor of an amount equal to one-twelfth (1/12) of the annual charge, payable by the mortgagee to the Commissioner for insurance of such advances. Such payments shall continue only so long as the contract of insurance shall remain in effect.

(b) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days advance notice in writing of intention to prepay, but shall not provide for the payment of any charge on account of such prepayment.

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

21. Section 221.251(a) is revised to read as follows:

§ 221.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 203 of this chapter covering mortgages insured under section 203 of the National Housing Act apply to mortgages covering one- to four-family dwellings insured under section 221 of the National Housing Act, except the following provisions:

Sec.
203.260 Method of payment of MIP.
203.261 Calculation of MIP.
203.265 Amount of initial MIP.
203.266 Due date of initial MIP.
203.267 Period covered by initial MIP.
203.268 Adjustment of initial MIP.
203.269 Pro rata payment of initial MIP.
203.275 Amount of annual MIP.
203.276 Due date of annual MIP.
203.277 Duration of annual MIP.
203.278 Pro rata payment of annual MIP.
203.295 Voluntary termination of insurance.
203.389 Waived title objections.
203.400 Method of payment.
203.420 Nature of Mutual Mortgage Insurance Fund.
203.421 Allocation of Mutual Mortgage Insurance Fund income or loss.
203.422 Right and liability under Mutual Mortgage Insurance Fund.
203.423 Distribution of distributive shares.
203.424 Maximum amount of distributive shares.
203.425 Finality of determination.

* * * * *

22. Section 221.254 is amended as follows:

a. The heading of § 221.254 is revised to read as follows: Mortgage insurance premiums.

b. Section 221.254 is amended by revising paragraphs (a), (b), and by revoking paragraph (b)(4) as follows:

§ 221.254 Mortgage insurance premiums.

(a) All of the provisions of §§ 203.260 through 203.295 of this chapter relating to mortgage insurance premiums shall apply to mortgages insured under this subpart, except that as to mortgages meeting the special requirements of § 221.60 or § 221.65, such provisions shall only be applicable under the circumstances prescribed in paragraph (b) of this section. Notwithstanding any provision in the mortgage instrument, there shall be no adjusted mortgage insurance premium or voluntary termination charge due the Commissioner on account of the prepayment of any mortgage or the voluntary termination of any mortgage insurance contract where (1) the mortgage is prepaid in full, or (2) the Commissioner receives a request for voluntary termination on or after May 1, 1972.

(b) Whenever the interest rate on a mortgage insured under this part as having met the special requirement of § 221.60 or § 221.65 shall have been increased to the maximum rate in accordance with § 221.60(j), § 221.65(d)(4), or § 221.65(d)(5), the provisions of §§ 203.260 through 203.295 of this chapter relating to mortgage insurance premiums shall apply except that:

* * * * *

(4) [Revoked]

23. Section 221.256(c) is revised to read as follows:

§ 221.256 Interest rate increase and payment of mortgage insurance premiums on mortgages under §§ 221.60 and 221.65.

* * * * *

(c) The liability for payment of mortgage insurance premiums shall begin on and be computed from the first day of the month following the date on which the right to compute interest at the higher rate shall have first accrued.

24. Section 221.751(a) is revised to read as follows:

§ 221.751 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project mortgages insured under section 221 of the National Housing Act, except the following provisions:

Sec.
207.252 First, second, and third premium.
207.259 Insurance benefits.

* * * * *

§ 221.760 [Revoked]

25. Section 221.760 is revoked.

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

§ 222.254 [Revoked]

26. Section 222.254 is revoked.

PART 224—ARMED SERVICES HOUSING—MILITARY PERSONNEL (SEC. 803)

27. Section 224.251 is revised to read as follows:

§ 224.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to armed services housing mortgages for military personnel insured under section 803 of the National Housing Act except the following provisions:

Sec.
207.252 First, second, and third premiums.
207.259 Insurance benefits.
207.264 Effective date.

* * * * *

§ 224.260 [Revoked]

28. Section 224.260 is revoked.

PART 225—MILITARY HOUSING INSURANCE (SEC. 803)

29. Section 225.251(a) is revised to read as follows:

§ 225.251 Incorporation by reference.

(a) All of the provisions of Subpart B of Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act, apply to mortgages insured pursuant to section 803 of the National Housing Act as in effect prior to August 11, 1955, except the following provisions:

Sec.
207.252 First, second, and third premiums.
207.259 Insurance benefits.

* * * * *

§ 225.260 [Revoked]

30. Section 225.260 is revoked.

PART 227—ARMED SERVICES HOUSING—IMPACTED AREAS (SEC. 810)

31. Section 227.251(a) is revised to read as follows:

§ 227.251 Incorporation by reference—Multifamily, Sales or Rental Projects.

(a) All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act apply to Multifamily, Sales, or Rental Project mortgages insured under section 810 of the National Housing Act.

* * * * *

§ 227.253 [Revoked]

32. Section 227.253 is revoked.

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PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

§ 234.37 [Amended]

33. Section 234.37 is amended to read as follows:

a. The heading of § 234.37 is revised to read as follows: Payment of insurance premiums or charges; prepayment privilege.

b. Section 234.37(a) is amended by adding the following subheading: *Payment of insurance premiums or charges.*

c. Section 234.37(b) is revised to read as follows: (b) *Prepayment privilege.* The mortgage shall contain a provision permitting the mortgagor to prepay the mortgage in whole or in part upon any interest payment date after giving to the mortgagee 30 days advance notice in writing of intention to prepay, but shall not provide for the payment of any charge on account of such prepayment.

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENT FOR HOME OWNERSHIP AND PROJECT REHABILITATION

34. Section 235.701 is revised to read as follows:

§ 235.701 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to mortgages insured under section 235(j) of the National Housing Act except the following provisions:

Sec.
207.259 Insurance benefits.
207.262 No vested right in fund.

. . . . .

§ 235.720 [Revoked]

35. Section 235.720 is revoked.

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

36. Section 236.251 is revised to read as follows:

§ 236.251 Incorporation by reference.

All of the provisions of Subpart B, Part 207 of this chapter covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to mortgages insured under section 236 of the National Housing Act except the following provisions:

Sec.
207.252 First, second, and third premiums.
207.259 Insurance benefits.
207.262 No vested right in fund.

. . . . .

§ 236.270 [Revoked]

37. Section 236.270 is revoked.

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

38. Section 241.251(a) is revised to read as follows:

§ 241.251 Incorporation by reference.

(a) All of the provisions of Subpart B, Part 207 of this chapter, covering mortgages insured under section 207 of the National Housing Act, apply with full force and effect to multifamily project and group practice facility mortgages insured under section 241 of the National Housing Act, except the following provisions:

Sec.
207.251 Definitions.
207.253a Termination of insurance contract.
207.260 Protection of mortgage security.
207.262 No vested right in fund.

. . . . .

§ 241.265 [Revoked]

39. Section 241.265 is revoked.

Effective date. These regulations shall be effective as of May 1, 1972.

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3533(d); Secretary's delegation to Assistant Secretary-Federal Housing Commissioner published at 36 F.R. 5006)

EUGENE A. GULLEDGE,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc. 72-6467 Filed 4-28-72;8:46 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1911—RULES OF PROCEDURES FOR PROMULGATING, MODIFYING, OR REVOKING OCCUPATIONAL SAFETY OR HEALTH STANDARDS

Emergency Standards Informal Rule Making Procedures

Part 1911 of Title 29, Code of Federal Regulations (36 F.R. 17506, September 1, 1971), is hereby amended in the manner indicated below. The amendments provide for situations in which a proceeding is commenced under section 6(b) of the Act after the issuance of an emergency standard, and improve and clarify the informal rule making procedures prescribed in the part by providing for the possible issuance of minor rules or amendments without notice and public participation where the procedural safeguards for such issuance specified in the Administrative Procedure Act (5 U.S.C. 533(b)) are provided and by making other changes indicating more clearly the informal nature of the proceedings.

The amendments shall be effective upon publication in the FEDERAL REGISTER (4-29-72).

Part 1911 is amended as follows:

1. A new § 1911.5 is added and reads as follows:

§ 1911.5 Minor changes in standards.

Section 6(b), when construed in light of the rule making provisions of the Administrative Procedure Act (5 U.S.C. 553), is read as permitting the making of minor rules or amendments in which the public is not particularly interested without the notice and public procedure which is otherwise required. Whenever such a minor rule or amendment is adopted, it shall incorporate a finding of good cause to this effect for not providing notice and public procedure.

2. A new § 1911.12 is added and reads as follows:

§ 1911.12 Emergency standards.

(a) Whenever an emergency standard is published pursuant to section 6(c) of the Act, the Assistant Secretary must commence a proceeding under section 6(b) of the Act, and the standard as published must serve as a proposed rule. Any notice of proposed rulemaking shall also give notice of any appropriate subsidiary proposals.

(b) If the Assistant Secretary wishes to consult an advisory committee on any of the proposals as permitted by section 7(b) of the Act, he shall afford interested persons an opportunity to inspect and copy any recommendations of the advisory committee within a reasonable time before the commencement of any informal hearing which may be held under this part, or before the termination of the period for the submission of written comments whenever an informal hearing is not initially noticed under § 1910.11(b)(4) of this chapter.

(c) Section 6(c) requires that any standard must be promulgated following the rule making proceeding within 6 months after the publication of the emergency standard. Because of the shortness of this period, the conduct of the proceeding shall be expedited to the extent practicable.

3. Section 1911.5 is amended to read as follows:

§ 1911.5 Nature of hearing.

(a) (1) The legislative history of section 6 indicates that Congress intended informal rather than formal rule making procedures to apply. See the Conference Report, H. Rept. No. 91-1765, 91st Cong., second sess., 34 (1970). The informality of the proceedings is also suggested by the fact that section 6(b) permits the making of a decision on the basis of written comments alone (unless an objection to a rule is made and a hearing is requested), the use of advisory committees, and the inherent legislative nature of the tasks involved. For these reasons, the proceedings pursuant to § 1911.10 or § 1911.11 shall be informal.

(2) Section 6(b)(3) provides an opportunity for a hearing on objections to proposed rule making, and section 6(f) provides in connection with the judicial review of standards, that determinations of the Secretary shall be conclusive if supported by substantial evidence in the record as a whole. Although these sections are not read as requiring a rule making proceeding within the meaning of the last sentence of 5 U.S.C. 553(c) requiring the application of the formal requirements of 5 U.S.C. 556 and 557, they do suggest a Congressional expectation that the rule making would be on the basis of a record to which a substantial evidence test, where pertinent, may be applied in the event an informal hearing is held.

(3) The oral hearing shall be legislative in type. However, fairness may require an opportunity for cross-examination on crucial issues. The presiding officer is empowered to permit cross-examination under such circumstances. The essential intent is to provide an opportunity for effective oral presentation by interested persons which can be carried out with expedition and in the absence of rigid procedures which might unduly impede or protract the rule making process.

(b) Although any hearing shall be informal and legislative in type, this part is intended to provide more than the bare essentials of informal rule making under 5 U.S.C. 553. The additional requirements are the following:

(1) The presiding officer shall be a hearing examiner appointed under 5 U.S.C. 3105.

(2) The presiding officer shall provide an opportunity for cross-examination on crucial issues.

(3) The hearing shall be reported verbatim, and a transcript shall be available to any interested person on such terms as the presiding officer may provide.

4. Section 1911.18 is amended to read as follows:

§ 1911.18 Decision.

(a) (1) Within 60 days after the expiration of the period provided for the submission of written data, views, and arguments on a proposed rule on which no hearing is held, or within 60 days after the certification of the record of a hearing, the Assistant Secretary shall publish in the FEDERAL REGISTER either an appropriate rule promulgating, modifying, or revoking a standard, or a determination that such a rule should not be issued. The action of the Assistant Secretary shall be taken after consideration of all relevant matter presented in written submissions and in any hearings held under this part.

(2) A determination that a rule should not be issued on the basis of existing relevant matter may be accompanied by an invitation for the submission of additional data, views, or arguments from interested persons on the issue or issues involved. In which event, an appropriate rule or other determination shall be made within 60 days following the end of the period allowed for the submission of the additional comments.

(b) Any rule or standard adopted under paragraph (a) of this section shall incorporate a concise general statement of its basis and purpose. The statement is not required to include specific and detailed findings and conclusions of the kind customarily associated with formal proceedings. However, the statement will show the significant issues which have been faced, and will articulate the rationale for their solution.

(c) Where an advisory committee has been consulted in the formulation of a proposed rule, the Assistant Secretary may seek the advice of the advisory committee as to the disposition of the proceeding. In giving advice to the Assistant Secretary, an advisory committee shall consider all matter presented to the Assistant Secretary. The advice of an advisory committee shall take the form of written recommendations to be submitted to the Assistant Secretary within a period to be prescribed by him. When the recommendations are contained in the transcript of the meeting of an advisory committee, they shall be summary in form. See §§ 1912.33 and 1912.34 of this chapter.

(Secs. 6(b), 8(g), 84 Stat. 1953, 1600; 29 U.S.C. 655, 657; secs. 1, 4, 49 Stat. 1036, 1038, as amended; 41 U.S.C. 35, 38; secs. 2, 4, 74 Stat. 1034, 1035, 41 U.S.C. 351, 353; sec. 107, 76 Stat. 357; 40 U.S.C. 333, sec. 41, 44 Stat. 1444, 33 U.S.C. 941; sec. 5(j)(2), 79 Stat. 848; 20 U.S.C. 954(j)(2))

Signed at Washington, D.C., this 25th day of April 1972.

G. C. GUENTHER,
Assistant Secretary of Labor.

[FR Doc.72-6576 Filed 4-28-72;8:50 am]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

MISCELLANEOUS AMENDMENTS TO CHAPTER

Whereas, on March 25, 1972, the Director of Selective Service published a notice of proposed amendments to Selective Service Regulations, 37 F.R. 6212 of March 25, 1972; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sec. 451 et seq.) in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sec. 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.s.t., on April 29, 1972, as follows:

PART 1617—REGISTRATION CERTIFICATE

Section 1617.10 is amended to read as follows:

§ 1617.10 Duty of registrant separated from active duty in Armed Forces.

Every registrant who is separated from active duty in the Armed Forces, who has not discharged his current military obligation under the Military Selective Service Act, and who does not have a Registration Certificate (SSS Form 2) shall, within 10 days after the date of his separation, request his local board to return his Registration Certificate (SSS Form 2) if available or to issue to him a duplicate Registration Certificate (SSS Form 2). The registrant shall make this request by a letter mailed to his local board or on a Request for Duplicate Registration Certificate or Notice of Classification (SSS Form 6) which he shall file with his own or any other local board.

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Section 1622.27 is amended to read as follows:

§ 1622.27 Class 2-D: Registrant deferred because of study preparing for or relating to the ministry.

In Class 2-D shall be placed any registrant who has requested such deferment and who is preparing for the ministry under the direction of a recognized church or religious organization and (a) who is satisfactorily pursuing a full-time course of instruction required for entrance into a recognized theological or divinity school in which he has been preenrolled, or (b) who is satisfactorily pursuing a full-time course of instruction in or at the direction of a recognized theological or divinity school, or (c) who having completed theological or divinity school is a student in a full-time graduate program or is a full-time intern. The registrant's studies must be related to and lead toward entry into service as a regular or duly ordained minister of religion as defined in section 16(g) of the Military Selective Service Act and satisfactory progress in these studies, as required by the school in which the registrant is enrolled, must be maintained for qualification for the deferment.

PART 1623—CLASSIFICATION PROCEDURE

Section 1623.9 is amended to read as follows:

§ 1623.9 Registrants transferred for classification.

(a) After completing the Registration Questionnaire (SSS Form 100), and be-

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fore the local board of origin has undertaken the classification of a registrant other than his preliminary classification into Class 1–H, he may be transferred to another local board for classification under procedures prescribed by the Director if he is so far from his local board as to make complying with notices an extreme hardship.

(b) After completing the Registration Questionnaire (SSS Form 100), a registrant may be transferred to another local board for classification at any time under procedures prescribed by the Director (1) when the local board cannot act on his case because of disqualification under provisions of § 1604.55 of this chapter, or (2) when a majority of the members of the local board, or a majority of the members of every panel thereof if the board has separate panels, withdraw from consideration of the registrant's classification because of any conflicting interest, bias, or other reason.

(c) The Director or the State Director of Selective Service may transfer a registrant to another local board for classification at any time (1) when any member of the local board cannot act on the registrant's case because of disqualification under the provisions of § 1604.55 of this chapter, or (2) when the State Director of Selective Service deems such transfer to be necessary in order to assure equitable administration of the selective service law.

PART 1624—PERSONAL APPEARANCE BEFORE LOCAL BOARD

Paragraph (b) of § 1624.1 *Opportunity for personal appearance* is amended to read as follows:

§ 1624.1 Opportunity for personal appearance.

* * * * *

(b) A registrant who has filed a claim for classification in Class 1–O, Class 1–A–O, or Class 3–A, upon his written request, shall be afforded an opportunity to appear in person before the local board before his classification is determined by the local board. Should such registrant appear in person before the local board in advance of his classification being determined, the provisions of § 1624.4 shall apply and he shall not be afforded an opportunity to appear concerning such classification after such determination.

PART 1625—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

Section 1625.2 is amended to read as follows;

§ 1625.2 Reopening of classification.

(a) The local board will reopen and consider anew the classification of a registrant (1) upon the written request of the Director of Selective Service or the State Director of Selective Service and upon receipt of such request shall immediately cancel any order to report for induction or alternate service which may have been issued to the registrant; (2) who is in Class 1–H and becomes subject to processing for induction according to these regulations and the rules prescribed by the Director; (3) in any classification for the purpose of classifying him in Class 1–H according to these regulations and the rules prescribed by the Director; (4) upon the written request of the registrant that is accompanied by written information presenting facts not considered when the registrant was classified which, if true in the opinion of the board, would justify a change in the registrant's classification; or (5) upon its own motion if such action based upon facts not considered when the registrant was classified which, in the opinion of the board, would justify a change in the registrant's classification: *Provided*, That in the event of subparagraph (4) or (5) of this section, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an order for induction or alternate service or, in the event the order to report for induction or alternate service was postponed and a subsequent letter from the local board establishes the date for induction or for reporting for alternate service, unless the local board first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

PART 1628—EXAMINATION OF REGISTRANTS

Section 1628.7 is amended to read as follows:

§ 1628.7 Postponement of Armed Forces examination.

The issuance of an Order to Report for Armed Forces Examination (SSS Form 223) may be delayed in case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control. The forwarding of a registrant for examination under an Order to Report for Armed Forces Examination (SSS Form 223) may be postponed by the local board to a date certain not later than 60 days from the date of such postponement in case of death of a member of the registrant's immediate family, extreme emergency involving a member of the registrant's immediate family, serious illness of the registrant, or other emergency beyond the registrant's control. The Director or State Director of Selective Service may, for good cause, direct the local board to extend such postponement. Any postponement under this section shall be terminated whenever the cause therefor has ceased to exist or upon the request of the registrant.

PART 1630—ALLOCATION OF INDUCTIONS

Section 1630.4 is amended to read as follows:

§ 1630.4 Classification of volunteers.

(a) When a registrant who is not in a deferred class files an Application for Voluntary Induction (SSS Form 254) he shall be processed for induction regardless of the class in which he is classified.

(b) When a registrant in a deferred class other than Class 4–F files an Application for Voluntary Induction (SSS Form 254) he shall be classified in Class 1–A as soon as possible.

(c) When a registrant in Class 1–A–O files an Application for Voluntary Induction (SSS Form 254) he shall be processed for induction.

CURTIS W. TARR,
Director.

APRIL 26, 1972.

[FR Doc.72–6577 Filed 4–28–72;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5210]

[AA–2623, AA–4621, AA–5926]

ALASKA

Exclusions of Land From the Chugach National Forest

By virtue of the authority vested in the President by section 1 of the Act of June 4, 1897, 30 Stat. 34, 36, 16 U.S.C. section 473 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. The following described tracts of land, occupied as homesites, are hereby excluded from the Chugach National Forest and restored, subject to valid existing rights, for purchase as homesites under section 10 of the Act of May 14, 1898, 30 Stat. 413, as amended by the Act of March 3, 1927, 44 Stat. 1364, and the Act of May 26, 1934, 48 Stat. 809:

CHUGACH NATIONAL FOREST

[AA–2623]

U.S. Survey 3601

Latitude 60°31½' N., longitude 145°46' W., lot 32 (Homesite No. 203, Heney Creek Group), 2.33 acres.

[AA–4621]

U.S. Survey 2528

Latitude 60°28'23" N., longitude 149°21' W., lot 17 (Homesite No. 220, Trail Lake Homesite Group), 4.36 acres.

U.S. Survey 3532

Latitude 60°24½' N., longitude 149°22' W., lot 2 (Homesite No. 175, Lawing Extension Homesite Group), 1.60 acres.

[AA–5926]

U.S. Survey 4609

Latitude 60°32'15" N., longitude 145°42'50" W., lot 1 (Homesite No. 221, Murcheson Creek Group No. 1), 0.25 acres.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 25, 1972.

[FR Doc.72–6546 Filed 4–28–72;8:45 am]

[Public Land Order 5211]

[Sacramento 3771]

CALIFORNIA

Powersite Restoration No. 714; Partial Revocation of Powersite Reserve No. 248

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended 16 U.S.C. section 818 (1970), and pursuant to the determination of the Federal Power Commission in DA–1105-California, it is ordered as follows:

1. The Executive Order of February 17, 1912, creating Powersite Reserve No. 248 is hereby revoked so far as it affects the following described land:

MOUNT DIABLO MERIDIAN

T. 35 N., R. 1 E.,
Sec. 6, SE¼NE¼.

The area described aggregates 40 acres in Shasta County.

2. In its order of November 17, 1971 (DA–1105-California), the Federal Power Commission determined that the land is not presently being used for hydroelectric development purposes, there are no known plans for its use, and it has no significant power value. The land was previously restored from Powersite Reserve No. 248 by Restoration Order No. 1174 of May 7, 1945, 10 F.R. 5652 of May 17, 1945, pursuant to a determination of the Federal Power Commission in DA–625-California of May 30, 1944, and opened to operation of the public land laws generally, subject to the provisions and reservations of section 24 of the Act of June 10, 1920, supra. The effect of this order is to relieve the restored land of the limitations prescribed by the said section 24.

3. This revocation is in furtherance of a Fedaral program to acquire privately owned land within the Whiskeytown-Shasta-Trinity National Recreation Area by the National Park Service under the exchange provisions of the Act of November 8, 1965, 79 Stat. 1295, 16 U.S.C. section 460q–1(b) (1970). Accordingly, the land described in this order has been classified as being suitable for such exchange. The land, therefore, will not be subject to other use or disposition under the public land laws, including the mining and mineral leasing lands, in the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 25, 1972.

[FR Doc.72–6547 Filed 4–25–72;8:45 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Seed Potatoes [1]

On page 616 of the FEDERAL REGISTER of January 14, 1972, there was published a notice of proposed rule making to issue U.S. grade standards for seed potatoes. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the issuance of the grade standards. Following publication of the proposal in the FEDERAL REGISTER copies were distributed to industry individuals and organizations and to other interested persons for comment.

Agricultural Marketing Service representatives as well as members of the National Seed Grade Committee discussed and explained the proposed standards at meetings of industry members and organizations. Information concerning the proposal was carried in newspapers and trade publications.

The period for comment ended March 5, 1972. Forty-one letters of comment were received, in response to the proposal, from industry members and organizations in 19 States. Nineteen of these letters of comment indicated unqualified approval of the proposed standards with most also expressing the desire to have them issued promptly. The remaining letters, while expressing general approval, proposed certain changes or additions for consideration.

Of these suggested changes, one is incorporated in the standards. It permits the specifying of maximum sizes other than those stated in the standards. In addition an error in the definition of damage, § 51.3006, is corrected.

These voluntary standards will not supplant State certified seed grades or regulations but will serve as a reference point as the U.S. grade standards for "fresh market" potatoes have done in the past.

After consideration of all revelant matters presented by interested persons, the grade standards so proposed are hereby adopted, subject to the following changes:

1. In § 51.3000, subparagraph (2) of paragraph (e) is changed to read: "Maximum size, unless otherwise specified, shall not exceed 3¼ inches in diameter or 12 ounces in weight."

2. In § 51.3006, line five the word "internal" is changed to read "external".

It is hereby found that good cause exists for not postponing the effective date of these standards beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) Contracting for the 1972 crop of seed potatoes has already begun and it is in the interest of the public and the industry that these standards be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with these standards on the part of members of the seed potato industry or of others.

Accordingly these standards shall become effective upon publication in the FEDERAL REGISTER (4–29–72).

Dated: April 25, 1972.

G. R. GRANGE,
Acting Administrator.

GRADE

Sec.
51.3000 U.S. No. 1 Seed Potatoes.

TOLERANCES

51.3001 Tolerances.

APPLICATION OF TOLERANCES

51.3002 Application of tolerances.

SAMPLES FOR GRADE AND SIZE DETERMINATION

51.3003 Samples for grade and size determination.

DEFINITIONS

51.3004 Fairly well shaped.
51.3005 Nematode or Tuber Moth injury.
51.3006 Damage.
51.3007 Serious damage.
51.3008 Freezing.
51.3009 Soft rot or wet breakdown.
51.3010 External defects.
51.3011 Internal defects.
51.3012 Permanent defects.
51.3013 Condition defects.

METRIC CONVERSION TABLE

51.3014 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADE

§ 51.3000 U.S. No. 1 Seed Potatoes.

"U.S. No. 1 Seed Potatoes" consists of potatoes identified as certified seed of one variety by the State of origin which meet the following requirements:

(a) Fairly well shaped;

(b) Free from:

(1) Freezing;

(2) Blackheart;

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

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(3) Late Blight Tuber Rot;
(4) Nematode or Tuber Moth injury;
(5) Bacterial Ring Rot; and,
(6) Soft rot or wet breakdown.

(c) Free from serious damage caused by:
(1) Hollow heart.

(d) Free from damage by any other cause (see Tables I and II).

(e) Size:
(1) Minimum diameter, unless otherwise specified, shall be not less than 1½ inches; and,

(2) Maximum size, unless otherwise specified, shall not exceed 3¼ inches in diameter or 12 ounces in weight.

(f) For tolerances see § 51.3001.

TOLERANCES

§ 51.3001 Tolerances.

In order to allow for variations incident to proper grading and handling in the foregoing grade, the following tolerances, by weight, are provided as specified:

(a) For defects:

(1) 10 percent for potatoes in any lot which are seriously damaged by hollow heart;

(2) 10 percent for potatoes which fail to meet the remaining requirements of the grade including therein not more than 5 percent for external defects and not more than 5 percent for internal defects: *Provided*, That included in these tolerances not more than the following percentages shall be allowed for the defects listed:

	Percent
Bacterial Ring Rot	0.00
Serious damage caused by dry or moist type Fusarium Tuber Rot	2.00
Late Blight Tuber Rot	1.00
Nematode or Tuber Moth injury	0.00
Varietal mixture	0.25
Frozen soft rot or wet breakdown	0.50

Provided, That en route or at destination an additional 0.50 percent, or a total of 1 percent, shall be allowed for potatoes which are frozen or affected by soft rot or wet breakdown.

(b) For off-size:

(1) *For undersize.* Three percent for potatoes in any lot which fail to meet the required or specified minimum size except that 5 percent shall be allowed when the minimum size specified is 2¼ inches or more in diameter or 5 ounces or more in weight.

(2) *For oversize.* Ten percent for potatoes in any lot which fail to meet the required or specified maximum size.

APPLICATION OF TOLERANCES

§ 51.3002 Application of tolerances.

Individual samples shall have not more than double the tolerances specified, except that at least one defective and one off-size potato may be permitted in any sample: *Provided*, That en route or at destination one-tenth of the samples may contain three times the tolerance permitted for potatoes which are frozen or affected by soft rot or wet breakdown: *And provided further*, That the averages for the entire lot are within the tolerances specified for the grade.

SAMPLES FOR GRADE AND SIZE DETERMINATION

§ 51.3003 Samples for grade and size determination.

Individual samples shall consist of at least 20 pounds. The number of such individual samples drawn for grade and size determination will vary with the size of the lot.

DEFINITIONS

§ 51.3004 Fairly well shaped.

"Fairly well shaped" means that the potato is not materially pointed, dumbbell-shaped or otherwise materially deformed.

§ 51.3005 Nematode or Tuber Moth injury.

"Nematode or Tuber Moth injury" means the presence of or any evidence of Nematode or Tuber Moth.

§ 51.3006 Damage.

"Damage" means any defect (except sunburn and greening) or any combination of defects which materially detracts from the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 5 percent of the total weight of the potato. See Tables I and II in §§ 51.3010 and 51.3011.

§ 51.3007 Serious damage.

"Serious damage" means any defect (except sunburn and greening), or any combination of defects, which seriously detracts from the internal or external appearance of the potato, or any external defect which cannot be removed without a loss of more than 10 percent of the total weight of the potato.

§ 51.3008 Freezing.

"Freezing" means that the potato is frozen or shows evidence of having been frozen.

§ 51.3009 Soft rot or wet breakdown.

"Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue.

§ 51.3010 External defects.

"External defects" are defects which can be detected externally. However, cutting may be required to determine the extent of the injury. Some external defects are listed in Table I.

TABLE I—EXTERNAL DEFECTS

Defect	Damage		
	When materially detracting from appearance of the potato.	or	When removal causes loss of more than 5 percent of total weight of potato
Air cracks	X		
Bruises	X		X
Cuts or trimming	X		
Enlarged lenticels	X		
External discoloration	X		
Flea Beetle injury	X		X
Rhizoctonia	X		X
Scab, pitted	X		
Scab, russet	X		
Scab, surface	When more than 5 percent of surface affected		
Second growth	X		
Growth cracks	X		
Wireworm or grass damage	When any hole in a potato 2½ inches in diameter or 6 ounces in weight is more than ¾-inch long, or when the aggregate length of all holes is more than 1¼ inches, or correspondingly shorter or longer holes in smaller or larger potatoes.		
Dirt	Dirt or other foreign matter is considered as causing damage when the individual potato is more than slightly dirty or slightly stained, or when more than a moderate amount of loose dirt or other foreign matter is present in the sample.		
Insects or worms	When present inside the potato		
Shriveling	When more than moderately shriveled, spongy, or flabby		
Sprouts	When more than 10 percent of the potatoes in any lot have any sprout more than 1 inch in length.		

§ 51.3011 Internal defects.

"Internal defects" are defects which cannot be detected without cutting the potato. Some internal defects are listed in Table II.

TABLE II—INTERNAL DEFECTS

Defect	*Damage*
Ingrown sprouts	When removal causes a loss of more than 5 percent of the total weight of the potato.
Internal discoloration occurring entirely within the vascular ring.	When more than the equivalent of three scattered light brown spots ⅛ inch in diameter in a potato 2½ inches in diameter or 6 ounces in weight, or correspondingly lesser or greater number of spots in smaller or larger potatoes.
Internal discoloration outside of or not entirely confined within the vascular ring.	When removal causes a loss of more than 5 percent of the total weight of the potato.

§ 51.3012 Permanent defects.

"Permanent defects" are defects which are not subject to change during storage or shipment.

§ 51.3013 Condition defects.

"Condition defects" are defects which may develop or change during storage or shipment.

METRIC CONVERSION TABLE

§ 51.3014 Metric conversion table.

	Millimeters (mm)
Inches:	
⅛ equals	3.2
¼ equals	6.4
½ equals	12.7
¾ equals	19.1
1 equals	25.4
1½ equals	38.1
2 equals	50.8
2½ equals	63.5
3 equals	76.2
3½ equals	88.9
4 equals	101.6
4½ equals	114.3
Ounces:	*Grams*
1 equals	28.35
4 equals	113.40
5 equals	141.75
6 equals	170.10
7 equals	198.45
8 equals	226.80
9 equals	255.15
10 equals	283.50
12 equals	340.20
14 equals	396.90
16 equals	453.60
18 equals	510.30
19 equals	538.60
20 equals	567.00

[FR Doc.72-6561 Filed 4-28-72;8:46 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER C—SPECIAL PROGRAMS

PART 755—FEED GRAINS

Subpart—Feed Grain Set-Aside Program for Crop Years 1972–73

Correction

In F.R. Doc. 72-6040 appearing at page 7775 in the issue of Thursday, April 20, 1972, the third line of § 775.11(b)(1) reading "Acreage of cropland equal to 5 percent of" should read "acreage of cropland up to 10 percent of".

Chapter IX—Agricultuural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculuture

[Navel Orange Reg. 265, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effecutate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (ii) of § 907.565 (Navel Orange Regulation 265, 37 F.R. 7780) during the period April 21, 1972, through April 27, 1972, are hereby fixed as follows:

§ 907.565 Navel Orange Regulation 265.

* * * * * *

(b) *Order.* (1) * * *

(i) District 1: 1,038,000 cartons;

(ii) District 2: 212,000 cartons.

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 26, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6562 Filed 4-28-72;8:46 am]

[Lemon Reg. 531]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.831 Lemon Regulation 531.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 25, 1972.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 30, 1972, through May 6, 1972, is hereby fixed at 240,000 cartons.

(2) As used in this section, "handled" and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6650 Filed 4-28-72;8:50 am]

[Peach Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the amended marketing agreement, and Order No. 917 (7 CFR Part 917, 36 F.R. 7510, 14381), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable

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provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Peach Commodity Committee reflect its appraisal of the California peach crop and the current and prospective market conditions. Shipments of California peaches are expected to begin on or about May 1, 1972. The grade and size requirements provided herein are necessary to prevent the handling, on and after May 1, 1972, of California peaches of a lower grade or smaller size than specified herein for such peaches, so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 1, 1972. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until April 20, 1972, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified was promptly submitted to the Department on April 24, 1972; shipments of the current crop of such peaches are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.426 Peach Regulation 1.

(a) Order: During the period May 1, 1972, through May 31, 1972, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirement of U.S. No. 1 grade: *Provided*, That, an additional tolerance of 10 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Arm Gold, Pat's Pride, Spring Gold, Springtime, or Royal Gold variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 108 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than 2 inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any container may fail to meet such diameter requirement.

(3) Any package or container of Springcrest variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than 2⅛ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any container may fail to meet such diameter requirement.

(4) Any package or container of Robin, any type of Babcock, Blazing Gold, Bonjour, Cardinal, Dixired, Gold Dust, June Lady, Merrill Gemfree, Royal May, or Early Coronet variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box, or a No. 12B standard peach box measure not less than 2¼ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(5) Any package or container of Aurora, Coronet, Gaiety, Indian Red, Merrill Beauty, Merrill Gem, Peterson Elberta, Red Haven, Regina, or Red Top variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than 2⅜ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(6) Any package or container of Alamar, Angelus, Carnival, Fairtime, Fay Elberta, Fayette, Fiesta, Fortyniner, Halloween, Hiraoka Flame, J. H. Hale, John Gee, Jody Gaye, July Elberta (Early Elberta, Kim Elberta, and Socala), Madera Gem, Madigras, Merricle, O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss Suncrest, Regular Elberta, Red Flame, Red Globe, Red Lady, Rio Oso Gem, Royal Faye, Scarlet Lady, Summerset, Suncrest, Toreador, or William's Gem variety peaches unless:

(i) Such peaches when packed in a No. 22D lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the peach box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than 2⅞ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(b) During the period May 1, 1972, through May 31, 1972, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), (5), or (6) of paragraph (a) of this section unless:

(1) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(2) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than 2⅛ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any such container may fail to meet such diameter requirement.

(c) [Reserved]

(d) Terms used in the amended marketing agreement and order shall, when used herein have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," and "standard pack," shall have the same meaning as when used in the U.S. Standards for Peaches (7 CFR 51.1210–1223); "No. 22D standard lug box" and "No. 12B standard peach box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

Dated: April 27, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6677 Filed 4-28-72;8:49 am]

[953.209]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes grown in the Southeastern States production area which is comprised of certain designed counties of Virginia and North Carolina, was published in the FEDERAL REGISTER April 18, 1972 (37 F.R. 7628). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than 7 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matter presented, including the proposals set forth in the aforesaid notice which were unanimously recommended on April 10 by the Southeastern Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 953.209 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such committee to carry out its functions pursuant to provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending March 31, 1973, will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of one cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period: *Provided*, That potatoes for canning, freezing, and other processing, pursuant to the act (Public Law 92–233), shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such fiscal period, and (2) the current fiscal period began on April 1, 1972, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 26, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6599 Filed 4-28-72;8:49 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 306—GENERAL REGULATIONS WITH RESPECT TO U.S. SECURITIES

Book-Entry Procedure

Subpart O of the regulations set forth in Treasury Department Circular No. 300, Third Revision, dated December 23, 1964, as amended and supplemented (31 CFR Part 306), has been further amended and is published in its entirety as the sixth amendment as shown below. This amendment further broadens the book-entry procedure.

Notice and public procedure on this amendment are dispensed with because it involves public property and contracts and does not adversely affect any existing rights.

Dated: April 27, 1972.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Subpart O—Book-Entry Procedure

Sec.
306.115 Definition of terms.
306.116 Authority of Reserve Banks.
306.117 Scope and effect of book-entry procedure.
306.118 Transfer or pledge.
306.119 Withdrawal of Treasury securities.
306.120 Delivery of Treasury securities.
306.121 Registered bonds and notes.
306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

AUTHORITY: The provisions of this Subpart O issued under sec. 8, 50 Stat. 481, as amended, R.S. 3706; secs. 1, 4, 18, 5, 40 Stat. 288, as amended, 290, as amended; secs. 19, 20, 48 Stat. 343, as amended; 31 U.S.C. 738a, 739, 752, 752a, 754b.

Subpart O—Book-Entry Procedure

§ 306.115 Definition of terms.

In this subpart, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of the United States and when indicated acting in its individual capacity.

(b) "Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of a definitive Treasury security or a book-entry Treasury security.

(c) "Definitive Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in engraved or printed form.

(d) "Book-entry Treasury security" means a Treasury bond, note, certificate of indebtedness, or bill issued under the Second Liberty Bond Act, as amended, in the form of an entry made as prescribed in this subpart on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Treasury securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" (see § 306.2) is "the date fixed in the official notice of call published in the FEDERAL REGISTER • • • on which the obligor will make payment of the security before maturity in accordance with its terms."

(g) "Member bank" means any national bank, State bank or bank or trust company which is a member of a Reserve Bank.

§ 306.116 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this subpart, to (a) issue book-entry Treasury securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Treasury securities and definitive Treasury securities; (c) otherwise service and maintain book-entry Treasury securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred and the date of the transaction.

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§ 306.117 Scope and effect of book-entry procedure.

(a) A Reserve Bank as Fiscal Agent of the United States may apply the book-entry procedure provided for in this subpart to any Treasury securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve Bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such Treasury securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such Treasury securities.

(b) A Reserve Bank as Fiscal Agent of the United States shall apply the book-entry procedure to Treasury securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Treasury securities deposited with a Reserve Bank as Fiscal Agent of the United States.

(c) Any person having an interest in Treasury securities which are deposited with a Reserve Bank (in either its individual capacity or as Fiscal Agent) for any purpose shall be deemed to have consented to their conversion to book-entry Treasury securities pursuant to the provisions of this subpart, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 306.118 Transfer or pledge.

(a) A transfer or a pledge of book-entry Treasury securities to a Reserve Bank (in its individual capacity or as Fiscal Agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropiate book-entry account in its name with a Reserve Bank under this subpart, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the effect of a delivery in bearer form of definitive Treasury securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Treasury securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Treasury securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as Fiscal Agent of the United States) in a book-entry account under this subpart, including securities in book-entry form under § 306.117(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Treasury securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Treasury securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Treasury securities either in its individual capacity or as Fiscal Agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this subpart, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Treasury securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Treasury securities into definitive Treasury securities and deliver them in accordance with such instructions; no such conversion shall effect existing interests in such Treasury securities.

(e) A transfer of book-entry Treasury securities within a Reserve Bank shall be made in accordance with procedures established by the Bank not inconsistent with this subpart. The transfer of book-entry Treasury securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 306.119 Withdrawal of Treasury securities.

(a) A depositor of book-entry Treasury securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Treasury securities to itself or on its order to a transferee.

(b) Treasury securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form, except that Treasury bills and EA and EO series of Treasury notes will be issued in bearer form only.

§ 306.120 Delivery of Treasury securities.

A Reserve Bank which has received Treasury securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this subpart by the delivery of Treasury securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve Bank) may obtain Treasury securities in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 306.121 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry Treasury securities of registered Treasury securities held by a Reserve Bank (in either its individual capacity or as Fiscal Agent) on the effective date of this subpart for any purpose specified in § 306.117(a). Registered Treasury securities deposited thereafter with a Reserve Bank for any purpose specified in § 306.117 shall be assigned for conversion to book-entry Treasury securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of the regulations in this part, so far as applicable, shall be to "Federal Reserve Bank of _____, as Fiscal Agent of the United States, for conversion to book-entry Treasury securities."

§ 306.122 Servicing book-entry Treasury securities; payment of interest, payment at maturity or upon call.

Interest becoming due on book-entry Treasury securities shall be charged in the Treasurer's account on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged in the Treasurer's account on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

[FR Doc.72-6675 Filed 4-28-72;8:50 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER D—COSMETICS

PART 170—VOLUNTARY REGISTRATION OF COSMETIC PRODUCT ESTABLISHMENTS

Notification of Effective Date and Availability of Registration Form

In the matter of issuing regulations establishing a procedure for the voluntary registration of cosmetic product establishments:

An order establishing regulations (21 CFR Part 170) for such a procedure was published in the FEDERAL REGISTER of April 11, 1972 (37 F.R. 7151). The order stipulated that 21 CFR Part 170 would become effective 30 days after publication of a notice in the FEDERAL REGISTER stating that the necessary form for registration of cosmetic product establishments (FD Form 2511) was available for distribution.

Notice is hereby given that FD Form 2511, "Registration of Cosmetic Product Establishments," is now available for distribution and that 21 CFR Part 170—Voluntary Registration of Cosmetic Product Establishments shall become effective 30 days after publication of this notice in the FEDERAL REGISTER. Those desiring FD Form 2511 may submit requests to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C. 20204, or to any Food and Drug Administration district office as provided for in 21 CFR 170.4.

Dated: April 26, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72-6684 Filed 4-28-72;9:43 am]

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Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Recoveries of Damages for Antitrust Violations, etc.

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 29, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 29, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the amendments of the Internal Revenue Code of 1954 made by section 904 of the Tax Reform Act of 1969 (83 Stat. 711), such regulations are amended as follows:

Sections 1.186 and 1.186–1 are added to the Income Tax Regulations immediately after § 1.185–3. These added sections read as follows:

§ 1.186 Statutory provisions; recoveries of damages for antitrust violations, etc.

SEC. 186. *Recoveries of damages for antitrust violations, etc.*—(a) *Allowance of deduction.* If a compensatory amount which is included in gross income is received or accrued during the taxable year for a compensable injury, there shall be allowed as a deduction for the taxable year an amount equal to the lesser of—

(1) The amount of such compensatory amount, or

(2) The amount of the unrecovered losses sustained as a result of such compensable injury.

(b) *Compensable injury.* For purposes of this section, the term "compensable injury" means—

(1) Injuries sustained as a result of an infringement of a patent issued by the United States,

(2) Injuries sustained as a result of a breach of contract or a breach of fiduciary duty or relationship, or

(3) Injuries sustained in business, or to property, by reason of any conduct forbidden in the antitrust laws for which a civil action may be brought under section 4 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (commonly known as the Clayton Act).

(c) *Compensatory amount.* For purposes of this section, the term "compensatory amount" means the amount received or accrued during the taxable year as damages as a result of an award in, or in settlement of, a civil action for recovery for a compensable injury, reduced by any amounts paid or incurred in the taxable year in securing such award or settlement.

(d) *Unrecovered losses*—(1) *In general.* For purposes of this section, the amount of any unrecovered loss sustained as a result of any compensable injury is—

(A) The sum of the amount of the net operating losses (as determined under section 172) for each taxable year in whole or in part within the injury period, to the extent that such net operating losses are attributable to such compensable injury, reduced by

(B) The sum of—

(i) The amount of the net operating losses described in subparagraph (A) which were allowed for any prior taxable year as a deduction under section 172 as a net operating loss carryback or carryover to such taxable year, and

(ii) The amounts allowed as a deduction under subsection (a) for any prior taxable year for prior recoveries of compensatory amounts for such compensable injury.

(2) *Injury period.* For purposes of paragraph (1), the injury period is—

(A) With respect to any infringement of a patent, the period in which such infringement occurred,

(B) With respect to a breach of contract or breach of fiduciary duty or relationship, the period during which amounts would have been received or accrued but for the breach of contract or breach of fiduciary duty or relationship, and

(C) With respect to injuries sustained by reason of any conduct forbidden in the antitrust laws, the period in which such injuries were sustained.

(3) *Net operating losses attributable to compensable injuries.* For purposes of paragraph (1)—

(A) A net operating loss for any taxable year shall be treated as attributable to a compensable injury to the extent of the compensable injury sustained during such taxable year, and

(B) If only a portion of a net operating loss for any taxable year is attributable to a compensable injury, such portion shall (in applying section 172 for purposes of this section) be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss.

(e) *Effect on net operating loss carryovers.* If for the taxable year in which a compensatory amount is received or accrued any portion of a net operating loss carryover to such year is attributable to the compensable injury for which such amount is received or accrued, such portion of such net operating loss carryover shall be reduced by an amount equal to—

(1) The deduction allowed under subsection (a) with respect to such compensatory amount, reduced by

(2) Any portion of the unrecovered losses sustained as a result of the compensable injury with respect to which the period for carryover under section 172 has expired.

[Sec. 186 as added by sec. 904, Tax Reform Act 1969 (83 Stat. 711)]

§ 1.186–1 Recoveries of damages for antitrust violations, etc.

(a) *Allowance of deduction.* Under section 186, when a compensatory amount which is included in gross income is received or accrued during a taxable year for a compensable injury, a deduction is allowed in an amount equal to the lesser of (1) such compensatory amount, or (2) the unrecovered losses sustained as a result of such compensable injury.

(b) *Compensable injury*—(1) *In general.* For purposes of this section, the term "compensable injury" means any of the injuries described in subparagraph (2), (3), or (4) of this paragraph.

(2) *Patent infringement.* An injury sustained as a result of an infringement of a patent issued by the United States (whether or not issued to the taxpayer or another person or persons) constitutes a compensable injury. The term "patent issued by the United States" means any patent issued or granted by the United States under the authority of the Commissioner of Patents pursuant to 35 U.S.C. 153.

(3) *Breach of contract or of fiduciary duty or relationship.* An injury sustained as a result of a breach of contract (including an injury sustained by a third party beneficiary) or a breach of fiduciary duty or relationship constitutes a compensable injury.

(4) *Injury suffered under certain antitrust law violations.* An injury sustained in business, or to property, by reason of any conduct forbidden in the antitrust laws for which a civil action may be brought under section 4 of the Act of October 15, 1914 (15 U.S.C. 15), commonly known as the Clayton Act, constitutes a compensable injury.

(c) *Compensatory amount*—(1) *In general.* For purposes of this section, the term "compensatory amount" means any amount received or accrued during the taxable year as damages as a result of an award in, or in settlement of, a civil action for recovery for a compensable injury, reduced by any amounts paid or incurred in the taxable year in securing such award or settlement. The term "compensatory amount" includes only amounts compensating for actual economic injury. Thus, additional amounts representing punitive, exemplary, or treble damages are not included within the term. Where, for example, a taxpayer recovers treble damages under section 4 of the Clayton Act, only one-third of the recovery representing economic injury constitutes a compensatory amount. In the absence of any indication to the contrary, amounts received in settlement of an action shall be deemed to be a recovery for an actual economic injury except to the extent such settlement amounts exceed actual damages claimed by the taxpayer in such action.

(2) *Interest on a compensatory amount.* Interest attributable to a compensatory amount shall not be included within the term "compensatory amount." Where no interest (or an unrealistically low rate of interest) is stated, interest shall be imputed in accordance with the imputed interest provisions of section 483 and the regulations thereunder.

(3) *Settlement of a civil action for damages*—(i) *Necessity for an action.* The term "compensatory amount" does not include an amount received or accrued in settlement of a claim for a compensable injury if the amount is received or accrued prior to institution of an action. An action shall be considered as instituted upon completion of service of process upon all defendants in accordance with the laws of the jurisdiction in which the action has been commenced.

(ii) *Specifications of the parties.* If an action for a compensable injury is settled, the specifications of the parties will generally determine compensatory amounts unless such specifications are not reasonably supported by the facts and circumstances of the case. For example, the parties may provide that the sum of $1,000 represents actual damages sustained as the result of antitrust violations and that the total amount of the settlement after the trebling of damages is $3,000. In such case, only the sum of $1,000 would be a compensatory amount. In the absence of specifications of the parties, the complaint filed by the taxpayer may be considered in determining what portion of the amount of the settlement is a compensatory amount.

(4) *Amounts paid or incurred in secured in securing the award or settlement.* For purposes of this section, the term "amounts paid or incurred in the taxable year in securing such award or settlement" shall include legal expenses such as attorney's fees, witness fees, accountant fees, and court costs. Expenses incurred in securing a recovery of both a compensatory amount and other amounts from the same action shall be allocated among such amounts in the ratio each of such amounts bears to the total recovery. For instance, where a taxpayer incurs attorney's fees and other expenses of $3,000 in recovering $10,000 as a compensatory amount, $5,000 as a return of capital, and $25,000 as punitive damages from the same action, the taxpayer shall allocate $750 of the expenses to the compensatory amount (10,000/40,000×3,000), $375 to the return of capital (5,000/40,000×3,000), and $1,875 to the punitive damages (25,000/40,000×3,000).

(d) *Unrecovered losses*—(1) *In general.* For purposes of this section, the term "unrecovered losses sustained as a result of such compensable injury" means the sum of the amounts of the net operating losses for each taxable year in whole or in part within the injury period, to the extent that such net operating losses are attributable to such compensable injury, reduced by (i) the sum of any amounts of such net operating losses which were allowed as a net operating loss carryback or carryover for any prior taxable year under the provisions of section 172, and (ii) the sum of any amounts allowed as deductions under section 186(a) and this section for all prior taxable years with respect to the same compensable injury. Accordingly, a deduction is permitted under section 186(a) and this section with respect to net operating losses whether or not the period for carryover under section 172 has expired.

(2) *Injury period.* For purposes of this section, the term "injury period" means (i) with respect to an infringement of a patent, the period during which the infringement of the patent continued, (ii) with respect to a breach of contract or breach of fiduciary duty or relationship, the period during which amounts would have been received or accrued but for such breach of contract of breach of fiduciary duty or relationship, or (iii) with respect to injuries sustained by reason of a violation of section 4 of the Clayton Act, the period during which such injuries were sustained. The injury period set forth in a judgment will be conclusive as to the length of the injury period. If an action is settled, the specifications of the parties will generally determine the length of the injury period unless such specifications are not reasonably supported by the facts and circumstances of the case. In the absence of specifications of the parties, the complaint filed by the taxpayer may be considered in determining the length of the injury period.

(3) *Net operating losses attributable to compensable injuries.* A net operating loss for any taxable year shall be treated as attributable (whether actually attributable or not) to a compensable injury to the extent the compensable injury is sustained during the taxable year. For purposes of determining the extent of the compensable injury sustained during a taxable year, a judgment for a compensable injury apportioning the amount of the recovery to specific taxable years within the injury period will be conclusive. If a judgment for a compensable injury does not apportion the amount of the recovery to specific taxable years within the injury period, the amount of the recovery will be prorated on a daily basis among the years within the injury period. If an action is settled, the specifications of the parties will generally determine the apportionment of the amount of the recovery unless such specifications are not reasonably supported by the facts and circumstances of the case. In the absence of specifications of the parties, the amount of the recovery will be prorated on a daily basis among the years within the injury period.

(4) *Application of losses attributable to a compensable injury.* If only a portion of a net operating loss for any taxable year is attributable to a compensable injury, such portion shall (in applying section 172 for purposes of this section) be considered to be a separate net operating loss for such year to be applied after the other portion of such net operating loss. If, for example, in the year of the compensable injury the net operating loss was $1,000 and the amount of the compensable injury was $600, the amount of $400 not attributable to the compensable injury would be used first to offset profits in the carryover or carryback periods as prescribed by section 172. After the amount not attributable to the compensable injury is used to offset profits in other years, then the amount attributable to the compensable injury will be applied against profits in the carryover or carryback periods.

(e) *Effect on net operating loss carryovers*—(1) *In general.* Under section 186(e) if for the taxable year in which a compensatory amount is received or accrued any portion of the net operating loss carryovers to such year are attributable to the compensable injury for which such amount is received or accrued, such portion of the net operating loss carryovers must be reduced by the excess, if any, of (i) the amount computed under section 186(e)(1) with respect to such compensatory amount, over (ii) the amount computed under section 186(e)(2) with respect to such compensable injury.

(2) *Amount computed under section 186(e)(1).* The amount computed under section 186(e)(1) is equal to the deduction allowed under section 186(a) with respect to the compensatory amount received or accrued for the taxable year.

(3) *Amount computed under section 186(e)(2).* The amount computed under section 186(e)(2) is equal to that portion of the unrecovered losses sustained as a result of the compensable injury with respect to which, as of the beginning of the taxable year, the period for carryover under section 172 has expired without benefit to the taxpayer, but only to the extent that such portion of the unrecovered losses did not reduce an amount computed under section 186(e)(1) for any prior taxable year.

(4) *Increase in income under section 172(b)(2).* If there is a reduction for any taxable year under subparagraph (1) of

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this paragraph in the portion of the net operating loss carryovers to such year attributable to a compensable injury, then, solely for purposes of determining the amount of such portion which may be carried to subsequent taxable years, the income of such taxable year, as computed under section 172(b)(2), shall be increased by the amount of the reduction computed under subparagraph (1) of this paragraph, for such year.

(f) *Illustration.* The provisions of section 186 and this section may be illustrated by the following example:

Example. (i) As of the beginning of his taxable year 1969, taxpayer A has a net operating loss carryover from his taxable year 1966 of $550 of which $250 is attributable to a compensable injury. In addition, he has a net operating loss attributable to the compensable injury of $150 with respect to which the period for carryover under section 172 has expired without benefit to the taxpayer. In 1969, he receives a $100 compensatory amount with respect to that injury and he has $75 in other income. Thus, A has gross income of $175 and he is entitled to a $100 deduction (the compensatory amount received) under section 186(a) and this section since this amount is less than the unrecovered losses sustained as a result of the compensable injury ($250+$150=$400). No portion of the net operating loss carryover to the current taxable year attributable to the compensable injury is reduced under section 186(e) since the amount determined under section 186(e)(1) ($100) does not exceed the amount determined under section 186(e)(2) ($150). Therefore, A applies a net operating loss carryover of $550 against his remaining income of $75 and retains a net operating loss carryover of $475 to following years of which amount $250 remains attributable to the compensable injury. In addition, he retains $50 of net operating losses attributable to the compensable injury with respect to which the period for carryover under section 172 has expired without benefit to the taxpayer.

(ii) In 1970, A receives a $200 compensatory amount with respect to the same compensable injury and has $75 of other income. Thus, A has gross income of $275 and he is entitled to a $200 deduction (the compensatory amount received) under section 186(a) and this section since this amount is less than the remaining unrecovered loss sustained as a result of the compensable injury ($250+$50=$300). The net operating loss carryover to the current taxable year of $250 attributable to the compensable injury is reduced under section 186(e) by $150, which is the excess of the amount determined under section 186(e)(1) ($200) over the amount determined under section 186(e)(2) ($50). Therefore, A applies net operating loss carryovers of $325 ($225 not attributable to the compensable injury, +$100 attributable to such injury) against his remaining income of $75. A retains net operating loss carryovers of $250 for following years, of which amount $100 is attributable to the compensable injury. A has used all of his net operating losses attributable to the compensable injury with respect to which the period for carryover under section 172 has expired without benefit to the taxpayer.

(iii) In 1971, A receives a $200 compensatory amount with respect to the same compensable injury and has $75 of other income. Thus, A has gross income of $275 and he is entitled to a $100 deduction (the amount of unrecovered losses) under section 186(a) and this section since this amount is less than the compensatory amount received ($200). The net operating loss carryover to the current taxable year of $100 attributable to the compensable injury is reduced under section 186(e) by $100, which is the excess of the amount determined under section 186(e)(1) ($100) over the amount determined under section 186(e)(2) ($0). Therefore, A applies net operating loss carryovers of $150 against his remaining income of $175 ($100 compensatory amount plus $75 other income) which leaves $25 taxable income. No net operating loss carryover remains for following years.

(g) *Effective date.* The provisions of this section are applicable as to compensatory amounts received or accrued in taxable years beginning after December 31, 1968, even though the compensable injury was sustained in taxable years beginning before such date.

[FR Doc.72-6594 Filed 4-28-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 23]

SURFACE EXPLORATION, MINING AND RECLAMATION OF LANDS

Reclamation Costs

The purpose of this amendment is to provide a fund in which moneys collected for surface reclamation purposes under permits or contracts for disposal of minerals will be deposited. There will be no change in the amount of payment required from purchasers.

In accordance with the Department's policy on public participation in rule making (36 F.R. 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until May 30, 1972.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Paragraph (c) of § 23.2 of Part 23, Title 43, Code of Federal Regulations is revised to read as follows:

§ 23.2 Scope.

. . . . . .

(c) When more than one permit or contract is expected to be issued to dispose of materials in a particular deposit or tract of land, such as community pits or common use areas, no requirement for reclamation will be made in such permits or contracts and the burden of reclamation will be assumed by the Government. In such cases where reclamation is not required in the permit or contract, the permittee or contracting party shall, in addition to payment of the sales price required under his permit or contract, make a reasonable contribution, as determined by the authorized officer, to defray the cost to the Government of reclamation of the land. Such contribution will be deposited in a separate account. In computing such added contribution, the authorized officer shall establish the estimated cost of reclamation upon completion of extractive operations for the deposit and the estimated total volume of material to be extracted. The contribution shall be a proportionate share of the estimated cost of reclamation in the same ratio as the material sold under the permit or contract bears to the total estimated volume of the deposit which is expected to be extracted.

. . . . . .

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 25, 1972.

[FR Doc.72-6545 Filed 4-28-72;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Proposed Limitation on Overshipment

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations, 7 CFR Part 912.120–912.151), currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 912 (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This amendment of said rules and regulation was proposed by the Indian River Grapefruit Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof. The amendment would increase the total quantity of grapefruit from 500 boxes or 10 percent of total allotment to 1,000 boxes or 10 percent of total allotment which may be handled in excess of the total allotment assigned to each handler, under § 912.49, during periods of regulation as authorized by § 912.50. It is the committee's contention that such increase would alleviate the overshipment problem which has been and could be encountered by handlers in maintaining an adequate level of grapefruit movement, during periods of extended regulation.

The amendment would add a new § 912.152 *Overshipment limit*, to read as follows:

§ 912.152 Overshipment limit.

During any week for which the Secretary has fixed the total quantity of grapefruit which may be handled, any person who has received an allotment may, as authorized by § 912.50, handle, in addition to the total allotment available to him, an amount of grapefruit equivalent to 10 percent of such total allotment or 1,000 boxes, whichever is greater.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administrative Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 26, 1972.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-6560 Filed 4-28-72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Provider Recordkeeping Capability

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments relate to the recordkeeping capability of providers of services under Medicare and provide that: (1) An intermediary shall determine whether a newly certified provider has adequate recordkeeping capability sufficient for determining the cost of services furnished program beneficiaries before making payments to such provider; (2) an intermediary shall suspend Medicare payments at any time it ascertains that a provider's records are no longer adequate; and (3) the Secretary shall not enter into an agreement for participation in the Medicare program with an organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law or with respect to which a court proceeding to make such a judgment is pending.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1814(b), 1815, 1833(a), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 296–297, 79 Stat. 302, 79 Stat. 322, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

Dated: March 31, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 24, 1972.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

1. Section 405.406 is amended by revising paragraph (a) and adding new paragraphs (c) and (d) to read as follows:

§ 405.406 Financial data and reports.

(a) *General.* The principles of cost reimbursement will require that providers maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the hospital and related fields are followed. Changes in these practices and systems will not be required in order to determine costs payable under the principles of reimbursement. Essentially the methods of determining costs payable under title XVIII involve making use of data available from the institution's basic accounts, as usually maintained, to arrive at equitable and proper payment for services to beneficiaries.

. . . . . .

(c) *Recordkeeping requirements for new providers.* Before any payment is made to a new provider of services (as defined in § 405.605), the provider shall make available to its selected intermediary for examination its fiscal and other records for the purpose of determining such provider's ongoing recordkeeping capability and inform the intermediary of the date its initial health insurance cost reporting period will end. This examination is intended to assure that (1) the provider has an adequate ongoing system for furnishing the records needed to provide accurate cost data and other information capable of verification by qualified auditors and adequate for cost reporting purposes under section 1815 of the Act, and (2) that no financial arrangements exist that will thwart the commitment of the health insurance program to reimburse providers the reasonable cost of services furnished beneficiaries. The data and information to be examined includes cost, revenue, statistical, and other information pertinent to reimbursement including, but not limited to, that described in paragraph (d) of this section and § 405.453.

(d) *Continuing provider recordkeeping requirements.* (1) The provider shall furnish such information to the intermediary as may be necessary (i) to assure proper payment by the program, including the extent to which there is any common ownership or control (see § 405.427(b)(2) and (3)) between providers or other organizations, and as may be needed to identify the parties responsible for submitting program cost reports, (ii) to receive program payments, and (iii) to satisfy program overpayment determinations.

(2) The provider shall permit the intermediary to examine such records and documents as are necessary to ascertain information pertinent to the determination of the proper amount of program payments due. These records shall include, but not be limited to, matters of provider ownership, organization, and operation; fiscal and other recordkeeping systems; Federal income tax status; asset acquisition, lease, sale or other action; franchise or management arrangements; patient service charge schedules; matters pertaining to costs of operation; amounts of income received by source and purpose; and flow of funds and working capital.

(3) The provider shall furnish the intermediary copies of patient service charge schedules and changes thereto as they are put into effect. The intermediary shall evaluate such charge schedules to determine the extent to which they may be used for determining program payment and to adjust interim payments as may be necessary as a result of such changes.

(4) When an intermediary determines that a provider no longer maintains adequate records for the determination of reasonable cost under the health insurance program, payments to such provider shall be suspended until the intermediary is assured that adequate records are maintained.

2. Section 405.454 is amended by adding thereto a new paragraph (k) to read as follows:

§ 405.454 Payment to providers.

. . . . . .

(k) *Bankruptcy or insolvency of provider.* If the provider's financial condition as disclosed by its financial records or reports or other reliable information establishes that the provider is or shortly thereafter may well become insolvent or involved in bankruptcy proceedings, any current financing payment or interim payments shall be adjusted by the intermediary, notwithstanding any other regulation or program instruction regarding the timing or manner of such adjustments, to a level necessary to insure that no overpayment to the provider is made.

3. Subpart F of Part 405 is amended by adding thereto a new § 405.603 to read as follows:

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§ 405.603 Acceptance of agreement by Secretary; bankruptcy and insolvency.

(a) *General.* An agreement to participate as a provider under the program will not be accepted by the Secretary from an organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law or with respect to which a court proceeding to make such a judgment is pending under such law.

(b) *Application.* Prior to the Secretary's acceptance of an agreement from an applicant organization, an owner or officer (if a corporation) must furnish a statement in writing indicating whether or not such organization has been adjudged insolvent or bankrupt in any State or Federal court or a court proceeding to make such a judgment is pending. An organization which has been adjudged insolvent or bankrupt under appropriate State or Federal law, or with respect to which a court proceeding to make such a judgment is pending under such law, is excluded from participation because such organization (as distinguished from the court having jurisdiction over the bankruptcy or insolvency proceeding) would be unable to give satisfactory assurances of compliance with the requirements of title XVIII of the Act. However, if a provider participating and receiving payments under the health insurance program subsequently is adjudged insolvent or bankrupt by a court of competent jurisdiction, such financial condition itself would not terminate the provider's participation in the program.

[FR Doc.72-6592 Filed 4-28-72;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-GL-22]

TRANSITION AREAS

Proposed Designation, Alteration and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area in the southern portion of the State of Wisconsin, revoke the Lone Rock, Wis., and Cecil, Wis., transition areas, and alter the following transition areas: Camp Douglas, Wis., Chicago, Ill., Green Bay, Wis., La Crosse, Wis., Madison, Wis., Milwaukee, Wis., Oshkosh, Wis., Plattesville, Wis., Sturgeon Bay, Wis., Dubuque, Iowa, Minneapolis, Minn., Eau Claire, Wis., and Wausau, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contracting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The southern portion of the State of Wisconsin is covered with controlled airspace with the exception of a few small areas. The designation of the transition area is contained in many individual citations. In order to consolidate these designations, reduce radar vectoring problems, and make charting of these areas easier, the Federal Aviation Administration proposes to designate controlled airspace extending upward from 1,200 feet above the surface in the State of Wisconsin south of the 45° parallel. The Federal Aviation Administration believes this action will have no detrimental effect on the operation of any airspace user. The change in the Eau Claire airspace description will slightly enlarge the 700-foot transition area and the present 1,200-foot transition area north of the 45° parallel. This enlargement is required to protect three new instrument approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

WISCONSIN

That airspace extending upward from 1,200 feet above the surface within the boundary of the State of Wisconsin south of the 45° parallel.

In § 71.181 (37 F.R. 2143), the following transition areas are amended by deleting reference to that airspace extending upward from 1,200 feet above the surface:

Camp Douglas, Wis.	Milwaukee, Wis.
Chicago, Ill.	Oshkosh, Wis.
Green Bay, Wis.	Platteville, Wis.
La Crosse, Wis.	Sturgeon Bay, Wis.
Madison, Wis.	

In § 71.181 (37 F.R. 2143), the following transition areas are deleted:

Lone Rock, Wis.	Cecil, Wis.

In § 71.181 (37 F.R. 2143), the following transition areas are amended as indicated:

Dubuque, Iowa—add "excluding State of Wisconsin".

Minneapolis, Minn.—add "excluding State of Wisconsin south of 45° parallel".

EAU CLAIRE, WIS.

That airspace extending upward from 700 feet above the surface within 14-mile radius of Eau Claire Municipal Airport (latitude 44°51'54" N., longitude 91°29'02" W.) and within 3½ miles each side of the Eau Claire ILS localizer northeast course extending from the 14-mile radius to 18 miles northeast of the airport; within 5 miles each side of the Eau Claire ILS localizer southwest course extending from the 14-mile radius to 15 miles southwest of the airport; and that airspace extending upward from 1,200 feet above the surface north of the 45° parallel within a 25½-mile radius of the Eau Claire VORTAC.

WAUSAU, WIS.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Wausau Municipal Airport (latitude 44°55'33" N., longitude 89°37'32" W.) and that airspace extending upward from 1,200 feet above the surface north of the 45° parallel within a 15-mile radius of the airport.

Issued in Des Plaines, Ill., on April 6, 1972.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.72-6550 Filed 4-28-72;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-GL-18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at La Crosse, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

Since designation of controlled airspace at La Crosse, Wis., three new instrument approach procedures have been developed for the La Crosse Municipal Airport. Accordingly, it is necessary to alter the La Crosse, Wis., control zone and transition area to adequately protect aircraft executing the new procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

LA CROSSE, WIS.

That airspace within a 5-mile radius of La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.); within 3 miles each side of the La Crosse VOR 322° radial extending from the 5-mile radius zone to 11½ miles northwest of the VOR; within 3 miles each side of the 305° and the 146° bearings from the La Crosse RBN, extending from the 5-mile radius zone to 6½ miles northwest of the RBN; and within 2½ miles each side of the La Crosse VOR 185° radial extending from the 5-mile radius zone to 5½ miles south of the VOR; and within 2 miles each side of the La Crosse ILS localizer north course, extending from the 5-mile radius zone to 9 miles north of the airport.

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

LA CROSSE, WIS.

That airspace extending upward from 700 feet above the surface within a 19-mile radius of the La Crosse Municipal Airport (latitude 43°52'38" N., longitude 91°15'21" W.) and that airspace extending upward from 1,200 feet above the surface in the area bounded by V129, V246, and the 44°46' parallel, and the area bounded by V2, V24, and V129.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Ill., on April 6, 1972.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.72-6549 Filed 4-28-72;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 727]

[Administrative Order 624]

INDUSTRY COMMITTEE FOR TOBACCO AND COFFEE FARMS IN THE GENERAL AGRICULTURE INDUSTRY IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53, Comp., p. 1004), and 29 CFR Part 511, I hereby appoint Industry Committee No. 109-C for the Tobacco and Coffee Farms in the General Agriculture Industry in Puerto Rico.

2. Tobacco farms are defined as those engaged in the praparation of the soil, the planting, hand-planting, cultivating, harvesting, sowing, drying, packing, preparing, and delivery of tobacco.

3. Coffee farms are defined as those engaged in the planting, replanting, and cultivating of coffee trees (including the preparation of the soil); the harvesting of coffee; the removal of the pulp from the coffee bean; the washing, drying, hulling, and packing of the bean; and the conditioning of shade trees cultivated in connection with the growing of coffee.

4. In accordance with section 8 of the Act (29 U.S.C. 208) and Reorganization Plan No. 6 of 1950, I hereby convene this Committee. I refer to it the question of the minimum rate or rates of wages to be fixed for these designated classifications in the general agriculture industry in Puerto Rico. The minimum wage rates to be recommended by the Committee may not be in excess of $1.30 an hour.

5. Hearing will be held by this Industry Committee at the time and place indicated below. It shall investigate conditions in the classifications in the industry in Puerto Rico and the Committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the Act.

6. The Industry Committee will meet in executive session at 9:30 a.m. and begin its public hearing at 10:30 a.m. on Monday, June 19, 1972, in the offices of the Wage and Hour Division on the seventh floor of the Condominio San Alberto Building, 1200 Ponce De Leon Avenue, Santurce, PR.

7. The Industry Committee shall recommend to the Administrator of the Wage and Hour Division of this Department the highest minimum wage rates (not less than the currently effective rates) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give the industry in Puerto Rico a competitive advantage over any industry in the United States, outside of Puerto Rico, the Virgin Islands, and American Samoa.

8. Whenever the Committee finds that a higher minimum wage may be determined for employees engaged in certain activities in the industry than may be determined for other employees in the industry, the Committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the Committee shall consider, among other relevant factors, the following: (a) Competitive conditions as affected by transportation, living, and production costs; (b) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (c) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

9. The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the Committee. Copies of this report may be obtained at the Washington, D.C., and Puerto Rican Offices of the U.S. Department of Labor as soon as they are completed and prior to the hearing. The Committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

10. The procedure for Industry Committee No. 109-C for Puerto Rico shall be governed by the regulations published in Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation, those regulations require, among other things, that interested persons shall file prehearing statements, containing certain specified data not later than June 9, 1972.

Signed at Washington, D.C., this 25th day of April 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc. 72-6575 Filed 4-28-72;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Ch. II]

[Docket No. 24322; EDR-221A]

CERTAIN AIR CARRIERS AND FOREIGN AIR CARRIERS

Reporting Data Pertaining to Freight Origin-Destination Traffic Movement; Supplemental Notice of Proposed Rule Making

The Board, by circulation of notice of proposed rule making EDR-221, dated March 16, 1972, and published at 37 F.R. 6109, gave notice that it had under consideration the enactment of a new part of the economic regulations to establish a system of reporting freight origin-destination (O&D) traffic movement by certain air carriers and foreign air carriers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 24, 1972.

Subsequent to the issuance of the notice of proposed rule making, letters were

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received from counsel for several carriers requesting extensions of the time for filing comments. Air France requests an extension to May 31, 1972; Air West and Piedmont Aviation, Inc., jointly, Delta Air Lines, Inc., and SABENA Belgian World Airlines request that the filing time be extended for 60 days; and Allegheny Airlines, Inc., requests a 90-day extension. The requests for extension allege, generally, that the complexity and novelty of the proposal necessitate additional time for the preparation of meaningful comments. Additionally, Air France points out that time has been lost in transmitting the notice to Paris, and that the proposal raises questions as to the regulations of the French authorities; SABENA says that the proposal raises a probable question with regard to applicable bilateral air transportation agreements. Moreover, Delta says that it and a number of other carriers have been engaged in a heretofore unsuccessful effort to develop joint comments, and that this has prevented such carriers from preparing either joint or individual comments.

The undersigned finds that good cause has been shown for an extension of the time for filing comments. However, an extension beyond June 1, 1972, is not warranted, and would conflict with the Board's evident desire to proceed expeditiously in this matter. It is believed that an extension to June 1, 1972, which will provide a total of 77 days for responding, should be sufficient to enable interested persons to study the proposal and prepare comments.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to June 1, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

Dated: April 21, 1972.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

[FR Doc.72-6544 Filed 4-28-72;8:48 am]

[14 CFR Parts 208, 223]

[Docket No. 24337; EDR-224A]

CHARTER AIR TRAVEL

Extension of Time for Filing Comments

APRIL 26, 1972.

The Board, by circulation of notice of proposed rule making EDR-224, dated March 22, 1972 and published at 37 F.R. 6322, gave notice that it had under consideration proposed amendments to Parts 208 and 223 of its Economic Regulations (14 CFR Parts 208 and 223), which would permit supplemental air carriers engaged in overseas or foreign air transportation to provide free or reduced-rate overseas or foreign air transportation to employees of their own affiliates, and to utilize unused charter space for such purpose, with the consent of the charterers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 27, 1972.

By letter dated April 25, 1972, counsel for World Airways, Inc. (World) requests an extension of time for filing comments, to May 8, 1972, citing the pressure of other assignments and the absence of key personnel from the city. Additionally, World points out that it was its application in Docket 23654 which prompted the instant proceeding, and World argues that it is thus one of the principal parties of interest and that its request for an extension of time would not unduly inconvenience others interested in the subject.

The undersigned finds that good cause has been shown for the requested extension of time for filing comments. Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to May 8, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

[FR Doc.72-6595 Filed 4-28-72;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19401]

FM BROADCAST STATIONS

Table of Assignments for Certain Cities; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b) *Table of Assignments*, FM Broadcast Stations. (Hampton, Pella, Cedar Rapids, and Charles City, Iowa; Keyser, W. Va.; Crystal River and Gainesville, Fla., Docket No. 19401, RM-1750, RM-1756, RM-1757, RM-1777, RM-1790, RM-1829.

1. The further notice of proposed rule making in the above-entitled proceeding was adopted on February 9, 1972, released February 14, 1972 and published in the FEDERAL REGISTER on February 17, 1972, 37 F.R. 3548. The date for filing comments has expired and the present date for filing reply comments is April 19, 1972.

2. On April 19, 1972 H. Brent Kelly, by his attorney, filed a request for an extension of time to and including May 1, 1972, in which to file reply comments. Counsel states that additional time will be necessary to analyze the counterproposal and comments filed in this proceeding.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments in the above docket, RM-1757, RM-1777 and RM-1790 only, is extended to and including May 1, 1972.

4. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: April 21, 1972.

Released: April 24, 1972.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.72-6593 Filed 4-28-72;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 72-50]

NUECES RIVER PROJECT, TEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply project designed to furnish a water supply for municipal and industrial use in the Coastal Bend area of Texas, near Corpus Christi, Tex.

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, TX 79101, Telephone (806) 376-2408.

Austin Development Office, Bureau of Reclamation, Post Office Box 1946, Federal Building, Austin, TX 78767, Telephone (512) 475-5641.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation, Regional Director, or Austin Planning Officer. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

Please refer to the statement number above.

Dated: April 24, 1972.

WILLIAM W. LYONS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.72-6548 Filed 4-28-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Final Date for Redemption of Warehouse-Storage Loans

Correction

In F.R. Doc. 72-6042 appearing on page 7818 of the issue of Thursday, April 20, 1972, the eighth date from the bottom in the third column of the table, now reading "May 11", should read "May 31".

Rural Electrification Administration

ASSOCIATED ELECTRIC COOPERATIVE, INC., SPRINGFIELD, MO.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a draft environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from 43 distribution cooperatives supplied by Associated Electric Cooperative, Inc., of Springfield, Mo., through six member G&T systems. Funds thus provided relate to a proposed 345 kv. transmission line between Dixon, Mo., and the New Madrid plantsite in Missouri. Financing will involve Associated's wholly owned subsidiary known as Federated Electric Cooperative, Inc.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA draft environmental statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The draft environmental statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, Room 4322, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received with thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 25th day of April 1972.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.72-6601 Filed 4-28-72;8:49 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

[BDC Emergency Delegation 1, Revised April 18, 1972]

REGIONAL PRODUCTION DIRECTORS

Emergency Delegation of Authority

1. *Authority*—This emergency delegation of authority is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), Executive Order 10480 (3 CFR 1949-1953 Comp., p. 962) as amended, Defense Mobilization Order 8400.1 (32 CFR 15), Executive Order 11490 (3 CFR 1966-1970, Comp., p. 820), and Commerce Department Organization Order 40-1A (36 F.R. 4553 (1971)).

2. *Delegation to BDC Regional Production Directors*—(a) Subject to the limitations stated in section 4, in the event of an attack upon the United States, each Regional Production Director of the Bureau of Domestic Commerce (BDC), within his region, is delegated the powers enumerated in the Defense Production Act of 1950, as amended, which have been delegated to the Director, BDC, together with such other powers and authorities related to performance of national defense and industrial mobilization functions by the Director as may be hereafter vested in the Director.

(b) The authority delegated to each Regional Production Director of BDC shall be exercised only when communications between such Regional Production Director and the national headquarters of BDC are inoperative, and until the delegated authority is withdrawn by the Director, BDC.

(c) The geographic boundaries of the BDC regions in which each Regional Production Director is authorized to exercise the delegated powers and authorities correspond with the Office of Emergency Preparedness (OEP) regional boundaries and are shown in Schedule A of this emergency delegation.

3. *Delegation to Field Office Directors of the Office of Business Services, BDC*—(a) Subject to the limitations stated in section 4, in the event of an attack on the United States which has rendered communications inoperative between any Field Office Director of the Office of Business Services, BDC, (hereafter Field

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Office Director) and his cognizant Regional Production Director, and BDC national headquarters, such Field Office Director, within his Field Office jurisdiction, is delegated the same powers which are delegated to the Regional Production Directors in section 2 of this emergency delegation.

(b) The authority delegated by this section to each Field Office Director shall be exercised by each Field Office Director only until communications become operative between his Field Office and his cognizant Regional Production Director or national headquarters of BDC, and until the authority is withdrawn by the Regional Production Director or by the Director of BDC. The Field Office emergency jurisdictional and geographic boundaries are shown in Schedule B of this emergency delegation. Where two BDC Field Offices are located in a State, the territorial jurisdictions which governed preattack operations within the State will continue to apply postattack.

4. *Limitations*—(a) Control of the production, distribution, and use of certain materials and facilities is vested in departments and agencies of the Government other than BDC. These materials and facilities are listed in Schedule C of this delegation.

(b) Pursuant to the January 14, 1964, Memorandum of Understanding between the Office of Emergency Planning (now the Office of Emergency Preparedness) and the Office of Civil Defense, control of the distribution of secondary resources is the responsibility of States and subdivisions thereof in the immediate postattack period. Secondary resources include retail and intrastate wholesale inventories within a single State. They are to be distinguished from primary resources, which consist of interstate wholesale inventories and producer inventories and facilities. The production, distribution and use of primary resources are under BDC control. The authorities delegated in sections 2 and 3 hereof pertain exclusively to resources under BDC control and shall be exercised in the interest of national defense, survival and recovery in accordance with the provisions of OEP DMO 8500.1A (32 CFR 16), "Guidance on Priority Use of Resources in Immediate Postattack Period," and in conformity with policies, rules, regulations and orders of BDC and OEP.

5. *General*—Examples of the authorities and types of actions which may be taken pursuant to the Defense Production Act of 1950, as amended, are shown in Schedule D of this emergency delegation.

6. *Succession to position of BDC Regional Production Director*—In the event of the death, disability, nondesignation, or other nonavailability of any Regional Production Director of BDC, the following persons shall act in that capacity in the order of succession indicated below.

(1) The Field Office Director designated in Schedule E of this emergency delegation;

(2) The first BDC Executive Reservist assigned to the BDC/OEP Regional Office to arrive at that Office.

7. *Succession to position of Field Office Director*—(a) In the event of the death, disability, or other nonavailability of any Field Office Director, the first BDC Executive Reservist holding an appointment in the line of succession for Field Office Director to arrive at the Field Office Alternate Relocation Site shall serve as Acting Director.

(b) In any case in which a Field Office Director shall become Regional Production Director by force of this delegation, the senior domestic professional member of his staff shall serve as Acting Field Office Director in priority to Executive Reservists assigned to such Field Office, unless some other professional staff member is designated in the Business Services Field Office Emergency Readiness Plan as first in the line of succession to serve as Acting Director.

8. *Redelegations*—The authority herein delegated may be redelegated to any officer, employee or agency of the Government.

This delegation shall take effect April 18, 1972, and supersedes BDC Emergency Del. 1, as amended, February 6, 1968 (33 F.R. 2861).

BUREAU OF DOMESTIC COMMERCE,
HUDSON B. DRAKE,
Director.

SCHEDULE A TO BDC EMER. DEL. 1

REVISED

(See Sec. 2(c) of Emer. Del. 1)



Puerto Rico, Virgin Islands	Region 2.
District of Columbia	Region 3.
Canal Zone	Region 4.
American Samoa, Guam, Trust Territory of the Pacific Islands	Region 9.

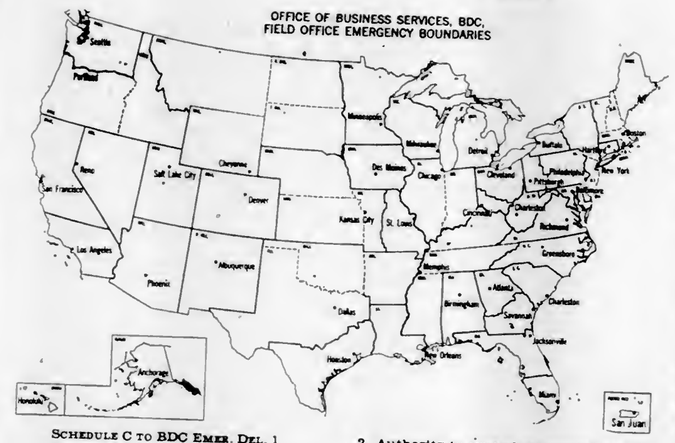
● Regional Relocation Sites.
* National Office.
■ Regional Headquarters.

SCHEDULE B TO BDC EMER. DEL. 1

REVISED

(See Sec. 3(b) of Emer. Del. 1)

OFFICE OF BUSINESS SERVICES, BDC,
FIELD OFFICE EMERGENCY BOUNDARIES



SCHEDULE C TO BDC EMER. DEL. 1

REVISED

(See Sec. 4 of Emer. Del. 1)

The following resources and activities are not subject to BDC control pursuant to E.O. 10480, E.O. 11490, and such agreements and delegations as noted.

1. Production and distribution of, and use of facilities for petroleum, solid fuels, gas, electric power, and water;

2. Production, processing, distribution, and storage of food resources and the use of food resource facilities for such production, processing, distribution, and storage;

3. Domestic distribution of farm equipment and fertilizer;

4. Domestic distribution of medical end items (April 12, 1971, Memorandum of Understanding Between BDC and Public Health Service);

5. Use of communications services and facilities, housing and lodging facilities, and health, education, and welfare facilities;

6. Production and distribution of minerals and those materials and facilities delegated by the Secretary of Commerce to the Secretary of Interior on January 26, 1967 (32 F.R. 2462);

7. Distribution of items in the supply systems of, or controlled by, the Department of Defense and Atomic Energy Commission;

8. Construction, use, and management of civil aviation facilities; and

9. Construction and use of highways, streets, and appurtenant structures.

SCHEDULE D TO BDC EMER. DEL. 1

REVISED

(See Sec. 5 of Emer. Del. 1)

Types of actions which may be taken under authority of the Defense Production Act of 1950, as amended.

1. Priorities and allocations authorities (sec. 101):

a. To authorize or require use of priorities and to issue directives;

b. To require preference in the performance of a contract or order;

c. To require rescheduling of production and deliveries;

d. To issue "set-aside" orders requiring producers to reserve part of or all production for certain purposes;

e. To require use of a producer's facilities for production of designated products (allocation of facilities);

f. To establish inventory restrictions;

g. To limit delivery of materials to designated purchasers or classes of purchasers (allocation of materials).

2. Authority to expand productive capacity and supply (sec. 301).

3. Authority to guarantee loans to expedite production and deliveries or services (sec. 302).

4. Authority to issue regulations (sec. 704).

5. Authority to obtain information (sec. 705).

SCHEDULE E TO BDC EMER. DEL. 1

REVISED

(See Sec. 6(1) of Emer. Del. 1)

Directors of the listed BDC Field Offices are first in the line-of-succession for Director of the listed BDC Regional Offices.

BDC/OEP

Region location	*BDC field office*
1 Maynard, Mass	Boston, Mass.
2 Maynard, Mass.[1]	New York, N.Y.
3 Olney, Md	Philadelphia, Pa.
4 Thomasville, Ga	Atlanta, Ga.
5 Battle Creek, Mich	Chicago, Ill.
6 Denton, Tex	Dallas, Tex.
7 Denton Tex.[1]	Kansas City, Mo.
8 Denver, Colo	Denver, Colo.
9 Santa Rosa, Calif	San Francisco, Calif.
10 Bothell, Wash	Seattle, Wash.

[1] Control over Regions 2 and 7 will be exercised by the designated Regional Production Directors from Regional Relocation Sites shared with BDC Regions 1 and 6 respectively.

[FR Doc.72-6441 Filed 4-28-72;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. RM-50-2]

EFFLUENTS FROM LIGHT-WATER-COOLED NUCLEAR POWER REACTORS

Notice of Rule Making Hearing

Notice is hereby given that the hearing in the above-captioned matter will be reconvened at 9:30 a.m., on May 4, 1972, at the Woodmont Building, Room 500, 8120 Woodmont Avenue, Bethesda, MD 20014.

Dated this 26th day of April 1972 at Washington, D.C.

ALGIE A. WELLS,
Chairman.

[FR Doc.72-6647 Filed 4-28-72;8:50 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Order Scheduling Prehearing Conference

On November 9, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 21421) a notice of hearing to consider the application filed by the Maine Yankee Atomic Power Co. (applicant), for a facility operating license which would authorize the operation of a pressurized water reactor (facility), identified as the Maine Yankee Atomic Power Station. That notice designated an Atomic Safety and Licensing Board (Board) to conduct the hearing, specified the issues to be determined by the Board, provided for intervention by certain petitioners with respect to those issues, and provided an opportunity to make limited appearances to other persons who wished to make a statement in the proceeding but who did not wish to intervene. Pursuant to such authorization, notice is hereby given that a prehearing conference in the captioned proceeding will be held on May 17, 1972, in Wiscasset, Maine.

All members of the public are entitled to attend this prehearing conference and any subsequent prehearing conferences as well as the full evidentiary sessions of the hearing in this proceeding. The prehearing conference on May 17, 1972, however, will be conducted in accordance with § 2.752 of 10 CFR Part 2 of the Commission's rules of practice which provides for the development of procedures for the evidentiary hearing which will be scheduled for a later time and public notice given. The procedures to be considered on May 17 will be related to identification of parties, simplification and clarification of issues, discussion of procedures to be followed at the hearing and other matters which will aid in the conduct and expeditious disposition of the case to be presented in a full public hearing at a later date.

The prehearing conference on May 17, 1972, will not receive any evidence, nor will there be an opportunity for presentation of statements from members of the public who desire to make limited appearances for that purpose. All statements that members of the public desire to make in this proceeding by way of limited appearance pursuant to § 2.715 of the rules of practice will be received on the initial day or days of the evidentiary hearing which will be scheduled at a later date, public notice of which will be given, both by publication and by notice sent by mail directly to all members of the public who have requested to be notified.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that a prehearing conference in this proceeding shall convene at 10 a.m. on Wednesday, May 17, 1972, in the Hearing Room, Municipal Building, Route 1, Wiscasset, Maine 04578.

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Issued: April 25, 1972, Washington, D.C.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.72-6565 Filed 4-28-72;8:47 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Availability of Applicant's Environmental Report and Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Supplement to Environmental Report—Maine Yankee Atomic Power Company" has been place in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and has been sent to the Wiscasset Public Library Association, High Street, Wiscasset, Maine. The report is also being made available at the State Planning Office, Executive Department, State of Maine, 189 State Street, Augusta, ME.

This report discusses environmental considerations related to the proposed operation of the Maine Yankee Atomic Power Station located in Lincoln County, Maine. This report supersedes the environmental report submitted on November 4, 1970, in its entirety.

The report has been analyzed by the Commission's Division of Radiological and Environmental Protection, and a draft detailed statement of the environmental considerations related to the proposed operation of the Maine Yankee Atomic Power Station, dated April 1972, has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's April 1972, draft detailed statement on environmental considerations may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection. This draft detailed statement supersedes the April 9, 1971, draft detailed statement for which a notice of availability was published in the FEDERAL REGISTER on April 20, 1971 (36 F.R. 7474).

Interested persons may, within thirty (30) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, the report, and the draft detailed statement for the Commission's consideration. Federal and State agencies are being provided with copies of the report and the draft detailed statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Radiological and Environmental Protection.

Dated at Bethesda, Md., this 27th day of April 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Division of Reactor Licensing.

[FR Doc.72-6648 Filed 4-28-72;8:50 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Notice of Supplementary Prehearing Conference

In the matter of Boston Edison Co., Pilgrim Nuclear Power Station.

By order dated March 17, 1972, the Board directed that a Supplementary Prehearing Conference be held in Plymouth, Mass., on May 5, 1972.

Notice is hereby given that the Supplementary Prehearing Conference will be held at 10 a.m., e.s.t., on Friday, May 5, 1972 in the Memorial Hall, 83 Court Street, Plymouth, MA.

Dated at Washington, D.C., this 27th day of April 1972.

For the Atomic Safety and Licensing Board:

CHARLES A. HASKINS,
Chairman.

[FR Doc.72-6649 Filed 4-28-72;8:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24283 etc.]

AIR CARRIER REORGANIZATION INVESTIGATION

Notice of Postponement of Prehearing Conference

Pursuant to the request of Bureau of Operating Rights, the prehearing conference in the above-entitled proceeding, previously scheduled for May 10, 1972 (37 F.R. 5765, March 21, 1972), is hereby postponed until July 11, 1972, at 10 a.m., local time, in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned.

The Bureau shall submit and serve the materials described in the Notice of Prehearing Conference on or before June 14, 1972, and the other parties shall submit and serve theirs on or before July 5, 1972.

Dated at Washington, D.C., April 25, 1972.

[SEAL] E. ROBERT SEAVER,
Hearing Examiner.

[FR Doc.72-6597 Filed 4-28-72;8:49 am]

[Docket No. 23708]

AIR WEST TACOMA DELETION CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 23, 1972, at 10 a.m., in the City Council Chambers, 930 Tacoma Avenue, South, Tacoma, WA.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 24, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 25, 1972.

[SEAL] MERRITT RUHLEN,
Hearing Examiner.

[FR Doc.72-6596 Filed 4-28-72;8:49 am]

[Docket No. 22908; Order 72-4-127]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Regarding Engagement in Capacity Reduction Discussions in New York/Newark-San Juan Market

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1972.

By telegraphic application dated April 24, 1972, American Airlines, Inc., requests a 30-day extension of the discussion authority in the New York/Newark-San Juan market granted by the Board in Order 72-1-86, January 25, 1972. The authority granted in that order was for a period of 90 days and was due to expire on April 24, 1972.[1] Pan American and Eastern by telegram have filed in support of American's request, and counsel for the Commonwealth of Puerto Rico has informally indicated the Commonwealth's support for the request.

The Board has considered the foregoing and has reviewed the factors which prompted grant of the authority in Order 72-1-86, and has determined to grant American's request. It appears that all of the circumstances which in the Board's view warranted a continuation of the discussions to reduce capacity in this market at the time Order 72-1-86 was adopted, still obtain.[2]

Therefore, we shall extend for a 30-day period the discussion authority granted in Order 72-1-86 subject to all the conditions as stated in that order.

Accordingly, it is ordered, That:

1. Ordering paragraph 1(h) be and it hereby is amended to read as follows:

> The relief granted herein shall expire within 120 days of the date of this order and may be revoked or amended at any time in the discretion of the Board; and

2. Copies of this order shall be served on the persons named in the appendix attached to Order 72-1-86.

[1] The request seeking that previous authority was tendered by Pan American and supported by American and Eastern, and was unopposed (Delta requested inclusion in the discussions and/or restrictions on freed up capacity).

[2] The Board's figures show that load factors in this market ranged from 50 percent–66 percent in January 1972, and from 47 percent–60 percent in February 1972.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6598 Filed 4-28-72;8:49 am]

FEDERAL POWER COMMISSION

[Docket No. CP72-241]

NORTHERN NATURAL GAS CO.

Notice of Application

APRIL 25, 1972.

Take notice that on April 10, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP72-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to construct and operate certain natural gas compressor facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to construct and operate three 1,000 horsepower compressor units on its N. E. Oates System located in Pecos County, Tex. Applicant states that during the past year (January 1971 to January 1972) the delivery capability of the wells on its Oates System, comprised of wells in the N. E. Oates, Pikes Peak, and Perry Bass Fields, all in Pecos County, has declined from approximately 174,000 Mcf of gas per day to 135,000 Mcf of gas per day. Applicant further states that current projections are that the deliverability from this system, at present line pressures, will decline to approximately 100,000 Mcf of gas per day by the end of 1972. Applicant has determined that a reduction of its gathering line pressures by 300 to 400 p.s.i.g. through the use of the proposed compressor units will increase the deliverability of the Oates System by approximately 30,000 Mcf of gas per day. Applicant states that this increase and the expected connection of approximately 15,000 Mcf of gas per day of new gas currently developed in the N. E. Oates Field will provide it with approximately 145,000 Mcf of gas per day of deliverability from the Oates System for use in meeting the requirements of its customers during the 1972–73 heating season. Applicant also indicates that the proposed compressor facilities will be adequate to enable it to undertake reductions in gathering pressures it projects will become necessary to meet its contract pressure obligations during 1973.

Total cost of the proposed facilities is estimated to be $1,073,000, which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 16, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6591 Filed 4-28-72;8:48 am]

[Docket No. CI72-681]

PENNZOIL UNITED, INC.

Notice of Application

APRIL 26, 1972.

Take notice that on April 20, 1972, Pennzoil United, Inc. (applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in Docket No. CI72-681 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation (Texas) from the Kildare Field Area, Cass County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced the sale of natural gas to Texas on April 6, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act and proposes to continue said sale for 1 year from the expiration of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 75,000 Mcf of gas per month at 35 cents per Mcf at 14.65 p.s.i.a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 8, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6589 Filed 4-28-72;8:48 am]

[Project 1764]

CHARLES R. AND LaDORIS J. SNELLSTROM

Notice of Proposed Termination of License for Constructed Minor Project

APRIL 24, 1972.

Public notice is hereby given of a proposal under the provisions of § 6.4 of the regulations under the Federal Power Act (18 CFR 6.4), to terminate the license for constructed minor project No. 1764, located on Darwin Wash at Lower Darwin Falls in Inyo County, Calif., and affecting lands of the United States.

Section 6.4 of the regulations reads as follows:

> If any licensee holding a license subject to the provisions of section 10(1) of the Act shall cause or suffer essential project property to be removed or destroyed, or become unfit for use, without replacement, or shall abandon, or shall discontinue good faith operation of the project for a period of 3 years, the Commission will deem it to be the intent of the licensee to surrender the license; and not less than 90 days after public notice may in its discretion terminate the license.

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The license for Project No. 1764 was transferred to Charles R. and LaDoris J. Snellstrom of Lone Pine, Calif., by Commission order issued February 24, 1969. The project, as licensed, consists of a collecting flume and box, a steel pipeline about 4.5 miles long, a powerhouse having an installed capacity of 13 horsepower, and a short length of low-voltage electric power line.

The February 24, 1969, order approving transfer of the license to the present licensees made them subject to all the conditions of the license to the same extent as though they were the original licensees for the project. Moreover, the order approving transfer provided that the project (which has been inoperable for more than 3 years) must be rehabilitated, that the transferees shall submit within 3 months of the issuance date of the transfer order a schedule of the rehabilitation of the project, and that the transferees shall restore the project to an operating condition within 1 year of the issuance date of the order. The transferees have not complied with these conditions.

Any person desiring to be heard or to make any protest with reference to the above matter should on or before August 4, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene, statements of position or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All statements of position or protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6590 Filed 4-28-72;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

APRIL 25, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 26, 1972, through May 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6582 Filed 4-28-72;8:48 am]

[File 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

APRIL 25, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 26, 1972 through May 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6583 Filed 4-28-72;8:48 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

APRIL 25, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 26, 1972 through May 5, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6586 Filed 4-28-72;8:48 am]

[812-2963]

NEUWIRTH INCOME DEVELOPMENT CORP. ET AL.

Notice of Withdrawal of Application; Order Discontinuing Proceeding on Application

APRIL 25, 1972.

Neuwirth Income Development Corp. (Development), Neuwirth Fund, Inc. (Neuwirth), Neuwirth Century Fund, Inc. (Century), Middletown Bank Building, Middletown, N.J., and Neuwirth Securities, Inc. (Securities) (collectively referred to as "Applicants"), 79 Wall Street, New York, NY, filed an application pursuant to sections 6(c) and 11(a) of the Investment Company Act of 1940 (Act) requesting an order of the Commission to permit an offer of exchange and to grant an exemption from section 22(d). The application, as amended, requested relief from the aforesaid provisions of the Act in order to permit shareholders of Development to exchange all or a part of their shares for shares of Neuwirth or Century at their respective offering prices (net asset value plus a maximum sales charge of 8½ percent) less the applicable sales charge paid by such shareholders upon the purchase of Development shares so exchanged. Development shares are sold at net asset value plus a maximum sales charge of 1¾ percent. Applicants had proposed that the portion of the differential sales charge paid on any such exchange which was not retained by Securities would be allocated to dealers effecting the exchange.

On March 13, 1972, the Commission issued a notice and order for hearing on the application, as amended (Investment Company Act Release No. 7063). The hearing, originally scheduled for April 17, 1972, was subsequently postponed until April 27, 1972. On April 17, 1972, prior to the commencement of the hearing, Applicants requested withdrawal of the application without prejudice to their right to apply to the Commission at a later time.

It is ordered, That the proceeding on the application, as amended, filed pursuant to sections 6(c) and 11(a) to permit an offer of exchange and for exemption from section 22(d) be, and hereby is, discontinued.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6584 Filed 4-28-72;8:48 am]

[812-3093]

NORTHWESTERN MUTUAL LIFE INSURANCE CO., AND NML VARIABLE ANNUITY ACCOUNT 2

Notice of Application

APRIL 25, 1972.

Notice is hereby given that the Northwestern Mutual Life Insurance Co. (NML), a mutual life insurance company organized in 1857 by a special statute of the legislature of the State of Wisconsin, and NML Variable Annuity Account 2 (Account 2), 720 East Wisconsin Avenue, Milwaukee, WI 53202, a unit investment trust registered under the Investment Company Act of 1940 (Act), hereinafter collectively called "Applicants," have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 22(d) and 26(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account 2 was established by NML to offer immediate nontax qualified individual variable annuity contracts. The minimum amount for which a contract may be acquired is $5,000.

Under the contract a purchaser makes a single payment which is invested (net of various deductions) through Account 2 in shares of NML Fund, Inc. (Fund), a Maryland corporation and an open-end, diversified management investment company registered under the Act. A contract may also be acquired in exchange for an existing contract issued by Northwestern Mutual or by the settlement of benefits under such a contract. The contracts provide lifetime variable annuity payments beginning immediately. The amount of the annuity payments subsequent to the first will fluctuate as the value of the Fund shares fluctuates.

Under Wisconsin insurance laws Account 2 is an integral part of NML. The latter holds all of the assets of Account 2 and is responsible for the performance of the obligations of Account 2 under the contracts. However, under Wisconsin insurance laws, the income, gains and losses, realized and unrealized, of Account 2 are credited to or charged against the amounts allocated to Account 2 in accordance with the terms of the contracts without regard to other income, gains or losses of Northwestern Mutual; and the assets of Account 2 are not chargeable with any liabilities arising out of any other business of NML.

Applicants request exemption from the following provisions of the Act to the extent stated below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. The contracts will provide for a reduced sales and administrative expense charge of 1 percent plus $50 in lieu of the regular graded charge on amounts derived from the value of other insurance policies or annuity contracts previously issued by NML and exchanged for an Account 2 contract, or on death benefits payable under such previously issued insurance policies or fixed annuity contracts which are settled under a contract.

Applicants state that the reduced charge on amounts transferred from other NML insurance policies or annuity contracts appropriately recognizes that sales charges have previously been charged against the amounts paid on such policies or contracts, and the purpose of the reduced charge is to avoid cumulative sales charges.

Applicants state further that the proposed $50 deduction corresponds to the one-time $50 administrative fee which NML has charged for some time with respect to the issuance of fixed benefit immediate annuities and settlements under certain noncontractual settlement options. Applicants state that the $50 deduction is designed to defray administrative expenses of issuing and maintaining the contracts and has been determined by cost accounting methods based upon NML historical costs in connection with fixed benefit retirement annuities.

Section 26(a), in pertinent part, prohibits a depositor or principal underwriter for a registered unit investment trust from selling any security issued by such a trust unless the security is issued pursuant to a trust indenture, agreement of custodianship or other instrument which provides that (i) the securities and other property of the trust shall be held in the possession of a qualified custodian or trustee, (ii) the custodian or trustee shall not resign until either the trust has been liquidated or a qualified successor custodian or trustee has been appointed, (iii) that the custodian or trustee may collect from income and, if necessary, from the corpus of the trust fees for services performed and reimbursement of expenses incurred, (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian or trustee as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the depositor or principal underwriter and (v) that the trust indenture, agreement of custodianship or other instrument provide that a record will be kept of the interest of each holder of a security, and that security holders be notified as to any substitution of underlying securities.

In support of the requested exemption from the foregoing provisions of section 26 of the Act, Applicants state that there is no trust indenture or agreement of custodianship used in connection with Account 2. The assets of Account 2 are owned by NML pursuant to the requirements of Wisconsin insurance law. Applicants further state that the Wisconsin statutes expressly provide that the life insurance company shall not be, or hold itself out to be, a trustee with respect to these assets. Applicants state therefore, that it follows that NML would not be permitted to place this property in trust in the hands of another for the benefit of persons who purchased the contracts.

Applicants also state that the net proceeds under the contracts allocated to account 2 will be invested in "book" shares of the Fund, so that ownership of these shares will only be shown on the books and records of Account 2 and the Fund, and that such shares will not be evidenced by transferable stock certificates.

Applicants further state that Northwestern Mutual is subject to extensive supervision and control by the Wisconsin Commissioner of Insurance; that under Wisconsin law neither Account 2 nor NML may abrogate their obligations; that NML had total assets of over $6 billion at December 31, 1971; and that its officers and employees are covered by a fiduciary bond in the amount of $1 million. Therefore, Applicants state, such jurisdiction, bond, financial and legal requirements afford the required protections of custodianship or trusteeship which section 26(a) is designed to provide. Applicants contend, therefore, that it is appropriate that NML have custody of the assets of Account 2.

The substance of the recordkeeping and notification requirements of section 26 will be provided as an incident to normal administration of the contracts. NML will maintain a record of the names and addresses of the persons having interest in Account 2 and within 5 days after any substitution of the underlying securities will either deliver or mail to each holder of a contract a notification of such substitution, stating the number of Fund shares eliminated and identifying the securities purchased.

Applicants have consented to the requested exemption being subject to the following conditions:

(1) That charges to variable annuity contract holders for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, jurisdiction being reserved for such purpose; and

(2) That the payment of sums and charges out of the assets of the separate account shall not be deemed to be exempted from regulation by the Commission by reason of the order: *Provided*, That consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 16, 1972 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

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request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–6585 Filed 4–28–72;8:48 am]

[File 2–24477 (22–4051)]

WARNER-LAMBERT CO.

Notice of Application and Opportunity for Hearing

APRIL 24, 1972.

Notice is hereby given that Warner-Lambert Co. (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of the Irving Trust Co. (Irving Trust) under an indenture dated March 1, 1966 (the "1966 Indenture"), which was qualified under the Act, the trusteeship of Irving Trust under an Indenture dated August 1, 1968 (the "1968 Indenture"), which was not qualified under the Act, and the trusteeship of Irving Trust under a new indenture to be dated as of April 2, 1972 (the "New Indenture"), which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as trustee under any of said Indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides, inter alia, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor (as defined in the Act) are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of such obligor are outstanding, if the burden of proving shall be sustained, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

(1) As of December 31, 1971, there were outstanding $3,876,000 principal amount of 4¼ percent Guaranteed Debentures Due 1981, issued under an indenture dated March 1, 1966, among Warner-Lambert International Corp. (International), the Company, and Irving Trust which was qualified under the Act. The 1966 Debentures are guaranteed by the Company.

(2) As of December 31, 1971, Warner-Lambert Overseas, Inc. (Overseas), a wholly owned subsidiary of the company, had outstanding $12,803,000 principal amount of its 4½ percent. Convertible Guaranteed Debentures due 1988 issued under an indenture dated August 1, 1968, among Overseas, the Company, and Irving Trust as Trustee, which was not qualified under the Act. The 1968 Debentures are also guaranteed by the Company.

(3) Under an indenture, to be dated as of April 2, 1972, between the Company and Irving Trust, the Company proposes to issue $40 million principal amount of its 4¾ percent Convertible Debentures due 1987 for sale to purchasers who are not nationals or residents of the United States. In the opinion of the Company's Counsel, the New Debentures need not be registered under the Act and the New Indenture need not be qualified under the Act.

(4) The 1966 Indenture, the 1968 Indenture, and the New Indenture are wholly unsecured and the Company and International are not in default under the 1966 Indenture and the Company and Overseas are not in default under the 1968 Indenture. The rights of the holders of the 1966 Debentures and the 1968 Debentures, pursuant to the guarantees thereof by the Company and the rights of the holders of the New Debentures rank equally with each other.

(5) Such differences as exist among the 1966 Indenture, the 1968 Indenture and the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as Trustee under any of said Indentures.

The Company has waived notice of hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 500 North Capitol Street, Washington, DC 20549.

Notice is further given that any interested person may, not later than May 17, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72–6587 Filed 4–28–72;8:48 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in Chapter 625 is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, Chapter 625 is set forth in full as follows:

CHAPTER 625—REOPENING AND CONSIDERING ANEW A REGISTRANT'S CLASSIFICATION

SECTION 625.1 *Classification not permanent.* 1. No classification is permanent. When the basis for a registrant's current classification no longer exists, or the expiration date of the classification has been reached, the classification shall be reopened, and the registrant classified anew.

2. Each classified registrant except a registrant classified in Class 1–H shall, within 10 days after it occurs, report to the local board in writing any fact that might result in his being placed in a different classification, such as any change in his occupational, marital, military, or dependency status, or in his physical condition. Every registrant, including a registrant in Class 1–H, must keep his local board informed of his current mailing address.

3. The local board shall keep informed of the status of registrants, except those classified in Class 1–H. Registrants may be requested to furnish information, and may be forwarded for Armed Forces examination. Employers may be requested to furnish information, police officials or other agencies may be requested to make investigation, and other steps may be taken by the local board to keep currently informed concerning the status of registrants.

SEC. 625.2 *Reopening of classification.* The local board shall reopen and consider anew the classification of a registrant:

(1) Upon the written request of the Director of Selective Service or the State Director of Selective Service and upon receipt of such request shall immediately cancel any Order to Report for Induction, Selection for Alternate Service, or Order to Report for Alternate Service which may have been issued to the registrant;

(2) Who is in Class 1–H and becomes subject to processing for induction;

(3) In any classification for the purpose of classifying him in Class 1–H when he becomes eligible for that classification;

(4) Upon its own motion if such action is based upon facts not considered when the registrant was classified which, in the opinion of the board, would justify a change in the registrant's classification; or

(5) Upon the written request of the registrant that is accompanied by written information presenting facts not considered when the registrant was classified which, if true in the opinion of the board, would justify a change in the registrant's classification. For purposes of reopening, the local board will consider the facts presented by the registrant to be true unless there is evidence in the registrant's file to the contrary, or the registrant's claim is plainly unbelievable. A registrant who makes false statements to his local board is subject to criminal penalties: *Provided*, That in the event of (4) or (5) the classification of a registrant shall not be reopened after the local board has mailed to such registrant an order for induction or alternate service or in the event the order to report for induction or alternate service was postponed and a subsequent letter from the local board establishes the date for induction or for reporting for alternate service, unless the local board, in its judgment, first specifically finds there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

SEC. 625.3 *Refusal to reopen and consider anew registrant's classification.* 1. When a registrant files with the local board a written request for reclassification and the local board is of the opinion that the information accompanying the request fails to present any facts not considered when the registrant was classified or, even if new facts are presented, the local board is of the opinion that the new facts, if true, would not justify a change in his classification, it shall not reopen the classification.

2. In any case where the local board refuses to reopen, it shall (1) place in the registrant's file a written statement of the reasons for its decision not to reopen his classification, and (2) advise the registrant by letter of its decision and the reasons therefor.

SEC. 625.4 *Classification considered anew when reopened.* When the local board reopens the registrant's classification, it shall consider the new information which it has received, together with all other information in the registrant's file, and shall then classify the registrant in the same manner as if he had never been classified. Such classification shall have the effect of a new and original classification, even if the registrant is again placed in the same class that he was in prior to his classification being reopened.

SEC. 625.5 *Notice of action when classification considered anew.* When the local board reopens the registrant's classification, it shall, as soon as practicable after it has again classified the registrant, mail him a Notice of Classification (SSS Form 110).

SEC. 625.6 *Procedural rights following reopening of classification.* Each classification resulting from a reopening under the provisions of this chapter shall be followed by the right of appearance before the local board and the right of appeal to the appeal board as in the case of an original classification.

SEC. 625.7 *Cancellation of order to report for induction, selection for alternate service or order to report for alternate service by reopening of classification.* 1. The reopening of the classification of a registrant by his local board shall cancel any Order to Report for Induction (SSS Form 252), Selection for Alternate Service (SSS Form 155), or Order to Report for Alternate Service (SSS Form 153) which may have been issued to the registrant, except that if the registrant has failed to comply with either the SSS Form 252 or SSS Form 153, the reopening of his classification thereafter by the local board for the purpose of placing him in Class 4–C shall not cancel the order with which he failed to comply.

2. When a registrant's order to report for induction or for alternate service is canceled, the registrant shall be notified in writing of the cancellation.

CURTIS W. TARR,
Director.

APRIL 26, 1972.

[FR Doc. 72–6578 Filed 4–28–72;8:47 am]

SPECIAL FORM FOR CONSCIENTIOUS OBJECTOR

Special Form for Conscientious Objector (SSS Form 150)[1] may be used by a registrant of the Selective Service System to request classification as a conscientious objector.

CURTIS W. TARR,
Director.

APRIL 26, 1972

SELECTIVE SERVICE SYSTEM

SPECIAL FORM FOR CONSCIENTIOUS OBJECTOR

The purpose of this questionnaire is to assist your local board in determining whether you qualify for classification as a conscientious objector. Before you answer the questions you may wish to read the pamphlet, "Conscientious Objector," which is available at your local board office.

Print or type, on separate sheets of paper, a statement answering the questions below. Sign both your statement and this form. Attach your statement to the form and mail or deliver them to your local board.

[1] Copies of this form are available from any local board.

To be classified as a conscientious objector you must be opposed to war in any form. Your objection must be based on moral or ethical beliefs, or beliefs which are commonly accepted as religious. Your beliefs must influence your life as the belief in God influences the life of one who is a traditionally religious conscientious objector. To qualify, your conscience must be spurred by deeply held moral, ethical, or religious beliefs which would give you no peace if you allowed yourself to become a combatant member of the Armed Forces.

Include in your statement, if possible, responses to the following. If you wish you may attach letters of reference from persons who know you or any other information you would like to bring to the attention of your local board.

1. Describe the beliefs which are the basis for your claim for classification as a conscientious objector.

2. Will your beliefs permit you to serve in a position in the Armed Forces where the use of weapons is not required? If not, why?

3. Explain how you acquired the beliefs which are the basis of your claim. Your answer may include such information as the influence of family members or other persons; religious training, if applicable; experiences at school; membership in organizations; books and readings which influenced you. You may wish to provide any other information which will help in explaining why you believe as you do.

4. Explain what most clearly shows that your beliefs are deeply held.

5. Do your beliefs affect the way you live? Describe how your beliefs affect the type of work you will do to earn a living or the types of activity you participate in during nonworking hours?

6. Describe any specific actions or incidents of your life that show you believe as you do.

Check the Box in Front of the Statement Which Applies to Your Claim

☐ I claim exemption only from training or service as a combatant member of the Armed Forces (Class 1–A–O).

☐ I claim exemption from any training or service as a member of the Armed Forces (Class 1–O).

Print or Type

Selective service number: _____

Name: _____

Address: _____
(Number and street)

City: _____

State: _____ ZIP _____

_____
(Your signature)

_____
(Date)

[FR Doc.72–6579 Filed 4–28–72;8:47 am]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Dockets Nos. E72–112—E72–136]

ATTORNEY GENERAL'S LIST OF ORGANIZATIONS

Notice of Hearings

Attorney General of the United States,

Petitioner,

In regard:

German-American Republican League, Docket No. E72–112.

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German-American Vocational League (Deutsche-Amerikaniache Berufsgemeinschaft), Docket No. E72–113.
Guardian Club, Docket No. E72–114.
Hawaii Civil Liberties Committee, Docket No. E72–115.
Heimusha Kai (AKA: Nokubei Heieki Gimusha Kai, Zaibei Nihonjin, Heiyaku Gimusha Kai, and Zaibei Heimusha Kai (Japanese Residing in American Military Conscripts Association)), Docket No. E72–116.
Hellenic-American Brotherhood, Docket No. E72–117.
Hinode Kai (Imperial Japanese Reservists), Docket No. E72–118.
Hinomaru Kai (Rising Sun Flag Society—a group of Japanese War Veterans), Docket No. E72–119.
Hokubei Zaigo Shoke Dan (North American Reserve Officers Association), Docket No. E72–120.
Hollywood Writers Mobilization for Defense, Docket No. E72–121.
Hungarian-American Council for Democracy, Docket No. E72–122.
Hungarian Brotherhood, Docket No. E72–123.
Idaho Pension Union, Docket No. E72–124.
Independent Party (Seattle, Wash.), Docket No. E72–125.
Independent People's Party, Docket No. E72–126.
International Labor Defense, Docket No. E72–127.
International Workers Order, Docket No. E72–128.
Japanese Association of America, Docket No. E72–129.
Japanese Overseas Central Society (Kaigai Dobo Chuo Kai), Docket No. E72–130.
Japanese Overseas Convention, Tokyo, Japan, 1940, Docket No. E72–131.
Japanese Protective Association (Recruiting Organization), Docket No. E72–132.
Jefferson School of Social Science, New York City, Docket No. E72–133.
Jewish People's Committee, Docket No. E72–134.
Jewish People's Fraternal Order, Docket No. E72–135.
Jikyoku Iinkai (The Committee for the Crisis), Docket No. E72–136.

On March 7, 1972, the Attorney General petitioned the Subversive Activities Control Board for a determination that the above organizations now on the Attorney General's List have ceased to exist. The petitions are published in accordance with the rules of the Subversive Activities Control Board.

Notice is hereby given pursuant to Executive Order 11605 and the rules of the Subversive Activities Control Board issued in accordance therewith that hearings on the petitions will be held Tuesday, May 23, 1972, at 11 a.m., in Room 500, 2120 L Street NW., Washington, D.C. 20037.

JOHN W. MAHAN,
Chairman, Subversive Activities Control Board.

[Docket No. E72–112]

In regard German-American Republican League. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the German-American Republican League has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1942. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o Kurt Mertig, 317 East 54th Street, New York 22, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the German-American Republican League has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the German-American Republican League at the following last known address: c/o Kurt Mertig, 317 East 54th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E 72–113]

In regard German-American Vocational League (Deutsche-Amerikanische Berufsgemeinschaft). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the German-American Vocational League has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1943. There is no record of any known activity since that date.

The last known address of the above-named organization was 228 East 86th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the German-American Vocational League has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the German-American Vocational League, at the following last known address: 228 East 86th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–114]

In regard Guardian Club. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Guardian Club has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 311 Mount Vernon Court, San Antonio, TX.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Guardian Club has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Guardian Club, at the following last known address: 311 Mount Vernon Court, San Antonio, TX.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–115]

In regard Hawaii Civil Liberties Committee. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hawaii Civil Liberties Committee has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about October 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was Post Office Box 2120, Honolulu, HI.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hawaii Civil Liberties Committee has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Hawaii Civil Liberties Committee, at the following last known address: Post Office Box 2120, Honolulu, HI.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–116]

In regard Heimusha Kai AKA: Nokubei Heieki Gimusha Kai, Zaibei Nihonjin, Heiyaku Gimusha Kai, and Zaibei Heimusha Kai (Japanese Residing in America Military Conscripts Association). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Heimusha Kai has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1941. There is no record of any known activity since that date.

The last known address of the above-named organization was 2020 Bush Street, San Francisco, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Heimusha Kai has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATION OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Heimusha Kai, at the following last known address: 2020 Bush Street, San Francisco, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–117]

In regard Hellenic-American Brotherhood. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hellenic-American Brotherhood has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hellenic-American Brotherhood has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Hellenic-American Brotherhood at the following last known address: 80 Fifth Avenue, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–118]

In regard Hinode Kai (Imperial Japanese Reservists). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hinode Kai has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hinode Kai has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–119]

In regard Hinomaru Kai (Rising Sun Flag Society—a group of Japanese War Veterans). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hinomaru Kai has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about October 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hinomaru Kai has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–120]

In regard Hokubei Zaigo Shoke Dan (North American Reserve Officers Association). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hokubei Zaigo Shoke Dam has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hokubei Zaigo Shoke Dan has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72–121]

In regard Hollywood Writers Mobilization for Defense. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hollywood Writers Mobilization for Defense has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about October 1, 1945. There is no record of any known activity since that date.

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The last known address of the above-named organization was 1655 North Cherokee Avenue, Hollywood, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hollywood Writers Mobilization for Defense has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Hollywood Writers Mobilization for Defense, at the following last known address: 1655 North Cherokee Avenue, Hollywood, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-122]

In regard Hungarian-American Council for Democracy. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hungarian-American Council for Democracy has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 1947. There is no record of any known activity since that date.

The last known address of the above-named organization was 23 West 26th Street, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hungarian-American Council for Democracy has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Hungarian-American Council for Democracy, at the following last known address: 23 West 26th Street, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-123]

In regard Hungarian Brotherhood. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Hungarian Brotherhood has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Hungarian Brotherhood has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Hungarian Brotherhood, at the following last known address: 80 Fifth Avenue, New York, NY.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-124]

In regard Idaho Pension Union. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Idaho Pension Union has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 24, 1961. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o Al Manly, 906 Pine Street, Coeur d'Alene, ID.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Idaho Pension Union has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Idaho Pension Union, at the following last known address: c/o Al Manly, 906 Pine Street, Coeur d'Alene, ID.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-125]

In regard Independent Party (Seattle, Wash.). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Independent Party has ceased to exist.

Records of the Department of Juetice reflect that the aforementioned organization ceased to exist on or about November 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was 2221 Third Avenue, Seattle, WA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Independent Party has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Idaho Pension Union, at the following last known address: c/o Al Manly, 906 Pine Street, Coeur d'Alene, ID.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-126]

In regard Independent People's Party. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Independent People's Party has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about November 1950. There is no record of any known activity since that date.

The last known address of the above-named organization was 2221 Third Avenue, Seattle, WA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Independent People's Party has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Independent People's Party at the following last known address: 2221 Third Avenue, Seattle, WA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-127]

In regard International Labor Defense. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the International Labor Defense has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about April 1946. There is no record of any known activity since that date.

The last known address of the above-named organization was 112 East 19th Street, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the International Labor Defense has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the International Labor Defense at the following last known address: 112 East 19th Street, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E70-128]

In regard International Workers Order. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the International Workers Order has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about August 31, 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the International Workers Order, has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the International Workers Order at the following last known address: 80 Fifth Avenue, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-129]

In regard Japanese Association of America. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Japanese Association of America has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date.

The last known address of the above-named organization was 1619 Laguna Street, San Francisco, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Japanese Association of America has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Japanese Association of America at the following last known address: 1619 Laguna Street, San Francisco, CA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-130]

In regard Japanese Overseas Central Society (Kaigai Dobo Chuo Kai). Petition for a determination pursuant to section 12(1) of Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Japanese Overseas Central Society has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Japanese Overseas Central Society has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Japanese Association of America at the following last known address: 1619 Laguna Street, San Francisco, CA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-131]

In regard Japanese Overseas Convention, Tokyo, Japan, 1940. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Japanese Overseas Convention, Tokyo, Japan, 1940 has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date and there is no known address.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Japanese Overseas Convention, Tokyo, Japan, 1940 has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

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[Docket No. E72-132]

In regard Japanese Protective Association (Recruiting Organization). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Japanese Protective Association has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1941. There is no record of any known activity since that date.

The last known address of the above-named organization was c/o The Law Firm of Chuman, McKibbin and Yokozeki, Suite 510, Douglas Building, 257 South Spring Street, Los Angeles, CA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Japanese Protective Association has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Japanese Protective Association, at the following last known address: c/o The Law Firm of Chuman, McKibbin and Yokozeki, Suite 510, Douglas Building, 257 South Spring Street, Los Angeles, CA.

For the Attorney General.

ORAN H. WATERMAN,
Attorney, Department of Justice.

[Docket No. E72-133]

In regard Jefferson School of Social Science, New York City. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Jefferson School of Social Science, New York City has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about December 1956. There is no record of any known activity since that date.

The last known address of the above-named organization was 575 Avenue of the Americas, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Jefferson School of Social Science, New York City, has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Jefferson School of Social Science, New York City, at the following last known address: 575 Avenue of the Americas, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-134]

In regard Jewish People's Committee. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Jewish People's Committee has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about September 1945. There is no record of any known activity since that date.

The last known address of the above-named organization was 22 East 17th Street, New York City, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Jewish People's Committee has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Jewish People's Committee, at the following last known address: 22 East 17th Street, New York City, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-135]

In regard Jewish People's Fraternal Order. Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Jewish People's Fraternal Order has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1954. There is no record of any known activity since that date.

The last known address of the above-named organization was 80 Fifth Avenue, New York, NY.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Jewish People's Fraternal Order has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Jewish People's Fraternal Order, at the following last known address. 80 Fifth Avenue, New York, NY.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[Docket No. E72-136]

In regard Jikyoku Iinkai (The Committee for the Crisis). Petition for a determination pursuant to section 12(1) of Executive Order No. 10450 as amended by Executive Order 11605.

Pursuant to section 12(1) of Executive Order 10450 as amended by Executive Order No. 11605, issued July 2, 1971, 36 F.R. 12831, the Attorney General, by counsel, petitions this Board for a determination that the Jikyoku Iinkai has ceased to exist.

Records of the Department of Justice reflect that the aforementioned organization ceased to exist on or about 1940. There is no record of any known activity since that date.

The last known address of the above-named organization was 316 Maynard Avenue, Seattle, WA.

Therefore, the Government petitions this Board for a determination in accordance with section 12(1) of Executive Order 10450, as amended, that the Jikyoku Iinkai has ceased to exist on or about the above date.

In the absence of a specific request from the Board, at least 10 days prior to any hearing date that may be set for this matter, the Department of Justice does not plan to make any further factual showing with respect to this petition.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

CERTIFICATE OF SERVICE

Pursuant to § 201.56 of the regulations of the Subversive Activities Control Board (Room 500, 2120 L Street NW., Washington, DC 20037), on proceedings under Executive Order No. 11605, issued July 2, 1971, a copy of the attached petition has been mailed this 7th day of March 1972 to the Jikyoku Iinkai, at the following last known address: 316 Maynard Avenue, Seattle, WA.

For the Attorney General.

THOMAS E. MARUM,
Attorney, Department of Justice.

[FR Doc.72-6588 Filed 4-28-72;8:48 am]

TARIFF COMMISSION

[TEA-W-140]

SPERRY RAND CORP.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Elmira, N.Y., plant of the Remington Rand Production Division of Sperry Rand Corp., the U.S. Tariff Commission, on April 26, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with electronic desk calculators (of the types provided for in item 676.20 of the Tariff Schedules of the United States (TSUS)), electric typewriters and manual typewriters (of the types provided for in item 676.05 of the TSUS) and typewriter parts (of the types provided for in item 676.50 of the TSUS) manufactured by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the customhouse.

Issued: April 26, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-6607 Filed 4-28-72;8:50 am]

[TEA-W-141]

WILSON SHOE CORP.

Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Wilson Shoe Corp., Shamokin, Pa., the U.S. Tariff Commission, on April 26, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women and misses (of the types provided for in items 700.43 and 700.45 of the Tariff Schedules of the United States) manufactured by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the customhouse.

Issued: April 26, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-6606 Filed 4-28-72;8:50 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 26, 1972.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 134915 Sub 2, Southwest Refrigerated Distributing, Inc., doing business as Refrigerated Distributing, now being assigned hearing, June 20, 1972, at St. Louis, Mo., in a hearing room later to be designated.

MC 78400 Sub 27, Beaufort Transfer Co., now being assigned hearing July 19, 1972, at Jefferson City, Mo., in a hearing room later to be designated.

MC 129844, Whitehurst Paving Co., Inc., now assigned April 27, 1972, at Washington, D.C., hearing canceled and application dismissed.

MC 119774 Sub 34, EAGLE TRUCKING COMPANY, now assigned May 3, 1972, at Dallas, Tex., postponed indefinitely.

MC-F-11320, Bowman Trucking Co., Inc. v. Delbert J. Spencer et al. now assigned May 4, 1972, at Washington, D.C., postponed to June 6, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 110325 Sub 51, Transcon Lines, now assigned May 15, 1972, at Lansing, Mich., hearing canceled and application dismissed.

MC 136136, Arnold J. Kellos, doing business as A. J. Kellos Construction Co., now assigned May 17, 1972, at Atlanta, Ga., canceled and the application is dismissed.

MC-C-7715, Mangum Trucking Co., Inc.—Investigation and revocation of certificates, now assigned May 22, 1972, at Atlanta, Ga., is canceled.

MC 106715 Sub 6, National Aerospace Freight Lines, now assigned May 22, 1972, at Washington, D.C., is canceled and application dismissed.

MC 1035 Sub 3, John W. Chandley, doing business as Chandley Cartage Co., now assigned July 10, 1972, at Frankfort, Ky., in a hearing room to be later designated.

MC 115667 Sub 5, Arrow Transfer Co., Ltd., continued to May 1, 1972, at the Doubletree Inn, 205 Strander Boulevard, Seattle, WA.

MC 117815 Sub 161, Pulley Freight Lines, Inc., now assigned June 12, 1972, at Chicago, Ill., postponed indefinitely.

MC 134082 Sub 6, K. H. Transport, Inc., now assigned May 1, 1972, at Washington, D.C., hearing postponed to June 14, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-6604 Filed 4-28-72;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 26, 1972.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42407—*Iron or steel billets to Steelton (Duluth), Minn.* Filed by Western Trunk Line Committee, agent (No. A-2664), for interested rail carriers. Rates on billets, iron or steel, in carloads, as described in the application, from Gary, Ind., and South Chicago, Ill., to Steelton (Duluth), Minn.

Grounds for relief—Different bases for rates.

Tariff—Supplement 140 to Western Trunk Line Committee, agent, tariff ICC A-4663. Rates are published to become effective on May 26, 1972.

FSA No. 42408—*Sand to Austinburg, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-306), for interested rail carriers. Rates on sand, NOIBN, in carloads, as described in the application, from Mill Creek and Roff, Okla., also Brady, Tex., to Austinburg, Ohio.

Grounds for relief—Rate relationship, modified short-line distance formula and grouping.

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Tariff—Supplement 150 to Southwestern Freight Bureau, agent, tariff ICC 4797. Rates are published to become effective on June 1, 1972.

FSA No. 42409—*Returned shipments of newsprint paper winding cores from points in southwestern and WTL territories to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-311), for interested rail carriers. Rates on cores, groundwood, newsprint, printing or tissue winding, in carloads, returned, as described in the application, from points in southwestern and western trunkline territories, to points in southern territory.

Grounds for relief—Returned movements of commodities.

Tariffs—Supplements 29 and 76 to Southern Freight Association, agent, tariffs ICC S-980 and S-864, respectively, also supplement 103 to Southwestern Freight Bureau, agent, tariff ICC 4848. Rates are published to become effective on June 7, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6605 Filed 4-28-72;8:50 am]

[Notice 54]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73446. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Ardis I. Wilson, doing business as Sager-Wilson Travel Agency, Madison, Wis., of Broker License No. MC 12756 issued March 23, 1962, to Frank V. Sager, doing business as Sager Travel Agency, Madison, Wis., authorizing the holder to engage in operations as a broker at Madison, Wis., in arranging for the transportation of: Passengers and their baggage, in special and charter operations, beginning and ending at points in Dane and Green Counties, Wis., and extending to points in the United States, except Alaska and Hawaii. James C. Herrick, attorney, Post Office Box 1767, Madison, WI 53703.

No. MC-FC-73554. By order of April 24, 1972, the Motor Carrier Board approved the transfer to B. M. Underwald Trucking, Inc., Linden, N.J., of the operating rights in certificate No. MC-106058 issued October 21, 1949, to W. L. Trucking Co., Inc., Scotch Plains, N.J., authorizing the transportation of such bulk commodities as are transported in dump trucks, from Bound Brook, N.J., to New York, N.Y., and points in Nassau, Westchester, and Rockland Counties, N.Y. Bert Collins, 140 Cedar Street, New York, NY 10006, representative for applicants.

No. MC-FC-73569. By order of April 24, 1972, the Motor Carrier Board approved the transfer to T H S Corp., Jersey City, N.J., of the operating rights in permits Nos. MC-118808 (Sub-No. 4) and MC-118808 (Sub-No. 10) and portions of MC-118808 (Sub-No. 2) and MC-118808 (Sub-No. 11) issued July 29, 1963, April 6, 1970, December 10, 1970, and July 28, 1970, repectively to ABC Express Co., a corporation, Philadelphia, Pa., authorizing the transportation of various commodities between specified points and areas in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Connecticut. Charles W. Chapman, 233 Broadway, New York, NY 10007, attorney for applicants.

No. MC-FC-73572. By order of April 25, 1972, the Motor Carrier Board approved the transfer to J. R. Christoni, Inc., Wallingford, Conn., of the operating rights in certificates Nos. MC-9153 and MC-9153 (Sub-No. 1) issued December 4, 1949, and January 9, 1963, respectively, to Joseph R. Christoni, doing business as J. R. Christoni, Wallingford, Conn., authorizing the transportation of general commodities, with exceptions, from Wallingford, Conn., to New York, N.Y., and points in Massachusetts and Rhode Island; household goods, machinery, and steel, from Wallingford, Conn., and points within 15 miles thereof on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey; and steel between points in the town of Newington, Conn., and the plantsite of Brickman-Joy Corp., in the city of Hartford, Conn., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York, and New Jersey. Gerald E. Farrell, 86 North Main Street, Wallingford, CT 06492, attorney for applicants.

No. MC-FC-73583. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Fischer's Transfer, Inc., Doylestown, Pa., of the operating rights in certificates Nos. MC-35750 and MC-35750 (Sub-No. 1) issued April 26, 1941, and November 26, 1941, respectively, to Henry Fischer, doing business as Fischer's Transfer, Doylestown, Pa., authorizing the transportation of household goods, between Doylestown, Pa., and points within 25 miles of Doylestown, on the one hand, and, on the other, points in Delaware, Maryland, New York, New Jersey, and Pennsylvania; and between Doylestown, Pa., and points in Pennsylvania within 25 miles of Doylestown on the one hand, and, on the other, points in Rhode Island, Massachusetts, and Connecticut. Henry J. Liederbach, 539 Street Road, Southampton, PA 18966, attorney for applicants.

No. MC-FC-73588. By order of April 24, 1972, the Motor Carrier Board approved the transfer to Floyd E. Hubbard, Jr., Ripley, N.Y., of the operating rights in permit No. MC-111848 (Sub-No. 1) issued May 24, 1965, to Charles M. Bowers, Eldred, Pa., authorizing the transportation of engines (except aircraft and missile engines), pumps, compressors, and parts thereof (transported separately or in connection therewith), radially, between points in Erie and Cattaraugus Counties, N.Y., and Erie and McKean Counties, Pa., and points in Arizona, Colorado, Illinois, Indiana, Kansas, Louisiana, Michigan, Mississippi, New Mexico, Ohio, Oklahoma, Pennsylvania, and Texas; engines, pumps, compressors, and parts thereof (transported separately or in connection therewith, rough castings, rough forgings, steel bars, patterns, weldments, fire brick, ferro alloy briquettes, and tooling, radially, between points in McKean, Crawford, Clearfield, Warren, Franklin, and Erie Counties, Pa., and Olean, Pa.; and radially, between points in McKean County, Pa., and Olean, N.Y., and points in Ohio, except fire brick, for the account of Clark Brothers Co. of Olean, N.Y. Robert W. Loser and James E. Lesh, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204, attorneys for applicants.

No. MC-FC-73596. By order of April 24, 1972, the Motor Carrier Board approved the transfer to Container Dispatch Co., Inc., Chicago, Ill., of Certificate of Registration No. MC-109262 (Sub-No. 2) issued January 6, 1964, to Koerner Motor Express, Inc., Chicago, Ill., evidencing a right to engage in interstate commerce in the transportation of general commodities, within a specified area solely within the State of Illinois. Edward G. Finnegan, attorney, 134 North La Salle Street, Chicago, IL 60602.

No. MC-FC-73608. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Verley Transfer, St. Paul, Nebr., of the operating rights in certificate No. MC-1089 issued December 9, 1949, to George W. Butcher and Percy Butcher, a partnership, doing business as Butcher Bros., Greeley, Nebr., authorizing the transportation of general commodities, with usual exceptions, between Omaha, Nebr., and Ericson, Nebr., serving all intermediate points between St. Paul and Ericson, Nebr., inclusive, and Lincoln, Nebr., and the off-route points of Greeley, Wolbach, Brayton, and Horace, Nebr., and between Greeley, Nebr., and Grand Island, Nebr., serving all intermediate points between St. Paul and Greeley, Nebr., and the off-route points of Wolbach, Horace, and Brayton, Nebr. Harold E. Connors, Greeley, Nebr. 68842, attorney for applicants.

No. MC-FC-73614. By order of April 21, 1972, the Motor Carrier Board approved the transfer to DeHaven Transfer & Storage Co., Inc., Roanoke, Va., of certificate No. MC-104024 issued September 6, 1955, to Ruth DeHaven Long, doing business as DeHaven's Transfer & Storage, Durham, N.C., authorizing the transportation of: Household goods, as defined by the Commission, between points in Logan County, W. Va., on the one hand, and, on the other, points in Indiana, Kentucky, Ohio, North Carolina, and Virginia. John R. Sims, Jr., attorney, Post Office Box 9101, Arlington, VA 22209.

No. MC-FC-73615. By order of April 21, 1972, the Motor Carrier Board approved the transfer to DeHaven Transfer & Storage Co., Inc., Roanoke, Va., of a portion of the operating rights in certificate No. MC-35487 issued March 1, 1971, to Try-Me Transfer and Storage Co., a corporation, Huntington, W. Va., authorizing the transportation of: Household goods as defined by the Commission between points in specified counties in West Virginia, Kentucky, and Ohio, on the one hand, and, on the other, points in West Virginia, Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, Pennsylvania, New York, and the District of Columbia. John R. Sims, Jr., attorney, Post Office Box 9101, Arlington, VA 22209, and A. Michael Perry, attorney, Post Office Box 2185, Huntington, WV 25722.

No. MC-FC-73616. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Pitzer Transfer & Storage Corp., Roanoke, Va., of a portion of the opening rights in certificate No. MC-35487 issued March 1, 1941, to Try-Me Transfer & Storage Co., a corporation, Huntington, W. Va., authorizing the transportation of: Household goods as defined by the Commission between points in specified counties in West Virginia, Kentucky, and Ohio, on the one hand, and, on the other, points in West Virginia, Virginia, Kentucky, Ohio, Indiana, Illinois, Michigan, Pennsylvania, New York, and the District of Columbia. John R. Sims, Jr., attorney, Post Office Box 9101, Arlington, VA 22209, and A. Michael Perry, attorney, Post Office Box 2185, Huntington, WV 25722.

No. MC-FC-73651. By order of April 24, 1972, the Motor Carrier Board approved the transfer of Griffin Transportation, Inc., Oklahoma City, Okla., of the operating rights set forth in certificates Nos. MC-118904, MC-118904 (Sub-No. 3), MC-118904 (Sub-No. 6), MC-118904 (Sub-No. 10), MC-118904 (Sub-No. 13), and MC-118904 (Sub-No. 15), issued November 17, 1969, January 13, 1970, December 23, 1969, April 20, 1970, July 15, 1970, and December 11, 1970, respectively, to Mobile Home Express, Ltd., Lawton, Okla., authorizing the transportation of used mobile homes and mobile home trailers, in secondary movements, in truckaway service, and trailers designed to be drawn by passenger automobiles, in initial movements, from, to, or between points in the United States, including Alaska, but excluding Hawaii. Jack L. Griffin, 3002 South Douglas Boulevard, Oklahoma City, OK 73150, representative for applicants.

No. MC-FC-73666. By order of April 21, 1972, the Motor Carrier Board approved the transfer to Kline Trucking Inc., Millville, Pa., of the operating rights in certificates Nos. MC-127196 (Sub-No. 1), MC-127196 (Sub-No. 4), MC-127196 (Sub-No. 5) MC-127196 (Sub-No. 7), MC-127196 (Sub-No. 9) and MC-127196 (Sub-No. 11) issued March 3, 1966, February 7, 1967, November 25, 1966, November 27, 1967, August 12, 1969, and May 5, 1971, respectively to Zerbin L. Kline and James L. Kline, a partnership, doing business as Kline Trucking, Millville, Pa., authorizing the transportation of various commodities from and to specified points and areas in the United States, excluding Hawaii. S. Berne Smith, 100 Pine Street, Harrisburg, PA 17108, attorney for transferor; and Robert H. Griswold, 100 Pine Street, Harrisburg, PA 17108, attorney for transferee.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6602 Filed 4-28-72;8:49 am]

[Notice 59]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 25, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 112963 (Sub-No. 26 TA), filed April 6, 1972. Applicant: ROY BROS. INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-Calcium* phosphate, dry in bulk, in tank vehicles, from Peabody, Mass., to points in Maine (except Portland and Lewiston) New Hampshire, and Vermont, for 180 days. Supporting shipper: Eastman Gelatine Corp., Peabody, Mass. 01960. Send protests to: James F. Martin, Jr., Assistant Regulations Director, Interstate Commerce Commission, Bureau of Operations, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

No. MC 114897 (Sub-No. 97 TA), filed April 6, 1972. Applicant: WHITFIELD TANK LINES, INC., 300-316 North Clark Road, Post Office Drawer 9897, El Paso, TX 79989. Applicant's representative: J. P. Rose (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road binding compound*, in bulk, in tank trucks, from Brea, Calif., to El Paso, Tex., for 150 days. Supporting shipper: R. J. Alfrey, Vice President, Distribution Oil and Gas Sales, Chevron Oil Co., Western Division, Post Office Box 599, Denver, CO 80201. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, TX 79101.

No. MC 115669 (Sub-No. 130 TA), filed April 6, 1972. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Applicant's representative: Howard N. Dahlsten (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Cominco-American Inc., located 5 miles northwest of Beatrice, Nebr., to points in Iowa located on and south of Highway I-80 and west of Highway I-35, Kansas, and points in Missouri located on and west of U.S. Highway 63 and on and north of Highway I-44, for 180 days. Supporting shipper: R. W. Elmborg, Traffic Supervisor, Cominco American Inc., Route 3, Beatrice, Nebr. 68310. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 115931 (Sub-No. 24 TA), filed April 7, 1972. Applicant: BEE LINE TRANSPORTATION, INC., Post Office Box 925, Baker, MT 59313. Applicant's representative: Bob Lovelace (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Richardton, N. Dak., to points in Colorado, Idaho, Iowa, Illinois, Wyoming, Arkansas, Mississippi, Louisiana, Oklahoma, Texas, New Mexico, Arizona, Kansas, Minnesota,

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

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Missouri, Montana, Nebraska, South Dakota, Utah, Wisconsin, Nevada, California, Washington, and Oregon, for 180 days. Supporting shipper: Richardton Machine & Manufacturing Co., Inc., Richardton, N. Dak. 58652. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 119632 (Sub-No. 53 TA), filed April 7, 1972. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, OH 43512. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* distributed or dealt in by food distributors, or wholesale and retail grocers (except frozen foods and commodities in bulk), from the plantsite and storage facilities of Hunt-Wesson Foods, Inc., at Indianapolis, Ind., to points in Indiana, Ohio, Kentucky, Missouri, and those in Illinois on and south of U.S. Highway No. 24, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 119864 (Sub-No. 48 TA), filed April 7, 1972. Applicant: HOFER MOTOR TRANSPORTATION CO., 26740 Eckel Road, Perrysburg, OH 43551. Applicant's representative: Dale K. Craig (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles* distributed or dealt in by food distributors or wholesale and retail grocers (except frozen foods and commodities in bulk), from plantsite and storage facilities of Hunt-Wesson Foods, Inc., at Indianapolis, Ind., to points in Indiana, Ohio, Kentucky, Missouri, and those in Illinois on and south of U.S. Highway No. 24, for 180 days. Supporting shipper: Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, CA 92634. Send protests to: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 534 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 124078 (Sub-No. 519 TA), filed April 7, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from points in Bartow County, Ga., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Amax-Fly Ash Corp., 5550–B South Cobb Drive, Smyrna, GA 30080, Robert W. Styron, Manager (Atlanta District). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 125168 (Sub-No. 23 TA), filed April 14, 1972. Applicant: OIL TANK LINES, INC., Post Office Box 190, Hook Road, and Darby Creek, Darby, PA 19023. Applicant's representative: Edwin H. VanDeusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vericle, over irregular routes, transporting: *Petroleum products*, from Falling Rock, W. Va., and Rouseville, Pa., to Minotola, N.J., and Reynolds, Pa., for 150 days. Supporting shipper: Pennzoil United, Inc., Drake Building, Oil City, Pa. 16301. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 126276 (Sub-No. 65 TA), filed April 6, 1972. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends in mixed loads with metal containers*, from the plantsite of National Can Corp., at La Porte, Ind., to Belleville, Ill., for 180 days. Supporting shipper: National Can Corp., 5959 South Cicero Avenue, Chicago, IL 60638. Send protests to: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128802 (Sub-No. 1 TA), filed April 12, 1972. Applicant: ARDEN E. OLSEN, Route No. 1, Kalispell, Mont. 59901. Applicant's representative: Jerome Anderson, 404 North 31st Street, Billings, MT 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Vancouver, Wash., and San Francisco, Calif., to Kalispell, Mont., under a continuing contract or contracts with Flathead Beverage Co., Inc., of Kalispell, Mont., for 180 days. Supporting shipper: Flathead Beverage Co., 440 West Railroad, Kalispell, MT 59901. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136554 (Sub-No. 1 TA), filed April 7, 1972. Applicant: AUSTIN FIREPROOF STORAGE & MOVING CO., 5501 North Lamar Boulevard, Austin TX 78751. Applicant's representative: L. R. Roos (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies, including tools* used in the construction and maintenance of telephone systems and communication, between points in Travis County, Tex., and points in Lampasas, Burnet, Williamson, Milam, Gillespie, Blanco, Travis, Hays, and Bastrop Counties, Tex., and those points in Fayette and Lee Counties, Tex., on and west of U.S. Highway 77, for 180 days. Supporting shipper: Western Electric, 1111 Wood Mill Road, Ballwin, MO 63011. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 136555 (Sub-No. 1 TA), filed April 7, 1972. Applicant: SCOBEY MOVING & STORAGE COMPANY, 315 North Medina Street, Post Office Box 7307, San Antonio, TX 78207. Applicant's representative: Charles S. Nelson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials and supplies, including tools* used in the construction and maintenance of telephone systems and communications, between points in Bexar County, Tex., and points in the counties of Val Verde, Edwards, Kinney, Maverick, Real, Uvalde, Zavala, Dimmit, Bandera, Medina, La Salle, Atascosa, McMullen, Kendall, Bexar, Kerr, Comal, Guadalupe, Wilson, Karnes, Live Oak, Caldwell, Frio, and Gonzales, for 180 days. Supporting shipper: Western Electric, 1111 Wood Mill Road, Ballwin, MO 63011. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 136589 TA, filed April 7, 1972. Applicant: SERVICE MOVING & STORAGE CO., INC., 507 South Center Street, Warehouses 8 and 9, Goldsboro, NC 27530. Applicant's representative: C. Darnell Horne (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Lenoir, Johnston, Greene, Pitt, Martin, Edgecombe, Wilson, Nash, Halifax, Wake, Durham, Orange, Person, Granville, Vance, Franklin, and Warren Counties, N.C. Restriction: The service applied for is to be restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points above referred to and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Curtis L. Wagner, Jr., Chief Regulatory Law Office, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 136591 TA, filed April 6, 1972. Applicant: AG-CHEM EXPRESS, INC., Post Office Box 428, Ulysses, KS 67880. Applicant's representative: Jandera & Christey, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, from the plantsite and/or storage facilities of Chemso, Inc., at or near Ulysses, Kans., to points in Cheyenne, Kit Carson, Lincoln, Kiowa, Crowley, Otero, Bent, Las Animas, Baca, and Prowers Counties, Colo., Cimarron, Texas, Beaver, Harper, Woods, Ellis, and Woodward Counties, Okla., Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, and Hemphill Counties, Tex., and Union County, N. Mex., for 150 days. Supporting shipper: Chemso, Inc., Post Office Box 428, Ulysses, KS 67880. Send protests to: Interstate Commerce Commission, M. E. Taylor, District Supervisor, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136592 TA, filed April 5, 1972. Applicant: JONES MOVING & STORAGE CO., INC., 1002 West Jackson, Harlingen, TX 78550. Applicant's representative: Glenn E. Key (same address as above). Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies, including tools* used in the construction and maintenance of telephone systems and communications, between points in Cameron County, Tex., and points in the counties of Cameron, Willacy, Kennedy, Brooks, Hidalgo, Starr, Zapata, and Jim Hogg, Tex., for 180 days. Supporting shipper: Western Electric, 1111 Woods Mill Road, Ballwin, MO 63011. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, TX 78205.

No. MC 136593 TA, filed April 5, 1972. Applicant: ROBERT R. CONRAD, doing business as CONRAD TRUCKING, Erie, N. Dak. 58029. Applicant's representative: Gene P. Johnson, 514 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Knocked down steel farm storage structures and parts and accessories* for knocked down steel farm storage structures, from Taylorville, Ill., to points in Day, Marshall, Roberts, and Brown Counties, S. Dak., Wilkin, Traverse, and Big Stone Counties, Minn., and points in North Dakota on and east of U.S. Highway 83 and those in Emmons and Burleigh Counties, N. Dak. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Circle Steel Corp., at Taylorville, Ill., and destined to the described destinations, for 180 days. Supporting shippers: Erickson & Sons Construction & Sales, Page, N. Dak.; Ireland Lumber Co., Rosholt, S. Dak.; Ireland Lumber Co., Grand Forks, N. Dak.; Peavey Dealers Service, Post Office Box 764, Devils Lake, ND; D-Sales, Ellendale, N. Dak. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 136594 TA, filed April 7, 1972. Applicant: MAR-VAN, INC., Avenue B, Post Office Box 169, Watervliet, NY 12189. Applicant's representative: Julius Braun, Room 21, Albany Port Administration Building, Albany, N.Y. 12202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Safes, vaults, other security devices and equipment, tools and supplies* necessary for the installation thereof, from Albany, N.Y., to points within 180 miles of Albany, N.Y., within New York State, except New York City and points on Long Island, *returned of equipment, tool and supplies* used in the installation of safes, vaults, and other security devices, for 180 days. Supporting shippers: Diebold, Inc., 1690½ Western Avenue, Albany, NY, and Canton, Ohio; Mosler Safe Co., 138 Sickler Road, Latham, NY. Send protests to: Robert A. Radler, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, N.Y. 12207.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-6603 Filed 4-28-72;8:49 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Price Commission Ruling 1972-146]

BUYER'S SPECIFICATIONS UNDER CUSTOM PRODUCTS/SERVICES RULES

Price Commission Ruling

Facts. X is a heavy construction firm. It is negotiating a contract to build an atomic power plant for the U.S. Government. In describing its needs, the Government (buyer) generally outlined its need and X produced the proper drafting, engineering, and other technical specifications. Upon presentation of these seller-produced specifications, the buyer approved them and a contract was entered into.

Y is a manufacturer. He has been asked to produce specially a certain item described generally by the buyer. At the buyer's request, Y provided the specifications of the product to meet the buyer's needs. Buyer accepted these specifications and contracted with Y for the production of the item.

Issue. Under such circumstances can the products and services to be produced or provided qualify as "custom" products or services for determination of base price under Economic Stabilization Regulation, 6 CFR 300.410(a), 37 F.R. 5223 (March 11, 1972)?

Ruling. Yes. Under § 300.410(a) a custom product or service is defined as a product or service "• • • specially produced • • • to the buyer's or buyers' specifications • • •". In instances such as in the facts above, and other similar cases, the buyer is incapable of providing more than a description of the general features and end result which he desires. In such a case although the seller actually provides the specifications, they are at the buyer's request, must meet with his approval, and are, in effect, adopted by him. Where the buyer is incapable of providing the precise specification but approves technical specifications which the seller produces to meet the buyer's needs, such specifications may be considered "buyer's specifications" for purposes of § 300.410(a) if the product or service is to be specially produced or provided to meet a buyer's general specifications.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 21, 1972.

LEE H. HENKEL, JR.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: APRIL 21, 1972.

SAMUEL R. PIERCE, JR.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6670 Filed 4-28-72;8:45 am]

[Price Commission Ruling 1972-148]

BASE PRICE; ACQUISITION; NEW PROPERTY OR NEW SERVICE

Price Commission Ruling

Facts. X, a new and used car dealer provides a full range of repair services for automobiles except that X has never offered automobile body repair service. The sole business of Y, another company, is the performance of automobile body repair work. The owner of Y wishes to sell his business and retire. X purchases Y in order to be able to offer a full range of repair service.

Issue. Whether X may determine the base price for the automobile body repair service under the provision of § 300.409 of the Economic Stabilization Regulations?

Ruling. Yes. Since the automobile body repair service is substantially different from the previous repair services offered by X and X has not offered an automobile body repair service at any time during the 1-year period immediately preceding the date on which X purchased the automobile body repair service, the service qualifies as a new service under § 300.409. Section 300.409(a) provides in part as follows:

> For the purposes of this section, • • • "new services" means • • • any service which—(1) meets the requirements of the first three sentences of paragraph (b) of this section and was not offered for sale • • • by the person at any time during the 1-year period immediately preceding the date of which he is offering the • • • service for sale • • •. 6 CFR 300.409(a), 37 F.R. 3913 (February 24, 1972).

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Person includes any individual, partnership, company, firm or corporation. 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971). The person referred to in § 300.409 is the person which performs the services which is claimed to qualify as "new". In the present case, X and Y are persons before the purchase. However, after the purchase, X is the person offering the automobile body repair service. Since X has never previously offered that service, the automobile body service will qualify as a new service if the service meets the requirements of the first three sentences of subsection (b). Section 300.409 (b) provides in part as follows:

To be considered as • • • new service • • • a • • • service must be substantially different from other • • • services in purpose, function, quality, or technology, or the use of that • • • service must effect a substantially different result. 6 CFR 300.409(b), 37 F.R. 3913 (February 24, 1972).

Since an automobile body repair service is substantially different from the prior repair service offered by X, the body repair service meets the substantially different test. Thus, X may determine the base price of the automobile body repair service by either of the two methods contained in § 300.409(c). 6 CFR 300.409(c), 36 F.R. 23974 (December 16, 1971).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 24, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 24, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6571 Filed 4-28-72;8:45 am]

[Price Commission Ruling 1972-149]

CANDY DEPARTMENT

Price Commission Ruling

Facts. Department Store A has a candy department. A does not have any other departments that sell food or food products. The candy may be purchased in prearranged boxes or in varied arrangements according to customer preferences.

Issue. Under Economic Stabilization Regulation § 300.13(b), must the prices of all the candies be posted as food products, or just to 40 items which had the highest dollar volume.

Ruling. Candy is a food product within the meaning of Economic Stabilization Regulation § 300.13(b), 6 CFR 300.13(b), 36 F.R. 23974 (December 16, 1971), amended by 37 F.R. 2843 (February 8, 1972), and as such, in the situation involving a retail department store with a candy department, the normal posting requirements provided by subsection (b)(1)(i) should be followed.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 21, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel.

Approved: APRIL 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6572 Filed 4-28-72;8:45 am]

[Price Commission Ruling 1972-150]

INCREASE IN RENT UNDER A LEASE EXECUTED BEFORE AUG. 15, 1971, EFFECTIVE AFTER JAN. 1, 1972

Price Commission Ruling

Facts. Lessor L and tenant A execute a lease January 1, 1971, for a period of 1 year at a monthly rent of $200. In July 1971, L and A execute a new lease for 1 year on the same residence. The new lease is effective January 1, 1972, at a monthly rent of $225. The highest price charged by L on at least 10 percent of the same or substantially identical units on which leases were transacted during the period beginning July 16, 1971, and ending August 14, 1971, was $200 per month. On January 1, 1972, L increases A's monthly rent to $225, pursuant to the terms of the new lease.

Issue. Is the increase in A's monthly rent on January 1, 1972, pursuant to the terms of the new lease executed July 1, 1971, and which takes effect January 1, 1972, controlled by Part 300?

Ruling. Yes. The increase in monthly rent on January 1, 1972, is not controlled by Part 301, as no "transaction" occurred after December 28, 1971. Economic Stabilization Regulations, 6 CFR 301.101, 36 F.R. 25384 (December 30, 1971). The increase in monthly rent is, however, controlled by Part 300, as § 300.11(a) of the regulations states: "No person may charge a price with respect to any sale or lease of an item of property or a service after November 13, 1971, which exceeds the base price (or other price authorized under this part) for that item of property or that service." Economic Stabilization Regulations, 6 CFR 300.11(a), 37 F.R. 3828 (February 23, 1972).

Section 300.11 originated as § 300.011 in 36 F.R. 21792 (November 13, 1971), which read as follows: "Except as otherwise provided in this subpart, no person may charge a price or rent, with respect to any transaction involving sales or leases of property or services occurring after November 13, 1971, which exceeds the base price as determined under the rules prescribed in Subpart F of this part."

In amending out of § 300.011 that part of the operating provision referring to a "transaction" occurring after November 13, 1971, § 300.11 now clearly evidences the intent that Part 300 is to control where no "transaction" occurs after December 28, 1971, but where an increase in price over base price occurs after November 13, 1971, for a particular item of property. An increase in monthly rent over base rent which occurs after November 13, 1971, with respect to real property is such a price increase on property prohibited by § 300.11(a).

An application of the provisions of the November 13 regulations for leases of real property determines base rent as the highest price charged for the rental of at least 10 percent of the same or substantially identical units on which leases were transacted during the freeze base period. Economic Stabilization Regulations, 6 CFR 300.507(b), 36 F.R. 21792 (November 13, 1971), as amended 6 CFR 300.407(b), 36 F.R. 23974 (December 16, 1971). The freeze base period is the period beginning July 16, 1971, and ending August 14, 1971, or, if no "transactions" occurred during that period, the nearest preceding 30-day period in which a "transactions" occurred. Economic Stabilization Regulations, 6 CFR 300.5, 36 F.R. 23974 (December 16, 1971).

Base rent for A's residence under the 10 percent test is $200 per month. Under § 300.11(a), therefore, L cannot charge A rent in excess of $200 per month.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: April 21, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6573 Filed 4-28-72;8:45 am]

[Pay Board Ruling 1972-31; Cost of Living Council Ruling 1972-46]

FAIR LABOR STANDARDS ACT

Pay Board Ruling; Cost of Living Council Ruling

Facts. A, a Texas corporation, is in the business of manufacturing wood specialties. Until February 24, 1972, A had sold its products exclusively within Texas. On that date, at a meeting between A's corporate management and X, a prospective customer from Oklahoma, it was decided that A would provide all of X's requirements for wood specialties. It was also agreed that A would begin a promotional program in surrounding States to market more of its specialty products. A has been paying its employees at a wage rate which is less than the minimum standard required by the Fair Labor Standards Act of 1938, 29 U.S.C. section 206(a)(1). In order to raise its employees' wages to a rate which would comply with the aforementioned section, A would have to increase wages some 26 percent above the rate its employees were paid prior to February 24, 1972.

Issue. May A raise employees' wages to comply with the Fair Labor Standards Act, without regard to the general wage and salary standard?

Ruling. Yes. A is allowed to raise wages to the extent necessary to comply with the Fair Labor Standards Act, even though such raise is in excess of the 5.5 percent standard. The authority for this opinion is found in the Economic Stabilization Regulations, 6 CFR 101.103, 37 F.R. 1237 (January 27, 1972), which states that "this title (Title 6) shall not be exercised to preclude the payment of any pay adjustment: (1) Required under the Fair Labor Standards Act of 1938 • • •." Accordingly, even though a 26 percent wage increase is normally far in excess of Stabilization guidelines, the foregoing special provision allows employees to catch up to basic minimum wage standards when the employer for whom they work becomes engaged in the production of goods for interstate commerce. (See also Economic Stabilization Regulation, 6 CFR 201.57(e), 37 F.R. 7619 (April 18, 1972).)

This ruling has been approved by the General Counsels of the Pay Board and the Cost of Living Council.

Dated: April 21, 1972.

LEE H. HENKEL, Jr.,
Acting Chief Counsel,
Internal Revenue Service.

Approved: April 21, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel,
Department of the Treasury.

[FR Doc.72-6574 Filed 4-28-72;8:45 am]

Office of the Secretary

[Dept. Circular Public Debt Series—No. 5-72]

4¾ PERCENT TREASURY NOTES OF SERIES E-1973

Offering of Notes

APRIL 27, 1972.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.76 percent of their face value for $1,250,000,000, or thereabouts, of notes of the United States, designated 4¾ percent Treasury Notes of Series E-1973. An additional amount of the notes will be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury notes maturing May 15, 1972. Tenders will be received up to 1:30 p.m., e.d.s.t., Tuesday, May 2, 1972, under competitive and noncompetitive bidding, as set forth in section III hereof. The 4¾ percent Treasury Notes of Series B-1972 and 6¾ percent Treasury Notes of Series D-1972, maturing May 15, 1972, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. *Description of notes.* 1. The notes will be dated May 15, 1972, and will bear interest from that date at the rate of 4¾ percent per annum, payable semiannually on November 15, 1972, and May 15, 1973. They will mature May 15, 1973, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.d.s.t., Tuesday, May 2, 1972. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $200,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Notes," which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, Federal Reserve Banks and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $200,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Tuesday, May 2, 1972.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. *Payment.* 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before May 15, 1972, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash, securities referred to in section I (interest coupons dated May 15, 1972, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon dec-

[1] Average price may be at, or more or less than 100.00.

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laration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make settlement by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. *Assignment of registered securities.* 1. Registered securities tendered as deposits and in payment for notes allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 4¾ percent Treasury Notes of Series E–1973"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 4¾ percent Treasury Notes of Series E–1973 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 4¾ percent Treasury Notes of Series E–1973 in coupon form to be delivered to _____"

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] CHARLS E. WALKER,
Acting Secretary of the Treasury.

[FR Doc.72–6673 Filed 4–28–72;8:50 am]

[Dept. Circular Public Debt Series—No. 6–72]

6⅜ PERCENT TREASURY BONDS OF 1982

Offering of Notes

APRIL 27, 1972.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 97.76 percent of their face value for up to $500 million, or thereabouts, of bonds of the United States, designated 6⅜ percent Treasury Bonds of 1982. An additional amount of the bonds may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury notes maturing May 15, 1972. Tenders will be received up to 1:30 p.m., e.d.s.t., Tuesday, May 2, 1972, under competitive and noncompetitive bidding, as set forth in section III hereof. The 4¾ percent Treasury Notes of Series B–1972 and 6¾ percent Treasury Notes of Series D–1972, maturing May 15, 1972, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. *Description of bonds.* 1. The bonds now offered will be identical in all respects with the 6⅜ percent Treasury Bonds of 1982 issued pursuant to Department Circular, Public Debt Series—No. 2–72, dated January 27, 1972, except that interest will accrue from May 15, 1972. With this exception the bonds are described in the following quotation from Department Circular No. 2–72:

> 1. The bonds will be dated February 15, 1972, and will bear interest from that date at the rate of 6⅜ percent per annum, payable semiannually on August 15, 1972, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1982, and will not be subject to call for redemption prior to maturity.
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> 2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
>
> 3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.
>
> 4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.
>
> 5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. bonds.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220, up to the closing hour, 1:30 p.m., e.d.s.t., Tuesday, May 2, 1972. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 97.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $50,000. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Bonds", which will be supplied by Federal Reserve Banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in section I which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by The Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $50,000 or less without stated price from any one bidder will be accepted in full at the average price[2] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Tuesday, May 2, 1972.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

[2] Average price may be at, or more or less than $100.

IV. *Payment.* 1. Settlement for accepted tenders in accordance with the bids together with $15.76236 per $1,000 for accrued interest from February 15 to May 15, 1972, must be made or completed on or before May 15, 1972, at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220, in cash, securities referred to in section I (interest coupons dated May 15, 1972, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make settlement by credit in its Treasury Tax and Loan Account for bonds allotted to it for itself and its customers. When payment is made with securities, a cash adjustment will be required of the bidder for any difference between the face amount of securities submitted and the amount payable, including accrued interest, on the bonds allotted.

V. *Assignment of registered securities.* 1. Registered securities tendered as deposits and in payment for bonds allotted hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the department of the Treasury, in one of the forms hereafter set forth. Securities tendered in payment should be surrendered at the Federal Reserve Bank or Branch or at the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for 6⅜ percent Treasury Bonds of 1982"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for 6⅜ percent Treasury Bonds of 1982 in the name of _____"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 6⅜ percent Treasury Bonds of 1982 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] CHARLES E. WALKER,
Acting Secretary of the Treasury.

[FR Doc.72–6674 Filed 4–28–72;8:50 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality, April 17–April 21, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388–7803.

FOREST SERVICE

Draft, April 19

Lolo National Forest, Missoula County, Mont. Proposed aerial spray demonstration (in cooperation with the Department of Defense), on approximately 3,000 acres of western spruce budworm infested timber on the Ninemile Range District. Zectran is the agent to be used. One of the project objectives is to test the suitability of using large cargo aircraft as spray planes in forest environment. Some nontarget terrestrial and aquatic insects are susceptible to Zectran. (ELR Order No. 4232, 51 pages) (NTIS Order No. PB–208 381–D)

Snyder Hill Planning Unit, Colville National Forest, Wash. Proposed implementation of a revised Multiple Use Plan. Approximately 6,500 acres of roadless area would be provided with road and managed for timber, wildlife, aesthetic, and research values. Soil disturbance, erosion, and stream sedimentation will occur due to road construction and logging. (ELR Order No. 4234, 42 pages) (NTIS Order No. PB–208 380–D)

Draft, April 20

Multipurpose Brushland Modification on Seven Plant Associations on National Forest Lands, California. Proposed reduction of brushland sites, through the use of mechanized equipment, prescribed burning, and herbicides; and replanting with grasses and forbs. The purpose of the action is to mitigate the potential for brush wildfires and subsequent flooding. (ELR Order No. 4242, 62 pages) (NTIS Order No. PB–208 373–D)

Road Construction Program, Kootenai National Forest, Mont. Proposed 3-year road construction program, primarily in order to support timber cutting. Approximately 5,000 acres will be stripped of vegetative cover; 40 percent of this acreage will be permanently removed from vegetative production. Some big game range will be lost. (ELR Order No. 4238, 28 pages) (NTIS Order No. PB–208 372–D)

Final, April 20

Cooperative Spruce Budworm Suppression Project, Aroostock and Penobscot Counties, Maine. Proposed treatment of 500,000 acres of State and private woodlands with Zectran, in order to suppress the spruce budworm. Nontarget areas and insects will also be affected. Comments made by USDA, DOC, EPA, HEW, State and local agencies, and concerned citizens. (ELR Order No. 4241, 88 pages) (NTIS Order No. PB–206 057–F)

SOIL CONSERVATION SERVICE

Draft, April 19

Pickett Creek Watershed, Marion County, W. Va. Proposed conservation land treatment measures, construction of one floodwater retarding structure, and 7,030 feet of channel work, including levees, floodwalls, and stream channel improvements. Twenty-two residences will be displaced, and 3,500 feet of free-flowing stream eliminated, as a result of the action. (ELR Order No. 4126, 17 pages) (NTIS Order No. PB–208 385–D)

Draft, April 13

Chicod Creek Watershed, Pitt and Beaufort Counties, N.C. Proposed construction of 66 miles of stream channel works, 11 rock dams, 30 water control structures, 10 sediment traps, one warm-water impoundment, two wildlife wetland preservation areas, and land treatment measures. The purposes of the action are watershed protection and flood control. Approximately 576 acres would be lost to the project; 5 miles of stream fishery habitat would be lost. (ELR Order No. 4188, 46 pages) (NTIS Order No. PB–208 299–D)

ATOMIC ENERGY COMMISSION

Contact: For nonregulator matters: Mr. Joseph J. DiNunno, Director, Office of Environmental Affairs, Washington, D.C. 20545, 202—973–5391. For regulatory matters: Mr. Christopher L. Henderson, Assistant Director of Regulation for Administration, Washington, D.C. 20545, 202—973–7531.

Draft, April 14

Vermont Yankee Power Station, Windham County, Vt. Proposed issuance of an operating license to the Vermont Yankee Nuclear Power Corp. for the operation of the station. The project consists of a single unit boiling reactor with a power rating of 1,593 MW(t), which will have a power output of 540 MW(e). The reactor will be cooled by a once-through flow of water pumped from, and returned to, Vernon Pond, an existing impoundment of the Connecticut River. Mechanical cooling draft towers will also be used. Pond water will be heated from 5° to 10° F. by cooling water effluent; residue chemicals will be introduced to the pond; radioactive effluents may be released; local air may be contaminated with fog formed by condensed water vapor from the cooling towers. (ELR Order No. 4192, 209 pages) (NTIS Order No. PB–208 311–D)

Indian Point Nuclear Generating Plant Unit 2, Westchester County, N.Y. The plant will have three units, each with a pressurized water reactor. This statement refers to the issuance of an operating license to the Consolidated Edison Co. of New York, Inc., for Unit 2, but considers the environmental impact of simultaneous operation of Units 1 and 2. Another statement will be prepared for Unit 3. The electric output of Unit 2 is 873 MWE. A total of 2,600 cu. ft./sec. of water for once-through cooling and

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service water systems will be drawn from the Hudson River and heated by 15° F. prior to discharge through a canal to the river; it has not been adequately demonstrated by the applicant that thermal discharge standards meet New York State criteria; dissolved oxygen levels in discharge water may be reduced to 3 p.p.m. or less—aeration may be required; the operation of Units 1 and 2 with the present cooling system has the potential, because of mechanical, thermal, and chemical (chlorine) conditions, for long term environmental impact on the aquatic biota inhabiting the Hudson River which could result in permanent damage to the fish population in the river, Long Island Sound, the adjacent New Jersey coast, and the New York Bight. (ELR Order No. 4210, 405 pages) (NTIS Order No. PB–208 314–D)

Draft, April 19

Fort St. Vrain Nuclear Generating Station, Weld County, Colo. Proposed issuance of an operating license to the Public Service Co. of Colorado for the Fort St. Vrain Station. The station will utilize a high-temperature gas-cooled reactor and a conventional steam-turbine generator which will generate 842 MWT and 330 MWE. Approximately 1,000 curies of gaseous radioactive wastes and 0.04 curie of liquid radioactive waste will be released per year to the environment. (ELR Order No. 4236, 154 pages) (NTIS Order No. PB–208 371–D)

Final, April 14

Liquid metal fast breeder reactor (LMFBR) demonstration plant. The statement is in support of AEC's action to effect the design, development, construction, and operation of the LMFBR demonstration plant as part of the overall LMFBR research and development effort. The demonstration plant will be a 300 to 500 MW electrical sodium-cooled, fast neutron reactor, designed to produce more fuel than it consumes. It will be constructed and operated under a cooperative arrangement with the nuclear and utility industries. Specific design and location have not yet been chosen; general criteria and LMFBR technology have been used in the preparation of the statement. Comments made by USDA, DOC, EPA, FPC, HEW, DOI, DOT, the State of New York, and concerned citizens. (ELR Order No. 4189, 411 pages) (NTIS Order No. PB–200 778–F)

Department of Defense

Department of Air Force

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202—695–2889.

Draft, April 19

Pacific Cratering Experiments (PACE), Eniwetok Atoll, Marshall Islands. Proposed detonation of a series of high-explosive charges at the air-ground interface of selected islands, in order to approximate the effects of nuclear bursts upon hard strategic systems. Craters will be caused by the blasts; chemical and/or radio-chemical contaminants may enter the water. (ELR Order No. 4129, 63 pages) (NTIS Order No. PB–208 369–D)

Department of Army

Corps of Engineers

Contact: Col. William L. Barnes, Executive Director of Civil Works, Attention: DAEN–CWZ–C, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, DC 20314, 202—693–7168.

Draft, April 14

Monongahela River, Fayette and Greene Counties, Pa. Proposed replacement of existing navigation facilities at Lock and Dam 7, and Lock 8. Increases in turbidity and sedimentation will degrade aquatic environmental quality. (ELR Order No. 4194, 15 pages) (NTIS Order No. PB–208 297–D)

Plaquemine Lock Closure, Iberville Parish, La. Proposed construction of an earthen levee, which would permanently close Plaquemine Lock. The purpose of the action is flood control. (ELR Order No. 4195, 18 pages) (NTIS Order No. PB–208 298–D)

Draft, April 17

Monroe Floodwall, Monroe, La. Proposed construction of a 1,750-foot folding floodwall structure on the Ouachita River. (ELR Order No. 4223, 8 pages) (NTIS Order No. PB–208 374–D)

Draft, April 20

Absecon Inlet, Atlantic County, N.J. Proposed maintenance dredging of the inlet channel for navigational purposes. Temporary turbidity during dredging will disturb marine ecosystems. (ELR Order No. 4240, 11 pages) (NTIS Order No. PB–208 377–D)

Final, April 19

Kickapoo River, Vernon County, Wis. Proposed construction of a 3,960-foot long 103-foot high earth-fill dam which would create a multipurpose (flood control, fish and wildlife production, and recreation) lake. The lake would have a surface area of 1,780 acres, and extend 12 miles upstream. A total of 9,780 acres of land would be committed to the project; 22.5 miles of road and 33 bridges would need to be replaced; 73 families would be displaced. The statement is a revised final. Comments made by USDA, EPA, DOI, State, local, and regional agencies, and concerned citizens. (ELR Order No. 4130, 540 pages) (NTIS Order No. PB–204 918–F)

Final, April 14

Bonneville Lock and Dam, Columbia River, Skamania County, Wash. Proposed construction of an Eight-unit second powerhouse at the Bonneville project. The second powerhouse will have the capacity of using 160,000 cu. ft./sec. of water. Total dependable capacity (minus a 22 MW loss at The Dalles) will be 582 MW. It will be necessary, however, to remove the existing town of North Bonneville. Approximately 18 million cu. yd. of material will be excavated and disposed of; 25 acres of wetlands will be lost; the mortality rate of downstream migrant fish will increase. Comments made by USDA, USCG, EPA, FPC, Bureau of Indian Affairs, DOI, NOAA, State, local, and regional agencies. (ELR Order No. 4190, 204 pages) (NTIS Order No. PB–202 133–F)

Small Boat Harbor Project, Bethel, Alaska. Proposed dredging of a 5,100-foot long access channel and a 1,700-foot long harbor area. The purpose of the project is to provide all-tide access to the harbor. Turbidity from dredging will disturb marine ecosystems; water quality levels will decrease as a result of dredging, concomitant erosion, and the use of outboard motors. Comments made by DOC, EPA, DOI, DOT, and State agencies. (ELR Order No. 4196, 34 pages) (NTIS Order No. PB–199 620–F)

Jefferson River, Gallatin County, Mont. Proposed construction of an earth filled levee and a drainage collector ditch approximately 14,700 feet long. The purpose of the project is flood control. Twenty-eight acres would be lost to the action. Comments made by USDA, EPA, DOI, State and local agencies. (ELR Order No. 4197, 33 pages) (NTIS Order No. PB–208 296–F)

Scituate Harbor, Plymouth County, Mass. Proposed dredging of 32 acres in order to provide mooring space for commercial and recreational boats. Temporary turbidity will disturb marine ecosystems. Comments made by USDA, USCG, DOI, State and local agencies. (ELR Order No. 4198, 22 pages) (NTIS Order No. PB–202 804–F)

Roseau River, Roseau County, Minn. Proposed channel enlargement and straightening along 43.7 miles of the river; construction of two reaches of levee; and a possible 10-mile reach of channel work in Canada to be funded by the United States. Approximately 2,400 acres will be lost to the project; the river will be rendered a less desirable habitat for both fish and waterfowl. Comments made by USDA, EPA, DOI, and one State agency. (ELR Order No. 4199, 41 pages) (NTIS Order No. PB–208 295–F)

Gallinas River, Las Vegas, N. Mex. Proposed clearing of 5,200 feet of river channel of obstructing vegetation and sediment deposits. The purpose of the action is flood control. Comments made by EPA, DOI, DOT, State and local agencies, and concerned citizens. (ELR Order No. 4200, 58 pages) (NTIS Order No. PB–205 199–F)

Whitman River, Worcester County, Mass. Proposed construction of a dam, lake, recreation facilities, and appurtenant structures. The purposes of the project are flood control, water quality improvement, recreation, and industrial water supply. Twenty-seven residences, one business, and 638 acres will be lost to the project. Comments made by EPA, DOI, State and local agencies. (ELR Order No. 4202, 140 pages) (NTIS Order No. PB–208 312–F)

Blaine Creek, Lawrence County, Ky. Proposed construction of a dam and other facilities, for purposes of flood control, water quality control, recreation, fish and wildlife enhancement. Approximately 20,800 acres will be committed to the project; 213 residences, six churches, four commercial buildings, and 93 cemeteries will be displaced. Comments made by EPA, DOI, and one State agency. (ELR Order No. 4203, 49 pages) (NTIS Order No. PB–200 941–F)

Minnesota River, Blue Earth and Nicollet Counties, Minn. Proposed construction of levees, floodwalls, road relocations, interior drainage systems and intermittent ponds. The purpose of the action is flood control. Several residences will be displaced and existing ecosystems eliminated. This is a revised final. Comments made by USDA, EPA, HEW, and State agencies. (ELR Order No. 4204, 39 pages) (NTIS Order No. PB–208 294–F)

Final, April 20

Brazos River Basin, Knox County, Tex. Proposed construction of a flood control project consisting of a channel, concrete chute, stilling basin, transition section, and bridge replacements. Approximately 60 acres will be lost to the project. Comments made by USDA, EPA, HEW, HUD, and DOI. (ELR Order No. 4237, 27 pages) (NTIS Order No. PB–206 460–F)

Department of the Navy

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202—697–0892.

Final, April 17

Sanguine System. Sanguine is an extremely low frequency (ELF) communications system. (This statement primarily covers the next 4 years of development; another environmental impact statement would be provided prior to any requests for authorization to construct an operational system.) The Sanguine System, when constructed and deployed, would provide a survivable (after nuclear attack) and reliable military communication system for U.S. Strategic Forces, particularly submarines. The survivability of a Sanguine System would not only insure an ability to execute and control strategic forces, but also clearly demonstrate to a potential enemy the requisite credibility of our national policy which states that the United States will not initiate a nuclear war. Approximately 300 to 500 acres of land, probably in Wisconsin, would be permanently committed to a constructed system. Comments made by USDA, Army COE, EPA, FPC, HEW, Navy, and concerned citizens. (ELR Order No. 4219, 1021 pages) (NTIS Order No. PB–199 732–F)

Federal Power Commission

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386–6084.

Draft, April 4

Mitchell Project No. 82, Chilton and Coosa Counties, Ala. Proposed approval of an application by the Alabama Power Co. for a renewal permit on its Mitchell Project. The project has a present capacity of 72,500 kw.; the applicant proposes to install an additional 80,000 kw. Also included in the present project are a 106-foot high by 1,264-foot long dam, and a reservoir of 5,850 acres. (ELR Order No. 4191, 97 pages) (NTIS Order No. PB–208 301–D)

Rocky River Project No. 2632, Fairfield and Litchfield Counties, Conn. Proposed approval of an application by the Connecticut Light and Power Co. for its Rocky River Project. The project consists of a 952-foot long earth dam, four dikes, a 5,600-acre reservoir, a steel penstock, and a three-unit, 32,000 kw. powerhouse. (ELR Order No. 4233, 40 pages) (NTIS Order No. PB–208 365–D)

Department of the Interior

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343–3891.

Bonneville Power Administration

Final, April 14

Bonneville Power Administration, Washington, Oregon, Idaho, Wyoming, and Montana. Proposed additions to BPA's electric transmission system, including transmission lines, substations, and related structures; and maintenance of existing facilities. Comments made by USDA, Army COE, AEC, EPA, FPC, DOI, and numerous State, regional, and local agencies. (ELR Order No. 4201, 726 pages) (NTIS Order No. PB–202 413–F)

National Park Service

Draft, April 19

Cumberland Island National Seashore, Camden County, Ga. The statement refers to a legislative proposal which would establish Cumberland Island as a National Seashore. This action would preserve the Atlantic barrier island and the related estuarine ecosystem complex for public recreation, improvement of environmental quality of life, and education and research. (ELR Order No. 4231, 38 pages) (NTIS Order No. PB–208 379–D)

National Aeronautics and Space Administration

Contact: Mr. Ralph E. Cushman, Special Assistant, Office of Administration, NASA, Washington, D.C. 20546, 202—962–8107.

Final, April 17

Apollo Program. The statement considers the environmental impact of the Apollo Program. Comments made by EPA. (ELR Order No. 4224, 21 pages) (NTIS Order No. PB–208 366–F)

Department of Transportation

Contact: Mr. Martin Convisser, Director,[1] Office of Program Coordination, 400 Seventh Street SW., Washington, DC 20590, 202—462–4357.

Federal Aviation Agency

Final, April 19

Baxley Municipal Airport, Baxley, Ga. Proposed extending and widening of an existing runway, to enable the airport to accommodate all propeller aircraft of less than 12,500 lb. Approximately 10 acres of land will be lost to the clear zone area. Comments made by USDA, EPA, DOT, State and local agencies. (ELR Order No. 4127, 31 pages) (NTIS Order No. PB–206 167–F)

Neillsville Municipal Airport, Clark County, Wis. Proposed construction of a new airport, including a 60' x 3,000' EW runway, a taxiway, an apron, and an access road, etc. Approximately 170 acres would be committed to the project. Comments made by USDA, Army COE, AEC, EPA, FPC, HEW, HUD, DOI, State and local agencies. (ELR Order No. 4128, 51 pages) (NTIS Order No. PB–204 576–F)

Federal Highway Administration

Draft, April 6

Project F-1128, S.H. 360, Tarrant and Ellis Counties, Tex. Proposed construction of 28 miles of S.H. 360, a four-lane freeway. Approximately 2,000 acres and an unspecified number of residences would be lost to the project, depending upon which of several alternate routes is taken. (ELR Order No. 4153, 35 pages) (NTIS Order No. PB–208 038–D).

Draft, April 5

M–24, Tuscola and Huron Counties, Mich. Proposed construction of approximately 15 miles of two-lane M–24 north of Caro. An unspecified number of residences and amount of land would be lost to the project, depending upon which of several alternate routes is taken. (ELR Order No. 4158, 40 pages) (NTIS Order No. PB–208 041–D)

Draft, April 6

Project U–34–1 ( ), M–53, Macomb County, Mich. Proposed construction of 8 miles of M–53, a 10-lane depressed-freeway urban facility, with a center (11th) mass-transit lane. An unspecified number of structures and amount of land would be committed to the project. (ELR Order No. 4159, 37 pages) (NTIS Order No. PB–208 043–D)

Draft, April 7

U.S. 151, Linn County, Iowa. Proposed construction of 13 miles of U.S. 151 through the cities of Cedar Rapids and Marion. Depending upon which of several alternate routes is taken, between 1,530 and 3,770 persons would be displaced. (ELR Order No. 4161, 33 pages) (NTIS Order No. PB–208 045–D)

Proposed general guidelines for consideration of economic, social, and environmental effects of highway projects. The statement is the response of the Department of Transportation to section 109 (h) of title 23, U.S.C. (ELR Order No. 4163, 27 pages) (NTIS Order No. PB–208 182–D)

Draft, April 11

I–80 Elmore County, Idaho. Proposed construction of 7.7 miles of I–80. One residence, one business, and approximately 163 acres of land would be lost to the project; large hillside cuts would necessitate the construction of retaining walls. (ELR Order No. 4165, 25 pages) (NTIS Order No. PB–208 186–D)

Draft, April 12

N–25, Hitchcock County, Nebr. Proposed construction of a new highway, N–25, to connect U.S. 35 and U.S. 6. Total length of the project is approximately 24 miles, depending upon which of several routes is chosen. Several bridges will be constructed; an unspecified number of residences and amount of land will be taken, depending upon the route. (ELR Order No. 4178, 20 pages) (NTIS Order No. PB–208 195–D)

Draft, April 5

Projects F–221(15) and USG–717(2), Lincoln County, Nebr. Proposed reconstruction of U.S. 83, built to expressway standards, as a bypass of North Platte, with a proposed railroad viaduct to the city. An unspecified amount of land would be taken by the action. (ELR Order No. 4179, 28 pages) (NTIS Order No. PB–208 196–D)

Draft, April 13

I–291, Hartford County, Conn. Proposed construction of I–291, which will serve as a beltway around the city of Hartford, connecting I–91 and I–86. The length of the project varies from 11 to 17 miles (approximately) depending upon the route chosen. The amount of land and number of residences to be committed is not yet known. A 4(f) statement will be filed as city-owned lands would be taken. (ELR Order No. 4185, 132 pages) (NTIS Order No. PB–208 180–D)

I–83, Baltimore City, Md. Proposed construction of 0.7 mile of six-lane I–83, in the city of Baltimore. Ten residences and 58 businesses would be displaced; there would be acoustic and visual impacts upon adjoining areas. The City Fish Market would probably be displaced. Several historic sites and recreational areas along the route would be displaced, necessitating the filing of 4(f) statements. (ELR Order No. 4186, 109 pages) (NTIS Order No. PB–207 181–D)

Draft, April 18

U.S. 50, Montrose County, Colo. Proposed construction of 4.25 miles of U.S. 50. Three residences would be lost to the action. (ELR Order No. 4193, 29 pages) (NTIS Order No. PB–208 300–D)

Draft, April 17

I–95, Baltimore County, Md. Proposed construction of 5.2 miles of eight-lane I–95, including a tunnel; and 1 mile of six-lane I–395, 0.6 mile of six-lane City Boulevard and 2.5 miles of six-lane I–83. An alternate route is also discussed. An unspecified number of buildings would be displaced. Several 4(f) statements would be prepared as recreational areas and historic sites would be affected, including the Fort McHenry National Monument. (ELR Order No. 4218, 166 pages) (NTIS Order No. PB–208 382–D)

U.S. 41, Winnebago County, Wis. Proposed construction of an interchange at the intersection of U.S. 41 and Breezewood Lane. Three residences and an electric power substation will be displaced by the action. (ELR Order No. 4220, 24 pages) (NTIS Order No. PB–208 370–D)

[1] Mr. Convisser's office will refer you to the regional office from which the statement originated.

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State Route 32, Grainger County, Tenn. Proposed construction of 8.09 miles of four-lane S.R. 32. Ten residences and an unspecified amount of land will be lost to the project. (ELR Order No. 4221, 15 pages) (NTIS Order No. PB-208 384-D)

State Highway 71, Fayette County, Tex. Proposed reconstruction of 10 miles of S.H. 71 from two to four lanes. Two families and one business will be displaced; 210 acres of land will be lost to the project. (ELR Order No. 4222, 30 pages) (NTIS Order No. PB-208 367-D)

Draft, April 19

F.A.S. Route 28, Ogle County, Ill. Proposed reconstruction of 0.705 mile of F.A.S. Route 28. Eleven acres would be lost to the project. (ELR Order No. 4235, 87 pages) (NTIS Order No. PB-208 375-D)

Draft, April 20

U.S. 54, Kingman County, Kans. Proposed construction of 9 miles of four-lane U.S. 54, much of it on new location. An unspecified amount of land will be committed to the project. (ELR Order No. 4239, 10 pages) (NTIS Order No. PB-208 376-D)

Final, April 14

Project U-048-1(5), Highway 9, Conway County, Ark. Proposed construction of 3.6 miles of two-lane Highway 9. Three residences would be displaced by the project. Comments made by USDA, DOC, EPA, DOI, Department of State, State and local agencies. (ELR Order No. 4206, 27 pages) (NTIS Order No. PB-202 424-F)

I-59, De Kalb County, Ala. Proposed construction of a rest area and welcome station on I-59, 0.5 mile south of the Georgia State line. An unspecified amount of land would be lost to the project. Comments made by USDA, Army COE, AEC, EPA, HEW, DOI, and State agencies. (ELR Order No. 4207, 43 pages) (NTIS Order No. PB-208 313-F)

Final, April 11

Project U.S. 1604, Cumberland County, N.C. Proposed construction of 8.3 miles of new four-lane highway. Approximately 25 families and eight businesses will be displaced by the project; an unspecified amount of land will be taken. Siltation is expected, and the local ground water level will be lowered. Comments made by USDA, DOC, EPA, GSA, DOI, OEO, State and local agencies. (ELR Order No. 4208, 56 pages) (NTIS Order No. PB-199 625-F)

Final, April 14

I-40, Navajo County, Ariz. Proposed construction of a section of I-40, beginning on U.S. 66 and extending 8.43 miles east. One residence and an unspecified amount of land will be lost to the action. Comments made by USDA, Army COE, EPA, State and local agencies. (ELR Order No. 4209, 41 pages) (NTIS Order No. PB-204 465-F)

Traffic Route 219, Somerset County, Pa. Proposed construction of an 8-mile length of four-lane, limited access Traffic Route 219. The highway will serve as a connector from Maryland, north through Pennsylvania, to New York. Approximately 220 acres and from 30 to 45 residences would be lost in the action. Comments made by DOC, EPA, FPC, HUD, DOI, State and local agencies. (ELR Order No. 4211, 76 pages) (NTIS Order No. PB-199 623-F)

I-27, Randall County, Tex. Proposed construction of 20.5 miles of I-27, a four-lane divided controlled access highway. Four residences and approximately 955 acres of land will be lost to the project. Comments made by USDA, DOC, EPA, HEW, DOT, one regional agency, and concerned citizens. (ELR Order No. 4212, 61 pages) (NTIS Order No. PB-199 584-F)

I-435, Clay and Platte Counties, Mo. Proposed construction of 15.6 miles of I-435, a freeway standard facility of from four to six lanes. Seventeen families and an unspecified amount of land will be lost to the project. Comments made by USDA, EPA, DOI, DOT, State and local agencies, and concerned citizens. (ELR Order No. PB-200 329-F)

U.S. 50, Harvey County, Kans. Proposed construction of 2.47 miles of four-lane U.S. 50, with four bridges. An unspecified amount of land would be lost to the project. Comments made by USDA, ARMY COE, EPA, HEW, DOI, State and local agencies. (ELR Order No. 4214, 33 pages) (NTIS Order No. PB-199 240-F)

F.A.S. Route 459, Tippecanoe County, Ind. Proposed construction of a bridge and approaches over the Wabash River, north of Lafayette. The present bridge is considered too narrow to be adequate. Comments made by ARMY COE, EPA, DOI, and State agencies. (ELR Order No. 4215, 42 pages) (NTIS Order No. PB-203 478-F)

I-70, Shawnee County, Kans. Proposed reconstruction of 0.6 mile of I-70 in Topeka. A (small) unspecified amount of land would be lost to the project. Comments made by USDA, ARMY COE, USCG, EPA, HEW, DOI, State and local agencies. (ELR Order No. 4216, 31 pages) (NTIS Order No. PB-201 379-F)

S.R. 97, Chelan County, Wash. Proposed construction of 2,000 feet of two-lane roadway and the relocation of the Swakane Canyon approach. The purpose of the action is to provide a viewing point for Lincoln Rock, a natural formation which resembles the profile of Abraham Lincoln. One-half acre of apple orchard will be lost to the project. Comments made by EPA, HUD, DOT, State and local agencies, and numerous concerned citizens. (ELR Order No. 4217, 75 pages) (NTIS Order No. PB-208 302-F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc. 72-6564 Filed 4-28-72;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Application

On April 25, 1972, the Administrator of the Environmental Protection Agency published in the FEDERAL REGISTER (37 F.R. 8128) a notice of action taken with respect to certain California State Motor Vehicle Pollution Control Standards, pursuant to section 209(b) of the Clean Air Act, as amended (42 U.S.C. 1857f-6a(a), 81 Stat. 501, Public Law 91-604).

In that notice it was stated that:

The record of the public hearing was kept open until February 23, 1971, for the submission of written material, data or arguments by interested persons.

That statement is amended to read:

The record of the public hearing was kept open until February 23, 1972, for the submission of written material, data or arguments by interested persons.

Dated: April 27, 1972.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.72-6667 Filed 4-28-72;8:51 am]

ETHEPHON

Notice of Establishment of Temporary Tolerances

Amchem Products, Inc., Ambler, Pa. 19002, submitted a petition (PP 2G1195) requesting establishment of temporary tolerances for residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the raw agricultural commodities pineapples and tomatoes at 2 parts per million.

It has been determined that temporary tolerances for residues of the plant regulator in or on pineapples and tomatoes at 2 parts per million are safe and will protect the public health. They are therefore established as requested on condition that the plant regulator is used in accordance with the temporary permit being issued concurrently by the Environmental Protection Agency and which provides for distribution under the Amchem Products name.

These temporary tolerances expire April 27, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038).

Dated: April 27, 1972.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-6705 Filed 4-28-72;10:51 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. A-8, Supp. 2]

TRAVEL AND TRANSPORTATION OF, AND ALLOWANCES FOR RELOCATION OF, GOVERNMENT EMPLOYEES

1. *Purpose.* This supplement extends the expiration date of Temporary Regulation A-8 (including supplement 1 thereto).

2. *Effective date.* This supplement is effective upon publication in the FEDERAL REGISTER (4-29-72).

3. *Expiration date.* This supplement expires October 31, 1972, unless sooner superseded or canceled.

Dated: April 27, 1972.

ROD KREGER,
Acting Administrator of General Services.

[FR Doc.72-6694 Filed 4-28-72;9:34 am]

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federal register

SATURDAY, APRIL 29, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 84

PART II

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Textile and Apparel Categories

Correlation With Tariff Schedules of the United States Annotated

V 37 ■ 84 APR 29 72 XUM

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AND APPAREL CATEGORIES

Correlation With Tariff Schedules of United States Annotated

APRIL 21, 1972.

There is published below a list of the Tariff Schedules of the United States Annotated numbers arranged by the cotton, wool, and made-made fiber categories used by the United States in administering the textile trade agreements program. The Secretary of the Treasury has given prior approval to this notice for purposes of Treasury Department Additional Duty Order No. 4, Wool and Manmade Fibers; Articles Exempt From Additional Duty Under Tariff Schedules of the United States (37 F.R. 887). A full description of the textile and apparel products falling within each of the cotton, wool, and man-made fiber categories may be obtained by using the Tariff Schedules of the United States Annotated item numbers in the list published below to locate the product in the Tariff Schedules of the United States Annotated where descriptive material is provided. The list of Tariff Schedules of the United States Annotated numbers published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722), is hereby superseded effective upon publication of this notice in the FEDERAL REGISTER (4-26-72).

STANLEY NEHMER,
Chairman, Committee for the
Implementation of Textile Agreements,
and Deputy Assistant Secretary for Resources.

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

SECTION I COTTON

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
8		CORDUROY		
	346.0500	32" Or More In Width and Valued 50¢ Or More Per Syd.	1.0	Syd.
	346.1000	Other		
9		SHEETING, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		UNBLEACHED:		
	320.--36	Osnaburg		
	320.--38	Classes A, B, C		
	320.--40	Soft Filled Sheeting		
	320.--44	Other Carded Sheeting		
		BLEACHED:		
	321.--44	Other Sheeting		
		PRINTED, DYED OR COLORED:		
	322.--44	Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		UNBLEACHED:		
	326.--36	Osnaburg		
	326.--38	Classes A, B, C		
	326.--40	Soft Filled Sheeting		
	326.--44	Other Carded Sheeting		
		BLEACHED:		
	327.--44	Other Sheeting		
		PRINTED, DYED, OR COLORED:		
	328.--44	Whether or Not Bleached		
10		SHEETING, COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		UNBLEACHED:		
	320.--42	Combed Bed Sheeting		
	320.--46	Other Combed Sheeting		
		BLEACHED:		
	321.--46	Other Combed Sheeting		

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
1		COTTON YARN, CARDED, SINGLES	4.6	Lb.
		NOT BLEACHED OR COLORED:		
	301.--00	Not Mercerized		
	302.--20	Mercerized		
	302.--22	Bleached or Colored		
2		COTTON YARN, CARDED, PLIED	4.6	Lb.
	302.--24	Yarns, Carded, Plied		
3		COTTON YARN, COMBED, SINGLES	4.6	Lb.
	302.--26	Yarns, Combed, Singles		
4		COTTON YARN, COMBED, PLIED	4.6	Lb.
	302.--28	Yarns, Combed, Plied		
5		GINGHAM - CARDED	1.0	Syd.
		GINGHAM, CARDED, COLORED, WHETHER OR NOT BLEACHED:		
	322.--18	Wholly Cotton, Not Fancy or Figured.		
	325.--18	Wholly Cotton, Fancy or Figured.		
	328.--18	Chief Value, but not Wholly Cotton, Not Fancy or Figured.		
	331.--18	Chief Value, but not Wholly Cotton, Fancy or Figured.		
6		GINGHAM, COMBED	1.0	Syd.
		GINGHAM, COMBED, COLORED, WHETHER OR NOT BLEACHED:		
	322.--20	Wholly of Cotton, Not Fancy or Figured.		
	325.--20	Wholly of Cotton, Fancy or Figured.		
	328.--20	Chief Value, but Not Wholly Cotton, Not Fancy or Figured.		
	331.--20	Chief Value, but Not Wholly Cotton, Fancy or Figured.		
7		VELVETEEN	1.0	Syd.
	346.1500	Plain Back		
		OTHER, INCLUDING TWILL BACK:		
	346.2000	Valued Not Over 85¢ Per Syd.		
	346.2200	Valued Over 85¢ But Not Over $1.10 Per Syd.		
	346.2400	Valued Over $1.10 Per Syd.		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
10 CONT'D		SHEETING, COMBED CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		PRINTED, DYED, OR COLORED:		
	322.--46	Other Combed Sheeting		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		UNBLEACHED:		
	326.--42	Combed Bed Sheeting		
	326.--46	Other Combed Sheeting		
		BLEACHED:		
	327.--46	Other Combed Sheeting		
		PRINTED, DYED, OR COLORED WHETHER OR NOT BLEACHED:		
	328.--46	Other Combed Sheeting		
11		LAWNS, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--22	Not Bleached or Colored		
	321.--22	Bleached, But Not Colored		
	322.--22	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--22	Not Bleached or Colored		
	324.--22	Bleached But Not Colored		
	325.--22	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--22	Not Bleached or Colored		
	327.--22	Bleached But Not Colored		
	328.--22	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--22	Not Bleached or Colored		
	330.--22	Bleached But Not Colored		
	331.--22	Colored, Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
12		LAWNS, COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--24	Not Bleached or Colored		
	321.--24	Bleached But Not Colored		
	322.--24	Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--24	Not Bleached or Colored		
	324.--24	Bleached, But Not Colored		
	325.--24	Colored Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--24	Not Bleached or Colored		
	327.--24	Bleached, But Not Colored		
	328.--24	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--24	Not Bleached or Colored		
	330.--24	Bleached, But Not Colored		
	331.--24	Colored, Whether or Not Bleached		
13		VOILE, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--68	Not Bleached or Colored		
	321.--68	Bleached But Not Colored		
	322.--68	Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--68	Not Bleached or Colored		
	324.--68	Bleached But Not Colored		
	325.--68	Colored Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
13 CONT'D		VOILE, CARDED CONT'D	1.0	Syd.
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--68	Not Bleached or Colored		
	327.--68	Bleached, But Not Colored		
	328.--68	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--68	Not Bleached or Colored		
	330.--68	Bleached But Not Colored		
	331.--68	Colored, Whether or Not Bleached		
14		VOILE, COMBED	1.0	Syd.
		WHOLLY OR COTTON:		
		NOT FANCY OR FIGURED:		
	320.--70	Not Bleached or Colored		
	321.--70	Bleached But Not Colored		
	322.--70	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--70	Not Bleached or Colored		
	324.--70	Bleached But Not Colored		
	325.--70	Colored, Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--70	Not Bleached or Colored		
	327.--70	Bleached But Not Colored		
	328.--70	Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--70	Not Bleached or Colored		
	330.--70	Bleached But Not Colored		
	331.--70	Colored, Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
15		POPLIN AND BROADCLOTH, CARDED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--26	Not Bleached or Colored		
	321.--26	Bleached But Not Colored		
	322.--26	Colored, Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
	326.--26	Not Bleached or Colored		
	327.--26	Bleached But Not Colored		
	328.--26	Colored, Whether or Not Bleached		
16		POPLIN AND BROADCLOTH, COMBED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--28	Not Bleached or Colored		
	321.--28	Bleached But Not Colored		
	322.--28	Colored Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
	326.--28	Not Bleached or Colored		
	327.--28	Bleached But Not Colored		
	328.--28	Colored Whether or Not Bleached		
17		TYPEWRITER RIBBON CLOTH	1.0	Syd.
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	319.2100	Of Average Yarn Numbers 51 to 59		
	319.2300	Of Average Yarn Numbers 60 to 79		
	319.2500	Of Average Yarn Numbers 80 to 140		
	319.2700	Bleached But Not Colored		
	319.2900	Colored, Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
18		PRINTCLOTH, SHIRTING TYPE, 80X80 TYPE, CARDED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--30	Not Bleached or Colored		
	321.--30	Bleached But Not Colored		
	322.--30	Colored, Whether or Not Bleached		
		CHIEF VALUE BUT NOT WHOLLY COTTON:		
	326.--30	Not Bleached or Colored		
	327.--30	Bleached But Not Colored		
	328.--30	Colored, Whether or Not Bleached		
19		PRINTCLOTH, SHIRTING TYPE, OTHER THAN 80X80 TYPE, CARDED	1.0	Syd.
		NOT FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	320.--32	Not Bleached or Colored		
	321.--32	Bleached But Not Colored		
	322.--32	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
	326.--32	Not Bleached or Colored		
	327.--32	Bleached But Not Colored		
	328.--32	Colored, Whether or Not Bleached		
20		SHIRTING, JACQUARD OR DOBBY, CARDED	1.0	Syd.
		FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	323.--48	Not Bleached or Colored		
	324.--48	Bleached But Not Colored		
	325.--48	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
	329.--48	Not Bleached or Colored		
	330.--48	Bleached But Not Colored		
	331.--48	Colored Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
21		SHIRTING, JACQUARD OR DOBBY, COMBED	1.0	Syd.
		FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	323.--50	Not Bleached or Colored		
	324.--50	Bleached, But Not Colored		
	325.--50	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
	329.--50	Not Bleached or Colored		
	330.--50	Bleached, But Not Colored		
	331.--50	Colored, Whether or Not Bleached		
22		TWILL AND SATEEN, CARDED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--54	Sateen, Not Bleached or Colored		
	320.--58	Twill, Not Bleached or Colored		
	321.--54	Sateen, Bleached, But Not Colored		
	321.--58	Twill, Bleached, But Not Colored		
	322.--54	Sateen, Colored, Whether or Not Bleached		
	322.--56	Denim, Colored, Whether or Not Bleached		
	322.--58	Twill, Colored, Whether or Not Bleached		
		FANCY OR FIGURED:		
	323.--54	Sateen, Not Bleached or Colored		
	323.--58	Twill, Not Bleached or Colored		
	324.--54	Sateen, Bleached But Not Colored		
	324.--58	Twill, Bleached But Not Colored		
	325.--54	Sateen, Colored Whether or Not Bleached		
	325.--56	Denim, Colored Whether or Not Bleached		
	325.--58	Twill, Colored Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
22 CONT'D		TWILL AND SATEEN, CARDED, CONT'D	1.0	Syd.
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--54	Sateens, Not Bleached or Colored		
	326.--58	Twills, Not Bleached or Colored		
	327.--54	Sateen, Bleached, But Not Colored		
	327.--58	Twills, Bleached, But Not Colored		
	328.--54	Sateens, Colored Whether or Not Bleached		
	328.--56	Denim, Colored Whether or Not Bleached		
	328.--58	Twills, Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--54	Sateens, Not Bleached or Colored		
	329.--58	Twills, Not Bleached or Colored		
	330.--54	Sateens, Bleached But Not Colored		
	330.--58	Twills, Bleached But Not Colored		
	331.--54	Sateens, Colored, Whether or Not Bleached		
	331.--56	Denim, Colored, Whether or Not Bleached		
	331.--58	Twills, Colored, Whether or Not Bleached		
23		TWILL AND SATEEN, COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	320.--60	Sateen, Not Bleached or Colored		
	320.--64	Twill, Not Bleached or Colored		
	321.--60	Sateen, Bleached, But Not Colored		
	321.--64	Twill, Bleached, But Not Colored		
	322.--60	Sateen, Colored, Whether or Not Bleached		
	322.--62	Denim, Colored, Whether or Not Bleached		
	322.--64	Twill, Colored, Whether or Not Bleached		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
23 CONT'D		TWILL AND SATEEN, COMBED, CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		FANCY OR FIGURED:		
	323.--60	Sateen, Not Bleached or Colored		
	323.--64	Twill, Not Bleached or Colored		
	324.--60	Sateen, Bleached But Not Colored		
	324.--64	Twill, Bleached But Not Colored		
	325.--60	Sateen, Colored Whether or Not Bleached		
	325.--62	Denim, Colored Whether or Not Bleached		
	325.--64	Twill, Colored Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	326.--60	Sateens, Not Bleached or Colored		
	326.--64	Twills, Not Bleached or Colored		
	327.--60	Sateen, Bleached, But Not Colored		
	327.--64	Twills, Bleached, But Not Colored		
	328.--60	Sateens, Colored Whether or Not Bleached		
	328.--62	Denim, Colored Whether or Not Bleached		
	328.--64	Twills, Colored Whether or Not Bleached		
		FANCY OR FIGURED:		
	329.--60	Sateens, Not Bleached or Colored		
	329.--64	Twills, Not Bleached or Colored		
	330.--60	Sateens, Bleached But Not Colored		
	330.--64	Twills, Bleached But Not Colored		
	331.--60	Sateens, Colored, Whether or Not Bleached		
	331.--62	Denim, Colored, Whether or Not Bleached		
	331.--64	Twills, Colored, Whether or Not Bleached		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
24		WOVEN FABRICS, N.E.S., YARN DYED, CARDED	1.0	Syd.
		COLORED, WHETHER OR NOT BLEACHED:		
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
	322.--72	Yarn-Dyed Napped Fabrics		
	322.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	322.--84	Other Yarn-Dyed Fabrics, N.E.S.		
		FANCY OR FIGURED:		
	325.--72	Yarn-Dyed Napped Fabrics		
	325.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	325.--84	Other Yarn-Dyed Fabrics, N.E.S.		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	328.--72	Yarn-Dyed Napped Fabrics		
	328.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	328.--84	Other Yarn-Dyed Fabrics, N.E.S.		
		FANCY OR FIGURED:		
	331.--72	Yarn-Dyed Napped Fabrics		
	331.--80	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over and 52" or Over Wide		
	331.--84	Other Yarn-Dyed Fabrics, N.E.S.		
25		WOVEN FABRICS, N.E.S., YARN-DYED, COMBED	1.0	Syd.
		COLORED, WHETHER OR NOT BLEACHED:		
		WHOLLY OF COTTON		
		NOT FANCY OR FIGURED:		
	322.--74	Yarn-Dyed Napped Fabrics		
	322.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	322.--86	Other Yarn-Dyed Fabrics		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
25 CONT'D		WOVEN FABRICS, N.E.S., YARN-DYED, COMBED CONT'D	1.0	Syd.
		COLORED, WHETHER OR NOT BLEACHED: CONT'D		
		WHOLLY OF COTTON: CONT'D		
		FANCY OR FIGURED:		
	325.--74	Yarn-Dyed Fabrics		
	325.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	325.--86	Other Yarn-Dyed Fabrics, N.E.S.		
		CHIEF VALUE, BUT NOT WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
	328.--74	Yarn-Dyed Napped Fabrics		
	328.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	328.--86	Other Yarn-Dyed Fabrics, N.E.S.		
		FANCY OR FIGURED:		
	331.--74	Yarn-Dyed Fabrics		
	331.--82	Yarn-Dyed Fabrics, N.E.S., 8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	331.--86	Other Yarn-Dyed Fabrics, N.E.S.		
26		OTHER WOVEN FABRICS, N.E.S., CARDED	1.0	Syd.
		WHOLLY COTTON:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
		DUCK:		
	320.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	320.--02	Single Warp, Single Filling, 7½ or Over Per Sq. Yd.		
	320.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	320.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	320.--06	Ply Warp, Single Filling		
	320.--08	Ply Warp, Ply Filling		
	320.--34	Printcloth, Other Than Printcloth Type Shirting		
	320.--76	Napped Fabrics, Other Yarn Dyed		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		NOT FANCY OR FIGURED: CONT'D		
		NOT BLEACHED OR COLORED: CONT'D		
		OTHER FABRICS:		
	320.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	320.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		BLEACHED, BUT NOT COLORED:		
		DUCK:		
	321.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	321.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	321.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	321.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	321.--06	Ply Warp, Single Filling		
	321.--08	Ply Warp, Ply Filling		
	321.--34	Print Cloth Other Than Print Cloth Type Shirting		
	321.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	321.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	321.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
		DUCK:		
	322.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	322.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	322.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	322.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	322.--06	Ply Warp, Single Filling		
	322.--08	Ply Warp, Ply Filling		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		NOT FANCY OR FIGURED: CONT'D		
		COLORED, WHETHER OR NOT BLEACHED: CONT'D		
	322.--34	Print Cloth Other Than Print Cloth Type Shirting		
	322.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	322.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	322.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	323.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	323.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	323.--92	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	324.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	324.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	324.--92	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	325.--76	Napped Fabrics, Other Than Yarn Dyed		
		OTHER FABRICS:		
	325.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	325.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
		DUCK:		
	326.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	326.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	326.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	326.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	326.--06	Ply Warp, Single Filling		
	326.--08	Ply Warp, Ply Filling		
	326.--34	Print Cloth Other Than Print Cloth Type Shirting		
	326.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	326.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	326.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		BLEACHED, BUT NOT COLORED:		
		DUCK:		
	327.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	327.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	327.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	327.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	327.--06	Ply Warp, Single Filling		
	327.--08	Ply Warp, Ply Filling		
	327.--34	Print Cloth Other Than Print Cloth Type Shirting		
	327.--76	Napped Fabrics, Other Than Yarn-Dyed		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: CONT'D		
		NOT FANCY OR FIGURED: CONT'D		
		BLEACHED, BUT NOT COLORED: CONT'D		
		OTHER FABRICS:		
	327.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	327.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
		DUCK:		
	328.--01	Single Warp, Single Filling, Under 7½ oz. Per Sq. Yd.		
	328.--02	Single Warp, Single Filling, 7½ oz. or Over Per Sq. Yd.		
	328.--03	Single Warp, Ply Filling, Under 7½ oz. Per Sq. Yd.		
	328.--04	Single Warp, Ply Filling, 7½ oz. or Over Per Sq. Yd.		
	328.--06	Ply Warp, Single Filling		
	328.--08	Ply Warp, Ply Filling		
	328.--34	Print Cloth Other Than Print Cloth Type Shirting		
	328.--76	Napped Fabrics, Other Than Yarn-Dyed		
		OTHER FABRICS:		
	328.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	328.--92	Not 8 oz. or Over Per Sq. Yd. and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	329.--76	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	329.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	329.--92	Not 8 oz. or Over and Not 52" or Over Wide		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
26 CONT'D		OTHER WOVEN FABRICS, N.E.S., CARDED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: CONT'D		
		FANCY OR FIGURED: CONT'D		
		BLEACHED BUT NOT COLORED:		
	330.--76	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	330.--88	8 oz. or Over Per Syd. and 52" or Over Wide		
	330.--92	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED WHETHER OR NOT BLEACHED:		
	331.--76	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	331.--88	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	331.--92	Not 8 oz. or Over and Not 52" or Over Wide		
	332.1020	Woven Fabrics, In Chief Value, But Not Wholly of Cotton, Containing Wool, Whether or Not Containing Silk or Man-Made Fibers or Both, But Not Containing Other Fibers		
	346.3020	Terry Fabrics Valued Not Over $1.125 Per Pound		
	346.3220	Terry Fabrics Valued Over $1.125 Per Pound		
	346.3520	Velvet, Plush and Velour		
	346.4020	Chenille		
	346.4520	Other Pile Fabrics, Not Knit		
	346.7000	Tufted Fabrics In Which The Pile or Tuft Was Inserted or Knotted Into a Pre-Existing Base, With The Pile or Tuft Covering The Entire Surface		
	357.0512	Tapestry Fabric, Jacquard-Figured		
	357.0516	Upholstery Fabric, Jacquard-Figured, Except Pile		
	364.1120	Tapestries, etc., Except Gobelin, Jacquard-Figured, Not Pile		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
27		OTHER WOVEN FABRICS, N.E.S., COMBED	1.0	Syd.
		WHOLLY OF COTTON:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	320.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	320.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	320.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	321.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	321.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	321.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	322.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	322.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	322.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	323.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	323.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	323.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	324.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	324.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	324.--94	Not 8 oz. or Over and Not 52" or Over Wide		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
27 CONT'D		OTHER WOVEN FABRICS, N.E.S., COMBED CONT'D	1.0	Syd.
		WHOLLY OF COTTON: CONT'D		
		FANCY OR FIGURED: CONT'D		
		COLORED, WHETHER OR NOT BLEACHED:		
	325.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	325.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	325.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH:		
		NOT FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	326.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	326.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	326.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		BLEACHED BUT NOT COLORED:		
	327.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	327.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	327.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	328.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	328.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	328.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		FANCY OR FIGURED:		
		NOT BLEACHED OR COLORED:		
	329.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	329.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	329.--94	Not 8 oz. or Over and Not 52" or Over Wide		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
27 CONT'D		OTHER WOVEN FABRICS, N.E.S., COMBED CONT'D	1.0	Syd.
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON, CONTAINING SILK OR MAN-MADE FIBERS OR BOTH: CONT'D		
		FANCY OR FIGURED: CONT'D		
		BLEACHED BUT NOT COLORED:		
	330.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	330.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	330.--94	Not 8 oz. or Over and Not 52" or Over Wide		
		COLORED, WHETHER OR NOT BLEACHED:		
	331.--78	Napped Fabrics Other Than Yarn-Dyed		
		OTHER FABRICS:		
	331.--90	8 oz. or Over Per Sq. Yd. and 52" or Over Wide		
	331.--94	Not 8 oz. or Over and Not 52" or Over Wide		
	332.1040	Woven Fabrics, In Chief Value, But Not Wholly of Cotton, Containing Wool, Whether or Not Containing Silk or Man-Made Fibers or Both, But Not Containing Other Fibers		
	346.3040	Terry Fabrics Valued Not Over $1.125 Per Pound		
	346.3240	Terry Fabrics Valued Over $1.125 Per Pound		
	346.3340	Velvet, Plush and Velour		
	346.4040	Chenille		
	346.4540	Other Pile Fabrics, Not Knit		
	357.0514	Tapestry Fabric, Jacquard-Figured		
	357.0518	Upholstery Fabric, Jacquard-Figured Except Pile		
28		PILLOWCASES, CARDED	1.084	No.
	363.3020	Pillowcases, Carded, Not Ornamented, (Including Bolster Sets)		
29		PILLOWCASES, COMBED	1.084	No.
	363.3040	Pillowcases, Combed, Not Ornamented, (Including Bolster Sets)		
30		TOWELS, DISH	.348	No.
	365.7820	Dish Towels, With Fringe, Ornamented		
	366.2760	Dish Towels, Not Jacquard-Figured, Not Ornamented		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
31		TOWELS, OTHER	.348	No.
		OTHER TOWELS NOT ORNAMENTED:		
		VALUED NOT OVER 45c EACH:		
	366.1820	Dish Towels, Terry		
	366.1840	Dish Towels of Pile or Tufted Construction		
	366.1860	Terry Towels, Other Than Dish Towels		
	366.1880	Towels of Pile or Tuft Construction, Other Than Dish Towels		
		VALUED OVER 45c EACH BUT NOT OVER $1.45 PER POUND:		
	366.2120	Dish Towels, Terry		
	366.2140	Dish Towels, of Pile or Tuft Construction		
	366.2160	Terry Towels, Other Than Dish Towels		
	366.2180	Towels of Pile or Tuft Construction, Other Than Dish Towels		
		VALUED OVER 45c EACH AND OVER $1.45 PER POUND:		
	366.2420	Dish Towels, Terry		
	366.2440	Dish Towels of Pile or Tuft Construction		
	366.2460	Terry Towels, Other Than Dish Towels		
	366.2480	Towels of Pile or Tuft Construction, Other Than Dish Towels		
		OTHER TOWELS, NOT ORNAMENTED:		
	366.2720	Jacquard-Figured, Not Pile		
		NOT JACQUARD-FIGURED:		
	366.2740	Shop Towels (Dedicatad to Use in Garages, Filling Stations and Machine Shops)		
	366.2780	Other		
32		HANDKERCHIEFS, WHETHER OR NOT IN THE PIECE	1.66	Doz.
		LACE HANDKERCHIEFS, WHETHER OR NOT ORNAMENTED:		
		NOT CONTAINING ANY HANDMADE LACE AND NOT ORNAMENTED IN ANY PART BY HAND:		
	370.0420	Valued Not Over 70c Per Doz., Having Hand-Rolled or Handmade Hems		
	370.0440	Valued Not Over 70c Per Doz., With Other Than Hand-Rolled or Handmade Hems		
	370.0460	Valued Over 70c Per Doz., But Not Over $1.50		
	370.0800	Valued Over $1.50 Per Doz.		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
32 CONT'D		HANDKERCHIEFS, WHETHER OR NOT IN THE PIECE CONT'D	1.66	Doz.
		LACE HANDKERCHIEFS, WHETHER OR NOT ORNAMENTED: CONT'D		
		CONTAINING HANDMADE LACE OR ORNAMENTED IN PART BY HAND:		
	370.1620	Valued Not Over 70c Per Doz., and Not Made With Hand-Rolled or Handmade Hems		
	370.1640	Other Than Those Valued Not Over 70c Per Doz., and Not Made With Hand-Rolled or Handmade Hems		
		HANDKERCHIEFS, NOT HEMMED, NOT ORNAMENTED:		
		NOT FANCY OR FIGURED OR COLORED:		
	370.2400	Not Over 50s Average Yarn Number		
	370.2800	Over 50s But Not Over 70s Average Yarn Number		
	370.3200	Over 70s Average Yarn Number		
		FANCY OR FIGURED, COLORED OR BOTH:		
	370.3600	Not Over 50s Average Yarn Number		
	370.4000	Over 50s But Not Over 70s Average Yarn Number		
	370.4400	Over 70s Average Yarn Number		
		HANDKERCHIEFS, HEMMED OR HEMSTITCHED, NOT ORNAMENTED:		
		NOT FANCY OR FIGURED OR COLORED:		
	370.4800	Not Over 50s Average Yarn Number		
	370.5200	Over 50s But Not Over 70s Average Number		
	370.5600	Over 70s Average Yarn Number		
		FANCY OR FIGURED, COLORED OR BOTH:		
		NOT OVER 50s AVERAGE YARN NUMBER:		
	370.6020	Colored		
	370.6040	Not Colored		
		OVER 50s BUT NOT OVER 70s AVERAGE YARN NUMBER:		
	370.6420	Colored		
	370.6440	Not Colored		
		OVER 70s AVERAGE YARN NUMBER:		
	370.6820	Colored		
	370.6840	Not Colored		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
33		TABLE DAMASK AND MANUFACTURES	3.17	Lb.
		TABLE DAMASK, FANCY OR FIGURED:		
		WHOLLY OF COTTON:		
	323.--52	Not Bleached or Colored		
	324.--52	Bleached But Not Colored		
	325.--52	Colored, Whether or Not Bleached		
		CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
	329.--52	Not Bleached or Colored		
	330.--52	Bleached But Not Colored		
	331.--52	Colored, Whether or Not Bleached		
	366.4200	Tablecloths and Napkins, Damask, Not Ornamented		
	366.7500	Furnishings, Damask, Except Curtains and Drapes, Etc., Towels, Tablecloths, and Napkins, Not Ornamented		
34		SHEETS, CARDED	6.2	No.
	363.3010	Sheets, Carded, Not Ornamented		
35		SHEETS, COMBED	6.2	No.
	363.3030	Sheets, Combed, Not Ornamented		
36		BEDSPREADS AND QUILTS	6.9	No.
		LACE OR NET BEDDING, WHETHER OR NOT ORNAMENTED:		
		LACE, NET OR ORNAMENTED:		
	363.0515	Bedspreads		
	363.0520	Coverlets, Quilts and Comforters		
		NOT ORNAMENTED:		
	363.5020	Bedspreads, Tufted, Block-Printed by Hand, Not Jacquard-Figured		
	363.5040	Bedspreads, Other Than Tufted, Block-Printed by Hand, Not Jacquard-Figured		
	363.5060	Coverlets, Quilts and Comforters, Block-Printed by Hand, Not Jacquard-Figured		
	363.5120	Bedspreads, Tufted, Not Block-Printed by Hand, Not Jacquard-Figured		
	363.5140	Bedspreads, Other Than Tufted, Not Block-Printed by Hand, Not Jacquard-Figured		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
36 CONT'D		BEDSPREADS AND QUILTS CONT'D	6.9	No.
		LACE OR NET BEDDING, WHETHER OR NOT ORNAMENTED: CONT'D		
		NOT ORNAMENTED: CONT'D		
	363.5160	Coverlets, Quilts, and Comforters, Not Block-Printed by Hand, Not Jacquard-Figured		
	363.5520	Bedspreads, Tufted, Jacquard-Figured		
	363.5540	Bedspreads, Other Than Tufted, Jacquard-Figured		
	363.5560	Coverlets, Quilts, and Comforters, Jacquard-Figured		
37		BRAIDED AND WOVEN ELASTIC	4.6	Lb.
	349.1500	Elastic Fabrics, Not Braided		
	349.3010	Elastic Yarns, Cordage Braids and Fabrics, Braided		
38		FISHING NETS AND FISH NETTING	4.6	Lb.
	355.3500	Fish Netting and Fish Nets		
39		GLOVES AND MITTENS	3.527	Dpr.
		GLOVES AND GLOVE LININGS:		
		ORNAMENTED:		
		MADE FROM PRE-EXISTING MACHINE-KNIT OR WOVEN FABRIC:		
	704.0520	Woven		
	704.1020	Not Woven		
	704.1520	Other Than Made From Pre-Existing Machine-Knit or Woven Fabric		
		NOT ORNAMENTED:		
		MADE FROM PRE-EXISTING MACHINE-KINT OR WOVEN FABRIC:		
		WOVEN:		
	704.4010	Without Fourchettes or Sidewalls		
	704.4025	Other		
		NOT WOVEN:		
	704.4510	Without fourchettes or Sidewalls		
	704.4525	Other		
	704.3015	Other Than Made From Pre-Existing Machine-Knit or Woven Fabric		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
40		HOSE AND HALF HOSE	4.6	Dpr.
		HOSIERY, LACE, NET OR ORNAMENTED:		
		EMBROIDERED:		
	374.0520	Valued Not Over $5 Per Doz. Pair		
	374.1020	Valued Over $5 Per Doz. Pair		
		OTHER HOSIERY, NOT ORNAMENTED:		
	374.4020	Not Made or Cut From Pre-Existing Fabric		
	374.4520	Made or Cut From Pre-Existing Fabric		
41		T-SHIRTS, ALL WHITE, MEN'S & BOYS'	7.234	Doz.
	380.0635	Not Ornamented, Knit		
42		T-SHIRTS, OTHER, KNIT	7.234	Doz.
		MEN'S AND BOYS' T-SHIRTS:		
	380.0018	All White T-Shirts, Lace, Net or Ornamented		
	380.0021	Other T-Shirts, Lace, Net or Ornamented		
	380.0640	T-Shirts, Except All White, Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS' T-SHIRTS:		
	382.0022	Lace, Net or Ornamented		
	382.0660	Not Ornamented		
43		SHIRTS, KNIT, OTHER THAN T-SHIRTS OR SWEATSHIRTS	7.234	Doz.
	380.0650	Men's and Boys', Not Ornamented		
	382.0670	Women's, Girls' and Infants', Not Ornamented		
44		SWEATERS AND CARDIGANS	36.8	Doz.
		SWEATERS AND CARDIGANS, KNIT, NOT ORNAMENTED:		
	380.0655	Men's and Boys'		
	382.0680	Women's, Girls' and Infants'		
45		SHIRTS, DRESS, NOT KNIT, MEN'S AND BOYS'	22.186	Doz.
	380.0061	Men's and Boys' Dress Shirts, Lace, Net or Ornamented		
	380.0064	Men's and Boys' Work Shirts, Lace, Net or Ornamented		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
45 CONT'D		SHIRTS, DRESS, NOT KNIT, MEN'S AND BOYS' CONT'D	22.186	Doz.
		DRESS SHIRTS:		
		MEN'S:		
	380.2752	Poplin and Broadcloth, Not Ornamented		
	380.2755	Gingham, Not Ornamented		
	380.2759	Other Than Poplin, Broadcloth or Gingham, Not Ornamented		
		BOYS':		
	380.2762	Poplin and Broadcloth, Not Ornamented		
	380.2765	Gingham, Not Ornamented		
	380.2769	Other Than Poplin, Broadcloth, or Gingham, Not Ornamented		
		INFANTS':		
	382.0078	Other Than Sport Shirts, Lace, Net or Ornamented		
	382.3370	Other Than Sport Shirts, Not Ornamented		
46		SHIRTS, SPORT, NOT KNIT, MEN'S AND BOYS'	24.457	Doz.
		MEN'S AND BOYS' SPORT SHIRTS:		
	380.0067	Lace, Net or Ornamented		
		MEN'S SPORT SHIRTS:		
	380.2782	Of Corduroy, Not Ornamented		
	380.2785	Of Gingham, Not Ornamented		
	380.2787	Of Flannel, Not Ornamented		
	380.2789	Of Other Fabric, Not Ornamented		
		BOYS' SPORT SHIRTS:		
	380.2792	Of Corduroy, Not Ornamented		
	380.2795	Of Gingham, Not Ornamented		
	380.2797	Of Flannel, Not Ornamented		
	380.2799	Of Other Fabrics, Not Ornamented		
		INFANTS' SPORT SHIRTS:		
	382.0076	Lace, Net or Ornamented		
	382.3368	Not Ornamented		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
47		SHIRTS, WORK, NOT KNIT	22.186	Doz.
		MEN'S AND BOY' WORK SHIRTS, NOT KNIT, NOT ORNAMENTED:		
	380.2772	Of Poplin and Broadcloth		
	380.2775	Of Corduroy		
	380.2777	Of Yarn-Dyed Fabrics, Except Gingham		
	380.2778	Of Twill or Sateen		
	380.2779	Of Other Fabrics		
48		RAINCOATS, 3/4 LENGTH OR LONGER, NOT KNIT	50.0	Doz.
		MEN'S AND BOYS' RAINCOATS, 3/4 LENGTH OR LONGER, NOT ORNAMENTED:		
		VALUED NOT OVER $4 EACH:		
	380.0910	Corduroy		
	380.0920	Not Corduroy		
		VALUED OVER $4 EACH:		
	380.1210	Corduroy		
	380.1220	Not Corduroy		
		VALUED NOT OVER $4 EACH:		
		WOMEN'S, NOT ORNAMENTED:		
	382.0902	Of Corduroy		
	382.0904	Of Velveteen		
	382.0906	Of Other Than Corduroy or Velveteen		
		GIRLS' AND INFANTS', NOT ORNAMENTED:		
	382.0908	Of Corduroy		
	382.0910	Of Velveteen		
	382.0912	Of Other Than Corduroy or Velveteen		
		VALUED OVER $4 EACH:		
		WOMEN'S, NOT ORNAMENTED:		
	382.1202	Of Corduroy		
	382.1204	Of Velveteen		
	382.1206	Of Other Than Corduroy or Velveteen		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
48 CONT'D		RAINCOATS, 3/4 LENGTH OR LONGER, NOT KNIT CONT'D	50.0	Doz.
		VALUED OVER $4 EACH: CONT'D		
		GIRLS' AND INFANTS', NOT ORNAMENTED:		
	382.1208	Of Corduroy		
	382.1210	Of Velveteen		
	382.1212	Of Other Than Corduroy and Velveteen		
49		COATS, OTHER, NOT KNIT	32.5	Doz.
		MEN'S AND BOYS' OTHER COATS, NOT ORNAMENTED:		
		VALUED NOT OVER $4 EACH:		
	380.0940	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Corduroy		
	380.0960	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Other Than Corduroy		
	380.0980	Other Men's and Boys' Coats, Other Than Raincoats, 3/4 Length or Longer and Suit-Type Coats, Etc., of Corduroy		
	380.0990	Other Men's and Boys' Coats, Other Than Raincoats, 3/4 Length or Longer and Suit-Type Coats, Etc., of Other Than Corduroy		
		VALUED OVER $4 EACH:		
	380.1240	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Corduroy		
	380.1260	Suit-Type Coats, Suit-Type Sport Coats, and Suit-Type Jackets of Other Than Corduroy		
	380.1280	Other Men's and Boys' Coats, Other Than Raincoats 3/4 Length or Longer and Suit-Type Coats, Etc., of Corduroy		
	380.1290	Other Men's and Boys' Coats, Other Than Raincoats 3/4 Length or Longer and Suit-Type Coats, Etc., of Other Than Corduroy		
		VALUED NOT OVER $4 EACH:		
		NOT ORNAMENTED:		
		WOMEN'S, GIRLS' AND INFANTS' COATS (EXCEPT RAINCOATS):		
	382.0914	Of Corduroy, 3/4 Length or Longer		
	382.0916	Of Velveteen, 3/4 Length or Longer		
	382.0918	Of Other Than Corduroy and Velveteen, 3/4 Length or Longer		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
49 CONT'D		COATS, OTHER, NOT KNIT CONT'D	32.5	Doz.
		VALUED NOT OVER $4 EACH: CONT'D		
		NOT ORNAMENTED: CONT'D		
		WOMEN'S, GIRLS' AND INFANTS' COATS (EXCEPT RAINCOATS 3/4 LENGTH OR LONGER AND OTHER COATS 3/4 LENGTH OR LONGER):		
	382.0920	Of Corduroy		
	382.0922	Of Velveteen		
	382.0924	Of Other Than Corduroy and Velveteen		
		VALUED OVER $4 EACH:		
		NOT ORNAMENTED:		
		WOMEN's, GIRLS' AND INFANTS' COATS (EXCEPT RAINCOATS):		
	382.1214	Of Corduroy, 3/4 Length or Longer		
	382.1216	Of Velveteen, 3/4 Length or Longer		
	382.1218	Of Other Than Corduroy or Velveteen, 3/4 Length or Longer		
		WOMEN'S, GIRLS' AND INFANTS' OTHER COATS, (EXCEPT RAINCOATS, 3/4 LENGTH OR LONGER AND OTHER COATS 3/4 LENGTH OR LONGER):		
	382.1220	Of Corduroy		
	382.1222	Of Velveteen		
	382.1224	Of Other Than Corduroy or Velveteen		
50		TROUSERS, SLACKS AND SHORTS (OUTER) NOT KNIT, MEN'S AND BOYS'	17.797	Doz.
		MEN'S TROUSERS, SLACKS AND SHORTS, NOT ORNAMENTED:		
	380.3922	Of Yarn-Dyed Fabric		
	380.3925	Of Twill		
	380.3927	Of Corduroy		
	380.3929	Of Other Than Yarn-Dyed Fabric, Twill or Corduroy		
		BOYS' TROUSERS, SLACKS AND SHORTS, NOT ORNAMENTED:		
	380.3932	Of Yarn-Dyed Fabric, Except Gingham		
	380.3935	Of Twill		
	380.3937	Of Corduroy		
	380.3939	Of Other Than Yarn-Dyed Fabrics Except Ginghams, Twills or Corduroy		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
51		TROUSERS, SLACKS AND SHORTS (OUTER) NOT KNIT, WOMEN'S, GIRLS' AND INFANTS'	17.797	Doz.
		ORNAMENTED:		
	382.0084	Women's		
	382.0086	Girls' and Infants'		
		NOT ORNAMENTED:		
	382.3346	Women's, of Yarn-Dyed Fabrics, N.E.S.		
	382.3348	Girls' and Infants' of Yarn-Dyed Fabrics, N.E.S.		
		TWILL:		
	382.3350	Women's		
	382.3352	Girls' and Infants'		
		CORDUROY:		
	382.3354	Women's		
	382.3356	Girls' and Infants'		
		VELVETEEN:		
	382.3358	Women's		
	382.3360	Girls' and Infants'		
		OF OTHER THAN YARN-DYED FABRICS, N.E.S., TWILL, CORDUROY OR VELVETEEN:		
	382.3362	Women's		
	382.3364	Girls' and Infants'		
52		BLOUSES, NOT KNIT	14.53	Doz.
		BLOUSES, LACE, NET OR ORNAMENTED:		
		WOMEN'S:		
	382.0040	Of Poplin and Broadcloth		
	382.0042	Of Gingham		
	382.0044	Of Other Than Gingham, Poplin and Broadcloth		
		GIRLS' AND INFANTS':		
	382.0046	Of Poplin and Broadcloth		
	382.0048	Of Gingham		
	382.0050	Of Other Than Gingham, Poplin and Broadcloth		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
52 CONT'D		BLOUSES, NOT KNIT CONT'D	14.53	Doz.
		BLOUSES, NOT ORNAMENTED:		
		POPLIN AND BROADCLOTH:		
	382.3302	Women's		
	382.3304	Girls' and Infants'		
		GINGHAM:		
	382.3306	Women's		
	382.3308	Girls' and Infants'		
		OTHER THAN POPLINS AND BROADCLOTH OR GINGHAMS:		
	382.3310	Women's		
	382.3312	Girls' and Infants'		
53		DRESSES, (INCLUDING UNIFORMS) NOT KNIT	45.3	Doz.
		DRESSES, LACE, NET OR ORNAMENTED:		
		WOMEN'S:		
	382.0058	Of Corduroy		
	382.0060	Of Velveteen		
	382.0062	Of Other Than Corduroy or Velveteen		
		GIRLS' AND INFANTS':		
	382.0064	Of Corduroy		
	382.0066	Of Velveteen		
	382.0068	Of Other Than Corduroy or Velveteen		
		DRESSES, NOT ORNAMENTED:		
		VELVETEEN:		
	382.3314	Women's		
	382.3316	Girls' and Infants'		
		CORDUROY:		
	382.3318	Women's		
	382.3320	Girls' and Infants'		
		OTHER THAN CORDUROY OR VELVETEEN:		
	382.3322	Women's		
	382.3324	Girls' and Infants'		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
54		PLAYSUITS, SUNSUITS, WASHSUITS, CREEPERS, ROMPERS, ETC., NOT KNIT, N.E.S.	25.0	Doz.
		MEN'S AND BOYS':		
	380.0058	Ornamented		
	380.3912	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0074	Lace, Net or Ornamented		
		NOT ORNAMENTED:		
	382.3328	Corduroy		
	382.3330	Velveteen		
	382.3332	Other Than Corduroy or Velveteen		
55		DRESSING GOWNS, INCLUDING BATHROBES AND BEACHROBES, LOUNGING GOWNS, HOUSE COATS AND DUSTERS, NOT KNIT	51.0	Doz.
		MEN'S AND BOYS':		
	380.0049	Lace, Net or Ornamented		
		NOT ORNAMENTED:		
		VALUED NOT OVER $2.50 EACH:		
	380.1520	Of Corduroy		
	380.1540	Of Other Than Corduroy		
		VALUED OVER $2.50 EACH:		
	380.1820	Of Corduroy		
	380.1840	Of Other Than Corduroy		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0070	Lace, Net or Ornamented		
		VALUED NOT OVER $2.50 EACH:		
	382.1520	Of Corduroy		
	382.1540	Of Velveteen		
	382.1560	Of Other Than Corduroy or Velveteen		
		VALUED OVER $2.50 EACH:		
	382.1820	Of Corduroy		
	382.1840	Of Velveteen		
	382.1860	Of Other Than Corduroy or Velveteen		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
56		UNDERSHIRTS, KNIT, MEN'S AND BOYS'	9.2	Doz.
		NOT ORNAMENTED:		
		VALUED NOT OVER $4 PER POUND:		
	378.1014	Athletic-Type Undershirts		
	378.1029	Other Than Athletic-Type Undershirts, Unionsuits, Briefs, Drawers and Undershorts		
		VALUED OVER $4 PER POUND:		
	378.1514	Athletic-Type Undershirts		
	378.1529	Other Than Athletic-Type Undershirts, Unionsuits, Briefs, Drawers and Undershorts		
57		BRIEFS AND UNDERSHORTS, MEN'S AND BOYS'	11.25	Doz.
		BRIEFS, DRAWERS AND UNDERSHORTS:		
		KNIT, NOT ORNAMENTED:		
		VALUED NOT OVER $4 PER POUND:		
	378.1016	Men's and Boys'		
	378.1034	Women's, Girls' and Infants'		
		VALUED OVER $4 PER POUND:		
	378.1516	Men's and Boys'		
	378.1534	Women's, Girls' and Infants'		
		NOT KNIT, NOT ORNAMENTED:		
		MEN'S AND BOYS':		
	378.2012	Valued Not Over 75¢ Per Separate Piece		
	378.2512	Valued Over 75¢ Per Separate Piece		
58		OTHER UNDERWEAR, KNIT, N.E.S.	5.0	Doz.
	378.0521	Men's and Boys' Underwear, Lace or Net		
		WOMEN'S GIRLS' AND INFANTS':		
		LACE OR NET:		
	378.0531	Undershirts		
	378.0532	Briefs, Drawers, and Shorts		
	378.0533	Underwear Other Than Undershirts, Briefs, Drawers and Shorts		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
58 CONT'D		OTHER UNDERWEAR, KNIT, N.E.S. CONT'D	5.0	Doz.
		MEN'S AND BOYS':		
		ORNAMENTED:		
	378.0541	Unionsuits		
	378.0542	Athletic-Type Undershirts		
	378.0544	Briefs, Drawers and Undershorts		
	378.0546	Underwear Other Than Unionsuits, Athletic-Type Undershirts, Briefs, Drawers and Undershorts		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	378.0551	Undershirts		
	378.0552	Briefs, Drawers and Undershorts		
	378.0554	Underwear Other Than Undershirts, Briefs, Drawers and Undershorts		
		NOT ORNAMENTED:		
		VALUED NOT OVER $4 PER POUND:		
	378.1032	Undershirts		
	378.1039	Underwear Other Than Undershirts, Briefs, Drawers and Undershorts		
		VALUED OVER $4 PER POUND:		
	378.1532	Undershirts		
	378.1539	Underwear Other Than Undershirts, Briefs, Drawers and Undershorts		
59		ALL OTHER UNDERWEAR, NOT KNIT	16.0	Doz.
		ORNAMENTED:		
		MEN'S AND BOYS':		
	378.0562	Briefs, Drawers and Undershorts		
	378.0564	Other		
	378.0571	Women's, Girls' and Infants' Underwear		
		NOT ORNAMENTED:		
		VALUED NOT OVER 75¢ PER SEPARATE PIECE:		
	378.2018	Other, Men's and Boys'		
	378.2030	Women's, Girls' and Infants' Underwear		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
59 CONT'D		ALL OTHER UNDERWEAR, NOT KNIT CONT'D	16.0	Doz.
		NOT ORNAMENTED: CONT'D		
		VALUED OVER 75¢ PER SEPARATE PIECE:		
		MEN'S AND BOYS':		
	378.2518	Other		
	378.2530	Women's, Girls' and Infants' Underwear		
60		PAJAMAS AND OTHER NIGHTWEAR	51.96	Doz.
		MEN'S AND BOYS':		
		KNIT:		
	380.0012	Pajamas, Lace, Net or Ornamented		
	380.0625	Pajamas and Other Nightwear, Not Ornamented		
		NOT KNIT:		
		NOT ORNAMENTED:		
	380.2100	Pajamas, Valued Not Over $1.50 Per Suit		
	380.2400	Pajamas, Valued Over $1.50 Per Suit		
	380.3909	Nightwear except Pajamas		
		WOMEN'S, GIRLS' AND INFANTS':		
		KNIT:		
	382.0018	Pajamas and Other Nightwear, Lace, Net or Ornamented		
	382.0650	Pajamas and Other Nightwear, Not Ornamented		
		NOT KNIT:		
		NOT ORNAMENTED:		
	382.2100	Pajamas, Valued Not Over $1.50 Per Suit		
	382.2400	Pajamas, Valued Over $1.50 Per Suit		
	382.3326	Nightwear, Except Pajamas		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
61		BRASSIERES AND OTHER BODY SUPPORTING GARMENTS	4.75	Doz.
		LACE, NET OR ORNAMENTED:		
	376.2425	Brassieres		
	376.2465	Body Supporting Garments, (Except Brassieres) Women's, Girls' and Infants'		
	376.2490	Other Body Supporting Garments, Men's and Boys'		
		NOT ORNAMENTED:		
	376.2825	Brassieres		
	376.2865	Body Supporting Garments, Except Brassiers, Women's, Girls' and Infants'		
	376.2890	Other Body Supporting Garments, Men's and Boys'		
62		WEARING APPAREL, KNIT, N.E.S.	4.6	Lb.
		MUFFLERS, SCARVES, SHAWLS:		
	372.1010	Lace, Net or Ornamented		
	372.1520	Not Ornamented		
		MEN'S AND BOYS' NECKTIES:		
	373.0510	Ornamented		
	373.1010	Not Ornamented		
	374.1520	Hosiery, Lace, Net or Ornamented, Not Embroidered		
		MEN'S AND BOYS' UNIONSUITS:		
		NOT ORNAMENTED:		
	378.1012	Valued Not Over $4 Per Pound		
	378.1512	Valued Over $4 Per Pound		
		MEN'S AND BOYS' OTHER WEARING APPAREL:		
		ORNAMENTED:		
		COATS:		
	380.0003	Raincoats, 3/4 Length or Longer		
	380.0006	Other Coats		
	380.0009	Dressing Gowns, Incl. Bathrobes, Beachrobes, Etc.		
	380.0015	Playsuits, Sunsuits, Washsuits, Etc.		
	380.0024	Sweatshirts		
	380.0027	Shirts, Other Than T-Shirts and Sweatshirts		
	380.0030	Sweaters		
	380.0033	Trousers, Slacks and Shorts		
	380.0036	Other Wearing Apparel		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
62 CONT'D		WEARING APPAREL, KNIT, N.E.S. CONT'D	4.6	Lb.
		MEN'S AND BOYS' OTHER WEARING APPAREL: CONT'D		
		NOT ORNAMENTED:		
		COATS:		
	380.0610	Raincoats, 3/4 Length or Longer		
	380.0615	Other Coats		
	380.0620	Dressing Gowns, Incl. Bathrobes, Beachrobes, Lounging Gowns, Etc.		
	380.0630	Playsuits, Sunsuits, Washsuits, Etc.		
	380.0645	Sweatshirts		
	380.0660	Trousers, Slacks and Shorts		
	380.0690	Other Wearing Apparel		
		WOMEN'S, GIRLS' AND INFANTS':		
		LACE, NET OR ORNAMENTED:		
	382.0002	Blouses		
		RAINCOATS, 3/4 LENGTH OR LONGER:		
	382.0004	Women's		
	382.0006	Girls' and Infants'		
	382.0008	Other Coats, 3/4 Length or Longer		
	382.0010	Other Coats, Other Than 3/4 Length or Longer		
		DRESSES:		
	382.0012	Women's		
	382.0014	Girls' and Infants'		
	382.0016	Dressing Gowns, Etc.		
	382.0020	Playsuits, Sunsuits, Washsuits, Etc.		
	382.0024	Sweatshirts		
	382.0026	Other Shirts, Other Than T-Shirts and Sweatshirts		
	382.0028	Skirts		
	382.0030	Sweaters		
	382.0032	Trousers, Slacks and Shorts		
	382.0034	Other Wearing Apparel		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
62 CONT'D		WEARING APPAREL, KNIT, N.E.S. CONT'D	4.6	Lb.
		WOMEN'S, GIRLS' AND INFANTS': CONT'D		
		NOT ORNAMENTED:		
		BLOUSES:		
	382.0605	Women's		
	382.0610	Girls' and Infants'		
		RAINCOATS, 3/4 LENGTH OR LONGER:		
	382.0615	Women's		
	382.0620	Girls' and Infants'		
	382.0625	Other Coats (Except Raincoats) 3/4 Length or Longer		
	382.0630	Other Coats Other Than 3/4 Length or Longer		
		DRESSES:		
	382.0635	Women's		
	382.0640	Girls' and Infants'		
	382.0643	Dressing Gowns		
	382.0655	Playsuits, Sunsuits, Washsuits, Etc.		
	382.0665	Sweatshirts		
	382.0675	Skirts		
		TROUSERS, SLACKS AND SHORTS (OUTER):		
	382.0685	Women's		
	382.0690	Girls' and Infants'		
	382.0695	Other Wearing Apparel		
	386.1000	Articles Other Than Lace, Net or Ornamented N.S.P.F. (Except Pile or Tufted)		
	702.0520	Headwear, of Cotton, Flax or Both, Knit		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
63		WEARING APPAREL, NOT KNIT, N.E.S.	4.6	Lb.
		MUFFLERS:		
	372.1040	Ornamented		
		NOT ORNAMENTED:		
	372.1340	Hemmed		
	372.1360	Not Hemmed		
		NECKTIES:		
	373.0540	Ornamented		
	373.1045	Not Ornamented		
	376.5400	Garments Designed for Rainwear, Hunting, Fishing, or Similar Uses, Wholly or Almost Wholly of Fabrics Which Are Coated or Filled, or Laminated with Ruber or Plastics		
		MEN'S AND BOYS':		
		LACE, NET OR ORNAMENTED:		
	380.0040	Raincoats, 3/4 Length or Longer		
	380.0043	Suit-Type Coats, Incl. Suit-Type Sport Coats, Suit-Type Sport Jackets, Etc.		
	380.0046	Other Coats		
	380.0052	Pajamas		
	380.0055	Other Nightwear		
	380.0070	Trousers, Slacks, and Shorts		
	380.0073	Vests		
	380.0076	Other Wearing Apparel		
		NOT ORNAMENTED:		
	380.3000	Shirt Collars and Cuffs		
		VESTS:		
	380.3300	Valued Not Over $2 Each		
	380.3600	Valued Over $2 Each		
	380.3980	Shoe Uppers		
		OTHER WEARING APPAREL:		
	380.3992	Merchandise Imported in Sets Not Subject to Stat. Headnote 1 of Part 6		
	380.3994	Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
63 CONT'D		WEARING APPAREL, NOT KNIT, N.E.S. CONT'D	4.6	Lb.
		WOMEN'S, GIRLS' AND INFANTS':		
		LACE, NET OR ORNAMENTED:		
	382.0052	Raincoats, 3/4 Length or Longer		
	382.0054	Coats, (Except Raincoats) 3/4 Length or Longer		
	382.0056	Other Coats		
	382.0072	Pajamas		
		SKIRTS:		
	382.0080	Women's		
	382.0082	Girls' and Infants'		
	382.0088	Vests		
	382.0090	Other Wearing Apparel		
		NOT ORNAMENTED:		
		VESTS:		
	382.2700	Valued Not Over $2 Each		
	382.3000	Valued Over $2 Each		
		CORDUROY SKIRTS:		
	382.3334	Women's		
	382.3336	Girls' and Infants'		
		VELVETEEN SKIRTS:		
	382.3338	Women's		
	382.3340	Girls' and Infants'		
		OTHER SKIRTS:		
	382.3342	Women's		
	382.3344	Girls' and Infants'		
	382.3380	Shoe Uppers		
		OTHER WEARING APPAREL:		
	382.3392	Merchandise Imported in Sets Not Subject to Stat. Headnote 1 of Part 6		
	382.3394	Other		
	702.1020	Headwear, of Cotton, Flax or Both, Not Knit		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64		ALL OTHER COTTON TEXTILES	4.6	Lb.
		YARNS:		
		IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
		CARDED:		
		SINGLES:		
	300.6020	Not Bleached or Colored		
	300.6022	Bleached or Colored		
	300.6024	Plied		
		COMBED:		
	300.6026	Singles		
	300.6028	Plied		
	303.1000	Chenille Yarns		
	303.2040	Sewing Threads		
	303.2042	Knitting, Darning, Embroidery and Tatting Yarns for Handwork in Length Not Over 840 Yards		
		COTTON CORDAGE:		
	315.0500	Not of Stranded Construction		
		OF STRANDED CONSTRUCTION:		
	315.1000	Under 3/16 Inch in Diameter		
	315.1300	3/16 Inch or Over in Diameter		
		FABRICS:		
		OTHER WOVEN FABRICS, IN CHIEF VALUE, BUT NOT WHOLLY OF COTTON:		
	332.4020	Carded		
	332.4040	Combed		
	345.1020	Circular Knit Fabrics		
	345.1040	Other Knit Fabrics		
	346.4560	Pile Fabrics, Except Terry, Knit		
	347.1000	Pile Ribbons		
	347.1500	Seamless Tubings, Except Wicking		
	347.2520	Wicking		
	347.3320	Typewriter and Machine Ribbons		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		FABRICS: CONT'D		
	347.3340	Zipper Tapes		
	347.3380	Other Narrow Fabrics, Other Than Pile Ribbons, Seamless Tubing, Wicking, Typewriter and Machine Ribbons and Zipper Tapes		
	348.0010	Tubular Braids, With Non-Elastic Core, Not Suitable for Making or Ornamenting Headwear		
	348.0510	Other Braids		
	349.1010	Elastic Yarns and Cordage With Rubber Core		
	349.1012	Elastic Tubular Braids With Rubber Core		
		VEILING AND LACE:		
	350.0010	Veiling Made on a Lace Maching or a Net Machine, Whether or Not Ornamented		
		LACE:		
		IN THE PIECE OR MOTIFS:		
		WHETHER OR NOT ORNAMENTED:		
		MADE WHOLLY BY HAND:		
	351.0500	Not Over $50 Per Pound		
	351.2510	Over $50 Per Pound		
		MADE ON A LEAVERS MACHINE:		
	351.4010	12 Points or Finer		
	351.4610	Not 12 Points or Finer		
	351.5010	Made on a Bobbinet-Jacquard Machine		
	351.6010	Made on a Nottingham Lace-Curtain Machine		
	351.8010	Other Machine Made		
	351.9010	Partly Handmade		
		NETTING:		
		IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE:		
	352.1010	Netting, Ornamented		
	352.3010	Quilling, Not Ornamented		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		VEILING AND LACE CONT'D:		
		NETTING CONT'D:		
		IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE CONT'D:		
		OTHER THAN QUILLING, IN THE PIECE:		
		NOT ORNAMENTED:		
	352.4010	Made on a Mechlin (or Malines) Net Machine		
	352.5000	Made on a Bobbinet Machine, Not Over 224 Holes Per Sq. Inch		
	352.8010	Made on a Lace, Net or Knitting Machine Other Than a Mechlin or Bobbinet Machine		
	353.1010	Burnt-out Lace, In the Piece or in Motifs		
		ORNAMENTED FABRICS AND ORNAMENTED MOTIFS, N.S.P.F., IN THE PIECE:		
	353.5012	Woven		
	353.5014	Knit		
	353.5016	Other		
	355.0200	Webs, Wadding, Batting and Non-Woven Fabrics, Etc.		
		WOVEN OR KNIT FABRICS, IN THE PIECE OR IN UNITS:		
	355.5000	Coated, Filled or Otherwise Prepared for Use as Artist's Canvas		
	355.6510	Woven or Knit Fabrics (Except Pile or Tufted Fabrics) Coated or Filled With Rubber or Plastic Material or Laminated With Sheet Rubber or Plastics		
		WOVEN OR KNIT FABRICS, (EXCEPT PILE OR TUFTED FABRICS) COATED OR FILLED, N.S.P.F.:		
	356.1010	Oilcloths		
	356.1510	Tracing Cloths		
	356.2000	Window Hollands		
	356.2510	Other, N.S.P.F.		
	357.6010	Textile Fabrics With Tucks in Parallel Rows Formed in the Weaving or the Knitting Process or by Folding and Sewing		
	357.7010	Edgings, Insertings, Galloons, Fringes, Etc., Whether in the Piece or Otherwise		
	357.8010	Textile Fabrics for Use in Pneumatic Tires		
	358.0210	V-Belts for Machinery of Textile Fiber		
	358.0510	Belting and Belts for Machinery, Not in Part of Rubber or Plastic		
	358.0610	Belting and Belts for Machinery in Part of Rubber or Plastic		
	358.2410	Printers Rubberized Blankets		
	358.2610	Clothing for Paper-Making, Printing, or Other Machines, in the Piece or as Units (Except Printers' Rubberized Blankets), N.S.P.F.		
	359.1020	Woven Fabrics Including Laminated Fabrics, N.S.P.F.		
	359.1040	Knit Fabrics Including Laminated Fabrics, N.S.P.F.		
	359.1060	Other Fabrics Including Laminated Fabrics, N.S.P.F.		
		FLOOR COVERINGS:		
	360.2000	Chenille		
	360.2500	Imitation Oriental, With Pile Not Hand-Inserted and Not Hand-Knotted		
	360.3000	Of Pile or Tuft Construction, Other Than Chenille or Imitation Oriental, Pile Not Hand-Inserted and Not Hand-Knotted		
	360.7522	Of Pile or Tuft, Hand-Hooked, in Which Pile or Tuft Were Inserted or Knotted into a Pre-Existing Base		
	360.8022	Of Pile or Tuft, Not Hand-Hooked, in Which the Pile or Tuft Were Inserted or Knotted into a Pre-Existing Base		
	361.0522	Wholly or In Part of Braids (Except Tubular Braids With a Core) Over 50% by Weight Cotton		
	361.0542	Wholly or In Part of Braids (Except Tubular Braids With a Core) Chief Value Cotton but Containing Not More Than 50% by Weight Cotton		
	361.1820	With Over 50% by Weight of the Fibers, Exclusive of any Core, Being Cotton		
	361.2010	Other		
	361.5000	"Hit-And-Miss" Rag Floor Coverings		
		FLOOR COVERINGS, N.S.P.F.:		
	361.5422	Woven but Not Made on a Power-Driven Loom		
	361.5622	Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
	363.0100	Lace or Net Sheets and Pillowcases (including Bolster Cases) and Other Sheets and Pillowcases, Ornamented		
	363.0510	Blankets of Lace or Net and Other Blankets Ornamented		
	363.0525	Lace or Net Bedding and Other Bedding Ornamented, Except Sheets and Pillowcases, Blankets, Bedspreads, Coverlets, Quilts, and Comforters		
		BLANKETS:		
		NOT ORNAMENTED:		
		VALUED NOT OVER 47.5 CENTS PER POUND:		
	363.4020	Jacquard-Figured		
	363.4040	Not Jacquard-Figured		
		VALUED OVER 47.5 CENTS PER POUND:		
	363.4520	Jacquard-Figured		
	363.4540	Not Jacquard-Figured		
	363.6025	Quilt Covers, Not Ornamented		
	363.6040	Bedding, Other Than Sheets, Pillowcases, Blankets, Bedspreads, Etc., and Quilt Covers, Not Ornamented		
		TAPESTRIES, ETC., EXCEPT GOBELIN, ETC.:		
		JACQUARD-FIGURED:		
	364.1220	Pile		
	364.1520	Not Jacquard-Figured		
		HANDMADE LACE FURNISHINGS:		
	365.0000	Valued Not Over $50 Per Pound		
	365.1510	Valued Over $50 Per Pound		
		LACE FURNISHINGS:		
		MADE ON A LEAVERS MACHINE (INCLUDING GO-THROUGH):		
	365.2510	12 Points or Finer		
	365.3110	Not 12 Points or Finer		
	365.3510	Made on a Bobbinet-Jacquard Machine		
	365.4010	Made on a Nottingham Lace-Curtain Machine		
	365.5010	Made on Other Machines		
	365.7010	Burnt-Out Lace Furnishings		
	365.7510	Furnishings of Lace, Netting or Both and Made in Designs or Pattern Formed Wholly or in Substantial Part by Joining (By Applique or Otherwise) Machine-Made or Hand-Made Machine-Made Materials by Handwork		
	365.7700	Curtain and Drapes, Including Panels and Valances, Whether or Not Machine Embroidered but Not Otherwise Ornamented		
	365.7830	Other Net Furnishings, Other Than Dish Towels, Curtains, Drapes and Valances, Whether or Not Machine Embroidered but Not Otherwise Ornamented		
		CURTAINS AND DRAPES (INCLUDING PANELS AND VALANCES):		
		NOT ORNAMENTED:		
	366.0300	Of Velveteen, Velvet, Plush, Velour or any Combination Thereof		
	366.0600	Of Corduroy		
	366.0900	Of Pile or Tuft Construction Other Than Corduroy, Velvet, Velveteen, Plush, Velour or any Combination Thereof		
	366.1520	Of Other Than Pile or Tuft Construction		
		TABLECLOTHS AND NAPKINS (EXCEPT DAMASK):		
		NOT ORNAMENTED:		
	366.4500	Block-Printed by Hand		
		NOT BLOCK-PRINTED BY HAND:		
	366.4600	Plain Woven		
	366.4700	Other		
		OTHER FURNISHINGS:		
		OTHER THAN CURTAINS AND DRAPES, TOWELS, TABLECLOTHS, NAPKINS, ETC.:		
		NOT ORNAMENTED:		
	366.5720	Knit (Except Pile or Tuft)		

Textile and Apparel Categories by Tariff Schedules
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- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		OTHER FURNISHINGS: CONT'D		
		OTHER THAN CURTAINS AND DRAPES, TOWELS, TABLECLOTHS, NAPKINS, ETC.: CONT'D		
		NOT ORNAMENTED: CONT'D		
		PILE OR TUFT CONSTRUCTION:		
	366.6000	Velveteen, Velvet, Plush, Velour or any Combination Thereof		
	366.6300	Corduroy		
	366.6500	Terry		
	366.6900	Other		
		OTHER (NOT KNIT, NOT PILE OR TUFTED):		
	366.7700	Plain-Woven		
	366.7900	Other		
	372.0400	Lace, Net or Ornamented Veils		
	376.0420	Garters, Garter Belts and Suspenders, of Cotton or Cotton and Rubber or Plastics		
		DUST CLOTHS, MOP CLOTHS AND POLISHING CLOTHS:		
	385.2500	Of Pile Construction		
	385.3000	Not of Pile Construction		
	385.4000	Ladder Tapes		
	385.5520	Bags and Sacks, or Other Shipping Containers		
	385.6020	Labels, Not Ornamented		
	385.7020	Tassels, and Cords and Tassels		
		CORSET LACINGS, FOOTWEAR LACINGS, WITH OR WITHOUT CORDS, OR SIMILAR LACINGS:		
	385.7520	Braided		
	385.8020	Other Than Braided		
		ARTICLES, NOT SPECIALLY PROVIDED FOR:		
	386.0400	Lace or Net, Ornamented		

- COTTON -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
64 CONT'D		ALL OTHER COTTON TEXTILES CONT'D	4.6	Lb.
		ARTICLES, NOT SPECIALLY PROVIDED FOR: CONT'D		
		OTHER ARTICLES, NOT ORNAMENTED:		
		OF PILE OR TUFT CONSTRUCTION:		
	386.2000	Of Corduroy		
	386.2500	Of Terry		
	386.3000	Of Velveteen, Velvet, Plush, Velour or any Combination Thereof		
	386.4000	Other		
	386.5000	Other Articles, Not of Pile Construction		
		LUGGAGE AND HANDBAGS, WHETHER OR NOT FITTED WITH BOTTLE, DINING, DRINKING, MANICURE, SEWING, TRAVELING, OR SIMILAR SETS, AND FLAT GOODS:		
		WHETHER OR NOT ORNAMENTED:		
	706.2015	Wholly or in Part of Braid		
		OTHER:		
		NOT OF PILE OR TUFT CONSTRUCTION:		
	706.2240	Handbags		
	706.2270	Other		
	706.2415	Other		
		PILLOWS, CUSHIONS, MATTRESSES AND SIMILAR FURNISHINGS, WHETHER OR NOT FITTED WITH COVERS AND WITH AND WITHOUT HEATING ELEMENTS:		
	727.8020	Pillows and Cushions		
	727.8040	Other		
	731.4000	Fishing Line of Cotton		
	734.5045	Badminton Nets, Other Than in Sets, of Cotton		
	745.7420	Parts of Slide Fasteners, of Cotton		

Textile and Apparel Categories by Tariff Schedules
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SECTION II WOOL

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
101		WOOL TOPS AND WOOL ADVANCED	1.95	Lb.
		PROCESSED BEYOND WASHED, SCOURED OR CARBONIZED CONDITION:		
	307.5000	Tops		
	307.5200	Other		
102	307.6200	YARNS OF ANGORA RABBIT HAIR	1.95	Lb.
103		OTHER YARNS OF WOOL AND HAIR	1.95	Lb.
		OTHER YARNS:		
	307.6403	Handknitting and Fancy		
		OTHER:		
	307.6406	Measuring Over 22,399 Yards Per Pound		
	307.6409	Measuring Over 11,199 Yards but Not Over 22,399		
	307.6412	Measuring Over 5,599 Yards but Not Over 11,199		
	307.6415	Measuring Not Over 5,599 Yards Per Pound		
104		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STEAMER RUGS) OVER 3 YARDS IN LENGTH	1.0	Syd.
	335.5500	WOVEN FABRICS OF VEGETABLE FIBER, CONTAINING OVER 17% OF WOOL BY WEIGHT		
		OTHER FABRICS:		
		FABRICS, HANDWOVEN, WITH A LOOM WIDTH OF LESS THAN 30 INCHES:		
	336.1000	Weighing Not Over 4 Ounces Per Square Yard with Warp of Vegetable Fiber		
		OTHER:		
	336.1520	Not Over 10 Ounces Per Square Yard		
	336.1540	Over 10 Ounces Per Square Yard		
		SERGES, WEIGHING NOT OVER 6 OUNCES PER SQUARE YARD AND OTHER FABRICS WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD NOT INCLUDING HANDWOVEN FABRICS WITH A LOOM WIDTH OF LESS THAN 30 INCHES OF SHEEP'S WOOL, VALUED OVER $4 PER POUND, IN SOLID COLORS, IMPORTED TO BE USED IN THE MANUFACTURE OF APPAREL FOR MEMBERS OF RELIGIOUS ORDERS:		
	336.2000	Weighing Not Over 4 Ounces Per Square Yard with Warp of Vegetable Fiber		
	336.2500	Other		

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STEAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		OTHER:		
		WEIGHING NOT OVER 4 OUNCES PER SQUARE YARD WITH WARP OF VEGETABLE FIBER:		
	336.3000	Valued Not Over $1.26 2/3 Per Pound		
	336.3500	Valued Over $1.26 2/3 but Not Over $2 Per Pound		
		VALUED OVER $2 PER POUND:		
	336.4020	Over $2 but Not Over $4 Per Pound		
	336.4040	Over $4 but Not Over $6 Per Pound		
	336.4060	Over $6 Per Pound		
		OTHER:		
		VALUED NOT OVER $1.26 2/3 PER POUND:		
	336.5012	Tailor Cuts		
		OTHER:		
	336.5014	Wholly or in Part of Hair Similar to Wool of the Sheep		
		OTHER:		
	336.5016	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.5018	Worsted		
	336.5020	Woolens		
	336.5022	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.5024	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.5026	Over 12 Ounces Per Square Yard		
		VALUED OVER $1.26 2/3 BUT NOT OVER $2 PER POUND:		
	336.5512	Tailor Cuts		
		OTHER:		
	336.5514	Wholly or in Part of Hair Similar to Wool of the Sheep		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STREAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		VALUED OVER $1.26 2/3 BUT NOT OVER $2 PER POUND CONT'D:		
		OTHER CONT'D:		
		OTHER:		
	336.5516	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.5518	Worsteds		
	336.5520	Woolens		
	336.5522	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.5524	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.5526	Over 12 Ounces Per Square Yard		
		VALUED OVER $2 PER POUND:		
	336.6022	Tailor Cuts		
		OTHER:		
		VALUED OVER $2 BUT NOT OVER $4 PER POUND:		
	336.6024	Wholly or in Part of Hair Similar to Wool of Sheep		
		OTHER:		
	336.6026	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.6028	Worsteds		
	336.6030	Woolens		
	336.6032	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6034	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6036	Over 12 Ounces Per Square Yard		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STREAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		OTHER CONT'D:		
		VALUED OVER $4 BUT NOT OVER $6 PER POUND:		
		WHOLLY OR IN PART OF HAIR SIMILAR TO WOOL OF SHEEP:		
	336.6038	Not Over 6 Ounces Per Square Yard		
	336.6040	Over 6 but Not Over 8 Ounces Per Square Yard		
	336.6042	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6044	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6045	Over 12 Ounces Per Square Yard		
		OTHER:		
	336.6046	Not Over 6 Ounces Per Square Yard		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.6048	Worsteds		
	336.6050	Woolens		
	336.6052	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6054	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6056	Over 12 Ounces Per Square Yard		
		VALUED OVER $6 PER POUND:		
		WHOLLY OR IN PART OF HAIR SIMILAR TO WOOL OF SHEEP:		
	336.6058	Not Over 6 Ounces Per Square Yard		
	336.6060	Over 6 but Not Over 8 Ounces Per Square Yard		
	336.6062	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6064	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6065	Over 12 Ounces Per Square Yard		
		OTHER:		
	336.6066	Not Over 6 Ounces Per Square Yard		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
104 CONT'D		WOVEN FABRICS OF WOOL (INCLUDING BLANKETS, CARRIAGE ROBES, LAP ROBES AND STREAMER RUGS) OVER 3 YARDS IN LENGTH CONT'D	1.0	Syd.
		VALUED OVER $6 PER POUND CONT'D:		
		OTHER CONT'D:		
		OVER 6 BUT NOT OVER 8 OUNCES PER SQUARE YARD:		
	336.6068	Worsteds		
	336.6070	Woolens		
	336.6072	Over 8 but Not Over 10 Ounces Per Square Yard		
	336.6074	Over 10 but Not Over 12 Ounces Per Square Yard		
	336.6076	Over 12 Ounces Per Square Yard		
		WOVEN FABRICS OF SILK, CONTAINING OVER 17% OF WOOL BY WEIGHT:	1.0	Syd.
		NOT JACQUARD FIGURED:		
		Valued Not Over $2 Per Pound:		
	337.5010	Not Over 6 Ounces Per Square Yard		
	337.5012	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	337.5014	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	337.5016	Over 10 Ounces but not Over 12 Ounces Per Square Yard		
	337.5018	Over 12 Ounces Per Square Yard		
		Valued Over $2 Per Pound:		
	337.5020	Not Over 6 Ounces Per Square Yard		
	337.5022	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	337.5024	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	337.5026	Over 10 Ounces but Not Over 12 Ounces Per Square Yard		
	337.5028	Over 12 Ounces Per Square Yard		
	337.5500	JACQUARD FIGURED		
		OTHER WOVEN FABRICS, N.S.P.F.:		
	339.0500	Containing Over 17% of Wool by Weight		
		BLANKETS, OVER 3 YARDS IN LENGTH:		
		ORNAMENTED:		
	363.1520	Baby Carriage Robes, Lap Robes, and Steamer Rugs		
	363.1540	Other		
		NOT ORNAMENTED:		
	363.7020	Baby Carriage Robes, Lap Robes, and Steamer Rugs		
	363.7040	Other		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
105		BILLIARD CLOTH	1.0	Syd.
	357.2000	Woven, Green Billiard Cloth, Weighing Over 11 but Not Over 15 Ounces Per Square Yard		
106		BLANKETS, WOOL	1.295	Lb.
		BLANKETS NOT OVER 3 YARDS IN LENGTH:		
		ORNAMENTED:		
	363.1040	Other Than Baby Carriage Robes, Lap Robes, and Steamer Rugs		
		NOT ORNAMENTED:		
	363.6540	Other Than Baby Carriage Robes, Lap Robes, and Steamer Rugs		
107		CARRIAGE AND AUTO ROBES, ETC., N.E.S.	1.295	Lb.
		NOT OVER 3 YARDS IN LENGTH:		
	363.1020	Ornamented Baby Carriage Robes, Lap Robes, Etc.		
	363.6520	Not Ornamented Baby Carriage Robes, Lap Robes, Etc.		
108		TAPESTRIES AND UPHOLSTERY FABRICS		
		WOVEN, JACQUARD FIGURED (EXCLUDING BED TICKING AND PILE FABRICS):		
	357.1000	Valued Not Over $2 Per Pound		
	357.1500	Valued Over $2 Per Pound		
		HANDWOVEN, PETIT-POINT AND OTHER NEEDLE-POINT TAPESTRIES:		
	364.2000	Valued Not Over $2 Per Pound		
	364.2200	Valued Over $2 Per Pound		
109		PILE AND TUFTED FABRICS	1.0	Syd.
		Pile Fabrics:		
	346.5010	Of Vegetable Fiber, Except Cotton, Containing Wool		
	346.5200	Of Wool, in Which the Pile Was Inserted or Knitted during the Weaving or Knitting, Whether or Not the Pile Covers the Entire Surface		
	346.5610	Of Silk, Containing Wool		
		Tufted Fabrics:		
	346.8200	In Which the Pile or Tuft Was Inserted or Knitted Into a Pre-Existing Base, with the Pile or Tuft Covering the Entire Surface		

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
110		KNIT FABRICS IN THE PIECE	1.95	Lb.
		Knit Fabrics:		
	345.1070	Of Vegetable Fiber, Containing Wool		
	345.3000	Of Wool		
	345.3510	Of Silk, Containing Wool		
111		HOSIERY	2.7814	Dpr.
		ORNAMENTED:		
		LACE OR NET:		
		EMBROIDERED:		
	374.2000	Valued Not Over $3.50 Per Dozen Pair		
	374.2500	Valued Over $3.50 Per Dozen Pair		
		NOT ORNAMENTED:		
	374.5000	All Other Hosiery		
112		GLOVES AND MITTENS	2.093	Dpr.
		Ornamented, Lace or Net Gloves:		
		Of Vegetable Fiber, Except Cotton, Containing Wool		
		Made From A Pre-Existing Machine-Knit Or Woven-Fabric Or Any Combination Of These:		
	704.0570	Woven		
	704.1070	Not Woven		
	704.1570	Other		
		Of Wool:		
	704.2000	Embroidered		
		Not Embroidered:		
	704.2500	Not Appliqued		
	704.3000	Appliqued		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
112		GLOVES AND MITTENS CONT'D	2.093	Dpr.
		Not Ornamented, Not of Lace or Net:		
		Of Vegetable Fiber, Except Cotton, Containing Wool		
		Made From A Pre-Existing Machine-Knit Or Woven-Fabric Or Any Combination Of These:		
	704.4070	Woven		
	704.4570	Not Woven		
	704.5070	Other		
		Of Wool:		
		VALUED NOT OVER $1.75 PER DOZEN PAIR:		
	704.5500	Knit		
	704.5600	Not Knit		
	704.6000	Valued Over $1.75 but Not Over $4 Per Dozen Pair		
	704.6500	Valued Over $4 Per Dozen Pair		
	704.7000	Glove Linings		
113		UNDERWEAR, KNIT	1.95	Lb.
		ORNAMENTED:		
		WOMEN'S, GIRLS' AND INFANTS':		
	378.0535	Lace or Net		
	378.0556	Knit		
		NOT ORNAMENTED:		
	378.3510	Men's and Boys'		
	378.3530	Women's, Girls' and Infants'		
114		OTHER INFANTS' ARTICLES, KNIT, NOT ORNAMENTED	1.95	Lb.
		NOT LACE OR NET:		
	372.2500	Mufflers, Scarves, Shawls, and Veils, for Infants		
	382.4800	Other Articles for Infants		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
115		KNIT HATS AND SIMILAR ITEMS	1.95	Lb.
	702.5400	Valued Not Over $2 Per Pound		
	702.5600	Valued Over $2 Per Pound		
116		KNIT WEARING APPAREL, N.E.S., VALUED NOT OVER $5 PER POUND	1.95	Lb.
	372.3000	Mufflers, Scarves and Shawls, Other Than Net or Lace		
		WEARING APPAREL, NOT ORNAMENTED:		
		MEN'S AND BOYS':		
	380.5710	Coats, Outer, Including Sport Coats and Jackets		
	380.5720	Shirts		
		SWEATERS:		
	380.5730	Wholly or In Part of Cashmere		
	380.5740	Wholly or In Part of Hair Similar to Wool of Sheep		
	380.5750	Other		
	380.5790	Other Wearing Apparel		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.5410	Blouses		
	382.5420	Dresses		
	382.5425	Skirts		
		SWEATERS:		
	382.5430	Wholly or In Part of Cashmere		
	382.5435	Wholly or In Part of Hair Similar to Wool of Sheep		
	382.5440	Other		
	382.5445	Other Wearing Apparel		
117		OTHER WOOL KNIT OUTERWEAR	1.95	Lb.
	372.1020	Mufflers, Scarves, Shawls, Lace or Net		
	372.3500	Mufflers, Scarves, Shawls, Other Than Lace or Net		
	373.0520	Men's and Boys' Neckties, Ornamented		
	373.1520	Men's and Boys' Neckties, Not Ornamented		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
117		KNIT WEARING APPAREL, N.E.S., VALUED OVER $5 PER POUND CONT'D	1.95	Lb.
		MEN'S AND BOYS' OTHER WEARING APPAREL:		
		ORNAMENTED:		
	374.3000	Hosiery, Not Embroidered		
	380.0205	Shirts, Men's and Boys'		
		SWEATERS:		
	380.0210	Wholly or In Part Cashmere		
	380.0215	Wholly or In Part of Hair Similar to Wool of Sheep		
	380.0220	Other		
	380.0225	Other Wearing Apparel of Wool		
	380.0505	Of Other Fiber, Containing Wool		
		NOT ORNAMENTED:		
	380.4510	Of Vegetable Fiber, Except Cotton, Containing Wool		
		OF WOOL:		
	380.5900	Sweaters Valued Over $18 Per Pound, Wholly Cashmere		
		OTHER:		
	380.6110	Coats, Including Sport Coats, Jackets		
	380.6120	Shirts		
		SWEATERS:		
	380.6130	Wholly or In Part of Cashmere		
	380.6140	Wholly or In Part of Hair Similar to Wool of Sheep		
	380.6150	Other		
	380.6160	Other Wearing Apparel of Wool		
	380.7210	Of Silk, Containing Wool		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0205	Blouses		
	382.0210	Dresses		
	382.0215	Skirts		
		SWEATERS:		
	382.0220	Wholly or In Part of Cashmere		
	382.0225	Wholly or In Part of Hair Similar to Wool of Sheep		
	382.0230	Other		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
117		KNIT WEARING APPAREL, N.E.S. VALUED OVER $5 PER POUND CONT'D		
		WOMEN'S, GIRLS' AND INFANTS': CONT'D		
		ORNAMENTED CONT'D		
	382.0235	Suits		
	382.0240	Other Wearing Apparel of Wool		
	382.0515	Other Wearing Apparel of Other-Fiber, Containing Wool		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	382.3905	Blouses, waists and shirts		
	382.3915	Dresses		
	382.3930	Sweaters		
	382.3940	Other		
		NOT ORNAMENTED:		
	382.5600	Sweaters Valued Over $18 Per Pound, Wholly Cashmere		
		OTHER:		
	382.5810	Blouses		
	382.5820	Coats		
	382.5830	Dresses		
	382.5840	Skirts		
	382.5845	Suits		
		SWEATERS:		
	382.5850	Wholly or In Part of Cashmere		
	382.5860	Wholly or In Part of Hair Similar to Wool of Sheep		
	382.5870	Other		
	382.5890	Other Wearing Apparel of Wool		
		Other Wearing Apparel of Silk, Containing Wool:		
	382.6905	Blouses, waists and shirts		
	382.6910	Dresses		
	382.6917	Sweaters		
	382.6935	Other		

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TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
118		HATS, CAPS, NOT BLOCKED	1.95	Lb.
	702.6000	Felts, Not Knit or Woven, Not Pulled, Stamped or Blocked and Not Trimmed		
119		HATS, CAPS, BLOCKED, FINISHED	1.95	Lb.
		PULLED, STAMPED, BLOCKED OR TRIMMED:		
	702.6500	Valued Not Over $12 Per Dozen		
	702.7000	Valued Over $12 Per Dozen		
120		MEN'S AND BOYS' SUITS, NOT KNIT	4.5	No.
		ORNAMENTED:		
	380.0260	Of Wool		
	380.5130	Of Vegetable Fiber, Except Cotton, Containing Wool		
		NOT ORNAMENTED:		
	380.6330	Valued Not Over $4 Per Pound		
	380.6650	Valued Over $4 Per Pound		
121		MEN'S AND BOYS' OUTER COATS, NOT KNIT	4.5	No.
		ORNAMENTED:		
		Of Wool:		
	380.0240	Suit-Type Coats, Including Suit-Type Sport Coats and Suit-Type Jackets		
	380.0245	Other		
		OTHER:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	380.5110	Suit-Type Coats, Including Suit-Type Sport Coats, and Suit -Type Jackets		
	380.5115	Other Separate Coats		
		NOT ORNAMENTED:		
		VALUED NOT OVER $4 PER POUND:		
	380.6310	Suit-Type Coats, Including Sport Coats, Jackets, Etc.		
	380.6320	Other Separate Coats		
		VALUED OVER $4 PER POUND:		
	380.6610	Suit-Type Coats, Including Sport Coats, Jackets, Etc.		
	380.6620	Other Separate Coats		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
122		WOMEN'S, MISSES', AND CHILDREN'S COATS AND SUITS, NOT KNIT	4.75	No.
		ORNAMENTED:		
	382.0255	Coats		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	382.4210	Coats		
	382.4225	Suits		
		OTHER:		
		OF WOOL:		
		VALUED NOT OVER $4 PER POUND:		
		COATS:		
	382.6015	3/4 Length or Longer		
	382.6020	Other		
	382.6040	Suits		
		VALUED OVER $4 PER POUND:		
		COATS:		
	382.6315	3/4 Length or Longer		
	382.6320	Other		
	382.6340	Suits		
123		WOMEN'S, MISSES', CHILDREN'S SEPARATE SKIRTS, NOT KNIT	1.5	No.
	382.0265	Ornamented		
		NOT ORNAMENTED:		
		Of Vegetable Fiber, Except Cotton, Containing Wool:		
	382.3920	Knit		
	382.4220	Not Knit		
		Of Wool:		
	382.6035	Valued Not Over $4 Per Pound		
	382.6335	Valued Over $4 Per Pound		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
124		TROUSERS, SLACKS AND SHORTS		
		MEN'S AND BOYS':		
		NOT KNIT:		
	380.0265	Ornamented		
		NOT ORNAMENTED:		
	380.5135	Of Vegetable Fiber Containing Wool		
		OF WOOL:		
	380.6360	Valued Not Over $4 Per Pound		
	380.6660	Valued Over $4 Per Pound		
		WOMEN'S, GIRLS' AND INFANTS':		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER CONTAINING WOOL:		
	382.3935	Knit		
	382.4235	Not Knit		
		OF WOOL:		
		NOT KNIT:		
	382.6045	Valued Not Over $4 Per Pound		
	382.6345	Valued Over $4 Per Pound		
		OF SILK, CONTAINING WOOL:		
	382.6930	Knit		
	382.7230	Not Knit		

XUM

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
125		ARTICLES OF WEARING APPAREL, N.E.S.	2.0	Lb.
	372.1050	Mufflers, Scarves, Shawls, Other Than Veils, Not Knit		
		OTHER ARTICLES, NOT KNIT:		
	372.4000	Valued Not Over $4 Per Pound		
	372.4500	Valued Over $4 Per Pound		
		MEN'S AND BOYS' NECKTIES, NOT KNIT:		
	373.0550	Ornamented		
	373.1540	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS' UNDERWEAR:		
	378.0574	Not Knit, Ornamented		
		OTHER UNDERWEAR, NOT ORNAMENTED, NOT KNIT:		
		VALUED NOT OVER $4 PER POUND:		
	378.4010	Men's and Boys'		
	378.4030	Women's, Girls' and Infants'		
		VALUED OVER $4 PER POUND:		
	378.4510	Men's and Boys'		
	378.4530	Women's, Girls' and Infants'		
		OTHER MEN'S AND BOYS' WEARING APPAREL:		
		NOT KNIT:		
		ORNAMENTED:		
		OF WOOL:		
	380.0250	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	380.0255	Shirts		
	380.0270	Other		
	380.054	Of Vegetable Fiber, Except Cotton, Cnntaining Wool		
		NOT ORNAMENTED:		
		OF VECETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL:		
	380.5125	Skirts		
	380.5145	Other		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
125 Cont'd		ARTICLES OF WEARING APPAREL, N.E.S. CONT'D	2.0	Lb.
		OTHER MEN'S AND BOYS' WEARING APPAREL: CONT'D		
		NOT KNIT: CONT'D		
		NOT ORNAMENTED: CONT'D		
		OF WOOL:		
		VALUED NOT OVER $4 PER POUND:		
	380.6330	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	380.6340	Shirts		
	380.6390	Other		
		VALUED OVER $4 PER POUND:		
	380.6630	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	380.6640	Shirts		
	380.6690	Other		
	380.7510	Of Silk, Containing Wool		
	380.9010	Of Other, Containing Wool		
		OTHER WOMEN'S, GIRLS' AND INFANTS' WEARING APPAREL:		
		NOT KNIT:		
		ORNAMENTED:		
		OF WOOL:		
	382.0250	Blouses		
	382.0260	Dressing Gowns, Bathrobes, Beach Robes, Etc.		
	382.0270	Other		
	382.0545	Of Other		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL:		
	382.4205	Blouses, Waists, Shirts		
	382.4215	Dresses		
	382.4240	Other		
		OF WOOL:		
		Valued Not Over $4 Per Pound:		
	382.6010	Blouses		
	382.6025	Dresses		
	382.6030	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	382.6090	Other		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
125 CONT'D		ARTICLES OF WEARING APPAREL N.E.S. CONT'D	2.0	Lb.
		OTHER WOMEN'S, GIRLS' AND INFANTS' WEARING APPAREL: CONT'D		
		NOT KNIT: CONT'D		
		NOT ORNAMENTED: CONT'D		
		OF WOOL: CONT'D		
		Valued Over $4 Per Pound:		
	382.6310	Blouses		
	382.6325	Dresses		
	382.6330	Dressing Gowns, Including Bathrobes, Beach Robes, Etc.		
	382.6390	Other		
		OF SILK, CONTAINING WOOL:		
	382.7205	Blouse, Weists, Shirts		
	382.7210	Dresses		
	382.7215	Dressing Gowns, Bathrobes, Beach Robes, Etc.		
	382.7225	Pajamas and Other Nightwear		
	382.7235	Other		
	382.8710	Of Other		
		OTHER OF WOOL:		
	700.7500	Soles and Uppers of Felt		
		OTHER HEADWEAR OF WOOL:		
	702.7500	Valued Not Over $4 Per Pound		
	702.8000	Valued Over $4 Per Pound		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
126		LACE AND NET ARTICLES INCLUDING VEILING	1.95	Lb.
		BRAIDS NOT SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:		
	348.0040	Tubular Braids With Non-Elastic Core		
	348.0540	Other		
	350.0040	Veiling Made on a Lace or Net Machine		
		HANDMADE LACE, IN THE PIECE OR IN MOTIFS:		
	351.2040	Valued Not Over $30 Per Pound		
	351.2540	Valued Over $30 Per Pound		
		LACE, IN THE PIECE OR MOTIFS:		
		MADE ON A LEAVERS MACHINE:		
	351.4040	12 Points or Finer		
	351.4440	Not 12 Points or Finer		
	351.5040	Made on a Bobbinet-Jacquard Machine		
	351.7040	Made on a Nottingham Lace-Curtain Machine		
	351.8040	Made on Any Other Machine		
	351.9040	Other Lace		
		NETTING, IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE:		
	352.2040	Ornamented		
		NOT ORNAMENTED:		
	352.3040	Quilling		
		OTHER:		
	352.4040	Made on a Nechlin (or Malines) Machine		
	352.8040	Other		
	353.1040	Burnt Out Lace, in the Piece or Motifs		
		ORNAMENTED FABRICS, ORNAMENTED MOTIFS, N.S.P.F.:		
		OF WOOL BY WEIGHT:		
	353.5032	Woven		
	353.5034	Knit		
	353.5036	Other		
	357.6040	Textile Fabrics with Tucks in Parallel Rows Formed in the Weaving or Knitting Process by Folding and Sewing		
	357.7040	Edgings, Insertings, Galloons Fringes and Other Trimmings		
	363.2000	Other Bedding, Lace, Net, or Otherwise Ornamented		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
126 CONT'D		LACE AND NET ARTICLES INCLUDING VEILING CONT'D	1.95	Lb.
		OTHER LACE OR NET FURNISHINGS:		
		HANDMADE:		
	365.1040	Valued Not Over $50 Per Pound		
	365.1540	Valued Over $50 Per Pound		
		MACHINE-MADE:		
		MADE ON A LEAVERS MACHINE:		
	365.2540	12 Points or Finer		
	365.2940	Not 12 Points or Finer		
	365.3540	Made on a Bobbinet- Jacquard Machine		
	365.4540	Made on a Nottingham Lace-Curtain Machine		
	365.5040	Made on Any Other Machine		
	365.7040	Burnt Out Lace Furnishings		
	365.7540	Of Lace and/or Netting, Combined Machine-Made and Handmade		
	365.8540	Other Furnishings, Ornamented		
		ARTICLES, N.S.P.F. ORNAMENTED:		
	372.0840	Veils		
	388.0820	Other		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
128		MISCELLANEOUS WOOL MANUFACTURES	1.95	Lb.
	307.3000	Flock, Fiber Recovered From Tanned-Skin Scraps and Fibers Cut to Length		
	307.6000	Yarns of Wool, Colored, and Cut Into Uniform Lengths of Not Over 3 Inches		
	316.4000	Cordage		
	347.4000	Narrow Fabrics of Wool		
		ELASTIC YARNS, CORDAGE, BRAIDS, AND FABRICS:		
	349.1040	Yarns and Cordage, and Tubular Braids with Rubber Core		
	349.2520	Fabrics, Not Braided		
	349.3040	Other		
		FELTS AND ARTICLES OF FELT:		
		VALUED NOT OVER $1.50 PER POUND:		
		ROLL FELTS:		
	355.1520	Weighing Not Over 10 Ounces Per Square Yard		
	355.1540	Weighing Over 10 Ounces Per Square Yard		
	355.1580	Sheet Felts		
	355.1580	Piano Hammer Felts		
	355.1590	Other		
		VALUED OVER $1.50 PER POUND:		
		ROLL FELTS:		
	355.1620	Weighing Not Over 10 Ounces Per Square Yard		
	355.1640	Weighing Over 10 Ounces Per Square Yard		
	355.1660	Sheet Felts		
	355.1680	Piano Hammer Felts		
	355.1690	Other		
	355.1800	Other Webs, Wadding, Etc.		
	355.7000	Woven or Knit Fabrics, Coated or Filled With Rubber or Plastics, or Laminated with Sheet Rubber or Plastics (Except Pile or Tufted Fabrics)		
		WOVEN OR KNIT FABRICS (EXCEPT PILE OR TUFT), COATED OR FILLED, N.S.P.F.:		
	356.1040	Oil Cloths		
	356.1540	Tracing Cloth		
	356.3000	Other		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
128 CONT'D		MISCELLANEOUS WOOL MANUFACTURES CONT'D	1.95	Lb.
		BELTING AND BELTS FOR MACHINERY OTHER THAN V-BELTS:		
	358.0800	Woven		
	358.0900	Other		
		CLOTHING FOR PAPER-MAKING, PRINTING, OR OTHER MACHINES:		
	358.3000	Woven		
	358.3500	Other		
		TEXTILE FABRICS, INCLUDING LAMINATED FABRICS, N.S.P.F.:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING WOOL:		
	359.2025	Woven		
	359.2045	Knit		
		OF WOOL:		
	359.3020	Woven		
	359.3040	Knit		
	359.3060	Other		
	361.8000	Floor Coverings Underlays with Over 30% by Weight Wool		
	363.7500	Other Bedding, Not Ornamented		
		OTHER FURNISHINGS, NOT ORNAMENTED:		
		KNIT:		
	367.0500	Valued Not Over $5 Per Pound		
	367.1000	Valued Over $5 Per Pound		
	367.1500	Pile or Tuft Construction		
		NON-WOVEN FELT:		
	367.2000	Valued Not Over $1.50 Per Pound		
	367.2500	Valued Over $1.50 Per Pound		
	367.3000	Other Furnishings		

- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
128 CONT'D		MISCELLANEOUS WOOL MANUFACTURES CONT'D	1.95	Lb.
		GARTERS, GARTER BELTS, SUSPENDERS:		
	376.0800	Of Wool and Rubber or Plastics		
	385.2000	Fabric Samples, Not Knit, Not Pile		
		OTHER ARTICLES:		
		NOT ORNAMENTED:		
		KNIT:		
	388.1000	Valued Not Over $5 Per Pound		
	388.2000	Valued Over $5 Per Pound		
	388.3000	Pile or Tuft Construction		
	388.4000	Other		
131		WOOL RUGS AND CARPETS, BRAIDED	0.11	Sft.
	361.0550	Braided Wool Floor Coverings		
132		WOOL RUGS AND CARPETS, WOVEN	0.11	Sft.
		FLOOR COVERINGS OF PILE OR TUFT CONSTRUCTION:		
		WITH PILE OR TUFT BEING HAND-INSERTED OR HAND-KNOTTED DURING THE WEAVING OR KNITTING PROCESS:		
	360.0500	With Over 50% by Weight of Pile Being Hair of the Alpaca, Guanaco, Huarizo, Llama, Misti, Suri, or Any Combination of These		
		OTHER:		
	360.1000	Valued Not Over 66 2/3c Per Square Foot		
	360.1500	Valued Over 66 2/3c Per Square Foot		
		WITH PILE NOT HAND-INSERTED OR HAND-KNOTTED:		
	360.4000	Chenille		
	360.4600	Wilton and Velvet Floor Coverings		
		OTHER:		
	360.4820	Axminster		
	360.4840	Other		

Textile and Apparel Categories by Tariff Schedules
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- WOOL -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
132 CONT'D		WOOL RUGS AND CARPETS, WOVEN CONT'D:	0.11	Sfc.
		FLOOR COVERINGS OF PILE OR TUFT CONSTRUCTION CONT'D:		
		WITH PILE OR TUFTS INSERTED OR KNOTTED INTO A PRE-EXISTING BASE:		
		WITH OVER 50% BY WEIGHT BEING WOOL:		
	360.6500	Valued Not Over 40c Per Square Foot		
	360.7000	Valued Over 40c Per Square Foot		
		FLOOR COVERINGS COMPOSED OF BRAIDS, CORDS, FABRIC STRIPS, ETC., BUT NOT WOVEN:		
		WITH OVER 50% BY WEIGHT BEING WOOL:		
	361.0700	Valued Not Over 40c Per Square Foot		
	361.1000	Valued Over 40c Per Square Foot		
	361.2030	Other		
		FLOOR COVERINGS, N.S.P.F.:		
		WOVEN BUT NOT ON A POWER-DRIVEN LOOM:		
	361.4200	Valued Not Over 30c Per Square Foot		
	361.4400	Valued Over 30c Per Square Foot		
		OTHER:		
	361.4600	Valued Not Over 40c Per Square Foot		
	361.4800	Valued Over 40c Per Square Foot		

Textile and Apparel Categories by Tariff Schedules
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SECTION III MAN-MADE FIBER

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
200		TEXTURED YARNS	3.51	Lb.
		WHOLLY OF CONTINUOUS FILAMENT:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
		SINGLES:		
	310.0115	Not Over $1 Per Pound		
	310.0215	Over $1 Per Pound		
		PLIED:		
	310.1015	Not Over $1 Per Pound		
	310.1115	Over $1 Per Pound		
		WHOLLY OF NON-CONTINUOUS MAN-MADE FIBERS:		
	310.4010	Singles		
	310.5010	Plied		
	310.6015	Other		
201		YARN WHOLLY OF CONTINUOUS FILAMENT, CELLULOSIC	5.19	Lb.
		SINGLES:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
	310.0125	Not Over $1 Per Pound		
	310.0225	Over $1 Per Pound		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.0520	Not Over $1 Per Pound		
	310.0620	Over $1 Per Pound		
		PLIED:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
	310.1025	Not Over $1 Per Pound		
	310.1125	Over $1 Per Pound		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.2020	Not Over $1 Per Pound		
	310.2120	Over $1 Per Pound		
202		YARN WHOLLY OF CONTINUOUS FILAMENT, OTHER	11.6	Lb.
		SINGLES:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
	310.0145	Not Over $1 Per Pound, Wholly Non-Cellulosic		
	310.0165	Not Over $1 Per Pound, Other		
	310.0245	Over $1 Per Pound, Wholly Non-Cellulosic		
	310.0265	Over $1 Per Pound, Other		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.0540	Not Over $1 Per Pound, Wholly Non-Cellulosic		
	310.0560	Not Over $1 Per Pound, Other		
	310.0640	Over $1 Per Pound, Wholly Non-Cellulosic		
	310.0660	Over $1 Per Pound, Other		
		PLIED:		
		WITH TWIST NOT OVER 20 TURNS PER INCH:		
	310.1045	Not Over $1 Per Pound, Wholly Non-Cellulosic		
	310.1065	Not Over $1 Per Pound, Other		
	310.1145	Over $1 Per Pound, Wholly Non-Cellulosic		
	310.1165	Over $1 Per Pound, Other		
		WITH TWIST OVER 20 TURNS PER INCH:		
	310.2040	Not Over $1 Per Pound, Wholly Non-Cellulosic		
	310.2060	Not Over $1 Per Pound, Other		
	310.2140	Over $1 Per Pound, Wholly Non-Cellulosic		
	310.2160	Over $1 Per Pound, Other		
203		YARN WHOLLY OF NON-CONTINUOUS FILAMENT, CELLULOSIC	3.4	Lb.
	310.4025	Singles		
	310.5025	Plied		
204		YARN WHOLLY OF NON-CONTINUOUS FILAMENT, OTHER	4.12	Lb.
	310.4045	Singles		
	310.5045	Plied		

XUM

Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
205		YARNS, OTHER	3.51	Lb.
		WHOLLY OF MAN-MADE FIBERS AND NON-CONTINUOUS SILK FIBERS:		
		SINGLES:		
	308.6000	Not Bleached and Not Colored		
		BLEACHED OR COLORED:		
	308.6500	Not Colored, Measuring Over 58,800 yds. Per Pound		
	308.6600	Other		
		PLIED:		
	308.7000	Not Colored, Measuring Over 29,400 Yds. Per Pound		
	308.7100	Other		
	308.7500	OTHER		
		OF GLASS:		
	309.9800	Not Colored		
	309.9900	Colored		
	310.6030	Other (Not Elsewhere Specified)		
	310.8000	Chenille Yarns of Man-Made Fiber		
		FOR HANDWORK AND SEWING THREADS:		
	310.9000	Valued Not Over 90c Per Pound		
	310.9100	Valued Over 90c Per Pound		
		CORDAGE OF MAN-MADE FIBER:		
	316.6010	Measuring Under 3/16" In Diameter		
	316.6020	Other		
	349.1060	Elastic Yarns, Cordage, and Tubular Braids With Rubber Core		
206		WOVEN FABRICS, CELLULOSIC, WHOLLY OF CONTINUOUS MAN-MADE FIBER	1.0	Lb.
		NOT BLEACHED AND NOT COLORED:		
	338.3027	Acetate		
	338.3023	Rayon		
		OTHER:		
	338.3047	Acetate *		
	338.3043	Rayon		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
207		WOVEN FABRICS, CELLULOSIC, WHOLLY OF NON-CONTINUOUS FIBERS	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
	338.3062	Acetate		
	338.3063	Rayon		
		OTHER:		
	338.3082	Acetate		
	338.3083	Rayon		
208		WOVEN FABRICS, OTHER WHOLLY OF CONTINUOUS MAN-MADE FIBER	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
	338.3024	Polyamide		
	338.3025	Polyester		
	338.3026	Acrylic		
	338.3029	Other		
		OTHER:		
	338.3044	Polyamide		
	338.3045	Polyester		
	338.3046	Acrylic		
	338.3049	Other		
209		WOVEN FABRICS, OTHER, WHOLLY OF NON-CONTINUOUS FIBERS	1.0	Syd.
		NOT BLEACHED AND NOT COLORED:		
	338.3064	Polyamide		
	338.3065	Polyester		
	338.3066	Acrylic		
	338.3069	Other		
		OTHER:		
	338.3084	Polyamide		
	338.3085	Polyester		
	338.3086	Acrylic		
	338.3089	Other		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
210		WOVEN FABRICS, OTHER, OF MAN-MADE FIBER (INCLUDING FABRIC CONTAINING MORE THAN 17% BY WEIGHT OF WOOL; GLASS FABRICS AND MIXED YARN FABRICS)	1.0	Syd.
	335.6000	Fabrics Containing Over 50 Percent By Weight Of Yarns Which Are Composed Wholly Or Almost Wholly Of Fiber Not Exceeding 5 Inches In Length And Contain Not Less Than 50 Percent By Weight Of Man-Made Fiber Or Of Man-Made Fiber And Cotton		
		Of Silk, Containing Man-Made Fiber		
		NOT JACQUARD FIGURED:		
	337.6005	Not Degummed, Not Bleached And Not Colored		
	337.7005	Degummed, Bleached Or Colored		
		JACQUARD FIGURED:		
	337.8005	Not Degummed, Not Bleached And Not Colored		
	337.9005	Degummed, Bleached Or Colored		
		OF MAN-MADE FIBER, CONTAINING OVER 17% BY WEIGHT OF WOOL:		
		VALUED NOT OVER $2 PER POUND:		
	338.1010	Not Over 6 Ounces Per Yard		
	338.1012	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	338.1014	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	338.1016	Over 10 Ounces but Not Over 12 Ounces Per Square Yard		
	338.1018	Over 12 Ounces Per Square Yard		
		VALUED OVER $2 PER POUND:		
	338.1510	Not Over 6 Ounces Per Square Yard		
	338.1512	Over 6 Ounces but Not Over 8 Ounces Per Square Yard		
	338.1514	Over 8 Ounces but Not Over 10 Ounces Per Square Yard		
	338.1516	Over 10 Ounces but Not Over 12 Ounces Per Square Yard		
	338.1518	Over 12 Ounces Per Square Yard		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
210 CONT'D		WOVEN FABRICS, OTHER, OF MAN-MADE FIBERS (INCLUDING FABRIC CONTAINING MORE THAN 17% BY WEIGHT OF WOOL; GLASS FABRICS AND MIXED YARN FABRICS CONT'D	1.0	Syd.
		OF MAN-MADE FIBER CONTAINING OVER 17% BY WEIGHT OF WOOL CONT'D:		
		OF GLASS:		
	338.2500	Not Colored		
	338.2700	Colored		
		OTHER:		
	338.3012	Suitable For Making Typewriter Ribbon Cloth		
		OTHER:		
		NOT BLEACHED AND NOT COLORED:		
	338.3072	Acetate		
	338.3073	Rayon		
	338.3074	Polyamide		
	338.3075	Polyester		
	338.3076	Acrylic		
	338.3079	Other		
		OTHER:		
	338.3092	Acetate		
	338.3093	Rayon		
	338.3094	Polyamide		
	338.3095	Polyester		
	338.3096	Acrylic		
	338.3099	Other		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
211		KNIT FABRICS	7.8	Lb.
	345.1080	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	345.3520	Of Silk, Containing Man-Made Fiber		
	345.5011	Of Man-Made Fiber, But Containing Over 17% By Weight Of Wool		
		OTHER MAN-MADE FIBER KNIT FABRICS:		
		WHOLLY CONTINUOUS:		
		NOT BLEACHED AND NOT COLORED:		
	345.5021	Acetate		
	345.5022	Rayon		
	345.5024	Acrylic		
	345.5026	Polyamide		
	345.5028	Polyester		
	345.5029	Other		
		OTHER:		
	345.5041	Acetate		
	345.5042	Rayon		
	345.5044	Acrylic		
	345.5046	Polyamide		
	345.5048	Polyester		
	345.5049	Other		
		OTHER:		
		NOT BLEACHED AND NOT COLORED:		
	345.5061	Acetate		
	345.5062	Rayon		
	345.5064	Acrylic		
	345.5066	Polyamide		
	345.5068	Polyester		
	345.5069	Other		
		OTHER:		
	345.5081	Acetate		
	345.5082	Rayon		
	345.5084	Acrylic		
	345.5086	Polyamide		
	345.5088	Polyester		
	345.5089	Other		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
212		PILE AND TUFTED FABRICS	1.0	Syd.
		PILE:		
	346.5020	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	346.5620	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	346.6040	Velvets		
	346.6060	Other		
	346.9000	TUFTED FABRICS		
213		SPECIALTY FABRICS	7.8	Lb.
		NARROW FABRICS:		
	347.5500	Pile Ribbons		
	347.6020	Typewriter and Machine Ribbons		
	347.6040	Other Ribbons		
	347.6500	Seamless Tubings		
		OTHER:		
		OF CLASS:		
	347.6800	Not Colored		
	347.6900	Colored		
	347.7000	Other		
	349.2540	Fabrics Not Braided, Elastic		
	349.3060	Other, Elastic		
	350.0060	Veiling Made on a Lace Machine or on a Net Machine, Whether or Not Ornamented		
		LACE AND NETTING WHETHER OR NOT ORNAMENTED, AND ORNAMENTED FABRICS IN THE PIECE AND IN MOTIFS, ETC.:		
		HAND-MADE LACE, WHETHER OR NOT ORNAMENTED:		
	351.2060	Valued Not Over $50 Per Pound, in the Piece or Motifs		
	351.2560	Valued Over $50 Per Pound, in the Piece or Motifs		
		MADE ON A LEAVERS MACHINE:		
	351.3000	12 Points or Finer in the Piece or Motifs		
	351.4660	Not 12 Points or Finer in the Piece or Motifs		
	351.5060	Made on a Bobbinette-Jacquard Machine, in the Piece or Motifs		
	351.7060	Made on a Nottingham Lace-Curtain Machine		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
213 CONT'D		SPECIALTY FABRICS CONT'D	7.8	Lb.
		LACE AND NETTING WHETHER OR NOT ORNAMENTED, AND ORNAMENTED FABRICS IN THE PIECE AND IN MOTIFS, ETC. CONT'D:		
	351.8060	Made on Any Other Machine		
	351.9060	Other		
		NETTING, IN THE PIECE, MADE ON A LACE, NET OR KNITTING MACHINE:		
	352.2060	Ornamented		
		NOT ORNAMENTED:		
	352.3060	Quilling		
		OTHER:		
	352.4060	Made on a Mechlin Machine		
	352.8060	Other		
	353.1060	Burnt Out Lace, in the Piece, or in Motifs		
		ORNAMENTED FABRICS, IN THE PIECE AND IN MOTIFS, N.S.P.F, OF MAN-MADE FIBER BY WEIGHT:		
	353.5052	Woven		
	353.5054	Knit		
	353.5056	Other		
	355.4000	Woven or Knit Fabrics, in the Piece or Unit, Coated, Filled, or Otherwise Prepared for Use as Artists Canvas		
		WOVEN OR KNIT FABRICS (EXCEPT PILE OR TUFTED FABRICS) COATED OR FILLED WITH RUBBER OR PLASTICS, OR LAMINATED WITH SHEET RUBBER OR PLASTICS:		
	355.8100	Over 70 Percent by Weight of Rubber or Plastics		
	355.8200	Other		
		WOVEN OR KNIT FABRICS (EXCEPT PILE OR TUFTED) COATED OR FILLED, N.S.P.F:		
	356.1060	Oilcloths		
	356.1360	Tracing Cloths		
	356.4000	Other		
	357.3500	Woven Bolting Cloth		
	357.4500	Woven Fabrics Chiefly Used for Stenciling Purposes in Screen Process Printing		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
213 CONT'D		SPECIALTY FABRICS CONT'D	7.8	Lb.
	357.6060	Fabrics With Tucks In Parallel Rows Formed In the Weaving or Knitting Process Or By Folding and Sewing		
	357.8060	Fabrics For Use In Pneumatic Tires		
		TEXTILE FABRICS, INCLUDING LAMINATED FABRICS, N.S.P.F.:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING MAN-MADE FIBER:		
	359.2030	Woven		
	359.2050	Knit		
		OF MAN-MADE FIBER:		
	359.5020	Woven		
	359.5040	Knit		
	359.5060	Other		
214		GLOVES AND MITTENS, KNIT, WHETHER OR NOT ORNAMENTED	3.52	Dpr.
		GLOVES AND GLOVE LININGS:		
		LACE OR NET WHETHER OR NOT ORNAMENTED:		
		Of Vegetable Fiber, Containing Man-Made Fiber		
		MADE FROM A PRE-EXISTING MACHINE-KNIT-OR-WOVEN FABRIC OR COMBINATION OF THESE FABRICS:		
	704.0580	Woven		
	704.1080	Not Woven		
	704.1580	Other		
		OF MAN-MADE FIBERS:		
	704.3535	Made From A Pre-Existing Fabric		
	704.3545	Other		
		NOT OF LACE OR NET AND NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING MAN-MADE FIBER:		
		MADE FROM A PRE-EXISTING FABRIC:		
	704.4080	Woven		
	704.4580	Not Woven		
	704.5080	OTHER		

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Textile and Apparel Categories by Tariff Schedules of the United States Annotated

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
214 CONT'D		GLOVES AND MITTENS, KNIT, WHETHER OR NOT ORNAMENTED CONT'D	3.52	Dpr.
		GLOVES AND GLOVE LININGS: CONT'D		
		NOT OF LACE OR NET AND NOT ORNAMENTED: CONT'D		
		OF MAN-MADE FIBER:		
		KNIT:		
	704.8520	Made Or Cut From A Pre-Existing Knit Fabric		
	704.8550	Other		
	704.9000	Not Knit		
215		HOSIERY	4.6	Dpr.
		HOSIERY:		
	374.3540	Ornamented		
	374.6000	Not Ornamented		
		PANTY HOSE:		
		MEN'S AND BOYS':		
	380.0430	Ornamented		
	380.8170	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0433	Polyamide		
	382.0449	Other		
	382.7881	Not Ornamented		
216		DRESSES, KNIT	45.3	Doz.
		ORNAMENTED:		
		OF MAN-MADE FIBER:		
		ACRYLIC:		
	382.0410	Women's		
	382.0412	Girls' and Infants'		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
216 CONT'D		DRESSES, KNIT CONT'D	45.3	Doz.
		ORNAMENTED CONT'D:		
		OF MAN-MADE FIBER: CONT'D		
		POLYAMIDE:		
	382.0424	Women's		
	382.0426	Girls' and Infants'		
		OTHER:		
	382.0438	Women's		
	382.0440	Girls' and Infants'		
	382.3960	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6950	Of Silk, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
		ACRYLIC:		
	382.7808	Women's		
	382.7810	Girls' and Infants'		
		POLYAMIDE:		
	382.7812	Women's		
	382.7814	Girls' and Infants'		
		OTHER:		
	382.7816	Women's		
	382.7818	Girls' and Infants'		
217		PAJAMAS AND OTHER NIGHTWEAR, KNIT	51.96	Doz.
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0414	Acrylic		
	382.0428	Polyamide		
	382.0442	Other		
		NOT ORNAMENTED:		
	382.7822	Acrylic		
	382.7824	Polyamide		
	382.7826	Other		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
218		T-SHIRTS, KNIT	7.24	Doz.
		T-SHIRTS, MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0403	All White		
	380.0406	Other		
		NOT ORNAMENTED:		
	380.8110	All White		
	380.8120	Other		
		T-SHIRTS, WOMEN'S, GIRLS' AND INFANTS':		
	382.0402	Ornamented		
		NOT ORNAMENTED:		
	382.7840	All White		
	382.7850	Other		
219		SHIRTS, OTHER (INCLUDING BLOUSES), KNIT	18.36	Doz.
		MEN'S AND BOYS' KNIT SHIRTS, ORNAMENTED:		
	380.0409	Acrylic		
	380.0412	Polyamide		
	380.0415	Other		
		MEN'S AND BOYS' KNIT SHIRTS, NOT ORNAMENTED:		
	380.8132	Acrylic		
	380.8134	Polyamide		
	380.8136	Other		
		WOMEN'S, GIRLS' AND INFANTS' KNIT, ORNAMENTED:		
	382.0404	Sweatshirts		
	382.0406	Other Knit Shirts		
		BLOUSES, WAISTS AND SHIRTS:		
		ORNAMENTED:		
		OF MAN-MADE FIBERS:		
	382.0408	Acrylic		
	382.0422	Polyamide		
	382.0436	Other		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
219 CONT'D		SHIRTS, OTHER (INCLUDING BLOUSES), KNIT CONT'D	18.36	Doz.
		BLOUSES, WAISTS, AND SHIRTS: CONT'D		
		ORNAMENTED: CONT'D		
	382.3950	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6945	Of Silk, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
	382.7802	Acrylic		
	382.7804	Polyamide		
	382.7806	Other		
	382.7860	Other Knit Shirts, Women's, Girls' and Infants', Not Ornamented		
220		SKIRTS, KNIT	17.8	Doz.
		WOMEN'S, GIRLS' AND INFANTS', ORNAMENTED:		
	382.0416	Acrylic		
	382.0430	Polyamide		
	382.0444	Other		
		WOMEN'S, GIRLS' AND INFANTS', NOT ORNAMENTED:		
	382.3965	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.7862	Acrylic		
	382.7864	Polyamide		
	382.7866	Other		
221		SWEATERS AND CARDIGANS, KNIT	36.8	Doz.
		MEN'S AND BOYS',		
		ORNAMENTED:		
	380.0418	Acrylic		
	380.0421	Polyamide		
	380.0424	Other		
		NOT ORNAMENTED:		
	380.8142	Acrylic		
	380.8144	Polyamide		
	380.8146	Other		

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- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
221 CONT'D		SWEATERS AND CARDIGANS, KNIT CONT'D	36.8	Doz.
		WOMEN'S, GIRLS' AND INFANTS'		
		ORNAMENTED:		
	382.0418	Acrylic		
	382.0432	Polyamide		
	382.0446	Other		
		NOT ORNAMENTED:		
	382.3970	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6953	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	382.7872	Acrylic		
	382.7874	Polyamide		
	382.7876	Other		
222		TROUSERS, SLACKS AND SHORTS, KNIT	17.8	Doz.
		MEN'S AND BOYS':		
	380.0428	Ornamented		
	380.8165	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0419	Acrylic		
	382.0431	Polyamide		
	382.0447	Other		
		NOT ORNAMENTED:		
	382.3980	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6965	Of Silk, Containing Man-Made Fiber		
	382.7880	Of Man-Made Fibers		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
223		UNDERWEAR, KNIT	16.0	Doz.
		LACE OR NET UNDERWEAR, WHETHER OR NOT ORNAMENTED:		
	378.0524	Men's and Boys'		
	378.0537	Women's, Girls' and Infants'		
		OTHER UNDERWEAR:		
		ORNAMENTED:		
	378.0548	Men's and Boys'		
	378.0538	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
	378.6010	Men's and Boys'		
	378.6030	Women's, Girls' and Infants'		
224		OTHER WEARING APPAREL, KNIT, WHETHER OR NOT ORNAMENTED	7.8	Lb.
		MUFFLERS, SCARVES AND SHAWLS:		
	372.1030	Ornamented		
	372.7000	Not Ornamented		
		NECKTIES, MEN'S AND BOYS':		
	373.0530	Ornamented		
	373.2500	Not Ornamented		
		OTHER MEN'S AND BOYS' WEARING APPAREL:		
		ORNAMENTED:		
	380.0432	Of Man-Made Fiber		
	380.0515	Other Containing Man-Made Fiber		
		NOT ORNAMENTED:		
	380.4520	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	380.7220	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	380.8150	Coats, Including Suit-Type Sport Coats, And Suit-Type Jackets		
	380.8155	Other Separate Coats		
	380.8160	Suits		
	380.8180	Other		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
224 CONT'D		OTHER WEARING APPAREL, KNIT, WHETHER OR NOT ORNAMENTED CONT'D	7.8	Lb.
		OTHER WOMEN'S, GIRLS' AND INFANTS' WEARING APPAREL:		
		ORNAMENTED:		
		OF MAN-MADE FIBER:		
	382.0421	Acrylic		
	382.0435	Polyamide		
	382.0450	Other		
	382.0525	Of Other, Containing Man-Made Fiber		
		NOT ORNAMENTED:		
	382.3985	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.6967	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.7820	Dressing Gowns, Including Bathrobes, Beach Robes, Dusters, Housecoats, Etc.		
	382.7830	Playsuits, Sunsuits, Washsuits, Creepers, Etc.		
		OTHER:		
	382.7883	Acrylic		
	382.7885	Polyamide		
	382.7887	Other		
	703.1000	Headwear, Not In Part Of Braid, Knit		
225		BODY SUPPORTING GARMENTS	4.75	Doz.
	376.1600	Garters, Garter Belts and Suspenders of Man-Made Fibers or of Such Fiber and Rubber or Plastics		
		CORSETS, GIRDLES, BRASSIERES AND SIMILAR BODY SUPPORTING GARMENTS FOR MEN AND BOYS, WOMEN, GIRLS AND INFANTS:		
		ORNAMENTED, LACE OR NET:		
	376.2445	Brassieres, Women's and Girls'		
	376.2465	Body Supporting Garments, Except Brassieres, Women's and Girls'		
	376.2495	Body Supporting Garments, Men's and Boys'		
		NOT ORNAMENTED:		
	376.2845	Brassieres, Women's and Girls'		
	376.2865	Body Supporting Garments, Except Brassieres, Women's, Girls' and Infants'		
	376.2895	Body Supporting Garments, Men's and Boys'		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
226		HANDKERCHIEFS	1.66	Doz.
	370.2020	Lace Handkerchiefs, Ornamented		
		LACE HANDKERCHIEFS, NOT ORNAMENTED:		
	370.8820	Hemmed		
	370.8840	Not Hemmed		
227		MUFFLERS, SCARVES AND SHAWLS, NOT KNIT	7.8	Lb.
	372.1060	Ornamented		
		NOT ORNAMENTED:		
	372.7520	Hemmed		
	372.7540	Not Hemmed		
228		BLOUSES, NOT KNIT	14.53	Doz.
		BLOUSES, WAISTS AND SHIRTS:		
		ORNAMENTED:		
	382.0460	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4250	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7245	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBER:		
	382.8102	Women's		
	382.8104	Girl's And Infants'		

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- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
229		COATS, NOT KNIT	41.25	Doz.
		MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0440	Raincoats, 3/4 Length or Longer		
		OTHER COATS:		
	380.0443	Suit Type Coats		
	380.0446	Other		
		NOT ORNAMENTED:		
		OF VEGETABLE FIBER, EXCEPT COTTON, CONTAINING MAN-MADE FIBER:		
	380.5150	Suit-Type Coats Including Suit-Type Sport Coats And Suit-Type Jackets		
	380.5155	Other Separate Coats		
		OF MAN-MADE FIBERS:		
	380.8410	Raincoats, 3/4 Length or Longer		
		OTHER COATS:		
	380.8415	Suit Type Coats		
	380.8420	Other Coats		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0462	Raincoats, 3/4 Length or Longer		
	382.0464	Other Coats		
		NOT ORNAMENTED:		
	382.4255	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.8106	Raincoats, 3/4 Length or Longer		
	382.8108	Other Coats, 3/4 Length or Longer		
	382.8110	Other Coats		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
230		DRESSES, NOT KNIT	45.3	Doz.
		ORNAMENTED:		
	382.0466	Women's		
	382.0468	Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4260	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7250	Of Silk, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.8112	Women's		
	382.8114	Girls' And Infants'		
231		DRESSING GOWNS, INCLUDING BATHROBES AND BEACH ROBES, NOT KNIT	51.0	Doz.
		MEN'S AND BOYS':		
	380.0449	Ornamented		
	380.8425	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0470	Ornamented		
		NOT ORNAMENTED:		
	382.7255	Of Silk, Containing Man-Made Fibers		
	382.8116	Of Man-Made Fibers		
232		PAJAMAS AND OTHER NIGHTWEAR, NOT KNIT	51.96	Doz.
		MEN'S AND BOYS':		
	380.0452	Ornamented		
	380.8430	Not Ornamented		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0472	Ornamented		
		NOT ORNAMENTED:		
	382.7257	Of Silk, Containing Man-Made Fibers		
	382.8118	Of Man-Made Fibers		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
233		PLAYSUITS, SUNSUITS, WASHSUITS, ETC., NOT KNIT	21.3	Doz.
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0474	Ornamented		
	382.8120	Not Ornamented		
234		DRESS SHIRTS, NOT KNIT	22.19	Doz.
		MEN'S AND BOYS':		
	380.0455	Ornamented		
	380.8435	Not Ornamented		
235		SHIRTS, OTHER, NOT KNIT	24.46	Doz.
		MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0458	Work Shirts		
	380.0461	Sport Shirts		
		NOT ORNAMENTED:		
	380.5165	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	380.8440	Work Shirts		
	380.8445	Sport Shirts		
236		SKIRTS, NOT KNIT	17.8	Doz.
		ORNAMENTED:		
	382.0476	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
	382.4265	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
		OF MAN-MADE FIBERS:		
	382.8122	Women's		
	382.8124	Girls' And Infants'		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
237		SUITS, NOT KNIT	4.5	No.
		MEN'S AND BOYS':		
	380.0464	Ornamented		
		NOT ORNAMENTED:		
	380.5170	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	380.8450	Of Man-Made		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0478	Ornamented		
		NOT ORNAMENTED:		
	382.4275	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.8126	Of Man-Made		
238		TROUSERS, SLACKS AND SHORTS, NOT KNIT	17.8	Doz.
		MEN'S AND BOYS':		
	380.0467	Ornamented		
		NOT ORNAMENTED:		
	380.5175	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	380.8455	Of Man-Made		
		WOMEN'S, GIRLS' AND INFANTS':		
	382.0480	Ornamented		
		NOT ORNAMENTED:		
	382.4280	Of Vegetable, Except Cotton, Containing Man-Made Fiber		
	382.7265	Of Silk, Containing Man-Made Fiber		
	382.8128	Of Man-Made Fiber		

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- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
239		UNDERWEAR, NOT KNIT	16.0	Doz.
		ORNAMENTED:		
		MEN'S AND BOYS':		
	378.0566	Briefs, Drawers, and Shorts		
	378.0568	Other		
	378.0576	Women's, Girls' and Infants'		
		NOT ORNAMENTED:		
		MEN'S AND BOYS':		
	378.6512	Briefs, Drawers, and Shorts		
	378.6518	Other		
	378.6530	Women's, Girls' and Infants'		
240		OTHER WEARING APPAREL, NOT KNIT, WHETHER OR NOT ORNAMENTED	7.8	Lb.
		NECKTIES, MEN'S AND BOYS':		
	373.0560	Ornamented		
	373.2700	Not Ornamented		
	376.5600	Garments Designed For Rainwear, Etc., Coated, Filled Or Laminated With Rubber Or Plastics		
		LACE OR NET WEARING APPAREL, OTHER:		
		MEN'S AND BOYS':		
		ORNAMENTED:		
	380.0370	OF WOOL		
	380.0555	Of Silk, containing man-made fiber		
		NOT ORNAMENTED:		
	380.5180	Of Vegeteble Fiber, Except Cotton, Containing Man-Made Fiber		
	380.7520	Of Silk, Containing Man-Made Fiber		
	380.8490	Of Man-Made Fiber		
	380.9020	Of Other, Containing Man-Made Fiber		
		WOMEN'S, GIRLS' AND INFANTS':		
		ORNAMENTED:		
	382.0482	Of Man-Made Fiber		
	382.0555	Of Other		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
240 CONT'D		OTHER WEARING APPAREL, NOT KNIT, WHETHER OR NOT ORNAMENTED	7.8	Lb.
		LACE OR NET WEARING APPAREL, OTHER: CONT'D		
		WOMEN'S, GIRLS' AND INFANTS': CONT'D		
		NOT ORNAMENTED:		
	382.4285	Of Vegetable Fiber, Except Cotton, Containing Man-Made Fiber		
	382.7267	Of Silk, Containing Man-Made Fiber		
	382.8150	Of Man-Made Fiber		
	382.8720	Of Other		
		HEADWEAR:		
	703.0500	Wholly Or In Part Of Braid		
	703.1500	Not In Part Of Braid, Not Knit		
241		FLOOR COVERINGS	0.11	Sft.
	360.7540	In Which the Pile or Tuft Were Inserted or Knotted into a Pre-Existing Base, Handhooked Using Hand Tool		
	360.8042	In Which the Pile or Tuft Were Inserted or Knotted into a Pre-Existing Base, Other Than Handhooked		
	361.0560	Wholly or in Part of Braids (Except Tubular Braids with Core)		
	361.1840	Wholly or in Part of Braids, Other		
	361.2050	Other than of Wholly or in Part of Braids		
	361.5425	Other Floor Coverings, N.S.P.F. Woven but Not Made on a Power Driven Loom		
	361.5642	Other Floor Coverings, N.S.P.F. Other than Woven, Etc.		
242		OTHER FURNISHINGS	7.8	Lb.
		Lace or Net Bedding:		
	363.2560	Ornamented		
		NOT ORNAMENTED:		
	363.8520	Blankets		
	363.8540	Bedspreads, Coverlets, Quilts and Comforters		
	363.8560	Other		
	364.3000	Tapestries, Including Hand-Worked Petic-Point and Other Needle Point Tapestries		

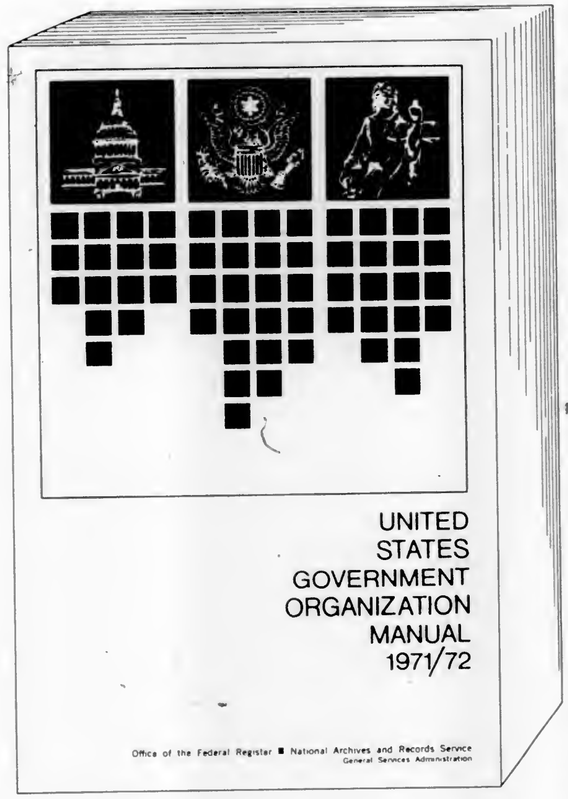
- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
242 CONT'D		OTHER FURNISHINGS CONT'D	7.8	Lb.
		HANDMADE-LACE FURNISHINGS, ORNAMENTED:		
	365.1060	Valued Not Over $30 Per Pound		
	365.1560	Valued Over $30 Per Pound		
		MACHINE-MADE LACE FURNISHINGS:		
		MADE ON A LEAVERS MACHINE:		
	365.2000	12 Points or Finer		
	365.3160	Not 12 Points or Finer		
	365.3560	Made on a Bobbinette-Jacquard Machine		
	365.4560	Made on a Nottingham-Lace Curtain Machine		
	365.5060	Made on Any Other Machine		
	365.7060	Burnt Out Lace Furnishings		
	365.7560	Of Lace, Of Netting, or of Both, Made in Designs or Patterns Formed Wholly or in Substantial Part by Machine-Made Materials by Handwork		
	365.8560	Other Furnishings Made on a Lace, Net, or Knitting Machine, Whether or Not Ornamented and Other Lace or Net Furnishings, Ornamented		
		OTHER FURNISHINGS, NOT ORNAMENTED:		
	367.5000	Knit, Except Pile or Tufted		
	367.5500	Pile or Tufted, Knit		
	367.5900	Of Glass		
	367.6000	Other		
243		MAN-MADE FIBER MANUFACTURES, N.E.S.	7.8	Lb.
		BRAIDS, NOT SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:		
		TUBULAR BRAIDS WITH NON-ELASTIC CORE:		
		CABLE, ROPE, CORD AND TWINE:		
	348.0063	Measuring Under 3/16" In Diameter		
	348.0075	Other		
	348.0080	Other		
		OTHER:		
		CABLE, ROPE, CORD AND TWINE:		
	348.0565	Measuring Under 3/16" In Diameter		
	348.0575	Other		
	348.0580	Other		

- MAN-MADE FIBER -

TEXTILE Category	TSUSA Number	DESCRIPTION	CONVERSION FACTOR	UNIT OF MEASURE
243 CONT'D		MAN-MADE FIBER MANUFACTURES, N.E.S., CONT'D	7.8	Lb.
	355.2500	Webs, Wadding, Batting and Non-Woven Fabrics, Etc.		
	355.4560	Fish Netting, and Fishing Nets (Including Sections Thereof)		
	357.7060	Edgings, Insertings, Galloons, Fringes and Trimmings, Whether in the Piece or Otherwise		
	357.9560	Hose Suitable for Conducting Gases or Liquids, with or Without Attached Fittings (Exclusive of Fittings)		
	358.1400	Belting and Belts, for Machinery, of Textile Fibers or of Such Fibers and Rubber or Plastics, Other Than V-Belts		
	358.5000	Clothing for Paper-Making, Printing, or Other Machine, in the Piece or Unit, N.S.P.F.		
	372.0600	Veils, Ornamented		
	385.5300	Bags, Sacks and Other Shopping Containers		
		LABELS, NOT ORNAMENTED:		
	385.6120	Woven		
	385.6140	Other		
	385.7040	Tassels and Cords of Textile Materials		
		CORSET LACINGS, FOOTWEAR LACINGS, OR SIMILAR FACINGS:		
	385.7540	Braided, with Or without Core		
	385.8500	Other than Braided		
		OTHER ARTICLES, N.S.P.F.:		
	386.0840	Ornamented		
		NOT ORNAMENTED:		
	389.4000	Knit, (Except Pile or Tuft Construction)		
	389.5000	Pile or Tufted		
	389.6000	Other		
		NON-ELASTIC BRAIDS AND OTHER BRAIDS SUITABLE FOR MAKING OR ORNAMENTING HEADWEAR:		
		IN SUBSTANTIAL PART OF MAN-MADE FIBERS:		
	703.9020	Of Ramie		
	703.9040	Other		
	703.9500	Of Other Textile Material		

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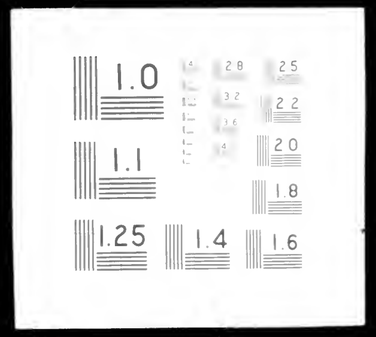
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "E-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 ÷ 20 = 5.

Examine "E-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.